

PUBLIC COMMENT  
HAMPSHIRE COUNTRY CLUB PLANNED RESIDENTAIL DEVELOPMENT  
DECEMBER 2017 DEIS -SUBMITTED VIA EMAIL  
ADDITIONAL COMMENTS  
RECEIVED APRIL 22, 2018  
THROUGH  
April 23, 2018

106 04 23 2018 Hampshire CC HCZMC Comment memo

107 04 22 2018 Hampshire CC ARFIELD Public Comment with attachment

108 04 23 2018 Hampshire CC KIRWIN Public Comment

Village of  
Mamaroneck HCZM  
Commission

## Memo

To: Chairman Verni and Members of the Planning Board  
From: Cindy Goldstein, Chair, HCZMC  
CC: Les Steinman & Anna Georgiou, Land Use Board's Counsel  
Date: April 23, 2018  
Re: HCZMC Comments – Hampshire DEIS

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Attached please find the HCZMC's comments on the DEIS which were unanimously adopted at the April 18<sup>th</sup> Commission meeting. Also attached is the memo from our environmental consultant, Sven Hoeger.

**Hampshire Country Club Redevelopment  
HCZMC Involved Agency Comments on DEIS**

1. a. Wetlands delineation is needed for the site. Jurisdiction clarification required from Army Corps and NYSDEC  
b. Jurisdiction determinations required from Army Corps, NYSDEC, NYSDOS and NYSOGS.
2. More information is required regarding the location of and the effects of cutting and filling contaminated soils, during construction (airborne and under flooding conditions) and post construction/long term with regard to safety. Two metals, arsenic and lead are present on site. Greater detail re: the location and impacts of cut & fill activities for site redevelopment is needed, including impacts associated with steep slopes and areas prone to erosion (evaluate risk that contaminants will be exposed). Identify contaminated soils be remediated, used as fill and/or used to regrade the site.
3. Confirmation is needed that remediation of soils for the 55 to 60 acres to be disturbed and capping will meet all applicable regulatory requirements, including but not limited to New York State DEC regulations.
4. There are concerns that there is no remediation plan for proposed open space areas. There is concern that if open space areas are not subject to remediation, there still may be impacts to the 55 to 60 acres to be developed as well as to nearby properties.
5. The “natural area” should be defined. Does this refer solely to the open space area or other areas, proposed nine-hole golf course, other areas?
6. Additional information should be provided concerning impacts on all species of birds including shore birds and all other fish and wildlife (effects of loss of habitat and tree canopy).
7. The Commission is concerned that the proposed plans for redevelopment fragments open space to be preserved on the site. The space is not contiguous and that is not as beneficial to wildlife. Wildlife corridors are effectively eliminated. The Commission has concerns about impacts on all wildlife, not only endangered species. Additional studies are required.

8. It is proposed that the 432 trees to be cut down are to be replaced in kind. These replacement trees all need to grow to maturity to provide the benefits of the existing mature trees proposed to be removed. There are very detrimental impacts to the tree canopy and the proposed replacement in kind will not effectively address this loss. Trees also provide protection against flooding, prevent soil erosion, and increase water absorption into the ground. It is proposed that replacement trees be planted in multiples of three to four times what is currently proposed to be removed. See also Village Environmental Consultant Sven Hoeger's memorandum dated January 12, 2018 reviewing DEIS which is annexed hereto ("Hoeger Memo").
9. The Commission disagrees with the conclusion on impacts of leaving the site undeveloped. The resulting "wild area" will offer some benefits to wildlife and the environment. See Hoeger memo.
10. Integrated pest management should be implemented for the entire site. The applicant should address the least toxic alternatives for pest management. The EIS should address this issue in detail.
11. There are concerns regarding the regrading and creation of embankments and impacts on site and off site, in particular impacts to water flows and aquifers (ground water), and other site conditions such as steep slopes/erosion control.
12. There are concerns about the effect of elevating the portion of the site to be developed. In particular the effect on other low-lying properties in the vicinity should be studied. It appears the area to be developed and access roads will be elevated. The impacts associated with elevated roadways should be fully evaluated, including accessibility and how emergency services would be able to access residential structures during a storm event, post construction and into the future.
13. There needs to be further study concerning where water will travel to in storm events including events with wave action and high tides and flooding events due to rain. The Commission recommends that a hydrologist or hydrogeologist be retained to fully evaluate the potential for flooding on the developed site, including storm and wave action and impacts of rising sea levels. The data contained in the DEIS concerning wave action is incomplete and insufficient. It is also recommended that a hydrologist

or hydrogeologist identify the location (where it is and where it moves to) and depth of ground water and that ground water be tested.

14. The Commission has questions concerning the functioning of structural methods to control flooding; included is-- when do tidal flood gates operate? There is great concern about the deterioration and current condition of tidal flood gates and other structures including concrete deterioration and rust due to age of the gates and the overall functionality of the flood gates. It is recommended that this be investigated by an engineer, in particular whether tidal flood gates are operating properly and/or need to be replaced. Specifically, the condition/adequacy of the tidal flood gates currently and going forward into the future (30 years) should be evaluated. Also, the condition/adequacy of any other mechanisms used to control or protect against flooding such as gates, dams and/or trenches should be fully investigated and evaluated. See Village of Mamaroneck LWRP Natural Resource Inventory at p. 17.
15. The Commission has concerns regarding public access to the site. This is proposed to be a private development. The status of the access roads should be confirmed, i.e. whether they will be public (Village) roads or private roads maintained by the HOA.
16. The Commission recommends that there be public access to the site including the development of bike paths and walking paths. The Commission recommends that public access to the site be preserved to the maximum extent practicable.
17. The DEIS should contain a more robust discussion on non-structural measures to address flooding.
18. There should be additional information concerning tidal flooding, storm and wave action, and sea level rise impacts on site and off site.
19. The DEIS Appendix addressing LWRP does not contain an in-depth analysis of how the proposed project complies with applicable policies. Each applicable policy should be fully addressed.
20. The Coastal Assessment Form should be reviewed, updated and/or corrected.
21. It is impossible to adequately review alternative concepts for the site without having additional information and analyses for those alternatives.



From: Sven Hoeger, Environmental Consultant to the HCZMC

To: Members of the HCZM Commission

Date: January 12, 2018

RE: Hampshire Country Club DEIS

The above referenced DEIS is, in my opinion, **not addressing the environmental policies of the Village of Mamaroneck LWRP to the fullest extent possible**. The DEIS in its statements and discussions of alternatives asserts that the proposed action is the best possible for environmental and economic reasons. Supporting this assertion are documents listed in the appendices (CD attached to the DEIS), which, when examined in detail, can be interpreted differently from the statements made in the DEIS. My detailed commentary on the environmental policies of the LWRP is listed below following a series of numbered comments that explain how I arrived at my interpretation of the DEIS.

1) Throughout the DEIS various area measurements are repeated frequently. It took me a while to make sense of them in the context of the entire site. I am therefore giving a summary of my understanding of the property and its current and future allocations as I read the document. The DEIS states that the entire site measures 106.2 acres. The Planned Residential Development applies to a 94.5 acre portion of the site (R-20 zoning). MR zoning, 4.4 acres and 7.3 acres in the Town of Mamaroneck (R-30) zoning complete the 106.2 acres. Building lots and roads will occupy 29 acres (page 3A-1). Future conditions will retain 36.8 acres of newly reconfigured golf course and a 36 acres set-aside of open space that preserves existing water features, such as ponds and ditches, for a total of 72.8 acres of open space. This open space refers to the entire property of 106.2 acres. The open space remaining on the R-20 zone is 65.5 acres (94.5 minus 29). The discussion of development versus open space should therefore more clearly state that the 7.3 acre portion of the site situated in the Town will not be touched by the development but will be counted toward the open space set-aside. It may also be important to note that overall an estimated 55.6 acres of the site will be physically impacted, including some of the open space areas (Page 3A-15). That disturbance number could also be 57.9 acres as stated in the Preliminary SWPPP.

2) The wetland assessment was done according to the Magee-Hollands Method protocol, which does take hydric soils into account, but does not examine their presence by taking soil samples and examining the soil coloration. Hydric soils are a determinant of wetland status, as stated clearly in the Village code, chapter 192, under the definition of wetlands. While I do not expect a drastically different delineation, there are likely areas of hydric soils that may have been missed with the currently applied method. I would like to inspect the site in person after all frost has left the ground and snow cover is gone to assure myself that the delineation did not miss areas of hydric soils.

3) The phase II Environmental Assessment mentions that practically the entire site has some arsenic, lead, and pesticide contamination, but fails to propose remedies for the 72.8 acres that are left undeveloped and are proposed for ongoing use as a golf course (36.8 acres) and as open space accessible for passive recreation (restricted to members of the future homeowner's association and club members). Note: The sample plot location map on page 716 of the report in appendix P is missing the sample plot number designations for plots 8, 9, 18 and 19.

4) More importantly, the DEIS states repeatedly and in detail in section 3K-2 “*Existing and Proposed Cover Types*”, under point 4 on page 3K7, that “*no significant adverse impacts to ecological resources on or adjacent to the project site are anticipated ....*”. The clustering of the development and the “*preservation*” of 36 acres of “*natural vegetation*” are proposed as “*primary wildlife mitigation*”. The word “*preservation*” of natural vegetation must be a misnomer, since table 3K-2 (page 3K-5) lists only 8.8 acres of the existing site as “*meadows, grasslands, or brushlands*”. It therefore stands to reason that the 36 acres of “*natural vegetation*” will be created as part of the landscaping plan. These 36 acres however are not contiguous, rather split into three disjunct parcels of roughly equal size spaced at equal distances in three corners at the perimeter of the property. They are effectively isolated from each other. The map (Appendix C – Existing Conditions Plan) shows the proposed allocation of preserved recreational, natural space, and golf fairways as interwoven, making the proposed “*open*” space very similar to the existing conditions – only significantly reduced in size. It would be more exact to make a statement that a total of 72.8 acres will be preserved in a similar character and with some improvements in landscaping as currently existing on the site. A very important difference to existing conditions is the fact that these 72.8 acres are no longer a cohesive unit. Advocating for migratory birds, wading birds, grazers, amphibians, reptiles and small mammals, it is important to see these three wetland/natural complexes from an animal’s perspective where they are rather separate from one another— especially when floating on a pond, stalking for worms at the shore or perched in a shrub. The mass of buildings, the roads – not to mention increased numbers of humans, their pets (CATS and dogs), and their vehicles, will provide formidable barriers for creatures which are not wing-endowed, such as amphibians (toads, frogs, salamanders), reptiles (turtles, snakes) and small mammals (mice, muskrat, opossums, etc.). **A meaningful, much better conceived and ecologically viable mitigation proposal would create a single set-aside preservation area, enhanced by natural vegetation and water features, even at the cost of losing existing water features elsewhere on the site to construction.**

5) On page 3K-3 the DEIS makes a statement about 28 bird species listed by the US Fish and Wildlife Service as potentially using the site during migrations. The DEIS correctly states that none of these species are “*rare or endangered*”, but omits to mention that ALL are flagged as “*Conservation Concerns*”(see Appendix L). In other words, these species are on a federal watch list and are regarded as vulnerable to disturbance and habitat loss. Their survival and conservation IS an important concern when making decisions concerning the future development of the site.

6) The DEIS also mentions proposed native plantings at the perimeter of ponds. Judging from the photos of those ponds and their connecting ditches, many of these plantings would not be directly connected to the water, but rather sitting high and dry above stone walls that define several of the aquatic features of the golf course. To have a meaningful ecological effect, many of these stonewalls would have to be removed, the adjacent land regraded to slope gently toward the water and then planted/seeded with native vegetation in accordance with a prevailing moisture gradient. This recommendation applies to ponds as well as ditches. A local example of how this was done along the Sheldrake River exists at the Bonnie Briar Golf Club in the Town of Mamaroneck.

7) While the Village of Mamaroneck does not have a tree preservation/replacement ordinance, the proposed one-for-one replacement of trees does not go far enough. Since only trees greater than 8 inches in diameter at breast height have been counted toward replacement, it is inevitable that at least an equal number of trees smaller than that size will be removed without replacement. It is also understood that the replaced trees will be replaced at smaller sizes, reducing the initial future canopy coverage dramatically. As a rule of thumb, the canopy of a tree increases exponentially as the tree trunk diameter increases. For example, a 4-inch caliper tree (the typical landscaping size) would only have a quarter of the canopy size of an 8-inch caliper tree (the minimum tree size counted for removal). If the applicant were to replace the canopy of

those trees counted for removal (432), and all of those were measured at only 8 inches in diameter, then at the very minimum the planting of at least 4 times as many trees as proposed would be required to adequately replace the lost canopy. That would amount to 1,728 replacement trees at 4-inch caliper size. In reality several of those removed trees will be larger than 8 inches, so that an even larger number of replacements would be required to truly reflect an ecologically equivalent replacement effort. This is not a mere numbers game, but a significant factor when considering the ecological impact the removal of existing trees will have on the environment and when planning for the enhancement and development of natural areas (preserved or created) on site. Tree removal also affects the water budget.

8) In its assessment of alternatives, when reviewing the non-development option, the applicant conjures up a situation whereby the golf course could not be maintained due to economic stress. In this case the DEIS, under the heading of "wildlife habitat" (p. 3K-4), states: *"Thus, without a custodian to manage these features of the Project Site, the existing habitat would become overgrown, and invasive species would be permitted to dominate the landscape, leading to an overall decrease in the quality of habitat"*. This of course is only the worst of the potential trajectories of natural development if the golf course would be left unattended. There are several other potential trajectories, some of which might be desirable from an ecological and even from an aesthetic point of view. Considering the following statement from New York State, an orderly conversion of the golf course into salt marsh by allowing frequent flooding may be one potential scenario if the development should not go forward: *"By 2100, scientists project sea levels 18 to 50 inches higher than today along New York's coastlines and estuaries, though a rise as high as 75 inches could occur."* (<http://www.dec.ny.gov/energy/45202.html>)

9) The proposed stormwater pollution prevention and water quality improvement features will indeed make a positive contribution to the waters of the Hommocks marshlands and of Long Island Sound. The amount of fertilizers and pesticides lavished on the average golf course in the course of one year alone is staggering. The proposed reduction (halving) of golf course alone will make a significant contribution to better water quality, given its location so close to these environmentally sensitive areas. I would however like to see the developer go one step further and consider committing the future operator of the 9-hole golf course to Integrated Pest Management (IPM) procedures in an even farther reaching water quality improvement goal.

In strictly commenting on the environmental aspects of the LWRP in detail, following are my remarks concerning the above referenced DEIS:

1) Policies 7 – 10 Fish and Wildlife Policies:

***Policy #7 Significant coastal fish and wildlife habitats, as identified on the N.Y. Coastal Area Map (when finalized), shall be protected, preserved, and where practical, restored so as to maintain their viability as habitats.***

**Commentary: This policy does not apply.**

***Policy #7a. Significant coastal fish and wildlife habitats, as identified in the LWRP, shall be protected, preserved, and where practical, restored so as to maintain their viability as habitats.***

**Commentary:** Delancey Cove and Greacan Point Marsh are the closest "Significant Fish and Wildlife Habitats" listed in the Village of Mamaroneck LWRP. The **Hommocks Saltmarsh Complex** is listed by the Town of Mamaroneck as a "Locally Important Fish and Wildlife Habitat". The **Hampshire Country Club** is listed by both municipalities as a "Critical Environmental Area", which requires special scrutiny when developmental action is proposed. While the proposed development does not directly impact on either of

the listed fish and wildlife habitat areas, its drainage into the Hommocks marshlands and into Delancey Cove does have a significant effect on fish and wildlife habitat surrounding the club. Additionally, the open landscape character of the golf course with its various water features, grasslands, lawns and miscellaneous landscaping (trees, shrubs) is an important habitat component to tie in with the surrounding protected areas. While only relatively few wildlife species will directly utilize the site, its open character will draw birds in and let them make use of the adjacent marshes and coves. In this respect it is a dual benefit bestowed to the general area that is derived from the existing character of the country club.

The proposed action has the potential to significantly improve the water quality discharged from the Hampshire CC property, but the clustering of the proposed development in the middle of the site will have a discouraging effect on migratory birds. The statement that 36 acres of natural area will be preserved is at best misleading, since only 8.8 acres of natural areas currently exist there. A more precise description of the proposed action would be the creation (and preservation) of three separate open space areas that each have water features, natural areas, and golf fairways and greens. These areas are not interconnected in an ecologically significant way. The mandate of Policy #7a to “*maintain their* (i.e Hommocks marshlands & Delancey Cove) *viability as habitats*” would be better served if the proposed 36 acres of natural areas and the 36.8 acres of golf course could be contiguous and bunched together near the Hommocks saltmarshes without a road intersecting them. **The proposed action is not fully compliant with this policy.**

***Policy #8.** Protect fish and wildlife resources in the coastal area from the introduction of hazardous wastes and other pollutants which bioaccumulate in the food chain or which cause significant sublethal or lethal effect on those resources.*

**Commentary:** **This policy applies and the plans are in compliance.** The stormwater runoff from the proposed development has the potential to pollute the Hommocks marshlands and Long Island Sound. The water quality controls comply with current stormwater quality regulations and are likely going to remove whatever pollutants would be generated at the site. Furthermore, the reduction of golf course area will reduce the potential for pesticide and fertilizer runoff into the Hommocks marshlands and Long Island Sound. Improvements to future management procedures (yet to be agreed to by the applicant) can produce even better water quality (Integrated Pest Management). The plans as presented in the DEIS are however in compliance with this policy.

Other Improvements are possible, since most of the soil samples taken for a Phase II site investigation showed metal and pesticide contamination exceeding limits for unrestricted use. Habitat creation and miscellaneous site work for stormwater controls outside of the “development” cluster will occur. Additional soil remediation should be considered to further reduce the risk of off-site contamination in waters of the Hommocks marshlands and of Long Island Sound.

***Policy # 9.** Expand recreational use of fish and wildlife resources in coastal areas by increasing access to existing resources, supplementing existing stocks and developing new resources. Such efforts shall be made in a manner which ensures the protection of renewable fish and wildlife resources and considers other activities dependent on them.*

**Commentary:** **This policy does not apply.**

*Policy # 10. Further develop commercial finfish, shellfish and crustacean resources in the coastal area.*

Commentary: **This policy does not apply.**

2) Policies 11 – 17 Flooding & Erosion Hazard Policies:

*Policy # 11. Buildings and other structures will be sited in the coastal area so as to minimize damage to property and the endangering of human lives caused by flooding.*

Commentary: The DEIS clearly states that the flooding risk has been taken into consideration and that significant amounts of soil will be imported into the site to raise buildings a minimum of 2 feet above the flood plain. **Unless deemed otherwise by the Village Engineer the plans presented in the DEIS are in compliance with this policy.**

*Policy # 12. Activities or development in the coastal area will be undertaken so as to minimize damage to natural resources and property from flooding and erosion by protecting natural protective features.*

Commentary: **This policy does not apply**

*Policy # 13. The construction or reconstruction of erosion protection structures shall be undertaken only if they have a reasonable probability of controlling erosion for at least thirty years.*

Commentary: **This policy does not apply.**

*Policy # 14. Activities and development, including the construction or reconstruction of erosion protection structures, shall be undertaken so that there will be no measurable increase in erosion or flooding at the site of such activities or development or at other locations.*

Commentary: **This policy is covered by the SWPPP, which will be reviewed by the Village Engineer.**

*Policy #17. (Policies #15 and 16 listed as are not applicable to the LWRP) Whenever possible, use nonstructural measures to minimize damage to natural resources and property from flooding and erosion. Such measures shall include: (i) the setback of buildings and structures; (ii) the planting of vegetation and the installation of sand fencing and draining; (iii) the reshaping of bluffs; and (iv) the floodproofing of buildings or their elevation above the base flood level.*

Commentary: **This policy does not apply**

3) Policies 30 – 44 Water & Air Resources policies:

*Policy #30. Municipal, industrial, and commercial discharge of pollutants, including but not limited to toxic and hazardous substances, into coastal waters will conform to State and National water quality standards.*

Commentary: Currently the occasional discharge of stormwater from the golf course (commercial operation) is likely to contain pollutants (pesticides and fertilizers) flowing into coastal waters. The proposed action will reduce these discharges. Further improvements (yet to be agreed to by the applicants) to future reductions in pollutants

from stormwater discharges can be achieved if integrated pest management procedures were to be introduced at the remaining 9-hole golf course. **The plans presented in the DEIS are in compliance with this policy.**

*Policy #31. State coastal area policies and the purposes of this local program will be considered while modifying water quality standards; however those waters already overburdened with contaminants will be recognized as being a development constraint.*  
Commentary: **This policy does not apply**

*Policy # 32. Not applicable*

*Policy # 33. Best Management practices will be used to ensure the control of stormwater runoff and combined sewer overflows draining into coastal waters.*

Commentary: The DEIS refers to a Preliminary Storm Water Pollution Prevention Plan (SWPPP) in compliance with temporary sediment and erosion control requirements during construction and permanent stormwater controls after the site has been developed. Both DEIS and Preliminary SWPPP list permanent water quality controls, such as CDS units as pretreatment and two each infiltration and bioretention basins. There are no combined sewers at this site. The Preliminary SWPPP will be reviewed by the Village Engineer for compliance with this policy and other Village code. **Unless deemed otherwise by the Village Engineer the plans presented in the DEIS are in compliance with this policy.**

*Policy #34. Discharge of waste materials from vessels into coastal waters will be limited so as to protect significant fish and wildlife habitats, recreational areas and water supply areas.*

Commentary: **This policy does not apply**

*Policy #35. Dredging and dredge spoil disposal in coastal waters will be undertaken in a manner that meets existing State and Federal dredging permit requirements, and protects significant fish and wildlife habitats, scenic resources, natural protective features, important agricultural lands, and wetlands.*

Commentary: **This policy does not apply**

*Policy #36. Activities to the shipment and storage of petroleum and other hazardous materials will be conducted in a manner that will prevent or at least minimize spills into coastal waters; all practicable efforts will be undertaken to expedite the cleanup of such discharges; and restitution for damages will be required when these spills occur.*

Commentary: Chapter IX of the Preliminary SWPPP details a Spill Prevention and Response plan for contractors during construction to be used in case of fuel oil, lubricants or hydraulic oils that could be conveyed into the Hommocks marshlands or Delancey Cove by way of the stormwater discharge systems. Additional permanent measures to prevent similar escapes of heating oils from the proposed development during storm events should be proposed. **The DEIS does not cover this issue sufficiently to satisfy this policy.**

*Policy #37. Best management practices will be utilized to minimize the nonpoint discharge of excess nutrients, organics, and eroded soil into coastal waters.*

Commentary: The DEIS refers to maintaining an existing system of ponds and ditches that will be augmented with additional infiltration and bioretention basins as permanent

Best Management Practices (BMPs) for erosion and sediment control. In addition the Preliminary SWPPP addresses temporary BMPs to be installed for the duration of construction until all permanent controls are in place and fully functional. **Unless deemed otherwise by the Village Engineer the plans presented in the DEIS are in compliance with this policy.**

*Policy #38. The quality and quantity of surface water and groundwater supplies will be conserved and protected, particularly where such waters constitute the primary or sole source of water supply.*

Commentary: All existing aquatic features and drainage systems will be retained and additional stormwater quantity and quality controls for runoff from new impervious surfaces will be installed in accordance with all local and state regulations. The Village Engineer will comment on these features in more detail. **Unless deemed otherwise by the Village Engineer the plans presented in the DEIS are in compliance with this policy.**

*Policy #39. The transport, storage treatment and disposal of solid wastes, particularly hazardous wastes, within coastal areas will be conducted in such a manner so as to protect groundwater and surface water supplies, significant fish and wildlife habitats, recreation areas, important agricultural land and scenic resources.*

Commentary: **This policy does not apply**

*Policies # 40 - #43. Not applicable*

*Policy #44. Preserve and protect tidal and freshwater wetlands and preserve the benefits derived from these areas.*

Commentary: **The applicant can do more to comply with the spirit and intent of this policy.** While the DEIS addresses the special status of the site as a Critical Environmental Area, the proposed set-asides and landscaping plans leave ample room for improvement. The Hampshire Country Club does not only serve as a freshwater drainage for the Hommocks marshlands and Delancey Cove, but also as an important signaling site for migratory birds that “here” is a safe habitat that can serve them as a stop-over point for resting and feeding during their migration. It is the contiguous size of the 106 acres of open space in conjunction with the Hommocks marshlands that signals that message to migratory birds. A reduction of the site by 29 acres required for the proposed development alone would not be such a large loss of habitat, but the siting of the development smack in the middle of the property does render it no longer as effective as a signaling site for migratory birds. The proposed siting of the development further splits the existing and proposed natural areas and open space into three ecologically isolated pockets – which changes the character of the site dramatically. The proposed access roads, additional humans and their pets only add to the dramatic changes. The proposed planting of native vegetation and landscaping (especially tree replacement and lack of grading along water features) leave much room for improvements. Functionally the mandated “preservation and protection” of existing freshwater wetlands is not fully adhered to as presented in the DEIS.

End of commentary

**Betty-Ann Sherer**

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**From:** Jeremy Arfield <arfieldj@yahoo.com>  
**Sent:** Sunday, April 22, 2018 5:19 PM  
**To:** Betty-Ann Sherer  
**Subject:** Formal submission of remarks from April 11 PB meeting  
**Attachments:** Planning Board Meeting - April 11 2018 FINAL.docx

Hello Betty-Ann,

I spoke at the April 11 Planning Board meeting and attached are my remarks, which I would like to formally submit for the record.

Thank you,

Jeremy Arfield  
1010 Cove Rd.  
Mamaroneck

April 11, 2018

Presented to the Planning Board and submitted for the record by Jeremy Arfield, resident of 1010 Cove Road, Mamaroneck, NY 10543

Good evening. My name is Jeremy Arfield. I live at 1010 Cove Road, which is one of the private roads being considered as an access road to the proposed development. I have lived on Orienta Point for 10 years and I appreciate the opportunity to address the Planning Board this evening.

I have attended nearly all of the public meetings on this topic for the last several years and I really only have one, simple question...Why?

Or, more specifically, why should this Village consider approving the current project or the condo alternative preferred by the developers? What benefits do these projects bring to all of the parties impacted?

**For the owners of Hampshire**, a private equity investment fund specializing in distressed real estate, and its real estate developer partners, the benefit is simple. They are seeking a positive return on investment for their institutional investors.

**For the potential buyers of the new homes being proposed**, the presumed benefit would be owning a nice home in a desirable community with excellent public schools. But, let's pause on that assumed benefit for a second. First, how nice would a home be when it is built on ground that is toxic? Second, would living in a flood plain be a nice place to have a home? And, really there is no question whether or not it will flood. The developers are already planning for evacuation routes for when it does. Damage to the properties is highly likely and would prospective homeowners be made aware that they were not only putting their homes, but also their lives at risk by living there? Third, I believe the desirability of our Village today would wane considerably as a result of the increased traffic in and out of the development and on the Boston Post Road, the further deterioration of the private roads that cannot handle the wear and tear of the limited amount of cars and trucks that travel on them today, and the strains this additional population will place on an already stretched infrastructure in our Village. And fourth, for these new homeowners, would the schools remain excellent? We have already heard from our schools' superintendent in the last public Planning Board meeting that when using correct assumptions for projected enrollment instead of flawed ones, this plan would add to overwhelming an already burdened school district. Class sizes would inevitably increase and the physical plant of our schools would strain under the additional number of students.

**For the Village of Mamaroneck and its residents, what will be the benefits?**

**Will it improve our schools?** No, the expectation is that the quality of education would deteriorate.

**Will it improve the existing traffic and road condition problems on Cove Road, Orienta Avenue, Eagle Knolls Road, Hommocks Road, Weaver Street, Boston Post Road, Old Boston Post Road,**

**and Cooper Avenue?** Undoubtedly, no. It will only exacerbate the problems we are already living with today.

**Will it improve our health and well-being?** Churning up toxic soil, bringing in thousands of cubic tons of questionable landfill, and increasing the level of air pollutants as a result of more traffic and the diesel trucks coming in and out of our Village all during construction would lead one to conclude that the health and well-being of all Village residents would be put at risk.

**Will it improve the property values for existing homeowners in the village?** Unlikely, as a result of the overpopulated schools, increased traffic, the elimination of a vast tract of open space in a critical, coastal environmental area and an immediate increase in the single family housing stock in the area.

**Will it bring increased tax revenue to the Village of Mamaroneck?** It seems the estimates of the tax gains presented to-date are negligible at best, even when the questionable methods are accepted. But, think about what will eat into those slim increases even if believed. Additional policing as a result of the population influx and the increased traffic. The need to invest in additional emergency services to handle the required response when the area inevitably floods. There will be a need to increase the investments in our schools in the short term and to grow their operating budgets going forward. There will be greater demand for sanitation, recycling, and snow removal services. Will the estimated tax increases from these homes really cover these additional costs? I do not see how that math works and it would be detrimental to all Village residents to not be absolutely certain that it actually does work in our favor.

**Will it improve the well-established, existing, flooding problems?** The answer to this question is the one the Planning Board needs to most seriously and thoughtfully consider. Remember, someone died as a result of the flooding that occurs in the area of planned development. When Hurricane Sandy came through, the neighborhoods surrounding Hampshire were under water. I saw, first-hand that the Hampshire property was completely flooded and it took weeks for the water to be pumped back into the Sound as it did not naturally recede when the tide went back out. If the developers fill those naturally occurring basins on the Hampshire property with landfill, where will the water go the next time? The surrounding neighborhoods during that event likely benefitted from the buffer that the flood plain on Hampshire provided. What will happen when that flood plain is gone? Will this planned development reduce the flooding potential and the associated risks or only make the pre-existing, dangerous situation worse?

As I stated in my opening remarks, I moved to Orienta ten years ago. What attracted me to the area was the strong community, the fantastic schools, and the natural beauty of a coastal location with protected undeveloped lands. I have greatly enjoyed living and raising a family here. However, as a resident I feel the responsibility of stewardship to protect and maintain all that makes Mamaroneck great for future generations of residents. I believe your commitment to the Planning Board evidences the same thing.

In these public hearings, we have heard from older residents, community volunteers, and elected government officials. I am greatly appreciative of how they performed in their roles and for what they put in place. They established protections for our flood plains and our coastal areas for a reason. They enacted zoning law protections for a reason. They clearly understood that these were needed to make our community strong, to make it safe, and to protect all of the elements of this Village that make it a desirable place to live. I, as a current resident, am thankful for their foresight and their intelligent decision-making. I also understand that as a current resident, I have an obligation to ensure, just like they did, that future generations of residents, families, children, and retirees get to enjoy this special place as much as we all do today.

So, I return to my original question. Why? Are we really considering a proposal that flies in the face of the objectives and values articulated in our Comprehensive Plan and LWRP [Local Waterfront Revitalization Program]? And I would note that with respect to the developer's preferred condo plan alternative, would we really consider rezoning and going against what previous residents put in place to make Mamaroneck what it is today – running the risk of similar rezoning of all marine recreation and marine commercial districts and turning our harbor into a changed landscape of high-rise condo buildings? For the current plan, are we really considering the illegal action of allowing a flood plain to be rendered useless with thousands of cubic yards of fill so private equity fund managers, real estate developers and investors who do not even live here can profit? Are we really okay with a plan that provides nothing but downsides for all Village residents, not just those who live close to the property?

And lastly, I want to leave you with a final question. Who in our community, other than the developers, wants this? I did not hear one voice at the last meeting support the current proposal. Until tonight, not one unbiased, truly objective person had come forward to say this is something that will benefit us all in Mamaroneck, or even a few. I think that is the most telling part of these proceedings and is something that the Planning Board should thoughtfully consider. I respect that property owners have the right to use and develop their property as they wish – but only so long as the use is permitted by law and secures necessary approvals. The current proposal is not permitted by law and should not be approved by the Planning Board. The developers cannot achieve their economic objectives by developing the property simply in accordance with current zoning so they are coming to you, the Planning Board, for approval of a cluster development that is subject to your approval on the basis that it is better for the community than a development built in accordance with established zoning. That is not the case here.

So, what is the outcome that I would like to see? I would like to see Hampshire return to its purpose and to have true club operators, and not distressed real estate fund owners, invest in the club itself. As we heard tonight, there is a group ready to purchase the Club and do just that. So, notwithstanding the self-serving rhetoric of the developers, there is an alternative to the proposed development and that alternative would truly preserve open space and provide a recreational area that members and guests can enjoy. I would also like to see Hampshire truly become a good neighbor to all Village residents and

an active partner in making Mamaroneck a better place to live instead of a group of faceless investors only trying to turn a profit for themselves on the backs of the infrastructure, schooling, and positive community attributes that our taxes support. For me, the answer is clear. Mamaroneck will only be a better place, for us today and for the future generations that will inevitable come, if we uphold and protect all that makes this place so special...like others before us have done.

**Betty-Ann Sherer**

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**From:** Andrew Kirwin <akirwin@attglobal.net>  
**Sent:** Monday, April 23, 2018 8:36 PM  
**To:** Betty-Ann Sherer  
**Cc:** Mayor Tom Murphy; Victor Tafur; Nora Lucas; Leon Potok; Keith Waitt  
**Subject:** Hampshire Development Project

**Follow Up Flag:** Flag for follow up  
**Flag Status:** Flagged

Dear Village of Mamaroneck Planning Board, Trustees and Mayor Murphy:

I am writing as a concerned parent, Little League coach and resident of the Village of Mamaroneck and Orienta Point where the Hampshire Country Club is located. I have resided in Orienta Point for 12 years. I have a 13 year-old son who is in the 8<sup>th</sup> grade at Hommocks Middle School and a 9 year-old daughter in the 4<sup>th</sup> grade at Central Elementary School. I have coached in the Larchmont/Mamaroneck Little League ("LMLL") for the past 8 years. I am a trustee of the Orienta Point Association but would like to be clear that the statement I am making is my own.

As a parent of school age children, I am deeply concerned with the impact this large proposed project will have on our community. It seems clear to me that there is a great deal of focus being placed on the issues of how much landfill will be needed, how many trucks will be needed to haul the fill to the site, the noise/pollution from the trucks and the potentially dirty fill. Additionally, I appreciate the continued focus on the issue of the contaminated soil in the proposed work site. I am hopeful the Planning Board will be able to obtain the answers that are needed to these particularly troubling issues. My expectation is that if you cannot make a determination that the work can be done safely and pursuant to all laws that the project will be rejected outright.

One issue that seems to not be getting the focus that it should be getting is the impact this project will have on our sports fields. For 8 years now, I have struggled to find adequate baseball/softball fields to conduct practices. With the limited space we have in the Village and the Town of Mamaroneck, the priority has to go to using the fields for games. So as coaches, we struggle to find patches of grass that we can practice on and hope that we are not violating any permit rules. LMLL is able to secure some space for practices each week and has put together an elaborate system to allocate the space amongst the many teams at each level. If you are lucky enough to quickly reserve a space you are blocked from reserving space for the next week. As I say to new coaches, act fast or you are blocked out.

Prior to the two public hearings, I had the opportunity to read the portion of the DEIS related to "Open Space and Recreation." It is clear to me and as noted at the April 11<sup>th</sup> public hearing, the information about the impact of the proposed development on our recreational facilities, in particular use of fields, needs to be corrected.

I am particularly troubled by the disingenuous statement the developer made indicating that the youth leagues had been contacted and no responses had been delivered. We have since learned that our various youth sports leagues had not been contacted with statements to the Planning Board from youth baseball, lacrosse and soccer. The President for Fields for Kids spoke on April 11<sup>th</sup> and indicated they were not contacted as well. Thus, the statement as to outreach should be corrected.

The extreme pressure the community faces on available fields was not described and should be addressed. Oddly, the only information provided in the DEIS on sports league impact was based on the numbers of participants in youth ice hockey (a total of 140 children). Youth hockey (i) does not use fields and (ii) has very small numbers of participants compared with those youth leagues that use fields (i.e., little league baseball, soccer, football and lacrosse). Therefore, the extrapolation from hockey participation to calculate the number of children from the proposed development activity is inapt. Information on participation in field sports for each season should be used to extrapolate the number of additional children that would participate in field sports. I have no doubt that a proper investigation on the potential increase in the use of our fields will show that the development would generate much more than the 2-3 children estimated in the DEIS.

Bill Nachtigal, the president of LMLL has written that from their experience they would expect “25-30%” of the school age children in the development to participate in baseball or softball. He wrote that the “increased participation will no doubt put additional demand on our already overburdened field resources.” Similarly, the Board of the Larchmont Mamaroneck Football Club wrote that “certain members of the club's leadership have expressed serious reservations about the likely increase in traffic in and around the Hommocks grass fields, which are utilized extensively by the players, families and supporters of the LMFC in the fall and spring, as well as related considerations.”

Alarmingly, Christopher B. Glinski of Larchmont Mamaroneck Youth Lacrosse has written that with the expected influx of children, “there is the very real possibility that we will not be able to accommodate all of the kids interested in playing lacrosse. It’s also possible that we will need to eliminate portions of our program due to losing our current allocation of field time as overall field demand from various sports programs increases.”

It appears that the developer has attempted to mislead the Planning Board on the issue of field space. The Planning Board and the community need reliable information to evaluate the impact of the project in this regard.

I thank you in advance for your hard work on considering the DEIS and the true impact this development will have on our Community.

Very truly yours,

Andrew Kirwin  
624 Forest Avenue  
Mamaroneck