

# Hampshire Country Club Planned Residential Development

Village of Mamaroneck, Westchester County,  
New York

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# **I. Introduction and Description of Proposed Project**

## **1. Purpose of This Document**

This Final Environmental Impact Statement (FEIS), combined with the Draft Environmental Impact Statement (DEIS) dated December 2017 prepared by Hampshire Recreation, LLC, (the Applicant), constitutes the Environmental Impact Statement (EIS) for the proposed Hampshire Country Club Residential Development (the Project) in the Village of Mamaroneck, New York. This Final Environmental Impact Statement (FEIS) has been prepared in accordance with the requirements of Article 8 of the NYS Conservation Law, the State Environmental Quality Review Act (SEQRA), and its implementing regulations at 6 NYCRR Part 617.

This document consists of five sections and 28 appendices, many of which replace or update appendices contained in the DEIS. However, not all of the DEIS appendices have been replaced or updated and, as with the rest of the DEIS, all 17 DEIS appendices are also incorporated into this FEIS. Readers should note that Appendix references are not consistent between the DEIS and the FEIS.

## **2. Overview of SEQRA and Next Steps**

The purpose of the SEQRA process is to incorporate environmental factors into board and agency decision making processes. Specifically, "...the protection and enhancement of the environment, human and community resources should be given appropriate weight with social and economic considerations in determining public policy, and that those factors be considered together in reaching decisions on proposed activities. Accordingly, it is the intention of this Part that a suitable balance of social, economic and environmental factors be incorporated into the planning and decision-making processes of state, regional and local agencies. It is not the intention of SEQR that environmental factors be the sole consideration in decision-making." (6NYCRR Part 617.1(d).

The DEIS was prepared by the Applicant in accordance with the Scoping Document adopted by the Village of Mamaroneck Planning Board, the Lead Agency for the action. The Planning Board reviewed several drafts of the DEIS and adopted it as complete for public issuance on December 13, 2017. The Planning Board



then held a public comment period, including a public hearing, that lasted until May 14, 2018. See the Project History section below for a complete list of dates and actions associated with the SEQRA process.

The Mamaroneck Planning Board, as Lead Agency, has prepared this FEIS with the assistance of its consultant, The Chazen Companies. The Applicant submitted four prior versions of the FEIS, amending each version of the document in response to the Planning Board comments. The Planning Board determined that additional revisions to the Applicant's fourth draft of the FEIS were required. The Applicant declined to make further revisions after submission of the fourth draft of the FEIS. The Planning Board then directed the Chazen Companies to complete the FEIS.

The Planning Board reviewed and made revisions to a fourth draft of the FEIS prepared by The Chazen Companies on December 3 and December 11 2019. The Planning Board then directed The Chazen Companies to prepare a fifth draft of the FEIS incorporating its edits and revisions. The Planning Board reviewed the fifth draft at a meeting on January 22, 2020, a sixth draft at a meeting on February 26, 2020 and a seventh draft at a meeting on March 25, 2020. The Planning Board adopted the FEIS on April 6, 2020.

Following the adoption of the FEIS, the Planning Board will adopt a Findings Statement which will present the Planning Board's evaluation and decisions with respect to the environmental impacts which have been examined and the mitigation which has been proposed.

The Findings Statement will represent the Planning Board's final decision with respect to the environmental impacts of the actions. The Findings Statement will be based upon the record developed during the SEQRA process. It will set forth the Planning Board's reasons for its SEQRA determinations and identify the social, economic and environmental considerations that have been weighed in those determinations. Each Involved Agency may either adopt the Planning Board's Findings or make Findings of its own within its area of jurisdiction.

"SEQR provides all involved agencies with the authority, following the filing of a final EIS and written findings statement...to impose substantive conditions upon an action to ensure that the requirements of this Part have been satisfied. The conditions imposed must be practicable and reasonably related to impacts identified in the EIS." (NYCRR617.3(b). Therefore, if the Planning Board's SEQRA determination is such that the Project can be approved, the Planning Board may impose conditions to mitigate the Project's impacts.

### **3. Description of This Document**

The five narrative sections of this document are:

- i. Introduction: this short overview of the document.



- ii. Executive Summary: a succinct overview of Section III, the main part of this document where the comments to the DEIS are listed and responses thereto.
- iii. Description of the Proposed Project: a historical look at the Project Site, a summary of the history of the Project and a description of the Project as it is proposed by the Applicant in response to DEIS comments.
- iv. Index of Comments and responses: a list of comments received after the DEIS was released, including source, name of commenter, date, comment reference and comment code response number that links said comment to the text in Section III.
- v. Comments and Responses: Responses include both the Applicant's response to substantive comments and, where appropriate, the Planning Board's elaboration of an issue.
- vi. Appendices: 28 appendices as listed in the Table of Contents, most of which, but not all, replace or update the corresponding appendix in the DEIS. Many of the appendix identifiers do not correspond to the ones used in the DEIS

## 4. Project History

The DEIS was prepared based on a scoping document that was adopted after a public scoping session. The Planning Board has engaged in an extensive review of the Project. Chronology of the SEQRA review of the Project (to date) is as follows:

7/8/2015	Planning Board circulates Notice of Intent to serve as SEQRA Lead Agency
9/9/2015	Planning Board declares itself SEQRA Lead Agency
9/30/2015	Planning Board issues Positive Declaration
10/28/2015	Scoping Meeting Held
11/6/2015	Scoping Closes
11/18/2015	Scoping document adopted
2/10/2016	Planning Board discusses letter from Applicant regarding the DEIS
2/24/2016	Planning Board authorizes Chazen to send letter to applicant's consultants regarding the preparation of the DEIS
3/23/2016	Planning Board announces dates of balloon test
3/30/2016	Balloon test held
4/12/2017	Applicant submits preliminary Draft EIS (pDEIS)



4/26/2017	Planning Board reviews pDEIS; adopts resolution declaring it incomplete and requesting revisions
8/29/2017	Applicant resubmits pDEIS
9/13/2017	Planning Board reviews pDEIS; adopts resolution declaring it incomplete and requesting revisions
11/10/2017	Applicant resubmits pDEIS
12/13/2017	Planning Boards accepts DEIS as adequate for public review and sets public comment period
2/14/18 and 4/11/18	DEIS public hearing held
5/9/2018	Planning Board holds work session to review DEIS comments
5/14/2018	End of Public Comment Period on DEIS
10/10/2018	Applicant submits draft FEIS
10/24/2018	Planning Board acknowledges receipt of FEIS; schedules work session
11/7/2018	Planning Board reviews FEIS and agrees to have comments to Chazen by 1/4/2019
12/12/2018	Planning Board holds work session on FEIS
1/4/2019	Applicant submits second draft of FEIS
1/9/2019	Planning Board acknowledges receipt of second draft of FEIS and schedules work session
1/23/2019	Planning Board holds work session on FEIS
4/10/2019	Planning Board holds work session on FEIS
5/12/2019	Applicant submits third draft of FEIS
5/22/2019	Planning Board holds work session on FEIS
6/12/2019	Planning Board holds work session on FEIS
7/24/2019	Planning Board requests applicant to provide full size sets of plans
8/9/2019	Applicant submits fourth draft of FEIS
9/10/2019	Planning Board directs applicant to provide Word files of the FEIS so that the Planning Board can complete the document
9/11/2019	Planning Board holds work session on FEIS



9/25/2019	Planning Board holds work session on FEIS
11/1/2019	Chazen submits fifth draft of FEIS to Planning Board
12/3/2019	Planning Board holds work session on FEIS
12/11/2019	Planning Board holds work session on FEIS
1/22/2020	Planning Board holds work session on FEIS
2/26/2020	Planning Board holds work session on FEIS
3/25/2020	Planning Board holds work session on FEIS
4/6/2020	Planning Board adopts FEIS

## 5. Project Description

The Applicant proposes to develop a new Planned Residential Development ("PRD") of single-family homes and semi-detached carriage houses located on a portion of the existing Hampshire Country Club golf course in the Village of Mamaroneck, NY.

The Village of Mamaroneck is a low-lying coastal community on western Long Island Sound in Westchester County, located about 23 miles northeast of New York City at the confluence of the Mamaroneck and Sheldrake Rivers. The Village encompasses a total area of 6.7 square miles, of which 3.5 square miles (52%) is under water, leaving 3.2 square miles (48%), or 2,048 acres, of land area. The Village has a diverse mix of uses along its 9-mile coastline, including water-dependent uses such as boatyards and water-enhanced uses such as recreational facilities, residential and private club facilities. Much of the Village lies in flood plains - both coastal and riverine. Mamaroneck's location at the foot of four drainage basins - the Sheldrake River, Mamaroneck River, Beaver Swamp Brook and Pine Brook - is most directly associated with many of the area's most serious flooding problems.

According to the 2010 U.S. Census Bureau the Village of Mamaroneck is comprised of just under 7,000 households of which 35% have children under the age of 18 and 11% have someone 65 years of age or older living alone. The average household size was 2.66 and the average family size was 3.28. The median income for a household was \$86,307 and the median income for a family was \$97,813.

In the 2012 Comprehensive Plan, four goals and objectives were presented as important to the residents: Quality of Life, Small-Town Character, Diversity and Environment. The Comprehensive Plan is currently being updated to include additional environmental and sustainability commitments. The Village also has a Local Waterfront Revitalization Program (LWRP) which includes the following goals: to protect fish and wildlife habitats and protect our fragile marsh and wetland buffer areas; to improve and protect water quality of the Village's waters; to cope with erosion and flooding hazards, and mitigate dangers to life and



property from flooding and erosion; and, to protect and enhance green and open space areas throughout the Village.

Hampshire Country Club is 106 acres, 5% of the Village's land mass, and the largest privately owned parcel in the Village of Mamaroneck. The next largest privately-owned parcel is approximately 25 acres (Westchester Day School). The Hampshire property is also the largest parcel of open space and more than double the total Village-owned parkland (44 acres). Hampshire Country Club is one of the Village's seven Critical Environmental Areas (CEAs). The property is also largely within a floodplain and contains several small ponds, tidal and freshwater streams and wetland areas. These aspects, together with Hampshire's proximity to Long Island Sound, contribute to its environmental significance.

The proposed PRD consists of 105 residential units (comprising 44 single-family detached housing lots and 61 carriage homes, which consist of 28 two-family and 33 three-family semi-detached housing lots) on the Project Site (the "Proposed Action"). The Proposed Action would also include development of seven tennis courts and 30.6 acres of common open space, which would be kept in a natural state. No development or ground disturbance from the proposed residential buildings or tennis courts is anticipated within a minimum of 100 feet of the wetlands at the Project Site. The existing members only golf course use would be downsized to a 9-hole course to accommodate the development of the PRD. The Applicant has stated that it would be infeasible to locate all holes of the downsized golf course at least 100 feet away from any wetland on the Project Site because the golf course design requires the holes to be located as it is currently laid out. No development is proposed in the MR-zoned area where the existing membership club facilities (including a clubhouse, pool and parking areas) are located. These amenities would remain on the Project Site. Development is limited to the R-20-zoned area in the Village of Mamaroneck. There are 2.91 acres of wetlands in the R-20 zone including the 100-foot buffer in the golf portion of the zone. There are no wetlands in the non-golf portion of the R-20 zone. The R-20 golf portion of the zone contains 3.45 acres of 15-25% slopes with no slopes greater than 25% and there are 3.3 acres of 15-25% slopes with no slopes greater than 25% in the non-golf portion of the R-20.

With the proposed grading changes, all proposed buildings would be located outside the 100-year and 500-year floodplains. All new buildings would be built with a minimum finished first floor elevation of 16 feet, which is four feet above the 100-year flood elevation of 12 ft. The technical studies in the DEIS reflect that the Proposed Action would not increase overall flood elevations on the Project Site, or on neighboring properties.

Three existing access roads to the Project Site (Cove Road, Eagle Knolls Road and Cooper Avenue) would be modified as part of the Proposed Action. The privately-owned portion of Cove Road within the Project site would be relocated and would form the central corridor for the Project. Eagle Knolls Road would be relocated from its existing location and would intersect with the relocated Cove Road prior to terminating in a cul-de-sac. Cooper Avenue, which currently extends from Old Boston Post Road to its terminus at the



driveway to an existing golf course maintenance facility, would be extended into the Project Site and would intersect with Cove Road. A new internal roadway, "Road A", would intersect with Cove Road and terminate in a cul-de-sac as shown in Figure 2 of Appendix C in the FEIS.

The Proposed Action would realign Cove Road at a mean 14-foot elevation, which is above or at the 100-year and 500-year flood elevations. The realigned Eagle Knolls Road would have a mean 14.5-foot elevation. A new internal roadway, "Road A," would intersect with Cove Road and would be elevated to a mean elevation of 15 feet. Cooper Avenue would be extended to provide emergency access. Cooper Avenue would have a mean elevation of 14.0 feet and a low point of 13.0 feet, which is higher than the 100-year flood elevation. Assuming a 28.5" sea level rise, which is the mid-range 50-year sea level rise estimate, a portion of Cooper Avenue would be inundated with 16.5" foot of water during the 100-year tidal flood. The low points of the other internal roads would experience some level of flooding during the higher sea level rise scenarios. This issue is discussed in more detail in Section III.3.G.

A Construction Phasing Plan for the Proposed Action is provided as Figure 3 in FEIS Appendix C. Based on the size of the Project Site, work would be performed in phases to minimize the area of disturbance at any given time. Excavation and filling activities would be performed in two steps: establishment of realigned Cove Road and single-family lots; and establishment of three extensions to realigned Cove Road including the Cooper Avenue extension, realigned Eagle Knolls Road and Road A. This approach establishes the central spine of the project providing the connection between Cove Road and Eagle Knolls Road and establishment of the core utilities for the project within realigned Cove Road.

Construction activity for the proposed development would be performed by first excavating, grading and filling to establish development sites for single family and carriage homes. Next utilities would be installed within the streets followed by placement of roadbed and sidewalks. The housing would then be constructed on finished lots followed by surface treatments including topsoil and seeding, and driveways. Because the residences would be constructed only in response to buyer demand, the Applicant anticipates that about 20 units would be constructed annually. At that rate, the construction period would last 6-7 years. But since the actual rate of sales is unknown, the construction period could be longer.

Temporary fill would occupy the basement area for each house before it was built. The main development platform would be first constructed to a rough grade below the final grade. When the foundations are constructed and the basements dug, the excess soil would be displaced in the vicinity of the residence, bringing the surrounding area up to grade. Surface materials such as topsoil and asphalt would be placed after the initial nine months of construction as residences are completed.

The development platforms would be stable during the life-span of the Project. The area of flooding under the Proposed Action would be similar to the existing area of flooding, the low-lying vegetated areas with grass and tree cover. The existing golf course has experienced a number of flooding events without significant erosion issues. In addition, the Project Site is outside the FEMA Wave Action limit, meaning wave



action would not destabilize the development platforms. The proposed vegetated slopes of the development platform would be sufficient to resist erosion during flooding events.

As presented in the Preliminary Construction Work Plan (CWP), activity for the proposed development would primarily be divided into three stages, grading, structures and finishing. Excavation and filling activities would be performed in two steps; Step 1). establish realigned Cove Road and single-family lots, and Step 2). establish three extensions to realigned Cove Road including Cooper Road extension, realigned Eagle Knolls Road and Road A. This approach establishes the central spine of the project allowing the connection between Cove Road and Eagle Knolls Road and establishment of the core utilities for the project within realigned Cove Road to serve the project. As grading activities progress, areas would be stabilized with temporary seed to maintain a total disturbed area under five acres at any given time. Disturbed area is an area without vegetation of other stabilizing method to prevent erosion of soil. Proper management of disturbed area based on planned construction of residences can be limited to an aggregate of five acres without impacting development progression.

Work would be performed in accordance with New York State New York Stormwater Management Design Manual, January 2015 edition, which provides guidance for soil erosion measures for a variety of weather conditions and time of year.

## **1.0 Project Modifications**

Certain modifications were made to the proposed Project since the acceptance of the DEIS. Below is a summary of these modifications.

1. Cooper Avenue – Cooper Avenue, as described in the DEIS, was being considered to be improved to permit two-way, full access for development residents as well as emergency access. The Applicant proposed to widen Cooper Avenue to accommodate the increased two-way traffic. Since publication of the DEIS, the Project has been modified to maintain Cooper Avenue as an emergency access route only. The existing Cooper Avenue would not be widened, or otherwise improved. A gate would be placed on the golf course side of Cooper Avenue preventing vehicles from using this road. The gate would be opened only to permit emergency vehicles to access the Hampshire Country Club property. The entire length of Cooper Avenue would be between 1-2 feet above the 100-year flood elevation. In the event of a 28.5" sea rise, which is the mid-range 50-year sea rise estimate, a portion of Cooper Avenue would be inundated with 16.5" of water during the 100-year tidal flood.
2. Open Space – The Project has been modified to provide further clarification of the acreage, operation and maintenance of the proposed open spaces on the Project Site. The Applicant has submitted a new Open Space Plan (FEIS Figure 5 in Appendix C) that delineates the ownership and maintenance of the open space and golf course areas. Based on this modification of the open space acreages, the Project would include 37.6 acres of members only golf course to be maintained by





Hampshire Recreation, LLC, and 30.6 acres of shared open space to be kept in a natural condition to be maintained by the HOA and Hampshire Recreation, LLC based on the land uses and maintenance responsibilities identified in FEIS Appendix C, Figure 5. The open space is split into eight separate areas, divided by golf holes and the residential development. Portions of the open space are long, linear sections between golf holes, portions include narrow strips of land bordering adjoining development, and other portions include the banks of the development platform.

3. Golf Course Layout – Since the submission of the DEIS, the layout of the members only golf course was revised to include a layout that allows a golfer easy transition from one hole to another. The proposed layout of the members only golf course is included on Figure 2 in FEIS Appendix C. The members only golf course would encircle the development with pathways for a golf cart to transition from one hole to the next. Figure CP-1 in Appendix C illustrates the location of all golf cart paths as well as all pedestrian paths.
4. Stormwater Management System – Based on comments received on the DEIS, several modifications were made to the proposed stormwater management infrastructure. The proposed drywells have been eliminated. Instead, all the roof runoff instead would be drained to the two proposed infiltration basins or the bioretention basin for water quality treatment. Both infiltration basins have been resized to accommodate the roof runoff. Emergency overflows have been provided for by the infiltration basins and the infiltration basins have been revised to dewater within 48 hours. Detailed calculations provided in Attachment D2 of the Stormwater Pollution Prevention Plan (SWPPP, FEIS Appendix M) have been revised to demonstrate that the flow-through capacities are not exceeded. An untitled fFigure in Appendix C illustrates the existing and proposed drainage pathways.
5. Estimate of Fill – The Applicant team conducted a more granular analysis and breakdown of the cut and fill, provided in Figure 8 in FEIS Appendix C. This Applicant concludes that the Project would require a net of 81,805 cubic yards of fill, which is less than that estimated in the DEIS. The remaining soil required to construct the development platforms would come from on-site soils.
6. Energy supply – Given Con Edison’s recently announced natural gas connection moratorium, the Applicant proposes to use electric and propane energy supply to power the proposed residential units if natural gas remains unavailable. Propane tanks can be elevated above the flood elevation and therefore would not be subject to flooding. It is anticipated that should natural gas service become available, the project would use natural gas.

## **2.0 Additional Analyses**

In response to comments and requests by the Lead Agency and the public after the publication of the DEIS, the Applicant has presented a series of additional analyses and assessments, listed below. Results of these additional analyses and assessments are described in detail below in the outline of DEIS areas of concern and the Applicant response.



- A Preliminary Construction Work Plan (CWP) is provided in FEIS Appendix G. It includes a detailed description of construction phasing and a Construction Health and Safety Plan (CHASP) that addresses measures to minimize exposure to impacted soil by contact, inhalation and ingestion through the establishment of safety protocols, hazard response, and implementation of active dust monitoring. The CHASP describes a community air monitoring program (CAMP) that complies with 29 CFR Part 1926 (Safety and Health Regulations for Construction) and with the requirements of the New York State Department of Health (NYSDOH) Generic CAMP, Appendix 1A of New York State Department of Environmental Conservation, (NYSDEC) DER-10 dated May 2010. The CWP also includes a Materials Handling Plan (MHP) for use by the contractor during the construction of the PRD. The MHP details the soil handling and stockpiling procedures, on-site soil reuse procedures, demarcation, and documentation of imported purchased, clean fill from off-site sources.
- The Applicant conducted a detailed quantitative Construction Noise Study, attached as FEIS Appendix Y, which assesses the potential impacts of construction noise on surrounding properties and concludes that with the implementation of noise reduction measures, no significant noise impacts would occur.
- The Applicant has provided a search of public records with respect to Eagle Knolls Road, Delancey Cove Road West, Delancey Cove Road North, Delancey Cove Road South and Cooper Avenue by Chicago Title Insurance Company certified on October 1, 2018. The search reflects that all lots on the filed maps showing these streets have access over the streets and that "[t]here are no restrictions on the use or location of the subject streets set forth on any of the above-cited maps or elsewhere on public record." The search of the public record conducted by Chicago Title Insurance Company did not encompass the individual lots on filed subdivision maps. The certification states that "Chicago Title Insurance Company may not render a legal opinion." See FEIS Appendix E.
- The Applicant submitted a letter for review to the NYSDEC Division of Materials Management, which has reviewed the soil and sediment samples that were collected. As confirmed in the NYSDEC response letter (included as FEIS Appendix L), the project's cut and fill program meets the conditional exemption under the 6NYCRR Part 360.13 (C) for material re-use on the Project Site. The on-site soils containing arsenic, lead and the other materials identified by GZA GeoEnvironmental of New York (GZA) in its testing that would be disturbed and reused on-site, therefore, are not regulated by Part 360 and a further Remedial Action Plan is not necessary under NYSDEC regulations. Instead, the soils would be treated in accordance with the NYSDEC Division of Materials Management rules and regulations, and a minimum of 12 inches of clean cover must be placed on top of the excavated on-site fill used to create the soil platform. This cover ensures that the relocated on-site soil would remain isolated from the proposed development.
- The Applicant added groundwater monitoring points to the Project Site and additional groundwater surface data was obtained to establish an estimated groundwater surface for the



Project Site. This analysis demonstrated that the groundwater table is below the existing and proposed Project grade in all locations, and that the Proposed Action would not involve disturbance within the groundwater table.

- An updated SWPPP is provided in FEIS Appendix M. The revised SWPPP includes existing and proposed drainage maps and a detailed long-term Operations and Maintenance Plan for stormwater practices in Section VIII and Attachment B and E of the SWPPP. This revised SWPPP outlines the proposed stormwater system modifications described in the section above outlining the Project modifications.
- The Applicant team conducted an assessment of the three floodgates, located at Delancey Cove and Hommocks Road which shows that all are in good working order. A full floodgate assessment is provided in FEIS Appendix J.
- The Applicant team prepared additional figures showing the flood extent for the existing and Proposed Action condition for the 10, 25 and 50-year flood storms. These are included in FEIS Appendix R, Flood Extent Diagrams. These figures show that the flood elevations for the 10, 25 and 50-year storms are identical in the existing and Proposed Action.
- The Applicant provided a Tree Removal Plan that has been organized by size groupings, with additional detail on trees to remain on the Project Site. The Applicant provided three updated figures in FEIS Appendix C, including an updated Tree Removal Plan, Tree Removal Sorted Plan, and Tree Removal Sorted Table.
- The Applicant provided an analysis of the generated need for open space and recreational facilities based on National Recreation and Park Association guidelines. In addition, the Applicant team contacted local recreational service providers, including sports leagues, and provided further analysis of the number of school age children who might be expected to enroll in sports leagues based on participation rates provided by respondents.
- The Applicant provided an analysis of school children generation based on materials and multipliers from Econsult Solutions, Inc. (ESI), as requested by the Mamaroneck Union Free School District.
- This FEIS includes a limited listing of comparable developments in the general area in Appendix X, as support for the use of the assessed valuations used for the proposed residential buildings that would be developed as part of the project.
- The Applicant has provided a comparison of nine additional project alternatives, included in Chapter 4, Alternatives. The analysis included site plans for each of the alternatives and a comparison by impact area of the alternatives to the Proposed Action. A comparison of the 16 project alternatives is included in FEIS Table III.4-1.
- The FEIS provides additional construction truck traffic projections to include both truck trips and construction employee trips for each phase of construction as well as truck access routes and construction traffic mitigation measures.



- The FEIS revised the intersection capacity analyses to reflect traffic operating conditions along Old Post Road with Cooper Avenue closed.
- The FEIS revised the intersection capacity analyses to reflect the project's traffic impact even if pedestrian activity levels were twice those documented in the DEIS.

### **3.0 DEIS Areas of Concern and Applicant Response**

The Applicant formulated a summary outlining the primary areas of concern related to the proposed Project and the Applicant's responses. The Planning Board has included a summary of comments related to issues where, in its opinion as Lead Agency, there is significant disagreement or uncertainty with respect to the issue. The Planning Board has not summarized comments for every issue; readers are referred to the comment and response section of the FEIS for this detail. Each area of concern includes a description of the potential impact area of concern as set forth in the adopted SEQRA Scope for the Proposed Action, an explanation of the assessments undertaken in the DEIS to assess the impact area, the additional information requested by the Lead Agency and the public in their comments on the DEIS, and the additional analyses undertaken by the Applicant team in response to these comments. Where the Planning Board believes it is clear that there is either no significant impact, or that with the implementation of mitigation measures, no significant impacts would occur as a result of the project, that conclusion is stated.

### **4.0 Financial Feasibility of the Golf Course**

Financial feasibility of the members only golf course was an impact area of concern identified in the SEQRA Scope insofar as it related to the purpose and need of the Proposed Action. The accepted DEIS described and provided evidence of the national trends with supporting data on golf rounds, examples of recent course closures, and business articles indicating the recent trends. The Applicant also disclosed limited financial records (see DEIS Appendix A and FEIS Appendix F) to show that Hampshire Country Club has been operating at a loss for the purpose of demonstrating that current economic and financial factors at the Project Site are driving the need for the proposed development. The Hampshire Country Club is required by Village Code § 342-3 to be a membership club. Pursuant to this section of the code, a membership club must be "[a] not-for-profit corporation or organization with its facilities catering exclusively to members and/or their guests for recreational, athletic or social purposes and where vending stands, merchandising, commercial or business activities are not conducted, except as required generally for the membership and purpose of such club. Clubs shall operate without profit or division of any revenues to its members, except as reasonable compensation for special services actually rendered, devoting all revenues received to supporting the purposes and objectives of the club or to charitable uses. Club facilities and property interests shall be owned or leased by the corporation or organization and shall not be owned, leased, rented, or otherwise encumbered for use by individual members or nonmembers." The Planning Board reviewed the financial records supplied by the Applicant and noted a significant difference in "occupancy costs" before and after ownership of the Club by the current owner. Comments were received



questioning these records and asserting that the “occupancy costs” shown in the Club’s IRS 990 filing constitute an inter-company payment and that the club is operating at break-even rather than at a loss.

Submitted public comments on the DEIS expressed concern about the financial viability and the configuration of the proposed 9-hole members only golf course. In particular, opponents submitted comments and documents from Pro Forma Advisors, LLC questioning the viability of a 9-hole golf course. Opponents argue that the Applicant should be required to submit financial statements rather than tax returns for both the club and the controlling property owner. In response, the Applicant submitted a revised course layout, included in this FEIS as Figure 2 in Appendix C, which provides for modified transitions from one hole to another. In addition to the documented economic conditions outlined in the DEIS, the Applicant has submitted a report compiled by National Golf Course Foundation Consulting (NGF) focused on the economic viability of 9-hole private golf clubs located in residential communities in the northeast. That report, dated July 31, 2018, may be found in FEIS Appendix D, and concludes that “the 9-hole courses and clubs in the densely populated northeast corridor are among the healthiest in the nation,” suggesting that the proposed 9-hole members only golf course would be financially viable.

If the members only golf course were to fail, the likely consequence appears to be that a substantial portion of the site would remain unattended and undeveloped, reverting, ultimately, to a natural state.

## **5.0 Construction Management**

The SEQRA Scope required a detailed description and plans covering various aspects of construction management, including construction process and phasing; an estimate of construction noise impacts using published data regarding construction equipment and mitigation measures; a qualitative evaluation of potential air impacts resulting from construction activities and mitigation measures; a discussion of rock removal and blasting; and a construction soil management plan.

Following the scope, the DEIS provided the following required plans and analyses:

- DEIS Exhibit 2-18, Phasing Plan, detailed the phases and stages of construction. The Applicant also provided a detailed description of the construction process, the number of daily truck trips, and truck access routes in FEIS Appendix V.
- A detailed description of the Remedial Action Workplan to be developed in accordance with New York State Department of Environmental Conservation (NYSDEC) technical guidance, including the proposed areas of excavation, material handling protocols, worker Health and Safety Plan, and a Dust Monitoring Program. No contaminated soil excavation or handling activities at the Project Site would be performed without a finalized Remedial Action Plan, which would be reviewed and accepted by NYSDEC.
- A Preliminary Geotechnical report included in DEIS Appendix G provides preliminary information on the subsurface conditions in the vicinity of the proposed development.



- A description of anticipated blasting based on the Preliminary Geotechnical report. As detailed, blasting would be performed in accordance with New York State Department of Transportation Geotechnical Engineering Manual #22 "Procedures for Blasting" latest edition.
- Analyses of the potential noise and air quality impacts associated with construction of the Project, provided in DEIS Chapters 3R and 3S. As described, the Project would adhere to the regulations outlined in the Village's Noise Ordinance, and construction activities would be performed in accordance with state construction specifications and regulations.

The DEIS found that there would be no significant impacts related to construction of the proposed development. Comments were received questioning whether soils stockpiled on the site might be transported off the site in the event of a 100-year tidal flood occurring during the construction period. The Planning Board considers that this is a possibility that cannot be fully analyzed or known.

Following acceptance of the DEIS, the Planning Board requested additional construction-related noise analyses and a draft construction management plan to demonstrate construction sequencing and procedures to deal with soil contamination. In response, the Applicant has provided the following additional analyses in this FEIS.

- A Preliminary Construction Work Plan (CWP) is provided in FEIS Appendix G. It includes a detailed description of construction phasing and a Construction Health and Safety Plan (CHASP) that addresses measures to minimize exposure to impacted soil by contact, inhalation and ingestion through the establishment of safety protocols, hazard response, and implementation of active dust monitoring. The CHASP describes a community air monitoring program (CAMP) that complies with 29 CFR Part 1926 (Safety and Health Regulations for Construction) and with the requirements of the New York State Department of Health (NYSDOH) Generic CAMP, Appendix 1A of NYSDEC DER-10 dated May 2010. Under the CHASP, airborne dust would be monitored downwind of active construction areas with action levels set to alert the Contractor to the need to implement dust control measures. The soil contaminants tested for do not show an increase health risk at levels more-stringent than the visible (nuisance) dust levels. The CWP also includes a Materials Handling Plan (MHP) for use by the contractor during the construction of the PRD. The MHP details the soil handling and stockpiling procedures, on-site soil reuse procedures, demarcation, and documentation of imported purchased, clean fill from off-site sources.
- The Applicant conducted a detailed and quantitative Construction Noise Study, attached as FEIS Appendix Y, which concludes that with the implementation of noise reduction measures including limitations to certain daytime and weekday hours, adjustment of stationary construction equipment locations, and use of temporary noise barriers, no significant long-term noise impacts would occur. There would be unavoidable short-term noise increases at some nearby properties during portions of the construction period, which is expected to last six to seven years, assuming construction of 20



homes/year. It is noted that if homes are not constructed at the rate anticipated by the Applicant, construction would last for a longer period of time.

- The FEIS provides additional details on the steps that would be taken to ensure safety through any required blasting activities, including the items to be included in a required Blasting Plan. This plan would be forwarded to the Village Engineering Department and Building Department for review before blasting activities could occur.
- The FEIS expanded the construction truck traffic projections to include both truck trips and construction employee trips for each phase of construction as well as truck access routes and construction traffic mitigation measures.
- To further ensure that construction truck traffic would not have a significant traffic impact, the Applicant has committed to prohibiting truck traffic from accessing the site for one half hour before or after the beginning and end of the school day at the Hommocks Middle School as well as to equipping construction vehicles with GPS devices to ensure compliance with these requirements.

## **6.0 Property Ownership and Management**

Regarding the topic of property ownership and management, the SEQRA Scope required a description of present and proposed ownership of the property, including all structures on the Project Site and evidence of ownership of access points required for the proposed development, and planned ownership and management or maintenance of the proposed residential development, proposed roadways, public and private recreational spaces, and utilities. The DEIS was deemed complete in its response to these required elements.

The Lead Agency and public commenters requested additional details pertaining to the ownership and management of the proposed Project Site buildings and facilities. Commenters raised concern regarding the right to use and relocate access points and whether covenants and easements on the Project Site would allow for the construction of the Project. In response, the Applicant has provided the following information in this FEIS:

- An updated Open Space Plan, included as Figure 5 in FEIS Appendix C, delineates the areas of the Project Site that would be owned and maintained by the proposed Homeowner's Association (HOA) and those that would be owned and maintained by Hampshire Recreation, LLC. As shown on the Open Space Plan, the Project would include the following uses for the 106 acres:
  - o 37.6 acres of members only golf course to be maintained by Hampshire Recreation, LLC, constituting 35.5% of the proposed open space;
  - o 30.6 acres of shared open space to be left in its natural state and maintained by the HOA and Hampshire Recreation, LLC based on the land uses and maintenance responsibilities identified in FEIS Appendix C, Figure 5, constituting 28.9% of the proposed open space. The





open space is divided into eight areas. separated by the members only golf course and residential development;

- 29.5 acres of new residential development, constituting 27.8% of the proposed open space; and
- 8.3 acres of recreational club uses, constituting 7.8% of the proposed open space.

Proposed ownership and maintenance of existing and proposed facilities in summarized in the table below. Note that Hampshire Recreation, LLC leases operation of the golf club to a golf club operator, Hampshire Club, Inc. The Mamaroneck Village Code requires that the golf course and other club facilities be organized and operated as an independent, not-for-profit corporation. Hampshire Golf Club, LLC is the not-for-profit entity that operates the golf club. Hampshire Golf Club, LLC currently contracts with a management company, Hampton Golf Club to manage the golf course. This FEIS refers to Hampshire Recreation, LLC as the responsible party for maintenance of the golf course since, as the owner, maintenance responsibility ultimately rests with Hampshire rather than the golf club operator or the management corporation.

**Table I.5-1 Facility Ownership and Maintenance Summary**

<b>Facility</b>	<b>Ownership</b>	<b>Maintenance</b>
Golf course	Hampshire Recreation, LLC	Hampshire Recreation, LLC
Non-golf course open space	HOA	Hampshire Recreation LLC/HOA per FEIS Figure 5, Open Space Plan
Roads in residential area	HOA	HOA
Roads in non-residential area	Hampshire Recreation, LLC	Hampshire Recreation, LLC
Stormwater facilities in residential area	HOA	HOA
Stormwater facilities in golf course	HOA	Hampshire Recreation, LLC
Stormwater facilities in non-golf course open space	HOA	Hampshire Recreation, LLC/HOA per FEIS Figure 5, Open Space Plan
Flood gates	Hampshire Recreation, LLC	Hampshire Recreation, LLC
Clubhouse and associated recreational facilities	Hampshire Recreation, LLC	Hampshire Recreation, LLC
Wetlands	Hampshire Recreation, LLC	Hampshire Recreation, LLC





Water and sewer	Sewer Main and Pump Station: VOM  Sewer Lines and Access Manholes: HOA  Water Lines: WJWW	Sewer Main and Pump Station: VOM  Sewer Lines and Access Manholes: HOA  Water Lines: WJWW
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The Applicant has provided a search of public records with respect to Eagle Knolls Road, Delancey Cove Road West, Delancey Cove Road North, Delancey Cove Road South and Cooper Avenue by Chicago Title Insurance Company certified on October 1, 2018. The search reflects that all lots on the filed maps showing these streets have access over the streets and that “[t]here are no restrictions on the use or location of the subject streets set forth on any of the above-cited maps or elsewhere on public record.” The search of the public record conducted by Chicago Title Insurance Company did not encompass the individual lots on filed subdivision maps. The certification states that “Chicago Title Insurance Company may not render a legal opinion.” See FEIS Appendix E.

The Applicant submits that it has the right to use these roads for access to the Project. There is no express grant of such a right in the public record that has been brought to the attention of the Planning Board. Residents who share ownership of these roads assert that the Project would introduce a change in the use of the roads which is not permissible. Similarly, there is no express prohibition on such access in the public record that has been brought to the attention of the Planning Board.

The status of private roads is relevant to the environmental impact review only if that status could cause a potential environmental impact, either directly or indirectly. There might be such a potential impact if instruments of record either restrict the use of those roads or grant to others the right to restrict the use of those roads in some way that would prevent the applicant from moving or building the subdivision roads as proposed or prohibiting or limiting a necessary mitigation measure.

## **7.0 Soil Management**

The adopted SEQRA Scope required a detailed analysis of soil management, providing specific direction to include the estimation of cut and fill and associated impacts; a cut and fill plan including the Project area of disturbance; the amount, source and structural suitability of fill; and fill slope stability. In addition, the SEQRA Scope required soils testing at a sampling frequency of 1 sample per five acres, a Phase 1 Environmental Site Assessment (ESA), and a construction soil management plan.

The DEIS was deemed complete in its provision of these required analyses. The DEIS included a Grading Plan (DEIS Exhibit 2-16), Cut and Fill Plan (DEIS Exhibit 2-17), and a preliminary Soil Erosion and Sediment Control chapter within the submitted Stormwater Pollution Prevention Plan (SWPPP) included in DEIS Appendix H. As exhibited in these plans, the Proposed Action was designed to balance cut and fill on the



Project Site to the greatest extent practicable and to provide structural fill where necessary to minimize overall site impacts. The Project was estimated to require the onsite cut and relocation of approximately 217,490 cubic yards of soil and the fill of approximately 301,594 cubic yards of soil requiring an estimated net soil import of approximately 84,000 cubic yards. The imported soil would be a combination of structural backfill for building foundations, utility trenches, roadways and other hardscape features and general fill. Sediment and erosion controls are described in the provided preliminary Soil Erosion and Sediment Control Plan. Landscape material would be selected and located to assist in fill stabilization.

The DEIS also included the Phase I ESA and Limited Phase II ESA, providing results from 21 soil and sediment samples that were collected. Results showed six surface soil samples that exceeded Residential Soil Cleanup Objectives for pesticides. The DEIS detailed the Applicant's proposal to bury the contaminated soil below the development platform.

Lead Agency and public comments related to soil management on the Project Site included inquiries about the presence of peat and its implication for methane gas generation on the Project Site; concern regarding excess runoff from the development platform; and a request that a construction management plan be provided. Comments also disputed the amount of fill that would be required to be imported and questioned how the provision of clean fill could be ensured.

In response, the Applicant undertook the following additional analyses included in this FEIS:

- A further analysis and breakdown of the cut and fill is provided in Appendix C, Figure 8. It reflects that the project would require a net of 81,805 cubic yards of fill. This analysis is disputed by project opponents who argue that the project would require the import of more than 200,000 cubic yards of fill.
- An updated SWPPP (FEIS Appendix M) detailing specific soil erosion and sediment control measures, along with NYSDEC standards with which the Project would comply, to stabilize the proposed development platform. This is shown in Figure 9 of Appendix C.
- The preliminary CWP, as described above, which describes the safeguards to be put in place to protect the environment, adjacent property owners and Village residents during construction. The CWP includes the Construction Health and Safety Plan which outlines measures to minimize exposure to impacted soil by contact, inhalation and ingestion through the establishment of safety protocols, hazard response, and implementation of active dust monitoring. Under the CHASP, airborne dust would be monitored downwind of active construction areas with action levels set to alert the Contractor to the need to implement dust control measures. The CWP also includes the Materials Handling Plan (MHP) for use by the contractor during the construction of the PRD. The MHP details the soil handling and stockpiling procedures, on-site soil reuse procedures, demarcation, and documentation of imported purchased, clean fill from off-site sources.



- The Applicant submitted a letter for review to the NYSDEC Division of Materials Management, which has reviewed the soil and sediment samples that were collected. As confirmed in the NYSDEC response letter (included as FEIS Appendix L), the Project's cut and fill program would meet the conditional exemption under the 6NYCRR Part 360.13 (C) for material re-use. Under the statute, if there is no visual evidence (including odors) of chemical or physical contamination discovered during excavation, then no additional sampling or analyses of reused excavated material is anticipated. To date, no visual evidence (including odors) of chemical or physical contamination has been observed in the sampling performed at the Project Site. The on-site soils containing arsenic, lead and the other materials identified by GZA GeoEnvironmental of New York (GZA) in its testing that would be disturbed and reused on-Site, therefore, are not regulated by Part 360 and a further Remedial Action Plan is not necessary under NYSDEC regulations. Instead, the soils would be treated in accordance with the NYSDEC Division of Materials Management rules and regulations, and a minimum of 12 inches of clean cover must be placed on top of the excavated on-site fill used to create the soil platform. This cover ensures the relocated on-site soil would remain isolated from the proposed development. The Proposed Action would well exceed this cover requirement, as the Applicant is proposing to create a minimum of 2 feet of clean soil cover.

In addition, this FEIS details that there have been no reports of methane gas releases, and that the deposited peat would not be disturbed by the proposed Project, and the proposed Project would not be likely to contribute to significant methane generation. The FEIS demonstrates that, with the mitigation measures outlined in the SWPPP and CWP, and considering the approval from NYSDEC for material re-use, there would be no significant adverse impacts related to soil management.

## **8.0 Groundwater**

With regard to groundwater, the SEQRA Scope required information on depth to groundwater and a discussion of potential for encountering or interacting with groundwater resources as a result of proposed cut. As reflected in the DEIS, no usage of groundwater or cutting below the groundwater level is anticipated or proposed for the Proposed Action. Fill associated with the re-grading of the Project Site to accommodate the proposed development would elevate the development further above the water table. Erosion control measures, including sediment control measures to collect stormwater runoff from all construction areas, would be implemented on the Project Site to reduce any potential impact to groundwater quality during construction.

Submitted Lead Agency and public comments on the DEIS disputed the Applicant's contention that groundwater would not be encountered during construction. Commenters requested additional analyses to confirm that groundwater would not be encountered during construction. In response, the Applicant added additional groundwater monitoring points to the Project Site and additional groundwater surface data was obtained to further refine the estimated groundwater surface for the Project Site. The results are



presented in FEIS Appendix C, Figure 10a. Groundwater elevations were compared to the existing grade and proposed grade. The referenced figure shows that the groundwater table is below the existing and proposed grade in all locations. The Proposed Action would not involve disturbance within the groundwater table because, as detailed in the DEIS, the Project includes raising the current grade and creating a platform rather than excavating into the water table. As demonstrated, there would appear to be no significant adverse impacts to groundwater as a result of the Proposed Action.

## **9.0 Wetlands**

As required by the SEQRA Scope, the DEIS included a full analysis of the Proposed Action's potential impacts on surface water courses and wetlands, including details on potential impacts to streams, wetlands, and wetland buffers, compliance with permitting standards for activities in regulated resources, and any proposed mitigation measures, as well as the status of any permitting required. DEIS analyses included a Wetland Functional Assessment (DEIS Appendix B) conducted by VHB, a Wetland Characterization Assessment prepared by Nelson, Pope & Voorhis, LLC (DEIS Appendix B), analysis of the Project Site drainage system and wetlands (DEIS Exhibit 3E-1, 2 and 3), and a detailed Landscaping Plan (DEIS Exhibit 2-14a and b).

The DEIS concluded that with the implementation of the proposed stormwater management system as well as other mitigation measures, including the planting of twenty-foot vegetative buffers around existing wetlands, there would be substantial wetlands improvement over existing conditions of the Project Site.

Lead Agency and public comments on the DEIS requested a Project Site wetlands jurisdictional determination from the United States Army Corps of Engineers (USACE); additional information on proposed management and maintenance of proposed buffer plantings; additional analyses on flow volumes/duration to the wetland features as a result of the proposed Project; and a hydric soils report.

In response to the DEIS comments received, the Applicant team undertook the following additional analyses:

- A Landscape Management Plan and Wetland Mitigation and Monitoring Plan is provided in FEIS Appendix H. These documents include a thorough discussion of the wetland buffer areas, including their construction and responsible parties, management methods/responsibilities, and invasive species management. The FEIS analysis finds that installation of the proposed native plant buffers and implementation of the proposed Wetland Mitigation and Monitoring Plan would improve native plant diversity and limit the potential for non-native/invasive plant species to colonize and dominate the buffers.
- A Natural Resources Conservation Service hydric soil report for the Project Site, included as FEIS Appendix P.



- A Wetland Water Budget Analysis, included in FEIS Appendix I, providing an analysis of surface water runoff under existing and proposed conditions at the Project Site which indicate that changes in the water budget for all but one of the ponds and wetlands would be less than 10 percent, with the exception of Pond 10, where an increase of greater than 10 percent would occur. However, as noted in this FEIS, the hydrology of Pond 10 is tidally influenced and water levels within the pond are regulated by an existing tide gate. The analysis finds that no significant changes in the hydrology of the existing drainage system ponds are anticipated as a result of the Proposed Action.
- Jurisdictional determination requests were submitted to the USACE and NYSDEC on September 4, 2018; The DEC's response is found in Appendix Q; the ACOE response is pending.
- The Open Space Plan, described above, is included as Figure 5 in FEIS Appendix C. This plan delineates the areas of the Project Site, including the wetlands, that would be owned and maintained by the proposed HOA and Hampshire Recreation, LLC. As shown, all wetland areas would be maintained by Hampshire Recreation, LLC and would adhere to the Wetland Mitigation and Monitoring Plan.

Based on the findings of these additional analyses, the FEIS demonstrates that, with the mitigation measures outlined, there would be no significant adverse impacts related to Project Site surface water courses and wetlands.

## **10.0 Stormwater Management**

As required by the SEQRA Scope, the DEIS provided a preliminary SWPPP (DEIS Appendix H), including a Soil Erosion and Sediment Control chapter. The SWPPP outlines the proposed drainage system for the Project Site. Erosion and sediment control measures were designed in accordance with the New York Standards and Specifications for Erosion and Sediment Control, dated November 2016, and the New York State Department of Environmental Conservation, Stormwater Management Design Manual, dated January 2015, as specified in Chapter 294 of the Village of Mamaroneck Code. Summaries of the SWPPP chapters are provided in DEIS Chapter 3F, Stormwater Management.

Comments on the DEIS included requests for additional analyses and a figure comparing existing and proposed drainage systems, inclusion of a long-term operations and maintenance plan, and additional analyses to demonstrate conformance with NYS Stormwater Management Design Manual requirements.

In response to comments on the DEIS, the Applicant has provided an updated SWPPP, which can be found in FEIS Appendix M. The revised SWPPP includes existing and proposed drainage maps and a detailed long-term Operations and Maintenance Plan for stormwater practices, included in Section VIII and Attachment B and E of the SWPPP. As described in the Project Modifications section above, the proposed stormwater management system was adjusted in response to certain Lead Agency comments on the DEIS. Modifications included the removal of proposed drywells; the resizing of the infiltration basins to account



for roof runoff and to provide for full dewatering within 48 hours; and the provision of emergency overflows for the infiltration basins.

With the additional analyses and stormwater management modifications, the FEIS shows that there would be no significant water quality impacts on receiving wetlands or downstream discharge points. In addition, the detailed Sediment and Erosion Control program would be implemented to mitigate the short-term impacts of soil erosion. Erosion and sediment control practices that would be implemented include inlet protection, installation of a silt fence, straw bale, and erosion blanket. As a result of the proposed Sediment and Erosion Control program, it is expected that there would be no significant erosion or sediment impacts on the Project Site nor are there expected to be sedimentation impacts and induced turbidity in the Long Island Sound or other downstream water courses.

## **11.0 Floodplain Management**

The SEQRA Scope required a thorough description of proposed floodplain management on the Project Site, including methods to be used to ensure fill slope stability during flood events, storage plans for displaced floodwater, descriptions of the existing floodplain management infrastructure, existing sources and patterns of flooding on the Project Site, and an assessment of the potential changes in floodplain patterns and levels, including potential for impacts to properties nearby and compliance with the Village flood damage prevention regulations (Village Code Chapter 186).

Chapter 3G of the DEIS addresses the components required by the SEQRA Scope related to floodplain management. The DEIS included a Coastal Flooding Hydraulic Analysis (DEIS Appendix J), which assesses potential changes in existing floodplain patterns and flows due to the Proposed Action. The flood analysis demonstrates that there would be no impacts to neighboring properties, because wave runups or water surface fluctuations that would occur during a tidal flood event would have dissipated by the time the floodwaters reach the property boundaries. The Planning Board's consultant, the Chazen Companies, reviewed this study and agreed with its conclusions. In addition, the DEIS details how with the proposed Project grading changes, all proposed buildings and roadways would be located outside the 100-year and 500-year floodplains. Additionally, the Project has been designed so that the lowest floor of the proposed homes would be elevated to a minimum of 16 feet, four feet above the 100-year elevations, in accordance with §186-5-C.1 of the Village Code. The DEIS also provides an evaluation of applicable Village Regulations and anticipated Sea Level Rise, and details how, in the Applicant's view, the Proposed Action would comply or account for those factors. No significant adverse impacts related to floodplain management were identified in the DEIS.

Lead Agency and public comments received on the DEIS, as well as associated responses from the Applicant, are described below.



- The Lead Agency requested additional information on the condition and proposed maintenance of the Project Site floodgates. In response, the Applicant submitted an assessment of the floodgates which shows that all three are in good working order. A full floodgate assessment is provided in FEIS Appendix J. The FEIS also provides details on the proposed management of the floodgates.
- Several comments questioned the Project's compliance with Village Code Section 186-5(A)(3)(c) which provides "whenever any portion of a floodplain is authorized for development, the volume of space occupied by the authorized fill or structure below the base flood elevation shall be 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". The Applicant submits that the Proposed Action is in compliance with Code Section 186-5, as demonstrated by the hydraulic modeling included in Appendix J of the DEIS which shows no significant change in water surface elevations as a result of the Project. Section III.3.G of this FEIS provides an analysis of the variance criteria under Section 186-6B (4), (5) and (6) and sets forth the Applicant's argument that the proposed action would comply with all criteria. This section also summarizes arguments that contend the project does not comply with the variance criteria. The variance criteria address considerations in addition to and other than changes in water surface elevations on adjoining properties.
- The Lead Agency requested an analysis of water levels on the property during flood events from the 10, 25, and 50-year storm intervals. The Applicant team prepared additional figures showing the flood extent for the existing and Proposed Action condition for the 10, 25 and 50-year flood storms. These are included in FEIS Appendix R, Flood Extent Diagrams. As demonstrated by these figures, the flood elevations for the 10, 25 and 50-year storms are identical in the existing and Proposed Action since elevations are dictated by the water surface of the Long Island Sound.
- The Lead Agency and public comments requested additional analysis on the retention of storm water on the property during both low and high tides during heavy rain events. To evaluate the worst-case scenario, an evaluation was performed to model if both sets of floodgates were closed and rain from a 100-year storm event occurred. The results are shown in FEIS Appendix C, Figure 11. The figure shows that rain from a 100-year storm can be contained within the golf course rising only to a maximum elevation of 4.0 feet in the low-lying areas of the proposed golf course and not reaching any adjacent properties.
- The Lead Agency and the public requested additional information on emergency access via the Project Site roadways during storm events. As detailed in the project modifications section above, the Proposed Action has been modified to provide emergency access along Cooper Avenue. The portion of Cooper Avenue on the Project Site is proposed to be elevated to a mean elevation of 14-feet, dipping to 13-feet at the property exit meeting the existing Cooper Avenue. This would provide access one foot above the current FEMA 100-year flood elevation. However a portion of Cooper Avenue would be inundated with 16.5" of water during the 100-year tidal flood assuming





a 28.5" sea rise, which is the mid-range 50-year sea level rise estimate. Cooper Avenue has a narrow point of 14' wide. Additionally, under high-range sea level rise estimates, portions of the interior road system would experience flooding. See Response III.3.G.1 for a discussion of this issue. Cooper Avenue would be utilized for emergency access only.

## **12.0 Tree Removal and Replacement**

Regarding tree removal and replacement, the SEQRA Scope required a full description of proposed tree removal, including a complete inventory of trees larger than 8" diameter measured three feet above the base of the trunk and a diagram indicating trees over 8" diameter to be removed, along with proposed mitigation measures. As required, the DEIS provided a tree removal plan (DEIS Exhibit 3K-1), showing a total of approximately 432 mostly mature trees to be removed, as well as a Landscaping Plan (DEIS Exhibits 2-14a and b) indicating that trees would be replaced at a 1 to 1 ratio and placed to provide vegetative buffers between new residential buildings and the existing neighboring properties. The DEIS analysis found that the inclusion in the Project site plan of the private recreational space would attract a more robust wildlife species assemblage than exists on the Project Site currently.

Lead Agency and public comments received on the DEIS dealing with tree removal and replacement, as well as associated responses from the Applicant, are described below.

- Planning Board comments requested additional information on the timing of proposed tree clearing, as well as an analysis of the basal area of existing trees to be cut versus the basal area of new replacement trees to be planted. In response, this FEIS details no trees would be cut from April 15th through July 31st to avoid direct taking of migratory birds. The Planning Board notes that resident bird nesting on the property or other bird use of the property could extend before or after this time. The trees that need to be removed would be limited to the 55.6-acre area of disturbance. The Applicant is proposing to replant 432 trees to replace those that would be removed. The existing basal area of the trees to be removed is 1,575.72 square feet. The basal area of the replacement trees would be 132.53 square feet after 10 years of growth (see FEIS Appendix K). While the Applicant recognizes that there would be tree basal area loss, the number of trees to be replanted is equal to the number that are being removed. The Applicant submitted evidence that the trees identified in the Landscaping Plan (Figure 14a and b in FEIS Appendix C) would near maturity within 20 years. The size chosen for the plan are common and the Applicant submits that they would typically establish faster than a larger tree. The tree basal area would increase at least 10% each year of its growth. Once established, the basal area rate of growth increases as well. For the trees proposed in the Landscape Plan, it is anticipated that the trees would become established within 2 years. Various commenters, including the Planning Board's consultants, submitted evidence that it may take substantially longer for the new trees to reach maturity and to replicate the value of the trees they are proposed to replace. For example, one commenter submitted evidence that





Red Sunset maple would take 17 to 44 years to reach maturity, Sweetgum would take 27 to 49 years to reach maturity and the London Plane Tree would take 37 to 68 years to reach maturity. This issue is particularly important because the large trees on the project site function in concert with Hommocks Marsh to provide a resting place for migrating birds which are listed as Species of Special Concern. The Applicant submits that the temporary reduction in tree basal area at the Project Site would be minimized or mitigated by the preservation of many existing mature trees at the Project Site, as well the installation of native plant buffers along surface waters and wetlands and preservation of 30.6 acres of shared open space.

- The Lead Agency requested additional discussion of the types and sizes of trees to be planted at the Project Site. The Applicant maintains that the proposed tree sizes are widely accepted industry-standard sizes for landscape plantings and considered the practical size large enough as to not set back the trees to the extent they go into a prolonged period of transplant shock, but also not too small. In addition, the types of trees chosen were based on performance and ease of sourcing. The proposed landscaping plan for the Project Site was developed in accordance with the document entitled *A Coastal Planting Guide for the Village of Mamaroneck – May 2014*, taking into consideration plant species selection and plant siting per planting environment (i.e. coastal, upland, wetland, etc.).
- The Lead Agency requested that the Tree Removal Plan from the DEIS be organized by size groupings, with additional detail on trees to remain on the Project Site. The Applicant provided three updated figures in FEIS Appendix C, including an updated Tree Removal Plan, Tree Removal Sorted Plan, and Tree Removal Sorted Table, in compliance with this request.
- The Planning Board requested that its consultant review the proposed tree mitigation with respect to whether the species proposed, upon reaching maturity, would have the same habitat value as the species being replaced. This assessment is found in Appendix AA. The assessment found that the replacement trees would not have the same habitat value, primarily because there are fewer trees such as oak that produce a mast crop, and also because a number of the species are cultivars that may produce less or smaller food crops. The Applicant notes that cultivars were chosen because in part because they have greater inherent resistance to disease, bacteria and fungi and because they create fewer droppings will result in less maintenance, for example of clogged stormwater systems. The Applicant also notes that, at Mamaroneck's longitude, the North/South Atlantic Flyway also stretches East/West from the eastern tip of Long Island to western Ohio (see the Atlantic Flyway Figure in Appendix C) and therefore argues that the loss of roosting habitat would be temporary and negligible.
- Additional comments called for a survey of existing birds and the Project Site trees to be removed. The Applicant team conducted field surveys on July 24 and 31, 2018, and the resulting inventory is provided in FEIS Appendix K.
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### 13.0 Traffic

In accordance with the approved Scoping Document, the DEIS provided an inventory of existing conditions for the required 10 area roadways and evaluated potential traffic impacts of the Project at the required 7 intersections. In consultation with Village Planning Staff, turning movement counts were conducted at the study intersections on a weekday during the peak morning and afternoon periods, which encompassed the peak arrival and departure periods for the Hommocks Middle School. Counts were also conducted at the same locations during the Saturday midday period. The traffic surveys included counts of vehicular, pedestrian and cyclist traffic. Automatic Traffic Recorder (ATR) counts were also conducted for a one-week period on US Route 1, Orienta Avenue and Hommocks Road. All counts were conducted during periods with scheduled activities at the Hommocks Park Ice Rink and Hommocks Pool. Observations of vehicular, pedestrian and bicycling activity were made during the peak arrival and departure periods at Hommocks Middle School. The DEIS included an accident analysis evaluating the most recent three-years of accident records for the study intersections.

*Summary of Existing Conditions:* The AM, PM and Saturday peak hour vehicular traffic volumes are similar in magnitude. Pedestrian activity was highest at the Boston Post Road intersection with Hommocks Road and Weaver Street where as many as 245 pedestrians were recorded crossing at the intersection in the busiest hour (AM) due to students walking to/from the Hommocks Middle School. Intersection capacity analyses reflect that the Boston Post Road intersection with Hommocks Road and Weaver Street currently operates at level of service (LOS) "E" during the AM peak hour and at LOS "D" during the PM and Saturday peak hours. The two other signalized intersections operate at overall LOS "C" during the peak hours. At the unsignalized intersections, all minor street movements currently operate at LOS "B" or better during the peak hours. Of the 112 accidents occurring in the study area for the three-year period evaluated, over 90 percent occurred on Boston Post Road, with the highest number occurring at the intersection with Old Boston Post Road and Richbell Road (43 crashes). Overall, a total of 8 crashes involved pedestrians, 4 crashes involved bicyclists, 39 crashes resulted in injuries and there were no fatalities.

To represent future traffic volume conditions without the Proposed Action ("No-Build"), in consultation with Village Planning Staff, an annual growth rate of 0.25 percent was applied to the counted volumes and traffic from 7 proposed vicinity developments was added to the grown volumes. Trip generation projections for the Proposed Action determined that the Project would add between 61 and 73 trips in the busiest hours. These trips were divided between Eagle Knolls Road, East Cove Road and Cooper Avenue in two configurations: a) with Cooper Avenue closed, except for emergencies and, b) with Cooper Avenue open for 2-way traffic. The configuration that yielded the highest traffic volume at each intersection (individually) was chosen for analysis purposes. The resulting project traffic was added to the No-Build volumes to represent Build volumes.



*Summary of Future Conditions:* No-Build capacity analyses reflect that, compared to existing conditions, there would be a slight increase in overall delays at the three signalized intersections and the level of service would remain at existing levels and that existing to No-Build increases in delay at the unsignalized intersections would be imperceptible. Capacity analysis of future Build conditions determined that the Project trips could be accommodated at the studied intersections with minimal impact regardless of whether Cooper Avenue was open or not, and that the maximum projected increase in overall intersection delay (compared to the No-Build condition) was 1 second at the three signalized intersections along Boston Post Road. The maximum projected increase in delay for the minor street movements at the 4 unsignalized study intersections was 1.1 seconds.

Queuing analyses reflect that the average queues (50th percentile) experienced on the turning movements at the three signalized study intersections would be at acceptable lengths under Existing, No-Build and Build conditions. At two of the signalized intersections (Boston Post Road with Hommocks Road/Weaver Street and Boston Post Road with Richbell Road/Old Boston Post Road) some of the maximum (95th percentile) queues would exceed the storage lengths. At the intersection of Boston Post Road with Hommocks Road/Weaver Street, the subject development was projected to increase the length of the 95th percentile queue by just 1 foot (0.5%). At the intersection of Boston Post Road with Richbell Road/Old Boston Post Road, the subject development was projected to increase the length of the 95th percentile queue on the left-turn movement from Old Boston Post Road to US Route 1 by up to 8 feet (7%). This projection was based on the conservative assumption for this intersection that Cooper Avenue would be open to 2-way traffic, allowing traffic exiting the site to be added to this left-turn movement. If Cooper Avenue is kept closed (except for emergency access), this condition (and impact) would be eliminated.

The DEIS identified a construction truck route (along US Route 1 to Hommocks Road and Eagle Knolls Road) as required by the Scoping Document, available public transit was described, traffic and circulation patterns on and surrounding the site were discussed, pedestrian crossings in and around the Hommocks Road School were evaluated, emergency vehicle access was discussed, and information on existing and future parking was provided. Future roadway geometry, sightlines and bicycle accommodations were also discussed in the DEIS. A section was included in the DEIS on construction traffic impacts.

The DEIS determined that, upon completion, the Project would not have a significant adverse impact on area traffic operating conditions and that mitigation is not required. However, the Project would provide a number of improvements to operating conditions, including: an improved road surface; an alignment and profile of Cove Road that would be sufficiently wide to accommodate cars and bicyclists; an improved pedestrian environment with the completion of a sidewalk across the property; and, improved emergency evacuation routes with the raising of Cove Road above flood elevation and use of Cooper Avenue as an emergency egress route. See Response III.3.G.1 for further discussion of the use of Cooper Avenue as an emergency egress route.



Additional information was provided in the FEIS to address comments from the Board and the public on the DEIS. The additional information provided for the key comments is summarized below.

#### *Cooper Avenue*

Submitted comments to the DEIS expressed concern about impacts on traffic and pedestrian safety on Old Boston Post Road if Cooper Avenue were to provide two-way access to the Project. Subsequent to the DEIS preparation, it was determined that Cooper Avenue would be used as an emergency-only access point. As such, the Project would have virtually no impact on Cooper Avenue or Old Boston Post Road except during a flood event as discussed in Section III.3.G. Furthermore, the existing access to the golf course maintenance area from Cooper Avenue would be eliminated, thereby removing maintenance traffic from Cooper Avenue. Appendix V in the FEIS includes revised intersection analyses for the US Route 1 intersection with Old Boston Post Road and Richbell Avenue, which indicate that with Cooper Avenue as an emergency-only access, the intersection would operate at level of service "C" or better during the peak hours and the Proposed Action would increase peak hour delays for the intersection by an imperceptible 0.2 seconds or less. Therefore, the DEIS findings remain unchanged.

Regarding pedestrian safety, as Cooper Avenue is to be for emergency access only and, as such, would have almost no traffic, there is no need to construct sidewalks along Cooper Avenue. Furthermore, with virtually no Project traffic added to Old Boston Post Road, there is no need for new sidewalks or to improve the existing pedestrian path on Old Boston Post Road.

See Response III.3.G.1 for a discussion of the use of Cooper Avenue for emergency access.

#### *Construction Traffic Impacts*

Submitted comments to the DEIS expressed concern about impacts from construction traffic, including the number of trucks, the access routes taken and impacts on Hommocks Middle School arrival and departure periods. The FEIS provides further details on the number of trucks, routes and travel restrictions, as summarized below.

Construction Traffic - A detailed construction schedule is provided in the FEIS Chapter M Appendix V which includes the anticipated daily and peak hour construction trips by vehicle type. This table is reproduced below.



**Table I.5-2 Average Daily and Peak Hour Truck and Non-Truck Visits to the Hampshire Country Club Site during Construction  
(with projected peak-hour trips)**

	Mobilization	Main Platform Fill	Demobilization	Structural/Foundation/Roads/Utilities/Fitout/Spurs Fill				Demobilization
					Initial Period 12 Months	Middle Period 24 Months	Completion Period 6 Months	
Duration	0.5 Months	9 Months	0.25 Months					0.5 Months
Vehicle Type								
Single Unit 5-Axle	2 Misc.	24 Fill	2 Misc.		3.5 Fill 0.5 Concrete 0 Topsoil 0 Paving 0 Driveway 0 Tennis/Parking	3.5 Fill 0.5 Concrete 0.2 Topsoil 1 Paving 0.5 Driveway 0 Tennis/Parking	0 Fill 0 Concrete 0.2 Topsoil 1 Paving 0.5 Driveway 2 Tennis/Parking	1 Misc.
				Subtotal	4	5.7	3.7	
Tractor Trailer	0.2 Misc.	0.2 Misc.	0.2 Misc.		0.2 General 0.0 Wood 0.0 Materials/Fitout	0.2 General 0.6 Wood 0.5 Materials/Fitout	0.1 General 0.0 Wood 0.5 Materials/Fitout	0.2 Misc.
				Subtotal	0.2	1.3	0.6	
Over Sized (carry heavy equipment)	1	0	0.5		0	0	0	0.75
Single Unit 3-Axle	1 General Delivery	2 General Delivery	2 General Delivery		4 General Delivery	0.5 Mechanical/Electrical 5 – General Delivery	0.5 Mechanical/Electrical 4 – General Delivery	2 General Delivery
				Subtotal	4	5.5	4.5	
Total Trucks	4.2	26.2	4.7		8.2	12.5	8.8	3.95
Total Trucks Trips (5x2)	8	52	9		16	25	18	8
Estimate of % of daily Truck Trips in the Peak Hour	33%	25%	33%		33%	30%	33%	33%
Max Truck Trips Per Hours (6*7)	3	13	3		5	8	6	3
Private Auto/Pickup Vehicles per Day (employees)	15	25	20		40	50	40	15
Estimate of % of Employees In/Out in Peak Hour	67%	67%	67%		67%	67%	67%	67%
Max Car Trips Per Hour (9*10)	10	17	13		27	33	27	10
Max Per-Hour Trips								
Truck (8)	3	13	3		5	8	6	3
Car (11)	10	17	13		27	33	27	10
Total (12+13)	13	16	16		32	41	33	13



As shown in the table, during the busiest period for construction truck activity (Main Platform Fill) 24 fill trucks and two other trucks and 25 cars/pickup vehicles are projected to visit the site per day. Note that each truck visit is two trips: one entering and one exiting, so during the busiest period there would be 52 truck trips and 50 car/vehicle trips. During the busiest hour, it is projected that 12 trucks and 17 cars/pickups would enter or exit the site. The busiest construction period (Structure/Foundation/Roads/Utilities/Fitout/Spurs Fill) would see approximately 12.5 truck visits on a daily basis (25 truck trips) with a maximum of 8 truck trips in any hour (see responses to Comments L.1 and L.2). Construction is expected to last six to seven years with the busiest period lasting nine months. However, if home sales do not occur at the rate projected by the Applicant, the construction period could last longer.

Truck routes – Trucks would only use Hommocks Road to access the site. The Applicant has offered to work with the Mamaroneck School District to minimize impacts and proposes to prohibit trucks from Hommocks Road for 30 minutes on either side of the school's peak morning arrival period and for 30 minutes on either side of the afternoon departure period.

Construction Vehicle Travel Restrictions - To minimize potential construction traffic impacts on Hommocks Road (and to ensure that trucks would only use Hommocks Road to access the site), the Applicant has committed to including a rider in the contractors' agreements requiring them to have GPS tracking devices installed on their vehicles and prohibiting them, under financial penalty, from having trucks travel on roads other than Hommocks Road and on having trucks use Hommocks Road prior to 8:30 a.m., between 2:30 and 3:30 p.m. or after 6:00 p.m.

#### *Pedestrian Mobility/Sidewalks*

Submitted comments to the DEIS expressed concern about impacts to pedestrian safety on area roadways. As noted in the FEIS, sidewalks are proposed to be installed along the realigned Cove Road, traversing the Project Site, and, if permitted, extended to connect to the existing sidewalk infrastructure at the rear of the Hommocks Middle School. This would be a significant improvement over existing conditions, in which there are no sidewalks for use by pedestrians walking to and from the neighborhoods on either side of the Project Site.

#### *Mitigation*

The following measures would be incorporated into the design of the development:

- Cooper Avenue would be used for emergency access only – It would be constructed so that it is above the 100-year flood elevation to provide a means of emergency egress from the development and some of the surrounding residences. During the 100-year tidal flood, Cooper Avenue would be inundated with 16.5" of water, assuming a 28.5" sea rise, which is the mid-range 50-year sea level rise estimate;



- Cove Road would be realigned and constructed above the 100-year flood elevation to maintain and improve the connection between the Orienta Avenue neighborhood and the Hommocks Road School
- A sidewalk would be constructed along realigned Cove Road to connect the Orienta Avenue neighborhood to the Hommocks Road School
- Construction trucks would be limited to Hommocks Road and Eagle Knolls Road Route with no construction trucks permitted to access the site for one half hour before or after the start or end of the school day at Hommocks Middle School.

#### **14.0 Sanitary Sewage**

The Applicant has explored several methods of conveying sanitary sewage to existing infrastructure, including gravity mains and a low-pressure sewer system. All of the methods investigated appear to be feasible. The Village Engineer has opined that the project should more closely consider the use of a Low Pressure Sewer System.

#### **15.0 Community Services**

As required by the SEQRA Scope, the DEIS provides detailed descriptions of existing facilities and analyzes potential impacts of the Proposed Action on various community resources and services, including recreational resources; police, fire and emergency services; the Mamaroneck Union Free School District (MUFSD); and local taxes. As part of the DEIS analysis, the Applicant distributed letters to community service providers (schools, police, fire, and EMS) to inquire as to current facilities and services, and potential issues or impacts of the Proposed Action. These letters and the responses received are included in DEIS Appendix N. Local youth leagues were also contacted, though no responses were received. The Applicant also provided a detailed analysis of the economic benefits anticipated to result from the Proposed Action, finding that the Proposed Action would result in a net positive impact for all taxing jurisdictions, including the MUFSD. Existing conditions and potential impacts on these community resources and service providers are detailed in DEIS in Chapters 3N and 3O.

Lead Agency and public comments received on the DEIS, as well as associated responses from the Applicant, are described below, organized by community service or resource.

#### **16.0 Recreational Fields and Programs**

Additional analyses were requested to demonstrate the park and recreation needs generated by the project, including an assessment of impacts on local youth sports leagues. In response, the Applicant conducted a detailed analysis of the generated need for open space and recreational facilities based on National Recreation and Park Association guidelines. In addition, the Applicant contacted local recreational service providers, including sports leagues, to analyze the number of school age children who might be expected to enroll in sports leagues based on participation rates provided by respondents. Based on these



analyses, the Applicant believes that the proposed project is unlikely to create a substantial additional demand for recreational areas. The project's 105 residential units are expected to bring approximately 335 residents to the Project Site, an increase of approximately 1.7 percent based on the Village's 2016 population. With regard to youth leagues, the proposed project could be expected to increase participation by 1.4 percent based on existing participation rates. It is the Applicant's opinion that the local recreational areas, described in detail in DEIS Chapter 3A, Land Use, Zoning and Public Policy, would adequately meet any increase in demand for recreation from the new development.

### **17.0 Fire Department and EMS**

Lead Agency comments were submitted requesting proof of approval and review by the Village of Mamaroneck Fire Department and Mamaroneck Emergency Medical Services (EMS). The Applicant provided all correspondence with service providers in Appendix N of the DEIS, however no response was received from the Fire Department. The Planning Board independently requested that the Village Planner and its consultant discuss the project with and request written comments from the Fire Department and EMS. Such discussions were held but neither the Fire Department nor EMS provided written comments.

The Applicant maintains that the site plan would be reviewed and finalized, including approval from the Fire Department, during the site plan review process, per the requirements set forth in Chapter 342, Article XI of the Village Code, Site Development Plan Approval. The location and arrangement of fire hydrants would also be finalized during site plan review, to be approved by the Fire Department and Westchester County Department of Health.

### **18.0 Police Department**

Public comments received conveyed concern that the Village Police services could accommodate the proposed development. In its email response to the Applicant's letter inquiries, the Police Department indicated that the proposed site access would be adequate for the new development, and that the biggest concern related to police services would be the potential for increase in traffic in the area. The potential impacts of the proposed development are analyzed in detail in Chapter 3M of the DEIS. The FEIS reiterates the findings of the DEIS.

### **19.0 School District**

The Lead Agency and the public submitted comments requesting additional information on the Proposed Action's potential impacts on the MUFSD. The MUFSD also provided comments that updated multipliers should be used in the school children generation analysis. In response, the Applicant provided a detailed analysis based on materials and multipliers from Econsult Solutions, Inc. (ESI) to calculate the school children projections, as requested by the MUFSD in its letter dated August 3, 2018 (included in FEIS Appendix W). This analysis resulted in an estimate of 66 public school age children to be generated by the





Proposed Action. Applying the per student programmatic cost estimated in Chapter 3N of the DEIS of \$15,893 to the 66 new public-school students indicates that the proposed Project could result in an additional cost of \$1,048,938 to the MUFSD. As demonstrated in Chapter 3O of the DEIS, the estimated property tax revenues to the school district is \$2,604,098. Using these figures, the MUFSD would receive an annual surplus of tax revenue of \$1,555,160. With an annual projected surplus of \$1,555,160 to the school district, the proposed Project would provide the MUFSD funds that could be used towards their existing capital needs and capital improvements that would result from the projected school children.

## **20.0 Taxes**

Comments on the FEIS requested substantiation for the use of the assessed valuations used for the proposed residential buildings that would be developed as part of the Project. This FEIS includes listings and other backup materials in FEIS Appendix X, showing comparable nearby properties that were available and considered when formulating the assessed valuations. Project opponents requested additional comparables from within the Village of Mamaroneck, but only one was found at the time the search was conducted.

## **21.0 Consistency with Land Use Policies**

As part of the DEIS Land Use, Zoning, and Public Policy chapter, the SEQRA Scope required discussion of the Proposed Action's compliance with the PRD requirements of Article VII, Section 342-52a of the Village of Mamaroneck Zoning Ordinance, and the Proposed Action's compatibility with the Village of Mamaroneck Comprehensive Plan and the policies in the adopted and current draft Local Waterfront Revitalization Plans. Detailed assessments of the Applicant's arguments for the Proposed Action's compliance with each of these land use policies or zoning requirements were provided in Chapter 3A of the DEIS. Specifically, a breakdown of the various environmental and planning objectives governing density cited in §342-52(C) (the Village's Planned Residential Development regulations) and how the Applicant asserts that the Proposed Action complies with those objectives is provided. The DEIS also details how the proposed density calculations comply with the PRD regulations. DEIS Appendix E contains a listing of all policies in the Comprehensive Plan Action Plan and the Approved 1985 LWRP and 2016 LWRP update and provides the Applicant's arguments for how the Proposed Action is consistent with all of the applicable policies. The Applicant argues that the Proposed Action incorporates the development goals for the Project Site contained in the 2012 Comprehensive Plan, by permitting a combination of residential development and open space preservation. The Applicant submits that the preserved open space would provide a significant buffer to both the existing uses that abut the Project Site and the unique and sensitive environmental features highlighted in both the Comprehensive Plan Update and the current and updated LWRP. The Applicant argues that it has carefully considered the existing planning documents from the Village and the County in its design of the Project Site.



Comments on the DEIS conveyed disagreement over the permitted density according to the PRD special permit regulations the proposed Project's consistency with the Comprehensive Plan and the LWRP policies. A summary of the Applicant's and opponents' arguments is provided below, organized by topic area.

## **22.0 PRD Permitted Density**

The Village's Planned Residential Development regulations set forth in Section 342-52 of the Village Code, calculate the maximum permitted density by dividing the gross area of the site by the minimum lot size requirements of the underlying zoning. As stated on FEIS page 3A-8, the Planning Board may, in its discretion, reduce the maximum permitted density where it determines that, because of environmental limitations, traffic access, the use and character of adjoining land or other planning considerations, the maximum permitted density would be inappropriate (See Village Zoning Code Section 342-52(C)). Opponents assert that areas within the 100-year floodplain must automatically be subtracted from a site's developable area. The Applicant argues that the Project's Proposed Action is 100 units less than the maximum permitted density on the Project Site, with the purpose of preserving and protecting all of the key environmental features of the Project Site identified in the Village's Comprehensive Plan. The Applicant also believes the Proposed Action is consistent with adjoining land uses, as analyzed in the DEIS land use chapter, and provides enhanced east-west access through the Project Site, as analyzed in the DEIS traffic analysis.

See Response III.3.A.6 for further discussion of this issue.

## **23.0 Village of Mamaroneck Comprehensive Plan**

The Village's Comprehensive Plan recommends preservation of the entire Hampshire property and recommends rezoning it to a lower density or to a cluster/open space subdivision or to an open space/recreation classification. Comments were received that the project should be denied because it is inconsistent with these recommendations and results in a significant loss of open space.

The Applicant disagrees with the comments submitted regarding the Proposed Action's inconsistency with the Village of Mamaroneck 2012 Comprehensive Plan, as argued in the Applicant's responses in Section III.3.A of this FEIS. The Proposed Action is consistent with the Village's current R-20 zoning regulations. The 2012 Comprehensive Plan contemplates considering changing these regulations by adopting various "more sensitive zoning" techniques. This included options permitting clustered residential redevelopment, as well as options requiring open space preservation.

The Applicant believes the density and level of open space preservation associated with the Proposed Action still achieves the stated planning goals for the Project Site contained in the Comprehensive Plan. The proposed 105 units would be "clustered" in a location on the PRD Parcel that would permit a total of 30.6 acres to be preserved as shared open space. In addition, 37.6 acres of the existing golf course would be maintained on the Project Site, contributing to the recreational/open space character of the area.



Together, this amount of open space is greater than the amount of open space preservation contemplated for the Project Site under the residential rezoning options set forth in the Comprehensive Plan. It is less than if the entire site were preserved as open space, as is also a recommendation of the Comprehensive Plan. The 105 units proposed is greater than the 85-units calculated by the Applicant in Alternative D, development of a conventional subdivision under the R-30 alternative (which allows lots of 30,000 square feet and which was identified as a potential rezoning option in the Comprehensive Plan). . With respect to the Open Space, (see FEIS Figure 5) the Applicant argues that the 30.6 acres of shared open space provides an improvement over the existing condition because it would be converted from a heavily managed golf course to a natural area and because 20' of wetland buffer plantings are proposed. Opponents argue that the open space is indistinguishable from the golf course and that it is broken up by the golf course so as to have little ecological or recreational value. The 30.6 acres of proposed open space is broken up into eight areas. Portions of the open space are long, linear sections between golf holes, portions include narrow strips of land bordering adjoining development, and other portions include the banks of the development platform. Two areas of the open space can only be accessed by crossing the golf course, which is open to members only.

#### **24.0 Consistency with LWRP Policies**

A concern expressed in the comments related to the LWRP policies was the consideration of migratory birds in the siting of the proposed development. The Applicant maintains that following the implementation of the Proposed Action, the Project Site would continue to function ecologically as an area comprised of landscaped habitats with trees interspersed with surface waters and wetlands, similar to existing conditions. As such, the Applicant argues that a similar plant and wildlife species assemblage is expected to inhabit the Project Site following implementation of the Proposed Action, with significant improvements to plant and wildlife habitat quality anticipated due to installation of the proposed native plant wetland buffers. The Proposed Action would result in the removal of 432 mostly mature existing trees and replacement with 432 new trees. The removal of existing trees would result in the temporary displacement of individuals from certain wildlife groups, primarily songbirds and other avian species that use the trees for nesting, foraging and/or perching, as well as several small mammal species. However, the Applicant would avoid cutting of trees from April 15th through July 31st to avoid direct taking of migratory birds. Habitat for migratory birds would be reestablished through the mitigation measures proposed. There is disagreement in the record over the time it would take for the replacement trees to grow to the size that would have value to migratory birds.

Other disagreements with respect to the LWRP relate to Policy 7a, which states: "Significant coastal fish and wildlife habitats, as identified in the LWRP, shall be protected, preserved, and where practical, restored so as to maintain their viability as habitats."



The Applicant's argument for maintenance of the site's habitat is found above. Opponents argue that because the open space would be disconnected and separated by the golf course and residents, it would no longer function in the same way. Additionally, there would be less open space and a number of large trees would be removed. There is disagreement on the time it would take for replacement trees to grow to the point where they would provide similar habitat values.

- The Planning Board requested that its consultant review the proposed wetland buffer mitigation plan and the tree mitigation with respect to whether the species proposed, upon reaching maturity, would have the same habitat value as the species being replaced. This assessment is found in Appendix AA. The assessment found that the proposed wetland mitigation plantings would improve habitat on the Project Site. However, the assessment found that the replacement trees would not have the same habitat value, primarily because there are fewer trees such as oak that produce a mast crop, and also because a number of the species are cultivars that may produce less or smaller food crops. The Applicant notes that cultivars were chosen because in part because they have greater inherent resistance to disease, bacteria and fungi and because they create fewer droppings will result in less maintenance, for example of clogged stormwater systems. The Applicant also notes that, at Mamaroneck's longitude, the North/South Atlantic Flyway also stretches East/West from the eastern tip of Long Island to western Ohio (see the Atlantic Flyway Figure in Appendix C) and therefore argues that the loss of roosting habitat would be temporary and negligible.

## **25.0 Consistency with Critical Environmental Area (CEA) Designation**

The project site is a portion of the Hommocks Conservation Area, a Critical Environmental Area designated by the Mamaroneck Village Board. The Hommocks Conservation Area encompasses the Hampshire Country Club property and the adjoining Hommocks Marsh. The characteristics for which the Hommocks Conservation Area was designated a Critical Environmental Area are:

- Drainage patterns into the marsh
- Presence of various surface water features and tidal and freshwater wetlands
- Proximity to Long Island Sound
- Location within the 100-year floodplain
- Open space and recreation

The Applicant argues that the Proposed Action is consistent with the CEA designation because it maintains all of the characteristics for which the CEA designation was made. Opponents argue that the action is inconsistent with the CEA designation because it drastically changes the character of the site by placing fill and development in the floodplain, by altering drainage patterns and by resulting in a loss of open space and private recreation (i.e. 9 holes of golf).



## **26.0 Project Alternatives**

The SEQRA Scope required the analysis of reasonable alternatives to the proposed Project, including specific comparative analyses in terms of areas of disturbance, cut and fill, traffic generation, water and sewer utilization, drainage and flood storage (including impacts to adjoining and downstream properties), population, school age children and tax generation. Seven alternatives were required, including the "No Action" alternative, a conventional subdivision under R-20 zoning, a cluster subdivision under R-20 zoning, a conventional subdivision under the R-30 zoning, a cluster subdivision under R-30 zoning, a "No Fill" alternative under R-20 zoning, and a rezoning of the Project Site for a multi-story condominium and preservation and continuation of the 18-hole golf course. The DEIS provided a full comparative analysis in Chapter 4, Alternatives, including a comparison table of the project alternatives that quantified the various comparison areas required by the SEQRA Scope.

Additional information requested by the Lead Agency and the public included the evaluation of sub-sets of the Proposed Action, Alternative F (the "No Fill" Alternative) and Alternative G (Rezoning for Condominium and Golf Course) at lower-density iterations of 75, 50 and 25 units. In response, the Applicant has provided a comparison of the nine additional Project alternatives. The analysis includes site plans for each of the alternatives and a comparison by impact area of the alternatives to the Proposed Action. A full comparison of the total set of 16 Project alternatives is included in FEIS Table III.4-1. In general, the reduced density alternatives would have equal or lesser impacts with respect to area of disturbance, amount of tree removal, construction traffic, operational traffic, period of construction, amount of fill to be imported, development in the floodplain, water use and sewage generation, school children generation and demand on community services. The reduced density alternatives would generate less tax revenue and therefore have a less positive fiscal impact. The Applicant has stated that reducing the density of the Proposed Action to 75, 50 or 25 units would render the development financially infeasible because the investment required for infrastructure, golf course re-design and professional fees and permits would greatly exceed what could be derived from the sale of significantly fewer units to be built on a property that is large enough to support a significantly larger development based on current zoning. Accordingly, reducing the Project density would not be a reasonable or feasible alternative because it would not result in a viable development that is consistent with the Applicant's goals and that a reduction in project density is not a necessary measure to mitigate any identified potentially significant adverse environmental impacts associated with the Proposed Action. The Applicant further takes the position that the Proposed Action already incorporates measures to mitigate each of the identified areas of environmental concern in the SEQRA Scope.



## II. Index of Comments and Responses

### 1. Public Comment Letters

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Public Comment Letter 253 - Hampshire Support Petition	Judith Landau	5/14/2018	3.R Miscellaneous Comments	R.9
Public Comment Letter 253 - Hampshire Support Petition	Tom Landau	5/14/2018	3.R Miscellaneous Comments	R.9
Public Comment Letter 253 - Hampshire Support Petition	Greg Gudel	5/14/2018	3.R Miscellaneous Comments	R.9
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Public Comment Letter 253 - Hampshire Support Petition	Randy Scott	5/14/2018	3.R Miscellaneous Comments	R.9
Public Comment Letter 253 - Hampshire Support Petition	Harry Jackson	5/14/2018	3.R Miscellaneous Comments	R.9
Public Comment Letter 253 - Hampshire Support Petition	Albert Lopez	5/14/2018	3.R Miscellaneous Comments	R.9
Public Comment Letter 253 - Hampshire Support Petition	Diane Drumond	5/14/2018	3.R Miscellaneous Comments	R.9
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Public Comment Letter 253 - Hampshire Support Petition	Tommy I.	5/14/2018	3.R Miscellaneous Comments	R.9
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Public Comment Letter 253 - Hampshire Support Petition	Larry Albert	5/14/2018	3.R Miscellaneous Comments	R.9
Public Comment Letter 253 - Hampshire Support Petition	Kathy Weeks	5/14/2018	3.R Miscellaneous Comments	R.9
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Public Comment Letter 253 - Hampshire Support Petition	Tom Winters	5/14/2018	3.R Miscellaneous Comments	R.9
Public Comment Letter 253 - Hampshire Support Petition	S. Robertson	5/14/2018	3.R Miscellaneous Comments	R.9
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## 4. Planning Board Memo Comments

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## III. Comments and Responses

### 1. Executive Summary

#### **Comment 1.1:**

Page 1-10. Last paragraph. States that there are no direct impacts to wetlands (filling, draining, vegetative clearing) at the project site, and no impacts within 100 feet of wetlands. The wetland boundaries should be verified by the Corps and the NYSDEC, and the results should be provided in the EIS.

(Memo 1, pg. 1, Stuart Mesinger, Consultant to Planning Board, 5/14/2018)

#### **Response 1.1:**

The applicant requested a jurisdictional determination from USACE on September 4, 2018 and the NYSDEC on September 5, 2018 requesting an official determination of the NYSDEC's tidal wetland jurisdiction at the Project Site. The response letter from the NYSDEC can be found in FEIS Appendix Q. The NYSDEC concurs with the Applicants boundaries. The Corps verification is pending.

#### **Comment 1.2:**

Page 1-14. Vegetation and Wildlife. The Executive Summary should state that there are no federal or state listed endangered, threatened or rare species identified. The cutting of 432 mostly mature trees is an impact in this urban environment, especially if those trees are large (>3" dbh) and able to provide nesting for migratory birds, albeit common species. The Executive Summary should state if there is a timing restriction proposed on clearing to protect migratory birds. The summary should state the basal area of existing trees to be cut versus the basal area of new replacement trees to be planted.

(Memo 1, pg. 1, Stuart Mesinger, Consultant to Planning Board, 5/14/2018)

#### **Response 1.2:**

Comment noted. The Executive Summary should state that there are no federal or state listed endangered, threatened or rare species identified. It is noted that the species that use the site during migration are listed by the DEC as Species of Special Concern.



The Applicant would avoid cutting of trees from April 15th through July 31st to avoid direct take of migratory birds. The trees that need to be removed would be limited to the 55.6-acre area of disturbance. The Applicant is proposing to replant 432 trees to replace those that have been removed. The existing basal area of the trees to be removed is 1,575.72 square feet. The Applicant estimates that the basal area of the replacement trees would be 132.53 square feet after 10 years of growth (see FEIS Appendix K). While there would be tree basal area loss, the number of trees to be replanted are equal to the number that are being removed. The Applicant estimates that the trees identified in the Landscaping Plan (see Figure 14a and b in FEIS Appendix C) would near maturity within 20 years. The size chosen for the plan are common and would typically establish faster than a larger tree. The Applicant asserts that tree basal area would increase at least 10% each year of its growth. Once established, the basal area rate of growth increases as well. For the tree proposed in the Landscape Plan, it is anticipated that the trees would become established within 2 years. The Applicant believes the temporary reduction in tree basal area at the Project Site would be minimized or mitigated by the preservation of many existing mature trees at the Project Site, installation of native plant buffers along surface waters and wetlands (The Planning Board notes that these buffers do not replace the mature tree canopy that would be lost) and preservation of 30.6 acres of shared open space. It is noted that there is disagreement among qualified experts regarding the rate of tree growth and the time it would take for new trees to grow to their present size. See Section III.3.J for discussion of this issue.

- The Planning Board requested that its consultant review the proposed tree mitigation with respect to whether the species proposed, upon reaching maturity, would have the same habitat value as the species being replaced. This assessment is found in Appendix AA. The assessment found that the replacement trees would not have the same habitat value, primarily because there are fewer trees such as oak that produce a mast crop, and also because a number of the species are cultivars that may produce less or smaller food crops. The Applicant notes that cultivars were chosen because in part because they have greater inherent resistance to disease, bacteria and fungi and because they create fewer droppings will result in less maintenance, for example of clogged stormwater systems. The Applicant also notes that, at Mamaroneck's longitude, the North/South Atlantic Flyway also stretches East/West from the eastern tip of Long Island to western Ohio (see the Atlantic Flyway Figure in Appendix C) and therefore argues that the loss of roosting habitat would be temporary and negligible.

### **Comment 1.3:**

Page 1-14. Critical Environmental Area – will the 36 acres of preserved area be held in a deed restriction or conservation easement, or held by an HOA? If so, how will the developer ensure that buffer plantings etc. around wetland areas for water quality improvements, are managed and maintained as proposed, and are not cut down to the water's edge to continue to ensure fast and easy play on the golf course?





Will the rocks around these areas be removed and will the areas be flattened out to provide a more connected riparian/lacustrine fringe buffer to the waterbody or wetland? Is there a management plan for these areas, and/or adaptive management plan to ensure that the buffer plantings and other areas grow in and become the proposed intended buffer? Will they be in a deed restriction or protected area controlled by another entity? How will the management ensure that Phragmites or other invasives are not become introduced by equipment constructing or operating in these areas?

(Memo 1, pg. 1, Stuart Mesinger, Consultant to Planning Board, 5/14/2018)

**Response 1.3:**

The open space ownership and maintenance by the HOA and the Applicant based on land uses and maintenance responsibilities is identified in Figure 5 in FEIS Appendix C. The members only golf course would consist of 37.6 acres of recreational space and would be owned by the Applicant and leased to the golf club. This area is delineated on the Open Space Plan (Figure 5 in FEIS Appendix C) in green. In addition to this recreational space, there would be 30.6 acres of open space, which is not used in connection with the golf course. This area is delineated on the Open Space Plan (Figure 5 in FEIS Appendix C) in red and would be owned by the HOA. Long-term protection of the mitigation area would be ensured through a deed restriction, if required by the Village of Mamaroneck. A portion of this open space would be maintained by the Hampshire Recreation, LLC because it is more readily accessible from the recreational space reserved for the golf holes (identified as "GO" on the Open Space Plan). The rest of this open space would be maintained by the Homeowners' Association (HOA) for the residential development because the Applicant believes it is more readily accessible to the HOA and the residents it serves (identified as "HOA" on the Open Space Plan). All open space would be kept in a natural condition. All wetland areas would be maintained by the Applicant and would adhere to the Wetland Mitigation and Monitoring Plan. A thorough discussion of the wetland buffer areas, including their construction and responsible parties, management methods/responsibilities, and invasive species management is provided in the Wetland Mitigation and Monitoring Plan (see FEIS Appendix H). The proposed Landscaping Plan (see Figure 14a and b in FEIS Appendix C), was prepared in accordance with the *Coastal Planting Guide for the Village of Mamaroneck* in order to maximize benefits for local habitat. Removal of the walls would be costly and is not necessary to provide an improve ecological habitat. All wetlands plantings would be installed in accordance with standard practice and within the required moisture gradients. Currently, the ponds on the Project Site do not contain the wetland plantings proposed in the Landscape Plan. The ecological environment of the wetland perimeters would be improved as a result of this project. See Response E.17 regarding the Phragmites and other invasives.





**Comment 1.4:**

Page 1-12. Section 1.E.7 – Floodplains. Potential Impacts - “All proposed buildings and roadways would be located outside the 100-year and 500-year floodplains.” Buildings and road are located within regulatory floodplain. With the proposed grading changes, all proposed buildings and roadways on the Project Site will be located ABOVE the 100-year and 500-year floodplain base floodplain elevations. If the project was constructed and the LOMR-F was not submitted to FEMA to change the regulatory floodplain boundaries, the proposed buildings and roadways would still be in the floodplain.

(Memo 1, pg. 1, Stuart Mesinger, Consultant to Planning Board, 5/14/2018)

**Response 1.4:**

Comment noted. The DEIS should state “With the proposed grading changes, all proposed buildings and roadways on the Project Site would be located above the 100-year and 500-year floodplain base floodplain elevations.”

**Comment 1.5:**

Page 1-7, third paragraph. First sentence implies that the Hampshire Country Club is the land's custodian, but elsewhere the DEIS indicates the HOA would be the custodian. Clarify.

(Memo 1, pg. 1, Stuart Mesinger, Consultant to Planning Board, 5/14/2018)

**Response 1.5:**

As described in the DEIS, the Proposed Actions would permit the Hampshire Country Club to continue operating the clubhouse along with a downsized members only golf course, amounting to 37.6 acres and 9-holes of preserved golf course area. Hampshire Country Club is currently and would continue to be the custodian on these portions of the Project Site. In addition, the Proposed Action would preserve 30.6 acres of shared open space associated with the proposed residential development. The open space would be maintained by the HOA and Hampshire Recreation, LLC based on land uses and maintenance responsibilities identified in Figure 5 in FEIS Appendix C.

**Comment 1.6:**

Page 1-13. Water Supply and Sanitary Sewage Mitigation Measures. Reference should be made to the applicable appendix.

(Memo 1, pg. 1, Stuart Mesinger, Consultant to Planning Board, 5/14/2018)

**Response 1.6:**

Comment noted. Correspondence with the Village of Mamaroneck Engineer is included in Appendix Q of the DEIS. See Section III.3.I for a summary of the Village Engineer's recommendations with respect to sanitary sewage conveyance.

**Comment 1.7:**

Page 1-20. Alternative B. "With this alternative, the Village of Mamaroneck would lose a good portion of the open space/recreation that currently is provided on the R-20 portion of the Project Site." The private aspect of this space should be noted, as in "open space/private recreation." This clarification should be made throughout the document.

(Memo 1, pg. 1, Stuart Mesinger, Consultant to Planning Board, 5/14/2018)

**Response 1.7:**

Comment noted. The DEIS should state "private open space/recreation," which is applicable throughout the document.

**Comment 1.8:**

Page 1-11. First paragraph. Sentence starting with "Given these.." Replace "measure" with "measures".

(Memo 1, pg. 1, Stuart Mesinger, Consultant to Planning Board, 5/14/2018)

**Response 1.8:**

Comment noted. The DEIS should state "measures" instead of "measure" on Page 1-11.

**Comment 1.9:**

Page 1-12. Mitigation measures. Remove extra period at the end of the first sentence.

(Memo 1, pg. 1, Stuart Mesinger, Consultant to Planning Board, 5/14/2018)

**Response 1.9:**

Comment noted.

**Comment 1.10:**

Page 1-15. The statement that noise impacts would be negligible is not supported by analyses in the DEIS. This discussion may need to be revised based on the results of additional noise analyses.



(Memo 1, pg. 1, Stuart Mesinger, Consultant to Planning Board, 5/14/2018)

**Response 1.10:**

A detailed construction noise study has been conducted and includes existing ambient noise measurements, predictions of construction noise, an assessment according to applicable state policies and local ordinances, and recommendations for best management practices to reduce construction noise effects. The Construction Noise Study is attached as FEIS Appendix Y. As discussed, construction noise levels would increase existing ambient conditions by more than 10 dBA at certain locations close to the proposed earthwork construction. Although noise levels would not exceed 65 dBA (Leq), best management practices to reduce construction noise would be implemented. The predominant source of construction noise would be the stationary equipment. In efforts to reduce potential noise impacts during construction, noise reduction measures would include limitations to certain daytime and weekday hours, locating stationary construction equipment far from noise-sensitive sites, and use of temporary noise barriers, among others. There would be unavoidable short-term increases at some nearby residences during portions of the construction period, which is expected to last six to seven years, based on construction of 20 houses/year. It is noted that if houses are not sold and built at the rate projected by the Applicant, the construction period would be longer.

As discussed on page 3C-5 of the DEIS, rock removal is anticipated to meet the proposed grades for the project. An area of bedrock removal has been identified in the vicinity of lot 9 based on borings performed by GZA (as shown in Appendix N and in Figure 10b in FEIS Appendix C). Bedrock would be required to be removed up to 5 to 6 feet to meet the proposed surface grade, and additional removal would be required to accommodate the basements for residences in the vicinity. Based on the character of the rock, it is expected that blasting would be required to achieve proposed grade. During construction careful attention must be paid to the neighboring properties during construction. The selected blasting would be performed by a New York State licensed blasting contractor. The selected contractor would prepare a written Blasting Plan in accordance with the Village of Mamaroneck Village Code Chapter 120 and the New York Department of Transportation "Geotechnical Engineering Manual: Procedure for Blasting" latest edition, providing a detailed description of the means and methods of the proposed rock removal program. This plan would be forwarded to the Village Engineering Department and Building Department for review. The number of blasts cannot be accurately determined until a blast contractor has been selected. Blasting is dependent on proximity of adjacent structures, analysis of rock system and blast charge selection determined by the blast contractor. Based on the minor volume of rock to be removed it is estimated that blasting would require one to two weeks to perform with normally two blasts per day.



**Comment 1.11:**

Page 1-16. Define the length of the short-term period during which construction impacts to air quality could occur.

(Memo 1, pg. 1, Stuart Mesinger, Consultant to Planning Board, 5/14/2018)

**Response 1.11:**

Under the Proposed Action, the most significant period of construction truck traffic (and associated noise and air quality effects) would occur in the first nine months when the central development platform is being prepared. The fill import for the central development platform (realigned Cove Road) would be relocated from fill sources on the Project Site and from offsite sources during these first 9 months of the Project. Following placement of the fill for the central platform, construction would commence on the residences and the related improvements for lots on Realigned Cove Road. Following the first 9 months, excavation and fill activities would also commence on the remaining development areas of Road A, Realigned Eagle Knolls Road and Cooper Avenue Extension. During the first nine months, it is estimated that there would be approximately 24 soil fill trucks per day (on a five-day per week schedule) and two additional trucks, for a total of 26 trucks visits, or 52 truck trips. After that, the number of soil fill trucks would begin to diminish to three or four trucks per day as the 105 units are built-out. Housing would be constructed pursuant to pre-sales and it is anticipated that about 20 units would be constructed yearly. However, the exact construction schedule is contingent on the build out rate of the homes; therefore, the duration of the construction period and the final build-out date are unknown at this time.

**Comment 1.12:**

Page 1-18. Mitigation measures. First paragraph. Last sentence. "Cooper" not "Copper".

(Memo 1, pg. 1, Stuart Mesinger, Consultant to Planning Board, 5/14/2018)

**Response 1.12:**

Comment noted. The DEIS should state "Cooper" not "Copper," which is applicable throughout the document.

**Comment 1.13:**

Page 1-20. Alternative C. First sentence. Insert "be" after would

(Memo 1, pg. 2, Stuart Mesinger, Consultant to Planning Board, 5/14/2018)



**Response 1.13:**

Comment noted. The DEIS should state "In Alternative C, the 106 single-family lots permitted under a conventional subdivision in the R-20 district, as demonstrated by Alternative B, would *be* developed according to a clustered design" on page 1-20.



## 2. Project Description

### **Comment 2.1:**

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.

(Public Hearing 1, pg. 44, and Public Comment Letter 67, pg. 1, Stephen Kass, 2/14/2018)

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 club.

(Public Hearing 1, pg. 52, and Public Comment Letter 67, pg. 4-5, Gene Krekorian, Pro Forma Advisors, 2/14/2018)

Hampshire Country Club, with a nine-hole golf course, is not economically viable. The entire development may be economically viable with the housing component, but the golf course and club, in our view, is not economically sustainable.

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.

(Public Hearing 1, pg. 53-55, and Public Comment Letter 67, pg. 4, Gene Krekorian, Pro Forma Advisors, 2/14/2018)

The project calls for downsizing the golf course from 18 to 9 holes. The expert information discussed at the February meeting shows that 9-hole golf courses are much more likely to fail than full size golf courses. And in this case the 9-hole course is ridiculous. It is cut up into 3 or 4 distinct areas of a few holes each - as space was identified once the development was laid out. This makes it even less attractive than other already challenged 9-hole courses.

(Public Comment Letter 73, pg. 3, Randi Spatz, 4/3/2018)

(Public Comment Letter 100, pg. 1, George Mgrditchian, President - Orienta Point Association, 4/11/2018)

The entire premise of the need for the development, that they are -- that they are forced to do this because the club is not viable. And you have to realize that that statement is made about 40 or 50



times throughout the document, because without the acknowledgment that they are forced to do this, you don't have the impetus to do it. That -- that underlying premise is false.

(Public Hearing 1, pg. 120-121, and Public Comment Letter 67, pg. 2, Celia Felsher, 2/14/2018)

## **Response 2.1:**

The following discussion is the Applicant's summary of its position.

The Applicant argues that current economic conditions of owning an 18-hole golf course are driving the need for the project. The cost associated with operating and maintaining the club is increasing. This has made owning, operating, and maintaining a golf club economically challenging, particularly in the northeast, where golf courses are open for only a portion of the year due to winter weather conditions. In addition, the country club/golf course market is saturated in the lower Westchester region. Appendix A of the DEIS contains articles demonstrating the trend of increased golf course closures.

The Applicant argues that Hampshire Country Club continues to be negatively impacted by these documented economic conditions. The Applicant states that the prior owner of Hampshire Country Club (the prior not-for-profit entity that owned the Club) reportedly sold the Property due to rising costs and membership loss.<sup>1</sup> In addition, Hampshire Country Club has sustained only operating losses over the last three years, but since the purchase by the current owner and Applicant, HR, LLC, all of the operating expenses are incurred by the Club.<sup>2</sup> The Applicant reports that rounds of golf are also declining at the Club, from 9,270 rounds played in 2012 to fewer than 6,500 in 2016. While the Club is operating now, the Applicant asserts that unless changes are made to its income stream, the Club will not be sustainable in the long run. The Club is required by the Village Code to be a not-for-profit entity.

The Applicant proposes to build a 9-hole members only golf course. A report compiled by National Golf Course Foundation Consulting (NGF) at the Applicant's request, focused on the economic viability of 9-hole private golf clubs located in residential communities in the northeast. That report, dated July 31, 2018, may be found in Appendix D, and concludes that "the 9-hole courses and clubs in the densely populated northeast corridor are among the healthiest in the nation."



<sup>1</sup> Appendix A of the DEIS.

<sup>2</sup> Copies of Hampshire Club, Inc.'s IRS 990 and 990-T forms have been submitted to the Village as a requirement of its Special Permit to conduct non-member events. At the request of the Lead Agency, copies of these forms are also available in Appendix A.



Key statistics on 9-hole supply in the United States (NGF US Golf Facility Database) identified in the report include:

- 9-hole golf facilities – both public and private - represented ~27% of the total 15,014 golf facilities in the US as of the end of 2017.
- Of the 4,000+ 9-hole golf facilities in the country, 14.7% are private; 58% of private 9-hole facilities are located within associated residential communities.
- Private 9-hole clubs represent 15.6% of all private golf facilities in America.

The proposed layout of the golf course as seen on Figure 2 in Appendix C would start in the southwest corner of the property and move in a counter clockwise direction. The golf course encircles the development with pathways for a golf cart to transition from one hole to the next. There are three areas of the golf cart pathway that would require roadway crossings. As shown on Figure 2, the golf cart would require taking the cart path adjacent to Eagles Knolls Road from hole 2 to hole 3. At the 6<sup>th</sup> and 7<sup>th</sup> holes, the golf cart would cross Cooper Avenue, a roadway that is meant for emergency vehicles only. After the completion of the 9<sup>th</sup> hole the golf cart pathway runs between lots 41 and 42 and lots 6 and 7 requiring crossing over Cove Road to return the cart. The rest of the golf cart pathway would be surrounded by open space creating a buffer between the residential uses and the golfers.

**Comment 2.2:**

The golf course would be owned not by the condominium entity in that case, but, rather, by a shell entity. They've said that, been very honest about it. Once the developers take the profits out, they would have no interest in maintaining that course of the club.

(Public Hearing 1, pg. 120-121, and Public Comment Letter 67, pg. 2, Celia Felsher, 2/14/2018)

**Response 2.2:**

See Table 1.5-1 on page I-16 for a discussion of ownership and operations. The golf course would remain operable as a nine-hole course for the PRD development or an 18-hole course if the condominium alternative were to be developed. The Applicant asserts that maintaining the club operations in the long term is in the best interest of the Applicant and the community. The members only golf course and its amenities would be a selling point to many of the future residents. The Planning Board does not have a basis to assess the long term viability of the Club once the development is completed, but it is logical to believe that the Club would be a potential benefit to some who buy property in the development.

**Comment 2.3:**





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

(Public Hearing 1, pg. 47-48, and Public Comment Letter 67, pg. 1, Stephen Kass, 2/14/2018)

The problem is that that doesn't do anything with the Eagle Knolls Road intersection, and it doesn't do anything with Cove Road. And they can't do anything about that, because those are privately-owned roads. One is in the town, but Eagle Knolls Road is still privately-owned, half by the residents of Eagle Knolls Road and half by the golf course. So, what they proposed was doing an extension of Cooper Avenue. There are a couple of problems with that. One is: Cooper Avenue is a private road, so they really have no authority to change that easement use on Cooper road, just like they don't for Cove or Eagle Knolls. And what's worse is there would have to be construction done on Cooper which is indicated in the DEIS, because the back end of Cooper you all should go try to drive on Cooper and look at it. The extension of it past the last two homes is only 15 feet wide. They have no right to widen that road, and the village, even if it wanted to, actually has no right do anything unless it wanted to condemn private property for a private commercial use, which is not legally permitted.

(Public Hearing 1, pg. 111-113, and Public Comment Letter 67, pg. 1-2, Celia Felsher, 2/14/2018)

It's our position that a careful review of the easement and the rights of the private property owners is needed.

(Public Hearing 1, pg. 141, Jack Lusk, 2/14/2018)

Provide an opinion from a title company counsel regarding ownership and rights to use and relocate access points and to improve and maintain roads. The opinion of title counsel should also address the covenants and easements on the project site and their impact on the Applicant's ability to construct the proposed development.

(Memo 1, pg. 2, Stuart Mesinger, Consultant to Planning Board, 5/14/2018)

Hampshire assumes it may use Cove Road as a means or access to its proposed 105-unit housing development and alternatives. However, as Hampshire's application acknowledges, Cove Road is privately owned, not only by Hampshire, but also by the other property owners along Cove Road. While Hampshire Club members, personnel and vendors have been using portions of Cove Road that are exclusively or partially owned by Cove Road homeowners, they have done so only pursuant to an implied easement or license. It is our understanding that under New York law, an entity like Hampshire



that has an easement or license to cross the lands of others to access property for a specific use has no right to unilaterally change the use, particularly where doing so would increase the burden on the burdened properties without their permission. Hampshire has never requested such permission, let alone received it.

(Public Comment Letter 54, pg. 1, Cove Road Homeowners Statement, 2/14/2018)

(Public Comment Letter 72, pg. 1, Joel Negrin, 4/1/2018)

(Public Hearing 2, pg. 390, Jen Kronik, 4/11/2018)

(Public Comment Letter 131, pg. 2, Jenn Kronick and Jason Shapiro, 5/8/2018)

Cooper Ave is a private road. The work necessary to create an access point described by the current proposal /environmental report would be significantly intrusive to both the lives and private properties of the residents on the street. I concur with the Coalition's assessment that such an idea is unlawful and reckless to propose. It is one of the many reasons acceptance of this proposal should not be considered.

(Public Comment Letter 61, pg. 1, Doug Serton, 2/20/2018)

It is true that members of the community routinely use Cove Road as an access road, but they do so at the discretion of the Cove Road residents. Over the years, the residents of Cove Road have, from time to time, asserted their rights to restrict access to the road. During that time, only residents of Cove Road, their guests, and employees and users of the country club were permitted access.

Therefore, Hampshire has already conceded that the Cove Road residents can restrict access to the road.

In the April 11<sup>th</sup> meeting, Hampshire asserted that it is the beneficiary of a constructive easement (beyond the easement to use the road for club purposes) that has never even been alleged, much less granted. As noted above, the residents of Cove Road will not grant such an expanded easement, and, given, among other things, the unchallenged actions by the residents of Cove Road to restrict access (aided by the club) we firmly believe that such an extension of the easement would not be ordered by a court of law. Yet Hampshire's entire DEIS and redevelopment plan rests on this assumption that they have a right to this access.

(Public Comment Letter 105, pg. 1, David Wenstrup, 4/16/2018)

Please note for the record that even though Hampshire's lawyers insist publicly that Cove Road and its extension through Hampshire are public thoroughfares, the Club has placed perfectly nice signs on



both Eagle Knolls and Cove that state the road is PRIVATE, and only open to local traffic. In fact, Hampshire has repeatedly supported maintaining the private nature of the road in the past.

(Public Comment letter 241, pg. 1, Jack Lusk, 5/14/2018)

**Response 2.3:**

The status of private roads is relevant to the environmental impact review only if that status could cause a potential environmental impact, either directly or indirectly. There might be such a potential impact if the instruments that established the private roads either restricted the use of those roads or granted to others the right to restrict the use of those roads in some way that would prevent the applicant from moving or building the subdivision roads as proposed or prohibiting or limiting a necessary mitigation measure. Based on the record before the Planning Board, that does not appear to be the case. The title search submitted by the applicant reflects that all lots on the filed maps showing these streets have access over the streets and that "[t]here are no restrictions on the use or location of the subject streets set forth on any of the above-cited maps or elsewhere on public record." The search of the public record conducted by Chicago Title Insurance Company did not encompass the individual lots on filed subdivision maps. That certification is included in Appendix E.

From a practical standpoint, Cove Road and Eagle Knolls Road are private roads that allow property owners in the adjacent areas to access the public streets in the Village. While adjacent property owners possess title "to the center line" of Cove Road and Eagle Knolls Road, the entire Orienta neighborhood has long enjoyed the right to use these roads for the purpose of access to public streets in the Village. Several current homeowners on Cove Road are landlocked but for their right to rely on portions of Cove Road and/or Eagle Knolls Road owned by others to exit the neighborhood. As such, these homeowners must rely on the portions of Cove Road and/or Eagle Knolls Road owned by the Applicant (by virtue of the fact that it owns the property located on either side of the subject road) to access Hommocks Road and Orienta Avenue.

Traffic studies reflect a substantial amount of residential traffic on the private portions of Cove Road and Eagle Knolls Road on the Hampshire Property traveling to and from the Hommocks Middle School. Traffic counts indicate that traffic volumes on Hommocks Road east of the school are 9 times higher from 7:45 to 8:00 a.m. and 5 times higher from 3:00 to 3:15 p.m. than they are for the rest of the daytime hours. Because this coincides with the start and end of the school day at the Hommocks Middle School, presumably, this spike in traffic is parents dropping students off and picking them up. Further, the peak-hour traffic volumes indicate that almost 85% of this traffic – or 120 vehicles in the busiest hour – travel on Eagle Knolls Road back and forth across the Project Site to Cove Road.



The Proposed Action would not change the current use of Cove Road and/or Eagle Knolls Road, (except during project construction) or otherwise require a modification to the current access rights to these roads enjoyed by all property owners in the neighborhood. Nor would the proposed relocation and improvements to the portion of Cove Road on the Hampshire Property prevent property owners from continuing to use Cove Road for ingress into and egress out of the Orienta neighborhood. All homeowners in the neighborhood (whether living on the Hampshire Property or elsewhere in Orienta), would continue to be able to rely on Cove Road, as well as Eagle Knolls Road, to access public roads surrounding the neighborhood.

The development of new homes on the Project Site would result in additional residential traffic using Cove Road or Eagle Knolls Road for ingress/egress, but based on the traffic study the new traffic would not materially increase the burden on the road system. As shown in Exhibits 3M-13 and 14 of the DEIS, the Proposed Action would add approximately 1 trip every two minutes to these roadways and, as can be determined by comparing the results of the analyses summarized in Tables 3M-9 and 3M-14 of the DEIS, the addition of these few trips would increase delays to the current users of these roadways by 0.5 seconds or less.

With respect to Cooper Avenue, the owners of the Club have long possessed a right to use Cooper Avenue to access Old Boston Post Road. This right is reflected as far back as 1952 in a deed for the Club property from the Village of Mamaroneck to Estate Appraisal & Valuation, Co., Inc. (Hampshire's predecessor-in-interest). This 1952 deed expressly references a Cooper Avenue easement allowing the owner of the Club Property to use Cooper Avenue "for ingress and egress either by vehicle or foot" to access Old Boston Post Road. This access right is also reflected in the subsequent 2010 deed from Estate Appraisal & Valuation to Hampshire. These deeds are included in Appendix A of the DEIS.

Pursuant to this right, Cooper Avenue has always been utilized by the owners of the Project Site for vehicular access to and from Old Boston Post Road. The use of Cooper Avenue for vehicular access to Old Boston Post Road would not change upon the completion of the Proposed Action. Residents and employees of the Club would rely on Cooper Avenue solely for emergency access and egress. Cooper Avenue would not be widened, or otherwise improved. A gate would be placed on the Hampshire side of Cooper Avenue preventing vehicles from using this road. The gate would be opened only to permit emergency vehicles to access the Applicant's Property. Limiting resident and employee use of Cooper Avenue to emergency access only would reduce the intensity of use of this road below current levels. Whereas Cooper Avenue is currently utilized almost on a daily basis by the Club for trucks and other vehicles to access its maintenance building, vehicular use would be minimal once the road is limited to emergency access only. In addition, Cooper Avenue would not be utilized as an access point for trucks during the construction phase of the Proposed Action.

**Comment 2.4:**

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

(Public Hearing 1, pg. 48, and Public Comment Letter 67, pg. 1, Stephen Kass, 2/14/2018)

**Response 2.4:**

Village Code § 342-35 permits the operation of a golf course in the Marine Recreation Zone only as a recreational facility of a membership club. A membership club must be "[a] not-for-profit corporation or organization with its facilities catering exclusively to members and/or their guests for recreational, athletic or social purposes and where vending stands, merchandising, commercial or business activities are not conducted, except as required generally for the membership and purpose of such club. Clubs shall operate without profit or division of any revenues to its members, except as reasonable compensation for special services actually rendered, devoting all revenues received to supporting the purposes and objectives of the club or to charitable uses. Club facilities and property interests shall be owned or leased by the corporation or organization and shall not be owned, leased, rented, or otherwise encumbered for use by individual members or nonmembers." Village Code § 342-3. The golf course may not be operated, therefore, by an entity other than a not-for-profit corporation or organization. If the membership club does not own the property on which the golf course is located, it must lease the property pursuant to a lease agreement that is valid under state law. Whether state law prohibits a lease between a for-profit entity and a not-for-profit entity is a question of law that is beyond the scope of this FEIS.

**Comment 2.5:**

Nine-hole golf course with a couple of holes here, a couple of holes there and spread out throughout the property. Typically, that's not the kind of golf course that people enjoy playing. So, I think it would be a challenge for that golf course to stay in existence over the long term.

(Public Hearing 1, pg. 172, John Hofstetter, 2/14/2018)

**Response 2.5:**

See Response 2.1.



**Comment 2.6:**

I do think if they allow any kind of development, there should be significant reserves made by the developer to maintain for the stormwater control and the roads and the schools. So, you're going to have these trucks coming in, and they're going to damage the roads. And unless there's some provision for the developers to repave those roads and have it done and it falls back on the Village, I'm telling you, it ain't going to get done.

(Public Hearing 2, pg. 330, Jeff Stillman, 4/11/2018)

**Response 2.6:**

The Applicant (i.e., Hampshire Recreation, LLC) as owner of the entire Project Site would be responsible for maintaining the stormwater infrastructure, landscaping and all roads on the Project Site during construction. After construction, a Homeowners Association (HOA) would be created to manage the common areas associated with the residential development, including the stormwater infrastructure, and landscaped areas as shown on Figure 5, Open Space Plan. The Applicant would continue to own and be responsible for maintaining the stormwater management infrastructure and landscaping located within the club portion of the Project Site, as shown on Figure 5. See Table 1.5-1 on page I-16.

With respect to the roads on the Project Site after construction, the Applicant would convey title to the roads on the residential portion of the Project Site (identified in Figure 5 as yellow) to the Homeowner's Association, and the Homeowner's Association would be responsible for maintaining these portions of the roads. The Applicant would retain title to the portions of the roads located on the club portion of the Project Site (identified in Figure 5 as blue). The Applicant and Homeowner's Association would jointly offer all roads on the Project Site for dedication to the Village. Unless and until the Village accepts dedication of the roads, the Applicant and the Homeowner's Association would maintain the roads in accordance with their respective responsibilities illustrated in Figure 5.

The stormwater infrastructure would remain either in the ownership of the Homeowner's Association or the Applicant, depending upon where on the Project Site it is located as illustrated in Figure 5.

The proposed open space areas are defined on Figure 5 in Appendix C and would be allowed to grow to a defined area of 30.57 acres. The HOA and Applicant would be responsible for the maintenance of those areas if problems arise or landscaping adjustments are needed in the future. See Appendix H for the Landscape Management Plan.

All final details regarding the paving of roads, maintenance protocol for the stormwater infrastructure and landscaping, along with profiles of all public utilities, would be finalized during the site plan approval process, including any potential performance bonds that might be required to ensure the



public infrastructure is installed. The plan shown in Figure 5 would be included within the Site Plan packet to be maintained in the Village's files so there would be a clear record as to the ownership and maintenance responsibilities of the roads, stormwater infrastructure and landscaping on the Project Site. In addition, the ownership and maintenance responsibilities of the Homeowner's Association would be memorialized in the Offering Plan to be filed with the New York State Attorney General's Office and as otherwise required by the Village.

**Comment 2.7:**

Third thing: More information about club operations. The developers need to provide much more information about the ownership and operation of the club and expected economic and legal relationships relating to the club.

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? Also, who would own the golf course?

(Public Hearing 2, pg. 360-361, and Public Comment Letter 179, pg. 3-4, Celia Felsher, 4/11/2018)

**Response 2.7:**

The golf club and course would continue to be managed by Hampton Golf Clubs, a premier golf course management firm that manages over 20 clubs throughout the United States. The golf club property and members only golf course would continue to be owned by Hampshire Recreation, LLC. (See Table 1.5-1 on page I-16.) However, if the nine-hole members only golf course use ever ceases, the club would continue to be able to operate and offer its tennis and swimming amenities to members. Under such a scenario, Hampshire Recreation, LLC would continue to maintain the golf course as open space.

**Comment 2.8:**

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.

(Public Hearing 2, pg. 371, Karen Meara, 4/11/2018)

Finally, in the DEIS, the Applicant acknowledges that a substantial portion of its property near Eagle Knolls Road is subject to a deed restriction contained in a grant from Cecilia Howell to Alvan W. Perry. The Applicant concludes that nothing in that restriction is inconsistent with the proposed development. The Applicant is incorrect. The Howell Deed expressly provides that only a "dwelling house" may be erected on the restricted land. The Applicant argues that such language means both



the singular and the plural and cites to cases in which such language was interpreted to permit a multi-family dwelling. However not one of those cases supports the notion that a "dwelling house" permits multiple buildings. The Applicant's proposal to place multiple "dwelling houses" within the restricted area violates that provision.

(Public Comment Letter 179, pg. 3, Karen Meara, 5/10/2018)

**Response 2.8:**

The Applicant retained Chicago Title to perform a careful review of all deeds, covenants, plats, maps and related title documents concerning the Project Site and adjacent properties. As set forth in the DEIS on page 2-11, as well as the opinion of Chicago Title contained in Appendix E, there is no language in the various indentures cited by this commentator that would preclude the development of residential dwellings on the Project Site as proposed by the Applicant. Nor is there any language in the Howell/Perry Indenture indicating that the lot area restrictions on Lots 10 and 11 (neither of which are located within the Project Site) should also be applied to adjacent properties, let alone language indicating that adjacent property owners would have standing to enforce the restrictions in the Indenture.

**Comment 2.9:**

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.

(Public Hearing 2, pg. 376-377, Stephen Kass, 4/11/2018)

**Response 2.9:**

Based on the Construction Work Plan (see Appendix G), construction activity for the proposed development would be performed generally by first excavating, grading and filling to establish development sites for single family and carriage homes. Next, utilities would be installed within the streets followed by placement of roadbed and sidewalks. The housing would then be constructed on finished lots followed by surface treatments including topsoil and seeding, and driveways. The Construction Work Plan requires that all soil and erosion control measures, including those related to slope stabilization, be inspected on a weekly basis and that an inspection log as well as a log of corrective measures be maintained.

Based on the size of the site, work must be performed in phases to minimize the area of disturbance at any given time. Excavation and filling activities would be performed in two steps; Step 1). establish realigned Cove Road and single-family lots, and Step 2). establish three extensions to realigned Cove





Road including Cooper Road extension, realigned Eagle Knolls Road and Road A. This approach establishes the central spine of the project allowing the connection between Cove Road and Eagle Knolls Road and establishment of the core utilities for the project within realigned Cove Road. Soil disturbance activities would minimize total area of soil disturbance to five acres or less at any given time. The five acre increments and the expected progression of work is shown on the Construction Phasing Plan (See Figure 2 in Appendix C).

Once construction of the proposed development commences, it is estimated for Step 1 that there would be approximately 24 soil fill trucks per day plus two additional trucks, or 52 truck trips (on a five-day per week schedule) for the first 9 months of construction to perform excavation and filling to construct realigned Cove Road and adjacent single-family lots. After that, the number of soil fill trucks would begin to diminish to 3 or 4 trucks per day (6-8 truck trips) as the 105 units are built-out. Housing would be constructed pursuant to pre-sales and it is anticipated that about 20 units would be constructed yearly. However, the exact construction schedule is contingent on the build out rate of the homes; therefore, the duration of the construction period and the final build-out date are unknown at this time. See Response L.1.

**Comment 2.10:**

It means that there is very large infrastructure and construction investment up front before they know whether they've got this -- this project on viable footing, before they've actually been able to sell all the homes or a sufficient number of homes to guarantee completion of the project. What this means is that there is a real risk here of abandonment of this project during the course of construction if the numbers don't work out.

(Public Hearing 2, pg. 376-377, and Public Comment 179, pg. 2, Stephen Kass, 4/11/2018)

**Response 2.10:**

The Applicant has asserted that downsizing the existing golf-course and associated maintenance costs, in addition to redeveloping the rest of the Project Site as residential is the best permissible option to maintaining as much of the current club, tennis, and golfing activities as possible. The Applicant submits that market indicators suggest both a strong demand for the housing proposed on the Project Site and a need for diversified housing options such as the Applicant proposes in the Village. Having an abandoned project would prevent the golf club from operating and would render the entire operation as not profitable. The Applicant asserts that this would not be in the best interest of the owners of the property.

**Comment 2.11:**



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?

(Public Hearing 2, pg. 400, Lou Mendes, 4/11/2018)

**Response 2.11:**

The Applicant anticipates that the first phase would last nine months and would start and finish before the winter season. The second phase would be spread out over 42 months and require different construction activities, some of which can be done consecutively or simultaneously allowing flexibility in the schedule. The schedule has taken into consideration the period from early December to mid-March, when the average overnight low temperature in Mamaroneck is 32 degrees or below. There are no anticipated changes to the proposed truck route or the anticipated number of trucks per day as a result of the winter season.

**Comment 2.12:**

Existing Conditions Plan. Exhibit 2-6. Is not in color, so doesn't clearly show the wetlands, ponds and drainage system on the site. Provide the figure in color similar to the wetland figures.

(Memo 1, pg. 2, Stuart Mesinger, Consultant to Planning Board, 5/14/2018)

**Response 2.12:**

See Figure 1 in Appendix C.

**Comment 2.13:**

Provide a subdivision application and preliminary subdivision plat.

(Memo 1, pg. 2, Stuart Mesinger, Consultant to Planning Board, 5/14/2018)

**Response 2.13:**

A subdivision application and preliminary subdivision plat was submitted to the Planning Board on June 26, 2015. An updated version of the preliminary subdivision plat reflecting the Proposed Action was also provided to the Planning Board and is included in this FEIS as Figure 4 in Appendix C.

**Comment 2.14:**



Provide details regarding the establishment of a homeowners association to manage the common spaces. Will the homeowners association be managing and maintaining the roads and be responsible for snow removal and other necessary work?

(Memo 1, pg. 2, Stuart Mesinger, Consultant to Planning Board, 5/14/2018)

**Response 2.14:**

See Response 2.6.

**Comment 2.15:**

Delineate areas of proposed open space on the development plan. How will the open space be separated from the golf course? Who will have access to the open space and how will it be accessed? Will there be public access?

(Memo 1, pg. 2, Stuart Mesinger, Consultant to Planning Board, 5/14/2018)

**Response 2.15:**

Figure 5 in Appendix C, Open Space Plan, displays the ownership and maintenance responsibilities for the open space and members only golf course areas. Club members and guests would be permitted to access all areas under the ownership of the Club. The HOA. Homeowners, and guests would be permitted to access the shared open spaces under their ownership. The Applicants are not proposing to install physical obstacles between the areas, but they would be demarcated through the landscaping of the property. Many of the open spaces located between golf holes are not proposed to be landscaped and most of the landscaping is concentrated along the sides of the development platform. However, all of the shared open spaces would be left in a natural condition, and for that reason would be easily distinguishable from the landscaped areas of the golf course (see Figure 6, Landscaping Plan, in Appendix C). These open space areas would be accessed on foot. The open space and members only golf course would not be public recreation or for public use.

**Comment 2.16:**

Provide a figure illustrating the buffers between the proposed development and the open space areas.

(Memo 1, pg. 2, Stuart Mesinger, Consultant to Planning Board, 5/14/2018)

**Response 2.16:**



Figures 5 and 6 in Appendix C depict the open space and the landscaping of the open space areas. Trees would be planted on the hillside berm areas as a buffer between any private rear yards and the open space areas. Residents would also be allowed to install other vegetation that would act as natural buffers. The goal of the landscaping plan is to provide a seamless transition from the residences to the common open space areas.

**Comment 2.17:**

Will the backyards of the houses bordering the berms be fenced to avoid accidents? Will residents have access to the land below, for example, if a ball goes over a fence?

(Memo 1, pg. 2, Stuart Mesinger, Consultant to Planning Board, 5/14/2018)

**Response 2.17:**

As depicted in Figure 6, trees would be planted on the hillside berm areas as a buffer to the open space areas. The development would not be constructed with the backyards fenced in. The berms would be built at a slope that would not cause accidents due to steepness. The berms would be gently sloped at a maximum 3 feet horizontal to 1 foot vertical slope. See Figure 9 in Appendix C for an illustration of the hillside berm and proposed slope. All residents would have access to all of the open space areas adjacent to their rear yards (see Figure 5, Open Space Plan in Appendix C). All open space areas would easily be accessed on foot. The Applicant has not responded to the question with respect to whether fences would be allowed.

**Comment 2.18:**

During the April 11 public hearing a representative of the applicant said that the golf course configuration shown in the EIS would be revised. The revised course layout should be provided in the EIS and its attendant impacts analyzed.

(Memo 1, pg. 2, Stuart Mesinger, Consultant to Planning Board, 5/14/2018)

**Response 2.18:**

As shown on Figure 2 in Appendix C, the golf course layout was revised to allow a golfer an easy transition from one hole to another. The proposed layout of the golf course as seen on Figure 2 would start in the southwest corner of the property and move in a counter clockwise direction. The golf course encircles the development with pathways for a golf cart to transition from one hole to the next. There are three areas of the golf cart pathway that would require roadway crossings. As shown on Figure 2, the golf cart would require taking a path along side of Eagles Knolls Road from hole 2 to hole 3. Another road crossing would take place between the 6<sup>th</sup> and 7<sup>th</sup> holes on Cooper Avenue, which is



meant for emergency vehicles only. After the completion of the 9<sup>th</sup> hole the golf cart pathway runs between lots 41 and 42 and lots 6 and 7 requiring crossing over Cove Road to return the cart. The rest of the golf cart pathway would be surrounded by open space creating a buffer between the residential uses and the golfers. There would be no impacts to the occasional crossing of the cart over Cove Road or the emergency access of Cooper Avenue. Cart paths would be separate from pedestrian walkways and would be provided with signage, warning motorists and pedestrians at points of crossing with roads, driveways and sidewalks. Carts would be required to yield to motorists and pedestrians. Path materials and design of crossing areas would be detailed as part of Site Plan Application to the Village.

**Comment 2.19:**

Provide a figure illustrating the easements required for water and sewer dedication to the Village or county, including all those required for pipes and pump stations.

(Memo 1, pg. 2, Stuart Mesinger, Consultant to Planning Board, 5/14/2018)

**Response 2.19:**

Figure 7 in Appendix C contains the Utility Easement Plan.

**Comment 2.20:**

A review of Exhibit 2-14A, Landscaping Plan shows that most of the proposed trees are small. Norway spruce, Colorado spruce, western arborvitae and Leyland cypress are not native evergreens, and these are 48 of the 432 replacement trees (11%). Many of the deciduous trees are also hybrids, rather than native trees, including the sunset red maple, and the autumn blaze red maple, and the heritage river birch, the Franz Fontaine hornbeam, the Liberty sycamore, the Redmond linden, and the accolade Elm and the Zelkova serrata. The trees are also 2-2 1/2 inch cal significantly smaller than many of the trees that are proposed to be replaced. Discuss the use of more native trees and a higher percentage of large trees.

(Memo 1, pg. 2, Stuart Mesinger, Consultant to Planning Board, 5/14/2018)

**Response 2.20:**

See Section III.3.J for a discussion of this issue.

See Figure 14b in Appendix C for the species and caliper of trees proposed to be removed. The following table summarizes the sizes of trees proposed to be removed.

**Table III.2-1 Trees Proposed to be Removed by Caliper**



Caliper	Number of Trees
0" -10"	25
11"-15"	86
16" – 20"	73
21" – 25"	66
26" – 30"	71
31" – 35"	46
36" – 40"	41
41" – 45"	16
46" -50"	5
51" – 55"	3

The Applicant suggests that the proposed replacement tree sizes are widely accepted industry-standard sizes for landscape plantings and considered the practical size large enough as to not set back the trees to the extent they go into a prolonged period of transplant shock but also not too small. The Applicant references the American Standards for Nursery Stock ANSI Z60.1, and posits that a 2-2.5" caliper tree would range in height from 12 to 16 feet. Trees larger than 2-2.5" caliper would most likely experience transplant shock for a duration equal 1 year per 1 inch of tree caliper over 2 inches, i.e. 6" caliper tree could be in transplant shock for up to four years with little to no growth. In short, small trees recover faster from transplant and are more vigorous than larger caliper trees. It is likely, however, that some trees would be lost to transplant shock and require replacement.

Norway Spruce, Colorado Spruce, Western Arborvitae, and Leyland Cypress are not native evergreens, but are adaptive non-invasive evergreens practical for evergreen screen plantings with considerable to proven deer-resistance. These species are also among the top-performing evergreen screen species.

The proposed deciduous trees are cultivated varieties (also known as cultivars) of native species that were hybridized to exhibit certain desirable attributes i.e. disease-resistance, improved fall color, improved form, etc. Generally, for trees, cultivars are selected for practical reasons like disease resistance, improved tree-form, etc., and are almost exclusively produced in nurseries compared to straight (no cultivar) native species. The Applicant is concerned that locating native species trees in commerce at the specified sizes could pose a challenge, due to the industry demand for cultivars, unless smaller native species nursery stock (i.e. 1" caliper or less) is specified, which can typically be sourced with ease.

- The 432 replacements for the mostly mature trees proposed to be removed would grow to a mature size akin to existing conditions over time. Based on published average growth rates described in the *Manual of Woody Landscape Plants*, by Michael A. Dirr, a projection of 20 years,



on average, duration for the specified trees to reach the average mature height per species. This is in part due to the selected cultivated varieties that have been hybridized for selective genetic traits, including vigor, growth rate, and adaptability over the straight species. However, projections are largely influenced, either positively or negatively, by various environmental factors beyond human control consisting of: soil conditions, drainage, water, fertility, light exposure, etc. Therefore, the above projection is solely the Applicant's estimate, which the Applicant believes to be conservative. Considering the proposed growing conditions of the proposed trees would be in an open-space environment with plentiful soil volumes, conducive for tree growth, as opposed to an urban environment (i.e., street tree planting surrounded by concrete), the Applicant believes the trees would have favorable growing conditions. See Section III.3.J for additional discussion of this issue. See Response J.1 for more detailed information on the vegetation. The Planning Board requested that its consultant review the proposed tree mitigation with respect to whether the species proposed, upon reaching maturity, would have the same habitat value as the species being replaced. This assessment is found in Appendix AA. The assessment found that the replacement trees would not have the same habitat value, primarily because there are fewer trees such as oak that produce a mast crop, and also because a number of the species are cultivars that may produce less or smaller food crops. The Applicant notes that cultivars were chosen in part because they have greater inherent resistance to disease, bacteria and fungi and because they create fewer droppings will result in less maintenance, for example of clogged stormwater systems. The Applicant also notes that, at Mamaroneck's longitude, the North/South Atlantic Flyway also stretches East/West from the eastern tip of Long Island to western Ohio (see the Atlantic Flyway Figure in Appendix C) and therefore argues that the loss of roosting habitat would be temporary and negligible.

**Comment 2.21:**

Exhibit 2-14A. Will *Spartina patens* grow around the wetland ponds - is the water brackish enough? Will the wetland and infiltration areas not use hybrid trees or shrubs? Will the herbaceous be planted as a seed mix or as individual plugs. Define rate or spacing, respectively.

(Memo 1, pg. 2, Stuart Mesinger, Consultant to Planning Board, 5/14/2018)

**Response 2.21:**

*Spartina patens* would grow around the wetlands ponds so long as their roots are not constantly inundated. As per the USDA Natural Resource Conservation Services (NRCS), *Spartina patens* will tolerate irregular inundations with 0 to 35 parts per thousand salinity; therefore, they are tolerant of both brackish and freshwater environments.



Per exhibit 2-14b – Landscaping Plan Planting Details & Notes, specifically Wetland/Infiltration Basin Notes, no hybrids or native cultivars are proposed except for one *Chelone lyonii* 'Hot Lips' – Pink Turtlehead. *Chelone glabra* – White Turtlehead can be proposed in lieu of the Pink Turtlehead. The herbaceous plant species specified in the Wetland/Infiltration Basins would be individual plug material planted at 12" on-center.

**Comment 2.22:**

Discuss the consistency of the proposed landscaping plan with *A Coastal Planting Guide for the Village of Mamaroneck, NY*.

(Memo 1, pg. 2, Stuart Mesinger, Consultant to Planning Board, 5/14/2018)

**Response 2.22:**

The proposed landscaping plan for the Project Site, Exhibit 2-14a and 2-14b in the DEIS, was developed in accordance with the document entitled *A Coastal Planting Guide for the Village of Mamaroneck* – May 2014 (the "CPG"), taking into consideration plant species selection and plant siting per planting environment (i.e. coastal, upland, wetland, etc.). The proposed landscaping plan does not include any of the invasive species listed under Appendix 2: Species Avoidance List of the CPG. Specifically, upland trees and foundation plantings are all native and/or adaptive and have exhibited tolerance of coastal/upland conditions consistent with Appendix 3: Species Recommendation Lists - Table H of the CPG. Upland tree and foundation species that are not listed on Table H have been observed off-site, growing in similar coastal environments. All wetland/infiltration basin plantings specified are all native species consistent with Appendix 3: Species Recommendation Lists – Tables E, F, and H.

**Comment 2.23:**

A draft Construction Management Plan demonstrating construction sequencing and means to deal with contaminated soil and groundwater should be presented. It should focus particularly on management of contaminated soils, for example during dry and windy conditions, during heavy rainfalls, during winter conditions including ice and snow, during dewatering activities, and to ensure material isn't tracked off-site by construction vehicles.

The Construction Management Plan should incorporate the Sediment and Erosion Control Plan discussed on pages 3F-8 and 9 and required by the SWPPP and it should discuss how dewatering will be accomplished, including where water will be directed to.

(Memo 1, pg. 3, Stuart Mesinger, Consultant to Planning Board, 5/14/2018)



**Response 2.23:**

A preliminary Construction Work Plan (CWP) is provided in Appendix G. The CWP describes the contractor responsibilities and expected project execution steps. It also describes the safeguards to be put in place to protect the environment, adjacent property owners and Village residents during construction. The CWP includes a Construction Health and Safety Plan (CHASP) that addresses measures to minimize exposure to impacted soil by contact, inhalation and ingestion through the establishment of safety protocols, hazard response, and implementation of active dust monitoring.

The CHASP describes a community air monitoring program (CAMP) that complies with 29 CFR Part 1926 (Safety and Health Regulations for Construction) and with the requirements of the New York State Department of Health (NYSDOH) Generic CAMP, Appendix 1A of NYSDEC DER-10 dated May 2010. Under the CHASP, airborne dust would be monitored downwind of active construction areas with action levels set to alert the Contractor to the need to implement dust control measures.

The soil contaminants identified at this time do not show an increased health risk at levels more-stringent than the visible (nuisance) dust levels. The CWP also includes a Materials Handling Plan (MHP) for use by the contractor during the construction of the planned residential development. The MHP details the soil handling and stockpiling procedures, on-site soil reuse procedures, demarcation, and documentation of imported purchased, clean fill from off-site sources.

The construction project includes raising the current grade and creating a development platform. Dewatering is not expected to be required.

**Comment 2.24:**

Discuss the provision of an environmental monitor during the construction period.

(Memo 1, pg. 3, Stuart Mesinger, Consultant to Planning Board, 5/14/2018)

**Response 2.24:**

A project-specific Construction Health and Safety Plan (CHASP) has been developed by GZA GeoEnvironmental of New York (GZA) to establish the procedures necessary for the protection from potential contaminated materials resulting from the construction activities from the Proposed Project. The procedures in the plan have been developed based on recent analysis and anticipated operations to be conducted at the Project Site. See Appendix G for the entire plan.

The CHASP describes a community air monitoring program (CAMP) that complies with 29 CFR Part 1926 (Safety and Health Regulations for Construction) and with the requirements of the New York State Department of Health (NYSDOH) Generic CAMP, Appendix 1A of NYSDEC DER-10 dated May



2010. The Plan proposes to undertake air monitoring, which includes organic vapor and particulate matter. Monitoring for organic vapors would be conducted during the first three days of ground intrusive activity to determine if further monitoring is warranted. If ambient air concentrations of VOCs at the downwind perimeter are not in excess of background levels over the first three days, then the air monitoring plan would be modified to include only particulate monitoring. The project superintendent shall be responsible for particulate monitoring and determining when the wetting of soils is needed and the most appropriate method to use for particulate monitoring. The project superintendent is intended to be the person in charge of the construction project as designated by the Contractor. The project superintendent is responsible for all management, but supervisory personnel from all subcontractors share responsibility for compliance with Health and Safety programs, policies, procedures and applicable laws and regulations. This includes the need for effective oversight and supervision of project staff necessary to control the Health and Safety aspects of on-site activities.

The Contractor may delegate a "Site Safety Coordinator" or "Site Safety Manager" (SSM) to be responsible for making sure the safety policies and procedures are being followed on-site. The Contractor SSM is responsible for day-to-day implementation of the safety program including this CHASP. The SSM is also responsible for incident investigations, first aid and incident management. The SSM would report directly to the project superintendent (or designee selected by the project superintendent).

The project Superintendent must be a "Competent Person", as defined by OSHA 1926.20(b) - Accident Prevention Responsibilities, is the individual "who is capable of identifying existing and predictable hazards in surroundings or working conditions which are unsanitary, hazardous, or dangerous to employees, and who has authorization to take prompt corrective measures to eliminate them. In general, construction workers would be required to have 10-hour OSHA construction Safety training. The SSM must be 30-hour OSHA construction safety trained in addition to the 10-hour training".

Any on-site violations found on-site can cause OSHA to take actions or the Building Department to issue fines or shut a job down in extreme circumstances.

The Planning Board may choose to require an Environmental Monitor paid for by the Applicant and reporting to the Village.

**Comment 2.25:**

Provide a more detailed discussion of the condition of the floodgates. Who owns and maintains them? What would happen if they fail? At what elevation of sea level rise would they be overtopped?



(Memo 1, pg. 3, Stuart Mesinger, Consultant to Planning Board, 5/14/2018)

**Response 2.25:**

The Applicant conducted an assessment of the floodgates on August 30, 2018. At Delancey Cove there are three flood gates, numbered 1, 2 and 3. At Hommocks Field there are two flood gates, numbered 4 and 5. All flood gates are hinged flap style gates. Field inspections showed that the three gates are in good working order. There were no obstructions or evidence of water being detained on site due to flood gate malfunction. The full floodgate assessment can be found in Appendix J. The Applicant currently owns, and employees of the Club inspect, and maintain the floodgates regularly. The consistent operation of the gates is critical to the operation of the members only golf course and is therefore a priority. If the Proposed Action is constructed, regular maintenance would be performed by the HOA. The gates are overtopped at approximately the 5-year storm event.

**Comment 2.26:**

Will public access to the private roads in the development be allowed?

(Memo 1, pg. 3, Stuart Mesinger, Consultant to Planning Board, 5/14/2018)

**Response 2.26:**

The public would continue to have access to the private roads within the development as they do today. In addition, the public would be able to utilize Cooper Avenue, a public road to exit the neighborhood in the event of an emergency. See Response G.1 for further discussion of this issue.

**Comment 2.27:**

Page 2-6. Insert space before Village of Mamaroneck Building Department

(Memo 1, pg. 3, Stuart Mesinger, Consultant to Planning Board, 5/14/2018)

**Response 2.27:**

Comment noted. There should be a space before Village of Mamaroneck Building Department on Page 2-6.

**Comment 2.28:**

The respective rights and obligations of the unit owners and Club members regarding all aspects of accessibility, use, operation and maintenance of Club property (e.g. pool, tennis courts, etc.) dedicated to either residential or recreational use should be discussed in the FEIS.



(Memo 1, pg. 3, Stuart Mesinger, Consultant to Planning Board, 5/14/2018)

**Response 2.28:**

Access to the clubhouse and access to the recreational amenities would continue to require a club membership. All private recreational amenities, including the pool, tennis courts, members only golf course and the membership club and facilities, would be the responsibility of the membership club and not the Homeowner's Association. Figure 5 in Appendix C displays the maintenance and ownership of the private recreational amenities and open space. Areas that would be maintained and operated by the membership club and Homeowner's Association are delineated on the map.

**Comment 2.29:**

Page 2-18. In the stormwater management section, explain why water quality control is not required.

(Memo 1, pg. 3, Stuart Mesinger, Consultant to Planning Board, 5/14/2018)

**Response 2.29:**

Per Chapter 4 of the New York State Stormwater Management Design Manual (SMDM) from January 2015, given that the Project Site is located within the Long Island Sound tidal area and on-site runoff is discharging into the tidal water, water quantity controls are not required for new development on the Project Site. However, water quality treatment would be provided in the stormwater management of the Project Site through stormwater detention as identified in Chapter 3F, Stormwater Management, of the DEIS and Section III.3.F of the FEIS.

**Comment 2.30:**

Page 2-18. Will the entire fill platform be constructed in a single phase at the beginning of the project or will it be constructed in phases? If in phases, describe them.

(Memo 1, pg. 3, Stuart Mesinger, Consultant to Planning Board, 5/14/2018)

**Response 2.30:**

See Response 2.9.

**Comment 2.31:**

Page 2-19. Last paragraph. "Provide" not "provides".

(Memo 1, pg. 3, Stuart Mesinger, Consultant to Planning Board, 5/14/2018)



**Response 2.31:**

Comment noted. Page 2-19 last paragraph should state "provide" not "provides".

**Comment 2.32:**

Page 2-21. A portion of vacated Eagle Knolls Road at the base of the slope for the clubhouse would also remain as a service drive for loading and basement and mechanical space access for the clubhouse. Clarify or correct the description.

(Memo 1, pg. 3, Stuart Mesinger, Consultant to Planning Board, 5/14/2018)

**Response 2.32:**

A portion of vacated Eagle Knolls Road at the base of the slope for the clubhouse would also remain as a service drive for loading access for the clubhouse.

**Comment 2.33:**

Section 2.E.1.b. II. Page 2-15. Contains the statement "Stormwater management features may also include bio-swales," however bio-swales are not identified as stormwater management practices in the SWPPP. Clarify.

(Memo 1, pg. 3, Stuart Mesinger, Consultant to Planning Board, 5/14/2018)

**Response 2.33:**

Bioswales are currently not identified as being part of the stormwater management features.

**Comment 2.34:**

Section E.1.b. III. Page 2-16 contains the statement "Systems and fixtures would be utilized to provide significant reductions in water consumption which also result in reduced demands on municipal sanitary systems," however there is no specific information provided. Information presented in section 3.H. Water Supply and section 3.I. Sanitary Sewage present typical water use rates (110-gpd/bedroom) used to estimate total water demand and sanitary sewer loading. There is no discussion of systems or fixtures that would provide significant reductions in water consumption.

(Memo 1, pg. 3, Stuart Mesinger, Consultant to Planning Board, 5/14/2018)

**Response 2.34:**

The 110-gpd/bedroom rate is a conservative standard rate used for sewer and water usage rate calculations. The project would use energy star appliances and fixtures when possible. These



appliances and fixtures would provide reductions in water consumption. Final details on the exact fixtures and appliances would be decided during the building permit application phase of the project.

**Comment 2.35:**

Page 2-14 Site Access, Roadways and Circulation. "This relocation (of Cove Road) would permit the Applicant to elevate the roadway above the floodplain, thereby eliminating existing flooding conditions."

The elevated roadway does not remove any portion of the properties from the regulatory floodplain unless a LOMR-F is submitted and approved by FEMA to alter the floodplain boundary.

(Memo 1, pg. 3, Stuart Mesinger, Consultant to Planning Board, 5/14/2018)

**Response 2.35:**

The Applicant would submit a LOMR-F to FEMA for approval. Application for a LOMR-F typically takes place after construction due to the documentation required for its submittal. Documentation includes surveys of as-built conditions.

**Comment 2.36:**

Clarify the difference between member and non-member club events. Is any event sponsored by a single club member a "member event" or is there some other definition?

(Memo 1, pg. 3, Stuart Mesinger, Consultant to Planning Board, 5/14/2018)

**Response 2.36:**

As defined in 342-35 of the Village of Mamaroneck Zoning Code, non-member events are "events or activities that are not restricted to members only or that are not hosted or financially guaranteed by a member". Member events are events that are restricted to members only or that are hosted or financially guaranteed by a member.

**Comment 2.37:**

Pages 2-18 and 2-27 contain statements that there are no cumulative impacts associated with the operations of the PRD and the Club. Further information should be provided justifying this statement. The EIS should provide information regarding the projected use of the site when the Club is holding special events. According to the DEIS there were 161 such events in 2016.

(Memo 1, pg. 4, Stuart Mesinger, Consultant to Planning Board, 5/14/2018)



**Response 2.37:**

Page 2-18 of the DEIS states:

"Hampshire Country Club had 264 members as of early 2017. Given the balance between new potential members from project residents and potential loss of members from the reduction to a 9-hole course, in addition to the limits set by the special permit, the club expects both the number of members and the number of events held at the club annually to remain at their current levels once the project is complete. Throughout this DEIS, potential impacts are evaluated assuming that club membership will remain constant. Additional conditions set by the special permit, described above, in addition to the fact that operation levels are to remain consistent with current levels, will ensure that there will be no cumulative impacts associated with the operations of the PRD and Club."

The DEIS specifically states that throughout the DEIS potential impacts are evaluated and that the operation levels are projected to remain the same. Therefore, there would be no cumulative impacts. Cumulative impacts occur when multiple or incremental changes affect the same resource. Cumulative impacts would occur if the membership rate was expected to rise. This is not the case and therefore the statement in the DEIS remains accurate.

Page 2-27 states:

"It is the intention of current ownership of the club facility to continue operation as a social, tennis and swimming club during construction of the project. Current access to the club via Cove Road will be maintained. The parking lot to be located to the northeast of the clubhouse, with 50 proposed parking spaces, will be constructed during the first stage of construction and valet parking will be provided for club members. In addition, operation as a golf club will continue until construction makes it infeasible. At final build out, no changes in club operations are anticipated, with the exception of the reduction from an 18-hole to a 9-hole members only golf course. Therefore, cumulative impacts associated with the operations of the club and the Proposed Action are not anticipated."

Page 2-18 of the DEIS states "the club expects both the number of members and the number of events held at the club annually to remain at their current levels once the project is complete". Cumulative impacts occur when multiple or incremental changes affect the same resource. Cumulative impacts would occur if the membership rate was expected to rise and operations to the club were expected to change. This is not the case and therefore the statement in the DEIS remains accurate.

On the other hand, it is not known, and likely not knowable, whether Club membership would drop, and if so, to what extent, based on the downsizing of the golf course. The Applicant believes that any



loss in membership would be made up new homeowners who would desire membership in the Club owning the course they would live next to. It is also not clear that the Club would not continue to lose money if membership remains the same. Again, this is likely not knowable.

The Traffic Impact Study (TIS) in Appendix M of the DEIS evaluated the potential impact of special events in so much as these events typically take place after peak hours and standard engineering practice is to evaluate typical peak-hour conditions. The special events would not serve as a significant source of traffic impacts to key intersections since, by the time the traffic going to/coming from an event at the Club reached these intersections, the background levels of traffic would be lower than the peak times. In addition, because events are permitted and do occur at the Club today, any event traffic that were to occur in the peak hour would be included in the Existing and No-Build conditions also. Thus, the Level-of-Service (LOS) at the study intersections would not be significantly impacted. Studying LOS levels during special events, therefore, would not evaluate the highest potential traffic levels or project traffic impacts at the key intersections. Instead, the TIS measured LOS at the key intersections during peak travel times when traffic coming to/from the Club and the residential development could potentially most affect the LOS. The Final Scope required that trips from "the remaining club" should be included. The TIS included 19 trips from the Club in the AM peak hour, 22 trips from the Club in the AM peak hour and 34 trips from the Club in the Saturday peak hour). There would be no cumulative impacts given this analysis.

In addition, impacts to the PRD development regarding traffic and its potential impacts to the club were evaluated in Chapter M in the DEIS and Section III.3.L of the FEIS. No significant impacts are anticipated as a result of the PRD development on club operations.

**Comment 2.38:**

Is a playground planned for the project?

(Memo 1, pg. 4, Stuart Mesinger, Consultant to Planning Board, 5/14/2018)

**Response 2.38:**

No playground is currently anticipated for the Project Site.

**Comment 2.39:**

Will a buffer be provided between the relocated golf course and adjoining neighbors? If so, describe the buffer.

(Memo 1, pg. 4, Stuart Mesinger, Consultant to Planning Board, 5/14/2018)

**Response 2.39:**





As shown on Figures 5 and 6, the golf course would be situated below the berms of the residential development. There would be landscaping provided along the berm for a buffer between the uses. In addition, most of the berm for the residential development abuts common open space and not the golf course. The trees are specifically located to provide vegetative buffers between the new residential buildings and the existing neighboring properties. This includes additional plantings in some of the open space areas. Trees are proposed to line the streets of the Project Site to provide aesthetic value. In addition, plantings currently within the area of the 9-hole golf course would remain on the Project Site.

**Comment 2.40:**

During the April 11 public hearing a representative of the Applicant made reference to a report from the National Golf Foundation regarding golf course viability. That report should be submitted as part of the SEQRA record.

(Memo 1, pg. 4, Stuart Mesinger, Consultant to Planning Board, 5/14/2018)

**Response 2.40:**

The testimony was made on April 11, 2018 and the report dated July 31, 2018 can be found in Appendix D of the FEIS.

**Comment 2.41:**

How will the houses be heated: with natural gas or fuel oil?

(Memo 1, pg. 4, Stuart Mesinger, Consultant to Planning Board, 5/14/2018)

**Response 2.41:**

Given Con Edison's recently announced natural gas connection moratorium, the Applicant proposes to use electric and propane energy supply to power the proposed residential units if natural gas remains unavailable. Propane tanks can be elevated above the flood elevation and therefore would not be subject to flooding. In the event that the moratorium is lifted, it is anticipated that the residential homes would be heated with natural gas. See Response A.16 for more details.

**Comment 2.42:**

How will underground utility lines be protected from flood damage?

(Memo 1, pg. 4, Stuart Mesinger, Consultant to Planning Board, 5/14/2018)

**Response 2.42**



Utilities including water, sewer, stormwater, gas electric and telecommunications would be located within the development platform which would protect the utility lines from flood events. The sanitary pump station access would be raised above the flood elevation and the pump station panel and emergency generator above elevation 16. All electrical and telecom lines would be placed in sealed underground conduits not daylighting below elevation 16. All electrical and telecom service would enter the proposed residential building at the first floor.

**Comment 2.43:**

The Town of Mamaroneck is not listed in the DEIS as an involved or an interested agency which is of some concern due to the proximity of Hampshire Country Club to the Town and the fact that a portion of the club is located in the Town.

(Public Comment Letter 13, pg. 1, Paul Ryan, 2/10/2018)

(Public Comment Letter 56, pg. 1, Stephen V. Altieri, Town of Mamaroneck Town Administrator,  
2/14/2018)

**Response 2.43:**

Comment noted. The Town of Mamaroneck should be listed as an Interested Agency.

**Comment 2.44:**

With a project cost of \$123,000,000 and the large scale public infrastructure improvements for roads and underground utilities what form of bonding or contingencies are to be in place should a situation develop where there are insufficient funds for the project.

(Public Comment Letter 56, pg. 5, Stephen V. Altieri, Town of Mamaroneck Town Administrator,  
2/14/2018)

**Response 2.44:**

The Applicant would provide a performance bond as agreed upon by the Village and the Applicant to ensure the public infrastructure improvements for the roads and utilities are completed as planned.

**Comment 2.45:**

The draft EIS states that the proposed subdivision will contain no affordable units. We encourage the applicant to work with the Village towards incorporating affordable units into this development.

Public Comment Letter 64, pg. 3, Norma V. Drummond, Westchester County Planning Board,  
3/12/2018)



**Response 2.45:**

Comment noted. Village Law does not require the provision of affordable units and the Applicant is not proposing to build such units.

**Comment 2.46:**

We encourage the applicant to include as much green, or sustainable, building technology as possible into the construction of the proposed development.

Public Comment Letter 64, pg. 3, Norma V. Drummond, Westchester County Planning Board,  
3/12/2018)

**Response 2.46:**

The Applicant proposes to incorporate green building practices into the project design. The Project Site and residences would be constructed to recently updated building code energy efficiency standards, structural wind and snow load requirements, as well as FEMA flood standards which yield a neighborhood more resilient to major storm damage and subsequent circumstances which often require significant repair and replacement of exterior and interior building materials and systems. Landscape material would be selected and located to assist in fill stabilization as well as integrating new topography signatures into a blended and well healed visual landscape.

The Applicant has designed the project to incorporate aggressive sustainable technologies, means and methods within the residential buildings. These means begin with high performance building envelopes which would exceed state code thermal performance standards reducing heating and cooling loads significantly. Renewable energy opportunities would be provided to homeowners seeking renewable energy via pre-designed roof and site areas to host solar photovoltaic arrays. Where possible solar panel areas can be concealed with roof volumes and would likely utilize various forms of photovoltaic technology. The Village of Mamaroneck Code does not specify requirements regarding the installation of solar panels. Systems and fixtures would be utilized to provide significant reductions in water consumption which also result in reduced demands on municipal sanitary systems.

The Applicant proposes to incorporate high performance mechanical systems to:

- Reduce energy consumption via efficient layout and design.
- Reduce energy consumption by utilizing high performance fans, pumps, condensers, heat exchangers, and heat producing mechanisms.
- Contribute to efficient performance through sophisticated control and monitoring systems.



- Reduce acoustic pollution both on the Project Site and within the residential units through high performance equipment in conjunction with acoustically baffling enclosures.

The Applicant also proposes to include access to common electric vehicles as well as home integrated systems which accommodate electric vehicle charging.

**Comment 2.47:**

Of particular concern is the future of the remaining Club property, including the Clubhouse and other facilities which are in the Marine Recreation Zone. It is unlikely that this property will be viable as a private club, after there is no golf course, with very limited (if any) waterfront access, no visibility from the Post Road and limited traffic access. Thus, this is likely to become an "orphan property." If and when this orphan property fails as a private club, the owner (either the Developer or a subsequent owner) will be pleading before the Village authorities for relief from the limitations of the Marine Recreation Zone, i.e., a further development request. This application will argue, persuasively, the absence of economic/commercial viability.

(Public Comment Letter 72, pg. 2, Joel Negrin, 4/1/2018)

**Response 2.47:**

The Proposed Action does not include the removal of the golf course. It proposes to keep a nine-hole members only course. Further, the DEIS states on page 2-18 "the club expects, based on their professional experience running events at the club and operating golf courses that, both the number of members and the number of events held at the club annually to remain at their current levels once the project is complete. The Applicant projects that a country club with a nine-hole members only golf course would be viable because operating costs would be lower than those associated with maintaining an 18-hole course and the revenue garnered by the Applicant from the proposed residential development would offset the cost of reconfiguring the course from 18 holes to 9. In fact, the residential development layout specifically took into consideration keeping the club operable as well as its amenities such as the pool, tennis courts, and members only golf course.

**Comment 2.48:**

The proposed 9-hole golf course routing plan is comprised of three separate blocks of holes, separated by street crossings and significant distances between these blocks. The design appears to be dictated by the residential development site planning rather than to meet high quality design standards. The long distances between greens and tees on many of the holes makes the proposed layout difficult for walking golfers. One of the key advantages of 9-hole courses is that they satisfy golfer preferences to



walk the course rather than use power carts. Further, there also are several holes which require the golfer to "backtrack" from a green to the next tee. This design feature may expose golfers to unsafe conditions as that golfers on the tee may not be sufficiently buffered from approaching golf shots from golfers on the prior hole. The financial projections for the 9-hole option assume that the course is designed with a standard, or typical, routing plan which accommodates walking golfers. Under the proposed routing plan, projections may be optimistic.

(Public Comment Letter 67, pg. 4, 2/14/2018 and Public Comment Letter 179, pg. 1, 5/7/2018, Gene Krekorian, Pro Forma Advisors,)

**Response 2.48:**

See Response 2.1. As shown on Figure 2 in Appendix C, the golf course was revised to include a layout that allows a golfer easy transition from one hole to another. The proposed layout of the golf course as seen on Figure 2 would start in the southwest corner of the property and move in a counter clockwise direction. The golf course encircles the development with pathways for a golf cart to transition from one hole to the next. There are three areas of the golf cart pathway that would require roadway crossings. As shown on Figure 2, the golf cart would require taking Eagles Knolls Road from hole 2 to hole 3. Another road crossing would take place between the 6<sup>th</sup> and 7<sup>th</sup> holes on Cooper Avenue, which is meant for emergency vehicles only. After the completion of the 9<sup>th</sup> hole the golf cart pathway runs between lots 41 and 42 and lots 6 and 7 requiring crossing over Cove Road to return the cart. The rest of the golf cart pathway would be surrounded by open space creating a buffer between the residential uses and the golfers.

**Comment 2.49:**

It means that those families will be exposed to the noise, air quality, soil contamination, flooding, and traffic from truck and earth-moving equipment during the construction of subsequent project phases. These on-site impacts to phase one residents have not been analyzed in the DEIS.

(Public Comment Letter 179, pg. 1, Stephen Kass, 5/10/2018)

**Response 2.49:**

See Sections III.3.G, III.3.L, III.3.P, III.3.Q, and III.3.O of the FEIS that addresses impacts to phase one of the development.

**Purpose and Need Comment:**



Provide additional financial information justifying the applicant's contention that the No Action Alternative is not financially viable.

(FEIS Completeness Comments, Project Description Purpose and Need, Stuart Mesinger, Consultant to Planning Board, 4/3/2019)

**Response Purpose and Need Comment:**

The Applicant provided club tax returns from 2008 and 2009, a period prior to their ownership. The Applicant did not provide more recent tax returns, including those for the current ownership. In 2008, the prior club had a net operating loss of \$689,965. In order to remain in operation, the prior club had to resort to a large assessment levied on members. The aggregate amount of assessments was \$824,670. If it weren't for this assessment, the prior club would not have been able to report a positive income for the year. The Village Zoning Code requires the Club to operate as a not-for-profit. The Applicant was unable to locate a 990 for the club in 2009. This is likely due to the club shutting down, prior to putting the property up for sale. Appendix F contains the 990 from 2007-2008. 990's from more recent years can be accessed via the internet.

## **3.0 Impact Analyses**

### **A. Land Use, Zoning and Public Policy**

#### **1.0 Land Use**



**Comment A.1:**

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 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.

(Public Hearing 2, pg. 370, Karen Meara, 4/11/2018)

(Public Hearing 1, pg. 61, and Public Comment Letter 67, pg. 3-4, Lisa Liquori, 2/14/2018)

We urge the Planning Board to require the Applicant to clearly delineate the boundaries of the different uses, the quantity of open space proposed to be preserved for each use, and whether such open space is proposed to be preserved as such in perpetuity.

(Public Comment Letter 179, pg. 2, Karen Meara, 5/10/2018)

In other words, the applicant now seems to be proposing that at least part and maybe all of the open space proposed to be created through clustering would be inaccessible to the residents living in that cluster development, unless, of course, they joined the club. The DEIS itself did not use the golf course acreage in its density calculation. You can see for yourself. It's page 3A-15.

(Public Hearing 2, pg. 370, Karen Meara, 4/11/2018)

There will be many acres (although it's not clear exactly how many) that will be open and maintained by a Homeowners Association. This will be contaminated land. What can it be used for? What happens when there are floods and it will cost money to drain the property and fix it up? What happens if the HOA doesn't pony up the money.

(Public Comment Letter 73, pg. 3, Randi Spatz, 4/3/2018)

The "natural area" should be defined. Does this refer solely to the open space area or other areas, proposed nine-hole golf course, other areas?

(Public Comment Letter 106, pg. 1, Cindy Goldstein, Chair - HCZMC, 4/23/2018)

**Response A.1:**

Figure 5 in Appendix C delineates the proposed open space for the Project Site. The members only golf course would consist of 37.6 acres of recreational space and would be owned by the Applicant



and maintained by the Club. (See page I-16 for discussion of the relationship between the Applicant and the golf club.) This area is delineated on the Open Space Plan (Figure 5) in green. In addition to this recreational space, there would be 30.6 acres of open space, which is not designated for use in connection with the golf course. This area is delineated on the Open Space Plan (Figure 5) in red and would be owned by the Homeowners' Association (HOA.) A portion of this open space would be maintained by Hampshire Recreation, LLC because it is more readily accessible from the recreational space reserved for the golf holes (identified as "GO" on the Open Space Plan). The other portion of this open space would be maintained by the HOA for the residential development because it is more readily accessible to the HOA and the residents it serves (identified as "HOA" on the Open Space Plan). All open space would be accessible by the residents.

The open space and recreational space owned by the HOA would encircle the development. Those portions of the golf course that would be converted to open space would have improved habitat value and would provide passive recreational opportunities to project residents. Currently, the Project Site is entirely utilized as private recreational space (See Figure 1 in Appendix C). As set forth in the DEIS, this recreational space is comprised of cultural ecological communities associated with historical and ongoing use as a golf course. The Project Site does not contain woodlands, forests or other naturally-occurring vegetated communities. The observed and expected wildlife fauna is comprised primarily of common species adapted to landscaped and developed habitats. Specifically, based on the limited field surveys conducted on July 24 and 31, 2018, the avian fauna observed at the Project Site is composed primarily of birds that occur with landscaped and developed settings, including American robin (*Turdus migratorius*), barn swallow (*Hirundo rustica*), song sparrow (*Melospiza melodia*), blue jay (*Cyanocitta cristata*), mourning dove (*Zenaidura macroura*) and others. The ponds and wetlands are habitat for birds typically associated with these settings, including great egret (*Ardea alba*), snowy egret (*Egretta thula*), great blue heron (*Ardea herodias*), mallard (*Anas platyrhynchos*) and red-winged blackbird (*Agelaius phoeniceus*). An inventory of observed birds is provided in Appendix K. Observed small mammals include eastern gray squirrel (*Sciurus carolinensis*), eastern chipmunk (*Tamias striatus*), eastern cottontail (*Sylvilagus floridanus*) and woodchuck (*Marmota monax*).

The Proposed Action would convert 30.6 acres of the Project Site into open space with new landscaping that would provide improved natural habitat and opportunities for passive recreation for project residents (See Figure 6 in Appendix C). The landscaping in the 20 foot wetland buffer would offer significant improvements to plant and wildlife habitat quality with the installation of the proposed native plant species (see Appendix AA). The balance of the landscaping is mainly comprised of trees planted on the development platform berms. Relatively little landscaping is proposed in the open space areas between the golf holes. From an ecological perspective, meadows, grasslands and brushlands have more value than mowed maintained lawns of a golf course, as they have significantly higher vegetative diversity and provide greater habitat value for wildlife. The new open space (whether





maintained by the HOA or the Applicant) would be kept in a natural state that would allow for the free movement of its inhabitants and habitats to be established. A deed restriction would be recorded on all of the open space area, prohibiting any improvements in perpetuity. It is also anticipated that a condition of any approval by the Planning Board would include a prohibition against undertaking improvements in the Open Space area. This restriction would be incorporated into the HOA Offering Plan, as well as the Golf Club's Membership Rules, thereby putting all residents and members on notice of the prohibition on improvements.

As set forth in Chapter 3K, the Proposed Action would have no direct significant adverse impacts (e.g., filling, draining, clearing of vegetation, etc.) to the wetlands at the Project Site. Further, while some of the golf holes would be maintained along the perimeter of the Project Site, no development or ground disturbance from the proposed residential buildings or tennis courts would occur within a minimum of 100 feet of the wetlands at the Project Site.

**Comment A.2:**

Page 3A-4, Future Without the Project section. In the event the project is not approved, what are the owner's plans for the property?

(Memo 1, pg. 4, Stuart Mesinger, Consultant to Planning Board, 5/14/2018)

**Response A.2:**

The Applicant has not prepared plans for the future use of the Project Site beyond the Proposed Action and the various Alternatives assessed in the DEIS and FEIS. Currently, the "No Action" Alternative reflects the use of the Project Site should the Project not be approved.

**Comment A.3:**

Page 3A-5, Hommocks School is located to the southwest, not the southeast, of the project site.

(Memo 1, pg. 4, Stuart Mesinger, Consultant to Planning Board, 5/14/2018)

**Response A.3:**

Comment noted.

**Comment A.4:**

The closing of privately-owned golf courses is a long-term trend that is occurring in Westchester and elsewhere. This trend presents a challenge, since most golf courses have underlying zoning that permit residential development, and when golf courses close they usually present situations where large open spaces can be developed all at once, dramatically changing the character of a local area.



However, the subject proposal appears to be an approach that seeks to retain as much open space as possible to preserve the character that the golf course provided. It is our opinion that the proposed PRD development would be preferable to a conventional subdivision under existing zoning, which would place 105 single-family homes across the entire site in a much more "sprawl"-oriented layout. We also point out in our comments below, that the subject site is within walking distance to a school, a recreational complex, stores and transit stops. Therefore, the existing nearby services have the potential to support additional growth, provided the applicant works towards integrating the development with its surroundings through adequate sidewalks and pedestrian connections.

(Public Comment Letter 64, pg. 2, Norma V. Drummond, Westchester County Planning Board,  
3/12/2018)

**Response A.4:**

Comment noted.

**2.0 Zoning**

**Comment A.5:**

When further corrected to comply with Section 186-5, bans 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.

(Public Hearing 1, pg. 47, and Public Comment Letter 67, pg. 1, Stephen Kass, 2/14/2018)

**Response A.5:**

Village Code § 186-5(A)(3)(c) provides as follows:

Whenever any portion of a floodplain is authorized for development, the volume of space occupied by the authorized fill or structure below the base flood elevation shall be 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. All such excavations shall be constructed to drain freely to the watercourse. No area below the waterline of a pond or other body of water can be credited as a compensating excavation.

Village Code § 186-6 permits the Planning Board to hear and decide appeals and requests for variances from the requirements of article 186.

Village Code § 342-52(C) provides as follows:



The maximum permitted number of residential dwelling units within a planned residential development shall be determined by dividing the gross area of the subject parcel by the minimum lot size requirements of the zoning district(s) in which it is located. The Planning Board may, in its discretion, further reduce the maximum permitted density where said Board determines that, because of environmental limitations, traffic access, the use and character of adjoining land or other planning considerations, the maximum permitted density would be inappropriate.

The Applicant's position is that the Village's PRD regulations do not automatically require the subtraction of floodplains from the developable area, nor do they ban the reduction of hydrological storage capacity. The commenter argues otherwise. See Section III.G for a discussion of the Village's floodplain variance criteria.

**Comment A.6:**

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.

(Public Hearing 1, pg. 47, and Public Comment Letter 67, pg. 2, Stephen Kass, 2/14/2018)

It's not a cluster plan, delineating the permanent open space. It doesn't have the 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.

(Public Hearing 1, pg. 59-60, and Public Comment Letter 67, pg. 2-3, Lisa Liquori, 2/14/2018)

The proposed project's density, rather than representing a generous concession, as the applicant has suggested, is much higher than permitted under applicable law by a factor of five and much higher than would be appropriate on this highly unusual and challenged site.



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

(Public Hearing 1, pg. 107-108, and Public Comment Letter 67, pg. 3, Karen Meara, 2/14/2018)

Page 3A-14. As to the derivation of the Village's PRD legislation, the Applicant cites Section 7-703-a of the Village Law – Incentive Zoning. However, such legislation was not enacted until 1992. The Village's PRD legislation was enacted prior to that time. Section 342-50 of the Village Code states that it was enacted pursuant to Former Village Law Section 7-725. Former Village Law Section 7-725 related to site plan approval. That subject is now covered by Village Law Section 7-725-a.

(Memo 1, pg. 4, Stuart Mesinger, Consultant to Planning Board, 5/14/2018)

Cluster developments are authorized by Village law "for the purpose of promoting environmental protection, open space preservation; [and] ... encouraging the most appropriate use of land; increasing recreational opportunities ... " It would be antithetical to this purpose to allow a developer to build a greater number of units than would otherwise be possible absent the application of the cluster provisions -thereby leading to LESS open space and greater impacts on the community than would occur without reliance on the cluster. That would be a ludicrous outcome. Therefore, one must look to see what could actually be built on the property as is -which was shown to be 21 units. Therefore, any cluster development should have no more than 21 units.

(Public Comment Letter 73, pg. 2, Randi Spatz, 4/3/2018)

The Planning Board can and should take actions to limit density on the property. If the Planning Board were to permit clustered development, the number of clustered units should be limited to the number of units that actually would be buildable under current law, which is a much lower number than the developer claims (more like 20 units rather than 100+ units).

(Public Comment Letter 131, pg. 1, Jenn Kronick and Jason Shapiro, 5/8/2018)

It's our understanding that both building proposals (condos and single-family homes) run counter to existing zoning laws and should, therefore, be rejected.

(Public Comment Letter 206, pg. 1, Catriona Runcie and Dimitri Sirota, 5/12/2018)

The delineation of the golf course is required for the determination of residential yield. A 65-acre area was assumed to be the acreage available for determining yield (102 acres minus 36 acres golf course). However, the area available for residential development, after subtracting for the golf course, is likely to be closer to 50 acres. A 105-unit residential yield cannot not be achieved based on a map developed



using the configuration and area available for residential development. A significantly lower number of units will be the maximum achievable on the property.

(Public Comment Letter 67, pg. 4, Lisa Liquori, 2/14/2018)

At the April 11 2018 hearing, the Applicant's representative asserted that the proposed Project is not subject to limitations imposed by New York State Village Law Section 7-738 enabling law governing cluster subdivisions and that, instead, density for the proposed development is to be determined solely in accordance with the Village's Planned Residential Development ("PRD") provisions. He went on to assert that the maximum number of PRD dwelling units that could be built was 205, nearly double what the Applicant claims could be built under conventional R-20 zoning on the same 94.5 acres. See DEIS at 4-2 (indicating that the R-20 zoning would, in the Applicant's view produce 106 conforming single-family homes). In short, the Applicant interprets the PRD provision to empower the Planning Board to effectively double a site's underlying density, an interpretation clearly at odds with the purpose of the PRD provisions, which is "to preserve open space, provide increased recreational opportunities" and "protect environmental values," all of which are compromised by the Applicant's distorted PRD interpretation.

(Public Comment Letter 179, pg. 1, Karen Meara, 5/10/2018)

#### **Response A.6:**

The Applicant is pursuing an approval for a special permit under the Village's §342-52 of the Village Code, for a Planned Residential Development, which is a use permitted within one-family residence districts in the Village of Mamaroneck. The Applicant's position is that the 105-unit density of the Proposed Action, as well as the 106-unit density of the No Fill Alternative, is permissible under both New York State and the Village of Mamaroneck law. The residential development would occur entirely within the Village's R-20 District and under the Village's Planned Residential Development regulations set forth in Section 342-52 of the Village Code. Under this Section of the Village Zoning Code, the maximum density of a Planned Unit Development is determined in two stages. First, the Planning Board must determine the lot count in accordance with the requirements of Village Code §342-52 by dividing the gross area of the subject parcel by the minimum lot size requirement of the zoning district in which it is located and then reducing that number to the extent that it determines that, because of environmental limitations, traffic access, the use and character of adjoining land or other planning considerations, the maximum permitted density would be inappropriate. Second, the Planning Board must determine the permissible lot count under Village Law §7-738 by determining the number which could be permitted, in its judgement, if the land were subdivided into lots conforming to the minimum lot size and density requirements of the zoning local law and conforming to all other applicable requirements. The maximum permissible lot count will be the lower of the two numbers. The Proposed



Action is consistent with the underlying R-20 zoning bulk regulations, including regulations for building height, the minimum required 30-foot side yard, 37.5-foot front yard, and 45-foot rear yard setbacks. In accordance with §342-35(E), no more than four dwelling units would be included in any one grouping of attached carriage homes.

It is the Applicant's opinion that the two-stage methodology for calculating the maximum permissible lot count set forth by the Village Attorney (and discussed above) is inconsistent with the express language of the Village Zoning Code, the New York State Village Law, the Final Scope for this EIS, as well as the opinion of the Village's expert planner. It is the Applicant's opinion that the maximum permissible lot count under Section 342-52 of the Village Code is 205 units – i.e. 94.5 acres (the gross area of the subject property) divided by 20,000 square feet (the minimum lot size requirement in the R-20 District).

As noted above, while the maximum permitted density at the Subject Property within the R-20 District is 205 units, the Planning Board is permitted to reduce the density where the Planning Board determines that "because of environmental limitations, traffic access, the use and character of adjoining land or other planning considerations, the maximum permitted density would be inappropriate." (See Village Zoning Code Section 342-52(C)). There is thus no formula in the zoning law for reducing permitted density under the RD and the Village Code contains a variance procedure under which development may be allowed in a floodplain).

The Applicant proposed a Planned Residential Development that it calculates to be 100 units less than the maximum permitted density, positing it would result in a development that would preserve and protect all of the key environmental features of the Project Site identified in the Village's Comprehensive Plan – i.e., the "100-year floodplain . . . several ponds and wetland systems and the club's proximity to the Long Island Sound." (Comprehensive Plan pg. 63). The Planning Board will evaluate in its Findings Statement whether this position is supported by the data and technical assessments contained in the EIS.

**Comment A.7:**

The property is currently zoned R20 which requires a minimum of 100 feet of street frontage on a public street for a subdivision to be legal. Given that virtually none of the property is located adjacent to a public street none of the applicants claims and calculations as to the number of "allowable" lots are accurate. The property in question is not adjacent to Hommocks Road as that is the Town of Mamaroneck and subject to Town Zoning. The applicant has no "as of right ability" to develop more than a handful of homes (maybe none) on the property - if their current lots adjoin a public street, which it appears is almost non-existent as Cove Road, Eagle Knolls are for the most part private roads. Secondly - the Village is under no obligation and is not required to accept road/streets from a



developer that would allow street frontage and a more dense development (i.e. more lots) than they would be currently entitled to build upon.

(Public Comment letter 255, pg. 1, John Hofstetter, 5/14/2018)

**Response A.7:**

The Village Zoning Code defines the term "frontage" as the "extent of a building or of land along a street." The Village Zoning Code defines the term "street" as "[a] way which is an existing state, county, town or Village highway or a way shown upon a subdivision plat approved by the Village Planning Board as provided by law or on a plat duly filed and recorded in the office of the County Clerk." (See Zoning Code Section 342-3). There is thus no requirement in the Zoning Code that frontage be provided solely along a "public" street. In addition, the Village's Planned Residential Development regulations permit the Planning Board to waive "all normally applicable lot area, width, frontage . . . requirements normally applicable in the zoning district(s) in which the property is located." Id. Section 342-52(G).

**Comment A.8:**

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.

(Public Hearing 1, pg. 139, Kelly Wenstrup, 2/14/2018)

**Response A.8:**

The Applicant submits that the Proposed Action, which includes 105 residential units, meets the requirements of the PRD and R-20 and does not require the Applicant to seek a variance from the Zoning Board of Appeals. The Applicant further submits that residential development use is consistent with the permitted uses in the R-20 District, as well as the pattern of development in the vicinity of the Project Site. Chapter 3A in the DEIS details the Applicant's arguments for how the Proposed Action meets the PRD and R-20 zoning regulations.

**Comment A.9:**

Table 3A-2, Bulk and Area Requirements, shows the Floor Area Ratio (FAR) for the R20 District as being 0.3. In 2016 the zoning ordinance was amended to a sliding scale where the FAR is based on the size of the lot. For lots over 20,000 SF, the FAR is 0.27 and the maximum gross floor area is 5,400 SF. Discuss compliance with these requirements.



(Memo 1, pg. 4, Stuart Mesinger, Consultant to Planning Board, 5/14/2018)

**Response A.9:**

Single-family homes would be approximately 5,000 square feet; carriage houses would range between approximately 2,000 and 4,100 square feet. Applying the most conservative calculation assuming all the townhouses are 4,100 square feet (61 x 4,100 square feet), and adding the single-family homes (44x 5,000 square feet) the, the FAR for the 94.5 acres of the Project Site is 0.11, well below any of the FAR maximums list in Section 342-27.1 of the Zoning Code. When the FAR is applied to only the residential portion of the project site, and using the above calculations, would be 0.41. Under Village Code § 342-52(G), Floor Area Ratio (FAR) restrictions apply except to the extent that they are waived by the Planning Board to the extent it determines necessary. The Project complies with the FAR restrictions when FAR is measured across the whole property. If FAR is measured only for the residential development, some FARs for individual lots exceed required maximums. Village Code § 342-3 defines FAR as "[t]he numerical value obtained by dividing the gross floor area, as defined in this Code, within a building or buildings on a lot by the area of the lot, excluding underwater lands." It defines "gross floor area" as "[t]he sum of gross horizontal areas of the several floors of the building or buildings on a lot, measured from the exterior faces of exterior walls or from the center line of party walls separating two buildings." Based upon this definition, FAR is determined on a lot-by-lot basis, not across the whole property, subject, again, to the Planning Board's authority to waive the FAR requirement to the extent it determines necessary. This may require the modification of some proposed lot lines during the subdivision review process or may limit the size of the residences that can be built on particular lots.

**Comment A.10:**

Summarize the proposed lot sizes for the single family and carriage home lots.

(Memo 1, pg. 4, Stuart Mesinger, Consultant to Planning Board, 5/14/2018)

**Response A.10:**

Figure 2 in Appendix C provides the lot sizes of each property. In general, the lot sizes range from 11,700 square feet to 22,000 square feet.

**3.0 Public Policy**

**Comment A.11:**





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.

(Public Hearing 1, pg. 44, and Public Comment Letter 67, pg. 1, Stephen Kass, 2/14/2018)

The Village Comprehensive Plans discusses the Hampshire site at length, identifying it as one of 7 Critical Environmental Areas in the Village, and presented a preferred alternative of rezoning it as Open/Recreation ... That is what should be done here. The open space/critical environmental area should be protected. The Comprehensive Plan goes on to say that if the property isn't rezoned as Open/Recreation Space, efforts should be undertaken to ensure that any possible development would have reduced density. This project does not do that.

(Public Comment Letter 73, pg. 2, Randi Spatz, 4/3/2018)

(Public Comment Letter 85, pg. 1, Patty Wolff, 4/11/2018)

(Public Comment Letter 98, pg. 1, David & Carla Henderson, 4/15/2018)

(Public Comment Letter 145, pg. 1, Beth Rudich, 5/10/2018)

(Public Comment Letter 210, pg. 1, Toni Pergola Ryan, 5/12/2018)

The LWRP identifies the Hampshire Country Club as one of the Village's seven Critical Environmental Areas located largely within a floodplain, and containing several small ponds, tidal and fresh water streams and wetlands in proximity to the Long Island Sound and Hommocks Conservation Area. The adopted LWRP and the draft 2016 update support the Comprehensive Plan recommendations for preserving the entire property and rezoning to a public recreation zone or a lower density residential zone to preserve the open space to the greatest extent possible. As mentioned, the Project does not comply with either of these recommendations.

(Public Hearing 1, pg. 63-64, and Public Comment Letter 67, pg. 6, Lisa Liquori, 2/14/2018)

(Public Hearing 1, pg. 122, and Public Comment Letter 67, pg. 2-3, Celia Felsher, 2/14/2018)

### **Response A.11:**

The 2012 Comprehensive Plan contemplates considering changing the Village's current R-20 zoning regulations by adopting various "more sensitive zoning" techniques. This included considering options permitting clustered residential redevelopment (suggesting, for example, downzoning the allowable density to an R-30 zone), as well as options requiring open space preservation. Although the Comprehensive Plan was adopted in 2012, no zoning options discussed in the Comprehensive Plan



were considered or implemented by the Village Board at the Project Site and therefore, the existing R-20 regulations continue to apply.

The Proposed Action would reflect some, but not all, of the zoning approaches identified in the 2012 Comprehensive Plan. The proposed 105 units would be “clustered” in a location on the PRD Parcel that would permit a total of 30.6 acres to be preserved as shared open space. In addition, 37.6 acres of the existing golf course would be maintained on the Project Site, contributing to the recreational/open space character of the area. Together, this amount of open space is greater than the amount of open space preservation contemplated for the Project Site under the residential rezoning options set forth in the Comprehensive Plan. It is less than would be present if the property were rezoned to Open Space/Recreation. The 105 units proposed is less than the maximum 137 units that the Applicant calculates would be permitted if this site were zoned R-30 (30,000 square feet per acre) and there were no reductions in permitted density under Village Code § 342-52(C). The Planning Board, however, can apply only the zoning law now in existence, not the zoning changes contemplated in the Comprehensive Plan.

**Comment A.12:**

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.

(Public Hearing 2, pg. 309, Kim Larsen, 4/11/2018)

(Public Hearing 2, pg. 392, Jen Kronik, 4/11/2018)

(Public Hearing 1, pg. 59-60, and Public Comment Letter 67, pg. 2, Lisa Liquori, 2/14/2018)

**Response A.12:**

The 105 units proposed are less than the 137 units that the Applicant calculates would be permitted if this site were zoned R-30 (30,000 square feet per acre) and there were no reductions in permitted density under Village Code § 342-52(C). The density is also less than the 85 units calculated by the Applicant for a conventional subdivision in Alternative D. The proposed 105 units would be “clustered” in a location on the PRD Parcel that would permit a total of 30.6 acres to be preserved as shared open



space. In addition, 37.6 acres of the existing golf course would be maintained on the Project Site, contributing to the recreational/open space character of the area. Together, this amount of open space is greater than the amount of open space preservation contemplated for the Project Site under the residential rezoning options set forth in the Comprehensive Plan. It is less than would be preserved if the property were rezoned to Open Space/Recreation. The PRD clustered development layout would permit the Applicant to preserve all wetlands and ponds identified in the Comprehensive Plan as contributing to the environmental significance of the Project Site.

**Comment A.13:**

The draft LWRP states that “the zoning changes discussed in the 2012 Comprehensive Plan to preserve Hampshire and better reflect the use of Village parks and open space would be consistent with the goals and objectives articulated in policies presented in this LWRP.” The EIS should explain that the Proposed Action does not involve a zoning change discussed in the Comprehensive Plan and that the Comprehensive Plan does not address the Applicant’s PRD application.

(Memo 1, pg. 4, Stuart Mesinger, Consultant to Planning Board, 5/14/2018)

**Response A.13:**

Comment noted.

The 2012 Comprehensive Plan suggests considering applying “more sensitive zoning” techniques to the golf course to “better preserve Hampshire Country Club in the future.” The suggested options to consider included increasing the minimum lot size to 30,000 sf lots (R-30), “cluster development,” as well as options requiring open space preservation.

The Proposed Action would reflect some, but not all of the zoning approaches identified in the 2012 Comprehensive Plan. The proposed 105 units would be “clustered” in a location on the PRD Parcel that would permit a total of 30.6 acres to be preserved as shared open space. In addition, 37.6 acres of the existing golf course would be maintained on the Project Site, contributing to the recreational/open space character of the area. Together, this amount of open space is greater than the amount of open space preservation contemplated for the Project Site under the residential rezoning options set forth in the Comprehensive Plan. It is less than would be preserved if it were rezoned to Open Space/Recreation.

The clustered development layout would also permit the Applicant to preserve all wetlands and ponds identified in the Comprehensive Plan as contributing to the environmental significance of the Project Site.



**Comment A.14:**

Page 3A-20. Last paragraph, mid-way. Close parens.

(Memo 1, pg. 4, Stuart Mesinger, Consultant to Planning Board, 5/14/2018)

**Response A.14:**

Page 3A-20. Last paragraph, mid-way should read "(i.e., minimum 30,000 square foot lots)".

**Comment A.15:**

The statement that 36 acres of natural area will be preserved is at best misleading, since only 8.8 acres of natural areas currently exist there. A more precise description of the proposed action would be the creation (and preservation) of three separate open space areas that each have water features, natural areas, and golf fairways and greens. These areas are not interconnected in an ecologically significant way. The mandate of Policy #7a to "maintain their (i.e. Hommocks marshlands & Delancey Cove) viability as habitats" would be better served if the proposed 36 acres of natural areas and the 36.8 acres of golf course could be contiguous and bunched together near the Hommocks saltmarshes without a road intersecting them. The proposed action is not fully compliant with this policy.

(Public Comment Letter 1, pg. 4, Sven Hoeger, Environmental Consultant to the HCZMC, 1/12/2018)

**Response A.15:**

Policy 7A of the LWRP states "the following areas are specifically identified as significant fish and wildlife habitats; and they will be protected, preserved, and where practical, restored so as to maintain their viability as habitats". The golf course and open space areas are contiguous and encircle the development (see Figure 5 in Appendix C). The Applicant submits that the proposed configuration is as practical as it is possible to make it given the requirements for laying out the golf course. The Applicant believes that, as discussed in Section III.3.J, Vegetation and Wildlife, the golf course and open space areas would continue to function ecologically as one comprised of landscaped habitats with trees interspersed with surface waters and wetlands, similar to the existing conditions on the Project Site. Commenters argue that the open space areas are small and disconnected from one another by the golf course, thus limiting their ecological value. The Applicant argues that the Proposed Action would improve plant and wildlife habitat quality despite the separate open spaces due to the installation of the proposed native plant wetland buffers. The development of the road from Cooper Avenue is necessary for the future residents and emergency vehicles to enter and exit the site for emergency purposes only. This road would not interfere with the ecological functioning of the open space, for example as a signaling site for migratory birds. The open space would be kept in a natural state that would allow for the free movement of its inhabitants. The impact on habitat value of the



separation of open space areas from one another by the golf course is unknown, but the Applicant asserts it is likely that the proposed open space configuration has less habitat value than if it were consolidated into a single area of open space adjacent to the Hommocks Salt Marsh Complex. Note, however, there is no evidence in the record pro or con regarding this assertion. New landscaping would be planted in the open space to provide improved natural habitat and opportunities for passive recreation for all project residents (See Figure 6 in Appendix C and Appendix AA). The Proposed Action would have no direct impacts (e.g., filling, draining, clearing of vegetation, etc.) to the wetlands at the Project Site. Further, while some of the golf holes would be maintained along the perimeter of the Project Site, no development or ground disturbance from the proposed residential buildings or tennis courts would occur within a minimum of 100 feet of the wetlands at the Project Site. Finally, the Applicant asserts that Proposed Action would not interfere with the Hommocks Salt Marsh Complex or Delancey Cove habitats. The proposed drainage system for the Project Site is designed to treat water runoff to provide water quality control, which would improve the water quality of the stormwater being discharged into these areas.

**Comment A.16:**

Policy #36. Activities to the shipment and storage of petroleum and other hazardous materials will be conducted in a manner that will prevent or at least minimize spills into coastal waters; all practicable efforts will be undertaken to expedite the cleanup of such discharges; and restitution for damages will be required when these spills occur. Commentary: Chapter IX of the Preliminary SWPPP details a Spill Prevention and Response plan for contractors during construction to be used in case of fuel oil, lubricants or hydraulic oils that could be conveyed into the Hommocks marshlands or Delancey Cove by way of the stormwater discharge systems. Additional permanent measures to prevent similar escapes of heating oils from the proposed development during storm events should be proposed. The DEIS does not cover this issue sufficiently to satisfy this policy.

(Public Comment Letter 1, pg. 6, Sven Hoeger, Environmental Consultant to the HCZMC, 1/12/2018)

**Response A.16:**

The final utility designs for the residential houses would not include the use of heating oil. Consolidated Edison recently imposed a moratorium on new gas service in southern and central Westchester County starting March 15, 2019. The moratorium has been put into place to address limitations in available supply resulting from delays in the construction of additional regional supply mains.

The Proposed Action currently contemplates gas service for heating, cooking and drying of laundry. If the moratorium is not resolved before the Proposed Action moves into construction, alternative fuel



sources would need to be provided. For Westchester County this is not an unusual case. There are many areas within County where natural gas is not available.

Alternative energy sources for heating, cooking and drying include propane, oil and electric. Each residence with the Proposed Action already contemplates service by electric for lighting and electrical appliances. To provide additional electrical service for heating, cooking and drying would require a minor increase in service to each structure. The Proposed Action already contemplates electrical service conduit being extended above the flood elevation to maintain service during flood events.

Propane and oil are provided by truck using individual storage tanks at each residence. While the exact location of propane and/or oil tanks, if required, has not been determined, all such tanks would be required to comply with the Village's floodplain regulations as well as building code requirements. Oil tanks can be placed in the garage or utility room above the flood elevation while propane tanks can be buried outside the residence using a buried foundation or anchoring to resist buoyancy during flood events.

Therefore, even though the gas moratorium removes a source of potential energy from the project, it does not impact the feasibility of the project. The Proposed Action can be built as proposed without gas service.

**Comment A.17:**

Policy #44. Preserve and protect tidal and freshwater wetlands and preserve the benefits derived from these areas. Commentary: The applicant can do more to comply with the spirit and intent of this policy. While the DEIS addresses the special status of the site as a Critical Environmental Area, the proposed set-asides and landscaping plans leave ample room for improvement. The Hampshire Country Club does not only serve as a freshwater drainage for the Hommocks marshlands and Delancey Cove, but also as an important signaling site for migratory birds that "here" is a safe habitat that can serve them as a stop-over point for resting and feeding during their migration. It is the contiguous size of the 106 acres of open space in conjunction with the Hommocks marshlands that signals that message to migratory birds. A reduction of the site by 29 acres required for the proposed development alone would not be such a large loss of habitat, but the siting of the development smack in the middle of the property does render it no longer as effective as a signaling site for migratory birds. The proposed siting of the development further splits the existing and proposed natural areas and open space into three ecologically isolated pockets - which changes the character of the site dramatically.

(Public Comment Letter 1, pg. 7, Sven Hoeger, Environmental Consultant to the HCZMC, 1/12/2018)

**Response A.17:**



The Proposed Action would have no direct impacts (e.g., filling, draining, clearing of vegetation, etc.) or indirect impacts to the wetlands at the Project Site. While some of the golf holes would be maintained along the perimeter of the Project Site, no development or ground disturbance from the proposed residential buildings or tennis courts would occur within a minimum of 100 feet of the wetlands at the Project Site. As detailed in Chapter 3F of the DEIS, the proposed drainage system is designed to capture any sediment and mitigate any increased turbidity that may result from the Proposed Action. As a result of implementation, it is expected that there would be no significant water quality impacts on receiving wetlands. The site plan was designed to keep the golf course and open space areas as contiguous as possible, as well as avoid any impacts to the wetlands (see Figure 5 in Appendix C). In addition, all permits required from the Army Corp of Engineers would be received prior to any commencement of construction (see Response E.1).

The Proposed Action would result in conversion of 29.5 acres of the Project Site to residential development. As this comment acknowledges, the remainder of the 106-acre Project Site would be comprised of vegetated communities and surface waters/wetlands, including the downsized nine-hole golf course, 30.6 acres of vegetated open space and the existing ponds and wetlands, which would be enhanced with vegetated native plant buffers. The 432 trees proposed to be removed would be replaced with in-kind species, which would grow to a mature size akin to existing conditions over time.

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The remaining open space areas of the site would continue to function ecologically as a comprised of landscaped habitats with trees interspersed with surface waters and wetlands, and separated by portions of the members only golf course and the residential area, similar to the existing conditions described above. As such, a similar plant and wildlife species assemblage is expected to inhabit the Project site following implementation of the Proposed Action, with significant improvements to plant and wildlife habitat quality anticipated due to installation of the proposed native plant wetland buffers.

The Proposed Action would result in the removal of 432 mostly mature existing trees and replacement with 432 new trees. The removal of existing trees would result in displacement of individuals from certain wildlife groups, primarily songbirds and other avian species that use the trees for nesting, foraging and/or perching, as well as several small mammal species. It is likely unknowable whether a conversion of a portion of the site to residential use would result in less, or no, use of the site by migratory birds after the replacement trees have grown to maturity. The Applicant would avoid cutting of trees from April 15th through July 31st to avoid direct take of migratory birds.

**Comment A.18:**

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



Policy #7 Significant coastal fish and wildlife habitats, as identified on the N.Y. Coastal Area Map (when finalized), shall be protected, preserved, and where practical, restored so as to maintain their viability as habitats. Commentary: This policy does not apply.

Policy #8. Protect fish and wildlife resources in the coastal area from the introduction of hazardous wastes and other pollutants which bioaccumulate in the food chain or which cause significant sublethal or lethal effect on those resources. Commentary: This policy applies and the plans are in compliance.

Policy # 9. Expand recreational use of fish and wildlife resources in coastal areas by increasing access to existing resources, supplementing existing stocks and developing new resources. Such efforts shall be made in a manner which ensures the protection of renewable fish and wildlife resources and considers other activities dependent on them. Commentary: This policy does not apply.

Policy # 10. Further develop commercial finfish, shellfish and crustacean resources in the coastal area. Commentary: This policy does not apply.

Policy # 11. Buildings and other structures will be sited in the coastal area so as to minimize damage to property and the endangering of human lives caused by flooding. Commentary: The DEIS clearly states that the flooding risk has been taken into consideration and that significant amounts of soil will be imported into the site to raise buildings a minimum of 2 feet above the flood plain. Unless deemed otherwise by the Village Engineer the plans presented in the DEIS are in compliance with this policy.

Policy # 12. Activities or development in the coastal area will be undertaken so as to minimize damage to natural resources and property from flooding and erosion by protecting natural protective features. Commentary: This policy does not apply

Policy # 13. The construction or reconstruction of erosion protection structures shall be undertaken only if they have a reasonable probability of controlling erosion for at least thirty years. Commentary: This policy does not apply.

Policy # 14. Activities and development, including the construction or reconstruction of erosion protection structures, shall be undertaken so that there will be no measurable increase in erosion or flooding at the site of such activities or development or at other locations. Commentary: This policy is covered by the SWPPP, which will be reviewed by the Village Engineer.

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





floodproofing of buildings or their elevation above the base flood level. Commentary: This policy does not apply

Policy #30. Municipal, industrial, and commercial discharge of pollutants, including but not limited to toxic and hazardous substances, into coastal waters will conform to State and National water quality standards. Commentary: The plans presented in the DEIS are in compliance with this policy.

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

Policy # 32. Not applicable

Policy # 33. Best Management practices will be used to ensure the control of stormwater runoff and combined sewer overflows draining into coastal waters. Commentary: Unless deemed otherwise by the Village Engineer the plans presented in the DEIS are in compliance with this policy.

Policy #34. Discharge of waste materials from vessels into coastal waters will be limited so as to protect significant fish and wildlife habitats, recreational areas and water supply areas. Commentary: This policy does not apply.

Policy #35. Dredging and dredge spoil disposal in coastal waters will be undertaken in a manner that meets existing State and Federal dredging permit requirements, and protects significant fish and wildlife habitats, scenic resources, natural protective features, important agricultural lands, and wetlands. Commentary: This policy does not apply.

Policy #37. Best management practices will be utilized to minimize the nonpoint discharge of excess nutrients, organics, and eroded soil into coastal waters. Commentary: The DEIS refers to maintaining an existing system of ponds and ditches that will be augmented with additional infiltration and bioretention basins as permanent Best Management Practices (BMPs) for erosion and sediment control. In addition, the Preliminary SWPPP addresses temporary BMPs to be installed for the duration of construction until all permanent controls are in place and fully functional. Unless deemed otherwise by the Village Engineer the plans presented in the DEIS are in compliance with this policy.

Policy #38. The quality and quantity of surface water and groundwater supplies will be conserved and protected, particularly where such waters constitute the primary or sole source of water supply. Commentary: All existing aquatic features and drainage systems will be retained and additional stormwater quantity and quality controls for runoff from new impervious surfaces will be installed in accordance with all local and state regulations. The Village Engineer will comment on these features



in more detail. Unless deemed otherwise by the Village Engineer the plans presented in the DEIS are in compliance with this policy.

Policy #39. The transport, storage treatment and disposal of solid wastes, particularly hazardous wastes, within coastal areas will be conducted in such a manner so as to protect groundwater and surface water supplies, significant fish and wildlife habitats, recreation areas, important agricultural land and scenic resources. Commentary: This policy does not apply

Policies # 40 - #43. Not applicable

(Public Comment Letter 1, pgs. 4-7, Sven Hoeger, Environmental Consultant to the HCZMC, 1/12/2018)

**Response A.18:**

Comment noted. It is further noted that the Harbor and Coastal Zone Commission (HCZC) is responsible for determining compliance with the Village's LWRP and will either adopt the Planning Board's Findings or issue its own.

**Comment A.19:**

Under the proposal, the unique bucolic, scenic, open space and water views afforded by the existing roads will be lost and replaced by roadways framed with houses. The new road configuration will no longer connect in any direct way to the part of Cove Road offering water views and passive waterfront recreation opportunities. As noted in the LWRP Update, "In the years since the original LWRP was enacted there has been an increased interest in passive waterfront recreation including but not limited to: kayaking, bird watching, canoeing, wind surfing, paddle boarding and fishing." The development will physically block the existing access and frustrate the potential to increase passive waterfront access and recreation in the future. In short, the project is not consistent with LWRP Policies 9, 19 and 20.

(Public Comment Letter 67, pg. 7, Lisa Liquori, 2/14/2018)

**Response A.19**

The portion of the roadways that are currently being proposed to be realigned are private roads. No public water views would be replaced or lost from the proposed development. The Project Site is currently private recreation and the Proposed Action would continue to provide opportunities for private recreation. No existing public coastal access would be blocked nor would any existing water-related public recreational resources or facilities be affected by the Proposed Action.

**Comment A.20:**



LWRP Policies 24 and 25 recognize the scenic values of the coast and recommends protection of these significant resources. Views both from and to the water and open space areas and within neighborhoods are to be considered and impairment of these scenic resources should be prevented. (1) As the largest tract of recreation and open space remaining in the Village, with an open green rolling landscape, dramatic rock outcroppings, stands of mature trees, wetlands and ponds, Hampshire Golf Course has scenic qualities of local significance and interest. The earthmoving, digging, regrading and filling will irreversibly modify the unique geologic character. The destruction and removal of 432 mature trees will impair the scenic resources. The amount of open space will be reduced and without a viable golf course, the maintenance of the landscape will likely be compromised. (2) The PDEIS analysis acknowledges but dismisses the importance of the project's visual impacts to scenic resources in local neighborhoods and views available from public roads and private properties surrounding the site including those from Hommocks Rd. Eagle Knolls Road, Cove Road, Fairway Green, and the dead ends of Protano Lane, Sylvan Lane, Fairway Lane, and a portion of Delancey Cove and Greacen Point Roads. (3) In addition to the impacts noted, protecting the open space and scenic beauty of the site encompasses more than just viewing the property from a few points along the perimeter of the property.

(Public Comment Letter 67, pg. 7-8, Lisa Liquori, 2/14/2018)

**Response A.20:**

The current LWRP states Policy 24 is not applicable to the Village of Mamaroneck. Policy 25 states "prevent impairment of scenic resources to statewide or local significance". The explanation of Policy 25 acknowledges that there are no statewide scenic resources in the Village and the Harbor Island Park along with Long Island Sound were identified as the local scenic resource of significance. The Proposed Action would not involve any change to the shoreline of the Long Island Sound nor would it be visible from the Sound. The Hampshire County Club is not identified with either of these policies and therefore they are not applicable to the Proposed Project.

**Comment A.21:**

Policy 5 encourages locating development in areas where there is adequate public services and facilities essential to serve development. Due to the fact that most of the Village is already developed, Policy 5 cautions that re-development, particularly proposals that increase the density of use, will be the most challenging, a statement fitting to the re-development of the Hampshire Golf Course. (5) Policy 5 expresses concern with the age, condition and capacity of existing infrastructure, including the sewage treatment system in the Village. However, capacity of the 10" main, the capacity of Westchester County's pump station further downstream, and conditions of the existing piping need to be investigated as part of the PDEIS and LWRP consistency review process in order to determine



whether utilities are adequate to serve additional flow from the proposed development. (6) Another concern expressed in LWRP Policy 5 is the impact from new development on the existing narrow streets in the Village. Truck traffic and increased vehicular movement can create bottlenecks and unacceptable conditions.

(Public Comment Letter 67, pg. 9-10, Lisa Liquori, 2/14/2018)

**Response A.21:**

As documented in the DEIS Chapters 3H and 3I and FEIS Sections 3.H and 3.I, utility services are currently available and sufficient capacity exists to support the Proposed Project. The current LWRP policy 5 explanation states "located 23 miles from New York City, Mamaroneck is a suburban village where almost all land has been fully developed. In addition, infrastructure facilities and public services are generally adequate".

**Comment A.22:**

We recommend that any development of this size and scope be considered in conjunction with the Comprehensive Plan Update plus new chapter on sustainability and mobility that's in progress, particularly considering the Village of Mamaroneck's goal and prioritization of more complete streets, walkability and bicycling.

(Public Comment Letter 68, pg. 1, Abby Roberts, Board of Traffic Commissioners Chair, 3/29/2018)

**Response A.22:**

The update to the existing Comprehensive Plan is in the beginning stages. The Planning Board cannot delay its review of this application while the Comprehensive Plan is being updated. The Proposed Project would include the addition of sidewalks along Cove Road, where there currently are none and the roadways would be wide enough to accommodate all modes of transportation including bicycles.

**Comment A.23:**

The DEIS Appendix addressing LWRP does not contain an in-depth analysis of how the proposed project complies with applicable policies. Each applicable policy should be fully addressed. The Coastal Assessment Form should be reviewed, updated and/or corrected.

(Public Comment Letter 106, pg. 3, Cindy Goldstein, Chair - HCZMC, 4/23/2018)

**Response A.23:**

Appendix E in the DEIS lists each LWRP policy from the current LWRP and the 2016 updates. A discussion of how each policy in comparison to the Proposed Action is located in this appendix. In



addition, specific DEIS Chapters are identified where more details on a policy issue can be found in the DEIS.

**Comment A.24:**

The site contains large elevation changes ranging from ½ foot to 30 feet above sea level and areas of steep slopes ranging between 15% and 25%. According to the LWRP Update: "Sloping topography typically has a greater propensity to erode and recommendations in our Comprehensive Plan include that steep slopes should be added as development constraints for the Planning Board to consider under the Village's site plan and subdivision controls." The project design does not attempt to preserve or avoid these areas, but proposes extensive earthmoving, cut and fill regardless of steep slopes for the residential development portion of the property.

(Public Comment Letter 67, pg. 4-5, Lisa Liquori, 2/14/2018)

**Response A.24:**

As provided in the DEIS Chapter 3C Geology, the steep slopes found on the Project Site are clustered in the center of the golf course, southwest of the homes along Fairway Lane, and surrounding the accessory building and pool area of the Clubhouse down to the Long Island Sound and to Cove Road. The steep slopes located in the middle of the golf course (see Exhibit 3C-3 of the DEIS) would be affected by the proposed development because they would be regraded as part of the development platform. Such regrading would be subject to an erosion and sediment control plan which is intended to prevent erosion and sedimentation.

## **B. Community Character and Visual Impacts**

**Comment B.1:**



The applicant's analysis demonstrates that there will be some impacts to the scenic quality from some public roads and private property surrounding the site. But protecting the open space and scenic quality of the site encompasses more than viewing the property from some points along the perimeter of the property. Under existing conditions, the private roads provide scenic open space and passive waterfront recreational opportunities. People walk, jog, bike, drive through the property and experience remarkable open space landscape with views across ponds and wetlands and over towards Delancey Cove. Now, portions of Eagle Knolls and Cove Roads are proposed for relocation, and that will eliminate many of the existing scenic and waterfront and access opportunities.

(Public Hearing 1, pg. 64, and Public Comment Letter 67, pg. 8, Lisa Liquori, 2/14/2018)

**Response B.1:**

The methodology used for the analysis of community character and visual resources was established and executed in consultation with the Village of Mamaroneck as set forth in the adopted SEQRA Scope. The DEIS provides an assessment of the visual character of the Project Site, including from the private roads within the Project Site, and notes on page 3B-6 that the visual character of the Project Site would be altered by adding a residential use to the current private recreational and associated open spaces at the Project Site. The residential development would be consistent with the single-family and multi-family residential uses in the surrounding Orienta neighborhood. In addition, 30.6 acres of shared open space would be maintained on the Project Site, as would nine holes of the existing members only golf course. This open and recreational space would serve as a visual buffer, and would minimize any potential impact on visual character. Current views across existing ponds and wetlands would be maintained for members of the public who walk, jog, bike or drive in the neighborhood, specifically from portions of Hommocks Road, Eagle Knolls Road, Cove Road, and Fairway Green. The private roadways within the Project Site do not provide waterfront access opportunities, as suggested in this comment, and therefore the proposed project would not eliminate these opportunities.

**Comment B.2:**

Visibility Test Photographs. Location 1. "Addition" should be replaced with "Additional".

(Memo 1, pg. 4, Stuart Mesinger, Consultant to Planning Board, 5/14/2018)

**Response B.2:**

Comment noted. The DEIS should state "additional" instead of "addition" in Exhibit 3B-5, Visibility Test Photographs.



**Comment B.3:**

Page 3B-2. Fairway Green is located between Old Post Road and the project, not between Hommocks Road and Orienta Avenue.

(Memo 1, pg. 4, Stuart Mesinger, Consultant to Planning Board, 5/14/2018)

**Response B.3:**

Comment noted. The DEIS should state that the Fairway Green development is located between Old Post Road and the Project Site.

**Comment B.4:**

Post Lane was not considered as part of Hampshire's "overlook" study, but would be hugely impacted as it's right next to Cooper so any road would go right by all the residents.

(Public Comment Letter 37, pg. 1, Abby Roberts, Board of Traffic Commissioners Chair, 2/14/2018)

**Response B.4:**

The methodology used for the analysis of community character and visual resources was established and executed in consultation with the Village of Mamaroneck, as set forth in the adopted SEQRA Scope. Though Post Lane was not included as a specially tested viewpoint for the balloon test, the potential visual impacts of the Proposed Action on Post Lane were considered as part of the overall community character and visual resources analysis. As shown in Exhibit 3B-2 in the DEIS, certain residences along Post Lane are included in the area of general visibility to the Project Site, which was determined based on the results of the GIS visibility analysis, balloon test, and site visit. As shown in Figure 6 in Appendix C, trees planted in association with the Proposed Action would provide screening from Post Lane, minimizing any visual impacts identified.

**Comment B.5:**

The dense development plan threatens the very character of the surrounding Orienta area and sets a bad precedent for other similar neighborhoods.

(Public Comment Letter 154, pg. 1, Andrea J. Grant, 5/11/2018)

**Response B.5:**

The Proposed Action would add a residential use to the Project Site. As stated in the DEIS on page 3B-6, the proposed residential development would be consistent with the character of its immediate



surroundings within the Orienta neighborhood, incorporating single family homes similar in style to those along Orienta Avenue or Cove Road and attached two- and three-family carriage homes, similar in makeup to those within the Fairway Green development. The Proposed Action would also preserve a significant portion of the Project Site, including 30.6 acres of shared open space and 37.6 acres of recreational space (i.e., the nine holes of the existing members only golf course). The Proposed Action would result in lot sizes of 11,000 to 22,000 square feet, which are similar in size to those for single family houses in the surrounding neighborhoods.





## **C. Geology – Soils, Topography, and Steep Slopes**

### **Comment C.1:**

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.

(Public Comment Letter 67, pg. 1 and Public Hearing 1, pg. 44, Stephen Kass, 2/14/2018)

### **Response C.1:**

A more detailed breakdown of the cut and fill has been provided by the Applicant and is included in Figure 8 in Appendix C. The Applicant's updated evaluation concludes that the project would require 81,805 cubic yards of fill. The Applicant states that balance of the soil required to construct the development platform would come from on-site. Commenters submitted an evaluation suggesting substantially more soil would be required to be imported. The Planning Board may require that soil import be limited to the quantity stated by the Applicant to be required. Figure 8 also provides breakdowns of other structural materials to be imported for road construction, foundation construction and surface treatments for the project. In addition, the New York State Department of Environmental Conservation (NYSDEC) has confirmed that the Applicant's plan to reuse a substantial amount of fill from on-site sources (see Appendix L) would be an acceptable method of reducing the amount of imported fill necessary to construct the Proposed Action.

### **Comment C.2:**

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

So, similarly, the no fill alternative, that's Alternative F, it might best be characterized as some fill alternative, because our findings indicate there's about 20,000 cubic yards needed for the, quote-unquote, no fill alternative.

(Public Hearing 1, pg. 69-70 and Public Comment Letter 67, pg. 4, Neil Porto, 2/14/2018)

### **Response C.2:**

The Applicant believes that commentor's estimates of imported fill are based upon the assumption that on-site excavated material cannot be reused on-site. The commentor, a professional engineer,



has stated that its estimate is based on 100% re-use of materials on the site and that therefore additional fill would need to be imported. If this was the case there would be substantially more truck traffic than analyzed in this FEIS. The Planning Board's engineering consultant agrees with the Applicant's estimates. The NYSDEC has confirmed (Appendix L), the Applicant would be able to reuse excavated material on-site as fill. The Applicant has submitted Figure 8 in Appendix C as demonstration that the amount of imported fill necessary to construct the Proposed Action is 81,805 cubic yards. The Planning Board's consultant agrees with this figure.

**Comment C.3:**

There are peat layers on site specifically identified with a -- with a few samples that were collected along the eastern side of the property, a little bit in the central portion. As you know, the presence of peat may generate methane gas. There's no testing or indication that methane could be an issue...If found present, any natural migration of methane could result in the possible accumulation of it over time directly beneath the newly-placed cap within the reworked soil platform. Such a condition, could, in turn, provide a further threat of soil vapor intrusion into the newly-built homes.

(Public Hearing 1, pg. 88, 2/14/2018 and Public Comment Letter 67, pg. 7, Charles Rich, 3/19/2018)

**Response C.3:**

The fibrous peat was deposited as part the former coastal marshland and streams that formed the low-lying eastern and western areas of the Project Site prior to development of the golf course in the late-1920s. The Applicant reports that throughout the Project Site's use as a golf course, there have been no reports of methane gas releases.

There would be little disturbance within the areas of the Project Site where peat deposits are present. Nine of the existing golf holes would be maintained along the perimeter of the Proposed Residential Development where most of the peat deposits were encountered. Also, wetland regulations require that no development or ground disturbance from the proposed residential buildings would occur in existing wetlands or wetland buffers. Since there would be no disturbance in these areas, methane gas in the peat layer would not be released during construction. The Proposed Residential Development would also be built up above the existing ground surface in most areas, which would further limit the amount of peat deposits that could potentially be exposed by the construction.

Although the peat contains significant amounts of organic carbon, not all soil organic matter is broken down by micro-organisms to generate methane, and some is relatively inert. The most rapid rate of methane generation comes from the breakdown fresh residues such as plant roots and living organisms (< than 5 years), while resistant residues which are physically or chemically protected are slower to breakdown (20-40 years). Inert carbon is largely unavailable to microorganisms and is



associated with highly weathered soils and historical burning. By contrast, the bio-available (fresh) carbon is primarily influenced by "new" organic matter (originating from plants and/or animals) contribute more to methane generation. Since no new organic matter is being added to these peat/marsh areas (they have been buried over 80 years) the amount of methane generation is expected to be minimal, if at all.

**Comment C.4:**

So if you have these massive berms that are going to be graded for the homes or for the roads, which are going to be necessary, you're going to have to, number one, deal with where does all the excess runoff go when this is what it looks like currently, and how do you deal with the constant erosion that you're going to have of the berms as the water is coming across and now hitting what was Eagle Knolls Road and is instead going to be the base of one of the big berms, or the water runoff is that -- is going to continue the erosion.

(Public Hearing 2, pg. 353-354, Celia Felsher, 4/11/2018)

**Response C.4:**

The Applicant's plan is for soil excavation and placement to be performed in maximum five-acre phases deploying phase specific soil erosion and sediment control measures for each step. Placed soil would be stabilized with vegetative cover before moving to the next phase. This would minimize the extent of soil exposed at any given time and provide an area that can be easily managed. All stockpiles would be managed in accordance with NYSDEC guidelines and would be inspected by a NYSDEC certified inspection weekly through the course of construction to verify compliance with NYSDEC standards. Requirements are included in the Preliminary Stormwater Pollution Prevention Plan included as Appendix H to the DEIS and an updated SWPPP can be found in Appendix M of the FEIS.

Note also that the development platform is outside of the area of wave action as defined on the FEMA mapping for the site. A figure from FEMA showing the wave action is attached as Figure 19 in FEIS Appendix C.

**Comment C.5:**

Tonight, they said they were going to use four feet of cover, and I believe that -- as Ms. Felsher indicated, that the DEIS indicated two feet. That may have a bearing on the cut and fill, and it may have a bearing on other parts of the project.

(Public Hearing 2, pg. 374, Stephen Kass, 4/11/2018)

(Public Comment 179, pg. 2, Neil Porto, 5/10/2018)



(Public Comment 179, pg. 2, Charles Rich, 5/10/2018)

**Response C.5:**

The Applicant proposes to provide additional cover, doubling the previously proposed recommendation of 2 feet, to provide extra coverage to reduce concerns of adjacent property owners. The Applicant's calculations support the statement that this does not impact any of the Applicant's provided cut and fill numbers.

**Comment C.6:**

Basically, just you sloping down the earth or you have retaining walls?

(Public Hearing 2, pg. 403, Lou Mendes, 4/11/2018)

**Response C.6:**

There are no retaining walls proposed for the project. The sides of the development platform are gently sloped at a maximum 3 feet horizontal to 1 foot vertical slope. This slope allows easy mowing and maintenance of the slope and can be walked on by residents. An illustrative cross section presenting the proposed slopes is attached as Figure 9 in Appendix C. As the cross section illustrates, the 3:1 gentle slope would not result in steep changes in topography that would significantly accelerate the rate of runoff, or otherwise create erosion impacts.

**Comment C.7:**

Page 3C-1. Table 3C-1: Hydric class (percentage) of each soil should be reported.

(Memo 1, pg. 4, Stuart Mesinger, Consultant to Planning Board, 5/14/2018)

**Response C.7:**

**Revised Table 3C-1 Proposed Project Site Soils**

Map Unit Symbol	Map Unit Name	Acres of Project Site	Percent of Project Site	Hydric Percent of Map Unit
CrC	Charlton-Chatfield complex, rolling, very rocky	7.7	7.2%	5
CtC	Chatfield-Hollis-Rock outcrop complex, rolling	24.1	22.5%	1
Uc	Udorthents, wet substratum	62.6	58.4%	6
Uf	Urban land	0.0	0.0%	0



UIC	Urban land-Charlton-Chatfield complex, rolling, very rocky	11.9	11.1%	3
W	Water	0.9	0.8%	
<b>Totals for Area of Interest</b>		<b>107.2</b>	<b>100.0%</b>	

*Source: USDA 2016 Soil Survey, 1025 Cove Road, Mamaroneck, NY and USDA Hydric Soils Report*

**Comment C.8:**

Exhibit 3C-3, Steep slopes illustrates a new road exiting to the northeast corner of the site in an area of steep slopes over 25% and of 15% to 25% slopes. This does not appear to be discussed in the document as an impact. How will this road be constructed; will retaining walls be needed? What is the slope of this roadway? There was no geotechnical testing in this area based on the map. Will blasting be needed here?

(Memo 1, pg. 5, Stuart Mesinger, Consultant to Planning Board, 5/14/2018)

**Response C.8:**

The Cooper Avenue extension would not require retaining walls to be constructed. Grassed slopes would be graded on either side of the road to a maximum of 3 feet horizontal to 1 foot vertical. All grading would be confined to the Project Site. Blasting is not anticipated for this work. Bedrock was cored as part of the geological investigation and was identified as slightly fractured and moderately weathered Gneiss. This description indicates a competent bedrock which would require blasting or mechanical removal. Additional testing is not required at this time.

The road would be constructed of soil fill from either on site or off-site sources. The soil would be placed based on the recommendations of the project geotechnical engineer based on soil testing performed on specific sources during construction. The extension of Copper Road in this area would slope down gently at 4% from the on-site road elevation of 14 to the existing elevation of Cooper Road at the property line at elevation 13.

**Comment C.9:**

The cut and fill plan provided at Exhibit 2-13 provides the amount of cut and fill but it does not provide the depth of the proposed cuts. A more detailed cut and fill plan should be provided showing areas of cut and fill by two-foot contour intervals in order that cuts can be evaluated in relation to groundwater levels. Page 3C-5 indicates there will be cuts of up to 5-6'. The cut and fill plan should be related to groundwater levels and a discussion provided of how groundwater, when encountered, will be managed. DEIS page 3D-1 indicates that groundwater depth averages 1.2' below the surface across 60% of the site and groundwater is found at a depth of 0.5'-1.4' in one monitoring well. Page 3D-1 states that groundwater will not be encountered during construction; however, Appendix G, the



Preliminary Geotechnical Report, acknowledges that groundwater will be encountered during construction (groundwater is at 1.6' below grade in at least one location where cut is proposed). We recommend that additional borings be conducted as part of the EIS process to more completely characterize the site and evaluate groundwater levels.

(Memo 1, pg. 5, Stuart Mesinger, Consultant to Planning Board, 5/14/2018)

**Response C.9:**

The Applicant has provided a more detailed breakdown of the cut and fill, which is included in Figure 8 in Appendix C. The updated evaluation states that the Project would require 81,805 cubic yards of fill. Figure 8 also provides breakdowns of other structural materials to be imported for road construction, foundation construction and surface treatments for the project.

The Applicant asserts that the Proposed Action would not involve disturbance within the groundwater table because the construction project includes raising the current grade and creating a platform which would elevate the development further above the water table, rather than excavating into the water table. The Preliminary Geotechnical Report conservatively indicated that groundwater would be encountered. The installation of additional groundwater measuring points following preparation of the Preliminary Geotechnical Report has resulted in a better understanding of groundwater surface and allows the conclusion that significant groundwater would not be encountered during construction of the Proposed Action. To further define groundwater levels, additional groundwater monitoring points were added to the Project Site and additional groundwater surface data was obtained to establish an estimated groundwater surface for the Project Site. The results are presented on Figure 10a in Appendix C. Groundwater elevations were compared to the existing grade and proposed grade. As demonstrated by the referenced figure, the groundwater table is below the existing and proposed grade in all locations.

To further clarify the relationship of the existing ground surface, proposed ground surface and groundwater table, an additional figure, Figure 18 in FEIS Appendix C, has been prepared showing cross sections through the Project Site. On the cross sections, the existing ground surface is shown in green, the proposed ground surface in red and the groundwater table shown in blue. The groundwater elevations are based on measurements taken by the project geotechnical engineer, GZA. As clearly demonstrated by the cross section, the groundwater elevation is below both the existing and proposed ground surface. Encountering groundwater would be expected if the proposed ground surface extended below the elevation of the groundwater. This case does not occur. Therefore, the Applicant does not expect to encounter any significant volume of groundwater during the performance of excavation and soil placement during construction of site improvements.



**Comment C.10:**

Provide the CAD files for proposed site grading in order that cut and fill volumes can be assessed.

(Memo 1, pg. 5, Stuart Mesinger, Consultant to Planning Board, 5/14/2018)

**Response C.10:**

CAD files have been provided with the submission of this FEIS.

**Comment C.11:**

Provide a discussion of how the platform on which the houses are proposed to be constructed will be stabilized against erosion and damage from wave action.

(Memo 1, pg. 5, Stuart Mesinger, Consultant to Planning Board, 5/14/2018)

**Response C.11:**

The slope of the development platform is gently sloped at a maximum 3 feet horizontal to 1 foot vertical slope (Figure 9 in Appendix C). The slopes would be vegetated with grass, landscaping, and trees which would be sufficient cover surface to resist erosion forces from occasional flooding. The Project Site currently contains similar vegetated slopes, some with greater slopes than proposed, as part of the existing golf course. The Applicant states that the golf course has experienced many flooding events without significant erosion requiring re-stabilization or new grading. Flood waters slowly inundate and recede from the property and have not been a significant source of erosion. It should be noted that the Project Site is outside the area of wave action as defined on the FEMA mapping for the site, therefore protection from wave action is not warranted. A figure showing the limit of wave action from FEMA is attached as Figure 19 in FEIS Appendix C.

**Comment C.12:**

Exhibit 3C-1. Village of Mamaroneck not Town of Harrison.

(Memo 1, pg. 5, Stuart Mesinger, Consultant to Planning Board, 5/14/2018)

**Response C.12:**

Comment noted. Exhibit 3C-1 should state Village of Mamaroneck.

**Comment C.13:**

Page 3C-3. Last paragraph. In other sections of the DEIS, rock removal is noted as potentially necessary. Clarify.



(Memo 1, pg. 5, Stuart Mesinger, Consultant to Planning Board, 5/14/2018)

The DEIS states that there is a "possibility" of blasting. Given that rock removal may reach 7 to 8 feet in some areas, and be required for some utility installation, blasting is likely and use of heavy equipment is a certainty. The DEIS does state that no existing rock outcroppings would be removed in order to implement the plan.

(Public Comment Letter 67, pg. 10, Neil Porto, 2/14/2018)

**Response C.13:**

As discussed on page 3C-5 of the DEIS, rock removal is anticipated to meet the proposed grades for the project. An area of bedrock removal has been identified in the vicinity of lot 9 based on borings performed by GZA (as shown in Appendix N and in Figure 10b in FEIS Appendix C). Bedrock would be required to be removed up to 5 to 6 feet to meet the proposed surface grade, and additional removal would be required to accommodate the basements for residences in the vicinity. Based on the character of the rock, it is expected that blasting would be required to achieve proposed grade. No chemical removal of bedrock is proposed. During construction careful attention must be paid to the neighboring properties during construction. The selected blasting would be performed by a New York State licensed blasting contractor. The selected contractor would prepare a written Blasting Plan in accordance with the Village of Mamaroneck Village Code Chapter 120 and the New York Department of Transportation "Geotechnical Engineering Manual: Procedure for Blasting" latest edition, providing a detailed description of the means and methods of the proposed rock removal program. This plan would be forwarded to the Village Engineering Department and Building Department for review. The Blasting Plan would contain the following:

Project Designations

- Name of Project Blaster(s).
- Photocopy of the Project Blaster's Explosives License (Own & Possess) and Certificate of Competence.
- Scheduled start date and length of blasting operations and blast monitoring operations.
- Limits of blasting work.
- Requirements for local permits.
- Location of any structures in proximity to the blasting.
- Location of any utilities in proximity to the blasting.
- Location of any contaminants or flammable liquids or vapors in the area to be blasted.

Safety and Health Requirements

- Type of audible warning signals and signal sequence.





- Name of company that will deliver explosives to the project site.
- Location of any pre-blast surveys.
- Location of any vibration monitoring at State owned structures, utilities on or off State ROW, or privately-owned structures off State ROW.
- Location of any air blast overpressure monitoring.
- If seismographs will be used, provide the manufacturer's name, model number, and documentation of calibration performed within the last 12 months. Also provide name(s) of seismograph operators and relevant training and experience.
- List steps that will be taken to control flyrock (i.e. blasting mats).
- Are carbon monoxide or other noxious fumes likely to migrate from the blast location or accumulate within nearby structures and, if so, what will be done to detect and prevent their migration.

#### Methods and Procedures

- Type of drilling equipment.
- Method of collaring and aligning presplit drill holes.
- Hole diameter.
- Drilling pattern.
- Use of sequential timer.

Types of explosives, primers, initiators, and other blasting devices. Include manufacturer's technical data sheets and material safety data sheets for all products.

#### Loading parameters

The blasting contractor would have a Pre-Blast meeting with representatives of the Village Engineering and Building Departments to review schedule, field activities and vibration and noise monitoring. The blasting contractor would provide weekly updates to the Village and hold weekly progress meetings.

Prior to blasting, the face of the rock would be exposed by removing the overburden soils. Soil particles that remain on the rock face during blasting would be controlled by the blasting mats. The excavation and handling of soil would be performed in accordance with the Materials Handling Plan. Air monitoring would be performed as described in the Construction Health and Safety Plan for the Project.

#### **Comment C.14:**

Extensive areas of the site with high groundwater table conditions, extremely vulnerable to contamination, are proposed for disturbance, earthmoving and grading activities. There are also rock outcrops and shallow depth to bedrock conditions within areas proposed for residential development



and utilities, not proposed to be avoided, but which will require blasting and removal. Soils rated by the Westchester County USGS as unsuitable for residential development in their existing form due to slow infiltration rates, wet substratum and rock outcrops cover approximately 80% of the entire site. Instead of developing a plan which avoids these unsuitable areas, the PDEIS suggests that constrained areas "may require structural fill" without providing an estimate of the amount or impacts of trucking and storing fill in a floodplain. The development does not work with the existing low lying bucolic terrain, but completely transforms the landscape and floodplains with an artificial, raised berm.

(Public Hearing 2, pg. 387, Karen Rob, 4/11/2018)

(Public Comment Letter 67, pg. 5, Lisa Liquori, 2/14/2018)

The plan includes construction of steep slopes to raise the houses out of the flood plain. (It should be noted that some steep slopes already exist in the vicinity of the clubhouse, but at a further distance away from the structures than that proposed for the new houses.) Section III.3.C (Geology) of the DEIS identifies only 7.2% of the project site containing soils that are suitable to support the new houses. Thus the imported fill will have to serve that structural purpose.

(Public Comment Letter 67, pg. 11, Neil Porto, 2/14/2018)

**Response C.14:**

A more detailed breakdown of the cut and fill has been provided and is included in Figure 8 in Appendix C. The Applicant's updated evaluation states that the Project would require 81,805 cubic yards of fill. Figure 8 also provides breakdowns of other structural materials to be imported for road construction, foundation construction and surface treatments for the project.

The Applicant asserts that the Proposed Action would not involve disturbance within the groundwater table because the construction project includes raising the current grade and creating a platform which would elevate the development further above the water table, rather than excavating into the water table. To further define groundwater levels, additional groundwater monitoring points were added to the Project Site and additional groundwater surface data was obtained to establish an estimated groundwater surface for the Project Site. The results are presented on Figure 10a in Appendix C. Groundwater elevations were compared to the existing grade and proposed grade. As demonstrated by the referenced figure, the groundwater table is below the existing and proposed grade in all locations.

As discussed on page 3C-5 of the DEIS, rock removal is anticipated to meet the proposed grades for the project. There is one area of bedrock removal that has been identified in the vicinity of lot 9 based on borings performed by GZA. Bedrock would be required to be removed up to 5 to 6 feet to meet



the proposed surface grade, and additional removal would be required to accommodate the basements for residences in the vicinity. Based on the character of the rock, it is expected that blasting would be required to achieve proposed grade.

**Comment C.15:**

The slopes created to support the houses must be carefully designed to resist both the loads associated with the houses and erosion from storm run-off. The DEIS describes the need to apply well-graded soil in the top two feet of the surface of the berms. The borings do confirm that below the topsoil, the soil could be characterized as well graded but does not address what is required in the "core" of these berms to support the homes (besides "structural soil"), or from where this soil will be sourced.

(Public Comment Letter 67, pg. 11, Neil Porto, 2/14/2018)

**Response C.15:**

See Response C.13. In addition, Appendix N contains additional soil and groundwater sampling that was conducted in July 2018. There would be no structural issues associated with the approach outlined in the DEIS in regard to the reuse and importing of the soils. All slopes would have a maximum of 3 feet horizontal to 1 foot vertical slope and would be stable. NYS DEC considers a slope of 3 to 1 stabilized enough for the slope to be mowed.

**Comment C.16:**

The DEIS recommends slab-on-grade foundations for the houses, which will require an iterative process of placement and compaction to build up to the level required for the houses.

(Public Comment Letter 67, pg. 11, Neil Porto, 2/14/2018)

**Response C.16:**

The proposed houses would have full basements, not slab on grade construction. Fill placement would be performed in layers to allow compaction in accordance with the recommendations of the project geotechnical engineer.

**Comment C.17:**

There is an unknown quantity of rock removal to be expected. Significant bedrock outcrops are prominent and as such, an important site resource across the golf course and should be located and described. The relatively higher land areas within the 130-acre property represent harder erosion-resistant bedrock. The geotechnical test borings that were conducted were advanced to 'refusal'; but



it is not evident whether 'refusal' represented buried bedrock, hard glacial till, gravel, clay, or simply a buried boulder. For example, only one bedrock core sample was used to characterize the geologic conditions across the entire golf course property which is hardly representative. At this singular location, the buried bedrock surface was described as a 'gneiss', but no information describes whether this same buried gneiss bedrock occurs across the entire property in a uniform fashion. This can be important in terms of ease of excavation. That is, whether that bedrock is fractured and faulted, and/or weathered, thus possibly subject to ripping, or if it is alternatively hardened and competent - necessitating the possibility of disruptive blasting.

(Public Comment Letter 67, pg. 7, Charles Rich, 3/19/2018)

Boring GZ-2 (located at the intersection of the relocated Eagle Knolls Rd & Hommocks Rd.) reportedly encountered bedrock at only 4' below land surface, and GZ-6 (located at proposed Lot #9) was even shallower with rock encountered at only 3' below land surface. According to the DEIS, the existing grade at this latter location will need to be lowered some 5-6', consequently several feet of bedrock removal may need to be ripped and/or blasted here. It is important that given the Proposed Action, the additional subsurface investigation across this property, in addition to describing further soil contamination, attempt to characterize the buried bedrock surface. Obviously, vibration monitoring may need to be considered should there be blasting planned in proximity to neighborhood homes or other existing buildings.

(Public Comment Letter 67, pg. 8, Charles Rich, 3/19/2018)

**Response C.17:**

See Response C.13.

**Comment C.18:**

The tentative location(s) of the quarry(s) sourcing the clean fill should be provided in the DEIS so that transport logistics are better understood...The scope of fill testing may be subject to negotiation but how this will be accomplished post-SEQRA is not provided.

(Public Comment Letter 67, pg. 8, Charles Rich, 3/19/2018)

**Response C.18:**

The source of soil import cannot be determined at this time. As stated by the Applicant, soil import would be certified clean to the satisfaction of the Village Engineer and full geotechnical testing would be provided for review by the project geotechnical engineer to ensure proper placement. The Planning Board may require the Applicant to fund an Environmental Monitor who would report to the Village.



**Comment C.19:**

In addition to the importation of clean fill from off-site sources, it is intended that over 200,000 cubic yards of fill (217,490) may be cut from specific areas of the site to grade the slopes of the raised soil platform. Information describing how this cut fill, once relocated, will suitably grade these slopes or how the newly-excavated areas subject to fill removal will be properly restored back to grade, and with what earth materials, remains incomplete. The DEIS should include a discussion, and general sketch(s), of the planned areas of disturbance affecting natural site features, and identify best management practices to be employed to mitigate the potential for possible deleterious impact(s) caused by the staging and moving of such a large volume of earth materials.

(Public Comment Letter 67, pg. 9, Charles Rich, 3/19/2018)

**Response C.19:**

Soil excavation and placement would be performed in maximum five-acre phases deploying phase specific soil erosion measures for each step. Placed soil would be stabilized with vegetative cover before moving to the next phase. This would minimize the extent of soil exposed at any given time and provide an area that can be easily managed. All stockpiles would be managed in accordance with NYSDEC guidelines and would be inspected by a NYSDEC certified inspection weekly through the course of construction to verify compliance with NYSDEC standards. Requirements are included in the Preliminary Stormwater Pollution Prevention Plan included as Appendix H to the DEIS and revised in Appendix M of the FEIS.

**Comment C.20:**

The Applicant proposes to cover the relocated impacted soil with a blanket cover system of clean fill that is only 2 feet thick to serve as a buffer or protective cover. Such a cover system this thin should typically include emplacement of a demarcation barrier separating the clean topsoil and surficial fill from the underlying impacted fill. An example of such a barrier could be simple orange snow fencing. As part of any "*Remedial Action Work Plan*" stated to be prepared by the Applicant for the Proposed Action, it is strongly recommended that the Applicant be required to install such a buried demarcation barrier(s). Because the contaminated soil is to be covered with at least 2' of clean soil in areas of the soil platform not improved with any impervious 'cap' (i.e. streets, driveways, building footprints, etc.), it will be important for lay people to recognize if/when the degraded soil is accidentally encountered by manual digging or excavation activities. This can be achieved with emplacement of an easily-visible buried demarcation barrier - say, for example, orange snow fencing to serve that specific purpose.

A cover system and a demarcation barrier is an engineering control which must be maintained and periodically inspected to ensure that it remains protective of human health. Such inspection and



maintenance requirements would be set forth in a Site Management Plan (SMP). It is recommended that such an SMP be required. The SMP would also include an Excavation Plan to describe the procedures and protocols needed to control or 'regulate' any future penetrations through the cover system. Such penetrations may range from the installation and/or maintenance of underground utilities to specific tree plantings with root balls requiring excavations in excess of 2' deep.

(Public Comment Letter 67, pg. 9-10, Charles Rich, 3/19/2018)

**Response C.20:**

In accordance with the NYSDEC Division of Materials Management, the Project's cut and fill program meets the conditional exemption under the 6NYCRR Part 360.13 (C) which only requires a minimum of 12 inches of cover and states that:

*(c) Exemption for on-site reuse of fill material. Fill material used as backfill for the excavation from which the material was taken or as fill in areas of similar physical characteristics on the project property is exempt from regulation under this Part. If fill material exhibits historical or visual evidence of contamination (including odors), and will be used in an area with public access, the relocated fill material must be covered with a minimum of 12 inches of soil or fill material that meets the criteria for general fill, as defined in this Part.*

(NYSDEC DMM Region 3, Dated 08/07/18)

Therefore, the on-site soils for this project that are proposed for re-use cease to be regulated by Part 360. The project would not be in a regulatory program and therefore would not have a Remedial Action Plan, nor a Site Management Plan.

However, as a practical matter, the construction of the development platform by raising the existing grade for the base of the building foundations would incorporate an "easily-visible demarcation layer" (i.e. orange matting as described in Comment C.20, above) to define the boundary between reused on-site soil and certified clean fill. The certified clean fill would be purchased and transported to the Project Site to be used as part of the construction project.

**Comment C.21:**

One of the points made by one the project consultants is that the required landfill would be partially met by excavation required for the basements of the housing development. However, my understanding is that, as this development is in a flood zone, basements would not be permitted. If that is correct then it all required landfill will have to brought in from offsite and the project consultant's estimate of required fill and transport requirements are materially underestimated.



(Public Comment Letter 117, pg. 1, Michael Allen, 5/8/2018)

**Response C.21:**

Basements are proposed for each residence to be used for storage and mechanical space, not occupation. Basements for the proposed residences would be designed with hydrostatic pressure considered to ensure that the basement remains dry and anchored in place in accordance with Village Code §186-5(B). "Standards for all structures: New structures in areas of special flood hazard shall follow all relevant regulations governing anchoring, construction materials and methods, and utilities." However, mechanical equipment can be easily accommodated in the attic space or interior mechanical closets in the first and second floor, removing them from the basement. Finalized locations of mechanicals would be determined during the building permit process.

**Comment C.22:**

After we rerun our projections after adjusting for the basements, at most, these basements would obviate the need of only 45,000 CY of fill which is only about 25% of the difference in fill calculations (273,900 CY). Their calculations assume 100% reuse of soil from "cut" portions of the site but 80 % of onsite soils for the proposed use as indicated in the DEIS Section III.3.C are structurally unsuitable.

(Public Comment Letter 179, pg. 2, Neil Porto, 5/10/2018)

**Response C.22:**

All soil excavated on the Project Site is planned to be reused on the Project Site. Any soil not suitable as structural backfill (i.e. under roads, building), would be utilized in landscape and lawn areas. Volume offset to fill for cutting of basements have been calculated assuming full depth of 10 feet plus 18 inches for engineered gravel subgrade for the full building footprint minus the garage area.

**1.0 DEIS Appendix P**

**Comment C.23:**

Significant additional soil testing would be required to further characterize the nature and extent of soil contamination on the site. This is noted on page 1 of the environmental site assessment which states that it is a generalized report based on widely spaced explorations and intended to convey trends. We agree that one sample per five acres is sufficient to characterize site soils. However, significant additional testing will be required to further characterize the site and develop a mitigation plan because substantial regrading and movement of soils is proposed, and because it is likely that groundwater will be encountered during regrading. There isn't enough information at present to make the statement on page 3Q-5 that 50-100 cubic yards of soil will be relocated, given that in excess of



200,000 cubic yards of soil are proposed to be moved. The EIS should provide evidence that the DEC has reviewed the site characterization data and agrees that the site has been sufficiently characterized. Additionally, evidence should be provided that the DEC has or will approve a remedial action plan for the site.

(Memo 1, pg. 15, Stuart Mesinger, Consultant to Planning Board, 5/14/2018)

**Response C.23:**

The NYSDEC Division of Materials Management has reviewed the existing site characterization data. As confirmed in the NYSDEC response letter dated August 7, 2018 (see Appendix L), the project's cut and fill program would meet the conditional exemption under the 6NYCRR Part 360.13 (C) for material re-use. Under the statute, if there is no visual evidence (including odors) of chemical or physical contamination discovered during excavation, then no additional sampling or analyses of reused excavated material is anticipated. To date, no visual evidence (including odors) of chemical or physical contamination has been observed in the sampling performed at the Project Site.

**Comment C.24:**

Provide further discussion of the fibrous peat layer identified in Appendix P. Where did it originate, will it be encountered during construction and is there reason to believe it might generate methane or other pollutants?

(Memo 1, pg. 15, Stuart Mesinger, Consultant to Planning Board, 5/14/2018)

**Response C.24:**

See Response C.3 above.

**2.0 DEIS Appendix G**

**Comment C.25:**

The GZA Phase 2 Environmental Site Assessment notes that soils and sediments that exceed use standards and those that remain on-site may have regulatory restrictions, such as environmental easements or other land use controls, imposed. The need for and nature of such controls should be discussed.

(Memo 1, pg. 14, Stuart Mesinger, Consultant to Planning Board, 5/14/2018)



**Response C.25:**

The NYSDEC Division of Materials Management has reviewed the sample results obtained by GZA (in Appendix L) and has determined that the proposed re-use of on-site soil for the project's cut and fill program meets the conditional exemption under the 6NYCRR Part 360.13 (c) (see letter dated August 7, 2018 in Appendix L). Appendix L of the FEIS, contains the documentation submitted to the NYSDEC that was the basis for their determination to allow the reuse of the soils on-site. The on-site soils for this project containing arsenic, lead and the other materials identified by GZA in its testing that would be disturbed and reused on-Site, therefore, are not regulated by Part 360 and a further Remedial Action Plan is not necessary under NYSDEC Regulations.

Instead, the soils would be treated in accordance with the NYSDEC Division of Materials Management rules and regulations. To date, no visual evidence (including odors) of chemical or physical contamination has been observed in the sampling performed at the Site. Under the NYSDEC Regulations, if there is no visual evidence (including odors) of chemical or physical contamination discovered during excavation, then no additional sampling or analyses of reused excavated material is anticipated.

In accordance with the NYSDEC Division of Materials Management Regulations, a minimum of 12 inches of clean cover must be placed on top of the excavated on-site fill used to create the soil platform. This cover ensures the relocated on-site soil would remain isolated from the proposed development. The Proposed Action would well exceed this cover requirement as NYSDEC's Regulations and standards, the delineated soil with elevated levels of arsenic, lead or other the Applicant is proposing to create a minimum of 2 feet of clean soil cover.

**Comment C.26:**

Page 6 of the GZA geotechnical appendix recommends compaction of structural fill to 95% of its dry capacity. Does the number of estimated truck trips bringing fill to the site take into account the 5% or more of material volume that will be eliminated due to compaction? If not, the number of truck trips should be recalculated.

(Memo 1, pg. 14, Stuart Mesinger, Consultant to Planning Board, 5/14/2018)

**Response C.26:**

Yes, the calculation of the truck trips considers an expanded condition in the truck trips. See the calculations in FEIS Appendix V.



**Comment C.27:**

Pages 1-9 and 3C-5 acknowledge the need for up to 7-8 feet of rock removal. Page 6 of the GZA report notes the possibility of vibrations affecting nearby buildings. Pre and post-construction surveys of surrounding buildings should be conducted to ensure against foundation damage, or information should be presented that demonstrates that such surveys are not needed. In either event, a blasting mitigation plan should be presented in the EIS if blasting is proposed. Further, if blasting is required, quantify the amount of rock to be blasted, the number of blast events likely to be required, and the likely noise impacts from blasting.

(Memo 1, pg. 14, Stuart Mesinger, Consultant to Planning Board, 5/14/2018)

**Response C.27:**

As discussed on page 3C-5 of the DEIS, rock removal is anticipated to meet the proposed grades for the project. An area of bedrock removal has been identified in the vicinity of lot 9 based on borings performed by GZA (as shown in Figure 10b in Appendix C of the FEIS). Bedrock would be required to be removed up to 5 to 6 feet to meet the proposed surface grade, and additional removal would be required to accommodate the basements for residences in the vicinity. Based on the character of the rock, it is expected that blasting would be required to achieve proposed grade. During construction careful attention must be paid to the neighboring properties during construction. The selected blasting contractor would be a New York State licensed blasting contractor. The selected contractor would prepare a written Blasting Plan in accordance with the Village of Mamaroneck Village Code Chapter 120 and the New York Department of Transportation "Geotechnical Engineering Manual: Procedure for Blasting" latest edition (Appendix 5), providing a detailed description of the means and methods of the proposed rock removal program. This plan would be forwarded to the Village Engineering Department and Building Department for review. The Planning Board may require pre and post blasting surveys of nearby residences. The Blasting Plan would contain the following:

Project Designations

- Name of Project Blaster(s).
- Photocopy of the Project Blaster's Explosives License (Own & Possess) and Certificate of Competence.
- Scheduled start date and length of blasting operations and blast monitoring operations.
- Limits of blasting work.
- Requirements for local permits.
- Location of any structures in proximity to the blasting.
- Location of any utilities in proximity to the blasting.
- Location of any contaminants or flammable liquids or vapors in the area to be blasted.



### Safety and Health Requirements

- Type of audible warning signals and signal sequence.
- Name of company that would deliver explosives to the project site.
- Location of any prelist surveys.
- Location of any vibration monitoring at State owned structures, utilities on or off State ROW, or privately-owned structures off State ROW.
- Location of any air blast overpressure monitoring.
- If seismographs would be used, provide the manufacturer's name, model number, and documentation of calibration performed within the last 12 months. Also provide name(s) of seismograph operators and relevant training and experience.
- List steps that would be taken to control flyrock (i.e. blasting mats).
- Are carbon monoxide or other noxious fumes likely to migrate from the blast location or accumulate within nearby structures and, if so, what would be done to detect and prevent their migration.

### Methods and Procedures

- Type of drilling equipment.
- Method of collaring and aligning presplit drill holes.
- Hole diameter.
- Drilling pattern.
- Use of sequential timer.

Types of explosives, primers, initiators, and other blasting devices. Include manufacturer's technical data sheets and material safety data sheets for all products.

### Loading parameters

The blasting contractor would have a Pre-Blast meeting with representatives of the Village Engineering and Building Departments to review schedule, field activities and vibration and noise monitoring. The blasting contractor would provide weekly updates to the Village and hold weekly progress meetings.

Prior to blasting, the face of the rock would be exposed by removing the overburden soils. Soil particles that remain on the rock face during blasting would be controlled by the blasting mats. The excavation and handling of soil would be performed in accordance with the Materials Handling Plan. Air monitoring would be performed as described in the Construction Health and Safety Plan for the Project.



## **D. Groundwater Resources**

### **Comment D.1:**

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

(Public Hearing 1, pg. 85-86, Charles Rich, 2/14/2018 and Public Comment Letter 67, pg. 5, 3/19/2018)

### **Response D.1:**

The Proposed Action is not expected to involve disturbance within the groundwater table because the construction project includes raising the current grade and creating a platform which would elevate the development further above the water table, rather than excavating into the water table. Dewatering is not planned, and groundwater is therefore not anticipated to be disturbed. However, in the event that groundwater is encountered, the Planning Board may require that a dewatering plan be prepared. The development platform would be covered with a minimum of 2 feet of certified clean fill. New York State Department of Environmental Conservation (NYSDEC) has approved the reuse of the soils on the Project Site (letter dated August 7, 2018 included in Appendix L) and requires a minimum of one foot of certified clean fill.

Stormwater discharges from construction activities would be performed in accordance with the Chapter 294 of the Village of Mamaroneck Code, which requires a Stormwater Pollution Prevention Plan (SWPPP). The SWPPP is provided in Appendix M of the FEIS. As set forth in the SWPPP, the proposed drainage system for the Project Site would consist of drainage pipes, infiltration basins, bioretention basins, stone diaphragms, continuous deflative system (CDS) units and dry wells. The infiltration basins, bioretention basins and drywells would treat water runoff to provide water quality control. The CDS units serve as water quality pre-treatment devices for the basins. The stone diaphragms serve as pre-treatment for bioretention basins. As a result of implementation, it is expected that there would be no significant water quality impacts.

### **Comment D.2:**

There's no information describing if there's any chemical mixing of the impacted soil with water or water quality at that time -- at this time. Two water wells -- two bedrock water wells will continue to be used on the site for irrigation. There's no information on the quality of the well water coming from



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

(Public Hearing 1, pg. 92, 2/14/2018 and Public Comment Letter 67, pg. 5, Charles Rich, 3/19/2018)

**Response D.2:**

The construction project includes raising the current grade and creating a platform which would elevate the development further above the water table. New York State Department of Environmental Conservation has approved the reuse of the soils on the Project Site (letter dated August 7, 2018 included in Appendix L) and requires a minimum of one foot of certified clean fill. The development platform would be covered with a minimum of two feet of certified clean fill. Groundwater is therefore not anticipated to be disturbed, therefore further monitoring is not necessary.

Hampshire Country Club has always and would continue to implement the industry-established Best Management Practice (BMPs) for golf course irrigation in New York State (Portness, et. al, February 2014) which can be found in Appendix O of the FEIS. (Note that Hampshire Country Club does and will continue to follow the BMPs outlined in other sections of Appendix O, including those related to water quality management, nutrient management, fertilizers, chemicals and fuel.)

On March 18, 2019, two groundwater samples were collected from the two irrigation wells (i.e., for non-potable use). See Appendix N for the groundwater laboratory analytical results. For screening purposes only, the laboratory analytical results were compared to the NYSDEC Technical Operational Guidance Series 1.1.1 Ambient Water Quality Standards (AWQS) Class GA (i.e. groundwater as a source of drinking water). Lead, arsenic, or pesticides were either not-detected or at concentrations below AWQS. Trace levels of semi-volatile organic compounds (SVOCs), specifically polycyclic aromatic hydrocarbons (PAHs) such as benzo(a)anthracene, benzo(b)fluoranthene, and benzo (k) fluoranthene, were reported at quantities below their quantitation/reporting limits in groundwater. Due to low levels, the PAH results were reported as estimated.

Stormwater runoff on asphalt pathways/paving in urban areas, on site petroleum use, and groundwater in contact with the historic backfill may contribute to low-level PAHs in groundwater at similar levels as reported in the irrigation well samples. Since New York State has one of the most stringent groundwater human health drinking water guidance levels for PAHs in the country, trace PAHs are commonly detected in groundwater samples.



The BMPs for Golf Courses in New York State (Portness, et. al, February 2014), which include periodic water quality monitoring, offer industry-established courses of action to managing non-potable water for irrigation to ensure that the quality is within acceptable limits to protect soil quality and turfgrass performance,

**Comment D.3:**

The Village has very few critical environmental areas, and this is one of them. I never heard the word groundwater mentioned once. That's apparently about three feet below the surface, and how do you build on that?

(Public Hearing 2, pg. 304-305, Jim Desmond, 4/11/2018)

**Response D.3:**

As a designated critical environmental area, potential impacts on the area attributes are addressed in Chapter 3L in the DEIS and Section III.3.K of the FEIS. The construction project includes raising the current grade and creating a development platform. Groundwater is therefore not anticipated to be disturbed. The Applicant performed a limited well gauging to check the water table. Depth to groundwater varies from a minimum of 1.1 feet below ground surface to maximum of 9.7 feet below ground surface.

**Comment D.4:**

I need engineering questions. I need to see sections from -- how is groundwater affecting your basement walls? How is your power coming in?

(Public Hearing 2, pg. 402, Lou Mendes, 4/11/2018)

**Response D.4:**

The Hampshire Country Club Planned Residential Development Grading and Utility Plan, Exhibit C-3 is provided in the Chapter 3C of the DEIS. The construction project includes raising the current grade and creating a platform which would elevate the development further above the water table. The development platform would be at an elevation of 16.0 that includes a minimum of two feet of certified clean fill. Groundwater is therefore not expected to affect the basement and utility lines.

**Comment D.5:**

Provide groundwater test results from the existing wells for the same contaminants found in the soils.

(Memo 1, pg. 5, Stuart Mesinger, Consultant to Planning Board, 5/14/2018)

**Response D.5:**

The construction project includes raising the current grade and creating a platform that would elevate the development further above the water table. Groundwater is not anticipated to be disturbed during construction activities, and the Proposed Action does not plan or incorporate the use of groundwater.

On March 18, 2019, two groundwater samples were collected from the two irrigation wells (i.e., for non-potable use). See Appendix N for the groundwater laboratory analytical results. For screening purposes only, the laboratory analytical results were compared to the NYSDEC Technical Operational Guidance Series 1.1.1 AWQS Class GA (i.e. groundwater as a source of drinking water). Lead, arsenic, or pesticides were either not-detected or at concentrations below AWQS. Trace levels of SVOCs, specifically PAHs such as benzo(a)anthracene, benzo(b)fluoranthene, and benzo (k) fluoranthene, were reported at quantities below their quantitation/reporting limits in the groundwater. Due to low levels, the PAH results were reported as estimated.

In a typical urban area, stormwater runoff on asphalt pathways/paving, petroleum use, and groundwater in contact with the historic backfill may contribute to low-level PAHs in groundwater at similar levels as reported in the irrigation well samples. Since New York State has one of the most stringent groundwater human health drinking water guidance levels for PAHs in the country, trace PAHs are commonly detected in groundwater samples.

See Response D.2 for a list of BMPs to ensure water quality standards.

**Comment D.6:**

Hydrogeologically, driller's well logs may be available to evaluate the construction details of the wells, and the number, depth, and possibly the correlation and orientation of the saturated bedrock fractures intercepted by them. Pumped groundwater withdrawals from rock wells typically induce an elliptical cone of depression in the water table (or potentiometric surface) parallel to bedrock fracture orientation, and such information would help determine the seasonal extent of the underlying groundwater 'capture zone' beneath the golf course. Knowing the geographic area indicative of the extent of the horizontal groundwater 'reach' outward from this pumping center that could possibly be affected by the cut-&-fill activities up on the land surface above may become important. Some discussion may also be informative regarding whether the Applicant anticipates a change to the elevation of the water table if the seasonal irrigation well pumpage is either increased or reduced (Editor's note: typical 18-hole golf course irrigation water usage in Westchester averages as much as 6 million gallons per month during an 8-9-month golfing season).

(Public Comment Letter 67, pg. 6, Charles Rich, 3/19/2018)

**Response D.6:**

Water levels are shown to be tidally influenced, as shown by the limited groundwater gauging performed on June 18 and 19, and on July 12, 2018. Changes in elevation of the water table are anticipated to be tidally influenced due to the Project Site's proximity to Long Island Sound and not as a result of irrigation.

As for irrigation, the Hampshire Club would continue to implement the industry-established Best Management Practice (BMPs) (see Portness, et. al, February 2014 in FEIS Appendix O). (Note that the Hampshire Club does and will continue to follow BMPs outlined in other sections of FEIS Appendix O, including those related to water quality management, nutrient management, fertilizers, chemicals and fuel.) In addition, by reducing the size of the golf course and introduction of natural open space areas the amount of irrigation water usage currently needed for the golf course would be reduced.

**Comment D.7:**

If dewatering activities help facilitate the efficiencies of cut-and-fill excavations to minimize wet soil conditions and soil density, a description of the dewatering procedures, and the protective measures to contain the runoff of fluids from newly-stockpiled or staged soil, may need to be addressed.

(Public Comment Letter 67, pg. 6, Charles Rich, 3/19/2018)

**Response D.7:**

The construction project includes raising the current grade and creating a development platform which would elevate the development further above the water table, rather than excavating into the water table. Dewatering is not planned because it is not necessary, and groundwater is therefore not anticipated to be disturbed (See FEIS Appendix N, Supplemental Geotechnical Information). If, however, groundwater were encountered, a dewatering plan would be developed.





## E. Surface Water Courses and Wetlands

### Comment E.1:

Exhibit 3E-1, Table 3E-1, and this section state that Wetland A is "isolated." However, this wetland lies within the 100-year floodplain as shown in 3C-4. Typically, the Corps does not identify wetlands as Isolated under Section 404 of the Clean Water Act if they lie within a 100-year floodplain. An approved jurisdictional determination from the Corps providing the regulatory status of this wetland should be provided.

(Memo 1, pg. 5, Stuart Mesinger, Consultant to Planning Board, 5/14/2018)

### Response E.1:

As observed in the field, Wetland A occurs in a shallow topographic depression, with no visible inlets, outlets or surficial connections to other wetlands or surface waters, including the tidal waters of Delancey Cove. As such, Wetland A was characterized as isolated under the Magee-Hollands wetland functional assessment that was performed in 2016.

With respect to federal jurisdiction, as indicated in DEIS Page 3E-5: *"Currently, the United States Army Corps of Engineers (USACE) determines federal jurisdiction over waters of the United States on a case-by-case basis... Formal jurisdictional determination has not been sought from USACE but will be prior to the completion of the FEIS."* In conformance with this statement, a jurisdictional determination request for the wetlands and surface waters at the Project Site was submitted to the USACE on September 4, 2018, during the preparation of the FEIS and the NYSDEC on September 5, 2018 requesting an official determination of the NYSDEC's tidal wetland jurisdiction at the Project Site. The response letter from the NYSDEC can be found in FEIS Appendix Q. The NYSDEC concurs with the Applicant's boundaries.

In consultation with USACE regarding obtaining an expedited Jurisdictional Determination (JD), the Applicant has elected not to contest federal jurisdiction over the on-Project Site freshwater wetlands, ponds or ditches identified in the DEIS in Exhibit 3E-1. Instead, Hampshire is seeking a "Preliminary JD" in accordance with the USACE's Regulatory Guidance Letter number 08-02.

The Preliminary JD will provide a "written indication [from the USACE] that there may be waters of the U.S. or wetlands on a parcel." This determination "set[s] aside questions regarding CWA/PHA jurisdiction," and allows an applicant to "move ahead expeditiously to obtain a Corps permit authorization." See USACE Regulatory Guidance Letter 08-02.

Since the Preliminary JD would include a permit authorization for the Project, the Applicant anticipates that the USACE would not issue a Preliminary JD until the coordinated environmental review process



is completed. While the actual Preliminary JD may not be issued prior to the completion of SEQRA, the EIS contains sufficient technical information to evaluate whether the Proposed Action would comply with the USACE permitting standards, including, where necessary, the requirement that compensatory mitigation is used to offset the loss of any regulated waters of the U.S. Specifically:

- Wetlands – The Project would maintain a 100-foot non-disturbance buffer around the vegetated wetland at the northwestern edge of the Project Site, as well as the wetland at the southwestern edge of the Project Site. The buffer areas would be planted with native and non-invasive, native-adaptive trees and shrubs in accordance with the Landscaping Plan annexed to the FEIS in Appendix C. Since no filling, draining or other loss of wetland area on the Project Site is proposed, the Project would comply with USACE regulations requiring that “no net loss” of wetland acreage and function occur. See 33 CFR Parts 325 and 332 and 40 CFR Part 230 (defining compensatory mitigation for “loss of aquatic resources”)<sup>3</sup>
- Ponds – Similar to the on-Project Site wetlands, a 100-foot non-disturbance buffer around all ponds would be maintained. No filling, draining or other loss of pond area would occur. Native and non-invasive native-adaptive trees and shrubs would be planted around the perimeter of the ponds, as shown in Appendix C of the FEIS. Again, there would be “no net loss” of pond acreage or function in accordance with USACE Regulations. See Id.
- Drainage Ditches – Minimal filling of existing drainage ditches is proposed as part of the Project. In total, 677.95 sf of drainage ditch area would be filled in connection with the Project. However, as quantified below, the net area of on-Project Site drainage ditches would increase significantly following implementation of the Project:
  - o The existing drainage area at the northern part of the Project Site in the vicinity of proposed Lot 82 (which is a combination of ditches totaling 677.95 sf that are connected by a culvert), would be filled and replaced with a 6,309.24-sf drainage ditch located just to the north of the proposed residential lots. A net increase in ditch area of 5,631.29 sf would occur as a result.
  - o The existing drainage ditch at the southern portion of the Project Site that flows from Pond 18 to Pond 10 is proposed to be widened to accommodate an expected increase in flow. The existing 1,172.33 sf ditch would be expanded to 2341.70 sf, resulting in a net increase in ditch area of 1,169.37 sf.

As such, net increase of 6,800.66 sf of new drainage ditch area would be created. Therefore, the Project would not result in a “net loss” of aquatic resource acreage onsite.

▼  
<sup>3</sup> Federal Register, Vol.73, No70. April 10, 2008. Department of the Army, Corps of Engineers, 33 CFR Parts 325 and Environmental Protection Agency, 40 CFR Part 230 – Compensatory Mitigation for Loss of Aquatic Resources; Final rule



As noted previously, under a Preliminary JD, the USACE will consider all onsite waters, including drainage ditches, as jurisdictional waters of the U.S., and nonetheless may require compensatory mitigation for the filling of 677.95 sf of existing drainage ditches. Pursuant to federal Clean Water Act (CWA) guidelines:<sup>4</sup>

*"If the district engineer determines that compensatory mitigation is necessary to offset unavoidable impacts to aquatic resources, the amount of re-quired compensatory mitigation must be, to the extent practicable, sufficient to replace lost aquatic resource functions. In cases where appropriate functional or condition assessment methods or other suitable metrics are available, these methods should be used where practicable to determine how much compensatory mitigation is required. If a functional or condition assessment or other suitable metric is not used, a minimum one-to-one acre-age or linear foot compensation ratio must be used."*

Based on the experience of the Applicant's consultant, VHB, with other similar projects (including a recent project where golf course waters were being filled), and in keeping with the above CWA guidelines, the USACE typically requires a 1:1 replacement ratio for filling of regulated waters. The Applicant would be able to comply with a 1:1 replacement ratio in the event the USACE requires mitigation for the filling of the drainage ditches. The creation of 6,800.66 sf of new drainage ditch area would result in an overall 10.03:1 replacement ratio. Even in the unlikely case that the USACE were to require additional mitigation beyond 10.03:1, the existing ponds, vegetated wetlands and ditches that occur throughout the Project Site offer ample onsite mitigation opportunities through expansion, enhancement and/or rehabilitation of these features, which are the three USACE-authorized methods for compensatory mitigation, as defined in the above-referenced federal CWA guidelines.

**Comment E.2:**

Exhibit 3E-3 does not show any DEC freshwater wetlands although they are included in the legend. Is that because there are none?

(Memo 1, pg. 5, Stuart Mesinger, Consultant to Planning Board, 5/14/2018)

**Response E.2:**

As indicated by DEIS Exhibit 3E-3, there are no New York State Department of Environmental Conservation (NYSDEC) freshwater wetlands located at or adjacent to the Project Site.



<sup>4</sup> 40 CFR Part 230 - Section 404(b)(1). Guidelines for Specification of Disposal Sites for Dredged or Fill Material

**Comment E.3:**

Page 3E-5, 2nd paragraph states that it is the Applicant's opinion that Wetland A and Golf Course Drainage System 2 (Ponds 5 and 6) may not be regulated by the Corps. It has been our experience that wetlands within floodplains are typically identified as regulated by the Corps, more so here given that this is within a tidal floodplain, where there is a proximate nexus to tidal waters of the United States. An approved Jurisdictional Determination from the Corps should be provided.

(Memo 1, pg. 5, Stuart Mesinger, Consultant to Planning Board, 5/14/2018)

**Response E.3:**

As observed in the field, Wetland A occurs in a shallow topographic depression, with no visible inlets, outlets or surficial connections to other wetlands or surface waters, including the tidal waters of Delancey Cove. As such, Wetland A was characterized as isolated under the Magee-Hollands wetland functional assessment that was performed in 2016. With respect to federal jurisdiction, as indicated in Response E.1, the USACE currently makes Jurisdictional determinations on a case-by-case basis. Accordingly, a jurisdictional determination request was submitted to the USACE on September 4, 2018 (see FEIS Appendix Q). See Response E.1.

**Comment E.4:**

Page 3E-6. The statement that "the loss of a daily custodian to maintain the open space on golf courses results in degradation and property damage through neglect," is not an accurate statement as it would relate to wetlands and watercourses. It is likely that if the watercourses on this site were not maintained artificially, a larger area of wetlands might form. Even if the wetland area did not change, its structure would become more complex through lack of maintenance, as herbaceous plants were able to grow taller, and shrubs and trees colonized these areas based on hydrologic conditions. This structural complexity would result in wetlands that had higher function than the mowed grass up to a drainage or pond system that exists now. The mitigation plan proposes to accelerate this type of succession through the landscaping plan within the buffer areas.

(Memo 1, pg. 6, Stuart Mesinger, Consultant to Planning Board, 5/14/2018)

**Response E.4:**

The intent of the statement on DEIS Page 3E-6 was to indicate that under the No-Action Alternative operations of the golf club may become unsustainable and active management of the wetlands and watercourses would cease. As discussed in detail below in Response E.6 water throughout the site is currently managed by the groundkeepers to maintain site conditions and aesthetics for golf play. Water distribution through the site is a combination of natural rainfall and a site wide irrigation system,



drainage channels, irrigations wells and water removal sumps. Current patterns of established wetlands are more a result of the manipulation of site water and less the result of natural water contribution. In addition, without active management to maintain the stormwater management functions for which these features were historically created or altered, degradation would occur and the probability for property damage as a result of flooding and other hazards would increase significantly.

Under the no-Action alternative, without maintenance to the stormwater system and the ceasing of water management through the site, the current wetland characteristics would significantly change over time. The low-lying areas of the site would possibly return to the predevelopment condition before construction of the golf course in the 1940's. As the tidal gates fail, the site would be inundated with tidal rise and fall in the low-lying areas of the site potentially resulting in establishment of additional salt marshes. Low lying areas on the north side of the site in the area of existing golf holes 5 and 6 would most likely accumulate water and become freshwater wetlands.

While ecological succession would occur under the No-Action Alternative, the lack of maintenance of the stormwater management functions at the Project Site may result in other adverse impacts to wetland function and benefits, such as a decrease in water quality.

Under the Proposed Action, the Hampshire Recreation, LLC and the HOA would maintain the stormwater management measures which preserve the water budget flowing into the Hommocks Salt Marsh, thereby protecting the existing salt marsh habitat. The Proposed Action would also create higher-functioning on-site wetlands due to proposed stormwater treatment of residential runoff and the native plant wetland buffers that would be installed as wetland mitigation measures under the Landscaping Plan. Moreover, installation of the proposed native plant buffers and implementation of the proposed Wetland Mitigation and Monitoring Plan (see FEIS Appendix H) would improve native plant diversity and limit the potential for non-native/invasive plant species to colonize and dominate the buffers.

**Comment E.5:**

Page 3E-6. The wetland functionality section states that no direct impacts to wetlands are proposed. Clarify if this means wetlands that might be found "isolated" for purposes of Section 404 of the Clean Water Act.

(Memo 1, pg. 6, Stuart Mesinger, Consultant to Planning Board, 5/14/2018)

**Response E.5:**

As indicated on DEIS Page 3E-6 and 3E-7, no development or ground disturbance from the proposed residential buildings or tennis courts would occur within a minimum of 100 feet of the wetlands at the



Project Site, isolated or otherwise, meaning no direct impacts would occur. See also Response E.1 with respect to filling of regulated wetlands.

**Comment E.6:**

Page 3E-7 does not clearly indicate whether there will be a net gain or a net decrease in flow volumes/duration to the wetland features, and how that might impact their hydrology and functionality under current and proposed conditions. This should be stated as part of a water budget for the wetland systems as an existing and proposed condition. See also DEIS statement on page 3E-9, Mitigation, second paragraph "As a result, onsite stormwater discharges to the three existing golf course drainage systems would decrease, with a corresponding reduction in pollutants, organic materials and mineral sediments to the ponds that comprise these systems." Will changes in stormwater hydrology to the ponds affect the size of the ponds and/or the volume of water feeding the remaining wetland system? See also page 3L-2.

(Memo 1, pg. 6, Stuart Mesinger, Consultant to Planning Board, 5/14/2018)

**Response E.6:**

As detailed in DEIS Section F, the Project Site currently contains three drainage systems comprised of the site wetlands features (seven ponds and two vegetated wetlands), as well as drainage pipes and several drainage ditches that channel runoff to two discharge points (Points A and B). Discharge Point A occurs at the existing golf course pond located to the north of the intersection of Eagle Knolls Road and Hommocks Road ("Pond 13," see DEIS Exhibit 3E-1). Discharge Point B occurs at the golf course pond located to the southwest of the intersection of Eagle Knolls Road and Cove Road and adjacent to Delancey Cove ("Pond 10," see DEIS Exhibit 3E-1). The two ponds in turn discharge to Delancey Cove/Long Island Sound via drainage pipes and tide gates. The Tide gates keep salt water from the adjacent Long Island Sound from entering the site removing the potential for Brackish water accumulation on site. Salt water does intrude during storms greater than the 5-year storm that breaches the tide gate berm at the Delancey Cove tide gates and during greater storms that seep in from the Hommocks Road wetlands. This causes an accumulation of brackish water at the site outfalls that will discharge through the tide gates at the conclusion of the storm.

Significant Storm Events

Water budget analyses of surface water runoff under existing and proposed conditions for significant storm events (1 year storm and over) at the Project Site indicate that changes in the water budget for all but one of the ponds and wetlands would be less than 10 percent, with the exception of Pond 10, where an increase of greater than 10 percent would occur (See FEIS Appendix I). However, it is



important to note that the hydrology of Pond 10 is tidally influenced and that water levels within the pond are regulated by an existing tide gate.

Similar to existing conditions, storm runoff from the proposed development and the nine-hole golf course would drain to discharge Points A and B. Due to the conversion of the existing 18-hole golf course to the proposed nine-hole golf course, stormwater runoff from golf course surfaces would decrease, with the corresponding reduction in pollutants, organic materials and mineral sediments described on DEIS Page 3E-9. However, due to a proposed increase in impervious surfaces at the Project Site, a corresponding increase in the peak rate of stormwater runoff that drains toward Points A and B would occur. Additionally, similar to existing conditions, the three drainage systems would continue to receive stormwater runoff from surrounding offsite sources. Moreover, it is important to note that, water levels within the ponds and wetlands comprising the three golf course drainage systems are and would continue to be artificially maintained by various outlet structures, including elevated drainage pipes, weirs and tide gates. Based on the foregoing, no significant changes in the hydrology of the existing drainage system ponds are anticipated as a result of the Proposed Action. Pond 10 adjacent to the tide gate is expected to experience an increased contribution of approximately 17% during significant rain events. If the tide gate is open, water would be immediately released so that there would be no impact to water elevation in Pond 10. If rainfall accumulates while tide gates are closed, water would rise the area of Pond 10 by approximately four additional inches and then discharge through the tide gate when tide drops identical to what occurs today. For Pond 13, the proposed discharge is nearly identical to existing conditions under the Proposed Action and no changes are expected.

#### Minor Storm Events

For significant storm events the ground is already saturated and runoff is conveyed directly to discharge points. Water contribution to the wetland system to maintain current condition is dependent on minor (less than the one year storm) rain events that continually replenish water to allow continued growth of wetland vegetation and maintain water levels within the soil. To understand the current site water budget for minor rain events, it needs to be understood that the distribution of water throughout the site is a result of not only natural rainfall, drainage ditches and a drainage pipe network, but also the result of an existing irrigation network, irrigation ponds and pumping systems that move water throughout the site by site groundkeepers.

The manipulation of site water conditions to optimize golf course condition has been practiced since the establishment of the golf course in 1944. Without the continued use of the irrigation and pumping systems, the current condition of the site would be considerably different.



The existing irrigation and pumping network distributes water throughout the golf course to maintain turf and landscaping and remove water where natural accumulation causes degradation of course condition. The ponds currently on site were created and modified to serve as aesthetic and functional parts of the course providing irrigation support and drainage.

The heart of the irrigation system is at Pond 5 and 6 on the northeast extent of the site. In the spring and fall, surface runoff is collected in Pond 5 and 6 and distributed via pumping systems to other on-site ponds and pumped into irrigation systems to water the course including much of the wetland areas. Water is moved around as required to areas within the course based on direction of the groundskeeper. In the Summer months, the ponds are supplemented by existing groundwater extraction wells that maintain a supply of water in ponds 5 and 6 to be distributed through the site. During dry years, municipal water is also required to be purchased to meet irrigation need.

During heavy rains in the spring and fall, Ponds 5 and 6 have insufficient capacity to impound accumulated water and water is pumped to the south into the drainage ditch which runs under Eagle Knolls Road and discharges to Delancey Cove. If water was not pumped from this area during in response to large storm events, the rainwater would accumulate and pond in the areas of existing golf holes 5 and 6 (proposed golf holes 8 and 9).

Under the Proposed Action water from the residential lots would discharge to the golf course areas and be managed in the pipe and drainage ditch network. The HOA and Hampshire Recreation, LLC would need to enter into an agreement guaranteeing that stormwater runoff from the development would be permanently managed in the Club's stormwater drainage system and that the system would be permanently maintained to accommodate such runoff. As noted, above the design of the distribution of the flow has been maintained at current levels with the exception of discharge through the Delancey Cove flood gates and channel under culverts in the vicinity of Eagle Knolls Road which would increase 17%. To address these flows, the drainage channel to Delancey Cove is proposed to be upgraded to handle increased flow.

Water on the reduced golf course would continue to be managed as it is today utilizing the irrigation system centered on ponds 5 and 6. The groundskeeper would continue to provide irrigation and removal of water when necessary to maintain the quality of the course, which includes the wetlands and ponds. The groundskeeper would also continue to have the irrigation wells to provide additional water during dry periods. Homeowners would be required to provide irrigation for their own lots utilizing house water connections fed by Westchester Joint Water Works.





**Comment E.7:**

Page 3E-7 – See previous comments about the need for additional descriptions of how the buffer areas around wetlands will be constructed and managed to maintain or improve functionality. Will the rocks around these areas be removed and will the areas be flattened out to provide a more connected riparian/lacustrine fringe buffer to the waterbody or wetland? How will these areas be managed and by whom? How will invasives be kept out?

(Memo 1, pg. 6, Stuart Mesinger, Consultant to Planning Board, 5/14/2018)

**Response E.7:**

The rock borders along the golf course ponds, where present, were installed historically and are necessary to provide erosion and flood control along the banks of these features. It is the intent of the Applicant and Club to keep those walls as is in order to maintain the current erosion and flood control measures along the banks. The Landscaping Plan includes a variety of facultative (FAC), facultative wetland FACW and obligate wetland (OBL) trees, shrubs and herbaceous plants to account for variances in hydrology and other growing conditions that occur along the pond boundaries. The buffer area planting plan would be adjusted accordingly to account for variations in hydrology and other growing conditions that occur in areas where rock borders are present or non-existent. Wetlands plantings would not be planted where walls exist.

A thorough discussion of the wetland buffer areas, including their construction and responsible parties, management methods/responsibilities, and invasive species management is provided in the Wetland Mitigation and Monitoring Plan (see FEIS Appendix H).

**Comment E.8:**

Page 3E-8 – are all wetlands on the site regulated by the Town or Village of Mamaroneck? If so, state so.

(Memo 1, pg. 6, Stuart Mesinger, Consultant to Planning Board, 5/14/2018)

**Response E.8:**

As indicated in the DEIS on Page 3E-5:

*"Surface waters and wetlands greater than 2,500 square-feet in area and the 100-foot adjacent area surrounding these features are regulated by the Board of Trustees of the Village of Mamaroneck ("the Village"), pursuant to Village Code Chapter 192 (Freshwater Wetlands), and by the Town Board of the Town of Mamaroneck (the "Town"), pursuant to Town Code Chapter 114 (Wetlands and Watercourses). Accordingly, the seven ponds and two vegetated wetlands at*



*the Project Site, and the respective 100-foot adjacent areas surrounding these features are regulated by the Village or the Town. Specifically, Ponds 5, 6, 10, 11, 18, and the vegetated wetland located contiguous to the west of Pond 10 are located within the Village, while Isolated Wetland A is located within the Town. Portions of Pond 13 are located within both the Village and the Town."*

Accordingly, as the proposed native plant buffers would be installed within 100 feet of the ponds and pursuant to Village of Mamaroneck Code Chapter 192 (Freshwater Wetlands), regulated areas include freshwater wetlands and adjacent lands lying within 100 feet of the wetland boundary. Regulated activities within freshwater wetlands and adjacent areas include excavation and filling. Buffer plantings do not appear to be a regulated activity requiring a permit.

**Comment E.9:**

Page 3E-9, Mitigation - add to last sentence in that first paragraph that the buffer plantings around wetlands and watercourses on the site...would also improve overall plant and wildlife species diversity, stormwater storage/remediation, and may also improve water quality. This assumes proper buffer management, allowing these areas to grow in and stay native without cutting. Will the areas be marked as out of bounds/no cutting?

(Memo 1, pg. 6, Stuart Mesinger, Consultant to Planning Board, 5/14/2018)

**Response E.9:**

Comment noted. The last sentence in the first paragraph on Page 3E-9 should include "that the buffer plantings around wetlands and watercourses on the Project Site would also improve overall plant and wildlife species diversity, stormwater storage/remediation, and may also improve water quality.

Hampshire Recreation, LLC would be responsible for management of the wetland buffer areas as part of normal operations and maintenance of the nine-hole members only golf course. (See page I-16 for further discussion of ownership and maintenance responsibilities.) The wetland buffers would be maintained in accordance with the Wetland Mitigation and Monitoring Plan (FEIS Appendix H), which the Applicant assumes would be incorporated as a condition into any approval issued by the Planning Board. As set forth in the Wetland Mitigation and Monitoring Plan, the buffer areas would not be subject to mowing. The Golf Club may conduct maintenance pruning of trees and shrubs within the buffer areas, for safety purposes and other reasons, as necessary. Such management practices would not reduce overall plant and wildlife species diversity, stormwater storage/remediation or water quality functions of the wetland buffer areas. The wetlands buffers would be marked with signs as areas of no cutting.



**Comment E.10:**

A figure should be provided defining what portions of the existing golf course drainage system would be routed through the proposed development drainage system. Will this re-routing require a permit from ACOE? If so, a discussion of the impacts and mitigation should be provided.

(Memo 1, pg. 6, Stuart Mesinger, Consultant to Planning Board, 5/14/2018)

**Response E.10:**

Several existing drainage pipes and ditches of the existing golf course drainage system would be rerouted through the proposed development drainage system. The intent of the proposed drainage system design was to maintain existing drainage distribution to each of the existing outfalls in the proposed condition. Under the proposed Action, stormwater from areas north of the development platform, including golf holes 7, 8 and 9, would be discharged to the south via a culvert under the development platform and then conveyed to the Delancey Cove tide gates. Golf holes 3 through 6 would continue to discharge the Hommocks tide gates as they do today via existing drainage ditches. Golf holes 1 and 2 would discharge to the Delancey Cove tide gates via existing drainage ditches. FEIS Appendix I presents schematically the existing and proposed drainage routing.

The HOA and Hampshire Recreation, LLC would need to enter into an agreement guaranteeing that stormwater runoff from the development would be permanently managed in the Club's stormwater drainage system and that the system would be permanently maintained to accommodate such runoff.

Any potential USACE permitting for the Proposed Action is contingent upon the federal jurisdictional status of the wetland features that comprise the golf course drainage systems. Accordingly, a jurisdictional determination request was submitted to the USACE on September 4, 2018 to determine the federal status of the wetlands (see Appendix Q). See Response E.1.

**Comment E.11:**

Stormwater drainage inputs to off-site wetlands systems will be increased at one outlet and decreased at the other (see Pages 3E-7, 3F-4 and the SWPPP). The impacts to wetlands both on and off-site from the change in flow regime should be analyzed. A figure should be provided comparing the existing drainage system as shown in Exhibit 3E-1 and 3L-2 with the proposed drainage system.

(Memo 1, pg. 6, Stuart Mesinger, Consultant to Planning Board, 5/14/2018)

**Response E.11:**

The comment is addressed in Response E.6. Existing and proposed drainage maps are provided in Attachment D1 in the revised SWPPP (see Appendix M) and in the untitled drainage figure in Appendix C. On the mapping the existing Eagles Knoll Road to be abandoned on the Applicant's property would be reconfigured as a walking path under the Proposed Action. The abandoned section of Cove Road at the base of the hill adjacent to the existing clubhouse would be converted to a service road for the existing club. Figure CP-1 in Appendix C illustrates all proposed sidewalks and walking paths.

**Comment E.12:**

Please note that approximately 7 acres of the Hampshire property is in the Unincorporated Area. This land was declared a "fresh water wetlands" by the Town many years ago and therefore has special protections. Then, of course, there are the salt marshes behind the Hommocks playing field. The field also belongs to the Town – not the Board of Ed.

(Public Comment Letter 13, pg. 1, Paul Ryan, 2/10/2018)

**Response E.12:**

As shown on DEIS Exhibit 3E-1, two freshwater wetlands occur within the portion of the Project Site that is located within the Town of Mamaroneck: Vegetated Wetland A and portions of Pond 13. As detailed on DEIS Page 3E-5, pursuant to Town Code Chapter 114 (Wetlands and Watercourses), surface waters and wetlands greater than 2,500 square-feet in area and the 100-foot adjacent area surrounding these features are regulated by the Town. The tidal wetlands referenced in the comment are also subject to Town regulation; however, these wetlands are located offsite, and the Project site is located beyond the Town-regulated 100-foot jurisdictional area associated with them.

**Comment E.13:**

Hommocks Road, Cove Road, and Eagle Knolls Road can be considered a substantial fabricated structure limiting the tidal wetland adjacent area. But the area which is southeast of Eagle Knolls Road and within 300 feet of the regulated wetland, in Delancey Cove, is regulated adjacent area.

The Grading and Utility Plan, Exhibit 3F-1, shows a "proposed 4' x 1 O' channel improvement" within 170 feet of the wetland with no apparent barrier. This appears to be modification of an existing structure and a regulated activity.

The tidal wetlands regulations include as a regulated activity any "new discharge of any pollutant requiring a SPDES permit." This includes new discharges under the SPDES General Permit for Stormwater Discharges from Construction Activity- GP-0-15-002. As this proposal will include new



impervious surfaces and it appears that there will be an increase in discharge, it appears that a tidal wetland permit for new discharge of stormwater is required.

However, Exhibit 2-14a shows plantings within the DEC-regulated tidal wetland adjacent area. Establishing plantings in the tidal wetlands adjacent area, is categorized as a "use not requiring a permit" pursuant to the regulations §661.5(9). Please note that DEC recommends the use of native species suitable for the area of proposed planting. The introduction of any plant listed in 6 NYCRR Part 575, Prohibited and Regulated Invasive Species, is prohibited.

Please note that the pond may be under the regulation of the Army Corps of Engineers and if excavation is required to establish wetland plantings, a Corps permit pursuant to Section 404 of the Clean Water Act may be required. If so, a Section 401 Water Quality Certification would be required from DEC.

(Public Comment Letter 41, pgs. 1-2, Sarah Pawliczak, Department of Environmental Conservation, /14/2018)

**Response E.13:**

A jurisdictional determination request was submitted to the NYSDEC on September 5, 2018 requesting an official determination of the NYSDEC's tidal wetland jurisdiction at the Project Site and the response letter can be found in FEIS Appendix Q. The NYSDEC concurs with the Applicants boundaries. See also Response E.1.

The remainder of the NYSDEC's comments are acknowledged.

**Comment E.14:**

Wetlands delineation is needed for the site. Jurisdiction clarification required from Army Corps and NYSDEC, and jurisdiction determinations required from Army Corps, NYSDEC, NYSDOS and NYSOGS.

(Public Comment Letter 106, pg. 1, Cindy Goldstein, Chair - HCZMC, 4/23/2018)

**Response E.14:**

Delineations of the wetlands at the Project Site have already been completed. As indicated in Responses E.1, E.3, E.10 and E.13, jurisdictional determination requests have been submitted to the USACE and NYSDEC (see Appendix Q). The New York State Department of State (NYSDOS) does not issue wetland jurisdictional determinations. The New York State Office of General Services (NYSOGS) manages New York State-owned underwater lands of coastal waters, large lakes and rivers.

**Comment E.15:**



No permit or evidence of consultation with the Army Corp of Engineers is provided for the destruction, filling, grading and relocation of one of the streams traversing the site, identified on the Village L WRP map 9 and the PDEIS.

(Public Comment Letter 67, pg. 5-6, Lisa Liquori, 2/14/2018)

**Response E.15:**

Portions of existing drainage ditches constructed or altered historically as part of the existing golf course drainage system would be rerouted through the proposed drainage system. As indicated in Responses E.1, E.3, and E.10, a jurisdictional determination request has been submitted to the USACE to ascertain the extent of federal jurisdiction over wetlands and surface water courses at the Project Site. See Response E.1.

**1.0 Appendix B**

**Comment E.16:**

Wetland Functional Assessment. Page 3 - The functional assessment identified a number of habitats on site including: Mowed Lawns with Trees and Successional Southern Hardwoods. The DEIS text did not identify Mowed Lawn with Trees or Successional Southern Hardwoods, even though large trees exist on site. There should be a category of "wooded habitat" in the list of habitats to be assessed for impacts within table 3K-1 and 3K-2.

(Memo 1, pg. 14, Stuart Mesinger, Consultant to Planning Board, 5/14/2018)

**Response E.16:**

Small stands of trees occur between fairways at several locations on the golf course. The trees are subject to periodic maintenance (i.e., pruning), and the areas beneath the tree canopies have been historically maintained by golf course staff and consist of mowed turf grasses, mowed/grubbed brushy areas and/or unvegetated earth and rock. As the tree stands were planted historically during development of the golf course, they are not naturally-occurring habitats and do not contain significant understory components (i.e., shrub and groundcover strata) associated with known woodland or forest types. Based on these considerations, the tree stands are not properly characterized as "wooded habitats" according to the woodland and forested community descriptions in the New York Natural Heritage Program (NYNHP) publication *Ecological Communities of New York State* (ECNYS) (Edinger et. al., 2014). The ECNYS community description that is most representative of the tree stands is the Mowed Lawn with Trees community, which is described as an "unranked cultural community" by the NYNHP (the unranked cultural designation is for communities that were created



or altered by humans and have wide distributions throughout New York State). Based on the foregoing, it would be inaccurate to add a “wooded habitat” category to Tables 3K-1 and 3K-2, as no such habitats occur at the Project Site. The Wetland Functional Assessment (see FEIS Appendix Z) has been updated to reflect these findings. DEIS Tables 3K-1 and 3K-2 (see below) have also been updated to remove the reference to ECNYS ecological communities, since these tables provide quantitative site coverage for generalized habitat types, rather than acreages for the various ECNYS ecological communities that were observed qualitatively in the field.

As depicted on FEIS Figures 14a and 14b, 10.6 acres of tree areas would be removed as part of the Proposed Action, including two areas (Areas X and Y) greater than 1 acre in size and six additional areas that are greater than 0.5 acres in size. As depicted on the Landscaping Plan, the 432 mostly mature trees to be removed would be replaced by 432 new evergreen and shade trees.

<b>Updated DEIS Table 3K-1 Existing Cover Types</b>		
<b>Cover Type</b>	<b>Site Coverage (acres)</b>	<b>Site Coverage (percent)</b>
Landscaping	86.7	81.63%
Meadows, Grasslands, or Brushlands	8.8	8.28%
Impervious Surfaces	6	5.65%
Surface Water Features and Wetlands	4.7	4.44%
Total	106.2	100%

<b>Updated DEIS Table 3K-2 Existing and Proposed Cover Types</b>				
<b>Cover Type</b>	<b>Existing Site Coverage (acres)</b>	<b>Existing Site Coverage (percent)</b>	<b>Proposed Site Coverage (acres)</b>	<b>Proposed Site Coverage (percent)</b>
Landscaping	86.7	81.6%	42.4	39.9%
Meadows, Grasslands, or Brushlands	8.8	8.3%	44.8	42.2%
Impervious Surfaces	6	5.6%	14.3	13.5%
Surface Water Features and Wetlands	4.7	4.4%	4.7	4.4%
Total	106.2	100%	106.2	100%

**Comment E.17:**

Attachment D, page 9 shows common reed prevalent in one of the wetlands (isolated wetland A). Eradicating this invasive species from this wetland and restoring the wetland to a better habitat type would be appropriate mitigation. The EIS should discuss how spread of this invasive species will be controlled in wetland areas on the site, especially with buffer plantings.



(Memo 1, pg. 14, Stuart Mesinger, Consultant to Planning Board, 5/14/2018)

**Response E.17:**

Based on review of historic aerial photographs (Nationwide Environmental Title Research, available online at <https://www.historicaerials.com/>), it appears that, rather than being a recent colonizer, common reed (*Phragmites australis*) has been established within Isolated Wetland A since its creation circa 1974. Therefore, though common reed is an invasive species. The Applicant believes that any potential eradication of this species from the wetland would not represent "restoration" to prior conditions. Additionally, as shown on the Existing Conditions Plan (DEIS Exhibit 2-6), approximately fifty percent of Isolated Wetland A is located on adjoining residential properties that are not under the control of the Applicant. As such, any potential common reed removal effort is impractical, as it would require the approval of all applicable property owners for a multi-year effort that would result in significant, long-term disturbance to the wetland through use of heavy equipment and other mechanical means, as well as repeated herbicide applications. Moreover, it is important to note that, beyond the temporary disturbance that would occur during installation the proposed wetland buffer plantings, no clearing, grading, ground disturbance or other impacts are proposed within or in the vicinity of Isolated Wetland A or the other wetland features located on the golf course. Taking these factors into account, the Applicant has concluded that the appropriate mitigation for Isolated Wetland A is installation of the proposed 20-foot native plant buffer, as depicted on the Landscaping Plan (see DEIS Exhibit 2-14).

A thorough discussion of the wetland buffer areas, management methods and invasive species management is provided in the Wetland Mitigation and Monitoring Plan (see Appendix H).

**2.0 Appendix F**

**Comment E.18:**

Appendix F should include a hydric soils report.

(Memo 1, pg. 14, Stuart Mesinger, Consultant to Planning Board, 5/14/2018)

**Response E.18:**

The Natural Resources Conservation Service hydric soil report for the Project Site is included in Appendix P.

## **F. Stormwater Management**

**Comment F.1:**





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.

(Public Hearing 1, pg. 72-73, and Public Comment 67, pg. 11, Neil Porto, 2/14/2018)

**Response F.1:**

The Proposed Action does not propose any disturbance of wetlands. The proposed action includes the installation of 20' native plant buffers within 100 feet of the ponds on the Project Site. Pursuant to Village of Mamaroneck Code Chapter 192 (Freshwater Wetlands), regulated areas include freshwater wetlands and adjacent lands lying within 100 feet of the wetland boundary. Regulated activities within freshwater wetlands and adjacent areas include excavation and filling. Buffer plantings do not appear to require a permit from the Village.

In addition to requirements of the New York State DEC for soil erosion, double silt fence rows would be provided at the buffers to wetlands adjacent to soil movement and disturbance activities to safeguard the wetlands and downstream water bodies. The contractor would be required to perform daily inspections of soil erosion measures in addition to weekly mandated New York State DEC SWPPP inspections.

**Comment F.2:**

What happens to the natural flow and drainage of water on a large low-lying piece of property right in the center of the club when you're filling it with I don't know how many pounds of fill. But what happens to that?

(Public Hearing 2, pg. 305, Jim Desmond, 4/11/2018)

(Public Hearing 2, pg. 319, Lou Mazzo, 4/11/2018)

(Public Hearing 2, pg. 326, David Wenstrup, 4/11/2018)

**Response F.2:**

As detailed in Chapter 3F of the DEIS, the proposed drainage system is designed to capture any sediment and mitigate any increased turbidity that may result from the Proposed Action. The Applicant expects that there would be no significant water quality impacts on receiving wetlands or downstream



discharge points. In addition, a detailed Sediment and Erosion Control Program would be implemented to mitigate the short-term impacts of soil erosion. Erosion and sediment control practices that would be implemented include inlet protection, installation of a silt fence, straw bale, and erosion blanket. Based on the proposed Sediment and Erosion Control Plan, there would be no significant erosion or sediment impacts on the Project Site and there would be no sedimentation impacts and induced turbidity in the Long Island Sound or other downstream water courses. The culvert under Eagle Knolls Road and the downstream drainage ditch are owned and by the Applicant and would continue to be maintained by the Applicant to provide discharge for storm water from the central portion of the Project Site to the Delancey Cove flood gates.

**Comment F.3:**

Mitigation, Section a. States that "two pipes 48 inches in diameter will be located across Cooper Avenue to the north and south of Fairway Lane along the northeastern property line to avoid ponding as a result of the proposed grading changes, and as shown on Exhibit 3F-1, Grading and Utility Plan." The plan shows an 8'x8' box culvert under Cooper Lane for golf cart access, however no 48-inch diameter pipes are indicated.

(Memo 1, pg. 6, Stuart Mesinger, Consultant to Planning Board, 5/14/2018)

**Response F.3:**

The two 48-inch pipes were replaced with an 8' by 8' box culvert. The 8' by 8' box culvert allows drainage discharge and a golf cart path connection between holes 6 and 7 in the Proposed Action.

**Comment F.4:**

Discuss how drainage from adjoining properties is accounted for in the SWPPP.

(Memo 1, pg. 6, Stuart Mesinger, Consultant to Planning Board, 5/14/2018)

**Response F.4:**

As presented on the "Existing Drainage Area Map" and "Proposed Drainage Area Map" included as an attachment to the Preliminary Stormwater Drainage Report, Appendix H of the DEIS, and the updated SWPPP in Appendix M of the FEIS, a number of adjacent properties are included in the drainage area contributing to the Project Site. The Project Site discharges either to the flood gates in Delancey Cove or the flood gates at the Hommocks School fields. Drainage from contributing off-site properties would not be altered in the proposed condition.

**Comment F.5:**



Page 3F-7 indicates that porous pavement may be used. What considerations will go into making this decision?

(Memo 1, pg. 7, Stuart Mesinger, Consultant to Planning Board, 5/14/2018)

**Response F.5:**

The Applicant would consider porous pavement for use as driveways for the proposed residences, walkways, pedestrian paths, and community open space features. Porous pavement is better suited for areas of low traffic volumes or seasonal use. It is recommended that Project Site roadways be constructed of standard asphalt which would provide the best performance and durability during all weather conditions. Porous pavement by design has open jointing and/or enlarged aggregate to allow water percolation requiring increased maintenance cycles. As a result, porous pavement does not perform as well as asphalt in circulation roads subject to high frequency of traffic. Porous pavement is excellent in lower impact areas such as parking spaces, pedestrian paths, recreational areas that receive reduced traffic and require less frequent maintenance.

**Comment F.6:**

Page 3F-8. Last sentence on page. Add space after 2016.

(Memo 1, pg. 7, Stuart Mesinger, Consultant to Planning Board, 5/14/2018)

**Response F.6:**

Comment noted.

**Comment F.7:**

The proposed reduction (halving) of golf course alone will make a significant contribution to better water quality, given its location so close to these environmentally sensitive areas. I would however like to see the developer go one step further and consider committing the future operator of the 9-hole golf course to Integrated Pest Management (IPM) procedures in an even farther-reaching water quality improvement goal.

(Public Comment Letter 1, pg. 3, Sven Hoeger, Environmental Consultant to the HCZMC, 1/12/2018)

**Response F.7:**

The Applicant would consider this in developing pest management procedures.



**Comment F.8:**

DEIS Section 2.E.1.k. does not mention the need for a SPDES General Permit for Stormwater Discharges from Construction Activity. DEIS Section 3.F.1.c. only notes the need to prepare and submit a SWPPP to the Village of Mamaroneck. However, as stated in Table 1.1, the project requires a SPDES permit from DEC. The project sponsor must submit a Notice of Intent to the DEC along with the MS4 Acceptance Form and the SWPPP.

(Public Comment Letter 41, pg. 3, Sarah Pawliczak, Department of Environmental Conservation,  
2/14/2018)

**Response F.8:**

As required by the SWPPP included as Appendix H to the DEIS and the updated SWPPP included as Appendix M in the FEIS, a Notice of Intent must be submitted to the New York State DEC including an Acceptance Form from the Village of Mamaroneck MS4 to obtain a SPDES General Permit prior to the commencement of any construction activities.

**Comment F.9:**

Page 3F-1 inaccurately states that the project does not discharge to a 303(d)-listed waterbody.

(Public Comment Letter 56, pg. 3, Stephen V. Altieri, Town of Mamaroneck Town Administrator,  
2/14/2018)

**Response F.9:**

As confirmed by the Planning Board's consultant, the proposed action would not discharge to any 303(d) waterbody listed on Appendix E of the General SPDES permit GP-0-15-002.

**Comment F.10:**

Creating impervious surfaces by building on the property will only exacerbate the flooding issues which are inevitable.

(Public Comment Letter 75, pg. 1, Marjorie Weschler, 4/2/2018)

**Response F.10:**

See Response G.5.

**Comment F.11:**



On pg. 3F-3 the report discusses tide gates not being sized for tidal storm events; given the significant proposed development of residences within the property, was there analysis of the potential to increase the size of these gates?

(Public Comment Letter 83, pg. 2, Peggy Jackson, Flood Mitigation Advisory Council, 4/10/2018)

**Response F.11:**

Under the 100-year flood condition, the water surface of tidal flood water exceeds the height of the flood gates and inundates the Project Site from Delancey Cove, along with the marsh area adjacent Hommocks School and the Cove Road neighborhood. The flood gates do not control the water movement under flood conditions greater than approximately the 5 year storm, therefore upsizing the flood gates would not provide additional control.

**Comment F.12:**

What pervious surfaces do you plan on using in this project, how will they be utilized to assure compliance with storm water management codes set forth by the Federal, State and Village requirements, and where?

(Public Comment Letter 119, pg. 1, Flood Mitigation Advisory Council, 5/8/2018)

**Response F.12:**

See Response F.5.

**Comment F.13:**

The developer's proposal does not adequately address drainage of stormwater and storm drains. Orienta's storm drains tie into a few central locations and are already overburdened. Adding more impervious surfaces will further burden the system.

(Public Comment Letter 131, pg. 2, Jenn Kronick and Jason Shapiro, 5/8/2018)

**Response F.13:**

The Project Site does not discharge storm water to Orienta Avenue. The Project Site discharges either to the flood gates in Delancey Cove or the flood gates at the Hommocks School fields. The Proposed Action would not impact the Orienta Avenue drainage system.

**1.0 Appendix H**



**Comment F.14:**

Construction activities that have the potential to affect a historic property are not eligible to obtain coverage under the SPDES General Permit (GP-0- 15-002) unless there is documentation that such impacts have been resolved. The SWPPP should include a discussion of this requirement, and include the necessary documentation.

(Memo 1, pg. 14, Stuart Mesinger, Consultant to Planning Board, 5/14/2018)

**Response F.14:**

There are no identified historical properties on or downstream of the Project Site. The SWPPP does not need to be updated.

**Comment F.15:**

A long-term Operations and Maintenance Plan is required in accordance with Part III.B.2.f. of the General Permit, and question 38 of the Notice of Intent. The plan should provide inspection and maintenance schedules, and actions to ensure continuous and operation of each post-construction stormwater management practice.

(Memo 1, pg. 14, Stuart Mesinger, Consultant to Planning Board, 5/14/2018)

**Response F.15:**

The detailed long-term Operations and Maintenance Plan for the stormwater practices has been prepared and included in Section VIII and Attachment B and E of the SWPPP (see Appendix M).

**Comment F.16:**

The SWPPP indicates that the drainage channel from the site to Delancey Cove will be modified in order to convey the increased peak flow rate. This channel flows through an existing culvert under Eagle Knolls Road which will remain under the proposed condition. The SWPPP should describe the existing culvert and its capacity to convey the increased runoff, or if improvements to the culvert are required they should be described.

(Memo 1, pg. 14, Stuart Mesinger, Consultant to Planning Board, 5/14/2018)

**Response F.16:**

The Applicant evaluated the existing culvert under the Eagle Knolls Road through a hydraulic analysis based on existing and proposed flow for its capacity to handle the increase in runoff from the proposed



development and determined to require replacement under the Proposed Action. The culvert size has been increased to four feet high by ten feet wide to match the channel cross section. See below.

Proposed Culvert/ Channel Sizing (by Eagle Knolls Road) for Hampshire

Proposed 100-year flowrate = 222 cfs

Assumed flow velocity = 6 ft/sec

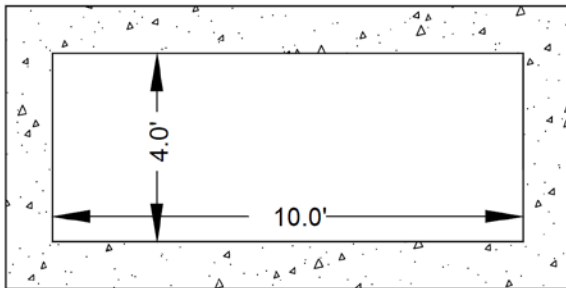
$Q = AV$

$A = Q/v = 222/6 = 37 \text{ ft}^2$

Proposed culvert and channel = 4' H x 10' L

Proposed culvert and channel area = 40 ft<sup>2</sup> ( > 37 ft<sup>2</sup>) ok

### Proposed Concrete Box Culvert



#### Comment F.17:

The SWPPP identifies two infiltration basins that will be utilized for stormwater management. The soil test results provided in the SWPPP are presented as Percolation Test Data. While percolation tests may be used for initial feasibility testing, the final design must be based on falling-head permeability tests performed in accordance with Appendix D of the NYS Stormwater Management Design Manual.

(Memo 1, pg. 14, Stuart Mesinger, Consultant to Planning Board, 5/14/2018)

#### Response F.17:

Comment acknowledged.

#### Comment F.18:

The infiltration test results should include the existing grade elevation where the tests are performed. Soil test data provided indicate brown sandy loam to a depth of 2-feet, with grey clay below 2-feet. Section 6.3.1 of the NYS Stormwater Management Design Manual states that infiltration practices cannot be located in fill soils, and the bottom of the infiltration facility shall be separated by at least



three feet vertically from the seasonally high water table. The SWPPP should demonstrate how these requirements are met, or demonstrate why it is appropriate to locate infiltration practices in fill soils.

(Memo 1, pg. 15, Stuart Mesinger, Consultant to Planning Board, 5/14/2018)

**Response F.18:**

The infiltration test results have been revised to include the existing grade elevation where the tests were performed. The bottoms of the proposed infiltration basins are not located in fill soils and are separated by at least three feet from ground water. Refer to attachment I and D2 in the SWPPP (see FEIS Appendix M) for detailed information.

**Comment F.19:**

Soil infiltration testing is required for the proposed drywells. Section 6.3.1 of the NYS Stormwater Management Design Manual states that infiltration practices cannot be located in fill soils, except the top quarter of an infiltration trench or drywell. The SWPPP should define the elevations for the proposed drywells, and demonstrate conformance with this requirement, or demonstrate why it is appropriate to locate the drywells in fill soils.

(Memo 1, pg. 15, Stuart Mesinger, Consultant to Planning Board, 5/14/2018)

**Response F.19:**

The proposed drywells within drainage area 1 to 4 in the water quality area map attached to the SWPPP have been eliminated. All the roof runoff would be drained to the two proposed infiltration basins for water quality treatment. Both infiltration basins have been resized to include the roof runoff. The proposed drywells within drainage area 7 in the water quality area map have also been eliminated. All roof runoff would be drained to the bioretention basin for water quality treatment. Refer to Attachment D2 in the SWPPP (see Appendix M) for detailed calculations.

**Comment F.20:**

Section 6.3.2 of the NYS Stormwater Management Design Manual states that all infiltration systems shall be designed to fully de-water the entire WQv within 48-hours after the storm event. The SWPPP should demonstrate conformance with this requirement.

(Memo 1, pg. 15, Stuart Mesinger, Consultant to Planning Board, 5/14/2018)

**Response F.20:**

The infiltration basins have been revised to dewater within 48 hours. Refer to attachment D2 in the SWPPP (see Appendix M) for detailed calculations.





**Comment F.21:**

The design of the infiltration basins should include provisions for emergency overflow.

(Memo 1, pg. 15, Stuart Mesinger, Consultant to Planning Board, 5/14/2018)

**Response F.21:**

Emergency overflows have been provided for by the infiltration basins. Refer to attachment D2 in the SWPPP (see Appendix M) for detailed calculations.

**Comment F.22:**

The proposed CDS pre-treatment units have maximum flow-through capacities. The SWPPP should include calculations to demonstrate that the flow- through capacity is not exceeded, or include provisions for external by-pass.

(Memo 1, pg. 15, Stuart Mesinger, Consultant to Planning Board, 5/14/2018)

**Response F.22:**

Detailed calculations provided in attachment D2 of the SWPPP have been revised to demonstrate that the flow- through capacities are not exceeded. Refer to attachment D2 in the SWPPP (see Appendix M) for detailed calculations.



## **G. Floodplains**

### **1.0 General Comments**

#### **General Comment 1:**

It is noted that the Proposed Action would provide utilities below roads but at elevations above the FEMA 100-year floodplain. The road elevations were previously indicated to be at 14. So that would only allow for 1-2 feet of bury depth of utilities to stay above the flood elevation of 12 feet. Discuss the adequacy of this depth.

(FEIS Completeness Comments, Floodplains General Comments, Stuart Mesinger, Consultant to Planning Board, 4/3/2019)

#### **Response General Comment 1:**

The gas, electrical and telecom utilities would be provided with the roadway in sealed piping and conduit that would be extended at the residence to above the finished floor (four feet above regulatory flood elevation) before service enters the home to provide resistance to flood waters. Sealing utility lines in waterproof piping is a typical approach used for protecting underground utilities near base flood elevations, which the Applicant believes is in accordance with the Village Code Section 186-5A(2)(b) which requires "Public utilities and facilities such as sewer, gas, electrical and water systems shall be located and constructed so as to minimize flood damage". Any street service boxes for electric or telecom would be elevated to keep the base above elevation 16. Similarly, water and sewer lines would either be above the base flood elevation or would be sealed and waterproofed if at or below the base flood elevation. There would only be risk of flooding if the water table rises to the points of opening in the sewer and water systems. The roads would be set at a minimum elevation of 13.5 feet, preventing water from entering the manholes during the 100-year tidal flood event. Assuming the 2080 mid-range sea level rise estimate of 28.5" water could enter the manholes. The top of the proposed pump station and related equipment (the Applicant's preferred method for conveying sewage); would be set at an elevation of 16' or higher to prevent flood water inflow. This is higher than the 100-year tidal flood elevation of all but the highest sea level rise estimates. (However, see also Section III.3.I of this FEIS for discussion of alternative conveyance methods). In summary, the water system would be a completely closed system. All points of opening to the sewer lines would be elevated above the 100-year flood elevation, but could be subject to flooding during certain sea level rise scenarios.

**General Comment 2:**

During the 100-year tidal flood water is projected to reach within a few feet of the lowest finished floor of structures. Analyze and discuss the possibility that water will percolate up through the soil and reach the houses.

(FEIS Completeness Comments, Floodplains General Comments, Stuart Mesinger, Consultant to Planning Board, 4/3/2019)

**Response General Comment 2:**

The groundwater elevation will not be influenced by the structures placed above it, nor would the presence of groundwater cause the tidal floodwaters to rise above the base flood elevation. Groundwater level is influenced by the surrounding level of water in the soil. Under flood conditions or heavy rain, flood water will saturate the surface soil and then percolate down into the ground, slowly raising the groundwater table. The rising groundwater table does not increase the flood elevation because the volume of tidal influenced floodwater flowing from the Long Island Sound is far greater than the comparably small volume of groundwater. Under estimated 50-year future mid-range sea level rise of 28.5,"water levels would potentially rise to an elevation of 14' 4.5" during the 100 year flood event. The extreme sea level rise scenario would impact the proposed residences.

**Comment G.1:**

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.

(Public Comment Letter 67, pg. 1, and Public Hearing 1, pg. 45, Stephen Kass, 2/14/2018)

**Response G.1:**

The current FEMA flood elevation for the 100-year storm is elevation 12.0. The Proposed Action provides new roadways at a minimum elevation 14.0 and residences at a minimum first floor elevation of 16.0. Cooper Avenue has a low point of elevation 13.0 feet. Although site specific elevations are not available for Hurricane Sandy, regional elevations generally were at or below the 100-year storm elevation of 12.0 based on the Hurricane Sandy Mitigation Assessment Team (MAT) Report, published by FEMA, dated November 2013, which compiled FEMA data and developed geographic information system (GIS) data on the event. Therefore, the occurrence of a Sandy magnitude storm would not impact the project as proposed, as the homes and roads would be at least 2-feet above the storm elevation.



Under current conditions, in the vicinity of the site, there are residents who reside along Eagle Knolls Road, Cove and Cove Road East who are cut off by flood water during a 100 year event because existing streets are below the 100 year flood elevation of 12 feet. In several cases, homes in the neighborhood served by Cove Road and Eagle Knolls Road are also located below the 100-year flood elevation, meaning that these houses would suffer damage during 100-year storms. Currently, the Village's policy during forecasted 100-year storms is to impose a mandatory evacuation order for the neighborhood, notifying the residents that emergency vehicles will not be able to access the neighborhood during elevated floods on Cove Road and Eagle Knolls Road. A past notice for Superstorm Sandy found on the Village website and placed in local print and broadcast media stated "there is a mandatory evacuation in place for the Orienta and Shore Acres neighborhoods that are at-risk for coastal storm-surge flooding. Residents who stay will not be reachable by emergency crews" (See Appendix R). Construction of the Proposed Action would provide new access to the neighborhood during storms, as Cooper Avenue would have a minimum elevation of 13 feet. Cooper Avenue would provide an evacuation route with its proposed elevation of 13, which is above the current 100 year flood elevation to the neighborhood. The access would take vehicles through Cooper Avenue and Old Post Road to Route 1.

The Applicant was asked to evaluate whether emergency access would be impeded on Cooper Avenue in the event that the road is blocked by flooding. This analysis is provided below:

#### Background/Current Status:

The elevation of Cooper Avenue is 13' minimum. Currently, the peak storm tidal flood elevation on Cooper Avenue reaches no greater than 12' during the FEMA 100 year storm event, meaning that all vehicles have continuous access to the Site during storm events up to and including the 100 year event.

#### Future Sea Rise impact on Access:

Various models of sea rise have been developed for the Long Island Sound in the vicinity of the Project Site. Technical Report No 11-18 was published by the New York State Research and Development Authority (NYSERDA) in 2014 and provides two sea rise scenarios: The Global Climate Model (GCM) and the Rapid Ice-Melt Model (RIMM). According to NYSERDA, the sea level rise by year 2080 in New York City ranges from 13" (the 10<sup>th</sup> percentile low range estimate) to 18"-39" (the 25<sup>th</sup>-75<sup>th</sup> percentile mid-range estimate) to 58" (the 90<sup>th</sup> percentile) high range estimate. Interpolating between the 25<sup>th</sup> and 75<sup>th</sup> percentile estimates, the 100-year floodplain would be at elevation 14' 4.5" under the mid-range estimate. The Village of Mamaroneck Planning Department prepared its own "Sea Level Rise and Flooding" (Sea Rise Report) in February 2017 using the RIMM (worst case) scenario to provide an estimation of future sea level rise expected to impact its coastal properties. In evaluating impacts, the Planning Board has used the NYSERDA 2080 50<sup>th</sup> percentile estimate of a 28.5"



sea level rise, recognizing that there is uncertainty in the estimates and that they could be higher or lower.

Thus, under the 50<sup>th</sup> percentile estimate, a portion of Cooper Avenue would be inundated with 16.5" of water. Inundation could be greater or lower, depending on the actual level of sea rise. Under the higher estimates, portions of the interior road system would also be subject to some level of flooding.

At the request of the Planning Board, the Applicant was asked to also evaluate whether Village of Mamaroneck Fire Department ("Fire") and the Mamaroneck Village Emergency Services ("EMS") emergency access would be impeded on Cooper Avenue during the limited high tide cycle, assuming that the road is blocked by 1' of water.

The Applicant attempted to obtain a written response from Fire and EMS for the input requested by the Planning Board to provide an opinion on navigation through one foot of water. These attempts included the following:

- Visit to Village of Mamaroneck Fire Department and discussion with assistant fire chief Vincent Costa on June 28, 2019
- Visit to Village of Mamaroneck EMS and discussion with an officer on June 28, 2019
- Call on June 28, 2019 to Vincent Costa – left message
- Emails to Vincent Costa on July 2 and July 8, 2019
- Email to Village of Mamaroneck EMS on July 9, 2019

Neither EMS nor Fire provided written responses to the above requests for information. The Applicant was able to obtain the specifications for the vehicles currently utilized by Fire and EMS. Fire currently uses a Seagraves Fire Truck. Based on discussions with Fire Truck suppliers that provide similar models, this type of fire truck is able to navigate through 12 inches of water. EMS currently uses an ambulance based on a Ford F-350 chassis, which according to Ford has a ground clearance at the axle of 8.3 inches. The Applicant was not able to obtain specific information on the ability for the ambulance to navigate 12 inches of water. EMS also has a 2016 John Deere Gator UTV which is a 6-wheel ATV style off road emergency vehicle. Based on conversations with the regional sales representative for John Deere, this model of ATV can navigate one foot of water.

It is the Applicant's opinion that even if Fire and EMS does not upgrade any of its equipment over the next 50 years to address future conditions throughout the Village, emergency vehicular access to the Project Site would be possible under the projected one foot inundation condition on Cooper Avenue using current emergency equipment. It is the Applicant's opinion that Fire and EMS would not be using 50-year-old apparatus in 2070, but instead, would upgrade its equipment in the future to address sea level rise throughout the Village. The Applicant asserts that as set forth in Chapter 30, the



projected increase in tax revenue to taxing jurisdictions as a result of the Project could be available to pay for upgrades to EMS and/or Fire vehicles.

Subsequent to the Applicant's unsuccessful attempts to contact Fire and EMS, the Planning Board directed Village planning staff to contact them. Planning staff discussed the project with Fire and EMS personnel, but neither Fire nor EMS provided a written comment or opinion.

**Comment G.2:**

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.

(Public Hearing 1, pg. 46, and Public Comment Letter 67, pg. 2, Stephen Kass, 2/14/2018)

(Public Hearing 2, pg. 311, Bob Goodman, 4/11/2018)

(Public Hearing 2, pg. 342, and Public Comment Letter 107, pg. 1, Jeremy Arfield, 4/11/2018)

(Public Hearing 2, pg. 326, David Wenstrup, 4/11/2018)

(Public Hearing 2, pg. 333, Bertram Siegel, 4/11/2018)

(Public Hearing 2, pg. 390, Jen Kronik, 4/11/2018)

**Response G.2:**

It is the Applicant's position that Village Code Section 186-5A(3)(c) does not apply to the Proposed Action because the Project Site is located within a tidal floodplain, not a riverine floodway. However, the Village Building Inspector, who is responsible for implementing the Zoning Code, has verbally indicated to the Planning Board that Section 186-5A(3)(c) applies to all floodplains and does not distinguish between floodplains or floodways, nor does it distinguish between riverine and tidal floodplains. Nonetheless, the Applicant believes the Proposed Action is in compliance with Code Section 186-5A(3)(c) as demonstrated by the hydraulic modeling included in Appendix J of the DEIS which shows no significant change in water surface elevations as a result of the project. The Applicant argues that it therefore can be concluded that the cut and fill associated with the Proposed Action would maintain the hydraulic equivalency between the existing and proposed conditions. However, because the Village Building Inspector has determined that the project is not in compliance with Section 186A(3)(c), the Applicant would seek a variance from the Planning Board based on the criteria



of Section 186-6B(1), (4), (5) and (6) as detailed below in Response G.9. See Response G.9 for a list of the criteria and an analysis of the Project's Compliance with said criteria.

**Comment G.3:**

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

(Public Hearing 1, pg. 62-63, Public Comment Letter 67, pg. 5, and Public Comment Letter 67, pg. 10-11, Lisa Liquori, 2/14/2018)

(Public Hearing 2, pg. 385, Karen Rob, 4/11/2018)

**Response G.3:**

See Response G.1.

**Comment G.4:**

The roads are only going to be at 14 feet. Right now, the FEMA suggested flood -- flood height is 13, and we know that there's going to be an increase of one or two feet relatively soon.

(Public Hearing 1, pg. 111-113, Celia Felsher, 2/14/2018)

**Response G.4:**

The current regulatory FEMA 100-year flood elevation is 12. The FEMA suggested 100-year flood elevation is 13. There is no current proposed date to increase the regulatory flood elevation to the suggested elevation. In addition, there is no indication on the FEMA website that FEMA will be additionally increasing the 100-year flood elevation.

**Comment G.5:**



And in a bad flood situation, that road's not going to be accessible, and you'd be very worried about the structural integrity of that causeway in an event, and you're going to end up with a situation where, even if you got the causeway to work, you can't reconstruct the road. The end of that road floods. You would have to raise Cooper Avenue where there are already homes on it, which, at the end of the day, means there is no way in and no way out during a flood event.

(Public Comment Letter 67, pg. 1-2, Celia Felsher, 2/14/2018)

**Response G.5:**

Under the Proposed Action, Cooper Avenue would provide a flood access of elevation 13. The current FEMA 100-year regulatory flood elevation is 12.0. Access would exist during a flood event. It should be noted that flood elevations for the Project Site are driven by tidal forces which would vary during the course of the storm. This is considerably different than flood resulting from a stream system like the Mamaroneck River. Under a tidal flood, peak elevation would be reached and then would decrease several feet during the storm based on tidal fluctuation as well as, potentially, other factors such as wind. Therefore, even if roadway inundation occurs in the future, it would not be consistent and access would be allowed during the storm event as the tide recedes in the natural course of the day. In a stream flood condition, as seen when the Mamaroneck River Floods, flood waters build and result in long periods of flood levels continually blocking access. This is not the case for the tidal flood plain. As discussed in detail in the Section III.3.G, Geology responses, the proposed fill placement, including for the Cooper Avenue extension, would be stabilized to resist potential flood waters.

See also Response G.1.

**Comment G.6:**

I would think that Oak Lane and Hommocks Road is in great danger of being washed away with no other changes than what the builders here are proposing.

(Public Hearing 1, pg. 150, Norman Hinerfeld, 2/14/2018)

**Response G.6:**

The project does not propose any modifications to Hommocks Road or Oak Lane and as discussed above, the project would not impact flood elevations, therefore would not increase impacts on either road.

**Comment G.7:**





The idea that you would put 120 condos with underground car parks is just -- in a zone that floods -- how are they going to get out? Are they going walk? And then if you put all these houses in there, as we've seen, there is no prospect of them being able to use Cove Road or Eagle Knolls Road. They don't have the rights to, and they're not going to be able to raise it, and they flood.

(Public Hearing 1, pg. 173, Paul Cantwell, 2/14/2018)

**Response G.7:**

The Applicant proposes to construct subgrade parking for the condominium alternative using a sealed "bathtub" design foundation protecting the cars from flood waters. The entrance to the garage would be above flood level to prevent entry of flood waters. This type of construction provides sealed joints between concrete sections to prevent water intrusion into the garage. In addition, an interior drain and pump station would be provided in the event of minor leaks. This is an approach commonly used in deep foundation buildings such as multilevel subgrade garages typically found in New York City many feet below groundwater and sea elevation.

**Comment G.8:**

The other thing that -- you know, because it's in a flood zone, the developers mentioned today that they were going to widen the roads, the walkways and whatever, and I imagine the garages, and they're going to make a -- a basement in each -- in each unit. Well, we found out when we lived on Waverly Avenue that there's something called hydrostatic pressure that will come up and destroy the foundation from the bottom.

(Public Hearing 2, pg. 383, Paul Ryan, 4/11/2018)

**Response G.8:**

Basements for the proposed residences would designed with hydrostatic pressure considered to ensure that the basement remains dry and anchored in place. Basement construction would use the same approach described for the condo alternative garage in Response G.7 above.

**Comment G.9:**

Page 2-25 argues that Section 186-5(A)(3)(c) of the Village Code requiring hydraulic equivalency for any filling in a floodplain does not apply because "the purpose of this regulation is to ensure that any new construction in a regulatory floodway remains hydraulically balanced to the existing conditions and as a result there would be no increase in flood elevation." This argument is also made on pages 3G-2, 3, and 6. However, Section 186- 5(A)(3)(c) does not reference floodways, it applies to the floodplain. This section of the code therefore applies and hydraulic equivalency through compensatory



storage must be achieved. We have confirmed this code interpretation with the Village Building Inspector who is responsible for administering the floodplain ordinance. If hydraulic equivalency cannot be achieved, a variance will be required. The EIS should either demonstrate achievement of hydraulic equivalency or show how the project meets the criteria for a variance.

(Memo 1, pg. 7, Stuart Mesinger, Consultant to Planning Board, 5/14/2018)

(Public Comment Letter 73, pg. 2, Randi Spatz, 4/3/2018)

(Public Comment Letter 98, pg. 1, David & Carla Henderson, 4/15/2018)

(Public Comment Letter 131, pg. 2, Jenn Kronick and Jason Shapiro, 5/8/2018)

#### **Response G.9:**

It is the Applicant's contention that the Proposed Action would provide hydraulic equivalency as demonstrated by the flood modeling contained in DEIS Appendix J. The model demonstrates that the addition of the development platform to the floodplain on the Project Site would not result in the displacement of current flood storage capacity in the floodplain. The model also demonstrates that there would be no significant change in water surface elevation for the adjacent properties during the 100 year regulatory flood when the Proposed Action is compared to the existing condition.

The Village Building Inspector has determined that a variance from the requirement in Village Code Section 186-5(A)(3)(c) is required. The Planning Board, therefore, would be evaluating the criteria in Section 186-6B (4) (5) and (6). The Applicant's and commenters' opinions of how the record does or does not support the issuance of the variance follows below.

**(4)** In passing upon such applications, the Planning Board shall consider all technical evaluations, all relevant factors, standards specified in other sections of this article and:

- (a)** The danger that materials may be swept onto other lands to the injury of others;  
The Applicant contends that the Proposed Action would result in the development of residential structures in the floodplain. There is little danger that materials would be swept onto other lands to the injury of others because all structures would be elevated four feet above the flood elevation, removing the potential of water reaching a level around the homes that would capture debris and then sweep it towards adjacent properties. No stockpiling of material is proposed for the residential use which would be swept by flood waters. Soils would be stockpiled on the site during a portion of the construction period and there is likely to be construction equipment and materials stored in the floodplain during a portion of the construction period. It is not



unreasonable to believe that such materials could be transported to other lands if there was a 100-year tidal flood during the period of such storage. The Planning Board believes it is not possible to analyze or assess the possibility of this occurring or what the impact would be if it did occur.

**(b)** The danger to life and property due to flooding or erosion damage;

It is the Applicant's position that the residences would be placed four (4) feet above the current regulatory flood elevation, providing vertical separation to avoid flood damage in the event of current flooding, or in the event of currently predicted sea level rise in the future. Construction of the Proposed Action would also provide new access to the neighborhood during storms, as Cooper Avenue would have a minimum elevation of 13 feet. Thus, the Proposed Action would provide neighborhood residents with access to Cooper Avenue and ultimately to Boston Post Road above the current 100-year elevation. See Response G.1 above for a discussion of access under future projected flood elevation levels.

With respect to the threat of erosion, the Flood Modeling in Appendix J of the DEIS demonstrates that the Project Site is not subject to wave action. Therefore, flood waters move slowly into and out of the Project Site, limiting the risk of potential erosion to roads, slopes and vegetation. Proposed roadway construction and the vegetative cover on slopes up to 3 horizontal to 1 vertical would be sufficient to resist erosion during flood events.

**(c)** The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner;

It is the Applicant's position, as set forth above, that the residences and roads would be placed above the current flood elevations. The lowest inhabitable level of all residences would be above 16 feet, and therefore, four feet above the base flood elevation even under the most conservative projections of future sea level rise. Basements would be sealed below the flood elevation to prevent intrusion as described in Response G.7.

As demonstrated by the Flood Modeling contained in Appendix J of the DEIS, the Project Site is not subject to wave action. The Applicant asserts that the golf course, roadways and vegetated areas would not be significantly impacted during intrusion and recession of storm waters, because water would slowly enter and recede from the site and because the site is not subject to wave action. Access roads for the Proposed Action are set at elevation 14, two feet above the 100 year regulatory storm, providing a two-foot buffer for future sea rise. As set forth in (d) below, the Applicant contends



that emergency access to the surrounding neighborhood during storms would be improved as a result of the Proposed Action.

The gas, electrical and telecom utilities would be provided with the roadway in sealed piping and conduit that would be extended at the residence to above the finished floor (four feet above regulatory flood elevation) before the service enters the home to provide resistance to flood waters in accordance with Village Code Section 186-5A(2)(b).

- (d)** The importance of the services provided by the proposed facility to the community;

Under current conditions, in the vicinity of the site, there are residents who reside along Eagle Knolls Road, Cove Road, and Cove Road East who are cut off by flood water during a 100 year event because existing streets are below the 100 year flood elevation. The Applicant contends that the construction of the Proposed Action would provide new access above the 100 year flood elevation for the existing residents through the development to Cooper Avenue and Old Post Road and ultimately to Route 1. See Response G.1 for a discussion of the Cooper Avenue access issue.

Further the Applicant contends that the proposed development would generate additional property tax revenues to all taxing jurisdictions.

- (e)** The necessity to the facility of a waterfront location, where applicable;

This criterion is not applicable.

- (f)** The availability of alternative locations for the proposed use which are not subject to flooding or erosion damage;

It is the Applicant's position that the design provides isolation from flooding and resistance to erosion. The floodplain encompasses the majority of the Project Site, as well as a large portion of the adjacent neighborhood. The Proposed Action could not be relocated to an area on the Project Site outside of the floodplain without a significant reduction in density, which the Applicant has stated is not financially viable. The Applicant believes the Proposed Action incorporates resiliency and safety measures to avoid flooding and erosion by providing all structures at a minimum elevation of four feet above regulatory flood elevation and roads two feet above. All surfaces within the flood area would be stabilized by maintained vegetation to prevent erosion during flood events.

- (g)** The compatibility of the proposed use with existing and anticipated development;

It is the Applicant's position that the Proposed Action is an extension of a current residential neighborhood (Orienta) and is consistent with the Project Site's R-20 zoning.



The Proposed Action would not impact flood elevations to adjacent properties as demonstrated by the flood modeling in Appendix J of the DEIS. Development of the 105 residential units in the floodplain would be compatible with adjacent properties as the development would not redirect or otherwise increase flooding on adjacent properties and roadways.

- (h) The relationship of the proposed use to the comprehensive plan and floodplain management program of that area;

It is the Applicant's position that the Proposed Action would comply with the Project Site's existing R-20 zoning designation. The Proposed Action reflects some of the various zoning approaches for the Project Site identified in the 2012 Comprehensive Plan. The proposed 105 units would be "clustered" in a location on the PRD Parcel that would permit a total of 30.6 acres to be preserved as shared open space. 37.6 acres of the existing golf course would be maintained on the Project Site, contributing to the recreational/open space character of the area. In addition, the 105 units proposed is less than the maximum amount permitted if this site were zoned R-30 (30,000 square feet per acre, allowing for a maximum density of 137 units). The Proposed Action would allow for greater density than if the property were rezoned to Open Space/Recreation, as is also recommended by the Comprehensive Plan. If the variance were not granted and development was not allowed in the floodplain, the maximum density would likely be 20-25 units. The Applicant has stated that this is not a financially viable alternative. The Applicant contends that the clustered development layout would also permit the Applicant to preserve all wetlands and ponds identified in the Comprehensive Plan as contributing to the environmental significance of the Project Site.

It is the Applicant's position that the Proposed Action also complies with the regulatory purpose of the "hydraulic equivalency" floodplain management requirement set forth in Section 186-5A(3)(c) of the Village Code. The purpose of requiring a property owner proposing to place fill in a floodplain to provide a hydraulically equivalent amount of excavation is to ensure that flood waters would not be redirected onto adjacent properties as a result of the development. As demonstrated by the hydraulic modeling included in Appendix J of the DEIS, there would be no significant change in water surface elevations in the floodplain as a result of the Proposed Action, therefore demonstrating that the Proposed Action would not cause new flooding patterns on adjacent properties post-construction. The existing hydraulic condition of the Project Site would be equivalent to the hydraulic condition of the Project Site after the construction of the Proposed Action; that is, based on the modeling in DEIS Appendix J, the project would not result in flooding on adjoining properties..



- (i) The safety of access to the property in times of flood for ordinary and emergency vehicles;

Under current conditions, in the vicinity of the site, there are residents who reside along Eagle Knolls Road, Cove and Cove Road East who are cut off by flood water during a 100 year event because existing streets are below the 100 year flood elevation. Currently, the Village imposes a mandatory evacuation policy for the neighborhood for forecasted 100-year storms, indicating to residents that emergency vehicles will not be sent to the neighborhood during high flooding (See Appendix R).

It is the Applicant's position that the Construction of the Proposed Action would provide access through the development for the Project's and adjacent residents above 100 year flood elevation to Cooper Avenue and Old Post Road and ultimately to Route 1 for emergency and residential traffic. The Cooper Avenue access provides a minimum elevation of 13.0 at the property line, one foot above the 100-year food elevation. See Response G.1 above for a discussion of access under future projected flood elevation levels.

- (j) The costs to local governments and the dangers associated with conducting search and rescue operations during periods of flooding;

During significant storm events, the Village of Mamaroneck currently requires mandatory evacuation of low-lying waterfront areas, including the neighborhood surrounding the Project Site. Past notices on the Village website and placed in local print and broadcast media have stated "There is a mandatory evacuation in place for the Orienta and Shore Acres neighborhoods that are at-risk for coastal storm-surge flooding. Residents who stay will not be reachable by emergency crews." See Appendix R for copies of the announcements. Thus, it is the Village's policy that under mandatory evacuation, the Village does not send emergency vehicles to the Project Site and surrounding neighborhood when roads are impassible due to flooding.

It is the Applicant's position that the Proposed Action would not necessitate a change in this policy, requiring additional expenditures. In addition, the residences on the Project Site would be elevated above flood waters, allowing residents who do not comply with the evacuation order to stay in place without risk of water intrusion into their homes. The separation from the flood elevation would minimize the risk of the need to perform search and rescue missions during periods of flood at the Project Site. In addition, as set forth in Chapter 3O (Fiscal Impacts), the increased tax revenue generated by the Project could be used to offset any potential increased costs to the Village's emergency services, should they determine in the future to upgrade equipment and/or evacuation policies and procedures.



See Response G.1 for further discussion of the use of Cooper Avenue for emergency access.

- (k)** The expected heights, velocity, duration, rate of rise and sediment transport of the flood waters and the effects of wave action, if applicable, expected at the site; and

The site is beyond the wave action zone per FEMA mapping. See Figure 19 in FEIS Appendix C illustrating the FEMA delineated area under the influence of wave action relative to the site.

- (l)** The costs of providing governmental services during and after flood conditions, including search and rescue operations, maintenance and repair of public utilities and facilities such as sewer, gas, electrical, and water systems and streets and bridges.

See response (j) above regarding search and rescue operations and response (c) and (f) discussing proposed elevation of residences and roadways above the 100 year flood elevation and the floodproofing of utilities and erosion resistance of proposed roadways. It is the Applicant's position that the goal of the design of the Proposed Action is to provide flood resilient design that would not be impacted by flood events to protect the residents and property within the development. Therefore, it is the Applicant's position that there would not be any costs associated with repair of public utilities or facilities associated with flood waters.

In addition, the Planning board would have to consider, pursuant to the general "Conditions for variances" listed in Section 186-6(B), the following:

- (4)** Variances shall not be issued within any designated floodway if any increase in flood levels during the base flood discharge would result.

The project is located out of the Floodway and modeling demonstrates no increase in flood elevations.

- (5)** Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.

It is the Applicant's position that the design of the Proposed Action has been developed to minimize potential flooding impact by elevating the residences and roadways and flood proofing utility systems and providing dry flood access to the adjacent neighborhood. Flood resistant measures are not only in place considering current storm events, but also considering the impact of future potential sea rise by providing



residences four feet, and roads two feet, above current 100 year regulatory flood elevation of 12. It is therefore the Applicant's position that the variance requested is the minimum based on the proposed design. A less dense design would result in the need for a lesser, or no, variance. The Applicant has stated that a less dense design is not a financially viable alternative.

**(6) Variances shall only be issued upon receiving written justification of:**

**(a) A showing of good and sufficient cause;**

It is the Applicant's position that compliance with the Village's interpretation of hydraulic equivalency would result in significantly more disturbance and impact compared to the Proposed Action. To comply with the hydraulic equivalency, the project footprint would require significantly more excavation of low-lying areas and considerably more removal of mature trees. Under this scenario, the golf course would be removed due to additional low-lying excavation. The result would not change the resulting tidal flood elevation and would not benefit the adjacent neighborhood. A less dense alternative that achieved the hydraulic equivalency requirement or that required a lesser or no variance would result in less disturbance and impact. The Applicant has stated that a less dense alternative is not a financially viable alternative.

**(b) A determination that failure to grant the variance would result in exceptional hardship to the applicant; and**

The Applicant contends, as noted above, there would be a substantial increase in Project cost to excavate additional areas of the Project Site. The Applicant contends that they would also have to eliminate the members only golf course for the Club use which is part of the financial benefit for the development under the Proposed Action. The Applicant has also stated that a less dense alternative that would result in less filling is not financially viable.

**(c) A determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on or victimization of the public or conflict with existing local laws or ordinances.**

The Flood Modeling in DEIS Appendix J demonstrates that the project does not adversely impact flooding in the surrounding neighborhood and the proposed roadway network benefits the neighborhood by providing additional safety





during a flood event. See Response G.1 for a discussion of Cooper Avenue access.

**Comment G.10:**

A number of commenters noted that the property floods and is slow to drain during heavy rainfall events; i.e., not only during the 100-year storm event, but during higher return interval storm events. Provide an analysis of water levels on the property during flood events from the 10, 25 and 50- year return storm intervals and provide a discussion of whether flooding from storms of these types will impact other properties. Also address the time for the property to drain during the above storm intervals.

(Memo 1, pg. 7, Stuart Mesinger, Consultant to Planning Board, 5/14/2018)

(Public Comment Letter 158, pg. 1, Ben Sawyer, 5/11/2018)

**Response G.10:**

Additional figures have been prepared showing the flood extent for the existing and proposed action condition for the 10, 25 and 50-year flood storms; these are included in Appendix R. As demonstrated by these figures, the flood elevations for the 10, 25 and 50-year storms are identical in the existing and proposed action since elevations are dictated by the water surface of the Long Island Sound. Therefore, there is no change in impact to adjacent properties. The Proposed Action provides access for adjacent properties that does not currently exist increasing safety for the neighborhood.

**Comment G.11:**

Compare the flood elevations from Superstorm Sandy to the 100-year flood elevations modelled in the DEIS and discuss how a storm of that size would affect the property.

(Memo 1, pg. 7, Stuart Mesinger, Consultant to Planning Board, 5/14/2018)

**Response G.11:**

Although site specific information on flood elevations is not available for Hurricane Sandy, regional levels from FEMA indicate that elevations were at or below the 100-year flood elevation as noted in Response G.1 above. The 100-year flood modeled for the project provides a conservative assessment of how the Proposed Action would be impacted by a similar storm.

**Comment G.12:**



Discuss the amount of sea level rise that would result in the overtopping of Eagle Knolls Road and Cove Road, thus potentially stranding people in a flood. How does this compare with the range of projections for sea level rise? How does this compare with the current regulatory flood elevation?

(Memo 1, pg. 7, Stuart Mesinger, Consultant to Planning Board, 5/14/2018)

**Response G.12:**

Currently Eagle Knolls Road on the Project Site dips to an elevation of 4.9 feet which is overtopped during a 5-year flood event, approximately. This condition would be removed under the Proposed Action with the relocation and raising of Eagle Knolls Road. Cove Road is lowest off site at the intersection of Cove Road and East Cove Road with the elevation dipping to 9.3 feet.

The current FEMA 10-year flood elevation is 8.8. This would impact Eagle Knolls Road, but not Cove Road. The current FEMA 25-year flood elevation is 10.0 which would inundate both Eagle Knolls Road and Cove Road, although Cove Road would most likely still be passable with minimal water depth of 0.7 feet at worst. Including a potential sea rise of two to four feet, water would potentially be introduced to Cove Road in both the 10 and 25-year storms in the future, thereby restricting access.

After construction of the Proposed Action, Cooper Avenue would be the only access road above flood levels to enter and exit the Project Site in a 100-year flood event. The portion of Cooper Avenue on the Project Site is proposed to be elevated to a minimum of elevation 13.0 which would provide access one foot above the current FEMA 100-year flood regulatory elevation and approximately a half a foot below the 500 year flood non-regulatory elevation. See Response III.3.G.1 for further discussion of emergency access using Cooper Avenue.

**Comment G.13:**

Page 3G-8. Mitigation. 5. "With the proposed grading changes, all proposed buildings on the Project Site will be located outside the 100-year and 500- year floodplains." With the proposed grading changes, all proposed buildings on the Project Site will be located ABOVE the 100-year and 500-year floodplain base floodplain elevations as required by the Village Code. If the project was constructed and the LOMR-F was not submitted to FEMA to change the regulatory floodplain boundaries, the proposed buildings would still be in the floodplain.

(Memo 1, pg. 7, Stuart Mesinger, Consultant to Planning Board, 5/14/2018)

(Memo 1, pg. 16, Stuart Mesinger, Consultant to Planning Board, 5/14/2018)

**Response G.13:**

According to FEMA, they would not flood but would still be mapped in the flood plain and would still be required to purchase flood insurance. The FEMA mapping would not reflect the built condition. The Applicant may apply to FEMA for a LOMR-F to relieve the need to purchase flood insurance. Application for a LOMR-F typically takes place after construction due to the documentation required for its submittal. Documentation includes surveys of as-built conditions.

**Comment G.14:**

Pages 1-12 and 3G-6 indicate that all finish floor elevations will be a minimum of 3.5' above the Base Flood Elevation. Elsewhere, for example page 2- 25, it is states that "all buildings will be located at a minimum of 2' above the base flood elevation. Clarify.

(Memo 1, pg. 7, Stuart Mesinger, Consultant to Planning Board, 5/14/2018)

**Response G.14:**

The occupied first floor of the buildings is proposed to be at a minimum elevation of 16.0, four feet above the FEMA 100-year flood elevation.

**Comment G.15:**

Hampshire is a well-known flood zone and it absorbs a lot of water from more and more frequent and powerful storms that would otherwise impact our homes. How will a large new development affect the natural flood and water movement patterns in the area? Which homes that currently do not have water issues will now develop water mitigation problems as a result of the inevitable change in terrain that results from such a large-scale development?

(Public Comment Letter 33, pg. 1, Sam and Lauren Porat, 2/13/2018)

(Public Comment Letter 35, pg. 1, Robert Lieber, 2/13/2018)

**Response G.15:**

The hydraulic modeling included in Appendix J of the DEIS reflects that there would be no significant change in water surface elevations as a result of the project for the adjacent properties. The Proposed Action provides access that does not currently exist for adjacent properties, increasing safety for the neighborhood.



**Comment G.16:**

Having seen the entire golf course underwater on multiple occasions, I do not see how this plan adequately mitigates for major flooding - which is a when not if. The flood gates discussed would not provide for it, and the roads would still be underwater. This would also put an incredible amount of cost and stress on Village and Town services, including water, electrical and emergency response services...There is no way to know exactly how the dramatic alteration to the Hampshire landscape will impact drainage.

(Public Comment Letter 37, pg. 2, Abby Roberts, Board of Traffic Commissioners Chair, 2/14/2018)

(Public Comment Letter 55, pg. 1, Paul Ryan, 2/14/2018)

(Public Comment Letter 62, pg. 1, 3/2/2018 and Public Comment Letter 103, pg. 1, Jane Herzog, 4/16/2018)

(Public Comment Letter 80, pg. 1, Todd Larsen, 4/9/2018)

(Public Comment Letter 81, pg. 1, Kim Larsen, 4/10/2018)

(Public Comment Letter 100, pg. 1, George Mgrditchian, President - Orienta Point Association, 4/11/2018)

(Public Comment Letter 148, pg. 1, Paul Cantwell, 5/10/2018)

(Public Comment Letter 72, pg. 1, Joel Negrin, 4/1/2018)

**Response G.16:**

The Proposed Action does not change the impact of the current flooding on the adjacent properties. The flooding is driven by the tidal flooding from the Long Island Sound. The Proposed Action would not redirect or increase current flood levels on adjacent properties. The Proposed Action would provide elevated road access during flood events for adjacent properties not currently available. Utilities are proposed to be placed in the elevated roadways or on elevated platforms protecting them from flood waters.

The provided animations of the existing and proposed flooding results for each of the storms (provided in FEIS Appendix R) modeled the same resulting water surface for each storm frequency evaluated. It was noted that the inundation in the areas of Sylvan Lane appeared to occur differently. Under the proposed condition, the flood waters were slightly delayed due to the presence of the added grade on the Project Site. The form of inundation was the same with water entering slowly from the south and west toward Sylvan Lane resulting in the identical water surface in each storm event.



The Applicant believes that the Proposed Action would not impact Village and Town water, electrical and emergency services. Electrical for the Proposed Action would be flood proofed above the flood elevation. As confirmed by WJWW, sufficient supply exists to supply the project. For emergency services, as discussed above in Response G.9, current costs for Emergency Services are not expected to rise and the Village will not change its mandatory evacuation (meaning no emergency response) during flood events.

**Comment G.17:**

The flooding on the golf course can be catastrophic. During a strong storm several years ago, a resident lost his life on the course during a storm surge. Given the obvious effects of climate change and rising ocean levels, we will continue to see stronger storms with dangerous consequences on this property...redesigning flood plains so that the existing adjacent properties experience even worse flooding is unacceptable.

(Public Comment Letter 46, pg. 1, Neil Sandler, 2/14/2018)

(Public Comment Letter 65, pg. 2, Elene Spanakos Weis, 3/14/2018)

(Public Comment Letter 73, pg. 2, Randi Spatz, 4/3/2018)

(Public Comment Letter 74, pg. 1, Sarah Robbins Evans, 4/4/2018)

(Public Comment Letter 75, pg. 1, Marjorie Weschler, 4/2/2018)

(Public Comment Letter 76, pg. 1, Jean Meyerowitz and Steve Giove, 4/7/2018)

(Public Comment Letter 91, pg. 1, Jane Herzog, 4/12/2018)

(Public Comment Letter 98, pg. 1, David & Carla Henderson, 4/15/2018)

(Public Comment Letter 134, pg. 1, Jane Herzog and Jack Lusk, 5/10/2018)

(Public Comment Letter 178, pg. 1, Leslie Shifrin, 5/11/2018)

(Public Comment Letter 213, pg. 1, Kathryn Kirchoff, 5/13/2018)

(Public Comment letter 249, pg. 1, Renee and Daniel Kaplan, 5/14/2018)

**Response G.17:**

Although specific details are not available, the Applicant's understanding is that the person who lost his life on the golf course was on Eagle Knolls Road, not on the golf course. As discussed above, Eagle



Knolls Road dips to elevation 4.9. This condition would be removed under the Proposed Action with relocation and raising of Eagle Knolls Road to a minimum elevation of 14.0.

**Comment G.18:**

The Town does not agree that because the flood zone is tidal there will be no impact. In our comments on the scoping document we pointed out that at the southernmost portion of the Hampshire Property adjacent to Hommocks Road there is a floodgate on the golf course property. The floodgate is controlled by the current owners of the club property. When the floodgate is opened storm water drains from the property through an existing vault located adjacent to Hommocks Road and a storm water drain system underneath the Town's Hommocks Fields. Eventually the storm water drains into what is known as the Little Harbor Sound. The flood gate system is also used at times by the property owner to prevent incoming tidal flow onto the golf course. Therefore, at times the natural tidal flow is being interrupted by the use of the floodgate thus impacting the Town. Further analysis should be provided on storm drain pipe sizes and the retention of storm water on the property during both low and high tides during heavy rain events.

(Public Comment Letter 56, pg. 2, Stephen V. Altieri, Town of Mamaroneck Town Administrator,  
2/14/2018)

**Response G.18:**

Currently the Project Site discharges to two sets of tidal gates, one set located at Delancey Cove at the south end of the Project Site and another set located west of the Project Site under the Hommocks School fields. Both sets of gates discharge to the Long Island Sound. The tidal gates close as tide rises and open at low tide, to permit outgoing flow. It should be noted that the property owner does not and cannot control the gates. Elevated high tide events due to full moon or storm events would result in the tide gates being closed for extended periods. In that case, rainfall would accumulate within the low-lying areas of the golf course before being released. This condition does occasionally occur during significant rain events and is easily managed by the current tide gates and drainage system. This approach would continue to be followed under the Proposed Action.

To evaluate the worst case scenario, an evaluation was performed to model if both sets of flood gates were closed and rain from a 100-year storm event occurred. The results are shown in Figure 11 in FEIS Appendix C. The figure shows that rain from a 100-year storm can be contained within the golf course rising only to a maximum elevation of 4.0 feet in the low-lying areas of the proposed golf course not reaching any adjacent properties. Therefore, any lesser storm would easily be accommodated if tide gates are held closed due to extended high tide or storm events and would not impact adjacent properties. The ponding of water to an elevation of four along the base of development areas with



houses placed at elevation 16 and roads at a minimum elevation of 14, considerably above the potentially ponded waters, would not impact the stability of the development platform. Accumulated rain water is managed by being released through the tidal gates, would flow slowly, and the vegetated cover of the side slope of the development platform would be more than sufficient to resist erosion forces.

**Comment G.19:**

Does the proposal use FEMA's Advisory Base Flood Elevations that were based on conditions found during Superstorm Sandy? FEMA recently updated the base flood elevation maps and it is unclear from the DEIS whether the revised elevation data has been applied.

(Public Comment Letter 56, pg. 2, Stephen V. Altieri, Town of Mamaroneck Town Administrator,  
2/14/2018)

**Response G.19:**

Currently the regulatory FEMA 100-year flood elevation is 12. The suggested 100-year flood elevation developed in 2014 is 13. The suggested elevation was based on FEMA's evaluation of recent storm data and the impact on the 100 year storm elevation. The Proposed Action provides new roadways at a minimum elevation 14.0 and residences at a minimum first floor elevation of 16.0. Cooper Avenue has a low point of elevation 13.0. There is no current proposed date to increase the regulatory flood elevation to the suggested flood elevation. In addition, there is no indication on the FEMA website that FEMA will be additionally increasing the 100 year flood elevation.

**Comment G.20:**

The Village of Mamaroneck Code provides the following standards to be used in reviewing applications for site development plan approval. This proposal fails to achieve several of these standards by filling the property. Homes should be built on piers with lower levels reserved for storage or parking when constructed in a flood zone and every effort should be made to preserve and protect the flood plain as it is our community's defense against coastal flooding and storm surges.

(Public Comment Letter 56, pg. 3, Stephen V. Altieri, Town of Mamaroneck Town Administrator,  
2/14/2018)

**Response G.20:**

It is the Applicant's opinion that the Proposed Action is in compliance with the regulatory purpose of the applicable flood management standards set forth in Section 186-5A(3)(c) regarding fill. See Response G.9 for a summary of the Applicant's and commenters' arguments on this issue. The purpose



of the Village's requirement that the fill/cut ratio must be hydraulically equivalent is to ensure that any development within a floodplain will not displace flood storage capacity, or otherwise redirect flood waters to adjacent properties. (Note that the Applicant argues that this requirement applies to floodways, but Section 186-5A(3)c) clearly references floodplains.) As demonstrated by the Hydraulic Modeling included in Appendix J of the DEIS which demonstrates that the Proposed Action protects Project Site residents and results in no significant change in water surface elevations to adjacent properties.

With respect to the requirement in §186-5(C)(1) that residential structures be elevated above the base flood elevation, the residential buildings have been set four feet above the current FEMA flood plain to provide freeboard for worst case future potential sea level rise. The design has been crafted to provide a high level of protection to the Project Site residents and provides benefits to the adjacent properties by providing flood access not currently available, resulting in increased flood safety for the neighborhood.

**Comment G.21:**

The property is located in a Special Flood Hazard Area and has been identified by the municipality as an area prone to flooding and documented in the stormwater reconnaissance plan prepared for the watershed under the County Stormwater Management Law. The development, including all fill and any other obstruction within the floodplain, should be designed in accordance with the local floodplain ordinance and applicable guidance from New York State and the Federal Emergency Management Agency. Studies and analyses should use the best available data, including but not limited to, the preliminary flood insurance rate maps released in 2018 and precipitation data included in the NOAA Atlas 14 program. Utilizing the most conservative versions of available data is recommended in order to provide the highest degree of protection from the impacts of flooding, particularly in coastal flood hazard zones with wave action. Particular attention should be paid during the design of the site to ensure that infrastructure and emergency access is protected from flooding and that the project will not create or exacerbate flooding upstream or downstream. Given the location in a flood prone area, particularly in proximity to the coastline, consideration should also be given to increasing the freeboard an additional amount to provide an additional measure of protection against rising sea levels and increased flooding.

Public Comment Letter 64, pg. 2, Norma V. Drummond, Westchester County Planning Board,  
3/12/2018)

**Response G.21:**

It is the Applicant's position that the Proposed Action is in compliance with Code Section 186-5(A)(3)(c) as demonstrated by the Hydraulic Modeling included in Appendix J of the DEIS which shows no significant change in water surface elevations as a result of the project. See Responses G.9 and G.20





above for discussion of this issue. The residential buildings have been set four feet above the current FEMA flood plain to provide freeboard for worst case future potential sea level rise. The design has been crafted to provide a high level of protection to the Project Site residents and provides benefits to the adjacent properties by providing flood access not currently available resulting in increased flood safety for the neighborhood. The provided design would be consistent with all applicable local, state and federal codes and regulation for flood plain construction if the Planning Board issues the variance required by Village Code § 186-6.

**Comment G.22:**

Three, the VOM is currently pursuing a Flood Mitigation Plan through the Army Corp. of Engineers to deal with flooding from the Mamaroneck and Sheldrake Rivers. I am concerned that an application that significantly augments the VOM's flood profile would compromise Federal approval of existing flood risks.

(Public Comment Letter 65, pg. 2, Elene Spanakos Weis, 3/14/2018)

**Response G.22:**

The Mitigation Plan being developed by the Army Corp. of Engineers relates to the river flooding of the Mamaroneck and Sheldrake Rivers and does not include the tidal flooding that impacts the Hampshire Country Club.

**Comment G.23:**

The *VOM Sea Level Rise and Flooding Paper*, dated February 2017, the VOM issued several recommendations to prevent flooding along the Sound. Such recommendations include planting native planting and RESTORING wetlands and the installation of berms to protect storm surge and sea level rise. The application as filed involve the disturbance to wetlands including the disruption of surrounding environment and ecology that acts as a natural barrier to floodwaters. I am concerned that should this project move forward and flood losses occur as a result, the legal defense profile for VOM would have been significantly compromised by the publication and online availability of this Report

(Public Comment Letter 65, pg. 2, Elene Spanakos Weis, 3/14/2018)

**Response G.23:**

It is noted that the above-referenced report has not been adopted by the Village. The plan as proposed does not impact any existing wetland areas. The Applicant proposes to improve the wetland buffers with plantings that have improved wildlife and habitat value over the vegetation now existing. Please



note that the referenced Village of Mamaroneck report, although not adopted by the Village, provides the following recommendation being met by the Proposed Action:

6. "Permit the raising of homes to heights that incorporate expected sea level rise."

The Project proposes to build the homes at 16ft where the current regulatory FEMA 100-year flood elevation is 12ft.

7. "Consider installation of vegetated berms to protect from both storm surge and sea level rise."

The Project would have vegetative berms surrounding the entire residential complex. All areas of the site would have maintained vegetation on slopes no greater than 3 horizontal to 1 vertical to allow easy planting and maintenance and to ensure a long lasting, durable vegetated cover to resist erosion. This approach is currently used throughout the existing golf course and has demonstrated durable for flood events.

9. "Raise or relocate critical infrastructure such as pump stations and force mains in areas that are expected to be inundated"

Proposed Action would provide utilities below roads, but at elevations above the FEMA 100-year floodplain.

**Comment G.24:**

Without massive regrading and filling, development of the Hampshire Golf Course would endanger human life. The property serves as a flood storage area and is largely underwater during frequent storm conditions. The floodplain areas, wetlands, large mature trees, stable soils and landforms provide natural protection against flooding and erosion impacts. The proposed clear cutting, grading, blasting and earthmoving of 55 acres of land will weaken the fragile natural features and reduce capabilities to safeguard against flood damage.

(Public Comment Letter 67, pg. 12, Lisa Liquori, 2/14/2018)

**Response G.24:**

The Hydraulic Modeling included in Appendix J of the DEIS reflects that there is no significant change in water surface elevations as a result of the project for the adjacent properties. The Proposed Action provides flood access for adjacent properties that does not currently exist. The proposed improvements would provide a finished condition that is stabilized and resistant to erosion from flood waters.

**Comment G.25:**

Extensive regrading to create a 16-foot-high ridge is proposed in order to raise the building sites above flood elevations. As mentioned, more than 270,000 cubic yards of net fill and excavation of existing soils will be stockpiled on site to accomplish this transformation. Stockpiling materials in floodplains violates best management practices because flooded and water saturated soils are unstable. The standard stormwater runoff measures proposed are not effective to prevent stormwater runoff and water quality impacts of the large amounts of materials proposed for storage and disturbance in a flood plain.

(Public Comment Letter 67, pg. 12-13, Lisa Liquori, 2/14/2018)

**Response G.25:**

Soil excavation and placement would be performed in maximum five-acre phases deploying phase specific soil erosion measures for each step. Placed soil would be stabilized with vegetative cover before moving to the next phase. This would minimize the extent of soil exposed at any given time and provide an area that can be easily managed. All stockpiles would be managed in accordance with New York State Department of Environmental Conservation (NYSDEC) guidelines and would be inspected by a NYSDEC certified inspection weekly through the course of construction to verify compliance with NYSDEC standards. Requirements are included in the Preliminary Stormwater Pollution Prevention Plan included as Appendix H to the DEIS.

It is the Applicant's position that dewatering would not be required (see Response D.1 and D.7).

It is noted that if a major tidal storm occurs during a period when soils are stockpiled and not completely stabilized, there is the potential for such soils to be transported. It is not possible to predict where or to what extent such transport might occur.

**Comment G.26:**

The FEMA flood maps show that most of the Hampshire Country Club property is in the AE zone, not the VE zone. The flooding on this property is caused by two factors: a) tidal surge and b) the height of the water table and the effects of heavy rains on the high water table. We do not feel your study adequately addresses the issues caused in heavy rains due to the high water table. There are many instances when this property floods and the flooding is not caused by tidal surge or a coastal flood event. In addition, there are serious concerns relating to storm water runoff from the new construction and its effect on the berms. What engineering will be done in the berms to assure that runoff will not erode the structure and security of the berms? What additional piping will be installed to carry the runoff away from the site?



(Public Comment Letter 83, pg. 1, Peggy Jackson, Flood Mitigation Advisory Council, 4/10/2018)

**Response G.26:**

See Response G.18 for response regarding management of heavy rains and Response G.25 regarding erosion during construction. Groundwater has no influence on the flood elevation, a conclusion affirmed by the Planning Board's consultant. During flood events, surface soil becomes saturated early in the storm cycle and flood elevations are dictated by tidal water levels.

All areas of the site would have maintained vegetation on slopes no greater than 3 horizontal to 1 vertical to allow easy planting and maintenance and to ensure a long lasting, stability to resist erosion. This approach is currently used on site and has shown to be durable during past flood events.

It is also noted that the development platform would be constructed of structural fill and is not located in an area subject to wave action, according to current FEMA mapping.

**Comment G.27:**

On page 3G-1 you cite coastal flood incidents in Harbor Heights on both March 13, 2010 and October 29, 2012. Harbor Heights is located at least 1 mile from the coast and suffers from riverine flooding. The residents of Harbor Heights did not flood in either of these storms. A member of our committee lives in Harbor Heights and can attest to that fact.

(Public Comment Letter 83, pg. 1, Peggy Jackson, Flood Mitigation Advisory Council, 4/10/2018)

**Response G.27:**

Comment noted. The statement on page 3G-1 of the DEIS referred to above was quoted from the Westchester County Hazard Mitigation Plan update for the Village of Mamaroneck.

**Comment G.28:**

Your study suggests that Cooper Avenue can be used as support for emergency vehicles during a flood event. At this point this road is substandard and cannot support this use. If it is determined this road cannot be made to support emergency vehicles, the only entrance/exit points will remain Cove Rd and Eagle Knolls Road. These roads are both inundated during flood events and will cause any new construction to become land locked. In 2007 during the Nor Easter, Harbor Heights became land locked due to flooded portions of Mamaroneck Avenue and there was a death due to the fact that emergency vehicles could not get to the home of the victim. This cannot be permitted again. In addition, Cooper is a private road and currently neither the club nor the Village have any right to work on this road. Also, this road floods in heavy rains-not only in coastal storms. How will this be



addressed? In addition, what will the height of the Cooper extension be? It will need to be above the 100 and 500 year flood levels.

(Public Comment Letter 83, pg. 1, Peggy Jackson, Flood Mitigation Advisory Council, 4/10/2018)

**Response G.28:**

The portion of Cooper Avenue on the Project Site is proposed to be elevated to a minimum of elevation 13.0 which would provide access one foot above the current FEMA 100-year flood regulatory elevation and approximately a half a foot below the 500 year flood non-regulatory elevation. Cooper Avenue would be utilized for emergency access only. See Response G.1 for a discussion of this issue.

**Comment G.29:**

The Draft EIS states two studies for the future of sea level rise in Mamaroneck. One study predicts a rise of 1 1/2 feet while the second study predicts a rise of 4 feet. If the project is developed at a BFE of 16'(the current level at Hampshire is 12'), and the second study is correct, then the homes will no longer be 2 feet above the base flood elevation and will be in harm's way during flood events.

(Public Comment Letter 83, pg. 1, Peggy Jackson, Flood Mitigation Advisory Council, 4/10/2018)

**Response G.29:**

The residences have been placed considering the worst case sea rise of 4 feet by 2100.

**Comment G.30:**

On pg. 3G-2 there are four bullet points under Section (b) Village Regulations. It would be interesting to see more specific discussion of exactly how these regulations will be met.

(Public Comment Letter 83, pg. 2, Peggy Jackson, Flood Mitigation Advisory Council, 4/10/2018)

**Response G.30:**

The following are how the sections are addressed:

**Code:** §186-4. Administration: The full set of administrative regulations governing floodplains would apply to the Proposed Action. This section states that a floodplain development permit is required for all construction and other development to be undertaken in areas of special flood hazard (§186-4(B)(1)). A determination must be made whether a proposed development would result in physical damage to any other property (§186-4(D)(1)(c)).

**Response:** Flood modeling has been performed demonstrating that the Proposed Action would not result in damage in physical damage to any other property. See DEIS Appendix J.



**Code:** §186-5(A)(2). Subdivision Proposals: Subdivision proposals shall be consistent with the need to minimize flood damage; public utilities and facilities such as sewer, gas, electrical and water systems shall be located and constructed so as to minimize flood damage; and adequate drainage shall be provided to reduce exposure to flood damage.

**Response:** The Proposed Action would provide utilities below roads, but at elevations above the FEMA 100-year flood. This design would protect the utilities from flood waters and provides drainage facilities in accordance with New York State Department of Environmental Protection requirements and the elevated home sited out of the flood plain would minimize potential flood damage. In addition, underground utility lines would have less chance of failure during storms typically caused by wind and above-ground debris.

The gas, electrical and telecom utilities would be provided with the roadway in sealed piping and conduit that would be extended at the residence to above the finished floor (four feet above regulatory flood elevation) before service enters the home to provide resistance to flood waters. Sealing utility lines in waterproof piping is a typical approach used for protecting underground utilities near base flood elevations.

**Code:** §186-5(A)(3). Encroachments.

**Response:** Compliance with Code Section 186-5A(3)(c) as demonstrated by the hydraulic modeling included in Appendix J of the DEIS which shows no significant change in water surface elevations as a result of the project.

**Code:** §186-5(B). Standards for all structures: New structures in areas of special flood hazard shall follow all relevant regulations governing anchoring, construction materials and methods, and utilities.

**Response:** All construction requirements of Section 186-5(B) would be adhered to.

**Code:** §186-5(C)(1). Elevation of residential structures within zone AE: New construction and substantial improvements shall have the lowest floor elevated to or above two feet above the base flood level. Other zone regulations are not applicable for the Project Site.

**Response:** The first floors of all structures are proposed to be four feet above base 100 year flood plain.



**Comment G.31:**

In summary, contrary to Hampshire's assertions, water in the flood plain DOES NOT immediately reach the level of LI Sound in moderately severe flooding events because there is not infinite flow into the flood plain. It takes substantial time. By filling in part of the flood plain (with either imported fill or cut and fill), Hampshire would be reducing the flood plain capacity, and the water in the flood plain would rise faster, and may ultimately reach a higher level than it would have without the fill.

(Public Comment Letter 104, pg. 1, David Wenstrup, 4/16/2018)

**Response G.31:**

To clarify, flood events on the Project Site are dictated by flood waters from the Long Island Sound. The "infinite" reference was when comparing the fill added to the Project Site to the Atlantic Ocean. The addition of the fill does not influence the tidal flood elevation from the Atlantic Ocean. See DEIS Section G and Appendix J.

**Comment G.32:**

There needs to be further study concerning where water will travel to in storm events including events with wave action and high tides and flooding events due to rain. The Commission recommends that a hydrologist or hydrogeologist be retained to fully evaluate the potential for flooding on the developed site, including storm and wave action and impacts of rising sea levels. The data contained in the DEIS concerning wave action is incomplete and insufficient.

(Public Comment Letter 106, pg. 2, Cindy Goldstein, Chair - HCZMC, 4/23/2018)

**Response G.32:**

Flood modeling included in Appendix J of the DEIS has concluded that flood elevations at adjacent properties would not be affected by the Proposed Action. The Planning Board's engineering consultant's hydraulic engineer reviewed the flood modeling in Appendix J and concurred with its conclusions.

**Comment G.33:**

The Commission has questions concerning the functioning of structural methods to control flooding; included is-- when do tidal flood gates operate? There is great concern about the deterioration and current condition of tidal flood gates and other structures including concrete deterioration and rust due to age of the gates and the overall functionality of the flood gates. It is recommended that this be investigated by an engineer, in particular whether tidal flood gates are operating properly and/or need to be replaced. Specifically, the condition/adequacy of the tidal flood gates currently and going



forward into the future (30 years) should be evaluated. Also, the condition/adequacy of any other mechanisms used to control or protect against flooding such as gates, dams and/or trenches should be fully investigated and evaluated.

(Public Comment Letter 106, pg. 3, Cindy Goldstein, Chair - HCZMC, 4/23/2018)

(Public Comment Letter 119, pg. 1, Flood Mitigation Advisory Council, 5/8/2018)

**Response G.33:**

Tidal gate operation is discussed in Response G.18 above. The tidal gates are in good order and currently inspected seasonally and after major storm events, and maintained regularly, and would continue to be maintained, by the Applicant. (the Delancey Cove flood gates are on the Applicant's property. The Hommocks Road flood gates are on property owned by the Town of Mamaroneck; the Applicant possesses an easement to access and maintain the gates). If the Proposed Action is constructed, regular maintenance would be performed by the HOA. The project engineer for the applicant, Michael Junghans, NYPE 072072, certifies that the tidal gates are in good working order. See FEIS Appendix J. Regular maintenance could include replacement of gate parts where necessary, and the tide gates would be replaced at the end of their useful life.

**Comment G.34:**

The DEIS should contain a more robust discussion on non-structural measures to address flooding.

(Public Comment Letter 106, pg. 3, Cindy Goldstein, Chair - HCZMC, 4/23/2018)

**Response G.34:**

There are no non-structural measures to address flooding that would allow the Applicant to construct the project. The raised development platform proposed by the Applicant to elevate the houses and infrastructure out of the floodplain is considered by the Planning Board to be a structural solution.

**Comment G.35:**

Because the water table is extremely shallow and subject to flooding, and possibly subject to water level changes due to tidal fluctuations, it is likely that storm water runoff, the need for flood-related detention basins, dewatering, limitations from frozen ground during the winter construction schedules, and development platform erosion control problems all present water-related environmental challenges necessitating additional review.

(Public Comment Letter 179, pg. 3, CA Rich Consultants, 5/10/2018)





**Response G.35:**

As discussed in G.18 above, stormwater accumulated during storm events would be managed in the low-lying areas of the Project Site under the Proposed Action.

**Comment G.36:**

Has Hampshire ever provided any actual photographs of any similar "berm built housing on a wetland" project on the East Coast? We all saw Houston Texas underwater in last Fall's flood due to overbuilding. What's to prevent that from happening here?

(Public Comment Letter 208, pg. 1, Katherine E. Desmond, 5/12/2018)

**Response G.36:**

The addition of fill to elevate proposed projects above tidal flood waters is a typical approach used commonly in the area and throughout the country. A local example is the Lighthouse Landing project currently under construction in Sleepy Hollow New York (previous GM assembly plant) which is adding 250,000 cubic yards of soil to a 70-acre site in a tidal flood zone. Using the same approach proposed for the Hampshire project, the fill would elevate the roads and building of the mixed-use development above the flood plain. The Lighthouse Landing project does not provide any compensatory area to offset the fill in the tidal flood plain.

**Comment G.37:**

Since I have lived here, there have been four major flooding events caused by Nor'easters and hurricanes, as well as rain-based flooding every year. Storm surges from the Sound have come through the Bird Sanctuary behind the Hommocks School and across Hommocks Road completely flooding the golf course. In one such flood, a man driving on the road that cuts across the golf course was swept off the road and drowned. The proposed construction will reduce the capacity of the golf course to contain the floodwater (the "bathtub" effect described in the Planning Board public hearings) and interfere with water flowing out through the drainage system under the Hommocks playing fields. The result will be: a. Life threatening safety risk due to blocked egress for residents on Hommocks Road, Oak Lane, Eagle Knolls Road, the residents of the proposed development. and possibly Cove Road. b. Flooding of homes on Hommocks Road, Oak Lane, Eagle Knolls Road, as well as those homes on Fairway Green and Cooper Avenue near the golf course.

(Public Comment letter 243, pg. 1, John Cecil, 5/14/2018)

**Response G.37:**

As noted in several responses above, the proposed development would not impact current flood elevations and would provide a roadway system above the FEMA 100-year flood plain providing increased safety for the neighborhood compared to the current condition. Emergency access using Cooper Avenue is discussed in Section III.G.

**Comment G.38:**

The proposed plan is not within local, state, federal coastal management legislation to "engineer" with fill in a floodplain with a high groundwater table at the confluence of tidal and fresh water in an area that is and drains to significant coastal wildlife habitats.

(Public Comment Letter 97, pg. 2, Katherine E. Desmond, 4/15/2018)

**Response G.38:**

Comment noted. See Response G.9 with respect to the floodplain variance criteria. The Proposed Action would be in compliance with state and federal requirements.



## H. Water Supply

### Comment H.1:

Project site is described in at least one location as “Hampshire COUNTY Club”. Modify to “Hampshire Country Club” throughout report.

(Memo 1, pg. 7, Stuart Mesinger, Consultant to Planning Board, 5/14/2018)

### Response H.1:

Comment noted

### Comment H.2:

Subsection 3 of Section H lists a Westchester County Department of Health usage rate of 110 gallons per bedroom per day. Provide citation for this usage rate.

(Memo 1, pg. 7, Stuart Mesinger, Consultant to Planning Board, 5/14/2018)

### Response H.2:

Westchester County Department of Health relies on the New York State Department of Health Appendix 75A *Wastewater Treatment Standards – Residential Onsite Systems* standards for the gallons per day per bedroom. Table 1 lists 110 gallons per day for post 1994 fixtures.

### Comment H.3:

In accordance with 10-State Standards, Westchester County Department of Health also reviews and approves hydrant locations.

(Memo 1, pg. 7, Stuart Mesinger, Consultant to Planning Board, 5/14/2018)

### Response H.3:

Comment noted. Westchester County Department of Health would be provided final plans on hydrant location for review and comment.

### Comment H.4:

Clarify what is meant by the phrase “WJWW did acknowledge access to water main...”. Is that simply that the water main exists and is accessible, or did they give approval to connect?

(Memo 1, pg. 8, Stuart Mesinger, Consultant to Planning Board, 5/14/2018)

**Response H.4:**

The proposed project would provide a new 8" water main system connecting the existing Cove Road 12" line to the existing 10" line at Hommocks Road, providing redundant feed from the east and west. The new water main would provide a series of hydrants at locations approved by the Fire Official and Westchester County Department of Health. Modeling was conducted in September of 2017 by the Applicant, and Westchester Joint Water Works acknowledged on February 14, 2018 that the distribution system would be able to handle the additional demand during non-irrigation and irrigation periods (see Appendix S). The Applicant would submit for approval to connect during the site plan approval process.

**Comment H.5:**

Without any hydraulic modeling, Section 3 is incomplete. Potential impacts cannot be determined without conducting the modeling that is discussed in that section. The modeling should be provided.

(Memo 1, pg. 8, Stuart Mesinger, Consultant to Planning Board, 5/14/2018)

**Response H.5:**

Modeling has been conducted and approved by the WJWW. See response to Comment H.4.

**Comment H.6:**

The conclusion of Section 4 – Alternatives presumes that hydraulic modeling will show that sufficient capacity exists. Since the modeling has not yet been conducted, the extents of required improvements are not yet known, and therefore this conclusion cannot be made. The modeling should be provided.

(Memo 1, pg. 8, Stuart Mesinger, Consultant to Planning Board, 5/14/2018)

**Response H.6:**

Modeling has been conducted and approved by the WJWW. See response to Comment H.4.

**Comment H.7:**

The design concept appears to show some proposed water lines closer than 10' from sewer and storm infrastructure. Final design shall address water and sewer/storm separation in accordance with WCDOH requirements.

(Memo 1, pg. 8, Stuart Mesinger, Consultant to Planning Board, 5/14/2018)

**Response H.7:**

Comment noted. Final designs would meet all Westchester County Department of Health design requirements.

**Comment H.8:**

According to the section H, Water Supply, the facility has two existing wells which provide irrigation water for the golf course. No information is provided on the capacity of these wells. If the total pump capacity of the wells exceeds 100,000 gallons per day, then a Water Withdrawal permit is required pursuant to Article 15, Title 15 of the Environmental Conservation Law. Please provide the pump capacity of the existing wells. Please note that this regulation is based on the physical capacity of the existing pumps, not on the amount of water actually being withdrawn nor the calculated safe yield. Please note that if these wells have sufficient capacity, submission of an application for permit should be made as soon as possible and can be independent of any applications needed for this development.

(Public Comment Letter 41, pg. 3, Sarah Pawliczak, Department of Environmental Conservation,  
2/14/2018)

**Response H.8:**

The Applicant has applied for a Water Withdrawal Permit from the New York State Department of Conservation. The permit would be provided when it is received by the NYSDEC. An updated list of permits is provided below.

**Revised DEIS Table 2-1 Project Approvals and Reviews**

Agency	Approval/Review
Village of Mamaroneck Planning Board	<ul style="list-style-type: none"><li>• Site Plan</li><li>• Subdivision</li><li>• Special Permit</li><li>• Stormwater Pollution Prevention Plan (SWPPP)</li><li>• </li></ul>
Village of Mamaroneck Building Department	<ul style="list-style-type: none"><li>• Floodplain Development Permit</li><li>• Building Permit</li><li>• Excavation Permit</li></ul>
Village of Mamaroneck Board of Architectural Review	<ul style="list-style-type: none"><li>• Building Permit Application Approval</li></ul>



Village of Mamaroneck Public Works Department	<ul style="list-style-type: none"><li>• Street Opening Permit</li></ul>
Village of Mamaroneck Harbor and Coastal Zone Management Commission	<ul style="list-style-type: none"><li>• Waterfront Revitalization Program consistency review</li></ul>
Westchester County Health Department	<ul style="list-style-type: none"><li>• Water and Sanitary Sewer service</li></ul>
Westchester County Department of Environmental Facilities	<ul style="list-style-type: none"><li>• Sanitary Sewer Permits</li></ul>
Westchester Joint Water Works	<ul style="list-style-type: none"><li>• Water Service Permits</li></ul>
New York State Department of Environmental Conservation	<ul style="list-style-type: none"><li>• Stormwater Pollution Prevention Plan (SWPPP)</li><li>• Stormwater Pollution Discharge Elimination System (SPDES) permit</li><li>• Water Withdrawal Permit</li></ul>
United States Army Corps of Engineers	<ul style="list-style-type: none"><li>• Potential permit for re-routing of drainage system</li></ul>



## **I. Sanitary Sewage**

### **Comment I.1:**

The DEIS states that the sewers -- sewage output for the project will be 39,490 gallons per day. We did review that. Based on the bedroom count, that seems accurate. So, now, the text of the DEIS states that they would install pump stations to propel the sewage to the 10-inch line on Orienta Avenue, and then that would flow, by gravity, out to the Post Road, which then flows into a county sewer pump station that pumps to the Mamaroneck sewer plant, which has recently been upgraded. The county doesn't think there's a problem, however, the 10-inch line on Orienta should be evaluated. The DEIS exhibit in the grading and utility plan, it still shows the development tying into the Cove Road pump station. So that should be updated to reflect the implementation plan that's shown in the text, because the text and the image do not correspond.

(Public Hearing 1, pg. 80-81, and Comment 67, pg. 5, Neil Porto, 2/14/2018)

### **Response I.1:**

The Grading and Utility plan has been corrected and is included as Figure 12 in FEIS Appendix C. The pump station from the Project is proposed to discharge directly to the gravity manhole on Orienta Avenue bypassing the County pump station on Cove Road. A carbon canister would be installed on the air release of the proposed pump station to mitigate any potential odors. The Applicant's engineer has met with the Village of Mamaroneck Engineer to collect mapping and begin evaluation of the existing municipal system from the connection point on Orienta Avenue to the County pump station. The Applicant's engineer would continue to work with the Village through determination of sewer main capacity and determination of I&I mitigation measures. See also Response I.6.

### **Comment I.2:**

Report references WCDOH design flow rate of 110 gpd per bedroom for a total design flow rate of 39,490 gpd. Does this take into account a peaking factor and if so, what is the factor? The flow calculations should be revised to clearly describe the citations for design flow rates and peaking factors, as well as a listing of calculated flow rates (average daily flow, peak hour flow, etc.).

(Memo 1, pg. 8, Stuart Mesinger, Consultant to Planning Board, 5/14/2018)

### **Response I.2:**

A peaking factor of 4 is used for design of the Project Site sanitary sewer lines in accordance with "Policies for the Design, Review, and Approval of Plans and Specifications for Wastewater Collection and Treatment Facilities", 2014 edition, published by the Wastewater Committee of the Great Lakes –



Upper Mississippi River ("Ten State Standards") as required by the Westchester County Department of Health (WCDOH). Unit flow values are based on NYSDEC Design Standards for Intermediate Sized Wastewater Treatment Systems, Dated 3/5/2014, Table B-3, pp. B-17. See FEIS Appendix T for a listing of calculated flow rates.

**Comment I.3:**

Calculated sanitary sewer flow should include an allowance for infiltration and inflow to the proposed onsite collection system.

(Memo 1, pg. 8, Stuart Mesinger, Consultant to Planning Board, 5/14/2018)

**Response I.3:**

Infiltration is considered in the sanitary design using a factor from the New England Interstate Water Pollution Control Commission Manual TR-16. The standard requires the addition of 500 gallons per inch of pipe diameter per mile of pipe to account for potential infiltration. This additional flow is included in the sewer pipe capacity calculations requested in Comment I.5 below (see FEIS Appendix T).

**Comment I.4:**

Calculated design flow rates should be coordinated with Water Supply section of the DEIS as applicable.

(Memo 1, pg. 8, Stuart Mesinger, Consultant to Planning Board, 5/14/2018)

**Response I.4:**

Comment noted.

**Comment I.5:**

The capacity of the proposed onsite collection system to accommodate the calculated peak hourly flow shall be clearly demonstrated.

(Memo 1, pg. 8, Stuart Mesinger, Consultant to Planning Board, 5/14/2018)

**Response I.5:**

Attached in FEIS Appendix T is an analysis of the critical system segments demonstrating that the proposed sewer piping can accommodate the expected sewer flow including estimated inflow and infiltration.





**Comment I.6:**

As proposed in the DEIS, condition and capacity assessment of the existing collection system downstream of the proposed connection point is required to confirm the ability of the system to accommodate wastewater from the project.

(Memo 1, pg. 8, Stuart Mesinger, Consultant to Planning Board, 5/14/2018)

**Response I.6:**

The sanitary collection system for the project collects all on site sanitary discharge at a central pump station that discharges off site to the public system. The Applicant is currently evaluating three options for discharge to the public system.

The initial option, which is presented in the DEIS, is connection to the Village of Mamaroneck 10" gravity line in Orienta Avenue at the intersection of Cove Road. Further discussions with the Village Engineer have revealed significant challenges relating to inflow and infiltration that need to be evaluated in the 6,000 linear feet of collection main from the connection point in Orienta Avenue to County pump station located adjacent to the West Basin near the intersection of Orienta Avenue and Rushmore Avenue.

An alternative connection to the Town of Mamaroneck sanitary system in Hommocks Road is also being explored. Initial analysis has indicated that sufficient capacity exists to accommodate the project. Conversation are ongoing with the Town Engineer to understand connection requirements and system evaluation and analysis to prove out connection viability.

A more costly but feasible option would be to extend the force main from the Project Site all the way to the County pump station at the West Basin. This would require extensive excavation in Orienta Avenue from Cove Road to the County pump station near the intersection of Rushmore Avenue.

The 2014 Annual Report from the Westchester County Department of Environmental Facilities (latest available on-line) shows that the Mamaroneck Treatment Plant has a capacity of 20.6 MGD and an actual flow of 14.6 MGD.<sup>5</sup> The West Basin Pump Station has a capacity of 5.8 MGD and an actual flow of 0.689 MGD. Therefore, capacity exists in the County system. The first and second options describe above would require coordination with Town or Village to confirm capacity and provide upgrades if required. If these options do not provide sufficient capacity, the Applicant can use the third option described, which has sufficient capacity.



<sup>5</sup> 2014 Annual Report, Wastewater Treatment Solid Waste Water Agency Operations.  
<http://environment.westchestergov.com/images/stories/pdfs/2014ARedact.pdf>. Accessed July 2019.



**Comment I.7:**

The DEIS references “project connection to the County pump station” but also states that “the project does not propose to utilize the existing County sewer pump station located on Cove Road.” The text and drawings should be revised to consistently describe the intended connection point from the project to existing sanitary sewer infrastructure. The Grading and Utility Plan currently appears to show the project force main connecting to the existing Cove Road pump station.

(Memo 1, pg. 8, Stuart Mesinger, Consultant to Planning Board, 5/14/2018)

**Response I.7:**

See Response I.1.

**Comment I.8:**

Applicant should review to determine if the pump station north of Lots 17 and 18 is required, or if a deeper gravity sewer in certain sections would be feasible to eliminate the pump station. Specifically, increasing gravity sewer depth near Lots 17 and 18 may allow all sanitary flow from the western portion of the site to be routed to a single pump station on the eastern side of the site.

(Memo 1, pg. 8, Stuart Mesinger, Consultant to Planning Board, 5/14/2018)

**Response I.8:**

The Applicant contends that the current configuration has been determined to be appropriate for the proposed development. Deeper gravity sections would result in increased construction cost and more difficult maintenance in the future, and therefore is not the Applicant’s preferred approach.

**Comment I.9:**

The DEIS describes that WCDOH may require Village ownership of the gravity sewer main and pump stations. This requirement should be confirmed with WCDOH so that access requirements and ownership responsibilities can be clearly defined.

(Memo 1, pg. 8, Stuart Mesinger, Consultant to Planning Board, 5/14/2018)

**Response I.9:**

The Village would be required to take ownership of the sewer main and pump station. The Applicant estimates that annual maintenance costs would amount to approximately \$75,000. As detailed in Chapter 30, Fiscal and Economic Conditions, estimated tax projections resulting from the Proposed Action include \$1,304,928 in Village Taxes.



**Comment I.10:**

Applicant should clarify if the proposed sewer system will convey waste flows from the existing Club House to remain. If the existing Club House will be served by the new system, the Applicant should clarify proposed measures to mitigate ongoing grease blockages from the Club House (i.e. grease trap, etc.).

(Memo 1, pg. 8, Stuart Mesinger, Consultant to Planning Board, 5/14/2018)

**Response I.10:**

The Club House sewer connection would not be changed under the Proposed Action. It would continue to discharge to the Cove Road system.

With regard to the grease blockages, it is the Applicant's understanding that grease blockages occur within the Cove Road system, which does not provide for the optimal self-cleansing velocity. However, the proposed system would not impact, nor would it be impacted by these blockages, and therefore no mitigation is necessary.

In addition, the Applicant has invested in upgrades to the sewer system since May of 2018 including grease traps and the Club would continue to maintain the system.

**Comment I.11:**

Show, as an alternative, a low-pressure sewer system in which each house is equipped with an individual grinder pump. Discuss the pros, cons and environmental impacts of this alternative.

(Memo 1, pg. 9, Stuart Mesinger, Consultant to Planning Board, 5/14/2018)

**Response I.11:**

The Proposed Action provides gravity sewer system within the Project that discharges to a central pump station and is discharged by force main to either the municipal sewer system or directly to the County West Basin Pump Station on Orienta near the intersection of Route 1. Under this approach the pump station, as required by the Department of Health, would be dedicated to the Village of Mamaroneck to be operated and maintained. The proposed pump station is proposed to be set with opening, control panel and emergency generator above the flood elevation to ensure continued operation, even after a flood event. The generator would ensure continued operation in the event of extended power outage.

The Applicant has been asked to consider use of a low-pressure sewer system (LPS). An LPS system uses individual pump stations at each residence that feed into a central force main that conveys



sewage off site. It is the Applicant's opinion that although these systems are ideal for smaller developments (up to 15 units because it becomes cost effective not to purchase a duplex pump station with backup generator support), LPS systems are not well suited for developments of this size. The main advantage to the Village is that each system is owned and maintained by the homeowner and does not require Village support. The force main would be owned and maintained by the HOA. The disadvantage is that the system would have up to 105 units individually feeding into the force main significantly increasing the potential for failure at any of the pressurized connections. The system is also operated using up to 105 pumps compared to two larger pumps in the pump station. LPS systems would each require an exterior sump in the yard of the homeowner sized for a minimum of 24 hours of flow without regenerator backup. If an extended power outage occurs, the systems would not function. Therefore, the Applicant has concluded that the central pump station system would be more reliable, lower maintenance, lower cost and would provide continued performance during a power outage.

After reviewing the Applicant's submission, the Village Engineer has that with respect to cost effectiveness, studies have shown the construction of a low-pressure sewer (LPS) system provided greater cost savings for large projects such as the proposed development. The depth of excavation is minimal at approximately 3 ½ ft and there are fewer joints to make connections. The number of manhours required to install an LPS pipe is much less than a gravity sewer. An LPS system also provides the designers and contractors an easier design and build because the potential of conflict for two gravity crossings are eliminated, as often found when installing sanitary sewers and storm drainage pipes. The LPS system can be easily routed above or below the obstruction much like a water or gas pipe.

The Village Engineer notes there are several projects in Westchester County that utilize 80 to 100 units at each site. In addition, there is current a project in Long Island being designed for an LPS System comprising of 7,000 units. In fact, an LPS system in Australia is currently running on 15,000 units. Having a system of 105 units should be an obtainable goal for an LPS system.

The Village Engineer further notes that extended power outages are infrequent in this geographical area but there are simple precautionary measures that can be taken to alleviate these concerns. The developer has the option of providing storage capacity for 24 hours of use or the developer can provide a backup power source. LPS systems require minimal energy to operate and they are not complicated to energize during extended power outages. If the developer chooses to not include permanent backup generators, a connection can be provided to energize the pump with a small portable generator. The homeowner's association can simply keep two of these small portable generators on hand and cycle through the development every 24 hours to empty the overflow chamber. The pumping process should take less than 10 minutes per house.



The Village Engineer notes that a low-pressure system also has great advantages over a gravity system where it is not as susceptible to inflow and infiltration. In addition, an LPS system is easily repaired compared to deep buried gravity pipes. In most cases, the primary challenge to repairing a sanitary sewer pipe is the excavation and trenching shoring. This challenge is not present in an LPS system because of the shallow burial depth.

Maintenance of the pumps is also minimal, in the case of an E-One Pump, for example, their mean time between failures (MTBF) is 10-15 years and the pump is designed for a 25 year life expectancy.

**Comment I.12:**

The draft EIS contains an adequate discussion of how the application will satisfy the County Department of Environmental Facilities' policy to require inflow/infiltration (I&I) mitigation to offset projected increase in wastewater flows at a ratio of three for one.

(Public Comment Letter 64, pg. 2, Norma V. Drummond, Westchester County Planning Board,  
3/12/2018)

**Response I.12:**

Comment noted.

**Comment I.13:**

The proposed Hampshire development might have sump pumps and everyone might be pumping basement flooded storm and Sound waters into the Village's sanitary sewage system in a desperate and fruitless effort to stay above the storm surge and the groundwater.

Since the developers are including an evacuation plan into their project proposal, I would expect that they indicate their understanding of one of the Village's most insidious and ongoing problems: SSOs - sanitary sewer overflows - wherein sanitary pipes receive (illegally) added sump pumped stormwater, forcing manholes to overflow, spilling untreated sewage into our streets, neighborhoods, and ultimately Long Island Sound.

(Public Comment Letter 99, pg. 1, Katherine E. Desmond, 4/16/2018)

**Response I.13:**

Sump pump connection to the sanitary sewer would be prohibited under the HOA agreement.

**1.0 Responses to Comments on Appendix Q**

**Comment I.14:**



There are several incomplete items in Appendix Q:

In the "Proposed Water Flow" paragraph, domestic flows are stated to have a "peak rate of 110 gpm". Modify the unit to be gpd instead of gpm. Second, clarify what is meant by "peak rate". Does "peak rate" mean the total demand on the maximum day, or does it mean the peak hour flow on the maximum day (or perhaps something else)?

Provide citations, including document name, date, and issuing agency, for figures used:

- 110 gpd domestic demand
- 5,000 and 10,000 square feet figures for irrigation of carriage and single-family homes—this should be based on an actual average of the homes on this project.
- 0.5 inches per square foot per week of irrigation
- Average annual water consumption levels for the 18-hole golf course

If an 18-hole course does have 18,000 gpd of demand, how do we arrive at 10,000 gpd for a 9-hole course? Shouldn't the demand be half? Further justification for this calculation should be provided.

The total water demand is listed as 81,234 in the "Proposed Water Flow" paragraph, but it's listed as 81,334 in the table. These numbers should match.

The analysis of water usage is incomplete, as it does not address peak usage rates for domestic, fire suppression, and irrigation usage. Peak usage rates should be estimated and incorporated in hydraulic modeling.

(Memo 1, pg. 15, Stuart Mesinger, Consultant to Planning Board, 5/14/2018)

#### **Response I.14:**

The total water demand is 81,334 gallons per day. The calculation for daily domestic demand used in the DEIS is 110 gallons per day which is based on the New York State Design Standards for Intermediate Sized Wastewater Treatment Systems from March 5, 2004. The proposed water flow from the proposed project would be 158,400 gallons per day. The peak rate used in DEIS Appendix Q of the DEIS is the maximum flow expected during the day. In the case of residential development, peak flow would typically take place in the morning. Peak flow is only used in the design of pipes for the period of the day which dictates the required size.

The single family and carriage homes would not have fire suppression systems. Therefore, only irrigation and domestic flows were used in the calculation of the flow rate and were considered in the flow calculations submitted to the WJWW (see Appendix S in the FEIS).



The 5,000 and 10,000 square feet figures used for irrigation calculations are adequate for planning purposes of analyzing the environmental impacts, estimating flows, and evaluating the ability of the distribution system to handle the additional flow. More precise calculations would take place in the building permit stage of the project.

The value provided for the projected irrigation estimate was based on the need for 0.2 inches of water per foot per day to sustain the health of grass. The daily average summer rainfall in July is 0.14 inches and that creates a 0.06-inch daily deficit of natural rainfall to support grass. This equates to approximately 0.42 inches per week. The calculations used an even more conservative number of 0.5 inches per foot per week.

The average annual water consumption level for an 18-hole golf course varies depending on the month. The value provided was based on the current water usage for the course.

While the 18-hole golf course would be reduced to 9-holes, the water demand would not necessarily be cut in half because the land area that would be irrigated by Hampshire is more than half the acreage of the current golf course.



## J. Vegetation and Wildlife

### Comment J.1:

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 replacement 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.

(Public Hearing 1, pg. 62, 2/14/2018, Public Comment Letter 67, pg. 5, and Public Comment Letter 67, pg. 10-11, 2/14/2018, Lisa Liquori)

(Public Hearing 1, pg. 145, Paul Ryan, 2/14/2018)

### Response J.1:

Comment noted. The Project Site is comprised of cultural ecological communities associated with historical and ongoing use as a golf course. The Project Site does not contain woodlands, forests or other naturally-occurring vegetated communities. As a result, the observed and expected wildlife fauna is comprised primarily of common species adapted to landscaped and developed habitats. In order to provide an estimate of avian species potentially using the Project Site, the NYSDEC *New York State Breeding Bird Atlas*<sup>6</sup> (NYSBBA) was consulted. According to this resource, a total of 86 bird species were identified within the NYSBBA survey block in which the subject property is located (Block 6053C) during the 2000-2005 breeding bird survey (NYSBBA list included in FEIS Appendix K). According to the NYSBBA, of the 86 bird species observed within Block 6053C, 71 are confirmed as breeding, 10 are listed as probably breeding and 5 are listed as possibly breeding. Forty bird species were observed at the Project Site during field surveys conducted on July 24 and 31, 2018. Of the 40 observed species, 33 also appear on the above-referenced NYSBBA inventory for Block 6053C. Based on field observations, the avian fauna observed at the Project Site is comprised of birds that occur with landscaped and developed settings, including American robin (*Turdus migratorius*), barn swallow

▼  
<sup>6</sup>McGowan, K.J. and K. Corwin, eds. 2008. *The Atlas of Breeding Birds in New York State*. Cornell University Press. Data also available online at <http://www.dec.ny.gov/animals/51030.html>. Accessed March 18, 2019.





(*Hirundo rustica*), song sparrow (*Melospiza melodia*), blue jay (*Cyanocitta cristata*), mourning dove (*Zenaidura macroura*) and others. The ponds and wetlands are habitat for birds typically associated with these settings, including great egret (*Ardea alba*), snowy egret (*Egretta thula*), great blue heron (*Ardea herodias*), mallard (*Anas platyrhynchos*) and red-winged blackbird (*Agelaius phoeniceus*). An inventory of observed birds is provided in Appendix K. Observed small mammals include eastern gray squirrel (*Sciurus carolinensis*), eastern chipmunk (*Tamias striatus*), eastern cottontail (*Sylvilagus floridanus*) and woodchuck (*Marmota monax*).

Given that the Project Site is comprised primarily of maintained fairways, greens and roughs of the existing 18-hole golf course, the herbaceous vegetative community is overwhelmingly dominated by common turf grasses (e.g. blue grasses (*Poa* spp.), fescues (*Festuca* spp.) and rye grasses (*Lolium* spp.) as well as “weedy” herbaceous plants that occur in turf communities, such as clovers (*Trifolium* spp.), plantains (*Plantago* spp.) and dandelions (*Taraxacum* spp.). The tree flora at the Project Site is dominated by several species of oaks and hickories, including northern red oak (*Quercus rubra*), white oak (*Quercus alba*), scarlet oak (*Quercus coccinea*), pin oak (*Quercus palustris*), mockernut hickory (*Carya tomentosa*), shagbark hickory (*Carya ovata*) and pignut hickory (*Carya glabra*). Other dominant tree species are red maple (*Acer rubrum*), river birch (*Betula nigra*), black walnut (*Juglans nigra*), eastern white pine (*Pinus strobus*) and cypress (*Taxodium* sp.). An inventory of observed trees is provided in Appendix K.

The Proposed Action would result in conversion of 29.5 acres of the Project Site to residential development. The remainder of the 106-acre Project Site would be comprised of vegetated communities and surface waters/wetlands, including 30.6 acres of vegetated open space and the existing ponds and wetlands found on the golf course, which would be enhanced with vegetated native plant buffers that would add an additional 108,911 square feet (2.5 acres) of wetlands buffer plantings. The Proposed Action would also preserve at least 384 trees at the Project Site. These 384 trees would continue to provide habitat for the various bird and other woodland wildlife species observed at the Project Site.

The Proposed Action would not remove existing phragmites stands. Common reed (*Phragmites australis*) stands are dominant through much of Wetland A and the vegetated wetland to the west of Pond 10. Permanent removal of common reed from the two wetlands, if achievable, would allow opportunities for native wetland vegetation to establish, resulting in improvements to plant diversity and habitat quality for some wildlife species. However, the Applicant believes that removal of phragmites through mechanical means and/or application of herbicides would entail a multi-year, labor-intensive operation, with no guarantee of success. The Applicant has concluded that the resulting long-term physical disturbance to the resident plant and wildlife communities within both wetlands would far outweigh the benefits that would occur through removal. Moreover, recolonization



from offsite sources of common reed, including the adjacent Hommocks Conservation Area (where dense common reed stands occur), is likely over time.

As an alternative, the Applicant is proposing to improve plant diversity and wildlife habitat value at the Project Site through installation of native plant/non-disturbance buffers around all of the ponds and wetlands at the property, including Wetland A and Pond 10. The Planning Board's consultant agrees that the proposed wetland plantings would provide a positive environmental benefit (see Appendix AA). Significantly, the Wetland Mitigation and Monitoring Plan includes provisions for invasive plant monitoring and removal to ensure that common reed does not become dominant within the native plant buffers. Furthermore, it is important to note that the existing common reed stands to remain at the Project Site provide a number of ecological benefits. Common reed stands serve as habitat for bees and other beneficial insects, as well as nesting, roosting and foraging habitat a number of bird species, including various wading birds, as well as red-winged blackbird, common yellowthroat, yellow-rumped warbler, white-throated sparrow, yellow warbler, black-capped chickadee, marsh wren, salt marsh sparrow and least bittern. Common reed stands also provide other important ecosystem services, including flood control, soil stabilization and sequestration of carbon, nitrogen and other nutrients, heavy metals and other pollutants. Based on the foregoing, the potential benefits of common reed removal at the Project Site are not commensurate with the detriments that may occur as a result. As such, the Applicant is proposing to leave the existing common reed stands undisturbed and proceed with establishment of the native plant buffers, as described.

The Proposed Action would result in the removal of 432 mostly mature trees totaling a tree patch removal area of 10.6 acres. A total of 5.77 acres of tree patches would remain. The 432 mostly mature trees proposed to be removed would be replaced with 432 trees (see Response 2.20 for a list of species to be planted), that would grow to a mature size akin to existing conditions over time. Based on published average growth rates described in the *Manual of Woody Landscape Plants*, by Michael A. Dirr, the Applicant projects 20 years, on average, duration for the specified trees to reach the average mature height per species. The record before the Planning Board contains other expert opinions that the time to maturity would be greater than 20 years. This in part due to the selected cultivated varieties that have been hybridized for selective genetic traits, including vigor, growth rate, and adaptability over the straight species. However, projections are largely influenced, either positively or negatively, by various environmental factors beyond human control consisting of: soil conditions, drainage, water, fertility, light exposure, etc. and the projection above may be a conservative estimate. Considering the proposed growing conditions of the proposed trees would be in an open-space environment with plentiful soil volumes, conducive for tree growth, as opposed to an urban environment (i.e., street tree planting surrounded by concrete). The Applicant believes that the trees would have favorable growing conditions. The existing basal areas of trees to be cut is 1,575.72 square feet. The basal area of the



replacement trees is estimated by the Applicant's expert to be 132.53 square feet after 10 years of growth, an 8% replacement.

Based on the above, the Applicant anticipates that bird density at the Project Site would decrease temporarily, due to the removal of 432 mostly mature habitat trees. Individuals from resident species would be displaced to the preserved habitat trees at the Project Site, the Hommocks Marsh Conservation Area, surrounding residential properties and other treed properties in the general surrounding area. It is expected that a temporary increase in bird density at these properties would occur, until an equilibrium between bird numbers and available resources is reached.

As noted above, resident avian species would continue to use the 384 trees to be preserved at the Project Site as habitat, while also utilizing the 432 replacement trees to be planted after construction is complete. The Applicant further anticipates that the habitat area for birds provided by the newly planted trees would increase yearly, as the trees grow to maturity. Due to the temporary tree habitat loss that would occur during the period until the planted trees reach maturity, overall bird density would decrease proportionately during this time, but the Applicant expects that species diversity would remain similar to existing conditions, due to the preservation of existing trees and 432 replacement trees to be planted.

The Applicant contends that following implementation of the Proposed Action, the Project Site would continue to function ecologically as one comprised of landscaped habitats with trees interspersed with surface waters and wetlands, similar to the existing conditions described above. As such, a similar plant and wildlife species assemblage is expected to inhabit the Project site following full implementation of the Proposed Action, with some improvements to plant and wildlife habitat quality anticipated due to installation of the proposed native plant wetland buffers. The removal of 432 mostly mature trees (see FEIS Figures 13, 14a and 14b) would impact habitat for some of the observed and expected avian fauna described above. However, the habitat impacts, while occurring over several decades or longer, would ultimately be temporary and are proposed to be mitigated by replacement with 432 trees (see Response 2.20 for a list of species to be planted). Installation of the proposed native plant wetland buffers may improve overall avian habitat quality within and adjacent to the various wetland features. Taking these factors into account, the overall number of birds utilizing the Project Site would decrease temporarily as a result of removal of mature habitat trees. However, the Applicant believes overall bird species density would to remain stable, due to preservation of existing trees and 432 replacement trees to be planted. Moreover, overall bird numbers are expected to rebound over a long period of time as the 432 replacement trees grow to sizes and heights that replicates the habitat opportunities and other ecological benefits provided by many of the existing trees at the Project Site.



- The Planning Board requested that its consultant review the proposed tree mitigation with respect to whether the species proposed, upon reaching maturity, would have the same habitat value as the species being replaced. This assessment is found in Appendix AA. The assessment found that the replacement trees would not have the same habitat value, primarily because there are fewer trees such as oak that produce a mast crop, and also because a number of the species are cultivars that may produce less or smaller food crops. The Applicant notes that cultivars were chosen because in part because they have greater inherent resistance to disease, bacteria and fungi and because they create fewer droppings will result in less maintenance, for example of clogged stormwater systems. The Applicant also notes that, at Mamaroneck's longitude, the North/South Atlantic Flyway also stretches East/West from the eastern tip of Long Island to western Ohio (see the Atlantic Flyway Figure in Appendix C) and therefore argues that the loss of roosting habitat would be temporary and negligible.

Based on the foregoing habitat conditions are anticipated to somewhat improve with the installation of approximately 30.6 acres of improved quality wildlife habitat (i.e. land converted from golf to open space, which may or may not be offset by the 29.5 acres of land converted from golf to residential use). Habitat conditions are expected to decline in that the proposed replacement trees do not provide the same habitat value as those they are replacing.

**Comment J.2:**

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.

(Public Hearing 2, pg. 382, Paul Ryan, 4/11/2018)

**Response J.2:**

The trees that would be removed would be limited to the 55.6-acre area of disturbance and would not include trees immediately surrounding ponds or wetlands on the Project Site. The Applicant is proposing to replace all 432 mostly mature trees and asserts that would create an improved habitat over what is currently existing on the Project Site, as explained in Response J.1 above. However, the Planning Board requested that its consultant review the proposed tree mitigation with respect to whether the species proposed, upon reaching maturity, would have the same habitat value as the species being replaced. This assessment is found in Appendix AA. The assessment found that the replacement trees would not have the same habitat value, primarily because there are fewer trees such



as oak that produce a mast crop, and also because a number of the species are cultivars that may produce less or smaller food crops. The Applicant notes that cultivars were chosen in part because they have greater inherent resistance to disease, bacteria and fungi and because they create fewer droppings will result in less maintenance, for example of clogged stormwater systems. The Applicant also notes that, at Mamaroneck's longitude, the North/South Atlantic Flyway also stretches East/West from the eastern tip of Long Island to western Ohio (see the Atlantic Flyway figure in Appendix C) and therefore argues that the loss of roosting habitat would be temporary and negligible.

The proposed Landscaping Plan (see Figure 6 in FEIS Appendix C), was prepared in accordance with the *Coastal Planting Guide for the Village of Mamaroneck* in order to maximize benefits for local habitat, proposes a mixture of evergreen and shade tree varieties, resulting in a 1:1 mitigation ratio. In addition, out of 106.8 acres, 14.3 acres would be impervious surfaces, which is an increase of 7.3 acres from existing conditions. As outlined in Chapter F of the DEIS and Section III.3.F of the FEIS, the proposed increase in impervious surface would be managed and treated so as to avoid any potential significant adverse surface drainage impacts.

**Comment J.3:**

First paragraph. Second sentence. The area of trees should not be mixed into landscaped fairways, practice rough, greens and trees (81.6% of site). Identify the wooded areas as a separate area, as defined by Exhibit 3K-1, containing the 432 trees that are 8" dbh or greater.

(Memo 1, pg. 9, Stuart Mesinger, Consultant to Planning Board, 5/14/2018)

**Response J.3:**

The trees are part of the landscaped areas of the golf course. All trees are located, pruned, and landscaped to take into account the recreational activities taking place on the Project Site. The trees are located in clusters associated with the location of the fairways, practice rough, and greens. The locations of trees are identified on Figure 13 in FEIS Appendix C. See Response J.1.

**Comment J.4:**

Exhibit 3K-1, the removal of 432 trees are 8" dbh or larger is a significant impact. There is at least one 55" dbh tree. Include a chart or table with the number of trees in size increments by 5" groupings (i.e., number of trees 10" dbh or less; number of trees 11-15" dbh; 16-20" dbh ; etc.), so that the size range and numbers of trees in each cohort can be better understood. The tree lists on this exhibit are too small to read, except at 400x magnification. Take each group of trees and label them (i.e., Group A), and where they are found on the map, label that (i.e., "Area A"), and have a table in larger font around the edges of the map with the Group A...list trees and sizes; Group B, list trees and sizes etc. The size



of each wooded area could also be noted in this table around the edges of the figure. A chart or table of size groupings is also needed in this text to show the number of trees in different size classes in order to compare to what is being cut to what is being planted. The overall dbh of tree being cut versus the overall dbh of trees planted should be stated in the FEIS.

(Memo 1, pg. 9, Stuart Mesinger, Consultant to Planning Board, 5/14/2018)

**Response J.4:**

Please see the Tree Removal Plan, Tree Removal Sorted Plan and Tree Removal Sorted Table in Appendix C of the FEIS (Figures 13, 14a and 14b). As shown in the Tree Removal Plan, there would be 432 mostly mature trees removed (approximately 10.6 acres of tree patch area) as a result of this project, leaving 384 trees would remain on the Project Site. In addition, all 432 trees that would be removed would be replaced (see Response 2.20 for a list of species to be planted), and the replacement trees would grow to a mature size akin to existing conditions over time. A majority of the trees that would be replaced are mature trees and have greater than a 10" dbh. Many of them are between 24-36" dbh. The replacement trees would be between 2-2.5" dbh. The Applicant cites evidence that these trees would reach maturity within 20 years. Other experts argue it would take longer for the replacement trees to reach maturity. The basal area being removed would account for approximately 1,575 square feet and the amount being replaced with the proposed planting would equal approximately 15 square feet, and 133 square feet after ten years of growth (see FEIS Appendix K). Due to the temporary tree habitat loss that would occur during the projected 20 years until the planted trees reach maturity, overall bird density would decrease proportionately during this time, but the Applicant asserts that species diversity is expected to remain similar to existing conditions, due to the preservation of existing trees and creation of new treed habitat. The Planning Board requested that its consultant review the proposed tree mitigation with respect to whether the species proposed, upon reaching maturity, would have the same habitat value as the species being replaced. This assessment is found in Appendix AA. The assessment found that the replacement trees would not have the same habitat value, primarily because there are fewer trees such as oak that produce a mast crop, and also because a number of the species are cultivars that may produce less or smaller food crops. The Applicant notes that cultivars were chosen in part because they have greater inherent resistance to disease, bacteria and fungi and because they create fewer droppings will result in less maintenance, for example of clogged stormwater systems. The Applicant also notes that, at Mamaroneck's longitude, the North/South Atlantic Flyway also stretches East/West from the eastern tip of Long Island to western Ohio (see the Atlantic Flyway Figure in Appendix C) and therefore argues that the loss of roosting habitat would be temporary and negligible.

**Comment J.5:**



Provide a chart or table illustrating the size, in diameter at breast height, at 5" intervals, of trees to remain on the site after project completion. Provide the percentage of trees of each diameter group to remain on the site after project completion.

(Memo 1, pg. 9, Stuart Mesinger, Consultant to Planning Board, 5/14/2018)

**Response J.5:**

Please see the Tree Removal Plan, Tree Removal Sorted Plan, Tree Removal Sorted Table, Trees to be Preserved Sorted Plan and Trees to be Preserved Sorted Table in Appendix C of the FEIS (Figures 13, 14a, 14b, 14c and 14d). As shown in the Tree Removal Plan, there would be 432 mostly mature trees removed as a result of this project and 384 trees would remain on the Project Site. The chart below provides the percentage of trees of each diameter group to remain on site after project completion. This does not include the trees that would be planted as part of the landscaping plan.

The loss of a portion of the larger trees on the Project Site is included as a Significant Impact that Cannot be Avoided for the Proposed Action. It is noted that of the 31" to 55" size class of trees, there would be 111 trees removed (84% of that age class), with only 21 trees retained (16%). See the table below. It would take a significant period of time for new trees to reach the 31" to 55" dbh range.

Table III.3.J-1 Tree Removal Sorted

Size (inch)	Existing Trees	Trees to Remain	Trees to be removed	Trees to be removed (%)
7	15	15	0	0.0
8	26	21	5	19.2
9	19	12	7	36.8
9.5	2	0	2	100.0
10	50	39	11	22.0
10.5	2	0	2	100.0
11	26	8	18	69.2
11.5	2	0	2	100.0
12	58	42	16	27.6
12.5	4	0	4	100.0
13	22	8	14	63.6
13.5	3	0	3	100.0
14	52	38	14	26.9
14.5	1	0	1	100.0
15	26	12	14	53.8
15.5	1	0	1	100.0



Size (inch)	Existing Trees	Trees to Remain	Trees to be removed	Trees to be removed (%)
16	42	29	13	31.0
16.5	1	0	1	100.0
17	23	8	15	65.2
17.5	1	0	1	100.0
18	41	26	15	36.6
19	9	3	6	66.7
20	42	22	20	47.6
20.5	2	0	2	100.0
21	17	8	9	52.9
22	31	18	13	41.9
23	17	3	14	82.4
23.5	3	0	3	100.0
24	30	12	18	60.0
25	13	6	7	53.8
26	30	12	18	60.0
27	12	2	10	83.3
28	25	12	13	52.0
29	13	3	10	76.9
30	23	4	19	82.6
31	8	1	7	87.5
32	12	2	10	83.3
33	8	1	7	87.5
33.5	1	0	1	100.0
34	17	4	13	76.5
35	9	1	8	88.9
36	17	1	16	94.1
37	5	1	4	80.0
38	9	0	9	100.0
39	3	0	3	100.0
40	12	3	9	75.0
41	0	0	0	-
42	5	2	3	60.0
43	4	0	4	100.0
44	5	1	4	80.0
44.5	1	0	1	100.0
45	4	0	4	100.0
46	4	2	2	50.0





Size (inch)	Existing Trees	Trees to Remain	Trees to be removed	Trees to be removed (%)
47	0	0	0	-
48	2	1	1	50.0
49	0	0	0	-
50	3	1	2	66.7
51	0	0	0	-
52	1	0	1	100.0
53	0	0	0	-
54	0	0	0	-
55	2	0	2	100.0
<b>TOTAL</b>	<b>816</b>	<b>384</b>	<b>432</b>	

**Comment J.6:**

Exhibit 3K-2 should not include wooded areas as “landscaping” as it artificially and inappropriately reduces the value of the wooded areas. It would be more appropriate to call these areas “landscaping – grass and brush” and “landscaping – wooded.”

(Memo 1, pg. 9, Stuart Mesinger, Consultant to Planning Board, 5/14/2018)

**Response J.6:**

According to the Applicant, the individual trees and small stands of trees that occur on the Project Site were planted historically during development of the golf course, do not contain significant understory components (i.e., shrub and groundcover strata) normally associated with known woodland or forest types and are subject to ongoing maintenance by golf course staff. All trees are located, pruned, and landscaped to take into account the recreational activities taking place on the site. The trees are located in clusters associated with the location of the fairways, practice rough, and greens. They are not associated with a natural wooded areas or natural ecosystems. The Applicant asserts that based on these considerations, the Project Site does not contain “woodland” or “forest habitats,” as defined by the community descriptions in the New York Natural Heritage Program (NYNHP) publication *Ecological Communities of New York State* (ECNYS) (Edinger et. al., 2014). The ECNYS community description that is most representative of the tree stands is the Mowed Lawn with Trees community, which is described as an “unranked cultural community” by the NYNHP. The unranked cultural designation is reserved for communities that were created or altered by humans and have wide distributions throughout New York State.



FEIS Tables III.3.J-1 and III.3.J-2 (see below) have been updated to remove the reference to ECNYS ecological communities, since these tables provide quantitative site coverage for generalized habitat types, rather than acreages for the various ECNYS ecological communities that were observed qualitatively in the field.

As depicted on FEIS Figures 14a and 14b in Appendix C, 10.6 acres of treed areas would be removed as part of the Proposed Action, including two areas (Areas X and Y) greater than 1 acre in size and six additional areas that are greater than 0.5 acres in size. As depicted on the Landscaping Plan The 432 mostly mature trees to be removed would be replaced by 432 new evergreen and shade trees.

**Table III.3.J-2 Existing Cover Types**

Cover Type	Site Coverage (acres)	Site Coverage (percent)
Landscaping	86.7	81.63%
Meadows, Grasslands, or Brushlands	8.8	8.28%
Impervious Surfaces	6	5.65%
Surface Water Features and Wetlands	4.7	4.44%
Total	106.2	100%

**Table III.3.J-3 Existing and Proposed Cover Types**

Cover Type	Existing Site Coverage (acres)	Existing Site Coverage (percent)	Proposed Site Coverage (acres)	Proposed Site Coverage (percent)
Landscaping	86.7	81.6%	42.4	39.9%
Meadows, Grasslands, or Brushlands	8.8	8.3%	44.8	42.2%
Impervious Surfaces	6	5.6%	14.3	13.5%
Surface Water Features and Wetlands	4.7	4.4%	4.7	4.4%
Total	106.2	100%	106.2	100%

**Comment J.7:**

Table 3K-1 should be totaled.

(Memo 1, pg. 9, Stuart Mesinger, Consultant to Planning Board, 5/14/2018)

**Response J.7:**

The revised Table 3K-2 is provided below. It is important to note that Table 3K-1 provides quantitative site coverage for generalized habitat types, rather acreages for the various ECNYS ecological communities that were observed qualitatively in the field.

**Revised Table 3K-2 Existing Cover Types**

Cover Type	Site Coverage (acres)	Site Coverage (percent)
Landscaping	86.7	81.63%
Meadows, Grasslands, or Brushlands	8.8	8.28%
Impervious Surfaces	6	5.65%
Surface Water Features and Wetlands	4.7	4.44%
Total	106.2	100%

**Comment J.8:**

Page 3K-3. Paragraph B. Note that the only critical habitat identified by the USFWS in New York State is along the Great Lakes for the Piping Plover. Next sentence should read "There are also no state or federally listed rare, threatened or endangered plant or animal species known to inhabit the site." Note that under federal records, the short-eared owl, for example is a state listed threatened species.

(Memo 1, pg. 9, Stuart Mesinger, Consultant to Planning Board, 5/14/2018)

**Response J.8:**

Comment noted.

**Comment J.9:**

Page 3K-4. Provide an estimate of the total number of trees on the project site. What percentage of the total does the removal of 432 trees represent?

(Memo 1, pg. 9, Stuart Mesinger, Consultant to Planning Board, 5/14/2018)

**Response J.9:**

There are 816 trees and 52% would be removed as part of the project. As a result of the removal of this number of trees, the Applicant is replacing the trees at a 1:1 ratio so that the Project Site would continue to have 816 trees. However, the new trees would be considerably smaller than those they are replacing.

**Comment J.10:**

Page 3K-5. Table 3K-2 should break out Landscaping Woods versus Landscaping Grass and Brush to identify the impacts to wooded areas with large trees. The mitigation section should include a comparison of total basal area of coniferous versus deciduous trees to be cut versus planted. It is also difficult to differentiate between Landscaping (identified as basically the Golf Course in the existing condition) and the Meadows, Grasslands and Brushlands in the existing versus proposed condition. Is the increase in meadows, grasslands and brushland habitat claimed to be better than the existing golf course? The last paragraph states that there is no change in surface water features and wetlands as a result of the project. However, the SWPPP states that stormwater inputs into wetlands will be changed.

(Memo 1, pg. 9, Stuart Mesinger, Consultant to Planning Board, 5/14/2018)

**Response J.10:**

The individual trees and small stands of trees that occur on the Project Site were planted historically during development of the golf course, do not contain significant understory components (i.e., shrub and groundcover strata) normally associated with known woodland or forest types and are subject to ongoing maintenance by golf course staff. Based on these considerations, the Project Site does not contain woodland or forest habitats, as defined by the community descriptions in the New York Natural Heritage Program (NYNHP) publication *Ecological Communities of New York State* (ECNYS) (Edinger et. al., 2014). The ECNYS community description that is most representative of the tree stands is the Mowed Lawn with Trees community, which is described as an “unranked cultural community” by the NYNHP. The unranked cultural designation is reserved for communities that were created or altered by humans and have wide distributions throughout New York State. The locations of the landscaped individual trees and tree stands are identified in Appendix C of the FEIS (Figures 13, 14a and 14b).

From an ecological perspective, meadows, grasslands and brushlands have more value than mowed maintained lawns of a golf course, as they have significantly higher vegetative diversity and provide greater habitat value for wildlife.

As detailed in DEIS Section F, the Project Site currently contains three drainage systems comprised of the site wetlands features (seven ponds and two vegetated wetlands), as well as drainage pipes and several drainage ditches that channel runoff to two discharge points (Points A and B). Discharge Point A occurs at the existing golf course pond located to the north of the intersection of Eagle Knolls Road and Hommocks Road (“Pond 13,” see DEIS Figure 3E-1). Discharge Point B occurs at the golf course pond located to the southwest of the intersection of Eagle Knolls Road and Cove Road and adjacent



to Delancey Cove ("Pond 10," see DEIS Figure 3E-1). The two ponds in turn discharge to Delancey Cove/Long Island Sound via drainage pipes and tide gates.

Similar to existing conditions, runoff from the proposed development and the nine-hole golf course would drain to discharge Points A and B. Due to the conversion of the existing 18-hole golf course to the proposed nine-hole golf course, stormwater runoff from golf course surfaces would decrease, with the corresponding reduction in pollutants, organic materials and mineral sediments described on DEIS Page 3E-9. Due to a proposed increase in impervious surfaces at the Project Site, a corresponding increase in the peak rate of stormwater runoff that drains toward Points A and B would occur. However, the Applicant conducted a water budget analysis for existing and proposed conditions to evaluate the surface runoff contributing to the Project Site wetlands/ponds (detailed in Response E.6). The changes (gain or loss) in terms of wetland water budget for all the wetlands/ponds are less than ten percent, which are not significant. Additionally, similar to existing conditions, the three drainage systems would continue to receive stormwater runoff from surrounding offsite sources. Moreover, it is important to note that, water levels within the ponds and wetlands comprising the three golf course drainage systems are and would continue to be artificially maintained by various outlet structures, including elevated drainage pipes, weirs and tide gates. Based on the foregoing, no significant changes in the hydrology of the existing drainage system ponds are anticipated as a result of the Proposed Action.

**Comment J.11:**

Page 3K-6 – What does the sentence stating "however the areas of natural vegetated habitats, to be located in the shared open spaces, would grow significantly" mean? Grow in area, grow through in succession? The DEIS later states on page 3K-7 that the HOA will manage these open areas. What is the management plan? Will they be managed as mowed lawn, grassland (mowed once or twice a year), old field/shrubland or allowed to succeed to wooded habitat?

(Memo 1, pg. 9, Stuart Mesinger, Consultant to Planning Board, 5/14/2018)

**Response J.11:**

The open space areas are defined on Figure 5 in Appendix C and would be allowed to grow to a defined area of 30.57 acres. However, the HOA would be responsible for the maintenance of those areas if problems arise or landscaping adjustments are needed in the future. See Appendix H for the Landscape Management Plan and the Wetlands Mitigation and Monitoring Plan.

**Comment J.12:**

Page 3K-6. The only "critical habitat" identified by the USFWS in NYS is for piping plover along the Great Lakes. Stating that the site does not contain "critical habitat" does not mean that migratory birds



do not use the site, nor does it mean that cutting down 432 large trees would not have an impact on migratory birds.

The list of migratory birds that are Birds of Conservation Concern and within the range of the site is identified under within the USFWS Trust Resource List, contained within the DEIS body and in DEIS Appendix L. The NYS Breeding Bird Atlas (the site lies in Breeding Bird Block 6053c) identifies all birds which have been identified as breeding (nesting with young) in this geographic area. Include the list of breeding birds (birds of conservation concern) from the USFWS Trust Resources List and from the Breeding Bird Atlas Block 6053c in the FEIS and identify those birds that may be present on the site given the habitat features. All of these species (except perhaps for resident Canada geese) are migrating birds.

The federal Migratory Bird Act prohibits the killing of migratory birds. (See DEIS Appendix L, USFWS Trust Resource Report, page 4 which states "any activity which results in the take of migratory birds or eagles is prohibited unless authorized by the U.S. Fish and Wildlife Service. There are no provisions for allowing the take of migratory birds that are unintentionally killed or injured. Any person or organization who plans or conducts activities that may result in the take of migratory birds is responsible for complying with the appropriate regulations and implementing appropriate conservation measures.")

Cutting trees when birds are not nesting or fledging is an appropriate mitigation measure to reduce the potential killing or take of migratory birds. Generally, avoiding cutting of trees from April 15th through July 31st in this part of the state would avoid direct take of migratory birds. Secondly, planting larger native trees in order to make up for the significant reduction in total basal area tree loss would help reduce the take associated with the temporal loss of nesting habitat on the site.

(Memo 1, pg. 10, Stuart Mesinger, Consultant to Planning Board, 5/14/2018)

### **Response J.12**

The Applicant would avoid cutting of trees from April 15th through July 31st to avoid direct take of migratory birds. The trees that need to be removed would be limited to the 55.6-acre area of disturbance. The Applicant is proposing to replant 432 trees to replace those that have been removed. As shown on the Landscaping Plan (Figure 6 FEIS in Appendix C), the new trees would include native species and those that would provide ecological diversity. The proposed Landscaping Plan, prepared in accordance with the Coastal Planting Guide for the Village of Mamaroneck in order to maximize benefits for local habitat, proposes to plant 432 replacement trees, a mixture of evergreen and shade tree varieties, resulting in a 1:1 mitigation ratio.



The Applicant has submitted evidence that the trees identified in the Landscape Plan would near maturity, on average, in approximately 20 years from the time of planting of a 2 to 2.5-inch caliper tree, on average 13 feet height per ANSI Z60.1 American Standards for Nursery Stock. Industry-accepted landscape best management practices (BMPs) and studies conducted by Cornell University's Urban Horticulture Institute (UHI), has determined planting of larger-caliper trees is detrimental to the overall health and establishment of proposed trees. Large caliper trees, for the purpose of this response, are defined as tree calipers 3-inches and larger at the time of transplant/installation. The transplanting process removes approximately up to 90% of a tree's root system, and there is a direct correlation of the larger the tree, the more-severe transplant shock, and a longer establishment period. The UHI has published studies demonstrating smaller tree caliper (< 3" caliper) plantings have both shorter establishment periods and faster growth rates, typically exceeding large caliper tree establishment and growth rates in a 5 to 10-year period.

See also Response J.1.

**Comment J.13:**

Page 3K-6. Second to last paragraph. Discuss the loss of significant tree basal area.

(Memo 1, pg. 10, Stuart Mesinger, Consultant to Planning Board, 5/14/2018)

**Response J.13:**

The existing ecological communities at the Project Site provide suitable habitat for common wildlife species adapted to predominantly developed/disturbed conditions and close human presence. Therefore, the conversion of portions of the landscaped cover type to a developed residential use is not anticipated by the Applicant to result in significant adverse impacts to existing habitat. While there would be significant tree basal area loss, the number of trees to be replanted are equal to the number that are being removed. The Applicant has submitted evidence that the trees identified in the Landscaping Plan would near maturity within approximately 20 years. The size chosen for the plan are industry-accepted sizes and would typically establish faster than larger trees, as stated in a published 3-year study in the *Journal of Arboriculture* 26(3): May 2000, p 162, *Survival and Growth of Transplanted Large- and Small-Caliper Red Oaks* by Struve et al. Based on the study, the tree basal area is projected increase at a rate of 15%, up to 22% each year of its growth. Once established, the basal area rate of growth increases as well. For the trees proposed in the Landscape Plan, it is anticipated that the trees would become established within 2 years, also based on the same study (Struve et al., p166). The temporary reduction in tree basal area at the Project Site would be minimized or mitigated by the preservation of many existing mature trees at the Project Site including the preservation of 30.6 acres of shared open space and the installation of native plant buffers along surface waters and wetlands.



The Planning Board requested that its consultant review the proposed tree mitigation with respect to whether the species proposed, upon reaching maturity, would have the same habitat value as the species being replaced. This assessment is found in Appendix AA. The assessment found that the replacement trees would not have the same habitat value, primarily because there are fewer trees such as oak that produce a mast crop, and also because a number of the species are cultivars that may produce less or smaller food crops. The Applicant notes that cultivars were chosen in part because they have greater inherent resistance to disease, bacteria and fungi and because they create fewer droppings will result in less maintenance, for example of clogged stormwater systems. The Applicant also notes that, at Mamaroneck's longitude, the North/South Atlantic Flyway also stretches East/West from the eastern tip of Long Island to western Ohio (see the Atlantic Flyway Figure in Appendix C) and therefore argues that the loss of roosting habitat would be temporary and negligible.

**Comment J.14:**

Mitigation Page 3K-7. There is a significant impact associated with the removal of trees. 432 trees removed at 30 inches dbh average, versus 432 trees planted at 2" dbh average. There is a substantial loss of wooded habitat, cooling potential and migratory bird nesting, if only for common species, but given the urban nature of this site, that may be significant. Furthermore, it is unclear whether there will be impacts on wetland hydrology from alteration of stormwater inputs. The maintenance plan for the 36 acres of open space is not defined; therefore, it is premature to state that conditions will be improved. The statement indicating that the future conditions of the site would enhance wildlife species assemblage is not well supported given the proposed landscaping plan and urban environment. The need for additional landscaping consistent with *A Coastal Planting Guide for the Village of Mamaroneck, NY* should be considered.

(Memo 1, pg. 10, Stuart Mesinger, Consultant to Planning Board, 5/14/2018)

**Response J.14:**

The 432 new replacement trees would include native species and those that would provide ecological diversity, although less than currently exists. The proposed Landscaping Plan, prepared in accordance with the *Coastal Planting Guide for the Village of Mamaroneck* in order to maximize benefits for local habitat, proposes to plant 432 replacement trees, a mixture of evergreen and shade tree varieties, resulting in a 1:1 mitigation ratio. The Applicant has submitted evidence that the trees identified in the Landscaping Plan would near maturity, on average, in approximately 20 years. The size chosen for the plan are common and would typically establish faster than a larger tree. The tree basal area would increase at least 15% each year of its growth. Once established, the basal area rate of growth increases as well. For the tree proposed in the Landscaping Plan, it is anticipated that the trees would become established within 2 years.





The Proposed Action would result in the removal of 432 mostly mature existing trees and replacement with 432 new trees. The removal of existing trees would result in displacement of individuals from certain wildlife groups, primarily songbirds and other avian species that use the trees for potential, nesting, foraging and/or perching, as well as several small mammal species. Displacement would occur to the 384 trees to be preserved, the Hommocks Conservation Area, surrounding residential properties and other treed habitats in the general surrounding area. To minimize potential adverse impacts to these species, cutting of trees would not take place between April 15 and July 31.

Following implementation of the Proposed Action, existing habitat for eastern coyote (*Canis latrans*), whitetail deer (*Odocoileus virginianus*) and Canada goose (*Branta canadensis*), would remain on the nine-hole golf course and the 30.6 acres of shared open space. Significantly, as the latter two species are detrimental to golf courses, they have been historically managed/discouraged from the Project Site by the golf course maintenance staff through non-lethal means, and these long-standing practices would continue following implementation of the Proposed Action. Based on these factors, no significant adverse impacts to the Hommocks Conservation Area or other surrounding properties due to eastern coyote, whitetail deer and Canada goose (*Branta canadensis*) are anticipated.

There would be no impacts to the wetlands hydrology as a result of the stormwater inputs. The Proposed Action would have no direct impacts (e.g., filling, draining, clearing of vegetation, etc.) to the wetlands at the Project Site. Further, while some of the golf holes would be maintained along the perimeter of the Project Site, no development or ground disturbance from the proposed residential buildings or tennis courts would occur within a minimum of 100 feet of the wetlands at the Project Site. See Chapter E Surface Water Courses and Wetlands in the DEIS and Section III.3.E of the FEIS.

The open space areas would be left in a natural state and would be allowed to grow in area and succession. See Figure 5, Open Space Plan, in FEIS Appendix C which depicts the ownership and maintenance of the open space and members only golf course areas. See Appendix H for the Landscape Management Plan and the Wetlands Mitigation and Monitoring Plan.

**Comment J.15:**

Page 3K-7. 18. A discussion of the benefits and implications of prohibiting the use of inorganic fertilizers, pesticides and herbicides on the residential portion of the property should be provided.

(Memo 1, pg. 10, Stuart Mesinger, Consultant to Planning Board, 5/14/2018)

**Response J.15:**

The HOA would prohibit the use of inorganic fertilizers, pesticides and herbicides on the residential portion of the Project Site through the restrictions in the HOA Declaration of Covenants, as well as the



HOA's Rules and Regulations. The benefits to not using inorganic fertilizers, pesticides and herbicides include the reduction of chemicals being applied to the vegetative areas which can at times build up in soils or be transported to water resources such as surface water and groundwater. It also reduces the ability of people to inadvertently encounter chemicals that can cause health and safety issues. Finally, it prevents chemicals that are targeting particular weeds or pests from harming other plants and animals that are not being targeted by the herbicides or pesticides.

**Comment J.16:**

Provide an Integrated Pest Management Plan for the golf course.

(Memo 1, pg. 10, Stuart Mesinger, Consultant to Planning Board, 5/14/2018)

(Public Comment Letter 106, pg. 2, Cindy Goldstein, Chair - HCZMC, 4/23/2018)

**Response J.16:**

Please see Appendix U for the Pest Management Plan for the golf course

**Comment J.17:**

Advocating for migratory birds, wading birds, grazers, amphibians, reptiles and small mammals, it is important to see these three wetland/natural complexes from an animal's perspective where they are rather separate from one another- especially when floating on a pond, stalking for worms at the shore or perched in a shrub. The mass of buildings, the roads - not to mention increased numbers of humans, their pets (CATS and dogs), and their vehicles, will provide formidable barriers for creatures which are not wing-endowed, such as amphibians (toads, frogs, salamanders), reptiles (turtles, snakes) and small mammals (mice, muskrat, opossums, etc.). A meaningful, much better conceived and ecologically viable mitigation proposal would create a single set-aside preservation area, enhanced by natural vegetation and water features, even at the cost of losing existing water features elsewhere on the site to construction....In order to continue to serve as significant open space and maintain its character as a "Significant Environmental Area", the development would need to be redesigned to abut existing residential areas and to consolidate all remaining golf course and natural areas into one contiguous and compact mass with immediate connection to the Hommocks Salt Marsh Complex.

(Public Comment Letter 1, pg. 2, 1/12/2018, Public Comment Letter 58, pg. 1, 1/17/2018, Sven Hoeger, Environmental Consultant to the HCZMC)

(Public Comment Letter 106, pg. 1, Cindy Goldstein, Chair - HCZMC, 4/23/2018)



**Response J.17:**

A habitat corridor is usually installed when there is access between two of the same habitats and a pathway needs to be created to connect the habitats for without the connection they would be isolated. This is not the case with the Project Site. The golf course and open space areas encircle the development and all animals would be able to move around and through the Project Site (see Figure 5 in FEIS Appendix C). Some movement between the natural areas and the golf course areas is anticipated as well. Overall, the open space would be kept in a natural state and layout that would allow for the free movement of its inhabitants. It is unknown to what extent golf course activities would inhibit the free movement of species between the disconnected open space areas.

Based on the existing conditions, the Project Site is comprised of cultural ecological communities associated with historical and ongoing use as a golf course. The Project Site does not contain woodlands, forests or other naturally-occurring vegetated communities. As a result, the observed and expected wildlife fauna is comprised primarily of common species adapted to landscaped and developed habitats. See Response J.1 for a full list observed during field surveys.

Given that the Project Site is comprised primarily of maintained fairways, greens and roughs of the existing 18-hole golf course, the herbaceous vegetative community is overwhelmingly dominated by common turf grasses (e.g. blue grasses (*Poa* spp.), fescues (*Festuca* spp.) and rye grasses (*Lolium* spp.) as well as "weedy" herbaceous plants that occur in turf communities, such as clovers (*Trifolium* spp.), plantains (*Plantago* spp.) and dandelions (*Taraxacum* spp.). The tree flora at the Project Site is dominated by several species of oaks and hickories, including northern red oak (*Quercus rubra*), white oak (*Quercus alba*), scarlet oak (*Quercus coccinea*), pin oak (*Quercus palustris*), mockernut hickory (*Carya tomentosa*), shagbark hickory (*Carya ovata*) and pignut hickory (*Carya glabra*). Other dominant tree species are red maple (*Acer rubrum*), river birch (*Betula nigra*), black walnut (*Juglans nigra*), eastern white pine (*Pinus strobus*) and cypress (*Taxodium* sp.). An inventory of observed trees is provided in Appendix K.

The Proposed Action would result in conversion of 29.5 acres of the Project Site to residential development. The remainder of the 106-acre Project Site would be comprised of vegetated communities and surface waters/wetlands, including the downsized nine-hole golf course, 30.6 acres of vegetated open space and the existing ponds and wetlands, which would be enhanced with vegetated native plant buffers. The 432 mostly mature trees proposed to be removed would be replaced (see Response 2.20 for a list of species to be planted), and the replacement trees would grow to a mature size akin to existing conditions over time.

Accordingly, following implementation of the Proposed Action, the Applicant asserts that the Project Site would eventually function ecologically as one comprised of landscaped habitats with trees



interspersed with surface waters and wetlands, similar to the existing conditions described above, after the time it would take for replacement trees to grow to maturity. As such, a similar plant and wildlife species assemblage is expected to inhabit the Project Site following implementation of the Proposed Action, with significant improvements to plant and wildlife habitat quality anticipated due to installation of the proposed native plant wetland buffers. Based on the foregoing, the Applicant contends that there would be no significant adverse impacts to the Hommocks Conservation Area are anticipated due to the Proposed Action, and habitat conditions are anticipated to improve, in part, with the installation of approximately 30.6 acres of somewhat improved quality wildlife habitat. The Applicant asserts that this would be offset, to some degree, by conversion of 29.5 acres to residential use.

The Planning Board requested that its consultant review the proposed tree mitigation with respect to whether the species proposed, upon reaching maturity, would have the same habitat value as the species being replaced. This assessment is found in Appendix AA. The assessment found that the replacement trees would not have the same habitat value, primarily because there are fewer trees such as oak that produce a mast crop, and also because a number of the species are cultivars that may produce less or smaller food crops. The Applicant notes that cultivars were chosen in part because they have greater inherent resistance to disease, bacteria and fungi and because they create fewer droppings will result in less maintenance, for example of clogged stormwater systems. The Applicant also notes that, at Mamaroneck's longitude, the North/South Atlantic Flyway also stretches East/West from the eastern tip of Long Island to western Ohio (see the Atlantic Flyway Figure in Appendix C) and therefore argues that the loss of roosting habitat would be temporary and negligible.

The Proposed Action would have no direct impacts (e.g., filling, draining, clearing of vegetation, etc.) to the wetlands at the Project Site. Further, while some of the golf holes would be maintained along the perimeter of the Project Site, no development or ground disturbance from the proposed residential buildings or tennis courts would occur within a minimum of 100 feet of the wetlands at the Project Site.

It has been recommended in comments to explore connections between ponds 16 and 13, ponds 5 and 6, and pond 18 and 10. Pond 16 and 13 are currently connected by a stream channel which conveys excess runoff from Pond 18 to 13 and ultimately off site to the western flood gates under the Hommocks School sports field. This area is not proposed to be disturbed and current golf improvements would remain. Ponds 5 and 6 share a buffer area connection them. No additional improvements are proposed, and current golf improvements would remain. Ponds 10 and 18 are currently connected by a drainage channel that is proposed to be improved but no habitat connection is proposed, and existing golf improvements would remain.



**Comment J.18:**

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

(Public Comment Letter 1, pg. 2, Sven Hoeger, Environmental Consultant to the HCZMC, 1/12/2018)

**Response J.18:**

Comment noted with respect to Species of Conservation Concern.

See response to Comment J.1.

**Comment J.19:**

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

(Public Comment Letter 1, pg. 2, Sven Hoeger, Environmental Consultant to the HCZMC, 1/12/2018)

**Response J.19:**

The proposed Landscaping Plan (see Figure 6 in FEIS Appendix C), was prepared in accordance with the *Coastal Planting Guide for the Village of Mamaroneck* in order to maximize benefits for local habitat. The Applicant believes that removal of the walls and re-grading of side slopes would be unnecessary, as they suggest such action would result in a larger site disturbance, potential water quality impacts to the pond, and potential generation of contaminated fill. The proposed plan calls for wetland edge plantings, at time of installation, to be adjusted in the field to account for existing site features to remain (e.g. walls, paths, utilities, etc.). Therefore, so long as the installed surface area of wetland edge plantings are consistent with the proposed areas, the exact shape can be adjusted per existing field conditions to remain. The Wetland Edge plant selection also consists of a variety of plant species



adaptable to variable soil conditions upon establishment, including dry to wet soils. Therefore, it is anticipated that the plantings would thrive within the existing hydrological conditions. The plantings are specified to be installed in randomized mass plantings to encourage dense establishment of native plant communities. Notes would be added to the proposed Landscaping Plan consistent with the above. All wetlands plantings would be installed in accordance with standard practice and within the required moisture gradients. Currently, the ponds on the Project Site do not contain the wetland plantings proposed in the Landscape Plan. Therefore, the Applicant asserts that the ecological environment of the wetland perimeters would be improved as a result of this project. The Planning Board's consultant agrees with this conclusion (see Appendix AA).

**Comment J.20:**

While the Village of Mamaroneck does not have a tree preservation/replacement ordinance, the proposed one-for-one replacement of trees does not go far enough. Since only trees greater than 8 inches in diameter at breast height have been counted toward replacement, it is inevitable that at least an equal number of trees smaller than that size would be removed without replacement. It is also understood that the replaced trees would be replaced at smaller sizes, reducing the initial future canopy coverage dramatically. As a rule of thumb, the canopy of a tree increases exponentially as the tree trunk diameter increases. For example, a 4-inch caliper tree (the typical landscaping size) would only have a quarter of the canopy size of an 8-inch caliper tree (the minimum tree size counted for removal). If the applicant was to replace the canopy of those trees counted for removal (432), and all of those were measured at only 8 inches in diameter, then at the very minimum the planting of at least 4 times as many trees as proposed would be required to adequately replace the lost canopy. That would amount to 1,728 replacement trees at 4-inch caliper size. In reality several of those removed trees would be larger than 8 inches, so that an even larger number of replacements would be required to truly reflect an ecologically equivalent replacement effort. This is not a mere numbers game, but a significant factor when considering the ecological impact the removal of existing trees would have on the environment and when planning for the enhancement and development of natural areas (preserved or created) on site. Tree removal also affects the water budget.

(Public Comment Letter 1, pg. 2, Sven Hoeger, Environmental Consultant to the HCZMC, 1/12/2018)

(Public Comment Letter 106, pg. 1, Cindy Goldstein, Chair - HCZMC, 4/23/2018)

**Response J.20:**

As noted in the response to Comment J.1, 432 mostly mature trees would be removed. No other trees (whether greater than, equal to, or less than 8 inches in diameter) would be removed. Please see the Tree Removal Plan, Tree Removal Sorted Plan and Tree Removal Sorted Table (Figures 13, 14a and 14b



in Appendix C of the FEIS). The tree removal plans sort the trees that would be removed as a result of the Proposed Project based on diameter base height. The 2-2.5-inch caliper trees identified in the Landscape Plan to replace the removed trees are a more commonplace landscaping size than a 4-inch caliper tree. The Applicant has submitted evidence that the trees identified in the Landscaping Plan would near maturity within 20 years. Other expert opinions in the record indicate the time to maturity would be longer. Based on published average growth rates described in the Manual of Woody Landscape Plants, by Michael A. Dirr, a projection of 20 years, on average, duration for the specified trees to reach the average mature height per species. This in part due to the selected cultivated varieties that have been hybridized for selective genetic traits, including vigor, growth rate, and adaptability over the straight species. However, projections are largely influenced, either positively or negatively, by various environmental factors beyond human control consisting of: soil conditions, drainage, water, fertility, light exposure, etc. The Applicant therefore, believes the above projection is a conservative estimate. Considering the proposed growing conditions of the proposed trees would be in an open-space environment with plentiful soil volumes, conducive for tree growth, as opposed to an urban environment (i.e. street tree planting surrounded by concrete), it is estimated trees would have favorable growing conditions. The size chosen for the plan are common and would typically establish faster than a larger tree. The tree basal area would increase at least 10% each year of its growth. Once established, the basal area rate of growth increases as well. For the trees proposed in the Landscape Plan, it is anticipated that the trees would become established within 2 years. The lost canopy would be replaced once the trees mature and each year the canopy of the trees would increase.

See also response J.1.

**Comment J.21:**

Since the Removals Plan only notes trees with a caliper of 8" and larger~ it is possible that many substantially sized trees are being removed but not included in the removals count. Therefore, the tree removals list should include all trees that are 6" in diameter at breast height (DBH) and up. This could alter the tree removal amount substantially. It is recommended that the Board request the applicant to provide a tree count that reflects these new numbers on a revised Tree Removal Plan. Tree replacements on the Landscape Plan should at least equal, and preferably exceed, this number.

(Public Comment Letter 16, pg. 1, Susan Oakley, Terra Bella Land Design, 2/12/2018)

**Response J.21:**

432 mostly mature trees would be removed. No other trees (whether greater than, equal to, or less than 8 inches in diameter) would be removed. Please see the Tree Removal Plan, Tree Removal Sorted Plan and Tree Removal Sorted Table (Figures 13, 14a and 14b in Appendix C of the FEIS). The tree





removal plans sort the trees that would be removed as a result of the Proposed Project based on diameter base height. As shown in the Tree Removal Plan, there would be 432 mostly mature trees removed as a result of this project and 384 trees would remain on site. The 432 mostly mature trees to be removed would be replaced at a 1:1 ratio with a variety of deciduous and evergreen trees, including many native species. The replacement trees would be 2.5 and 3 inches in diameter and the Applicant believes they would reach maturity within 20 years. Other expert opinions in the record indicate the time to maturity would be longer. Based on published average growth rates described in the *Manual of Woody Landscape Plants*, by Michael A. Dirr, a projection of 20 years, on average, duration for the specified trees to reach the average mature height per species. This in part due to the selected cultivated varieties that have been hybridized for selective genetic traits, including vigor, growth rate, and adaptability over the straight species. However, projections are largely influenced, either positively or negatively, by various environmental factors beyond human control consisting of: soil conditions, drainage, water, fertility, light exposure, etc. Therefore, the above projection is solely a conservative estimate. Considering the proposed growing conditions of the proposed trees would be in an open-space environment with plentiful soil volumes, conducive for tree growth, as opposed to an urban environment (i.e. street tree planting surrounded by concrete), it is estimated trees would have favorable growing conditions. The Applicant argues that the temporary reduction in tree basal area at the Project Site would be minimized or mitigated by the preservation of many existing mature trees at the Project Site, installation of native plant buffers along surface waters and wetlands and preservation of 30.6 acres of shared open space. This would be offset to some degree by the conversion of 29.5 acres to residential use.

See also response J.1.

**Comment J.22:**

Tree protection measures are necessary for the mature trees remaining on the property that are within or in close proximity to the Area of Disturbance. The Village of Mamaroneck Tree Protection Standard (SD-11) is included as part of this memo and the drawing should be added to the Planting Details & Notes.

(Public Comment Letter 16, pg. 1, Susan Oakley, Terra Bella Land Design, 2/12/2018)

**Response J.22:**

Comment noted. All requirements and standards would be met for the remaining mature trees as required by the Village of Mamaroneck and the Plantings would be in accordance with the Village of Mamaroneck Tree Protection Standards (SD-11) (see Figures 6a and b in Appendix C).





**Comment J.23:**

Section 3.K.1.b. does not mention the SEQR Lead Agency coordination letter, CH# 5963, from DEC to the Village of Mamaroneck Planning Board, regarding State-listed threatened and endangered species. The letter notes that this project is in close proximity to occurrences of breeding marsh birds, king rail (*Rallus e/egans*) and least bittern (*Ixobrychus exilis*). However, DEC has determined that this project will have no impact on these species and no further reviewing is necessary at this time.

(Public Comment Letter 41, pg. 2, Sarah Pawliczak, Department of Environmental Conservation,  
2/14/2018)

**Response J.23:**

Comment noted.

**Comment J.24:**

The DEIS does not address where displaced wildlife will go once close to 500 trees are removed and construction begins. The golf course and its open space has provided significant wildlife habitat and is a Critical Environmental Area. The removal of habitat for deer, coyotes and Canada geese will put a greater burden on the Hommocks Conservation Area, our playing fields and resident's back yards.

The DEIS does not provide a survey of existing birds, wildlife or plants and the tree removal plan does not specify the species of trees to be removed. This information is critical to determine the impact upon the Town's Hommocks Conservation Area.

(Public Comment Letter 56, pg. 3, Stephen V. Altieri, Town of Mamaroneck Town Administrator,  
2/14/2018)

**Response J.24:**

The Proposed Action would result in the removal of 432 mostly mature existing trees and replacement with 432 new trees. The removal of existing trees would result in displacement of individuals from certain wildlife groups, primarily songbirds and other avian species that use the trees for nesting, foraging and/or perching, as well as several small mammal species. To minimize potential adverse impacts to these species, cutting of trees would not take place between April 15 and July 31.

Following implementation of the Proposed Action, existing habitat for eastern coyote (*Canis latrans*), whitetail deer (*Odocoileus virginianus*) and Canada goose (*Branta canadensis*), would remain on the nine-hole golf course and the 30.6 acres of shared open space, and the Applicant therefore expects that these species would eventually return to the site. Significantly, as the latter two species are detrimental to golf courses, they have been historically managed/discouraged from the Project Site



by the golf course maintenance staff through non-lethal means, and these long-standing practices would continue following implementation of the Proposed Action. The proposed construction would be temporary, lasting 6-7 years unless it took a longer time for houses to sell, and phased. The largest disturbance would be during phase I which is projected to last 9 months. Based on these factors, the Applicant believes no significant adverse impacts to the Hommocks Conservation Area or other surrounding properties due to eastern coyote, whitetail deer and Canada goose (*Branta canadensis*) would occur.

As a functioning golf course, the vegetated portions of the Project Site are comprised primarily of fairways, greens, roughs, and trees that have been and continue to be subject to intensive landscaping and management (e.g., mowing, pruning, grubbing, fertilizer applications, etc.). The individual trees and small stands of trees that occur on the Project Site, which were planted historically during development of the golf course, do not contain significant understory components (i.e., shrub and groundcover strata) normally associated with known woodland or forest types and are subject to ongoing maintenance by golf course staff. Based on these considerations, the Project Site does not contain woodland or forest habitats, as defined in the New York Natural Heritage Program (NYNHP) publication *Ecological Communities of New York State* (ECNYS) (Edinger et. al., 2014). The ECNYS community description that is most representative of the tree stands is the Mowed Lawn with Trees community, which is described as an “unranked cultural community” by the NYNHP. The unranked cultural designation is reserved for communities that were created or altered by humans and have wide distributions throughout New York State). The Project Site also contains surface water features and wetlands that were created or altered historically for the golf course drainage system and water hazards. The remainder of the Project Site is comprised of buildings and pavement, including the clubhouse, maintenance buildings, tennis courts, parking lots and driveways. These unvegetated features are classified in ECNYS as Urban Structure Exterior and Paved Road/Path, both of which are described by the NYNHP as unranked cultural communities.

Based on the existing conditions described above, the Project Site is comprised of cultural ecological communities associated with historical and ongoing use as a golf course. The Project Site does not contain woodlands, forests or other naturally-occurring vegetated communities. As a result, the observed and expected wildlife fauna is comprised primarily of common species adapted to landscaped and developed habitats. See Response J.1 for a list of the avian fauna observed at the Project Site.

Given that the Project Site is comprised primarily of maintained fairways, greens and roughs of the existing 18-hole golf course, the herbaceous vegetative community is overwhelmingly dominated by common turf grasses (e.g. blue grasses (*Poa* spp.), fescues (*Festuca* spp.) and rye grasses (*Lolium* spp.) as well as “weedy” herbaceous plants that occur in turf communities, such as clovers (*Trifolium* spp.),



plantains (*Plantago* spp.) and dandelions (*Taraxacum* spp.) The tree flora at the Project Site is dominated by several species of oaks and hickories, including northern red oak (*Quercus rubra*), white oak (*Quercus alba*), scarlet oak (*Quercus coccinea*), pin oak (*Quercus palustris*), mockernut hickory (*Carya tomentosa*), shagbark hickory (*Carya ovata*) and pignut hickory (*Carya glabra*). Other dominant tree species are red maple (*Acer rubrum*), river birch (*Betula nigra*), black walnut (*Juglans nigra*), eastern white pine (*Pinus strobus*) and cypress (*Taxodium* sp.). An inventory of observed trees is provided in Appendix K.

The Proposed Action would result in conversion of 29.5 acres of the Project Site to residential development. The remainder of the 106-acre Project Site would be comprised of vegetated communities and surface waters/wetlands, including the downsized nine-hole members only golf course, 30.6 acres of vegetated open space and the existing ponds and wetlands, which would be enhanced with vegetated native plant buffers. The 432 mostly mature trees proposed to be removed would be replaced. Accordingly, following implementation of the Proposed Action, the Applicant asserts that the Project Site would continue to function ecologically as one comprised of landscaped habitats with trees interspersed with surface waters and wetlands, similar to the existing conditions described above. As such, the Applicant asserts that a similar plant and wildlife species assemblage is expected to inhabit the Project site following implementation of the Proposed Action, with significant improvements to plant and wildlife habitat quality anticipated due to installation of the proposed native plant wetland buffers.

Because the existing condition is a golf course the ecological community that is present is comprised primarily of species adapted to landscaped and developed habitats. Given that the site is surrounded by these types of habitats, it is reasonable to assume that any species displaced from the site would only be displaced during the construction period at which time they would move to the adjacent sites until the construction of the project is complete. Once the project is complete, the wildlife is expected to return to the subject site. The Proposed Action would also preserve at least 384 trees at the Project Site. These 384 trees would continue to provide habitat for the various bird and other woodland wildlife species observed at the Project Site and as the additional vegetation matures, the habitat area would increase in size.

The Planning Board requested that its consultant review the proposed tree mitigation with respect to whether the species proposed, upon reaching maturity, would have the same habitat value as the species being replaced. This assessment is found in Appendix AA. The assessment found that the replacement trees would not have the same habitat value, primarily because there are fewer trees such as oak that produce a mast crop, and also because a number of the species are cultivars that may produce less or smaller food crops. The Applicant notes that cultivars were chosen in part because they have greater inherent resistance to disease, bacteria and fungi and because they create fewer



droppings will result in less maintenance, for example of clogged stormwater systems. The Applicant also notes that, at Mamaroneck's longitude, the North/South Atlantic Flyway also stretches East/West from the eastern tip of Long Island to western Ohio (see the Atlantic Flyway Figure in Appendix C) and therefore argues that the loss of roosting habitat would be temporary and negligible.

**Comment J.25:**

Additional information should be provided concerning impacts on all species of birds including shore birds and all other fish and wildlife (effects of loss of habitat and tree canopy).

(Public Comment Letter 106, pg. 1, Cindy Goldstein, Chair - HCZMC, 4/23/2018)

**Response J.25:**

Shorebirds found on site are part of a community of fauna that is capable of adapting to the existing golf course development. Interruption to this community is expected to be limited to the construction period of the proposed project. After construction it is expected that shorebirds would utilize the site in similar ways and intensity as the existing golf course because the proposed residential development is a similar ecological community. The Proposed Action would also preserve at least 384 trees at the Project Site. These 384 trees would continue to provide habitat for the various bird and other woodland wildlife species observed at the Project Site and as the additional vegetation matures, the habitat area would increase in size.

The Planning Board requested that its consultant review the proposed tree mitigation with respect to whether the species proposed, upon reaching maturity, would have the same habitat value as the species being replaced. This assessment is found in Appendix AA. The assessment found that the replacement trees would not have the same habitat value, primarily because there are fewer trees such as oak that produce a mast crop, and also because a number of the species are cultivars that may produce less or smaller food crops. The Applicant notes that cultivars were chosen in part because they have greater inherent resistance to disease, bacteria and fungi and because they create fewer droppings will result in less maintenance, for example of clogged stormwater systems. The Applicant also notes that, at Mamaroneck's longitude, the North/South Atlantic Flyway also stretches East/West from the eastern tip of Long Island to western Ohio (see the Atlantic Flyway Figure in Appendix C) and therefore argues that the loss of roosting habitat would be temporary and negligible.

**Comment J.26:**

The Commission disagrees with the conclusion on impacts of leaving the site undeveloped. The resulting "wild area" will offer some benefits to wildlife and the environment.

(Public Comment Letter 106, pg. 2, Cindy Goldstein, Chair - HCZMC, 4/23/2018)



**Response J.26:**

Comment noted.

**Comment J.27:**

Directly behind our property, there are dead trees and debris that have been left unattended for years. The owners of the club claim that they will maintain an upscale facility, however, they are presently neglecting the present one.

(Public Comment Letter 69, pg. 1, Gloria and Arthur Goldstein, 4/2/2018)

**Response J.27:**

Comment noted. The Applicant reports that this situation is being resolved.



## **K. Critical Environmental Area**

### **Comment K.1:**

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 DEIS, 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 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.

(Public Hearing 1, pg. 65-66, 2/14/2018 and Public Comment Letter 67, pg. 10-11, 2/14/2018, Lisa Liquori,)

The two proposed developments (single family and single family / carriage home mix) would completely undermine Mamaroneck's environmental code, which has designated Hampshire as a critical environmental area and one of the largest open spaces left on the Sound Shore. Putting a sprawling development on Hampshire and carting in untold (and inconsistent) amounts of fill is just not consistent with that vision, which should be respected.

(Public Comment Letter 37, pg. 1, Abby Roberts, Board of Traffic Commissioners Chair, 2/14/2018)

Hampshire is private property and borders private roads, but it was designated a Critical Environmental Area in the Village's Comprehensive Plan, and its open space vistas are viewed from roads accessed by the public for walking, biking, driving and accessed by various students and sports teams at Hommocks. The impact of construction and residential pollution on the water quality of Delancey Cove and Long Island Sound, the Hommocks and Delancey Cove marshes, and Flint Park would be significant. Hampshire also may include intertidal wetlands and upland fringe that provide an important natural and valuable area for wildlife (birds, turkeys, hawk, fish, mussels, deer, coyotes), which must be protected.

(Public Comment Letter 131, pg. 1, Jenn Kronick and Jason Shapiro)



The Hampshire property was designated in 1986 as a Critical Environmental Area by the Village. Denuding this CEA of almost 500 mature trees and their root systems is a disaster in itself. Adding several hundred thousand cubic yards of land fill to this property would, by definition, destroy the CEA and add to the flooding problems downstream in the Town of Mamaroneck.

(Public Comment Letter 209, pg. 1, Paul A. Ryan, 5/12/2018)

**Response K.1:**

In January 1981, the Village of Mamaroneck Coastal Zone Management Committee published its Coastal Zone Management Program Phase One report to provide an inventory of coastal conditions in the Village. As discussed below, the Phase One report recommended that the Hampshire Country Club be designated as a CEA for its sensitive drainage characteristics. Three years later, the Village of Mamaroneck Local Waterfront Revitalization Program (LWRP) recommended an amendment to its Local Law 15-1980 to designate the Hampshire Country Club CEA. The Hampshire Country Club CEA was officially designated by Local Law No. 34-1984, effective on February 2, 1985.

The unique environmental characteristics that qualify the Project Site for CEA designation, according to the predominant planning documents set forth by the Village of Mamaroneck, include the following:

- Drainage patterns into the Hommocks Marsh
- Presence of various surface water features and tidal and freshwater wetlands
- Proximity to the Long Island Sound
- Location within the 100-year floodplain
- Open Space and Recreation

The Applicant asserts that the Proposed Action would not impair any of the features associated with the Project Site's designation as a CEA. The Applicant argues the project was designed to preserve the characteristics and values that contribute to the Hampshire Country Club and Hommocks Conservation Area's designation as a Critical Environmental Area.

The Applicant states the project has been carefully designed to respect and protect the environmental features that make it unique and which contribute to its CEA designation. On-site ponds and wetlands, which function both as an important flood mitigation device and contribute to the Project Site's drainage system, are protected under the Proposed Action. The proposed drainage system for the Project Site would include infiltration basins, bioretention basins, stone diaphragms, continuous deflective system (CDS) units. The infiltration basins and bioretention basins would treat water runoff to provide water quality control, which would improve the water quality of the stormwater being discharged into the Hommocks Marsh. In addition, runoff from the Project Site would be collected via



the proposed drainage system along the proposed roads. This runoff would then be discharged to the proposed basins for water quality treatment. The density of the Proposed Action places development disturbance in areas that could be elevated above the floodplain. The flood analysis, as detailed in Chapter 3G of the DEIS and Section III.3.G the FEIS, demonstrates that there would be no impacts to the neighboring properties and the base flood elevations would remain as they exist today for those properties. However, the Project would require a variance from the Village's hydraulic equivalency requirement. See Response G.1 for a discussion of this variance.

The 30.6 acres of protected open space in addition to the 37.6 acres of the golf course to be maintained along the perimeter of the Project Site are positioned to act as a barrier to these sensitive features and isolate the disturbance from the proposed development. In addition, the protected acreage would help maintain the open space character that currently defines the property and is so valued in the neighborhood. However, the Project would result in a net loss of open space by conversion of 29.5 acres to residential use. It is noted that the proposed open space areas are disconnected from one another and are separated by golf areas and are bisected by the residential development.

Following implementation of the project, the Applicant asserts that the Project Site would continue to function ecologically as a location of primarily developed and landscaped habitats, however, the areas of naturally vegetated habitats, to be located in the shared open spaces, would grow significantly. This would be offset to a degree during the decades it would take replacement trees to grow to maturity. Wildlife species adapted to developed conditions and close human presence would likely be able to adjust to the conversion of portions of the landscaped cover type to a residential development. No ponds or wetlands would be directly disturbed under the Proposed Action.

Additionally, no New York State or federally-listed endangered, threatened or special concern plants or wildlife, or significant natural communities were found on the Project Site, including bald eagles, during the field surveys conducted on July 24 and 31, 2018. With respect to New York State rare/protected species or significant natural community records, the NYS DEC and NYNHP indicate that no such records currently exist for the Project Site and immediate vicinity. The Migratory birds that use the site are listed as Species of Conservation Concern. Migratory birds may use the Project Site but the Applicant would take the following mitigating measures to prevent a taking:

- The Applicant would avoid cutting of trees from April 15th through July 31st (the period in which migratory birds would utilize habitat on the Project Site) to avoid direct take of migratory birds.

The Applicant also contends that the habitat for non-migratory species in the vicinity of the Project Site would not be significantly impacted. The observed and expected wildlife fauna on the Project Site is comprised primarily of common species adapted to landscaped and developed





habitats. Specifically, based on field surveys conducted on July 24 and 31, 2018, the avian fauna observed at the Project Site is comprised primarily of birds that occur with landscaped and developed settings, including American robin (*Turdus migratorius*), barn swallow (*Hirundo rustica*), song sparrow (*Melospiza melodia*), blue jay (*Cyanocitta cristata*), mourning dove (*Zenaidura macroura*) and others. The ponds and wetlands are habitat for birds typically associated with these settings, including great egret (*Ardea alba*), snowy egret (*Egretta thula*), great blue heron (*Ardea herodias*), mallard (*Anas platyrhynchos*) and red-winged blackbird (*Agelaius phoeniceus*). An inventory of observed birds is provided in Appendix K. Observed small mammals include eastern gray squirrel (*Sciurus carolinensis*), eastern chipmunk (*Tamias striatus*), eastern cottontail (*Sylvilagus floridanus*) and woodchuck (*Marmota monax*). This landscaped and developed habitat would remain after construction of the proposed development, and as mentioned, areas of naturally vegetated habitats would grow.

In regard to the trees that would be removed, tree removal would be limited to the 55.6-acre area of disturbance and would not include trees immediately surrounding ponds or wetlands on the Project Site identified as significant in connection with the CEA designation. The proposed Landscaping Plan, prepared in accordance with the Coastal Planting Guide for the Village of Mamaroneck in order to maximize benefits for local habitat, proposes to plant 432 replacement trees, a mixture of evergreen and shade tree varieties, resulting in a 1:1 mitigation ratio by number, but not by caliper, species or canopy.

Given that the Project Site is comprised primarily of maintained fairways, greens and roughs of the existing 18-hole golf course, the herbaceous vegetative community is overwhelmingly dominated by common turf grasses (e.g. blue grasses (*Poa* spp.), fescues (*Festuca* spp.) and rye grasses (*Lolium* spp.) as well as "weedy" herbaceous plants that occur in turf communities, such as clovers (*Trifolium* spp.), plantains (*Plantago* spp.) and dandelions (*Taraxacum* spp.). The tree flora at the Project Site is dominated by several species of oaks and hickories, including northern red oak (*Quercus rubra*), white oak (*Quercus alba*), scarlet oak (*Quercus coccinea*), pin oak (*Quercus palustris*), mockernut hickory (*Carya tomentosa*), shagbark hickory (*Carya ovata*) and pignut hickory (*Carya glabra*). Other dominant tree species are red maple (*Acer rubrum*), river birch (*Betula nigra*), black walnut (*Juglans nigra*), eastern white pine (*Pinus strobus*) and cypress (*Taxodium* sp.). An inventory of observed trees is provided in Appendix K. The Proposed Action would result in conversion of 29.5 acres of the Project Site to residential development. The remainder of the 106-acre Project Site would be comprised of vegetated communities and surface waters/wetlands, including the downsized nine-hole members only golf course, 30.6 acres of vegetated open space and the existing ponds and wetlands, which would be enhanced with vegetated native plant buffers. The 432 mostly mature trees proposed to be removed would be replaced in number. The Applicant believes that following implementation of the Proposed Action, the Project Site would continue to function ecologically as a comprised of landscaped habitats with trees interspersed with surface waters and wetlands, similar to the existing conditions described



above. As such, a similar plant and wildlife species assemblage is expected by the Applicant to inhabit the Project site following implementation of the Proposed Action, with significant improvements to plant and wildlife habitat quality anticipated due to installation of the proposed native plant wetland buffers. The Planning Board requested that its consultant review the proposed tree mitigation with respect to whether the species proposed, upon reaching maturity, would have the same habitat value as the species being replaced. This assessment is found in Appendix AA. The assessment found that the replacement trees would not have the same habitat value, primarily because there are fewer trees such as oak that produce a mast crop, and also because a number of the species are cultivars that may produce less or smaller food crops. The Applicant notes that cultivars were chosen in part because they have greater inherent resistance to disease, bacteria and fungi and because they create fewer droppings will result in less maintenance, for example of clogged stormwater systems. The Applicant also notes that, at Mamaroneck's longitude, the North/South Atlantic Flyway also stretches East/West from the eastern tip of Long Island to western Ohio (see the Atlantic Flyway Figure in Appendix C) and therefore argues that the loss of roosting habitat would be temporary and negligible.



## **L. Traffic, Transit, and Pedestrians**

### **Comment L.1:**

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.

(Public Hearing 1, pg. 45, and Public Comment Letter 67, pg. 1, Stephen Kass, 2/14/2018)

### **Response L.1:**

A comparison of existing and future conditions was conducted by the Applicant's civil engineer to determine how much compacted fill would be required for the Proposed Action. The Applicant's engineer submitted calculations indicating that the Project site would require a total of 81,805 cubic yards (CY) of compacted fill. The clean fill would be brought to the site uncompacted and, based on industry standards, it was determined that one-third more fill would need to be brought to the site (112,140 CY) than the volume it would occupy when it is compacted properly, as required. The volume of import general fill was based on three-dimensional computer modeling of the site for the 81,805 CY compacted in place volume required. See Earthwork section of DEIS for calculations. The Planning Board's consultant agrees with this calculation.

The 112,140 CY of uncompacted fill would be brought in 16 CY capacity trucks. The total number of trucks required to bring the fill to the site is 7,009 (divide 112,140 CY uncompacted fill by 16 CY truck). Therefore, assuming a nine-month duration for the primary fill phase (the central platform), 36 months for the secondary fill phase (project buildout and the secondary platforms), and 20.5 full workdays per month, 24 fill trucks per day would visit the Project Site during the primary fill phase and 3.5 fill trucks per day would visit the Project Site during the secondary fill phase. Note that each truck visit is two truck trips: one entering and one exiting the site. Accounting for other construction activities in addition to fill trucks, total trucks would amount to 26.2 during the first nine months (52 truck trips) and between 8.2 and 12.5 during the following 36 months (16 – 25 trips) (tables summarizing all projected construction traffic activity is provided in the FEIS Appendix V). These truck visits would be spread throughout the course of the day.

With regard to construction employee vehicles (private autos/pick-ups), during the primary fill phase there would be a total of 25 employee vehicles visiting the site per day. Again, each visit constitutes two trips: one entering and one exiting the site. There would be a maximum of 17 employee vehicle trips in an hour. During the secondary fill phase, it is expected that 50 employee vehicles would visit the site per day with a maximum of 33 employee trips in an hour (detailed tables showing the



construction vehicle activity are provided in FEIS Appendix V and on Table 1.5-2 on page I-28 of this FEIS).

**Comment L.2:**

But we're most concerned about the traffic during construction and the 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.

We predict that the -- could require 100 to 140 truck round trips per day. So, for the traffic analysis, that's 200 to 280, because the truck has to come in and has to go out. So, we think that the impact of these trips should really be studied and could greatly exceed that in the DEIS.

(Public Hearing 1, pg. 73 and 75, Neil Porto, 2/14/2018)

**Response L.2:**

As set forth in Response L.1 above, the Applicant calculates that 24 fill trucks per day plus two additional trucks for a total of 26 would visit the Project Site during the primary fill phase and 3.5 fill trucks per day plus 4.7 – 9 other trucks would visit the Project Site during the secondary fill phase. This totals to 52 truck trips/day during the primary phase and 16.4 to 25 truck trips/day during the secondary fill phase. The Applicant proposes that truck arrivals and departures would be prohibited from arriving or departing within 30 minutes on either side of the start of the school day and within 30 minutes on either side of the end of the Hommocks Middle School school day. Therefore, trucks would be restricted from entering or exiting the site during the following periods:

- AM School Arrival Period (8:00 a.m. school start): 7:30 to 8:30 a.m.
- PM School Dismissal Period (2:57 p.m. school dismissal): 2:30 to 3:30 p.m.

The Applicant has offered to work with the Mamaroneck School District if another schedule is desired. This would need to take into account after school activities, changes in the school schedule, delays in opening, early closing, summer activities, etc.

Truck traffic would comply with all local and state regulations. Compliance with the truck restriction periods would be enforced using cameras and GPS-equipped vehicles.

The 7:30 to 8:30 a.m. morning truck restriction period coincides with the AM peak hour evaluated in the Traffic Impact Study, therefore, no construction trucks would use Hommocks Road during this peak hour. During the PM peak hour (3:45-4:45 pm), trucks would operate on Hommocks Road generally prior to 2:30 pm and after 3:30 pm. During the peak truck activity construction phase, it is



anticipated that, on average, there would be 26 daily truck visits (24 fill trucks plus 2 general delivery trucks) (52 truck trips) with a maximum of approximately 6.5 truck visits (13 truck trips) occurring in a one-hour period.

See Response L.1. Converting to truck trips from round trips, during the busiest hour of the busiest construction period, there are expected to be 8 truck trips and 33 private automobile trips (construction workers), for a total of 41 peak-hour trips. Thus, peak construction traffic activity would be at least 1/3 less than would be added when the project is completed. Since the level of project traffic does not have a significant impact upon completion of the project during the busiest hours of operation on the adjacent roadway system, levels of construction traffic that are 1/3 less than that would also not have a significant traffic impact.

The Applicant conducted an additional evaluation at the Boston Post Road and Hommocks Road intersection during the PM peak hour (3:45 – 4:45 PM) for the construction phase (main platform fill) during which the truck activity is anticipated to be at its highest with 26 trucks on a daily basis (52 truck trips) with a maximum of 13 truck trips in one hour (not necessarily the PM peak hour but, conservatively, this was the hour evaluated). The construction peak hour trips (13 trucks and 17 worker vehicle trips) were added to the No-Build traffic volumes from the DEIS (with the number of pedestrians doubled) and the heavy vehicle factor was adjusted to reflect the added truck traffic. Compared to the Build volumes, the No-Build volumes with the construction vehicles added would have 16 fewer vehicles at the Hommocks Road intersection with Boston Post Road during the PM peak hour. The Applicant's Synchro analysis with the adjusted No-Build volumes and modified heavy vehicle factors reveals that the overall intersection delay would be identical to the delays experienced under Build conditions and individual movements would operate similar to Build conditions with only slight variations in delay of less than one second on any particular movement. See tables provided in FEIS Appendix V.

**Comment L.3:**

And so the impacts of these trucks, traffic safety. The volume of trucks, we used the FHWA manual. So, if we increase the volume of these trucks, you could see an increase of accidents predicted up to 15 percent.

So you may get two or three showing up at the intersection at once. That could lead to level of service going from C to -- Level of Service C, Level of Service F. I won't get into the

details of what that means, but F is bad, just like, you know, in the school. So the turning movements go that way. The overall intersection could go to Level of Service E if trucks are arriving at such a condensed period.



(Public Hearing 1, pg. 77-78, Neil Porto, 2/14/2018)

**Response L.3:**

The Applicant's calculation of the amount of truck activity is set forth in Response L.1 above. The arrivals and departures of trucks would be spread out throughout the day, not confined to a condensed peak period. Trucks must show up during permitted construction hours. There may be occasions when two trucks are on the same movement in the same signal cycle, but this is generally less than the number of vehicles analyzed in the DEIS and would not occur during the peak hours of school activity. Furthermore, the number of truck trips would be less than the number of trips generated by the proposed development and the construction impact would be less than the overall project impact in the study area.

Regarding the potential impacts on safety during the construction period, and based on a crash frequency of 5.7 crashes per year (17 total crashes/3 years) at the intersection of Boston Post Road with Hommocks Road/Weaver Street (as indicated in the accident table provided in FEIS Appendix V) the Applicant calculated that construction activity would result in no additional crashes (0.03) over the course of the entire construction period. Similarly, the Applicant calculated that post-construction project traffic would result in one extra accident every 11 years at the intersection of Boston Post Road with Hommocks Road/Weaver Street. Thus, the Applicant contends there would be no significant increase in crashes due to construction or other activity associated with the proposed action.

**Comment L.4:**

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.

(Public Hearing 1, pg. 78, Neil Porto, 2/14/2018)

**Response L.4:**

The Village of Mamaroneck has set levels for the permissible intensity of noise relating to various activities (Chapter 254), including construction, but expressly excluding the "noise emanating from the operation of motor vehicles." Noise emanating from the operation of motor vehicles on public highways is regulated by the New York State Vehicle and Traffic Law. To minimize construction truck noise impact at the school, the Applicant is willing to submit to a condition that trucks accessing the Project Site would not use Jake Brakes (the Jacob's Engine Brake® diesel engine retarder is the source of much of the noise emanating from a construction truck) between the Project Site and US Route 1. In addition, the Applicant has offered to ensure that the surface of Hommocks Road from US Route 1 past the school remains in good condition throughout the construction project (next to Jake Brakes,



the biggest contributor to construction truck noise is the banging of parts when trucks pass over a broken pavement surface). The Planning Board may consider the mechanism for doing so in its Findings Statement.

**Comment L.5:**

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 trucks coming to the site. You're going to have machinery coming to the site. You're going to have workers coming to the site. So all that traffic should be generated and put into an enhanced traffic analysis.

(Public Hearing 1, pg. 78-79, Neil Porto, 2/14/2018)

**Response L.5:**

See Response L.2. The Applicant has offered to limit trucks from arriving or departing within 30 minutes on either side of the start of the school day and within 30 minutes on either side of the end of the school day. The Applicant has offered to work with the Mamaroneck School District if another schedule is desired.

**Comment L.6:**

And the thought of additional traffic where -- maybe it might only be an extra second or two in a car. We've already had many situations where cars have run stop signs and almost already hit people. And the more -- the more cars we have, the more trucks we have coming in and out, the more that's going to add to that potential.

(Public Hearing 1, pg. 133, Randi Spatz, 2/14/2018)

**Response L.6:**

There would be minimal increase in traffic volumes due to the proposed activity. There were 17 accidents recorded in a recent 3-year period at or near the intersection of Boston Post Road with Hommocks Road and Weaver Street. As indicated in the accident table provided in FEIS Appendix V, based on a crash frequency of 5.7 crashes per year (17 total crashes/3 years) at the intersection of Boston Post Road with Hommocks Road/Weaver Street, it is calculated that construction activity would result in no additional crashes (0.03) over the course of the entire construction period. The traffic signal at the intersection of Boston Post Road at Hommocks Road/Weaver Street has an exclusive pedestrian phase (and crossing guard control for school arrivals and dismissals). The projected increase in traffic volumes at this intersection is not anticipated to lead to any increases in accidents. See Response L.38.



**Comment L.7:**

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. 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.

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.

(Public Hearing 1, pg. 136-137, George Mgrditchian, 2/14/2018)

**Response L.7:**

The Applicant's analysis projected minimal change in peak-hour Level-of-Service (LOS) for the intersection of Boston Post Road at Orienta Avenue/Delancey Avenue (0.3 seconds or less on any movement). It is also expected to be less than the projected change because the analysis was conservative: project trips were generated for the peak hour of the development and added to the peak hour of school activity to present a worst-case scenario but, in reality, these two peaks would not coincide. Therefore, the Proposed Action is expected to have no significant impact on delay.

**Comment L.8:**

We've already recommended several times that sidewalks be installed on the street for safety purposes because there's so much pedestrian traffic, so I was really concerned about this plan from that perspective.

(Public Hearing 1, pg. 164, Abby Roberts, 2/14/2018)

**Response L.8:**

The Applicant has proposed that a sidewalk be installed on the roadway that would traverse the Project Site from Cove Road to Eagle Knolls Road and the Applicant would, if permitted, extend this sidewalk to connect with the sidewalk network at Hommocks Road.

**Comment L.9:**

The DEIS shows traffic running on Cooper Avenue and down Old Boston Post Road. This evening, we were told that's a gated community. That's a gated passageway to be used only for emergencies. Okay.





Then reroute the traffic in the traffic analysis in the DEIS which shows vehicles going down Boston Post Road.

(Public Hearing 2, pg. 374, Stephen Kass, 4/11/2018)

**Response L.9:**

The Applicant performed multiple analyses before the decision was made to limit Cooper Avenue to emergency access only. In the DEIS, each intersection was studied for worst-case condition at that specific location. That means that the intersections of US 1 with Orienta Avenue and Hommocks Road already had the rerouted traffic mentioned in the comment (as indicated in DEIS Exhibit 3M-12, for all intersections except those of Old Boston Post Road with Cooper Avenue and Boston Post Road, it was assumed Cooper Avenue was closed and available only for emergency access). Therefore, the DEIS traffic analyses at the intersections of US 1 with Orienta Avenue and Hommocks Road, accurately reflected the current Proposed Action condition and no new analysis is required.

Since Cooper Avenue would now be closed, there would be less traffic at the intersections of Old Post Road with Cooper Avenue and US 1/Richbell Road than evaluated in the DEIS (the DEIS analysis conservatively assumed that the worst-case condition for these intersections would be that Cooper Avenue would be open and that a substantial portion of Project traffic use Cooper Avenue to travel between the Project Site and US Route 1). Therefore, operating conditions would be better at this intersection than projected in the DEIS.

New intersection analyses were performed for the intersection of US Route 1 with Old Post Road/Richbell Road with Cooper Avenue closed. The results of this analysis, which are summarized and provided in FEIS Appendix V, indicated that overall peak-hour operating conditions would be LOS C or better and the Proposal Action would increase peak-hour delays by 0.2 seconds or less for the overall intersection and by 0.3 seconds or less on any individual movement.

**Comment L.10:**

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.

(Public Hearing 2, pg. 378, Stephen Kass, 4/11/2018)

**Response L.10:**

All roads within the development are being designed at an elevation of 14 feet. The connection to Cooper Avenue would be at 13 feet. The FEMA effective 100-year base flood elevation for this area is 12 feet. See Response III.3.G.1 for a discussion of the impact of sea level rise on Cooper Avenue.



**Comment L.11:**

The statement on page 3M-3 that pavement on East Cove Road is in "generally fair to good condition" should be reevaluated. The pavement appears to be in poor condition.

(Memo 1, pg. 10, Stuart Mesinger, Consultant to Planning Board, 5/14/2018)

**Response L.11:**

The pavement is in poor condition and requires repair. As part of the Proposed Project, the Applicant proposes to realign East Cove Road. In addition, East Cove Road would be repaved beginning at the eastern property line and continuing to Hommocks Road.

**Comment L.12:**

The DEIS recommends improving the pedestrian environment with completion of a sidewalk across the property. Given the proximity of Hommocks Middle School and other recreational facilities that will be frequented by residents of the project, the project should include sidewalk connections between the property and the sidewalk network on Hommocks Road. This would be a true improvement to the pedestrian environment and in keeping with the Safe Routes to School initiatives that is discussed in the study.

(Memo 1, pg. 10, Stuart Mesinger, Consultant to Planning Board, 5/14/2018)

**Response L.12:**

The Applicant concurs with the commenter that extending the proposed sidewalk across the property to connect with the sidewalk network on Hommocks would be a true improvement to the pedestrian environment and in keeping with Safe Routes to School initiatives. See Response L.8.

**Comment L.13:**

It is unclear how the golf carts will navigate the course from the 2nd hole to the 3rd hole. There are proposed houses that appear to block a path for the carts without having to travel on the road. Although the road is private, this would appear to constitute a safety hazard.

(Memo 1, pg. 11, Stuart Mesinger, Consultant to Planning Board, 5/14/2018)

**Response L.13:**

The location of the cart path would not conflict with or preclude the sidewalk connection between the site and the sidewalk on Hommocks Road. The golf cart would run just inside the Project Site parallel



to Eagle Knolls Road on the Applicant's property, while the sidewalk would be adjacent to the edge of pavement on Eagle Knolls Road. See the updated golf course plan in Figure 2 in FEIS Appendix C.

**Comment L.14:**

Page 3M-40. First paragraph. Last sentence. Close parens.

(Memo 1, pg. 11, Stuart Mesinger, Consultant to Planning Board, 5/14/2018)

**Response L.14:**

Comment noted. The last sentence of the first paragraph on page 3M-40 was missing a closing parenthesis. The sentence should state that the weekday AM peak-hour volumes were much higher than the PM and Saturday peak hour volumes and should have concluded "(primarily as a result of traffic to and from the Hommocks Middle School)."

**Comment L.15:**

Address change in traffic pattern on Cooper Avenue. Describe proposed improvements in detail and provide an assessment of impacts. Specifically, address the impacts of the proposed new sidewalks on Cooper Avenue and the proposed widening of Cooper Avenue.

(Memo 1, pg. 11, Stuart Mesinger, Consultant to Planning Board, 5/14/2018)

**Response L.15:**

As vehicular use of Cooper Avenue would be permitted only in case of a bona-fide emergency, there would be almost no change in traffic patterns on Cooper Avenue. The proposed restriction in access would eliminate the small volume of golf course maintenance traffic that currently uses Cooper Avenue. All roads within the development would be built or upgraded to sufficient widths to accommodate emergency access. Primary emergency access to the Project Site would be via Eagle Knolls Road and E. Cove Road (as it is today). These roads do not require widening to accommodate emergency vehicles. It is proposed that Cooper Avenue be used for emergency access only if these roads are impassable. Cooper Avenue is currently 14 feet wide as it enters the Project Site and provides truck access to the club's maintenance facility. As such, it can accommodate a one-way emergency traffic entrance to the site by emergency vehicles by opening the emergency gate. If Cooper Avenue were needed to evacuate the Orienta Avenue neighborhood, the gate could be opened by emergency personnel to allow residents to leave. The proposed emergency access at Cooper Avenue would provide improved flood access to a number of the existing homes on Eagle Knolls Road.



**Comment L.16:**

During the April 11 public hearing a representative of the applicant stated that Cooper Avenue would be gated. This is not discussed in the DEIS. If this is now planned it should be described and the impacts with respect to traffic and pedestrian circulation discussed. Did the traffic study take into account the gating of Cooper Avenue? Who will control access to the gate (i.e. assuming it is locked, who will have the key?)

(Memo 1, pg. 11, Stuart Mesinger, Consultant to Planning Board, 5/14/2018)

**Response L.16:**

The gate is to prevent vehicle access except for emergency vehicles. The Applicant would coordinate with the Village Fire Department, EMS and Police Department on suitable design. Access would be maintained for pedestrians. During emergencies, Cooper Avenue would be available as an egress for residents or anyone else who needs it as directed by officials. Since this gated access would only be used during evacuations when other roads are impassable, and with the traffic movements controlled by emergency personnel, the design of the Cooper Avenue access is not expected to be affected.

The Applicant performed new intersection analyses for the intersection of US Route 1 with Old Post Road/Richbell Road accounting for Cooper Avenue as closed. The results of this analysis are summarized and provided in FEIS Appendix V. The Applicant performed multiple analyses were performed before the decision was made to limit Cooper Avenue to emergency access only. In the DEIS, each intersection was studied for a worst-case condition at that specific location. That means that the intersections of US 1 with Orienta Avenue and Hommocks Road already had traffic with the assumption that Cooper Avenue would be for emergency use only (as indicated in DEIS Exhibit 3M-12, for all intersections except those of Old Boston Post Road with Cooper Avenue and US1/Richbell Road, it was assumed Cooper Avenue was closed and available only for emergency access). Therefore, the Applicant posits that the DEIS traffic analyses at the intersections of US 1 with Orienta Avenue and Hommocks Road, accurately reflected the current Proposed Action condition and no new analysis is required.

The Applicant believes that since Cooper Avenue would now be closed, there would be slightly less traffic at the intersections of Old Post Road with Cooper Avenue and US 1/Richbell Road than evaluated in the DEIS (the DEIS analysis conservatively assumed that the worst-case post construction condition for these intersections would be that Cooper Avenue would be open and that a substantial portion of Project traffic use Cooper Avenue to travel between the Project Site and US Route 1). Therefore, the Applicant contends that operating conditions would be better at this intersection than projected in the DEIS.



The Applicant performed new intersection analyses for the intersection of US Route 1 with Old Post Road/Richbell Road with Cooper Avenue closed. The results of this analysis, which are summarized and provided in FEIS Appendix V, indicated that overall peak-hour operating conditions would be LOS C or better and the Proposal Action would increase peak-hour delays by 0.2 seconds or less for the overall intersection and by 0.3 seconds or less on any individual movement.

See also response to Comments L.9 and L.15.

**Comment L.17:**

Discuss the provision of on-site transportation such as a jitney service during rush hours to local venues such as the Mamaroneck and Larchmont stations and also to Harbor Island Park and downtown.

(Memo 1, pg. 11, Stuart Mesinger, Consultant to Planning Board, 5/14/2018)

**Response L.17:**

Jitney service is not proposed at this time and would not likely be provided unless demand and feasibility of such a service are demonstrated to support it.

**Comment L.18:**

Include in the analyses of construction vehicle traffic both trucks carrying fill and other construction vehicles. A numerical estimate of both trucks carrying fill and trucks other than those carrying fill should be provided. The hours during which construction truck traffic will occur should be compared to truck traffic during the same hours and compared to the both peak and off-peak hours of Hommocks School operation.

(Memo 1, pg. 11, Stuart Mesinger, Consultant to Planning Board, 5/14/2018)

**Response L.18:**

Per the Village of Mamaroneck Code, construction activities are limited to the hours of 8:00 AM to 6:00 PM, Monday through Saturday. The school day for Hommocks Middle School starts at 8:00 AM and dismissal is at 3:00 PM. The Applicant has offered to work with the Hommocks Middle School administration to minimize impacts. The Applicant has proposed that truck arrivals and departures would be prohibited from arriving or departing within 30 minutes on either side of the start of the school day and within 30 minutes on either side of the end of the school day, so not before 8:30 AM and not between 2:30 PM and 3:30 PM. Based on Automatic Traffic Recorder (ATR) data collected for the DEIS, which is included in FEIS Appendix V, approximately 75 trucks currently use Boston Post Road during the busiest hour. Construction traffic associated with the project is expected to add 8 truck trips



and 33 construction-employee personal vehicle trips in the busiest hour during construction activity, as indicated in the table which is also included in FEIS Appendix V.

As detailed in the response to Comment L.1, the total number of trucks required to bring the fill to the site is 7,009 over a 47-month period (see tables in FEIS Appendix V). An additional 6,900 trucks are expected to visit the site for other construction activities over the course of the entire 52 months of construction. Combined, an average of 13.4 trucks per day (26.8 truck trips) are projected to visit the site during the 52-month construction period. During the primary fill phase, which is the busiest phase for construction truck activity), the project is expected to add 13 truck trips and 17 construction-employee personal vehicle trips in the busiest hour. See also the Response to Comment L.1.

**Comment L.19:**

Provide a quantitative discussion of increased construction truck traffic on residential streets leading to the project site. The analysis should compare existing traffic and truck volumes to construction traffic volumes.

(Memo 1, pg. 11, Stuart Mesinger, Consultant to Planning Board, 5/14/2018)

**Response L.19:**

No construction trucks would be permitted to access the Project Site via Orienta Avenue or East Cove Road. All trucks would be required to access the Project Site via Hommocks Road (except for during the Hommocks School arrival and dismissal periods, identified in Response L.2). Therefore, there would be no increase in construction truck traffic on Orienta Avenue or East Cove Road.

There are four homes on Eagle Knolls Road and two on Hommocks Road between the Walgreens Parking Lot and the Project Site. Access to the Hommocks Apartments at 2-116 Hommocks Road is provided from Hommocks Road between Boston Post Road and the Hommocks Middle School. By the Hommocks Apartments, there are currently almost 700 vehicles in the peak hour on Hommocks Road, of which, the DEIS traffic counts indicate, 18 are buses and 19 are trucks. On the east end of Hommocks Road, there are currently almost 150 vehicles in the peak hour (mostly vehicles traveling across the Hampshire Country Club site to and from the school) of which 9 are buses and 1 is a truck. By comparison, during the busiest period of construction, the project is calculated to add 8 truck and 33 employee-vehicle trips to Eagle Knolls Road and Hommocks Road.

**Comment L.20:**

Discuss, as a potential mitigation measure, limitation of the hours at which construction trucks may access the site.



(Memo 1, pg. 11, Stuart Mesinger, Consultant to Planning Board, 5/14/2018)

**Response L.20:**

See Response L.2.

**Comment L.21:**

Representatives of the School District indicated during the public comment period that certain intersections were troublesome. Identify those intersections, discuss issues as identified by the school district and provide an assessment of their significance and whether mitigation is needed.

(Memo 1, pg. 11, Stuart Mesinger, Consultant to Planning Board, 5/14/2018)

**Response L.21:**

The Applicant was unable to speak to the School District to identify, with certainty, what intersections it thinks are troublesome. However, it is noted that the intersection of Boston Post Road with Hommocks Road experiences, by far, the greatest average peak-hour delays and that this intersection is the closest major intersection to the Hommocks Middle School. The traffic signal at this intersection has an exclusive pedestrian phase (meaning that all other movements are stopped to allow pedestrians to cross the intersection in any direction) and there is a school crossing guard posted during the school arrival and dismissal periods. Based on a review of the DEIS data, the period at this intersection during which motorists experience the longest delays occurs from 7:30 a.m. to 8:30 a.m., when approximately 30 percent of the vehicles passing through the intersection area destined to or from the middle school.

By comparison, the Proposed Action is projected to increase traffic volumes through the intersection in the peak hour by 1.5%, adding an average of just over 1 vehicle to the intersection every 2 minutes. The intersection capacity analyses performed for the DEIS indicated that the addition of these vehicles would increase the overall average delay by one second and that there would be no changes in LOS (Level of Service). The DEIS queuing analysis also indicated that adequate storage would be provided to accommodate the average of one and maximum of two vehicles added to the turning movements during this peak period. For these reasons, it was concluded that the Proposed Action would not have a significant traffic impact at this intersection and, therefore, no mitigation is required.

The Applicant would work with the Hommocks Middle School administration to minimize impacts. To minimize potential construction traffic impacts, the Applicant has committed to including a rider in the contractors' agreements requiring them to have GPS tracking devices installed on their vehicles and prohibiting them, under financial penalty, from having trucks pass through the intersection prior to 8:30 a.m., between 2:30 and 3:30 p.m. or after 6:00 p.m.



**Comment L.22:**

We remain concerned about additional traffic entering the already congested Boston Post Rd (US Route 1) and eventually Weaver St. (NYS Route 125) without any mitigations proposed here.

(Public Comment Letter 60, pg. 1, Mary McCullough, NYS Department of Transportation)

The proposed construction and housing development will have a significant and long-term detrimental impact on [congestion in our streets, particularly in Orienta and particularly on Cove Road and Boston Post Road] ...congestion is not only a quality of life issue, but a real safety issue, as our children roam the streets of Orienta 365 days a year. There is already a big problem with cars speeding on Orienta Avenue, and the proposal before the Board will surely make things worse and more dangerous.

(Public Comment Letter 3, pg. 1, Jeffrey and Melanie Feinbloom, 1/31/2018)

(Public Comment Letter 4, pg. 1, Becky Gray, 1/31/2018)

(Public Comment Letter 5, pg. 1, Martha Siletti, 1/31/2018)

(Public Comment Letter 8, pg. 1, Joanna Gross, 1/31/2018)

(Public Comment Letter 11, pg. 1, Megan Johnson, 2/2/2018)

(Public Comment Letter 72, pg. 1, Joel Negrin, 4/1/2018)

**Response L.22:**

Based on crash data from the most recent three-year period preceding the DEIS, one accident occurred on Orienta Avenue (when the vehicle operator lost consciousness). Similarly, there was one accident on Hommocks Road (when a vehicle queuing to go to the ice rink was struck when the vehicle in front reversed into it). There were two accidents on Old Post Road (one DWI and one where a vehicle struck a parked car). The Proposed Action would add an average of just over 1 vehicle every 2 minutes in the busiest hour to either Orienta Avenue or Hommocks Road in any one hour and, with Cooper Avenue used only for emergency access, fewer than five trips per hour to Old Post Road (which would largely be offset by the elimination of access to the maintenance facility via Old Post Road and Cooper Avenue). The Applicant contends that the addition of these trips would have no significant adverse impact on traffic safety on the streets of Orienta.



**Comment L.23:**

The Hampshire property has only two traffic routes in and out; Cove Road and Eagle Knolls/Hommocks Roads. Cove Road is already in dire need of repairs. Both routes already face heavy traffic usage especially in high volume times such as morning and evening rush hours to work and to school. How will the addition of dozens of new condos or homes impact traffic on these routes? It is likely to cause heavy congestion at their respective junctions with Boston Post Road at the Weaver and Orienta intersections.

(Public Comment Letter 33, pg. 1, Sam and Lauren Porat, 2/13/2018)

(Public Comment Letter 46, pg. 1, Neil Sandler, 2/14/2018)

(Public Comment Letter 79, pg. 1, Stephanie Sklar, 4/9/2018)

(Public Comment Letter 81, pg. 1, Kim Larsen, 4/10/2018)

(Public Comment Letter 94, pg. 1, Jack Romita, 4/12/2018)

**Response L.23:**

Analysis indicates that all movements at the intersections of Orienta Avenue at East Cove Road and Hommocks Road at Eagle Knolls Road currently operate at LOS A. With completion of the Proposed Action, all movements at these two intersections would experience minimal increases in delay and would continue to operate at LOS A. The exception is the southbound through/right-turn movement on Orienta Avenue at East Cove Road, which would change from LOS A to LOS B; however, delay for this movement is only projected to increase from 9.8 seconds to 10.2 seconds. The Applicant believes that this increase of 0.4 seconds would be imperceptible, and would not constitute a significant adverse impact.

**Comment L.24:**

Currently, the morning school drop off hour is a nightmare at the intersection of Boston Post Road and Hommocks Road. I cannot imagine how much worse it would be with more traffic originating on Hommocks.

(Public Comment Letter 35, pg. 1, Robert Lieber, 2/13/2018)

**Response L.24:**

Currently, 30% of the traffic passing through the intersection of Hommocks Road with Boston Post Road in the morning peak hour (over 600 vehicles between 7:30 and 8:30) is traffic headed to and from the school. The Proposed Action is projected to add 1 vehicle every 2 minutes to this intersection in



the busiest hour, the impact of which would be empirically insignificant, and almost imperceptible. See also Response to Comment L.21.

**Comment L.25:**

Any plan that would use Cooper and Hommocks as routes into the development must include (at a minimum) sidewalks along Old Post Road (including Gillies Park), Cooper and the back of the Hommocks into the development to help ensure the safety of our children and community with the traffic influx...Dump trucks with fill should be prohibited during peak school hours... We recommend that Hampshire revisit the hours it proposes to drive construction trucks down Hommocks' Road by the middle school, given the hours proposed are during prime school travel hours and the middle school students are unattended...Cooper and Post Lane residents need some mechanism to ensure their homes and property values aren't substantially decreased by the widened road going into the development. This could be landscaping, soundproofing - not sure what.

(Public Comment Letter 37, pg. 1, 2/14/2018, and Public Comment Letter 68, pg. 1, 3/29/2018, Abby Roberts, Board of Traffic Commissioners Chair)

**Response L.25:**

The Proposed Action would use Cooper Avenue as a gated, emergency-only access point and, as such, would have no impact on Cooper Avenue or Old Post Road. Therefore, there would be almost no traffic on Cooper Avenue (on either side of the closed gate), obviating the requirement for a sidewalk to be built along Cooper Avenue. Therefore, no new sidewalk connections are planned for Cooper Avenue or Old Post Road. The Applicant does propose to construct new sidewalks traversing the Project Site and, if permitted, connecting to the existing pedestrian infrastructure at the rear of Hommocks Middle School.

The Applicant has offered to work with the Hommocks Middle School administration to minimize impacts. The Applicant proposes that truck arrivals and departures would be prohibited from arriving or departing within 30 minutes on either side of the start of the school day and within 30 minutes on either side of the end of the school day. Cooper Avenue is planned to be an emergency-only access point and would be available as an egress for residents or anyone else who needs it, at the discretion of and as directed by police/fire officials. See also Responses to Comments L.2 and L.15.

**Comment L.26:**

Traffic would double on Old Post Road, which already has incredibly heavy car and pedestrian traffic as it is a feeder street from Orienta to Boston Post, Central Elementary and the High School. The Village Traffic Commission, among others, has studied the road and recommended a sidewalk be installed for



pedestrian safety issues - and this is before the proposed plan. (As a side note, we reviewed the car and pedestrian study on Old Post Road and think it's incredibly inaccurate. Far more than 9 cars go through Old Post Road in an hour during peak traffic time - even during non-peak time there's a lot more than that.)

(Public Comment Letter 37, pg. 2, Abby Roberts, Board of Traffic Commissioners Chair, 2/14/2018)

**Response L.26:**

Cooper Avenue is proposed to be an emergency-only access point for the development. Therefore, a minor amount of new project-related traffic is expected to utilize Old Boston Post Road, and this would largely be offset by the elimination of maintenance vehicle access to the Hampshire Country Club via Cooper Avenue. As indicated in DEIS Exhibit 3M-3, as many as 125 vehicles were determined to travel along Old Post Road at Cooper Avenue during the peak hour.

**Comment L.27:**

In addition to regular traffic doubling, the plan requires so much fill that dump trucks would literally be going through Hommocks and Old Post Road every few minutes for years.

(Public Comment Letter 37, pg. 2, Abby Roberts, Board of Traffic Commissioners Chair, 2/14/2018)

**Response L.27:**

The Applicant's projections of construction traffic activity indicated that, over the entire construction period lasting 6-7 years (or longer if houses sell at a slower than projected rate), a dump-truck-type vehicle would either arrive at or depart from the Project Site, on average, once every 30 minutes over the course of the 8 hours when trucks would be permitted to enter or exit the Project Site, 245 days per year. That is, a truck would be seen on Hommocks Road once every 30 minutes. Note that this calculation excludes the two weekday hours (7:30 am – 8:30 pm and 2:30 pm – 3:30 pm) when the Applicant proposes to restrict truck traffic on Hommocks Road. During the busiest period for dump-truck-type activity (the primary fill importation phase lasting 9 months), it is calculated that a dump-truck-type vehicle would either arrive at or depart from the Project Site using Hommocks Road, on average, once every 9-10 minutes over the course of the 8 hours when trucks would be permitted to enter or exit the Project Site, for the 185 work days that this operation is expected to take. These vehicles would be prohibited during the busiest hours of street traffic, and in the Applicant's view, the impact is not significant. As shown in the tables in FEIS Appendix V, during the 9-month primary fill phase, on average, there would be a total of 26 truck visits (52 truck trips) per day, with a maximum of 6.5 trucks (13 truck trips) in the peak hour, or one approximately every five minutes. During this same construction phase, there would be a total of 25 employee vehicle visits (50 employee private vehicle



trips) per day, with a maximum of 17 employee vehicle trips in an hour. As indicated in the response to Comment L.2, these additional trips would result in traffic operating conditions at the intersection of Hommocks Road with US Route 1 that would be virtually the same as the Build condition, when the project is completed.

**Comment L.28:**

There can be no doubt that a huge development that adds 100+ new families in that area will change the character of the neighborhood and cause traffic congestion that will increase the risk of pedestrians being hit traversing our largely sidewalk-free streets. Children walk to and from three schools along roads leading into and through Hampshire, residents stroll, jog and cycle in this neighborhood habitually. Unless the Village proposes to build wide, easily traversable sidewalks throughout, allowing this development poses an unacceptable risk.

(Public Comment Letter 43, pg. 1, Catriona Runcie & Dimitri Sirota, 2/14/2018)

**Response L.28:**

As part of the Proposed Action, new sidewalks would be included that traverse the Project Site and, if permitted, would connect to the Hommocks Road sidewalk network.

**Comment L.29:**

As we know from other development projects including the proposed expansion of Westchester Day school several years ago, several well-regarded traffic studies clearly demonstrated a dangerously overcrowded traffic situation given the existing road and intersection designs around Orienta and Boston Post Road. This project would bring in far more vehicles than the WDS plan creating not only overcrowded roads but also a more dangerous situation for drivers and pedestrians in the area.

(Public Comment Letter 46, pg. 1, Neil Sandler, 2/14/2018)

**Response L.29:**

The Applicant asserts that the analyses conducted for the DEIS demonstrated there is currently adequate capacity to accommodate existing traffic volumes, though the intersection of Hommocks Road with Boston Post Road does experience longer delays, particularly during the morning peak hour. The analysis indicates that capacity at these intersections would continue to be adequate to accommodate future traffic volumes with or without the Proposed Action. The Proposed Action is expected to increase traffic volumes along Boston Post Road by less than 2% at Orienta Avenue and at Hommocks Road. No change in Level of Service at either of these intersections is predicted due to



the proposed development and overall intersection delays would be increase by 1.1 seconds or less during the busiest hours.

**Comment L.30:**

Page 2-25 does not state how many truck trips will be required for 84,000 cubic yards, but it does state that they would use 16-yard trucks. This would require 5,250 one-way trips or 10,500 round trips on Hommocks Road just for the additional fill material estimated. Without knowing the estimated time frame in which these trips would occur, the potential impact of this number of trips is potentially overwhelming to this area. One must assume that a certain percentage of these trips will coincide with school traffic at the Hommocks School. At school drop off and pickup times the traffic at the intersection of Hommocks Road and Boston Post Road is significant. There are also a large number of school children crossing the streets of this intersection. Consideration must also be given to the impact of this traffic upon the Town's summer camp and pool programs and the many activities on the Hommocks Fields. There is no discussion in the DEIS of alternative routes for this amount of truck traffic. Alternate routes must be developed to ease the burden on Hommocks Road and the Hommocks School.

(Public Comment Letter 56, pg. 2, Stephen V. Altieri, Town of Mamaroneck Town Administrator,  
2/14/2018)

**Response L.30:**

The Applicant estimates that construction of the Proposed Action would generate an average of 26 truck visits per day (52 truck trips) during the period of greatest truck activity (fill period), which is expected to last 9 months. For the remaining approximately 40 months of construction, average daily truck activity is projected to be less than half this value. The Applicant has offered to work with the Hommocks Middle School administration to minimize impacts. The Applicant proposes that truck arrivals and departures would be prohibited from arriving or departing within 30 minutes on either side of the start of the school day and within 30 minutes on either side of the end of the school day (7:30 to 8:30 AM and 2:30 to 3:30 PM) to prevent conflict with school traffic. Therefore, construction traffic would not interfere with regularly scheduled school pick-up and drop-off traffic. The Applicant has indicated a willingness to discuss the need for similar reasonable restrictions during peak summer recreation activities. The average of 26 daily truck visits and restricting truck activity during the peak periods surrounding the Hommocks Middle School and environs would not result in a significant adverse impact on traffic conditions. Therefore, the Applicant is not considering alternate truck routes.



An exclusive pedestrian signal phase and crossing guard control are currently provided at the intersection of Boston Post Road at Hommocks Road. These would be maintained to accommodate pedestrians during construction.

**Comment L.31:**

The DEIS states that all construction access will be from Hommocks Road and Eagle Knolls Road. No construction access will be provided from Orienta Avenue or Cooper Avenue. Again, this places an unfair burden on Town roads creating serious traffic issues for the school, Town camp and our residents. As stated in comment #4 alternative routes for construction traffic must be developed. Regardless of the quantity of construction and truck traffic planned for travel on Hommocks Road, we would anticipate excessive wear and tear on the roadway. The DEIS states that the developer would repave Hommocks Road prior to the start of construction and states that the road would be re-inspected after construction. One could interpret this to mean that the potential exists for Hommocks Road not to be repaved after construction if the developer does not believe it is necessary. This is not a sensible solution for the Town and is not acceptable. The Town would require some form of guarantee for the repaving of Hommocks Road.

(Public Comment Letter 56, pg. 3, Stephen V. Altieri, Town of Mamaroneck Town Administrator,  
2/14/2018)

**Response L.31:**

Prior to the commencement of construction, the Applicant would video the roadways serving the Project Site and rate their need to be repaired. At that time, if sections of Hommocks Road or Eagle Knolls Road are in such a state of disrepair that, in the opinion of the building inspector, the passage of construction vehicles thereon would cause immediate damage, the Applicant would repave those sections to be able to support construction traffic. If, during the course of the project's construction, the building inspector determines that the passage of construction vehicles over other portions of these roads would cause immediate damage, the Applicant would repave those additional sections to be able to support construction traffic. At the completion of the project, the condition of Hommocks Road and Eagle Knolls Road would be reassessed (and compared to the videoed preconstruction condition, as needed) and repaired as directed by the building inspector to at least preconstruction conditions. The portion of Hommocks Road includes the areas within the Village and the Town that would be used by construction vehicles.

**Comment L.32:**

Walking on Old Post Road is already hazardous given the lack of a true sidewalk, multiple blind spots and natural impediments such as leaf and snow piles throughout much of the academic year. To



dramatically increase vehicle traffic on this road would create an increase danger to the many school children and local residents that utilize its walking/bike lane.

(Public Comment Letter 61, pg. 1, Doug Serton, 2/20/2018)

(Public Comment Letter 70, pg. 1, Anonymous, 4/2/2018)

**Response L.32:**

Cooper Avenue is proposed to be an emergency-only access point for the development. Therefore, a minor amount of new project-related traffic is expected to utilize Old Boston Post Road, which would be largely offset by the elimination of maintenance-vehicle activity associated with the Hampshire Country Club on Cooper Avenue and Old Post Road.

**Comment L.33:**

The draft EIS states that sidewalks will only be provided along the north side of the extended and rerouted Cove Road. As noted above, the subject site is within walking distance to a school, a recreational complex, stores and transit stops. We recommend the sidewalk network be expanded to include a sufficient pedestrian connection to the Hommocks Middle School and the recreational facilities adjacent to the school, or at least as close as possible to the school as one can be constructed on the project site. We also recommend a sidewalk extending as far as the site entrance with Cooper Avenue to allow residents to walk to businesses along Boston Post Road as well as to the Bee-Line bus stop located at Richbell Road which provides rush-hour shuttle service to the Larchmont train station.

(Public Comment Letter 64, pg. 2, Norma V. Drummond, Westchester County Planning Board, 12/2018)

**Response L.33:**

Sidewalk is proposed to be installed traversing the Project Site and, if permitted, connecting to the existing sidewalk infrastructure at the rear of Hommocks Middle School. Cooper Avenue is proposed to be gated and used as an emergency-only access point; therefore, there would be almost no traffic on Cooper Avenue (on either side of the closed gate), obviating the requirement for a sidewalk to be built along Cooper Avenue. Pedestrian access would be permitted between the Project Site and Cooper Avenue. See Response L.25 with respect to school age children pedestrians use of Cooper Avenue.

**Comment L.34:**

Pg. 3M-20: The trip generation & distribution for the no-build vicinity developments should be shown in a map. The trips shown on Exhibits 3M-8 & 9 (max of 9 trips in one direction at a single intersection)



seem very low given the development sizes as shown in Table 3M-8 (302 total units). Is it possible that some of the vicinity developments do not impact the studied intersections? Please explain the methodology used to estimate the trip distribution of vicinity development trips. A location map showing these vicinity developments should be provided as well.

(Public Comment Letter 67, pg. 6-7, Neil Porto, 2/14/2018)

**Response L.34:**

A map has been provided in the FEIS Appendix V showing the location of each vicinity development included in the analysis, whose combined trips were shown in DEIS Exhibits 3M-8 and 3M-9. Vicinity development trips were generated based on data contained in the Institute of Transportation Engineers' (ITE) publication, Trip Generation, 9<sup>th</sup> Edition. These trips were distributed to the surrounding roadway network based on existing traffic patterns, traffic volumes, roadway networks and surrounding land uses. For each of the vicinity developments studied, all of which are residential in nature, it is expected that most trips would head to/from the north or south along Boston Post Road and I-95. Figures showing the trip generation for each individual vicinity development are also provided in the Appendix V of the FEIS.

These figures demonstrate that a significant portion of all vicinity development trips would not impact the studied intersections.

**Comment L.35:**

Provide more description for the townhouses to justify the use of Land Use Code 230 for "Residential Condominium/ Townhouse". Other land uses include rental, luxury, high & low-rise townhomes. • The meaning of the figure (map) on page 3M-28 is unclear. Please explain. • Information included in Exhibit 3M-12 should be shown in two separate figures representing two access scenarios. • Exhibits 3M-13 & 14: The trip distribution should show entering and exiting vehicles. The upstream total entering volumes and downstream total exiting volumes on several roadway links do not add up.

(Public Comment Letter 67, pg. 6-7, Neil Porto, 2/14/2018)

**Response L.35:**

The 61 3-bedroom attached carriage homes would be for-sale units, similar to the Fairway Green Townhouses condominium development on Old Post Road. The buildings would be 35 feet or lower. The Institute of Transportation Engineers (ITE) classifies apartments as rental units located in a building with at least three other dwelling units. Since the proposed carriage houses do not meet either of these criteria, it was determined that ITE Land Use Codes 220, 221, 222 or 223 were not applicable. ITE classifies residential condominiums/townhouses as ownership units that have at least one other owned





unit within the building structure. Since the proposed carriage houses meet both of these criteria, it was determined that ITE Land Use Codes 230, 231, 232 and 233 may be applicable. In reviewing the data for Land Use Codes 231, 232 and 233, it was noted that the number of studies for each group was limited (5 or fewer studies with no Saturday data for LUC 231 or 232) and that the ITE's Trip Generation manual (9th Edition) advised "Caution – Use Carefully – Small Sample Size". For these reasons, it was determined to use ITE Land Use Code 230 "Residential Condominium/Townhouse" but to provide a more conservative analysis, it was decided to use the trip generation values calculated using the equations, as opposed to the average rates, as these resulted in trips projections that were approximately 28% higher (the equation was not used for the Saturday peak hour as 70% of the calculated value was derived purely from the constant and the number of units was almost out of the range of the data points).

The figure (map) on page 3M-28 of the DEIS shows the length of time it takes to travel from the Project Site to Mamaroneck High School, via either Hommocks Road or Orienta Avenue. It should have been referred to in the second paragraph under b) Trip Distributions on Page 3M-27 of the DEIS, which discusses how consideration was given to configuring Cooper Avenue access. As can be seen from the figure, the map indicates that it would be quicker to exit the Project Site via Hommocks Road than via Orienta Avenue to get to Richbell Road or any location on Boston Post Road between the high school and Hommocks Road. Allowing vehicles to exit the Project Site via Cooper Avenue would have provided an even quicker access to these locations and would have encouraged motorists travelling from the Project Site to these locations to do so without passing through the intersection of Boston Post Road with Hommocks Road/Weaver Street.

Information included in Exhibit 3M-12 of the DEIS has been revised into two separate figures representing the two access scenarios evaluated (see Exhibits 3M-12A and 3M-12B in FEIS Appendix V).

Information included in Exhibit 3M-13 and 3M-14 of the DEIS has been revised into separate figures showing the entering and exiting vehicles for the two access scenarios evaluated (see Exhibits 3M-13A, 3M-13B, 3M-14A and 3M-14B in FEIS Appendix V). The upstream total entering volumes and downstream total exiting volumes on several roadway links add up.

**Comment L.36:**

Delay times - The report should be updated to reflect the "HCM" LOS and delay times. The Synchro reports they provided show they used the "Synchro" LOS and delay times, which is not standard practice. The LOS tables should be updated accordingly. Peak Hour Factors (PHF) should be updated to reflect values for each approach based on the existing traffic counts in lieu of one PHF for the entire intersection. In all the LOS analysis tables, V/C ratio values should be provided for locations with LOS



"E" or worse. Pg. 3M-33 and Tables 3M-IO & 15: The report states that future Build conditions would continue to have acceptable queue lengths. Further explanation is needed regarding the increase in queue length at Boston Post Rd & Old Boston Post Rd./Richbell Rd., as the WB left turn during peak hours exceeds the available storage length.

(Public Comment Letter 67, pg. 7-8, Neil Porto, 2/14/2018)

**Response L.36:**

It is standard practice in Westchester County to report Synchro Level of Service (LOS) and delay times. Synchro outputs are consistent with the procedures of the Highway Capacity Manual. It is also standard practice in Westchester County to use an overall intersection Peak Hour Factor (PHF) instead of a different value for each individual approach (it is possible to calculate an illogical PHF greater than 1.0 in some cases if done on a per-approach or per-movement basis).

Volume-to-capacity (V/C) ratios are provided in a table in FEIS Appendix V for the No-Build and Build conditions for lane groups with LOS E or worse. Note that the intersection of Boston Post Road at Hommocks Road/Weaver Street is the only intersection with lane groups operating at LOS E or worse. The information in the table indicates that all Build-condition lane groups operating at LOS E or worse also operate that way in the No-Build condition without the proposed development in place. The V/C ratio for the westbound left-turn lane degrades from 0.46 to 0.62 with the addition of development traffic (with 8.8 seconds of additional delay); however, it is still at LOS E in both scenarios. All other lane groups show increases in their respective V/C ratios of 0.01 or less.

Due to the northeast/southwest orientation of Boston Post Road at this location, the westbound left-turn movement at its intersection with Richbell Road/Old Boston Post Road is the left-turn lane on Old Boston Post Road. One hundred feet of storage is provided for this movement and DEIS Tables 3M-10 and 3M-15 indicate that this is more than adequate to accommodate the average back of queue on this movement during the peak hours, which is 64 feet or less. The analysis does indicate that the 95<sup>th</sup> percentile queue length for the westbound left-turn on Old Boston Post Road would exceed the available 100-foot storage capacity approximately once during each peak hour. However, a comparison of the No-Build and Build conditions (summarized in DEIS Table 3M-10 and 3M-15, respectively) indicates that, under the conservative condition evaluated (where Cooper Avenue was being evaluated as providing two-way access to the development), the proposed action was projected to increase the length of queue during this once-per hour occurrence by between 4 and 14 feet. It is noted that access is no longer proposed via Cooper Avenue and, therefore, the project would no longer add any measurable volume of traffic to this movement (the occasional new vehicle that is added to this movement would be offset by the elimination of maintenance vehicle traffic with the closure of Cooper Avenue).

**Comment L.37:**

Since the construction phasing is uncertain, sensitivity analysis is needed to understand the impact of construction schedule and construction demand on traffic impact and ped/bike safety. Pg. 2-26: Truck access hours should be outside of vehicle peak hours 7 AM to 9AM. Instead of starting at 8:15 AM, it should be after 9:00AM. The developer should evaluate other uses of the school complex, including ice rink, pool, and community meetings, before committing to the 4PM to 7PM time period for truck traffic. Pg. 3M-37, paragraph 1 & 2: Clarify the number of trips to be generated by construction employee activity. The total number of trips generated for construction should be shown and analyzed. Air quality effects of the truck traffic are identified as a possible impact in Section 3S.3.d, but no mitigations are proposed, besides following New York State laws and standards.

(Public Comment Letter 67, pg. 10, Neil Porto, 2/14/2018)

**Response L.37:**

As indicated on Page 13 of the traffic study included in the DEIS Appendix M, the traffic study did include other uses of the school complex, including the Hommocks Park Ice Rink and the Hommocks Pool. During the busiest hour of the busiest construction period, there are expected to be 8 truck trips and 33 private automobile trips (construction workers), for a total of 41 peak-hour trips. Thus, peak construction traffic activity would be at least 1/3 less than would be added when the project is completed. Since the Applicant contends that the level of project traffic does not to have a significant traffic impact upon completion of the project during the busiest hours of operation on the adjacent roadway system, levels of construction traffic that are 1/3 less than that would also not have a significant traffic impact. The Applicant has offered to work with the Hommocks Middle School administration to minimize impacts. It is anticipated that truck arrivals and departures would be prohibited from arriving or departing within 30 minutes on either side of the start of the school day and within 30 minutes on either side of the end of the school day. See also Response to Comment L.1.

**Comment L.38:**

Section 3M.3.h - Construction Traffic Impacts, should include an analysis on construction truck traffic and crash frequency.

(Public Comment Letter 67, pg. 10, Neil Porto, 2/14/2018)

**Response L.38:**

As indicated in the accident table provided in FEIS Appendix V, based on a crash frequency of 5.7 crashes per year (17 total accidents/3 years) at the intersection of Boston Post Road with Hommocks



Road/Weaver Street it is calculated that construction activity would result in no additional crashes (0.03) over the course of the entire construction period. Thus, there would be no significant increase in crashes due to construction activity associated with the proposed action.

**Comment L.39:**

We recommend that since the plan shows Cooper Avenue as being an egress and ingress to the development, resulting in more traffic on Old Post Road, that to protect the pedestrians and bicyclists on Old Post Road a sidewalk from 1015 Old Post Road to Boston Post Road be installed and better protection for the pedestrian and bicycle lane that is perpendicular to Cooper Avenue be provided.

Public Comment Letter 68, pg. 1, Abby Roberts, Board of Traffic Commissioners Chair, 3/29/2018)

**Response L.39:**

Cooper Avenue is proposed to be an emergency-only access point for the development and would be gated to prevent non-emergency use. Consequently, there would be almost no change in traffic patterns on Old Post Road. The proposed development is projected to add fewer than five trips per hour to Old Post Road, which would largely be offset by the elimination of access to the maintenance facility via Old Post Road and Cooper Avenue. See also Responses to Comments L.15, L.16 and L.25.

**Comment L.40:**

We recommend that Hampshire provide more data on the volume, noise and safety of large truck and construction vehicle traffic driving down Hommocks' Road by the middle school during the school day.

Provide truck volumes.

Public Comment Letter 68, pg. 1, Abby Roberts, Board of Traffic Commissioners Chair, 3/29/2018)

**Response L.40:**

The Applicant projects that during the busiest period for construction truck activity (primary fill operations in the first phase of the project) an average of 6 truck trips per hour and a maximum of 13 truck trips in an hour would pass the Middle School on Hommocks Road (with none in the 30-minute period on either side of the start and end of the school day – see Response L.2). Noise from trucks is regulated by the State of New York and all noise regulations, as set forth by the State of New York and the Village of Mamaroneck, would be complied with. The developer would also submit to prohibition of the use of Jake brakes on Hommocks Road.



**Comment L.41:**

We recommend the traffic data sets be revisited during greater time, school and seasonal windows, when the data may be greater than currently reflected in the report which looks at one-hour windows during March, which is not prime walking/ biking time for residents.

(Public Comment Letter 68, pg. 1, Abby Roberts, Board of Traffic Commissioners Chair, 3/29/2018)

**Response L.41:**

On the days that the traffic counts were conducted in March of 2016 the highs ranged from 55 to 63 degrees, winds were less than 10 mph and there was no precipitation. As indicated on Table 3M-1 of the DEIS, as many as 245 pedestrians were recorded to cross at the busiest intersection (Boston Post Road at Hommocks/Weaver) in the busiest hour (AM). Nevertheless, the Build and No-Build analyses for the signalized intersections were re-executed with twice the recorded pedestrian activity (as many as 490 pedestrians) in the exclusive pedestrian phase at the intersection of Boston Post Road with Hommocks Road and Weaver Street. The results of this analysis (printouts of which are included in FEIS Appendix V along with a summary of the Build conditions) indicate that doubling the level of pedestrian activity did not result in any LOS changes and delays increased by 1.8 seconds or less on any lane group, demonstrating that the conclusions drawn from the DEIS analyses remain valid.

**Comment L.42:**

We recommend that Hampshire provide a solution to the increase of traffic at the intersection of Old Post and Boston Post road during the 7:30-8:00am timeframe, and inability of the traffic to clear the traffic light as a result of additional traffic from using Cooper Avenue as an egress/ ingress by the Development.

(Public Comment Letter 68, pg. 1, Abby Roberts, Board of Traffic Commissioners Chair, 3/29/2018)

**Response L.42:**

Cooper Avenue is proposed to be an emergency-only access point for the development. Therefore, there would be almost no additional traffic using Cooper Avenue that would affect the ability of traffic to clear the downstream intersection of Old Boston Post Road and Boston Post Road. The most recent analyses of the intersection of Old Boston Post Road with Boston Post Road/Richbell Road (see Response L.41 and analysis printouts in FEIS Appendix V) reveal that the traffic from the Proposed Action would have no significant impact on vehicle delays, LOS or queuing at this intersection. Accordingly, mitigation is not necessary to address an identified traffic impact attributable to the Proposed Action at this intersection.



**Comment L.43:**

We recommend Hampshire revisit the sight lines and trees analysis in the context of increased collisions. For example, even if Hampshire cuts back the bushes to the right side of Cooper onto Old Post Road as proposed, the curvature to the right is still blind and could increase traffic collisions.

(Public Comment Letter 68, pg. 1, Abby Roberts, Board of Traffic Commissioners Chair, 3/29/2018)

**Response L.43:**

Cooper Avenue is proposed to be an emergency-only access point for the development. Therefore, no improvements to sight lines in the context of increased collisions is necessary since the volume of Hampshire-related traffic using Cooper Avenue to access Old Boston Post Road would be reduced with the elimination of access to the county club's maintenance facility via Cooper Avenue.

**Comment L.44:**

We recommend Hampshire explain how they would enforce and widen privately-held streets for sufficient emergency access and egress and ingress, and without resident agreement. For example, we believe Cooper would have to be widened for emergency vehicle specified use.

(Public Comment Letter 68, pg. 2, Abby Roberts, Board of Traffic Commissioners Chair, 3/29/2018)

**Response L.44:**

All roads within the development would be built or upgraded to sufficient widths to accommodate emergency access. Truck turning radius calculations have been performed for the site plan to ensure acceptable widths and geometrics. Primary emergency access to the Project Site would be via Eagle Knolls Road and E. Cove Road (as it is today). These roads do not require widening to accommodate emergency vehicles. It is proposed that Cooper Avenue be used for emergency access only if these roads are impassable. Cooper Avenue is currently 14 feet wide as it enters the Project Site and provides truck access to the club's maintenance facility. As such, it can accommodate one-way emergency traffic to the site by opening the emergency gate. See also Responses to Comments 2.3, L.15 and L.16. and see Section I.5.17 for discussion of use of Cooper Avenue for emergency access.

**Comment L.45:**

We recommend Hampshire provide a more specific analysis of expected resident and non-resident event parking following the planned decrease in golf course size and renewed focus on events as a source of income.

(Public Comment Letter 68, pg. 2, Abby Roberts, Board of Traffic Commissioners Chair, 3/29/2018)

**Response L.45:**

The DEIS traffic analysis adds the traffic from the new residences to existing conditions. Under existing conditions, the club has hosted events over the past number of years (though most days there are no events). The club expects that the number of members and number of events held at the club annually would remain at their current levels. Events would continue to be of comparable size and nature as presently held at the country club. Additional conditions set by the special permit, in addition to the fact that operation levels are to remain consistent with current levels, would ensure that there would be no cumulative impacts associated with the operations of the PRD and Club. Parking demand is expected to remain at current levels, although potentially, event attendees from the new residences may choose to walk to the club, which would reduce parking demand at the club. As such, future events are expected to generate similar parking demand to existing events. Therefore, no further parking analysis is required.

**Comment L.46:**

This corridor of Boston Post Road, with our Middle School, High School and Central school serves THOUSANDS of families each day. There is already traffic. We would be overwhelmed if this goes through.

(Public Comment Letter 77, pg. 1, Nova Cutler, 4/8/2018)

(Public Comment Letter 81, pg. 1, Kim Larsen, 4/10/2018)

**Response L.46:**

Due to the Proposed Action, analysis indicates that none of the studied intersections along Boston Post Road would experience an increase in average delay of more than 1 second for the overall intersection with respect to the No-Build case.

**Comment L.47:**

Traffic Commission motions that all Hampshire roads under the proposed plan should be public, wide enough to accommodate parking and two-way traffic, including Cooper, to ensure appropriate emergency vehicle access and response.

(Public Comment Letter 92, pg. 1, Abby Roberts, Board of Traffic Commissioners Chair, 4/12/2018)

**Response L.47:**

The Applicant contemplates that at least the newly constructed Cove Road across the Project Site would be offered for dedication to the Village as a public roadway. All roads within the development



would be built or upgraded to sufficient widths to accommodate emergency access. Truck turning radius calculations have been performed for the site plan to ensure acceptable widths and geometrics. All Hampshire roads would be wide enough to accommodate two-way travel and all roads within the Project Site, except the extension of Cooper Avenue to the north of the proposed residences, would be wide enough to accommodate on-street parking. Since Cooper Avenue is proposed to be only for emergency access, it is not necessary to widen it for on-street parking.

**Comment L.48:**

There are concerns about the effect of elevating the portion of the site to be developed. In particular, the effect on other low-lying properties in the vicinity should be studied. It appears the area to be developed and access roads will be elevated. The impacts associated with elevated roadways should be fully evaluated, including accessibility and how emergency services would be able to access residential structures during a storm event, post construction and into the future.

(Public Comment Letter 106, pg. 2, Cindy Goldstein, Chair - HCZMC, 4/23/2018)

**Response L.48:**

The Applicant believes that elevating portions of the site to be developed would have no negative effect on other low-lying properties in the vicinity. All roads within the development are being designed at an elevation of 14 feet. The connection to Cooper Avenue would be at 13 feet. The FEMA effective 100-year base flood elevation for this area is 12 feet. See Section I.5.17 for a discussion of emergency response using Cooper Avenue.

The proposed new roadway system would provide improved access to the existing/remaining homes on Eagle Knolls Road. Residents of all but 1 of these homes would be able to access their homes until flood waters reached 13 feet, while the residents of the last home would be able to access their home until flood waters reached 8 feet. These residents are currently cut off when flood waters reach approximately 5 feet. The proposed new roadway would also provide improved access to at least 4 homes on E. Cove Road, allowing access until floodwaters reach 10 feet instead of the current 9.5 feet, (although this could be increased to 12 feet if a portion of the existing country club parking lot and E. Cove Road in front of these 5 homes were raised by 2 feet). Under the Proposed Action, at the regulating 100-year flood elevation, vehicles would be able to egress via Cooper Avenue which would be used in emergency situations only.

**Comment L.49:**

The Commission has concerns regarding public access to the site. This is proposed to be a private development. The status of the access roads should be confirmed, i.e. whether they will be public





(Village) roads or private roads maintained by the HOA. The Commission recommends that there be public access to the site including the development of bike paths and walking paths. The Commission recommends that public access to the site be preserved to the maximum extent practicable.

(Public Comment Letter 106, pg. 3, Cindy Goldstein, Chair - HCZMC, 4/23/2018)

**Response L.49:**

The Applicant contemplates that at least the newly constructed Cove Road across the Project Site would be offered for dedication to the Village as a public roadway. It is not proposed to gate off the other newly-constructed roadways. Bicyclists would be permitted to use all of the new roadways, which are generally low-speed and predominantly serve residential neighborhoods. Sidewalks would be installed traversing the entirety of the Project Site for pedestrians and, if permitted, the new sidewalk would connect to the existing sidewalk infrastructure near Hommocks Middle School. Bicycle and pedestrian access would be extended to Cooper Avenue. Cooper Avenue is proposed to be gated and used as an emergency-only access point; therefore, there would be almost no traffic on Cooper Avenue (on either side of the closed gate), obviating the requirement for a sidewalk to be built along Cooper Avenue.

After construction of the Proposed Action, Cooper Avenue would be the only access road above flood levels to enter and exit the site in a 100-year flood event. The portion of Cooper Avenue on the Project Site is proposed to be elevated to a minimum of elevation 13.0 which would provide access one foot above the current FEMA 100-year flood regulatory elevation and approximately a half a foot below the 500-year flood non-regulatory elevation. See Section 1. 5.17 for a discussion of the use of Cooper Avenue for emergency access.

**Comment L.50:**

It also adds a high degree of risk to the rest of us living on Orienta as it will overload our delicate roads during emergencies. There are two insufficient egresses from Hampshire; Hommocks and Orienta. Orienta cannot carry the number of people in an evacuation situation in an efficient manner.

(Public Comment Letter 154, pg. 1, Andrea J. Grant, 5/11/2018)

**Response L.50:**

There would be minimal increase to traffic as a result of the proposed development during emergencies. In addition to using Hommocks Road and Orienta Avenue, Cooper Avenue would be available for emergency access, if needed. The added flexibility provided by this connection would only improve overall egress from the area in case of an emergency. See Section 1.5.17 for a discussion of the use of Cooper Avenue for emergency access.



**Comment L.51:**

As recent storm damage made clear, it doesn't take much to block egress from Orienta point. Equally obvious is how limited the egress is from Hommocks. In an emergency, it might well be impossible to safely evacuate residents from Orienta point. This development would increase that risk.

(Public Comment letter 217, pg. 1, Terry Grant, 5/13/2018)

(Public Comment letter 235, pg. 1, Terry Grant, 5/13/2018)

**Response L.51:**

Cooper Avenue would provide a third point of egress from the Orienta peninsula, if needed, and would improve egress for a number of the existing homes on Eagle Knolls Road and, to a lesser extent, on E. Cove Road (See Response L.49). The Applicant believes that the added flexibility provided by this connection would improve overall egress from the area in case of an emergency. See Section I.5.17 for a discussion of the use of Cooper Avenue for emergency access.

**Comment L.52:**

By our calculations to import 84,000 CY in 9 months of 5-day weeks would require 72 truck trips per day and not 24.

(Public Comment Letter 179, pg. 1, Neil Porto, 5/10/2018)

**Response L.52:**

See Response L.1. With 20.5 full workdays per month for 9 months in the primary fill phase, 24 fill trucks per day would visit the Project Site. This translates to 48 fill truck trips per day or an average of 1 fill truck trip every 11 minutes. Additionally, the Applicant estimates there would be two non-fill trucks visiting the site during the primary fill phase, for a total of 26 trucks or 52 truck trips, an average of one truck trip every 10 minutes.

**Comment L.53:**

The intersection of Hommocks Road, Boston Post Road, and Weaver Street is already a major bottleneck. In the mornings, at School dismissal and during workday evenings, traffic backs up from the Post Road up Weaver all the way to Myrtle Avenue. The proposed development will greatly worsen this problem.

a. During construction, the developer will bring in: (1) more than 200,000 cubic yards of fill based on the estimates of independent experts; (2) gravel, asphalt and cement for roads and sidewalks; and (3) concrete, lumber, drywall, etc. for 105 homes. There will also be all of the associated construction



vehicles (bulldozers, cement mixers, graders) and cars for hundreds of workers. Construction is expected to last for 5 years.

b. Once construction is complete~ the 105 homes with 200-plus cars along with delivery trucks, service vehicles, etc., will add hundreds of trips per day in and out of the development site. All of this will cause massive traffic jams at the Hommocks/Boston Post Road intersection. In response, much of that traffic will spill out of the only other exit from the site, down Cove Road and Orienta Avenue.

(Public Comment letter 237, pg. 1, John Cecil, 5/14/2018)

**Response L.53:**

The DEIS traffic study indicates that the additional traffic added by the Proposed Action would increase the overall average delay at the intersection of Hommocks Road, Boston Post Road, and Weaver Street by 1 second in the morning peak hour and a fraction of that in the afternoon peak hour. Similarly, the DEIS analyses indicate that the additional traffic added by the Proposed Action on Weaver Street would increase the overall average delay on the Weaver Street approach to Boston Post Road, and Weaver Street by only 1.2 seconds in the morning peak hour and by less in the afternoon peak hour.

Construction of the development would require approximately 81,805 cubic yards (CY) of fill instead of the 200,000-CY figure noted by the commenter. Additional construction truck traffic activity has been accounted for, as discussed in the response to Comment L.1 and L.2, and would be substantially less than peak fill truck activity.

The Proposed Action traffic would be divided between Hommocks Road and Orienta Avenue. The AM, PM, and weekend (Saturday midday) peak hours were evaluated in the DEIS. This analysis concluded that project traffic would have a minimal impact at the intersection of Boston Post Road with Hommocks Road/Weaver Street and less of an impact at the intersection of Boston Post Road with Orienta Avenue.

**Comment L.54:**

There is concern that once the Cooper Road access point is built, it will be easy to turn it back into a one or two-way road for the development... Should that happen, there's no guarantee that the developer will then install appropriate sidewalks and other traffic safety measures along Cooper and Old Boston Post Road, as recommended by the Traffic Commission and various other commenting parties.

(Public Comment letter 254, pg. 1, Abby Roberts, Board of Traffic Commissioners Chair, 5/14/2018)



**Response L.54:**

Any change to the Cooper Avenue access would require a new application to the Village. Issues of traffic, safety, and pedestrian access would have to be revisited at the time of the new application. No change to Cooper Avenue is contemplated. The DEIS analyses indicate that the project would be successful with access provided via Eagle Knolls Road and E. Cove Road, as proposed.



## **M. Community Demographics, Facilities and Services**

### **1.0 Open Space**

#### **Comment M.1:**

And hopefully it resonates, because this will have a significant impact within our youth organization and what it does to our kids and our fields and our community.

(Public Hearing 2, pg. 258, Marino Radovich, 4/11/2018)

Provide an analysis of the park and recreation needs generated by the project and the alternatives in the DEIS, as well as the additional alternatives requested in these comments, and provide an assessment of whether Village, Town and County resources are capable of meeting such needs. The analysis should include an assessment of impacts on local youth sports leagues, including field availability and use. The assessment should include the results of documented communication with recreation service providers.

(Memo 1, pg. 11, Stuart Mesinger, Consultant to Planning Board, 5/14/2018)

The community is already tight on available playing fields. The true number of expected children (which is even larger than the number expected to attend our schools (because those numbers don't include students expected to attend private school)) will add to the pressures on field use.

(Public Comment Letter 4, pg. 1, Becky Gray, 1/31/2018)

(Public Comment Letter 5, pg. 1, Martha Siletti, 1/31/2018)

(Public Comment Letter 8, pg. 1, Joanna Gross, 1/31/2018)

(Public Comment Letter 11, pg. 1, Megan Johnson, 2/2/2018)

(Public Comment Letter 73, pg. 2, Randi Spatz, 4/3/2018)

(Public Comment Letter 108, pg. 1, Andrew Kirwin, 4/23/2018)

The proposed development of 105 homes at the Hampshire Country Club will unquestionably compound the field challenges we face. With most young families in our community seeming to have no fewer than 2 kids, it is totally within reason that this development could bring 100 – 200 additional



kids to our town. If this occurs, there is the very real possibility that we will not be able to accommodate all of the kids interested in playing lacrosse.

(Public Comment Letter 86, pg. 1, Chris Glinski, President - Larchmont Mamaroneck Youth Lacrosse, 4/11/2018)

We have not been contacted by the organization proposing the development project to provide any information or perspective. We definitively believe that any increase in housing in the community will absolutely increase participation in LMLL. This increased participation will no doubt put additional demand on our already overburdened field resources. Each year it becomes increasingly challenging to find enough field space to provide the experience that we have for well over the past 30 years. While we welcome additional participants, it will certainly add to the current demand for field space that is already at capacity.

(Public Comment Letter 88, pg. 1, Bill Nachtigal, President - Larchmont-Mamaroneck Little League, 4/11/2018)

(Public Comment Letter 108, pg. 1, Andrew Kirwin, 4/23/2018)

#### **Response M.1:**

As detailed on page 3N-9 of the DEIS, the Proposed Action is projected to bring approximately 335 residents to the Project Site. If all of these residents were new to the Village of Mamaroneck, the population of the Village would increase approximately 1.7% based on the Village's 2016 population of 19,263. Based on general standards for parks and open space requirements outlined in a report published by the National Recreation and Park Association (NRPA), titled *Recreation, Park and Open Space Standards and Guidelines*, a general estimation of the parks and recreation needs generated by the proposed project can be provided. The table below outlines the generated need for new park space resulting from the Proposed Action according to the NRPA standards. As shown, the future population at the Project Site would generate an overall demand for between 2.1 and 3.5 acres of additional parks and open space.

**Table III.M.1-1 Proposed Action Generated Open Space Needs**

Type of Park	NRPA Standard	Proposed Action Generated Need
Minipark	0.25 – 0.5 acres per 1,000 population	0.08 – 0.17 acres
Neighborhood Park	1 – 2 acres per 1,000 population	0.3 – 0.67 acres
Community Park	5 – 8 acres per 1,000 population	1.7 – 2.68 acres
TOTAL	6.25 – 10.5 acres per 1,000 population	2.1 – 3.5 acres



*Source: National Recreation and Park Association. Recreation. Park and Open Space Standards and Guidelines (1990)*

In addition, as detailed in Table 3N-11 of the DEIS, it is projected (using the Rutgers multipliers) that 71 total school-age children, including both public and private school students, would be generated from the Proposed Action, which would increase demand on local parks and recreational spaces, including sports fields and other facilities that service local sports leagues. Note that the generated school-age children would be phased in over the project construction period. The table below outlines the total projected increase in demand on specific recreational facility types, according to the NRPA standards, that would result from the Proposed Action. As shown, the future population of school-age children at the Project Site would generate a nominal increase in demand for sports facilities, including 0.014 basketball courts and baseball fields, and .007 soccer fields.

**Table III.M.1-2 Proposed Action Generated Sports Facility Needs**

<b>Sports Facility Type</b>	<b>NRPA Standard</b>	<b>Proposed Action Generated Need</b>
Basketball Courts	1 court per 5,000 population	0.014 courts
Tennis	1 court per 2,000 population	0.036 courts
Baseball Fields	1 field per 5,000 population	0.014 fields
Football Fields	1 field per 20,000 population	0.004 fields
Soccer Fields	1 field per 10,000 population	0.007 fields
Field Hockey or Lacrosse Fields	1 field per 20,000 population	0.004 fields

*Source: National Recreation and Park Association. Recreation. Park and Open Space Standards and Guidelines (1990)*

To assess whether local parks and recreational resources are capable of meeting the needs identified above, local service providers were contacted to provide information regarding their participants and service areas, specific programming, and any concerns regarding the potential impact of the Proposed Action. The service providers listed below were contacted via email initially on June 14, 2018, and follow up emails were sent on July 10, 2018 to those providers who had not responded. Copies of all communications are provided in FEIS Appendix W. It should also be noted that these recreation service providers were contacted prior to the completion of the DEIS as well. Copies of prior communications with service providers are also included in FEIS Appendix W. The recreational service providers contacted include those listed below.

- Village of Mamaroneck Parks and Recreation
- Town of Mamaroneck Recreation Department
- Larchmont Mamaroneck Football Club



- Larchmont/Mamaroneck Basketball Association
- Larchmont-Mamaroneck Little League
- Mamaroneck Junior Soccer League
- Larchmont/Mamaroneck Youth Lacrosse Association
- Mamaroneck Youth Football League
- Mamaroneck Youth Hockey Association

Responses received and the information provided are summarized in the table below. Aside from those service providers listed below, no other responses were received. The Larchmont Mamaroneck Football Club expressed opposition to the development plan, but did not provide information regarding number of participants or issues of field capacity. Based on the responses outlined below, there are significant concerns from local recreation service providers over capacity of certain sports facilities to accommodate the existing demands from the community, and concerns that the Proposed Action would add these existing issues of capacity. The Town of Mamaroneck Recreation Department stated that there were no current issues of capacity for their Youth Hockey League or kayaking, tennis, or golf recreational programs.

**Table III.M.1-3 Summary of Responses From Recreation Service Providers**

<b>Program</b>	<b>Service Provider</b>	<b>Enrollment</b>	<b>Service Area</b>	<b>Capacity Concerns or Anticipated Impacts</b>
Hommocks Pool	Town of Mamaroneck Recreation Department	10,500 patrons per month (summertime)	Mamaroneck (Town and Village) and Larchmont	Outdoor training pool often reaches capacity in summer months; possible need to limit number of campers that use the pool in summer months
Hommocks Park Ice Rink – Public Skating	Town of Mamaroneck Recreation Department	7,000 patrons per month (winter months)	Mamaroneck (Town and Village) and Larchmont	None
Memorial Park Tennis Courts	Town of Mamaroneck Recreation Department	170 visitors per month	Mamaroneck (Town and Village) and Larchmont	None
Basketball Program	Larchmont/Mamaroneck Basketball Association	1,175 participants (Estimated 23	Mamaroneck (Town and	Limited facilities mean that the league is over





		percent rate of participation for service area)	Village), Larchmont, Rye Neck	capacity; more participants would be turned away
Softball and Baseball Program	Larchmont-Mamaroneck Little League	1,500 participants (Estimated 25-30 percent rate of participation for service area)	Mamaroneck (Town and Village), Larchmont, Rye Neck	Currently at capacity for needed field space; challenging to coordinate or provide enough field space or time for various needs

Some of the recreation service providers estimated the anticipated rate of participation within their service areas. As shown in the table above, the Larchmont/Mamaroneck Basketball Association estimated a participation rate of approximately 23 percent, and the Larchmont-Mamaroneck Little League estimated a rate of between 25 and 30 percent. Applying these rates to the number of school-age children anticipated to be generated by the Proposed Action, approximately 16 children could be expected to participate in basketball programming and between 18 and 21 children could be expected to participate in softball and baseball programming from the Project Site. This would represent an increase of approximately 1.4 percent participation in the basketball and little league programs. The Applicant believes that, provided these estimates and the expressed concerns regarding capacity of local facilities, the project would be expected to minimally increase participation, and related capacity concerns, of local recreation and youth league service providers. It should also be noted that in the case of many of these service providers, the service area extends beyond the Village of Mamaroneck, and therefore local capacity concerns would be shared across the full service area.

Both the Town of Mamaroneck Recreation Department and the Larchmont-Mamaroneck Little League also expressed concerns regarding parking capacity and traffic on Hommocks Road, around Flint Park and at the pool and ice rink. However, given the Project Site's proximity to these facilities and easy pedestrian access via Hommocks and Eagle Knolls Roads, the Applicant does not anticipate that the Project would generate a significant parking need. In addition, as detailed in Chapter 3M of the DEIS, the Proposed Action would add approximately 1 additional vehicle every two minutes to Hommocks Road during the peak hours in the worst-case conditions. The peak activity periods for Hommocks Pool and Ice Rink do not typically coincide with the roadway weekday AM and PM peak hours or the Saturday peak hour. As mentioned, it is also anticipated that some of the residents of the proposed development would probably walk or bike to the Hommocks Pool and Ice Rink facilities (encouraged by the additional pedestrian and biking amenities to be provided by the project). In addition, it is anticipated that many of the future new residents may use the existing pool and tennis courts at the Hampshire Country Club, which would remain in use and open to existing and future club members and would lessen the burden on these facilities. The Town of Mamaroneck Recreation Department did



not express concern that existing recreational and open space areas could not accommodate the anticipated increase in population generated by the Proposed Action.

Based on the analysis above, it is the Applicant's opinion that the proposed project is unlikely to create a substantial additional demand for recreational areas. The Project's 105 residential units are expected to bring approximately 335 residents to the Project Site. It is the Applicant's opinion that the local recreational areas, described in detail in Chapter 3A, Land Use, Zoning and Public Policy, would adequately meet any increase in demand for recreation from the new development. With regard to youth leagues, the proposed project could be expected to increase participation by 1.4 percent based on existing participation rates. As noted above, there may be limited ability to accommodate additional participants from those organizations that are already at or near capacity.

Moreover, the Applicant asserts the proposed project's 30.6 acres of shared open space providing for passive recreational opportunities would meet any incremental increase in demand for recreational areas created by the residential development. It would not meet demand for active forms of recreation. The Applicant further anticipates that with reduced membership rates offered to residents, many would enroll as members in the club and be able to utilize the 9-hole members only golf course, seven tennis courts, pools and other club facilities, possibly further reducing the demand on municipal recreational areas.

Chapter 4 analyzes each of the alternatives in terms of open space.

**Comment M.2:**

The VOM has also prided itself as a beautiful, park-filled town along the sound. That reputation is also at risk if we continue to build on every available piece of green space.... The Hampshire space is one of the dwindling green areas remaining. One of its marshes was famously photographed by Edward Steichen.

(Public Comment Letter 4, pg. 1, Becky Gray, 1/31/2018)

(Public Comment Letter 5, pg. 1, Martha Siletti, 1/31/2018)

(Public Comment Letter 8, pg. 1, Joanna Gross, 1/31/2018)

(Public Comment Letter 11, pg. 1, Megan Johnson, 2/2/2018)

(Public Comment Letter 12, pg. 1, 2/2/2018, and Public Comment Letter 18, pg. 1, 2/12/2018,  
Deborah N Plachta)

(Public Comment Letter 72, pg. 2, Joel Negrin, 4/1/2018)



(Public Comment Letter 76, pg. 1, Jean Meyerowitz and Steve Giove, 4/7/2018)

**Response M.2:**

As detailed in the DEIS, the Applicant purposefully designed the Project to maintain a significant area of the Project Site as open space. Specifically, a total of 30.6 acres would be preserved as shared open space and another 37.6 acres of the existing golf course would be preserved on the Project Site, which would maintain and contribute to the valued recreational/open space character of the area. 29.56 acres of private open space would be converted to residential use. The Project Site currently contains a private recreational use, and the Proposed Action would continue to provide opportunities for private recreation through paid membership at the Club.

**Comment M.3:**

The leadership of our club was never contacted by the developer for input. While the LMFC Board has not yet had an opportunity to review publicly available material RE: the development proposal, certain members of the club's leadership have expressed serious reservations about the likely increase in traffic in and around the Hommocks grass fields, which are utilized extensively by the players, families and supporters of the LMFC in the fall and spring, as well as related considerations.

(Public Comment Letter 34, pg. 1, Larchmont Mamaroneck Football Club Board of Directors,  
2/13/2018)

**Response M.3:**

The Larchmont Mamaroneck Football Club was contacted prior to the completion of the DEIS, as documented Appendix W. The Applicant did not receive a response to this communication at that time.

As detailed in Chapter 3M of the DEIS, the Proposed Action is expected to add a few trips to Hommocks Road during the peak hours, or approximately 1 additional vehicle every two minutes in the worst-case conditions. However, the peak activity periods for the Hommocks sport/recreational facilities do not typically coincide with the roadway weekday AM and PM peak hours or the Saturday peak hour. The Applicant also anticipates that, given the proximity of the proposed development to the Hommocks facilities, some of the residents of the proposed development may walk or bike, as opposed to drive to these facilities.



## **2.0 Police**

### **Comment M.4:**

It is unlikely the Village could accommodate the additional burdens placed on the Police, Fire, Ambulance, and Public Works without significant investment in infrastructure, vehicles, and personnel.

(Public Comment Letter 46, pg. 1, Neil Sandler, 2/14/2018)

### **Response M.4:**

The potential impact of the Proposed Action on the Village of Mamaroneck's community service providers was analyzed in Chapter 3N of the DEIS, and as detailed, the Applicant does not anticipate that the additional population projected from the proposed development would create a significant adverse impact to the Village of Mamaroneck's Police Department, Fire Department, or Emergency Medical Services (MEMS). As part of the analysis of potential impacts, letters were sent to the Village's community service providers, including the Police Department, Fire Department, and Emergency Medical Services, to inquire as to potential issues or impacts of the Proposed Action. All correspondence with service providers is included in Appendix N of the DEIS. In the email response from MEMS, the provider states that "Given the information outlined within this report and data that is publicly available, MEMS believes that the additional calls for service as a result of the increase in residential population and other human activity are within the response capabilities of the organization. Given the additional tax base provided by these units, MEMS would anticipate an increased allocation of operating budget funds from the Town of Mamaroneck to support response activity." In its email response, the Police Department indicated that the proposed site access would be adequate for the new development, and that the biggest concern related to police services would be the potential for increase in traffic in the area. The Applicant analyzed the potential impacts of the proposed development in Chapter 3M of the DEIS, and as detailed, no significant adverse impacts on area traffic operating conditions are anticipated.

In addition, annual property taxes generated from the Project would exceed current taxes, as outlined in Chapter 3O of the DEIS, Fiscal and Economic Conditions. The Applicant anticipates that the additional tax revenue would cover any incremental costs to the Police Department, Fire Department, and Emergency Medical Services, to service the project. The projected Village taxes are \$1,304,928 per year.



### **3.0 Fire and EMS**

#### **Comment M.5:**

Provide evidence that the Village of Mamaroneck Fire Department has reviewed and approved the site plan, including the location and arrangement of fire hydrants.

(Memo 1, pg. 11, Stuart Mesinger, Consultant to Planning Board, 5/14/2018)

#### **Response M.5:**

As part of the analysis of potential impacts to local service providers, a letter and proposed site plan was sent to the Village's community service providers, including the Police Department, Fire Department, and Emergency Medical Services, to inquire as to potential issues or impacts of the Proposed Action. All correspondence with service providers is included in Appendix N of the DEIS. In addition, a fire truck vehicle maneuvering plan was included as Figure 2-20 in the DEIS.

The site plan would be reviewed and finalized, including approval from the Fire Department, during the site plan review process, per the requirements set forth in Chapter 342, Article XI of the Village Code, Site Development Plan Approval. The location and arrangement of fire hydrants would also be finalized during site plan review, to be approved by the Fire Department and Westchester County Department of Health.

The Applicant has been asked specifically to evaluate whether emergency access would be impeded on Cooper Avenue in the event that the road is blocked by flooding. This analysis is provided in Response G.1.

#### **Comment M.6:**

Provide a discussion of impacts on each of the Village service providers.

(Memo 1, pg. 11, Stuart Mesinger, Consultant to Planning Board, 5/14/2018)

#### **Response M.6:**

As detailed in Chapter 3N of the DEIS, the addition of 105 new residential units is projected by the Applicant to generate 335 residents at the Project Site, a 1.7% increase over the Village's 2016 population, which would likely result in a proportionate increase in demand for police, fire, and emergency medical services. Specifically, the Applicant projects that the Proposed Action would generate the following increased demand for Village services, according to the planning standards published in the Urban Land Institute's Development Assessment Handbook: for police services, an increase of 0.67 police personnel, 67 square feet of facility space, and 0.07 vehicles; for fire services, an



increase of 0.6 fire personnel, 83.8 square feet of facility space, and 0.07 additional vehicles; and for emergency medical services (EMS), an additional 12.2 EMS calls per year, 0.05 EMS full-time personnel, and 0.01 EMS vehicles. As these quantified impacts are marginal, the Proposed Action is not anticipated to create a significant adverse impact to the Village of Mamaroneck's provision of community services. In addition, annual property taxes generated from the Project would exceed current taxes; the projected Village taxes are \$1,304,928. It is anticipated that the additional tax revenue would cover any incremental costs to the Police Department, Fire Department, and Emergency Medical Services, to service the project.

#### **4.0 Schools**

##### **Comment M.7:**

So the first thing I want to say is that the summary of enrollment or long-term enrollment change included in the DEIS is not accurate. What was predicted over ten-year period of 2010 to 2020, that four percent, in reality, over the last seven years, has been a 13-percent increase.

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. This last year alone, we've seen an increase in Central, over a one-year period from September to September, of 4.7 percent as a school.

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 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. 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.

(Public Hearing 1, pg. 34-35, Dr. Robert Shaps, 2/14/2018)

(Public Comment Letter 67, pg. 14-17, Lisa Liquori, 2/14/2018)

The estimates of 57 incremental school age children for 105 housing units are dramatically underestimated. As of the 2015 census data, our district had 2.7 people per house, would suggest at least 0.7 kids/ house or 73.5 students. Our school populations have only increased since then,



suggesting even this may be low. I also worry that this type of community (close to water, schools, recreation) will draw even higher rates of large families and dramatically impact the school system.

I also find the assumption that these students would be spread evenly across K-12 laughable. You should get the data from our community's realtors, but it would seem that most new families move with younger children, not middle and high school aged kids, further overloading our elementary schools.

(Public Comment Letter 42, pg. 1, Randy and Amy Kessler, 2/14/2018)

(Public Comment Letter 53, pg. 1, Jesse Zolna, 2/15/2018)

(Public Comment Letter 90, pg. 1, Adam Gross, 4/11/2018)

While the issue of school enrollment is not specific to the Town of Mamaroneck government, the Town along with the Villages of Larchmont and Mamaroneck have been discussing the recent increase in student enrollment in the Mamaroneck Schools. We have discussed this with the school district in the context of indirect impacts upon the three local governments. The matter of school overcrowding is an important community concern. The methodology used in the DEIS to measure school enrollment impact should be discussed in greater detail with the Mamaroneck School District officials to verify its applicability to this development.

(Public Comment Letter 56, pg. 3, Stephen V. Altieri, Town of Mamaroneck Town Administrator, 2/14/2018)

We are concerned that these projections are flawed and are gross underestimates of the projected number of school-age children added to the district for three reasons:

1. The developer's projections are based on "residential multipliers" published in 2006, over a decade ago, and were likely based on demographics and statistics in the several years before that (e.g. 2000-2004).
2. These "residential multipliers" were based on population density in New York State as a whole (in early 2000), when we know that residential density is greater in the New York city area than the rest of New York State.
3. These projections are based on the number and type of units the developers are planning, but do not take into account the fact that young families will likely move into the homes that "empty-nesters" will move out of and into these units.



As the MUFSD Superintendent and the Board of Education has made the community aware, the MUFSD physical plant is at the tipping point of not being able to accommodate students zoned for the district. This development is not occurring in isolation, there are several recently completed, near completion and planned development projects that will add students to the district, regardless of whether they are intended for families or not.

We urge the board to require the developers to update their school-age children added projections based on more recent "residential multipliers" that are specific to the New York City area and that also take into account the number of students added via home-turnover from empty-nesters to young families.

(Public Comment Letter 59, pg. 1, Anna and Mike Divney, 2/20/2018)

#### **Response M.7:**

On June 15, 2018 a letter was sent to the Mamaroneck Union Free School District requesting the following information (see full letter in FEIS Appendix W).

##### Existing Conditions

- Capacity and enrollment of existing schools in the Mamaroneck Union Free School District, by school and grade for the past five years.
- A copy of the 2015 detailed analysis for school children generation using the ESI and high value school district demographic multipliers, as well as the source documentation for the analysis.
- Any existing studies that reflect capital facility needs by school building for the current school population.

##### Potential Impacts

- MUFSD has indicated the need for new portable buildings as recently as 2017 for other schools in the District. Please provide what you project would be the need for new capital facilities as a result of the 57 children generated by the Proposed Project.
- Any other School District concerns regarding the Proposed Project.

The Mamaroneck Union Free School District (MUFSD) responded in a letter dated August 3, 2018 (see FEIS Appendix W) and used materials and multipliers from Econsult Solutions, Inc. (ESI) to calculate the school children projections. The response letter to the MUFSD dated August 16, 2018 (see FEIS Appendix W) outlines what the Applicant believes to be the correct application of the ESI multipliers. Specifically, following the procedures outlined in the ESI report and using the ESI 2015 Residential Demographic Multipliers, the total number of school children generated by the Proposed Action would be 75 public and private school age children, including 66 public school age children that would attend





the public school system. The ESI methodology is explained below and the full ESI report is included in FEIS Appendix W.

The Proposed Action consists of 44 detached 4-bedroom single-family homes, and 61 3-bedroom attached carriage townhomes. In accordance with ESI's guidance concerning differentiating the housing mix, the most appropriate multiplier to use for the 44 4-bedroom detached single family homes proposed would be 0.924 because it corresponds with the "All Single-Family, Own or Rent, 4 Bedroom" category. The ESI report guidelines also indicate that a "townhome" is classified as a single-family attached unit. Thus, the most appropriate multiplier to use for the 61 attached townhome units would be 0.550 because it corresponds with the single-family "attached" category.

These multipliers produce an estimate of total number of school aged children generated by a project. According to the ESI report, the total number of projected school age children should be adjusted to reflect the local public school participation rate. The purpose of this adjustment is to subtract from the total number of school aged children the population that would likely attend private schools.

Using publicly available data from the NYS Education Department, VHB has calculated the appropriate public school participation rate as 87.8%. The Public School Participation Rate was calculated as follows:

Nonpublic School Enrollment, Mamaroneck District of Residence, 2017 – 2018 (source: NYS Education Department, Information and Reporting Services)	780
Total Mamaroneck UFSD Enrollment, 2017 – 2018 (source: Mamaroneck UFSD Data Dashboard 2018)	5,588
Public School Participation Rate (Public School enrollment / Total school enrollment)	87.8%

As shown below, the analysis, following the process outlined in the ESI report, results in a total estimate of 66 Public School Age Children to be generated by the Proposed Action.



**Table III.M.7-1 Projected Public School-Children Generated**

<b>Unit Type</b>	<b>Number of Units</b>	<b>ESI Multiplier</b>	<b>School Age Children (Public and Private School)</b>	<b>Public School Participation Rate</b>	<b>Total Public School Age Children</b>
4-bedroom Single-Family Home	44	0.924	41		
3-bedroom Carriage Home	61	0.550	34		
<b>TOTAL</b>	<b>105</b>		<b>75</b>	<b>87.8 %</b>	<b>66</b>

For comparison, the same analysis conducted using the Rutgers University multipliers utilized in the Draft Environmental Impact Statement resulted in an estimate of 71 total school age children and 57 public school age children. The analysis presented above according to the ESI multipliers estimates four more total school age children and nine more public school age children.

MUFSD in its analysis from August 3, 2018 applied a "High Value District Multiplier" to its generation estimates. However, it should also be noted that the ESI report does not reference a High Value District Multiplier. The Applicant's consultant, VHB, assumed that ESI did not include any additional "high value" district adjustments, as suggested by MUFSD, because they believe this factor is accounted for in the application of the Public School Participation Rate. It is assumed that a higher percentage of students would elect to attend the public school district over a private school where the public school system is high performing. To check this assumption, VHB reviewed the Public School Participation Rates of nearby school districts. The data showed that nearby high performing school districts, including Bronxville UFSD and Scarsdale UFSD, have high public school participation rates (89.1% and 93.1%, respectively), while New Rochelle, slightly lower performing, has a lower participation rate at 85.4%. Therefore, VHB concludes that the application of the Public School Participation Rate accurately reflects the Public School Age Children generation in the Mamaroneck UFSD without the added High Value District Multiplier.

This assumption is further corroborated by the planning analysis conducted by the Village of Mamaroneck Planning Department in 2016 (see FEIS Appendix W). The Village Planning Department surveyed the population of various local multifamily residential developments in the Village of



Mamaroneck School District, including the Fairway Green townhouse development just north of the Hampshire development site. This survey indicated that the multifamily and townhome residential developments in the Village generated between 0.04 and 0.11 school aged children per multifamily unit. This data demonstrates that actual school aged children population rate for multifamily and townhome development is significantly lower than the local multipliers used by either the ESI, or Rutgers (the ESI multifamily rate for all sizes is 0.334 and the rate for townhomes is .550).

Finally, applying the per student programmatic cost estimated in Chapter 3N of the DEIS of \$15,893 to the 66 new public school students indicates that the proposed project could result in an additional cost of \$1,048,938 to the Mamaroneck Union Free School District. As demonstrated in Chapter 3O of the DEIS, the estimated property tax revenues to the school district is \$2,604,098. Using these figures, the Mamaroneck Union Free School District would receive an annual surplus of tax revenue of \$1,555,160. Even if the Proposed Action resulted in 85 (as calculated by the MUFSD in the August 3, 2018 letter) school aged children, the school district would still receive an annual surplus of tax revenue of approximately \$1,253,193.

In its response letter dated August 3, 2018, the MUFSD did not identify any direct capital improvements that would result from the projected school children. It did provide current capital needs by school, including the three schools to which students residing within the proposed project would attend:

- Central Elementary School - \$4,659, 122
- Hommocks Middle School - \$7,873,992
- Mamaroneck High School – 16,623,744

With an annual projected surplus of \$1,555,160 to the school district, the Applicant believes that the Proposed Project would provide the MUFSD funds that could be used towards their existing capital needs.

**Comment M.8:**

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.

(Public Hearing 1, pg. 45, and Public Comment Letter 67, pg. 1, Steven Kass, 2/14/2018)

(Public Hearing 1, pg. 134, Randi Spatz, 2/14/2018)

The proposed construction and housing development will have a significant and long-term detrimental impact on [overcrowding in the schools]. The quality of our schools is one of, if not the biggest draw to Mamaroneck. School overcrowding is a serious threat to singularly important institution...Three of our four elementary schools are near capacity. Class sizes are large and growing.



There is no plan to build a new school, or even build on to an existing school in place...Until these space issues are adequately addressed it is not the right time to approve a proposal for new housing that might bring in a large amount of school age children into the system.

(Public Comment Letter 3, pg. 1, Jeffrey and Melanie Feinbloom, 1/31/2018)

(Public Comment Letter 4, pg. 1, Becky Gray, 1/31/2018)

(Public Comment Letter 5, pg. 1, Martha Siletti, 1/31/2018)

(Public Comment Letter 8, pg. 1, Joanna Gross, 1/31/2018)

(Public Comment Letter 9, pg. 1, Beth Mullaney, 1/31/2018)

(Public Comment Letter 11, pg. 1, Megan Johnson, 2/2/2018)

(Public Comment Letter 24, pg. 1, Jesse Zolna, 2/13/2018)

(Public Comment Letter 33, pg. 1, Sam and Lauren Porat, 2/13/2018)

(Public Comment Letter 43, pg. 1, Catriona Runcie & Dimitri Sirota, 2/14/2018)

(Public Comment Letter 46, pg. 1, Neil Sandler, 2/14/2018)

(Public Comment Letter 51, pg. 1, Oscar Fernandez, 2/14/2018)

(Public Comment Letter 57, pg. 1, Ilene Strauss, 2/14/2018)

(Public Comment Letter 65, pg. 1, Elene Spanakos Weis, 3/14/2018)

(Public Comment Letter 70, pg. 1, Anonymous, 4/2/2018)

(Public Comment Letter 72, pg. 3, Joel Negrin, 4/1/2018)

(Public Comment Letter 73, pg. 1, Randi Spatz, 4/3/2018)

(Public Comment Letter 77, pg. 1, Nova Cutler, 4/8/2018)

(Public Comment Letter 85, pg. 1, Patty Wolff, 4/11/2018)

(Public Comment Letter 87, pg. 1, Joan Vollero, 4/11/2018)

(Public Comment Letter 89, pg. 1, Jennifer Swartley, 4/11/2018)

(Public Comment Letter 93, pg. 1, Ronald Eligator, 4/12/2018)



(Public Comment Letter 94, pg. 1, Jack Romita, 4/12/2018)

(Public Comment Letter 111, pg. 1, Claire Wolkoff, 5/1/2018)

(Public Comment Letter 175, pg. 1, Valentina SotoPinto, 5/11/2018)

(Public Comment Letter 201, pg. 1, Amy Siskind, 5/12/2018)

(Public Comment Letter 212, pg. 1, Caryl Feldmann, 5/12/2018)

(Public Comment Letter 213, pg. 1, Kathryn Kirchoff, 5/13/2018)

(Public Comment letter 243, pg. 2, John Cecil, 5/14/2018)

The school district is bursting at the seams trying to accommodate the already heavy increase in enrollment, and this is without adding new residential units. As I'm sure you are aware, the district is reconsidering rezoning the elementary schools, which will add 100 new children to Central School which is the designated school for Orienta area. I would like to know where the children occupying these new units will be placed? The impact in the class sizes is already being felt by the district.

(Public Comment Letter 6, pg. 1, Valentina SotoPinto, 1/31/2018)

(Public Comment Letter 7, pg. 1, Susan McGrath, 1/31/2018)

In the current environment where there is concern about schools being overcrowded, we are at a tipping point. We have seen a lot of new construction with in the Mamaroneck school district. This new development could be and probably will be the tipping point to where we need to build new schools, a very expensive proposition - One that would grossly outweigh any minimal tax base increase this project would provide. Historically a developer's assumptions have been drastically under played in relation to the number of people who will have school-aged children moving in to their homes. With a lot more still to come online in the near future it will be a growing problem.

(Public Comment letter 255, pg. 1, John Hofstetter, 5/14/2018)

Importantly, with elementary schools at capacity, the incremental cost to educate a student is not the right measure of impact - it should include the capital cost to build new space to accommodate these students. On that basis, it is likely that that there 50+ kids may be the straw that breaks the camel's back for the need of new educational space, which would cost millions of dollars. Perhaps it would be fair to have the development commit funds towards building a new school or donate some land on which we can build?

(Public Comment Letter 42, pg. 1, Randy and Amy Kessler, 2/14/2018)



I have observed over the last few years the explosion in enrollment in school age population. Previous developments in our community failed to consider both the adequate factor for children in the developments and equally important the turnover of "empty nest" homes to young families. I do not believe our schools - from the elementary to secondary can absorb the impact of the proposed Hampshire development.

(Public Comment Letter 199, pg. 1, Steve Warner, 3/12/2018)

**Response M.8:**

On June 15, 2018 a letter was sent to the Mamaroneck Union Free School District (the MUFSD) requesting the following information (see full letter in FEIS Appendix W).

Existing Conditions

- Capacity and enrollment of existing schools in the Mamaroneck Union Free School District, by school and grade for the past five years.
- A copy of the 2015 detailed analysis for school children generation using the ESI and high value school district demographic multipliers, as well as the source documentation for the analysis (mentioned in your public hearing testimony).
- Any existing studies that reflect capital facility needs by school building for the current school population.

Potential Impacts

- MUFSD has indicated the need for new portable buildings as recently as 2017 for other schools in the District. Please provide what you project will be the need for new capital facilities as a result of the 57 children generated by the Proposed Project.
- Any other School District concerns regarding the Proposed Project.

The MUFSD responded in a letter dated August 3, 2018 (included in FEIS Appendix W). Based on information provided in this response letter, the following historic enrollment data was obtained from the MUFSD data dashboard, dating back to 2010 - 2011.



**Table III.M.8-1 Mamaroneck Schools Enrollment History**

School Name	Grade Levels	2010-2011	2011-2012	2012-2013	2013-2014	2014-2015	2015-2016	2016-2017	2017-2018
Central School	K-5	484	473	459	457	474	484	489	512
Hommocks Middle School	6-8	1,113	1,129	1,139	1,166	1,203	1,207	1,230	1,273
Mamaroneck High School	9-12	1,499	1,462	1,476	1,470	1,482	1,531	1,559	1,602

Source: MUFSD Data Dashboard

As presented in the Enrollment Update presentation dated September 5, 2017 from the MUFSD (see FEIS Appendix W), the school district projects the Middle and High School enrollments to increase and peak in the year 2020. Grades K-5 would continue to see an increase. However, these enrollment increases are projected to occur with or without the approval of the Proposed Action.

As detailed in Response M.7, following the procedures outlined in the ESI report and using the ESI 2015 Residential Demographic Multipliers, the total number of school children generated by the Proposed Action would be 66 public school age children that would attend the public school system.

Applying the per student programmatic cost estimated in Chapter 3N of the DEIS of \$15,893 to the 66 new public school students indicates that the proposed project could result in an additional cost of \$1,048,938 to the Mamaroneck Union Free School District. As demonstrated in Chapter 3O of the DEIS, the estimated property tax revenues to the school district is \$2,604,098. Using the ESI figures, the Mamaroneck Union Free School District would receive an annual surplus of tax revenue of \$1,555,160.

In its response letter dated August 3, 2018, the MUFSD did not identify any direct capital improvements that would result from the projected school children. It did provide current capital needs by school, including the three schools to which students residing within the proposed project would attend:

- Central Elementary School - \$4,659, 122
- Hommocks Middle School - \$7,873,992
- Mamaroneck High School – 16,623,744

With an annual projected surplus of \$1,555,160 to the school district, the Proposed Project would provide the MUFSD funds that could be used towards their existing capital needs and capital improvements that would result from the projected school children.



## **N. Fiscal and Economic Conditions**

### **Comment N.1:**

The DEIS has 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.

(Public Hearing 1, pg. 67, and Public Comment Letter 67, pg. 14, Lisa Liquori, 2/14/2018)

### **Response N.1:**

On June 15, 2018 a letter was sent to the Mamaroneck Union Free School District requesting the following information (see full letter in FEIS Appendix W).

#### Existing Conditions

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- MUFSD has indicated the need for new portable buildings as recently as 2017 for other schools in the District. Please provide what you project would be the need for new capital facilities as a result of the 57 children generated by the Proposed Project.
- Any other School District concerns regarding the Proposed Project.

The Mamaroneck Union Free School District (MUFSD) responded in a letter dated August 3, 2018 (see FEIS Appendix W) and used materials and multipliers from Econsult Solutions, Inc. (ESI) to calculate the school children projections. The response letter to the MUFSD dated August 16, 2018 (see FEIS Appendix W) outlines what the Applicant believes to be the correct application of the ESI multipliers. Specifically, following the procedures outlined in the ESI report and using the ESI 2015 Residential Demographic Multipliers, the total number of school children generated by the Proposed Action would be 75 public and private school age children, including 66 public school age children that would attend





the public school system. The ESI methodology is explained below and the full ESI report is included in Appendix W.

The Proposed Action consists of 44 detached 4-bedroom single-family homes, and 61 3-bedroom attached carriage townhomes. In accordance with ESI's guidance concerning differentiating the housing mix, the most appropriate multiplier to use for the 44 4-bedroom detached single family homes proposed would be 0.924 because it corresponds with the "All Single-Family, Own or Rent, 4 Bedroom" category. The ESI report guidelines also indicate that a "townhome" is classified as a single-family attached unit. Thus, the most appropriate multiplier to use for the 61 attached townhome units would be 0.550 because it corresponds with the single-family "attached" category.

These multipliers produce an estimate of total number of school aged children generated by a project. According to the ESI report, the total number of projected school age children should be adjusted to reflect the local public school participation rate. The purpose of this adjustment is to subtract from the total number of school aged children the population that would likely attend private schools.

Using publicly available data from the NYS Education Department, VHB has calculated the appropriate public school participation rate as 87.8%. The Public School Participation Rate was calculated as follows:

Nonpublic School Enrollment, Mamaroneck District of Residence, 2017 – 2018 (source: NYS Education Department, Information and Reporting Services)	780
Total Mamaroneck UFSD Enrollment, 2017 – 2018 (source: Mamaroneck UFSD Data Dashboard 2018)	5,588
Public School Participation Rate (Public School enrollment / Total school enrollment)	87.8%

As shown below, the analysis, following the process outlined in the ESI report, results in a total estimate of 66 Public School Age Children to be generated by the Proposed Action.



**Table III.N.1-1: Projected Public School-Children Generated**

<b>Unit Type</b>	<b>Number of Units</b>	<b>ESI Multiplier</b>	<b>School Age Children (Public and Private School)</b>	<b>Public School Participation Rate</b>	<b>Total Public School Age Children</b>
4-bedroom Single-Family Home	44	0.924	41		
3-bedroom Carriage Home	61	0.550	34		
<b>TOTAL</b>	<b>105</b>		<b>75</b>	<b>87.8 %</b>	<b>66</b>

For comparison, the same analysis conducted using the Rutgers University multipliers utilized in the Draft Environmental Impact Statement resulted in an estimate of 71 total school age children and 57 public school age children. The analysis presented above according to the ESI multipliers estimates four more total school age children and nine more public school age children.

MUFSD in its analysis from August 3, 2018 applied a "High Value District Multiplier" to its generation estimates. However, it should also be noted that the ESI report does not reference a High Value District Multiplier. VHB assumed that ESI did not include any additional "high value" district adjustments, as suggested by MUFSD, because this factor is accounted for in the application of the Public School Participation Rate. It is assumed that a higher percentage of students would elect to attend the public school district over a private school where the public school system is high performing. To check this assumption, VHB reviewed the Public School Participation Rates of nearby school districts. The data showed that nearby high performing school districts, including Bronxville UFSD and Scarsdale UFSD, have high public school participation rates (89.1% and 93.1%, respectively), while New Rochelle, slightly lower performing, has a lower participation rate at 85.4%. Therefore, VHB concludes that the application of the Public School Participation Rate accurately reflects the Public School Age Children generation in the Mamaroneck UFSD without the added High Value District Multiplier.

This assumption is further corroborated by the planning analysis conducted by the Village of Mamaroneck Planning Department in 2016 (see FEIS Appendix W). The Village Planning Department surveyed the population of various local multifamily residential developments in the Village of Mamaroneck School District, including the Fairway Green townhouse development just north of the



Hampshire development site. This survey indicated that the multifamily and townhome residential developments in the Village generated between 0.04 and 0.11 school aged children per multifamily unit. This data demonstrates that actual school aged children population rate for multifamily and townhome development is significantly lower than the local multipliers used by either the ESI, or Rutgers (the ESI multifamily rate for all sizes is 0.334 and the rate for townhomes is .550).

Finally, applying the per student programmatic cost estimated in Chapter 3N of the DEIS of \$15,893 to the 66 new public school students indicates that the proposed project could result in an additional cost of \$1,048,938 to the Mamaroneck Union Free School District. As demonstrated in Chapter 3O of the DEIS, the estimated property tax revenues to the school district is \$2,604,098. Using these figures, the Mamaroneck Union Free School District would receive an annual surplus of tax revenue of \$1,555,160. Even if the Proposed Action resulted in 85 (as calculated by the MUFSD in the August 3, 2018 letter) school aged children, the school district would still receive an annual surplus of tax revenue of approximately \$1,253,193.

In its response letter dated August 3, 2018, the MUFSD did not identify any direct capital improvements that would result from the projected school children. It did provide current capital needs by school, including the three schools to which students residing within the proposed project would attend:

- Central Elementary School - \$4,659, 122
- Hommocks Middle School - \$7,873,992
- Mamaroneck High School – 16,623,744

With an annual projected surplus of \$1,555,160 to the school district, the Proposed Project would provide the MUFSD funds that could be used towards their existing capital needs.

**Comment N.2:**

What is in it for the village beside the taxes? I mean, I understand. That's a big deal.

(Public Hearing 1, pg. 165, Linda Negrin, 2/14/2018)

**Response N.2:**

As outlined in Chapter 3O of the DEIS, Fiscal and Economic Condition, the Applicant anticipates that the proposed project would generate a combined total of \$5,215,568 in annual property taxes, which is \$4,870,287 greater than the taxes generated at the Project Site currently. In addition to the additional tax revenues, the economic benefits to the Village would include other positive impacts to the local economy, such as employment during construction, and potential indirect economic impacts from the residents who would occupy the 105 dwelling units of the Project, such as increased spending in Mamaroneck and the region. The Applicant expects that the Project would support 285 construction



jobs over the course of the construction period, with a regional output of goods and services generated to total approximately \$184,770,600. The indirect output generated from the full buildout of the Project and its occupants is expected by the Applicant to be a gross benefit of \$285,998,050 towards the Westchester County's regional economy.

In addition to the economic benefits described above, the Applicant believes the Project would have numerous other benefits described in detail throughout the DEIS and briefly summarized here. A comprehensive stormwater management system consisting of a series of catch basins, drainage pipes, infiltration basins, bioretention basins, stone diaphragms, continuous deflective system (CDS) units and dry wells would be constructed on the Project Site, designed to filter pollutants and control runoff from impervious surfaces. In addition, the proposed PRD Landscaping Plan would include a twenty-foot buffer of native plantings around the basins. Given these measures, the Project would possibly result in improvements to the overall functionality of the Project Site wetlands, with respect to water quality and stormwater storage/remediation functions.

Pedestrian and bicycle circulation would be facilitated on the Project Site through a redeveloped and improved road and sidewalk network. The proposed site design would lead to a number of improvements to operating conditions, the most notable of which are: improved road surface, profile and alignment of Cove Road across the Project Site for residents on either side of the property; improved pedestrian environment with the completion of a sidewalk across the Project Site; and improved emergency evacuation routes with the raising of Cove Road and Eagle Knolls Road above flood elevation. The Applicant also hopes to improve upon quality of life through diversifying housing types and options in the area. As demonstrated through many of the comments received, there is demand in the community for quality housing options of all types.

The proposed maintenance of shared open space on the Project Site would provide improved natural habitat in those areas and opportunities for passive recreation. As golf course management practices would be limited to the perimeter of the Project Site, an overall reduction in fertilizer, pesticide, and herbicide applications would occur. The Project would ensure the presence of a daily custodian to maintain open space areas on the Project Site. Open space maintenance responsibilities would be shared between the HOA and Hampshire Recreation, LLC based on the land uses identified in Figure 5 in Appendix C and summarized in Table 1.5-1 on Page I-16.

**Comment N.3:**

It seems the estimates of the tax gains presented to date are negligible at best, even when the questionable methods are accepted. But think about what would eat into those slim increases, even if believed. Additional policing as a result of the population influx and the increased traffic; the need to invest in additional emergency services to handle the required response when the area inevitably



floods. There would be a need to increase the investments in our schools in the short term and to grow their operating budgets going forward. There would be greater demand for sanitation, recycling, and snow removal services. Would the estimated tax increases from these homes really cover these additional costs?

(Public Hearing 2, pg. 339, 4/11/2018 and Public Comment Letter 107, pg. 1, 4/22/2018, Jeremy Arfield)

(Public Hearing 2, pg. 358-359, and Public Comment Letter 179, pg. 1-2, Celia Felsher, 4/11/2018)

The tax increases brought by [this development] would not outweigh the strains on our community and services. I see no reason to bend or change zoning to allow this to happen.

(Public Comment Letter 190, pg. 1, Sam Orans, 5/12/2018)

**Response N.3:**

The estimated tax benefit to all taxing jurisdictions, including emergency and other service districts, is provided in the DEIS in Chapter 3N, Community Demographics, Facilities, and Services, and Chapter 3O, Fiscal and Economic Conditions. As detailed, the Applicant asserts that the Project is estimated to result in an increase in demand for police services (0.67 police personnel, 67 square feet of police facility space, 0.07 police vehicles), fire services (0.6 fire personnel, 83.8 square feet of fire facility space, and 0.07 additional vehicles), and emergency medical services (an additional 12.2 EMS calls per year, 0.05 EMS full-time personnel, and 0.01 EMS vehicles), according to the planning standards published in the Urban Land Institute's Development Assessment Handbook. As the quantified impacts are marginal, the Applicant does not consider these projected increases to be significant. The Applicant anticipates the additional taxes generated from the Proposed would cover the cost of these additional services, as well as any increased costs to the Village DPW for solid waste management. Estimated tax projections resulting from the Proposed Action include \$59,688 to the County Refuse district, \$11,407 to the Town Ambulance District, \$81,500 in general Town taxes, \$1,304,928 in Village Taxes, and \$2,604,098 to the school district. The Village of Mamaroneck Board of Trustees and Town of Mamaroneck Board are responsible for determining the use and distribution of local taxes that would be generated from the Proposed Action.

**Comment N.4:**

Page 3O-4. 2nd to last paragraph. The MUFSD has indicated the need for new portable buildings as recently as 2017 for other schools in the District. Section 3O-6 should provide an assessment of the need for new capital facilities as a result of children generated by the project. Note that this comment



does not request a cumulative assessment of the impacts of all pending or proposed projects in the school district; rather, the assessment is requested for the applicant's proposed project only.

(Memo 1, pg. 12, Stuart Mesinger, Consultant to Planning Board, 5/14/2018)

**Response N.4:**

See Response N.1. The response letter from the Mamaroneck Union Free School District dated August 3, 2018 (see FEIS Appendix W) states that the Mamaroneck Union Free School District Board of Education "declined to pursue the portable classrooms for the 2018-2019 school year."

**Comment N.5:**

Provide substantiation for the use of \$2,600,000 as the assessed valuation of the proposed single-family homes and \$1,300,000 for the assessed valuation of the carriage homes and town homes.

(Memo 1, pg. 12, Stuart Mesinger, Consultant to Planning Board, 5/14/2018)

**Response N.5:**

The Applicant calculated the assessed values for the single-family homes and carriage homes based off the fair market values of comparable developments, one of which was in the Village of Mamaroneck; the others are in surrounding communities with similar real estate markets. Comparable developments were considered generally new construction, single-family homes and townhomes with similar square footage and number of bedrooms/bathrooms within the Mamaroneck Union Free School District or similar school district. The table below highlights the comparable homes and townhomes used in the Applicant's calculation of the projected assessed values used in the DEIS. Generally, prices as dictated by the comparable homes below are in the range of \$423 to \$570 per square foot for single-family and a minimum of \$371 per square foot for townhomes. The assessed values used in the DEIS fall within that range. Listings and other backup materials, including dates, are included in FEIS Appendix X.



**Table III.3.N.5-1: Real Estate Comps**

Project Name/ Address	Municipality	School District	Bedrooms/ Baths	Square Footage	Sale or Listed Price	Price/ square foot
71 Edgewood Avenue	Larchmont	MUFSD	5/5.2	5,888	\$2,995,000	\$509
8 Highclere Court	Larchmont	MUFSD	5/4.1	4,908	\$2,795,000	\$570
51 Thompson Place	Larchmont	MUFSD	5/4.1	4,441	\$2,495,000	\$562
20 Gate House Lane	Town of Mamaroneck	MUFSD	5/4.1	4,800	\$2,198,124	\$458
55 Harrison Drive	Larchmont	MUFSD	4/4.1	4,342	\$1,885,000	\$434
606 Fairway Avenue	Village of Mamaroneck	MUFSD	5/5.2	4,639	2,495,000	\$538
16 Gate House Lane	Town of Mamaroneck	MUFSD	5/6.1	7,093	2,999,000	\$423
17 Kilmer Road	Larchmont	MUFSD	4/3	2,426	\$1,360,000	\$561
16 Dante Street	Larchmont	MUFSD	4/4	3,679	\$1,895,000	\$515
23 Glen Eagles Drive	Larchmont	MUFSD	5/5	5,234	\$2,950,000	\$567
Kingfield Aspen Townhomes	Rye Brook	Blind Brook SD	3/2.5	2,423	From \$900,000	\$371

**Comment N.6:**

Page 3O-8. First paragraph. \$11,162 should be replaced with \$11,416.

(Memo 1, pg. 12, Stuart Mesinger, Consultant to Planning Board, 5/14/2018)

**Response N.6:**

Comment noted. DEIS should state "\$11,416" as the estimated tax projection for Tax Parcel 4-14-20, as identified in DEIS Table 3O-8, Estimated Tax Projections.

**Comment N.7:**

Page 3O-9. Table 3O-9. "Apparel" not "appeal"

(Memo 1, pg. 12, Stuart Mesinger, Consultant to Planning Board, 5/14/2018)

**Response N.7:**

Comment noted. DEIS should state "Apparel" in Table 3O-9.



**Comment N.8:**

Page 3O-11. First paragraph. How is 204 jobs calculated? Describe the jobs. Are they permanent or temporary?

(Memo 1, pg. 12, Stuart Mesinger, Consultant to Planning Board, 5/14/2018)

**Response N.8:**

The jobs estimates were calculated using data and multipliers from the Regional Input-Output Modeling System (RIMS II). The final demand multiplier used for indirect jobs supported during the construction phase was 1.6561 per million dollars of construction costs, for a total of 204 jobs supported in the regional workforce, including jobs supported from construction related spending and jobs created through household spending of income from the construction jobs (such as jobs within wholesale retailers and restaurants). This is based on a total estimated cost of construction for the Project or approximately \$123,000,000. These jobs would be supported for the duration of the construction period for the Project, and therefore would be temporary positions.

**Comment N.9:**

Will the carriage houses be taxed as single family houses or as condominiums? How will the taxation status be maintained in perpetuity? Does the fiscal impact analysis accurately reflect the tax status of the residences?

(Memo 1, pg. 12, Stuart Mesinger, Consultant to Planning Board, 5/14/2018)

**Response N.9:**

The proposed carriage houses would be taxed as single family houses, and were analyzed as such in the Fiscal and Economic Conditions analysis in Chapter 3O. The taxation status is not anticipated to change.

**Comment N.10:**

Even assuming that the increase to the tax base would result in lower property taxes - a highly speculative proposition to begin with - any de minimus financial benefit would be far outweighed by the loss in property values that would almost certainly result over time from exacerbating the school overcrowding and neighborhood congestion issues. Environmental-based litigation would further erode the benefit and could possibly result in a catastrophic financial loss to the community.

(Public Comment Letter 3, pg. 1, Jeffrey and Melanie Feinbloom, 1/31/2018)



**Response N.10:**

As analyzed in DEIS Chapter 3M, Traffic, Transportation, Pedestrians and Transit, the Project would not have a significant adverse impact on area traffic operating conditions or result in neighborhood congestion. In fact, the Applicant contends that the proposed site design would lead to a number of improvements to operating conditions, including improved pedestrian and bicycle circulation resulting from a redeveloped and improved road and sidewalk network, improved road surfaces, profile and alignment of Cove Road facilitating east-west access across the Project Site for residents on either side of the property, improved pedestrian environment with the completion of a sidewalk across the Project Site, and improved emergency evacuation routes with the raising of Cove Road and Eagle Knolls Road above flood elevation.

With regards to effects on the school district, see Response N.1. Applying the per student programmatic cost estimated in Chapter 3N of the DEIS of \$15,893 to 66 new public school students (using the ESI multipliers) indicates that the proposed project could result in an additional cost of \$1,048,938 to the Mamaroneck Union Free School District. As demonstrated in Chapter 3O of the DEIS, the estimated property tax revenues to the school district is \$2,604,098. Using these figures, the Mamaroneck Union Free School District would receive an annual surplus of tax revenue of \$1,555,160. Even if the Proposed Action resulted in 85 school aged children, as suggested by MUFSD, the school district would still receive an annual surplus of tax revenue of approximately \$1,253,193.

The MUFSD did not identify any direct capital improvements that would be needed as a result of the projected school children. It did provide current capital needs by school, including the three schools to which students residing within the proposed project would attend:

- Central Elementary School - \$4,659, 122
- Hommocks Middle School - \$7,873,992
- Mamaroneck High School – 16,623,744

With an annual projected surplus of \$1,555,160 (using the ESI multipliers) to the school district, the Proposed Project would provide the MUFSD funds that could be used towards their existing capital needs.

**Comment N.11:**

PDEIS overestimates taxes to be generated by development, not supported by local real estate and up-to-date valuations. The Mamaroneck School District will likely incur higher than typical per student costs because several schools are already filled to capacity. The PDEIS per pupil cost estimate is too low and not based on metrics appropriate for Mamaroneck School.

(Public Comment Letter 67, pg. 14-17, Lisa Liquori, 2/14/2018)



This project may likely cost taxpayers. The financial impact needs to be more clearly analyzed and supported with real information. For example, the true number of expected students needs to be provided, together with the impact on school building availability, to truly understand the cost to our school district. We also need supported information on value to understand how the tax base will be impacted - and compared to the cost of additional municipal services.

(Public Comment Letter 73, pg. 3, Randi Spatz, 4/3/2018)

**Response N.11:**

See Response N.4. The Applicant calculated the assessed values for the single-family homes and carriage homes based off the fair market values of comparable homes recently sold or constructed, one of which was in the Village of Mamaroneck; the others are in surrounding communities with similar real estate markets.

With regard to effects on the school district, see Response N.1. Applying the per student programmatic cost estimated in Chapter 3N of the DEIS of \$15,893 to 66 new public school students (using the ESI multipliers) indicates that the proposed project could result in an additional cost of \$1,048,938 to the Mamaroneck Union Free School District. As demonstrated in Chapter 3O of the DEIS, the estimated property tax revenues to the school district is \$2,604,098. Using these figures, the Mamaroneck Union Free School District would receive an annual surplus of tax revenue of \$1,555,160. Even if the Proposed Action resulted in 85 school aged children, as suggested by MUFSD, the school district would still receive an annual surplus of tax revenue of approximately \$1,253,193.

The MUFSD did not identify any direct capital improvements that would be needed as a result of the projected school children. It did provide current capital needs by school, including the three schools to which students residing within the proposed project would attend:

- Central Elementary School - \$4,659, 122
- Hommocks Middle School - \$7,873,992
- Mamaroneck High School – 16,623,744

With an annual projected surplus of \$1,555,160 (using the ESI multipliers) to the school district, the Proposed Project would provide the MUFSD funds that could be used towards their existing capital needs.

**Comment N.12:**

The argument that was made at the Planning board — that [project] will provide jobs -- is ridiculous. A couple of months of construction jobs will not make up for the many year-round jobs lost when the golf course is eliminated.



(Public Comment Letter 160, pg. 1, Judy Santamaria, 5/11/2018)

**Response N.12:**

Under the Proposed Action, the members only golf course would not be completely eliminated, but would be downsized to a 9-hole course. As the clubhouse is currently in operation, the existing number of jobs that are held at the clubhouse are 15 during off-season and 75 during on-season. At full build-out of the Project, the Applicant anticipates that the number of jobs associated with the clubhouse would increase to 16 during off-season and 80 during on-season, an increase of 6.4%. This is due to the fact that proximity to the Club would possibly be a draw of the new homes, and therefore many of the new residents of the Project would join the Club as social members to utilize the tennis, swimming and clubhouse facilities. The Applicant anticipates the increase in membership to outperform the decrease in golf memberships at full buildout. The 9-hole course would still be attractive to a significant percentage of golfers generally and the other amenities are anticipated to be attractive to the future residents of the Project. In addition, the Applicant anticipates that a number of jobs would be generated in association with the maintenance of the residential development, including landscaping or property management positions. The proposed 179 parking spaces would be able to accommodate the increased number of employees.



## O. Environmental Contamination

### Comment O.1:

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 school children during construction.

(Public Hearing 1, pg. 44, and Public Comment Letter 67, pg. 1, Steven Kass, 2/14/2018)

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.

(Public Hearing 1, pg. 86, and Public Comment Letter 67, pg. 2, Charles Rich, 2/14/2018)

The dangerous levels of arsenic and lead contamination could have severe effects on our community. Its release through construction dust and ground water poses a serious health risk to:

- a. Children and staff at the Hommocks School.
- b. Residents of surrounding homes and
- c. Construction workers and residents of the proposed development itself.

(Public Comment Letter 77, pg. 1, Nova Cutler, 4/8/2018)

(Public Comment Letter 100, pg. 1, George Mgrditchian, President - Orienta Point Association, 4/11/2018)

(Public Comment letter 243, pg. 1, John Cecil, 5/14/2018)

More information is required regarding the location of and the effects of cutting and filling contaminated soils, during construction (airborne and under flooding conditions) and post construction/long term with regard to safety. Two metals, arsenic and lead are present on site. Greater detail re: the location and impacts of cut & fill activities for site redevelopment is needed, including impacts associated with steep slopes and areas prone to erosion (evaluate risk that contaminants will be exposed). Identify contaminated soils be remediated, used as fill and/or used to regrade the site.

(Public Comment Letter 106, pg. 1, Cindy Goldstein, Chair - HCZMC, 4/23/2018)

**Response O.1:**

Pesticides and herbicides are commonly used on golf courses and other recreational and horticultural landscaped areas to maintain the health and appearance of the turf. The Project Site has been a golf course with maintained turf since the 1930s. Standard practice for this industry would include the direct, surface application of pesticides (including lead arsenate), and herbicides and other potential turf maintenance chemicals. These turf maintenance chemicals preferentially adsorb to the soil. In accordance with the soil sampling work plan developed by the Planning Board's expert consultants to evaluate these conditions, GZA collected samples of the shallow soils and sediments (0-24 inches below ground surface) to assess the presence of these chemicals. In its current use as a golf course, pesticide and herbicide applications in accordance with manufacturer's instructions are to be expected, and do not constitute a condition of that is a regulatory concern.

However, based on the chemical properties of the contaminants of concern, there is a low health risk of exposure to nearby property owners. The elevated levels of contaminants found in the soil were arsenic, lead and six pesticides (4,4'-DDD, 4,4'-DDE, 4,4-DDT, Aldrin, alpha-Chlordane, and Dieldrin). These materials tend to bond to the soil matrix, and do not typically migrate to surrounding soils, or into the groundwater.

The NYSDEC Solid Waste Regulations do not require the preparation of a remedial action work plan, or the performance of other special remedial activities necessary to remove the residual herbicides and pesticides found at the Project Site. The NYSDEC Division of Materials Management has reviewed the sample results obtained by GZA (in Appendix L of the FEIS) and has determined that the proposed re-use of on-site soil for the project's cut and fill program meets the conditional exemption under the 6NYCRR Part 360.13 (c) (see letter dated August 7, 2018 in Appendix L of the FEIS). In addition, Appendix L of the FEIS contains the documentation submitted to the NYSDEC that was the basis for their determination to allow the reuse of the soils on-site. While the NYSDEC requires only one foot of clean fill cover over any soils reused to prevent interaction with the residents of the new development, the Applicant is proposing to cover reused fill with at least 2 feet of certified clean fill.

The construction of the Proposed Action does not propose to disturb contaminated soil within the groundwater table. Two geotechnical investigations performed by GZA identified the observed groundwater table in March 2016 and July 2018. Mapping of the groundwater table (See Appendix c, Figure 10a) compared to the proposed area of excavation showed that that the Proposed Action would not involve excavation within the groundwater table. Excavation and filling activities are being performed to raise the current grade and create a platform which would elevate the development further above the water table, rather than excavating into the water table. Dewatering is not planned, and groundwater is therefore not anticipated to be disturbed. The Proposed Actions are not planned for areas of the property where the groundwater is shallow, or that are not being raised.



Further, as is typical of projects of this size in New York State, a Construction Work Plan (CWP) was developed for the Proposed Action and can be found in Appendix G of the FEIS. The CWP describes the contractor responsibilities and expected project execution steps to limit the off-site mitigation of soils during construction. The CWP identifies specific best management practices to be put in place to protect the environment, adjacent property owners and Village residents during construction, including: site security; truck routes; soil erosion control measures; soil importation documentation; blasting requirements; and weekly summaries of upcoming construction activities provided to the Township Engineer. The CWP also includes a Construction Health and Safety Plan (CHASP) that addresses measures to minimize exposure to impacted soil by contact, inhalation and ingestion through the establishment of safety protocols, hazard response, and implementation of active dust monitoring.

The CHASP describes a community air monitoring program (CAMP) that complies with 29 CFR Part 1926 (Safety and Health Regulations for Construction) and with the requirements of the New York State Department of Health (NYSDOH) Generic CAMP, Appendix 1A of NYSDEC DER-10 dated May 2010. Under the CHASP, airborne dust would be monitored downwind of active construction areas with action levels set to alert the Contractor to the need to implement dust control measures.

The Applicant proposes to undertake air monitoring, which includes organic vapor and particulate matter. Monitoring for organic vapors would be conducted during the first three days of ground intrusive activity to determine if further monitoring is warranted. If ambient air concentrations of VOCs at the downwind perimeter do not exceed background levels over the first three days, then the air monitoring plan would be modified to include only particulate monitoring. The Project Superintendent shall be responsible for particulate monitoring and determining when the wetting of soils is needed and the most appropriate method to use for particulate monitoring.

If soil becomes air borne during construction, the soil contaminant concentrations identified do not show an increased health risk at levels more-stringent than the visible (nuisance) dust levels. Therefore, normal dust control procedures would be protective of both worker safety and community safety without additional measures needing to be taken. The CWP also includes a Materials Handling Plan (MHP) for use by the contractor during the construction of the planned residential development. The MHP details the soil handling and stockpiling procedures, on-site soil reuse procedures, demarcation, and documentation of imported purchased, clean fill from off-site sources. It is possible that in the event of a 100-year tidal flood that occurs when soil piles are not stabilized that some transport of soil may occur. It is not possible to predict the extent or location of such transport, should it occur.

Construction activities are to be performed in accordance with the State of New York's current construction specifications and regulations and include requiring heavy-duty vehicles be equipped



with pollution control devices, adherence to the State's anti-idling law and use of ultra-low sulfur diesel fuel (ULSD). The construction mitigation would be in compliance with all applicable local, state, and federal regulations.

Fibrous peat can be found at the Site. The fibrous peat was deposited as part the former coastal marshland and streams that formed the low-lying eastern and western areas of the Site prior to development of the golf course in the late-1920s. The location where most of the peat deposits were encountered is proposed to be maintained as part of the nine hole members only golf course.. Also, wetland regulations require that no development or ground disturbance from the proposed residential buildings would occur in existing wetlands or wetland buffers. The Proposed residential development would be built up above the existing ground surface in most areas which would also limit the amount of peat deposits that are exposed by the construction.

Although the peat contains significant amounts of organic carbon, not all soil organic matter is broken down by micro-organisms to generate methane, and some is relatively inert. The most rapid rate of methane generation comes from the breakdown of fresh residues such as plant roots and living organisms (< than 5 years), while resistant residues which are physically or chemically protected are slower to breakdown (20-40 years). Inert carbon is largely unavailable to microorganisms and is associated with highly weathered soils and historical burning. By contrast, the bio-available (fresh) carbon is primarily influenced by "new" organic matter (originating from plants and/or animals) contribute more to methane generation. Since no new organic matter is being added to these peat/marsh areas (they have been buried over 80 years) the amount of methane generation is expected to be minimal.

**Comment O.2:**

Mitigation is stated to be by capping with other soils, but further Testing may lead to the need of off-site disposal of soils, not contemplated in the DEIS.

(Public Comment Letter 67, pg. 11 and Public Hearing 1, pg. 72-73, Neil Porto, 2/14/2018)

All of the soil samples collected thus far are extremely shallow - between land surface and only 2' deep. Consequently, the test results from these surficial samples, although informative, are entirely inadequate to properly 'map' the nature and extent of arsenic or pesticide contamination (and other chemical constituents) across the entire property. The levels of arsenic or pesticide in soils greater than 2' deep are unknown.

(Public Comment Letter 67, pg. 3, Charles Rich, 3/19/2018)



Moreover, the Proposed Action contemplates excavation of soils greater than 2 feet deep for construction of the raised central development platform. Thus, because there was no testing deeper than 2 ft., the severity of any arsenic contamination deeper than only 2 ft. is still completely unknown. However, simply saying that further study is promised and site preparation-related soil disturbances will follow a reviewed Plan neither guarantees that future data-gathering efforts or health & safety protocols will be adequate, nor that there will be any mechanism for NYSDEC or Village oversight and enforcement once this SEQRA review process is concluded. What that statement does is indicate that the DEIS testing to date is itself inadequate.

(Public Comment Letter 179, pg. 2, Charles Rich, 5/10/2018)

Confirmation is needed that remediation of soils for the 55 to 60 acres to be disturbed and capping will meet all applicable regulatory requirements, including but not limited to New York State DEC regulations.

(Public Comment Letter 106, pg. 1, Cindy Goldstein, Chair - HCZMC, 4/23/2018)

**Response O.2:**

The NYSDEC Division of Materials Management has reviewed the sample results obtained by GZA (in FEIS Appendix L) and has determined that the proposed re-use of on-site soil for the project's cut and fill program meets the conditional exemption under the 6NYCRR Part 360.13 (c) (see letter dated August 7, 2018 in FEIS Appendix L).

The on-site soils for this project that would be disturbed and reused on-site, are not regulated by Part 360 and a further Remedial Action Plan is not necessary under NYSDEC Regulations.

Instead, the soils would be treated in accordance with the NYSDEC Division of Materials Management rules and regulations. To date, no visual evidence (including odors) of chemical or physical contamination has been observed in the sampling performed at the Project Site. Under the NYSDEC Regulations, if there is no visual evidence (including odors) of chemical or physical contamination discovered during excavation, then no additional sampling or analyses of reused excavated material is anticipated. If visual evidence of chemical or physical contamination is identified during construction, then the Project Superintendent would manage the change of conditions. A qualified environmental professional would evaluate the soil in accordance with the NYSDEC Division of Materials Management rules and regulations.

In accordance with the NYSDEC Division of Materials Management, a minimum of 12 inches of clean cover must be placed on top of the excavated on-site fill used to create the soil platform. This cover allows for the beneficial reuse of soil to raise the grade while limiting future direct contact after





construction. The Proposed Action would exceed the NYSDEC's regulations and standard cover requirement, as the Applicant is proposing to create a minimum of two feet of clean soil cover in most areas.

**Comment O.3:**

The applicant indicates that, and I quote, "All imported soil will be in compliance with NYSDEC's residual soil clean up objectives." The imported fill needs to be tested at the source as well as inspected when it's trucked on site.

(Public Hearing 1, pg. 94, Charles Rich, 2/14/2018)

It pains me to think of the hazardous material that will be brought in large construction trucks with massive amounts of fill being delivered as our kids are milling about, walking, playing sports, and enjoying their school.

(Public Comment Letter 79, pg. 1, Stephanie Sklar, 4/9/2018)

Developer fill is almost never pure. Who will be responsible for the quality?

(Public Comment Letter 80, pg. 1, Todd Larsen, 4/9/2018)

How will you be able to verify that this will be clean soil throughout the process.

(Public Comment Letter 100, pg. 1, George Mgrditchian, President - Orienta Point Association, 4/11/2018)

**Response O.3:**

The Applicant expects to purchase certified clean fill for use as a cover source from off-site sources. The source of the off-site fill would provide a certification of independent testing, which demonstrates that the material meets NYSDEC clean fill standards. For material (landscaped areas of the Project Site within 2 vertical feet of the final surface grade elevation), environmentally clean fill is defined as soil that has been tested utilizing methods which yield laboratory reporting limits that are below the regulatory comparison criteria and found to contain:

- No detectable concentrations of volatile organic compounds;
- No other organic compounds or inorganic analytes at concentrations above 6 NYCRR 375-6 Unrestricted Use Soil Cleanup Objectives; and
- No other organic compounds or inorganic analytes at concentrations above the lower of the NYSDEC CP-51: Soil Cleanup Guidance Residential Use, Protection of Ecological Resources, and Protection of Groundwater Supplemental Soil Cleanup Objectives.



All certifications would be provided to the Village, as required, prior to the commencement of the site work.

**Comment O.4:**

The cut and fill plan includes provision for burying soil contamination with only a two-foot clean fill buffer or a blanket above it. This buffer is an engineering control designed to protect human health, and, as such, must be maintained and periodically inspected to ensure that it remains protective. I would judge that this would present a continuing burden to the village, potentially in perpetuity for this project. Such inspection and maintenance protocols would be set forth in a written site management plan typically, which would need to be enforced by an institutional control such as a deed restriction.

(Public Hearing 1, pg. 87, Charles Rich, 2/14/2018)

On-site expertise will be necessary to monitor work on a real time basis. The Village itself has to do it. You can't, kind of, trust the fox in the henhouse on this one, similar with the contamination and fill. Additional competent and experienced resources are going to have to be hired, and all of this should be documented in the DEIS.

(Public Hearing 2, pg. 354, and Public Comment Letter 179, pg. 1, Celia Felsher, 4/11/2018)

However, simply saying that further study is promised subject to DER-10 Guidance neither guarantees that future data-gathering efforts will be sufficiently adequate, nor any mechanism for NYSDEC oversight or input once the SEQRA review process has been concluded...Such soil management documents, presumably prepared by the Applicant in the public interest, would be subject to review and approval - assuming NYSDEC, a DEIS reviewing agency, would remain involved in further review and ongoing monitoring of this project.

However, in the absence of monitoring by the State, the adequacy and applicability of a Plan, once approved, specific modifications to that Plan, as-needed, and the ongoing implementation as well as compliance of the required on-site protocols and agreed upon protective conditions during actual construction by the General Contractor, would likely fall to the Mamaroneck Village Engineer.

(Public Comment Letter 67, pg. 2, Charles Rich, 3/19/2018)

**Response O.4:**

In accordance with the NYSDEC Division of Materials Management, the project's cut and fill program meets the on-site reuse exemption under the 6NYCRR Part 360.13 (C) which only requires a minimum of 12 inches of cover.



Therefore, the on-site soils for this project that are proposed for re-use cease to be regulated by Part 360. The project would not be in a regulatory program and therefore would not have a Remedial Action Plan or a Site Management Plan.

A Construction Work Plan (CWP) was developed for the project and can be found in FEIS Appendix G. The CWP describes the contractor responsibilities and expected project execution steps. It also describes the safeguards to be put in place to protect the environment, adjacent property owners and Village residents during construction. The CWP includes a Materials Handling Plan (MHP) for use by the contractor during the construction of the planned residential development. The MHP details the soil handling and stockpiling procedures, on-site soil reuse procedures, demarcation, and documentation of imported purchased, clean fill from off-site sources. In addition, the CWP includes a Construction Health and Safety Plan (CHASP) that addresses measures to minimize exposure to impacted soil by contact, inhalation and ingestion through the establishment of safety protocols, hazard response, and implementation of active dust monitoring.

Construction activities are to be performed in accordance with New York's current construction specifications and regulations. In addition, specific mitigation measures for short term impacts would include, appropriate methods of dust control as determined by the surface affected (i.e. roadways or disturbed areas) and would include, as necessary, the application of water, the use of stone in construction roads, and vegetative cover.

The CHASP describes a community air monitoring program (CAMP) that complies with 29 CFR Part 1926 (Safety and Health Regulations for Construction) and with the requirements of the New York State Department of Health (NYSDOH) Generic CAMP, Appendix 1A of NYSDEC DER-10 dated May 2010. Under the CHASP, airborne dust would be monitored downwind of active construction areas with action levels set to alert the Contractor to the need to implement dust control measures.

In accordance with the CHASP and the CAMP, the Project Superintendent shall be responsible for particulate monitoring and determining when the wetting of soils is needed and the most appropriate method to use for particulate monitoring during construction.

As defined in the CHASP, the Project Superintendent would be the person responsible for the construction project as designated by the Contractor. The Project Superintendent is responsible for all management, but supervisory personnel from all subcontractors share responsibility for compliance with Health and Safety programs, policies, procedures and applicable laws and regulations. This includes the need for effective oversight and supervision of project staff necessary to control the Health and Safety aspects of on-site activities.



The Contractor may delegate a "Site Safety Coordinator" or "Site Safety Manager" (SSM) to be responsible for making sure the safety policies and procedures are being followed on-site. The Contractor SSM is responsible for day-to-day implementation of the safety program including this CHASP. The SSM is also responsible for incident investigations, first aid and incident management. The SSM would report directly to the project superintendent (or designee selected by the project superintendent).

The Project Superintendent must be a "Competent Person," as defined by OSHA 1926.20(b) - Accident Prevention Responsibilities, as the individual "who is capable of identifying existing and predictable hazards in surroundings or working conditions which are unsanitary, hazardous, or dangerous to employees, and who has authorization to take prompt corrective measures to eliminate them."

Training for construction workers would include 10-hour OSHA construction Safety training. The SSM must be 30-hour OSHA construction safety trained in addition to the 10-hour training. The CAMP air monitoring technicians meet the requirements of a Qualified Environmental Profession (QEP) as defined by NYSDEC. The reporting of action levels during the CAMP would inform the Contractor in real time to keep the dust levels low and prevent community complaints. The reporting of health and safety incidents helps to keep the construction site safe. These are best management practices that would be in-place during the construction project. Future Phases of work at the Project Site would be subject to similar solid waste standards for soil handling and construction management.

**Comment O.5:**

If all the soil were excavated, relocated, and buried to support the construction of the platform, if it were, instead, transported off-site to a regulated landfill, sampling requirements for accepting such soil would mandate at frequent -- a sampling frequency of least one sample per thousand tons by law. That would equate to about 300 samples or so, assuming a soil volume in excess of 200,000 yards going off the site. We only have 21 locations compared to 300, so it's deficient. And this dirt would be classified as regulated or hazardous waste going into a landfill.

(Public Hearing 1, pg. 89, 2/14/2018, Public Comment Letter 67, pg. 4, 3/19/2018, Charles Rich)

**Response O.5:**

All soils would be re-used on-site and would not be transported off-site. The NYSDEC Division of Materials Management has reviewed the sample results and has determined that the proposed re-use of on-site soil for the project's cut and fill program meets the conditional exemption under the 6NYCRR Part 360.13 (c) (see letter dated August 7, 2018 in FEIS Appendix L). To date, the Applicant reports that no visual evidence (including odors) of chemical or physical contamination has been observed in the



sampling performed at the Project Site. Under the statute, if there is no visual evidence (including odors) of chemical or physical contamination discovered during excavation, then no additional sampling or analyses of reused excavated material is anticipated. Appendix L of the FEIS contains the documentation submitted to the NYSDEC that was the basis for their determination to allow the reuse of the soils on-site.

**Comment O.6:**

The applicant indicates a combined total of about 100 cubic yards of petroleum contaminated soil still in the two spill areas. They say that this volume of soil is simply going to be dug up, relocated, and reburied under the core of the platform. That's not necessarily appropriate. The volume's speculative, and at this time, it's unsupported. Could be a lot more than 100 yards.

(Public Hearing 1, pg. 90-91, 2/14/2018, Public Comment Letter 67, pg. 4, 3/19/2018, Charles Rich)

**Response O.6:**

The two former petroleum spills on-site have been closed in accordance with NYSDEC and Westchester County Department of Health protocols. NYSDEC Spill Case No. 9902193 (May 1999) was a spill associated an unknown quantity of gasoline. NYSDEC remarks indicate no further action recommended after the tank and impacted soils were removed.

A second NYSDEC Spill Case No. 9902831 (June 1999) was subsequently assigned for a spill with an unknown quantity of No. 2 fuel oil. NYSDEC notes state that the tank was removed and soil cleanup was performed. The NYSDEC remarks also indicate no further action was recommended after the soil cleanup and tank removal.

No soils are to be excavated in the areas of the tanks that were closed near the club house building. Areas of the Project Site near the maintenance building may have soil disturbance as part of planned utility work. However, in general these are areas where the site grade would be raised rather than lowered. Under the statute, if there is no evidence (including odors) of chemical or physical contamination discovered during excavation, then no additional sampling or analyses of reused excavated material is required. Although not anticipated, if petroleum impacted soil is identified, then it would be not be reused on-site, since it would be identified as visual evidence of chemical contamination.

**Comment O.7:**

The phase II Environmental Assessment mentions that practically the entire site has some arsenic, lead, and pesticide contamination, but fails to propose remedies for the 72.8-acres that are left undeveloped and are proposed for ongoing use as a golf course (36.8 acres) and as open space accessible for passive



recreation (restricted to members of the future homeowner's association and club members). Note: The sample plot location map on page 716 of the report in Appendix P is missing the sample plot number designations for plots 8, 9, 18 and 19.

(Public Comment Letter 1, pg. 1, Sven Hoeger, Environmental Consultant to the HCZMC, 1/12/2018)

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

(Public Comment Letter 1, pg. 4, Sven Hoeger, Environmental Consultant to the HCZMC, 1/12/2018)

Despite the limited soil testing, there are already at least two (2) surficial soil areas outside of the soil platform contaminated with arsenic at levels above the applicable residential SCO standard of 16 mg/kg. And there are 36 acres of open space outside of the soil platform that will not be part of the 9-hole golf course included in the development. This land will presumably be owned and operated by an HOA. The DEIS does not indicate the type of use for this open space, further testing of it, or any soil protective measures proposed if it is to be considered for picnic area(s), and/or playground or dog park, etc. The applicability of the '16 mg/kg' arsenic guidance value is used as an action level for soil management since soil with arsenic levels greater than 16 mg/kg are considered potentially harmful to humans if excessive quantities are ingested (NYSDOH, 'The Development of New York State Cleanup Objectives for Arsenic'). The supplemental soil sampling to be described in an Investigation Work Plan, yet to be prepared by the Applicant, should be designed to delineate all soil quality in excess of 16 mg/kg site-wide.

(Public Comment Letter 67, pg. 4, Charles Rich, 3/19/2018)

There are concerns that there is no remediation plan for proposed open space areas. There is concern that if open space areas are not subject to remediation, there still may be impacts to the 55 to 60 acres to be developed as well as to nearby properties.

(Public Comment Letter 106, pg. 1, Cindy Goldstein, Chair - HCZMC, 4/23/2018)

#### **Response O.7:**

In the development areas, the Applicant would consolidate the on-site soil below the development platform. Other areas of the Project Site would be maintained as open spaces and passive recreational



areas and kept in a natural state. The Project Site is not in a regulatory program that requires additional sampling or active remediation.

The landscaped areas of the Project Site that would be maintained as Hampshire Country Club would continue to implement the industry-established Best Management Practice (BMPs) for Golf Courses in New York State (Portness, et. al, February 2014).

The Applicant proposes to convert 30.6 acres of open space from the current active recreational use (golf) to passive private recreation and open space. New landscaping would be planted in this open space, primarily along the berms of the development platform to provide vegetative buffers between the new residential buildings and the existing neighboring properties. Limited landscape planting is proposed in other open space areas of the site, but the open space is otherwise proposed to be left in a natural condition. See Figure 6a, Landscaping Plan, in FEIS Appendix C. This open space would provide improved natural habitat and opportunities for passive recreation for all community members.

As stated in the DEC letter dated August 7, 2018, if fill material exhibits historical or visual evidence of contamination (including odors) and would be used in an area with public access, the relocated fill material would be covered with 12-inches of soil or fill material that meets the criteria for general fill.

Post construction, this open space site cover would be maintained. The golf course would be maintained in accordance with Best Management Practices for NYS Golf Courses. The open spaces associated with the homes would be maintained by the HOA.

**Comment O.8:**

The DEIS indicates that one of the three existing septic systems servicing the property will be tested (the one at the tennis pavilion). In addition, there are two (2) separated pad-mounted electrical transformers located on the south and north sides of the golf course. In addition to testing one of the three septic systems, surficial soils in proximity to both transformer pads should be tested for the possible presence of PCB isomers, particularly the higher-chlorinated pervasive isomers (i.e., 'Aroclor 1260'). Information as to whether surficial soil at either of these two transformer pad areas is either hazardous or non-hazardous (the possibility of residual leakage from older PCB containing transformers) would be potentially important should these two transformer areas continue to be utilized to supply energy.

(Public Comment Letter 67, pg. 5, Charles Rich, 3/19/2018)

**Response O.8:**

All three existing septic systems on-site would be closed as part of the proposed redevelopment plan under the appropriate provisions of the Westchester County Sanitary Code by licensed septic system



contractors. (<http://health.westchestergov.com/images/stories/Sanitarycode/sanitary-code873.pdf>). (Note that the DEIS proposed that two systems be closed but the Applicant subsequently proposed that all three existing systems be closed).

There are two pad-mounted transformers on the Project Site. The transformers are located near the southern and northern sides of the on-site golf course. The Applicant's consultant, GZA, did not observe surficial staining at either transformer location during the Phase I ESA. The Applicant reports that, to date, no visual evidence (including odors) of chemical or physical contamination has been observed in the sampling performed at the Project Site. Under the statute, if there is no visual evidence (including odors) of chemical or physical contamination discovered during excavation, then no additional sampling or analyses of reused excavated material is anticipated. If the transformers are taken out of service during the planned redevelopment activities then the electrical upgrades would be dealt with in accordance with local, state and federal regulations.

**Comment O.9:**

The DEIS discussion of this historical infilling suggests that the fill was simply used for grading the surface and for contouring purposes, and nothing more. Consequently, the Applicant concluded that because this historical fill was used as a relatively thin veneer of cover to control topography, that it was, in general, deemed sufficient to test site soils only down to the 2' depth. Needless to say, given the Proposed Action, a detailed description of the type, thickness, and nature of this historical infilling is now newly important, and should be investigated.

(Public Comment Letter 67, pg. 5, Charles Rich, 3/19/2018)

**Response O.9:**

In accordance with the NYSDEC Division of Materials Management, the project's cut and fill program meets the conditional exemption under the 6NYCRR Part 360.13 (C) which only requires a minimum of 12 inches of cover and states that:

*(c) Exemption for on-site reuse of fill material. Fill material used as backfill for the excavation from which the material was taken or as fill in areas of similar physical characteristics on the project property is exempt from regulation under this Part. If fill material exhibits historical or visual evidence of contamination (including odors), and will be used in an area with public access, the relocated fill material must be covered with a minimum of 12 inches of soil or fill material that meets the criteria for general fill, as defined in this Part.*

The Applicant reports that, to date, no visual evidence (including odors) of chemical or physical contamination has been observed in the sampling performed at the Project Site. Under the statute, if there is no visual evidence (including odors) of chemical or physical contamination discovered during





excavation, then no additional sampling or analyses of reused excavated material is anticipated. Appendix L of the FEIS contains the documentation submitted to the NYSDEC that was the basis for their determination to allow the reuse of the soils on-site. No further testing is currently required by the NYSDEC.



## **P. Noise**

### **Comment P.1:**

In fact, DEIS page 3R-4 essentially states that once a developer retains a contractor, the contractor will then prepare a noise control plan to identify and quantify the potential for impact and indicate what type of noise measures are required. But SEQRA requires that the noise analysis be included in the environmental review document, and the noise analysis must be completed prior to the lead agency making SEQRA findings, not after the contractor retains a developer.

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

(Public Hearing 1, pg. 98-99, and Public Comment Letter 67, pg. 1, Chris Fazio, 2/14/2018)

### **Response P.1:**

A detailed Construction Noise Study has been conducted by the Applicant and includes existing ambient noise measurements, predictions of construction noise, an assessment according to applicable state policies and local ordinances, and recommendations for best management practices to reduce construction noise effects. The Construction Noise Study is attached as FEIS Appendix Y. As discussed therein, construction noise levels would increase existing ambient conditions by more than 10 dBA at certain residential locations close to the proposed earthwork construction. Although noise levels are not projected to exceed 65 dBA (Leq) throughout most of the Orienta neighborhood, (as shown in Figure 2 in the Construction Noise Study in FEIS Appendix Y), best management practices to reduce construction noise would be implemented. The predominant source of construction noise would be the stationary equipment. In efforts to reduce potential noise impacts during construction, noise reduction measures would include limitations to certain daytime and weekday hours, locating stationary construction equipment far from noise-sensitive sites, and use of temporary noise barriers, among others. The increased construction noise levels at residences is an unavoidable short-term adverse impact of the project, which is expected to last the duration of Project construction, at least six years.

### **Comment P.2:**

Page 3R-3. The Village Code limits construction hours to 8:00 am to 6:00 pm. However, page 3M-37 references construction truck access between 4:00 pm and 7:00 pm. Clarify.



(Memo 1, pg. 12, Stuart Mesinger, Consultant to Planning Board, 5/14/2018)

**Response P.2:**

Construction trucks would access the Project Site up to 6:00 pm on weekdays in accordance with the Village Noise Ordinance. See Response L.2 for proposed limits on construction traffic.

**Comment P.3:**

Page 3R-4. First paragraph. In other sections of the DEIS, rock removal is noted as potentially necessary. Clarify.

(Memo 1, pg. 12, Stuart Mesinger, Consultant to Planning Board, 5/14/2018)

**Response P.3:**

Based on the composition of the bedrock, the Applicant now believes that blasting would be required for removal. See the preliminary construction work plan in FEIS Appendix G. An area of bedrock removal has been identified in the vicinity of lot 9 based on borings performed by GZA (as shown in FEIS Appendix N). A certified blasting company would be needed to determine the number of days or daily duration of blasting. Based on the minor volume of rock to be removed it is estimated that blasting would require one to two weeks to perform with normally two blasts per day. During construction, careful attention would be paid to the neighboring properties. The blasting would be conducted by a New York State licensed blasting contractor. The selected contractor would prepare a written Blasting Plan in accordance with the Village of Mamaroneck Village Code Chapter 120 and the New York Department of Transportation "Geotechnical Engineering Manual: Procedure for Blasting" latest edition (Appendix 5), providing a detailed description of the means and methods of the proposed rock removal program. This plan would be forwarded to the Village Engineering Department and Building Department for review. The blasting contractor would have a Pre-Blast meeting with representatives of the Village Engineering and Building Departments to review schedule, field activities and vibration and noise monitoring. The blasting contractor would also implement acoustic overpressure and vibration monitoring as required by the Blasting Plan to minimize the risk of structural damage to nearby structures. Since blasting involves relatively short (a few seconds) noise exposures in the community, the Applicant does not consider it to be a significant cause of human annoyance.

**Comment P.4:**

Pages 3R-4 and 3R-5. Discuss the potential need for noise mitigation measures. The need for such measures should be further evaluated and provided in the EIS if they are required.



(Memo 1, pg. 12, Stuart Mesinger, Consultant to Planning Board, 5/14/2018)

**Response P.4:**

See Response P.1.

**Comment P.5:**

Discuss the impacts on noise to residences from truck traffic on residential streets leading to the project site. The analysis should estimate decibel levels from passing trucks compared to background noise levels and discuss the frequency and time period over which sound level increases will occur.

(Memo 1, pg. 12, Stuart Mesinger, Consultant to Planning Board, 5/14/2018)

**Response P.5:**

The Construction Noise Study included in FEIS Appendix Y details noise from trucking operations and stationary equipment and compares the sound levels from construction activities to existing conditions. As analyzed in the Construction Noise Study, the predominant source of construction noise would be the stationary equipment such as rock crushers and equipment generators, since trucking operations and passbys generate relatively brief noise exposure at approximately ten seconds. The Construction Noise Study finds that construction would generate noise levels ranging from 49 to 65 dBA at nearby residences, which is an unavoidable short-term (at least six years) adverse impact of the project. In efforts to reduce potential noise impacts from truck traffic, noise reduction measures would include limitations to certain daytime and weekday hours, minimizing idling times and potential rerouting of truck routes, among others. The increased truck generated noise levels at residences is an unavoidable short-term adverse impact of the project, which is expected to last the duration of the Project, at least six years.

**Comment P.6:**

Provide a quantitative assessment of construction noise on nearby residential receptors.

(Memo 1, pg. 12, Stuart Mesinger, Consultant to Planning Board, 5/14/2018)

**Response P.6:**

A quantitative assessment of the construction noise is provided in a Construction Noise Study found in FEIS Appendix Y. Construction including trucking operations and stationary equipment would generate noise levels ranging from 49 to 65 dBA (Leq) at adjacent receptor locations. Noise levels would generally increase over existing ambient conditions by three to eight dBA at most locations. At some locations particularly close to the proposed earthwork, construction noise would increase



existing ambient conditions by up to 13 dBA (Leq). The increases in construction noise are primarily due to the stationary earthwork equipment. Locations where construction would increase existing ambient conditions by 10 dBA or more include residences on Eagles Knolls Road, Sylvan Lane, and Cove Road North which are near the limits of earthwork construction. The increase in construction noise levels at nearby residences is a short term, (at least six years) unavoidable project impact.

Although noise levels would not exceed 65 dBA (Leq) throughout most of the Orienta neighborhood (as shown in Figure 2 in the Construction Noise Study in FEIS Appendix Y), best management practices to reduce construction noise would be implemented. The predominant source of construction noise would be the stationary equipment. In efforts to reduce potential noise impacts during construction, noise reduction measures would include limitations to certain daytime and weekday hours, locating stationary construction equipment far from noise-sensitive sites, and use of temporary noise barriers, among others.

**Comment P.7:**

We're concerned about the level of noise that might come from any major construction projects taking place in the area and from the property itself once it's developed. This construction would disturb the entirety of those who surround the development as there are other families who live practically on the golf course.

(Public Comment Letter 35, pg. 1, Robert Lieber, 2/13/2018)

**Response P.7:**

See Response P.6 concerning construction noise. With respect to post-development noise, Section 3R of the DEIS evaluates potential cumulative effects associated with known projects in the area. Similar to the surrounding neighborhood, the proposed development would incorporate single family homes and carriage homes, and therefore would not be expected to result in noise conditions significantly different from the existing noise conditions. Existing ambient noise conditions are detailed on Table 2 of the noise study in FEIS Appendix Y.

**Comment P.8:**

Page 3R-3 states that the project will be undertaken in one phase of 24-36 months but other sections state that work will be phased. The document should reconcile the inconsistencies over the phasing schedule. This will prove important in evaluating traffic and construction impacts.

(Public Comment Letter 56, pg. 5, Stephen V. Altieri, Town of Mamaroneck Town Administrator,  
2/14/2018)



**Response P.8:**

The earthwork construction would be undertaken in one phase. The development of buildings within the Project Site would be phased based on demand. See Response 2.9 for a detailed description of project phasing.

**Comment P.9:**

Due to the complexity of the project, the amount and type of earthmoving required and the sensitive noise receptors in the project vicinity, a detailed noise mitigation plan is needed to evaluate the project, but has not been submitted. Adverse noise impacts are anticipated from the blasting or rock ripping of bedrock and rock outcroppings, the estimated 280 truck trips per day required to transport fill to the site over the construction period, the cutting, chipping, grinding and removal of 432 large trees, and other construction activities.

Public Comment Letter 67, pg. 6, Lisa Liquori, 2/14/2018)

**Response P.9:**

A detailed Construction Noise Study has been conducted by the Applicant and includes existing ambient noise measurements, predictions of construction noise, an assessment according to applicable state policies and local ordinances, and recommendations for best management practices to reduce construction noise effects. The Construction Noise Study is attached as FEIS Appendix Y. As discussed, construction noise levels would increase existing ambient conditions by more than 10 dBA at certain residential locations close to the proposed earthwork construction. This increase in construction noise levels at nearby residences is a short term, adverse project impact. Although noise levels would not exceed 65 dBA (Leq) throughout most of the Orienta neighborhood as shown in Figure 2 in the Construction Noise Study in Appendix Y., best management practices to reduce construction noise would be implemented. The predominant source of construction noise would be the stationary equipment. In efforts to reduce potential noise impacts during construction, noise reduction measures would include limitations to certain daytime and weekday hours, locating stationary construction equipment far from noise-sensitive sites, and use of temporary noise barriers, among others.



## **Q. Air Quality**

### **Comment Q.1:**

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.

(Public Hearing 1, pg. 85, 2/14/2018, and Public Comment 179, pg. 3, 5/10/2018, Charles Rich)

### **Response Q.1:**

As stated in DEIS Chapter 3S, Air Quality, the Applicant would perform all construction activities in accordance with the New York's current construction specifications and regulations. In addition, specific mitigation measures for short term impacts would include appropriate methods of dust control as determined by the surface affected (i.e., roadways or disturbed areas) and would also include, as necessary, the application of water, the use of stone in construction roads, and vegetative cover. Further, the Applicant has developed a Construction Health and Safety Plan (CHASP) for the project which can be found in Appendix G. The CHASP describes a community air monitoring program (CAMP) that complies with 29 CFR Part 1926 (Safety and Health Regulations for Construction) and with the requirements of the New York State Department of Health (NYSDOH) Generic CAMP, Appendix 1A of NYSDEC DER-10 dated May 2010. Under this plan, airborne dust would be monitored downwind of active construction areas with action levels set to alert the Contractor to the need to implement dust control measures.

### **Comment Q.2:**

There's a serious risk of ingestion of 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.

(Public Hearing 1, pg. 89-90, 2/14/2018 and Public Comment Letter 67, pg. 9, 3/19/2018, Charles Rich)

**Response Q.2:**

As stated in Chapter 3S, Air Quality, in the DEIS construction mitigation would be in compliance with all applicable local, state, and federal regulations. The soil contaminates identified as a result of the Phase I and Phase II (Appendix P of the DEIS) as well as the additional analyses (Appendix N of the FEIS) do not show an increase health risk at levels more-stringent than the visible (nuisance) dust levels. A project Materials Handling Plan (MHP) (see FEIS Appendix G) details the soil handling and stockpiling procedures, on-site soil reuse procedures, demarcation, and documentation of imported purchased, clean fill from off-site sources. The MHP addresses erosion and sediment control procedures to implement corrective actions identified by a qualified inspector during a during construction and comply with the most current version of the New York State Pollutant Discharge Elimination System (SPDES) General Permit for storm water discharges from construction activities. In addition, the Applicant has developed a CHASP (see FEIS Appendix G) that details the identified chemical hazards and methods (such as dust control) to restrict exposure to workers and the community during construction. All soil intrusive activities would be performed in accordance with the MHP and CHASP for the Project Site.

**Comment Q.3:**

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.

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 and the public will understand whether this project will result in significant adverse air quality impacts.

There needs to be an analysis of this truck traffic.

(Public Hearing 1, pg. 100-101, and Public Comment Letter 67, pg. 1-2, Chris Fazio, 2/14/2018)

**Response Q.3:**

Once construction of the proposed development commences, the Applicant estimates for Step 1 that there would be approximately 24 soil fill trucks per day plus two additional non-fill trucks (52 truck trips) (on a five-day per week schedule) for the first 9 months of construction to perform excavation





and filling to construct realigned Cove Road and adjacent single family lots. After that, the number of soil fill trucks would begin to diminish to 3 or 4 trucks per day (6-8 truck trips) as the 105 units are built-out. Housing would be constructed pursuant to pre-sales and it is anticipated that about 20 units would be constructed yearly. However, the exact construction schedule is contingent on the build out rate of the homes; therefore, the duration of the construction period and the final build-out date are unknown at this time, but it is expected to last at least six years.

Construction activities are to be performed in accordance with a Construction Work Plan, included in FEIS Appendix G, and the State of New York's current construction specifications and regulations, including requiring heavy-duty vehicles be equipped with pollution control devices, adherence to the State's anti-idling law and use of ultra-low sulfur diesel fuel (ULSD). The construction mitigation would be in compliance with all applicable local, state, and federal regulations.

It is the Planning Board's consultant's opinion that the increase in traffic from the project does not rise to the level requiring an air quality analysis because no intersection would experience an hourly increase of 100 cars or more from the Project.

**Comment Q.4:**

The other issue is that you cannot move earth all around without everything being dislodged into the air.

(Public Hearing 2, pg. 319, Lou Mazzo, 4/11/2018)

**Response Q.4:**

The Applicant has developed a project-specific Construction Health and Safety Plan (CHASP) has been developed by GZA GeoEnvironmental of New York (GZA) to establish the procedures necessary for the protection from potential contaminated materials resulting from the construction activities from the Proposed Project. The procedures in the plan have been developed based on recent analysis and anticipated operations to be conducted at this Project Site. See FEIS Appendix G for the entire Plan.

The CHASP describes a community air monitoring program (CAMP) that complies with 29 CFR Part 1926 (Safety and Health Regulations for Construction) and with the requirements of the New York State Department of Health (NYSDOH) Generic CAMP, Appendix 1A of NYSDEC DER-10 dated May 2010. Under the CHASP, airborne dust would be monitored downwind of active construction areas with action levels set to alert the Contractor to the need to implement dust control measures.

The Plan proposes to undertake air monitoring, which includes organic vapor and particulate matter. Monitoring for organic vapors would be conducted during the first three days of ground intrusive activity to determine if further monitoring is warranted. If ambient air concentrations of VOCs at the



downwind perimeter do not exceed background levels over the first three days, then the air monitoring plan would be modified to include only particulate monitoring. The Project Superintendent shall be responsible for particulate monitoring and determining when the wetting of soils is needed and the most appropriate method to use for particulate monitoring.

**Comment Q.5:**

Section 3.S, Air Quality, states that some buildings "may require emergency generators, boilers, or other fuel burning sources" and that applications would be submitted for the "appropriate NYSDEC air permits under the Division of Air Resources (DAR)." Please note that applications for Air Registrations should be submitted to the NYSDEC Division of Air Resources. If the emissions exceed the registration thresholds and an Air State Facility Permit is required, the application must be submitted to the Regional Permit Administrator, not directly to DAR. Application for Air Resource permits must be made simultaneously with Tidal Wetlands application, if applicable.

(Public Comment Letter 41, pg. 2, Sarah Pawliczak, Department of Environmental Conservation,  
2/14/2018)

**Response Q.5:**

The project would apply for the appropriate NYSDEC air permits under the Division of Air Resources (DAR), which include additional air and noise requirements described in NYSDEC regulations under New York Codes, Rules and Regulation (6 NYCRR Part 201).

**Comment Q.6:**

Arsenic, lead and pesticide levels were found to be elevated on the property. What impact will this have on air quality during excavation and fill operations if these materials become airborne?

(Public Comment Letter 56, pg. 3, Stephen V. Altieri, Town of Mamaroneck Town Administrator,  
2/14/2018)

(Public Comment Letter 73, pg. 1, Randi Spatz, 4/3/2018)

(Public Comment Letter 98, pg. 1, David & Carla Henderson, 4/15/2018)

**Response Q.6:**

As stated in DEIS Chapter 3S, Air Quality, construction mitigation would be in compliance with all applicable local, state, and federal regulations. The soil contaminants identified as a result of the Phase I and Phase II (Appendix P of the DEIS) as well as the additional analyses (Appendix N of the FEIS) do not show an increase health risk at levels more-stringent than the visible (nuisance) dust levels. Based



on the chemical properties of the contaminants of concern, they tend to bond to the soil matrix and would not migrate to surrounding soils. For this reason, only a soil cover is needed; the proposed reuse of the soils on-site was approved by the New York State Department of Environmental Conservation in a letter dated August 7, 2018 (see FEIS Appendix L). The NYSDEC Division of Materials Management has reviewed the sample results and has determined that the proposed re-use of on-site soil for the project's cut and fill program meets the conditional exemption under the 6NYCRR Part 360.13 (c). FEIS Appendix L of the FEIS, contains the documentation submitted to the NYSDEC that was the basis for their determination to allow the reuse of the soils on-site.

The Applicant would perform construction activities in accordance with the New York's current construction specifications and regulations. In addition, specific mitigation measures for short term impacts would include, appropriate methods of dust control as determined by the surface affected (i.e. roadways or disturbed areas) and would include, as necessary, the application of water, the use of stone in construction roads, and vegetative cover.

Construction activities would be performed in accordance with a Construction Work Plan, included in FEIS Appendix G, which describes the contractor responsibilities and expected project execution steps. It also describes the safeguards to be put in place to protect the environment, adjacent property owners and Village residents during construction. Appended to the CWP is a Construction Health and Safety Plan (CHASP) that addresses measures to minimize exposure to impacted soil by contact, inhalation and ingestion through the establishment of safety protocols, hazard response, and implementation of active dust monitoring. The CHASP developed for the project describes a community air monitoring program (CAMP) that complies with 29 CFR Part 1926 (Safety and Health Regulations for Construction) and with the requirements of the New York State Department of Health (NYSDOH) Generic CAMP, Appendix 1A of NYSDEC DER-10 dated May 2010. Under this CAMP, airborne dust would be monitored downwind of active construction areas with action levels set to alert the Contractor to the need to implement dust control measures.

**Comment Q.7:**

Various concentrations of arsenic, lead and pesticides (4, 4'000, 4, 4'00E, 4, 4-00T, Aldrin, alpha-Chlordane, and Oieldrin) have been detected on the Hampshire Country Club property. The extensive earthmoving and excavation of 55 acres of land with contaminated soils has a high potential to create airborne contamination, particularly hazardous to the nearby Hommocks School children and neighboring residents. Motor vehicles are a principal source of air pollution in the Village. cubic yards of clean fill will be required for the proposed grading plan, which would result in 280 truck trips per day during the construction period. All the construction vehicles are proposed to access the site via Hommocks Road, directly abutting the Hommocks Middle School and community recreation area. The



site was formerly a wetland and was filled to create a golf course before the 1920's. The limited soil testing conducted as part of the PD EIS detected a buried peat layer either directly within or near the planned residential development. The generation and accumulation of methane gas can be anticipated to exist from these conditions and could present an environmental impact to residents in the proposed development and surrounding community.

(Public Comment Letter 67, pg. 13, Lisa Liquori, 2/14/2018)

**Response Q.7:**

The reuse of existing soils and cover with clean soil at the Project Site was approved by the New York State Department of Environmental Conservation in a letter dated August 7, 2018 (see FEIS Appendix L). Pursuant to the NYSDEC's Regulations and standards, the delineated soil with elevated levels of arsenic, lead or other materials would be excavated and relocated under the core of the soil platform to ensure isolation from the proposed development with a minimum of two feet of clean soil cover. The Project Site is proposing to include a minimum of two feet of additional clean soil where only one foot is required by the New York State Department of Environmental Conservation. Impacted soils would be placed at the base of the platform to make sure the soil is not encountered during installation or maintenance of site underground utilities.

The Applicant would perform all construction activities in accordance with the State of New York's current construction specifications and regulations and include requiring heavy-duty vehicles be equipped with pollution control devices, adherence to the State's anti-idling law and use of ultra-low sulfur diesel fuel (ULSD). The construction mitigation would be in compliance with all applicable local, state, and federal regulations.

Methane gas is not anticipated to be a concern because the peat layers that have been observed are located at elevations deeper than the development depth anticipated for the project. Therefore, peat materials are not anticipated to be exposed/excavated. See Response O.1.

**Comment Q.8:**

There will significant construction traffic - all directed right around the Hommocks School, and the already overtaxed intersection at Weaver and BPR. There will be thousands of large construction trucks with massive amounts of fill being delivered. There will also be movement of large construction equipment and large numbers of construction workers - all going through that intersection and around the Hommocks School. All of these vehicles, many of which will have to be idling as lines of trucks wait to proceed, will create heavy vehicle exhaust pollution and noise and distraction (and impact the quality of the roads) around the School. None of these impacts is evaluated in the DEIS. Those trucks will create pollution and noise distraction. There also will need to be blasting to obtain



the internally generated fill. This blasting will create noise and have we need to understand its possible impact on the school and neighboring home structural integrity.

(Public Comment Letter 73, pg. 1, Randi Spatz, 4/3/2018)

(Public Comment Letter 79, pg. 1, Stephanie Sklar, 4/9/2018)

(Public Comment Letter 98, pg. 1, David & Carla Henderson, 4/15/2018)

**Response Q.8:**

Overall, the Applicant does not expect air quality in the proposed development area to be substantially affected by the construction of the project because of emission control procedures and the temporary nature of construction activities (albeit, construction would last at least six years). Emissions from the operation of construction machinery (CO, NO<sub>x</sub>, PM, VOCs, and GHGs) are short-term and not generally considered substantial. With the implementation of the various mitigation measures to minimize construction-related air quality impacts, no significant adverse impacts are expected by the Applicant.

Construction activities are to be performed in accordance with the State of New York's current construction specifications and regulations and include requiring heavy-duty vehicles be equipped with pollution control devices, adherence to the State's anti-idling law and use of ultra-low sulfur diesel fuel (ULSD). The construction mitigation would be in compliance with all applicable local, state, and federal regulations.

See Response P.3 with respect to blasting.



## **R. Miscellaneous Comments**

### **Comment R.1:**

I am in support of the landowner's right to develop houses on the property and to keep the golf course open, even if it's only nine holes.

(Public Hearing 2, pg. 258, Michael Puccio, 4/11/2018)

(Public Hearing 2, pg. 292, Thomas Moore, 4/11/2018)

### **Response R.1:**

Comment noted.

### **Comment R.2:**

Now, we can go with this nine-hole idea, and I think it will work. I think the village should support it. This brings jobs to this Village of Mamaroneck, along with Westchester, has a long-standing history of golf.

(Public Hearing 2, pg. 258-259, Jarrett Winchester, 4/11/2018)

### **Response R.2:**

Comment noted.

### **Comment R.3:**

And if it's bringing jobs, tax revenue to the village, to the community -- excuse me -- I'm for it.

(Public Hearing 2, pg. 264, Lavet Allen, 4/11/2018)

(Public Hearing 2, pg. 270-272, John Parkinson, 4/11/2018)

(Public Hearing 2, pg. 274, Jack Rubinstein, 4/11/2018)

### **Response R.3:**

Comment noted.

### **Comment R.4:**

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. 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 rainstorms. Stormwater runoff is a major concern. It is unclear, the DEIS, how flooding will be mitigated proceeding this project. The superintendent of schools has raised concerns about what the additional number of children will do to our already overcrowded school system. We are concerned whether this will be permitted, what the effects of the truck traffic will bring to bear on our community during construction.

(Public Hearing 2, pg. 288-289, George Mgrdichian, President, Orienta Point Association, 4/11/2018)

(Public Hearing 2, pg. 295, Dan Kaplan, 4/11/2018)

(Public Hearing 2, pg. 298, Andrea Grant, 4/11/2018)

(Public Hearing 2, pg. 302-303, Charles Guadagnolo, 4/11/2018)

(Public Hearing 2, pg. 306, Nicole Itkin, 4/11/2018)

(Public Hearing 2, pg. 313, Dan Natchez, President of Shore Acres Property Owner's Association, 4/11/2018)

(Public Hearing 2, pg. 333-335, Jeremy Arfield, 4/11/2018)

(Public Comment Letter 107, pg. 1, Jeremy Arfield, 4/22/2018)

#### **Response R.4:**

Comment noted. Responses to the topics listed above can be found in Sections F, Stormwater Management, G, Floodplains, L, Traffic, Transit, and Pedestrians, and M, Community Demographics, Facilities and Services.

#### **Comment R.5:**

To think that Hampshire is proposing a 105 Home Development on this site is ridiculous. As you well know, this is a site that is basically a wetland area with a golf course on top of it all...Given the many issues that we have in our community - flooding, traffic congestion, complicated implications for school enrollment?...The plan being considered for developing Hampshire property would be an affront to the environment and the community...the community has become overcrowded and overbuilt...we are most definitely against approving the proposed plan.

(Public Comment Letter 2, pg. 1, Julie Zilberberg, 1/31/2018)



(Public Comment Letter 10, pg. 1, Judy Katzin Zambardino, 2/1//2018)

(Public Comment Letter 15, pg. 1, Rosanne and Peter Aresty, 2/11/2018)

(Public Comment Letter 20, pg. 1, Lynn Greenberg, 2/12/2018)

(Public Comment Letter 26, pg. 1, Carol and Edwin Greenhaus, 2/13/2018)

(Public Comment Letter 28, pg. 1, Jeff Chapski, 2/13/2018)

(Public Comment Letter 29, pg. 1, Emily Greenberg, 2/13/2018)

(Public Comment Letter 30, pg. 1, Robin Nichinsky, 2/13/2018)

(Public Comment Letter 32, pg. 1, Ivonne Levin, 2/13/2018)

(Public Comment Letter 49, pg. 1, Julie Sertel, 2/14/2018)

(Public Comment Letter 50, pg. 1, Jamie Gordon, 2/12/2018)

(Public Comment Letter 69, pg. 1, Gloria and Arthur Goldstein, 4/2/2018)

(Public Comment Letter 71, pg. 1, Carol and Edwin Greenhaus, 3/29/2018)

(Public Comment Letter 78, pg. 1, Edie Roth, 4/9/2018)

(Public Comment Letter 84, pg. 1, Christine Bennett, 4/10/2018)

(Public Comment Letter 90, pg. 1, Adam Gross, 4/11/2018)

(Public Comment Letter 96, pg. 1, Katy Romita, 4/13/2018)

(Public Comment Letter 110, pg. 1, Gary Monitto, 4/29/2018)

(Public Comment Letter 121, pg. 1, Philip Phillips, 5/9/2018)

(Public Comment Letter 146, pg. 1, Eric Rudich, 5/10/2018)

(Public Comment Letter 157, pg. 1, Joachim Beer, 5/11/2018)

(Public Comment Letter 172, pg. 1, Geoffrey Kauffman, 5/11/2018)

(Public Comment Letter 200, pg. 1, Jean Marie Stein, 5/12/2018)

(Public Comment Letter 203, pg. 1, Kathleen Gardner, 5/12/2018)





(Public Comment Letter 204, pg. 1, Cecile Bassas, 5/12/2018)

(Public Comment Letter 216, pg. 1, Mary Cullen Carroll, 5/13/2018)

(Public Comment letter 230, pg. 1, Rachel Serton, 5/13/2018)

(Public Comment letter 231, pg. 1, Martha McCarthy-Falk, 5/14/2018)

**Response R.5:**

Comment noted. Responses to the topics listed above can be found in in Sections F, Stormwater Management, G, Floodplains, L, Traffic, Transit, and Pedestrians, and M, Community Demographics, Facilities and Services.

**Comment R.6:**

My inquiry into the facts behind the emails revealed that Hampshire is misleading us. There is no "A or B" choice before you. Instead- and I urge you to take this course -you may determine that the club's current use should be preserved. There is no requirement that you grant an applicant's requests, particularly requests that require the dramatic changes Hampshire's development would require.

(Public Comment Letter 38, pg. 1, Anonymous, 2/14/2018)

**Response R.6:**

The Applicant has only one application before the Planning Board, which is a PRD development for 105 residential units. As per the Scope adopted by the Planning Board seven alternatives are investigated and detailed in the DEIS.

**Comment R.7:**

The Buyers of the Hampshire Golf Club should be reminded of their promises:

From the Larchmont Gazette, Judy Silberstein, posted on June 17, 2010: "Asked about plans for housing development at Hampshire, Mr. Pfeffer said a lot of people are speculating, but "at the current time" there are no such plans. "We are going to have a great club," he said."

(Public Comment Letter 63, pg. 1, 3/5/2018, Public Comment Letter 165, pg. 1, 5/11/2018, Barbara Gessler)

(Public Comment Letter 82, pg. 1, Kerry Stein, 4/10/2018)



**Response R.7:**

Comment noted.

**Comment R.8:**

I understand the concern that the Village and some residents have with the site's redevelopment; however, the current situation of the property not being utilized as originally designed is not sustainable. I would like to push both sides to look for a compromise solution that will allow the site to be re-developed in an intelligent way with minimal environmental and other impacts.

(Public Comment Letter 66, pg. 1, Marc Karell, 3/19/2018)

**Response R.8:**

Comment noted.

**Comment R.9:**

I support the plan to develop a portion of the Hampshire Country Club property with a residential use. Adding a residential component to the Club would ensure that it can remain an important recreational and social resource for the community. It would also provide important tax and employment benefits to the region and the Village.

The current plan to add beautifully-designed carriage houses and single-family residences consistent with the character of the neighborhood, would also preserve a large portion of the golf course and the associated open space on the property. To the extent that the Village would want to preserve a larger portion of the property, then it should permit Hampshire to incorporate residences into the clubhouse and maintain the entire 18-hole golf course.

(Public Comment Letter 102, pg. 1, Various Senders, 4/11/2018)

(Public Comment Letter 109, pg. 1, Kathy Weeks, 4/27/2018)

(Public Comment Letter 112, pg. 1, Stewart Ault, 5/3/2018)

(Public Comment Letter 113, pg. 1, Nicholas Venice, 5/3/2018)

(Public Comment Letter 114, pg. 1, Steven Palmiottto, 5/3/2018)

(Public Comment Letter 115, pg. 1, Andres Bermudez Hallstrom, 5/7/2018)

(Public Comment Letter 116, pg. 1, Rob Sutton, 5/7/2018)



(Public Comment Letter 120, pg. 1, Gretel Goldberger, 5/8/2018)

(Public Comment Letter 123, pg. 1, Andrew Newman, 5/9/2018)

(Public Comment Letter 124, pg. 1, Eric Marcus, 5/9/2018)

(Public Comment Letter 125, pg. 1, Dave Finstad, 5/9/2018)

(Public Comment Letter 126, pg. 1, Donna Samuel, 5/9/2018)

(Public Comment Letter 127, pg. 1, Mark Samuel, 5/9/2018)

(Public Comment Letter 129, pg. 1, Don Levin, 5/9/2018)

(Public Comment Letter 130, pg. 1, Rachel Ault, 5/9/2018)

(Public Comment Letter 132, pg. 1, Maureen Skrilow, 5/9/2018)

(Public Comment Letter 133, pg. 1, Gerald Zeidner, 5/9/2018)

(Public Comment Letter 197, pg. 1, Christopher Bourdain, 5/12/2018)

(Public Comment Letter 198, pg. 1, Jennifer Bourdain, 5/12/2018)

(Public Comment letter 253, pg. 1, Hampshire Support Petition, Various Senders, 5/14/2018)

(Public Comment letter 257, pg. 1, Danny Kim, 5/14/2018)

**Response R.9:**

Comment noted.

**Comment R.10:**

I have observed time and again the Planning Board and Board of Appeals following advice of various 'professionals' claiming that one project or another will have "no impact" on issues like traffic, parking, burden on school system, water and waste water infrastructure and general environment. The cumulative effects on all of these issues, however, cannot be denied by reasonable people.

(Public Comment Letter 157, pg. 1, Jeffrey Falk, 5/9/2018)

**Response R.10:**

Comment noted. Cumulative effects are taken into consideration when looking at a project's impacts on a community throughout the SEQR process and mitigation measures are identified to reduce the



impacts of a development. All project impacts and proposed mitigation measures associated with the Proposed Action are detailed within the DEIS and FEIS.



## 4. Alternatives

### 1.0 Summary

The DEIS evaluates seven (7) alternatives (A through G), which were identified in the SEQRA Scope. The Planning Board subsequently requested that the Applicant evaluate a sub-set of the Proposed Action, Alternative F (the "No Fill" Alternative) and Alternative G (Rezoning for Condominium and Golf Course) at lower-density iterations of 75, 50 and 25 units. A summary comparison of all the alternatives is contained in Table III.4-1.

In general, the reduced density alternatives would have equal or lesser impacts with respect to area of disturbance, amount of tree removal, construction traffic, operational traffic, period of construction, amount of fill to be imported, development in the floodplain, water use and sewage generation, school children generation and demand on community services. The reduced density alternatives would generate less tax revenue and therefore have a less positive fiscal impact.

The Applicant evaluated each of the lower-density iterations even though it is the Applicant's position that reducing the density of the Proposed Action to 75, 50 or 25 units would render the development financially infeasible because the investment required for infrastructure, golf course re-design and professional fees and permits would greatly exceed what could be derived from the sale of significantly fewer units to be built on a property that is large enough to support a significantly larger development based on current zoning. The infrastructure for this development includes installing a sewer collection main; sewer pump station with emergency generator; a sewer force main; offsite sewer infiltration and inflow mitigation; stormwater infrastructure and treatment facilities; development of the platform and Cove Road extension; lighting; installation of gas main; underground electric and transformers; water/fire mains and hydrants through the site looping the Cove Road and Hommocks Road water mains; and consolidation and management of arsenic impacted soil on-site during construction. This initial infrastructure investment would vary little in the reduced density scenarios causing the costs to be amortized over the smaller number of units.

In support of this position the Applicant provided an estimate of fixed development costs which would be applicable to the Proposed Action as well as the 75-unit and 50-unit PRD alternatives. The estimate is found in Appendix BB.

The estimate identifies the land and carry costs, along with fixed cost related to infrastructure, golf course redesign, engineering and architecture fees based on an Opinion of Probable Costs (OPC) generated by the Applicant's consultant, Kimley Horn, and contained in Appendix BB. Not included in



this estimate are variable costs, including expenses associated with hard construction costs for the homes, permits and fees, financing costs and interest during construction, among others.

The Applicant's estimate reflects that infrastructure and other fixed cost do not scale to the number of units built. The Applicant concluded that when fixed and variable costs are accounted for it could not realize a reasonable return on its investment because these expenses would have to be spread out over the entire residential development and the 75- and 50- unit alternatives would not yield sufficient sale prices to adequately offset the fixed and anticipated variable costs. The Applicant did not prepare an OPC for the 25-unit alternative.

Based on its analysis, the Applicant submits that the less dense alternatives would not be consistent with the Applicant's objectives and capabilities because the investment required to develop the site would greatly exceed what could be derived from the sale of significantly fewer units.

The Applicant has taken the position that reducing the Project density would not be a reasonable or feasible alternative because it would not result in a viable development that is consistent with the Applicant's goals. Other than the explanation above, the Applicant has not submitted any calculations or other information in support of this assertion.

The Applicant further asserts that a reduction in project density is not a necessary measure to mitigate any identified potentially significant adverse environmental impacts associated with measures proposed by the Applicant to mitigate each of the identified areas of environmental concern in the SEQRA Scope are discussed in the DEIS and this FEIS. However, as noted above, the reduced density alternatives would have equal or lesser impacts with respect to area of disturbance, amount of tree removal, construction traffic, operational traffic, period of construction, amount of fill to be imported, development in the floodplain, water use and sewage generation, school children generation and demand on community services. The reduced density alternatives would generate less tax revenue and therefore have a less positive fiscal impact.

## **2.0 Responses to Comments by Alternative**

### *Reduced Density Versions of the Proposed Action*

#### **Comment 4.1:**

A reduced density project would have fewer impacts in a number of areas, including, among others, reduced impacts to open space and the property's associated CEA designation, reduced vegetation impacts, fewer truck trips and associated noise, fewer visual impacts and less construction disturbance and risks associated with movement of contaminated soil. Provide reduced density versions of the proposed action, with 25, 50 and 75- units and compare the impacts of each alternative to the



proposed action. The comparison should cover each of the areas of the environment analyzed in the DEIS and be at a level of detail sufficient to allow the Planning Board to make a SEQRA Finding comparing the impacts of each alternative with the proposed action.

(Memo 1, pg. 13, Stuart Mesinger, Consultant to Planning Board, 5/14/2018)

#### **Response 4.1:**

The Applicant asserts that a reduction in density is not a necessary remedial measure to address any identified potentially significant adverse impact of the Proposed Action. However, the reduced density alternatives would have equal or lesser impacts with respect to area of disturbance, amount of tree removal, construction traffic, operational traffic, period of construction, amount of fill to be imported, development in the floodplain, water use and sewage generation, school children generation and demand on community services. The reduced density alternatives would generate less tax revenue and therefore have a less positive fiscal impact.

The Applicant submits that the Proposed Action incorporates measures to ensure that the potential impacts are properly mitigated and/or avoided. In support of this conclusion, the Applicant evaluated reduced density versions of the Proposed Action, with 25, 50 and 75 units, as requested by the Lead Agency. The differences between the Proposed Action and the reduced-density iterations are summarized in Table III.4-1.

Under the reduced density versions of the Proposed Action, the existing R-20 zoning would remain applicable and the Planned Residential Development regulations would be applied to facilitate a clustered design of dwelling units, as a means to preserve open space and protect environmental values. 25 single-family homes would be developed primarily along a rerouted Cove Road extending through the center of the Project Site; 50 and 75 single-family homes would be developed along the same rerouted Cove Road, as well as an extended Eagle Knolls Road and Cooper Avenue. The 7.3 acres that fall within the Town of Mamaroneck would remain undisturbed, and the clubhouse would remain in use in the MR district. See Figures 15a through 15c in FEIS Appendix C for site plans for the reduced density versions of the Proposed Action.

Impacts by major DEIS analysis area are analyzed in further detail below.

#### **1. Land Use and Zoning**

As with the Proposed Action, the lower density versions of the Proposed Action would be compatible with existing zoning regulations and surrounding land uses. The Proposed Action and all of the reduced density iterations would be developed in accordance with the Village's Planned Residential Development (PRD) regulations, which permits both single-family and townhouse units.



## 2. Visual and Community Character

As with the Proposed Action, the lower density versions of the Proposed Action would add residential uses to the Project Site. This would result in a development that is consistent with the character of its immediate surroundings, incorporating single-family homes, similar in style to those along Orienta Avenue or Cove Road. As set forth in Chapter 3B of the DEIS, the new residential uses would be visible only from those private properties and portions of public roadways that are immediately adjacent to the Project Site. As a 105-unit development would not be visible from the public areas identified as important in the SEQRA Scope, a reduced density development would also not be visible. Therefore, the lower density versions of the Proposed Action would not be a necessary measure to mitigate an identified visual and community character impact associated with the Proposed Action.

## 3. Natural Features and Open Space

The 105-unit layout would protect some of the features on the Project Site deemed environmentally significant in the Village's designation of the Project Site as a CEA (i.e., the 100-year floodplain, the ponds and wetland system and the Project Site's proximity to the Long Island Sound). The Proposed Action would convert 30.6 acres of the golf course to open space and would result in the conversion of 29.5 acres of private open space (i.e. golf course) to residential use.

The areas of disturbance required by the lower density versions of the Proposed Action would be 17.3 acres for the 25-unit version, 27.6 acres for the 50-unit version, and 55.6 acres for the 75-unit version. The 25-unit, 50-unit, and 75-unit lower density versions would preserve 46.6, 41.5 and 35.2 acres of shared open space, respectively. The 75-unit layout would require the same amount of tree removal (53% of total trees) as the Proposed Action and the 50- and 25-unit layout would require a 36 percent and 20 percent reduction in the number of trees.

The Proposed Action would result in the preservation of all of the natural features on the Project Site identified as significant in the Comprehensive Plan other than open space. Specifically, all ponds and wetlands would be preserved. The Applicant's flood analysis demonstrates that the project would not result in flood impacts to adjoining properties. Therefore, though the lower density versions of the Proposed Action would result in more open space in terms of acreage (in the case of the 25- and 50-unit versions only), lowering the density would not provide any further mitigation in terms of preservation of features deemed environmentally significant, other than the open space, by the Village in the Comprehensive Plan.

The Applicant asserts that the Proposed Action would result in a positive impact of increasing functional habitat areas on the Project Site. The areas to be disturbed on the Project Site to accommodate the Proposed Action are currently comprised primarily of maintained golf course areas,





not natural open space. These areas of recreational space currently do not provide significant habitat for threatened or endangered plant or animal species, but the large trees do provide habitat for migratory bird species, including species of special concern. The Proposed Action would provide 30.6 acres of open space and habitat. Note that portions of this open space are disconnected from one another and are separated by golf areas. The 50- and 25-unit iterations of the Proposed Action would result in less loss of open space and more unmanaged open space and fewer trees being removed. As noted above, the Applicant does not believe they are reasonable alternatives because they are financially infeasible proposals inconsistent with the Applicant's objectives and capabilities.

#### 4. Stormwater and Drainage

As demonstrated by the Stormwater Pollution Prevention Plan (SWPPP) in FEIS Appendix M, the potential stormwater and drainage impacts associated with the Proposed Action would be addressed through the implementation of various measures, including the implementation of the proposed drainage system, to include a series of drainage pipes, infiltration basins, bioretention basins, stone diaphragms, CDS units and dry wells, as well as implementation of the detailed Sediment and Erosion Control Program. As a result of the implementation of the SWPPP and the Sediment and Erosion Control Program, it is expected that there would be no significant water quality impacts on receiving wetlands or downstream discharge points or properties by the Proposed Action. In addition, proposed residential buildings would be elevated out of the floodplain with excavated material moved from other portions of the Project Site for grading purposes in accordance with NYSDEC regulations (see NYSDEC letter in FEIS Appendix L).

The same stormwater management measures that are incorporated into the Proposed Action could be incorporated into the lower density versions of the Proposed Action. Therefore, reducing the density of the Proposed Action is not a necessary measure to mitigate an identified stormwater or drainage impact.

#### 5. Traffic

As outlined in Chapter 3M of the DEIS and described above, the Proposed Action would have no significant adverse impacts to area traffic operating conditions. Levels of Service at all of the intersections analyzed would remain unchanged, and delay times would increase marginally, on the order of one second or less. The lower density versions of the Proposed Action would generate fewer new trips than the Proposed Action as outlined in Table III.4-1, and, as with the Proposed Action, the Levels of Service would remain unchanged. Therefore, reduction in density would not be a necessary measure to mitigate any identified traffic impact associated with the Proposed Action.

#### 6. Construction



Under the Proposed Action, the most significant period of construction truck traffic (and associated noise) would occur in the first 9 months when the development platform is being prepared. The Applicant anticipates that 26 truck visits (24 fill trucks plus two non-fill trucks, totaling 52 truck trips) per hour of operation would occur during the first 9-month period (84,000 cubic yards of fill would be brought on-site. Trucks hold 15 loose cubic yards of fill which equals 12 cubic yards when placed on-site. The project would require 24 fill trucks per day multiplied by days per week multiplied by nine months which totals 54,432 cubic yards for the first nine months. After the first nine months, there would be 3-4 trucks per day (6-8 truck trips) until project completion). Construction would be carried out according to the Construction Work Plan, included in FEIS Appendix G. Noise from construction activities would be limited to the hours of 8:00 a.m. and 6:00 p.m. Monday through Saturday in accordance with the Village of Mamaroneck Village Code, Chapter 254. Noise would be limited to typical construction equipment in good working order; malfunctioning equipment generating excessive noise would be immediately taken out of service.

Table III.4-1 also shows the required fill and average daily truck visits in the busiest phase of construction for the Proposed Action and the lower density versions of the Proposed Action. As shown, the 75-unit version would require the same amount of fill as the Proposed Action, as well as the same area of disturbance, and therefore would not be expected to minimize construction disturbance on the Project Site. The 25 and 50-unit alternatives would result in fewer truck trips.

The reduction in truck trips would result in a commensurate reduction in noise levels associated with construction traffic. The lower density alternatives would result in a shorter construction period and therefore less construction noise.

## 7. Utilities

As detailed in the DEIS, based on discussions with the Village and Town Engineers, water supply and sanitary service is available with sufficient capacity to service the 105-unit Proposed Action. As shown in Table III.4-1, the estimated water usage and sewage generation for the lower density versions of the Proposed Action is 11,000 gallons per day for 25 units, 22,000 gallons per day for 50 units, and 33,000 gallons per day for 75 units, with an estimated peak rate of 110 gpm utilizing the industry standard values for wastewater (110 gallons per day per unit multiplied by the number of units). The water and sewer requirements are less for these versions compared to the Proposed Action, however, as the Applicant does not anticipate significant impacts to utility services as a result of the Proposed Action, a reduction in density would not have a significant impact on such services.

## 8. Socio-economic Factors



The estimated population resulting from the lower density versions of the Proposed Action would be 92 persons for 25 units, 184 persons for 50 units, and 276 persons for 75 units (using the Rutgers generation multipliers of 3.67 persons per single family home and 2.83 persons per carriage home, as calculated throughout this chapter). The estimated population of public school age children would be 22 for 25 units, 44 for 50 units, and 66 for 75 units (using the Rutgers generation multipliers of 0.87 public school age children per single family home and 0.28 public school age children per carriage home, as calculated throughout this chapter). The 75-unit version would generate more school children than the Proposed Action (as single-family homes typically generate more school children than carriage homes).

The ability to off-set added burdens of municipal resources by tax revenue generation would not change with the various reduced density iterations of the Proposed Action. The amount of revenue associated with each alternative would still be sufficient to cover the costs associated with the population and demands on municipal resources generated by each alternative. As the number of units decreases, so too would the amount of tax revenue generated decrease. By way of example, assuming a market value of \$2.6 million per single-family home, in total, the Project Site would generate \$1,757,776 for 25 units, \$3,504,136 for 50 units, and \$5,250,495 for 75 units in tax revenue annually, following the tax rates provided in Table 3O-1 of Chapter 3O of the DEIS. Of this total, approximately 50 percent would go to the MUFSD; approximately 25 percent would go to the Village of Mamaroneck; and the remainder would go to the Town, County, and other taxing districts. Applying the per student programmatic cost of \$15,893 paid by local property taxes to the estimated new public school students under each density alternative indicates that the lower density versions of the Proposed Action could result in an additional cost to the Mamaroneck Union Free School District of \$349,646 for 25 units, \$699,292 for 50 units, and \$1,048,938 for 75 units. Using these figures, it is estimated that the overall result of the lower density versions of the Proposed Action would be a net fiscal benefit of \$1,408,129 for 25 units, \$2,804,843 for 50 units, and \$4,201,557 for 75 units. As noted above, the Applicant does not believe these are financially viable alternatives.

**Comment 4.2:**

The proposed project results in several disconnected areas of unmanaged open space. Can the site plan be reconfigured to result in less open space fragmentation? Discuss impacts on open space of a reconfigured alternative.

(Memo 1, pg. 13, Stuart Mesinger, Consultant to Planning Board, 5/14/2018)

**Response 4.2:**



The Project Site open spaces have been adjusted to place some formerly fragmented areas under the management of the members only golf course (see Figure 5 in FEIS Appendix C). In total, the Proposed Action would result in the preservation of 37.6 acres of the existing golf course and 30.6 acres of shared open space. The Proposed Action would not result in any area of unmanaged open space. The golf course and open space areas would encircle the development, allowing for free movement around and through the Project Site. Note however, the open space is divided into eight distinct areas and these areas are separated from one another by golf areas and the residential development. Portions of the open space can only be accessed by crossing the golf course, portions are located on the banks of the development platform and other portions are thin strips adjoining other development. The shared open space areas would be left in a natural state and would be allowed to grow in area and succession. As such, a similar plant and wildlife species assemblage is expected to inhabit the Project Site following implementation of the Proposed Action, with significant improvements to plant and wildlife habitat quality anticipated due to installation of the proposed native plant wetland buffers. The HOA and Hampshire Recreation, LLC would be responsible for the maintenance of the shared open space areas (see FEIS Appendix C, Figure 5 for delineation of maintenance responsibilities) if problems or landscaping adjustments are needed in the future. See FEIS Appendix H for the Landscaping Management Plan and the Wetlands Mitigation and Monitoring Plan.

*Alternative B: Conventional Subdivision Under R-20 Zoning*

**Comment 4.3:**

The so-called as-of-right alternative, B, in the DEIS both destroys the site's open space and violates Section 186-5.

(Public Hearing 1, pg. 49-50, and Public Comment Letter 67, pg. 2-3, Stephen Kass, 2/14/2018)

**Response 4.3:**

The Applicant would seek a variance from the requirement in Village Code Section 186-5(A)(3)(c) if it is determined by the Village of Mamaroneck that any of the alternatives analyzed in Chapter 4 would require one. However, Alternative G would not need a variance because the site would be able to be regraded to meet the requirements of Village Code Section 186-5(A)(3)(c). Section 3.G of the FEIS provides a full explanation of these regulations and the variance requirements.

Alternative B would result in 37 acres of shared open space, but no golf course. It would require substantially more fill (350,000 cubic yards) than the proposed action, requiring significantly more truck trips during the peak period of construction (55/day (110 trips) vs. 26/day (52 trips)). It would result in more site disturbance and tree removal, as well as slightly more trips and a greater population with more school age children.



#### *Alternative F – No Fill Alternative*

##### **Comment 4.4:**

The so-called no fill alternative, F, grossly overstates any conceivably permitted density on that alternative's reduced building platform. Indeed, we believe that the appropriate and permissible density on that platform is 21 units, even under the R-20 Zoning.

(Public Hearing 1, pg. 49-50, and Public Comment Letter 67, pg. 2-3, Stephen Kass, 2/14/2018)

##### **Response 4.4:**

The Applicant submits that the 106-unit density of the No Fill Alternative F is permissible under both New York State and the Village of Mamaroneck law. The residential development would occur entirely within the Village's R-20 District in accordance with the Village's Planned Residential Development regulations set forth in Section 342-52 of the Village Code. Under this Section of the Village Zoning Code, the maximum density of a Planned Unit Development is determined in two stages. First, the Planning Board must determine the lot count in accordance with the requirements of Village Code Section 342-52 by dividing the gross area of the subject parcel by the minimum lot size requirements of the zoning district in which it is located and then reducing the number to the extent it determines that, because of environmental limitations, traffic access, the use and character of adjoining land or other planning considerations, the maximum permitted density would be inappropriate. Second, the Planning Board must determine the permissible lot count under Village Law Section 7-738 by determining the number which could be permitted, in its judgment, if the land were subdivided into lots conforming to the minimum lot size and density requirements of the zoning local law and conforming to all other applicable requirements. The maximum permissible lot count will be the lower of the two numbers.

It is the Applicant's opinion that the two-stage methodology for calculating the maximum permissible lot count set forth by the Village Attorney (and discussed above) is inconsistent with the express language of the Village Zoning Code, the New York State Village Law, the Final Scope for this EIS, as well as the opinion of the Village's expert planner. It is the Applicant's opinion that the maximum permissible lot count under Section 342-52 of the Village Code is 205 units – i.e. 94.5 acres (the gross area of the subject property) divided by 20,000 square feet (the minimum lot size requirement in the R-20 District).

In accordance with these policies, the Applicant analyzed alternatives with a number of units far less than the maximum permitted density because it would result in developments that would preserve and protect all of the key environmental features of the Project Site identified in the Village's



Comprehensive Plan – i.e., the “100-year floodplain . . . several ponds and wetland systems and the club’s proximity to the Long Island Sound.” (Comprehensive Plan pg. 63).

Response A.6 provides a full explanation of permitted density on the Project Site. In addition, the Applicant has included in the DEIS Alternatives Chapter 4 a series of conventional yield layouts, including a conventional R-20 layout, as well as the “No Fill” Alternative. Both alternatives demonstrate that 106 units could be feasibly developed at the Project Site.

However, at the request of the Planning Board, the Applicant has provided an analysis of several Alternatives, including Alternative F, at lower densities of 25, 50 and 75 units. See the full analysis in Response 4.5. It is the Applicant’s position that these proposed lower density alternatives would not be financially viable because the investment required for infrastructure, golf course re-design and professional fees and permits would greatly exceed what could be derived from the sale of significantly fewer units to be built on a property that is large enough to support a significantly larger development based on current zoning. Therefore, the Applicant did not pursue this alternative.

**Comment 4.5:**

A reduced density project would have fewer impacts in a number of areas, including, among others, reduced impacts to open space and the property’s associated CEA designation, reduced vegetation impacts, fewer truck trips and associated noise, fewer visual impacts and less construction disturbance and risks associated with the movement of contaminated soil. Provide reduced density versions of Alternative F, the No-Fill Alternative, with 25, 50 and 75-units and compare the impacts of each alternative to the proposed action. The comparison should cover each of the areas of the environment analyzed in the DEIS and be at a level of detail sufficient to allow the Planning Board to make a SEQRA Finding comparing the impacts of each alternative with the proposed action.

(Memo 1, pg. 12, Stuart Mesinger, Consultant to Planning Board, 5/14/2018)

**Response 4.5:**

Reduced density versions of Alternative F, with 25, 50 and 75 units, are presented in Table III.4-1 to show a comparison of specific characteristics and potential impacts as compared to the Proposed Action and the No-Fill Alternative F. Under the reduced density versions of Alternative F, the existing R-20 zoning would remain applicable and the Planned Residential Development regulations would be applied without bringing any new fill to the Project Site (though excavated material may be moved around within the boundaries of the Project Site for grading purposes). 25 single-family homes would be developed primarily along a rerouted Cove Road extending through the center of the Project Site; 50 and 75 single-family homes would be developed along the same rerouted Cove Road, as well as an extended Eagle Knolls Road. Soil to construct the development platforms would be obtained from



within the site. It is likely that this would result in a more complex grading plan with an increased possibility of encountering groundwater during construction.

Note that in the 75 unit reduced density version of the No Fill Alternative, the development of 75 single-family homes (as opposed to a mix of housing types) is the most reasonable alternative as the Applicant would look to maximize profitability of the site given the smaller number of units. The 7.3 acres that fall within the Town of Mamaroneck would remain undisturbed, and the clubhouse would remain in use in the MR district. See Figures 16a through 16c in FEIS Appendix C.

Impact assessments by major category are summarized below.

1. Land Use and Zoning

As with Alternative F and the Proposed Action, the Applicant submits that the lower density versions of Alternative F would be compatible with existing zoning regulations and surrounding land uses. Alternative F and all of the reduced density iterations would be developed in accordance with the Village's Planned Residential Development (PRD) regulations. Therefore, a lower density of units on the Project Site under Alternative F is not a necessary mitigation measure to address any identified land use and zoning impact.

2. Visual and Community Character

As with Alternative F and the Proposed Action, the reduced density iterations of Alternative F would add a residential use to the Project Site with the addition of the single-family homes and carriage homes, along with the elimination of the members only golf course. This would result in a development that is consistent with the character of its immediate surroundings, incorporating single-family homes, similar in style to those along Orienta Avenue or Cove Road. As demonstrated in the Visual Analysis detailed in Chapter 3B of the DEIS, a residential redevelopment of 105-units would not be visible from key vantage points in the Village deemed significant by the Lead Agency. This would not change under the No-fill Alternative, or its 75-, 50- or 25-unit iterations.

3. Natural Features and Open Space

The reduced density iterations of Alternative F would protect some of the features on the Project Site deemed environmentally significant in the Village's designation of the Project Site as a CEA (i.e., the 100-year floodplain, the ponds and wetland system and the Project Site's proximity to the Long Island Sound). Implementation of proper erosion and sediment control measures would ensure that the proposed development would not impact the function and benefit of these areas on the Project Site, or otherwise cause degradation to off-site wetlands or the water quality of the Long Island Sound. The lower density versions of the Alternate F would result in more open space in terms of acreage.





The construction of Alternate F would consolidate the on-site soils, similar to the Proposed Action to create the development platform and the relocated Cove Road extending to Eagles Knoll Road. Alternative F does not have the additional branch roadways of Road A, Cooper Avenue extension and Realigned Eagles Knoll Road. This is the same for full Alternate F and reduced density options. The same area of disturbance as the Proposed Action would be required, resulting in identical levels of mature tree removal compared the Proposed Action.

Alternative F 50-and 75-unit iteration would require the same amount of tree removal (53% of total trees) as the Proposed Action where the 25-unit layout would require a 45 percent reduction in trees. The areas to be disturbed on the Project Site to accommodate the Proposed Action are currently comprised primarily of maintained golf course areas, not natural open space. These areas of recreational space currently do not provide significant habitat for unique, threatened or endangered plant or animal species. The large trees do provide habitat for migratory birds, including species of special concern. It is the Applicant's position that while the 25-, 50- and 75-unit iterations of Alternative F would increase the provision of open space, they do not represent reasonable alternatives because they are financially infeasible proposals inconsistent with the Applicant's objectives and capabilities.

#### 4. Stormwater and Drainage

As demonstrated by the Stormwater Pollution Prevention Plan (SWPPP) in FEIS Appendix M, the potential stormwater and drainage impacts associated with the Proposed Action can be addressed through the implementation of various measures, including the implementation of the proposed drainage system, to include a series of drainage pipes, infiltration basins, bioretention basins, stone diaphragms, CDS units and dry wells, as well as implementation of the detailed Sediment and Erosion Control Program. As a result of the implementation of the SWPPP and the Sediment and Erosion Control Program, it is expected that there would be no significant water quality impacts on receiving wetlands or downstream discharge points or properties by the Proposed Action.

A similar Stormwater Pollution Prevention Plan (SWPPP) would be prepared for Alternative F or any lower density iteration of Alternative F to ensure that the quality of stormwater runoff after development would not be substantially altered from existing conditions, in compliance with Village of Mamaroneck Code §294-4(A)(1). In addition, the proposed residential buildings would be elevated out of the floodplain with excavated material moved from other portions of the Project Site for grading purposes in accordance with NYSDEC Regulations (see NYSDEC Letter in FEIS Appendix L). Therefore, reducing the density is not a necessary measure to mitigate an identified stormwater or drainage impact.





## 5. Traffic

The evaluation of potential traffic impacts associated with the Proposed Action is summarized in the Traffic Impact Study (TIS) in Appendix M of the DEIS. The TIS demonstrates that a 105-unit density residential development at the Project Site would not increase existing levels of Service (LOS) at any key intersections during peak hours. Accordingly, the Proposed Action would not result in any significant adverse traffic impacts, which would necessitate the implementation of mitigation measures. Table III.4-1 outlines the anticipated trip generated by each of the lower density versions of Alternative F. The overall LOS at any key intersection would not change. Therefore, reduction in density would not be a necessary measure to mitigate any identified traffic impacts.

## 6. Construction

The DEIS finds that impacts of the Proposed Action related to construction would be temporary in nature, and certain measures would be implemented to minimize construction disturbance, including noise reductions measures associated with mechanical equipment and implementation of erosion and sediment controls during the construction period. Table III.4-1 reflects that under the No-Fill Alternative and its lower density versions, the number of truck visits per day of operation would be reduced to somewhere between 4-9 truck trips per day, depending upon the number of units to be constructed. The lower density alternatives would result in a shorter construction period and therefore less construction noise. As with Alternative F and the Proposed Action, the use of excavated material moved from other portions of the Project Site for grading purposes would be in accordance with NYSDEC Regulations (see NYSDEC letter in FEIS Appendix L).

## 7. Utilities

The estimated water demands and sewage generation for the lower density versions of Alternative F is 11,000 gallons per day for 25 units, 22,000 gallons per day for 50 units, and 33,000 gallons per day for 75 units, with an estimated peak rate of 110 gpm utilizing the industry standard values for wastewater. The water and sewer requirements are less for these alternatives compared to the Proposed Action. The water and sewer requirements for the lower density 75-unit version of Alternative F is comparable to Alternative F at 34,980 gpd. Since there is sufficient water and sewer capacity to service the 105-unit residential development associated with the Proposed Action, it is anticipated that there would also be sufficient capacity to service Alternative F, and its reduced density iterations.

Telecommunications, electric and other private utilities, with the possible exception of natural gas, would be also be available to this alternative.



## 8. Socio-economic Factors

Overall, based on the fiscal and economic analysis conducted as part of the DEIS investigations, the Proposed Action is expected to provide a net positive impact for the taxing districts in the Village, Town and County. The additional taxes generated from the Proposed Action are anticipated to cover the cost of any additional municipal services that would be required. The Mamaroneck Union Free School District would receive an annual surplus of tax revenue of \$1,698,197, net the increased programmatic costs of additional school children generated, which is a beneficial impact of the Proposed Action.

The ability to off-set added burdens of municipal resources by tax revenue generation would not change with Alternative F, or the various reduced density iterations. The amount of revenue associated with each alternative would still be sufficient to cover the costs associated with the population and demands on municipal resources generated by each alternative. As the number of units decreases, so too would the amount of tax revenue generated decrease, depriving the Village of Mamaroneck and other taxing districts of the financial benefits that would be realized under the Proposed Action. By way of example, assuming a market value of \$2.6 million per single-family home, in total, the Project Site would generate \$1,757,776 for 25 units, \$3,504,136 for 50 units, and \$5,250,495 for 75 units in tax revenue annually, following the tax rates provided in Chapter 30 of the DEIS. Of this total, approximately 50 percent would go to the Mamaroneck Union Free School District; approximately 25 percent would go to the Village of Mamaroneck; and the remainder would go to the Town, County, and other taxing districts. Applying the per student programmatic cost of \$15,893 paid by local property taxes to the estimated new public school students under each density alternative indicates that the lower density versions of Alternative F could result in an additional cost to the Mamaroneck Union Free School District of \$349,646 for 25 units, \$699,292 for 50 units, and \$1,048,938 for 75 units. Using these figures, it is estimated that the overall result of the lower density versions of Alternative F would be a net fiscal benefit of \$1,408,129 for 25 units, \$2,804,843 for 50 units, and \$4,201,557 for 75 units.

### *Alternative G – Rezoning for Condominium Development*

#### **Comment 4.6:**

Page 4-19. Second to last paragraph. Mid way. "the proposed flood wall would not adversely impact flooding conditions on adjacent properties." How has this been determined?

(Memo 1, pg. 13, Stuart Mesinger, Consultant to Planning Board, 5/14/2018)

**Response 4.6:**

The flood wall proposed as part of Alternative G would be part of a significantly reduced modification of the Project Site compared to the Proposed Action. Alternative G would maintain the 18-hole members only golf course with minor modifications. The flood modeling performed for the Proposed Action demonstrated that the fill placement does not adversely affect the tidal flood elevation. Alternative G proposes significantly less fill area, and therefore it likewise would not adversely impact the tidal flood elevations.

**Comment 4.7:**

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

(Public Hearing 1, pg. 49-50, and Public Comment Letter 67, pg. 2-3, Stephen Kass, 2/14/2018)

**Response 4.7:**

The Applicant submits that the 121-unit density proposed as part of Alternative G is financially feasible, and would result in fewer units than the Applicant maintains would be permissible on the R-20 portion of the Project Site under both New York State and the Village of Mamaroneck law, but more than the Proposed Action. The residential development proposed as part of the Proposed Action would occur entirely within the Village's R-20 District in accordance with the Village's Planned Residential Development regulations set forth in Section 342-52 of the Village Code. Under this Section of the Village Zoning Code, the maximum density of a Planned Unit Development is determined in two stages. First, the Planning Board must determine the lot count in accordance with the requirements of Village Code Section 342-52 by dividing the gross area of the subject parcel by the minimum lot size requirements of the zoning district in which it is located and then reducing the number to the extent it determines that, because of environmental limitations, traffic access, the use and character of adjoining land or other planning considerations, the maximum permitted density would be inappropriate. Second, the Planning Board must determine the permissible lot count under Village Law Section 7-738 by determining the number which could be permitted, in its judgment, if the land were subdivided into lots conforming to the minimum lot size and density requirements of the zoning local law and conforming to all other applicable requirements. The maximum permissible lot count will be the lower of the two numbers.



It is the Applicant's opinion that the two-stage methodology for calculating the maximum permissible lot count set forth by the Village Attorney (and discussed above) is inconsistent with the express language of the Village Zoning Code, the New York State Village Law, the Final Scope for this EIS, as well as the opinion of the Village's expert planner. It is the Applicant's opinion that the maximum permissible lot count under Section 342-52 of the Village Code is 205 units – i.e. 94.5 acres (the gross area of the subject property) divided by 20,000 square feet (the minimum lot size requirement in the R-20 District).

Alternative G is located in the Village's MR District. The Applicant has proposed that the Village Board create a new Open Space/Residential Community District that would allow Alternative G. Alternative G, as proposed by the Applicant, would have a number of units far less than the maximum permitted density in the R-20 District in which the current project is proposed. Response A.6 provides a full explanation of permitted density on the Project Site.

However, at the request of the Planning Board, the Applicant has provided an analysis of several Alternatives, including Alternative G, at lower densities of 25, 50 and 75 units. See the full analysis in Responses 4.1, 4.5 and 4.17. It is the Applicant's position that these proposed lower density alternatives would not be financially viable because the investment required for infrastructure and professional fees and permits would greatly exceed what could be derived from the sale of significantly fewer units to be built on the property. Therefore, these lower density alternatives could not be pursued by the Applicant.

**Comment 4.8:**

Provide, for Alternative G, a plan for layout, ownership and maintenance of water and sewer facilities.

(Memo 1, pg. 13, Stuart Mesinger, Consultant to Planning Board, 5/14/2018)

**Response 4.8:**

Under Alternative G, the utilities that currently serve the Project Site would remain within Cove Road to serve the proposed condominium development. A pump station would be required. New facilities would be under the ownership and maintenance of the condo association.

**Comment 4.9:**

Describe how open space would be preserved and/or protected in Alternative G.

(Memo 1, pg. 13, Stuart Mesinger, Consultant to Planning Board, 5/14/2018)

**Response 4.9:**

As stated on page 4-19 of the DEIS, under Alternative G, the 18-hole members only golf course, including all of its environmentally sensitive features identified in the Comprehensive Plan, would be preserved on the remaining portion of the Project Site, to be protected in perpetuity from future development through a conservation easement, or other legally binding mechanism.

**Comment 4.10:**

With respect to Alternative G, would the proposed rezoning encompass or potentially impact properties other than Hampshire? If so, what are the potential development thresholds and impacts on those other properties?

(Memo 1, pg. 13, Stuart Mesinger, Consultant to Planning Board, 5/14/2018)

Discuss the precedent set by the rezoning associated with Alternative G on other MR-zoned properties.

(Memo 1, pg. 13, Stuart Mesinger, Consultant to Planning Board, 5/14/2018)

At least one alternative would call for the shattering of the MR, marine recreation zone, allowing residences where such uses are prohibited and would other -- and would allow other MR Zone properties to also shatter the zoning.

(Public Hearing 2, pg. 313, Dan Natchez, President of Shore Acres Property Owner's Association, 4/11/2018)

(Public Hearing 2, pg. 342, 4/11/2018 and Public Comment Letter 107, pg. 1, 4/22/2018, Jeremy Arfield)

The comprehensive village plan calls for protection of the harbor and marine recreation zone. Any change in the zoning of properties in this zone has a major effect by creating a precedent for other coastal marine zoning. This could lead to long term development that would look like a ring of condos around the harbor.

(Public Comment Letter 187, pg. 1, Lloyd Landa, 5/11/2018)

I understand that a small part of Hampshire is actually deemed part of the marine MR zone. Mamaroneck Harbor and Harbor Island Park are an important and treasured resource of the Village. One of my top priorities is to maintain the Harbor area so that it is open to all residents to enjoy; there should be no development of condos or other high-rise buildings to block access. It is thus imperative that no changes be made to the MR zone part of Hampshire that could be used as precedents for



development along Mamaroneck Harbor that is not consistent with its marine uses and recreation and open space for the Village.

(Public Comment Letter 111, pg. 1, Claire Wolkoff, 5/1/2018)

**Response 4.10:**

The Applicant asserts that any text amendment that would be undertaken by the Village Board under Alternative G would not open the door to residential development on, or set a precedent for, other open space or MR-zoned properties in the Village because the Village and its Comprehensive Plan recognize that the Project Site is a unique property warranting distinct rezoning consideration. Other recreational and open spaces in the Village, such as the Shore Acres Club, Mamaroneck Beach and Yacht Club, Beach Point Club and Orienta Yacht Club, which are uniformly smaller in size, do not have the same large recreational space area, and do not currently support a golf course. The Comprehensive Plan suggests these smaller recreational areas warrant designation exclusively within the MR District. The Hampshire Country Club is a very different property. In addition, the Applicant asserts that any zoning text amendment would propose specific siting controls to ensure that the new uses permitted under the text amendment are confined only to the Project Site as intended by the Comprehensive Plan. Only properties consisting of ninety (90) acres or more would qualify for the residential uses permitted in the proposed Open Space/Residential Community District. No other recreational or open space properties in the Village would meet this criterion.

**Comment 4.11:**

During the February 14 public hearing comments were made to the effect that the Applicant had represented that Alternative G, if pursued, would be an age-restricted community. The Applicant should confirm whether or not this is the case and assess the impacts to the school district if it is. If it is the case, what would be the minimum age allowed to reside on the property?

(Memo 1, pg. 13, Stuart Mesinger, Consultant to Planning Board, 5/14/2018)

And the last one I actually do want to point out also, in regard to the 55 and older, just because you're 55 doesn't mean you don't have little kids.

(Public Hearing 1, pg. 135, Randi Spatz, 2/14/2018)

**Response 4.11:**

As stated at the February 14 public hearing, Alternative G, if pursued, would be an age-restricted development, with ownership to be restricted to residents age 55 and older. Hampshire would include a requirement in the HOA Rules and Regulations that no owner may be under the age of 55.

Alternative G is not anticipated to result in a significant, if any, increase in school-age children. The units proposed under Alternative G would be geared towards empty nesters, as it would include luxury amenities and would be accompanied by a requirement of club membership. In addition, an age-restricted development is unlikely to attract families, who often prefer housing options nearby other families. Therefore, the units proposed under Alternative G are very unlikely to generate the number of school children estimated with a more traditional condominium unit. However, though not anticipated, these units could potentially house school-aged children. Using multipliers provided by Rutgers University Center for Urban Policy Research, it is estimated that the condominium development could generate approximately 20 school age children. This minor increase would not be expected to put a significant strain on the school district.

**Comment 4.12:**

Provide an assessment of consistency with the LWRP for Alternative G, as well as the variants discussed in Comment 141 above.

(Memo 1, pg. 13, Stuart Mesinger, Consultant to Planning Board, 5/14/2018)

Under absolutely no circumstances should any residential building take place in the MR-1 District, as identified in the Village's LWRP (adopted by NYS and the VOM in 1986). Building ANYWHERE in this Zone would constitute "spot zoning" and would jeopardize the entire existence of the Village's MR and MC Zones and the Village's express desire to preserve and protect its waterfront for future generations.

(Public Comment Letter 209, pg. 1, Paul A. Ryan, 5/12/2018)

**Response 4.12:**

In 2016, a draft update to the LWRP was published for review. The 2016 LWRP update defers to the recommendations of the Comprehensive Plan regarding the rezoning of the Hampshire Country Club. It states, "The zoning changes discussed in the 2012 Comprehensive Plan to preserve Hampshire and better reflect the use of Village parks and open space would be consistent with the goals and objectives articulated and policies presented in this LWRP" (Village of Mamaroneck Local Waterfront Revitalization Program, Draft Update 2016. Page 86).



Alternative G, the condominium alternative, would involve a Village Zoning Code text amendment to create an Open Space/Residential Community District, which would permit multifamily housing as part of a Planned Golf Course Community. Under this alternative, the Village of Mamaroneck portion of the Project Site would be rezoned to this new zoning district.

It is the opinion of the Applicant that this rezoning would be in accordance with the 2012 Comprehensive Plan Update for the Village of Mamaroneck, which discusses the Village's preference to preserve as much open space on the Hampshire Country Club site as possible in order to preserve various features deemed environmentally significant on the Project Site, along with its recreational space. It is noted however that the language in the 2012 Comprehensive Plan refers to the R-20 District and not the Marine-Recreation District. It is the Applicant's further opinion that this alternative would not constitute spot zoning, but rather a zoning change that is in line with the stated preferences outlined in the comprehensive planning effort.

**Comment 4.13:**

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

The condo development would carry with it the same risk of flooding and lack of adequate ingress and egress that we talked about before, because it would still rely on Cove Road and Eagle Knolls.

(Public Hearing 1, pg. 128-130, and Public Comment Letter 67, pg. 5, Celia Felsher, 2/14/2018)

So here are just a few reasons why this 100-unit condo development is not better than the housing and is also not realistic: First, building a massive five-story 300,000-square-foot building with over 100 two-to-three-bedroom apartments and approximately 246 underground parking spots, an indoor theater room, an indoor pool, a business is not environmentally sensitive and sounds more like a shopping mall and not a responsible development in a residential area, especially in a critical environmental area that was designated as residential just to be a holding zone. The condos would still result in significant increase of school-age children and overcrowding. The traffic. The additional water pipes, sewer drains, stormwater drains, road maintenance, garbage, recycling pick up,





emergency services like the police and the fire departments. Disturbing land around it, particularly when it's so close to the Long Island Sound, Delancey Cove, and the wetlands with the critical environmental areas.

(Public Hearing 1, pg. 155-159, Jen Kronick, 2/14/2018)

Rezoning the property to construct a massive condominium development would have a serious and adverse impact on the community. Added density, increased traffic, flooding, loss of open green space, etc. are a few of the valid reasons to deny this plan.

(Public Comment Letter 22, pg. 1, Eric Greenberg, 2/13/2018)

(Public Comment Letter 25, pg. 1, Pablo Laguarda, 2/13/2018)

Building a massive 5-story, 300,000 square foot building, with over 100 2-3 bedroom apartments and approx. 246 underground parking spots, an indoor theater room, an indoor pool, a business center, fitness center, restaurants, valet parking, is not environmentally sensitive. It would result in significant disruption to soil, move roads, change elevations of the road, disrupt Delancey Cove and Hommocks and cove wetlands. It would result in massive change of stormwater drainage patterns that would adversely impact and likely cause flooding to surrounding homes, neighborhoods and schools.

Condos "targeted" to "empty-nesters but not required to be sold to them would still result in a significant increase of school age children and overcrowding. Over 100 condos would result in at least 100 or even 200 extra cars, plus friends/visitors/deliveries, etc. in and out of our narrow local streets.

The proposed residences would represent an approximately 15% increase in Orienta residences. From approximately 700 residences to over 800. Think of the 8 am Hommocks congestion that would be increased on Boston Post Rd by Orienta Avenue, and on Boston Post Road and Hommocks Rd, and on Cove Road. Think of the additional water pipes, sewer drains, stormwater drains, road maintenance, garbage and recycling pick up, etc. – all of which would not be supported by the lower tax rates of a condo development.

It also is so close to the Long Island Sound, Delancey Cove, and the wetlands that these critical environmental areas would be disturbed. Could result in toxic soil being disturbed, and in close proximity to Hommocks. Wildlife would be scared away from Hampshire and further into our yards.

(Public Comment Letter 131, pg. 3, Jenn Kronick and Jason Shapiro, 5/8/2018)

(Public Comment Letter 187, pg. 1, Lloyd Landa, 5/11/2018)

(Public Comment letter 245, pg. 1, Jean Meyerowitz, 5/14/2018)



(Public Comment letter 247, pg. 1, Donald LaSala, 5/14/2018)

There are some who believe that the new condo residents would generate more tax revenue for the Village. This is a short-term bait and switch argument. The additional residents will drain revenue at the end of the day because more Village services will be required for the additional residents. For starters there will be additional students in the overcrowded public schools, additional busing will be needed, additional sewage and policing of an entirely new neighborhood will be needed. The additional traffic in out of both ends of Cove Road will clog quiet streets that have long enjoyed and paid dearly for a quiet neighborhood.

(Public Comment letter 246, pg. 1, Andrew J. Maloney, 5/14/2018)

**Response 4.13:**

Alternative G, rezoning for condominium and golf course, would involve a 121-unit condominium development with a total of 239 bedrooms. The condominium alternative would require a Village Zoning Code text amendment to create an Open Space/Residential Community District, which would permit multifamily housing as part of a Planned Golf Course Community. Under this Alternative, the portion of the Project Site within the Village of Mamaroneck would need to be rezoned into this new zoning district.

The Alternative was evaluated in accordance with the adopted SEQRA Scoping Document. As detailed beginning on page 4-15 of the DEIS, the condominium would include one five-story structure topographically and visually integrated into the existing clubhouse. The existing 18-hole members only golf course and country club would remain in use under this alternative. Overall, the DEIS determined that no significant environmental impacts would result from Alternative G. This alternative would protect the Project Site's sensitive natural features and recreational space character, and would bring additional taxes to the Village without burdening public facilities or schools.

The Applicant submits that although the condominium development would be located within the Orienta neighborhood, near primarily low-density residential land uses, the development would not be out of character, as there are other medium to high density residential developments in the area. The Fairway Green Townhouses, a medium-high density residential development with 54, generally two-story townhouses, is located immediately to the northwest of the Project Site, and is visible from Boston Post Road and the Project Site. Orienta Gardens, a four-story high density cooperative residential development, is also located along Old Boston Post Road. In addition, a large bulk, six to seven story condominium development at 490 Bleeker Avenue in the Orienta neighborhood, to the northeast of the Project Site, is located directly on the waterfront, immediately adjacent to single family



homes, and is visible from the water, Harbor Island Park, and Boston Post Road. This development is pictured below.



Fairway Green Townhouses (left) and Orienta Gardens (right)

Source: Fairwaygreen.org; Ginnel Real Estate



View of 490 Bleeker Avenue from the water (left) and Bleeker Avenue (right)

The Applicant submits that, in contrast to these other medium to high density developments, Alternative G, the condominium development, has been specifically designed to minimize visual impacts to adjacent properties and public viewsheds. Alternative G would modify and add to the existing clubhouse, but would only marginally modify the proposed height from the height of the existing building. The proposed building would be well-integrated with the existing clubhouse, and given the topography of the Project Site, would hide much of the bulk of the proposed building in the hillside adjacent to the clubhouse. Exhibit 4-10c from the DEIS is copied below to show a view of the proposed building. The building would also be enhanced by proposed landscaping. Exhibit 4-11 of the DEIS provides cross section views from some of the closest residences off-site to the clubhouse and proposed residential building. The site sections show that existing views to the Project Site would





not be materially modified by the development under Alternative G. In addition, under Alternative G, the entire members only golf course would remain intact, preserving 101.8 acres of recreational open space in perpetuity (through a conservation easement, or other legally binding mechanism) and maintaining it as an existing element of the Orienta community's character.



Exhibit 4-10c of the DEIS: Alternative G View from Cove Road

Visual evaluations from Delancey Cove for the Alternative G found in Appendix C Figures present the full build (Four Stories) and reduced three and two story versions as photo simulations inserted into a winter landscape (no leaves). The full four-story Alternative G is comparable with the magnitude of adjacent structures and is buffered by the existing tree line which extends well above the roof. The reduced story alternatives step below other structures in the viewshed and are further hidden by existing trees.

Overall, approximately 11 acres of land area on the Project Site would be disturbed under Alternative G. This disturbance would be limited to the area immediately adjacent to the existing clubhouse, an area that is already substantially disturbed. Since the multi-family development would be incorporated into the existing clubhouse, preserving the remainder of the Project Site, the Alternative G site plan does not directly affect any of the areas deemed environmentally significant in the Comprehensive Plan. The only exception is approximately 0.5 acres of local wetland buffer disturbance anticipated for the realignment of the roadway, which would be revegetated to mitigate impacts. Alternative G would not only accomplish the Village's planning goal to preserve the Hampshire County Club in the future, but would go beyond the development controls envisioned in the Comprehensive Plan. The rezoning



would require that a minimum of 75% of the Project Site be maintained as passive recreational and/or open space in perpetuity, though in actuality, Alternative G would protect over 90% of the Project Site as recreational/open space. Therefore, contrary to the concerns raised in Comment 4.2, Alternative G would result in virtually no loss of recreational or other green space.

Alternative G would also substantially minimize the area to be disturbed by providing approximately 246 parking spaces in a below-grade parking garage, as opposed to a surface lot. In addition, the construction period would be shorter compared to the Proposed Action, reducing construction-related effects.

Alternative G would protect against potential flooding on the Project Site. While portions of the 11 acres of disturbance under Alternative G are within the 100-year floodplain, the majority of the floodplain coverage would be over the existing members only golf course, not the clubhouse, pool and associated buildings. However, a combination of low barrier walls and grade adjustments would be utilized at two spots on the western side of the Project Site to allow inflow of flood water from the Long Island Sound. At each of the low spots in the road, there are existing drainage culverts that would be fitted with back flow prevention devices to continue to allow unobstructed flow during regular storm events and to prevent inflow of tidal floodwater from Long Island Sound during tidal flood events. This engineering solution would also provide protection to upstream neighbors that are currently affected by surface water that flows through the Project Site during some storm events. To ensure protection of the proposed residential use, the relocated Cove Road would be elevated adjacent to the building, providing depression north of the building to accumulate potential water.

In addition, Alternative G has a significantly reduced area of development compared to the Proposed Action. It has already been demonstrated by water surface modeling that the Proposed Action would not adversely impact adjacent properties. A reduced area of development would reduce, not increase potential impact on water surface elevations. Therefore, Alternative G would not adversely impact flood water elevations on adjacent properties.

The Applicant submits that Alternative G would not have significant impacts related to stormwater. The alternative would include the use of bio-retention swales adjacent to the relocated Cove Road and parking area for stormwater treatment. The condominium development would also maintain stormwater quality by placing the majority of the new parking below grade, thereby reducing the parking area exposed to the storm water runoff. The parking garage is set at approximately 12 feet below the grade of West Cove Road. Based on the groundwater levels encountered during the geotechnical investigation (see Appendix G in the DEIS), it is anticipated that the proposed parking garage would require an exterior perimeter foundation drain system, protecting the cars from flood waters. The below grade parking garage would be constructed utilizing flood-proof materials such



that the water would not inundate the parking area, and the entrance to the garage would be above flood level.

Alternative G is not anticipated to result in a significant, if any, increase in school-age children. The proposed units would be age-restricted, limited to owners age 55 or older. It is noted that the units proposed under Alternative G would include luxury amenities, and would be accompanied by a requirement of club membership. In addition, an age-restricted development is unlikely to attract families, who often prefer housing options nearby other families. Therefore, the units proposed under Alternative G are very unlikely to generate the number of school children estimated with a more traditional condominium unit. However, though not anticipated, these units could potentially house school-aged children. Using multipliers provided by Rutgers University Center for Urban Policy Research, it is estimated that the condominium development could generate approximately 20 school age children. This minor increase would not be expected to put a significant strain on the school district.

Alternative G would not have a significant impact on Village or Town services. Water and sewer requirements for the proposed development would be 26,290 gallons per day. Compared to the Proposed Action and the other alternatives discussed in the DEIS, Alternative G has the lowest water and sewer requirements, and as analyzed in the DEIS, the Proposed Action could be accommodated by existing municipal services. In addition, the condominium alternative would generate approximately 60 AM peak hour vehicle trips, 70 PM peak hour trips, and 64 Saturday trips, comparable to the trips generated by the Proposed Action, and no changes in levels of service are anticipated as a result of the Alternative G development. Finally, the traffic generation from a 55 or older development would not be expected to follow peak travel patterns as much as a more traditional condominium unit, minimizing any impacts on traffic.

In addition, Alternative G would result in an increase to all taxing jurisdictions, including the school district. Assuming a market value of \$1.5 million per a three-bedroom condominium unit, in total, based on 60 percent of market value, the Project Site would generate \$2,948,994 in tax revenue annually, following the tax rates provided in Chapter 30 of the DEIS. Of this total, approximately 50 percent (\$1,473,689) would go to the Mamaroneck Union Free School District; approximately 25 percent would go to the Village of Mamaroneck; and the remainder would go to the Town, County, and other taxing districts. Applying the per student programmatic cost of \$15,893 paid by local property taxes to the estimated 20 new public school students indicates that the Alternative G development could result in an additional cost of \$317,860 to the Mamaroneck Union Free School District. Using these figures, it is estimated that the overall result of the Alternative G development would be a net fiscal benefit of \$2,631,134.



**Comment 4.14:**

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.

(Public Hearing 1, pg. 170, John Hofstetter, 2/14/2018)

**Response 4.14:**

The fiscal analysis presented in Chapter 4 of the DEIS on page 4-21 accounts for the lower Assessed Value of a condominium unit compared with a single-family home, calculating the Assessed Value at 60 percent of market value. As described above in Response to Comment 4.2, assuming a market value of \$1.5 million per condominium unit, in total, based on 60 percent of market value, the Project Site would generate \$2,948,994 in tax revenue annually, following the tax rates provided in Chapter 30 of the DEIS.

**Comment 4.15:**

A few years ago, the Fairway Green voted -- the community voted for the condominiums.

(Public Hearing 2, pg. 310, Barbara Brown, 4/11/2018)

**Response 4.15:**

Comment noted.

**Comment 4.16:**

It is their 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.

(Public Hearing 2, pg. 346, Todd Kurtis, 4/11/2018)

**Response 4.16:**

Comment noted.

**Comment 4.17:**

A reduced density project would have fewer impacts in a number of areas, including, among others, reduced impacts to open space and the property's associated CEA designation, reduced vegetation impacts, fewer truck trips and associated noise, fewer visual impacts and less construction disturbance and risks associated with movement of contaminated soil. Alternative G, Rezoning for Condominium and Golf Course, in particular appears to have fewer impacts than the project analyzed in the DEIS, as well as fewer impacts than the other alternatives analyzed. Alternative G analyzes a 121-unit, five story condominium structure. The Applicant should additionally analyze less dense variants of this alternative. Specifically, provide an analysis of a 25, 50 and 75-unit condominium alternatives occupying roughly the same footprint as that shown in Alternative G. Compare the impacts of each alternative to the proposed action at a level of detail sufficient to allow the Planning Board to make a SEQRA finding comparing the impacts of each alternative with the proposed action. The visual impacts of two, three and four-story condominium buildings should also be analyzed, including visibility from the Long Island Sound.

(Memo 1, pg. 13, Stuart Mesinger, Consultant to Planning Board, 5/14/2018)

**Response 4.17:**

Reduced density iterations of Alternative G, with 25, 50 and 75 condominium units, are presented in Table III.4-1 detailing specific characteristics and potential impacts as compared to the Proposed Action and Alternative G. Under the reduced density versions of Alternative G, the entire portion of the Project Site located within the Village of Mamaroneck would still be rezoned to a newly created Open Space/Residential Community District. This district would permit multifamily housing as part of a Planned Golf Course Community, provided that a minimum of 75 percent of the total site area remains limited to recreational and open space uses. As with Alternative G, the 25-, 50- or 75-unit versions of Alternative G would maintain over 100 acres, or close to 96% of the Project Site, as open space and recreational use. Approximately 11 acres of land area on the Project Site would be disturbed in order to construct the residential development and related site improvements, the same area of disturbance as Alternative G. This disturbance would be limited to the area immediately adjacent to the existing clubhouse.

Impacts by major category are summarized below.

1. Land Use and Zoning

As with Alternative G, the lower density versions of Alternative G would require a Village Zoning Code text amendment to create an Open Space/Residential Community District, which would permit





multifamily housing as part of a Planned Golf Course Community. Under these alternatives, the Village of Mamaroneck portion of the Project Site would be rezoned to this new zoning district.

## 2. Visual and Community Character

As described in Response 4.13 above, the Applicant contends that Alternative G would not result in significant adverse visual impacts or impacts to community character. Therefore, the Applicant contends that two-, three- and four-story condominium buildings would likewise not result in significant adverse visual impacts. Photo simulations of the lower density versions of the Alternative G development from the perspective of Delancey Cove are provided in Figure 17 in FEIS Appendix C. As shown, the height of the development would only be marginally taller than the existing clubhouse for the four-story iteration, and would not materially change the character of the views from the Long Island Sound. During leaf-on conditions in the warmer months of the year, most of the building would be blocked from site by the trees on the Project Site. Under each of these alternatives, the building addition would be attached to the north face of the clubhouse, and the area of the surrounding neighborhood from which the Project Site is visible would not increase significantly.

## 3. Natural Features and Open Space

Both Alternative G and the reduced density versions of Alternative G would maintain 102.8 acres of recreational space on the golf course because the area of disturbance would be limited to approximately 11 acres. In addition, Alternative G and the reduced density versions of Alternative G would preserve the areas on the Project Site deemed environmentally significant in the Comprehensive Plan, including the ponds, wetlands and floodplain. Alternative G would require a tree removal of 5 percent.

## 4. Stormwater and Drainage

A Stormwater Pollution Prevention Plan (SWPPP) would be prepared for the lower density versions of Alternative G to ensure that the quality of stormwater runoff after development would not be substantially altered from existing conditions, in compliance with Village of Mamaroneck Code §294-4(A)(1). While portions of the 11 acres of disturbance under Alternative G and its lower density versions are within the 100-year floodplain, the majority of the floodplain coverage is over the existing golf course, not the clubhouse, pool and associated buildings. In addition, a drainage system would be designed to treat water runoff and provide water quality control. As a result of its implementation, and as with Alternative G and the Proposed Action, it is expected that there would be no significant water quality impacts on receiving wetlands or downstream discharge points or properties. To ensure protection of the proposed residential use, the relocated Cove Road would be elevated adjacent to the building, providing depression north of the building to accumulate potential water.



## 5. Traffic

The evaluation of potential traffic impacts associated with the Proposed Action is summarized in the TIS in Appendix M of the DEIS. The TIS demonstrates that a 105-unit density residential development at the Project Site would not increase existing Levels of Service (LOS) at any key intersections during peak hours. Accordingly, the Proposed Action would not result in any significant adverse traffic impacts, which would necessitate the implementation of mitigation measures. Table III.4-1 outlines the anticipated trip generated by each of the lower density versions of Alternative G. The LOS at any of the key intersections would not change under Alternative G. Therefore, reduction in density would not be a necessary measure to mitigate any identified traffic impact associated with the Proposed Action or Alternative G.

## 6. Construction

The DEIS finds that impacts of the Proposed Action related to construction would be temporary in nature, and certain measures would be implemented to minimize construction disturbance, including noise reductions measures associated with mechanical equipment and implementation of erosion and sediment controls during the construction period. Therefore, reduction in density as a mitigating measure for construction impacts is unnecessary. As Table III.4-1 demonstrates, under Alternative G and its lower density versions, the number of average daily truck visits during the busiest phase of construction would be reduced, depending upon the number of units to be constructed. In addition, the construction period would be shorter compared to the Proposed Action, and the area of disturbance would be smaller, reducing construction-related effects.

## 7. Utilities

The estimated water demands and sewage generation for the lower density versions of Alternative G is 5,500 gallons per day for 25 units, 10,890 gallons per day for 50 units, and 16,390 gallons per day for 75 units, with an estimated peak rate of 110 gpm utilizing the industry standard values for wastewater.

As demonstrated in the DEIS Chapters 3H and 3I, there is currently sufficient water and sewer capacity to accommodate the 105-unit Proposed Action, as well as the 121-unit Alternative G. Accordingly, it is anticipated that there would be sufficient capacity to accommodate lower-density iterations of Alternative G.

Telecommunications, electric and other private utilities, with the possible exception of natural gas, would be also be available to this alternative.

## 8. Socio-economic Factors



Overall, based on the fiscal and economic analysis conducted as part of the DEIS investigations, the Proposed Action is expected to provide a net positive impact for the taxing districts in the Village, Town and County. The additional taxes generated from the Proposed Action are anticipated to cover the cost of any additional municipal services that would be required. The Mamaroneck Union Free School District would receive an annual surplus of tax revenue of \$1,698,197, net the increased programmatic costs of additional school children generated, which is a beneficial impact of the Proposed Action.

The ability to off-set added burdens of municipal resources by tax revenue generation would not change with Alternative G, or the various reduced density iterations. The amount of revenue associated with each alternative would still be sufficient to cover the costs associated with the population and demands on municipal resources generated by each alternative. As the number of units decreases, so too would the amount of tax revenue generated decrease, depriving the Village of Mamaroneck and other taxing districts of the financial benefits that would be realized under the Proposed Action. By way of example, assuming a market value of \$1.5 million per a condominium unit, in total, based on 60 percent of market value, the Project Site would generate annual tax revenue \$627,417 for 25 units, \$1,231,995 for 50 units, and \$1,836,572 for 75 units in tax revenue annually, following the tax rates provided in Chapter 30 of the DEIS. Of this total, approximately 50 percent would go to the Mamaroneck Union Free School District; approximately 25 percent would go to the Village of Mamaroneck; and the remainder would go to the Town, County, and other taxing districts. Applying the per student programmatic cost of \$15,893 paid by local property taxes to the estimated new public school students under each density alternative indicates that the lower density versions of the Alternative G could result in an additional cost to the Mamaroneck Union Free School District of \$79,465 for 25 units, \$143,037 for 50 units, and \$206,609 for 75 units. Using these figures, it is estimated that the overall result of the lower density versions of Alternative G development would be a net fiscal benefit of \$547,952 for 25 units, \$1,088,957 for 50 units, and \$1,629,963 for 75 units, all of which would be significantly less than the \$2,631,134 of anticipated net fiscal benefit under Alternative G or the net fiscal benefit of \$4,309,667 anticipated under the Proposed Action.

For the reasons stated above, the lower density versions of Alternative G are not considered necessary or feasible alternatives to address an identified potential adverse impact associated with the Proposed Action.

**Comment 4.18:**

We would like to support HCC's plan to build condos near their present clubhouse...The condo plan would ensure that approximately 102 acres are kept intact (out of the current 106 acres) and the 18-hole course would remain. I also understand that the developers have committed to putting the



remaining 102 acres in a trust to ensure that the course I park land remaining in perpetuity after that. Other benefits of this plan are:

- The Golf Course continues to operate as an 18-hole Course
- Potentially low impact on the School System, 0-20 Students as the majority of the condos would be bought by 'empty nesters' rather than families.
- Massive benefit to the school system - taxes \$1,473,689, cost to school \$317,860 = net gain for school of \$1,155,829.
- A Net taxes increase of \$2,631,134
- Introduction of the development does not Impact the flood elevation of the adjacent neighborhood; multiple means of egress have been included.

(Public Comment Letter 14, pg. 1, Tom and Judy Landau, 2/12/2018)

(Public Comment Letter 21, pg. 1, Barbara and Anthony Brown, 2/12/2018)

(Public Comment Letter 23, pg. 1, Patricia Doniger, 2/13/2018)

(Public Comment Letter 27, pg. 1, Don Levin, 2/13/2018)

(Public Comment Letter 30, pg. 1, Robin Nichinsky, 2/13/2018)

(Public Comment Letter 31, pg. 1, Debbie Bunder, 2/13/2018)

(Public Comment Letter 36, pg. 1, Marshall and Terry Steinberg, 2/13/2018)

(Public Comment Letter 39, pg. 1, Robert A. Menell, 2/14/2018)

(Public Comment Letter 40, pg. 1, Todd Kurtis, 2/14/2018)

(Public Comment Letter 44, pg. 1, Randall Kessler, 2/14/2018)

(Public Comment Letter 45, pg. 1, Tom Secker-Walker, 2/14/2018)

(Public Comment Letter 47, pg. 1, Seth B. Schafner, 2/14/2018)

(Public Comment Letter 48, pg. 1, David and May Finstad, 2/14/2018)

(Public Comment Letter 118, pg. 1, Christine Hofstedt, 5/8/2018)

(Public Comment Letter 182, pg. 1, Lawrence J. Thaul, 5/11/2018)



**Response 4.18:**

Comments noted.

**Comment 4.19:**

My husband and I are long standing members of Hampshire Country Club. I am writing this email to demonstrate our support for the condo development proposal. Selfishly, I want the golf course to remain as an 18-hole course. We live in Harrison, and the convenience, beauty, and unpretentiousness of Hampshire has been very satisfying for both of us. We were members of Ridgeway Country Club for 33 years prior to its closing, and this has been a great substitute. I can only see the benefits of this plan in terms of traffic, and added value to Mamaroneck as a viable community.

(Public Comment Letter 17, pg. 1, Petie and Harvey Wasserman, 2/12/2018)

**Response 4.19:**

Comment noted.

**Comment 4.20:**

There have been many members of the club looking to downsize from their homes in the area, who have commented if the condos existed, they would be first in line to buy one. What is being proposed would serve an unmet local need, keep taxpayers in the area, and really add very little burden to local services such as schools. Instead, these members have sold their homes and moved to New Rochelle or Manhattan as empty nesters.

(Public Comment Letter 19, pg. 1, Dana Norris, 2/12/2018)

(Public Comment Letter 66, pg. 1, Marc Karell, 3/19/2018)

(Public Comment Letter 95, pg. 1, David Smith, Manager – Hampshire Country Club, 4/12/2018)

**Response 4.20:**

Comment noted.

**Comment 4.21:**

My wife and I would like to "buy down," put away our snow shovels, remain in Mamaroneck and enjoy our senior years...Our goal has always been to find a quality condo or apartment complex with first class amenities...I am in favor of the new 55 plus condo community at Hampshire CC. I know many others of my generation have been reluctant to speak publicly but privately say "count me in if approved and built."



(Public Comment letter 252, pg. 1, Stuart Gilbert, 5/14/2018)

**Response 4.21:**

Comment noted.

**Comment 4.22:**

Another focus of concern of Policy 1 is the preservation of the low-rise, low density character of the Village and the views of and to the water. As part of the DEIS environmental evaluation of alternatives, the applicant has submitted, as Alternative G, a plan for a 5 story multi-family 121-unit waterfront condominium development with a 200 to 250 car subsurface garage project. This proposed development complex would be larger than the Post Road High School and as high as the Avalon complex. It would be out of scale with the low-rise, low density character of the neighborhood and is inconsistent with LWRP Policy I. Policy 2 fosters the siting of water dependent uses and facilities on or adjacent to coastal waters. High rise residential structures, such as the Hampshire Country Club Alternative G proposal are not considered water dependent and are deemed to be inappropriate along the coastal waters of the Village. High rise structures would significantly alter the scenic character of the waterfront and block waterfront vistas.

(Public Comment Letter 67, pg. 8-9, Lisa Liquori, 2/14/2018)

Oriente is now a beautiful residential part of our Village. The proposed five-story, 125-unit condominium with a 200-plus parking garage is totally out of character with the area. One of the responsibilities of the Planning Board is to preserve what makes our Village and its various neighborhoods attractive for our residents. This project is clearly not suitable for this location.

Such an enormous project would also result in years of construction traffic and noise. It would result in ongoing congestion on the roads leading in and out of the area. And it would permanently diminish the value of homes in the vicinity.

(Public Comment letter 237, pg. 1, John Cecil, 5/14/2018)

**Response 4.22:**

As noted in Response 4.12, it is the opinion of the Applicant that Alternative G, the condominium development, would be consistent with the stated preferences for the Hampshire Country Club site discussed in the 2012 Comprehensive Plan to preserve Hampshire and better reflect the use of Village parks and open space, and therefore would also be consistent with the goals and objectives articulated and policies presented in the LWRP.



Policy 1 of the LWRP states: Restore, revitalize, and redevelop deteriorated and underutilized waterfront areas for commercial, industrial, cultural, recreational and other compatible uses. The Project Site is not deteriorated or underutilized, and therefore this policy is not applicable. Policy 2 states: Facilitate the siting of water dependent uses and facilities on or adjacent to coastal waters. Alternative G would not displace or reduce the potential for any water-dependent uses. There would be no change in the uses in the neighborhood. The uses would remain single-family and multi-family residential, as well as recreational. The condominium development would not prohibit direct coastal access, nor would it displace the existing use on the Project Site.

The Applicant contends that Alternative G would not significantly alter the scenic character of the waterfront or surrounding neighborhood. The condominium development would result in the preservation of open space at the Project Site in perpetuity, would concentrate density so as to limit the area of disturbance, and would be designed to be cohesive with the surrounding neighborhood. The condominium development would also require a shorter construction period compared with the Proposed Action. In addition, there are instances of multifamily development along the waterfront in the Orienta neighborhood. Specifically, a large bulk, six story condominium development at 490 Bleeker Avenue in the Orienta neighborhood, to the northeast of the Project Site, is located directly on the waterfront, immediately adjacent to single family homes, and is visible from the water, Harbor Island Park, and Boston Post Road. By contrast, Alternative G would use the topography of the Project Site to hide the bulk of the development in the hillside, adjacent to the clubhouse, and therefore, would not be visible from much of the surrounding neighborhood. See Response 4.13 for a full discussion of Alternative G and its compatibility with neighborhood character.

**Comment 4.23:**

I am a resident of the Village. I believe that the condominium development presented as an alternative to the proposed housing development would be bad for the Village and should be rejected as a viable alternative.

(Public Comment Letter 135, pg. 1, Lawrence Zingesser, 5/10/2018)

(Public Comment Letter 136, pg. 1, Jamie Gordon, 5/10/2018)

(Public Comment Letter 137, pg. 1, Mary McLarnon, 5/10/2018)

(Public Comment Letter 138, pg. 1, Sam Katen, 5/10/2018)

(Public Comment Letter 139, pg. 1, Adam Cutler, 5/10/2018)

(Public Comment Letter 140, pg. 1, Ellen Biblowitz, 5/10/2018)



(Public Comment Letter 141, pg. 1, Lorraine Katen, 5/10/2018)

(Public Comment Letter 142, pg. 1, Ian Sigalow, 5/10/2018)

(Public Comment Letter 143, pg. 1, Matt Popoli, 5/10/2018)

(Public Comment Letter 144, pg. 1, Steve Kalt, 5/10/2018)

(Public Comment Letter 147, pg. 1, Phillip Silver, 5/10/2018)

(Public Comment Letter 149, pg. 1, John Farris, 5/10/2018)

(Public Comment Letter 150, pg. 1, Jill Parry, 5/10/2018)

(Public Comment Letter 151, pg. 1, Norman and Ruth Hinerfeld, 5/10/2018)

(Public Comment Letter 152, pg. 1, Gary Monitto, 5/10/2018)

(Public Comment Letter 153, pg. 1, Jessica Sigalow, 5/10/2018)

(Public Comment Letter 155, pg. 1, Jason Shapiro, 5/11/2018)

(Public Comment Letter 159, pg. 1, Bill and Joan Kelly, 5/11/2018)

(Public Comment Letter 161, pg. 1, Carol Metcalfe, 5/11/2018)

(Public Comment Letter 162, pg. 1, Joe DePietro, 5/11/2018)

(Public Comment Letter 163, pg. 1, Harry Fremont, 5/11/2018)

(Public Comment Letter 164, pg. 1, Don Walker, 5/11/2018)

(Public Comment Letter 166, pg. 1, Carol and Edwin Greenhaus, 5/11/2018)

(Public Comment Letter 167, pg. 1, Ellen Walker, 5/11/2018)

(Public Comment Letter 168, pg. 1, Celia Felsher, 5/11/2018)

(Public Comment Letter 170, pg. 1, Jenn Kronick, 5/11/2018)

(Public Comment Letter 171, pg. 1, Ellen Friedman, 5/11/2018)

(Public Comment Letter 172, pg. 1, Geoffrey Kauffman, 5/11/2018)

(Public Comment Letter 173, pg. 1, Iris Kalt, 5/11/2018)





(Public Comment Letter 174, pg. 1, Nova Cutler, 5/11/2018)

(Public Comment Letter 175, pg. 1, Valentina SotoPinto, 5/11/2018)

(Public Comment Letter 176, pg. 1, Andrew Kirwin, 5/11/2018)

(Public Comment Letter 177, pg. 1, Colleen Kearney, 5/11/2018)

(Public Comment Letter 178, pg. 1, Leslie Shifrin, 5/11/2018)

(Public Comment Letter 180, pg. 1, James Desmond, 5/11/2018)

(Public Comment Letter 181, pg. 1, Jennifer Cook, 5/11/2018)

(Public Comment Letter 183, pg. 1, Sophie Kent, 5/11/2018)

(Public Comment Letter 184, pg. 1, Randi Spatz, 5/11/2018)

(Public Comment Letter 185, pg. 1, Andrea Potash, 5/11/2018)

(Public Comment Letter 186, pg. 1, Tom Kent, 5/11/2018)

(Public Comment Letter 188, pg. 1, Joanna Wolff, 5/11/2018)

(Public Comment Letter 189, pg. 1, Joanna Gross, 5/12/2018)

(Public Comment Letter 191, pg. 1, Samuel Porat, 5/12/2018)

(Public Comment Letter 192, pg. 1, Kim and Todd Larsen, 5/12/2018)

(Public Comment Letter 193, pg. 1, Jonathan Childerley, 5/12/2018)

(Public Comment Letter 194, pg. 1, Elizabeth Toll, 5/12/2018)

(Public Comment Letter 195, pg. 1, Richard Ackerman, 5/12/2018)

(Public Comment Letter 202, pg. 1, Arthur Goldstein, 5/12/2018)

(Public Comment Letter 205, pg. 1, Robert Pincus, 5/12/2018)

(Public Comment Letter 207, pg. 1, Lillian Pincus, 5/12/2018)

(Public Comment Letter 211, pg. 1, Letal and Andrew Ackerman, 5/12/2018)

(Public Comment Letter 214, pg. 1, Jennifer Young, 5/13/2018)



- (Public Comment Letter 215, pg. 1, Jean-Francois Despoux, 5/13/2018)
- (Public Comment letter 218, pg. 1, Anne Kimball, 5/13/2018)
- (Public Comment letter 219, pg. 1, Gloria Goldstein, 5/13/2018)
- (Public Comment Letter 220, pg. 1, Vianney Motte, 5/13/2018)
- (Public Comment Letter 221, pg. 1, Jean-Luc Decaux, 5/13/2018)
- (Public Comment Letter 222, pg. 1, Malene Decaux, 5/13/2018)
- (Public Comment Letter 223, pg. 1, Christele Fleury, 5/13/2018)
- (Public Comment Letter 224, pg. 1, Maxine Fleury, 5/13/2018)
- (Public Comment Letter 225, pg. 1, Lisa Gagnum Boillot, 5/13/2018)
- (Public Comment Letter 226, pg. 1, Aramis Boillot, 5/13/2018)
- (Public Comment Letter 227, pg. 1, Etienne Boillot, 5/13/2018)
- (Public Comment Letter 228, pg. 1, Allan Wolkoff, 5/13/2018)
- (Public Comment letter 229, pg. 1, Doug Serton, 5/13/2018)
- (Public Comment Letter 232, pg. 1, Frederic Misse, 5/14/2018)
- (Public Comment Letter 233, pg. 1, Vincent Fleury, 5/14/2018)
- (Public Comment Letter 236, pg. 1, Renee Crabtree, 5/14/2018)
- (Public Comment Letter 239, pg. 1, Patricia and Arnaud Goullin, 5/14/2018)
- (Public Comment Letter 240, pg. 1, Susan Feitler, 5/14/2018)
- (Public Comment Letter 244, pg. 1, Susan LaSala, 5/14/2018)
- (Public Comment Letter 248, pg. 1, Charles Guadagnolo, 5/14/2018)
- (Public Comment Letter 250, pg. 1, Stephen Giove, 5/14/2018)
- (Public Comment Letter 256, pg. 1, Ethan Libo, 5/14/2018)
- (Public Comment Letter 258, pg. 1, Gersende Misse, 5/14/2018)



(Public Comment Letter 259, pg. 1, Andrea Cordero Fage, 5/14/2018)

**Response 4.23:**

Comments noted.

**Comment 4.24:**

I am a resident of the Village. I believe that the condominium development presented as an alternative to the proposed housing development would be best for the Village and should be considered as a viable alternative.

Since the waterway adjacent to the club is dry twice a day at low tide, it would have to be dredged to provide a true marine facility. I do not believe the village would ever agree to that. A zoning change would not set a precedent for other clubs which are on navigable waters.

(Public Comment Letter 169, pg. 1, Robert E. Milburn, 5/11/2018)

**Response 4.24:**

Comment noted.

**Comment 4.25:**

So, I strongly suggest that the planning board or whoever does enact these types of things reconsider the zoning and let the club exist and let the condominiums exist, and I think we'll all be happy.

(Public Hearing 2, pg. 262, Tom Landau, 4/11/2018)

**Response 4.25:**

Comment noted.

**Comment 4.26:**

We have also evaluated the proposed parking garage included in Alternative G which would be constructed below the proposed condominium building to be built on the site of the Golf Clubhouse. The garage would be reached by a sloped ramp, with entrance to the garage shown at elevation 1.0' in Exhibit 4-8 of the DEIS. Such a configuration presents several various problems:

- The entrance would be right at the level of the water table, listed in Appendix G of the DEIS as 0.4' to 1.6' and thus would require an extensive waterproofing system to avoid moisture penetration



- The entrance would be 11' below the current Base Flood Elevation of 12.0' and 12' below the Base Flood Elevation of 13.0', flood waters would increase water pressure at the perimeter of the structure. These BFE levels are also above the top of the driveway (elevation 10.0' to 11.0') so there would be a significant flow of water down to the entrance level during a flood event.
- The entrance to the garage at elevation 1.0' would need to have flood proof doors or stop logs for the full depth of opening. Such a system would need to be carefully designed. The upward slope of the driveway would prevent a swinging door system since it would not be operable to swing out. An inward swing is not advisable since it would need to counteract 12' of water head. A roll down door with proper fixation at the door saddle or a stop-log system with channels on both sides of the door are advisable.
- Should flood doors be installed, the facility operator would need to advise residents to remove their cars before a storm's arrival, for either use for evacuation or to get their cars to higher ground.

(Public Comment Letter 179, pg. 3, Neil Porto, 5/10/2018)

**Response 4.26:**

Responses to the questions raised in this comment are as follows:

- *The entrance would be right at the level of the water table, listed in Appendix G of the DEIS as 0.4' to 1.6' and thus would require an extensive waterproofing system to avoid moisture penetration.*

Response: Subgrade parking for Alternative G would be constructed using a sealed "bathtub" design foundation protecting the cars from flood waters. The entrance to the garage would be above flood level to prevent entry of flood waters. This type of construction provides sealed joints between concrete sections to prevent water intrusion into the garage. In addition, an interior drain and pump station would be provided in the event of minor leaks. This is an approach commonly used in deep foundation buildings such as multilevel subgrade garages typically found in New York City many feet below groundwater and sea elevation.

- *The entrance would be 11' below the current Base Flood Elevation of 12.0' and 12' below the Base Flood Elevation of 13.0', flood waters would increase water pressure at the perimeter of the structure. These BFE levels are also above the top of the driveway (elevation 10.0' to 11.0') so there would be a significant flow of water down to the entrance level during a flood event.*



- *The entrance to the garage at elevation 1.0' would need to have flood proof doors or stop logs for the full depth of opening. Such a system would need to be carefully designed. The upward slope of the driveway would prevent a swinging door system since it would not be operable to swing out. An inward swing is not advisable since it would need to counteract 12' of water head. A roll down door with proper fixation at the door saddle or a stop-log system with channels on both sides of the door are advisable.*

Response: The entrance to the garage would be via a ramp from elevation 14 down into the garage which would have a floor elevation of approximately 1.0. There is no entrance below the 100-year flood elevation of 12.0. The entrance ramp would have perimeter walls and be fitted with an emergency flood gate that can be closed, increasing flood protection to elevation 16.0 at a minimum.

- *Should flood doors be installed, the facility operator would need to advise residents to remove their cars before a storm's arrival, for either use for evacuation or to get their cars to higher ground.*

Response: Comment noted.

**Comment 4.27:**

We also note that the alternative Condominium Plan would likely involve the need for rock removal (ripping) and/or disruptive bedrock blasting into the relatively-elevated and competent (erosional-resistant) bedrock outcrops at the Clubhouse. These potential impacts have not been adequately discussed or even examined, including the need to consider vibration monitoring of surrounding structures, noise and air quality impacts and related construction traffic for that alternative.

(Public Comment Letter 179, pg. 4, CA Rich Consultants, 5/10/2018)

**Response 4.27:**

Based on the composition of the bedrock, blasting would be required for rock removal. During construction careful attention would be paid to the neighboring properties. The selected blasting contractor would be a New York State licensed blasting contractor. The selected contractor would prepare a written Blasting Plan in accordance with the Village of Mamaroneck Village Code Chapter 120 and the New York Department of Transportation "Geotechnical Engineering Manual: Procedure for Blasting" latest edition. These standards require survey and photo documentation of adjacent properties prior to blasting and vibration monitoring during blasting to ensure protection of adjacent buildings. The potential impacts of blasting on noise and air quality have been evaluated for the Proposed Action, and no significant adverse impacts were identified. Likewise, significant adverse impacts associated with blasting for Alternative G are not anticipated.



**Comment 4.28:**

The property acts as a possible overflow "pond" to hold storm surge and tidal overflow when a hurricane or Nor'easter or even a heavy rain overwhelms the sanitary sewer system and the storm water pipes and manholes. The property is a safety valve for the village that should not be reengineered with tons of fill and concrete to build these condos. Do the builders know how close the water table is to the surface? Where have they explained to future buyers how they will handle the volume of water that can be expected in a major storm? What thought has been given to understanding TIDES? What do you do when all the roads in-and-out are under water?

(Public Comment Letter 180, pg. 1, James Desmond, 5/11/2018)

**Response 4.28:**

Water within the Project Site during tidal storm events is not a "pond" condition. The water within the Project Site inflows from Delancey Cove and the wetlands at Hommocks Road during the majority of storms over the 5-year return frequency. For more significant storms, 50 year and above, water also travels from the Cove Road neighborhood. Water surface elevation is controlled by the tidal elevation. The water within the Project Site is hydraulically connected to the Long Island Sound for storms in excess of the 5-year storm. Water below the 5-year storm slowly discharges through the flood gates after the storm. The Proposed Action would not impact the 100-year tidal flood elevation as demonstrated by the Flood Modeling attached as Appendix J to the DEIS. Alternative G proposes significantly less fill area, and therefore it likewise would not adversely impact the tidal flood elevations.

**Comment 4.29:**

From the outset, I thought that the proposed condominium development at Hampshire was too large, too dismissive of environmental concerns and would place too great a burden on the essential services of the Village...I am not opposed to crafting a reasonable compromise that provides for some development, recognizes and protects the environment and deals with the realities of our schools, roadways and neighborhoods.

(Public Comment Letter 196, pg. 1, Deborah Chapin, 5/12/2018)

**Response 4.29:**

Comment noted.

**Comment 4.30:**

It is important to note that that proposal (Alternative G in the DEIS) relies on an extensive underground garage which is itself illegal under the Village flood plain laws. Those laws require offsets (i.e. hydraulic



equivalency) not only for "fill" placed below the base flood elevation, but also for "structures" placed below the base flood elevation. See Section 186-5(A)(3)(c). Since there can be no question that the garage structure, with its proposed elevation of 1.0 feet above mean sea level (see DEIS Figure 4-8), would be a "structure below the base flood elevation" and that it would displace a substantial amount of uncompensated hydrologic storage capacity within this flood plain area, it would be prohibited (absent an unlikely variance) by Section 186-5(A)(3)(c) of the Village Code.

(Public Comment letter 242, pg. 1, Stephen L. Kass, 5/14/2018)

**Response 4.30:**

The Proposed Action is in compliance with Code Section 186-5 as demonstrated by the hydraulic modeling included in Appendix J of the DEIS which shows no significant change in water surface elevations as a result of the project. Therefore, it can be concluded that the Proposed Action does not require compensatory storage and provides hydraulic equivalency between the existing and proposed conditions. As noted above, Alternative G proposes significantly less fill area, and therefore it likewise would not adversely impact the water surface elevations.

*No Action Alternative*

**Comment 4.31:**

In its assessment of alternatives, when reviewing the non-development option, the applicant conjures up a situation whereby the golf course could not be maintained due to economic stress. In this case the DEIS, under the heading of "wildlife habitat" (p. JK-4), states: "Thus, without a custodian to manage these features of the Project Site, the existing habitat would become overgrown, and invasive species would be permitted to dominate the landscape, leading to an overall decrease in the quality of habitat". This of course is only the worst of the potential trajectories of natural development if the golf course would be left unattended. There are several other potential trajectories, some of which might be desirable from an ecological and even from an aesthetic point of view.

(Public Comment Letter 1, pg. 3, Sven Hoeger, Environmental Consultant to the HCZMC, 1/12/2018)

**Response 4.31:**

Comment noted.

Table III.4-1 Comparison of Project Alternatives																	
	Proposed Action	Proposed Action Lower Density Alternative – 25 Units	Proposed Action Lower Density Alternative – 50 Units	Proposed Action Lower Density Alternative – 75 Units	Alternative A: No Action (Existing Conditions)	Alternative B: Conventional Subdivision Under R-20 Zoning	Alternative C: Cluster Subdivision Under R-20 Zoning	Alternative D: Conventional Subdivision Under R-30 Zoning	Alternative E: Cluster Subdivision Under R-30 Zoning	Alternative F: “No Fill” Under R-20 Zoning	Alternative F: “No Fill” Lower Density – 25 Units	Alternative F: “No Fill” Lower Density – 50 Units	Alternative F: “No Fill” Lower Density – 75 Units	Alternative G: Rezoning for Condominium and Golf Course	Alternative G: Rezoning for Condominium and Golf Course Lower Density – 25 Units	Alternative G: Rezoning for Condominium and Golf Course Lower Density – 50 Units	Alternative G: Rezoning for Condominium and Golf Course Lower Density – 75 Units
# Residential Units	105 (44 single family homes; 61 carriage homes)	25 single family homes	50 single family homes	75 single family homes	0	106 single family homes	106 single family homes	85 single family homes	85 single family homes	106 carriage homes	25 single family homes	50 single family homes	25 single family homes and 50 carriage homes	121 condos (31 one-bedroom, 62 two-bedroom, and 28 three-bedroom units)	25 condos (6 one-bedroom, 13 two-bedroom, and 6 three-bedroom units)	50 condos (13 one-bedroom, 25 two-bedroom, and 12 three-bedroom units)	75 condos (19 one-bedroom, 38 two-bedroom, and 18 three-bedroom units)
Areas of Disturbance	55.6 acres	17.3 acres	27.6 acres	55.6 acres	0	68.2 acres	52 acres	78 acres	50 acres	56 acres	34 acres	56 acres	56 acres	11 acres	11 acres	11 acres	11 acres
Open Space	37.6 acres of preserved golf course; 30.6 acres of shared open space	37.6 acres of preserved golf course; 46.6 acres of shared open space	37.6 acres of preserved golf course; 41.5 acres of shared open space	37.6 acres of preserved golf course; 35.2 acres of shared open space	101.8 acres of preserved golf course	37 acres of shared open space	62 acres of shared open space	25 acres of shared open space	51 acres of shared open space	73 acres of shared open space	73 acres of shared open space	81 acres of shared open space	73 acres of shared open space	101.8 acres of preserved golf course	101.8 acres of preserved golf course	101.8 acres of preserved golf course	101.8 acres of preserved golf course
Fill	84,104 cubic yards	21,000 cubic yards	43,000 cubic yards	84,104 cubic yards	0	350,000 cubic yards	95,000 cubic yards	380,000 cubic yards	105,000 cubic yards	0	0	0	0	0	0	0	0
Number and Percent of Tree Removal	432/53%	160/20%	294/36%	432/53%	0/0%	588/72%	432/53%	61275%	408/50%	432/53%	367/45%	432/53%	432/53%	41/5%	41/5%	41/5%	41/5%
Average Daily Truck Visits in busiest Phase of Construction	26	8	14	26	0	55	29	60	32	9	4	6	8	13	4	6	9
New Trip Generation (Peak Hour)	AM Peak Hour: 61 PM Peak Hour: 73 Saturday: 61  LOS Unchanged	AM Peak Hour: 18 PM Peak Hour: 17 Saturday: 9  LOS Unchanged	AM Peak Hour: 34 PM Peak Hour: 42 Saturday: 30  LOS Unchanged	AM Peak Hour: 51 PM Peak Hour: 67 Saturday: 52  LOS Unchanged	AM Peak Hour: 37 PM Peak Hour: 53 Saturday: 83  LOS Unchanged	AM Peak Hour: 62 PM Peak Hour: 85 Saturday: 63  LOS Unchanged	AM Peak Hour: 62 PM Peak Hour: 85 Saturday: 63  LOS Unchanged	AM Peak Hour: 47 PM Peak Hour: 65 Saturday: 44  LOS Unchanged	AM Peak Hour: 47 PM Peak Hour: 65 Saturday: 44  LOS Unchanged	AM Peak Hour: 32 PM Peak Hour: 37 Saturday: 17  LOS Unchanged	AM Peak Hour: -2 PM Peak Hour: -8 Saturday: -24  LOS Unchanged	AM Peak Hour: 15 PM Peak Hour: 18 Saturday: -2  LOS Unchanged	AM Peak Hour: 33 PM Peak Hour: 44 Saturday: 21  LOS Unchanged	AM Peak Hour: 60 PM Peak Hour: 70 Saturday: 64  LOS Unchanged	AM Peak Hour: 17 PM Peak Hour: 19 Saturday: 18  LOS Unchanged	AM Peak Hour: 29 PM Peak Hour: 34 Saturday: 31  LOS Unchanged	AM Peak Hour: 40 PM Peak Hour: 47 Saturday: 43  LOS Unchanged
Incremental Water and Sewer Usage	Water: 39,490 gpd Wastewater: 39,490 gpd	Water: 11,000 gpd Wastewater: 11,000 gpd	Water: 22,000 gpd Wastewater: 22,000 gpd	Water: 33,000 gpd Wastewater: 33,000 gpd	Water: 0 gpd Wastewater: 0 gpd	Water: 46,640 gpd Wastewater: 46,640 gpd	Water: 46,640 gpd Wastewater: 46,640 gpd	Water: 37,400 gpd Wastewater: 37,400 gpd	Water: 37,400 gpd Wastewater: 37,400 gpd	Water: 34,980 gpd Wastewater: 34,980 gpd	Water: 11,000 gpd Wastewater: 11,000 gpd	Water: 22,000 gpd Wastewater: 22,000 gpd	Water: 33,000 gpd Wastewater: 33,000 gpd	Water: 26,290 gpd Wastewater: 26,290 gpd	Water: 5,500 gpd Wastewater: 5,500 gpd	Water: 10,890 gpd Wastewater: 10,890 gpd	Water: 16,390 gpd Wastewater: 16,390 gpd
Residential Population <sup>1</sup>	335	92	184	276	0	389	389	312	312	300	92	184	276	259	54	108	161
School-age Children <sup>2</sup>	57	22	44	66	0	93	93	74	74	30	22	44	66	20	5	9	13
Tax Generations	\$5,215,568	\$1,757,776	\$3,504,136	\$5,250,495	\$345,281 <sup>3</sup>	\$7,428,241	\$7,428,241	\$5,961,133	\$5,961,133	\$3,725,540	\$1,757,776	\$3,504,136	\$5,250,495	\$2,948,994 <sup>4</sup>	\$627,417 <sup>4</sup>	\$1,231,995 <sup>4</sup>	\$1,836,572 <sup>4</sup>
Net Tax Increase from the Existing Conditions	\$4,870,287	\$1,412,495	\$3,158,855	\$4,905,215	\$0	\$7,082,960	\$7,082,960	\$5,615,852	\$5,615,852	\$3,380,259	\$1,412,495	\$3,158,855	\$4,905,215	\$2,603,713	\$282,137	\$886,713	\$1,491,291
Net Fiscal Benefit (Net of costs to School District)	\$4,309,667	\$1,408,129	\$2,804,843	\$4,201,557	\$345,281	\$5,950,192	\$5,950,192	\$4,785,051	\$4,785,051	\$3,248,750	\$1,408,129	\$2,804,843	\$4,201,557	\$2,631,134	\$547,952	\$1,088,957	\$1,629,963

<sup>1</sup> Rutgers University, Center for Urban Policy Research: Residential Demographic Multipliers - Estimates of the Occupants of New Housing, June 2006 (New York, Total Persons in Units, Single-Family Detached, 4 BR, More than \$329,500; Single-Family Attached, 3 BR, More than \$269,500; 5+ Units Own, 1BR, 2BR, 3BR)

<sup>2</sup> Rutgers University, Center for Urban Policy Research: Residential Demographic Multipliers - Estimates of the Occupants of New Housing, June 2006 (New York, All Public School Children, Single-Family Detached, 4 BR, More than \$329,500 and Single-Family Attached, 3 BR, More than \$269,500)

<sup>3</sup> Hampshire Recreation recently prevailed in a Tax Certiorari proceeding, resulting in a reduced assessment for the Project Site. The Tax Assessment for the years 2010, 2011, and 2012 in the Village of Mamaroneck has been reduced to 5.3 million in 2010 and 5.2 million in years 2011 and 2012. It is anticipated that the current assessed value of the Site will also be reduced in the near future.

<sup>4</sup> Based on 60% of Market Value (\$1.5 million) for condominium units