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John Perrakis, Planner II
Nassau County Department of Public Works
1194 Prospect Avenue
Westbury, New York 11590
Via email to WillowSEOR@NassauCountyNY.gov

Re: Map of Willow View Estates Proposed 284-lot Subdivision
99 Meadow Drive, Woodmere / Village of Lawrence / Village of Woodsburgh
DEIS Comments
CE 2735

Dear Mr. Perrakis:

Cameron Engineering & Associates, LLP has reviewed the Willow Estates Subdivision Draft Environmental Impact Statement (DEIS) dated May 2020, and on behalf of the Town of Hempstead, Village of Lawrence, and Village of Woodsburgh, offers the following technical comments on the DEIS.

Background and Potential Significant Adverse Environmental Impacts

As noted in the DEIS, the Final Scope was adopted by the Nassau County Planning Commission (NCPC) on September 26, 2019, identifying the following as potential significant adverse environmental impacts: Physical Alteration of Land; Surface Water, Floodplains, Stormwater and Groundwater Resources; Ecology and Wetlands; Aesthetic Resources; Historic and Archaeological Resources; Recreational Opportunities and Open Space; Transportation; Energy; Infrastructure and Community Services; Zoning, Land Use and Community Character; Noise, Odors, and Lighting; Climate Change; and Construction Impacts. As such, this comment letter focuses on these subject areas, particularly where the analysis fails to adequately address these identified potential significant adverse environmental impacts.

While the Town and two Villages signed an Intermunicipal Agreement (IMA; adopted by the Village of Woodsburgh on November 13, 2019, Town of Hempstead on December 10, 2019 and Village of Lawrence on January 9, 2020) and adopted respective versions of the Coastal Conservation District – Woodmere Club (CC-WC) zoning district (joint public hearing held on June 23, 2020; adopted by the Village of Woodsburgh on June 29, 2020, Town of Hempstead on July 1, 2020 and Village of Lawrence on July 1, 2020), the intent of this letter is not to point out non-compliance issues with the recently adopted zoning district (except as such deficiency applies in the Zoning, Land Use and Community Character discussion) but rather provide comments on the adequacy of the analyses contained within the DEIS.

Executive Summary

Comment 1. In Section 1.1.1 of the DEIS, the Proposed Action is stated to be in accordance with prevailing bulk and dimensional regulations. Several of the proposed residences within the Village of Woodsburgh would require variances for lot frontage. Such variances and any involved agencies should be identified and discussed within the DEIS.

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Physical Alteration of Land

- Comment 1.** Within the Final Scope, the Nassau County Planning Commission (NCPC) identified construction duration as a potential significant adverse impact. NCPC noted that the project's physical alteration of the site "may have a significant adverse impact on Land due to the duration of construction and the generation of large volumes of stormwater runoff." Section 3.1 fails to adequately project and/or address the potential significant adverse impact of a construction period that will last a minimum of six years, and due to the number of approvals and home design process, would very likely extend over ten years. A complete analysis of this duration of construction is avoided within this section of the DEIS. The DEIS continually states that the complexities, uncertainties, and coordination issues across municipalities prevent an accurate estimation and analysis of this extended construction duration. However, as it was identified as a significant potential adverse impact, further analysis is required.
- Comment 2.** The discussion on Soils, beginning on page 62 of the DEIS, notes that approximately 85% of the subject property comprises Udipsamments, wet substratum (Ue). While a copy of the Nassau County Soil Survey description is provided, there is no analysis or discussion of this information, including discussion of percolation rates. Of particular concern, the Soil Survey notes that, "Some areas of these soils are limited by tidal flooding during intense coastal storms." The subject property is one of these areas of concern, and as such, requires additional analysis. The subsequent geotechnical investigation confirmed the presence of shallow groundwater and this significant tidal influence, yet the DEIS fails to analyze or discuss the impacts of tidal influence. There is no indication of the tidal conditions during the geotechnical investigation, or supplementary groundwater readings at various points in the tide cycle. The DEIS applies a uniform two-foot design over measured conditions as allowance for stormwater infrastructure without providing any analysis for tidal impacts.
- Comment 3.** The Ue soil is stated, without any analysis, to be poorly suited to all types of wildlife habitat. There is no analysis associated with this statement from the Nassau County Soil Survey. Without such an analysis, this conclusion is deficient for the subject property. It also appears contradictory to the results of the field survey provided in the Ecology section of the DEIS, which identified 44 bird species on-site (May 9, 2019 field survey), indicating that wildlife does not avoid the area due to the soil. A further analysis of wildlife on this property, bordering the coast, is necessary to address whether the soils on the course limit wildlife on the course.

Surface Water, Floodplains, Stormwater, and Groundwater Resources

- Comment 1.** As noted above, the Woodmere Club property is subject to significant tidal influence and is well-documented as a flood-prone area. Perhaps most significantly, the DEIS fails to address the subject property's compliance with each municipality's floodplain regulations (Village of Lawrence Code: Article V Construction Standards: §94-13 General Standards; Village of Woodsburgh Code: Article V Construction Standards. §77-15 General Standards; and Town of Hempstead Code: Article XXXIV Flood Hazard Zones: §352 Construction Standards), all of which contain specific provisions related to subdivision proposals, required calculations to ensure flood elevations do not rise and provisions to minimize off-site impacts. In addition, the Village of Lawrence and Village of Woodsburgh have longstanding local compensatory flood storage requirements. Both Villages have similar requirements as it relates to subdivision proposals within the special flood hazard area, as well as sitewide floodplain management requirements related to the use of fill and the provision of compensatory storage.

As the DEIS reports an estimated fill quantity of approximately 250,000 cubic yards, the regulations set forth by the Village of Lawrence (Article V Construction Standards: §94-13 General Standards) and Village of Woodsburgh (Article V Construction Standards. §77-15 General Standards), as well as the regulations of the recently adopted Coastal Conservation

District – Woodmere Club (all three municipalities), require a significant amount of compensatory storage. The Village of Lawrence and Village of Woodsburgh Codes state:

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

The DEIS fails to address this critical regulation or provide a calculation or plan for the provision of compensatory storage, and neglects the impacts of this significant quantity of fill, and floodplain impacts both on-site and off-site.

Page 104 DEIS also asserts that:

...the proposed development activities (including filling and grading activities) would not be expected to substantially alter the BFE at the subject property or on surrounding properties. As part of the proposed action, the residences and all surrounding areas would be raised above existing grades, thereby minimizing the flood hazard risk to the residences sited within the existing floodplain, and would not increase the depth of flooding by more than one foot.

Again, no plan or engineering calculation is provided to support the assertion that depth of flooding will not increase. Throughout the document, floodplain analysis is limited to the proposed residences and roadways meeting applicable flood insurance regulations and dismisses and/or fails to analyze flood impacts on surrounding properties.

Together, the three municipalities also strongly refute the DEIS' characterization of floodplain impacts at the subject property, which ignore the geographic features and position of the Woodmere Club, as well as historical flooding data. The DEIS states that:

The coastal floodplain is wide (i.e., several miles across), and not limited, as compared to a stream where water can only flow within the narrow, confined areas along the streambed. Water in the coastal floodplain is not confined and can flow throughout the entirety of the floodplain along the coast. Accordingly, development activities at the subject property would not have the potential to result in significant impacts to flooding conditions in the area, as the volume and velocity is stretched out over a distance and is diminished.

The DEIS characterization of the local floodplain ignores historic data and events, such as Superstorm Sandy flood inundation data, which clearly show that the Woodmere Channel acted as a neck, with flood impacts concentrated at the subject site, rather than dispersing evenly along the coast. During storm events, the Woodmere Club property plays a critical role in slowing and diffusing flood impacts, particularly to the surrounding residential neighborhoods. The assertion that the "stretched out" volume and velocity of floodwater would mitigate the potential significant impacts of the proposed development (and associated fill) is incorrect. Both historic data and modeling under both existing/proposed project conditions (see Section 2.3 of the Expanded Environmental Assessment – Coastal Conservation District – Woodmere Club) confirm that such development and fill would result in significant adverse floodplain impacts. The DEIS fails to discuss or analyze these impacts to surrounding areas, and fails to show how the project complies with local regulations related to on-site compensatory storage requirements.

While the DEIS asserts that the proposed development will comply with all applicable

regulations within each municipalities' floodplain ordinance, it remains unclear - and appears nearly impossible given the proposed subdivision layout - how the required storage and drainage requirements will be achieved. The proposed project will develop the entirety of the site with minimal open space. Outside of four proposed stormwater/bioretention swales, there are no provisions for compensatory storage areas or the required drainage elements to satisfy the municipalities' flood regulations. These retention areas will do little to reduce flood impacts, as they have limited volume (groundwater and tidal influence greatly limit capacity) and are intended to provide storage for the significant increase in stormwater associated with the proposed development's, not storm surge flooding.

Comment 2. Given the shallow depth to groundwater throughout the subject property (groundwater contours range from 0 to 5 feet throughout the majority of the property; see Figure 11 – Groundwater Contour Map in the DEIS), the stormwater and storm surge storage capacities of the site will be extremely limited. The DEIS seems to recognize the limitations of the proposed stormwater system, noting that although Nassau County Department of Public Works (NCDPW) requires storage for an eight-inch rainfall event, the DEIS notes that applicant may seek relief from the County's drainage volumetric requirements and as such, generally evaluates a three-inch event. Based on the analysis contained within the DEIS for a three-inch event, the proposed project will generate approximately 700,683 cubic feet of stormwater, compared to 474,627 cubic feet under existing conditions. This is a significant increase that should require additional analysis and design consideration, particularly for stronger storm events. Given the community's well-documented existing flooding and drainage issues, stormwater management and drainage systems should not be downsized for storm events that fall below the County's design standard of eight inches. There is also no discussion of storms that exceed the proposed project's design, the NCDPW design standard, or additional precipitation to be expected as climate change continues.

In addition, neither the Stormwater section nor the Groundwater Resources section address the tidal influences of the property (i.e., groundwater fluctuations based on tidal cycles and storm conditions). These sections also do not analyze the impacts of climate change (stronger and more frequent storms) and sea-level rise (additional inundation and tidal influence).

Comment 3. Table 7 within the DEIS estimates an increase in impervious surfaces of nearly 400% (from 7.33 acres to 36.48 acres), yet there is no discussion of this increase or its potential significant adverse impacts, such as runoff quality issues associated with the introduction of new roadways (including salting/sanding during winter months) and hundreds of new automobiles throughout the site.

Comment 4. The DEIS provides that the residences and "all surrounding areas" will be raised above existing grades, thereby minimizing the flood risk to residences within the existing floodplain. The underlying basis for this representation is incorrect. Only the proposed development, including the properties and the internal roadways, will be raised. The existing surrounding neighborhoods and roadways will not be raised. The DEIS fails to adequately analyze potential impacts to the existing surrounding neighborhoods.

Comment 5. Neither the application nor the DEIS contain any details on the bioretention or biofiltration areas. These details are necessary to understand whether the areas will work, and what impacts they have on the development, surrounding area, the coastal areas, the existing roadway network and the watercourses. Without this information, rendering a determination on the use of these areas is speculative. Also, details as to proposed maintenance, including ownership and maintenance responsibility, must be included for analysis of impact and mitigation.

Comment 6. On page 123 (Policy 125), to demonstrate that the proposed action is designed in a manner to protect, restore or enhance natural and man-made resources which are not identified as being

of statewide significant, but which contribute to the overall scenic quality of the coastal area the DEIS concludes that while the “proposed action would change the visual character of the subject property, residential lot development on the site would be consistent with existing development in the surrounding area, resulting in aesthetic compatibility”. The entire visual aesthetic is proposed to be removed and replaced with homes primarily on 6,000 square foot lots, elevated from the surrounding neighborhood and road network. Rather, the proposed homes are not compatible with the surrounding area, as they will be higher than any of the proposed homes and on lots significantly smaller than the surrounding neighborhood. The context of the existing neighborhood must be addressed, in particular, the location of Meadow Drive as the entry to the Village of Woodsburgh. The current visual context is a serene, pastoral entry to the Village with at grade (and generally low-lying) homes. The creation of a development on a hill, on smaller lots, with houses requiring compliance with flood elevation requirements, results in a completely different context, not one that is “consistent with existing development in the surrounding area”. These impacts must be acknowledged and addressed.

Ecology and Wetlands

- Comment 1.** The DEIS notes that the proposed project will remove approximately 61% of the on-site trees, yet provides no discussion, justification, or analysis for these tree removals. In addition to the removal of over 500 trees, given the quantity of proposed fill and associated grading work, nearly all other vegetation (i.e., trees with a DBH under four inches, shrubs, plants, grasses etc.) will be eliminated from the site.
- Comment 2.** The DEIS notes that a jurisdictional determination from the United States Army Corps of Engineers is still pending for the on-site ponds and emergent marsh areas. Such a determination is critical for analysis, as the proposed project is seeking to fill portions of these marsh and utilize these ponds to provide the majority of the proposed project’s stormwater storage.

Aesthetic Resources

- Comment 1.** As described above, the DEIS does not discuss or analyze the impacts associated with the removal of approximately 61% of the on-site trees or raising of grade throughout the subject property. The description of the existing conditions fails to mention the existing 864 trees on-site, despite trees featuring prominently in subject property photographs (Photographs 6-9; 30-31). However, the DEIS does describe the importance of the existing tree cover in the community, stating: “The prevalence of significant tree cover contributes to the overall character of the neighborhood.” Given this defining element of community character, additional analysis and mitigation measures should be developed in relation to tree removals.
- Comment 2.** Discussion of potential significant adverse impacts to aesthetic resources is very limited and inadequate. In describing the proposed changes from various points surrounding the property, the DEIS notes that views for much of the surrounding community will transition from vegetative buffer and views of the golf course and the Woodmere Channel, to views of single-family homes, rear yards of single-family homes and reduced vegetative buffers through tree and vegetation removal. Text from the DEIS (below) describes these changes.

Along Broadway, views will change as follows:

Following implementation of the proposed action, the view from locations to the north along Broadway would remain mostly obstructed, however some existing trees would be removed to accommodate the proposed grading. Rear yards of the proposed single-family homes would abut Broadway and may be partially visible through the existing vegetative buffer.

Along Meadow Drive/Ivy Hill Road, views will change as follows:

“Following implementation of the proposed action, these views will shift from that of the golf course, to views of the new single-family homes.”

Further along Meadow Drive, views will change as follows:

Upon implementation of the proposed action, views of the subject property from these existing homes will shift from that of the golf course, and Woodmere Channel to views of the rear yards, and associated fencing, and landscaping, of the proposed single-family residences.

For the Atlantic Avenue area, views will change as follows:

Upon implementation of the proposed action, a portion of the existing buffer of mature trees will be removed to accommodate the proposed grading of the subject property. Rear yards of the proposed single-family residences will about the rear yards of existing homes on Atlantic Avenue. Views will shift from that of the vegetative buffer and golf course, to views of the vegetative buffer and rear yards of the new single-family homes.

For residential roadways to the west, views will change as follows: “Upon implementation of the proposed action, existing views of the subject property will shift from those of a golf course, to views of the proposed single-family homes.”

This section fails to discuss or analyze these adverse aesthetic impacts any further. Given these wholesale aesthetic and community character changes, further analysis and mitigation is required. The DEIS attempts to dismiss these significant changes by providing a list of State and Federal designations associated with aesthetic resources and stating that the proposed project will not impact any designated resources. This is an extremely limited view of aesthetic resources that fails to analyze or protect the community’s valuable local aesthetic resources, such as its tree cover, views of the water, open space and historic character. In fact, the DEIS utilizes the NYS DEC Program Policy “Assessing and Mitigating Visual Impacts” for its procedures and methodologies as their basis for the visual impact analysis. This policy is stated to provide “guidance to [DEC] staff on evaluating visual and aesthetic impacts when the [DEC] is the lead agency [AND] is advisory only for all other lead or involved agencies in their SEQRA assessments of visual impacts.” Thus, application of this policy is not required. Nor, in matters of local concern, is it appropriate. Here, the existing visual is open space, a historic building and residences on properties significantly larger. The proposed houses are located primarily on 6,000 square foot lots, at elevations higher and on higher roadways. In its visual impact analysis, the local agencies must view the action in the context of local conditions and must require the applicant to provide visuals of these considerations to place the proposal in context.

Additionally, with most views from outside the subject property featuring the rear yards of the new residences, additional discussion of these views, together with depictions of those proposed views, should be provided. This is a poor continuation of community character and introduces additional adverse aesthetic impacts to the community.

Comment 3. The final paragraph of Section 3.4.2 appears misplaced, or the aesthetic resource analysis referenced in the last sentence is missing from the document.

Historic and Archaeological Resources

Comment 1. The DEIS provides:

Historic resources include districts, buildings, structures, objects, and sites that are

listed or may be eligible for listing in the State and National Register of Historic Places (S/NRHP), or that are landmarked locally.

This list is too narrow to effectively consider all potential historic resources. That a site has not been landmarked does not render it a non-historical resource. General Municipal Law (GML) 119-AA provides municipalities, in the spirit of stewardship and trusteeship for future generations, to conduct activities, plans and programs in a manner consistent with the preservation and enhancement of historic properties. GML 119-BB defines “historic property” as any building, structure, or site with significance in the history of communities in the state, and “historic preservation” as the protection of buildings, structures, and sites significant in the history of communities in the state. None of these authorizing provisions limit such historical significance only to properties listed on the State or National, or even local, Register of Historic Places. GML 96-a also provides a municipality with authority to “provide by regulations, special conditions and restrictions for the protection, enhancement, perpetuation and use of places, districts, sites, buildings, ...having a special character or special historic or aesthetic interest or value.” Again, there is no formal requirement in this authorizing legislation that a building or site be designated on a register.

Here, as part of the proposal, the applicant seeks to eliminate the Clubhouse building and the century old golf course that serves as the defining element of the community and the underlying historical feature in the area and in Woodsburgh. The impacts of these losses must be addressed before any analysis can be deemed complete and conclusion can be reached regarding the potential impacts to the Village’s history, and whether any alternative would alleviate the impact of the loss of these historical features and building. Included in this analysis, must be mitigation that reduces the potential impact by retaining the building and the golf club site history.

Recreational Opportunities and Open Space

Comment 1. Section 3.6.2 does not adequately address the loss of open space and its importance to the community. The DEIS states:

It should be noted that as a privately owned and operated, members-only club, the subject property is not available or accessible to the general public. Thus, while the proposed action would result in the loss of a golf course, it would not result in a loss of a publicly accessible recreational resource.

Open space provides many additional functions besides “publicly accessible recreational resources.” The failure of the DEIS to recognize the multiple roles of open space represents an incomplete analysis. Additional open space impacts that must be addressed include community character/aesthetics, flora and fauna and flood mitigation. When considering impacts, the visual, environmental, ecological and character benefits are the same, whether the space is public or private. The fact that the subject property was operated as a private club does not reduce the importance of open space and the numerous benefits it provides to the local community.

Comment 2. Section 3.6.3 does not identify any mitigation measures for the loss of open space.

Comment 3. Under various statutes, including Village Law 7-730(4), as well as Village of Woodsburgh Code 131-25(A), provision must be made for parkland, passive or recreational, purposes. This must be addressed in the DEIS.

Transportation

Comment 1. The proposed access at the Broadway-Prospect Avenue intersection represents a new road opening on Broadway that requires Nassau County approval (a separate application from the

subdivision action). If the County does not approve this new access, it would change the distribution of site-generated traffic, which would likely result in impacts (e.g., at Broadway-Meadow Drive) that are not identified in this traffic study. As shown in DEIS Figure 12, this proposed driveway is expected to handle roughly 60% of site traffic, so the County's approval or disapproval represents a significant unknown.

And in fact, the proposed driveway may not be permitted by the County, or may not be permitted with full access (meaning, with left turns, right turns, and through movements permitted in each direction). Nassau County has a longstanding policy on "access management" intended to limit the number of curb cuts an individual project site has on County roads.

The County may take the position that access should be concentrated at the existing, signalized Meadow Drive location, rather than allowing a new unsignalized driveway. Alternately, if the County does approve the new driveway, access management considerations could entail prohibiting entering and/or exiting left turns, or making the driveway "right turns only". This type of restriction is a common requirement at new driveways on County roads, particularly roads that do not have a designated turn lane. While the applicant is proposing a property dedication to facilitate a two-way left turn lane, this, too, requires Nassau County approval.

The DEIS only examines the scenario with a new full-access driveway opposite Prospect Avenue. As such, the document is incomplete.

Please also see the "Alternatives" comments below.

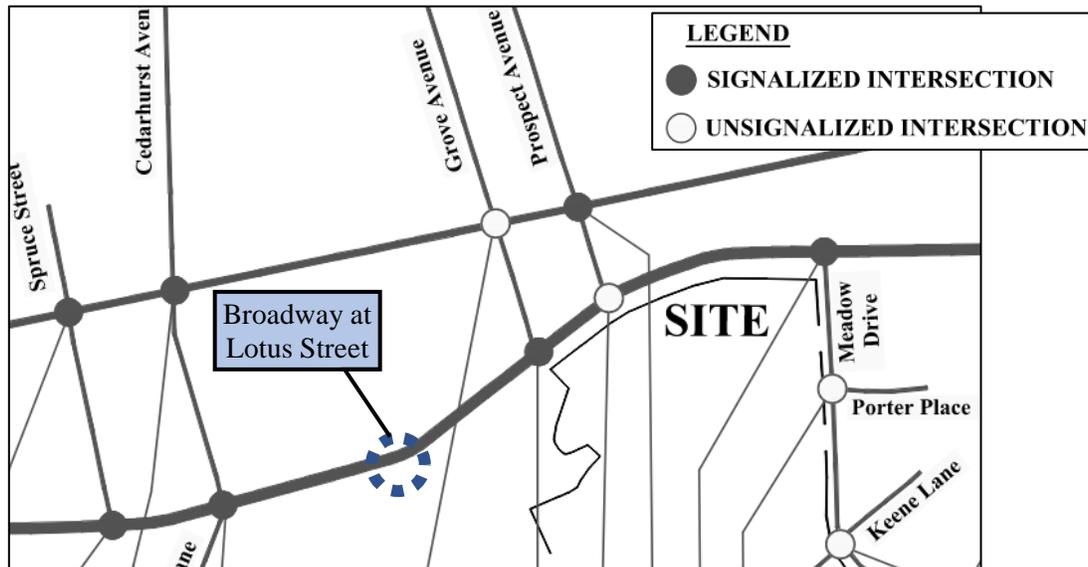
- Comment 2.** The DEIS traffic study does not include the intersection of Pine Street with Broadway. This intersection would likely be utilized to access Central Avenue, and should have been included as a study intersection.
- Comment 3.** The traffic study is deficient in avoiding the discussion/analysis of changing a residential dead-end street (Tulip Street) into a through street that will connect this subdivision to Broadway.
- Comment 4.** The traffic study notes multiple site driveways: connections to Tulip Street and Keene Lane, in addition to connecting to Meadow Drive and a new access on Broadway across from Prospect Avenue.

The traffic study does not study the proposed driveway connections to Tulip Street and Keene Lane, nor does it study the intersection of Broadway-Lotus Street which would receive all traffic associated with the proposed Tulip Street driveway extension.

The traffic study is also deficient by not providing any figures which depict every site access in the context of the traffic volume figures. The public needs to be readily able to discern where each new access will be, relative to the existing road network.

The Build scenario traffic volume figures also need to depict every driveway's traffic volume.

Below is an excerpt of traffic study Figure 3; the dotted line circle shows the approximate location of the new site access to Broadway, at Lotus Street.



Comment 5. The traffic study uses 24-hour Automatic Traffic Recorder data obtained from [Friday] May 18, 2018 to [Friday] May 25, 2018 on Broadway and on Meadow Drive. The Broadway ATR data was used for a traffic signal warrant study of Broadway and Prospect Avenue (“the average of five weekdays of data”).

However, this 7-day period was inappropriate for traffic data collection. The Jewish holiday of Shavuot is one of the three major festivals in Judaism, and Shavuot began Saturday night, May 19, 2018 and ended Monday night, May 21, 2018. The traffic study even explains that the surrounding community has a large population of observant Jews who do not drive on the Jewish Sabbath (Saturday), such that Sunday is the busier weekend day for traffic analysis. The ATR data comprises a major multi-day Jewish holiday, so the data does not represent typical (non-holiday) conditions and the traffic signal warrant study is invalid.

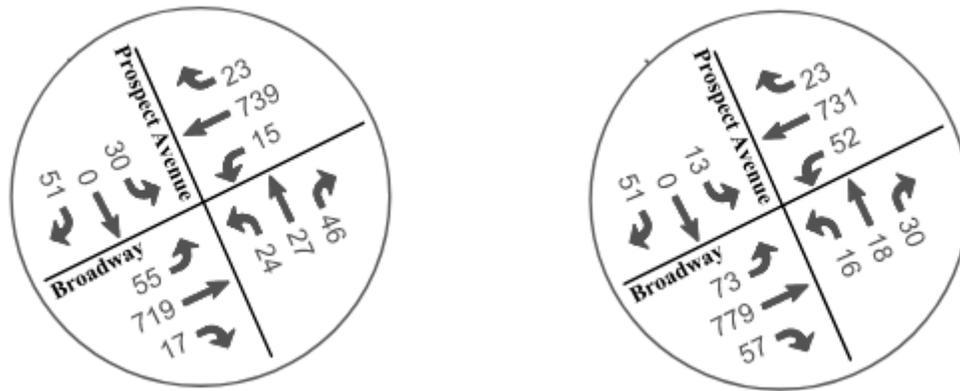
Of note, the invalid data comprises more than just the Sunday and Monday of the holiday; the preceding Friday and subsequent Tuesday would almost certainly have been atypical as well. Observant Jews who refrain from driving on Saturday, typically drive more on Friday before the Sabbath begins, and on Sundays. The traffic counts in this DEIS study, as well as Cameron Engineering in-house data and publicly available municipal database counts, confirm this pattern in Orthodox communities. However, pre- and post-holiday traffic surges are highest when a holiday like Shavuot begins on Saturday night, immediately after the end of Sabbath observance. There is more activity on the preceding Friday than a typical Friday, and the first one to two weekdays after the holiday ends are busier than a typical Sunday.

The DEIS utilizes questionable Prospect Avenue volumes in the signal warrant analysis. The northbound/southbound AM and PM peak hour Build volumes at Broadway-Prospect Avenue are 97/81 (AM) and 64/64 (PM) based on Figures 16 and 17, but the highest reported hourly volume in Table 21 is 74 (a 24% difference):

- Where Figure 16 shows 97 AM northbound vehicles, the signal warrant analysis shows 51 to 55 vehicles.
- Where Figure 17 shows 64 PM northbound vehicles, the signal warrant study shows 73 to 74 vehicles.

Below are excerpts of the two figures in the traffic study:

AM: 97 northbound vehicles (24 + 27 + 46) PM: 64 northbound vehicles (16 + 18 + 30)



Comment 6. The reference to the “Village of Woodmere” on page 59 is incorrect.

Comment 7. Figure 7 on page 66 is mis-labeled; it appears to depict AM No Build peak hour volumes.

Comment 8. Table 4A (page 65) presents “existing Woodmere Club trip generation” based on driveway traffic counts collected in June 2018. The traffic study states these volumes were not removed in the future projected counts. Without that type of data use, it appears the rationale for including these numbers is to illustrate the historical traffic generation, relative to the proposed application. The numbers in Table 4A cannot be put in historical perspective, however, because the report does not explain what activities were active at The Woodmere Club while the counts were being collected, or how the attendance at those events compared with other events held over the last 3-to-5 year period. The study should have explained the activities which were being held while the counts were being collected, with their associated attendance levels discussed in relation to average and/or prevailing (typically using the “85th percentile”) attendance/event size over the last three to five years.

At a minimum, the traffic study should describe the events (including schedules and invited guest counts) held on the days in June 2018 when the Woodmere Club driveways were counted, and compare with the events (if any) held on the days in May 2018 when the study intersection traffic counts were collected.

Comment 9. Along the lines of Comment 8, even if the Woodmere Club had similar activities during the intersection counts (May 2018) and the Woodmere Club driveway counts (June 2018), it is not accurate for the traffic study to represent June 2018 counts as being reflective of “typical” peak hour conditions. The word “typical” implies conditions that occur consistently throughout the week and throughout the year. However, golf courses and catering halls do not generate consistent activity throughout the week or throughout the year. In fact, these uses are less active or completely dormant for extended periods of time.

The proposed subdivision will replace land uses that are often dormant, with single-family homes that will generate traffic throughout the day and year-round. In doing so, this subdivision will permanently alter the traffic-related character of the property.

This is an important distinction to make, for a local road network whose traffic is regularly observed to be busy/congested beyond the typical 7:00-9:00 a.m. and 4:00-6:00 p.m. hours. This statement is based on online traffic counts and Cameron Engineering staff experience.

In fact, the intersection counts for the DEIS traffic study acknowledge that existing roadway peak traffic persists for extended timeframes, by nature of its intersection traffic counts done for an extended 2:00 p.m.-6:30 p.m. period.

For the historical land uses at the Woodmere Club (catering and golf):

- *Daily activity:* Catering uses generate most/all of their traffic at discrete intervals at the beginning and end of events, with little to no traffic otherwise. Golf courses are generally active from the morning to early evening (roughly 10-14 hours per day). In contrast, single-family homes generate traffic throughout the day.
- *Day-to-day activity:* Catered events – particularly the larger peak events – tend to be scheduled on Fridays and weekends. For several days each week, there is typically little to no catering-related traffic (generally Mondays, Tuesdays, and Wednesdays). Single-family homes generate traffic every day throughout the week.
- *Month-to-month activity:* Golf courses tend to be completely dormant for up to 6 months a year. They generate their traffic for about 6 months a year during the spring, summer, and early fall, including 2 months of limited activity gearing up or down for the season. Single-family homes, in contrast, generate traffic consistently throughout the year.

Based on these land use characteristics, the Woodmere Club would have been dormant more than half the time, between fall and winter having no golf, and the Woodmere Club having no catered event traffic most of the time.

This means the traffic study makes an inaccurate representation about the relative traffic associated with the subject property. The study describes it as “conservative” to not deduct counted June 2018 Woodmere Club driveway trips from the May 2018 intersection counts. As described in this letter, however, leaving the counted intersection volumes unadjusted, simply reflects the true net change that would occur most of the time.

Additionally, while the “net increase” is not expressly tabulated in the traffic study, the traffic study does infer a relative net trip generation increase that would not be accurate most of the time. As shown in the table below, the implied net increase is 20% to 56% smaller than the full change associated with 285 single-family homes.

Peak Hour	Woodmere Club trips	Single-family trips	Net Increase	Difference between the “Net Increase” and Single-Family trips
AM	90	211	121	43%
PM	55	282	227	20%
Saturday	75	133	58	56%
Sunday	75	265	190	28%

- Comment 10.** It is not appropriate to state on page 123 that “the results of the [Build 2022 Synchro] analyses are very conservative” with respect to critical gaps. There is no gap study in the published DEIS to justify this statement. Additionally, it is not appropriate to rely on shorter gap acceptance in light of the traffic study’s accident analysis, which references driver error and failure to yield as the predominant underlying causes of accidents at the study intersections.
- Comment 11.** Tables 13 to 16 on page 123 depict average speeds, presumably as output from Synchro software, but not provided in the traffic study. It is not realistic to use east-west arterial speed as a measure of effectiveness through closely-spaced local intersections, when the impacts identified in this study pertain to the north-south minor cross streets.
- Comment 12.** As described above in Transportation Comment 5, the ATR count data was obtained during atypical traffic conditions. The reported speeds on Broadway appear inconsistent between northbound-southbound traffic, and inconsistent with the reported speeds in the online NYSDOT Traffic Data Viewer.

Average Speeds on Broadway

- Northbound: traffic study ATR 9 mph higher than NYSDOT data (43 vs. 34 mph)

- Southbound: traffic study ATR 8 mph less than NYSDOT data (26 vs. 34 mph)

85th Percentile Speeds on Broadway

- Northbound: traffic study ATR 11 mph higher than NYSDOT (52 vs. 41 mph)
- Southbound: traffic study ATR 11 mph lower than NYSDOT (29 vs. 40 mph)

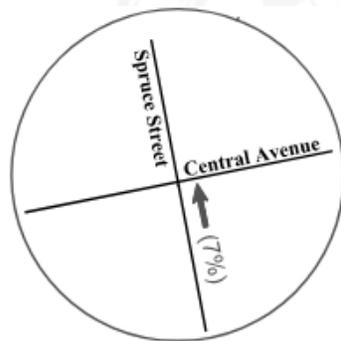
Comment 13. There are a number of concerns with the trip distribution shown in Figure 11 and Appendix D:

- The trip distribution is no different for weekdays than for weekends, which does not appear appropriate in light of the large, double-digit percentage of traffic assigned to a LIRR station. LIRR commutes and trips and train service schedules are significantly different on weekdays vs. weekends.
- Traffic study Appendix D (commuter survey data) indicates that 19% of Woodmere residents, on the whole, utilize the LIRR. However, trips not associated with commuting (school, shopping, errands, religious observance, and pass-by destinations) are more likely to be made by private automobile.
- The commute data in Appendix D indicate 19% of Woodmere residents commute by LIRR, split between three LIRR stations (Woodmere, Hewlett, and Cedarhurst). For Woodmere as a whole, it is reasonable that ridership might be split among three LIRR stations. However, residents of the same subdivision would be expected to opt for the same LIRR station, because of proximity and because these three stations are on the same branch and have the same service frequency and fare schedules.
- The traffic study should be clearer as to what percentages of trips were assigned to each LIRR station, particularly if a sizeable double-digit percentage of trips was attributed to railroad use. There is no provided diagram to specify LIRR-related trip distribution.

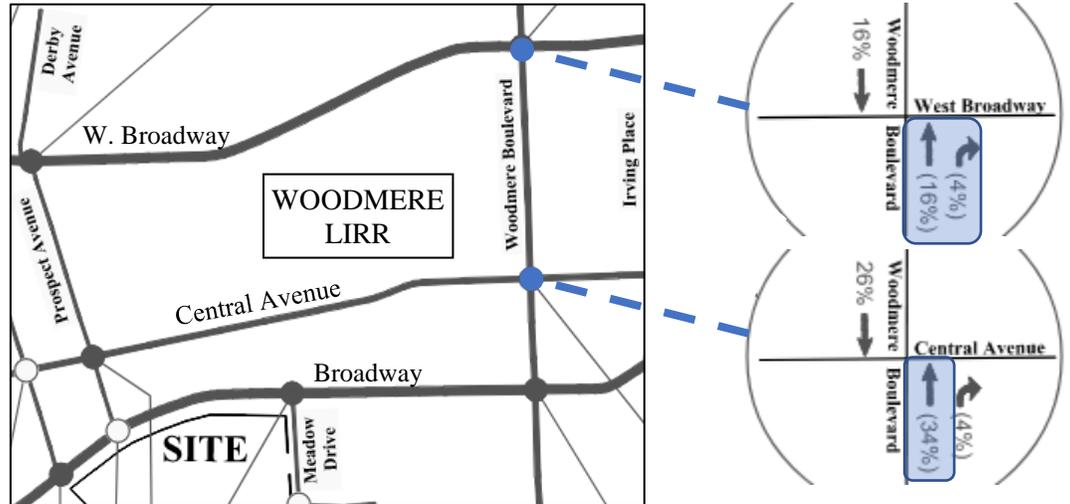
It can be inferred from the arrow diagrams in Figure 11 (but it is not expressly stated, and the traffic study should do so) that 7% of trips would be destined for the Cedarhurst LIRR station (via Spruce Street), and that 14% of trips would be destined for the Woodmere LIRR station. This equates to 21% of traffic destined for the LIRR – even on weekends – which is too high for weekend and weekday peak hour periods.

Below are excerpts of traffic study Figure 11-Trip Distribution:

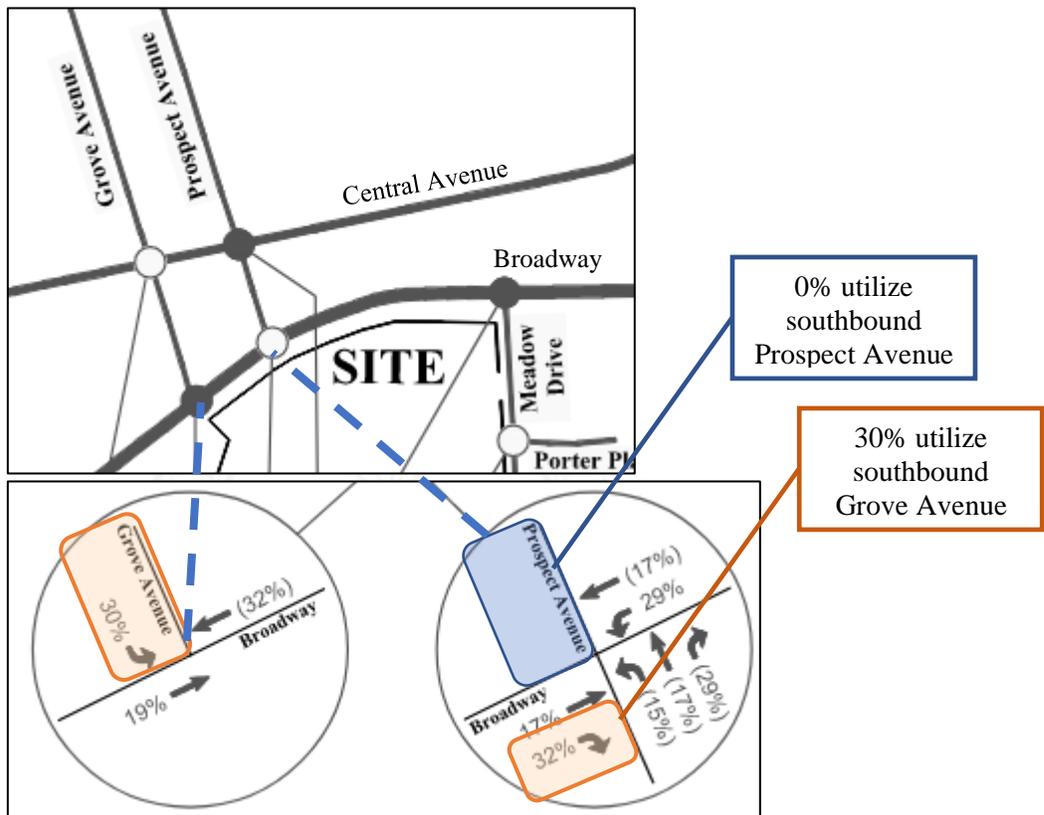
- a. *7% presumed to represent distribution to Cedarhurst LIRR*



- b. *14% presumed to represent distribution to Woodmere LIRR (the difference between 34% northbound through Central Avenue, and 20% approaching W. Broadway)*



- It does not seem realistic that no one (i.e., 0% of trips) would utilize southbound Prospect Avenue to head directly into the property via the proposed driveway. Instead, the traffic study assigns trips to southbound Grove Avenue, then a left on Broadway and right into the driveway. This concern also undermines the traffic study’s signal warrant analysis, in that not enough traffic is assigned to Prospect Avenue.



- The study’s exiting trip distribution may not comprise 100% of site trips, based on numbers depicted in Figure 11.
 - 41% of trips head west, then north via Rockaway Turnpike-Burnside Avenue
 - 4% of trips head west, then south via Rockaway Turnpike
 - 7% of trips head up Spruce Street, presumably to the Cedarhurst LIRR

has not been addressed in the traffic analysis. Nor has the potential for significant car usage of Road C and Meadow Drive been addressed based on Keene Lane not being an egress road.

Comment 17. The 284 single-family homes would generate up to more than 2,000 additional vehicles per day. This would be almost a 20% increase in daily volume – a significant increase – on Broadway, a two-lane roadway.

Construction traffic concerns are discussed below in “Construction Impacts.”

Transportation alternatives concerns are discussed below in “Alternatives.”

Energy

No comments.

Infrastructure and Community Facilities

Comment 1. Water availability should be confirmed by New York American Water. The DEIS notes that multiple attempts to secure a water availability letter have been made without success.

Zoning, Land Use, and Community Character

Comment 1. As noted in the introduction of this letter, the Town of Hempstead, Village of Lawrence, and Village of Woodsburgh recently adopted the Coastal Conservation District – Woodmere Club (CC-WC) zoning district. This comment letter focuses on technical deficiencies in the DEIS and will not outline non-compliance issues with the CC-WC district.

Comment 2. Pages 256 and 262 of the DEIS attempt to provide a baseline for evaluating community character. However, neither section of the DEIS provides a discussion on the natural environment, and provides minimal discussion on the built environment and social fabric of the community. While the DEIS identifies these factors as playing a critical role in defining community character, the DEIS omits any analysis of these factors. Rather, it provides a narrow lens for evaluating community character, principally through a description of planning studies and the municipalities’ respective zoning ordinances. Elsewhere in the document, the DEIS describes the role of the existing clubhouse and tree cover as defining elements of the community, yet the community character section provides no analysis of these features.

Comment 3. Page 263 of the DEIS provides several required components of Chapter §131 of the Code of the Village of Woodsburgh, notably the proposed project’s compliance with §131-A (Character of land) and §131-B (Preservation of natural features).

The DEIS asserts that the project complies with the following Chapter 131 provisions, as the majority of the property will be filled with 250,000 cubic yards of material (up to 12 feet of fill/grade change in certain areas of the property) to meet home elevation requirements within the property’s Special Flood Hazard Area (100-year floodplain). However, neither this section nor its reference to Section 3.2, provide any discussion on impacts associated with this significant land alteration and use of fill. Again, the DEIS fails to show how the proposed development will comply with compensatory storage requirements tied to this use of fill, or the potential impacts to the surrounding community from such significant grade changes. Two issues that require extensive additional analysis include both potential community flood impacts, as well as visual community character impacts (new homes would be significantly higher than existing homes, as they would be constructed on varying heights of fill, plus applicable freeboard requirements.

Similarly, compliance with Chapter 131, as stated on page 263, item B, is also lacking. B states:

Land to be subdivided shall be designed in reasonable conformity with existing

topography in order to minimize grading, cut and fill and to retain, insofar as possible, the natural contours, to limit stormwater runoff and to conserve the natural vegetative cover and soil. No tree, topsoil, or excavated material shall be removed from its natural position except where necessary and incidental to the improvements of lots and the construction of streets and related facilities in accordance with the approved plan. Topsoil shall be restored to a depth of at least six inches and properly seeded and fertilized in those disturbed areas not occupied by buildings or structures.

Compliance with this Code provision is largely ignored by the proposed development, with nearly the entire site slated to be graded, cut and filled with new fill material.

Specific provisions of Chapter 131, left out of the DEIS, cannot be ignored. Village Code 131-21(B) provides that land to be subdivided be designed to be conforming to existing topography “to minimize grading, cut and fill” and “retain natural contours”, and “existing natural features of ecological, aesthetic or scenic value to the village as a whole such as wetlands, watercourses, trees, historic spots and similar irreplaceable assets shall be preserved and where appropriate the Planning Board may require such inclusion of such features in permanent reservations. Section 131-22(B) provides that streets are to be appropriately related to natural topography. Section 131-24(E) prohibits double front lots, except for certain reasons, none of which are relevant here. Section 131-25(A) requires that the applicant address the necessity to cross municipal boundaries for specific lots. And Section 131-25(A) mandates that an applicant provide a minimum set aside of 10% of the lot area in the Village (125 of the proposed lots are subject to Village subdivision jurisdiction) for parks for recreational purposes. This set aside does not include bioretention areas. Compliance with these items must be incorporated into the analysis to determine impacts.

The proposed project represents a near total loss of existing vegetative cover, including approximately 61% of on-site trees. None of the Chapter 131 provisions provides any justification for such drastic land alteration, nor does it provide an analysis showing that this type of land alteration is “necessary and incidental” to the proposed project. While the DEIS asserts there will be a reduction in stormwater runoff, projected stormwater volume is anticipated to increase by nearly 50% with minimal site-wide stormwater design improvements. This limited stormwater infrastructure, combined with the tidal and groundwater conditions of the subject property, would strongly challenge the DEIS assertion that stormwater runoff would be reduced (particularly during a severe storm when this stormwater system is overburdened).

Comment 4. Discussion on land use fails to discuss or analyze the impacts of the total loss of open space in the community. This is a significant change in land use and community character.

Noise, Odors, and Lighting

Comment 1. Impacts in this section of the DEIS are generally limited to construction noise impacts. The DEIS fails to properly characterize the proposed project’s construction noise impacts, as it generally states that such impacts are temporary in nature and could be mitigated using minor measures such as temporary barriers or shields. With construction anticipated to last a minimum of six years, and likely extending significantly longer, the DEIS is misleading and dismissive of these significant construction noise impacts. A project with a construction timeline of roughly six to ten years is not a typical short-term construction project, and thus requires significant additional analysis with more defined mitigation.

Comment 2. Table 29 of the DEIS provides a summary of construction noise predictions at 50 feet, listing several pieces of construction equipment and their associated noise levels and frequency of use throughout the project. The equipment includes, air compressors, backhoes, concrete

mixers, cranes, crawl loaders, dump trucks and excavators. All phases of construction, including demolition and excavation (12-18 months) and erection and fit out (60+ months) show Leq levels at 50 feet of 85-86 dBA. The DEIS fails to discuss the impacts of this heavy equipment or how it relates to ambient noise measurements and standards. It is also misleading that the subsequent noise level measurement table (Table 30) and discussion neglects to explain how the ongoing use of heavy equipment will impact local residents and sensitive receptors.

While operational noise would be unlikely to result in significant adverse noise impacts, the length and intensity of construction activities warrants a much deeper analysis and explanation than is provided with typical “temporary” construction noise impacts. These construction impacts are long-term and will require extensive mitigation measures, which are alluded to in Section 3.11.3 but not included within the DEIS.

Comment 3. The DEIS contains no reference to lighting regulation. Section 106-5 of the Woodsbrough Village Code provides limits on lighting, including shielding, height, impacts on roadways or adjoining properties, and limits on use of timers. This must be identified in the DEIS. And, while the DEIS acknowledges that no formal lighting plan has been developed, without a plan or proposed mitigation, it is impossible to reach the conclusion that the lighting will not have significant adverse impacts. The development is going to include homes and roadways on raised land, well above the existing grade. Impacts resulting from lighting, both for homes and roadways can only be assessed by addressing and incorporating proposed lighting.

Climate Change

Comment 1. Water levels measured using a local datum (i.e., mean sea level, mean higher high water etc.) at the Sandy Hook tide station have little to no relationship to local water levels at the Woodmere Club. While the Sandy Hook station is useful for looking at local and regional sea-level rise trends, water levels tied to a specific local datum are not appropriate for comparison across different locations. Rather, an updated water level measurement should be provided for the Woodmere Club, ideally tied to the NAVD 88 datum.

Comment 2. As stated in Comment 1 under Surface Water, Floodplains, Stormwater and Groundwater Resources, the discussion on floodplain management is lacking critical information and mischaracterizes the floodplain as a wide, evenly dispersed coastal zone. As shown by Superstorm Sandy inundation data, flooding concentrates at the subject property (as a result of local topography, the geographic features and position of the Woodmere Channel and well as pre-existing development patterns).

As such, the following assertion in the DEIS is incorrect and dismissive of potential significant adverse impacts. Further, there is no supporting evidence provided within the DEIS to indicate that 250,000 cubic yards of fill would not result in additional community flood impacts.

...the proposed action includes the grading and filling of the subject property to modify the existing topography, implementation of the proposed action is not anticipated to substantially alter the existing floodplains. This is primarily due to the fact that the subject property is within a floodplain subject to coastal inundation (i.e., rather than a stream flood), where the floodplain is broad and covers a vast area.

This concentration of floodwaters over the largest area of continuous impervious surfaces in the community plays a critical role in reducing flood impacts for neighboring properties and resources. The DEIS fails to discuss the potential impacts of filling and grading the property as it relates to climate change, sea-level rise and the probability of increased flooding and storm events. There is also no quantification or project design related to critical floodplain

regulations, such as the required provision of compensatory storage throughout the subject property. Perhaps most importantly, this characterization of the floodplain does not address the likely impacts of climate change, including increased severity and frequency of storm events and sea-level rise.

Comment 3. The discussion on flooding impacts related to climate change is incomplete and lacking analysis. This section asserts that the proposed subdivision would comply with all FEMA floodplain regulations, and therefore, would not result in any flooding impacts associated with climate change:

...the proposed action would be in conformance with all applicable floodplain management standards. These design standards will reduce the proposed development's vulnerability to the potential impacts of flooding to the greatest extent possible. Accordingly, impacts related to the flooding aspects of climate change are not anticipated.

There is no discussion of projected future water levels, increased storm surge impacts or increased precipitation levels. The DEIS at a minimum, should provide an analysis of stormwater storage and impacts for both the NCDPW design standard, as well as increases in precipitation in line with New York State projections (see New York State ClimAID 2014 Update, which projects up to a 20% increase in precipitation by 2100.

Comment 4. The discussion on sea-level rise also adopts a limited scope and perspective. This section asserts that the projects use of fill and construction above the FEMA Base Flood Elevation will address all anticipated impacts associated with sea-level rise. This section only discusses whether sea-level rise impacts as it relates to the safety of the future proposed homes, not to the local floodplain, coastal area, or nearby residences or roadways. The DEIS essentially provides the filling of the site and home elevation as the only required design considerations and analysis related to sea-level rise impacts. The DEIS fails to adequately explain and address sea-level rise impacts such as they relate to roadway flooding (new roadways will be raised but connections to existing roads will remain at existing elevations, creating new flood impact areas), area-wide floodplain impacts, impacts to surrounding properties and impacts to local infrastructure. The omission and/or dismissal of these potential impacts is also contradictory to Section 3.8 of the DEIS (Energy), which discusses such infrastructure concerns, including the PSEG recommendation to provide more resilient underground utilities.

The DEIS concludes:

The SEQR Handbook indicates that a proposed action's impact on climate change be considered primarily in terms of sea level rise, flooding, and greenhouse gas emissions.

Though parts of the subject property exist within the 100-year floodplain, residences in these portions of the subject property would be constructed in accordance with all pertinent floodplain standards (i.e., lowest floor elevations at least 2-feet above the corresponding BFE); under these development standards, the proposed residences are not anticipated to be significantly impacted by flooding. Relatedly, the proposed action is not anticipated to be adversely impacted by sea level rise, as all proposed new roadways and residences would remain above the high-medium projected sea levels for the year 2100.

Primarily, the DEIS fails to consider the proposed action's impact on climate change as it relates to sea-level rise or flooding. Flood impacts on the proposed residences should not be the only metric associated with these major climate change impacts. This section of the DEIS is incomplete and does not adequately address the requirements of the SEQR Handbook or

related regulations (i.e., compensatory flood storage, accepted NCDPW storm design standards and NYS-adopted climate change projections).

- Comment 5.** The DEIS does not identify any mitigation measures associated with climate change, despite clear evidence that such a coastal property would be among the most impacted locations in New York State. Such an omission reflects a prioritization of short-term construction goals over long-term resiliency and sustainability goals. Project design should take significantly greater steps to design for future climate change impacts, rather than simply meeting existing regulations. The DEIS also fails to quantify the subject property's existing mitigative functions, particularly as it relates to floodwater management.

Construction Impacts

- Comment 1.** The demolition phase is described as taking 12-18 months, and the remainder of construction would last for 5 to 5 1/2 years. The earthwork phase would be shorter than 5 years, however, not lasting the entire duration. It is not appropriate to extend the calculated 25-CY truck volume (for importing fill material) over the entire 5-year period. Doing so, reduces the calculated hourly/daily truck volume; the volume would be higher, because it would almost certainly occur in less time than expressed in the DEIS.

With 250,000 CY of material as noted in the traffic study, and 25 CY per truck (corresponding to a 30-CY truck size), there will be 10,000 truck round trips to the property, or 20,000 one-way trips when described the same way as the traffic study.

Considering even 3 years as the earthwork duration out of the 5-year post-demolition period, this means roughly 6,670 trips per year over 200 working days per year, or 34 trucks per day, plus the construction work traffic for workers to commute to and from the property. This is a more realistic projection than the numbers in the traffic study.

Additionally, these are average numbers. In reality, 25-CY trucks can be loaded/unloaded in approximately 15 minutes, and the truck volumes would be expected to fluctuate greatly. Actual peak hourly truck volumes could be far higher than the traffic study states.

- Comment 2.** The DEIS says 50 homes would be built each year. The document needs to provide a forecast of the number of lots which might be under construction simultaneously, so the public can gauge how many construction workers (and how many workers' trips there might be). If 5 homes are underway at once, and each home has a 20-man crew, that equates to 100 workers added to the local road network each day, generally most or all in the same entry and exit hourly periods.

- Comment 3.** Construction workdays will not be limited by Jewish holidays (unless one of the governing municipalities enacts a limitation). Construction noise will create impacts on holidays, and there are multiple Orthodox congregations along Broadway, in both directions from the property.

- Comment 4.** On page 70, the DEIS notes that homes will have to be built on piles. Discussion of noise and vibratory impacts associated with pile driving is missing from the construction impacts analysis. The potential significant impacts caused by pile driving should be addressed within this section of the DEIS.

Alternatives

- Comment 1.** The DEIS traffic study only analyzes the subdivision with a new site access on Broadway that would allow left turns, through movements, and right turns in each direction, and considers this new driveway handling 60% of site traffic.

The DEIS also needs to analyze two potential alternative scenarios, in case Nassau County

does not approve a new driveway, or in case the County restricts driveway maneuvers (see Transportation comments above). A different distribution would result in noticeably different traffic volumes for at least one study intersection (and corresponding potential impacts which as yet are unidentified in the DEIS).

The DEIS should analyze two additional alternatives:

- a. Alternate Build condition without a driveway opposite Prospect Avenue
- b. Alternate Build condition with a restricted access driveway opposite Prospect Avenue

In lieu of one or both alternatives, the applicant should provide a copy of formal County documentation (e.g., letter, email, marked-up plans) regarding the driveway approval status, including discussion about which driveway configuration (if any) the County might approve. If the County correspondence describes a specific permissible driveway configuration, only that described configuration needs to be analyzed. If this type of correspondence is not available, the DEIS traffic study should be modified to add both alternatives.

Thank you for including our office's comments in the record.

Very truly yours,

Kevin McAndrew, RLA, AICP, LEED AP, Partner
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CC:

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