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October 22, 2021

Chairman Andrew Kaufman and Members of
the Glen Cove Planning Board
9 Glen Street
Glen Cove, NY 11542

**Re: Additional Comments Following Public Hearing, October 19,
On RXR's Amended PUD Plan for Blocks D, E, F**

Dear Chairman Kaufman and Members of the Planning Board:

Subsequent to comments made at the third public hearing on October 19 regarding RXR's application to amend the Garvies Point PUD, we offer the following additional comments for clarification and amplification. For your convenience, we have used the same organization of topic sections as was used for our previously submitted comments.

Thank you for your attention in this.

Sincerely,

Kay Bromberg Carol DiPaolo

Kay Bromberg
Vice President

Carol DiPaolo
Programs Director, Water-Monitoring Coordinator

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CSHH ADDITIONAL COMMENTS RE: RXR'S AMENDED PUD PLAN FOR BLOCKS D, E, F

PROJECT BUILDOUT

In the comments CSHH provided to you on October 19, we listed the number of units that could be included in a full buildout of the Konica Minolta property and 1 Garvies Point Road as:

“According to RXR’s Amended PUD plan and other development proposals, the number of units proposed or in progress along Glen Cove Creek include:

<i>RXR Garvies Point Amended PUD plan.....</i>	<i>1,189</i>
Konica property.....	336
1 GPR.....	105
<i>North Reality & 40 GPR—2 10-story towers...</i>	<i>400</i>
TOTAL	2,030 units

RXR representatives attending the continuance of the public hearing this past Tuesday evening questioned the veracity of the numbers cited. However, these are the numbers included in the “Supplemental Analysis – Conceptual Build-Out of the 1 Garvies Point Road Property or Konica Minolta Property” (Application for PUD Amendment Garvies Point Mixed-Use Waterfront Development Project, City of Glen Cove), Prepared for RXR Glen Isle Partners LLC, Prepared by VHB Engineering, Surveying, Landscape Architecture and Geology, P.C. (March 2021).” See below:

- Page 4. “The conceptual **build-out of the 1 GPR Property** (see plan in Appendix B) would include a total of **105 multifamily rental units**....The conceptual full build-out would also incorporate 7,700 GSF of retail space.”
- Page 5. “The conceptual plan developed for the **build-out of the Konica Property** (see Appendix B) **would include 336 units**....The conceptual full build-out would also include 19,982 SF of retail space....”

With regard to the discussion of what is included in the application for the amended PUD, please see the following (also from the Supplemental Analysis cited above) to understand our confusion over the decision making that is before the Planning Board:

- Page 3. “An application for the amendment of the PUD to include one of these properties will be submitted in the future, after it is determined by the Applicant which of the properties will be pursued for the relocation of the workforce housing component of the current PUD. It was raised by the lead agency **that either parcel, once incorporated into the PUD, would likely have additional development potential, above and beyond the relocated workforce housing.**”

Moreover:

- “This Supplemental Analysis and the corresponding Part 1 – Environmental Assessment Form (EAF) (Appendix A) **further evaluates the proposed PUD Amendment, but with an**

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emphasis on the potential expansion of the PUD area to incorporate either of the two adjacent properties.”

It seems to us that this confirms that moving the workforce housing from the original PUD to either property mentioned not only expands the PUD to include one of the properties, but also opens the door to allow a further expansion of the PUD with a future amendment request. We understand that you may not be able to decide on an amendment not yet requested, but the developer has expressed an intent to place workforce housing in one of the future developed properties. We ask that you deny this request and compel the applicant to keep the workforce housing within the original PUD, in a building already developed or approved to be developed, or on a property that will not cause further stress on Glen Cove Creek.

STORMWATER MANAGEMENT

With regard to our previous comments (page 2 of our October 18 written comments), we feel that the developer’s consultant was dismissive of our concerns regarding stormwater impacts. He attempted to assure the Planning Board and others that an appropriate stormwater pollution plan would be submitted. We can only emphasize that the stormwater pollution plan developed for Phase 1 construction failed, even with the assumed best efforts of the developer’s consultants at that time. RXR was compelled by DEC to revise its stormwater pollution plan. It is impossible to guarantee at this point that what is planned will not fail, because the original PUD is not fully built out.

INCREASED BACTERIA LEVELS IN GLEN COVE CREEK

With regard to water-quality issues in Glen Cove Creek (pages 2-3 of our previously submitted comments), we can’t overstate our concern. Our observations have also been backed up by a recent USGS report, “Using Microbial Source Tracking to Identify Fecal Contamination Sources in an Embayment in Hempstead Harbor on Long Island, New York. ” The report describes a methodology that USGS used that incorporates genetic markers to identify sources of bacteria inputs at various points in Hempstead Harbor (<https://pubs.usgs.gov/sir/2021/5042/sir20215042.pdf>). Glen Cove Creek was among the sites sampled, and a few of the critical points regarding Glen Cove Creek are as follows:

- “Samples collected in winter at the Culvert at Glenwood Road site and at the end of the marina dock in Glen Cove Creek had concentrations of HF183 [human markers] that were orders of magnitude higher than most receptor samples” (page 6).
- “Samples from Glen Cove Creek also contained high concentrations of HF183 in both wet (54,000 copies/100 mL) and dry (140,000 copies/100 mL) winter samples” (page 6).
- “All three samples from Glen Cove Creek had concentrations above the reporting limit for BacCan [canine markers], reflecting the multiple inputs to the creek” (page 8).

USGS looked at possible conveyances of bacteria to Glen Cove Creek: (1) the STP plant, (2) storm water discharges, and (3) boat discharges from Safe Harbor Marina. The conclusion was that the most likely conveyance of all types of fecal contamination in the creek was related to stormwater (page 12).

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WORKFORCE HOUSING

Our concerns regarding the PUD amendment proposal to move 56 condominium units of workforce housing to 1 Garvies Point Road and/or the Konica property have been clearly stated in our previously submitted comments. This proposal sets a precedent for the continued expansion of the PUD to include high-density residential development and with it the subsequent additional stressors on environmental and other resources. If the workforce housing were kept within the original PUD, we would not be calling this out as a critical issue in the applicant's PUD amendment. If The Mansion (called out by Planning Board member Mr. Maccarone as an example to illustrate that workforce housing could be located anywhere), had been named as a potential site for fulfilling the workforce housing obligation related to the PUD, that scenario would not result in increased density associated with the original Garvies Point PUD. However, if the workforce housing is planned for currently undeveloped property, it should be included in a review of cumulative impacts of all potential development projects within the City of Glen Cove.

TRAFFIC

We have already made a specific appeal as to what should be included in a traffic study. However, the developer's claim at the public hearing on October 19 that the PUD amendment would actually decrease traffic impacts is difficult to accept. The reorganization of Blocks D, E, and F will result in additional residential units. The PUD amendment now includes a development intent for one of two properties outside of the original PUD that could result in 336 or 105 residential units and, conservatively 200-300 more cars. This does not include other proposed development projects along Garvies Point Road and their potential traffic impacts.