

COMMENT H-1.1 (Noise):

Lighting and noise will adversely affect our quality of life.

Alan Mitzner, President, American Pie, LLC, Sea Cliff resident, electronic mail, dated June 19, 2009. Similar comment from Michael & Stephanie Lipsey, 95 8th Avenue, Sea Cliff, NY, letters dated June 22 and 23, 2009, A. Gutierrez, letter dated July 15, 2009 and Raymond & Nansi Borom, 2 Laurel Way, Sea Cliff, NY, letter dated June 19, 2009.

RESPONSE H-1.1 (Noise):

The DEIS examined the proposed project's potential noise affects at two receptor locations in Sea Cliff: 1) Shore Road at Albin Street, and 2) Cliff Way at The Boulevard. These two locations are representative noise-sensitive locations, principally locations with residential and open space land uses, and locations where maximum project impacts would be expected. Existing noise levels at these two locations are shown in the DEIS in **Table III.H-5** and noise levels with the proposed project are shown in **Table III.H-8**. The analysis indicates that the potential increases over existing conditions at these two locations would be expected to range, depending on the day/time, from 0.1 dBA to 3.8 dBA. The potential noise would be within the City of Glen Cove Noise Code requirements and below the NYS DEC impact criteria. Therefore, as stated in the DEIS, with the proposed project a significant adverse noise impact would not be expected to occur at either location. Consequently, it can be concluded that noise due to the proposed project would not be expected to significantly adversely affect the quality of life at nearby residences and locations. Project lighting will employ full cutoff and dark sky compliant fixtures to minimize light trespass and sky glow.

COMMENT H-1.2 (Noise):

I am also concerned about the noise level during the construction and after the project is finished.

Patricia Parmelee, Glen Cove resident, attachment to letter from Carol E. Kenary, President, Landing Pride Civic Association, Glen Cove, NY, dated July 13, 2009

RESPONSE H-1.2 (Noise):

The DEIS examined potential noise associated with the proposed project's traffic, mechanical equipment (ex: HVAC equipment), outdoor music at the restaurant, and construction. As outlined in the DEIS, noise levels at a given location are dependent on the type and quantity of construction equipment being operated, the acoustical utilization factor of the equipment (i.e., the percentage of time a piece of equipment is operating), the distance from the construction site, and any shielding effects (from structures such as buildings, walls, or barriers). As shown in the DEIS, **Table III.H-10** lists typical noise levels for construction equipment, which range from 74 dBA at 50 feet for a roller to 101 dBA at 50 feet for an impact pile driver. Typical equipment that would be expected to be used on the site include excavators, bulldozers, backhoes, front-end loaders, pile drivers, graders, cranes, drills, concrete pumping trucks, dump trucks, compressors, hoists, and welding machines. As referenced in the DEIS, noise levels caused by construction activities would vary widely, depending on the phase of construction and the location of the construction activities relative to noise sensitive receptor locations. As stated in the DEIS, construction noise is regulated by the EPA's noise emission standards and the City of Glen Cove Noise Code [sections §196-4(H) and §196-4(O)]. These local and federal requirements mandate that specific construction equipment meet specified noise emission standards and that

construction activities be limited to weekdays between the hours of 7 AM and 6 PM. Typically, construction activities associated with a development of this magnitude may result in some short term noise impacts. However, these impacts would be temporary and, because of their limited duration, would not be expected to be significant. After construction is completed, project-generated traffic would be expected to result in significant impacts at two locations. A significant impact (defined as exceeding the NYSDEC's 6 dBA threshold) would be expected to occur during the Saturday midday vehicular traffic peak period at the intersection of Herb Hill Road between Dickson and Charles Streets, and absent the implementation of mitigation, there is one residential structure that could be impacted. Noise levels in the Garvies Point Preserve would increase at locations within approximately 200 feet from Garvies Point Road. Accordingly, decreased bird breeding activity may occur within the woodlands located within approximately 200 feet of Garvies Point Road. More than 200 feet from Garvies Point Road, noise levels are not expected to significantly increase background levels (i.e. an increase less than 6 dBA); accordingly, no significant impacts to breeding songbirds are expected. For further information on the potential noise-related impacts on breeding birds, please refer to the response to Comment H-8.

COMMENT H-1.3 (Noise):

The noise created during the construction phase will be extremely disruptive to those living in the surrounding area.

Michael Brenner, letter dated July 13, 2009.

RESPONSE H-1.3 (Noise):

As described in the DEIS, while the construction period is anticipated to have a duration of up to ten years in total, the levels of noisy and intrusive activity would vary and move throughout the project site, and no one area would experience the effects of the project's construction activities for the full seven-year duration. Construction adjacent to each of the new project buildings would last between 6 and 24 consecutive months, depending on the location, and would typically consist of a short period of demolition (1 month), excavation (1 to 2 months), foundations/superstructure (3 months), some exterior work (3 months), and interior work, but the noisiest adjacent activities for each of the new project buildings would take place for a limited period of time (less than 24 consecutive months). Therefore, no long-term, significant noise impacts are expected from construction activities. Potential short term impacts related to noise are possible from construction activities. However, these impacts would be temporary and, due to their limited duration, would not be expected to be significant.

COMMENT H-2 (Noise):

The Proportional Modeling of Sites 1, 2, and 3 (as per the Noise Appendix) indicates vehicle classification (e.g., auto, bus) data for receptor locations such as Pratt Boulevard whose traffic impact study-related counts are described in Section III.F as having no classification data. Moreover, there is no classification breakdown in the L.1 Traffic Appendix. The source of each set of vehicle breakdowns (percentage of autos, buses, etc.) needs to be tabulated in the Noise section and referenced to a section and/or page number in the traffic study in Section III.F.

Alan J. King, Jr., P.E., LEED AP, partner, Cameron Engineering & Associates, LLP, letter dated July 20, 2009.

RESPONSE H-2 (Noise):

AKRF collected vehicle class information for Sites 1, 2, and 3 during the noise monitoring program. In the DEIS, PDF pages 16 through 21 of Appendix K contain the vehicle class information.

COMMENT H-3 (Noise):

Compliance with the City's noise ordinance should not be described as "one of the two studied noise impact criteria" as though it is on par with New York State Department of Environmental Conservation [NYSDEC] criteria. For the purposes of environmental analysis, it is not a matter of environmental impact whether a proposed project will comply with a local municipality's noise ordinance. Ordinance compliance is a legal matter which should only be used to specify future operations (e.g., "Use A will not operate after 6:00 pm.")

Alan J. King, Jr., P.E., LEED AP, partner, Cameron Engineering & Associates, LLP, letter dated July 20, 2009.

RESPONSE H-3 (Noise):

NYSDEC criteria, based upon the *Assessing and Mitigating Noise Impacts* documents were utilized for the noise assessment. The City of Glen Cove Noise Code contains sections that would be applicable to the construction activities associated with the proposed project and outdoor music associated with the proposed restaurant. As stated in the DEIS, the City of Glen Cove Noise Code was used regarding the discussion of construction noise and outdoor music associated with the proposed restaurant.

COMMENT H-4 (Noise):

The DEIS cites the "second of two noise impact criteria" as the NYSDEC publication, *Assessing and Mitigating Noise Impacts*. The DEIS does not mention the New York State Department of Transportation [NYSDOT] *Environmental Procedures Manual*, another standard reference which provides clear requirements for noise impact analysis, even though potential future noise impacts from site-generated traffic were analyzed using a standard from the NYSDOT manual: the FHWA Traffic Noise Model (TNM) software. The DEIS should specify the *Environmental Procedures Manual* as the 2nd noise impact criteria. Table III.H-9 lists the NYSDOT manual as a source.

Alan J. King, Jr., P.E., LEED AP, partner, Cameron Engineering & Associates, LLP, letter dated July 20, 2009.

RESPONSE H-4 (Noise):

The proposed project is not seeking actions that are subject to New York State Department of Transportation (NYSDOT) jurisdiction for noise impact review (such as applying for NYSDOT funds, creating a new NYSDOT controlled roadway, or modifying an existing roadway to the extent that it would fall under NYSDOT jurisdiction for noise impact review). Consequently, the impact criteria delineated in the NYSDOT Environmental Procedures Manual are not applicable.

In the “Notes” section of Table III.H-9, the NYSDOT Environmental Procedures Manual (EPM) is referenced only in regard to estimating the approximate amount of window/wall attenuation that is provided by various building constructions (as opposed to referencing the NYSDOT EPM’s noise impact procedures). The Applicant believes that the noise impact criteria used for this evaluation, based upon the NYSDEC publication *Assessing and Mitigating Noise Impacts*, is a more relevant criterion than the NYSDOT criteria.

COMMENT H-5 (Noise):

The current date of the *Assessing and Mitigating Noise Impacts* standard is the February 2, 2001 revision, not the original October 6, 2000 date. The FEIS should clarify that the most current version was used.

Alan J. King, Jr., P.E., LEED AP, partner, Cameron Engineering & Associates, LLP, letter dated July 20, 2009

RESPONSE H-5 (Noise):

The latest version of the New York State Department of Environmental Conservation *Assessing and Mitigation Noise Impacts* (Issuance Date: October 6, 2000; Revised: February 2, 2001) was used for the analysis.

COMMENT H-6 (Noise):

The DEIS analysis is correct regarding the NYSDEC statement about a 6 dB increase denoting significant noise impact. However, the NYSDEC also includes a table (Table B) which classifies dB increases of 5-10 dB as "intrusive." In addition, the document states that, "increases from 3-6 dB may have potential for adverse noise impact only in cases where the most sensitive receptors are present." The DEIS should indicate why the proposed residences and outdoor public uses are not considered "the most sensitive receptors," and therefore, why a 3-6 dB increase would not indicate noise impacts with respect to the Glen Isle project.

Alan J. King, Jr., P.E., LEED AP, partner, Cameron Engineering & Associates, LLP, letter dated July 20, 2009.

RESPONSE H-6 (Noise):

The proposed residences and outdoor public uses were classified as “sensitive receptors.” As described in the “Project Impact Criteria” section on page III.H-6 of the DEIS, the NYSDEC criteria provides a reasonable basis for determining what constitutes a significant increase in noise levels (i.e., more than 6 dBA), and then for concluding that though there may be a significant increase in noise levels, because the magnitude of the resulting noise level is low, the resulting total noise level is acceptable (i.e., 65 dBA or less for residential uses). Therefore, for total resulting noise levels below 65 dBA for residential uses, no mitigation is required, and the project would not result in a significant impact. Since a significant increase in noise level is defined as being more than 6 dBA, a 3 to 6 dBA increase in noise levels would not constitute a noise impact with respect to the Glen Isle project.

COMMENT H-7 (Noise):

The Noise Appendix includes a table of calculations regarding Ferry Terminal noise, cited from the Federal Transit Association. The table should include explanations of terms such as "SEL."

Alan J. King, Jr., P.E., LEED AP, partner, Cameron Engineering & Associates, LLP, letter dated July 20, 2009.

RESPONSE H-7 (Noise):

The Noise Appendix table that includes Ferry Terminal noise calculations has been updated to include an explanation of the following terms: Sound Exposure Level (SEL), Equivalent Level (L_{eq}), and Usage Factor.

COMMENT H-8 (Noise):

Document the statement, "birds become accustomed to noise" and therefore the noise impact on bird breeding in Garvies Point Preserve, starting 200 feet from the roadway, is not a genuine impact, on page III.H-19.

Alan J. King, Jr., P.E., LEED AP, partner, Cameron Engineering & Associates, LLP, letter dated July 20, 2009.

RESPONSE H-8 (Noise):

Further discussion and technical support for the conclusions about potential noise-related impacts to breeding birds are provided below. The discussion from the last paragraph on DEIS page III.H-19 should be updated to:

The significant increase in noise level of 13.2 dBA may have potential adverse impacts to Garvies Point Preserve. A screening level analysis of the spatial extent of the increased noise levels associated with the project-generated vehicles indicates that significant increases in noise are expected to occur at approximately 200 feet from Garvies Point Road. This increased noise may reduce the quality of wildlife habitat provided by the adjacent woodlands of Garvies Point Preserve. For example, increased noise levels from continuous noise sources (i.e. roads and industrial sites) has been found to result in lower breeding densities of songbirds by increasing stress levels and interfering with bird songs making it more difficult for birds to establish territories and attract mates (Reijnen et al. 1995; Habib et al. 2007). Some bird species have been shown to adapt to increased continuous noise sources by adjusting the pitch of their songs (Brumm 2004) or by singing outside peak-traffic intervals (Fuller et al. 2007). These adaptations have energetic costs to birds and, accordingly, noisy woodlands requiring altered bird songs and/or behavior are likely to be less productive breeding habitats than quiet habitats. A recent study on the effects of traffic noise on common birds in Australia indicated that bird density decreased and bird songs were altered in woodlands and shrublands located adjacent to roadways (Parris and Schneider, 2009). The screening level analysis of the spatial extent of the increased noise levels indicated that significant increases in noise are expected to occur approximately 200 feet from Garvies Point Road. Therefore, decreasing bird breeding activity may occur within the woodlands located within approximately 200 feet of Garvies Point Road. More than 200 feet from Garvies Point Road, noise levels are not expected to significantly increase background levels (i.e. an

increase less than 6 dBA); accordingly, no significant impacts to breeding songbirds are expected. Consequently, this would not be considered a significant adverse impact since there are large amounts of habitat, in proximity and adjacent to the project site, to support any birds that are bothered by the increased noise levels due to the proposed development.

Citations:

- Brumm H. 2004. The impact of environmental noise in song amplitude in a territorial bird. *Journal of Animal Ecology*. 73:434-440.
- Fuller RA, PH Warren, and KJ Gaston. 2007. Daytime noise predicts nocturnal singing in urban robins. *Biology Letters*. 3:368-370.
- Parris KM and A Schneider. 2009. Impacts of traffic noise and traffic volume on birds of roadside habitats. *Ecology and Society*. 14(1):29.

COMMENT H-9 (Noise):

The statement on page III.H-23, "The [restaurant] sound system will be designed so that noise levels due to the proposed outdoor music at the project's restaurant would not exceed the Glen Cove Noise Code at any of the analyzed receptor locations during any time period" is too vague to describe noise impact mitigation. Though it does require the applicant to conform to certain decibel levels and times, there should be a discussion of specific potential (if not certain) design features and their resulting general effects on sound level intensity and/or duration. Additional figures may also be necessary to illustrate the design features or sound dampening effects.

Alan J. King, Jr., P.E., LEED AP, partner, Cameron Engineering & Associates, LLP, letter dated July 20, 2009.

RESPONSE H-9 (Noise):

As described in the DEIS, the developer is committed to abide by and include a number of design measures. To avoid potential impacts related to the restaurants sound system, the project's sponsor will install a dedicated sound system (i.e., a distributed sound system that would control speaker type, orientation, layout, directivity, and sound emissions so as to control noise levels at sensitive receptors, particularly residential locations south of Glen Cove Creek) at the proposed restaurant. The sound system will be designed so that noise levels due to the proposed outdoor music at the project's restaurant would not exceed the Glen Cove Noise Code at any of the analyzed receptor locations during any time period. Consequently, a significant impact is not predicted to occur due to outdoor music operations at the proposed restaurant.

COMMENT H-10 (Noise):

The Mitigation discussion should include a recommendation to combine the loudest operations whenever possible; decibel levels do not increase significantly (or at all) when multiple sound producers of similar dB levels coincide, so this can reduce the frequency or duration of the loudest noises.

Alan J. King, Jr., P.E., LEED AP, partner, Cameron Engineering & Associates, LLP, letter dated July 20, 2009.

RESPONSE H-10 (Noise):

Comment noted. Combining the loudest operations to the extent possible will be included as a recommended mitigation.

COMMENT H-11 (Noise):

Three locations identified in Table III.H-11 have projected construction period Leq values over 87 decibels, very close to the 90 dB threshold of impact. If complaints are received during construction, the applicant should explain the mitigation to be implemented if the 90 dB threshold is reached.

Alan J. King, Jr., P.E., LEED AP, partner, Cameron Engineering & Associates, LLP, letter dated July 20, 2009.

RESPONSE H-11 (Noise):

The values shown in Table III-H-11 are the results of the FTA screening level analysis. This analysis uses a 1-hour L_{eq} of 90 dBA for potential impact identification. This methodology is conservative for the following reasons:

- For the two noisiest pieces of construction equipment a full power operation (i.e., acoustical utilization factor of 1) for a time period of one hour is assumed;
- Free-field conditions (i.e., no shielding) are assumed; and
- Ground effects are ignored (i.e., $G = 0$).

As describe in the DEIS, to reduce construction noise levels the following source and path controls would be implemented to the extent feasible and practicable:

Source controls (i.e., reducing noise emission levels at the source or during the most noise sensitive time periods):

- All contractors and subcontractors would be required to properly maintain their equipment and have the appropriate manufacturer's noise reduction devices, including, but not limited to, a quality muffler that is free of rust, holes, and exhaust leaks installed.

Path controls (e.g., placement of equipment, implementation of barriers between equipment and noise sensitive receptors):

- Noisy equipment, such as generators, cranes, trailers, concrete pumps, concrete trucks, and dump trucks, would be located away from and shielded from noise sensitive receptor locations.
- During the construction of Building Block J, either vibratory pile drivers or a shroud/noise bellows system would be used in conjunction with impact pile drivers to reduce noise levels from pile driving activity at adjacent noise sensitive locations (i.e., residences and parks/open space).

The proposed source and path controls to be utilized would be expected to result in noise levels which would be below the maximum values predicted in Table III-H-11. During construction of the proposed project, the Applicant will have a community liaison available to field concerns related to construction noise issues and respond accordingly.

COMMENT H-12.1 (Noise):

The DEIS does not address noise levels for the residential areas immediately surrounding the project area such as Herhill Rd. between Brewster St. and Charles St., Janet La., The Place, Dickson St., Daniel Dr., and many of the streets surrounding or intersecting these streets. Even if levels are "acceptable" by the standards used and quoted in the studies, this does not mean that there won't be a significant quality of life loss for those people living near the project site.

Carol E. Kenary, President, Landing Pride Civic Association, Glen Cove, NY, letter dated July 20, 2009

RESPONSE H-12.1 (Noise):

As described in the DEIS, ten receptor locations were identified in the DEIS scope and approved by the Planning Board's consultants for the noise analysis. The selected receptors are located adjacent to the project site and/or along major feeder streets to and from the project site. At all receptors, except for Site 8¹, 9² and 10³, these locations are where the maximum increases in the project-generated traffic would be expected to occur. Consequently, these receptor locations have the highest potential for noise impacts from the project-generated traffic. In the DEIS, **Table III.H-4** presents the locations of each noise receptor site and their associated existing surrounding land uses, and **Exhibit III.H-1** shows the receptor site locations. All receptor sites include representative noise-sensitive locations, principally locations with residential and open space land uses, and locations where maximum project impacts would be expected. At other locations, particularly locations farther from the project site, project-generated traffic would be less and/or would constitute a small portion of the existing and /or the Future No Action traffic volume and, consequently, would not have the potential to cause a significant increase in noise levels. Hearing a particular sound is not akin to experiencing an environmental impact.

COMMENT H-12.2 (Noise):

The DEIS states that noise from construction will be mitigated with best practices and maintenance of equipment to avoid rusty mufflers, etc. Noise impacts will likely be worse than indicated during and after construction for residents of the Landing neighborhood north of the site, especially those close to the project site, on Janet Lane, The Place, Dickson St., McLoughlin St., and many of the streets that intersect with them.

Carol E. Kenary, President, Landing Pride Civic Association, Glen Cove, NY, letter dated July 20, 2009

RESPONSE H-12.2 (Noise):

See Response H-11. Also, hearing a particular sound is not akin to experiencing an environmental impact.

¹ Site 8 was used for the assessment of noise generated by the asphalt plant on the proposed project.

² The analysis at Site 9 was used primarily for the assessment of construction noise and music associated with the proposed restaurant.

³ The analysis at Site 10 was used primarily for the assessment of construction noise and music associated with the proposed restaurant.

COMMENT H-12.3 (Noise):

Regarding amplified voices and music, residents of Clement St. near Dickson St., can easily hear amplified music and voices from Steamboat Landing Restaurant which is directly south and across the creek from these locations. These same residents can also clearly hear the music and voices from the Morgan Park concerts that occur on weekends in summer. Residents of Margaret St. can also hear this music. Whether it's pile driving equipment, or music played at a restaurant, the cumulative impact of noise will be significant to many people for quite a distance from the waterfront areas.

Carol E. Kenary, President, Landing Pride Civic Association, Glen Cove, NY, letter dated July 20, 2009

RESPONSE H-12.3 (Noise):

See Response H-12.1. Also, hearing sound is not akin to experiencing an environmental impact.

COMMENT H-13:Noise

There is an expectation that the project will result in an increase in noise levels in areas of Sea Cliff as the result of (a) mechanical equipment in the proposed development, (b) more than a twofold increase in traffic along Prospect Avenue (at least 3 dBA alone), and (c) the introduction of ferry traffic to the Creek. At least three sensitive receptors should be located within Sea Cliff, at locations to be determined in consultation with the Village Board of Trustees.

Bruce Kennedy, Mayor, Village of Sea Cliff, letter dated July 17, 2009.

RESPONSE H-13:

See Response H-1.1.

COMMENT H-14:

e. Noise

"The project's sponsor will install a dedicated sound system... designed so that noise levels due to the proposed outdoor music at the project's restaurant would not exceed the Glen Cove Noise Code... during any time period." COMMENT: We know how well that's worked at the Steamboat Landing Restaurant. What penalties should be imposed when (notice I did not say "if") the legal noise levels are exceeded? What recourse will the Village of Sea Cliff have across the Creek when these levels are exceeded? I can hear the music from the Steamboat Restaurant from my home near Woolsey Avenue. The current restaurant at the Glen Cove Marina is much further from my house than the proposed restaurant would be. Homeowners on East Island have successfully prevented the Soundview Cafe at the golf course from offering outside live music, and they now propose to stop the Glen Cove Mansion from offering same. What guarantees do we have that the music from the restaurant will not exceed City Ordinance sound levels on a regular basis? I'm not opposed to live outdoor music - I want to see enforcement and heavy penalties that guarantee that they will follow through with all the promises. "Traffic will also generate noise" "Various types of mitigation measures is being evaluated" –I certainly hope they don't mean walls, such as we are now blessed with along the LIE.

David S. Nieri, letter dated July 18, 2009.

RESPONSE H-14:

See Response H-9 and H-1.2. Also, hearing sound is not akin to experiencing an environmental impact.

COMMENT H-15:

The sounds from the Steamboat/Wharf Restaurant can also be heard far across the Creek. These are just two preexisting businesses the public has since been negatively impacted.

Mary Normandia, letter dated July 20, 2009.

RESPONSE H-15:

See Response H-9. Also, hearing sound is not akin to experiencing an environmental impact.

COMMENT H-16:

- The noise level will be unbearable during prolonged construction and once the proposed construction is complete. We currently hear everything happen at Steamboat Landing.

Linda Thompson, letter dated July 20, 2009.

RESPONSE H-16:

See Response H-11 and H-1.2. Also, hearing sound is not akin to experiencing an environmental impact.

COMMENT H-17:

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The noise monitoring locations selected do not account for transmission of noise across water at higher elevations. Additional monitoring stations should be set at the crest of the hill at Garvies Point and at a point on Prospect Avenue in Sea Cliff that is approximately in line with the development project.

Karen Papasergious and Carol DiPaolo, President and Programs Director and Water-Monitoring Coordinator, Coalition to Save Hempstead Harbor, letter dated July 20, 2009.

RESPONSE H-17:

The DEIS utilizes ten receptor locations that were identified in the DEIS scope and approved by the Planning Board's consultants for the noise analysis. The document presents extensive information and analysis of potential noise impacts from both mobile and stationary sources. See Response H-1.2 for additional discussion.

COMMENT H-18:

31. Section III.H.2 (*Environmental Impacts and Mitigation Measures: Noise: Existing Conditions*), page III.H-7, 1st ¶ - The DEIS notes the locations of noise receptors.

a. Noise receptors were placed near intersections studied for traffic analysis; however, these data were collected only at intersections in close proximity to the project site. The

DEIS indicates that intersections further from the project site are expected to receive significant volumes of project-generated traffic (in particular: Glen Cove Road and Northern Boulevard, Glen Cove Road and the NYS 107 Divide, Glen Cove Avenue and Glen Head Road, and Glen Cove Road and Back Road) and these also should be included in the analysis of noise impacts.

Steven Perotta, Cashin Spinelli & Ferretti, LLC, letter dated July 20, 2009.

RESPONSE H-18:

See Response to H-12.1.

COMMENT H-19:

32. Section III.H.3.c (*Environmental Impacts and Mitigation Measures: Noise: Existing Conditions: Build Out Condition*) - Potential for noise impacts from the proposed project appears to have excluded noise generated from the proposed 2,000+ seat lawn amphitheater. The FEIS should note the direction that open end of the amphitheater faces, and the noise impacts associated with the amphitheater should be evaluated with respect to on-site and offsite residents.

Steven Perotta, Cashin Spinelli & Ferretti, LLC, letter dated July 20, 2009.

RESPONSE H-19:

There would be outdoor events at the lawn amphitheater that will produce sound (e.g., movies). At the current planning stage of the Master Plan process, the design details (e.g., amplified loudspeaker manufacturer, model, quantity, location, orientation, etc.) required to quantify noise levels associated with lawn amphitheater events are not known. The City of Glen Cove's applicable requirements (permits, etc.) will be followed for lawn amphitheater events. Compared to the existing concrete plant (i.e., an industrial use that continuously produces noise while operating), the outdoor events at the lawn amphitheater would be expected to produce noise that is less frequent, and would be required to comply with all local regulations.

COMMENT H-20:

33. Section III.H.3.c (*Environmental Impacts and Mitigation Measures: Noise: Existing Conditions: Build Out Condition*), pg. III.H-19, Last ¶ - Regarding noise impacts on birds breeding in the Garvies Point Preserve, the DEIS states "since the predicted increase in noise levels is primarily a function of traffic noise (i.e., continuous, or non-impulsive) it has been shown that birds can become acclimated to continuous noise sources."

- a. This statement should be substantiated with appropriate technical references.
- b. Irrespective of the fact that bird breeding may not be impacted in the long term by increased noise levels, appropriate mitigation measures should be included to help protect the preserve both for wildlife, and those who chose to visit the preserve for passive recreational purposes.

Steven Perotta, Cashin Spinelli & Ferretti, LLC, letter dated July 20, 2009.

RESPONSE H-20:

- a. See Response H-8.

- b. No mitigation, such as a noise barrier or wall, is proposed because such mitigation would result in other undesirable effects, such as safety and visual issues, that would outweigh any noise benefit provided by the mitigation (i.e., no practicable mitigation options available).