

# Hampshire Country Club Planned Residential Development

Village of Mamaroneck, Westchester  
County, New York

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LEAD AGENCY

Village of Mamaroneck Planning Board  
169 Mt Pleasant Avenue, Third Floor  
Mamaroneck, NY 10543  
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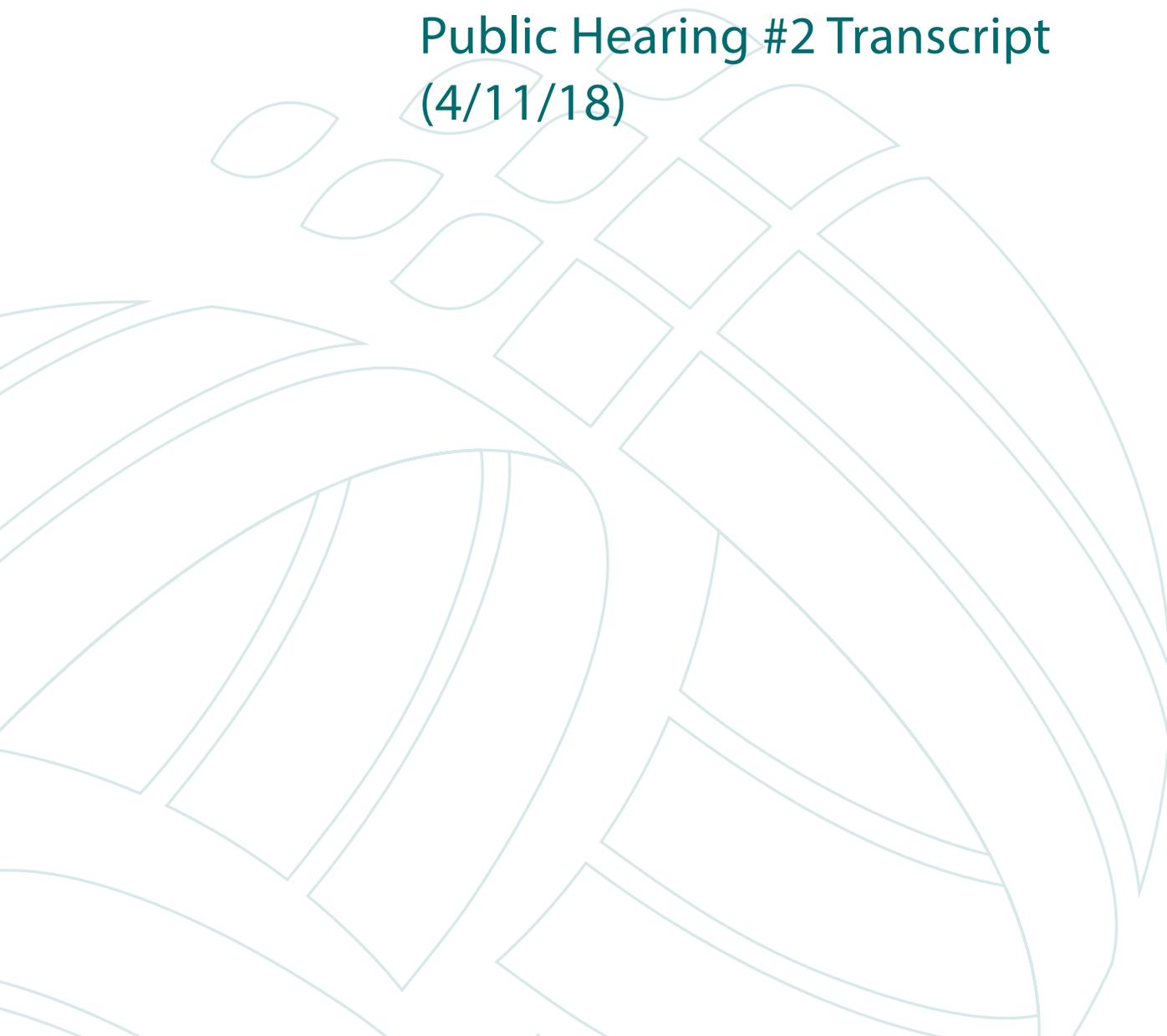
Submission Date: August 8, 2019

Hampshire Country Club Planned Residential Development  
Village of Mamaroneck,  
Westchester County, New York  
Final Environmental Impact Statement

# A Transcripts of Public Hearings

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

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



VILLAGE OF MAMARONECK  
PLANNING BOARD

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

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

**B E F O R E:**

**VILLAGE OF MAMARONECK PLANNING BOARD:**

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

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

Ilana Michael Nathanson, Court Reporter



## 1 HAMPSHIRE COUNTRY CLUB - PUBLIC HEARING

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

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

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

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

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

9 Yeah. What?

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

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

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

18 MR. SJUNNEMARK: I see. All right.

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

21 MR. LITMAN: So moved.

22 MR. SJUNNEMARK: Okay. And second?

23 MS. SAVOLT: I'll second.

24 MR. SJUNNEMARK: And Richard?

25 MR. LITMAN: Yes.

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2 MR. SJUNNEMARK: Kathy?

3 MS. SAVOLT: Yes.

4 MR. SJUNNEMARK: Lou?

5 MR. MENDES: Yes.

6 MR. SJUNNEMARK: And I say yes.

7 Now we're officially in business.

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

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

20 MR. SJUNNEMARK: By the applicant, of  
21 course.

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

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2 make your comments.

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

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

13 MR. COOPER: Let me start.

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

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

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

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

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

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

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

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

7 MR. SJUNNEMARK: I read nine.

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

9 MR. SJUNNEMARK: You said six.

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

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

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

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

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

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seeking.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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2 engineering details.

3 MR. SJUNNEMARK: Thank you.

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

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

12 So do you have to advance it?

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

14 MR. JUNGHANS: There it goes.

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

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

18 (Indiscernible.)

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

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2 connection at the top here is to Cooper.

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

9 Let me just start with the existing  
10 condition, just to give a little background  
11 into the site. The site today is about  
12 105 acres. Today, at the south end of the site  
13 here, is the existing clubhouse. The remainder  
14 of the site is the existing 18-hole golf  
15 course, Hampshire Country Club.

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

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

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

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

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

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

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

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

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

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

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

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

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

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roadways and the buildings up above the flood.

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

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

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

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

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

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

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

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

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

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2 quality.

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

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

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

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2           fill.

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

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

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

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

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2 storage.

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

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

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

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

10 AUDIENCE SPEAKER: Additional what?

11 AUDIENCE SPEAKER 2: Access.

12 MR. JUNGHANS: All right. Thank you.

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

16 MR. CANNING: Thank you, Mr. Chairman.

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

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

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

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

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2 unless there is a bona fide emergency.

3 Based on review of area traffic volumes  
4 and the consideration of area traffic  
5 infrastructure, it is expected that 55 percent  
6 of project traffic will use Eagle Knolls Road  
7 and Hommocks Road to access the site and  
8 45 percent will use East Cove Road and Orienta  
9 Avenue; thus, no one roadway will be subject to  
10 all project traffic and a maximum of no more  
11 than 38 trips will be added to any of the  
12 studied intersections. This is slightly more  
13 than one vehicle every two minutes in the peak  
14 hour.

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

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2 site via Hommocks Road.

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

11 Thank you.

12 MS. MONASTRA: Good even --

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

15 AUDIENCE SPEAKER: Yes.

16 MR. SJUNNEMARK: Okay.

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

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

23 AUDIENCE SPEAKER: We can't hear.

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

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2 identified in the DEIS.

3 Just to give a little background, I know  
4 we've been talking about the PRD development.  
5 It's going to have 105 units. The areas of  
6 disturbance for the proposed action is  
7 55.6 acres. This will include the preservation  
8 of the nine-hole golf course.

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

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

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

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

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

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

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2 homes. The area of disturbance would be  
3 52 acres. However, you would -- the golf  
4 course would be eliminated, and the projected  
5 number of residents would be 389 with public  
6 schoolchildren also still being in the range of  
7 93 schoolchildren.

8 The fourth -- or the third alternative we  
9 were asked to look at was to look at an R-30  
10 Zoning. This zoning would assume 30,000 square  
11 feet for each lot. This is not -- this would  
12 also require rezoning from the village board.  
13 This would have 85 single-family homes. The  
14 area of disturbance would be 78 acres. The  
15 projected residents would be 312 residents.  
16 However, the golf course would also be  
17 eliminated. The public schoolchildren here  
18 would still be higher than our proposed action.  
19 This is also due to the fact that the units  
20 would also be larger, so that is projected for  
21 74 schoolchildren, and there would only be  
22 25 acres of open space.

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

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

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

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

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

14 Thank you.

15 MR. SJUNNEMARK: Thank you.

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

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

24 Obviously, we will then --

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

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2 to either.

3 MR. COOPER: Right.

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

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

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

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

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

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

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

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

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

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

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

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

17 The second thing I want to talk about is  
18 the reference to the -- what I would say is  
19 consistent enrollment at Central Elementary  
20 School, which is certainly part of this DEIS.  
21 As a reference point, it talks about peak  
22 enrollment of Central School from 1998/1999 at  
23 537 students, I believe. This last year alone,  
24 we've seen an increase in Central, over a  
25 one-year period from September to September, of

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1           4.7 percent as a school. We are now at 512  
2  
3           students.

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

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

25          I want to introduce and mention that in

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

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

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

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

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

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

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

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

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

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

25 DR. SHAPS: Thank you very much.

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2 MR. SJUNNEMARK: Appreciate it very much.

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

12 So with that, go ahead, please.

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

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

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

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

22 MR. KASS: May I finish?

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

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

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

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

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

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

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

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

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

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2 allowed.

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

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

7 MR. SJUNNEMARK: Please do that then.

8 MR. KASS: Thank you.

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

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

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2           Law.

3                   Specifically, we intend to show, and  
4           believe we will, that, first, contrary to the  
5           DEIS, the existing Hampshire Club, with its  
6           18-hole golf course, is financially feasible  
7           and that a club with a nine-hole course is not  
8           feasible. Second, contrary to the DEIS, the  
9           village's comprehensive plan contemplates  
10          either recreational open space or low-density  
11          development for this critical environmental  
12          area, not the high-density development of the  
13          sort proposed by this applicant. Third,  
14          contrary to the DEIS, this project would, one,  
15          require massive amounts of fill to be imported  
16          to the floodplain for more -- and far more than  
17          the 80,000 -- 84,000 cubic yards conceded by  
18          the applicant; two, the projects will require  
19          the disturbance of soil and groundwater that is  
20          likely already contaminated from many years of  
21          golf course treatment; three, the project will  
22          present risks of exposure to those contaminants  
23          including arsenic, pesticides, and methane to  
24          homeowners and their families when the project  
25          is completed and to neighbors and

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2 schoolchildren during construction.

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

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

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

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2 In addition, let me say that, contrary to  
3 the DEIS, the applicant's proposed project is  
4 unlawful and simply may not be constructed  
5 because, one, the project is in blatant and  
6 gross violation of Village Code Section 186-5c  
7 which prohibits placement of fill below the  
8 floodplain where that would reduce the  
9 hydrological storage capacity of the site,  
10 precisely what this applicant is proposing. In  
11 fact, the applicant here is seeking to deposit,  
12 according to our best estimates, almost  
13 239,000 cubic yards of fill below the  
14 floodplain. Not 100 yards. Not 1,000 yards.  
15 239,000 yards of fill. They concede about 80,  
16 but we think the number's almost 240,000 cubic  
17 yards of fill below the floodplain in this  
18 critical environmental area.

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

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2 here.

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

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

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

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

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

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

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

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

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

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

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

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

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1 who will address you this evening. Our first  
2 speaker will be Gene Krekorian, who is a noted  
3 expert on golf course economics. He will be  
4 followed by Lisa Liquori, an experienced  
5 planner from Fine Associates. Neil Porto will  
6 follow Lisa. He's an experienced engineer with  
7 TY Lin International, and he will be followed  
8 by Charles Rich from CA Rich, Incorporated.  
9

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

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

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

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

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

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

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2 club.

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

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

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

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

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

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

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

7 Also --

8 MR. SJUNNEMARK: Can I ask a question?

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

12 MR. KREKORIAN: For the nine-hole option,  
13 because of the lack of -- the generally less  
14 appeal for a nine-hole course compared to an  
15 18-hole course, we have projected about 50 less  
16 golf memberships will be sold annually.

17 MR. SJUNNEMARK: So 200 instead of 250?

18 MR. KREKORIAN: That's correct. And we  
19 have projected that the golf membership dues --  
20 annual dues will be reduced from 14,000 to  
21 \$10,000 a year.

22 MR. SJUNNEMARK: Okay.

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

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

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

14 Thank you very much.

15 MR. SJUNNEMARK: Thank you.

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

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

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

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

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

12 MS. SAVOLT: You have to turn it on.

13 MR. LITMAN: Turn it on first.

14 MR. CUTLER: Two switches.

15 MS. LIQUORI: Okay. Can you hear me?

16 MR. LITMAN: Yeah. It's on.

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

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

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

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

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1  
2 applying updated zoning tools developed over  
3 the years, the comp plan recommends zoning --  
4 rezoning the property to a recreation open  
5 space classification, and the Town of  
6 Mamaroneck zoning of the Bonnie Briar Club is  
7 offered as an example.

8 The applicant claims the project complies  
9 with these comprehensive plan recommendations,  
10 but it doesn't. Instead, it's essentially a  
11 105-unit residential subdivision which  
12 eliminates the potential for the existing golf  
13 course to remain viable, as you've just heard.

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

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

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

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

25          To start, the most basic subdivision

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1 requirement hasn't been submitted, a map  
2 depicting the proposal with a clear delineation  
3 of what's proposed. Where is there going to be  
4 the reserved area where the homeowners -- where  
5 is there going to be the golf course? There's  
6 no delineation, and this is important in order  
7 to understand how the open space relates to the  
8 subdivision that's proposed, as a good cluster  
9 plan would require.  
10

11 The narrative and spreadsheets assert that  
12 36 acres will be permanent open space and  
13 managed by the homeowners association. But  
14 when you look at the maps -- first of all, they  
15 haven't provided that. And when you look at  
16 the maps and you subtract off the area needed  
17 for the fairways, we arrive at a significantly  
18 lower acreage than that.

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

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1 conditions which will require blasting, soils  
2 rated by the USGS as unsuitable for  
3 development, which is about 80 percent of the  
4 site.  
5

6 In terms of stands of mature vegetation,  
7 the proposal calls for the clear cutting and  
8 destruction of all the vegetation within a  
9 55-acre block of land, including the removal of  
10 432 trees having a 25-inch or larger  
11 circumference. The extensive disturbance will  
12 have negative impacts on the site's habitat,  
13 bucolic settings, soils, and noise.

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

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

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

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

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

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

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

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

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

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1  
2 other roadways. So under the proposal, the  
3 unique bucolic, scenic open space waterfront  
4 views afforded by the existing roads will be  
5 lost and replaced with roadways framed with  
6 houses, not with any of these assets.

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

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

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

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

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

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

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

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

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

25 So we focused on the cut and fill

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

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

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

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2 our own cut and fill analysis.

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

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

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

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

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

6 (Indiscernible.)

7 12 and 13.

8 MR. SJUNNEMARK: 12 and 13.

9 MR. PORTO: Yeah.

10 MR. SJUNNEMARK: Okay.

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

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

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1           sure whether the cut and fill addresses any  
2           additional modifications needed due to the golf  
3           course.  
4

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

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

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

25          The excavation, embankment, and

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

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

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

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

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

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

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

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

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

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2 base for the houses and for the slopes.

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

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

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2 You have a question?

3 MR. SJUNNEMARK: Yes.

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

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

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

11 (Indiscernible.)

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

15 MR. SJUNNEMARK: I understand.

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

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

19 MR. PORTO: It is.

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

22 MR. PORTO: Yes.

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

24 MR. PORTO: Okay.

25 MR. SJUNNEMARK: Thank you.

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

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

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

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

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

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

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

20 The truck access hours, we think, should  
21 be -- not be within the peak vehicle hours of  
22 9 -- of 7 to 9 a.m. Instead of starting at  
23 8:15 a.m., should probably start at 9 a.m. if,  
24 indeed, they're going to happen. And then also  
25 clarify the number of trips. This isn't only

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

7 MR. MENDES: Can I ask a question?

8 MR. PORTO: Yes.

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

11 MR. PORTO: I could hear you.

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

14 MR. PORTO: Yeah.

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

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

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

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2 MR. PORTO: Yes.

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

4 MR. PORTO: Yes.

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

6 AUDIENCE SPEAKER: No.

7 MR. LITMAN: Cove. Cove Road also.

8 MR. MENDES: Okay.

9 MR. LITMAN: It's three roads.

10 MR. MENDES: All right. Okay.

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

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

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

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

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

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

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

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

6 So, thank you.

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

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

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

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

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

24 MR. SJUNNEMARK: I understand.

25 MR. PORTO: And that gets into marketing

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2 and --

3 MR. SJUNNEMARK: Yeah. Yeah. Right.

4 But is it feasible to --

5 (Indiscernible.)

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

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

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

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

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

17 MR. SJUNNEMARK: No. No. No.

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

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

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

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

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2 MR. RICH: Thank you.

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

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

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

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

17 MR. RICH: Thank you very much.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

25 There's a serious risk of ingestion of

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

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

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

25           The applicant indicates a combined total

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

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

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

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

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

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

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

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

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

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2 houses, and the school.

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

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

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

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

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

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

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

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

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

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

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

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

Those are my comments for now. Thank you.

MR. SJUNNEMARK: Thank you very much.

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

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

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

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2 As we mentioned, peat construction is  
3 about a one-year construction period. During  
4 filling operations, will involve around 200 to  
5 280 truck trips per day. The full construction  
6 is more like five years. This is not de  
7 minimis. This requires a quantitative noise  
8 analysis subject to public review.

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

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

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2 quiet area.

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

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

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

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

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

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

21 Thank you.

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

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

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

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

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

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

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

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

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

7 MR. SJUNNEMARK: Yes.

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

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

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

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

24 MS. MEARA: Well, we --

25 MR. SJUNNEMARK: -- the delineation

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2 between --

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

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

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

24 MR. SJUNNEMARK: 77 single-family houses?

25 MS. MEARA: 77 single-family homes

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2 complying with all the lot area and setback --

3 MR. SJUNNEMARK: Got you.

4 MS. MEARA: -- requirements, which is 28  
5 fewer than 105.6 And under R-30 Zoning, we -- we came up  
7 with 54 complying units. So -- so the  
8 developer's proposal is 28 units more than R-20  
9 zoning and almost double what could be  
10 permitted under R-30 Zoning, and neither of  
11 those, mind you, comply with the local flood  
12 storage requirement. So let's see. Okay.13 So then we said, Well, let's look at  
14 something that's closer to complying with the  
15 flood storage requirement. And so we took a  
16 look at Alternative F, which, as Neil  
17 mentioned, doesn't quite manage to avoid  
18 bringing in any fill or displacing flood  
19 storage, but it's closer to what the site could  
20 support. And we took -- so we took that  
21 development platform that is in the DEIS under  
22 Alternative F and did the same thing. We  
23 looked at R-20 and R-30.24 So the R-20 yielded 45 units, complying  
25 units, and a conventional plat for R-30 yielded

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2 32 units. So that's this one.

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

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

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

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

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

14          Thank you.

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

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

22          (Indiscernible.)

23          MS. SHERER: State your name, please.

24          MS. FELSHER: Celia Felsher.

25          So as we all know, the golf course has

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2 flooded several times over the last 25 years,  
3 in my experience, and I live there. It was  
4 totally inundated during the nor'easter of  
5 1992, again in '93, and again in Sandy.

6 This is the -- a U.S. geological survey,  
7 flood map of Sandy for this area, and these  
8 contours of the flooding in Sandy are exactly  
9 the same as the contours of the flooding in the  
10 1992 nor'easter and the 1993 storm and are  
11 very, very similar to the programmatic flooding  
12 that was done by computer-generated stuff.

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

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

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

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

25 Now, their only plan for mitigating this

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

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

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

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

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

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

24 MR. SJUNNEMARK: Yes. Yes.

25 MS. FELSHER: So that causeway would lead

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

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

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

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

5 MS. FELSHER: Eagle Knolls, yeah.

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

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

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

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

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

23 MS. FELSHER: No.

24 MR. SJUNNEMARK: -- Eagle Knolls?

25 MS. FELSHER: No.

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2 MR. SJUNNEMARK: That remains as is?

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

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

10 MS. FELSHER: Correct.

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

14 MS. FELSHER: Right.

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

16 MS. FELSHER: Right.

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

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

20 MS. FELSHER: Right.

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

25 MS. FELSHER: Eagle Knolls Road is a

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

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

8 (Indiscernible.)

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

12 MS. FELSHER: And so is Cove.

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

15 MS. FELSHER: Correct.

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

18 MS. FELSHER: Correct.

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

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

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

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

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

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

22 MS. FELSHER: Right.

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

25 MS. FELSHER: Right.

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

4 MS. FELSHER: No. And again --

5 MR. SJUNNEMARK: -- club itself.

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

8 MR. SJUNNEMARK: It is private.

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

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

14 MS. FELSHER: Well --

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

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

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

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

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

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

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

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

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

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2 Okay.

3 MS. FELSHER: He asked me a question, so I  
4 didn't get to make my --5 MR. SJUNNEMARK: All right. Sorry.  
6 Sorry. Go ahead.

7 MS. FELSHER: Sorry.

8 So summation: The entire premise of the  
9 need for the development, that they are -- that  
10 they are forced to do this because the club is  
11 not viable. And you have to realize that that  
12 statement is made about 40 or 50 times  
13 throughout the document, because without the  
14 acknowledgment that they are forced to do this,  
15 you don't have the impetus to do it. That --  
16 that underlying premise is false.17 The 18-hole membership club is viable.  
18 The cluster development, as you heard, will not  
19 improve viability of the club, period.  
20 Nine-hole golf courses are much less desirable.  
21 They're usually for beginners or seniors, not  
22 serious golfers.23 There are, I think -- and Gene can  
24 comment. I think there was one nine-hole golf  
25 course that was started in, like, the last 70

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

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

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

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

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

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

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

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

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

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

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

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

5 As noted earlier, the development of the  
6 98 acres would be close to impossible given the  
7 topography, legal restrictions, and  
8 infrastructure needs. Therefore, development  
9 can only be achieved by clustering homes to  
10 reduce otherwise impossible construction  
11 issues.

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

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2 Equivalency Law.

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

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

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

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

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

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

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

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

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

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

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

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

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

10 The condo development is not a reasonable  
11 alternative. It is not in the best interest of  
12 the community. It is and is only in the  
13 interest of the developers. It would be  
14 drastically out of character with the  
15 surrounding community with a massive five-story  
16 300,000-plus square foot 121-unit luxury condo  
17 complex with, in this flooded area, a 300-car  
18 underground parking garage that was going to  
19 have hydraulic, James-Bond-like, you know,  
20 automatic closing doors in the event of a  
21 flood, and all this in an otherwise residential  
22 area.

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

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

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

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

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

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

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

25 Finally, if there is a need for condo

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

10 Thank you.

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

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

19 MR. KASS: Thank you, Mr. Chairman.

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

23 MR. SJUNNEMARK: Thank you. Okay.

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

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

3 Dr. Robert Shaps, is it?

4 MR. CUTLER: That was the superintendent.

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

6 Melany Gray.

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

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

15 Randi Spatz. Randi.

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

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

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2 comprehensive presentation.

3 MR. SJUNNEMARK: See, it works.

4 MS. SPATZ: It does. Good job.

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

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

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

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

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

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

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2 around and say that.

3 Thank you.

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

5 Next is the president of Orienta Point  
6 Association.

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

9 MR. MGRDITCHIAN: It's Mgrditchian.

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

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

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

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

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

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

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

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

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

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

12 Thank you.

13 MR. SJUNNEMARK: Now we have Kelly  
14 Wenstrup.

15 Did I do that right?

16 MS. WENSTRUP: You did. Thank you.

17 MR. SJUNNEMARK: Okay. Thanks.

18 MS. WENSTRUP: Thank you.

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

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

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home was built across the street from the club.

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

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

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

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

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

20 Thank you very much.

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

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

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

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

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

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

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

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

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

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

20 Thank you very much for your time.

21 MR. SJUNNEMARK: Thank you.

22 David Wenstre [ph.].

23 MR. WENSTRE: I will defer for another  
24 time.

25 MR. SJUNNEMARK: Neil Porto.

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2 AUDIENCE SPEAKER: Neil spoke already.

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

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

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

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

13 Paul, it's your turn.

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

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

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

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

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

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

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

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

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2 of, protected.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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2 or downstream into the Town of Mamaroneck.

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

14 So thank you very much for your time.

15 MR. SJUNNEMARK: Thank you.

16 We have Norman Hinerfeld. Is that  
17 correct?

18 MR. HINERFELD: That is correct.

19 MR. SJUNNEMARK: Oh, good.

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

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2 up to now.

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

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

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

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

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

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

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

15 MR. SJUNNEMARK: Thank you very much.

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

18 What's your last name?

19 MS. KRONICK: Kronick.

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

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

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

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1 Jen Kronick. I live at 1020 Cove Road. I  
2 actually wouldn't see the houses from my house,  
3 but I certainly would see the condo and be  
4 impacted by traffic and noise and everything.  
5

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

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

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

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

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

18 Despite this obligation to its investors  
19 and its housing proposal tonight, the developer  
20 has had the gall to say -- and this is a direct  
21 quote from one of its emails to its members.

22 The quote: "Condo development proposal is not  
23 only the far better option for our members but  
24 also for the entire Village of Mamaroneck. In  
25 fact, the positives of this development

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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2 guess. Trucks, machinery, et cetera.

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

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

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

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

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

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

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

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

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2 So thank you.

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

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

7 Diana Russel. No Diana Russel here?

8 Then we have Karen Rob.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

5 Thank you.

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

8 MS. SAVOLT: That's Abby Roberts.

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

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

13 MR. SJUNNEMARK: Take your time. We've  
14 got until 11.

15 (Indiscernible.)

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

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

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

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

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

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

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

4 So thank you.

5 MR. SJUNNEMARK: Thank you very much.

6 So now we have Linda Negrin.

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

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

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

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

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

13 Look at the developments on the Post Road,  
14 the -- the Harbor View or whatever those things  
15 are, the condos, the \$2 million condos.

16 They're not sold. Okay. Empty nesters -- the  
17 other ones that went up next to the service  
18 station on the -- they're not sold. The  
19 cadmium[sic], they're dying over there.

20 There's another one in Mamaroneck. Condos are  
21 not exactly what's selling. There's plenty of  
22 places for 55-and-overs to go.

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

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

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

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

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

6 So I appreciate it. Thank you.

7 MR. SJUNNEMARK: Okay. Thank you.

8 And now we have John Hofstetter.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

17 Thank you.

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

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

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

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

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

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

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

25 Thank you.

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

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

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

9 MR. SJUNNEMARK: Sure. If you --

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

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

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

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

25 MR. SJUNNEMARK: I made that statement

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

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

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

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

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

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

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

22 MR. MENDES: Second.

23 MR. SJUNNEMARK: Nobody made the motion.

24 MR. MENDES: I made the motion.

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

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

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

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

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

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

20 Excuse me?

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

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

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

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

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

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

7 MR. LITMAN: Yes.

8 MR. SJUNNEMARK: Do I hear second?

9 MS. SAVOLT: Lou already seconded.

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

11 Okay.

12 So Richard?

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

15 (Indiscernible.)

16 MR. STEINMAN: Correct, March 14th.

17 MR. SJUNNEMARK: Okay. Sorry.

18 So, Richard.

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

21 MR. SJUNNEMARK: You said yes?

22 MR. LITMAN: Yes.

23 MR. SJUNNEMARK: Kathy?

24 MS. SAVOLT: Yes.

25 MR. SJUNNEMARK: Lou?

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

MS. SAVOLT: I'll make that motion.

MR. SJUNNEMARK: All in favor?

BOARD MEMBERS: Aye.

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

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C E R T I F I C A T E

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

*Ilana Nathanson*

ILANA M. NATHANSON

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VILLAGE OF MAMARONECK  
PLANNING BOARD

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

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

B E F O R E:

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Ilana Michael Nathanson, Court Reporter

## 1 HAMPSHIRE COUNTRY CLUB - PUBLIC HEARING

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

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

15 (Proceedings.)

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

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

23 (Indiscernible.)

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

1 HAMPSHIRE COUNTRY CLUB - PUBLIC HEARING

2 public hearing for the application of the  
3 Hampshire Country Club or golf club, I guess.

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

11 (Indiscernible.)

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

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

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

## 1 HAMPSHIRE COUNTRY CLUB - PUBLIC HEARING

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

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

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

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

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

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

1 HAMPSHIRE COUNTRY CLUB - PUBLIC HEARING

2 Really close? Okay.

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

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

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

## 1 HAMPSHIRE COUNTRY CLUB - PUBLIC HEARING

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

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

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

23 Thank you for turning it up. Thank you.

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

## 1 HAMPSHIRE COUNTRY CLUB - PUBLIC HEARING

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

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

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

## 1 HAMPSHIRE COUNTRY CLUB - PUBLIC HEARING

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

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

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

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

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

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

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

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

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

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

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

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

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2           presentation on this -- this issue, but it's --  
3           again, it's worth repeating, because the record  
4           needs to be clear. This is a planned  
5           residential development under your PRD  
6           regulations, not under a cluster subdivision.  
7           The way that maximum density is calculated  
8           under your PRD is you take the gross lot area,  
9           and you divide it by the minimum lot size. In  
10          this case, the R-20. If you did that with the  
11          94.5 acres that are subject of this  
12          application, your permitted density is 205  
13          units.

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

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

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

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

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

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

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

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

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

25 Some of the fiction that they gave you is

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

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

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

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

10           We also came up with another approach to  
11           reduce the fill by providing basements  
12           underneath all of the structures. All the  
13           structures have full basements which actually  
14           provide quite a bit of offset for fill required  
15           to construct this site. It's basically a void  
16           space underneath each structure. And if you  
17           take those two considerations, we end up with a  
18           number which we did recalculate using a 3D  
19           model approach and came to the same number of  
20           84,000 cubic yards of soil fill.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

7 MR. KLEIN: Thank you.

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

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

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

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

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

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

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

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

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

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

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

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

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

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2 arsenic or soil from this site.

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

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

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

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

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

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

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

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

6 MR. CANNING: Thank you, Steven.

7 Good evening, Mr. Chairman, members of the  
8 board.

9 For the record, my name is John Canning.  
10 I'm a professional engineer licensed to  
11 practice in the state of New York. I've done  
12 work for New York State, Westchester County,  
13 represented many towns and villages in the  
14 county, and worked on numerous projects similar  
15 to this over the last 30 years. Transportation  
16 planning and traffic engineering is my field of  
17 expertise.

18 As many of you, I'm sure, are aware, much  
19 or the majority of traffic that travels on to  
20 or off Hampshire Country Club site every day is  
21 actually traffic from the Orienta Avenue  
22 neighborhood, which crosses the site to go to  
23 the Hommocks Road School or even to get to U.S.  
24 Route 1 to the south and the west of the site.  
25 This project, if approved, will continue to

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2 accommodate this traffic, serving the  
3 neighborhood on roads that will be improved and  
4 less flood prone.

5 We've already seen the village's traffic  
6 commission's comments, and we have begun to  
7 address the issues that were raised therein.  
8 For example, the project is now proposed to  
9 have a sidewalk that will traverse the site on  
10 the site's main road, improving pedestrian  
11 connectivity. And the roadways will be  
12 40 percent wider than they currently are, so it  
13 will be easier for cyclists.

14 It is proposed to use Cooper Avenue only  
15 for bona fide emergencies. It will be gated to  
16 vehicles. So the current truck traffic  
17 associated with the maintenance yard for the  
18 golf course will be taken off Cooper Avenue,  
19 and the project will have little or no impact  
20 on Old Post Road. We are recommending that a  
21 pedestrian and bicycle gate be left at that  
22 location to encourage pedestrian and bicycle  
23 connectivity and to allow students from that  
24 neighborhood to go to the Hommocks Lane School  
25 without having to go down to U.S. Route 1.

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2 I would if I could. Down arrow. That's  
3 the down arrow. Space bar. Thank you.

4 The applicant is keenly aware and  
5 supportive of school safety. It's noted that  
6 the entire school property lies to the south or  
7 west of Hommocks Road and that there are many  
8 hours of the day when the children are in  
9 school or when they're gone for the day that  
10 there's little or no activity on Hommocks Road.  
11 Based on our calculations, accounting for  
12 school hours and the nine-month period, we  
13 expect there will be 24 trucks per day. And  
14 during the busiest hours, there will only be  
15 four or five trucks per hour.

16 Construction traffic past school sites is  
17 not unusual. And indeed, there are often  
18 construction projects on schools that sometimes  
19 run into the school year. So there's no risk  
20 to the public to have construction traffic  
21 passing the site during the quieter periods of  
22 the day.

23 The project owner is committed to using  
24 contractual and technological measures and  
25 mechanisms to ensure that truck traffic stays

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2 to this period and is committed to working with  
3 the school district to assist them in making  
4 reasonable improvements to intersections that  
5 they currently have issues with. For example,  
6 U.S. Route 1 at Hommocks Road, Eagle Knolls  
7 Road at Hommocks Road, and also at the  
8 crosswalk to Walgreens.

9 Based on my experience working on similar  
10 projects such as this, it's our expectation  
11 that the proposed development will not have a  
12 significant adverse impact on traffic operating  
13 conditions, and construction traffic activity  
14 can be managed safely. Thank you.

15 THE CHAIRMAN: Thank you.

16 Does that conclude the presentation for  
17 the applicant or --

18 AUDIENCE SPEAKER: One more.

19 THE CHAIRMAN: One more. Okay. Go ahead,  
20 please.

21 MR. ORENDER: Good evening. My name is Mg  
22 Orender. I am the owner and president of  
23 Hampton Golf. I thought I could talk loud  
24 enough without it.

25 Brief background: I've been 42 years in

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2 the golf business. I began a management  
3 company in the late '80s. Sold it in '98 to  
4 begin Hampton Golf, which now manages 27 golf  
5 courses in five states as well as consulting in  
6 Ireland and Spain. I have, over the 40 years,  
7 built over 20 golf courses, all in the United  
8 States with the exception of Old Head in  
9 Ireland and Country Club Peru in Lima, Peru.

10 During that time, I also became president  
11 of the PGA of America. I was the 33rd  
12 president. It's the largest working sports  
13 organization in the United States with a annual  
14 income of \$200 million a year plus a  
15 \$150 million endowment which I chaired. And I  
16 had the pleasure of being the chairman of the  
17 2004 Ryder Cup as well as two PGA championships  
18 and two senior PGA championships.

19 I come here tonight to discuss Hampshire  
20 and to comment on, first, a report that was  
21 submitted at a previous meeting as well as to  
22 present some facts that surround -- truly  
23 surround nine-hole golf courses rather than  
24 someone's opinion. And my opinion is not only  
25 based on actually managing nine-hole golf

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2 courses, converting 18 to 9, 27 to 18, 18 to  
3 12, but also just years in the golf business as  
4 well as some information I'll give you in a  
5 minute which I received from the National Golf  
6 Foundation surrounding nine-hole golf courses.

7 First of all, with regard to the report,  
8 there are two items that were in there that I'm  
9 in agreement with. And when you look at the  
10 layout of the golf course as its shown  
11 currently in our plats, all that is is  
12 placeholders. Those golf holes are -- they're  
13 existing today. For example, Hole Number 3, we  
14 all know, will not be oriented the way it is.  
15 It has to be flipped around.

16 One of the comments that was made with  
17 regard to the distance from going from Number 2  
18 Green to 3 Green or 3 Tee being too far and  
19 backwards, well, first of all, the backwards  
20 parts gets fixed when we redo the golf course.  
21 But the too far, like I said, I built almost 20  
22 golf courses. The majority of those were in  
23 developments. And the golf course, if you go  
24 from tee to green, tee to green, line them up  
25 together, is about four miles. My average cart

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2 path run is six and a half miles. It's just  
3 the norm for a development golf course, period.

4 The section in there that was confusing to  
5 me was there were three golf courses' numbers,  
6 revenues and expenses. Two, I don't know  
7 anything about. And they may have had those  
8 numbers that were -- they may have been  
9 publicized somewhere. They may be public  
10 knowledge.

11 The numbers for Hampshire were a pure  
12 guess, and they were so far off. I can't even  
13 begin to explain without divulging our private  
14 books internally. But I would say that on  
15 the -- one of the options was 18 holes. They  
16 showed what the expenses, in their opinion,  
17 were, which I'll tell you how far it is off in  
18 a second. Under a nine-hole scenario, they  
19 showed a number. That's what our number is at  
20 18 holes. They're only off a million and a  
21 half.

22 So I don't put a lot of weight or credence  
23 when it's that big amiss, because I have had  
24 clients that I've bought eight to ten golf  
25 courses with them or on their behalf, and

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2 built, as I said, nearly 20, usually for -- a  
3 lot of times, developers. Could be private  
4 individuals. I do my own performance, and I do  
5 my performance based on 40 years of doing the  
6 expenses.

7 I know the models. I know what my  
8 expenses are going to be. And the revenue  
9 side, I look at, what is it? Is it a  
10 development? Is it not a development? Is it  
11 going to be private, public? And I test the  
12 market. Because here's a what happens: After  
13 I get them to buy the golf course or to build  
14 it, I get to the sit across a table every month  
15 from them for five or six years. I had better  
16 be right. And if I did a pro forma like that,  
17 I don't think I'd have a partner or client very  
18 long.

19 With regard -- I went to the NGF and asked  
20 them to do a report for me, because I wanted to  
21 do it outside of Hampshire. It was a personal  
22 request. And as of the report which has been  
23 given to me in the last two weeks, there's  
24 3,919 nine-hole golf courses in the United  
25 States, of which 576 are private, and a 140 of

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2 those are in developments. Over the past five  
3 years, 22 golf courses went from 18 holes to  
4 nine holes. And as of 12/31, they were still  
5 operating. They're doing just fine.

6 NGF polled nearly 30 clubs that are  
7 private clubs, highly amenitized, all highly  
8 amenitized except one. They asked for the  
9 number of members, talked to them about their  
10 cash flow, et cetera. Only nine were willing  
11 to open their books and go through the process  
12 with them and share with them.

13 Of those courses, which were in -- located  
14 in Connecticut, Rhode Island, Massachusetts,  
15 and New York, those eight course -- eight of  
16 the nine courses had put caps on their  
17 memberships and had waiting lists. So to say  
18 that a nine-hole facility, highly amenitized,  
19 particularly in a development, can't work,  
20 somebody has never run one. And that's all  
21 I've done for 40 years, so I refute that.

22 On a personal note I would say, in  
23 conclusion, I prefer 18 holes. I would prefer  
24 Hampshire to be 18 holes. But on a business  
25 side, I can make it work at nine. I look at

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2 the owners every day. And they have made a  
3 commitment, asked me for a commitment, and I've  
4 given one to stay on.

5 My -- my relationship with them does not  
6 change financially whether it's nine holes or  
7 18, so this isn't about my wallet or my  
8 business. I'm just saying that when I see  
9 reports like this from people who have never  
10 owned or operated a golf course -- they just  
11 crunch numbers. It's very aggravating to me.

12 And if the committee approves this plan,  
13 we'll prove that it works. Thank you.

14 THE CHAIRMAN: Thank you.

15 MR. COOPER: Mr. Chairman, members of the  
16 board, I thank you for giving us that time.  
17 Obviously, as you can tell, we believed it was  
18 very important to ensure -- got it -- to ensure  
19 that the record is clear.

20 We trust that, of course, you will be  
21 making your decision making as we move forward  
22 on facts and empirical data, et cetera, in the  
23 record. We know the public hearing will remain  
24 open, comments, et cetera. And we're going to  
25 hear a lot tonight, and I'm sure you'll receive

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2 more comments as we go forward. But we thank  
3 you again, because we believe it is utmost  
4 important that the facts get put before you.  
5 Thank you.

6 THE CHAIRMAN: Thank you very much.

7 So we can continue with the list of people  
8 who signed up for tonight.

9 And Marino Radovich is number one on the  
10 list. So please step forward.

11 MR. RADOVICH: That was pretty good.  
12 Marino Radovich.

13 THE CHAIRMAN: Try my name.

14 MR. RADOVICH: Do I have a time limit on  
15 my speaking this evening? A few minutes?  
16 Okay. Great.

17 For those of you who don't know me --  
18 first of all, good evening, Board, and also the  
19 attendees tonight this evening. My name is  
20 Marino Radovich, and I'm here representing  
21 Fields for Kids which is a Grassroots  
22 organization that was founded in 2006. And our  
23 main goal is to raise funds and advocate to  
24 raise funds -- louder? That's good.

25 Our main goal is to advocate to raise

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2 funds to improve approve fields and potentially  
3 find new fields within the community. Knowing  
4 that -- that's been since 2006. It's clearly  
5 been a -- a community issue, to find fields to  
6 improve and obviously build upon since we're  
7 limited, as we all know, in lower Westchester  
8 to find this field space. And a little bit  
9 about just our beliefs -- and I'll, kind of,  
10 get into some numbers based on what the youth  
11 organizations have told us and what they've  
12 then told the board as far as what an impact  
13 like this development would have to our fields  
14 and to our youth rec organization.

15 First off, we believe that active sport  
16 participation has a positive impact on academic  
17 performance and the development of healthy  
18 individuals. Community involvement can help  
19 address the current shortage of fields, and  
20 Grassroot efforts are crucial to ignite  
21 fundraising for the upgrade of existing fields  
22 and creation of new outdoor fields. And what  
23 we've been known for -- to do over the last ten  
24 years is we were instrumental in doing the  
25 Flint Alma project, which created a new field.

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2           Lacrosse, soccer, and whatever other  
3           participation happens on that field.

4                        Secondarily was the Memorial High School  
5           field, the improvement of that field. And then  
6           our last project, just completed last year,  
7           which was Lorenzen Park Field, where we  
8           improved the existing field and created two new  
9           fields. So we were fortunate amongst those  
10          three projects to find three fields, and that  
11          was very difficult to do so. Quite a lot of  
12          private fundraising, and we also had some help  
13          from the state to do so.

14                       But when we reach out to every field  
15          league, and that being -- field being lacrosse  
16          or baseball or soccer or football, everyone --  
17          everyone is challenged for practice time, field  
18          time, and almost every one of them has to  
19          resort to go to other facilities outside of our  
20          community, and that makes it very difficult for  
21          parents to travel. A cost expense that then  
22          carries down to the parents as well and  
23          jeopardizes what potentially could happen to  
24          the youth organization from K up into third  
25          grade or fourth grade or fifth grade.

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2 And I know that the develop -- development  
3 team said they had reached out to the  
4 recreational leagues with the notice to get  
5 maybe some response to what was happening  
6 within the project. Now, I've been in contact  
7 with every one of those league presidents or  
8 boards, and they've all confirmed no one's been  
9 contacted. So I'm not sure where the  
10 miscommunication happened there.

11 What I do know is that hockey was  
12 contacted. And listen, hockey's a great sport  
13 in this town. We won the state championship  
14 two years ago. But when I look around this  
15 community, I see a lot more lacrosse players,  
16 baseball players, soccer players, football  
17 players. I would think you'd start there to  
18 get an impact as to what this could do those  
19 leagues versus what hockey is, because that has  
20 a greater scale to what the impact would be for  
21 the community. So that being said, we know  
22 none of those organizations had an outreach  
23 where they received something and could have a  
24 constructive dialogue and provide significant  
25 numbers on how this could impact this

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2 particular project.

3 Now, just to brief you on some information  
4 that I received from lacrosse specifically --  
5 and bear with me. I'm pretty technology savvy  
6 here. Thanks for your patience. So this is  
7 from the president of lacrosse. And in his  
8 words -- and I'll be brief, and I'll paraphrase  
9 a few here.

10 He says: Field space continues to be our  
11 biggest challenge. In order to run our  
12 program, we have needed to procure field time  
13 in other neighboring municipalities on both  
14 town fields and private school fields. In  
15 fact, roughly 25 percent of our field time is  
16 located outside of the Town of Mamaroneck.  
17 Within our own town, we have access to five  
18 fields, some on a relatively limited basis. We  
19 share these fields with both a modified and  
20 high school teams as well as other youth and  
21 adult sports such as soccer, football, and  
22 baseball.

23 Youth lacrosse programs in other  
24 neighboring communities face similar field  
25 challenges. Unfortunately, many of those

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2           communities have been forced to eliminate their  
3           recreational programs for kids beyond third or  
4           fourth grade. Some communities have eliminated  
5           their programs altogether.

6                    LMYL's recreational program is the  
7           foundation of our league, and we are firmly  
8           committed to continue offering this to kids in  
9           our community. This is a fun developmental  
10          league that offers children of all ages and  
11          abilities the opportunity to learn the game of  
12          lacrosse, so forth and so on. So that's from  
13          the president of lacrosse.

14                   And then -- I'm a baseball guy, and my  
15          kids have been through the program. I've been  
16          a parent coaching. I've had kids go through  
17          baseball and lacrosse, field hockey, so forth  
18          and so on, from five up until 15 right now. So  
19          they've been on every level, and baseball is  
20          near and dear to my heart. And it got me on  
21          this board about two years ago, because I  
22          wanted to give back the community, and I wanted  
23          to see what it could do for baseball, for  
24          soccer, for lacrosse.

25                   And then when I talked to Bill Nachtigal,

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2 who's the current president of the board, it's  
3 pretty simple when it comes down to this: In  
4 any given season -- and this is, again,  
5 paraphrasing his email. I'm sorry. In any  
6 given season, we serve between 25 and  
7 30 percent of school-age children,  
8 predominately between the ages of K through 8.  
9 While we can't comment on the number of  
10 children that would join the community based on  
11 the proposed housing project, we're very  
12 confident that 25 to 30 percent of them will  
13 participate in LMLL.

14 So his perspective is this -- and I think  
15 we all have the same feeling here, that,  
16 obviously speaking, you know, to this project,  
17 the more houses you have, the more kids you  
18 have, the more the youth sports participation  
19 you're going to have. And there's going to be  
20 more demand on the recreational sports.  
21 There's no denying that whatsoever.

22 So then that leads us to where do we go  
23 and what can we find locally, or do we have to  
24 go outside of that? So it all jeopardizes,  
25 obviously, what we want to give our kids. We

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2 want to give them activity to get them out of  
3 their homes, to have, you know, a great  
4 youthful experience, whatever sport they have.

5 So that is what I leave you with this  
6 evening. And hopefully it resonates, because  
7 this will have a significant impact within our  
8 youth organization and what it does to our kids  
9 and our fields and our community.

10 And I'll leave it at that. Thank you.

11 THE CHAIRMAN: Thank you very much.

12 We have more than 20 sign-ups already. So  
13 if you please will keep to, say, about five  
14 minutes or something like that. We're still  
15 going to be here for another couple of hours.

16 So next name on the list here is Michael  
17 Puccio.

18 MR. PUCCIO: Hello. Hello. My name is  
19 Michael Puccio. I live in Mamaroneck.

20 I am in support of the landowner's right  
21 to develop houses on the property and to keep  
22 the golf course open, even if it's only nine  
23 holes. To me, that's a win-win for Mamaroneck,  
24 New York.

25 So I appreciate your time. Thank you very

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2 much.

3 THE CHAIRMAN: Thank you. That was short  
4 and sweet.

5 Next name on the list here is Jarrett  
6 Winchester.

7 MR. WINCHESTER: Good evening, Mamaroneck.

8 I came here tonight because I'm a lifelong  
9 resident of this village. Been here 45 years.  
10 I'm coming here tonight to support this  
11 environmental impact statement. I guess that's  
12 what you call it, a DEIS.

13 Far too long, I've noticed, reading these  
14 newspapers and just LMCTV, that we seem to be  
15 allowing small parts of this village to dictate  
16 for the rest of the village. There's 20,000 of  
17 us in this village. And what I've seen is --  
18 looks like about 150 people to get up and down  
19 this -- this project. And it comes down to  
20 this: The developer, the owner, they have a  
21 right to build on their property.

22 Now, we can go with this nine-hole idea,  
23 and I think it will work. Okay. I think the  
24 village should support it. This brings jobs to  
25 this village. Okay. The Village of

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2 Mamaroneck, along with Westchester, has a  
3 long-standing history of golf. Anyone who even  
4 doesn't play golf knows Mamaroneck's impact on  
5 the golf world. Okay. We're about to lose a  
6 golf course or to maybe shorten a golf course,  
7 but we should never eliminate a golf course.  
8 Okay. And I think by doing this, we'll make a  
9 mistake. So tonight, I'm here to support this  
10 idea, support this business.

11 We need to grow. We are growing. We  
12 never improve by shrinking. We had this  
13 long-standing and this -- well, not even long.  
14 Ten years of anti-growth movement in the  
15 Village, and it's hampering our ability to  
16 grow.

17 So tonight, Mamaroneck, please support  
18 this. This is an issue that's important to us  
19 as a village. Thank you.

20 MS. SAVOLT: Excuse me. Before you leave  
21 the podium, sir, could you give your name and  
22 your address, please.

23 MR. WINCHESTER: My name is Jarrett  
24 Winchester. I live at 418 Mamaroneck Avenue.  
25 Lifelong resident.

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2 THE CHAIRMAN: Thank you very much.

3 Now we have Dr. Tom Landau, Fairway Green.

4 DR. LANDAU: I will be  
5 uncharacteristically brief. I grew up in this  
6 town, went away -- oh, you need -- okay. I  
7 grew up in Mamaroneck. I once caddied at  
8 Hampshire Golf Club. I'm currently a resident  
9 of Fairway Green.

10 I can't, for the life of me, understand  
11 why somebody would support this plan when a  
12 plan was originally set forth to take up a --  
13 barely two acres or perhaps three or four --  
14 I'm not sure of the numbers -- of space to  
15 build a condominium, and leaving the green  
16 expanses of the golf club alone for the rest of  
17 us that either play golf or don't play golf.

18 When it came to downsizing -- and again, I  
19 practiced medicine in this town for 35 years.  
20 When it came to downsizing, I downsized to  
21 Fairway Green. And I can tell you that the  
22 people that live in Fairway Green are not in  
23 favor of this particular plan. What we are in  
24 favor of is a plan that would take those two or  
25 three acres, build the condominiums, and leave

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2 the rest of the golf course there in  
3 perpetuity. This is one of the few green spots  
4 that we've got left around here. So I strongly  
5 suggest that the planning board or whoever is  
6 -- does these -- enacts these type of things  
7 reconsider the zoning and let the club exist  
8 and let the condominiums exist, and I think  
9 we'll all be happy.

10 MS. SAVOLT: Excuse me, Doctor. Excuse  
11 me, Doctor. Before you leave, I just have a  
12 question for you. Do you purport that you  
13 speak for all the residents in Fairway Green?

14 DR. LANDAU: I'm sure there are a few, but  
15 I can tell you I'm -- I sit on the board.

16 MS. SAVOLT: And does the condominium --  
17 you're no longer a -- you're a condominium now.  
18 Does the condominium association --

19 DR. LANDAU: Yes, I'm originally -- I'm in  
20 favor, as the board of Fairway Green which I  
21 sit on, and the --

22 MS. SAVOLT: So the board has passed a  
23 resolution in favor?

24 DR. LANDAU: Well, there's been no formal  
25 resolution yet.

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2 MS. SAVOLT: So you speak --

3 DR. LANDAU: But I can tell you how we  
4 feel about it.

5 MS. SAVOLT: So you're speaking for  
6 yourself at this point?

7 DR. LANDAU: No. I'm thinking for the  
8 other members of the board as well as myself.

9 AUDIENCE SPEAKER: I'm president of the  
10 Fairway Green Board. And some years ago --

11 MR. STEINMAN: We can't use the --

12 THE CHAIRMAN: We can't -- we can't do  
13 this. You can't just hop in and -- you have to  
14 sign up and say what you want to say and ask  
15 questions. Well, you really can't ask  
16 questions either, but you can at least speak  
17 your -- make comments.

18 So thank you, Doctor.

19 We have -- the next name is Lavet Allen.  
20 If I butcher up your name, you have to let me  
21 know. I'm sorry.

22 MS. ALLEN: Hello. Hi. My name is Lavet  
23 Allen, and I've been in this community for 45  
24 years plus.

25 I'd just like to say I support the

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2           Hampshire plan. And if it's bringing jobs, tax  
3           revenue to the village, to the community --  
4           excuse me -- I'm for it. So I'm just here to  
5           say I do support it.

6           THE CHAIRMAN: Thank you very much.

7           Next name on the list here is Paul Bergins  
8           from White Plains.

9           MR. BERGINS: Good evening, Mr. Chair and  
10          board members. My name is Paul Bergins. I'm  
11          an attorney with offices in White Plains. I  
12          represent a newly-formed limited liability  
13          company known as Mamaroneck Open Space  
14          Recreation Associates, LLC.

15          The persons who requested the formation  
16          and who will be its members are residents of  
17          the village who current -- who live in close  
18          proximity to the Hampshire Country Club. They  
19          had the LLC formed for the purpose of  
20          presenting to the applicant a proposal to  
21          purchase the Hampshire Country Club at its fair  
22          market value and to continue its current use as  
23          a golf club and 18-hole golf course, thereby  
24          preserving the open space.

25          Now, the value of this property in its

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2           current condition and use is probably known to  
3           all of you, because it was set forth in an  
4           appraisal presented by the applicant to the  
5           Supreme Court Westchester County and ultimately  
6           determined by the Appellate Division Second  
7           Department.

8           My clients intend to propose to purchase  
9           the property from the applicant for that fair  
10          market value which is approximately \$5 million,  
11          and they have the wherewithal to complete the  
12          purchase without the need for financing. This  
13          is a serious and very real proposal, and I  
14          would only respectfully suggest to the planning  
15          board that whatever you decide to do with the  
16          DEIS, whether you require a supplemental or an  
17          amendment or whatever else you do, you require  
18          the applicant to evaluate this proposal along  
19          with the other range of alternatives.

20          THE CHAIRMAN: Interesting alternative.  
21          Thank you.

22          As I said before, if I mess up your name,  
23          then I -- it's requested that when you come up  
24          and speak, state your name the way it's  
25          supposed to be pronounced, please.

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2 So we have now John Parkinson. There we  
3 go.

4 (Indiscernible.)

5 THE CHAIRMAN: What happened? Maybe the  
6 last speaker turned it off. That's nice.

7 MR. PARKINSON: There we go. How about  
8 that?

9 THE CHAIRMAN: Okay. Thank you.

10 MR. PARKINSON: All right. So my name is  
11 John Parkinson. I'm a resident of the Village  
12 of Larchmont and here somewhat in a kindred  
13 spirit. I also sit on the planning board for  
14 the Village of Larchmont, so I appreciate the  
15 process that you're going through.

16 I'm sorry, and -- you know, but well done.  
17 I have to, you know, applaud the process,  
18 providing all the input, the public input  
19 that's necessary and appropriate for you to be  
20 able to arrive at a decision. So I -- you  
21 know, context of misery loves company or  
22 sympathy, whatever feels most appropriate.

23 THE CHAIRMAN: Thank you very much.

24 MR. PARKINSON: That having been said, I,  
25 in my previous professional application -- or

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2 professional occupation was the executive  
3 director of the Urban Land Institute New York.  
4 The mission of the Urban Land Institute and  
5 what our members did nationwide and certainly  
6 within the -- within Westchester Fairfield  
7 in -- you know, all revolved around responsible  
8 land use. The whole idea of -- you know, of  
9 balancing economic and ecological issues,  
10 development patterns, land use across a broad  
11 spectrum, number of new students that would be,  
12 you know, involved with a development, what to  
13 do when -- when you're faced with -- with  
14 adaptive reuse or shifting the land use  
15 patterns in the context of an application, much  
16 like what you're -- what you're wrestling with.

17 So I -- I'm speaking as much as an  
18 interested neighbor as, you know, someone who's  
19 been hearing a lot of that over the course of  
20 time. I also run a non-profit now that's  
21 focused on infrastructure, so there are some  
22 issues that come up in the context of this that  
23 I just thought I would add that -- in the -- in  
24 the spirit of -- you know, of supporting the  
25 decision making and the rigor that you're

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2 subjecting the application to.

3 One of the challenges that -- you know,  
4 that have been addressed, you know, is the --  
5 one of the very founding components of the  
6 state of New York is this notion of as of  
7 right, you know, the issue of being able to  
8 develop on your property what you care to do,  
9 of course within -- within reason and within  
10 law. Within that, there are challenges.

11 Within that dynamic, there are challenges, you  
12 know, that you face, that an application -- an  
13 applicant faces and all of the professional  
14 advisors, you know, that come before them to --  
15 you know, to try and hammer out something that  
16 will work.

17 You know, the contextual challenges that  
18 you face here are, you know, you've got a golf  
19 course. It's being used. Looking to get more  
20 use of it as a golf course, preserving the open  
21 spaces. You know, all of these are parameters  
22 that are -- you know, are all in conflict with  
23 each other when you turn around and introduce  
24 the opportunity to add some residences, both  
25 physical and also the occupants of those -- you

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2 know, of those structures. You know, and  
3 that's -- you know, that is a shift in a land  
4 use pattern, and that's something that -- you  
5 know, that I recognize that you're -- you know,  
6 that you're going through.

7 You know, balancing all of the different  
8 issues that -- you know, that are outlined, you  
9 know, water, incremental water and sewage  
10 usage, you know, the preservation of open  
11 space, how to use the current space, you  
12 know -- you know, and adding the residents.  
13 You know, the thing that -- the pressure that I  
14 feel that -- you know, that you must -- that  
15 you're -- that you're faced with and that the  
16 applicant is -- you know, is putting before  
17 you, you know, is -- is really about finding  
18 compromise within that -- within that envelope  
19 of as of right.

20 One of things that I recognize -- and so  
21 I'll -- maybe now is a -- I've waited too long  
22 to say that I support the application that  
23 you're -- you know, that you're looking at.  
24 I'm not a voting member, but I'm supportive of  
25 the -- of the process and the -- in the rigor

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2           that you've -- that the applicant has gone  
3           through to define a number of alternatives  
4           that -- to -- you know, at least my view of the  
5           documents that -- you know, that have been  
6           presented before that are a matter of public  
7           record, you know, represent an attempt to  
8           compromise.

9           It's not, you know, a full-out blanket,  
10          you know, volumetric fulfillment of the -- you  
11          know, of the space, you know, that they might  
12          otherwise, you know, feel -- to which they  
13          might otherwise feel entitled. You know, and I  
14          think the applicant's, you know, attorney or  
15          representative earlier described some of the --  
16          you know, some of those parameters, you know,  
17          of the -- of the eight alternatives that are  
18          outlined in the draft EIS. You know, the do  
19          nothing plan. You know, selling the do nothing  
20          plan is -- you know, was just mentioned. You  
21          know, some of those alternatives are outlined  
22          in, I think, a fair degree of detail.

23          You know, the -- what appears to be the  
24          preferred option, you know, that's been  
25          proposed looks to me to be a -- you know, a

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2 compromise, according to all of the different  
3 attributes that are -- you know, that are  
4 outlined. You know, it's -- and it's in that  
5 spirit that, you know, it's a responsible land  
6 use decision when it comes right down to it, to  
7 be able to provide that contextually,  
8 ecologically, environmentally, if you prefer.  
9 You know, and then, you know, the economic  
10 considerations are, you know, just that. So  
11 the balance of those, you know, is what compels  
12 me, you know, to be able to, again, support the  
13 process that you're going through, you know,  
14 and to which you've suggested the applicant --  
15 the application and --

16 THE CHAIRMAN: And which of the  
17 alternatives do you find most attractive?

18 MR. PARKINSON: So the --

19 THE CHAIRMAN: You said a lot, but you  
20 didn't say really --

21 MR. PARKINSON: Yeah. All right. No. I  
22 appreciate that.

23 There are -- you know, the proposed action  
24 is the -- is the one that I -- you know, as I  
25 looked at it --

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2 THE CHAIRMAN: As of right.

3 MR. PARKINSON: So it's an as of right  
4 development. That's the one that refers to  
5 the --

6 THE CHAIRMAN: I understand. Thank you.

7 MR. PARKINSON: -- the 105-unit  
8 development and the nine-hole golf course.

9 THE CHAIRMAN: Okay.

10 MR. PARKINSON: And the commensurate open  
11 space. Thank you.

12 THE CHAIRMAN: So we're trying to figure  
13 out -- Jim Rosenbloom, I think it is. Jim  
14 Rosenbloom. Yes. Okay. So please state your  
15 name when you come up.

16 MR. RUBINSTEIN: Hello. My name is Jack  
17 Rubinstein. I'm -- I'm a resident of  
18 Larchmont. I'm a property owner in the Village  
19 of Mamaroneck, and I'd like to speak about the  
20 issues being brought up here today.

21 First of all, there are three choices.  
22 The first choice is to do nothing. The second  
23 choice is to go with the as of, and the third  
24 choice is to go with the original plan, as  
25 proposed by the developers of -- to go ahead

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2 with the condo unit, as the doctor proposed.

3 It is clear that for various interests of  
4 this community, which includes -- which  
5 includes those people who are just workers in  
6 this community, but residents, those people who  
7 have children in the school, and those people  
8 who -- who live in this community but may work  
9 elsewhere, that it is the first proposal that  
10 is the best. But if not that, the developers  
11 have an absolute right to do what is as of.

12 The consequences of not doing -- of not  
13 giving the developers their as of rights are  
14 significant. The benefits to the town of the  
15 original plan are enormous. Number one, the  
16 landfill, the arsenic, all the issues that the  
17 opposition came up with, go away. Secondly,  
18 you may -- you maximize the green space. As a  
19 resident of Larchmont, I will tell you, green  
20 space is actively important. Thirdly, there  
21 was an event recently where federal tax rates  
22 changed, were altered. This town and residents  
23 of this town are actually -- the owners of land  
24 in this town are suffering because of that.

25 Not maximizing the -- the income

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2 opportunities implied in the condominium  
3 development is a give up that maybe people who  
4 have significant economic capabilities may  
5 want. I -- it wouldn't matter to me, but there  
6 are many residents of 20,000 people who live in  
7 Mamaroneck where the economic impact matters.

8 It is up to the board to represent all --  
9 all of the constituencies of this community and  
10 not just a few who, for whatever reasons, may  
11 choose to oppose this project. And I just ask  
12 that this board consider carefully and come up  
13 with the right decision for all of the members  
14 of the community.

15 THE CHAIRMAN: Thank you. Okay.

16 So we're a little confused here. Jim  
17 Rosenbloom, was he up speaking, or is he coming  
18 now? So we'll forget that. And then we have  
19 another Rosenbloom, Norm. No?

20 Well, you're signed up here.

21 Did Stuart Alt[ph.] speak already or --

22 MR. ALT: No.

23 THE CHAIRMAN: Okay. So please come up.  
24 Sorry. We got a little confused here.

25 MR. ALT: Good evening. My name is Stuart

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2 Alt. I am a resident of the Town of  
3 Mamaroneck, and I've been a member of this  
4 community for almost 30 years.

5 I attended the first meeting in February,  
6 and my first comment and question -- comment  
7 and question is for the board. While I'm not  
8 fully versed in the specifics, my understanding  
9 of the whole DEIS process is as follows, and  
10 hopefully you can answer the question and  
11 correct it for me: That there's a formal  
12 structured process for anyone submitting a  
13 project like this that has to be adhered to,  
14 that there are rules that govern the DEIS, and  
15 the applicant prepares a document based on  
16 those rules and submits it to the appropriate  
17 governing body. That governing body in this  
18 case, I assume, is the planning board.

19 THE CHAIRMAN: Will be the planning board,  
20 yes.

21 MR. ALT: And that you review the  
22 submitted information, you determine if it  
23 meets or doesn't meet the standards, and then  
24 either accept the document or reject -- reject  
25 it.

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2 So my first question is, if you could  
3 confirm, and I assume that it's case, that you  
4 accepted whatever was submitted. Because,  
5 otherwise, I don't think we'd be having these  
6 hearings.

7 MR. STEINMAN: We -- Les Steinman, counsel  
8 to the planning board.

9 We accepted the DEIS submitted by the  
10 applicant as complete for purposes of  
11 commencing public review.

12 MR. ALT: Right. That's my question.  
13 Thank you.

14 THE CHAIRMAN: It's for completeness only.

15 MR. ALT: Yeah. Thank you.

16 THE CHAIRMAN: Okay.

17 MR. ALT: As I said before, I attended the  
18 last meeting. And one comment that I heard a  
19 few times was that there was no need for any  
20 kind of empty nester housing in this community,  
21 and I take exception to that statement for many  
22 reasons. However, my main point of  
23 disagreement is in the use of the word  
24 "community." I think the gentleman who spoke  
25 before touched on that.

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2 People define community in a number of  
3 ways. At the core of it is it speaks to a  
4 group of people living in the same area, a  
5 group of all populations in that area, and that  
6 includes many of us who have lived here for  
7 many years and want to stay. During the  
8 discussion, people expressed concern about  
9 families with children around many quality of  
10 life issues. And I wholeheartedly agree, as I  
11 raised two children in this community.  
12 However, the community has to address the needs  
13 of what is important for the continuum in that  
14 community. There are -- these are things that  
15 are important to all of us and should not --  
16 not be to the exclusion of any particular  
17 group.

18 Finally, the board has heard and will hear  
19 comments and responses to the DEIS. You were  
20 charged with evaluating those comments and  
21 responses and taking some sort of next step. I  
22 implore you to do so based on factual  
23 information and not emotion. It is your job to  
24 make sure that this is done completely, fairly,  
25 and, most importantly, in a respectful way,

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2 because I have had -- heard things that haven't  
3 been terribly respectful that the board may not  
4 have heard. So thank you very much.

5 THE CHAIRMAN: So, Norman, this is wrong?  
6 You're not signed up, Norman?

7 MS. SAVOLT: Just go the next person.

8 THE CHAIRMAN: So instead, we'll ask Seth  
9 Schefer[ph.] to come up. Seth Schefer.

10 MS. SAVOLT: Just go to the next one.

11 THE CHAIRMAN: Okay. So we have then  
12 Susan Goldberg.

13 MS. GOLDBERGER: Good evening. My name is  
14 Susan Goldberger. I live at 20 Lafayette Road  
15 in Larchmont.

16 Somebody said the only thing that is  
17 constant is change. So for a little historical  
18 perspective, when I moved here in late 1990,  
19 about pregnant out to here, the gap on Boston  
20 Post Road was an abandoned car dealership, a  
21 no-tell motel sat on the site of what is now  
22 the Hommocks apartments, Walgreens was a  
23 Blockbuster video. There was only one CVS  
24 around, on Mamaroneck Avenue. The Mamaroneck  
25 movie theater was a single screen. There were

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2 no sushi restaurants on Mamaroneck Avenue.  
3 Today -- today, four or five. I've kind of  
4 lost count.

5 Chat 19 was Larchmont Pharmacy, where the  
6 pharmacists knew you by name. They were  
7 Charles and Conrad. When I got home from the  
8 hospital, there was a personalized onesie with  
9 my daughter's name on it. I hadn't told them  
10 she was born. I hadn't told them what her name  
11 was, but they told me they had sources.

12 The Stop & Shop in Ferndale was a Finast,  
13 and there was no Stop & Shop on Palmer Avenue  
14 in New Rochelle. That shopping center didn't  
15 exist. No one had ever heard of Trader Joe's.  
16 There was no Starbucks anywhere in this  
17 neighborhood. There was no Internet or Amazon  
18 or Facebook or Uber. Things change.

19 We are not carpetbaggers. I have lived  
20 here for 27 years and was delighted to hear  
21 about the former plan for empty nester condos  
22 long before I began working with one of the  
23 owners, with whom I worked many years ago at a  
24 bank that no longer exists. He has only lived  
25 here for 20 years.

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2 We are all part of this community. Our  
3 kids have gone to school together, played  
4 sports together, and participated in all kinds  
5 of community activities. We've served on  
6 various PTAs and other boards and committees  
7 together. We play golf and tennis together,  
8 walk and exercise together, participate in book  
9 groups together, and have rallied as a  
10 community to support families in need, most  
11 notably after 9/11. And by the way, folks, for  
12 those of you that remember, this is not Ikea.  
13 Hampshire owns this property outright, all  
14 94 acres, as of right.

15 Though there are three separate  
16 municipalities, we are one community that is  
17 being ripped apart by something that, when all  
18 is said and done, will have little impact on  
19 our day-to-day lives. Things change. People  
20 move on. Kids grow up and leave the nest,  
21 often for far away places. And we are faced  
22 with the question of what comes next. And  
23 because of the connections we have formed  
24 through our children, the schools, our houses  
25 of worship, various clubs, the libraries, and

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2 other community resources, there are many who  
3 would like to stay.

4 When one of my children entered Hommocks,  
5 the principal held a meeting for the parents of  
6 incoming students and asked how many of the  
7 parents had attended Hommocks growing up. I  
8 was astounded to see how many hands went up.  
9 People like it here. People are living longer  
10 and would like the opportunity to age in place.

11 Growth is a good thing. It supports our  
12 tax base, commerce, and nurtures a sense of  
13 pride. And in case you were not aware, the  
14 trend is toward transit-oriented growth, and we  
15 are blessed with close proximity to New York  
16 City and an excellent and mostly reliable train  
17 commute. And contrary to the naive view of  
18 some, whether I sell my home and stay local or  
19 move elsewhere, my home will most likely be  
20 sold to a young family with children. That is  
21 a fact. It is even more naive to think that  
22 preventing the construction of new homes will  
23 prevent me from selling mine and downsizing.

24 One of the speakers at the last hearing  
25 asked what Hampshire's plan does for the

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2 Village of Mamaroneck. It contributes over  
3 \$5 million in new tax revenue, a significant  
4 portion of which would be funneled to the  
5 school district, and it will provide  
6 construction jobs and other employment  
7 opportunities for a number of Mamaroneck  
8 residents, and it will avoid very protracted  
9 and very costly litigation.

10 As all know from prior cases such as  
11 Westchester Day School, Mamaroneck Beach and  
12 Yacht Club, and more recently --

13 (Indiscernible.)

14 -- the Village has a history of litigation  
15 that is costly, and the cost is coming out of  
16 the pockets of taxpayers.

17 We recently met with an Orienta resident  
18 who noted after the whole brouhaha over  
19 Westchester Day, which was principally driven  
20 by one neighbor citing concern about traffic,  
21 and which cost the Village approximately a  
22 million dollars in legal fees and \$4.75 million  
23 in a settlement, no one even notices its  
24 business, as usual. The litigation surrounding  
25 this project has already cost the Village

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2 residents a pretty penny. They just don't know  
3 it. And that money is not coming back.

4 Recent certiorari proceedings have been  
5 successful, and Hampshire will be receiving a  
6 large refund for overpaid taxes, which is also  
7 coming out of the pockets of taxpayers.

8 Perhaps not significant to the wealthy  
9 residents of Orienta, but those in the flats  
10 and the heights and the village may feel  
11 differently. And, frankly, it comes out of my  
12 pocket too, since I live in the Mamaroneck  
13 School District.

14 (Indiscernible.)

15 THE CHAIRMAN: No. We can't do that.

16 MS. GOLDBERGER: I did identify myself.  
17 I've worked with the developer for three  
18 months. I've lived here for 27 years.

19 THE CHAIRMAN: No. We can't have  
20 arguments from the public just, like, out of  
21 the blue. Sign up and say what you want to  
22 say, but don't do that to the speaker. Okay?

23 MS. GOLDBERGER: And of course, the delays  
24 posed by litigation play right into the goals  
25 of the opposition, whose main goal is really

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2           just to drag this on as long as it takes.

3           So many of you heard the comments of  
4           Dr. Shaps, the superintendents of schools, when  
5           he spoke at the hearing on February 14th. To  
6           my knowledge, that was the first -- I'm sorry.  
7           In late January, my colleague and I reached out  
8           to Dr. Shaps and had a meeting in his office.  
9           To my knowledge, that was the first  
10          conversation that we had with the  
11          superintendent. Nonetheless, we reached out to  
12          him, in spite of the fact that he referred to a  
13          conversation that he had had with someone by  
14          phone over a year ago. But at our meeting, he  
15          raised some concerns about the, quote-unquote,  
16          Rutgers Method, which the planning board  
17          required Hampshire to use in its analysis as  
18          part of the scope. We asked for details on  
19          other methodologies, but none were provided.

20          Furthermore, in the DEIS, Appendix N,  
21          there are letters from our consultant, VHB, to  
22          all municipal providers to obtain feedback on  
23          potential impacts of the proposed plan. That  
24          is the point of the DEIS. The letter to the  
25          school district specifically asked for a

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2 response in writing. None was provided,  
3 despite follow up on several occasions by phone  
4 and by email.

5 If growth in the school population was  
6 becoming problematic, I would think it would  
7 have behooved the school district to answer in  
8 writing, expressing concerns and detailing  
9 thoughts on what might be flaws in any  
10 methodology requested by the planning board.  
11 We met again yesterday with Dr. Shaps, who was  
12 no more specific about the methodology or  
13 multipliers used in the district's projections.  
14 The point here is that we recognize and  
15 appreciate the importance of our school  
16 district, but we ask that you work with us, not  
17 in a vacuum. The goal is a better community  
18 for all, not for a select few.

19 That being said, the data Hampshire  
20 provided was that requested by the planning  
21 board based on a methodology that is widely  
22 used and historically been used by the Village  
23 to evaluate school impacts. And there was a  
24 lot of discussion about the -- at the last  
25 hearing about truck traffic related to

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2 construction. The numbers were very  
3 exaggerated, but, admittedly, there will be  
4 some trucks during construction, and then it  
5 will be over. Have there been any complaints  
6 about all the new truck traffic related to  
7 deliveries by UPS and FedEx, Zappos, Blue  
8 Apron, Peapod, Fresh Direct? Oh, you like all  
9 those trucks, I guess.

10 THE CHAIRMAN: I think we could do this in  
11 a civilized manner. Do you mind? Okay. You  
12 can applaud after the speaker's done, but not  
13 during -- when the speaker is speaking. Okay.  
14 Five minutes, yes. But we had very short ones  
15 also, so you have to average.

16 Please continue.

17 MS. GOLDBERGER: Well, that truck traffic  
18 isn't going away. It continues to increase,  
19 but nobody seems to be complaining about that.

20 I'll just say a few things about the  
21 alternative, which was for the property to go  
22 into bankruptcy if it hadn't been purchased.  
23 The only ones that will do really well are the  
24 lawyers. Bankruptcy is not fun. It's a long  
25 and frustrating process. That's what you were

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2 suggesting should have happened at the time  
3 that a responsible owner took over.

4 So I guess, in closing, I'll just say that  
5 you need to consider the needs of all the  
6 members of the community, just not the very few  
7 who live on the border of the property who have  
8 contributed very significantly to the election  
9 of your elected officials, to the point where  
10 they've contributed 50 to 60 percent in certain  
11 elections, coming from, essentially, three  
12 families. You can FOIL that information if  
13 you'd like. And I thank you for your  
14 attention.

15 THE CHAIRMAN: Thank you very much.

16 I think it's George Mgrdichian. Was that  
17 almost close? Okay, George.

18 MR. MGRDICHIAN: Good evening,  
19 Mr. Chairman and members of the board. My name  
20 is George Mgrdichian, and I am the president of  
21 the Orienta Point Association.

22 Regarding the DEIS of Hampshire Country  
23 Club, there have been many questions raised by  
24 MCEC and others, and the community is waiting  
25 your formal responses. The OPA would like to

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2           add our concerns as well.

3           One: Hampshire Country Club consists  
4           of -- excuse me. Hampshire Country Club  
5           consists of 90 acres of open green space in the  
6           middle of Orienta Point. The community of  
7           Orienta and the Village of Mamaroneck would  
8           suffer a terrible loss of open space with this  
9           project.

10          There are serious concerns about  
11          contaminants on the property. There is a  
12          potential of arsenic, lead, and pesticides in  
13          the soil which would need to be remediated if  
14          this project were to proceed. The community  
15          would need to be assured that there will be no  
16          lingering consequences after construction.

17          Further, there are serious concerns about  
18          health and safety issues for our neighbors,  
19          students, and staff of Hommocks School  
20          resulting from the disruption of contaminated  
21          land and the impact of traffic to and from the  
22          site through the school area and through rest  
23          of Orienta.

24          Orienta suffers serious flooding during  
25          both coastal flood events as well as heavy

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2 rainstorms. Stormwater runoff is a major  
3 concern. It is unclear, the DEIS, how flooding  
4 will be mitigated proceeding this project.  
5 Massive quantities of soil -- and I'm not  
6 saying the quantity, but massive quantities of  
7 the soil will need to be trucked in to Orienta  
8 in order to build the project as designed. We  
9 are concerned whether this will be permitted,  
10 what the effects of the truck traffic will  
11 bring to bear on our community during  
12 construction.

13 And everybody should know that Orienta  
14 Avenue is a substandard road. Any truck that  
15 drives down there, any large truck that drives  
16 down Orienta Avenue, people know that they  
17 either have to cross the yellow line or they're  
18 on the grass. So these trucks coming down the  
19 road are going to be very dangerous for the  
20 rest of the residents as they're coming  
21 through.

22 The superintendent of schools has raised  
23 concerns about what the additional number of  
24 children will do to our -- our already  
25 overcrowded school system. There are concerns

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2 regarding the impact the increased traffic and  
3 congestion will have throughout Orienta.  
4 Orienta is already terribly congested around  
5 the Hommocks School, Orienta Avenue, and  
6 Route 1. And we all know that coming out every  
7 day on Orienta Avenue to Route 1, where a  
8 traffic study was done many, many years ago,  
9 and it was already at a Level F. And as we all  
10 know, that -- a Level F can get worse. It does  
11 not get any better.

12 As consultants have shown, a -- nine-hole  
13 golf courses do not have a high rate of  
14 success. If this project were to be built as  
15 proposed, the 18-hole golf course currently  
16 existing would be trimmed back to a nine-hole  
17 golf course, and its future would be uncertain.  
18 It is our opinion that this project is  
19 inconsistent with the Village of Mamaroneck's  
20 comprehensive plan and local waterfront  
21 revitalization program.

22 Further, I would like to point out that I  
23 found the last correspondence from,  
24 quote-unquote, the residents at Hampshire to be  
25 offensive and unnecessary. And I quote, These

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2 rich nimbys, as they've called us, cited in  
3 their letter, was unnecessary attack on  
4 concerned, hard-working residents of Orienta  
5 who happen to have a different point of view  
6 than yours. And we do. In fact, it seems to  
7 be the developers who have the deep pockets to  
8 develop a seriously challenged property with  
9 environmental concerns, flooding issues,  
10 traffic congestion, concerns for public health  
11 due to contaminated soils, and overcrowded  
12 schools, further in order to make a windfall  
13 profit. Once the developer has completed the  
14 project, they're gone.

15 Additionally, the developers has solicited  
16 a number of people to write letters to the  
17 planning board and who may appear tonight, who  
18 have appeared also to speak in favor of the  
19 project, who do not live in our community. We  
20 do not believe anyone who is not a resident of  
21 our community or an expert hired to address  
22 this board should be heeded.

23 Thank you very much.

24 THE CHAIRMAN: Thank you.

25 Next name on the list is Thomas Moore.

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2 MR. MOORE: Good evening. I just had a --

3 MS. SAVOLT: Your name and your address.

4 MR. MOORE: My name is Thomas Moore. I  
5 moved to Mamaroneck about three years ago,  
6 three and a half years ago.7 I just, kind of, think it's ridiculous  
8 that -- it's private land. You know, he should  
9 be able to do what he wants. Also, I found out  
10 \$7.3 million were spent fighting these actions  
11 through litigation and settlements and --  
12 probably spread out throughout the past decade  
13 or so. And there are 7300 households, and  
14 that's \$1,000 a family. So I could -- I could  
15 use that money. Just end it. Thank you.

16 THE CHAIRMAN: Thanks a lot.

17 Now we have Dan Kaplan. Dan Kaplan. Oh,  
18 coming. Okay. Thank you. I didn't see you  
19 over there.20 MR. KAPLAN: My name is Dan Kaplan, and I  
21 have lived in Mamaroneck for about 55 years and  
22 have been a -- many years ago -- president of  
23 the Orienta Point Association.24 During the time I was president, another  
25 developer came to the community looked at us

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2 and said, This community desperately needs 33  
3 attached houses. She walked into the home of  
4 the then president of the OPA and advised us  
5 that she had acquired land on Rushmore, and she  
6 realized the community desperately needed 33  
7 additional houses on three and a half acres.  
8 And she also told us that her husband was the  
9 most powerful lawyer in New York, and he would  
10 be able to control any court decisions.

11 Two and a half years later, because the  
12 community decided she -- they, not she, was  
13 going to dictate what this community needed,  
14 she agreed, graciously, to build 11 homes. And  
15 that -- that similar kind of approach was  
16 fascinating. Because about two years ago,  
17 Eugene Grant, who just died, who was deeply  
18 involved in zoning in this community and  
19 protecting this community, called me  
20 desperately. He said, Some -- somebody is  
21 trying to develop Hampshire. And so I came  
22 over to Gene's house, because we were very  
23 experienced in zoning fights because of the  
24 prior one.

25 And we sat there, and somebody from the

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2 Orienta Point Association produced the  
3 developer. And he walked in with the same  
4 interesting attitude that the proponent of the  
5 attached housing had, advised Mr. Grant and  
6 myself and other people there that he had been  
7 building this kind of project all over this  
8 country, and no community had yet been able to  
9 sustain an objection to him. And everywhere he  
10 went, including in landfill sites, he had built  
11 housing. And he advised us that we were  
12 wasting our time if we disagreed.

13 Well, it's interesting. Here we are, once  
14 again, with an avarice, greedy developer, who  
15 has the nerve to write a vicious letter that  
16 George just mentioned.

17 Why are the people fighting this project?  
18 If you lived -- if anyone in this room lived  
19 next to this site, and you knew for the next  
20 nine months 24 trucks a day are going to pass  
21 right in front of your house, I'm sure you  
22 would be here, advocating for the project. And  
23 so I would suggest that all of us consider not  
24 the nimbys that he accused of us, but if you  
25 lived next to this site, and you had spent a

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2 great deal of time and money building and  
3 owning your home, you certainly would be just  
4 as opposed as this separate group who are  
5 particularly and deeply harmed by this project.

6 Thank you.

7 THE CHAIRMAN: Thank you very much.

8 Now we have Andrea Grant.

9 And this concludes the name on the first  
10 sign-up sheet. If there are anyone who know  
11 you signed up on the first sheet and you  
12 haven't been called, please let me know after  
13 this speaker.

14 MS. GRANT: Hi. My name is Andrea Grant,  
15 and I happen to be the daughter of the  
16 wonderful person that Dan Kaplan just  
17 mentioned, my father, who just passed away at  
18 100.

19 He had been here in Mamaroneck most of his  
20 life. And as contrary to the really despicable  
21 letter that was written and characterizing  
22 people who object, that -- there are people who  
23 object to this because they've cared for this  
24 town and this village for decades. And the  
25 very reason why people would even consider

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2 moving here and being part of this proposed  
3 development is because of the beautiful nature  
4 and the preciousness of the village and the  
5 town that we've created. And these are the  
6 people who also helped create the bubble, the  
7 tennis over at Harbor Island, buried the lines  
8 on Mamaroneck Avenue, assured that the  
9 development and the zoning stayed low and the  
10 density low so that we can enjoy a style of  
11 life that we do here that is so different than  
12 some of the --

13 (Indiscernible.)

14 -- different kind of developments that are  
15 so -- in towns that have become so  
16 self-obsessed and developer-run that they lose  
17 out in the end.

18 So when we talk about community and we  
19 talk about what this affects, it's not just  
20 Orienta. It really is our entire community  
21 that this affects, because what happens and  
22 what we do at Hampshire will set a tone. And  
23 the tone being set right now is heartbreaking  
24 and terrible. And if you read that letter and  
25 you understand the nature of the developer that

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2 is behind this, then you should think twice,  
3 because it is not the tone that I know of  
4 Mamaroneck. And that's -- that is on one side,  
5 and then all of the legitimate, factual  
6 statements that are being made as the  
7 unintended and consequences of this  
8 development.

9 From the flood zone, it was my neighbor  
10 who was killed on the golf course many, many  
11 years ago from the flood. It is not made up.  
12 It is one of the worst flood zones.

13 I worked with FEMA for ten years. And  
14 when you knowingly go in and you build in an  
15 area like this that's flood zone prone, no  
16 matter what you do -- I really hope that the  
17 developers are ready to pay every cent of any  
18 damage that occurs to homes and people along  
19 this whole development so that not one penny of  
20 our taxpayer dollars from FEMA -- going to FEMA  
21 pays for damage for recovery, because we are  
22 smart enough to know better now. And the  
23 unintended consequences or the known  
24 consequences of the burden on both our traffic  
25 on Orienta that puts those of us who live down

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2 there at risk, should any event take place, to  
3 be sopped up and congested at a very point of  
4 important egress is critical.

5 And then, thirdly, the burden on the  
6 schools. There are a lot of unintended  
7 consequences that I hope the planning board  
8 takes into consideration, and what it means to  
9 care for this town and the longevity of people  
10 who might be opposing this and how they have  
11 actually contributed to making this one of the  
12 most desirable places by making these hard  
13 decisions and stopping the kind of development  
14 that this is.

15 THE CHAIRMAN: Thank you. Okay. We're  
16 starting on page 2.

17 Celia Felsher. Celia Felsher.

18 MS. FELSHER: I'm actually going to switch  
19 with Steve. Steve will go first, then I'll go.  
20 Is that all right?

21 THE CHAIRMAN: Steve, go first. Okay.  
22 (Indiscernible.)

23 MR. STEINMAN: You can ask if anybody who  
24 hasn't spoken would like to speak first.

25 THE CHAIRMAN: Well, good suggestion.

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2 That's if -- anyone who hasn't spoken on the  
3 first meeting still haven't spoken today, maybe  
4 we can let you go a little ahead of your --  
5 your place on the list here. So give me your  
6 name and -- I'm trying to be fair with this.  
7 It's hard to please everybody.

8 MR. TANNENBAUM: I haven't spoken at the  
9 prior, so I can speak now.

10 THE CHAIRMAN: What's your name?

11 MR. TANNENBAUM: Myron Tannenbaum. I've  
12 lived in Mamaroneck 46 years, and I taught at  
13 Mamaroneck High School, right here, for 43  
14 years. And I've been on the traffic commission  
15 on and off for over 35 years.

16 The traffic commission had a public  
17 hearing after we reviewed the application, and  
18 we made four specific resolutions concerning  
19 the applicant. I wonder if the commission has  
20 had a chance to review it. Okay. Then I won't  
21 list them publicly. I just wanted to make  
22 sure, because we spent time on it, and we had  
23 specific issues. Thank you.

24 THE CHAIRMAN: We got it, and we  
25 appreciate your comments.

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2 MR. TANNENBAUM: Thank you.

3 THE CHAIRMAN: Thank you very much.

4 Anybody else? Oh, you didn't get on  
5 there, on the first one?

6 (Indiscernible.)

7 And who do we have speaking now?

8 MR. GUADAGNOLO: Charles Guadagnolo; 1030  
9 Old Post Road in Mamaroneck.

10 THE CHAIRMAN: Thank you.

11 MR. GUADAGNOLO: So I've lived in  
12 Mamaroneck my whole life. I was born here. My  
13 father was born here. Currently, I run one of  
14 the largest real estate development projects in  
15 the county, a 324-unit multi-family development  
16 in Yonkers. And prior, I was with Toll  
17 Brothers, running a 232-unit multi-family  
18 townhome development and a 71-unit  
19 single-family development in Connecticut. So  
20 I'm familiar with the process, and I wanted to  
21 talk first a little bit about the concept of as  
22 of right.

23 I don't know, during your due diligence  
24 process, if you --

25 THE CHAIRMAN: We got interrupted here.

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2 I'm sorry about that. We didn't pay attention.

3 Can you just repeat what you just said?

4 MR. GUADAGNOLO: Do I have to go through  
5 the whole introduction again?

6 THE CHAIRMAN: No. No. No.

7 MR. GUADAGNOLO: Charles Guadagnolo.

8 THE CHAIRMAN: This shouldn't be  
9 happening, but it is. I'm sorry about that.

10 MS. SAVOLT: Someone was listening to you,  
11 Charles.

12 MR. GUADAGNOLO: Charles Guadagnolo; 1030  
13 Old Post Road in Mamaroneck.

14 THE CHAIRMAN: You were born here and your  
15 father was born here. I remember that much.

16 MR. GUADAGNOLO: You remember that part.

17 THE CHAIRMAN: Go on from there. Okay.

18 MR. GUADAGNOLO: Yeah. So I wanted to  
19 talk about as of right and the idea that during  
20 the due diligence process, if you opened our  
21 comprehensive plan -- and I look at it two  
22 ways: Either you didn't or you didn't care.  
23 And when you read the comprehensive plan, it's  
24 crystal, crystal clear that what you're  
25 proposing undermines the comprehensive plan.

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2 There's an undermining of the  
3 recommendation for it to remain as open space.  
4 It undermines the idea of it being a critical  
5 environmental area. It undermines the idea  
6 that it's the largest open space in the  
7 village. It undermines the idea that it's one  
8 of the largest open spaces on the southern  
9 Sound Shore. So that is our community's as of  
10 right, and that supersedes your as of right.

11 And we've had the privilege of an  
12 incredible amount of experience being put  
13 forth, which -- the list is so extensive of all  
14 of the reasons why this is wrong. There are  
15 risks of exposure. There are massive amounts  
16 of fill. It is unlawful. It does put people  
17 at risk.

18 Our real estate market is being  
19 undermined. This project could linger for ten  
20 years for you to sell it out, and you're going  
21 to undermine the other people in the community  
22 being able to move their homes, being able to  
23 have space for their students in the district.  
24 You do need private -- the private road's  
25 consent.

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2 This is highly toxic. It's been ten years  
3 that we've dedicated ourselves to this issue.  
4 And ultimately, we need too arrive at a sense  
5 of closure. So how does that happen? One of  
6 my concerns is that this could linger  
7 indefinitely, and you may not be here. And  
8 I've seen throughout the last ten years, and I  
9 hope people look at this, that there were real  
10 efforts put forth to literally rewrite our  
11 comprehensive plan during this process and to  
12 rewrite our LWRP. And it was stopped. But in  
13 the process, one of our main boards, our Harbor  
14 Coastal Board, was, essentially, ripped of a  
15 great deal of its authority, and this can  
16 happen again.

17 So how do we -- how do we get to the  
18 closure? There is crystal, crystal clear legal  
19 precedent with Bonnie Briar -- and you can read  
20 the case -- that we can rezone this permanently  
21 as recreational space and eliminate the forward  
22 risk of this continuing, and that's what I'm  
23 proposing. That is our as of right. That's  
24 our as of right, and, more importantly, it's  
25 what's right.

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2 THE CHAIRMAN: Okay. So next speaker will  
3 be Jim Desmond.

4 MR. DESMOND: Hi. My name is Jim Desmond.  
5 I was on the original coastal zone management  
6 commission in 1968, when we wrote the -- what?  
7 Oh, I thought I was right on top of it.

8 My name is Jim Desmond. I was on the  
9 first CZM in 1968 when we wrote the first LWRP,  
10 which became the basis for all Coastal Law in  
11 the United States, and it was written here, in  
12 Mamaroneck. And this is the first time I've  
13 heard anybody mention anything about the  
14 critical environmental area that is Hampshire  
15 Country Club. The Village has very few  
16 critical environmental areas, and this is one  
17 of them. My notes here are a total mess.

18 Building anything on the Hampshire Club  
19 property needs a very close look at the entire  
20 plan. How well did they know the property?  
21 How well did they know the piece of land, and  
22 how much -- and how much have they told us  
23 about things like groundwater? I never heard  
24 the word groundwater mentioned once. That's  
25 apparently about three feet below the surface,

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2 and how do you build on that? I'd like to tell  
3 someone that. How do you do that?

4 So what you do to a piece of land like  
5 this will change it drastically from being a  
6 critical element of control, the way the  
7 landscape works with you to control water,  
8 drainage, flooding, absorption. It changes  
9 into something else entirely, and this is  
10 really one of the few critical environmental  
11 areas in the Village of Mamaroneck.

12 And when you do this kind of building, you  
13 really won't know what you've got until you  
14 have to go live in it. It's -- every  
15 construction person I've ever worked with says,  
16 It's going to be great, going to be simple.  
17 You'll love it when it's finished. Well, it  
18 doesn't always happen like that.

19 What happens when you -- the -- what  
20 happens to the natural flow and drainage of  
21 water on a large -- on the large low-lying  
22 piece of property right in the center of  
23 this -- of the club when -- when you're filling  
24 it with -- I don't know how many pounds of  
25 fill. But what happens to that? I mean, it

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2 used to be a low spot that let rain naturally  
3 build a pond there and, sort of, a holding tank  
4 for rainstorms and hurricanes. To -- to fill  
5 in that piece of land with houses -- I don't  
6 know. And what happens to the -- the  
7 groundwater?

8 Again, it's -- it's a critical piece of  
9 land, and you have to be very careful when you  
10 mess around with it. Thank you very much.

11 THE CHAIRMAN: Thank you.

12 I can read Nicole. I can't read your last  
13 name. You say it.

14 MS. ITKIN: I have terrible handwriting.  
15 Nicole Itkin. I wasn't going to speak tonight,  
16 but I wanted to correct some misconceptions I  
17 think that some people, specifically the woman  
18 who lives in Larchmont who works for Hampshire,  
19 stated.

20 I live in -- on Sylvan Lane, specifically  
21 the 6th Hole. I am not rich. I am not  
22 wealthy. I am -- I am a New York City worker,  
23 government worker. My husband is a high school  
24 teacher. We saved for this money. We have a  
25 little three-bedroom house.

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2 Where is that water going? You say that  
3 you are building the houses high enough so that  
4 they will withstand the flooding. What about  
5 us at the bottom? Okay.

6 24 trucks a day for nine months, you said  
7 was the first stage. I am terrible at math,  
8 but that's over 4,000 trucks in nine months.  
9 So not everybody who opposes this plan is a  
10 wealthy, not-in-my-backyard person. Okay. I  
11 saved my whole life for this house. So how  
12 dare you.

13 THE CHAIRMAN: Thank you very much. Thank  
14 you. Thanks a lot. Appreciate it. Thank you.  
15 You're not applauding me, so you can stop now.

16 We tried to get back on track. And if  
17 there is anyone who didn't speak at the last  
18 meeting and has not spoken yet, then we'll tell  
19 you to come up and be able to do so.

20 (Indiscernible.)

21 MS. LARSEN: Hi. Sorry. My name is Kim  
22 Larsen. I live at 531 Orienta. I have no  
23 prepared remarks. I really wasn't planning to  
24 speak this evening. Okay.

25 THE CHAIRMAN: Okay. If you non-speakers

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2 would please line up over to the left of the  
3 podium and wait there. And as you come up, say  
4 your name, and we can take you off from the  
5 sign-up sheet. So here we've got another  
6 non-speaker.

7 MS. LARSEN: Kim Larsen, 531 Orienta. I  
8 just wanted to say a few things. One, sort of,  
9 to the point of the previous speaker.

10 Yes, I live in the vicinity of Hampshire,  
11 but I've been working on behalf of this  
12 community for free, as a volunteer in many  
13 capacities. And my concerns -- my concerns are  
14 really reflective of the community as a whole,  
15 truthfully.

16 We just got a school zone in front of  
17 the -- the high school here. I worked on that  
18 for eight years, beating down the New York  
19 State Department of Transportation. And  
20 traffic will be insane on the Boston Post Road  
21 corridor if we build on this little oasis in  
22 Hampshire. The -- the tools the municipality  
23 has in place to protect that area should be  
24 recognized. It's not about, you know, my  
25 property. It's about the entire community, and

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1 I don't think that this development is really  
2 representative of the intent of the  
3 comprehensive plan.  
4

5 The -- the other thing is the senior  
6 living point. No one is disputing that we need  
7 senior living in this community, but it  
8 shouldn't be there. We don't need to blast  
9 hilltops and bring in contaminated to fill to  
10 accommodate some, you know, X-number of senior  
11 homes. It's just not responsible, and the  
12 developer got this property for a steal because  
13 it's a floodplain that is protected and should  
14 be environmentally sound.

15 There's no reason for us to be changing  
16 zoning or compromising our community's goals to  
17 fleece the pockets of developers. We all have  
18 a right to our community.

19 THE CHAIRMAN: Thank you.

20 MS. BROWN: Hello. I'm Barbara Brown, and  
21 I live at 1501 Fairway Green. I've been there  
22 for 27 years.

23 I just wanted to support my fellow board  
24 member. That -- he was speaking for the  
25 community of Fairway Green. A few years ago,

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2 Fairway Green voted -- the community voted for  
3 the condominiums, if nothing else. Okay.

4 Thank you.

5 MR. GOODMAN: Hi. My name is Bob Goodman,  
6 and I'm a 22-year resident of Mamaroneck. And  
7 I'll be brief. I know this is, like, a long  
8 night for you.

9 I don't think this is really about  
10 emotions. This should really be about facts.  
11 And the way I see the facts are that the  
12 project is infeasible. And it's become clear  
13 that this proposal and the whole project is  
14 just a tactic for the developer to get the  
15 condos. That's what the developer wants. He's  
16 told several people in the community that.  
17 There's no secret to that.

18 This is really just, kind of, a waste of  
19 your time, really, for a project that he's,  
20 actually, functionally, not interested in.  
21 And, furthermore, the project shouldn't be  
22 approved because it's illegal. Under the  
23 Village Code, adding -- putting fill in a  
24 floodplain is illegal. And there's just no --  
25 it's kind of -- we can argue about the

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2 emotions, and I love golf and all that. It's  
3 just this project doesn't fly for that reason  
4 among others.

5 And furthermore, who's going to purchase  
6 all these houses? And we've heard about all  
7 the issues of flooding. You think there's  
8 going to be a long line of people who want to  
9 live in a place where there's no egress during  
10 a -- during a flood or during a storm? And  
11 I've been on this property when there's a flood  
12 and when there's a storm. It's pretty scary.  
13 And furthermore, who's going to want to buy a  
14 house that has a taint of contaminated soil?  
15 And those, to me, are the fundamental facts,  
16 emotions aside.

17 Thank you.

18 THE CHAIRMAN: Got it. Thank you.

19 What's your name, sir?

20 MR. NATCHEZ: My name is Dan Natchez, and  
21 I'm here representing --

22 THE CHAIRMAN: You didn't sign up, did  
23 you?

24 MR. NATCHEZ: Yes, I did.

25 THE CHAIRMAN: Oh, you did.

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2 MR. NATCHEZ: It was on Sheet 2, third  
3 name down.

4 MS. SAVOLT: Okay. Let's listen. He did  
5 sign up.

6 (Indiscernible.)

7 MR. NATCHEZ: In either event, my name is  
8 Dan Natchez, and I'm president of Daniel S.  
9 Natchez & Associates, an environmental  
10 waterfront design consulting company in  
11 Mamaroneck. And I'm representing, as well, the  
12 president of Shore Acres Property Owner's  
13 Association, called SAPOA, and the coordinator  
14 for the coordinating council of neighborhood  
15 associations and groups. And I'd like to read  
16 a resolution that was adopted by SAPOA and the  
17 people at the meeting on the coordinating  
18 council neighborhood associations.

19 And it says: Whereas, the quality of life  
20 is of concern to all neighborhoods within the  
21 village, and whereas Hampshire Country Club has  
22 filed a redevelopment plan for 105 residential  
23 houses with alternatives ranging from 85 to a  
24 121 residences, and whereas, regardless of  
25 which proposal is undertaken, it would

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2 transform the largest single open space project  
3 within the village to numerous residences and  
4 have serious long-term detrimental effects upon  
5 the neighborhood and the Village at large.

6 Now be it resolved that we express it's  
7 our strong opposition to all the village land  
8 use boards that development proposals would  
9 significantly reduce the open space, severely  
10 adversely impact the birds and wildlife and use  
11 of the mature tree canopies which would be  
12 destroyed, create worse drainage and flooding  
13 uses through the use of dams and culverts, and  
14 adverse impact to the already overcrowded  
15 school systems, and tax the existing  
16 infrastructure in terms of the sewer, potable  
17 water, and traffic, particularly where there  
18 are no sidewalks for pedestrians and bike  
19 paths.

20 And be it further resolved that at least  
21 one alternative would call for the shattering  
22 of the MR, marine recreation zone, allowing  
23 residences where such uses are prohibited and  
24 would other -- and would allow other MR Zone  
25 properties to also shatter the zoning. And

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2 whereas it be -- and be further resolved that  
3 the adoption of the proposed submitted  
4 development plans would have a significant  
5 adverse impact upon the entire community and  
6 its right, and when -- I'm sorry -- in its own  
7 right, but also would examine the -- the  
8 cumulative impact of developments already  
9 approved, particularly in the school systems  
10 and traffic. And be it further resolved that  
11 we challenge all of the land use boards to  
12 consider this and the other proposal --  
13 proposed projects in terms of what's in it for  
14 the village as opposed to the developer.

15 And one of the great things about public  
16 hearings is that a lot of things get brought  
17 out, and a couple of things have been said  
18 tonight which, sort of, bothered me. One of  
19 the first is that there have been character  
20 assassination attempts by people. And whether  
21 we agree or disagree with different sides, this  
22 is a friendly community, and we need to respect  
23 each other's points of view. That doesn't mean  
24 we have to agree with them, but it doesn't mean  
25 that we have to say somebody else isn't right

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2 and somebody else is just trying to play games.  
3 And that bothers me dramatically.

4 It was interesting to hear about -- the  
5 person from the golf courses about that nine  
6 holes work, et cetera. But there was no -- no  
7 information regarding comparing this particular  
8 nine-hole course to other nine-hole courses in  
9 terms of economic sustainability as well as  
10 the -- what the 18-hole course would do in  
11 terms of economic sustainability.

12 And one of the other things that bothers  
13 me is when people threaten litigation. You  
14 know, Kennedy said, you know, let's not  
15 negotiate it out of fear, but never fear to  
16 negotiate. I don't like people who suggest  
17 that, you know, if you don't do something,  
18 we're going to sue. I don't think that's the  
19 right approach to life. It doesn't mean --  
20 make for a friendly community.

21 And for -- the last thing I want to make,  
22 which has already been stated, but I think it  
23 needs to be restated, is there is no as of  
24 right except to ask for permission. If there  
25 was an as of right for this type of development

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2           in any of the alternatives, we wouldn't be  
3           here, because there would be no reason to get a  
4           permit.

5                     And that's, therefore, the -- you know,  
6           the due diligence in the real consideration  
7           must be undertaken. And thank you.

8                     AUDIENCE SPEAKER: Hi. My name is Leslie  
9           Schiffer[ph.], and I've been a resident of the  
10          Village for 29 years.

11                    Obviously, the board will make a decision  
12          based on the facts which are, on all sides,  
13          going to be tainted by self-interest, the  
14          people who are hired to present things. So I'm  
15          not going to address that, because you'll have  
16          all that.

17                    But as part of a public hearing, what I'd  
18          like to say is my wife saw our neighbor die on  
19          the Hampshire golf course. Water will find  
20          where it wants to go, and nothing you can do is  
21          going to stop it in an area that's as  
22          challenged as Hampshire. So I know emotions  
23          aren't going to be the deciding thing, but  
24          shame on you.

25                    As a resident of this community, the

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2 avarice, the greed from day one. Shame on you.  
3 Shame on all of us if we allow this to happen  
4 and somebody dies and somebody gets cancer  
5 because of the fill and somebody gets sick.  
6 Hundred-year flood zones. We can all laugh at  
7 that. They seem to happen every seven -- every  
8 five years, so it's bullshit. On the record.

9 Shame on you, and shame on us if we let  
10 this happen without with taking into account  
11 the damage to people.

12 THE CHAIRMAN: We are on live television,  
13 so we can't use that kind of language. But  
14 thank you anyway for your opinion.

15 MR. MAZZIO: Hi. I'm Lou Mazzio from -- I  
16 was going to say Nu-Way Insulation. From 402  
17 Fairway Green. I've been a resident of  
18 Mamaroneck for the past 40 years. I've been a  
19 resident of Fairway Green for the past 25.

20 There's a few issues, and they're mostly  
21 very selfish on my part. One is I've been  
22 looking at the golf course for 25 years, and  
23 I've been loving every minute of it. That's  
24 the reason why I purchased the unit that I'm  
25 living in. That's the reason why I plan on

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2 dying in that unit.

3 I also have a very serious problem. My  
4 wife has chronic asthma. When she breathes in  
5 toxic air, she has asthma attacks, and we're  
6 off to the emergency room. So we would more  
7 than likely be closed in, locked in,  
8 plasticed[ph.] into my home while this  
9 construction is going on.

10 I've been a contractor for 45 years. I've  
11 been around construction sites for 45 years.  
12 There is no such thing as clean landfill.  
13 There's nobody monitoring the fill as it's  
14 coming in.

15 I've seen clean fill. It is filthy.  
16 Filthy with everything imaginable, including  
17 bones, which is, like, really quite  
18 extraordinary. But I've seen them time and  
19 time again. Allegedly monitored clean fill,  
20 let alone all the amount of clean fill that  
21 allegedly is going to be poured around.

22 The other issue is that -- pardon me -- is  
23 simply that you cannot move earth all around  
24 without everything being dislodged into the  
25 air. You cannot have earth movers dumping,

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2 pouring, pushing all of this fill that's been  
3 already down for a hundred years and pushing it  
4 all around and thinking that, Oh, it's okay,  
5 because the first foot is really not so bad.  
6 All right. But what's below, who the heck  
7 knows? No one does. Oh, sorry.

8 The other aspect of it is that on that  
9 wonderful diagram that was put up on the board  
10 there, they talked about leveling out the whole  
11 area. I'm at the highest point facing the golf  
12 course. On the last storm, there were waves  
13 slapping right up against my unit. They  
14 planned on leveling out the area right in front  
15 of my unit, which is quite extraordinary,  
16 because there's already waves. And I'm at a  
17 high point, not the low, all the way down at  
18 the end. There were waves jumping up on to my  
19 unit. So now you're going to level that land  
20 out to fill in other areas that are much lower.  
21 That seemed extraordinary to me. It's like a  
22 thing of, like, okay. Where? How low is that  
23 area going to be now? Because already, that  
24 area was literally waves. And it didn't happen  
25 once. It happened 25 years ago.

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2 We had a fish this large right in my  
3 backyard after the 25-year-old storm, where,  
4 unfortunately, that wonderful man died. All  
5 right. There's no scientific dislodgement of  
6 an area this big and thinking that you have it  
7 under control. And you're just going to fill  
8 in here, there, and everywhere with clean fill,  
9 and it's going to be just wonderful for  
10 everyone concerned.

11 There's one last issue, is that I'm also  
12 on Old Post Road. People from Orienta come  
13 down Old Post Road on their way to Boston Post  
14 Road to try and avoid some of the incredible  
15 traffic that we see day in and day out. Old  
16 Post Road is a snaky, hilly little road that  
17 already has a terrific amount of traffic with  
18 people with carriages walking alongside of it.  
19 The whole entire idea of this development seems  
20 ludicrous to me, and I can't quite understand  
21 how anybody can come up and say, We know it's  
22 going to be fine. We've done this before.

23 Well, I've seen it before, for 45 years.  
24 And what I've seen on construction sites, I  
25 can't even begin to tell you. It's not nice.

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2 And you want to trust people. I love to trust  
3 people. I don't trust contractors, and I've  
4 been one for 45 years.

5 THE CHAIRMAN: Okay. Who do we have now?

6 MR. WENSTRUP: I've David Wenstrup, and I  
7 live on Cove Road. I am signed up there  
8 somewhere, and if you can't find it, it's my  
9 terrible handwriting. Okay. I'd like to shed  
10 some additional light on the floodplain issues  
11 with Hampshire's plan.

12 As you know, the vast majority of the  
13 Hampshire property lies below the floodplain,  
14 some of it in elevations as low as meeting sea  
15 level. And you also know that their plan  
16 includes massive amounts of fill in that  
17 floodplain, including both imported fill and  
18 cut and fill. Okay. So you've heard last time  
19 from Mr. Kass that our village laws prohibit  
20 filling in a floodplain. I'd love to think  
21 that that is the end of the matter, yet, here  
22 we still are.

23 The developer has made an argument that  
24 the law should not apply to them because this  
25 is a coastal flood zone as opposed to a river

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2           or stream-based flood zone, and so they say  
3           filling it would not have a detrimental effect.  
4           That distinction between coastal and  
5           stream-based flood zones doesn't exist in  
6           village law, but, more importantly, they're  
7           wrong about their assertions of the detrimental  
8           effect.

9           Basically, the developer argues that  
10          because there's an infinite amount of water in  
11          Long Island Sound, the water in the flood zone  
12          will immediately equalize with the Sound, so  
13          filling in part of the flood zone doesn't  
14          affect the water level. This amount ignores  
15          the particular topography of this particular  
16          property and of the surrounding homes and  
17          roads.

18          You see, Hampshire is a bathtub. That is,  
19          it's an area of low elevation, completely  
20          surrounded by areas of slightly higher  
21          elevation. What this means is that the areas  
22          of higher elevation keep the water out of the  
23          property during a mild coastal flooding event.  
24          We know this to be the case.

25          For example, the property has elevations

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2           as low as meeting sea level, and we have an  
3           eight-foot tide here. So every single day,  
4           twice a day mostly, that -- parts of the  
5           property are four -- four feet below the level  
6           of the Sound. We know that. That happens  
7           every day.

8           So what's happening is those areas, those  
9           high areas around the -- the bathtub, which are  
10          the walls of the bathtub, prevent the water  
11          from coming in. So in a daily high tide and in  
12          a mild flooding situation, the bathtub walls  
13          keep the water out. But in a moderate to  
14          moderately severe flooding event such as Sandy,  
15          the water will begin to breach over the lowest  
16          points in the bathtub wall. This is exactly  
17          what happened at Sandy. And from Sandy, we  
18          know that one of the lowest points in that  
19          bathtub wall is Hommocks Road, directly  
20          adjacent to the 11th Tee.

21          Many of us witnessed and photographed the  
22          water fall as the water entered the club  
23          property over Hommocks Road, down the wall next  
24          to the 11th Tee. But what's really important  
25          is that when the water level in the Sound

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2 breaches the bathtub wall in a Sandy-like  
3 event, it doesn't immediately fill up the whole  
4 bathtub -- the whole floodplain. It takes  
5 time. In Sandy, it took hours. That time to  
6 fill is incredibly important, because the sea  
7 level might go down before the level inside the  
8 bathtub reaches that level of the Sound. And  
9 so the time that it takes depends on the size  
10 of the bathtub.

11 Fill, whether it's an imported fill or cut  
12 and fill, shrinks the bathtub. And -- and  
13 raising Eagle Knolls Road, which would prevent  
14 water from -- from crossing on the other side  
15 of Eagle Knolls Road, would dramatically  
16 decrease the size of that bathtub too. And the  
17 effect of that would be that the water level  
18 inside the remaining bathtub would rise higher  
19 and rise faster. Now, this would be one thing  
20 if Hampshire was alone in the floodplain, but  
21 they're not.

22 When the water rises in Hampshire, coming  
23 over that wall into Hampshire, it spills over  
24 into adjacent homes and to the intersection of  
25 Eagle Knolls Road and Hommocks Road, preventing

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2 egress. You've heard this already in previous  
3 testimony in the last session from Paul  
4 Cantwell and from the gentleman who owns a  
5 portion of the pond on the 10th Hole. They  
6 described how that water comes from Hampshire  
7 onto their property in those storm events. If  
8 Hampshire fills the floodplain or if they raise  
9 Eagle Knolls Road, it's going to happen faster  
10 and may flood them in times when, otherwise,  
11 they would not have been flooded. So I'm  
12 describing the mechanics of what happened,  
13 which was born out as what was witnessed in  
14 Sandy.

15 I'll also submit a powerpoint presentation  
16 to the -- to the board which -- which  
17 graphically depicts the mechanics. But to  
18 really quantify the effects with a rigorous  
19 hydrological analysis, we would need complete  
20 topographical data of not just their property,  
21 but the surrounding properties and roads that  
22 would also be affected. We would need to do  
23 that to -- to define the extent of the bathtub  
24 and its walls, to define its capacity for  
25 holding water and the impact of the proposed

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2 development on the rate of increase in the  
3 flood levels in those -- those Sandy-like flood  
4 events.

5 So I'll end where I began. The law is the  
6 law, and the law says you can't fill in a  
7 floodplain, and it doesn't matter whether it's  
8 cut and fill or imported fill. But if, for  
9 some reason, you're tempted to believe that  
10 that law does not apply to them, please don't  
11 accept their argument that it doesn't impact  
12 flooding.

13 At the very least, let them analyze the  
14 full extent of the flood plan, including both  
15 their property and the surrounding properties  
16 that would be affected, and make them provide  
17 the data in electronic formats that -- an  
18 independent engineer can do that analysis.  
19 Just to be clear, I'm not asking this as a  
20 stalling tactic to make them do more work. I'm  
21 asking because I don't believe they can show it  
22 doesn't have a material impact.

23 THE CHAIRMAN: Thank you.

24 MR. STILLMAN: My name is Jeff Stillman.  
25 I'm on the list there.

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2 MR. STEINMAN: Fine yup.

3 THE CHAIRMAN: Got it.

4 MR. STILLMAN: Good evening. I just want  
5 to make a couple of comments. I was listening  
6 tonight, and let me just give you a little --  
7 some of my experience. Put my notes together  
8 here.

9 So I live in Orienta, 805 Oakwood Road.  
10 Been here 27 years. Oh, sorry. I'm not good  
11 on camera. Is that okay? Okay.

12 So I've been here 27 years. I've been  
13 evacuated three times from storms and water. I  
14 own a property management company. My family's  
15 been in development for 75 years in  
16 Westchester, so I have a lot of experience with  
17 construction and water and other issues. And  
18 my points are: When you start looking at these  
19 plans and the numbers and all these  
20 calculations, nothing, in my experience, ever  
21 goes to plan.

22 So there's always the contingencies.  
23 There's always the change orders. There's  
24 always other conditions that happen when you do  
25 construction. So any time that's been set out

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2 there, it's never going to be done on time.  
3 I've never seen it. I don't think it ever will  
4 be.

5 So my point is, you know, you're talking  
6 about nine months, 28 trucks. Forget it. It  
7 will be 13, 15 months. It will be 50 trucks.  
8 So I just wanted to make that point, that, you  
9 know, when we start talking -- I'm looking at  
10 reality versus theoretical.

11 The next thing I wanted to say is I've  
12 been a member of Hampshire Country Club for  
13 over 40 years, my family, and I'm still a  
14 member. Like the club. And like I said, I am  
15 a developer, so I understand. I, sort of, wear  
16 all the different hats, and I see all the  
17 sides. And I think that development done right  
18 is good.

19 My opinion is what would be acceptable  
20 and, I think, to the benefit of everybody would  
21 be 30 to 50 units of the original plan. That  
22 -- I mean, the original plan is over a hundred  
23 units with a 250-car garage and a sub -- you  
24 know, and a high water table. And, you know,  
25 the water -- and a lot of people have talked

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2 about water is the most difficult item to  
3 control. And I don't care what you do. You're  
4 going to get water to stop. It's going to come  
5 in somewhere. I have a lot of experience in  
6 the property management field as well as  
7 development.

8 Just to cut more comments, I also was on  
9 the finance committee of Hampshire, so I do  
10 know and have experience, and I am a CPA.  
11 That's my background, so I have experience in  
12 the financials. I heard the consultants. And  
13 I'm not a golf course developer, but I know the  
14 numbers at Hampshire, and I know what happened.  
15 And basically, it went bankrupt because golf  
16 memberships have gone down, and the cost went  
17 up and they couldn't afford to run it.

18 And some point, you're going to have  
19 another golf course there, and you're going to  
20 have some association running it, whatever you  
21 do. But the numbers can be overwhelming and  
22 difficult to control. So I -- like I said, you  
23 heard different sides with different numbers,  
24 but I can tell you, from my experience, it can  
25 get expensive to run, and golf memberships

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2 aren't what they were. So I just want to bring  
3 that point up. Just a couple more things.

4 I do think if they allow any kind of  
5 development, there should be significant  
6 reserves made by the developer to maintain for  
7 the stormwater control and the roads and the  
8 schools. I mean, they say there will be more  
9 taxes to go to the schools, but I still think  
10 there are significant challenges now. So I do  
11 think you should make reserves to be held.

12 The roads in Mamaroneck are a mess.  
13 There's not enough money in Mamaroneck to  
14 repave roads as it is right now. I've -- my  
15 road hasn't been repaved in 30 years. It gets  
16 patched. It gets patched all along. So you're  
17 going to have these trucks coming in, and  
18 they're going to damage the roads. And unless  
19 there's some provision for the developers to  
20 repave those roads and have it done and it  
21 falls back on the Village, I'm telling you, it  
22 ain't going to get done. It's not being done  
23 now. It's not going to be done later. I would  
24 like you to consider that as well.

25 They talk about concrete basements. I get

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2 a little concerned when I hear that in a high  
3 water table. I don't see how you're going to  
4 be able to control that water coming in to  
5 those units. I think there's significant  
6 challenges there. And let's see if I missed  
7 anything. And I do think --

8 (Indiscernible.)

9 -- and I'm dealing with some other  
10 developments. The towns have put in special  
11 permits for the developers to be able to make  
12 sure they comply with stormwater control and  
13 other items that are going to need to be  
14 maintained.

15 And my last point is -- this is just from  
16 my experience as a property manager: At some  
17 point, there's going to be some association  
18 probably running and maintaining that, whether  
19 it's a small development or the large  
20 development, and you're going to have a board,  
21 and you're going to have the members having to  
22 contribute and have the funds to take care of  
23 the stormwater and any other issues and the  
24 infrastructure. And I can tell you that can  
25 create down the road -- I'm looking down the

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2 road -- can create significant strains on the  
3 community. And just as an example, you could  
4 have a condominium, and I'm not sure exactly --  
5 I think maybe it's an HOA or whatever. You  
6 have one or two owners who can't afford to pay.  
7 And I've had experience where owners have gone  
8 to 30- or 40,000 in arrears, and it's extremely  
9 difficult to get that money. So when you start  
10 compounding that, and you're going to have to  
11 take care of these items and it's not  
12 maintained properly, it's going to have  
13 significant effects on the Village.

14 Thank you for your time.

15 THE CHAIRMAN: Thank you.

16 MR. SIEGEL: My name is Bertram Siegel. I  
17 live in Greacen Point in Mamaroneck.

18 I have lived in the community for about 45  
19 years. And since I live in Greacen Point, I  
20 have an intimate witness of the effects of  
21 water on a property owner in the community and  
22 the insidious effects of water. It's not  
23 something to be made light of, and I think that  
24 you should be very, very careful about how it's  
25 handled by the developer if the project goes

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2 forward.

3 I'd also like to say that the previous  
4 speaker, Mr. Stillman, who is very soft-spoken,  
5 I listened intently to what he had to say. And  
6 every word that he had to say is relevant to  
7 the discussions of this committee, and you  
8 should pay very, very careful attention to  
9 everything that he said, because it will  
10 have -- this project, if it goes forward in its  
11 present form, will have an enormous effect upon  
12 the community.

13 Now, let me talk just briefly about my  
14 experience as a -- living in Greacen Point and  
15 the effects of water on my house. It -- I've  
16 watched it. I've been evacuated from my house.  
17 I can't -- and I'm way above sea level in my  
18 house. I can't imagine that any project that  
19 goes forward in this community will not be  
20 isolated in a storm. And if they're isolated  
21 in the storm, then God forbid anything adverse  
22 happens to the homes that they live in.

23 If it's a condominium, eventually the  
24 condominium -- you'll have to worry about  
25 people being affected by the storm or having a

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2           health issue or, God forbid, a fire. They  
3           won't be able to be evacuated properly and so  
4           on. None of this, I think, will be adequately  
5           addressed by the builder of this project at  
6           all. They may say it.

7                     And, by the way, it has been made time and  
8           time again in the short time that I've been  
9           listening to the presentations here that once  
10          the project is finished, they leave. The  
11          project stays. The people who live here will  
12          continue to live here and bear the adverse  
13          effects of any unforeseen problems that may  
14          emanate from the construction.

15                    Now, in my house, I looked across at  
16          various points in the community over the years,  
17          and I've seen storm events that -- not only  
18          have homes been isolated, any home with a  
19          basement has been flooded, no matter what. No  
20          matter how much money has been spent on the  
21          home, they've been flooded.

22                    So you may ask what about my home? It has  
23          no basement. By the way, I'm trained as an  
24          engineer. I'm long since retired. I'm closing  
25          in on 87 years. But when I built the property,

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2 I refused to have a basement, because I felt  
3 that, even though we're way above the  
4 floodplain, that it would be impossible to  
5 maintain the integrity of the home or a  
6 basement in that -- under adverse conditions.  
7 And adverse conditions will happen. I can  
8 assure you.

9 Thank you for listening to me.

10 THE CHAIRMAN: Thank you very much.

11 Next speaker.

12 MR. ARFIELD: Good evening. My name is  
13 Jeremy Arfield, and I live at 1010 Cove Road,  
14 which is one of the private roads being  
15 considered as an access road to the proposed  
16 development. I've lived on Orienta Point for  
17 ten years, and I appreciate the opportunity to  
18 address the planning board this evening.

19 I have attended nearly all of the public  
20 meetings on this topic for the last several  
21 years, and I really only have one simple  
22 question. Why? Or more specifically, why  
23 should this village consider approving the  
24 current project or the condo alternative  
25 preferred by the developers? What benefits do

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2           these projects bring to all of the parties  
3           impacted?

4                     For the owners of Hampshire, a private  
5           equity investment fund specializing in  
6           distressed real estate and its real estate  
7           developer partners, the benefit is simple.  
8           They are seeking a positive return on  
9           investment for their institutional investors.  
10          For the potential buyers of the new homes being  
11          proposed, the presumed benefit would be owning  
12          a nice home in a desirable community with  
13          excellent public schools. Well, let's pause on  
14          that assumed benefit for a second.

15                    First, how nice would a home be when it is  
16          built on ground that is toxic? Second, would  
17          living in a floodplain be a nice place to have  
18          a home? And really, there is no question  
19          whether or not it will flood. The developers  
20          are already planning for evacuation routes for  
21          when it does. Damage to the properties is  
22          highly likely. And would prospective  
23          homeowners be made aware that they were not  
24          only putting their homes but also their lives  
25          at risk by living there?

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2 Third, I believe the desirability of our  
3 village today would wane considerably as a  
4 result of the increased traffic in and out of  
5 the development and on the Boston Post Road,  
6 the further deterioration of the private roads  
7 that cannot handle the wear and tear of the  
8 limited amount of cars and trucks that travel  
9 on them today, and the strains this additional  
10 population will place on an already-stretched  
11 infrastructure in our village.

12 And fourth, for these new homeowners,  
13 would the schools remain excellent? We've  
14 already heard from our schools' superintendent  
15 from the last public planning board meeting  
16 that when using correct assumptions for  
17 projected enrollment instead of flawed ones,  
18 this plan would add to overwhelming an  
19 already-burdened school district. Class sizes  
20 would inevitably increase, and the physical  
21 plant of our schools would strain under the  
22 additional number of students.

23 For the Village of Mamaroneck and its  
24 residents, what will be the benefits? Will it  
25 improve our schools? No. The expectation is

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2 that the quality of education would  
3 deteriorate. Will it improve the existing  
4 traffic and road condition problems on Cove  
5 Road, Orienta Avenue, Eagle Knolls Road,  
6 Hommocks Road, Weaver Street, Boston Post Road,  
7 Old Boston Post Road, and Cooper Avenue?  
8 Undoubtedly, no. It will only exacerbate the  
9 problems we are already living with today.

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

19 Will it improve the property values for  
20 existing homeowners in the village? Unlikely,  
21 as a result of the overpopulated schools,  
22 increased traffic, the elimination of a vast  
23 track of open space in a critical coastal  
24 environmental area, and an immediate increase  
25 in the single-family housing stock in the area.

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2 Will it bring increased tax revenues to the  
3 Village of Mamaroneck? It seems the estimates  
4 of the tax gains presented to date are  
5 negligible at best, even when the questionable  
6 methods are accepted. But think about what  
7 will eat into those slim increases, even if  
8 believed. Additional policing as a result of  
9 the population influx and the increased  
10 traffic; the need to invest in additional --  
11 additional emergency services to handle the  
12 required response when the area inevitably  
13 floods.

14 There will be a need to increase the  
15 investments in our schools in the short term  
16 and to grow their operating budgets going  
17 forward. There would be greater demand for  
18 sanitation, recycling, and snow removal  
19 services. Will the estimated tax increases  
20 from these homes really cover these additional  
21 costs? I do not see how that math works, and  
22 it would be detrimental to all village  
23 residents to not be absolutely certain that it  
24 actually does work in our favor.

25 Will it improve the well-established

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2           existing flooding problems? The answer to this  
3           question is the one the planning board needs to  
4           most seriously and thoughtfully consider.

5           Remember, someone died as a result of the  
6           flooding that occurs in the area of planned  
7           development. When Hurricane Sandy came  
8           through, the neighborhoods surrounding  
9           Hampshire were under water. I saw firsthand  
10          that the Hampshire property was completely  
11          flooded, and it took weeks for the water to be  
12          pumped back into the Sound, as it did not  
13          naturally recede when the tide went back out.

14          If the developers fill those naturally  
15          occurring basins on the Hampshire property with  
16          landfill, where will the water go the next  
17          time? The surrounding neighborhoods during  
18          that event likely benefited from the buffer  
19          that the floodplain on Hampshire provided.  
20          What will happen when that floodplain is gone?  
21          Will this planned development reduce the  
22          flooding potential and the associated risks or  
23          only make the pre-existing dangerous situation  
24          worse?

25                 As I stated in my opening remarks, I moved

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2 to Orienta ten years ago. What attracted me to  
3 the area was the strong community, the  
4 fantastic schools, and the natural beauty of a  
5 coastal location with protected, undeveloped  
6 lands. I have greatly enjoyed living and  
7 raising a family here. However, as a resident,  
8 I feel the responsibility of stewardship to  
9 protect and maintain all that makes Mamaroneck  
10 great for future generations of residents. I  
11 believe your commitment to the planning board  
12 evidences the same thing.

13 In these public like hearings, we have  
14 heard from older residents, community  
15 volunteers, and elected government officials.  
16 I'm greatly appreciative of how they performed  
17 in their roles and for what they put in place.  
18 They established protections for our  
19 floodplains and our coastal areas for a reason.  
20 They enacted zoning laws for a reason. They  
21 clearly understood that these were needed to  
22 make our community strong, to make it safe, and  
23 to protect all of the elements to this village  
24 that make it a desirable place to live. I, as  
25 a current resident, am thankful for their

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2 foresight and their intelligent decision  
3 making. I also understand that as a current  
4 resident, I have an obligation to ensure, just  
5 like they did, that future generations of  
6 residents, families, children, and retirees get  
7 to enjoy this special place as much as we all  
8 do today.

9 So I return to my original question: Why?  
10 Are we really considering a proposal that flies  
11 in the face of the objectives and values  
12 articulated in our comprehensive plan and LWRP?  
13 And I would note that with respect to the  
14 developer's preferred condo plan alternative,  
15 will we really consider rezoning and going  
16 against what previous residents put in place to  
17 make Mamaroneck what it is today, running the  
18 risk of similar rezoning of all marine  
19 recreation and marine commercial districts and  
20 turning our harbor into a changed landscape of  
21 highrise condo buildings?

22 For the current plan, are we really  
23 considering the illegal action of allowing a  
24 floodplain to be rendered useless with  
25 thousands of cubic yards of fill so private

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2 equity fund managers, real estate developers,  
3 and investors who do not even live here can  
4 profit? Are we really okay with a plan that  
5 provides nothing but downsides for Village  
6 residents, not just those who live close to the  
7 property?

8 And lastly, I want to leave you with a  
9 final question: Who in our community, other  
10 than the developers, wants this? Until  
11 tonight, I did not hear one voice at the last  
12 meeting support the current proposal. Not one  
13 unbiased, truly objective person came forward  
14 to say that this is something that will benefit  
15 us all in Mamaroneck, or even a few. I think  
16 that is the most telling part of these  
17 proceedings and is something that the planning  
18 board should thoughtfully consider.

19 I respect the property owners have a right  
20 to use and develop their property as they wish,  
21 but only so long as that use is permitted by  
22 law and secures necessary approvals. The  
23 current proposal is not permitted by law and  
24 should not be approved by the planning board.

25 The developers cannot achieve their

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2 economic objectives by developing the property  
3 simply in accordance with current zoning. So  
4 they are coming to you, the planning board, for  
5 approval of a cluster development that is  
6 subject to your approval on the basis that it's  
7 better for the community than a development  
8 built in accordance with established zoning.  
9 That is not the case here.

10 So what is the outcome that I would like  
11 to see? I would like to see Hampshire return  
12 to its purpose and to have true club operators  
13 and not distressed real estate fund owners  
14 invest in the club itself. As we heard  
15 tonight, there's a group ready to purchase the  
16 club and do just that. So notwithstanding the  
17 self-serving rhetoric of the developers, there  
18 is an alternative to the proposed development,  
19 and that alternative would truly preserve open  
20 space and provide a recreational area that  
21 members and guests can enjoy.

22 I would also like to see Hampshire truly  
23 become a good neighbor to all Village residents  
24 and an active partner in making Mamaroneck a  
25 better place to live instead of a group of

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2 faceless investors only trying to turn a profit  
3 for themselves on the back of the  
4 infrastructure, schooling, and positive  
5 community attributes that our taxes support.

6 For me, the answer is clear. Mamaroneck  
7 will only be a better place for today and for  
8 future generations that will inevitably come if  
9 we uphold and protect all that makes this place  
10 so special, like others before us have done.  
11 Thank you.

12 THE CHAIRMAN: Thank you.

13 MR. KURTIS: Good evening. Thank you,  
14 Chairman and the rest of the board. My name is  
15 Todd Kurtis. I live here in Larchmont, and I  
16 am a member of Hampshire.

17 I use the club frequently. I play a ton  
18 of golf. I love it. It's 18 holes. It's  
19 beautiful. There's coyotes. There's wildlife.  
20 It's gorgeous. I get that. It's great.

21 When we first heard of the project, that  
22 they were going to build houses -- okay. We  
23 can live with nine holes. I agree with what  
24 everybody said here. I agree with a lot of  
25 points that were said. However, with their as

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2 of right to build, they're going to build. And  
3 I think the smarter option, rather than lose  
4 60 acres, is three acres which is off of  
5 Holes 9 and 18, which is elevated, which there  
6 has never been a flood issue as long as I've  
7 been playing golf there. I agree that there  
8 are flood issues maybe further out in the  
9 course that may be a problem with the building,  
10 but I do not think that the condo project  
11 should be off the table.

12 I think what the gentleman said earlier --  
13 this is a community. There has to be some  
14 sense of compromise. If they decide to build  
15 the houses, you're going to be sorry that you  
16 didn't look at the condo option. It's going to  
17 be more disruptive. We get that. I agree with  
18 what everyone said.

19 I've been to the meetings where they've  
20 shown the condo option. They've offered 55  
21 years and older. They've offered to donate the  
22 land to a trust fund or organization to make  
23 sure there would be no future development of  
24 the rest of the land. Four acres versus  
25 60 acres. 55 and older versus families, which

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2 will hurt the people trying to sell their  
3 homes.

4 I think it is a -- I agree there are many  
5 flaws on both sides, but you're going to have  
6 to think of what is the best way to go.  
7 Because you can lose a finger or you could lose  
8 a foot, but I'm sure they're going to grow and  
9 they're going to develop. And that's going to  
10 be a tough choice for you.

11 But again, I agree with both sides, but  
12 the condo option should really be revisited,  
13 because that is the better option of the two.  
14 Thank you.

15 THE CHAIRMAN: Thank you very much. We  
16 still have quite a few speakers on the list,  
17 so -- and it's getting a little late.  
18 Everybody -- everybody should have their chance  
19 to speak who wishes to speak. If you can just  
20 keep a little shorter and to the point, then  
21 that would be great.

22 I understand now that most of the speakers  
23 on the list have already had their say in the  
24 last meeting. So maybe you can just remake  
25 your point a little bit shorter. Thank you.

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2 (Indiscernible.)

3 MR. LUSK: Thank you very much for letting  
4 me speak. Just before I start, I would just  
5 like to recommend -- oh, Jack Lusk. Cove Road.  
6 1002 Cove Road.

7 MS. SAVOLT: Thanks, Jack.

8 MR. LUSK: I'm sorry? I will hold it  
9 right up here. How's that? Even better.  
10 Okay.

11 So before I start, I would just like to  
12 recommend to the committee, the gentleman who  
13 is the golf course management expert, I think  
14 the committee would do well to spend a couple  
15 of hours with him, because it truly sounds like  
16 Hampshire's starting to make money as an  
17 18-hole golf course, and he can explain to you  
18 how he did it. And it would probably obviate a  
19 lot of the discussion we're having. He seems  
20 like a real gem, and we should hold on to him.

21 I'm here this evening because there's  
22 really no place in this discussion for  
23 disparagement and personal attacks. And I  
24 shared with the committee a letter that was  
25 sent on behalf of Hampshire to various

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2 interested people that I can only describe in  
3 the most negative terms as being unnecessarily  
4 aggressive, not in keeping with calm public  
5 discussion, and full of lies and  
6 misrepresentations. It does nothing to bring  
7 the sides in this discussion closer.

8 Through this letter, we did learn that the  
9 club has dropped the pretense or mask, if you  
10 will, of being a good neighbor. By this  
11 excursion into personal attacks, they have made  
12 it clear that they should be -- that the  
13 project should be -- if the project should be  
14 approved, we can expect a continuation of the  
15 long list of community difficulties and  
16 concerns that we have previously raised and  
17 they have denied. And let me just say, at  
18 heart, the characterization of Mamaroneck  
19 Coastal and its founding members is outrageous  
20 in this letter.

21 The founding group consisted of people  
22 living throughout Orienta with participation  
23 from residents outside of Orienta, and all of  
24 those residents were truly concerned with the  
25 impact of the condo and then the housing

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2 development proposal on the Village as a whole.  
3 And as one of those people, I can assure you  
4 that I feel it's ludicrous to refer to us and  
5 those who are concerned with the impact of  
6 development of this large community asset as  
7 rich nimbys or as well heeled property owners.  
8 We're just not. We're just concerned citizens.  
9 It is an insult and slanderous.

10 We all know who the developers are  
11 targeting with these insults in an attempt to  
12 discredit all the valid issues we raised about  
13 this and the project. They're taking this to a  
14 personal level that is completely unnecessary.  
15 Unfortunately, it is a standard tactic of  
16 underhanded developers and others to shift  
17 discourse from the true issues at hand.

18 Let me just say that it should be clear  
19 from this meeting and all the other meetings  
20 that we've attended that there are many and  
21 multiple different types of supporters from  
22 Mamaroneck Coastal. It's not limited to a few  
23 people. There's been over 300 people who have  
24 attended meetings and have followed up, and  
25 there are any number of us who have supported

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2 it financially. We just do not need to or  
3 should we descend into personal derogatory  
4 comments in this community.

5 Thank you very much.

6 MS. FELSHER: Thank you. Celia Felscher  
7 on Eagles Knolls Road.

8 I am not going to repeat anything that I  
9 discussed last time. There are three issues  
10 that I wanted to discuss that are new. The  
11 first is actually a follow-up to Mr. Mendes's  
12 question about water issues.

13 I brought in some pictures. And the  
14 first -- and if you look at your packet, you  
15 have exactly these pictures in this order. The  
16 first shows Hurricane Sandy. And you'll see in  
17 a minute that the impact of Hurricane Sandy was  
18 identical to -- I don't know if the TV can get  
19 this, but was identical to the impact in the  
20 1992 nor'easter, also in '93, and also in  
21 Irene.

22 What Mr. Wenstrup was talking about, this  
23 is the consera -- the Hommocks Conservatory  
24 area up on the top left, and this picture was  
25 taken just as the tidal surge was going over

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2 Hommocks Road. And you'll see the waterfall  
3 where it's filling up the first bathtub. As  
4 the tide rose, that bathtub filled. Then it  
5 spilled over Eagle Knolls Road into the big  
6 bathtub.

7 It was the spilling over in '92 into the  
8 big bathtub over Eagle Knolls Road when the  
9 gentleman who drowned was washed off of Eagle  
10 Knolls Road as that storm surge went over the  
11 second one. So you'll see, this is the corner  
12 of Eagle Knolls Road and Hommocks Road, which  
13 was impassable. And this is after the storm  
14 had gone away. And in fact, there was a  
15 problem, you know, up Hommocks Road. The  
16 police -- the fire department couldn't get up  
17 there.

18 You'll see that what you had is an ocean,  
19 and that does not recede with the tide because,  
20 as Mr. Wenstrup said, it's trapped inside the  
21 bathtub. So this is just to show you some of  
22 those pictures. I'm not going to show you --  
23 although you have -- the '92 storm, because  
24 it's exactly the same thing.

25 What I want to show you, which is more

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2 relevant, and it will be quicker, is what  
3 happened just a couple of Fridays ago in the  
4 March nor'easter, and you have pictures of  
5 this. So this is a situation where there was  
6 no tidal flooding. None. This is that area  
7 across from Eagle Knolls Road. By the way,  
8 this is where the berm would be with one of the  
9 big sets of houses.

10 These -- these are all the pictures. This  
11 is down toward the end of -- Cooper is down  
12 here. There's the shed, the maintenance shed.  
13 You'll see that the entire area is not flooded,  
14 but is what Mr. Mendes was talking about. This  
15 is the problem with a high water table and  
16 water runoff which is significant.

17 So if you have these massive berms that  
18 are going to be graded for the homes or for the  
19 roads, which are going to be necessary, you're  
20 going to have to, number one, deal with where  
21 does all the excess runoff go when this is what  
22 it looks like currently, and how do you deal  
23 with the constant erosion that you're going to  
24 have of the berms as the water is coming across  
25 and now hitting what was Eagle Knolls Road and

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2 is instead going to be the base of one of the  
3 big berms, or the water runoff is that -- is  
4 going to continue the erosion.

5 This shows the importance of monitoring  
6 the site both doing it after construction.  
7 It's going to be a massive undertaking. It's  
8 probably one of the largest single construction  
9 projects ever undertaken in the Village.

10 The building department has had difficulty  
11 in the past monitoring compliance during  
12 construction of much smaller projects. On-site  
13 expertise will be necessary to monitor work on  
14 a realtime basis. The Village itself has to do  
15 it. You can't, kind of, trust the fox in the  
16 henhouse on this one, similar with the  
17 contamination and fill. Additional competent  
18 and experienced resources are going to have to  
19 be hired, and all of this should be documented  
20 in the DEIS.

21 The next, second issue has to do with the  
22 impact on community services and touches on  
23 some of the issues relating to finances that  
24 were raised. The planning board needs clear  
25 and supported information regarding projected

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2 impact on the schools and on the community as a  
3 whole.

4 In addition to the overall capacity issues  
5 discussed in the last meeting, statements in  
6 the DEIS and made again by some of the --  
7 actually, not necessarily supporters but it  
8 turns out to be employees of the developer  
9 suggested regarding taxes need to be  
10 understood, because I believe they are very  
11 inaccurate. First, with respect to district  
12 costs.

13 We know from the last meeting that the 57  
14 students is unreasonably low, and it could be  
15 as high as 91. And with respect to what that  
16 woman said about, well, the school must have  
17 received a letter, so shame on them for not  
18 responding, I had spoken to people in the  
19 district. Miraculously, just as with all of  
20 these youth leagues that supposedly were sent  
21 letters and miraculously never responded,  
22 notwithstanding follow-up, the school had no  
23 record of having received that letter. So  
24 either they have real bad luck with their mail  
25 or something happened and all of those letters

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2 got lost and didn't get there.

3 So in any event, you have the number of  
4 students. Then the DEIS used their analysis  
5 only using programmatic costs as opposed to the  
6 full cost. I agree we should only talk about  
7 the tax levy cost, so take out the New York  
8 State subsidies. But it should be the full per  
9 student cost, not the marginal operating cost  
10 which only goes to instructional or  
11 programmatic cost.

12 In addition, given the current expected  
13 enrollment and growth, an additional large  
14 number of students would require building  
15 additional elementary school capacity, which  
16 would be expensive and result in costs well in  
17 excess of per student annual operating cost.  
18 And where is their land to build more capacity  
19 without giving up precious recreational space?

20 On the other hand, we've got the revenue  
21 projections. The DEIS should provide  
22 independent support for the projected assessed  
23 values. The DEIS assumes that the assessed  
24 value for the individual homes is 2.6 million  
25 and the -- and 1.3 million for the carriage

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2 homes. However, as Lisa Liquori noted in her  
3 report, and as I have gathered from brokers  
4 that I have spoken to, based on comps for sale  
5 of new detached homes in Orienta, mostly five  
6 bedroom, it would be unlikely that the proposed  
7 detached four-bedroom homes would be valued  
8 even at 2 million, because those values of  
9 five-bedroom new construction have had a hard  
10 time reaching \$2 million. And similarly, the  
11 carriage homes may be overstated. And this  
12 doesn't take into account the many issues that  
13 an independent expert would take into account  
14 that would adversely impact the value relative  
15 to the recent new construction. First, the  
16 additional homeowner expenses, expenses for  
17 maintaining private roads, sewer pipes, and  
18 other infrastructure, and the significant open  
19 space that will be the responsibility of the  
20 homeowners association and subject to flooding,  
21 and cost of maintaining the massive berms, as  
22 we talked about. Next, the fact that there is  
23 arsenic and lead contamination of the property,  
24 both under homes and also under open space.

25 I know -- I -- now knowing what's there, I

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2 don't even walk my dog on the side of the golf  
3 course, and I think there are others in the  
4 community that now feel the same way. I don't  
5 think, as a homeowner and if I have young kids,  
6 I'm going to really care that someone tells me,  
7 Well, it's not that bad. And by the way, I  
8 think the DEIS said two feet of cap, not  
9 four feet of cap. And who is going to really  
10 want to live there with small children and have  
11 open space, by the way, that kids are going to  
12 be running on that is not going to be capped  
13 and is going to be problematic?

14 Next, you've got the location to the  
15 country club with traffic, noise, et cetera,  
16 concerns about what happens to the nine-hole  
17 golf course if it fails. And I do, by the way,  
18 have copies up at the back, for anyone who's  
19 interested, of the golf course analysis as well  
20 as the geology and the other analyses that were  
21 done, because they were, I believe, very  
22 significantly unfairly blasted by a partisan  
23 view, and there needs to be some discussion  
24 back and forth over the findings.

25 Finally, there are going to be concerns of

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2 the significant increase in supply. Remember,  
3 this project, at 105 single-family homes, would  
4 increase the single-family housing stock in  
5 Orienta in one fell swoop by 20 to 25 percent.  
6 That alone would depress housing prices,  
7 including when looking at comps, the housing  
8 prices of these newly-constructed homes.

9 In sum, if one uses the full per student  
10 tax cost, still backing out the state funding,  
11 for 91 students, about \$2 million, and we were  
12 to find the detached homes were valued at  
13 slightly under 2 million and the carriage homes  
14 at about one, which is, still, given everything  
15 I said, probably generous, the total assessed  
16 value for the project using the numbers in the  
17 DEIS would drop from about 194 million to about  
18 a 145 million. And, in fact, the school taxes  
19 would drop, leading to a tax shortfall of about  
20 \$200,000. So it is -- to look at that and have  
21 these numbers and say, Oh, therefore -- and  
22 looking at the -- the blast of PR, which are  
23 all self-serving -- that's a different issue.

24 Third thing: More information about club  
25 operations. The developers need to provide

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2 much more information about the ownership and  
3 operation of the club and expected economic and  
4 legal relationships relating to the club. This  
5 is important for all of you club members who  
6 still might be here -- in the two primary  
7 proposed scenarios, so the planning board can  
8 determine whether the club would really be  
9 viable.

10 First, in the cluster development, how is  
11 the club to be owned and managed? What happens  
12 if, as I still believe is likely given the  
13 information we have, that the nine-hole golf  
14 club fails? Most of the developments where  
15 nine-hole golf courses are successful have been  
16 in developments that are geared around the  
17 nine-hole golf courses. And, in fact, the  
18 nine-hole golf courses -- not all of them, but  
19 many of them are part of the responsibility of  
20 the homeowner association associated with the  
21 development. That is not the case here. How  
22 would the Village and the surrounding  
23 homeowners deal with what would likely be  
24 unusable land, given contamination and water  
25 issues, and would the clubhouse then be turned

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2 into a catering hall?

3 On the other side, in the condo  
4 alternative, there would be significant tension  
5 between two uses and sets of users of the same  
6 facilities. There would be the condo owners,  
7 who actually own the building and facilities  
8 and live there, and there would also be club  
9 members, who want to use the same facilities  
10 for recreational use and for catering to  
11 support club operations. We need to understand  
12 the mechanism for allowing club members to use  
13 facilities located in the condo building, which  
14 would not be owned by the club.

15 Also, who would own the golf course? We  
16 heard in one prior iteration that would be  
17 owned by some of the developers personally in a  
18 shell LLC. They're not going to have any  
19 incentive to put money in the next time there's  
20 a flood or there's a dip in membership. So we  
21 need to -- we need to understand for -- the  
22 mechanisms for allowing club members to use  
23 them.

24 Also, how would the club owners -- the  
25 condo owners manage and maintain facilities

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2           created for the club use, including the  
3           catering facilities, and share revenue  
4           generated by those facilities? What if the  
5           condo owners decide they no longer want to  
6           allow their facilities to be used for club  
7           activities? They don't like big bar mitzvahs  
8           in their basement. They don't want all these  
9           people running in and out of -- in golf carts  
10          in their building where they live, including  
11          catering events. We all know -- well, many of  
12          us know that the proceeds from catered events  
13          are actually crucial to the survival of all the  
14          clubs in the vicinity. That's why there's so  
15          much pressure on the non-member events.

16                 Note that the developers have said in many  
17          contexts that the proposed development, quote,  
18          is the only way to support the existence of a  
19          long-treasured club. I don't know what they're  
20          talking about. They need to explain how in the  
21          heck this proposed development is going to  
22          support the club.

23                 We know that there are only going to be a  
24          handful of new members in the club based on the  
25          development and the environment we live in, and

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2 they're going to pay reduced fees. So it's  
3 certainly not going to be boosting membership.  
4 There is no other way of supporting the club.  
5 All of the revenue and profit and any other  
6 benefit that can be taken out of this  
7 development when it's built is going to be  
8 taken out by the developers, and then they're  
9 going to be gone. So I don't know how this  
10 development or the condo, for that matter,  
11 actually subsidizes and makes it more likely  
12 the club will succeed. That's it.

13 Finally, I would like to know: Is there  
14 anyone from Toll Brothers here? So Toll  
15 Brothers was identified in Mr. Zarin's June  
16 2015 letter as a co-applicant and touted as the  
17 part of the partnership that had housing  
18 development experience, because we know the  
19 current developers don't. They have experience  
20 in the highrise condos, which is what this was  
21 built for.

22 So where is Toll Brothers? I haven't seen  
23 or heard of them since the very first scoping  
24 session. And does that matter, that the  
25 co-applicant isn't here anymore?

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2 Thank you.

3 THE CHAIRMAN: Thank you. Now we have  
4 Neil Porto.

5 MR. PORTO: Good evening. Neil Porto from  
6 TY Lin International, located in New York City.  
7 I am a professional engineer and associate vice  
8 president at that firm.

9 I testified at the last hearing on this  
10 subject and went over a number of engineering  
11 issues, but I'm just here tonight because there  
12 was a question at the hearing by one of the  
13 board members about the methodology we used to  
14 arrive at the cut and fill numbers which we had  
15 submitted in our memo commenting on the DEIS.  
16 So that's really the limit to what I'm going to  
17 speak about, so it should be short.

18 So as those who attended the last hearing  
19 know, we did a study of cut and fill based on  
20 the existing contours at the site, and the  
21 developer's proposed alternative as well as  
22 what was called -- there was another  
23 alternative in the DEIS known as the no fill --  
24 no net fill alternative. And then there was  
25 another two versions we did based on the FEMA

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2 flood maps, the current FEMA flood map for the  
3 area and then the proposed one, which -- in  
4 whatever build year is being used. By the time  
5 that year comes, the new FEMA map will be in  
6 place. So there are actually four scenarios  
7 examined, and we used pretty much the same  
8 methodology for all four topographic  
9 conditions.

10 The main thing was we did not have the CAD  
11 files for any of this grading. CAD, meaning  
12 computer-aided design files, which really are a  
13 three-dimensional computer file that is  
14 commonly used for this. Because we couldn't  
15 obtain that. So what we did was use the  
16 two-dimensional files, which are basically  
17 what's on paper in the DEIS and the topographic  
18 plans of the site. And what we did is we  
19 scanned them in to a CAD program, and we  
20 developed what's called a digital terrain map.

21 So a digital terrain map, also known as  
22 DTM, usually is gotten from an electronic  
23 survey. But again, we didn't have that. So  
24 what we did was trace the contours, basically,  
25 with a mouse, because we don't -- you know, we

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2 didn't have the files. We also assigned the  
3 contour elevations to each contour. We took  
4 some of the points from the survey, the actual  
5 points on the ground, and compared that and  
6 adjusted the whole contour map to that. So  
7 that became the existing DTM. So then we went  
8 into these various scenarios.

9 So we took the proposed plan and we traced  
10 the contours and checked spot elevations as per  
11 the developer's plan. One of the issues we ran  
12 into was the -- the limit of disturbance. I  
13 think there was some discussion about that  
14 before, and we made assumptions on the limit of  
15 disturbance. To me, it looked about the same  
16 as what I saw before on the screen. So then we  
17 created the developer's plan in our own DTM.

18 Then we went on to calculate the cut and  
19 fill. That's really done in two ways. One is  
20 just using a feature of our MicroStation  
21 software, which allows us to do a -- a  
22 calculation in the computer that compares each  
23 point, you know, with very closely-spaced  
24 points, because it's all computerized surface  
25 terrain. And then also, to check this, we did,

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2 basically, a hand calculation review, cutting  
3 sections. And there's a method where you have  
4 the existing and proposed, and we ran some  
5 numbers there, so this is how we came up with  
6 the developer's plan. And we went into the cut  
7 and fill for the no fill alternative, which I  
8 had said looks like, maybe, the some fill  
9 alternative, and then looked at the base flood  
10 elevations just as a reference for some of the  
11 other studies that were done.

12 Now, I should note that we also did this  
13 back in 2015 using same methodology, because,  
14 again, we didn't have the developer's CAD  
15 files. Came up with roughly the same range of  
16 numbers. You know, above 200,000 cubic yards.  
17 So, also, I had our engineers check what we  
18 did, because we knew that this sort of  
19 discrepancy, the 200-something thousand versus  
20 the 80-something thousand is an issue, right,  
21 because it leads to effects on traffic and  
22 trucks and all kinds of fill questions and  
23 things like that.

24 So we did, you know, have rigorous  
25 checking both in 2015 and then a different crew

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2 working on it this time. I also might add that  
3 there -- back in -- the original study was done  
4 by another firm called BuroHappold Consulting  
5 Engineers. Also came in this range of 200,000  
6 and above cubic yards of fill.

7 So, you know, I just wanted to explain to  
8 you what we did. And if you have any further  
9 questions, we can certainly answer them. Okay.

10 THE CHAIRMAN: Thank you.

11 Next would be Karen Meara.

12 MS. MEARA: Good evening, members of the  
13 planning board. I'm Karen Meara from Carter,  
14 Ledyard & Milburn, representing Mamaroneck  
15 Coastal. I'm here to talk about three things,  
16 hopefully briefly: Open space, density, and a  
17 restrictive covenant.

18 So the last time we met, we pointed out  
19 that the applicant had never told you or shown  
20 you or shown any of us where the golf course  
21 would end and the proposed residential open  
22 space would begin. And that's still true, but  
23 there's a new issue.

24 First, it now appears that the open space  
25 benefits of the proposal have been -- have been

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2 overstated. And what do I mean? So the DEIS  
3 and in testimony at the February 14th hearing,  
4 the applicant has stated that the proposed  
5 project would include 72.5 acres of open space,  
6 about half of that as part of the golf course  
7 and half of that as open space associated with  
8 the residential development. However, since  
9 then, the applicant created a website promoting  
10 its proposal.

11 The website says nothing about 72 acres.  
12 Instead, it says the following, and I quote:  
13 Plan preserves over 50 acres of natural vistas.  
14 It also says, quote, Our plan would develop  
15 approximately half of the property's a 106  
16 acres, preserving over 50 percent of its open  
17 space. So I'm a little bit confused. You may  
18 be too.

19 The Village and the public have no idea  
20 whether the applicant proposes to build a  
21 project with 50 acres of open space or 72 acres  
22 or something in-between. If it's only 50,  
23 would those 50 acres belong to the golf course  
24 or the residential development? If it's the  
25 golf course, would any of it be accessible to

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2           the homeowners whose yards would be reduced to  
3           create it, the open space? And if it's only  
4           50, the impacts of the project need to be  
5           reevaluated in the DEIS, because the DEIS  
6           assumed there would be 72 acres. So we simply  
7           don't know what's proposed. And rather  
8           clarifying, recent statements have only made  
9           things worse.

10           So turning to density. As was mentioned  
11           earlier, the last time we met, I spoke at  
12           length about the density calculation for  
13           cluster developments and the fact that state  
14           law requires an applicant to prepare a  
15           conventional subdivision plat to determine how  
16           many units may be built, and it requires it  
17           restricts development to no more units than  
18           would be permitted on -- pursuant to underlying  
19           zoning. So it was mentioned that the applicant  
20           expressed some surprise that we did not use the  
21           golf course acreage in our -- in our attempt to  
22           calculate permissible density.

23           When -- in February, as you know, we laid  
24           out several plats for -- to try to figure out  
25           how many units would be appropriate here. The

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2 whole premise of cluster development is that  
3 you take open space that would otherwise be  
4 segmented into resident's individual yards, and  
5 you cluster it together to create a shared open  
6 space and a contiguous habitat. And while that  
7 open space may be created for the exclusive  
8 benefit of the homeowners whose yards were  
9 sacrificed or for the benefit of the public by  
10 dedicating it a park or to a conservation  
11 organization, we are aware of no instances in  
12 which clustering has been undertaken to create  
13 open space that exclusively benefits a private  
14 entity with no connection to the residential  
15 use. In other words, the applicant now seems  
16 to be proposing that at least part and maybe  
17 all of the open space proposed to be created  
18 through clustering would be inaccessible to the  
19 residents living in that cluster development,  
20 unless, of course, they joined the club.

21 And I want to -- I want to add one more  
22 point. The DEIS itself did not use the golf  
23 course acreage in its density calculation. You  
24 can see for yourself. It's page 3A-15.  
25 Developer used 65 acres in the DEIS to

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2 calculate density.

3 So we urge you to reject the proposition  
4 that -- sorry. We urge you to require the  
5 applicant to prepare a yield map based only on  
6 the portions of the site that are proposed to  
7 be dedicated to residential uses, whether  
8 that's 50 or 65 or some other number. And as  
9 we said on February 14th, we don't think the  
10 site will yield more than 21 units. But before  
11 the calculation can be definitively made, the  
12 applicant has to clearly delineate the  
13 boundaries of the residential use.

14 Okay. So last point. Finally, the DEIS  
15 mentions a restrictive covenant associated with  
16 a deed between Cecilia Howell[ph.] and Alvin  
17 Perry that applies to a portion of the  
18 development site near Eagle Knolls Road. The  
19 DEIS concludes that nothing in the covenant  
20 precludes the proposed project. However, based  
21 on our careful review of the covenant and maps,  
22 we believe the covenants are designed and  
23 intended to benefit several adjacent property  
24 owners and that they clearly prohibit the  
25 project, and we'll be submitting a memo

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2 explaining that in further detail.

3 Thank you very much.

4 THE CHAIRMAN: Thank you.

5 Next speaker is Mr. Kass; yes?

6 MR. KASS: Thank you, Mr. Chairman,  
7 members of the board. Ladies and gentlemen,  
8 Steven Kass from Carter, Ledyard, Milburn,  
9 counsel for MCEC. I will speak very briefly  
10 this evening, because people have been very  
11 patient so far. Is that better?

12 I will still speak briefly. But,  
13 Mr. Chairman, I have to say, I was actually  
14 very surprised by the presentation the  
15 developer made this evening. There was a DEIS  
16 that was accepted for purposes of public  
17 review, as Mr. Steinman indicated, and the  
18 public is commenting on that DEIS.

19 This evening, the applicant came in, and  
20 rather than waiting for the comments to be  
21 completed, started responding to comments, and,  
22 in the process, trying to call into question  
23 the professional credibility of at least one of  
24 our consultants, in addition to the comments  
25 that the club has made about village residents.

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2 That was inappropriate.

3 Beyond that, they begun to change, in this  
4 presentation this evening, what was in the  
5 DEIS. The DEIS shows traffic running on Cooper  
6 Avenue and down Old Boston Post Road. This  
7 evening, we were told that's a gated community.  
8 That's a gated passageway to be used only for  
9 emergencies. Okay. Then reroute the traffic  
10 in the traffic analysis in the DEIS which shows  
11 vehicles going down Boston Post Road.

12 Tonight, they said they were going to use  
13 four feet of cover, and I believe that -- as  
14 Ms. Felsher indicated, that the DEIS indicated  
15 two feet. That may have a bearing on the cut  
16 and fill, and it may have a bearing on other  
17 parts of the project. I will not get into the  
18 traffic analysis of construction trucks,  
19 because I think Mr. Porto has already indicated  
20 why we believe that the fill is likely to be in  
21 the neighborhood of 240- or 250,000 cubic  
22 yards. Indeed, I did hear the developer's  
23 consultant say that they didn't differ with  
24 that analysis, that their numbers were the same  
25 if you took the basements out, that somehow

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2 there wasn't going to be fill in the basements.  
3 I don't understand how that would work, but I  
4 found it interesting that they said they came  
5 out with a number that was not much different  
6 from our consultants.

7 I would like to mention briefly though  
8 that if the applicant continues to make changes  
9 in its presentation, we will be required to ask  
10 you to continue the hearing, because the public  
11 is entitled to comment on what it is they're  
12 proposing. And if they change it, you have to  
13 have a new hearing. This evening, perhaps we  
14 can get away it once, but not again. And as it  
15 is, it was inappropriate for them to do that.

16 With respect to the nine-hole golf course,  
17 I would simply note that the gentleman who  
18 spoke, who threw around a lot of numbers about  
19 the extent of nine-hole courses in the country,  
20 omitted one important and indeed central  
21 discussion point, which is that if this 18-hole  
22 course is failing, as the applicant says, and  
23 must fail, is doomed to fail, how is the  
24 nine-hole course going to improve that  
25 situation? That is the critical issue. That

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2 is what we challenged last time in  
3 Mr. Krekorian's report, who said that on the  
4 basis of his analysis, the 18-hole course is  
5 viable but the nine-hole course here would not  
6 be, particularly in its truncated formation  
7 which is -- the gentleman also agreed with, by  
8 the way. He indicated that it did require  
9 change.

10 So leaving all that aside, I wanted to  
11 mention just two things for your consideration.  
12 One question that was raised last time, on  
13 February 14, was, could this project be phased,  
14 and would that help address some of the  
15 problems? It turns out there is, actually, a  
16 little bit of phasing here, because they want  
17 to build two of the roadways, I guess, a little  
18 bit later. The problem here though is that the  
19 basic infrastructure for this project can't be  
20 phased. Yes, you could phase the homes. But  
21 to build that large berm and the construction  
22 platform and put it in roadways and utilities  
23 underneath it and do the drainage controls,  
24 that is essentially one large project, and that  
25 has to be done completely to make it work.

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2 Failing to do that presents a problem,  
3 because it means that there is very large  
4 infrastructure and construction investment up  
5 front before they know whether they've got  
6 this -- this project on viable footing, before  
7 they've actually been able to sell all the  
8 homes or a sufficient number of homes to  
9 guarantee completion of the project. What this  
10 means is that there is a real risk here of  
11 abandonment of this project during the course  
12 of construction if the numbers don't work out,  
13 and they won't know that until the project is  
14 well underway, until the site has been leveled  
15 and regraded, until 432 large trees, not small  
16 trees but large trees, have been eliminated,  
17 and the contours of the site completely  
18 destroyed until, in short, any future use of a  
19 golf course here, not to mention proper filling  
20 and contamination remediation has been  
21 accomplished.

22 My concern here is that when that happens  
23 and these developers have decided this one  
24 isn't going to work and the shell entity they  
25 created to carry it out has no assets, guess

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2 who's going to end up holding the bag? It's  
3 this village, which could get a devastated site  
4 with no vegetation, no contours, and no ability  
5 to reuse it as a golf course. And God forbid  
6 there are people who have bought their homes,  
7 because then there will be a community that is  
8 looking to the Village, probably as the fee  
9 owner following tax foreclosure, to help them  
10 out. I just mention all this because it's a  
11 risk that wasn't fully evident until the  
12 developer started talking about the project.

13 Finally, I'd like to mention one last  
14 thing about the tides. It is consoling to  
15 know -- I learned it from Mr. Cooper this  
16 evening -- that the residents here will not be  
17 isolated for days on end, because the tides go  
18 up and down. But I want to know how long the  
19 ambulance or the fire truck has to wait.

20 Tides are six hours. Not to worry. We  
21 can get through in six hours. We can help you  
22 then or we can get you out then. This is not  
23 responsible planning to plan for getting help  
24 to people or getting people out when the tides  
25 turn.

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2 Thank you very much, Mr. Chairman.

3 THE CHAIRMAN: Thank you.

4 Corinne -- Carley Rosenbloom maybe. No.  
5 Why don't we go to Paul Ryan. There he is.

6 MR. RYAN: I stepped on the wire.

7 Mr. Sjunneemark, members of the board,  
8 thank you for your patience and sitting there  
9 listening to all of us. I did speak before,  
10 and I hope I don't repeat any of it. But there  
11 are things that people have said tonight that  
12 are -- that are very interesting and sparked  
13 other comments.

14 First, I've -- according to your attorney,  
15 you've received the comments from the Town of  
16 Mamaroneck environmental coordinator. I'd like  
17 you to know that I'm in complete agreement with  
18 him.

19 I spent over 30 years in this village  
20 working on flood control projects. I was one  
21 of the first members of the coastal management  
22 commission. We developed the LWRP, the  
23 original one that went over to the town and was  
24 instrumental in the Bonnie Briar decision,  
25 which somebody mentioned earlier. Just to say,

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2 the Hampshire people ought to look at that  
3 decision and take heed from it, that you're not  
4 entitled to the highest and best use of your  
5 property.

6 I'd like to discuss flooding the most. I  
7 found out today, as I suspected, that Hampshire  
8 is in the AE Zone. That's the FEMA zone,  
9 hundred-year floodplain. It's also -- since  
10 1985, it's been a critical environmental area  
11 in the Village of Mamaroneck.

12 I stopped by Village Hall today and picked  
13 up the -- the map showing in yellow the CEA.  
14 The reason it's a CEA is that we couldn't make  
15 it part of the marine recreation district  
16 without the risk of making the rest of the  
17 marine recreation district spot zoning. We had  
18 to stop at the seaward side, at the first road  
19 parallel to the water, and that -- that left  
20 out the golf course. So instead, we got the  
21 Village to declare it a CEA, which was the best  
22 we could do at the time. I wish that they'd  
23 done what we did in the Town of Mamaroneck, is  
24 to make a recreational zone instead of the R-20  
25 that it is.

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2 I just got -- there was an article, you  
3 know, talking about flooding. April 2nd issue  
4 of the Journal News. FEMA: Flood insurance  
5 premium to rise this year. I don't know if any  
6 of you saw that. This, I'll deliver over to  
7 you.

8 If you get a half-a-million-dollar house,  
9 and you get a fresh mortgage on it, the  
10 mortgagor is going to want flood insurance,  
11 FEMA flood insurance on a hundred percent of  
12 the property. So you can be talking 9-  
13 \$10,000. You know, 9- or \$10,000 on the pricey  
14 homes that they're proposing here. That's --'s  
15 quite a dent, plus the real estate taxes  
16 they'll pay. So I don't think that's going to  
17 happen.

18 I'd like to speak about the trees. There  
19 are close to 500 trees that are coming down.  
20 Unfortunately, the Village of Mamaroneck does  
21 not have an adequate tree ordinance. I don't  
22 know why. I looked it up online today. They  
23 have a tree ordinance. It's a couple of pages  
24 long, but it doesn't have any teeth to it.

25 I then went to one that I was more

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2 familiar with, which was the tree ordinance in  
3 the Town of Mamaroneck, which goes back to --  
4 let's see -- the 1980s. And if I can just read  
5 it to you briefly. It says, The destruction or  
6 damage to shade ornamental and evergreen trees  
7 and plants and the indiscriminate and excessive  
8 cutting of these trees and subdivisions and on  
9 private property causes barren and unsightly  
10 conditions, creates increased surface drainage  
11 problem, increased municipal cost to control  
12 drainage, impairs the stability and value of  
13 improved and unimproved real property and  
14 causes deterioration to the community, which  
15 adversely affects the health, safety,  
16 environment, ecosystems, and general welfare of  
17 the inhabitants of the Town of Mamaroneck.  
18 This chapter seeks to correct these conditions.

19 What I'd like to do is to give you a copy  
20 of this law. Perhaps you can go to the  
21 Mamaroneck Board of Trustees and they can get  
22 something done. I know they're talking  
23 moratorium. And I know this application was  
24 filed before the moratorium, but it doesn't say  
25 anything about trees. But this way, you can

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2 take those trees -- it could be four -- four,  
3 five-inch, you know, or higher caliper over a  
4 hundred years old. They can cut them down, and  
5 they can leave the stumps.

6 In the Town of Mamaroneck, they have to  
7 dig the stumps out and take them away. So it's  
8 a whole different thing. So I'm hoping that  
9 the Village of Mamaroneck can come up with  
10 something that will be -- be close to that.  
11 Let's see.

12 The other thing that -- you know, because  
13 it's in a flood zone, the developers mentioned  
14 today that they were going to widen the roads,  
15 the walkways and whatever, and I imagine the  
16 garages, and they're going to make a -- a  
17 basement in each -- in each unit. Well, we  
18 found out when we lived on Waverly Avenue that  
19 there's something called hydrostatic pressure  
20 that will come up and destroy the foundation  
21 from the bottom. So really, what you have is  
22 you have a cement -- a three-side, four-sided,  
23 five-sided cement box that can suffer  
24 structural damage.

25 The other thing that the developers keep

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2 saying is that -- they keep bringing up storm  
3 Sandy. Well, how about the one back in 2007,  
4 where we had a hundred-year flood followed by a  
5 200-year flood. Everything was inundated. At  
6 that time, we got eight feet of water in our  
7 basement.

8 I haven't had water since 1976. So I was  
9 wondering, are these new walkways and  
10 everything -- are they going to be permeable  
11 surfaces or impermeable surfaces? Because that  
12 makes a heck of a lot of difference. It also  
13 makes a difference -- I still don't see how you  
14 can build on a critical environmental area that  
15 they're doing.

16 So that's it. I thank you very much for  
17 your time, and I wish you luck.

18 THE CHAIRMAN: Did John Parkinson speak  
19 yet or -- okay. So we got that done. And then  
20 we have Alison May. No. Okay. Martin Luskin,  
21 1050 Seahaven.

22 MR. MENDES: I believe there's only one  
23 person left to speak.

24 THE CHAIRMAN: We're almost done. Karen  
25 Rob or Rab or Rub.

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2 (Indiscernible.)

3 MS. ROBB: Hi. I'm Karen Rob; 24 Rock  
4 Ridge Road, Larchmont.5 My backyard abuts the area that is not  
6 actually going to be built on, but, as Celia  
7 mentioned, is a -- is a lake whenever it rains.  
8 So I did want to say that when the gentleman  
9 spoke earlier and said it floods only when the  
10 tides are high, that's totally not true. And  
11 you can see from these pictures that when it  
12 rains, when there's a nor'easter, we have a  
13 beautiful lakefront property.14 Also, another thing that I did mention  
15 last time, but I just want to mention it again,  
16 when it's winter and the ground is frozen, it  
17 didn't go away for -- when the tide went down.  
18 It was about four days, at least, after that  
19 recent nor'easter. Also, the -- we were  
20 without power for a week. So I keep thinking  
21 about these homes that may be built that are  
22 going to need pumps and not have any power. I  
23 mean, I know you're not even at that point of  
24 talking about sewage and electrical. Just --  
25 it sounds really -- not very feasible.

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2 And as somebody did speak earlier, it's a  
3 unique site. I mean, if you wanted to do this  
4 somewhere and build these homes somewhere,  
5 that -- you know, maybe that would be something  
6 that would be a consideration. But due to the  
7 fact that this is Hampshire Country Club on  
8 the -- on the borders of the Sound Shore area  
9 with valleys and, you know, the basin that they  
10 talk about, it's just -- it really does not  
11 seem like it's even possible.

12 The other thing is about the cut and fill.  
13 I haven't actually gone, walked the whole  
14 thing, but there is rocks out there. There are  
15 big, big berm -- big -- like, there's a little  
16 knoll -- that's maybe why it's called Eagle  
17 Knolls -- right outside my backyard as well,  
18 and that does have trees on it. It's probably  
19 the one -- because they have cut a lot of trees  
20 recently. I don't know why. I thought maybe  
21 it was because of the golf course. But I'm  
22 sure there's -- there's major rock under there,  
23 as also by the shed that all the kids hang out  
24 and party at over by Cooper Lane or Cooper Ave.  
25 There's a little shed over there.

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2 You know, we can hear everything. You  
3 know, there's parties going on, which happens  
4 pretty much all the time. Especially now that  
5 it's springtime, it's going to happen a lot.  
6 There's a huge rock over there too. So I don't  
7 know how cut and fill really works. It's not  
8 like you're just going to cap the dirt and dump  
9 it somewhere else when there's rocks, so that  
10 takes into consideration blasting.

11 And then the -- and then another thing, I  
12 have -- I have a degree in soil science. And  
13 I'm sure it's in here somewhere. The  
14 composition of the soil, but most of it's  
15 probably sand. You know, just the clay. If  
16 you start moving it around and then it rains,  
17 it turns into a mud -- a mud cake, just like  
18 when you're a kid, and it loses all its  
19 structure. So, again, I think just the whole  
20 idea of them trying to move all this dirt  
21 around and then build on it after its been wet,  
22 it's not going to have any structure or solid  
23 matter to it.

24 And then -- and then in respect to the  
25 arsenic that I know, you know, we really don't

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2 even think about but, you know, they used to  
3 use something called chlordane for termites  
4 back in the day. That's illegal. I know my  
5 grandmother used to use boron. That's illegal.  
6 So when somebody said that was the standard  
7 practice, yeah, we know that, but doesn't mean  
8 it's something that -- you know, it wasn't --  
9 it's not being used anymore, but it was used  
10 heavily. So we don't know the ramifications of  
11 a lot of these pesticides, just like DDT, which  
12 is why we do have a comeback of our eagles and  
13 other wildlife.

14 And -- and I know I made a joke last time  
15 about the coyotes, but I don't really want to  
16 make a joke about them. But they are living  
17 out there and they're breeding out there. And,  
18 you know, again, if I bought a house, I  
19 wouldn't want to be living amongst this  
20 wildlife.

21 So, anyway, thank you.

22 THE CHAIRMAN: Thank you very much.

23 I think we're down to the last speaker.  
24 That would be Jen Kronick.

25 MS. KRONICK: Jen Kronick. Pick it up?

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2 Jen Kronick from 1020 Cove Road. My  
3 husband always jokes I'm the last person to  
4 leave a party, so great. Not what I wanted  
5 tonight. Okay. I spoke last time. I'm going  
6 to speak quickly just about a couple of things  
7 that I think are new.

8 Just a reminder -- most people have left.  
9 This is not about three choices. Like someone  
10 said, do nothing, condos, or houses. There's  
11 actually a whole other number of options that  
12 the planning board can choose to do. We don't  
13 need to choose one of the developer's two  
14 proposals or the other, and they don't have any  
15 of the rights that they're claiming that they  
16 have, as many people have said really very  
17 well. So let's all not let them trick us into  
18 thinking this is a choice of one option or the  
19 other that they propose. And I was so  
20 disappointed in the beginning of the meeting by  
21 the -- some of the not really critical thinking  
22 about some of these issues. So I just want to  
23 have a neighborly discussion about this, which  
24 we can do not now.

25 So there are a couple of issues I want to

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2 raise. First, they talked about the use of  
3 Cove Road tonight, and we should be clear  
4 whether or not the use would remain the same.  
5 The easement that Hampshire has to travel over  
6 Cove Road is limited to the current use of  
7 Hampshire, and if they were to change the use  
8 of Hampshire, they probably would not have that  
9 right according to the easement. I wasn't  
10 prepared to discuss that tonight because that  
11 was new, but that's a key point. It's not  
12 about the current use, but about that easement  
13 that is in my property deed and in the deeds of  
14 my neighbors from Cove Road, which I don't  
15 think they've asked for, though they can  
16 search, I think. But I won't give it to them.

17 Village -- the other thing I wanted to  
18 mention is that Village Law Section 186-5  
19 clearly prohibits the developer putting fill  
20 below the floodplain in order to build these  
21 houses unless it is compensated for and  
22 balanced by a hydraulically equivalent volume  
23 of excavation taken from below the base flood  
24 elevation at or adjacent to the development  
25 site. Basically, if they're going to have a

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2 bathtub, they need to put the bathtub somewhere  
3 else if they're filling in the bathtub. That's  
4 how I read it. I'm not an expert, so I just  
5 wanted to make sure that 186-5 was considered  
6 by the planning board.

7 All of the huge water that we see pooled  
8 in Hampshire during the rainstorms needs a  
9 place to go if the areas are cut and filled.  
10 They showed us tonight the cut and fill. I  
11 didn't see the balancing, the places that would  
12 be dug into. So -- and those dangerous  
13 contamination concerns that were discussed  
14 previously, I won't talk about again now.

15 They did talk about using basements  
16 instead of fill to go in the flood zone. I  
17 don't -- I mean, it just means that instead of  
18 having trucks with fill, you'll have trucks  
19 with construction materials in addition to all  
20 of the other issues that people talked about  
21 with basements. And I'm also not sure under  
22 the flood regulation -- the new FEMA  
23 regulations that you can have basements in the  
24 flood zone.

25 The other point I wanted to make was

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2 briefly touched on earlier today or earlier  
3 tonight, but not quite specifically. So the  
4 zone that is -- the zoning of R-20 was actually  
5 zoned residential R-20 as a holding zone,  
6 because that zoning of open space zoning didn't  
7 exist at the time the zoning was done. The  
8 comprehensive plan states that that's a common  
9 circumstance with many older codes in New York  
10 State, just like ours, and that the original  
11 code writers created a low density residential  
12 zone to apply to parks and open spaces like  
13 Hampshire as a default provision.

14 So this R-20 is actually not the right  
15 that was intended when the zoning was  
16 designated as R-20, but, rather, a holding zone  
17 for the open space. And certainly, the intent  
18 was not to build over 100 houses on the land or  
19 100 condos and multiply the current clubhouse  
20 by nine times, but to keep it as open space.  
21 And that's in the comprehensive plan.

22 Three years ago, I spoke in front of the  
23 planning board with different members, but some  
24 were the same, relating to a Hampshire  
25 proposal. It might have been the condo

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2 development. And we talked about that -- at  
3 that time, I mentioned that although Hampshire  
4 is private property, the open space vistas are  
5 viewed from roads that are accessed by the  
6 public for walking, biking, driving, and  
7 various students and sports teams at Hommocks.  
8 So even though it's private property, we all  
9 enjoy the benefit of that open space.

10 The impact of the pollution on the water  
11 quality of Delancey Cove and Long Island Sound  
12 and the Hommocks and Delancey Cove marshes and  
13 Flint Park would be significant. Hampshire was  
14 designated a critical environmental area in our  
15 comprehensive plan, and it might include  
16 intertidal wetlands and upland fringe that  
17 provide an important natural and valuable area  
18 for wildlife like birds, turkeys, hawks, fish,  
19 mussels, deer, coyotes.

20 So because it's a critical environmental  
21 area, the planning board should absolutely  
22 consider recommending to the appropriate  
23 governing body, and I think you should  
24 ultimately recommend, that what the  
25 comprehensive plan states should be considered,

## 1 HAMPSHIRE COUNTRY CLUB - PUBLIC HEARING

2 which is that rezoning -- that this land should  
3 be rezoned from what was the holding zone,  
4 because there was no other zone, to the open  
5 space recreation zoning.

6 As someone mentioned, the Town of  
7 Mamaroneck did the same thing with Bonnie Briar  
8 Country Club, rezoned it from residential to  
9 recreation open space. It was not easy for  
10 them, and I applaud them for that decision.  
11 And that decision was upheld by the highest  
12 court in New York. It's not -- I know it seems  
13 like it would be expensive and years of  
14 litigation, but we've been in this for years,  
15 and we will finish it.

16 The developer who stands to gain a lot  
17 from our village or lose somewhat less from our  
18 village would fight, maybe for years, but we  
19 need to do the right thing to protect this  
20 publicly-accessible critical environmental area  
21 which is unique to our village. If you are  
22 not -- if you were to consider not recommending  
23 rezoning, there are other actions to limit  
24 density. And that idea, along with the fact  
25 that the Village Code prohibits fill in a

## 1 HAMPSHIRE COUNTRY CLUB - PUBLIC HEARING

2 floodplain if it's not balanced hydrologically,  
3 should result in your not allowing more than  
4 the 20 units that would be buildable under  
5 current law, even if those are clustered. But  
6 please know that even just 21 units would be a  
7 terrible outcome for this critical  
8 environmental unique area and not a compromise.

9 And finally, I have one last thing to say  
10 about the disingenuous and misleading public  
11 relations campaign and tactics that the  
12 developer has used. It's relevant because it  
13 undermines their arguments and some of their  
14 turnout and some -- many of their commitments  
15 that they've made. They've had representatives  
16 who spoke tonight and posted things on public  
17 social media applications without identifying  
18 themselves. We don't know who is speaking for  
19 the developer, who is being paid, and who  
20 really believes this. We have had our  
21 community members speaking, and we've  
22 identified our names and our addresses and our  
23 affiliations.

24 In emails to its members, the developer  
25 has gotten nasty and accused longstanding

## 1 HAMPSHIRE COUNTRY CLUB - PUBLIC HEARING

2 community members of only caring about their  
3 homes and their own backyards. They called  
4 them nimbys for not in my backyard, when, in  
5 fact, those same community members have been of  
6 incredible service to the community, including  
7 by severing on the school board, boards of  
8 religious organizations, charitable  
9 organizations. You heard Kim Larsen speak  
10 about her work on safe roads to school.  
11 Village committees, land use boards, and other  
12 nonprofit organizations.

13 Two passionate neighbors who were pillars  
14 of our community have died over the past few  
15 months and sadly did not get to see the outcome  
16 of this issue which has been going on for so  
17 many years. This is not a case of people  
18 saying not in my backyard. I live on Cove  
19 Road. This is not in my backyard. I am as  
20 far, almost, as you can get on this street from  
21 this development, but this is in my  
22 neighborhood, and it's in our village. And you  
23 can't have outsiders come in and tell us -- try  
24 to divide us and divide our neighborhoods,  
25 because that is not what I'm about and that's

## 1 HAMPSHIRE COUNTRY CLUB - PUBLIC HEARING

2 not what we're about.

3 This is a unique critical environmental  
4 area, and the choice is up to the community  
5 members. Will we be fooled by a for-profit  
6 company's attempts to make this an either/or  
7 situation and their claimed right to build  
8 something that actually was never their right  
9 if they did their diligence, as one of our  
10 community members suggested?

11 Will we need to carry this on indefinitely  
12 until neighbors get frustrated without getting  
13 to -- or pass away without getting to see the  
14 outcome because the developer's pockets and its  
15 investor's pockets are deeper than ours?  
16 Though we will carry on, because I can take the  
17 time to do it. It's, like, 11:00, and I'm  
18 still here.

19 How many more nights will we need to be  
20 here and over years, as we have done, and how  
21 many more days will we need to spend working on  
22 this and discussing this? So please do what  
23 the Town of Mamaroneck did for Bonnie Briar.  
24 Take care of this critical environmental area,  
25 or at least consider the more rational number

## 1           HAMPSHIRE COUNTRY CLUB - PUBLIC HEARING

2           of 20 units. But again, that is not a  
3           compromise. That's, like, the most they should  
4           get under this analysis. But do not let them  
5           get their way just because they have more to  
6           win and deeper pockets. We're just trying to  
7           preserve what we have and the  
8           publicly-accessible vistas and space. And this  
9           is not our day jobs, but it is theirs.

10           So it's not my backyard, and it's not the  
11           backyard of all of the people who are here.  
12           But it is our village, and we want to protect  
13           this area. Thank you.

14           THE CHAIRMAN: Thank you very much. I  
15           think we finished the list and -- or we didn't.

16           MR. COOPER: No. I'm not on the list.  
17           I'm just --

18           THE CHAIRMAN: No, I understand.

19           MR. COOPER: I've been here all night.

20           THE CHAIRMAN: I know that.

21           MR. COOPER: Mr. Chairman, I was going to  
22           request that the public hearing portion -- I  
23           know the public comment portion is still open,  
24           but that the public hearing portion be closed  
25           now that we've gone through the entire list.

1 HAMPSHIRE COUNTRY CLUB - PUBLIC HEARING

2 THE CHAIRMAN: Okay. Les.

3 MR. STEINMAN: So we've completed the  
4 public hearing this evening. Everybody's had  
5 the opportunity who wanted the opportunity to  
6 speak.

7 We're in the middle of a SEQRA review  
8 process. And the next step in that process  
9 would be for the planning board to consider a  
10 motion to close the public hearing on the draft  
11 environmental impact statement and establish a  
12 30-day period, starting tomorrow, for the  
13 submission of written comments on the DEIS.

14 MS. SAVOLT: So starting in an hour.

15 THE CHAIRMAN: Before I request any such  
16 motion, any comments from the other board  
17 members?

18 MR. MENDES: Yeah, there is. Hello.

19 THE CHAIRMAN: You're all --

20 MR. MENDES: So there's been a lot of  
21 issues discussed here. And frankly, I'm kind  
22 of concerned about -- it's not about the -- if  
23 the condos look good there. Although, they  
24 don't look it.

25 But I'm actually -- after listening to all

## 1 HAMPSHIRE COUNTRY CLUB - PUBLIC HEARING

2 of this, I'm actually quite concerned about, as  
3 a developer, are you sure -- I'm sure you are.  
4 This is what you do. But I am concerned  
5 that -- I mean, you're building basements. Are  
6 you putting ground -- you know, I mean, have  
7 you looked at the -- you know, the water table  
8 there? Have you looked at the -- at the -- if  
9 you're going to install pumps, have you looked  
10 at those pumps not working?

11 There's a whole engineering piece or  
12 construction piece that -- have you looked at  
13 your schedule, that when you get to the winter,  
14 you might not be able to work there from  
15 November to probably mid-April, which is --  
16 will screw up your whole truck route? You  
17 know, because your whole -- I mean, you make it  
18 sound as if you're running 24 trucks or  
19 whatever a day. That's not the way it's going  
20 to work.

21 And so I'm -- I'm kind of concerned that  
22 you're going to get to a point, and you're  
23 going to realize that the \$300 million or  
24 whatever you are thinking you're going to spend  
25 is going to cost more, and this job will just

## 1 HAMPSHIRE COUNTRY CLUB - PUBLIC HEARING

2 stop for another three years. So there's a  
3 whole engineering piece versus construction  
4 logistics versus existing conditions.

5 Have you looked at the -- I mean, I'm  
6 deeply concerned about your groundwater. I  
7 mean, then you're putting basements, and then  
8 you're putting a -- a mound of dirt. I'll make  
9 it simple. And then you're going to have to  
10 manage that mound of dirt, and then you're  
11 going to have to stop because the winter gets  
12 there.

13 And then you're going to bring -- if you  
14 look at the electrical, are you bringing duct  
15 bank? Is it concrete duct bank for the  
16 electrical, or is it poles, or is it -- because  
17 have you looked at the possibilities of these  
18 things failing? Are you putting generators  
19 that -- it's going to be working throughout the  
20 night if something happens? And then the --  
21 and then for the last piece, I mean, I need to  
22 understand. I mean, I do a lot of --  
23 (Indiscernible.)

24 Look, I ran the World Trade Center  
25 disaster. I know what it is, trucks that come

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2 in and out. Okay.

3 (Indiscernible.)

4 I built Ground Zero, so I know a little  
5 bit about groundwater, and I know a little bit  
6 about retaining walls and slurry walls and  
7 water and what water does. So I'm very  
8 concerned about where that water's going to go,  
9 because you're creating a bunch of islands in  
10 the middle of a golf course, which -- what was  
11 the reason why the golf course didn't work out?  
12 Because 18 -- the 18-hole golf course probably  
13 was not even feasible to be played on because  
14 it was probably all wet half the year. So --  
15 can I finish?

16 MR. COOPER: Go ahead.

17 MR. MENDES: Can I finish?

18 MR. STEINMAN: Absolutely.

19 (Indiscernible.)

20 MR. MENDES: So I need answers to all  
21 these questions. I need engineering questions.  
22 I need to see sections from -- how is  
23 groundwater affecting your basement walls? How  
24 is your power coming in?

25 I mean, I need to see -- what are these

## 1 HAMPSHIRE COUNTRY CLUB - PUBLIC HEARING

2 islands that you're creating -- what are they  
3 made of? Basically, just you sloping down the  
4 earth or you have retaining walls? You have --  
5 you know, what if you get to -- again, your  
6 whole schedule, how does that work? You're  
7 going to get to the first two years. You're  
8 going to realize that you're going to lose  
9 another two because of winter, because of -- so  
10 I need to see all that, so -- definitely. Then  
11 I need to see where the water's going to go.  
12 Okay. How is the water -- where is this water  
13 going to go? Because right now, if there's a  
14 five-foot -- if this is a tub, and there's  
15 about a five-foot wall on the edges, you know,  
16 once you put all these platforms, you know,  
17 somebody's going to get that water; right?

18 MR. COOPER: So --

19 MR. MENDES: That, to me, is -- I mean,  
20 I'm actually concerned. I'm concerned that  
21 you're going to realize that you're going to  
22 spend more than what you think you're going to  
23 spend, and I'm concerned about -- somebody's  
24 going to get -- something is going to happen.

25 I mean, if there's a storm and there's no

## 1 HAMPSHIRE COUNTRY CLUB - PUBLIC HEARING

2 power and you can't get a fire truck there,  
3 what happens? I mean, so I need to know all  
4 these things.

5 MR. COOPER: So what I can say,  
6 Mr. Mendes, is that the nice thing about this  
7 process is that everything that has been said  
8 over tonight, the night before, and the 80 --  
9 Betty-Ann can correct me -- the 80 or so  
10 letters -- I'm sure you're going to get more  
11 over the next 30 days -- have to be replied to  
12 by the applicant. And you've got an  
13 independent consultant that will review  
14 everything that the applicant has submitted and  
15 responded to. And if you're not satisfied with  
16 the answer, then you can ask again.

17 MR. MENDES: I haven't seen --

18 MR. STEINMAN: If you mind, I want to just  
19 add that the planning board will have work  
20 sessions in the next coming meetings, so they  
21 can discuss all this and make a list of their  
22 own comments to submit in the process.

23 MR. MENDES: I mean, it's not building the  
24 condos. That's the easy stuff. It's actually  
25 the infrastructure that you got to create that

## 1 HAMPSHIRE COUNTRY CLUB - PUBLIC HEARING

2 I'm concerned that you're going to see that  
3 you're going to bite more -- you're biting more  
4 than you can chew, and then it's going to be a  
5 problem.

6 I'm concerned about all these trucks that  
7 -- you think it's only going to be 24, all  
8 parading down the Boston Post Road. And when  
9 there's high schools and when there's middle  
10 schools and when there's -- and these trucks  
11 are coming from where? 95; right? 95. So  
12 you're going to go on to the Village of  
13 Mamaroneck or they come in in Larchmont. So  
14 it's going to be a lot of trucks. It's not  
15 going to be the 24 trucks a day and five  
16 tomorrow.

17 That's to be a parade of machinery,  
18 equipment constantly. Constantly. You don't  
19 do an infrastructure of this magnitude with  
20 just 24 trucks a day and, you know, two  
21 bulldozers and a backhoe; right? Am I right or  
22 wrong?

23 MR. COOPER: Mr. Mendes, again, we will  
24 answer all those questions. We understand what  
25 you're saying.

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2 So I guess, Mr. Chairman, we would request  
3 again that the public hearing section --

4 THE CHAIRMAN: So we are at the point  
5 where we could close the public hearing, and I  
6 would need a motion from someone on the board  
7 to do so. I guess I don't have a motion.

8 MS. SAVOLT: I'll make a motion to close  
9 the public hearing.

10 MR. LITMAN: Second.

11 MR. STEINMAN: And also add, if you can,  
12 Kathy, a 30-day comment -- written comment  
13 period which would begin tomorrow.

14 THE CHAIRMAN: That's part of the motion.  
15 Do I have a second?

16 MS. SAVOLT: Okay. Can you hear me?

17 THE CHAIRMAN: Yes.

18 MS. SAVOLT: Okay. I will make a motion  
19 to close the public hearing and open the public  
20 comment period -- close the public hearing.

21 What did I say? It's late. We've been here a  
22 long time. Okay. Let's start over.

23 I'll make the motion to close the public  
24 hearing and open the public comment period  
25 which will begin in 45 -- 48 minutes and --

1 HAMPSHIRE COUNTRY CLUB - PUBLIC HEARING

2 THE CHAIRMAN: In about 45 minutes.

3 MS. SAVOLT: -- extend for 30 days.

4 Did I get it right?

5 THE CHAIRMAN: You got it perfectly right.

6 MR. LITMAN: Second.

7 MS. SAVOLT: Thank you.

8 THE CHAIRMAN: Do I have a second,

9 Richard?

10 MR. LITMAN: Yes.

11 THE CHAIRMAN: Okay. Richard?

12 MR. LITMAN: Yes.

13 THE CHAIRMAN: Kathy?

14 MS. SAVOLT: Yes.

15 THE CHAIRMAN: Lou?

16 MR. MENDES: Yes.

17 THE CHAIRMAN: And I say yes.

18 Thank you very much.

19 (Time noted: 11:13 p.m.)

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C E R T I F I C A T E

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

*Ilana Nathanson*

ILANA M. NATHANSON

	<b>328:19</b>	<b>243:10;244:13;</b>	<b>233:15;240:16;</b>	<b>against (2)</b>
<b>\$</b>	<b>accepted (4)</b>	<b>258:2</b>	<b>323:20;324:24;</b>	319:13;342:16
	276:4,9;339:6;	<b>actual (2)</b>	<b>372:23;390:24</b>	<b>age (1)</b>
<b>\$1,000 (1)</b>	373:16	223:3;366:4	<b>adjoining (1)</b>	281:10
292:14	<b>access (7)</b>	<b>actually (31)</b>	224:17	<b>agencies (2)</b>
<b>\$10,000 (2)</b>	222:16;224:17;	223:15;227:19;	<b>adjusted (1)</b>	234:22;237:15
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<b>\$150 (1)</b>	335:15	238:10;241:21;	<b>admittedly (1)</b>	214:8
245:15	<b>accessed (1)</b>	245:25;273:23;	286:3	<b>ages (2)</b>
<b>\$2 (2)</b>	393:5	298:11,18;310:20;	<b>adopted (1)</b>	256:10;257:8
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<b>\$200 (1)</b>	369:25	355:7;361:7;362:13;	<b>adoption (1)</b>	250:11
245:14	<b>accommodate (2)</b>	363:11;365:6;	314:3	<b>aggressive (1)</b>
<b>\$200,000 (1)</b>	242:2;309:10	373:13;376:15;	<b>adult (1)</b>	349:4
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<b>\$300 (1)</b>	377:21	389:11;392:4,14;	<b>adverse (7)</b>	254:14;256:21;
400:23	<b>accordance (2)</b>	397:8;399:25;400:2;	244:12;313:14;	263:10;279:23;
<b>\$4.75 (1)</b>	344:3,8	403:20;404:24	314:5;333:21;	284:14;290:8;292:5;
282:22	<b>according (4)</b>	<b>adaptive (1)</b>	334:12;335:6,7	6,22;293:16;297:11;
<b>\$5 (2)</b>	239:23;271:2;	267:14	<b>adversely (3)</b>	309:25;319:25;
265:10;282:3	379:14;390:9	<b>add (10)</b>	313:10;357:14;	341:2;353:3;392:22
<b>\$7.3 (1)</b>	<b>account (4)</b>	215:13;231:2;	382:15	<b>agree (10)</b>
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<b>abandoned (1)</b>	<b>accurate (2)</b>	<b>adding (2)</b>	<b>advocate (2)</b>	293:14;376:7
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<b>abandonment (1)</b>	<b>accused (2)</b>	<b>addition (5)</b>	<b>advocating (1)</b>	246:9;379:17
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<b>abilities (1)</b>	<b>achieve (1)</b>	356:12;373:24;	<b>AE (1)</b>	238:22
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<b>ability (2)</b>	<b>acquired (1)</b>	<b>additional (14)</b>	<b>affect (1)</b>	244:19;272:25;
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