



Coalition to Save Hempstead Harbor

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September 30, 2011

Thomas J. Scott
Chairman
Glen Cove Planning Board
Glen Cove City Hall
9 Glen Street
Glen Cove, NY 11542

Dear Chairman Scott:

The Coalition to Save Hempstead Harbor appreciates the opportunity to submit comments with respect to the Final Environmental Impact Statement (FEIS) for the RXR Glen Isle Mixed-Use Waterfront Development project proposed for the 56 acres along the north side of Glen Cove Creek.

It appears from our review of the FEIS that some of the public comments were not adequately responded to or not responded to at all. There also appears to be a lack of sufficient study of certain environmental impacts that were raised during the hearing on the DEIS. In many instances, it appears that both assessment and mitigation of environmental impacts are being deferred to a later stage, i.e., site-plan review. In accordance with SEQRA, potential adverse environmental impacts must be minimized or avoided to the maximum extent practicable. Despite this dictate, certain aspects of the development are not adequately assessed and are still described generally.

The FEIS is unclear as to the extent to which certain environmental-protection practices will be implemented. We think it is imperative that the City of Glen Cove not delay the necessary assessments until a later date. For instance, the stormwater impacts and mitigation of these must be fully assessed now in the context of the SEQRA review. This crucial analysis cannot be deferred to a later date. Sufficient geotechnical studies must also be undertaken and adequate number of soil samples must be taken. TMDL limits must be factored into the analysis. Precedent setting impacts must be fully addressed.

We previously noted that the size and density of this waterfront project are unprecedented, not only for the City of Glen Cove, but also for other areas along the north shore of Long Island. There is no recognition or mitigation in the FEIS to address the urban landscape on the waterfront that essentially overwhelms any other development in Glen Cove and neighboring communities. The proposed environmental easements to address the on-site contamination issues, intended to serve as a warning to the ultimate buyers of the real estate, is also unprecedented. The development project will permanently change the character of Glen Cove and other communities around Hempstead Harbor, and no mitigation is offered. Its marketability is

questionable. To the extent public amenities are in areas that are not under the developer's control, the amenities are illusory. What happens when parcels are not acquired?

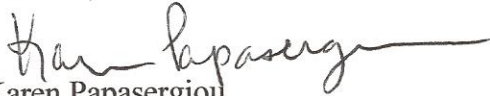
The FEIS does not address the majority of environmental concerns in any meaningful way. Noting comments is not sufficient. cursory responses are not sufficient. Despite the size and complexity of the development, the conclusions reached in every instance in the FEIS are that the environmental impacts resulting from the waterfront development project would be minimal or nonexistent, given the planned design strategies and best management practices implemented by the developer.

We question the developer's conclusions, especially in light of, among other things, (1) the known and potential contamination in several areas of the project site, (2) the developer's ability to select from a menu of plans that include more residential units than even proposed in the 2008 plan and still claim that there will be no or minimal adverse impacts, and (3) the unprecedented change to a high-density, urban landscape for the waterfront that we believe will negatively affect not only the local ecology, but also the character and quality of life currently enjoyed by residents of the City of Glen Cove and surrounding communities.


We think that the FEIS is insufficient and does not adequately address all of the environmental concerns that were raised. We think it is insufficient to defer to a later date additional study and mitigation of environmental impacts. As we have stated previously, although we fully support the cleanup and redevelopment of brownfields, we do not support the proposition that any development would be an improvement over conditions that exist currently at such sites. The development project has many features that would certainly improve the area north of Glen Cove Creek and may provide valuable amenities to area residents if the developer ever acquires those properties. However, we believe the density and scale of the project and the potential build-out of the project site will cause far-reaching and irreversible adverse impacts to community residents and the local environment that have not been adequately addressed or mitigated. Please see attached our additional comments specific to the FEIS.

Great strides have been made to improve water quality in Hempstead Harbor. Shellfish beds have been opened and a greater variety of fish and coastal wildlife have returned to the harbor. We ask that the City of Glen Cove assess and minimize or avoid adverse effects to the maximum extent practicable. The City must assess all impacts and mitigation measures at this juncture and not defer review to a later, unspecified date.

Sincerely,


Karen Papasergiou
President

and


Carol DiPaolo
Programs Director and Water-Monitoring Coordinator

cc: Mr. Eric Swenson—Hempstead Harbor Protection Committee

**SEPTEMBER 30, 2010, COMMENTS ON THE FEIS FOR
THE RXR GLEN ISLE MIXED-USE WATERFRONT DEVELOPMENT**

The following comments are presented by section and page number of the FEIS and highlight issues that we hope will help the Glen Cove Planning Board further scrutinize and verify the conclusions drawn in this document. Our comments focus primarily on ecological and water-quality issues and do not cover all of our initial comments.

FEIS Introduction and Project Description

Page I-3

In the description of the modification of building height and massing, it is not clear whether the plan for four-story buildings over one level of parking refers to ground-level parking or underground parking. Despite reference made to the FEMA flood maps that put the development in Zone X, and outside of the flood area, the impact of constructing underground parking in areas affected by a high water table and underground springs is not clearly articulated.

Page I-9

In the description of the flexibility scenarios, the developer maintains that there is no significant difference in impact among the scenarios with regard to water resources/wetlands, ecology, traffic, etc. We disagree and ask the members of the Planning Board to scrutinize such claims that the 2008 development plan with added residential units will have the same impact as the modified plan and that all adverse impacts are either negligible or can be mitigated.

Page I-30

With respect to transportation, the number of trips from the modified proposal is anticipated to be 10% more than the DEIS proposed action. The developer claims that the impact is negligible and that no further mitigation is necessary. We feel the developer's response regarding trip generation and impacts is not sufficient.

Page I-49

A statement is made that the DEIS and FEIS have provided visualizations to illustrate the potential aesthetic and visual impact, including the development's relationship to Garvies Point Preserve. Specifically, Exhibits I-25C-D, I-28, I-29A, C, and D, and I-29D show visualizations of an urban development that overwhelm the waterfront, are out of character with neighboring communities, and obliterate any view of the tree line behind the project and Garvies Point.

FEIS Project Description and Site Plan

Page II.PD-44

With respect to construction of a large-boat marina and the need for proper fueling and pump-out stations, the developer states that given the proximity of other fueling and pump-out facilities that there is no need to provide these for the proposed new marinas. We disagree. Larger boats that are currently at the Brewer marinas either cannot or have difficulty negotiating the docks to use the pump-out facilities there and at Tappen Marina. Further, there have not been fueling facilities at Tappen Marina for approximately the last 15 years.

FEIS Water Resources

Page II.C-3

The reduction of stormwater retention to 2 inches of runoff onsite may meet the legal requirements set by Nassau County because the project does not drain into a county drainage facility, but it is an atrocious outcome with regard to the impact on Glen Cove Creek and Hempstead Harbor. Local environmental groups, agencies, and municipalities have worked hard over the last 25 years to make significant water-quality improvements to Hempstead Harbor, as best indicated by the reopening of shellfish beds that remained closed for 40-70 years, depending on what historical documents you reference. The heavy rains that we received this season alone closed the shellfish beds and beaches around the harbor because of the risk of/or actual high bacteria counts due to stormwater runoff. The threshold for administrative shellfish-bed closures is a 3-inch rain event and for administrative beach closures is a half-inch rain event. From August through September of this year we had approximately seven rain events that produced an inch or more of rain; two of those in August alone produced 5-1/2 inches and over 6 inches of rain each. There is no mention in the FEIS as to the real impacts on water quality of meeting only minimum stormwater-retention limits.

FEIS Ecology

Page II.D-9

Response D-16

The developer states that design aspects of building *can* be modified to reduce bird mortalities but does not commit to these features and leaves the specific mitigation measures to the site plans for each phase of the project.

Response D-17

CSHH's recommendation to consult the NYS DEC Marine Fisheries annual reports on its striped-bass survey was to point out the diversity of finfish and other marine life that are found in the DEC's seine catches for stations around Hempstead Harbor. This was intended to show that the specific impacts to fish habitat and specific species (not just striped bass) are greater than what was described by the developer. The FEIS response is not satisfactory.

FEIS Utilities

Page II.J-2

CSHH had commented as follows for the DEIS:

Page J 1-2

With regard to drinking water, the DEIS states that Glen Cove does not have enough well capacity to support the development project or future growth. In addressing this, the DEIS states only that Glen Cove has begun to study its water infrastructure to accommodate future growth.

This does not suffice as a mitigation measure as described at J-6. Further the DEIS should address the potential for salt-water intrusion as demand for drinking water increases.

Although we did not see our specific comment addressed, the FEIS response J-2 confirms that the City of Glen Cove does not have the full capacity to serve the full build-out of the development. The response is still not satisfactory. To state that a study will be done in the future regarding the well capacity, impact of new well on existing wells and aquifer, contamination of existing water source, and possibility of salt-water intrusion is not acceptable. The FEIS response is not satisfactory.