



# Coalition to Save Hempstead Harbor

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July 20, 2009

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 Draft Environmental Impact Statement (DEIS) for the RXR Glen Isle Mixed-Use Waterfront Development project proposed for the 56 acres along the north side of Glen Cove Creek.

We acknowledge the breadth of information that the developer has provided to assess the potential adverse impacts associated with the development project. However, certain aspects of the development are described generally and are unclear as to the extent to which certain environmental-protection practices will be implemented.

Further, 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 in the DEIS that the development creates an urban landscape on the waterfront that essentially overwhelms any other development in Glen Cove and neighboring communities. The development project will permanently change the character of Glen Cove and other communities around Hempstead Harbor, and this is obvious from the developer's own photo simulations (see Attachments A-D).

Despite the size and complexity of the development, the conclusions reached in every instance in the DEIS 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) plans to change the tidal flow of Glen Cove Creek, and (3) planned building height and total square footage, especially for Blocks A-C.

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 provide valuable amenities to area residents. 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.

Sincerely,

Karen Papasergiou  
President

and

Carol DiPaolo  
Programs Director and Water-Monitoring Coordinator

cc: Mr. Eric Swenson—Hempstead Harbor Protection Committee

## **COMMENTS ON THE DEIS FOR THE RXR GLEN ISLE MIXED-USE WATERFRONT DEVELOPMENT**

The following comments are presented by section and page number of the DEIS 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.

### **SECTION I—Executive Summary**

#### Page 7

The developer states that it may petition the City Council to amend MW-3 zoning provisions to include a "vested rights provision." (See also Section II, pp. 65-66.) We are concerned about the period over which these rights would vest and the extent to which the provision would allow the developer to go forward with the development plan under changed circumstances. The circumstances under which the vested rights could come into play should be specified.

### **SECTION II—Project Description**

#### Pages 21-22

Marine improvements described in this section include the dredging of a turning basin and the installation of a tidal weir. The description states that dredging for the turning basin would create approximately 49,600 feet of wetlands, although it is not clear how this would occur if the purpose of the tidal weir is to retain water in the basin. If the height of the tidal weir is set as described to allow water from the creek to flow over the top approximately 8% of the time, the basin would remain flooded as intended and the habitat at the head of the creek would change. Currently, at low tide the bottom of the creek is exposed, and there is a free flow of water during changing tidal cycles. Mill Pond at the head of the creek was intended to act as a settling pond and filter for the large volume of storm water that flows in from the Cedar Swamp watershed, however the pond has not been maintained and is filling in. The same would happen with the tidal basin without regular maintenance. Although the developer's expectation is that the tidal basin would improve water quality of Glen Cove Creek, we question that result, as well as the impact/change in marine habitat, whether such a change would be permissible by NYSDEC, and whether the turning basin would even be an appropriate and healthy environment for kayakers and canoers.

#### Pages 45-46

In the description in this section and again in Section X of green design components, the developer avoids committing to specific green building strategies. The DEIS states that the project "would contain numerous 'green building' strategies and components that are potentially eligible for certification under the leadership in Energy and Environmental Design ('LEED') green building rating system," but the specific components are not listed. The developer further states that the project "would likely include" many of the design features that would qualify for credits under the LEED rating system. This is not sufficient; the developer should detail and commit to specific green building features.

Page 47

In the description of the phasing of the project, the developer states that "regardless of the ultimate sequencing, the immediately adjacent open space and recreational amenities would be constructed in concert with each of the development blocks." The developer also indicates that construction of Block J, which includes the "Gateway Properties" (currently privately owned) would not begin until several years into the development schedule for the east side of the project. This would mean that the largest amount of open space and public amenities in the development plan, other than the esplanade, would not occur until the later stages of the development project—a result that should be avoided.

**SECTION III—Existing Conditions, Anticipated Impacts and Mitigation**

Pages B 8-9

The Gateway Properties are described as critical to the success of the waterfront development, yet they remain privately owned. The Phase I environmental site assessment (ESA) of the properties has identified potential contamination of the properties with various hazardous substances. Although the DEIS recommends a detailed site inspection and sampling of soil on these properties and creek sediments adjacent to these properties, it is unclear as to who will perform Phase I ESA activities, stating that such activities will "likely be performed by the developer prior to acquiring the Gateway properties and prior to development of the project." Further, the DEIS does not outline the effects that a required cleanup of hazardous wastes on these properties will have on the project plan and phasing.

Pages C 1, 12

Because of the hydrogeologic conditions described at C-1 regarding the low water-table elevation of property along Glen Cove Creek and the flood-plain conditions described at C-12, the density of the development project is inappropriate and will have a greater adverse impact than described in the DEIS. Further, the DEIS does not consider projected climate change impacts such as rising sea level.

Page C 18

Although the turning basin and tidal weir have been mentioned previously, at page C-18, potential impacts are described along with eventual maintenance of these resting with the Property Owners' Association. The DEIS does not state the anticipated maintenance dredging schedule. Also, with regard to reduced circulation and salt water stratification that would result from the tidal weir, no consideration is given to the fresh water that would enter the tidal basin from the large discharge pipe that is located at the head of the creek and adjacent to Mill Pond.

Pages C 23-33

Regarding the storm-water and other water-quality impacts of the project and the associated mitigations, we fully concur with the comments provided by the Hempstead Harbor Protection Committee. Further, because of the density of the project, the hydrogeologic conditions, the flood plain conditions, and the projected impacts of climate change and sea-level rise, the project should meet the Nassau County standard for water storage for an 8" rainfall, not the absolute minimum stated in the DEIS for a 2" rainfall.

Page D 24

The DEIS points out the high risk of bird mortality due to collision that the project poses for resident and migratory songbirds and shorebirds, but it associates most of this risk with windowed surfaces, and the mitigation measures include a reduction windowed surfaces. The sheer mass and height of planned buildings will also pose a risk, and the only mitigation is to reduce both of these.

Page D 37-38

With regard to fish habitat and the potential impacts on specific species, we feel the species described as present in Glen Cove Creek are underrepresented. The NYS DEC Marine Fisheries annual reports on its striped bass survey should be consulted for species that are caught in seining activities in Hempstead Harbor, including at a site at the mouth of Glen Cove Creek.

Page F 33

With respect to traffic, we believe that the estimated number of vehicle trips generated from the new project is underestimated and does not account for the cumulative traffic impact of the waterfront development project in conjunction with all other proposed projects in Glen Cove and neighboring communities is not considered.

Page F 62

The traffic mitigation measures include widening Glen Cove Road at different sections. It is not clear how this proposal will solve traffic problems without creating bottleneck problems in other areas.

Page F-42

Table III.F-8 compares traffic delays that are projected for the development with future no action. It is difficult to believe that the estimated increase of 1,844 residents for the proposed project will cause only the minimal delays presented. These projected impacts do not consider the increase in population from a full future build-out of the project or other development projects in Glen Cove and neighboring communities.

Page G 27

The DEIS is noncommittal on the additional energy efficiency measures that will be investigated. The list of additional measures is prefaced by "Additional measures that can be investigated as the project design progresses could include...." The DEIS should clearly state which measures will be investigated and implemented.

Page H 8

The noise monitoring locations selected do not account for transmission of noise across water at higher elevations. Additional monitoring stations should be set at the crest of the hill at Garvies Point and at a point on Prospect Avenue in Sea Cliff that is approximately in line with the development project.

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.

#### Page J 4-5

In the description of sanitary services, the DEIS states that even with the increased demand created by the development project, the now county-owned sewage treatment plant would still have significant capacity. The DEIS does not address the demand created by other development projects proposed in Glen Cove and neighboring communities. For example, the Glen Partners project that is planned in Glenwood Landing would tie into the Glen Cove sewage treatment plant, and there are proposals for other projects to tie into that line as well.

In addition to recalculating the capacity of the sewage treatment plant by accounting for all proposed development projects that would tie into the plant, the DEIS should specifically address the plant's ability to meet the nitrogen TMDL limits.

#### Page M 2

The DEIS states that the development project would result in positive aesthetic impacts to the area along the north shore of Glen Cove Creek. Although eliminating "blight or blighting influences" in this area is certainly positive, exchanging blighted areas for the unprecedented type of development project that is planned along Glen Cove Creek does not automatically translate to a positive impact. We believe that the density and building heights proposed for this project are completely out of character with all waterfront areas along Hempstead Harbor and would effectively change the suburban landscape of Glen Cove to an urban setting and adversely affect the City of Glen Cove as well as neighboring communities.

#### Page M 3

Regarding view corridors, we are not convinced by the photo simulations that current view corridors would be preserved. Further, the reference to creating new view corridors is misleading, because the proposed buildings will obliterate the green view that exists currently and then create relatively small openings between buildings that at certain distances or angles may not be perceived.

### **IV—CUMMULATIVE IMPACTS**

#### Page 1

The developments described in this section do not consider projects in neighboring communities. Also, we feel that the number of additional vehicle trips that will result from the project is underestimated. If the 860 units proposed for the development project are estimated to draw 1,844 residents, the full build-out with an additional 780 residential would conceivably draw a similar number of residents. It is difficult to understand how an increase in population resulting from these two scenarios, not including population increases from other development projects, would generate the low number of vehicle trips estimated in the DEIS.

#### Page 13-15

We believe that the DEIS underestimates the future demand on water and sewage services for reasons describe previously.

### **SECTIONS V—X**

Comments related to various topics in these sections have been included above.