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Central Pine Barrens Joint Planning & Policy Commission
624 Old Riverhead Road
Westhampton Beach, NY 11978

Re: Application of Lewis Road Planned Residential Development Subdivision

Dear Commission Members:

This letter is a supplemental response to the Central Pine Barrens Joint Planning & Policy Commission (the "Commission") public hearing of November 18, 2020 and addresses public comments from the latest hearing. Accompanying this letter is a more expansive and technical letter submission from Charles J. Voorhis of Nelson Pope Voorhis. I have reviewed Mr. Voorhis' letter submission and confirm that representations it makes regarding legal matters are true and correct. In addition, to be sure the record is clear, I make the following legal points:

1. The latest public hearing was focused upon the changes requested by the Town of Southampton with respect to further details on the projects responsibilities with respect to stormwater runoff and drainage under the Town and State laws. For the most part, the comments expressed by opponents to the project provided no specific comments on the refinements made to the project's drainage plans and continued to express generalized objections, not supported by any evidence in the record, all of which were unrelated to the standards the Commission must apply under the CLUP.

2. Contrary to opponents' allegations, the Town's Comprehensive Plan has continuously and explicitly designated the project site for residential use and a golf course. Any allegation that the project is inconsistent with the Town's comprehensive plan is false. The record before the Commission, including the DEIS/FEIS, the Town Board and Planning Board's SEQRA Findings Statement and our previous submissions identify the Town's Comprehensive Plan recommendations historically and currently for the property.

3. Golf course use at the project site has been analyzed in not just one, but two environmental impact statements. The first was the Generic Environmental Impact Statement ("GEIS") for the East Quogue Land Use Plan, which analyzed and recommended the comprehensive plan amendment designating the project site for golf course and residential use. The second was The Hills Environmental Impact Statements. In both final environmental impact statements, as approved and issued by the Southampton Town Board as lead agency, no significant

adverse environmental impacts were found to arise from golf course use at the project site, including no adverse impacts on groundwater. The Commission, and the organizations and persons appearing before the Commission opposing the Lewis Road PRD all participated in the review of these environmental impact statements. Neither of those environmental impact statements were challenged by anyone, including by any of the organizations and persons appearing before the Commission opposing the Lewis Road PRD. Those environmental impact statements are final and are binding on all agencies, including the Commission and the Town Planning Board. Thus, the only evidence before the Commission is that the golf course will have no adverse impacts on water resources and that the Lewis Road PRD will be net nitrogen negative. Any action by the Commission that is based on any assertion to the contrary would be outside the record, and would be arbitrary and capricious.

4. The Commission does not have authority to supersede determinations made by the Town Planning Board and the Town Zoning Board of Appeals. The ZBA determined that the proposed golf course is allowed as of right under the applicable zoning. The Planning Board determined that the Lewis Road PRD complied with all applicable requirements of the Town Zoning, Subdivision and all other applicable Code requirements, including the requirement that the Lewis Road PRD be consistent with the Town Comprehensive Plan. The Commission lacks any legal authority to act contrary to these determinations.

5. The opponents demand that the application be judged against the Town Comprehensive Plan as they wish it had been written, not how it reads. Similarly, the opponents demand the application be judged against the CLUP as they wish it had been rewritten, not how it reads. Neither demand is lawful. The Commission is required to judge the application based on how those plans actually read, not how the project opponents believe they should be revised and rewritten. Following the course of action demanded by the project opponents would be arbitrary, capricious and contrary to law.

Since the application complies with all applicable standards and requirements within the Commission's jurisdiction, as confirmed in Mr. Voorhis' submission, the Commission should find the Lewis Road PRD application complies with the applicable CLUP standards and approve the application.

Thank you for your consideration in this matter.

Very truly yours,
O'SHEA, MARCINCUK & BRUYN, LLP

By: 
Wayne D. Bruyn

WDB/
cc: DLV Quogue, LLC