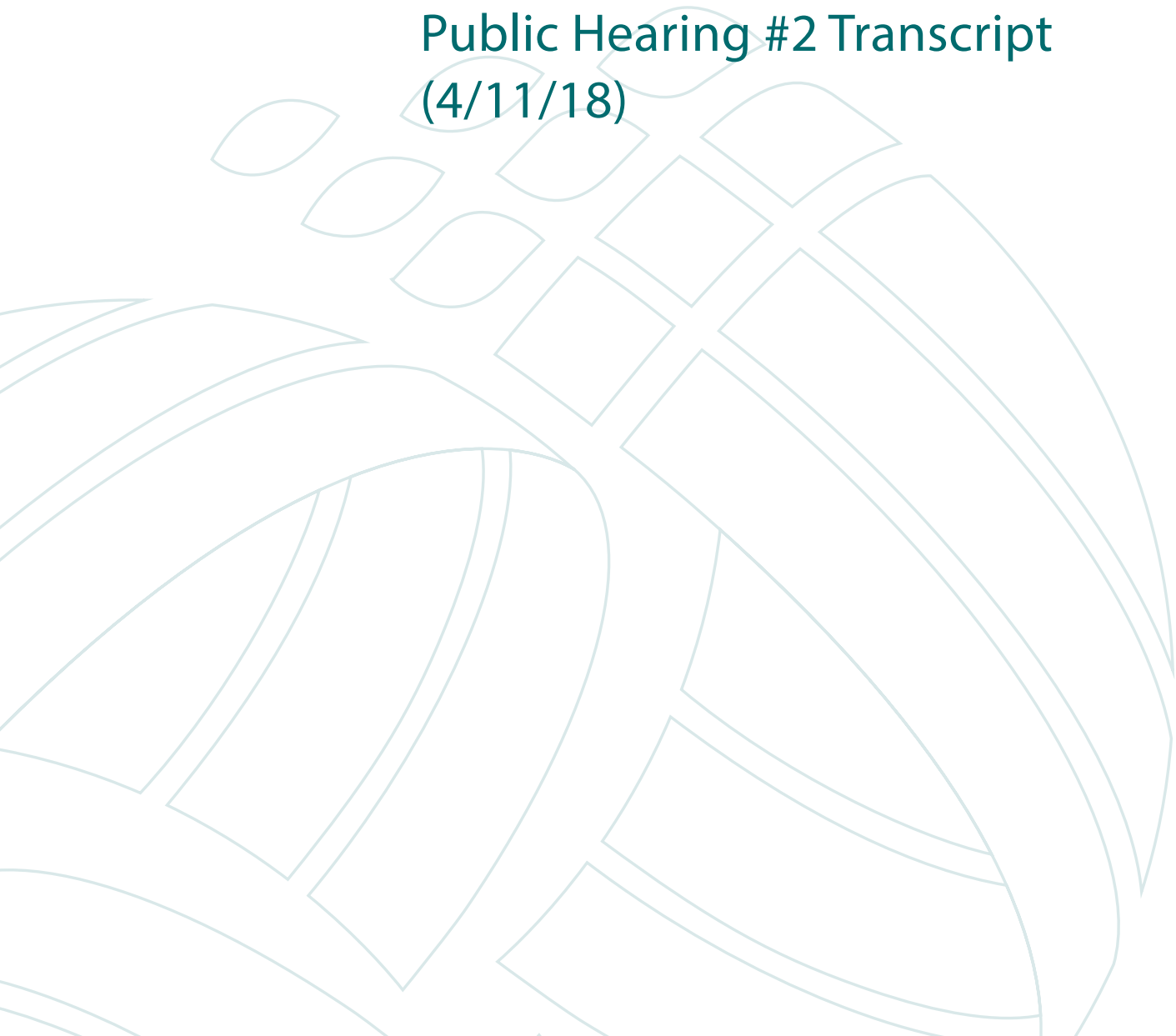


A Transcripts of Public Hearings

Public Hearing #1- Transcript (2/14/18)

Public Hearing #2 Transcript (4/11/18)



VILLAGE OF MAMARONECK
PLANNING BOARD

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HAMPSHIRE COUNTRY CLUB - 1025 COVE ROAD (SECTION 9,
BLOCK 35, LOT 700; SECTION 9, BLOCK 36, LOT 1;
SECTION 9, BLOCK 42, LOTS 568, 695 AND 367; SECTION
9, BLOCK 43, LOTS 1 AND 12) APPLICATION FOR A
PROPOSED SUBDIVISION, SITE PLAN AND SPECIAL PERMIT.
PUBLIC HEARING FOR THE DRAFT ENVIRONMENTAL IMPACT
STATEMENT SUBMITTED DECEMBER 2017.

-----X

February 14, 2018
Village of Mamaroneck
169 Mt. Pleasant Avenue
Mamaroneck, New York 10543
7:13 p.m.

B E F O R E:

VILLAGE OF MAMARONECK PLANNING BOARD:

INGEMAR SJUNNEMARK
LOU MENDES
KATHLEEN SAVOLT
RICHARD LITMAN
STUART MESINGER, CONSULTING PLANNER
GREG CUTLER, VILLAGE PLANNER
LESTER STEINMAN, ESQ., LAND USE ATTORNEY

ZARIN & STEINMETZ
Attorneys for the Applicant
HAMPSHIRE COUNTRY CLUB
81 Main Street, Suite 415
White Plains, New York 10601
DAVID COOPER, ESQ.
KATELYN E. CIOLINO, ESQ.

Ilana Michael Nathanson, Court Reporter

1 HAMPSHIRE COUNTRY CLUB - PUBLIC HEARING

2 MR. SJUNNEMARK: So the first 30 minutes
3 will be given to the applicant to state their
4 case. After that, we have a dignitary here,
5 which is the superintendent of the Mamaroneck
6 School System, and he will be given time to
7 address his concerns.

8 After that, the Mamaroneck Coastal and
9 Environment Coalition is given one hour to make
10 a presentation. The reason for that is that
11 they have some of the technical specialists.
12 They have people who understand the stormwater,
13 the traffic, the -- all these things that
14 everybody's wondering about and think that
15 there may be a problem with. So we are giving
16 them one hour to prep -- to present their
17 comments.

18 And I hope -- we were hoping that this may
19 mean that there will be not so many comments or
20 so many questions about the same thing from the
21 general public later on. Of course, you can
22 say that you agree. But please, once we get to
23 the individual comments, please try to limit
24 yourself to five minutes. And if five minutes
25 is not enough, you can come back again and make

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2 -- take another five minutes and sign up on the
3 sheet again. But we'll try to, at least, be
4 out of here by 11:00 tonight, and that is
5 the -- the time when we have to leave this
6 facility.

7 So with that in mind, we'll ask the
8 applicant to start the presentation.

9 Yeah. What?

10 MR. STEINMAN: Before we do that, I think
11 we've got to a couple of things. First, we
12 want to make a motion to open the public
13 hearing on the DEIS.

14 MR. SJUNNEMARK: I think we should do that
15 after we heard the applicant; right?

16 MR. STEINMAN: I think this is part of the
17 public hearing. So --

18 MR. SJUNNEMARK: I see. All right.

19 So then can I have a motion to open the
20 public hearing on the --

21 MR. LITMAN: So moved.

22 MR. SJUNNEMARK: Okay. And second?

23 MS. SAVOLT: I'll second.

24 MR. SJUNNEMARK: And Richard?

25 MR. LITMAN: Yes.

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MR. SJUNNEMARK: Kathy?

MS. SAVOLT: Yes.

MR. SJUNNEMARK: Lou?

MR. MENDES: Yes.

MR. SJUNNEMARK: And I say yes.

Now we're officially in business.

MR. STEINMAN: One other item: By way of -- just by way of explanation, tonight's meeting is a public hearing on the applicant's proposal to build a 105-unit planned residential development.

The purpose of this public hearing is to give the public an opportunity to speak, to make their comments, but do not expect answers tonight. But you will get answered in writing. Every comment that is made tonight will be responded to as part of the final environmental impact statement.

MR. SJUNNEMARK: By the applicant, of course.

MR. STEINMAN: By the applicant, subject to the approval of the planning board, because the final document is the planning board's document. So the process tonight will be to

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2 make your comments.

3 There is a stenographer here. So
4 everything you say is being taken down. There
5 will be a complete record of tonight's meeting.
6 And as the chair already said, because of the
7 turnout that the -- at the end of the night,
8 the meeting will be -- the public hearing will
9 be continued to March 14th. Okay.

10 MR. SJUNNEMARK: So with that in mind, may
11 we ask the applicant to state his or her -- his
12 case?

13 MR. COOPER: Let me start.

14 And everybody can hear me? Is this mic
15 working? Got some nods. Good.

16 Mr. Chairman, members of the board, good
17 evening. My name is David Cooper from the law
18 firm of Zarin & Steinmetz, here representing
19 Hampshire Country Club, the applicant here. We
20 are representing them in connection with this
21 application for a 105-unit planned residential
22 development. We are here tonight, of course,
23 for the public hearing on the DEIS.

24 Let me just start by introducing
25 Hampshire's team. The full team is here

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tonight, although, we're, sort of, all in the area over here. But with me is Dan Pfeffer and Susan Goldberger from Hampshire, in the middle there, Mike Junghans, the project engineer from Kimley-Horn, who we will be hearing from, John Canning, traffic engineer also from Kimley-Horn, who you'll be hearing from tonight, and Valerie Monastra, the project planner from VHB, who you will also be hearing from tonight, and my colleague Katelyn Ciolino, who's also here with us tonight.

Let me just -- I would like to take you through a brief overview of the -- of the impact analysis in the DEIS and set the stage for tonight so that -- I think there are a couple of impact areas that the board will be most interested in, and we wanted to present that to you, and then, obviously, open it up, as Mr. Chairman has already described.

Procedurally, we submitted -- or Hampshire submitted a site plan and subdivision application to your board back in 2015. The proposal is to develop 44 single-family homes and 61 carriage homes on a portion of the

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2 property located in the R-20 District, which is
3 subject to the PRD regulations.

4 The plan would preserve six holes of the
5 golf course. Currently it's an 18-hole golf
6 course, and --

7 MR. SJUNNEMARK: I read nine.

8 MR. COOPER: Did I say 18? 9. Thank you.

9 MR. SJUNNEMARK: You said six.

10 MR. COOPER: Did I say six? Well, that's
11 as far as I can play and then they kick me off.
12 But it is nine, and the -- and the club would
13 remain in operation.

14 Your board is serving as the lead agency
15 in this matter, and you adopted a scope for the
16 DEIS, which is, essentially, a table of
17 contents as to what your board wants to see in
18 the EIS. The environmental impact statement
19 provides the areas of environmental concern
20 that you wanted us -- our team to focus on as
21 well as the methodology that you wanted us to
22 use to evaluate those areas of concern.

23 The purpose of the DEIS or the goal of the
24 DEIS is to quantify the magnitude of potential
25 environmental impacts and where -- and to

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determine that an impact is potentially significant, identify mitigation measures which can minimize or avoid that impact. And so the large volume -- three volumes of documents you have before you is, sort of, a symptomatic study of those areas of concerns. You've asked us to take a look at, amongst many others, but to highlight floodplain management, traffic in and out of the site, use of open space, fiscal impacts such as additional schoolchildren impacts and tax revenue.

You've also asked us to evaluate various alternatives, which is a requirement of SEQRA. The purpose is to identify if there are any reasonable, feasible alternative for configurations which would further minimize or avoid potential impacts associated with the project. Any alternative, of course, must still satisfy the goal of the applicant; in this case, a residential -- adding a residential component to the golf course and the club itself. So the alternatives all have that component associated with it, because that would be consistent with what the applicant is

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2 seeking.

3 We've -- Hampshire evaluated several
4 variations on the PRD plan as well as
5 conventional subdivision plans as well as the
6 previously proposed open space condominium
7 plan. There's a chart in the DEIS which lays
8 out all of the impacts associated with each
9 alternative and a comparative analysis. Our
10 experts will take you through that analysis
11 towards the end of the app -- the presentation.

12 I want to make a note on the condominium
13 plan. Originally, as your board probably
14 knows, a condominium plan or the condominium
15 plan that's one of the alternatives was
16 submitted to the village board or previous
17 village board by Hampshire. We started an
18 application. That would require a zoning
19 amendment, so it went to the village board.

20 The prior board refused to entertain that
21 application, and so indicated that we should
22 present an application to your board.

23 Obviously, we would need to present an
24 application that is consistent with the zoning
25 or meets the zoning. So had to change --

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2 Hampshire had to change course and is now
3 pursuing the PRD plan which is before your
4 board.

5 It is an alternative that is evaluated in
6 the DEIS. Of course, it would require village
7 board -- the village board adopting some type
8 of zoning or zoning amendment to allow it in
9 order for that to become a feasible
10 alternative. However, it is still included in
11 this document.

12 Recently, Hampshire engaged in a book tour
13 of the DEIS in the last couple of weeks,
14 meeting with various stakeholders in the
15 community ahead of the public hearing. Various
16 concerns were addressed or were raised,
17 specifically schoolchildren, generation of
18 schoolchildren in any type of residential
19 development, preservation of open space, and
20 many -- you know, there was a bunch of --
21 excuse me -- led to discussions of the condo
22 plan. Not going to hide that. The condo plan
23 is certainly still out there.

24 One of the -- one of the items which is
25 not in the DEIS, because these conversations

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2 occurred afterwards, but we can certainly start
3 taking you through it, are measures to ensure
4 or to address the concerns particularly about
5 schoolchildren, the generation of
6 schoolchildren. Although the condos would be
7 marketed to empty nesters, Hampshire has also
8 indicated publicly that they would be willing
9 to restrict that type of development to 55 and
10 older to address and certainly significantly
11 reduce the number of schoolchildren, if any,
12 that could be -- could be living in that type
13 of development. When we go through the
14 alternatives, Valerie will take you through
15 assumptions how that would also change relative
16 impacts associated with the condo plan and
17 compared to the proposed plan and the various
18 other alternatives as well.

19 Before turning it over to the design team,
20 I wanted to just summarize the zoning aspect
21 here. It is -- it is an important part of the
22 DEIS, and it is presented in the DEIS, but I
23 think it just bears just a little bit of
24 summary so that it sets the stage. This plan
25 is proposed under your PRD or plan residential

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2 development regulations. The purpose of those
3 regulations are to allow design flexibility and
4 to encourage a variety of residential types
5 while still preserving sensitive environmental
6 features on a site, and this is taken from your
7 regulations.

8 The -- your board may waive typical or
9 traditional bulk and area requirements as part
10 of the approval if you find that the layout is
11 more appropriate and would preserve certain
12 areas that they found -- deemed significant or
13 important to preserve. The R-20 portion of the
14 property, which is about 94.5 acres, qualifies
15 for this type of development, and so the
16 proposal before you, the 105-unit proposal is a
17 planned residential development.

18 Under your regulations, the maximum
19 density of a planned residential development is
20 calculated by dividing the gross lot area by
21 the minimum lot size in the underlying -- the
22 underlying zone. So in this case, R-20, 20,000
23 square feet. The permitted density under
24 that -- under that calculation will be 205
25 units, and that may be reduced by your board in

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your discretion where you've identified environmental limitations on the site, traffic access, character of adjoining -- adjoining land, and other planning concerns that would -- obviously, that are documented in the record, but that would lead the board to say the maximum amount of density is too high, and we believe a lower density is justified or warranted here.

The reason why we are proposing 105 units as opposed to 205 units is because we already, we believe or submit, have undertaken that analysis to try to identify and find a layout that would preserve those sensitive areas, those areas identified as sensitive throughout the various planning documents, comprehensive plans, et cetera. A lot of that is really what the DEIS spells out, from the engineering to the planning, et cetera, as to why the 105-unit layout would be appropriate.

So with that in mind, what I'm going to do is turn it over to Mike Junghans, the project engineer, to take you through the site plan -- the proposed site plan and some of the

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2 engineering details.

3 MR. SJUNNEMARK: Thank you.

4 MR. COOPER: Oh, yeah. Can we -- sorry.
5 We forgot to turn the powerpoint on the first
6 time. Is there any way we can control it or --
7 only because -- oh, great. Okay.

8 MR. JUNGHANS: We apologize in advance for
9 hitting anybody with the laser pointer. Going
10 to be pointing at the plans to try to point out
11 some features.

12 So do you have to advance it?

13 MR. CUTLER: Should be able to click it.

14 MR. JUNGHANS: There it goes.

15 All right. Up on the screen now is the --

16 AUDIENCE SPEAKER: Can you speak closer to
17 the microphone?

18 (Indiscernible.)

19 MR. JUNGHANS: Up on the screen now is a
20 colored version of the proposed action site
21 plan. Just to orient people in the room, north
22 is -- is up in this case. On the right side of
23 the drawing here is Cove Road entering the
24 site. On the left side of the site is Hommocks
25 Road leading to Eagle Knolls Road, and then the

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connection at the top here is to Cooper.

I'm just going to advance. And first, I'd just like to go through the existing plan. This is a little hard to read, so I think I'm going to skip it. This is the aerial for the site. It's awfully difficult to read. I think the site plans are probably better.

Let me just start with the existing condition, just to give a little background into the site. The site today is about 105 acres. Today, at the south end of the site here, is the existing clubhouse. The remainder of the site is the existing 18-hole golf course, Hampshire Country Club.

To the west, directly here, is the -- is Hommocks School. Today, Cove Road enters the site at the east, travels west, meets up with Eagle Knolls Road, and then connects down to the west, to Hommocks. As I noted before, there's an existing entrance today on Cooper which accesses the maintenance facility to the site. So today we have three points which enter the site at Cove, Hommocks to Eagle Knolls, and then at Cooper.

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2 The site today is a tidally-gated site.
3 Elevations on site are between zero and about
4 30. At low tide, the gates open up, so any
5 accumulated water during a storm event exits
6 the site at that point. The gates hold the
7 water from the tidal outside of the site. So
8 that's how this site can be down at Elevation 0
9 and is generally dry during normal years.

10 The site today is adjacent to the Delancey
11 Cove which is on the south. I don't know why
12 that keeps flickering.

13 Drainage from the site today exits the
14 site in two locations. The top side of the
15 site here exits through Delancey Cove, through
16 the tidal gates. The western part of the site
17 here exits through another set of tidal gates
18 which are underneath the sports fields in
19 Hommocks School. Those are also in the case of
20 a flood event, which I'll talk a little more
21 about as we move forward, how water also gets
22 into the site.

23 You have low line marsh areas to the west
24 here, and then you have Delancey Cove here.
25 When there's a heavy flood event on this site,

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tidal floods are what controls a flood elevation here. If you have a tidal surge, which is what FEMA uses to determine what the flood elevation is for the site, that is going to be dictated by the elevation of the Long Island Sound. This is different than in other parts of the town where flood elevations are dictated by river flow.

In a river flow situation, if you add fill into the cross section of the river, the reaction will be to raise the flood elevation. On this site, since the flood elevation is governed by the Long Island Sound, additional fill into the site makes no difference to what the resulting flood elevation is. It's all driven by tidal water, which is very typical to the area, and I'll have a couple of examples I need to speak about also as we move forward. It's an important aspect as we move forward and we talk about the proposed plan.

This, again, is the proposed plan. I don't know why it keeps flickering.

The yellow in the middle of the site are the proposed single-family houses. On the

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extended rows, call them the spokes from the central, are where the townhouses are going to be.

The plan proposes a relocation of Cove Road, which currently comes into the site to the west. It relocates it up and around the middle of the site, creating the core of the development.

The site also envisions a relocation of Eagle Knolls Road -- Eagle Knolls Road, which extends through the site this way today. Were going to relocate Eagle Knolls Road into this leg right here. We also propose an extension of Cooper and then a new road in this location.

Now, when we developed this plan, clearly, flooding was our largest concern. Today, the clubhouse is up on a very tall piece of property. During any flood event, the clubhouse does not flood, because it's on a very tall mound. We took the same approach when we developed this development plan. What we're doing is we're building a platform through the middle of the site in the areas where we show the residential units to lift the

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2 roadways and the buildings up above the flood.

3 Today, the regulatory flood elevation for
4 this site is Elevation 12, which means FEMA has
5 dictated, based on their studies, that we --
6 anything above Elevation 12 is considered above
7 the regulatory. Anything below is under the
8 regulatory. So to be confident and to be sure
9 moving forward, we elevated everything
10 considerably above that flood. All the
11 buildings that are proposed here are at
12 Elevation 16 or better, four feet above the
13 regulatory flood. The roads are at Elevation
14 14. Again, above the regulatory flood.

15 This does a number of things that are very
16 advantageous and that help, actually, not only
17 this development, but the surrounding
18 neighborhood. If we were to have a 100-year
19 flood event, this is what the extent of
20 flooding would look like. The blue are the
21 areas that would be inundated. The areas
22 outside the development platform are going to
23 be left low as they are today.

24 Now, what's going to happen is that the
25 road, as I mentioned, is at Elevation 14

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minimum, which is two feet above the flood elevation, and the buildings are all at 16. So in case of a 100-year storm, we're well above it. And what it does provide also is an access out to Cooper that is in excess of the 100-year flood elevation. That currently doesn't exist in this location.

What it also provides for adjacent neighborhoods, if you live over here on Hommocks or if you live in this location on Cove, you're going to have the ability to traverse through the site and exit out Cooper in the case of a flood event. As I mentioned, the introduction of the fill doesn't make any -- any difference to the flood elevation experienced on site, because that is all dictated by tidal surge.

Now, why did we set these flood el -- these buildings so high relative to the flood? As everyone has heard, obviously there's a lot of concern about ri -- sea rise in the future. There are a number of studies out there, but, frankly, nobody knows what the actual answer is. All we can go by is the studies.

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2 Conservative studies have shown -- and one
3 that can be noted is NYSERDA did a study
4 looking at flood elevations in the next 30 and
5 60 years. They concluded that if you use a
6 conservative model, you would expect in the
7 next 50 years to get approximately one to
8 two feet of rise. If you would go with a more
9 aggressive model, which is called the rapid ice
10 melt model, you get melts up -- that would
11 increase the elevation up to four feet.

12 In my personal opinion, I don't believe
13 it's going to go more than two feet. But in
14 this plan, we were conservative, and we set all
15 the buildings at a minimum of four feet above
16 the regulatory flood elevation. Therefore,
17 this plan provides plenty of freeboard in case
18 that elevation is exceeded over what is
19 expected. All the buildings, again, are
20 four feet above regulatory flood elevation.

21 This building -- this site also is going
22 to provide a number of additional benefits to
23 the stormwater. This site is going to provide
24 stormwater -- obviously, treatment for all.
25 The use will actually improve the water

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quality.

The other concern here is that there has been identified arsenic contamination on the site. Arsenic contamination is a very typical contamination. Back in the '50s and before, arsenic was used as a typical pesticide. If you go to any apple orchard that is being redeveloped, arsenic is a very common problem.

And at the levels we find on this site, arsenic is only a concern in a residential use. In the areas of this site that are going to remain a golf course, as noted, the perimeter of the site is actually going to be -- pardon me -- I think nine holes will be -- be maintained around the perimeter of this site. In those areas, clean up of that contamination is not required. It's only in the residential areas in the center of the site.

And how we propose to handle that is: After we identify those areas, we have several locations that will be delineated, and the total content of soil will be identified. Those areas of soil will be placed underneath the development platform and covered with clean

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fill.

Arsenic is a contaminant, stays bound up in the soil, and does not travel. If you bury it under clean fill, it is not a health concern, at all. So this plan will address and consolidate that underneath the development platform and will not be a concern moving forward.

Fill to this site is -- as estimated now is about 84,000 cubic yards. That number is actually fairly modest. That number -- the fill is actually brought together through a couple of factors.

We're taking the high points on the site within the developing areas, and we're regrading them. We're bringing additional on-site fill, bringing additional fill on site, and we're creating these development platforms.

All the proposed residences will also have basements that will offset the fill, but the basements will be noted to be non-dwelling basements. They're going to be strictly storage. Anything below that elevation is going to be a sealed basement, used only for

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2 storage.

3 Just as a point of comparison, the
4 feasibility of this can be compared to another
5 project. I don't know if anybody's aware of
6 the Lighthouse Landing project in Tarrytown.
7 That site is 60 acres, considerably smaller
8 than this one. It resides in a tidal zone on
9 the Hudson River. That site, so far, is
10 actually lifting the entire site out of the
11 flood elevation.

12 They have brought onto the 60-acre site,
13 at this point, about 250,000 cubic yards.
14 Instead of what we're doing, we're developing a
15 very selective development platform for these
16 houses -- on that site, they brought the entire
17 site up, and this is over the course of about
18 three years. They've been able to bring in
19 that kind of fill. This is a very feasible,
20 very proven approach, especially in tidal
21 approaches like this, where the addition of
22 fill does not affect the flood.

23 Included in the DEIS for your inspection
24 is also a full modeling report which uses the
25 FEMA model that has been updated to include the

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proposed grading for this development, and the model was ran, and it showed no impact to the flood elevations of the surrounding properties. This is not going to be a detriment, at all. Actually, in my opinion, it would actually be an asset to the local neighborhood as far as providing additional access during a flood event.

AUDIENCE SPEAKER: Additional what?

AUDIENCE SPEAKER 2: Access.

MR. JUNGHANS: All right. Thank you.

MR. SJUNNEMARK: So I guess we have ten more minutes now for the applicant to present their case.

MR. CANNING: Thank you, Mr. Chairman.

For the record, my name is John Canning. I work for Kimley-Horn. I'm a professional engineer licensed to practice in the state of New York. I prepared the traffic impact study that's contained in the DEIS.

The study was extensive. It evaluated the project's impacts. It was based on a scope that included public input and was adopted by this board.

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The methodology and the various components of the traffic study were reviewed and commented on by the village's consultant, and we responded to all of their comments before the DEIS was accepted and released to the public. The traffic study included traffic counts at seven key intersections including intersections of Boston Post Road with Weaver Street, Richbell Road, Orienta Avenue, and Delancey Avenue. The traffic counts were conducted when school was in session and included both pedestrian and automobile traffic.

Based on the Institute of Transportation engineer's data and accounting for the reduction of golf course activity, during the weekday peak hours, the proposed 105-unit development is projected to generate 61 trips during the morning peak hour and as many as 73 trips during the afternoon peak hour, from 5 p.m. to 6 p.m. The site will be provided access to the regional roadway network via both Hommocks Road and Orienta Avenue. Cooper Avenue will not be used to access the site

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unless there is a bona fide emergency.

Based on review of area traffic volumes and the consideration of area traffic infrastructure, it is expected that 55 percent of project traffic will use Eagle Knolls Road and Hommocks Road to access the site and 45 percent will use East Cove Road and Orienta Avenue; thus, no one roadway will be subject to all project traffic and a maximum of no more than 38 trips will be added to any of the studied intersections. This is slightly more than one vehicle every two minutes in the peak hour.

With the addition of this traffic, delays of the studied intersections were calculated to increase by only one second or less, and there will be no changes in level of service. Based on our experience with similar projects where a significant volume of fill was being imported to the site, during the busiest construction periods, we expect an average of less than ten trucks moving material into the site per day. Trucks will be required to use I-95 and U.S. Route 1 to approach the site and to access the

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2 site via Hommocks Road.

3 Construction truck arrival and departure
4 activity will be contractually forbidden from
5 arrival -- arriving or departing during periods
6 of the greatest traffic activity at the school.
7 The traffic study, which is in the DEIS,
8 concluded that the project, as proposed, will
9 not have a significant adverse impact on area
10 traffic operating conditions.

11 Thank you.

12 MS. MONASTRA: Good even --

13 MR. SJUNNEMARK: And there's one more
14 presentation from the applicant?

15 AUDIENCE SPEAKER: Yes.

16 MR. SJUNNEMARK: Okay.

17 MS. MONASTRA: My name is Valerie
18 Monastra. I work for VHB, and I helped
19 undertake the SEQRA analysis for this
20 particular project.

21 So I just wanted to touch a little
22 bit --

23 AUDIENCE SPEAKER: We can't hear.

24 MS. MONASTRA: So I just wanted to touch a
25 little bit about the alternatives that were

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identified in the DEIS.

Just to give a little background, I know we've been talking about the PRD development. It's going to have 105 units. The areas of disturbance for the proposed action is 55.6 acres. This will include the preservation of the nine-hole golf course.

The projected number of residents for this particular -- for our proposed project of 335 residents, and we anticipate taxes to be generated on the order of \$5.2 million. Just for reference, the current taxes are actually only \$345,000. So, clearly, this will be an increase of \$4.8 million worth of taxes.

The public schoolchildren that are anticipated as part of this project are 57 schoolchildren, but we'd like to make a note that the carriage homes, which are 61 units, they are actually being designed specifically for empty nesters.

One of the things that we're specifically doing is making sure that we include master bedrooms on the first floor so that it would be full first-floor living. Although, as part of

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2 the DEIS analysis, we do -- we are required to
3 look at this particular development as if it's
4 a typical subdivision development.

5 The PRD development will actually
6 preserve, including with the golf course and
7 open space, 72.5 acres. One of the first
8 alternatives we were asked to take a look at
9 was actual conventional subdivision under the
10 R-20 Zone, which is what it's currently zoned.
11 Doing that would still allow for 106
12 single-family residents; however, the area of
13 disturbance would increase to 68.2 acres. The
14 projected residents would increase to about 389
15 residents, and the projected public
16 schoolchildren would be 93, and this is due to
17 the fact that these units would be higher and
18 we would no longer have the carriage homes.
19 And only 37 acres of open space would be
20 provided in this particular alternative.

21 We were also asked to look at the R-20 in
22 a clustered subdivision. Except in this
23 particular situation, it would be all
24 single-family homes and no carriage homes. In
25 this, you would still have 106 single-family

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homes. The area of disturbance would be 52 acres. However, you would -- the golf course would be eliminated, and the projected number of residents would be 389 with public schoolchildren also still being in the range of 93 schoolchildren.

The fourth -- or the third alternative we were asked to look at was to look at an R-30 Zoning. This zoning would assume 30,000 square feet for each lot. This is not -- this would also require rezoning from the village board. This would have 85 single-family homes. The area of disturbance would be 78 acres. The projected residents would be 312 residents. However, the golf course would also be eliminated. The public schoolchildren here would still be higher than our proposed action. This is also due to the fact that the units would also be larger, so that is projected for 74 schoolchildren, and there would only be 25 acres of open space.

The fourth alternative we were look -- asked to look at was a clustered subdivision under an R-30 Zone. And again, this would

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still be 85 units, single-family units. The area of disturbance would be 50 acres, so it would decrease. However, the number of schoolchildren would still remain at 74, and there would be 51 acres of open space, which would still be less than our proposed development.

We were also asked to take a look at providing no fill onto the site and clustering that under the R-20 Zone. This would allow for, again, a 106 carriage homes to be developed. The area of disturbance would only be 36 acres. The projected number of residents would be 300 residents. However, this would also eliminate the golf course, and the public schoolchildren would be about 30, and there would be 73 acres of open space. So while this would be a little bit less of impacts than the proposed development -- but it would eliminate the golf course.

And then, finally, the last alternative we were asked to look at was the rezoning for condominium development. This would preserve the golf course, all 18 holes. It would be 121

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2 units of condominiums. The area of disturbance
3 would only be 11 acres. The projected number
4 of residents would only be 259 residents. The
5 public schoolchildren, if it doesn't go for a
6 55 and older, would be 20, but as -- right now,
7 as David Cooper mentioned, the applicant is
8 looking at doing 55 and over age-restricted,
9 which would have zero schoolchildren as a part
10 of the project. And in addition, if you have
11 55 and over, it would decrease the trip
12 generation somewhere on the order between 5 and
13 15 percent reduction.

14 Thank you.

15 MR. SJUNNEMARK: Thank you.

16 MR. COOPER: So, Mr. Chairman, all I would
17 say is that's the DEIS in a nutshell, but thank
18 you.

19 Obviously, and Lester already said it
20 too, stole my thunder, but tonight we are here
21 to listen, and there's a stenographer here to
22 take everything down. We will not be able to
23 respond to any comment in real time.

24 Obviously, we will then --

25 MR. SJUNNEMARK: Oh, we don't expect you

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2 to either.

3 MR. COOPER: Right.

4 So all I would say is, obviously, you
5 know, we'll listen to everything. Wait til you
6 hear what's said tonight and our reply, and I'm
7 sure your experts and your independent counsel
8 and experts can evaluate the empirical data and
9 everything else that's going to be in the FEIS
10 when we come back to you.

11 MR. SJUNNEMARK: You will be presented
12 with all the comments, and you will have a
13 chance to take your time and respond to each
14 one of them.

15 MR. COOPER: And we look forward to it.

16 MR. SJUNNEMARK: Thank you very much for
17 your presentation. Okay.

18 So now we will ask the superintendent for
19 the Mamaroneck School System to come up and say
20 a few words to us.

21 DR. SHAPS: So thank you, and good
22 evening. I appreciate the opportunity to
23 address the board.

24 I'm certainly -- I'm here this evening on
25 behalf of -- excuse me. I have a bit of

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2 laryngitis. I'm here on behalf of over 5,600
3 students in our school system, 3,300 --
4 approximately 3,300 families, certainly the
5 residents of our communities, and I'm here with
6 Board President Melany Gray who is joining me
7 this evening to talk about school impact.

8 I want to start off by saying that I had
9 the opportunity a year ago to speak to
10 representatives of the development to talk
11 about school impact. At the time, my
12 comment -- you know, our brief conversation by
13 phone really raised concerns about the
14 methodology, the Rutgers methodology, to
15 predict school impact. And I'm going talk on
16 specific terms about what is included in the
17 DEIS tonight and challenge some of the
18 assumptions that were included in the report
19 and talk about our calculations as well,
20 alternative methodologies.

21 So the first thing I want to say is that
22 the summary of enrollment or long-term
23 enrollment change included in the DEIS is not
24 accurate. Certainly, the reports referenced
25 two guides to a ten-year period of enrollment

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or population change for the school system. It talked about a measured enrollment growth for Mamaroneck, which is one outlier of the Westchester County region.

Just to clarify, what was predicted over a ten-year period of 2010 to 2020, that four percent, in reality, over the last seven years, has been a 13-percent increase. We have gained over 600 students in that time period, which is equivalent to one additional elementary school coming online in our school system. So right off the bat, when you talk about accuracy or projections, I can tell you in a -- in less than ten-year period, we've seen extraordinary growth, and that growth continues as we speak.

The second thing I want to talk about is the reference to the -- what I would say is consistent enrollment at Central Elementary School, which is certainly part of this DEIS. As a reference point, it talks about peak enrollment of Central School from 1998/1999 at 537 students, I believe. This last year alone, we've seen an increase in Central, over a one-year period from September to September, of

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4.7 percent as a school. We are now at 512 students.

When we look and use our projections over the total enrollment change entering kindergartens for the next five years in the district, beginning in two years, we will see over 500 students per class. Just to give you a sense of historical data, prior to the last three years, from the period of, really, 2010 to 2014, we had a incoming total cohort in our -- in our school system, no more than 390 students. This September, we welcomed 472 kindergarten students in all four schools combined.

But let me speak to specifics about the methodology used. As I mentioned, the -- the report references the Rutgers University urban policy research to construct the demographic multipliers. It's important to point out that that methodology is based on two -- Year 2000 census data which certainly is outdated and is not necessarily used to predict future enrollment beyond 2015.

I want to introduce and mention that in

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2015, the industry presented the ESI demographic multipliers. That is for each individual state. And we conducted our own method using the ESI multipliers, conducted our own impact analysis, which looked far different based on the first proposal that was presented this evening, and I want to comment on that.

The second thing I just want to mention: Beyond the fact that the data -- the multipliers are built on 2000 census data, in talking to demographers, clearly you have to consider and calculate high-value school district multipliers as well. That is a factor of about 1.1 percent. And so when you consider the adjusted multipliers for the 2015 ESI analysis plus the high district, you will find from this proposal a range using 87 percent, which, for public school, anywhere from 74 to 91 students right off the bat in terms of predictions. So it's vastly or significantly different from the 57 students that is presented in this report.

I also want to mention with my time that we are talking tonight about this particular

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2 development proposal, but I have to look at the
3 broader context of what is occurring within the
4 village and the three municipalities.

5 I had the opportunity to receive from Greg
6 Cutler, who's here this evening, a summary of
7 all development projects. And as I said to the
8 Board of Education, if you consider the 15
9 projects that are planned, approved, and
10 proposed, in addition to the 105 that is in
11 this proposal, you're talking about 270 units.
12 And I would say, individually, each one of
13 these projects may not be detrimental in terms
14 of impacting enrollment, but, as I alluded to,
15 the notion of death by a thousand cuts. When
16 you take the 15 projects plan and the 270
17 units, I can tell you that we are very
18 concerned about the overall impact on the
19 schools.

20 As I said before, for the last decade,
21 we've appreciated about 300 -- anywhere from
22 353 to 390 grade-level cohort students. In
23 September, we adjusted from 420 then to
24 December, 450, to 472 students who arrived in
25 kindergarten. We see for the next several

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2 years that growing and continuing to impact our
3 space availability and -- and not only that,
4 the budgetary impact of trying to present a
5 budget to our taxpayers within the tax cap law
6 that limits our amount of growth and certainly
7 directs our ability to deliver program and
8 maintain the quality of our schools.

9 So I'd be happy to and will provide you
10 with a detailed analysis using the ESI
11 multipliers and high value to show you the
12 range and how we look at it. I would urge you
13 to, kind of, abandon the Rutgers methodology
14 when there's current methodology that is now
15 the standard. The sample size is larger. It
16 provides for less variability in the analysis,
17 and I think it will give you a clear picture of
18 the potential impact.

19 And so I will say that I think I've used
20 all my time, but I'm certainly welcoming the
21 opportunity to submit a written statement to
22 the board.

23 MR. SJUNNEMARK: I think we would like
24 that very much, yes.

25 DR. SHAPS: Thank you very much.

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2 MR. SJUNNEMARK: Appreciate it very much.

3 With that, I will welcome representatives
4 for the Mamaroneck Coastal and Environment
5 Coalition to come up and present their case.
6 We have given them one hour, and same thing
7 applies for them as for the individual
8 speakers. If they exceed one hour, they'll
9 have to come back. And I don't think we -- it
10 would be proper to let the public to wait for
11 two hours before they can have their say.

12 So with that, go ahead, please.

13 MR. KASS: Mr. Chairman, thank you.

14 Stephen Kass from Carter, Ledyard &
15 Milburn, counsel for MCEC. Before I begin, a
16 word, if I may, about timing.

17 I spoke with your counsel, Mr. Steinman,
18 the other day, and he advised me that we could
19 have up to 75 minutes.

20 MR. STEINMAN: Mr. Kass, may I stop you
21 right there?

22 MR. KASS: May I finish?

23 MR. STEINMAN: I advised you to cut it
24 into an hour, and the chairman has made the
25 determination. That was the discussion. I

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2 didn't guarantee you anything. I didn't
3 promise you anything.

4 MR. KASS: Mr. Steinman did not promise me
5 anything. He told me that the chair had
6 approved 75 minutes and --

7 MR. SJUNNEMARK: I have not approved 75
8 minutes.

9 MR. STEINMAN: I did not tell you that.

10 MR. KASS: He would appreciate it if we
11 could try and keep it to an hour. I said we
12 would try, but I didn't think we could.

13 MR. SJUNNEMARK: Well, if you can't do
14 that, then you have to come back.

15 MR. KASS: Mr. Chairman, I also note that
16 the applicant began his conversation,
17 Mr. Cooper, at shortly after ten after 8 and
18 completed at ten of 9. That is 40 minutes. So
19 I would appreciate, since you gave him 30 and
20 he went 40, we could do 70, 75, if I may.

21 We have people who are here this evening,
22 Mr. Chairman. They are professional
23 consultants. I was relying upon my
24 conversation with Mr. Steinman, and I see you
25 gave the applicant more time than he was

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allowed.

MR. SJUNNEMARK: Why don't you get started then?

MR. KASS: I'm prepared to start right now, if we may.

MR. SJUNNEMARK: Please do that then.

MR. KASS: Thank you.

Mr. Chairman, members of the planning board, and ladies and gentlemen, tonight's hearing is on the draft environmental impact statement rather than on a subdivision plan. However, we will show that the DEIS fails to meet the requirements of the State Environmental Quality Review Act, SEQRA, that the EIS identify any significant impacts of a proposed action and compare those impacts to those of a reasonable range of alternatives.

We will also show that the DEIS and the project itself are, one, based on false, indeed, contradictory economic projections, are inconsistent with the village's comprehensive plan and zoning expectations, three, are environmentally irresponsible, and four, are unlawful under both New York State and Village

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Law.

Specifically, we intend to show, and believe we will, that, first, contrary to the DEIS, the existing Hampshire Club, with its 18-hole golf course, is financially feasible and that a club with a nine-hole course is not feasible. Second, contrary to the DEIS, the village's comprehensive plan contemplates either recreational open space or low-density development for this critical environmental area, not the high-density development of the sort proposed by this applicant. Third, contrary to the DEIS, this project would, one, require massive amounts of fill to be imported to the floodplain for more -- and far more than the 80,000 -- 84,000 cubic yards conceded by the applicant; two, the projects will require the disturbance of soil and groundwater that is likely already contaminated from many years of golf course treatment; three, the project will present risks of exposure to those contaminants including arsenic, pesticides, and methane to homeowners and their families when the project is completed and to neighbors and

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schoolchildren during construction.

The project will require not 10 or 20 truck trips a day. It will require, we believe, up to 280 truck trips a day for almost a year and immediately past the Hommocks School playgrounds and the already-congested Weaver Street/Boston Post Road intersection, and with significantly -- put -- traffic, air quality, and noise impacts that the DEIS completely fails to analyze. Fifth, the project will expose a large number of new residents to the risk that they will be unable to leave their neighborhood or be accessible to emergency vehicles in the event of another coastal storm surge like Sandy.

And, by the way, let me interpolate here that raising the roads to 14 feet will not help if there's a three-foot sea level rise, not to mention a four-foot sea level rise.

In addition, as the superintendent has already made clear, we believe the EIS is deficient in failing to note the overcrowding of the existing Mamaroneck School District, which this project is going to exacerbate.

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In addition, let me say that, contrary to the DEIS, the applicant's proposed project is unlawful and simply may not be constructed because, one, the project is in blatant and gross violation of Village Code Section 186-5c which prohibits placement of fill below the floodplain where that would reduce the hydrological storage capacity of the site, precisely what this applicant is proposing. In fact, the applicant here is seeking to deposit, according to our best estimates, almost 239,000 cubic yards of fill below the floodplain. Not 100 yards. Not 1,000 yards. 239,000 yards of fill. They concede about 80, but we think the number's almost 240,000 cubic yards of fill below the floodplain in this critical environmental area.

That, by the way, when is -- when compacted would displace approximately more than 45 million gallons of water. Just to give you a sense of the scope of that, the entire capacity of the Harbor Island sewage treatment plant is 20 million gallons, or less than half of the storage capacity that would be lost

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here.

As my colleague, Karen Meara, will explain in detail, the project's proposed density also far exceeds the density permissible under New York State Law and the density contemplated by Village Law. When corrected to comply with those laws, the permissible number of units that could lawfully and practically be built on this critical environmental area is much less than that complained by -- claimed by the applicant for both its project and the so-called No Fill Alternative F included in the DEIS.

When further corrected to comply with Section 186-5, banned on the reduction of hydrological storage capacity, we believe that the total number of homes that could realistically and lawfully be built in this site is approximately 21 homes, not the 105 proposed by the applicant.

Three, the project's ingress and egress is entirely dependent on three private roads, Cove, Cooper, and Eagles Knolls, for which Hampshire Club has, at best, only an implied

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2 easement for its country club use. Any change
3 of use for those roads to service a large-scale
4 residential subdivision requires a consent of
5 the adjacent owners of those roads, which the
6 applicant has not and we are confident will not
7 secure.

8 Four: The amendment or replacement of the
9 existing Hampshire Club lease for the entire
10 site requires the consent of the club's
11 separate not-for-profit corporation so that
12 that corporation can continue to operate the
13 clubhouse and the truncated nine-hole golf
14 course. That consent is not possible under New
15 York Law so long as the directors of the
16 non-profit corporation are affiliated with the
17 applicant, as we believe they are and as they
18 have been for some time.

19 Independent directors with fiduciary
20 duties to the club's membership are hardly
21 likely to approve a new club lease, as we will
22 show, will almost certainly destroy the
23 existing club. In view of these serious and,
24 we believe, fatal problems with the applicant's
25 proposal, the planning board not only should

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2 but must deny the present application. Apart
3 from its clear violations of State and Village
4 Law and its conflicts with the village
5 comprehensive plan and zoning code, the
6 planning board could not possibly make the
7 statutory finding required under the State
8 Environmental Quality Review Act that, from
9 among the reasonable alternatives, the proposed
10 action avoids or minimizes adverse
11 environmental impacts to the maximum degree
12 feasible.

13 Now a word more about alternatives. The
14 so-called as-of-right alternative, B, in the
15 DEIS both destroys the site's open space and
16 violates Section 186-5, while the so-called no
17 fill alternative, F, grossly overstates any
18 conceivably permitted density on that
19 alternative's reduced building platform.
20 Indeed, we believe that the appropriate and
21 permissible density on that platform is 21
22 units, even under the R-20 Zoning.

23 Alternative G, the applicant's wished-for
24 condominium plan, has a density five or six
25 times that actually feasible and permissible on

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the R-20 portion of the site and depicts an alternative that the village board of trustees has already declined to entertain, as the applicant recognized. In the supplemental draft environmental impact statement that we believe is required here, any such condominium alternative should be scaled at the same density, approximately 21 units, as the number of single-family homes actually permitted and feasible on this site.

In short, the planning board cannot reasonably or responsibly make the findings required by SEQRA for this application. It can and must deny the present application and require the applicant, if it so wishes, to resubmit a legally-permissible proposal with a supplemental or revised DEIS that more accurately describes the impact of the project and compares those impacts to reasonable and lawful alternatives with a density comparable to that feasible on this critical environmental area.

Now, with that overview, Mr. Chairman, let me now introduce the other members of our team

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who will address you this evening. Our first speaker will be Gene Krekorian, who is a noted expert on golf course economics. He will be followed by Lisa Liquori, an experienced planner from Fine Associates. Neil Porto will follow Lisa. He's an experienced engineer with TY Lin International, and he will be followed by Charles Rich from CA Rich, Incorporated.

After that, my colleagues Christine Fazio, who has an extensive air quality experience, including service at EPA in the air quality field, and Karen Meara, a land use colleague who has been involved with this project, will address you. Our final speaker will be Celia Felsher, the president of MCEC.

Thank you, Mr. Chairman. I look forward to the rest of the presentation, in hopes we will complete it in time.

MR. KREKORIAN: Good evening. My name is Gene Krekorian. I'm a principal with Pro Forma Advisors, a national commercial recreation economic consulting firm. The firm specializes in golf course and club economics, and I'm here because we were asked to evaluate a series of

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issues with respect to the economics of Hampshire Country Club. In particular, we have assessed the economic viability of the existing club, with 18 holes, as well as the viability of the club with a nine-hole golf course.

First, it should be acknowledged that the national and regional golf markets have softened considerably over the last 15 years. Nonetheless, the regional market, the New York metro market, in general, has fared better than the national market both in terms of participation and play levels. Moreover, the golf market, at this point, appears weather-adjusted to be reaching a point of stability. And while there still is some correction going on in the market, we are reasonably optimistic that things have stabilized.

Hampshire Country Club, with an 18-hole golf course and operated as a not-for-profit, non-equity club, is economically viable. This assumes a membership level that's consistent at about 250 golf members with what has been achieved in recent historical activity at the

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2 club.

3 We project that the net operating
4 income -- and that is defined as net income
5 before interest, taxes, depreciation,
6 amortization, any sort of internal rent or
7 preferred returns on capital -- that net
8 operating income is projected for the 18-hole
9 golf course at about \$500,000 annually. This
10 annual income supports a value of the club of
11 about \$5 million, which is clearly less than
12 the acquis -- the \$12 million acquisition
13 price, but still a substantial amount of money
14 relative to golf courses in the current
15 economic environment.

16 Further, I should point out that this
17 value is consistent with the golf club's own
18 opinion of value that they cited in their
19 recent property tax judicial appeal involving
20 the village and the town. They came in at
21 somewhere just below \$5 million in valuation,
22 and our analysis is essentially consistent with
23 that.

24 Hampshire Country Club, with a nine-hole
25 golf course, is not economically viable. The

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entire development may be economically viable with the housing component, but the golf course and club, in our view, is not economically sustainable. We have projected -- as you can look at this chart here, we've projected operating surpluses of approximately \$500,000 for the 18-hole golf course. But for the nine-hole course, we have a projected deficit of about \$600,000.

Now, I would also like to say, it's noteworthy that the proposed nine-hole golf course routing plan -- and it was shown -- maybe we'll show it here again. It was shown before by the applicant -- basically, has a number of unappealing characteristics to it. As you can see -- I won't walk around, but there are three major, sort of, blocks of holes: There's two holes in the first block, four holes, Holes 3 through 6 in the second block, and in the third block, there are three holes, 7, 8, and 9.

These holes, because they are so disbursed, and because there are roadway crossings, make it very difficult for a golfer

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playing nine holes to walk the golf course. It can certainly be done, but it's much less appealing. It's a very unusual situation, and we believe that it may render our projections for the nine-hole club a little bit optimistic.

Also --

MR. SJUNNEMARK: Can I ask a question?

The more that I think about it, because of the revenue going down, is that because of lack of members for the nine-hole?

MR. KREKORIAN: For the nine-hole option, because of the lack of -- the generally less appeal for a nine-hole course compared to an 18-hole course, we have projected about 50 less golf memberships will be sold annually.

MR. SJUNNEMARK: So 200 instead of 250?

MR. KREKORIAN: That's correct. And we have projected that the golf membership dues -- annual dues will be reduced from 14,000 to \$10,000 a year.

MR. SJUNNEMARK: Okay.

MR. KREKORIAN: As well, if you look at the plan, there are -- particularly on Holes 3 through 6, there are a lot of walk-backs from

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2 greens to the tee on the next hole, and it
3 appears to us to create some very unsafe hazard
4 areas which need to be looked at further.

5 And, I guess, lastly, I would say that,
6 based on generally-observed membership
7 conversion rates in master plan golf
8 communities, we would expect that the
9 additional housing proposed for this site would
10 generate about between 8 and 12 additional
11 memberships in the club. But even with these
12 additional memberships, the nine-hole course
13 would still not be viable.

14 Thank you very much.

15 MR. SJUNNEMARK: Thank you.

16 MS. LIQUORI: Good evening. My name is
17 Lisa Liquori, and I'm going to talk briefly
18 about unique and special qualities of the
19 property and then how this project does not
20 meet the village and prudent planning
21 standards.

22 To begin, the property is the largest
23 track of open space in the village, and the
24 most prominent characteristic of the site is
25 that it's largely a floodplain extending to the

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Long Island Sound, with the existing golf course serving as the storage area for tidal floodwaters.

And this that you see here is a model to help you visualize the extent of the floodplain. 100 percent of the site is a critical environmental area, characterized --

MR. LITMAN: There's a portable mic right over there. It might be easier for you to use that mic.

MS. SAVOLT: You have to turn it on.

MR. LITMAN: Turn it on first.

MR. CUTLER: Two switches.

MS. LIQUORI: Okay. Can you hear me?

MR. LITMAN: Yeah. It's on.

MS. LIQUORI: Okay. So the entire site is a critical environmental area. It's characterized by national inventory fragile wetlands that are outlined here in yellow. The hundred-foot minimum buffers are also outlined in blue. There's drainage courses that are outlined in orange. All of this blue area here is, again, the 100-year floodplain, with a lighter blue area, the 500-year floodplain.

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2 The hatched areas -- it's a little bit
3 difficult to see, because it's over this other
4 blue area -- are soils rated by the USGS as
5 unsuitable for residential development in their
6 current state. And these characteristics
7 combined with a proximity contribute to the
8 ecologically valuable Hommocks conservation
9 area.

10 So why doesn't this project meet planning
11 and zoning standards? Let's start with a
12 village comprehensive plan which articulates
13 the vision and overall image of what the
14 community would like to be in the future and
15 serves for the foundation of zoning.

16 This parcel is singled out for its unique
17 open space, recreational and ecological values,
18 and its significant contribution to the vision
19 of the village. The comprehensive plan
20 recommends preservation of the entire property
21 and found that the existing R-20 Zoning
22 wouldn't accomplish this goal, that the zoning
23 is out of date, something that the original
24 zoning code applied to parks and golf courses
25 as a default position or a holding zone. And

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applying updated zoning tools developed over the years, the comp plan recommends zoning -- rezoning the property to a recreation open space classification, and the Town of Mamaroneck zoning of the Bonnie Briar Club is offered as an example.

The applicant claims the project complies with these comprehensive plan recommendations, but it doesn't. Instead, it's essentially a 105-unit residential subdivision which eliminates the potential for the existing golf course to remain viable, as you've just heard.

Alternatively, to allow some development on the property, the comprehensive plan recommends a cluster open space subdivision with permanently dedicated open space, the number of lots to be determined by a standard subdivision and rezoning the property to a lower classification, R-30, which is similar to the zoning of the portion of the property that's in the Town of Mamaroneck, and the project doesn't comply with this recommendation either. It's not a cluster plan, delineating the permanent open space. It doesn't have the

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density. It exceeds the density that an R-30 would permit.

And PR -- PRDs have been allowed in New York State in order to allow a community to achieve its goals and implement its comprehensive plan. And as explained, this PRD doesn't do that.

The proposed development involves clear cutting, blasting, earth moving, digging, regrading, and filling 55 acres of land, an area larger than the largest park in the village. The proposal will strip the property of its essence and transform this low-line former wetland property with some prominent rock outcroppings into an unnatural, potentially unstable land form with 16-foot high berm topped with 105 dwelling units. This project is inconsistent with your subdivision site plan special permit standards for a PRD, which encourage the most appropriate use of land, protection, and minimal degradation of key environmental features and protection of health and safety and welfare.

To start, the most basic subdivision

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requirement hasn't been submitted, a map depicting the proposal with a clear delineation of what's proposed. Where is there going to be the reserved area where the homeowners -- where is there going to be the golf course? There's no delineation, and this is important in order to understand how the open space relates to the subdivision that's proposed, as a good cluster plan would require.

The narrative and spreadsheets assert that 36 acres will be permanent open space and managed by the homeowners association. But when you look at the maps -- first of all, they haven't provided that. And when you look at the maps and you subtract off the area needed for the fairways, we arrive at a significantly lower acreage than that.

In terms of other standards, major environmental features that the project doesn't avoid or minimally degrades include: steep slopes which have a greater propensity for erosion, areas of high groundwater table which are extremely vulnerable to contamination, rock outcrops and shallow depth to bedrock

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conditions which will require blasting, soils rated by the USGS as unsuitable for development, which is about 80 percent of the site.

In terms of stands of mature vegetation, the proposal calls for the clear cutting and destruction of all the vegetation within a 55-acre block of land, including the removal of 432 trees having a 25-inch or larger circumference. The extensive disturbance will have negative impacts on the site's habitat, bucolic settings, soils, and noise.

And as mitigation for the removal of these mature trees, the landscape plan proposes the planting of 432 trees, which is described as a one-for-one replacement. But the proposed two-to-two-inch diameter replacement trees represents a significant reduction in the size and the habitat value compared to the existing trees which have about 16-times the areas of the proposed vegetation. Way short of a typical one-for-one replacement standard.

Because of the flooding, most of the property cannot be safely occupied as it is for

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residential development without endangering human health and safety. Experience after Sandy and other catastrophic and costly storms has led to the consensus that one of the most effective means to reduce risk is to redirect development away from flood hazard areas altogether, but this project doesn't do that.

Instead, massive regrading and importation of fill is proposed, which may keep new buildings above the 100-year floods, but the development will virtually become an island surrounded by water in certain storm conditions. And the proposal will move new residents into a flood hazard area, and at times, they will not be able to get out due to the flooding of the surrounding roads which will be perilous for the new residents' first aid responders.

In terms of the LWRP, it supports the comprehensive plan recommendations for preserving the entire property and rezoning, and a major goal of the LWRP is to protect and increase scenic and waterfront access including passive recreation opportunities, and also to

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2 prevent physical blockage or access or the
3 possibility of increasing public access.

4 Now, the applicant's analysis demonstrates
5 that there will be some impacts to the scenic
6 quality from some public roads and private
7 property surrounding the site. But protecting
8 the open space and scenic quality of the site
9 encompasses more than viewing the property from
10 some points along the perimeter of the
11 property. Under existing conditions, the
12 private roads provide scenic open space and
13 passive waterfront recreational opportunities.
14 People walk, jog, bike, drive through the
15 property and experience remarkable open space
16 landscape with views across ponds and wetlands
17 and over towards Delancey Cove.

18 Now, portions of Eagle Knolls and Cove
19 Roads are proposed for relocation, and that
20 will eliminate many of the existing scenic and
21 waterfront and access opportunities.

22 Although -- although these roads are privately
23 owned, the PDEIS acknowledges that the adjacent
24 homeowners possess an implied easement to use
25 these roads for access and thoroughfare to

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other roadways. So under the proposal, the unique bucolic, scenic open space waterfront views afforded by the existing roads will be lost and replaced with roadways framed with houses, not with any of these assets.

The entire site is a critical environmental area, one of seven in the village, and, as such, it's subject to more rigorous review than other development areas. This is dismissed in the PDEIS, because the existing and potential ecological value of the site is a golf course, according to their analysis. But with easy access to food, water, and cover, the golf course provides a refuge for migratory songbirds, the bald eagle, and other species, and it supports the nearby Hommocks Preserve.

The National Audubon Society has highlighted the habitat values of golf courses and recommends preservation of mature trees and other core habitats on the golf course. And as I've already explained, the 432 mature trees are proposed for a removal. The open space will be fragmented, and the core areas won't be

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as valuable. And part of the mitigation for this is offering that there will be 36 acres of open space associated with the residential development, but our calculations are that's not what's -- what's provided, and so that's much less.

Floodplains provide critical natural habitat, water quality, as well as food -- flood storage benefits. The placement of fill impairs these functions and should be avoided to the greatest extent possible. The extensive alteration of the site will eliminate natural flood protection features that guard against habitat and water quality impacts.

Now the school impacts, the taxes. You've heard a great deal from the superintendent of schools. And while the owner/developer claims that there will be significant increased tax revenues from the project, the development may, in fact, represent a net cost to the school district, or best, provide only modest additional tax revenues.

You heard about the capacity limitations that the school is experiencing, and these are

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very critical. And with the increased school enrollment for the project, that's going to exacerbate the problems and limit the strategies available.

Briefly, they have overestimated the taxes to be generated from this site. They've done an underestimate of the projected school-age children, as you heard from the superintendent, and they didn't really take into consideration the school district capacity problems and the full cost per pupil that it will cost. So the school taxes generated will be slightly less -- slightly more than the cost and not the large surplus projected. The existing capacity challenges will be exacerbated.

MR. PORTO: Good evening. My name is Neil Porto. I'm a professional engineer with TY Lin International, and we were retained by Carter, Ledyard & Milburn to undertake an analysis of the draft EIS, certain engineering aspects of the DEIS released 12/13/17 prepared for the Hampshire Country Club planned residential development.

So we focused on the cut and fill

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analysis, especially the floodplain, soil issues for slope stability and support of the new houses, the traffic situation, both long-term and during construction especially, and the sanitary sewer output and conveyance to the Mamaroneck plant.

So, first, I'll talk a little bit about cut and fill. So cut and fill refers to the amount of soil that needs to be moved around the site, and, in this case, soil that needs to be imported from the site -- to the site because it is a net fill situation. The DEIS says there will be no soil exported from the site, but that's pending a more detailed investigation of the potential contaminants. Charles Rich is going to speak about that.

In addition, the DEIS assumes that all on-site soil can be reused, both structurally as part of the overall grading plan, which may be a questionable assumption, which I'll talk about, and, of course, with the contamination, some of it might have to be exported. But accepting the assumption that no net export or no export, at all, from the site, we performed

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2 our own cut and fill analysis.

3 Now, we didn't have the aid of the
4 electronic files. We used the DEIS, basically,
5 paper and developed our own digital terrain
6 models using InRoads from MicroStation. And
7 then we did the same for the -- we did that for
8 the existing condition, and we did that for two
9 of the alternatives, one, the preferred
10 alternative, and another for the no net fill
11 alternative.

12 So we found that the expected fill would be
13 well above the 84,000 cubic yards identified in
14 the site, and we're going to talk a little bit
15 about why. Our findings indicated net fill of
16 over 270,000 cubic yards as part of the basic
17 preferred alternative, and then if you want to
18 look at the -- under the base flood elevation
19 either of 12, which is the current, or the
20 proposed FEMA, that hovers around 235- to
21 250,000 cubic yards of fill in the floodplain.

22 MR. SJUNNEMARK: So this is based on the
23 new recommended FEMA of 14 feet; is that what
24 you're saying?

25 MR. PORTO: Well, 12 base flood elevation.

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2 They're roughly the same, because when you --
3 they're cutting above the floodplain, so they
4 come out to be about the same, but the very
5 large number, about 240,000 cubic yards.

6 (Indiscernible.)

7 12 and 13.

8 MR. SJUNNEMARK: 12 and 13.

9 MR. PORTO: Yeah.

10 MR. SJUNNEMARK: Okay.

11 MR. PORTO: So, similarly, the no fill
12 alternative, that's Alternative F, it might
13 best be characterized as some fill alternative,
14 because our findings indicate there's about
15 20,000 cubic yards needed for the,
16 quote-unquote, no fill alternative.

17 The grading plans in the DEIS, they're
18 somewhat sketchy, and we think they need
19 further refinement. The cut and fill analysis
20 needs closer scrutiny. One of the problems is
21 the line of disturbance, where you, kind of,
22 say, this is the area that's going to be
23 disturbed, it extends out past the -- the
24 actual topography that's listed in the DEIS and
25 extends into the golf course. So we're not

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sure whether the cut and fill addresses any additional modifications needed due to the golf course.

Then we looked at -- once you have the cut and fill, that's just a raw number. Then you have to look at the soil adequacy. The soil needs to be used for various purposes on the site. The imported fill needs to be used for various purposes. This is a complex undertaking for this effort to get the elevation of the homes to 16 feet.

One is rock removal. There's up to seven or eight feet, in some areas, of rock removal. That will be most -- probably accomplished by blasting. You need soil testing, again, for the contaminants, which Mr. Rich is going to address.

The engineering properties of the soil and geotechnical analysis of the soil is very important in this situation, because the soil is going to support homes and then need to form a stable embankment the keep the homes from sliding into the lower level.

The excavation, embankment, and

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1 maintenance of the steep slopes around the
2 houses, they have to be carefully designed to
3 resist both the loads associated with the
4 houses and the erosion from storm runoff.
5 There is a contention of reuse of all the soil
6 on site, but the DEIS -- and also Lisa referred
7 to this. Only about seven, eight percent of
8 the project's site contains soil that's
9 suitable to support new houses. That's data
10 that's in the EIS itself.

12 So we have to pay special attention to
13 where these foundation soils are coming from,
14 how you're going to support the houses. How
15 are you going to keep the slope stable on these
16 very steep grades. And that's going to require
17 an additive process of mixing, testing,
18 placement, and compaction to build up the level
19 required for the housing, and we'll talk about
20 compaction in a second.

21 The other thing is that contaminated soil
22 has to be segregated on site. So you're going
23 to have all these different piles of top soils,
24 contaminated soil, imported soil, maybe a mix
25 of soils, and it's a very complex undertaking.

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When you have all that soil around the site, the erosion and sediment control during construction is very important. You're very close to sensitive wetlands across the road, out to the marsh there. So excavation, embankment, soil importation, segregation and storage, it's so close to these protected areas. That's going to be a big challenge. And the fact is, the area has suffered extreme storm inundations, as every Westchester resident knows, so that mounting this effort is a risky operation, and details are really not in the DEIS besides just a standard treatment required by SPDES from the New York State DEC.

So then we looked at the traffic during construction, which, of course, is related to the cut and fill, because the new fill has to be trucked in. We conducted a extensive evaluation of the DEIS traffic study. Proposed construction traffic analysis, we have a list of issues that will be addressed, I'm sure, and we'll be submitting a memo during the comment period for that. But we're most concerned about the traffic during construction and the

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fact that all of the imported fill will be transferred to the site via Boston Post Road/Hommocks Road intersection, where there's a school, a playground, an ice rink, a pool. It's a real community facility used by residents at many different hours.

The basis for the concern is the number of truck trips to and from the site. And my only board is a picture of a big truck, just so people know what we're talking about here.

So the DEIS assumes there will be 16 yards of fill per truck coming into the site, and they make estimations based on that, but there's various inconsistencies.

The simple math is that the nine-month construction period with the 84,000 cubic yards that they used ends up more like 18 cubic yards per truck, not the 16. So, actually, you know, the soil would be piled higher in that truck. There's also a big difference between fill that's trucked in and the embankment in place, how you're actually going to use the soil, because, as I said, the fill needs to be compacted in order to serve as a structural

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2 base for the houses and for the slopes.

3 So the purpose of the fill imported to the
4 site in that manner makes it so that they're
5 considerable compactions. So that's -- when
6 you say there's a certain number, say, at 18
7 cubic yards of fill placed at the site, you
8 really have to truck in more of that because
9 you have to compact it, and it's going to
10 shrink. So the actual yield could be as low as
11 ten. It could be up to 15 cubic yards, but
12 it's actually more truckloads than you would
13 assume looking just at the cut and fill
14 numbers. So that's -- again, the soil
15 engineering comes into play. Finally, the cut
16 and fill analysis, we think there's as much as
17 three times more fill than stated in the DEIS.

18 So factoring all of this, we predict that
19 the -- could require 100 to 140 truck round
20 trips per day. So for the traffic analysis,
21 that's 200 to 280, because the truck has to
22 come in and has to go out. So we think that
23 the impact of these trips should really be
24 studied and could greatly exceed that in the
25 DEIS. So there's four kinds of impacts.

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2 You have a question?

3 MR. SJUNNEMARK: Yes.

4 As you said, it's three times what they
5 have estimated in the DEIS. Can you give us a
6 little bit more details about that? Maybe not
7 now, but, you know, it would -- if you could --

8 MR. PORTO: Yeah. Sure. We have a --

9 MR. SJUNNEMARK: -- give us some
10 calculations on how you have done it.

11 (Indiscernible.)

12 MR. PORTO: We did not get the developer's
13 digital file, so we had to work them up from
14 what's in the DEIS.

15 MR. SJUNNEMARK: I understand.

16 MR. PORTO: And that's what we did.

17 MR. SJUNNEMARK: But still, it's
18 remarkably much more.

19 MR. PORTO: It is.

20 MR. SJUNNEMARK: So it would be
21 interesting to see how you --

22 MR. PORTO: Yes.

23 MR. SJUNNEMARK: -- came up with it.

24 MR. PORTO: Okay.

25 MR. SJUNNEMARK: Thank you.

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2 MR. PORTO: And so the impacts of these
3 trucks, traffic safety. The volume of trucks,
4 we used the FHWA manual. So if we increase the
5 volume of these trucks, you could see an
6 increase of accidents predicted up to
7 15 percent.

8 We would recommend that there'd be traffic
9 enforcement agents deployed for all the time
10 periods in which the trucks are entering and
11 leaving the site at that intersection and
12 maybe, you know, a little down from the school
13 there. That could be costly, but it's usually
14 an expense that's borne by the developer.

15 There could be an increase in traffic
16 congestion with these trucks. So the added
17 trucks, especially if they're -- we can't meter
18 these trucks to, you know, have -- be exactly
19 separated as they come into the site. So you
20 may get two or three showing up at the
21 intersection at once. That could lead to level
22 of service going from C to -- Level of Service
23 C, Level of Service F. I won't get into the
24 details of what that means, but F is bad, just
25 like, you know, in the school. So the turning

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movements go that way. The overall intersection could go to Level of Service E if trucks are arriving at such a condensed period.

Third thing, noise. Noise of the trucks would occur during school hours. We think that the noise issue should be further explored in the DEIS and see if it has any effect on the schoolchildren.

Air quality. One of our colleagues is going to speak about that. The effect is noted as a possible impact on the DEIS.

So there's other issues here. The construction phasing is uncertain. It depends on selling the homes and getting buyers and financing. So there's really a sensitivity analysis needed to see how these possible changes in schedule would affect the traffic, public safety, and all that.

The truck access hours, we think, should be -- not be within the peak vehicle hours of 9 -- of 7 to 9 a.m. Instead of starting at 8:15 a.m., should probably start at 9 a.m. if, indeed, they're going to happen. And then also clarify the number of trips. This isn't only

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2 trucks coming to the site. You're going to
3 have machinery coming to the site. You're
4 going to have workers coming to the site. So
5 all that traffic should be generated and put
6 into a enhanced traffic analysis. So --

7 MR. MENDES: Can I ask a question?

8 MR. PORTO: Yes.

9 MR. MENDES: So I'm still -- I'm still
10 reviewing the -- can you hear me?

11 MR. PORTO: I could hear you.

12 MR. MENDES: Okay. I'm still reviewing
13 the whole site plan.

14 MR. PORTO: Yeah.

15 MR. MENDES: Is -- am I understanding this
16 right, that the only way -- access to this
17 construction zone is through this -- it's
18 solely through one road, the one that goes by
19 Hommocks?

20 MR. PORTO: That's what the DEIS states.

21 MR. MENDES: And in case of a 100-year
22 flood, which -- they don't exist anymore,
23 because every next year you can have a 100-year
24 flood. There's only one road as emergency exit
25 to this site?

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2 MR. PORTO: Yes.

3 MR. MENDES: There's only one road?

4 MR. PORTO: Yes.

5 MR. MENDES: There will be only one road?

6 AUDIENCE SPEAKER: No.

7 MR. LITMAN: Cove. Cove Road also.

8 MR. MENDES: Okay.

9 MR. LITMAN: It's three roads.

10 MR. MENDES: All right. Okay.

11 MR. PORTO: And when I did mentioned risk
12 of a storm actually during the construction
13 operation, you know, however it's scheduled,
14 that could be a significant impact on the
15 erosion control of the stored soil.

16 So finally, the sewers. The DEIS states
17 that the sewers -- sewage output for the
18 project will be 39,490 gallons per day. We did
19 review that. Based on the bedroom count, that
20 seems accurate.

21 After meeting with the village, the
22 developer changed the original plan, which was
23 to tap into an existing gravity sewer, 8-inch
24 on Cove Road, which discharges into the Cove
25 Road pump station. Now, the diameter of the

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2 Cove Road pipe had been reduced due to an inner
3 lining to prevent infiltration, and, also,
4 there were some questions about the quality or
5 the state of the Cove Road pump station.

6 So, now, the text of the DEIS states that
7 they would install pump stations to propel the
8 sewage to the 10-inch line on Orienta Avenue,
9 and then that would flow, by gravity, out to
10 the Post Road, which then flows into a county
11 sewer pump station that pumps to the Mamaroneck
12 pump station -- I mean -- I'm sorry -- sewer
13 plant, which has recently been upgraded. The
14 county doesn't think there's a problem,
15 however, the 10-inch line on Orienta should be
16 evaluated.

17 The DEIS exhibit in the grading and
18 utility plan, it still shows the development
19 tying into the Cove Road pump station. So that
20 should be updated to reflect the
21 implemation[ph.] -- implementation plan that's
22 shown in the text, because the text and the
23 image do not correspond.

24 So, in closing, we think there's more work
25 to be done in the cut and fill analysis. The

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2 soil issues, the slope stability, and support
3 of the new houses, the traffic, and some
4 examination of the collection and propulsion of
5 the sanitary sewage to the plant.

6 So, thank you.

7 MR. SJUNNEMARK: I have one -- I have one
8 question. Thank you very much.

9 Is it your opinion that the whole area has
10 to be prepared with the fill and the cut, and
11 everything has to be -- even though they're
12 going to build the houses as they are sold, but
13 the whole area has to be prepared before they
14 can start building any of the houses? Or could
15 some of the area be filled the way it's --
16 like, Phase 1 could be filled and then they
17 build the houses --

18 MR. PORTO: Yeah, I didn't --

19 MR. SJUNNEMARK: -- Phase 2 after that and
20 through on?

21 MR. PORTO: Yeah, I didn't examine that,
22 because we were just evaluating what's in the
23 DEIS.

24 MR. SJUNNEMARK: I understand.

25 MR. PORTO: And that gets into marketing

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2 and --

3 MR. SJUNNEMARK: Yeah. Yeah. Right.

4 But is it feasible to --

5 (Indiscernible.)

6 Is it feasible not to do the whole
7 thing -- the whole area at once? Is it
8 feasible?

9 MR. PORTO: Well, I think we're saying
10 it's feasible not to do any -- do the
11 development here. I mean, so I wouldn't
12 comment on whether it could be phased.

13 AUDIENCE SPEAKER: You can't have the road
14 without the entire platform.

15 MR. SJUNNEMARK: That's why I'm asking.

16 AUDIENCE SPEAKER: And in there, in the --

17 MR. SJUNNEMARK: No. No. No.

18 MS. SAVOLT: We can't hear you. You're
19 not on camera.

20 MR. SJUNNEMARK: You can have time to
21 speak later on.

22 MS. SAVOLT: When you come up you can
23 comment, please.

24 MR. SJUNNEMARK: Okay. So let us have the
25 next presenter.

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2 MR. RICH: Thank you.

3 Good evening, Chairman, board members,
4 ladies and gentlemen.

5 My name is Charles Rich. I'm a licensed
6 geologist here in New York. I'm the president
7 and founder of CA Rich, Inc., CA Rich
8 Consultants, and we specialize in environmental
9 contamination, soil, groundwater, water supply.

10 I have six major points with the DEIS
11 information which I'll list right now briefly,
12 and then, as my time permits, go into detail
13 with some of them that I think are --

14 MR. SJUNNEMARK: It seems that everybody's
15 happy with your presentation, so I think we're
16 going to let you go on for as long as you need.

17 MR. RICH: Thank you very much.

18 The findings of fact in connection with
19 the environmental contamination, geology, and
20 groundwater conditions are grossly inadequate.
21 For example, there's insufficient information
22 describing the nature and extent of soil
23 contamination on the property, the occurrence
24 of shallow groundwater, the shallow ground
25 water quality of which there's no information,

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and how -- and, in my view, how best to manage -- the most important one, how best to manage the permanent burial of impacted soil in the raised soil platform that will prevent accidental or incidental residential contact with that contaminated soil.

One: With respect to the soil contamination, arsenic and pesticides are evidenced in the surficial soils that were collected from 21 -- from only 21 locations across 130 ac -- 30 acres of property, and the nature and extent of the arsenic and pesticide remains unknown.

Impacts from fugitive dust emissions during extensive cut and fill activities that you heard Neil talk about involving the soil are still unaddressed. And, of course, the development and implementation of an important community air monitoring program for the dust should be included and subject to review by the board.

Two: The occurrence of groundwater and groundwater quality is not provided at all. Water table's very shallow there, as most of

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you can imagine. The management and fate of potentially contaminated groundwater or stormwater exposed during the excavation activity is not described. There'd likely be a need for possible dewatering during excavation. That's not described either, as to what happens to the -- the waste water.

Three: The validation of the quality of the imported clean fill coming into the property to comprise the composite cover system in the new soil platform is completely unaddressed.

Four: Additional investigations are needed. The invest -- referred to in DEC language as investigation work plans, a subsequent remedial action work plan, a worker health and safety plan, and, as I mentioned, a community air monitoring plan is typically included in the DEIS.

The applicant does allude to conforming with applicable DER-10 guidance. That's a vernacular for a state -- for an applicable state regulation guidance document for further testing, but they indicate in the DEIS -- and

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2 this is important -- only after the development
3 footprint is finalized. In English, it's --
4 that's problematic, because there's no
5 mechanism, as far as I can tell, for the
6 oversight of this activity by the DEC after
7 this SEQRA process is closed. That's not
8 mentioned. Nothing requiring the applicant to
9 involve a stay, so to speak, in this -- with
10 these particular issues.

11 Five: The cut and fill plan includes
12 provision for burying soil contamination with
13 only a two-foot clean fill buffer or a blanket
14 above it. This buffer is an engineering
15 control designed to protect human health, and,
16 as such, must be maintained and periodically
17 inspected to ensure that it remains protective.
18 I would judge that this would present a
19 continuing burden to the village, potentially
20 in perpetuity for this project. Such
21 inspection and maintenance protocols would be
22 set forth in a written site management plan
23 typically, which would need to be enforced by
24 an institutional control such as a deed
25 restriction; not mentioned.

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2 And six: There are peat layers on site
3 specifically identified with a -- with a few
4 samples that were collected along the eastern
5 side of the property, a little bit in the
6 central portion. As you know, the presence of
7 peat may generate methane gas. There's no
8 testing or indication that methane could be an
9 issue.

10 Now, with respect to the soil
11 contamination, the samples are only two feet
12 deep, and again, from only 21 locations.
13 That's inadequate to map the extent of arsenic
14 of pesticide contamination and anything else
15 that's in the soil. That equates to, on an
16 average, only one test per six acres. One
17 two-foot test, zero to six inches, and -- and
18 24 inches per six acres. And despite the small
19 database, the applicant found contamination.
20 Pesticides, arsenic, lead, and not only that,
21 but at concentration levels exceeding Part 375,
22 unrestricted use soil, clean up objectives, and
23 restricted residential clean up objectives.

24 Six: Surface soil samples exceed the
25 restricted residential objectives for arsenic.

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2 At -- the sample is a seven. The concentration
3 in arsenic is three and a half times the
4 limitation standard. They had 56 milligrams
5 per kilogram. The standard is 16.

6 Pesticides were detected in as many as 35
7 surface and subsurface two-foot-deep samples at
8 levels exceeding unrestricted use. To give the
9 board a better idea of the inadequate soil
10 testing which is being used to -- to conclude
11 that on-site burial is okay, if all the soil
12 were excavated, relocated, and buried to
13 support the construction of the platform, if it
14 were, instead, transported off-site to a
15 regulated landfill, sampling requirements for
16 accepting such soil would mandate at frequent
17 -- a sampling frequency of least one sample per
18 thousand tons by law. That would equate to
19 about 300 samples or so, assuming a soil volume
20 in excess of 200,000 yards going off the site.
21 We only have 21 locations compared to 300, so
22 it's deficient. And this dirt would be
23 classified as regulated or hazardous waste
24 going into a landfill.

25 There's a serious risk of ingestion of

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airborne contaminants from impacted dust particulate during site preparation activities in the cut and fill. This is, as Neil mentioned, during truck trafficking, stirring up dust, staging of newly-exposed large soil piles on site, the contaminated soil reburial activities on site, particularly on windy or dry days.

The proximity of the Hommocks Middle School, its rooftop HVAC system, open-air playgrounds used by thousands of young students and club members during the years as well as nearby homes poses a human health exposure pathway which, in my judgment, demands a health-based risk assessment. The risk assessment should be prepared by the applicant, included in the DEIS subject to review by the planning board.

Soil Locations 19 and 6 reveal residual contamination from oil spills, former oil spills. SS-19 is adjacent to the maintenance shed at the end of Cooper Avenue. 6 is next to the parking area of the existing clubhouse.

The applicant indicates a combined total

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2 of about 100 cubic yards of petroleum
3 contaminated soil still in the two spill areas.
4 They say that this volume of soil is simply
5 going to be dug up, relocated, and reburied
6 under the core of the platform. That's not
7 necessarily appropriate. The volume's
8 speculative, and at this time, it's
9 unsupported. Could be a lot more than
10 100 yards.

11 There are two soil areas outside of the
12 platform, Samples 7 and 15, contaminated with
13 arsenic above restricted residential standards.
14 Arsenic greater than 16 is considered
15 potentially harmful to humans if excessive
16 qualities are ingested. So we would recommend
17 that the applicant delineate all soil quality
18 site-wide in excess of 16 parts per million for
19 arsenic.

20 The one -- the way they could do this is
21 divide the property into 200-yard grids;
22 almost, you know, an acre or so. A sampling
23 from each acre. 0 to 6, 6 to 12, 12 to 18, and
24 18 to 24-inch depth horizons, for example. It
25 still needs to be done.

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2 We also suggest the soil be tested around
3 the transformer pass for PCBs. There are two
4 transformer areas on the property, one on the
5 north side, one on the south. There's no --
6 with respect to groundwater, there's no
7 information on the water table or the quality
8 of groundwater.

9 Applied chemical products degrade in
10 soils. They change in time to varying degrees.
11 Their breakdown products can be evaluated in
12 terms of mobility and health. DDT weathers to
13 DDD and DDE. If the soil's saturated with
14 groundwater, the groundwater can become
15 contaminated. Potential human exposures
16 involve children playing in dry, damp, or wet
17 soil or ingesting the soil. There's no
18 information describing if there's any chemical
19 mixing of the impacted soil with water or water
20 quality at that time -- at this time.

21 Two water wells -- two bedrock water wells
22 will continue to be used on the site for
23 irrigation. There's no information on the
24 quality of the well water coming from these
25 wells. This water's pumped into irrigation

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2 ponds on site, some spread over the turf to
3 percolate down into the subsurface. We would
4 recommend monitor -- several small diameter
5 monitoring wells possibly into the bedrock soil
6 interface or deeper, into fractured bedrock
7 below to provide water level data, to construct
8 a water label contour map that's needed, as
9 well as providing groundwater quality
10 information, because they can be sampled,
11 especially where the oil spill areas are.

12 With respect to rock, the applicant has
13 only one rock sample to characterize the
14 geology across the entire 130-acre property. I
15 get more out of that by looking at the
16 outcrops. In any event, they indicate that the
17 bedrock is granite and ice. I've already seen
18 a schist out there this afternoon -- surface.

19 Anyway, what's important is whether the
20 buried bedrock is fractured or faulted,
21 fissile, subject to ripping, or, if it's
22 determined to be hard and competent based on
23 the application, there will be a need for
24 blasting. If there's blasting, there's a need
25 for vibration monitoring on nearby structures,

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2 houses, and the school.

3 With respect to soil vapor, with the peat
4 layers, the possible generation of methane is a
5 problem. This needs to be investigated. If
6 it's present in elevated -- at elevated levels
7 in the re-worked soil platform, like radon, a
8 methane mitigation system would be necessary.
9 It can accumulate under the cap. It could
10 become a potential soil vapor intrusion
11 concern, risking resident health and safety, so
12 the DEIS needs to address soil vapor.

13 Waterproofing is included in home design,
14 but that may not be sufficient for methane
15 intrusion. We can have methane intrusion
16 through utility chases and other openings in
17 the building slab, so we need mitigation
18 measures for methane. We need testing to first
19 determine its presence and what engineering
20 controls may be necessary.

21 Finally, cut and fill. The applicant
22 indicates that, and I quote, "All imported soil
23 will be in compliance with NYSDEC's residual
24 soil clean up objectives." The imported fill
25 needs to be tested at the source as well as

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inspected when it's trucked on site. DER-10, which the applicant says they'll conform to, specifies the number of soil samples needed to qualify the fill coming in, and a scope of fill testing can be subject to negotiation.

However, if NYSDEC -- it can only be negotiated if NYSDEC's monitoring the situation, so it's not clear how this will take place after the SEQRA process.

The applicant does indicate that their geotechnical engineer will determine fill suitability, but from a practical prospective, this person is neither a state nor a village representative and may not always be readily available to track and validate the integrity of the source materials in the trucks over several months of filling.

It will become important to have the acceptable clean fill inspection protocol spelled out, and part of this protocol should include provision for the village to hire an independent third-party expert charged with performance of this responsibility to ensure that the fill is clean comprising the cover

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system. Now, what we would recommend is the emplacement of a buried demarcation barrier, visibly separating the clean surface fill from the underlying impacted soil. The barrier could simply be an orange snow fencing. But this would be considered a -- an engineering control which must be maintained and periodically inspected to ensure that it remains intact.

Such an inspection and maintenance requirement is usually set forth in a site management plan. The plan would include an excavation plan, and this would manage future penetrations likely through the cover system, like -- like excavations, underground utilities, and even landscaping. If folks that live there want to put in a tree that has a root ball greater than two feet, it's going to break the barrier and get into the contaminated dirt. Root balls requiring excavations greater than two feet deep, not uncommon.

Finally, because the burden of managing this important plan would be a living document, would fall to the village as a living document,

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would fall to the village, we recommend an institutional control be put in place to ensure that the cap, the cover, the demarcation barrier all remain maintained to avoid human contact with the contaminated earth materials in the core of the platform beneath the homes.

The institutional control would include enforcement of the approved site management plan through a deed restriction. We suggest a deed restriction is necessary here. In other words, if a resident or a homeowner needs to penetrate the cap or the cover, the deed restriction would require that certain provisions within the site management plan be followed prior to issuance of any approval to do so. It's not clear that this is doable, and it's certainly not clear how it would be funded.

Those are my comments for now. Thank you.

MR. SJUNNEMARK: Thank you very much.

MS. FAZIO: Hello. I'm Chris Fazio from Carter, Ledyard & Milburn, and I'm going to talk about the DEIS as it relates to air quality and noise quality.

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2 My statement will actually be very brief,
3 because there is, essentially, no analysis of
4 air quality or noise impacts during
5 construction of the project. In fact, DEIS
6 page 3R-4 essentially states that once a
7 developer retains a contractor, the contractor
8 will then prepare a noise control plan to
9 identify and quantify the potential for impact
10 and indicate what type of noise measures are
11 required. But SEQRA requires that the noise
12 analysis be included in the environmental
13 review document, and the noise analysis must be
14 completed prior to the lead agency making SEQRA
15 findings, not after the contractor retains a
16 developer. New York Case Law requires strict
17 compliance with SEQRA.

18 So Section R on noise is just a very
19 cursory discussion on construction-related
20 noise impacts. There's mention that the
21 construction would occur between 8 a.m. and
22 6 p.m., Monday to Saturday, to comply with the
23 village's noise code, but there's no other
24 qualitative or quantitative discussion
25 whatsoever of the noise impacts.

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As we mentioned, peat construction is about a one-year construction period. During filling operations, will involve around 200 to 280 truck trips per day. The full construction is more like five years. This is not de minimis. This requires a quantitative noise analysis subject to public review.

So first, the developer needs to determine what is the existing noise levels at the sensitive receptors, which is listed in the draft EIS as the residents and the local middle school. Then based on the type of construction equipment, construction activities, the types of trucks coming in and out, the developer must inform us what is the change in noise levels. What is the increase in decibels?

Most agencies, perhaps, use increase of five decibels to be a significant adverse impact. New York City uses three decibels. Obviously, it's the village's decision, as the lead agency. But there needs to be a quantitative noise analysis, otherwise, we do not know what are the noise impacts to the school and the residents. And it is a very

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quiet area.

Same with Section S of the draft EIS on-air quality. There is really no discussion, at all, of impacts during construction. The draft EIS seems to assume there's a short construction period, and, therefore, there's no need to do any type of air quality modeling. Again, as we mentioned, that assumption is wrong. 280 trucks per day. That's a lot of trucks. Five-year construction period is not a short time period.

So the analysis needs to include air dispersion modeling based -- using EPA-approved models to examine carbon monoxide emissions, particulate matter, ozone, and that's the only way the village -- village and the public will understand whether this project will result in significant adverse air quality impacts.

The issue with trucks -- I mean, I know we had a picture of a very clean truck. The trucks, believe me, will not be that clean and pretty -- but its the diesel emissions. The diesel exhaust, also referred to as diesel particulate matter, is composed of black carbon

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2 and numerous organic compounds including 40
3 known can -- cancer-causing substances.

4 Diesel particulate matter is a subset of
5 particulate matter Size 2.5 microns and
6 smaller. That's the small particles that get
7 lodged into the lungs and stay in the lungs,
8 and numerous scientific and medical studies
9 have shown that diesel particulate matter
10 results in increased cancer, cardio, and
11 respiratory-related illnesses and deaths. So
12 there needs to be an analysis of this truck
13 traffic.

14 In sum, given the large number of truck --
15 diesel truck trips expected during peak
16 construction, the actual long construction --
17 five-year construction period for the full
18 buildout, a new draft EIS needs to be released
19 for public review that has a quantitative
20 analysis of noise and air quality impacts.

21 Thank you.

22 MS. MEARA: Good evening, members of the
23 planning board. My name's Karen Meara, and I'm
24 going to talk tonight a little bit about the
25 applicable density under state and local law.

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2 So the applicant's proposal to build 105
3 homes rather than a much smaller number
4 violates both state and the village's law. A
5 municipality zoning power is not inherent.
6 Article 7 of the New York State Village Law
7 delegates authority to villages, primarily the
8 board of trustees, to regulate land use.

9 State Village Law Section 7-738 2(a)
10 provides that a village board of trustees may,
11 by local law, delegate to all of you, to the
12 planning board, the right to create a cluster
13 development for the purpose of preserving open
14 space but only under certain conditions.
15 Primary among those conditions is a condition
16 limiting density. Village Law 7-738 3(b)
17 provides that, and I quote, "A cluster
18 development shall result in a permitted number
19 of building lots or dwelling units which shall
20 in no case exceed the number which could be
21 permitted in the planning board's judgment if
22 the land were subdivided into lots conforming
23 to the minimum lot size and density
24 requirements of the zoning local law applicable
25 to the district or districts in which the land

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is situated and conforming to all other applicable local requirements." So in other words, you can't increase the density of this site. You can only move things around.

And how should a planning board determine how many dwelling units is permitted under State Law? Courts have clearly answered that question, requiring applicants to provide a conventional plat, a conventional subdivision layout, that lays out streets, all required infrastructure, and complies with all other local laws that are applicable to the underlying zoning district, here, R-20.

So on this site, what would a complying plat look like? And we asked Lisa Liquori, who you heard from earlier, and also some planners from Dodson & Flinker, her colleagues, to -- to look at several development scenarios, several development platforms, and to prepare for us a conventional subdivision plat both under R-20 Zoning, which is, obviously, the applicable zoning, the current zoning, but also, as Lisa mentioned, R-30 Zoning is recommended. If the site is to be developed, the site is

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2 recommended for a lower density zoning, R-30.

3 So we asked that the planners prepare plats for
4 several scenarios with both of those densities.

5 So what do we find? I'm going to grab
6 the -- is this working?

7 MR. SJUNNEMARK: Yes.

8 MS. MEARA: Okay. So -- so the first --
9 the first scenario we asked the planners to
10 look at is if you took the residential area in
11 the proposed development site -- and that's
12 excluding, you know, the, sort of, truncated
13 golf course and the tennis courts. If you
14 separated that out --

15 Yes, and they're looking at the same
16 thing. Yeah.

17 And by the way, the reason we had to -- we
18 had to estimate this -- we had a make a
19 reasonable estimate is the developer did not
20 delineate where the golf course ends and where
21 the residential open space begins. So --

22 MR. SJUNNEMARK: So what was your
23 assumption? How did you assume --

24 MS. MEARA: Well, we --

25 MR. SJUNNEMARK: -- the delineation

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2 between --

3 MS. MEARA: I'll show you. We -- we
4 looked at -- we looked at the developer's
5 grading plan, which lays out golf -- here's --
6 you know, nine holes, including fairways,
7 greens, and tees, and there's three over here,
8 and there's water features, and there's two
9 here, and then there's a putting green and a
10 tennis court. So we -- basically, the
11 planners, kind of, drew a line around, you
12 know, a -- sort of, a common sense, reasonable
13 estimate of -- because we don't know --

14 MR. SJUNNEMARK: No. I noticed the same
15 thing.

16 MS. MEARA: Okay. So -- anyway, so here's
17 our reasonable estimate, which I would say is
18 even a little bit generous. We said, Okay, if
19 you took just the residential area, our
20 estimate of the residential area, how many
21 units would you get? So under R-20 Zoning, we
22 got 77 units. That's this one right here.
23 And, you know --

24 MR. SJUNNEMARK: 77 single-family houses?

25 MS. MEARA: 77 single-family homes

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2 complying with all the lot area and setback --

3 MR. SJUNNEMARK: Got you.

4 MS. MEARA: -- requirements, which is 28
5 fewer than 105.

6 And under R-30 Zoning, we -- we came up
7 with 54 complying units. So -- so the
8 developer's proposal is 28 units more than R-20
9 zoning and almost double what could be
10 permitted under R-30 Zoning, and neither of
11 those, mind you, comply with the local flood
12 storage requirement. So let's see. Okay.

13 So then we said, Well, let's look at
14 something that's closer to complying with the
15 flood storage requirement. And so we took a
16 look at Alternative F, which, as Neil
17 mentioned, doesn't quite manage to avoid
18 bringing in any fill or displacing flood
19 storage, but it's closer to what the site could
20 support. And we took -- so we took that
21 development platform that is in the DEIS under
22 Alternative F and did the same thing. We
23 looked at R-20 and R-30.

24 So the R-20 yielded 45 units, complying
25 units, and a conventional plat for R-30 yielded

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2 32 units. So that's this one.

3 So, finally, we asked our planners to
4 produce a plat that fully complies with the
5 prohibition on filling in the floodplain, and
6 we came up -- and so, as you can see, you know,
7 you saw in the flooding images we shared with
8 you earlier, there are little islands dotted
9 around the site when it's filled. So we -- we
10 located -- so the planners, you know, mapped
11 out development on what's there without filling
12 in the floodplain and creating a little
13 causeway that, sort of, connects them all, and
14 that's 21 units.

15 That -- so, in sum -- in sum, the proposed
16 project's density, rather than representing a
17 generous concession, as the applicant has
18 suggested, is much higher than permitted under
19 applicable law by a factor of five and much
20 higher than would be appropriate on this highly
21 unusual and challenged site.

22 And I want to mention one more thing: In
23 addition to the State Law restrictions on
24 density, the local village law gives the
25 village planning board the discretion to reduce

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2 density taking into account ecological
3 considerations, planning considerations,
4 traffic considerations. So you have the
5 authority to set density at a level that you
6 find appropriate after considering all of those
7 factors.

8 So we urge you to require the applicant to
9 prepare a conventional yield map that complies
10 with all applicable laws so that you'll have
11 the tools that you need to assess the
12 applicant's density claims and, in turn, the
13 potential impacts of this project.

14 Thank you.

15 MS. FELSHER: I want to thank you very
16 much for allowing us the extra time, and we're
17 now close to the end. I'm the last person.

18 I'm going to do two things. I'd like to
19 spend a few minutes talking about flooding, and
20 then I'm going to do a summation. I'll stand
21 on my toes, if I can do this.

22 (Indiscernible.)

23 MS. SHERER: State your name, please.

24 MS. FELSHER: Celia Felsher.

25 So as we all know, the golf course has

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flooded several times over the last 25 years, in my experience, and I live there. It was totally inundated during the nor'easter of 1992, again in '93, and again in Sandy.

This is the -- a U.S. geological survey, flood map of Sandy for this area, and these contours of the flooding in Sandy are exactly the same as the contours of the flooding in the 1992 nor'easter and the 1993 storm and are very, very similar to the programmatic flooding that was done by computer-generated stuff.

So in addition, I just want you to note that -- what has never been discussed: Here's Eagle Knolls Road. They only talk about the golf course. This is the intersection of Eagle Knolls Road and Hommocks Road. That was completely flooded during those events. As you'll see, this part of Cove Road was also flooded. They were flooded because water comes in behind Cove Road from Delancey Cove, and it comes in from the marsh area and the inlet of the sound in two places. It comes in over the Hommocks fields from that area where there's the catch basin and inundates, and the sluice

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2 there is useless. It also did come in here and
3 overflow, with a storm surge, this part of
4 Eagle Knolls Road.

5 You may recall the gentleman who was
6 killed and drowned. What happened was he lived
7 on Cove Road, up here. He was trying to get
8 out. The storm surge hadn't yet hit, just the
9 flooding.

10 And, unfortunately, we live here. Our
11 babysitter started to panic and wanted to get
12 our son out of kindergarten at the time. He,
13 actually, came down, because he couldn't get
14 out this way. He came down to get out. She
15 was behind him. He realized this had already
16 flooded, so he turned around. She then turned
17 around behind him. And as he was coming back,
18 that's when -- and it really is literally a
19 surge. When this basin fills up, it pushes
20 over as a surge. He happened to be in the
21 wrong place. His car was pushed over in the
22 surge. He tried to get out as it was head-down
23 in the water, and he was carried into the golf
24 cars.

25 Now, their only plan for mitigating this

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2 is they would build up land here, which would
3 prevent the storm surge from coming up over
4 Hommocks and over the back part of Eagle Knolls
5 Road, where the gentleman died, and protect
6 this, and there would be this big embankment,
7 which goes to the necessity to protect the
8 integrity of all of those mounds. Because it's
9 not just rain water. There's going to be flood
10 inundation.

11 The problem is that that doesn't do
12 anything with the Eagle Knolls Road
13 intersection, and it doesn't do anything with
14 Cove Road. And they can't do anything about
15 that, because those are privately-owned roads.
16 One is in the town, but Eagle Knolls Road is
17 still privately-owned, half by the residents of
18 Eagle Knolls Road and half by the golf course.

19 So what they proposed was doing an
20 extension of Cooper avenue. There are a couple
21 of problems with that. One is: Cooper Avenue
22 is a private road, so they really have no
23 authority to change that easement use on Cooper
24 road, just like they don't for Cove or Eagle
25 Knolls. And what's worse is there would have

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2 to be construction done on Cooper which is
3 indicated in the DEIS, because the back end of
4 Cooper -- if you -- you all should go try to
5 drive on Cooper and look at it.

6 Aside from having the six homes with --
7 it's, you know, not a large street. The
8 extension of it past the last two homes is only
9 15 feet wide. They have no right to widen that
10 road, and the village, even if it wanted to,
11 actually has no right do anything unless it
12 wanted to condemn private property for a
13 private commercial use, which is not legally
14 permitted.

15 So when you take that out of the equation
16 and the fact -- by the way, even if they don't
17 want to, or say, Well, we'll get away, it's
18 only going to be used once in a blue moon when
19 there's a flood, they're going to build up the
20 part of Cooper that's in that flooded area
21 that's on their property, and they, in their
22 plans, are intending to create a causeway.
23 You've seen it in the plans.

24 MR. SJUNNEMARK: Yes. Yes.

25 MS. FELSHER: So that causeway would lead

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2 into the development part here. The problem
3 with that causeway is twofold. One: The roads
4 are only going to be at 14 feet. Right now,
5 the FEMA suggested flood -- flood height is 13,
6 and we know that there's going to be an
7 increase of one or two feet relatively soon.
8 And in a bad flood situation, that road's not
9 going to be accessible, and you'd be very
10 worried about the structural integrity of that
11 causeway in an event, and you're going to end
12 up with a situation where, even if you got the
13 causeway to work, you can't reconstruct the
14 road. The end of that road floods. You would
15 have to raise Cooper Avenue where there are
16 already homes on it, which, at the end of the
17 day, means there is no way in and no way out
18 during a flood event. None.

19 So you've got an island of people that if
20 the berms hold, they will be not drowned, but
21 they are going to be isolated, and you can't
22 get emergency equipment in there. So it's not
23 a feasible solution. That's the flooding.

24 So now I want to just do a very -- a
25 relatively quick summing up.

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2 MR. MENDES: Are you -- I'm sorry. Are
3 you assuming that Eagle Knolls Road -- Eagle
4 Knolls; right?

5 MS. FELSHER: Eagle Knolls, yeah.

6 MR. MENDES: Eagle Knolls Road will not --
7 will not hold through any type of --

8 MS. FELSHER: No. No. It will.

9 I'm assuming this holds. This is the
10 place where they're going to do construction.
11 I'm assuming this holds, because there's going
12 to be a big berm, but that's not going to be
13 the problem.

14 The problem is that there's still going to
15 be flooding here, which is why they even show
16 in their plan a flooded golf course. You saw
17 it. It just shows that in their -- flooded --
18 the engineer had his picture up. The flooding
19 is all around the berm.

20 MR. SJUNNEMARK: So what you're saying is
21 that you can't raise the Hommocks Road and
22 the --

23 MS. FELSHER: No.

24 MR. SJUNNEMARK: -- Eagle Knolls?

25 MS. FELSHER: No.

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2 MR. SJUNNEMARK: That remains as is?

3 MS. FELSHER: This one, you can raise.

4 MR. MENDES: I can see -- I can see
5 your -- if you have to elevate Cooper Road --
6 let's start with the top. If you have to
7 elevate Cooper Road, then you're going to have
8 to go into Cooper Road to elevate the whole
9 thing.

10 MS. FELSHER: Correct.

11 MR. MENDES: And that's not really -- and
12 to bring in emergency vehicles, a 14, 15-foot
13 road will not --

14 MS. FELSHER: Right.

15 MR. MENDES: -- will not be sufficient.

16 MS. FELSHER: Right.

17 MR. MENDES: It will be a total trap.

18 So I was -- so that whole Cooper Road
19 thing, it's, kind of, iffy to me.

20 MS. FELSHER: Right.

21 MR. MENDES: So that's why I was -- I'm
22 looking at the Eagle Knolls Road as a -- is --
23 Eagle Knolls Road, if it gets built, becomes a
24 second means of --

25 MS. FELSHER: Eagle Knolls Road is a

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2 private road, and I am telling you that I, for
3 one, who live on it, will not be giving my
4 permission to raise the road.

5 MR. MENDES: I actually said that you were
6 going to do it. I thought you were just going
7 to surprise us with it.

8 (Indiscernible.)

9 So Eagle Knolls Road -- so Eagles Knolls
10 Road is problematic as a means of egress,
11 because --

12 MS. FELSHER: And so is Cove.

13 MR. MENDES: Right now -- right now I'm
14 more interested in emergency vehicles --

15 MS. FELSHER: Correct.

16 MR. MENDES: -- into this -- into this
17 area.

18 MS. FELSHER: Correct.

19 MR. MENDES: So if Cooper needs to be
20 elevated to a very -- because the whole
21 infrastructure of this project is -- is -- I
22 mean, when you were talking about trucks coming
23 in here and heavy equipment, and to build this
24 whole infrastructure, I'm also concerned
25 because of the proximity to the schools because

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2 it's a huge job. But now I'm -- I'm very
3 concerned with the -- you'll have to explain
4 this to me -- the whole egress. Is Cooper Road
5 the only road or Eagle Knolls Road will be out
6 of the question? Is there anyplace else that
7 emergency vehicles can get in?

8 MS. FELSHER: No. Cove Road would be
9 flood. Eagle Knolls would be flooded, and
10 Cooper would be flooded.

11 MR. MENDES: But I don't know the area.
12 You do. I don't. Okay.

13 MS. FELSHER: Those are the only -- right
14 now, Cooper is not a means of access. Right
15 now, the only way of getting into the club is
16 Eagle Knolls, around Cove, and down Orienta.
17 That's it. They're going to create a new way
18 out through Cooper, because they realize that
19 these two are not feasible.

20 MR. SJUNNEMARK: Today, Cooper ends at a
21 shed, basically, where they have equipment --

22 MS. FELSHER: Right.

23 MR. SJUNNEMARK: -- things like that for
24 the maintenance.

25 MS. FELSHER: Right.

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2 MR. SJUNNEMARK: So it's not really an
3 entrance to the --

4 MS. FELSHER: No. And again --

5 MR. SJUNNEMARK: -- club itself.

6 MS. FELSHER: -- it is private. It is
7 not --

8 MR. SJUNNEMARK: It is private.

9 MS. FELSHER: It is private, so they
10 can't --

11 MR. MENDES: What about ground -- is
12 groundwater percolation a problem in this -- in
13 this whole area?

14 MS. FELSHER: Well --

15 MR. MENDES: I know. I understand the
16 surge of water, but does anybody have --
17 (Indiscernible.)

18 MS. FELSHER: -- can tell you, and I -- we
19 can send pictures in with our comments if you
20 want. The water table is so high here, and
21 there's so much bedrock in the high areas that
22 creates the sloping down that anybody who
23 drives through -- like for example, Sunday
24 night -- I had people send me pictures Sunday
25 night, which it didn't even occur to me to

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2 send, where there are poolings all over the
3 place. The reason I didn't is because our
4 engineers have been telling us that doesn't
5 create a danger. That's not a flooding issue.

6 Now, it is, on the environmental side, a
7 potential groundwater and contamination and
8 health hazard issue. But those floodings do
9 not create a --

10 MR. MENDES: Yeah. Yeah. I know. But
11 that creates a problem to me also, because the
12 embankments that need to be built for roadways
13 need to be much larger if there's
14 groundwater --

15 MS. FELSHER: Oh, well, that's what, I
16 think, the -- that's what our expert was
17 saying, that they need to be so much stronger
18 because of all of the, you know, congregating
19 of water for all different type of events, not
20 just flooding.

21 MR. SJUNNEMARK: All right. Thank you
22 very much for bringing all this up so that we
23 have --

24 MS. FELSHER: Can I just make my --

25 MR. SJUNNEMARK: Oh, you're not done yet.

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2 Okay.

3 MS. FELSHER: He asked me a question, so I
4 didn't get to make my --

5 MR. SJUNNEMARK: All right. Sorry.
6 Sorry. Go ahead.

7 MS. FELSHER: Sorry.

8 So summation: The entire premise of the
9 need for the development, that they are -- that
10 they are forced to do this because the club is
11 not viable. And you have to realize that that
12 statement is made about 40 or 50 times
13 throughout the document, because without the
14 acknowledgment that they are forced to do this,
15 you don't have the impetus to do it. That --
16 that underlying premise is false.

17 The 18-hole membership club is viable.
18 The cluster development, as you heard, will not
19 improve viability of the club, period.
20 Nine-hole golf courses are much less desirable.
21 They're usually for beginners or seniors, not
22 serious golfers.

23 There are, I think -- and Gene can
24 comment. I think there was one nine-hole golf
25 course that was started in, like, the last 70

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2 years or some enormously long period. Many
3 more nine-hole golf courses have closed than
4 18-hole golf courses when you look at the
5 number of golf courses that have closed.

6 This is a nine-hole golf course where
7 you've got three holes here and two holes there
8 and five holes there. It's not one that people
9 can nicely go out and drive around in their
10 golf carts.

11 So there's another fallacy here, which is
12 that members shouldn't be fooled by the
13 proposition that the 18-hole golf course will
14 be assured if the condos are built. The golf
15 course would be owned not by the condominium
16 entity in that case, but, rather, by a shell
17 entity. They've said that, been very honest
18 about it. Once the developers take the profits
19 out, they would have no interest in maintaining
20 that course of the club.

21 If the club were to fail, we'd be left
22 with a large track of land with no custodian,
23 as they keep saying throughout the document, no
24 golf course, and, by the way, very unhappy
25 condo owners wondering what's going to happen

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2 to the property and the surroundings. You
3 can't, at that point, convert it to a
4 member-owned club, because the condominium
5 entity owns all of the facilities and is the
6 one that's going to be in control and subject
7 to any leasing of rights for those things to,
8 you know, a golf course entity.

9 The condo plan, even one with a reduced
10 density, is not the only option for the
11 property. I understand there is a group that
12 would be interested in acquiring the club and
13 retaining it as an 18-hole golf course for the
14 5- or 5.2- million value that both they
15 describe as the current use value and their --
16 (Indiscernible.)

17 And our analysis that Gene did confirms
18 that value. The club would then be and could
19 be rezoned as open or recreation space, which,
20 as Lisa mentioned, was clearly started as the
21 preferred objective in the comprehensive plan.
22 This would actually ensure continued
23 stewardship of the valuable open place --
24 space.

25 So, in summary, next, the project is not

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2 permissible legally. It is not consistent with
3 the comprehensive plan or LWRP. The calculated
4 density is wrong and not in compliance with
5 law, and it's also completely at odds with the
6 purpose of both the state and local land use
7 principles.

8 The village statute authorizing the
9 cluster says that it is, quote, "For the
10 purpose of promoting environmental protection,
11 open space preservation, and encouraging the
12 most appropriate use of land," close quote. It
13 would be antithetical to this purpose to allow
14 a developer to build a greater number of units
15 than would otherwise be possible absent the
16 application of the cluster provisions, thereby
17 leading to a ridiculous result of less open
18 space and greater impacts on the community than
19 would occur without reliance on the cluster.

20 Therefore, the first question that you
21 need to ask is what could actually be built,
22 legally and feasibly, with a true as-of-right
23 project, not merely taking the number of
24 available acres, which they've done, and
25 dividing it by the number of lots per acre,

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regardless of whether or not if they ever tried to develop the golf course they could actually do it.

As noted earlier, the development of the 98 acres would be close to impossible given the topography, legal restrictions, and infrastructure needs. Therefore, development can only be achieved by clustering homes to reduce otherwise impossible construction issues.

Our analysis shows, as you saw, that only about 21 homes could lawfully and realistically be built on the site complying with village law, and any cluster development or condo proposal, by the way, must, therefore, be limited to that number. Neither the changed use for the three private roads, Cove, Eagle Knolls, and Cooper, nor the construction proposed for Cooper is permitted without adjacent homeowner consent, and the village has no legal right to authorize those actions for the benefit of a private developer. Finally, the massive amount of required fill is legally prohibited under our Floodplain Hydrological

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Equivalency Law.

Next point, which I'm not going to even repeat, as its previously explained, the DEIS does not adequately address many, many, many factors here.

In sum, the real reason for the proposed development is money. We know the preferred plan for the developers is the condo project. It was what they envisioned when they bought the property and the value they paid in excess of 5 million, which, by the way, they actually state in the cert [ph.] claim was the value of an option betting on their ability to get the rezoning and the condo development through, which would net them, as they've stated in their litigation against the village and as we confirmed in our own analysis, after returning their capital investment and all development costs, profit of about \$55 million. A great return which is the windfall they would get by having a rezoning.

Any distress situation -- and I'll get to that in a minute. There's risk involved. Some deals pan out and some don't. It's not your

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2 job to ensure that this particular investment
3 pans out.

4 The condo project -- the condo project is
5 much more profitable than the proposed cluster
6 development. They were denied the rezoning and
7 forced to submit a plan to the planning board,
8 but did so with the ultimate objective of the
9 condo development.

10 They have -- and I don't know if any of
11 you've been a subject to it. I went to the
12 summit meeting on Tuesday morning. The have
13 engaged in a huge PR campaign pressing the
14 benefits of the condos, asking their members in
15 a communication to memos to come here tonight
16 and tell you what a wonderful idea is the condo
17 is. They had brokers saying, Go and tell them
18 what a wonderful idea the condos are.

19 Part of it is on the basis of it's one or
20 the other. Come hell or high water, we're
21 going to either do the condos or we're going to
22 this development, so pick your poison. And for
23 most people, the lesser poison, including for
24 me, by the way, where I live, because -- for
25 reasons I won't get into, the entrance to this

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2 development and all those thousands of trucks
3 will be entering in right in front of my front
4 door, which I'm not sure is a coincidence.

5 So in any event, I would have to say that
6 if it were me personally, I would be telling
7 you to go with the condo, but that's not right
8 for the community, and that's a false choice.

9 The -- the money behind the project, as
10 you may know, I know I've said it in other
11 forms, and it's been said, is actually from
12 Westport Capital, which is a distressed real
13 estate private equity firm operating out of
14 Westport, Connecticut, which is capitalized by
15 large institutional investor money, and their
16 only objective is a good return. They don't
17 care about our community. They have no
18 interest in what happens here other than to
19 make a killing on a distressed real estate
20 investment that's one of many in a portfolio of
21 distressed investments in a \$500 million
22 private equity fund. That's all this is.

23 The planning board must first analyze this
24 proposed project and determine what its
25 response to this proposal is. And only after

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all appropriate information is included in the DEIS to allow a responsible determination to be made, which the developer has failed to do, can you then go on to the next step.

One more thing: However, since so much time has been spent by the developers on the virtues of the condo, I would like to comment on that.

The condo development is not a reasonable alternative. It is not in the best interest of the community. It is and is only in the interest of the developers. It would be drastically out of character with the surrounding community with a massive five-story 300,000-plus square foot 121-unit luxury condo complex with, in this flooded area, a 300-car underground parking garage that was going to have hydraulic, James-Bond-like, you know, automatic closing doors in the event of a flood, and all this in an otherwise residential area.

More importantly, perhaps, for the village as opposed for the residents around this, it would require rezoning. Our current zoning

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2 laws are in place for a reason. They
3 articulate community character. For example,
4 you wouldn't allow a gas station or CVS in the
5 middle of Prospect Avenue, even if it was only
6 an acre or two.

7 The vast majority of the club is zoned
8 R-20, and, as Lisa mentioned, the comprehensive
9 plan states that this was a holding zone for
10 all open space, including parks, and it went on
11 to state that its preferred alternative for
12 Hampshire would be to have it rezoned as
13 required open space. The remainder of the
14 club, which is where the clubhouse is and where
15 they want to do the development because it's
16 the only really developable part of the
17 property is part of the marine recreation zone,
18 a special zone that was designed to permit a
19 long-ago developed recreational club use in an
20 otherwise residential area.

21 This is similar to the marine commercial
22 zone used to grandfather and permit the
23 water-related commercial uses such as boat
24 yards, you all know, of our waterfront
25 property. These zones were designed to ensure

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2 that neither general commercial development nor
3 high-rise housing would destroy our waterfront
4 and other areas of precious open space.

5 Any rezoning of the MR/MC zones here would
6 risk the rezoning of other MR and MC areas and
7 lead to high-rise condominium developments all
8 along the waterfront, because all of those
9 properties are going to be more valuable with
10 high-rise condo developments than Nichols Boat
11 Yard or Derecktor's Boat Yard or, you know, God
12 forbid what goes on at Mamaroneck Beach and
13 Yacht in that event. No one would want to
14 start that again.

15 The condo development would carry with it
16 the same risk of flooding and lack of adequate
17 ingress and egress that we talked about before,
18 because it would still rely on Cove Road and
19 Eagle Knolls. And I think in one scenario even
20 with the condos, they were planning on building
21 a Cooper -- but now you're going to have Cooper
22 Avenue that would be a causeway all the way
23 from the club down to Cooper Avenue, and it
24 would still have the same construction issues.

25 Finally, if there is a need for condo

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units for empty nesters, which has been stated multiple times, and I don't have any problem with that, that should be developed as needed, but it should be developed where that type of development has already been deemed appropriate and would be consistent with our zoning laws. The MR zone is not where that large-scale development should begin.

Thank you.

MR. SJUNNEMARK: Do you want to say a few words before -- well, thank you for the presentation. I think it was very good. I think the -- all the public liked it very much. I thought it was very interesting.

If there's no other comments from your organization, then we can go on with the public comments.

MR. KASS: Thank you, Mr. Chairman.

And let me thank you for your courtesy and for the additional time you did give us. I appreciate that.

MR. SJUNNEMARK: Thank you. Okay.

So we have now a sign-up sheet, and I will just read from that. If I mispronounce your

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2 name, I'm very sorry. I'll do my best.

3 Dr. Robert Shaps, is it?

4 MR. CUTLER: That was the superintendent.

5 MR. SJUNNEMARK: Oh, I'm sorry. Okay.

6 Melany Gray.

7 MS. GRAY: I'm going to rely on written
8 comments. Thank you.

9 MR. SJUNNEMARK: Okay. So hopefully some
10 of these comments that you heard has -- are
11 answers to some of the questions and some of
12 the concerns that you already had. So maybe
13 you don't need five minutes for each of your
14 comments.

15 Randi Spatz. Randi.

16 MS. SPATZ: Hi. As he said, I'm Randi
17 Spatz, and I am a resident in Orienta.

18 And first of all, I want to thank the
19 board for hosting us all on Valentine's Day.
20 We appreciate the plan and -- and, also, I have
21 to say, Stephen, your team did a fantastic job,
22 and a lot of the questions and points that I
23 had in regard to flooding and arsenic,
24 pesticide, methane, were all answered. So
25 thank you very much for your really

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2 comprehensive presentation.

3 MR. SJUNNEMARK: See, it works.

4 MS. SPATZ: It does. Good job.

5 So in regard to being a resident of
6 Orienta and being a resident since 2006, you
7 know, my family's had the luxury of seeing our
8 wonderful community grow. We've seen a lot of
9 turnover, a lot of empty nesters moving out,
10 and over 50 families of lovely young children
11 moving and really enjoying the freedom of our
12 bike path and walking and running and walking
13 to school and walking around and down to the
14 water. And the thought of additional traffic
15 where -- maybe it might only be an extra second
16 or two in a car. We've already had many
17 situations where cars have run stop signs and
18 almost already hit people. And the more -- the
19 more cars we have, the more trucks we have
20 coming in and out, the more that's going to add
21 to that potential.

22 And we all move to this area to be close
23 to the water, to be able to walk and enjoy it,
24 to be able to smell and breathe fabulous, clean
25 air with -- because of the abundance of big

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2 trees. Not little ones. Big trees. So that
3 is really a big concern of all of us who have
4 bought in this area.

5 In regard to the schools, as a parent of
6 Central students, I know Dr. Shaps did say
7 there's 512 students, and that's K through 5.
8 There's also about a hundred UPK students. So
9 we actually have over 600 students already at
10 Central.

11 So anything above and beyond what the
12 enrollment is already looking like is just
13 going to continue to tack Central and -- and
14 the -- preserving the good teachers that we
15 have, because after a while -- you don't really
16 want to increase class sizes too much, because
17 then you're going to end up coming down on your
18 quality of teachers. And then the quality of
19 the district comes down, and then no one's
20 happy. So, overall, that -- those are my two
21 points.

22 And the last one I actually do want to
23 point out also, in regard to the 55 and older,
24 just because you're 55 doesn't mean you don't
25 have little kids. I think we can all look

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2 around and say that.

3 Thank you.

4 MR. SJUNNEMARK: Okay. Thank you, Randi.

5 Next is the president of Orienta Point
6 Association.

7 George, I can't pronounce your last name,
8 but please go ahead.

9 MR. MGRDITCHIAN: It's Mgrditchian.

10 Good evening, Mr. Chairman and members of
11 the board.

12 First, I want to thank Celia Felsher and
13 her team for an excellent job in doing the
14 heavy lifting for the residents in Orienta. We
15 couldn't have done it without her. We can't do
16 it without her; so I want to give her a round
17 of applause for a great job.

18 She has touched on or her team has touched
19 on many points that the community has concerns
20 about, and one that I want to touch on is
21 traffic.

22 The traffic study that was done -- and I
23 know that many people did not get the ability
24 to read the 400-page document. Neither did I.
25 I read about half of it. But in the DEIS

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report on traffic, they speak about or they can be speaking about alphabetical traffic studies, and they range from A through F. And I'm sure the study clearly indicates that the traffic impact is still going to be or continue to be an F, because that's what it's been in Orienta for quite some time. It has not changed.

What I want to talk about is, from layman's terms, an F is not always an F. When I went to school, a 59 was an F, and if the engineer or anyone else had gotten a 30, that was also an F. But an F can get worse. And what people don't recognize, is that when we're in a situation where cars are backing up on Rushmore Avenue, going down Orienta, they find alternative routes. It's Old Boston Post Road out through Boston Post Road by McDonald's. It backs up the lateral roads that go into the main arteries, which are Rushmore and Orienta.

And everybody who knows the summer months, the traffic in -- the traffic from the clubs is huge. You cannot get out of a lateral street during peak time, which is 3:00 in the afternoon and sometimes going on until 4, 4:30.

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So I think that's is something that certainly needs to be considered in this.

Any additional traffic is going to be -- is going weigh very heavy on the community. It already does now. We're hoping that, you know, there will be some mitigation for whatever may be developed there.

But again, I want to thank everybody and thank the team for what they've done. And happy Valentine's Day to everyone.

Thank you.

MR. SJUNNEMARK: Now we have Kelly Wenstrup.

Did I do that right?

MS. WENSTRUP: You did. Thank you.

MR. SJUNNEMARK: Okay. Thanks.

MS. WENSTRUP: Thank you.

My name is Kelly Wenstrup. I live at 1058 Cove Road, and I despise public speaking. This will be very short and sweet.

I think it's immensely helpful, with so much information to consider, to step back and see the big picture here. Hampshire has been a community gem since at least the 1920s, when my

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home was built across the street from the club.

It sits in a residential district and consists of a marshland that was filled to create a golf course with water features. The waterways are tidal salt water. As you know, this land is zoned residential but has never been used as such; indeed, as we now see through the parade-of-horribles tonight, cannot be used as such for many reasons discussed.

The high elevation within the property situates the clubhouse in the center of Cove Road's oval. The clubhouse is zoned for a membership club which our zoning law requires to be a non-profit in service of its members; truly a community resource for enjoyment of outdoor recreation.

There seems to be a disturbing sense of panic created in the community by Hampshire's current owners. They have threatened, on the one hand, an unworkable development plan, or, on the other hand, a massive condominium complex on the land that sits high and is more physically suited but not zoned to their liking.

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Faced with such a choice, Hampshire counts on you and our community to choose the condominiums. But there need be no false choice, as the neither alternative fits the community needs or our village land use laws.

This is the important part. The appropriate response to such a choice is to respect our zoning laws, respect the character of the neighborhood, and turn away the developer who seeks to turn this community on its head and pit neighbor against neighbor in a false choice of two bad alternatives. The applicant wants to profit at the expense of our community. The laws will not allow it do so unless you grant permission. There's every reason to turn them away and to protect our village, as we aspire our land use boards will do.

Thank you very much.

MR. SJUNNEMARK: Next on the agenda here is Mr. Jack Lusk.

MR. LUSK: Hi. My name is Jack Lusk. I live at 1002 Cove Road.

I'm here to speak to a specific point. I

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2 think I have it distilled down, because you
3 guys have been incredibly patient. And we gave
4 you, basically, what's a petition from,
5 virtually, all the homeowners on Cove Road.

6 We cur -- as you could see from the
7 presentations, we currently share an easement
8 for access and egress from Cove Road with
9 Hampshire, and we've done that, I think, since
10 the club was founded in -- I guess it's 1924.

11 Our premise is a simple one and guided by
12 State Law, and that is that a holder of an
13 easement has no right to unilaterally change
14 the use of an easement particularly where doing
15 so would increase the burden on
16 already-existing properties without their
17 permission. Hampshire has never requested such
18 permission, let alone received it. We do not
19 consent to the use of Cove Road as a means of
20 ingress and egress to the proposed new
21 development or its alternatives outlined in the
22 draft environmental impact statement.

23 We think this is a critical issue and
24 could be cleared up now before the planning
25 board and public wasting more time and energy.

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At the very least, we recommend that the planning board request a written opinion from your counsel on this issue before proceeding further, and we would hold the same thing is true for Eagle Knolls and for Cooper Avenue.

And I think the interesting thing to note is that when it falls over to Eagle Knolls, as you can see, that -- that is more touching the town. So, as we all can easily tell, every proposal that's been made has carefully avoided bringing the Town of Mamaroneck into the discussion for the purposes of environmental review and process.

It's our position that a careful review of the easement and the rights of the private property owners could certainly fall over into an issue for the town as well as for the Village of Mamaroneck.

Thank you very much for your time.

MR. SJUNNEMARK: Thank you.

David Wenstre [ph.].

MR. WENSTRE: I will defer for another time.

MR. SJUNNEMARK: Neil Porto.

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2 AUDIENCE SPEAKER: Neil spoke already.

3 AUDIENCE SPEAKER 2: I didn't get to sign
4 up either.

5 MR. SJUNNEMARK: Oh, okay. All right.
6 Okay. That, I can't read.

7 MR. STEINMAN: If there are other people
8 who wish to speak, please -- please sign up
9 with the land use board secretary.

10 MR. SJUNNEMARK: Do we have a Doug Klein?
11 Somebody Klein? Any Klein? Anybody with a K?
12 No. Okay. And then we have Paul Ryan.

13 Paul, it's your turn.

14 MR. RYAN: Thank you, Mr. Sjunnemark,
15 members of the board.

16 I have three separate pictures here that
17 I'd just like to pass along. They're taken in
18 March of 2010 of the subject property, and you
19 can just take a look.

20 You know, I've been involved in the
21 Village of Mamaroneck/Town of Mamaroneck for
22 about 30 years, and environmental issues, and
23 specifically in flooding issues. I was on the
24 original Coastal Zone Management Commission,
25 and we, kind of, segmented our tasks. So my --

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2 my area of expertise became flooding. I went
3 from there. So we developed our LWRP and --
4 (Indiscernible.)

5 You know, we've established the marine
6 commercial zone and marine residential to
7 protect from high-rise condos, you know, back
8 and fourth.

9 Unfortunately, we could not declare
10 Hampshire part of the marine residential zone.
11 We had long conversations, you know, with our
12 attorneys, land use attorneys, and we
13 established the zone along the first --
14 (Indiscernible.)

15 -- to the first road along the coast. If
16 we'd gone across Cove Road to make it part of
17 the marine zone, we'd be spot zoning. So we
18 couldn't do that, and we had our regrets. So
19 instead, the village declared Hampshire a
20 critical environmental area, the whole
21 property.

22 In the meantime, the Town of Mamaroneck
23 also declared their 7.3 acres as a critical
24 environmental area and a wetlands. So the
25 whole -- the whole property involved is, kind

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2 of, protected.

3 They -- you know, you have to talk about
4 the environment and the total environment.
5 You've got the -- the -- the rock outcroppings
6 that the gentleman mentioned, but you also have
7 flooding. And it's not -- as the environmental
8 impact statement and the gentleman said, it's
9 not just coastal flooding. It's water coming
10 down from the Post Road area.

11 When that man drowned, that was -- that
12 established that area as a V Zone, as a
13 velocity zone. They didn't find his body for
14 about three days under a culvert under Hommocks
15 Road. That's how strong that was.

16 We had -- I was on the town board then,
17 and we had voluntary ambulance corps. and
18 police on Eagle Knolls, Hommocks Road, telling
19 people, you know, it's not safe to go in or
20 out. Well, the man was there. He was on top
21 of his car. He got swept away. Our guys tried
22 to rescue him, and they couldn't.

23 So it shows that wasn't a coastal storm,
24 as I recall. That was a rainstorm. So you've
25 got rain coming down, hitting that stream,

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2 picking up velocity, and a flooding condition,
3 and it was dangerous. So anything you do on
4 that property that -- you've got to take into
5 consideration, okay, it's going to be isolated.

6 What if there's a pregnant woman? What if
7 somebody has a heart attack? What if there's a
8 fire? There are a lot of what-ifs that have to
9 be considered in any -- any zoning matter, you
10 know, in that area.

11 They also talk about destroying 432 trees.
12 Well, it takes nine acres of undisturbed land
13 to make up for one acre of lost of trees. You
14 know, one acre of cement. Nine acres. So you
15 figure out how many acres will be ruined just
16 on those 432 trees being disturbed. And
17 that's -- and if you look at those pictures,
18 you'll see that the caliper of the trees
19 destroyed, just from the pictures I'm showing
20 you, is a heck of a lot different from the
21 two-inch diameter caliper that they're
22 proposing to put the in there.

23 Meanwhile, you've destroyed all the root
24 systems of all those 432 trees that prevent
25 erosion. And I don't care how much you try and

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2 pack things down. It ain't going to work the
3 same way.

4 Now, I've got to bring up, you know,
5 environmental stuff really started in the late
6 '70s, and we -- we, kind of, went along, and we
7 had our LWRPs. And when I was on town board,
8 we had the Bonnie Briar case.

9 The Bonnie Briar case is extremely similar
10 to the Hampshire case. You had a developing
11 syndicate that wanted to destroy an 18-hole
12 golf course, have a nine-hole, put up condo
13 townhouses around the perimeters.

14 We hired a marine geologist. They
15 determined that the -- both Hampshire and --
16 I'm sorry -- both Winged Foot and Bonnie Briar
17 were natural retention basins to protect
18 downstream areas. Now, here, at Hampshire --
19 okay. You don't have that much building
20 downstream, but you do have the Hommocks
21 School. You have the -- the big playground,
22 which, actually, belongs to the Town of
23 Mamaroneck, plus, you have the salt marshes
24 behind it. And you can't put all that fresh
25 water into a salt marsh without destroying it,

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2 which violates Federal and State Law. So there
3 are a whole bunch of different things involved.

4 If I had anything to do, it would be to
5 declare Hampshire as a recreation district and
6 prohibit all building. They've got enough
7 building up on the -- the marine residential --
8 marine commercial area. I'm sure they won't
9 like it.

10 But again, if Bonnie Briar is there, when,
11 25 years later -- there's an 18-hole golf
12 course, and they're not losing money. They're
13 still in there making money. And they lost --
14 they took their court case all the way up to
15 the Appellate Court in New York State, and they
16 lost. And what the judges determined was that
17 you are not entitled to the highest and best
18 use of your property no matter what you say,
19 and that's what the developers want to do.
20 They want the highest and best use, condos or
21 whatever.

22 And I would just urge your honorable board
23 to do the best that it can to shoot this draft
24 EIS down. Do whatever you have to, because
25 this is not good for the Village of Mamaroneck

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2 or downstream into the Town of Mamaroneck.

3 And to answer the gentleman that got up
4 before me, the Town of Mamaroneck also has a
5 local waterfront revitalization program, and
6 they are listed as a -- an interested and
7 involved agency on this. So they get all the
8 information. And I'm sure the -- Town
9 Supervisor Seligson advised me by email this
10 week that they will be adding comments on to
11 this. And in my email to her, she -- she
12 agreed back that her concerns were also
13 concerns that I listed.

14 So thank you very much for your time.

15 MR. SJUNNEMARK: Thank you.

16 We have Norman Hinerfeld. Is that
17 correct?

18 MR. HINERFELD: That is correct.

19 MR. SJUNNEMARK: Oh, good.

20 MR. HINERFELD: First, I'd like to thank
21 the people who put together the response.
22 Again, I'm in total agreement with all of the
23 points that they were making. And to relate to
24 our last speaker, I want to give some -- one
25 added point which I don't think has been raised

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2 up to now.

3 I bought and built my house in 1969 on
4 11 Oak Lane. I'm a close neighbor of
5 Hampshire. I own one-third of that big pond
6 that's two-thirds owned by Hampshire, and
7 Hampshire earthenware dam, which holds back the
8 ocean water, ends up abutting my property. So
9 I'm a close neighbor.

10 In 1992, the storm that was referred to
11 where one of our neighbors died, the water came
12 rushing out of the golf course, over into my
13 property and in my cellar. In the house, we
14 had five feet of water. Because Hampshire was
15 built originally on a floodplain, which -- you
16 have rivers and streams pouring in water,
17 hoping to get out to the sound with a dam
18 blocking it.

19 So what happens? The water builds up in
20 the golf course, and the only way it can get
21 out is to go south, where my house is and a
22 string of other homes along Hommocks Road.

23 Five years ago, this whole procedure
24 happened again, and this time, I had six feet
25 of water in my basement. And looking at five-

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2 and ten-year projections of the rise of the sea
3 water, I probably will find the next storm is
4 going to be in the living quarters of my home.

5 And what I'm trying to point out is that
6 the construction they are talking about is
7 going to redirect where all this water has to
8 go, and I would think that Oak Lane and
9 Hommocks Road is in great danger of being
10 washed away with no other changes than what the
11 builders here are proposing.

12 So I thank all of you who have raised the
13 objections, and I strongly support those
14 projections.

15 MR. SJUNNEMARK: Thank you very much.

16 We have Jen Kronick -- something. I'm not
17 sure. Do we have a Jen here?

18 What's your last name?

19 MS. KRONICK: Kronick.

20 MR. SJUNNEMARK: Kronick. Oh, I missed
21 the R.

22 MS. KRONICK: I didn't realize it was
23 going to be read out loud, so I would have
24 written it more neatly.

25 Okay. So -- try to make it quick. I'm

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Jen Kronick. I live at 1020 Cove Road. I actually wouldn't see the houses from my house, but I certainly would see the condo and be impacted by traffic and noise and everything.

So, basically, I fear this is all a waste of time in response to a threat that aims to convince us to make a false choice, to choose between their housing plan or their 121-unit condo plan or any of their alternatives.

We have heard tonight and via the investors public relations outreach that they prefer to build the 121-unit condo development, and they consider this to be a compromise to their supposed right to build a massive housing development under their zoning, which is false, as you've heard, and I won't say why again.

So as you've heard, they do have a legal obligation to its investors to pursue the most profits. Caring about what is best for our village, for you, for me, for our neighbors, for our children, for our schools, and for our community and even for its own club members would be contrary or could be contrary to its obligation to its investors.

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2 So please, to all of you and to our
3 neighbors and friends, do not be fooled by the
4 claim that they care about us. They do not,
5 and that would be wrong for their investors.

6 So while the developer and I have strong
7 disagreements about the best use of land that's
8 down my block and which they have put their and
9 their investors' money into, hoping to cash in
10 at our community's expense, and they've linked
11 their names and their professional and personal
12 reputations to, so it's very hard, the
13 developer and I can probably agree that they
14 don't want to put their investors ahead of our
15 -- I'm sorry -- that they do want to put their
16 investors ahead of our community. They do not
17 want to put our community first.

18 Despite this obligation to its investors
19 and its housing proposal tonight, the developer
20 has had the gall to say -- and this is a direct
21 quote from one of its emails to its members.
22 The quote: "Condo development proposal is not
23 only the far better option for our members but
24 also for the entire Village of Mamaroneck. In
25 fact, the positives of this development

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2 proposal so far outweigh the negatives, it's
3 quite difficult to understand how one can argue
4 against this option of the condo development."

5 So thank you for caring about our
6 community, but I can tell you that I and many
7 others can easily understand how one can argue
8 against the condo option. As many others have
9 said, it's not a choice of A versus B.

10 Many of us were in the same room almost
11 exactly four years ago to this month to talk
12 about the developer's petition to rezone the
13 property so that they could build this massive
14 building -- I don't know why I'm, like,
15 shaking -- containing over 100 condos.

16 So since Hampshire has raised the condo
17 development in all of these different places,
18 in the summit meeting and in their, like, PR
19 events that they've hosted for their members
20 and for the neighbor and in the letter we got
21 and on next door Orienta, where one of their
22 employees, Susan Goldberger, claimed to want to
23 live there but didn't disclose that she was an
24 employee of this developer, and it's also come
25 up in questions to me and my neighbors, I

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2 figured that -- and they also said tonight, in
3 an email to members, that they would present
4 these materials and findings in hopes of taking
5 a step forward in the direction of the condo
6 development project. I figured it might also
7 come up in your own discussions. So I thought
8 that we should talk about it quickly.

9 We should not let this investor and
10 developer trick us by believing that we need to
11 choose the condos or any of their other
12 alternatives that they propose for their
13 benefit and their investors' benefit and for
14 their own personal and professional
15 reputations. That approach is ignorant of or
16 completely mocks this entire planning board
17 process.

18 So here are just a few reasons why this
19 100-unit condo development is not better than
20 the housing and is also not realistic: First,
21 building a massive five-story
22 300,000-square-foot building with over 100
23 two-to-three-bedroom apartments and
24 approximately 246 underground parking spots, an
25 indoor theater room, an indoor pool, a business

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2 center, a fitness center, restaurants,
3 plural -- at least more than one, they didn't
4 say how many -- valet parking is not
5 environmentally sensitive and sounds more like
6 a shopping mall and not a responsible
7 development in a residential area, especially
8 in a critical environmental area that was
9 designated as residential just to be a holding
10 zone.

11 For perspective, the current clubhouse,
12 according to the Hampshire website, is 35,000
13 square feet. This condo building would be
14 300,000 square feet, which is almost nine times
15 the current size of what is there now. It is
16 not any better than the housing.

17 This supposedly less-disruptive condo
18 proposal would just actually -- I'm sorry --
19 would expand the building by almost nine times.
20 And imagine that, it's not just condos. It
21 would result in significant disruption to soil,
22 moving roads, changing elevations of the roads,
23 disrupting the cove, Hommocks, the wetlands.
24 It would result in a massive change of
25 stormwater drainage patterns that would

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2 adversely impact and likely cause flooding to
3 surrounding homes, neighborhoods, and schools.

4 And to think that they're saying that they
5 would do us a favor by giving us another exit
6 when there's flooding when they're adding,
7 actually, 100 more families to our area who
8 would need exit is kind of insane.

9 Condos targeted to empty nesters but not
10 required to be sold to them can be sold to
11 anyone, would still result in significant
12 increase of school-age children and
13 overcrowding. We already have an overcrowding
14 problem in the district. There's this whole
15 big thing going on, if you're not aware of it,
16 and adding 100 condos would certainly add --
17 increase that.

18 And even if they did restrict, which is
19 new, to 55 and over, is there even a market for
20 100 condos for 55 and over people? And as
21 Randi Spatz had said, there could be children
22 anyway.

23 The traffic. Over a hundred condos would
24 result in at least 100 or even 200 extra cars.
25 I mean, this was all studied. I don't need to

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2 guess. Trucks, machinery, et cetera.

3 This also would represent an approximately
4 15-percent increase in the residences within
5 the peninsula of Orienta, from approximately
6 700 residences to over 800. 15 percent more
7 people traveling the same roads. Think of the
8 8 a.m. Hommocks congestion and the extra
9 congestion all the time.

10 The additional water pipes, sewer drains,
11 stormwater drains, road maintenance, garbage,
12 recycling pick up, emergency services like the
13 police and the fire departments. This is
14 not -- and this would not be supported by the
15 lower tax rates of a condo development.

16 It's not responsible development. It
17 would not be responsible for it to be approved
18 either.

19 Their environmental considerations as
20 well. The trees would -- some trees would
21 still come down, light pollution would
22 increase, and there's no way you could build a
23 massive building, nine-times the size of the
24 current building with almost 250 parking spots
25 underground, redirecting, elevating streets

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2 with 100 one-to-three-bedroom condos, without
3 disturbing land around it, particularly when
4 it's so close to the Long Island Sound,
5 Delancey Cove, and the wetlands with the
6 critical environmental areas.

7 So we -- we cannot let ourselves be fooled
8 by them. The investor materials state that the
9 condo development will, quote, "Help secure the
10 future of Hampshire Country Club." If securing
11 the future is the goal, there are many other
12 ways to achieve that goal.

13 The condo association would not secure the
14 goal, just as the housing would not either.
15 There are no financial guarantees, and the
16 investor could walk away. And, of course, its
17 members would have to make due without the club
18 during the years of construction anyway.

19 So the Village of Mamaroneck is being
20 asked to believe the false claims of a
21 developer whose only responsibility is to its
22 investors. Their claims about what is best for
23 you, me, and our community are false, ignorant,
24 and would deprive us of the wonderful open
25 space that we already have.

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So thank you.

MR. SJUNNEMARK: Okay. We're getting down toward the end of the list.

And now we have Matt Phillip. Any Phillip? Any Matt? I guess he gave up.

Diana Russel. No Diana Russel here?

Then we have Karen Rob.

MS. ROB: Hi. Everybody's said everything I wanted to say.

But I grew up in Larchmont. I was born here. I'm in the Town of Mamaroneck on the Rock Ridge Road side, which is not the village of Mamaroneck side. So I'm up high.

I have pictures so -- you know, and I've sent them to Celia. When the floods happen, it's a lake, and it's beautiful. There's ducks. There's geese.

Right now, it's frozen. So normally, it -- it all goes back in within a day. Right now, the groundwater is frozen. So I still have a picture, three days later, of the storm we had Sunday, and it has not receded, which is only because of the cold weather we had.

I feel like -- and I also have a degree in

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2 plant and soil science, so I really loved the
3 soil analysis. And who's going to be standing
4 there testing every truckload that comes in? I
5 swear to God, I feel like this is Poltergeist
6 the movie. We won't know for, like, 20 years
7 what has been brought here.

8 And if people don't know, a cubic yard is
9 this-by-this-by-this. So that's 86,000 of
10 those.

11 And my house pumps the sewer up, so I
12 can't even imagine where all this is going when
13 we know the harbor -- our kids can't swim in
14 the harbor when it rains. So where is all
15 this -- I mean, again, it just -- it's just
16 unfathomable. Where is all those culverts
17 going to go?

18 And another thing: The gentleman that got
19 swept away that was found in the culvert,
20 trucks are now driving over that culvert, and
21 there's no way that 18-ton or whatever that
22 is -- so that has to be addressed prior. We
23 have -- we have bridges here that trucks can't
24 go over because of weight, so that's not even
25 feasible right there.

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2 I was here two weeks ago or more talking
3 about coyotes. Nobody even mentioned that.
4 You guys might remember me. Yeah. So they've
5 moved in. There was a wonderful man here and
6 the wolf conservation people. They've moved
7 in. They live there.

8 Now I'm going to be a friend of the
9 coyote, because they're not leaving. So
10 they're from Alaska to South America. They're
11 here to stay. There are packs out there. My
12 dog went after one of them and did not live
13 four days after, and Celia found her collar on
14 one of these borderlines where all the marshes
15 are. I've gotten -- well, I haven't gotten
16 over that, but, you know, I've learned to live
17 with it.

18 Cooper Avenue, right now, a home just went
19 for rent, 1897 Farmhouse at the top of Cooper.
20 So all this land, at one time -- Norman might
21 know -- was farmland. I don't even know. And
22 when I was a kid, Hommocks Road, that lake you
23 were talking about that was owned by the
24 Ziemans[ph.], if you remember, there was no
25 lake there. So they've already done water

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2 retention basins and things to that sort. So
3 that's the one that is partially over by
4 Hommocks Road and Oak. So I think that's about
5 it.

6 Oh, and, you know, again, I already said
7 Poltergeist. Erin Brockovich. I just have
8 this horrible feeling that there's going to be
9 something that's going to come up after the
10 fact, when we're talking about bringing soil
11 in.

12 And where's that soil coming from?
13 Alaska? Canada? Where are you going to get
14 soil that is not already contaminated with
15 PCBs? And I think that's about it.

16 I do -- I wasn't -- I wasn't really
17 prepared but -- and now, you know, with DDT and
18 everything making a comeback -- we do hear
19 hawks. We hear beautiful things.

20 And I would love to walk you around,
21 Mr. Mendes and Mr. Sjunneemark. I would love to
22 walk you through here, the areas that we all
23 grew up with.

24 MR. SJUNNEMARK: I walk there every
25 morning almost.

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2 MS. ROB: Oh, okay. So -- and we can show
3 you, and I can show you pictures of my
4 backyard.

5 Thank you.

6 MR. SJUNNEMARK: Okay. It looks like --
7 (Indiscernible.)

8 MS. SAVOLT: That's Abby Roberts.

9 MR. SJUNNEMARK: Roberts? Oh, my God. I
10 wish I could show you this.

11 MS. ROBERTS: Thank you. I'm going to be
12 super fast. But yeah, my name's Abby Roberts.

13 MR. SJUNNEMARK: Take your time. We've
14 got until 11.
15 (Indiscernible.)

16 MS. ROBERTS: -- Old Post Road, own a
17 house on Post Lane which looks over the
18 Hommocks. I have a child who's in second grade
19 at Central and a two-and-a-half-year-old who's
20 going to be in Central in 2020. So I'm all
21 sorts of impacted by this plan.

22 I'm not going to repeat what's been said
23 already, because I think it's kind of obvious.
24 But I do want to quickly note traffic, because
25 I'm also currently the chair of the Village

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2 Traffic Commission, and school traffic is a
3 major issue that comes up constantly, all the
4 time.

5 And so, you know, I've really focused on
6 this plan -- on the dump trucks going through
7 the Hommocks. I know they're just saying
8 Cooper is an exit, but I don't really believe
9 that, because everyone uses Old Post Road as a
10 cut-through for all of Orienta.

11 We've already recommended several times
12 that sidewalks be installed on the street for
13 safety purposes because there's so much
14 pedestrian traffic, so I was really concerned
15 about this plan from that perspective. We also
16 looked at the data in the 400-page plan last
17 night, and their estimates on the number of
18 cars and pedestrians going through seemed
19 highly suspect.

20 So I just want to end this by recommending
21 that if we're going to look at this, we really
22 need an independent traffic study to really
23 look at these issues, because they're already
24 quite serious throughout the village, and this
25 would, I think, greatly add to those. And

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2 specifically, the safety of our children, I
3 think, is really at stake here.

4 So thank you.

5 MR. SJUNNEMARK: Thank you very much.

6 So now we have Linda Negrin.

7 MS. NEGRIN: Hi. I own the property at
8 1100 Cove Road, and I have a question.

9 I've listened to this. I've followed it
10 for years. What is in it for the village
11 beside the taxes? I mean, I understand.
12 That's a big deal. But when you figure that
13 you're going to have to have inspectors to
14 inspect the soil, and you're going to have to
15 have monitors, you know, to inspect the trucks,
16 and you're going to have to reinforce the roads
17 in order to get all these yards of fill in
18 there -- I mean, I do some building too. It's
19 a mess, and the neighbors require that you
20 clean up every day, and those trucks are muddy,
21 and they're tracking mud. I mean, that was the
22 cleanest truck I've ever seen, the one you
23 showed up there.

24 All I'm saying is it's expensive to do all
25 the peripheral inspecting and -- and -- you

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2 know, and site work and everything else that
3 the village is going to be required to do.

4 We have one building inspector. I mean,
5 what are you going to do about that? Are you
6 going hire full-time people? And this is going
7 to go on for five years, especially if you
8 consider what you were saying, that he would
9 do, you know, part development at one point and
10 then continue on. This is not going to be nine
11 months worth of work. It's going to be years
12 and years and years.

13 Look at the developments on the Post Road,
14 the -- the Harbor View or whatever those things
15 are, the condos, the \$2 million condos.
16 They're not sold. Okay. Empty nesters -- the
17 other ones that went up next to the service
18 station on the -- they're not sold. The
19 cadmium[sic], they're dying over there.
20 There's another one in Mamaroneck. Condos are
21 not exactly what's selling. There's plenty of
22 places for 55-and-overs to go.

23 So anybody's moving in here, and I've
24 spoken to realtors. I just had lunch with
25 someone today, speaking about this exact thing.

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2 The people who are coming here from the city
3 are coming here with children. They like the
4 walkability. They like the community. They
5 like the proximity to the water. They like the
6 proximity to New York City and to the station
7 and the diversity in this community, because
8 there are other things about this community
9 that Scarsdale and Pelham and Rye and a lot of
10 other communities have over us. But they want
11 this community because of the diversity,
12 because of the way it is, because of the open
13 spaces, because of the small tracks of land
14 that people have around and that we're a
15 community, and we're diverse.

16 And what is in it for the Village of
17 Mamaroneck to let this development go on? I
18 don't get it, because everybody around here and
19 all the 700 residents of Orienta and the other
20 residents of Central School say, Why are we
21 doing this to people we -- I mean, to someone
22 who bought Hampshire for \$12 million, had their
23 taxes reduced because they said it was only
24 worth 5 million.

25 I mean, we could get together, a group,

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2 and just buy it from them; but they won't sell,
3 because they're in it for the big profit. And
4 I think that, you know, you have to protect us
5 from that.

6 So I appreciate it. Thank you.

7 MR. SJUNNEMARK: Okay. Thank you.

8 And now we have John Hofstetter.

9 MR. HOFSTETTER: So I'm John Hofstetter.

10 I'm a former trustee, a real estate broker
11 locally, and I just want to share my experience
12 on the board of trustees when the Village of
13 Mamaroneck was looking at purchasing Hampshire.

14 We contracted with a planner to evaluate
15 the potential purchase price and what could be
16 done with the property. We asked a planner to
17 come to us with a proposal of what a developer
18 might do, and they -- the planner came to us
19 and did much of the same thing that Hampshire
20 is proposing now, laying out a grid of property
21 for -- I guess it was around 100-plus lots.

22 And when we quizzed the planner on what
23 the village would actually allow to be
24 developed in the current situation, under
25 current zoning and current legal situations and

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2 environmental conditions, it would not give us
3 a number, but he, kind of, threw out a general
4 number of about maybe 20, 21, 25 units.

5 So I think what you're looking at is a
6 proposal that should be -- is it 20-something
7 houses, 20-something condominiums in a cluster
8 development or some other issue, but it's not
9 the larger number that you're being presented
10 with. And I think that's a false
11 representation that's being put to you, and I
12 think it's very disconcerting for you to be put
13 in this position without a little historical
14 perspective and without understanding that your
15 role is to evaluate what could legally be built
16 there under the current zoning and current
17 regulations and then say, Okay, these are your
18 options. You can build whatever number of
19 houses it is, 22, 21, 25 houses out there which
20 are carved up into four-acre lots so that the
21 property is maintained in perpetuity and there
22 are no issues with when the golf club goes out
23 of business.

24 That is really what your -- what the
25 community should be presented with, and whether

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or not that makes sense for them financially is really not your role. That's just what we're supposed to be looking at as a community.

Couple of other things that I wanted to address is the school district is going through this incredible discussion about overcrowding. It affects Mamaroneck School System, not Rye Neck School System. The -- what we are seeing, as real estate agents, are people who move into this community because of the schools. And that -- whether -- whether they have agreed to or not agreed to or whether they will agree to deed-restrict whatever they do would be important to the school district. And then the next part is assessment.

When you build condominiums, they are assessed at a substantially lower rate than single-family homes. You can have attached single-family homes that are -- that are assessed as a single-family home would be. According to New York State, condominiums and co-ops are assessed at a commercial rate, which is a fraction of what the true value of a home is worth.

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2 Commercial property, condos, and co-ops
3 are -- you can buy a -- probably about a
4 600,000, \$800,000 condo in this community and
5 pay about \$6,000 in property tax. It's
6 amazing. You buy an \$800,000 single-family
7 house, and you're paying probably three-times
8 that.

9 So the value to the community -- you have
10 to figure out what would be the best value to
11 this community. And I'm not proposing that
12 they be allowed to do anything in an area that
13 is not suitably zoned for it. But when they're
14 here petitioning for these changes, those are
15 values that you have to make -- value decisions
16 that you have to make. What is going to
17 benefit the community? It's not what's going
18 to benefit the developer. It's what's going to
19 benefit the community as a whole.

20 And then, lastly, my concern is if a
21 development, as a cluster development, were to
22 be allowed, and they carved up the golf course,
23 and seeing the plan that I saw when I went to a
24 presentation is the golf course -- and I do
25 play golf occasionally. The golf course is a

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2 nine-hole golf course with a couple of holes
3 here, a couple of holes there and spread out
4 throughout the property.

5 Typically, that's not the kind of golf
6 course that people enjoy playing. So I think
7 it would be a challenge for that golf course to
8 stay in existence over the long term. So we
9 would be just back here having the same
10 discussion in, you know, 6 months, 6 years, 16
11 years. So I think that's a concern that you
12 have to address as we move ahead.

13 And I'm -- I don't know if the school
14 district was here, but they certainly should
15 have -- I missed the beginning of the meeting
16 because I was busy on another project.

17 Thank you.

18 MR. SJUNNEMARK: Thank you very much. It
19 looks like we're down to our last speaker, and
20 that would be Paul Cantwell.

21 MR. CANTWELL: Thank you very much,
22 Mr. Chairman.

23 I am the president of the Hommocks Road
24 Property Owners Association. Actually, we
25 don't cover all of Hommocks Road. We only

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2 cover it from the top end of Hommocks Road,
3 where Oak Lane branches off.

4 I live at Three Oak Lane, and so I
5 overlook the 10th Hole. And I would just like
6 to reinforce a point Norman made, which is when
7 water flows in there, and it has done on a
8 regular process, this is not a slow seepage.
9 This is high-velocity seepage. It's actually
10 moving at quite a pace. I've stood there and
11 actually watched it come through.

12 So, frankly, I find this whole concept
13 fairly ludicrous. The idea that you would put
14 120 condos with underground car parks is
15 just -- in a zone that floods -- how are they
16 going to get out? Are they going walk?

17 And then if you put all these houses in
18 there, as we've seen, there is no prospect of
19 them being able to use Cove Road or Eagle
20 Knolls Road. They don't have the rights to,
21 and they're not going to be able to raise it,
22 and they flood. These people are then going to
23 be stranded. It just simply is a silly
24 project.

25 Thank you.

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2 MR. SJUNNEMARK: Okay. Thank you very
3 much.

4 Les, lead us to the next step here and see
5 what we have to do.

6 MR. STEINMAN: One last call in case
7 there's anybody else who would like to speak
8 before -- this evening. Okay. And then --

9 MR. SJUNNEMARK: Sure. If you --

10 MR. COOPER: The only thing: In terms of
11 keeping the hearing open -- and I'm sure I'm
12 going to regret this. But, Mr. Chairman, you
13 did represent to a very large room that it
14 would be carried over, and then various names
15 were called and missed. I happen to know there
16 are people that were planning to speak tonight
17 that did not speak tonight.

18 So we would request -- and I'm sure I'm
19 going to regret this, but we would request to
20 keep the public hearing open.

21 MR. SJUNNEMARK: Okay. Then we'll comply
22 with that request.

23 MR. STEINMAN: So I think you've already
24 made that statement. So --

25 MR. SJUNNEMARK: I made that statement

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2 because I saw the room was overfilled and there
3 was people out in the --

4 MR. STEINMAN: And people left based upon
5 the representation.

6 MR. SJUNNEMARK: They left based upon the
7 fact that I told them so. But I think, at the
8 time, we all agreed that it was going to
9 continue because there was so many people here.

10 MR. STEINMAN: So I think what you can do
11 tonight is take a motion to continue the public
12 hearing to March 14th.

13 MR. SJUNNEMARK: Can we just keep it open
14 so I --

15 MR. STEINMAN: Yes. Keep the public
16 hearing open to March 14th, and then we will
17 hopefully locate a venue that's larger so that
18 we don't run into this situation.

19 MR. SJUNNEMARK: Okay. Okay. So do I
20 hear a motion to keep the public hearing open
21 until the March 14th meeting?

22 MR. MENDES: Second.

23 MR. SJUNNEMARK: Nobody made the motion.

24 MR. MENDES: I made the motion.

25 MR. SJUNNEMARK: Why don't you -- why

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2 don't you -- let's have one meeting.

3 MR. LITMAN: We were just trying to figure
4 the logistics of it. If people would register
5 ahead of time, either call in to the office or
6 email, we would know what the agenda is, and
7 maybe this room would be suitable.

8 MR. STEINMAN: Well, I think it's going to
9 be difficult to get -- make sure you have
10 a-hundred-percent participation. I think if we
11 -- at all possible, we could find a venue that
12 was bigger -- because people did -- were
13 inconvenienced tonight, and I don't think we
14 want to have that repeated.

15 Maybe it won't happen a second time. But
16 if we can avoid it, I think it would be the
17 best --

18 MR. SJUNNEMARK: Better be safe than
19 sorry. So let's not make the same mistake.

20 Excuse me?

21 MR. STEINMAN: We'll explore the options.

22 MR. SJUNNEMARK: We could go closer to the
23 project and go to the Hommocks.

24 MR. STEINMAN: Mr. Sjunnemark, you have
25 the motion. See if you can get a second.

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2 MR. SJUNNEMARK: No. I -- I haven't --
3 there is a side meeting going on here, so I
4 don't know what we're going to do.

5 MR. LITMAN: All right. I'll move.

6 MR. SJUNNEMARK: You'll make the motion?

7 MR. LITMAN: Yes.

8 MR. SJUNNEMARK: Do I hear second?

9 MS. SAVOLT: Lou already seconded.

10 MR. SJUNNEMARK: You're second, Lou.

11 Okay.

12 So Richard?

13 MR. LITMAN: We'll keep the hearing open
14 and continue it at our meeting of March 14th.
15 (Indiscernible.)

16 MR. STEINMAN: Correct, March 14th.

17 MR. SJUNNEMARK: Okay. Sorry.

18 So, Richard.

19 MR. LITMAN: Encourage people to register
20 in advance, please.

21 MR. SJUNNEMARK: You said yes?

22 MR. LITMAN: Yes.

23 MR. SJUNNEMARK: Kathy?

24 MS. SAVOLT: Yes.

25 MR. SJUNNEMARK: Lou?

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And I say yes. And then we'll take a motion to adjourn the meeting.

MS. SAVOLT: I'll make that motion.

MR. SJUNNEMARK: All in favor?

BOARD MEMBERS: Aye.

(Time noted: 10:35 p.m.)

C E R T I F I C A T E

I, ILANA M. NATHANSON, a Certified Court Reporter and Notary Public of the State of New York, do hereby certify that the transcript of the foregoing proceedings, taken at the time and place aforesaid, is a true and correct transcription of my shorthand notes.



ILANA M. NATHANSON

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VILLAGE OF MAMARONECK
PLANNING BOARD

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HAMPSHIRE COUNTRY CLUB- 1025 COVE ROAD (SECTION 9,
BLOCK 35, LOT 700; SECTION 9, BLOCK 36, LOT 1;
SECTION 9, BLOCK 42, LOTS 568, 695 AND 367; SECTION
9, BLOCK 43, LOTS 1 AND 12) APPLICATION FOR A
PROPOSED SUBDIVISION, SITE PLAN AND SPECIAL PERMIT.
PUBLIC HEARING FOR THE DRAFT ENVIRONMENTAL IMPACT
STATEMENT SUBMITTED DECEMBER 2017.

-----X

April 11, 2018
Mamaroneck High School
1000 West Boston Post Road
Mamaroneck, New York 10543
7:03 p.m.

B E F O R E:

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1 HAMPSHIRE COUNTRY CLUB - PUBLIC HEARING

2 MR. VERNI: I'd like to welcome everyone
3 to the April 11th, 2018, meeting of the Village
4 of Mamaroneck Planning Board. It's our
5 regular-scheduled meeting; although, it's in a
6 new location, obviously. So I'd like to
7 welcome everyone to Mamaroneck High School.

8 There are two items on the agenda tonight.
9 The first is the Alter Subdivision, which is a
10 item that's been on for many years and
11 hopefully may come to a conclusion. So we're
12 going to start with that item. And following
13 that short presentation, we'll be moving on to
14 the Hampshire Country Club matter.

15 (Proceedings.)

16 MR. VERNI: With that, I'm going to turn
17 over the chair to Ingemar, as I'm recused on
18 the next matter as we move forward on to the
19 Hampshire Country Club.

20 THE CHAIRMAN: So the -- can you hear me?
21 This is no good. Can you increase the volume
22 on this?

23 (Indiscernible.)

24 THE CHAIRMAN: So the continuation of the
25 meeting tonight will be the continuation of the

1 HAMPSHIRE COUNTRY CLUB - PUBLIC HEARING
2 public hearing for the application of the
3 Hampshire Country Club or golf club, I guess.

4 First of all, we'll have an applicant
5 presentation with the overhead. And after
6 that, we'll have public comments. You were
7 asked to sign in when you came, and we were
8 trying to give preference to the people who
9 didn't have a chance to speak last time. But
10 of course --

11 (Indiscernible.)

12 If you feel that you have something to
13 add, and you spoke last time, that's fine. You
14 can come up and speak again.

15 They told me to tell you that when you
16 come up to the podium, you should be a little
17 careful, because there is a tripping risk for
18 some wires behind the podium. So now I have
19 done that.

20 We will continue this -- yeah. We have
21 received comments. We have over -- over
22 hundreds of written comments already, and we
23 have received information and comments from the
24 traffic commission of the Village, from the
25 Westchester County Planning Board, and from

1 HAMPSHIRE COUNTRY CLUB - PUBLIC HEARING

2 some organization, Cove Road Homeowners. We
3 will continue the public hearing until
4 everybody who wants can speak, and then,
5 hopefully tonight, we can close the public
6 hearing.

7 So after the public hearing is closed,
8 there will be another 30-day period for written
9 comments. And at some time after the 30-day
10 period, the comments will be given to the
11 applicant, and the applicant will be requested
12 to respond to all the comments.

13 So with that said, I give the word to the
14 applicant.

15 MR. COOPER: Thank you. Excuse me. Thank
16 you, Mr. Chairman.

17 And still can't hear. No. Can everybody
18 hear me? In the back, can you hear me? Up
19 top? I'm just kidding.

20 Thank you, Mr. Chairman. Members of the
21 board, my name is David Cooper from the law
22 firm of Zarin & Steinmetz, representing the
23 applicant, Hampshire Country Club, here tonight
24 with the application to develop a 105-unit
25 planned residential development.

HAMPSHIRE COUNTRY CLUB - PUBLIC HEARING

Really close? Okay.

Hampshire's reserved some time at the beginning of the public hearing. We thank you, Mr. Chairman, members of the board, because we believe it's necessary to correct the record.

Last meeting, a so-called coalition funded by a few neighbors spent two hours parading a line of consultants up to the microphone to spread what we submit was self-serving misinformation. It muddled the record. And, unfortunately, because we have to make sure that our record is very clear, we need this time to correct it.

There were grossly inaccurate projections concerning potential project impacts. Those projections lacked any empirical basis. Most of the time, the consultants -- the hired consultants didn't provide you with any of the methodologies that they used to come up with their projections, and for good reason, because most of those projections were completely arbitrary. They were picking numbers out of the -- out of the air and then -- and then putting them up into the record. Frankly, not

HAMPSHIRE COUNTRY CLUB - PUBLIC HEARING

to help your board complete its review process,
but as scare tactics.

One example I can give you -- and we'll go
through it, but one example I can give you is
the proposition that there would be 240,000
cubic yards of fill brought on to the site.
The reason why they said that is because then
they can say, Oh, well, there's going to be 280
truck trips a day going -- going in and out.
Now, those projections are nowhere in the DEIS
before you, and they're not consistent with any
of the information in the DEIS.

And you may hear some of the indignation
in my voice tonight. The reason is because the
applicant and its design team have spent
significant amounts of time, money, and
resources preparing the document before you,
the empirical data, et cetera, before you, and
we believe it is very important that that data
and those -- that analysis is made clear on the
record.

Thank you for turning it up. Thank you.

We -- we trust, members of the board, that
at the end of the day, of course, you will be

1 HAMPSHIRE COUNTRY CLUB - PUBLIC HEARING

2 guided by the empirical data and the studies
3 before you in the record, but we appreciate the
4 time to review it with you. You will first be
5 hearing from Mike Junghans, the project
6 engineer, to go over the fill calculations and
7 how Hampshire came up with the amount of fill,
8 the 84,000 cubic yards, not 240,000 or whatever
9 it was, because there is a significant amount
10 of soil on site that will be reused. That was
11 not made -- made clear by the opposition's
12 consultant.

13 When you do the math in terms of truck
14 trips, that's not 280 trips. That's 24
15 truckloads, and that's only for the first
16 phase, and then you're looking at three to four
17 trucks. A lot of different and certainly not
18 as scary as they wanted to make it sound. Mike
19 Junghans will also go over the flood conditions
20 or flood hazards and how the project addresses
21 them.

22 The coalition asserted that the new
23 residents living in this area will be isolated
24 days on end when a flood comes, and it's not
25 safe. First off, these houses will be the only

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2 residences in the area that will be designed
3 and built around the new FEMA standards, even
4 though the FEMA standards haven't even been
5 enacted yet. They will be elevated two feet
6 above even the most conservative projections of
7 sea level rise.

8 Also, in terms of flooding -- and Michael
9 will go through this in general, but I think it
10 is important to repeat. The flooding on this
11 site is governed by tides. Tides go up and
12 down every six hours, six to 12 hours. So when
13 you're talking about a flooding situation where
14 a Sandy or some sort of -- some sort of major
15 storm comes in, and because of the tide
16 situation, the water is suddenly rising above
17 where the roads are, this is not a situation
18 where the houses -- the only houses that are
19 going to remain dry will be stranded for days
20 on end. When the tides recede, so does the
21 water level. Our expert engineers will take
22 you through that.

23 Arsenic was another -- was another matter.
24 Steven Klein from GZA is here tonight, the
25 project environmental engineer and consultant.

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2 We asked him to come because an expert -- a,
3 quote-unquote expert -- paid expert from the
4 opposition got up and insinuated that the
5 entire site was hazardous, quote-unquote
6 hazardous, and that construction would just
7 send arsenic flying in the air for miles at a
8 time. That's just not accurate. That's not
9 accurate from a matter of science.

10 Arsenic binds to the soil. And so,
11 therefore, it is typically in a shallow area,
12 but it binds. It's not something that just
13 flies out as soon as you disturb it. But more
14 importantly, the amount of arsenic found on
15 site is consistent with amounts found
16 throughout Westchester, throughout New York
17 State. And in fact, the DEC has standard
18 procedures to deal with this type of arsenic.
19 And in fact, the levels that are found are well
20 below actionable standards in terms of a risk
21 of ingestion, et cetera, from people that are
22 off site.

23 Steven will take you through the safety
24 measures that will be put in place that are put
25 in place for any site like this. To call it a

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2 hazardous site is really, frankly, a scare
3 tactic and not consistent with the law, the
4 standards, or common practice, and Steven can
5 take you through that.

6 With respect to traffic, John Canning is
7 here to review traffic patterns. There was a
8 lot of confusion as to what's going to be --
9 which road's going to be used where. At the
10 last meeting, a member of the public insinuated
11 that the use of Cove Road was changing and
12 becoming illegal. John will take you through
13 the use of Cove Road. The use is not changing.
14 Cove Road has been used by the entire
15 residential community in this neighborhood for
16 years as an access route out of this -- this
17 community to public roads, and that's exactly
18 what's going to be continued when this project
19 is put in place.

20 Finally, with respect to golf club
21 viability, the coalition or the opposition
22 called a, quote-unquote, expert to opine
23 without looking at any of the books or anything
24 of Hampshire that the current golf course is
25 absolutely viable and that if you go to a

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2 nine-hole golf course, it's not viable. Mg
3 Orender from Hampton Golf, the actual
4 consultant that works with Hampshire on a daily
5 basis to help operate the club, will go over
6 both the issues that are facing golf clubs
7 today as well as the nine-hole golf course and
8 viability of a nine-hole golf course.

9 Before I turn it over to the technical
10 experts, there's one legal matter that I want
11 to address that was also brought up. The
12 opposition's attorney got up and gave you a
13 presentation about permitted density and a
14 bunch of different studies, as to suggest that,
15 actually, the legal -- quote-unquote legal
16 permitted density at this site is only 77
17 units, and then got to a number about 24 units.
18 That attorney claimed that New York State,
19 quote, Cluster Subdivision Law requires that a
20 conventional subdivision be presented to your
21 board, and they created a conventional
22 subdivision which showed 77 units and then 24.

23 First, the opposition is dead wrong with
24 the law that governs this application. And
25 I've said -- I think I kicked off my first

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presentation on this -- this issue, but it's -- again, it's worth repeating, because the record needs to be clear. This is a planned residential development under your PRD regulations, not under a cluster subdivision. The way that maximum density is calculated under your PRD is you take the gross lot area, and you divide it by the minimum lot size. In this case, the R-20. If you did that with the 94.5 acres that are subject of this application, your permitted density is 205 units.

Now, your code permits your board to reduce that density based on planning factors, identified environmental limitations, traffic access, character of adjoining land, et cetera. Of course, all of those reductions need to reflect empirical bases and technical analyses within the record.

What Hampshire has done is started at 105 units. And the reason why they did that is because we've identified the sensitive areas that we believe are environmentally sensitive, the issues in terms of planning, et cetera,

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that your board would be considering if you started at 205, and factored those into the plan. And that's how the 105-unit plan is in front of you.

Second, even if you use the conventional subdivision method to obtain -- to obtain your base density, you have to consider the entire site. What the coalition or the opposition's attorney didn't tell you -- and I'm not sure why they did this, but they inexplicitly excluded all of the golf holes in their conventional subdivision. If you look at the examples that they give you in their submission, you'll notice that when they did their conventional subdivision, they just put the golf holes out there and didn't credit that area. So their conventional subdivision is based on about 50 acres, leaving 40 acres out.

Now, it's disingenuous, members of the board, to suggest that you haven't looked at conventional subdivisions or you're not, because your consultants required Hampshire and its consultants to prepare, as part of the alternative analyses, a series of conventional

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2 subdivision layouts which took -- took into
3 account the entire property. So to suggest
4 that somehow the record isn't complete on a
5 conventional subdivision or what the
6 conventional yield would be is frankly
7 disingenuous.

8 With that, I'm going to turn it over to
9 Mike Junghans to come up and take us through
10 some of the more critical engineering issues.
11 Thank you.

12 MR. JUNGHANS: Good evening. My name is
13 Mike Junghans. I'm the civil engineer on the
14 project.

15 Just to give you a little note about my
16 background, I have a bachelor's degree in civil
17 engineering -- more -- and a master's degree in
18 environmental engineering. I've been an
19 engineer for the last 28 years. I work on
20 projects like this on a regular basis. This is
21 very typical for the kind of work that I -- I
22 work on. I just wanted to go through some of
23 the issues that were noted by the opposition in
24 their testimony.

25 Some of the fiction that they gave you is

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2 that there is no clean soil available. That's
3 not true. I work on a number of sites
4 throughout the county and the region which need
5 even more fill than we're proposing. Fill is
6 available. It's not an issue. We don't expect
7 when this project goes to construction we're
8 going have any problem finding fill.

9 The opposition also told you that we're
10 going to need 240,000 cubic yards of soil fill.
11 The number as in the DEIS is about 84,000 cubic
12 yards, and I'll go through that in a little bit
13 also. Also, they noted that we would need
14 between 90 and a 140 trucks over a nine-month
15 period to bring fill on the site a day. That's
16 not the truth. We are going to do this project
17 in two steps which will extend the period that
18 the fill is brought on the site and will
19 actually keep the truck traffic numbers down
20 considerably to 24 a day in the first phase and
21 three to four trucks in the following phase.

22 You know, first looking at the fill. When
23 we conceived this site, our goal was to reduce
24 the amount of fill we had to bring on site. We
25 understood that is a sensitive issue and that

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it would be a consideration to the viability of the project. If you look at the graphic, which is also in the DEIS, we show areas of cut which are yellow which are going to be high spots within the course that will be cut and consolidated into the development platform. And you see green areas where that fill is going to be placed.

We also came up with another approach to reduce the fill by providing basements underneath all of the structures. All the structures have full basements which actually provide quite a bit of offset for fill required to construct this site. It's basically a void space underneath each structure. And if you take those two considerations, we end up with a number which we did recalculate using a 3D model approach and came to the same number of 84,000 cubic yards of soil fill.

Now, we also did look and say, Well, you know, the other consultant got a very high number. How did that number come to be? And we found if you don't consider the basements or the full extent of the consolidation of fill,

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you get a number very similar to what the opposition's saying. So it's our opinion that they just didn't properly consider the way that the soil was being placed and managed on site. (Indiscernible.)

It's something that will be available on the town website after the presentation. So if there's something you'd like to look at, it will be available for you to review later.

Actually, we're going to see if somebody can shut a light off. I'm sorry. It's the best I could do. So let me try just talking to the issues as I have, and hopefully that will run you through it.

The other -- the other misconception was the amount of construction duration. The opposition had noted that all the fill was going to be brought to the site in a nine-month period. That's not true. As stated in the DEIS in Section 2, we are going to have two phases of construction.

The first phase of construction will establish the center part of the development which is the relocation of Cove Road. That is

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2 basically the spine of the project. That will
3 establish all the utilities and will begin
4 construction of housing units in the central
5 part of the site. That will be constructed in
6 the first nine months and will require soil
7 fill to be brought on site at 24 trucks a day,
8 which is considerably lower than has been
9 presented by the opposition.

10 After that period, after the first nine
11 months -- oh, that's better. Okay. Well, in
12 the first -- in the first phase, we're going to
13 construct this central platform here, which is
14 basically the spine of the project. That
15 allows us to put our utilities through the road
16 that will service all the development and
17 establish the first phase of the project. In
18 that first phase, we're going to bring in 24
19 trucks a day of soil fill and start the
20 consolidation of the on-site fill to establish
21 that platform. That will be the majority of
22 the soil traffic that we see, is at the
23 beginning of the project.

24 After that first nine months, construction
25 will start on the units in that central

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2 portion, and soil import will be reduced to add
3 fill to the legs that go out from the center.
4 So after nine months, we're only going to have
5 trucks at three to four a day bringing soil
6 fill onto the site. Considerably less than was
7 represented by the opposition.

8 And just to summarize, total -- total
9 cubic yards that we are proposed to bring on is
10 84,000 cubic. That utilizes your standard
11 16-cubic yard dump truck, which is the picture
12 that the opposition brought last time. That is
13 a standard truck which holds about 16 yards of
14 soil, which equals about 12 yards of soil in
15 the ground. When you excavate the soil, it
16 expands. And we expect that the initial
17 construction of nine months, as stated in the
18 DEIS in Section 2, page 226, will have 24
19 trucks a day. And beyond those nine months,
20 also stated in Section 2, page 226, three to
21 four trucks a day.

22 The other issue that came up had to do
23 with potential soil that has identified
24 contaminants, which the next speaker will talk
25 about. When we establish the site, we're going

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2 to have -- this is -- the limit is the limit of
3 total disturbance on site. The green area
4 represents the development platform that the
5 housing will be placed on. That entire area
6 will have a four-foot minimum cap. Any soil
7 that is excavated outside that area in the
8 yellow that has contaminant will be placed
9 underneath that platform.

10 We've looked at the numbers. And no
11 matter how much we impact, we have a vast
12 amount of storage underneath that development
13 platform to place any impacted soil, and our
14 environmental expert will talk a little more
15 about that. We do not see any issue with
16 addressing anything on site that is further
17 identified as the project moves forward.

18 The other issue brought up by the
19 opposition had to do with the flooding. They
20 led you to believe that flooding was going to
21 strand residents within the development.
22 Simply not true.

23 This project provides the buildings at an
24 elevation of 16, which is four feet above the
25 current regulatory flood elevation, and it

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provides the roads at Elevation 14. The exit point for the site for emergency is going to be Cooper Avenue. Only for emergencies. It will be gated otherwise. That has a minimum elevation as you exit the site of 13. Also a foot above the current regulatory flood elevation.

Elevations experienced in Sandy did not exceed the hundred-year elevation of 12. So if Sandy were to happen tomorrow, this configuration would provide continuous access in and out of the development, which doesn't exist today, providing additional access for adjacent neighbors also. It also needs to be understood that this isn't a tidal condition. As mentioned by our attorney, when a flood condition happens, it's going to happen in a -- being driven both by the storm coming on and the tidal fluctuation.

Those levels will rise and fall with the tide. And if a momentary blockage of any access happens, it will be reestablished in short period based on the rise and fall of the tide. This will not be an isolated

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2 development. It will not strand people within
3 the development for extended periods of time.

4 Next, I'd like to turn it over to our
5 environmental expert to talk about site
6 contamination issues.

7 MR. KLEIN: Thank you.

8 My name is Steven Klein. I'm a New York
9 State professional engineer with 25 years of
10 experience. My company is GZA, and we manage
11 environmental investigations and remediations
12 throughout New England, New York, Pennsylvania,
13 New Jersey, all over. I work in our Midtown
14 Manhattan office, and I'm a principal in my
15 firm. And I manage the environmental
16 investigation on this project.

17 Some of my other clients over my 25 years
18 have been the New York State Department of
19 Environmental Conservation, the New York State
20 Dormitory Authority, and the New York City
21 School Construction Authority. So I work for
22 various public agencies as well as for private
23 developers, as in this project.

24 So I -- I see both sides of the
25 environmental issues on this site. And I'm

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2 here today to, first, start by clarifying some
3 of the misconceptions that were stated at the
4 previous public meeting. The environmental
5 study which the opposition deemed inadequate
6 was exactly the recommended investigation that
7 was recommended by the village's environmental
8 consultant, Chazen, for their review of this
9 DIS -- DEIS.

10 The environmental consultant implied that
11 the site -- concentrations of arsenic on site
12 would cause an ingestion health risk if the
13 dust were to migrate off site, and this is
14 simply not the case. The concentrations of
15 arsenic that were reported during our
16 environmental investigation would result in a
17 trivial inhalation hazard of airborne dust if
18 it were in an airborne dust.

19 The environmental consultants for the
20 opposition, CA Rich, went on to characterize
21 the arsenic in the soil as a hazardous waste.
22 Again, this is an exaggeration of the facts.
23 The maximum observed arsenic concentrations at
24 the site are not approaching hazardous levels
25 as defined by the EPA or the New York State

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Environmental Consolidated Laws. In fact, the average shallow arsenic levels which were the highest observed on site were observed to be, on average, below the residential standards for New York State. The New York State soil standards include a combination of human health ingestion, dermal contact, and inhalation hazards. And when the site is consolidated and capped by four feet of clean fill, the project will be even more environmentally stable than it is in its current condition.

Capping as part of the redevelopment of a development like this is a standard approach recognized by New York State Environmental Regulatory Community. And it is so common, in fact, that the environmental consultant for the opposition, CA Rich, highlights on their website a similar multi-family residential development in the Bronx where composite cover of buildings in two feet of clean fill was used. A quick search of available databases shows that CA Rich has also recommended this approach on at least four other residential developments as well in the last four years.

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CA Rich's Bronx multi-family development had a two-foot clean fill cap. As we previously stated earlier, we're proposing a four-foot clean fill cap on this development. Let's see here.

So I'd like to pause a little bit and go over the environmental site assessment for the property. First of all, let's talk about arsenic. Arsenic is a naturally-occurring element that is found throughout the soils and certain bedrock of both eastern New York and New England and often found at concentrations similar to what is on the site, and many studies by the USGS and other agencies have shown this. However, arsenic is also -- was commonly used in lead arsenate, which was a common herbicide and pesticide that was standard practice in the golf industry up through the 1960s and 1970s, which is why we investigated the potential for elevated arsenic on this property.

Going through the 48 soil samples that were collected during our site investigation, no hazardous concentrations of arsenic were --

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a little bit higher? Sorry about that. No hazardous concentrations of arsenic were identified during our samples. And as a matter of fact, the average arsenic concentrations at the site were less than New York State residential standards in the shallow and most impacted soil stratum. And as they -- as the soil gets deeper, our deeper soil samples actually had lower average concentrations as well. And if you looked at the sediment samples which might be representative of soil that might be migrating off the site, those were the least impacted by arsenic. So we did not find a serious hazardous level.

As a matter of fact, the application of pesticides to a golf course is a standard procedure. This isn't release of a waste or something being buried on site. This was the normal practice for a golf course during this time, and this is a historic golf course. Also orchards and agricultural uses. So this wouldn't be considered some sort of waste that was put on the property. As a matter of fact, there's no current regulatory driver to remove

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2 arsenic or soil from this site.

3 Construction of this project will be done
4 using standard approaches for redevelopment.
5 The -- during construction, there will be -- as
6 described in the DEIS, there will be erosion
7 and sediment control measures to keep soil from
8 migrating from the construction area. During
9 excavation, there will be dust monitoring to
10 make sure that there is no levels of visible
11 dust migrating off the site. And the soils,
12 when the construction is over, will be capped
13 underneath a -- that bench in the clean fill.

14 The highest exposure to the soils is going
15 to be the dermal contact experienced by the
16 workers of the site. The workers of this site
17 will not need respiratory protection when
18 they're working in excavating these soils on an
19 eight-hour day based on the concentrations
20 observed in the shallow soils we've seen. As
21 long as dust controls are maintained, the
22 people working with the soil will not have an
23 exposure, according to OSHA.

24 In addition, I've looked at the
25 concentrations of arsenic. And even based on

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standard construction practices and standard published dust migration that is expected from a construction site, the exposure of the residents and the exposure of the students in the school, it would require -- at the concentrations observed, it would require a continuous exposure to the dust from the site over a 30-year period for them to reach an unacceptable level of exposure.

And on a personal note, I just want to say, I have a 12-year-old child in New York City public schools. The New York City public schools are one of my clients, and I would not recommend an approach that would put -- be a hazard for the schoolchildren adjacent to this site.

And I -- I just wanted to point out that this project and the approach being taken during development is, again, such a standard approach that even the opposition's consultants, CA Rich, has recommended on multiple sites in the last four years. And my company has done literally dozens of developments where residual soils are -- remain

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on site with a -- with a clean fill cap or some sort of composite cover.

And now I'm going to turn it over to our traffic expert.

MR. CANNING: Thank you, Steven.

Good evening, Mr. Chairman, members of the board.

For the record, my name is John Canning. I'm a professional engineer licensed to practice in the state of New York. I've done work for New York State, Westchester County, represented many towns and villages in the county, and worked on numerous projects similar to this over the last 30 years. Transportation planning and traffic engineering is my field of expertise.

As many of you, I'm sure, are aware, much or the majority of traffic that travels on to or off Hampshire Country Club site every day is actually traffic from the Orienta Avenue neighborhood, which crosses the site to go to the Hommocks Road School or even to get to U.S. Route 1 to the south and the west of the site. This project, if approved, will continue to

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accommodate this traffic, serving the neighborhood on roads that will be improved and less flood prone.

We've already seen the village's traffic commission's comments, and we have begun to address the issues that were raised therein. For example, the project is now proposed to have a sidewalk that will traverse the site on the site's main road, improving pedestrian connectivity. And the roadways will be 40 percent wider than they currently are, so it will be easier for cyclists.

It is proposed to use Cooper Avenue only for bona fide emergencies. It will be gated to vehicles. So the current truck traffic associated with the maintenance yard for the golf course will be taken off Cooper Avenue, and the project will have little or no impact on Old Post Road. We are recommending that a pedestrian and bicycle gate be left at that location to encourage pedestrian and bicycle connectivity and to allow students from that neighborhood to go to the Hommocks Lane School without having to go down to U.S. Route 1.

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I would if I could. Down arrow. That's the down arrow. Space bar. Thank you.

The applicant is keenly aware and supportive of school safety. It's noted that the entire school property lies to the south or west of Hommocks Road and that there are many hours of the day when the children are in school or when they're gone for the day that there's little or no activity on Hommocks Road. Based on our calculations, accounting for school hours and the nine-month period, we expect there will be 24 trucks per day. And during the busiest hours, there will only be four or five trucks per hour.

Construction traffic past school sites is not unusual. And indeed, there are often construction projects on schools that sometimes run into the school year. So there's no risk to the public to have construction traffic passing the site during the quieter periods of the day.

The project owner is committed to using contractual and technological measures and mechanisms to ensure that truck traffic stays

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2 to this period and is committed to working with
3 the school district to assist them in making
4 reasonable improvements to intersections that
5 they currently have issues with. For example,
6 U.S. Route 1 at Hommocks Road, Eagle Knolls
7 Road at Hommocks Road, and also at the
8 crosswalk to Walgreens.

9 Based on my experience working on similar
10 projects such as this, it's our expectation
11 that the proposed development will not have a
12 significant adverse impact on traffic operating
13 conditions, and construction traffic activity
14 can be managed safely. Thank you.

15 THE CHAIRMAN: Thank you.

16 Does that conclude the presentation for
17 the applicant or --

18 AUDIENCE SPEAKER: One more.

19 THE CHAIRMAN: One more. Okay. Go ahead,
20 please.

21 MR. ORENDER: Good evening. My name is Mg
22 Orender. I am the owner and president of
23 Hampton Golf. I thought I could talk loud
24 enough without it.

25 Brief background: I've been 42 years in

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2 the golf business. I began a management
3 company in the late '80s. Sold it in '98 to
4 begin Hampton Golf, which now manages 27 golf
5 courses in five states as well as consulting in
6 Ireland and Spain. I have, over the 40 years,
7 built over 20 golf courses, all in the United
8 States with the exception of Old Head in
9 Ireland and Country Club Peru in Lima, Peru.

10 During that time, I also became president
11 of the PGA of America. I was the 33rd
12 president. It's the largest working sports
13 organization in the United States with a annual
14 income of \$200 million a year plus a
15 \$150 million endowment which I chaired. And I
16 had the pleasure of being the chairman of the
17 2004 Ryder Cup as well as two PGA championships
18 and two senior PGA championships.

19 I come here tonight to discuss Hampshire
20 and to comment on, first, a report that was
21 submitted at a previous meeting as well as to
22 present some facts that surround -- truly
23 surround nine-hole golf courses rather than
24 someone's opinion. And my opinion is not only
25 based on actually managing nine-hole golf

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2 courses, converting 18 to 9, 27 to 18, 18 to
3 12, but also just years in the golf business as
4 well as some information I'll give you in a
5 minute which I received from the National Golf
6 Foundation surrounding nine-hole golf courses.

7 First of all, with regard to the report,
8 there are two items that were in there that I'm
9 in agreement with. And when you look at the
10 layout of the golf course as its shown
11 currently in our plats, all that is is
12 placeholders. Those golf holes are -- they're
13 existing today. For example, Hole Number 3, we
14 all know, will not be oriented the way it is.
15 It has to be flipped around.

16 One of the comments that was made with
17 regard to the distance from going from Number 2
18 Green to 3 Green or 3 Tee being too far and
19 backwards, well, first of all, the backwards
20 parts gets fixed when we redo the golf course.
21 But the too far, like I said, I built almost 20
22 golf courses. The majority of those were in
23 developments. And the golf course, if you go
24 from tee to green, tee to green, line them up
25 together, is about four miles. My average cart

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2 path run is six and a half miles. It's just
3 the norm for a development golf course, period.

4 The section in there that was confusing to
5 me was there were three golf courses' numbers,
6 revenues and expenses. Two, I don't know
7 anything about. And they may have had those
8 numbers that were -- they may have been
9 publicized somewhere. They may be public
10 knowledge.

11 The numbers for Hampshire were a pure
12 guess, and they were so far off. I can't even
13 begin to explain without divulging our private
14 books internally. But I would say that on
15 the -- one of the options was 18 holes. They
16 showed what the expenses, in their opinion,
17 were, which I'll tell you how far it is off in
18 a second. Under a nine-hole scenario, they
19 showed a number. That's what our number is at
20 18 holes. They're only off a million and a
21 half.

22 So I don't put a lot of weight or credence
23 when it's that big amiss, because I have had
24 clients that I've bought eight to ten golf
25 courses with them or on their behalf, and

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2 built, as I said, nearly 20, usually for -- a
3 lot of times, developers. Could be private
4 individuals. I do my own performance, and I do
5 my performance based on 40 years of doing the
6 expenses.

7 I know the models. I know what my
8 expenses are going to be. And the revenue
9 side, I look at, what is it? Is it a
10 development? Is it not a development? Is it
11 going to be private, public? And I test the
12 market. Because here's a what happens: After
13 I get them to buy the golf course or to build
14 it, I get to sit across a table every month
15 from them for five or six years. I had better
16 be right. And if I did a pro forma like that,
17 I don't think I'd have a partner or client very
18 long.

19 With regard -- I went to the NGF and asked
20 them to do a report for me, because I wanted to
21 do it outside of Hampshire. It was a personal
22 request. And as of the report which has been
23 given to me in the last two weeks, there's
24 3,919 nine-hole golf courses in the United
25 States, of which 576 are private, and a 140 of

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those are in developments. Over the past five years, 22 golf courses went from 18 holes to nine holes. And as of 12/31, they were still operating. They're doing just fine.

NGF polled nearly 30 clubs that are private clubs, highly amenitized, all highly amenitized except one. They asked for the number of members, talked to them about their cash flow, et cetera. Only nine were willing to open their books and go through the process with them and share with them.

Of those courses, which were in -- located in Connecticut, Rhode Island, Massachusetts, and New York, those eight course -- eight of the nine courses had put caps on their memberships and had waiting lists. So to say that a nine-hole facility, highly amenitized, particularly in a development, can't work, somebody has never run one. And that's all I've done for 40 years, so I refute that.

On a personal note I would say, in conclusion, I prefer 18 holes. I would prefer Hampshire to be 18 holes. But on a business side, I can make it work at nine. I look at

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2 the owners every day. And they have made a
3 commitment, asked me for a commitment, and I've
4 given one to stay on.

5 My -- my relationship with them does not
6 change financially whether it's nine holes or
7 18, so this isn't about my wallet or my
8 business. I'm just saying that when I see
9 reports like this from people who have never
10 owned or operated a golf course -- they just
11 crunch numbers. It's very aggravating to me.

12 And if the committee approves this plan,
13 we'll prove that it works. Thank you.

14 THE CHAIRMAN: Thank you.

15 MR. COOPER: Mr. Chairman, members of the
16 board, I thank you for giving us that time.
17 Obviously, as you can tell, we believed it was
18 very important to ensure -- got it -- to ensure
19 that the record is clear.

20 We trust that, of course, you will be
21 making your decision making as we move forward
22 on facts and empirical data, et cetera, in the
23 record. We know the public hearing will remain
24 open, comments, et cetera. And we're going to
25 hear a lot tonight, and I'm sure you'll receive

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2 more comments as we go forward. But we thank
3 you again, because we believe it is utmost
4 important that the facts get put before you.
5 Thank you.

6 THE CHAIRMAN: Thank you very much.

7 So we can continue with the list of people
8 who signed up for tonight.

9 And Marino Radovich is number one on the
10 list. So please step forward.

11 MR. RADOVICH: That was pretty good.
12 Marino Radovich.

13 THE CHAIRMAN: Try my name.

14 MR. RADOVICH: Do I have a time limit on
15 my speaking this evening? A few minutes?
16 Okay. Great.

17 For those of you who don't know me --
18 first of all, good evening, Board, and also the
19 attendees tonight this evening. My name is
20 Marino Radovich, and I'm here representing
21 Fields for Kids which is a Grassroots
22 organization that was founded in 2006. And our
23 main goal is to raise funds and advocate to
24 raise funds -- louder? That's good.

25 Our main goal is to advocate to raise

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2 funds to improve approve fields and potentially
3 find new fields within the community. Knowing
4 that -- that's been since 2006. It's clearly
5 been a -- a community issue, to find fields to
6 improve and obviously build upon since we're
7 limited, as we all know, in lower Westchester
8 to find this field space. And a little bit
9 about just our beliefs -- and I'll, kind of,
10 get into some numbers based on what the youth
11 organizations have told us and what they've
12 then told the board as far as what an impact
13 like this development would have to our fields
14 and to our youth rec organization.

15 First off, we believe that active sport
16 participation has a positive impact on academic
17 performance and the development of healthy
18 individuals. Community involvement can help
19 address the current shortage of fields, and
20 Grassroot efforts are crucial to ignite
21 fundraising for the upgrade of existing fields
22 and creation of new outdoor fields. And what
23 we've been known for -- to do over the last ten
24 years is we were instrumental in doing the
25 Flint Alma project, which created a new field.

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Lacrosse, soccer, and whatever other participation happens on that field.

Secondarily was the Memorial High School field, the improvement of that field. And then our last project, just completed last year, which was Lorenzen Park Field, where we improved the existing field and created two new fields. So we were fortunate amongst those three projects to find three fields, and that was very difficult to do so. Quite a lot of private fundraising, and we also had some help from the state to do so.

But when we reach out to every field league, and that being -- field being lacrosse or baseball or soccer or football, everyone -- everyone is challenged for practice time, field time, and almost every one of them has to resort to go to other facilities outside of our community, and that makes it very difficult for parents to travel. A cost expense that then carries down to the parents as well and jeopardizes what potentially could happen to the youth organization from K up into third grade or fourth grade or fifth grade.

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2 And I know that the develop -- development
3 team said they had reached out to the
4 recreational leagues with the notice to get
5 maybe some response to what was happening
6 within the project. Now, I've been in contact
7 with every one of those league presidents or
8 boards, and they've all confirmed no one's been
9 contacted. So I'm not sure where the
10 miscommunication happened there.

11 What I do know is that hockey was
12 contacted. And listen, hockey's a great sport
13 in this town. We won the state championship
14 two years ago. But when I look around this
15 community, I see a lot more lacrosse players,
16 baseball players, soccer players, football
17 players. I would think you'd start there to
18 get an impact as to what this could do those
19 leagues versus what hockey is, because that has
20 a greater scale to what the impact would be for
21 the community. So that being said, we know
22 none of those organizations had an outreach
23 where they received something and could have a
24 constructive dialogue and provide significant
25 numbers on how this could impact this

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particular project.

Now, just to brief you on some information that I received from lacrosse specifically -- and bear with me. I'm pretty technology savvy here. Thanks for your patience. So this is from the president of lacrosse. And in his words -- and I'll be brief, and I'll paraphrase a few here.

He says: Field space continues to be our biggest challenge. In order to run our program, we have needed to procure field time in other neighboring municipalities on both town fields and private school fields. In fact, roughly 25 percent of our field time is located outside of the Town of Mamaroneck. Within our own town, we have access to five fields, some on a relatively limited basis. We share these fields with both a modified and high school teams as well as other youth and adult sports such as soccer, football, and baseball.

Youth lacrosse programs in other neighboring communities face similar field challenges. Unfortunately, many of those

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2 communities have been forced to eliminate their
3 recreational programs for kids beyond third or
4 fourth grade. Some communities have eliminated
5 their programs altogether.

6 LMYL's recreational program is the
7 foundation of our league, and we are firmly
8 committed to continue offering this to kids in
9 our community. This is a fun developmental
10 league that offers children of all ages and
11 abilities the opportunity to learn the game of
12 lacrosse, so forth and so on. So that's from
13 the president of lacrosse.

14 And then -- I'm a baseball guy, and my
15 kids have been through the program. I've been
16 a parent coaching. I've had kids go through
17 baseball and lacrosse, field hockey, so forth
18 and so on, from five up until 15 right now. So
19 they've been on every level, and baseball is
20 near and dear to my heart. And it got me on
21 this board about two years ago, because I
22 wanted to give back the community, and I wanted
23 to see what it could do for baseball, for
24 soccer, for lacrosse.

25 And then when I talked to Bill Nachtigal,

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2 who's the current president of the board, it's
3 pretty simple when it comes down to this: In
4 any given season -- and this is, again,
5 paraphrasing his email. I'm sorry. In any
6 given season, we serve between 25 and
7 30 percent of school-age children,
8 predominately between the ages of K through 8.
9 While we can't comment on the number of
10 children that would join the community based on
11 the proposed housing project, we're very
12 confident that 25 to 30 percent of them will
13 participate in LMLL.

14 So his perspective is this -- and I think
15 we all have the same feeling here, that,
16 obviously speaking, you know, to this project,
17 the more houses you have, the more kids you
18 have, the more the youth sports participation
19 you're going to have. And there's going to be
20 more demand on the recreational sports.
21 There's no denying that whatsoever.

22 So then that leads us to where do we go
23 and what can we find locally, or do we have to
24 go outside of that? So it all jeopardizes,
25 obviously, what we want to give our kids. We

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2 want to give them activity to get them out of
3 their homes, to have, you know, a great
4 youthful experience, whatever sport they have.

5 So that is what I leave you with this
6 evening. And hopefully it resonates, because
7 this will have a significant impact within our
8 youth organization and what it does to our kids
9 and our fields and our community.

10 And I'll leave it at that. Thank you.

11 THE CHAIRMAN: Thank you very much.

12 We have more than 20 sign-ups already. So
13 if you please will keep to, say, about five
14 minutes or something like that. We're still
15 going to be here for another couple of hours.

16 So next name on the list here is Michael
17 Puccio.

18 MR. PUCCIO: Hello. Hello. My name is
19 Michael Puccio. I live in Mamaroneck.

20 I am in support of the landowner's right
21 to develop houses on the property and to keep
22 the golf course open, even if it's only nine
23 holes. To me, that's a win-win for Mamaroneck,
24 New York.

25 So I appreciate your time. Thank you very

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2 much.

3 THE CHAIRMAN: Thank you. That was short
4 and sweet.

5 Next name on the list here is Jarrett
6 Winchester.

7 MR. WINCHESTER: Good evening, Mamaroneck.

8 I came here tonight because I'm a lifelong
9 resident of this village. Been here 45 years.
10 I'm coming here tonight to support this
11 environmental impact statement. I guess that's
12 what you call it, a DEIS.

13 Far too long, I've noticed, reading these
14 newspapers and just LMCTV, that we seem to be
15 allowing small parts of this village to dictate
16 for the rest of the village. There's 20,000 of
17 us in this village. And what I've seen is --
18 looks like about 150 people to get up and down
19 this -- this project. And it comes down to
20 this: The developer, the owner, they have a
21 right to build on their property.

22 Now, we can go with this nine-hole idea,
23 and I think it will work. Okay. I think the
24 village should support it. This brings jobs to
25 this village. Okay. The Village of

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2 Mamaroneck, along with Westchester, has a
3 long-standing history of golf. Anyone who even
4 doesn't play golf knows Mamaroneck's impact on
5 the golf world. Okay. We're about to lose a
6 golf course or to maybe shorten a golf course,
7 but we should never eliminate a golf course.
8 Okay. And I think by doing this, we'll make a
9 mistake. So tonight, I'm here to support this
10 idea, support this business.

11 We need to grow. We are growing. We
12 never improve by shrinking. We had this
13 long-standing and this -- well, not even long.
14 Ten years of anti-growth movement in the
15 Village, and it's hampering our ability to
16 grow.

17 So tonight, Mamaroneck, please support
18 this. This is an issue that's important to us
19 as a village. Thank you.

20 MS. SAVOLT: Excuse me. Before you leave
21 the podium, sir, could you give your name and
22 your address, please.

23 MR. WINCHESTER: My name is Jarrett
24 Winchester. I live at 418 Mamaroneck Avenue.
25 Lifelong resident.

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THE CHAIRMAN: Thank you very much.

Now we have Dr. Tom Landau, Fairway Green.

DR. LANDAU: I will be uncharacteristically brief. I grew up in this town, went away -- oh, you need -- okay. I grew up in Mamaroneck. I once caddied at Hampshire Golf Club. I'm currently a resident of Fairway Green.

I can't, for the life of me, understand why somebody would support this plan when a plan was originally set forth to take up a -- barely two acres or perhaps three or four -- I'm not sure of the numbers -- of space to build a condominium, and leaving the green expanses of the golf club alone for the rest of us that either play golf or don't play golf.

When it came to downsizing -- and again, I practiced medicine in this town for 35 years. When it came to downsizing, I downsized to Fairway Green. And I can tell you that the people that live in Fairway Green are not in favor of this particular plan. What we are in favor of is a plan that would take those two or three acres, build the condominiums, and leave

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2 the rest of the golf course there in
3 perpetuity. This is one of the few green spots
4 that we've got left around here. So I strongly
5 suggest that the planning board or whoever is
6 -- does these -- enacts these type of things
7 reconsider the zoning and let the club exist
8 and let the condominiums exist, and I think
9 we'll all be happy.

10 MS. SAVOLT: Excuse me, Doctor. Excuse
11 me, Doctor. Before you leave, I just have a
12 question for you. Do you purport that you
13 speak for all the residents in Fairway Green?

14 DR. LANDAU: I'm sure there are a few, but
15 I can tell you I'm -- I sit on the board.

16 MS. SAVOLT: And does the condominium --
17 you're no longer a -- you're a condominium now.
18 Does the condominium association --

19 DR. LANDAU: Yes, I'm originally -- I'm in
20 favor, as the board of Fairway Green which I
21 sit on, and the --

22 MS. SAVOLT: So the board has passed a
23 resolution in favor?

24 DR. LANDAU: Well, there's been no formal
25 resolution yet.

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2 MS. SAVOLT: So you speak --

3 DR. LANDAU: But I can tell you how we
4 feel about it.

5 MS. SAVOLT: So you're speaking for
6 yourself at this point?

7 DR. LANDAU: No. I'm thinking for the
8 other members of the board as well as myself.

9 AUDIENCE SPEAKER: I'm president of the
10 Fairway Green Board. And some years ago --

11 MR. STEINMAN: We can't use the --

12 THE CHAIRMAN: We can't -- we can't do
13 this. You can't just hop in and -- you have to
14 sign up and say what you want to say and ask
15 questions. Well, you really can't ask
16 questions either, but you can at least speak
17 your -- make comments.

18 So thank you, Doctor.

19 We have -- the next name is Lavet Allen.
20 If I butcher up your name, you have to let me
21 know. I'm sorry.

22 MS. ALLEN: Hello. Hi. My name is Lavet
23 Allen, and I've been in this community for 45
24 years plus.

25 I'd just like to say I support the

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2 Hampshire plan. And if it's bringing jobs, tax
3 revenue to the village, to the community --
4 excuse me -- I'm for it. So I'm just here to
5 say I do support it.

6 THE CHAIRMAN: Thank you very much.

7 Next name on the list here is Paul Bergins
8 from White Plains.

9 MR. BERGINS: Good evening, Mr. Chair and
10 board members. My name is Paul Bergins. I'm
11 an attorney with offices in White Plains. I
12 represent a newly-formed limited liability
13 company known as Mamaroneck Open Space
14 Recreation Associates, LLC.

15 The persons who requested the formation
16 and who will be its members are residents of
17 the village who current -- who live in close
18 proximity to the Hampshire Country Club. They
19 had the LLC formed for the purpose of
20 presenting to the applicant a proposal to
21 purchase the Hampshire Country Club at its fair
22 market value and to continue its current use as
23 a golf club and 18-hole golf course, thereby
24 preserving the open space.

25 Now, the value of this property in its

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current condition and use is probably known to all of you, because it was set forth in an appraisal presented by the applicant to the Supreme Court Westchester County and ultimately determined by the Appellate Division Second Department.

My clients intend to propose to purchase the property from the applicant for that fair market value which is approximately \$5 million, and they have the wherewithal to complete the purchase without the need for financing. This is a serious and very real proposal, and I would only respectfully suggest to the planning board that whatever you decide to do with the DEIS, whether you require a supplemental or an amendment or whatever else you do, you require the applicant to evaluate this proposal along with the other range of alternatives.

THE CHAIRMAN: Interesting alternative. Thank you.

As I said before, if I mess up your name, then I -- it's requested that when you come up and speak, state your name the way it's supposed to be pronounced, please.

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2 So we have now John Parkinson. There we
3 go.

4 (Indiscernible.)

5 THE CHAIRMAN: What happened? Maybe the
6 last speaker turned it off. That's nice.

7 MR. PARKINSON: There we go. How about
8 that?

9 THE CHAIRMAN: Okay. Thank you.

10 MR. PARKINSON: All right. So my name is
11 John Parkinson. I'm a resident of the Village
12 of Larchmont and here somewhat in a kindred
13 spirit. I also sit on the planning board for
14 the Village of Larchmont, so I appreciate the
15 process that you're going through.

16 I'm sorry, and -- you know, but well done.
17 I have to, you know, applaud the process,
18 providing all the input, the public input
19 that's necessary and appropriate for you to be
20 able to arrive at a decision. So I -- you
21 know, context of misery loves company or
22 sympathy, whatever feels most appropriate.

23 THE CHAIRMAN: Thank you very much.

24 MR. PARKINSON: That having been said, I,
25 in my previous professional application -- or

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2 professional occupation was the executive
3 director of the Urban Land Institute New York.
4 The mission of the Urban Land Institute and
5 what our members did nationwide and certainly
6 within the -- within Westchester Fairfield
7 in -- you know, all revolved around responsible
8 land use. The whole idea of -- you know, of
9 balancing economic and ecological issues,
10 development patterns, land use across a broad
11 spectrum, number of new students that would be,
12 you know, involved with a development, what to
13 do when -- when you're faced with -- with
14 adaptive reuse or shifting the land use
15 patterns in the context of an application, much
16 like what you're -- what you're wrestling with.

17 So I -- I'm speaking as much as an
18 interested neighbor as, you know, someone who's
19 been hearing a lot of that over the course of
20 time. I also run a non-profit now that's
21 focused on infrastructure, so there are some
22 issues that come up in the context of this that
23 I just thought I would add that -- in the -- in
24 the spirit of -- you know, of supporting the
25 decision making and the rigor that you're

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subjecting the application to.

One of the challenges that -- you know, that have been addressed, you know, is the -- one of the very founding components of the state of New York is this notion of as of right, you know, the issue of being able to develop on your property what you care to do, of course within -- within reason and within law. Within that, there are challenges. Within that dynamic, there are challenges, you know, that you face, that an application -- an applicant faces and all of the professional advisors, you know, that come before them to -- you know, to try and hammer out something that will work.

You know, the contextual challenges that you face here are, you know, you've got a golf course. It's being used. Looking to get more use of it as a golf course, preserving the open spaces. You know, all of these are parameters that are -- you know, are all in conflict with each other when you turn around and introduce the opportunity to add some residences, both physical and also the occupants of those -- you

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2 know, of those structures. You know, and
3 that's -- you know, that is a shift in a land
4 use pattern, and that's something that -- you
5 know, that I recognize that you're -- you know,
6 that you're going through.

7 You know, balancing all of the different
8 issues that -- you know, that are outlined, you
9 know, water, incremental water and sewage
10 usage, you know, the preservation of open
11 space, how to use the current space, you
12 know -- you know, and adding the residents.
13 You know, the thing that -- the pressure that I
14 feel that -- you know, that you must -- that
15 you're -- that you're faced with and that the
16 applicant is -- you know, is putting before
17 you, you know, is -- is really about finding
18 compromise within that -- within that envelope
19 of as of right.

20 One of things that I recognize -- and so
21 I'll -- maybe now is a -- I've waited too long
22 to say that I support the application that
23 you're -- you know, that you're looking at.
24 I'm not a voting member, but I'm supportive of
25 the -- of the process and the -- in the rigor

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2 that you've -- that the applicant has gone
3 through to define a number of alternatives
4 that -- to -- you know, at least my view of the
5 documents that -- you know, that have been
6 presented before that are a matter of public
7 record, you know, represent an attempt to
8 compromise.

9 It's not, you know, a full-out blanket,
10 you know, volumetric fulfillment of the -- you
11 know, of the space, you know, that they might
12 otherwise, you know, feel -- to which they
13 might otherwise feel entitled. You know, and I
14 think the applicant's, you know, attorney or
15 representative earlier described some of the --
16 you know, some of those parameters, you know,
17 of the -- of the eight alternatives that are
18 outlined in the draft EIS. You know, the do
19 nothing plan. You know, selling the do nothing
20 plan is -- you know, was just mentioned. You
21 know, some of those alternatives are outlined
22 in, I think, a fair degree of detail.

23 You know, the -- what appears to be the
24 preferred option, you know, that's been
25 proposed looks to me to be a -- you know, a

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2 compromise, according to all of the different
3 attributes that are -- you know, that are
4 outlined. You know, it's -- and it's in that
5 spirit that, you know, it's a responsible land
6 use decision when it comes right down to it, to
7 be able to provide that contextually,
8 ecologically, environmentally, if you prefer.
9 You know, and then, you know, the economic
10 considerations are, you know, just that. So
11 the balance of those, you know, is what compels
12 me, you know, to be able to, again, support the
13 process that you're going through, you know,
14 and to which you've suggested the applicant --
15 the application and --

16 THE CHAIRMAN: And which of the
17 alternatives do you find most attractive?

18 MR. PARKINSON: So the --

19 THE CHAIRMAN: You said a lot, but you
20 didn't say really --

21 MR. PARKINSON: Yeah. All right. No. I
22 appreciate that.

23 There are -- you know, the proposed action
24 is the -- is the one that I -- you know, as I
25 looked at it --

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2 THE CHAIRMAN: As of right.

3 MR. PARKINSON: So it's an as of right
4 development. That's the one that refers to
5 the --

6 THE CHAIRMAN: I understand. Thank you.

7 MR. PARKINSON: -- the 105-unit
8 development and the nine-hole golf course.

9 THE CHAIRMAN: Okay.

10 MR. PARKINSON: And the commensurate open
11 space. Thank you.

12 THE CHAIRMAN: So we're trying to figure
13 out -- Jim Rosenbloom, I think it is. Jim
14 Rosenbloom. Yes. Okay. So please state your
15 name when you come up.

16 MR. RUBINSTEIN: Hello. My name is Jack
17 Rubinstein. I'm -- I'm a resident of
18 Larchmont. I'm a property owner in the Village
19 of Mamaroneck, and I'd like to speak about the
20 issues being brought up here today.

21 First of all, there are three choices.
22 The first choice is to do nothing. The second
23 choice is to go with the as of, and the third
24 choice is to go with the original plan, as
25 proposed by the developers of -- to go ahead

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2 with the condo unit, as the doctor proposed.

3 It is clear that for various interests of
4 this community, which includes -- which
5 includes those people who are just workers in
6 this community, but residents, those people who
7 have children in the school, and those people
8 who -- who live in this community but may work
9 elsewhere, that it is the first proposal that
10 is the best. But if not that, the developers
11 have an absolute right to do what is as of.

12 The consequences of not doing -- of not
13 giving the developers their as of rights are
14 significant. The benefits to the town of the
15 original plan are enormous. Number one, the
16 landfill, the arsenic, all the issues that the
17 opposition came up with, go away. Secondly,
18 you may -- you maximize the green space. As a
19 resident of Larchmont, I will tell you, green
20 space is actively important. Thirdly, there
21 was an event recently where federal tax rates
22 changed, were altered. This town and residents
23 of this town are actually -- the owners of land
24 in this town are suffering because of that.

25 Not maximizing the -- the income

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2 opportunities implied in the condominium
3 development is a give up that maybe people who
4 have significant economic capabilities may
5 want. I -- it wouldn't matter to me, but there
6 are many residents of 20,000 people who live in
7 Mamaroneck where the economic impact matters.

8 It is up to the board to represent all --
9 all of the constituencies of this community and
10 not just a few who, for whatever reasons, may
11 choose to oppose this project. And I just ask
12 that this board consider carefully and come up
13 with the right decision for all of the members
14 of the community.

15 THE CHAIRMAN: Thank you. Okay.

16 So we're a little confused here. Jim
17 Rosenbloom, was he up speaking, or is he coming
18 now? So we'll forget that. And then we have
19 another Rosenbloom, Norm. No?

20 Well, you're signed up here.

21 Did Stuart Alt[ph.] speak already or --

22 MR. ALT: No.

23 THE CHAIRMAN: Okay. So please come up.
24 Sorry. We got a little confused here.

25 MR. ALT: Good evening. My name is Stuart

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2 Alt. I am a resident of the Town of
3 Mamaroneck, and I've been a member of this
4 community for almost 30 years.

5 I attended the first meeting in February,
6 and my first comment and question -- comment
7 and question is for the board. While I'm not
8 fully versed in the specifics, my understanding
9 of the whole DEIS process is as follows, and
10 hopefully you can answer the question and
11 correct it for me: That there's a formal
12 structured process for anyone submitting a
13 project like this that has to be adhered to,
14 that there are rules that govern the DEIS, and
15 the applicant prepares a document based on
16 those rules and submits it to the appropriate
17 governing body. That governing body in this
18 case, I assume, is the planning board.

19 THE CHAIRMAN: Will be the planning board,
20 yes.

21 MR. ALT: And that you review the
22 submitted information, you determine if it
23 meets or doesn't meet the standards, and then
24 either accept the document or reject -- reject
25 it.

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2 So my first question is, if you could
3 confirm, and I assume that it's case, that you
4 accepted whatever was submitted. Because,
5 otherwise, I don't think we'd be having these
6 hearings.

7 MR. STEINMAN: We -- Les Steinman, counsel
8 to the planning board.

9 We accepted the DEIS submitted by the
10 applicant as complete for purposes of
11 commencing public review.

12 MR. ALT: Right. That's my question.
13 Thank you.

14 THE CHAIRMAN: It's for completeness only.

15 MR. ALT: Yeah. Thank you.

16 THE CHAIRMAN: Okay.

17 MR. ALT: As I said before, I attended the
18 last meeting. And one comment that I heard a
19 few times was that there was no need for any
20 kind of empty nester housing in this community,
21 and I take exception to that statement for many
22 reasons. However, my main point of
23 disagreement is in the use of the word
24 "community." I think the gentleman who spoke
25 before touched on that.

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2 People define community in a number of
3 ways. At the core of it is it speaks to a
4 group of people living in the same area, a
5 group of all populations in that area, and that
6 includes many of us who have lived here for
7 many years and want to stay. During the
8 discussion, people expressed concern about
9 families with children around many quality of
10 life issues. And I wholeheartedly agree, as I
11 raised two children in this community.
12 However, the community has to address the needs
13 of what is important for the continuum in that
14 community. There are -- these are things that
15 are important to all of us and should not --
16 not be to the exclusion of any particular
17 group.

18 Finally, the board has heard and will hear
19 comments and responses to the DEIS. You were
20 charged with evaluating those comments and
21 responses and taking some sort of next step. I
22 implore you to do so based on factual
23 information and not emotion. It is your job to
24 make sure that this is done completely, fairly,
25 and, most importantly, in a respectful way,

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2 because I have had -- heard things that haven't
3 been terribly respectful that the board may not
4 have heard. So thank you very much.

5 THE CHAIRMAN: So, Norman, this is wrong?
6 You're not signed up, Norman?

7 MS. SAVOLT: Just go the next person.

8 THE CHAIRMAN: So instead, we'll ask Seth
9 Schefer[ph.] to come up. Seth Schefer.

10 MS. SAVOLT: Just go to the next one.

11 THE CHAIRMAN: Okay. So we have then
12 Susan Goldberg.

13 MS. GOLDBERGER: Good evening. My name is
14 Susan Goldberger. I live at 20 Lafayette Road
15 in Larchmont.

16 Somebody said the only thing that is
17 constant is change. So for a little historical
18 perspective, when I moved here in late 1990,
19 about pregnant out to here, the gap on Boston
20 Post Road was an abandoned car dealership, a
21 no-tell motel sat on the site of what is now
22 the Hommocks apartments, Walgreens was a
23 Blockbuster video. There was only one CVS
24 around, on Mamaroneck Avenue. The Mamaroneck
25 movie theater was a single screen. There were

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no sushi restaurants on Mamaroneck Avenue.
Today -- today, four or five. I've kind of
lost count.

Chat 19 was Larchmont Pharmacy, where the
pharmacists knew you by name. They were
Charles and Conrad. When I got home from the
hospital, there was a personalized onesie with
my daughter's name on it. I hadn't told them
she was born. I hadn't told them what her name
was, but they told me they had sources.

The Stop & Shop in Ferndale was a Finast,
and there was no Stop & Shop on Palmer Avenue
in New Rochelle. That shopping center didn't
exist. No one had ever heard of Trader Joe's.
There was no Starbucks anywhere in this
neighborhood. There was no Internet or Amazon
or Facebook or Uber. Things change.

We are not carpetbaggers. I have lived
here for 27 years and was delighted to hear
about the former plan for empty nester condos
long before I began working with one of the
owners, with whom I worked many years ago at a
bank that no longer exists. He has only lived
here for 20 years.

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2 We are all part of this community. Our
3 kids have gone to school together, played
4 sports together, and participated in all kinds
5 of community activities. We've served on
6 various PTAs and other boards and committees
7 together. We play golf and tennis together,
8 walk and exercise together, participate in book
9 groups together, and have rallied as a
10 community to support families in need, most
11 notably after 9/11. And by the way, folks, for
12 those of you that remember, this is not Ikea.
13 Hampshire owns this property outright, all
14 94 acres, as of right.

15 Though there are three separate
16 municipalities, we are one community that is
17 being ripped apart by something that, when all
18 is said and done, will have little impact on
19 our day-to-day lives. Things change. People
20 move on. Kids grow up and leave the nest,
21 often for far away places. And we are faced
22 with the question of what comes next. And
23 because of the connections we have formed
24 through our children, the schools, our houses
25 of worship, various clubs, the libraries, and

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2 other community resources, there are many who
3 would like to stay.

4 When one of my children entered Hommocks,
5 the principal held a meeting for the parents of
6 incoming students and asked how many of the
7 parents had attended Hommocks growing up. I
8 was astounded to see how many hands went up.
9 People like it here. People are living longer
10 and would like the opportunity to age in place.

11 Growth is a good thing. It supports our
12 tax base, commerce, and nurtures a sense of
13 pride. And in case you were not aware, the
14 trend is toward transit-oriented growth, and we
15 are blessed with close proximity to New York
16 City and an excellent and mostly reliable train
17 commute. And contrary to the naive view of
18 some, whether I sell my home and stay local or
19 move elsewhere, my home will most likely be
20 sold to a young family with children. That is
21 a fact. It is even more naive to think that
22 preventing the construction of new homes will
23 prevent me from selling mine and downsizing.

24 One of the speakers at the last hearing
25 asked what Hampshire's plan does for the

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2 Village of Mamaroneck. It contributes over
3 \$5 million in new tax revenue, a significant
4 portion of which would be funneled to the
5 school district, and it will provide
6 construction jobs and other employment
7 opportunities for a number of Mamaroneck
8 residents, and it will avoid very protracted
9 and very costly litigation.

10 As all know from prior cases such as
11 Westchester Day School, Mamaroneck Beach and
12 Yacht Club, and more recently --
13 (Indiscernible.)

14 -- the Village has a history of litigation
15 that is costly, and the cost is coming out of
16 the pockets of taxpayers.

17 We recently met with an Orienta resident
18 who noted after the whole brouhaha over
19 Westchester Day, which was principally driven
20 by one neighbor citing concern about traffic,
21 and which cost the Village approximately a
22 million dollars in legal fees and \$4.75 million
23 in a settlement, no one even notices its
24 business, as usual. The litigation surrounding
25 this project has already cost the Village

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2 residents a pretty penny. They just don't know
3 it. And that money is not coming back.

4 Recent certiorari proceedings have been
5 successful, and Hampshire will be receiving a
6 large refund for overpaid taxes, which is also
7 coming out of the pockets of taxpayers.

8 Perhaps not significant to the wealthy
9 residents of Orienta, but those in the flats
10 and the heights and the village may feel
11 differently. And, frankly, it comes out of my
12 pocket too, since I live in the Mamaroneck
13 School District.

14 (Indiscernible.)

15 THE CHAIRMAN: No. We can't do that.

16 MS. GOLDBERGER: I did identify myself.
17 I've worked with the developer for three
18 months. I've lived here for 27 years.

19 THE CHAIRMAN: No. We can't have
20 arguments from the public just, like, out of
21 the blue. Sign up and say what you want to
22 say, but don't do that to the speaker. Okay?

23 MS. GOLDBERGER: And of course, the delays
24 posed by litigation play right into the goals
25 of the opposition, whose main goal is really

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just to drag this on as long as it takes.

So many of you heard the comments of Dr. Shaps, the superintendents of schools, when he spoke at the hearing on February 14th. To my knowledge, that was the first -- I'm sorry. In late January, my colleague and I reached out to Dr. Shaps and had a meeting in his office. To my knowledge, that was the first conversation that we had with the superintendent. Nonetheless, we reached out to him, in spite of the fact that he referred to a conversation that he had had with someone by phone over a year ago. But at our meeting, he raised some concerns about the, quote-unquote, Rutgers Method, which the planning board required Hampshire to use in its analysis as part of the scope. We asked for details on other methodologies, but none were provided.

Furthermore, in the DEIS, Appendix N, there are letters from our consultant, VHB, to all municipal providers to obtain feedback on potential impacts of the proposed plan. That is the point of the DEIS. The letter to the school district specifically asked for a

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2 response in writing. None was provided,
3 despite follow up on several occasions by phone
4 and by email.

5 If growth in the school population was
6 becoming problematic, I would think it would
7 have behooved the school district to answer in
8 writing, expressing concerns and detailing
9 thoughts on what might be flaws in any
10 methodology requested by the planning board.
11 We met again yesterday with Dr. Shaps, who was
12 no more specific about the methodology or
13 multipliers used in the district's projections.
14 The point here is that we recognize and
15 appreciate the importance of our school
16 district, but we ask that you work with us, not
17 in a vacuum. The goal is a better community
18 for all, not for a select few.

19 That being said, the data Hampshire
20 provided was that requested by the planning
21 board based on a methodology that is widely
22 used and historically been used by the Village
23 to evaluate school impacts. And there was a
24 lot of discussion about the -- at the last
25 hearing about truck traffic related to

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2 construction. The numbers were very
3 exaggerated, but, admittedly, there will be
4 some trucks during construction, and then it
5 will be over. Have there been any complaints
6 about all the new truck traffic related to
7 deliveries by UPS and FedEx, Zappos, Blue
8 Apron, Peapod, Fresh Direct? Oh, you like all
9 those trucks, I guess.

10 THE CHAIRMAN: I think we could do this in
11 a civilized manner. Do you mind? Okay. You
12 can applaud after the speaker's done, but not
13 during -- when the speaker is speaking. Okay.
14 Five minutes, yes. But we had very short ones
15 also, so you have to average.

16 Please continue.

17 MS. GOLDBERGER: Well, that truck traffic
18 isn't going away. It continues to increase,
19 but nobody seems to be complaining about that.

20 I'll just say a few things about the
21 alternative, which was for the property to go
22 into bankruptcy if it hadn't been purchased.
23 The only ones that will do really well are the
24 lawyers. Bankruptcy is not fun. It's a long
25 and frustrating process. That's what you were

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2 suggesting should have happened at the time
3 that a responsible owner took over.

4 So I guess, in closing, I'll just say that
5 you need to consider the needs of all the
6 members of the community, just not the very few
7 who live on the border of the property who have
8 contributed very significantly to the election
9 of your elected officials, to the point where
10 they've contributed 50 to 60 percent in certain
11 elections, coming from, essentially, three
12 families. You can FOIL that information if
13 you'd like. And I thank you for your
14 attention.

15 THE CHAIRMAN: Thank you very much.

16 I think it's George Mgrdichian. Was that
17 almost close? Okay, George.

18 MR. MGRDICHIAN: Good evening,
19 Mr. Chairman and members of the board. My name
20 is George Mgrdichian, and I am the president of
21 the Orienta Point Association.

22 Regarding the DEIS of Hampshire Country
23 Club, there have been many questions raised by
24 MCEC and others, and the community is waiting
25 your formal responses. The OPA would like to

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add our concerns as well.

One: Hampshire Country Club consists of -- excuse me. Hampshire Country Club consists of 90 acres of open green space in the middle of Orienta Point. The community of Orienta and the Village of Mamaroneck would suffer a terrible loss of open space with this project.

There are serious concerns about contaminants on the property. There is a potential of arsenic, lead, and pesticides in the soil which would need to be remediated if this project were to proceed. The community would need to be assured that there will be no lingering consequences after construction.

Further, there are serious concerns about health and safety issues for our neighbors, students, and staff of Hommocks School resulting from the disruption of contaminated land and the impact of traffic to and from the site through the school area and through rest of Orienta.

Orienta suffers serious flooding during both coastal flood events as well as heavy

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2 rainstorms. Stormwater runoff is a major
3 concern. It is unclear, the DEIS, how flooding
4 will be mitigated proceeding this project.
5 Massive quantities of soil -- and I'm not
6 saying the quantity, but massive quantities of
7 the soil will need to be trucked in to Orienta
8 in order to build the project as designed. We
9 are concerned whether this will be permitted,
10 what the effects of the truck traffic will
11 bring to bear on our community during
12 construction.

13 And everybody should know that Orienta
14 Avenue is a substandard road. Any truck that
15 drives down there, any large truck that drives
16 down Orienta Avenue, people know that they
17 either have to cross the yellow line or they're
18 on the grass. So these trucks coming down the
19 road are going to be very dangerous for the
20 rest of the residents as they're coming
21 through.

22 The superintendent of schools has raised
23 concerns about what the additional number of
24 children will do to our -- our already
25 overcrowded school system. There are concerns

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regarding the impact the increased traffic and congestion will have throughout Orienta. Orienta is already terribly congested around the Hommocks School, Orienta Avenue, and Route 1. And we all know that coming out every day on Orienta Avenue to Route 1, where a traffic study was done many, many years ago, and it was already at a Level F. And as we all know, that -- a Level F can get worse. It does not get any better.

As consultants have shown, a -- nine-hole golf courses do not have a high rate of success. If this project were to be built as proposed, the 18-hole golf course currently existing would be trimmed back to a nine-hole golf course, and its future would be uncertain. It is our opinion that this project is inconsistent with the Village of Mamaroneck's comprehensive plan and local waterfront revitalization program.

Further, I would like to point out that I found the last correspondence from, quote-unquote, the residents at Hampshire to be offensive and unnecessary. And I quote, These

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2 rich nimbys, as they've called us, cited in
3 their letter, was unnecessary attack on
4 concerned, hard-working residents of Orienta
5 who happen to have a different point of view
6 than yours. And we do. In fact, it seems to
7 be the developers who have the deep pockets to
8 develop a seriously challenged property with
9 environmental concerns, flooding issues,
10 traffic congestion, concerns for public health
11 due to contaminated soils, and overcrowded
12 schools, further in order to make a windfall
13 profit. Once the developer has completed the
14 project, they're gone.

15 Additionally, the developers has solicited
16 a number of people to write letters to the
17 planning board and who may appear tonight, who
18 have appeared also to speak in favor of the
19 project, who do not live in our community. We
20 do not believe anyone who is not a resident of
21 our community or an expert hired to address
22 this board should be heeded.

23 Thank you very much.

24 THE CHAIRMAN: Thank you.

25 Next name on the list is Thomas Moore.

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2 MR. MOORE: Good evening. I just had a --

3 MS. SAVOLT: Your name and your address.

4 MR. MOORE: My name is Thomas Moore. I
5 moved to Mamaroneck about three years ago,
6 three and a half years ago.7 I just, kind of, think it's ridiculous
8 that -- it's private land. You know, he should
9 be able to do what he wants. Also, I found out
10 \$7.3 million were spent fighting these actions
11 through litigation and settlements and --
12 probably spread out throughout the past decade
13 or so. And there are 7300 households, and
14 that's \$1,000 a family. So I could -- I could
15 use that money. Just end it. Thank you.

16 THE CHAIRMAN: Thanks a lot.

17 Now we have Dan Kaplan. Dan Kaplan. Oh,
18 coming. Okay. Thank you. I didn't see you
19 over there.20 MR. KAPLAN: My name is Dan Kaplan, and I
21 have lived in Mamaroneck for about 55 years and
22 have been a -- many years ago -- president of
23 the Orienta Point Association.24 During the time I was president, another
25 developer came to the community looked at us

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2 and said, This community desperately needs 33
3 attached houses. She walked into the home of
4 the then president of the OPA and advised us
5 that she had acquired land on Rushmore, and she
6 realized the community desperately needed 33
7 additional houses on three and a half acres.
8 And she also told us that her husband was the
9 most powerful lawyer in New York, and he would
10 be able to control any court decisions.

11 Two and a half years later, because the
12 community decided she -- they, not she, was
13 going to dictate what this community needed,
14 she agreed, graciously, to build 11 homes. And
15 that -- that similar kind of approach was
16 fascinating. Because about two years ago,
17 Eugene Grant, who just died, who was deeply
18 involved in zoning in this community and
19 protecting this community, called me
20 desperately. He said, Some -- somebody is
21 trying to develop Hampshire. And so I came
22 over to Gene's house, because we were very
23 experienced in zoning fights because of the
24 prior one.

25 And we sat there, and somebody from the

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Oriente Point Association produced the developer. And he walked in with the same interesting attitude that the proponent of the attached housing had, advised Mr. Grant and myself and other people there that he had been building this kind of project all over this country, and no community had yet been able to sustain an objection to him. And everywhere he went, including in landfill sites, he had built housing. And he advised us that we were wasting our time if we disagreed.

Well, it's interesting. Here we are, once again, with an avarice, greedy developer, who has the nerve to write a vicious letter that George just mentioned.

Why are the people fighting this project? If you lived -- if anyone in this room lived next to this site, and you knew for the next nine months 24 trucks a day are going to pass right in front of your house, I'm sure you would be here, advocating for the project. And so I would suggest that all of us consider not the nimbys that he accused of us, but if you lived next to this site, and you had spent a

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great deal of time and money building and owning your home, you certainly would be just as opposed as this separate group who are particularly and deeply harmed by this project.

Thank you.

THE CHAIRMAN: Thank you very much.

Now we have Andrea Grant.

And this concludes the name on the first sign-up sheet. If there are anyone who know you signed up on the first sheet and you haven't been called, please let me know after this speaker.

MS. GRANT: Hi. My name is Andrea Grant, and I happen to be the daughter of the wonderful person that Dan Kaplan just mentioned, my father, who just passed away at 100.

He had been here in Mamaroneck most of his life. And as contrary to the really despicable letter that was written and characterizing people who object, that -- there are people who object to this because they've cared for this town and this village for decades. And the very reason why people would even consider

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moving here and being part of this proposed development is because of the beautiful nature and the preciousness of the village and the town that we've created. And these are the people who also helped create the bubble, the tennis over at Harbor Island, buried the lines on Mamaroneck Avenue, assured that the development and the zoning stayed low and the density low so that we can enjoy a style of life that we do here that is so different than some of the --

(Indiscernible.)

-- different kind of developments that are so -- in towns that have become so self-obsessed and developer-run that they lose out in the end.

So when we talk about community and we talk about what this affects, it's not just Orienta. It really is our entire community that this affects, because what happens and what we do at Hampshire will set a tone. And the tone being set right now is heartbreaking and terrible. And if you read that letter and you understand the nature of the developer that

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2 is behind this, then you should think twice,
3 because it is not the tone that I know of
4 Mamaroneck. And that's -- that is on one side,
5 and then all of the legitimate, factual
6 statements that are being made as the
7 unintended and consequences of this
8 development.

9 From the flood zone, it was my neighbor
10 who was killed on the golf course many, many
11 years ago from the flood. It is not made up.
12 It is one of the worst flood zones.

13 I worked with FEMA for ten years. And
14 when you knowingly go in and you build in an
15 area like this that's flood zone prone, no
16 matter what you do -- I really hope that the
17 developers are ready to pay every cent of any
18 damage that occurs to homes and people along
19 this whole development so that not one penny of
20 our taxpayer dollars from FEMA -- going to FEMA
21 pays for damage for recovery, because we are
22 smart enough to know better now. And the
23 unintended consequences or the known
24 consequences of the burden on both our traffic
25 on Orienta that puts those of us who live down

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2 there at risk, should any event take place, to
3 be sopped up and congested at a very point of
4 important egress is critical.

5 And then, thirdly, the burden on the
6 schools. There are a lot of unintended
7 consequences that I hope the planning board
8 takes into consideration, and what it means to
9 care for this town and the longevity of people
10 who might be opposing this and how they have
11 actually contributed to making this one of the
12 most desirable places by making these hard
13 decisions and stopping the kind of development
14 that this is.

15 THE CHAIRMAN: Thank you. Okay. We're
16 starting on page 2.

17 Celia Felsher. Celia Felsher.

18 MS. FELSHER: I'm actually going to switch
19 with Steve. Steve will go first, then I'll go.
20 Is that all right?

21 THE CHAIRMAN: Steve, go first. Okay.
22 (Indiscernible.)

23 MR. STEINMAN: You can ask if anybody who
24 hasn't spoken would like to speak first.

25 THE CHAIRMAN: Well, good suggestion.

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That's if -- anyone who hasn't spoken on the first meeting still haven't spoken today, maybe we can let you go a little ahead of your -- your place on the list here. So give me your name and -- I'm trying to be fair with this. It's hard to please everybody.

MR. TANNENBAUM: I haven't spoken at the prior, so I can speak now.

THE CHAIRMAN: What's your name?

MR. TANNENBAUM: Myron Tannenbaum. I've lived in Mamaroneck 46 years, and I taught at Mamaroneck High School, right here, for 43 years. And I've been on the traffic commission on and off for over 35 years.

The traffic commission had a public hearing after we reviewed the application, and we made four specific resolutions concerning the applicant. I wonder if the commission has had a chance to review it. Okay. Then I won't list them publicly. I just wanted to make sure, because we spent time on it, and we had specific issues. Thank you.

THE CHAIRMAN: We got it, and we appreciate your comments.

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2 MR. TANNENBAUM: Thank you.

3 THE CHAIRMAN: Thank you very much.

4 Anybody else? Oh, you didn't get on
5 there, on the first one?

6 (Indiscernible.)

7 And who do we have speaking now?

8 MR. GUADAGNOLO: Charles Guadagnolo; 1030
9 Old Post Road in Mamaroneck.

10 THE CHAIRMAN: Thank you.

11 MR. GUADAGNOLO: So I've lived in
12 Mamaroneck my whole life. I was born here. My
13 father was born here. Currently, I run one of
14 the largest real estate development projects in
15 the county, a 324-unit multi-family development
16 in Yonkers. And prior, I was with Toll
17 Brothers, running a 232-unit multi-family
18 townhome development and a 71-unit
19 single-family development in Connecticut. So
20 I'm familiar with the process, and I wanted to
21 talk first a little bit about the concept of as
22 of right.

23 I don't know, during your due diligence
24 process, if you --

25 THE CHAIRMAN: We got interrupted here.

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2 I'm sorry about that. We didn't pay attention.
3 Can you just repeat what you just said?

4 MR. GUADAGNOLO: Do I have to go through
5 the whole introduction again?

6 THE CHAIRMAN: No. No. No.

7 MR. GUADAGNOLO: Charles Guadagnolo.

8 THE CHAIRMAN: This shouldn't be
9 happening, but it is. I'm sorry about that.

10 MS. SAVOLT: Someone was listening to you,
11 Charles.

12 MR. GUADAGNOLO: Charles Guadagnolo; 1030
13 Old Post Road in Mamaroneck.

14 THE CHAIRMAN: You were born here and your
15 father was born here. I remember that much.

16 MR. GUADAGNOLO: You remember that part.

17 THE CHAIRMAN: Go on from there. Okay.

18 MR. GUADAGNOLO: Yeah. So I wanted to
19 talk about as of right and the idea that during
20 the due diligence process, if you opened our
21 comprehensive plan -- and I look at it two
22 ways: Either you didn't or you didn't care.
23 And when you read the comprehensive plan, it's
24 crystal, crystal clear that what you're
25 proposing undermines the comprehensive plan.

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There's an undermining of the recommendation for it to remain as open space. It undermines the idea of it being a critical environmental area. It undermines the idea that it's the largest open space in the village. It undermines the idea that it's one of the largest open spaces on the southern Sound Shore. So that is our community's as of right, and that supersedes your as of right.

And we've had the privilege of an incredible amount of experience being put forth, which -- the list is so extensive of all of the reasons why this is wrong. There are risks of exposure. There are massive amounts of fill. It is unlawful. It does put people at risk.

Our real estate market is being undermined. This project could linger for ten years for you to sell it out, and you're going to undermine the other people in the community being able to move their homes, being able to have space for their students in the district. You do need private -- the private road's consent.

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2 This is highly toxic. It's been ten years
3 that we've dedicated ourselves to this issue.
4 And ultimately, we need too arrive at a sense
5 of closure. So how does that happen? One of
6 my concerns is that this could linger
7 indefinitely, and you may not be here. And
8 I've seen throughout the last ten years, and I
9 hope people look at this, that there were real
10 efforts put forth to literally rewrite our
11 comprehensive plan during this process and to
12 rewrite our LWRP. And it was stopped. But in
13 the process, one of our main boards, our Harbor
14 Coastal Board, was, essentially, ripped of a
15 great deal of its authority, and this can
16 happen again.

17 So how do we -- how do we get to the
18 closure? There is crystal, crystal clear legal
19 precedent with Bonnie Briar -- and you can read
20 the case -- that we can rezone this permanently
21 as recreational space and eliminate the forward
22 risk of this continuing, and that's what I'm
23 proposing. That is our as of right. That's
24 our as of right, and, more importantly, it's
25 what's right.

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THE CHAIRMAN: Okay. So next speaker will be Jim Desmond.

MR. DESMOND: Hi. My name is Jim Desmond. I was on the original coastal zone management commission in 1968, when we wrote the -- what? Oh, I thought I was right on top of it.

My name is Jim Desmond. I was on the first CZM in 1968 when we wrote the first LWRP, which became the basis for all Coastal Law in the United States, and it was written here, in Mamaroneck. And this is the first time I've heard anybody mention anything about the critical environmental area that is Hampshire Country Club. The Village has very few critical environmental areas, and this is one of them. My notes here are a total mess.

Building anything on the Hampshire Club property needs a very close look at the entire plan. How well did they know the property? How well did they know the piece of land, and how much -- and how much have they told us about things like groundwater? I never heard the word groundwater mentioned once. That's apparently about three feet below the surface,

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2 and how do you build on that? I'd like to tell
3 someone that. How do you do that?

4 So what you do to a piece of land like
5 this will change it drastically from being a
6 critical element of control, the way the
7 landscape works with you to control water,
8 drainage, flooding, absorption. It changes
9 into something else entirely, and this is
10 really one of the few critical environmental
11 areas in the Village of Mamaroneck.

12 And when you do this kind of building, you
13 really won't know what you've got until you
14 have to go live in it. It's -- every
15 construction person I've ever worked with says,
16 It's going to be great, going to be simple.
17 You'll love it when it's finished. Well, it
18 doesn't always happen like that.

19 What happens when you -- the -- what
20 happens to the natural flow and drainage of
21 water on a large -- on the large low-lying
22 piece of property right in the center of
23 this -- of the club when -- when you're filling
24 it with -- I don't know how many pounds of
25 fill. But what happens to that? I mean, it

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2 used to be a low spot that let rain naturally
3 build a pond there and, sort of, a holding tank
4 for rainstorms and hurricanes. To -- to fill
5 in that piece of land with houses -- I don't
6 know. And what happens to the -- the
7 groundwater?

8 Again, it's -- it's a critical piece of
9 land, and you have to be very careful when you
10 mess around with it. Thank you very much.

11 THE CHAIRMAN: Thank you.

12 I can read Nicole. I can't read your last
13 name. You say it.

14 MS. ITKIN: I have terrible handwriting.
15 Nicole Itkin. I wasn't going to speak tonight,
16 but I wanted to correct some misconceptions I
17 think that some people, specifically the woman
18 who lives in Larchmont who works for Hampshire,
19 stated.

20 I live in -- on Sylvan Lane, specifically
21 the 6th Hole. I am not rich. I am not
22 wealthy. I am -- I am a New York City worker,
23 government worker. My husband is a high school
24 teacher. We saved for this money. We have a
25 little three-bedroom house.

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2 Where is that water going? You say that
3 you are building the houses high enough so that
4 they will withstand the flooding. What about
5 us at the bottom? Okay.

6 24 trucks a day for nine months, you said
7 was the first stage. I am terrible at math,
8 but that's over 4,000 trucks in nine months.
9 So not everybody who opposes this plan is a
10 wealthy, not-in-my-backyard person. Okay. I
11 saved my whole life for this house. So how
12 dare you.

13 THE CHAIRMAN: Thank you very much. Thank
14 you. Thanks a lot. Appreciate it. Thank you.
15 You're not applauding me, so you can stop now.

16 We tried to get back on track. And if
17 there is anyone who didn't speak at the last
18 meeting and has not spoken yet, then we'll tell
19 you to come up and be able to do so.

20 (Indiscernible.)

21 MS. LARSEN: Hi. Sorry. My name is Kim
22 Larsen. I live at 531 Orienta. I have no
23 prepared remarks. I really wasn't planning to
24 speak this evening. Okay.

25 THE CHAIRMAN: Okay. If you non-speakers

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2 would please line up over to the left of the
3 podium and wait there. And as you come up, say
4 your name, and we can take you off from the
5 sign-up sheet. So here we've got another
6 non-speaker.

7 MS. LARSEN: Kim Larsen, 531 Orienta. I
8 just wanted to say a few things. One, sort of,
9 to the point of the previous speaker.

10 Yes, I live in the vicinity of Hampshire,
11 but I've been working on behalf of this
12 community for free, as a volunteer in many
13 capacities. And my concerns -- my concerns are
14 really reflective of the community as a whole,
15 truthfully.

16 We just got a school zone in front of
17 the -- the high school here. I worked on that
18 for eight years, beating down the New York
19 State Department of Transportation. And
20 traffic will be insane on the Boston Post Road
21 corridor if we build on this little oasis in
22 Hampshire. The -- the tools the municipality
23 has in place to protect that area should be
24 recognized. It's not about, you know, my
25 property. It's about the entire community, and

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I don't think that this development is really representative of the intent of the comprehensive plan.

The -- the other thing is the senior living point. No one is disputing that we need senior living in this community, but it shouldn't be there. We don't need to blast hilltops and bring in contaminated to fill to accommodate some, you know, X-number of senior homes. It's just not responsible, and the developer got this property for a steal because it's a floodplain that is protected and should be environmentally sound.

There's no reason for us to be changing zoning or compromising our community's goals to fleece the pockets of developers. We all have a right to our community.

THE CHAIRMAN: Thank you.

MS. BROWN: Hello. I'm Barbara Brown, and I live at 1501 Fairway Green. I've been there for 27 years.

I just wanted to support my fellow board member. That -- he was speaking for the community of Fairway Green. A few years ago,

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2 Fairway Green voted -- the community voted for
3 the condominiums, if nothing else. Okay.

4 Thank you.

5 MR. GOODMAN: Hi. My name is Bob Goodman,
6 and I'm a 22-year resident of Mamaroneck. And
7 I'll be brief. I know this is, like, a long
8 night for you.

9 I don't think this is really about
10 emotions. This should really be about facts.
11 And the way I see the facts are that the
12 project is infeasible. And it's become clear
13 that this proposal and the whole project is
14 just a tactic for the developer to get the
15 condos. That's what the developer wants. He's
16 told several people in the community that.
17 There's no secret to that.

18 This is really just, kind of, a waste of
19 your time, really, for a project that he's,
20 actually, functionally, not interested in.
21 And, furthermore, the project shouldn't be
22 approved because it's illegal. Under the
23 Village Code, adding -- putting fill in a
24 floodplain is illegal. And there's just no --
25 it's kind of -- we can argue about the

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2 emotions, and I love golf and all that. It's
3 just this project doesn't fly for that reason
4 among others.

5 And furthermore, who's going to purchase
6 all these houses? And we've heard about all
7 the issues of flooding. You think there's
8 going to be a long line of people who want to
9 live in a place where there's no egress during
10 a -- during a flood or during a storm? And
11 I've been on this property when there's a flood
12 and when there's a storm. It's pretty scary.
13 And furthermore, who's going to want to buy a
14 house that has a taint of contaminated soil?
15 And those, to me, are the fundamental facts,
16 emotions aside.

17 Thank you.

18 THE CHAIRMAN: Got it. Thank you.

19 What's your name, sir?

20 MR. NATCHEZ: My name is Dan Natchez, and
21 I'm here representing --

22 THE CHAIRMAN: You didn't sign up, did
23 you?

24 MR. NATCHEZ: Yes, I did.

25 THE CHAIRMAN: Oh, you did.

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2 MR. NATCHEZ: It was on Sheet 2, third
3 name down.

4 MS. SAVOLT: Okay. Let's listen. He did
5 sign up.

6 (Indiscernible.)

7 MR. NATCHEZ: In either event, my name is
8 Dan Natchez, and I'm president of Daniel S.
9 Natchez & Associates, an environmental
10 waterfront design consulting company in
11 Mamaroneck. And I'm representing, as well, the
12 president of Shore Acres Property Owner's
13 Association, called SAPOA, and the coordinator
14 for the coordinating council of neighborhood
15 associations and groups. And I'd like to read
16 a resolution that was adopted by SAPOA and the
17 people at the meeting on the coordinating
18 council neighborhood associations.

19 And it says: Whereas, the quality of life
20 is of concern to all neighborhoods within the
21 village, and whereas Hampshire Country Club has
22 filed a redevelopment plan for 105 residential
23 houses with alternatives ranging from 85 to a
24 121 residences, and whereas, regardless of
25 which proposal is undertaken, it would

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2 transform the largest single open space project
3 within the village to numerous residences and
4 have serious long-term detrimental effects upon
5 the neighborhood and the Village at large.

6 Now be it resolved that we express it's
7 our strong opposition to all the village land
8 use boards that development proposals would
9 significantly reduce the open space, severely
10 adversely impact the birds and wildlife and use
11 of the mature tree canopies which would be
12 destroyed, create worse drainage and flooding
13 uses through the use of dams and culverts, and
14 adverse impact to the already overcrowded
15 school systems, and tax the existing
16 infrastructure in terms of the sewer, potable
17 water, and traffic, particularly where there
18 are no sidewalks for pedestrians and bike
19 paths.

20 And be it further resolved that at least
21 one alternative would call for the shattering
22 of the MR, marine recreation zone, allowing
23 residences where such uses are prohibited and
24 would other -- and would allow other MR Zone
25 properties to also shatter the zoning. And

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whereas it be -- and be further resolved that the adoption of the proposed submitted development plans would have a significant adverse impact upon the entire community and its right, and when -- I'm sorry -- in its own right, but also would examine the -- the cumulative impact of developments already approved, particularly in the school systems and traffic. And be it further resolved that we challenge all of the land use boards to consider this and the other proposal -- proposed projects in terms of what's in it for the village as opposed to the developer.

And one of the great things about public hearings is that a lot of things get brought out, and a couple of things have been said tonight which, sort of, bothered me. One of the first is that there have been character assassination attempts by people. And whether we agree or disagree with different sides, this is a friendly community, and we need to respect each other's points of view. That doesn't mean we have to agree with them, but it doesn't mean that we have to say somebody else isn't right

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2 and somebody else is just trying to play games.
3 And that bothers me dramatically.

4 It was interesting to hear about -- the
5 person from the golf courses about that nine
6 holes work, et cetera. But there was no -- no
7 information regarding comparing this particular
8 nine-hole course to other nine-hole courses in
9 terms of economic sustainability as well as
10 the -- what the 18-hole course would do in
11 terms of economic sustainability.

12 And one of the other things that bothers
13 me is when people threaten litigation. You
14 know, Kennedy said, you know, let's not
15 negotiate it out of fear, but never fear to
16 negotiate. I don't like people who suggest
17 that, you know, if you don't do something,
18 we're going to sue. I don't think that's the
19 right approach to life. It doesn't mean --
20 make for a friendly community.

21 And for -- the last thing I want to make,
22 which has already been stated, but I think it
23 needs to be restated, is there is no as of
24 right except to ask for permission. If there
25 was an as of right for this type of development

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2 in any of the alternatives, we wouldn't be
3 here, because there would be no reason to get a
4 permit.

5 And that's, therefore, the -- you know,
6 the due diligence in the real consideration
7 must be undertaken. And thank you.

8 AUDIENCE SPEAKER: Hi. My name is Leslie
9 Schiffer[ph.], and I've been a resident of the
10 Village for 29 years.

11 Obviously, the board will make a decision
12 based on the facts which are, on all sides,
13 going to be tainted by self-interest, the
14 people who are hired to present things. So I'm
15 not going to address that, because you'll have
16 all that.

17 But as part of a public hearing, what I'd
18 like to say is my wife saw our neighbor die on
19 the Hampshire golf course. Water will find
20 where it wants to go, and nothing you can do is
21 going to stop it in an area that's as
22 challenged as Hampshire. So I know emotions
23 aren't going to be the deciding thing, but
24 shame on you.

25 As a resident of this community, the

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2 avarice, the greed from day one. Shame on you.
3 Shame on all of us if we allow this to happen
4 and somebody dies and somebody gets cancer
5 because of the fill and somebody gets sick.
6 Hundred-year flood zones. We can all laugh at
7 that. They seem to happen every seven -- every
8 five years, so it's bullshit. On the record.

9 Shame on you, and shame on us if we let
10 this happen without with taking into account
11 the damage to people.

12 THE CHAIRMAN: We are on live television,
13 so we can't use that kind of language. But
14 thank you anyway for your opinion.

15 MR. MAZZIO: Hi. I'm Lou Mazzio from -- I
16 was going to say Nu-Way Insulation. From 402
17 Fairway Green. I've been a resident of
18 Mamaroneck for the past 40 years. I've been a
19 resident of Fairway Green for the past 25.

20 There's a few issues, and they're mostly
21 very selfish on my part. One is I've been
22 looking at the golf course for 25 years, and
23 I've been loving every minute of it. That's
24 the reason why I purchased the unit that I'm
25 living in. That's the reason why I plan on

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dying in that unit.

I also have a very serious problem. My wife has chronic asthma. When she breathes in toxic air, she has asthma attacks, and we're off to the emergency room. So we would more than likely be closed in, locked in, plasticed[ph.] into my home while this construction is going on.

I've been a contractor for 45 years. I've been around construction sites for 45 years. There is no such thing as clean landfill. There's nobody monitoring the fill as it's coming in.

I've seen clean fill. It is filthy. Filthy with everything imaginable, including bones, which is, like, really quite extraordinary. But I've seen them time and time again. Allegedly monitored clean fill, let alone all the amount of clean fill that allegedly is going to be poured around.

The other issue is that -- pardon me -- is simply that you cannot move earth all around without everything being dislodged into the air. You cannot have earth movers dumping,

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2 pouring, pushing all of this fill that's been
3 already down for a hundred years and pushing it
4 all around and thinking that, Oh, it's okay,
5 because the first foot is really not so bad.
6 All right. But what's below, who the heck
7 knows? No one does. Oh, sorry.

8 The other aspect of it is that on that
9 wonderful diagram that was put up on the board
10 there, they talked about leveling out the whole
11 area. I'm at the highest point facing the golf
12 course. On the last storm, there were waves
13 slapping right up against my unit. They
14 planned on leveling out the area right in front
15 of my unit, which is quite extraordinary,
16 because there's already waves. And I'm at a
17 high point, not the low, all the way down at
18 the end. There were waves jumping up on to my
19 unit. So now you're going to level that land
20 out to fill in other areas that are much lower.
21 That seemed extraordinary to me. It's like a
22 thing of, like, okay. Where? How low is that
23 area going to be now? Because already, that
24 area was literally waves. And it didn't happen
25 once. It happened 25 years ago.

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2 We had a fish this large right in my
3 backyard after the 25-year-old storm, where,
4 unfortunately, that wonderful man died. All
5 right. There's no scientific dislodgement of
6 an area this big and thinking that you have it
7 under control. And you're just going to fill
8 in here, there, and everywhere with clean fill,
9 and it's going to be just wonderful for
10 everyone concerned.

11 There's one last issue, is that I'm also
12 on Old Post Road. People from Orienta come
13 down Old Post Road on their way to Boston Post
14 Road to try and avoid some of the incredible
15 traffic that we see day in and day out. Old
16 Post Road is a snaky, hilly little road that
17 already has a terrific amount of traffic with
18 people with carriages walking alongside of it.
19 The whole entire idea of this development seems
20 ludicrous to me, and I can't quite understand
21 how anybody can come up and say, We know it's
22 going to be fine. We've done this before.

23 Well, I've seen it before, for 45 years.
24 And what I've seen on construction sites, I
25 can't even begin to tell you. It's not nice.

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And you want to trust people. I love to trust people. I don't trust contractors, and I've been one for 45 years.

THE CHAIRMAN: Okay. Who do we have now?

MR. WENSTRUP: I've David Wenstrup, and I live on Cove Road. I am signed up there somewhere, and if you can't find it, it's my terrible handwriting. Okay. I'd like to shed some additional light on the floodplain issues with Hampshire's plan.

As you know, the vast majority of the Hampshire property lies below the floodplain, some of it in elevations as low as meeting sea level. And you also know that their plan includes massive amounts of fill in that floodplain, including both imported fill and cut and fill. Okay. So you've heard last time from Mr. Kass that our village laws prohibit filling in a floodplain. I'd love to think that that is the end of the matter, yet, here we still are.

The developer has made an argument that the law should not apply to them because this is a coastal flood zone as opposed to a river

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or stream-based flood zone, and so they say filling it would not have a detrimental effect. That distinction between coastal and stream-based flood zones doesn't exist in village law, but, more importantly, they're wrong about their assertions of the detrimental effect.

Basically, the developer argues that because there's an infinite amount of water in Long Island Sound, the water in the flood zone will immediately equalize with the Sound, so filling in part of the flood zone doesn't affect the water level. This amount ignores the particular topography of this particular property and of the surrounding homes and roads.

You see, Hampshire is a bathtub. That is, it's an area of low elevation, completely surrounded by areas of slightly higher elevation. What this means is that the areas of higher elevation keep the water out of the property during a mild coastal flooding event. We know this to be the case.

For example, the property has elevations

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2 as low as meeting sea level, and we have an
3 eight-foot tide here. So every single day,
4 twice a day mostly, that -- parts of the
5 property are four -- four feet below the level
6 of the Sound. We know that. That happens
7 every day.

8 So what's happening is those areas, those
9 high areas around the -- the bathtub, which are
10 the walls of the bathtub, prevent the water
11 from coming in. So in a daily high tide and in
12 a mild flooding situation, the bathtub walls
13 keep the water out. But in a moderate to
14 moderately severe flooding event such as Sandy,
15 the water will begin to breach over the lowest
16 points in the bathtub wall. This is exactly
17 what happened at Sandy. And from Sandy, we
18 know that one of the lowest points in that
19 bathtub wall is Hommocks Road, directly
20 adjacent to the 11th Tee.

21 Many of us witnessed and photographed the
22 water fall as the water entered the club
23 property over Hommocks Road, down the wall next
24 to the 11th Tee. But what's really important
25 is that when the water level in the Sound

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breaches the bathtub wall in a Sandy-like event, it doesn't immediately fill up the whole bathtub -- the whole floodplain. It takes time. In Sandy, it took hours. That time to fill is incredibly important, because the sea level might go down before the level inside the bathtub reaches that level of the Sound. And so the time that it takes depends on the size of the bathtub.

Fill, whether it's an imported fill or cut and fill, shrinks the bathtub. And -- and raising Eagle Knolls Road, which would prevent water from -- from crossing on the other side of Eagle Knolls Road, would dramatically decrease the size of that bathtub too. And the effect of that would be that the water level inside the remaining bathtub would rise higher and rise faster. Now, this would be one thing if Hampshire was alone in the floodplain, but they're not.

When the water rises in Hampshire, coming over that wall into Hampshire, it spills over into adjacent homes and to the intersection of Eagle Knolls Road and Hommocks Road, preventing

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2 egress. You've heard this already in previous
3 testimony in the last session from Paul
4 Cantwell and from the gentleman who owns a
5 portion of the pond on the 10th Hole. They
6 described how that water comes from Hampshire
7 onto their property in those storm events. If
8 Hampshire fills the floodplain or if they raise
9 Eagle Knolls Road, it's going to happen faster
10 and may flood them in times when, otherwise,
11 they would not have been flooded. So I'm
12 describing the mechanics of what happened,
13 which was born out as what was witnessed in
14 Sandy.

15 I'll also submit a powerpoint presentation
16 to the -- to the board which -- which
17 graphically depicts the mechanics. But to
18 really quantify the effects with a rigorous
19 hydrological analysis, we would need complete
20 topographical data of not just their property,
21 but the surrounding properties and roads that
22 would also be affected. We would need to do
23 that to -- to define the extent of the bathtub
24 and its walls, to define its capacity for
25 holding water and the impact of the proposed

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2 development on the rate of increase in the
3 flood levels in those -- those Sandy-like flood
4 events.

5 So I'll end where I began. The law is the
6 law, and the law says you can't fill in a
7 floodplain, and it doesn't matter whether it's
8 cut and fill or imported fill. But if, for
9 some reason, you're tempted to believe that
10 that law does not apply to them, please don't
11 accept their argument that it doesn't impact
12 flooding.

13 At the very least, let them analyze the
14 full extent of the flood plan, including both
15 their property and the surrounding properties
16 that would be affected, and make them provide
17 the data in electronic formats that -- an
18 independent engineer can do that analysis.
19 Just to be clear, I'm not asking this as a
20 stalling tactic to make them do more work. I'm
21 asking because I don't believe they can show it
22 doesn't have a material impact.

23 THE CHAIRMAN: Thank you.

24 MR. STILLMAN: My name is Jeff Stillman.
25 I'm on the list there.

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2 MR. STEINMAN: Fine yup.

3 THE CHAIRMAN: Got it.

4 MR. STILLMAN: Good evening. I just want
5 to make a couple of comments. I was listening
6 tonight, and let me just give you a little --
7 some of my experience. Put my notes together
8 here.

9 So I live in Orienta, 805 Oakwood Road.
10 Been here 27 years. Oh, sorry. I'm not good
11 on camera. Is that okay? Okay.

12 So I've been here 27 years. I've been
13 evacuated three times from storms and water. I
14 own a property management company. My family's
15 been in development for 75 years in
16 Westchester, so I have a lot of experience with
17 construction and water and other issues. And
18 my points are: When you start looking at these
19 plans and the numbers and all these
20 calculations, nothing, in my experience, ever
21 goes to plan.

22 So there's always the contingencies.
23 There's always the change orders. There's
24 always other conditions that happen when you do
25 construction. So any time that's been set out

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2 there, it's never going to be done on time.
3 I've never seen it. I don't think it ever will
4 be.

5 So my point is, you know, you're talking
6 about nine months, 28 trucks. Forget it. It
7 will be 13, 15 months. It will be 50 trucks.
8 So I just wanted to make that point, that, you
9 know, when we start talking -- I'm looking at
10 reality versus theoretical.

11 The next thing I wanted to say is I've
12 been a member of Hampshire Country Club for
13 over 40 years, my family, and I'm still a
14 member. Like the club. And like I said, I am
15 a developer, so I understand. I, sort of, wear
16 all the different hats, and I see all the
17 sides. And I think that development done right
18 is good.

19 My opinion is what would be acceptable
20 and, I think, to the benefit of everybody would
21 be 30 to 50 units of the original plan. That
22 -- I mean, the original plan is over a hundred
23 units with a 250-car garage and a sub -- you
24 know, and a high water table. And, you know,
25 the water -- and a lot of people have talked

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2 about water is the most difficult item to
3 control. And I don't care what you do. You're
4 going to get water to stop. It's going to come
5 in somewhere. I have a lot of experience in
6 the property management field as well as
7 development.

8 Just to cut more comments, I also was on
9 the finance committee of Hampshire, so I do
10 know and have experience, and I am a CPA.
11 That's my background, so I have experience in
12 the financials. I heard the consultants. And
13 I'm not a golf course developer, but I know the
14 numbers at Hampshire, and I know what happened.
15 And basically, it went bankrupt because golf
16 memberships have gone down, and the cost went
17 up and they couldn't afford to run it.

18 And some point, you're going to have
19 another golf course there, and you're going to
20 have some association running it, whatever you
21 do. But the numbers can be overwhelming and
22 difficult to control. So I -- like I said, you
23 heard different sides with different numbers,
24 but I can tell you, from my experience, it can
25 get expensive to run, and golf memberships

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2 aren't what they were. So I just want to bring
3 that point up. Just a couple more things.

4 I do think if they allow any kind of
5 development, there should be significant
6 reserves made by the developer to maintain for
7 the stormwater control and the roads and the
8 schools. I mean, they say there will be more
9 taxes to go to the schools, but I still think
10 there are significant challenges now. So I do
11 think you should make reserves to be held.

12 The roads in Mamaroneck are a mess.
13 There's not enough money in Mamaroneck to
14 repave roads as it is right now. I've -- my
15 road hasn't been repaved in 30 years. It gets
16 patched. It gets patched all along. So you're
17 going to have these trucks coming in, and
18 they're going to damage the roads. And unless
19 there's some provision for the developers to
20 repave those roads and have it done and it
21 falls back on the Village, I'm telling you, it
22 ain't going to get done. It's not being done
23 now. It's not going to be done later. I would
24 like you to consider that as well.

25 They talk about concrete basements. I get

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2 a little concerned when I hear that in a high
3 water table. I don't see how you're going to
4 be able to control that water coming in to
5 those units. I think there's significant
6 challenges there. And let's see if I missed
7 anything. And I do think --

8 (Indiscernible.)

9 -- and I'm dealing with some other
10 developments. The towns have put in special
11 permits for the developers to be able to make
12 sure they comply with stormwater control and
13 other items that are going to need to be
14 maintained.

15 And my last point is -- this is just from
16 my experience as a property manager: At some
17 point, there's going to be some association
18 probably running and maintaining that, whether
19 it's a small development or the large
20 development, and you're going to have a board,
21 and you're going to have the members having to
22 contribute and have the funds to take care of
23 the stormwater and any other issues and the
24 infrastructure. And I can tell you that can
25 create down the road -- I'm looking down the

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2 road -- can create significant strains on the
3 community. And just as an example, you could
4 have a condominium, and I'm not sure exactly --
5 I think maybe it's an HOA or whatever. You
6 have one or two owners who can't afford to pay.
7 And I've had experience where owners have gone
8 to 30- or 40,000 in arrears, and it's extremely
9 difficult to get that money. So when you start
10 compounding that, and you're going to have to
11 take care of these items and it's not
12 maintained properly, it's going to have
13 significant effects on the Village.

14 Thank you for your time.

15 THE CHAIRMAN: Thank you.

16 MR. SIEGEL: My name is Bertram Siegel. I
17 live in Greacen Point in Mamaroneck.

18 I have lived in the community for about 45
19 years. And since I live in Greacen Point, I
20 have an intimate witness of the effects of
21 water on a property owner in the community and
22 the insidious effects of water. It's not
23 something to be made light of, and I think that
24 you should be very, very careful about how it's
25 handled by the developer if the project goes

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2 forward.

3 I'd also like to say that the previous
4 speaker, Mr. Stillman, who is very soft-spoken,
5 I listened intently to what he had to say. And
6 every word that he had to say is relevant to
7 the discussions of this committee, and you
8 should pay very, very careful attention to
9 everything that he said, because it will
10 have -- this project, if it goes forward in its
11 present form, will have an enormous effect upon
12 the community.

13 Now, let me talk just briefly about my
14 experience as a -- living in Greacen Point and
15 the effects of water on my house. It -- I've
16 watched it. I've been evacuated from my house.
17 I can't -- and I'm way above sea level in my
18 house. I can't imagine that any project that
19 goes forward in this community will not be
20 isolated in a storm. And if they're isolated
21 in the storm, then God forbid anything adverse
22 happens to the homes that they live in.

23 If it's a condominium, eventually the
24 condominium -- you'll have to worry about
25 people being affected by the storm or having a

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health issue or, God forbid, a fire. They won't be able to be evacuated properly and so on. None of this, I think, will be adequately addressed by the builder of this project at all. They may say it.

And, by the way, it has been made time and time again in the short time that I've been listening to the presentations here that once the project is finished, they leave. The project stays. The people who live here will continue to live here and bear the adverse effects of any unforeseen problems that may emanate from the construction.

Now, in my house, I looked across at various points in the community over the years, and I've seen storm events that -- not only have homes been isolated, any home with a basement has been flooded, no matter what. No matter how much money has been spent on the home, they've been flooded.

So you may ask what about my home? It has no basement. By the way, I'm trained as an engineer. I'm long since retired. I'm closing in on 87 years. But when I built the property,

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I refused to have a basement, because I felt that, even though we're way above the floodplain, that it would be impossible to maintain the integrity of the home or a basement in that -- under adverse conditions. And adverse conditions will happen. I can assure you.

Thank you for listening to me.

THE CHAIRMAN: Thank you very much.

Next speaker.

MR. ARFIELD: Good evening. My name is Jeremy Arfield, and I live at 1010 Cove Road, which is one of the private roads being considered as an access road to the proposed development. I've lived on Orienta Point for ten 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

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2 these projects bring to all of the parties
3 impacted?

4 For the owners of Hampshire, a private
5 equity investment fund specializing in
6 distressed real estate and its real estate
7 developer partners, the benefit is simple.
8 They are seeking a positive return on
9 investment for their institutional investors.
10 For the potential buyers of the new homes being
11 proposed, the presumed benefit would be owning
12 a nice home in a desirable community with
13 excellent public schools. Well, let's pause on
14 that assumed benefit for a second.

15 First, how nice would a home be when it is
16 built on ground that is toxic? Second, would
17 living in a floodplain be a nice place to have
18 a home? And really, there is no question
19 whether or not it will flood. The developers
20 are already planning for evacuation routes for
21 when it does. Damage to the properties is
22 highly likely. And would prospective
23 homeowners be made aware that they were not
24 only putting their homes but also their lives
25 at risk by living there?

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2 Third, I believe the desirability of our
3 village today would wane considerably as a
4 result of the increased traffic in and out of
5 the development and on the Boston Post Road,
6 the further deterioration of the private roads
7 that cannot handle the wear and tear of the
8 limited amount of cars and trucks that travel
9 on them today, and the strains this additional
10 population will place on an already-stretched
11 infrastructure in our village.

12 And fourth, for these new homeowners,
13 would the schools remain excellent? We've
14 already heard from our schools' superintendent
15 from the last public planning board meeting
16 that when using correct assumptions for
17 projected enrollment instead of flawed ones,
18 this plan would add to overwhelming an
19 already-burdened school district. Class sizes
20 would inevitably increase, and the physical
21 plant of our schools would strain under the
22 additional number of students.

23 For the Village of Mamaroneck and its
24 residents, what will be the benefits? Will it
25 improve our schools? No. The expectation is

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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 track of open space in a critical coastal environmental area, and an immediate increase in the single-family housing stock in the area.

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2 Will it bring increased tax revenues to the
3 Village of Mamaroneck? It seems the estimates
4 of the tax gains presented to date are
5 negligible at best, even when the questionable
6 methods are accepted. But think about what
7 will eat into those slim increases, even if
8 believed. Additional policing as a result of
9 the population influx and the increased
10 traffic; the need to invest in additional --
11 additional emergency services to handle the
12 required response when the area inevitably
13 floods.

14 There will be a need to increase the
15 investments in our schools in the short term
16 and to grow their operating budgets going
17 forward. There would be greater demand for
18 sanitation, recycling, and snow removal
19 services. Will the estimated tax increases
20 from these homes really cover these additional
21 costs? I do not see how that math works, and
22 it would be detrimental to all village
23 residents to not be absolutely certain that it
24 actually does work in our favor.

25 Will it improve the well-established

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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 firsthand 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 benefited from the buffer that the floodplain on Hampshire provided. What will happen when that floodplain 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

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2 to Orienta ten years ago. What attracted me to
3 the area was the strong community, the
4 fantastic schools, and the natural beauty of a
5 coastal location with protected, undeveloped
6 lands. I have greatly enjoyed living and
7 raising a family here. However, as a resident,
8 I feel the responsibility of stewardship to
9 protect and maintain all that makes Mamaroneck
10 great for future generations of residents. I
11 believe your commitment to the planning board
12 evidences the same thing.

13 In these public like hearings, we have
14 heard from older residents, community
15 volunteers, and elected government officials.
16 I'm greatly appreciative of how they performed
17 in their roles and for what they put in place.
18 They established protections for our
19 floodplains and our coastal areas for a reason.
20 They enacted zoning laws for a reason. They
21 clearly understood that these were needed to
22 make our community strong, to make it safe, and
23 to protect all of the elements to this village
24 that make it a desirable place to live. I, as
25 a current resident, am thankful for their

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2 foresight and their intelligent decision
3 making. I also understand that as a current
4 resident, I have an obligation to ensure, just
5 like they did, that future generations of
6 residents, families, children, and retirees get
7 to enjoy this special place as much as we all
8 do today.

9 So I return to my original question: Why?
10 Are we really considering a proposal that flies
11 in the face of the objectives and values
12 articulated in our comprehensive plan and LWRP?
13 And I would note that with respect to the
14 developer's preferred condo plan alternative,
15 will we really consider rezoning and going
16 against what previous residents put in place to
17 make Mamaroneck what it is today, running the
18 risk of similar rezoning of all marine
19 recreation and marine commercial districts and
20 turning our harbor into a changed landscape of
21 highrise condo buildings?

22 For the current plan, are we really
23 considering the illegal action of allowing a
24 floodplain to be rendered useless with
25 thousands of cubic yards of fill so private

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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 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? Until tonight, I did not hear one voice at the last meeting support the current proposal. Not one unbiased, truly objective person came forward to say that 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 the property owners have a right to use and develop their property as they wish, but only so long as that 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

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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's 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's 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

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faceless investors only trying to turn a profit for themselves on the back 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 today and for future generations that will inevitably come if we uphold and protect all that makes this place so special, like others before us have done. Thank you.

THE CHAIRMAN: Thank you.

MR. KURTIS: Good evening. Thank you, Chairman and the rest of the board. My name is Todd Kurtis. I live here in Larchmont, and I am a member of Hampshire.

I use the club frequently. I play a ton of golf. I love it. It's 18 holes. It's beautiful. There's coyotes. There's wildlife. It's gorgeous. I get that. It's great.

When we first heard of the project, that they were going to build houses -- okay. We can live with nine holes. I agree with what everybody said here. I agree with a lot of points that were said. However, with their as

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of right to build, they're going to build. And I think the smarter option, rather than lose 60 acres, is three acres which is off of Holes 9 and 18, which is elevated, which there has never been a flood issue as long as I've been playing golf there. I agree that there are flood issues maybe further out in the course that may be a problem with the building, but I do not think that the condo project should be off the table.

I think what the gentleman said earlier -- this is a community. There has to be some sense of compromise. If they decide to build the houses, you're going to be sorry that you didn't look at the condo option. It's going to be more disruptive. We get that. I agree with what everyone said.

I've been to the meetings where they've shown the condo option. They've offered 55 years and older. They've offered to donate the land to a trust fund or organization to make sure there would be no future development of the rest of the land. Four acres versus 60 acres. 55 and older versus families, which

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2 will hurt the people trying to sell their
3 homes.

4 I think it is a -- I agree there are many
5 flaws on both sides, but you're going to have
6 to think of what is the best way to go.
7 Because you can lose a finger or you could lose
8 a foot, but I'm sure they're going to grow and
9 they're going to develop. And that's going to
10 be a tough choice for you.

11 But again, I agree with both sides, but
12 the condo option should really be revisited,
13 because that is the better option of the two.
14 Thank you.

15 THE CHAIRMAN: Thank you very much. We
16 still have quite a few speakers on the list,
17 so -- and it's getting a little late.
18 Everybody -- everybody should have their chance
19 to speak who wishes to speak. If you can just
20 keep a little shorter and to the point, then
21 that would be great.

22 I understand now that most of the speakers
23 on the list have already had their say in the
24 last meeting. So maybe you can just remake
25 your point a little bit shorter. Thank you.

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2 (Indiscernible.)

3 MR. LUSK: Thank you very much for letting
4 me speak. Just before I start, I would just
5 like to recommend -- oh, Jack Lusk. Cove Road.
6 1002 Cove Road.

7 MS. SAVOLT: Thanks, Jack.

8 MR. LUSK: I'm sorry? I will hold it
9 right up here. How's that? Even better.
10 Okay.

11 So before I start, I would just like to
12 recommend to the committee, the gentleman who
13 is the golf course management expert, I think
14 the committee would do well to spend a couple
15 of hours with him, because it truly sounds like
16 Hampshire's starting to make money as an
17 18-hole golf course, and he can explain to you
18 how he did it. And it would probably obviate a
19 lot of the discussion we're having. He seems
20 like a real gem, and we should hold on to him.

21 I'm here this evening because there's
22 really no place in this discussion for
23 disparagement and personal attacks. And I
24 shared with the committee a letter that was
25 sent on behalf of Hampshire to various

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2 interested people that I can only describe in
3 the most negative terms as being unnecessarily
4 aggressive, not in keeping with calm public
5 discussion, and full of lies and
6 misrepresentations. It does nothing to bring
7 the sides in this discussion closer.

8 Through this letter, we did learn that the
9 club has dropped the pretense or mask, if you
10 will, of being a good neighbor. By this
11 excursion into personal attacks, they have made
12 it clear that they should be -- that the
13 project should be -- if the project should be
14 approved, we can expect a continuation of the
15 long list of community difficulties and
16 concerns that we have previously raised and
17 they have denied. And let me just say, at
18 heart, the characterization of Mamaroneck
19 Coastal and its founding members is outrageous
20 in this letter.

21 The founding group consisted of people
22 living throughout Orienta with participation
23 from residents outside of Orienta, and all of
24 those residents were truly concerned with the
25 impact of the condo and then the housing

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development proposal on the Village as a whole. And as one of those people, I can assure you that I feel it's ludicrous to refer to us and those who are concerned with the impact of development of this large community asset as rich nimbys or as well heeled property owners. We're just not. We're just concerned citizens. It is an insult and slanderous.

We all know who the developers are targeting with these insults in an attempt to discredit all the valid issues we raised about this and the project. They're taking this to a personal level that is completely unnecessary. Unfortunately, it is a standard tactic of underhanded developers and others to shift discourse from the true issues at hand.

Let me just say that it should be clear from this meeting and all the other meetings that we've attended that there are many and multiple different types of supporters from Mamaroneck Coastal. It's not limited to a few people. There's been over 300 people who have attended meetings and have followed up, and there are any number of us who have supported

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2 it financially. We just do not need to or
3 should we descend into personal derogatory
4 comments in this community.

5 Thank you very much.

6 MS. FELSHER: Thank you. Celia Felscher
7 on Eagles Knolls Road.

8 I am not going to repeat anything that I
9 discussed last time. There are three issues
10 that I wanted to discuss that are new. The
11 first is actually a follow-up to Mr. Mendes's
12 question about water issues.

13 I brought in some pictures. And the
14 first -- and if you look at your packet, you
15 have exactly these pictures in this order. The
16 first shows Hurricane Sandy. And you'll see in
17 a minute that the impact of Hurricane Sandy was
18 identical to -- I don't know if the TV can get
19 this, but was identical to the impact in the
20 1992 nor'easter, also in '93, and also in
21 Irene.

22 What Mr. Wenstrup was talking about, this
23 is the consera -- the Hommocks Conservatory
24 area up on the top left, and this picture was
25 taken just as the tidal surge was going over

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2 Hommocks Road. And you'll see the waterfall
3 where it's filling up the first bathtub. As
4 the tide rose, that bathtub filled. Then it
5 spilled over Eagle Knolls Road into the big
6 bathtub.

7 It was the spilling over in '92 into the
8 big bathtub over Eagle Knolls Road when the
9 gentleman who drowned was washed off of Eagle
10 Knolls Road as that storm surge went over the
11 second one. So you'll see, this is the corner
12 of Eagle Knolls Road and Hommocks Road, which
13 was impassable. And this is after the storm
14 had gone away. And in fact, there was a
15 problem, you know, up Hommocks Road. The
16 police -- the fire department couldn't get up
17 there.

18 You'll see that what you had is an ocean,
19 and that does not recede with the tide because,
20 as Mr. Wenstrup said, it's trapped inside the
21 bathtub. So this is just to show you some of
22 those pictures. I'm not going to show you --
23 although you have -- the '92 storm, because
24 it's exactly the same thing.

25 What I want to show you, which is more

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2 relevant, and it will be quicker, is what
3 happened just a couple of Fridays ago in the
4 March nor'easter, and you have pictures of
5 this. So this is a situation where there was
6 no tidal flooding. None. This is that area
7 across from Eagle Knolls Road. By the way,
8 this is where the berm would be with one of the
9 big sets of houses.

10 These -- these are all the pictures. This
11 is down toward the end of -- Cooper is down
12 here. There's the shed, the maintenance shed.
13 You'll see that the entire area is not flooded,
14 but is what Mr. Mendes was talking about. This
15 is the problem with a high water table and
16 water runoff which is significant.

17 So if you have these massive berms that
18 are going to be graded for the homes or for the
19 roads, which are going to be necessary, you're
20 going to have to, number one, deal with where
21 does all the excess runoff go when this is what
22 it looks like currently, and how do you deal
23 with the constant erosion that you're going to
24 have of the berms as the water is coming across
25 and now hitting what was Eagle Knolls Road and

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2 is instead going to be the base of one of the
3 big berms, or the water runoff is that -- is
4 going to continue the erosion.

5 This shows the importance of monitoring
6 the site both doing it after construction.
7 It's going to be a massive undertaking. It's
8 probably one of the largest single construction
9 projects ever undertaken in the Village.

10 The building department has had difficulty
11 in the past monitoring compliance during
12 construction of much smaller projects. On-site
13 expertise will be necessary to monitor work on
14 a realtime basis. The Village itself has to do
15 it. You can't, kind of, trust the fox in the
16 henhouse on this one, similar with the
17 contamination and fill. Additional competent
18 and experienced resources are going to have to
19 be hired, and all of this should be documented
20 in the DEIS.

21 The next, second issue has to do with the
22 impact on community services and touches on
23 some of the issues relating to finances that
24 were raised. The planning board needs clear
25 and supported information regarding projected

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2 impact on the schools and on the community as a
3 whole.

4 In addition to the overall capacity issues
5 discussed in the last meeting, statements in
6 the DEIS and made again by some of the --
7 actually, not necessarily supporters but it
8 turns out to be employees of the developer
9 suggested regarding taxes need to be
10 understood, because I believe they are very
11 inaccurate. First, with respect to district
12 costs.

13 We know from the last meeting that the 57
14 students is unreasonably low, and it could be
15 as high as 91. And with respect to what that
16 woman said about, well, the school must have
17 received a letter, so shame on them for not
18 responding, I had spoken to people in the
19 district. Miraculously, just as with all of
20 these youth leagues that supposedly were sent
21 letters and miraculously never responded,
22 notwithstanding follow-up, the school had no
23 record of having received that letter. So
24 either they have real bad luck with their mail
25 or something happened and all of those letters

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got lost and didn't get there.

So in any event, you have the number of students. Then the DEIS used their analysis only using programmatic costs as opposed to the full cost. I agree we should only talk about the tax levy cost, so take out the New York State subsidies. But it should be the full per student cost, not the marginal operating cost which only goes to instructional or programmatic cost.

In addition, given the current expected enrollment and growth, an additional large number of students would require building additional elementary school capacity, which would be expensive and result in costs well in excess of per student annual operating cost. And where is their land to build more capacity without giving up precious recreational space?

On the other hand, we've got the revenue projections. The DEIS should provide independent support for the projected assessed values. The DEIS assumes that the assessed value for the individual homes is 2.6 million and the -- and 1.3 million for the carriage

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2 homes. However, as Lisa Liquori noted in her
3 report, and as I have gathered from brokers
4 that I have spoken to, based on comps for sale
5 of new detached homes in Orienta, mostly five
6 bedroom, it would be unlikely that the proposed
7 detached four-bedroom homes would be valued
8 even at 2 million, because those values of
9 five-bedroom new construction have had a hard
10 time reaching \$2 million. And similarly, the
11 carriage homes may be overstated. And this
12 doesn't take into account the many issues that
13 an independent expert would take into account
14 that would adversely impact the value relative
15 to the recent new construction. First, the
16 additional homeowner expenses, expenses for
17 maintaining private roads, sewer pipes, and
18 other infrastructure, and the significant open
19 space that will be the responsibility of the
20 homeowners association and subject to flooding,
21 and cost of maintaining the massive berms, as
22 we talked about. Next, the fact that there is
23 arsenic and lead contamination of the property,
24 both under homes and also under open space.

25 I know -- I -- now knowing what's there, I

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don't even walk my dog on the side of the golf course, and I think there are others in the community that now feel the same way. I don't think, as a homeowner and if I have young kids, I'm going to really care that someone tells me, Well, it's not that bad. And by the way, I think the DEIS said two feet of cap, not four feet of cap. And who is going to really want to live there with small children and have open space, by the way, that kids are going to be running on that is not going to be capped and is going to be problematic?

Next, you've got the location to the country club with traffic, noise, et cetera, concerns about what happens to the nine-hole golf course if it fails. And I do, by the way, have copies up at the back, for anyone who's interested, of the golf course analysis as well as the geology and the other analyses that were done, because they were, I believe, very significantly unfairly blasted by a partisan view, and there needs to be some discussion back and forth over the findings.

Finally, there are going to be concerns of

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2 the significant increase in supply. Remember,
3 this project, at 105 single-family homes, would
4 increase the single-family housing stock in
5 Orienta in one fell swoop by 20 to 25 percent.
6 That alone would depress housing prices,
7 including when looking at comps, the housing
8 prices of these newly-constructed homes.

9 In sum, if one uses the full per student
10 tax cost, still backing out the state funding,
11 for 91 students, about \$2 million, and we were
12 to find the detached homes were valued at
13 slightly under 2 million and the carriage homes
14 at about one, which is, still, given everything
15 I said, probably generous, the total assessed
16 value for the project using the numbers in the
17 DEIS would drop from about 194 million to about
18 a 145 million. And, in fact, the school taxes
19 would drop, leading to a tax shortfall of about
20 \$200,000. So it is -- to look at that and have
21 these numbers and say, Oh, therefore -- and
22 looking at the -- the blast of PR, which are
23 all self-serving -- that's a different issue.

24 Third thing: More information about club
25 operations. The developers need to provide

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much more information about the ownership and operation of the club and expected economic and legal relationships relating to the club. This is important for all of you club members who still might be here -- in the two primary proposed scenarios, so the planning board can determine whether the club would really be viable.

First, in the cluster development, how is the club to be owned and managed? What happens if, as I still believe is likely given the information we have, that the nine-hole golf club fails? Most of the developments where nine-hole golf courses are successful have been in developments that are geared around the nine-hole golf courses. And, in fact, the nine-hole golf courses -- not all of them, but many of them are part of the responsibility of the homeowner association associated with the development. That is not the case here. How would the Village and the surrounding homeowners deal with what would likely be unusable land, given contamination and water issues, and would the clubhouse then be turned

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2 into a catering hall?

3 On the other side, in the condo
4 alternative, there would be significant tension
5 between two uses and sets of users of the same
6 facilities. There would be the condo owners,
7 who actually own the building and facilities
8 and live there, and there would also be club
9 members, who want to use the same facilities
10 for recreational use and for catering to
11 support club operations. We need to understand
12 the mechanism for allowing club members to use
13 facilities located in the condo building, which
14 would not be owned by the club.

15 Also, who would own the golf course? We
16 heard in one prior iteration that would be
17 owned by some of the developers personally in a
18 shell LLC. They're not going to have any
19 incentive to put money in the next time there's
20 a flood or there's a dip in membership. So we
21 need to -- we need to understand for -- the
22 mechanisms for allowing club members to use
23 them.

24 Also, how would the club owners -- the
25 condo owners manage and maintain facilities

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2 created for the club use, including the
3 catering facilities, and share revenue
4 generated by those facilities? What if the
5 condo owners decide they no longer want to
6 allow their facilities to be used for club
7 activities? They don't like big bar mitzvahs
8 in their basement. They don't want all these
9 people running in and out of -- in golf carts
10 in their building where they live, including
11 catering events. We all know -- well, many of
12 us know that the proceeds from catered events
13 are actually crucial to the survival of all the
14 clubs in the vicinity. That's why there's so
15 much pressure on the non-member events.

16 Note that the developers have said in many
17 contexts that the proposed development, quote,
18 is the only way to support the existence of a
19 long-treasured club. I don't know what they're
20 talking about. They need to explain how in the
21 heck this proposed development is going to
22 support the club.

23 We know that there are only going to be a
24 handful of new members in the club based on the
25 development and the environment we live in, and

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2 they're going to pay reduced fees. So it's
3 certainly not going to be boosting membership.
4 There is no other way of supporting the club.
5 All of the revenue and profit and any other
6 benefit that can be taken out of this
7 development when it's built is going to be
8 taken out by the developers, and then they're
9 going to be gone. So I don't know how this
10 development or the condo, for that matter,
11 actually subsidizes and makes it more likely
12 the club will succeed. That's it.

13 Finally, I would like to know: Is there
14 anyone from Toll Brothers here? So Toll
15 Brothers was identified in Mr. Zarin's June
16 2015 letter as a co-applicant and touted as the
17 part of the partnership that had housing
18 development experience, because we know the
19 current developers don't. They have experience
20 in the highrise condos, which is what this was
21 built for.

22 So where is Toll Brothers? I haven't seen
23 or heard of them since the very first scoping
24 session. And does that matter, that the
25 co-applicant isn't here anymore?

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2 Thank you.

3 THE CHAIRMAN: Thank you. Now we have
4 Neil Porto.

5 MR. PORTO: Good evening. Neil Porto from
6 TY Lin International, located in New York City.
7 I am a professional engineer and associate vice
8 president at that firm.

9 I testified at the last hearing on this
10 subject and went over a number of engineering
11 issues, but I'm just here tonight because there
12 was a question at the hearing by one of the
13 board members about the methodology we used to
14 arrive at the cut and fill numbers which we had
15 submitted in our memo commenting on the DEIS.
16 So that's really the limit to what I'm going to
17 speak about, so it should be short.

18 So as those who attended the last hearing
19 know, we did a study of cut and fill based on
20 the existing contours at the site, and the
21 developer's proposed alternative as well as
22 what was called -- there was another
23 alternative in the DEIS known as the no fill --
24 no net fill alternative. And then there was
25 another two versions we did based on the FEMA

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2 flood maps, the current FEMA flood map for the
3 area and then the proposed one, which -- in
4 whatever build year is being used. By the time
5 that year comes, the new FEMA map will be in
6 place. So there are actually four scenarios
7 examined, and we used pretty much the same
8 methodology for all four topographic
9 conditions.

10 The main thing was we did not have the CAD
11 files for any of this grading. CAD, meaning
12 computer-aided design files, which really are a
13 three-dimensional computer file that is
14 commonly used for this. Because we couldn't
15 obtain that. So what we did was use the
16 two-dimensional files, which are basically
17 what's on paper in the DEIS and the topographic
18 plans of the site. And what we did is we
19 scanned them in to a CAD program, and we
20 developed what's called a digital terrain map.

21 So a digital terrain map, also known as
22 DTM, usually is gotten from an electronic
23 survey. But again, we didn't have that. So
24 what we did was trace the contours, basically,
25 with a mouse, because we don't -- you know, we

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2 didn't have the files. We also assigned the
3 contour elevations to each contour. We took
4 some of the points from the survey, the actual
5 points on the ground, and compared that and
6 adjusted the whole contour map to that. So
7 that became the existing DTM. So then we went
8 into these various scenarios.

9 So we took the proposed plan and we traced
10 the contours and checked spot elevations as per
11 the developer's plan. One of the issues we ran
12 into was the -- the limit of disturbance. I
13 think there was some discussion about that
14 before, and we made assumptions on the limit of
15 disturbance. To me, it looked about the same
16 as what I saw before on the screen. So then we
17 created the developer's plan in our own DTM.

18 Then we went on to calculate the cut and
19 fill. That's really done in two ways. One is
20 just using a feature of our MicroStation
21 software, which allows us to do a -- a
22 calculation in the computer that compares each
23 point, you know, with very closely-spaced
24 points, because it's all computerized surface
25 terrain. And then also, to check this, we did,

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2 basically, a hand calculation review, cutting
3 sections. And there's a method where you have
4 the existing and proposed, and we ran some
5 numbers there, so this is how we came up with
6 the developer's plan. And we went into the cut
7 and fill for the no fill alternative, which I
8 had said looks like, maybe, the some fill
9 alternative, and then looked at the base flood
10 elevations just as a reference for some of the
11 other studies that were done.

12 Now, I should note that we also did this
13 back in 2015 using same methodology, because,
14 again, we didn't have the developer's CAD
15 files. Came up with roughly the same range of
16 numbers. You know, above 200,000 cubic yards.
17 So, also, I had our engineers check what we
18 did, because we knew that this sort of
19 discrepancy, the 200-something thousand versus
20 the 80-something thousand is an issue, right,
21 because it leads to effects on traffic and
22 trucks and all kinds of fill questions and
23 things like that.

24 So we did, you know, have rigorous
25 checking both in 2015 and then a different crew

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2 working on it this time. I also might add that
3 there -- back in -- the original study was done
4 by another firm called BuroHappold Consulting
5 Engineers. Also came in this range of 200,000
6 and above cubic yards of fill.

7 So, you know, I just wanted to explain to
8 you what we did. And if you have any further
9 questions, we can certainly answer them. Okay.

10 THE CHAIRMAN: Thank you.

11 Next would be Karen Meara.

12 MS. MEARA: Good evening, members of the
13 planning board. I'm Karen Meara from Carter,
14 Ledyard & Milburn, representing Mamaroneck
15 Coastal. I'm here to talk about three things,
16 hopefully briefly: Open space, density, and a
17 restrictive covenant.

18 So the last time we met, we pointed out
19 that the applicant had never told you or shown
20 you or shown any of us where the golf course
21 would end and the proposed residential open
22 space would begin. And that's still true, but
23 there's a new issue.

24 First, it now appears that the open space
25 benefits of the proposal have been -- have been

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overstated. And what do I mean? So the DEIS and in testimony at the February 14th hearing, the applicant has stated that the proposed project would include 72.5 acres of open space, about half of that as part of the golf course and half of that as open space associated with the residential development. However, since then, the applicant created a website promoting its proposal.

The website says nothing about 72 acres. Instead, it says the following, and I quote: Plan preserves over 50 acres of natural vistas. It also says, quote, Our plan would develop approximately half of the property's a 106 acres, preserving over 50 percent of its open space. So I'm a little bit confused. You may be too.

The Village and the public have no idea whether the applicant proposes to build a project with 50 acres of open space or 72 acres or something in-between. If it's only 50, would those 50 acres belong to the golf course or the residential development? If it's the golf course, would any of it be accessible to

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the homeowners whose yards would be reduced to create it, the open space? And if it's only 50, the impacts of the project need to be reevaluated in the DEIS, because the DEIS assumed there would be 72 acres. So we simply don't know what's proposed. And rather clarifying, recent statements have only made things worse.

So turning to density. As was mentioned earlier, the last time we met, I spoke at length about the density calculation for cluster developments and the fact that state law requires an applicant to prepare a conventional subdivision plat to determine how many units may be built, and it requires it restricts development to no more units than would be permitted on -- pursuant to underlying zoning. So it was mentioned that the applicant expressed some surprise that we did not use the golf course acreage in our -- in our attempt to calculate permissible density.

When -- in February, as you know, we laid out several plats for -- to try to figure out how many units would be appropriate here. The

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2 whole premise of cluster development is that
3 you take open space that would otherwise be
4 segmented into resident's individual yards, and
5 you cluster it together to create a shared open
6 space and a contiguous habitat. And while that
7 open space may be created for the exclusive
8 benefit of the homeowners whose yards were
9 sacrificed or for the benefit of the public by
10 dedicating it a park or to a conservation
11 organization, we are aware of no instances in
12 which clustering has been undertaken to create
13 open space that exclusively benefits a private
14 entity with no connection to the residential
15 use. In other words, the applicant now seems
16 to be proposing that at least part and maybe
17 all of the open space proposed to be created
18 through clustering would be inaccessible to the
19 residents living in that cluster development,
20 unless, of course, they joined the club.

21 And I want to -- I want to add one more
22 point. The DEIS itself did not use the golf
23 course acreage in its density calculation. You
24 can see for yourself. It's page 3A-15.
25 Developer used 65 acres in the DEIS to

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calculate density.

So we urge you to reject the proposition that -- sorry. We urge you to require the applicant to prepare a yield map based only on the portions of the site that are proposed to be dedicated to residential uses, whether that's 50 or 65 or some other number. And as we said on February 14th, we don't think the site will yield more than 21 units. But before the calculation can be definitively made, the applicant has to clearly delineate the boundaries of the residential use.

Okay. So last point. Finally, the DEIS mentions a restrictive covenant associated with a deed between Cecilia Howell[ph.] and Alvin Perry that applies to a portion of the development site near Eagle Knolls Road. The DEIS concludes that nothing in the covenant precludes the proposed project. However, based on our careful review of the covenant and maps, we believe the covenants are designed and intended to benefit several adjacent property owners and that they clearly prohibit the project, and we'll be submitting a memo

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2 explaining that in further detail.

3 Thank you very much.

4 THE CHAIRMAN: Thank you.

5 Next speaker is Mr. Kass; yes?

6 MR. KASS: Thank you, Mr. Chairman,
7 members of the board. Ladies and gentlemen,
8 Steven Kass from Carter, Ledyard, Milburn,
9 counsel for MCEC. I will speak very briefly
10 this evening, because people have been very
11 patient so far. Is that better?

12 I will still speak briefly. But,
13 Mr. Chairman, I have to say, I was actually
14 very surprised by the presentation the
15 developer made this evening. There was a DEIS
16 that was accepted for purposes of public
17 review, as Mr. Steinman indicated, and the
18 public is commenting on that DEIS.

19 This evening, the applicant came in, and
20 rather than waiting for the comments to be
21 completed, started responding to comments, and,
22 in the process, trying to call into question
23 the professional credibility of at least one of
24 our consultants, in addition to the comments
25 that the club has made about village residents.

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2 That was inappropriate.

3 Beyond that, they begun to change, in this
4 presentation this evening, what was in the
5 DEIS. The DEIS shows traffic running on Cooper
6 Avenue and down Old Boston Post Road. This
7 evening, we were told that's a gated community.
8 That's a gated passageway to be used only for
9 emergencies. Okay. Then reroute the traffic
10 in the traffic analysis in the DEIS which shows
11 vehicles going down Boston Post Road.

12 Tonight, they said they were going to use
13 four feet of cover, and I believe that -- as
14 Ms. Felsher indicated, that the DEIS indicated
15 two feet. That may have a bearing on the cut
16 and fill, and it may have a bearing on other
17 parts of the project. I will not get into the
18 traffic analysis of construction trucks,
19 because I think Mr. Porto has already indicated
20 why we believe that the fill is likely to be in
21 the neighborhood of 240- or 250,000 cubic
22 yards. Indeed, I did hear the developer's
23 consultant say that they didn't differ with
24 that analysis, that their numbers were the same
25 if you took the basements out, that somehow

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2 there wasn't going to be fill in the basements.
3 I don't understand how that would work, but I
4 found it interesting that they said they came
5 out with a number that was not much different
6 from our consultants.

7 I would like to mention briefly though
8 that if the applicant continues to make changes
9 in its presentation, we will be required to ask
10 you to continue the hearing, because the public
11 is entitled to comment on what it is they're
12 proposing. And if they change it, you have to
13 have a new hearing. This evening, perhaps we
14 can get away it once, but not again. And as it
15 is, it was inappropriate for them to do that.

16 With respect to the nine-hole golf course,
17 I would simply note that the gentleman who
18 spoke, who threw around a lot of numbers about
19 the extent of nine-hole courses in the country,
20 omitted one important and indeed central
21 discussion point, which is that if this 18-hole
22 course is failing, as the applicant says, and
23 must fail, is doomed to fail, how is the
24 nine-hole course going to improve that
25 situation? That is the critical issue. That

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is what we challenged last time in Mr. Krekorian's report, who said that on the basis of his analysis, the 18-hole course is viable but the nine-hole course here would not be, particularly in its truncated formation which is -- the gentleman also agreed with, by the way. He indicated that it did require change.

So leaving all that aside, I wanted to mention just two things for your consideration. One question that was raised last time, on February 14, was, could this project be phased, and would that help address some of the problems? It turns out there is, actually, a little bit of phasing here, because they want to build two of the roadways, I guess, a little bit later. The problem here though is that the basic infrastructure for this project can't be phased. Yes, you could phase the homes. But to build that large berm and the construction platform and put it in roadways and utilities underneath it and do the drainage controls, that is essentially one large project, and that has to be done completely to make it work.

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2 Failing to do that presents a problem,
3 because it means that there is very large
4 infrastructure and construction investment up
5 front before they know whether they've got
6 this -- this project on viable footing, before
7 they've actually been able to sell all the
8 homes or a sufficient number of homes to
9 guarantee completion of the project. What this
10 means is that there is a real risk here of
11 abandonment of this project during the course
12 of construction if the numbers don't work out,
13 and they won't know that until the project is
14 well underway, until the site has been leveled
15 and regraded, until 432 large trees, not small
16 trees but large trees, have been eliminated,
17 and the contours of the site completely
18 destroyed until, in short, any future use of a
19 golf course here, not to mention proper filling
20 and contamination remediation has been
21 accomplished.

22 My concern here is that when that happens
23 and these developers have decided this one
24 isn't going to work and the shell entity they
25 created to carry it out has no assets, guess

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who's going to end up holding the bag? It's this village, which could get a devastated site with no vegetation, no contours, and no ability to reuse it as a golf course. And God forbid there are people who have bought their homes, because then there will be a community that is looking to the Village, probably as the fee owner following tax foreclosure, to help them out. I just mention all this because it's a risk that wasn't fully evident until the developer started talking about the project.

Finally, I'd like to mention one last thing about the tides. It is consoling to know -- I learned it from Mr. Cooper this evening -- that the residents here will not be isolated for days on end, because the tides go up and down. But I want to know how long the ambulance or the fire truck has to wait.

Tides are six hours. Not to worry. We can get through in six hours. We can help you then or we can get you out then. This is not responsible planning to plan for getting help to people or getting people out when the tides turn.

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2 Thank you very much, Mr. Chairman.

3 THE CHAIRMAN: Thank you.

4 Corinne -- Carley Rosenbloom maybe. No.
5 Why don't we go to Paul Ryan. There he is.

6 MR. RYAN: I stepped on the wire.

7 Mr. Sjunneemark, members of the board,
8 thank you for your patience and sitting there
9 listening to all of us. I did speak before,
10 and I hope I don't repeat any of it. But there
11 are things that people have said tonight that
12 are -- that are very interesting and sparked
13 other comments.

14 First, I've -- according to your attorney,
15 you've received the comments from the Town of
16 Mamaroneck environmental coordinator. I'd like
17 you to know that I'm in complete agreement with
18 him.

19 I spent over 30 years in this village
20 working on flood control projects. I was one
21 of the first members of the coastal management
22 commission. We developed the LWRP, the
23 original one that went over to the town and was
24 instrumental in the Bonnie Briar decision,
25 which somebody mentioned earlier. Just to say,

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2 the Hampshire people ought to look at that
3 decision and take heed from it, that you're not
4 entitled to the highest and best use of your
5 property.

6 I'd like to discuss flooding the most. I
7 found out today, as I suspected, that Hampshire
8 is in the AE Zone. That's the FEMA zone,
9 hundred-year floodplain. It's also -- since
10 1985, it's been a critical environmental area
11 in the Village of Mamaroneck.

12 I stopped by Village Hall today and picked
13 up the -- the map showing in yellow the CEA.
14 The reason it's a CEA is that we couldn't make
15 it part of the marine recreation district
16 without the risk of making the rest of the
17 marine recreation district spot zoning. We had
18 to stop at the seaward side, at the first road
19 parallel to the water, and that -- that left
20 out the golf course. So instead, we got the
21 Village to declare it a CEA, which was the best
22 we could do at the time. I wish that they'd
23 done what we did in the Town of Mamaroneck, is
24 to make a recreational zone instead of the R-20
25 that it is.

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2 I just got -- there was an article, you
3 know, talking about flooding. April 2nd issue
4 of the Journal News. FEMA: Flood insurance
5 premium to rise this year. I don't know if any
6 of you saw that. This, I'll deliver over to
7 you.

8 If you get a half-a-million-dollar house,
9 and you get a fresh mortgage on it, the
10 mortgagor is going to want flood insurance,
11 FEMA flood insurance on a hundred percent of
12 the property. So you can be talking 9-
13 \$10,000. You know, 9- or \$10,000 on the pricey
14 homes that they're proposing here. That's --'s
15 quite a dent, plus the real estate taxes
16 they'll pay. So I don't think that's going to
17 happen.

18 I'd like to speak about the trees. There
19 are close to 500 trees that are coming down.
20 Unfortunately, the Village of Mamaroneck does
21 not have an adequate tree ordinance. I don't
22 know why. I looked it up online today. They
23 have a tree ordinance. It's a couple of pages
24 long, but it doesn't have any teeth to it.

25 I then went to one that I was more

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familiar with, which was the tree ordinance in the Town of Mamaroneck, which goes back to -- let's see -- the 1980s. And if I can just read it to you briefly. It says, The destruction or damage to shade ornamental and evergreen trees and plants and the indiscriminate and excessive cutting of these trees and subdivisions and on private property causes barren and unsightly conditions, creates increased surface drainage problem, increased municipal cost to control drainage, impairs the stability and value of improved and unimproved real property and causes deterioration to the community, which adversely affects the health, safety, environment, ecosystems, and general welfare of the inhabitants of the Town of Mamaroneck. This chapter seeks to correct these conditions.

What I'd like to do is to give you a copy of this law. Perhaps you can go to the Mamaroneck Board of Trustees and they can get something done. I know they're talking moratorium. And I know this application was filed before the moratorium, but it doesn't say anything about trees. But this way, you can

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2 take those trees -- it could be four -- four,
3 five-inch, you know, or higher caliper over a
4 hundred years old. They can cut them down, and
5 they can leave the stumps.

6 In the Town of Mamaroneck, they have to
7 dig the stumps out and take them away. So it's
8 a whole different thing. So I'm hoping that
9 the Village of Mamaroneck can come up with
10 something that will be -- be close to that.
11 Let's see.

12 The other thing that -- you know, because
13 it's in a flood zone, the developers mentioned
14 today that they were going to widen the roads,
15 the walkways and whatever, and I imagine the
16 garages, and they're going to make a -- a
17 basement in each -- in each unit. Well, we
18 found out when we lived on Waverly Avenue that
19 there's something called hydrostatic pressure
20 that will come up and destroy the foundation
21 from the bottom. So really, what you have is
22 you have a cement -- a three-side, four-sided,
23 five-sided cement box that can suffer
24 structural damage.

25 The other thing that the developers keep

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2 saying is that -- they keep bringing up storm
3 Sandy. Well, how about the one back in 2007,
4 where we had a hundred-year flood followed by a
5 200-year flood. Everything was inundated. At
6 that time, we got eight feet of water in our
7 basement.

8 I haven't had water since 1976. So I was
9 wondering, are these new walkways and
10 everything -- are they going to be permeable
11 surfaces or impermeable surfaces? Because that
12 makes a heck of a lot of difference. It also
13 makes a difference -- I still don't see how you
14 can build on a critical environmental area that
15 they're doing.

16 So that's it. I thank you very much for
17 your time, and I wish you luck.

18 THE CHAIRMAN: Did John Parkinson speak
19 yet or -- okay. So we got that done. And then
20 we have Alison May. No. Okay. Martin Luskin,
21 1050 Seahaven.

22 MR. MENDES: I believe there's only one
23 person left to speak.

24 THE CHAIRMAN: We're almost done. Karen
25 Rob or Rab or Rub.

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2 (Indiscernible.)

3 MS. ROBB: Hi. I'm Karen Rob; 24 Rock
4 Ridge Road, Larchmont.5 My backyard abuts the area that is not
6 actually going to be built on, but, as Celia
7 mentioned, is a -- is a lake whenever it rains.
8 So I did want to say that when the gentleman
9 spoke earlier and said it floods only when the
10 tides are high, that's totally not true. And
11 you can see from these pictures that when it
12 rains, when there's a nor'easter, we have a
13 beautiful lakefront property.14 Also, another thing that I did mention
15 last time, but I just want to mention it again,
16 when it's winter and the ground is frozen, it
17 didn't go away for -- when the tide went down.
18 It was about four days, at least, after that
19 recent nor'easter. Also, the -- we were
20 without power for a week. So I keep thinking
21 about these homes that may be built that are
22 going to need pumps and not have any power. I
23 mean, I know you're not even at that point of
24 talking about sewage and electrical. Just --
25 it sounds really -- not very feasible.

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2 And as somebody did speak earlier, it's a
3 unique site. I mean, if you wanted to do this
4 somewhere and build these homes somewhere,
5 that -- you know, maybe that would be something
6 that would be a consideration. But due to the
7 fact that this is Hampshire Country Club on
8 the -- on the borders of the Sound Shore area
9 with valleys and, you know, the basin that they
10 talk about, it's just -- it really does not
11 seem like it's even possible.

12 The other thing is about the cut and fill.
13 I haven't actually gone, walked the whole
14 thing, but there is rocks out there. There are
15 big, big berm -- big -- like, there's a little
16 knoll -- that's maybe why it's called Eagle
17 Knolls -- right outside my backyard as well,
18 and that does have trees on it. It's probably
19 the one -- because they have cut a lot of trees
20 recently. I don't know why. I thought maybe
21 it was because of the golf course. But I'm
22 sure there's -- there's major rock under there,
23 as also by the shed that all the kids hang out
24 and party at over by Cooper Lane or Cooper Ave.
25 There's a little shed over there.

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2 You know, we can hear everything. You
3 know, there's parties going on, which happens
4 pretty much all the time. Especially now that
5 it's springtime, it's going to happen a lot.
6 There's a huge rock over there too. So I don't
7 know how cut and fill really works. It's not
8 like you're just going to cap the dirt and dump
9 it somewhere else when there's rocks, so that
10 takes into consideration blasting.

11 And then the -- and then another thing, I
12 have -- I have a degree in soil science. And
13 I'm sure it's in here somewhere. The
14 composition of the soil, but most of it's
15 probably sand. You know, just the clay. If
16 you start moving it around and then it rains,
17 it turns into a mud -- a mud cake, just like
18 when you're a kid, and it loses all its
19 structure. So, again, I think just the whole
20 idea of them trying to move all this dirt
21 around and then build on it after its been wet,
22 it's not going to have any structure or solid
23 matter to it.

24 And then -- and then in respect to the
25 arsenic that I know, you know, we really don't

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2 even think about but, you know, they used to
3 use something called chlordane for termites
4 back in the day. That's illegal. I know my
5 grandmother used to use boron. That's illegal.
6 So when somebody said that was the standard
7 practice, yeah, we know that, but doesn't mean
8 it's something that -- you know, it wasn't --
9 it's not being used anymore, but it was used
10 heavily. So we don't know the ramifications of
11 a lot of these pesticides, just like DDT, which
12 is why we do have a comeback of our eagles and
13 other wildlife.

14 And -- and I know I made a joke last time
15 about the coyotes, but I don't really want to
16 make a joke about them. But they are living
17 out there and they're breeding out there. And,
18 you know, again, if I bought a house, I
19 wouldn't want to be living amongst this
20 wildlife.

21 So, anyway, thank you.

22 THE CHAIRMAN: Thank you very much.

23 I think we're down to the last speaker.
24 That would be Jen Kronick.

25 MS. KRONICK: Jen Kronick. Pick it up?

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2 Jen Kronick from 1020 Cove Road. My
3 husband always jokes I'm the last person to
4 leave a party, so great. Not what I wanted
5 tonight. Okay. I spoke last time. I'm going
6 to speak quickly just about a couple of things
7 that I think are new.

8 Just a reminder -- most people have left.
9 This is not about three choices. Like someone
10 said, do nothing, condos, or houses. There's
11 actually a whole other number of options that
12 the planning board can choose to do. We don't
13 need to choose one of the developer's two
14 proposals or the other, and they don't have any
15 of the rights that they're claiming that they
16 have, as many people have said really very
17 well. So let's all not let them trick us into
18 thinking this is a choice of one option or the
19 other that they propose. And I was so
20 disappointed in the beginning of the meeting by
21 the -- some of the not really critical thinking
22 about some of these issues. So I just want to
23 have a neighborly discussion about this, which
24 we can do not now.

25 So there are a couple of issues I want to

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raise. First, they talked about the use of Cove Road tonight, and we should be clear whether or not the use would remain the same. The easement that Hampshire has to travel over Cove Road is limited to the current use of Hampshire, and if they were to change the use of Hampshire, they probably would not have that right according to the easement. I wasn't prepared to discuss that tonight because that was new, but that's a key point. It's not about the current use, but about that easement that is in my property deed and in the deeds of my neighbors from Cove Road, which I don't think they've asked for, though they can search, I think. But I won't give it to them.

Village -- the other thing I wanted to mention is that Village Law Section 186-5 clearly prohibits the developer putting fill below the floodplain in order to build these houses unless it is compensated for and balanced by a hydraulically equivalent volume of excavation taken from below the base flood elevation at or adjacent to the development site. Basically, if they're going to have a

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2 bathtub, they need to put the bathtub somewhere
3 else if they're filling in the bathtub. That's
4 how I read it. I'm not an expert, so I just
5 wanted to make sure that 186-5 was considered
6 by the planning board.

7 All of the huge water that we see pooled
8 in Hampshire during the rainstorms needs a
9 place to go if the areas are cut and filled.
10 They showed us tonight the cut and fill. I
11 didn't see the balancing, the places that would
12 be dug into. So -- and those dangerous
13 contamination concerns that were discussed
14 previously, I won't talk about again now.

15 They did talk about using basements
16 instead of fill to go in the flood zone. I
17 don't -- I mean, it just means that instead of
18 having trucks with fill, you'll have trucks
19 with construction materials in addition to all
20 of the other issues that people talked about
21 with basements. And I'm also not sure under
22 the flood regulation -- the new FEMA
23 regulations that you can have basements in the
24 flood zone.

25 The other point I wanted to make was

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briefly touched on earlier today or earlier tonight, but not quite specifically. So the zone that is -- the zoning of R-20 was actually zoned residential R-20 as a holding zone, because that zoning of open space zoning didn't exist at the time the zoning was done. The comprehensive plan states that that's a common circumstance with many older codes in New York State, just like ours, and that the original code writers created a low density residential zone to apply to parks and open spaces like Hampshire as a default provision.

So this R-20 is actually not the right that was intended when the zoning was designated as R-20, but, rather, a holding zone for the open space. And certainly, the intent was not to build over 100 houses on the land or 100 condos and multiply the current clubhouse by nine times, but to keep it as open space. And that's in the comprehensive plan.

Three years ago, I spoke in front of the planning board with different members, but some were the same, relating to a Hampshire proposal. It might have been the condo

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development. And we talked about that -- at that time, I mentioned that although Hampshire is private property, the open space vistas are viewed from roads that are accessed by the public for walking, biking, driving, and various students and sports teams at Hommocks. So even though it's private property, we all enjoy the benefit of that open space.

The impact of the pollution on the water quality of Delancey Cove and Long Island Sound and the Hommocks and Delancey Cove marshes and Flint Park would be significant. Hampshire was designated a critical environmental area in our comprehensive plan, and it might include intertidal wetlands and upland fringe that provide an important natural and valuable area for wildlife like birds, turkeys, hawks, fish, mussels, deer, coyotes.

So because it's a critical environmental area, the planning board should absolutely consider recommending to the appropriate governing body, and I think you should ultimately recommend, that what the comprehensive plan states should be considered,

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2 which is that rezoning -- that this land should
3 be rezoned from what was the holding zone,
4 because there was no other zone, to the open
5 space recreation zoning.

6 As someone mentioned, the Town of
7 Mamaroneck did the same thing with Bonnie Briar
8 Country Club, rezoned it from residential to
9 recreation open space. It was not easy for
10 them, and I applaud them for that decision.
11 And that decision was upheld by the highest
12 court in New York. It's not -- I know it seems
13 like it would be expensive and years of
14 litigation, but we've been in this for years,
15 and we will finish it.

16 The developer who stands to gain a lot
17 from our village or lose somewhat less from our
18 village would fight, maybe for years, but we
19 need to do the right thing to protect this
20 publicly-accessible critical environmental area
21 which is unique to our village. If you are
22 not -- if you were to consider not recommending
23 rezoning, there are other actions to limit
24 density. And that idea, along with the fact
25 that the Village Code prohibits fill in a

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2 floodplain if it's not balanced hydrologically,
3 should result in your not allowing more than
4 the 20 units that would be buildable under
5 current law, even if those are clustered. But
6 please know that even just 21 units would be a
7 terrible outcome for this critical
8 environmental unique area and not a compromise.

9 And finally, I have one last thing to say
10 about the disingenuous and misleading public
11 relations campaign and tactics that the
12 developer has used. It's relevant because it
13 undermines their arguments and some of their
14 turnout and some -- many of their commitments
15 that they've made. They've had representatives
16 who spoke tonight and posted things on public
17 social media applications without identifying
18 themselves. We don't know who is speaking for
19 the developer, who is being paid, and who
20 really believes this. We have had our
21 community members speaking, and we've
22 identified our names and our addresses and our
23 affiliations.

24 In emails to its members, the developer
25 has gotten nasty and accused longstanding

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2 community members of only caring about their
3 homes and their own backyards. They called
4 them nimbys for not in my backyard, when, in
5 fact, those same community members have been of
6 incredible service to the community, including
7 by severing on the school board, boards of
8 religious organizations, charitable
9 organizations. You heard Kim Larsen speak
10 about her work on safe roads to school.
11 Village committees, land use boards, and other
12 nonprofit organizations.

13 Two passionate neighbors who were pillars
14 of our community have died over the past few
15 months and sadly did not get to see the outcome
16 of this issue which has been going on for so
17 many years. This is not a case of people
18 saying not in my backyard. I live on Cove
19 Road. This is not in my backyard. I am as
20 far, almost, as you can get on this street from
21 this development, but this is in my
22 neighborhood, and it's in our village. And you
23 can't have outsiders come in and tell us -- try
24 to divide us and divide our neighborhoods,
25 because that is not what I'm about and that's

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2 not what we're about.

3 This is a unique critical environmental
4 area, and the choice is up to the community
5 members. Will we be fooled by a for-profit
6 company's attempts to make this an either/or
7 situation and their claimed right to build
8 something that actually was never their right
9 if they did their diligence, as one of our
10 community members suggested?

11 Will we need to carry this on indefinitely
12 until neighbors get frustrated without getting
13 to -- or pass away without getting to see the
14 outcome because the developer's pockets and its
15 investor's pockets are deeper than ours?
16 Though we will carry on, because I can take the
17 time to do it. It's, like, 11:00, and I'm
18 still here.

19 How many more nights will we need to be
20 here and over years, as we have done, and how
21 many more days will we need to spend working on
22 this and discussing this? So please do what
23 the Town of Mamaroneck did for Bonnie Briar.
24 Take care of this critical environmental area,
25 or at least consider the more rational number

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2 of 20 units. But again, that is not a
3 compromise. That's, like, the most they should
4 get under this analysis. But do not let them
5 get their way just because they have more to
6 win and deeper pockets. We're just trying to
7 preserve what we have and the
8 publicly-accessible vistas and space. And this
9 is not our day jobs, but it is theirs.

10 So it's not my backyard, and it's not the
11 backyard of all of the people who are here.
12 But it is our village, and we want to protect
13 this area. Thank you.

14 THE CHAIRMAN: Thank you very much. I
15 think we finished the list and -- or we didn't.

16 MR. COOPER: No. I'm not on the list.
17 I'm just --

18 THE CHAIRMAN: No, I understand.

19 MR. COOPER: I've been here all night.

20 THE CHAIRMAN: I know that.

21 MR. COOPER: Mr. Chairman, I was going to
22 request that the public hearing portion -- I
23 know the public comment portion is still open,
24 but that the public hearing portion be closed
25 now that we've gone through the entire list.

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2 THE CHAIRMAN: Okay. Les.

3 MR. STEINMAN: So we've completed the
4 public hearing this evening. Everybody's had
5 the opportunity who wanted the opportunity to
6 speak.

7 We're in the middle of a SEQRA review
8 process. And the next step in that process
9 would be for the planning board to consider a
10 motion to close the public hearing on the draft
11 environmental impact statement and establish a
12 30-day period, starting tomorrow, for the
13 submission of written comments on the DEIS.

14 MS. SAVOLT: So starting in an hour.

15 THE CHAIRMAN: Before I request any such
16 motion, any comments from the other board
17 members?

18 MR. MENDES: Yeah, there is. Hello.

19 THE CHAIRMAN: You're all --

20 MR. MENDES: So there's been a lot of
21 issues discussed here. And frankly, I'm kind
22 of concerned about -- it's not about the -- if
23 the condos look good there. Although, they
24 don't look it.

25 But I'm actually -- after listening to all

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of this, I'm actually quite concerned about, as a developer, are you sure -- I'm sure you are. This is what you do. But I am concerned that -- I mean, you're building basements. Are you putting ground -- you know, I mean, have you looked at the -- you know, the water table there? Have you looked at the -- at the -- if you're going to install pumps, have you looked at those pumps not working?

There's a whole engineering piece or construction piece that -- have you looked at your schedule, that when you get to the winter, you might not be able to work there from November to probably mid-April, which is -- will screw up your whole truck route? You know, because your whole -- I mean, you make it sound as if you're running 24 trucks or whatever a day. That's not the way it's going to work.

And so I'm -- I'm kind of concerned that you're going to get to a point, and you're going to realize that the \$300 million or whatever you are thinking you're going to spend is going to cost more, and this job will just

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2 stop for another three years. So there's a
3 whole engineering piece versus construction
4 logistics versus existing conditions.

5 Have you looked at the -- I mean, I'm
6 deeply concerned about your groundwater. I
7 mean, then you're putting basements, and then
8 you're putting a -- a mound of dirt. I'll make
9 it simple. And then you're going to have to
10 manage that mound of dirt, and then you're
11 going to have to stop because the winter gets
12 there.

13 And then you're going to bring -- if you
14 look at the electrical, are you bringing duct
15 bank? Is it concrete duct bank for the
16 electrical, or is it poles, or is it -- because
17 have you looked at the possibilities of these
18 things failing? Are you putting generators
19 that -- it's going to be working throughout the
20 night if something happens? And then the --
21 and then for the last piece, I mean, I need to
22 understand. I mean, I do a lot of --
23 (Indiscernible.)

24 Look, I ran the World Trade Center
25 disaster. I know what it is, trucks that come

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in and out. Okay.

(Indiscernible.)

I built Ground Zero, so I know a little bit about groundwater, and I know a little bit about retaining walls and slurry walls and water and what water does. So I'm very concerned about where that water's going to go, because you're creating a bunch of islands in the middle of a golf course, which -- what was the reason why the golf course didn't work out? Because 18 -- the 18-hole golf course probably was not even feasible to be played on because it was probably all wet half the year. So -- can I finish?

MR. COOPER: Go ahead.

MR. MENDES: Can I finish?

MR. STEINMAN: Absolutely.

(Indiscernible.)

MR. MENDES: So I need answers to all these questions. I need engineering questions. I need to see sections from -- how is groundwater affecting your basement walls? How is your power coming in?

I mean, I need to see -- what are these

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2 islands that you're creating -- what are they
3 made of? Basically, just you sloping down the
4 earth or you have retaining walls? You have --
5 you know, what if you get to -- again, your
6 whole schedule, how does that work? You're
7 going to get to the first two years. You're
8 going to realize that you're going to lose
9 another two because of winter, because of -- so
10 I need to see all that, so -- definitely. Then
11 I need to see where the water's going to go.
12 Okay. How is the water -- where is this water
13 going to go? Because right now, if there's a
14 five-foot -- if this is a tub, and there's
15 about a five-foot wall on the edges, you know,
16 once you put all these platforms, you know,
17 somebody's going to get that water; right?

18 MR. COOPER: So --

19 MR. MENDES: That, to me, is -- I mean,
20 I'm actually concerned. I'm concerned that
21 you're going to realize that you're going to
22 spend more than what you think you're going to
23 spend, and I'm concerned about -- somebody's
24 going to get -- something is going to happen.

25 I mean, if there's a storm and there's no

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2 power and you can't get a fire truck there,
3 what happens? I mean, so I need to know all
4 these things.

5 MR. COOPER: So what I can say,
6 Mr. Mendes, is that the nice thing about this
7 process is that everything that has been said
8 over tonight, the night before, and the 80 --
9 Betty-Ann can correct me -- the 80 or so
10 letters -- I'm sure you're going to get more
11 over the next 30 days -- have to be replied to
12 by the applicant. And you've got an
13 independent consultant that will review
14 everything that the applicant has submitted and
15 responded to. And if you're not satisfied with
16 the answer, then you can ask again.

17 MR. MENDES: I haven't seen --

18 MR. STEINMAN: If you mind, I want to just
19 add that the planning board will have work
20 sessions in the next coming meetings, so they
21 can discuss all this and make a list of their
22 own comments to submit in the process.

23 MR. MENDES: I mean, it's not building the
24 condos. That's the easy stuff. It's actually
25 the infrastructure that you got to create that

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2 I'm concerned that you're going to see that
3 you're going to bite more -- you're biting more
4 than you can chew, and then it's going to be a
5 problem.

6 I'm concerned about all these trucks that
7 -- you think it's only going to be 24, all
8 parading down the Boston Post Road. And when
9 there's high schools and when there's middle
10 schools and when there's -- and these trucks
11 are coming from where? 95; right? 95. So
12 you're going to go on to the Village of
13 Mamaroneck or they come in in Larchmont. So
14 it's going to be a lot of trucks. It's not
15 going to be the 24 trucks a day and five
16 tomorrow.

17 That's to be a parade of machinery,
18 equipment constantly. Constantly. You don't
19 do an infrastructure of this magnitude with
20 just 24 trucks a day and, you know, two
21 bulldozers and a backhoe; right? Am I right or
22 wrong?

23 MR. COOPER: Mr. Mendes, again, we will
24 answer all those questions. We understand what
25 you're saying.

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So I guess, Mr. Chairman, we would request again that the public hearing section --

THE CHAIRMAN: So we are at the point where we could close the public hearing, and I would need a motion from someone on the board to do so. I guess I don't have a motion.

MS. SAVOLT: I'll make a motion to close the public hearing.

MR. LITMAN: Second.

MR. STEINMAN: And also add, if you can, Kathy, a 30-day comment -- written comment period which would begin tomorrow.

THE CHAIRMAN: That's part of the motion. Do I have a second?

MS. SAVOLT: Okay. Can you hear me?

THE CHAIRMAN: Yes.

MS. SAVOLT: Okay. I will make a motion to close the public hearing and open the public comment period -- close the public hearing. What did I say? It's late. We've been here a long time. Okay. Let's start over.

I'll make the motion to close the public hearing and open the public comment period which will begin in 45 -- 48 minutes and --

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2 THE CHAIRMAN: In about 45 minutes.

3 MS. SAVOLT: -- extend for 30 days.

4 Did I get it right?

5 THE CHAIRMAN: You got it perfectly right.

6 MR. LITMAN: Second.

7 MS. SAVOLT: Thank you.

8 THE CHAIRMAN: Do I have a second,
9 Richard?

10 MR. LITMAN: Yes.

11 THE CHAIRMAN: Okay. Richard?

12 MR. LITMAN: Yes.

13 THE CHAIRMAN: Kathy?

14 MS. SAVOLT: Yes.

15 THE CHAIRMAN: Lou?

16 MR. MENDES: Yes.

17 THE CHAIRMAN: And I say yes.

18 Thank you very much.

19 (Time noted: 11:13 p.m.)
20
21
22
23
24
25

C E R T I F I C A T E

I, ILANA M. NATHANSON, a Certified Court Reporter and Notary Public of the State of New York, do hereby certify that the transcript of the foregoing proceedings, taken at the time and place aforesaid, is a true and correct transcription of my shorthand notes.



ILANA M. NATHANSON

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