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October 30, 2022

Town of North Hempstead
220 Plandome Road
Manhasset, NY 11030

Dear Supervisor DeSena, Council Member Dalimonte, Council Member Troiano, Council Member Zuckerman, Council Member Walsh, Council Member Lurvey, Council Member Adhami and Planning Commissioner Levine,

Residents Forward is a non-profit focused on protecting and advancing the vibrancy, resiliency, sustainability, and beauty of the Port Washington peninsula. For over five decades, we have been a community stakeholder in the comprehensive planning of the Greater Port Washington peninsula including the 2005 Port Washington Shared Visioning Plan and the 2016 Visioning of North Hempstead Beach Park. Most recently, Residents Forward served as a community stakeholder in the planning of the BW Waterfront Business District along Manhasset Bay.

All these planning exercises involved community meetings, study of best practices, and stakeholder collaboration; yielding community-based zoning from which developers and property owners could plan from. Today, we find ourselves in the backwards position of commenting on a proposal that has no parameters set by the community as no visioning has occurred for this waterfront area.

Residents Forward is submitting the following comments on Southern Land Company's (SLC) Draft Environmental Impact Statement (DEIS) for the proposed project at 145 West Shore Road, and respectfully requests that the Town deem the DEIS grossly insufficient as it relates to drinking water, wastewater, density, height, bulk, subsurface conditions, stormwater management, public access to the waterfront, traffic and tax revenue.



Residents Forward Comments

1. Water Resources

The DEIS indicates that the proposed 176-unit building will generate between 45,000-50,000 gallons per day of wastewater that will require professional treatment by a pollution-control facility. The site is currently not connected to any public water or public sewer systems. In the DEIS, the Applicant states that the proposed development's wastewater will be sent to Port Washington, Glen Cove, or a Nassau County wastewater treatment facility and that the development will be connected to a public water supply system. However, no feasibility analysis has been conducted by the Applicant, no wastewater treatment facility has indicated that it would be amenable to the receipt of such a volume of wastewater, no public water supplier has agreed to provide the necessary water, nor have any technical feasibility analyses been conducted regarding the three aforesaid alternatives to determine if they would accept this projected volume of wastewater, and whether it would be feasible for the necessary connections to be made to the alternatives listed for sewer and water based on existing capital plans and budgets.

As the DEIS analysis assumes that the Water and Sewer Districts will make those connections without providing any documentation to support that assumption, moving forward without a plan is reckless. In addition, the DEIS does not include any analysis on the effect the development will have on the aquifer. It is well known and documented that the aquifers are already being over pumped and the quality of the groundwater in Long Island is deteriorating from contamination, as well as from the inland movement of the saltwater/freshwater interface. This is the reason New York State embarked on a \$6M Groundwater Sustainability Study currently being conducted by the United States Geological Survey. The additional pumping that would be required according to the DEIS (51,315 gallons per day/18,729,975 gallons per year) represents approximately 1% of the Port Washington Water District (PWWD) total. The effect the additional pumping (residential drinking, washing, and cleaning, fire suppression, pool, marina, landscaping, etc.) will have on the already overtaxed public water system must be analyzed, and those impacts documented in the DEIS. This is especially important because in 2016 LI water districts were asked by the DEC to reduce peak season water use by 15% due to concerns of saltwater intrusion, contaminant plume migration, salt water up coning and competing demands. In addition, the PWWD announced stringent water conservation measures in 2021 to reduce irrigation by 20%.



Because there is no commitment from the Port Washington Water or Sewer Districts to provide a connection, the EIS should also analyze the impact to the environment if the development had to provide their own water supply and on-site sewer systems (ie. Aquifer and nitrogen/phosphorus discharges to Hempstead Harbor).

2. Usage of Town-Owned Land in DEIS analysis

The DEIS consistently bases its analyses on the usage of Town-owned land for parking and public access. SLC is using Town Resolution No. 454-2008-2 as the basis for its partial use of the Town of North Hempstead Beach Park, 175 West Shore Road, Port Washington. To our knowledge, this property is designated Parkland, and The Town has not agreed to grant access to this adjoining parcel to 145 West Shore Road, PW. It is our understanding, under New York State (NYS) law, that it is illegal to use Parkland for commercial purposes and would require NYS approval through the alienation process to do so. As such, all analyses in the DEIS that rely on the usage of Town-owned Parkland (parking, etc.) should be deemed insufficient and incomplete, and should be either removed or presented using land under which SLC either has control or has been granted use of and should NOT rely on taking Parkland away from the public for private-use parking.

3. Public Access and Setbacks

The proposed development's public walkway is not consistent with the Visioning Plan for North Hempstead Beach Park, ADA requirements, and required setbacks included in all waterfront zoning that currently exists within the Town of North Hempstead. The DEIS is inconclusive regarding the width of the proposed walkway. In public meetings, the applicant has stated the walkway is as narrow as 12', which is substantially less than the 24' bi-directional public promenade existing at the adjacent North Hempstead Beach Park. Based on the proposed plans, the "public walkway" is simply a path to the marina, which is not the intention of a true public promenade. In the current form, the DEIS cannot and should not be allowed to consider the pathway they included in the proposed project as a "public" amenity.

Additionally, the walkway should be made of sustainable material that is not only stable and firm, but also slip resistant. It must also be connected to ADA-compliant parking on an ADA-compliant route to the facilities. Otherwise, all mentions of the walkway as a public benefit, and the promise of public access to the waterfront needs to be removed from the DEIS.



In addition to the deficient walkway, the setbacks in the DEIS are not consistent with the recently passed BW Waterfront Business District which calls for rear yard setbacks of at least 25 feet where the rear yard abuts a waterway. Additionally, a front yard of at least 10 feet on the streetside is required for all buildings exceeding one story or 20 feet in height. The setbacks reflected in the DEIS should be deemed insufficient. As they do not allow for the sightlines and light corridors required in the recently adopted BW Waterfront Business District zoning.

4. Density, Height, and Bulk

SLC's analysis of alternatives for the proposed project with respect to density, height and bulk in the DEIS demonstrates that the applicant's proposed number of units (176) on 2.76 acres (or approximately 64 units per acre) is dramatically higher than any waterfront zoning within the entire Town of North Hempstead. This includes the recently established BW Waterfront Business Zone, which calls for 15 units per acre as well as the Main Street Overlay District which calls for 18-24 units per acre. In addition, the applicant cannot (and should not be permitted to) base its analysis on the usage of lands under water when the development does not include units to be constructed on that parcel only to justify a higher density upland. As such, we find that the basis of the analysis included in the DEIS to be at the very least insufficient. The proposed project density height and bulk drastically exceed existing waterfront zoning ranges intended to protect our natural resources and preserve the character of Port Washington including its very valuable waterfront.

5. Shadows

The Shadow Study included in the DEIS is incomplete. There are no figures in the DEIS that show the extent of shadows that would be cast onto Hempstead Harbor. Without this forecast, there is no evidence to support any claims made by SLC, including the statement that "the shadows would have a minimal impact". Considering the height of the proposed building, and its proposed location along the waterfront, the DEIS provides no proof that significant shadows will not be created during certain times of the day. Historically, any structure built where there was no preexisting structure has created significant shadows and, therefore, significant impacts to marine life and the adjacent parks and preserves. The DEIS is required to include an accurate analysis of the shadows that will be created by the proposed construction, and the appropriate measures that will be introduced to offset the enduring adverse impacts arising from the permanent shadows that will be created.



6. Subsurface conditions

The subsurface conditions analysis in the DEIS is severely flawed. The DEIS relies on the usage of Town land as part of the proposed project (see comment no. 2 above for comments related to reliance on Town land), but the subsurface conditions section of the DEIS does not include any analysis of the Town-owned land. The Phase I Environmental Site Assessment (and Phase II) were only prepared for a portion of the project. As such, the subsurface conditions section cannot be deemed complete. The DEIS either needs to remove the Town-owned land from the proposed project or conduct a proper subsurface conditions analysis for the Town-owned land.

The DEIS also states that the applicant will apply to the Brownfield Cleanup Program in Section 2.3, but in other places in the DEIS, the applicant says instead it will either enter the BCP or conduct remediation in accordance with applicable regulations. What actions the applicant will take to mitigate the impacts from site contamination should be clear and consistent throughout the document. In addition, the Phase II states that the soil and groundwater contamination identified at the property are indicative of a petroleum spill. The applicant should discuss whether the petroleum spill has been reported to NYSDEC as required by regulation.

7. Stormwater and Living Shorelines

We ask the Town to consider if the 5" analyzed in the DEIS is sufficient for onsite stormwater management due to increased threats of Hempstead Harbor surge, West Shore Road flooding and more intense storms in the wake of climate change. Hurricane Ida dumped as much as 9" in some parts of Long Island (Mongelli, Lorena. "Long Island Roads Still Vulnerable to Flooding Despite Improvements After Sandy" *Newsday* 10/27/22). Residents Forward advocates for incorporating the use of green infrastructure to collect, filter and recycle stormwater. In addition, we advocate for inclusion of a living shoreline as opposed to traditional metal bulkhead as it would have less impact to surrounding properties and be more beneficial to the natural environment.



8. Traffic

The DEIS contains assumptions about parking at the Port Washington LIRR train station/terminal that focus on the use of mass transit during the Pandemic. Hence, this section is lacking in a comprehensive analysis of the impact of the proposed project in the build year. It is recommended that this section be amended to include analysis of LIRR infrastructure using pre-Pandemic parking demand and the forecasted demand for LIRR service to both Penn Station and Grand Central Madison.

The forecasted entry/exit volumes analyzed in the DEIS are extremely low. However, none of the build-generated volumes can be considered viable as they are based on the provision of parking spaces that are presumed to be constructed on land that the project neither owns nor controls. We recommend an accurate assessment of traffic impact conducted on at least two separate occasions, over three consecutive mid-weekdays, during months such as March and September when typical, daily traffic patterns occur with more consistency as compared to other times of the year.

Additionally, we oppose any tax abatement from the Industrial Development Agency or other agencies as tax revenue is desperately needed to offset the degradation of infrastructure and adverse impact on schools based on the analysis in the DEIS.

We strongly encourage our elected officials and the Town Board to reject the DEIS. The DEIS analyzes a proposed project that is an extreme departure from previous community-based zoning exercises on the Port Washington peninsula. The proposed project threatens fragile infrastructure, and detracts from the beautiful, sustainable, vibrant, and resilient waterfront and neighborhood character we are working so hard to maintain, improve and sustain.

Thank you for the opportunity to submit these comments.

Very truly yours,

Residents Forward Board of Directors

Curt Trinko, Chairman

Dawn Serignese, & Melissa Vissicchio Co Presidents