



April 16, 2019

**Via Electronic Mail**

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and Members of the Village of Mamaroneck Planning Board  
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**Re: Hampshire Country Club – Planned Residential Development**

Dear Acting Chairman and Members of the Planning Board:

As you know, this firm represents Hampshire Recreation, LLC (“Hampshire”) in connection with its Application to develop a planned residential community (“Project”) on a portion of the Hampshire Country Club property (“Property”).

Hampshire is submitting today under separate cover a revised proposed Final Environmental Impact Statement (“pFEIS”), responding to the 19-page matrix provided by your Board’s planning consultant on January 25, 2019. The January 2019 matrix contained comments on the original pFEIS Hampshire submitted in October 2018, including remarks solicited from Project opponents well after the public comment period on the DEIS had closed. Given that the FEIS “completeness” process has already lasted 6 months, we expect that the Board will place this matter on its April 24, 2019 meeting agenda so that the review of the pFEIS may conclude in an expeditious manner as envisioned by the SEQRA Regulations.

In addition to the responses contained in the pFEIS, we are submitting this letter because we believe that it has become necessary to summarize the Record evidence as it relates to floodplain management and Project density. Based upon the minutes of the DEIS Public Hearings, as well as the videos of your Board’s pFEIS Work Sessions, we have identified the following reoccurring questions that continue to be raised despite the fact that they are addressed by data already contained in the EIS:

**A) Potential Displacement of Flood Waters  
Post-Construction – i.e., the “Bathtub” Example**

Hampshire has devoted substantial time and resources during the SEQRA process evaluating floodplain management at the Property, as well as presenting this data to the Board. The Record developed demonstrates that the Project would not increase flood hazard impacts on any adjacent properties. Despite the Village’s engineering experts concurring with the results of the floodplain modeling, Board Members continue to question whether Hampshire’s proposed development would result in significant adverse flooding impacts.

Mr. Mendes, for example, has opined on several occasions that the Property acts as a “bathtub” to collect flood waters or “surge” from the Long Island Sound during large storm events. He has questioned whether the development of the proposed fill platform within this “tub” will displace the flood storage area, and redirect water onto adjacent properties. Specifically, during the April 11, 2018 Public Hearing on the DEIS, Mr. Mendes indicated that he:

“[N]eeded to see where this water is going to go. If this [i.e., the Property] was a tub and there is a five foot wall around the edges. Once you put all these platforms, somebody is going to get that water, right?”

April 11, 2018 DEIS Public Hearing at 3:55:10.

This question has been answered in the negative by Hampshire’s experts, as well as your Board’s experts, on multiple occasions during your Board’s review of the EIS. The illustration of “where this water is going to go” is contained in the Coastal Flooding Hydraulic Analysis, dated April 26, 2016, prepared by VHB Engineering, and annexed to the DEIS as Appendix J (“VHB Flood Model”). Using established FEMA base flood elevation modeling (both existing and projected), VHB assessed potential changes in existing flooding patterns and flows due to the proposed development under both a 100-year and 500-year flood event.<sup>1</sup> VHB inputted this data into wave height and flood elevation modeling, using methodology developed by FEMA. See DEIS Appendix J, at 2-3.

The VHB Flood Model has demonstrated that construction of the Project would not increase flood elevations at any location adjacent to the Property. *Id.*, at 8-9. In some locations, the “wave heights” during 100-year and 500-year storm surges would *decrease* due to the improvements on the Property associated with the Project. *Id.* Accordingly, VHB concluded that the Project “does not adversely impact the expected flood elevations of adjacent properties under current and future FIS [i.e., FEMA Flood Insurance Studies] conditions.” *Id.*; see also October

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<sup>1</sup> It should be noted that flood elevations during Hurricane Sandy were recorded at or below a 100-year storm event. See October 2018 pFEIS, Response G.11. Several commenters have suggested that the VHB Flood Model did not take into account a “super storm” akin to Hurricane Sandy. As the empirical data in the VHB Flood Model demonstrates, the Record contains an analysis of potential flood events above the flooding experienced during Hurricane Sandy.

2018 preliminary Final Environmental Impact Statement (“October 2018 pFEIS”), Responses in Chapter 3G (Floodplains).

**In other words, the Project would not significantly affect the water levels in the “bathtub,” or otherwise redirect flood surge onto adjacent properties.**

During your Board’s January 9, 2019 Work Session on the October 2018 pFEIS, Mr. Mendes again inquired regarding whether Hampshire evaluated whether the Project would result in the displacement of flood waters:

“Sandy was a big storm because of rain and also because a surge of water. My issue is the volume of water that gets displaced. You have [a] bathtub. Once mounds are built, all cubic feet of water that comes in has to be displaced to go somewhere else. Is there a study that shows me how water is being displaced onto neighboring properties?”

January 9, 2019 Planning Board Work Session (Item 6 & 7), starting at 18:50.

In response, your Board’s expert consultant from The Chazen Companies confirmed that the VHB Flood Model in Hampshire’s DEIS demonstrates that the proposed fill associated with the Project would not displace a significant amount of flood water during storm events. Id. As Chazen explained, the “math” underlying the VHB Flood Model establishes that the volume of water from the Long Island Sound pushed onto the Property during a major storm is not going to change even with the construction of the roads and building platform associated with the Project. Id.

In response to Mr. Mendes expressing his continued skepticism of VHB’s evaluation during this exchange on January 9<sup>th</sup>, your Board’s own expert stated:

**“All I can tell you is that from a SEQRA standpoint, they [i.e., VHB] did the modeling, and we think it is right.”**

Id. at 21:56 (emphasis added).

Notwithstanding your own expert’s opinion, Mr. Mendes used your Board’s January 23, 2019 Work Session to continue to question whether the Record contained empirical proof that flood waters would not be redirected towards adjacent properties post-construction. Mr. Mendes stated:

“My problem is when I have a surge of water, like Sandy was . . . together with rain. It [i.e., the Property] fills up that bathtub. And the water cannot go anywhere. That’s what I’m talking about . . . Will the water find the path of least resistance through other [adjacent] properties? That’s what I’m talking about.”

January 23, 2019 Work Session (Item 4A), at 31:00 to 32:33.

In response, an engineer from Chazen confirmed, once again, that the VHB Flood Model demonstrated that the development of roads and the building platform associated with the Project would not result in the displacement of any flood water onto adjacent properties. Id. at 33:42.

As the above experts from your Board's various meetings demonstrate, the question of whether the Project would result in displacement of flood waters onto adjacent properties during major storm events has been the subject of significant scientific and expert scrutiny during the SEQRA process. No further analysis or narratives are necessary to address the proverbial "bathtub" question in the pFEIS. Both VHB and Chazen agree that the "math" in the VHB Flood Modeling is accurate. This empirical data already demonstrates that the Project would not cause new, or exacerbate existing, flooding conditions on adjacent properties during storm events.

**B) Flood Patterns on Neighborhood Roads**

Members of the Planning Board have also questioned whether the Project would result in greater flooding on adjacent roadways due to the proposed development on the Property. During the January 9, 2019 Work Session, for example, Mr. Mendes posited that the Project would intensify "erosion" on area roadways and/or render the roadways leading to the Property impassible due to flooding during "100-year storms." See January 9, 2019 Work Session, at 22:05-23:12. Similarly, at the January 23, 2019 Work Session, certain Board Members questioned whether the Project would change the "pathway" of flood waters during major storm events as tides rise and then recede back to the Long Island Sound. See January 23, 2019 Work Session, at 48:50.

As the VHB Flood Model establishes, the proposed development on the Property would not exacerbate wave runup or wave heights outside of the Project boundary during flood events. See VHB Flood Model, at 8. Nor would flood elevations rise at off-site locations, including any area roadways, as a result of the Project. Id. Flood pathways and elevations in the neighborhood are influenced by the volume of water in the Long Island Sound pushed landward during major storm events. Again, your Board's experts do not dispute the methodology or findings in the VHB Flood Model.

The data in the EIS demonstrates, therefore, that the current flood pathways and elevations on area roads during major storm events would not change as a result of the Project. Hampshire is not proposing to change the elevation of any road off of the Property, or otherwise implement improvements that would affect flood levels in the neighborhood. To the extent that any off-site roadway is rendered temporarily impassible due to a significant storm event in the future, the data establishes that such condition would not be attributable to the Project.

While many of the existing houses in the Orienta neighborhood are located on roadways that are inundated by pre-existing flood conditions during major events (including several homes that were built after receiving approvals from the Village over the last few years), Hampshire's proposed residences would be located along roadways on the Property that are

elevated above the base flood elevation. DEIS p. 3G-4 – 3G-6, Appx. J; October 2018 pFEIS p. 1-2 – 1-3 and Responses in Chapter 3G (Floodplains). In addition, the proposed houses would also be elevated above even the highest future 100-year flood elevations predicted by federal and state authorities. Id. These measures ensure that the new houses on the Property would not suffer significant damage or other hazards during a period of “worst case” flooding in a 100-year storm event.

### C) Project Density

Another question that has been posited and answered on multiple occasions by Hampshire is whether the proposed 105-unit density complies with the Village’s Zoning Regulations. The Village’s PRD Regulations expressly state that the “maximum density” of this Project must be calculated by dividing the gross area of the subject parcel by the minimum lot size requirement of the zoning district in which the subject property is located. The maximum density at the Subject Property under the Village’s Zoning Code, therefore, would be 205 units (i.e., 94.5 acres (the gross area of the Subject Property) divided by 20,000 square feet (the minimum lot size requirement in the R-20 district) equals 205.8). Your Board’s planning expert has confirmed that Hampshire’s calculation of the maximum density under the PRD Regulations is the “correct application of your zoning law.” See January 9, 2019 Work Session, 46:30-47:20.

While the maximum permitted density at the Subject Property within the R-20 District is 205 units, the Planning Board is permitted to reduce the density where the empirical data and other objective evidence in the Record demonstrate that a reduced density would address identified concerns about “environmental limitations, traffic access, the use and character of adjoining land or other planning considerations.” See Village Zoning Code § 342-52(C). The empirical data and other objective evidence in the Record before this Board demonstrates that the proposed 105-unit layout is the proper density to respect the various environmental and planning objectives governing density cited in Section 342-52(C). By way of example:

- Environmental limitations of the Project Site: The Project Site is located within a Critical Environmental Area (CEA) due to its location in the floodplain and proximity to Long Island Sound. In addition, the ponds and wetland areas on the Project Site have been identified as sensitive environmental features. As set forth in detail in Chapter 3L of the DEIS, Hampshire’s proposed development is designed to limit any potential impact to all of these features on the Project Site. By limiting the residential development on the 94.5-acre Project Site to 105 units, all wetlands and ponds would be preserved. There would be at least 100 feet of buffer area surrounding these features (with the exception of a small portion of the tennis courts that would be located within the 100-foot buffer area). Some of the existing golf holes would also remain within the 100-foot buffer area, in their pre-existing locations. Also, as discussed above, the Proposed Action would not impact current flooding conditions in the floodplain.

The Project Site also currently contains significant elevation changes in limited areas. Steep slopes of between 15% and 25% are clustered in the center of the golf course, southwest of the homes along Fairway Lane, and surrounding the accessory building and pool area of the clubhouse down to the Long Island Sound and to Cove Road. Some of the steep slopes

and bedrock features would be reduced to grade to accommodate the proposed buildings and roadways. The steep slopes surrounding the clubhouse accessory building and pool area would be left unchanged under the Proposed Action.

In addition, the proposed layout would also preserve over 30 acres of open space (including some of the area disturbed by construction, discussed above). Four hundred and thirty-two trees would be planted in this open space to provide vegetative buffers between the new residential buildings and the neighboring properties. This open space would provide improved natural habitat and opportunities for passive recreation for all community members.

- Consistent with adjoining land: The proposed residential layout is designed to generally match the mix of uses on properties adjoining the Project Site. The majority of the carriage homes on the Project Site would be located at the northwest side of the development. The property adjoining the northwest portion of the Project Site is developed with the Fairway Green condominiums. Fairway Green contains 54 townhouses on approximately 10.7 acres of land, with an approximate density of five units per acre. The remaining 16 carriage house units would be located at the south end of the Project Site, adjacent to several single-family homes along Eagle Knolls Road, and the club facilities. The Orienta neighborhood centered on Orienta Avenue is located to the northeast of the Project Site. The majority of the single-family homes developed on the Project Site would be located on the portion of the property directly adjacent to the Orienta neighborhood. The Orienta neighborhood consists of single-family homes on 15,000-square foot lots. Comparatively, the single-family homes in the proposed development would be constructed on a minimum of 10,000-square foot lots. The nearest home on this side of the Project Site would be at least 150 feet away from the Orienta Neighborhood. Finally, the relocated tennis courts on the Project Site would be directly adjacent to the existing membership club uses in the MR District.
- Traffic Access: The improved Cove Road would enhance east-west access for current neighbors on either side of Hampshire Country Club by elevating low-lying portions of the road above the floodplain, improving road pavement conditions, providing sidewalks, and providing roadways to accommodate multi-modal transportation. The Proposed Action would also provide new emergency access using Cooper Avenue. Finally, the Traffic Impact Assessment demonstrates that the addition of 105 units on the Project Site would not result in a significant adverse impact on traffic operating conditions at key intersections surrounding the Project Site. DEIS Appendix M, Traffic Impact Study, page 3.

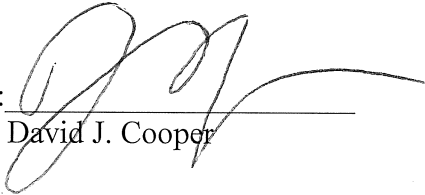
### Conclusion

We are providing the above summary to re-emphasize the work that Hampshire's experts, in consultation with your Board and its consultants, have undertaken to evaluate every single comment that has been raised throughout the SEQRA review. This includes the various questions that have been continually raised relating to floodplain management and Project density. The Record contains substantial evidence demonstrating that the potential impacts identified by your Board in the SEQRA Scope have been evaluated and addressed.

Respectfully, it would be contrary to the intent of the SEQRA process to continue to disregard the technical information summarized above already provided by the Applicant and endorsed by your Board's own consultants. See WEOK Broad. Corp. v. Planning Bd. of Town of Lloyd, 79 N.Y.2d 373, 583 N.Y.S.2d 170, 176 (1992) ("decision makers must not be given the freedom to either ignore or disregard the information that the environmental review process was designed to elicit if the process is to have any meaning.") (citation omitted).

Respectfully Submitted,

ZARIN & STEINMETZ

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