

In the Matter Of:

LEWIS ROAD PLANNED RESIDENTIAL DEVELOPMENT

ASSERTION of JURISDICTION APPLICATION

TOWN OF RIVERHEAD PUBLIC HEARING
February 19, 2020



CENTRAL PINE BARRENS

PLANNING & POLICY

COMMISSION

RIVERHEAD TOWN HALL

200 HOWELL AVENUE

RIVERHEAD, NEW YORK 11901

February 19, 2020

2:30 p.m.

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2	APPEARANCES:
3	CARRIE MEEK GALLAGHER, Chairwoman
4	DANIEL P. MCCORMICK, Representative
5	EDWARD P. ROMAINE, Member, Supervisor
6	JAY H. SCHNEIDERMAN, Member, Supervisor
7	EMILY PINES, Representative
8	YVETTE AGUIOR, Member, Supervisor
9	JOHN PAVACIC, Executive Director
10	JOHN MILAZZO, ESQ., Legal Counsel
11	
12	ALSO PRESENT:
13	
14	JULIE HARGRAVE, Principal Environmental
15	Planner
16	CHARLES VOORHIS, ESQ., Nelson, Pope and
17	Voorhis
18	ASSEMBLYMAN STEVE C. ENGLEBRIGHT
19	WAYNE BRUYN
20	RICHARD AMPER
21	BILL TYMANN
22	MITCHELL PALLY
23	KATIE MUETHER BROWN
24	MARISSA BRIDGE
25	PAUL DIETCHE

JANE FUSSULLO(phonetic)

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(Whereupon, this portion of the proceedings began at 2:30 p.m., after which the following transpired.)

CHAIRWOMAN GALLAGHER: afternoon.

So we are here for a public hearing pursuant to New York State Conservation Law. The notice is hereby given that the Central Pine Barrens Joint Planning Policy Commission will hold a public hearing, February 19th, 2020, on the following application, the Lewis Road Plan Residential Development assertion of jurisdiction application.

The applicant is DLV Quoque, LLC. The applicant's representative is here today, Charles Voorhis of Nelson, Pope and Voorhis. And the location, it is a 588.39 acre project in the Unincorporated Hamlet of East Quogue in the Town of Southampton, and is east of Lewis Road, north and south of Sunrise Highway, west of

Malloy Drive.

The project is in the Compatible Growth Area and Core Preservation Area of the Central Pine Barrens and contains a portion of Critical Resource Area.

For this afternoon's public hearing, we're going to hear first from staff to Central Pine Barrens Commission, we are then going to hear from the applicant and then take public comments.

I would ask that everyone try to remain civil. There will be no back and forth, and we are going to limit

-- I know there are several members of the public here who had requested a little bit of extra time to comment, so in those hopes I'd look to give ten minutes for their public comments.

And then if there are other people who wish to speak -- if you're agreeing with what's already been said, if you could let that be known, we need to

get through. There's a Town Board meeting this evening, so we can't actually stay here all night. All though I know some of you may be ready to did that, but we'll try to move through. And we are, of course, accepting comments. If you prefer to submit written comments, the Commission staff can accept your

And with that we will get started.

written comments.

MS. HARGRAVE: Thank you. Good afternoon.

Speaking of written comments, I have received two letters from people who weren't available to speak, so I guess if people have written comments they either don't want to speak, or if they want to submit their comments in writing, I'll take them. And, obviously, scan them and send them to all of you.

So just going to take a few

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minutes to go over the materials that you have received, and then like you said, the applicant can speak and then the public.

This is really a large project. It's the largest project ever viewed by the Commission, so -- and it has a lot of history -- and it's just going to take a few minutes, but I'm still going to try to be brief.

So over the existing conditions of the site, the proposed project, the environmental review process, again, briefly and the Commission's involvement and review of the project is in accordance with the standards and guidelines of the Central Pine Barrens conference plan.

As far as the existing conditions -- I have a small map here -- but it shows as it exists today. It's 588 acres, approximately over 178 parcels. The site, again, in East Quogue and Hamlet of East Quogue

and the Town of Southampton. It's
east of Lewis Road, north and south of
Sunrise Highway and north of the Long
Island Railroad train tracks.

Approximately 548 acres, or 93

percent of the site is naturally

vegetated with approximately 527 acres

described as exceptional Pitch Pine

Oak forest. Less than ten percent, or

approximately 20 to 40 acres are

considered cleared or bare soil due to

past ATV activities.

Preservation Area and 448 acres are
Compatible Growth Area. And out of
the portion in the Compatible Growth
Area, approximately 62 acres are in an
area called the Critical Resource
Area, and that was identified in the
Conference Of Land Use Plan in 1995.
It's the Henrys Hollow Critical
Resource Area and the special feature
is identified as the Buck Moth habitat
north of the 100 foot contour.

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And the application describes the site in four main sections, each of which contain multiple parcels. This part of the east separated from the larger piece is the Parlato property. The central portion in the south parcel is The Hills north of the Sunrise Highway property. The Parlato property is on the west side of the project. And again The Hills North is separated from the site by Sunrise Highway approximately 88 acres. And the Parlato property is approximately 101 acres. The Kracke property is approximately 61 acres and that's in the Compatible Growth Area. And south -- the bulk of this property, it's in 340 acres. And with 42 acres north, 1,000 feet south of the highway is about 42 acres and that is in the Core Preservation Area. And the 300 acres approximately Compatible Growth Area.

So the project is shown on this map, and you can see that it is a

development of 118 seasonal family
residences, described as for second,
third and forth homeowners. There's
12 workforce year round housing units,
there is potentially an additional 17
seasonal units based on the Town Of
Southampton Planning Boards
preliminary approval. And those were
described as density incentive units.
That's the potential total number of
147 residences.

There as an 18 hole private golf course for the residents, approximately 66,000 square foot clubhouse, a sewage treatment plant, at least two lined ponds for irrigation and aesthetics, recreational facilities including swimming pools, ball fields for soccer, lacrosse, golf, baseball, tennis courts, basketball courts, pickleball, putting course and a practice fairway. There is maintenance buildings and facilities

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2 restrooms on the golf course, underground parking, roads, utilities 3 and other infrastructure and a 4 5 gatehouse and emergency vehicle access 6 and parking. Approximately 43 drainage reserve areas covering approximately seven acres for water runoff. Dedication of land for a new 9 ball field.

> Approximately 167 acres of the site will be developed with the project and approximately 427 acres of the site will remain natural. Out of that natural area, 188 acres will be dedicated to the Town of Southampton and that is in The Hills North and the Parlato area. And the remaining 240 acres will be within the developed area in The Hills house and Kracke.

> Briefly review the environmental review process, development proposals on the project site occurred as far back as 2009 and potentially further -- actually, there were subdivisions

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proposed on this on at least a portion of this property back in between '04 and '07. So back in 2009, a subdivision with 82 lots on 42 acres of the site was proposed to the Planning Board and the Commission received a Draft Scope for a environmental draft impact statement on The Hills at Southampton. And in 2013 a plan development district pre-application was submitted to the Town of Southampton Planning Board and about this time five years ago in February 2015, a zone change application was submitted to the Town Board for The Hills at Southampton mixed view plan development district. In the environmental review commenced that the Town Board with a distribution of the Draft Scope in April 2015 for the preparation of the Draft Environmental Impact Statement for the zone change.

On October 21st, 2015, the

Commission voted to assert review jurisdiction over The Hills at Southampton starting with the PDD with draft EIS was submitted to the Town Board in September 2016. And the Commission was an involved agency in the state environmental review process for the PDD. And final EIS was submitted by the applicant in September 2017, and in December of 2017 the Town Board adopted a Findings Statement, but the zone change action was not approved. It failed to obtain

the votes needed to be approved.

And Planning Board received an application -- a pre-application in January of 2018 and referred that application to the Commission. And in July 2019, a preliminary subdivision was received by the commission on June -- because in May 2019, the Commission -- in May and June the Commission reaffirmed to apply to The Hills as a precursor to the Lewis Road and to any

substantially similar project -- on the project site.

And October 24th, 2019, the
Planning Board adopted a Findings
Statement and approved with conditions
the preliminary subdivision
application. And on December 23rd,
the applicant submitted this
application to the Commission, that is
the subject of this hearing.

And the record referred to in the report includes all the SEQRA materials, the referrals, applications and the project related information received in and generated by the Commission office. And the Pine Barrens Act reviews -- I'm sorry -- permits the Commission to review jurisdiction over a project and the assertion process is outlined in the conference plan in chapter four. The Commission also reviews applications in -- that occur in Critical Resource Areas. The Commission's jurisdiction

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is limited to review conformance with standards and guidelines of the Central Pine Barrens Conference Land Use Plan.

So you have this Staff Report and the exhibits before you -- and I won't go line by line through them -but some of the items that were raised as with additional questions or needed more information and need your review of course. They all need your review for the performance. The sewage treatment plant, the nitrogen analysis, the clearing standards whether it includes in all of the detailed clearing that's going to occur for the project. unfragmented open space standard, special species including in the State and federally listed as a threaten species Northern Long Eared Bat habitat on the site. Guidelines to protect steep slopes and the visibility of site and buffers to

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adjacent public lands and trails.

There are questions at the end of the Staff Report that need to be clarified or responded to by the applicant. And the SEQRA process is one of the questions in the list of items, and the Commission will issue a Findings Statement at the end of this process or is expected to. And there are other details that is addressed in the Staff Report including that an assessment of the additional 17 units, if they are proposed. And proposed to be developed at some time that they are evaluated now over the time in the SEQRA process. And other items included mining permits needed for the project and road -- paver roads and abandonment and steep slope analysis.

I think that's all I have. If you have any questions.

CHAIRWOMAN GALLAGHER: Do any members of the Commission have a question for Ms. Hargrave at this

1 2 time? 3 (Whereupon, there was no 4 response given by the Commission.) CHAIRWOMAN GALLAGHER: No. 5 we move on here from the applicant. 6 7 I just want to acknowledge 8 Assemblyman Englebright has joined us. 9 Thank you. 10 And Assemblyman, please let me 11 know at any time -- you given your time constraints -- the plan was we 12 hear from the staff, then we go to the 13 14 applicant, then we go to the public 15 comment hearing. MR. ROMAINE: I also just want 16 17 to mention, I believe we all received 18 correspondence on this matter from 19 Assemblyman Thiele and it was a point 20 by point explanation of his view on 21 this subject. 22 CHAIRWOMAN GALLAGHER: Okay. 23 Who's starting? Just please let us 24 know who you are. 25 MR. BRUYN: Good afternoon,

Commissioners. My name is Wayne Bruyn
from the firm of O'Shea, Marcincuk and
Bruyn in Southampton, New York.

I represent DLV Quogue and its subsidiaries who are the applicant before the Commission today.

I want to advise what the purpose of the hearing is today and what we plan to do. I need to make a couple points on the statements, and then I'm going to turn it over to Chick Voorhis of Nelson Pope and Voorhis, our design engineers and environmental planning consultants, who have also prepared the application that's before you.

I also want to point out, with us today are three of the principals, Edward Divita, Hunter Meldman and Mark Hissey of DLV Quogue.

We also have several members of our team, consultants as well, if there is questions that arise.

The purpose of the hearing is to

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hear public comments. We received today for the first time the Staff Report, as Julie had indicated. There is several questions that have arisen as to what is in part and parcel of the application. And on the outset, I would ask that this Commission allow us to have the opportunity to respond in writing, if you so choose, to close the hearing today. We have that opportunity to respond in writing and provide some response to not only your Staff Report, but any and all public comments that arise. I will remind the Board if necessary at the end of the hearing that it's our request.

I want to point out that the Commission has been involved, I've been involved with the development of this property not only as a past town planner, involved in the adoption of the towns aquifer protection overlay district, but also as a former town attorney with the adoption of the Pine

Barrens Act -- I mean not the Act, the Plan. And actually was involved in the recommendations in the legislation that were entailed in the Town of Southampton as parcel to that.

But I've been involved in this project which is a subdivision of the property since early 2004, as Julie mentioned. The application was submitted to the Town Planning Board at that time and was subject to a moratorium, which then resulted in the adoption of the East Quogue Land Use Plan by the Town of Southampton. This Commission participated in that process -- the hearing and the SEQRA process and had it recommendations with respect to that plan.

You will hear from Chick how
this plan is consistent with
Comprehensive Planning. That's one of
my points. Not only the Town's
Comprehensive Plan, but the
Commission's Comprehensive Land Use

plan as well.

I also want to point out that to date there's been strict compliance with the SEQRA process. The Town

Board early in the process has required by SEQRA to identify all the agencies involved, and the Town Board had certain jurisdiction plan -- the plan development district jurisdiction. And that jurisdiction resulted in a coordinated review with this Commission. They relinquished lead agency to the Town Board, as well did the Planning Board and other agencies.

The Town Board as required adopted a positive declaration. They scoped, coordinated their scoping review with this Commission, as well as other agencies. A Draft Environmental Impact Statement was prepared, hearings were held and it resulted in the adoption of a final Environmental Impact Statement. Which

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as Julie indicated is part of the parcel that's part of the record before you, and is the record that we're all -- all the agencies are to rely on. Thereafter, the Town Board in their acceptance with a 5-0 vote accepted that the final EIS. thereafter adopted their own Findings Statement with respect to the Plan Development District. And I just want to point out the Plan Development District -- the action before the Town is a subdivision of land. And the action in front of the Town Board was a Plan Development District which would allow a certain use that is a private golf course where its membership would be open to eligible members of the general public and with its other facilities. For example, catering facilities and the like that could be open to the general public which was proposed in the Plan Development District.

After preparation of the final EIS the Town Board adopted their own Findings Statement, a positive Findings Statement. They thereafter took a vote and the vote was 3-2 in favor adoption of a resolution to approve. However, the local PDD law required four votes. So the vote doesn't pass, there is no denial of the Plan Development District, but there's no approval.

The applicant thereafter and part and parcel of not only the East Quogue GIS, where all the alternatives listed and studied by this Commission as well as the Planning Board and the Town, but also the alternatives that were in the Draft DIS and final DIS. The applicant was left with no alternative to proceed with the golf course with the membership open to the public at large. They were required to submit their As Of Right application -- the Plan Residential

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2 Development to the Planning Board.

And with continuing the accessory golf

4 course with this membership limited

only to the lot owners. And that's

6 the distinction between the PDD and

7 | the application -- the subdivision

8 application, which is always required

9 to be approved. The whole application

for development is a subdivision. And

11 the Planning Board is the only agency

12 | who had jurisdiction of the

13 subdivision. The Town Board's sole

14 | jurisdiction was not approval of the

15 entire project. It was only on that

16 | limited aspect that would allow that

17 project to have that component.

18 So that being said, I want to

19 turn this over to Chick Voorhis who

20 can take you through the project and

21 hopefully be able to show you.

MR. MILAZZO: We just need to

23 swear him in.

24 CHARLES VOORHIS,

on behalf of the Applicant herein,

having first been duly sworn by the Notary Public, testified as follows:

MR. VOORHIS: Good afternoon members of the Commission, staff, town representatives and the public.

My name is Chick Voorhis of the firm Nelson, Pope and Voorhis.

As Wayne said I've been the environmental planning consultant on this project, and actually since also 2004 and 2005 with involvement in this property.

I think you know my background,
I don't need to go into that. I do
have a brief presentation that I think
will help, just in terms of providing
some graphics and keeping focus on key
issues and I will look to skip over
things quickly where they have already
been covered.

So moving forward, we've gotten the background on the project. I do want to indicate that we did provide a letter to the Commission after the

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resolution that was adopted to set this hearing. And we clarified that our project does not involve an additional 17 density incentive units, that the total project is the 118 units that are proposed as part of the Lewis Road PRD, and the 12 workforce units that were required on site by the Town of Southampton. So that's been stated in a letter to the Commission. We will indicate that further. The Town Planning Board subdivision approval does not include those units on the plan. They are not shown on the map, and there is no intent to exercise that option if indeed that option is awarded to the applicant. It is not part of the project. So I just want to make that clear.

This is the site -- it's a little tough to see with the lighting -- but many of us know the area. For orientation this is the

east coast property. The primary part of the property is The Hills South, that's where the development is concentrated. But it's generally said that over 100 acres was acquired for the purpose of transferring density to this property and that's the Parlato property to the east. That is in the Critical Resource Area, part of it is in the Core, and that is not intended to be developed. And then there's between 80 and 90 acres north of Sunrise Highway, that is also not intended to be used in anyway. And

So as was indicated, it's 588 acres. The existing zoning is CR200. I'll just indicate briefly that previous to the East Quogue Land Use Plan, the property was split zoned between CR-80, CR-120 and CR-200. Those were rezoned in 2008. And I do have a couple of images that show that the property in many areas -- you can

those would be offered to dedication.

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see the central portions of the property have extensive clearing -they've been subject to use by altering vehicles, there's dumping on the property and unauthorized

activity, essentially.

We also do note the agricultural field to the west of the property.

Those are important in understanding some of the groundwater influences in the area, and I'll cover that briefly today.

These are the images that shows that large cleared area in the east central portion of the site, the image on the upper right shows the dumping areas on the site. And as I indicated, the historic farm fields have resulted in nitrogen concentrations as high as 29 milligrams per liter that we have tested on the property itself. This is kind of a scatter plot map that Dr. Gobler had presented on a number

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of occasions that shows the Lewis Road PRD property right in here. And of course the blue is a very low concentrations of nitrogen, the red is very high, and the yellow and orange would be in between.

So you do have hot spots and areas of a plume that is essentially traveling south east through this portion of the Pine Barrens to a groundwater to surface water discharge in Weesuck Creek and western Shinnecock Bay. It's a little tough to see, but many that have come familiar with the property and some of the adverse effects of the southern pine beetle will know that areas throughout this site and throughout this region have been impacted by southern pine beetle. So the habitat is essentially changing. It's a naturally occurring situation.

Wayne mentioned some of the Town Planning. And just for background,

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2 the town's western GEIS was one of the 3 5 6 7 9 10 11

early documents. It came out just after the Pine Barrens Act was adopted in 1993. And it essentially was incorporated into the Comprehensive Land Use Plan for part of the Town Of Southampton component. The blue is shaded area is the Lewis Road property. And this specifically says proposed resort development zone, which was contemplated at that time. That was later reenforced in the East Quogue Land Use Plan that I said was adopted in 2008. Lewis Road PRD is area seven, which is in the center here. It specifically discussed private golf accessory uses and residential.

And a very important aspect is that the Pine Barrens Commission was a part of that review process, they were an involved agency, they provided comments. And ultimately this plan was adopted by the Town of Southampton

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and is in effect the Comprehensive Plan for specific study area. So this reenforced the uses that were identified in the western GEIS. also resulted in reduction of density as I said before. The property became CR-200 throughout, which is one unit per five acres. And so the rezoning has occurred. The plan also considered open space throughout the area, and there have been a number of acquisitions. The plan even contemplated essentially transferring clearing to other properties including this. That is not what is being proposed in this case, but it was talked about in the plan.

So our design intent was to, of course, retain the Core Preservation

Area, which is the dark green. Retain the critical resource area, which is the Parlato property and the Henrys

Hollow CRA, and develop in a clustered fashion within The Hills South

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applicable are we must retain at least
72 percent natural and existing

property. This perimeters that are

5 natural vegetation. And the Town had

6 yet for protection overlay district

7 whereby 65 percent of the property had

8 to be retained outside the development

9 area. And that has all been achieved

10 by the approve preliminary map that

11 the Town Planning Board approved.

12 Those two areas were offered for

dedication and all the other areas

14 will be addressed through covenants

for conservation easements.

One very important thing, Julie
mentioned a number of parcels. There

18 are a 178 separate tax parcels. Many

of them are single and separate, many

of them are part of the Parlato

21 property, which as I said, was

acquired strictly for preservation.

23 think it's really important to note

24 that those properties, the Kracke

25 property could have been developed on

its own -- separately -- and wouldn't have to conform to the Pine Barrens

Act. And the Parlato property could have been developed under a zoning separately. This property seeks to consolidate and bring all of that together under one planned project that meets all of the goals throughout those areas.

We met with Town staff and officials. We actually went to the site with the Pine Barrens Commission staff a number of years ago -- I'm sure they recall -- and I know they were out there last week to tour the property again.

This map shows what was intuitive on the aerial, but the existing cleared areas that the Pine Barrens Act would favor for development in those areas in order to preserve existing natural open space. So it was a design challenge that those areas are distributed throughout

the property. Other perimeters were there are out parcels, which you'll see dotted throughout parts of the property. We need to provide access to those out parcels. So all of these things along with the perimeters for fertilizer-dependent vegetation limits and open space -- unfragmented open space planning and natural area planning all had to be factored in. So that is pretty much covered through this slide. There's also 15 percent fertilizer-dependent requirement.

So the project itself I think has been described adequately. This is just a pictorial of it, on the board that Julie has displayed here. And we've covered that in sufficient detail.

There's a couple of very
important aspects of the project.

This is a seasonal resort Discovery
Land company that does this type of
project. They have them throughout

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the country and in areas outside the country. They're not occupied full-time. They tend to be used on the order perhaps of 60 days a year by those members that own the rights to units. The overall site will be managed by Homeowners Association.

That would include all the maintenance, common areas, the sewage treatment plant. We do have an integrated Turf Health Management Plan that I'll talk briefly about. All of that is managed, as well as the gatehouse for security and access reasons and year round at least

be a presence on the site year around,

management of the site. So there will

but not necessarily the occupants of the units. And of course the 12

affordable housing units -- the

occupied year round.

workforce housing units will also be

There's a number of things that go towards the standards in guidelines

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and this slide goes into a little bit more detail. I don't need to cover this because I'll cover that we get into the standard. But suffice it to say, now we go north to the left on this image, these are the farm fields and groundwater flow is towards the south east. This is the area where we detected 29 milligrams per liter in the aquifer. And our intent is to intercept that water -- groundwater in the aquifer that has elevated nitrogen and recycle that and reuse that on the golf course such that the managed turf will uptake the nutrients that will decrease the amount of fertilization. And it will remove a significant quantity in terms of pounds, about 1500 pounds per year of nitrogen from the aquifer, and that nitrogen would otherwise travel south to Weesuck Creek and Shinnecock Bay. There's also an extensive -- you

There's also an extensive -- you don't have to pay attention to all the

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the Town of Southampton has a huge amount of experience in overseeing

dots -- but I'll just indicate that

golf courses for groundwater

protection. Golf At The Bridge and

Sebonack both report routine

monitoring, and this is a part of the

groundwater monitoring plan that was

devised to install light

submitters(phonetic) so that you

actually capture groundwater before

it's in the aquifer and detect any

concentration within the aquifer. And

there's a very detailed plan that is

part of the Town approval process.

There's also an integrated turf

health management plan that I

mentioned. And that just means that

we will apply the minimum amount of chemical usage in terms of nutrients

or other applications in order to

sustain healthy turf that will process

the nutrients as I indicated. It

would use metrological stations,

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weather information and so forth, and will be at least as advanced, if not more advanced, than the existing monitoring that takes place within the town. So our application has been identified. This further indicates that the 17 density units are now proposed.

And that brings us to the standards and guidelines. I'm not going to through all 32 of them, but there are 32 individual standard and guidelines that apply. I will be submitting this presentation which I think will be helpful. But I will focus on those that we know are at least under more scrutiny and those that Julie had mentioned that we were anticipating based on staff's coordination with the Town of Southampton of the subdivision stage.

So this is the list of all the standards and guidelines. Again, I will focus first on sewage treatment

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plant. I hate to use the term no-brainer, but in this case this is a no-brainer. We do not need a sewage treatment plan to meet our Article 6 requirements. And essentially can -can just build one unit per five acre and be done. But in this case, there is a standard that was created in between '93 and '95 that talks about sewage treatment plant discharges should not occur within the Pine Barrens unless deemed -- it's where deemed practical -- should not discharge in the Pine Barrens. purpose of this solely voluntary to reduce nitrogen load. We know at lot more now then was known in the mid '90s. The Long Island Nitrogen Action Plan was formed in 2015, so that's 20 years since Article 57.

And nitrogen load is the primary concern. The Pine Barrens Act and the Comprehensive Land Use plan talks about concentration. That is

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important. But the actual nitrogen load is what's getting into our water bodies and we read about it all the time. Just in terms of diminishment of shellfish resources and algae blooms, impacts to sea grass and so forth.

So we are proposing voluntarily to install a treatment plan that will remove 80 percent of the nitrogen from the residential development. There are no practical locations to locate this discharge and I kind of look at it -- we didn't anticipate innovative alternatives on-site waste water treatment systems back in 1995. The County is now approving them. They are a treatment plant -- and albeit small for a single-family residence -- but we would encourage those to be established in the Pine Barrens.

So again, much more is known now. I have one more slide on this that I can demonstrate. Number one --

and you don't have to read all these graphs -- but it's basically coming to the conclusion that the treatment plan is removing over 1500 pounds of nitrogen that would otherwise be discharged in terms of nitrogen load. That is an enormous amount of nitrogen that many will tell you that follow this type of information, and so it's voluntary.

I also did a calculation without
the sewage treatment plant, and we
made a nitrogen of concentration of
.75 as you know the guideline is it
2.5 as it applies in areas of ponds
and surface waters. So even without
the treatment plant we are well under
that standard. I would purge that the
plant be approved in this case for the
purpose of groundwater protection. It
is a very important factor.

I mentioned quickly that the nitrogen goal, that really only applies in areas of in the vicinity of

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ponds and wetlands. And so it doesn't appear to apply here, but this project conforms fully.

First of all, there are no wetlands within 1500 feet of the south east part of the property. We've consistently demonstrated less than one milligram per liter of concentration. We used the same model that was used for Artist Lake and The Meadows at Yaphank, but we updated it for line out. As you know the Suffolk County Department of Health and many bodies have been looking to advance the nutrient modeling -nitrogen budget modeling. And so we updated it with the assumptions that are coming out of line out. Models, they can't be static, they need to adapt to new information.

I talked about concentration versus load, but I have an image that will show that this project is net-negative in terms of nitrogen.

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And again, it's a very important component of this project. We did model everything that is proposed as part of the project.

This is fairly readable. This is 1.84 milligrams per liter. .26 milligrams per liter. The current project as was analyzed for the Planning Board's review shows a concentration of .6 -- I'm sorry --.26 milligrams per liter. And that's kind of intuitive because one unit per five acres is a very low density. Article 6 was designed for like one unite per acre, to not exceed a 10 milligram per liter limit. So we're down in this range. But even the maximum density alternative was at 1.84 milligrams per liter. So there's no way to come to any other conclusion than we meet the 2.5, and it appears as though that the 2.5 doesn't even apply because we are not near surface water.

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This is a very important image. This shows the nitrogen load. This is not part of your standard or guideline, and it speaks to it and the advancements that we've made in science. And what we have is the proposed project will have net-negative nitrogen load of minus 637 pounds per year. That's once factoring in all the sources of nitrogen including atmospheric deposition and taking out the elevated nitrogen from groundwater and recycling it onto the golf course and then applying known uptake rates and a leaching factor to determine what that overall nutrient budget is.

So these, again, are all of the alternatives. Some of the As Of Right alternatives were over 4,000 close to 5.000 pounds of nitrogen per year. And all of the ones that involved the fertigation/irrigation system were less than -- or net-negative.

So that's all been part of the record. And the calculations are very, very solid and have been peered reviewed extensively. There was a discussion -- and I'll just get to the rest of these very quickly.

There's a standard that has to do special species and ecological communities. Julie mentioned that.

Obviously, there's no development in the Core Preservation Area or the Critical Resource Area, which was the primary area for the buck moth habitat. And 72 plus percent of the site will remain natural.

All of this was addressed in the EIS. There were a couple of mitigation measures that came out of that. But no impacts to rare species were identified.

There was an on-site assessment of buck moth habitat and higher elevations of this property, and the Scrub Oak was found in insufficient

numbers and poor condition and did sot support the population through those studies. We will observe any DEC clearing windows with respect to the Northern Long Eared Bat, and we'll look to transplant species on the property, in addition to the extensive open space areas that will be retained.

There is a SWPPP pending with the town. These standards -- this standard and these guidelines speak to storm water, natural recharge area, ponds and natural topography. The SWPPP has been reviewed, as we are in the process of finalizing a response to the initial SWPPP review. And that includes all of the drainage areas that Julie mentioned.

But I look at that as a positive. We were not able to locate individual closed contour areas where you can direct storm water to a natural area. So we essentially

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established drainage reserve areas throughout the property. And it distributes all of the drainage in a very natural way rather than dumping it all in one single recharge basin, it essentially distributes it and disburses it throughout the property. So that's a very good technique just in terms of replicating natural conditions. Any storms that are on the site will be used for multiple purposes. That includes blending of water that I talked about for the irrigation system, as well as storm water management in some of the ponds, and essentially our assessment has been complied, and all of that is in our submission.

Vegetation clearance limits, we did have the benefit of planning staff
-- I'm sorry -- Pine Barrens staff's input letter to the Town Planning
Board. So they had requested that we itemize each parcel; what's cleared

what's not cleared, what's proposed.

That was done. That's included in attachment G.

At this time, we provided
everything that staff had requested up
until today with respect to
demonstrating that we meet the
clearance limits. So I will clarify
that it includes all grading and
disturbance on the property.
Everything from roads, from recharge,
recreation areas, home sites and every
aspect of grading. That's all been
factored into the clearing.

So we have found we do comply.

We'll certainly endeavor to provide

whatever information is needed to

demonstrate that to this body and to

staff.

Unfragmented open space is the big one. This is certainly what I will call a fairly subjective standard in terms of how to interpret it. We do believe that we align with off-site

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parcels, which is the intent. This italics here is the exact language of this standard from the Comprehensive Land Use Plan. So we provided large unblocked -- broken blocks of open space. We do note that because of the spread out nature of existing clearing to utilize those areas and have them -- I'll just say count against you -because you have to retain existing natural vegetation. That presented a design challenge, but that is why we have alignment of certain golf holes that utilize those areas.

And essentially, with do cluster all of the development within The Hills South and Kracke property, leaving major expanse of areas of open space. It is consistent with the East Quogue Land Use Plan in terms of strategically protecting open space through the area, and aligning that with other off-site areas. And we recognize that the golf course is not

included in that determination of open space, it's not part of it.

So we believe we comply. This is an image -- it's a little tough to read -- but we have the 87 acres to the north, 100 acres to the south, 101 acres to the east, 62 acres to the south and another 30 acres to the west; all of which align with off-site open spaces and allow us to meet the unfragmented open space standard.

Fertilizer-dependent vegetation

I'm not going to spend much time on

this because I see that the staff has

found that we do comply. We did

provide the calculations and there is

a limit that we are consistent with.

This is getting very close, it's actually just the second of the last.

These are all guidelines that apply.

I'll call them mostly related to slopes. But I think it's very important and I did reiterate the exact language from, again, the

Comprehensive Land Use Plan. So it talks about clearing envelopes and that we should maximize the placement of these envelopes on slopes less than ten percent. It doesn't say you can't do it, it says just maximize. We've done that. We have very detailed grading layouts for each of the areas where a home site is going, as well as the clustered nature into those areas

of existing clearing.

The next one is home

construction, roadways, et cetera on

slopes greater than ten percent may be
approved if it's technical review show

that it's sufficient care is taken in

the design stabilization. That's

really why you don't disturb steep

slope areas. You worry about erosion,

and you are also worried about

potential excessive clearing. We

factored in all the clearing, we've

done detailed grading plans. The site

will be stabilized, and we have

provided the information for that technical review and that resulted in the preliminary approval by the Town Planning Board.

So we believe we are consistent with that. And again, I think it's really important to understand the exact language.

Erosion and sediment control

plans should be required in areas of

greater than 15 percent slopes. We

have provided erosion and sediment

control plans to the Town Planning

Board, we are happy to provide as many

sheets as Pine Barrens staff would

like to review, but that has been

done. And that, essentially, allows

us to conform with that guideline.

And then finally, roads and driveways should be designed to minimize traversing of slopes greater than ten percent and minimize cuts and fills. Again, it just indicates to minimize, we have done that. We have

looked to conform to topography, use those existing cleared areas.

And I will say for the benefit of the record, that the original plan did contemplate removal of soil from the site. The plan as it stands now is going to be revised to balance the site, so that there will be no net exportation of the material from site.

We've been in touch with DEC and with some of your staff and as recently this morning in an e-mail from Mine Lands. It was indicated that of all the materials stays on site no DEC mining permit is needed. I have that in an e-mail from this morning. And that goes for ponds as well. The overall balance site does not require any DEC mining permit.

So that's our full application.

It was made on December 23rd, I can't take you through all of that, but we have a thick book and much of that has been incorporated into the Staff

ALL STAR REPORTERS 1-800-329-9222

Report that you received today.

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This is the first time we have seen that Staff Report, so we would like to be able to go through that and address any questions. But a lot review has already been done. Town Planning Staff, they hired a consultant. And the Town Planning Board themselves found consistency with the standards and guidelines. And provided that as part of their SEQRA process, the Planning Board findings. So a good deal of information is available and we have incorporated that into the application. We believe that we are consistent with the CLUP, we are also consistent with the Town's East Quogue Land Use Plan. And as you know projects that do conform should be approved, we look to demonstrate and provide whatever information is needed to get to that point. And of course we would look to be able to respond to

1 2 any of the comments received in public 3 or in writing up to today and beyond. That concludes my remarks. I 4 5 hope it was close to the time, and I 6 appreciate it very much. 7 CHAIRWOMAN GALLAGHER: Chick, 8 just hangout. We are going to have 9 some questions. 10 CHICK: Yes. 11 CHAIRWOMAN GALLAGHER: 12 Romaine, do you have any questions? MR. ROMAINE: I do. But what I 13 would rather do because there's so 14 many people standing, let's hear from 15 16 the public first. CHAIRWOMAN GALLAGHER: Okay. 17 18 MR. MCCORMICK: I have questions 19 as well, but I defer to the wisdom of 20 Mr. Romaine. 21 MR. ROMAINE: They all have been 22 waiting a long time. 23 CHAIRWOMAN GALLAGHER: Okay. Assemblyman Englebright, would you 24 25 like to start off before the public

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2	comments?
3	ASSEMBLYMAN ENGLEBRIGHT: Yes, I
4	would.
5	Good afternoon.
6	CHAIRWOMAN GALLAGHER: Good
7	afternoon.
8	ASSEMBLYMAN ENGLEBRIGHT: Good
9	afternoon, distinguished members of
10	the Pine Barrens Commission.
11	My name is Steven C.
12	Englebright.
13	And I have lived in Setauket,
14	Brookhaven Town, Long Island where I
15	have the privilege of representing the
16	people of the 4th Assembly District.
17	I'm a geologist by training and
18	was for 46 years the curator of
19	Geology for the Department of
20	Geoscience at the State University of
21	Stony Brook, where I taught various
22	courses, including my specialty Long
23	Island geology.
24	Before joining the New York
25	State Assembly, I also was for eight

years the principal geological advisor
to the New York State Legislative
Commission of Water Resource Needs for
Long Island, where I help author a
number of research white papers that
formed part of the legislative premise
that ultimately led to the creation of
this Commission and the very important
Pine Barrens Peconic Reserve Act and
its amendment; Article 55, the Pine
Barrens Preserve Act.

As an original prime cosponsor of the Long Island Pine Barrens

Protection Act and current Chairman of the Environmental Conservation

Committee of the New York State

Assembly, I appear before you today regarding the above caption

Subdivision Proposal. That is The Hills/Lewis Road, PRD project.

This is the second time that I have communicated to this Commission regarding this approximately 588 acre development plan, which underscores

the significance of the matter now before you.

Specifically, when my colleague and fellow Environmental Conservation Committee member, Assemblyman Fred W. Thiele of the 1st Assembly District and I wrote to you last March of last year regarding the Lewis Road Plan Residential Development, we urged quote, that the Commission review this proposal and insure the stated policy of New York State to protect the Pine Barrens is not violated, end quote.

I wanted today to acknowledge that your staff response both to our request and the underlying review and the requirements of the Pine Barrens Protection Act is objective and thorough.

It is, however, your vote on
this matter that will establish
permanent policy and precedent for the
Pine Barrens Peconic region. And my
purpose for being here today is to ask

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you and to act in accord with the lawful stated purpose of the Pine Barrens Protection Act by voting no.

There are many reasons why a negative vote on this application is the only appropriate expression of public policy for the magnificent oldest forest in New York State. The Pine Barrens is simultaneously the natural catchment for Long Island's spectacular Peconic estuary and other nearby bays. And the last large pure drinking water source area for the densely populated coastal plain geological province of New York State. As your staff analysis documents, there are redundant flaws and shortcomings in the proposal before you.

In some, it is so poorly planned that it is unworthy of approval. Your decision, however, should not be made solely on these numerous flaws and

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2 omissions in the SEQRA process or in 3 local planning norms. The Pine Barrens is not a normal or ordinary 5 area. And your rejection of this overdevelopment proposal should also reflect the importance of maintaining the ecological and water chemistry integrity of the Pine Barrens region. The fate of which New York Legislature has repeatedly acted upon to protect and preserve because it is a public

trust of great importance.

Please remember that the Pine Barrens Preservation Act was in large part passed by the State's Legislature in 1987 in order to quench the hardship of overdevelopment across the face of eastern Long Island's last uncompromised segments of the Ronkonkoma terrain in Hempstead outwash plain, our region's last large pure drinking water source area.

This proposed project is exactly the kind of excess that some 33 years

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intent.

ago, my legislative colleagues and I
expressly purposed what was their new
law, such that ordinary suburban
sprawl would be ended here and never
again occur in the future. And I
wanted to be here today to express and
underscore that original legislative

One of the north star references guiding the legislature when the Pine Barrens Preservation Act was approved was a landmark regional groundwater study carried out by the Long Island Regional Planning Board, and funded under Section 208 of the Federal Clean Drinking Water Act, known as the Long Island Comprehensive Waste Treatment Management Plan authored by Lee Koppelman in 1978. This study of subsurface groundwater data identified as the Hydrogeological Region Three, the area that we in the legislature subsequently recognized that the surface of the land as the

Pine Barrens.

For the Zone 3 area of the 208 study, the recommendation included strict limitations on allowing any major new pollution sources, such as any new golf courses. In the more than one-third of the century, when the Pine Barrens Preservation Act was signed into law, this guiding premise has not been violated. And to the best of my knowledge, no new golf courses has been approved within the Pine Barrens watershed.

Your vote today should not stray from this fundamental expectation of the law that we passed. Our regional Pine Barrens watershed is a public drinking water watershed and should continue to be treated as such. And the proposed new golf course of the instant application is a direct of front the quantitatively based studies that we clarified into the Pine Barrens Protection Act more than

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a quarter century ago.

3 If a proposal was put forth by a 4 developer to create a golf course on the edge of -- for example, the New Croton Reservoir or the Rondout Reservoir or the Great Ashokan Reservoir of the City Of New York, the city would inevitably act to halt such an unwise proposal because the pesticides, the herbicides, the fertilizers laden with nitrates and phosphate that the company and golf course would inevitably contaminate drinking water destined for maintaining the public health of the citizens of New York City. The idea of allowing a golf course within the watershed of any of the city's reservoirs would be immediately stopped because it would be a direct threat to public health via the inevitably compromised purity of drinking water.

Why then should we on

Long Island allow a massive
subdivision and pollution generating
golf course atop, not next to, but
atop our reservoir, part of the deep
flow recharge area of our largest

designated watershed.

Within this context, please note that the resident's time -- that's how long pollutants stay in the environment once they enter into it -- please note that the resident's time of pollution from any golf course and associated large scale human living activities development adjacent to it that might enter into the surface water reservoir -- such as those that New York City depends upon -- would be measured at most in just a few years, it would purge itself.

By contrast, the resident's time of the same kind of contamination in any part of our Pine Barrens groundwater watershed would be much, much longer. Pollution from the

proposed golf course and its excessive
residential development would likely
exceed any human lifespan.

From a policy perspective then,
the proposal before you would in
practical terms permanently compromise
the large groundwater flow segment of
the Pine Barrens, and set an adverse
precedent for all of the other
portions of the Pine Barrens.

If you were to say yes to this proposal, how can you stand behind the lawful purposes and function of the Pine Barrens Preservation Act in the future for any other such proposal, which like this one, straddles

Compatible Growth Area and the Core.

In short, a new golf course is
not compatible with any part of either
the 208 studies federally funded
hydrogeological Zone 3, or New York
State's designated Pine Barrens
region, and should not be approved.
Ideally, the large acreage of

and made public. And Assemblyman

Thiele's successful efforts to create
a preservation fund as provided a

mechanism for providing a substantial
portion of such necessary funds, and
as a tool that should be used to

protect this part of the Pine Barrens.

Governor Andrew Cuomo's current proposal now before us in Albany for a \$3,000,000,000 environmental buy back would may be approved by referring them later this year, is another potential source of public funding for such possible acquisition.

Similarly, funds are also available from the New York State
Water infrastructure Investment Act, which currently is funded in 3.5 billion dollars. And we are currently considering the proposal to add \$500,000,000 more to this in our current state budget deliberations.

What I am communicating to you

is that saying no does not compromise this Commission because of inadequate funding sources to backup your decision. To backup your decision against species that still are likely accusations that would likely will follow from the developer that a taking has occurred.

Just the shortcomings of the SEQRA portion of this application is enough to require a no vote on your part. But the bigger picture, is that the Pine Barrens is recognized in state law as deserving special protection and particular shelter from ordinary development because it's both an ecological and cultural treasure and in an especially vulnerable and fragile drinking water source area that is necessary to the ultimate protection of public health.

I am disappointed that the Southampton Town Planning Board has acted a variance to SEQRA, and in many

other ways, has allowed this unwise proposal to advance.

However, when the legislature created the Pine Barrens Commission, it was our intent that the entity that you are a firewall against parochialism and does a failsafe mechanism for objective rational science based decision making in the Pine Barrens.

Please uphold the legacy,
tradition and lawful policy based
public expectation of the Pine Barrens
Protection Act, and protect the Pine
Barrens by rejecting the application
before you.

Thank you for your consideration.

If you have questions, I will be available.

CHAIRWOMAN GALLAGHER: Thank you, sir.

So moving on, I know there are several members of the public here

today that seem to represent a larger coalition or there's a larger group of folks that have been involved.

I don't know if any of them want to start. I was going to try to have some of those position statements maybe made earlier that will be longer statements and then, again, an effort to allow everyone to have some time to speak to try to shorten the public comment time period. And if you just agree with what's been stated before, please feel free to say I agree with the previous statement and I have written comments to submit for the record.

So do we have people signed up? MR. MILAZZO: No, we don't.

CHAIRWOMAN GALLAGHER: Mr.

Amper, I see you standing. Remember to state your name and affiliation for the record.

(Undecipherable cross-talk.)

CHAIRWOMAN GALLAGHER: I just do

1 2 want to make sure that if we have --3 if people thought they were signing up 4 to speak that we have that. 5 MR. MILAZZO: We could go down 6 the list. 7 CHAIRWOMAN GALLAGHER: Okay. 8 MR. MILAZZO: So the first person is Bill Tymann. 9 10 CHAIRWOMAN GALLAGHER: Okay. 11 (Undecipherable cross-talk.) 12 MR. ROMAINE: Why don't we let 13 Mr. Amper finish and then go to the 14 list. (Undecipherable cross-talk.) 15 16 CHAIRWOMAN GALLAGHER: You're a frequent public speaker at these 17 18 meetings. 19 MR. AMPER: Okay. Thank you 20 very much for convening this meeting 21 and for looking at this project. 22 very important. 23 We are not to call out. We have instructions about that in the very 24 25 beginning. But I'd like to see -- I

am very, very proud of the community and how they have stood up against the project that they disapprove -- I just wondering by a show of hands how many people do not like this project?

Thank you very much.

CHAIRWOMAN GALLAGHER: Does that conclude your remarks?

MR. AMPER: As an author of the Pine Barrens Protection Act and I very much appreciate the Assemblyman's leadership, he was instrumental in getting that law passed. And you can tell from his comments, this means a very much to him and to the members of the State legislature.

As author of that Pine Barrens

Act myself and a contributor to the

Comprehensive Land Use Plan, I know

when I see a proposed project that is

inconsistent with the purposes of the

Pine Barrens protection.

The Long Island Pine Barrens boast the greatest diversity of plants

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and animals anywhere in New York State and the ecosystem since atop the purest water anywhere on Long Island.

The Lewis Road Plan Residential
Development and its predecessor, The
Hills at Southampton, are the biggest
and baddest developed proposals ever
presented to the Pine Barrens
Commission.

Long Island voters have put up with more than a billion dollars to preserve the Island's premiere ecosystem. The Lewis Road Project lies in the state designated special groundwater protection area and a county designated critical environmental area. The Pine Barrens Act is a natural filter for nitrogen and other contaminates.

A nearly identical project was not approved by the Southampton Town Board and our Pine Barrens Society and the group from the east end had gone to court to challenge the legality of

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the Town Planning Board's effort to railroad this project through.

construction of an 18 hole
championship golf course as you've

7 heard, and a 130 home housing project.

The proposal calls for

8 This is in addition to many other

9 facilities including a baseball field,

a practice fairway, a fitness center,

a pool, a basketball court, four

12 | pickleball courts and a common area

13 | law.

14 There is a well documented water

15 quality crisis in the Town of

16 | Southampton and across Long Island.

17 But Southampton is particularly

18 vulnerable. Drinking water and

19 surface waters have been contaminated

in almost every hamlet in the Town of

21 Southampton and the local government

22 should be ashamed of it.

23 Toxic chemicals such as PFOs and

24 PFOAs have been detected in the

drinking water supplies of Speonk,

Westhampton, East Quogue, Hampton
Bays, Bridgehampton and the
surrounding areas. Harmful algae
blooms and depleted oxygen plagued the
surface waters in this area. These
water issues were a public health
threat and have also resulted in beach
closures, fish and turtle kills and
flooding which undermine our marina.

Any new development is expected to increase nitrogen in the area threatening the already impaired water bodies of Weesuck creek and western Shinnecock Bay.

In fact, the recently released
Draft in Suffolk County water's shed
wastewater plan ranks the coastal
areas around East Quogue as priority
one for nitrogen removal and
specifically lists Weesuck Creek as a
priority one water body.

The group for the east end will represent a list of violations in the state and environmental law including

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2 but not limited to the State and 3 Environmental Quality Review Act. will leave that to them. The Long 5 Island Pine Barrens Society has been 6 working deciduously for more then 40 7 years to protect the Long Island 8 Pine Barrens to win approval by the central Pine Barrens Joint Planning 9 10 and Policy Commission. The Lewis Road 11 Project must meet all of the 12 provisions of the Pine Barrens Act and

We treat the Pine Barrens

Commission and staff to meet this

solemn responsibility.

all of the requirements in the

Comprehensive Land Use Plan.

Thank you very much.

CHAIRWOMAN GALLAGHER: All

20 right.

So we'll start going in order.

There are 40 people who signed up. So again, just in the spirit of trying to allow everyone to speak, if you just agree with something that already has

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2	been said you just need to say that.
3	First, on the list is
4	Bill Tymann.
5	I'll probably butcher a lot of
6	your names, especially trying to read
7	the handwriting.
8	MR. MILAZZO: Who's next after
9	him?
10	CHAIRWOMAN GALLAGHER: After him
11	is Mitchell Pally.
12	MR. TYMANN: Well, I am very
13	depressed right now. But I will
14	continue to speak briefly and in
15	English.
16	Good afternoon, members of the
17	Commission.
18	My name is Bill Tymann. I live
19	in Aquebogue and prior to that 35
20	years in Manorville.
21	Thanks for the opportunity to
22	express my opinion. I'll be very
23	brief and pretty blunt.
24	The project has been the victim
25	of politics at it's worse. The

opposition's guys as being about environmental protection has been utter nonsense.

4 utter nonser

Am I a popular guy yet?

opposed to it, too. What I am opposed to is settling for all ways of doing business. This project complies with all environmental standards and then some. When Discovery has been asked for one, they have given three. When the opponents have assumed one thing, it's been proven otherwise. When asked to demonstrate support for the community and public hearings -- unlike this evening -- they've done so outnumbering the opposition two to one.

None of it's mattered,
obviously. Because of politics and
promises. And I trust the stops here.
It's times like this that I'm reminded
of a quote that I often times use.
And, basically it says, stay away from

negative people, they have a problem
for every solution.

I have been seeing the problems listed time and time again. Surprised sometimes, but always against.

That quote by the way is Albert Einstein, whether it makes a difference to you folks or not.

Your esteemed Commission has a chance and important duty to look at science and fact. And thank goodness for that because this projects is all good science and hard fact.

I've said my peace, in English and briefly. Thank you very much.

CHAIRWOMAN GALLAGHER: Thank you. Mitch, and then we have Katie Brown.

MR. PALLY: Good afternoon, members of the Commission.

My name is Mitch Pally. I am a
Chief Executive Office of the Long
Island Builders Institute. I live not
too far from the Assemblyman in Stony

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Brook.

And I was also there in the early 1990s when the State Legislature passed the Pine Barrens Act. And that's why what I have to say now is so important in that regard.

Section 57-0103 of the Environmental Conservation Law of the State of New York says, it is further in the public interest to establish a Commission made up of the governor's appointee. The County Executive of Suffolk County and the supervisors of the Towns of Brookhaven, Riverhead and Southampton to prepare, oversee and participate in the implementation of Comprehensive Land Use Plan for the Central Pine Barrens area, to guide development there in a manner suitable to the needs of the preservation of the Core Preservation Area and development in the Compatible Growth Area, unquote.

Section 57-0105, declares that

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the legislature further finds that a portion of a system known as the Central Pine Barrens area, requires the preparation and implementation of a State's supported regional Comprehensive Land Use Plan that will provide for the preservation of the Core Preservation Area, protection of the Central Pine Barrens are and for the designation of the Compatible Growth Areas to accommodate appropriate patterns of development and regional growth with recognition of the rights of private landowners and the purpose of preservation of the Core Area.

The project being discussed today in this public hearing, the Lewis Road Planned Residential Development, is mainly in all of its development in the Compatible Growth Area as designated by the New York State Legislature, and not in the Core Preservation Area.

The Lewis Road property, which is in the Compatible Growth Area, could have been included within the Core Preservation Area when the original Central Pine Barrens map was created in 1993, but it was not included. It was put in the Compatible Growth Area. It could have been moved to the Core Preservation Area where the Pine Barrens statute was amended in 1995, in 1996, in 1998, in 2001, in 2003, in 2004, in 2005, in 2006, in 2012, in 2013, in 2014, in 2016 and in 2019.

But it was not moved from the

Compatible Growth Area to the Core

Preservation Area in 13 separate

legislative changes that moved

property from one to the other.

In each situation, the New York

State legislature could have moved the

property from the Compatible Growth

Area to the Core Preservation Area,

but it did not do so.

I repeat, in 13 separate chapter amendments, while other lands in the region were being added to the Core Preservation Area, the lands included for development in the proposed Lewis Road subdivision before this body today was not moved from Compatible Growth Area to the Core Preservation Area.

It would have been easy to do so at anytime over the past 27 years.

But it was never done. This clearly shows that the intent of the New York

State Legislature that these areas are to be developed because they are in the Compatible Growth Area.

Second, the land included within the Lewis Road subdivision and how it is developed is solely within the jurisdiction of the Town of Southampton and their governing bodies. The Town of Southampton can decide whether to build homes or build a golf course or to do both. The sole

jurisdiction of Central Pine Barrens

Commission in this situation is to

determine whether the development

proposal meets the objective standards

of the Pine Barrens Land Use Plan.

The objective standards, not the

subjective standards.

Under the authority granted to you under the Articles 57 in the environmental Conservation Law, once a determination is made that the proposed development in the Compatible Growth Area meets these objective standards, this body must provide for the project to move forward under the zoning in place by the Town of Southampton.

The analysis provided by the

Central Pine Barrens Commission is

part of the process for the

development of this property, but it

must follow the law of the State of

New York and the zoning authority of

the Town of Southampton.

It is the legislator intent in New York State as can be seen that this property is located within the Compatible Growth Area and not the Core Preservation Area, and as such can be developed in accordance with the objective standards of the Compatible Growth Area Land Use Plan.

Thank you very much.

CHAIRWOMAN GALLAGHER: Are you leaving us a copy?

(Handing document to the Board.)

All right. So we have Katie and then Marissa Bridge.

MS. BROWN: Good afternoon.

My name is Katie Muether Brown and I'm the Deputy Director of the Long Island Pine Barrens Society.

Thank you, Commissioners for this opportunity to speak today.

The Pine Barrens Society has several concerns about this project.

And they are outline in the document that we are submitting to the record

today.

However, the sake of time I'd like to focus today on the nitrogen impacts of this project.

There's a well documented water quality crisis across Long Island and in particular the Town of Southampton.

Drinking and surface waters are comprised in every single hamlet in the town. Toxic chemicals have been detected in drinking water supplies, nitrogen pollution from septic systems, cess pools and fertilizers have resulted in devastating harmful algae blooms.

Weesuck Creek and Western

Shinnecock Bay are severely impaired

water body and are ranked priority one

areas for nitrogen removal for Suffolk

County.

Science shows us that any new development in the area will result in an increase in nitrogen loading and will further degrade our ground and

surface waters.

As you know, the Comprehensive

Land Use Plan sets strict guidelines

for nitrogen loading in the Pine

Barrens. The applicant who is

proposing a 130 home development

project with manicured landscapes, a

professional golf course, a common

lawn, putting greens, a baseball field

and more stating that they will have a

net-negative nitrogen impact.

I'm sorry, not only is the idealistic, it's simply not true. If net negative nitrogen development on projects existed, Long Island wouldn't be in the water crisis that find ourselves in today.

There are several ways in which the developer has fudged the numbers in order to produce their new negative nitrogen load.

First, they are using modeling numbers that are lower than industry standards. As pointed out by

consultants hired by the Town of

Southampton and world renowned

scientist Dr. Chris Gobler, the

developer has been using nitrogen

leaching rates that are much lower and

fertilization rates that are much

higher than these used by

environmental development planners and

those adapted by LINAP. And LINAP is

the Long Island Nitrogen Action Plan.

LINAP uses nitrogen rates that have been collaboratively developed between the New York State Department of Environmental Conservation, Suffolk and Nassau County, Cornell University, USGS, USEPA and Stony Brook University.

In addition, both the Town's consultants and Dr. Chris Gobler both state that while fertigation or using nitrogen leading water to irrigate holds promise, it is a largely untested experimental practice and the results cannot be predicted.

Therefore, fertigation cannot be included in nitrogen calculations.

Next, the applicant has blurred the lines between previous Hills at Southampton Development Project and the new Lewis Road PRD. It's important to note that the developer touts their net-negative nitrogen impact from The Hills PDD environmental impact statement.

However, what they fail to
mention is that those numbers were
calculated including a whole sweep of
nitrogen mitigation measures. Those
include a sewage treatment plant at
the local school, a preservation of 33
acres in the head waters of
Weesuck Creek, the purchase and
retirement of 30 Pine Barrens credits,
a fertilizer cap of two pounds of
nitrogen per thousand square feet and
a \$1,000,000 fund to support community
wide septic upgrades. Those were all
put into The Hills application and

mitigate the massive nitrogen impacts that their project will have.

However, these mitigation efforts have been removed from the Lewis Road project. So let me say that I again. All of the nitrogen mitigation efforts that were in place to curtail nitrogen from this project are missing from this project that is before you today.

So you probably wondering what will be the nitrogen impacts of the project then?

Well, after you adjust their modeling numbers to industry standards, remove the experimental and untested fertigation from their calculations and remove the speed of nitrogen mitigation efforts, you are looking at about 4,800 pounds added nitrogen per year. A nitrogen loading that is far greater than once permissible by the Comprehensive Land Use Plan.

It is the Commissions duty to

demand that the developer provide new

accurate loading estimates, use

industry standard modeling numbers,

include a dispersion model, remove

untested fertigation from the

calculations and remove the mitigation

that have been set that are no longer

at play. So that you can accurately

determine whether or not this project

complies with the Land Use Plan.

Any increase of nitrogen to the area will have devastating impacts on groundwater, supply wells, and the already impaired Weesuck Creek and Shinnecock Bay.

Thank you for your time and consideration.

CHAIRWOMAN GALLAGHER: Marissa and then next is Paul Dietche.

Again, just for the record, state who you are and your affiliation.

MS. BRIDGE: Hi. My name is

Marissa Bridge.

I am a member of the East Quogue
Civic -- the East Quogue
Beautification.

And I own property on Weesuck Creek.

I can't find my notes that I wrote. Somehow -- I don't know what happened -- but -- Okay.

has been threatened development of this mega resort. This enormous project which was voted down by the Southampton Town Board will be built on pristine Pine Barrens below which sits on Long Island's single source water aquifer. The developer has spent time influencing elected officials and East Quogue residents to champion its cause. It has filed lawsuits when it doesn't get approvals and subpoenas residents who speak up at town meetings. It is a corporate bully, and that is the only reason

this application is still being considered.

Apparently big profits with few investors is more important than clean water for all the residents of Long Island. Our water quality is in jeopardy and will be for the seeable future unless our priorities as a community change.

I am proud to be part of the majority of East Quogue residents who oppose this inappropriate project. If it goes through the East Quogue we love will become the next suburban outpost in Suffolk County. No more will we enjoy the quiet life there. We will be a Discovery Land company town. Please help us save our water and East Quogue. Please say no to this application.

Thank you very for this opportunity.

CHAIRWOMAN GALLAGHER: Mr. Dietche, and after we have Tommy

Bennetter.

MR. DIETCHE: Hello to everyone.

My name is Paul Dietch.

I own a house in Quogue and I'm not an expert in anything.

Particularly the stock market, where I worked for 40 years.

But I think I can justify your time, and start off as saying I oppose the Lewis Road development.

I think there are two -- at least two major considerations in this development. One of them is pollution of water around us, which has been quite well discussed. And well, I think, presently by both sides.

The other one has to do with the climate problem. I listen to and read about and impressed by what I hear from scientists around the world.

You know we mine fossil fuels

for over 100 years and burn them on

top of the soil. You think about

that, it shouldn't be perhaps so

surprising that something bad or undesirable might happen to our atmosphere. And when it's seemingly defined as getting too much CO2 in the atmosphere.

I am concerned that -- to this almost overwhelming problem the world has been very slow to respond -- all though I think that is beginning to change, particularly with the tragic events around the world.

And I would have to say, the man in the white house very sadly is leaning in the other direction.

So from that it would certainly appear most appropriate that all of us as individuals do something about it.

And there are many things -- you know that I have heard that we can -- I believe one of them we are doing right here in this room, is as citizens, as individuals deciding on what projects should go through and what projected should not.

Affordable housing I believe is one that deserves a positive consideration around the country.

Luxury golf courses, luxury homes I would say does not.

There's no way I can believe that the developer can control the emission of CO2 into the atmosphere, which is -- I think I'm correct in saying -- a major problem in this climate consideration, where, of course, temperatures are rising and the sea levels are rising.

In the case of the project we are discussing, maintenance and transportation, just very living in the homes will create more CO2 and perhaps I can say unnecessarily it serves wealthy people. I think the wealthy people might be well to settle for one or two homes, instead of two or three. And maybe four or five golf courses instead of five or six.

It is my hope that the developer

1 2 of -- somebody can reach the developer 3 of this plan and somehow get him to do 4 something for humanity and accept 5 Southampton Town's offer to buy the 6 property for preservation. 7 And I would love to see the 8 planting of trees. 9 Thank you. CHAIRWOMAN GALLAGHER: So 10 11 Tommy Bennetter; is that correct? 12 Billy Kreitzek it's looks like. 13 MR. BENNETTER: Tom Bennetter. 14 Good afternoon. 15 I'm specifically asking you to 16 follow your own rules and do the right 17 things for the residents. The project 18 is in Compatible Growth Area of the Pine Barrens and is designated 19 20 precisely for the development that Discovery Land has been proposing. 21 22 Thank you very much. 23 CHAIRWOMAN GALLAGHER: Thank 24 you. 25 MR. KREITZEK: Hi, my name is

1 2 Billy Kreitzek. I've been a resident out here 3 for almost 40 years. 4 5 And I just want to say that I 6 know that the Discovery Land company 7 very well. I think they are going to do a great job. I firmly believe they 9 play by the rules. They have done nothing but everything that you're 10 11 supposed to do to get things approved 12 out here. 13 I just think we should vote yes and move ahead and move on with this. 14 15 And I appreciate your time and I look forward to getting this approved. 16 17 Thank you. 18 CHAIRWOMAN GALLAGHER: Kevin 19 McAllister. And after Kevin, we have 20 Joan Hughes. 21 MR. MCALLISTER: Good afternoon, 22 Commissioners. 23 Kevin McAllister of 24 Defending H2O. I think the Commission are 25

somewhat aware of my credentials.

Very briefly, my training has
been in biological sciences and
natural resources management for over
three decades. I've worked in various
roles, a great deal in permitting,
habitat restoration. As you know I
served as the Peconic Bay keeper for
16 years, so I certainly am very
familiar with water quality issues.

I guess I approach this from a pragmatic permitting perspective based on water quality regulations and standards. Again, I think I'm reasonably versed in environmental processes.

The site itself I am familiar with my own recreational activities over the course of the years, living nearby. I know the typography well, I know the extent of disturbance with respect to the site plan. And now I'm a bit conflating the two from The Hills to Lewis Road. This has been

four, five years -- if not longer -- in review. But ultimately the -- a couple of key components, the site itself -- let's be clear, Mr. Voorhis showed a very important graphic of the level of nitrogen pollution streaming through the site from the farm built, essentially, very high levels.

As I understand it, the Suffolk County Water Authority has to actually blend water for quotability, the 10 milligram per liter or lower. So we do have situation where, again, as a pass through with do have a pollution source, again, with the farms.

Secondarily with the sewage treatment, certainly early on there was not specificity to the level of treatment, I am pleased that the developers are proposing a sewage treatment plan on-site. I think we can do -- while it is a standard of 10 milligrams, we think we can do better. Absolutely, based on the technology --

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employment of drain fields -- so the nitrogen from waste water can be negligible. The turf grass is of course is a big issue in the golf course.

You know, I've come to terms with I guess with the implications of golf courses over the last ten years of just paying attention and reading the literature. I will say that the use of waste water on golf courses is a practice that's out there, so we certainly do know how to treat, fight or remediate nitrogen loading.

The model itself, the nitrogen loading model -- and certainly this is not my bailiwick -- but suffice it to say I know enough about it to say that the assigned values, the assumptions that have been applied to this project with a loading from various sources, that's the accepted science. That's how we review these projects.

And I would submit that

Mr. Voorhis in the application and I know it was brought up by an earlier speaker that some variation on leaching rates, I believe that has been adjusted, so the presumption of a net-negative that is possibility.

And I do know that the technology, the level of monitoring, the adaptation ultimately using enriched groundwater for irrigation on turf grasses, again, where there is systematically monitoring where there can be adjustments that -- again, this is negligible in me professional opinion.

The ultimate result of this project, I would like to see preservation. I'm not sure if that ship has sailed, perhaps not.

It's incumbent upon this

Commission, however, to do all they

can to ensure that the standards are

being met.

And with respect to process

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which I've been in and out over the last five years, if there are issues with process, you know, where we are cutting corners, I believe that is being called out and that will be decided.

I don't think the project as proposed as built is any death nail for Shinnecock Bay. I believe that, again, the nitrogen reduction with the controls and the practices, the monitoring, the adjustments can be managed and maintained.

Short of that, we are dealing with a lot of issues. We talked about this particular area in being pristine. I think one very important point -- and I've been bringing this up from the inception of these discussions -- with blending water, that nitrogen plume that is emanating from the farm bales.

If we are not ensuring that clean drinking water is protected and

1 2 in perpetuity by basically providing a 3 well point upgrading it from all of 4 the development. Short of that, it 5 should be a nonstarter for this project. And then you are ensuring, 6 7 regardless of the variability in these assumptions and the modeling that we 9 are protecting drinking water. 10 And I believe that the developer 11 -- I know in the earlier iteration 12 that was on a site plan, I haven't 13 seen it again. I did hear 14 Ms. Hargrave mention a designation of a well point. Again, that is an 15 16 absolute in my mind. 17 So do the right thing. Ensure, 18 again, the standards are being met. 19 Do your job. 20 Thank you. 21 CHAIRWOMAN GALLAGHER: Thank 22 Okay. Joan Hughes. After her, you. 23 Bill Kearns.

MS. HUGHES: My name is Joan

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Hughes.

I live in Greenport. But from 2006 until 2017, I lived in East Quogue and I was the chairman of the East Quogue Citizens Advisory Committee.

During that time we objected to two developments on this property.

This is the third attempt to develop it. Our reason for objecting was A, it's Pine Barrens; and B, it's in an aquifer overlay district.

You should realize that what we are really concerned with here is approximately 428 acres of
Pine Barrens that lies between Lewis
Road and a short distance north of
Sunrise Highway. Of that land, 1,000
feet on each side of Sunrise Highway
is in the Core Preservation Area. The remaining approximately 300 acres is
Pine Barrens. This does not include the Kracke property, which is agricultural land or the Parlato
property, which is Pine Barrens; and

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it is not adjacent to the land we are concerned with. That they promise to preserve that. The Discovery Land has promised to preserve it.

All though, there is a road on it and a cell tower operated by T-Mobile on the Parlato land. But on The Hills -- The Hills is Pine Barrens. And all though they would like you to think that it's so degraded it isn't worth preserving, or that they are going to improve it to the extent that it will be beautiful viable Pine Barrens.

What they will do is re-vegetate it because people who are going to live in those luxury homes are not going to want to live in the tick infested Pine Barrens. It will be beautiful when they get through with it, but it will no longer be Pine Barrens.

It's your obligation to protect the Pine Barrens. I hope you remember

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2	that when you review this.
3	CHAIRWOMAN GALLAGHER: Thank
4	you, Joan. Bill Kearns, then after
5	him Jeffrey Seeman.
6	MR. KEARNS: Good afternoon,
7	Commissioners, Madam Chair.
8	Supervisor, good luck with your
9	new position on Riverhead.
10	MS. AGUIAR: Thank you.
11	MR. KEARNS: I have a handout,
12	if I may.
13	I handed at the last meeting
14	I attended I submitted the same
15	handout, but it's no longer accurate.
16	I've had to update it.
17	CHAIRWOMAN GALLAGHER: And,
18	Bill, just for the record, your
19	affiliation?
20	MR. KEARNS: I live adjacent to
21	project to the property in East
22	Quogue.
23	I've been opposed to it since
24	its inception.
25	Last meeting I presented a map

of the Pine Barrens and the adjacent areas highlighting the toxic and polluted areas surrounding the Pine Barrens in East Quogue. But that map is no longer accurate. I've had to add to it three sites. Two toxic sites that further encroach upon that directly impact the Pine Barrens. Two were Superfund sites one in Calverton at Grumman and one in Westhampton; the former missile silo storage base, whatever.

I've also sited the total

destruction of the Peconic Bay scallop

population this past year due to

nitrogen. There are now 11 sites that

impact water, soil, the lives of the

inhabitants of the area. Three to

four of these Superfund sites are in

Southampton Town alone.

The question becomes what not only what we must do to ameliorate these situations, but in fact how much more must the people of our towns be

asked to endure.

Miles of water mains are being putting down in Southampton surrounding the Pine Barrens in order to make the water totable. In certain locations it is not, it is carcinogenic. Governmental agencies are arguing over its necessity and as to who will pay for it. And at the end of the day, it's the residents who must pay, according to the Suffolk County Comptroller. They must pay for bad zoning decisions that led to density and the pollution of our fresh and salt water.

This project was soundly

defeated in Southampton Town. Elected

officials debated and listened for

years relative to this project and

voted it down. This ridiculous

loophole that allows this thing to

move forward is being challenged in

court. This is not about property

rights. The developers knew they had

no right to do this plan when they purchased the property.

I believe this is about the preservation of natural forest that was deemed so important to the vitality and to the future of central and eastern Long Island, that a Commission was established to oversee and protect it. That Commission is you.

Never will you see a project of this magnitude before you. And for that reason alone, I believe you must deny it. Allowing it to proceed will open the floodgate of minor development. The developers using it as a baseline or a standard to have their project approved resulting in the devastation of this important ecosystem.

118 or 137 homes in the

Pine Barrens is out of line in my

view. Coupled with insecticide,

pesticide and nitrogen laden golf

course, it flies in the face of any conversation activist.

My position is today -- and always has been -- that the Pine Barrens must be preserved. I believe it is your mandate to see to this preservation. This project, it is a reason you, as a Commission, exists in my opinion.

Last summer, national public radio did a series on the Pine Barrens and this housing development before you. One of the managements said that the developers took tremendous risk in buying this property. Their need for approval or their right for approval was not a given. That was the truth, and their attempt failed. It was voted down by duly elected Town Board.

How can the this Board go
through three or four years of intense
public scrutiny -- how can this
project, I'm sorry, go through three
or four years of intense public

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scrutiny, be denied and be back on the table for review? It is the same project, potentially, with less environmental safe guards. How can this happen? It's absurd.

I respectfully ask that you put an end to this project. We have lost control of the environment as evidence by using environmental nightmares surrounding this project. It is not your fault, this all predates you.

However, you do have the ability and the mandate to protect the Pine Barrens from future destruction. And there is no better first step than to shut this thing down.

Thank you.

CHAIRWOMAN GALLAGHER: Jeffrey Seeman and after him William Matuska.

MR. SEEMAN: Good afternoon, Commissioners and staff.

My name is Jeffrey Seeman. I'm a Southampton resident.

I also prepared the Integrated

Turf Health Management Plan for DLV,

Quoque.

Today I'm going to speak briefly though on behalf of myself and my fellow golf course superintendents on the east end. I'm a certified golf course superintendent, and I'm also a certified environmental professional.

Back in 1990, when the Peconic estuary was concerned about nitrogen loads, they came to the golf course superintendents of eastern

Long Island. And we made a voluntary commitment with the USCPA to limit nitrogen applications at golf courses to maintain not more than two milligrams per liter discharged groundwater. The USCPA won a national reward for that commitment.

And golf courses on the east end today, exceed that limit of two -- and most are closer to one milligram -- per liter.

There has been a lot of

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fertigation works, including use of 3 4 nitrogen from groundwater which was 5

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discussion about whether or not done at the University of California is a proven technology.

Superintendents have been adding aqueous blends of nutrients to golf courses since the early 1980s. only way you can meet standards today to make applications of a tenth of a pound per thousand square feet of a nutrient or less, is really through an aqueous application. Typically, done either through a fertigation system which is a tank which supplements your irrigation system or through a turf spray. But the turf grass doesn't care where the nitrogen is coming from, and if we are withdrawing it from groundwater in this application and applying it to turf grass, it is probably the best way to -- if I were to remediate this problem.

Simply because the density of

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turf grass and its need for that

particular nutrient exceeds any other

type of vegetative cover one could

conceive for that particular

application.

So I just wanted to dispel some of the confusion about that application. And from my integrated turf health management plan, I also am a custodian -- graduate -- and I'm sorry my distinguished professor has left -- but from the 1992 Long Island Comprehensive Special Groundwater Protection Area Plan prepared by (undecipherable), it included a section to address golf courses as a land use within groundwater protection areas. That's in Appendix G. Specifically stating golf course management nitrates in groundwater, it was originally authored by Dr. Petrovich who is also the reviewer of Integrated Turf Health Plan on behalf of the Town of Southampton.

In the assessment compared with other land uses evaluated in New York State quote, the portion of golf courses having the highest potential for nitrate leaching represents an insignificant threat to the environment as a whole.

So with that, I have some other written comments which I'll pass on to the staff.

Thank you for your time.

CHAIRWOMAN GALLAGHER: So,
William Matuska, if I'm reading that
correctly, and then Marylin England is
up after him. Maybe he left. Okay.
Marylin England.

She left also. All right.

Larry Oxman. And then after him it

looks like Camden Ackerman.

MR. OXMAN: Good afternoon.

Larry Oxman.

I live in the Remsienberg area.

I have an office here in Riverhead.

I'm a commercial broker. I do a

lot of land sales. So that's my background. I don't have a scientific background.

I guess it just seems from reading the local papers, how much misinformation there is out here. And half truths are being told. It's -- it's Joan Hughes who was just here, was the head of the chair of the East Quogue CAC for many years. I attended those meetings while she was Chair for about three years. What she didn't tell you is that basically that when the new Board took over because the local citizens were outraged at what the CAC was saying or representing was the truth or their feelings.

She also said that the Parlato property, which is part of this, has an antenna on it. It does not. The antenna is on another piece of property and there are homes up in that area not part of the Parlato property.

Area.

Without repeating a lot of information that I agreed with,
Mr. Seeman, Mr. Pally and
Mr. McAllister. When they talked about this property, the area that they don't want to build, it's Pine Barrens. They don't say the opposition. It doesn't say it's the Compatible Growth Area. No, they call it Pine Barrens. They do make reference to the Core area. But they don't talk about the Compatible Growth

This afternoon I took a look at the Pine Barrens Act as to who were the players that were involved when it was enacted in 1993. And the list was pretty impressive as far as stakeholders. And I'm not sure that I have it, but it was a lot of environmental groups and people -- property owners, legislators. It was huge. The amount of people that participated in it.

When it was enacted, it
basically created Core, Compatible
Growth. No development in the Core
area have it shifted over to the
Compatible Growth. That's what the
development is supposed to take place.
This property actually is a perfect
analysis of what that Act is supposed
to do. The developer is staying out
of the Core area and they are
developing only in the Compatible

So your responsibility is to make sure that they follow the law.

They follow the rules. And I think once you find that they do, and sounds like they do, you'll have no choice but to approve the proposal, as long as it abides by your laws.

Thank you.

Growth Area.

CHAIRWOMAN GALLAGHER: Thank
you. Camden Ackerman and after him,
it looks like Silas Anthony.

MR. ACKERMAN: Good afternoon.

My name is Camden Ackerman.

I live in Westhampton Beach.

And I'm a member of the Southampton Business Alliance.

The executive director was unable to be here, but she asked me to share a letter on her behalf.

I'm writing on behalf of the
Board of Directors of the Southampton
Business Alliance, 100 plus local
business membership and their
thousands of local employees to voice
strong support for the Discovery Land
Project proposed in East Quogue.

The quality and caliber of the Discovery Land's project speaks for themselves, both locally and globally. Their management team has consistently evidenced the commitment to the betterment of our community at large.

The Southampton Business

Alliance feels this project will

provide a huge economic benefit to

East Quogue and to the Town of

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Southampton. This will create many local jobs, both during and after 3 construction. The new homeowners will 4 support local businesses for decades to come and the new open homes will generate sorely needed tax dollars to

and other local services.

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The project is located in the Compatible Growth Area, and the plan has already been approved by the Town of Southampton's Planning Board and the Zoning Board of Appeals.

support East Quogue School District

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Discovery Land's track record evidences that they consistently go above and beyond requirements for the environmental protection and preservation.

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They are proven good neighbors on the east end and fair beyond.

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We thank you in advance in joining us in support of this project. Sincerely, Cheryl Heather.

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CHAIRWOMAN GALLAGHER: Thank

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you, Camden.

MR. ANTHONY: I'm Silas Anthony.

I've lived in Westhampton Beach my entire life.

The Pine Barrens have always

been a concern of mine. And I am all

for preservation, except knowing that

this particular property is in the

Compatible Growth Area. That's why

Discovery bought this from another

developer and that's why they are here

and that's what they do well.

I feel like we should be fortunate to have this developer own this and have shown such commitment to work within the environmental constraints and have proven over and over again the lengths that they will go through to do so. As a matter of fact, I think their patience have been extraordinary over the last six, seven years.

I trust this committee. After reviewing the experts environmental

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2	studies hired by the town, who will
3	approve this project, to make an
4	example of how to marry development
5	and still protect our natural
6	resources. This project will preserve
7	over 70 percent of the Pine Barrens
8	it's on.
9	I look forward to your true I
10	look forward to your timely approval.
11	Thank you very much.
12	CHAIRWOMAN GALLAGHER: I forgot
13	to mention who was on deck before.
14	Jerry Sandecki (phonetic).
15	UNKNOWN SPEAKER: No.
16	(Indecipherable).
17	CHAIRWOMAN GALLAGHER: No.
18	Okay. Elizabeth Jackson and after her
19	John Artanian.
20	UNKNOWN SPEAKER: He had to
21	leave.
22	CHAIRWOMAN GALLAGHER: He had to
23	leave. Okay. So Robert Dallas after
24	that.
25	MS. JACKSON: My name is

Elizabeth Jackson.

And I'm from East Quogue.

In fact, my family has been living, working volunteering, educating, serving and drinking water from this local aquifer for the past 11 generations. And we are based right here in Hampton Bays and East Quogue.

There has been a lot of discussion about the -- the purity of the area, the preservation of virgin soils versus Pine Barrens habitat, and the likes.

I was told years -- while this was still in its earlier phases -- by an older woman, people own these properties before they got bought up into a large group. The older generations knew that they weren't going to develop it because this was an important habitat to protect.

So in time developers got their hands on it, but these were parcels

that families owned. They didn't get paid much probably to put them together. But generations knew you don't touch Spinney Hills because it's where our water comes from.

That said, a lot has been talked about, old plans that are in line with what they want it to be line with.

Like the Land Use Plan of 2000 and whatnot.

I'm reminded of the fact that
everything that we are experiencing is
in a constant state of chaos. And
that's why models are changing, that's
why discussions of scientific
communities are changing, that's why
golf course regulations are changing.

The problem is that we have to make those changes with them and not allow ourselves to go back to certain papers and prove our theories that way.

When they said that nitrogen was this major problem. It is. And it

whatever.

has been and it will continue to be.

But now we have a new thing that we
never knew about when these plans were
getting into place. It's called
PFOAs. We had no concept that they
were in our soils, in our houses, in
our furniture, in our fire retardants,

What are we going to find tomorrow that maybe these safe chemicals are not as good as we thought they were. Chaos. It's always changing.

Like they said, soils changing.

When they put the plans together for

The Hills project, I have only ever

found two test hold datas recording

the location of the groundwater taken

in, like, March. This area goes from

200 something feet to 25 feet above

sea level. Taking a soil location in

two locations is not going to tell you

what's really going on in the depths

of these different layers of aquifers.

Concepts of putting water back
when they are saying they are going to
do all the leaching and the
fertigation is one thing on a normal
parcel. This is not a normal parcel.
This is Core Preservation
Pine Barrens. This is Compatible
Growth Pine Barrens.

These are soils that were deposited here by the glaciers and never really touched aside from a little bit of disturbance on the top.

That said, we don't know where there's pockets of water, we don't know where water is vitally being absorbed into our groundwater because it rains in the month of July and this is a part that's a very spongy area. You have to get over this entire analysis of this entire area.

If in they end up taking area in a large -- a large area collecting the water underground through the golf course -- like they said -- and then

filtering it and depositing it where
they choose and where is best for
them. That water isn't recharging.
It might be over recharging in some
areas, they might be under recharging

in some areas.

We don't know what kind of chaos that might then cause for all the neighboring communities. We don't now if that's going to compromise existing cess pools in the area, residentially. We don't know if that's going to mean that all of a sudden the wildlife changes.

Chaos is happening. Buck moths and other bats and things which they have said from the beginning moot point, we don't find them.

Things are changing. Oak
forests might have had issue with a
certain pest several decades ago or a
couple of years ago. It's
rehabilitating itself. Just like the
pine beetles now are a major issue,

they can't be overlooked because those forests that may be set for preservation right now in this project, tomorrow may have to become completely wiped out. You can go see through Hampton Bays where entire backyards of beautiful forested lands are now just a bunch of logs. That's going to have to be addressed if these are the areas that they are going to be developing on.

If those areas expand into the area that we are now their exact percentage of preservation space, they are going to have to deforest that area for the sake of the chaos of these pine beetles.

Today I have in my yard a giant
American Holly tree that has been
having issues for the past decade, and
the tree's berries have concerned me.
But I have kept a very close eye on
this tree. I have traveling migrant
robins and Cedar Wax Wings that will

come at a certain point when the berries are ready. It used to be in January. And I kept being worried because my tree looked really good, but no birds had come back yet.

Just today on my way here I finally saw the flocking birds come back. They are adjusting -- just like all the other things that are adjusting.

This habitat left as is, is the only constant we have in all of this chaos theory. As soon as we put our hands on it, the won't be what we thought it was yesterday and it will be something new tomorrow.

We don't even have the administration and the people in government to watch and keep an eagle on it. Without the regulators there, chaos will easily ensue.

Thank you.

CHAIRWOMAN GALLAGHER: Robert Dallas followed by Cohl Webb.

1 2 MR. DALLAS: Hi. My name is Robert Dallas. 4 I'm a lifelong resident of 5 Southampton. 6 I'm reading a letter on behalf 7 of Billy Mack(phonetic) who is also a lifelong resident of Westhampton. 8 9 Dear Members of the Pine Barrens 10 Commission, 11 I am a lifelong resident of 12 area, and I consider myself an animate 13 protector of our natural environment. 14 I can say with complete 15 confidence that I support this 16 project. 17 I think you will see very 18 clearly that this is not a big bad 19 development. But that is what we 20 should all be working towards. Which 21 is smart development. 22 While I commend anyone who is raised concern about the project for 23

fear of adverse environmental impacts.

I also, as a man of science,

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professionally and personally can assure them that this project in the company proposing it are first class and the design of it is prudent and environmentally sound.

I have seen firsthand the diligent and concern that Discovery

Land applied while developing the Dune Deck. Their Caribbean property at

Laguna Beach Club and their mountain property the Yellowstone Club in Montana.

They create and maintain

pristine properties. They have gone

out of their way to be sensitive to

the local concerns and issues. No

developer goes to such extents to do

the right thing. And I think it would

be a travesty to see them denied.

Please approve this beneficial project.

Sincerely yours,

Billy Mack (phonetic).

25 CHAIRWOMAN GALLAGHER: Thank

1	
2	you. Is there a Cohl Webb in the
3	audience?
4	(No response from the public.)
5	Okay. How about Sam Kelly.
6	(No response from the public.)
7	Okay. How about Robert Ward.
8	(No response from the public.)
9	Okay. How about Joann Clark?
10	(No response from the public.)
11	Dominick Clark?
12	(No response from the public.)
13	Marc Branker?
14	(No response from the public.)
15	Bill, you are on here again.
16	Bob DeLuca, I see you in the back.
17	MR. DELUCA: Good afternoon,
18	Madam Chair member of the Commission.
19	My name is Bob DeLuca.
20	And I serve as president of a
21	Group For The East End.
22	For the record, the group is a
23	conservation and community planning
24	organization founded in 1972. We
25	represent the interests of several

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thousand member households, individuals and businesses across the east end. A majority of our members hale from the Town of Southampton, and we currently represent the interests of our members in the litigation over this matter before the court against the prior Zoning Board of Appeal's decision and the Planning Board decision.

To save time, I guess I'll just stipulate that I think we should all think about what Steve Englebright has to say. Those of you in your position -- I think if those guys have been on this a time longer than all of us -it's Steve Englebright. And I just want to underscore or, you know -- too bad Mitch isn't here -- but all of us who are involved in this build when it became law have some attachment to the Pine Barrens that maybe doesn't exist anymore for the people that it didn't. And I just ask that in your decision

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making you keep that present in mind as to this resource is as important today as it was then. And some of us old timers may sound like we are calling it the wilderness, but I think you can agree that it was something that was worth doing. And everybody who is involved I thought tried to do the best thing.

Now, what I want to do is focus on one specific issue and it's a technical issue and I apologize for that for people who want to hear more about the nature of this, but it's relevant.

The reason I bring it up is I noted in the -- in the notice that you all put out for this hearing, you said that the Town of Southampton Planning Board was the lead agency for this project. And that would be expected because in a subdivision -- in a municipal subdivision it's very likely that the Planning Board was going to

2 be the lead agency.

But there's something different that happened in this case, and the reason I bring it to your attention is, it's a matter that we are currently litigating. I not the ghost of Christmas future, I want you to know what the issues are as you make your own secret determination.

It goes something like this:
The prior application, The Hills Plan
Development District came to the Town
in 2015, and by the end of 2017 the
Town Board said we're not going to
approve this application. We have
done the review, we have done SEQRA,
we are the lead agency, but we are not
approving it. They didn't pass muster
and that application -- it went away.

The developers then came back in with another separate distinct application. It is a subdivision application -- a Plan Residential Development -- and its process under

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the Town's Open Space Law. The Open Space Law is intended to preserve cultural and natural resources into clustered development -- you are all familiar with them -- but it's a very different standard of review than the standard of review under the Plan Development District.

Setting that aside, the Planning
Board -- for whatever reason -decided it was still an involved
agency to the Town Board application.
That was no longer extent. And here's
the problem, you can not be an
involved agency to a lead agency that
doesn't have a permit authority. The
Town Board has no permit authority
over this project.

This is not a continuation of the PDD, it's not an appendage of the PDD. It's a separate distinct subdivision application submitted to the Town, reviewed by the Planning Board. And the Planning Board just

never did SEQRA other than to assign its SEQRA responsibility under the prior lead agency.

I think it's a real problem.

And I'm not even sure I know how to fix it. But what happens is if you continue to carry this through it's extreme conclusion, you all sort of become unwitting coconspirators in the contention that nobody did SEQRA the right way. So why does SEQRA matter?

Well, there's two reasons. One is under State law stringent procedural compliance with SEQRA is required, and there's a foot high stack of court decisions that back that up. But more importantly, that SEQRA process allows us to one, get all the questions answered that your staff has raised. And I will tell you if you look back at the hearing on the preliminary application -- you don't have to believe me, you can look it up -- members of the Planning Board were

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happens.

footage.

information. We don't have enough information. Their consultant said I thought you were getting the information, we didn't get the information. I don't know how it ended up that way, but that is what

You can pick it up on the

You can see it happen.

saying, we don't have this

If there's any problem in getting the information that you all need to make your decision, the best way to get it is through SEQRA process.

Let me tell you something else people have said here, you know, that we have environmental guys are just like nothing can happen here on the property. We are saying it's part of the Core or whatever.

We hired outside consultants to design alternatives for this property during the review before the Town Board. But I never had the

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opportunity to present any of that to the Planning Board because the Planning Board went right along and essentially wrote a Findings Statement off of the Finding Statement of the Town Board, which doesn't have any more approval authority.

And adding to that was this concern that I believe Katie Brown brought up, which is in 2017 the Town got Dr. Chris Gobler to take a look at plans presented by the applicants, and to do kind of an assessment of how the nitrogen contribution of that project stacked up against and As Of Right project. We were concerned because we thought we should also be looking at how it also stacks up against the alternative. But be that as it may, that's what was done.

And in the submission that I'll make to you today -- I have Dr.

Gobler's report attached and you will see several pages where Dr. Gobler

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says in final Environmental Impact Statement, there are multiple nitrogen mitigation measures that are basically a part of this project.

And Katie pointed out a number of them. They included -- they weren't small ticket items. They were a million dollar sewage fund, they were sewage treatment plant for the school, they were a four acre well site, they were 20 or 30 Pine Barrens credits. There were lots of things in there that go Gobler used in his analysis that say, okay, this is what you need to pull the nitrogen numbers down.

Fast-forward to the Planning Board, everything -- many of those items with the exception of the sewage treatment plant for the property, which is still there, are gone. And they are not just community benefit items, they were mitigation measures that Gobler said had to be part of the

project.

So I bring this up because while
I believe it's incumbent upon you to
follow SEQRA for the sheer procedural
requirement of law. It's also
incumbent upon you to give yourselves
an opportunity to get the information
you need, answer the questions that
have been asked and also to take a
look at alternatives to see whether or
not in this Compatible Growth zone,
this alternative is the best thing
that you can do on this piece of
property.

And frankly, part of our concern lies in -- we're concerned that this is sort of two primary uses on the same property -- that's why contesting the Zoning Board of Appeal's opinion that it's not.

If this happens, the likelihood of other properties across the Pine Barrens, not just in Southampton Town where people think they can do more

than maybe they can do otherwise end up back in your lap and somebody is going to have to deal with that.

So I guess I'll leave it at
this, there's a lot of questions with
this project, I appreciate all of the
time and effort that you and the
consultants and everybody else are
putting into it, but if you don't
really know who the lead agency is,
it's all for not. Because you can't
start the process without a lead
agency, and there is no lead agency on
the subdivision known as the Lewis
Road PRD.

Thank you.

CHAIRWOMAN GALLAGHER: Andrea

Spilka and after Andrea, Michael

Mirino.

MS. SPILKA: Good afternoon.

My name is Andrea Spilka.

I am the president of the Southampton Town Civic Coalition.

25 It's an umbrella organization

2 that covers most of the civics on west
3 of the Shinnecock canal in

4 Southampton. But I'm also a conduit

on the east canal.

Most importantly, one of my prime civics is the East Quogue Civic Association.

Bob DeLuca focused on the SEQRA procedures. I'm focused on this application's substance as it's being reviewed under the State Environmental Quality Review Act. There was -- I was in the audience that day, and I saw what happened at the Planning Board. There's real concerns that many of the questions that all of us, you know, everyone sitting here -- if you're for or against because the impact will be so substantial -- need to be answered.

Some of them have been discussed. Many of these concerns were identified by the Planning Board's consultants, that's the Belang

Associates (phonetic). They presented a list of things that they thought the Planning Board should get from the applicant, it never came. So I think that's important to consider. I'm going to mention some of these. And I'm hoping that in your review, you will.

The nitrogen loading and sodium have been talked about. I just want to stress two things. Yes, there's some concern about the numbers. Most of the development is at the southern end, closest to Weesuck Creek and Shinnecock Bay. And so, therefore, there needs to be disbursement analysis because the concentration of the nitrogen is going to be at the point closest to Weesuck Creek and Shinnecock Bay.

But in addition, it has been mentioned to me that there's some concern that in their nitrogen modeling, they didn't include the

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workforce housing. So I think that's something that has to be taken into consideration.

In addition, Bob mentioned the comparisons to other alternatives.

And yes, he submitted what the Group

From The East End had put forth, which was an alternative resort, but without a golf course.

And all long we've been concerned -- the big issue here isn't necessarily the development per se, it's the golf course and the impact -- now, I'll get to that when I talk about traffic.

The other thing is climate change. The gentleman very eloquent in his concerns with it. As people have mentioned, Weesuck Creek is already Priority one, in the county sub-watershed plan, which means that's the worst of the worst in terms of the impairments.

In addition, I think it's

important to note that during

Hurricane Sandy, East Quogue was

floated -- flooded up to Montauk

Highway. Things were floating away,

but it was flooded up to Montauk

Highway. Now, Hurricane Sandy didn't

have a direct hit, it hit in

Baltimore. But there's real concern

if this project is approved, where

will the flooding extend to? So

that's something that I think the

Commission really needs to consider.

In addition -- and this was something that the Planning Board as well as their consultants kept talking about -- there needs to be a real definition of what is a member for this golf course. Because that has a direct impact on traffic.

Discovery has agreed not to allow outside members. Now, that's not their normal plan. But each member can bring three guests to play golf. So, therefore, can a timeshare

or corporate or fractional use count
as some kind of membership? That
greatly expands the number of people
who will be traveling and can use this
facility to play golf.

In addition, because of
Discovery's Dune Deck Beach Club in
Westhampton, can they be members? And
can they bring three guests?

So right away you have the potential without some clear definition of what, you know, how many people will be traveling to this site.

Which brings me to my biggest concern, and I've talked often about it, and that has to do with traffic. Discovery did their traffic study in March. The Planning Board's consultants were concerned about that. They said it should have been done at least one of them should have been done for two months, and at least one of those months should have been done in the summertime. So no matter what

I think, that's something that has to be considered.

Even if you look at the numbers in March, it's something to concern you.

Thank you.

If you turn to the last page in the handout, you can see something closer that will give you the same map that I'm talking about for traffic.

Anyone entering or leaving has to come in on Lewis Road. There's no other way to get there. East Quogue Village is over here, you know, Main Street --

UNKNOWN SPEAKER: Hamlet.

MS. SPILKA: I know, it was defeated, sorry.

The East Quogue School is over here. Here is the location of the property. There are counters here, but one of the counters that's missing -- that's very important that's come to my attention -- is the counter for

2 the east coast mine, which is here.
3 It comes out over here.

It's been very busy lately. We all have issues with land mines, but this is something with all the trucks entering and leaving the east coast mine.

I think if a traffic study is going to be done or if there's additional information required, that needs to be there.

In addition, the roads are very narrow. They are only 10 or 11 feet wide, one lane in each direction and often without a shoulder.

Lewis Road has become an alternate to Sunrise Highway. It's become an alternate to Sunrise Highway. So then instead of getting off in Hampton Bays people are now getting off in East Quogue.

The level of service at County

Road 104 and Lewis Road had already

de-level of service. And the level of

2 service down here, at Box Tree and Old
3 Country Road isn't much better.

In addition, the Long Island
Railroad runs through here. And on
top of that, they have added trains
because of the problem with
Sunrise Highway.

I know that Chick has talked about changes to their plan to create the golf course that they no longer will remove all the soil, I have some statistics in here that refer to it should that change -- should something change, certainly consider them -- when we were talking about between 10,000 and 17,000 truck loads of soil that were going to be removed.

No matter what, there will be a change in the topography for them to build a golf course. They are going to need to do that.

One of the questions is, what kind of topsoil will be added? Where will it come from? Will the top soil

be tested to make sure that additional pollutants aren't being added to the property? And what will be the impact of the change in the topography? I know part of your concerns had to do with slopes, we don't know what it's going to look like, which is part of the problem if you are creating a golf course in this important area.

Once of the other

considerations, obviously with

building in this area, they are

talking about a potential five year

building plan; is road repair, air and

noise pollution during that time.

But in addition, because
everything has to come and go onto
Lewis Road, it's a potential
nightmare, if God forbid there's a
safety hazard and you need to
evacuate. The plan as I understand it
calls for interior roads within their
development of only 40 feet, where
normally you might have 50. Again,

they are trying to give you as much open space as they can, but I think potentially at the expense of the community, in terms if they have to

evacuate.

And again, I come back to how many people are we talking about?

Coming at all times, from all places in this little area. Traffic is already a nightmare. I think it will be worse.

Most importantly, a project of this size and scale has long lasting impacts on the Pine Barrens, our drinking and surface water.

I'd like to remind you that
everyone uses dates; in 2008 they had
their East Quogue Plan that's -- times
have changed. The plan is -- that's
12 years ago. Things are different.
They have -- normally when you -- the
fact that it was the -- that the Town
denied the PDD means that in a sense
the update to the Town's regulation

1 2 states that this isn't a plan that's 3 approved. This is a rejected plan, a 4 golf course shouldn't be built here. 5 Even with all those additional options 6 that they were offering as mitigation. 7 As you review it, please keep in 8 mind that the requirements are 9 minimum, we shouldn't be skimping in 10 this area, and I would hope that you 11 look at this with -- and take all of 12 our concerns into consideration. 13 It's too important to make a 14 mistake in this area. 15 Thank you very much. CHAIRWOMAN GALLAGHER: Michael 16 17 Marino and after him Larry Penny. 18 MR. MARINO: Good afternoon, 19 Commissioners. 20 My name is Michael Mirino. 21 I from East Quogue. 22 Thank you for the opportunity to 23 speak. 24 I think the golf course is 25 proposed there to generate interest to

build houses where there was no interest before. So without the golf course there probably won't be much development there.

The pesticides that the golf course requires is what concerns me.

It's upstream from Weesuck Creek and Little Weesuck Creek. Pesticides kill fish and crustaceans. The beginnings of these creeks are fresh groundwater which comes from higher inland. The long-term maintenance of a golf course may irreparably damage these creeks below it and Shinnecock Bay as well.

There's a multitudes of birds -including Blue Herrings -- that breed
there, Osprey, fish and crabs, all
sorts of small fish in there. And I'm
afraid the pesticides running down
through the groundwater will kill
them. There's all kinds of birds -- I
have pictures here that I'm going to
give you -- glossy pictures.

And another thing -- I'm not

1 2 talking about Little Weesuck Creek --3 the Town CPF has purchased substantial 4 lands on both shores of Little Weesuck 5 Creek. And there's a sign on the west 6 shore -- the east shore, it's 7 preserved for future generations by 8 the Town of Southampton. continuing commitment to protect the 9 10 scenic and natural places. 11 I don't see why you would allow 12 a golf course runoff to run into the creek that's in between there. 13 14 So I just have some pictures of 15 birds that I've taking over several years. And I'm want to submit those 16 17 to you. 18 Thank you. 19 CHAIRWOMAN GALLAGHER: 20 you. And after Larry it looks like 21 Maria Hults. 22 MR. PENNY: Hi. I am Larry Penny. I am 84 years old. 23

on the south fork since 1973.

I grew up in Mattituck and lived

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And I taught at Southampton

College when there was a college. I

was talking to a couple of those guys

down there, they were good students.

Then I became the Environmental Protection Director -- the Natural Resource Director for the Town for 28 years.

I've written two water quality reports for the Town of East Hampton and a lot of other things.

I just want to point out a couple of things. I won't take a lot of your time.

I was at a meeting when

Mr. Schneiderman, the Supervisor of

Town of Southampton, was at the same

meeting. And Mr. Gobler -- Chris -
whoever Chris -- when Southampton

College was there. He was showing

what would happen if you didn't have

any golf course at all. That was the

question I asked.

First of all, he showed what

would happen if a golf course was.

Secondly, he showed if one of the alternative plans was just a residential area.

And he showed that the residential area actually could produce more pollutants in terms of nitrates and so forth then the golf course. Then at the very end I asked a question -- because it was open for questions again -- what would happen if there was nothing there? If there was no golf course, if there was no housing development? He said, oh, that would be so much better. There would hardly be any pollution. There would still be a few homes along Weesuck Creek.

And so that was convincing to me because the Town did offer to buy the land, and the owner could have got off with a lot of money without having to pay a lot of money.

And secondly, I just heard from

someone sitting in the audience, I

don't know if there is any truth to

this. The one in Montana -- where

ever is that place -- went broke or

something. It's no longer

functioning. That was one of the big

deal by the same company.

But I want to say we have

Surfrider now -- Surfrider Foundation.

I was at Southampton College, we do a

lot of the testing and so forth.

Chris Gobler really did the testing.

And the Surfrider Foundation -they don't cost us anything, they
don't cost the town anything, they
don't cost the citizens anything.
They've been doing a terrific job.
And they found -- discovered with
Chris Gobler that half the town waters
are in terrible shape; like Little
Fresh Pond, eastern -- western
Shinnecock Bay which used to be the
clamming paradise of the world.
Things have gone downhill.

So I would have to agree with

Steve -- whom I used to work for -from the New York State Assembly, and
I have to agree with the fellow from
Riverhead Pine Barrens thing, which I
worked on. I have to agree that the
best thing for this place is not to do
anything.

And I really have to say that I think the Pine Barrens Committee should stand up here and take a stand.

Thank you very much.

MR. SCHNEIDERMAN: Maria Hults, you are up next and followed by Karen Kooi.

MS. HULTS: Hi. Maria Hults.

I am president of the Hampton Bay Civic Association.

Just as a general statement, we're in agreement with the Pine Barrens Association. We would basically like to see the land preserved.

I have two observations or

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surface.

statements I'd like to make.

3 Number one, I'm a scuba diver. I a member of the Woman Diver's Hall 4 of Fame. I've been diving in Shinnecock Bay for 48 years. And it's unbelievable to see that about 90 percent of the life in there does not exist anymore. And that's something that most people don't see from the

> I can remember when we used to go clamming getting 15 dozen clams in an hour. You probably can't get a dozen these days. So the impairment on the water is very dramatic and well documented, I will say.

> The other thing is, I've been diving in the Bahamas in the Discovery Land and property, and they killed the reef. When they can talk about protecting the reef. They literally killed a reef in their building.

So I don't feel they're very protective in what they do. And as

far as I know, two of their properties are in bankruptcy.

Thank you.

MR. SCHNEIDERMAN: Karen Kooi is next followed by Cyndi McNamara.

MS. KOOI: Good afternoon, members of the Commission.

My name is Karen Kooi.

I'm a resident of East Quogue and the Vice Chair of the current East Quogue CAC.

I stand before you today to ask that the Central Pine Barrens

Commission simply follow their own rules and do the right thing for the residents of East Quogue.

The Lewis Road PRD project is in the Compatible Growth Area of the Pine Barrens, and this land is designated in the Town's Comprehensive Plan in 2008 after a two year study of researchers and scientists with input from the people of East Quogue precisely for the development that is

currently purposed.

Those who oppose this project claim to be the majority. And they claim to represent the people of East Quogue. I can assure you, they do not.

This coalition made up of the
East Quogue Civic Association, Group
for the East End and Assemblyman Fred
Thiele has spent an inordinate amount
of tax payer dollars, donations and
dues to fund a political smear
campaign of misinformation and self
promotion, against the wishes of the
residents of East Quogue.

There is immense support for this project by the residents of my community who understand what is best for our future.

(Indecipherable cross-talk from the public.)

MS. KOOI: Excuse me.

Thank you.

There is immense support for

1 2 this project by the residents of my 3 community who understand what is best 4 for our future. 5 Over 400 acres of preserved 6 land, a managed turf program, a 7 secondary and seasonal development which will increase the taxable value 8 9 of the property, use less of our fire and police resources, while also not 10 11 adding children to the school. 12 The Southampton Town Planning 13 Board and Zoning Board and the science supports this project. I ask that you 14 15 do as well. Thank you. 16 17 CHAIRWOMAN GALLAGHER: Cyndi 18 McNamara and then we have 19 William Hughes. 20 MS. MCNAMARA: I told you to 21

bring popcorn.

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My name is Cyndi McNamara.

I am the current Chair of the East Quogue CAC. I am also the founder of concerned citizens of East

Quoque.

The East Quogue CAC is on record with the Town of Southampton as being unanimously in favor of this project.

Today I'm speaking as somebody who lives on Lewis Road on that map.

I'm not going to tell you what I think you should do because I don't think it matters to you what I think. It shouldn't really matter what anyone thinks because the code is the code.

I would like to take my time to address the manipulation that has occurred by the activist who claim to care about the community I live in.

If they cared they would have been at the East Quogue CAC meeting with the Town Director of Public Transportation and Traffic Safety to address traffic issues on Lewis Road and elsewhere in the hamlet.

If they cared they would be asking the Town to address the severe flooding issues on Lewis that has cost

residents hundreds of thousands of dollars in damages.

If they cared they would have been at the Town Board Work Session a few weeks ago, fighting for access to save drinking water for East Quogue residents.

If they cared they would be asking the Town on how they plan on cleaning up the former (indecipherable) stump on Lewis road.

If they cared they would be actively working on addressing the water quality issues in Weesuck Creek.

If they cared they would have requested a meeting with Southampton Town police to address the limited police presence in our community.

If they cared they would have attended a meeting regarding East Quogue Village Incorporation to find out about the issues that matter to the people who live in East Quogue.

They didn't do any of those

1 2 things. But they did admit to dumping 3 a ton of money into anonymous mailers filled with anti village propaganda to 4 5 defeat what was possibly our best chance at addressing all of these very 6 7 real community concerns ourselves. 8 They don't care about our 9 community. They never did. East Quogue Civic Association 10 11 doesn't hold open meetings for 12 community input. And the head of the 13 Southampton Town Civic Coalition doesn't even live in the Town of 14 15 Southampton. 16 I have to say the most honest 17 people here are probably the 18 developers. 19 Thank you. 20 CHAIRWOMAN GALLAGHER: Is there 21 a William Hughes? 22 UNKNOWN SPEAKER: He had to 23 leave. 24 CHAIRWOMAN GALLAGHER: Okay. 25 How about Britton Bistrian?

MS. BISTRIAN: Good afternoon, member of the Commission.

My name is Britton Bistrian.

I'm a fifth generation east ender.

I'm a professional land use consultant.

You are taxed with a very complex review in front of you.

There's volumes of pages and testimony on the project resolved this question imposed upon you.

To me the answer is quite simple. This is residentially zoned land. Under this plan, 70 percent of its area is to be preserved. It's an As Of Right on density project with environmental benefits that far surpass the stand alone single family residents construction. And most important, the project meets, if not exceeds, the standards of the Pine Barrens Act.

The question posed to this Board

1 2 is not a question of develop or not to 3 develop, but instead, is this the most sensitive and appropriate development 5 for this site? I believe the resounding answer to that question is 6 7 yes. 8 Thank you. 9 CHAIRWOMAN GALLAGHER: Brendan 10 -- is there a Brendan? 11 (Indecipherable cross-talk.) 12 CHAIRWOMAN GALLAGHER: Okay. Is 13 there a Peter Sartorias? 14 UNKNOWN SPEAKER: He had to 15 leave. 16 CHAIRWOMAN GALLAGHER: Then it 17 looks like Glen Vicks. 18 (No response from the public.) 19 CHAIRWOMAN GALLAGHER: Then we 20 are done with who's on the list. 21 (Indecipherable cross-talk from 22 the public.) 23 CHAIRWOMAN GALLAGHER: It looks 24 like we have a few people who would 25 like to speak.

1 2 MR. ROMAINE: Line up. 3 MR. HOULIHAN: Good afternoon, 4 Commissioners. 5 My name is Paul Houlihan. 6 I've been a resident for Hamlet 7 of East Quogue for 34 years. 8 My wife and I raised our three children there. They all went to East 9 10 Quogue Elementary School, and it's a 11 wonderful place to live. 12 I'm absolutely in favor of this 13 project. I took the time to read the 14 Town Planning Board's review of this, 15 they did a comprehensive review. From everything that I can see, they 16 17 provided mitigation where necessary, 18 and I believe it shows compliance. 19 You can also see that the 20 majority, if not all, of the 21 development is in the Compatible 22 Growth Area, as it should be. 23 I would ask that the Commission 24 consider that and move this 25 application forward.

1 2 And thank you for letting me 3 speak. 4 CHAIRWOMAN GALLAGHER: Thank 5 you. 6 MS. CLARY: Hello. My name is 7 Laura Clary. 8 I am an ecologist and I worked 9 at the Suffolk County Coordinator for the Peconic Estuary Program from 1999 10 11 through 2008. And in that position, I 12 helped write the original CC and PD 13 conservation -- CMP, the management plan for the Peconics. 14 15 In my opinion, this project is not necessary development, nor is it 16 17 thoughtful development. 18 Please say no. 19 Thank you. 20 MS. PATCHEKA (phonetic): Hi. 21 name is Larissa Patcheka(phonetic). 22 I live in the north sea area. I am a member of the Surfriders 23 24 Organization. 25 And very concerned about water

2 quality. As you know there is a lot 3 of other developments going on out here that are keeping us on own our 4

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toes.

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7 happened over the past 10 years with

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9 three noted bankruptcies and

the Discovery Land.

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settlements. Especially with the 11 Montana location where they've -- they

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are in bankruptcy negotiations for

We have a few things that

There have been

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creditors and for vendors and

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15 Now, these are people -- they

contractors.

property.

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come to build in our area. Our local

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people, who are the businesses that will be supported, are at risk if

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19 there's a downturn on the economy and

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if they can't get enough super high

end investors to invest in that

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East Quogue -- I love East

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Quogue, it's natural -- but high end

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investors may not be coming here to

that extent. So if we have a downturn our own people are at risk.

And, honestly, what happens when companies have short fallen income?

They start to shortchange their own environmental operational activities.

That means water quality is going to be shortchanged; maybe the cheap fertilizers will be used. We have to think about all the impacts that are going to happen. We would not want this to be the next love canal of Long Island.

Please think about what happens from an economic perspective. What happens to our water, too? We have to be caring about this.

Thank you very much.

You have a big decision.

Thank you.

MS. KOBLE: Hi. My name is Eleanor Daly Koble.

I am a resident for 55 years in West Hampton.

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I am also a trustee of the
Westhampton Beach Historical Society.

I just want to say, Assemblyman
Englebright's comments were lovely and
accurate and passionate in his
commentary.

Here's why it's completely irrelevant. The property is zoned to be built on. Preservation is not an option. All I hear about is everyone talking about nitrogen, nitrogen, nitrogen which I agree with, but Discovery has done everything that they have been asked to do.

And how many private homeowners, not only in the Town of Southampton, but the entire east end treat their lawns, spray their trees and shrubs?

Putting nitrogens and many other dangerous chemicals in our groundwaters, bays and canals.

As well as killing our honey
bees that is need in order to eat our
fruits and vegetables. I have five --

1 2 I keep five hives, and I lose them 3 every year because over the 4 surrounding area, people are spraying 5 and they are killing. I don't use any 6 sprays, nothing on my lawn, nothing. 7 I don't do anything. 8 So it's very important. 9 Everybody put -- especially Roundup. Roundup has been known to be horrible. 10 11 Everybody used in the '70s and it's 12 still being used. 13 Discovery is more environmental 14 developing than any developer I have 15 ever come across. This project is as 16 of right, it complies with all the 17 standards. Case closed. 18 It must be approved. 19 Thank you. 20 CHAIRWOMAN GALLAGHER: Okay. 21 Jane. 22 MS. FUSSULLO(phonetic): Hi. Jane Fussullo (phonetic). 23 24 I am a resident of Setauket. 25 And maybe you might say, well, that

doesn't give me a right to speak. But

I think it does because I am not 20,

I'm little older than that. And I

have some experience with what happens
to developments.

Not only does this developer
have some questionable record, but
when you consider is this Compatible
Growth, you can't just consider today.
You need to consider will it be
Compatible Growth 10 years from now?
Will it be Compatible Growth 30 years
from now?

One simply has to look at places like Levitown, or any of the number of planned retirement community developments that are now going bankrupt. One has to question, will this always be owned by the developer or will these become private houses?

What happens should they become private houses? Will these people be able to go to the Town and ask for extensions on their homes?

2 How much more of this land will 3 this developer come back and ask to be developed? What are the consequences 4 5 of this development, not today -- and I have to tell you, if I were to look 6 7 at this application I would say 8 definitely approve it. There's a lot 9 of good things this developer has 10 done. But there have been promises 11 made and promises broken from every level of government, from every level 12 13 of industry, from every level that I 14 can think of. You can't just 15 determine about today, you have to ask 16 what is the future for this property? 17 Is it real going to remain Compatible 18 Growth? And what should the Town -what should the developer do to guarantee that it does? Thank you. 22 MR. SUPERNAUGHT (phonetic): evening.

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Adam Supernaught (phonetic).

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Southold, New York.

I've been sitting here,

listening to both sides, and I think

I've heard excellent arguments from

both sides. And the speakers should

be commended on -- well, I wanted to

come up here to give you an opinion on

whether I think this project should

move forward or not.

Quite frankly, I don't know the answer to that. And I think everybody on the Board should be the same way.

Who's numbers are right? You as

Committee members really need to pour over those numbers, both at the developer has given you and that the opponents have given you and figure out who is closer to telling the truth as to exactly what the environmental impact is going to be, especially in terms of nitrogen.

Now, there are a ton of studies out there. And for me just from what I've heard so far, something doesn't add up. Now, I would estimate -- and

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3 4 5 from that farm with a high nitrogen

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my math might be wrong here -- they would have to put something on order of a half a billion gallons of water load to irrigate the golf course for one year.

Now, my math could be wrong on that, but that's a lot of water. So they are going to definitely be adding additional nitrogen to that golf course.

They are also going to be -- one of the major chemicals that's sprayed on golf courses is neonicotinoid. And neonicotinoid is a known bad factor especially for ground nesting bees, moths -- okay -- and other species.

So when people say that there's just bare land up there, it's been disturbed and there's nothing there. Look at the ground, I guarantee you there's a thousand species living underneath the soil that you know should be protected.

So like I said, I think there's arguments on both sides. I was kind of wishing that I would hear from the developers, maybe that they were going above and beyond the pale. And I strongly urge the developer to go back and maybe reconsider certain aspects of this project, and see how they can make their project really kind of mesh well in the Pine Barrens environment and not just make it a suburban subdivision.

Thank you very much.

MR. TUTUNIUM(phonetic): Good afternoon.

My name is Aran

Tutunium (phonetic).

I am from Westhampton Beach, New York.

I rise today in support of this project.

Today I will wear three hats.

I'm a coastal geologist with 35 years experience. I worked with

Discovery on their Dune Deck project
in Westhampton Beach. We
reconstructed a dune that had been

5 severely damaged over many decades.

They did an outstanding job, and that dune is functioning very well today.

Number two, I'm the co-founder of the Moriches Bay Project, where we are restoring Moriches Bay one oyster at a time. Discovery has been a partner with us since day one.

They've been an outstanding neighbor.

And as I stand before you today we are

1.9 million oysters and counting.

Thanks to them and all our great
neighbors on Moriches Bay.

Especially Mr. Romaine. Thank you, sir.

And Mr. Schneiderman, who share the bay.

Number three, I'm a resident tax payer of Southampton for 55 years. In fact, I rode dirt bike in this area when I was a teenager in the '70s.

And I remember remarking that it was a moonscape then, and much of this land is a moonscape now, where The Hills were leveled when they built airport in the late '50s. And I would say to you as a former president of the Westhampton Beach Board of Education, luxury housing is a tremendous benefit to the tax base.

And for those reasons I've given you, I stand in support of this project.

And I thank you for this time.

MR. BARSHOV: Good afternoon.

My name is Steven Barshov. I am from the law firm of Sive, Paget and Riesel.

I am counsel to Discovery Land.

And I am here to address the SEQRA issue, particularly, the issue regarding lead agency.

And I'm speaking on a technical level. We will certainly supplement these oral comments with a written

submission.

But because this seems to be given bribes to some confusion, I would like to make sure that staff in particular, as well as members of the Commission understand exactly what is going on because there is no SEQRA problem here at all.

So let's go back, look at a little bit of history, and this won't take more than a couple of moments.

So the PDD application is put in for what to the Town Board? Not just for a public golf course, but for a residential development that included a golf course with public attributes as well.

The Environmental Impact

Statement that is prepared analyzes

the entire project. It's residential

development and it's golf course. And

all aspects of if including its

traffic, its water and so forth. And

a Finding Statement is adopted by the

2 Town Board as lead agency.

That finding statement was then followed by a vote in which the project was approved, but not an insufficient vote, in terms of number of approval votes was cast.

Why do I say that? Because then what the applicant did was simply move to the next phase of that project.

There always would have had to have been an application to the Planning Board because there always had to be a subdivision, that's part of this project.

This isn't a new application,
this isn't a new project. This is the
next phase of what was going to happen
if the public element of the golf
course was disapproved by the Town
Board, which is what occurred because
of the in sufficient number of
favorable votes.

The point has been made today that the Town Board lacks

jurisdiction. Therefore, cannot act as lead agency because I doesn't have anything to do with this project that is now before the Planning Board.

Absolutely false. Completely false.

The Town Board at the end of this project -- now that it has been approved by the Planning Board -- will have to accept dedication of public lands. It will have to act in it's governmental capacity in order to turn around and accept gifts that is mandated to be given to be offered as part of the approval.

So of course the Town Board still has an action and still has jurisdiction. The Town Board is the lead agency.

What is the Planning Board doing here? It is doing nothing different than what all Boards do when there's a subsequent part of an application. It is acting as it always acted as an involved agency. And it did what all

involved agencies do, it made a

determination that it could issue a

Findings Statement. Why? Because

they were in it's judgement nothing

that would cause it to conclude that a

supplemental environmental impact

statement would be required.

And this Commission also sits as an involved agency in the most vanilla type of review contemplated by SEQRA. You have been an involved agency since the beginning. There's been nothing that's changed about that. And indeed the Planning Board gave you notice.

Gave you notice of what it was doing.

It solicited comments from you, it asked for all kinds of input from you, and it informed you of what it was doing and it adopted its Findings Statement.

There is simply no SEQRA issue here whatsoever. We will litigate it.

I'm the attorney that's doing that litigation, so I'll be making these

arguments in greater detail to the courts.

But I assure you, there is no SEQRA issue here whatsoever. No impediment to your acting, no impediment to you moving forward and nothing that precludes you from making a decision as an involved agency.

Thank you.

CHAIRWOMAN GALLAGHER: I just do want to note for folks that there is a Town Board meeting that is starting at 6:00. So we will have to vacate here within the next 10 to 15 minutes, so they can get set up for that televised court meeting.

MS. O'REILLY: Hello.

My name is Sabrina O'Reilly.

I am currently a student at Stony Brook University.

So my concern when it came to water quality was when I spent an exchange year over in Denmark. And I watched as my friends and host

families poured water right from the tap and drank it. And in my head I was like, I don't do that, I don't know why I don't do that. My parents tell me you can't do that. But I

Then my concern came when I came home and I started university. And I took courses with Professor Englebright and lots of unique professors who all expressed a concern for the Pine Barrens.

don't drink water right from the tap.

Now as a 23 year old, I spend most of my time walking around the trails of the Pine Barrens; not only just to explore the unique natural surfaces it provides for us, but to enjoy the biodiversity and the unique species that occupy it.

So now I've been talking with
Richard Amper and starting a group at
Stony Brook just to educate and
advocate for the protection of it.
And when I speak to a lot of these

students, nine out of ten of them
don't know where our water comes from,
and don't understand that 100 percent
of it comes from rainfall and it's
filtered through the Pine Barrens
ecosystem. And a lot of them are
concerned about what's going on today.
They would be here, but it's Wednesday
and most of them are in school.

But I do speak on behalf of a lot of scared Stony Brook University students because this is not just an issue that belongs to East Quogue or Westhampton, this is the aquifer that provides millions of people, their drinking water. This is bigger than just a town.

Sadly, I would have advocate for the preservation of this land, but I know there's a lot of conflict going on about that. But just sitting here today and trying to listen to arguments and trying to piece together what I can tell my group and my

friends when I get home -- I still don't have clear numbers to give them. And I think that's an issue on itself.

And I think that is, you know, enough to say no to this project until there are clear numbers on nitrogen output and ecosystem impacts, so.

Thank you.

MR. SEALIES (phonetic): My name is Dave Sealies (phonetic).

I'm a 40 year resident -- 45 year resident of East Quogue.

If this does go pass today, I think it would be important to do this in East Quogue at the school where I believe Mr. Amper wouldn't have done that hand raising bit because I think it would be a completely different crowd.

There's a lot of people today who aren't here because they are at work, they have kids, they have sports, they have plays, they have everything that you can image. So

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2 they can't be here today. I am afforded a little of flexibility because I own my own business and some other people here who also own their own business. But, you know, the people who are actually working today that aren't here don't get a fair chance to talk. So if this does go

> On top of that though, you have rules to follow. Follow them. This isn't about all this hard grabbing stuff today.

> pass today, maybe that's a good idea.

Thank you.

MR. BARBATO: Thank you.

I'm Phil Barbato.

I am a resident of Jamesport.

I'm also a professional environmental engineer, and I actually worked on the 208 study back in the '70s. It seems like yesterday.

I subsequently work for the regional office of the DEC for 17 years --

CHAIRWOMAN GALLAGHER:

(Interjecting) Yes, I have heard of you.

MR. BARBATO: (Continuing) -- and now all I do is organic farming.

But I serve as the president of the Riverhead Neighborhood

Preservation Coalition.

I just like to say that
listening all day today, it's the
classic issue of our time. With the
background being climate change, sea
level rise, more violent storms,
increasing pollution, traffic density.
All that is background. This is the
classic conflict. Preservation versus
-- hey, we need more jobs, we need
more development, we need more tax
demand to help run our local
governments.

So I think the way out of this solution has to be one of two things, either preserve this land outright and keep it in its present form, or make

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sure that you understand all the things that must be done to do what the developer is claiming that we are going to be decreasing the contamination level, we are going to be helping the natural world rather than being a problem. And find out if you can put an incontrovertible requirements that last forever on this development property to make sure that those things get done. Okay, we are going to dilute the water contamination, we are only going to use certain fertilizers, we are going to be -- whatever they are saying that would make this a better job. sure you have in place some incontrovertible, never can be overturned, requirements. Maybe they need to put money in the bank, maybe they need to have certain requirements on the land itself. Whatever that might be. And that would solve both problems as well.

1 2 So either preserve it or make sure it will be taken care of in 3 4 perpetuity. 5 MR. MCCORMICK: Thank you. MS. AGUIAR: Thank you. 6 7 MS. TURCHIN(phonetic): Hello. 8 My name is Toppy 9 Turchin(phonetic). 10 I'm a resident here in Baiting 11 Hollow, Calverton area. 12 I also am the president of the Greater Calverton Civic Association. 13 14 And I thank you for the ability 15 to come before you today and to 16 express my concern. 17 I have two questions in the 18 general statements, so I'm brief. 19 Number one, is this project 20 needed? 21 And my second is, where will the 22 energy come from to meet the need -the added need of the electrical need 23 24 of this project? 25 As I looked around me today, I

1 2 saw very many people who are community 3 members. Concerned residents, who have voiced their concern that this 5 development threatens groundwater and undermines open space protections in 6 7 Southampton Town's last remaining unprotective expanse, a fragile Pine 8 9 Barrens habitat. 10 This is my personal position as 11 I stand alone with them. 12 Thank you. 13 CHAIRWOMAN GALLAGHER: Okay. Is 14 there anyone else who wishes to address this topic before we close? 15 16 I would suggest to leave the 17 record open, but close the public 18 hearing. 19 MR. ROMAINE: You want to leave 20 it open for comments? 21 CHAIRWOMAN GALLAGHER: I want to 22 leave it open for written comments. 23 MR. ROMAINE: How many days? 24 MR. MCCORMICK: I do have 25 questions to the applicant.

Mr. Bruyn prepared to answer those or is Chick coming back?

(Indecipherable cross-talk.)

MR. ROMAINE: Let me just say
that I believe the staff has done an
enormous job -- an excellent job
putting together all this information.
We certainly as Board members are
going to be studying and going through
this. And while I suggest, maybe to
the Chairwoman, that our next meeting
if questions come up between now and
the next meeting that we include them
to yourself and staff to move it to
the applicant.

CHAIRWOMAN GALLAGHER:

Obviously, the applicant noted that there are a number of questions that were raised in the Staff Report that will need to addressed.

MR. SCHNEIDERMAN: My concern is based on the public comment today and the Staff Report, is if there are changes made to the proposal, I feel

the public needs a forum like this to be able to comment on any changes that are occur. We just simply close the spoken record and leave the written record open, I don't think that affords them the proper stage to respond to those changes.

Maybe we can hear from the applicant.

Mr. Bruyn, you had an opportunity to hear a lot commentary today, do you foresee any changes to this that might warrant additional public comments.

MR. BRUYN: Number one, we did hear a significant amount of comments. Mr. Romaine identified the most significant, the staff report, which we would like an opportunity -- as Julie mentioned, there's a number of questions -- we certainly would want to be surmise any information for the Commission.

We have no objection if you keep

1 2 the record open for all purposes. That's fine with us. I would just 3 suggest that you think about what 5 happens at the next meeting and what that hearing is and if everybody has 6 7 had a chance to speak that maybe their time is limited to the extent that if 8 they said something -- you heard a lot 10 of comments that are very broad 11 comments that maybe they can rely on 12 that as opposed to anything new or anything that is particular part of 13 the responses that have been made. 14 15 We are okay if you keep the 16 record open. 17 MR. MILAZZO: We would like to 18 keep the hearing open. 19 (Undecipherable cross-talk.) 20 CHAIRWOMAN GALLAGHER: There is 21 a difference between the hearing being 22 open and the record being open, right. 23 So I think that's what needs to be 24 clear. 25 MR. SCHNEIDERMAN: Let's adjourn

1 2 the hearing to another date. So if we 3 could -- if there are changes, the public has ample opportunity to 5 respond to those changes. 6 MR. BRUYN: That's acceptable to 7 us. 8 (Undecipherable cross-talk.) 9 MR. MILAZZO: So the next 10 meeting is March. 11 CHAIRWOMAN GALLAGHER: 12 decision deadline is April. 13 MR. MILAZZO: So if there are 14 changes contemplated or if changes are 15 required based on the Staff Report and 16 if you are going to have another 17 public hearing for the limited purpose 18 of discussing the changes to the 19 proposal only, you are going to 20 probably be necessary to request an extension or grant an extension 21 22 through May or June, so that there's a 23 proper period of time for the 24 Commission to review any of the 25 changes that are prepared and also to

have another public hearing and to

have the SEQRA review to whatever else
is required.

They were very sensitive to action deadline. I want to make sure that this Commission has enough time to give this project to review it.

MR. MCCORMICK: I have about five questions based on over three hours of testimony. So I would like to at least to ask those questions. I can't do it now, I would like the opportunity to address it as we go forward. Bearing in mind what John has told us about the deadline. So as long as Mr. Bruyn is prepared to extend our decision deadline beyond the April date.

MR. BRUYN: I think the question first is, we are going to try to attempt to take all the comments received, all the written comments from the Staff Report and try to provide a response. We don't know

what that response is. I understand what Counsel is saying. If there is something that rises to a substantive level that needs the record to be kept open, we understand what the Board 's -- the Commission's request would be. And we would work with you in that end.

But I think it's premature for

me to say how and when and where at

this point we need a response. We

certainly welcome all of your

questions as well. However, if we can

get those so we can address those

rapidly.

MR. MILAZZO: Wayne, you are saying two different things, I think.

Either you are saying let's hold the record open, which is a good idea, then for all purposes that would include keeping the public portion open. And at the other time you are saying we don't want to keep it too far open, you are going to proceed

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1 with the extension. Or alternatively 3 the Commission can deny without 4 prejudice and we can come back when 5 the changes -- if any changes are needed, you can do it that way. 6 I suspect that granting the extension makes more sense, but that's 8 9 ultimately your and --10 MR. ROMAINE: (Interjecting) 11 Right now all we're doing as 12 Supervisor Schneiderman has suggested 13 is keeping the hearing opening to our 14 March meeting. And we may be able 15 after the March meeting to meet and 16 review and come to a decision by 17 April. 18 CHAIRWOMAN GALLAGHER: Well, the 19 challenge is --20 (Indecipherable cross-talk.) 21 MR. MILAZZO: Having watched staff work on this project for years, 22 23 knowing that the quantity of 24 materials, knowing that we are

probably on a couple hundred page

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transcript today, so we are going to need time.

How many pages are we at? (Court reporter clarification.)

I'm not sure it's in the best interest

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MR. MILAZZO: The Commission

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members want to keep the hearing open,

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of the Commission to say -- well we

10 are going to deal with that at the

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next meeting because March will come

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and then you're looking at a 30 day

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turnaround to deliberate, may need a

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special meeting.

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Just from a process point, you just want to give process time to develop.

MR. SCHNEIDERMAN: Understood. And if there are changes, we have to see those changes. I would say at least two weeks before our next meeting, so the public can digest them and maybe some people who support this who may now not support it because things have moved around in certain

ways. And vice versa, there might be some people who now -- who have came here not supporting it and you addressed their concerns and now do support it. But they need time to see those changes. I would say if we are going to adjourn the public hearing to March 18th, our next meeting, whatever changes your making in response to public comment on staff report, we get them two weeks in advance.

CHAIRWOMAN GALLAGHER: So March

18th we continue the public hearing,
we close it, we still need time for
whatever changes -- we still then need
to review the transcript of comments.

I do not feel like it gives the Commission sufficient time to make an educated and informed decision by April 20th if we are now --

MR. SCHNEIDERMAN:

(Interjecting) That's a whole month.

CHAIRWOMAN GALLAGHER: So if there's changes, people still need to

come back and make comments. We may have another 170 pages of transcript that need to be reviewed.

MR. SCHNEIDERMAN: We could leave strict comments to the changes.

MR. MILAZZO: I would suggest that the comments at the next hearing should be focused principally on the changes, if any, so that you're not having a rehashing of what we heard today. And that gives everyone a chance to comment on the project and then whatever it is at that time --

MR. ROMAINE: (Interjecting) And the development can respond to the questions to --

(Undecipherable cross-talk.)

MR. MILAZZO: At the end of the report, 20 some odd questions, additional information was provided, we heard Wayne say that they are going to look at it and try to respond to any changes.

I don't -- look, if you get the

1 2 extension today or you get it next 3 month, it's likely you are going to 4 need an extension to give this a fair 5 deliberative process it requires. 6 So I just want to put that on 7 the radar. 8 (Indecipherable cross-talk.) 9 UNKNOWN SPEAKER: No, they 10 didn't -- I apologize -- they did not grant the extension that the Planning 11 12 Board begged for. 13 (Undecipherable cross-talk.) 14 MR. MILAZZO: Thank you. 15 If we have a hard deadline of 16 now. So the suggested approach would 17 be, we continue the public hearing, I 18 would suggest you do that at 2:30. 19 The next meeting is at the Town Of 20 Brookhaven, perhaps we can have the 21 big room. 22 MR. ROMAINE: Absolutely. 23 CHAIRWOMAN GALLAGHER: 24 March 18th.

MR. ROMAINE: You have it.

We

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seat 450 people there, so everyone will have a chair.

MR. MILAZZO: And I would suggest that the applicant provide the information they need to provide in response to the Commission's Staff Report from their notes today within two weeks. The Commission staff will put all of the comments that they received today on the website tomorrow.

So the Staff Report will go on the website tomorrow, so everyone can see it. And if you have a written deadline of two weeks for comments that would give you the basis for our hearing in March. And at the end of that you will be able to decide if it needs to continue yet again or whether it can be closed or whether we close it and go another two week period for comments. And at that point we may need to request an extension. And again if there is an extension granted

the Commission has the option of dealing with the project.

MR. BRUYN: I fully understand what counsel is laying out. Not knowing all the comments and everything else, we understand our obligation is two weeks to try to respond, if we can do that.

And then you will cross the bridge of whether further extension of all the options --

(Indecipherable cross-talk.)

MS. AGUIAR: The only reason there is a continuation of the public hearing is if there are changes as oppose to responses to the questions?

MR. MILAZZO: I don't know what a response may involve. So I think --

CHAIRWOMAN GALLAGHER:

(Interjecting) It may.

MR. MILAZZO: (Continuing) -- it may and it may not. And I think to give everyone a fair adequate time to review everything that happened today,

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website, the applicant should provide response to the 20 questions that the Commission has provided within two

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the Commission should put it on their weeks.

Then at the next hearing, people can say I looked at their response on March 1st, and we have this comment to bring to the Commission's information, and if at that point if the Commission needs to continue with that process we will. If at that point the Commission members feel that the public had adequate participation, the information is presented in a manner that the Commission can use and understand to make a decision. record has been fully developed for everyone's purpose, the hearing can be closed. And then we would follow that April deadline, perhaps, or we may need a special meeting and another request for an extension.

> MR. SCHNEIDERMAN: So the motion

for today is to simply adjourn the public hearing for March 18th.

MR. MILAZZO: On the

understanding that the applicant will provide written comments to whatever they feel is sufficient within two weeks of today, which is March 4th.

(Indecipherable cross-talk.)

CHAIRWOMAN GALLAGHER: If the public hearing is adjourned --

MR. SCHNEIDERMAN: The whole record is open.

MR. ROMAINE: The whole record is open, right.

CHAIRWOMAN GALLAGHER: The whole record is open, so if anyone couldn't make it today, they can still submit.

MR. SCHNEIDERMAN: The public would have that March 4th deadline to comment in writing at any time, but in terms of the applicant's response to the comments, the staff comments, the public comments -- if there are changes being contemplated we would

want to know them by March 4th, so
that we can put them up on the website
so that the public then can digest
that and come informed to the March
18th meeting.

MR. MILAZZO: I would for the last item is that the hearing start at 2:30 again. Just because 5:48 now.

CHAIRWOMAN GALLAGHER: Yes.

MR. MILAZZO: The meeting will start at 2:00, and the hearing will start at 2:30.

CHAIRWOMAN GALLAGHER: We will go through the other items on the agenda then very quickly again.

MR. SCHNEIDERMAN: I'm making a motion to adjourn the public hearing to March 18th at 2:30 p.m. at the Town of Brookhaven and to leave the record also open for the applicant to address the Staff Report and comments for today in writing by March 4th, end of business for March 4th?

MR. MILAZZO: That's fine.

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2		CHAIRWOMAN GALLAGHER: Okay.
3		All in favor?
4		(Whereupon, there was a
5		unanimous, affirmative vote of the
6		Board.)
7		CHAIRWOMAN GALLAGHER: Motion to
8		adjourn the public meeting.
9		(Whereupon, there was a
10		unanimous, affirmative vote of the
11		Board.)
12		(Whereupon, this hearing was
13		concluded at 5:47 p.m.)
14	*	* *
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1 2 CERTIFICATION. STATE OF NEW YORK 3 4 Ss: 5 COUNTY OF SUFFOLK 6 7 I, DOMENICA RAYNOR, Court 8 Reporter and Notary Public of the State of New York, do hereby certify: 9 10 That the within transcript 11 was prepared by me and is a true and accurate record of this hearing to the 12 best of my ability. 13 14 I further certify that I am 15 not related to any of the parties to this 16 matter by blood or by marriage and that I 17 am in no way interested in the outcome of 18 any of these matters. 19 IN WITNESS WHEREOF, I have hereunto set my hand this 19th day of 20 February, 2020. 21 Donerica Raynor 22 23 24

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