
Final Environmental Impact Statement

Proposed Four-Lot Subdivision

2A Melby Lane

Incorporated Village of East Hills, New York

APPLICANTS

Steven and Wendy Shenfeld
2A Melby Lane
East Hills, New York 11576

February 2020
Revised June 2020
Revised October 7, 2020

FINAL ENVIRONMENTAL IMPACT STATEMENT

PROPOSED FOUR LOT SUBDIVISION 2A MELBY LANE INCORPORATED VILLAGE OF EAST HILLS NASSAU COUNTY, NEW YORK

PROJECT LOCATION: 2.23±-acre parcel located at 2A Melby Lane, Village of East Hills,
Nassau County, New York
Nassau County Land and Tax Map: Section 19 – Block 27 – Lot 46

APPLICANTS: Steven and Wendy Shenfeld
2A Melby Lane
East Hills, New York 11576

LEAD AGENCY: The Planning Board of the Incorporated Village of East Hills
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**AVAILABILITY OF
DOCUMENT:**

This document, together with the Draft Environmental Impact Statement (DEIS), is the Final Environmental Impact Statement (FEIS). It has been prepared for the Lead Agency. Copies are available for public review and comment at the offices of the Lead Agency and at The Bryant Library. This FEIS is also available electronically at <http://villageofeasthills.org/information/committee-actions-resolutions/>

DATE OF ACCEPTANCE:

October 20, 2020

This document is the Final Environmental Impact Statement (FEIS) for the Proposed Four Lot Subdivision at 2A Melby Lane. This FEIS incorporates, by reference, the Draft Environmental Impact Statement (DEIS) for this Proposed Action, dated July 2019. On July 30, 2019, the Planning Board of the Village of East Hills accepted DEIS and opened the public comment period. On September 24, 2019, the Planning Board held a Public Hearing and written comments on the DEIS were accepted until October 4, 2019.

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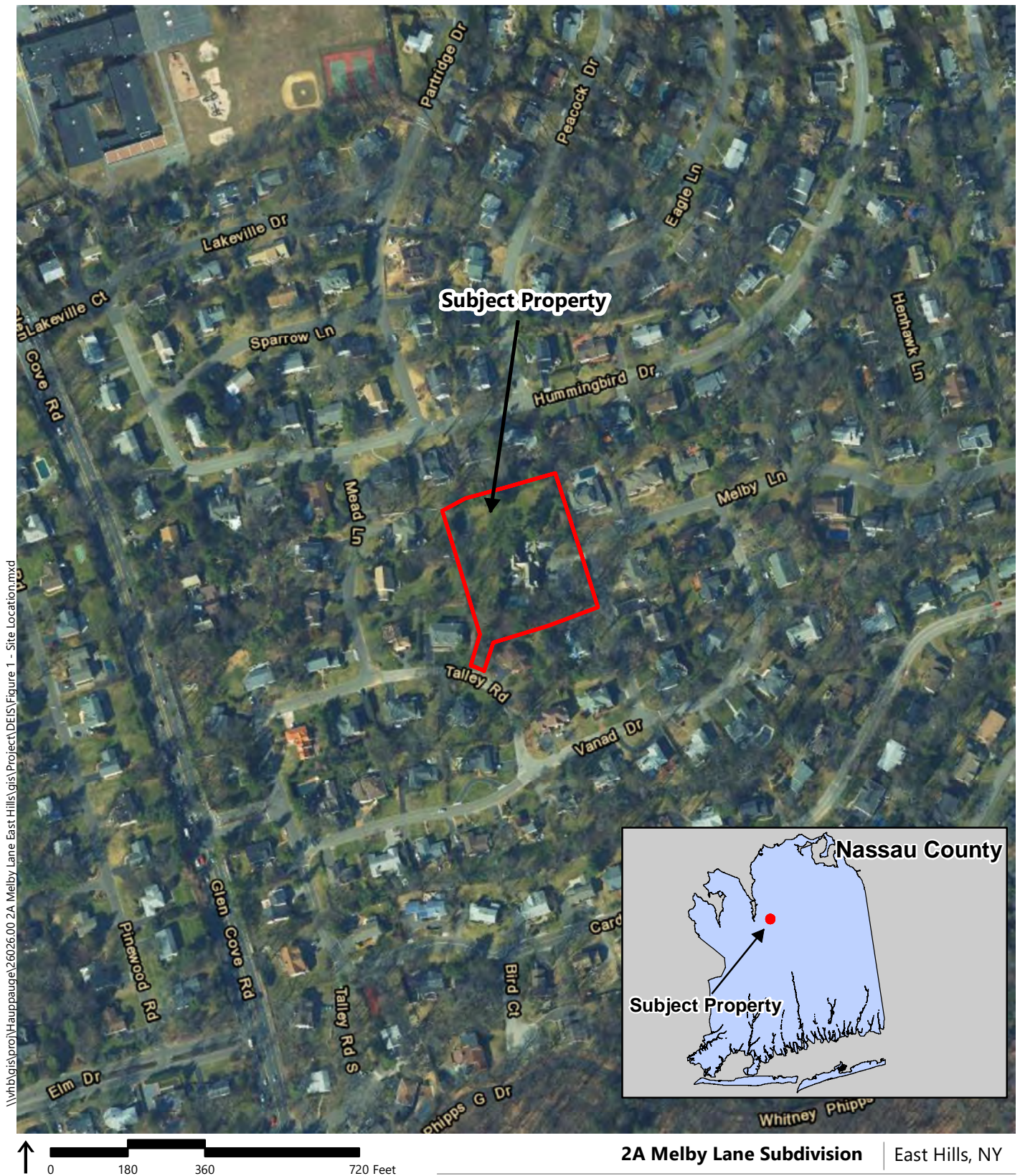
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Introduction

This document is a Final Environmental Impact Statement (FEIS) prepared in response to comments received by the Lead Agency, the Planning Board of the Incorporated Village of East Hills (hereinafter the "Planning Board"), on the Draft Environmental Impact Statement (DEIS) for the Proposed Action, dated July 2019. The Proposed Action consists of the application of Steven and Wendy Shenfeld for the subdivision of a 2.23± acre property located at 2A Melby Lane in the Incorporated Village of East Hills, Town of North Hempstead, Nassau County into four residential lots (Figure 1). The subject property is known on the Nassau County Land and Tax Map as Section 19 Block 27 Lot 46.

In accordance with 6 NYCRR § 617.9(b)(8):

A final EIS must consist of the following: the draft EIS, including any revisions or supplements to it, copies or a summary of the substantive comments received and their sources (whether or not the comments were received in the context of a hearing); and the lead agency's responses to all substantive comments. The draft EIS may be directly incorporated into the final EIS or may be incorporated by reference. The lead agency is responsible for the adequacy and accuracy of the final EIS, regardless of who prepares it. All substantive revisions and supplements to the draft EIS must be specifically indicated and identified as such in the final EIS.



2A Melby Lane Subdivision | East Hills, NY

Site Location
 2A Melby Lane
 Incorporated Village of East Hills
 Nassau County

The Planning Board DEIS accepted the DEIS as complete and adequate for public review at its public meeting of July 30, 2019. It was circulated to all involved agencies and interested parties and made available to the public at Village Hall, via the Village of East Hills' website, and at Bryant Library. A public hearing regarding the DEIS was held on September 24, 2019. The DEIS comment period was held open until October 4, 2019 and all public comments received are included in Appendix A. The transcript for that Public Hearing is included in Appendix B.

All correspondence received by the Planning Board during the DEIS public comment period, including letters and emails, are included in Appendix A of this FEIS. The Public Hearing Transcript is included as Appendix B. This section of the FEIS contains a summary of all substantive comments contained in written correspondence (including letters and electronic mail) as well as those made at the public hearing.

Each author of a piece of correspondence was assigned an identifier and each comment by that author was assigned a number. For a written comment letter, each author was assigned a code beginning with the letter "L" (e.g., L1). Then each comment from each author was assigned a number (e.g., L1-1 for comment 1 by author 1). The same method of identifying commentators and comments was also used for comments received via email (i.e., E1-1).

Comments made at the public hearing that occurred on September 24, 2019 were assigned a code that begins with "H." Each commentator at the public hearing was assigned a number (e.g., H1). Then, each comment from each commentator was assigned a number (e.g., H1-1 for comment 1 by commentator 1).

The Planning Board also received several general comments of either support or opposition of the Proposed Action. All comments are acknowledged and included in the appendices, even if not "substantive comments" as contemplated in 6 NYCRR §617.9(b)(8). Those comments that are not "substantive," are not individually addressed, but are summarized in Section 2.1.

Public Hearing Transcript (September 24, 2019)

H1 – Steven Kafka, Planning Board Chairman

H2 – Mitchell Cohen, Planning Board Attorney

H3 – Neil Karnofsky

H4 – Michael Coritsidis

H5 – Debbie Dakis

Written Public Comments

Letters

L1 – Nassau County Department of Health 8/20/19

L2 – New York State Department of Parks,
Recreation, and Historic Preservation 9/23/19

L3 – Preservation Long Island	10/2/19
L4 – Jacqueline and Cary Golub	10/2/19
L5 – Jill and Steven Walder	10/3/19
L6 – Nelson, Pope & Voorhis, LLC	10/3/19
L7 – Inderjeet Wadhwa	10/2/19
L8 – Susan Diamond	10/4/19
L9 – Roslyn Landmark Society ¹	10/4/19
L10 – Dr. Mark and Cindy Snyder	10/4/19
L11 – Laura and Cliff Atlas	10/4/19
L12 – Citizens of East Hills Against the Demolition, Subdivision and Development of the Property at 2A Melby Lane (Section 19/Block 27/Lot 46)	10/4/19
L13 – Northcoast Civil Land Surveying and Civil Engineering	10/3/19
L14 – Andrea Tsoukalas Curto, Esq. of Forchelli Deegan Terrana	10/4/19
L15 – R&M Engineering	10/2/19

Emails

E1 – James Tullman	9/26/19
E2 – Andrew and Sheryl Karnovsky	9/26/19
E3 – Amy and William Handwerker	9/30/19
E4 – Bruce and Geri Valauri	9/30/19
E5 – Irene and Michael Sakoulas	9/30/19
E6 – Siya Li	9/30/19
E7 – Robert Sargent	10/1/19
E8 – Stanley B. Dessen	10/1/19

¹ With the exception of Comment L9-22, all comments labeled L9 are from the Roslyn Landmark Society's October 4, 2019 submission. Comment L9-22 is an October 21, 2019 Roslyn Landmark Society letter received after the October 4, 2019 close of the DEIS public comment is included

E9 – Alan M. Richards	10/1/19
E10 – Brooke and Eric Freeman	10/1/19
E11 – Adam Lilling	10/2/19
E12 – Joshua Levy	10/2/19
E13 – Robin and Steven Goldstein	10/2/19
E14 – Nancy Levy and Neil Cohen	10/2/19
E15 – Spencer A. Kanis	10/3/19
E16 – Rachel, Robert, and Levi Friedman	10/3/19
E17 – Barbara Heffer	10/4/19
E18 – Stacey R. Siegel	10/4/19
E19 – Debbie Dakis and Michael Coritsidis ²	10/4/19
E20 – Cheryl and Bradley Gerstman	10/4/19
E21 – Pratkan Family	10/4/19
E22 – Nancy Levy & Neil Cohen (2 nd email)	10/2/19

² Certain commentary in this email is directed to the Environmental Assessment Form (EAF), Part 1 prepared by the Applicants, and Parts 2 and 3 prepared on behalf of the Village by its consultant (Nelson Pope & Voorhis, LLC). The Planning Board issued a Positive Declaration, identifying the potential for one or more significant adverse impacts and requiring the preparation of a Draft Environmental Impact Statement to address them. The responses to the EAF are not the subject of this FEIS. (See, *The SEQR Handbook, Draft 4th Edition* (NYSDEC, 2020), pages 144-145. A FEIS incorporates the DEIS and responds to substantive DEIS comments).

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Response to Comments

2.1 Comments in General Support of the Proposed Action

Comments indicating general support for the Proposed Action were expressed at the September 24, 2019 Public Hearing and other support was expressed in written correspondence received during the DEIS comment period. The general support correspondence is included at the beginning of Appendix A and noted as "General Support (GS)." Commentator H3 expressed support at the public hearing, and this is noted as such in the public hearing transcript in Appendix B. General statements of objection or support should be noted in the comment summary of an FEIS, but require no response (NYSDEC, 2020; The SEQR Handbook, 4th Edition; p. 139, No. 5). Comments of general support are summarized below. The commentators are acknowledged herein, as follows:

- | | |
|-----------------------------------|----------|
| › GS-1 Adam and Renee Haber | 09/26/19 |
| › GS-2 Lorri Klonsky | 10/1/19 |
| › GS-3 Robin and David Seyburn | 10/1/19 |
| › GS-4 Barbara Feldman | 10/1/19 |
| › GS-5 Dr. and Mrs. Mitchel Efros | 10/1/19 |
| › GS-6 Susan and Lee Schulman | 10/2/19 |
| › GS-7 Jeff Miller | 10/2/19 |
| › GS-8 Gail and Mark Silberman | 10/3/19 |

- › GS-9 Bonnie and Andru Coren 10/3/19
- › GS-10 Philip Sharfstein 10/4/19
- › GS-11 Beth Godnick 10/4/19
- › GS-12 Bonni Gould 10/5/19 (outside comment period).

The comments of support are summarized from these emails, as follows:

Given that the Shenfeld's plan complies with all Village ordinances, we support the homeowners' ability to develop their property in the manner that they deem appropriate. As residents of East Hills, we continually are witnessing that the Village embraces development and allows residents to engage in construction on their properties and we support an individual's right to do so. The proposed development that is being recommended will be in character with the neighborhood and has no negative impact to the environment. As proposed, the development does not require any variances. The development will increase the tax base and will increase the value of other properties in the area. To reject this application, would single out the Shenfeld family in a unique and unfair manner. We have known the Shenfeld family for decades and have worked with them in the neighborhood on many civic activities. We fully support the application for all the reasons stated above.

Response

The comments are acknowledged.

Comment H3-1

I have seen the changes proposed by Steven and Wendy Shenfeld and think they would benefit the area. I do not see why someone who is making these changes which appear to fit in would not have the ability to make that choice for himself and his family.

Response

This comment is noted.

2.2 Comments in General Opposition of the Proposed Action

General opposition to the proposed project was expressed at the public hearing and in written Public Comments were received during the DEIS comment period. General statements of objection or support should be noted in the comment summary of an FEIS, but require no response (NYSDEC, 2020; The SEQR Handbook, 4th Edition; p. 139, No. 5). These general opposition comments include:

Comment L5-1

We are writing this letter to convey our opposition to the proposed subdivision and sale of the Stone House, at 2A Melby Lane and the proposed Construction of 4 new homes on the current lot that has 1 home.

Comment L7-1

I wish to express my opposition to the subdivision at the Stonehouse Subdivision.

Comment L8-1

I wish to officially voice my opposition to the subdivision at the above-mentioned parcel.

Comment L10-1

This letter is being written to inform you that we are extremely opposed to the 2A Melby, 4 home subdivision being proposed.

Comment L11-1

We are writing to express our strong opposition to the proposed destruction of the historic Stonehouse and subdivision of the property to build four new homes.

Comment L12-1

Residents within the immediate surrounding neighborhood signed a petition expressing their opposition to the Proposed Action, as noted above.

Comment E6-7

I am writing to object to the proposal as it stands, and I appreciate you and your board members' time and effort to evaluate the proposal and service/protect our community.

Comment E7-1

I am writing as an architectural historian and former president of the Roslyn Landmark Society to express my strong opposition of the demolition of the historic Mackay House on Melby Lane, East Hills, NY.

Comment E9-3

I strongly urge you and the members of the board to reject this proposal. It is no more than a money grab by the present owners who will no longer be part of our community.

Comment E10-1

We are opposed to the demolition of this beautiful historical home in our community.

Comment E11-1

I am writing to oppose the construction at 2A Melby Lane.

Comment E11-3

This is a classic example of a large company profiting while a small community suffers. This should not be allowed.

Comment E13-1

I am writing to express my opposition to the proposed subdivision and demolition of 2A Melby lane.

Comment E16-1

We are writing to express our opposition to the proposed subdivision at the site of 2A Melby Lane.

Comment E17-1

I oppose this subdivision as I bought into a quiet peaceful neighborhood over 40 years ago and was sure it was going to remain such.

Comment E21-6

We absolutely are objecting to this proposal.

Response

The comments are acknowledged.

As to comment E11-3, the Applicants for the Proposed Action are individuals and are not a large company/corporation.

The following sections of the FEIS include responses to the substantive comments contained in the correspondence (including letters and electronic mail) that were received during the public comment period, as well as those made at the public hearing on September 24, 2019. The comments are arranged by overall topic and by subtopics.

2.3 Procedure/SEQRA Process

Procedure/SEQRA Process Comment 1 - Enforcement of Mitigation Measures/Restrictive Covenants/Monitoring

Comment L6-6

The applicants should discuss enforcement measures that would be included in the Proposed Action to ensure that all of the proposed mitigation measures remain effective in perpetuity (i.e., no disturbances to steep slopes, retention of trees, stormwater and roadway maintenance, etc.).

Comment L6-9

The applicants should expand on how the restrictive covenant would ensure regular maintenance for the proposed roadway and common drainage systems in perpetuity.

Comment E12-7

Who is really going to monitor the environmental impact once the project has started?

Response

A Cross-Access Easement and Maintenance Agreement will be recorded for the subdivision. This Agreement will lay out each of the owner's responsibilities. Each of the four households will share equally in the cost and maintenance of the project roadway. In the event of default in payment, a lien can be placed against the defaulting owner. Each of the lots will also need site plan review before any new home can be constructed. During that application process, the Planning Board can ensure that steep slopes will not be disturbed. These agreements are common and have been completed and filed with the Nassau County Clerk for other existing residential parcels that have been subdivided.

Future development of the lots will require site plan approval from the Planning Board. The Planning Board retains site plan jurisdiction over the construction of any structures, driveways, or other impervious surfaces, and the grading and removal of any trees or vegetation on the lots. The removal of trees would be regulated during the site plan approval process and the removal or retention of specific trees can be noted on the site plans for each lot. The protection of steep slopes in the Village is regulated under Village Code § 271-128.3, *Steep Slopes*, to ensure steep slopes are not disturbed during any construction activities. Given that the Village has codified this restriction, a recorded covenant is not required. Furthermore, if required, a notation can be placed on the map delineating the areas with steep slopes and noting that those areas will not be disturbed.

Notations will be provided on the final subdivision map and future site plans to inform future lot owners that pursuant to Village Code, §271-128.3, "*Steep Slopes*," development or alteration of any slope, as defined in § 271-7B, with a gradient of 20% or greater is prohibited.

With respect to monitoring, the Applicants are responsible for complying with State and municipal laws and meeting all requirements or conditions of all Village permits and approvals, during the subdivision process. Should the Applicants sell the property, the future owner(s) of the subdivision or future individual property owners would be responsible for complying with the Village Code.

The Village is responsible for enforcing the requirements of its Code. Other agencies may become involved depending on conditions encountered during construction and jurisdictional authorities. Note that the public can contact the Village in the future if it is believed that activities are not being carried out in conformance with the Village Code, or requirements of the permits or approvals that have been issued.

Procedure/SEQRA Process Comment 2 – Additional Public Hearing

Comment L9-22

The Roslyn Landmark Society Board of Trustees met on October 7, 2019 and would like to request an additional public hearing to discuss the matter further with the community.

Response

This comment was received two-and-a-half weeks after the public comment deadline of October 4, 2019. The public comment period must remain open at least 10 days after the close of the public hearing if one is held.

The Planning Board conducted four public hearings and one public meeting on this application. Furthermore, the DEIS was posted on the Village's website on July 30, 2019; and with an October 4, 2019 close date for public review of the DEIS, more than two months (66 days) were provided for written comments. This exceeds the 30 day minimum public comment period for a DEIS as required by the SEQRA regulations.

Procedure/SEQRA Process Comment 3 – EIS Review Process

Comment L10-3

At the last meeting there was mention of an approximate 500-page environmental impact study that was done by the homeowners of 2A Melby. Why doesn't the Village commission their own study with such a potentially destructive construction project to Nob Hill.

Comment L10-11

I would like to ask the Planning Board why the environmental impact study was not gone over with a microscopic eye before the last public planning board meeting. The residents have a right to know what is in the document. I do not have the time to go over a 500 page document nor I'm sure do most of the residents. This is why the Planning Board should have read it, composed a synopsis for the residents, then, have a hearing.

Comment E2-1

We strongly object to this project and find the results of the study to be, at best, biased and convenient.

Comment E19-2

In sections of the DEIS there is very technical analysis. The content is such that the lay person cannot fully understand the details of the engineering, drainage, grading, movement of fill, method of analyzing traffic impact...without the help of professional such as engineers, architects. So how can the mitigation proposals be properly analyzed and evaluated as meaningful by non-professionals?

Comment E19-3

Given the length and technical complexity of the document it is fair to say that many residents do not know how to argue these technical points making it hard for them to show up at public hearing with factual input.

Comment E19-4

This proposed subdivision (as acknowledged in the public hearings) is unprecedented in the Village of East Hills in magnitude and duration. We presume the Village of East Hills has the proper professionals to analyze the DEIS to accurately evaluate the realities and risks.

Comment H5-2

Part of the problem is there are so many unknowns, because the project is so massive and there are so many different things that really we are not going to know about until they actually get built.

Response

Per 6 NYCRR § 617.9(a)1,

"The project sponsor or the lead agency, at the project sponsor's option, will prepare the draft EIS. If the project sponsor does not exercise the option to prepare the draft EIS, the lead agency will prepare it, cause it to be prepared or terminate its review of the action..."

The Applicants did not request the DEIS be prepared by the Village, and thus, originally submitted the DEIS for review by the Village and its consultants on March 20, 2019. The Village retained Nelson Pope & Voorhis, LLC ("NP&V"), a planning and environmental consulting firm with extensive experience in SEQRA/environmental review, land use planning, zoning, subdivision and site plan review throughout Long Island and the Hudson Valley. NP&V's affiliate, Nelson and Pope ("N+P") Engineering, Architecture and Land Surveying, PLLC has more than sixty years of experience in civil, sanitary, and traffic engineering and is providing its engineering and traffic expertise to the review. Additionally, the Village retained AKRF, Inc. ("AKRF") for review of the cultural/historic resource aspects of the project. AKRF has extensive experience with cultural resources law compliance and has completed complex cultural resources studies in and around New York City and the Northeast and Mid-Atlantic region. The Village consultants reviewed the DEIS, including the scope, content, and accuracy of the

Applicants' traffic impact study, among other things, to ensure "completeness" and that the DEIS was "clearly and concisely written in plain language that can be read and understood by the public," pursuant to §617.9(b)(2) of the SEQRA regulations.

The Applicants submitted the DEIS for review on March 20, 2019. After initial review and comments by the Village Planning Board and its consultant, the Applicants submitted a revised DEIS on June 12, 2019. Upon review and comment by the Planning Board, the Applicants revised the DEIS again and submitted it on July 30, 2019, the Village Planning Board accepted the DEIS as complete and initiated the public review process. Also, as required by SEQRA, the DEIS includes a comprehensive Executive Summary of the proposed project, its potential impacts and proposed or possible mitigation, as well as alternatives analyzed in comparison to the Proposed Action.

The DEIS was available on the Village's website for public review beginning on July 30, 2019, prior to the September 24, 2019 public hearing. The DEIS was also available for ten days after the close of the public hearing (October 4, 2019). The main text of the document (not including the Executive Summary) is ninety-one pages, including figures and tables. The remainder includes appendices that provide additional detail, background, and technical information. The public review closed on October 4, 2019. All substantive comments on the DEIS have been compiled for response into this FEIS.

The Applicants prepared the first draft FEIS and they assert having the most knowledge about the details of the Proposed Action. However, the Village Planning Board, as the lead agency, is responsible for the content of the FEIS, which, along with the DEIS, will be used by the Planning Board to prepare a findings statement, pursuant to 6 NYCRR §617.2(p) of the SEQRA regulations, "that considers the relevant environmental impacts presented in an EIS, weighs and balances them with social, economic and other essential considerations, provides a rationale for the agency's decision and certifies that the SEQR requirements have been met.". After the Applicants submitted two drafts of the FEIS, the Planning Board with the assistance of its consultant, with input from counsel, has completed the FEIS.

Based on the experience and representations of the Applicants and their consultants as well as the review by the Village's Planning Board and the Village's consultants, the Planning Board will issue a Findings Statement. The project is being considered in accordance with the standards, requirements, and procedures of 6 NYCRR Part 617 (SEQR) including the identification and assessment of impacts, project alternatives, and project mitigations. Among the considerations, is a determination as to whether the project will have a significant adverse environmental impact on the surrounding area, including the neighborhood.

The Findings Statement to be prepared after acceptance of the FEIS by the Planning Board must be based on the EIS including assessments of historic resources, aesthetic resources, zoning, land use, community character, traffic, noise, and other relevant environmental issues and testimony in the EIS record, including professional consultants. When making decisions on environmental impacts and mitigation, the Planning Board will rely on the facts in the SEQRA record and will be guided by the rules and regulations of SEQRA. The Planning Board will determine if positive or negative findings should be made at the Findings Statement stage and will make any final decisions on the subdivision after the subdivision review is completed in accordance with applicable laws and standards at the appropriate stage.

The subdivision plans submitted by the Applicants with this FEIS have been signed and stamped by the project engineer who is a professional engineer (P.E.).

Procedure/SEQRA Process Comment 4 - Consideration of Impacts to Community v. Applicants

Comment E2-8

In short, the value that applicant seeks to gain from this endeavor will clearly be derived at the expense of the surrounding area. We view this as completely unacceptable.

Comment E2-9

The concept that the Proposed Action "...would increase tax base for the village..." should be viewed as irrelevant to an "environmental assessment" and is entirely outside of the scope of such an evaluation. In short, the value that applicant seeks to gain from this endeavor will clearly be derived at the expense of the surrounding area. We view this as completely unacceptable.

Response

The Applicants have a legal right to make an application for subdivision of their property. The Applicants assert their proposed four lot subdivision conforms to the requirements of the Village Zoning Code and will not require any relief from the Zoning Board of Appeals. The DEIS analyzes the "potential impacts to the surrounding area in terms of impacts with respect to the relevant environmental parameters under SEQRA. It also evaluates alternatives and/or proposed mitigation. Ultimately, the Planning Board, as the lead agency, will adopt a findings statement to conclude the SEQRA process, which "considers the relevant environmental impacts presented in an EIS, weighs and balances them with social, economic and other essential considerations, provides a rationale for the agency's decision and certifies that the SEQR requirements have been met," pursuant to 6 NYCRR §617.2(p) of the SEQRA regulations. See Response L9-5 for further discussion relevant to this comment.

As outlined in *The SEQR Handbook, 4th Edition* (2020, p. 115, No. 11); "public need for a project can be demonstrated through "increased tax revenues through additions to the local taxable base..." Therefore, the inclusion of a statement regarding a potential increased tax base for the Village is appropriate for inclusion in the DEIS.

The Planning Board will weigh and balance relevant environmental impacts with social, economic, and other considerations in issuing a findings statement.

Procedure/SEQRA Process Comment 5 – Comments at Hearing v. Via Mail or Email

Comment E1-1

It is important for the Planning Board to understand that our absence from attending the September 24th meeting in no way should be viewed as a withdrawal of our oppositions or a change in our position.

Response

Comments on the DEIS, whether made at the public hearing or in writing, are treated in the same manner. Each substantive comment receives a response in the FEIS.

Procedure/SEQRA Process Comment 6 – Planning Board Action

Comment E1-3

It is clear that this Planning Board and the Village of East Hills have the authority to deny the proposed plan and in fact should deny any such plan that would, among other things, "produce an undesirable change in the character of the neighborhood or a detriment of nearby properties".

Comment E1-4

I greatly hope the Planning Board will undertake its charged duty to weigh the financial benefits for a single family against the substantial negative impact that this subdivision will have on the welfare of the more than dozen neighbors that live on the perimeter and in the immediate vicinity...Given the vast number of neighbors that have submitted opposition to this plan and the fact that the disruption and negative impact of this subdivision is undisputed, the Planning Board's decision to deny this application is easily supported and justified.

Comment E8-5

If the Board is considering granting this application, it must give assurances to the community that there will be no significant adverse consequences to everyone else in the area.

Response

As detailed in 6 NYCRR § 617.11 of the SEQRA regulations, before the Planning Board decides the application, the Planning Board, as lead agency, must prepare a written SEQR findings statement after the FEIS has been circulated to all of the involved agencies and filed and before the Board makes a final decision. The findings must certify that the requirements of the SEQRA regulations have been met. The findings statement will be based on the content of this FEIS (including the previously completed DEIS), will weigh and balance the required factors including the adverse environmental impact, means of avoidance or minimization, social, economic and other essential considerations. Therefore, the Planning Board will outline any required conditions in the forthcoming findings statement.

The Planning Board has sole jurisdiction over the subject subdivision application because the premises are wholly within the municipal boundaries of the Village of East Hills. The standards of review for a subdivision application in the Village are stated in New York State Village Law §§7-728 and 7-730. Generally, subdivision regulation allows for implementing a comprehensive plan for community development.

Thus, plats submitted to the Planning Board for approval must be examined in relation to that official map and the Village's comprehensive plan, which is comprised of the Village's zoning map and zoning regulations. 2 N.Y. Zoning Law & Prac. § 19:26, Standards for plat approval; official map and comprehensive plan.

The land shown on the plat must be of such character that it can be used safely for building purposes without danger to health or peril from fire, flood, drainage or other menace to neighboring properties or the public health, safety, and welfare. *Village Law* §7-730.

Procedure/SEQRA Process Comment 7 - Segmentation

Comment E19-20

A comment on the importance of avoiding segmentation sentence. Either way, segmentation may result in the cumulative environmental impacts of an entire action to be overlooked. This is exactly why a subdivision of this scale and magnitude should be prohibited. The stated facts in the DEIS indicate that there are many unknown negative detrimental risks and impacts of this proposal and they identify mitigation procedures to “minimize” impacts. It is precisely because this subdivision proposal is a segmented/ multi-phase project of unprecedented scale and magnitude in this community that the mitigation suggestions are meaningless. There will be irreversible damage to the character of the neighborhood and land, the environment, quality of life and the economic value of our homes. The DEIS attempts to show how damage and negative impact can be mitigated; but it addresses only one part of a massive undertaking with many phases and years of duration. Therefore, the DEIS is not comprehensive enough for the Village Board to evaluate the ultimate outcome and cumulative impacts of the entire action.

Response

The DEIS addressed the “whole action” as presented by the Applicants. See guidance provided in *The SEQRA Handbook, 4th Edition* (March 2020), pages 53-55. The pending application is for subdivision of the subject property. The DEIS, included the Applicants’ impact and mitigation analysis concerning subsequent development of four proposed individual house lots. The Applicants assert that actual lot development site plans are not available at this time, but submitted conceptual site plans to provide “a reasonable lot development scenario for estimating impacts and devising mitigation.”

Any necessary mitigation measures or site development limitations will be included in the SEQRA Findings Statement and considered by the Planning Board in their review of the subdivision application as well as any subsequent individual site plan application(s).

Procedure/SEQRA Process Comment 8 – Notification of Hearing

Comment E22-1

Regarding the planning board meeting that took place last Tuesday, September 24, 2019. It is my understanding that the Applicant is obligated under Village rules to provide notice by way of certified or registered mail to all residents that are within 200 feet of the property. I am one of those residents and never received notice of the hearing. Therefore, I believe that they are in violation.

Response

Pursuant to the Applicants’ responsibility to provide notices of public hearings, notices were sent to all residents within the required radius of the property. The certified mailing “green cards” were submitted to the Village Clerk at the public hearing.

The Applicants' attorney in an email to the Village on October 17, 2019 explained that aerial photographs on Nassau County's website in 2019 indicate that tax lots 24 and 25 are shown as one lot and the address is 6 Hummingbird Drive. Notification of the public hearing was provided to 6 Hummingbird Drive. In addition, notices of DEIS acceptance and the scheduling of a public hearing were published in the NYSDEC's Environmental Notice Bulletin on August 14, 2019 and area newspaper on September 3, 2019, thereby providing ample notice. The commentators submitted comment on the proposed action into the record prior to the comment period being closed.

2.4 Permits and Approvals

Permits and Approvals Comment 1 – NCDH Approvals for Subdivisions

Comment L1-1

Realty Subdivision plans and applications must be submitted to the Nassau County Department of Health (NCDH) for the approval of the design of the water supply and sewage disposal systems to serve each residential development of five (5) or more units or lots.

Comment L1-2

Private Sewage Disposal System plans and applications must be submitted to the NCDH for the approval of all individual on-site sanitary sewage disposal systems that are proposed to serve apartment buildings and institutions as well as non-residential developments including restaurants, office buildings, recreational or other commercial and industrial buildings.

Comment L1-4

The construction of realty subdivisions, and other residential and non-residential developments that require NCDH approval may not proceed until realty subdivision or private sewage disposal system plans are approved by NCDH.

Response

The Proposed Action is for a four-lot subdivision. Therefore, approvals from the NCDH related to the realty subdivision are not applicable.

Sanitary systems for individual lots are subject to approval from the Village of East Hills. Therefore, review will not be completed by NCDH. All new sanitary systems must be constructed in accordance with 10 NYCCR Appendix 75-A and the most current Nassau County Department of Health standards.

- 1) The proposed on-site sanitary systems will be reviewed by the Village's Building Department to confirm compliance with Nassau County Health Department rules and regulations.
- 2) Review of sanitary systems will be conducted when building permits are requested for dwellings.
- 3) As per §271-287 of the Village Code, all new sanitary system installations are required to be inspected and approved by the Building Inspector or Code Enforcement Official. An alternate design and/or certification by a duly licensed design professional may be required because of site conditions/constraints.

Permits and Approvals Comment 2 – Permits for Public Swimming Pools

Comment L1-19

Engineering plans and specifications for the construction of any new or modified public swimming pool must be submitted to the NCDH for review and approval.

Response

No public swimming pool is proposed.

Permits and Approvals Comment 3 – Rodent-Free Certification

Comment L1-15

A certification of rodent free inspection for demolition must be obtained from the NCDH Office of Community Sanitation. A copy of the certification must be given to the local building department in order to obtain a demolition permit.

Response

A certification of rodent free inspection will be obtained from the NCDH Office of Community Sanitation and a copy of same will be submitted to the Village of East Hills Building Department prior to obtaining a demolition permit.

Permits and Approvals Comment 4 – Building Permits

Comment E8-4

The applicants have sought and obtained a statement from the Village that there “are no recently approved or planned developments in the vicinity of the project site.” Does this imply that if a neighboring home is sold and demolition is contemplated (as would be the case with most of the surrounding homes) during the two to four years of the proposed project, a Building Permit might be denied to that neighbor because of the vastness of the applicant’s proposal?

Response

The Applicants requested information from the Village regarding any other planned developments to consider potential cumulative impact in combination with the Proposed Action. This is unrelated to issuance of building permits for other homes. Approvals/permits to be granted for other houses or developments within the Village are determined by appropriate Village departments and/or boards under the circumstances including pertinent legal standards.

2.5 Description of the Proposed Action

Description of the Proposed Action Comment 1 – Marketing/Selling the House

Comment L6-7

The applicants have not provided details and documentation demonstrating the duration of time the house was on the market, what offers for sale were made and why such offers were unacceptable.

Comment L9-3

Additional information should be provided related to the listing sale price and timeframe when the property owner attempted to sell the home. Specifically, was the home priced to sell or “not to sell” to provide a rationale for the four-lot subdivision development and were offers received in line with market value.

Comment L9-14

Documentation of the number of offers made and offer amounts should be provided in the DEIS related to when the property owner attempted to sell the residence.

Comment L11-3

We have heard, but do not know for sure, that the owners have had trouble selling the home. We believe that this should be examined in detail to confirm that legitimate efforts have been made.

Comment E16-8

We also feel it would be a huge loss to demolish a historic home in our community, and to destroy a property filled with trees hundreds of years old. We do not feel a significant effort to sell the home was made. The listing price was far too high given the costs needed to modernize the house. The home is currently valued at \$2,400,000 and was never listed below \$3,600,000. It was never given a real chance to sell.

Comment E18-2

Has the current owner of approximately 25 years, who has enjoyed the home and its lovely surrounding property, given adequate/substantial effort to sell the property, with the home intact?

Comment E19-23

In the DEIS, the Applicants document all the avenues they have explored which they argue gives them no choice but to propose a 4-lot subdivision. The options explored are as follows:

#1- Attempted to sell the property as is

#2- Move the house to the Village Park area or to another location (to preserve the house) with a 3 lot subdivision

#3- Three Lot subdivision with a single roadway from Talley Road to access the new homes

But what leads the applicant to this "forced" conclusion is not necessarily a lack of options. We all know a home can be sold by a "motivated" seller. And the other two options were never really options. Identifying a reasonable alternative(s) to the action proposed should not include alternatives that are not viable. Proposing an alternate subdivision plan that is immediately off the table because it is not "as of right" is not a "reasonable" alternative. Proposing to move the Melby home when the Village's existing infrastructure (e.g., electric lines) make it impossible to move (in addition to asking the Village of East Hills to pick up the associated expenses in excess of \$1.5 million) is not a viable alternative. Placing the Melby home/property on the market for a price of \$3.9 million and lowering to another unrealistic figure is not a viable exit strategy if the market does not support such an asking price. The residents who wish to maintain their lives and homes in East Hills should not suffer the significant negative environmental, economic, and qualitative impact in order to maximize the economic gain of one family leaving East Hills. It is not the obligation of the Village and its residents to ensure someone else's financial gain at such a cost to the community.

Comment H1-5

Remind me when the house was listed originally, what was the asking price? What is the average selling price in the Village of East Hills?

Comment H2-4

Do you know when the house was last for sale?

Response

As discussed in Section 2.2 of the DEIS and Appendix C of this FEIS, the Applicants describe their efforts to sell their property including having listed it for sale in June 2015 for \$3,950,000 and continued efforts to sell until September 2016. The Applicants' provide their logic in their setting an asking price including market conditions, the home's unique character, *i.e.*, a "Gold Coast Mansion" with provenance, the existing lot size being the largest in the Village, and on the Applicants' calculation of a "replacement cost." The Applicants assert that their asking price was reasonable and offered better value than alternative, smaller properties improved by 5,000+ square foot homes for between \$2.5 and \$3 million on an all in cost basis, but on a lot often less than ½-acre in size.

The Applicants represent attempting to sell their property on twenty internet sites, in more than ten magazines, and by a direct email marketing campaign. (A marketing postcard to local homeowners in three surrounding zip codes.) The Applicants assert having worked with multiple listing agents (both nationally- and internationally-recognized brokerage firms) and co-brokering with most of the major Long Island firms, over several years, showing their property to eight potential buyers from June to August 2015, but there being little interest except for a reasonable offer in July 2015. The Applicants represent that the sale did not happen because the potential buyer decided that home improvement costs (including new windows, stripping floors and all other interior wood, and modernizing the home) were prohibitive. The Applicants acknowledge subsequent reasonable offers in April and May of 2016 subject to development contingency (including demolition of the historic mansion) unacceptable to the Applicants because they did not have the requisite permits.

The Applicants represent that from January 2016 to September 2016, they reduced the selling price to \$3,688,000.00 after having changed real estate brokers to Daniel Gale-Sotheby's. The Applicants describe creation of a high-quality brochure and the property being marketed both locally and overseas. The Applicants acknowledge limited interest; but assert that absent a development contingency, a viable sale did not materialize.

In December 2015, the Applicants also retained legal counsel and an engineering firm to determine the viability of subdividing their property and razing the existing house. Counsel confirmed the proposed lots would comply with the Village's zoning regulations and would exceed the minimum lot size of 15,000 SF (0.34± acre). The Applicants acknowledge that the property "has not been officially listed for several years," but the occasional potential buyer has had discussions with the broker without "firm offers." The Applicants also acknowledge some buyers or developers have approached them directly, but their indications have been "far below the value that the Applicants believe can compete with the yield attributable to the proposed subdivision." As noted in Appendix K, the broker believes that there continues to be a demand for new homes in the Village, the acreage is more than ample to accommodate additional homes, and the cul-de-sac design would have appeal particularly to young families with children.

Comment E19-23 states the belief that Applicants never put forth an alternative they thought was reasonable and viable and that the asking price of the house and 2.3-acre lot were too high to make a sale. In response, the Applicants' submitted the following response:

There are no reasonable alternatives to the Proposed Action, except for the Applicants selling the subject property at a price that was less than they were seeking. However, the Proposed Action involves a zoning-compliant four-lot subdivision, which is fully consistent with the existing land use pattern and character of the surrounding area, and for which the Applicants have a right to make an application and pursue approval. The implication that there may have been a selling price that would have provided what some consider to be a reasonable return on investment that was below the Applicants' asking price is speculative and irrelevant to environmental impact review under SEQRA. It is the Applicants' opinion that the DEIS, as augmented by additional information provided in the Applicants' responses to comments presented in this FEIS, demonstrates on the basis of the available information that the Proposed Action would not result in any significant, unmitigated adverse environmental impacts, contrary to the unsubstantiated assertion in these comments.

It is the Applicants' opinion the question regarding what the average selling price in the Village of East Hills and the exact number of offers is not relevant to the subdivision application or the environmental review.

See Description of the Proposed Action Comment 2, below for [the Applicants'] discussion regarding the need for an appraisal.

However, a significant impact on a valued cultural resource has been identified by NYS OPRHP in correspondence dated August 30, 2019, September 23, 2019, and February 6, 2020 and the

Village Planning Board in its EAF Parts 2 and 3 dated June 21, 2017. Additional information is necessary to conclude that adverse effects could not be avoided or minimized through an alternative that retains all or part of the historic mansion were not provided. Outstanding information includes an appraisal of the asking price for the property and a comparative cost analysis of rehabilitation versus demolition of the house. The issue before the Planning Board as lead agency at the Findings stage is whether, based on the information submitted and the analyses performed, the Board is able to “certify that consistent with social, economic and other essential considerations from among the reasonable alternatives available, the action is one that avoids or minimizes adverse environmental impacts to the maximum extent practicable, and that adverse environmental impacts will be avoided or minimized to the maximum extent practicable by incorporating as conditions to the decision those mitigative measures that were identified as practicable.” (SEQR § 617.11(d)(5)).

The Applicants’ presentation reflects a presumption that Village’s Zoning Board of Appeals will not grant the variances required for Alternative A-1 to avert identified environmental and community character impacts. Nevertheless, the Planning Board is required to: 1) take a “hard look” under SEQRA; 2) determine whether “impacts have been mitigated to the maximum extent practicable;” and 3) consider “social, economic and other considerations among the reasonable alternatives”. (6 NYCRR §617.11(d)(1-5))

Since submission of this application, the Applicants have not applied for any variances to the Zoning Board of Appeals.

Description of the Proposed Action Comment 2 - Appraisals

Comment L9-2

Professional appraisals of the property from 2015 have not been provided in the DEIS document.

Comment L9-16

The basis for “maximizing the value of the property” is unknown since no appraisals of the options are provided.

Response

The Applicants acknowledge that a professional appraisal was not completed for the Proposed Action and assert that:

the value of the existing house is not relevant to the subdivision process. The Applicants are seeking to demolish the house because it has proven to be unmarketable. There is no local, state, or federal law that would prevent the Applicants from demolishing the house, at this time. Furthermore, pursuant to the February 6, 2020 letter from OPRHP (Appendix F), OPRHP has set forth two potential courses of action to complete the review process with the State Historic Preservation Office (SHPO). As explained in the February 6, 2020 letter and discussed in more detailed in response to Historic Resources Comment 1, one course of action is to revisit the proposed

demolition, providing additional information, and the other is the preparation of a draft Letter of Resolution (LOR) outlining the mitigation measures proposed relative to the demolition of the house. The Applicants have prepared a draft LOR, which has been shared with the Village. Therefore, since the LOR contemplates the demolition of the house, this obviates the need for an appraisal.

The Planning Board is without authority to deny this application on the basis that it seeks to preserve the house. Although the house is only eligible for placement on the State's historic registry, this would not prevent the Applicants from demolishing the house. The eligibility status is only an honorary status that has no legal implications and does not landmark the house. The Village's request to the Applicants to present an alternate plan that would preserve the house in the context of this subdivision is the only reason why the preservation of the house is in discussion. Alternate A-1 is not a feasible alternative for the Applicants because the variances needed for development are discretionary and because the alternate plan is not consistent with the Village's comprehensive plan. These reasons alone should disqualify consideration of the alternate plan over the conventional plan. Also see the response to Historic Resources Comment 3, which discusses agency responsibilities under SHPA.

There is no evidence that the Applicants have applied to the Zoning Board of Appeals for the necessary variances associated with Alternative A-1 to allow for two buildable lots plus the retention of the existing mansion on a third lot. The Applicants' speculation about a variance application is not objective evidence. Additionally, information such as an appraisal and estimated costs of demolition of the existing house have been requested during the SEQRA process and have not been submitted. See response above to Description of the Proposed Action Comment 1 – Marketing/Selling the House. The SEQRA record is also barren regarding the value of two new flag lots with 5,000 square foot homes and the existing mansion a remaining lot.

Description of the Proposed Action Comment 3 – Property Values

Comment E2-6

Difficult to ascertain the exact impact on the value of the surrounding properties (including ours), there is no question that potentially open-ended, large scale construction will have a near-medium term negative impact on the welfare of the surrounding community (contrary to the statement in Section 2.5).

Comment E19-22

Upon completion of the proposed subdivision project, our property values will be negatively impacted because we no longer have/or can offer to a prospective buyer the East Hills quality of life that we bought into and lost. It will be diminished because of the density and size of the new homes above us on higher ground, and more importantly a roadway in the form of a cul-de-sac will have changed the integrity and serenity of our backyards. There will be an

unacceptable noise level and lights from vehicles coming up and down the cul-de-sac that will unavoidably impose on and destroy the quality of life of the surrounding homes.

Comment E2-7

There is no question that the project will have a negative short to long-term impact on the economic value of the surrounding homes (existence of a new road and intersection).

Comment E8-3

Throughout the DEIS both the stated and implied primary justification for the proposed project is the maximization of the financial return to the applicants. The obvious and significant reduction in the value of all of the surrounding homes during the years of demolition and construction have not been considered.

Comment E19-21

All homeowners want to see the value of their homes preserved and ideally improved, with the hope that someday we can sell for more than they paid. All buyers and sellers are subject to the current economic and environment. There is a realistic market price for the Melby home and unfortunately it was not the asking price of \$3.9 million. The Applicants do have an unusually large property and by the zoning rule of half acre per home they have a financial and lawful incentive to propose a subdivision with four homes. In addition, the Applicants have put to work a small army of lawyers, engineers, and environmental experts to produce documents with arguments as to why the proposed project is viable. The applicants have stated they propose to subdivide the land and build 4 homes in order to maximize the economic value of their property. What about the economic value of the surrounding homes, the residents who will remain in this community? The Village Board must consider the economic value of the immediately surrounding homes which: will absolutely be unsellable during the many years of construction; a prospective buyer will not buy a home during such an invasive and lengthy construction project, which includes asbestos abatement, removal of storage tanks, building of a roadway, odors of asphalt, generation of noise from demolition, excavation, filling and construction vehicles, traffic on local roadways and the unsightliness for a multiphase project of unknown years.

Comment E2-10

The creation of a new intersection on Melby Lane would also have a permanent detrimental impact on adjacent property values.

Comment E21-1

There is no way to get to those four houses but by building a road next to our house. It will completely destroy our privacy, views and hugely reduce the value of our new home.

Response

Potential effect on residential property values is not a valid environmental impact issue under SEQRA. More specifically, according to page 114 of *The SEQR Handbook, 4th Edition* (NYSDEC, March 2020), "purely economic arguments have been disallowed by the courts as a basis for

agency conclusions when concluding a SEQR review by developing Findings. Therefore...a possible reduction of property values in a community... are not environmental factors.”

See Section 2.9 for responses to comments regarding impacts to zoning, land use and community character. See Section 2.10 for responses to comments regarding traffic and Section 2.12 for responses to comments regarding construction impacts.

Description of the Proposed Action Comment 4 - Community Tax Burden

Comment E16-7

Will the added cost to maintain these new roads and new homes - which will require more water and electricity - affect the taxes of the entire community? Why should we take on this burden?

Response

Individual homeowners will be responsible for paying for the water and electricity they use, in the same manner as all the existing homes in the community. New homeowners pay property taxes based on the assessed values of the residence. The Applicants’ proposed three additional houses will add no more than four vehicle trips during peak hours to area roadways. Three additional residences will generate 2,100 gallons per day (gpd) additional sewage to be managed by individual on-site septic tanks and associated leaching pools. The three additional lots will demand 4,800 gpd of water, including an additional 2,100 gpd of domestic water as compared to the existing condition, as shown in Table 14 of the DEIS. The lots will be serviced by the Roslyn Water District. Section 3.2.2.4 of the DEIS provides details of the anticipated water use and wastewater generation.

Description of the Proposed Action Comment 5 – Completion of Project

Comment E3-5

If this project should be approved, we would ask that you require all funds for the project to be put into escrow so that we would not be looking at the possibility of unfinished homes in our area for extended periods of time.

Comment E4-6

We have no assurances that this project will be completed if finances are compromised (whether in a timely fashion or at all).

Response

To ensure the completion of the development, the Applicants will be required to post a bond, cash escrow or a letter of credit in an amount to be determined by the Village and its consultants to cover the cost of the subdivision improvements to include the construction of roadways/site access, all drainage and related infrastructure. These requirements would be included in any future conditions of approval.

Description of the Proposed Action Comment 6 – Heating/Cooling Method of Existing House

Comment H2-7

Does the house have central air conditioning now? What type of heat system do you have oil or gas?

Response

The existing house on the subject property has central air conditioning and its heating system is fueled by two 275-gallon No. 2 fuel oil tanks, as noted in Section 2.4 of the DEIS.

2.6 Subsurface Conditions, Soils and Topography

Subsurface Conditions, Soils and Topography Comment 1 – Phase I Environmental Site Assessment

Comment L1-8

A Phase I Environmental Site Assessment (ESA) must be submitted to the NCDH in accordance with ASTM Standard Practice Site Assessments for review prior to the approval of all realty subdivisions and other residential or property redevelopment projects. This will include:

- a) Information that describes the past use of the property including a site map, which shows the present and former locations of buildings, and subsurface structures including underground storage tanks, drywells, leaching pools, cesspools and any floor drains connected to these structures.
- b) A listing of the capacity, contents and status of all aboveground and underground petroleum, chemical or other hazardous substance storage tanks or storage areas that have existed at the site and evidence that these tanks or storage areas were properly installed, registered and/or removed or abandoned in accordance with USEPA, NYSDEC, Nassau County Fire Marshal regulations or Article XI of the NCPHO must be submitted to the NCDH.
- c) For all residential development proposals, a survey for potential contamination sources (i.e. gas stations, automotive repair shops, dry cleaners, manufacturing facilities, etc.) adjacent to or surrounding the property. A map and listing of all non-residential properties including all listed NYSDEC contaminated sites (inactive hazardous waste sites, voluntary cleanup sites, brownfields, spill sites) and USEPA NPL sites within 250 feet of the proposed development should be submitted to the NCDH.

Response

A Phase I ESA was prepared for the proposed project, as discussed in Sections 3.1.1.1 and 3.1.2.1 of the DEIS, and a copy is provided in Appendix D of the DEIS. The DEIS, including appendices, were submitted to involved agencies and interested parties including the NCDH. The Phase I ESA addresses all information listed in this comment. Business Environmental Risks (BERs) identified in the Phase I – i.e., removal of existing Aboveground Storage Tank (AST's) and Underground Storage Tank (UST), abandonment or removal of existing sanitary waste system, addressing potential polychlorinated biphenyl (PCBs) in transformers, addressing potential lead-based paint within residence, and Asbestos-Containing Material (ACM) survey – will be addressed in accordance with prevailing regulations during site demolition and development activities. A determination whether the transformers contain PCBs and how any such materials will be safely removed and disposed will occur at the site plan review stage. A Phase II ESA was not recommended based on the findings of the Phase I ESA.

Subsurface Conditions, Soils and Topography Comment 2 – Abandonment of Structures

Comment L1-10

Existing drywells, leaching pools or cesspools must be closed in accordance with all applicable federal (USEPA), state (NYSDEC) or local regulations. The results of approved laboratory testing of soil beneath all drywells, leaching pools or cesspools on the site which have received discharges of sanitary waste, wastewater, interior drainage, petroleum products or toxic or hazardous waste must be submitted to the NCDH.

Response

All work associated with the decommissioning of any existing on-site drywells will be completed in conformance with applicable federal (USEPA), state (NYSDEC [or DEC]) and local (NCDH) regulations, including any necessary soil testing. Additionally, existing septic tanks and leaching pools would either be abandoned in place or removed based on evaluation and decision by NCDH.

Subsurface Conditions, Soils and Topography Comment 3 – Potential Contamination Removal and Regulatory Compliance

Comment L1-9

The installation, removal, or abandonment of all toxic and hazardous material storage tanks or areas containing fuel oil, waste oil and regulated petroleum or chemical products must be performed in accordance with the requirements of Article XI of the NCPHO.

Comment L1-11

The NCDH will require the removal of all contamination sources on the site and may require testing to determine if any organic or inorganic chemical contaminants are present in the soil or groundwater at the site. This may include an investigation of soil vapor intrusion to determine if there is potential for contamination of indoor air by volatile organic chemicals. Soil vapor, indoor and ambient air testing must be conducted in accordance with the NYSDOH Guidance for Evaluating Soil Vapor Intrusion in the State of New York. NCDH may also request the installation of a soil gas ventilation system to protect indoor air quality in any proposed new or modified site buildings if warranted.

Comment L1-12

Any hazardous materials encountered at the site must be removed by an industrial waste transporter registered with the NYSDEC and be taken to an approved hazardous waste disposal facility. The NYSDEC and the NCDH must be notified upon discovery of any hazardous substance in order to determine if further investigation is necessary.

Comment L1-13

A Phase II and Phase III ESA may be required to be submitted to the NCDH. If any sources of potential contamination are suspected in proximity to the site, the property should be further investigated to determine the impact of this contamination in the soil, groundwater and soil gas beneath the site.

Comment L1-16

A NYS Dept. of Labor licensed inspector must survey any existing buildings or structures for the presence of Asbestos Containing Building Material (ACBM) prior to demolition. If ACBM is identified, they must be handled in accordance with NYSDOL and USEPA regulations.

Comment L5-3

There are environmental concerns we have with the potential toxins from the Demolition.

Comment E12-8

Do I really need to worry now about my kids' exposure to asbestos and other harmful pollutants in Roslyn, NY?

Comment E16-2

It is devastating to think that the beautiful, historic house right behind us could be demolished, potentially releasing asbestos and lead into our air and making our home a toxic place to live.

Comment E19-15

The issue of friable asbestos and removal of underground storage tanks have been identified in the DEIS as "BER's that would be addressed at the time of demolition and subdivision" There are no mitigation proposals or evaluations to ensure no significant adverse impact. Instead there is language like "should be removed in accordance with prevailing regulations" and "asbestos would be abated in accordance with NYS Rule 56".

Comment E20-3

The health issues for the residents of this neighborhood should not be worth 4 homes.

Comment E21-2

It is shocking to think that the historic house, which built almost 100 years ago right behind us will be demolished, potentially releasing asbestos and lead into our air and making our home a toxic place to live. It is very unlikely given the age of the house that there will not be asbestos or lead issues, we feel that environmental studies supposed to be done by village and not the homeowner. Can that be trusted?

Response

This is a subdivision application. The comments from the NCDH pertain primarily to potential sources of significant contamination, such as certain industrial and commercial uses. The subject property is improved with a single-family residence, generally not considered to pose the potential for significant site contamination. A Phase I ESA at the site (included in Appendix D of the DEIS), did not identify any potential contamination and did not recommend further action such as Phase II or Phase III ESAs to be conducted. However, if such materials are encountered, all applicable regulatory requirements must be followed and complied with by the Applicants as mandated by the NCDH.

As described in Section 3.1.2.1 of the DEIS, the potential environmental issues identified in the Phase I ESA (i.e., asbestos, lead-based paint, ASTs, PCBs, existing sanitary waste system, etc.)

shall be properly addressed during any demolition of existing structures in compliance with prevailing local, County, and State health and safety regulations, as applicable. If a Phase II and Phase III ESA are warranted, the Applicants shall need to comply with all applicable regulatory requirements as mandated by the NCDH.

The Phase I ESA indicated the historic structure's basement has asbestos containing material ("ACM"), i.e., pipe insulation, as did one of the two fuel oil-fired boilers. Prior to any potential demolition, an ACM survey will be necessary for all structures. ACM is required to be removed prior to demolition in accordance with New York State Department of Labor (NYSDOL) Industrial Code Rule 56 (see Appendix D of the DEIS for the Phase I ESA). Any recovered materials must be disposed in accordance with applicable requirements at a facility that is licensed or registered to accept such materials.

Prior to any potential site demolition or development activities, the removal of the existing two 275±-gallon No. 2 fuel oil ASTs and one propane UST, in the historic mansion's basement, adjacent to the swimming pool, is and residual contents, are governed by prevailing laws and regulations, including Article XI of the NCPHO.

The two existing transformers on utility poles located southeast of the existing single lot parcel may contain PCB transformer oil. Before these transformers may be disturbed or removed, the Applicants must determine if PCBs are present. If so, the removal and disposal of the transformers and transformer oil is required to be in accordance with all prevailing laws and regulations, including Article XI of the NCPHO. As part of any future site plan review or demolition permit application, the property owner will be required to determine if the transformers need to be removed to facilitate redevelopment and be responsible for determining whether the transformer oil contains PCBs. If PCBs are found in either of the two on-site transformers, federal disposal requirements will be followed.

As to the statement that the environmental studies should have performed by the Village, the SEQRA regulations allow an applicant to prepare the DEIS. The Village and its planning consultant reviewed and commented upon the DEIS, requiring revisions, before being accepted for the purpose of public review.

Subsurface Conditions, Soils and Topography Comment 4 – Lead-Based Paint

Comment L1-17

A USEPA certified lead inspector must survey all existing building interior surfaces at the property. The results of the lead inspection must be provided to the Department prior to the approval of the realty subdivision map and prior to demolition of any building. Lead abatement shall be required prior to the demolition of existing structures should the results of the investigation indicate an exceedance of Environmental Protection Agency CFR 745 standards for lead content in paint. Soils testing for lead beneath and in the vicinity of all demolished structures may also be required following demolition activities to confirm whether the soils were impacted by lead.

Comment L1-18

Lead abatement activities must be conducted pursuant the Occupational Safety and Health Administration (OSHA) and USEPA regulations.

Response

As discussed in Section 3.1.1.1 of the DEIS, based upon the age of the subject residence, constructed circa 1929, there is a potential for lead-based paint to be present within same. However, according to correspondence with the USEPA on January 3, 2017, "total demolition does not fall under the law because there are no laws concerning the total demolition of a building" (see Appendix G). As indicated in the Phase I ESA, it is not expected that the ratio of lead-impacted materials to total demolition debris would require additional actions. As such, abatement of lead is not required prior to demolition activities. However, the demolition contractor will be alerted to potential presence of lead-based paint in order to take necessary worker protection precautions and to ensure that the demolition debris is disposed in an appropriate manner. Examples of standard practices and precautions expected to be undertaken during construction to ensure the health and safety of workers and adjoining property owners include: dust suppression techniques (i.e. the wetting of demolition debris, halting activities during high wind conditions and covering stockpiles), installation of construction fencing to minimize off-site fugitive dust, minimizing the drop height of debris into containers utilized for disposal (i.e. dumpsters, roll-offs or trucks), general good housekeeping practices, and use of appropriate personal protective equipment (PPE) by on-site construction workers.

Subsurface Conditions, Soils and Topography Comment 5 – Fill Material

Comment L1-14

This Department shall require certified clean fill for raising the final grade of the site and for backfilling up to final grade following remedial activities. Certified clean fill must meet the Unrestricted Use Soil Cleanup Objectives (USCO) listed in Table 357-6.8(a) of 6 NYCRR Part 375. This means that fill analytical results must be compared against the USCO listed in the aforementioned table. The fill must also be certified by a professional engineer licensed in the State of New York.

Response

All fill brought to the subject property for the proposed development will need to comply with applicable regulatory requirements.

Section 3.8.2 of the DEIS indicates that the subdivision phase of the Proposed Action (i.e., construction of the project roadway and associated drainage infrastructure) will require a relatively minor net volume of fill import, estimated at $650 \pm$ cubic yards. The lot development phase of the Proposed Action will result in a net excavation (cut) volume estimated at $4,350 \pm$ cubic yards. The fill import required during construction of the subdivision roadway would be reduced, or possibly even eliminated, if lot development proceeds concurrently. On this basis, the testing requirement identified by the NCDH for imported fill material would not apply to lot development and would either be minor or also would not apply to construction of the subdivision roadway.

Subsurface Conditions, Soils and Topography Comment 6 – Site Grading

Comment L6-1

The lot grading provided on the Preliminary Map Sheets 5-7 does not demonstrate the containment of stormwater runoff on the individual lots.

Comment L6-2

The proposed grading, necessary drainage and limit of disturbance should be adjusted to reflect a realistic development scenario for each lot, inclusive of disturbances necessary for construction access and installation of drainage systems and other lot and site improvements. It is noted that the impervious cover assumptions for the proposed lots are well below the 25% permitted in the R-1 Zoning District. If the development plans which ultimately are proposed for the individual lots conform to these thresholds, no further review under SEQRA would be needed. However, if the future lot development plans exceed these thresholds to the degree that potentially significant impacts may arise that were not addressed in the EIS, supplemental SEQRA review may be needed during the site plan review process.

Response

The preliminary grading is shown to create depressions to direct runoff to proposed yard drains in the rear yards. All runoff from the driveways is shown directed to either proposed catch basins or proposed strip drains. All roof leaders are shown connected to proposed drywells. It is the Applicants' opinion that this demonstrates the containment of all surface runoff. For Sheet 7 of 8 in Appendix E, the pool size and location, have been revised to prevent disturbance of the 20% sloped area located to the southwest of the proposed pool. All drainage has been revised to include the full site in the stormwater retention and not just areas of disturbance. Due to including these areas, the disturbance limit line has been adjusted to include further disturbance and regrading areas. The regrading was done to prevent the removal of any additional trees from the site. These changes are reflected on Sheet 7 of 8 (Grading and Drainage Parcels 1-4) and Sheet 8 of 8 (SWPPP). Since these two sheets are demonstrating full site development, drainage for full stormwater runoff of the whole site is reflected.

Lot grading and stormwater collection system design will be finalized during the site plan approval process for each individual lot based on the details of future homes designs, which is a separate, subsequent approval from the subdivision approval process.

The disturbance limit line on the proposed site is consistent with typical development for the area. The homes shown on the Preliminary Plans are within typical square footage of the neighborhood, driveways for access to attached garages, patios, and typical sized swimming pools. The disturbance limit is shown to include all structure development, installation of sanitary and drainage facilities while also preventing development or disturbance within sloped areas greater than 20 percent. It is not anticipated that future lot development would significantly exceed these thresholds in a manner that would trigger the need for supplemental SEQRA review during the site plan review process. Additionally, the zoning charts on Sheet 7 and 8 in Appendix E have been updated to show the area of slopes in the range of 15 percent to 20 percent on each parcel.

The zoning charts on Sheet 2 of 8, Sheet 7 of 8 and Sheet 8 of 8 have been updated to show the area of slopes 15%-20% on each parcel. As stated above, no disturbance is proposed within any sloped area above 20%, which includes structures and regrading. The areas in the zoning chart are showing areas of 20% or greater on the respective parcels only, this is not area to be disturbed. Table 14 in response to Alternative Comment 1 has been updated to show both the total sloped area between 15 and 20%, as well as the total sloped areas greater than 20%. As stated, no sloped areas greater than 20% will be disturbed in the proposed action. Also see the section entitled "Updates to Proposed Subdivision Plans and Alternate Plans" for a discussion regarding additional specific changes to the plans that address these comments.

2.7 Water Resources

Water Resources Comment 1 – Special Groundwater Protection Area

Comment L1-3

All land development in the Special Groundwater Protection Areas (SGPAs) of Nassau County must comply with the requirements of Article X of the Nassau County Public Health Ordinance (NCPHO). This regulation limits the number of dwelling units to one per 40,000 square feet for residential developments, limits the daily design rate of sewage discharged per square foot of net area for non-residential developments to no more .00375 gallons per square foot, and prohibits all discharges of industrial wastewater, whether or not treated.

Response

The subject property is not within a SGPA. Therefore, this is not applicable.

Water Resources Comment 2 – Water Supply Connection/Water Main Construction

Comment L1-5

Engineering plans and specifications for the construction of new or modification of existing water mains which will serve the proposed development must be submitted, through the public water supplier, for review and approval to the NCDH. The installation of private wells as a source of drinking water, cooking, sanitary or laundry use, in an area served by a public water system, is prohibited.

Response

The subject property is located in an area served for water supply by Roslyn Water District (RWD). The proposed subdivision and subsequent lot development do not include the installation of private water wells as a source of drinking water, cooking, sanitary or laundry use, in accordance with this NCDH requirement.

At the appropriate time, a request will be made for connection to the RWD system to serve the proposed residences. This request will include all relevant documentation as may be required by the RWD. Additionally, any necessary submissions will be made to the NCDH to procure a water supply approval as may be required by that agency.

For installation of new water mains, the subdivision will be required to follow Roslyn Water District's Ordinance's Section 8 "Extension of Mains Builders and Developers". The ordinance states the following procedure for installation:

- The owner or its engineer shall furnish the District Engineer of the Roslyn Water District with four (4) prints of the proposed overall development plan on which the District Engineer will indicate the required size of water mains, location thereof and appurtenances. After this plan has been approved by the District, one copy will be filed with the District. (Ordinance 8.2)
- The owner shall furnish the District Engineer with three (3) copies of the approved filed map, on which will be indicated the water mains locations and appurtenances. In addition,

the owner shall furnish the District Engineer with one (1) copy of the street grading and drainage plan. (Ordinance 8.3)

- When the owner is ready to have water mains installed, the District Engineer will prepare a plan for the same together with specifications, bidding sheet, and other requirements. The District Engineer will prepare the advertisement for bids and at the specified time, the bids will be opened and the contract awarded conditionally upon the owner complying with the provisions of section 8.5 within fourteen (14) days after bids are opened. (Ordinance 8.4)
- The owner shall deposit a check with the District equaled to the amount of the bid, plus twenty (20%) percent to cover necessary legal, engineering and contingent expenses and the owner will enter into a contract with the District for the execution of the work. (Ordinance 8.5)
- The water mains shall be installed under the supervision of the District Engineer and the District's Superintendent and upon completion; the District Engineer will prepare an estimate of the completed work. This amount, plus engineering and legal fees will be paid by the District from moneys deposited by the owner.

The project engineer has previously reached out the Roslyn Water District. A letter of water availability was previously provided by the Roslyn Water District for the proposed subdivision (see Appendix H). Once the subdivision is approved the owner will move forward with submission of construction drawings to the Roslyn Water District for its review.

Comment L1-6

Evidence must be provided to the NCDH indicating that all water mains constructed as part of the development will be deeded to the public water supplier, along with a dedicated easement as may be necessary, to assure proper operation, repair and maintenance. Dead-end water mains shall not be proposed unless approved by the NCDH pursuant to conditions in Article VI of the NCPHO. All water mains should be connected to adjacent street mains or otherwise looped for improved water distribution.

Response

Prior to the RWD undertaking a water system installation in any development, the developer must transfer right, title, interest and ownership to the RWD for the nominal consideration of one dollar (\$1.00) before the RWD will undertake to operate and repair and before any refunds or amounts deposited are to be made. RWD shall be furnished satisfactory proof that either the street in which the water mains are laid have been dedicated and accepted by the proper public authority, or that easements have been established for the RWD in form to be recorded in Nassau County Clerk's office with a satisfactory Title Company certificate showing same to be executed by all owners and mortgages or other liens, and that all valve boxes have been located and placed at the levels approved by the District in accordance with the applicable requirements (as per Section 8.7 of District Ordinances).

All water mains that would be part of the proposed development of the proposed four-lot subdivision will be designed and constructed in accordance with Village procedures and specifications for new development projects, since the water distribution infrastructure will be

deeded to the RWD and, as indicated above, an easement will be dedicated upon completion of construction. No dead-end water mains are proposed as part of this project. All necessary documentation in regard to same will be provided to the NCDH, in accordance with applicable requirements.

Water Resources Comment 3 – Backflow Prevention Device

Comment L1-7

The developer must comply with all water supplier requirements for backflow prevention devices on water service lines.

Response

At the time of individual site plan approval, backflow prevention device applications will be submitted for review and approval in accordance with the RWD requirements.

Water Resources Comment 4 – Utilities and Drainage

Comment L6-10

Test hole #1 on Sheet 7 of 7 indicates a sandy clay lens from 22' to 34' below grade. The proposed depth of the drainage systems in the vicinity of this test hole would extend into this sandy clay lens, which may limit the leaching capabilities of the drainage system. Measures to ensure proper functioning of the drainage system addressing these soil constraints should be described and noted on the plans/details.

Comment E13-4

Utility (gas and electric) have to be brought in. Roads have to be laid. Drainage has to be configured and implanted.

Comment E16-5

There could potentially be drainage issues, as the home is uphill from ours.

Comment E21-4

There could potentially be drainage issues, as the home is uphill from ours.

Is village aware major new constructions bring potential flood to houses right below it. We would like to ask Village Planning Board to look closely into this issue.

Comment H2-5

The DEIS talks about that one of the permits that the applicant needs to obtain from the state is the SPDES permit. When you talk about the runoff in the DEIS, there are two issues: the runoff during construction and then the runoff post-completion of the development – separate and different.

Response

Section 2.4 of the DEIS details the manner in which utilities will be brought to the proposed subdivision. Sections 3.2.2.2 and 3.2.2.4 of the DEIS detail how wastewater, potable water, and stormwater management will be handled for both the development of the subdivision and

eventual development of the lots. Potable water will be supplied to the subdivision by the RWD via the existing six-inch water main located in the west side of Melby Lane. Connections will be made within the new cul-de-sac to service the four proposed lots. Wastewater generation will be handled by the installation of four new on-site sanitary disposal systems. Stormwater runoff will be handled via the on-site installation of drywells and three drainage reserve areas (DRAs). Melby Court is the only roadway proposed to be constructed. Four individual driveways would be constructed off this project roadway. The proposed construction of the cul-de-sac and installation of the utilities are typical of residential developments; no extraordinary measures of construction are anticipated. The proposed development would provide enhanced drainage infrastructure, providing on-site retention of stormwater runoff generated on the redeveloped site. Preliminary review of the proposed drainage system has been conducted by the Village's consultant, which has provided extensive commentary on same. Furthermore, final drainage design plans will be subject to review and approval by the Village Engineer prior to the start of construction.

All proposed drainage systems comply with applicable standards, specifications, standard engineering practices and guidance documents. As shown on the grading and drainage plan as well as the SWPPP, the systems are designed for an 8" rainfall event. Permanent measures include the proposed new grade, which will lessen the slope gradient and slow the velocity of any runoff and the installation of drainage structures as shown on the s Grading and Drainage Plan to reduce the volume of overland flow of runoff.

All drainage from the site will be directed to new drainage facilities and no runoff will be permitted to runoff to neighboring properties. The property currently does not have sufficient drainage facilities to retain stormwater runoff on-site. The proposed drainage facilities will be a significant improvement over existing conditions. Sheets 3 of 8, 5 of 8 and 8 of 8 in Appendix E show the overall engineering practices to contain the stormwater runoff on the 2.3-acre site (each of the individual lots and the roadway area). All engineering plans have been designed in accordance with applicable engineering standards and specifications. All pre- and post-construction stormwater requirements established by the Village and State will be met or exceeded under the Proposed Action. Permanent vegetative measures include the planting and maintenance of grass on all areas of disturbance and regraded slopes. Maintenance will be performed on soil erosion control measures on an as needed basis with inspections made on a weekly basis. The required maintenance of all erosion and sediment control measures will be performed in accordance with the NYSDEC's "New York State Standards and Specifications for Erosion and Sediment Control."

As part of the subdivision application, a drainage and grading plan, SWPPP, on-site sanitary system and drainage system design details, street plan, road profile, landscape and tree removal plans have been prepared (see Appendix E). The project engineer has reached out to Roslyn Water District regarding the proposed subdivision. As stated in other responses, the Roslyn Water District will instruct the Applicants to show the new water main location and size to serve the development and once final approval is completed, they will move forward with the engineering portion of the water service design.

Additionally, for test hole # 1 where there is a layer of sandy clay from 22 feet to 34 feet, the unrateable material will be removed and a replaced with clean, ratable material to extend

down into 6 feet of ratable material, the soil shall be removed, in accordance with NCDH requirements. A three-foot collar will be installed around the drywells/leaching pools, as required. The drywell detail was revised to show a 3-foot collar of clean, ratable material around the drywell. Notation to the detail was added stating "In accordance with Nassau County Department of Health, any unrateable material will be removed and replaced with clean, ratable material to extend down 6 feet into ratable material.

As for utilities (gas and electric service), the electric and gas service to the development will be discussed with the utility providers as part of the final approval. No specific communications with the utility providers have been undertaken at this time. Prior to construction of the proposed cul-de-sac, the project engineer would consult with both PSEG Long Island and National Grid regarding electric and gas utilities, respectively. Further consultation would occur prior to construction on each individual lot.

2.8 Ecology

Ecology Comment 1 – Tree Removal

Comment L10-7

More than 30 trees will be destroyed.

Comment E13-3

To destroy trees that are hundreds of years old is disgraceful.

Comment E19-11

For site preparation there will be removal of 32 mature, significantly sized trees only to be replaced by 18 (3" caliper/14' tall) small trees on the proposed roadway to help screen the proposed future homes from the roadway. The Applicants have identified the trees to be removed (total of 32) for creating the roadway and developing the proposed lots; but planting 18 small trees will not mitigate the major adverse impact of losing 14 40' to 50' trees on the neighborhood character and its natural resources. In addition, it is stated that "Any future landscaping for the home lots cannot be determined at this time"

"Upon development of the four new lots, it is expected that a total of 18 additional trees would be removed for the construction of the residences, typical accessory uses and the driveways on the development lots. Overall, considering the subdivision and lot development, 32 trees are anticipated to be removed." As with future tree removal, future landscaping of the individual lots cannot be determined at this time.

Therefore, the Lead Agency's question on Natural Resources remains unanswered. Is this in fact, the limit to the clearing to allow evaluation of removal of additional vegetation or protection of steep slope areas?

Comment H1-6

For the record, you are commenting that the flag lots would require removal of approximately 34 trees. Your plan shows a removal of trees not 34, and the planting of 18 trees. So if you are going to remove 34 trees and you're putting in 18, you could put in 36. You could put in a lot of different things.

Response

The Proposed Action is a minor subdivision. The proposed improvements associated with future development of single family homes subsequent to a subdivision approval necessitates certain existing trees be removed. . Tree removal can be minimized to the extent practicable and replacement trees can provide mitigation. For example, the Applicants' propose , as shown on Sheet 6 of 8 in Appendix E of this FEIS, to mitigate 14 trees to be removed during the subdivision phase of the project (i.e., roadway creation only) by planting 18 trees (at a 3-inch caliper, in accordance with Section 186 of the Village Code), within the new road right-of-way. Nineteen additional trees are identified for removal on the Landscape and Tree Removal Plan (Sheet 6 of 8, last revised 5/25/2020) based on the conceptual plans considered in the DEIS for development of the four individual housing lots. Therefore, a total of 33 of the 157 existing

trees will be removed as a result of the proposed subdivision and anticipated individual lot development. A Tree Removal Permit per Chapter 186 of the Village Code will be required prior to the commencement of construction. Specifically, as identified on the Planting List on the Landscape and Tree Removal plan (see Sheet 6 of 8 in Appendix E of this FEIS), Japanese Zelkova (*Zelkova Serrata*), Sweet Gum (*Liquidambar Styraciflua*), and Ginkgo (*Ginkgo Biloba*) tree species will be planted on the subject property. It is noted that Sheets 2 of 8, 3 of 8, and 7 of 8 identify species for planting that differ from those shown on the Landscape and Tree Removal Plan (Sheet 6 of 8) i.e., Leyland Cypress, Japanese cryptomeria, and juniper rather than Japanese zelkova, sweet gum and ginkgo. The plans must be revised accordingly for consistency, prior to any final subdivision approval.

The Applicants have acknowledged that the Planning Board may require additional tree plantings as a condition of subdivision approval and may require appropriate landscape design during the subsequent site plan review of the individual housing lots based on the specific home designs. Final site design has not yet been completed for the proposed subdivision. As the Applicants have acknowledged, "site plan review for the individual housing lots cannot proceed until the subdivision has been approved; and subdivision approval cannot be issued until the SEQRA process has been completed, including the adoption of this FEIS and the ensuing findings statement." During any site plan approval process for specific lots, it is expected that new tree plantings will be specified to mitigate proposed tree removal. Plans for any proposed new homes on lots are typically reviewed by the Village's Architectural Review Board and this includes tree planting and other landscaping plans.

The Applicants have acknowledged their expectation of being required to plant new trees within any newly-created lots to compensate for any tree removal during home site development.

Tree removal will be required under any subdivision scenario, including those that retain the existing house, as shown in Table 14 under the response to Alternatives Comment 1. Generally, tree removal can be mitigated by planting new trees.

Ecology Comment 2 – Size of Trees

Comment H1-8

Do you know how high the proposed trees [around the proposed cul-de-sac] grow, how wide they grow?

Response

The Japanese Zelkova (*Zelkova Serrata*) grows at a rate of approximately 13-to-24 inches per year; at maturity, this tree will reach a height of 50 to 80 feet and a spread of around 50 to 75 feet. The American Sweetgum (*Liquidambar Styraciflua*) grows at a rate of 13-to-24 inches per year; at maturity, this tree will reach a height of 60-to-75 feet with a spread of 40 to 50 feet. The Ginkgo (*Ginkgo Biloba*) grows at a rate of 13-to-24 inches per year; at maturity, this tree reaches a height of 25-to 50-feet with a spread of 25-to-35 feet.

Ecology Comment 3 – Wildlife Displacement

Comment L10-8

Animals such as birds, raccoons, possums, rabbits, and some feral cats will all be displaced.

Comment E13-5

The wildlife that currently live on that property will be displaced and will find residents in and on our property.

Response

The animals identified are common suburban species; and one, feral cats, by definition is not considered wildlife. There is no evidence of endangered or threatened species being present on the subject property. Construction activities are anticipated to cause many of the animals present to be displaced to surrounding areas. Such displacement is not anticipated to result in significant impacts given the limited size of available habitat on the property.

2.9 Zoning, Land Use and Community Character

Zoning, Land Use and Community Character Comment 1 – Change in Community Character

Comment L4-1

The proposed knock down of the Stonehouse and development of the property to create a cul-de-sac and four new homes will be devastating to our block, our neighborhood, and our quiet community for many years. It will cause an undue burden on many to (financially) benefit few.

Comment L6-11

The DEIS should provide an assessment of the changes in community character based on the existing setting, accounting for the loss of the existing historic home.

Comment L10-9

There is no cul-de-sac in Nob Hill.

Comment L5-2

Building 4 homes on a single lot where only one house has been previously seems excessive.

Comment L10-10

This project does nothing to enhance the Nob Hill community only changes the integrity. It creates a community within a community. The land is not appropriate for this project.

Comment L11-4

Building four new homes on the site would be detrimental to the neighborhood and the street on which it sits.

Comment E5-3

Please consider all of us neighbors who actually live in the neighborhood and reject this proposal and help us maintain the quiet, calm serenity we have in this lovely enclave of East Hills that is Nob Hill.

Comment E9-2

As proposed, this subdivision will add nothing to the appeal of the neighborhood with four overly-large houses which are not integrated into the fabric of our community.

Comment E19-14

Adding three additional homes with three additional pools is not consistent with the established density of the neighborhood.

Comment H1-7

It was mentioned that flag lots would be out of character for Nob Hill. How many cul-de-sacs are in Nob Hill right now? Private cul-de-sacs, not the cul-de-sacs that are part of the Village.

Response

The Applicants assert that the existing residence is “not marketable in its current condition.” The subject property is now 2.23 acres. See response to Historic Resources Comment 1 and Appendix C of this FEIS for an alternatives analysis which discusses the preservation of the existing home.

As discussed in Sections 3.4.1.2 and 3.4.2.3 of the DEIS, the community character in Nob Hill is homogenous with well-maintained single-family detaches houses on lots averaging just less than one-half acre in size. The Applicants has acknowledged that “the removal of the existing residences [sic] would change the specific character of the existing lot and the immediate vicinity, the three additional new homes in the neighborhood are not expected to change the overall land use pattern of the neighborhood or low-traffic condition of the roadways.” See Section 2.11 for discussion of impacts associated with the removal of the existing house.

New sources of noise associated with construction will be temporary, and the Applicants and contractors will be required to comply with the noise level limits, restriction on activities, and other controls stated in the Village Code including in the Village’s Noise ordinance (Chapter 127). Upon development and occupancy of the new homes, new residents will be subject to the same Village Noise ordinance as other residents.

Swimming pools are permitted in the R-1 Residence District when the Zoning Board of Appeals issues special exceptions and comply with the Village’s Zoning Code (§271-35), State, and NCDH regulations, including those concerning drainage. Swimming pools are a typical suburban home accessory and the Nob Hill Neighborhood includes homes with swimming pools.

The Applicants’ proposed subdivision of the property into four lots is compliant with the R-1 zoning district by creation of a proposed cul-de-sac. The Applicants contend that the proposed subdivision is designed to be “integrated into the community, with the proposed project roadway connecting to Melby Lane and the associated network of local residential roadways that links the homes throughout the neighborhood.” No gated entrance is proposed. As discussed in Section 3.4.2.3 of the DEIS and shown in Figure 11 of the DEIS, the Nob Hill subdivision includes certain cul-de-sacs, including Bird Court, Starling Court, and Arlington Court. Three homes front on Bird Court and four homes front on Arlington Court.

The Applicants submitted a Freedom of Information Law (FOIL) request to the Village dated July 6, 2017 requesting information/documentation regarding adoption of the Village Code 137-30, 137-31, and 137-32 (pertaining to Park and Recreation Areas) and for decisions approving subdivisions within the Village within the last ten years. A second FOIL request was submitted March 2, 2020 requesting decisions approving subdivisions within the Village within the last five years. The Village responded in writing (see Appendix L). It is noted that that since 2007, there have been four subdivision applications approved in the Village. Two of the applications involved splitting a single lot into two lots and one involved the Spring Hill Farms

subdivision located largely in the Village of Old Westbury. The fourth application (G.A.D Development, Inc.) involved the subdivision of the former Roslyn Swim Club on the east and west sides of Mimosa Drive. This subdivision included the creation of four lots on the west side of Mimosa Drive with access via a new cul-de-sac and required the retention and restoration of the former Roslyn Swim Club gates and gate house that have historic significance. Additionally, two lots were created on the east side of Mimosa Drive with an access easement required for Lot 2 across a shared driveway from Mimosa Drive (functioning similar to a flag lot) to address access concerns from Harbor Hill Road.

An alternative subdivision layout which retains the existing mansion and creates two additional building lots is discussed in Section 2.13 (see Appendix D). Whether the Village's Zoning Board of Appeals will grant variances to allow the creation of flag lots cannot be determined until there is an application to the Zoning Board of Appeals.

Zoning, Land Use and Community Character Comment 2 – Quality of Life

Comment E1-2

The vast magnitude of the planned subdivision would amount to an undesirable change in the character of our neighborhood and would create a significant disruption to the quality of life and welfare of the immediate neighbors.

Comment E2-2

We are confident that all residents either adjacent to, or near, the potential development site are concerned about environmental impacts such as groundwater impact, drainage, birds, number of trees, etc., but our central concerns relate to basic principles of fairness and quality of life over the next 2+ years and beyond.

Comment E8-2

The DEIS (at pages 63-68) attempts to minimize the effects of noise, air pollution, traffic disruption and parking issues--amongst a host of other quality of life issues that would be encountered during the demolition and construction phases.

Comment E12-1

There should be no disputing that this project will cause major disruption and decrease the quality of life for those residents surrounding the proposed development.

Comment E12-2

How can one family's desire outweigh the quality of life for the 20-30 (maybe more) families who surround this project?

Comment E17-2

This planned subdivision will create unimaginable noise, traffic and dirt in this beautiful neighborhood.

Comment E19-10

This is a major impact on traffic and parking resulting in the surrounding homes experiencing a significant permanent change of character along with a diminished quality of life and economic value of our homes.

Comment E19-12

DEIS further notes that “while the Proposed Action would change the aesthetic character...would be in conformance with the Village Code and with the existing development pattern.” This may be the case with respect to half acre zoning. Conversely, there is no existing development pattern in EH in which a full-scale road (cul-de-sac with parking capacity for 18 cars) which imposes vehicular traffic, noise and vehicular lights into the sanctity of the abutting residents back yards and homes. The mitigation proposal of “a visual vegetative buffer” will do nothing to minimize this major adverse impact. This results in diminishing the quality of life of the neighboring residents in addition to diminishing the market value of our homes.

Response

The Applicants assert that there will be no significant long term-impacts on community character, quality of life, and general welfare of area residents based on the impact analysis presented in the DEIS, as augmented by the responses to comments presented in the FEIS, the project's compliance with Village zoning and other applicable regulations and the identified mitigation measures in the DEIS. The Applicants assert that the proposed four lot subdivision is zoning compliant, but that a three lot subdivision that preserves the historic mansion will require variances. The Applicants have not applied to the Zoning Board of Appeals for any variances.

Construction of the proposed subdivision will result in temporary disruptions. There is other residential construction and re-construction of residences in the Village and in the Nob Hill Neighborhood. The proposed cul-de-sac is anticipated to provide an on-site area off Melby Lane for construction activities, including the staging of supplies and parking of construction vehicles. The proposed subdivision road is not designed as a thru-street. Its only purpose is to serve the four homes (i.e., three more than currently exist). The cul-de-sac would be located in the center of the 2.3-acre property, which is as far as possible from adjacent homes with the backs and sides of the lots and new homes facing adjacent lots. Subsurface drainage facilities will be installed on-site to collect and recharge stormwater runoff from the street.

As stated in response to Zoning, Land Use and Community Character Comment 1, there are cul-de-sacs in the Village and the proposed parking area will need to conform to the Village Code. Vegetative buffers adjacent to parking areas can lessen the impact of light and sound associated with vehicular access to new development, as well as provide visual screening and habitat for wildlife.

The DEIS examined all specific environmental issues identified on behalf of the Applicants for inclusion in the impact analyses for the Applicants' Proposed Action. The Applicants assert that there will not be any significant adverse environmental impacts, much less a “major disruption and decrease the quality of life for those residents surrounding the proposed development.” Nevertheless, in the DEIS the demolition of the historic structure is identified as an adverse environmental impact. The prominence of the historic mansion in the neighborhood is significant and contributes to the current character of the neighborhood.

There is an alternative three lot subdivision that can preserve the mansion, but as the Applicants emphasize, that alternative requires the creation of flag lots and that require variances. The Applicants have not applied for variances to the Village's Zoning Board of Appeals. Any demolition and construction activities are subject to municipal reviews, approvals, and permits and compliance with established standards. As discussed throughout Section 3.8 of the DEIS, potential impacts from demolition and construction work concerning earthwork, fugitive dust, traffic, noise, air quality, and potential hazardous materials have been identified. Mitigation measures have been proposed to help mitigate anticipated short term impacts associated with construction activities. For example, the Village Code contains regulations that control noise, excavations, stormwater runoff, etc. (e.g., Chapter 127, *Noise*, Chapter 223, *Building Construction*, Chapter 225, *Building Construction, Permitted Times*, in order to protect the quality of life during of the construction period. Also, see responses to Transportation and Parking Comments 1 and 2, and Construction Impacts Comment 1 – 3 regarding noise, air pollution, parking, and traffic concerns during the construction period.

The DEIS also addresses groundwater (and other water resources), drainage (stormwater management) and ecology (including birds and trees. The DEIS shows that the Proposed Action needs to comply complying with applicable regulatory requirements and implement various mitigation measures to minimize potential impacts to the maximum extent practicable.

The Planning Board will weigh and balance relevant environmental impacts with social, economic, and other considerations to make its findings.

Zoning, Land Use and Community Character Comment 3 – Subdividing of Lots

Comment E3-7

If this subdivision is possibly approved, what is to stop anyone from buying any home/lot in our village and trying to subdivide it, just to achieve the financial benefit. This is not what we thought would be allowed when we moved here so many years ago.

Response

The Village has a Zoning Code that regulates the land use parameters within each zoning district. The Applicants assert that the proposed four lot subdivision by use of the proposed cul-de-sac complies with the Zoning Code. Subdivisions are governed New York statutes. Actions by the Planning Board must comply with SEQR and this FEIS is a step in that process. The possible future subdivision of other properties are subject to the same process and review.

Zoning, Land Use and Community Character Comment 4 – Comparable Development In Surrounding Area

Comment E19-13

DEIS points to other existing cul-de-sacs: Bird Court and Arlington Court within the neighborhood stating "Thus, the creation of a cul-de-sac would not significantly modify the established roadway pattern and development layout." The examples of Bird Court and Arlington Court are by no means comparable to what is proposed by Applicant. The cul-de-sac in both Bird Court and Arlington Court is a road that runs along the front of the homes surrounding it to provide access without running through any neighboring backyards. The

residences that surround the 3 homes on Bird Court as well as the residences surrounding the 4 Arlington Court homes have not been affected by the creation of these two cul-de-sacs. None of the surrounding homes are impacted by the density, vehicular traffic, and activity (including headlights) from Bird or Arlington Courts. It is inaccurate to suggest this is comparable to the Melby Lane proposal.

Response

The Applicants disagree asserting that Bird Court and Arlington Court are analogous to the proposed four lot subdivision while acknowledging the "inevitable consequence of increasing the development density on the site to four homes from the single existing house." The Applicants stress that their proposal is zoning compliant by use of the cul-de-sac. Also, see the response to Zoning, Land Use and Community Character Comment 1 with respect to cul-de-sacs.

2.10 Transportation and Parking

Transportation and Parking Comment 1 – Operational Traffic

Comment L4-2

The construction a cul-de-sac and four new homes is likely to increase traffic, change the traffic flow out of Nob Hill (which is already a nightmare in the morning), and cause potential drainage issues.

Comment E12-6

Once the project is complete, Melby Lane will have 4 times the number of vehicles coming out of one driveway (which will be pretty much be diagonally from my house). I already have issues backing out of my driveway as cars speed around the current turn in what is a blind spot from my driveway. This will make a quiet street into an extremely busy one.

Comment E13-6

Traffic will be backed up on Glen Cove Road, Nob Hill Gate and streets in and out of our neighborhood.

Comment E19-8

Trip Generation Projections for the 4 single-family detached houses calculates: 13 trips/each am hour, 15 trips/each midday hour and 6 trips/each pm hour. DESI translates the maximum 15 vehicle trips for the midday hour as equal to ONE VEHICLE EVERY FOUR MINUTES (60 minutes/15 VEHICLES = 1 VEHICLE EVERY 4 MINUTES). If I have understood this chart correctly, in the course of one weekday we can expect that the cul-de-sac vehicular activity will be as follows (at a minimum): ON AVERAGE ONE NEWLY GENERATED VEHICULAR TRIP EVERY FOUR (4) MINUTES:

AM HOURS = one vehicle every 4.6 minutes.

This is the vehicular activity that the surrounding homes will be subject to in the sanctity of our back yards, homes and for some of us workplace. The backyards of our homes adjoin the Melby property and giving us no reprieve or escape from the sounds and sights of vehicles (front and back).

Response

The DEIS included a Traffic Impact Statement (TIS), as Appendix F, which fully examines the potential traffic impacts of the Proposed Action. As presented in Table 13 and discussed in Section 3.5.2.2 of the DEIS, the Proposed Action would generate a maximum of 13 (two-way) vehicular trips during the AM peak hour (7:00 am to 9:00 am), 15 trips during the midday peak hour (11:00 am to 2:00 pm), 6 trips during the PM peak hour (4:00 pm to 6:00 pm), and 12 trips during the Saturday midday peak hour (11:00 am to 3:00 pm). This equates to fewer than one new trip every four minutes. The TIS utilized linear regression equations from an industry

standard source in the form of the Institute of Transportation Engineers (ITE) *Trip Generation Manual*, 9th Edition. During off-peak hours, the frequency of trips is expected to be less³.

As discussed in Section 3.5.2.3 and presented in Tables 3 and 4 in the TIS (Appendix F of the DEIS), none of the three intersections studied in the Nob Hill Residential area – Glen Cove Road at Nob Hill Gate (the intersection mentioned in the comment), Vanad Drive at Melby Lane, and Vanad Drive at Talley Road – are expected to experience perceptible increases in delays calculated for future traffic conditions, as compared to existing conditions. Traffic presently operates and is expected to continue to operate at acceptable levels of service (LOS) in the Nob Hill subdivision.

With regard to drainage, the design of the proposed cul-de-sac roadway includes a high point at the mouth of the new roadway (at Melby Lane) for roadway runoff to be pitched towards the western portion of the cul-de-sac for collection by the street drainage system and recharged on-site through a system of stormwater leaching pools. The drainage system is designed to accommodate the runoff from an eight-inch rainfall event across the new roadway.

Based on information received from R&M Engineering, the Applicants' traffic engineer, the analysis of Nob Hill Gate at Glen Cove Road show that project-related traffic impacts will not be significant, in terms of vehicle queuing, at this signalized intersection. This analysis, based on the *Highway Capacity Manual*, 6th Edition (HCM), examined the AM, PM, and Saturday peak hours for the Existing, No Build and Build conditions. The results indicate that under Existing conditions for the westbound movements out of the entrance at Nob Hill Gate, the 50th percentile existing AM queue is 65.5 feet for the westbound left movement (i.e., no more than 4 vehicles) and 16.5 feet for the westbound right movement (i.e., one vehicle). In the AM Build condition, the 50th percentile queue length will be 68.8 feet for the westbound left turn movement (an increase of 3.3 feet) and 18.7 feet for the westbound right movement (an increase of 2.2 feet).

This volume of new trip generation is not significant in terms of overall traffic volumes in the area, including local intersections, which is the standard on which SEQRA traffic analyses are based.

The calculated 50th percentile queues for the Existing and Build conditions for the PM peak hour and the Saturday peak hour are less than those identified above for the AM peak hour Existing and Build conditions.

The very minor increases in queue length that will result from the proposed development, as compared to existing conditions, will would not significantly increase traffic delays and associated impacts at the entrance to the Nob Hill community.

Transportation and Parking Comment 2 – Traffic Safety

³ Comment E19-8 seems to suggest that there would be a steady stream of 4.6 trips per hour throughout the morning (AM) hours. It should be noted that the one vehicle trip (on average) occurring every 4.6 minutes is only expected over the course of a single peak hour. The peak weekday AM hour for a single-family residence typically corresponds with the hour that most residents leave for work. The remaining eleven hours of the morning (AM) are expected to generate fewer vehicle trips with some hours of the morning, for a small subdivision like this, generating very few if any trips during the work week.

Comment L4-3

The greatest concern as a neighbor up Melby Lane, is the dangerous traffic situation caused by construction vehicles and workers on an already very-tight and dangerous curve on Melby Lane directly in front of the Stonehouse. There have already been several near-misses with the garbage trucks, UPS/FedEx trucks, and landscaper trucks and trailers. Cars have driven onto lawns to avoid oncoming cars and workers from those trucks. It is an already bad situation that will be made demonstrably worse if there were to be this kind of development of the Stone House property.

Comment L5-4

There are safety concerns, since 2A Melby Lane is already on a dangerous curve, it seems next to impossible that the entry to the new homes could have adequate space to build a new road.

Comment L7-2

I live on the corner and I am afraid the trucks will run over and ruin my lawn and my property.

Comment L9-21

The traffic study prepared by RMS Engineering did not address potential safety issues associated with the placement of the proposed cul-de-sac in relation to the nearby Melby Lane street jog.

Comment L11-5

The entrance to Stonehouse sits on a narrow ninety-degree turn of Melby Lane itself. It is difficult now to navigate. If cars and delivery vehicles for four homes were now to enter and exit from that spot, it would be a disaster waiting to happen.

Comment E2-11

We also seriously question the notion of the limited "safety risks" of this project as it will necessitate many large vehicles using a small road constantly for an unknown extended period of time.

Comment E19-5

The Proposed Action/subdivision requires a cul-de-sac for entry/exit on Melby Lane of residents of four homes and all vehicles associated with those homes (garbage trucks, mail trucks (USPS/FEDEX/UPS), service providers, friends/family and all other vehicles associated with the four proposed homes to be built. This will intensify the danger, which is proven to already exist, making it a public safety issue.

Comment E19-7

The DEIS indicates the construction of the proposed improvements would be primarily limited to the subject property itself, although the adjacent portion of Melby Lane would also be affected for site access and utility improvements. There would be further safety issue on Melby Lane for an indefinite period.

Comment E20-2

The turn the driveway is located on is already a dangerous turn, now you want to make that an entrance to a block and have 4 homes with minimum 3 cars each going in and out of that dangerous tight turn. That's just a disaster waiting to happen.

Response

The Applicants assert that the TIS, included as Appendix F of the DEIS, does not reveal any objective evidence that there are significant traffic safety issues in the area. This includes the Applicants' technical analysis that adequate sight distance will exist under the Proposed Action for the entrance to the subdivision roadway to accommodate the safe entry and exit of vehicles per the relevant standards.

Proposed demolition and construction activities for the ultimate development of the individual lots are expected to be consistent with a typical residential construction project. The Applicants' and their agents must obtain permits from the Village of East Hills before work commences and will have to demonstrate that construction activities will comply with all relevant safety requirements. Additionally, as discussed in Section 2.6 of the DEIS, construction activities will be subject to the relevant restrictions of the Village Code including, but not limited to, Chapter 127, Noise and Chapter 225, Building Construction, Permitted Times.

The Applicants "conservatively" estimate that construction activity will generate a maximum of approximately three truck trips per hour for fill import, based on the schedule outlined in Appendix F of the DEIS. As discussed in response to Subsurface Conditions, Soils and Topography Comment 5, this volume of truck traffic should be reduced if lot development proceeds concurrently, as the excess material excavation for basement can be retained on-site to raise the grades needed for the roadway. Truck activity to and from the site is expected to be intermittent throughout the day and can be timed to avoid sensitive local traffic periods. The Applicants "assumed that fill transport during the site work phase of development would occur via standard-size dump trucks, at 12 cubic yards. Although this increases the number of trips needed as compared to larger trucks (e.g., 20 cubic yards, which would reduce the number of truck trips approximately in half), the use of smaller trucks provides increased maneuverability and overall safety."

The Applicants propose that during "all phases of construction activity, it is proposed that the speed limit for trucks be limited to 15 miles per hour (mph) on Melby Lane and that the curvature in the roadway on Melby Lane be marked with high visibility chevrons and appropriate signage warning vehicles of the curve in advance, which would allow them the time to reduce speed accordingly." If needed, the Applicants suggest "that flaggers also be employed to help mitigate travel along the curve. By enacting these control measures, the potential issues associated with the road curvature should be sharply mitigated."

The Applicants represent that "[c]onstruction vehicles will be parked and staged on the subject property at all times during the construction process, thereby eliminating potential traffic conflicts that would result from trucks being parked on public roadways."

Additionally, the proposed site has frontage on Melby Lane of approximately 139 feet. This frontage is adequate for the proposed 24-foot-wide subdivision roadway (cul-de-sac). The current driveway is 18 feet wide.

Transportation and Parking Comment 3 – Pedestrians and Bicyclists

Comment L8-2

What precautions are going to be taken for the children walking to and from Harbor Hill School and bike riders riding their bicycles to and from school and the house?

Response

Through correspondence with the transportation supervisor for Roslyn Public Schools, David Shoob on November 5, 2019, it was determined Harbor Hill School is part of an All Ride district (excluding the High School). All students attending the school are bussed to and from the school. Therefore, there would not be students walking or bicycling to the school. The TIS included as Appendix F of the DEIS, shows that the proposed development will generate minimal traffic. The TIS also does not reveal any objective evidence that there are significant traffic safety issues in the area of the subject property. Also, see response to Transportation and Parking Comment 5 regarding sight distance, below.

Transportation and Parking Comment 4 – Site Access

Comment L15-1

We (R&M) have prepared a comparative analysis of the access to the project site on Melby Lane as proposed or in the alternative an access driveway on Talley Road. As presented in the traffic analyses presented in the DEIS, an evaluation of the sight distance at both locations was performed. Based on our field observations, the access to/from the parcel on Melby Lane, affords a motorist the greatest level of sight distance for vehicles entering/exiting the property. As a result, it is our opinion that access on Melby Lane is safer than that on Talley Road, because pedestrians and motorists have a greater line of sight at the Melby Lane access than that experienced at the Talley Road access point.

Response

The comment, which was prepared by the Applicants' traffic consultant, is noted.

See response to Transportation and Parking Comment 5, below, regarding sight distance. It has been demonstrated that although sight distance is somewhat limited in one direction from the proposed Melby Lane driveway location, there is adequate stopping sight distance available. Melby Lane and Talley Road are both low volume roadways within a limited access residential neighborhood and the potential for vehicular conflicts at either driveway locations are minimal.

It is noted that if the site were to provide access to both Melby Lane and Talley Road (Alternative A-1), the traffic to/from the parcel will be distributed between the two roadways and will help to reduce traffic on Melby Lane.

Transportation and Parking Comment 5 – Sight Distance

Comment E6-1

What methodology was used to get to 260 feet distance?

Comment E19-6

The sight distance analysis performed deems sight distance adequate in both directions. As a result of this analysis along with TIS analysis, the DEIS states on Pg ix 1.5.5 Transportation and Parking that there is no need for mitigation with respect to these issues. In the context of the safety issue which already exists, it is clear that the probability of further dangers and safety issues are very real in spite of the DEIS determination that there is no adverse impact of a new cul-de-sac and the increased traffic that will certainly be a result of a subdivision of this magnitude.

Response

The Applicants' traffic consultants (R&M Engineering) state that recognized standards for sight distance analysis in the traffic engineering industry were utilized in the TIS and a Stopping Sight Distance (SSD) analysis was conducted as part of the TIS included as Appendix F of the DEIS, which concluded that vehicles will be able to safely enter and exit the access roadway for the proposed development. It is R&M Engineering's professional opinion that all conclusions reached are substantiated by the objective data collected and the analyses performed based on these data.

This methodology was discussed in a May 10, 2017 letter from R&M Engineering, the Applicants' transportation engineering consultant, to the Board of Trustees of the Village of East Hills.

To summarize, an investigation into the required Stopping Sight Distance (SSD) at the proposed roadway entrance/exit was performed. SSD is the available distance on a roadway needed to stop before reaching a stationary object in the path of a vehicle and is composed of two parts; (1) distance traveled before a driver recognizes the need to stop and (2) the distance required to decelerate to a complete stop. The variables used to calculate the SSD are the design speed of the road (the speed limit for this location), the grade of the roadway, braking reaction time and deceleration rate. Based on field observations at the proposed project location, Melby Lane has an upstream gradient of 5.4 percent when looking south (right) and an upstream gradient of 1.8 percent when looking left (east), and a speed limit of 30 mph. Using the equations listed in A Policy on Geometric Design of Highways and Streets, 6th Edition, published by AASHTO and standard constants for reaction time and deceleration rate, the required SSD at the proposed roadway entrance/exit based on a posted speed limit of 30 mph is 201 feet when looking left and 185 feet when looking right.

Based on field observations conducted at the site, the available sight distance according to R&M Engineering is approximately 340 feet when looking left and 260 feet when looking right. It is therefore R&M's professional opinion that the location of the proposed entrance/exit to the site will not have a deleterious effect on the operation of the roadway network in the vicinity of the subject property.

R&M Engineering's analysis found that adequate SSD exists at each of the proposed entrances. Stopping sight distance calculations were performed using the data gathered through the speed study that was outlined earlier in the report. As previously discussed, using a higher design speed (32.5mph southbound and 33.6 mph southbound) results in a larger (more conservative) SSD than using the posted speed limit (30mph).

Using these more conservative speeds, R&M Engineering found the required SSDs were 207 feet in the southbound direction (looking right), and 238 feet in the northbound direction (looking left). Based on previous observations and outlined in a previous letter, the available SSDs measured by R&M Engineering are approximately 340 feet while looking left and 260 feet while looking right.

To verify the SSD analyses conducted by R&M Engineering, N+P collected speed data on the east/west segment of Melby Lane for a period of 7 days (September 10 to September 15, 2020) using an Automatic Traffic Recorder. Based on the review of the data, the 85th percentile speed on the EB and WB direction was 27 mph and 29 mph respectively, slightly lower than the posted speed limit. Based on this data, it is N+P's professional opinion that adequate SSD are available on Melby Lane near the proposed access.

N+P also conducted SSD analyses at the alternative access point on Tally Road. In the vicinity of the proposed access, Tally Road slopes slightly upwards in the southern direction and slopes downwards in the northwest direction. Using the equations listed in AASHTO, the required SSD at the roadway entrance/exit on Tally Road is 201 feet looking and 185 feet looking left. Based on field observations conducted at the site by N+P, the SSD approximately 394 feet looking right (making a left turn) and 290 feet looking left (making a right turn). It is therefore N+P's professional opinion that adequate SSD are available on Tally Road.

In addition, R&M has also performed and Intersection Sight Distance (ISD) analysis at both potential driveway locations.

As explained in the AASHTO Green Book "the driver of a vehicle approaching an intersection should have an unobstructed view of the entire intersection, including traffic control devices, and sufficient lengths along the intersection highway to permit the driver to anticipate and avoid potential collisions. The sight distance needed under various assumptions of physical conditions and driver behavior is directly related to vehicle speeds and to the resultant distances traversed during perception-reaction time, and braking". As such, Intersection Sight Distance (ISD) is important for drivers of stopped vehicles entering a roadway, as they would be exiting the driveway. Intersection sight distances that exceed stopping sight distances are desirable along the major road.

The analysis found that adequate SSD and ISD at the each of the proposed cul-de-sac entrances. Stopping sight distance calculations were performed using the data gathered through the speed study that was outlined earlier in the report. As previously discussed, using a higher design speed (32.5mph southbound and 33.6 mph southbound) results in a larger (more conservative) SSD than using the posted speed limit (30mph).

Using these more conservative speeds, it was found the required SSDs were 207 feet in the southbound direction (looking right), and 238 feet in the northbound direction (looking left).

Based on previous observations and outlined in a previous letter, the available SSDs are approximately 340 feet while looking left and 260 feet while looking right.

To determine that adequate Intersection Sight Distance is provided from both driveway locations, a 'Clear Sight Triangle' analysis was also undertaken by R&M staff. To determine the required ISD, a design speed of 20mph was chosen given the 90° curve, for the Melby Lane driveway, and 30mph for the Tally Road driveway, as that is the posted speed limit. N+P disagrees with R&M's usage of a design speed of 20 mph for Melby Lane in the calculation of the ISD. To determine the actual 85th Speeds on the east/west portion of Melby Lane, N+P collected speed data on the east/west segment of Melby Lane for a period of 7 days (September 10 to September 15, 2020) using an Automatic Traffic Recorder. Based on the review of the data, the 85th percentile speed on the EB and WB direction was 27 mph and 29 mph respectively, slightly lower than the posted speed limit. This data was utilized to update the ISD for Melby Lane.

The recommended sight triangle length requirements at the driveway locations, based on the 85th percentile data collected on Melby Lane and the posted speed limit on Tally Road were referenced from the AASHTO Green Book Tables 9-6 are;

For Melby Lane Driveway

- Case B1 Left Turn from Stop (looking south) 298' (260' provided)
- Case B2 Right Turn from Stop (looking east) 277' (340' provided)

For Tally Road Driveway

- Case B1 Left Turn from Stop (looking west) 335' (394' provided)
- Case B2 Right Turn from Stop (looking east) 290' (290' provided)

Based on the Sight Triangles shown on exhibit ST-1 (see Appendix J of the FEIS), R&M stated that adequate sight triangles are provided in all instances. However, with the use of the field measured 85th percentile speeds, N+ P concludes that there are limited sight lines on the northbound direction of Melby Lane for left turning vehicles exiting the site access.

It has been demonstrated that although sight distance is somewhat limited in one direction from the proposed Melby Lane driveway location, there is adequate stopping sight distance available. Furthermore, Melby Lane and Talley Road are both low volume roadways within a limited access residential neighborhood and the potential for vehicular conflicts at either driveway locations are minimal.

With respect to the cul-de-sac traffic and safety, the proposed project conforms to all Village, zoning regulations regarding parking and safety. Existing and expected traffic volumes have been estimated using industry standard methodology and expected increases in traffic have been quantified and analyzed. See response to Transportation and Parking Comment 2.

Transportation and Parking Comment 6 – Preparation of Traffic/Parking Study

Comment E6-2

Who conducted the transportation and parking related analysis, what are his/her qualification?

Comment E6-3

What measures were taken to ensure analysis impartiality?

Response

As noted in Section 3.5 and Appendix F of the DEIS, the TIS was completed by R&M Engineering. R&M Engineering, a professional engineering firm formed in 1999. Wayne A. Muller, P.E., from R&M Engineering, the principal in charge of preparing the TIS included in the DEIS, is a licensed professional engineer in New York and has over 30 years of experience in the field of traffic engineering and transportation planning. Mr. Muller provides expert testimony to municipal boards and approving agencies throughout the New York Metropolitan area.

With regard to "impartiality," R&M Engineering utilized recognized standards in the traffic engineering industry to perform all the analyses depicted in the TIS so there would be no bias in the data presented. as discussed in the DEIS, these include the Institute of Transportation Engineers (ITE) *Trip Generation Manual*, 10th Edition, the ITE *Parking Generation Manual*, 5th Edition, the Transportation Research Board, *Highway Capacity Manual*, 6th Edition and the latest version of the Highway Capacity Software (HCS). The Stopping Sight Distance was calculated using *A Policy on Geometric Design of Highways and Streets*, 6th Edition, published by the AASHTO.

The New York State Department of Transportation (NYSDOT) provided the ambient growth rate of 0.6 percent per year for the growth of background traffic to the Build Year.

The speed data were collected by a well-recognized traffic data collection company, Traffic Databank."

The Village retained NPV and N+P at the Applicants' expense to review the DEIS and TIS. NPV provided comments on earlier versions of the DEIS and TIS, addressed by the Applicants in subsequent submissions that NPV found adequate to commence the public review process for the DEIS and TIS. As previously stated, the Planning Board reviewed two draft of this FEIS prepared by the Applicants and then completed this FEIS. NPV and N+P have continued to provide technical assistance throughout the environmental review of this application. See further discussion in response to Procedure/SEQRA Process Comment 3.

Transportation and Parking Comment 7 - Speed

Comment E6-4

How was the Bushnell velocity radar gun set up (was it inside a vehicle that is visible to traffic)?

Response

Spot speeds were measured from a car. To the best of R&M Engineering's knowledge, motorists did not identify that speeds were being measured. Further, no advanced notice was given to the residents as to the day and time of the field investigations.

Comment E6-5

Why it collected north/south bound traffic on Melby Lane, not the east/west bound (which likely records at higher speed as west/eastbound road is longer).

Response

Melby Lane is a 25-foot-wide, two-way residential street with on street parking and no centerline. In the vicinity of the proposed driveway there is a 90 degree turn. . Given the similar contexts and geometries of the two sections of roadway, speed data collected in the North/South direction was deemed representative of the whole of Melby Road.

To verify the 85th percentile speeds on the east/west segment of Melby Lane, N+P collected speed data on the east/west segment of Melby Lane for a period of 7 days (September 10 to September 15, 2020) using an Automatic Traffic Recorder. Based on the review of the data, the 85th percentile speed on the EB and WB direction was 27 mph and 29 mph respectively, slightly lower than the posted speed limit. Based on this data, it is N+P's professional opinion that the speeds on the east/west segment of Melby is similar to the posted speed limit.

Comment E6-6

The 85th percentile speed at 37.3 mph - why it used 85 percentile to reach its conclusion that the observed travel speeds were not excessive and no mitigation measures are required?

Using 85 percentile speed to reach its safety conclusion concerns me. 85 percentile might be sufficient for a test score, but far from sufficient for road safety. Why 85 percentile was used.

Response

The Applicants' use of the 85th percentile speeds is typical and accepted engineering standard. The 85th percentile speed is defined as the speed at or below which 85 percent of vehicles travel.

R&M's speed study attempted to quantify the 85th percentile speed and found the average 85th percentile speeds of 32.5 mph for southbound and 33.6 mph for northbound) and (37.3 mph for northbound and 43.9 mph for southbound) were recorded during some peak periods.

However, as with any statistical analysis, small sample sizes give inherently unreliable results. The majority of the recorded speeds are within a reasonable range (5-10 MPH) relative to the speed limit (30 MPH) but the 85th percentile speeds recorded southbound in the PM were calculated from only 17 vehicles, and was skewed significantly by 3 speeding vehicles travelling 43, 46, and 49mph. As such, the more representative 85th percentile speeds were used in the SSD and ISD calculations.

As discussed in response to Transportation and Parking Comment 5 – Sight Distance, to verify the 85th percentile speeds on the east/west segment of Melby Lane, N+P collected speed data on the east/west segment of Melby Lane for a period of 7 days (September 10 to September 15, 2020) using an Automatic Traffic Recorder. This method allows for recording of all vehicles on the roadway (24-hours/day) and provides a greater sample size and more accurate representation of typical conditions. Based on the review of the data, the 85th percentile speed on the EB and WB direction was 27 mph and 29 mph respectively, slightly lower than the posted speed limit.

Transportation and Parking Comment 8 - Parking

Comment E19-9

The Proposed Action would generate a demand for approximately eight (8) parking spaces. Proposed driveways for each subdivision lot would satisfy this demand. In addition, on-street parking demand and typical of a cul-de-sac is to provide parking for eighteen (18) additional parked vehicles on the cul-de-sac. Effectively creating a parking lot in our back yards.

Response

The referenced DEIS statement is that the cul-de-sac, as is typical for roadways, will have adequate wide to allow for parking on the new roadway if needed by residents of the proposed houses. The volume of parking on the proposed roadway is expected to be typical of other single-family homes in the neighborhood, not a parking lot.

2.11 Historic Resources

Historic Resources Comment 1 - State Historic Preservation Act (SHPA) Consultation with OPRHP

Comment L2-1

We note that the John W. and Gwen R. Mackay (aka Happy House) at 2A Melby Lane is eligible for listing in the State and National Registers of Historic Places. The house is significant for its association with John William Mackay III and as a representative example of residential Tudor Revival Architecture designed by John Cross.

We request re-evaluation of alternatives that would retain the historic residential building. If we can agree that there are no prudent and feasible alternatives we would enter into a formal Letter of Resolution (LOR) which would document the alternatives considered and identify proper mitigation measures to be incorporated into the work.

Please submit the requested information via our Cultural Resource Information System (CRIS) at www.nysparks.com/shpo/online-tools/.

Comment L4-4

The Stonehouse is one of monumental importance to the community as it is the last remnant of the Mackay estate. Much time, effort, and money was spent to refurbish and restore the two horse statues - one at the Roslyn pond and the other at the entrance to Roslyn High School - that were once part of the Mackay estate. Why? Because that part of our history is important to the community. It would be a shame to not only see that house demolished but replaced by another cookie-cutter cul-de-sac that would erase all remnants of what once stood there.

Comment L6-13

Alternative A-1: Per the NYS Office of Parks, Recreation and Historic Preservation (OPRHP) letter dated September 23, 2019, a detailed alternatives analysis must be prepared to evaluate and substantiate why the 3-lot Alternative A-1 that retains the historic house would not be "prudent or feasible". This analysis should include a comparative analysis of the total costs associated with the Alternative A-1 plan and the Proposed Action (including demolition of the existing house and associated improvements, construction of the proposed roadway and site improvements, and the residential construction on individual lots). The Alternative Analysis will be coordinated with OPRHP for review and input. The Village Planning Board, as the lead agency, must be copied concurrently on any correspondence or submission to OPRHP.

Comment L8-3

The Stonehouse is one of the only, if not the only, house of historic importance in the entire village. It is a shame that the owner's want to demolish something as historical as that house for their own personal financial gain.

Comment L9-8

There are no measures that will mitigate the historical impact associated with demolishing this historic residence.

Comment L11-2

There are few structures in our village of historic significance. This is one of them. It would be shortsighted indeed to raze history for one family's financial gain.

Comment E13-2

To demolish this historic home in our beautiful neighborhood is a huge loss to our community. The beauty of that home attracted us to where we live. I enjoy sharing with my visitors the history I know and the beauty of that stone house.

Comment E18-1

It would be such a loss to the Nob Hill community as well as East Hills and Long Island to allow this home to be demolished, as so many other historical residences have been for monetary gain.

Comment E20-1

To tear up the beautiful stonehouse would be such a shame.

Comment E3-6

We have lived here for almost 40 years and have walked by this home for decades and feel that it would be a shame to demolish this historic property. We can't imagine the loss of this landmark to our village.

Comment E4-1

We are opposed to the demolition of this historic property in our Community and in our neighborhood. The sense of the historic value is being destroyed for a few dollars- selfish and unnecessary. I appreciate that we may not have the legal authority to block demolition of this beautiful home (understanding it does not have landmark status), however, the consideration to subdivide into 4 parcels of single-family houses is completely thoughtless and needless. The homeowners could sell the property and allow the new owners to erect another single-family home. This would have the least impact on our neighborhood.

Comment E7-2

It would be a terrible shame if the John Mackay III House were to be destroyed or disfigured by a very awkward placement of new houses around it.

Comment H1-3

Are you aware that we received a letter from the New York State Department of Parks, Recreation and Historic Preservation? There are people in the public that might not understand the process, and there are people on the committee who have to go through 500 pages of information. I feel that it is better to have the conversation so it is in the public record and the people in the room understand what is transpiring.

Response

The Planning Board as Lead Agency is charged with assessing and taking a “hard look” at environmental impacts concerning the proposed action to determine that “consistent with social, economic and other essential considerations from among the reasonable alternatives available, the action is one that avoids or minimizes adverse environmental impacts (including land use, zoning, community character, aesthetic, historic, cultural and others) to the maximum extent practicable, and that such adverse impacts are avoided or minimized to the maximum extent practicable by incorporating as conditions to the decision those mitigative measures that were identified as practicable” (6 NYCRR §617.11(d)(5)). The New York State OPRHP has similar responsibilities concerning historic and cultural resource impacts pursuant to Section 14.09 the New York State Historic Preservation Act of 1980.

The New York State Office of Parks, Recreation and Historic Preservation (OPRHP) in its September 23, 2019 correspondence stated that:

...the John W. and Gwen R. Mackay (aka Happy House) at 2A Melby Lane is eligible for listing in the State and National Registers of Historic Places. The house is significant for its association with John William Mackay III and as a representative example of residential Tudor Revival Architecture designed by John Cross. Since the building is historic, we have reviewed the alternatives described in the submission. We note that demolition of an historic building is, by definition, an Adverse Impact. If alternative A-1 is chosen, we should be able to make a determination of No Adverse Impact since this alternative retains the historic residence.

At this point, we request re-evaluation of alternatives that would retain the historic residential building. If we can agree that there are no prudent and feasible alternatives we would enter into a formal Letter of Resolution (LOR) which would document the alternatives considered and identify proper mitigation measures to be incorporated into the work. (emphasis added)

Coordination with OPRHP in compliance with Section 14.09 the New York State Historic Preservation Act of 1980 (SHPA) is required. The Applicants have “acknowledged that several comments note the historic significance of the property, which was confirmed by OPRHP in its eligibility determination in April 2017.” However, as indicated in response to Historic Resources Comment 4, below, while OPRHP has determined that the property is eligible for the State and National Registers, the property is not currently listed. Listing can only proceed with the owners’ consent. There is no evidence of such consent. Nevertheless, the demolition of house has been identified as a significant adverse impact pursuant to SEQRA.

Responding to the DEIS, OPRHP requested an alternatives analysis to evaluate alternatives to avoid or minimize adverse effects resulting from the Applicants’ preferred Alternative. The Applicants submitted their analysis on January 7, 2020 (see Appendix C of this FEIS) and have summarized it as:

As detailed in the analysis, the property owners made extensive efforts to sell the property and engaged traffic engineers, soil testing, environmental planners, and civil engineers to evaluate various alternatives to demolition of the house. The property was listed for sale

both locally and internationally, using a variety of media, and the asking price was decreased. The house was initially listed in June 2015 for \$3,950,000, but the price was lowered to \$3.6 million after about 18 months on the market. The average selling price in the Village of East Hills is not relevant to the subdivision application and the environmental review. Despite these efforts, the only offers that were received involved demolition of the existing house; an early offer initially planned to retain and renovate the house, but ultimately the cost of renovation was considered too steep and the potential buyer withdrew the offer. The potential of moving the house elsewhere in the Village was explored, but the height of the house would require moving utility poles, trees, wires, and traffic signals along possible routes, which makes the relocation logistically and financially infeasible even if a new owner could be identified (see responses to Description of the Proposed Action Comment 1 and Alternative Comment 7).

Any alternative subdivision of the property that retains the existing house would require zoning variances for the creation of flag lots, which would be the only such properties in the neighborhood, and would require the removal of several dozen mature trees that form a visual and physical buffer between the subject property and adjacent properties. Furthermore, this option does not resolve the issue that the house was considered a hindrance to potential buyers.

In the Alternatives Analysis, it was concluded that the Four-Lot Subdivision was the only prudent and feasible alternative, although it results in an adverse impact to this historic property.

The timeline in this summary appears inconsistent with the sixth paragraph of the marketing history prepared by Automatic Real Estate Associates provided in Appendix K. The summary states that the asking sales price was lowered “after about 18 months on the market” which apparently would be December 2016 (eighteen months after June 2015 when the home is described as being put on the market). Appendix K states, however, that the Applicants lowered their asking price around January or February of 2016.

As to the Applicants’ alternatives analysis package, OPRHP provided comments in a February 6, 2020 letter (Appendix F). The correspondence was received by the Applicants on February 26, 2020, after the original FEIS was submitted to the Village for review; therefore, it was not discussed in the original FEIS. In its response letter, OPRHP suggested two potential directions for consultation to proceed, noting its previous letter stating that demolition of the house will be an Adverse Impact (September 23, 2019).

The first option involves the continuation of the alternatives analysis. OPRHP indicated that additional information is necessary to conclude that adverse effects could not be avoided or minimized through an alternative that retains all or part of the historic mansion. OPRHP recommended an appraisal of the asking price for the property and a comparative cost analysis of rehabilitation versus demolition of the house. The Applicants have not taken the recommended steps or provided the requested information.

Alternatively, OPRHP recommended working with Charles Vandrei, the Agency Preservation Officer for New York State Department of Environmental Protection (the “DEC”), to develop a

Letter of Resolution (a "LOR"). A LOR is an agreement documenting measures to be taken by the Applicant to mitigate for the loss of the historic property.

The Applicant has communicated with Mr. Vandrei. On March 30, 2020, Mr. Vandrei indicated he was "fine with proceeding with LORs for both [including this application]." On April 1, 2020, Beth Cumming, Consultation Coordinator at OPRHP stated via email that OPRHP would not object to DEC proceeding with a LOR. In an email dated June 12, 2020, Ms. Cumming stated, "[t]he development of an LOR is not up to my office at this stage. We still want the additional information noted in our Feb. 6th letter - but - will follow the lead of DEC. So, if DEC feels the alternatives are sufficient, we' ll not object." Ms. Cumming also wrote "[i]t is an important structure and the alternatives analysis was not sufficient for me to agree." (see Appendix I of this FEIS).

The Applicant wrote a draft LOR. (See Appendix F of this FEIS.) This document can be finalized as needed depending upon the Board's findings. Section 3.7.3 of the DEIS sets forth mitigation measures that to be employed should the house ultimately be demolished. These include photo-documentation and making architectural features and materials removed during demolition available to up to three entities to promote preservation, restoration, and re-use activities. These measures are in the Applicants' draft LOR. Before the Village's issuance of Findings, the Applicant has provided a draft LOR to the Village Planning Board for comment. To date, no evidence of comment on the draft LOR by OPRHP or the DEC has been provided to the Village.

Historic Resources Comment 2 - Rehabilitation vs. Demolition Costs

Comment L6-8

What are the prohibitive costs to update and modernize the residence? What needs updating and modernizing to such an extent that the costs are prohibitive to a buyer? In order to substantiate this claim, the applicants should provide the estimates, quotes, and documentation received concerning these costs. The applicants indicated during public hearings that the house has been updated (approximately \$1 million spent to date) and that the property is very well maintained. Documentation of capital improvements made to the property should be provided and itemized by interior and exterior improvements, to include current interior photographs documenting key areas such as the kitchen, bathrooms and improvements that demonstrate how the fair market value was determined/substantiated based on area sales.

Comment L9-15

The prohibitive costs to update and modernize the property are not documented in the DEIS and no cost estimates are provided.

Comment E18-4

What would the costs of modernizing the home at 2A Melby be and would a buyer be interested at the right price?

Comment E8-7

Alternative A-1 is also a better option than presented in the DEIS because the value of the existing residence has been vastly understated in the DEIS and that the sale of this property, which has been off the market for over two years, should produce a much greater return than depicted in the DEIS. The applicant asserts that the cost of renovating the existing residence for sale would be prohibitive but offers no estimates or photo evidence to support such a claim.

Response

The Applicants contend the following:

Despite extensive efforts to list and market the subject property, only one offer was received that would have retained the house. However, the potential buyer visited the property with a contractor to investigate his desired renovations (including replacing windows and stripping the finish of the wood flooring and trim) and withdrew his bid after determining that the cost of renovations was too high. This concern was echoed by a second contractor consulted by the Applicants, with experience in historic renovations (included in the alternatives analysis submitted to the OPRHP on January 7, 2020). It was pointed out that the concrete construction of the house makes typical modernization upgrades particularly challenging and costly, which is further increased by repairs needed to the historic leaded windows and slate roof.

Although the costs associated with modernizing the house were expressly identified as an impediment to its sale by the individuals with whom the Applicants spoke, as indicated above, dollar amounts were not addressed. In order to develop such costs at this time, the Applicants would have to speculate about the specific upgrades those individual were contemplating, which at the time were only discussed in general terms, and enlist a cost estimator to perform the calculations. It is not reasonable to expect the Applicants to take on this additional expense for such an exercise, which would have no practical value in the context of this EIS. Additionally, it is important to note that an alternative that simply upgrades the existing building and retains it as the only residence on the site does not meet the Applicants' objectives and right to seek a zoning-compliant four-lot subdivision as is proposed and, therefore, is not a feasible alternative under SEQRA. Furthermore, any subdivision scenario that retains the existing residence would result in zoning-noncompliant lots, which are not consistent with the character and pattern of development in the area.

The Planning Board and other involved agencies can readily make their SEQRA findings about the Proposed Action, involving a zoning-compliant subdivision that is in character with the surrounding community, without additional information regarding the viability an unrealistic alternative that forces the Applicants to retain the house. Moreover, *The SEQRA Handbook* (March 2020, page 136) notes that "[s]peculative comments, or assertions that are not supported by reasonable observations or data, need no response".

It should be further noted that advertising the house across a variety of media and over a wide geographic area did not identify a potential buyer interested in keeping the property and house intact, other than the one discussed above; and even if capital improvements

were made to the house by the Applicants, that would not guarantee improved marketability.

Furthermore, the Applicants provided the opinion of a preservation architect in the alternatives analysis submitted to OPRHP on January 7, 2020, confirming that the challenges presented by concrete construction increase the costs of both demolition and rehabilitation. However, there are no identified ways to proceed with the sale of this property that includes the house, even if rehabilitated. Over several years of marketing the property domestically and internationally, only one offer was received that entertained retaining the house; this offer was modified and eventually rescinded when the potential owner priced out their desired improvements. No offers have been made to purchase the property and retain the house. Even if the costs associated with demolition and rehabilitation are comparable, as suggested by OPRHP, there have been no indications that the property will be desirable with the existing house (see response to Description of the Proposed Action Comment 1 and Appendix K).

The comments request information to substantiate the Applicants' assertions about rehabilitation costs and comparison to demolition costs. The Planning Board as Lead Agency is obligated to take a "hard look" and conduct due diligence to determine that "consistent with social, economic and other essential considerations from among the reasonable alternatives available, the action is one that avoids or minimizes adverse environmental impacts to the maximum extent practicable, and that adverse environmental impacts will be avoided or minimized to the maximum extent practicable by incorporating as conditions to the decision those mitigative measures that were identified as practicable." 6 NYCRR §617.11(d)(5)

The New York State Office of Parks, Recreation and Historic Preservation (OPRHP) in its September 23, 2019 correspondence stated that:

...the John W. and Gwen R. Mackay (aka Happy House) at 2A Melby Lane is eligible for listing in the State and National Registers of Historic Places. The house is significant for its association with John William Mackay III and as a representative example of residential Tudor Revival Architecture designed by John Cross. Since the building is historic, we have reviewed the alternatives described in the submission. We note that demolition of an historic building is, by definition, an Adverse Impact. If alternative A-1 is chosen, we should be able to make a determination of No Adverse Impact since this alternative retains the historic residence.

At this point, we request re-evaluation of alternatives that would retain the historic residential building. If we can agree that there are no prudent and feasible alternatives we would enter into a formal Letter of Resolution (LOR) which would document the alternatives considered and identify proper mitigation measures to be incorporated into the work. (emphasis added)

The issue is to be determined.

As noted by Applicants in their response to Section 2.11 Historic Resources Comment 3 of the FEIS, the State Historic Preservation Act (SHPA) requires:

...state agencies to consult with the SHPO if it appears that any projects being planned may or will cause any change, beneficial or adverse, in the quality of any historic, architectural, archeological or cultural property that is listed on the National Register of Historic Places or listed on the State Register or that is determined to be eligible for listing on the State Register. It requires state agencies, to the fullest extent practicable, consistent with other provisions of the law, to avoid or mitigate adverse impacts to such properties, to explore all feasible and prudent alternatives and to give due consideration to feasible and prudent plans that would avoid or mitigate adverse impacts to such property.

Further, SHPA Section 428.8 states: "To protect these irreplaceable assets and meet their legal obligations, agencies must make every effort to reconcile their programs with the public policy of the State regarding historic preservation by finding a feasible and prudent means to avoid or mitigate any adverse impact of the undertaking identified by the commissioner." Under Section 428.8(d), identification of prudent and feasible alternatives is driven primarily by the State's public policy to engage in historic preservation, but includes consideration of a number of factors which together inform the decision-making process: "In formulating recommendations or alternatives, both the commissioner and the undertaking agency must give primary consideration to the State's historic preservation policy as expressed in article 14.00 of the Parks, Recreation and Historic Preservation Law. Other factors such as cost, program needs, safety, efficiency, code requirements or alternate sites may also be considered. However, none of these factors standing alone shall be determinative of whether a particular proposal is feasible or prudent."

OPRHP and the Board have requested information in the evaluation of reasonable and feasible alternatives and to investigate fully the alternatives proposed to demonstrate that the required hard look has been taken. The Applicants have not provided all requested information. (See response to Description of the Proposed Action Comment 2 - Appraisals.)

Historic Resources Comment 3 - Agency Responsibilities under SHPA

Comment L3-1

Demolition of a property eligible for listing on these registers is typically considered a substantial adverse environmental impact with respect to 6 NYCRR part 617, the New York State Environmental Quality Review Act.

Comment E15-2

The elimination of such a unique home, not only from an architectural perspective, but historical as well, is not an acceptable alternative and thus only plan A-1 as outlined in the July 2019 DEIS can be possible.

Comment H2-6

Regarding the OPRHP letter, they use a phrase "feasible and prudent". Do you have a position on the meaning of that interesting term? Have you come across any interpretive regulations or court decisions regarding what determines feasible and prudent as used by OPRHP?

Response

As the New York State Historic Preservation Officer and staff, OPRHP has roles in multiple historic and environmental review processes, including, at the state level, the NY SHPA and SEQRA. As part of these consultation processes, OPRHP determines the historic eligibility and listing status of properties; effects of projects on these properties; and helps identify possible ways to avoid effects that would diminish the historic characteristics of these properties or mitigating adverse effects through the development of a Letter of Resolution (LOR). While these are not project approvals *per se*, consultation through SHPA and SEQRA ensure that agencies' decisions are informed by the expertise offered by OPRHP, local stakeholders, and the public.

These roles are summarized on the OPRHP website

(<https://parks.ny.gov/shpo/environmental-review/preservation-legislation.aspx>):

NY SHPA

"The New York State Historic Preservation Act of 1980 was established as a counterpart to the National Historic Preservation Act and declares historic preservation to be the public policy and in the public interest of the state. The act created the New York State Register of Historic Places, the official list of sites, buildings, structures, areas or objects significant in the history, architecture, archeology or culture of the state, its communities or the nation. The act also requires state agencies to consult with the SHPO if it appears that any projects being planned may or will cause any change, beneficial or adverse, in the quality of any historic, architectural, archeological or cultural property that is listed on the National Register of Historic Places or listed on the State Register or that is determined to be eligible for listing on the State Register. It requires state agencies, to the fullest extent practicable, consistent with other provisions of the law, to avoid or mitigate adverse impacts to such properties, to explore all feasible and prudent alternatives and to give due consideration to feasible and prudent plans that would avoid or mitigate adverse impacts to such property. The act also establishes agency preservation officers within state agencies for the purpose of implementing these provisions. In addition, the act reaffirms and expands the role of the State Board for Historic Preservation, which advises and makes recommendations to the State Historic Preservation Officer on preservation programs and activities, including State and National Registers nominations and statewide preservation planning efforts."

SEQRA

"The State Environmental Quality Review Act (SEQRA), 6 NYCRR Part 617 of the New York State Environmental Conservation Law, establishes a set of uniform regulations by which all state, county and local governmental agencies incorporate consideration of environmental impacts into their planning, review and decision-making processes. Impacts to historic resources, such as buildings listed on the State or National Registers of Historic Places and archeological sites, should be taken into account. To accomplish the goal of the act, SEQRA requires that all governmental agencies determine whether the action they directly undertake, fund or approve may have a significant impact on

the environment. If an action may have a significant adverse impact, agencies must prepare or request an environmental impact statement. SEQRA applies to projects undertaken or permitted by county and local governments; consequently, many thousands of projects statewide that fall outside the purview of the state and national historic preservation acts are reviewed. New implementing regulations for SEQRA went into effect in 1996. Under this act, municipalities may request that a project be reviewed by the SHPO. All SHPO comments under this review are advisory only."

SHPA Section 14.09, Parts 428.7-10

These parts of the SHPA detail how impacts are assessed, and the consultation process to identify ways to avoid or mitigate adverse effects to historic properties through project alternatives. Section 428.8 states:

"To protect these irreplaceable assets and meet their legal obligations, agencies must make every effort to reconcile their programs with the public policy of the State regarding historic preservation by finding a feasible and prudent means to avoid or mitigate any adverse impact of the undertaking identified by the commissioner."

Section 428.8(d) further explains that identification of prudent and feasible alternatives is driven primarily by the State's public policy to engage in historic preservation, but includes consideration of a number of factors which together inform the decision-making process:

"In formulating recommendations or alternatives, both the commissioner and the undertaking agency must give primary consideration to the State's historic preservation policy as expressed in article 14.00 of the Parks, Recreation and Historic Preservation Law. Other factors such as cost, program needs, safety, efficiency, code requirements or alternate sites may also be considered. However, none of these factors standing alone shall be determinative of whether a particular proposal is feasible or prudent."

NY SHPA and SPDES General Permit for Stormwater Discharges from Construction Activity

To maintain efficiencies for owners and/or operators of construction projects, the DEC and OPRHP have established a consultation process to require screening and evaluation of effects to historic properties prior to seeking a Notice of Intent (NOI). As described on the DEC website (<https://www.dec.ny.gov/chemical/43133.html>):

"DEC and NYS Office of Parks, Recreation and Historic Preservation (OPRHP) have developed a process that an owner/operator of construction project shall use to identify and address potential impacts on archeological and historic resources. This process is documented in a Letter of Resolution (LOR) that was developed between the Department and OPRHP.

Construction activities that have the potential to affect historic and/or archeological resources would not be eligible for coverage under the general permit unless the screening and consultation process specified in the LOR has been completed and the required documentation demonstrating that potential impacts have been avoided or mitigated is obtained and maintained on site as required by the general permit (see

Part I.F.8.). This documentation must be in place in order to complete and submit the NOI. Owners or operators should refer to the following documents for guidance on addressing this eligibility provision.”

As indicated in Alternatives Comment 10, the term “prudent and feasible” is not defined by OPRHP’s regulations. However, the Applicants’ assert that “courts have held that this standard is not all-inclusive and does not require that all possible measures be taken to preserve historic structures. *Ebert v. New York State Office of Parks, Recreation & Historic Preservation*, 119 A.D.2d 62, 505 N.Y.S.2d 470, 34 Ed. Law Rep. 553 (3rd Dep’t 1986). Instead, it is limited to considering prudent and feasible alternatives that would avoid or mitigate adverse impacts to the fullest extent practicable. *Sierra Club v. Board of Educ. of City of Buffalo, N.Y.* 127 A.D.2d 1007, 1008, 512 N.Y.S.2d 954, 956 (1987), app. den. 70 N.Y.2d 612, 523 N.Y.S.2d 496, 518 N.E.2d 7 (1987). Thus, this standard does not prohibit projects where there is no feasible and prudent alternative, it only requires that alternatives be fully explored.”

Additionally, see response to Historic Resources Comment 1 for a description of the February 6, 2020 OPRHP correspondence. This response also describes the consultation with OPRHP and NYSDEC and indicates that the Applicants have proceeded to draft a LOR to complete the review process under SHPA.

The Applicants have not provided all requested information. Further, there is no evidence of the Applicants requesting variances from the Zoning Board of Appeals. The creation of two flag lots to allow the construction of two new homes and the preservation of the existing historic mansion on a third lot, albeit smaller than the existing lot, will avoid an adverse impact, the mansion’s demolition, and allow for the sale of three homes. Also, see response to Historic Resources Comment 2 - Rehabilitation vs. Demolition Costs.

Historic Resources Comment 4 - Historic Properties in the Village of East Hills

Comment L7-4

The house should be a landmark. There is very little if any historic homes left in East Hills. This one is certainly worth saving.

Comment E3-6

We have lived here for almost 40 years and have walked by this home for decades and feel that it would be a shame to demolish this historic property. We can't imagine the loss of this landmark to our village.

Comment H2-3

Is it correct that the applicant’s position in the DEIS is that this is a unique structure, the house that is proposed for demolition? Do you know if any other building in the Village is deemed historic?

Response

The historic mansion is eligible for the State and National Registers, but listing can only proceed with the Applicants’ consent. There is no evidence of such consent although listing a

property in the National and/or State Registers apparently does not prevent future demolition; per the OPRHP and the National Register.

History and significance are discussed in Section 3.7.1 of *Historic Resources* in the DEIS. OPRHP determined the property to be eligible for the State and National Registers, in recognition of its historic significance. Information about other potential historic properties can be obtained through OPRHP's Cultural Resources Information System online interface (cris.parks.ny.gov), which is available to the public and updated on an ongoing basis. The historic mansion appears to be unique in the Village and there is no objective evidence otherwise.

Historic Resources Comment 5 - Architectural Firm

Comment L9-6

The significance of the firm Cross and Cross as shaping the New York City skyline and creating country houses is not documented in the DEIS.

Response

As noted in Section 3.7 of the DEIS, the firm was known for urban architecture as well as high-style residential estates on Long Island as well as in Newport and in Connecticut, and the John Cross design contributes to the house's significance under Criterion C. The role of the Cross and Cross firm in the historic significance of this property was established without detailing the full legacy of Cross and Cross, which is documented elsewhere.

Historic Resources Comment 6 - Modernization of the House

Comment L9-19

Documentation of the "modernizing of the house" is not thoroughly provided in the DEIS. The following areas of the residence have not been documented in photos in the DEIS: the kitchen, Master bedroom, Master bathroom, secondary bathrooms, and other bedrooms.

Response

Representative interior photographs were provided for the purposes of the historical assessment of the residence on the subject property. The comment is correct that certain rooms were not photographed. The efforts made and costs associated with modernizing the house are relevant to the evaluation of the proposed impacts of the Proposed Action. The Applicants asserts that in excess of \$1 million has been spent in improvements to the property. Supporting documentation were requested and not provided.

Historic Resources Comment 7 - Nature of Adverse Impact to Historic Properties

Comment E15-1

The demolition of this historic property will have an adverse impact on the community (as stated in the September 23, 2019 memorandum from the NYS Parks, Recreation and Historic Preservation Organization).

Response

The Applicants contend that “it should be clarified that the result of OPRHP’s determination of effects is that demolition would constitute an adverse effect to the property itself. The property is not considered eligible as contributing to a historic district.” See response to Historic Resources Comment 1 regarding the potential courses of action set forth in the OPRHP February 6, 2020 correspondence and the Applicants’ additional consultations with OPRHP and DEC.

However, the mansion is part of the neighborhood character and iconic. The demolition of the historic home has been identified as an adverse environmental impact under SEQRA.

Also, as noted by the response to Section 2.11 Historic Resources Comment 3 of the FEIS, the State Historic Preservation Act (SHPA) requires:

...state agencies to consult with the SHPO if it appears that any projects being planned may or will cause any change, beneficial or adverse, in the quality of any historic, architectural, archeological or cultural property that is listed on the National Register of Historic Places or listed on the State Register or that is determined to be eligible for listing on the State Register. It requires state agencies, to the fullest extent practicable, consistent with other provisions of the law, to avoid or mitigate adverse impacts to such properties, to explore all feasible and prudent alternatives and to give due consideration to feasible and prudent plans that would avoid or mitigate adverse impacts to such property.

These parts of the SHPA detail how impacts are assessed and the consultation process to identify ways to avoid or mitigate adverse effects to historic properties through project alternatives. Section 428.8 states: “To protect these irreplaceable assets and meet their legal obligations, agencies must make every effort to reconcile their programs with the public policy of the State regarding historic preservation by finding a feasible and prudent means to avoid or mitigate any adverse impact of the undertaking identified by the commissioner.” Section 428.8(d) further explains that identification of prudent and feasible alternatives is driven primarily by the State’s public policy to engage in historic preservation, but includes consideration of a number of factors which together inform the decision-making process: “In formulating recommendations or alternatives, both the commissioner and the undertaking agency must give primary consideration to the State’s historic preservation policy as expressed in article 14.00 of the Parks, Recreation and Historic Preservation Law. Other factors such as cost, program needs, safety, efficiency, code requirements or alternate sites may also be considered. However, none of these factors standing alone shall be determinative of whether a particular proposal is feasible or prudent.” (emphasis added)

The Planning Board will weigh and balance relevant environmental impacts with social, economic, and other considerations to make its findings.

2.12 Construction Impacts

Construction Impacts Comment 1 – Construction Traffic Concerns/Influx of Vehicles and Workers

Comment L5-5

There will be a large influx of trucks, workers and others making this quiet block exactly the opposite of what it has been over the past 19 years that we have resided here.

Comment L10-5

Is the driveway on Talley Road being used as a thoroughfare for the construction vehicles too because that is directly on that side of our home?

Comment L7-3

What is going to become of the traffic once this project begins? It will be a nightmare.

Comment E2-4

Traffic concerns - Statements such as "...it is estimated that there would be no more than 10 construction worker vehicles at the site at one time, as some construction crew members may carpool" (Section 3.8.3) are not particularly comforting and actually quite absurd and laughable.

Comment E3-1

We are very concerned that the construction would bring a tremendous increase in traffic for years to come. As we are certain that you are aware, traffic is especially bad in the morning and the early evening going into and departing from the Nob Hill entrance. There are safety issues to be considered.

Comment E3-2

The demolition of the property would bring tremendous distress to our ability to enjoy peace and quiet in our own home. The tractors and trucks that would be associated with the construction of 4 homes would be more than unreasonable to endure. The construction vehicles that would be passing by our home each and every day would be unbearable.

Comment E3-4

Where are the construction workers going to park and how are emergency vehicles going to get through the streets.

Comment E4-3

Workers and construction vehicles will be parking at all adjacent streets (they have indicated that the construction workers will carpool to minimize the street congestion- how realistic is that?).

Comment E4-4

Who will be responsible for the large and numerous construction vehicles passing on our narrow streets which will likely result in damage to my Belgian block curbing, my lawn and sprinkler system? Will the Village set aside and efficiently disburse funds for the neighbors affected?

Comment E4-5

Will there be vetting of all construction workers (no matter how long they are on site) regarding background checks (particularly of registered sex offenders)? Our Community would not respond well to an incident of that type knowing all well that it could have been prevented. If preventative action was not taken, the Village will be held responsible for not requiring this type of due diligence for the safety and well-being of our Community.

Comment E10-2

The increased traffic in the neighborhood due to the construction will be incredibly disruptive to the peaceful environment of Nob Hill and Lakeville Estates. Exiting the neighborhood in the mornings and evenings can be quite dangerous because of all the cars lining up to make the turn out of the neighborhood. Now add large tractor trailers and cement trucks to the equation. Talley Road will become more dangerous.

Comment E10-4

Where will the workers be parking?

Comment E10-5

Will this create security concerns? Workers during their lunch break wandering the neighborhood creating security problems. I have a young athletic daughter that runs the neighborhood. I will now have to be concerned with strange men loitering.

Comment E12-5

Deeply concerned about the massive amount of construction vehicles, equipment, dumpsters, etc. that will be clogging up what is a beautiful, quiet area/ street, not to mention the damage these giant vehicles will cause to the street. The amount of dirt coming from this project will be enormous.

Comment E13-7

The safety of our children and residents walking and biking not only by vehicles but hundreds of construction workers for years in our neighborhood.

Comment E16-4

We don't feel at ease with the amount of workers that would be brought into our community for such an undertaking, essentially into our backyard. This proposition brings many strangers in close proximity to our children.

Comment E19-16

Based on the cut and fill numbers, and assuming an eight-hour workday and that an average dump truck has a capacity of 12 cubic yards, the amount of material would require three trips per hour and would occur over a four-week (20-work day) period. When C&D debris is considered, material removal would take an additional four working day. Periodic deliveries or the arrival or departure of construction vehicles would also occur throughout the typical workday, depending on construction scheduling. Traffic activity would be intermittent throughout the day. If the residences are built at the same time as the subdivision roadway, it may be possible to minimize truck trips by reusing some of the cut material generated by lot development as fill for the roadway, if the material is suitable. Although there is the potential for adverse impacts during demolition and construction, such effects on traffic, noise, air, quality, and hazardous materials would be temporary and would not result in significant adverse impacts to the surrounding community with the incorporation of mitigation measures into the construction phase of the project. 8-hour workday x 3 trips/hour = 24 trips per day, plus add on 4 days material removal and add on periodic deliveries or arrival/departure of construction vehicles. How is this deemed not resulting in significant adverse impact?

Comment E19-17

It is estimated that as many as 10 construction worker vehicles at the site at one time. This is a horrible aesthetic, noisy and disruptive situation for the residents to endure.

Comment E21-3

Multiple trucks working right by our home will bring road safety concerns for our little kids, it will generate big traffic right by us when now it's very quiet. Dirt and noise will make our yard unusable for children. Most importantly, amount of workers and strangers that would be brought into our neighborhood for such a big construction project, essentially into our backyard raises safety concerns.

Response

While construction always involves potential impacts to the area surrounding a development site, such impacts (including those related to traffic) are temporary. The DEIS and this FEIS state the Applicants' proposed mitigation. See response to Transportation and Parking Comment 2 and response to Alternatives Comment 6 regarding the number of trucks to be generated during earthwork activities related to the construction of the proposed development. The access to the subject property for the Applicants' preferred development plan will be via Melby Lane and once constructed, Melby Court. Under this subdivision design, there would be no access to the site either during or post-construction via Talley Road.

As discussed in Section 3.8.3 of the DEIS, "...it is estimated that there would be no more than 10 construction worker vehicles at the site at one time, as some construction crew members may carpool." Construction will be completed in phases, there will never be "hundreds of construction workers" on site at a given time. The anticipated number of construction workers would be consistent with the typical construction or renovation of single-family residences.

The Applicants state that carpooling among construction workers is not uncommon; and in any case, the site is sufficiently large to accommodate all construction-related parking.

Construction-related vehicles, including workers' personal vehicles, will be parked on-site. A small number of vehicles for the construction workers will be moving to and from the site daily. Major construction vehicles will be delivered to the site and will remain for the duration of work in which the trucks are needed for different activities. Workers will be prohibited from parking on Melby Lane." Daily construction would be limited to the hours of 8:00 a.m. to 5:00 p.m., Monday through Friday, only, in accordance with Chapters 127 (Noise) and 225 (Building Construction, Permitted Times) of the Code of the Village of East Hills. Construction activities are prohibited on the weekends. See response to Construction Impacts Comments 2, below regarding noise generated during construction. Additionally, there should be no issue with emergency vehicles reaching their destinations as at no point is it anticipated that the roadways in Nob Hill will be closed during any of the phases of the construction. Also, as noted, all construction vehicles will be parked on site or within the cul-de-sac during all stages of the construction process.

With respect to potential damage to roadways and property, the Applicants will comply with the Village's subdivision requirements with regard to road maintenance and repair. Additionally, as indicated in Response Construction Impacts Comments 3, the Village permits for demolition and building construction require applicants to execute and file surety bonds to ensure compliance with, among other things, the Village Code, the observance of all municipal ordinances, and to indemnify the Village for any damage to Village roads, trees, property, facilities, and other damages as well as costs incurred by the Village of East Hills in connection with the work performed. Furthermore, refer to Construction Impacts Comments 3 regarding debris generated by the proposed construction.

With regard to construction workers, the construction company, or companies to undertake the proposed development would be licensed to do business in Nassau County, and would conduct vetting of their employees in accordance with applicable laws and their internal protocols. However, it should be noted that this question is not relevant to the SEQRA review process. Furthermore, there is no evidence that construction workers have any greater propensity to be sex offenders or to commit other crimes than the public at-large, nor is it reasonable to presume that they would be inclined to leave the site during or after their shifts to engage in illicit activities.

Construction Impacts Comments 2 – Construction Noise

Comment L10-4

The daily noise levels that come with the magnitude of such a project will be unbearable and uninhabitable. This construction nightmare will last approximately at least 3 years, for 5 days a week from 8am-5pm.

Comment E9-4

There is enough congestion and noise from aircraft flying over our community and gardeners only to be exacerbated by continual construction noise from the proposed site.

Response

Noise levels during construction activities must comply with all applicable Village regulatory requirements, including Chapter 127, Noise and Chapter 225, Building Construction, Permitted Times which limit construction to the hours of 8:00 a.m. to 5:00 p.m., Monday through Friday, only. The daily time frames specified in these Code provisions minimize impacts to neighbors by avoiding overnight and weekends when residents are most likely to be at home.

The Applicants' estimate that demolition will take about 3 months followed by regrading. If the cul-de-sac roadway is to be installed, including the utilities the Applicants' estimate that will take roughly 6 additional months with a final course of roadway asphalt being installed at the end of the development. Installation of home foundations will follow completion and approval of individual home construction plans including by the Village's Architectural Review Board. The precise time periods are not known. The Applicants estimate that each foundation's installation will take about a month. That might happen simultaneously for all proposed homes or may happen as individual lots are constructed. The Applicants have estimated that "total construction to have the roadway and foundations installed can take approximately 9 months" but may extend to 12 months based on the response provided by the Applicants to Construction Impacts – Comment - 4 Construction Timeframe. This response states that it will take "a total of about nine months to a year for the demolition, roadway/infrastructure and foundations" to be completed. Therefore, it is unclear whether the timeframe for the above tasks is more accurately estimated as 9 months or 12 months. Also, it is noted that construction duration for lot development is estimated in Construction Impacts Comment 4 and Alternatives Comment 6 as taking 12-24 months for a total construction period including demolition, road and drainage work, foundation work and construction of homes of no more than 36 months (depending on overlap).

Potential noise effects will be intermittent depending upon work schedules and completion. For the individual home construction, noise levels will decrease after site work and exterior construction. Interior construction will entail less noise effect for neighbors.

Construction Impacts Comment 3 – Construction Debris/Air Quality

Comment L10-6

If the house is demolished how are significant amounts of particles contained. Once airborne hard to control thereby putting the residents at a marked health risk. Don't forget the government told everyone the air quality was clear at ground zero after 9/11. Dust particles can contain synthetic mineral fibers and cement residue can cause severe allergies, asthma and pulmonary diseases.

Comment E2-3

Reference is made to "air contaminants could occur from construction equipment and emissions of fugitive dust during dry periods, although dust would mostly be controlled by covering of soil piles and watering down of the subject property" made in Section 1.8.1, but there does not appear to be identification of exactly what these "contaminants" might include. We do note that there are references to potential asbestos in the report which should not be taken lightly.

Comment E3-3

The dirt that will be ongoing for years, and destruction of the roads that would occur will be on going for years and potential damage to the homes in our area would be unreasonable, when so many houses are being built so close to our home.

Comment E4-2

This act of subdividing and developing will not only affect the homeowners that directly abut the property but will have a significant negative impact on the residents of the adjacent streets. The demolition and carting away of the rubble will leave a trail of noise and debris along Melby, Talley and Vanad.

Comment E5-2

Let's not forget about all the vermin and pollutants that will appear.

Comment E9-1

This project will add nothing to our neighborhood in terms of value or appeal. The project will cause the residents of the immediate area to have safety issues for their children and a long-standing exposure to noise and dirt.

Comment E10-3

The demolition of the property and carting away of the debris will leave a trail of soil and create noise throughout the community.

Comment E11-2

We do not want our family and community to be disrupted by large amounts of construction and pollution. This will drive the value of our homes down and our quality of life.

Comment E12-4

Limited disruption and carpooled workers? That also seems hard to believe and who would really be monitoring any of this once the project starts? Limited to no exposure to harmful chemicals and pollutants? Who is guaranteeing us this and why should we be satisfied that it's "limited."

Comment E14-1

I live at 10 Hummingbird Drive and I work from home. The proposed building of 4 houses on this property would create such a huge amount of noise and dirt for such a prolonged period of time that I don't think that I could remain living in my house under these conditions.

Comment E16-3

The pollution from the trucks and construction alone is a massive concern. We feel it is obvious that the environmental study should have been conducted by the village rather than by the party proposing the project (the homeowner) in order to maintain impartial results. Why should the study conducted by the homeowner be trusted? Aside from the health issues, which

are paramount, the years of construction, dirt and noise will make our lovely yard unusable for our children. They will disrupt our peaceful home where our children need adequate rest both day and night and where all of us require a quiet place to be at ease and decompress.

Comment E16-6

There will certainly be years of rodents as the entire ground will be disrupted to make way for the roads, pipes, plumbing.

Comment E21-5

There will certainly be years of rodents as the entire ground will be disrupted to make way for the roads, pipes, plumbing, etc.

Response

The collapse of the towers of the World Trade Center in a terrorist attack is not a reasonable analogy.

As documented throughout the DEIS and summarized in Table 4 of the DEIS, various permits, approvals, and regulatory compliance is required for implementation of any proposed action. Bonds be required too such as, for example, excavation permits for soil removal and for excavation. . Village Code Chapter 89, "Excavations," §89-15, "Bond Required" Chapter 223 "Building Construction.",

As discussed in Sections 3.8.2 and 3.8.5 of the DEIS, erosion and sediment control measures need to be designed to be consistent with the New York State Stormwater Manual and the New York Standards and Specifications for Erosion and Sediment Control, as required by Chapter 260 of the Village Code. Specifically, as discussed in Section 2.8.5 of the DEIS, erosion and sedimentation control measures are required prior to and during construction to minimize or eliminate the potential for significant fugitive dust generation during construction. Such measures are expected to include, as needed: temporary seeding, establishment of stabilized construction entrances, wetting of accessways, stockpiles, and materials, limited on-site vehicular speeds, and covering trucks carting loose material and construction debris. Moreover, exposed soils will be permanently stabilized and paved or planted when practicable. Upon completion of construction, the potential for fugitive dust will be minimized as surfaces are either paved or landscaped. Moreover, demolition debris (which may or may not include lead-based paint) will be wet down to prevent airborne dust. As detailed in Section 3.1.2.1 of the DEIS, an ACM survey will be completed and any potential encountering of ACM will be addressed in accordance with New York State Department of Labor (NYSDOL) Industrial Code Rule 56.

As discussed in Section 3.8.4 of the DEIS, construction activities will be in accordance with the Village of East Hills *Noise Ordinance* (Chapter 127) and *Building Construction, Permitted Times* (Chapter 225) of the Village Code.

As discussed in Section 3.1.2.2 of the DEIS, to protect soils from erosion and sediment transport and to prevent sediment from entering the drainage/drywell systems, measures will be implemented pursuant to a Stormwater Management Pollution Protection Plan (SWPPP). The SWPPP will be finalized prior to commencement of any construction to minimize

construction-related impacts, including off-site transport of sediment. A preliminary SWPPP has been developed in accordance with Article II of the Village Code and the New York State Standards and Specifications for Erosion and Sediment Control. Periodic maintenance of all erosion control measures for the duration of the construction by cleaning, repairing and/or replacing the control measures as may be necessary or directed by the project engineer will be required. The requirements dictate proposed stockpiles of topsoil be hydroseeded to act as soil erosion control, silt fence installation to prevent runoff of contaminants, construction access with anti-tracking pad to prevent any dirt being brought onto the street. These measures will be subject to periodic inspection including after storms. The contractor performing the site work is required to have on site, at all times, an employee who is responsible for implementation of the SWPPP and who has completed the NYSDEC's 4-hour train course "Protecting New York's Natural Resources with Better Construction Site Management". All trucks transporting demolition and excavation materials from the site will be required to have their loads properly secured and will be subject to fines and other penalties if inadequately secured loads are spilled along travel routes. Also, any debris which is brought onto the street shall be swept and cleaned daily. All the NYSDEC regulations will be strictly adhered to. Therefore, adequate measures will be taken to minimize dirt in the vicinity of the proposed subdivision and surrounding roadways.

See response to Construction Impacts Comments 5 for discussion of mitigation measures to be implemented during construction; response to Transportation and Parking Comment 2 regarding traffic safety and response to Procedure/SEQRA Process Comment 3 regarding the question about authorship of the DEIS.

Construction Impacts Comment 4 – Construction Timeframe

Comment L10-2

Are they developing the entire property at once then one house at a time build or are all four homes going up at once?

Comment E2-5

Demolition and Construction Schedule (Section 2.6) – what seems to be the completely open-ended nature of the schedule is unacceptable. To subject the surrounding area to what is clearly an absolute minimum of 24 months of significant construction is patently unreasonably and unfair. While we acknowledge that construction schedules can be uncertain, this is far too open-ended. It is completely unreasonable to embark on what seems like an open-ended project – particularly one that is very large and atypical for the area.

Comment E5-1

Our worry is that the calm of this neighborhood will turn into mayhem for the next couple of years as these new homes and roads are built.

Comment H5-3

The document itself says that they are going to need at least 24 months just to get the demolition of the original house and the preparation of the four properties.

Comment E8-1

The DEIS does not address even a likely case scenario regarding the length of construction. Instead, the DEIS points out that "it is impossible to determine the total duration of construction." (DEIS at page 9)

Comment E12-3

The project will only take 2 years? I think everyone can assume that is wildly optimistic and this project will take much longer.

Comment E19-19

This proposed subdivision project is unprecedented in East Hills in scale, duration, diminishing the quality of life and economic value of surrounding homes. Unprecedented in scale: erecting a small village (4 homes) which includes a cul-de-sac or the equivalent of a road within a perimeter that lies in the center of 10-12 residential homes and worse in their backyards. Unprecedented in duration/length of construction: the years of construction and disruption (noise, odors, traffic, lights) to the immediately abutting residences as well as the general immediate area. Unprecedented in the negative economic impact it will have on the marketability and value of surrounding homes (not just during the construction period which will be minimum of 4-6 years but also upon completion (due to density of very large imposing homes on higher ground, vehicular movement/vehicular lights shining into our backyards and homes from cul-de-sac/road traffic, significant increase in noise level all in the sanctity of our backyards.

Response

The time-frame for construction can vary based on the coordinated construction of the proposed dwellings. The demolition and construction of the road and infrastructure should take about six months for completion. The timeframe for future lot development would be determined as individual site plans are approved by the Village. In general, once the roadway is completed, the foundations should take about 3 months for completion for the four parcels if done together. At a total of about nine months to a year for the demolition, roadway/infrastructure and foundations, the dwellings can be completed within another 12 months for a total construction timeline of 24 months. If the houses are started at various times, that will push the completion another 12 months back, for a total of 36 months.

A more definitive timeline can be established once it is determined the sequence in which the proposed homes will be built. The marketing of the individual housing lots will dictate the schedule for the remaining construction and is out of the Applicants' control. As noted above, if all four lots are sold and the houses are built at the same time, construction can be completed within about 24 months. If the construction start time is staggered it can take longer, possibly 24-36 months. This type of uncertainty is inherent to single-family home construction throughout Long Island and is unavoidable. Every effort will be made to expedite the construction process to the degree practicable, an outcome that will be incentivized by the fact that a prolonged scheduled inevitably reduces profitability. Subsequently, all construction activities will be conducted only during the days and hours permitted by Chapter 127 of the Village Code. Therefore, construction of the Proposed Action, both subdivision and

eventual lot development, would be conducted in a manner that minimizes construction-related impacts on the surrounding community to the degree practicable.

The proposed construction of four single-family residences to replace an existing residence cannot fairly be characterized as a "small village." As noted in response to the Zoning, Land Use and Community Character Comment 2, while construction of the proposed subdivision would result in temporary disruptions, construction and re-construction of residences occur in the area on a regular basis. Moreover, multiple construction projects can occur at the same time. For instance, as previously noted, four residences located on Sycamore Drive (115, 120, 135, and 155) were under construction simultaneously within the Village. Sycamore Drive is a connector street between Fir Drive and Birch Drive, west of Melby Lane, across Glen Cove Road. The development along Sycamore Drive caused congestion along the entire roadway during construction. In the case of the proposed action, the proposed cul-de-sac would provide an on-site area off Melby Lane for construction activities, including the staging of supplies and vehicles, resulting in less disruption.

Furthermore, the anticipated construction period for the proposed development is expected to be no longer than three years, not the six years claimed.

Construction Impacts Comment 5– Proposed Construction Mitigation

Comment E19-1

Identification of mitigation measures are the core of the EIS. Where is the mitigation proposal for the impact of a project of such magnitude and duration? "Construction activities would be subject to the relevant restrictions of the Village Code." These are not solutions and do not mitigate the impact of years of construction, the environmental impact and economic detriment to the residents.

Comment E19-18

The proposed mitigation is technical and in theory provides procedures and precautions to be taken. Nevertheless, all the mitigation language offered for this project cannot provide very meaningful comfort that our homes will be protected from real damage.

Response

The proposed mitigation measures are stated and recognized demolition and construction practices. The DEIS identifies a range of appropriate measures to contain disturbances to the extent practicable. As discussed throughout Section 3.8 of the DEIS, these measures address potential construction impacts relating to earthwork and demolition, traffic, noise, air quality, and potential hazardous materials. These measures are compliant with the applicable regulations. See full text of Section 3.8 of the DEIS for details.

The construction mitigation measures for the Proposed Action include adherence to various provisions of the Village Code. The relevant requirements of the Village Code include standards for erosion and sediment control, preparation and implementation of a Stormwater Pollution Prevention Plan, noise regulations, and prevention of wind-borne dust, among others.

As shown on the SWPPP (Sheet 8 of 8), there are various stormwater management practices to mitigate stormwater runoff. Some include establishing limits of clearing, installing silt fencing, stabilized construction entrance with anti-tracking pad, installation of drainage structures to contain an eight-inch rainfall event, reseeding of disturbed areas, filter fabric installation over drainage inlets during construction and stockpiling topsoil during construction with silt fencing protection.

Additional governmental agencies regulate other aspects of the construction, including rodent controls (NCDH) and asbestos abatement (New York State Department of Labor), as previously noted. Additionally, all construction parking and staging are proposed to be on-site. Typical construction practices are proposed.

Additional discussion of construction mitigation is included in responses to Construction Impact Comments 1 – 3.

Construction Impacts Comment 6 – Utility Pole Construction

Comment H5-1

The DEIS mentioned the existing aboveground electric utility system would be utilized for the Proposed Action. Would new utility poles be installed to accommodate the three new residences, or would the existing utility poles be used? The existing utility poles converge in my backyard and I am concerned about additional poles being introduced.

Response H5-1

No additional utility poles are proposed as part of the Proposed Action. Electric service to the four new homes can be provided from the existing two poles on the north side and the one pole on the south side of the site. The final determination about the electrical connections will be made by PSEG Long Island.

2.13 Alternatives

Alternatives Comment 1 – Updated Plans and Comparison of Alternatives Table

Comment L6-5

Table 14 (Section 4) should be updated based on plan adjustments discussed above and updates to analysis of various impact categories assessed accordingly (i.e., grading/cut and fill, ecology, stormwater management, visual impacts, etc.). A row should be added to the Table addressing disturbances of steep slopes (20% or greater) and slopes between 15-20% to allow for comparison of impacts between the Proposed Action and the alternative plans.

Comment L6-12

Based on the Preliminary Plan Lot Grading, Drainage and Limits of Disturbance comments above and engineering comments outlined below, the Alternatives analysis should be updated to reflect the updated assessment of disturbances, tree removals, grading, etc.

Comment L6-16

Alternative A-1 should consider design modifications that would mitigate loss of trees along the proposed driveways providing access to proposed Lots 2 and 3. (See engineering comments below). Comparisons of tree removals to the Proposed Action should account for all improvements (roadways, lots, grading, etc.).

Response

Please see updated Table 14, below.

Table 14 Comparison of Alternatives

Parameter	Proposed Action with Development	No Action	Alternate A-1	Alternate B
Number of Lots	4 new lots	1 existing lot	2 new lots and existing residence	4 new lots
Limit of Disturbance	1.94 acres	0 acres	1.17 acres	1.78 acres
Trees Removed	33 removed	0 removed	19 removed	83 removed
Cut and Fill (CY)				
<u>Subdivision Roadway Total</u>	<u>650 CY fill</u>	<u>0 CY cut/fill</u>	<u>N/A</u>	<u>585 CY fill</u>
Road/Site Grading	250 CY cut	0 CY cut/fill	N/A	550 CY cut
Drywell and Sanitary	525 CY cut	0 CY cut/fill	N/A	290 CY cut
Existing Dwelling and Pool	1,425 CY fill	0 CY cut/fill	N/A	1,425 CY fill

Parameter	Proposed Action with Development	No Action	Alternate A-1	Alternate B
<u>Development Lots Total</u>	<u>5,550 CY cut</u>	<u>0 CY cut/fill</u>	<u>1,660 CY cut</u>	<u>3,900 CY of cut</u>
Site Grading	150 CY cut	0 CY cut/fill	225 CY cut	250 CY cut
Proposed Dwelling Foundation	3,200 CY cut	0 CY cut/fill	850 CY cut	2,500 CY cut
Drywell and Sanitary	1,700 CY cut	0 CY cut/fill	235 CY cut	450 CY cut
Proposed Pool and Patio	500 CY cut	0 CY cut/fill	350 CY cut	700 CY cut
Impervious Surface	0.64 acre	0.41 acre	0.70 acre	0.69 acre
DRA A	2,628.1 cubic feet stormwater runoff	N/A	782.7 cubic feet stormwater runoff	4,873.5 cubic feet stormwater runoff
DRA B	2,398.9 cubic feet stormwater runoff	N/A	800 cubic feet stormwater runoff	1,793.7 cubic feet stormwater runoff
DRA C	5,207.7 cubic feet stormwater runoff	N/A	873.1 cubic feet stormwater runoff	1,874.6 cubic feet stormwater runoff
DRA D	N/A	N/A	3,761.4 cubic feet stormwater runoff	N/A
DRA E	N/A	N/A	1,361.9 cubic feet stormwater runoff	N/A
DRA F	N/A	N/A	1,326.7 cubic feet stormwater runoff	N/A
DRA G	N/A	N/A	812.0 cubic feet stormwater runoff	N/A
Stormwater Storage				
Parcel 1	Parcel 1 - 1,448.7 cubic feet stormwater runoff			Parcel 1 -1,750.7 cubic feet stormwater runoff
Parcel 2	Parcel 2 - 1,483.1 cubic feet stormwater runoff			Parcel 2 -1,581.4 cubic feet stormwater runoff
Parcel 3	Parcel 3 - 2,385.5 cubic			Parcel 3 -

Parameter	Proposed Action with Development	No Action	Alternate A-1	Alternate B
Parcel 4	feet stormwater runoff Parcel 4 - 1,653.0 cubic feet stormwater runoff			1,490.7 cubic feet stormwater runoff Parcel 4 -1,729.8 cubic feet stormwater runoff
Population	12	2*	9	12
Domestic Water (exc. Irrigation)/Sewage (gpd)	3,000± gpd	900± gpd	2,400± gpd	3,000± gpd
Solid waste (pounds per day)	42± lb/day	7± lb/day	31.5± lb/day	42± lb/day
Disturbance to Steep Slopes (15-20%)	Parcel 2 (5,689.7 SF) and Parcel 3 (2,285.7 SF)	None	Parcel 1 (2,355.6 SF) and Parcel 2 (4,588.4 SF)	Parcel 1 (2,121.4 SF), Parcel 2 (2,263.3 SF), Parcel 3 (1,047.7 SF). Parcel 4 (2,544.3 SF)
Disturbance to Steep Slopes (>20%)	None	None	None	Parcel 1 (1,958.5 SF)

* Number of existing residents.

See response to Alternatives Comment 6 – Comparison of Construction Impacts, regarding truck trips associated with earthwork.

Furthermore, the drainage structure tables on Sheet 7 of 8 and Sheet 8 of 8 in Appendix E have been updated to reflect total drainage containment from the full site.

The alternative plans reflect the potential full development of the property. This includes the construction of access driveways, dwellings, drainage, sanitary systems and pools/patios, and roadway for Alternative B. The disturbance limit includes all areas that would be impacted by the project, including the subdivision phase and lot development phase. Trees shown to be removed are based on the proposed design currently shown.

For Alternate A-1, the position of the dwellings, pools and driveways for Parcel 2 and Parcel 3 have been revised to minimize the extent of tree removal that was previously shown.

The most recent version of Alternate A-1 (revised 5/25/2020 – see Appendix D of this FEIS) depicts development on Parcels 2 and 3 being shifted and the access driveway for Parcel 2 moved east, away from the western property line as compared to an older version (revised 7/15/2019). This is anticipated to limit necessary regrading and tree removal. As a result, this most recent plan shows only 19 trees to be removed and the older plan depicts 46 trees being removed. Therefore, this plan would preserve an additional 27 trees. Most of the trees are located along the western property line; by preserving those, the plan maintains the natural property screening. In reviewing the proposed trees to be removed, of the 33 trees to be

removed under the proposed four lot subdivision, 14 trees are required for removal for roadway construction and below grade infrastructure. As indicated on Sheet 6 of 8 (see Appendix E of this FEIS), these trees include a variety of Oaks, White Pine, Holly, Crab Apple, and Cherry. The majority are smaller Cherry and Holly trees. Five have a caliper greater than 24" and consist of a mixture of White Pines and one Oak. The remaining 19 trees to be removed for the future lot development consist of mostly smaller sized Holly and Dogwood trees and 6 of the 19 trees have a caliper greater than 24 inches and consist of a mixture of Oak and White Pine. The total number of trees of "substantial" size required for removal is 11 for the proposed subdivision with maximum lot development.

The total number of trees required for removal as shown on Alternate A-1 is 19. The trees include a variety of Oaks, White Pine, Maple, and Cherry. Eight (8) of the 19 trees have a caliper greater than 24 inches and consist of a variety of Oak, White Pine and Cherry. Overall, the number of better quality trees (see Tree Schedule on Sheet 1 of 8 in Appendix E of this FEIS) that are required for removal, as shown on Alternate A-1, is very similar to the total number required on the proposed four lot subdivision with future lot development. As noted above, since Alternate A-1 includes maintaining the existing dwelling in the center of the property, the majority of tree removal would take place within or near the new Talley Road driveway and the driveway along the easterly property line which would result in a slightly greater impact to the surrounding properties but much less than the previous version of the A-1 map that necessitated an additional 27 trees be removed. Unlike the discussion of the proposed four-lot subdivision, the above analysis of the Alternative A-1 map does not factor in any new trees that may be planted after grading and does not address retention versus removal of the existing house, impact on views from properties to the south and southwest from construction of new homes, and additional construction period and noise associated with demolition of the stone house and construction of an additional home and cul-de-sac.

Alternatives Comment 2 – Alternate Slope Disturbance

Comment L6-17

The description regarding disturbances to slopes in Section 4.2.1 is misleading. The discussion notes increased disturbances associated with the driveway access but does not assess/compare disturbances from the overall development including the proposed homes (which may be significantly less for Alternative A-1 when compared to the Proposed Action).

Response

As with the overall development of four lots with a new roadway, Alternate A-1 will not disturb any slopes greater than 20 percent. To clarify the language in Section 4.2.1 of the DEIS, Alternate A-1 includes two new residential properties, with driveway access, pool, and patio, all while maintaining the existing dwelling. The disturbance limit line is shown on the edge of the sloped areas which are 20% or greater. This is to prevent any disturbance and no development in those areas of slopes 20% or greater. See Table 14 in response to Alternatives Comment 1, above, which shows updated slope disturbance figures for areas of 15-20% slopes.

Alternatives Comment 3 – Marketability of Smaller Lots

Comment L6-14

Section 4.21, page 173, Please provide substantiation as to the following text, "There is no reason to believe that the house would be more appealing to potential buyers on a smaller lot, even at a reduced price that reflects the decrease in land area."

Response

There is no objective evidence to address this. Also, see the response to [Historic Resources Comment 1](#) regarding the Alternatives Analysis that was submitted to OPRHP.

Alternatives Comment 4 – Variances for Alternates

Comment L6-15

The assessment in Section 4.2 notes that Alternative A-1 would require variances for minimum street frontage due to the creation of flag lots, which the applicant states are out of character with the area. Analysis of the variance criteria should be evaluated considering both the change to the character of the neighborhood as it relates to the retention of the historic home, as well as the Alternative A-1 lot configuration.

Comment L9-1

The Roslyn Landmark Society opposes the demolition of the historic John Mackay House and agrees with the New York State Office of Parks, Recreation, and Historic Preservation that its demolition would yield an adverse impact and that this historic residential building should be retained. With approved variances from the Village of East Hills, a prudent and feasible alternative is available to retain the house and believes allowing an additional one-two lots to the existing property (such as Alternative A-1) would be appropriate.

Comment L9-17

The Village of East Hills has indicated they would consider the variances for a three-lot subdivision as detailed in Alternative A-1 and as suggested by the Roslyn Landmark Society at the Village of East Hills meeting on June 21, 2017.

Comment E8-6

DEIS alternative A-1 (leaving the existing historical home and constructing only two new subdivided lots for single family residences) would both provide the applicant with a sizable profit and would also significantly reduce the major adverse impacts of the primary proposal. The DEIS explains that the "impacts associated with construction of the subdivision under this alternative would be less than the Proposed Action." (DEIS at page 76).

The primary concern identified in the DEIS with this alternative is that it will require variances from the Zoning Board of Appeals (ZBA). As a 25-year member of the ZBA, I have seen the ZBA routinely grant variances where the party seeking the variance presents a reasonable case. While in no way can I guarantee or opine that the variances would be granted, I am confident that given the entire package, they would receive a full and fair review.

Comment H1-4

Did you apply for a variance from the Village of East Hills for the alternative that is not as-of-right? If you didn't apply, how do you know it would not be granted? How can you say it is not an alternative if you have not applied for a variance?

Comment H2-2

What is the principal criteria for the grant of a variance? Isn't it actually whether the benefit to the applicant outweighs the detriment to the Village health, safety, and welfare? Before you get to the five factors test, the balancing test is the benefit to the Village or detriment to the Village versus the benefit to the applicant.

Response

The Applicants contends:

As stated in response to Historic Resources Comment 1, in its February 6, 2020 response letter, OPRHP suggested two potential directions for consultation to proceed, referencing its previous letter stating that demolition of the house would be an Adverse Impact (September 23, 2019). In one option, OPRHP recommended working with Charles Vandrei, the Agency Preservation Officer for DEC, to develop a LOR. A LOR is an agreement documenting measures to be taken by the Applicant to mitigate for the loss of the historic property. As indicated above, per the recommendations included in OPRHP's February 6, 2020 letter, the Applicant has coordinated with Mr. Vandrei at DEC regarding preparation of an LOR. On March 30, 2020, Mr. Vandrei approved the development of a LOR. On April 1, 2020, Beth Cumming, Consultation Coordinator at OPRHP confirmed via email that if DEC approves proceeding with a LOR, OPRHP will not object to this course of action (see Appendix I of this FEIS). Therefore, the pursuit of variances is moot.

Nevertheless, pursuant to New York State *Village Law* §7-712-b(3)(b), when making a determination on whether to grant an area variance, a Zoning Board of Appeals must conduct a "balancing test," weighing the benefit of the variance to the petitioners against its detriment to the health, safety, and welfare of the neighborhood or community. See *Ifrah, supra*, 98 N.Y.2d at 307; *Sasso v. Osgood*, 86 N.Y.2d 374, 384, 657 N.E.2d 254, 259 (1995).

In conducting the balancing test, *Village Law* §7-712-b(3)(b) requires that a zoning board consider the following five factors:

1. Whether an undesirable change will be produced in the character of the neighborhood or a detriment to nearby properties will be created by the granting of the area variance;
2. Whether the benefit sought by the applicant can be achieved by some method, feasible for the applicant to pursue, other than an area variance;
3. Whether the requested area variance is substantial;
4. Whether the proposed variance will have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district; and

5. Whether the alleged difficulty was self-created; which consideration shall be relevant to the decision of the board of appeals but shall not necessarily preclude the granting of the area variance.

With respect to the first factor, an undesirable change will be produced in the character of the neighborhood and a detriment to nearby property owners if the requested variances were granted under Alternative A-1 for the following reasons:

1. Substantial variances would be required for insufficient frontage for Parcels 2 and 3, and for minimum front yard for Parcel 1.
2. Two flag lots would be created, which are not in character with the Village's existing zoning and inconsistent with the Village's comprehensive plan. There are no other flag lots in the Village.
3. Another access driveway would be created on Talley Road, which would directly abut existing residences. This would impact those neighbors, who will now have a driveway directly abutting their backyards without the benefit of mature trees that would have to be removed to create the driveway.
4. To create the Talley Road driveway, 19 mature trees would have to be removed which would otherwise be preserved under the proposed, conventional four-lot subdivision plan. Those trees provide dense screening for neighbors that abut the property on the westerly boundary. An additional 12 trees would also have to be removed along the north and easterly borders, for a total of 46 trees to be removed. Again, this would adversely impact those neighbors.

With respect to the second factor, the Applicants have other alternatives that are more desirable and which would not require variances. The Applicants have a legal right to proceed with a fully compliant map and cannot be required to pursue an alternative that maintains the house and requires variances from the Zoning Board of Appeals. The purported benefit of preserving the home and subdividing the parcel cannot be achieved without variances.

With respect to the third factor, the requested variances are substantial and would have a negative impact on the character of the neighborhood. The variances are numerically substantial given that the required frontage is 110 feet and the frontage that would be provided under Alternative A-1 is only 35.16 feet for Parcel 2 and 35.01 feet for Parcel 3. Also, the required minimum front yard is 35 feet, whereas the front yard for Parcel 1 would be only 17.5 feet. This is a substantial deviation from the minimum requirements in the zoning code.

With respect to the fourth factor, the requested variances would have a negative impact on the environment because of the removal of mature trees. These trees provide substantial screening and a natural buffer between the properties, and also serve as an aesthetic amenity. The negative impact of the removal of this natural buffer would be exacerbated by the creation of a new driveway off Talley Road. The Applicants' traffic consultant, R&M Engineering, determined that the Melby Lane access is a safer access point than the Talley Road access point. Finally, the estate-like feeling of the residence would be diminished with the further reduction of the lot area and the development of new homes in close proximity.

As noted in the DEIS and above in Response L6-11, the original estate was 60 acres, subsequently reduced to 43 acres.

With respect to the fifth factor, the difficulty would be self-created because the Applicants have devised and are proposing a subdivision layout that would avoid any variance, so the relief required under Alternative A-1 is entirely avoidable. In fact, because of the house's central location on the parcel, there is no subdivision configuration that would preserve the house in a manner that would also achieve zoning compliance.

The Applicants assert that the Roslyn Landmark Society has no authority to speak for the "Village of East Hills." Furthermore, as explained above, the authority to grant the variances that would be required for Alternative A-1 lie solely with the Zoning Board of Appeals, which can only render a determination for a particular request for relief after due deliberation in accordance with the provisions of applicable New York State and Village laws.

Based on the foregoing factors, the Applicants believe there would be a very high burden to obtain the variances needed for the Alternate A-1 Plan. Furthermore, it is the Applicants' contention that the commenters' opinion on the likelihood of the granting of variances that would be required for Alternative A-1 is speculative and irrelevant to the review of the Proposed Action under SEQRA. Preserving a house with historic value and creating two flag lots in a Village that presently contains no such development would not outweigh the detriment to the community. Also, Alternative A-1 does not guarantee that the house would be marketable on a smaller lot (see response to Alternatives Comment 3), nor would it guarantee that the house would be preserved in perpetuity. Furthermore, the creation of flag lots with minimal frontage would likely not be as marketable as other conventional lots in the area or the Code-compliant lots the Applicants are proposing. Finally, the Applicants have proposed a development that will have no negative impact on abutting property owners, fully complies with zoning regulations and will preserve all of the mature trees around the perimeter of the entire property. Therefore, based on the foregoing, in contrast to the Proposed Action, the Applicants assert that Alternate A-1 would not avoid or minimize adverse environmental impacts to the maximum extent practicable. See Section 4.2 of the DEIS for a discussion regarding the increased impacts that would result from the alternative subdivision layout with two flag lots (i.e., Alternative A-1, which would retain the existing residence) as compared to the Applicants' Proposed Action.

Variances and a three lot subdivision is an alternative to the identified significant adverse environmental impact on a cultural resource and community asset. The Applicants have not objectively compared and contrasted the impacts and magnitudes of the effects of removal of the home and creating a four-lot subdivision and the retention of the iconic mansion by creating a three-lot subdivision with variances. The Applicants assertions and opinions are speculative and no application has been made to the Zoning Board of Appeals.

The Applicants' assessment does not acknowledge adverse impact to historic and cultural resources, the resultant change to neighborhood character and additional construction duration and disturbances to nearby property owners by demolition of a stone structure, or compared the volume of debris and soil to be moved under the Proposed Action as compared to the alternatives. (See Table 14, Comparison of Alternatives). The creation of a three lot subdivision that retains the existing mansion will also mean one less home, and a resultant

reduction of traffic, community service demands, and other factors associated with any additional home constructed. Alternative A-1 does not require 46 trees to be removed but 19 trees to be removed. Unlike the Proposed Action, the Applicants' assessment does not acknowledge for Alternative A-1 mitigating tree removal by planting additional trees after clearing and grading and driveways are constructed. Additionally, it has been demonstrated that Melby Lane sight distance is somewhat limited in one direction from the proposed Melby Lane driveway location (see response to Transportation and Parking Comment 5).

The Applicants' accurately state that: "the authority to grant the variances that would be required for Alternative A-1 lie solely with the Zoning Board of Appeals, which can only render a determination for a particular request for relief after due deliberation in accordance with the provisions of applicable New York State and Village laws." Since the Applicants' first proposed a subdivision, the Applicants have not applied to the Zoning Board of Appeals for any variance to allow a three-lot subdivision to avoid demolition of the historic structure. The Applicants arguments against or for variances have not been heard by the Zoning Board of Appeals.

The FEIS is part of the SEQRA process. The FEIS is not a subdivision decision.

Alternatives Comment 5 – Alternatives and Maximizing Economic Value

Comment L9-5

In light of an appraisal not being available, additional information should be provided to support the Applicant's conclusion a three-lot subdivision would not maximize the value of the property. It should be noted maximizing full value of a property is not an elimination factor when considering prudent and feasible alternatives nor is it a consideration for the Village of East Hills zoning laws. Furthermore, the Supreme Court has ruled there is no legal right to maximize the economic value of a property if there are alternatives available which provide reasonable rates of return.

The Applicants contend:

The response above presents an evaluation of the standards for the granting of area variances, and indicates that, in the applicants' opinion, the alternative development layout with variances cited in this comment (identified as Alternative A-1 in the DEIS and this FEIS) would be subject to a very high burden for approval; and, furthermore, the applicants believe it would not avoid or minimize adverse environmental impacts to the maximum extent practicable.

Besides the question of the historic importance of the subject property and the impact that would result from the demolition of the house contained thereon, under SEQRA the Planning Board will also have to consider all other relevant factors in balancing its decision. In particular, it is important to note that the proposed development is in character with the surrounding neighborhood and is consistent with the Village's zoning and comprehensive plan. In contrast, Alternative A-1 would not meet these objectives. On this basis, Alternative A-1 is neither a prudent nor feasible.

The Applicants' position, based on extensive marketing efforts, is that the house on the subject property is not marketable in its current condition and would be no more marketable on a smaller lot. Furthermore, in contrast to any subdivision configuration that

retains the existing house, which would require significant variances and is not consistent with the existing character and pattern of development in the surrounding area, the Applicants are proposing a development that fully complies with the Village's zoning regulations and is consistent with the Village's comprehensive plan. These are important factors that must be considered by the Planning Board, at the appropriate time in the process, in arriving at a SEQRA Findings Statement and determining whether to approve the Proposed Action. See the response above for analysis of the zoning approval requirements that would pertain to a development scenario that retains the house, identified as Alternative A-1 (see Appendix D of this FEIS), which would entail a very high burden to obtain the necessary variances.

Also, the legal theory referenced "that there is no legal right to maximize the economic value of property if there are alternatives available which provide reasonable rates of return" has no bearing on this application. This legal theory only applies to Fifth Amendment takings cases and was part of the holding in the seminal case *Penn Central Transportation Company v. City of New York*, 438 U.S. 104 (1978).

The *Penn Central* case involves the application of New York City's Landmarks Preservation Law to Grand Central Terminal. The Supreme Court in *Penn Central* held that:

1. Owners could not establish a 'taking' merely by showing that they had been denied the *right* to exploit the super adjacent airspace, irrespective of remainder of the parcel;
2. Landmark laws which embody a comprehensive plan to preserve structures of historic or aesthetic interest are not discriminatory, like 'reverse spot' zoning;
3. That the law affected some owners more severely than others did not itself result in a 'taking,' and
4. The law did not interfere with owners' present use or prevent it from realizing a *reasonable rate of return* on its investment, especially since preexisting air *rights* were transferrable to other parcels in the vicinity. (emphasis in original)

Unlike the *Penn Central* case, there are no zoning or landmark restrictions in place that would otherwise prevent the Applicants from pursuing the Proposed Action. Accordingly, the analysis of whether any restriction is preventing the owner from realizing a reasonable return is not applicable here. In fact, the Applicants would have a claim against the Planning Board if it arbitrarily and unreasonably interfered with the Applicants' right to demolish the house and develop the property with four new fully-compliant homes.

As noted repeatedly, the Applicants have not sought variances to allow creation of two additional lots, albeit flag lots, to avoid the adverse impact of the demolition of the historic mansion. Nevertheless, the Applicants have acknowledged that consideration of prudent and feasible alternatives to avoid or mitigate adverse impacts to the fullest extent practicable are required. Pursuant to 6 NYCRR 617.11(d)(2), the Board will issue findings including its assessment of adverse impacts as balanced against "social, economic and other considerations."

See the response to Historic Resources Comment 1, which includes details regarding the evaluation of a three-lot subdivision that retains the house (the aforementioned alternative

(A-1)) and response to Historic Resources Comment 3 regarding feasible and prudent alternatives.

Alternatives Comment 6 – Comparison of Construction Impacts

Comment L6-18

The comparative analysis of construction impacts for the various alternatives should be expanded and quantified in terms of duration of construction activity, truck trips, construction generated waste, etc.

Response

Construction impacts for the alternatives was assumed utilizing the data presented in the DEIS and the grading and drainage plans contained therein. Potential construction impacts have been modified to reflect the extent of work to be completed.

Alternative A-1 would retain the existing residence and garage while introducing two new lots with access off of Talley Road and Melby Lane. As this alternative does not entail the creation of the cul-de-sac, the 3-6-month construction period for the Proposed Action roadway and infrastructure would not be required. As Alternative A-1 would retain the house and garage, there would be fewer truck trips and less construction debris generated than under the Proposed Action. Construction duration for Alternative A-1 could be approximately 12-16 months to complete the access road, infrastructure, and subdivision lots.

Alternative B would be comparable to the Proposed Action as it includes a roadway and cul-de-sac with access provided via Talley Road in lieu of Melby Lane. Therefore, construction duration would be anticipated to be 3-6 months for the project roadway and infrastructure. The development of the lots would take 18-24 months and if construction was staggered, it could take 24-36 months to complete construction. As Alternative B would remove the house and garage, truck trips and construction debris generated would also be less than the Proposed Action.

It can be concluded based on the subdivision plans and alternative plans that Alternative A-1 and Alternative B would lead to shorter construction duration, fewer truck trips, and less construction debris than the Proposed Action.

Using the Comparison of Alternatives an earthwork analysis was performed to quantify the total material that would need to be excavated for each scenario (also see Table 14 in response to Alternatives Comment 1). It was assumed that three truck trips are made per hour, each working day is eight hours, with each truck hauling 12 cubic yards (CY) of material per trip.

The values used in the analysis are summarized in the following table:

	Proposed	No Action	Alternate A-1	Alternate B
Subdivision Roadway Total	650 CY Fill	0	0	585 CY Fill
Road/Site Grading	250 CY Cut	0	0	550 CY Cut
Drywell and Sanitary	525 CY Cut	0	0	290 CY Cut
Existing Dwelling and Pool	1,425 CY Fill	0	0	1,425 CY Fill
Development Lots Total	5,550 CY Cut	0	1,660 CY Cut	3,900 CY Cut
Site Grading	150 CY Cut	0	225 CY Cut	250 CY Cut
Proposed Dwelling Foundation	3,200 CY Cut	0	850 CY Cut	2,500 CY Cut
Drywell and Sanitary	1,700 CY Cut	0	235 CY Cut	450 CY Cut
Proposed Pool and Patio	500 CY Cut	0	0	700 CY Cut
Total Material to be removed*	4,900 CY Cut	0	1,660 CY Cut	3,315 CY Cut
Total # Excavation Truck Trips	408	0	139	276
# days of Excavation Truck trips	17	0	6	12

*Assumes on-site cut to be utilized as fill

Alternatives Comment 7 – Other Alternatives

Discussion of Alternatives (General)

Comment L9-9

The property owner should consider the following additional prudent and feasible alternatives that have not been presented in the DEIS: evaluation and costs associated with upgrading the interior of the existing home, and obtaining a land conservation grant from the North Shore Alliance while retaining the historic residence and developing one lot.

Comment L9-4

The property owner has not contacted the North Shore Land Alliance for assistance as suggested by the Roslyn Landmark Society.

Response

The Applicants assert:

As noted in Section 4.0 of the DEIS, the range of alternatives presented in the DEIS was based on discussions with the Village and its planning consultant prior to submission of the DEIS to the Village.

The alternatives to be considered in this DEIS included:

1. SEQRA-mandated no-action alternative, pursuant to 6 NYCRR § 617.9(b)(5)(v);
2. Subdivision Layout Retaining Existing Residence and Garage with Two Additional Proposed Lots; Access to Subdivision from Talley Road and Melby Lane (Alternate A-1); and
3. Subdivision Layout with Four Proposed Lots, Access to Subdivision from Talley Road only (Alternate B).

As detailed in 6 NYCRR § 617.9(b)(5)(v), the range of alternatives may also include as appropriate:

1. Sites;
2. Technology;
3. Scale or magnitude;
4. Design;
5. Timing;
6. Use; and
7. Types of actions.

Therefore, the Applicants, in conjunction with the Village and its consultants, agreed upon the reasonable alternatives based on the Applicants' objectives and capabilities to be analyzed in the DEIS.

It is not the intent of a DEIS, nor is it reasonable, to require that additional analysis be undertaken of new development scenarios that may be conceived by project objectors during public review, particularly one, such as the suggested two-lot subdivision, that has no technical basis to justify its consideration. Similar to Alternative A-1 which is analyzed in this EIS (see Appendix D of this FEIS), the suggested two-lot subdivision would still require substantial variances, due to the central location of the house on the lot. Moreover, such a development plan would not meet the Applicants' objectives and right to seek a zoning-compliant four-lot subdivision as is proposed and, therefore, is inappropriate as an alternative for a DEIS.

The Applicants did not reach out the North Shore Land Alliance as it is not the Applicants' responsibility to contact and seek negotiations with entities that potentially may be interested in purchasing the subject property. The Applicants' intent to sell or develop the site goes back to 2015 and publicly has been well known for most of that time. No entity has ever approached the Applicants to express both that preservation of the subject house is a priority and a seriousness about making a capital investment to achieve this objective. If it believed the North Shore Land Alliance, or any other entity, is interested and positioned to undertake an acquisition of the subject property, the Roslyn Landmark Society could have facilitated the process. In the continuing absence of anyone with financial wherewithal to undertake the public acquisition of the subject property, this scenario does not achieve the Applicants' objectives and, therefore, is not a reasonable alternative and does not merit further consideration in the present EIS.

Moreover, as explained in response to Historic Resources Comment 1, the Applicants have undertaken consultation with NYSDEC and OPRHP regarding the preparation of a LOR. As explained above, a LOR is an agreement documenting measures to be taken by the Applicant to mitigate for the loss of the historic property.

As noted repeatedly, the Applicants have not sought variance to allow creation of two additional lots, albeit flag lots, to avoid the adverse impact of the demolition of the historic mansion. Nevertheless, the Applicants have acknowledged that consideration of prudent and feasible alternatives to avoid or mitigate adverse impacts to the fullest extent practicable are required. Pursuant to 6 NYCRR 617.11(d)(2), the Board will issue findings including its assessment of adverse impacts as balanced against "social, economic and other considerations."

Cul-de-Sac Alternative

Comment L9-18

Cul-de-sacs in East Hills were primarily built as dead-end streets when no prudent and feasible alternatives were available. Two East Hills cul-de-sacs were created in the 1960s.

Response

As noted in Section 3.4.2.1 of the DEIS, the subject property is within the R-1 Residence District of the Village of East Hills.

The Applicants contend:

The proposed cul-de-sac is compliant with the requirements set forth in the R-1 zoning district. As illustrated in Table 11 and discussed in Section 4.4.2.3 of the DEIS, there are other, existing cul-de-sacs within the neighborhood and overall Village, including Bird Court and Arlington Court near the subject property. Thus, the creation of a cul-de-sac on the subject property would not significantly modify the established roadway pattern and development layout. In contrast, the flag lots that would result under Alternative A-1 would be the first such parcels in the Village and, therefore, this development scenario would not be consistent with the existing development pattern or community character.

As noted repeatedly, the Applicants have not sought variance to allow creation of two additional lots, albeit flag lots, to avoid the adverse impact of the demolition of the historic mansion. Nevertheless, the Applicants have acknowledged that consideration of prudent and feasible alternatives to avoid or mitigate adverse impacts to the fullest extent practicable are required. *Sierra Club v. Board of Educ. Of City of Buffalo*, N.Y. 127 A.D.2d 1007, 1008, 512 N.Y.S.2d 954, 956 (1987), app.den. 70 N.Y.2d 612, 523 N.Y.S.2d 496, 518 N.E.2d 7(1987). Pursuant to 6 NYCRR 617.11(d)(2), the Board will issue findings including its assessment of adverse impacts as balanced against "social, economic and other considerations."

Moving the Residence

Comment L9-7

Relocating the building was never considered a feasible alternative.

Response

As explained in Section 2.2 of the DEIS, and in the Alternatives Analysis in Appendix C of this FEIS, the Applicants represent that the potential of moving the house elsewhere in the Village was explored. Accordingly, Section 2.2 reflects representations that the option of relocating the residence was discussed with a number of expert building moving companies throughout the east coast and the Applicants' assertion that this alternative is not feasible. The Village correctly asserts that the Village is not willing to subsidize such expense and asserts that tax benefits for donating the historic structure were discouraging economically.

Two-Lot Subdivision

Comment E18-3

Have all other alternatives to demolishing the home and subdividing the property into 4 lots been evaluated and justified as not feasible? Given the size of the home and property, it would seem reasonable to allow a subdivision for 1 additional home to be built, not 4, to limit the destruction and disturbance to the neighborhood and promote the character of the community that is shared and valued by the residents, which would then also leave this incredible home standing.

Response

As discussed in Section 4.0 of the DEIS, several alternatives were analyzed, as identified based on discussions with the Village and its planning consultant. These alternatives are consistent with the requirements for the analysis of alternatives, as set forth in the SEQRA regulations, at

6 NYCRR § 617.9(b)(5)(v). See Appendix C of this FEIS and Historic Resources Comment 1 for further discussion.

Use of Easement along Talley Road

Comment L11-6

We are aware that there is property behind Stonehouse, as well as an easement that extends to Talley Road. Perhaps, as a compromise, some of the property in the back could be used to build a new home or two. In this way, Stonehouse itself would be preserved, and the owners would be able to cash out, which seems to be the motivation.

Response

An alternative that preserves the house, with the addition of two new residences (Alternate A-1), was presented and analyzed in Section 4.2 of the DEIS and preserving the existing house is discussed in the response to Historic Resources Comment 1.

As noted repeatedly, the Applicants have not sought variances to allow creation of two additional lots, albeit flag lots, to avoid the adverse impact of the demolition of the historic mansion. Nevertheless, the Applicants have acknowledged that consideration of prudent and feasible alternatives to avoid or mitigate adverse impacts to the fullest extent practicable are required. Pursuant to 6 NYCRR 617.11(d)(2), the Board will issue findings including its assessment of adverse impacts as balanced against "social, economic and other considerations."

Alternatives Comment 8 - Re-Evaluation of Alternatives

Comment L3-2

PLI recommends re-evaluation of potentially negative impacts as well as alternatives that preserve the high quality and character of the existing property.

Response

See response to Historic Resources Comment 1 and Appendix C of this FEIS regarding the alternatives presented in the DEIS.

Alternatives Comment 9 – Appraisals for Alternates

Comment L9-10

The economic value of the no action alternative has not been documented. A professional appraisal of the no action as compared to other alternatives is not included in the DEIS.

Comment L9-11

With regards to the resulting size of Parcels 2 and 3 in Alternative A-1 and the statement in the DEIS that their nonconformity with residential lot sizes in the surrounding area of East Hills could impact their desirability and marketability, the Applicant should conduct an independent appraisal of this alternative or an appraisal of the four-lot subdivision Proposed Action and No Action alternative.

Comment L9-13

The Applicant should conduct an independent appraisal of Alternative B.

Comment L9-20

The feasible and prudent alternative of retaining the existing historic residence and permitting one additional lot to be added should be pursued and an independent appraisal should be made.

Response

The Applicants have not applied for a two lot subdivision. The Applicants assert that “suggested appraisals to define the values for the various development scenarios analyzed in the DEIS are not needed or relevant to decision-making under SEQRA.”

As noted repeatedly, the Applicants have not sought variances to allow creation of two additional lots, albeit flag lots, to avoid the adverse impact of the demolition of the historic mansion. Nevertheless, the Applicants have acknowledged that consideration of prudent and feasible alternatives to avoid or mitigate adverse impacts to the fullest extent practicable are required. Pursuant to 6 NYCRR 617.11(d)(2), the Board will issue findings including its assessment of adverse impacts as balanced against “social, economic and other considerations.”

Alternatives Comment 10 – Response Prepared by Applicants’ Attorney

Comment L14-1

The following letter was submitted by the attorney for the Applicants in response to Beth Cumming’s September 23, 2019 letter (enclosed) requesting a “re-evaluation of alternatives” that would retain the Shenfeld residence and in furtherance of the testimony presented on behalf of the Shenfelds at the September 24, 2019 hearing. The Shenfelds have hired an expert to prepare an Alternatives Analysis Report that will be submitted to Ms. Cumming and to the Board and will be incorporated as a response to comments in the FEIS.

As you know, Ms. Cumming is a Senior Historic Site Restoration Coordinator with the Division for Historic Preservation of the Office of Parks, Recreation and Historic Preservation (OPRHP) and is charged with the task of considering alternatives that could retain the Shenfeld residence and to make a recommendation as to the viability of those alternatives. She states that she would likely make a determination of No Adverse Impact for the Shenfeld subdivision application if Alternate A-1 is chosen. This alternative maintains the Shenfeld residence and creates two flag lots in the rear of the premises. The letter also provides that in the event there are no “prudent and feasible alternatives” to retaining the house, she would agree to document the alternatives considered and identify proper mitigation measures.

The term “feasible and prudent” is not defined by the New York State Office of Parks, Recreation and Historic Preservation’s (OPRHP’s) regulations. However, courts have held that this standard is not all-inclusive and does not require that *all* possible measures be taken to preserve historic structures. *Ebert v. New York State Office of Parks, Recreation and Historic Preservation*, 119 A.D.2d 62, 505 N.Y.S.2d 470, 34 Ed. Law Rep. 553 (3rd Dep’t 1986). Instead it is limited to considering prudent and feasible alternatives that would avoid or mitigate adverse

impacts to the fullest extent practicable. *Sierra Club v. Board of Educ. Of City of Buffalo*, N.Y. 127 A.D.2d 1007, 1008, 512 N.Y.S.2d 954, 956 (1987), *app.den.* 70 N.Y.2d 612, 523 N.Y.S.2d 496, 518 N.E.2d 7(1987). Thus, this standard does not *prohibit* projects where there is no feasible and prudent alternative, it only requires that alternatives be fully explored.

Turning back to the Shenfeld subdivision application, the DEIS outlines other alternatives that the Shenfelds considered in lieu of demolishing the residence. Specifically, prior to filing this application, they tried to sell the residence for an extended period of time with multiple brokers without success. After filing this application, they looked into relocating the house to the Village Park, but this too was not feasible because the house is made of concrete walls and is a tall structure that could not be transported through Village Streets without having to remove utility lines and traffic lights on its course. The cost of relocation would also be in excess of One Million dollars which did not include the cost of the new foundation and utility hook-up at the new location. The Shenfelds considered Alternate A-1, which is referenced in this letter, but it too, was not a feasible alternative for the following reasons:

1. Substantial variances would be required for insufficient frontage for Parcels 2 and 3, and for minimum front yard for Parcel 1, with no guarantee that these discretionary approvals would be granted.
2. We would be creating two flag lots which are not in character with the Village's existing zoning and comprehensive plan. There are no other flag lots in the Village which is a factor which would contribute to a denial of the variances needed for this alternative.
3. We would be creating another access driveway on Talley Road which would directly abut residences. This would be a significant negative impact to those neighbors.
4. R&M Engineering, the Shenfelds' traffic consultant, determined that the Melby Lane access was a safer access point than the Talley Road access point (see enclosed letter from R&M Engineering dated October 2, 2019).
5. To create the Talley Road driveway, 19 mature trees would have to be removed which would otherwise be preserved under the proposed plan. Those trees provide dense screening for neighbors that abut the property on the westerly boundary. An additional 12 trees would be removed along the north and easterly borders for a total of 46 trees to be removed. Again, this would be a significant negative impact to those neighbors. In comparison, the proposed project only removes 14 trees to create the roadway and we are proposing to install 18 new trees along the road perimeter.
6. The estate-like feeling of the residence would be diminished with the further reduction of the lot. As noted in the DEIS, the original estate was 60 acres.
7. Our client spoke with brokers who advised that this alternative would not be a solution for the marketability of the house. The only thing that would make the house more marketable is to modernize it to make it more attractive to young families. This again would be cost prohibitive.
8. Finally, it is also unclear how marketable the two new houses would be given, again, that they are flag lots with no street frontage.

For these reasons, [understand that Ms. Cumming and the OPRHP will determine the project will result in an adverse effect. In coordination with the OPRHP, DEC, and the Village, we will] consider measures that would mitigate the impact of the proposed four-lot subdivision application, as opposed to proceeding with Alternate A-1 which is inconsistent with the character of the neighborhood and the Village's comprehensive plan. As stated above, we will provide the Board with a copy of the Alternatives Analysis Report which will outline additional reasons why Alternate A-1 is not a feasible and prudent alternative.

Response

This comment letter was prepared by the attorney for the Applicants and is acknowledged.

As noted repeatedly, the Applicants have not sought variances to allow creation of two additional lots, albeit flag lots, to avoid the adverse impact of the demolition of the historic mansion. Nevertheless, the Applicants have acknowledged that consideration of prudent and feasible alternatives to avoid or mitigate adverse impacts to the fullest extent practicable are required. Pursuant to 6 NYCRR 617.11(d)(2), the Board will issue findings including its assessment of adverse impacts as balanced against "social, economic and other considerations."

Alternatives Comment 11 – Response Prepared by Applicants' Project Engineer

Comment L13 -1

The Village of East Hill's consultant requested an alternative layout for a 3-lot subdivision which retains the existing dwelling and creates two new flag lots on the north side of the property. This alternative is known in the DEIS as Alternative A-1 and is included in the drawings as part of Appendix I of the DEIS. As part of this alternative, a new driveway entering off of Talley Road and running along the westerly property to gain access to Parcel 2. Parcel 3 would utilize the existing curb cut on Melby Lane and would require the construction of a new driveway.

To construct the new driveway to gain access to Parcel 2, a total of 34 trees bordering the residential properties to the west would need to be removed. The existing trees that require removal are mature and vary in size between 6-inch and 32-inch caliper. These mature trees provide substantial vegetation screening along the property line and the removal would drastically impact the neighboring properties. The proposed driveway would only provide a planting area approximately 5-feet in width and would not be large enough to recreate the same visual buffer that currently exist due to the close proximity to the proposed driveway. This alternative would also require the removal of an additional 12 trees in order to construct the new dwellings and provide vehicular access to Parcel 3.

The 4-lot subdivision as proposed would only require the removal of 14 trees in order to construct the roadway, drainage, and associated site improvements. These trees needed for removal are interior to the property and would not affect the visual appearance from the neighboring properties. The proposed tree removal as shown on Alternative A-1 would create a much greater negative impact on the neighboring properties by removing a large number of mature trees that currently provide a natural buffer for the adjoining properties as well as reducing a substantial amount of existing tree canopy cover in the village.

Response

This comment was prepared by the Applicants' project engineer and is acknowledged. It is noted that the proposed four-lot subdivision will require the removal of 33 of the site's trees or 14 more than the three-lot alternative (Alternative A-1), but Applicants indicate that 18 trees will be planted. The three-lot subdivision review did not consider the potential for planting trees after grading. The Applicants have acknowledged that the Planning Board may require additional tree plantings as a condition of subdivision approval and may require appropriate landscape design during the subsequent site plan review of the individual housing lots based on the specific home designs.

As noted repeatedly, the Applicants have not sought variances to allow creation of two additional lots, albeit flag lots, to avoid the adverse impact of the demolition of the historic mansion. Nevertheless, the Applicants have acknowledged that consideration of prudent and feasible alternatives to avoid or mitigate adverse impacts to the fullest extent practicable are required. Pursuant to 6 NYCRR 617.11(d)(2), the Board will issue findings including its assessment of adverse impacts as balanced against "social, economic and other considerations."

Alternatives Comment 12 – Request to Approve Alternate A-1

Comment E8-8

I strongly urge the Planning Board to reject the primary proposal and approve alternative A-1.

Response

As noted repeatedly, the Applicants have not sought variances to allow creation of two additional lots, albeit flag lots, to avoid the adverse impact of the demolition of the historic mansion. Nevertheless, the Applicants have acknowledged that consideration of prudent and feasible alternatives to avoid or mitigate adverse impacts to the fullest extent practicable are required. Pursuant to 6 NYCRR 617.11(d)(2), the Board will issue findings including its assessment of adverse impacts as balanced against "social, economic and other considerations."

Alternatives Comment 13 – Alternate B Opposition

Comment L9-12

As Alternative B requires the destruction of the historical residence, the Roslyn Landmark Society strongly opposes this alternative as an option.

Response

As noted repeatedly, the Applicants have not sought variances to allow creation of two additional lots, albeit flag lots, to avoid the adverse impact of the demolition of the historic mansion. Nevertheless, the Applicants have acknowledged that consideration of prudent and feasible alternatives to avoid or mitigate adverse impacts to the fullest extent practicable are required. Pursuant to 6 NYCRR 617.11(d)(2), the Board will issue findings including its assessment of adverse impacts as balanced against "social, economic and other considerations."

Alternatives Comment 14 - Other Comments

Comment H1-1

A timeline detailing the Applicant's efforts to pursue options in which the existing residence would be retained should be submitted to the Village of East Hills Planning Board. I would like the timeline submitted into the record, and we will read it rather than just listen to it tonight.

Comment H1-2

On behalf of my committee, who has not seen any of this, I have no problem with you reading into the record what your opinion is on the feasibility or non-feasibility. I'm saying that it is probably better to see a written copy so we understand what you're talking about.

Response

As noted repeatedly, the Applicants have not sought variances to allow creation of two additional lots, albeit flag lots, to avoid the adverse impact of the demolition of the historic mansion. Nevertheless, the Applicants have acknowledged that consideration of prudent and feasible alternatives to avoid or mitigate adverse impacts to the fullest extent practicable are required. Pursuant to 6 NYCRR 617.11(d)(2), the Board will issue findings including its assessment of adverse impacts as balanced against "social, economic and other considerations."

Comment H2-1

I think something in writing [about the timeline and alternatives] would be helpful as the Chairman said. But my point is in the EIS, there is a discussion regarding some effort to look into moving the house. Aside from what is in the DEIS, is there anything else?

Response

See response to Historic Resources Comment 1. See also response to Alternatives Comment 10 prepared by the Applicants' attorney, which addresses the alternatives. Response to Alternatives Comment 7 also specifically discusses moving the house.

Comment H4-1

Regarding Alternative A1, it would be a little problematic to have that running across so many homes just to save a property...I have seen the idea that there would be this extensive road going right across, whether it's a driveway or what, it will be passing through a bunch of homes right across the backyard with no trees. I have to know more about the consequences of each alternative.

Response

Section 4 of the DEIS presents a discussion and analysis of alternatives. See response to Historic Resources Comment 1, which discusses the Alternatives Analysis presented to the OPRHP and response to Alternatives Comment 1, which provides an updated comparison of alternatives in table format.

As noted repeatedly, the Applicants have not sought variances to allow creation of two additional lots, albeit flag lots, to avoid the adverse impact of the demolition of the historic mansion. Nevertheless, the Applicants have acknowledged that consideration of prudent and feasible alternatives to avoid or mitigate adverse impacts to the fullest extent practicable are required. Pursuant to 6 NYCRR 617.11(d)(2), the Board will issue findings including its assessment of adverse impacts as balanced against "social, economic and other considerations."

2.14 Updates to Proposed Subdivision Plans and Alternate Plans

Comment L6-3

The Preliminary Map Sheets 5-7 should be updated to provide the area of slopes between 15%-20%. The necessary disturbances to steep slope areas should be quantified based on the comments above, and updates to analysis of impacts assessed accordingly.

Comment L6-19

Provide an updated limit of disturbance on all applicable sheets based on preliminary lot grading, and drainage and sanitary system disturbances (accounting for construction access).

Comment L6-32

The map should indicate the limit of clearing for the roadway and building lots, grading and trees to be preserved.

Comment L6-4

The Landscape and Tree Removal Plan Sheet 5 of 7 should be reviewed with respect to proposed grading and disturbance within close proximity to existing trees shown to remain. A number of trees to remain are shown within the limits of disturbance and immediately adjacent to or within proposed grading areas. Methods to retain/protect such trees described, and the mechanism that would be implemented to ensure the preservation of the identified trees on private residential lots in perpetuity should be discussed.

Response

The limits of clearing and limits of disturbance have been updated to include areas where additional catch basins and yard drains need to be added to contain all stormwater runoff.

The disturbance limit on the plan is shown at 1.94 acres. This limit includes all areas for demolition of existing structures, storage areas for construction, installation of drainage for new roadway, construction of road, and full development of each proposed parcel (with residence and accessory structures). The disturbance area increased in order to create swales in the grading to pitch the runoff to proposed catch basins and also to install more drainage structures. By comparison, the total disturbance for Alternate A-1 and Alternate B (total disturbance includes all areas for demolition of existing structures, storage areas for construction, installation of drainage, full development of each lot and the construction of the roadway for Alternate B) is 1.17 acres and 1.93 acres respectively.

The limits of clearing are the same as the limits of disturbance. All labels on each sheet have been revised to show "Limits of Disturbance & Clearing." Any trees within the disturbance area to be preserved are shown to have tree protection installed for the construction process. Tree protection for existing trees within the disturbance areas is detailed on Sheet 6 of 7, *Landscape and Tree Removal Plan*. A tree protection fence will be installed around all trees to remain to prevent any damage to the trees. Sheet 6 shows all trees to be protected within circles to indicate the tree protection fence. Installation of the protection fence is shown in detail. The *Grading and Drainage Plan* (Sheet 7 of 8 in Appendix E of this FEIS) does not show any

disturbance to existing trees along the neighboring properties in order to help maintain the natural screening which has already been established.

The preliminary grading is shown to create depressions to direct runoff to proposed yard drains in the rear yards. All runoff from the driveways is shown directed to either proposed catch basins or proposed strip drains. All roof leaders are shown connected to proposed drywells. It is the applicants' opinion that this demonstrates the containment of all surface runoff. For Sheet 7 of 8 in Appendix E, the pool size and location, have been revised to prevent disturbance of the 20% sloped area located to the southwest of the proposed pool. All drainage has been revised to include the full site in the stormwater retention and not just areas of disturbance. Due to including these areas, the disturbance limit line has been adjusted to include further disturbance and regrading areas. The regrading was done to prevent the removal of any additional trees from the site. These changes are reflected on Sheet 7 of 8 (Grading and Drainage Parcels 1-4) and Sheet 8 of 8 (SWPPP). Since these two sheets are demonstrating full site develop, drainage for full stormwater runoff of the whole site are reflected.

The zoning charts on Sheet 2 of 8, Sheet 7 of 8 and Sheet 8 of 8 have been updated to show the area of slopes 15%-20% on each parcel. As stated above, no disturbance is proposed within any sloped area above 20%, which includes structures and regrading. The areas in the zoning chart on the subdivision plans are showing areas of 20% or greater on the respective parcels only, this is not area to be disturbed.

Table 14 in the EIS has been updated (see response to Alternatives Comment 1) to show that no sloped areas greater than 20% will be disturbed in the proposed action or Alternate A-1, although such areas in Alternate B would be disturbed.

Comment L6-20

It is imperative that lot grading be shown (with spot elevation and contouring) to ensure the non-disturbance of slopes greater than 20%, the containment of stormwater within each lot, and the minimalization of the impact of existing trees. The applicants must demonstrate that the storm water runoff from each individual lot will be contained on the lot without overflowing to neighboring properties.

Response

Proposed contours and limits of disturbance are shown on the development plans (see Appendix E of this FEIS). As stated above, the plans do not propose regrading or disturbing areas of slopes greater than 20%. To adhere to this, the proposed pool/patio shown for Parcel 1 on Sheet 7 of 8 of Appendix E has been revised to prevent the disturbance of the sloped area located to the southwest area.

Comment L6-21

The center point of the cul-de-sac curb radius shall be the same as the road easement.

Response

The easement for the proposed cul-de-sac has been revised to have the center point of both the roadway easement and the road curb be the same. As a result, there was a slight change in the property lines to adhere to the required street frontage. All building envelopes have been revised to reflect all changes as well.

Comment L6-22

Curb radius at the intersection with Melby Lane shall be 28 feet.

Response

The curb radius on the proposed roadway has been revised to 28 feet when meeting Melby Lane.

Comment L6-23

Engineer should indicate in Road Profile the curb grade around cul-de-sac.

Response

The top of curb grades around the cul-de-sac road profile are provided on Sheet 4 of 7. Top of curb elevation is provided every 10 feet around the proposed roadway. However, the centerline road profile and cul-de-sac curb profile do not correspond with each other correctly. CB1 and CB2 do not have the same rim elevations in each profile and plan. The cul-de-sac profile should begin corresponding to Station 0+71 of the road profile. The top of curb and gutter elevations should also be indicated on cul-de-sac curb profile. This will need to be revised accordingly.

Comment L6-24

Indicate top of curb and gutter elevations every 10 feet on profiles.

Response

The top of curb and gutter elevations are shown on the cul-de-sac profile every 10 feet. See also response to L6-23 above.

Comment L6-25

Show street trees and setback from curb.

Response

All proposed street trees are shown on the Landscape Plan. Each symbol corresponds to a specific tree species to be planted. Dimensions from the proposed trees to the edge of the roadway have been added to show all proposed trees are located at four (4) feet from face of curb.

Comment L6-26

Indicate drainage system tributary areas on plan.

Response

A tributary map has been added to the detail sheet alongside the drainage calculation. The hatching shown matches with a key to illustrate the areas that contribute to each drainage system. All proposed drainage systems have been updated to include all tributary areas from the site (see Appendix E of this FEIS).

Comment L6-27

Indicate soil ratings and existing grade elevations to the test hole data logs.

Response

Soil ratings and the elevation at each test hole has been added to the test hole data on each appropriate sheet.

Comment L6-28

Each lot shall show building, driveway, grading to ensure all storm water runoff is contained within each lot, drainage structures, and limit of clearing. All roof leaders shall be piped to separate drywells. All drainage structures shall be designed to provide storage for an eight-inch storm event. Runoff coefficient for impervious areas shall be at 100 percent, and pervious areas shall be at 30 percent.

Response

All drainage calculations for the proposed lots have been revised to reflect an eight-inch rainfall event. Additional drywells have been added to accommodate the piping of roof leaders directly to drywells and not intermingling roof drainage with site drainage. All drainage structures and drainage calculations have been revised to reflect stormwater runoff from the complete site (see Sheet 7 of 8 in Appendix E of this FEIS).

Comment L6-29

The limit of drainage easements shall be a maximum of 5 feet from drainage structures.

Response

All drainage easements have been revised to be a maximum of five feet from drainage structures. Bearing and distances for each of the drainage easements has been added to Sheet 2 of 8 (see Appendix E of this FEIS).

Comment L6-30

Roof piping shall be 8-inch PVC or CPP. Piping between drywells shall be 15-inch CPP.

Response

Roof leaders are shown as eight-inch CPP and all interconnecting drywell piping is shown as 15-inch CPP.

Comment L6-31

Indicate tops, inverts, bottoms, highwater for all drainage structures.

Response

A drainage chart has been added to the detail sheet. All proposed drywells are labeled on each plan and the chart provides the invert elevations, top elevation, and bottom elevation of each structure. No high water is shown because water was not encountered during the previously performed test holes. The drainage chart includes an elevation for the maximum elevation of water that can be contained in each structure before "bubbling out" the lowest elevation catch basin.

The high water elevation should be indicated as the maximum elevation of stormwater storage within the leaching rings of leaching pool (bottom of pool to top of leaching rings/bottom of dome). No drainage piping should be installed within dome. The Table of drainage structures (Sheet 7 of 8) should be revised as necessary to ensure this.

Comment L6-33

Label building envelope dimensions on the plans.

Response

All offset dimensions and building envelope dimensions have been added to Sheet 2 of 8 in the revised site plans (see Appendix E of this FEIS).

Construction Impacts Comment 12

Comment L6-34

Label street tree species on plan using a symbol. See redline comments on Sheet 5 of 7.

Response

Symbols have been added to Sheet 6 of 8 for all species of trees (see Appendix E of this FEIS).

Comment L6-35

Show proposed concrete monuments (some monuments were added, however a monument legend needs to be added to the plan).

Response

A monument legend has been added to Sheets 2, 3, 6, 7, and 8 of 8 to distinguish between existing and proposed monuments (see Appendix E of this FEIS). Monuments are proposed to be installed at angle points, points of curvature and intersection points along the proposed right-of-way. In addition to the right-of-way, monuments are shown to be added at all exterior property corners and at the northeast corner of Parcel 1.

Comment L6-36

Please add an existing conditions plan into set.

Response

An existing conditions topographic survey has been added as Sheet 1 of 8 (see Appendix E of this FEIS).

Comment L6-37

Revise sanitary system calculations based on test hole soil ratings. A calculation is needed for each lot based on 5 bedrooms and soil ratings. Lots 1 and 2 to be designed as ½ rate (test hole #1). Lot 3 at ½ rate (test hole #2). Lot 4 at ¾ rate (test hole #3).

Response

All sanitary calculations for each proposed dwelling have been revised and all proposed structures have been revised to reflect those changes. All sanitary calculations are shown on Sheet 5 of 8 and have also been added to Sheet 3 of 8 (see Appendix E of this FEIS).

Comment L6-38

Roof drainage system shall be separate from yard drainage system.

Response

All roof drywells are separate from all site drainage systems. All roof drywells were calculated using an 8-inch rainfall event.

Comment L6-39

Add detail of Leaching Catch Basin.

Response

The leaching catch basin which was provided by the Village's consultant has been added to the detail sheet (Sheet 5 of 8 in Appendix E of this FEIS). The previous detail has been removed.

The call out for these structures should be revised to indicate leaching catch basin, grate elevation, invert, bottom elevation, diameter, and effective depth for this project. A reference should also be added to the Details (Sheet 5 of 8). All interconnecting pipe should be specified as 15" CPP at 1.0% min slope.

Comment L6-40

Each lot stormwater shall be self-contained.

Response

Each proposed on-lot drainage system is self-contained on each parcel. The location of all stormwater structures must be in accordance with Nassau County Health Department Requirements.

Comment L6-41

Lot grading shall be indicated (with spot elevations and contouring) to ensure the non-disturbance of slopes greater than 20%, the containment of stormwater within each lot, the minimalization of the impact of existing trees, the ability of the proposed driveways to a maximum slope of 10% with a flat area at garages to be no more than 5%.

Response

Proposed spot elevations have been added to each of the proposed lots on Sheet 7 of 8 (see Appendix E of this FEIS). Slope percentage has been added to indicate the maximum slope of the driveways and the parking areas.

Comment L6-42

The flat "turn around" areas adjacent to the garages to be a minimum of 30 feet from the face of dwelling and a width of the proposed garage opening.

Response

All areas of the site that contain slopes of 20 percent or more are shown outside of the limits of disturbance and clearance. Therefore, there will not be any construction activities in areas with slopes exceeding 20 percent (see Sheet 2 of 8 in Appendix E of this FEIS). The parking court areas are as wide as the proposed garages will be and each of the parking courts is the minimum 30 front the face of the dwelling.

Comment L6-43

Stormwater roof runoff shall be piped to a separate storage system other than the lot drainage system - this shall be done for each lot.

Response

All proposed roof drainage is shown on Sheet 7 of 8 piped directly to drywells and separated from site drainage (see Appendix E of this FEIS).

Comment L6-44

All stormwater structures shall indicate top, invert, bottom and high water elevations (within leaching pools).

Response

A drainage structure chart has been added to the detail sheet (Sheet 7 of 8) indicating all requested elevations, as well as on each of the plans (see Appendix E of this FEIS). All drainage structures have been shown with invert elevations to show compliance. See also response to L6-31.

Comment L6-45

Utilize retaining walls to mitigate disturbance within the 20% slopes and to minimize the impact upon existing trees.

Response

Alternate A-1 has been revised to include necessary grading and drainage information to ensure the retention of stormwater within each lot and complete information about clearing/tree retention.

Comment L6-46

Recommend relocating proposed driveway to preserve the existing trees located along the western property line.

Response

No trees are proposed for removal along the westerly property line due to construction of the driveway. Also, see response to Comment L6-45.

Comment L6-47

Recommend rotating the proposed dwellings on Parcels 2 and 3 to preserve the existing trees on the west and north property line of parcel 2 and improve the driveway access to the garages.

Response

The locations of the proposed dwellings were selected to allow the installation of the pools, patios, driveways, and all drainage and sanitary facilities. The locations allow the layout to adhere to all required zoning regulations. Final details of the development of the individual lots will be worked out during the site plan review process for each lot. Also see response to Comment L6-45.

Appendix A

Description

Correspondence

General Support (GS) - 1

Futeran, Nancy

From: Adam Haber <adamhaber1@gmail.com>
Sent: Thursday, September 26, 2019 9:26 AM
To: Futeran, Nancy
Subject: Letter to the Planning Commission Concerning 2A Melby Lane

Dear VEH Planning Board,

Please accept this email with comments concerning the Shenfeld residence, which is located at 2A Melby Lane.

"Given the Shenfeld plan complies with all village ordinances, we support their ability to maximize the value of their property in any manner they deem fit. As residents of East Hills we continually witness the clear evidence that the village allows residents to engage in construction on their properties (which we support!). To reject their application, in our view, would single the Shenfeld family (the applicant) in a unique and unfair manner. We lived across the street from the Shenfelds for well over a decade, and they were extraordinarily good neighbors, and civically engaged in a multitude of ways."

Respectfully submitted,
Adam & Renée Haber
35 Crabapple Drive

--

Adam Haber
516.578.1815 cell
516.801.3139 fax

Futeran, Nancy

From: Lorri <lorriklonsky@gmail.com>
Sent: Tuesday, October 1, 2019 8:02 AM
To: Futeran, Nancy
Subject: 2A Melby lane

I have know Wendy and Steve for many years and fully support anything they feel is environmentally safe. I know them to be high quality people with very strong principles.

Lorri Klonsky

GS-3

From: [Robin Seyburn](#)

Sent: Tuesday, October 1, 2019 3:16 PM

To: nfuteran@villageofeasthills.org

Subject: Dear VEH Planning Board: Please accept this email with my comments concerning the Shenfeld residences located at 2A Melby Lane in East Hills, NY and their proposed four lot subdivision. Given that the Shenfeld's plan complies with all Village ordinances, we support the homeowners ability to develop their property in the manner that they deem appropriate. As residents of East Hills, we continually are witnessing that the Village embraces development and allows residents to engage in construction on their properties and we support an individuals right to do so. The proposed development that is being recommended will be in character with the neighborhood and has no negative impact to the environment. As proposed, the development does not require any variances. The development will increase the tax base and will increase the value of other properties in the area. To reject this application, would single out the Shenfeld family in a unique and unfair manner. We have known the Shenfeld family for decades and have worked with them in the neighborhood on many Projects. We fully support the application for all the reasons stated above. Respectfully submitted,

Robin and David Seyburn
49 Barberry Lane
Roslyn Hts

Sent from my iPhone

Futeran, Nancy

From: B Feldman <barbara@anustartny.com>
Sent: Tuesday, October 1, 2019 1:17 PM
To: Futeran, Nancy
Subject: Shenfeld proposal

Dear VEH Planning Board:

Please accept this email with my comments concerning the Shenfeld residences located at 2A Melby Lane in East Hills, NY and their proposed four lot subdivision

Given that the Shenfeld's plan complies with all Village ordinances, we support the homeowners ability to develop their property in the manner that they deem appropriate. As residents of 11577, we continually are witnessing that the Village embraces development and allows residents to engage in construction on their properties and we support an individuals right to do so. The proposed development that is being recommended will be in character with the neighborhood and has no negative impact to the environment. As proposed, the development does not require any variances. The development will increase the tax base and will increase the value of other properties in the area. To reject this application, would single out the Shenfeld family in a unique and unfair manner. We have known the Shenfeld family for decades and have worked with them in the neighborhood on many civid activities. We fully support the application for all the reasons stated above.

Respectfully submitted,

*Barbara Feldman
13 Orchard Ct
Roslyn Heights, NY 11577*

Futeran, Nancy

From: Jodi Efros <jlefros@gmail.com>
Sent: Tuesday, October 1, 2019 2:33 PM
To: Futeran, Nancy
Subject: 2A Melby Lane - Shenfeld Residence

Dear VEH Planning Board:

Please accept this email with my comments concerning the Shenfeld residences located at 2A Melby Lane in East Hills, NY and their proposed four lot subdivision

Given that the Shenfeld's plan complies with all Village ordinances, we support the homeowners ability to develop their property in the manner that they deem appropriate. As residents of East Hills, we continually are witnessing that the Village embraces development and allows residents to engage in construction on their properties and we support an individuals right to do so. The proposed development that is being recommended will be in character with the neighborhood and has no negative impact to the environment. As proposed, the development does not require any variances. The development will increase the tax base and will increase the value of other properties in the area. To reject this application, would single out the Shenfeld family in a unique and unfair manner. We have known the Shenfeld family for decades and have worked with them in the neighborhood on many civid activities. We fully support the application for all the reasons stated above.

Respectfully submitted,

*Dr. and Mrs. Mitchell Efros
140 Redwood Drive
Roslyn, New York 11576*

Futeran, Nancy

From: Susan Schulman <susankschulman@gmail.com>
Sent: Wednesday, October 2, 2019 8:10 AM
To: Futeran, Nancy
Subject: Support for subdivision of 2A Melby Lane

Dear VEH Planning Board,

As residents of the Village of East Hills for 25 years and neighbors and friends of the Shenfeld family, we are writing in support of the proposed subdivision of the property at 2A Melby Lane. The village has encouraged major development as evidenced by the building going on all over that has improved our neighborhood. As long as the proposed construction on Melby will be in keeping with the character of the neighborhood, will not adversely affect the environment, will increase the tax base and most importantly will embrace a homeowners right to engage in reasonable construction on their property, we have no opposition. Since no variances are required and there will be no negative impact on the environment, we see no reason to deny the application. The Shenfelds have worked for years to support this community in the most generous way and we support their application for the reasons stated above.

Thanks you for your consideration.

Susie and Lee Schulman
90 Georgian Court
Roslyn

--

Please note new email: susankschulman@gmail.com

Futeran, Nancy

From: Nomi Prins <mills12@aol.com>
Sent: Wednesday, October 2, 2019 1:34 PM
To: Futeran, Nancy
Subject: From jeff miller

Please accept this email with my comments concerning the Shenfeld residences located at 2A Melby Lane in East Hills, NY and their proposed for lot subdivision.

I have read that the Shenfeld plan complies with all village ordinances and has no negative impact to the environment.

We have known the Shenfeld family since we all raised our children in the community and they define all that is exceptional about where we live. We had the pleasure of joining the Shenfelds in their vision to turf and beautify the RHS field and track and smile at how their vision became a reality. I applaud anything they focus on and hope they call me to assist in any endeavours, especially relating to our community.

Please support their application for subdivision.

Respectfully submitted,

Jeff Miller
130 sycamore dr
East hills ny

Sent from AOL Mobile Mail
Get the new AOL app: mail.mobile.aol.com

Futeran, Nancy

From: Gail Silberman <gailsilberman1@gmail.com>
Sent: Thursday, October 3, 2019 1:18 PM
To: Futeran, Nancy
Subject: Shenfeld residences

Dear VEH Planning Board:

Please accept this email with my comments concerning the Shenfeld residences located at 2A Melby Lane in East Hills, NY and their proposed four lot subdivision

Given that the Shenfeld's plan complies with all Village ordinances, we support the homeowners ability to develop their property in the manner that they deem appropriate. As residents of East Hills, we continually are witnessing that the Village embraces development and allows residents to engage in construction on their properties and we support an individuals right to do so. The proposed development that is being recommended will be in character with the neighborhood and has no negative impact to the environment. As proposed, the development does not require any variances. The development will increase the tax base and will increase the value of other properties in the area. To reject this application, would single out the Shenfeld family in a unique and unfair manner. We have known the Shenfeld family for decades and have worked with them in the neighborhood on many civic activities. We fully support the application for all the reasons stated above.

Respectfully submitted,
Gail & Mark Silberman
70 Hemlock Drive
New York, New York 11576

Futeran, Nancy

From: Bonnie Coren <bci712@aol.com>
Sent: Thursday, October 3, 2019 2:11 PM
To: Futeran, Nancy
Subject: Shenfeld Subdivision Plan

Dear VEH Planning Board:

Please accept this email with my comments concerning the Shenfeld residences located at 2A Melby Lane in East Hills, NY and their proposed four lot subdivision

Given that the Shenfeld's plan complies with all Village ordinances, we support the homeowners ability to develop their property in the manner that they deem appropriate. As residents of East Hills, we continually are witnessing that the Village embraces development and allows residents to engage in construction on their properties and we support an individuals right to do so. The proposed development that is being recommended will be in character with the neighborhood and has no negative impact to the environment. As proposed, the development does not require any variances. The development will increase the tax base and will increase the value of other properties in the area. To reject this application, would single out the Shenfeld family in a unique and unfair manner. We have known the Shenfeld family for decades and have worked with them in the neighborhood on many civic activities. We fully support the application for all the reasons stated above.

*Respectfully submitted,
Bonnie and Andru Coren 100 harbor lane Roslyn*

Futeran, Nancy

From: Philip Sharfstein <psharfstein@westermanllp.com>
Sent: Friday, October 4, 2019 9:18 AM
To: Futeran, Nancy
Subject: 2A Melby Lane, East Hills, New York

Dear VEH Planning Board:

Please accept this email with my comments concerning the Shenfeld residences located at 2A Melby Lane in East Hills, NY and their proposed four lot subdivision

Given that the Shenfeld's plan complies with all Village ordinances, we support the homeowners ability to develop their property in the manner that they deem appropriate. As residents of East Hills, we continually are witnessing that the Village embraces development and allows residents to engage in construction on their properties and we support an individuals right to do so. The proposed development that is being recommended will be in character with the neighborhood and has no negative impact to the environment. As proposed, the development does not require any variances. The development will increase the tax base and will increase the value of other properties in the area. To reject this application, would single out the Shenfeld family in a unique and unfair manner. We have known the Shenfeld family for decades and have worked with them in the neighborhood on many civil activities. We fully support the application for all the reasons stated above.

Respectfully submitted,

Philip Sharfstein
45 Ash Drive
East Hills, New York 11576

**WESTERMAN BALL EDERER
MILLER ZUCKER & SHARFSTEIN, LLP**

Philip Sharfstein, Esq.
Westerman Ball Ederer Miller Zucker & Sharfstein, LLP
1201 RXR Plaza, Uniondale, New York 11556
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www.westermanllp.com



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Futeran, Nancy

From: Beth Godnick <gelizabetta@aol.com>
Sent: Friday, October 4, 2019 11:59 PM
To: Futeran, Nancy
Subject: Shenfeld

Dear VEH Planning Board:

Please accept this email with my comments concerning the Shenfeld residences located at [2A Melby Lane in East Hills, NY](#) and their proposed four lot subdivision.

Given that the Shenfeld's plan complies with all Village ordinances, i fully support the homeowners ability to develop their property in the manner that they deem appropriate. As residents of roslyn for the past 59 years, we continually are witnessing that the Village embraces development and allows residents to engage in construction on their properties and I fully support an individuals right to do so. The proposed development that is being recommended will be in character with the neighborhood and has no negative impact to the environment. As proposed, the development does not require any variances. The development will increase the tax base and will increase the value of other properties in the area. To reject this application, would single out the Shenfeld family! I have known the Shenfeld family for decades and have worked with them in the neighborhood on many civid activities. I support the application for all the reasons stated above.

*Respectfully submitted,
Beth Godnick*

Futeran, Nancy

From: Bonni Gould <boyskd@gmail.com>
Sent: Saturday, October 5, 2019 8:08 AM
To: Futeran, Nancy
Subject: 2a Melby Lane

Dear Village of East Hills Planning Board:

This email is in support of Wendy and Steve Shenfeld and their plan to subdivide their lot into four lots at [2A Melby Lane in East Hills, NY](#).

The plan for the Shenfeld property complies with all Village ordinances, and I support the homeowners ability to develop their property in the manner that they deem appropriate. As a lifelong resident of East Hills, I have seen the Village embrace development and allow residents to enhance and remodel their property and believe this change to the Shenfeld property should be allowed. The proposed development that is being recommended will be in character with the neighborhood and has no negative impact to the environment. As proposed, the development does not require any variances. The development will increase the tax base and will increase the value of other properties in the area.

I have known the Shenfeld's for decades and have seen firsthand their commitment to our community and all Roslyn residents. I support the application for their subdivision.

Respectfully submitted,

Bonni Gould
55 Ash Drive
Roslyn, NY 11576

Sent from my iPhone

Sent from my iPhone

LAURA CURRAN
NASSAU COUNTY EXECUTIVE



LAWRENCE E. EISENSTEIN, MD, MPH, FACP
COMMISSIONER OF HEALTH

NASSAU COUNTY DEPARTMENT OF HEALTH

August 20, 2019

Planning Board of the Incorporated Village of East hills

Incorporated Village of East Hills

209 Harbor Hill Road

East Hills, New York 11576

Attn: Steven Kafka, Chairman of the Village of East Hills Planning Board

Received

AUG 26 2019

Inc. Village of East Hills
209 Harbor Hill Rd
East Hills, NY 11576

Re: State Environmental Quality Review Act
Notice of Completion
Proposed Four Lot Subdivision of 2A Melby Lane
2.23 Acre Parcel, Village of East Hills
Section 19, Block 27, Lot 46

Dear Mr. Kafka:

We have reviewed the Notice of Completion, prepared by your agency, pursuant to the State Environmental Quality Review Act (SEQRA) for the proposed subdivision of a parcel named 2A Melby Lane into a 4-lots for residential redevelopment.

Please be informed that the Nassau County Department of Health does not review and approve 4-lot subdivision's water supply and sewage disposal systems. However, proposed water main extensions that service the development are regulated by this Department. A realty subdivision, as defined by Public Health and Environmental Laws, is a tract of land which has been subdivided into five (5) or more residential lots, designated by metes and bounds, each comprising of five (5) acres or less within any three (3) year period.

Nevertheless, we provide the following recommendations and requirements that should be forwarded to the developer and project consultant:

General Requirements

1. Realty Subdivision plans and applications must be submitted to the NCDH for the approval of the design of the water supply and sewage disposal systems to serve each residential development of five (5) or more units or lots.
2. Private Sewage Disposal System plans and applications must be submitted to the NCDH for the approval of all individual on site sanitary sewage disposal systems that are proposed to serve apartment buildings and institutions as well as non residential

L1-1

L1-2



2018 NACCHO LOCAL HEALTH DEPARTMENT OF THE YEAR
200 COUNTY SEAT DRIVE, MINEOLA, NEW YORK 11501
Phone: 516-227-9717 Fax: 516-227-9613



developments including restaurants, office buildings, recreational or other commercial and industrial buildings.

3. All land development in the Special Groundwater Protection Areas (SGPAs) of Nassau County must comply with the requirements of Article X of the Nassau County Public Health Ordinance (NCPHO). This regulation limits the number of dwelling units to one per 40,000 square feet for residential developments, limits the daily design rate of sewage discharged per square foot of net area for non-residential developments to no more than .00375 gallons per square foot, and prohibits all discharges of industrial wastewater, whether or not treated. **L1-3**

4. The construction of realty subdivisions, and other residential and non residential developments that require NCDH approval may not proceed until realty subdivision or private sewage disposal system plans are approved by NCDH. **L1-4**

Received
AUG 26 2019
Inc. Village of East Hills
209 Harbor Hill Rd
East Hills, NY 11576

Water Supply

5. Engineering plans and specifications for the construction of new or modification of existing water mains which will serve the proposed development must be submitted, through the public water supplier, for review and approval to the NCDH. The installation of private wells as a source of drinking water, cooking, sanitary or laundry use, in an area served by a public water system, is prohibited. **L1-5**
6. Evidence must be provided to the NCDH indicating that all water mains constructed as part of the development will be deeded to the public water supplier, along with a dedicated easement as may be necessary, to assure proper operation, repair and maintenance. Dead-end water mains shall not be proposed unless approved by the NCDH pursuant to conditions in Article VI of the NCPHO. All water mains should be connected to adjacent street mains or otherwise looped for improved water distribution. **L1-6**
7. The developer must comply with all water supplier requirements for backflow prevention devices on water service lines. **L1-7**

Site Environmental Assessment

8. A Phase I Environmental Site Assessment (ESA) must be submitted to the NCDH in accordance with ASTM Standard Practice Site Assessments for review prior to the approval of all realty subdivisions and other residential or property redevelopment projects. This will include: **L1-8**
- a) Information that describes the past use of the property including a site map, which shows the present and former locations of buildings, and subsurface structures including underground storage tanks, drywells, leaching pools, cesspools and any floor drains connected to these structures.
- b) A listing of the capacity, contents and status of all aboveground and underground petroleum, chemical or other hazardous substance storage tanks or storage areas that have existed at the site and evidence that these tanks or storage areas were properly installed,

registered and/or removed or abandoned in accordance with USEPA, NYSDEC, Nassau County Fire Marshal regulations or Article XI of the NCPHO must be submitted to the NCDH.

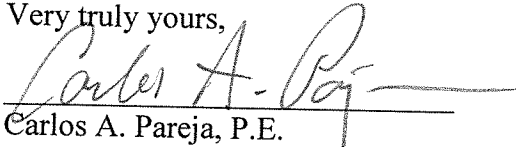
- c) For all residential development proposals, a survey for potential contamination sources (i.e. gas stations, automotive repair shops, dry cleaners, manufacturing facilities, etc.) adjacent to or surrounding the property. A map and listing of all non-residential properties including all listed NYSDEC contaminated sites (inactive hazardous waste sites, voluntary clean up sites, brownfields, spill sites) and USEPA NPL sites within 250 feet of the proposed development should be submitted to the NCDH.
- 9. The installation, removal, or abandonment of all toxic and hazardous material storage tanks or areas containing fuel oil, waste oil and regulated petroleum or chemical products must be performed in accordance with the requirements of Article XI of the NCPHO. **L1-9**
- 10. Existing drywells, leaching pools or cesspools must be closed in accordance with all applicable federal (USEPA), state (NYSDEC) or local regulations. The results of approved laboratory testing of soil beneath all drywells, leaching pools or cesspools on the site which have received discharges of sanitary waste, waste water, interior drainage, petroleum products or toxic or hazardous waste must be submitted to the NCDH. **L1-10**
- 11. The NCDH will require the removal of all contamination sources on the site and may require testing to determine if any organic or inorganic chemical contaminants are present in the soil or groundwater at the site. This may include an investigation of soil vapor intrusion to determine if there is potential for contamination of indoor air by volatile organic chemicals. Soil vapor, indoor and ambient air testing must be conducted in accordance with the NYSDOH Guidance for Evaluating Soil Vapor Intrusion in the State of New York. NCDH may also request the installation of a soil gas ventilation system to protect indoor air quality in any proposed new or modified site buildings if warranted. **L1-11**
- 12. Any hazardous materials encountered at the site must be removed by an industrial waste transporter registered with the NYSDEC and be taken to an approved hazardous waste disposal facility. The NYSDEC and the NCDH must be notified upon discovery of any hazardous substance in order to determine if further investigation is necessary. **L1-12**
- 13. A Phase II and Phase III ESA may be required to be submitted to the NCDH. If any sources of potential contamination are suspected in proximity to the site, the property should be further investigated to determine the impact of this contamination in the soil, groundwater and soil gas beneath the site. **L1-13**
- 14. This Department shall require certified clean fill for raising the final grade of the site and for backfilling up to final grade following remedial activities. Certified clean fill must meet the Unrestricted Use Soil Cleanup Objectives (USCO) listed in Table 357-6.8(a) of 6 NYCRR Part 375. This means that fill analytical results must be compared against the USCO listed in the aforementioned Table. The fill must also be certified by a professional engineer licensed in the State of New York. **L1-14**

Other Requirements

15. A certification of rodent free inspection for demolition must be obtained from the NCDH Office of Community Sanitation. A copy of the certification must be given to the local building department in order to obtain a demolition permit. **L1-15**
16. A NYS Dept. of Labor licensed inspector must survey any existing buildings or structures for the presence of Asbestos Containing Building Material (ACBM) prior to demolition. If ACBM's are identified, they must be handled in accordance with NYSDOL and USEPA regulations. **L1-16**
17. A USEPA certified lead inspector must survey all existing building interior surfaces at the property. The results of the lead inspection must be provided to the Department prior to the approval of the realty subdivision map and prior to demolition of any building. Lead abatement shall be required prior to the demolition of existing structures should the results of the investigation indicate an exceedance of Environmental Protection Agency CFR 745 standards for lead content in paint. Soils testing for lead beneath and in the vicinity of all demolished structures may also be required following demolition activities to confirm whether the soils were impacted by lead. **L1-17**
18. Lead abatement activities must be conducted pursuant the Occupational Safety and Health Administration (OSHA) and USEPA regulations. **L1-18**
19. Engineering plans and specifications for the construction of any new or modified public swimming pool must be submitted to the NCDH for review and approval. **L1-19**

Please call me at 516-227-9467 should you have any questions.

Very truly yours,


Carlos A. Pareja, P.E.
Bureau of Environmental Engineering

Received

AUG 26 2019

Inc. Village of East Hills
209 Harbor Hill Rd
East Hills, NY 11576

Cc: Michael J. Alarcon, P.E., Patricia Ramirez, P.E. (e-Copy)



Parks, Recreation, and Historic Preservation

ANDREW M. CUOMO
Governor

ERIK KULLESEID
Commissioner

September 23, 2019

Mr. Steven Kafka
Village of East Hills
209 Harbor Hill Road
Village of East Hills, NY 11576

Re: DEC
Proposed Four-Lot Subdivision
2A Melby Lane, Village of East Hills, NY 11576
19PR05322

Dear Mr. Kafka:

Thank you for requesting the comments of the Division for Historic Preservation of the Office of Parks, Recreation and Historic Preservation (OPRHP). We have reviewed the submitted materials in accordance with the New York State Historic Preservation Act of 1980 (section 14.09 of the New York Parks, Recreation and Historic Preservation Law). These comments are those of the Division for Historic Preservation and relate only to Historic/Cultural resources.

{ We note that the John W. and Gwen R. Mackay (aka Happy House) at 2A Melby Lane is eligible for listing in the State and National Registers of Historic Places. The house is significant for its association with John William Mackay III and as a representative example of residential Tudor Revival Architecture designed by John Cross. }

L2-1

Since the building is historic, we have reviewed the alternatives described in the submission. We note that demolition of an historic building is, by definition, an Adverse Impact. If alternative A-1 is chosen, we should be able to make a determination of No Adverse Impact since this alternative retains the historic residence.

At this point, { we request re-evaluation of alternatives that would retain the historic residential building. If we can agree that there are no prudent and feasible alternatives we would enter into a formal Letter of Resolution (LOR) which would document the alternatives considered and identify proper mitigation measures to be incorporated into the work. }

L2-1

{ Please submit the requested information via our Cultural Resource Information System (CRIS) at www.nysparks.com/shpo/online-tools/. To submit, log into CRIS as a guest, choose "submit" at the very top of the menu, and then choose "submit new information for an existing project" You will need this project number and your email address. If you have any questions, I can be reached at 518-268-2181.

L2-1

Sincerely,

Beth A. Cumming
Senior Historic Site Restoration Coordinator
e-mail: beth.cumming@parks.ny.gov

via e-mail only

cc: C. Vandrei – DEC, C. OFarrell – Nelson Pope



PRESERVATION LONG ISLAND

L3

October 2, 2019

RE: PROPOSED SUBDIVISION AT 2A MELBY LANE

Dear Chairman Kafka and members of the East Hills Village Planning Board:

As the regional advocate for historic preservation on Long Island, Preservation Long Island (PLI) wishes to submit this letter of comment concerning the Draft Environmental Impact Statement (DEIS) on the proposed subdivision at 2A Melby Lane.

Residents of East Hills currently enjoy a high quality environment with well-defined character. As an established suburb, the village is nearly built out with an abundance of desirable single-family residential properties. The public benefits of the proposed subdivision, therefore, appear to be negligible in terms of the social, economic, and environmental considerations of the village overall. Moreover, given the existing property's superb architectural qualities and important ties to local and regional heritage, PLI believes the potential impacts of the proposed subdivision, subsequent demolition, and intensive redevelopment of this significant resource will be largely adverse.

Designed by the celebrated architect John Cross for members of the influential Mackay family, 2A Melby Lane represents one of the last surviving residential properties directly associated with the village's storied Gold Coast era. The property's deep ties to John W. Mackay III and his family, moreover, make it an exceptional site of local heritage. As stated in Appendix H of the DEIS, page 61, "John W. Mackay I, Clarence H. Mackay, and John W. Mackay III, along with their wives – were known for their philanthropic giving, support of the arts, and in the case of the latter two generations, the establishment of Roslyn institutions and the Village of East Hills." Ostensibly, the destruction of such an important historic resource would be considered an adverse impact. However, the DEIS claims on page xvii that "Long-term, significant adverse environmental impacts are not associated with either the proposed subdivision or the future development of the four new single-family residences on the subject property." We strongly disagree with this claim in light of the evidence presented in Appendix H as well as other testimony submitted during the review process.

PLI notes that the New York State Historic Preservation Office determined the property eligible for listing on the National and State Registers of Historic Places in 2017. } Demolition of a property eligible for listing on these registers is typically considered a substantial adverse environmental impact with respect to 6 NYCRR Part 617, the New York State Environmental Quality Review Act. } Moreover, historic and aesthetic qualities are clearly defined as elements of the environment itself, comprising physical conditions that may be potentially affected by a proposed project:

Environment means the physical conditions that will be affected by a proposed action, including land, air, water, minerals, flora, fauna, noise, resources of agricultural, archaeological, historical or aesthetic significance, existing patterns of population concentration, distribution or growth, existing community or neighborhood character, and human health. [6 NYCRR Part 617.2(1)]

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L3-1

The DEIS, as currently submitted, does not appear to equally balance the economic benefits of the proposed subdivision alongside significant adverse impacts to the historic resource, neighboring properties, and the village overall. PLI therefore recommends re-evaluation of potentially negative impacts as well as alternatives that preserve the high quality and character of the existing property. Thank you for your consideration.

L3-2

Sincerely yours,



Sarah Kautz
Preservation Director

Jacqueline & Cary Golub
19 Melby Lane
East Hills, New York 11576

October 2, 2019

Village Planning Board
Village of East Hills
209 Harbor Hill Road
East Hills, New York 11576

Re: 2A Melby Lane (Stonehouse) subdivision

Dear Members of the Planning Board:

We are writing in opposition to the planned subdivision and construction on the property at 2A Melby Lane, herein referred to as the "Stonehouse." We are sorry for the late notice of opposition but we were unaware of the developments regarding that property as we are probably just past the required legal distance for notice even though our property is just a few houses away and will certainly be impacted by development.

We have lived at 19 Melby Lane for approximately seventeen years and we are thrilled to see that our neighborhood is thriving with new construction and new young families. However, the construction proposed at the Stonehouse is not the same; it is not a renovation of an existing property or not a knock-down and reconstruction of a single property. } The proposed knock down of the Stonehouse and development of the property to create a cul-de-sac and four new homes will be devastating to our block, our neighborhood, and our quiet community for many years. It will cause an undue burden on many to (financially) benefit few. } As with many decisions that committees must make, a balance of costs and benefits } takes place. As you are well aware, there will be years of construction causing noise, dirt, and possible asbestos and other dangerous toxins that will appear during a knock-down of such an old house. Additionally, { the construction a cul-de-sac and four new homes is likely to increase traffic, change the traffic flow out of Nob Hill (which is already a nightmare in the morning), and cause potential drainage issues. } For us, however, { the greatest concern as a neighbor up Melby Lane, is the dangerous traffic situation caused by construction vehicles and workers on an already very-tight and dangerous curve on Melby Lane directly in front of the Stonehouse. There have already been several near-misses with the garbage trucks, UPS/FedEx trucks, and landscaper trucks and trailers. Cars have driven onto lawns to avoid oncoming cars and workers from those trucks. It is an already bad situation that will be made demonstrably worse if there were to be this kind of development of the

L4-1

L4-2

L4-3

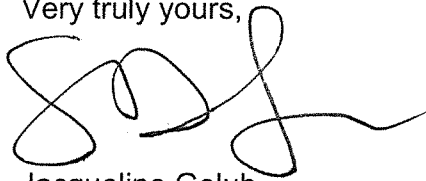
Stone House property.} Truth be told, if I lived in the houses adjacent to the Stonehouse, I would no longer allow my children to play in the driveway or the front lawn for fear of being struck by a vehicle. It is also our guess that these young families moved to our community so that their children could enjoy their outdoor space. If you are to use a measure of balance, it is clear that the costs to the neighbors in Nob Hill far outweighs the benefit to the current homeowner.

Lastly, {the Stonehouse is one of monumental importance to the community as it is the last remnant of the Mackay estate. Much time, effort, and money was spent to refurbish and restore the two horse statues – one at the Roslyn pond and the other at the entrance to Roslyn High School - that were once part of the Mackay estate. Why? Because that part of our history is important to the community. It would be a shame to not only see that house demolished but replaced by another cookie-cutter cul-de-sac that would erase all remnants of what once stood there.}

L4-4

Thank you in advance for your consideration of this matter.

Very truly yours,

A handwritten signature in black ink, appearing to read 'Jacqueline Golub', with a long, sweeping horizontal stroke at the end.

Jacqueline Golub

A handwritten signature in black ink, appearing to read 'Cary Golub', with a stylized, circular initial.

Cary Golub

As residents of East Hills, more specifically, 27 Melby Lane in Lakeville Estates, we are writing this letter to convey our opposition to the proposed subdivision and sale of The Stone House, at 2A Melby Lane and the proposed Construction of 4 new homes on the current lot that has 1 home. We are surprised that this beautiful historic home has never had "Landmark" status.

L5-1

Building 4 homes on a single lot where only one house has been previously seems excessive.

L5-2

There are environmental concerns we have with the potential toxins from the Demolition.

L5-3

There are safety concerns, since 2A Melby Lane is already on a dangerous curve, it seems next to impossible that the entry to the new homes could have adequate space to build a new road.

L5-4

Melby Lane is a street that is relatively quiet and peaceful. We don't get very much through traffic unless you live here. The years of Demolition and building will change this drastically.

There will be a large influx of trucks, workers and others making this quiet block exactly the opposite of what it has been over the past 19 years that we have resided here.

L5-5

We hope that you will consider our opposition to this project as well as other residents of our block and the surrounding streets Talley, Vanad, Mead and Hummingbird. We are the ones who will be directly impacted by this project, not those who sit on the planning board or do not live close to where this proposed project could be built.

We hope that the Village and Planning Board will take this seriously and move to stop this proposed plan from moving forward.

Sincerely,

Jill and Steven Walder
27 Melby Lane

Received

OCT 03 2019

Inc. Village of East Hills
209 Harbor Hill Rd
East Hills, NY 11576



To: Hon. Steven Kafka, Chairman and Members of the Village Planning Board
Mitch Cohen, Village Attorney

From: Carrie O'Farrell, AICP, Nelson, Pope & Voorhis, LLC
Tom Dixon, PE, Nelson & Pope Engineers and Surveyors

Cc: Andrea Tsoukalas Curto, FDT

Re: 2A Melby Lane Draft Environmental Impact Statement ("DEIS") and Subdivision Application Review Comments

Date: October 3, 2019

The following documents have been reviewed:

- Draft Environmental Impact Statement, Proposed Four-Lot Subdivision, Village of East Hills, Nassau County, New York, prepared by VHB, dated July 2019.

Nelson Pope & Voorhis, LLC ("NP&V"), in association with Nelson & Pope Engineers, Architects, Surveyors ("NP") has reviewed the July 2019 DEIS for the subject application. NP&V/NP has identified the following issues pertaining to the evaluation of the proposed action's potential environmental impacts that are recommended be addressed within the context of the New York State Environmental Quality Review Act ("SEQRA") review process:

I. Preliminary Plan – Lot Grading, Drainage and Limits of Disturbance

- **L6-1**{The lot grading provided on the Preliminary Map Sheets 5-7 does not demonstrate the containment of stormwater runoff on the individual lots.} Additionally, the limit of disturbance, provided the Preliminary Map Sheets 5-7, is shown in very close proximity or immediately abutting proposed improvements, which is unrealistic given the need for construction equipment to install such improvements. **L6-2**{The proposed grading, necessary drainage and limit of disturbance should be adjusted to reflect a realistic development scenario for each lot, inclusive of disturbances necessary for construction access and installation of drainage systems and other lot and site improvements. It is noted that the impervious cover assumptions for the proposed lots are well below the 25% permitted in the R-1 Zoning District. If the development plans which ultimately are proposed for the individual lots conform to these thresholds, no further review under SEQRA would be needed. However, if the future lot development plans exceed these thresholds to the degree that potentially significant impacts may arise that were not addressed in the EIS, supplemental SEQRA review may be needed during the site plan review process.}

L6-3{The Preliminary Map Sheets 5-7 should be updated to provide the area of slopes between 15%-20%. The necessary disturbances to steep slope areas should be quantified based on the comments above, and updates to analysis of impacts assessed accordingly.}

L6-4{The Landscape and Tree Removal Plan Sheet 5 of 7 should be reviewed with respect to proposed grading and disturbance within close proximity to existing trees shown to remain. A number of trees to remain are shown within the limits of disturbance and immediately adjacent to or within proposed grading areas. Methods to retain/protect such trees

described, and the mechanism that would be implemented to ensure the preservation of the identified trees on private residential lots in perpetuity should be discussed. }

L6-5{Table 14 (Section 4) should be updated based on plan adjustments discussed above and updates to analysis of various impact categories assessed accordingly (i.e., grading/cut and fill, ecology, stormwater management, visual impacts, etc.). A row should be added to the Table addressing disturbances of steep slopes (20% or greater) and slopes between 15-20% to allow for comparison of impacts between the proposed action and the alternative plans. }

L6-6{The applicants should discuss enforcement measures that would be included in the proposed action to ensure that all of the proposed mitigation measures remain effective in perpetuity (i.e., no disturbances to steep slopes, retention of trees, stormwater and roadway maintenance, etc.). }

2.2 Summary of Site and Project History

- The discussion of the applicants' efforts to sell the existing home and evaluations of other options are stated in the DEIS in conclusory terms without evidence provided to support such statements. **L6-7**{The applicants have not provided details and documentation demonstrating the duration of time the house was on the market, what offers for sale were made and why such offers were unacceptable. }
- The DEIS points to "prohibitive costs to update and modernize the residence" as justification for why a sale was not made. **L6-8**{What are the prohibitive costs to update and modernize the residence? What needs updating and modernizing to such an extent that the costs are prohibitive to a buyer? In order to substantiate this claim, the applicants should provide the estimates, quotes, and documentation received concerning these costs. The applicants indicated during public hearings that the house has been updated (approximately \$1 million spent to date) and that the property is very well maintained. Documentation of capital improvements made to the property should be provided and itemized by interior and exterior improvements, to include current interior photographs documenting key areas such as the kitchen, bathrooms and improvements that demonstrate how the fair market value was determined/substantiated based on area sales. }

3.2.2.2 Stormwater and Roadway Maintenance

- The DEIS indicates that it is anticipated that the lots would be subject to a restrictive covenant that outlines drainage and any potential road maintenance requirements. **L6-9**{The applicants should expand on how the restrictive covenant would ensure regular maintenance for the proposed roadway and common drainage systems in perpetuity. }
- L6-10** • {Test hole #1 on Sheet 7 of 7 indicates a layer sandy clay lens from 22' to 34' below grade. The proposed depth of the drainage systems in the vicinity of this test hole would extend into this sandy clay lens, which may limit the leaching capabilities of the drainage system. Measures to ensure proper functioning of the drainage system addressing these soil constraints should be described and noted on the plans/details. }

3.4.3 Community Character

- Page 45-45, the assessment of community character ignores the existing house, which has been present since 1929 and contributes to the existing character of the community. **L6-11**{ The DEIS should provide an assessment of the changes in community character based on the existing setting, accounting for the loss of the existing historic home. }

4.0 Alternatives

- **L6-12**{Based on the Preliminary Plan Lot Grading, Drainage and Limits of Disturbance comments above and engineering comments outlined below, the Alternatives analysis should be updated to reflect the updated assessment of disturbances, tree removals, grading, etc. }
- **L6-13**{Alternative A-1:

- Per the NYS Office of Parks, Recreation and Historic Preservation (OPRHP) letter dated September 23, 2019, a detailed alternatives analysis must be prepared to evaluate and substantiate why the 3-lot Alternative A-1 that retains the historic house would not be "prudent or feasible". This analysis should include a comparative analysis of the total costs associated with the Alternative A-1 plan and the Proposed Action (including demolition of the existing house and associated improvements, construction of the proposed roadway and site improvements, and the residential construction on individual lots). The Alternative Analysis will be coordinated with ORPHP for review and input. The Village Planning Board, as the lead agency, must be copied concurrently on any correspondence or submission to OPRHP. }
- L6-14{Section 4.21, page 173, Please provide substantiation as to the following text, "There is no reason to believe that the house would be more appealing to potential buyers on a smaller lot, even at a reduced price that reflects the decrease in land area." }
- L6-15{The assessment in Section 4.2 notes that Alternative A-1 would require variances for minimum street frontage due to the creation of flag lots, which the applicant states are out of character with the area. Analysis of the variance criteria should be evaluated considering both the change to the character of the neighborhood as it relates to the retention of the historic home, as well as the Alternative A-1 lot configuration. }
- L6-16{Alternative A-1 should consider design modifications that would mitigate loss of trees along the proposed driveways providing access to proposed Lots 2 and 3. (See engineering comments below). Comparisons of tree removals to the Proposed Action should account for all improvements (roadways, lots, grading, etc.). }
- L6-17{The description regarding disturbances to slopes in Section 4.2.1 is misleading. The discussion notes increased disturbances associated with the driveway access but does not assess/compare disturbances from the overall development including the proposed homes (which may be significantly less for Alternative A-1 when compared to the Proposed Action). }
- L6-18{The comparative analysis of construction impacts for the various alternatives should be expanded and quantified in terms of duration of construction activity, truck trips, construction generated waste, etc. }

II. Engineering Comments

1. See Preliminary Plan – Lot Grading, Drainage and Limits of Disturbance comments above. L6-19{Provide an updated limit of disturbance on all applicable sheets based on preliminary lot grading, and drainage and sanitary system disturbances (accounting for construction access). }
2. L6-20{It is imperative that lot grading be shown (with spot elevation and contouring) to ensure the non-disturbance of slopes greater than 20%, the containment of stormwater within each lot, and the minimalization of the impact of existing trees. The applicants must demonstrate that the stormwater runoff from each individual lot will be contained on the lot without overflowing to neighboring properties. }
3. A number of comments from the N&P memos dated October 13, 2016 and June 21, 2017 remain unaddressed by the current Subdivision Plans. These include:

Comments Related to Roadway/Road Profiles

1. L6-21{The center point of the cul-de-sac curb radius shall be the same as the road easement. }
- L6-22{ 2. Curb radius at the intersection with Melby Lane shall be 28' }
3. L6-23{Engineer should indicate in Road Profile the curb grade around cul-de-sac. }
4. L6-24{Indicate top of curb and gutter elevations every 10 feet on profiles. }
5. L6-25{Show street trees and setback from curb. }

Comments Related to Drainage

1. L6-26{Indicate drainage system tributary areas on plan.}
2. L6-27{Indicate soil ratings and existing grade elevations to the test hole data logs.}
3. L6-28{Each lot shall show building, driveway, grading to ensure all storm water runoff is contained within each lot, drainage structures, and limit of clearing. All roof leaders shall be piped to separate drywells. All drainage structures shall be designed to provide storage for an eight-inch storm event. Runoff coefficient for impervious areas shall be at 100 percent, and pervious areas shall be at 30 percent.}
- L6-29{ 4. The limit of drainage easements shall be a maximum of 5' from drainage structures.}
5. L6-30{Roof piping shall be 8-inch PVC or CPP. Piping between drywells shall be 15-inch CPP.}
6. L6-31{Indicate tops, inverts, bottoms, highwater for all drainage structures.}

Subdivision Map

1. L6-32{The map should indicate the limit of clearing for the roadway and building lots, grading and trees to be preserved.}
2. L6-33{Label building envelope dimensions on the plans}
3. L6-34{Label street tree species on plan using a symbol. See redline comments on Sheet 5 of 7.}
4. L6-35{Show proposed concrete monuments (some monuments were added, however a monument legend needs to be added to the plan).}
5. L6-36{Please add an existing conditions plan into set.}

Details

1. L6-37{Revise sanitary system calculations based on test hole soil ratings. A calculation is needed for each lot based on 5 bedrooms and soil ratings. Lots 1 & 2 to be designed as ½ rate (test hole #1). Lot 3 at ½ rate (test hole #2). Lot 4 at ¾ rate (test hole #3).}
2. L6-38{Roof drainage system shall be separate from yard drainage system.}
3. L6-39{Add detail of Leaching Catch Basin.}

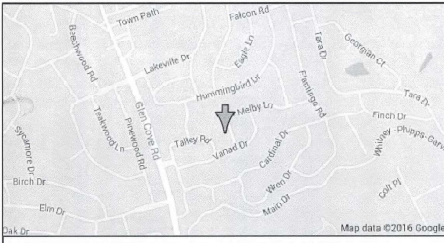
Comments for Alternative A-1 and B:

1. L6-40{Each lot stormwater shall be self-contained.}
- L6-41{ 2. Lot grading shall be indicated (with spot elevations and contouring) to ensure the non-disturbance of slopes greater than 20%, the containment of stormwater within each lot, the minimalization of the impact of existing trees, the ability of the proposed driveways to a maximum slope of 10% with a flat area at garages to be no more than 5%}
- L6-42{ 3. The flat “turn around” areas adjacent to the garages to be a minimum of 30 feet from the face of dwelling and a width of the proposed garage opening.}
- L6-43{ 4. Stormwater roof runoff shall be piped to a separate storage system other than the lot drainage system – this shall be done for each lot.}
- L6-44{ 5. All stormwater structures shall indicate top, invert, bottom and high water elevations (within leaching pools).}
- L6-45{ 6. Utilize retaining walls to mitigate disturbance within the 20% slopes and to minimize the impact upon existing trees.}

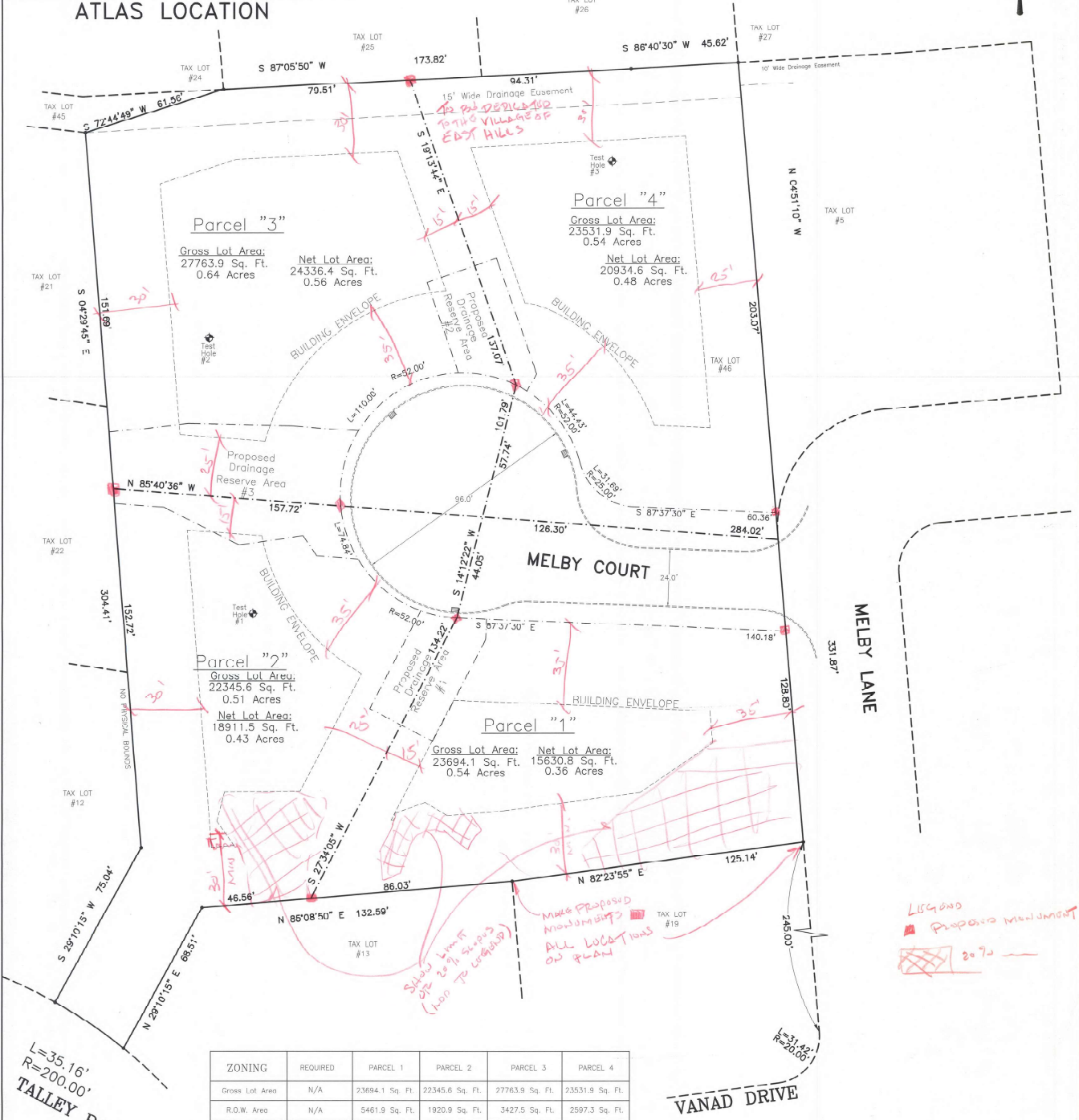
Recommendations for Alternative A-1:

1. Please refer to attached sketch. L6-46{Recommend relocating proposed driveway to preserve the existing trees located along the western property line} Also, L6-47{recommend rotating the proposed dwellings on parcels 2 and 3 to preserve the existing trees on the west and north property line of parcel 2 and improve the driveway access to the garages.}

ATTACHMENTS



ATLAS LOCATION



ZONING	REQUIRED	PARCEL 1	PARCEL 2	PARCEL 3	PARCEL 4
Gross Lot Area	N/A	23694.1 Sq. Ft.	22345.6 Sq. Ft.	27763.9 Sq. Ft.	23531.9 Sq. Ft.
R.O.W. Area	N/A	5461.9 Sq. Ft.	1920.9 Sq. Ft.	3427.5 Sq. Ft.	2597.3 Sq. Ft.
Steep Slope Area	N/A	2601.4 Sq. Ft.	1513.2 Sq. Ft.	N/A	N/A
Net Lot Area	15,000 Sq. Ft.	15630.8 Sq. Ft.	18911.5 Sq. Ft.	24336.4 Sq. Ft.	20934.6 Sq. Ft.
Min. Street Frontage	110'	268.88'	110.00'	110.00'	136.48'
Front Yard	35'	35'	35'	35'	35'
Side Yard/ Appropriate	15'/40'	10'/40'	10'/40'	10'/40'	10'/40'
Rear Yard	30'	30'	30'	30'	30'
Building Coverage	25%	All Coverage to be Removed	All Coverage to be Removed	All Coverage to be Removed	All Coverage to be Removed

ZONED: Resident District R-1

NOTE: Proposed lot coverage for new parcels based on new roadway and generic house/ driveway layout only. No architectural plans for proposed dwellings have been made.

Note: All utilities shall be underground

THIS AREA SERVED BY:
Roslyn Highlands Fire Department
Roslyn Rescue Hook & Ladder
Roslyn Postal District 11576
Roslyn Water District
Roslyn School District 3
Area of Map= 2.23 acres

REVISED 7/15/2019
REVISED 6/10/2019
REVISED 3/4/2019
(No Changes to this Sheet)
REVISED 2/25/2019
REVISED 2/12/2019
REVISED 12/10/2018
REVISED 6/5/2017
REVISED 5/3/2017
REVISED 3/16/2017
REVISED 12/28/2016
REVISED 11/3/2016
REVISED 10/4/2016
REVISED 6/22/2010

Lot Area:
97335.4 Sq. Ft.
2.23 Acres

NOTE: ALL DISTURBED AREAS TO BE SEED OR PLANTED WITH NATIVE VEGETATION FOR SOIL EROSION CONTROL MEASURES

Nassau County Tax Map Designation:
Sec. 19 Blk. 27 Lot 46

PRELIMINARY MAP OF MELBY COURT

Of Property Situated in The
Inc. Village of East Hills
Nassau County, N.Y.

Drawn by: P.J.
Date: 3/7/2016

BLADYKAS & PANETTA
L.S. & P.E., P.C.
23 Spring Street
Oyster Bay, N.Y.
916-922-3031

SCALE: 1" = 20'

LEGEND:
EXISTING CONTOUR LINE
PROPOSED CONTOUR LINE
EXISTING SPOT ELEVATION: 98.82
PROPOSED SPOT ELEVATION: 95.52
LIMITS OF DISTURBANCE
SILT FENCE
AREA WITHIN DISTURBANCE LIMIT: 1.71 ACRES
TREES TO BE PROTECTED SHOWN AS:
TREES TO BE REMOVED SHOWN AS:
LEYLAN CYPRESS TO BE PLANTED SHOWN AS:
JAPANESE CRYPTOMERIA TO BE PLANTED SHOWN AS:
JUNIPER TO BE PLANTED SHOWN AS:
NUMBER OF TREES TO BE REMOVED: 14




PROPOSED NEW DWELLING DRAINAGE CALCULATIONS:

Parcel 2
Drywell "A"
Proposed Driveway = 694.8 s.f.
Proposed Tributary Area = 600 s.f. x (3) = 180.0 s.f.
Runoff = 874.8 s.f. x 3"/12" = 218.7 cuf.
218.7 cuf. / 68.5 cuf. per ft. of ring = 3.19 ft. req'd. - Use 4 ft. of 10" Dia. Rings
Drywell "B"
Proposed Driveway = 3000.0 s.f.
Proposed Driveway = 4386.3 s.f.
Proposed Pool = 600.0 s.f.
Proposed Patio = 200.0 s.f.
Proposed Tributary Area = 3600.0 s.f. x (3) = 1080.0 s.f.
Runoff = 9466.3 s.f. x 3"/12" = 2366.6 cuf.
2366.6 cuf. / 68.5 cuf. per ft. of ring = 34.55 ft. req'd. - Use 36 ft. of 10" Dia. Rings
Parcel 3
Proposed Dwelling = 2788.0 s.f.
Proposed Pool = 800.0 s.f.
Proposed Patio = 200.0 s.f.
Proposed Driveway = 2260.0 s.f.
Proposed Tributary Area = 3600.0 s.f. x (3) = 1080.0 s.f.
Runoff = 7128.0 s.f. x 3"/12" = 1782.0 cuf.
1782.0 cuf. / 68.5 cuf. per ft. of ring = 26.01 ft. req'd. - Use 28 ft. of 10" Dia. Rings

Parcel "1"
Gross Lot Area:
52075.7 Sq. Ft.
1.20 Acres
Parcel "2"
25075.3 Sq. Ft.
0.58 Acres
Parcel "3"
20184.5 Sq. Ft.
0.46 Acres


L=35.16'
R=200.00'
TALLEY ROAD

LEGEND:
EXISTING CONTOUR LINE
PROPOSED CONTOUR LINE
EXISTING SPOT ELEVATION: 08.82
PROPOSED SPOT ELEVATION: 28.82
LIMITS OF DISTURBANCE
SILT FENCE
AREA WITHIN DISTURBANCE LIMIT: 0.93 ACRES
TREES TO BE PROTECTED SHOWN AS:
TREES TO BE REMOVED SHOWN AS: 
NUMBER OF TREES TO BE REMOVED: 46


ZONING	REQUIRED	PARCEL 1	PARCEL 2	PARCEL 3
Gross Lot Area	N/A	52075.7 Sq. Ft.	25075.3 Sq. Ft.	20184.5 Sq. Ft.
R.O.W. Area	N/A	N/A	N/A	N/A
Steep Slope Area	N/A	4114.6 Sq. Ft.	N/A	N/A
Net Lot Area	10,000 Sq. Ft.	47991.1 Sq. Ft.	25075.3 Sq. Ft.	20104.5 Sq. Ft.
Min. Street Frontage	110'	110.00'	35.16'	35.01'
Front Yard	35'	47.5'	35'	35'
Side Yard/Aggregate	15'/40'	23.8'/93.7'	15.0'/66.0'	25.5'/62.9'
Rear Yard	30'	98.3'	51.1'	51.5'
Building % Coverage	25%	8.81%	11.66%	13.81%
Total Impervious Coverage	N/A	13513.6 Sq. Ft.	9081.1 Sq. Ft.	6048.0 Sq. Ft.

ZONED: Resident District R-1

NOTE: Proposed lot coverage for new parcels based on new roadway and generic house/driveway layout only. No architectural plans for proposed dwellings have been made.

 - Variance Required

SLOPE DESCRIPTION

 SLOPES GREATER THAN 20%
 SLOPES 15%-20%

Cut & Fill Calculations Requiring Excavation/Grading Permit
Proposed Site Grading Cut Required = 232 Cubic Yards
Proposed Dwellings Foundation Cut Required = 893 Cubic Yards
Drywell and Sanitary Cut Required = 233 Cubic Yards
Pool & Patio Cut Required = 350 Cubic Yards
Total Approximately 1660 Cubic Yards of Material Are To Be Removed From The Site

Nassau County Tax Map Designation:
Sec. 19 Blk. 27 Lot 46

ALTERNATE "A-1"
Of Property
Situated in The
Inc. Village of East Hills
Nassau County, N.Y.

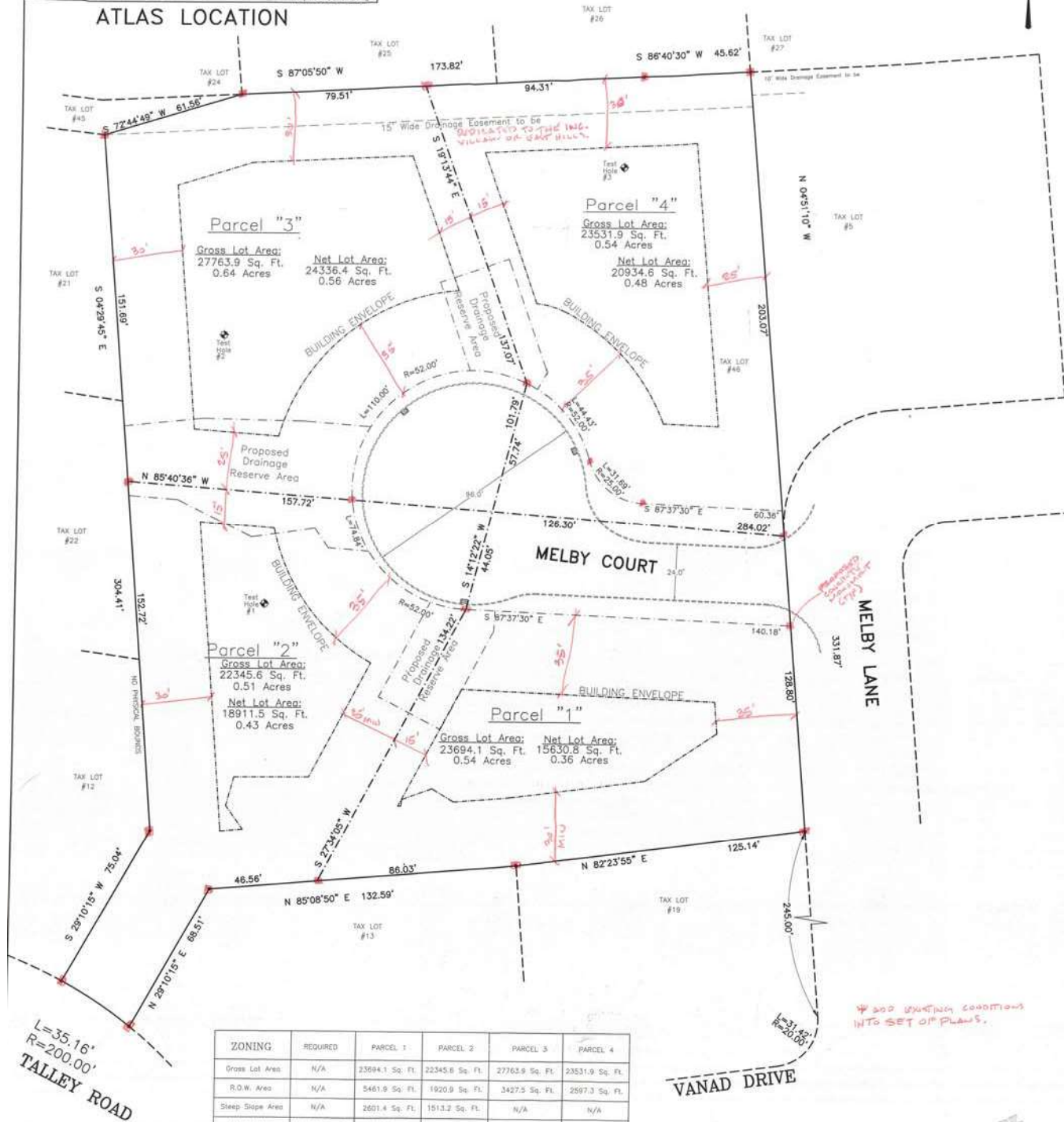
Drawn by: 
Date: 12/10/2018
Scale: 1" = 20'

RLADYKAS & PANETTA
L.S. & P.E., P.C.
23 Spring Street
Oyster Bay, N.Y.
516-922-3031

REVISED 6/10/2019
REVISED 3/4/2019
REVISED 2/25/2019
REVISED 2/12/2019



ATLAS LOCATION



ZONING	REQUIRED	PARCEL 1	PARCEL 2	PARCEL 3	PARCEL 4
Gross Lot Area	N/A	23694.1 Sq. Ft.	22345.6 Sq. Ft.	27763.9 Sq. Ft.	23531.9 Sq. Ft.
R.O.W. Area	N/A	5461.9 Sq. Ft.	1920.9 Sq. Ft.	3427.5 Sq. Ft.	2597.3 Sq. Ft.
Slope Slope Area	N/A	2601.4 Sq. Ft.	1513.2 Sq. Ft.	N/A	N/A
Net Lot Area	15,000 Sq. Ft.	15630.8 Sq. Ft.	18911.5 Sq. Ft.	24336.4 Sq. Ft.	20934.6 Sq. Ft.
Min. Street Frontage	110'	288.98'	110.00'	110.00'	136.48'
Front Yard	35'	35'	35'	35'	35'
Side Yard/Aggregate	15'/40'	15'/40'	15'/40'	15'/40'	15'/40'
Rear Yard	30'	30'	30'	30'	30'
Max. Lot Coverage	25%	All Coverage to be Removed	All Coverage to be Removed	All Coverage to be Removed	All Coverage to be Removed

ZONED: Resident District R-1

Note: All utilities shall be underground

THIS AREA SERVED BY:
Roslyn Highlands Fire Department
Roslyn Rescue Hook & Ladder
Roslyn Postal District 11578
Roslyn Water District
Roslyn School District 3
Area of Map: 2.23 acres

Received
JUN 03 2017

NOTE: ALL DISTURBED AREAS TO BE SEED OR PLANTED WITH NATIVE VEGETATION FOR SOIL EROSION CONTROL MEASURES

Nassau County Tax Map Designation:
Sec. 19 Blk. 27 Lot 46

PRELIMINARY MAP OF MELBY COURT

Of Property
Situated in The
Inc. Village of East Hills
Nassau County, N.Y.

Drawn by: J.P. Date: 3/7/2016
Scale: 1" = 20'

BLADYKAS & PANETTA
L.S. & P.E., P.C.
23 Spring Street
Oyster Bay, N.Y.
516-922-3031

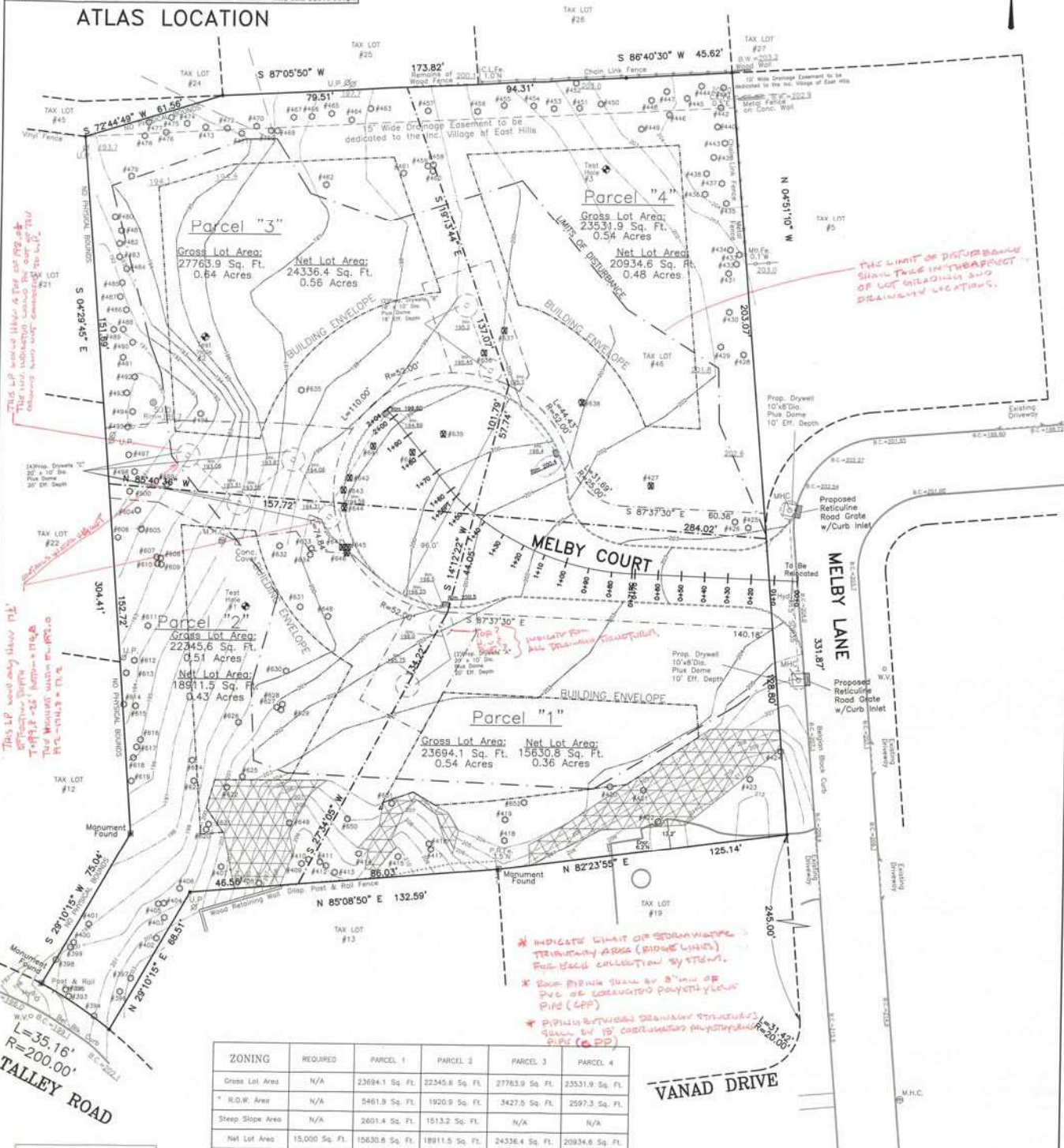


LEGEND	
	C.B. Catch basin
	G.V. Gas valve
	M.H.C. Manhole cover
	H.Y.D. Hydrant
	L.P. Light pole
	S.I.D. Surface inlet drain
	S.M.H. Sewer manhole
	U.P. Utility pole
	W.M. Water meter
	W.V. Water valve

LEGEND:	
	EXISTING CONTOUR LINE
	PROPOSED CONTOUR LINE
	EXISTING SPOT ELEVATION: 98.82
	PROPOSED SPOT ELEVATION: 98.82
	LIMITS OF DISTURBANCE
	SILT FENCE
	AREA WITHIN DISTURBANCE LIMIT: 1.27 ACRES
	TREES TO BE PROTECTED SHOWN AS:
	TREES TO BE REMOVED SHOWN AS:
	NUMBER OF TREES TO BE REMOVED: 13



ATLAS LOCATION



ZONING	REQUIRED	PARCEL 1	PARCEL 2	PARCEL 3	PARCEL 4
Gross Lot Area	N/A	23694.1 Sq. Ft.	22545.8 Sq. Ft.	27763.9 Sq. Ft.	23531.9 Sq. Ft.
+ R.O.W. Area	N/A	5461.8 Sq. Ft.	1920.9 Sq. Ft.	3427.8 Sq. Ft.	2597.3 Sq. Ft.
Steep Slope Area	N/A	2601.4 Sq. Ft.	1513.2 Sq. Ft.	N/A	N/A
Net Lot Area	15,000 Sq. Ft.	15630.8 Sq. Ft.	18911.5 Sq. Ft.	24336.4 Sq. Ft.	20934.6 Sq. Ft.
Min. Street Frontage	110'	268.95'	110.00'	110.00'	136.48'
Front Yard	35'	35'	35'	35'	35'
Side Yard/Agg.	15'/40'	15'/40'	15'/40'	15'/40'	15'/40'
Rear Yard	30'	30'	30'	30'	30'
Max. Lot Coverage	25%	All Coverage to be Removed	All Coverage to be Removed	All Coverage to be Removed	All Coverage to be Removed

ZONED: Resident District R-1

SLOPE DESCRIPTION



SLOPES GREATER THAN 20%

THIS AREA SERVED BY:
Roslyn Highlands Fire Department
Roslyn Rescue Hook & Ladder
Roslyn Postal District 11576
Roslyn Water District
Roslyn School District 3
Area of Map: 2.23 acres

LEGEND:	
EXISTING CONTOUR LINE	---
PROPOSED CONTOUR LINE	---
EXISTING SPOT ELEVATION:	98.82
PROPOSED SPOT ELEVATION:	98.82
LIMITS OF DISTURBANCE	---
SILT FENCE	---
AREA WITHIN DISTURBANCE LIMIT: 1.27 ACRES	
TREES TO BE PROTECTED SHOWN AS:	○
TREES TO BE REMOVED SHOWN AS:	✗
NUMBER OF TREES TO BE REMOVED:	13

NOTE: All utilities to be underground.

NOTE: ALL DISTURBED AREAS TO BE SEEDDED OR PLANTED WITH NATIVE VEGETATION FOR SOIL EROSION CONTROL MEASURES.

Nassau County Tax Map Designation:
Sec. 19 BLK. 27 Lot 46

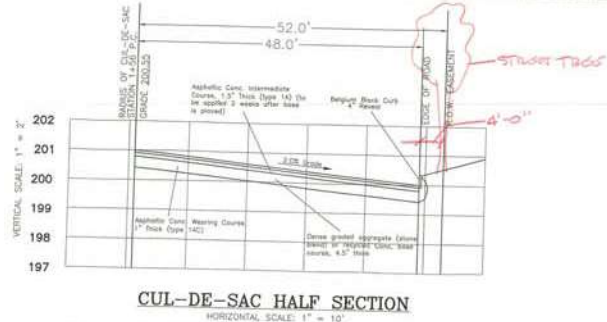
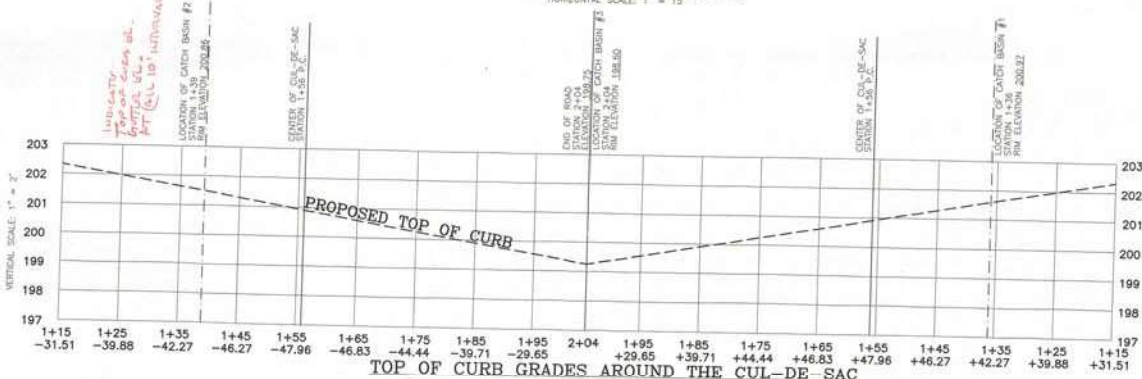
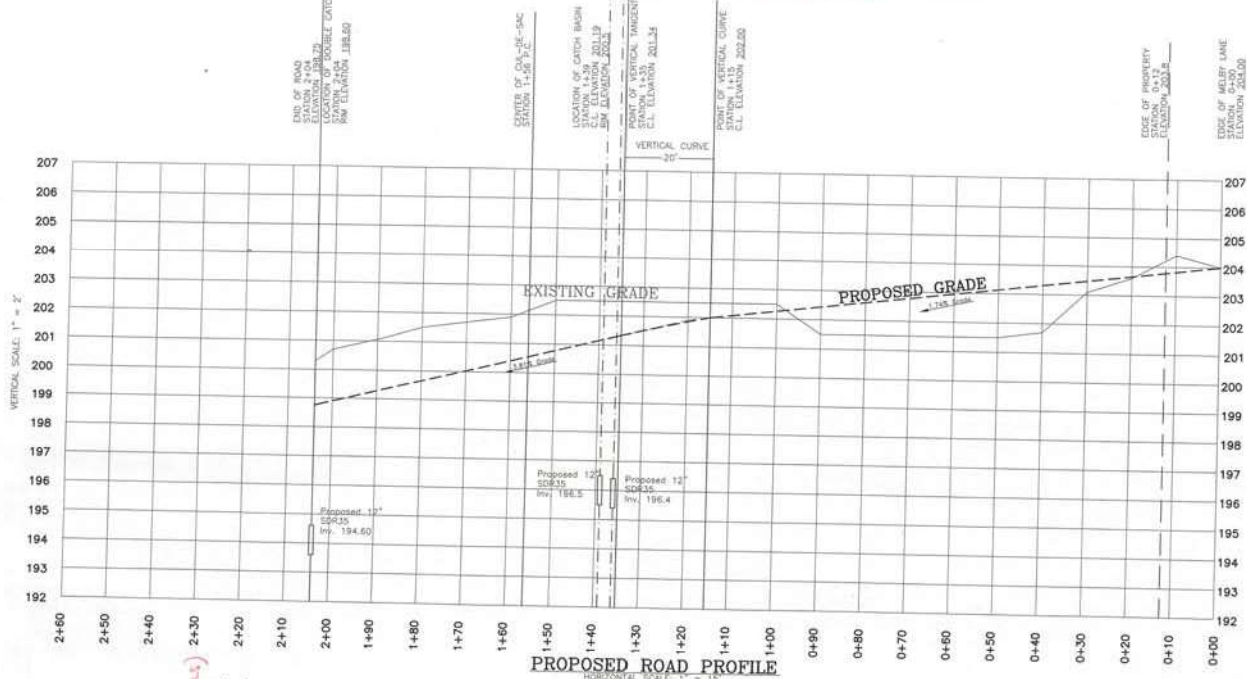
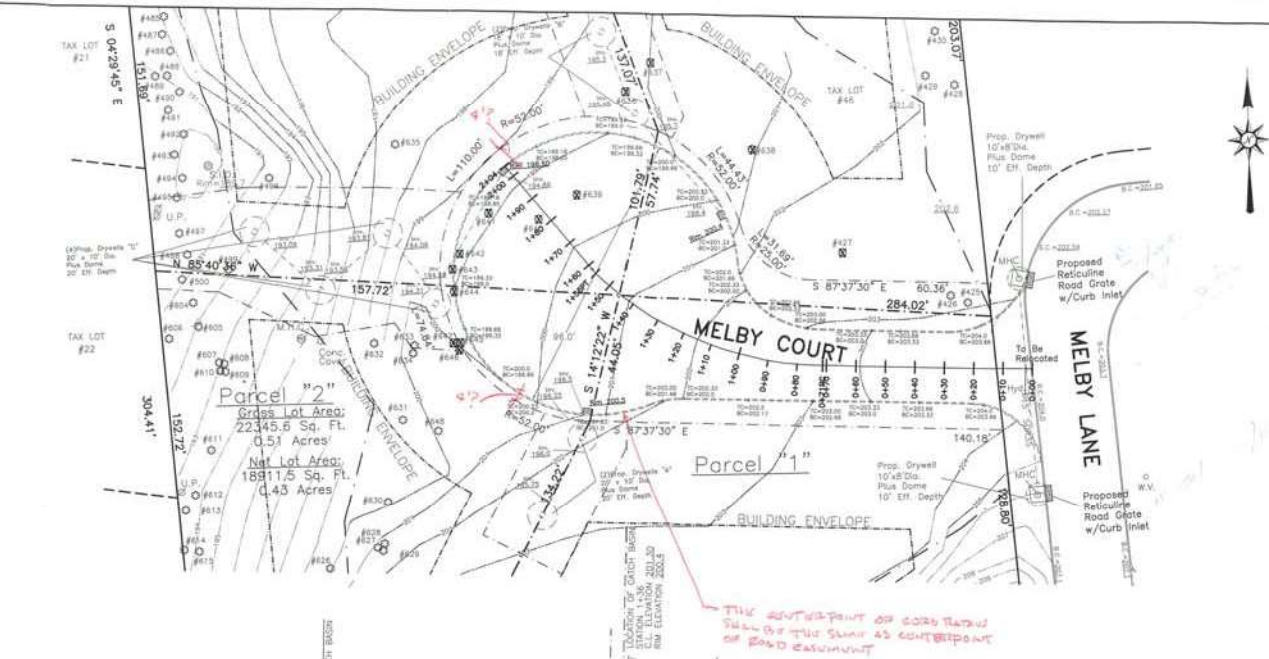
PRELIMINARY MAP OF MELBY COURT GRADING AND DRAINAGE

of Property Located in The
Inc. Village of East Hills
Nassau County, N.Y.

Drawn by: BLADYKAS & PANETTA
Date: 3/7/2016
Scale: 1" = 20'



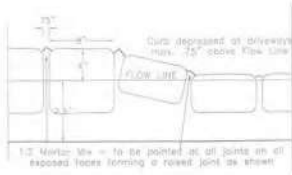
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REVISED 6/22/2016
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REVISED 12/26/2016
REVISED 3/16/2017
REVISED 5/3/2017
REVISED 8/5/2017



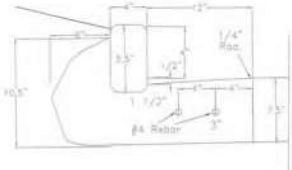
REVISIONS
 15/3/2016
 11/3/2016
 12/26/2016
 3/18/2017
 5/3/2017
 6/3/2017



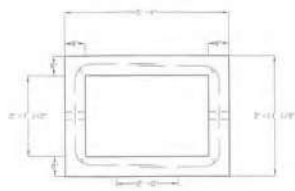
Nassau County Tax Map Designation:
 Sec. 19 Blk. 27 Lot 46
PRELIMINARY MAP OF MELBY COURT
 ROAD PROFILE
 Of Property
 Situated in The
Inc. Village of East Hills
 Nassau County, N.Y.
 Drawn by: BLADYKAS & PANETTA
 Date: 6/22/2016
 L.S. & P.E., P.C.
 23 Spring Street
 Oyster Bay, N.Y.
 11576-3231
 SCALE: 1" = 20'



CURB AND GUTTER DETAIL

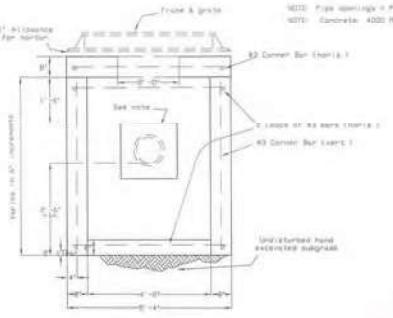


CATCH BASIN
NASSAU COUNTY
TYPE "A" MODIFIED
WITH TRAFFIC SLAB

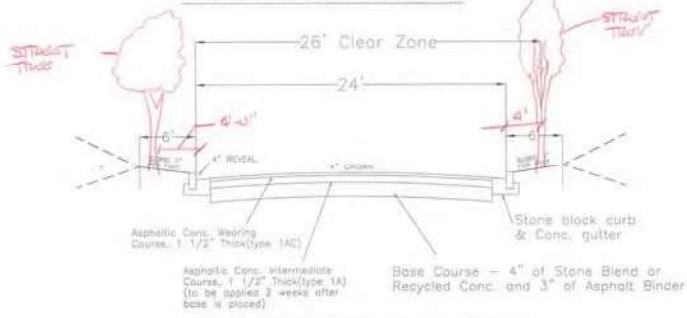


PLAN

Height of Concrete = 1591.7 #/cu yd
Volume of Concrete = 1591.7 cu yd
Height of Maximum Slope = 6.25 #/cu yd
Height of Vertical Base = 1.50 #/cu yd



SECTION



PRIVATE ROAD DETAIL

200 DETAIL OF LEACHING POOL

TEST HOLE #1 - May 30, 2017

Depth	Classification Of Soil
From To	
Ground Surface	1' Topsoil
1'	2' Loam
2'	22' Fine to Medium Graded Sand
22'	30' Sandy Clay Lens
30'	34' Well Graded Sand
	NO GROUNDWATER ENCOUNTERED

TEST HOLE #2 - May 30, 2017

Depth	Classification Of Soil
From To	
Ground Surface	1' Topsoil
1'	5' Sandy Loam
5'	29' Fine to Medium Graded Sand
	NO GROUNDWATER ENCOUNTERED

TEST HOLE #3 - May 30, 2017

Depth	Classification Of Soil
From To	
Ground Surface	1' Topsoil
1'	1'-6" Sandy Loam
1'-6"	30' Fine to Medium Sand
30'	34' Well Graded Sand and Gravel
	NO GROUNDWATER ENCOUNTERED

PRIVATE ROADWAY DRAINAGE CALCULATIONS:

Drainell "A"
Road Area = 2344.7 Sq. Ft.
Runoff = 2344.7 Sq. Ft. x 8"/12 = 1488.5 cuf.
Tributary Area = 5658.0 Sq. Ft.
Runoff = 5658.0 Sq. Ft. x 8"/12 = 3798.7 cuf.
Total Runoff = 5242.2 cuf.
2626.1 cuf. / 88.5 cuf. per ft. of ring = 29.78 ft. req'd.
Use 30 ft. of 12 ft. Diam. rings

Drainell "B"
Road Area = 2125.2 Sq. Ft.
Runoff = 2125.2 Sq. Ft. x 8"/12 = 1416.8 cuf.
Tributary Area = 4800.8 Sq. Ft.
Runoff = 4800.8 Sq. Ft. x 8"/12 = 3200.5 cuf.
Total Runoff = 4617.3 cuf.
2308.6 cuf. / 88.5 cuf. per ft. of ring = 26.09 ft. req'd.
Use 30 ft. of 10 ft. Diam. rings

Drainell "C"
Road Area = 5894.8 Sq. Ft.
Runoff = 5894.8 Sq. Ft. x 8"/12 = 3929.7 cuf.
Tributary Area = 6386.9 Sq. Ft.
Runoff = 6386.9 Sq. Ft. x 8"/12 = 4257.9 cuf.
Total Runoff = 8187.6 cuf.
5107.7 cuf. / 88.5 cuf. per ft. of ring = 57.83 ft. req'd.
Use 77 ft. of 10 ft. Diam. rings

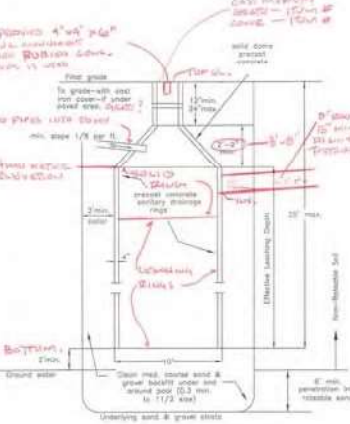
PROPOSED NEW DWELLING DRAINAGE CALCULATIONS:

Parcel 1
Proposed Dwelling = 1800.0 s.f.
Proposed Driveway = 893.0 s.f.
Proposed Tributary Area = 1153.8 s.f. x (3) = 3461.4 s.f.
Runoff = 3126.7 s.f. x 3"/12 = 781.68 cuf.
781.68 cuf. / 88.5 cuf. per ft. of ring = 8.83 ft. req'd. - Use 12 ft. of 10" Dia. Rings

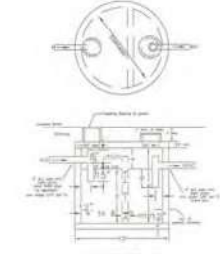
Parcel 2
Proposed Dwelling = 1000.0 s.f.
Proposed Driveway = 1009.0 s.f.
Proposed Tributary Area = 1009.0 s.f. x (3) = 3027.0 s.f.
Runoff = 2195.0 s.f. x 3"/12 = 548.75 cuf.
548.75 cuf. / 88.5 cuf. per ft. of ring = 6.19 ft. req'd. - Use 12 ft. of 10" Dia. Rings

Parcel 3
Proposed Dwelling = 1800.0 s.f.
Proposed Driveway = 1137.5 s.f.
Proposed Tributary Area = 3088.5 s.f. x (3) = 9265.5 s.f.
Runoff = 4542.9 s.f. x 3"/12 = 1010.73 cuf.
1010.73 cuf. / 88.5 cuf. per ft. of ring = 11.42 ft. req'd. - Use 12 ft. of 10" Dia. Rings

Parcel 4
Proposed Dwelling = 1800.0 s.f.
Proposed Driveway = 1009.0 s.f.
Proposed Tributary Area = 914.2 s.f. x (3) = 2742.6 s.f.
Runoff = 3084.1 s.f. x 3"/12 = 771.03 cuf.
771.03 cuf. / 88.5 cuf. per ft. of ring = 8.71 ft. req'd. - Use 12 ft. of 10" Dia. Rings



DRYWELL DETAIL

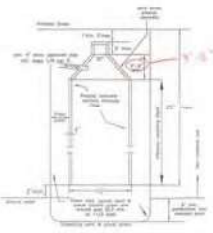


SEPTIC TANK

Note: 10' min. separation between proposed water service and proposed sanitary facilities.
Note: Proposed sanitary facilities do not occur near paved areas.
Note: Minimum Septic Tank for dwelling to be 1500 Gal.

DETAILS OF CONSTRUCTION

- A minimum of 4 inches approved reinforced concrete bottom.
- At 5 feet in diameter by 8 feet high approved reinforced precast concrete side ring.
- An approved reinforced precast concrete 8 inch thick top lid.
- Each T must be placed or otherwise firmly attached.
- Grout depth must be 4 feet minimum.



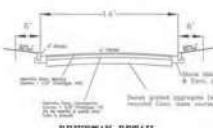
LEACHING POOL DETAIL

SANITARY CALCULATIONS SYSTEM B:

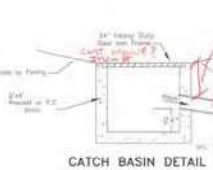
no. of bedrooms = 3 min.
Day 3 = 150 gal./day/bedroom
= 450 gal./day

Leaching Capacity:
1/2 inch hole = 2 gal./s.f./day
Area of 10' Diam. Ring = 314
= 3 x 314 x 2 = 1912 gal. per ft. of ring
Leaching Area = 2 gal./s.f./day x 314 s.f. of ring = 628 gal./day, or ring

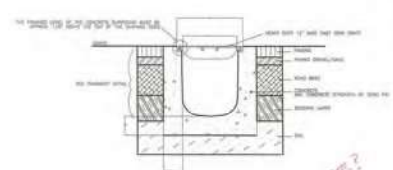
Leaching Area Required:
= 450 gal./day ÷ 628 gal./day/ft. of ring = 0.718 ft. of ring req'd.
= Use 12 ft. of 10 ft. Diam. Rings



DRIVEWAY DETAIL



CATCH BASIN DETAIL



TRENCH DRAIN DETAIL



YARD DRAIN DETAIL

Nassau County Tax Map Designation
Sec. 19 Bk. 27 Lot 46

PRELIMINARY MAP OF MELBY COURT

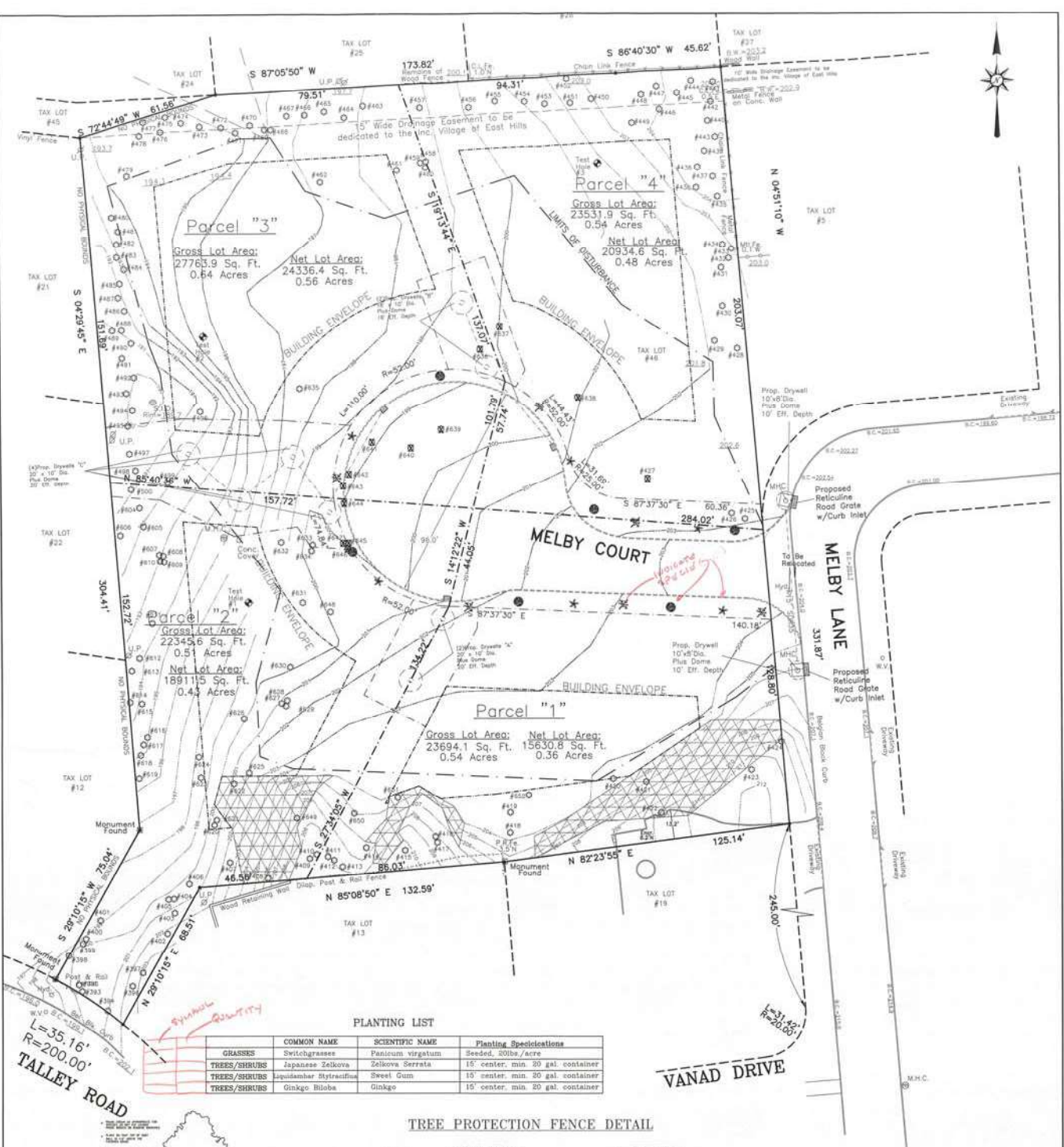
DETAILS

Incorporated in the
Inc. Village of East Hills
Nassau County, N.Y.



Revised: 10/3/2016
Revised: 11/3/2016
Revised: 12/29/2016
Revised: 1/16/2017
Revised: 5/3/2017
Revised: 6/5/2017

By: ADVAR & PANETTA
L.S. & P.E., P.C.
23 Spring Street
Oyster Bay, N.Y.
516-922-3031



TREE PROTECTION FENCE DETAIL

TREE PLANTING - VERTICAL STAKES

TREES TO BE REMOVED SHOWN AS: X 13 TREES TO BE REMOVED FOR ROAD CONSTRUCTION

TREES TO BE PLANTED SHOWN AS: * 18 TREES TO BE PLANTED (2" CALIPER TO BE PLANTED)

TREES ADJACENT TO WORK AREA TO BE PROTECTED SHOWN AS: O

TREE SCHEDULE

Num.	Size	To Be	Num.	Size	To Be	Num.	Size	To Be	Num.	Size	To Be	Num.	Size	To Be	Num.	Size	To Be
383	20"	Rem.	413	12"	Rem.	443	12"	Rem.	473	12"	Rem.	503	12"	Rem.	533	12"	Rem.
384	18"	Rem.	414	10"	Rem.	444	10"	Rem.	474	10"	Rem.	504	10"	Rem.	534	10"	Rem.
385	16"	Rem.	415	8"	Rem.	445	8"	Rem.	475	8"	Rem.	505	8"	Rem.	535	8"	Rem.
386	14"	Rem.	416	6"	Rem.	446	6"	Rem.	476	6"	Rem.	506	6"	Rem.	536	6"	Rem.
387	12"	Rem.	417	4"	Rem.	447	4"	Rem.	477	4"	Rem.	507	4"	Rem.	537	4"	Rem.
388	10"	Rem.	418	2"	Rem.	448	2"	Rem.	478	2"	Rem.	508	2"	Rem.	538	2"	Rem.
389	8"	Rem.	419	0"	Rem.	449	0"	Rem.	479	0"	Rem.	509	0"	Rem.	539	0"	Rem.
390	6"	Rem.	420	0"	Rem.	450	0"	Rem.	480	0"	Rem.	510	0"	Rem.	540	0"	Rem.
391	4"	Rem.	421	0"	Rem.	451	0"	Rem.	481	0"	Rem.	511	0"	Rem.	541	0"	Rem.
392	2"	Rem.	422	0"	Rem.	452	0"	Rem.	482	0"	Rem.	512	0"	Rem.	542	0"	Rem.
393	0"	Rem.	423	0"	Rem.	453	0"	Rem.	483	0"	Rem.	513	0"	Rem.	543	0"	Rem.
394	0"	Rem.	424	0"	Rem.	454	0"	Rem.	484	0"	Rem.	514	0"	Rem.	544	0"	Rem.
395	0"	Rem.	425	0"	Rem.	455	0"	Rem.	485	0"	Rem.	515	0"	Rem.	545	0"	Rem.
396	0"	Rem.	426	0"	Rem.	456	0"	Rem.	486	0"	Rem.	516	0"	Rem.	546	0"	Rem.
397	0"	Rem.	427	0"	Rem.	457	0"	Rem.	487	0"	Rem.	517	0"	Rem.	547	0"	Rem.
398	0"	Rem.	428	0"	Rem.	458	0"	Rem.	488	0"	Rem.	518	0"	Rem.	548	0"	Rem.
399	0"	Rem.	429	0"	Rem.	459	0"	Rem.	489	0"	Rem.	519	0"	Rem.	549	0"	Rem.
400	0"	Rem.	430	0"	Rem.	460	0"	Rem.	490	0"	Rem.	520	0"	Rem.	550	0"	Rem.
401	0"	Rem.	431	0"	Rem.	461	0"	Rem.	491	0"	Rem.	521	0"	Rem.	551	0"	Rem.
402	0"	Rem.	432	0"	Rem.	462	0"	Rem.	492	0"	Rem.	522	0"	Rem.	552	0"	Rem.
403	0"	Rem.	433	0"	Rem.	463	0"	Rem.	493	0"	Rem.	523	0"	Rem.	553	0"	Rem.
404	0"	Rem.	434	0"	Rem.	464	0"	Rem.	494	0"	Rem.	524	0"	Rem.	554	0"	Rem.
405	0"	Rem.	435	0"	Rem.	465	0"	Rem.	495	0"	Rem.	525	0"	Rem.	555	0"	Rem.
406	0"	Rem.	436	0"	Rem.	466	0"	Rem.	496	0"	Rem.	526	0"	Rem.	556	0"	Rem.
407	0"	Rem.	437	0"	Rem.	467	0"	Rem.	497	0"	Rem.	527	0"	Rem.	557	0"	Rem.
408	0"	Rem.	438	0"	Rem.	468	0"	Rem.	498	0"	Rem.	528	0"	Rem.	558	0"	Rem.
409	0"	Rem.	439	0"	Rem.	469	0"	Rem.	499	0"	Rem.	529	0"	Rem.	559	0"	Rem.
410	0"	Rem.	440	0"	Rem.	470	0"	Rem.	500	0"	Rem.	530	0"	Rem.	560	0"	Rem.
411	0"	Rem.	441	0"	Rem.	471	0"	Rem.	501	0"	Rem.	531	0"	Rem.	561	0"	Rem.
412	0"	Rem.	442	0"	Rem.	472	0"	Rem.	502	0"	Rem.	532	0"	Rem.	562	0"	Rem.

NOTE: ALL DISTURBED AREAS TO BE SEED OR PLANTED WITH NATIVE VEGETATION FOR SOIL EROSION CONTROL MEASURES

Sec. 19 Blk. 27 Lot 46

PRELIMINARY MAP OF MELBY COURT LANDSCAPE AND TREE REMOVAL PLAN

Inc. Village of East Hills Nassau County, N.Y.

BLADWICK & PANETTA L.S. & P.E., P.C.

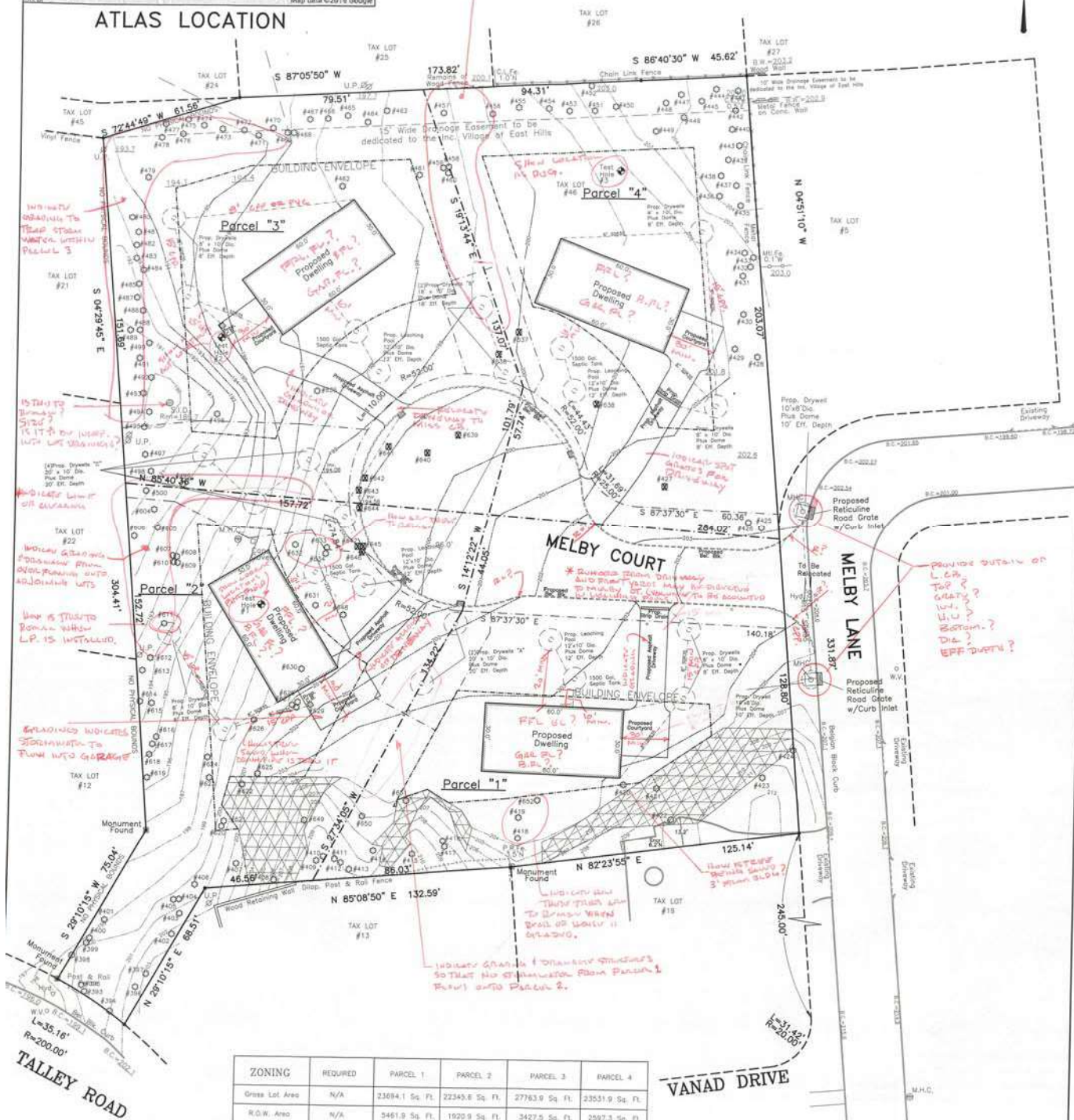
23 Spring Street Center City, N.Y. 10013-1001

SCALE: 1" = 20'

REVISIONS:
REVISED 3/16/2017
REVISED 5/3/2017
REVISED 6/8/2017



ATLAS LOCATION



ZONING	REQUIRED	PARCEL 1	PARCEL 2	PARCEL 3	PARCEL 4
Gross Lot Area	N/A	23084.1 Sq. Ft.	22345.8 Sq. Ft.	27763.9 Sq. Ft.	23531.9 Sq. Ft.
R.O.W. Area	N/A	3461.9 Sq. Ft.	1920.9 Sq. Ft.	3427.5 Sq. Ft.	2587.3 Sq. Ft.
Steep Slope Area	N/A	2601.4 Sq. Ft.	1513.2 Sq. Ft.	N/A	N/A
Net Lot Area	15,000 Sq. Ft.	18630.8 Sq. Ft.	18911.5 Sq. Ft.	24326.4 Sq. Ft.	20934.6 Sq. Ft.
Min. Street Frontage	110'	288.98'	110.00'	110.00'	136.48'
Front Yard	35'	35'	35'	35'	35'
Side Yard/Aggregate	15'/40'	15'/40'	15'/40'	15'/40'	15'/40'
Rear Yard	30'	30'	30'	30'	30'
Max. Lot Coverage	25%	All Coverage to be Removed	All Coverage to be Removed	All Coverage to be Removed	All Coverage to be Removed

ZONED: Resident District R-1

SLOPE DESCRIPTION



SLOPES GREATER THAN 20%

THIS AREA SERVED BY:
Roslyn Highlands Fire Department
Roslyn Rescue Hook & Ladder
Roslyn Postal District 11576
Roslyn Water District
Roslyn School District 3
Area of Map = 2.23 acres

Lot Area:
97335.4 Sq. Ft.
2.23 Acres

NOTE: ALL DISTURBED AREAS TO BE SEED OR PLANTED WITH NATIVE VEGETATION FOR SOIL EROSION CONTROL MEASURES

LEGEND:	
EXISTING CONTOUR LINE	---
PROPOSED CONTOUR LINE	- - -
EXISTING SPOT ELEVATION	86.82
PROPOSED SPOT ELEVATION	88.82
LIMITS OF DISTURBANCE	---
SILT FENCE	---
AREA WITHIN DISTURBANCE LIMIT: 1.27 ACRES	
TREES TO BE PROTECTED SHOWN AS:	☒
TREES TO BE REMOVED SHOWN AS:	☒
NUMBER OF TREES TO BE REMOVED: 13	

REVISED 4/15/2016
REVISED 6/22/2016
REVISED 10/5/2016
REVISED 11/3/2016
REVISED 12/28/2016
REVISED 5/3/2017
REVISED 6/5/2017



Nassau County Tax Map Designation
Sec. 19 Blk. 27 Lot 46

PRELIMINARY MAP OF MELBY COURT GRADING AND DRAINAGE PARCELS 1-4
Shaded in the
Inc. Village of East Hills
Nassau County, N.Y.

Drawn by: [Signature]
Date: 3/7/2016
Bladkyas & Panetta
L.L.C. & P.E., P.L.C.
23 Spring Street
Oyster Bay, N.Y.
516-822-3031

SCALE: 1" = 20'

(40)

L7

INDERJEET Wadhwa
2 Vanad Drive
Roslyn, New York 11576

Received

OCT 04 2019

Inc. Village of East Hills
209 Harbor Hill Rd
East Hills, NY 11576

October 2nd, 2019

Steven Kafka, Chairman

Planning Board

Village of East Hills

209 Harbor Hill Road

East Hills, New York 11576

Re: Stonehouse on Melby La., East Hills

Dear Mr. Kafka,

I reside at 2 Vanad Dr, Roslyn, NY and have lived here for the past 30+ years.

{ I wish to express my opposition to the subdivision at the Stonehouse Subdivision. } During my time of living here, I have enjoyed the peace and quiet along with my two sons. I understand the people who live in 2A Melby want to subdivide their property and build 4 new houses. I understand the also want to demolish the Stonehouse itself because it's too expensive for them to heat and air condition. It's not fair to me that I should have to live thru all this turmoil over the next 5-6 years.

L7-1

Right now, I am trying to sell my house. Once they start building, I'll never be able to sell. { I live on the corner and the trucks and I am afraid the trucks will run over and ruin my lawn and my property. }

L7-2

I know that there are also a lot of children who live in the neighborhood who ride their bikes and play in or near the street. What about them? Every morning, the cars line up and honk their horns trying to get out of Nob Hill Gate. { What is going to become of the traffic once this project begins? It will be a nightmare. }

L7-3

Please do not allow this subdivision to go through. { The house should be a landmark. There is very little if any historic homes left in East Hills. This one is certainly worth saving. }

L7-4

Sincerely,

INDERJEET WADHWA
2 VANAD DRIVE
EAST HILLS, N.Y. 11576

(41)

L8

Susan Diamond
One Vanad Drive
East Hills, New York 11576
516-242-0649

September 29th, 2019

Village Planning Board

Village of East Hills

209 Harbor Hill Road

East Hills, New York 11577

Received

OCT 04 2019

Inc. Village of East Hills
209 Harbor Hill Rd
East Hills, NY 11576

Re: Stonehouse Subdivision, Melby La., East Hills

Dear Gentilepersons:

{ I wish to officially voice my opposition to the subdivision at the above mentioned parcel. } The owners of that parcel are going to upset my life for the next five to six years, at least. Not to mention the damage to my lawn from tractor trailers cutting the corner short and driving over my Belgium Block and damaging them as well as my lawn and sprinkler system. The mud and dirt that will be generated and tracked throughout all the neighborhood roads will undoubtedly be tracked into my house. The mere weight of these oversized vehicles will also damage all the roads that my taxpayer dollars have been paying for over the years.

L8-1

The increased traffic will be unbearable!! As if there isn't enough traffic flowing in and out of Nob Hill!! During morning and evening rush hour, we cannot even travel on Glen Cove Road in either direction. Just think of the accidents that will happen trying to beat traffic lights and stop signs because they don't want to get stuck behind these construction vehicles. It's hard enough lining up to exit Nob Hill in the mornings when cars line up along Talley Road in formation every day when school is in session. It's not uncommon that sometimes it takes 2-3 cycles of the traffic light on Glen Cove Road to be able to get out of Nob Hill. Speaking of school, { what precautions are going to be taken for the children walking to and from Harbor Hill School and bike riders riding their bicycles to and from school and the house? }

L8-2

Finally, { the Stonehouse is one of the only, if not the only, house of historic importance in the entire village. It is a shame that the owner's want to demolish something as historical as that house for their own personal financial gain!! } It's a shame it costs so much money to heat that house. The current owners should have known that when they bought the house. Why should an entire neighborhood be

L8-3

Inconvenienced for the sake of one for so many years, so that this homeowner can further his financial net worth holding at our expenses.

I am vehemently opposed to this project being granted.

Thanking you in advance for your time and consideration, I remain,

Very truly yours,

A handwritten signature in cursive script that reads "Susan Diamond". The signature is fluid and elegant, with a large, stylized "D" at the end.

Susan Diamond



Received

OCT 04 2019

Steven Kafka

Village of East Hills

209 Harbor Hill Road

East Hills, NY 11576

Inc. Village of East Hills
209 Harbor Hill Rd
East Hills, NY 11576

October 4, 2019

Dear Mr. Kafka:

Thank you for the opportunity to comment on the DEIS application for 2A Melby Lane that was presented to the Village of East Hills Planning Board on September 24, 2019.

The Roslyn Landmark Society strongly opposes the proposed four-lot subdivision at 2A Melby Lane, East Hills. The Applicant's proposed action would require the demolition of the historic John Mackay III House.

As described in the attached document, there are prudent and feasible alternatives to retain this historic building involving allowing the Applicant to add one-two lots to the property. These alternatives would offer a reasonable rate of return while retaining this historic residence and asset to the East Hills community.

This document has been reviewed and is supported by the following:

Howard Kroplick, president of the Roslyn Landmark Society and director, Long Island Historical Societies

John Santos, vice president of the Roslyn Landmark Society

John Flynn, treasurer of the Roslyn Landmark Society

Jay A. Corn, secretary of the Roslyn Landmark Society

Craig Westergard, trustee of the Roslyn Landmark Society and trustee of the Village of Roslyn

Catherine Chester, trustee of the Roslyn Landmark Society

Jordan Fensterman, trustee of the Roslyn Landmark Society

Jennifer Lister, director of the Roslyn Landmark Society

If you have any questions, please do not hesitate to contact me at 516-625-0123.

Sincerely,

Howard Kroplick

President, Roslyn Landmark Society

Comments on the Proposed Four-Lot Subdivision 2A Melby Lane, East Hills



Howard Kroplick

President, Roslyn Landmark Society

Former Town Historian, Town of North Hempstead

33 Wren Drive, East Hills, NY

Resident of East Hills for 35 years

October 3, 2019

Summary

- **Highlights**

- The Roslyn Landmark Society strongly opposes the proposed four-lot subdivision at 2A Melby Lane, East Hills. The Applicant's proposed action would require the demolition of the historic John Mackay III House.
- This house has been deemed a significant resource by the New York State Parks, Recreation and Historic Preservation, eligible for listing in the National Registers of Historic Places.
- The Supreme Court has ruled that there is no legal right to maximize the economic value of a property if there are alternatives available which provide reasonable rates of return (see slides #3-4).
- There are prudent and feasible alternatives to retain this historic building involving allowing the Applicant to add one-two lots to the property. These alternatives would offer a reasonable rate of return on the Applicant's original purchase price.
- The submitted DEIS failed to provide the following relevant information:
 - A financial analysis, supported by independent appraisals, of the proposed four-lot subdivision versus potential alternatives for 1-2 additional lots.
 - Documentation of attempts to sell the property and offers made to purchase the property.
 - An estimate of the costs needed to modernize the property.
 - Photo documentation of the condition of the major areas of the interior of the historic residence including: the master bedroom, kitchen, bedrooms and bathrooms.
- The New York State Subdivision Review discourages cul-de-sacs.
- Cul-de-Sacs are not in the community character of East Hills.
- The traffic study prepared by RMS Engineering for the Applicant does not address potential safety issues associated with placement of the proposed cul-de-sac in relation to the nearby Melby Lane street job.

- **Recommendation**

- {^{L11-1}The Roslyn Landmark Society opposes the demolition the historic John Mackay House. It would support a prudent and feasible alternative that retains the building and adds one to two lots to the property and offers a reasonable rate of return.}

Maximizing the Economic Value of the Property

- A key element of the applicant's DEIS is maximizing the economic value of the property:
- **Statements:**
 - **1.2 Summary of Site and Project History:** "A three-lot subdivision would **not maximize full value of the property.**"
 - **1.6.1 No Action Alternative:** "The no action alternative ..is not considered a feasible alternative for the Applicant. Benefits of the proposed action such as **maximizing the economic value of the property**...would be foregone under this alternative."
 - **1.6.2 Two Additional Proposed Lots Alternative A-1:** "It is unclear whether this difference would adversely affect the desirability and marketability of Parcels 2 and 3."
 - **2.2 Site History:** "Although the applicant reviewed this with Village representatives before beginning the DEIS, it would be suboptimal from the owner's perspective in terms of **maximizing the value of the property.**"

Maximizing the Economic Value of the Property

- **Comments:** These comments are provided by John Bralower, co-founder and vice chairman of the North Shore Land Alliance, in response to the 2A Melby DEIS.

There are many, many cases on this. While different cases deal with different fact patterns the overarching law is the Supreme Court decision below. The main point, upheld over and over is that while the Fifth Amendment prohibits governments from unfairly depriving an individual of all use of their property without just compensation (such as via condemnation) government can take actions that **REDUCE** the value of property (such as by zoning laws and landmark regulations) as long as owner isn't deprived of some "reasonable " return. **Key point being there is no legal right to a maximum return.**

The landmark case for regulation of historic resources was brought before the United States Supreme Court in the case of Penn Central Transportation Company v. City of New York (1978).

<https://elr.info/sites/default/files/articles/8.10149.htm>

In rejecting the proposal to lease the airspace above Grand Central Station for the erection of a 55-story office tower, the City was charged with taking property for a public use without compensation, in violation of constitutional due process and equal protection guarantees.

In ruling on this case, the Supreme Court reaffirmed a prior ruling on the legitimacy of aesthetic considerations in government regulation of the public welfare and, by extension, the appropriateness of historic designation. The Supreme Court further rejected the idea that such regulation resulted in a taking because of potential loss of property value. This case and others have made it clear that as long as property owners can **"earn a reasonable return" on their investment, there is no taking.** (Excerpted from <https://conservationtools.org/guides/87-local-regulation-for-historic-preservation>.)

September 23, 2019 letter from New York State Parks, Recreation and Historic Preservation concerning the historical significance of the John Mackay III House



Parks, Recreation,
and Historic Preservation

ANDREW M. CUOMO
Governor

ERIK KULLESEID
Commissioner

September 23, 2019

Mr. Steven Kafka
Village of East Hills
209 Harbor Hill Road
Village of East Hills, NY 11576

Re: DEC
Proposed Four-Lot Subdivision
2A Melby Lane, Village of East Hills, NY 11576
19PR05322

Dear Mr. Kafka:

Thank you for requesting the comments of the Division for Historic Preservation of the Office of Parks, Recreation and Historic Preservation (OPRHP). We have reviewed the submitted materials in accordance with the New York State Historic Preservation Act of 1980 (section 14.09 of the New York Parks, Recreation and Historic Preservation Law). These comments are those of the Division for Historic Preservation and relate only to Historic/Cultural resources.

We note that the John W. and Gwen R. Mackay (aka Happy House) at 2A Melby Lane is eligible for listing in the State and National Registers of Historic Places. The house is significant for its association with John William Mackay III and as a representative example of residential Tudor Revival Architecture designed by John Cross.

Since the building is historic, we have reviewed the alternatives described in the submission. We note that demolition of an historic building is, by definition, an Adverse Impact. If alternative A-1 is chosen, we should be able to make a determination of No Adverse Impact since this alternative retains the historic residence.

At this point, we request re-evaluation of alternatives that would retain the historic residential building. If we can agree that there are no prudent and feasible alternatives we would enter into a formal Letter of Resolution (LOR) which would document the alternatives considered and identify proper mitigation measures to be incorporated into the work.

Please submit the requested information via our Cultural Resource Information System (CRIS) at www.nysparks.com/shpo/online-tools/. To submit, log into CRIS as a guest, choose "submit" at the very top of the menu, and then choose "submit new information for an existing project". You will need this project number and your email address. If you have any questions, I can be reached at 518-268-2181.

Sincerely,

A handwritten signature in black ink, appearing to read "Beth A. Cumming".

Beth A. Cumming
Senior Historic Site Restoration Coordinator
e-mail: beth.cumming@parks.ny.gov

via e-mail only

cc: C. Vandrei – DEC, C. O'Farrell – Nelson Pope

Division for Historic Preservation
P.O. Box 189, Waterford, New York 12188-0189 • (518) 237-8643 • parks.ny.gov

New York State Parks Letter, Recreation and Historic Preservation Letter Comments

- **On September 23, 2019, New York State Parks, Recreation and Historic Preservation determined:**
 - The John Mackay III House at 2A Melby Lane, East Hills is eligible for listing in the State and National Registers of Historic Places. They consider **“the house is significant for its association with John William Mackay III and as representative of residential Tudor Revival Architecture designed by John Cross.**
 - **Demolition of an historic building is by definition an Adverse Impact.**
 - Re-evaluation of prudent and feasible alternatives that would retain the historic residential building.
- **Comments**
 - {The Roslyn Landmark Society agrees with the New York State Parks, Recreation and Historic Preservation that this historic residential building should be retained and not be subject to demolition when a current prudent and feasible alternative is available (dividing the property into three lots). }
 - As noted in this document, {with approved variances from the Village of East Hills, the Roslyn Landmark Society believes allowing an additional one-two lots to the existing property (such as Alternative A-1) is a prudent and feasible alternative to saving this historic residence. }

L9-1 Cont'd

L9-1
Cont'd

The DEIS for 2A Melby Lane was presented to the Village of East Hills on September 24, 2019

DRAFT ENVIRONMENTAL IMPACT STATEMENT

Proposed Four-Lot Subdivision

2A Melby Lane

Incorporated Village of East Hills, New York

PREPARED FOR

Steven and Wendy Shenfeld
2A Melby Lane
East Hills, New York 11576

PREPARED BY



**VHB Engineering, Surveying,
Landscape Architecture and
Geology, P.C.**
100 Motor Parkway
Suite 350
Hauppauge, NY 11788

July 2019

Summary of Site and Project History

This Executive Summary is designed solely to provide an overview of the proposed action, a synopsis of the potential adverse impacts identified and mitigation measures proposed, as well as the alternatives considered. Review of the Executive Summary is not a substitute for the full evaluation of the proposed action performed in Sections 2 through 10 of this DEIS.

1.2 Summary of Site and Project History

The applicant (also referred to as, "property owner") commenced efforts to sell the subject property in 2015. Minimal interest in the subject property for over a year led to the property owners hiring a surveying and engineering firm to prepare plans for a four-lot, zoning-compliant subdivision and submitted a formal application to the Village of East Hills in July 2016.

Public hearings for the initial subdivision application were held in October 2016, April 2017, and June 2017. At the April 2017 Village Planning Board hearing, a third-party individual, without the consent or knowledge of the property owners, provided testimony supporting a submission made to the Cultural Resources Information System (CRIS) web site of the New York State Historic Preservation Office (SHPO) regarding the potential historical value of the subject property. SHPO concluded the site was eligible for listing on the State and National Registers of Historic Places. At the June 2017 Planning Board hearing, largely on the basis of anticipated effect that the proposed four-lot subdivision, including demolition of the existing residence, could have with respect to historic resources, a Positive Declaration was issued by the Planning Board, requiring preparation of a DEIS.

With respect to the local preservation community, it is understood that this property has certain local historic value. However, local preservation organizations have not been able to proffer alternative solutions, nor have they reached out to the owners about the property. Prior to proceeding with the SEQRA process, the property owners considered relocating the existing residence to the Village Park area and a three-lot subdivision that would preserve the existing residence. Neither the Village nor property owner were interested in paying for the relocation of the existing residence and a three-lot subdivision would not maximize the full value of the property, nor would it guarantee preservation of the existing residence.

1.3 Summary of Existing Conditions

The 2.23±-acre subject property is located at 2A Melby Lane, within the well-established Nob Hill residential neighborhood in the Incorporated Village of East Hills (the "Village"), and is improved with a 6,239± square-foot (SF), two-story single-family residence (with full basement and attic), as well as several ancillary features, including: a two-car garage (attached to the residence at the northeast corner); slate driveway/motor court (east side of the residence); koi pond (southern part of the property); swimming pool (southern part of the property); sports court (northwest part of subject property); and a putting green (northeast of garage). A small shed is located north of the garage.

Summary of Site and Project History Comments

- **Statement**

- “Property owners commenced efforts to sell the subject property in 2015. Minimal interest in the subject property for over a year.”

- **Comments**

- { Professional appraisals of the property from 2015 have not been provided in the DEIS document. } **L9-2**
- { The listing sale price levels or time frames were not provided in the DEIS document. Was the offering price in line with market values? Was the property priced to sell or “not to sell” to provide a rationale for the four-lot subdivision development? } **L9-3**
- The offers submitted by potential buyers were provided in the DEIS document. }

- **Statement**

- “Local preservation organizations have not been able to proffer alternative solutions, nor have they reached out to the owners about the property.”

- **Comments**

- In a June 21, 2017 Village meeting, the Roslyn Landmark Society presented a three-lot subdivision proposal that would save the John Mackay III House and offers of assistance.
- { The property owner has not contacted the North Shore Land Alliance for assistance as suggested by the Roslyn Landmark Society. } **L9-4**

- **Statement**

- “A three-lot subdivision would not maximize full value of the property.”

- **Comment**

- { How did the Applicant determine the “maximized value of the property” if there were no appraisals conducted? } **L9-5**
- “Maximizing full value of a property” is not an eliminating factor when considering prudent and feasible alternatives nor is it a consideration for the Village of East Hills zoning laws.
- The Supreme Court has ruled that there is no legal right to maximize the economic value of a property if there are alternatives available which provide reasonable rates of return (see slides #2-3). }

Aesthetic Resources

1.5.6 Aesthetic Resources

The proposed action involves the demolition of an existing single-family residence to subdivide the 2.23±-acre property into four lots for future construction of four single-family residences. Demolition of the existing residential structure would require review by the Village's Architectural Review Board; as would the future design and construction of the four single-family residences, as well as future landscaping plans for the individual lots.

The demolition of the existing structures and subdivision of the subject property would change the visual characteristics of the site and views of the property from surrounding lots and streets. To minimize the opening of views into the site, the 14 trees to be removed would be replaced with new 18 trees to be planted along the proposed roadway to help screen the future homes from the roadway and vice versa. For the development of the proposed lots, an additional 18 trees would be removed, for a total of 32 trees to be removed under the proposed action.

While the proposed action would change the aesthetic character of the property, such changes would not be significant or adverse, as the proposed lots would be in conformance with the Village Code and with the existing development pattern. Any future new construction on the subdivided property would be subject to review by the Village's Planning Board and Architectural Review Board, and are therefore expected to be contextual and in keeping with the surrounding construction. A visual vegetative buffer is planned as part of the proposed action, similar to the concept of the existing tree screen that limits views between the house and the road.

The following measures have been incorporated into the proposed project design to minimize potential impacts to aesthetic resources, including the following:

- › New trees and other landscaping would be installed during the subdivision phase of the project for potential aesthetic impacts.
- › Future development of the proposed lots would include the installation of additional landscaping, should the proposed subdivision be approved.
- › Review and approval by the Architectural Review Board (ARB) would be needed for the development of houses and accessory structures on the individual lots in the subdivision per Chapter 271 of the Village Code.

1.5.7 Historic Resources

Originally a 60-acre estate, the John William Mackay III House (existing single-family residence), the main house and outbuildings (including a garage, cottage, kennel, and stable in the Tudor Revival style) were designed by New York City firm of Cross and Cross in 1929. The trend from large estates to residential subdivisions occurred throughout East Hills during the 1930s and 1940s. When the subject property was put on the market in the 1950s, the property was reduced to approximately 28 acres and marketed as well protected in a group of large estates. By 1968, the subdivision of the John William Mackay III House surrounding land was complete, reflecting the current street pattern and residential neighborhoods.

Aesthetic Resources Comments

- **Statement**

- “While the proposed action would change the aesthetic character of the property, such changes **would not be significant or adverse....**”

- **Comment**

- { • The Roslyn Landmark Society agrees with New York State Parks , Recreation and Historic Preservation that **demolition of an historic residence is an Adverse Impact.** }

L9-1
Cont'd

- **Statement**

- “The main house and outbuildings in the Tudor Revival style were designed by New York City firm of Cross and Cross in 1929.”

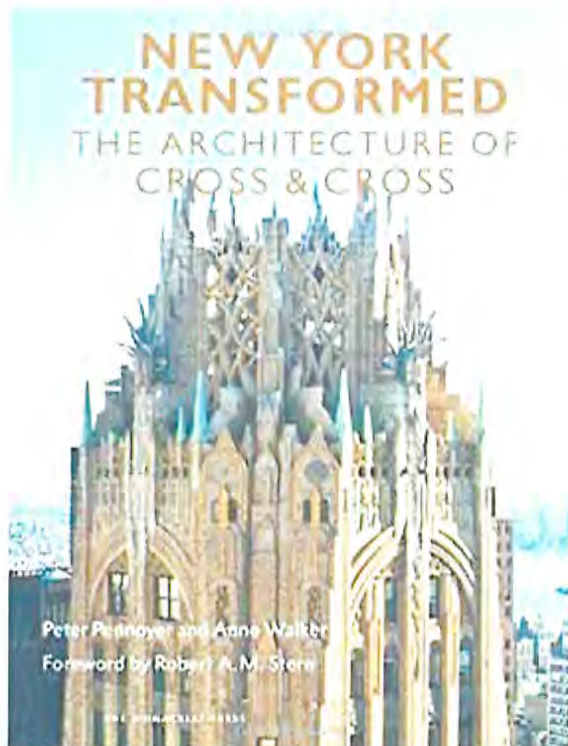
- **Comment**

- { • The significance of the firm of Cross and Cross as shaping the New York City skyline and creating country houses is not documented in the DEIS. } See following slide.

L9-6

Cross & Cross

Architects of John Mackay III's Home



- The architects Cross & Cross shaped the streetscape and skyline of New York City in the 1920s and 1930s with Upper East Side townhouses and apartment buildings, the RCA Victor Building, and Tiffany's flagship store on 57th Street.
- Cross & Cross oversaw the development of handsome clubs and houses throughout New York City, including the Links Club and the Upper East Side houses of Lewis Spencer Morris and George Whitney. They designed country houses in exclusive residential pockets outside New York—the Southampton estate of Winterthur founder Henry Francis du Pont; houses on the North Shore of Long Island, and in Greenwich, Connecticut; the childhood home of Sister Parish in Far Hills, New Jersey; and the Shelburne, Vermont home of J. Watson and Electra Webb.
- The John Mackay III Stone House was featured on page 96 of the book.

Historic Resources

The property is recorded in the New York State Office of Parks, Recreation and Historic Preservation (OPRHP) Cultural Resource Information System (CRIS) as USN05910.000044, and was determined eligible for the National Register on April 27, 2017 under Criteria A and C of the National Register Criteria for Evaluation. The property is eligible under Criterion C as a John Cross-designed example of residential Tudor Revival architecture and Criterion A for its associations with the Mackay family. Although the outbuildings and most of the original property are not extant, the house and immediate landscape is well-preserved.

The proposed demolition of the existing structures and subdivision of the property would eliminate a resource that has been deemed eligible for the National Register, but is not listed on either the National or State Registers of Historic Places. It is noted that resources that are properly nominated and are successfully entered onto the Registers are not prohibited from being demolished. While the property's integrity of setting, feeling, and association have already been compromised by prior subdivisions and the growth of the surrounding neighborhood in the mid- to late-20th century, demolition would remove the resource.

In an attempt to preserve the residence, the Applicants explored relocating the house to Village-owned property. However, the logistics associated with relocating the residence were found to be both physically and financially infeasible.

The following measures would be employed to mitigate potential impacts associated with the proposed demolition of the existing house on the subject property, in accordance with the protocols and standards of the OPRHP:

- › Photodocumentation of the subject property would be undertaken by a professional who meets the Secretary of Interior's qualifications for Architectural History or Historic Architecture. This work would follow the standards detailed in OPRHP's SHPO Structure Documentation Requirements. A brief historic narrative would accompany the report. Two archival copies would be produced for local repositories, as identified by the Village of East Hills.
- › The applicant would make architectural features and materials removed during demolition available to up to three entities that may utilize them to promote preservation, restoration, and reuse activities. These entities may include, but are not limited to, historical organizations seeking materials to enhance educational offerings; organizations that undertake the restoration of historic buildings; and architectural salvage companies.

1.5.8 Construction Impacts

The proposed action is subject to the various provisions of the Village of East Hills Noise Ordinance (Chapters 127 and 225), which are protective against excessive and unnecessary noise. Daily construction would be limited to the hours of 8:00 a.m. to 5:00 p.m., Monday through Friday, only.

Demolition of the residence and accessory structures is expected to yield approximately 1,200 CY of construction and demolition debris. Grading for the proposed subdivision roadway, would result in a net fill of 1,425 CY. The ACM survey would be conducted during demolition to ensure asbestos is abated appropriately. The construction of the proposed

Historic Resources

Comments

- **Statement**

- “In an attempt to preserve the residence, the Applicants explored relocating the house to a Village-owned property. However, the logistics associated with relocating the residence were found to be both physically and financially feasible.”

- **Comment**

- { Relocating the building was never considered a feasible alternative. }

L9-7

- **Statement**

- “The following measures would be employed to mitigate potential impacts associated with the proposed demolition of the existing house on the subject property.”

- **Comment**

- { There are no measures that will mitigate the historical impact associated with demolishing this historic residence. }

L9-8

Alternatives and Their Impacts

1.6 Alternatives and Their Impacts

An analysis of alternatives to the proposed action was taken based on discussions with the Village and its planning consultant. The following alternatives were analyzed:

- › SEQRA-mandated no-action alternative, pursuant to 6 NYCRR §617.9(b)(5)(v).
- › Subdivision Layout Retaining Existing Residence and Garage with Two Additional Lots; Access to Subdivision from Talley Road and Melby Lane (Alternate A-1)
- › Subdivision Layout with Four Proposed Lots, Access to Subdivision from Talley Road only (Alternate B).

Note: A variant of Alternate A-1 (A-2), involving a Subdivision Layout Retaining Existing Residence and Removing Garage with Three Additional Proposed Lots, was also examined, in furtherance to discussion with the Village's Planning Consultant. It was determined this alternative would not permit a lot layout substantially different from a scenario in which the house and garage are both retained. Therefore, this A-2 variant of was not considered a reasonable alternative.

A description of each alternative is provided herein. A comparison of some of the quantitative impacts of each alternative to the proposed action is provided in in the table, below.

Alternatives and Their Impact Comments

- **Statement**

- “An analysis of alternatives to the proposed action was taken based on discussions with the Village and its planning consultant. The following alternatives were analyzed:
 - No-Action Alternative
 - Subdivision Layout Retaining Existing Residence and Garage with Two Additional Lots: Access to Subdivision from Talley Road and Melby Lane (Alternative A-1)
 - Subdivision Layout with Four Proposed Lots, Access to Subdivision from Talley Road only (Alternative B).”

- **Comments**

- {There are a multiple of additional prudent and feasible alternatives that have not been presented by the property owner.
- For example, alternatives involving upgrading the interior of the existing home have not been provided, retaining the historic residence and developing one lot and obtaining a land conservation grant from the North Shore Land Alliance.
- No professional evaluations or estimated costs of the impact of these improvements are provided in the DEIS document. }

L9-9

No Action Alternative

Parameter	Proposed Action with Development	No Action	Alternate A-1	Alternate B
Number of Lots	4 new lots	4 new lots	2 new lots and existing residence	4 new lots
Limit of Disturbance	1.71 acres	0 acres	0.93 acres	1.78 acres
Trees Removed	32 removed	0 removed	46 removed	83 removed
Cut and Fill (CY)				
<u>Subdivision Roadway Total</u>	650 CY fill	0 CY cut/fill	N/A	585 CY fill
Road/Site Grading	250 CY cut	0 CY cut/fill	N/A	550 CY cut
Drywell and Sanitary	525 CY cut	0 CY cut/fill	N/A	290 CY cut
Existing Dwelling and Pool	1,425 CY fill	0 CY cut/fill	N/A	1,425 CY fill
<u>Development Lots Total</u>	4,350 CY cut	0 CY cut/fill	1,660 CY cut	3,900 CY of cut
Site Grading	150 CY cut	0 CY cut/fill	225 CY cut	250 CY cut
Proposed Dwelling Foundation	3,200 CY cut	0 CY cut/fill	850 CY cut	2,500 CY cut
Drywell and Sanitary	500 CY cut	0 CY cut/fill	235 CY cut	450 CY cut
Proposed Pool and Patio	500 CY cut	0 CY cut/fill	350 CY cut	700 CY cut
Impervious Surface	0.64 acre	0.41 acre	0.70 acre	0.69 acre
Population	12	2*	9	12
Domestic Water (exc. Irrigation)/Sewage (gpd)	3,000± gpd	900± gpd	2,400± gpd	3,000± gpd
Solid waste (pounds per day)	42± lb/day	7± lb/day	31.5± lb/day	42± lb/day

*Number of existing residents.

1.6.1 No Action Alternative

In this scenario, the subject property would continue to operate under existing conditions (i.e., one single-family residence on a 2.23±-acre lot). The no action alternative is inconsistent with the Applicant's right to pursue redevelopment of the site, does not meet the Applicant's objectives and is not considered a feasible alternative for the Applicant. Benefits of the proposed action such as maximizing the economic value of property, increasing tax base for the village, and development consistent with the Village's current regulations and existing

No Action Alternative Comments

- **Statement**

- “The no action alternative ..is not considered a feasible alternative for the Applicant. Benefits of the proposed action such as maximizing the economic value of the property...would be foregone under this alternative.”

- **Comment**

- { The economic value of the no action alternative has not been documented. A professional appraisal of no action as compared to other alternatives is not included in the DESIS. }
- { The Supreme Court has ruled that there is no legal right to maximize the economic value of a property if there are alternatives available which provide reasonable rates of return (see slides #3-4). }

L9-10

L9-5
Cont'd.

Subdivision Alternative A-1

development pattern would be foregone under this alternative. Furthermore, overland flow of stormwater runoff would continue due to the lack of on-site drainage infrastructure. No physical improvements would occur with the implementation of this alternative and the site would remain a single-family residence, there would be no potential adverse impacts to subsurface conditions, soils and topography, water resources, ecology, zoning, land use, and community character, transportation and parking, aesthetic resources, historic resources, or construction impacts.

1.6.2 Subdivision Layout Retaining Existing Residence and Garage with Two Additional Proposed Lots; Access from Talley Road and Melby Lane (Alternate A-1)

With this alternative, the subject property would be subdivided into three parcels, with the opportunity to retain the existing residence and garage. Two additional lots (Parcels 2 and 3 with single access and driveways from Talley Road and Melby Lane, respectively) would be created north of the existing house for the development of two new single-family residences. This alternative would require variances for the development of Parcels 2 and 3, as the minimum street frontage required under prevailing R-1 zoning would not be provided. The Applicant would not have the right to develop the subject property with a fully conforming subdivision containing an additional (fourth) lot and to receive the economic benefit associated therewith. The two new lots, in a "flag" configuration lacking the minimum roadway frontage required under the Village Zoning Code, would not meet the standard for residential lots in the surrounding area of the Village of East Hills, and it is unclear whether this difference would adversely affect the desirability and marketability of Parcels 2 and 3, assuming the required variances could be obtained, which is not certain. A portion of the driveway access to Parcel 2 would traverse slopes that contain 15-20 percent slopes, whereas these slopes would not be disturbed with implementation of the proposed action.

Subdivision Alternative A-1

Comments

- **Statement**

- “With this alternative, the subject property would be subdivided into three parcels, with the opportunity to retain the existing residence and a garage.”

- **Comment**

- {The Roslyn Landmark Society believes, with Village of East Hills variance approvals, this alternative is prudent and feasible as compared to the Applicant’s proposed demolition of this historical residence. **The Roslyn Landmark Society strongly supports this alternative that retains the historic residence.**}

L9-1
Cont'd.

- **Statement**

- “It is unclear whether this difference would adversely affect the desirability and marketability of Parcels 2 and 3.”

- **Comment**

- {The applicant has not conducted an independent appraisal of this alternative or an appraisal of the 4-lot subdivision proposed action and no action alternative.}
- {“Maximizing full value of a property” is not an eliminating factor when considering prudent and feasible alternatives nor is it a consideration for the Village of East Hills zoning laws.
- The Supreme Court has ruled that there is no legal right to maximize the economic value of a property if there are reasonable rates of return alternatives available (see slides #2-3).}

L9-11

L9-5
Cont'd.

Subdivision Alternatives B

Figure 1.6.3.1: Comparison of the proposed action.

1.6.3 Subdivision Layout with Four Proposed Lots, Access from Talley Road Only (Alternate B)

This alternative considers a subdivision of the subject property comparable to the proposed action, with a subdivision road providing access via Talley Road in lieu of Melby Lane (Appendix J). The subdivision roadway would be oriented along the western side of the subject property, closer to neighboring, developed lots as compared to the proposed action. Like the proposed action, the existing single-family residence and all appurtenant structures on the site would be razed, and subdividing the subject property into four parcels would provide for the future development of four single-family residences. Slightly fewer impacts to soils/topography as there would be a less earthwork and greater impacts aesthetic resources would be encountered under this alternative as more trees would be removed. Under this alternative, there would be significantly more disturbance to slopes between 15 and 20 percent gradient to provide the roadway access from Talley Road, as compared to the proposed action.

Subdivision Alternative B Comments

- Comments

- {Since this alternative requires destruction of the historical residence, the Roslyn Landmark Society strongly opposes Alternative B as an option.}
- {The applicant has not conducted an independent appraisal of this alternative} or an appraisal of the 4-lot subdivision proposed action and no action alternative.

L9-12

L9-13

Summary of Site and Project History

This DEIS is divided into 11 sections, the first of which is the Executive Summary. This section, Section 2, provides a brief discussion of existing site and surrounding area conditions, and provides a description of the proposed action, including the proposed subdivision layout and future building components, a brief history of the project, the project's purpose, need and benefits, proposed construction schedule, and the required permits and approvals.

Section 3 of this DEIS provides a discussion of the environmental setting for the project, by topic. Within each sub-section the existing conditions, potential impacts that are likely to occur upon project implementation, and proposed mitigation measures that reduce or eliminate those impacts are discussed. Section 4 discusses the "no action" alternative to the proposed action, which is required to be discussed pursuant to SEQRA and its implementing regulations at 6 NYCRR Part 617; two additional alternatives are also presented. Sections 5 through 10 address anticipated potential cumulative impacts, unavoidable adverse impacts, irretrievable and irreversible commitment of resources, growth-inducing impacts, impacts on the use and conservation of energy, and impacts on solid waste management, respectively. References are included in Section 11 of this DEIS.

2.2 Summary of Site and Project History

Historical maps show the transition of East Hills from a rural area into large estates and eventually into suburban subdivisions. The Nob Hill subdivision includes the subject property and the approximate extent of the original 60-acre John William Mackay III Estate. The Mackay family's land holdings in this area also included a much larger, adjacent property known as the Harbor Hill Estate, which was demolished in 1947 and subdivided for residential development. The financial difficulties that beset Harbor Hill, leading to its demolition and redevelopment, were tied to the John William Mackay III property as well, which was similarly subdivided and redeveloped, leaving the main house and its immediate surroundings extant. See Section 3.7 and Appendix H for a more detailed discussion of the historic background of the site and surrounding area.

The applicant (also referred to as, "property owner") commenced efforts to sell the subject property in 2015. The home was listed in more than ten magazines, as well as through a direct email marketing campaign. A marketing postcard went out to all the local homeowners in the three surrounding zip codes to target potential buyers. While working with multiple listing agents (both nationally- and internationally-recognized brokerage firms) over several years, there was little interest shown with respect to the house and property. Although there was some activity, no sale occurred, due to, for example, prohibitive costs to update and modernize the residence. At the end of 2015, the property owners began pursuing subdivision to market the property in lieu of selling the existing residence. Though there was limited interest, the property owners have indicated that potential developers passed on the purchase since no approvals were in place for the subdivision. From January 2016 to September 2016, the property owners reduced the price of the listing for the subject property in its existing condition and switched real estate brokers. This switch also brought about limited interest; however, again, without a development contingency, no sale was able to be made.

Summary of Site and Project History Comments

- **Statement**

- “There was little interest shown with respect to the house and property.”

- **Comment**

- { A professional appraisal of the property in 2015 was not provided in the DESIS. } { Was the property priced to sell or to facilitate a four-lot subdivision submission? }
- { There is no documentation of the offering prices for the property during the attempts to sell the property }
- There is no documentation of the level of interest provided in the DEIS. How many offers were made on the property? What were the offers? }

L9-2
Cont'd.

L9-3
Cont'd.

L9-14

- **Statement**

- “Although there was some activity, no sale occurred due to, for example, prohibitive costs to update and modernize the property.”

- **Comment**

- { “Some activity” is not documented in the DEIS. }
- { The prohibitive costs to update and modernize the property are not documented in the DEIS. No cost estimates were provided. }

L9-14
Cont'd.

L9-15

Summary of Site and Project History

Presenting a subdivision of the subject property with three lots was also discussed with the Village. The applicant's experts determined that this was possible with a single roadway from

Talley Road to access the two new homes. Although the applicant reviewed this with Village representatives before beginning the DEIS, it would be suboptimal from the owner's perspective in terms of maximizing the value of the property. Moreover, this alternative plan would require variances, whereas the proposed four lot subdivision is an "as-of-right" plan.

With respect to the local preservation community, it is understood that this property has certain local historic value. However, it is noted that none of the local preservation organizations has been able to proffer unidentified alternative solutions, or reached out to the owners for more information about the property.

2.3 Summary of Existing Conditions

The 2.23±-acre subject property is located at 2A Melby Lane, within the well-established Nob Hill residential neighborhood in the Incorporated Village of East Hills (the "Village"), Town of North Hempstead (Figure 1), known on the Nassau County Land and Tax Map as Section 19 Block 27 Lot 46 (Figure 2). It is bounded to the east by Melby Lane, the backyards of three single-family residences along Hummingbird Drive to the north, a single-family residence to the south along Melby Lane, and the backyards of three single-family residences to the west along Talley Road. The property has frontage on and access from Melby Lane, to the east of the residence; there is also frontage on Talley Road, although vehicular access to the property is not currently available from this roadway. Views of the subject property from the adjacent single-family residences and roadway network are generally obscured by dense vegetation around the perimeter of the property. Some portions of the lot have a gradient of more than 20 percent.

The subject property is developed with a six-bedroom, 6,239± square-foot (SF), two-story single-family residence (with full basement and attic), as well as several ancillary features, including: a two-car garage (attached to the residence at the northeast corner); slate driveway/motor court (east side of the residence); koi pond (southern part of the property); swimming pool (southern part of the property); sports court (northwest part of subject property); and a putting green (northeast of garage). A small shed is located north of the garage (Appendix B).

The existing residence is served by public water (Roslyn Water District), an individual on-site sanitary system and an on-site surface inlet drain (which captures a small portion of the stormwater runoff). The property is located within the Roslyn Fire District (served by Roslyn Rescue and the Roslyn Highlands Fire Department) and the Roslyn School District. Police protection is provided by Nassau County Third Police Precinct.

Existing site coverages at the subject property are as follows:

Table 1 Existing Site Coverage

Land Cover Type	Existing Acreage
Roads, Buildings and Other Paved Surfaces	0.41 ± Acre
Trees and Landscaping	1.82± Acre
TOTAL	2.23± Acres

Summary of Site and Project History Comments

- **Statement**

- “Although the applicant reviewed this with Village representatives before beginning the DEIS, it would be suboptimal from the owner’s perspective in terms of maximizing the value of the property. Moreover, this alternative plan would require variances...”

- **Comment**

- {“Maximizing the value of the property” is not an eliminating factor when considering prudent and feasible alternatives nor is it a consideration for the Village of East Hills zoning laws.} **L9-5 Cont'd.**
- {The basis for “maximizing the value of the property” is unknown since no appraisals of the options are provided.} **L9-16**
- {The Supreme Court has ruled that there is no legal right to maximize the economic value of a property if there are reasonable rates of return alternatives available (see slides #3-4).} **L9-5 Cont'd.**
- {The Village of East Hills has indicated they would consider the variances for a three-lot subdivision as detailed in Alternative A-1 and as suggested by the Roslyn Landmark Society at the Village of East Hills meeting on June 21, 2017.} **L9-17**

Community Character

steep slopes on some of the lots and the character of other lots within the neighborhood (e.g., building size and accessory use size relative to lot size). Based on these characteristics, the building coverages on each lot were maximized by maximizing the size of the principal residence (rather than by showing potential accessory buildings/structures). The coverages on the four proposed lots, as shown on the plans, range from 9.52 percent to 13.87 percent. The maximum building coverage of the residences also considered the development of typical accessory uses (e.g., patios and pools), which, while they do not contribute to building coverage, do contribute to the impervious surface calculation and would restrict the placement of additional accessory buildings on the lots.

3.4.2.2 Land Use

The proposed action consists of demolishing the existing single-family residence and accessory structures to subdivide the 2.23±-acre property into four lots for future construction of four single-family residences. While the type of land use (i.e., single-family residence) would be retained, the overall density of the land use on this lot would increase from a single residence on 2.23 acres to four residences. As described above in Section 3.4.2.1, the subdivision is designed in accordance with the requirements of the R-1 zoning district, and would be consistent with the character of surrounding residential land uses.

As part of the proposed action, there would be some changes in the types of land cover at the subject property, as impervious surfaces associated with the subdivision roadway and single-family residences would increase from 0.41± acre to 0.64± acre and landscaping would decrease from 1.82± acre to 1.59± acre.

Table 12 Potential Future Land Coverages (including Melby Court)

Type of Coverage	Existing Coverage in Acres (Percent)	Potential Future Coverage in Acres (Percent)
Roads, buildings, and other paved surfaces (Impervious)	0.41± (18.4%)	0.64± (28.7%)
Landscaping (Pervious)	1.82± (81.6%)	1.59± (71.3%)
Total	2.23± (100%)	2.23± (100%)

While the proposed development would alter the occupancy of the subject property from one single-family residence to four single-family residences, the lot size and character would be consistent with the predominantly single-family character of the area. As discussed above, the study area consists almost entirely of single-family residences on approximately half-acre lots. Thus, the proposed land use would be compatible with the pattern and intensity of existing development in the surrounding community. Accordingly, the proposed action would not have a significant adverse impact on land use.

3.4.2.3 Community Character

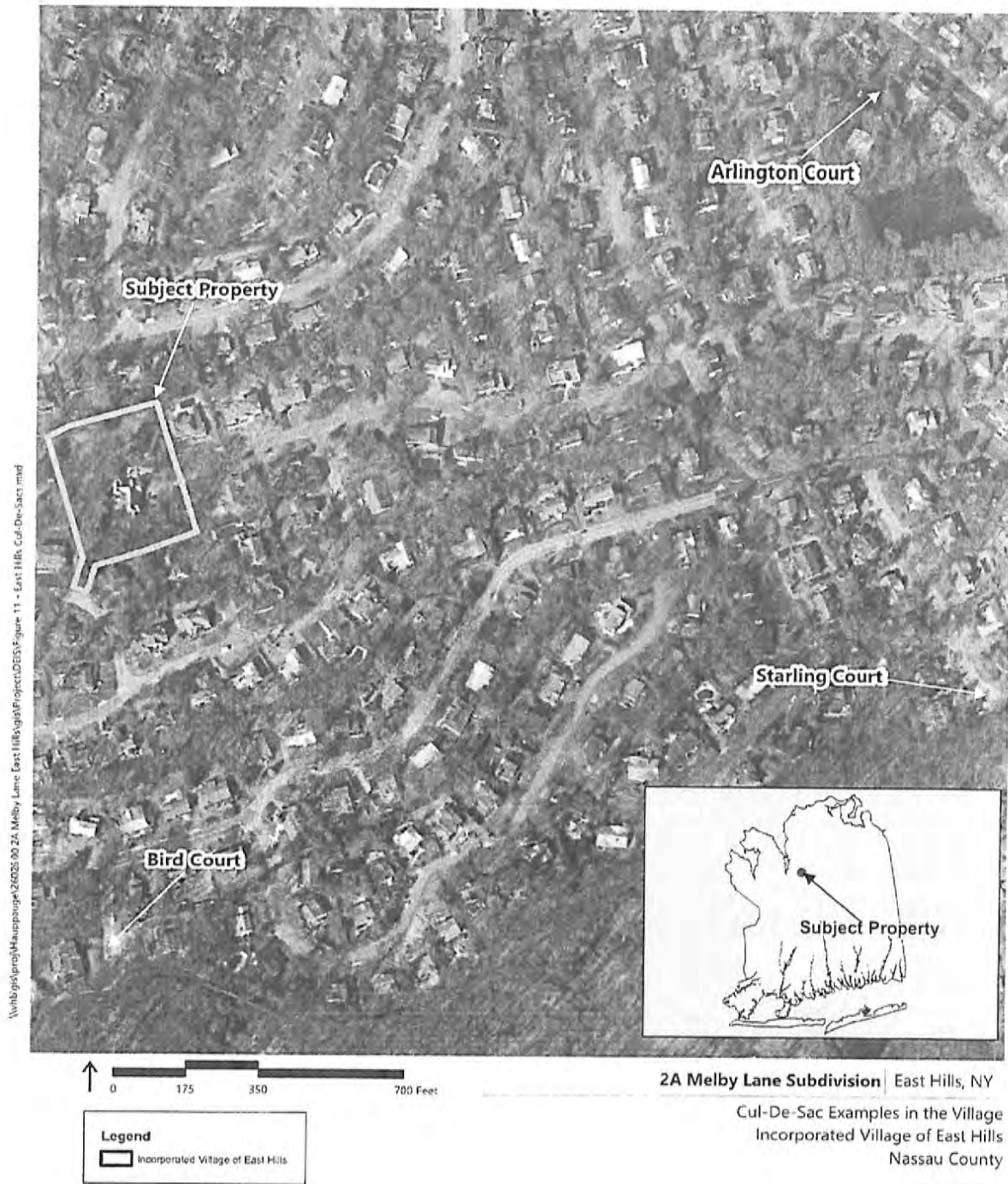
While the subject property would be divided into four separate lots developed with four new houses, as compared to a larger house on the overall parcel, the proposed development would be more in character with the existing development pattern by converting a single 2.23±-acre residential lot, in favor of four smaller lots that are consistent with the general lot

size within the neighborhood. The addition of three more houses would not change the character, but would mirror the established density within the neighborhood. In addition, there are other, existing cul-de-sacs within the neighborhood and overall Village, including Bird Court and Arlington Court near the subject property (see Figure 11). Thus, the creation of a cul-de-sac on the subject property would not significantly modify the established the roadway pattern and development layout. The proposed subdivision would not significantly change the general nature of the neighborhood as a single-family residential community, would not alter the low-traffic condition of the roadways, and would not change the socioeconomic characteristics of the neighborhood.

Based on the foregoing, no adverse significant impact to community character is expected due to implementation of the proposed action.

3.4.3 Proposed Mitigation Measures

No significant adverse impacts upon zoning, land use and community character have been



Sources: NYS Ortho Imagery (2016);
NYS Civil Boundaries, NYS Office of Information Technology Services GIS Program Office (GPO)

Community Character Comments

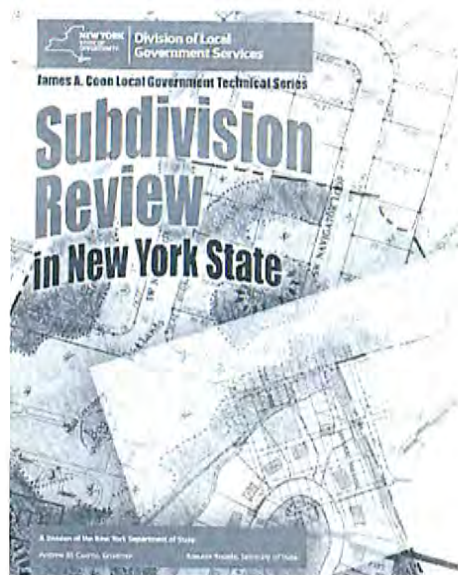
- **Statement**

- “..there are existing cul-de-sacs within the neighborhood and overall Village.

- **Comments**

- {Cul-de-sacs in East hills were primarily built as dead-end streets when no prudent and feasible alternatives were available. Two East Hills cul-de-sacs were created in the 1960s.}
- [The New York State Subdivision Review states “Cul-De-Sacs are generally discouraged...” \(p 47\)](#)
- [https://www.dos.ny.gov/lg/publications/Subdivision Review in NYS.pdf](https://www.dos.ny.gov/lg/publications/Subdivision_Review_in_NYS.pdf)

L9-18



Existing Conditions

large barn shown on the north side of the private driveway in 1947 is not depicted on the 1954 maps. By 1958, the subdivision of both the former Harbor Hill estate and the John William Mackay III House's surrounding land was complete, reflecting the current street pattern and residential neighborhoods (Figure 8 in Appendix H).

Architectural Description

The John William Mackay III House was designed by John Cross of the firm Cross and Cross (active 1907-1942) in 1929, with alterations completed in 1936 and 1995. Although known for urban architecture such as the General Electric Building (1931) and the Tiffany & Co. Building (1940) in New York City, the firm also completed 18th and 19th century revival style residential estates for wealthy clients living on the north shore of Long Island, Connecticut, and Newport. John Cross's Tudor Revival-style design for the John William Mackay III House fits well into this pattern, indicating the ongoing preference for revival styles for country estates well into the 20th century.²⁷

The two-story Tudor Revival-style house is of steel frame construction, with limestone ashlar walls, sandstone trim, and a slate shingle roof. As a showpiece residence, materials and detailing are carried all the way around the house, creating front and rear central-entrance façades of equal prominence. The house is set back from Melby Lane in the center of the subdivision that was formed out of the original estate; the house's main block faces the road but is largely obscured by shrubs and mature trees, while a perpendicular garage (1995) frames a large flagstone driveway in front of the house and a rear ell (1936) frames a flagstone patio in the rear. The steep, side gable roof of the main block is complicated by a large front gable dormer, several rear shed dormers of various sizes, one- and two-story side and rear ells, and multiple prominent limestone chimneys, including two interior end chimneys that flank the main block. Tudor Revival-style details include grouped casement windows, tabbed masonry surrounding window and door openings, the use of stucco to imitate half-timbering, and flattened arches that are just shy of the slightly pointed traditional Tudor arch. Solid wood-paneled and flush doors are used throughout the house, and many of the leaded casement windows contain stained glass panels.

The interior of the house retains several original features in the common rooms, including wood wall paneling and built-in bookcases, pegged oak flooring, hand-hewn decorative ceiling beams, and fireplace surrounds. The main staircase is extant, featuring heavy newel posts and turned balusters.

Two major renovations have been completed since the 1929 construction of the house. In 1936 a rear ell added bedrooms and a study; the two-story addition utilized the same

²⁷ The house is identified as "Happy House" in a local history (<http://www.stilllongisland.com/2010/10/happy-house.html>). It is unknown when the house gained this moniker.

Existing Conditions

materials and architectural details of the main block. A 1995 renovation continued the tradition of modernizing the house in a way that complements its original construction. Several dormers were added to the rear roof slope to extend living space on the second floor and into the attic story, and both a side entrance and attached garage were added to the main block. The new construction utilized masonry details, leaded windows, stucco-based half-timbering, and heavy wood doors. Some of the doors were salvaged from the basement of the house where they had been stored for an unknown length of time.²⁸

Although the house currently sits on a parcel that is a small fraction of its original 40± acres, the property retains landscaping features immediately surrounding the house. Limestone walls with sandstone finials separate portions of the rear yard and form the foundation for modern fencing along the street. The rear flagstone patio has an extant fountain and in-ground lily pond. The c. 1950s listing brochure also shows the original limestone stable, thatched-roof garage, and half-timbered cottage and kennel near Glen Cove Road, as well as a barn, dog run, and in-ground swimming pool. None of these outbuildings are extant and it is assumed they were removed when the property was sold following the listing, as nearly the entire acreage was developed into a residential subdivision by the end of the 1960s.

Significance

The property is recorded in the New York Parks, Recreation and Historic Preservation's (OPRHP) Cultural Resources Information System (CRIS) as USN05910.000044, and was determined eligible for the National Register on April 27, 2017 under Criteria A and C. The resource assessment notes that the property is eligible under Criterion A for its associations with the Mackay family. Constructed for John William Mackay III, namesake of the famous Bonanza King, its development history was tied to that of Harbor Hill, the grand estate of Clarence Hungerford Mackay which became a premier social venue among the Long Island elite. All three generations of the Mackay family – John W. Mackay I, Clarence H. Mackay, and John W. Mackay III, along with their wives – were known for their philanthropic giving, support of the arts, and in the case of the latter two generations, the establishment of Roslyn institutions and the Village of East Hills. The property is eligible under Criterion C as a John Cross-designed example of residential Tudor Revival architecture. Although the outbuildings and most of the original property are not extant, the house and immediate landscape is well-preserved, featuring several architectural details such as original limestone and trim, leaded and stained glass windows, wood doors, a slate shingle roof, interior finishes, the main staircase, and multiple fireplaces.

3.7.2 Potential Impacts

The proposed action involves the demolition of the existing John William Mackay III house and associated features, to subdivide the 2.23±-acre property into four lots for future construction of four single-family residences.

The demolition of the existing structures and subdivision of the property would eliminate a resource that has been deemed eligible for the National Register, but is not listed on either the National or State Registers of Historic Places. While the property's integrity of setting,

²⁸ [W. Shenfeld, pers. comm., June 2017]

Comments

- **Statement**

- “Two major renovations have been completed since the 1929 construction of the house... A 1995 renovation continued the tradition of modernizing the house in a way that complements its original construction.”

- **Comment**

- { Documentation of the “modernizing of the house” is not thoroughly provided in the DEIS. The following areas of the residence have not been documented in photos in the DEIS:

L9-19

- The kitchen
- The master bedroom
- The master bedroom’s bathroom
- Secondary bathrooms
- Other bedrooms }

Alternative A-1

Aesthetic Resources

would use the existing curb cut on Melby Lane and an extended driveway would be constructed for access to Parcel 2 from Talley Road. The trip generation and parking demand for this alternative would be slightly less than the proposed action as there would be only three total residences as compared to the four with the proposed action. Similar to the proposed action and consistent with conditions in the residential neighborhood surrounding the subject premises sidewalks, crosswalks and street lighting would not be installed on the subdivision roadway under this alternative. However, due to the low volume of traffic within the neighborhood, this does not represent a significant safety hazard to pedestrians.

4.2.6 Aesthetic Resources

As indicated in Section 4.2.3, it is estimated that approximately 46 trees (mostly along the western border) would be removed in order to retain the existing residence and accommodate the creation of the two new lots. The removal of these trees and installation of a paved driveway would change the aesthetic character in this portion of the site. It is likely that additional trees would be planted in the future to regain the vegetated buffer in this area. However, there would now be an additional paved driveway located on Talley Road, whereas now this area currently is mostly vegetated.

As the existing single-family residence would be maintained under this alternative in addition to the two new lots, some of the existing aesthetic character of the lot would be maintained. Future development on the new lots is expected to blend with the established aesthetics of the surrounding subdivision, although the "flag lot" configuration of the two new parcels would be at variance with the established pattern of development, and the associated aesthetics, in the neighborhood. As with the proposed action, future development of the individual residences under this alternative, including future landscaping and exterior construction, would require review and approval by the Planning Board and ARB.

4.2.7 Historic Resources

Under this alternative, the existing single-family residence on the subject property would remain, thereby retaining a relatively high degree of integrity of design, materials, workmanship, and location. However, the reduction in size of the parcel containing the existing house and the addition of two new residences on the subdivided lots in the north portion of the current property would diminish the integrity of setting, feeling, and association, which have already been compromised due to previous subdivisions of the former 60-acre estate.

4.2.8 Construction Impacts

While there would be construction of two fewer houses (due to retention of the existing residence and one less lot), impacts associated with construction of the subdivision under this alternative would be less than the proposed action. It is expected that construction duration would be shorter than the proposed action, as minimal demolition would be involved (only removal of some existing accessory structures) and two fewer new houses would be constructed.

Alternative Resources A-1

Aesthetic Resources

Comments

- **Statement**

- “It is estimated that approximately 46 trees (mostly along the western border) would be removed to retain the existing residence and accommodate the creation of the two new lots.”

- **Comment**

- The Proposed 4-Lot Subdivison would remove only 12 fewer trees while demolishing the existing historic residence.
- New trees can be replanted while the existing historic residence will be lost forever under the proposed action by the Applicant.
- {With Village of East Hills approvals, Alternative A-1 is one prudent and feasible alternative to save an East Hills residence that is eligible for the National Register of Historic Places. }
- {Another feasible and prudent alternative would be to retain the existing historic resident and allow one additional lot to be added. An independent appraisal of this alternative should be made. }

L9-17
Cont'd.

L9-20

The 90-Degree Street Jog on Melby Lane and Proposed location of the Cul-De-Sac



Diet

[illegible][illegible][illegible]

- L9-21**

Subdivision Street Design

Virginia Department of Transportation

- “Offset Intersections are discouraged...The minimum spacing between street entering from opposite sides of the major street should be no less than 125 feet...” (p17)
- http://www.extranet.vdot.state.va.us/locdes/Electronic_Pubs/2005%20RDM/appe ndb.pdf

3 Spacing (i.e. Minimum distance between intersecting roadways)

Offset intersections are discouraged. Desirable spacing between streets entering from opposing side of the major street is 250 feet. Desirable block lengths, or spacing between streets entering from the same side of the major street is 500 feet. For low volume local streets with ADT <1500 vpd the minimum spacing between streets entering from opposite sides of the major street should be no less than 125 feet and block length should be no less than 250 feet. Figure 3 illustrates the desirable spacing.



Subdivision of Land Dutchess County Planning- Cul-De-Sac Standards

- Minimum distance between cul-de-sac center-Line offsets at street jogs (feet): 125 feet (p22)
- <http://www.co.dutchess.ny.us/CountyGov/Departments/Planning/landsubdivisionregs.pdf>
- A senior planner at the Dutchess County Planning and Development commented over the phone:
 - “The proposed cul-de-sac design for a four lot subdivision at Melby Lane would likely be rejected due to safety concerns”.

	Rural Road Standards			
	Collector	Residential Access	Residential Road	Private Road
Right-of-way width (feet)	50*	50*	50*	50* (7 with aprons Radius 30 ft.)
Pavement width (feet) (minimum-maximum)	18-22	16-18	12-16	12-16
Shoulder width (feet) (minimum-maximum)	3 - 6 on 2 sides	1 - 2 on 2 sides	1 - 2 on 2 sides	1 - 2 on 2 sides
Grade (percent) (minimum-maximum)	1-10	1-10	1-10	1-10
Curve Radi (feet) (minimum-maximum)	5-10	5-10	5-10	5-10
Minimum tangent length between reverse curves (feet)	100	100	50	50
Maximum grades within 150 feet of center-line intersections (percent)	1.5	1.5	1.5	1.5
Minimum distance between center-line offsets at street jogs (feet)	300	125	125	125
Maximum length of Cul-de-sac (feet)				800**
Minimum outside radius of cul-de-sac pavement (feet)				40
Angle at intersections of street center lines (degrees)	90	90	90	90

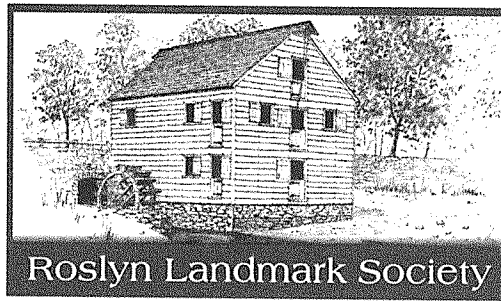
* 50' right-of-way is required by State Highway Law, but grading and clearing should be reduced to the minimum necessary.

**Except where, in the judgment of the Planning Board, the cul-de-sac does not impose any problem and constitutes a positive design feature.

Note: Rear lanes, 12-16 pavement width, are allowed in hamlet areas and where the size and configuration of the subdivision is conducive to rear lanes.

Note: Standards are not given for arterial streets, as they would in all probability be built by the state or county.

Relevant Maps



October 21, 2019

Mr. Steven Kafka
Village of East Hills
209 Harbor Hill Road
East Hills, NY 11576

Dear Mr. Kafka,

The Board of the Roslyn Landmark Society and membership are concerned about the possible loss of the John Mackay III House.

{ The Roslyn Landmark Society Board of Trustees met on October 7, 2019 and would like to request an additional public hearing to discuss the matter further with the community. }
The Trustees have sent in letters and documents of support in opposition to the proposed demolition and would like to reach out to the Village of East Hills Planning Board to reinforce the case that this historic residence needs to be saved.

L9-22

Please let me know at your earliest convenience if an additional public hearing on the John Mackay III House can be scheduled. I appreciate your attention to this matter.

Sincerely,

Jennifer Lister
Director

44

L10

Received

OCT 04 2019

To The Village of East Hills Planning Board;

{ This letter is being written to inform you that we are extremely opposed to the 2A Melby, 4 home subdivision being proposed. } My wife and I have attended all the hearings and it seems that there are still a lot of unanswered questions. For example, { are they developing the entire property at once then one house at a time build or are all four homes going up at once. } Depending on the scenario will either vastly increase or decrease the time of this overwhelming construction project. We reside at 18 Talley Road, which directly abuts their Talley Road entrance/exit and their backyard. We purchased our property 23 years ago for the tree lined privacy and tranquility it offered.

Inc. Village of East Hills
the 2A Harbor Hill Rd
East Hills, NY 11576

L10-1

L10-2

{ At the last meeting there was mention of an approximate 500 page environmental impact study that was done by the homeowners of 2A Melby. Why doesn't the Village commission their own study with such a potentially destructive construction project to Nob Hill. } If cost is the factor, think about what all the costs to the community will be if this project goes through. { The daily noise levels that come with the magnitude of such a project will be unbearable and uninhabitable! This construction nightmare will last approximately at least 3 years, for 5 days a week from 8am -5pm. } Your home is your place to get away from it all, rest and relaxation, NOT a construction war zone for at least 3 years. Diesel trucks, diesel fumes, teams of men yelling, traffic, dirt, construction dust, construction equipment, i.e. drills, hammers, saws, tractors, back hoes and much more EVERY SINGLE DAY, MONDAY-FRIDAY 5 DAYS A WEEK!

L10-3

L10-4

There was a new home build next to us a few years ago, the construction and sub-contractor trucks lined our street on both sides blocking our entire front of our house up to Vanad. This caused undo traffic on Talley Road, school buses could not get through, mud and dirt all over the street, they ruined over a dozen cobblestones on our property that we had to replace at our expense. Let alone the multiple flat tires from screws and nails that was also repaired at our expense. The demolition of the small 3 bedroom ranch on the site caused my house to actually shake multiple times through multiple days. We can only imagine a house of the size at 2A Melby will cause, and the duration that the demolition will take. It really is frightening to think about. My children's bedrooms are on the side of our home that abut 2A Melby's property. Our kids study and sleep time will definitely be affected by this project. My wife works from home, the anticipated consistent noise will definitely affect her job, thereby having a negative effect on her income for the household. { Is the driveway on Talley Road being used as a thoroughfare for the construction vehicles too because that is directly on that side of our home? }

L10-5

At the last public hearing, Mr. Shenfeld stated the massive construction project at his 2A Melby house was "A TEMPORARY SITUATION." I can't imagine that he really believes that an almost 3 year construction project that will affect so many household's lives in so many different ways is okay to live through because he says it's temporary. THREE YEARS!!! We lived through his in ground pool project, that caused rats and other vermin to run all over our property for weeks because he upset the ground which could have caused a health risk because of the diseases that rats and mice carry. Which by the way we never complained about, because we are good neighbors and that REALLY was a temporary project. Recently the Shenfeld's had a work crew in their backyard to do some kind of ground study I believe, there was such a mess of dirt and debris that was left on Talley Road. We of course being good neighbors, went out brushed and hosed the street from the debris. The good lord only knows what kinds of plagues this project will bring to the residents of Nob Hill. He won't be living here to experience the

havoc his project will heave on the rest of the neighborhood. He doesn't seem to care about that, just the financial gains, as he so stated at the hearings.

This project may cause numerous health risks. Upon researching asbestos, we found that its inception was in 1858 during the industrial revolution. The 2A Melby home was built in 1929. By that time asbestos was widely used in all facets of construction projects. The report that was completed by homeowner and not the Village. Can't imagine a house that is almost 100 years old only has asbestos near the boiler as we were told at the last hearing. } If the house is demolished how are significant amounts of particles contained. Once airborne hard to control thereby putting the residents at a marked health risk. Don't forget the government told everyone the air quality was clear at ground zero after 9/11. Dust particles can contain synthetic mineral fibers and cement residue can cause severe allergies, asthma and pulmonary diseases. }

L10-6

My wife is a stage 4 cancer survivor. There are also multiple residents of Nob Hill that either survived cancer or are battling cancer now. If this project commences, these neighbors will be in direct contact with potential carcinogens. There are pregnant mothers as well children and elderly residents that reside on the perimeter 2A Melby.

The subdivision will also affect the wildlife that reside on the lush 2A Melby property. } More than 30 trees will be destroyed. } Animals such as birds, raccoons, possums, rabbits and some feral cats will all be displaced. } If this project is given the green light our homes will definitely lose value. First, try selling your home with this project going on for at least 3 years. The loss of privacy, backyard traffic on the new roads proposed, lights, electrical poles and the increased noise levels especially if there are pools in their backyards. Trust us, with their 1 pool that 2A Melby has now, it was quite noisy during the summer months when the their children used the pool. Can't imagine the noise levels with the potential of 4 pools. } There is NO cul-de-sac in Nob Hill. Lakeville Estates has cul-de-sacs. } The Shenfeld's attorney got it backwards at the last hearing. } This project does nothing to enhance the Nob Hill community only changes the integrity. It creates a community within a community. The land is not appropriate for this project. }

L10-7

L10-8

L10-9

L10-10

We consulted 2 local real estate agents in the past week. They explained to us that the luxury home market is on the decline. There are 9 brand new homes currently on the market in East Hills from 75 to 300 days. These home prices range from 2.2 million to 3 million dollars. They are just sitting there vacant. What happens when they build 1 home then try to sell it and they can't so it just sits and sits. You have a project that now will take even longer than 3 years to complete.

Please evaluate this situation to see how you would feel if this project was going to happen in your backyard. We implore you to vote against this project. Do to the very close proximity of this construction project to our property we will be gravely affected. This project leaves many residents not knowing their future plans and economics. This construction at 2A Melby only helps one family's economics and destroys the lifestyles and economics of dozens of other families for years to come.

} I would like to ask the Planning Board why the environmental impact study was not gone over with a microscopic eye before the last public planning board meeting. The residents have a right to know what is in the document. I do not have the time to go over a 500 page document nor I'm sure do most of the residents. This is why the Planning Board should have read it, composed a synopsis

L10-11

for the residents, then, have a hearing. } This last meeting was very confusing and just created more questions to be very honest. Please call for a public meeting before you vote.

Thank you for taking your time to read this letter.

Respectfully,

Dr. Mark and Cindy Snyder

48

L11

Laura and Cliff Atlas
31 Melby Lane
East Hills, NY 11576

Received
OCT 04 2019
Inc. Village of East Hills
209 Harbor Hill Rd
East Hills, NY 11576

October 4, 2019

Village Planning Board
Village of East Hills
209 Harbor Hill Road
East Hills, NY 11576

Re: Stonehouse Subdivision
2A Melby Lane

Dear Village Planning Board Members:

{ We are writing to express our strong opposition to the proposed destruction of the historic Stonehouse and subdivision of the property to build four new homes. }

L11-1

Sadly, { there are few structures in our village of historic significance. This is one of them. It would be shortsighted indeed to raze history for one family's financial gain. }

L11-2

{ We have heard, but do not know for sure, that the owners have had trouble selling the home. We believe that this should be examined in detail to confirm that legitimate efforts have been made. }

L11-3

Beyond the obvious historic value of the home, { building four new homes on the site would be detrimental to the neighborhood and the street on which it sits. } The roads in Nob Hill have always been gerrymandered around this property. { The entrance to Stonehouse sits on a narrow ninety-degree turn of Melby Lane itself. It is difficult now to navigate. If cars and delivery vehicles for four homes were now to enter and exit from that spot, it would be a disaster waiting to happen. }


L11-4

L11-5

{ We are aware that there is property behind Stonehouse, as well as an easement that extends to Talley Road. Perhaps, as a compromise, some of the property in the back could be used to build a new home or two. In this way, Stonehouse itself would be preserved, and the owners would be able to cash out, which seems to be the motivation. }

L11-6

Thank you for your consideration of this important issue.

Very truly yours,

Laura and Cliff Atlas

**Citizens of East Hills AGAINST the Demolition, Subdivision and Development of the Property at
2A Melby Lane (Section 19 / Block 27 / Lot 46)**

Name	Address	Email	Received Letter* (Y / N)
Gerri Valauri	Vanad Dr.	gerri@aol.com	Yes
J. Sheryl Karnowski	7 Melby Ln.	Sherylkate@aol.com	YES
Alan Richards	28 Melby	dr.a.richards@gmail	No
Ellen Richards	"	28_elrich@gmail.com	No
CHERYL GERSTMAN	15 MELBY LANE	chery73@me.com	YES
BRADLEY GERSTMAN	"	bgerstman@gothamgr.com	YES
Cindy Snyder	18 Talley Rd		Yes
Mark Snyder	18 Talley Rd		YES
Robin Goldstein	14 Vanad Dr.	Robinbethgoldstein@aol.com	NO
Steven Goldstein	14 Vanad Dr.	steven955@aol.com	NO
Jacqueline Golub	19 Melby Lane	jackw@golub@gmail.com	No
Gary Golub	19 Melby Lane	campod@aol.com	NO
Jean Diamond	1 Vanad	5427N625@aol.com	N
David Diamond	1 Vanad	DDENT@aol.com	N
John Walden	27 Melby Lane	JohnWalden@sigmail.com	N
Steven Walden	27 Melby Lane	RedLiv33@hotmail.com	N
Nancy Levy	10 Hummingbird Dr.	nena9u@optonline.net	No
Neil Cohen	10 Hummingbird Dr.	neilcohen@ndc@yahoo.com	No
Soci Kornblau	4 Vanad Dr.	skornblau22@hotmail.com	No
INDERJEET WADHWANI	2 Vanad Drive	indraj@hdmal	Yes
K. Nercessian	6 Vanad Dr.	gnercessian@yahoo.com	No
W. HANDWERKER	3 VANAD DR	whandwerker@GMAIL.com	YES
Laura + Cliff Atlas	21 Melby Ln	Laura.g.atlas@gmail.com	N
Shirley J. Jensen	2 Melby Ln	Jessal@optonline.net	YES
Jessie Levy	5 Melby Lane	JESSIELEVY@gmail.com	YES
JOSEPH LEVY	5 Melby Lane	JOSEPHLEVY13@gmail.com	
Irene Sakoulas	4 Melby Lane	irenesakoulas@gmail.com	NO

*Notification from VEH Planning Board Hearing (9/24/2019)

Received

OCT 04 2019

Inc. Village of East Hills
209 Harbor Hill Rd
East Hills, NY 11576

1 of 4

**Citizens of East Hills AGAINST the Demolition, Subdivision and Development of the Property at
2A Melby Lane (Section 19 / Block 27 / Lot 46)**

Name	Address	Email	Received Letter* (Y / N)
Jarett Burak + Laura Burak	30 Hummingbird Drive East Hills, NY 11576	jarett.burak@gmail.com	
Lana Neuman	217 Hummingbird Dr East Hills NY 11576	LanathNeuman@gmail.com	
Lauren Samter	34 Hummingbird Dr	LCARISSAH@gmail.com	
Todd Samter	34 Hummingbird Dr	tas31@yahoo.com	
Brooke Freeman	22 Hummingbird Dr	Brookfred@yahoo.com	
James + Heidi Tullman	14 Hummingbird Dr	Yes jtullman@aol.com	
HEAR? TAD	12 Talley Rd	yes	
Lana + Pablo Pratkan	16 Talley Rd	no / lana.ny@hotmail.com	
feri franka	8 Talley rd.	poslunder. Franka	
SALCATA YETURV	20 Vanad Dr	y. salcata@yahoo.com	
Allyson + Andrew Samader	22 Vanad Drive	allyson.samader@gmail.com	
6 Melby Ln Polyn		Ring Chan	
iran Wiener		Iran Wiener	
7 Hummingbird Dr.			
18 Hummingbird Dr	Honora Rabinowitz	Yes -	
19 Agore Marchant	7 Talley road	no / door notification	
10 Nob Hill Gate		door Notification letter	
10 Nob Hill Gate	Clysiel Clarke		
200 Hummingbird		Evelyn Klan	
Rhoda Rochetsky	1 Partridge Dr.		
Marina Levin	11 Melby Lane	Y	
Michael Levin	11 Melby Lane	Y	
GARY LEVIN HAZ	6 Melby LA	N	
Siyu Li	20 Melby Lane	SiyuLi@gmail.com	

*Notification from VEH Planning Board Hearing (9/24/2019)

Received

OCT 04 2019

Inc. Village of East Hills
209 Harbor Hill Rd
East Hills, NY 11576

2 of 4

Citizens of East Hills AGAINST the Demolition, Subdivision and Development of the Property at
2A Melby Lane (Section 19 / Block 27 / Lot 46)

Name	Address	Email	Received Letter* (Y / N)
Michael Sakoulas	4 Melby Lane	sg.sikousis@gmail.com	N
Rachel Friedman	3 Mead Lane	RachelBergman331@gmail.com	Y
Robert Friedman	3 Mead Lane	friedman.rob@gmail.com	Y
Stacy Siegel	24 Vanad Dr.	StacySiegel@aol.com	N
Bruce Valauri	7 Vanad Dr.	bgvalauri@gmail.com	Y
Robin Cooper	8 Vanad Dr.	robin@cooper99.com	N

*Notification from VEH Planning Board Hearing (9/24/2019)

Received

OCT 04 2019

Inc. Village of East Hills
209 Harbor Hill Rd
East Hills, NY 11576

3 of 4

Citizens of East Hills **AGAINST** the Demolition, Subdivision and Development of the Property at
2A Melby Lane (Section 19 / Block 27 / Lot 46)

Name	Address	Email	Received Letter* (Y / N)
J-Chun Chen	11 Vanad Dr. Roslyn	Aliceic_chen@yahoo.com	
Robert Solitz	21 Hermon Road	robSolitz@optonline.net	
A. Greenberg	1 peacock drive	allison.sherman@gmail.com	
Debbie Dakis	7 Mead Lane Roslyn	dakis828@gmail.com	
Michael Corbellis	7 Mead Lane Roslyn	michael3corbellis@gmail.com	
Adam Lilling	15 Vanad Dr Roslyn	alilling@lilling.com	

*Notification from VEH Planning Board Hearing (9/24/2019)

Received

OCT 04 2019

Inc. Village of East Hills
209 Harbor Hill Rd
East Hills, NY 11576

4 of 4



THOMAS BREMEN, P.L.S.
PRESIDENT LAND SURVEYING
MICHAEL RANT, P.E.
PRESIDENT CIVIL ENGINEERING

October 3, 2019

Village of East Hills
209 Harbor Hill Road
East Hills, New York 11576

Re: Shenfeld Partitioning
2A Melby Lane
East Hills, NY 11576
Sec. 19, Blk. 27, Lots 17 & 18

To Whom It May Concern,

As per the request of the Village of East Hill's consultant our office prepared an alternate layout for a (3) lot subdivision which retains the existing dwelling and creates (2) new flag lots on the north side of the property. This drawing labeled "Alternate A-1" provides a new driveway entering off of Talley Road and running along the westerly property line in order to gain access to Parcel 2. Parcel 3 would utilize the existing curb cut on Melby Lane and would require the construction of a new driveway along the easterly portion of the property.

In order to construct the new driveway to gain access to parcel 2 a total of 34 trees bordering the residential properties to the west would need to be removed. The existing trees that require removal are mature and vary in size between 6" and 32" in caliper. These mature trees provide substantial vegetative screening along the property line and the removal would drastically impact the neighboring properties. The proposed driveway would only provide a planting area approximately 5 feet in width and would not be large enough to recreate the same visual buffer that currently exists due to the close proximity to the proposed driveway. The "Alternate A-1" plan would also require the removal of an additional 12 trees in order to construct the new dwellings and provide vehicular access to Parcel 3.

The (4) lot subdivision as proposed would only require the removal of 14 trees in order to construct the roadway, drainage and associated site improvements. These trees needed for removal are interior to the property and would not affect the visual appearance from the neighboring properties. The proposed tree removal as shown on "Alternate A-1" would create a much greater negative impact on the neighboring properties by removing a large number mature trees that currently provide a natural buffer for the adjoining properties as well as reducing a substantial amount of existing tree canopy cover in the village.

If you have any questions please call me at (516) 922-3031.

Very truly yours,

Michael Rant, P.E.



FORCHELLI
DEEGAN
TERRANA

L14

ANDREA TSOUKALAS CURTO, P.C.
PARTNER
DIRECT DIAL: (516) 812-6242
DIRECT FACSIMILE: (866) 522-7836
ATCURTO@FORCHELLILAW.COM

October 4, 2019

VIA E-MAIL & U.S. MAIL

Planning Board
Village of East Hills
209 Harbor Hill Road
East Hills, NY 11576

RE: 2A Melby Lane, East Hills

Dear Chairman Kafka and Members of the Board:

This letter is submitted in response to Beth Cumming's September 23, 2019 letter (enclosed) requesting a "re-evaluation of alternatives" that would retain the Shenfeld residence and in furtherance of the testimony presented on behalf of the Shenfelds at the September 25, 2019 hearing. The Shenfelds have hired an expert to prepare an Alternatives Analysis Report that will be submitted to Ms. Cumming and to the Board and will be incorporated as a response to comments in the FEIS.

As you know, Ms. Cumming is a Senior Historic Site Restoration Coordinator with the Division for Historic Preservation of the Office of Parks, Recreation and Historic Preservation (OPRHP) and is charged with the task of considering alternatives that could retain the Shenfeld residence and to make a recommendation as to the viability of those alternatives. She states that she would likely make a determination of No Adverse Impact for the Shenfeld subdivision application if Alternate A-1 is chosen. This alternative maintains the Shenfeld residence and creates two flag lots in the rear of the premises. The letter also provides that in the event there are no "prudent and feasible alternatives" to retaining the house, she would agree to document the alternatives considered and identify proper mitigation measures.

The term "prudent and feasible" is not defined by OPRHP's regulations. However, courts have held that this standard is not all-inclusive and does not require that *all* possible measures be taken to preserve historic structures. *Ebert v. New York State Office of Parks, Recreation & Historic Preservation*, 119 A.D.2d 62, 505 N.Y.S.2d 470, 34 Ed. Law Rep. 553

FORCHELLI DEEGAN TERRANA LLP

The Omni • 333 Earle Ovington Blvd., Suite 1010 • Uniondale, NY 11553 • 516.248.1700 • forchellilaw.com

(3rd Dep't 1986). Instead, it is limited to considering prudent and feasible alternatives that would avoid or mitigate adverse impacts to the fullest extent practicable. *Sierra Club v. Board of Educ. of City of Buffalo*, N.Y. 127 A.D.2d 1007, 1008, 512 N.Y.S.2d 954, 956 (1987), *app. den.* 70 N.Y.2d 612, 523 N.Y.S.2d 496, 518 N.E.2d 7 (1987). Thus, this standard does not *prohibit* projects where there is no feasible and prudent alternative, it only requires that alternatives be fully explored.

Turning back to the Shenfeld subdivision application, the DEIS outlines other alternatives that the Shenfelds considered in lieu of demolishing the residence. Specifically, prior to filing this application, they tried to sell the residence for an extended period of time with multiple brokers without success. After filing this application, they looked into relocating the house to the Village Park, but this too was not feasible because the house is made of concrete walls and is a tall structure that could not be transported through Village Streets without having to remove utility lines and traffic lights on its course. The cost of the relocation would also be in excess of One Million Dollars which did not include the cost of the new foundation and utility hook-up at the new location. The Shenfelds also considered Alternate A-1 which is referenced in this letter, but it, too, was not a feasible alternative for the following reasons:

1. Substantial variances would be required for insufficient frontage for Parcels 2 and 3, and for minimum front yard for Parcel 1, with no guarantee that these discretionary approvals would be granted.
2. We would be creating two flag lots which are not in character with the Village's existing zoning and comprehensive plan. There are no other flag lots in the Village which is a factor which would contribute to a denial of the variances needed for this alternative.
3. We would be creating another access driveway on Talley Road which would directly abut residences. This would be a significant negative impact to those neighbors.
4. R&M Engineering, the Shenfelds' traffic consultant, determined that the Melby Lane access was a safer access point than the Talley Road access point (see enclosed letter from R&M Engineering dated October 2, 2019).
5. To create the Talley Road driveway, 34 mature trees would have to be removed which would otherwise be preserved under the proposed plan. Those trees provide dense screening for neighbors that abut the property on the westerly boundary. An additional 12 trees would be removed along the north and easterly borders for a total of 46 trees to be removed. Again, this would be a significant negative impact to those neighbors.

Page Three
October 4, 2019

In comparison, the proposed project only removes 14 trees to create the roadway and we are proposing to install 16 new trees along the road perimeter.

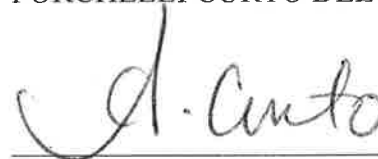
6. The estate-like feeling of the residence would be diminished with the further reduction of the lot. As noted in the DEIS, the original estate was 60 acres.
7. Our client spoke with brokers who advised that this alternative would not be a solution for the marketability of the house. The only thing that would make the house more marketable is to modernize it to make it more attractive to young families. This again would be cost-prohibitive.
8. Finally, it is also unclear how marketable the two new houses would be given, again, that they are flag lots with no street frontage.

For these reasons, we will ask Ms. Cumming to consider measures that would mitigate the impact of the proposed four-lot subdivision application, as opposed to proceeding with Alternate A-1 which is inconsistent with the character of the neighborhood and the Village's comprehensive plan. As stated above, we will provide the Board with a copy of the Alternatives Analysis Report which will outline additional reasons why Alternate A-1 is not a feasible and prudent alternative.

Very truly yours,

FORCHELLI CURTO DEEGAN LLP

By:



ANDREA TSOUKALAS CURTO

ATC:rer
Enclosures

L14 Attachment



Parks, Recreation, and Historic Preservation

ANDREW M. CUOMO
Governor

ERIK KULLESEID
Commissioner

September 23, 2019

Mr. Steven Kafka
Village of East Hills
209 Harbor Hill Road
Village of East Hills, NY 11576

Re: DEC
Proposed Four-Lot Subdivision
2A Melby Lane, Village of East Hills, NY 11576
19PR05322

Dear Mr. Kafka:

Thank you for requesting the comments of the Division for Historic Preservation of the Office of Parks, Recreation and Historic Preservation (OPRHP). We have reviewed the submitted materials in accordance with the New York State Historic Preservation Act of 1980 (section 14.09 of the New York Parks, Recreation and Historic Preservation Law). These comments are those of the Division for Historic Preservation and relate only to Historic/Cultural resources.

We note that the John W. and Gwen R. Mackay (aka Happy House) at 2A Melby Lane is eligible for listing in the State and National Registers of Historic Places. The house is significant for its association with John William Mackay III and as a representative example of residential Tudor Revival Architecture designed by John Cross.

Since the building is historic, we have reviewed the alternatives described in the submission. We note that demolition of an historic building is, by definition, an Adverse Impact. If alternative A-1 is chosen, we should be able to make a determination of No Adverse Impact since this alternative retains the historic residence.

At this point, we request re-evaluation of alternatives that would retain the historic residential building. If we can agree that there are no prudent and feasible alternatives we would enter into a formal Letter of Resolution (LOR) which would document the alternatives considered and identify proper mitigation measures to be incorporated into the work.

Please submit the requested information via our Cultural Resource Information System (CRIS) at www.nysparks.com/shpo/online-tools/. To submit, log into CRIS as a guest, choose "submit" at the very top of the menu, and then choose "submit new information for an existing project". You will need this project number and your email address. If you have any questions, I can be reached at 518-268-2181.

Sincerely,

A handwritten signature in black ink, appearing to read "Beth A. Cumming".

Beth A. Cumming
Senior Historic Site Restoration Coordinator
e-mail: beth.cumming@parks.ny.gov

via e-mail only

cc: C. Vandrei – DEC, C. OFarrell – Nelson Pope

Division for Historic Preservation

P.O. Box 189, Waterford, New York 12188-0189 • (518) 237-8643 • parks.ny.gov



Christopher W. Robinson, PE President
Wayne A. Muller, PE Vice President
Matthew P. Scheiner, PE, Associate
Matthew K. Aylward, PE, Associate

October 2, 2019

Forchelli, Deegen, Terrana, LLP
333 Earle Ovington Boulevard
Suite 1010
Uniondale, NY 11553

Attn: Andrea Tsoukalas Curto Esq.

RE: 2A Melby Lane
Village of East Hills
NCTM: Sec. 19, Blk. 27, Lot 46
R&M No. 2016-238

Dear Ms. Tsoukalas Curto:

We have prepared a comparative analysis of the access to the project site on Melby Lane as proposed or in the alternative an access driveway on Talley Road. As presented in the traffic analyses presented in the DEIS, an evaluation of the sight distance at both locations was performed. Based on our field observations, the access to/from the parcel on Melby Lane, affords a motorist the greatest level of sight distance for vehicles entering/exiting the property. As a result, it is our opinion that access on Melby Lane is safer than that on Talley Road, because pedestrians and motorists have a greater line of sight at the Melby Lane access than that experienced at the Talley Road access point.

If you should have any questions, please contact the office.

Sincerely,
R&M Engineering

A handwritten signature in black ink, appearing to read 'Wayne A. Muller', is written over the typed name.

Wayne A. Muller, P.E.

Futeran, Nancy

From: JAMES TULLMAN <jtullman@aol.com>
Sent: Thursday, September 26, 2019 11:43 AM
To: Futeran, Nancy
Cc: James Tullman; Debbie Dakis; Michael Coritsidis
Subject: 2A Melby Lane - DEIS

My family resides at 14 Hummingbird Drive. My house is one of the houses that sits on the perimeter of 2A Melby Lane. Unfortunately, I was not able to attend the Planning Board hearing that took place on September 24th. While I was not able to attend, I (along with numerous other neighbors and other interested parties) have previously submitted both written and vocal statements strenuously objecting to the plans to subdivide this property. { It is important for the Planning Board to understand that our absence from attending the September 24th meeting in no way should be viewed as a withdrawal of our oppositions or a change in our position. As I E1-1 stated in my previous two memos, { the vast magnitude of the planned subdivision would amount to an undesirable change in the character of our neighborhood and would create a significant disruption to the quality of life and welfare of the immediate neighbors. } It is clear that this Planning Board and the Village of East Hills E1-2 have the authority to deny the proposed plan and in fact should deny any such plan that would, among other things, "produce an undesirable change in the character of the neighborhood or a detriment of nearby properties". } E1-3

As the Appellate Division in *Pecoraro* stated "a zoning board . . . must weigh the benefit of the grant to the applicant against the detriment to the health, safety and welfare of the neighborhood or community if the variance is granted The zoning board is also required to consider whether (1) granting the area variance will produce an undesirable change in the character of the neighborhood or a detriment of nearby properties . . . and (4) granting the proposed variance would have an adverse effect or impact on physical and environmental conditions in the neighborhood or district." See also, *Josato v. Wright*, 35 A.D.3d 470 (2d Dept. December 5, 2006) (the board should consider the "cumulative effect" of the proposed subdivision on nearby properties).

{ I greatly hope that the Planning Board will undertake its charged duty to weigh the financial benefits for a single family against the substantial negative impact that this subdivision will have on welfare of the more than the dozen of neighbors that live on the perimeter and in the immediate vicinity. The simple fact is that this family is leaving the neighborhood. They will no longer be living at 2A Melby Lane and have no concerns how this subdivision will impact the quality of their neighbors or the Village. Given the vast number of neighbors that have submitted oppositions to this plan and the fact the disruption and negative impact of this subdivision is undisputed, the Planning Board's decision to deny this application is easily supported and justified. } E1-4

Sincerely,

James Tullman

Futeran, Nancy

From: Andrew Karnovsky <akarnovsky@gmail.com>
Sent: Thursday, September 26, 2019 8:16 PM
To: Futeran, Nancy
Subject: Proposed Four-Lot Subdivision of 2A Melby Lane

As the owners of 7 Melby Lane, East Hills, we would like to submit the written comments below which relate specifically to the draft environmental study and broadly to the overall proposed subdivision and construction.

Our home is located directly across the street from 2A Melby and, arguably, could be impacted more than any other property by the proposed subdivision and construction. To be clear {we strongly object to this project and find the results of the study to be, at best, biased and convenient.} E2-1

We find it very suspicious that, for the most part, the potential issues identified in this report are predicted to be minimal, temporary and/or difficult to ascertain at this time. {We are confident that all residents either adjacent to, or near, the potential development site are concerned about environmental impacts such as groundwater impact, drainage, birds, number of trees, etc..., but our central concerns relate to basic principles of fairness and quality of life over the next 2+ years and beyond.} While it would an enormous and time-consuming task to respond to every item raised in this 500+ page report, we would like to highlight the following: E2-2

-The report was commissioned by the applicant and appears to systematically dismiss most concerns and arrive at the desired outcome. This fact cannot be ignored as the report was commissioned with a clear desired result for the applicant

-The report grossly underestimates the scale and scope of disruption this project will have on the surrounding area. Some particularly concerning points (among many) include:

{ -Reference is made to “air contaminants could occur from construction equipment and emissions of fugitive dust during dry periods, although dust would mostly be controlled by covering of soil piles and watering down of the subject property” made in Section 1.8.1, but there does not appear to be identification of exactly what these “contaminants” might include. We do note that there are references to potential asbestos in the report which should not be take lightly. } E2-3

{ -Traffic concerns - Statements such as “...it is estimated that there would be no more than 10 construction worker vehicles at the site at one time, as some construction crew members may carpool” (Section 3.8.3) are not particularly comforting and actually quite absurd and laughable. } E2-4

{ -Demolition and Construction Schedule (Section 2.6) – what seems to be the completely open-ended nature of the schedule is unacceptable. To subject the surrounding area to what is clearly an absolute *minimum* of 24 months of significant construction is patently unreasonable and unfair. While we acknowledge that construction schedules can be uncertain, this is far too open-ended. It is completely unreasonable to embark on what seems like an open-ended project – particularly one that is very large and atypical for the area }

E2-5

-The statement below made in Section 2.5 is utterly ridiculous, selfish and misguided.

Section 2.5 - “In the applicant’s opinion, the proposed action would maximize the economic value of property, would increase tax base for the village, is consistent with the Village’s current regulations and would have a long-term positive impact on welfare of the community, while not meaningfully increasing congestion, safety risks or traffic.”

In particular, the ability to “...maximize the economic value of the property...” is simply not a right that respectable residents of a zoned community enjoy. The applicant’s inability to sell a home for the price they want is hardly a unique problem that warrants special treatment. When they initially purchased the property, they assumed the same risk that all homeowners bear – the possibility that an eventual sale of the property will result in a less than satisfactory outcome. In fact, this risk should have been very clear and obvious given the unique and historical nature of the property. Furthermore, while it is admittedly difficult to ascertain the exact impact on the value of the surrounding properties (including ours), there is no question (1) that potentially open-ended, large scale construction will have a near-medium term negative impact on the welfare of the surrounding community (contrary to the statement in Section 2.5) and (2) will have a negative short to long-term impact on the economic value of the surrounding homes (existence of a new road and intersection). In short, the value that applicant seeks to gain from this endeavor will clearly be derived at the expense of the surrounding area. We view this as completely unacceptable. }

E2-6

E2-7

E2-8

Additionally, the concept that the proposed action “...would increase tax base for the village...” should be viewed as irrelevant to an “environmental assessment” and is entirely outside of the scope of such an evaluation. The expression of this opinion only underscores the reality that this assessment was performed to justify a desired outcome, rather than provide a truly independent analysis. }

E2-9

We also challenge the opinion that the proposed action “...would have a long-term positive impact on welfare of the community, while not meaningfully increasing congestion, safety risks or traffic.” We have already cited the open-ended timing of this proposal which will likely result in several years of constant construction. The creation of a new intersection on Melby Lane would also have a permanent detrimental impact on adjacent property values. We also seriously question the notion of the limited “safety risks” of this project as it will necessitate many large vehicles using a small road constantly for an unknown extended period of time. }

E2-10

E2-11

For these reasons (and others), we reiterate our objection to this project and find the results of the study to be, at best, biased and convenient. We will continue to object and reserve all potential legal remedies including, but not limited to, injunctive relief and potential damages in the future.

We are happy to discuss further.

Sincerely,

Andrew & Sheryl Karnovsky

7 Melby Lane

East Hills

917-767-1799

Futeran, Nancy

From: Bill Handwerker <bhandwerker@gmail.com>
Sent: Monday, September 30, 2019 9:42 AM
To: Futeran, Nancy
Subject: STONEHOUSE SUBDIVISION, MELBY LANE
Attachments: NOB.pdf

PLEASE SEE THE ATTACHED **NOB** LETTER

THANK YOU FOR YOUR CONSIDERATION

AMY & WILLIAM HANDWERKER

William Handwerker
516 527 3777 cell
516 626 7234 fax

Please read my new book "Nathan's Famous The First 100 Years" - -
Available at retailers near you and at these online stores:

[Amazon.com](#)

[Barnes and Noble](#)

CONNECT WITH ME ON FACEBOOK AND MY WEBSITE

[Nathan's Famous The First 100 Years on Facebook](#)

<https://williamhandwerker.com/>

Amy & William Handwerker

Three Vanad Drive

East Hills, NY 11576

516-626-7234

September 29th, 2019

Village Planning Board

Village of East Hills

209 Harbor Hill Road

East Hills, NY 11577

Re: Stonehouse Subdivision, Melby Lane

We are strongly in opposition of the potential subdivision of the property. { We are very concerned that the construction would bring a tremendous increase in traffic for years to come. As we are certain that you are aware, traffic is especially bad in the mornings and the early evening going into and departing from the Nob Hill entrance. There are safety issues to be considered. }

E3-1

{ The demolition of the property would bring tremendous distress to our ability to enjoy peace and quiet in our own home. The tractors and trucks that would be associated with the construction of 4 homes would be more than unreasonable to endure. The construction vehicles that would be passing by our home each and every day would be unbearable. }

E3-2

{ The dirt that will be ongoing for years, and destruction of the roads that would occur will be on going for years and potential damage to the homes in our area would be unreasonable, when so many houses are being built so close to our home. } { Where are the constructions workers going to park and how are emergency vehicles going to get through the streets. }

E3-3

E3-4

In addition, unfortunately we have seen issues where builders do not have the financial wherewithal to complete projects after they began, many times due to unforeseen circumstances. { If this project should be approved, we would ask that you require all funds for the project to be put into escrow so that we would not be looking at the possibility of unfinished homes in our area for extended periods of time. }

E3-5

{ We have lived here for almost 40 years and have walked by this home for decades and feel that it would be a shame to demolish this historic property. We can't imagine the loss of this landmark to our village. }

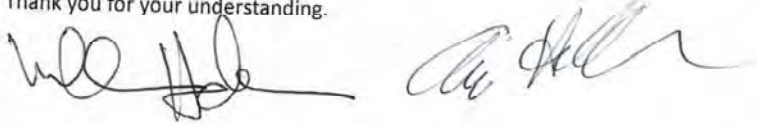
E3-6

{ If this subdivision is possibly approved, what is to stop anyone from buying any home/lot in our village and trying to subdivide it, just to achieve the financial benefit. } { This is not what we thought would be allowed when we moved here so many years ago. }

E3-7

Please consider how this would impact all the surrounding homes before you even consider allowing this subdivision to occur, and hopefully you will also be doing environmental and traffic studies to fully understand the impact to everyone.

Thank you for your understanding.

Two handwritten signatures in black ink. The signature on the left is more compact and stylized, while the one on the right is more fluid and extends further to the right.

Amy & William Handwerker

Futeran, Nancy

From: Bruce Valauri <bgvalauri@gmail.com>
Sent: Monday, September 30, 2019 9:21 PM
To: Futeran, Nancy
Subject: Stonehouse Subdivision Opposition

September 30, 2019

Village Planning Board
Village of East Hills
209 Harbor Hill Road
East Hills, NY 11576

RE: Stonehouse (2A Melby Lane) Subdivision

Dear Mr. Steven Kafka,

I am writing to appeal to you and the VEH Planning Board to consider the demolition and proposed subdivision of the aforementioned property unwarranted and unwanted in our Community.

{ We are opposed to the demolition of this historic property in our Community and in our neighborhood. The sense of the historic value is being destroyed for a few dollars- selfish and unnecessary. I appreciate that we may not have the legal authority to block demolition of this beautiful home (understanding it does not have landmark status), however, the consideration to subdivide into 4 parcels of single-family houses is completely thoughtless and needless. The homeowners could sell the property and allow the new owners to erect another single-family home. This would have the least impact on our neighborhood. }

E4-1

{ This act of subdividing and developing will not only affect the homeowners that directly abut the property but will have a significant negative impact on the residents of the adjacent streets. The demolition and carting away of the rubble will leave a trail of noise and debris along Melby, Talley and Vanad. }

E4-2

The project is expected to go beyond 2 years (if anyone has been involved in any construction project, this is likely a gross underestimate). { Workers and construction vehicles will be parking at all adjacent streets (they have indicated that the construction workers will carpool to minimize the street congestion- how realistic is that?). }

E4-3

{ Who will be responsible for the large and numerous construction vehicles passing on our narrow streets which will likely result in damage to my Belgian block curbing, my lawn and sprinkler system? Will the Village set aside and efficiently disburse funds for the neighbors affected? }

E4-4

{ Will there be vetting of the ALL construction workers (no matter how long they are on site) regarding background checks (particularly of registered sex offenders)? Our Community would not respond well to an incident of that type knowing all well that it could have been prevented! If preventive action was not taken,

E4-5

the Village will be held responsible for not requiring this type of due diligence for the safety and well-being of our Community, } **E4-5 Cont'd.**

{ We have NO assurances that this project will be completed if finances are compromised (whether in a timely fashion or at all). } **E4-6** There are homes in mid-construction that have been abandoned in East Hills (currently a home on Round Hill Road). Imagine a half-built home on a vacant, unkempt, cyclone fenced-in property next door to you? What would that do for the value of our homes?

Please take some time to contemplate the effect of the quality of our lives for excessive and unwanted development in our neighborhood.

Thank you for taking the time to preserve our Community.

Respectfully,
Bruce & Geri Valauri

7 Vanad Drive
Residents since 2004

Futeran, Nancy

From: Irene Sakoulas <irenesakoulas@gmail.com>
Sent: Monday, September 30, 2019 10:04 PM
To: Futeran, Nancy
Subject: Property at 2A Melby Lane in Nobb Hill

Hello Mr. Kafka,

We are fairly new to the neighborhood. We purchased our home last September 2018 after our move back to NY from Agoura Hills, CA. We fell in love with the quiet calm of Nobb Hill area as it reminded us of California, except much greener and with real grass. Our home is 4 Melby Lane.... right next to the property that is proposing to build 4 new single family homes. One of the attraction to purchasing our home was the beautiful historic house next door with gorgeous lush green lawn and landscaped backyard.

We just recently heard about the proposal to break up the property and divide it into 4 homes and are distraught and anxious about the news. Our property tax is already very high and our worry is that the calm of this neighborhood will turn into mayhem for the next couple of years as these new homes and roads are built. Let's not forget about all the vermin and pollutants that will appear. }

E5-1
E5-2

It is very unfair to the neighbors who have lived here for years and the ones who just recently moved in. This project will cause much misery and discomfort for years to come, not to mention the change in the whole structure of the surrounding roads and homes and the traffic both during and after the construction.

Another concern will be about our property value... already we are seeing a stale real estate market. Let's not even mention the eyesore to look at through my backyard. The tranquility that has drawn us to this neighborhood will be no more!! For what a measly addition of 4 homes... as if Roslyn has a shortage of homes.

{ Please, please, please consider all of us neighbors who actually live in the neighborhood and reject this proposal and help us maintain the quiet, calm serenity we have in this lovely enclave of East Hills that is Nobb Hill. }

E5-3

Sincerely,

Irene and Michael Sakoulas
4 Melby Lane
Roslyn NY 11576

516 621-1829
646 713-4098
516 314-0512

Futeran, Nancy

From: Siyu LI <siyuli@gmail.com>
Sent: Monday, September 30, 2019 11:59 PM
To: Futeran, Nancy
Subject: 2A Melby Lan DEIS comments
Attachments: Melby 2A - Letter (2).pdf

Dear Chairman Steve Kafka:

Attached please find my comments.
Please feel free to reach out if you need further clarification.
Thanks for you and your board services.

Email or phone 3478369688.

Regards,

Siyu LI

To: Steve Kafka
Planning Board Chairman (nfuteran@villageofeasthills.org)
Re: **Proposed 4 lot subdivision 2A Melby Lane DEIS**

Dear Chairman:

I am a resident on Melby Lane, and please find comments below with regard to the captioned proposal.

3.5.2.5 Stopping Sight Distance Analysis

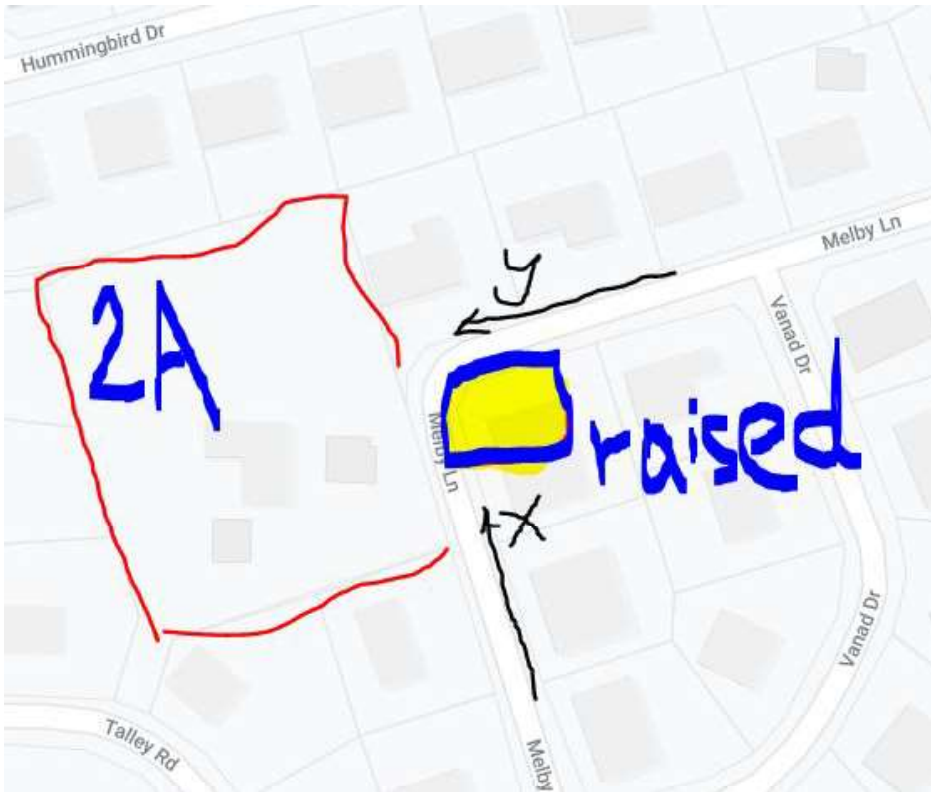
“the sight distance analysis concluded the SSD is approximately 260 feet when looking to the right”

I find this number incorrect.

For illustration purpose, please find below a marked diagram. When a northbound vehicle (marked as X) on Melby Lane, about to enter into proposed 4-lots Roslyn Ct, its view to the westbound vehicle (marked as Y) is severely obstructed by a raised front yard (highlighted yellow in diagram, 7 Melby Lane), and as such its SSD is significantly less than 260 feet (even worse with certain blind spots, dependent upon whether vehicle(s) are at the center, left or right of the lane), with the standard driver eye height and approaching vehicle height (3.5ft and 4.25 ft respectively). At 30mph speed limit, the min recommended sight distance is 140ft for uncontrolled intersection (from 2001 AASHTO Green Book), which will make this not only a high-risk setup, but also violate minimum requirements.

E6-1

{ What methodology was used to get to 260 feet distance? } { who conducted the transportation and parking related E6-2
analysis, what are his/her qualifications, and { what measures were taken to ensure analysis impartiality } I strongly E6-3
urge an independent 3rd party analysis at planning board's selection.



3.5.1.5 Speed Study

A speed study was completed for northbound and southbound traffic flows on Melby Lane approximately 400 feet north of the intersection at Vanad Drive. **A Bushnell Velocity Radar Gun** was used to assess vehicular travel speeds.**The 85th percentile speed was determined by R&M to be approximately 37.3 mph**, within the reasonable range relative to the posted speed of 30 mph for Melby Lane. R&M further concluded that the observed travel speeds were not excessive and mitigation measures are not required.

E6-4

{ How a bushnell velocity radar gun was set up? (was it inside a vehicle that is visible to traffic?) }

{ Why it collected north/south bound traffic on melby lane, not the east/west bound (which likely records at higher speed as west/eastbound road is longer). }

E6-5

{ The 85th percentile speed at 37.3 mph - why it used 85 percentile to reach its conclusion that the observed travel speeds were not excessive and no mitigation measures are required? }

E6-6

Using 85 percentile speed to reach its safety conclusion concerns me. 85 percentile might be sufficient for a test score, but far from sufficient for road safety. Why 85 percentile was used, who reached that conclusion, what his/her qualification, and what measures were taken to ensure its impartiality? }

Road safety is of paramount importance to our neighborhood, especially many families with youths or elders, who are most susceptible to the significantly increased risks if the proposal is approved.

Reading this proposal is time-consuming, and I haven't read it all. But the above 2 items provided me data points to at least question the accuracy and impartiality of the entire report.

As such { I am writing to object to the proposal as it stands, } and I appreciate you and your board members time and effort to evaluate the proposal and service/protect our community.

E6-7

Regards,

Siyu LI

Cc: neighbors in Nob Hills / Lakeville Estate

Futeran, Nancy

From: Stacey Siegel
Sent: Tuesday, October 1, 2019 1:50 PM
To: Mitch Cohen; Futeran, Nancy
Cc: MKoblenz (external E-Mail)
Subject: Fwd: Opposition to the Demolition of the John Mackay III House

Please see letter below...

Best,
Stacey

Sent from my iPhone

Begin forwarded message:

From: Bob Sargent <robertbsargent@aol.com>
Date: October 1, 2019 at 12:07:27 PM EDT
To: ssiegel@villageofeasthills.org
Cc: howard@kroplick.com
Subject: **Opposition to the Demolition of the John Mackay III House**

TO: Stacey Siegel, Trustee, Village of East Hills

FROM: Robert Sargent, Trustee and Former President, Roslyn Landmark Society

RE: Opposition to the Proposed Demolition of the Historic John Mackay III House

{ I am writing as an architectural historian and former president of the Roslyn Landmark Society to express my strong opposition of the demolition of the historic Mackay House on Melby Lane, East Hills, NY. }

E7-1

As the president and trustee of the RLS, I was involved with a team in saving and restoring one of the Mackay statues and placing it in Gerry Park where it can be shared with the community and is representing vividly the important history of the Roslyn Area.

I visited the John Mackay III house a couple of years ago when there was a plan to add four new houses to the site in effect disfiguring it. I was impressed with its beauty, authenticity, and architectural significance. A next door neighbor noticed me and my wife looking at the house from the street and urged us to help save it.

I am writing primarily as an architectural historian with an MA from The Parson School of Design. I want to bring to the attention of the Mayor and Trustees of East Hills that the house is significant architecturally and should be preserved.

The architect John Walter Cross (1878-1951), Cross & Cross, played a major role in shaping the Manhattan landscape, as Howard Kroplick points out, but they also designed important country houses on Long Island's North Shore in Old Westbury, Roslyn Harbor, and Manhasset and throughout the East Coast.

A recent book *New York Transformed: The Architecture of Cross & Cross* (New York: Monacelli Press, 2014) coauthored by Peter Pennyoyer, a prominent Long Island architect and writer, has a long chapter, describing and illustrating these houses, in Chapter 4, "Country Houses."

The John Mackay III East Hills House is described on page 96. The authors write that at 12 rooms it is not as large as some of firm's commissions, but praise it as "a Cotswold-inspired cottage with an air of age, sandblasted Indiana stone," with random pegged oak flooring on the interior.

Harrie Lindberg, also an outstanding traditional revival architect of the period like John Cross, chose the English Cotswold style for his own home in Locust Valley.

The book praises Cross & Cross' country houses as "injecting history and a sense of permanence into their projects" (76).

{ It would be a terrible shame if the John Mackay III House were to be destroyed or disfigured by a very awkward placement of new houses around it. }

E7-2

Respectfully submitted

Robert Sargent, Trustee, RLS
74 The Oaks
Roslyn Estates, NY 11576

516-621-2601

cc: Howard Kroplick, President, Roslyn Landmark Society

Futeran, Nancy

From: Stanley Dessen <dessen@optonline.net>
Sent: Tuesday, October 1, 2019 3:20 PM
To: Smk146@aol.com; Futeran, Nancy
Cc: 'Mitch Cohen'
Subject: Emailing: Shenfeld 2019
Attachments: Shenfeld 2019.docx

Steven/Nancy

Attached is my written submission regarding the DEIS for 2A Melby Lane.
Stan Dessen

To: Steven Kafta, Chairman Planning Board
Village of East Hills
209 Harbor Hill Road
East Hills, New York 11576

RE: Draft Environmental Impact Statement 2A Melby Lane (DEIS)

My name is Stanley Dessen, and my wife and I have lived directly adjacent to the proposed project site for the past 36 years. Due to a prior commitment that could not be changed I was unable to appear at the public hearing regarding the above captioned application. As one of the neighbors who would be most directly affected by the proposed development I welcome the opportunity to present my concerns and comments to you and the other members of the Planning Board in writing.

Despite the fact that the applicant attempts to minimize the scope and consequences of the proposed project throughout the DEIS, if granted the proposed demolition and construction would be the most significant disruptive single project undertaken in the Village of East Hills in decades.

I would venture to state that if a speculator put together a group of adjacent parcels and made the same proposal as the applicant, this Board would have denied that proposal summarily. There should be no difference just because the speculator in this instance is a resident.

The DEIS concedes that under the absolute best case scenario, the construction of the proposed project would take a minimum of two years. Depending on whether construction is done at one time or in phases, it could take even more time. In all probability, if approved, this project would take a minimum of three and more likely four years to complete. {The DEIS does not address even a likely case scenario. Instead, the DEIS points out that "it is impossible to determine the total duration of construction." (DEIS at page 9) }

{ The DEIS (at pages 63-68) attempts to minimize the effects of noise, air pollution, traffic disruption and parking issues--amongst a host of other quality of life issues that would be encountered during the demolition and construction phases. }

Common sense and past experience with Village construction projects clearly conflict with the self serving minimization of these factors and the effect they will have on the surrounding neighbors and neighborhood.

E8-2

{ Throughout the DEIS both the stated and implied primary justification for the proposed project is the maximization of the financial return to the applicants. The obvious and significant reduction in the value of all of the surrounding homes during the years of demolition and construction have not been considered. }

E8-3

{ The applicants, as set forth in the DEIS (at page xvi and Exhibit K) have sought and obtained a statement from the Village that there "are no recently approved or planned developments in the vicinity of the project site." Does this imply that if a neighboring home is sold and demolition is contemplated (as would be the case with most of the surrounding homes) during the two to four years of the proposed project, a Building Permit might be denied to that neighbor because of the vastness of the applicant's proposal? }

E8-4

The Planning Board must consider the adverse environmental, quality of life, and financial impacts on the surrounding community and weigh those impacts against the primary objective to maximize the financial return to the applicant. { If the Board is considering granting this application it must give assurances to the community that there will be no significant adverse consequences to everyone else in the area. }

E8-5

Having said all of that, it is clear that the applicant is entitled to make a reasonable profit. The Planning Board must balance that profit while still considering the effect on the rest of the community.

To that end, { DEIS alternative A-1(leaving the existing historical home and constructing only two new subdivided lots for single family residences) would both provide the applicant with a sizable profit and would also significantly reduce the major adverse impacts of the primary proposal. The DEIS explains that the "impacts associated with construction of the subdivision under this alternative would be less than the proposed action." (DEIS at page 76)

E8-6

The primary concern identified in the DEIS with this alternative is that it will require variances from the Zoning Board of Appeals (ZBA). As a 25 year member of the ZBA, I have seen the ZBA routinely grant variances where the party seeking the variance presents a reasonable case. While in no way can I guarantee or opine that the variances would be granted, I am confident that given the entire package, they would be receive a full and fair review. }

E8-6
Cont'd.

{ Alternative A-1 is also a better option than presented in the DEIS because the value of the existing residence has been vastly understated in the DEIS and that the sale of this property, which has been off the market for over two years, should produce a much greater return than depicted in the DEIS. The applicant asserts that the cost of renovating the existing residence for sale would be prohibitive but offers no estimates or photo evidence to support such a claim. }

E8-7

For these reasons, I strongly urge the Planning Board to reject the primary proposal and approve alternative A-1. }

E8-8

Thank you for your consideration.

Very truly yours,

Stanley B. Dessen

October 3, 2019

Futeran, Nancy

From: Alan Richards <dr.a.richards@gmail.com>
Sent: Tuesday, October 1, 2019 4:35 PM
To: Futeran, Nancy
Subject: Nob Hill Subdivision

Dear Mr. Kafka:

As a long-time resident of Nob Hill, and a resident on Melby Lane (28), I am appalled at the prospect of having my neighborhood torn apart for two to three years by a vanity project of a resident who will no longer be a part of our neighborhood. This project will add nothing to our neighborhood in terms of value or appeal. It will cause the residents of the immediate area to have safety issues for their children and a long-standing exposure to noise and dirt. As proposed, this subdivision will add nothing to the appeal of the neighborhood with four overly-large houses which are not integrated into the fabric of our community. I strongly urge you and the members of the board to reject this proposal. It is no more than a money grab by the present owners who will no longer be part of our community. Let them sell their house and leave us alone. There is enough congestion and noise from aircraft flying over our community and gardeners only to be exacerbated by continual construction noise from the proposed site.

E9-1
E9-2
E9-3
E9-4

Alan M. Richards, Ph.D.

--

Alan M. Richards, Ph.D.
28 Melby Lane
Roslyn, NY 11576
(516) 626-3250
FAX: (516) 821-8558



Futeran, Nancy

From: brooke freeman <brookfree@yahoo.com>
Sent: Tuesday, October 1, 2019 8:55 PM
To: Futeran, Nancy
Subject: Stonehouse project

Dear Mr. Stephen Kafka,

I am writing to appeal to you and the village of East Hills planning board to consider the demolition and proposed subdivision of the stonehouse on Melby Lane.

My husband and I have been living on Hummingbird Drive for 15 years. { We are opposed to the demolition of this beautiful historical home in our community } We were both born and raised in East Hills and have always admired the beauty of this house. E10-1

{ The increased traffic in the neighborhood due to the construction will be Incredibly disruptive to the peaceful environment of Nob Hill and Lakeville Estates. Exiting the neighborhood in the mornings and evenings can be quite dangerous because of all the cars lining up to make the turn out of the neighborhood. Now add large tractor trailers and cement trucks to the equation. Tally Road will become more dangerous. } E10-2

Subdividing this property will not only affect the homeowners adjacent to the property but will also have a significant negative impact on the residence of both Nob Hill and Lakeville. { The demolition of the property and carting away of the debris will leave a trail of soil and create noise throughout the community } { Where will the workers be parking? Will this create security concerns? Workers during their lunch break wandering the neighborhood creating security problems. I have a young athletic daughter that runs the neighborhood. I will now have to be concerned with strange men loitering } E10-3
E10-4
E10-5

We are opposed to this project being granted.

Thank you for taking the time and caring about these neighborhoods.

Sincerely,
Brooke and Eric Freeman
22 hummingbird Drive

Futeran, Nancy

From: Adam Lilling <alilling@lillingcpa.com>
Sent: Wednesday, October 2, 2019 9:29 AM
To: Futeran, Nancy
Cc: Sara Lilling
Subject: 2a melby lane

Nancy,

{ I am writing to oppose the construction at 2A Melby Lane. } We have 2 young children and moved to this area because it was peaceful and quit. { We do not want our family and community to be disrupted by large amounts of construction and pollution. This will drive the value of our homes down and our quality of life. }

E11-1

E11-2

{ This is a classic example of a large company profiting while a small community suffers. This should NOT be allowed. }

E11-3

Best,

Adam S. Lilling, CPA, CFA
Partner
Lilling & Company LLP
2 Seaview Boulevard
Port Washington, NY 11050
516-829-1099

Futeran, Nancy

From: Josh <joshlevy13@gmail.com>
Sent: Wednesday, October 2, 2019 10:36 AM
To: Futeran, Nancy
Subject: Comment on DEHS report and plan for subdivision of 2 Melby
Attachments: letter for DEHS.docx

Hello

I am the resident at 5 Melby Lane and I would like to submit the attached letter pertaining to the proposed project at 2 Melby Lane

Please confirm receipt of this email so I know it will be included in the record.

Thank you very much

Joshua Levy

September 28, 2019

Steven Kafta, Chairman Planning Boards
Village of East Hills
209 Harbor Hill Road
East Hills, NY. 11576

RE: 2A Melby Project and Draft Environmental Impact Statement

Dear Mr. Kafta & East Hills Planning Board

My wife Jessica & I reside at 5 Melby Lane and we would like to register our strong objection of the proposed development of a 4-house subdivision at 2A Melby. As one of the residents who will be most affected, we would like to take the time to express our concerns in this letter. We were unfortunately unable to attend the meeting on September 24th but that doesn't mean our concerns are not valid. I did attend the meetings on this project held a couple years back. I didn't even realize this was back on the table, and I didn't even know that the house has been back on the market for the past few years – from what I understand it wasn't.

I am not a lawyer, so I will dispense with any legal arguments and express briefly what I believe to be logical and common-sense statements. { There should be no disputing that this project will cause major disruption and decrease the quality of life for those residents surrounding the proposed development. } I understand the current residents trying to do what is best for them, however, { how can one families' desire outweigh the quality of life for the 20-30 (maybe more) families who surround this project? } In my view, this is really the central argument. My guess is if you polled every single family affected by this project, 95% if not all would object.

E12-1

E12-2

There are many statements in the DEIS report that strain the bounds of believability. { The project will only take 2 years? I think everyone can assume that is wildly optimistic and this

E12-3

project will take much longer. } { Limited disruption and carpooled workers? That also seems hard to believe and who would really be monitoring any of this once the project starts. } { Limited to no exposure to harmful chemicals & pollutants? Who is guaranteeing us this and why should we be satisfied that it's "limited." }

E12-4

I am also } deeply concerned about the massive amount of construction vehicles, equipment, dumpsters, etc that will be clogging up what is a beautiful, quiet area/ street, not to mention the damage these giant vehicles will cause to the street. The amount of dirt coming from this project will be enormous. } This is the street where my kids walk our dog and sometimes ride their bikes.

E12-5

I think when one purchases a home that there is a reasonable expectation that there will be some type of construction on one of the houses surrounding them. But that is one house, not four, and not a project that will most likely take 3-5 years to complete. Further, } once the project is complete, Melby Lane will have 4 times the number of vehicles coming out of one driveway (which will be pretty much be diagonally from my house). I already have issues backing out of my driveway as cars speed around the current turn in what is a blind spot from my driveway. This will make a quiet street into an extremely busy once. } I once again stress my central argument, that one family's grand plans should not cause an adverse effect on so many other family's quality of life.

E12-6

A homeowner should expect some of the unexpected, but this is, I would assume the largest single project in the Village of East Hills in decades, maybe ever. No one could possibly anticipate this when making their home buying decision. Families like mine should not be told "well, that's too bad" for what is a black swan event

I won't pretend to claim I can fully understand the study's report on the environmental impact, but the fact that I couldn't find pages on possible adverse effects makes me believe that this report was written with a specific agenda in mind. Assuming it was paid for by the applicant

how can we have faith in what is in it? { Who is really going to monitor the environmental impact once the project has started? } At the very least, there will be noise & air pollution and possibly, probably, much worse. { Do I really need to worry now about my kids' exposure to asbestos and other harmful pollutants in Roslyn, NY? }

E12-7

E12-8

Thank you for taking the time to read this letter. Of course, I have a vested interest as a neighbor, but I truly believe that one doesn't have to be affected by this project to be able to judge fairness. I hope that the planning board will take a minute to think how they would feel about this project if they lived next to it. It's not right for dozens of families to have to put up with major disruption and chaos in their lives for years, if not longer, to satisfy the financial desires of one family. I bought my home on Melby Lane for many reasons, one being that it was a quiet street. This changes everything. If this project goes through than this will no longer be the case.

Sincerely

Joshua Levy

Futeran, Nancy

From: robinbethgoldstein@aol.com
Sent: Wednesday, October 2, 2019 10:46 AM
To: Futeran, Nancy; robinbethgoldstein@aol.com; steveng555@aol.com
Subject: 2A Melby lane

{ I am writing to express my opposition too the proposed subdivision and demolition of 2A Melby lane. } I live at 14 Vanad Drive. This will greatly impact my families daily life. The amount of debris, asbestos, dust, pollution, traffic, congestion, damage to our roads, noise, truck fumes, rodents, disturbed wildlife , childrens safety having all these workers entering and leaving our development, drainage issues to name a few is stressful just to just mention!

E13-1

{ To demolish this historic home in our beautiful neighborhood is a huge loss to our community. The beauty of that home attracted us to where we live. I enjoy sharing with my visitors the history I know and the beauty of that stone house. }

E13-2

{ E13-3 To destroy trees that are hundreds of years old is disgraceful. This is a plan for a major subdivision, not a remodeling job }
{ E13-5 Utility(gas and electric) have to be brought in roads have to be laid drainage has to be configured and implanted. The }
{ E13-4 wildlife that currently live on that property will be displaced and will find residents in and on our property }
{ E13-6 backed up on Glen Cove Road , Nob Hill Gate and streets in and out of our neighborhood. }
{ E13-7 The safety of our children and residents walking and biking not only by vehicles but hundreds of construction workers for years in our neighborhood. }
Nob Hill will be altered forever!

This is greed!

I can not stress enough my opposition to the demolishing of 2A Melby Lane

Sincerely,
Robin and Steven Goldstein
14 Vanad Drive

Futeran, Nancy

From: Nancy Levy <nenaju@optonline.net>
Sent: Wednesday, October 2, 2019 5:34 PM
To: Futeran, Nancy
Subject: Attention Steven Kafka

Dear Mr. Kafka,

I would first like to say that we were not notified about the meeting that took place last Tuesday. I did not receive any letter to my home and just found out that it took place by word of mouth. The proposed construction at 2A Melby would be devastating to my quality of life and my professional life as well. I live at 10 Hummingbird Drive and I work from home. The proposed building of 4 houses on this property would create such a huge amount of noise and dirt for such a prolonged period of time that I don't think that I could remain living in my house under these conditions. Please take into consideration the quality of life that the current residents surrounds this property deserve.

E14-1

Thank you,

Nancy Levy and Neil Cohen
10 Hummingbird Drive

Sent from my iPhone

Futeran, Nancy

From: kanis spencer <skan105@yahoo.com>
Sent: Thursday, October 3, 2019 7:48 AM
To: smk146@aol.com; Nancy Futeran
Cc: Futeran, Nancy
Subject: #2A MELBY, Planning Board Commentary
Attachments: MELBY.docx

Dear Steven Kafka, East Hills Planning Board Chair and board members,

Please note my attached comments on the above mentioned home aka, Happy House. As you will note I am a 41 year resident, currently Chair of the Architectural Review Board and President of the Norgate Civic association.

I hope all members of the Planning Board read the attached comments find them helpful

Regards

Spencer A Kanis

SPENCER A. KANIS

RE: #2A Melby Lane, Sect#19 Block 27

Planning Board of East Hills
Steven Kafka, Chairman
209 Harbor Hill Road
East Hills, NY

Date: September 28, 2019

To the Planning Board of East Hills,

I am sorry that I was not able to attend your committee meeting held on Tuesday evening, Sept 24th, concerning the above mentioned property.

I write this memorandum as a 41 year resident in the Village of East Hills and I therefore state that the demolition of this historic property will have an adverse impact on the community (as stated in the September 23, 2019 memorandum from the NYS Parks, Recreation and Historic Preservation Organization). The elimination of such a unique home, not only from an architectural perspective, but historical as well, is not an acceptable alternative and thus only plan A-1 as outlined in the "July 19th, 2019, Draft Environmental Impact Statement- DEIS" can be possible. As you know, this property is one of the few remaining aspects of the John W. Mackay III estate and its destruction can only reduce the real estate valuations within the Village of East Hills and its surrounding area. In addition, it ignores the recognition that most citizens accept as their responsibility, to preserve elements of American history.

E15-1

E15-2

I base my comments, not only as a resident, but also as a Senior member of the East Hills Architectural Review Board for the past ten years, as well as President of the Norgate Civic Association (which represents some of the oldest homes reflecting a unique style of European and American architecture). As such, I continually hear homeowners state, " I moved into East Hills because of the charm that comes from the "older" homes in our area including the historic homes in the Village of Roslyn". This sentiment is also echoed even when a 1960's home with very little architecture style is being raised to accommodate the creation of a new "more modern" home.

I have also taken the liberty via my "FOIL" request to review the minutes of the April 27th, 2017 Planning Board meeting. I had noticed discussions about alternatives that reflect private roads where upon the four adjoining property owners of the newly divided lot will be responsible for these roads required for access to the

newly developed four lots. Thereby, each homeowner will have a shared responsibility to maintain and clean these roads - totally unfeasible . You must recognize that one of the home owners may neglect their required financial responsibility and the residual property owners will need to take costly and necessary legal action to collect their expenditures.

It is obvious that the only reason for this sub-division , or the four alternatives as outlined in the DEIS, is financial. A quick economic gain. Mr. and Mrs. Shenfeld initially in 2015 placed their home for sale in the amount of \$3.95 million and then a reduction to \$3.3. This occurred only one year before they hired outside consultants to survey the property for a more profitable proposal of subdivision. A quick review of Zillow will also reflect that this price range placed the home in a valuation that can be considered in the high end of homes in the area. This would lead to a normal, yet extended time interval in which to sell. One would be amiss to notice the omission in the documents that they do not mention the most important aspects of a home

in order to establish its fair market value and salability. In particular, the layout, room size, and condition of the kitchen, its appliances and the bathrooms.

Based upon the above mentioned reports that the Planning Board has reviewed it would appear that the alternative called A-1, in the "Comparison of Alternatives," Table #14, is the most feasible. However, while it explores the maintenance of the existing Mackay's "aka Happy House," it also reflects statements that are questionable in their assumptions. The VEH statute states that all new construction must include a review and approval by the Architectural Review Board. Thus it is fallacious at this time to reflect any data under the headings of "Limit of Disturbance", "Trees Removal", "Impervious Surfaces" and other representations such as Variances to be required, or time required to sell four adjoining lots, without knowledge of any Architectural Plans pertaining to the newly created homes and lots. Nor tree plantings required to create privacy with neighboring lots. Therefore nothing in these reports, appears to be a prudent and feasible alternative as of this time.

Thank you for your consideration;

Spencer Kanis
Architectural Review Board, Chair
Norgate Civic Association, President
Resident

Futeran, Nancy

From: Rachel Bergman <rachelbergman331@googlemail.com>
Sent: Thursday, October 3, 2019 11:33 AM
To: Futeran, Nancy
Subject: Friedman Opposition Letter: 2A Melby Lane Subdivision
Attachments: Friedman Opposition Melby Lane.pdf

Hello,

I am attaching here an official opposition letter on behalf of my family at 3 Mead Lane, East Hills, which backs the site of the proposed subdivision at 2A Melby Lane.

I had emailed previously, but have since updated my letter and, rather than include it in the email body as I did last time, I have included it as an attachment.

I will drop off a hard copy as well.

Thank you for your attention,

Rachel Friedman

The Friedmans
3 Mead Lane
East Hills, NY 11576
516-480-1260

October 3, 2019

Village Planning Board
Village of East Hills
209 Harbor Hill Road
East Hills, NY 11576

Re: Stonehouse Subdivision, 2A Melby Lane, East Hills

Attn: Village Planning Board,

{ We are writing to express our opposition to the proposed subdivision at the site of 2A Melby Lane } We, Rachel and Robert Friedman, reside with our 2-year-old son at 3 Mead Lane, and we are expecting a baby in December. Due to the location of our home, which backs the property, this project would directly impact us.

E16-1

When we bought our home in Fall 2018, we were under the assumption we were moving into a quiet, safe community ideal for raising our small child and future children. We were not made at all aware that this project had been proposed.

Let alone that this subdivision would certainly reduce the value of our house { it is devastating to think that the beautiful, historic house right behind us could be demolished, potentially releasing asbestos and lead into our air and making our home a toxic place to live. } How could something like this be approved? Even if there were not asbestos and lead issues at play—which is highly unlikely given the age of the house { the pollution from the trucks and construction alone is a massive concern. We feel it is obvious that the environmental study should have been conducted by the village rather than by the party proposing the project (the homeowner) in order to maintain impartial results. Why should the study conducted by the homeowner be trusted?

E16-2

E16-3

Aside from the health issues, which are paramount, the years of construction, dirt and noise will make our lovely yard unusable for our children. They will disrupt our peaceful home where our children need adequate rest both day and night and where all of us require a quiet place to be at ease and decompress. { More importantly, we don't feel at ease with the amount of workers that would be brought into our community for such an undertaking, essentially into our backyard.

E16-4

E16-5 This proposition brings many strangers in close proximity to our children. }

{ There could potentially be drainage issues, as the home is uphill from ours, } and { there will certainly be years of rodents as the entire ground will be disrupted to make way for the roads, pipes, plumbing, } etc. We also wonder, { will the added cost to maintain these new roads and new homes—which will require more water and electricity—affect the taxes of the entire community? Why should we take on this burden? }

E16-6

E16-7

Of course { we also feel it would be a huge loss to demolish a historic home in our community, and to destroy a property filled with trees hundreds of years old } We do not feel a significant effort to sell the home was made. The listing price was far too high given the costs needed to modernize the house. The home is currently valued at \$2,400,000 and was never listed below \$3,600,000. It was never given a real chance to sell. }

E16-8

E16-9

Again, we vehemently oppose this project and hope the village will do all that it can to stop it from moving forward as it puts the physical safety and mental health of our families and the environmental health and integrity of our community at risk.

Sincerely,
Rachel, Robert, and Levi Friedman at 3 Mead Lane

Futeran, Nancy

From: barbara heffer <hefferbarbara@hotmail.com>
Sent: Friday, October 4, 2019 10:52 AM
To: Futeran, Nancy
Subject: 4 Home Subdivision

To Steve Kafka

{ I oppose this subdivision as I bought into a quiet peaceful neighborhood over 40 years ago and was sure it was going to remain such. } This planned subdivision will create unimaginable noise, traffic and dirt in this beautiful neighborhood. }

Sincerely,

B. Heffer

9 Melby Lane

Sent from my iPad

E17-1

E17-2

Futeran, Nancy

From: stacsiegel@aol.com
Sent: Friday, October 4, 2019 11:53 AM
To: Futeran, Nancy
Subject: 2a Melby Letter to Planning Board
Attachments: 2a Melby.docx; ATT00001.txt

Hi Nancy!

Please see attached & confirm receipt.

Stacey R. Siegel
24 Vanad Drive
East Hills, NY 11576
516-996-7460

October 4, 2019

Village of East Hills Planning Board
209 Harbor Hill Road
East Hills, NY 11576

Re: 2A Melby Lane Subdivison Application

Dear Members of the Village of East Hills Planning Board,

Thank you for taking the time and effort to review the application for subdivision of 2A Melby Lane, and intended demolition of the home, thoroughly and very seriously. I have lived at 24 Vanad Drive for almost 20 years and have often walked around the corner admiring this home. It's a beautiful home with significant historical value to the surrounding neighborhood and East Hills, which visibly has been taken care of meticulously by its owners for approximately 25 years. It would be such a loss to the Nob Hill community as well as East Hills and Long Island to allow this home to be demolished, as so many other historical residences have been for monetary gain. There are a couple outstanding questions that remain and, I believe, should be addressed by the Board:

E18-1

- 1) { has the current owner of approximately 25 years, who has enjoyed the home & its lovely surrounding property, given adequate/substantial effort to sell the property, with the home in tact? According to Zillow, when the house first went on the market back in 7/23/15 it was listed at \$3.9 million. Subsequently, the owners reduced the price to \$3.68m on 1/21/16. Listing was removed at that price on 4/13/17 and has not been on the market since, during which time there could have been a buyer. Zillow currently estimates the house to be worth \$2.5 million. At the last public hearing, the owners indicated that there were a few buyers interested in the home when it was on the market, but at a discount to what they were asking. Costs to modernize the home were mentioned by the applicant to be prohibitive, but details of those costs have not been provided to the Board.

E18-2

- 2) { have all other alternatives to demolishing the home & subdividing the property into 4 lots been evaluated and justified as not feasible? Given the size of the home and property, it would seem reasonable to allow a subdivision for 1 additional home to be built, not 4, to limit the destruction & disturbance to the neighborhood and promote the character of the community that is shared & valued by the residents, which would then also leave this incredible home standing. The Village has gone through great lengths to preserve its history, with the example of the Harbor Hill gates being restored, located on the corner of Roslyn Road and Harbor Hill Road, in the near term. Furthermore, the Dairyman's Cottage on Elm Drive was recently sold, with the sales price reflecting the work that would need to be done & hence the new owners are renovating, but keeping the home in place, respectful of its history. Again, what would the costs of modernizing the home at 2A Melby be and would a buyer be interested at the right price? }

E18-3

E18-4

Thank you again for your time and consideration.

Sincerely,

Stacey R. Siegel

Futeran, Nancy

From: Debbie Dakis <dakis828@gmail.com>
Sent: Friday, October 4, 2019 2:16 PM
To: Futeran, Nancy
Cc: Michael Coritsidis; Michael Coritsidis; dakis828@gmail.com
Subject: Proposed Four-Lot Subdivision of 2aMelby Court- Comments in Opposition
Attachments: Melby Comments.docx

Attached please find our comments with respect to Proposed Four-Lot Subdivision of 2A Melby Court.

Thank you.

Debbie Dakis
Michael Coritsidis
7 Mead Lane East Hills

Debbie Dakis
Michael Coritsidis
7 Mead Lane
Roslyn, NY 11576

October 3, 2019
Village Planning Board
Village of East Hills
209 Harbor Hill Road
East Hills, NY 11576

Re: Stonehouse Subdivison, 2A Melby Lane, East Hills

We are attaching our comments in opposition the proposed subdivision.

Our commentary addresses facts presented in the Environmental Assessment Form (June 21, 2017) with respect to the Draft Environmental Impact Statement produced by the Applicants (submitted July 2019).

Due to the lengthy and technical nature of the DEIS and limited time, our comments are presented in no particular order, in paragraphs which are identified as categories or sections from the above referenced documents. We apologize if it seems rather haphazard but it was more important to cover as much as we could in a short time.

We appreciate your consideration.

Sincerely,
Debbie Dakis and Michael Coritsidis

ENVIRONMENTAL ASSESSMENT FORM (EAF): Three Part Form

Part 2- Lead Agency uses to decide whether potential adverse impacts have a small, or a moderate to large impact.

Part 3- Lead Agency identifies potential for significant adverse impact.



In the EAS, Page 1 of 10 1. Impact on Land

Here the impact was marked as No, or small impact may occur.

This designation should be, by definition (see below D.1e) Moderate to large impact may occur

e. The proposed action may involve construction that continues for more than one year or in multiple phases.

Construction that takes more than a year or that has multiple phases can cause impacts related but not limited to: ongoing traffic disruptions, use of heavy equipment with high noise levels, stockpiles of soils and materials and other visual signs of construction that result in longer-term visual changes to the character of the area, or other ongoing noise or odor nuisances

D.1.e Analysis

- What is the total time frame for the project and how many phases are planned?
- What adjacent land uses may be affected by that long-term construction?
- How would they be affected?

Will there be an impact?

If the project will be completed within one year of approval or if there is only one phase to the project, there will be no related impacts, so check 'no, or small impact may occur'.

Small Impact: Not the case for proposed project

Examples of phased projects that would have a small impact could be:

- Construction that occurs in multiple phases, but the overall level of activity will not be substantially different from a single-phase project
- Construction will continue for more than one year, but activity will be intermittent.
 - There will be spurts of activity for less than 2 months at a time, perhaps seasonally for one or two years.

Moderate to Large Impact: Absolutely the case for proposed project as defined in the DEIS (see below)

- Construction that occurs over multiple phases, over many years should be considered long-term.

DEIS Pg. iv 1.4.2 Demolition and Construction Schedule

Demolition of the existing residence and associated uses as well as the development of the four proposed lots would take approximately 24 months. Construction activities would be subject to the relevant restrictions of the Village Code including, but not limited to, Chapter 127, Noise and Chapter 225, Building Construction, Permitted Times. Since it is unknown at this time whether all the lots would be developed concurrently, or whether each lot would be individually developed, it is not possible to establish a definitive schedule of construction.

This is clearly not a small (as checked off on the EAF) but a **large impact** and should be designated/checked off as so by definition on the EAF. Stating that approximately 24 months is required just to prep the site for development is only an estimation which we all know from experience with construction will take longer (this point was stated by a planning board member as well on 9/24/19).

Next is the additional phase(s) which involve building the homes. The likelihood of being developed simultaneously is minimal thereby imposing an unknown number of years of further construction and development. *"it is not possible to establish a definitive schedule of construction."*

- | | | |
|---|---|-------------------------|
| { | Identification of mitigation measures are the core of the EIS. Where is the mitigation proposal for the impact of a project of such magnitude and duration? <i>"Construction activities would be subject to the relevant restrictions of the Village Code."</i> These are not solutions and do not mitigate the impact of years of construction, the environmental impact and economic detriment to the residents. } | E19-1 |
| { | In sections of the DEIS there is very technical analysis. The content is such that the lay person cannot fully understand the details of the engineering, drainage, grading, movement of fill, method of analyzing traffic impact ...without the help of professional such as engineers, architects. So how can the mitigation proposals be properly analyzed and evaluated as meaningful by non-professionals? In addition, given the length and technical complexity of the document it is fair to say that many residents do not know how to argue these technical points making it hard for them to show up at public hearing with factual input. This proposed subdivision (as acknowledged in the public hearings) is unprecedented in the Village of EH in magnitude and duration. We presume the Village of EH has the proper professionals to analyze the DEIS to accurately evaluate the realities and risks. This is important because the EIS provides the rational for the decision of the Planning Board. | E19-2
E19-3
E19-4 |

BELOW IS A DISCUSSION OF THE EAS – PART 3:

WITH SPECIFIC REFERENCES FROM THE APPLICANTS DEIS OF JULY 2019.

EAS - PART 3

HERE THE LEAD AGENCY ITEMIZES: A NUMBER OF RESOURCE AREAS WHERE THERE IS POENTIAL FOR SIGNIFICANT ADVERSE IMPACTS. THESE INCLUEDE:

TRANSPORTATION: safety of the proposed site access needs to be evaluated due to the presence of a sharp curve...

Residents who reside on Melby Lane have stated at the public hearings that the sharp/blind curve has been an issue for pedestrian and driver safety for years. Vehicles parked on Melby Lane and pedestrians walking on or crossing Melby Lane required some measure to be taken to protect them. This prompted the Village to take some mitigation action; this was to paint a yellow line down the center of Melby Lane to encourage drivers to be more mindful of the visibility/sight distance issue as they come around the curve.

{ The proposed action/subdivision requires a cul-de-sac for entry/exit on Melby Lane of: residents of four homes and all vehicles associated with those homes (garbage trucks, mail trucks (USPS/FEDEX/UPS), service providers, friends/family and all other vehicles associated with the four proposed homes to be built. This will intensify the danger, which is proven to already exist, making it a public safety issue. }

E19-5

{ See DEIS Pg ix 1.5.5 Transportation and Parking The sight distance analysis performed deems sight distance adequate in both directions. **As a result of this analysis along with TIS analysis, the DEIS states on Pg ix 1.5.5 Transportation and Parking that there is no need for mitigation with respect to these issues. In the context of the safety issue which already exists, it is clear that the probability of further dangers and safety issues are very real in spite of the DEIS determination that there is no adverse impact of a new cul-de-sac and the increased traffic that will certainly be a result of a subdivision of this magnitude.** }

E19-6

Also see Trip Generation Projections below for the anticipated and underestimated additional vehicle activity coming in and out of the cul-de-sac daily.

{ See DEIS Pg xii 1.5.8 Construction Impacts

“The construction of the proposed improvements would be primarily limited to the subject property itself, although **the adjacent portion of Melby Lane would also be affected for site access and utility improvements.**” Further safety issue on Melby Lane for an indefinite period. }

E19-7

See DEIS Pg 51 Table 13 Trip Generation Projections

{ Trip Generation Projections for the 4 single-family detached houses calculates: 13 trips/each am hour, 15 trips/each midday hour and 6 trips/each pm hour. DEIS translates the maximum 15 vehicle trips for the midday hour as equal to **ONE VEHICLE EVERY FOUR MINUTES (60 minutes/15 VEHICLES= 1 VEHICLE EVERY 4 MINUTES)**. If I have understood this chart correctly, in the course of one weekday we can expect that the cul-de-sac vehicular activity will be as follows (at a minimum): **ON AVEARAGE ONE NEWLY GENERATED VEHICULAR TRIP EVERY FOUR (4) MINUTES:**

E19-8

AM HOURS = one vehicle every 4.6 minutes

MIDDAY HOURS = one vehicle every 4 minutes

PM HOURS = one vehicle every 10 minutes

This is the vehicular activity that the surrounding homes will be subject to in the sanctity of our back yards, homes and for some of us workplace. The back yards of our homes adjoin the Melby property and giving us no reprieve or escape from the sounds and sights of vehicles (front or back).

E19-8
Cont'd.

See DEIS Pg 52 Parking The proposed action would generate a demand for approximately **eight (8) parking spaces**. Proposed driveways for each subdivision lot would satisfy this demand. In addition, on-street parking demand and typical of a **cul-de-sac is to provide parking for eighteen (18) additional parked vehicles on the cul-de-sac. Effectively creating a parking lot in our back yards.**

E19-9

This is a major impact on traffic and parking resulting in the surrounding homes experiencing a significant permanent change of character along with a diminished quality of life and economic value of our homes.

E19-10

COMMUNITY CHARACTER:

See DEIS Pg x 1.5.6 Aesthetic Resources: For site preparation there will be removal of 32 mature, significantly sized trees only to be replaced by 18 (3" caliper/~14' tall) small trees on the proposed roadway to help screen the proposed future homes from the roadway. The Applicants have identified the trees to be removed (total of 32) for creating the roadway and developing the proposed lots; but planting 18 small trees will not mitigate the major adverse impact of losing 14 40' to 50' trees on the neighborhood character and its natural resources. In addition, it is stated that "Any future landscaping for the home lots cannot be determined at this time" ...

E19-11

See Pg 36 3.3.2 Potential Impacts "Upon development of the four new lots, **it is expected** that a total of 18 additional trees would be removed for the construction of the residences, typical accessory uses and the driveways on the development lots. Overall, considering the subdivision and lot development, 32 trees **are anticipated** to be removed." **"As with future tree removal, future landscaping of the individual lots cannot be determined at this time."**

Therefore, the Lead Agency's question on Natural Resources remains unanswered. Is this in fact, the limit to the clearing to allow evaluation of removal of additional vegetation or protection of steep slope areas? Clearly there are many unknowns because of the magnitude and multi-phase duration of the proposed subdivision. See Pg 37 3.3.3 Proposed Mitigation These two items are not mitigation measures or answers to the question of Natural Resources and Community Character (EAS-Part 3).

DEIS further notes that "while the proposed action would change the aesthetic character...would be in conformance with the Village Code and with the existing development pattern." This may be the case with respect to half acre zoning. Conversely, there is no existing development pattern in EH in which a full-scale road (cul-de-sac with parking capacity for 18 cars) which imposes vehicular traffic, noise and vehicular lights into the sanctity of the abutting residents back yards and homes. The mitigation proposal of "a visual vegetative buffer" will do nothing to minimize this major adverse impact. This results in diminishing the quality of life of the neighboring residents in addition to diminishing the market value of our homes.

E19-12

See Pg 45-46 **3.4.2.3 Community Character** DEIS points to other existing cul-de-sacs: Bird Court and Arlington Court within the neighborhood stating “Thus, the creation of a cul-de-sac would not significantly modify the established roadway pattern and development layout.” The examples of Bird Court and Arlington Court are by no means comparable to what is proposed by Applicant. **The cul-de-sac in both Bird Court and Arlington Court is a road that runs along the front of the homes surrounding it to provide access WITHOUT RUNNING THROUGH ANY NEIGHBORING BACK YARDS. The residences that surround the 3 homes on Bird Court as well as the residences surrounding the 4 Arlington Court homes have not been affected by the creation of these two cul-de-sacs. None of the surrounding homes are impacted by the density, vehicular traffic and activity (including headlights) from Bird or Arlington Courts. It is inaccurate to suggest this is comparable to the Melby Lane proposal.** } E19-13

Furthermore, adding three additional homes with three additional pools is NOT consistent with the established density of the neighborhood. } E19-14

CONSTRUCTION AND DEMOLITION: related impacts over the course of 2 years have not been evaluated to ensure no significant adverse impact on surrounding area including friable asbestos abatement, removal of underground storage tanks, generation of noise, dust and the impact of construction vehicles on local roadways.

See DEIS Pg v **Subsurface Conditions, Soils and Topography:** {The issue of friable asbestos and removal of underground storage tanks have been identified in the DEIS as “BER’s that would be addressed at the time of demolition and subdivision” There are no mitigation proposals or evaluations to ensure no significant adverse impact. Instead there is language like “should be removed in accordance with prevailing regulations” and “asbestos would be abated in accordance with NYS Rule 56”. } E19-15

With regard to Generation of Noise, Dust and Impact of Construction Vehicles on local roadways

{ See DEIS Pg xii **1.5.8 Construction Impacts**

Based on the cut and fill numbers, and assuming an eight-hour workday and that an average dump truck has a capacity of 12 cubic yards, the amount of material would require three trips per hour and would occur over a four-week (20-work day) period. When C&D debris is considered, material removal would take an additional four working days. Periodic deliveries or the arrival or departure of construction vehicles would also occur throughout the typical workday, depending on construction scheduling. Traffic activity would be intermittent throughout the day. If the residences are built at the same time as the subdivision roadway, it may be possible to minimize truck trips by reusing some of the cut material generated by lot development as fill for the roadway, if the material is suitable.

Although there is the potential for adverse impacts during demolition and construction, such effects on traffic, noise, air quality, and hazardous materials would be temporary and would not result in significant adverse impacts to the surrounding community with the incorporation of mitigation measures into the construction phase of the project.

8-hour workday x 3 trips/hour = 24 trips per day, plus add on 4 days material removal and add on periodic deliveries or arrival/departure of construction vehicles. How is this deemed not resulting in significant adverse impact! } E19-16

See DEIS Pg 65 { It is estimated that as many as 10 construction worker vehicles at the site at one time. This is a horrible aesthetic, noisy and disruptive situation for the residents to endure. } E19-17

{ The proposed mitigation is technical and in theory provides procedures and precautions to be taken. Nevertheless, all the mitigation language offered for this project cannot provide very meaningful comfort that our homes will be protected from real damage. } As indicated on EAS Part 3-Evaluation of the Magnitude and Importance of Project Impacts: there are significant adverse concerns in which the proposed mitigation procedures can fail to prevent from occurring. As an example: some homes on Walnut suffered flooding of basements when the EH Park was constructed.

E19-18

{ This proposed subdivision project is unprecedented in EH in scale, duration, diminishing the quality of life and economic value of surrounding homes. Unprecedented in scale: erecting a small village (4 homes) which includes a cul-de-sac or the equivalent of a road within a perimeter that lies in the center of 10-12 residential homes and worse in their backyards. Unprecedented in duration/length of construction: the years of construction and disruption (noise, odors, traffic, lights) to the immediately abutting residences as well as the general immediate area. Unprecedented in the negative economic impact it will have on the marketability and value of surrounding homes (not just during the construction period which will be a minimum of 4-6 years but also upon completion (due to density of very large imposing homes on higher ground, vehicular movement/vehicular lights shining into our backyards and homes from cul-de-sac/road traffic, significant increase in noise level all in the sanctity of our backyards. }

E19-19

<https://www.dos.ny.gov/lg/onlinetraining/environmental-quality-review-act/>

Avoid segmentation

Segmentation divides a project into stages or pieces, as though they were independent activities requiring individual determinations of significance. This practice may be intentional or unintentional, and may occur over time, as is commonly the case with phased development. **Either way, segmentation may result in the cumulative environmental impacts of an entire action to be overlooked.** Segmentation is not permitted. **However, proposing a project in phases, where each stage is independent of the others, an agency may choose to allow segmented review under SEQRA. A safeguard practice could be to impose the condition that any subsequent development take into account the cumulative impacts of all phases. Standards for permissible segmented review may include: 1) the segmented review being no less protective of the environment; 2) state the reasons for segmenting the review; and 3) identify other segments of the action within the record.**

{ **A comment on the importance of the Avoiding Segmentation statement:** **Either way, segmentation may result in the cumulative environmental impacts of an entire action to be overlooked.** This is exactly why a subdivision of this scale and magnitude should be prohibited. The stated facts in the DEIS indicate that there are many unknown negative detrimental risks and impacts of this proposal and they identify mitigation procedures to “minimize” impacts. It is precisely because this subdivision proposal is a segmented/multi-phase project of unprecedented scale and magnitude in this community that the mitigation suggestions are meaningless. There will be irreversible damage to the character of the neighborhood and land, the environment, quality of life and the economic value of our homes. The DEIS attempts to show how damage and negative impact can be mitigated; BUT it addresses only one part of a massive undertaking with many phases and years of duration. Therefore, the DEIS is not

E19-20

comprehensive enough for the Village Board to evaluate the ultimate outcome and cumulative impacts of the entire action. }

E19-20
Cont'd.

I have been a resident of EH since 1993. 7 Mead Lane is my second home in EH, which I purchased in 2014 with husband Michael Coritsidis (who also owned his former home in EH since 2008). We decided to stay in EH as opposed to any other place within the Roslyn school district because in our 21 years in this community, we enjoyed a wonderful lifestyle that is difficult to replace. It comes from a common mindset and shared values of the residents of this community as well as the governing body of our village. The Village officials have always worked to improve our standard of living, preserve our quality of life, as well as homeownership. This is why EH is such a desirable place to live.

I presume the applicants for the same reason, many years ago, purchased the Melby property. It was a home, a sanctuary and a way of life, not an investment property for subdivision. All homeowners want to see the value of their homes preserved and ideally improved, with the hope that someday we can sell for more than we paid. All buyers and sellers are subject to the current economic and environment. There is a realistic market price for the Melby home and unfortunately it was not the asking price of \$3.9 million. { The applicants do have an unusually large property and by the zoning rule of half acre per home they have a financial and lawful incentive to propose a subdivision with four homes. In addition, the applicants have put to work a small army of lawyers, engineers, and environmental experts to produce documents with arguments as to why the proposed project is viable. The applicants have stated they propose to subdivide the land and build 4 homes in order to maximize the economic value of their property. What about the economic value of the surrounding homes, the residents who will remain in this community? The Village Board must consider the economic value of the immediately surrounding homes which: will absolutely be unsellable during the many years of construction; a prospective buyer will not buy a home during such an invasive and lengthy construction project. Which includes asbestos abatement, removal of storage tanks, building of a roadway, odors of asphalt, generation of noise from demolition, excavation, filling and construction vehicles, traffic on local roadways and the unsightliness for a multiphase project of unknown years. }

E19-21

Furthermore, { upon completion of the proposed subdivision project, our property values will be negatively impacted because we no longer have/or can offer to a prospective buyer the EH quality of life that we bought into and lost. It will be diminished because of the density and size of the new homes above us on higher ground, and more importantly a roadway in the form of a cul-de-sac will have changed the integrity and serenity of our back yards. There will be an unacceptable noise level and lights from vehicles coming up and down the cul-de-sac that will unavoidably impose on and destroy the quality of life of the surrounding homes. }

E19-22

{ In the DEIS, the Applicants document all the avenues they have explored which they argue gives them no choice but to propose a 4-lot subdivision. The options explored are as follows:

E19-23

#1-Attempted to sell the property as is

#2- Move the house to the Village Park area or to another location (to preserve the house) with a 3 lot subdivision

#3- Three Lot subdivision with a single roadway from Talley Road to access the new homes

But what leads the applicant to this “forced” conclusion is not necessarily a lack of options. We all know a home can be sold by a “motivated” seller. And the other two options were never really options. Identifying a reasonable alternative(s) to the action proposed should not include alternatives that are not viable. Proposing an alternate subdivision plan that is immediately off the table because it is not “as of right” is not a “reasonable” alternative. Proposing to move the Melby home when the Village’s existing infrastructure (E.g., electric lines) make it impossible to move (in addition to asking the Village of EH to pick up the associated expenses in excess of \$1.5million) is not a viable alternative. Placing the Melby home/property on the market for a price of \$3.9 million and lowering to another unrealistic figure is not a viable exit strategy if the market does not support such an asking price. The residents who wish to maintain their lives and homes in EH should not suffer the significant negative environmental, economic and qualitative impact in order to maximize the economic gain of one family leaving EH. It is not the obligation of the Village and its residents to ensure someone else’s financial gain at such a cost to the community. }

E19-23
Cont'd.

Futeran, Nancy

From: CHERYL GERSTMAN <cherg73@me.com>
Sent: Friday, October 4, 2019 3:10 PM
To: Futeran, Nancy
Subject: Stone house opposition letter

October 4, 2019

Village Planning Board
Village of East Hills
209 Harbor Hill Road
East Hills, NY 11576

Attn: Village Planning Board

We are writing to express our concern over the proposed subdivision of the stonehouse on Melby Lane. We, Cheryl & Bradley Gerstman live at 15 Melby Lane and have two teenagers. This proposed plan would directly impact us and our daily life here on peaceful Melby Lane. { To tear up the beautiful stonehouse would be such a shame. } { The turn the driveway is located on is already a dangerous turn, now you want to make that an entrance to a block and have 4 homes with minimum 3 cars each going in and out of that dangerous tight turn. That's just a disaster waiting to happen. I saw the traffic study that was conducted. The guy was asleep half the time. He also wasn't there when the school bus came around or gardeners. There are many health concerns, potential asbestos and air pollution, water pollution, animal life disruption, noise pollution, trucks and dirt, etc..... We are stating here now, that if this project gets approved, every time we get a flat tire bc of all the nails and particles and debris this demolition will cause, we are sending you the bill to pay. } { The health issues for the residents of this neighborhood should not be worth 4 homes. } Please reconsider this awful proposed plan. E20-1 E20-2 E20-3

Sincerely,
Cheryl & Bradley Gerstman
15 Melby Lane
Roslyn, NY 11576

Cheryl Gerstman
Sent from my iPad

Futeran, Nancy

From: Lana L <lane.ny@hotmail.com>
Sent: Friday, October 4, 2019 3:12 PM
To: Futeran, Nancy; pablopratkin@gmail.com
Subject: Stonehouse Subdivision 2A Melby Lane East Hills
Attachments: Opposition Letter Pratkins_10.01.19.pdf

Hello,

Attn: Village Planning Board,
Village of East Hills

209 Harbor Hill Road East Hills, NY 11576

please find attached copy of signed Opposition Letter regarding " Stonehouse Subdivision, 2A Melby Lane, East Hills"

Re: Stonehouse Subdivision, 2A Melby Lane, East Hills

We are writing to express our opposition to the proposed subdivision at the site of 2A Melby Lane. We, Lana and Pablo Pratkin, reside with our 3 kids at 16 Talley Road, East Hills, and we are expecting a baby in December. Due to the location of our home, which backs the property, this project would directly impact us.

We were recently notified by our neighbors that there is a major construction plans for 2A Melby Ln to possibly build four houses within that property. We bought our home in August 2017 and were never aware that this project had been proposed.

One of the main reasons we purchased our home is quiet surroundings and tranquil environment- it will be all destroyed with the construction of four houses right by our home.

We are very concern about such a huge project next to our house, {there is no way to get to those four houses but by building a road next to our house. It will completely destroy our privacy, views and hugely reduce the value of our new home! }

E21-1

{It is shocking to think that the historic house, which built almost 100 years ago right behind us will be demolished, potentially releasing asbestos and lead into our air and making our home a toxic place to live. It is very unlikely given the age of the house that there will not be asbestos or lead issues, we feel that environmental studies supposed to be done by village and not the homeowner. Can that be trusted? }

E21-2

Such a huge construction will take a few years, aside from the health issues, it raises many safety concerns {Multiple trucks working right by our home will bring road safety concerns for our little kids, it will generate big traffic right by us when now it's very quiet. Dirt and noise will make our yard unusable for children. Most importantly amount of workers

E21-3

and strangers that would be brought into our neighborhood for such a big construction project, essentially into our backyard raises safety concerns. } E21-3
Cont'd.

E21-4 { There could potentially be drainage issues, as the home is uphill from ours, } and { there will certainly be years of rodents E21-5
as the entire ground will be disrupted to make way for the roads, pipes, plumbing, etc. } As village aware major new E21-4
constructions bring potential flood to houses right below it. We would like to ask Village Planning Board to look closely
into this issue. }

We also feel it would be a huge loss to demolish a historic home in our community, and to destroy a property filled with trees hundreds of years old.

Again { we absolutely are OBJECTING to this proposal } and hope the village will do all that it can to stop it from moving E21-6
forward as it puts the physical safety of our children and health of our family at risk.

Sincerely,

Pratkin Family at 16 Talley Rd, East Hills NY 11576

phone 1: 917-972-7769

phone 2: 718-839-5024

Futeran, Nancy

From: Gooch, Donna
Sent: Wednesday, October 2, 2019 9:24 PM
To: Futeran, Nancy
Subject: Fwd: General Contact Form Submission

Sent from my iPhone

Begin forwarded message:

From: East Hills Website <wordpress@villageofeasthills.org>
Date: October 2, 2019 at 7:09:24 PM EDT
To: <suggestions@villageofeasthills.org>, <williamcburton@gmail.com>, <mkoblenz@moundcotton.com>, <denis@nyli.com>
Subject: General Contact Form Submission
Reply-To: <nenaju@optonline.net>

Name: Nancy Levy
Email: nenaju@optonline.net
Phone: 5166251060
Street Address: 10 Hummingbird Drive

Message:

{ Regarding the planning board meeting that took place last Tuesday, September 24, 2019. It is my understanding that the applicant is obligated under village rules to provide notice by way of certified or registered mail to all residents that are within 200 feet of the property. I am one of those residents and never received notice of the hearing. Therefore I believe that they are in violation. }

E22-1

Nancy Levy and Neil Cohen
10 Hummingbird Drive

--

This e-mail was sent from a contact form on Village of East Hills (<http://villageofeasthills.org>)

Appendix B

Description

Public Hearing Transcript

1 PLANNING BOARD

2 VILLAGE OF EAST HILLS

3 -----X

4 IN THE MATTER

5 OF THE

6 APPLICATION OF

7 STEVEN & WENDY SHENFELD, 2A Melby Lane,

8 East Hills,

9 Applicants.

10 -----X

11 PRESENT: STEVEN KAFKA, Chairman
12 CRAIG BROOKS,
13 DAVID POLLACK,
14 JAMIE POLON, Members

15 DATE: September 24, 2019

16 TIME: 8:00 p.m.

17 PLACE: VILLAGE THEATER
18 209 Harbor Hill Road
19 East Hills, New York 11576

20 COUNSEL REPRESENTING
21 VILLAGE OF EAST
22 HILLS PLANNING
23 BOARD: MITCHELL COHEN, ESQ.

24 DEPUTY VILLAGE
25 CLERK: NANCY FUTERAN

REPORTED BY: JOANNE HORROCKS, CSR

1 THE CHAIRMAN: Good evening. A lot less
2 people than we expected, which is nice.

3 The first thing I would like to say on behalf
4 of the Village and this poor young lady taking this
5 record, speak clearly. When you state your name, state
6 your name clearly, spell it if it needs to be spelled.
7 Try not to talk too quickly, because the acoustics are
8 not great, and I want to make sure that we have
9 everything that we need in the record.

10 So I'm going to read into the record a
11 summary of what we're doing here tonight, and then
12 we'll proceed from there. So tonight is the public
13 hearing on the draft environmental impact statement,
14 September 24th, 2019. This is the Village East Hills
15 Planning Board. This is the 2A Melby Lane subdivision
16 application.

17 The purpose of this meeting is to receive
18 input from the public on the application on the draft
19 environmental impact statement for the proposed
20 four-lot residential subdivision for the property known
21 as 2A Melby Lane designated as Section 19, Block 27,
22 Lot 17 in the R-1 district of the Village.

23 In review of this proposed action, the
24 Planning Board assumed lead agency, classified the
25 project as an unlisted action and found that the

1 project could result in one or more potential
2 significant environmental impacts. As a result, a
3 positive declaration was issued on June 21st, 2017
4 requiring the preparation of a draft environmental
5 impact statement.

6 We are here tonight to receive input on the
7 draft environmental input statement on the subdivision
8 application. DEIS was accepted by the Planning Board
9 on July 30th, 2019. The notice of this hearing and the
10 acceptance of the DEIS was circulated to involved
11 agencies and parties of interest, and the draft EIS was
12 made available through the Village website, Village
13 offices and the library.

14 The public comment period will remain open
15 for a minimum of 10 days after the closure of the
16 public hearing, comments made in writing carrying equal
17 weight to comments made at the hearing. As a result,
18 you're encouraged to provide written comments in
19 addition to or in lieu of any comments made at this
20 meeting.

21 After the close of the comment period, the
22 Village will provide all written comments and a copy of
23 the hearing transcript to the applicant and will
24 request that the applicant prepare a response to the
25 comments on the record. All substantive comments on

1 the draft EIS will be addressed in the final EIS. The
2 Planning Board and its consultants will review this
3 document to make sure that it is complete and
4 responsive to the comments prior to its acceptance.

5 Once a final EIS is accepted, it will be
6 available through the Village website, circulated to
7 the involved agencies and parties of interest and will
8 be available at the Village offices and library. The
9 final EIS will be circulated and made available for a
10 minimum of 10 days before the Village can adopt a
11 statement of findings on the EIS record which weighs
12 and balances the relevant social, economic, and
13 environmental issues and establishes a basis for a
14 decision on the project. After the statement of
15 findings is issued, the Village may render a decision
16 on the subdivision application.

17 I would like to go over some ground rules for
18 tonight, and then we can open up the meeting for public
19 comment. So if you want to speak, please raise your
20 hand. And once you are recognized by the Chair, you'll
21 come forward, provide your name and address for the
22 record and then tell the Board the specific comments
23 you have on the draft EIS or the subdivision
24 application. Speak clearly as your comments will be
25 part of the record as I had discussed earlier.

1 No decision on the project will be made
2 tonight. We will provide an opportunity for the
3 applicant to address the Board at the beginning and at
4 the end of the hearing if you choose to do so.

5 It would be appreciated -- again, this is not
6 a big crowd, but we were expecting more. But it would
7 be appreciated to confine your remarks to three
8 minutes. Obviously we'll take it as it comes. We
9 stress all substantive comments on the DEIS will need
10 to be addressed in the final EIS, and that while
11 everyone is welcome to speak tonight, it is requested
12 that the speaker refrain from making the same comments
13 and preceding speakers. You may indicate if you agree
14 with someone who presented prior to you.

15 After tonight, you still may provide written
16 comments for a period of 10 days to the Planning Board
17 office when we close the public hearing.

18 All right, so before we start, we'll allow
19 the applicant to certainly make some opening remarks
20 before we open up for public comments. And following
21 your comments, we'll open up the hearing to the public.

22 MS. TSOUKALAS-CURTO: Good evening, Chairman
23 Kafka, members of the Board.

24 My name is Andrea Tsoukalas-Curto. I'm from
25 the firm of Forchelli, Deegan, Terrana with offices at

1 333 Earle Ovington Boulevard, Uniondale, New York on
2 behalf of the applicant's Wendy and Steve Shenfeld.
3 Mr. Shenfeld is here with me today as is Michael Rant,
4 the applicants' engineer, Wayne Muller, the applicants'
5 transportation expert, and Gail Pesner, the applicants'
6 SEQRA and planning consultant.

7 THE CHAIRMAN: Could you have each one of
8 stand and introduce them to the Board.

9 MR. MULLER: Wayne Muller, with the firm of R
10 & S Engineering. We are the transportation engineering
11 firm for the project.

12 MR. RANT: Michael Rant from the firm of
13 Bladykas & Panetta, and we are the applicant's land
14 surveyors and civil engineers.

15 MS. PESNER: Gail Pesner from VHB, the
16 applicant's environmental engineer.

17 MS. TSOUKALAS-CURTO: I wasn't sure how much
18 of background you needed and how many people were going
19 to be here tonight, so I'll give a short synopsis.

20 This is an application for a minor four-lot
21 subdivision to create four building lots with a private
22 road. As discussed at the previous hearings, the only
23 relief we are seeking is the approval to divide the
24 property into four lots, and no variances are required
25 for the proposed subdivision.

1 Each of the proposed lots fully comply with
2 the Village's zoning regulations, and we exceed the
3 minimum lot area requirement of 15,000 square feet even
4 after netting out the proposed roadway and steep areas
5 for parcels one and two.

6 As you mentioned, this is a hearing for two
7 things. One, it's a continuation of the preliminary
8 subdivision application, and this is the fourth public
9 hearing for this project. And second, it's a hearing
10 to allow for the public comment on the DEIS.

11 You've already run through the process, so I
12 will skip that part of my presentation.

13 I wanted to mention it was very important to
14 our discussion tonight that after the Village made the
15 determination and said that this was something that
16 required a DEIS, the Shenfelds did explore other
17 options to try to address any potential impact without
18 having to prepare a DEIS with a goal towards preserving
19 the house. Those attempts proved to be unsuccessful
20 which is why the Shenfelds tried to proceed with hiring
21 VHB to prepare the DEIS and move forward with the
22 applications originally proposed.

23 **THE CHAIRMAN:** Do you have what the
24 applicants had done on their behalf, the timeline and
25 something else for the Board to study, please?

H1-1

1 MS. TSOUKALAS-CURTO: Sure.

2 THE CHAIRMAN: And the public.

3 MS. TSOUKALAS-CURTO: The timeline, do you
4 want me to the start timeline from --

5 THE CHAIRMAN: I actually would rather you
6 submit it into the record, and we will read it rather
7 than just listen to it tonight.

8 MR. COHEN: May I ask a question. Are you
9 referring to the items that are outlined in the DEIS?

10 MS. TSOUKALAS-CURTO: The alternative
11 assessment is what I could go through with you if you
12 want me to go through the different things that we did,
13 I can do that, or I could submit something in writing.
14 It's up to you.

15 MR. COHEN: I think something in writing
16 would be helpful as the Chairman said. But my point is
17 in the EIS, there is a discussion regarding some effort
18 to look into moving the house.

19 MS. TSOUKALAS-CURTO: That's correct, that's
20 what I was going to get into.

21 MR. COHEN: Aside from what's in the DEIS, is
22 there anything else?

23 MS. TSOUKALAS-CURTO: We also looked at
24 option A-1, alternative A-1, so that option was
25 considered and is part of the DEIS as you mentioned.

H2-1

1 And we found that this, too, was not feasible in
2 addition to relocating the house for several reasons.
3 First, variances are required for insufficient
4 frontage.

5 THE CHAIRMAN: Can I interrupt you for a
6 second. On behalf of my committee who has not seen any
7 of this, I have no problem with you reading into the
8 record what your opinion is on the feasibility and
9 non-feasibility. I'm simply saying that it's probably
10 better for the committee to see a written copy so that
11 we understand what you're talking about versus -- you
12 are free to read it into the record as far as I'm
13 concerned. I'm simply saying that I'd rather see a
14 written copy.

15 So if you want to follow it up with a written
16 copy, that's fine.

17 MS. TSOUKALAS-CURTO: Okay. I could go
18 through it briefly as to the reasons why we feel it's
19 not feasible, and I will also submit into the record
20 following the public hearing a synopsis of all of that
21 so that you have that.

22 THE CHAIRMAN: Okay.

23 MS. TSOUKALAS-CURTO: The variance --

24 THE CHAIRMAN: Do you want to explain what
25 alternative one was, your understanding of alternative

H1-2

1 one?

2 MS. TSOUKALAS-CURTO: Alternative one is
3 where we would be maintaining the home and have two
4 flag lots behind the house. One house would been using
5 Tally Road as access to a private roadway, the flag
6 being the driveway and the house being the existing
7 home, and then parcel three being the house behind,
8 again, the house but with access off Melby Lane.

9 THE CHAIRMAN: And who presented the
10 alternative one? Where did that originate?

11 MS. TSOUKALAS-CURTO: It's in the DEIS, that
12 alternative is in the DEIS.

13 We also got a letter from SHPO, the New York
14 State Office of Parks, Recreation and Historic
15 Preservation Office asking us to assess that
16 alternative. The arguments that we are making today
17 will be included in the alternative assessment to SHPO,
18 and obviously we will include that as part of our final
19 comments for the FEIS.

20 THE CHAIRMAN: Are you are aware that we --
21 in the public record, we received a letter from the New
22 York State Department of Parks, Recreation and Historic
23 Preservation as well?

24 MS. TSOUKALAS-CURTO: Right. That's the
25 letter I'm referring to.

H1-3

1 THE CHAIRMAN: Okay. The reason I'm saying,
2 having this conversation with you, I don't want to
3 frustrate you, but there are people in the public that
4 might not understand the process, and there are people
5 on the committee who have to go through 500 pages of
6 information. And I feel it's better if we have the
7 conversation so that it's in the public record and the
8 people in the room understand what's transpiring.

9 MS. TSOUKALAS-CURTO: That's fine. I was
10 going to explain all of that. That's totally fine.

11 THE CHAIRMAN: Okay.

12 MS. TSOUKALAS-CURTO: So the first reason why
13 that alternative does not work is because it's not an
14 as-of-right alternative. We need variances for two of
15 the homes for front yard -- I'm sorry, for insufficient
16 frontage, and then we also need a front yard setback
17 variance for the existing house.

18 THE CHAIRMAN: Stop. Did you apply for a
19 variance to the Village East Hills?

20 MS. TSOUKALAS-CURTO: We did not.

21 THE CHAIRMAN: So how do you know that it
22 wouldn't be granted? How can you say it's not an
23 alternative if you haven't applied for the variance?

24 MS. TSOUKALAS-CURTO: I'm just explaining the
25 reasons why we think it's -- the reasons against this

H1-4

1 alternative being this is not an as-of-right.

2 THE CHAIRMAN: Okay.

3 MS. TSOUKALAS-CURTO: It's a discretionary
4 approval.

5 THE CHAIRMAN: You did not apply for
6 variances?

7 MS. TSOUKALAS-CURTO: No. That's premature.
8 The BZA has to look at this, consider the character of
9 the neighborhood and determine whether or not it wants
10 to grant the variances.

11 THE CHAIRMAN: Fair enough. I just want to
12 make sure we are all on the same page.

13 MS. TSOUKALAS-CURTO: Sure. We would also be
14 creating two flag lots. There are no another flag lots
15 in the Village. This would be totally out of
16 character.

17 If you look at this -- I'm not sure -- it's
18 an aerial and it's also a zoning -- it's a land use
19 map. So you could see that in that map, there's no
20 flag lots within the Knob Hill area, and certainly we
21 have looked into whether there are flag lots anywhere
22 else in the Village, and there aren't. It's not
23 something that is in character with anything that this
24 Village has done.

25 MR. COHEN: What is the principal criteria

H2-2

1 for the grant of a variance?

2 MS. TSOUKALAS-CURTO: Whether it's in
3 character.

4 MR. COHEN: Isn't it actually whether the
5 benefit to the applicant outweighs the detriment to the
6 Village health, safety and welfare?

7 MS. TSOUKALAS-CURTO: So there's a balancing
8 test of the five factors.

9 MR. COHEN: Before you get to that, the first
10 test, the balancing test is the benefit to the Village
11 or detriment to the Village versus the benefit to the
12 applicant.

13 MS. TSOUKALAS-CURTO: Right. And there's
14 five factors that you have to consider when weighing
15 that. Is it a substantial variance, do you have any
16 other alternatives, whether or not this is in character
17 with the neighborhood, whether it will have a
18 substantial negative impact on environment, and whether
19 this is self-created. Those are the five factors.

20 MR. COHEN: Is it correct that the
21 applicants' position in the DEIS is that this is a
22 unique structure, the house that is proposed for
23 demolition?

24 MS. TSOUKALAS-CURTO: I don't know if it's
25 unique. I know that under SHPO, they have certain

H2-3

1 definitions of what they deem historic, and they deem
2 this house to be historic under their rules and
3 regulations.

4 MR. COHEN: Do you know if any other building
5 in the Village deems it historic?

6 MS. TSOUKALAS-CURTO: I don't know.

7 MR. COHEN: Thank you.

8 MS. TSOUKALAS-CURTO: We would also be
9 creating another access driveway off Tally Road which
10 would directly be abutting residences, and this would
11 be a negative impact to those neighbors.

12 When we create the Tally Road, if we were to
13 create this Tally Road driveway, it would eliminate 34
14 trees that we would not otherwise have to remove with
15 the proposed project, and those trees provide screening
16 for neighbors that abut the property.

17 In addition, we would have to remove an
18 additional 12 trees on the northerly and easterly side
19 of the property. And again, those trees would not have
20 otherwise been removed with the proposed project.

21 What we're proposing now only removes 14
22 trees to create the roadway, and we are proposing to
23 install 18 new trees along the new perimeter.

24 Another factor to be considered with respect
25 to this alternative is that this is a large home that

1 was part of a much larger estate, originally 60 acres,
2 and we are now going to be further reducing that
3 acreage and will take away from the integrity of the
4 home and estate-life feeling of the home. So it's
5 going to look to out of place my client, also to
6 brokers who advised that alternative would not solve
7 the problem of the marketability of the existing house
8 which is basically that you need to modernize it. It's
9 not attractive to young families and buyers today
10 because it doesn't have all the modern amenities that
11 you want.

12 And when he looked into it , it's cost
13 prohibitive to try to update this home to modern
14 standards.

15 THE CHAIRMAN: Remind me when the house was
16 listed originally, what was the asking price?

17 MR. SHENFELD: That was 3.9 originally.

18 THE CHAIRMAN: What's the average selling
19 price, do you know, in the Village of East Hills
20 currently?

21 MS. TSOUKALAS-CURTO: I don't know what the
22 average selling price is. That is something that we
23 are going to have to assess the impact as part of our
24 SHPO submission, so you will get that submission in the
25 comments.

H1-5

1 MR. COHEN: Do you know what the house was
2 last for sale?

3 MS. TSOUKALAS-CURTO: I believe it was last
4 for sale in September of 2016.

5 MR. SHENFELD: I don't know the exact month
6 and date.

7 MR. POLLACK: What is the cost basis of the
8 house?

9 MR. SHENFELD: What I paid for the house?

10 MR. POLLACK: What did you pay?

11 MR. SHENFELD: I acquired the house over 25
12 years ago for roughly \$1 million, and we invested in
13 the house for many years. I can't tell you what that
14 number is, but far in excess of that.

15 MS. TSOUKALAS-CURTO: The last factor that we
16 would want you to consider with respect to this
17 alternative is that it is unclear how marketable the
18 two new houses would be, given, again that they are
19 flag lots with no street frontage.

20 I will submit to you the other alternatives
21 that were explored and the other issues with respect to
22 when it went up for market and the timeframes since you
23 don't want us to go through it right now.

24 At this time though I do want Mike Rant to go
25 through --

1 THE CHAIRMAN: I want you to go through what
2 you need to go through. All I said was we haven't seen
3 this in writing. So it -- the impact it would have on
4 us and the public may not be as strong as if we had
5 seen it in writing prior to the meeting. That's all.

6 So you feel free to, since we do not have a
7 huge crowd, feel free to take a little time and do what
8 you feel is necessary on behalf of your client. I
9 would not want to interfere with the flow of your
10 presentation.

11 MS. TSOUKALAS-CURTO: That's fine. I will
12 submit a written response as requested since I'm really
13 not following my outline at this point. So that's
14 fine.

15 I did want to also mention that we did
16 receive a letter from the fire department stating that
17 the design of the roadway is appropriate, and it's safe
18 for ingress and egress for emergency vehicles.

19 MR. COHEN: What is the date of that letter,
20 please?

21 MS. TSOUKALAS-CURTO: It's dated January
22 20th, 2017.

23 THE CHAIRMAN: I think that was put into the
24 record at one of the original meetings.

25 MS. TSOUKALAS-CURTO: I wasn't sure if you

1 had this.

2 THE CHAIRMAN: When I was still young.

3 MS. TSOUKALAS-CURTO: Okay. I'd like Mike
4 Rant to come up at this time. One of the issues in the
5 prior hearing was the drainage. So I would like him to
6 speak to this and compare the existing conditions as
7 opposed to what we're --

8 THE CHAIRMAN: If I remember correctly in
9 preparation for the meeting tonight, Mitch, pay
10 attention to this too, wasn't there something that the
11 state had mentioned about runoff that we had seen in
12 something, or am I mistaken?

13 MR. COHEN: The D --

14 THE CHAIRMAN: And drainage is different
15 from --

16 MR. COHEN: The DEIS talks about that one of
17 the permits that the applicant needs to obtain from the
18 state is an SPE.

19 MS. O'FARRELL: General permit for storm
20 water discharges from construction activity. And the
21 applicant as part of the application process for that
22 permit is required to prepare a storm water pollution
23 prevention plan, or SWPPP. So that's where --

24 THE CHAIRMAN: This gentleman is addressing
25 prior conversations we had about drainage, and we have

H2-5

1 nothing to do with that.

2 MS. TSOUKALAS-CURTO: He's also going to
3 address runoff and landscaping and trees which is part
4 of the --

5 MR. COHEN: Just so we are clear, when we
6 talk to you about in the DEIS, the runoff, there are
7 two issues: The runoff during construction and the
8 then the runoff post completion of the development,
9 separate and different.

10 MS. TSOUKALAS-CURTO: Right. I mean there's
11 going to be individual site plan applications for each
12 of the new homes. What we're addressing now is for the
13 subdivision and roadway.

14 MR. RANT: Good evening, Mr. Chairman,
15 members of the jury of the Board. I'm Michael Rant
16 from the firm Bladykas & Panetta.

17 I can touch upon those points regarding
18 drainage and runoff. Part of the review process, we
19 had to design a cul-de-sac in a system that provided
20 adequate drainage for the proposed amenities.
21 Currently the property --

22 THE CHAIRMAN: What are we looking at that
23 you are showing us here?

24 MR. RANT: This is a copy of the existing
25 condition survey. This shows the existing amenities.

H2-5
(Cont'd.)

1 There's an large entry court, two-story dwelling,
2 swimming pool, patio as well as asphalt sports court.
3 So the current conditions on site, there's an
4 impervious coverage of approximately .41 acres. That
5 impervious area, no existing drainage facilities
6 currently are visible and exist. So all of the runoff
7 created from the structures falls onto neighbors'
8 properties and is not contained on site which is a
9 requirement of the Village.

10 The proposed cul-de-sac as designed has a
11 coverage of .26 acres -- I'm sorry, .23 acres, which is
12 less than the current conditions on site, and we're
13 providing a total of eight inches of rainfall for that
14 entire .26 impervious coverage as well as any tributary
15 areas that would be disturbed during construction.
16 From a standpoint looking at drainage, it's going to be
17 a vast improvement over the existing conditions.

18 Again, currently it does not comply, and by
19 implementing this plan, it will be brought up above the
20 Village standards to an eight-inch rainfall. And then
21 subsequently to that, any dwellings that would be
22 constructed after if this subdivision was approved
23 would be subject to the requirements of the Village to
24 provide the necessary drainage requirement. So
25 globally, this project would be a great improvement

1 over the current existing conditions.

2 To get into the runoff factor, part of the
3 state requirement is if you disturb over an acre of
4 land, you are required to prepare a storm water
5 prevention plan. We have prepared a plan that would
6 implement all of the necessary erosion control measures
7 during construction and post construction.

8 So we provide the necessary and
9 anti-construction tracking pad during construction,
10 erosion control measures along the perimeter. It would
11 include areas to stockpile material during
12 construction. And all of these are general
13 requirements that are part of the state permit.

14 And that plan would be reviewed by the
15 Village. They would issue their approval, and then we
16 would file for a general permit from the New York State
17 DEC. So that has been prepared, that being submitted
18 as part of the application package, and that includes
19 all of the requirements for the New York State DEC.

20 The next comment had some questions regarding
21 the landscaping. So it talked about -- we've -- this
22 is part of your packet, and this is part of a landscape
23 plan. We just highlighted and colored in certain areas
24 so that the darker green along the perimeter is where
25 we would be maintaining the existing vegetation.

1 And again, this application, in order to
2 develop the cul-de-sac and the necessary drainage,
3 would require the removal of 14 trees. The
4 alternatives which require an access driveway from
5 Tally Road and Melby Lane, two flag lots required I
6 believe it's about 32 trees just for the construction
7 of the driveways. So you would lose a large section of
8 perimeter buffer by constructing those rear flag lots.

9 I feel that this layout really maintains the
10 character of the property. It maintains the existing
11 perimeter screening as much as possible. And as part
12 of the construction of the cul-de-sac, we would be
13 planting 18 trees along perimeter of the roadway.

14 **THE CHAIRMAN:** For the record, just for the
15 record, you are commenting that the flag lots would
16 require the removal of approximately 34 trees?

17 MR. RANT: Correct.

18 THE CHAIRMAN: Your plan here shows a removal
19 trees, not 34, and the planting of 18 trees.

20 MR. RANT: Um-hum.

21 **THE CHAIRMAN:** Right? So if you are going to
22 remove, again, just in conversation, you don't have to
23 answer me, but if you are going to remove 34 trees and
24 you're putting in 18, you could put in 36. You could
25 put in a lot of different things.

H1-6

H1-6
(Cont'd.)

1 The other question I have if I might
2 interrupt you for a second looking at this diagram,
3 because it was mentioned by the attorney that the flag
4 lots would be out of character for Knob Hill, how many
5 private cul-de-sacs are in Knob Hill right now?

6 MS. TSOUKALAS-CURTO: We counted at least
7 four.

8 THE CHAIRMAN: Private cul-de-sacs, not the
9 cul-de-sacs that are part of the Village setup.

10 MS. TSOUKALAS-CURTO: The character is the
11 same whether it's private or public. It looks the
12 same. It still has the cul with the houses around it.

13 I didn't look into whether it was private or
14 public, because it doesn't impact character.

15 THE CHAIRMAN: You put things in the record,
16 and you are -- absolutely, it's your right. I'm just
17 putting things in the record because I have these
18 questions in my head.

19 MS. TSOUKALAS-CURTO: But the ownership of
20 the road doesn't impact character.

21 THE CHAIRMAN: It's not a question of
22 ownership of the road.

23 MS. TSOUKALAS-CURTO: Since the Village owned
24 the property --

25 THE CHAIRMAN: I don't want to get into a

H1-7

1 debate. I'm simply saying we spent a lot of time
2 looking at the property. It's a lovely piece of
3 property. Spent a lot of time in Knob Hill. Spent a
4 lot of time in Lakeville Estates.

5 And you had put into the record that the flag
6 lots were not in character with the community.

7 MS. TSOUKALAS-CURTO: They are not.

8 THE CHAIRMAN: I have not seen anything like
9 this application in character with the community as
10 well. That's the only comment I was making, not
11 looking to get into an argument.

12 Please continue.

13 MR. RANT: I'd just like to touch on one
14 point for the record. Although this would be a private
15 cul-de-sac, the driveway itself and the roadway has
16 designed -- has been designed in accordance with the
17 Village standards. So it would meet the same
18 requirements as far as size of the roadway, the size of
19 the cul-de-sac, would meet the same characteristics as
20 every other cul-de-sac and roadway in the Village. It
21 does comply with all of those standards.

22 I would like to submit as part of the record
23 some photographs of the proposed trees we have lining
24 the cul-de-sac.

25 MS. TSOUKALAS-CURTO: Bird Court and

1 Arlington Court are two that we found right offhand,
2 but there are others in the Village.

3 THE CHAIRMAN: Let the record show that you
4 are submitting pictures of various what I would
5 consider specimen trees?

6 MR. RANT: They are street trees, upright
7 trees that are going to line the cul-de-sac.

8 THE CHAIRMAN: These are not pictures of
9 trees on the property currently, these are what you're
10 proposing?

11 MR. RANT: Correct.

12 THE CHAIRMAN: To put in along the Melby
13 Court proposal?

14 MS. TSOUKALAS-CURTO: That's correct.

15 MR. RANT: Correct. It's a packet of three
16 photographs.

17 MR. COHEN: Pardon me, sir, Nancy, could you
18 mark this as Exhibit 1 with today's date. It's three
19 pieces of paper that are stapled together with each
20 page has a picture of a tree on it.

21 MR. RANT: The first photograph is a Japanese
22 Zelkova tree, the second tree, a sweet gum tree, and
23 the third tree is a ginkgo biloba tree, and those would
24 align the Melby Court roadway.

25 THE CHAIRMAN: Since you are nice enough to

1 provide pictures, do you know how high these trees
2 grow, how wide they grow?

3 MR. RANT: They are chosen to be more of a
4 tall upright tree. They don't have large wide canopy
5 and root systems that would destroy the roadway. We
6 chose them that would help -- they are on tree streets
7 and help -- trees that are designed to --

8 THE CHAIRMAN: To enhance but not overtake.

9 MR. RANT: The streetscape, correct.

10 Unless there's any other questions from the
11 Board, that concludes my presentation.

12 THE CHAIRMAN: Thank you.

13 MS. TSOUKALAS-CURTO: I did want to follow up
14 on your question with respect to the cul-de-sacs. We
15 do have an exhibit in the DEIS, figure 11. Arlington
16 Court, Sterling Court and Bird Court are within this
17 immediate facility. So these are three cul-de-sacs.

18 THE CHAIRMAN: Does anyone in the public want
19 to look at the diagrams before we continue? Okay.
20 Please.

21 MS. TSOUKALAS-CURTO: I just wanted to
22 mention also that, you know, this is a consultation
23 process that we go through with SHPO and that we will
24 make a submission to them with respect to the
25 alternative analysis. Of course, this Board will have

1 an opportunity to review that as well as part of the
2 FEIS.

3 So we don't have anything more with respect
4 to our presentation. We are here to listen to what the
5 public has to say.

6 THE CHAIRMAN: Don't forget, when -- before
7 we end the meeting, we will have another opportunity to
8 talk.

9 MS. TSOUKALAS-CURTO: Sure.

10 THE CHAIRMAN: Okay. So thank you.

11 Does anyone in the audience have something to
12 say for tonight? Say your name, address, and please do
13 it slowly and clearly.

14 MR. KARNOVSKY: My name is Neil Karnovsky. I
15 live at 25 Redwood Drive. I have lived there since
16 January of '89.

17 I've -- I have seen the changes that are
18 proposed by Steven and Wendy Shenfeld. I think they
19 would benefit the area, and I really don't see why
20 someone -- it's not like he's putting up a shopping
21 center there. And I don't see why someone who is
22 making these changes which appear to fit in would not
23 have the ability to make that choice for himself and
24 his family.

25 THE CHAIRMAN: Thank you.

H3-1

1 MR. COHEN: Sir, did you attend any of the
2 prior public hearings on this application?

3 MR. KARNOVSKY: No.

4 MR. COHEN: Thank you.

5 THE CHAIRMAN: Thank you. Anyone else from
6 the public?

7 Anyone at the Board have anything to comment,
8 questions?

9 MR. COHEN: I have a question for Andrea.

10 MS. TSOUKALAS-CURTO: Sure.

11 MR. COHEN: Regarding the SHPO letter, they
12 use a phrase.

13 MS. TSOUKALAS-CURTO: The reason why --

14 MR. COHEN: Pardon me?

15 MS. TSOUKALAS-CURTO: You are asking for
16 written submission of alternatives?

17 MR. COHEN: No, I was looking for a copy of
18 the SHPO letter actually.

19 MS. O'FARRELL: I have it.

20 MR. COHEN: They use a phrase. I'm sure you
21 know the phrase I have in mind.

22 THE CHAIRMAN: Feasible and prudent.

23 MR. COHEN: Feasible and prudent. You have a
24 position on the meaning of that interesting term?

25 MS. TSOUKALAS-CURTO: The factors I went

1 through were what I thought were pertinent, feasible
2 and prudent. And we are going to explore other things
3 as well and make our analysis that incorporates
4 everything.

5 MR. COHEN: Have you come across any
6 interpretative regulations or court decisions regarding
7 what determines feasible and prudent as used by SHPO?

8 MS. TSOUKALAS-CURTO: I have not.

9 THE CHAIRMAN: Good?

10 I'd like to take a two minute break, please.

11 (A recess was taken.)

12 THE CHAIRMAN: Let's reopen. I'm delighted
13 that we were able to get through this meeting quickly
14 tonight, because all of us anticipated this going much
15 later. So I am making a motion to --

16 MR. SHENFELD: I anticipated not speaking
17 quite this early, but if you are about to wrap the
18 meeting up, I would like to chat with you.

19 THE CHAIRMAN: Absolutely. Please identify
20 yourself for our court reporter.

21 MR. SHENFELD: First of all, thank you all
22 for coming out. My name is Steven Shenfeld. I'm the
23 applicant. I live at 2A Melby Lane, East Hills.

24 First of all, thank you all for coming out.
25 As someone who is a volunteer, I know that you take

H2-6

1 time out of your lives to do something for the benefit
2 of the community. And notwithstanding the fact that
3 this has been a long and expensive process for me and
4 my family, I respect what you are doing, and I
5 appreciate your volunteerism.

6 I am -- I stand before you stunned actually.
7 This is an application that my wife and I made several
8 years ago in earnest, the primary motivation of which
9 has not changed. From the time we made it was to
10 maximize the economic value of our home for the benefit
11 of our family, our heirs. Like any other citizen who
12 owns a significant asset, we would like to maximize the
13 value. In our estimation, the way to do that was a
14 subdivision.

15 At that time there seemed to be enormous
16 public backlash primarily from immediate neighbors. I
17 came here today, I guess this is the fourth time we
18 have discussed this, and I'm absolutely floored that no
19 one from the historical society or the public seems to
20 have either written commentary about the environmental
21 impact study or saw fit to come and talk to us today.

22 I suspect maybe that indicates to you they
23 were aware of it. But I am surprised, because the
24 information's on the website or they have lost interest
25 in the matter, or maybe the spectacle of all this has

1 diminished to the point where it no longer draws
2 attention, and it wasn't that interesting to come out.
3 Perhaps it means that their interest was temporary in
4 nature.

5 I have always submitted that the disturbance
6 to the Village, if there is one, and I suspect maybe
7 some perceive it that way, would be temporary
8 nonetheless as well. So I find it ironic that they are
9 not here.

10 I have lived in this community for over 25
11 years. There has been construction in this community
12 since the day I moved in, including one of the women
13 who lived next to me that came and complained when I
14 lived through the construction of her home. And she
15 complained that this was going to endanger her children
16 only to learn now shortly thereafter, she sold her home
17 and moved to Florida. Her agenda as was she was just
18 worried if this went forward, it might limit her
19 ability to sell her home which is exactly why I am here
20 today to enhance the value of mine.

21 This process has been incredibly thorough.
22 I'm not a professional developer. I cannot comment as
23 to whether or not this is normal, abnormal or not. But
24 anecdotally in conversations I had with people when one
25 wants to subdivide a home, and it's always been a

1 residence. This residence existed before the other
2 residences in this community. Clearly there was never
3 an industrial park. There was never was anything
4 environmentally concerning the net addition of three
5 houses in terms what have traffic problems it would
6 cause.

7 It always struck me that the level of concern
8 relative to the temporary nature of any disturbance to
9 people perceived put me, my wife and the advisors that
10 I had to hire and do extensive work to me which is over
11 correction relative to the concern.

12 THE CHAIRMAN: Have you ever applied for a
13 subdivision before?

14 MR. SHENFELD: I have not.

15 THE CHAIRMAN: Have you ever attended a
16 Planning Board meeting on other proposed subdivisions?

17 MR. SHENFELD: I have not.

18 THE CHAIRMAN: You are basing your commentary
19 on your experience from --

20 MR. SHENFELD: I am basing this on Q and A I
21 have had from other people or professional developers
22 in residential communities, people who have subdivided
23 their homes.

24 So I have asked people, but I am not a
25 professional developer. I don't do this as a living.

1 So I don't bring the wealth and experience in response
2 to your question.

3 My wife and I spent an enormous amount of
4 money to provide this Board and the community with
5 information that to me exceeds the need. I believe
6 that actually it's caused a hardship. It's caused
7 delays in what we would like to do. It's forced us to
8 take risks that we would rather not have taken. It's a
9 quite serious matter.

10 From the very beginning when we looked into
11 this matter as an option for us to maximize the value,
12 consulted with counsel, all along we wanted to do
13 something that complied with the laws that the Planning
14 Board and the Zoning Board of this community had
15 written before we ever considered the application. So
16 all along I have found it very frustrating we put a
17 proposal in front of you that complies with the rules
18 that you are to oversee.

19 And yet I think in balancing that I believe
20 it to be a very legal application, and appropriate
21 against what's perceived to be a public distaste for
22 the prospect, we have had to bear great economic
23 hardship because of that.

24 At the end of the day, I'm optimistic that
25 you will rule in favor of this application because it's

1 just, it's right, it's legal, and actually I think it
2 will be good for the community. It raises the tax
3 base. It will provide four homes.

4 The home that people refer to that, you know,
5 that Mr. Brummel cleverly submitted to New York State
6 that it would cause the need for the positive
7 declaration, that caused the need for a 500-page report
8 is not an asset. It's a liability. You know, I'm
9 nostalgic about it as anybody. I like older homes.
10 But when we put it on the market, young families were
11 disinterested. Costs to modernize it would be
12 prohibitive. It is a liability. Maintaining it is
13 very expensive.

14 We have looked at all different scenarios and
15 ways to preserve the home. At the end day, none of of
16 them are economically attractive and feasible. It's
17 not clear to me it's actually beneficial to the
18 community.

19 I have offered the home to Village officials,
20 said my wife and I looked into moving it. It's cost
21 prohibitive. It's not even necessarily possible with
22 the electrical wires in the community. So there are
23 not many companies that do this. So it's an extremely
24 heavy home. It's made of concrete, stone. It would
25 give me great pleasure if someone wanted to invest

1 money moving it, putting it on a location in the
2 community. I would offer it as gift to the community.
3 But none of those mitigants seem to have basically
4 garnered a positive reaction return.

5 So we have tried everything from listing the
6 home, offering other solutions to providing information
7 to the public so they can mitigate any concerns they
8 have about impact, environmental, social or otherwise.
9 And we are exhausted. It's been a long process.

10 Delays are not entirely a result of you
11 delaying me. We had other things going on in our
12 lives. So to focus on those, including a wedding of my
13 daughter. But we sit here today many years having
14 listed the project, still the owner of the home in a
15 market that I perceive to be one of declining value
16 actually.

17 So we would like to get on with this. And so
18 I beg that you finish your work quickly. If you have
19 other questions of us, we are prepared to be
20 transparent. We have been the entire time.

21 But this project in my opinion deserves to be
22 approved and expedited so we can get on with our lives
23 and go ahead and try to maximize the value of this
24 property. And we will continue to conform to the rules
25 that the Village requires of us in terms of setting out

1 that plan, and if we go to construction, including with
2 those as well. We mean to be a good neighbor. Thank
3 you.

4 MR. COHEN: Sir, I would say first of all,
5 thank you for acknowledging the delays are not the
6 fault of the Board. As you were speaking, I thought
7 perhaps you would say something different, and I was
8 prepared to put the dates of the positive declaration
9 and the original DEIS. But they are in the record
10 anyway, so it's really not necessary.

11 I also appreciate your acknowledging with
12 also whether it is Mr. Brummel or somebody else, I
13 don't know, actually who did write to the state to but
14 the --

15 MR. SHENFELD: I do, because his name was on
16 there.

17 MR. COHEN: In any event, the fact is the
18 legal regulations are the legal regulations, and the
19 Board has to conform with them. And I think everybody
20 would acknowledge that. I hope so at least. And if
21 anybody disagrees, they should say so.

22 And the other thing that I would like to
23 point out during the early hearings, there was some
24 talk about SEQRA being changed and perhaps a four-lot
25 subdivision becoming a Type II action. To my

1 knowledge, that has never happened, and if it has
2 happened, correct me.

3 MS. TSOUKALAS-CURTO: It did not happen.

4 MR. COHEN: And do I believe that when a
5 structure that is eligible for the state historic site
6 is identified, I think it's mandatory nowadays to have
7 a positive declaration. But in any event, this Board
8 did have a positive declaration and the folks at SHPO
9 have issued their letter.

10 And I think the Board has said there's going
11 to be 10-day comment period. Nobody's extending it.
12 That's what we are doing. If you speak to Andrea, she
13 will inform you of all the alternatives that could have
14 been done regarding scoping that were not done.

15 MR. SHENFELD: Fair enough. Appreciate it.

16 THE CHAIRMAN: And I thank you for your
17 comments. They are heartfelt comments. Trust me, when
18 I tell you, we take this stuff very seriously. We do
19 not like the fact that you have to spend lots of money
20 in proceeding with this application. We follow
21 guidelines that we need to follow, and I'm sorry it's
22 been so costly for you. But it is what it is.

23 This Planning Board sees a lot of things.
24 That's why I asked you if you ever sat in a Planning
25 Board meeting before. It's very difficult to sit in

1 our chairs so --

2 MR. SHENFELD: Look, I tried to address that.

3 THE CHAIRMAN: No, we have tremendous empathy
4 that you have spent a lot of money, tremendous empathy,
5 but it has no bearing on what we ultimately decide. We
6 decide on what we see as the facts as you present them
7 and as we see them. But as I said, we have tremendous
8 empathy.

9 MR. COHEN: We need a motion.

10 THE CHAIRMAN: I'm going make the motion.

11 MR. CORITSIDIS: May I ask a question I
12 didn't ask earlier?

13 THE CHAIRMAN: You came in under the wire. I
14 mean I recognize you. State who you, state your
15 address and make your comment.

16 MR. CORITSIDIS: Michael Coritsidis,
17 C-O-R-I-T-S-I-D-I-S, 7 Mead Lane.

18 Just some questions, some clarifications. In
19 terms of the -- I can't speak for the other people, why
20 they aren't here. We've known many people who like
21 ourselves didn't really find out about this until about
22 a week or so ago.

23 THE CHAIRMAN: It was from July 28th, I
24 think.

25 MR. CORITSIDIS: With that sort of a

1 situation, this had been off for such a long period of
2 time, summer comes in, people aren't -- there was like
3 no news was good news is so long.

4 THE CHAIRMAN: So what would you like to add
5 to tonight?

6 MR. CORITSIDIS: I would like to add to that
7 since I am not here to say that a lot of the people
8 would have come, but I think you really can't make a
9 judgment that people haven't come because -- and I'm
10 not saying you are. Someone advocated that it has to
11 be said to the contrary. I think as people will learn
12 more about the meeting and this the fact that this is
13 back on after being back or for so long.

14 And whatever starts from July is still the
15 same part. If you are hitting people in a season where
16 they are not around and --

17 THE CHAIRMAN: Actually we had a public
18 hearing it was May that was also advertised. But I
19 hear what you are saying. Listen, there's a 10-day
20 period after today where the public could submit
21 anything they want in writing as well, and if you want
22 to discuss with your neighbors the meeting tonight and
23 have them submit something, that's fine.

24 MR. CORITSIDIS: Ten days is not a
25 significant period. If you think about --

1 THE CHAIRMAN: We are going by -- listen, we
2 are -- we have. And again, I hear what you are saying.
3 We have had this in the public, we had a meeting in
4 May. This was July --

5 THE CLERK: We had a June, we had a July
6 meeting, and this was published three different times,
7 I believe, because there was a time correction.

8 THE CHAIRMAN: So we have no basis to
9 continue to extend this at this point in time. This is
10 just not --

11 MR. CORITSIDIS: The more practical question,
12 there are four possible scenarios in terms of
13 subdividing it.

14 MS. DAKIS: Two alternatives that are not
15 being proposed, I don't understand that.

16 THE CHAIRMAN: That's why I would like to see
17 them in writing.

18 MR. COHEN: Let me put a finer point on this.
19 On the Village's website is the public notice as
20 amended, and it's been on since the end of July. In
21 addition, the public notice was published repeatedly.

22 And in addition, although it's not required
23 by state law, the Village had the applicants mail
24 notices to people within a 200-foot radius.

25 MEMBER OF AUDIENCE: We just got it a

1 week-and-a-half ago.

2 MR. COHEN: I appreciate you acknowledge it
3 and being here. That's not required by state law.

4 Now, aside from all that, on the Village's
5 website is a draft environmental impact statement. The
6 draft environmental impact statement is this document
7 right here.

8 MEMBER OF AUDIENCE: I have it right here.

9 MR. COHEN: It tells you the alternatives.
10 It explains one alternative is to destroy the house and
11 build a four-lot subdivision with a cul-de-sac. You
12 were here at the last meeting where that was discussed.

13 MR. CORITSIDIS: I am not suggesting I
14 wasn't.

15 MR. COHEN: Another alternative is to not do
16 anything, no action. Another all -- there are two
17 other alternatives involving flag lots. Those are the
18 alternatives.

19 MR. CORITSIDIS: With regard to the flag
20 lots, I would appreciate what is the definition of a
21 flag lot?

22 MR. COHEN: Okay, good. Good question.

23 MS. TSOUKALAS-CURTO: A flag lot is when you
24 have a long driveway behind another house. That's the
25 pole, and the flag is lot. That's why they call it a

1 flag lot. It's in the shape of a flag. The long
2 driveway is the pole, and then the lot is the flag.

3 MR. COHEN: And the alternative is proposed
4 because an issue with this application is can you
5 preserve this house made of English limestone that you
6 were here when they gave the whole history of it. So
7 the flag lot proposal will preserve the house.

8 The applicant is taking the position that,
9 and I'm speaking, but they can correct me if I
10 misspeak, that they do not believe this is a feasible
11 and prudent alternative. Those are the magic words
12 that the New York State agency has interjected into
13 this.

14 MR. CORITSIDIS: Also that scenario would be
15 most offensive at all if you create one thoroughfare
16 one way in addition to a cul-de-sac.

17 MR. COHEN: Are you now speaking in favor of
18 a four-lot subdivision?

19 MR. CORITSIDIS: I'm looking at some plans,
20 exactly that one. I think that is the one we are
21 talking about where the road goes all the way across
22 back of the homes.

23 MS. TSOUKALAS-CURTO: That's alternative A-1.

24 MR. COHEN: There is the flag lot subdivision
25 alternative.

1 THE CHAIRMAN: By the way, it's not a road.
2 It's a driveway.

3 MR. COHEN: There is the cul-de-sac
4 alternative, and there is the no action, leave
5 everything alone. And I can assure you, sir, that this
6 applicant does not intend to proceed with the no action
7 alternative.

8 Now, it's up to the Board to make a decision.
9 But practically speaking those are the three
10 alternatives.

11 You may not know this, because I think you
12 didn't walk in at the very beginning, there was a
13 gentleman who came in and spoke in favor of the
14 application.

15 If I may ask your client, do you know who
16 that man was? Who is he?

17 MR. SHENFELD: Neal Karnovsky.

18 MR. COHEN: How do you know Neal?

19 MR. SHENFELD: He's a personal friend.

20 MR. COHEN: Did you expect him to speak
21 tonight?

22 MR. SHENFELD: I didn't know he was coming.

23 MR. COHEN: Why people who were here the
24 other times who aren't here now, we can only speculate
25 there's been more notice for this than others.

1 MR. CORITSIDIS: I'm not going to argue. The
2 circumstance of notice in the summer is not quite the
3 same as it is during the year.

4 MR. COHEN: That's your position. I will
5 accept it for what it's worth.

6 MR. CORITSIDIS: It's pretty much standard in
7 trying to call meetings of people and have people
8 focus.

9 THE CHAIRMAN: Okay. Do you have anything
10 else?

11 MR. CORITSIDIS: And I just want to ask --

12 THE CHAIRMAN: You cannot ask the applicant.

13 MR. CORITSIDIS: As a professional courtesy.
14 So this is the flagpole here?

15 MS. TSOUKALAS-CURTO: Is that A-1.

16 MR. RANT: Yes.

17 THE CHAIRMAN: By any chance, do you have a
18 diagram of that that you could put up? Again, I have
19 to ask the speaker that you address the Board, not the
20 applicant.

21 MR. CORITSIDIS: I didn't mean to wish to do
22 that. I apologize.

23 THE CHAIRMAN: You don't have to apologize.
24 Would you point out for the Board and for the audience
25 what the flag lot would look like? This is alternative

1 1, I believe?

2 MR. RANT: A-1. The pole portion enters off
3 of Tally Road and runs along the westerly boundary to
4 access the rear lot.

5 THE CHAIRMAN: And that's for one house?

6 MR. RANT: That's for one house. The second
7 flagpole portion would have to share a driveway with
8 the existing home, and the pole portion would run along
9 the east side of the lot. So you would have two
10 driveways, one on the west side, one on the east side
11 and then the existing courtyard. So three driveways
12 for the three homes.

13 THE CHAIRMAN: So it's a driveway. It is not
14 a roadway. I just want to make sure the record
15 reflects the accuracy of what we are talking about
16 here. And how much -- would you know the dimensions of
17 those two lots?

18 MS. TSOUKALAS-CURTO: Mike, can you explain
19 also the width of the driveway and how many trees --

20 THE CHAIRMAN: We have on record how many
21 trees. Just tell us what is the lot size for those two
22 houses.

23 MR. RANT: Parcel two is on the west side of
24 the property, and on the north is .58 acres. Parcel
25 three is on the east side and has a lot area of .46

1 acres.

2 THE CHAIRMAN: Would you -- well, now it's my
3 forum, and then I'll come back to you.

4 In the application for the four homes, what
5 are the parcel sizes? Do you have that? I'm doing
6 this for the public's benefit. I want to make sure
7 everyone clearly understands what this is all about.

8 MR. RANT: So parcel one is on the southeast,
9 has a gross lot area of .54 acres. Parcel two has .51
10 acres, parcel three has .64 acres, and parcel four has
11 .54 acres.

12 THE CHAIRMAN: Do you have further questions?

13 MR. CORITSIDIS: So as far as this one that's H4-1
14 concerned and to the extent that the A-1 that we
15 discussed that goes along --

16 MS. TSOUKALAS-CURTO: Westerly.

17 MR. CORITSIDIS: -- western, that would be a
18 little problematic to have that running across so many
19 homes just to save a property where everyone --

20 THE CHAIRMAN: To be clear, then you're
21 opinion is you would prefer the original application
22 for Melby Court to alternative A-1?

23 MR. CORITSIDIS: Prefers is an interesting
24 word.

25 THE CHAIRMAN: You are talking. Don't talk

1 in riddles.

2 MR. CORITSIDIS: I am not speaking in
3 riddles.

4 THE CHAIRMAN: Tell us what you think.

5 MR. CORITSIDIS: I can say the following. I
6 can tell what you I'm thinking, I may think. But right
7 now, I really don't have enough information.

8 But having seen the idea that there would be
9 this extensive road going right across, whether it's
10 driveway, you one, man's ceiling is another man's wall.
11 This road or whatever it is, and it will be passing
12 through a bunch of homes right across the backyard with
13 no trees. I can't see that's something that
14 fundamentally --

15 THE CHAIRMAN: Then you prefer application?

16 MR. CORITSIDIS: I have to know more about
17 the other consequences of each.

18 THE CHAIRMAN: I'm not sure I understand.

19 MR. CORITSIDIS: In other words this is the
20 first I really looked at this.

21 MR. COHEN: You have 10 days to read it, sir.

22 MR. CORITSIDIS: Ten days, that's fine.

23 MR. COHEN: Put something in writing.

24 MS. DAKIS: Debbie Dakis. I reside at 67
25 Meade Lane.

H4-1
(Cont'd.)

1 THE CHAIRMAN: You have to address them to
2 the Board and then --

3 MS. DAKIS: Going through the documents --

4 THE CHAIRMAN: -- we are addressing them to
5 the applicant.

6 MS. DAKIS: It's a big document, and there
7 are some technical questions about the electricity for
8 the poles. They said that the existing aboveground
9 system would be utilized for the project. Does that
10 mean that the existing poles are going to add onto it?
11 Are new poles going up with new lines?

12 Because, for example, our house happens to
13 have utility poles in the corner of our property, and
14 we have everybody's lines.

15 THE CHAIRMAN: Front or back?

16 MS. DAKIS: In the backyard. So are we going
17 to end up now with all the lines in the new
18 construction added on top of the 20 lines I already
19 have running through my backyard?

20 THE CHAIRMAN: I don't know if any of us have
21 seen how the electrical service would be, but perhaps
22 this gentleman knows.

23 MR. RANT: The electric system has not been
24 designed. But I would anticipate, which is a typical
25 requirement of new subdivisions, that all electrical

H5-1

1 lines would be buried underground. So the cul-de-sac
2 would have all underground electric, and there would
3 not be any additional utility poles for the project.

4 THE CHAIRMAN: For the record, since I don't
5 know where your address is in relationship to the
6 applicant's address --

7 MS. DAKIS: I can show you. I'm tax lot 21.

8 THE CHAIRMAN: So your property is behind the
9 asphalt sport court?

10 MS. DAKIS: Correct.

11 MR. COHEN: And the applicant will receive
12 tonight's transcript and all the public comments. And
13 then the next step after the applicant receives
14 everything, which will be more than 10 days so that
15 everybody has 10 days to put in their statements,
16 applicant will provide what's known as a proposed final
17 EIS for the Board to review. The Board will accept it,
18 or the Board will reject it, and the Board may take it
19 in part. And the Board will also address the
20 subdivision application which is for four lots, the
21 mansion comes down, and I do not expect although the
22 applicant has acknowledged alternative A-1 everything
23 we heard tonight is that the applicant is not proposing
24 it as what they want.

25 MS. DAKIS: If I may, part of the problem I

1 think is there are so many unknowns, because the
2 project is so massive and there are so many different
3 things that really we are not going to know about until
4 they actually get built.

H5-2

5 MR. COHEN: Any questions you have, you
6 should put into your written comment so that the
7 applicant has an opportunity to address.

8 MS. DAKIS: I understand that. So, for
9 example, even in the document itself when it says that
10 they are going to need at least 24 months just to get
11 the demolition of the original house and the preparing
12 of the four properties.

H5-3

13 MR. COHEN: The applicant stated it will take
14 24 months approximately to do the demolition and
15 construction.

16 Personally, I don't know about you, but
17 whenever I have engaged in a home remodeling and the
18 contractor has told me a timeframe, I express --

19 MS. DAKIS: But there are lot of things that
20 are in there. And I don't think anybody's being
21 deceitful. But there are statements being made. On
22 the basis of that, you can't really -- you can't go
23 forward with any --

24 THE CHAIRMAN: You have to understand
25 something. And trust me when I tell you as empathetic

1 as we are to the amount of money spent by the
2 applicant, we are extremely empathetic to the
3 neighbors. So we take everything into consideration.
4 But we can't address generalities.

5 So you can ask things like will there be
6 construction equipment butting up against my back
7 fence? Will there be storage trailers butting up
8 against my back fence? Will there be portable toilets
9 where I can possibly smell them?

10 But I have to tell you something, in defense
11 of anyone who wants to do construction in the Village
12 of East Hills, because my house was built in 1937, his
13 house was built in 1937 -- '41. So you were later.
14 You're young. So people do construction all the time.

15 MS. DAKIS: I recognize that.

16 THE CHAIRMAN: And I realize that it's rough
17 on the neighbors. The people have a right to --

18 MS. DAKIS: I recognize that.

19 THE CHAIRMAN: It's the law of East Hills.
20 We have a Code enforcement officer. We have a building
21 inspector to inspect these things on an ongoing basis
22 to try to mitigate the effect that it would have on any
23 neighbor. Things that we're worried about are not so
24 much the construction scenarios other than we have to
25 have that all in the plans.

1 But we were talking before about runoff, you
2 know, we don't want to have a situation where they have
3 heavy duty construction could destroy someone's
4 backyard, flood someone's basement. These are things
5 the applicant has to look at in terms of what the state
6 would require because of the size of the property. So
7 those things are looked at.

8 But I encourage you to go in writing with
9 anything that bothers you, and if we look at it and we
10 say well, this is really not something for the Planning
11 Board to discuss, because we only have a finite amount
12 of responsibility, and then it's passed onto the
13 Building Department.

14 And we try to protect everybody. We try to
15 protect the applicant. We try to protect local
16 homeowners, and so on it doesn't make you a bad person
17 for opposing. It doesn't make you a bad person for
18 wanting. So just put the stuff in writing to us in 10
19 days. And I don't care if you handwrite it. Just get
20 to us.

21 MS. DAKIS: No problem.

22 THE CHAIRMAN: One of you is an attorney, I'm
23 guessing?

24 MR. CORITSIDIS: Sometimes I don't know which
25 one it is.

1 MR. COHEN: I wanted to ask a couple quick
2 questions. Does the house have central air
3 conditioning now?

4 MR. SHENFELD: Yes.

5 MR. COHEN: And what type of heat system is
6 it at the home, oil or gas?

7 MR. SHENFELD: Oil and some electrical.

8 THE CHAIRMAN: The whole neighborhood has the
9 opportunity for natural gas. I think all of these are
10 pipelined.

11 MR. COHEN: When was natural gas added?

12 MR. SHENFELD: I'm sorry?

13 MR. COHEN: When was the natural gas added?

14 THE CHAIRMAN: They don't have natural gas.

15 The Village --

16 MR. COHEN: He said natural gas.

17 MR. SHENFELD: Chairman Kafka was saying it's
18 accessible at this point.

19 MR. COHEN: But you have central, and you
20 have oil and electric?

21 MR. SHENFELD: I don't think you would
22 consider the infrastructure of this home to be up to
23 modern standards.

24 THE CHAIRMAN: We know that. We covered
25 that. In fact, I remember asbestos in the heating

H2-7

H2-7
(Cont'd.)

1 system. It's a big home, and cement houses are
2 probably cold, and you probably had to add supplemental
3 electric heating in rooms that weren't adequately
4 heated.

5 MR. SHENFELD: We added onto the home. There
6 was no garage on the home. We built a garage. We
7 built a mudroom.

8 THE CHAIRMAN: What did you do with the
9 stable?

10 MR. SHENFELD: It sits on Glen Cove Road.
11 It's a carriage house.

12 MR. RANT: I want to make one response to the
13 neighbors as far as definitive disturbance. The
14 four-lot subdivision with the cul-de-sac would not
15 require the removal of any trees along the west
16 property line, so that the cul-de-sac and all the
17 necessary utilities and drainage can all be installed
18 without the removal of any of these trees along that
19 border.

20 THE CHAIRMAN: That's good. Because the
21 Village will fine the applicant tremendous amounts of
22 money for the removal of any tree that there isn't an
23 application and approval to remove.

24 MR. RANT: The alternate A-1 which would
25 provide a driveway that would require --

1 THE CHAIRMAN: We have heard that. You know
2 what, just since you keep bringing that point up, these
3 lovely trees that you presented pictures of would look
4 very nice on driveways there as well.

5 MS. TSOUKALAS-CURTO: Is there enough room to
6 put --

7 THE CHAIRMAN: I think we have beaten the
8 subject to death.

9 Does anyone else anyone else have any
10 comments?

11 I want to thank you for speaking. It's a
12 very emotional thing, and we certainly understand that.

13 So let me look at my notes, because everyone
14 expected me to remember everything, and it's
15 overwhelming.

16 So I am now making a motion, unless anyone
17 else has any other comments, making a motion to close
18 the SEQRA hearing, hearing on the draft EIS. We will
19 maintain the hearing on the actual subdivision. That
20 will stay open. Do I have a second?

21 MR. COHEN: And you will keep open the 10-day
22 comment period?

23 THE CHAIRMAN: At 10-day comment period which
24 runs starting tomorrow.

25 MS. O'FARRELL: Continues. It's open right

1 now.

2 THE CHAIRMAN: Thank you.

3 MS. O'FARRELL: It will continue for 10 more
4 days.

5 MS. TSOUKALAS-CURTO: Why are you are you
6 keeping the preliminary application open?

7 MR. COHEN: So that we can consider the final
8 EIS in making that decision. That's his motion. You
9 asked me, and you were looking at me. That's my
10 answer. But I'm not the Chairman.

11 THE CHAIRMAN: See, I'm really a puppet and
12 he is the puppeteer.

13 Do I have a second on that incredibly verbose
14 motion?

15 MR. POLLACK: Second.

16 THE CLERK: Mr. Pollack?

17 MR. POLLACK: Yes.

18 THE CLERK: Mr. Brooks?

19 MR. BROOKS: Yes.

20 THE CLERK: Mr. Polon?

21 MR. POLON: Yes.


22 THE CLERK: Mr. Kafka?

23 THE CHAIRMAN: Yes.

24 * * * * *

25

1 This is certified to be a true and accurate transcript of my
2 stenographic notes taken in the above-captioned matter.

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5 Joanne Horrocks, CSR
6 Official Court Reporter
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Appendix C

Description

Alternatives Analysis

ALTERNATIVES ANALYSIS – 2A MELBY LANE, VILLAGE OF EAST HILLS, NASSAU COUNTY, NY

Introduction

The Draft Environmental Impact Statement (DEIS) prepared pursuant to the requirements of the State Environmental Quality Review Act (SEQRA) and its implementing regulations at 6 NYCRR Part 617 for the proposed action (subdivision of the 2.23-acre subject property, located at 2A Melby Lane in the Incorporated Village of East Hills, into four residential lots) included a brief summary of efforts to sell the property in a way that would retain its major historic feature (the house), or minimize adverse impacts by moving the house to a location where it could be effectively maintained by a preservation organization or entity. More details regarding the multiple-year campaign to keep this property intact are discussed below.

After more than 25 years of successful stewardship of this historic property, the owners are seeking to sell their home. The original intention was to sell the property with the house intact, which would have avoided the need to subdivide the property, but these efforts were unsuccessful. Strategies included multiple advertising campaigns, lowering the asking price and working with multiple brokers, including an internationally-recognized Sotheby's real estate specialist, all of which failed to identify a buyer.

Avoidance Alternatives

Listing Efforts

The property was originally offered for sale in June 2015, with a listing price of \$3,950,000, based on the strength of the market and the selling prices of nearby smaller parcels. The broker, Michael Berman of Automatic Real Estate Associates, worked with several of Long Island's most successful real estate firms to co-broker the property, including Laffey Real Estate, Daniel Gale Sotheby's International Realty, Realty Connect, and Coldwell Banker. After several unsuccessful months, in early 2016 the property owners decided to broaden their potential base of buyers by entering a co-brokering agreement with Daniel Gale/Sotheby's, specifically partnering with broker Rosalyn Meyer, one of the firm's top-selling agents nationwide. Ms. Meyer expanded the advertising efforts through international publications and her own curated network of buyers. The asking price was lowered to \$3,688,000 as a further incentive. Although the contract with Ms. Meyer expired in September 2016, she continued to market the property, and the property owners have been individually contacted by interested parties since that time. Unfortunately, no offers have been made since July 2015 that include retaining the house.

Advertising and Outreach Efforts

- Commissioning professional photographs and drone images of the property for marketing purposes
- Distribution of a marketing postcard to homeowners in the three surrounding zip codes
- Direct email marketing campaign
- Advertisement in 10+ real estate and lifestyle magazines
- Production of a marketing brochure for the property
- Listing in overseas publications targeting Asian buyers
- Full-page advertisement in the *Roslyn News*

Offers Received

In July 2015, an offer that retained the house was received, and a counteroffer was made. The original bid was increased, and it appeared that a mutually reasonable price could be agreed to. However, the potential buyer visited the property with a contractor to investigate his desired renovations (including replacing windows and stripping the finish of the wood flooring and trim), and withdrew his bid determining that the cost of renovations was too high. This concern was echoed by a second contractor with experience in historic renovations that was subsequently consulted by the property owners. It was pointed out to the owners that the concrete construction of the house makes typical modernization upgrades particularly challenging and costly, which is further increased by repairs needed to the historic leaded windows and slate roof (see attached letter from P. Pichichero).

Despite an international marketing campaign to sell the property and house intact, the only other offers received by the property owners included the redevelopment and/or subdivision of the property, including the demolition of the house. Such offers were received in April and May of 2016. Although the property owners have privately shown the house multiple times to one particular interested buyer, he has not chosen to make an offer.

Minimization Alternatives

Removal of the House Off-Site

Although it is recognized that the extant setting immediately surrounding the house contributes to its historic significance, the owners also explored the potential of donating the house to the Village and moving it to the Village Park area, where it might be more serviceable for use by the Village or preservation entities. The Village expressed reservations about paying for such a transfer, and early discussions indicated the tax benefits of the transfer were minimal. Furthermore, discussions with building moving companies based on the east coast determined that the height of the house would require moving utility poles and wires, trees, and traffic signals along the more than one-mile route to the Village property, which was not feasible. Therefore, this option could not be pursued.

At public meetings regarding the potential subdivision, the property owners have offered to work with local historical entities to discuss preservation or documentation efforts, but no responses have been received.

Subdivision Planning

At the beginning of 2016, the property owners committed to continuing to market the property intact, while concurrently exploring alternate options that involve subdividing the existing property. Analysis of different subdivision alternatives continued into 2019, as part of the SEQRA process.

Three-Lot Subdivision

At the request of the Village, and as an alternative analyzed in the DEIS, the property owners explored subdividing the property into three lots, which would retain the existing house and create two smaller lots for new residential development situated behind the existing house (see attached letter from Northcoast Civil – Land Surveying and Civil Engineering). Although a feasibility study identified a solution that allowed access to the two smaller lots via a driveway from Talley Road, the resulting subdivision would be inconsistent with the Village's zoning and would not be in character with other

residential lots in the neighborhood. This alternative would require the granting of zoning variances with a low likelihood of success given these factors. For example, the Village's zoning board would have to consider the fact that flag lots¹ (which would be created with the three-lot subdivision) are inconsistent with the Village's zoning and the flag lots created by this alternative would be the only examples of such lots in the Village. Also, the proposed new driveway to the flag lots would have to be accessed from Talley Road, sited directly abutting neighboring residences. This would negatively impact the neighbors' quiet enjoyment and use of their respective properties. Moreover, R&M Engineering, the traffic consultant for the project, determined that access from Melby Lane is a safer travel option for vehicles due to the greater level of sight distance available to motorists accessing the subject property from Melby Lane (see attached letter from R&M Engineering). In addition, neighbors expressed concern that constructing the new driveway along the westerly property line would require the removal of 46 mature trees, as determined by Northcoast Civil, including 34 trees which provide a valuable visual buffer between the subject and neighboring properties. In addition to minimizing the visual buffer and decreasing the tree canopy cover, removal of these trees would also have a more detrimental ecological impact as compared to the four-lot subdivision by removing additional habitat. Finally, as the only flag lots in the area, with little street frontage, it is unclear how marketable the two newly-created lots would be.

In addition, feedback from potential buyers of the property indicated that the major detracting factor was not the lot size, but the house itself – keeping the house was not desirable to the real estate market. Therefore, there is no certainty that the lot retaining the existing house in this alternative would be marketable, resulting in the same challenges detailed in the listing efforts discussion above.

Four-Lot Subdivision (Proposed Action)

The property owners explored the feasibility of a four-lot subdivision, which includes demolition of the existing house. The resulting subdivision, which complies with the Village's zoning regulations (i.e., no variances would be required), was submitted to the Village as the Proposed Action, and is the subject of the extant environmental review under 6 NYCRR Part 617. Additionally, this subdivision alternative allows for the use of a cul-de-sac to serve all four lots, which only requires the removal of 14 trees (see attached letter from Northcoast Civil). These trees are interior to the property, and their removal would not impact the existing visual buffer between neighboring properties.

Conclusion

The property owners have made extensive efforts to sell the existing property (with the house intact) and engaged traffic engineers, soil testing, environmental planners, and civil engineers to evaluate various alternatives to demolition of the house. However, it was concluded that the Four-Lot Subdivision was the only prudent and feasible alternative, although it results in an adverse impact to this historic property.

¹ "A flag lot is an irregularly shaped building lot or parcel that has a very limited amount of street or road frontage. It is skinny like the flag pole. Then the wider part of the lot, the flag in this analogy, is back further away from the road frontage" (<https://www.useful-community-development.org/what-is-a-flag-lot.html>, accessed January 6, 2020).



To East Hills Planning Board and VHB,

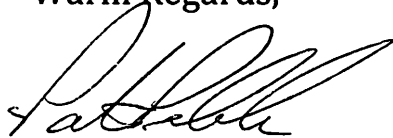
My name is Pat Pichichero and I am the proprietor of Historic Details (www.historicdetailsinc.com) a leading general contractor and renovation firm on Long Island. In addition to my professional expertise in this field, I have served as the Chairman of the Planning and Zoning Boards in Lindenhurst where I reside. Additionally, I have served as the Chairman of the Home Improvement Advisers Board of Suffolk County. In October 2019 I was contacted by Mr. and Mrs. Steven Shenfeld to evaluate renovating and modernizing the home located at 2A Melby Lane. After visiting the home two or three times, I concluded that some of the renovations that they are considering are economically imprudent and perhaps not even possible from an engineering perspective. This is principally a function of the original construction of the home and existing ceiling heights.

Most of the homes in the Roslyn/East Hills area are conventional style construction. Much of that housing stock is either been built or renovated to current standards. The Shenfeld home, however, was constructed in the 1920's and presents a number of challenges. Most of the home is constructed with concrete foundations and real cinder block walls. These cinder block walls are both exterior and interior walls. Over the cinder block walls there is wire lath and plaster. The floor system consists of light weight concrete 12" 's thick. The existing roof sub straight is 3" concrete slabs with slate fasten to the slabs. This type of construction makes it extremely difficult to install modern conveniences. Additionally, the existing windows are true divided lites with leaded muntins. The widespread use of this throughout the house is somewhat uncommon even with Tudor revivals. Thus, the current windows are not energy efficient and repairing them is cost prohibitive. Using replacements would be undesirable from a historical perspective. New

windows while more efficient, would take away from the charm and look of the house. Lastly, the Shenfeld home has a large but old slate roof. While not currently leaking it is over 90 years old and will need major repairs or need to be replaced in the near future. The renovation of the roof will be an extremely expensive renovation since it is not a material we would normally use in new construction.

In my professional opinion, in a market where new home buyers demand modern conveniences and energy efficiencies this home (even with renovation) would still struggle to live up to today's standards. Accordingly, I have advised the Shenfelds that their return on that investment is uneconomic and inadvisable. It is also my concern further that even with modernizing the home for resale; it would not guarantee increased marketability. For this reason, as previously mentioned, it is not a wise financial decision. It is conceivable that they would get no return on their renovations in terms of resale value. If you need further clarification on this matter I can be reached at ...(631-884-1326 or Historicdetails@aol.com).

Warm Regards,

A handwritten signature in black ink, appearing to read 'Patrick Pichichero', with a stylized, flowing script.

Patrick Pichichero Owner

Historic Details Inc.

87 North Monroe Avenue Lindenhurst, NY
11757

Appendix D

Description

Revised Alternate A-1 Plan



PROPOSED NEW DWELLING DRAINAGE CALCULATIONS:

Parcel 2
Drywell "A"
Proposed Driveway = 694.8 s.f.
Proposed Tributary Area = 5510.9 s.f. x (.3) = 1653.3 s.f.
Runoff = 2348.1 s.f. x 4"/12 = 782.7 cu.f.
782.7 cu.f. / 68.5 cu.f. per ft. of ring = 11.43 ft. req'd. - Use 12 ft. of 10' Dia. Rings

Drywell "B"
Proposed Dwelling = 2400.0 s.f.
Runoff = 2400 s.f. x 4"/12 = 800.0 cu.f.
800.0 cu.f. / 68.5 cu.f. per ft. of ring = 11.68 ft. req'd. - Use 12 ft. of 10' Dia. Rings

Drywell "C"
Proposed Pool = 800.0 s.f.
Proposed Patio = 200.0 s.f.
Proposed Tributary Area = 5397.1 s.f. x (.3) = 1619.1 s.f.
Runoff = 2619.1 s.f. x 4"/12 = 873.1 cu.f.
873.1 cu.f. / 68.5 cu.f. per ft. of ring = 12.74 ft. req'd. - Use 13 ft. of 10' Dia. Rings

Drywell "D"
Proposed P/O Driveway = 4437.9 s.f.
Proposed Tributary Area = 22820.9 s.f. x (.3) = 6846.3 s.f.
Runoff = 11284.2 s.f. x 4"/12 = 3761.4 cu.f.
3761.4 cu.f. / 68.5 cu.f. per ft. of ring = 54.9 ft. req'd. - Use 56 ft. of 10' Dia. Rings

Parcel 3
Drywell "E"
Proposed Driveway = 2915.8 s.f.
Proposed Tributary Area = 3899.4 s.f. x (.3) = 1169.8 s.f.
Runoff = 4085.6 s.f. x 4"/12 = 1361.9 cu.f.
1361.9 cu.f. / 68.5 cu.f. per ft. of ring = 19.88 ft. req'd. - Use 20 ft. of 10' Dia. Rings

Drywell "F"
Proposed Pool = 800.0 s.f.
Proposed Patio = 200.0 s.f.
Proposed Tributary Area = 9933.3 s.f. x (.3) = 2980.0 s.f.
Runoff = 3980.0 s.f. x 4"/12 = 1326.7 cu.f.
1326.7 cu.f. / 68.5 cu.f. per ft. of ring = 19.37 ft. req'd. - Use 20 ft. of 10' Dia. Rings

Drywell "G"
Proposed Dwelling = 2436.0 s.f.
Runoff = 2436.0 s.f. x 4"/12 = 812.0 cu.f.
812.0 cu.f. / 68.5 cu.f. per ft. of ring = 11.85 ft. req'd. - Use 12 ft. of 10' Dia. Rings

Parcel "1"
Gross Lot Area:
52075.7 Sq. Ft.
1.20 Acres

Parcel "2"
25075.3 Sq. Ft.
0.58 Acres

Parcel "3"
20184.5 Sq. Ft.
0.46 Acres

ZONING	REQUIRED	PARCEL 1	PARCEL 2	PARCEL 3
Gross Lot Area	N/A	46594.7 Sq. Ft.	30556.2 Sq. Ft.	20184.5 Sq. Ft.
R.O.W. Area	N/A	N/A	N/A	N/A
Steep Slope Area	N/A	4114.6 Sq. Ft.	N/A	N/A
Net Lot Area	15,000 Sq. Ft.	42480.1 Sq. Ft.	30556.2 Sq. Ft.	20184.5 Sq. Ft.
Min. Street Frontage	110'	110.00'	* 35.16'	* 35.01'
Front Yard	35'	17.5'	35'	35.7'
Side Yard/ Aggregate	15'/40'	23.9'/93.7'	48.4'/102.6'	41.2'/94.9'
Rear Yard	30'	60.9'	31.2'	30.0'
Building % Coverage	25%	9.74%	7.85%	12.07%
Total Impervious Coverage	N/A	15513.6 Sq. Ft.	8532.7 Sq. Ft.	6351.8 Sq. Ft.

ZONED: Resident District R-1

NOTE: Proposed lot coverage for new parcels based on new roadway and generic house/driveway layout only. No architectural plans for proposed dwellings have been made.

* - Variance Required

LEGEND:
EXISTING CONTOUR LINE
PROPOSED CONTOUR LINE
EXISTING SPOT ELEVATION: 98.82
PROPOSED SPOT ELEVATION: 98.82
LIMITS OF DISTURBANCE
SILT FENCE
AREA WITHIN DISTURBANCE LIMIT: 1.17 ACRES
TREES TO BE PROTECTED SHOWN AS:
TREES TO BE REMOVED SHOWN AS: X
NUMBER OF TREES TO BE REMOVED: 19

SLOPE DESCRIPTION

SLOPES GREATER THAN 20%
SLOPES 15% - 20%

Cut & Fill Calculations Requiring Excavation/Grading Permit
Proposed Site Grading Cut Required = 225 Cubic Yards
Proposed Dwellings Foundation Cut Required = 850 Cubic Yards
Drywell and Sanitary Cut Required = 235 Cubic Yards
Pool & Patio Cut Required = 350 Cubic Yards
Total Approximately 1660 Cubic Yards of Material Are To Be Removed From The Site

Nassau County Tax Map Designation:
Sec. 19 Blk. 27 Lot 46

ALTERNATE "A-1"
Of Property
Situated In The
Inc. Village of East Hills
Nassau County, N.Y.

Drawn by: PJJ Date: 12/10/2018
SCALE: 1" = 20'
NORTHCOAST CIVIL
L.S. & P.E., P.C.
23 Spring Street
Oyster Bay, N.Y.
516-922-3031

REVISED 5/25/2020
REVISED 12/27/2019
REVISED 7/15/2019
REVISED 6/10/2019
REVISED 3/4/2019
REVISED 2/25/2019
REVISED 2/12/2019

Appendix E

Description

Revised Subdivision Plans for Proposed Action

CERTIFICATIONS ON THIS BOUNDARY SURVEY MAP SIGNIFY THAT THE MAP WAS PREPARED IN ACCORDANCE WITH THE CURRENT EXISTING CODE OF PRACTICE FOR LAND SURVEYORS ADOPTED BY THE NEW YORK STATE ASSOCIATION OF PROFESSIONAL LAND SURVEYORS.

GUARANTEES INDICATED HEREIN SHALL RUN ONLY TO THE PERSON FOR WHOM THE SURVEY IS PREPARED, AND ON THEIR BEHALF TO THE TITLE COMPANY, GOVERNMENTAL AGENCY, AND LENDING INSTITUTION LISTED THE ASSIGNEES OF THE LENDING INSTITUTION GUARANTEES ARE NOT TRANSFERABLE TO ADDITIONAL INSTITUTIONS OR SUBSEQUENT OWNERS.

NO GUARANTEE IS IMPLIED BY THIS MAP AS TO THE EXISTENCE OR NONEXISTENCE OF ANY EASEMENTS OF RECORD THAT WOULD AFFECT SUBJECT PROPERTY, UNLESS SURVEYOR HAS BEEN FURNISHED WITH A COMPLETE COPY OF THE TITLE REPORT.

THE LOCATION OF UNDERGROUND IMPROVEMENTS OR ENCROACHMENTS ARE NOT ALWAYS KNOWN AND OFTEN MUST BE ESTIMATED. IF ANY UNDERGROUND IMPROVEMENTS OR ENCROACHMENTS ARE NOT COVERED BY THIS CERTIFICATE.

THE OFFSETS (OR DIMENSIONS) SHOWN HEREIN FROM THE STRUCTURES TO THE PROPERTY LINES ARE FOR A SPECIFIC PURPOSE, AND USE AND THEREFORE ARE NOT INTENDED TO GUIDE THE ERECTION OF FENCES, RETAINING WALLS, POOLS, AND ANY OTHER CONSTRUCTION.

UNAUTHORIZED ALTERATION OR ADDITION TO THIS SURVEY IS A VIOLATION OF SECTION 7209 OF THE NEW YORK STATE EDUCATION LAW.

COPIES OF THIS SURVEY MAP NOT BEARING THE LAND SURVEYOR'S INKED SEAL OR EMBOSSED SEAL SHALL NOT BE CONSIDERED AS A VALID, TRUE COPY.



TEST HOLE #1 – May 30, 2017

Depth		Classification Of Soil
From	To	
Ground Surface	1'	Topsoil
1'	2'	Loam
2'	22'	Fine to Medium Graded Sand
22'	30'	Sandy Clay Lens
30'	34'	Well Graded Sand
		NO GROUNDWATER ENCOUNTERED

TEST HOLE #2 – May 30, 2017

Depth		Classification Of Soil
From	To	
Ground Surface	1'	Topsoil
1'	5'	Sandy Loam
5'	29'	Fine to Medium Graded Sand
		NO GROUNDWATER ENCOUNTERED

TEST HOLE #3 – May 30, 2017

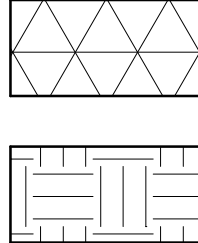
Depth		Classification Of Soil
From	To	
Ground Surface	1'	Topsoil
1'	1'-6"	Sandy Loam
1'-6"	30'	Fine to Medium Sand
30'	34'	Well Graded Sand and Gravel
		NO GROUNDWATER ENCOUNTERED

LEGEND

- | | | |
|--|--------|---------------------|
| | C.B. | Catch basin |
| | G.V. | Gas valve |
| | M.H.C. | Manhole cover |
| | Hyd. | Hydrant |
| | L.P. | Light pole |
| | S.I.D. | Surface inlet drain |
| | S.M.H. | Sewer manhole |
| | U.P. | Utility pole |
| | W.M. | Water Meter |
| | W.V. | Water valve |



SLOPE DESCRIPTION



SLOPES GREATER THAN 20%

SLOPES 15%– 20%

VANAD DRIVE

Key	
F	= Fair Condition
D	= Dead, Damaged, Diseased
X	= Existing Tree to be Removed for Proposed Subdivision
▲	= Existing Tree to be Removed for Proposed Dwellings
W.Pine	= White Pine
C. Apple	= Crabapple

Num.	Size	Spec.	Con.	Num.	Size	Spec.	Con.	Num.	Size	Spec.	Con.	Num.	Size	Spec.	Con.	Num.	Size	Spec.	Con.	Num.	Size	Spec.	Con.	Num.	Size	Spec.	Con.	Num.	Size	Spec.	Con.	
393	20"			413	16"	Maple	F	433	16"	Cherry	F	453	12"	W.Pine	F	473	8"	W.Pine	F	493	6"	W.Pine	F	516	6"	Cherry	F	536	36"	W.Pine	X	
394	20"	Maple	F	414	14"			434	12"	W.Pine	F	454	12"	W.Pine	F	474	8"	W.Pine	F	494	8"	W.Pine	F	517	8"	Cherry	D	537	30"	W.Pine	D	
395	6"	Maple	F	415	16"	Cherry	F	435	12"	W.Pine	F	455	10"	W.Pine	F	475	10"	W.Pine	F	495	8"	W.Pine	F	518	10"	Cherry	D	538	36"	W.Pine	X	
396	10"	Cherry	D	416	24"	W.Pine	F	436	24"	Oak	F	456	8"	Fir	F	476	10"	W.Pine	F	496	36"	Oak	F	519	14"	Cherry	D	539	40"	W.Pine	X	
397	12"	Cherry	D	417	24"	Maple	F	437	8"	W.Pine	F	457	10"	W.Pine	F	477	10"	W.Pine	F	497	10"	W.Pine	F	520	16"	Tulip	F	540	18"	Holly	X	
398	24"	W.Pine	F	418	30"	Oak	▲	438	10"	W.Pine	F	458	20"	Yew	F	478	10"	W.Pine	F	498	6"	W.Pine	F	521	22"	Tulip	F	541	10"	C.Apple	▲	
399	6"	Alnus	D	419				439	8"	Fir	D	459	20"	Yew	F	479	30"	Maple	F	499	32"	Cherry	F	522	8"	Cherry	F	542	10"	Cherry	F	
400	20"	Cherry	F	420	26"	Oak	▲	440	10"	Fir	F	460	20"	Yew	F	480	12"	W.Pine	F	500	12"	W.Pine	F	523	10"	Maple	F	543	8"	Cherry	X	
401	12"	Cherry	F	421	30"	Oak	F	441	8"	W.Pine	F	461	36"	W.Pine	F	481	12"	W.Pine	F	504	12"	W.Pine	F	524	32"	Cherry	F	544	8"	Cherry	X	
402	16"	Cherry	F	422	24"	Oak	F	442	12"	W.Pine	F	462	36"	W.Pine	▲	482	12"	W.Pine	F	505	8"	W.Pine	F	525	24"	Maple	F	545	10"	Holly	X	
403	12"	Cherry	F	423	50"	Oak	F	443	8"	Fir	F	463	6"	W.Pine	D	483	12"	W.Pine	F	506	6"	Alnus	F	526	20"	C.Apple	▲	546	10"	Holly	X	
404	12"	Cherry	F	424	20"	Oak	F	444	6"	W.Pine	D	464	10"	W.Pine	F	484	12"	W.Pine	F	507	20"	Cherry	F	527	10"	Holly	▲	547	10"	Holly	X	
405	8"	Cherry	F	425	30"	Oak	F	445	6"	Fir	D	465	8"	W.Pine	D	485	6"	W.Pine	F	508	20"	Cherry	F	528	12"	Holly	▲	548	18"	Holly	X	
406	14"	Cherry	F	426	30"	Oak	F	446	6"	Syrax	F	466	8"	W.Pine	F	486	8"	W.Pine	F	509	20"	Cherry	F	529	10"	Holly	▲	549	10"	Maple	F	
407	30"	W.Pine	F	427	30"	Oak	X	447	6"	Fir	F	467	6"	W.Pine	F	487	6"	W.Pine	F	510	20"	Cherry	F	530	10"	Spitt	Holly	▲	550	22"	Maple	F
408	16"	Maple	F	428	14"	Cherry	F	448	6"	Fir	F	468	6"	W.Pine	F	488	6"	W.Pine	F	511	32"	Oak	▲	531	12"	Dogwood		551	16"	Oak	F	
409	12"	Maple	F	429	14"	Beech	F	449	30"	W.Pine	F	469	6"	W.Pine	F	489	16"	Maple	F	512	16"	Cherry	F	532	32"	Oak	▲	552	12"	Holly	▲	
410	8"	Cherry	F	430	6"	W.Pine	▲	450	12"	W.Pine	F	470	8"	W.Pine	F	490	10"	W.Pine	F	513	14"	Cherry	F	533	10"	Dogwood						
411	16"	Cherry	F	431	14"	W.Pine	F	451	12"	W.Pine	F	471	12"	W.Pine	F	491	12"	W.Pine	F	514	26"	Cherry	D	534	10"	Dogwood						
412	12"	Cherry	F	432	14"	W.Pine	F	452	12"	Spitt	Beech	F	472	12"	W.Pine	F	492	10"	W.Pine	F	515	14"	Cherry	F	535	26"	Cherry	▲				

TREE SCHEDULE REVISED 7/15/2019
TREES LOCATED 9/30/2016

Nassau County Tax Map Designation:
Sec. 19 Blk. 27 Lot 46

TOPOGRAPHIC MAP 1/8

Of Property
Situated In The

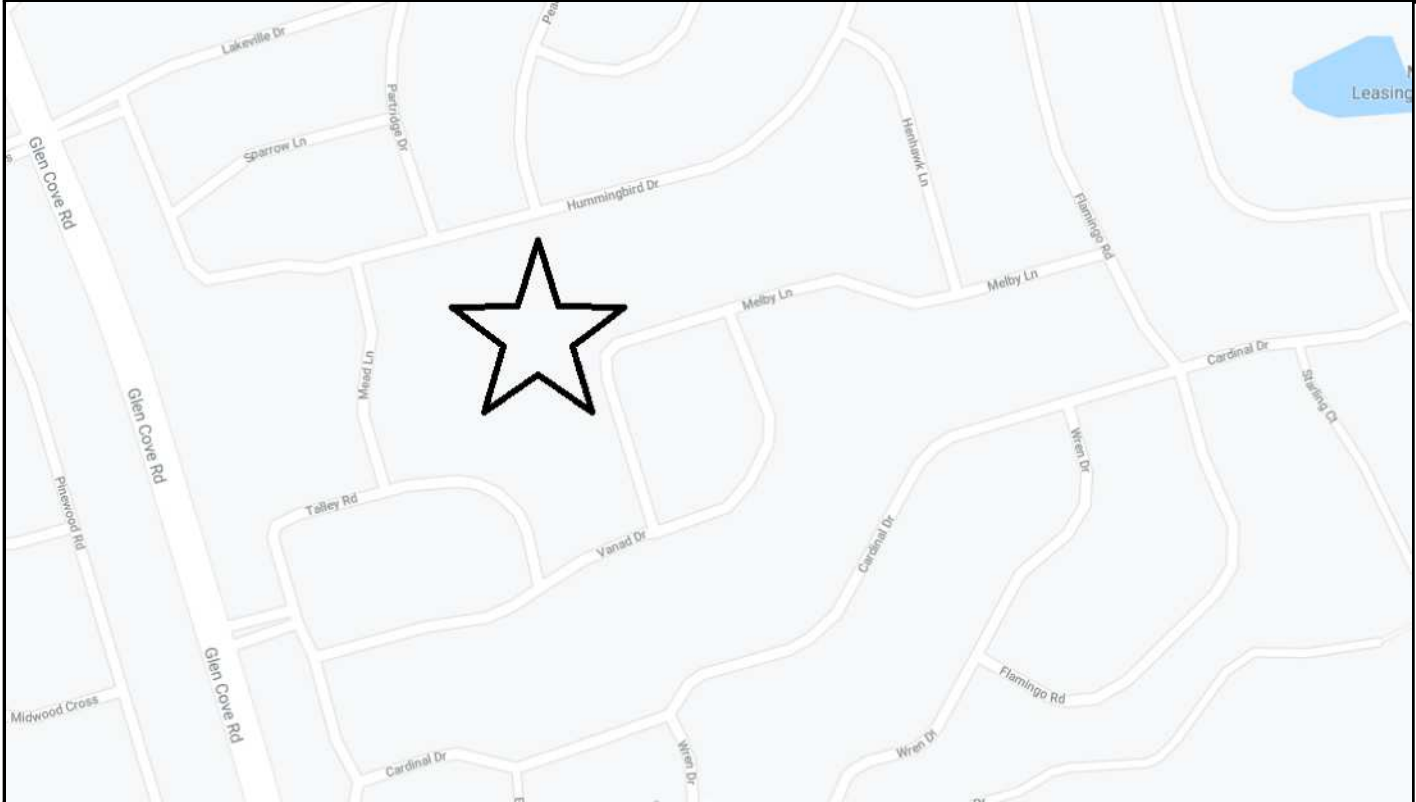
Inc. Village of East Hills
Nassau County, N.Y.

Drawn by:
J.FUSCO

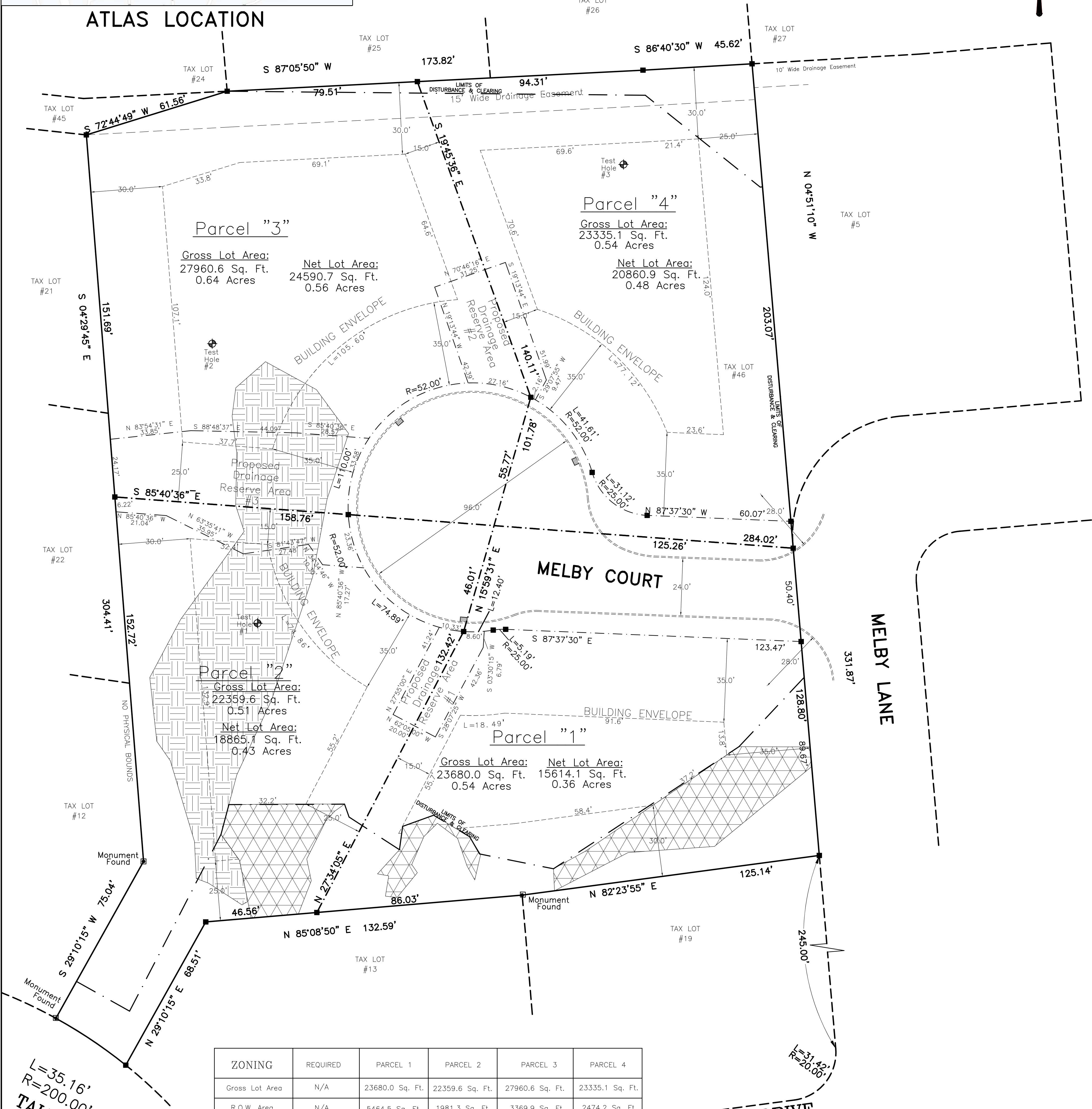
Date:
2/24/2016

NORTHCOAST CIVIL
L.S. & P.E., P.C.
23 Spring Street
Oyster Bay, N.Y.
516-922-3031

SCALE: 1" = 20'



ATLAS LOCATION



ZONING	REQUIRED	PARCEL 1	PARCEL 2	PARCEL 3	PARCEL 4
Gross Lot Area	N/A	23680.0 Sq. Ft.	22359.6 Sq. Ft.	27960.6 Sq. Ft.	23335.1 Sq. Ft.
R.O.W. Area	N/A	5464.5 Sq. Ft.	1981.3 Sq. Ft.	3369.9 Sq. Ft.	2474.2 Sq. Ft.
Steep Slope Area (>20%)	N/A	2601.4 Sq. Ft.	1513.2 Sq. Ft.	N/A	N/A
Sloped Area (15%-20%)	N/A	N/A	5689.7 Sq. Ft.	2285.7 Sq. Ft.	N/A
Net Lot Area	15,000 Sq. Ft.	15614.1 Sq. Ft.	18865.1 Sq. Ft.	24590.7 Sq. Ft.	20860.9 Sq. Ft.
Min. Street Frontage	110'	230.73'	110.05'	110.00'	132.80'
Front Yard	35'	35.9'	35.4'	38.3'	37.2'
Side Yard/Aggregate	15'/40'	26.4'/98.8'	24.2'/59.5'	16.2'/75.2'	15'/40'
Rear Yard	30'	35.7'	32.9'	38.1'	53.9'
Building % Coverage	25%	11.52%	9.52%	13.87%	12.90%

ZONED: Resident District R-1

NOTE: Proposed lot coverage for new parcels based on new roadway and generic house/driveway layout only. No architectural plans for proposed dwellings have been made.

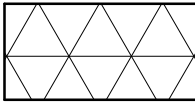
Note: All utilities shall be underground

THIS AREA SERVED BY:
Roslyn Highlands Fire Department
Roslyn Rescue Hook & Ladder
Roslyn Postal District 11576
Roslyn Water District
Roslyn School District 3
Area of Map= 2.23 acres

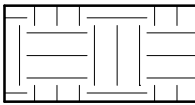
NOTE: ALL DISTURBED AREAS TO BE SEEDED OR PLANTED WITH NATIVE VEGETATION FOR SOIL EROSION CONTROL MEASURES

Lot Area:
97335.4 Sq. Ft.
2.23 Acres

SLOPE DESCRIPTION



SLOPES GREATER THAN 20%

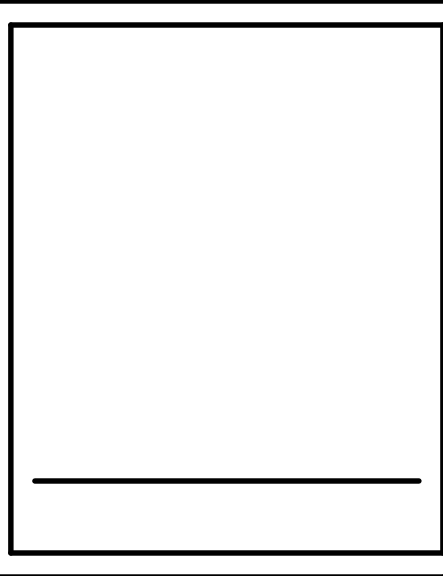


SLOPES 15%- 20%

LEGEND	
	C.B. Catch basin
	G.V. Gas valve
	M.H.C. Manhole cover
	Hyd. Hydrant
	L.P. Light pole
	S.I.D. Surface inlet drain
	S.M.H. Sewer manhole
	U.P. Utility pole
	W.M. Water Meter
	W.V. Water valve
	Existing Monument
	Proposed Monument

LEGEND:	
EXISTING CONTOUR LINE	---
PROPOSED CONTOUR LINE	---
EXISTING SPOT ELEVATION:	98.82
PROPOSED SPOT ELEVATION:	98.82
LIMITS OF DISTURBANCE	---
SILT FENCE	---
AREA WITHIN DISTURBANCE LIMIT:	1.94 ACRES
TREES TO BE PROTECTED SHOWN AS:	
TREES TO BE REMOVED SHOWN AS:	
LEYLAN CYPRESS TO BE PLANTED SHOWN AS:	
JAPANESE CRYPTOMERIA TO BE PLANTED SHOWN AS:	
JUNIPER TO BE PLANTED SHOWN AS:	
NUMBER OF TREES TO BE REMOVED:	14

REVISED 5/25/2020
REVISED 12/27/2019
REVISED 11/14/2019
REVISED 7/15/2019
REVISED 6/10/2019
REVISED 3/4/2019
(No Changes to this Sheet)
REVISED 2/25/2019
REVISED 2/12/2019
REVISED 12/10/2018
REVISED 6/5/2017
REVISED 5/3/2017
REVISED 3/16/2017
REVISED 12/28/2016
REVISED 11/3/2016
REVISED 10/3/2016



Nassau County Tax Map Designation:
Sec. 19 Blk. 27 Lot 46

PRELIMINARY MAP
OF MELBY COURT

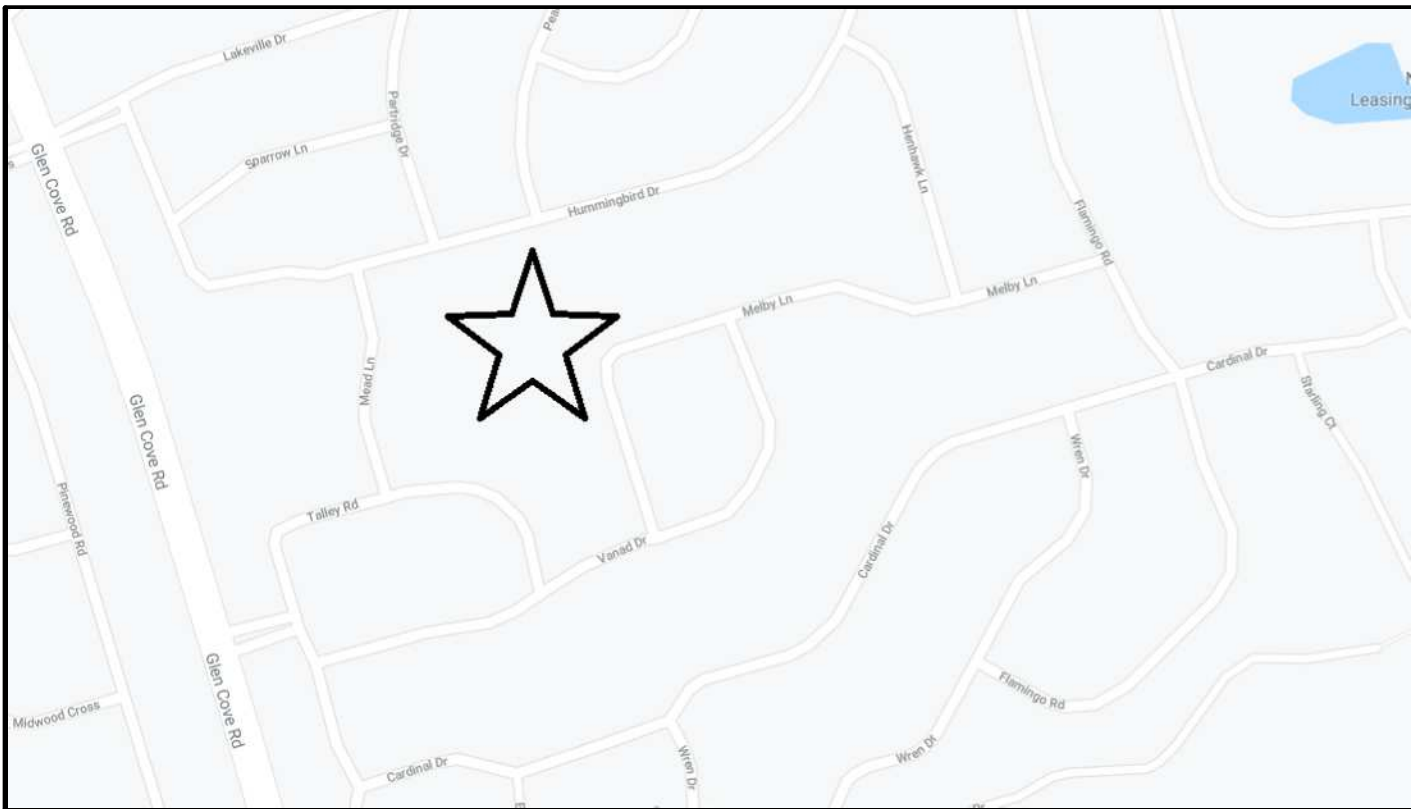
Of Property
Situated In The

Inc. Village of East Hills
Nassau County, N.Y.

Drawn by: PJI Date: 3/7/2016

NORTHCOAST CIVIL
L.S. & P.E., P.C.
23 Spring Street
Oyster Bay, N.Y.
516-922-3031

SCALE: 1" = 20'



ATLAS LOCATION

PROPOSED NEW DWELLING DRAINAGE CALCULATIONS:

Parcel 1
Proposed Dwelling = 1800.0 s.f.
Runoff = 1800.0 s.f. x 8"/12 = 1200.0 cu.ft.
1200.0 cu.ft. / 68.5 cu.ft. per ft. of ring = 17.5 ft. req'd. - Use 18 ft. of 10' Dia. Rings
Proposed Driveway = 1177.4 s.f.
Proposed Pool = 450.0 s.f.
Proposed Patio = 200.0 s.f.
Proposed Tributary Area = 1152.2 s.f. x (.3) = 345.7 s.f.
Runoff = 2173.1 s.f. x 8"/12 = 1448.7 cu.ft.
1448.7 cu.ft. / 68.5 cu.ft. per ft. of ring = 21.1 ft. req'd. - Use 22 ft. of 10' Dia. Rings

Parcel 2
Proposed Dwelling = 1800.0 s.f.
Runoff = 1800.0 s.f. x 8"/12 = 1200.0 cu.ft.
1200.0 cu.ft. / 68.5 cu.ft. per ft. of ring = 17.5 ft. req'd. - Use 18 ft. of 10' Dia. Rings
Proposed Driveway = 1195.7 s.f.
Proposed Pool = 450.0 s.f.
Proposed Patio = 200.0 s.f.
Proposed Tributary Area = 1263.1 s.f. x (.3) = 378.9 s.f.
Runoff = 2224.6 s.f. x 8"/12 = 1483.1 cu.ft.
1483.1 cu.ft. / 68.5 cu.ft. per ft. of ring = 21.7 ft. req'd. - Use 22 ft. of 10' Dia. Rings

Parcel 3
Proposed Dwelling = 3375.0 s.f.
Runoff = 3375.0 s.f. x 8"/12 = 2250.0 cu.ft.
2250.0 cu.ft. / 68.5 cu.ft. per ft. of ring = 32.85 ft. req'd. - Use 34 ft. of 10' Dia. Rings
Proposed Driveway = 1472.7 s.f.
Proposed Pool = 800.0 s.f.
Proposed Patio = 200.0 s.f.
Proposed Tributary Area = 3685.4 s.f. x (.3) = 1105.6 s.f.
Runoff = 3578.3 s.f. x 8"/12 = 2385.5 cu.ft.
2385.5 cu.ft. / 68.5 cu.ft. per ft. of ring = 34.8 ft. req'd. - Use 36 ft. of 10' Dia. Rings

Parcel 4
Proposed Dwelling = 2700.0 s.f.
Runoff = 2700.0 s.f. x 8"/12 = 1800.0 cu.ft.
1800.0 cu.ft. / 68.5 cu.ft. per ft. of ring = 26.3 ft. req'd. - Use 28 ft. of 10' Dia. Rings
Proposed Driveway = 1205.2 s.f.
Proposed Pool = 800.0 s.f.
Proposed Patio = 200.0 s.f.
Proposed Tributary Area = 914.2 s.f. x (.3) = 274.3 s.f.
Runoff = 2479.5 s.f. x 8"/12 = 1653.0 cu.ft.
1653.0 cu.ft. / 68.5 cu.ft. per ft. of ring = 24.1 ft. req'd. - Use 26 ft. of 10' Dia. Rings

PRIVATE ROADWAY DRAINAGE CALCULATIONS:

Drainage Reserve Area #1 Drywell "A"
Road Area = 2244.7 Sq. Ft.
Runoff = 2244.7 Sq. Ft. x 8"/12 = 1496.5 cu.ft.
Tributary Area = 5658.0 Sq. Ft.
Runoff = 5658.0 Sq. Ft. x 8"/12 x 0.3 = 1131.6 cu.ft.
Total Runoff = 2628.1 cu.ft.
2628.1 cu.ft. / 68.5 cu.ft. per ft. of ring = 38.37 ft. req'd.
Use 39 ft. of 10 ft. Diam. rings

Drainage Reserve Area #2 Drywell "B"
Road Area = 2128.2 Sq. Ft.
Runoff = 2128.2 Sq. Ft. x 8"/12 = 1418.8 cu.ft.
Tributary Area = 4900.6 Sq. Ft.
Runoff = 4900.6 Sq. Ft. x 8"/12 x 0.3 = 980.1 cu.ft.
Total Runoff = 2398.9 cu.ft.
2398.9 cu.ft. / 68.5 cu.ft. per ft. of ring = 35.02 ft. req'd.
Use 36 ft. of 10 ft. Diam. rings

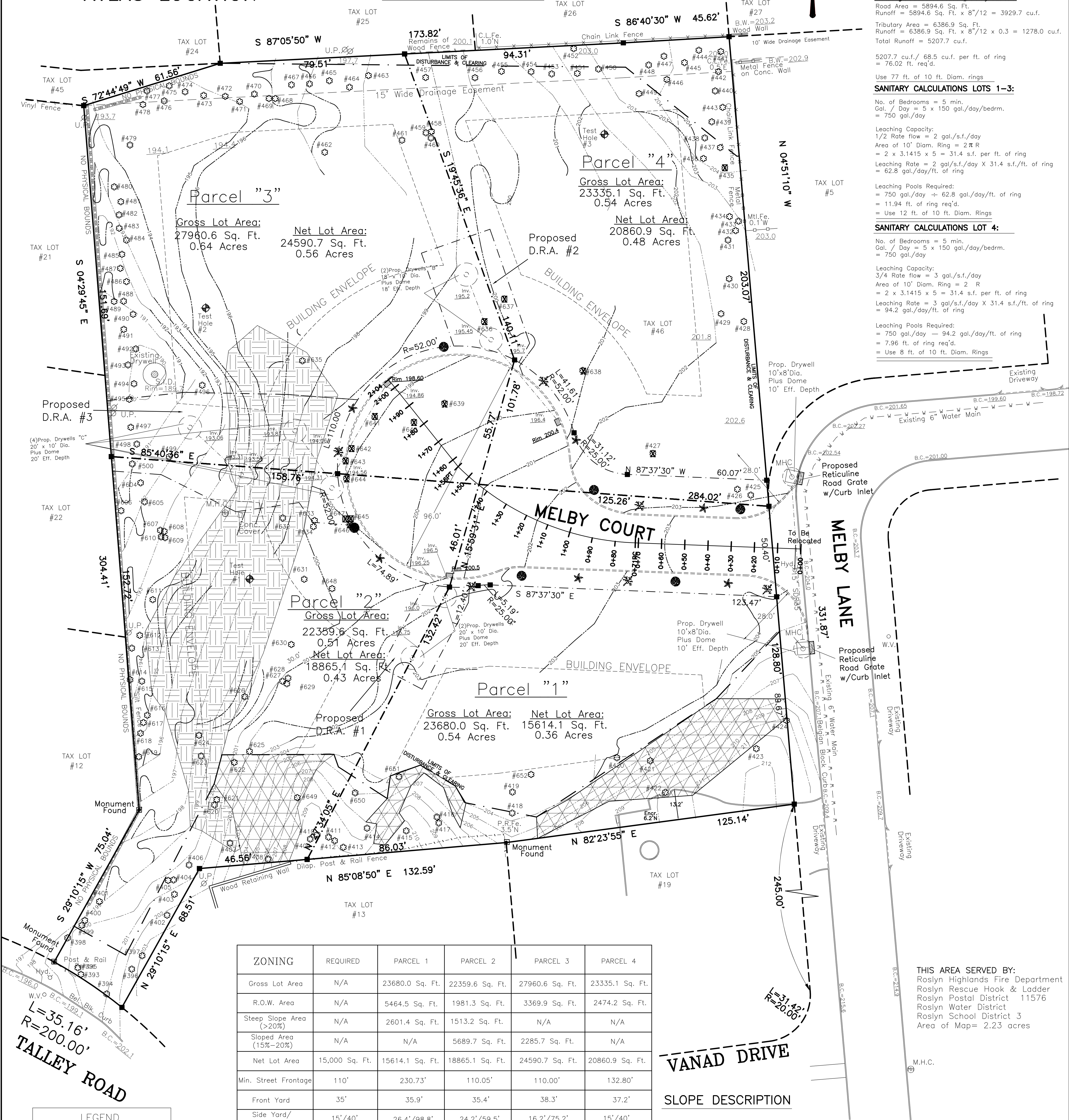
Drainage Reserve Area #3 Drywell "C"
Road Area = 5894.6 Sq. Ft.
Runoff = 5894.6 Sq. Ft. x 8"/12 = 3929.7 cu.ft.
Tributary Area = 6386.9 Sq. Ft.
Runoff = 6386.9 Sq. Ft. x 8"/12 x 0.3 = 1278.0 cu.ft.
Total Runoff = 5207.7 cu.ft.
5207.7 cu.ft. / 68.5 cu.ft. per ft. of ring = 76.02 ft. req'd.
Use 77 ft. of 10 ft. Diam. rings

SANITARY CALCULATIONS LOTS 1-3:

No. of Bedrooms = 5 min.
Gal. / Day = 5 x 150 gal./day/bedrm. = 750 gal./day
Leaching Capacity:
1/2 Rate flow = 2 gal./s.f./day
Area of 10' Diam. Ring = 2 π R = 2 x 3.1415 x 5 = 31.4 s.f. per ft. of ring
Leaching Rate = 2 gal./s.f./day X 31.4 s.f./ft. of ring = 62.8 gal./day/ft. of ring

SANITARY CALCULATIONS LOT 4:

No. of Bedrooms = 5 min.
Gal. / Day = 5 x 150 gal./day/bedrm. = 750 gal./day
Leaching Capacity:
3/4 Rate flow = 3 gal./s.f./day
Area of 10' Diam. Ring = 2 π R = 2 x 3.1415 x 5 = 31.4 s.f. per ft. of ring
Leaching Rate = 3 gal./s.f./day X 31.4 s.f./ft. of ring = 94.2 gal./day/ft. of ring
Leaching Pools Required:
= 750 gal./day ÷ 62.8 gal./day/ft. of ring = 11.94 ft. of ring req'd.
= Use 12 ft. of 10 ft. Diam. Rings



ZONING	REQUIRED	PARCEL 1	PARCEL 2	PARCEL 3	PARCEL 4
Gross Lot Area	N/A	23680.0 Sq. Ft.	22359.6 Sq. Ft.	27960.6 Sq. Ft.	23335.1 Sq. Ft.
R.O.W. Area	N/A	5464.5 Sq. Ft.	1981.3 Sq. Ft.	3369.9 Sq. Ft.	2474.2 Sq. Ft.
Steep Slope Area (>20%)	N/A	2601.4 Sq. Ft.	1513.2 Sq. Ft.	N/A	N/A
Sloped Area (15%-20%)	N/A	N/A	5689.7 Sq. Ft.	2285.7 Sq. Ft.	N/A
Net Lot Area	15,000 Sq. Ft.	15614.1 Sq. Ft.	18865.1 Sq. Ft.	24590.7 Sq. Ft.	20860.9 Sq. Ft.
Min. Street Frontage	110'	230.73'	110.05'	110.00'	132.80'
Front Yard	35'	35.9'	35.4'	38.3'	37.2'
Side Yard/Aggregate	15'/40'	26.4'/98.8'	24.2'/59.5'	16.2'/75.2'	15'/40'
Rear Yard	30'	35.7'	32.9'	38.1'	53.9'
Building % Coverage	25%	11.52%	9.52%	13.87%	12.90%

ZONED: Resident District R-1

NOTE: Proposed lot coverage for new parcels based on new roadway and generic house/driveway layout only. No architectural plans for proposed dwellings have been made.

Construction Schedule

1. Install soil erosion control measures and anti tracking pad for construction entrance.
2. Strip topsoil and stockpile in designated area.
3. Demolish all existing structures.
4. Excavate and install drainage reserve area drywells.
5. Construct the roadway.
6. Install proposed drywells with protection over open grates.
7. Install drainage pipes.
8. Complete grading and place screening and other landscaping trees, topsoil and plant grass on disturbed areas.
9. Install fencing and additional seed on areas of disturbance.
10. Remove temporary soil erosion control measures only after vegetation has been well established.

SLOPE DESCRIPTION

SLOPES GREATER THAN 20%

SLOPES 15%- 20%

Melby Court Cut & Fill Calculations

Proposed Site Grading Cut Required = 250 Cubic Yards
Drywell and Sanitary Cut Required = 525 Cubic Yards

Existing Dwelling and Pool Fill = 1425 Cubic Yards

Total Approximately 650 Cubic Yards of Material Are To Be Brought To The Site

NOTE: Drainage systems A, B, and C will be located within proposed drainage reserve areas (DRAs) 1, 2, and 3, respectively. The lots would be subject to a restrictive covenant that outlines drainage and any potential road maintenance requirements. As all the lot owners would benefit from the subdivision roadway drainage system, they would share equally in the cost of any maintenance and/or repair of such facilities. Each homeowner would be responsible for the maintenance on their own individual on-lot drywells.

REVISED 5/25/2020
REVISED 12/27/2019
REVISED 11/14/2019
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REVISED 3/16/2017
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REVISED 11/3/2016
REVISED 10/3/2016
REVISED 6/22/2016
REVISED 4/15/2016

THIS AREA SERVED BY:
Roslyn Highlands Fire Department
Roslyn Rescue Hook & Ladder
Roslyn Postal District 11576
Roslyn Water District
Roslyn School District 3
Area of Map= 2.23 acres

Lot Area:
97335.4 Sq. Ft.
2.23 Acres

NOTE: All utilities to be underground.

NOTE: ALL DISTURBED AREAS TO BE SEEDED OR PLANTED WITH NATIVE VEGETATION FOR SOIL EROSION CONTROL MEASURES

Nassau County Tax Map Designation:
Sec. 19 Blk. 27 Lot 46

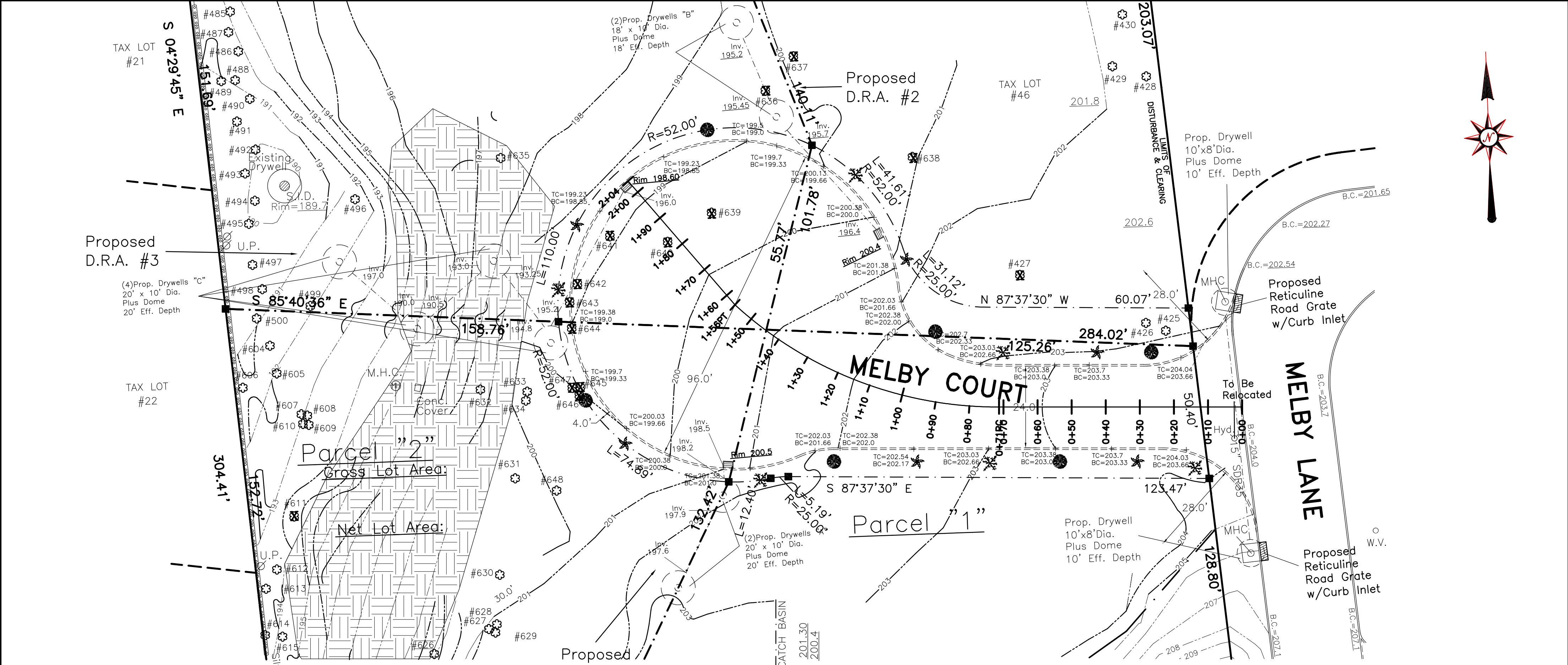
PRELIMINARY MAP OF MELBY COURT GRADING AND DRAINAGE
Of Property Situated In The
Inc. Village of East Hills Nassau County, N.Y.

Drawn by: PJJ
Date: 3/7/2016

NORTHCOAST CIVIL L.S. & P.E., P.C.
23 Spring Street
Oyster Bay, N.Y.
516-922-3031

SCALE: 1" = 20'

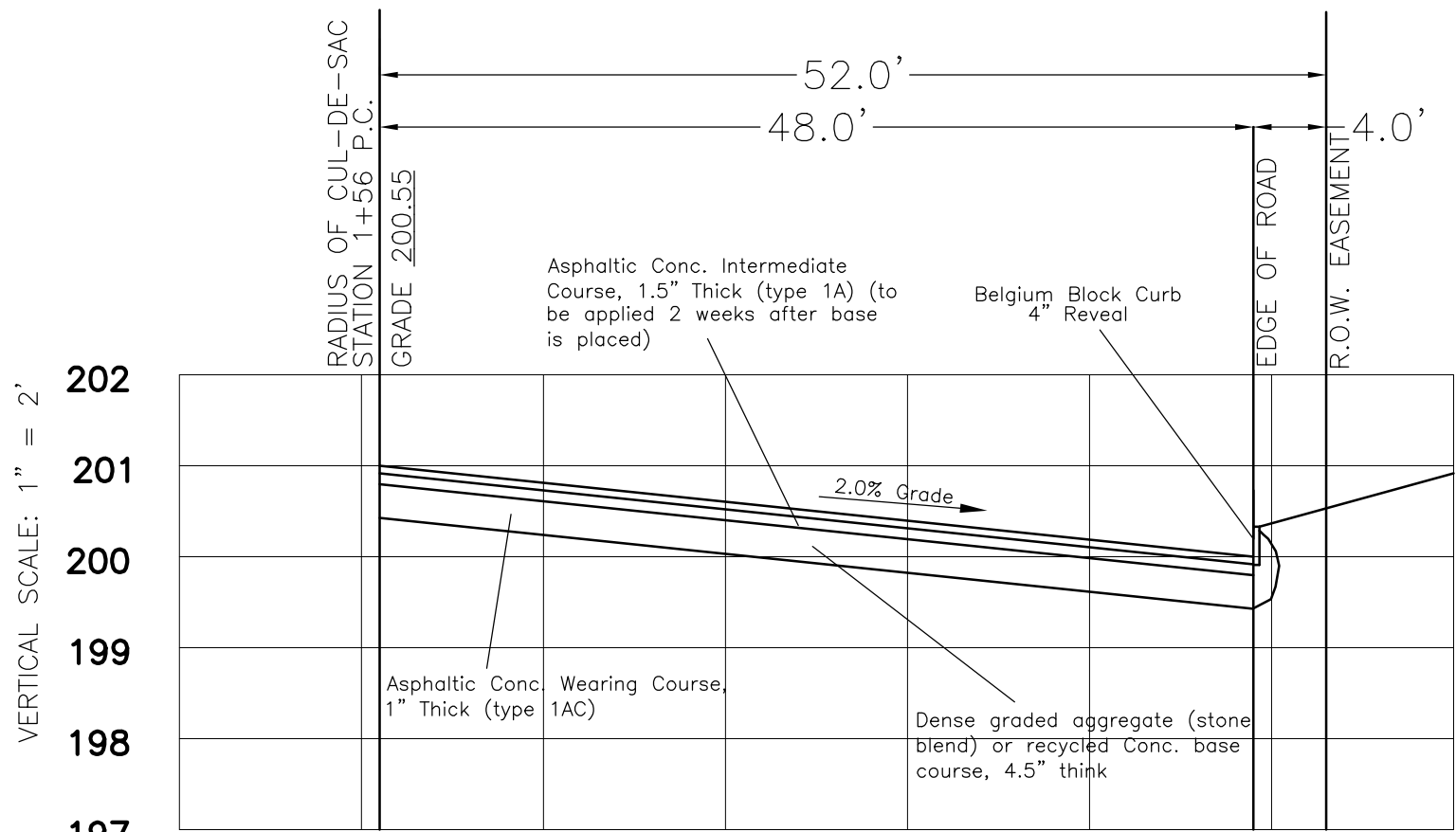
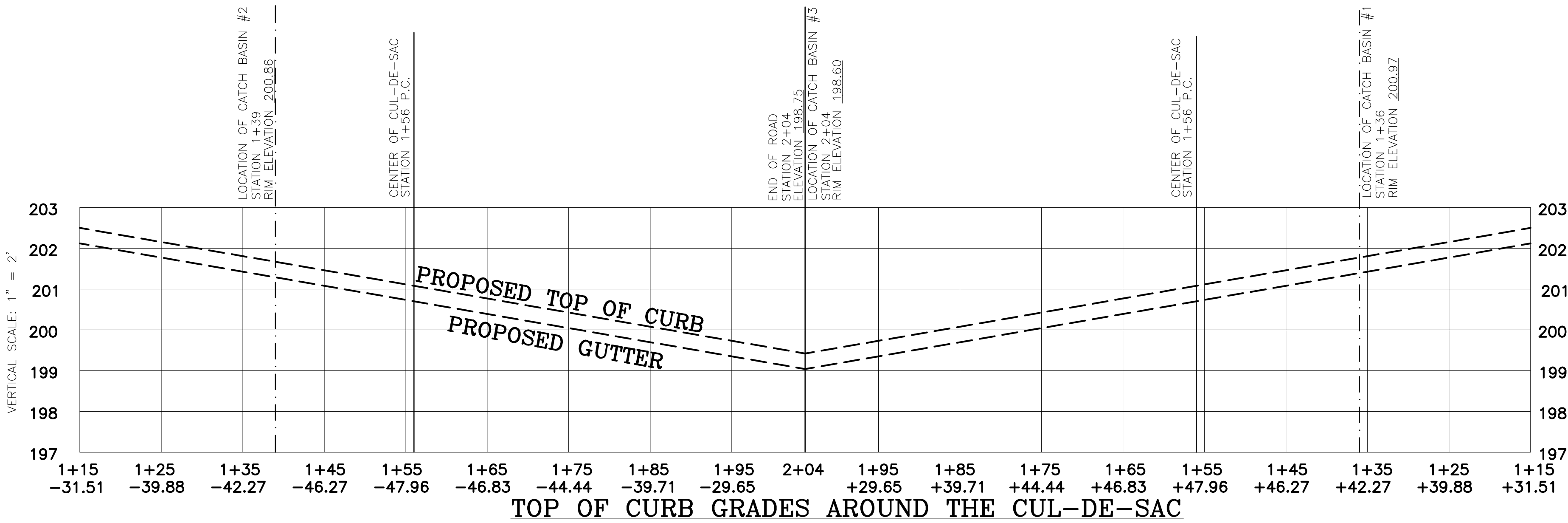
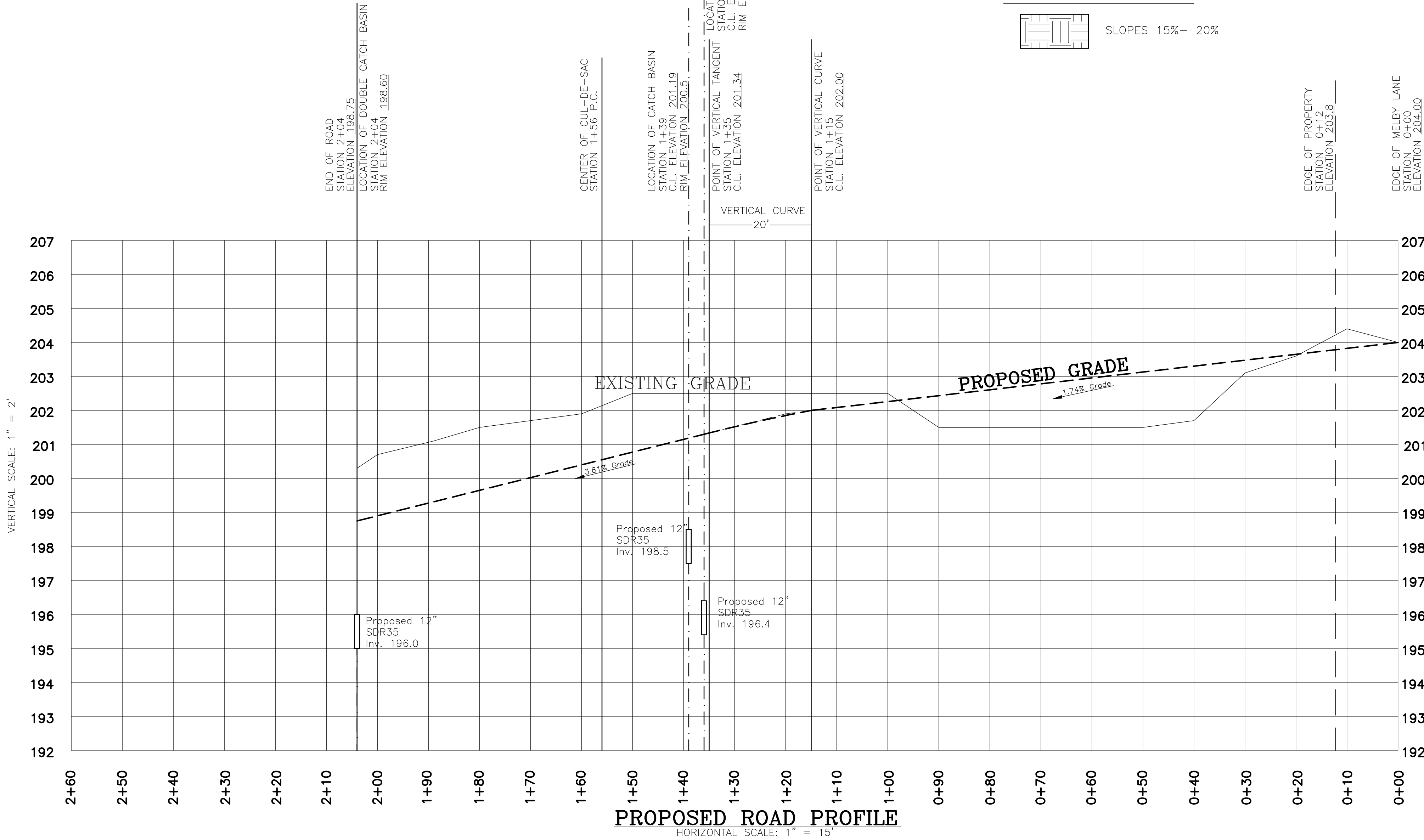
LEGEND:
EXISTING CONTOUR LINE
PROPOSED CONTOUR LINE
EXISTING SPOT ELEVATION: 98.82
PROPOSED SPOT ELEVATION: 98.82
LIMITS OF DISTURBANCE
SILT FENCE
AREA WITHIN DISTURBANCE LIMIT: 1.94 ACRES
TREES TO BE PROTECTED SHOWN AS:
TREES TO BE REMOVED SHOWN AS:
LEYLAN CYPRESS TO BE PLANTED SHOWN AS:
JAPANESE CRYPTOMERIA TO BE PLANTED SHOWN AS:
JUNIPER TO BE PLANTED SHOWN AS:
NUMBER OF TREES TO BE REMOVED: 14



SLOPE DESCRIPTION



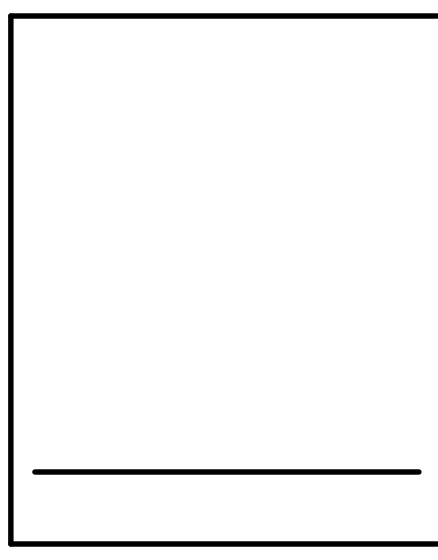
SLOPES 15% - 20%



CUL-DE-SAC HALF SECTION

HORIZONTAL SCALE: 1" = 10'

REVISED 5/25/2020
REVISED 12/27/2019
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REVISED 10/3/2016



Nassau County Tax Map Designation:
Sec. 19 Blk. 27 Lot 46

PRELIMINARY MAP OF MELBY COURT

ROAD PROFILE

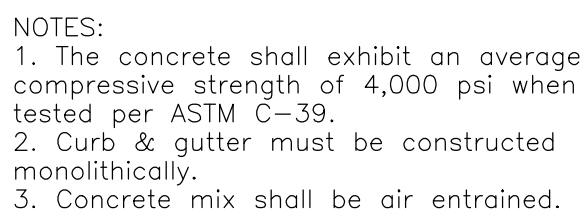
Of Property
Situating In The
Inc. Village of East Hills
Nassau County, N.Y.

Drawn by:
PJL

Date:
6/22/2016

NORTHCOAST CIVIL
L.S. & P.E., P.C.
23 Spring Street
Oyster Bay, N.Y.
516-922-3031

SCALE: 1" = 20'



26' Clear Zone

24'

6'

4" REVEAL

4" CROWN

SLOPE: 1" PER FOOT

Stone block curb & Conc. gutter

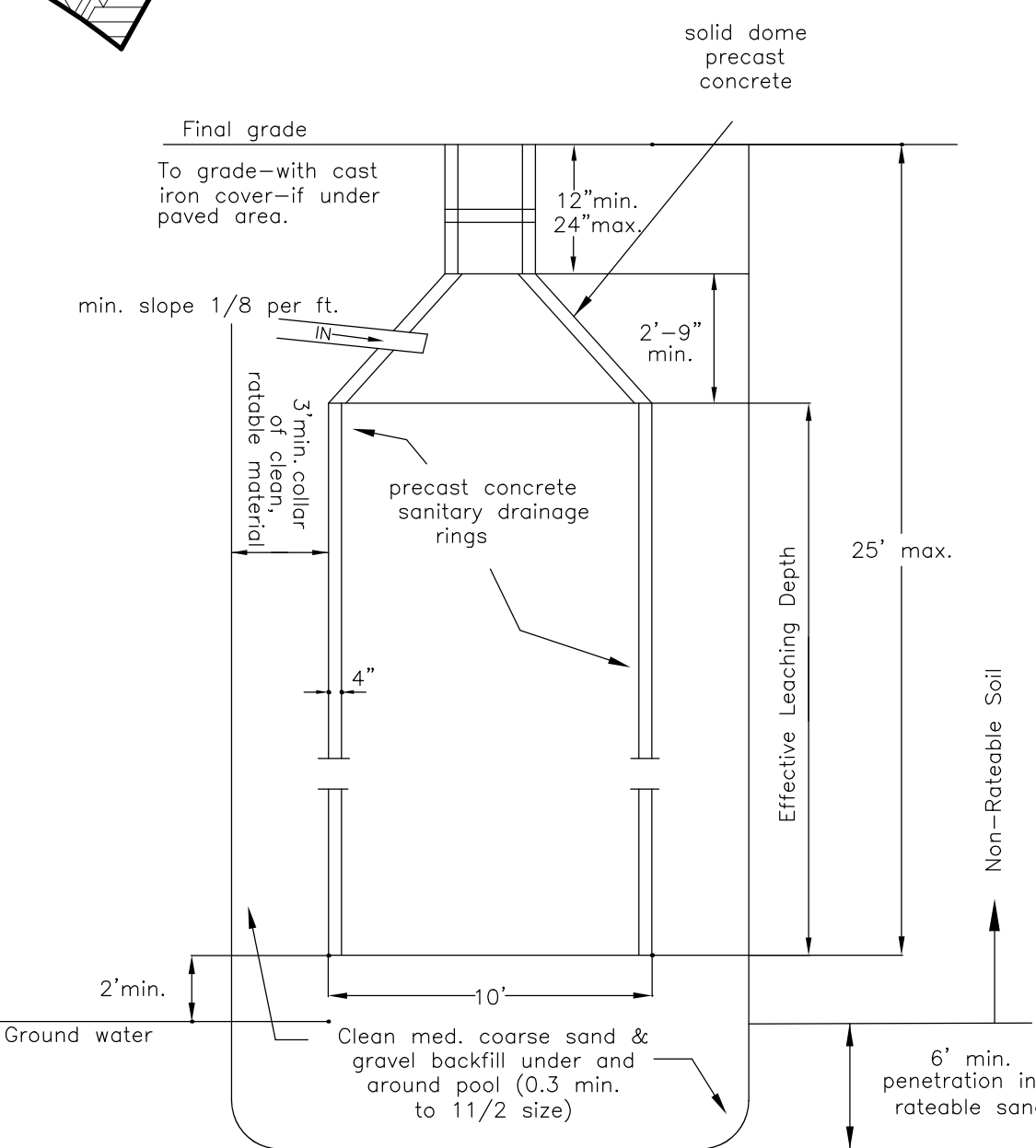
Asphaltic Conc. Wearing Course, 1 1/2" Thick (type 1AC)

Asphaltic Conc. Intermediate Course, 1 1/2" Thick (type 1A) (to be applied 2 weeks after base is placed)

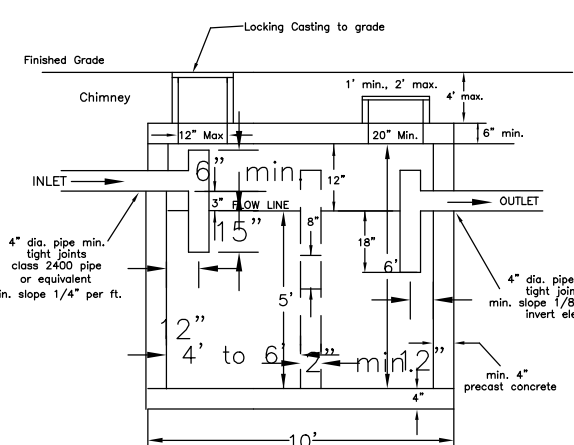
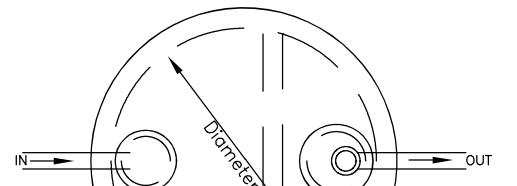
Base Course — 4" of Stone Blend or Recycled Conc. and 3" of Asphalt Binder

NOTE: All above thicknesses are after compaction.

A map of a land parcel divided into five sub-parcels labeled A, B, C, Parcel 2, and Parcel 3. Each sub-parcel has a unique pattern: A has wavy lines, B has a cross-hatch pattern, C has vertical lines, Parcel 2 has a geometric star-like pattern, and Parcel 3 has a star pattern. A legend at the bottom right shows a solid dome icon labeled "solid dome".



NOTE: In accordance with Nassau County Department of Health, any unrateable material will be removed and a replaced with clean, rateable material to extend down 6 feet into rateable material.



SEPTIC TANK

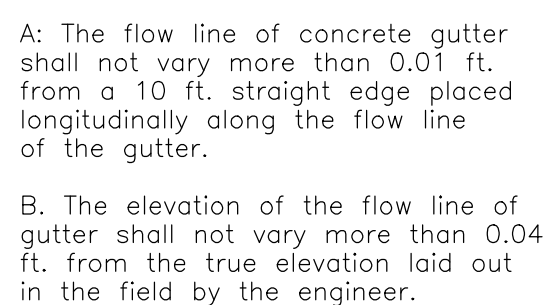
Note: 10' min. separation between proposed water service and proposed sanitary facilities.

Note: Proposed sanitary facilities doe not occur near paved areas.

Note: Minimum Septic Tank for dwelling to be 1500 Gal.

DETAILS OF CONSTRUCTION

1. A minimum of 4 inches approved reinforced precast concrete bottom.
2. An 8 feet in diameter by 6 feet high approved reinforced precast concrete solid ring.
3. An approved reinforced precast concrete 6 inch thick slab top in lawn areas or a traffic bearing slab in driveways.
4. Drop T must be pinned or otherwise firmly attached.
5. Liquid depth must be 4 feet minimum.



Parcel 1

Proposed Dwelling = 1800.0 s.f.
Runoff = 1800.0 s.f. x 8"/12 = 1200.0 cu.ft.
1200.0 cu.ft. / 68.5 cu.ft. per ft. of ring
= 17.5 ft. req'd. - Use 18 ft. of 10' Dia. Rings

Proposed Driveway = 1177.4 s.f.
Proposed Pool = 420.0 s.f.
Proposed Patio = 144.0 s.f.

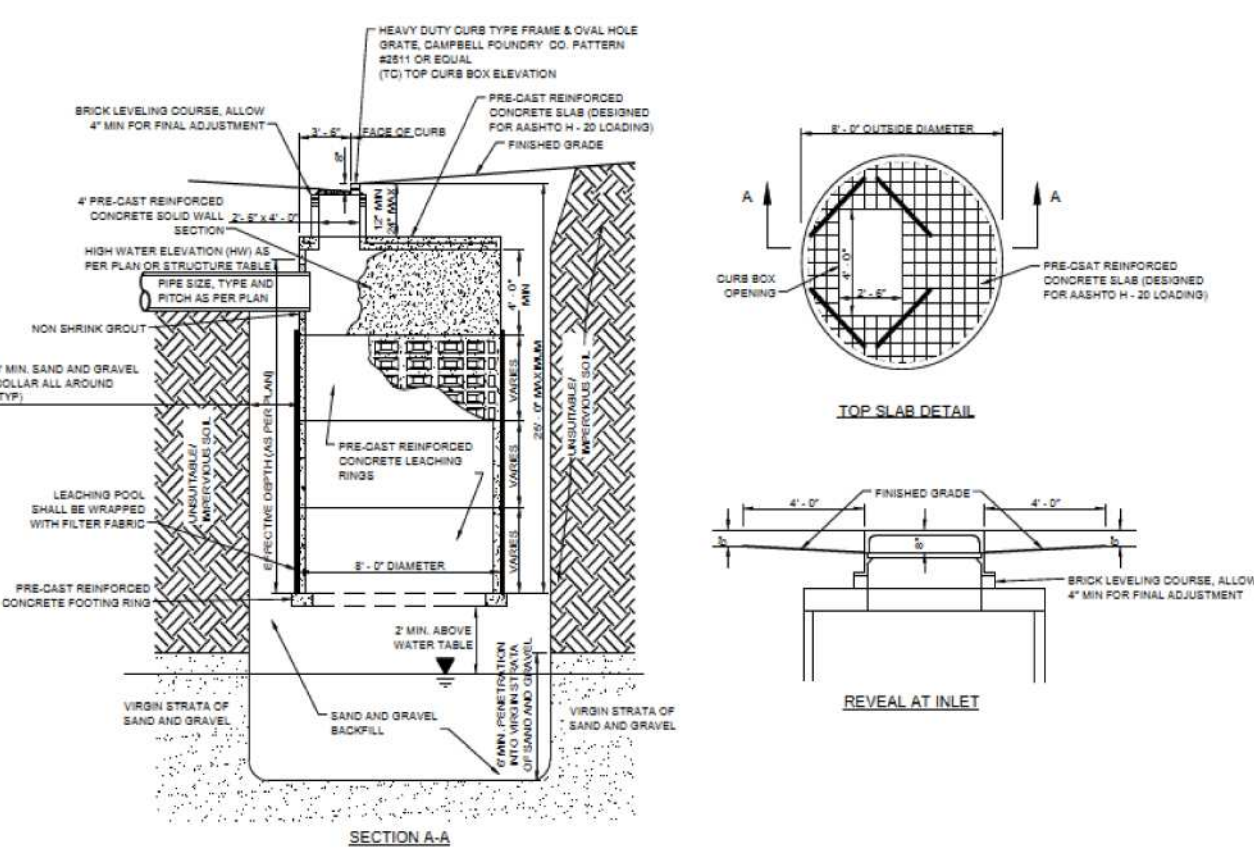
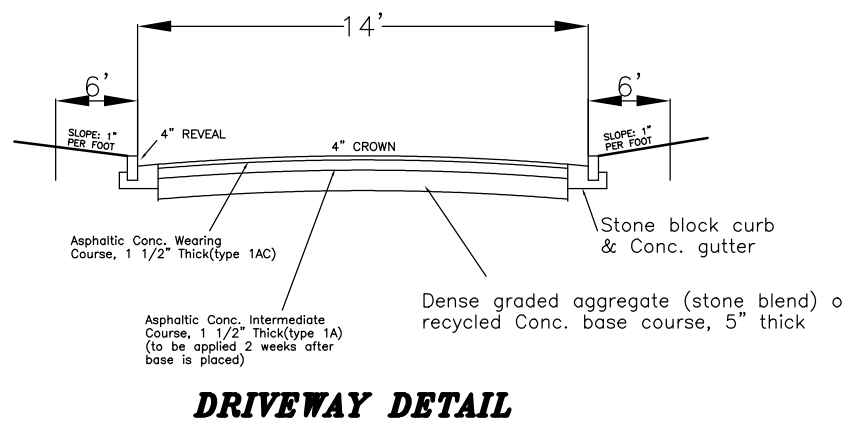
Proposed Tributary Area = 15714.3 s.f. x (.3) = 4714.3 s.f.
Runoff = 6455.7 s.f. x 8"/12 = 4303.8 cu.ft.
4303.8 cu.ft. / 68.5 cu.ft. per ft. of ring
= 62.83 ft. req'd. - Use 64 ft. of 10' Dia. Rings

Parcel 2

Proposed Dwelling = 1800.0 s.f.
Runoff = 1800.0 s.f. x 8"/12 = 1200.0 cu.ft.
1200.0 cu.ft. / 68.5 cu.ft. per ft. of ring
= 17.5 ft. req'd. - Use 18 ft. of 10' Dia. Rings

Proposed Driveway = 1195.7 s.f.
Proposed Pool = 450.0 s.f.
Proposed Patio = 200.0 s.f.

Proposed Tributary Area = 16986.4 s.f. x (.3) = 5095.9 s.f.
Runoff = 6941.6 s.f. x 8"/12 = 4627.7 cu.ft.
4627.7 cu.ft. / 68.5 cu.ft. per ft. of ring
= 67.56 ft. req'd. - Use 70 ft. of 10' Dia. Rings



LEACHING CATCHBASIN DETAIL

- DO NOT SCALE TO
- | NOTES | |
|-------|---|
| 1. | ALL DRAINAGE PIPES MUST BE PROVIDED WITH A MINIMUM 2" OF COVER AND ENTER A SOLID WALL SECTION. |
| 2. | ANY EXISTING MATERIAL UNDER THE LEACHING BARGE SHALL BE EXCAVATED AND REMOVED UNTIL A VIRGIN STRATA OF SAND AND GRAVEL IS ENCOUNTERED. AN ADDITIONAL 6" IS THEN TO BE EXCAVATED INTO THE VIRGIN SAND AND GRAVEL. ALL BACKFILL MUST BE CLEAN AND ACCEPTABLE MATERIAL LOADED UNDER THE CONTROL OF THE TOWN ENGINEER. PROVIDE 2' OF CLEAN SAND AND GRAVEL, INSIDE THE BASE OF THE BARGE. |
| 3. | TOP SOIL SHALL BE DESIGNED FOR ASH-TO-NO LOADING. |
| 4. | ENTER PAVING SHALL BE MINIMUM 18" THICK AND 12" DRAINAGE COVER, (MAXIMUM APPARENT OPENING SIZE (ASG) SHALL BE 0.212 MM AS PER ASTM DATA). |
| 5. | CONCRETE 4,000 PSI AT 28 DAYS. |
| 6. | PRECAST ORANGE-RED PANELS SHALL BE FURNISHED WITH PRECAST OPENINGS FOR DRAINAGE PIPE. KNOCK-OUT PANELS WILL NOT BE USED. |

Parcel 1

Proposed Dwelling = 1800.0 s.f.
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1200.0 cu.f. / 68.5 cu.ft. per ft. of ring
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4303.8 cu.f. / 68.5 cu.ft. per ft. of ring
= 62.83 ft. req'd. - Use 64 ft. of 10' Dia. Rings

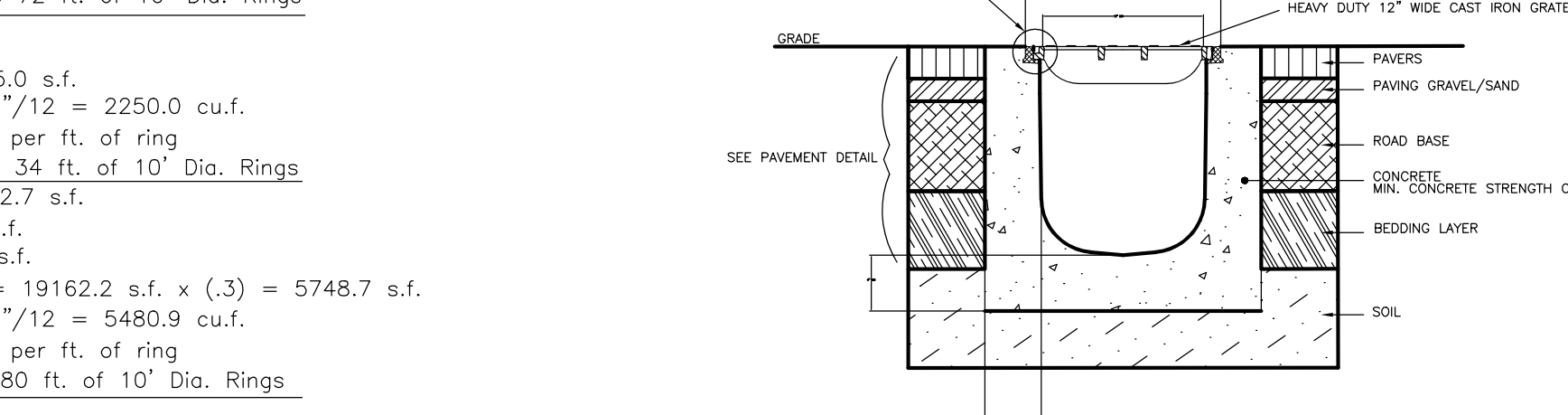
Parcel 2

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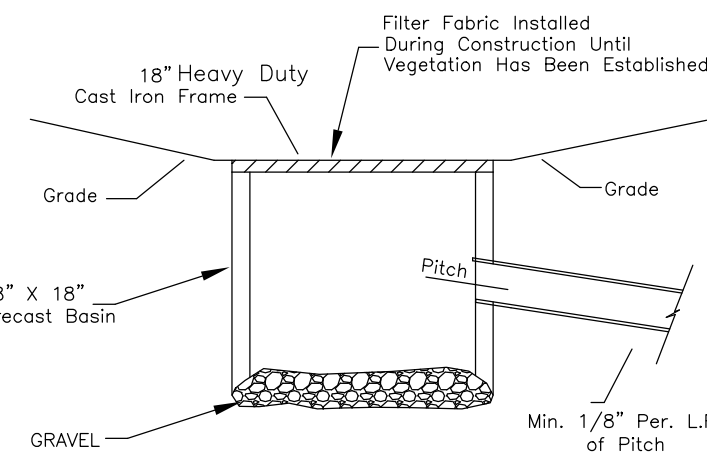
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Proposed Patio = 200.0 s.f.

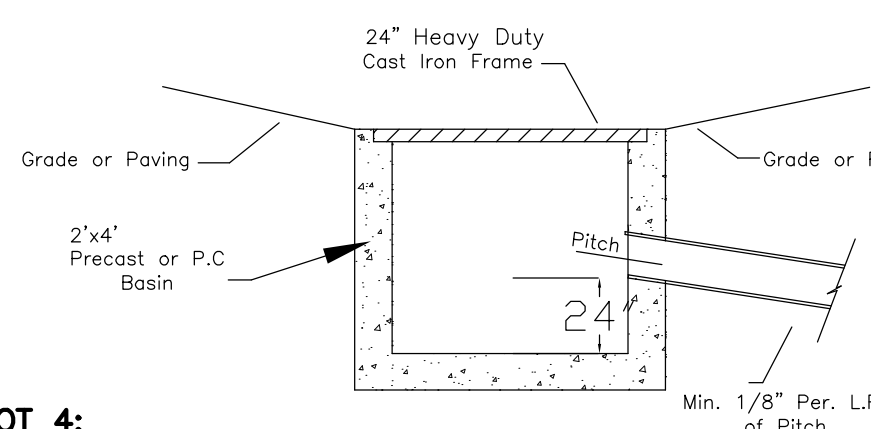
Proposed Tributary Area = 16986.4 s.f. x (.3) = 5095.9 s.f.
Runoff = 6941.6 s.f. x 8"/12 = 4627.7 cu.ft.
4627.7 cu.f. / 68.5 cu.ft. per ft. of ring
= 67.56 ft. req'd. - Use 72 ft. of 10' Dia. Rings



STRIP DRAIN DETAIL



LEACHING YARD DRAIN DETAIL



CATCH BASIN DETAIL

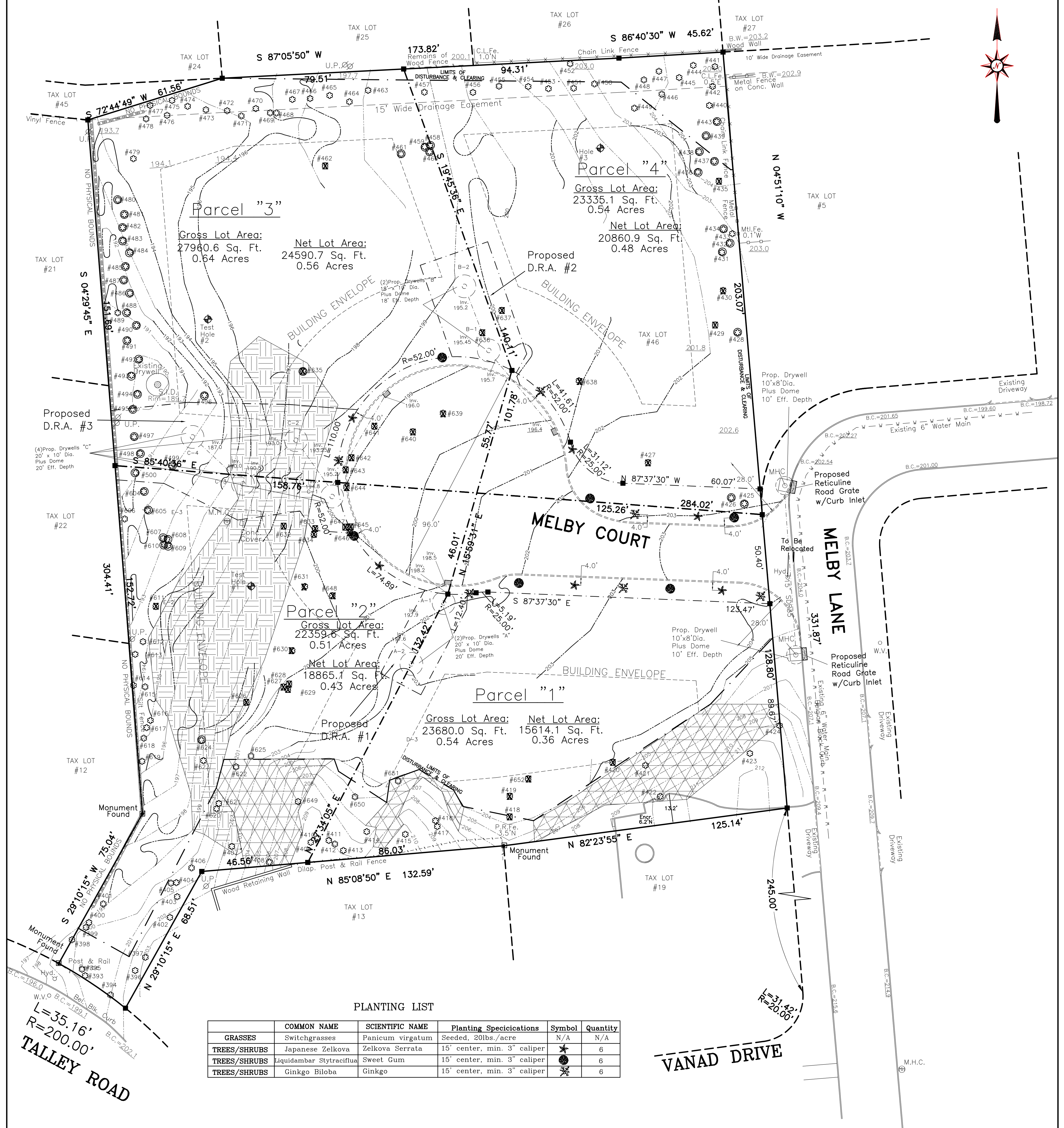
- REVISED 5/25/2020
REVISED 12/27/2019
REVISED 11/14/2019
REVISED 7/15/2019
REVISED 6/10/2019
REVISED 3/4/2019
(No Changes to this Sheet)
REVISED 2/25/2019
REVISED 2/12/2019
REVISED 12/10/2018
REVISED 12/28/2018
REVISED 3/16/2017
REVISED 5/3/2017
REVISED 6/5/2017
REVISED 11/3/2016

Nassau County Tax Map Designation:
Sec. 19 Blk. 27 Lot 46

PRELIMINARY MAP OF MELBY COURT 5/8

DETAILS
Of Property
Situated In The
Inc. Village of East Hills
Nassau County, N.Y.

Drawn by: PJI	Date: 6/22/2016	NORTHCOAST CIVIL L.S. & P.E., P.C. <hr/> 23 Spring Street Oyster Bay, N.Y. 516-922-3031
SCALE: 1" = 20'		



PLANTING LIST

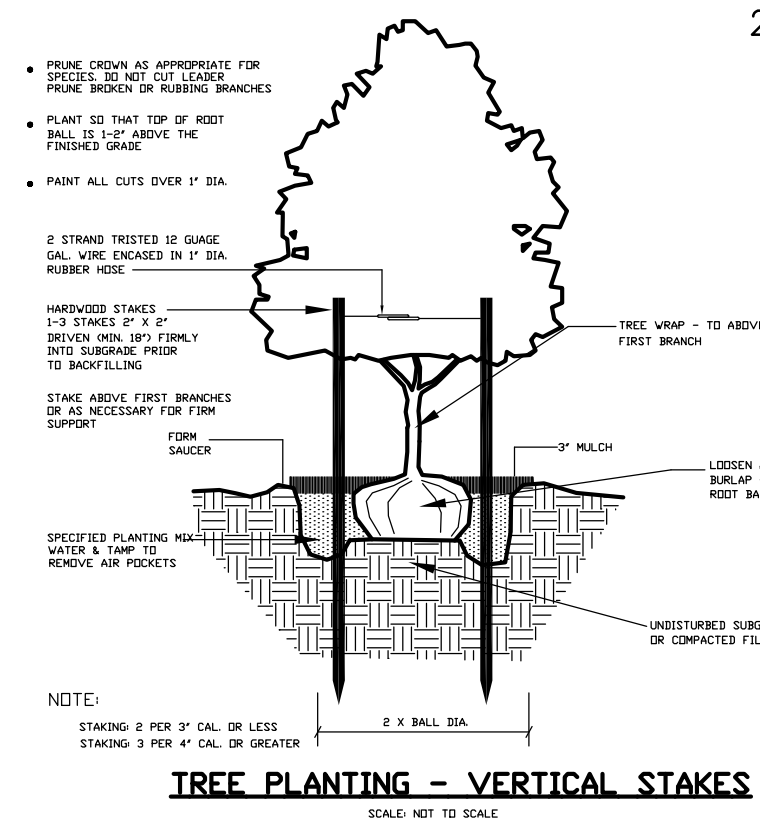
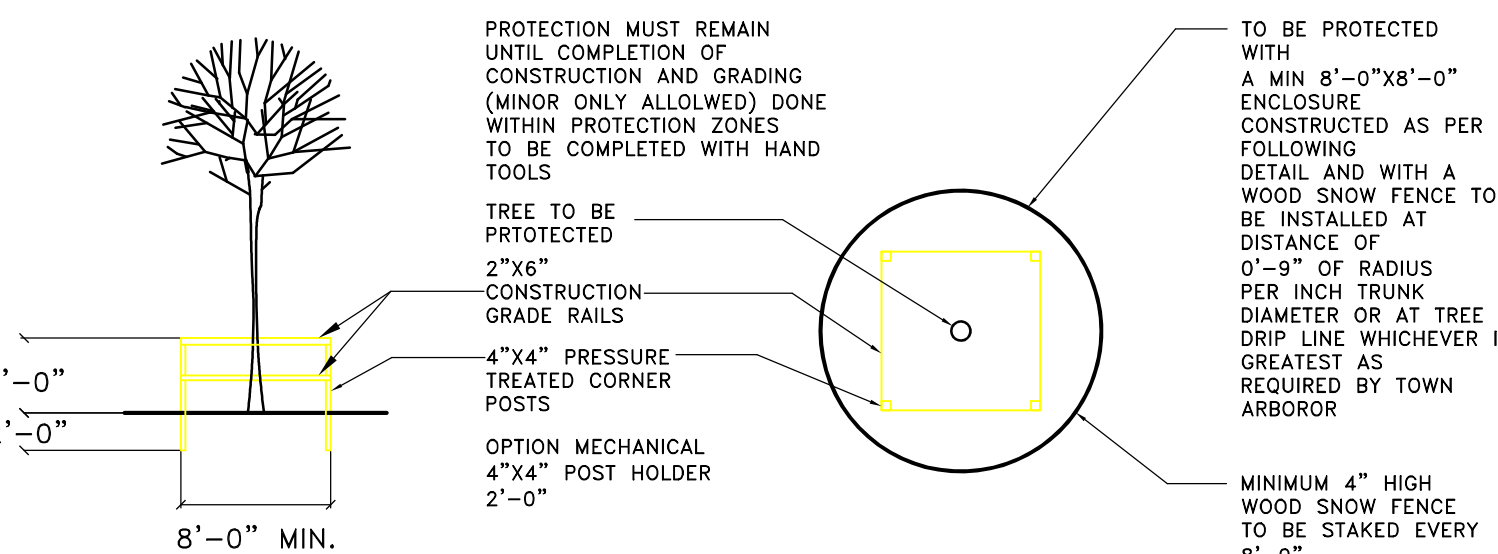
	COMMON NAME	SCIENTIFIC NAME	Planting Specifications	Symbol	Quantity
GRASSES	Switchgrasses	Panicum virgatum	Seeded, 20lbs./acre	N/A	N/A
TREES/SHRUBS	Japanese Zelkova	Zelkova Serrata	15' center, min. 3" caliper	★	6
TREES/SHRUBS	Liquidambar Stytraciflua	Sweet Gum	15' center, min. 3" caliper	✱	6
TREES/SHRUBS	Ginkgo Biloba	Ginkgo	15' center, min. 3" caliper	✱	6

TREE SCHEDULE

Num. Size Spec. Con.	Num. Size Spec. Con.	Num. Size Spec. Con.	Num. Size Spec. Con.	Num. Size Spec. Con.	Num. Size Spec. Con.	Num. Size Spec. Con.	Num. Size Spec. Con.	Num. Size Spec. Con.	Num. Size Spec. Con.
393 20" Cherry F	413 16" Maple F	433 18" Cherry F	453 12" W.Pine F	473 8" W.Pine F	493 6" W.Pine F	513 6" Cherry F	533 36" W.Pine X	553 6" Cherry F	573 6" Cherry F
394 10" Maple F	414 14" Cherry F	434 12" W.Pine F	454 12" W.Pine F	474 8" W.Pine F	494 8" W.Pine F	514 8" Cherry D	534 30" W.Pine X	517 8" Cherry D	537 30" W.Pine X
395 6" Maple F	415 16" Cherry F	435 12" X D	455 10" W.Pine F	475 10" W.Pine F	495 8" W.Pine F	515 36" W.Pine X	535 36" W.Pine X	518 8" Cherry D	538 36" W.Pine X
396 10" Cherry D	416 24" W.Pine F	436 24" Oak F	456 8" Fir F	476 10" W.Pine F	496 36" Oak F	516 14" Cherry F	536 40" W.Pine X	519 14" Cherry F	539 40" W.Pine X
397 12" Cherry D	417 24" Maple F	437 8" W.Pine F	457 10" W.Pine F	477 10" W.Pine F	497 10" W.Pine F	520 16" Tulip F	540 18" Holly X	520 16" Tulip F	540 18" Holly X
398 24" W.Pine F	418 30" Oak F	438 10" W.Pine F	458 20" Yew F	478 10" W.Pine F	498 6" W.Pine F	521 22" Tulip F	541 10" C.Apple X	522 8" Maple F	542 10" Cherry X
399 6" Alnus D	419 8" Fir F	439 8" Fir D	459 20" Yew F	479 30" Maple F	499 32" Cherry F	522 8" Maple F	542 10" Cherry X	523 10" Maple F	543 8" Cherry X
400 20" Cherry F	420 26" Oak F	440 10" Fir F	460 20" Yew F	480 12" W.Pine F	500 12" W.Pine F	524 32" Cherry F	544 8" Cherry X	525 24" Maple F	545 10" Holly X
401 12" Cherry F	421 30" Oak F	441 8" W.Pine F	461 36" W.Pine F	481 12" W.Pine F	501 12" W.Pine F	526 20" C.Apple X	546 10" Holly X	527 10" Holly X	547 10" Holly X
402 16" Cherry F	422 24" Oak F	442 12" W.Pine F	462 36" W.Pine F	482 12" W.Pine F	502 12" W.Pine F	528 20" C.Apple X	548 18" Holly X	529 10" Holly X	549 10" Maple F
403 12" Cherry F	423 50" Oak F	443 8" Fir F	463 6" W.Pine D	483 12" W.Pine F	503 12" W.Pine F	530 10" Split Holly X	550 22" Maple F	531 12" Dogwood X	551 16" Oak F
404 12" Cherry F	424 20" W.Pine F	444 6" W.Pine D	464 10" W.Pine D	484 12" W.Pine F	504 12" W.Pine F	532 32" Oak X	552 12" Holly X	533 10" Dogwood X	
405 8" Cherry F	425 30" Oak F	445 6" Fir D	465 8" W.Pine D	485 6" W.Pine F	505 12" W.Pine F	534 10" Dogwood X		535 26" Cherry X	
406 14" Cherry F	426 30" Oak F	446 6" W.Pine F	466 6" W.Pine F	486 8" W.Pine F	506 20" Cherry F				
407 30" W.Pine F	427 30" Oak X	447 6" Fir F	467 6" Fir F	487 6" W.Pine F	507 20" Cherry F				
408 16" Maple F	428 14" Cherry F	448 6" Fir F	468 6" W.Pine F	488 6" W.Pine F	508 20" Cherry F				
409 12" Maple F	429 14" Beech F	449 30" W.Pine F	469 6" W.Pine F	489 16" Maple F	509 20" Cherry F				
410 8" Cherry F	430 6" W.Pine F	450 12" W.Pine F	470 8" W.Pine F	490 10" W.Pine F	510 20" Cherry F				
411 16" Cherry F	431 14" W.Pine F	451 12" W.Pine F	471 12" W.Pine F	491 12" W.Pine F	511 32" Oak X				
412 12" Cherry F	432 14" W.Pine F	452 12" Split Beech F	472 12" W.Pine F	492 10" W.Pine F	512 14" Cherry F				

Key
F = Fair Condition
D = Dead, Damaged, Diseased
X = Existing Tree to be Removed for Proposed Subdivision
▲ = Existing Tree to be Removed for Proposed Dwellings
W.Pine = White Pine
C. Apple = Crabapple

TREE PROTECTION FENCE DETAIL



Lot Area:
97335.4 Sq. Ft.
2.23 Acres

TREES TO BE REMOVED SHOWN AS: ✱ 14 TREES TO BE REMOVED FOR ROAD CONSTRUCTION
TREES TO BE PLANTED SHOWN AS: ★, ✱ or ✱ 18 TREES TO BE PLANTED (3" CALIPER TO BE PLANTED)
TREES ADJACENT TO WORK AREA TO BE PROTECTED SHOWN AS: Ⓢ

NOTE: ALL DISTURBED AREAS TO BE SEEDDED OR PLANTED WITH NATIVE VEGETATION FOR SOIL EROSION CONTROL MEASURES

LEGEND:

EXISTING CONTOUR LINE
PROPOSED CONTOUR LINE
EXISTING SPOT ELEVATION: 98.82
PROPOSED SPOT ELEVATION: 98.82
LIMITS OF DISTURBANCE
SILT FENCE
AREA WITHIN DISTURBANCE LIMIT: 1.94 ACRES
TREES TO BE PROTECTED SHOWN AS: Ⓢ
TREES TO BE REMOVED SHOWN AS: ✱
LIQUIDAMBAR STYTRACIFLUA TO BE PLANTED SHOWN AS: ✱
JAPANESE ZELKOVA TO BE PLANTED SHOWN AS: ★
GINKGO BILOBA TO BE PLANTED SHOWN AS: ✱
NUMBER OF TREES TO BE REMOVED: 33

Nassau County Tax Map Designation:
Sec. 19 Blk. 27 Lot 46

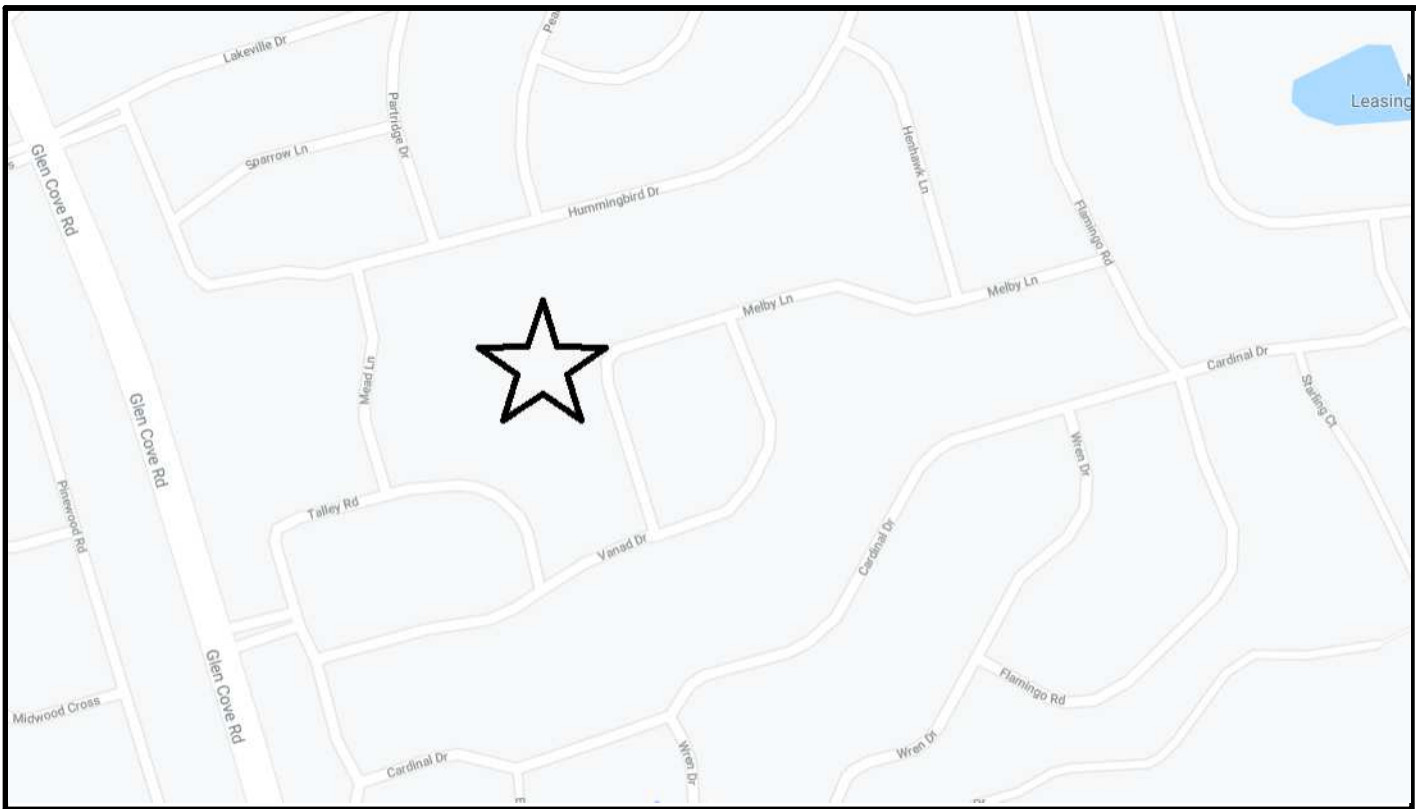
PRELIMINARY MAP OF MELBY COURT LANDSCAPE AND TREE REMOVAL PLAN

Inc. Village of East Hills Nassau County, N.Y.

Drawn by: PUJ Date: 1/6/2017
SCALE: 1" = 20'

NORTHCOAST CIVIL L.S. & P.E., P.C.
23 Spring Street
Oyster Bay, N.Y.
516-922-3031

REVISED 5/25/2020
REVISED 12/27/2019
REVISED 11/14/2019
REVISED 7/15/2019
REVISED 6/10/2019
REVISED 3/4/2019
REVISED 2/25/2019
REVISED 2/12/2019
REVISED 12/10/2018
REVISED 6/5/2017
REVISED 5/3/2017
REVISED 3/16/2017



ATLAS LOCATION

PROPOSED NEW DWELLING DRAINAGE CALCULATIONS:

Parcel 1

Proposed Dwelling = 1800.0 s.f.
Runoff = 1800.0 s.f. x 8"/12 = 1200.0 cu.f.
1200.0 cu.f. / 68.5 cu.f. per ft. of ring
= 17.5 ft. req'd. - Use 18 ft. of 10" Dia. Rings
Proposed Driveway = 1177.4 s.f.
Proposed Pool = 420.0 s.f.
Proposed Patio = 144.0 s.f.
Proposed Tributary Area = 15714.3 s.f. x (.3) = 4714.3 s.f.
Runoff = 6455.7 s.f. x 8"/12 = 4303.8 cu.f.
4303.8 cu.f. / 68.5 cu.f. per ft. of ring
= 62.83 ft. req'd. - Use 64 ft. of 10" Dia. Rings

Parcel 2

Proposed Dwelling = 1800.0 s.f.
Runoff = 1800.0 s.f. x 8"/12 = 1200.0 cu.f.
1200.0 cu.f. / 68.5 cu.f. per ft. of ring
= 17.5 ft. req'd. - Use 18 ft. of 10" Dia. Rings
Proposed Driveway = 1195.7 s.f.
Proposed Pool = 450.0 s.f.
Proposed Patio = 200.0 s.f.
Proposed Tributary Area = 16986.4 s.f. x (.3) = 5095.9 s.f.
Runoff = 6941.6 s.f. x 8"/12 = 4627.7 cu.f.
4627.7 cu.f. / 68.5 cu.f. per ft. of ring
= 67.56 ft. req'd. - Use 72 ft. of 10" Dia. Rings

Parcel 3

Proposed Dwelling = 3375.0 s.f.
Runoff = 3375.0 s.f. x 8"/12 = 2250.0 cu.f.
2250.0 cu.f. / 68.5 cu.f. per ft. of ring
= 32.85 ft. req'd. - Use 34 ft. of 10" Dia. Rings
Proposed Driveway = 1472.7 s.f.
Proposed Pool = 800.0 s.f.
Proposed Patio = 200.0 s.f.
Proposed Tributary Area = 19162.2 s.f. x (.3) = 5748.7 s.f.
Runoff = 8221.4 s.f. x 8"/12 = 5480.9 cu.f.
5480.9 cu.f. / 68.5 cu.f. per ft. of ring
= 80.0 ft. req'd. - Use 80 ft. of 10" Dia. Rings

Parcel 4

Proposed Dwelling = 2700.0 s.f.
Runoff = 2700.0 s.f. x 8"/12 = 1800.0 cu.f.
1800.0 cu.f. / 68.5 cu.f. per ft. of ring
= 26.3 ft. req'd. - Use 28 ft. of 10" Dia. Rings
Proposed Driveway = 1205.2 s.f.
Proposed Pool = 800.0 s.f.
Proposed Patio = 200.0 s.f.
Proposed Tributary Area = 17027.3 s.f. x (.3) = 5108.2 s.f.
Runoff = 7313.4 s.f. x 8"/12 = 4875.6 cu.f.
4875.6 cu.f. / 68.5 cu.f. per ft. of ring
= 71.2 ft. req'd. - Use 72 ft. of 10" Dia. Rings

PRIVATE ROADWAY DRAINAGE CALCULATIONS:

Drainage Reserve Area #1 Drywell "A"

Road Area = 2244.7 Sq. Ft.
Runoff = 2244.7 Sq. Ft. x 8"/12 = 1496.5 cu.f.
Tributary Area = 5658.0 Sq. Ft.
Runoff = 5658.0 Sq. Ft. x 8"/12 x 0.3 = 1131.6 cu.f.
Total Runoff = 2628.1 cu.f.

2628.1 cu.f. / 68.5 cu.f. per ft. of ring
= 38.37 ft. req'd.

Use 39 ft. of 10 ft. Diam. rings

Drainage Reserve Area #2 Drywell "B"

Road Area = 2128.2 Sq. Ft.
Runoff = 2128.2 Sq. Ft. x 8"/12 = 1418.8 cu.f.
Tributary Area = 4900.6 Sq. Ft.
Runoff = 4900.6 Sq. Ft. x 8"/12 x 0.3 = 980.1 cu.f.
Total Runoff = 2398.9 cu.f.

2398.9 cu.f. / 68.5 cu.f. per ft. of ring
= 35.02 ft. req'd.

Use 36 ft. of 10 ft. Diam. rings

Drainage Reserve Area #3 Drywell "C"

Road Area = 5894.6 Sq. Ft.
Runoff = 5894.6 Sq. Ft. x 8"/12 = 3929.7 cu.f.
Tributary Area = 6386.9 Sq. Ft.
Runoff = 6386.9 Sq. Ft. x 8"/12 x 0.3 = 1278.0 cu.f.
Total Runoff = 5207.7 cu.f.

5207.7 cu.f. / 68.5 cu.f. per ft. of ring
= 76.02 ft. req'd.

Use 77 ft. of 10 ft. Diam. rings

NOTE: Drainage systems A, B, and C will be located within proposed drainage reserve areas (DRAs) 1, 2, and 3, respectively. The lots would be subject to a restrictive covenant that outlines drainage and any potential road maintenance requirements. As all the lot owners would benefit from the subdivision roadway drainage system, they would share equally in the cost of any maintenance and/or repair of such facilities. Each homeowner would be responsible for the maintenance on their own individual on-lot drywells.



PROPOSED DRAINAGE STRUCTURES

Drainage Structure	Diameter	Effective Depth	Invert In	Invert Out	Top	Bottom	Max Fill Elevation
A-1	10.0'	20.0'	198.2	197.9	201.8	177.9	200.5
A-2	10.0'	20.0'	197.6	—	202.6	178.6	200.5
B-1	10.0'	18.0'	195.7	195.45	199.7	175.45	200.4
B-2	10.0'	18.0'	195.2	—	199.2	175.2	200.4
C-1	10.0'	20.0'	195.2	194.8	199.8	174.8	198.6
C-2	10.0'	20.0'	193.25	193.0	198.0	173.0	198.6
C-3	10.0'	20.0'	190.5	190.0	195.0	170.0	198.6
C-4	10.0'	20.0'	187.0	—	191.9	166.9	198.6
D-1	10.0'	16.0'	198.0	198.0	203.4	182.0	202.75
D-2	10.0'	16.0'	198.0	198.0	203.6	182.0	202.75
D-3	10.0'	16.0'	198.0	198.0	203.75	182.0	202.75
D-4	10.0'	16.0'	198.0	—	203.25	182.0	202.75
D-5	10.0'	20.0'	198.5	—	203.5	178.5	202.75
E-1	10.0'	12.0'	188.0	188.0	201.0	176.0	190.5
E-2	10.0'	12.0'	188.0	188.0	196.5	176.0	190.5
E-3	10.0'	12.0'	188.0	188.0	197.5	176.0	190.5
E-4	10.0'	12.0'	188.0	188.0	199.0	176.0	190.5
E-5	10.0'	12.0'	188.0	—	200.25	176.0	190.5
E-6	10.0'	12.0'	188.0	—	194.0	176.0	190.5
E-7	10.0'	20.0'	188.8	—	193.8	168.8	190.5
F-1	10.0'	17.0'	190.0	—	195.0	173.0	189.7
F-2	10.0'	16.0'	188.0	—	195.0	172.0	189.7
F-3	10.0'	16.0'	188.0	189.5	194.2	172.0	189.7
F-4	10.0'	16.0'	188.0	189.5	194.3	172.0	189.7
F-5	10.0'	16.0'	188.0	189.5	194.5	172.0	189.7
F-6	10.0'	16.0'	188.0	—	196.0	172.0	189.7
F-7	10.0'	17.0'	192.4	—	197.4	175.4	189.7
G-1	10.0'	14.0'	194.8	—	199.8	180.8	199.5
G-2	10.0'	14.0'	197.1	—	202.1	183.1	199.5
G-3	10.0'	18.0'	196.0	—	202.1	178.0	199.5
G-4	10.0'	18.0'	196.5	196.0	202.3	178.0	199.5
G-5	10.0'	18.0'	196.0	—	202.5	178.0	199.5
G-6	10.0'	18.0'	196.5	196.0	201.7	178.0	199.5

Individual Lot Development Cut & Fill Calculations

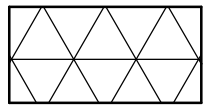
Proposed Site Grading Cut Required = 150 Cubic Yards
Proposed Dwellings Foundation Cut Required = 3200 Cubic Yards
Drywell and Sanitary Cut Required = 1700 Cubic Yards
Proposed Pool and Patio Cut Required = 500 Cubic Yards
Total Approximately 5550 Cubic Yards of Material Are To Be Removed From The Site

ZONING	REQUIRED	PARCEL 1	PARCEL 2	PARCEL 3	PARCEL 4
Gross Lot Area	N/A	23680.0 Sq. Ft.	22359.6 Sq. Ft.	27960.6 Sq. Ft.	23335.1 Sq. Ft.
R.O.W. Area	N/A	5464.5 Sq. Ft.	1981.3 Sq. Ft.	3369.9 Sq. Ft.	2474.2 Sq. Ft.
Steep Slope Area (>20%)	N/A	2601.4 Sq. Ft.	1513.2 Sq. Ft.	N/A	N/A
Sloped Area (15%-20%)	N/A	N/A	5689.7 Sq. Ft.	2285.7 Sq. Ft.	N/A
Net Lot Area	15,000 Sq. Ft.	15614.1 Sq. Ft.	18865.1 Sq. Ft.	24590.7 Sq. Ft.	20860.9 Sq. Ft.
Min. Street Frontage	110'	230.73'	110.05'	110.00'	132.80'
Front Yard	35'	35.9'	35.4'	38.3'	37.2'
Side Yard/Aggregate	15'/40'	26.4'/98.8'	24.2'/59.5'	16.2'/75.2'	15'/40'
Rear Yard	30'	35.7'	32.9'	38.1'	53.9'
Building % Coverage	25%	11.52%	9.52%	13.87%	12.90%

ZONED: Resident District R-1

NOTE: Proposed lot coverage for new parcels based on new roadway and generic house/driveway layout only. No architectural plans for proposed dwellings have been made.

SLOPE DESCRIPTION



SLOPES GREATER THAN 20%



SLOPES 15% - 20%

THIS AREA SERVED BY:

Roslyn Highlands Fire Department
Roslyn Rescue Hook & Ladder
Roslyn Postal District 11576
Roslyn Water District
Roslyn School District 3
Area of Map= 2.23 acres

Lot Area:
97335.4 Sq. Ft.
2.23 Acres

NOTE: ALL DISTURBED AREAS TO BE SEED OR PLANTED WITH NATIVE VEGETATION FOR SOIL EROSION CONTROL MEASURES

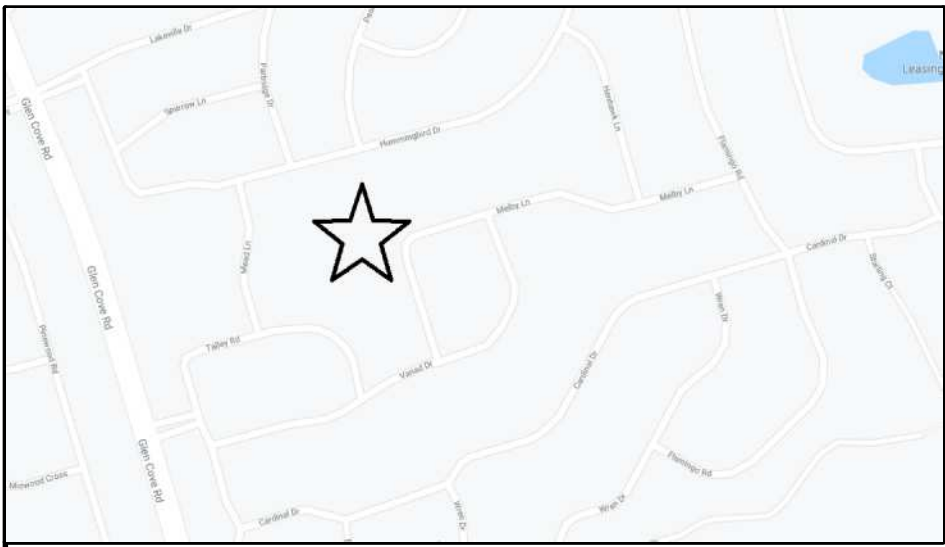
Nassau County Tax Map Designation:
Sec. 19 Blk. 27 Lot 46

PRELIMINARY MAP OF MELBY COURT GRADING AND DRAINAGE PARCELS 1-4

Property Situated In The
Inc. Village of East Hills
Nassau County, N.Y.

Drawn by: PJJ Date: 3/7/2016
SCALE: 1" = 20'
NORTHCOAST CIVIL L.S. & P.E., P.C.
23 Spring Street
Oyster Bay, N.Y.
516-922-3031

REVISED 5/25/2020
REVISED 12/27/2019
REVISED 11/14/2019
REVISED 7/15/2019
REVISED 6/10/2019
REVISED 3/4/2019
REVISED 2/25/2019
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REVISED 6/5/2017
REVISED 5/3/2017
REVISED 3/16/2017
REVISED 12/28/2016
REVISED 11/3/2016
REVISED 10/3/2016
REVISED 6/22/2016
REVISED 4/15/2016



ATLAS LOCATION



LEGEND	
	C.B. Catch basin
	G.V. Gas valve
	M.H.C. Manhole cover
	H.Y.S. Hydrant
	L.P. Light pole
	S.I.D. Surface inlet drain
	S.M.H. Sewer manhole
	U.P. Utility pole
	W.M. Water Meter
	W.V. Water valve
	Existing Monument
	Proposed Monument

ZONING	REQUIRED	PARCEL 1	PARCEL 2	PARCEL 3	PARCEL 4
Gross Lot Area	N/A	23680.0 Sq. Ft.	22359.6 Sq. Ft.	27960.6 Sq. Ft.	23335.1 Sq. Ft.
R.O.W. Area	N/A	5464.5 Sq. Ft.	1981.3 Sq. Ft.	3369.9 Sq. Ft.	2474.2 Sq. Ft.
Steep Slope Area (2-25%)	N/A	2601.4 Sq. Ft.	1513.2 Sq. Ft.	N/A	N/A
Sloped Area (15%-20%)	N/A	N/A	5689.7 Sq. Ft.	2285.7 Sq. Ft.	N/A
Net Lot Area	15,000 Sq. Ft.	15614.1 Sq. Ft.	18865.1 Sq. Ft.	24590.7 Sq. Ft.	20860.9 Sq. Ft.
Min. Street Frontage	110'	230.73'	110.05'	110.00'	132.80'
Front Yard	35'	35.9'	35.4'	38.3'	37.2'
Side Yard/Aggregate	15'/40'	26.4'/98.8'	24.2'/59.5'	16.2'/75.2'	15'/40'
Rear Yard	30'	35.7'	32.9'	38.1'	53.9'
Building % Coverage	25%	11.52%	9.52%	13.87%	12.90%

ZONED: Resident District R-1

NOTE: Proposed lot coverage for new parcels based on new roadway and generic house/driveway layout only. No architectural plans for proposed dwellings have been made.

SEED GROUND COVER DETAIL

TOPSOIL

- Topsoil shall have at least 2% by weight of fine texture stable organic material, and no greater than 0% Muck soil shall not be considered topsoil.
- Topsoil shall have not less than 20% fine textured material (passing the No.200 sieve) and not more than 15% clay.
- Topsoil treated with soil sterilants or herbicides shall be so identified to the purchaser.
- Topsoil shall be relatively free of stones over 1 & 1/2 inches, trash, noxious weeds such as nutmeg and quackgrass, and will have less than 10% gravel by volume.
- Topsoil containing soluble salts greater than 500 ppm shall not be used.

SEEDING:

Empire birdsfoot trefoil	8lbs/ac.	0.20lbs/1,000sq.ft.
or Common white clover	8lbs/ac.	0.20lbs/1,000sq.ft.
PLUS		
Tall fescue	20lbs/ac.	0.45lbs/1,000sq.ft.
PLUS		
Redtop or Ryegrass(perennial)	2lbs/ac.	0.05lbs/1,000sq.ft.
or Ryegrass(perennial)	5lbs/ac.	0.10lbs/1,000sq.ft.

Note: For Empire birdsfoot trefoil or Common white clover add inoculant immediately prior to seeding.

CONSTRUCTION SPECIFICATIONS

- Finished Land Surface will be graded as shown on grading plan.
- The fill slope is not to exceed 1.6:1.
- Topsoil will be removed from areas to be graded and stockpiled on location.
- Areas to be filled will be cleared and grubbed.
- Fill will consist of clean sand with gravel and will be placed in layers beginning at the toe and extending to the limits of the disturbed bank.
- Straw bale dikes to be placed at 25 ft. intervals on the contour along the bank prior to placement of topsoil.
- After fill and straw bale dike construction the drainage facilities may be installed.
- Slope to be scarified where necessary for application of topsoil.
- Topsoil to be distributed to a uniform depth over the area. The topsoil shall be promptly fertilized, seeded, mulched, and stabilized by "tracking" with suitable equipment.
- Apply topsoil to a depth of 2 inches. Lime to a pH of 6.0. Fertilize with 600 lbs. of 5-10-10 or equivalent per acre.
- Seed to be applied uniformly by hydroseeding. Straw(small grain) mulch applied at 2ton/acre (90lbs/1,000sq.ft.) and anchored with wood fiber mulch(hydroamulch) at 500-750lbs/acre(11-17 lbs/1,000sq.ft.). The wood fiber mulch must be applied through a hydroseeder immediately after mulching.
- Hay bales shall not be removed until full growth of the hydroseeded embankment has been established and approved and the embankment has been inspected by the Engineering Section of Planning and Development.
- All washed out and topped areas on the embankment are to be filled in with topsoil and reseeded until full growth of the hydroseed has been established for the embankment.
- Watering will be dictated by weather conditions with 1 to 2 inches of water per application.
- All grading and landscaping disturbed on neighboring properties as a result of existing erosion, construction or revegetation of the embankment, will be restored by the contractor prior to issuance of certificate of completion.

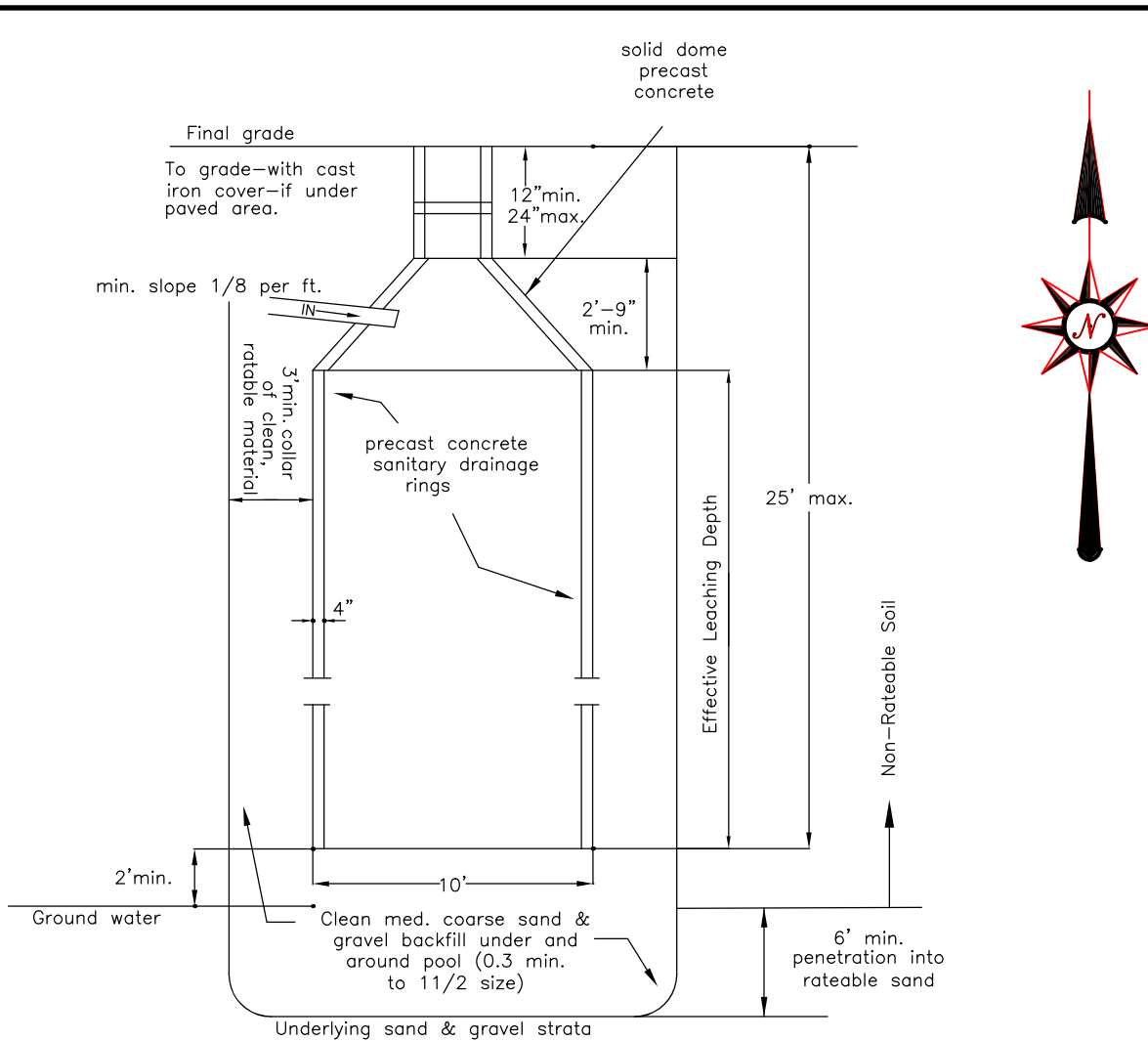
STORMWATER POLLUTION PROTECTION PLAN:

- The project consists of constructing a roadway to gain access to 4 new buildable residential lots. The size of the lot is 2.25 acres. Approximately 1.71 acres will be disturbed. Currently the site contains a single family dwelling, pool, driveway, sports court and patio areas, with a mostly grass areas and sections of trees. The plan calls for the disturbed area to be graded and grass seeded with new trees and landscaping placed around the proposed roadway. A drainage system will serve the disturbed and impervious areas with drywells.
- The site map shows proposed improvements to the property.
- The soil classification of this area is predominantly Urban land-Riverhead Complex and Urban Land-Montauk complex.
- Construction phasing is as follows:
 - Install soil erosion control measures and anti tracking pad for construction entrance.
 - Strip topsoil and stockpile in designated area.
 - Demolish all existing structures.
 - Excavate and construct the roadway.
 - Install proposed drywells with protection over open grates.
 - Install drainage pipes.
 - Complete grading and place screening and other landscaping trees, topsoil and plant grass on disturbed areas.
 - Install fencing and additional seed on areas of disturbance.
 - Remove temporary soil erosion control measures only after vegetation has been well established.
- Storm drain inlet protection are to be installed and maintained until such time that all ground disturbances have ended and the new vegetation has been well established thus preventing sediment and pollutants from entering the drainage system(s).
- Construction material to be stored on site includes the temporary stockpile of topsoil with silt fence proposed in this area to prevent this material from becoming a pollutant, as well as pipe sections and drainage structures.
- Temporary structural measure to be used for soil stabilization is silt fence. Permanent measures include the proposed new grade which will lessen the grade and slow the velocity of any runoff. Permanent measures include the installation of drainage structures as shown on the plan to reduce the volume of overland flow of runoff. Vegetative permanent measures include the planting and maintenance of grass on all areas of disturbance and regraded slopes.
- Location, size and length of soil erosion control measures are shown on the plan. Should during the course of the work, additional erosion and sediment control measures be required by State, County or local officials, those measures shall be immediately installed.
- Details of soil erosion control measures are shown on the plan. All erosion and sediment control measures are to be installed in accordance with the NYSDEC's "New York State Standards and Specifications for Erosion and Sediment Control".
- There are no temporary soil erosion control measures to be converted to permanent.
- Initial placement of temporary soil erosion control measures to be in place prior to any disturbance of soil. General contractor is responsible for weekly maintenance throughout duration of the project.
- Maintenance to be performed on soil erosion control measures on an as needed basis with inspections made on a weekly basis. The required maintenance of all existing erosion and sediment control measures is to be done in accordance with the NYSDEC's "New York State Standards and Specifications for Erosion and Sediment Control".
- The receiving body of water is Hempstead Harbor. All runoff directed to drywells.
- The SWPPP is prepared by Michael Rant, P.E.. The SWPPP is implemented by Mr. and Mrs. Shenfeld, property owner and their contractor. Each contractor performing site work is required to have on site, at all times, an employee who is responsible for implementation of the SWPPP and who has completed the NYSDEC's 4-hour train course "Protecting New York's Natural Resources with Better Construction Site Management". A copy of the employee's Certificate of Completion is to be kept on site along with the SWPPP.
- Silt fence are to be used to help divert flow and limit discharge of pollutants.
- There are no existing ponds on the property.

Lot Area:
97335.4 Sq. Ft.
2.23 Acres

NOTE: All utilities to be underground.

NOTE: ALL DISTURBED AREAS TO BE SEED OR PLANTED WITH NATIVE VEGETATION FOR SOIL EROSION CONTROL MEASURES



DRYWELL DETAIL

NOTE: In accordance with Nassau County Department of Health, any unredeemable material will be removed and a replaced with clean, rateable material to extend down 6 feet into rateable material.

PRIVATE ROADWAY DRAINAGE CALCULATIONS:

Drainage Reserve Area #1 Drywell "A"

Road Area = 2244.7 Sq. Ft.
Runoff = 2244.7 Sq. Ft. x 8"/12 = 1496.5 cu.ft.

Tributary Area = 5658.0 Sq. Ft.
Runoff = 5658.0 Sq. Ft. x 8"/12 x 0.3 = 1131.6 cu.ft.
Total Runoff = 2628.1 cu.ft.

2628.1 cu.ft. / 68.5 cu.ft. per ft. of ring = 38.37 ft. req'd.

Use 39 ft. of 10 ft. Diam. rings

Drainage Reserve Area #2 Drywell "B"

Road Area = 2128.2 Sq. Ft.
Runoff = 2128.2 Sq. Ft. x 8"/12 = 1418.8 cu.ft.

Tributary Area = 4900.6 Sq. Ft.
Runoff = 4900.6 Sq. Ft. x 8"/12 x 0.3 = 980.1 cu.ft.
Total Runoff = 2398.9 cu.ft.

2398.9 cu.ft. / 68.5 cu.ft. per ft. of ring = 35.02 ft. req'd.

Use 36 ft. of 10 ft. Diam. rings

Drainage Reserve Area #3 Drywell "C"

Road Area = 5894.6 Sq. Ft.
Runoff = 5894.6 Sq. Ft. x 8"/12 = 3929.7 cu.ft.

Tributary Area = 6386.9 Sq. Ft.
Runoff = 6386.9 Sq. Ft. x 8"/12 x 0.3 = 1278.0 cu.ft.
Total Runoff = 5207.7 cu.ft.

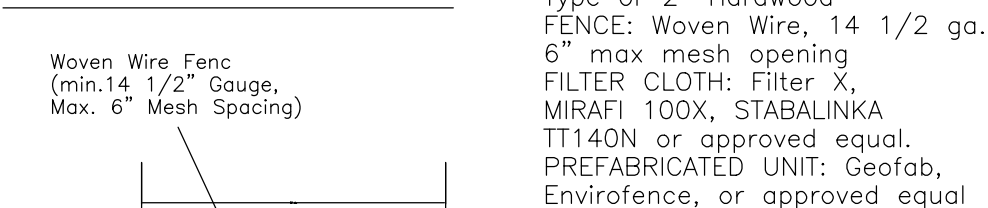
5207.7 cu.ft. / 68.5 cu.ft. per ft. of ring = 76.02 ft. req'd.

Use 77 ft. of 10 ft. Diam. rings

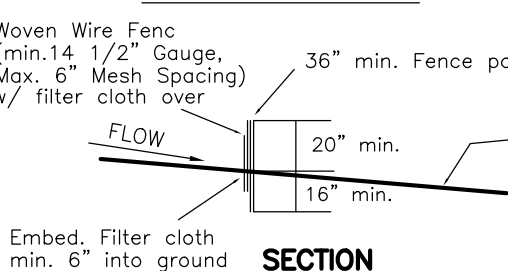
PROPOSED NEW DWELLING DRAINAGE CALCULATIONS:

- Parcel 1
- Proposed Dwelling = 1800.0 s.f.
Runoff = 1800.0 s.f. x 8"/12 = 1200.0 cu.ft.
1200.0 cu.ft. / 68.5 cu.ft. per ft. of ring = 17.5 ft. req'd. - Use 18 ft. of 10' Dia. Rings
- Proposed Driveway = 1177.4 s.f.
Proposed Pool = 420.0 s.f.
Proposed Patio = 144.0 s.f.
Proposed Tributary Area = 15714.3 s.f. x (.3) = 4714.3 s.f.
Runoff = 6455.7 s.f. x 8"/12 = 4303.8 cu.ft.
4303.8 cu.ft. / 68.5 cu.ft. per ft. of ring = 62.83 ft. req'd. - Use 64 ft. of 10' Dia. Rings
- Parcel 2
- Proposed Dwelling = 1800.0 s.f.
Runoff = 1800.0 s.f. x 8"/12 = 1200.0 cu.ft.
1200.0 cu.ft. / 68.5 cu.ft. per ft. of ring = 17.5 ft. req'd. - Use 18 ft. of 10' Dia. Rings
- Proposed Driveway = 1195.7 s.f.
Proposed Pool = 450.0 s.f.
Proposed Patio = 200.0 s.f.
Proposed Tributary Area = 16986.4 s.f. x (.3) = 5095.9 s.f.
Runoff = 6941.6 s.f. x 8"/12 = 4627.7 cu.ft.
4627.7 cu.ft. / 68.5 cu.ft. per ft. of ring = 67.56 ft. req'd. - Use 68 ft. of 10' Dia. Rings
- Parcel 3
- Proposed Dwelling = 3375.0 s.f.
Runoff = 3375.0 s.f. x 8"/12 = 2250.0 cu.ft.
2250.0 cu.ft. / 68.5 cu.ft. per ft. of ring = 32.85 ft. req'd. - Use 34 ft. of 10' Dia. Rings
- Proposed Driveway = 1472.7 s.f.
Proposed Pool = 800.0 s.f.
Proposed Patio = 200.0 s.f.
Proposed Tributary Area = 19162.2 s.f. x (.3) = 5748.7 s.f.
Runoff = 8221.4 s.f. x 8"/12 = 5480.9 cu.ft.
5480.9 cu.ft. / 68.5 cu.ft. per ft. of ring = 80.0 ft. req'd. - Use 80 ft. of 10' Dia. Rings
- Parcel 4
- Proposed Dwelling = 2700.0 s.f.
Runoff = 2700.0 s.f. x 8"/12 = 1800.0 cu.ft.
1800.0 cu.ft. / 68.5 cu.ft. per ft. of ring = 26.3 ft. req'd. - Use 28 ft. of 10' Dia. Rings
- Proposed Driveway = 1205.2 s.f.
Proposed Pool = 800.0 s.f.
Proposed Patio = 200.0 s.f.
Proposed Tributary Area = 17027.3 s.f. x (.3) = 5108.2 s.f.
Runoff = 7313.4 s.f. x 8"/12 = 4875.6 cu.ft.
4875.6 cu.ft. / 68.5 cu.ft. per ft. of ring = 71.2 ft. req'd. - Use 72 ft. of 10' Dia. Rings

SILT FENCE DETAIL



PERSPECTIVE VIEW



SECTION

- Woven wire fence to be fastened securely to fence posts with wire ties or staples.
- Filter cloth to be fastened securely to woven wire fence with ties spaced every 24" at top and mid section.
- When two sections of filter cloth adjoin each other they shall be overlapped by 6" and folded.
- Maintenance shall be performed as needed and material removed when "bulges" develop in silt fence.

SLOPE DESCRIPTION

	SLOPES GREATER THAN 20%
	SLOPES 15%-20%

THIS AREA SERVED BY:
Roslyn Highlands Fire Department
Roslyn Rescue Hook & Ladder
Roslyn Postal District 11576
Roslyn Water District
Roslyn School District 3
Area of Maps: 2.23 acres

I Hereby Certify that the design of all stormwater management practices meet the requirements of the Inc. Village of East Hills local law.

Michael Rant, P.E.

Nassau County Tax Map Designation:
Sec. 19 Bk. 27 Lot 46

REVISED 5/25/2020
REVISED 12/27/2019
REVISED 11/14/2019
REVISED 7/15/2019
REVISED 6/10/2019
REVISED 3/4/2019
REVISED 2/25/2019
REVISED 2/12/2019
REVISED 12/10/2018
REVISED 6/5/2017

PRELIMINARY MAP 8 OF MELBY COURT STORMWATER POLLUTION PREVENTION PLAN

Of Property
Sited In The
Inc. Village of East Hills
Nassau County, N.Y.

Drawn by: PJI
Date: 5/3/2017
SCALE: 1" = 30'

NORTHCOAST CIVIL L.S. & P.E., P.C.
23 Spring Street
Oyster Bay, N.Y.
516-922-3031

Appendix F

Description

OPRHP Correspondence - February 6, 2020



Parks, Recreation, and Historic Preservation

ANDREW M. CUOMO
Governor

ERIK KULLESEID
Commissioner

February 6, 2020

Mr. Mitchell Cohen
Lawyer - Town of East Hills (Lead Agency Contact)
Wechsler & Cohen
17 Sate Street, 7th Floor
New York, NY 10004

Re: DEC
Proposed Four-Lot Subdivision
2A Melby Lane, Village of East Hills, Nassau County
19PR05322

Dear Mr. Cohen:

Thank you for continuing to consult with the Division for Historic Preservation of the Office of Parks, Recreation and Historic Preservation (OPRHP). We have reviewed the submitted materials in accordance with the New York State Historic Preservation Act of 1980 (section 14.09 of the New York Parks, Recreation and Historic Preservation Law). These comments are those of the Division for Historic Preservation and relate only to Historic/Cultural resources.

The provided Alternatives Analysis illustrates that the current owners of this house have provided good stewardship and wish to pass the property to a new owner. Several questions remain as this is a significant house for its association with John William Mackay III and as a representative example of residential Tudor Revival Architecture designed by John Cross.

While the long path to find an appropriate new owner and use for the building has not resulted in a successful transition at this point, the project has not yet requested any formal variances with the town that could provide for retention of the historic building and allow for creation of building lots. Additionally, there is no mention of an appraisal that would indicate the asking price for the home is reasonable.

Based upon the information from Historic Details, Inc, this building is solidly built, and removal will be a challenge. Comparative cost information regarding rehabilitation vs demolition would be helpful in our analysis. While it is claimed that rehabilitation will be expensive, we guess that demolition may be equally expensive.

As noted in our September 23, 2019 letter demolition of an historic building is, by definition, an Adverse Impact. At this point, we recommend either reconsidering demolition of the building or working with Charles Vandre, the Agency Preservation Officer for DEC, to begin development of a Letter of Resolution.

Additional information should be provided via our Cultural Resource Information System (CRIS) at www.nysparks.com/shpo/online-tools/. To submit, log into CRIS as a guest, choose "submit"

Division for Historic Preservation

P.O. Box 189, Waterford, New York 12188-0189 • (518) 237-8643 • parks.ny.gov

at the very top of the menu, and then choose "submit new information for an existing project"
You will need this project number and your email address.

If you have any questions, I can be reached at 518-268-2181.

Sincerely,

A handwritten signature in black ink, appearing to read "Beth A. Cumming".

Beth A. Cumming
Senior Historic Site Restoration Coordinator
e-mail: beth.cumming@parks.ny.gov

via e-mail only

cc: C. Vandrei – DEC
S. Kafka – Village of East Hills
C. O'Farrell – Nelson Pope

Appendix G

Description

USEPA Electronic Correspondence

From: [Waldmann, Heather](#)
To: [Kaplan, Stephen](#)
Cc: [Pressler, Joe](#)
Subject: Fwd: LIC Comments/Questions
Date: Tuesday, January 3, 2017 10:56:44 AM

Sent from my iPhone

Begin forwarded message:

From: epahotline <epahotline@abvi-goodwill.com>
Date: January 3, 2017 at 10:52:50 AM EST
To: Heather Waldmann <hwaldmann@vhb.com>
Subject: LIC Comments/Questions

Good morning Heather,

Thank you for contacting the National Lead Information Center concerning specific regulations regarding the demolition of structures in which lead based paint.

Partial demolition does fall under the law and the proper policies and procedures would need to be followed for renovations and/or abatement. However, total demolition does not fall under the law because there are no regulations concerning the total demolition of a building.

The regulations for renovation and/or abatement cover residential dwellings along with child occupied facilities. Residential dwelling means (1) a detached single family dwelling unit, including attached structures such as porches and stoops; or (2) a single family dwelling unit in a structure that contains more than one separate residential dwelling unit, which is used or occupied, or intended to be used or occupied, in whole or in part, as the home or residence of one or more persons.

For further information there are a number of informational documents available on our website (www.epa.gov/lead) under the 'Download Brochures' link <http://www.epa.gov/lead/brochure.html>. If you have any further questions please feel free to contact us at 1-800-424-LEAD.

Sincerely,

Bonnie
NLIC Information Specialist

-----Original Message-----

From: "EPA via EPA" <drupal_admin@epa.gov>
Sent: Thursday, Dec 29, 2016 01:57 PM
To: <epahotline@abvi-goodwill.com>
Subject: NLIC Comments/Questions

Submitted on 12/29/2016 1:57PM
Submitted values are:

Your Name: Heather Waldmann
Your Organization: VHB Engineering
Your E-mail: hwaldmann@vhb.com
Your Phone Number: 6317873432
Your Comments:
Hello,

Can you please tell me if there are any specific regulations regarding the demolition of structures in which lead based paint is present? One of our local health departments is concerned that lead based paint abatement activities are required by the USEPA prior to demolition activities; however, I have been unable to locate any regulations related to demolition.

Thank you in advance!

Kind Regards,
Heather Waldmann

)

35280005 OK FETCH completed.

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VHB Engineering, Surveying and Landscape Architecture, P.C. | info@vhb.com

Appendix H

Description

Letter of Water Availability - Roslyn Water District



ROSLYN WATER DISTRICT

Michael J. Kosinski, Chairman
William K. Costigan, Treasurer
Sanford E. Klein, Secretary

Richard J. Passariello, Superintendent

24 WEST SHORE ROAD
ROSLYN, NEW YORK 11576-1448
(516) 621-7770
FAX (516) 621-9630

January 19, 2017

Charles Panetta, P.E., L.S.
23 Spring Street
Oyster Bay, NY 11771

Re: Water Availability

**Residential Subdivision – Melby Lane, East Hills (Shenfeld Partitioning
Property Subdivision)
Section 19, Block 27, Lots 46**

Dear Mr. Panetta:

The Board of Commissioners of the Roslyn Water District is pleased to inform you that water is available for the above location conditioned upon the compliance with the following items:

- 1) All plumbing fixtures to be installed in the processed facility are in compliance with the flow rates and quantity as set forth in Section 15-0314 of the State Environmental Conservation law as required under Part 900.1E of the New York State Uniform Fire Prevention and Building Code effective January 1st, 1984.
- 2) This letter of availability shall have an expiration date of one year from the date of issuance.
- 3) Copy of approved building permit and original application for permit to be submitted to the District.
- 4) All work is completed in accordance with the rules and regulations of the District.
- 5) The District will not be responsible for any problem that may result from an increase in water demand, and water shall be available to this site in the same manner as all other District customers.
- 6) The developer must fully comply with the Roslyn Water District's Ordinances Section 8 "Extension of Mains Builders and Developers". All plans are subject to the Nassau County Health Department's approval.

- 7) All existing water service lines must be disconnected in accordance with the Roslyn Water District's Ordinances.
- 8) The developer shall be responsible for all cost related to providing water to the site including but not limited to the cost of engineering and legal fees. The developer shall be required to establish a Special Trust Fund with the District for the purpose of reimbursing the District for expenses incurred pertaining to the above referenced project. Please be advised the District will charge a 1% administration fee for work associated with the establishment and maintenance of the Special Trust Fund Account.
- 9) Enclosed please find an agreement for supplying water to the above referenced subdivision. Please have the agreement executed by the property owner with a certified check made payable to the Roslyn Water District in the amount of **\$5,000.00**. Upon receipt the District shall commence with preliminary engineering and legal services.

Should you have any questions, please do not hesitate to contact the District office.

Very truly yours,

Board of Commissioner
Roslyn Water District



Richard Passariello
Superintendent

cc. Board of Commissioners
Jeff Czajka, P.E. H2M Group
Peter Fishbein, Esq.

Encl.

Appendix I

Description

Email Correspondence with NYSDEC and OPRHP Regarding Development of a Letter of Resolution

Benjamin-Ma, Nicole

From: Vandrei, Charles (DEC) <charles.vandrei@dec.ny.gov>
Sent: Monday, March 30, 2020 9:05 AM
To: Benjamin-Ma, Nicole
Subject: [External] Re: OPRHP reviews: [REDACTED], 19PR05322
Attachments: [REDACTED]

Good Morning Nicole.

Attached is the executed signature page for the [REDACTED] With respect to [REDACTED] and 19PR05322 I am fine with proceeding with LORs for both.
Chuck

Charles E. Vandrei

Agency Historic Preservation Officer, Division of Lands and Forests

New York State Department of Environmental Conservation

625 Broadway, Albany, NY 12233-4255

P: 518-402-9428 | F: 518-402-9028 | M 518-275-2118 | charles.vandrei@dec.ny.gov

www.dec.ny.gov |  | 

From: Benjamin-Ma, Nicole <NBenjamin-Ma@VHB.com>
Sent: Thursday, March 26, 2020 1:44 PM
To: Vandrei, Charles (DEC) <charles.vandrei@dec.ny.gov>
Subject: RE: OPRHP reviews: [REDACTED], 19PR05322

ATTENTION: This email came from an external source. Do not open attachments or click on links from unknown senders or unexpected emails.

Here's the updated version, with the Draft mark removed, for DEC signature. Thanks!

-Nicole

Nicole L. Benjamin-Ma

Senior Preservation Planner

P 617.607.2657
www.vhb.com

From: Benjamin-Ma, Nicole
Sent: Wednesday, March 25, 2020 3:14 PM
To: charles.vandrei@dec.ny.gov
Subject: RE: OPRHP reviews: [REDACTED], 19PR05322

Oh quick update from OPRHP – they're going to re-sign a non-draft version of [REDACTED]. Sit tight on that one for now!

Nicole L. Benjamin-Ma
Senior Preservation Planner

P 617.607.2657
www.vhb.com

From: Benjamin-Ma, Nicole
Sent: Wednesday, March 25, 2020 3:12 PM
To: charles.vandrei@dec.ny.gov
Subject: OPRHP reviews: [REDACTED] 19PR05322

Hi Chuck,

I hope you're staying safe and healthy! I've got some projects with LORs in various phases, so I just wanted to check in with you. I figured it was probably best to consolidate everything into one email.

[REDACTED]

19PR05322, 2 Melby Lane, Village of East Hills

- OPRHP provided a response to the alternatives analysis on 2/9, indicating that they weren't entirely convinced by the analysis but recommended either reconsidering demolition (and submitting additional requested materials) or working on an LOR with you. I interpret this as "we don't like it, but here's the effect finding and you can do an LOR." However, the Village has notified us that they feel the language in the letter isn't clear enough, and that OPRHP is requesting more information before allowing an LOR to be developed. What is your take on this?
- Assuming an LOR is ok to develop, I see that OPRHP uncharacteristically did not include suggested mitigation. I've noticed they've become a little more creative in mitigation ideas for some properties lately. Do you think that photodocumentation and availability of salvage materials will be ok for an LOR?

Thanks as always,
Nicole

Nicole L. Benjamin-Ma
Senior Preservation Planner



101 Walnut Street
PO Box 9151
Watertown, MA 02472-4026
P 617.607.2657 | F 617.924.2286
nbenjamin-ma@vhb.com

Engineers | Scientists | Planners | Designers
www.vhb.com

From: [Cumming, Beth \(PARKS\)](#)
To: [Mitch Cohen](#)
Subject: FW: [External] RE: 2A Melby Lane, Village of East Hills, 19PR05322
Date: Wednesday, June 17, 2020 11:26:33 AM

FYI

From: Cumming, Beth (PARKS)
Sent: Friday, June 12, 2020 3:29 PM
To: Benjamin-Ma, Nicole <NBenjamin-Ma@VHB.com>
Cc: Vandrei, Charles (DEC) <charles.vandrei@dec.ny.gov>; Brazee, Olivia (PARKS) <Olivia.Brazee@parks.ny.gov>
Subject: RE: [External] RE: 2A Melby Lane, Village of East Hills, 19PR05322

Hi Nicole,

The development of an LOR is not up to my office at this stage. We still want the additional information noted in our Feb. 6th letter – but – will follow the lead of DEC. So, if DEC feels the alternatives are sufficient, we'll not object.

Although – we've since received additional information from the public and I wonder if there is local support that's in the process of saving this building. It is an important structure and the alternatives analysis was not sufficient for me to agree.

Beth

From: Benjamin-Ma, Nicole <NBenjamin-Ma@VHB.com>
Sent: Tuesday, June 02, 2020 10:34 AM
To: Cumming, Beth (PARKS) <Beth.Cumming@parks.ny.gov>
Cc: Vandrei, Charles (DEC) <charles.vandrei@dec.ny.gov>; Rohde, Derek (PARKS) <Derek.Rohde@parks.ny.gov>
Subject: RE: [External] RE: 2A Melby Lane, Village of East Hills, 19PR05322

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Hello Beth and Chuck,

Thank you very much for your quick responses regarding the LOR for this project. In talking with the Village attorney, he is still ambivalent in his interpretation of the OPRHP letter dated February 6, 2020. Despite your emailed confirmations that development of an LOR is acceptable, the attorney interprets the letter as OPRHP requiring additional analysis (the appraisal and recent market history) prior to allowing an LOR to proceed.

I've been asked to request individual letters from DEC and OPRHP with a simple statement that development of the LOR is allowable at this stage. I feel awkward asking, but is this possible to get?

Thanks again – I'm available by email and phone for much of today and tomorrow.

-Nicole

Nicole L. Benjamin-Ma
Senior Preservation Planner

P 617.607.2657
www.vhb.com

From: Cumming, Beth (PARKS) <Beth.Cumming@parks.ny.gov>
Sent: Wednesday, April 1, 2020 11:29 AM
To: Benjamin-Ma, Nicole <NBenjamin-Ma@VHB.com>

Cc: Vandrei, Charles (DEC) <charles.vandrei@dec.ny.gov>; Rohde, Derek (PARKS) <Derek.Rohde@parks.ny.gov>

Subject: [External] RE: 2A Melby Lane, Village of East Hills, 19PR05322

Nicole – If DEC is on is on board with development of an LOR, we will not disagree.

Beth

From: Benjamin-Ma, Nicole <NBenjamin-Ma@VHB.com>
Sent: Wednesday, April 01, 2020 11:13 AM
To: Cumming, Beth (PARKS) <Beth.Cumming@parks.ny.gov>
Subject: 2A Melby Lane, Village of East Hills, 19PR05322

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Hi Beth,

I hope you are doing well during this crazy time! I spoke with Derek R. late last week, and it sounds like OPRHP is working remotely, is that the case? The CRIS system must help.

Thank you for your continuing review of this project. The proponent received the letter OPRHP provided to the Village of East Hills in February, and after speaking with Chuck Vandrei on their behalf, he agreed to allow the development of an LOR. My understanding based on the letter is that OPRHP is strongly reiterating its recommendation the historic property be saved, if DEC is amenable then an LOR can be drafted.

The attorney from East Hills feels the language in the letter is too vague to feel confident in this interpretation, however. Can you confirm that although OPRHP recommends further analysis, it is alright to proceed with an LOR with DEC's consent/involvement?

I appreciate your help. Stay safe!

-Nicole

Nicole L. Benjamin-Ma
Senior Preservation Planner



101 Walnut Street
PO Box 9151
Watertown, MA 02472-4026
P 617.607.2657 | F 617.924.2286
nbenjamin-ma@vhb.com

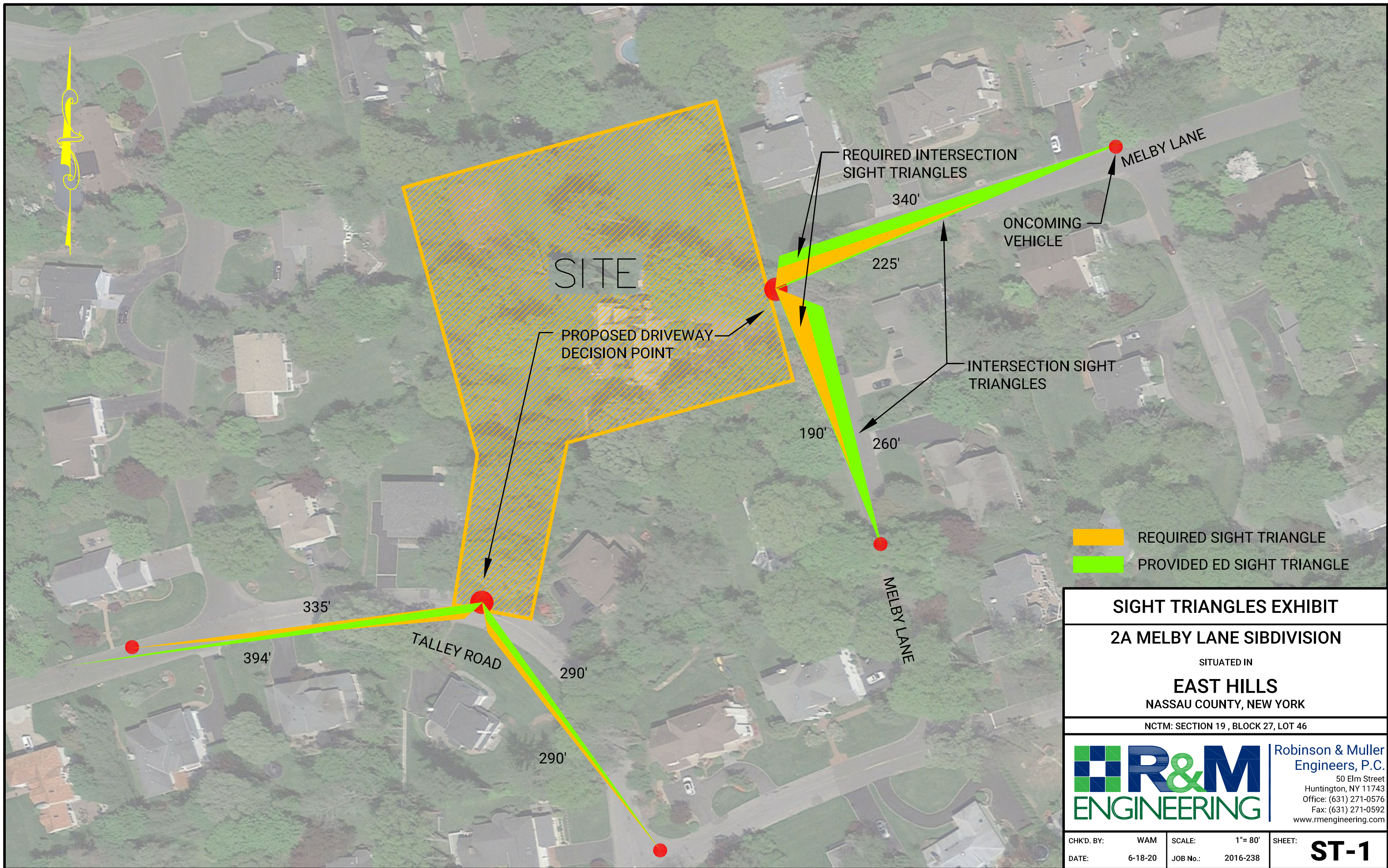
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Appendix J

Description
Sight Triangles



SIGHT TRIANGLES EXHIBIT			
2A MELBY LANE SIBDIVISION			
SITUATED IN EAST HILLS NASSAU COUNTY, NEW YORK			
NCTM: SECTION 19 , BLOCK 27, LOT 46			
		Robinson & Muller Engineers, P.C. 50 Elm Street Huntington, NY 11743 Office: (631) 271-0576 Fax: (631) 271-0592 www.rmengineering.com	
CHK'D. BY:	WAM	SCALE:	1" = 80'
DATE:	6-18-20	JOB No.:	2016-238
			SHEET: ST-1

Appendix K

Description

Marketing History and Analysis of 2A Melby Lane



Marketing History and Analysis of 2A Melby Lane (submitted June 22, 2020)

JUNE 2015 - DECEMBER 2015

In June of 2015 we took the listing on the property (2A Melby Lane). My name is Michael Berman, the President of Automatic Real Estate Associates, a division of Stewart Senter Inc. The property was listed on the Multiple Listing Service. After consulting with the Shenfield's, we mutually decided to list the price at \$3,950,000 based on the strength of the market and the price of homes selling on much smaller parcels in the area.

Our logic in this pricing strategy was that the home was truly unique as function of the lot size which is the largest (2.2 acres) in the East Hills community. We believed the buyer would be seeking an oversized lot, access to the East Hills Park and to the Roslyn schools. In all likelihood a family within the community looking to upgrade or a family leaving NYC seeking a suburban lifestyle. Anecdotally, the Shenfield's had received many enquiries over the years from neighbors asking for an opportunity to buy the home if it was ever sold. This presumption turned out to be overly optimistic which is discussed herein.

The listing price was also based on "replacement cost". The East Hills market for many years has exhibited a trend where buyers would purchase homes with a price tag in the \$1mm area and then knock down homes and build 5000 square feet or more. The net of that is that many buyers were acquiring their homes for between \$2.5- \$3mm on an all in cost basis but on a lot often less than ½ acre. The view was this home for the affluent buyer offered similar if not better value as it could afford a long term resident w/ the ability to grow into the home and the property but end up with a beautiful home with 4 times the land.

The advertising plan included internet listings on 20 sites, a professional photographer filmed the home including drone shots of the property to allow for a virtual tour of the property. The home was listed in more than ten magazines as well as through a direct email marketing campaign. A marketing postcard went out to all the local homeowners in the three surrounding zip codes to target potential buyers. My firm showed the property to eight potential buyers from June to August, co brokering with most of the major LI firms including Laffey, Daniel Gale, Realty Connect and Coldwell Banker.

We received a reasonable starting offer on July 15th, 2015 from a local buyer and countered the next day and two weeks later the buyer raised his bid and we were thinking that we would come to terms with this purchaser. However, when the buyer brought his contractor to assess the costs to improve the home to his standards (including installing all new windows and stripping the floors and all the interior wood to lighten up the look and modernizing) he decided to pass on his original offer thinking the costs were prohibitive. This hesitation and the traditional styling of the home turned out to be a hindrance in the selling of the home. As described above, the potential buyers found the styling to be out of date with their vision of how they wanted to live and just as importantly there were concerns about the costs being prohibitive.

Later in April 2016 we received an offer from a local developer at a much lower price contingent on her being able to redevelop the property and in May of 2016 we received a slightly higher offer on the same basis. We did not have the permits in place to agree to their contingency and continued to market the property. My firm's exclusive contract expired in December of 2015 and we continued working with the Shenfield's after that on a co-brokerage arrangement. The lack of interest in the home was disappointing to us albeit we had anticipated the concerns raised but not such that it would not yield interested buyers.

JANUARY 2016-SEPTEMBER 2016

By January 2016 my firm began to work as a co-broker the property and began working with an international firm - Daniel Gale, Sotheby's with Rosalyn Meyer. The Shenfield's had met Rosalyn thru friends and she seemingly had better access to a broad network of buyers and was known as a very successful broker - in 2018 she was awarded as one of the top ten brokers with her company nationwide. We lowered the price to \$3,688,000, she produced a beautiful brochure to continue marketing the property and continued marketing the property including listing overseas in Asian publications, throughout her network, prepared a new brochure etc. She featured the home in a full-page ad in the Roslyn News the week of Feb 3-9 2016. Rosalyn produced one overseas buyer who was interested in developing the property and want to buy the house solely on this basis. Rosalyn continued to market the property even after her listing expired in September of 2016.

SEPTEMBER 2016 TO THE PRESENT TIME

While the home has not been officially listed for some time there have been the occasional buyer who we have discussed the home with. In reality none of these interested parties have ever come near the listing price of the home. We have not produced any firm offers for the Shenfield's and while some buyer or developers have approached the family directly their indications of interest have always been far below any value that the Shenfield's thinks can compete with the yield attributable to the development project. Candidly the approval process and notoriety that it has received has only encouraged distressed buyers to make offers and as time has gone on the age of the home and the continued preference of new buyers for new homes with modern layouts has not materially changed and thus there has been no activity and it is still largely not viable at or near the listing prices. While the home remains a unique property to some extent it has become more a liability and in my professional opinion the Shenfield's ability to unlock the fair value is more likely through development of four homes on the property. We do think there continues to be demand for new homes and the acreage is more than ample to accomplish that. Moreover, a cul-de-sac which we believe to be the current design will have appeal particularly to young families with children.

Having followed their proposal for some time we do agree in principle that a four-lot subdivision would maximize the value of their home and land. While we now other alternatives have been considered including the creation of a flag lot coupled with leaving the home in its footprint. There is far too little evidence that this home on a smaller lot would be marketable and in addition there is very little historical basis to know if a potential flag lot would be marketable given the rarity in this village. Our professional instinct is that the risk of that alternative would be high in that you could end up with two parcels (one with the home and one a flag lot) that both could be challenged to sell.

In conclusion, much time and effort were spent by my firm and other brokers in the area listing and advertising the home when it was officially on the market. The result of that process was unsatisfactory and the subsequent zoning process has cast a bit of cloud over the property. While not officially on the market we have shown some interest to the Shenfield's and in each rare occasion the offers have been far below the listing prices and not competitive with the development economics that the Shenfield's have modeled. Lastly, we see no evidence the potential buyers and their preferences have changed thus we cannot provide our former client with any confidence about a different result and we would agree with their original thesis that the four-lot subdivision is the most likely method of maximizing value.

Respectfully submitted,



Michael J. Berman
President
Licensed Real Estate Broker
Automatic Real Estate Associates

Automatic Real Estate Associates
Division of Stewart Senter Inc.
25 Red Ground Road
East Hills, NY 11577
Office: 516-626-4444 Fax: 516-626-3456
Website: www.automaticre.com

Appendix L

Description

Village FOIL Responses 2017 and 2020



Response to FOIL Request under the New York Public Officers Law – Article 6 Provided by the Incorporated Village of East Hills

- A. Request By:** Forchelli, Curto, Deegan, Schwartz, Mineo & Terrana, LLP
Attn: Andrea Tsoukalas
- B. Request Date:** July 6, 2017
- C. Address:** The Omni 333 Earle Ovington Blvd. Suite 1010 Uniondale, NY 11553
- D. Date of Response:** August 2, 2017

Response(s) Provided for:

RE: Shenfeld Subdivision, 2A Melby Lane

1. Copies of all documentation including, but not limited to, transcripts, minutes and local laws concerning the adoption of Village Code 137-30, 137-31 and 137-32. The Village Code provides that this provision was adopted on June 21, 2010. The Editor's Note, however, states that "This local law was originally adopted as Ch. 160 but was redesignated to maintain the organizational style of the Code." This request also includes all information relating to Chapter 160 of the Zoning Code to include time of adoption, the transcripts from the hearing and copies of all local laws; and

2. All Planning Board decisions approving subdivisions dating back 10 years from the date of this letter. Kindly notify me when the documents are ready to be picked up and the fee associated with photocopying said documents.

E.

The Village of East Hills provides the following responses:

Application:

☒ **GRANTED**

☐ **DENIED**

Documents are available for review upon appointment. Copies are available at a cost of \$.25 per page. Documents will be available for 30 days. Additionally, there is a charge of \$102.66 (6 hours x \$17.11/per hour) for administrative costs.

Records Access Officer
Village of East Hills
209 Harbor Hill Road
East Hills, NY 11576
(516) 621-5600

NOTICE OF DECISION

Planning Board, Incorporated Village of East Hills

Meeting and Public Hearing of the Planning Board (the "Planning Board") of the Incorporated Village of East Hills (the "Village") held on December 14, 2009, at the Village Hall, 209 Harbor Hill Road, East Hills, New York. East Hills Pines Corp. requests Planning Board approval for a subdivision of certain property (the "Premises") known as 46 Sherrard Street, designated as Section 19, Block 10, Lots 026A and B on the Nassau County Land and Tax Map and within the R4 district of the Village.

Procedural History

A duly noticed public hearing was held on this application on December 14, 2009. The transcript of the hearing is incorporated herein by reference. The Applicant, by counsel, Bruce W. Migatz, Esq., made the presentation. There were questions from the Planning Board followed by opportunity for questions and comments to the Board by the general public. Upon motion of Chairman Jed Pomerantz, seconded by Carmen Krauss, and a unanimous vote of the Board, the public hearing was closed and decision reserved. Subsequently, in public deliberations, upon Steven Kafka's motion, seconded by Alan Zelman, by a three to two vote (Chairman Pomerantz and member Krause dissenting) the Planning Board granted the application subject to certain conditions.

Findings of Fact

1. Review of the application was made by members of the Planning Board for the Incorporated Village of East Hills. For this application only, the Planning Board is the "Lead Agency" for purposes of 6 N.Y.C.R.R. §617.2(u) and issues a "negative declaration" with respect only to the request for subdivision approval. Pursuant to the Environmental Conservation Law §8-0109 and 6 N.Y.C.R.R. §617, the Board designate this application as being for an "unlisted" action having no significant impact on the environment.

2. Pursuant to Planning Board procedure, the owners of the adjacent properties were

notified and had opportunity to be heard.

3. The Applicant has entered into a contract to purchase the Premises, now improved by a single family home. The Applicant intends to build two separate single family homes, each that will be, if subdivision approval is granted, on a separate lot and each new lot and home will in full compliance with the Village's Zoning Code (the "Code") and subject to the approval of the Village's Architectural Review Board. The Applicant explained that each new lot will be 6000 square feet, exceeding the Code's 4000 foot requirement. The respective front and rear yards also exceed the Code's required minimum sizes. Although the proposed side yards and floor area ratios are not overly generous, the Applicant contended and explained how two reasonable and practical homes, consisting of four bedrooms, two and a half baths, with a typical living room, dining room, and a den plus a garage in dimensions set forth in the floor plan submitted to the Planning Board (Applicant's drawings A-4 and A-5 designated as Planning Board exhibit 4), could be constructed without the need for variances, substantial or otherwise. In addition, all utilities are present at the Premises.

4. Some spoke in opposition to the application. Generally, opposition focused on potential changes to neighborhood character, concerns about disruptions caused by construction, and potential issues about speculation about impact on real estate prices, and a question about whether the Code required the proposed street frontage for the envisioned two lots to be fifty feet, as the Applicant contended, or sixty feet. In fact, the Applicant was correct in stating that the Code requires fifty feet of street frontage.

Conclusions and Determination

4. Planning Board approval for a subdivision to create two lots in full conformance with

the Code required the proposed street frontage for the envisioned two lots to be fifty feet, as the Applicant contended, or sixty feet. In fact, the Applicant was correct in stating that the Code requires fifty feet of street frontage.

Conclusions and Determination

5. Planning Board approval for a subdivision to create two lots in full conformance with the Code is granted conditioned upon all construction being in conformance with all applicable laws including the New York State Building Code, the Code, and all applicable Village ordinances.

Dated: January 28, 2010

PLANNING BOARD OF THE
INCORPORATED VILLAGE OF EAST HILLS

By: Jed Pomerantz
Chair

Filed: January 29, 2010

Donna Gooch
Donna Gooch, Village Clerk

NOTICE OF DECISION

Planning Board, the Incorporated Village of East Hills

Meetings and Public Hearings of the Planning Board (the "Planning Board") of the Incorporated Village of East Hills (the "Village") held on April 17, 2012 at the Village Hall, 209 Harbor Hill Road, East Hills, New York.

Mr. and Mrs. Robert Kramer requested subdivision approval of the property known as 144 Revere Road, designated as Section 7, Block K7, Lot 11 on the Nassau County Land and Tax Map (the "Premises") and within the R2 district of the Village.

Procedural History

A duly noticed public hearing was held on April 17, 2012. A transcript of the hearing is incorporated herein by reference.

The Applicants presented their request. Following the presentation, there were questions from the Planning Board and opportunity for comments from the public. After the application was presented fully and all public comments heard, upon the motion of Stephen W. Brice, seconded by Chairman Jed Pomerantz, the public hearing was closed and the application denied without prejudice to a future application that may be made.

Findings of Fact

1. Pursuant to the Planning Board procedure, the owners of the adjacent properties were notified and had opportunity to be heard.
2. Review of the application was made by members of the Planning Board.
3. The Applicants seek approval to sub-divide their Premises. They explained that the Premises are improved by a single family home, in which they have resided since 1978 and they wish to improve the value of the Premises by sub-dividing it into two lots. The Applicants

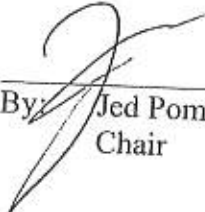
stressed, however, that they have no current plans for development and thus did not provide a site plan or construction plans. Further, on the record before the Board it is not clear whether there are any restrictive covenants applicable to the Premises and just as unclear whether the Premises is now comprised on only one lot or encompasses two lots. For example, the Applicants suggested that their understanding the original owner of their home had bought two building "plots" but only built one home.

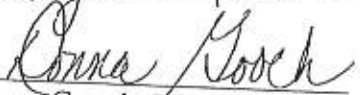
Decision

4. The application is denied without prejudice.

Dated: June 5, 2012

PLANNING BOARD OF THE
INCORPORATED VILLAGE OF EAST HILLS

By:  _____
Jed Pomerantz
Chair

Filed: June 6, 2012

Donna Gooch, Village Clerk

NOTICE OF DECISION

Planning Board, the Incorporated Village of East Hills

Meetings and Public Hearings of the Planning Board (the "Planning Board") of the Incorporated Village of East Hills (the "Village") held on March 21, 2013 at the Village Hall, 209 Harbor Hill Road, East Hills, New York.

Mr. and Mrs. Robert Kramer requested subdivision approval of the property known as 144 Revere Road, designated as Section 7, Block K7, Lot 11 on the Nassau County Land and Tax Map (the "Premises") and within the R-2 district of the Village.

Procedural History

A duly noticed public hearing was held on March 21, 2013. A transcript of the hearing is incorporated herein by reference.

The Applicants, by counsel, Andrea Tsoukalas, Esq., presented their request. Following the presentation, there were questions from the Planning Board and opportunity for comments from the public. After the application was presented fully and all public comments heard, upon the motion of Steven Kafka, seconded by Carmen Krauss, the public hearing was closed. Subsequently, upon public deliberations and the motion by Alan Zelman, seconded by Steven Kafka, the Planning Board determined that, pursuant to the State Environmental Quality Review Act ("SEQRA"), it is the "Lead Agency" for this application for an unlisted action and issued a "negative declaration." Further, upon Mr. Zelman's motion, seconded by Stephen W. Brice, the Planning Board granted the application (Chairman Jed Pomerantz dissenting) subject to conditions.

Findings of Fact

1. Pursuant to the Planning Board procedures, the owners of the adjacent properties were notified and had opportunity to be heard.

2. Review of the application was made by members of the Planning Board.

3. The Applicants seek approval to sub-divide their Premises. They explained that the Premises are improved by a single family home, in which they have resided since 1978 and they wish to improve the value of the Premises by sub-dividing it into two lots. The Applicants stressed, however, that they have no current plans for development and thus did not provide a site plan or construction plans.

4. Although created as one lot, there is no evidence of a covenant or deed restriction prohibiting subdivision of the Premises into two lots. It is apparent, however, that the existing house will need to be destroyed because it is bisected by the proposed new lot line between the proposed two lots. The Premises' square footage of 22,259 square feet suffices, however, to divide the Premises in two buildable lots in compliance with existing zoning regulations.

5. The Applicants do not wish to demolish their home now or to incur the costs now for a site plan to be created, reviewed, and approved. Instead, the Applicants suggest that subdivision approval should be contingent upon future preparation, review, and approval of a site plan or site plans. The Applicants also suggest that a deed restriction be placed on each of the new lots providing that each cannot be conveyed independent of the other and cannot be developed with two new homes until the existing house is demolished. Additionally, the Applicants suggest that the Premises should not be developed with two new homes until the Planning Board approves a drainage plan, a tree preservation plan, and a site plan for each of the new lots.


Decision

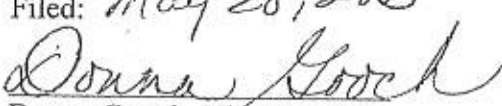
6. The application is granted and the two new lots are grandfathered as to dimensional requirements as to lot width, length, and minimum square footage existing in the Village's R-2 zone subject to:

- a) a deed restriction being placed on each of the new lots providing that each cannot be conveyed independent of the other, cannot be developed with two new homes until the existing house is demolished, and demolition cannot be performed absent issuance of a permit by the Building Department after a site plan is submitted to and approved by Planning Board, including compliance with the Village's Tree Preservation and Protection Ordinance and preparation of a tree preservation plan for the two new lots;
- b) no new homes will be constructed absent prior site plan approval by the Planning Board and compliance with the Village's Tree Preservation and Protection Ordinance including preparation of a tree preservation plan; and
- c) This decision does not constitute approval of a set of plans or drawings pursuant to the Village's Ordinance § 186-4(1)(b).

Dated: May 28, 2013

PLANNING BOARD OF THE
INCORPORATED VILLAGE OF EAST HILLS

By: 
Jed Pomerantz
Chair

Filed: May 28, 2013

Donna Gooch, Village Clerk

NOTICE OF DECISION**Planning Board, Incorporated Village of East Hills**

Meeting and Public Hearing of the Planning Board (the "Planning Board") of the Incorporated Village of East Hills (the "Village") held on October 10, 2007, at the Village Hall, 209 Harbor Hill Road, East Hills, New York.

Spring Hill Farms, LLC requested a subdivision approval on the property known as Spring Hills Farms, located at Red Ground Road, Hastings Road, Glen Cove Road and Whitney-Phipps-Garvan Road and designated as Section 19, Block A, Lots 162A, 162B, 163A, p/o 163B, 262, 263A and 263B on the Nassau County Land and Tax Map (the "Property").

Procedural History

The Applicant requests subdivision approval of a 159 acre parcel within the Incorporated Village of Old Westbury ("Old Westbury") and within 300 feet of the Village. Accordingly, pursuant to New York State Real Property Law Section 334A and Nassau County Charter 1610.2, the Village's Planning Board's approval is necessary.

Previously, the Planning Board for Old Westbury designated itself as the "Lead Agency" for purposes of 6 N.Y.C.R.R. §617.2 (u), required preparation of draft and final environmental impact statements, and upon review, by a resolution dated September 6, 2005 the Planning Board for Old Westbury adopted a Negative Declaration, pursuant to Part 617 of the implementing regulations pertaining to Article 8 (State Environmental Quality Review Act) of the Environmental Conservation Law of New York, and determined that the proposed action will not have a significant adverse impact on the environment and that neither a draft environmental impact statement nor a final environmental impact statement will be prepared. In addition, on October 1, 2007 the Planning Board for Old Westbury issued a "Final Subdivision Approval On Land Owned by Spring Hill Farms, LLC" (the "Old Westbury Subdivision Approval") ("Exhibit A," annexed) that was filed

October 2, 2007. Before that, the Board of Trustees for Old Westbury issued a "Resolution Granting Spring Hill Farms, LLC, Permission to Impose Specific Restrictions on Property To Be Donated To The Village [of Old Westbury] for Water Department Purposes, filed on August 29, 2007." ("Exhibit B," annexed)

On October 10, 2007, a duly noticed public hearing was held before the Village's Planning Board. (The transcript of which is incorporated herein before by reference.) The Applicant, by counsel Thomas Pantelis, Esq., made a presentation including witness testimony and submission of documents. After questions from the Planning Board and an opportunity for public questions, comments, and submission of documents (including photographs), upon the motion of Alan Zelman, seconded Steven Kafka, the public hearing was closed and decision reserved. Subsequently, following public deliberations, upon the motion by Mr. Kafka, seconded by Stephen Brice (Carmen Krause abstaining), the Planning Board voted unanimously to grant the Application subject to conditions consistent with representations and agreements made by the Applicant during the hearing.

Findings of Fact

1. Review of the application was made by members of the Village's Planning Board.
2. Pursuant to Planning Board procedure, the owners of the adjacent properties were notified and had opportunity to be heard.
3. The Applicant seeks to subdivide a parcel of approximately 159 acres into a gated residential community comprised by, among other things, twenty-two single family residential building lots, a lot and roads to be owed and maintained by a homeowner's association, and a lot to be dedicated to Old Westbury. The single family residential building lots will range in size from 4.62 acres to over ten acres with an average lot size of about 7.2 acres. Each may be improved with a single-family home. The Applicant has submitted for final subdivision approval a map of the Property entitled "Final Map for Spring Hill Farms," pages one and two of two, dated October 4,

2006, last revised August 16, 2007, and prepared by Cameron Engineering & Associates, LLP (the "Map"). As explained by the Applicant at the hearing, access to the Property shall be through a fence with a self-closing/self-locking gates, accessing a private roadway at the intersection of Red Ground Road and Hasting Road, and leading into a ten acre entry area with a lake. Also, the Map indicates that there will be an emergency access road.

4. For the subdivision to be completed, the Application will utilize a temporary ingress north of the intersection of Red Ground Road and Glen Cove Road and a temporary egress south of the existing driveway that comes out of the nearby and well-known Phipps residence onto Glen Cove Road. The Applicant has agreed to direct, in writing and by contract with service providers and contractors, all construction truck traffic to utilize only Glen Cove Road, and not any side streets, in proceeding to or coming from the Property. In addition, the Applicant stated that as construction vehicles leave the Property, because of the planned design of the construction exit road, a left hand turn will not be possible. The Applicant also agreed to install a sign prohibiting left-turns from the construction exit road. In addition, timing devices will be installed to control the construction traffic in an orderly fashion.

5. As to the fencing that surrounds the property, and in particular separating the property from Glen Cove Road and Red Ground Road, the Applicant acknowledged it is being removed and replaced. The Applicant agreed that in installing the new fencing to surround the Property, it will endeavor to follow the existing fence line, deviating only when necessary to accommodate a large tree, not a sapling, or when necessary to keep the fence on the Applicant's property. In addition, the Applicant stated that it will make all reasonable and practical efforts to preserve trees in installing the fencing and acknowledged that it must comply with Old Westbury ordinances governing tree removal.

6. There was a considerable discussion regarding signage on streets in the Village's


traveling through any Village side street or neighborhood. In addition, the Applicant will make compliance a material terms of all such contracts and will provide in the contracts that a repeated breach will terminate the contract. Further, the contracts will require identical provisions in any sub-contracting agreements. The required contract terms regarding the specified route will be provided in draft to the Board's counsel for approval;

- e. The Applicant will require tire washing and other measures, as needed, to ensure that heavy truck and excavation equipment does not track or spread mud on the specified route for contractors vehicles;
- f. The Applicant will design and construct the construction exit road as depicted on the Map to prohibit left turns and install a no-left turn sign, prohibit left turns from the construction exit road. In addition, the Applicant will post a sign mandating that construction and excavation vehicles do not utilize Red Ground Road and the Applicant shall install timing and traffic control devices to control the construction traffic in an orderly fashion;
- g. The construction roads will be fenced and gated before use by construction vehicles. (Such gates will, as described by the Applicant, allow fire trucks and emergency response vehicles to be able to push through them in an emergency.) Access to the Property for construction purposes will be limited to Monday through Friday from 8:00 a.m. to 5:00 p.m., as indicated by the Applicant to be in accord with Old Westbury ordinances;
- h. The Applicant will designate, in writing, a liaison to whom Village residents can address issues and concerns during the construction. The liaison will be designated in a notice addressed to the Village's Building Inspector;

- i. In installing new fencing to surround the Property, the Applicant will endeavor to follow the existing fence line, deviating only when necessary to accommodate a large tree, not a sapling, or when necessary to keep the fence on the Applicant's property. In addition, the Applicant will make all reasonable and practical efforts to preserve trees in installing the fencing and must comply with Old Westbury ordinances governing tree removal; and
- j. The Applicant will not improve WPG Road and will not take any steps to do so.

Dated: November 29, 2007

PLANNING BOARD OF THE
INCORPORATED VILLAGE OF EAST HILLS


By: Jed Pomerantz
Chair

Filed: 
Donna Gooch, Village Clerk

December 4, 2007

NOTICE OF DECISION

Planning Board, the Incorporated Village of East Hills

Meetings and Public Hearings of the Planning Board (the "Planning Board") of the Incorporated Village of East Hills (the "Village") held on February 14 and December 26, 2009, at the Village Hall, 209 Harbor Hill Road, East Hills, New York.

G.A.D. Development, Inc. requests the Planning Board's approval for a proposed subdivision of the property known as 14 Mimosa Drive, designated as Section 7, Block 299, Lots 41-43 and 104-106 on the Nassau County Land and Tax Map and within the R1 district of the Village.

Procedural History

A duly noticed public hearing was held on this application on February 14 and December 26, 2009. A transcript of the hearing is incorporated herein by reference.

The Applicant, by Paul Bloom, Esq. of Harras, Bloom & Archer, LLP, presented the proposed subdivision request including witness testimony and exhibits. Following the presentation, there were questions from the Planning Board and opportunity for comments from the public. After the application was presented fully and all public comments heard, upon the motion of Steven Kafka, seconded by Stephen W. Brice, the public hearing was closed and the decision reserved. Subsequently, upon public deliberations and the motion of Alan Zelman, seconded by Steven Kafka, and the assenting vote of Stephen Brice, the Planning Board unanimously granted preliminary subdivision approval subject to conditions.

Findings of Fact

1. Pursuant to the Planning Board procedure, the owners of the adjacent properties were notified and had opportunity to be heard.
2. Review of the application was made by members of the Planning Board. For this application only, the Planning Board is the "Lead Agency" for purposes of 6 N.Y.C.R.R. §617.2(u) and issues a "negative declaration" with respect only to the request for subdivision approval. Pursuant to the Environmental Conservation Law §8-0109 and 6 N.Y.C.R.R. §617, the Planning Board designates this application as being for an "unlisted" action having no significant impact on the environment.
3. The Applicant seeks approval for a proposed subdivision to allow for the residential development of certain realty comprised of two parcels, respectively east and west of Mimosa Drive in the Village. The parcel east of Mimosa Drive ("Parcel Two") is 49,805 square feet. The Applicant seeks to create two lots on Parcel Two, respectively designated as Lot 1 and Lot 2 on the Applicant's "Preliminary Road and Drainage Plan for G.A.D. Developers Property Subdivision," comprised of drawings denominated S1-S5 inclusive, by Alan Glenn Bernhard, P.E. P.C., first issued October 19, 2007, with the last revision, number 6, "Change to Walls," dated June 3, 2006, (the "Plans"). For Lots 1 and 2, the Applicant proposes a driveway easement (the "Access Easement") over Lot 2 for the benefit of Lot 1.
4. On the west side of Mimosa Drive, the Applicant proposed that the parcel ("Parcel One") is to be subdivided into Lots 3, 4, 5, and 6. For Parcel One, the Applicant proposed a cul-de-sac private driveway (the "Private Drive") - - not a dedicated road - - for access to each of the proposed lots.

5. According to the Applicant, for each proposed lot on each of the two parcels, the proposed subdivision will meet and/or exceed the Village's Zoning Code requirements for a buildable lot. Thus, the Applicant represented that within each proposed lot's building envelope, a house in full conformity with the Zoning Code may be constructed without necessitating a variance request. Further, for both Parcels One and Two, all access to the proposed lots will be only from Mimosa Drive and there is to be no access whatsoever from Harbor Hill Road.

6. The Applicant acknowledged throughout the hearing process that at least part of the Premises formerly constituted the Roslyn Swim Club and that remaining remnants include the entry gates and gate-house which have historic significance and historic landmark designation. There are and/or have been other structures, such as a swimming pool and above-ground oil tank, which require safe and appropriate removal.

7. During the first hearing session, several issues became apparent and the Applicant agreed to address each at a subsequent hearing. In the interim, by an April 17, 2009 letter (Exhibit A), the Planning Board's counsel wrote to opposing party's counsel listing information, documents, and/or actions to be addressed. By a September 23, 2009 letter by the Applicant's counsel (Exhibit B, without enclosures), the Applicant submitted the Plans, additional documents and information, and representations about actions taken or to be taken.

8. Further, reflecting the Village's name, the Premises include rolling hills, slopes, and retaining walls. The Applicant noted at the outset of the hearings, at the first session, that proposed Lot 2 on Parcel Two has a "steep slope," as defined by the Village's Zoning Code (*see*, Village Law § 214-7(B)). The Applicant agreed, however, that this portion of the proposed Lot 2 is and will remain undeveloped in accordance with the Village's "Steep Slope Law" (*see* Village Law § 7-214-128.1). During the course of the hearing sessions, other areas with steep

slopes were identified. (For example, and not limitation, Parcel Two, Lots 2 and 3, and Parcel One, Lot 3.) The Applicant emphasized that houses may be constructed on each proposed lot without a variance as to the Village's Steep Slope Law and suggested that restrictive covenants bar development of any portion of a lot constituting a steep slope.

9. At the second hearing session, the Applicant's counsel and engineer each outlined a revised subdivision proposal in accordance with the Plans. As to the historic gates and gate house, the Applicant represented that it will "revitalize and restore the gates and the gate house" and agreed that this is an obligation accepted by the Applicant as part of the subdivision proposal.

10. For the restoration of the gates and gate house, the Applicant offered to restore the building's exterior, replace glass as needed, remove the rust from the gates, and paint. The Applicant offered to consult with the Village as to how the work is to be done (*e.g.*, necessary preparation work) and colors to be chosen. Further, the Applicant explained that the future and ongoing maintenance costs for the gates and the gate house will be shared, jointly and severally, by each of the six owners of the proposed subdivision who will be required to be members of a homeowners' association (the "HOA"). Similarly, the maintenance of specified retaining walls and the Private Drive, will be an obligation of the HOA and to be shared by the six homeowners pursuant to cross-easements and covenants attached to each lot and running with the land. The driveway easement over Lot 2 for the benefit of Lot 1 will also need to be addressed by covenants running with the land for these two lots. The Applicant offered and agreed to provide drafts for all easements, restrictive covenants, and a HOA agreement, including by-laws, with joint and several liability upon the owners of each lot in favor of the Village, that will require the approval of the Village and its counsel before finalization and execution.

11. During the second hearing session, Allen Glenn Bernhard, P.E. testified and discussed in some detail his August 28, 2009 letter (Exhibit C) and outlined the topics in his letter as they correspond to the Plans. The Applicant also noted that it had retained Middletown Environmental, Inc. ("MEI") and MEI had issued an August 13, 2009 Phase I Environmental Site Assessment Report (the "MEI Report"). The MEI Report states as part of its "Findings, Conclusions and Recommendations" that:

...the locker room building was formerly heated by oil that was stored in a 275 gallon underground storage tank. Due to the overgrowth of the areas, the fill and port could not be identified. This tank is not subject to Article XI of the Nassau County Department of Health's (NCDH), Public Health Ordinance (tank is less than 1,100 gallons in size and would not warrant NCDH registration or be subject to any periodic tank tests). It is recommended that this tank be located and be properly removed and disposed prior to any planned construction activities.

* * * *

Lastly, the site inspection indicated the presence of one (1) 275 gallon above ground heating oil storage tank behind the main building that did not show any signs of staining or leakage. This tank is no longer in use and it is recommended that this tank be removed from the site.

12. In addition, the MEI Report reflects that the Applicant provided to MEI documentation concerning a June 2009 asbestos inspection and that a lead inspection had been conducted too. According to MEI, the documentation it received demonstrated asbestos free buildings (*e.g.*, an asbestos roof had been removed) and no elevated lead levels. Further, the Applicant submitted to the Planning Board documentation concerning the asbestos and lead inspections and the Planning Board relies upon these documents submitted by the Applicant for their veracity.

Decision

Preliminary approval of the proposed subdivision is granted subject to:

1. Any revisions to the Plans being subject to the approval of the Village's Building Department and the Village's designated engineer;
2. Final construction plans shall contain detailed erosion and sedimentation control plans pursuant to all applicable storm water regulations, subject to the approval of the Village's Building Department and the Village's designated engineer. As to retaining walls, existing walls are to be replaced in accordance with the Plans and any, other walls shown on the Plans will be repaired and/or replaced subject to the Village's Building Department's approval;
3. As to the entry gates and gate-house of historic significance and historic landmark designation that remain from the Roslyn Swim Club, the Owner shall as soon as practicable and before the issuance of any certificate of occupancy is issued or a building permit is issued for a lot other than where the gate and gatehouse are located: (a) obtain any necessary permits; (b) consult with the Village as to the extent and manner of the work to be done (*e.g.*, necessary preparation work) and colors to be chosen including the payment of fees for a historical consultant that may be retained by the Village; (c) obtain the approval of the Village's Architectural Review Board for the restoration of the gates and gatehouse; and (d) take all necessary steps to revitalize and restore the gates and the gate house, including but not limited to, needed repair and preparation of the building's exterior, replacement of glass for the gatehouse as needed, removal of rust from the gates, performing any other work outlined in the August 28, 2009 letter by Allen Glenn Bernhard, P.E. (Exhibit C), and painting the gates and gatehouse; and
4. All improvements to be installed in connection with this subdivision shall conform with the Plans, as may be required by the Village's Building Department, and/or the Village's designated engineer, pertinent subdivision regulations, and by any state, county, or other

municipal agency having jurisdiction. All construction details shall be subject to the review and approval of the Building Department and/or the Village's designated engineer;

5. The Applicant shall obtain all necessary approvals from the Nassau County Board of Health, the Nassau County Department of Public Works, and any other necessary approval from a Nassau County Board and/or Department with jurisdiction;

6. All telephone, electric, cable television, and other utilities shall be installed underground and are subject to approval of the Village's Building Department. Any existing overhead service shall be removed and made safe;

7. All access to the proposed lots will conform strictly with the Plans, *i.e.*, via Mimosa Drive only to and from the Private Drive for all the Parcel One proposed lots, via Mimosa Drive for the Access Easement for Parcel Two, Lot 2, and via Mimosa Drive for Parcel Two, proposed Lot 2. There will be no access to any proposed lot to or from Harbor Hill Road;

8. The document to create and govern a HOA and cross-easements and restrictive covenants (the "Covenants and Restrictions") in conformity with Findings of Fact paragraphs 8, 9, and 10 of this Notice of Decision are to be submitted by the Applicant to the Village Counsel and are subject to the approval of the Village Counsel. In addition, the Covenants and Restrictions shall expressly incorporate the notes and other requirements of the Map Of Harbor Hill country Estates, Section No. 8, approved by, among others, the Board on April 30, 1959 and filed July 9, 1959 in the Nassau County Clerk's Office, Case No. 7188. The Covenants and Restrictions will be recorded in the Office of the Nassau County Clerk at Applicant's expense;

9. The Covenants and Restrictions will prohibit development on any portion of a proposed lot that is subject to the Steep Slope Laws, as defined in Village Law § 214-7(B), and the prohibition of development or alternation, § 214-128;

10. The Covenants and Restrictions shall run with the land and be binding upon the HOA and the owners, their heirs, successors and assigns. Additionally, the Covenants and Restrictions shall run to and inure to the benefit of the Incorporated Village of East Hills and shall create no rights in any other third-party. The Covenants and Restrictions may be modified or released only by written resolution of this Planning Board and the Village's Board of Trustees, after appropriate public hearing. Following approval of the Covenants and Restrictions by the Village Attorney, the instrument shall be recorded in the Nassau County Clerk's Office at the Applicant's expense;

11. Any parking on the Private Drive will be subject to all Village parking rules, now or subsequently enacted, including the prohibition of overnight parking;

12. The Applicant will take all practical measures to eliminate rodents, especially before and during demolition and any construction;

13. Designated Building Department personnel shall be in attendance for all preparation for demolition and for the demolition of any structures on the property and the Applicant will provide adequate written notice to allow such attendance;

14. Applicant shall comply with all Village requirements regarding tree removal, such as obtaining removal permits upon application to the Village, and:

- A. Applicant shall ensure that all trees within the construction area having a diameter equal to or greater than the size specified in Village Code or greater than 12 inches if the size is not specified, shall be encircled by a construction fence which shall be located at the drip line of each tree, at a location approved by the Building Inspector, so as to prevent construction vehicles and machinery from damaging the root systems of those remaining trees of the trees themselves;
- B. Any trees to be removed shall be removed in such a way as to minimize damage to the remaining trees; and

- C. Applicant shall restore any construction fences that are disturbed or damaged during construction to ensure the continued protection of the trees;

15. All construction fences required pursuant to this Notice of Decision or by the Village Building Department shall consist of 4" by 4" posts and 2" by 4" rails and be no less than four feet in height, unless another type of fencing is deemed appropriate by the Building Department. All construction fences shall be approved, as to location and type, by the Village Building Department before construction commences on the site;

16. Applicant, if required under Village Law or the Nassau County Charter § 1610, shall obtain approvals of adjoining municipalities that have jurisdiction to review and approve the subdivision;

17. The Village's Planning Board retains site plan approval of any and all structures to be located on each lot within the subdivision. No building permit shall be issued for any structure on any lot until the Planning Board, after appropriate public hearing, and upon written resolution approves the precise location of any structures, including driveway and accessory structures;

18. Before any building permit may be issued, a bond in an amount to be determined by the Village's Building Department and/or the Village's designated engineer must be provided;

19. The following notation shall appear on any proposed final subdivision map to be submitted by the Applicant:

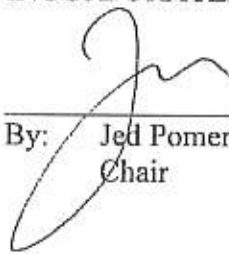
"The Village Planning Board has retained site plan approval of any and all structures to be located on each lot within the subdivision. No building permit shall be issued for any structure on any lot until the Planning Board, after appropriate public hearing and upon written resolution, approves the precise location of any structures, including driveways and accessory structures."

20. The following endorsements will be required on any final subdivision map:

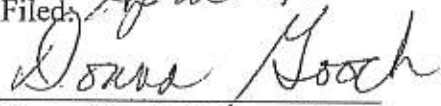
- i. Nassau County Department of Public Works;
- ii. Nassau County Department of Health;
- iii. the Village's designated engineer;
- iv. Nassau County Planning Commission; and
- v. All other officials and agencies required by law.

Dated: April 8, 2010

PLANNING BOARD OF THE
INCORPORATED VILLAGE OF EAST HILLS

By: 
Chair

Filed: *April 9, 2010*


Donna Gooch, Village Clerk

NOTICE OF DECISION

Planning Board, the Incorporated Village of East Hills

Meeting and Public Hearing of the Planning Board (the "Planning Board") of the Incorporated Village of East Hills (the "Village") held on November 23, 2010, at the Village Hall, 209 Harbor Hill Road, East Hills, New York.

G.A.D. Development, Inc. (the "Applicant") requests the Planning Board's approval for a proposed subdivision of the property known as 14 Mimosa Drive, designated as Section 7, Block 299, Lots 41-43 and 104-106 on the Nassau County Land and Tax Map and within the R1 district of the Village.

Procedural History

Following preliminary subdivision approval (*see*, Notice of Decision dated April 8, 2010, the "Preliminary Approval"), a duly noticed public hearing was held on this application on November 23, 2010. A transcript of the hearing is incorporated herein by reference. The Applicant, by counsel Paul Bloom, Esq. of Harras, Bloom & Archer, LLP, briefly presented the proposed subdivision request and addressed the conditions upon which Preliminary Approval was granted. Following the presentation, there were questions from the Planning Board and opportunity for comments from the public. After the application was presented fully and all public comments heard, upon the motion of Chairman Jed Pomerantz, seconded Steven Kafka, and a unanimous vote of the Board, the public hearing was closed, the record left open and subject to the engineer's review and recommendation on the project, and decision reserved.

Findings of Fact

1. Pursuant to the Planning Board procedure, the owners of the adjacent properties were notified and had opportunity to be heard.
2. Review of the application was made by members of the Planning Board. For this application only, the Planning Board is the "Lead Agency" for purposes of 6 N.Y.C.R.R.

§617.2(u) and issues a "negative declaration" with respect only to the request for subdivision approval. Pursuant to the Environmental Conservation Law §8-0109 and 6 N.Y.C.R.R. §617, the Planning Board designates this application as being for an "unlisted" action having no significant impact on the environment.

3. As with the Preliminary Approval, the Applicant seeks consent for a proposed subdivision to allow for the residential development of certain realty comprised of two parcels, respectively east and west of Mimosa Drive in the Village. The parcel east of Mimosa Drive ("Parcel Two") is 49,805 square feet. The Applicant seeks to create two lots on Parcel Two, respectively designated as Lot 1 and Lot 2 on the Applicant's "Preliminary Road and Drainage Plan for G.A.D. Developers Property Subdivision," comprised of drawings denominated S1-S5 inclusive, by Alan Glenn Bernhard, P.E. P.C., first issued October 19, 2007, with the last revision, number 6, "Change to Walls," dated June 3, 2006, (the "Plans"). For Lots 1 and 2, the Applicant proposes a driveway easement (the "Access Easement") over Lot 2 for the benefit of Lot 1.

4. On the west side of Mimosa Drive, the Applicant proposed that the parcel ("Parcel One") is to be subdivided into Lots 3, 4, 5, and 6. For Parcel One, the Applicant proposed a cul-de-sac private driveway (the "Private Drive") - - not a dedicated road - - for access to each of the proposed lots.

5. According to the Applicant, for each proposed lot on each of the two parcels, the proposed subdivision will meet and/or exceed the Village's Zoning Code requirements for a buildable lot. Thus, the Applicant represented that within each proposed lot's building envelope, a house in full conformity with the Zoning Code may be constructed without necessitating a variance request. Further, for both Parcels One and Two, all access to the proposed lots will be only from Mimosa Drive and there is to be no access whatsoever from Harbor Hill Road.

6. The Applicant acknowledged throughout the hearing and approval process, including the two hearings for the Preliminary Approval, that at least part of the Premises formerly constituted the Roslyn Swim Club and that remaining remnants include the entry gates and gate-house which have historic significance and historic landmark designation. There are and/or have been other structures, such as a swimming pool and above-ground oil tank, which require safe and appropriate removal.

7. For the restoration of the gates and gate house, the Applicant offered to restore the building's exterior, replace glass as needed, remove the rust from the gates, and paint. The Applicant offered to consult with the Village as to how the work is to be done (*e.g.*, necessary preparation work) and colors to be chosen. Further, the Applicant explained that the future and ongoing maintenance costs for the gates and the gate house will be shared, jointly and severally, by each of the six owners of the proposed subdivision who will be required to be members of a homeowners' association (the "HOA"). Similarly, the maintenance of specified retaining walls and the Private Drive will be an obligation of the HOA and to be shared by the six homeowners pursuant to cross-easements and covenants attached to each lot and running with the land. The driveway easement over Lot 2 for the benefit of Lot 1 will also need to be addressed by covenants running with the land for these two lots. The Applicant offered and agreed to provide drafts for all easements, restrictive covenants, and a HOA agreement, including by-laws, with joint and several liability upon the owners of each lot in favor of the Village, that will require the approval of the Village and its counsel before finalization and execution.

8. The Applicant indicated that it had been engaged in multiple discussions with different organizations regarding the donation of the gatehouse upon restoration, most notably with the Roslyn Landmark Association (the "Association"). Representatives from the Association voiced their concerns about restoration of the gates house and indicated some

interest in acquiring ownership. There is no clarity, however, regarding what commitments, if any, the Association will make and/or what the Association will require in return from the Applicant to undertake responsibility for the gates and gatehouse.

9. The Applicant reiterated that all conditions in the Preliminary Approval remain acceptable.

Decision

Final approval of the proposed subdivision is granted subject to the conditions as enumerated in the Preliminary Approval and upon all construction being in conformance with all applicable laws including the New York State Building Code, the Zoning Code, and all applicable Village ordinances. The Preliminary Approval's conditions are reiterated:

A. Any revisions to the Plans being subject to the approval of the Village's Building Department and the Village's designated engineer;

B. Final construction plans shall contain detailed erosion and sedimentation control plans pursuant to all applicable storm water regulations, subject to the approval of the Village's Building Department and the Village's designated engineer. As to retaining walls, existing walls are to be replaced in accordance with the Plans and any, other walls shown on the Plans will be repaired and/or replaced subject to the Village's Building Department's approval;

C. As to the entry gates and gate-house of historic significance and historic landmark designation that remain from the Roslyn Swim Club, the Applicant and/or any subsequent owner shall as soon as practicable and before the issuance of any certificate of occupancy is issued or a building permit is issued for a lot other than where the gate and gatehouse are located: (i) obtain any necessary permits; (ii) consult with the Village as to the extent and manner of the work to be done (*e.g.*, necessary preparation work) and colors to be chosen including the payment of fees for a historical consultant that may be retained by the Village; (iii) obtain the approval of the

Village's Architectural Review Board for the restoration of the gates and gatehouse; and (iv) take all necessary steps to complete the revitalization and restoration of the gates and the gate house, including but not limited to, needed repair and preparation of the building's exterior, replacement of glass for the gatehouse as needed, removal of rust from the gates, performing any other work outlined in the August 28, 2009 letter by Allen Glenn Bernhard, P.E. (Exhibit A), and painting the gates and gatehouse; and

D. All improvements to be installed in connection with this subdivision shall conform with the Plans, as may be required by the Village's Building Department, and/or the Village's designated engineer, pertinent subdivision regulations, and by any state, county, or other municipal agency having jurisdiction. All construction details shall be subject to the review and approval of the Building Department and/or the Village's designated engineer;

E. The Applicant shall obtain all necessary approvals from the Nassau County Board of Health, the Nassau County Department of Public Works, and any other necessary approval from a Nassau County Board and/or Department with jurisdiction;

F. All telephone, electric, cable television, and other utilities shall be installed underground and are subject to approval of the Village's Building Department. Any existing overhead service shall be removed and made safe;

G. All access to the proposed lots will conform strictly with the Plans, *i.e.*, via Mimosa Drive only to and from the Private Drive for all the Parcel One proposed lots, via Mimosa Drive for the Access Easement for Parcel Two, Lot 2, and via Mimosa Drive for Parcel Two, proposed Lot 2. There will be no access to any proposed lot to or from Harbor Hill Road;

H. The document to create and govern a HOA and cross-easements and restrictive covenants (the "Covenants and Restrictions") in conformity with Findings of Fact paragraphs 8, 9, and 10 of this Notice of Decision are to be submitted by the Applicant to the Village Counsel

and are subject to the approval of the Village Counsel. In addition, the Covenants and Restrictions shall expressly incorporate the notes and other requirements of the Map Of Harbor Hill country Estates, Section No. 8, approved by, among others, the Board on April 30, 1959 and filed July 9, 1959 in the Nassau County Clerk's Office, Case No. 7188. The Covenants and Restrictions will be recorded in the Office of the Nassau County Clerk at Applicant's expense;

I. The Covenants and Restrictions will prohibit development on any portion of a proposed lot that is subject to the Steep Slope Laws, as defined in Village Law § 214-7(B), and the prohibition of development or alternation, § 214-128;

J. The Covenants and Restrictions shall run with the land and be binding upon the HOA and the owners, their heirs, successors and assigns. Additionally, the Covenants and Restrictions shall run to and inure to the benefit of the Incorporated Village of East Hills and shall create no rights in any other third-party. The Covenants and Restrictions may be modified or released only by written resolution of this Planning Board and the Village's Board of Trustees, after appropriate public hearing. Following approval of the Covenants and Restrictions by the Village Attorney, the instrument shall be recorded in the Nassau County Clerk's Office at the Applicant's expense;

K. Any parking on the Private Drive will be subject to all Village parking rules, now or subsequently enacted, including the prohibition of overnight parking;

L. The Applicant will take all practical measures to eliminate rodents, especially before and during demolition and any construction;

M. Designated Building Department personnel shall be in attendance for all preparation for demolition and for the demolition of any structures on the property and the Applicant will provide adequate written notice to allow such attendance;

R. Before any building permit may be issued, including for the work required by Condition C, bonds in amounts to be determined by the Village's Building Department and/or the Village's designated engineer must be provided;

S. The following notation shall appear on any proposed final subdivision map to be submitted by the Applicant:

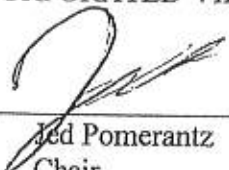
"The Village Planning Board has retained site plan approval of any and all structures to be located on each lot within the subdivision. No building permit shall be issued for any structure on any lot until the Planning Board, after appropriate public hearing and upon written resolution, approves the precise location of any structures, including driveways and accessory structures."

T. The following endorsements will be required on any final subdivision map:

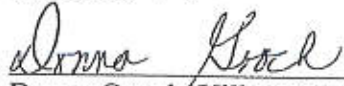
- I. Nassau County Department of Public Works;
- II. Nassau County Department of Health;
- III. the Village's designated engineer;
- IV. Nassau County Planning Commission; and
- V. All other officials and agencies required by law.

Dated: February 17, 2011

PLANNING BOARD OF THE
INCORPORATED VILLAGE OF EAST HILLS

By: 
Chair

Filed: 2-17-11


Donna Gooch, Village Clerk



Response to FOIL Request under the New York Public Officers Law – Article 6 Provided by the Incorporated Village of East Hills

A. Request By: Andrea Tsoukalas Currto, Esq.

B. Request Date: March 2, 2020

C. Address: 333 Earle Ovington Blvd., Suite 1010, Uniondale, NY 11553

D. Date of Response: March 6, 2020

E. Response(s) Provided for:

Copies of all decisions for subdivisions in the Village for the past five years including, but not limited to, the Village's swimming pool property.

The Village of East Hills provides the following responses:

After a search of our records no documents exist to be furnished.

Records Access Officer
Village of East Hills
209 Harbor Hill Road
East Hills, NY 11576
(516) 621-5600