

**Lewis Road Planned Residential Development Subdivision  
Assertion of Jurisdiction Application  
Special Commission Meeting  
Wednesday, January 13, 2021, 2:00 PM**

The Central Pine Barrens Commission asserted review jurisdiction on the Hills at Southampton on October 21, 2015. On May 15, 2019, the Commission re-affirmed the assertion on Lewis Road and any substantially similar project proposed for the same project site because of the potential that such project(s) may have a significant adverse impact on the goals of the Central Pine Barrens Comprehensive Land Use Plan (the Plan).

On December 23, 2019, the Discovery Land Company et al (the Applicant), through its consultant Charles J. Voorhis of Nelson Pope & Voorhis and attorney, Wayne D. Bruyn, submitted an Assertion of Jurisdiction Application on Lewis Road PRD (the Project). Additional submissions made by the Applicant occurred on:

- June 3, 2020
- July 1, 2020
- August 17, 18, 19 and 26, 2020
- October 9, 2020
- November 18, 2020
- December 2, 2020

The Commission held three public hearings on the Project on:

- February 19, 2020
- August 19, 2020
- November 18, 2020

Seven extension requests were received and granted to the current decision deadline of January 20, 2021. The Commission will decide whether the Project conforms with the Plan's Standards and Guidelines, and as an Involved Agency, the Commission will prepare a Findings Statement.

The Project is the development of a seasonal resort residential subdivision with 118 single-family seasonal residences, 12 year round workforce housing residences, and an accessory use private 18-hole golf course, other recreational uses and amenities including a clubhouse, roads, and infrastructure including a sewage treatment plant.

Comprehensive Land Use Plan Standards and Guidelines	Review	Conforms (Y/N/C) <sup>1</sup>
<b>Standard 5.3.3.1.1 Suffolk County Sanitary Code Article 6 compliance</b> All development proposals subject to Article 6 of the Suffolk County Sanitary Code shall meet all applicable requirements of the SCDHS.	<ul style="list-style-type: none"> <li>• 1 unit/5 acres, as per the Town CR 200 zoning district, is below the minimum 1unit/1acre Health Department requirement in Groundwater Management Zone III.</li> <li>• Requires Suffolk County Department of Health Services (SCDHS) review and approval.</li> <li>• SCDHS letter dated December 20, 2019 including comments and notice of incompleteness updated May 8, 2020.</li> <li>• Applicant required to satisfy the SCDHS.</li> </ul>	
<b>Standard 5.3.3.1.2 Sewage treatment plant discharge</b> Where deemed practical by the County or State, sewage treatment plant discharge shall be outside and downgradient of the Central Pine Barrens.	<ul style="list-style-type: none"> <li>• Application states “It is not practical to locate the project STP outside of and downgradient of the Central Pine Barrens.”</li> <li>• Requires satisfaction of SCDHS requirements including but not limited to SCDHS “Notice of Incomplete Application – Sewage Treatment Plant (STP)” dated December 20, 2019, ref #C09-19-0017.</li> </ul>	
<b>Guideline 5.3.3.1.3 Nitrate-nitrogen goal</b> A more protective goal of 2.5 ppm may be achieved for new Projects through an average residential density of one unit per two acres through clustering or through other mechanisms to protect surface water quality for projects in the vicinity of ponds and wetlands.”	<ul style="list-style-type: none"> <li>• Application states Project will achieve less than 1 mg/l and as low as 0.26 mg/l, and the nearest wetland is 1,500 feet east of the site.</li> <li>• Existing on-site nitrogen concentrations in groundwater of 29 mg/l. An irrigation/fertigation well will be constructed in areas of high concentrations to supplement fertilizer applications on site.</li> </ul>	
<b>Standard 5.3.3.2.1 Suffolk County Sanitary Code Articles 7 and 12 compliance</b>	<ul style="list-style-type: none"> <li>• Sanitary Code regulations apply to protection of water resources and wastewater management infrastructure and storage of hazardous/toxic materials.</li> <li>• The Project will use and store chemical compounds (fertilizers, pesticides, etc.) in the maintenance area for the golf course and other landscaped areas.</li> <li>• Applicant seeks Article 12 permit for the maintenance area.</li> <li>• SCDHS letter dated December 20, 2019 addresses Article 12 permit.</li> <li>• Requires satisfaction of requirements of SCDHS</li> </ul>	

<sup>1</sup> Yes, No or Conditionally.

Comprehensive Land Use Plan Standards and Guidelines	Review	Conforms (Y/N/C) <sup>1</sup>
<b>Standard 5.3.3.3.1 Significant discharges and public supply well locations</b> Location of nearby public supply wells shall be considered in applications involving significant discharges to groundwater.	<ul style="list-style-type: none"> <li>Existing public water supply well fields at Spinney Road and Malloy Drive. Project is in 25-year capture zone of Spinney and 50 year capture zone of Malloy.</li> <li>Four acres on Parlato will be dedicated to SCWA to build a new public water supply well field for future supply and storage. Applicant and SCWA are coordinating.</li> </ul>	
<b>Guideline 5.3.3.3.2 Private well protection</b> SCDHS guidelines for private wells should be used for wellhead protection.	<ul style="list-style-type: none"> <li>Two private irrigation wells are proposed at a rate of 51 million gallons per year.</li> <li>Requires other agency(ies) review and applications for well permits</li> <li>Requires satisfaction of NYSDEC including letter titled Request for Additional Information dated January 9, 2020.</li> </ul>	
<b>Standard 5.3.3.4.1 through 5.3.3.4.4 Wetlands</b>	<ul style="list-style-type: none"> <li>N/A - no freshwater wetland habitat present</li> </ul>	N/A
<b>Standard 5.3.3.5.1 Stormwater Runoff</b> Stormwater runoff originating from development on the property must be recharged on site unless surplus capacity exists in an off site drainage system.	<ul style="list-style-type: none"> <li>Application states stormwater runoff generated on site will be retained and managed through recharge to groundwater and containment in detention and pond areas in the drainage system.</li> <li>Requires satisfaction of requirements of Southampton Town and NYSDEC on the Stormwater Pollution Prevention Plan (SWPPP).</li> <li>Town Engineer comments dated January 22, 2020 titled "Phase II Storm Water Management Program Checklist for Storm Water Pollution Prevention Plan (SWPPP) Review."</li> </ul>	
<b>Guideline 5.3.3.5.2 Natural recharge and drainage</b> Natural recharge areas and/or drainage system designs that cause minimal disturbance of native vegetation should be employed where practical in lieu of recharge basins or ponds that would require removal of significant areas of native vegetation.	<ul style="list-style-type: none"> <li>Drainage will be captured in 63 separate drainage reserve areas and two ponds.</li> <li>Grading and drainage plan requires satisfaction of Town Engineer including comments dated January 22, 2020.</li> </ul>	

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<p><b>Guideline 5.3.3.5.3 Ponds</b> Ponds should only be created if they are to accommodate stormwater runoff, not solely for aesthetic purposes.</p>	<ul style="list-style-type: none"> <li>• The Project will develop two lined ponds 3.17 to 3.33 acres, 10 feet deep for stormwater functions and aesthetics. Runoff contribution in ponds will be supplemented by on site make up wells.</li> <li>• Additional surface water areas include development of 1.4 acres of wetlands and 1.22 acres of pools for total water surface 5.95 acres. (pg 2-6, June 3, 2020)</li> </ul>	
<p><b>Guideline 5.3.3.5.4 Natural topography in lieu of recharge basins</b> The use of natural swales and depressions should be permitted and encouraged instead of excavated recharge basins, whenever feasible.</p>	<ul style="list-style-type: none"> <li>• Application states no natural drainage depressions exist for this purpose and therefore the proposal is to develop 63 separate drainage reserve areas throughout the site.</li> <li>• Requires satisfaction of Town and NYSDEC on the SWPPP</li> </ul>	
<p><b>Guideline 5.3.3.5.5 Soil erosion and stormwater runoff</b> During construction, the standards and guidelines promulgated by the New York State Department of Environmental Conservation pursuant to state law, which was designed to prevent soil erosion and control stormwater runoff, should be adhered to.</p>	<ul style="list-style-type: none"> <li>• Requires Town and NYSDEC SWPPP review and approval.</li> </ul>	
<p><b>Standard 5.3.3.6.1 Vegetation Clearance Limits</b>  Site plans, surveys and subdivision maps shall delineate the existing naturally vegetated areas and calculate those portions of the site that are already cleared due to previous activities.  Areas of the site proposed to be cleared combined with previously cleared areas shall not exceed the percentages in Figure 5-1.  To the extent that a portion of a site includes Core property, and for the purpose of calculating the clearance limits, the site shall be construed to be the combined Core and CGA portions.</p>	<ul style="list-style-type: none"> <li>• The June 3, 2020 submission added 20.06 acres to the Project Site increasing the total area from 588.39 acres to 608.45 acres.</li> <li>• 576.95 acres is naturally vegetated, and 31.5 acres is cleared</li> <li>• Maximum clearing limit is 171.93 acres on 608.45 acres (28.26%).</li> <li>• The Project will clear/develop 171.84 acres (Oct. 6, 2020 Clearing Plan and Dec 2, 2020).</li> </ul>	

Comprehensive Land Use Plan Standards and Guidelines	Review	Conforms (Y/N/C) <sup>1</sup>
<p><b>Standard 5.3.3.6.2 Unfragmented open space</b> Subdivision and site design shall support preservation of natural vegetation in large unbroken blocks that allow contiguous open spaces to be established when adjacent parcels are developed. Subdivision and site designs should also be configured in such a way so as to prioritize the preservation of native pine barrens vegetation to the maximum extent practicable.</p>	<ul style="list-style-type: none"> <li>• The Project was revised to reduce open space fragmentation and minimize disturbance to steep slopes and create a greater block of unfragmented open space in the combined 400 acre Hills South/Kracke by shifting southward the locations of residential areas and the golf course.</li> <li>• Approximately 400 acres Hills South/Kracke will be owned and managed by a private HOA. The 45-acre Core portion of this area is at the northerly end, and it will remain in its present natural condition, contiguous with easterly adjacent open space.</li> <li>• The remaining area, an estimated 355 acres, will contain the cleared/developed area, 171 acres, and 185 acres of open space within and surrounding it.</li> <li>• The Plan contains approximately 185 to 195 acres of open space in the CGA in the Hills South/Kracke including an estimated 63.27 acres in buffers and corridors within and around the residential areas and the golf course. (Nov 18, 2020)</li> </ul>	
<p><b>Standard 5.3.3.6.3 Fertilizer-dependent vegetation limit</b></p>	<ul style="list-style-type: none"> <li>• 88.36 acres or a maximum of 15% fertilizer-dependent vegetation on the 608.45 acre project site.</li> </ul>	
<p><b>Standard 5.3.3.6.4 Native Plantings</b></p>	<ul style="list-style-type: none"> <li>• The FEIS Preliminary Plant list is extensive and contains hundreds of plants including native species to be planted in eight main areas in the Project identified as: golf area, clubhouse shrub and groundcover landscape, lawn, native vegetation, village landscape/streetscape, wetland/pond edge landscape, screening landscape at maintenance area and windrow.</li> </ul>	

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<p><b>Standard 5.3.3.7.1 Special species and ecological communities</b></p> <p>Where a significant negative impact upon a habitat essential to those species identified on the New York state maintained lists as rare, threatened, endangered or of special concern or upon natural communities classified by NY State Natural Heritage Program as G1, G2, G3 or S1, S2 or S3, or on any federally listed endangered or threatened species is proposed, appropriate mitigation measures as determined by the appropriate state, county or local government agency shall be taken to protect these species.</p>	<ul style="list-style-type: none"> <li>• Applicant will adhere to clearing windows imposed by NYSDEC to protect the Federal and State-listed Threatened Northern Long Eared Bat.</li> <li>• Rare plants on site may be relocated when and where feasible and species of special concern and species of greatest conservation need that may exist on or utilize the site may be impacted due to lack of protection requirements.</li> </ul>	
<p><b>Guideline 5.3.3.8.1 Clearing envelopes</b></p> <p>Clearing envelopes should be placed upon lots within a subdivision so as to maximize the placement of those envelopes on slopes less than 10%.</p>	<ul style="list-style-type: none"> <li>• The Master Plan has been revised to reduce disturbance on slopes &gt;10% grade from 17.31 acres to 6.72 acres</li> <li>• 6.72 acres of development on slopes &gt;10% grade represents 1.1% of the 608 acre site</li> </ul>	
<p><b>Guideline 5.3.3.8.2 Stabilization and erosion control</b></p> <p>Construction of homes, roadways and private driveways on slopes greater than 10% may be approved if technical review shows that sufficient care has been taken in the design of stabilization measures, erosion control practices and structures so as to mitigate negative environmental impacts.</p>	<ul style="list-style-type: none"> <li>• Requires satisfaction of requirements by the Town on the grading plan, erosion control plan and SWPPP and by NYSDEC on the SWPPP</li> <li>• Project revised to avoid soil exports and mining permits. Prior plans involved mining and removal of approximately 400,000 cubic yards of soil material.</li> </ul>	
<p><b>Guideline 5.3.3.8.3 Slope analysis</b></p>	<ul style="list-style-type: none"> <li>• The Slope Analysis identifies existing slopes on the project site including 0-10% grade, 10-15% grade and &gt;15% grade and areas of disturbance.</li> </ul>	
<p><b>Guideline 5.3.3.8.4 Erosion and sediment control plans</b></p> <p>Erosion and sediment control plans should be required in areas of 15% or greater slopes.</p>	<ul style="list-style-type: none"> <li>• The Master Plan has been revised to reduce disturbance on slopes &gt;10% grade from 17.31 acres to 6.72 acres. This includes 6.23 acres on slopes &gt;15% grade.</li> <li>• Requires satisfaction of Town and NYSDEC on the SWPPP</li> </ul>	

Comprehensive Land Use Plan Standards and Guidelines	Review	Conforms (Y/N/C) <sup>1</sup>
<b>Guideline 5.3.3.8.5 Placement of roadways</b>  Roads and driveways should be designed to minimize the traversing of slopes greater than 10% and to minimize cuts and fills.	<ul style="list-style-type: none"> <li>• The Master Plan has been revised to reduce disturbance on slopes &gt;10% grade from 17.31 acres to 6.72 acres</li> <li>• 6.72 acres of development on slopes &gt;10% grade represents 1.1% of the 608 acre site.</li> <li>• Development of 0.4 acres (17,424 square feet) of roadways on slopes greater than 10% grade.</li> <li>• The Revised Plan avoids mining permits and significant soils exports that were proposed in earlier iterations.</li> </ul>	
<b>Guideline 5.3.3.8.6 Retaining walls and control structures</b>  Retaining walls and erosion control structures should be provided for road and driveways which traverse slopes greater than 10%.	<ul style="list-style-type: none"> <li>• The Project provides retaining walls</li> <li>• Application states there are two areas where roads or driveways traverse slopes &gt; 10% grade and retaining walls are not anticipated</li> <li>• Grade transitions are depicted on grading plans using slopes of 1:3 or less</li> </ul>	
<b>Standard 5.3.3.9.1 Receiving entity for open space dedications</b>  Applications must specify the entity to which dedicated open space will be transferred.	<ul style="list-style-type: none"> <li>• 207 acres offered for dedication to the Town including the Hills North and Parlato. The remaining area will be privately controlled by the Homeowner's Association.</li> <li>• Approximately 185 to 195 acres of open space in the Hills South/Kracke will be held in a private HOA and protected in conservation easements. (Nov. 18, 2020)</li> </ul>	
<b>Guideline 5.3.3.9.2 Clustering</b>  Municipalities are strongly urged to maximize the use of the clustering technique where its usage would enhance adjacent open space or provide contiguous open space connections with adjacent open space parcels.	<ul style="list-style-type: none"> <li>• The Project clusters and dedicates land in Hills North and Parlato (207 acres), which are contiguous to other open spaces areas.</li> <li>• Hills South Core portion (45 acres) and the northernmost area of Hill South is contiguous to existing open space to the east.</li> <li>• Open space in the Hills South/Kracke includes disconnected areas including buffers, corridors and strips within and around the development</li> </ul>	

Comprehensive Land Use Plan Standards and Guidelines	Review	Conforms (Y/N/C) <sup>1</sup>
<b>Guideline 5.3.3.9.3 Protection of dedicated open space</b> Proposed open space should be protected with covenants, conservation easements or dedications that specify proper restrictions on its use and contingencies for its future management.	<ul style="list-style-type: none"> <li>• 207 acres offered for dedication to the Town</li> <li>• Approximately 185 to 195 acres of open space will be held in a private HOA and protected by conservation easements</li> </ul>	
<b>Guideline 5.3.3.10.1 Best Management Practices</b>	<ul style="list-style-type: none"> <li>• N/A - No agricultural use</li> </ul>	N/A
<b>Guideline 5.3.3.11.1 Cultural resource consideration</b> Development proposals should account for, review and provide protection measures for established recreational trails and trail corridors...active recreation sites, scenic corridors, roads, vistas and viewpoints location in Critical Resource Areas,... sites of historical significance...sensitive archaeological areas identified by the New York State Historic Preservation Office or the New York State Museum...	<ul style="list-style-type: none"> <li>• The Project provides buffers on the east side of the Project site in proximity to existing recreational trails, with the narrowest buffer 32 feet wide.</li> <li>• January 30, 2018 State Historic Preservation Office letter states, “It is the New York State Office of Parks, Recreation and Historic Preservation’s opinion that your project will have no impact on archaeological and/or historic resources listed in or eligible for the New York State and National Registers of Historic Places.”</li> </ul>	
<b>Guideline 5.3.3.11.2 Inclusion of cultural resources in applications</b> Development proposals should note established recreation and educational trails and trail corridors; active recreation sites; scenic corridors, roads, vistas and viewpoints... A development proposal may be disapproved or altered if the local municipality determines that the development proposal, in its current form, may have a significant negative impact on any of the above resources.	<ul style="list-style-type: none"> <li>• FEIS identified established recreation trails in proximity to the easterly boundary of the Hills South</li> <li>• Figure titled “Updated PDD Landscape Concept Plan” dated June 28, 2017 and in the Preliminary application received on May 17, 2019.</li> </ul>	
<b>Guideline 5.3.3.11.3 Protection of scenic and recreational resources</b> Protection measures for scenic and recreational resources should include, but not be limited to, retention of visually shielding natural buffers, replacement of degraded or removed natural visual buffers using native species, use of signs which are in keeping in both style and scale with the community character and similar measures.	<ul style="list-style-type: none"> <li>• A portion of the Project will be partially visible from recreational resources and existing roads due to reduced natural vegetation and natural visual buffers where presently no development exists.</li> </ul>	



Comprehensive Land Use Plan Standards and Guidelines	Review	Conforms (Y/N/C) <sup>1</sup>
<p><b>Guideline 5.3.3.11.4 Roadside design and management</b></p> <p>Undisturbed portions of the roadside should be maintained in a manner that protects the scenic features of these areas. Clearing (including that for aisles, driveways, access and parking is not precluded within these roadside areas, provided that appropriate buffers are maintained, and that manmade structures meet standards consistent with the character of the area.</p>	<ul style="list-style-type: none"> <li>• A portion of the Project will be partially visible from Lewis Road including in the vicinity of the Kracke property and where the main access road from Lewis Road will be constructed.</li> <li>• The Application states any and all man-made structure will have architectural styles consistent with the character of the area.</li> </ul>	
<p><b>Standard 5.3.3.12.1 Commercial and industrial compliance with Suffolk County Sanitary Code</b></p> <p>All commercial and industrial development applications shall comply with the provisions of the Suffolk County Sanitary Code as applied by the SCDHS...</p>	N/A - Not Applicable	N/A

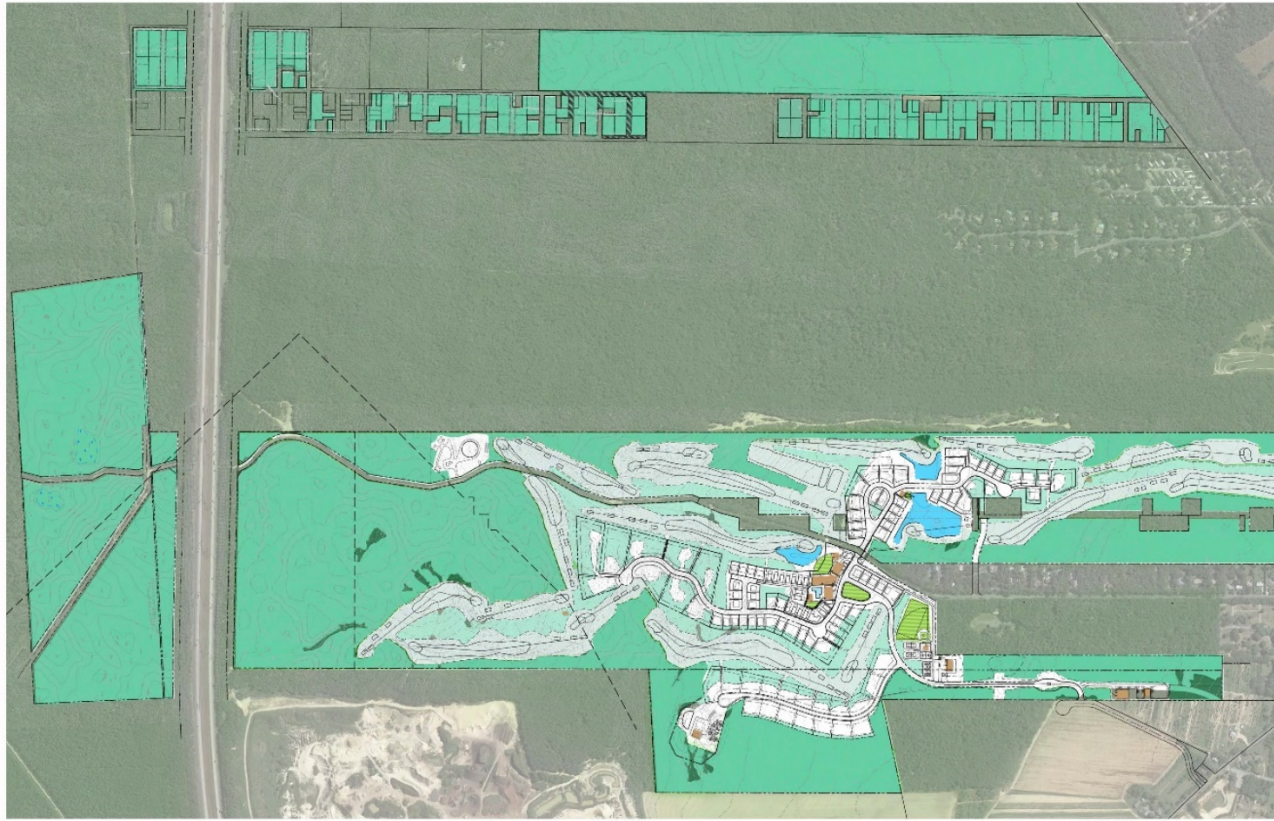
**Notes:**

Approximate areas of the Project Site from which yield and clearing are derived and their future status

<b>Property</b>	<b>Area</b>	<b>Future status</b>
<b>Hills North</b>	<b>86.92 acres (Core)</b>	will be protected/dedicated
<b>Hills South</b>	<b>339.87 acres (CGA and Core)</b>	
Hills South CGA	298.48 acres	will be developed and Homeowner's Association (HOA) protected areas
Hills South Core	45.3 acres	will be protected in HOA
<b>Kracke</b>	<b>61.26 acres (CGA)</b>	will be developed
<b>Parlato</b>	<b>120.40 (CGA and Core)</b>	will be protected
Parlato CGA	109 acres	
Parlato Core	10.92 acres	
<b>Total Project Site Area</b>	<b>608.45 acres</b>	

Color plans attached for reference include:

- Master Plan dated December 23, 2019
- Master Plan with Grading dated November 17, 2020
- Clearing Plan dated October 6, 2020
- Updated PDD Landscape Concept Plan Dated June 28, 2017



LEWIS ROAD PRD AT EAST QUOGUE

TOWN OF SOUTHAMPTON, NEW YORK

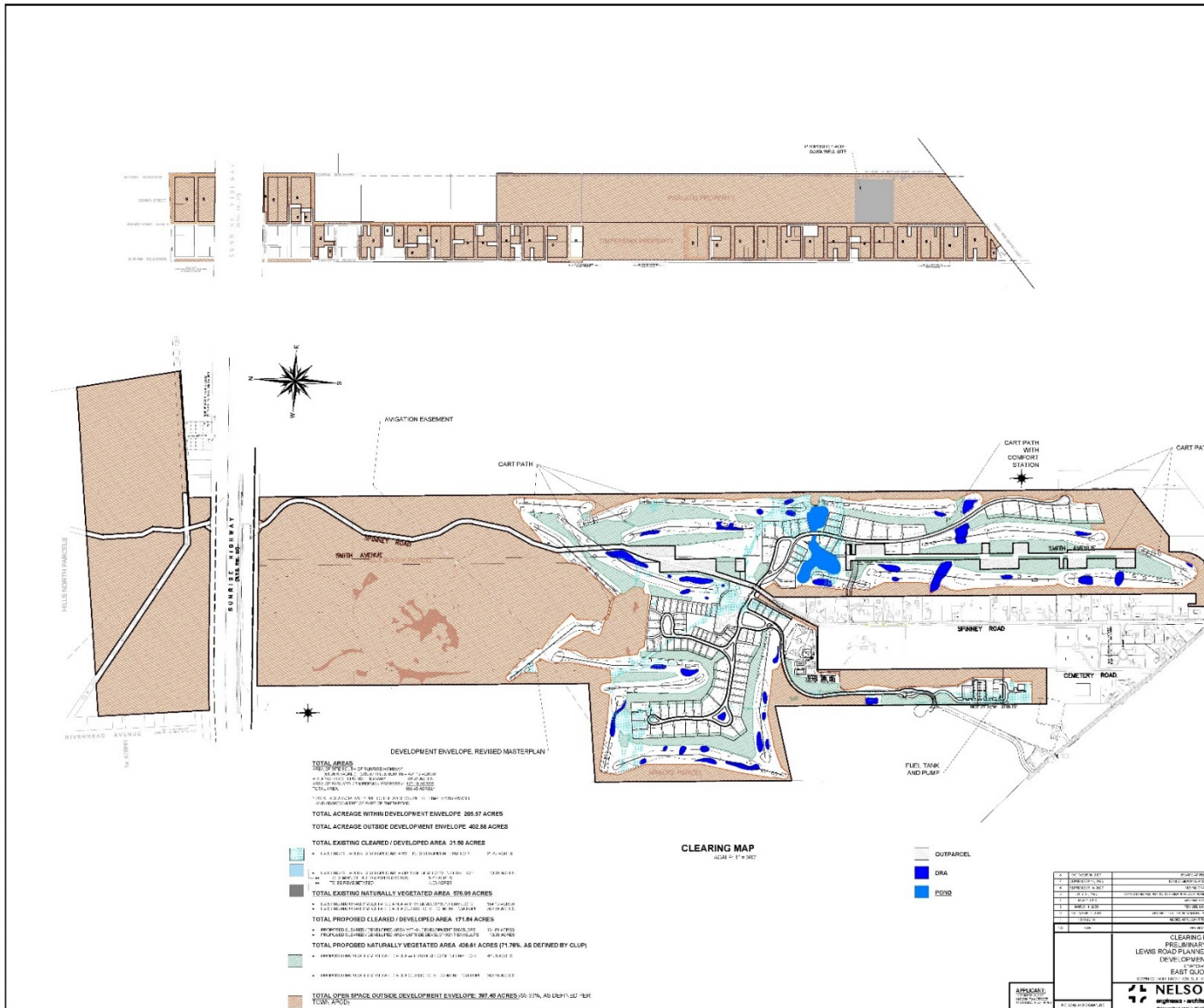


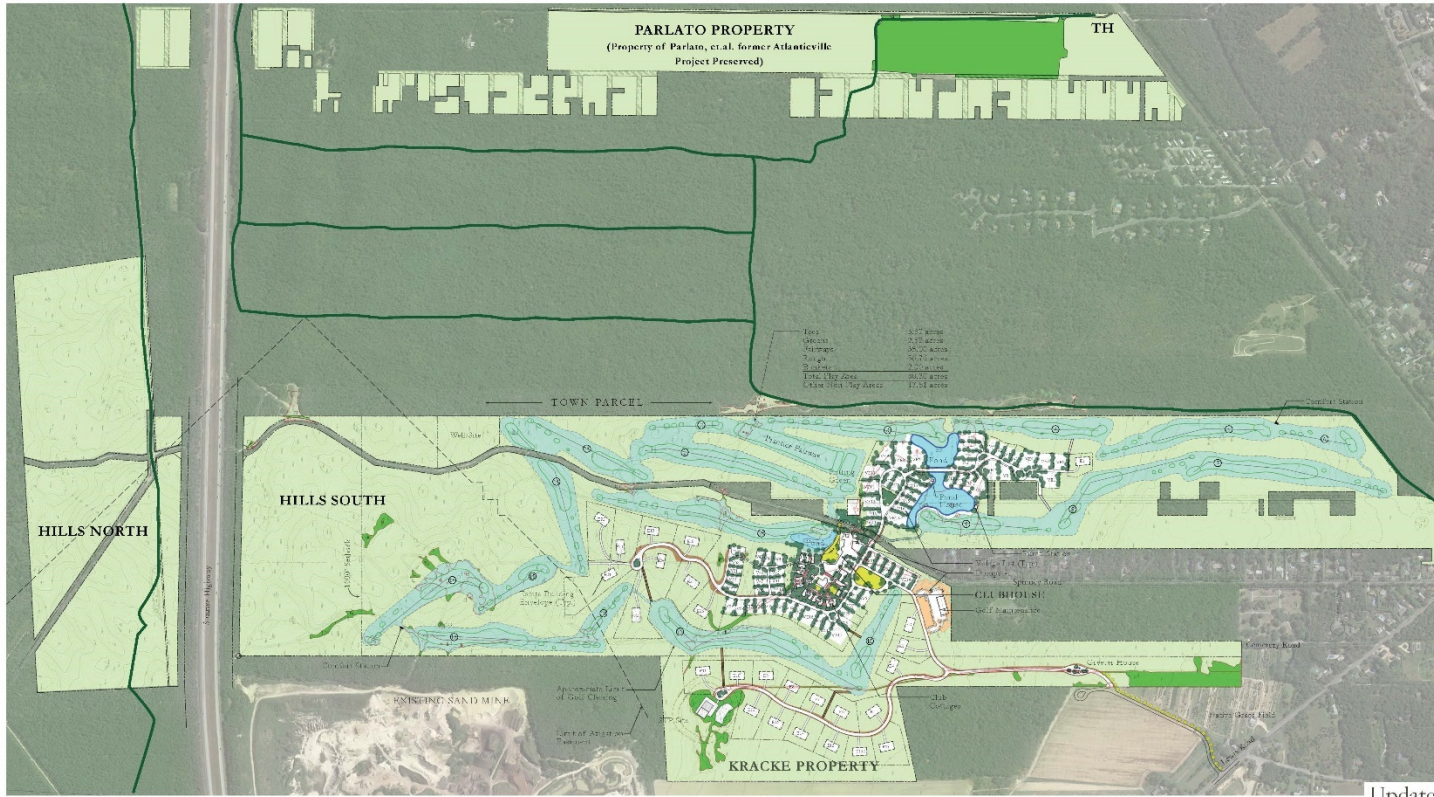


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TOWN OF SOUTHAMPTON, NEW YORK









# THE HILLS AT SOUTHAMPTON

EAST QUOGUE, NEW YORK



Updated

