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In the Matter Of:
LEWIS ROAD PLANNED RESIDENTIAL DEVELOPMENT
ASSERTION of JURISDICTION APPLICATION

TOWN OF RIVERHEAD PUBLIC HEARING
February 19, 2020

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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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A P P E A R A N C E S:
CARRIE MEEK GALLAGHER, Chairwoman
DANIEL P. MCCORMICK, Representative
EDWARD P. ROMANE, Member, Supervisor
JAY H. SCHNEIDERMAN, Member, Supervisor
EMILY PINES, Representative
YVETTE AGUIOR, Member, Supervisor
JOHN PAVACIC, Executive Director
JOHN MILAZZO, ESQ., Legal Counsel

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A L S O P R E S E N T:
JULIE HARGRAVE, Principal Environmental
Planner
CHARLES VOORHIS, ESQ., Nelson, Pope and
Voorhis
ASSEMBLYMAN STEVE C. ENGLEBRIGHT
WAYNE BRUYN
RICHARD AMPER
BILL TYMANN
MITCHELL PALLY
KATIE MUETHER BROWN
MARISSA BRIDGE
PAUL DIETCHE

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TOMMY BENNETTER
BILL KRIETZEK
KEVIN MCALLISTER
JOAN HUGHES
BILL KEARNS
JEFFREY SEEMAN
LARRY OXMAN
CAMDEN ACKERMAN
SILAS ANTHONY
ELIZABETH JACKSON
ROBERT DALLAS
BOB DELUCA
ANDREA SPILKA
MICHAEL MIRINO
LARRY PENNY
MARIA HULTS
KAREN KOOI
CYNDI MCNAMARA
BRITTON BISTRIAN
PAUL HOULIHAN
LAURA CLARY
LARISSA PATCHEKA (phonetic)
ELEANOR DALY KOBLE
JANE FUSSULLO (phonetic)

RECEIVED

MAR 5 2020

Central Pine Barrens
Joint Planning & Policy Commission

<p>5</p> <p>1</p> <p>2 ADAM SUPERNAIGHT (phonetic)</p> <p>3 ARIAN TUTUNIUM (phonetic)</p> <p>4 STEVE BARSHOV, Counsel for Discovery Land</p> <p>5 SABRINA O'REILLY (phonetic)</p> <p>6 DAVE SEALIES (phonetic)</p> <p>7 PHIL BARBATO</p> <p>8 TOPPY TURCHIN (phonetic)</p> <p>9</p> <p>10</p> <p>11</p> <p>12</p> <p>13</p> <p>14</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>	<p>7</p> <p>1</p> <p>2 Malloy Drive.</p> <p>3 The project is in the Compatible</p> <p>4 Growth Area and Core Preservation Area</p> <p>5 of the Central Pine Barrens and</p> <p>6 contains a portion of Critical</p> <p>7 Resource Area.</p> <p>8 For this afternoon's public</p> <p>9 hearing, we're going to hear first</p> <p>10 from staff to Central Pine Barrens</p> <p>11 Commission, we are then going to hear</p> <p>12 from the applicant and then take</p> <p>13 public comments.</p> <p>14 I would ask that everyone try to</p> <p>15 remain civil. There will be no back</p> <p>16 and forth, and we are going to limit</p> <p>17 -- I know there are several members of</p> <p>18 the public here who had requested a</p> <p>19 little bit of extra time to comment,</p> <p>20 so in those hopes I'd look to give ten</p> <p>21 minutes for their public comments.</p> <p>22 And then if there are other people who</p> <p>23 wish to speak -- if you're agreeing</p> <p>24 with what's already been said, if you</p> <p>25 could let that be known, we need to</p>
<p>6</p> <p>1</p> <p>2 (Whereupon, this portion of the</p> <p>3 proceedings began at 2:30 p.m., after</p> <p>4 which the following transpired.)</p> <p>5 CHAIRWOMAN GALLAGHER: Good</p> <p>6 afternoon.</p> <p>7 So we are here for a public</p> <p>8 hearing pursuant to New York State</p> <p>9 Conservation Law. The notice is</p> <p>10 hereby given that the Central Pine</p> <p>11 Barrens Joint Planning Policy</p> <p>12 Commission will hold a public hearing,</p> <p>13 February 19th, 2020, on the following</p> <p>14 application, the Lewis Road Plan</p> <p>15 Residential Development assertion of</p> <p>16 jurisdiction application.</p> <p>17 The applicant is DLV Quogue,</p> <p>18 LLC. The applicant's representative</p> <p>19 is here today, Charles Voorhis of</p> <p>20 Nelson, Pope and Voorhis. And the</p> <p>21 location, it is a 588.39 acre project</p> <p>22 in the Unincorporated Hamlet of East</p> <p>23 Quogue in the Town of Southampton, and</p> <p>24 is east of Lewis Road, north and south</p> <p>25 of Sunrise Highway, west of</p>	<p>8</p> <p>1</p> <p>2 get through. There's a Town Board</p> <p>3 meeting this evening, so we can't</p> <p>4 actually stay here all night. All</p> <p>5 though I know some of you may be ready</p> <p>6 to did that, but we'll try to move</p> <p>7 through. And we are, of course,</p> <p>8 accepting comments. If you prefer to</p> <p>9 submit written comments, the</p> <p>10 Commission staff can accept your</p> <p>11 written comments.</p> <p>12 And with that we will get</p> <p>13 started.</p> <p>14 MS. HARGRAVE: Thank you. Good</p> <p>15 afternoon.</p> <p>16 Speaking of written comments, I</p> <p>17 have received two letters from people</p> <p>18 who weren't available to speak, so I</p> <p>19 guess if people have written comments</p> <p>20 they either don't want to speak, or if</p> <p>21 they want to submit their comments in</p> <p>22 writing, I'll take them. And,</p> <p>23 obviously, scan them and send them to</p> <p>24 all of you.</p> <p>25 So just going to take a few</p>

<p>9</p> <p>1 minutes to go over the materials that</p> <p>2 you have received, and then like you</p> <p>3 said, the applicant can speak and then</p> <p>4 the public.</p> <p>5</p> <p>6 This is really a large project.</p> <p>7 It's the largest project ever viewed</p> <p>8 by the Commission, so -- and it has a</p> <p>9 lot of history -- and it's just going</p> <p>10 to take a few minutes, but I'm still</p> <p>11 going to try to be brief.</p> <p>12 So over the existing conditions</p> <p>13 of the site, the proposed project, the</p> <p>14 environmental review process, again,</p> <p>15 briefly and the Commission's</p> <p>16 involvement and review of the project</p> <p>17 is in accordance with the standards</p> <p>18 and guidelines of the Central Pine</p> <p>19 Barrens conference plan.</p> <p>20 As far as the existing</p> <p>21 conditions -- I have a small map</p> <p>22 here -- but it shows as it exists</p> <p>23 today. It's 588 acres, approximately</p> <p>24 over 178 parcels. The site, again, in</p> <p>25 East Quogue and Hamlet of East Quogue</p>	<p>11</p> <p>1</p> <p>2 And the application describes</p> <p>3 the site in four main sections, each</p> <p>4 of which contain multiple parcels.</p> <p>5 This part of the east separated from</p> <p>6 the larger piece is the Parlato</p> <p>7 property. The central portion in the</p> <p>8 south parcel is The Hills north of the</p> <p>9 Sunrise Highway property. The Parlato</p> <p>10 property is on the west side of the</p> <p>11 project. And again The Hills North is</p> <p>12 separated from the site by Sunrise</p> <p>13 Highway approximately 88 acres. And</p> <p>14 the Parlato property is approximately</p> <p>15 101 acres. The Kracke property is</p> <p>16 approximately 61 acres and that's in</p> <p>17 the Compatible Growth Area. And south</p> <p>18 -- the bulk of this property, it's in</p> <p>19 340 acres. And with 42 acres north,</p> <p>20 1,000 feet south of the highway is</p> <p>21 about 42 acres and that is in the Core</p> <p>22 Preservation Area. And the 300 acres</p> <p>23 approximately Compatible Growth Area.</p> <p>24 So the project is shown on this</p> <p>25 map, and you can see that it is a</p>
<p>10</p> <p>1</p> <p>2 and the Town of Southampton. It's</p> <p>3 east of Lewis Road, north and south of</p> <p>4 Sunrise Highway and north of the Long</p> <p>5 Island Railroad train tracks.</p> <p>6 Approximately 548 acres, or 93</p> <p>7 percent of the site is naturally</p> <p>8 vegetated with approximately 527 acres</p> <p>9 described as exceptional Pitch Pine</p> <p>10 Oak forest. Less than ten percent, or</p> <p>11 approximately 20 to 40 acres are</p> <p>12 considered cleared or bare soil due to</p> <p>13 past ATV activities.</p> <p>14 148 acres are in the Core</p> <p>15 Preservation Area and 448 acres are</p> <p>16 Compatible Growth Area. And out of</p> <p>17 the portion in the Compatible Growth</p> <p>18 Area, approximately 62 acres are in an</p> <p>19 area called the Critical Resource</p> <p>20 Area, and that was identified in the</p> <p>21 Conference Of Land Use Plan in 1995.</p> <p>22 It's the Henrys Hollow Critical</p> <p>23 Resource Area and the special feature</p> <p>24 is identified as the Buck Moth habitat</p> <p>25 north of the 100 foot contour.</p>	<p>12</p> <p>1</p> <p>2 development of 118 seasonal family</p> <p>3 residences, described as for second,</p> <p>4 third and forth homeowners. There's</p> <p>5 12 workforce year round housing units,</p> <p>6 there is potentially an additional 17</p> <p>7 seasonal units based on the Town Of</p> <p>8 Southampton Planning Boards</p> <p>9 preliminary approval. And those were</p> <p>10 described as density incentive units.</p> <p>11 That's the potential total number of</p> <p>12 147 residences.</p> <p>13 There as an 18 hole private golf</p> <p>14 course for the residents,</p> <p>15 approximately 66,000 square foot</p> <p>16 clubhouse, a sewage treatment plant,</p> <p>17 at least two lined ponds for</p> <p>18 irrigation and aesthetics,</p> <p>19 recreational facilities including</p> <p>20 swimming pools, ball fields for</p> <p>21 soccer, lacrosse, golf, baseball,</p> <p>22 tennis courts, basketball courts,</p> <p>23 pickleball, putting course and a</p> <p>24 practice fairway. There is</p> <p>25 maintenance buildings and facilities</p>

<p>13</p> <p>1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25</p> <p>restrooms on the golf course, underground parking, roads, utilities and other infrastructure and a gatehouse and emergency vehicle access and parking. Approximately 43 drainage reserve areas covering approximately seven acres for water runoff. Dedication of land for a new ball field.</p> <p>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.</p> <p>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</p>	<p>15</p> <p>1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25</p> <p>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.</p> <p>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</p>
<p>14</p> <p>1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25</p> <p>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.</p> <p>On October 21st, 2015, the</p>	<p>16</p> <p>1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25</p> <p>substantially similar project -- on the project site.</p> <p>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.</p> <p>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</p>

<p>17</p> <p>1 is limited to review conformance with</p> <p>2 standards and guidelines of the</p> <p>3 Central Pine Barrens Conference Land</p> <p>4 Use Plan.</p> <p>5</p> <p>6 So you have this Staff Report</p> <p>7 and the exhibits before you -- and I</p> <p>8 won't go line by line through them --</p> <p>9 but some of the items that were raised</p> <p>10 as with additional questions or needed</p> <p>11 more information and need your review</p> <p>12 of course. They all need your review</p> <p>13 for the performance. The sewage</p> <p>14 treatment plant, the nitrogen</p> <p>15 analysis, the clearing standards</p> <p>16 whether it includes in all of the</p> <p>17 detailed clearing that's going to</p> <p>18 occur for the project. The</p> <p>19 unfragmented open space standard,</p> <p>20 special species including in the State</p> <p>21 and federally listed as a threaten</p> <p>22 species Northern Long Eared Bat</p> <p>23 habitat on the site. Guidelines to</p> <p>24 protect steep slopes and the</p> <p>25 visibility of site and buffers to</p>	<p>19</p> <p>1</p> <p>2 time?</p> <p>3 (Whereupon, there was no</p> <p>4 response given by the Commission.)</p> <p>5 CHAIRWOMAN GALLAGHER: No. So</p> <p>6 we move on here from the applicant.</p> <p>7 I just want to acknowledge</p> <p>8 Assemblyman Englebright has joined us.</p> <p>9 Thank you.</p> <p>10 And Assemblyman, please let me</p> <p>11 know at any time -- you given your</p> <p>12 time constraints -- the plan was we</p> <p>13 hear from the staff, then we go to the</p> <p>14 applicant, then we go to the public</p> <p>15 comment hearing.</p> <p>16 MR. ROMAINE: I also just want</p> <p>17 to mention, I believe we all received</p> <p>18 correspondence on this matter from</p> <p>19 Assemblyman Thiele and it was a point</p> <p>20 by point explanation of his view on</p> <p>21 this subject.</p> <p>22 CHAIRWOMAN GALLAGHER: Okay.</p> <p>23 Who's starting? Just please let us</p> <p>24 know who you are.</p> <p>25 MR. BRUYN: Good afternoon,</p>
<p>18</p> <p>1 adjacent public lands and trails.</p> <p>2 There are questions at the end</p> <p>3 of the Staff Report that need to be</p> <p>4 clarified or responded to by the</p> <p>5 applicant. And the SEQRA process is</p> <p>6 one of the questions in the list of</p> <p>7 items, and the Commission will issue a</p> <p>8 Findings Statement at the end of this</p> <p>9 process or is expected to. And there</p> <p>10 are other details that is addressed in</p> <p>11 the Staff Report including that an</p> <p>12 assessment of the additional 17 units,</p> <p>13 if they are proposed. And proposed to</p> <p>14 be developed at some time that they</p> <p>15 are evaluated now over the time in the</p> <p>16 SEQRA process. And other items</p> <p>17 included mining permits needed for the</p> <p>18 project and road -- paver roads and</p> <p>19 abandonment and steep slope analysis.</p> <p>20</p> <p>21 I think that's all I have. If</p> <p>22 you have any questions.</p> <p>23 CHAIRWOMAN GALLAGHER: Do any</p> <p>24 members of the Commission have a</p> <p>25 question for Ms. Hargrave at this</p>	<p>20</p> <p>1 Commissioners. My name is Wayne Bruyn</p> <p>2 from the firm of O'Shea, Marcincuk and</p> <p>3 Bruyn in Southampton, New York.</p> <p>4</p> <p>5 I represent DLV Quogue and its</p> <p>6 subsidiaries who are the applicant</p> <p>7 before the Commission today.</p> <p>8</p> <p>9 I want to advise what the</p> <p>10 purpose of the hearing is today and</p> <p>11 what we plan to do. I need to make a</p> <p>12 couple points on the statements, and</p> <p>13 then I'm going to turn it over to</p> <p>14 Chick Voorhis of Nelson Pope and</p> <p>15 Voorhis, our design engineers and</p> <p>16 environmental planning consultants,</p> <p>17 who have also prepared the application</p> <p>18 that's before you.</p> <p>19</p> <p>20 I also want to point out, with</p> <p>21 us today are three of the principals,</p> <p>22 Edward Divita, Hunter Meldman and Mark</p> <p>23 Hissey of DLV Quogue.</p> <p>24</p> <p>25 We also have several members of</p> <p>our team, consultants as well, if</p> <p>there is questions that arise.</p> <p>The purpose of the hearing is to</p>

<p>21</p> <p>1</p> <p>2 hear public comments. We received</p> <p>3 today for the first time the Staff</p> <p>4 Report, as Julie had indicated. There</p> <p>5 is several questions that have arisen</p> <p>6 as to what is in part and parcel of</p> <p>7 the application. And on the outset, I</p> <p>8 would ask that this Commission allow</p> <p>9 us to have the opportunity to respond</p> <p>10 in writing, if you so choose, to close</p> <p>11 the hearing today. We have that</p> <p>12 opportunity to respond in writing and</p> <p>13 provide some response to not only your</p> <p>14 Staff Report, but any and all public</p> <p>15 comments that arise. I will remind</p> <p>16 the Board if necessary at the end of</p> <p>17 the hearing that it's our request.</p> <p>18 I want to point out that the</p> <p>19 Commission has been involved, I've</p> <p>20 been involved with the development of</p> <p>21 this property not only as a past town</p> <p>22 planner, involved in the adoption of</p> <p>23 the towns aquifer protection overlay</p> <p>24 district, but also as a former town</p> <p>25 attorney with the adoption of the Pine</p>	<p>23</p> <p>1</p> <p>2 plan as well.</p> <p>3 I also want to point out that to</p> <p>4 date there's been strict compliance</p> <p>5 with the SEQRA process. The Town</p> <p>6 Board early in the process has</p> <p>7 required by SEQRA to identify all the</p> <p>8 agencies involved, and the Town Board</p> <p>9 had certain jurisdiction plan -- the</p> <p>10 plan development district</p> <p>11 jurisdiction. And that jurisdiction</p> <p>12 resulted in a coordinated review with</p> <p>13 this Commission. They relinquished</p> <p>14 lead agency to the Town Board, as well</p> <p>15 did the Planning Board and other</p> <p>16 agencies.</p> <p>17 The Town Board as required</p> <p>18 adopted a positive declaration. They</p> <p>19 scoped, coordinated their scoping</p> <p>20 review with this Commission, as well</p> <p>21 as other agencies. A Draft</p> <p>22 Environmental Impact Statement was</p> <p>23 prepared, hearings were held and it</p> <p>24 resulted in the adoption of a final</p> <p>25 Environmental Impact Statement. Which</p>
<p>22</p> <p>1</p> <p>2 Barrens Act -- I mean not the Act, the</p> <p>3 Plan. And actually was involved in</p> <p>4 the recommendations in the legislation</p> <p>5 that were entailed in the Town of</p> <p>6 Southampton as parcel to that.</p> <p>7 But I've been involved in this</p> <p>8 project which is a subdivision of the</p> <p>9 property since early 2004, as Julie</p> <p>10 mentioned. The application was</p> <p>11 submitted to the Town Planning Board</p> <p>12 at that time and was subject to a</p> <p>13 moratorium, which then resulted in the</p> <p>14 adoption of the East Quogue Land Use</p> <p>15 Plan by the Town of Southampton. This</p> <p>16 Commission participated in that</p> <p>17 process -- the hearing and the SEQRA</p> <p>18 process and had it recommendations</p> <p>19 with respect to that plan.</p> <p>20 You will hear from Chick how</p> <p>21 this plan is consistent with</p> <p>22 Comprehensive Planning. That's one of</p> <p>23 my points. Not only the Town's</p> <p>24 Comprehensive Plan, but the</p> <p>25 Commission's Comprehensive Land Use</p>	<p>24</p> <p>1</p> <p>2 as Julie indicated is part of the</p> <p>3 parcel that's part of the record</p> <p>4 before you, and is the record that</p> <p>5 we're all -- all the agencies are to</p> <p>6 rely on. Thereafter, the Town Board</p> <p>7 in their acceptance with a 5-0 vote</p> <p>8 accepted that the final EIS. They</p> <p>9 thereafter adopted their own Findings</p> <p>10 Statement with respect to the Plan</p> <p>11 Development District. And I just want</p> <p>12 to point out the Plan Development</p> <p>13 District -- the action before the Town</p> <p>14 is a subdivision of land. And the</p> <p>15 action in front of the Town Board was</p> <p>16 a Plan Development District which</p> <p>17 would allow a certain use that is a</p> <p>18 private golf course where its</p> <p>19 membership would be open to eligible</p> <p>20 members of the general public and with</p> <p>21 its other facilities. For example,</p> <p>22 catering facilities and the like that</p> <p>23 could be open to the general public</p> <p>24 which was proposed in the Plan</p> <p>25 Development District.</p>

1
2 After preparation of the final
3 EIS the Town Board adopted their own
4 Findings Statement, a positive
5 Findings Statement. They thereafter
6 took a vote and the vote was 3-2 in
7 favor adoption of a resolution to
8 approve. However, the local PDD law
9 required four votes. So the vote
10 doesn't pass, there is no denial of
11 the Plan Development District, but
12 there's no approval.

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

1
2 Development to the Planning Board.
3 And with continuing the accessory golf
4 course with this membership limited
5 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
10 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.

22 MR. MILAZZO: We just need to
23 swear him in.

24 CHARLES VOORHIS,
25 on behalf of the Applicant herein,

1
2 having first been duly sworn by the
3 Notary Public, testified as follows:

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

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

9 As Wayne said I've been the
10 environmental planning consultant on
11 this project, and actually since also
12 2004 and 2005 with involvement in this
13 property.

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

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

1
2 resolution that was adopted to set
3 this hearing. And we clarified that
4 our project does not involve an
5 additional 17 density incentive units,
6 that the total project is the 118
7 units that are proposed as part of the
8 Lewis Road PRD, and the 12 workforce
9 units that were required on site by
10 the Town of Southampton. So that's
11 been stated in a letter to the
12 Commission. We will indicate that
13 further. The Town Planning Board
14 subdivision approval does not include
15 those units on the plan. They are not
16 shown on the map, and there is no
17 intent to exercise that option if
18 indeed that option is awarded to the
19 applicant. It is not part of the
20 project. So I just want to make that
21 clear.

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

<p style="text-align: right;">29</p> <p>1 east coast property. The primary part</p> <p>2 of the property is The Hills South,</p> <p>3 that's where the development is</p> <p>4 concentrated. But it's generally said</p> <p>5 that over 100 acres was acquired for</p> <p>6 the purpose of transferring density to</p> <p>7 this property and that's the Parlato</p> <p>8 property to the east. That is in the</p> <p>9 Critical Resource Area, part of it is</p> <p>10 in the Core, and that is not intended</p> <p>11 to be developed. And then there's</p> <p>12 between 80 and 90 acres north of</p> <p>13 Sunrise Highway, that is also not</p> <p>14 intended to be used in anyway. And</p> <p>15 those would be offered to dedication.</p> <p>16</p> <p>17 So as was indicated, it's 588</p> <p>18 acres. The existing zoning is CR200.</p> <p>19 I'll just indicate briefly that</p> <p>20 previous to the East Quogue Land Use</p> <p>21 Plan, the property was split zoned</p> <p>22 between CR-80, CR-120 and CR-200.</p> <p>23 Those were rezoned in 2008. And I do</p> <p>24 have a couple of images that show that</p> <p>25 the property in many areas -- you can</p>	<p style="text-align: right;">31</p> <p>1</p> <p>2 of occasions that shows the Lewis Road</p> <p>3 PRD property right in here. And of</p> <p>4 course the blue is a very low</p> <p>5 concentrations of nitrogen, the red is</p> <p>6 very high, and the yellow and orange</p> <p>7 would be in between.</p> <p>8</p> <p>9 So you do have hot spots and</p> <p>10 areas of a plume that is essentially</p> <p>11 traveling south east through this</p> <p>12 portion of the Pine Barrens to a</p> <p>13 groundwater to surface water discharge</p> <p>14 in Weesuck Creek and western</p> <p>15 Shinnecock Bay. It's a little tough</p> <p>16 to see, but many that have come</p> <p>17 familiar with the property and some of</p> <p>18 the adverse effects of the southern</p> <p>19 pine beetle will know that areas</p> <p>20 throughout this site and throughout</p> <p>21 this region have been impacted by</p> <p>22 southern pine beetle. So the habitat</p> <p>23 is essentially changing. It's a</p> <p>24 naturally occurring situation.</p> <p>25</p> <p>Wayne mentioned some of the Town</p> <p>Planning. And just for background,</p>
<p style="text-align: right;">30</p> <p>1</p> <p>2 see the central portions of the</p> <p>3 property have extensive clearing --</p> <p>4 they've been subject to use by</p> <p>5 altering vehicles, there's dumping on</p> <p>6 the property and unauthorized</p> <p>7 activity, essentially.</p> <p>8</p> <p>9 We also do note the agricultural</p> <p>10 field to the west of the property.</p> <p>11 Those are important in understanding</p> <p>12 some of the groundwater influences in</p> <p>13 the area, and I'll cover that briefly</p> <p>14 today.</p> <p>15</p> <p>16 These are the images that shows</p> <p>17 that large cleared area in the east</p> <p>18 central portion of the site, the image</p> <p>19 on the upper right shows the dumping</p> <p>20 areas on the site. And as I</p> <p>21 indicated, the historic farm fields</p> <p>22 have resulted in nitrogen</p> <p>23 concentrations as high as 29</p> <p>24 milligrams per liter that we have</p> <p>25 tested on the property itself. This</p> <p>is kind of a scatter plot map that</p> <p>Dr. Gobler had presented on a number</p>	<p style="text-align: right;">32</p> <p>1</p> <p>2 the town's western GEIS was one of the</p> <p>3 early documents. It came out just</p> <p>4 after the Pine Barrens Act was adopted</p> <p>5 in 1993. And it essentially was</p> <p>6 incorporated into the Comprehensive</p> <p>7 Land Use Plan for part of the Town Of</p> <p>8 Southampton component. The blue is</p> <p>9 shaded area is the Lewis Road</p> <p>10 property. And this specifically says</p> <p>11 proposed resort development zone,</p> <p>12 which was contemplated at that time.</p> <p>13 That was later reenforced in the East</p> <p>14 Quogue Land Use Plan that I said was</p> <p>15 adopted in 2008. Lewis Road PRD is</p> <p>16 area seven, which is in the center</p> <p>17 here. It specifically discussed</p> <p>18 private golf accessory uses and</p> <p>19 residential.</p> <p>20</p> <p>21 And a very important aspect is</p> <p>22 that the Pine Barrens Commission was a</p> <p>23 part of that review process, they were</p> <p>24 an involved agency, they provided</p> <p>25 comments. And ultimately this plan</p> <p>was adopted by the Town of Southampton</p>

<p>33</p> <p>1</p> <p>2 and is in effect the Comprehensive</p> <p>3 Plan for specific study area. So this</p> <p>4 reenforced the uses that were</p> <p>5 identified in the western GEIS. It</p> <p>6 also resulted in reduction of density</p> <p>7 as I said before. The property became</p> <p>8 CR-200 throughout, which is one unit</p> <p>9 per five acres. And so the rezoning</p> <p>10 has occurred. The plan also</p> <p>11 considered open space throughout the</p> <p>12 area, and there have been a number of</p> <p>13 acquisitions. The plan even</p> <p>14 contemplated essentially transferring</p> <p>15 clearing to other properties including</p> <p>16 this. That is not what is being</p> <p>17 proposed in this case, but it was</p> <p>18 talked about in the plan.</p> <p>19 So our design intent was to, of</p> <p>20 course, retain the Core Preservation</p> <p>21 Area, which is the dark green. Retain</p> <p>22 the critical resource area, which is</p> <p>23 the Parlato property and the Henrys</p> <p>24 Hollow CRA, and develop in a clustered</p> <p>25 fashion within The Hills South</p>	<p>35</p> <p>1</p> <p>2 its own -- separately -- and wouldn't</p> <p>3 have to conform to the Pine Barrens</p> <p>4 Act. And the Parlato property could</p> <p>5 have been developed under a zoning</p> <p>6 separately. This property seeks to</p> <p>7 consolidate and bring all of that</p> <p>8 together under one planned project</p> <p>9 that meets all of the goals throughout</p> <p>10 those areas.</p> <p>11 We met with Town staff and</p> <p>12 officials. We actually went to the</p> <p>13 site with the Pine Barrens Commission</p> <p>14 staff a number of years ago -- I'm</p> <p>15 sure they recall -- and I know they</p> <p>16 were out there last week to tour the</p> <p>17 property again.</p> <p>18 This map shows what was</p> <p>19 intuitive on the aerial, but the</p> <p>20 existing cleared areas that the</p> <p>21 Pine Barrens Act would favor for</p> <p>22 development in those areas in order to</p> <p>23 preserve existing natural open space.</p> <p>24 So it was a design challenge that</p> <p>25 those areas are distributed throughout</p>
<p>34</p> <p>1</p> <p>2 property. This perimeters that are</p> <p>3 applicable are we must retain at least</p> <p>4 72 percent natural and existing</p> <p>5 natural vegetation. And the Town had</p> <p>6 yet for protection overlay district</p> <p>7 whereby 65 percent of the property had</p> <p>8 to be retained outside the development</p> <p>9 area. And that has all been achieved</p> <p>10 by the approve preliminary map that</p> <p>11 the Town Planning Board approved.</p> <p>12 Those two areas were offered for</p> <p>13 dedication and all the other areas</p> <p>14 will be addressed through covenants</p> <p>15 for conservation easements.</p> <p>16 One very important thing, Julie</p> <p>17 mentioned a number of parcels. There</p> <p>18 are a 178 separate tax parcels. Many</p> <p>19 of them are single and separate, many</p> <p>20 of them are part of the Parlato</p> <p>21 property, which as I said, was</p> <p>22 acquired strictly for preservation. I</p> <p>23 think it's really important to note</p> <p>24 that those properties, the Kracke</p> <p>25 property could have been developed on</p>	<p>36</p> <p>1</p> <p>2 the property. Other perimeters were</p> <p>3 there are out parcels, which you'll</p> <p>4 see dotted throughout parts of the</p> <p>5 property. We need to provide access</p> <p>6 to those out parcels. So all of these</p> <p>7 things along with the perimeters for</p> <p>8 fertilizer-dependent vegetation limits</p> <p>9 and open space -- unfragmented open</p> <p>10 space planning and natural area</p> <p>11 planning all had to be factored in.</p> <p>12 So that is pretty much covered through</p> <p>13 this slide. There's also 15 percent</p> <p>14 fertilizer-dependent requirement.</p> <p>15 So the project itself I think</p> <p>16 has been described adequately. This</p> <p>17 is just a pictorial of it, on the</p> <p>18 board that Julie has displayed here.</p> <p>19 And we've covered that in sufficient</p> <p>20 detail.</p> <p>21 There's a couple of very</p> <p>22 important aspects of the project.</p> <p>23 This is a seasonal resort Discovery</p> <p>24 Land company that does this type of</p> <p>25 project. They have them throughout</p>

<p>37</p> <p>1 the country and in areas outside the</p> <p>2 country. They're not occupied</p> <p>3 full-time. They tend to be used on</p> <p>4 the order perhaps of 60 days a year by</p> <p>5 those members that own the rights to</p> <p>6 units. The overall site will be</p> <p>7 managed by Homeowners Association.</p> <p>8 That would include all the</p> <p>9 maintenance, common areas, the sewage</p> <p>10 treatment plant. We do have an</p> <p>11 integrated Turf Health Management Plan</p> <p>12 that I'll talk briefly about. All of</p> <p>13 that is managed, as well as the</p> <p>14 gatehouse for security and access</p> <p>15 reasons and year round at least</p> <p>16 management of the site. So there will</p> <p>17 be a presence on the site year around,</p> <p>18 but not necessarily the occupants of</p> <p>19 the units. And of course the 12</p> <p>20 affordable housing units -- the</p> <p>21 workforce housing units will also be</p> <p>22 occupied year round.</p> <p>23 There's a number of things that</p> <p>24 go towards the standards in guidelines</p>	<p>39</p> <p>1 dots -- but I'll just indicate that</p> <p>2 the Town of Southampton has a huge</p> <p>3 amount of experience in overseeing</p> <p>4 golf courses for groundwater</p> <p>5 protection. Golf At The Bridge and</p> <p>6 Sebonack both report routine</p> <p>7 monitoring, and this is a part of the</p> <p>8 groundwater monitoring plan that was</p> <p>9 devised to install light</p> <p>10 submitters(phonetic) so that you</p> <p>11 actually capture groundwater before</p> <p>12 it's in the aquifer and detect any</p> <p>13 concentration within the aquifer. And</p> <p>14 there's a very detailed plan that is</p> <p>15 part of the Town approval process.</p> <p>16 There's also an integrated turf</p> <p>17 health management plan that I</p> <p>18 mentioned. And that just means that</p> <p>19 we will apply the minimum amount of</p> <p>20 chemical usage in terms of nutrients</p> <p>21 or other applications in order to</p> <p>22 sustain healthy turf that will process</p> <p>23 the nutrients as I indicated. It</p> <p>24 would use metrological stations,</p>
<p>38</p> <p>1 and this slide goes into a little bit</p> <p>2 more detail. I don't need to cover</p> <p>3 this because I'll cover that we get</p> <p>4 into the standard. But suffice it to</p> <p>5 say, now we go north to the left on</p> <p>6 this image, these are the farm fields</p> <p>7 and groundwater flow is towards the</p> <p>8 south east. This is the area where we</p> <p>9 detected 29 milligrams per liter in</p> <p>10 the aquifer. And our intent is to</p> <p>11 intercept that water -- groundwater in</p> <p>12 the aquifer that has elevated nitrogen</p> <p>13 and recycle that and reuse that on the</p> <p>14 golf course such that the managed turf</p> <p>15 will uptake the nutrients that will</p> <p>16 decrease the amount of fertilization.</p> <p>17 And it will remove a significant</p> <p>18 quantity in terms of pounds, about</p> <p>19 1500 pounds per year of nitrogen from</p> <p>20 the aquifer, and that nitrogen would</p> <p>21 otherwise travel south to</p> <p>22 Weesuck Creek and Shinnecock Bay.</p> <p>23 There's also an extensive -- you</p> <p>24 don't have to pay attention to all the</p>	<p>40</p> <p>1 weather information and so forth, and</p> <p>2 will be at least as advanced, if not</p> <p>3 more advanced, than the existing</p> <p>4 monitoring that takes place within the</p> <p>5 town. So our application has been</p> <p>6 identified. This further indicates</p> <p>7 that the 17 density units are now</p> <p>8 proposed.</p> <p>9 And that brings us to the</p> <p>10 standards and guidelines. I'm not</p> <p>11 going to through all 32 of them, but</p> <p>12 there are 32 individual standard and</p> <p>13 guidelines that apply. I will be</p> <p>14 submitting this presentation which I</p> <p>15 think will be helpful. But I will</p> <p>16 focus on those that we know are at</p> <p>17 least under more scrutiny and those</p> <p>18 that Julie had mentioned that we were</p> <p>19 anticipating based on staff's</p> <p>20 coordination with the Town of</p> <p>21 Southampton of the subdivision stage.</p> <p>22 So this is the list of all the</p> <p>23 standards and guidelines. Again, I</p> <p>24 will focus first on sewage treatment</p>

1
2 plant. I hate to use the term
3 no-brainer, but in this case this is a
4 no-brainer. We do not need a sewage
5 treatment plan to meet our Article 6
6 requirements. And essentially can --
7 can just build one unit per five acre
8 and be done. But in this case, there
9 is a standard that was created in
10 between '93 and '95 that talks about
11 sewage treatment plant discharges
12 should not occur within the
13 Pine Barrens unless deemed -- it's
14 where deemed practical -- should not
15 discharge in the Pine Barrens. The
16 purpose of this solely voluntary to
17 reduce nitrogen load. We know at lot
18 more now than was known in the mid
19 '90s. The Long Island Nitrogen Action
20 Plan was formed in 2015, so that's 20
21 years since Article 57.

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

1
2 important. But the actual nitrogen
3 load is what's getting into our water
4 bodies and we read about it all the
5 time. Just in terms of diminishment
6 of shellfish resources and algae
7 blooms, impacts to sea grass and so
8 forth.

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

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

1
2 and you don't have to read all these
3 graphs -- but it's basically coming to
4 the conclusion that the treatment plan
5 is removing over 1500 pounds of
6 nitrogen that would otherwise be
7 discharged in terms of nitrogen load.
8 That is an enormous amount of nitrogen
9 that many will tell you that follow
10 this type of information, and so it's
11 voluntary.

12 I also did a calculation without
13 the sewage treatment plant, and we
14 made a nitrogen of concentration of
15 .75 as you know the guideline is it
16 2.5 as it applies in areas of ponds
17 and surface waters. So even without
18 the treatment plant we are well under
19 that standard. I would purge that the
20 plant be approved in this case for the
21 purpose of groundwater protection. It
22 is a very important factor.

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

1
2 ponds and wetlands. And so it doesn't
3 appear to apply here, but this project
4 conforms fully.

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

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

1
2 And again, it's a very important
3 component of this project. We did
4 model everything that is proposed as
5 part of the project.

6 This is fairly readable. This
7 is 1.84 milligrams per liter. This is
8 .26 milligrams per liter. The current
9 project as was analyzed for the
10 Planning Board's review shows a
11 concentration of .6 -- I'm sorry --
12 .26 milligrams per liter. And that's
13 kind of intuitive because one unit per
14 five acres is a very low density.
15 Article 6 was designed for like one
16 unite per acre, to not exceed a 10
17 milligram per liter limit. So we're
18 down in this range. But even the
19 maximum density alternative was at
20 1.84 milligrams per liter. So there's
21 no way to come to any other conclusion
22 than we meet the 2.5, and it appears
23 as though that the 2.5 doesn't even
24 apply because we are not near surface
25 water.

1
2 This is a very important image.
3 This shows the nitrogen load. This is
4 not part of your standard or
5 guideline, and it speaks to it and the
6 advancements that we've made in
7 science. And what we have is the
8 proposed project will have
9 net-negative nitrogen load of minus
10 637 pounds per year. That's once
11 factoring in all the sources of
12 nitrogen including atmospheric
13 deposition and taking out the elevated
14 nitrogen from groundwater and
15 recycling it onto the golf course and
16 then applying known uptake rates and a
17 leaching factor to determine what that
18 overall nutrient budget is.

19 So these, again, are all of the
20 alternatives. Some of the As Of Right
21 alternatives were over 4,000 close to
22 5,000 pounds of nitrogen per year.
23 And all of the ones that involved the
24 fertigation/irrigation system were
25 less than -- or net-negative.

1
2 So that's all been part of the
3 record. And the calculations are
4 very, very solid and have been peer
5 reviewed extensively. There was a
6 discussion -- and I'll just get to the
7 rest of these very quickly.

8 There's a standard that has to
9 do special species and ecological
10 communities. Julie mentioned that.
11 Obviously, there's no development in
12 the Core Preservation Area or the
13 Critical Resource Area, which was the
14 primary area for the buck moth
15 habitat. And 72 plus percent of the
16 site will remain natural.

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

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

1
2 numbers and poor condition and did not
3 support the population through those
4 studies. We will observe any DEC
5 clearing windows with respect to the
6 Northern Long Eared Bat, and we'll
7 look to transplant species on the
8 property, in addition to the extensive
9 open space areas that will be
10 retained.

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

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

<p>49</p> <p>1</p> <p>2 established drainage reserve areas</p> <p>3 throughout the property. And it</p> <p>4 distributes all of the drainage in a</p> <p>5 very natural way rather than dumping</p> <p>6 it all in one single recharge basin,</p> <p>7 it essentially distributes it and</p> <p>8 disburses it throughout the property.</p> <p>9 So that's a very good technique just</p> <p>10 in terms of replicating natural</p> <p>11 conditions. Any storms that are on</p> <p>12 the site will be used for multiple</p> <p>13 purposes. That includes blending of</p> <p>14 water that I talked about for the</p> <p>15 irrigation system, as well as storm</p> <p>16 water management in some of the ponds,</p> <p>17 and essentially our assessment has</p> <p>18 been complied, and all of that is in</p> <p>19 our submission.</p> <p>20 Vegetation clearance limits, we</p> <p>21 did have the benefit of planning staff</p> <p>22 -- I'm sorry -- Pine Barrens staff's</p> <p>23 input letter to the Town Planning</p> <p>24 Board. So they had requested that we</p> <p>25 itemize each parcel; what's cleared</p>	<p>51</p> <p>1</p> <p>2 parcels, which is the intent. This</p> <p>3 italics here is the exact language of</p> <p>4 this standard from the Comprehensive</p> <p>5 Land Use Plan. So we provided large</p> <p>6 unblocked -- broken blocks of open</p> <p>7 space. We do note that because of the</p> <p>8 spread out nature of existing clearing</p> <p>9 to utilize those areas and have them</p> <p>10 -- I'll just say count against you --</p> <p>11 because you have to retain existing</p> <p>12 natural vegetation. That presented a</p> <p>13 design challenge, but that is why we</p> <p>14 have alignment of certain golf holes</p> <p>15 that utilize those areas.</p> <p>16 And essentially, with do cluster</p> <p>17 all of the development within The</p> <p>18 Hills South and Kracke property,</p> <p>19 leaving major expanse of areas of open</p> <p>20 space. It is consistent with the East</p> <p>21 Quogue Land Use Plan in terms of</p> <p>22 strategically protecting open space</p> <p>23 through the area, and aligning that</p> <p>24 with other off-site areas. And we</p> <p>25 recognize that the golf course is not</p>
<p>50</p> <p>1</p> <p>2 what's not cleared, what's proposed.</p> <p>3 That was done. That's included in</p> <p>4 attachment G.</p> <p>5 At this time, we provided</p> <p>6 everything that staff had requested up</p> <p>7 until today with respect to</p> <p>8 demonstrating that we meet the</p> <p>9 clearance limits. So I will clarify</p> <p>10 that it includes all grading and</p> <p>11 disturbance on the property.</p> <p>12 Everything from roads, from recharge,</p> <p>13 recreation areas, home sites and every</p> <p>14 aspect of grading. That's all been</p> <p>15 factored into the clearing.</p> <p>16 So we have found we do comply.</p> <p>17 We'll certainly endeavor to provide</p> <p>18 whatever information is needed to</p> <p>19 demonstrate that to this body and to</p> <p>20 staff.</p> <p>21 Unfragmented open space is the</p> <p>22 big one. This is certainly what I</p> <p>23 will call a fairly subjective standard</p> <p>24 in terms of how to interpret it. We</p> <p>25 do believe that we align with off-site</p>	<p>52</p> <p>1</p> <p>2 included in that determination of open</p> <p>3 space, it's not part of it.</p> <p>4 So we believe we comply. This</p> <p>5 is an image -- it's a little tough to</p> <p>6 read -- but we have the 87 acres to</p> <p>7 the north, 100 acres to the south, 101</p> <p>8 acres to the east, 62 acres to the</p> <p>9 south and another 30 acres to the</p> <p>10 west; all of which align with off-site</p> <p>11 open spaces and allow us to meet the</p> <p>12 unfragmented open space standard.</p> <p>13 Fertilizer-dependent vegetation</p> <p>14 I'm not going to spend much time on</p> <p>15 this because I see that the staff has</p> <p>16 found that we do comply. We did</p> <p>17 provide the calculations and there is</p> <p>18 a limit that we are consistent with.</p> <p>19 This is getting very close, it's</p> <p>20 actually just the second of the last.</p> <p>21 These are all guidelines that apply.</p> <p>22 I'll call them mostly related to</p> <p>23 slopes. But I think it's very</p> <p>24 important and I did reiterate the</p> <p>25 exact language from, again, the</p>

1
2 Comprehensive Land Use Plan. So it
3 talks about clearing envelopes and
4 that we should maximize the placement
5 of these envelopes on slopes less than
6 ten percent. It doesn't say you can't
7 do it, it says just maximize. We've
8 done that. We have very detailed
9 grading layouts for each of the areas
10 where a home site is going, as well as
11 the clustered nature into those areas
12 of existing clearing.

13 The next one is home
14 construction, roadways, et cetera on
15 slopes greater than ten percent may be
16 approved if it's technical review show
17 that it's sufficient care is taken in
18 the design stabilization. That's
19 really why you don't disturb steep
20 slope areas. You worry about erosion,
21 and you are also worried about
22 potential excessive clearing. We
23 factored in all the clearing, we've
24 done detailed grading plans. The site
25 will be stabilized, and we have

1
2 provided the information for that
3 technical review and that resulted in
4 the preliminary approval by the Town
5 Planning Board.

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

10 Erosion and sediment control
11 plans should be required in areas of
12 greater than 15 percent slopes. We
13 have provided erosion and sediment
14 control plans to the Town Planning
15 Board, we are happy to provide as many
16 sheets as Pine Barrens staff would
17 like to review, but that has been
18 done. And that, essentially, allows
19 us to conform with that guideline.

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

1
2 looked to conform to topography, use
3 those existing cleared areas.

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

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

21 So that's our full application.
22 It was made on December 23rd, I can't
23 take you through all of that, but we
24 have a thick book and much of that has
25 been incorporated into the Staff

1
2 Report that you received today.

3 This is the first time we have
4 seen that Staff Report, so we would
5 like to be able to go through that and
6 address any questions. But a lot
7 review has already been done. The
8 Town Planning Staff, they hired a
9 consultant. And the Town Planning
10 Board themselves found consistency
11 with the standards and guidelines.
12 And provided that as part of their
13 SEQRA process, the Planning Board
14 findings. So a good deal of
15 information is available and we have
16 incorporated that into the
17 application. We believe that we are
18 consistent with the CLUP, we are also
19 consistent with the Town's East Quogue
20 Land Use Plan. And as you know
21 projects that do conform should be
22 approved, we look to demonstrate and
23 provide whatever information is needed
24 to get to that point. And of course
25 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.

4 That concludes my remarks. I
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: Mr.
12 Romaine, do you have any questions?

13 MR. ROMAINE: I do. But what I
14 would rather do because there's so
15 many people standing, let's hear from
16 the public first.

17 CHAIRWOMAN GALLAGHER: Okay.

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.
24 Assemblyman Englebright, would you
25 like to start off before the public

1
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

1
2 years the principal geological advisor
3 to the New York State Legislative
4 Commission of Water Resource Needs for
5 Long Island, where I help author a
6 number of research white papers that
7 formed part of the legislative premise
8 that ultimately led to the creation of
9 this Commission and the very important
10 Pine Barrens Peconic Reserve Act and
11 its amendment; Article 55, the Pine
12 Barrens Preserve Act.

13 As an original prime cosponsor
14 of the Long Island Pine Barrens
15 Protection Act and current Chairman of
16 the Environmental Conservation
17 Committee of the New York State
18 Assembly, I appear before you today
19 regarding the above caption
20 Subdivision Proposal. That is The
21 Hills/Lewis Road, PRD project.

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

1
2 the significance of the matter now
3 before you.

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

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

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

<p>61</p> <p>1</p> <p>2 you and to act in accord with the</p> <p>3 lawful stated purpose of the</p> <p>4 Pine Barrens Protection Act by voting</p> <p>5 no.</p> <p>6 There are many reasons why a</p> <p>7 negative vote on this application is</p> <p>8 the only appropriate expression of</p> <p>9 public policy for the magnificent</p> <p>10 oldest forest in New York State. The</p> <p>11 Pine Barrens is simultaneously the</p> <p>12 natural catchment for Long Island's</p> <p>13 spectacular Peconic estuary and other</p> <p>14 nearby bays. And the last large pure</p> <p>15 drinking water source area for the</p> <p>16 densely populated coastal plain</p> <p>17 geological province of New York State.</p> <p>18 As your staff analysis documents,</p> <p>19 there are redundant flaws and</p> <p>20 shortcomings in the proposal before</p> <p>21 you.</p> <p>22 In some, it is so poorly planned</p> <p>23 that it is unworthy of approval. Your</p> <p>24 decision, however, should not be made</p> <p>25 solely on these numerous flaws and</p>	<p>63</p> <p>1</p> <p>2 ago, my legislative colleagues and I</p> <p>3 expressly purposed what was their new</p> <p>4 law, such that ordinary suburban</p> <p>5 sprawl would be ended here and never</p> <p>6 again occur in the future. And I</p> <p>7 wanted to be here today to express and</p> <p>8 underscore that original legislative</p> <p>9 intent.</p> <p>10 One of the north star references</p> <p>11 guiding the legislature when the</p> <p>12 Pine Barrens Preservation Act was</p> <p>13 approved was a landmark regional</p> <p>14 groundwater study carried out by the</p> <p>15 Long Island Regional Planning Board,</p> <p>16 and funded under Section 208 of the</p> <p>17 Federal Clean Drinking Water Act,</p> <p>18 known as the Long Island Comprehensive</p> <p>19 Waste Treatment Management Plan</p> <p>20 authored by Lee Koppelman in 1978.</p> <p>21 This study of subsurface groundwater</p> <p>22 data identified as the Hydrogeological</p> <p>23 Region Three, the area that we in the</p> <p>24 legislature subsequently recognized</p> <p>25 that the surface of the land as the</p>
<p>62</p> <p>1</p> <p>2 omissions in the SEQRA process or in</p> <p>3 local planning norms. The Pine</p> <p>4 Barrens is not a normal or ordinary</p> <p>5 area. And your rejection of this</p> <p>6 overdevelopment proposal should also</p> <p>7 reflect the importance of maintaining</p> <p>8 the ecological and water chemistry</p> <p>9 integrity of the Pine Barrens region.</p> <p>10 The fate of which New York Legislature</p> <p>11 has repeatedly acted upon to protect</p> <p>12 and preserve because it is a public</p> <p>13 trust of great importance.</p> <p>14 Please remember that the</p> <p>15 Pine Barrens Preservation Act was in</p> <p>16 large part passed by the State's</p> <p>17 Legislature in 1987 in order to quench</p> <p>18 the hardship of overdevelopment across</p> <p>19 the face of eastern Long Island's last</p> <p>20 uncompromised segments of the</p> <p>21 Ronkonkoma terrain in Hempstead</p> <p>22 outwash plain, our region's last large</p> <p>23 pure drinking water source area.</p> <p>24 This proposed project is exactly</p> <p>25 the kind of excess that some 33 years</p>	<p>64</p> <p>1</p> <p>2 Pine Barrens.</p> <p>3 For the Zone 3 area of the 208</p> <p>4 study, the recommendation included</p> <p>5 strict limitations on allowing any</p> <p>6 major new pollution sources, such as</p> <p>7 any new golf courses. In the more</p> <p>8 than one-third of the century, when</p> <p>9 the Pine Barrens Preservation Act was</p> <p>10 signed into law, this guiding premise</p> <p>11 has not been violated. And to the</p> <p>12 best of my knowledge, no new golf</p> <p>13 courses has been approved within the</p> <p>14 Pine Barrens watershed.</p> <p>15 Your vote today should not stray</p> <p>16 from this fundamental expectation of</p> <p>17 the law that we passed. Our regional</p> <p>18 Pine Barrens watershed is a public</p> <p>19 drinking water watershed and should</p> <p>20 continue to be treated as such. And</p> <p>21 the proposed new golf course of the</p> <p>22 instant application is a direct of</p> <p>23 front the quantitatively based studies</p> <p>24 that we clarified into the</p> <p>25 Pine Barrens Protection Act more than</p>

<p>65</p> <p>1</p> <p>2 a quarter century ago.</p> <p>3 If a proposal was put forth by a</p> <p>4 developer to create a golf course on</p> <p>5 the edge of -- for example, the New</p> <p>6 Croton Reservoir or the Rondout</p> <p>7 Reservoir or the Great Ashokan</p> <p>8 Reservoir of the City Of New York, the</p> <p>9 city would inevitably act to halt such</p> <p>10 an unwise proposal because the</p> <p>11 pesticides, the herbicides, the</p> <p>12 fertilizers laden with nitrates and</p> <p>13 phosphate that the company and golf</p> <p>14 course would inevitably contaminate</p> <p>15 drinking water destined for</p> <p>16 maintaining the public health of the</p> <p>17 citizens of New York City. The idea</p> <p>18 of allowing a golf course within the</p> <p>19 watershed of any of the city's</p> <p>20 reservoirs would be immediately</p> <p>21 stopped because it would be a direct</p> <p>22 threat to public health via the</p> <p>23 inevitably compromised purity of</p> <p>24 drinking water.</p> <p>25 Why then should we on</p>	<p>67</p> <p>1</p> <p>2 proposed golf course and its excessive</p> <p>3 residential development would likely</p> <p>4 exceed any human lifespan.</p> <p>5 From a policy perspective then,</p> <p>6 the proposal before you would in</p> <p>7 practical terms permanently compromise</p> <p>8 the large groundwater flow segment of</p> <p>9 the Pine Barrens, and set an adverse</p> <p>10 precedent for all of the other</p> <p>11 portions of the Pine Barrens.</p> <p>12 If you were to say yes to this</p> <p>13 proposal, how can you stand behind the</p> <p>14 lawful purposes and function of the</p> <p>15 Pine Barrens Preservation Act in the</p> <p>16 future for any other such proposal,</p> <p>17 which like this one, straddles</p> <p>18 Compatible Growth Area and the Core.</p> <p>19 In short, a new golf course is</p> <p>20 not compatible with any part of either</p> <p>21 the 208 studies federally funded</p> <p>22 hydrogeological Zone 3, or New York</p> <p>23 State's designated Pine Barrens</p> <p>24 region, and should not be approved.</p> <p>25 Ideally, the large acreage of</p>
<p>66</p> <p>1</p> <p>2 Long Island allow a massive</p> <p>3 subdivision and pollution generating</p> <p>4 golf course atop, not next to, but</p> <p>5 atop our reservoir, part of the deep</p> <p>6 flow recharge area of our largest</p> <p>7 designated watershed.</p> <p>8 Within this context, please note</p> <p>9 that the resident's time -- that's how</p> <p>10 long pollutants stay in the</p> <p>11 environment once they enter into it --</p> <p>12 please note that the resident's time</p> <p>13 of pollution from any golf course and</p> <p>14 associated large scale human living</p> <p>15 activities development adjacent to it</p> <p>16 that might enter into the surface</p> <p>17 water reservoir -- such as those that</p> <p>18 New York City depends upon -- would be</p> <p>19 measured at most in just a few years,</p> <p>20 it would purge itself.</p> <p>21 By contrast, the resident's time</p> <p>22 of the same kind of contamination in</p> <p>23 any part of our Pine Barrens</p> <p>24 groundwater watershed would be much,</p> <p>25 much longer. Pollution from the</p>	<p>68</p> <p>1</p> <p>2 the subject site should be acquired</p> <p>3 and made public. And Assemblyman</p> <p>4 Thiele's successful efforts to create</p> <p>5 a preservation fund as provided a</p> <p>6 mechanism for providing a substantial</p> <p>7 portion of such necessary funds, and</p> <p>8 as a tool that should be used to</p> <p>9 protect this part of the Pine Barrens.</p> <p>10 Governor Andrew Cuomo's current</p> <p>11 proposal now before us in Albany for a</p> <p>12 \$3,000,000,000 environmental buy back</p> <p>13 would may be approved by referring</p> <p>14 them later this year, is another</p> <p>15 potential source of public funding for</p> <p>16 such possible acquisition.</p> <p>17 Similarly, funds are also</p> <p>18 available from the New York State</p> <p>19 Water infrastructure Investment Act,</p> <p>20 which currently is funded in 3.5</p> <p>21 billion dollars. And we are currently</p> <p>22 considering the proposal to add</p> <p>23 \$500,000,000 more to this in our</p> <p>24 current state budget deliberations.</p> <p>25 What I am communicating to you</p>

<p>69</p> <p>1</p> <p>2 is that saying no does not compromise</p> <p>3 this Commission because of inadequate</p> <p>4 funding sources to backup your</p> <p>5 decision. To backup your decision</p> <p>6 against species that still are likely</p> <p>7 accusations that would likely will</p> <p>8 follow from the developer that a</p> <p>9 taking has occurred.</p> <p>10 Just the shortcomings of the</p> <p>11 SEQRA portion of this application is</p> <p>12 enough to require a no vote on your</p> <p>13 part. But the bigger picture, is that</p> <p>14 the Pine Barrens is recognized in</p> <p>15 state law as deserving special</p> <p>16 protection and particular shelter from</p> <p>17 ordinary development because it's both</p> <p>18 an ecological and cultural treasure</p> <p>19 and in an especially vulnerable and</p> <p>20 fragile drinking water source area</p> <p>21 that is necessary to the ultimate</p> <p>22 protection of public health.</p> <p>23 I am disappointed that the</p> <p>24 Southampton Town Planning Board has</p> <p>25 acted a variance to SEQRA, and in many</p>	<p>71</p> <p>1</p> <p>2 today that seem to represent a larger</p> <p>3 coalition or there's a larger group of</p> <p>4 folks that have been involved.</p> <p>5 I don't know if any of them want</p> <p>6 to start. I was going to try to have</p> <p>7 some of those position statements</p> <p>8 maybe made earlier that will be longer</p> <p>9 statements and then, again, an effort</p> <p>10 to allow everyone to have some time to</p> <p>11 speak to try to shorten the public</p> <p>12 comment time period. And if you just</p> <p>13 agree with what's been stated before,</p> <p>14 please feel free to say I agree with</p> <p>15 the previous statement and I have</p> <p>16 written comments to submit for the</p> <p>17 record.</p> <p>18 So do we have people signed up?</p> <p>19 MR. MILAZZO: No, we don't.</p> <p>20 CHAIRWOMAN GALLAGHER: Mr.</p> <p>21 Amper, I see you standing. Remember</p> <p>22 to state your name and affiliation for</p> <p>23 the record.</p> <p>24 (Undecipherable cross-talk.)</p> <p>25 CHAIRWOMAN GALLAGHER: I just do</p>
<p>70</p> <p>1</p> <p>2 other ways, has allowed this unwise</p> <p>3 proposal to advance.</p> <p>4 However, when the legislature</p> <p>5 created the Pine Barrens Commission,</p> <p>6 it was our intent that the entity that</p> <p>7 you are a firewall against</p> <p>8 parochialism and does a failsafe</p> <p>9 mechanism for objective rational</p> <p>10 science based decision making in the</p> <p>11 Pine Barrens.</p> <p>12 Please uphold the legacy,</p> <p>13 tradition and lawful policy based</p> <p>14 public expectation of the Pine Barrens</p> <p>15 Protection Act, and protect the Pine</p> <p>16 Barrens by rejecting the application</p> <p>17 before you.</p> <p>18 Thank you for your</p> <p>19 consideration.</p> <p>20 If you have questions, I will be</p> <p>21 available.</p> <p>22 CHAIRWOMAN GALLAGHER: Thank</p> <p>23 you, sir.</p> <p>24 So moving on, I know there are</p> <p>25 several members of the public here</p>	<p>72</p> <p>1</p> <p>2 want to make sure that if we have --</p> <p>3 if people thought they were signing up</p> <p>4 to speak that we have that.</p> <p>5 MR. MILAZZO: We could go down</p> <p>6 the list.</p> <p>7 CHAIRWOMAN GALLAGHER: Okay.</p> <p>8 MR. MILAZZO: So the first</p> <p>9 person is Bill Tymann.</p> <p>10 CHAIRWOMAN GALLAGHER: Okay.</p> <p>11 (Undecipherable cross-talk.)</p> <p>12 MR. ROMAINE: Why don't we let</p> <p>13 Mr. Amper finish and then go to the</p> <p>14 list.</p> <p>15 (Undecipherable cross-talk.)</p> <p>16 CHAIRWOMAN GALLAGHER: You're a</p> <p>17 frequent public speaker at these</p> <p>18 meetings.</p> <p>19 MR. AMPER: Okay. Thank you</p> <p>20 very much for convening this meeting</p> <p>21 and for looking at this project. It's</p> <p>22 very important.</p> <p>23 We are not to call out. We have</p> <p>24 instructions about that in the very</p> <p>25 beginning. But I'd like to see -- I</p>

<p>73</p> <p>1 2 am very, very proud of the community 3 and how they have stood up against the 4 project that they disapprove -- I just 5 wondering by a show of hands how many 6 people do not like this project? 7 Thank you very much. 8 CHAIRWOMAN GALLAGHER: Does that 9 conclude your remarks? 10 MR. AMPER: As an author of the 11 Pine Barrens Protection Act and I very 12 much appreciate the Assemblyman's 13 leadership, he was instrumental in 14 getting that law passed. And you can 15 tell from his comments, this means a 16 very much to him and to the members of 17 the State legislature. 18 As author of that Pine Barrens 19 Act myself and a contributor to the 20 Comprehensive Land Use Plan, I know 21 when I see a proposed project that is 22 inconsistent with the purposes of the 23 Pine Barrens protection. 24 The Long Island Pine Barrens 25 boast the greatest diversity of plants</p>	<p>75</p> <p>1 2 the Town Planning Board's effort to 3 railroad this project through. 4 The proposal calls for 5 construction of an 18 hole 6 championship golf course as you've 7 heard, and a 130 home housing project. 8 This is in addition to many other 9 facilities including a baseball field, 10 a practice fairway, a fitness center, 11 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 20 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 25 drinking water supplies of Speonk,</p>
<p>74</p> <p>1 2 and animals anywhere in New York State 3 and the ecosystem since atop the 4 purest water anywhere on Long Island. 5 The Lewis Road Plan Residential 6 Development and its predecessor, The 7 Hills at Southampton, are the biggest 8 and baddest developed proposals ever 9 presented to the Pine Barrens 10 Commission. 11 Long Island voters have put up 12 with more than a billion dollars to 13 preserve the Island's premiere 14 ecosystem. The Lewis Road Project 15 lies in the state designated special 16 groundwater protection area and a 17 county designated critical 18 environmental area. The Pine Barrens 19 Act is a natural filter for nitrogen 20 and other contaminates. 21 A nearly identical project was 22 not approved by the Southampton Town 23 Board and our Pine Barrens Society and 24 the group from the east end had gone 25 to court to challenge the legality of</p>	<p>76</p> <p>1 2 Westhampton, East Quogue, Hampton 3 Bays, Bridgehampton and the 4 surrounding areas. Harmful algae 5 blooms and depleted oxygen plagued the 6 surface waters in this area. These 7 water issues were a public health 8 threat and have also resulted in beach 9 closures, fish and turtle kills and 10 flooding which undermine our marina. 11 Any new development is expected 12 to increase nitrogen in the area 13 threatening the already impaired water 14 bodies of Weesuck creek and western 15 Shinnecock Bay. 16 In fact, the recently released 17 Draft in Suffolk County water's shed 18 wastewater plan ranks the coastal 19 areas around East Quogue as priority 20 one for nitrogen removal and 21 specifically lists Weesuck Creek as a 22 priority one water body. 23 The group for the east end will 24 represent a list of violations in the 25 state and environmental law including</p>

1
2 but not limited to the State and
3 Environmental Quality Review Act. I
4 will leave that to them. The Long
5 Island Pine Barrens Society has been
6 working deciduously for more than 40
7 years to protect the Long Island
8 Pine Barrens to win approval by the
9 central Pine Barrens Joint Planning
10 and Policy Commission. The Lewis Road
11 Project must meet all of the
12 provisions of the Pine Barrens Act and
13 all of the requirements in the
14 Comprehensive Land Use Plan.

15 We treat the Pine Barrens
16 Commission and staff to meet this
17 solemn responsibility.

18 Thank you very much.

19 CHAIRWOMAN GALLAGHER: All
20 right.

21 So we'll start going in order.
22 There are 40 people who signed up. So
23 again, just in the spirit of trying to
24 allow everyone to speak, if you just
25 agree with something that already has

1
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

1
2 opposition's guys as being about
3 environmental protection has been
4 utter nonsense.

5 Am I a popular guy yet?

6 If it were valid, I would be
7 opposed to it, too. What I am opposed
8 to is settling for all ways of doing
9 business. This project complies with
10 all environmental standards and then
11 some. When Discovery has been asked
12 for one, they have given three. When
13 the opponents have assumed one thing,
14 it's been proven otherwise. When
15 asked to demonstrate support for the
16 community and public hearings --
17 unlike this evening -- they've done so
18 outnumbering the opposition two to
19 one.

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

1
2 negative people, they have a problem
3 for every solution.

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

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

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

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

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

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

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

<p style="text-align: right;">81</p> <p>1</p> <p>2 Brook.</p> <p>3 And I was also there in the</p> <p>4 early 1990s when the State Legislature</p> <p>5 passed the Pine Barrens Act. And</p> <p>6 that's why what I have to say now is</p> <p>7 so important in that regard.</p> <p>8 Section 57-0103 of the</p> <p>9 Environmental Conservation Law of the</p> <p>10 State of New York says, it is further</p> <p>11 in the public interest to establish a</p> <p>12 Commission made up of the governor's</p> <p>13 appointee. The County Executive of</p> <p>14 Suffolk County and the supervisors of</p> <p>15 the Towns of Brookhaven, Riverhead and</p> <p>16 Southampton to prepare, oversee and</p> <p>17 participate in the implementation of</p> <p>18 Comprehensive Land Use Plan for the</p> <p>19 Central Pine Barrens area, to guide</p> <p>20 development there in a manner suitable</p> <p>21 to the needs of the preservation of</p> <p>22 the Core Preservation Area and</p> <p>23 development in the Compatible Growth</p> <p>24 Area, unquote.</p> <p>25 Section 57-0105, declares that</p>	<p style="text-align: right;">83</p> <p>1</p> <p>2 The Lewis Road property, which</p> <p>3 is in the Compatible Growth Area,</p> <p>4 could have been included within the</p> <p>5 Core Preservation Area when the</p> <p>6 original Central Pine Barrens map was</p> <p>7 created in 1993, but it was not</p> <p>8 included. It was put in the</p> <p>9 Compatible Growth Area. It could have</p> <p>10 been moved to the Core Preservation</p> <p>11 Area where the Pine Barrens statute</p> <p>12 was amended in 1995, in 1996, in 1998,</p> <p>13 in 2001, in 2003, in 2004, in 2005, in</p> <p>14 2006, in 2012, in 2013, in 2014, in</p> <p>15 2016 and in 2019.</p> <p>16 But it was not moved from the</p> <p>17 Compatible Growth Area to the Core</p> <p>18 Preservation Area in 13 separate</p> <p>19 legislative changes that moved</p> <p>20 property from one to the other.</p> <p>21 In each situation, the New York</p> <p>22 State legislature could have moved the</p> <p>23 property from the Compatible Growth</p> <p>24 Area to the Core Preservation Area,</p> <p>25 but it did not do so.</p>
<p style="text-align: right;">82</p> <p>1</p> <p>2 the legislature further finds that a</p> <p>3 portion of a system known as the</p> <p>4 Central Pine Barrens area, requires</p> <p>5 the preparation and implementation of</p> <p>6 a State's supported regional</p> <p>7 Comprehensive Land Use Plan that will</p> <p>8 provide for the preservation of the</p> <p>9 Core Preservation Area, protection of</p> <p>10 the Central Pine Barrens are and for</p> <p>11 the designation of the Compatible</p> <p>12 Growth Areas to accommodate</p> <p>13 appropriate patterns of development</p> <p>14 and regional growth with recognition</p> <p>15 of the rights of private landowners</p> <p>16 and the purpose of preservation of the</p> <p>17 Core Area.</p> <p>18 The project being discussed</p> <p>19 today in this public hearing, the</p> <p>20 Lewis Road Planned Residential</p> <p>21 Development, is mainly in all of its</p> <p>22 development in the Compatible Growth</p> <p>23 Area as designated by the New York</p> <p>24 State Legislature, and not in the Core</p> <p>25 Preservation Area.</p>	<p style="text-align: right;">84</p> <p>1</p> <p>2 I repeat, in 13 separate chapter</p> <p>3 amendments, while other lands in the</p> <p>4 region were being added to the Core</p> <p>5 Preservation Area, the lands included</p> <p>6 for development in the proposed Lewis</p> <p>7 Road subdivision before this body</p> <p>8 today was not moved from Compatible</p> <p>9 Growth Area to the Core Preservation</p> <p>10 Area.</p> <p>11 It would have been easy to do so</p> <p>12 at anytime over the past 27 years.</p> <p>13 But it was never done. This clearly</p> <p>14 shows that the intent of the New York</p> <p>15 State Legislature that these areas are</p> <p>16 to be developed because they are in</p> <p>17 the Compatible Growth Area.</p> <p>18 Second, the land included within</p> <p>19 the Lewis Road subdivision and how it</p> <p>20 is developed is solely within the</p> <p>21 jurisdiction of the Town of</p> <p>22 Southampton and their governing</p> <p>23 bodies. The Town of Southampton can</p> <p>24 decide whether to build homes or build</p> <p>25 a golf course or to do both. The sole</p>

1
2 jurisdiction of Central Pine Barrens
3 Commission in this situation is to
4 determine whether the development
5 proposal meets the objective standards
6 of the Pine Barrens Land Use Plan.
7 The objective standards, not the
8 subjective standards.

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

19 The analysis provided by the
20 Central Pine Barrens Commission is
21 part of the process for the
22 development of this property, but it
23 must follow the law of the State of
24 New York and the zoning authority of
25 the Town of Southampton.

1
2 It is the legislator intent in
3 New York State as can be seen that
4 this property is located within the
5 Compatible Growth Area and not the
6 Core Preservation Area, and as such
7 can be developed in accordance with
8 the objective standards of the
9 Compatible Growth Area Land Use Plan.

10 Thank you very much.

11 CHAIRWOMAN GALLAGHER: Are you
12 leaving us a copy?

13 (Handing document to the Board.)

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

16 MS. BROWN: Good afternoon.

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

20 Thank you, Commissioners for
21 this opportunity to speak today.

22 The Pine Barrens Society has
23 several concerns about this project.
24 And they are outline in the document
25 that we are submitting to the record

1
2 today.

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

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

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

17 Weesuck Creek and Western
18 Shinnecock Bay are severely impaired
19 water body and are ranked priority one
20 areas for nitrogen removal for Suffolk
21 County.

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

1
2 surface waters.

3 As you know, the Comprehensive
4 Land Use Plan sets strict guidelines
5 for nitrogen loading in the Pine
6 Barrens. The applicant who is
7 proposing a 130 home development
8 project with manicured landscapes, a
9 professional golf course, a common
10 lawn, putting greens, a baseball field
11 and more stating that they will have a
12 net-negative nitrogen impact.

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

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

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

<p>89</p> <p>1</p> <p>2 consultants hired by the Town of</p> <p>3 Southampton and world renowned</p> <p>4 scientist Dr. Chris Gobler, the</p> <p>5 developer has been using nitrogen</p> <p>6 leaching rates that are much lower and</p> <p>7 fertilization rates that are much</p> <p>8 higher than these used by</p> <p>9 environmental development planners and</p> <p>10 those adapted by LINAP. And LINAP is</p> <p>11 the Long Island Nitrogen Action Plan.</p> <p>12 LINAP uses nitrogen rates that</p> <p>13 have been collaboratively developed</p> <p>14 between the New York State Department</p> <p>15 of Environmental Conservation, Suffolk</p> <p>16 and Nassau County, Cornell University,</p> <p>17 USGS, USEPA and Stony Brook</p> <p>18 University.</p> <p>19 In addition, both the Town's</p> <p>20 consultants and Dr. Chris Gobler both</p> <p>21 state that while fertigation or using</p> <p>22 nitrogen leading water to irrigate</p> <p>23 holds promise, it is a largely</p> <p>24 untested experimental practice and the</p> <p>25 results cannot be predicted.</p>	<p>91</p> <p>1</p> <p>2 mitigate the massive nitrogen impacts</p> <p>3 that their project will have.</p> <p>4 However, these mitigation</p> <p>5 efforts have been removed from the</p> <p>6 Lewis Road project. So let me say</p> <p>7 that I again. All of the nitrogen</p> <p>8 mitigation efforts that were in place</p> <p>9 to curtail nitrogen from this project</p> <p>10 are missing from this project that is</p> <p>11 before you today.</p> <p>12 So you probably wondering what</p> <p>13 will be the nitrogen impacts of the</p> <p>14 project then?</p> <p>15 Well, after you adjust their</p> <p>16 modeling numbers to industry</p> <p>17 standards, remove the experimental and</p> <p>18 untested fertigation from their</p> <p>19 calculations and remove the speed of</p> <p>20 nitrogen mitigation efforts, you are</p> <p>21 looking at about 4,800 pounds added</p> <p>22 nitrogen per year. A nitrogen loading</p> <p>23 that is far greater than once</p> <p>24 permissible by the Comprehensive Land</p> <p>25 Use Plan.</p>
<p>90</p> <p>1</p> <p>2 Therefore, fertigation cannot be</p> <p>3 included in nitrogen calculations.</p> <p>4 Next, the applicant has blurred</p> <p>5 the lines between previous Hills at</p> <p>6 Southampton Development Project and</p> <p>7 the new Lewis Road PRD. It's</p> <p>8 important to note that the developer</p> <p>9 touts their net-negative nitrogen</p> <p>10 impact from The Hills PDD</p> <p>11 environmental impact statement.</p> <p>12 However, what they fail to</p> <p>13 mention is that those numbers were</p> <p>14 calculated including a whole sweep of</p> <p>15 nitrogen mitigation measures. Those</p> <p>16 include a sewage treatment plant at</p> <p>17 the local school, a preservation of 33</p> <p>18 acres in the head waters of</p> <p>19 Weesuck Creek, the purchase and</p> <p>20 retirement of 30 Pine Barrens credits,</p> <p>21 a fertilizer cap of two pounds of</p> <p>22 nitrogen per thousand square feet and</p> <p>23 a \$1,000,000 fund to support community</p> <p>24 wide septic upgrades. Those were all</p> <p>25 put into The Hills application and</p>	<p>92</p> <p>1</p> <p>2 It is the Commissions duty to</p> <p>3 demand that the developer provide new</p> <p>4 accurate loading estimates, use</p> <p>5 industry standard modeling numbers,</p> <p>6 include a dispersion model, remove</p> <p>7 untested fertigation from the</p> <p>8 calculations and remove the mitigation</p> <p>9 that have been set that are no longer</p> <p>10 at play. So that you can accurately</p> <p>11 determine whether or not this project</p> <p>12 complies with the Land Use Plan.</p> <p>13 Any increase of nitrogen to the</p> <p>14 area will have devastating impacts on</p> <p>15 groundwater, supply wells, and the</p> <p>16 already impaired Weesuck Creek and</p> <p>17 Shinnecock Bay.</p> <p>18 Thank you for your time and</p> <p>19 consideration.</p> <p>20 CHAIRWOMAN GALLAGHER: Marissa</p> <p>21 and then next is Paul Dietche.</p> <p>22 Again, just for the record,</p> <p>23 state who you are and your</p> <p>24 affiliation.</p> <p>25 MS. BRIDGE: Hi. My name is</p>

<p>93</p> <p>1</p> <p>2 Marissa Bridge.</p> <p>3 I am a member of the East Quogue</p> <p>4 Civic -- the East Quogue</p> <p>5 Beautification.</p> <p>6 And I own property on</p> <p>7 Weesuck Creek.</p> <p>8 I can't find my notes that I</p> <p>9 wrote. Somehow -- I don't know what</p> <p>10 happened -- but -- Okay.</p> <p>11 For over six years East Quogue</p> <p>12 has been threatened development of</p> <p>13 this mega resort. This enormous</p> <p>14 project which was voted down by the</p> <p>15 Southampton Town Board will be built</p> <p>16 on pristine Pine Barrens below which</p> <p>17 sits on Long Island's single source</p> <p>18 water aquifer. The developer has</p> <p>19 spent time influencing elected</p> <p>20 officials and East Quogue residents to</p> <p>21 champion its cause. It has filed</p> <p>22 lawsuits when it doesn't get approvals</p> <p>23 and subpoenas residents who speak up</p> <p>24 at town meetings. It is a corporate</p> <p>25 bully, and that is the only reason</p>	<p>95</p> <p>1</p> <p>2 Bennetter.</p> <p>3 MR. DIETCHE: Hello to everyone.</p> <p>4 My name is Paul Dietch.</p> <p>5 I own a house in Quogue and I'm</p> <p>6 not an expert in anything.</p> <p>7 Particularly the stock market,</p> <p>8 where I worked for 40 years.</p> <p>9 But I think I can justify your</p> <p>10 time, and start off as saying I oppose</p> <p>11 the Lewis Road development.</p> <p>12 I think there are two -- at</p> <p>13 least two major considerations in this</p> <p>14 development. One of them is pollution</p> <p>15 of water around us, which has been</p> <p>16 quite well discussed. And well, I</p> <p>17 think, presently by both sides.</p> <p>18 The other one has to do with the</p> <p>19 climate problem. I listen to and read</p> <p>20 about and impressed by what I hear</p> <p>21 from scientists around the world.</p> <p>22 You know we mine fossil fuels</p> <p>23 for over 100 years and burn them on</p> <p>24 top of the soil. You think about</p> <p>25 that, it shouldn't be perhaps so</p>
<p>94</p> <p>1</p> <p>2 this application is still being</p> <p>3 considered.</p> <p>4 Apparently big profits with few</p> <p>5 investors is more important than clean</p> <p>6 water for all the residents of</p> <p>7 Long Island. Our water quality is in</p> <p>8 jeopardy and will be for the seeable</p> <p>9 future unless our priorities as a</p> <p>10 community change.</p> <p>11 I am proud to be part of the</p> <p>12 majority of East Quogue residents who</p> <p>13 oppose this inappropriate project. If</p> <p>14 it goes through the East Quogue we</p> <p>15 love will become the next suburban</p> <p>16 outpost in Suffolk County. No more</p> <p>17 will we enjoy the quiet life there.</p> <p>18 We will be a Discovery Land company</p> <p>19 town. Please help us save our water</p> <p>20 and East Quogue. Please say no to</p> <p>21 this application.</p> <p>22 Thank you very for this</p> <p>23 opportunity.</p> <p>24 CHAIRWOMAN GALLAGHER: Mr.</p> <p>25 Dietche, and after we have Tommy</p>	<p>96</p> <p>1</p> <p>2 surprising that something bad or</p> <p>3 undesirable might happen to our</p> <p>4 atmosphere. And when it's seemingly</p> <p>5 defined as getting too much CO2 in the</p> <p>6 atmosphere.</p> <p>7 I am concerned that -- to this</p> <p>8 almost overwhelming problem the world</p> <p>9 has been very slow to respond -- all</p> <p>10 though I think that is beginning to</p> <p>11 change, particularly with the tragic</p> <p>12 events around the world.</p> <p>13 And I would have to say, the man</p> <p>14 in the white house very sadly is</p> <p>15 leaning in the other direction.</p> <p>16 So from that it would certainly</p> <p>17 appear most appropriate that all of us</p> <p>18 as individuals do something about it.</p> <p>19 And there are many things -- you know</p> <p>20 that I have heard that we can -- I</p> <p>21 believe one of them we are doing right</p> <p>22 here in this room, is as citizens, as</p> <p>23 individuals deciding on what projects</p> <p>24 should go through and what projected</p> <p>25 should not.</p>

1
2 Affordable housing I believe is
3 one that deserves a positive
4 consideration around the country.
5 Luxury golf courses, luxury homes I
6 would say does not.

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

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

25 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.

10 CHAIRWOMAN GALLAGHER: So
11 Tommy Benetter; is that correct?
12 Billy Kreitzek it's looks like.

13 MR. BENNETTER: Tom Benetter.
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
19 Pine Barrens and is designated
20 precisely for the development that
21 Discovery Land has been proposing.

22 Thank you very much.

23 CHAIRWOMAN GALLAGHER: Thank
24 you.

25 MR. KREITZEK: Hi, my name is

1
2 Billy Kreitzek.

3 I've been a resident out here
4 for almost 40 years.

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
8 do a great job. I firmly believe they
9 play by the rules. They have done
10 nothing but everything that you're
11 supposed to do to get things approved
12 out here.

13 I just think we should vote yes
14 and move ahead and move on with this.

15 And I appreciate your time and I
16 look forward to getting this approved.

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.

25 I think the Commission are

1
2 somewhat aware of my credentials.

3 Very briefly, my training has
4 been in biological sciences and
5 natural resources management for over
6 three decades. I've worked in various
7 roles, a great deal in permitting,
8 habitat restoration. As you know I
9 served as the Peconic Bay keeper for
10 16 years, so I certainly am very
11 familiar with water quality issues.

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

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

<p>101</p> <p>1</p> <p>2 four, five years -- if not longer --</p> <p>3 in review. But ultimately the -- a</p> <p>4 couple of key components, the site</p> <p>5 itself -- let's be clear, Mr. Voorhis</p> <p>6 showed a very important graphic of the</p> <p>7 level of nitrogen pollution streaming</p> <p>8 through the site from the farm built,</p> <p>9 essentially, very high levels.</p> <p>10 As I understand it, the Suffolk</p> <p>11 County Water Authority has to actually</p> <p>12 blend water for quotability, the 10</p> <p>13 milligram per liter or lower. So we</p> <p>14 do have situation where, again, as a</p> <p>15 pass through with do have a pollution</p> <p>16 source, again, with the farms.</p> <p>17 Secondly with the sewage</p> <p>18 treatment, certainly early on there</p> <p>19 was not specificity to the level of</p> <p>20 treatment, I am pleased that the</p> <p>21 developers are proposing a sewage</p> <p>22 treatment plan on-site. I think we</p> <p>23 can do -- while it is a standard of 10</p> <p>24 milligrams, we think we can do better.</p> <p>25 Absolutely, based on the technology --</p>	<p>103</p> <p>1</p> <p>2 Mr. Voorhis in the application and I</p> <p>3 know it was brought up by an earlier</p> <p>4 speaker that some variation on</p> <p>5 leaching rates, I believe that has</p> <p>6 been adjusted, so the presumption of a</p> <p>7 net-negative that is possibility.</p> <p>8 And I do know that the</p> <p>9 technology, the level of monitoring,</p> <p>10 the adaptation ultimately using</p> <p>11 enriched groundwater for irrigation on</p> <p>12 turf grasses, again, where there is</p> <p>13 systematically monitoring where there</p> <p>14 can be adjustments that -- again, this</p> <p>15 is negligible in me professional</p> <p>16 opinion.</p> <p>17 The ultimate result of this</p> <p>18 project, I would like to see</p> <p>19 preservation. I'm not sure if that</p> <p>20 ship has sailed, perhaps not.</p> <p>21 It's incumbent upon this</p> <p>22 Commission, however, to do all they</p> <p>23 can to ensure that the standards are</p> <p>24 being met.</p> <p>25 And with respect to process</p>
<p>102</p> <p>1</p> <p>2 employment of drain fields -- so the</p> <p>3 nitrogen from waste water can be</p> <p>4 negligible. The turf grass is of</p> <p>5 course is a big issue in the golf</p> <p>6 course.</p> <p>7 You know, I've come to terms</p> <p>8 with I guess with the implications of</p> <p>9 golf courses over the last ten years</p> <p>10 of just paying attention and reading</p> <p>11 the literature. I will say that the</p> <p>12 use of waste water on golf courses is</p> <p>13 a practice that's out there, so we</p> <p>14 certainly do know how to treat, fight</p> <p>15 or remediate nitrogen loading.</p> <p>16 The model itself, the nitrogen</p> <p>17 loading model -- and certainly this is</p> <p>18 not my bailiwick -- but suffice it to</p> <p>19 say I know enough about it to say that</p> <p>20 the assigned values, the assumptions</p> <p>21 that have been applied to this project</p> <p>22 with a loading from various sources,</p> <p>23 that's the accepted science. That's</p> <p>24 how we review these projects.</p> <p>25 And I would submit that</p>	<p>104</p> <p>1</p> <p>2 which I've been in and out over the</p> <p>3 last five years, if there are issues</p> <p>4 with process, you know, where we are</p> <p>5 cutting corners, I believe that is</p> <p>6 being called out and that will be</p> <p>7 decided.</p> <p>8 I don't think the project as</p> <p>9 proposed as built is any death nail</p> <p>10 for Shinnecock Bay. I believe that,</p> <p>11 again, the nitrogen reduction with the</p> <p>12 controls and the practices, the</p> <p>13 monitoring, the adjustments can be</p> <p>14 managed and maintained.</p> <p>15 Short of that, we are dealing</p> <p>16 with a lot of issues. We talked about</p> <p>17 this particular area in being</p> <p>18 pristine. I think one very important</p> <p>19 point -- and I've been bringing this</p> <p>20 up from the inception of these</p> <p>21 discussions -- with blending water,</p> <p>22 that nitrogen plume that is emanating</p> <p>23 from the farm bales.</p> <p>24 If we are not ensuring that</p> <p>25 clean drinking water is protected and</p>

<p>105</p> <p>1</p> <p>2 in perpetuity by basically providing a</p> <p>3 well point upgrading it from all of</p> <p>4 the development. Short of that, it</p> <p>5 should be a nonstarter for this</p> <p>6 project. And then you are ensuring,</p> <p>7 regardless of the variability in these</p> <p>8 assumptions and the modeling that we</p> <p>9 are protecting drinking water.</p> <p>10 And I believe that the developer</p> <p>11 -- I know in the earlier iteration</p> <p>12 that was on a site plan, I haven't</p> <p>13 seen it again. I did hear</p> <p>14 Ms. Hargrave mention a designation of</p> <p>15 a well point. Again, that is an</p> <p>16 absolute in my mind.</p> <p>17 So do the right thing. Ensure,</p> <p>18 again, the standards are being met.</p> <p>19 Do your job.</p> <p>20 Thank you.</p> <p>21 CHAIRWOMAN GALLAGHER: Thank</p> <p>22 you. Okay. Joan Hughes. After her,</p> <p>23 Bill Kearns.</p> <p>24 MS. HUGHES: My name is Joan</p> <p>25 Hughes.</p>	<p>107</p> <p>1</p> <p>2 it is not adjacent to the land we are</p> <p>3 concerned with. That they promise to</p> <p>4 preserve that. The Discovery Land has</p> <p>5 promised to preserve it.</p> <p>6 All though, there is a road on</p> <p>7 it and a cell tower operated by</p> <p>8 T-Mobile on the Parlato land. But on</p> <p>9 The Hills -- The Hills is</p> <p>10 Pine Barrens. And all though they</p> <p>11 would like you to think that it's so</p> <p>12 degraded it isn't worth preserving, or</p> <p>13 that they are going to improve it to</p> <p>14 the extent that it will be beautiful</p> <p>15 viable Pine Barrens.</p> <p>16 What they will do is re-vegetate</p> <p>17 it because people who are going to</p> <p>18 live in those luxury homes are not</p> <p>19 going to want to live in the tick</p> <p>20 infested Pine Barrens. It will be</p> <p>21 beautiful when they get through with</p> <p>22 it, but it will no longer be</p> <p>23 Pine Barrens.</p> <p>24 It's your obligation to protect</p> <p>25 the Pine Barrens. I hope you remember</p>
<p>106</p> <p>1</p> <p>2 I live in Greenport. But from</p> <p>3 2006 until 2017, I lived in East</p> <p>4 Quogue and I was the chairman of the</p> <p>5 East Quogue Citizens Advisory</p> <p>6 Committee.</p> <p>7 During that time we objected to</p> <p>8 two developments on this property.</p> <p>9 This is the third attempt to develop</p> <p>10 it. Our reason for objecting was A,</p> <p>11 it's Pine Barrens; and B, it's in an</p> <p>12 aquifer overlay district.</p> <p>13 You should realize that what we</p> <p>14 are really concerned with here is</p> <p>15 approximately 428 acres of</p> <p>16 Pine Barrens that lies between Lewis</p> <p>17 Road and a short distance north of</p> <p>18 Sunrise Highway. Of that land, 1,000</p> <p>19 feet on each side of Sunrise Highway</p> <p>20 is in the Core Preservation Area. The</p> <p>21 remaining approximately 300 acres is</p> <p>22 Pine Barrens. This does not include</p> <p>23 the Kracke property, which is</p> <p>24 agricultural land or the Parlato</p> <p>25 property, which is Pine Barrens; and</p>	<p>108</p> <p>1</p> <p>2 that when you review this.</p> <p>3 CHAIRWOMAN GALLAGHER: Thank</p> <p>4 you, Joan. Bill Kearns, then after</p> <p>5 him Jeffrey Seeman.</p> <p>6 MR. KEARNS: Good afternoon,</p> <p>7 Commissioners, Madam Chair.</p> <p>8 Supervisor, good luck with your</p> <p>9 new position on Riverhead.</p> <p>10 MS. AGUIAR: Thank you.</p> <p>11 MR. KEARNS: I have a handout,</p> <p>12 if I may.</p> <p>13 I handed -- at the last meeting</p> <p>14 I attended I submitted the same</p> <p>15 handout, but it's no longer accurate.</p> <p>16 I've had to update it.</p> <p>17 CHAIRWOMAN GALLAGHER: And,</p> <p>18 Bill, just for the record, your</p> <p>19 affiliation?</p> <p>20 MR. KEARNS: I live adjacent to</p> <p>21 project to the property in East</p> <p>22 Quogue.</p> <p>23 I've been opposed to it since</p> <p>24 its inception.</p> <p>25 Last meeting I presented a map</p>

<p>109</p> <p>1</p> <p>2 of the Pine Barrens and the adjacent</p> <p>3 areas highlighting the toxic and</p> <p>4 polluted areas surrounding the Pine</p> <p>5 Barrens in East Quogue. But that map</p> <p>6 is no longer accurate. I've had to</p> <p>7 add to it three sites. Two toxic</p> <p>8 sites that further encroach upon that</p> <p>9 directly impact the Pine Barrens. Two</p> <p>10 were Superfund sites one in Calverton</p> <p>11 at Grumman and one in Westhampton; the</p> <p>12 former missile silo storage base,</p> <p>13 whatever.</p> <p>14 I've also sited the total</p> <p>15 destruction of the Peconic Bay scallop</p> <p>16 population this past year due to</p> <p>17 nitrogen. There are now 11 sites that</p> <p>18 impact water, soil, the lives of the</p> <p>19 inhabitants of the area. Three to</p> <p>20 four of these Superfund sites are in</p> <p>21 Southampton Town alone.</p> <p>22 The question becomes what not</p> <p>23 only what we must do to ameliorate</p> <p>24 these situations, but in fact how much</p> <p>25 more must the people of our towns be</p>	<p>111</p> <p>1</p> <p>2 no right to do this plan when they</p> <p>3 purchased the property.</p> <p>4 I believe this is about the</p> <p>5 preservation of natural forest that</p> <p>6 was deemed so important to the</p> <p>7 vitality and to the future of central</p> <p>8 and eastern Long Island, that a</p> <p>9 Commission was established to oversee</p> <p>10 and protect it. That Commission is</p> <p>11 you.</p> <p>12 Never will you see a project of</p> <p>13 this magnitude before you. And for</p> <p>14 that reason alone, I believe you must</p> <p>15 deny it. Allowing it to proceed will</p> <p>16 open the floodgate of minor</p> <p>17 development. The developers using it</p> <p>18 as a baseline or a standard to have</p> <p>19 their project approved resulting in</p> <p>20 the devastation of this important</p> <p>21 ecosystem.</p> <p>22 118 or 137 homes in the</p> <p>23 Pine Barrens is out of line in my</p> <p>24 view. Coupled with insecticide,</p> <p>25 pesticide and nitrogen laden golf</p>
<p>110</p> <p>1</p> <p>2 asked to endure.</p> <p>3 Miles of water mains are being</p> <p>4 putting down in Southampton</p> <p>5 surrounding the Pine Barrens in order</p> <p>6 to make the water totable. In certain</p> <p>7 locations it is not, it is</p> <p>8 carcinogenic. Governmental agencies</p> <p>9 are arguing over its necessity and as</p> <p>10 to who will pay for it. And at the</p> <p>11 end of the day, it's the residents who</p> <p>12 must pay, according to the Suffolk</p> <p>13 County Comptroller. They must pay for</p> <p>14 bad zoning decisions that led to</p> <p>15 density and the pollution of our fresh</p> <p>16 and salt water.</p> <p>17 This project was soundly</p> <p>18 defeated in Southampton Town. Elected</p> <p>19 officials debated and listened for</p> <p>20 years relative to this project and</p> <p>21 voted it down. This ridiculous</p> <p>22 loophole that allows this thing to</p> <p>23 move forward is being challenged in</p> <p>24 court. This is not about property</p> <p>25 rights. The developers knew they had</p>	<p>112</p> <p>1</p> <p>2 course, it flies in the face of any</p> <p>3 conversation activist.</p> <p>4 My position is today -- and</p> <p>5 always has been -- that the Pine</p> <p>6 Barrens must be preserved. I believe</p> <p>7 it is your mandate to see to this</p> <p>8 preservation. This project, it is a</p> <p>9 reason you, as a Commission, exists in</p> <p>10 my opinion.</p> <p>11 Last summer, national public</p> <p>12 radio did a series on the Pine Barrens</p> <p>13 and this housing development before</p> <p>14 you. One of the managements said that</p> <p>15 the developers took tremendous risk in</p> <p>16 buying this property. Their need for</p> <p>17 approval or their right for approval</p> <p>18 was not a given. That was the truth,</p> <p>19 and their attempt failed. It was</p> <p>20 voted down by duly elected Town Board.</p> <p>21 How can the this Board go</p> <p>22 through three or four years of intense</p> <p>23 public scrutiny -- how can this</p> <p>24 project, I'm sorry, go through three</p> <p>25 or four years of intense public</p>

<p>113</p> <p>1</p> <p>2 scrutiny, be denied and be back on the</p> <p>3 table for review? It is the same</p> <p>4 project, potentially, with less</p> <p>5 environmental safe guards. How can</p> <p>6 this happen? It's absurd.</p> <p>7 I respectfully ask that you put</p> <p>8 an end to this project. We have lost</p> <p>9 control of the environment as evidence</p> <p>10 by using environmental nightmares</p> <p>11 surrounding this project. It is not</p> <p>12 your fault, this all predates you.</p> <p>13 However, you do have the ability</p> <p>14 and the mandate to protect the Pine</p> <p>15 Barrens from future destruction. And</p> <p>16 there is no better first step than to</p> <p>17 shut this thing down.</p> <p>18 Thank you.</p> <p>19 CHAIRWOMAN GALLAGHER: Jeffrey</p> <p>20 Seeman and after him William Matuska.</p> <p>21 MR. SEEMAN: Good afternoon,</p> <p>22 Commissioners and staff.</p> <p>23 My name is Jeffrey Seeman. I'm</p> <p>24 a Southampton resident.</p> <p>25 I also prepared the Integrated</p>	<p>115</p> <p>1</p> <p>2 discussion about whether or not</p> <p>3 fertigation works, including use of</p> <p>4 nitrogen from groundwater which was</p> <p>5 done at the University of California</p> <p>6 is a proven technology.</p> <p>7 Superintendents have been adding</p> <p>8 aqueous blends of nutrients to golf</p> <p>9 courses since the early 1980s. The</p> <p>10 only way you can meet standards today</p> <p>11 to make applications of a tenth of a</p> <p>12 pound per thousand square feet of a</p> <p>13 nutrient or less, is really through an</p> <p>14 aqueous application. Typically, done</p> <p>15 either through a fertigation system</p> <p>16 which is a tank which supplements your</p> <p>17 irrigation system or through a turf</p> <p>18 spray. But the turf grass doesn't</p> <p>19 care where the nitrogen is coming</p> <p>20 from, and if we are withdrawing it</p> <p>21 from groundwater in this application</p> <p>22 and applying it to turf grass, it is</p> <p>23 probably the best way to -- if I were</p> <p>24 to remediate this problem.</p> <p>25 Simply because the density of</p>
<p>114</p> <p>1</p> <p>2 Turf Health Management Plan for DLV,</p> <p>3 Quogue.</p> <p>4 Today I'm going to speak briefly</p> <p>5 though on behalf of myself and my</p> <p>6 fellow golf course superintendents on</p> <p>7 the east end. I'm a certified golf</p> <p>8 course superintendent, and I'm also a</p> <p>9 certified environmental professional.</p> <p>10 Back in 1990, when the Peconic</p> <p>11 estuary was concerned about nitrogen</p> <p>12 loads, they came to the golf course</p> <p>13 superintendents of eastern</p> <p>14 Long Island. And we made a voluntary</p> <p>15 commitment with the USCPA to limit</p> <p>16 nitrogen applications at golf courses</p> <p>17 to maintain not more than two</p> <p>18 milligrams per liter discharged</p> <p>19 groundwater. The USCPA won a</p> <p>20 national reward for that commitment.</p> <p>21 And golf courses on the east end</p> <p>22 today, exceed that limit of two -- and</p> <p>23 most are closer to one milligram --</p> <p>24 per liter.</p> <p>25 There has been a lot of</p>	<p>116</p> <p>1</p> <p>2 turf grass and its need for that</p> <p>3 particular nutrient exceeds any other</p> <p>4 type of vegetative cover one could</p> <p>5 conceive for that particular</p> <p>6 application.</p> <p>7 So I just wanted to dispel some</p> <p>8 of the confusion about that</p> <p>9 application. And from my integrated</p> <p>10 turf health management plan, I also am</p> <p>11 a custodian -- graduate -- and I'm</p> <p>12 sorry my distinguished professor has</p> <p>13 left -- but from the 1992 Long Island</p> <p>14 Comprehensive Special Groundwater</p> <p>15 Protection Area Plan prepared by</p> <p>16 (undecipherable), it included a</p> <p>17 section to address golf courses as a</p> <p>18 land use within groundwater protection</p> <p>19 areas. That's in Appendix G.</p> <p>20 Specifically stating golf course</p> <p>21 management nitrates in groundwater, it</p> <p>22 was originally authored by</p> <p>23 Dr. Petrovich who is also the reviewer</p> <p>24 of Integrated Turf Health Plan on</p> <p>25 behalf of the Town of Southampton.</p>

<p>117</p> <p>1</p> <p>2 In the assessment compared with</p> <p>3 other land uses evaluated in New York</p> <p>4 State quote, the portion of golf</p> <p>5 courses having the highest potential</p> <p>6 for nitrate leaching represents an</p> <p>7 insignificant threat to the</p> <p>8 environment as a whole.</p> <p>9 So with that, I have some other</p> <p>10 written comments which I'll pass on to</p> <p>11 the staff.</p> <p>12 Thank you for your time.</p> <p>13 CHAIRWOMAN GALLAGHER: So,</p> <p>14 William Matuska, if I'm reading that</p> <p>15 correctly, and then Marilyn England is</p> <p>16 up after him. Maybe he left. Okay.</p> <p>17 Marilyn England.</p> <p>18 She left also. All right.</p> <p>19 Larry Oxman. And then after him it</p> <p>20 looks like Camden Ackerman.</p> <p>21 MR. OXMAN: Good afternoon.</p> <p>22 Larry Oxman.</p> <p>23 I live in the Rensienberg area.</p> <p>24 I have an office here in Riverhead.</p> <p>25 I'm a commercial broker. I do a</p>	<p>119</p> <p>1</p> <p>2 Without repeating a lot of</p> <p>3 information that I agreed with,</p> <p>4 Mr. Seeman, Mr. Pally and</p> <p>5 Mr. McAllister. When they talked</p> <p>6 about this property, the area that</p> <p>7 they don't want to build, it's Pine</p> <p>8 Barrens. They don't say the</p> <p>9 opposition. It doesn't say it's the</p> <p>10 Compatible Growth Area. No, they call</p> <p>11 it Pine Barrens. They do make</p> <p>12 reference to the Core area. But they</p> <p>13 don't talk about the Compatible Growth</p> <p>14 Area.</p> <p>15 This afternoon I took a look at</p> <p>16 the Pine Barrens Act as to who were</p> <p>17 the players that were involved when it</p> <p>18 was enacted in 1993. And the list was</p> <p>19 pretty impressive as far as</p> <p>20 stakeholders. And I'm not sure that I</p> <p>21 have it, but it was a lot of</p> <p>22 environmental groups and people --</p> <p>23 property owners, legislators. It was</p> <p>24 huge. The amount of people that</p> <p>25 participated in it.</p>
<p>118</p> <p>1</p> <p>2 lot of land sales. So that's my</p> <p>3 background. I don't have a scientific</p> <p>4 background.</p> <p>5 I guess it just seems from</p> <p>6 reading the local papers, how much</p> <p>7 misinformation there is out here. And</p> <p>8 half truths are being told. It's --</p> <p>9 it's Joan Hughes who was just here,</p> <p>10 was the head of the chair of the East</p> <p>11 Quogue CAC for many years. I attended</p> <p>12 those meetings while she was Chair for</p> <p>13 about three years. What she didn't</p> <p>14 tell you is that basically that when</p> <p>15 the new Board took over because the</p> <p>16 local citizens were outraged at what</p> <p>17 the CAC was saying or representing was</p> <p>18 the truth or their feelings.</p> <p>19 She also said that the Parlato</p> <p>20 property, which is part of this, has</p> <p>21 an antenna on it. It does not. The</p> <p>22 antenna is on another piece of</p> <p>23 property and there are homes up in</p> <p>24 that area not part of the Parlato</p> <p>25 property.</p>	<p>120</p> <p>1</p> <p>2 When it was enacted, it</p> <p>3 basically created Core, Compatible</p> <p>4 Growth. No development in the Core</p> <p>5 area have it shifted over to the</p> <p>6 Compatible Growth. That's what the</p> <p>7 development is supposed to take place.</p> <p>8 This property actually is a perfect</p> <p>9 analysis of what that Act is supposed</p> <p>10 to do. The developer is staying out</p> <p>11 of the Core area and they are</p> <p>12 developing only in the Compatible</p> <p>13 Growth Area.</p> <p>14 So your responsibility is to</p> <p>15 make sure that they follow the law.</p> <p>16 They follow the rules. And I think</p> <p>17 once you find that they do, and sounds</p> <p>18 like they do, you'll have no choice</p> <p>19 but to approve the proposal, as long</p> <p>20 as it abides by your laws.</p> <p>21 Thank you.</p> <p>22 CHAIRWOMAN GALLAGHER: Thank</p> <p>23 you. Camden Ackerman and after him,</p> <p>24 it looks like Silas Anthony.</p> <p>25 MR. ACKERMAN: Good afternoon.</p>

<p>121</p> <p>1</p> <p>2 My name is Camden Ackerman.</p> <p>3 I live in Westhampton Beach.</p> <p>4 And I'm a member of the</p> <p>5 Southampton Business Alliance.</p> <p>6 The executive director was</p> <p>7 unable to be here, but she asked me to</p> <p>8 share a letter on her behalf.</p> <p>9 I'm writing on behalf of the</p> <p>10 Board of Directors of the Southampton</p> <p>11 Business Alliance, 100 plus local</p> <p>12 business membership and their</p> <p>13 thousands of local employees to voice</p> <p>14 strong support for the Discovery Land</p> <p>15 Project proposed in East Quogue.</p> <p>16 The quality and caliber of the</p> <p>17 Discovery Land's project speaks for</p> <p>18 themselves, both locally and globally.</p> <p>19 Their management team has consistently</p> <p>20 evidenced the commitment to the</p> <p>21 betterment of our community at large.</p> <p>22 The Southampton Business</p> <p>23 Alliance feels this project will</p> <p>24 provide a huge economic benefit to</p> <p>25 East Quogue and to the Town of</p>	<p>123</p> <p>1</p> <p>2 you, Camden.</p> <p>3 MR. ANTHONY: I'm Silas Anthony.</p> <p>4 I've lived in Westhampton Beach</p> <p>5 my entire life.</p> <p>6 The Pine Barrens have always</p> <p>7 been a concern of mine. And I am all</p> <p>8 for preservation, except knowing that</p> <p>9 this particular property is in the</p> <p>10 Compatible Growth Area. That's why</p> <p>11 Discovery bought this from another</p> <p>12 developer and that's why they are here</p> <p>13 and that's what they do well.</p> <p>14 I feel like we should be</p> <p>15 fortunate to have this developer own</p> <p>16 this and have shown such commitment to</p> <p>17 work within the environmental</p> <p>18 constraints and have proven over and</p> <p>19 over again the lengths that they will</p> <p>20 go through to do so. As a matter of</p> <p>21 fact, I think their patience have been</p> <p>22 extraordinary over the last six, seven</p> <p>23 years.</p> <p>24 I trust this committee. After</p> <p>25 reviewing the experts environmental</p>
<p>122</p> <p>1</p> <p>2 Southampton. This will create many</p> <p>3 local jobs, both during and after</p> <p>4 construction. The new homeowners will</p> <p>5 support local businesses for decades</p> <p>6 to come and the new open homes will</p> <p>7 generate sorely needed tax dollars to</p> <p>8 support East Quogue School District</p> <p>9 and other local services.</p> <p>10 The project is located in the</p> <p>11 Compatible Growth Area, and the plan</p> <p>12 has already been approved by the Town</p> <p>13 of Southampton's Planning Board and</p> <p>14 the Zoning Board of Appeals.</p> <p>15 Discovery Land's track record</p> <p>16 evidences that they consistently go</p> <p>17 above and beyond requirements for the</p> <p>18 environmental protection and</p> <p>19 preservation.</p> <p>20 They are proven good neighbors</p> <p>21 on the east end and fair beyond.</p> <p>22 We thank you in advance in</p> <p>23 joining us in support of this project.</p> <p>24 Sincerely, Cheryl Heather.</p> <p>25 CHAIRWOMAN GALLAGHER: Thank</p>	<p>124</p> <p>1</p> <p>2 studies hired by the town, who will</p> <p>3 approve this project, to make an</p> <p>4 example of how to marry development</p> <p>5 and still protect our natural</p> <p>6 resources. This project will preserve</p> <p>7 over 70 percent of the Pine Barrens</p> <p>8 it's on.</p> <p>9 I look forward to your true -- I</p> <p>10 look forward to your timely approval.</p> <p>11 Thank you very much.</p> <p>12 CHAIRWOMAN GALLAGHER: I forgot</p> <p>13 to mention who was on deck before.</p> <p>14 Jerry Sandecki (phonetic).</p> <p>15 UNKNOWN SPEAKER: No.</p> <p>16 (Indecipherable).</p> <p>17 CHAIRWOMAN GALLAGHER: No.</p> <p>18 Okay. Elizabeth Jackson and after her</p> <p>19 John Artanian.</p> <p>20 UNKNOWN SPEAKER: He had to</p> <p>21 leave.</p> <p>22 CHAIRWOMAN GALLAGHER: He had to</p> <p>23 leave. Okay. So Robert Dallas after</p> <p>24 that.</p> <p>25 MS. JACKSON: My name is</p>

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1
2 Elizabeth Jackson.
3 And I'm from East Quogue.
4 In fact, my family has been
5 living, working volunteering,
6 educating, serving and drinking water
7 from this local aquifer for the past
8 11 generations. And we are based
9 right here in Hampton Bays and East
10 Quogue.
11 There has been a lot of
12 discussion about the -- the purity of
13 the area, the preservation of virgin
14 soils versus Pine Barrens habitat, and
15 the likes.
16 I was told years -- while this
17 was still in its earlier phases -- by
18 an older woman, people own these
19 properties before they got bought up
20 into a large group. The older
21 generations knew that they weren't
22 going to develop it because this was
23 an important habitat to protect.
24 So in time developers got their
25 hands on it, but these were parcels

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1
2 that families owned. They didn't get
3 paid much probably to put them
4 together. But generations knew you
5 don't touch Spinney Hills because it's
6 where our water comes from.
7 That said, a lot has been talked
8 about, old plans that are in line with
9 what they want it to be line with.
10 Like the Land Use Plan of 2000 and
11 whatnot.
12 I'm reminded of the fact that
13 everything that we are experiencing is
14 in a constant state of chaos. And
15 that's why models are changing, that's
16 why discussions of scientific
17 communities are changing, that's why
18 golf course regulations are changing.
19 The problem is that we have to
20 make those changes with them and not
21 allow ourselves to go back to certain
22 papers and prove our theories that
23 way.
24 When they said that nitrogen was
25 this major problem. It is. And it

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2 has been and it will continue to be.
3 But now we have a new thing that we
4 never knew about when these plans were
5 getting into place. It's called
6 PFOAs. We had no concept that they
7 were in our soils, in our houses, in
8 our furniture, in our fire retardants,
9 whatever.
10 What are we going to find
11 tomorrow that maybe these safe
12 chemicals are not as good as we
13 thought they were. Chaos. It's
14 always changing.
15 Like they said, soils changing.
16 When they put the plans together for
17 The Hills project, I have only ever
18 found two test hold datas recording
19 the location of the groundwater taken
20 in, like, March. This area goes from
21 200 something feet to 25 feet above
22 sea level. Taking a soil location in
23 two locations is not going to tell you
24 what's really going on in the depths
25 of these different layers of aquifers.

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2 Concepts of putting water back
3 when they are saying they are going to
4 do all the leaching and the
5 fertigation is one thing on a normal
6 parcel. This is not a normal parcel.
7 This is Core Preservation
8 Pine Barrens. This is Compatible
9 Growth Pine Barrens.
10 These are soils that were
11 deposited here by the glaciers and
12 never really touched aside from a
13 little bit of disturbance on the top.
14 That said, we don't know where
15 there's pockets of water, we don't
16 know where water is vitally being
17 absorbed into our groundwater because
18 it rains in the month of July and this
19 is a part that's a very spongy area.
20 You have to get over this entire
21 analysis of this entire area.
22 If in they end up taking area in
23 a large -- a large area collecting the
24 water underground through the golf
25 course -- like they said -- and then

<p>129</p> <p>1</p> <p>2 filtering it and depositing it where</p> <p>3 they choose and where is best for</p> <p>4 them. That water isn't recharging.</p> <p>5 It might be over recharging in some</p> <p>6 areas, they might be under recharging</p> <p>7 in some areas.</p> <p>8 We don't know what kind of chaos</p> <p>9 that might then cause for all the</p> <p>10 neighboring communities. We don't now</p> <p>11 if that's going to compromise existing</p> <p>12 cess pools in the area, residentially.</p> <p>13 We don't know if that's going to mean</p> <p>14 that all of a sudden the wildlife</p> <p>15 changes.</p> <p>16 Chaos is happening. Buck moths</p> <p>17 and other bats and things which they</p> <p>18 have said from the beginning moot</p> <p>19 point, we don't find them.</p> <p>20 Things are changing. Oak</p> <p>21 forests might have had issue with a</p> <p>22 certain pest several decades ago or a</p> <p>23 couple of years ago. It's</p> <p>24 rehabilitating itself. Just like the</p> <p>25 pine beetles now are a major issue,</p>	<p>131</p> <p>1</p> <p>2 come at a certain point when the</p> <p>3 berries are ready. It used to be in</p> <p>4 January. And I kept being worried</p> <p>5 because my tree looked really good,</p> <p>6 but no birds had come back yet.</p> <p>7 Just today on my way here I</p> <p>8 finally saw the flocking birds come</p> <p>9 back. They are adjusting -- just like</p> <p>10 all the other things that are</p> <p>11 adjusting.</p> <p>12 This habitat left as is, is the</p> <p>13 only constant we have in all of this</p> <p>14 chaos theory. As soon as we put our</p> <p>15 hands on it, the won't be what we</p> <p>16 thought it was yesterday and it will</p> <p>17 be something new tomorrow.</p> <p>18 We don't even have the</p> <p>19 administration and the people in</p> <p>20 government to watch and keep an eagle</p> <p>21 on it. Without the regulators there,</p> <p>22 chaos will easily ensue.</p> <p>23 Thank you.</p> <p>24 CHAIRWOMAN GALLAGHER: Robert</p> <p>25 Dallas followed by Cohl Webb.</p>
<p>130</p> <p>1</p> <p>2 they can't be overlooked because those</p> <p>3 forests that may be set for</p> <p>4 preservation right now in this</p> <p>5 project, tomorrow may have to become</p> <p>6 completely wiped out. You can go see</p> <p>7 through Hampton Bays where entire</p> <p>8 backyards of beautiful forested lands</p> <p>9 are now just a bunch of logs. That's</p> <p>10 going to have to be addressed if these</p> <p>11 are the areas that they are going to</p> <p>12 be developing on.</p> <p>13 If those areas expand into the</p> <p>14 area that we are now their exact</p> <p>15 percentage of preservation space, they</p> <p>16 are going to have to deforest that</p> <p>17 area for the sake of the chaos of</p> <p>18 these pine beetles.</p> <p>19 Today I have in my yard a giant</p> <p>20 American Holly tree that has been</p> <p>21 having issues for the past decade, and</p> <p>22 the tree's berries have concerned me.</p> <p>23 But I have kept a very close eye on</p> <p>24 this tree. I have traveling migrant</p> <p>25 robins and Cedar Wax Wings that will</p>	<p>132</p> <p>1</p> <p>2 MR. DALLAS: Hi. My name is</p> <p>3 Robert Dallas.</p> <p>4 I'm a lifelong resident of</p> <p>5 Southampton.</p> <p>6 I'm reading a letter on behalf</p> <p>7 of Billy Mack(phonetic) who is also a</p> <p>8 lifelong resident of Westhampton.</p> <p>9 Dear Members of the Pine Barrens</p> <p>10 Commission,</p> <p>11 I am a lifelong resident of</p> <p>12 area, and I consider myself an animate</p> <p>13 protector of our natural environment.</p> <p>14 I can say with complete</p> <p>15 confidence that I support this</p> <p>16 project.</p> <p>17 I think you will see very</p> <p>18 clearly that this is not a big bad</p> <p>19 development. But that is what we</p> <p>20 should all be working towards. Which</p> <p>21 is smart development.</p> <p>22 While I commend anyone who is</p> <p>23 raised concern about the project for</p> <p>24 fear of adverse environmental impacts.</p> <p>25 I also, as a man of science,</p>

<p style="text-align: right;">133</p> <p>1</p> <p>2 professionally and personally can</p> <p>3 assure them that this project in the</p> <p>4 company proposing it are first class</p> <p>5 and the design of it is prudent and</p> <p>6 environmentally sound.</p> <p>7 I have seen firsthand the</p> <p>8 diligent and concern that Discovery</p> <p>9 Land applied while developing the Dune</p> <p>10 Deck. Their Caribbean property at</p> <p>11 Laguna Beach Club and their mountain</p> <p>12 property the Yellowstone Club in</p> <p>13 Montana.</p> <p>14 They create and maintain</p> <p>15 pristine properties. They have gone</p> <p>16 out of their way to be sensitive to</p> <p>17 the local concerns and issues. No</p> <p>18 developer goes to such extents to do</p> <p>19 the right thing. And I think it would</p> <p>20 be a travesty to see them denied.</p> <p>21 Please approve this beneficial</p> <p>22 project.</p> <p>23 Sincerely yours,</p> <p>24 Billy Mack (phonetic).</p> <p>25 CHAIRWOMAN GALLAGHER: Thank</p>	<p style="text-align: right;">135</p> <p>1</p> <p>2 thousand member households,</p> <p>3 individuals and businesses across the</p> <p>4 east end. A majority of our members</p> <p>5 hale from the Town of Southampton, and</p> <p>6 we currently represent the interests</p> <p>7 of our members in the litigation over</p> <p>8 this matter before the court against</p> <p>9 the prior Zoning Board of Appeal's</p> <p>10 decision and the Planning Board</p> <p>11 decision.</p> <p>12 To save time, I guess I'll just</p> <p>13 stipulate that I think we should all</p> <p>14 think about what Steve Englebright has</p> <p>15 to say. Those of you in your position</p> <p>16 -- I think if those guys have been on</p> <p>17 this a time longer than all of us --</p> <p>18 it's Steve Englebright. And I just</p> <p>19 want to underscore or, you know -- too</p> <p>20 bad Mitch isn't here -- but all of us</p> <p>21 who are involved in this build when it</p> <p>22 became law have some attachment to the</p> <p>23 Pine Barrens that maybe doesn't exist</p> <p>24 anymore for the people that it didn't.</p> <p>25 And I just ask that in your decision</p>
<p style="text-align: right;">134</p> <p>1</p> <p>2 you. Is there a Cohl Webb in the</p> <p>3 audience?</p> <p>4 (No response from the public.)</p> <p>5 Okay. How about Sam Kelly.</p> <p>6 (No response from the public.)</p> <p>7 Okay. How about Robert Ward.</p> <p>8 (No response from the public.)</p> <p>9 Okay. How about Joann Clark?</p> <p>10 (No response from the public.)</p> <p>11 Dominick Clark?</p> <p>12 (No response from the public.)</p> <p>13 Marc Branker?</p> <p>14 (No response from the public.)</p> <p>15 Bill, you are on here again.</p> <p>16 Bob DeLuca, I see you in the back.</p> <p>17 MR. DELUCA: Good afternoon,</p> <p>18 Madam Chair member of the Commission.</p> <p>19 My name is Bob DeLuca.</p> <p>20 And I serve as president of a</p> <p>21 Group For The East End.</p> <p>22 For the record, the group is a</p> <p>23 conservation and community planning</p> <p>24 organization founded in 1972. We</p> <p>25 represent the interests of several</p>	<p style="text-align: right;">136</p> <p>1</p> <p>2 making you keep that present in mind</p> <p>3 as to this resource is as important</p> <p>4 today as it was then. And some of us</p> <p>5 old timers may sound like we are</p> <p>6 calling it the wilderness, but I think</p> <p>7 you can agree that it was something</p> <p>8 that was worth doing. And everybody</p> <p>9 who is involved I thought tried to do</p> <p>10 the best thing.</p> <p>11 Now, what I want to do is focus</p> <p>12 on one specific issue and it's a</p> <p>13 technical issue and I apologize for</p> <p>14 that for people who want to hear more</p> <p>15 about the nature of this, but it's</p> <p>16 relevant.</p> <p>17 The reason I bring it up is I</p> <p>18 noted in the -- in the notice that you</p> <p>19 all put out for this hearing, you said</p> <p>20 that the Town of Southampton Planning</p> <p>21 Board was the lead agency for this</p> <p>22 project. And that would be expected</p> <p>23 because in a subdivision -- in a</p> <p>24 municipal subdivision it's very likely</p> <p>25 that the Planning Board was going to</p>

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2 be the lead agency.

3 But there's something different

4 that happened in this case, and the

5 reason I bring it to your attention

6 is, it's a matter that we are

7 currently litigating. I not the ghost

8 of Christmas future, I want you to

9 know what the issues are as you make

10 your own secret determination.

11 It goes something like this:

12 The prior application, The Hills Plan

13 Development District came to the Town

14 in 2015, and by the end of 2017 the

15 Town Board said we're not going to

16 approve this application. We have

17 done the review, we have done SEQRA,

18 we are the lead agency, but we are not

19 approving it. They didn't pass muster

20 and that application -- it went away.

21 The developers then came back in

22 with another separate distinct

23 application. It is a subdivision

24 application -- a Plan Residential

25 Development -- and its process under

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2 the Town's Open Space Law. The Open

3 Space Law is intended to preserve

4 cultural and natural resources into

5 clustered development -- you are all

6 familiar with them -- but it's a very

7 different standard of review than the

8 standard of review under the Plan

9 Development District.

10 Setting that aside, the Planning

11 Board -- for whatever reason --

12 decided it was still an involved

13 agency to the Town Board application.

14 That was no longer extent. And here's

15 the problem, you can not be an

16 involved agency to a lead agency that

17 doesn't have a permit authority. The

18 Town Board has no permit authority

19 over this project.

20 This is not a continuation of

21 the PDD, it's not an appendage of the

22 PDD. It's a separate distinct

23 subdivision application submitted to

24 the Town, reviewed by the Planning

25 Board. And the Planning Board just

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2 never did SEQRA other than to assign

3 its SEQRA responsibility under the

4 prior lead agency.

5 I think it's a real problem.

6 And I'm not even sure I know how to

7 fix it. But what happens is if you

8 continue to carry this through it's

9 extreme conclusion, you all sort of

10 become unwitting coconspirators in the

11 contention that nobody did SEQRA the

12 right way. So why does SEQRA matter?

13 Well, there's two reasons. One

14 is under State law stringent

15 procedural compliance with SEQRA is

16 required, and there's a foot high

17 stack of court decisions that back

18 that up. But more importantly, that

19 SEQRA process allows us to one, get

20 all the questions answered that your

21 staff has raised. And I will tell you

22 if you look back at the hearing on the

23 preliminary application -- you don't

24 have to believe me, you can look it up

25 -- members of the Planning Board were

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2 saying, we don't have this

3 information. We don't have enough

4 information. Their consultant said I

5 thought you were getting the

6 information, we didn't get the

7 information. I don't know how it

8 ended up that way, but that is what

9 happens. You can pick it up on the

10 footage. You can see it happen.

11 If there's any problem in

12 getting the information that you all

13 need to make your decision, the best

14 way to get it is through SEQRA

15 process.

16 Let me tell you something else

17 people have said here, you know, that

18 we have environmental guys are just

19 like nothing can happen here on the

20 property. We are saying it's part of

21 the Core or whatever.

22 We hired outside consultants to

23 design alternatives for this property

24 during the review before the Town

25 Board. But I never had the

<p>141</p> <p>1</p> <p>2 opportunity to present any of that to</p> <p>3 the Planning Board because the</p> <p>4 Planning Board went right along and</p> <p>5 essentially wrote a Findings Statement</p> <p>6 off of the Finding Statement of the</p> <p>7 Town Board, which doesn't have any</p> <p>8 more approval authority.</p> <p>9 And adding to that was this</p> <p>10 concern that I believe Katie Brown</p> <p>11 brought up, which is in 2017 the Town</p> <p>12 got Dr. Chris Gobler to take a look at</p> <p>13 plans presented by the applicants, and</p> <p>14 to do kind of an assessment of how the</p> <p>15 nitrogen contribution of that project</p> <p>16 stacked up against and As Of Right</p> <p>17 project. We were concerned because we</p> <p>18 thought we should also be looking at</p> <p>19 how it also stacks up against the</p> <p>20 alternative. But be that as it may,</p> <p>21 that's what was done.</p> <p>22 And in the submission that I'll</p> <p>23 make to you today -- I have Dr.</p> <p>24 Gobler's report attached and you will</p> <p>25 see several pages where Dr. Gobler</p>	<p>143</p> <p>1</p> <p>2 project.</p> <p>3 So I bring this up because while</p> <p>4 I believe it's incumbent upon you to</p> <p>5 follow SEQRA for the sheer procedural</p> <p>6 requirement of law. It's also</p> <p>7 incumbent upon you to give yourselves</p> <p>8 an opportunity to get the information</p> <p>9 you need, answer the questions that</p> <p>10 have been asked and also to take a</p> <p>11 look at alternatives to see whether or</p> <p>12 not in this Compatible Growth zone,</p> <p>13 this alternative is the best thing</p> <p>14 that you can do on this piece of</p> <p>15 property.</p> <p>16 And frankly, part of our concern</p> <p>17 lies in -- we're concerned that this</p> <p>18 is sort of two primary uses on the</p> <p>19 same property -- that's why contesting</p> <p>20 the Zoning Board of Appeal's opinion</p> <p>21 that it's not.</p> <p>22 If this happens, the likelihood</p> <p>23 of other properties across the Pine</p> <p>24 Barrens, not just in Southampton Town</p> <p>25 where people think they can do more</p>
<p>142</p> <p>1</p> <p>2 says in final Environmental Impact</p> <p>3 Statement, there are multiple nitrogen</p> <p>4 mitigation measures that are basically</p> <p>5 a part of this project.</p> <p>6 And Katie pointed out a number</p> <p>7 of them. They included -- they</p> <p>8 weren't small ticket items. They were</p> <p>9 a million dollar sewage fund, they</p> <p>10 were sewage treatment plant for the</p> <p>11 school, they were a four acre well</p> <p>12 site, they were 20 or 30 Pine Barrens</p> <p>13 credits. There were lots of things in</p> <p>14 there that go Gobler used in his</p> <p>15 analysis that say, okay, this is what</p> <p>16 you need to pull the nitrogen numbers</p> <p>17 down.</p> <p>18 Fast-forward to the Planning</p> <p>19 Board, everything -- many of those</p> <p>20 items with the exception of the sewage</p> <p>21 treatment plant for the property,</p> <p>22 which is still there, are gone. And</p> <p>23 they are not just community benefit</p> <p>24 items, they were mitigation measures</p> <p>25 that Gobler said had to be part of the</p>	<p>144</p> <p>1</p> <p>2 than maybe they can do otherwise end</p> <p>3 up back in your lap and somebody is</p> <p>4 going to have to deal with that.</p> <p>5 So I guess I'll leave it at</p> <p>6 this, there's a lot of questions with</p> <p>7 this project, I appreciate all of the</p> <p>8 time and effort that you and the</p> <p>9 consultants and everybody else are</p> <p>10 putting into it, but if you don't</p> <p>11 really know who the lead agency is,</p> <p>12 it's all for not. Because you can't</p> <p>13 start the process without a lead</p> <p>14 agency, and there is no lead agency on</p> <p>15 the subdivision known as the Lewis</p> <p>16 Road PRD.</p> <p>17 Thank you.</p> <p>18 CHAIRWOMAN GALLAGHER: Andrea</p> <p>19 Spilka and after Andrea, Michael</p> <p>20 Mirino.</p> <p>21 MS. SPILKA: Good afternoon.</p> <p>22 My name is Andrea Spilka.</p> <p>23 I am the president of the</p> <p>24 Southampton Town Civic Coalition.</p> <p>25 It's an umbrella organization</p>

<p>145</p> <p>1</p> <p>2 that covers most of the civics on west</p> <p>3 of the Shinnecock canal in</p> <p>4 Southampton. But I'm also a conduit</p> <p>5 on the east canal.</p> <p>6 Most importantly, one of my</p> <p>7 prime civics is the East Quogue Civic</p> <p>8 Association.</p> <p>9 Bob DeLuca focused on the SEQRA</p> <p>10 procedures. I'm focused on this</p> <p>11 application's substance as it's being</p> <p>12 reviewed under the State Environmental</p> <p>13 Quality Review Act. There was -- I</p> <p>14 was in the audience that day, and I</p> <p>15 saw what happened at the</p> <p>16 Planning Board. There's real concerns</p> <p>17 that many of the questions that all of</p> <p>18 us, you know, everyone sitting here --</p> <p>19 if you're for or against because the</p> <p>20 impact will be so substantial -- need</p> <p>21 to be answered.</p> <p>22 Some of them have been</p> <p>23 discussed. Many of these concerns</p> <p>24 were identified by the Planning</p> <p>25 Board's consultants, that's the Belang</p>	<p>147</p> <p>1</p> <p>2 workforce housing. So I think that's</p> <p>3 something that has to be taken into</p> <p>4 consideration.</p> <p>5 In addition, Bob mentioned the</p> <p>6 comparisons to other alternatives.</p> <p>7 And yes, he submitted what the Group</p> <p>8 From The East End had put forth, which</p> <p>9 was an alternative resort, but without</p> <p>10 a golf course.</p> <p>11 And all long we've been</p> <p>12 concerned -- the big issue here isn't</p> <p>13 necessarily the development per se,</p> <p>14 it's the golf course and the impact --</p> <p>15 now, I'll get to that when I talk</p> <p>16 about traffic.</p> <p>17 The other thing is climate</p> <p>18 change. The gentleman very eloquent</p> <p>19 in his concerns with it. As people</p> <p>20 have mentioned, Weesuck Creek is</p> <p>21 already Priority one, in the county</p> <p>22 sub-watershed plan, which means that's</p> <p>23 the worst of the worst in terms of the</p> <p>24 impairments.</p> <p>25 In addition, I think it's</p>
<p>146</p> <p>1</p> <p>2 Associates (phonetic). They presented</p> <p>3 a list of things that they thought the</p> <p>4 Planning Board should get from the</p> <p>5 applicant, it never came. So I think</p> <p>6 that's important to consider. I'm</p> <p>7 going to mention some of these. And</p> <p>8 I'm hoping that in your review, you</p> <p>9 will.</p> <p>10 The nitrogen loading and sodium</p> <p>11 have been talked about. I just want</p> <p>12 to stress two things. Yes, there's</p> <p>13 some concern about the numbers. Most</p> <p>14 of the development is at the southern</p> <p>15 end, closest to Weesuck Creek and</p> <p>16 Shinnecock Bay. And so, therefore,</p> <p>17 there needs to be disbursement</p> <p>18 analysis because the concentration of</p> <p>19 the nitrogen is going to be at the</p> <p>20 point closest to Weesuck Creek and</p> <p>21 Shinnecock Bay.</p> <p>22 But in addition, it has been</p> <p>23 mentioned to me that there's some</p> <p>24 concern that in their nitrogen</p> <p>25 modeling, they didn't include the</p>	<p>148</p> <p>1</p> <p>2 important to note that during</p> <p>3 Hurricane Sandy, East Quogue was</p> <p>4 floated -- flooded up to Montauk</p> <p>5 Highway. Things were floating away,</p> <p>6 but it was flooded up to Montauk</p> <p>7 Highway. Now, Hurricane Sandy didn't</p> <p>8 have a direct hit, it hit in</p> <p>9 Baltimore. But there's real concern</p> <p>10 if this project is approved, where</p> <p>11 will the flooding extend to? So</p> <p>12 that's something that I think the</p> <p>13 Commission really needs to consider.</p> <p>14 In addition -- and this was</p> <p>15 something that the Planning Board as</p> <p>16 well as their consultants kept talking</p> <p>17 about -- there needs to be a real</p> <p>18 definition of what is a member for</p> <p>19 this golf course. Because that has a</p> <p>20 direct impact on traffic.</p> <p>21 Discovery has agreed not to</p> <p>22 allow outside members. Now, that's</p> <p>23 not their normal plan. But each</p> <p>24 member can bring three guests to play</p> <p>25 golf. So, therefore, can a timeshare</p>

<p>149</p> <p>1</p> <p>2 or corporate or fractional use count</p> <p>3 as some kind of membership? That</p> <p>4 greatly expands the number of people</p> <p>5 who will be traveling and can use this</p> <p>6 facility to play golf.</p> <p>7 In addition, because of</p> <p>8 Discovery's Dune Deck Beach Club in</p> <p>9 Westhampton, can they be members? And</p> <p>10 can they bring three guests?</p> <p>11 So right away you have the</p> <p>12 potential without some clear</p> <p>13 definition of what, you know, how many</p> <p>14 people will be traveling to this site.</p> <p>15 Which brings me to my biggest</p> <p>16 concern, and I've talked often about</p> <p>17 it, and that has to do with traffic.</p> <p>18 Discovery did their traffic study in</p> <p>19 March. The Planning Board's</p> <p>20 consultants were concerned about that.</p> <p>21 They said it should have been done at</p> <p>22 least one of them should have been</p> <p>23 done for two months, and at least one</p> <p>24 of those months should have been done</p> <p>25 in the summertime. So no matter what</p>	<p>151</p> <p>1</p> <p>2 the east coast mine, which is here.</p> <p>3 It comes out over here.</p> <p>4 It's been very busy lately. We</p> <p>5 all have issues with land mines, but</p> <p>6 this is something with all the trucks</p> <p>7 entering and leaving the east coast</p> <p>8 mine.</p> <p>9 I think if a traffic study is</p> <p>10 going to be done or if there's</p> <p>11 additional information required, that</p> <p>12 needs to be there.</p> <p>13 In addition, the roads are very</p> <p>14 narrow. They are only 10 or 11 feet</p> <p>15 wide, one lane in each direction and</p> <p>16 often without a shoulder.</p> <p>17 Lewis Road has become an</p> <p>18 alternate to Sunrise Highway. It's</p> <p>19 become an alternate to Sunrise</p> <p>20 Highway. So then instead of getting</p> <p>21 off in Hampton Bays people are now</p> <p>22 getting off in East Quogue.</p> <p>23 The level of service at County</p> <p>24 Road 104 and Lewis Road had already</p> <p>25 de-level of service. And the level of</p>
<p>150</p> <p>1</p> <p>2 I think, that's something that has to</p> <p>3 be considered.</p> <p>4 Even if you look at the numbers</p> <p>5 in March, it's something to concern</p> <p>6 you.</p> <p>7 Thank you.</p> <p>8 If you turn to the last page in</p> <p>9 the handout, you can see something</p> <p>10 closer that will give you the same map</p> <p>11 that I'm talking about for traffic.</p> <p>12 Anyone entering or leaving has</p> <p>13 to come in on Lewis Road. There's no</p> <p>14 other way to get there. East Quogue</p> <p>15 Village is over here, you know, Main</p> <p>16 Street --</p> <p>17 UNKNOWN SPEAKER: Hamlet.</p> <p>18 MS. SPILKA: I know, it was</p> <p>19 defeated, sorry.</p> <p>20 The East Quogue School is over</p> <p>21 here. Here is the location of the</p> <p>22 property. There are counters here,</p> <p>23 but one of the counters that's missing</p> <p>24 -- that's very important that's come</p> <p>25 to my attention -- is the counter for</p>	<p>152</p> <p>1</p> <p>2 service down here, at Box Tree and Old</p> <p>3 Country Road isn't much better.</p> <p>4 In addition, the Long Island</p> <p>5 Railroad runs through here. And on</p> <p>6 top of that, they have added trains</p> <p>7 because of the problem with</p> <p>8 Sunrise Highway.</p> <p>9 I know that Chick has talked</p> <p>10 about changes to their plan to create</p> <p>11 the golf course that they no longer</p> <p>12 will remove all the soil, I have some</p> <p>13 statistics in here that refer to it</p> <p>14 should that change -- should something</p> <p>15 change, certainly consider them --</p> <p>16 when we were talking about between</p> <p>17 10,000 and 17,000 truck loads of soil</p> <p>18 that were going to be removed.</p> <p>19 No matter what, there will be a</p> <p>20 change in the topography for them to</p> <p>21 build a golf course. They are going</p> <p>22 to need to do that.</p> <p>23 One of the questions is, what</p> <p>24 kind of topsoil will be added? Where</p> <p>25 will it come from? Will the top soil</p>

<p>153</p> <p>1</p> <p>2 be tested to make sure that additional</p> <p>3 pollutants aren't being added to the</p> <p>4 property? And what will be the impact</p> <p>5 of the change in the topography? I</p> <p>6 know part of your concerns had to do</p> <p>7 with slopes, we don't know what it's</p> <p>8 going to look like, which is part of</p> <p>9 the problem if you are creating a golf</p> <p>10 course in this important area.</p> <p>11 Once of the other</p> <p>12 considerations, obviously with</p> <p>13 building in this area, they are</p> <p>14 talking about a potential five year</p> <p>15 building plan; is road repair, air and</p> <p>16 noise pollution during that time.</p> <p>17 But in addition, because</p> <p>18 everything has to come and go onto</p> <p>19 Lewis Road, it's a potential</p> <p>20 nightmare, if God forbid there's a</p> <p>21 safety hazard and you need to</p> <p>22 evacuate. The plan as I understand it</p> <p>23 calls for interior roads within their</p> <p>24 development of only 40 feet, where</p> <p>25 normally you might have 50. Again,</p>	<p>155</p> <p>1</p> <p>2 states that this isn't a plan that's</p> <p>3 approved. This is a rejected plan, a</p> <p>4 golf course shouldn't be built here.</p> <p>5 Even with all those additional options</p> <p>6 that they were offering as mitigation.</p> <p>7 As you review it, please keep in</p> <p>8 mind that the requirements are</p> <p>9 minimum, we shouldn't be skimping in</p> <p>10 this area, and I would hope that you</p> <p>11 look at this with -- and take all of</p> <p>12 our concerns into consideration.</p> <p>13 It's too important to make a</p> <p>14 mistake in this area.</p> <p>15 Thank you very much.</p> <p>16 CHAIRWOMAN GALLAGHER: Michael</p> <p>17 Marino and after him Larry Penny.</p> <p>18 MR. MARINO: Good afternoon,</p> <p>19 Commissioners.</p> <p>20 My name is Michael Mirino.</p> <p>21 I from East Quogue.</p> <p>22 Thank you for the opportunity to</p> <p>23 speak.</p> <p>24 I think the golf course is</p> <p>25 proposed there to generate interest to</p>
<p>154</p> <p>1</p> <p>2 they are trying to give you as much</p> <p>3 open space as they can, but I think</p> <p>4 potentially at the expense of the</p> <p>5 community, in terms if they have to</p> <p>6 evacuate.</p> <p>7 And again, I come back to how</p> <p>8 many people are we talking about?</p> <p>9 Coming at all times, from all places</p> <p>10 in this little area. Traffic is</p> <p>11 already a nightmare. I think it will</p> <p>12 be worse.</p> <p>13 Most importantly, a project of</p> <p>14 this size and scale has long lasting</p> <p>15 impacts on the Pine Barrens, our</p> <p>16 drinking and surface water.</p> <p>17 I'd like to remind you that</p> <p>18 everyone uses dates; in 2008 they had</p> <p>19 their East Quogue Plan that's -- times</p> <p>20 have changed. The plan is -- that's</p> <p>21 12 years ago. Things are different.</p> <p>22 They have -- normally when you --the</p> <p>23 fact that it was the -- that the Town</p> <p>24 denied the PDD means that in a sense</p> <p>25 the update to the Town's regulation</p>	<p>156</p> <p>1</p> <p>2 build houses where there was no</p> <p>3 interest before. So without the golf</p> <p>4 course there probably won't be much</p> <p>5 development there.</p> <p>6 The pesticides that the golf</p> <p>7 course requires is what concerns me.</p> <p>8 It's upstream from Weesuck Creek and</p> <p>9 Little Weesuck Creek. Pesticides kill</p> <p>10 fish and crustaceans. The beginnings</p> <p>11 of these creeks are fresh groundwater</p> <p>12 which comes from higher inland. The</p> <p>13 long-term maintenance of a golf course</p> <p>14 may irreparably damage these creeks</p> <p>15 below it and Shinnecock Bay as well.</p> <p>16 There's a multitudes of birds --</p> <p>17 including Blue Herrings -- that breed</p> <p>18 there, Osprey, fish and crabs, all</p> <p>19 sorts of small fish in there. And I'm</p> <p>20 afraid the pesticides running down</p> <p>21 through the groundwater will kill</p> <p>22 them. There's all kinds of birds -- I</p> <p>23 have pictures here that I'm going to</p> <p>24 give you -- glossy pictures.</p> <p>25 And another thing -- I'm not</p>

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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. It's

9 continuing commitment to protect the

10 scenic and natural places.

11 I don't see why you would allow

12 a golf course runoff to run into the

13 creek that's in between there.

14 So I just have some pictures of

15 birds that I've taking over several

16 years. And I'm want to submit those

17 to you.

18 Thank you.

19 CHAIRWOMAN GALLAGHER: Thank

20 you. And after Larry it looks like

21 Maria Hults.

22 MR. PENNY: Hi. I am Larry

23 Penny. I am 84 years old.

24 I grew up in Mattituck and lived

25 on the south fork since 1973.

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2 And I taught at Southampton

3 College when there was a college. I

4 was talking to a couple of those guys

5 down there, they were good students.

6 Then I became the Environmental

7 Protection Director -- the Natural

8 Resource Director for the Town for 28

9 years.

10 I've written two water quality

11 reports for the Town of East Hampton

12 and a lot of other things.

13 I just want to point out a

14 couple of things. I won't take a lot

15 of your time.

16 I was at a meeting when

17 Mr. Schneiderman, the Supervisor of

18 Town of Southampton, was at the same

19 meeting. And Mr. Goble -- Chris --

20 whoever Chris -- when Southampton

21 College was there. He was showing

22 what would happen if you didn't have

23 any golf course at all. That was the

24 question I asked.

25 First of all, he showed what

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2 would happen if a golf course was.

3 Secondly, he showed if one of the

4 alternative plans was just a

5 residential area.

6 And he showed that the

7 residential area actually could

8 produce more pollutants in terms of

9 nitrates and so forth then the golf

10 course. Then at the very end I asked

11 a question -- because it was open for

12 questions again -- what would happen

13 if there was nothing there? If there

14 was no golf course, if there was no

15 housing development? He said, oh,

16 that would be so much better. There

17 would hardly be any pollution. There

18 would still be a few homes along

19 Weesuck Creek.

20 And so that was convincing to me

21 because the Town did offer to buy the

22 land, and the owner could have got off

23 with a lot of money without having to

24 pay a lot of money.

25 And secondly, I just heard from

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2 someone sitting in the audience, I

3 don't know if there is any truth to

4 this. The one in Montana -- where

5 ever is that place -- went broke or

6 something. It's no longer

7 functioning. That was one of the big

8 deal by the same company.

9 But I want to say we have

10 Surfrider now -- Surfrider Foundation.

11 I was at Southampton College, we do a

12 lot of the testing and so forth.

13 Chris Goble really did the testing.

14 And the Surfrider Foundation --

15 they don't cost us anything, they

16 don't cost the town anything, they

17 don't cost the citizens anything.

18 They've been doing a terrific job.

19 And they found -- discovered with

20 Chris Goble that half the town waters

21 are in terrible shape; like Little

22 Fresh Pond, eastern -- western

23 Shinnecock Bay which used to be the

24 clamming paradise of the world.

25 Things have gone downhill.

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2 So I would have to agree with

3 Steve -- whom I used to work for --

4 from the New York State Assembly, and

5 I have to agree with the fellow from

6 Riverhead Pine Barrens thing, which I

7 worked on. I have to agree that the

8 best thing for this place is not to do

9 anything.

10 And I really have to say that I

11 think the Pine Barrens Committee

12 should stand up here and take a stand.

13 Thank you very much.

14 MR. SCHNEIDERMAN: Maria Hults,

15 you are up next and followed by Karen

16 Kooi.

17 MS. HULTS: Hi. Maria Hults.

18 I am president of the Hampton

19 Bay Civic Association.

20 Just as a general statement,

21 we're in agreement with the Pine

22 Barrens Association. We would

23 basically like to see the land

24 preserved.

25 I have two observations or

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2 statements I'd like to make.

3 Number one, I'm a scuba diver.

4 I am a member of the Woman Diver's Hall

5 of Fame. I've been diving in

6 Shinnecock Bay for 48 years. And it's

7 unbelievable to see that about 90

8 percent of the life in there does not

9 exist anymore. And that's something

10 that most people don't see from the

11 surface.

12 I can remember when we used to

13 go clamming getting 15 dozen clams in

14 an hour. You probably can't get a

15 dozen these days. So the impairment

16 on the water is very dramatic and well

17 documented, I will say.

18 The other thing is, I've been

19 diving in the Bahamas in the Discovery

20 Land and property, and they killed the

21 reef. When they can talk about

22 protecting the reef. They literally

23 killed a reef in their building.

24 So I don't feel they're very

25 protective in what they do. And as

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2 far as I know, two of their properties

3 are in bankruptcy.

4 Thank you.

5 MR. SCHNEIDERMAN: Karen Kooi is

6 next followed by Cyndi McNamara.

7 MS. KOOI: Good afternoon,

8 members of the Commission.

9 My name is Karen Kooi.

10 I'm a resident of East Quogue

11 and the Vice Chair of the current East

12 Quogue CAC.

13 I stand before you today to ask

14 that the Central Pine Barrens

15 Commission simply follow their own

16 rules and do the right thing for the

17 residents of East Quogue.

18 The Lewis Road PRD project is in

19 the Compatible Growth Area of the

20 Pine Barrens, and this land is

21 designated in the Town's Comprehensive

22 Plan in 2008 after a two year study of

23 researchers and scientists with input

24 from the people of East Quogue

25 precisely for the development that is

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2 currently purposed.

3 Those who oppose this project

4 claim to be the majority. And they

5 claim to represent the people of East

6 Quogue. I can assure you, they do

7 not.

8 This coalition made up of the

9 East Quogue Civic Association, Group

10 for the East End and Assemblyman Fred

11 Thiele has spent an inordinate amount

12 of tax payer dollars, donations and

13 dues to fund a political smear

14 campaign of misinformation and self

15 promotion, against the wishes of the

16 residents of East Quogue.

17 There is immense support for

18 this project by the residents of my

19 community who understand what is best

20 for our future.

21 (Indecipherable cross-talk from

22 the public.)

23 MS. KOOI: Excuse me.

24 Thank you.

25 There is immense support for

<p>165</p> <p>1</p> <p>2 this project by the residents of my</p> <p>3 community who understand what is best</p> <p>4 for our future.</p> <p>5 Over 400 acres of preserved</p> <p>6 land, a managed turf program, a</p> <p>7 secondary and seasonal development</p> <p>8 which will increase the taxable value</p> <p>9 of the property, use less of our fire</p> <p>10 and police resources, while also not</p> <p>11 adding children to the school.</p> <p>12 The Southampton Town Planning</p> <p>13 Board and Zoning Board and the science</p> <p>14 supports this project. I ask that you</p> <p>15 do as well.</p> <p>16 Thank you.</p> <p>17 CHAIRWOMAN GALLAGHER: Cyndi</p> <p>18 McNamara and then we have</p> <p>19 William Hughes.</p> <p>20 MS. McNAMARA: I told you to</p> <p>21 bring popcorn.</p> <p>22 My name is Cyndi McNamara.</p> <p>23 I am the current Chair of the</p> <p>24 East Quogue CAC. I am also the</p> <p>25 founder of concerned citizens of East</p>	<p>167</p> <p>1</p> <p>2 residents hundreds of thousands of</p> <p>3 dollars in damages.</p> <p>4 If they cared they would have</p> <p>5 been at the Town Board Work Session a</p> <p>6 few weeks ago, fighting for access to</p> <p>7 save drinking water for East Quogue</p> <p>8 residents.</p> <p>9 If they cared they would be</p> <p>10 asking the Town on how they plan on</p> <p>11 cleaning up the former</p> <p>12 (indecipherable) stump on Lewis road.</p> <p>13 If they cared they would be</p> <p>14 actively working on addressing the</p> <p>15 water quality issues in Weesuck Creek.</p> <p>16 If they cared they would have</p> <p>17 requested a meeting with Southampton</p> <p>18 Town police to address the limited</p> <p>19 police presence in our community.</p> <p>20 If they cared they would have</p> <p>21 attended a meeting regarding East</p> <p>22 Quogue Village Incorporation to find</p> <p>23 out about the issues that matter to</p> <p>24 the people who live in East Quogue.</p> <p>25 They didn't do any of those</p>
<p>166</p> <p>1</p> <p>2 Quogue.</p> <p>3 The East Quogue CAC is on record</p> <p>4 with the Town of Southampton as being</p> <p>5 unanimously in favor of this project.</p> <p>6 Today I'm speaking as somebody</p> <p>7 who lives on Lewis Road on that map.</p> <p>8 I'm not going to tell you what I think</p> <p>9 you should do because I don't think it</p> <p>10 matters to you what I think. It</p> <p>11 shouldn't really matter what anyone</p> <p>12 thinks because the code is the code.</p> <p>13 I would like to take my time to</p> <p>14 address the manipulation that has</p> <p>15 occurred by the activist who claim to</p> <p>16 care about the community I live in.</p> <p>17 If they cared they would have</p> <p>18 been at the East Quogue CAC meeting</p> <p>19 with the Town Director of Public</p> <p>20 Transportation and Traffic Safety to</p> <p>21 address traffic issues on Lewis Road</p> <p>22 and elsewhere in the hamlet.</p> <p>23 If they cared they would be</p> <p>24 asking the Town to address the severe</p> <p>25 flooding issues on Lewis that has cost</p>	<p>168</p> <p>1</p> <p>2 things. But they did admit to dumping</p> <p>3 a ton of money into anonymous mailers</p> <p>4 filled with anti village propaganda to</p> <p>5 defeat what was possibly our best</p> <p>6 chance at addressing all of these very</p> <p>7 real community concerns ourselves.</p> <p>8 They don't care about our</p> <p>9 community. They never did.</p> <p>10 East Quogue Civic Association</p> <p>11 doesn't hold open meetings for</p> <p>12 community input. And the head of the</p> <p>13 Southampton Town Civic Coalition</p> <p>14 doesn't even live in the Town of</p> <p>15 Southampton.</p> <p>16 I have to say the most honest</p> <p>17 people here are probably the</p> <p>18 developers.</p> <p>19 Thank you.</p> <p>20 CHAIRWOMAN GALLAGHER: Is there</p> <p>21 a William Hughes?</p> <p>22 UNKNOWN SPEAKER: He had to</p> <p>23 leave.</p> <p>24 CHAIRWOMAN GALLAGHER: Okay.</p> <p>25 How about Britton Bistran?</p>

<p>169</p> <p>1</p> <p>2 MS. BISTRAN: Good afternoon,</p> <p>3 member of the Commission.</p> <p>4 My name is Britton Bistran.</p> <p>5 I'm a fifth generation east</p> <p>6 ender.</p> <p>7 I'm a professional land use</p> <p>8 consultant.</p> <p>9 You are taxed with a very</p> <p>10 complex review in front of you.</p> <p>11 There's volumes of pages and testimony</p> <p>12 on the project resolved this question</p> <p>13 imposed upon you.</p> <p>14 To me the answer is quite</p> <p>15 simple. This is residentially zoned</p> <p>16 land. Under this plan, 70 percent of</p> <p>17 its area is to be preserved. It's an</p> <p>18 As Of Right on density project with</p> <p>19 environmental benefits that far</p> <p>20 surpass the stand alone single family</p> <p>21 residents construction. And most</p> <p>22 important, the project meets, if not</p> <p>23 exceeds, the standards of the</p> <p>24 Pine Barrens Act.</p> <p>25 The question posed to this Board</p>	<p>171</p> <p>1</p> <p>2 MR. ROMAINE: Line up.</p> <p>3 MR. HOULIHAN: Good afternoon,</p> <p>4 Commissioners.</p> <p>5 My name is Paul Houlihan.</p> <p>6 I've been a resident for Hamlet</p> <p>7 of East Quogue for 34 years.</p> <p>8 My wife and I raised our three</p> <p>9 children there. They all went to East</p> <p>10 Quogue Elementary School, and it's a</p> <p>11 wonderful place to live.</p> <p>12 I'm absolutely in favor of this</p> <p>13 project. I took the time to read the</p> <p>14 Town Planning Board's review of this,</p> <p>15 they did a comprehensive review. From</p> <p>16 everything that I can see, they</p> <p>17 provided mitigation where necessary,</p> <p>18 and I believe it shows compliance.</p> <p>19 You can also see that the</p> <p>20 majority, if not all, of the</p> <p>21 development is in the Compatible</p> <p>22 Growth Area, as it should be.</p> <p>23 I would ask that the Commission</p> <p>24 consider that and move this</p> <p>25 application forward.</p>
<p>170</p> <p>1</p> <p>2 is not a question of develop or not to</p> <p>3 develop, but instead, is this the most</p> <p>4 sensitive and appropriate development</p> <p>5 for this site? I believe the</p> <p>6 resounding answer to that question is</p> <p>7 yes.</p> <p>8 Thank you.</p> <p>9 CHAIRWOMAN GALLAGHER: Brendan</p> <p>10 -- is there a Brendan?</p> <p>11 (Indecipherable cross-talk.)</p> <p>12 CHAIRWOMAN GALLAGHER: Okay. Is</p> <p>13 there a Peter Sartorias?</p> <p>14 UNKNOWN SPEAKER: He had to</p> <p>15 leave.</p> <p>16 CHAIRWOMAN GALLAGHER: Then it</p> <p>17 looks like Glen Vicks.</p> <p>18 (No response from the public.)</p> <p>19 CHAIRWOMAN GALLAGHER: Then we</p> <p>20 are done with who's on the list.</p> <p>21 (Indecipherable cross-talk from</p> <p>22 the public.)</p> <p>23 CHAIRWOMAN GALLAGHER: It looks</p> <p>24 like we have a few people who would</p> <p>25 like to speak.</p>	<p>172</p> <p>1</p> <p>2 And thank you for letting me</p> <p>3 speak.</p> <p>4 CHAIRWOMAN GALLAGHER: Thank</p> <p>5 you.</p> <p>6 MS. CLARY: Hello. My name is</p> <p>7 Laura Clary.</p> <p>8 I am an ecologist and I worked</p> <p>9 at the Suffolk County Coordinator for</p> <p>10 the Peconic Estuary Program from 1999</p> <p>11 through 2008. And in that position, I</p> <p>12 helped write the original CC and PD</p> <p>13 conservation -- CMP, the management</p> <p>14 plan for the Peconics.</p> <p>15 In my opinion, this project is</p> <p>16 not necessary development, nor is it</p> <p>17 thoughtful development.</p> <p>18 Please say no.</p> <p>19 Thank you.</p> <p>20 MS. PATCHEKA (phonetic): Hi. My</p> <p>21 name is Larissa Patcheka (phonetic).</p> <p>22 I live in the north sea area.</p> <p>23 I am a member of the Surfriders</p> <p>24 Organization.</p> <p>25 And very concerned about water</p>

<p>173</p> <p>1</p> <p>2 quality. As you know there is a lot</p> <p>3 of other developments going on out</p> <p>4 here that are keeping us on our own</p> <p>5 toes.</p> <p>6 We have a few things that</p> <p>7 happened over the past 10 years with</p> <p>8 the Discovery Land. There have been</p> <p>9 three noted bankruptcies and</p> <p>10 settlements. Especially with the</p> <p>11 Montana location where they've -- they</p> <p>12 are in bankruptcy negotiations for</p> <p>13 creditors and for vendors and</p> <p>14 contractors.</p> <p>15 Now, these are people -- they</p> <p>16 come to build in our area. Our local</p> <p>17 people, who are the businesses that</p> <p>18 will be supported, are at risk if</p> <p>19 there's a downturn on the economy and</p> <p>20 if they can't get enough super high</p> <p>21 end investors to invest in that</p> <p>22 property.</p> <p>23 East Quogue -- I love East</p> <p>24 Quogue, it's natural -- but high end</p> <p>25 investors may not be coming here to</p>	<p>175</p> <p>1</p> <p>2 I am also a trustee of the</p> <p>3 Westhampton Beach Historical Society.</p> <p>4 I just want to say, Assemblyman</p> <p>5 Englebright's comments were lovely and</p> <p>6 accurate and passionate in his</p> <p>7 commentary.</p> <p>8 Here's why it's completely</p> <p>9 irrelevant. The property is zoned to</p> <p>10 be built on. Preservation is not an</p> <p>11 option. All I hear about is everyone</p> <p>12 talking about nitrogen, nitrogen,</p> <p>13 nitrogen which I agree with, but</p> <p>14 Discovery has done everything that</p> <p>15 they have been asked to do.</p> <p>16 And how many private homeowners,</p> <p>17 not only in the Town of Southampton,</p> <p>18 but the entire east end treat their</p> <p>19 lawns, spray their trees and shrubs?</p> <p>20 Putting nitrogens and many other</p> <p>21 dangerous chemicals in our</p> <p>22 groundwaters, bays and canals.</p> <p>23 As well as killing our honey</p> <p>24 bees that is need in order to eat our</p> <p>25 fruits and vegetables. I have five --</p>
<p>174</p> <p>1</p> <p>2 that extent. So if we have a downturn</p> <p>3 our own people are at risk.</p> <p>4 And, honestly, what happens when</p> <p>5 companies have short fallen income?</p> <p>6 They start to shortchange their own</p> <p>7 environmental operational activities.</p> <p>8 That means water quality is going to</p> <p>9 be shortchanged; maybe the cheap</p> <p>10 fertilizers will be used. We have to</p> <p>11 think about all the impacts that are</p> <p>12 going to happen. We would not want</p> <p>13 this to be the next love canal of Long</p> <p>14 Island.</p> <p>15 Please think about what happens</p> <p>16 from an economic perspective. What</p> <p>17 happens to our water, too? We have to</p> <p>18 be caring about this.</p> <p>19 Thank you very much.</p> <p>20 You have a big decision.</p> <p>21 Thank you.</p> <p>22 MS. KOBLE: Hi. My name is</p> <p>23 Eleanor Daly Koble.</p> <p>24 I am a resident for 55 years in</p> <p>25 West Hampton.</p>	<p>176</p> <p>1</p> <p>2 I keep five hives, and I lose them</p> <p>3 every year because over the</p> <p>4 surrounding area, people are spraying</p> <p>5 and they are killing. I don't use any</p> <p>6 sprays, nothing on my lawn, nothing.</p> <p>7 I don't do anything.</p> <p>8 So it's very important.</p> <p>9 Everybody put -- especially Roundup.</p> <p>10 Roundup has been known to be horrible.</p> <p>11 Everybody used in the '70s and it's</p> <p>12 still being used.</p> <p>13 Discovery is more environmental</p> <p>14 developing than any developer I have</p> <p>15 ever come across. This project is as</p> <p>16 of right, it complies with all the</p> <p>17 standards. Case closed.</p> <p>18 It must be approved.</p> <p>19 Thank you.</p> <p>20 CHAIRWOMAN GALLAGHER: Okay.</p> <p>21 Jane.</p> <p>22 MS. FUSSULLO(phonetic): Hi.</p> <p>23 Jane Fussullo(phonetic).</p> <p>24 I am a resident of Setauket.</p> <p>25 And maybe you might say, well, that</p>

<p>177</p> <p>1</p> <p>2 doesn't give me a right to speak. But</p> <p>3 I think it does because I am not 20,</p> <p>4 I'm little older than that. And I</p> <p>5 have some experience with what happens</p> <p>6 to developments.</p> <p>7 Not only does this developer</p> <p>8 have some questionable record, but</p> <p>9 when you consider is this Compatible</p> <p>10 Growth, you can't just consider today.</p> <p>11 You need to consider will it be</p> <p>12 Compatible Growth 10 years from now?</p> <p>13 Will it be Compatible Growth 30 years</p> <p>14 from now?</p> <p>15 One simply has to look at places</p> <p>16 like Levitown, or any of the number of</p> <p>17 planned retirement community</p> <p>18 developments that are now going</p> <p>19 bankrupt. One has to question, will</p> <p>20 this always be owned by the developer</p> <p>21 or will these become private houses?</p> <p>22 What happens should they become</p> <p>23 private houses? Will these people be</p> <p>24 able to go to the Town and ask for</p> <p>25 extensions on their homes?</p>	<p>179</p> <p>1</p> <p>2 I've been sitting here,</p> <p>3 listening to both sides, and I think</p> <p>4 I've heard excellent arguments from</p> <p>5 both sides. And the speakers should</p> <p>6 be commended on -- well, I wanted to</p> <p>7 come up here to give you an opinion on</p> <p>8 whether I think this project should</p> <p>9 move forward or not.</p> <p>10 Quite frankly, I don't know the</p> <p>11 answer to that. And I think everybody</p> <p>12 on the Board should be the same way.</p> <p>13 Who's numbers are right? You as</p> <p>14 Committee members really need to pour</p> <p>15 over those numbers, both at the</p> <p>16 developer has given you and that the</p> <p>17 opponents have given you and figure</p> <p>18 out who is closer to telling the truth</p> <p>19 as to exactly what the environmental</p> <p>20 impact is going to be, especially in</p> <p>21 terms of nitrogen.</p> <p>22 Now, there are a ton of studies</p> <p>23 out there. And for me just from what</p> <p>24 I've heard so far, something doesn't</p> <p>25 add up. Now, I would estimate -- and</p>
<p>178</p> <p>1</p> <p>2 How much more of this land will</p> <p>3 this developer come back and ask to be</p> <p>4 developed? What are the consequences</p> <p>5 of this development, not today -- and</p> <p>6 I have to tell you, if I were to look</p> <p>7 at this application I would say</p> <p>8 definitely approve it. There's a lot</p> <p>9 of good things this developer has</p> <p>10 done. But there have been promises</p> <p>11 made and promises broken from every</p> <p>12 level of government, from every level</p> <p>13 of industry, from every level that I</p> <p>14 can think of. You can't just</p> <p>15 determine about today, you have to ask</p> <p>16 what is the future for this property?</p> <p>17 Is it real going to remain Compatible</p> <p>18 Growth? And what should the Town --</p> <p>19 what should the developer do to</p> <p>20 guarantee that it does?</p> <p>21 Thank you.</p> <p>22 MR. SUPERNAUGHT (phonetic): Good</p> <p>23 evening.</p> <p>24 Adam Supernaught (phonetic).</p> <p>25 Southold, New York.</p>	<p>180</p> <p>1</p> <p>2 my math might be wrong here -- they</p> <p>3 would have to put something on order</p> <p>4 of a half a billion gallons of water</p> <p>5 from that farm with a high nitrogen</p> <p>6 load to irrigate the golf course for</p> <p>7 one year.</p> <p>8 Now, my math could be wrong on</p> <p>9 that, but that's a lot of water. So</p> <p>10 they are going to definitely be adding</p> <p>11 additional nitrogen to that golf</p> <p>12 course.</p> <p>13 They are also going to be -- one</p> <p>14 of the major chemicals that's sprayed</p> <p>15 on golf courses is neonicotinoid. And</p> <p>16 neonicotinoid is a known bad factor</p> <p>17 especially for ground nesting bees,</p> <p>18 moths -- okay -- and other species.</p> <p>19 So when people say that there's</p> <p>20 just bare land up there, it's been</p> <p>21 disturbed and there's nothing there.</p> <p>22 Look at the ground, I guarantee you</p> <p>23 there's a thousand species living</p> <p>24 underneath the soil that you know</p> <p>25 should be protected.</p>

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2 So like I said, I think there's

3 arguments on both sides. I was kind

4 of wishing that I would hear from the

5 developers, maybe that they were going

6 above and beyond the pale. And I

7 strongly urge the developer to go back

8 and maybe reconsider certain aspects

9 of this project, and see how they can

10 make their project really kind of mesh

11 well in the Pine Barrens environment

12 and not just make it a suburban

13 subdivision.

14 Thank you very much.

15 MR. TUTUNIUM(phonetic): Good

16 afternoon.

17 My name is Aran

18 Tutunium(phonetic).

19 I am from Westhampton Beach, New

20 York.

21 I rise today in support of this

22 project.

23 Today I will wear three hats.

24 I'm a coastal geologist with 35

25 years experience. I worked with

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2 Discovery on their Dune Deck project

3 in Westhampton Beach. We

4 reconstructed a dune that had been

5 severely damaged over many decades.

6 They did an outstanding job, and that

7 dune is functioning very well today.

8 Number two, I'm the co-founder

9 of the Moriches Bay Project, where we

10 are restoring Moriches Bay one oyster

11 at a time. Discovery has been a

12 partner with us since day one.

13 They've been an outstanding neighbor.

14 And as I stand before you today we are

15 1.9 million oysters and counting.

16 Thanks to them and all our great

17 neighbors on Moriches Bay.

18 Especially Mr. Romaine. Thank

19 you, sir.

20 And Mr. Schneideman, who share

21 the bay.

22 Number three, I'm a resident tax

23 payer of Southampton for 55 years. In

24 fact, I rode dirt bike in this area

25 when I was a teenager in the '70s.

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2 And I remember remarking that it was a

3 moonscape then, and much of this land

4 is a moonscape now, where The Hills

5 were leveled when they built airport

6 in the late '50s. And I would say to

7 you as a former president of the

8 Westhampton Beach Board of Education,

9 luxury housing is a tremendous benefit

10 to the tax base.

11 And for those reasons I've given

12 you, I stand in support of this

13 project.

14 And I thank you for this time.

15 MR. BARSHOV: Good afternoon.

16 My name is Steven Barshov. I am

17 from the law firm of Sive, Paget and

18 Riesel.

19 I am counsel to Discovery Land.

20 And I am here to address the

21 SEQRA issue, particularly, the issue

22 regarding lead agency.

23 And I'm speaking on a technical

24 level. We will certainly supplement

25 these oral comments with a written

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2 submission.

3 But because this seems to be

4 given bribes to some confusion, I

5 would like to make sure that staff in

6 particular, as well as members of the

7 Commission understand exactly what is

8 going on because there is no SEQRA

9 problem here at all.

10 So let's go back, look at a

11 little bit of history, and this won't

12 take more than a couple of moments.

13 So the FDD application is put in

14 for what to the Town Board? Not just

15 for a public golf course, but for a

16 residential development that included

17 a golf course with public attributes

18 as well.

19 The Environmental Impact

20 Statement that is prepared analyzes

21 the entire project. It's residential

22 development and it's golf course. And

23 all aspects of if including its

24 traffic, its water and so forth. And

25 a Finding Statement is adopted by the

<p>185</p> <p>1</p> <p>2 Town Board as lead agency.</p> <p>3 That finding statement was then</p> <p>4 followed by a vote in which the</p> <p>5 project was approved, but not an</p> <p>6 insufficient vote, in terms of number</p> <p>7 of approval votes was cast.</p> <p>8 Why do I say that? Because then</p> <p>9 what the applicant did was simply move</p> <p>10 to the next phase of that project.</p> <p>11 There always would have had to have</p> <p>12 been an application to the</p> <p>13 Planning Board because there always</p> <p>14 had to be a subdivision, that's part</p> <p>15 of this project.</p> <p>16 This isn't a new application,</p> <p>17 this isn't a new project. This is the</p> <p>18 next phase of what was going to happen</p> <p>19 if the public element of the golf</p> <p>20 course was disapproved by the Town</p> <p>21 Board, which is what occurred because</p> <p>22 of the in sufficient number of</p> <p>23 favorable votes.</p> <p>24 The point has been made today</p> <p>25 that the Town Board lacks</p>	<p>187</p> <p>1</p> <p>2 involved agencies do, it made a</p> <p>3 determination that it could issue a</p> <p>4 Findings Statement. Why? Because</p> <p>5 they were in it's judgement nothing</p> <p>6 that would cause it to conclude that a</p> <p>7 supplemental environmental impact</p> <p>8 statement would be required.</p> <p>9 And this Commission also sits as</p> <p>10 an involved agency in the most vanilla</p> <p>11 type of review contemplated by SEQRA.</p> <p>12 You have been an involved agency since</p> <p>13 the beginning. There's been nothing</p> <p>14 that's changed about that. And indeed</p> <p>15 the Planning Board gave you notice.</p> <p>16 Gave you notice of what it was doing.</p> <p>17 It solicited comments from you, it</p> <p>18 asked for all kinds of input from you,</p> <p>19 and it informed you of what it was</p> <p>20 doing and it adopted its Findings</p> <p>21 Statement.</p> <p>22 There is simply no SEQRA issue</p> <p>23 here whatsoever. We will litigate it.</p> <p>24 I'm the attorney that's doing that</p> <p>25 litigation, so I'll be making these</p>
<p>186</p> <p>1</p> <p>2 jurisdiction. Therefore, cannot act</p> <p>3 as lead agency because I doesn't have</p> <p>4 anything to do with this project that</p> <p>5 is now before the Planning Board.</p> <p>6 Absolutely false. Completely false.</p> <p>7 The Town Board at the end of</p> <p>8 this project -- now that it has been</p> <p>9 approved by the Planning Board -- will</p> <p>10 have to accept dedication of public</p> <p>11 lands. It will have to act in it's</p> <p>12 governmental capacity in order to turn</p> <p>13 around and accept gifts that is</p> <p>14 mandated to be given to be offered as</p> <p>15 part of the approval.</p> <p>16 So of course the Town Board</p> <p>17 still has an action and still has</p> <p>18 jurisdiction. The Town Board is the</p> <p>19 lead agency.</p> <p>20 What is the Planning Board doing</p> <p>21 here? It is doing nothing different</p> <p>22 than what all Boards do when there's a</p> <p>23 subsequent part of an application. It</p> <p>24 is acting as it always acted as an</p> <p>25 involved agency. And it did what all</p>	<p>188</p> <p>1</p> <p>2 arguments in greater detail to the</p> <p>3 courts.</p> <p>4 But I assure you, there is no</p> <p>5 SEQRA issue here whatsoever. No</p> <p>6 impediment to your acting, no</p> <p>7 impediment to you moving forward and</p> <p>8 nothing that precludes you from making</p> <p>9 a decision as an involved agency.</p> <p>10 Thank you.</p> <p>11 CHAIRWOMAN GALLAGHER: I just do</p> <p>12 want to note for folks that there is a</p> <p>13 Town Board meeting that is starting at</p> <p>14 6:00. So we will have to vacate here</p> <p>15 within the next 10 to 15 minutes, so</p> <p>16 they can get set up for that televised</p> <p>17 court meeting.</p> <p>18 MS. O'REILLY: Hello.</p> <p>19 My name is Sabrina O'Reilly.</p> <p>20 I am currently a student at</p> <p>21 Stony Brook University.</p> <p>22 So my concern when it came to</p> <p>23 water quality was when I spent an</p> <p>24 exchange year over in Denmark. And I</p> <p>25 watched as my friends and host</p>

<p>189</p> <p>1 families poured water right from the</p> <p>2 tap and drank it. And in my head I</p> <p>3 was like, I don't do that, I don't</p> <p>4 know why I don't do that. My parents</p> <p>5 tell me you can't do that. But I</p> <p>6 don't drink water right from the tap.</p> <p>7 Then my concern came when I came</p> <p>8 home and I started university. And I</p> <p>9 took courses with Professor</p> <p>10 Englebright and lots of unique</p> <p>11 professors who all expressed a concern</p> <p>12 for the Pine Barrens.</p> <p>13 Now as a 23 year old, I spend</p> <p>14 most of my time walking around the</p> <p>15 trails of the Pine Barrens; not only</p> <p>16 just to explore the unique natural</p> <p>17 surfaces it provides for us, but to</p> <p>18 enjoy the biodiversity and the unique</p> <p>19 species that occupy it.</p> <p>20 So now I've been talking with</p> <p>21 Richard Amper and starting a group at</p> <p>22 Stony Brook just to educate and</p> <p>23 advocate for the protection of it.</p> <p>24 And when I speak to a lot of these</p>	<p>191</p> <p>1 friends when I get home -- I still</p> <p>2 don't have clear numbers to give them.</p> <p>3 And I think that's an issue on itself.</p> <p>4 And I think that is, you know,</p> <p>5 enough to say no to this project until</p> <p>6 there are clear numbers on nitrogen</p> <p>7 output and ecosystem impacts, so.</p> <p>8 Thank you.</p> <p>9 MR. SEALIES(phonetic): My name</p> <p>10 is Dave Sealies(phonetic).</p> <p>11 I'm a 40 year resident -- 45</p> <p>12 year resident of East Quogue.</p> <p>13 If this does go pass today, I</p> <p>14 think it would be important to do this</p> <p>15 in East Quogue at the school where I</p> <p>16 believe Mr. Amper wouldn't have done</p> <p>17 that hand raising bit because I think</p> <p>18 it would be a completely different</p> <p>19 crowd.</p> <p>20 There's a lot of people today</p> <p>21 who aren't here because they are at</p> <p>22 work, they have kids, they have</p> <p>23 sports, they have plays, they have</p> <p>24 everything that you can image. So</p>
<p>190</p> <p>1 students, nine out of ten of them</p> <p>2 don't know where our water comes from,</p> <p>3 and don't understand that 100 percent</p> <p>4 of it comes from rainfall and it's</p> <p>5 filtered through the Pine Barrens</p> <p>6 ecosystem. And a lot of them are</p> <p>7 concerned about what's going on today.</p> <p>8 They would be here, but it's Wednesday</p> <p>9 and most of them are in school.</p> <p>10 But I do speak on behalf of a</p> <p>11 lot of scared Stony Brook University</p> <p>12 students because this is not just an</p> <p>13 issue that belongs to East Quogue or</p> <p>14 Westhampton, this is the aquifer that</p> <p>15 provides millions of people, their</p> <p>16 drinking water. This is bigger than</p> <p>17 just a town.</p> <p>18 Sadly, I would have advocate for</p> <p>19 the preservation of this land, but I</p> <p>20 know there's a lot of conflict going</p> <p>21 on about that. But just sitting here</p> <p>22 today and trying to listen to</p> <p>23 arguments and trying to piece together</p> <p>24 what I can tell my group and my</p>	<p>192</p> <p>1 they can't be here today. I am</p> <p>2 afforded a little of flexibility</p> <p>3 because I own my own business and some</p> <p>4 other people here who also own their</p> <p>5 own business. But, you know, the</p> <p>6 people who are actually working today</p> <p>7 that aren't here don't get a fair</p> <p>8 chance to talk. So if this does go</p> <p>9 pass today, maybe that's a good idea.</p> <p>10 On top of that though, you have</p> <p>11 rules to follow. Follow them. This</p> <p>12 isn't about all this hard grabbing</p> <p>13 stuff today.</p> <p>14 Thank you.</p> <p>15 MR. BARBATO: Thank you.</p> <p>16 I'm Phil Barbato.</p> <p>17 I am a resident of Jamesport.</p> <p>18 I'm also a professional</p> <p>19 environmental engineer, and I actually</p> <p>20 worked on the 208 study back in the</p> <p>21 '70s. It seems like yesterday.</p> <p>22 I subsequently work for the</p> <p>23 regional office of the DEC for 17</p> <p>24 years --</p>

<p>193</p> <p>1</p> <p>2 CHAIRWOMAN GALLAGHER:</p> <p>3 (Interjecting) Yes, I have heard of</p> <p>4 you.</p> <p>5 MR. BARBATO: (Continuing) --</p> <p>6 and now all I do is organic farming.</p> <p>7 But I serve as the president of</p> <p>8 the Riverhead Neighborhood</p> <p>9 Preservation Coalition.</p> <p>10 I just like to say that</p> <p>11 listening all day today, it's the</p> <p>12 classic issue of our time. With the</p> <p>13 background being climate change, sea</p> <p>14 level rise, more violent storms,</p> <p>15 increasing pollution, traffic density.</p> <p>16 All that is background. This is the</p> <p>17 classic conflict. Preservation versus</p> <p>18 -- hey, we need more jobs, we need</p> <p>19 more development, we need more tax</p> <p>20 demand to help run our local</p> <p>21 governments.</p> <p>22 So I think the way out of this</p> <p>23 solution has to be one of two things,</p> <p>24 either preserve this land outright and</p> <p>25 keep it in its present form, or make</p>	<p>195</p> <p>1</p> <p>2 So either preserve it or make</p> <p>3 sure it will be taken care of in</p> <p>4 perpetuity.</p> <p>5 MR. MCCORMICK: Thank you.</p> <p>6 MS. AGUIAR: Thank you.</p> <p>7 MS. TURCHIN(phonetic): Hello.</p> <p>8 My name is Tippy</p> <p>9 Turchin(phonetic).</p> <p>10 I'm a resident here in Baiting</p> <p>11 Hollow, Calverton area.</p> <p>12 I also am the president of the</p> <p>13 Greater Calverton Civic Association.</p> <p>14 And I thank you for the ability</p> <p>15 to come before you today and to</p> <p>16 express my concern.</p> <p>17 I have two questions in the</p> <p>18 general statements, so I'm brief.</p> <p>19 Number one, is this project</p> <p>20 needed?</p> <p>21 And my second is, where will the</p> <p>22 energy come from to meet the need --</p> <p>23 the added need of the electrical need</p> <p>24 of this project?</p> <p>25 As I looked around me today, I</p>
<p>194</p> <p>1</p> <p>2 sure that you understand all the</p> <p>3 things that must be done to do what</p> <p>4 the developer is claiming that we are</p> <p>5 going to be decreasing the</p> <p>6 contamination level, we are going to</p> <p>7 be helping the natural world rather</p> <p>8 than being a problem. And find out if</p> <p>9 you can put an incontrovertible</p> <p>10 requirements that last forever on this</p> <p>11 development property to make sure that</p> <p>12 those things get done. Okay, we are</p> <p>13 going to dilute the water</p> <p>14 contamination, we are only going to</p> <p>15 use certain fertilizers, we are going</p> <p>16 to be -- whatever they are saying that</p> <p>17 would make this a better job. Make</p> <p>18 sure you have in place some</p> <p>19 incontrovertible, never can be</p> <p>20 overturned, requirements. Maybe they</p> <p>21 need to put money in the bank, maybe</p> <p>22 they need to have certain requirements</p> <p>23 on the land itself. Whatever that</p> <p>24 might be. And that would solve both</p> <p>25 problems as well.</p>	<p>196</p> <p>1</p> <p>2 saw very many people who are community</p> <p>3 members. Concerned residents, who</p> <p>4 have voiced their concern that this</p> <p>5 development threatens groundwater and</p> <p>6 undermines open space protections in</p> <p>7 Southampton Town's last remaining</p> <p>8 unprotective expanse, a fragile Pine</p> <p>9 Barrens habitat.</p> <p>10 This is my personal position as</p> <p>11 I stand alone with them.</p> <p>12 Thank you.</p> <p>13 CHAIRWOMAN GALLAGHER: Okay. Is</p> <p>14 there anyone else who wishes to</p> <p>15 address this topic before we close?</p> <p>16 I would suggest to leave the</p> <p>17 record open, but close the public</p> <p>18 hearing.</p> <p>19 MR. ROMAINE: You want to leave</p> <p>20 it open for comments?</p> <p>21 CHAIRWOMAN GALLAGHER: I want to</p> <p>22 leave it open for written comments.</p> <p>23 MR. ROMAINE: How many days?</p> <p>24 MR. MCCORMICK: I do have</p> <p>25 questions to the applicant. Is</p>

<p style="text-align: right;">197</p> <p>1</p> <p>2 Mr. Bruyn prepared to answer those or</p> <p>3 is Chick coming back?</p> <p>4 (Indecipherable cross-talk.)</p> <p>5 MR. ROMAINE: Let me just say</p> <p>6 that I believe the staff has done an</p> <p>7 enormous job -- an excellent job</p> <p>8 putting together all this information.</p> <p>9 We certainly as Board members are</p> <p>10 going to be studying and going through</p> <p>11 this. And while I suggest, maybe to</p> <p>12 the Chairwoman, that our next meeting</p> <p>13 if questions come up between now and</p> <p>14 the next meeting that we include them</p> <p>15 to yourself and staff to move it to</p> <p>16 the applicant.</p> <p>17 CHAIRWOMAN GALLAGHER:</p> <p>18 Obviously, the applicant noted that</p> <p>19 there are a number of questions that</p> <p>20 were raised in the Staff Report that</p> <p>21 will need to addressed.</p> <p>22 MR. SCHNEIDERMAN: My concern is</p> <p>23 based on the public comment today and</p> <p>24 the Staff Report, is if there are</p> <p>25 changes made to the proposal, I feel</p>	<p style="text-align: right;">199</p> <p>1</p> <p>2 the record open for all purposes.</p> <p>3 That's fine with us. I would just</p> <p>4 suggest that you think about what</p> <p>5 happens at the next meeting and what</p> <p>6 that hearing is and if everybody has</p> <p>7 had a chance to speak that maybe their</p> <p>8 time is limited to the extent that if</p> <p>9 they said something -- you heard a lot</p> <p>10 of comments that are very broad</p> <p>11 comments that maybe they can rely on</p> <p>12 that as opposed to anything new or</p> <p>13 anything that is particular part of</p> <p>14 the responses that have been made.</p> <p>15 We are okay if you keep the</p> <p>16 record open.</p> <p>17 MR. MILAZZO: We would like to</p> <p>18 keep the hearing open.</p> <p>19 (Undecipherable cross-talk.)</p> <p>20 CHAIRWOMAN GALLAGHER: There is</p> <p>21 a difference between the hearing being</p> <p>22 open and the record being open, right.</p> <p>23 So I think that's what needs to be</p> <p>24 clear.</p> <p>25 MR. SCHNEIDERMAN: Let's adjourn</p>
<p style="text-align: right;">198</p> <p>1</p> <p>2 the public needs a forum like this to</p> <p>3 be able to comment on any changes that</p> <p>4 are occur. We just simply close the</p> <p>5 spoken record and leave the written</p> <p>6 record open, I don't think that</p> <p>7 affords them the proper stage to</p> <p>8 respond to those changes.</p> <p>9 Maybe we can hear from the</p> <p>10 applicant.</p> <p>11 Mr. Bruyn, you had an</p> <p>12 opportunity to hear a lot commentary</p> <p>13 today, do you foresee any changes to</p> <p>14 this that might warrant additional</p> <p>15 public comments.</p> <p>16 MR. BRUYN: Number one, we did</p> <p>17 hear a significant amount of comments.</p> <p>18 Mr. Romaine identified the most</p> <p>19 significant, the staff report, which</p> <p>20 we would like an opportunity -- as</p> <p>21 Julie mentioned, there's a number of</p> <p>22 questions -- we certainly would want</p> <p>23 to be surmise any information for the</p> <p>24 Commission.</p> <p>25 We have no objection if you keep</p>	<p style="text-align: right;">200</p> <p>1</p> <p>2 the hearing to another date. So if we</p> <p>3 could -- if there are changes, the</p> <p>4 public has ample opportunity to</p> <p>5 respond to those changes.</p> <p>6 MR. BRUYN: That's acceptable to</p> <p>7 us.</p> <p>8 (Undecipherable cross-talk.)</p> <p>9 MR. MILAZZO: So the next</p> <p>10 meeting is March.</p> <p>11 CHAIRWOMAN GALLAGHER: The</p> <p>12 decision deadline is April.</p> <p>13 MR. MILAZZO: So if there are</p> <p>14 changes contemplated or if changes are</p> <p>15 required based on the Staff Report and</p> <p>16 if you are going to have another</p> <p>17 public hearing for the limited purpose</p> <p>18 of discussing the changes to the</p> <p>19 proposal only, you are going to</p> <p>20 probably be necessary to request an</p> <p>21 extension or grant an extension</p> <p>22 through May or June, so that there's a</p> <p>23 proper period of time for the</p> <p>24 Commission to review any of the</p> <p>25 changes that are prepared and also to</p>

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1
2 have another public hearing and to
3 have the SEQRA review to whatever else
4 is required.
5 They were very sensitive to
6 action deadline. I want to make sure
7 that this Commission has enough time
8 to give this project to review it.
9 MR. MCCORMICK: I have about
10 five questions based on over three
11 hours of testimony. So I would like
12 to at least to ask those questions. I
13 can't do it now, I would like the
14 opportunity to address it as we go
15 forward. Bearing in mind what John
16 has told us about the deadline. So as
17 long as Mr. Bruyn is prepared to
18 extend our decision deadline beyond
19 the April date.
20 MR. BRUYN: I think the question
21 first is, we are going to try to
22 attempt to take all the comments
23 received, all the written comments
24 from the Staff Report and try to
25 provide a response. We don't know

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2 what that response is. I understand
3 what Counsel is saying. If there is
4 something that rises to a substantive
5 level that needs the record to be kept
6 open, we understand what the Board's
7 -- the Commission's request would be.
8 And we would work with you in that
9 end.
10 But I think it's premature for
11 me to say how and when and where at
12 this point we need a response. We
13 certainly welcome all of your
14 questions as well. However, if we can
15 get those so we can address those
16 rapidly.
17 MR. MILAZZO: Wayne, you are
18 saying two different things, I think.
19 Either you are saying let's hold
20 the record open, which is a good idea,
21 then for all purposes that would
22 include keeping the public portion
23 open. And at the other time you are
24 saying we don't want to keep it too
25 far open, you are going to proceed

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2 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
6 needed, you can do it that way.
7 I suspect that granting the
8 extension makes more sense, but that's
9 ultimately your and --
10 MR. ROMAINE: (Interjecting)
11 Right now all we're doing as
12 Supervisor Schneideman 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
22 staff work on this project for years,
23 knowing that the quantity of
24 materials, knowing that we are
25 probably on a couple hundred page

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2 transcript today, so we are going to
3 need time.
4 How many pages are we at?
5 (Court reporter clarification.)
6 MR. MILAZZO: The Commission
7 members want to keep the hearing open,
8 I'm not sure it's in the best interest
9 of the Commission to say -- well we
10 are going to deal with that at the
11 next meeting because March will come
12 and then you're looking at a 30 day
13 turnaround to deliberate, may need a
14 special meeting.
15 Just from a process point, you
16 just want to give process time to
17 develop.
18 MR. SCHNEIDERMAN: Understood.
19 And if there are changes, we have to
20 see those changes. I would say at
21 least two weeks before our next
22 meeting, so the public can digest them
23 and maybe some people who support this
24 who may now not support it because
25 things have moved around in certain

<p>205</p> <p>1</p> <p>2 ways. And vice versa, there might be</p> <p>3 some people who now -- who have come</p> <p>4 here not supporting it and you</p> <p>5 addressed their concerns and now do</p> <p>6 support it. But they need time to see</p> <p>7 those changes. I would say if we are</p> <p>8 going to adjourn the public hearing to</p> <p>9 March 18th, our next meeting, whatever</p> <p>10 changes your making in response to</p> <p>11 public comment on staff report, we get</p> <p>12 them two weeks in advance.</p> <p>13 CHAIRWOMAN GALLAGHER: So March</p> <p>14 18th we continue the public hearing,</p> <p>15 we close it, we still need time for</p> <p>16 whatever changes -- we still then need</p> <p>17 to review the transcript of comments.</p> <p>18 I do not feel like it gives the</p> <p>19 Commission sufficient time to make an</p> <p>20 educated and informed decision by</p> <p>21 April 20th if we are now --</p> <p>22 MR. SCHNEIDERMAN:</p> <p>23 (Interjecting) That's a whole month.</p> <p>24 CHAIRWOMAN GALLAGHER: So if</p> <p>25 there's changes, people still need to</p>	<p>207</p> <p>1</p> <p>2 extension today or you get it next</p> <p>3 month, it's likely you are going to</p> <p>4 need an extension to give this a fair</p> <p>5 deliberative process it requires.</p> <p>6 So I just want to put that on</p> <p>7 the radar.</p> <p>8 (Indecipherable cross-talk.)</p> <p>9 UNKNOWN SPEAKER: No, they</p> <p>10 didn't -- I apologize -- they did not</p> <p>11 grant the extension that the Planning</p> <p>12 Board begged for.</p> <p>13 (Undecipherable cross-talk.)</p> <p>14 MR. MILAZZO: Thank you.</p> <p>15 If we have a hard deadline of</p> <p>16 now. So the suggested approach would</p> <p>17 be, we continue the public hearing, I</p> <p>18 would suggest you do that at 2:30.</p> <p>19 The next meeting is at the Town Of</p> <p>20 Brookhaven, perhaps we can have the</p> <p>21 big room.</p> <p>22 MR. ROMAINE: Absolutely.</p> <p>23 CHAIRWOMAN GALLAGHER:</p> <p>24 March 18th.</p> <p>25 MR. ROMAINE: You have it. We</p>
<p>206</p> <p>1</p> <p>2 come back and make comments. We may</p> <p>3 have another 170 pages of transcript</p> <p>4 that need to be reviewed.</p> <p>5 MR. SCHNEIDERMAN: We could</p> <p>6 leave strict comments to the changes.</p> <p>7 MR. MILAZZO: I would suggest</p> <p>8 that the comments at the next hearing</p> <p>9 should be focused principally on the</p> <p>10 changes, if any, so that you're not</p> <p>11 having a rehashing of what we heard</p> <p>12 today. And that gives everyone a</p> <p>13 chance to comment on the project and</p> <p>14 then whatever it is at that time --</p> <p>15 MR. ROMAINE: (Interjecting) And</p> <p>16 the development can respond to the</p> <p>17 questions to --</p> <p>18 (Undecipherable cross-talk.)</p> <p>19 MR. MILAZZO: At the end of the</p> <p>20 report, 20 some odd questions,</p> <p>21 additional information was provided,</p> <p>22 we heard Wayne say that they are going</p> <p>23 to look at it and try to respond to</p> <p>24 any changes.</p> <p>25 I don't -- look, if you get the</p>	<p>208</p> <p>1</p> <p>2 seat 450 people there, so everyone</p> <p>3 will have a chair.</p> <p>4 MR. MILAZZO: And I would</p> <p>5 suggest that the applicant provide the</p> <p>6 information they need to provide in</p> <p>7 response to the Commission's Staff</p> <p>8 Report from their notes today within</p> <p>9 two weeks. The Commission staff will</p> <p>10 put all of the comments that they</p> <p>11 received today on the website</p> <p>12 tomorrow.</p> <p>13 So the Staff Report will go on</p> <p>14 the website tomorrow, so everyone can</p> <p>15 see it. And if you have a written</p> <p>16 deadline of two weeks for comments</p> <p>17 that would give you the basis for our</p> <p>18 hearing in March. And at the end of</p> <p>19 that you will be able to decide if it</p> <p>20 needs to continue yet again or whether</p> <p>21 it can be closed or whether we close</p> <p>22 it and go another two week period for</p> <p>23 comments. And at that point we may</p> <p>24 need to request an extension. And</p> <p>25 again if there is an extension granted</p>

<p>209</p> <p>1</p> <p>2 the Commission has the option of</p> <p>3 dealing with the project.</p> <p>4 MR. BRUYN: I fully understand</p> <p>5 what counsel is laying out. Not</p> <p>6 knowing all the comments and</p> <p>7 everything else, we understand our</p> <p>8 obligation is two weeks to try to</p> <p>9 respond, if we can do that.</p> <p>10 And then you will cross the</p> <p>11 bridge of whether further extension of</p> <p>12 all the options --</p> <p>13 (Indecipherable cross-talk.)</p> <p>14 MS. AGUIAR: The only reason</p> <p>15 there is a continuation of the public</p> <p>16 hearing is if there are changes as</p> <p>17 oppose to responses to the questions?</p> <p>18 MR. MILAZZO: I don't know what</p> <p>19 a response may involve. So I think --</p> <p>20 CHAIRWOMAN GALLAGHER:</p> <p>21 (Interjecting) It may.</p> <p>22 MR. MILAZZO: (Continuing) -- it</p> <p>23 may and it may not. And I think to</p> <p>24 give everyone a fair adequate time to</p> <p>25 review everything that happened today,</p>	<p>211</p> <p>1</p> <p>2 for today is to simply adjourn the</p> <p>3 public hearing for March 18th.</p> <p>4 MR. MILAZZO: On the</p> <p>5 understanding that the applicant will</p> <p>6 provide written comments to whatever</p> <p>7 they feel is sufficient within two</p> <p>8 weeks of today, which is March 4th.</p> <p>9 (Indecipherable cross-talk.)</p> <p>10 CHAIRWOMAN GALLAGHER: If the</p> <p>11 public hearing is adjourned --</p> <p>12 MR. SCHNEIDERMAN: The whole</p> <p>13 record is open.</p> <p>14 MR. ROMAINE: The whole record</p> <p>15 is open, right.</p> <p>16 CHAIRWOMAN GALLAGHER: The whole</p> <p>17 record is open, so if anyone couldn't</p> <p>18 make it today, they can still submit.</p> <p>19 MR. SCHNEIDERMAN: The public</p> <p>20 would have that March 4th deadline to</p> <p>21 comment in writing at any time, but in</p> <p>22 terms of the applicant's response to</p> <p>23 the comments, the staff comments, the</p> <p>24 public comments -- if there are</p> <p>25 changes being contemplated we would</p>
<p>210</p> <p>1</p> <p>2 the Commission should put it on their</p> <p>3 website, the applicant should provide</p> <p>4 response to the 20 questions that the</p> <p>5 Commission has provided within two</p> <p>6 weeks.</p> <p>7 Then at the next hearing, people</p> <p>8 can say I looked at their response on</p> <p>9 March 1st, and we have this comment to</p> <p>10 bring to the Commission's information,</p> <p>11 and if at that point if the Commission</p> <p>12 needs to continue with that process we</p> <p>13 will. If at that point the Commission</p> <p>14 members feel that the public had</p> <p>15 adequate participation, the</p> <p>16 information is presented in a manner</p> <p>17 that the Commission can use and</p> <p>18 understand to make a decision. The</p> <p>19 record has been fully developed for</p> <p>20 everyone's purpose, the hearing can be</p> <p>21 closed. And then we would follow that</p> <p>22 April deadline, perhaps, or we may</p> <p>23 need a special meeting and another</p> <p>24 request for an extension.</p> <p>25 MR. SCHNEIDERMAN: So the motion</p>	<p>212</p> <p>1</p> <p>2 want to know them by March 4th, so</p> <p>3 that we can put them up on the website</p> <p>4 so that the public then can digest</p> <p>5 that and come informed to the March</p> <p>6 18th meeting.</p> <p>7 MR. MILAZZO: I would for the</p> <p>8 last item is that the hearing start at</p> <p>9 2:30 again. Just because 5:48 now.</p> <p>10 CHAIRWOMAN GALLAGHER: Yes.</p> <p>11 MR. MILAZZO: The meeting will</p> <p>12 start at 2:00, and the hearing will</p> <p>13 start at 2:30.</p> <p>14 CHAIRWOMAN GALLAGHER: We will</p> <p>15 go through the other items on the</p> <p>16 agenda then very quickly again.</p> <p>17 MR. SCHNEIDERMAN: I'm making a</p> <p>18 motion to adjourn the public hearing</p> <p>19 to March 18th at 2:30 p.m. at the Town</p> <p>20 of Brookhaven and to leave the record</p> <p>21 also open for the applicant to address</p> <p>22 the Staff Report and comments for</p> <p>23 today in writing by March 4th, end of</p> <p>24 business for March 4th?</p> <p>25 MR. MILAZZO: That's fine.</p>

1
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 * * * *

1
2 C E R T I F I C A T I O N .
3 S T A T E O F N E W Y O R K
4 S s :
5 C O U N T Y O F S U F F O L K
6
7 I, DOMENICA RAYNOR, Court
8 Reporter and Notary Public of the State of
9 New York, do hereby certify:
10 That the within transcript
11 was prepared by me and is a true and
12 accurate record of this hearing to the
13 best of my ability.
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
20 hereunto set my hand this 19th day of
21 February, 2020.
22
23
24
25

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