



Manhasset Bay Protection Committee

ManhassetBay.net

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March 1, 2023

The Honorable Kathy Hochul
Governor of New York State
NYS State Capitol Building
Albany, NY 12224

Re: Opposition to the Transit-Oriented Development Act of 2023 and the environmental degradation it would cause

Dear Governor Hochul:

The “Transit-Oriented Development Act of 2023” (henceforth “Act”) included in your proposed FY 2024 Executive Budget raises serious environmental concerns, the first of which is its removal of any environmental review for development in these zones. As background, Manhasset Bay is the western most embayment on the North Shore of Nassau County on Long Island and would be seriously and negatively impacted by this Act. I am writing to represent some of the environmental concerns of the 15 municipalities who make up the Manhasset Bay Protection Committee (henceforth “Committee”). The Committee is an inter-municipal organization focused on addressing water quality and coastal issues with a coordinated, watershed-level approach. The Committee’s goals are to protect, restore, and enhance Manhasset Bay so as to insure a healthy and diverse marine ecosystem while balancing and maintaining recreational and commercial uses.

This proposed Act does not consider the sensitive environmental and ecological concerns of Long Island. Long Island is on a sole-source aquifer, our bays and harbors are already subject to bacteria and nitrogen pollution, and open-space is rapidly disappearing. Long Island municipalities are subject to strict regulations to clean-up our bays and harbors. This Act does not account for these regulations and the impossibility of achieving the environmental enhancements these regulations seek to reach if the Act is passed.

This Act would cover the eastern and southern banks of Manhasset Bay in a high-density metropolis, thus killing any chance at restoration. Manhasset Bay was once one of the largest producers of shellfish in New York State, but now it is closed to shellfishing due to high concentrations of bacteria, carried there by polluted stormwater runoff traveling over impervious surfaces. Those impervious surfaces would increase under the Act, thus increasing polluted stormwater runoff to the Bay.

Additionally, the coastal areas of the Manhasset Bay watershed have very short groundwater travel times to the Bay, further exasperating our issues, especially if new development is put on on-site wastewater treatment systems. For those areas that are within wastewater treatment plant zones, this high density would put a great strain on plant capacity and the ability of those plants to treat wastewater to the

regulated levels of nitrogen removal. The Committee is supporting the sewerage of areas contributing to groundwater pollution and not currently serviced by the plants. This Act would remove any capacity from the wastewater treatment plants for this sewerage.

There would also be impacts to the Manhasset Bay viewshed. Part of the joy of living in or visiting a coastal community are the vistas afforded these areas. The Committee and other organizations are of the belief that the public's enjoyment of a waterway contributes to their willingness to undertake actions that would protect and restore that waterway. The proposed Act would prohibit restrictions on height as well as reasonable requirements relating to property line setbacks, thus removing Manhasset Bay from sight and, therefore, mind.

The exemption of transit-oriented development from any environmental review requirements is unconscionable. The burden is then placed on the locality to prove "bona fide health and safety concerns" in the denial of a transit-oriented building permit. But we would make the argument that environmental degradation is a major health and safety concern. The Act also removes any consideration of open space requirements, but open space is necessary for the infiltration of stormwater, climate change mitigation, protection of clean air and water, and habitat protection.

For these reasons, we request you pull this proposed Act from your budget package. We appreciate the housing difficulties Long Island faces, but it should not be solved at the expense of our delicate environment and, therefore, our public health and safety.

Sincerely,



Sarah Deonarine
Executive Director

CC Senator Jack Martins
Assemblymember Gina Sillitti
Executive Bruce Blakeman, Nassau County
Supervisor Jennifer DeSena, Town of North Hempstead
Mayor Nora Haagenson, Village of Baxter Estates
Mayor Randall Rosenbaum, Village of Flower Hill
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