



November 5, 2021

Ref: 20570.00

Andrew Kaufman, Chairman, and
Members of the Planning Board
City of Glen Cove
9-13 Glen Street
Glen Cove, NY 11542

Re: Application of RXR Glen Isle Partners LLC
Proposed Planned Unit Development Amendments

Dear Chairman Kaufman and Planning Board Members:

VHB Engineering, Surveying, Landscape Architecture and Geology, P.C. (VHB) has prepared this letter to address the two comment letters submitted on behalf of the Village of Sea Cliff and the Coalition to Save Hempstead Harbor, as well as questions and comments received during the public hearings regarding the proposed Garvies Point PUD Amendments.

For ease of review, a summary of each comment or question is provided followed by the Project Team's response. Where appropriate, similar comments received were grouped and paraphrased.

As noted throughout the responses below, many of the comments and questions raised were previously addressed by RXR's professional consultants during the public hearings held before the Planning Board on October 5, 2021 and October 19, 2021 or within the March 9, 2021 Technical Memorandum for the proposed PUD Amendments, the March 19, 2021 Technical Memorandum for the Site Plan Application for Blocks D, E and F, and/or the Environmental Impact Statement (EIS) and resultant State Environmental Quality Review Act (SEQRA) Findings Statement adopted by the Planning Board on December 19, 2011, for the original creation of the PUD.

Comment Letter from Brian S. Stolar (Village of Sea Cliff), Dated October 5, 2021

Comment 1: Noise – The potential for noise impacts from the rooftop mechanical equipment for the three proposed Parcel A towers should be analyzed. To properly assess the potential changes resulting from the proposed reconfiguration and reduction in height on Parcel A, sound evaluation techniques and sound pressure level impact monitoring must be provided. Additionally, the applicant has indicated that the gazebo along the waterfront will incorporate a "power hook up". A power enabled gazebo presents as a facility capable of serving as a music or event pavilion. This results in another source of noise with the Village as the direct receptor of its consequent impacts.

Response 1: Relative to potential noise impacts, a detailed noise assessment was performed as part of the Draft EIS for the original PUD Master Plan as accepted by the Planning Board on June 4, 2009. This assessment included analyses of potential noise impacts from a range of sources. With regard to stationary sources, such as building mechanical equipment, the DEIS acknowledged that the design and specifications for

mechanical equipment were not yet determined for the proposed buildings, including the proposed buildings at Parcel A. However, it was indicated that future equipment is to be provided with an adequate buffer (e.g., located on the building rooftop) to noise sensitive locations and designed to incorporate sufficient noise reduction devices to comply with applicable noise regulations and standards, and to ensure the equipment does not result in any significant increases in noise levels. These analyses and considerations were reflected in the Planning Board's 2011 Findings Statement, which requires the evaluation of building mechanical equipment at the time of Site Plan application.

In accordance with the 2011 Findings Statement, the proposed building mechanical equipment would be subject to review at the time of Site Plan application for Parcel A, when the specific equipment to be installed can be appropriately considered. It is noteworthy that the 2011 Findings Statement identifies the location of mechanical equipment upon the rooftop of the proposed buildings within the PUD is itself a measure to minimize potential noise impacts upon surrounding land uses as it creates a buffer between the equipment and the potential receptors in the area. For the purposes of analysis of the proposed PUD Amendments, including the proposed amendments at Parcel A, there are no new potential significant adverse impacts related to building mechanical equipment that were not previously considered as part of the SEQRA review process for the original PUD creation or the Current PUD Plan as approved in 2015.

According to the Site Plan for the PUD, power hookups would be made available within the lawn space on Parcel A to accommodate food trucks and other amenities. As provided by the Applicant, the lawn space on Parcel A is not currently anticipated to be used for live music, concerts, or large gatherings. Nonetheless, if any live music or events were to be held in the future within this space, such activities would be subject to the same provisions of the City's Noise ordinance as any other place in the City, which are protective against adverse noise impacts. It should be noted that the Draft EIS for the original creation of the PUD included an analysis of potential adverse impacts from outdoor music at the restaurant that was planned at the Parcel A location at that time. That analysis confirmed that music could occur at that location without resulting in a significant adverse noise impact, subject to certain conditions as identified within the 2011 Findings Statement (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). The proposed PUD Amendments would not result in any new or additional impacts related to outdoor music events as compared to the previously approved Master Plan or the Current PUD Plan approved in 2015.

Comment 2: Light – The proposed revision results in the buildings in Parcel A to be spread out further than in the current approval. As a consequence, there is now a greater building surface area to generate light in a southerly direction. The across the Creek light trespass necessarily increases.

Response 2: The minor changes in the building massing for a building at Parcel A would not materially change the lighting conditions on a fully developed site. Potential fugitive light would not be generated by the

building surface area, itself. As described within the Draft EIS for the original creation of the PUD Master Plan, exterior lighting levels would be designed with the minimum light levels to provide pedestrian comfort and safety, and exterior fixtures would have full cut-off shades to minimize light spill. The predominantly residential nature of the building at Parcel A would present a minimal potential to generate fugitive lighting from within the building due to the varying occupancy of the units in the evening and the expectation that window shading would be used. All of these factors continue to apply to the current proposed amendments to the plan for Parcel A, just as they did at the time of the Draft EIS and SEQRA process. Therefore, no potential significant adverse lighting impacts would be expected, that were not previously considered in the Planning Board's 2011 Findings Statement. Moreover, as indicated within the 2011 Findings Statement, the project's lighting will be further detailed and reviewed at the time of Site Plan application for Parcel A, which is not before the Planning Board at this time.

Comment 3: Stormwater – The applicant's submission provides that stormwater runoff will be collected and treated prior to discharge into the ground or via surface waters. The Creek is a dead end. Adding water to the mouth of the Creek has the potential to drown the areas surrounding the Creek, particularly those areas without seawalls. No water from the amended plan should be permitted to discharge into Glen Cove Creek or Hempstead Harbor.

Response 3: The Current PUD Plan development includes the provision of management and treatment facilities to accommodate the initial flow of storms, which includes a large percentage of the contaminants typically carried by runoff. The storage infiltration and treatment system will decrease the quantity and increase the quality of the stormwater discharge into the Glen Cove Creek. The proposed PUD Amendments contemplated at Blocks A, D, E, F and J would develop those parcels to a similar extent as contemplated by the approved Current PUD Plan (2015) and the original PUD creation represented in the 2011 Findings Statement, and the stormwater management and treatment measures to be implemented will be similarly protective of water resources including Glen Cove Creek. Specifically, stormwater runoff generated on Blocks A, D, E, F, and J would be collected into catch basins that would be constructed for the proposed development; and prior to discharge into Glen Cove Creek via outfalls through the bulkhead, this runoff would be conveyed through "Jellyfish" devices and/or equivalent water quality treatment technology. The "Jellyfish" devices and outfalls have already been installed as part of the Site-wide infrastructure improvements, and this system would be reevaluated during the ensuing site plan design phase to determine whether the development layout revisions included in the proposed PUD Amendments require any additional measures or modifications. Updated stormwater calculations will continue to be performed and submitted to the Planning Board as part of the site plan application process for each PUD Parcel. Moreover, a Stormwater Pollution Prevention Plan (SWPPP) was developed under the Current PUD Plan to implement general measures specified for the protection of water resources. The SWPPP provides regulations to prevent adverse impacts associated with stormwater discharge, erosion, sediment transport, and pollutant discharge during construction and operation of the existing and proposed development.

The same stormwater management measures would be implemented, the same design criteria and water quality goals would apply, and the volumes of stormwater runoff would be similar under the Current PUD Plan previously approved by the Planning Board as they would under the proposed PUD Amendments. Overall, with the aforementioned measures and planning efforts in place, the proposed PUD Amendments are not expected to result in a significant adverse impact related to stormwater runoff, including potential impacts associated with the discharge of stormwater to Glen Cove Creek or Hempstead Harbor.

Comment 4: Traffic – The original traffic analysis was provided pre-Covid. Driving patterns have changed. Vehicular use has increased significantly, Yet, with these changes, the submission claims that the addition of housing units to the proposed development results in no additional significant impacts to traffic...Specifically, the post-Covid and post-Garvies Point full build out and post amendment additional unit traffic will exacerbate the impact of traffic at the intersections of Sea Cliff Avenue and Glen Cove Avenue, Glen Cove Road and Northern Boulevard, Bryant Avenue and Northern Boulevard, and Prospect Avenue/Shore Road running from the Glen Cove border to Scudders Lane/Glenwood Road. This must be analyzed in detail.

Response 4: As detailed within the March 9, 2021 Technical Memorandum for the proposed PUD Amendments, the overall PUD development would generate fewer vehicular trips as compared to the scenario contemplated within the 2011 Findings Statement. Specifically, the proposed PUD Amendments would generate 186 fewer trips during the weekday a.m. peak hour, 169 fewer trips during the weekday p.m. peak hour, and 63 fewer trips during the Saturday midday peak hour. As such, regardless of whether or not traffic conditions have changed in the surrounding community due to the Covid Pandemic, the proposed PUD Amendments would not result in an adverse traffic impact as compared to the original PUD plan captured in the Findings Statement at any intersections in the surrounding area.

An additional Traffic Impact Study (TIS) was prepared by VHB and included in a Supplemental Analysis to evaluate the theoretical build-out of the 1 Garvies Point Road or Konica Minolta parcels, for the purposes of comprehensive review (see further discussion at Response 6, below). The TIS was performed in a manner that allowed for the evaluation of non-Covid Pandemic traffic conditions. It is acknowledged that the onset of the Covid Pandemic and the related response of the community to the pandemic has resulted in changes to traffic levels. This has been documented in counts performed during the pandemic, including during the key peak periods evaluated to gauge traffic impacts for projects such as this one. However, unlike the comment suggests, this change has actually tended to result in a reduction in traffic in the key peak periods, as many persons are impacted by changes to the work environment including telecommuting. This reduction in peak hour traffic levels is evident in counts performed by VHB during the Covid Pandemic for numerous projects throughout the area and region. For this reason, it is respectfully submitted that the TIS prepared by VHB adequately analyzes traffic conditions that are representative of non-Covid conditions.

Regarding the intersections analyzed within the TIS, the study evaluates a relatively small change in the overall PUD development. The set of intersections analyzed in the TIS is a subset of intersections from the larger study, and is appropriate for this level of proposed project change. If the change in the proposed project were to trigger additional traffic impacts not found in the original larger study, those impacts would be seen close to the site (i.e., where the additional trips are concentrated), and they were not. Accordingly, based on the results of the analyses that were previously submitted to the Planning Board and its traffic consultant, it is respectfully submitted that there is no need to evaluate additional intersections to evaluate the proposed change.

Overall, no significant adverse traffic impacts are expected to result from the proposed PUD Amendments.

Planning Board Hearing Public Testimony, October 5, 2021 and October 19, 2021

Comment 5: How can it be guaranteed that the affordable housing will get built?

Response 5: The Applicant is committed to working with the City of Glen Cove to assure that the workforce housing units required as part of the overall PUD are, in fact, built as part of the Master Plan. Under the Current PUD, 111 workforce housing units would be constructed within the PUD, of which 55 workforce housing units have already received Site Plan approval by the Planning Board for Block G and construction of these units is underway. The 55 approved workforce housing units represents 5% of the total residential units (1,110) under the Current PUD. Once completed, these units will put the Applicant ahead of the 10% requirement as compared to the number of market-rate units completed to date.

As presented in the March 9, 2021 Technical Memorandum and the Supplemental Analysis submitted to the Planning Board in March 2021, the Proposed PUD Amendments include an expectation that the remaining required workforce housing units would be constructed on another parcel adjacent to the existing PUD (i.e., at the 1 Garvies Point Road or Konica Minolta properties), where the units can be integrated with other market-rate units and other PUD development on that parcel(s). As a result of the proposed PUD Amendments, the total number of workforce housing units to be constructed would increase by a minimum of 8 units (i.e., from 56 to 64 additional units).

In the unlikely scenario where neither of the adjacent parcel developments materialize, the Applicant would still be able to meet the workforce housing requirements of the PUD, such as by allocating a portion of the units in existing or planned buildings within the existing PUD, or by other acceptable means. The Applicant recognizes the importance of the workforce housing goals of the PUD and the City of Glen Cove and will adhere to all relevant requirements. This is demonstrated by the fact that, as mentioned above, upon completion of Block G, the Applicant will have met the 10% requirement for all units currently constructed.

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Comment 6: How does the expansion to the adjacent parcels not trigger the need for a new PUD? What would be required under SEQRA to address the expansion to the adjacent parcels?

Response 6: As detailed in the Planning Board's 2011 Findings Statement, the City recognized the need to provide certain flexibility in the development of the Site in order to respond to changing market conditions over time. Specifically, the Planning Board concluded that a certain level of flexibility in an approved PUD Master Development Plan is warranted given the anticipated multi-year, phased build-out of the complete Project, and that market conditions will likely change during that period. The Planning Board identified items that may change from that which is defined in the PUD Master Development Plan which include:

- Floor area of individual buildings
- Number of residential units per block
- Floor area of individual residential units
- Number of bedrooms per residential unit
- Height and number of stories of individual buildings
- Building footprints (minor modifications)
- Residential product mix (i.e., rental, condominium, etc.)
- Location of workforce housing
- Project phasing

As set forth in the Findings Statement, the Planning Board found that these types of variations generally should be permitted under the PUD Master Development Plan, subject to these variations remaining within the limits of the current SEQRA analyses, or said analyses demonstrate that such variations would not result in any new significant adverse environmental impacts that have not been studied and mitigated. Moreover, the Findings Statement and MW-3 regulations set forth a process for the Planning Board to modify the overall PUD Master Plan, as well as site-specific building configurations, without triggering the need for supplemental environmental review under SEQRA. In various instances since 2011, the Planning Board has utilized this flexibility to amend the PUD Master Plan (amended in October 2015) and approve site specific modifications during individual PUD Site Plan reviews (including Blocks B, H, I, and the Brewery site). Additionally, a memorandum for PUD Site Plan Approval was submitted to the Planning Board in 2021 regarding the redevelopment of a section of the overall approved PUD Master Plan. It was recognized the redevelopment was subject to the requirements set forth by the *New York State Environmental Quality Review Act [SEQRA] Findings of the Planning Board of the City of Glen Cove Respecting the RXR Glen Isle Mixed-Use Waterfront Development Project, City of Glen Cove, New York*, as adopted by the City of Glen Cove Planning Board (the "Planning Board") on December 19, 2011, and Marine Waterfront-3 (MW-3) zoning district regulations at §280-73.2(c)(11) of the City code regarding PUD Site Plan Approval.

Notwithstanding the above, the applications that are currently before the Planning Board consist of an amendment to the PUD Master Plan for Blocks A, D, E, F and J, as well as a Site Plan application for Blocks D, E and F. The potential future expansion of the PUD to include either the 1 Garvies Point Road or Konica Minolta sites are discussed as part of the application to amend the PUD Master Plan, because of its relationship to meeting the workforce housing requirement of the PUD. An approval of the application to amend the PUD Master Plan does not require the Planning Board to approve any expansion of the PUD, nor would such an approval of the PUD Master Plan amendments be contingent on an expansion. For the purposes of compliance with the State Environmental Quality Review Act (SEQRA), the Applicant has submitted an Environmental Assessment Form (EAF) as well as a March 19, 2021 Technical Memorandum and other documentation in connection with the applications currently before the board, to confirm that these applications would not result in any significant adverse environmental impacts that have not already been addressed as part of the prior SEQRA review and resultant 2011 Findings Statement. For the purposes of facilitating a comprehensive environmental review, the Applicant has also prepared and submitted a Supplemental Analysis report (March 2021) to analyze the potential environmental impacts of the conceptual build-out of either the 1 Garvies Point Road or the Konica Minolta properties in accordance with the PUD. However, when a Site Plan application is filed for the expansion of the PUD to incorporate other parcels, that application will be subject to the full procedures and requirements of SEQRA and would be reviewed by the appropriate agency (e.g., the Planning Board) at that time.

Comment 7: There have been documented water quality issues in Glen Cove Creek – including a recent USGS report. How will this be addressed?

Response 7: Relative to the broad issue of water quality in Glen Cove Creek, the proposed development of the PUD in accordance with the proposed PUD amendments would be similar in scope and magnitude to the development that was contemplated in the 2011 Findings Statement, and is not expected to involve substantially different measures than those that were originally specified for the protection of water resources. All of the same parcels are included in the Stormwater Pollution Prevention Plan (SWPPP) prepared for the Current PUD Plan, and would be subject to the requirement for the preparation of site-specific Erosion and Sediment Control Plans. These plans would include various detailed measures to protect Glen Cove Creek and Hempstead Harbor throughout the construction period for each Parcel and beyond.

The aforementioned SWPPP establishes stormwater management measures that would be in place over the long-term operation of the project upon the completion of construction. In accordance with the requirements specified in the Findings Statement, stormwater runoff generated on Blocks A, D, E, F, and J would be collected into catch basins that would be constructed for the proposed development; and prior to discharge into Glen Cove Creek via outfalls through the bulkhead, this runoff would be conveyed through "Jellyfish" devices, and/or equivalent water quality treatment technology. "Jellyfish" devices and outfalls have already been installed as part of the Site-wide

infrastructure improvements. Detailed discussion of the potential water quality impacts of the proposed PUD Amendments is presented within the March 9, 2021 Technical Memorandum prepared by VHB and the Applicant for the PUD Amendments, which was submitted for review and consideration by the Planning Board and its consulting team. The analyses presented in the Technical Memorandum confirm that there would be no potential significant adverse water quality impacts.

It should also be noted that the proposed PUD Amendments continue to include the reuse of formerly contaminated lands throughout the PUD. The remediation of these lands to make them suitable for residential and other redevelopment projects continues to be consistent with the regulatory objective of ensuring the protection of human health and safety, and the PUD's goal to restore these properties to safe and productive uses consistent with an active and thriving waterfront at Glen Cove Creek.

Comment 8: There is no enforcement action in the PILOT agreement that forces job creation activities, such as the office building - how are taxpayers being protected?

Response 8: Since the Master Tax Agreement was executed and put into place in late 2016, **RXR has paid and remains in full compliance with all the PILOTs due on the Garvies Point parcels**, whether for undeveloped land, buildings under construction, or the full stabilized PILOT tax upon a building's completion and opening.

Refer to Attachment A for additional background information on the PILOT agreement.

Comment 9: Why is there more GSF on Parcel A if there are no more units? Where is that GSF coming from?

Response 9: Under the Current PUD Plan approved in 2015, Parcel A included 346 residential units among 940,000 square feet of gross floor area (GSF) with 642 parking spaces, plus a 3,000 GSF restaurant use with another 63 parking spaces. The proposed PUD Amendments would result in the same number of residential units (346), a 6,000 GSF restaurant use, 755 parking spaces, and 981,445 GSF of total building area. The approximate 4.4-percent increase GSF on Parcel A is due to the redesign of the building layout, the increase in the size of the restaurant component, and the increase in the total parking to be provided within the building.

Comment 10: Are we sure we can build on Parcel A given that it is surrounded by water? Is there a high groundwater level?

Response 10: Redevelopment of Parcel A has been the subject of rigorous environmental review and planning leading up to, and since, the publishing of the 2011 Findings Statement. It has been confirmed through these studies that Parcel A is suitable for the proposed development. At the time of Site Plan application for Parcel A, the specific design of the proposed building(s) will be sensitive and contextual to the specific site conditions, including the groundwater elevation beneath the subject property.

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Comment 11: The public notice process has not been transparent enough, and it is difficult to find documents for public review.

Response 11: The proposed PUD Amendments and Site Plan application for Parcels D, E and F have been the subject of multiple informal public meetings before the Planning Board, as well as two public hearings thus far (initiated on August 17, 2021, continued on October 5, 2021 and October 19, 2021, and scheduled to continue on November 16, 2021), for which the required noticing was completed in accordance with City requirements. Various documents related to these applications have been routinely provided to the City in electronic format and have been regularly posted to the City's website at <https://glencoveny.gov/planning-board/>, where the details of the applications have been made readily available to the public.

Comment 12: Would the reconfiguration on Parcel A reduce the size of Garvies Point Park?

Response 12: The proposed reconfiguration of Parcel A would reduce the open space acreage to be provided between Parcels A and B by a minimal amount (approximately 0.6 acres). However, it is respectfully submitted that the integration of the proposed restaurant into the Parcel A building would allow for a more cohesive and improved open space amenity on Parcel A, and concentrate the open space at the prime location along the waterfront. In addition, the total open space acreage for the PUD would increase overall as a result of the proposed PUD Amendments, from 27.7 acres to 29.5 acres, expanding the shared amenity space for all residents and visitors.

Comment 13: There should be a pause on any new construction until the current phase of development is complete due to the strain on local infrastructure.

Response 13: The Applicant notes that the site-wide infrastructure improvements, including roadways and sidewalks, stormwater and sanitary sewer infrastructure, the ferry terminal, and public open space amenities, were prioritized and completed in order to best serve the entire PUD and larger community. For example, Renaissance Park was completed in the early stages of development in order to provide this open space amenity before the full build-out of the PUD. As a result, the needed infrastructure improvements and initial investment have already been made by the Applicant to support the full build-out of the PUD Master Plan. In addition, the potential for environmental impacts and required mitigation associated with the full build-out of the PUD Master Plan has been evaluated fully, as set forth in the Findings Statement. The same was evaluated in association with the proposed PUD Amendments for the purposes of compliance with SEQRA, as set forth in the March 19, 2021 technical memorandum, with the finding that the PUD Amendments would not result in any significant adverse environmental impacts that have not already been addressed as part of the prior SEQRA review and Findings Statement. Therefore, there is no justification for a pause on the full build-out of the PUD.

It should also be noted that the anticipated benefits of the PUD Master Plan, which are set forth in the Findings Statement and include, for example, conversion of vacant, former contaminated land into taxable parcels, improved public waterfront access, and introduction of additional housing options and residents to Glen Cove that will increase the customer base for downtown businesses, will only be fully realized upon full build-out of the PUD. Many commenters at the October 5 Planning Board Hearing testified on the benefits already felt by the residents and the local business community, and it is respectfully submitted that these aspects of the project should be allowed to continue in order for the community to experience the full benefit of the project as originally intended.

Comment Letter from the Coalition to Save Hempstead Harbor, Dated October 17, 2021

Comment 14: Project Buildout - The total number of residential units-1,110-approved for the Garvies Point PUD is what the public perceives to be the cap on density for this area. The amendments sought by RXR, the potential buildout of two properties RXR is considering, plus North Realty's proposal nearly doubles that formerly agreed on cap in residential units...it is impossible to fully understand the impact of the density originally proposed for the PUD, let alone further development and buildout of adjacent or nearby properties.

Response 14: The total unit count under the current proposed PUD Amendments for review by the Board is 1,125. As detailed in Response 6, above, any future application for the expansion of the PUD to incorporate additional parcels would be subject to the full procedures and requirements of SEQRA, and would be reviewed by the appropriate agency(ies) at that time. In addition, as stated by the Board during the October 19, 2021 hearing, there is no current application pending for the proposal from North Realty. Therefore, this proposal cannot be considered as part of a cumulative assessment of impacts for the Proposed Action, and it would not be appropriate to do so.

The analyses of the PUD Amendments and proposed 15-unit increase from 1,110 to 1,125 units submitted to date demonstrate that there would be no significant impacts that were not previously addressed.

Comment 15: Water Demand and Sewage Capacity - The Technical Memorandum for Blocks D, E and F shows that although there would be an increase in the water supply usage and an increase in sewage disposal needs, the cumulative "running tally" of water demand and the cumulative sewage flow for the entire existing and pending Garvies Point Project components "remain well below the caps specific in the Findings Statement". However, these gallons-per-day estimates are based on pre-construction calculations per housing unit. We request information detailing actual water usage and sewage flow based on the currently occupied units.

Response 15: According to PS&S, the project engineer, the estimated water and sewage flows are based upon **planning numbers** as established by Nassau County Department of Public Works (DPW) and City of Glen Cove DPW. Based upon general engineering practices and historical data and information, these planning numbers are conservative, with actual flows generally expected to be approximately 60-70% of planning flows, given the use of low-flow toilets and plumbing fixtures. Since the development is only partially occupied and sewer flow meters are not installed at each of the buildings, the actual

flows are not available for comparison. The conservative "running tally" planning flows, as previously provided, show that these values for the PUD Amendments remain well below the caps specified in the Findings Statement.

Comment 16: Water Demand and Sewage Capacity – We request information regarding the status of wells in Glen Cove. How does the Glen Cove Water District monitor for over-pumping from the aquifer, which could result in salt water intrusion and permanent damage to the aquifer?

Response 16: As discussed in detail in previous submissions to the Board, anticipated water demand is well below the capacity that was studied and confirmed in the Findings Statement. Capacity would be confirmed again prior to construction on each parcel as part of the site plan review process. The comment refers to the City of Glen Cove Water District and its responsibilities which is outside the scope of this project.

Comment 17: Stormwater Management - There were several failures of the original stormwater management plan during construction of Phase I. With the increasing frequency and severity of such events, a two-inch retention capacity is inadequate. This past season alone, three storm events resulted in over 5 inches of rain, with two other events resulting in 2 or more inches of rain. A 2-inch retention capacity is clearly not adequate; this should be increased to at least a 5-inch stormwater retention requirement, which is still shy of the Nassau County requirement of 8 inches.

Response 17: According to PS&S, the project engineer, the Garvies Point stormwater management system is not designed to retain and infiltrate the stormwater runoff on-site. It is designed to treat 2" of runoff that is generated by the site. Nassau County previously issued a waiver to allow for treatment of 2" of stormwater runoff from the site because the need for flood control from large rain storms is not necessary, given that stormwater discharges from the site do not have the potential to discharge to any County roadway, stream, or drainage facility. NYSDEC standards recognize conditions such as those at the subject property, where runoff is ultimately discharged to Glen Cove Creek/Hempstead Harbor, and specifically require that the stormwater management facilities for properties that discharge to large water bodies are designed for water quality treatment only since stormwater runoff flowing off of the site would not induce flooding of the large adjacent waterbody (Glen Cove Creek and Hempstead Harbor).

Addressing 2" of runoff for this project is proper and acceptable, given the project's proximity to a tidal waterbody. The NYSDEC regulations require the drainage system to be designed for treatment of 1.5" of runoff prior to discharge to the tidal waterbody. Therefore, it must be noted that the project is treating more than is required per NYSDEC regulations.

The water quality treatment practices through the green roofs, rain gardens, irrigation collection chambers and JellyFish units, will continue to function during all storm events and will treat a minimum of 2" (2.5" during irrigation months) of runoff. The treatment does not halt during the larger storm events – it is continuous. The runoff equating to the 2" event will continue to be treated (i.e., the "first flush" which contains the majority of the accumulated pollutants) with the delta between the 5"

and the 2" by-passed directly to the Creek. The proposed treatment of 2" (2.5" during irrigation months) exceeds the NYSDEC water quality standards which require that water treatment be provided for 1.5".

Comment 18: Increased Bacteria Levels in Glen Cove Creek - Following completion of the new bulkhead on the north side of the Glen Cove Creek, constant flows from new outfalls were observed along with unusual discharges, which were reported to officials in Glen Cove. The CSHH has been collecting data and observations through weekly monitoring surveys as part of the water-quality monitoring program established in 1992. A disturbing trend in bacteria levels in the Glen Cove Creek has been noted:

- › In looking back at this season's data and comparing it with data from 2020 and 2019, bacteria levels are increasing in Glen Cove Creek.
- › Additionally, for new outfalls on the north side of the creek that have continuous flow, there have been instances of high bacteria levels.
- › Bacteria levels at the head of Glen Cove Creek have also increased.
- › Most disturbing is the comparison of bacteria levels this season at stations in Glen Cove Creek with those of the Powerhouse Drain outfall in Glenwood Landing; data results show a greater percentage of exceedances in Glen Cove Creek than at the Powerhouse Drain outfall. This is significant, because the Powerhouse Drain has been considered the largest contributor of bacteria to Hempstead Harbor. These data results are premature to the extent that the monitoring program has not yet ended for this season and data must still go through a QA/QC process.

The monitoring data indicate that water quality is changing in Glen Cove Creek, and not for the better. We need to understand the current causes before conditions are exacerbated as the buildout of the Garvies Point development project continues and all buildings reach full occupancy.

Response 18: According to the project environmental consultant, Land Use Ecological Services, Inc., there are several potential sources of fecal coliform (FC) and enterococci (ENT) bacteria observed in Glen Cove Creek, including stormwater runoff from the entire Creek watershed, discharge from the Glen Cove Sewage Treatment Plant, and wildlife (such as geese). PS&S designed the stormwater management system to meet all applicable requirements for stormwater management, and in addition, green infrastructure practices that infiltrate stormwater, including rain gardens and green roofs, have been included in the project design. While the bacteria levels appear to vary from year to year, this could be the result of many variables, such as the amount of rainfall and discharges from the larger watershed. Precipitation levels in 2021 were higher for the period of April - October than they were in 2020 and 2019, with 10-15 inches more rain in 2021 during this period (NOAA Record of Climatological Observations). This, coupled with the high FC and ENT values observed for CSHH #13, which is upstream of the existing Garvies Point project and STP, are evidence that discharges from the larger Creek watershed are contributing to high bacteria levels.

Comment 19: New York State’s Climate Leadership and Community Protection Act - This legislation sets carbon reduction targets which cannot be met unless the state moves quickly to a green energy economy. This means phasing out of fossil fuels as a source of energy and heating. The amended PUD’s continued reliance on natural gas for heating locks in a fossil fuel commitment for decades and is short-sighted as NYS implements its climate policy. Contingency plans need to be put in place to meet new climate compliance regulations and/or face potential rejections of new gas hookups. According to the Revised Technical Memorandum, RXR’s outreach to National Grid was in 2008 or 2009 and everything has changed since then. VHB does not acknowledge needing to comply with CLCPA or the potential rejection of its natural gas plan in a SEQRA process.

Response 19: New York’s Climate Leadership and Community Protection Act (CLCPA),¹ was established in June 2019 to “adopt measures to put the state on a path to reduce statewide GHG by eighty-five percent by [2050] and net zero emissions in all sectors of the economy.”² The CLCPA sets new goals for reducing statewide greenhouse gas (GHG) emissions and ultimately aims to achieve net zero GHG emissions by setting emission reduction targets and promoting clean energy.³ The CLCPA also establishes the Climate Action Council (CAC) to develop strategies to achieve these goals.

The CLCPA mandates the CAC and the NYSDEC establish practices and standards to reduce state-wide GHG emissions. The CLCPA requires the CAC develop a Scoping Plan that will make recommendations on regulatory measures and other state actions that will ensure the attainment of the CLCPA’s standards.⁴ However, this Scoping Plan has not yet been finalized and recommendations on regulatory measures and other state actions have yet to be established. Accordingly, to date, there are no regulations that can be acted upon, nor are there any effective standards to compare the Proposed Action to.

It is important to note that the CLCPA will set guidance for State agencies in their decision making, and the City is not subject to these requirements. This notwithstanding, the proposed buildings’ equipment would meet the latest State energy and building codes at the time of construction and during operation. Specifically, during operations, the Proposed Action would include efficient HVAC systems, energy-efficient lighting fixtures, and use of energy-efficient building components, such as glazing, insulation and roofing materials. The Proposed Action would, therefore, implement measures to reduce GHG emissions to the extent practicable, consistent with a main objective of the CLCPA.

Finally, as identified in the PUD Amendment Technical Memorandum, the Applicant is engaged in consultations with both National Grid and PSEG Long Island in connection with the project, and

¹ New York State. *Climate Act*. Available at: <https://climate.ny.gov/>. Accessed August 2021.

² The New York State Senate. *Senate Bill S6599*. Available at: <https://www.nysenate.gov/legislation/bills/2019/s6599>. Accessed August 2021.

³ The Natural Resources Defense Council. *Unpacking New York’s Big New Climate Bill: A Primer*. Available at: <https://www.nrdc.org/experts/miles-farmer/unpacking-new-yorks-big-new-climate-bill-primer-0>. Accessed September 2021.

⁴ Columbia Law School. *Prepare a draft Scoping Plan*. Available at: <https://climate.law.columbia.edu/content/prepare-draft-scoping-plan>. Accessed September 2021.

expects that the necessary utility connections will be available to supply the project. Service availability will be confirmed prior to implementation of the proposed action.

Comment 20: Workforce Housing - The PUD Amendment proposes that the 56 condominium units of workforce housing originally designated for Block F be moved to 1 Garvies Point Road and/or the Konica property. 55 rental units of workforce housing have already been approved for construction at Block G by Georgica Green. It is not clear where the additional 8 units of rental workforce housing will be placed. The proposed PUD Amendment acknowledges that a SEQRA process and new Environmental Impact Statement must be conducted for the extension of the buildout to 1 Garvies Point Rd. and the Konica property. RXR is banking on presumptions of SEQRA approval by the Glen Cove City Council and holding the workforce housing as hostage.

If, on the other hand, faults are found with the density of the cumulative buildout (e.g., traffic or stress on resources) or CLCPA noncompliance, and the application is denied, what happens to the workforce housing? What if there is no future buildout? Since the 1 GPR property still needs to be remediated, what if SEQRA approval is denied or greatly delayed?

Response 20: See Response 5 above regarding the proposed relocation of the Workforce Housing.

Comment 21: The intersections studied within the PUD Amendment Supplemental Analysis, March 2021, do not reflect the traffic impact beyond Glen Cove and on neighboring communities, including Glen Head, Glenwood Landing, Sea Cliff, Roslyn Harbor, Roslyn Village, and Greenvale. A glaring omission is the intersection of Glen Cove Rd. and Northern Blvd. According to a news article, the Glen Cove Rd and Northern Blvd. /North Hempstead Tpk. intersection is ranked number 5 in a list of the worst traffic delays in the state.

The following additional intersections must also be included to get an analysis of the real traffic impact that will affect neighboring communities, as well as Glen Cove itself:

- › Glen Cove Ave. at Glenwood Rd. (Glen Head)
- › Glen Cove Ave. and Back Rd. at Glen Cove Rd. (Greenvale)
- › Scudders Lane at Glenwood Rd. (Glenwood Landing)
- › Bryant Aye. at Glenwood Rd. (Roslyn Harbor)
- › Bryant Ave. at Northern Blvd. (Roslyn)

These intersections already suffer from extraordinary traffic backups and delays during peak morning and evening hours. It must also be noted that although the RXR's traffic impact study includes the buildout of the Konica property, it does not include the buildout of 1 Garvies Point Rd. of 105 units or North Realty's proposal of 400 units at 40 Garvies Point Rd.

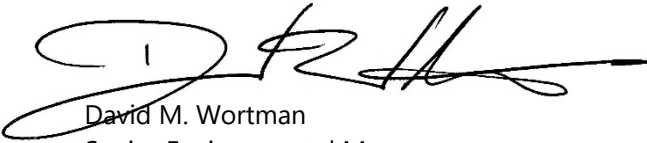
Response 21: See Response 4 above regarding transportation and traffic.

Andrew Kaufman, Chairman, and
Members of the Planning Board
City of Glen Cove
Ref: 20570.00
November 5, 2021
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VHB appreciates this opportunity to provide further clarification on the questions and comments received on the subject application, and would be glad to answer any questions or comments the Board may have. Thank you.

Sincerely,

VHB Engineering, Surveying, Landscape Architecture and Geology, P.C.

A handwritten signature in black ink, appearing to read 'D. Wortman', with a large, stylized flourish extending to the right.

David M. Wortman
Senior Environmental Manager
dwortman@vhb.com

CC: B. Schwartz, Esq., Village Attorney
A. Guardino, Esq., Farrell Fritz
J. Graziose, RXR
J. Swagerty, RXR



Appendix A



Garvies Point:

Summary and Responses to Comments

Public Hearing #3, Oct. 19th

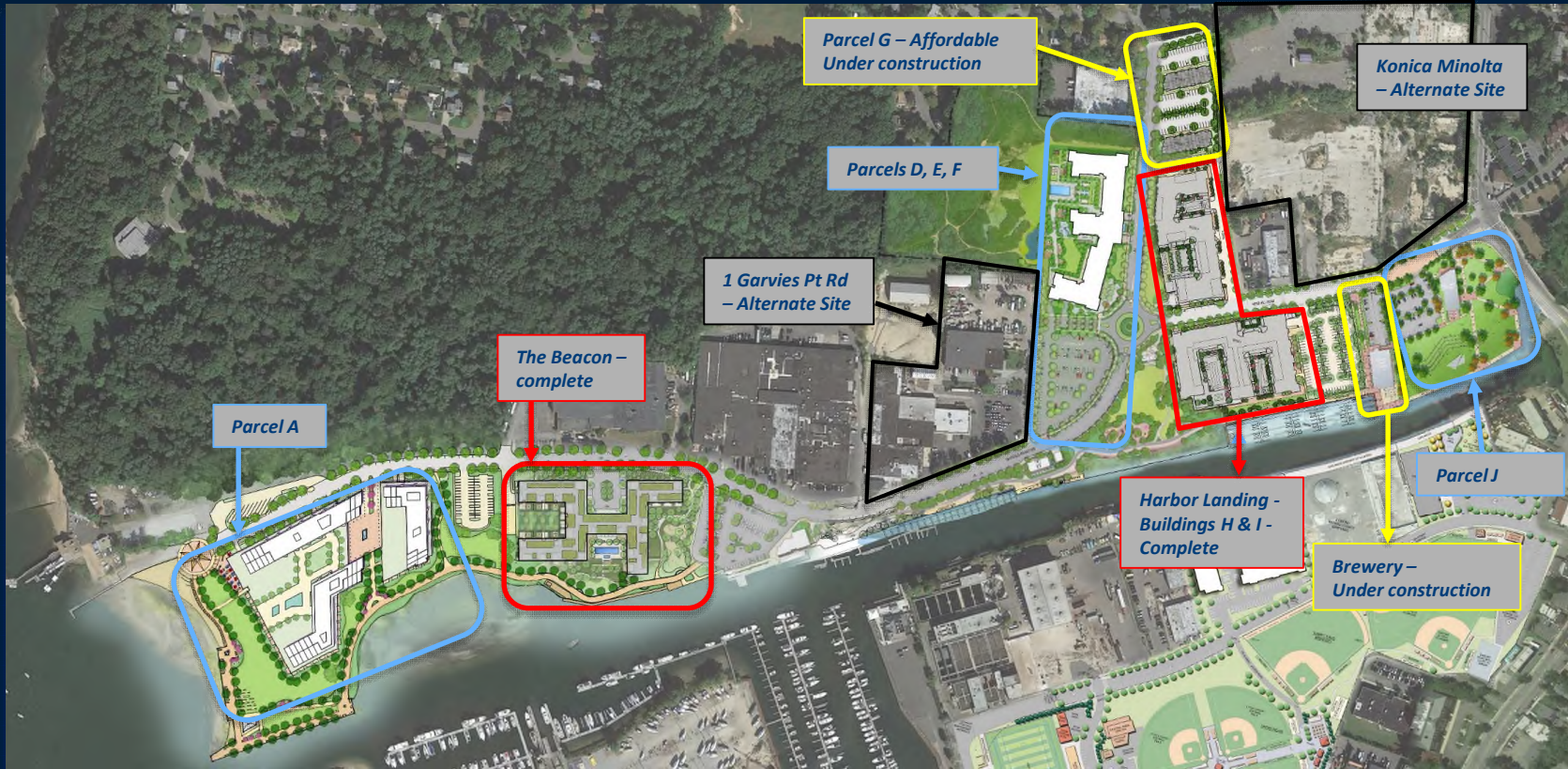
PUD Amendment - SUMMARY



- Responds to market conditions and reconfigures certain parcels, to ensure the viability of the full Garvies build-out
- Improves open space and parkland throughout Garvies
- NO IMPACTS would result above the thresholds established in previous SEQRA Findings
- Workforce housing will be relocated to potential adjacent sites. RXR performed full SEQRA review for these sites and did NOT find adverse environmental impacts.
- This is NOT an approval for development of the adjacent parcels; at the time of Site Plan application for those adjacent sites, future environmental review will be undertaken.



PUD Amendment – Parcels



Certain Parcels are **Complete**, **Under Construction**, Next Phase, Alternate Sites

PUD Amendment – Comparison



Item	Previous	Proposed
Height – Bldg A	11 stories	10 / 9 / 8 stories
Parking Spaces	2,263 space	2,413 spaces
GSF – within PUD	2,489,745 sf	2,471,549 sf
Housing units – within PUD *	1,110 units	1,125 units
Office SF	50,000 sf	0 sf
Retail SF	24,000 sf	30,587 sf
<i>Restaurants (part of retail SF)</i>	<i>1</i>	<i>4</i>
Open Space	27.7 acres	29.5 acres

* Note that 64 affordable units will be located off-site on adjacent parcel

PROJECT / PILOT HISTORY



In 2016, after 10+ years of approvals and working with the City and public on a plan to remediate and develop Garvies Point, the Planning Board approved the current PUD, outlining the development program for Garvies Point.

Simultaneously in late 2016, the City of Glen Cove IDA and RXR entered into the Master Tax Agreement, which set forth a schedule for taxes to be paid by the types of uses within the individual blocks at Garvies.

This is known as the PILOT, or Payment In Lieu of Taxes.

- a. The Master Tax Agreement did NOT assign a tax to the office building in the original PUD, because of the uncertainty and cost of fully remediating the land below the building
- b. NONE of the Garvies parcels have been on tax rolls for 4 decades, meaning all these PILOT payments are new to the City

This kick started the development of the Parcels H/I, B and G at Garvies

- Since that time, in addition to PILOT, RXR has paid to the City of Glen Cove ~\$1.4MM in Permit Fees (Bldgs. H/I/B) and \$250,000 in Rec. Fees

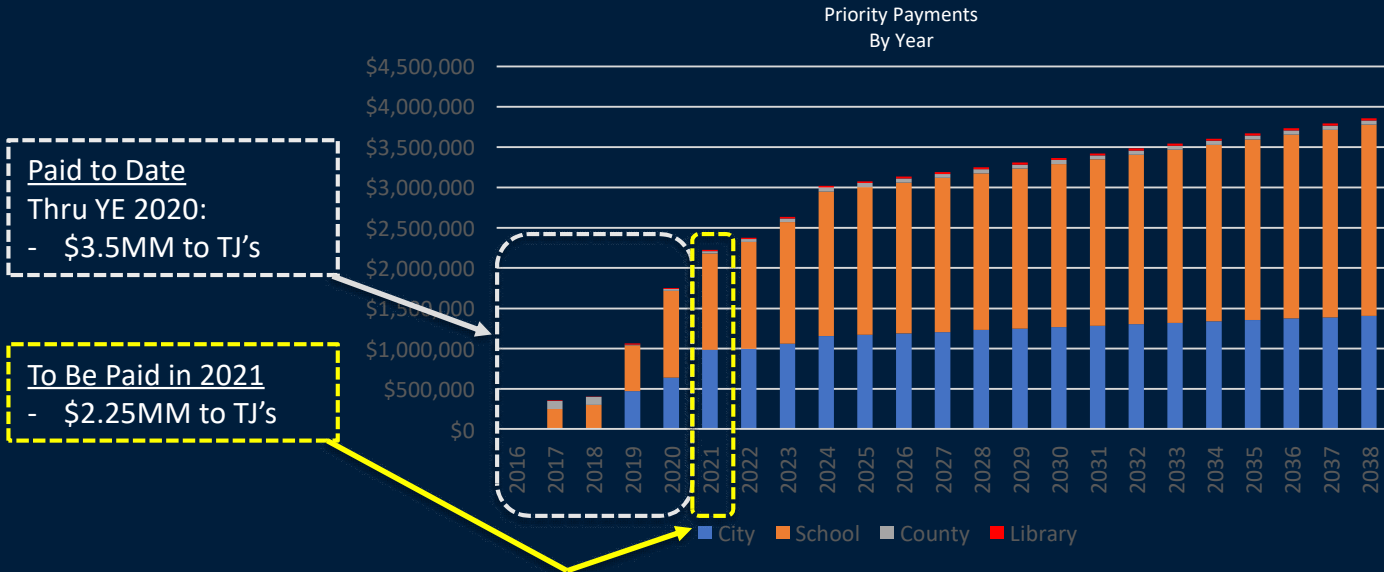


USE OF PILOT REVENUES



During the term of the PILOT, the PILOT revenues go to 2 primary uses:

- a. To fund debt service and pay down principal of the PIF bonds
- b. To scheduled payments to the Taxing Jurisdictions: annually, payments are made to the City of Glen Cove, Glen Cove Schools, Nassau County, and Glen Cove Library.
 - i. in 2021, the total amount is \$2.25MM, growing to \$3MM by 2024, then growing by 2% annually thereafter.
 - ii. Through 2038, approximately \$62MM is projected to be funded to the Taxing Jurisdictions from PILOT revenue



PILOT TO DATE & GOING FORWARD



Since 2017, **RXR has paid and remains in full compliance with all the PILOT's due on the Garvies Point parcels**, whether for undeveloped land, buildings under construction, or the full stabilized PILOT tax upon a building's completion and opening.

Paid to Date:

- a. Through Year-End 2020, RXR has paid:
 - i. \$7.2MM in total PILOT taxes
 - ii. Of that, \$3.5MM has gone to the Taxing Jurisdictions.
- b. In Year-End 2021, RXR will pay an **additional:**
 - i. \$4.5MM in PILOT,
 - ii. Of that, \$2.25MM will go to the Taxing Jurisdictions.



IMPACT ON CITY SERVICES



The Garvies Point project operates with minimal services from the City of Glen Cove / Nassau County

- a. Garvies Point Master HOA (RXR) funds all maintenance, security, upkeep, long-term repair and replacement, refuse removal for buildings and parks, and programming of the Garvies Point open space and parkland.
- b. Current demographic at Garvies produces very few schoolchildren
- c. In total, the operation of Garvies Point costs nothing to the taxpayers of Glen Cove; consumes very little municipal services; and provides tax revenues to the City, City Schools, and County where NO revenue had existed before

