

Lois Stemcosky

From: Steve Perrotta [SPerrotta@csfllc.com]
Sent: Monday, July 20, 2009 3:20 PM
To: Lois Stemcosky
Subject: Glen Isle DEIS Comments

Hi Lois,

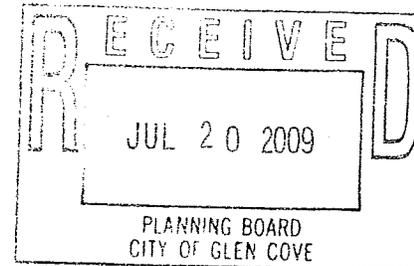
Per our conversation, please find a PDF version of my firm's comment letter on behalf of the Town of Oyster Bay. If there are any problems with this file please let me know immediately and I will correct same.

Also, please reply to this email so I can be sure that the letter has reached your office by 4pm, the written comments deadline.

Thank you for your time and attention to this matter.

Steve

Steven Perrotta
Planner
Cashin Spinelli & Ferretti, LLC
801 Motor Parkway
Suite 103
Hauppauge, New York 11788
Phone: (631) 737-9170 x254
Cell: (631) 375-3772
Fax: (631) 737-9171
Email: Sperrotta@csfllc.com
www.csfllc.com



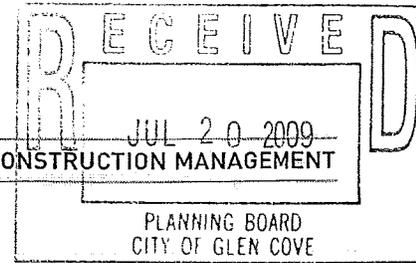
 Please consider the environment before you print this e-mail or any attachments



Cashin Spinelli & Ferretti, LLC

SURETY CONSULTING • MUNICIPAL PLANNING • CONSTRUCTION MANAGEMENT

New York • Connecticut • Pennsylvania • Illinois



July 20, 2009

Via Fax (631) 737-9170

Thomas Scott, Chairman, City of Glen Cove Planning Board
Attn: Lois Stemcosky, Planning Board Secretary
City of Glen Cove
City Hall
9 Glen Street
Glen Cove, NY 11542

RE: Draft Environmental Impact Statement (DEIS, June 2009) for RXR Glen Isle Mixed-Use Waterfront Development, City of Glen Cove

Dear Chairman Scott:

Cashin Spinelli and Ferretti (CSF) provides environmental consulting services to the Town of Oyster Bay, and we have been asked to review and submit comments regarding the above referenced document. The Town of Oyster Bay is an interested party in this matter, whose concerns relate primarily to those aspects of the proposed development which may impact the resources of Hempstead Harbor, and traffic generation which may impact the incorporated villages and unincorporated hamlets lying within the Town of Oyster Bay to the south.

While remediation and productive reuse of the subject property clearly are a desirable goal, and as a general concept are supported by the recently adopted Harbor Management Plan (HMP) for Hempstead Harbor, it appears that substantial additional information will be needed in the Final EIS (FEIS) to augment the DEIS and create a sufficient technical record on which to base pending decisions regarding the proposed action.

On behalf of the Town of Oyster Bay, CSF respectfully submits the following comments for inclusion and appropriate response in the FEIS.

1. Section II.C.7 (*Description of the Proposed Action: Project Description and Site Design: Landscaping, Lighting, Signage*), page II-43, Last ¶ – The DEIS states “upon leasing to tenant(s), the Block D office building would include signage typical of that used for corporate offices throughout the region.”
 - a. The FEIS should describe the “signage typical of that used for corporate offices throughout the region” that would be used for the proposed project at a level of detail that would be adequate to evaluate aesthetic impacts.
 - b. The applicable controls regulating signage (i.e., the Glen Cove Sign Ordinance) should be described.
 - c. As the proposed office building is intended to be located near the waterfront, and thus visible by boaters in the Glen Cove Creek and possibly residents of the Village of Sea Cliff, information regarding the height limit of proposed signage should be discussed.

2. Section III.B.1.b.3 (*Environmental Impacts and Mitigation Measures: Surface and Subsurface Environmental Conditions: Existing Conditions: Status and Remediation of Properties Controlled by the Municipal Entities or Developer, Angler's Club Site*), page III.B-22, last ¶ – The DEIS states that areas of impact on the Angler's Club Site are shown in figures 4A and 4B. The location of these figures (i.e., within the DEIS, or an attached appendix) is not indicated. Discussion regarding the Gladsky property on page III.B-23 refers to figure 4A in the Environmental Conditions Report (ECR), however, the electronically attached ECR contains no figures.
3. Section III.B.1.b.4 (*Environmental Impacts and Mitigation Measures: Surface and Subsurface Environmental Conditions: Existing Conditions: Status and Remediation of Properties Controlled by the Municipal Entities or Developer, Gladsky*), page III.B-26, 1st ¶ – The DEIS states “remedial activities have not yet begun. However, the City has been approved to perform the remedial activities under the NYSDEC ERP Program.” Page III.B-44 indicates that the City intends to commence remediation work in the spring of 2009, indicating that this work should have already been started, and that the work plan for remedial activities should have been completed by the time of the DEIS submission. Information regarding remediation activities, and the intended level of cleanup, should be discussed in the FEIS.
4. Section III.B.1.b.5 (*Environmental Impacts and Mitigation Measures: Surface and Subsurface Environmental Conditions: Existing Conditions: Status and Remediation of Properties Controlled by the Municipal Entities or Developer, Pumping Station*), page III.B-28 – Several issues arise regarding the summary and restrictions regarding the pumping station property:
 - a. The first paragraph on page III.B-28 states “the Site contamination should still be properly handled for a park/esplanade reuse.” The FEIS should present more specific information regarding what is intended with respect to the proper handling of site contamination.
 - b. The second paragraph mentions that an evaluation for radiological contamination has not been conducted, and that a survey of this contamination is warranted. The FEIS should describe details of this evaluation, and any mitigation measures that would be implemented regarding same, along with identifying who will conduct the testing.
5. Section III.B.2 (*Environmental Impacts and Mitigation Measures: Surface and Subsurface Environmental Conditions: Potential Impacts*) – The impacts associated with continued environmental contamination of adjacent, upgradient properties – including Konica Minolta (Powers Chemco), Mattiace, Crown Dykman, and Slantfin – should be evaluated with respect to potential continuing impacts to the subject property.
6. Section III.B.2 (*Environmental Impacts and Mitigation Measures: Surface and Subsurface Environmental Conditions: Potential Impacts*), page III.B-41, Table III.B-3 – The information provided for the contaminants SVOCs/metals/PCBs/asbestos, SVOCs/metals, and SVOCs/metals/pesticides for the Gladsky, pumping station, and Doxey properties,

respectively, all state that “residual levels in excess of cleanup standards or NYS SCOs for restricted residential but.” This sentence should be completed.

7. Section III.C.2.d.2.B (*Environmental Impacts and Mitigation Measures: Water Resources: Potential Impacts: Stormwater Under the Proposed Action Condition: Regulations/Design Guidelines: Nassau County*), page III.C-26, 1st ¶ – The DEIS states “since the project does not abut a Nassau County roadway, stream or other facility and the proposed stormwater management system will not tie into or connect to a County facility, the County does not have jurisdiction with regards to stormwater management design of the project.” The DEIS states that Nassau County may have subdivision approval authority, however, which would require a review of the project by the Nassau County Department of Public Works, which may require storage volume for an eight-inch storm event. The FEIS should acknowledge this possibility, and discuss means of additional stormwater retention/reuse.
8. Section III.C.2.e (*Environmental Impacts and Mitigation Measures: Water Resources: Potential Impacts: Assessment of the Potential Loading of Contaminants (e.g., nitrogen compounds) to the groundwater aquifer and Glen Cove Creek and proposed mitigation*), page III.C-33, 2nd ¶ – The DEIS indicates that between 174 and 1,399 lbs of nitrogen annually may, in one way or another, enter the waters of Glen Cove Creek and Hempstead Harbor. Table III.C-1 estimates that 584 grams of nitrogen per day (i.e., approximately 475 pounds per year) potentially would be generated by the proposed development. The impacts of the higher-end estimate of nitrogen entering the surrounding water bodies (i.e., 1,399 pounds) should be evaluated in the FEIS.

The estimates of project-generated nitrogen loading are based on the assumption that the proposed stormwater retention system is functioning properly and able to handle the stormwater of a two-inch rainfall event. However, the DEIS admits that stormwater would be directly discharged to the Glen Cove Creek from the redeveloped site in the event of overflow or a high water table which would limit storage capacity. The expected nitrogen loading under these contingencies, and the impacts of same, should be evaluated.

9. Section III.C.2.f (*Environmental Impacts and Mitigation Measures: Water Resources: Potential Impacts: Relevant Laws and Regulations*), page III.C-34, 3rd ¶ – The DEIS states that the project will have to comply with the 1918 Migratory Bird Treaty Act, but provides no information as to how this requirement will be achieved. The FEIS should provide details regarding the applicant’s plan for compliance with this Act.
10. Section III.C.2.f (*Environmental Impacts and Mitigation Measures: Water Resources: Potential Impacts: Relevant Laws and Regulations*), page III.C-34, 5th ¶ – The DEIS acknowledges that NYSDOS must issue a general concurrence for the proposed action under the Coastal Zone Management Act, but provides no further information on this requirement. The FEIS should indicate whether the applicant has begun the process of procuring NYSDOS’s concurrence and, if so, the status of same; if not, the FEIS should indicate when it is intended that the requisite submission to NYSDEOS will be made. Details regarding the process for obtaining NYSDOS concurrence should also be described in the FEIS.
11. Section III.C.2.f (*Environmental Impacts and Mitigation Measures: Water Resources: Potential Impacts: Relevant Laws and Regulations*), page III.C-35, 4th ¶ – The DEIS notes

that the proposed action may require a permit from the USACOE under Section 404 of the Clean Water Act for grading activities along Garvies Point Beach and Captain's Cove.

- a. The FEIS should specify definitively whether the proposed action will require this permit.
 - b. In the event the Section 404 permit is required:
 - i. Details of compliance with the regulations of this permit should be presented, along with the proposed action's compliance with same.
 - ii. The date of application, or intended date of application for said permit should be provided, along with the status of same.
12. Section III.C.2.f (*Environmental Impacts and Mitigation Measures: Water Resources: Potential Impacts: Relevant Laws and Regulations*), page III.C-35, 5th ¶ – The DEIS notes that the proposed action will require a permit from the USACOE under Section 10 of the Rivers and Harbors Act of 1899:
- a. Details of compliance with the regulations of this permit should be presented, along with the proposed action's compliance with same.
 - b. The date of application, or intended date of application for said permit should be provided, along with the status of same.
13. Section III.C.2.f (*Environmental Impacts and Mitigation Measures: Water Resources: Potential Impacts: Relevant Laws and Regulations*), page III.C-38, 2nd ¶ – The DEIS states “under Part 602 of NYCRR, a Long Island Well Permit is required from the NYSDEC for dewatering if the proposed dewatering exceeds 45 gallons per minute or 64,800 gallons per day.”
- a. The FEIS should specify definitively whether the proposed action will require this permit from NYSDEC.
 - b. The date of application, or intended date of application for said permit should be provided, along with the status of same.
 - c. Details of compliance with the regulations of this permit should be presented, along with the proposed action's compliance with same.
14. Section III.D (*Environmental Impacts and Mitigation Measures: Ecology*) – The DEIS appears to omit an inventory of, and impacts on, the reptile, amphibian, and small mammal communities.
15. Section III.D.2.e (*Environmental Impacts and Mitigation Measures: Ecology: Potential Impacts: Potential Impacts to Shoreline, Tidal Wetlands, and Essential Fish Habitats and Proposed Mitigation Measures*), page III.D-34, 4th ¶ – The DEIS states “although the mussels

are expected to survive relocation, there is no alternative for replacement if they do not. However, mussels are expected to recolonize the created and restored wetlands overtime.”

- a. The wording in the DEIS suggests that the survival of the mussels is somewhat in doubt. The FEIS should better define the probability of this outcome and should identify the potential that they may not survive as a possible unavoidable adverse impact.
 - b. The second sentence, “mussels are expected to recolonize the created and restored wetlands,” should be technically substantiated.
16. Section III.E.1.a (*Environmental Impacts and Mitigation Measures: Land Use, Zoning and Public Policy: Existing Conditions: Land Use*), page III.E-2, 1st ¶ – The DEIS points an appendix which is said contains detailed information about mitigation efforts and recommendations for collection of additional site data, however, the appendix noted is not identified.
 17. Section III.E.1.b (*Environmental Impacts and Mitigation Measures: Land Use, Zoning and Public Policy: Existing Conditions: Zoning*), page III.E-7, last ¶ – The DEIS points to Exhibit III.E-3 which shows existing zoning categories for the properties within the project site, as well as surrounding properties. The zoning of surrounding areas is difficult make out, specifically those properties directly north of the central and eastern portion of the subject site.
 18. Section III.E.1.c (*Environmental Impacts and Mitigation Measures: Land Use, Zoning and Public Policy: Existing Conditions: Public Policy*), page III.E-30 – The DEIS discusses the *Smart Growth Policy Plan for Suffolk County (2000)* without providing an explanation as to why this plan has been included in the Public Policy analysis. Considering the subject property is located in Nassau County, the FEIS should provide a “Smart Growth” justification for the proposed project based on a Nassau County plan, New York State plan or a broader study of “smart growth” principles provided by the Congress for New Urbanism, or other appropriate organization.

In addition to providing a description of the project’s compliance to general “smart growth” principles, specific attention should be devoted to one of the core principles of smart growth, walk ability. A generally accepted standard of an acceptable walking distance from residences to the neighborhood center (i.e., retail and other cultural spaces) is said to be 0.25 miles; however, the western portion of the proposed development is located approximately 0.7 miles from retail services provided on the eastern portion of the site and one mile or more from downtown Glen Cove. While the project does include a shuttle bus which will provide transit access to retail facilities, the likely hood of residents utilizing this service for a trip from one end of the site to the other should be examined, preferably using valid studies aimed at examining pedestrian behavior in a new urbanism/transit oriented development.

19. Section III.F.1 (*Environmental Impacts and Mitigation Measures: Transportation: Traffic*), page III.F-3 through III.F-5 – Information is provided regarding the dates and times of the day that the various study intersections were observed; however, two intersections included in the list of intersection noted on page III.F-2 are not mentioned: Glen Cove Road at the Route

107 split, and Brewster Street and Cottage Row/School Street. Additionally, the turning movement count work sheets for the Glen Cove Road at the Route 107 Split are not included in Appendix L2.

20. Section III.F.1.a (*Environmental Impacts and Mitigation Measures: Transportation: Traffic: Existing Traffic Conditions*), page III.F-14 – The DEIS presents a brief narrative and provides a table showing accident rates at the study intersections compared to statewide accident rates for similar roadways.
 - a. The FEIS should acknowledge that 15 of the 19 study intersections have higher accident rates than the statewide average for similar roadways, with some of the rates for study intersections being significantly higher, and should analyze the implications of these data.
 - b. The FEIS also should discuss the proposed action's impact on local accident rates, as well as mitigation measures as appropriate, which appears to have been omitted from the DEIS.
21. Section III.F.1.b (*Environmental Impacts and Mitigation Measures: Transportation: Traffic: Future No-Action Traffic Conditions (Year 2016)*), page III.F-22 – The DEIS provides anticipated trip generation for other projects in the study area. The specific Land Use Codes and methods of trip generation estimates for other projects should be provided.
22. Section III.F.1.c (*Environmental Impacts and Mitigation Measures: Transportation: Traffic: Proposed Action Traffic Conditions (Year 2016)*), page III.F-32 – Table III.F-7 includes a footnote pointing to Appendix L-7 where complete Trip Generation calculations can be found.
 - a. The information provided in Appendix L-7 includes the specific Land Use Codes utilized for trip generation; however, the method used to generate the anticipated number of trips (e.g., based on number of persons or dwelling units for apartments) is not provided.
 - b. The DEIS indicates that the public will utilize the waterfront esplanade and various other public amenities; however, the trip generation estimates do not appear to take into account these uses as trip generators.
23. Section III.F.1.c (*Environmental Impacts and Mitigation Measures: Transportation: Traffic: Proposed Action Traffic Conditions (Year 2016)*), page III.F-42 through III.F-47 – The capacity analysis results indicate that a number of traffic movements or overall intersections would experience increased average delay time due to the proposed action. Where these delays occur, mitigation measures should be proposed to lessen the impact or an explanation offered as to why these delays cannot be mitigated; where the delays occur after proposed mitigation measures are incorporated into the analysis, additional mitigation measures should be examined or an explanation offered as to why these delays cannot be further mitigated. Impacted movements include:

Glen Cove Road and Northern Boulevard

- a. Westbound thru/right-turn movement during the AM peak hour – Delay would increase by 13.4 seconds for the Proposed Action versus the No-Action condition, with the LOS remaining at LOS F (no mitigation offered).
- b. Eastbound left-turn movement during the PM peak hour – Delay would increase by 29.1 seconds for the Proposed Action versus the No-Action condition, with the LOS remaining at LOS F (no mitigation offered).
- c. Northbound thru movement during the PM peak hour – Delay would increase by 33.4 seconds for the Proposed Action versus the No-Action condition, with the LOS decreasing from LOS E to F (no mitigation offered).
- d. Southbound thru movement during the PM peak hour – Delay would increase by 15.3 seconds for the Proposed Action versus the No-Action condition, with the LOS decreasing from LOS E to F (no mitigation offered).
- e. Overall intersection during the PM peak hour – Delay would increase by 10.4 seconds for the Proposed Action versus the No-Action condition, with the LOS decreasing from LOS E to F (no mitigation offered).
- f. Eastbound left-turn movement during the Saturday peak hour – Delay would increase by 32.9 seconds for the Proposed Action versus the No-Action condition, with the LOS remaining at LOS F (no mitigation offered).
- g. Westbound left-turn movement during the Saturday peak hour – Delay would increase by 65.5 seconds for the Proposed Action versus the No-Action condition, with the LOS remaining at LOS F (no mitigation offered).
- h. Westbound thru/right-turn movement during the Saturday peak hour – Delay would increase by 35.1 seconds for the Proposed Action versus the No-Action condition, with the LOS remaining at LOS F (no mitigation offered).
- i. Overall intersection during the Saturday peak hour – Delay would increase by 14.2 seconds for the Proposed Action versus the No-Action condition, with the LOS remaining at LOS F (no mitigation offered).

Glen Cove Road and the NYS 107 Divide

- j. Northbound thru movement during the AM peak hour – Delay would increase by 23.1 seconds for the Proposed Action versus the No-Action condition, with the LOS decreasing from B to D (with mitigation offered).
- k. Northbound thru movement during the PM peak hour – Delay would increase by 23.5 seconds for the Proposed Action versus the No-Action condition, with the LOS decreasing from C to D (with mitigation offered).

- l. Overall intersection during the PM peak hour – Delay would increase by 7.6 seconds for the Proposed Action versus the No-Action condition (with mitigation offered).
- m. North-bound thru movement during the Saturday peak hour – Delay would increase by 9.2 seconds for the Proposed Action versus the No-Action condition, with the LOS decreasing from LOS B to C (with mitigation offered).

Glen Cove Ave and Glen Head Road

- n. Westbound left/right/thru movement during the PM peak hour – Delay would increase by 14.1 seconds for the Proposed Action versus the No-Action condition, with the LOS decreasing from LOS C to D (with mitigation offered).
- o. Eastbound left/right/thru movement during the Saturday peak hour – Delay would increase by 11.7 seconds for the Proposed Action versus the No-Action condition, with the LOS decreasing from LOS C to D (with mitigation offered).
- p. Westbound left/right/thru movement during the Saturday peak hour – Delay would increase by 32.4 seconds for the Proposed Action versus the No-Action condition, with the LOS decreasing from LOS D to E (with mitigation offered).
- q. Overall intersection during the Saturday peak hour – Delay would increase by 8 seconds for the Proposed Action versus the No-Action condition, with the LOS decreasing from LOS C to D (with mitigation offered).

Glen Cove Road and Back Road

- r. Southbound thru movement during the AM peak hour – Delay would increase by 9.7 seconds for the Proposed Action versus the No-Action condition (no mitigation offered).
- s. Southbound thru movement during the PM peak hour – Delay would increase by 13.2 seconds for the Proposed Action versus the No-Action condition (no mitigation offered).
- t. Southbound left-turn movement during the SAT peak hour – Delay would increase by 9.4 seconds for the Proposed Action versus the No-Action condition, the the LOS decreasing from LOS C to D (no mitigation offered).

Pratt Boulevard at Bridge Street/Continental Place

- u. Eastbound left-turn movement during the PM peak hour – Delay would increase by 19.5 seconds for the Proposed Action versus the No-Action condition, with the LOS decreasing from LOS B to C (no mitigation offered).
- v. Eastbound left-turn movement during the Saturday peak hour – Delay would increase by 20.9 seconds for the Proposed Action versus the No-Action condition, with the LOS decreasing from LOS B to C (no mitigation offered).

Herb Hill Road and Charles Street

- w. Northbound left-turn movement during the PM peak hour – Delay would increase by 22.3 seconds for the Proposed Action versus the No-Action condition, with the LOS decreasing from LOS B to D (no mitigation offered).
 - x. Northbound left-turn movement during the Saturday peak hour – Delay would increase by 24.5 seconds for the Proposed Action versus the No-Action condition, with the LOS decreasing from LOS B to D (no mitigation offered)
24. Section III.F.1.d (*Environmental Impacts and Mitigation Measures: Transportation: Traffic: Mitigation Measures*), page III.F-62, 4th ¶ – The DEIS proposes, as a mitigation measure for the Glen Cove Road and Glen Head Road intersection, widening the roadway to provide one additional northbound and southbound lane, and modification of the traffic signal timing and phasing. As Glen Cove Road under the jurisdiction of New York State, approval by the NYS Department of Transportation (NYSDOT) is required:
- a. The FEIS should indicate whether NYSDOT has been contacted regarding the proposed mitigation measures, and discuss any response that has been received from NYSDOT regarding same.
 - b. In the event that NYSDOT is not amenable to allowing the proposed mitigation measures, alternate forms of appropriate mitigation should be offered.
25. Section III.F.1.d (*Environmental Impacts and Mitigation Measures: Transportation: Traffic: Mitigation Measures*), page III.F-62, last ¶ – The DEIS discusses mitigation measures for the Glen Cove Road & Northern Boulevard intersection, which is adding a third through lane on the southbound approach of the intersection, and states that County is intending on undertaking this action subsequent to right-of-way issues being resolved first.
- a. The FEIS should discuss the status of this roadway improvement, and offer additional forms of mitigation in the event the County is unable to resolve the right-of-way issues.
26. Section III.F.1.d (*Environmental Impacts and Mitigation Measures: Transportation: Traffic: Mitigation Measures*), page III.F-63, 3rd ¶ – The DEIS proposes, as a mitigation measure for the Route 107 and Glen Head Road intersection, prohibiting eastbound left turns. As Route 107 is under the jurisdiction of New York State, approval by the state is required:
- a. The FEIS should indicate whether NYSDOT has been contacted regarding the proposed mitigation measures, and discuss any response that has been received from NYSDOT regarding same.
 - b. In the event that NYSDOT is not amenable to allowing the proposed mitigation measures, alternate forms of appropriate mitigation should be offered.

27. Section III.F.1.d (*Environmental Impacts and Mitigation Measures: Transportation: Traffic: Mitigation Measures*), page III.F-63, 4th ¶ – The DEIS proposes, as a mitigation measure for the Glen Cove Avenue and Glen Head Road intersection, optimizing the phase splits. As this signal is under the jurisdiction of Nassau County, approval by the County is required:
- a. The FEIS should indicate whether NCDPW has been contacted regarding the proposed mitigation measures, and discuss any response that has been received from NYSDOT regarding same.
 - b. In the event that the NCDPW is not amenable to allowing the proposed mitigation measures, alternate forms of appropriate mitigation should be offered.
28. Section III.F.4.c (*Environmental Impacts and Mitigation Measures: Transportation: Transit: Future Conditions with the Proposed Action*), page III.F-80 through III.F-81 – The DEIS provides estimates of transit ridership (i.e., LIRR and LI Bus) based on “trip generation projections and census statistics on modal choices.” The census statistics utilized to generate potential transit ridership estimates should be provided, as well as providing the methodology used to extrapolate estimated transit ridership from this data. Additionally, the previous section discussing existing transit ridership should provide information regarding the number/percentage of Glen Cove residents who currently use LIRR and/or LI Bus based on actual ridership data provided by the MTA.
29. Section III.G.1.a (*Environmental Impacts and Mitigation Measures: Air Quality: Introduction: Pollutants for Analysis*), page III.G-3, 3rd ¶ – The DEIS states “the proposed project would not result in any significant increases in truck traffic near the project site or in the region, and therefore, an analysis of potential impacts from PM [particulate matter] was not warranted for mobile sources.” It should be indicated whether an increase in PM is expected from the use of the proposed shuttle bus service. Additionally, the FEIS should indicate whether or not the proposed shuttle service is indeed to be a clean-fuel vehicle.
30. Section III.G.1.b (*Environmental Impacts and Mitigation Measures: Air Quality: Introduction: Air Quality Standards*), page III.G-5, 5th ¶ – The DEIS mentions New York City’s status as an area of non-attainment for CO, but no mention is made of Nassau County’s status regarding same.
31. Section III.H.2 (*Environmental Impacts and Mitigation Measures: Noise: Existing Conditions*), page III.H-7, 1st ¶ – The DEIS notes the locations of noise receptors.
- a. Noise receptors were placed near intersections studied for traffic analysis; however, these data were collected only at intersections in close proximity to the project site. The DEIS indicates that intersections further from the project site are expected to receive significant volumes of project-generated traffic (in particular: Glen Cove Road and Northern Boulevard, Glen Cove Road and the NYS 107 Divide, Glen Cove Avenue and Glen Head Road, and Glen Cove Road and Back Road) and these also should be included in the analysis of noise impacts.

32. Section III.H.3.c (*Environmental Impacts and Mitigation Measures: Noise: Existing Conditions: Build Out Condition*) – Potential for noise impacts from the proposed project appears to have excluded noise generated from the proposed 2,000+ seat lawn amphitheater. The FEIS should note the direction that open end of the amphitheater faces, and the noise impacts associated with the amphitheater should be evaluated with respect to on-site and off-site residents.
33. Section III.H.3.c (*Environmental Impacts and Mitigation Measures: Noise: Existing Conditions: Build Out Condition*), pg. III.H-19, Last ¶ – Regarding noise impacts on birds breeding in the Garvies Point Preserve, the DEIS states “since the predicted increase in noise levels is primarily a function of traffic noise (i.e., continuous, or non-impulsive) it has been shown that birds can become acclimated to continuous noise sources.”
- a. This statement should be substantiated with appropriate technical references.
 - b. Irrespective of the fact that bird breeding may not be impacted in the long term by increased noise levels, appropriate mitigation measures should be included to help protect the preserve both for wildlife, and those who chose to visit the preserve for passive recreational purposes.
34. Section III.I.2.c (*Environmental Impacts and Mitigation Measures: Community Facilities and Services: Potential Impacts: Fire Services*) – The DEIS states, on page III.I-14 “the Fire Department also noted that it did not foresee any problems or issues with the development of this site.” However, page III.I-3 notes that the Fire Department has only one 100 foot aerial ladder and the shadow analysis provided in III.M-1 indicates buildings to be as tall as 125 feet. It would seem that the Fire Department is not equipped to handle a development of this scale, and should a fire on the higher floors of taller building, or on the publicly accessible rooftops, occur there is the potential that the fire departments of neighboring municipality, which may have tall enough ladders, would be requested to aid in the fire fighting efforts. The FEIS should discuss the appropriateness of proposing buildings taller than what the City’s fire department is reasonably able to service, and ensure that a neighboring fire department is equipped with tall enough ladders and within a reasonable response time of the subject property.
35. Section III.I.2.h (*Environmental Impacts and Mitigation Measures: Community Facilities and Services: Potential Impacts: Solid Waste*), page III.I-22 through III.I-23 – The DEIS presents information regarding solid waste. However, no mention is made regarding recycling measures to be incorporated at the proposed development. Given the quantity of waste estimated to be generated, 5.21 tons per day, recycling measures would be an important part of keeping the development “green”.
36. Section III.I.2.h (*Environmental Impacts and Mitigation Measures: Community Facilities and Services: Potential Impacts: Solid Waste*), page III.I-23, 3rd ¶ – This paragraph in the DEIS states that the Glen Cove Solid Waste Transfer Station collected 118,133 tons of residential solid waste in 2007. However, page III.I-11 states that this facility handled 18,134 tons of waste during this year. This apparent discrepancy should be rectified.

The DEIS states “the residential and non-residential components of the proposed development would utilize private carters, who would contract with the City of Glen Cove transfer station or another solid waste transfer station for disposal.” As the wording of the DEIS suggests the possibility that a transfer station other than that owned by the City may be utilized, these alternative facilities should be identified, and potential impacts on same discussed.

37. Section III.I.3.d (*Environmental Impacts and Mitigation Measures: Community Facilities and Services: Mitigation Measures: EMS/Ambulance*), page III.I-25, 1st ¶ – The DEIS states, as a mitigation measure, “the project developer is willing to place AED’s [Automated External Defibrillators] in multiple high visibility locations.” However, the GCVEMS required that on-site staff be trained in CPR and be EMT certified; these recommends also should be included as mitigation measures.
38. Section III.M.2.b (*Environmental Impacts and Mitigation Measures: Aesthetics: Potential Impacts: Photo Simulations*), page III.M-16, Exhibit III.M-11 – The view looking east along the Glen Cove Creek appears, based on the photo simulation, to have obstructed all views of the Garvies Point Preserve. It would appear as though obstruction of the preserve is not in line with the intent of the MW-3 PUD zoning, which requires view corridors to the preserve.
39. Section III.M.2.d (*Environmental Impacts and Mitigation Measures: Aesthetics: Potential Impacts: Lighting*), page III.M-34, 1st ¶ – The DEIS states “architectural lighting may be utilized in select locations, such as the hotel, office and commercial areas.” While the DEIS has mentioned that street lights will have full cut-off shades, a description of the “architectural lighting” should be discussed, identifying if it is intended to be “up-lighting” (which potentially could impact the view of the nighttime skies) or “down-lighting.”
40. The proposed action is part of an overall plan of the City to redevelop the waterfront of the Glen Cove Creek. The FEIS should include additional analysis aimed at evaluating the impact of potential future phases of the waterfront redevelopment goal, including the feasibility of same considering the limited additional capacity of the Glen Cove Sewage Treatment Plant that will be left after the instant application, as well as other planned developments, area built.

As specific information (e.g., number of residential units, or GFA of commercial buildings) pertaining to future development plans of the Glen Cove Waterfront are not known at this time, the FEIS should provide a discussion relative to the environmental review procedures expected to be followed when future development is planned for this area.

41. An adequate presentation of alternatives has not been offered in the DEIS as there is no reduced yield alternative which to compare the impacts of the instant application. Instead, the alternatives presented, with the exception of the no-action alternative, provide similar levels of expected impacts as the proposed development (i.e., alternative public access design, alternative east side configuration, and reduced height alternatives). This narrow range of alternatives do not provide information to assist decision-makers in arriving at a considered conclusion as to whether the proposed development yield strikes the most appropriate balance between achieving project foals and minimizing environmental impacts, or if this balance can be more suitably served by a reduction in yield.

Thomas Scott, City of Glen Cove
RXR Glen Isle Mixed-Use Waterfront Development DEIS
July 20, 2009
Page 13

Very truly yours,

CASHIN SPINELLI & FERRETTI, LLC


Steven Perrotta
Planner

cc: Leonard Genova, Deputy Supervisor
Neil O. Bergin, Commissioner, Department of Environmental Resources
Attention: Aldona Lawson, TEQR Division