



Coalition to Save Hempstead Harbor

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July 29, 2019

Ann Fangmann, AICP
Glen Cove CDA
9 Glen Street
Glen Cove, NY 11542

Dear Ms. Fangmann:

On behalf of the Coalition to Save Hempstead Harbor, we are writing to provide comments regarding the DGEIS for the Orchard Neighborhood & Sea Cliff Avenue Corridor Brownfield Opportunity Area – Step III Implementation Strategy. We support the longstanding objective of cleaning up the state Superfund sites that lie within the BOA as well as most of the fifteen goals listed at page 1-2 in the Executive Summary. However, our concerns are focused primarily on the additional pressure that will be exerted on the local watershed if redevelopment includes “large-scale retail, light industry and distribution/warehousing.” We are also concerned about how the Redevelopment Incentive Overlay District (RIO-ON) will ultimately be used to incentivize residential development in this area, which could potentially lead to high-density residential development projects.

Below we include specific comments, which are organized by document sections laid out within the DGEIS.

Section 3.0: Human Environmental Resources

Section 3.1: Land Use, Zoning and Plans

As mentioned above, we encourage all efforts to “...support the remediation, reclamation and reuse of large vacant and underutilized industrial brownfields that have had a negative impact on the area by impacting the environment, contributing to blight...” (pg. 3-12). However, the modifications that are recommended by the Step III Implementation Plan are concerning, i.e., “...to permit by special use permit, the development of a regional commercial center that could include retail, hotel, commercial recreation (leisure)...” (pg. 3-12).

Equally concerning are the recommended amendments to the RIO-ON that would allow for more density for residential development. The DGEIS statement that “...zoning recommendations that would **allow for the density necessary to incentivize compact growth**, efficient and effective land use, and area revitalization and sustainability within the expanded RIO-ON...” (pg. 3-15) prioritizes growth over the impact of such growth on the local environment. The priority should be to analyze current resources and then determine the extent of growth that those resources can sustain.

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Although not within our environmental purview, we are concerned that zoning changes in the BOA will displace residents and that the "affordable housing" pricing formula may still be beyond the means of current residents. Also, where will current residents go during redevelopment of the area, and how will they be guaranteed a chance to return to the neighborhood after redevelopment occurs?

Section 3.2 Community Character

With regard to mention at pg. 3-29 of building height and density, our comments above that express concern over higher-density residential projects stand. However, for any new and rehabilitated structures within the Orchard and other areas in the BOA, retaining community character should encompass building designs that promote conservation and energy efficiency. Rather than offering incentives that result in increased building density, incentives should be provided for meeting green building standards, such as various levels of LEED (Leadership in Energy & Environmental Design) Certifications. In addition, the newly signed state legislation—Climate Leadership and Community Protection Act—will be developing new building codes that will help New York State reach its goal of net-zero carbon emissions by 2050.

The DGEIS states (at pg. 3-29) that among possible changes to the character of the BOA, an allowance would be provided for additional types of leisure-time recreational facilities in the BOA's I-1 zone that are not currently expressly permitted, such as, amusement arcades, go-cart tracks, trampoline park, swimming pools, and health clubs. We suggest that within the Orchard, community character would be enhanced by reserving open spaces for parks and passive recreation.

Section 3.3: Community Services and Utilities

We are concerned that the DGEIS does not adequately represent the current or future pressure on drinking-water supply.

The DGEIS mentions that the City of Glen Cove is served by five wells, although at least three are out of service due to the presence of Freon. The DGEIS (pg. 3-39) also points to the annual 2017 Drinking Water Quality Report (issued by the Glen Cove Water Department) as providing a wealth of information about water quality. However, the 2017 annual report comments that "The underground water system of Long Island has more than enough water for present demands." This belies concerns expressed by others about the condition of our sole-source aquifer and the deficit in gallons of water needed to recharge the aquifer (see Dr. Sarah Meyland's comments for Nassau County's 2010 Draft Master Plan:

<https://www.nassaucountyny.gov/DocumentCenter/View/6054/MPCCommentsSarahMeylandNYIT2311?bidId=>).

Local areas have already experienced salt-water intrusion into drinking-water wells. Over the first weekend in December 2018, equipment was staged along The Boulevard in Sea Cliff by New York American Water (NYAW) Company to drill a monitoring well to test for saltwater intrusion, as required by NY Department of Environmental Conservation. (Another testing well was installed by Glen Cove Hospital.) Long Island's sole-source aquifer system is the only source of drinking water for residents of Nassau and Suffolk Counties. If excessive pumping from the aquifer for drinking water, irrigation, and other residential and commercial needs

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exceeds the required amount of freshwater inflow to keep the system balanced, saltwater intrusion can occur. (See the Groundwater Resources Management Plan by the LI Commission for Aquifer Protection at <http://www.liaquifercommission.com/images/GRMP.pdf>.)

Finally, the DGEIS does not anticipate new drinking-water-quality regulations that will be implemented to test for new and currently unregulated contaminants such as 1,4-dioxane (which the Glen Cove Water Department does test for) and perfluorooctane sulfonate (PFOS) and perfluorooctanoic acid (PFOA) (which the water department does not test for). Most water companies do not have the ability to test for these new, emerging contaminants, let alone have the resources and technology needed to remove them. Increased density in development projects will exacerbate problems with water supply and delivery.

At pages 3-44, 45, the DGEIS states, “Future development and redevelopment in accordance with the proposed Step III Implementation Strategy may increase water use and therefore wastewater generation in the BOA, and some additional stormwater runoff may be generated... Additional stormwater may contribute to localized flooding or increase pollutant loading to Glen Cove Creek if not adequately addressed....” Further, “...there is the potential for additional stormwater generation and possible localized flooding and water quality and ecological impacts on Glen Cove Creek if not properly controlled....” We have already stated our concerns regarding increased water usage. And although the stormwater mitigations that have been recommended, such as on-site drainage controls, rain gardens, vegetated swales, and bio-retention areas, may help to reduce pollutant loading, zoning changes leading to increased density in the BOA may lead to further degradation of Glen Cove Creek and Hempstead Harbor.

These and other issues highlighted in the DGEIS must be considered in the context of challenges currently experienced throughout the City of Glen Cove. For example, the stormwater pollution prevention plan for Garvies Point has proven inadequate, and recent storms have caused unprecedented flooding of Garvies Point Road. Aging infrastructure along Glen Cove Creek allows for illicit and pollution-laden discharges that are difficult to source. The redevelopment and mitigations that are planned for the BOA cannot be considered adequate in isolation—the impact on water resources from current and future development in other areas of Glen Cove must also be taken into account.

Section 3.4: Transportation Resources

Updated or current and accurate traffic analyses are key to every development proposal. Traffic impacts are experienced broadly, not just by the specific municipality in which the development occurs. Traffic impacts can exacerbate the current congested road conditions and poor air quality that all travelers and residents throughout Long Island acknowledge. Although site-specific traffic analyses are recommended in the DGEIS, they need to be considered in concert with conditions across Glen Cove and adjacent towns and villages. The recommendations for applicants for TODs should be expanded to other areas in the city. The bus loop that the city currently runs could be expanded within the BOA and connected to other parts of Glen Cove.

Section 3.5: Water Resources

Throughout the DGEIS and accompanying maps and figures, the stream that runs along Cedar Swamp Road through the BOA and ultimately to Glen Cove Creek, i.e., the body of water that

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drains directly into Hempstead Harbor, may more clearly be referred to as Cedar Swamp Creek. (See page 6 of Origins of Place Names and Public Parks at <https://www.glencovelibrary.org/wp-content/uploads/2018/04/Origin-of-Place-Names-Public-Parks.pdf>.) For example, at page 3-59 of the DGEIS, stormwater is described as being conveyed through a system of storm drains which ultimately discharge to low lying areas including directly into Glen Cove Creek. Figure 9 of the BOA Step II Nomination Study is referenced and described as showing “a total 16 outfalls that discharge into the Creek, including as many as 10 separate outfalls along Sea Cliff Avenue near the Creek crossing.” “Creek” in this instance more appropriately refers to Cedar Swamp Creek.

Page 3-61 lists specific impacts to the BOA “if adequate precautions and safeguards are not taken.” These impacts include adverse effects to water quality, wetland and aquatic habitats, and ecological functions and may increase erosion and sedimentation. As with the case of the Garvies Point development, the precautions and safeguards that are approved for a development project may still be inadequate in preventing flooding and erosion along Glen Cove Creek.

At page 3-60, the DGEIS states that the BOA study area is not anticipated to be directly affected by sea-level rise. It goes on to state, however, that “coastal areas outside of the study area near Hempstead Harbor could be affected by increased flooding by sea level rise.” Moreover, Figures 3-7 (FEMA Flood Map) and 3-8 (SLOSH Map) indicate how much of the coastal areas of Glen Cove Creek and Hempstead Harbor are in special flood-hazard areas and susceptible to inundation. Inappropriate development of the BOA could exacerbate flooding of coastal areas. In July 2019, there have been two major storms occurring a week apart and each with rainfall amounts of over 3 inches that caused flooding along Glen Cove Creek.

Finally, because of the BOA’s proximity to the Oyster Bay Special Groundwater Protection Area and the variations in groundwater levels to zero feet along the area of Cedar Swamp Creek, cleanup of Superfund sites and subsequent redevelopment may cause the greatest risk to groundwater and, therefore, drinking water supply. While cleanup of the sites is necessary and will be guided by the best available remediation technologies and methodologies, redevelopment of this area should be well considered and include only those plans that have the least construction- and use-related impacts.

Section 3.6: Ecological Resources

At page 3-67, the DGEIS references a letter sent to New York State Natural Heritage Program (NYNHP) requesting information about known rare or state-listed animals and plants in the BOA. The DGEIS lists the NYNHP’s response as having “...no records of rare or state-listed plants or animals, or significant natural communities at the project site or in its immediate vicinity.” However, in the NYNHP’s letter at Appendix G, the NYNHP specialist clarifies that the absence of data does not necessarily mean that rare or state-listed species do not exist on or adjacent to the proposed site. We agree with the Environmental Review Specialist who recommends that an on-site survey may be required to fully assess impacts on biological resources.

Section 3.7: Soils and Topography

Our concerns regarding the cleanup and redevelopment of Superfund sites have been mentioned previously.

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Section 4.0: Other Environmental Impacts

Section 4.3: Growth-Inducing, Secondary and Cumulative Impacts

The DGEIS states that “growth-inducing aspects of development are those characteristics that would cause or further promote development, either directly from future development...or indirectly as a result of a change in total neighborhood populations or levels of commercial activity; or incentivization of new development in the community...” An example is given of a large multifamily residential development causing additional business development. Although this additional growth is considered beneficial within the BOA Step III Implementation Strategy, it must be considered within existing and projected growth in other parts of the city and adjacent communities. Our natural resources are not unlimited, and we do not fully understand the possible impacts of the projects currently underway. A march toward continued development without pausing to fully understand the cumulative outcomes of development projects within Glen Cove and neighboring towns and villages will have a debilitating effect on our communities.

Best regards,

Kay Bromberg

Kay Bromberg, Vice President

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Carol DiPaolo, Programs Director, Water-Monitoring Coordinator

Michelle Lapinel McAllister

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