

COMPATIBLE GROWTH AREA (CGA) APPLICATION

**Central Pine Barrens Joint
Planning & Policy Commission**

Lewis Road Planned Residential Development (PRD)

Hamlet of East Quogue, Town of Southampton
Suffolk County, New York

Prepared for:

Discovery Land Company
14605 North 73rd Street
Scottsdale, Arizona 85260
Contact: Mark Hissey, Senior Vice President
(631) 335-1003

For submission to:

Central Pine Barrens Joint Planning & Policy Commission
624 Old Country Road (County Route 31)
Westhampton Beach, New York 11798
Contact: John Pavacic; Executive Director
(631) 288-1079

Prepared by:

Nelson, Pope & Voorhis, LLC
572 Walt Whitman Road
Melville, New York 11747
Contact: Charles Voorhis, CEP, AICP; Managing Partner
(631) 427-5665

NP&V #05105

December 2019

COMPATIBLE GROWTH AREA (CGA) APPLICATION
LEWIS ROAD PLANNED RESIDENTIAL DEVELOPMENT
(PRD)

Hamlet of East Quogue, Town of Southampton
Suffolk County, New York

Applicant:

DLV Quogue, LLC
DLV Quogue Owner, LLC
DLV Parlato Parcel 1, LLC
DLV Parlato Parcel 2, LLC
DLV Parlato Parcel 3, LLC
DLV Parlato Parcel 4, LLC
DLV Parlato Parcel 5, LLC
DLV Parlato Parcel 6, LLC
14605 North 73rd Street
Scottsdale, Arizona 85260
Contact: Mark Hissey, Senior Vice President
(631) 335-1003
mhissey@discoverylandco.com

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director@pb.state.ny.us

Prepared by:

Nelson, Pope & Voorhis, LLC (*Environmental Planning & Analysis*)
572 Walt Whitman Road
Melville, New York 11747
Contact: Charles Voorhis, CEP, AICP: Managing Partner
(631) 427-5665
cvoorhis@nelsonpope.com

O'Shea, Marcincuk & Bruyn (*Project Counsel*)
250 North Sea Road
Southampton, NY 11968
Contact: Wayne Bruyn, Esq.
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Nelson & Pope, LLP (*Project Engineering*)
572 Walt Whitman Road
Melville, New York 11747
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obarrie@nelsonpope.com
Gary Becker, PE (*civil*)

gbecker@nelsonpope.com
Greg Peterman, PLS (*surveyor*)
gpeterman@nelsonpope.com
(631) 427-5665

VITA Planning and Landscape Architecture (*Project Architect*)
181 Third Street, Suite 250
San Rafael, CA 94901
Contact: Don Vita
(415) 259-0190
dvita@vitainc.com

Fazio Golf Course Designers, Inc. (*Golf Course Architect*)
401 North Main Street, Suite 400
Hendersonville, NC 28792
Contact: Brian Courcelle, Design & Development Manager
(828) 693-0052
bcourcelle@faziodesign.com

Denton House Design Studio (*Clubhouse Architect*)
4670 South Holladay Village Plaza, Suite 200
Salt Lake City, Utah 84117
Contact: John Garver, Project Manager
(801) 333-8156
jgarver@discoverydesign.com

December 2019

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3. Existing Zoning Map
4. Cultural Resources Sensitivity Map
5. Open Space Contiguity

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- A Staff Report on the Lewis Road Planned Residential Development (PRD), Suffolk County Department of Economic Development and Planning, *October 2, 2019*
- B Project Sponsor Comments on the Staff Report on the Lewis Road Planned Residential Development (PRD), NP&V, LLC, *October 10, 2019*
- C Tax Lots Numbers
- D Project Description
- E SEQRA Findings Statement, Lewis Road PRD, Southampton Town Planning Board, *October 24, 2019*
- F Conditional Preliminary Plat Approval for the Lewis Road Planned Residential Development (PRD), Southampton Town Planning Board Resolution # 32763, *October 24, 2019*
- G Proposed Development by Tax Lot /Tax Lot Groupings, under CLUP
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- J Viewshed Analysis, NP&V, LLC, *December 2019*

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- Survey of Parcels A, D, E, F, G, H, I, J, K, L, M** [Hills Property], N&P, LLP, *revised 8/23/16*
Boundary Survey of Property, [Kracke Property], N&P, LLP, *revised 4/5/16*
Survey of Property, [Parlato Property], N&P, LLP, *revised 8/23/16*
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Clearing Plan, Preliminary Plat, Sheet C-112, N&P, LLP, *revised December 6, 2019*

TRANSMITTAL LETTER

**COMPATIBLE GROWTH AREA APPLICATION
TRANSMITTAL LETTER**

Dear Commissioners:

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Lewis Road Planned Residential Development (PRD)

submitted on December 23, 2019
Date

by DLV Quogue, LLC
Applicant's Name

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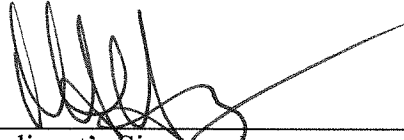
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(Applicant's Signature)

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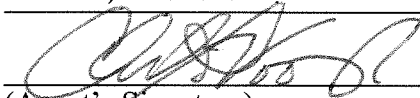
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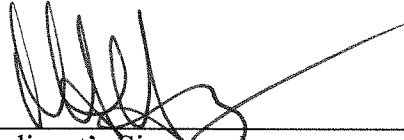
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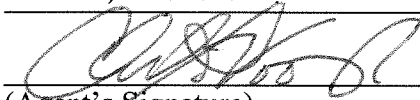
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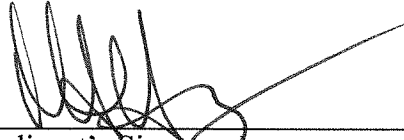
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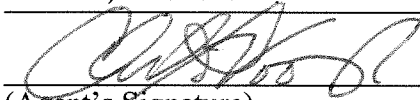
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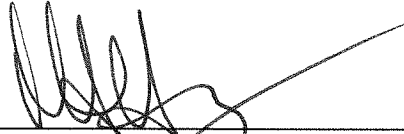
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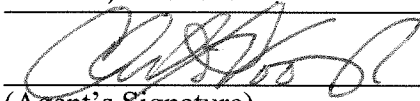
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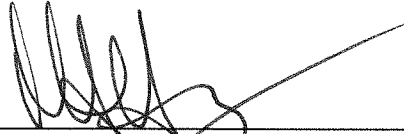
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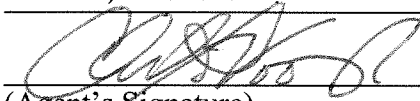
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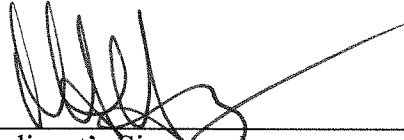
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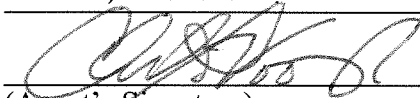
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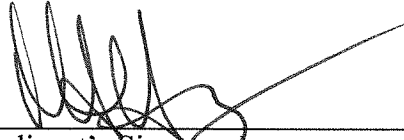
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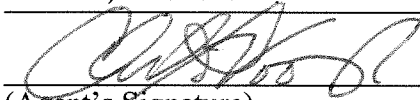
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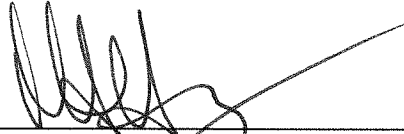
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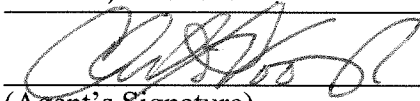
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PROJECT DATA SHEET



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Address	<i>572 Walt Whitman Road Melville, New York 11747</i>
Phone/Fax	<i>(631) 427-5665/(631) 427-5620</i>
Project Information	
Project Name	<i>Lewis Road Planned Residential Development (PRD)</i>
Tax Map Number(s)	<i>(see Attachment C)</i>
Street Location	<i>(see Figures 1a & 1b)</i>
Hamlet & Town	<i>East Quogue, Town of Southampton</i>
Total Project Site Acreage	<i>588.39 acres</i>
Existing Land Use (vacant, residence, etc.)	<i>Vacant and wooded (see Figure 2)</i>
Present Zoning (if split please give areas within each zone)	<i>CR-200 (see Figure 3)</i>
Project Description	<i>(see Attachment D)</i>

PERMIT INFORMATION

Permit Information (please note which permits or plans are required and why, if they have been received and as of what date)	
State Environmental Quality Review Act (SEQRA) (please note if positive declaration, date of DEIS and FEIS, etc.)	<ul style="list-style-type: none"> • <i>The Hills at Southampton MUPDD: Positive Declaration (April 14, 2015); DEIS (September 2016); FEIS (September 2017); Findings to Approve (November 27, 2017)</i> • <i>Lewis Road PRD: SEQRA Compliance Analysis (December 2018); Town Planning Board SEQRA Findings to Approve (October 24, 2019; see Attachment E)</i>
Town Permits - subdivision, site plan, tree clearing, variance, special permit (please note from which board)	<ul style="list-style-type: none"> • <i>Town Planning Board - SEQRA Approval, Site Plan Approval; Subdivision Approval (Conditional Preliminary Plat Approval Granted, October 24, 2019; see Attachment F)</i> • <i>Town Building Department - Building Permit</i> • <i>Town Highway Department - Road Access Permit; Emergency Access Curb Cut</i>
Project Plans Enclosed (site plan, subdivision, etc.) Including drainage or landscape plans	<i>In pouches at the back of this document:</i> <ul style="list-style-type: none"> • <i>Survey of Parcels A, D, E, F, G, H, I, J, K, L, M [Hills Property], revised 8/23/16</i> • <i>Boundary Survey of Property, [Kracke Property], revised 4/5/16</i> • <i>Survey of Property, [Parlato Property], revised 8/23/16</i> • <i>Clearing Plan, Preliminary Plat, Sheet C-112, revised December 6, 2019</i>
NYS DEC - wetlands, WSR, mining, SPDES, etc.	<ul style="list-style-type: none"> • <i>Mining Permit (for ponds),</i> • <i>Pond Stocking Approval,</i> • <i>Long Island Well Permit,</i> • <i>SWPPP Approval,</i> • <i>SPDES Permits</i>
Suffolk County Department of Health Services - Article 6, 7, 12	<ul style="list-style-type: none"> • <i>SCSC Article 4 Permit; SCSC Article 6 Permit; SCSC Article 12 Permit</i> • <i>SCWA - Water Supply Connection Approval</i>
Suffolk County Planning Commission	<ul style="list-style-type: none"> • <i>SCPC Staff Report (October 2, 2019)</i> • <i>Project Sponsor Comments on the SCPC Staff Report (October 10, 2019)</i> • <i>(Default) Project Approval (October 2, 2019)</i>

STANDARDS AND GUIDELINES FOR LAND USE

STANDARDS AND GUIDELINES FOR LAND USE
LEWIS ROAD PRD CONFORMANCE ASSESSMENT

December 23, 2019

Standard (S)/Guideline (G)		Explanation and Document Page Reference <i>(Attach additional sheets if necessary)</i>
S 5.3.3.1.1	Suffolk County Sanitary Code Article 6 compliance	<p>The project is 1/5 of the density permitted under Article 6 of the Suffolk County Sanitary Code (SCSC) for a site in Groundwater Management Zone (GMZ) 3 and therefore conforms with this Standard. In GMZ 3, Article 6 would allow a yield based on 1 unit per 40,000 SF of the site. For the subject 588.39-acre site, this would imply an allowed yield of approximately 480 units. In contrast, the proposed project seeks a yield of 118 units, or 0.20 units per acre. The project density involves residential units based on 1 unit per 5 acres, as well as a clubhouse, and through a PRD, provides a golf course as an accessory recreational amenity for use for by site residents.</p> <p>The proposed project will be well within SCSC Article 6 requirements for the treatment, handling and disposal of its sanitary wastewater. In addition, as a result of a voluntary and costly initiative by the applicant to reduce total nitrogen within the Weesuck Creek/Western Shinnecock Bay watershed, all wastewater generated will be treated and recharged to groundwater through an advanced, tertiary sewage treatment plant (STP) conforming to the latest SCDHS design, installation and operational requirements. Appropriate County approvals and permits for this facility will be obtained. The STP is pending review by SCDHS.</p> <p>The occupancy pattern of the units is such that annual sanitary flow will be substantially reduced given the actual utilization of units on the order of 60 days per year. Nitrogen loading to groundwater due to sanitary wastewater recharge will be reduced to the maximum extent practicable.</p> <p>The project is demonstrated to conform with the density requirements of Article 6 and will provided the added benefit of sewage treatment. The subdivision will obtain Realty Subdivision approval from SCDHS. In consideration of the above, the project will comply with Article 6 and therefore complies with this Standard.</p>
S 5.3.3.1.2	Sewage treatment plant discharge	<p>The proposed project will conform to SCSC Article 6 requirements. Based on Article 6, conventional septic systems would be allowed for the proposed project, so that an STP is not be required under SCSC Article 6. However, as a result of a voluntary and costly initiative by the applicant to reduce total nitrogen within the Weesuck Creek/western Shinnecock Bay watershed, all wastewater generated will be treated and recharged to groundwater through an advanced, tertiary STP. The STP will reduce the nitrogen load from over 50 milligrams per liter (mg/l)¹ to less than 10 mg/l. As a result, the proposed project will reduce nitrogen load by more than 80% from the load that would occur if no STP were proposed. The project sponsor has submitted an Engineering Report for the proposed STP to SCDHS, which is currently under review and will gain the necessary approval. The proposed STP will operate under the jurisdiction of the SCDHS and in conformance with SCSC Article 6 and applicable design, installation and operational requirements.</p> <p>It is not practical to locate the project's STP outside of or downgradient of the Pine Barrens Zone. There are no existing STPs within 2 miles of the property to which the project could connect; the nearest existing STP is at Gabreski Airport, over 2 miles to the west and is, like the proposed project, within the Compatible Growth Area (CGA) of the Pine Barrens. Locating the STP or its discharge outside the Pine Barrens would move it closer to surface water associated with Weesuck Creek or western Shinnecock Bay, which is the resource intended to be protected. The overall benefit is reduced nitrogen load which is a critically important goal of the environmental community and the Town and therefore, the project is consistent with the intent of this Standard.</p>
G 5.3.3.1.3	Nitrate-nitrogen goal	<p>This Guideline addresses nitrate-nitrogen in several ways, specifically referencing the following:</p> <ol style="list-style-type: none"> 1. A maximum residential density averaging one (1) unit per two (2) acres, and. 2. Use of clustering to protect surface water quality for projects containing ponds and wetlands proximate to development. <p>The density of the proposed project is 1 unit per 5 acres of the site, which is well below the maximum allowed density that would conform to this Guideline.</p> <p>There are no surface water bodies or wetlands within or near the portion of the site that will be developed, which minimizes the potential for nitrogen impacts to such features. Nevertheless, based on the measures incorporated into the project that would tend to minimize potential nitrogen impacts to groundwater and surface water features (i.e., conformance to SCSC Article 6, minimization of fertilization for the golf course recreational amenity, and use of groundwater impacted by agricultural practices from locales in the upgradient direction for the project's irrigation), the project will generate an overall nitrogen concentration in recharge of less than 1 mg/l and therefore is well below the 2.5 mg/l standard.</p> <p>Additionally, the project will reduce existing elevated groundwater nitrogen by pumping shallow groundwater flow (that is impacted by upgradient farming activities) and reusing it for golf course irrigation such that the project will have a net negative nitrogen load, and nitrogen laden groundwater that would otherwise flow to Weesuck Creek and western Shinnecock Bay will be removed from the aquifer.</p> <p>Finally, review of the DEIS/FEIS for the Hills at Southampton MUPDD finds that the project total nitrogen (which would be greater than the nitrate-nitrogen component of total nitrogen) was analyzed for both concentration in recharge over the entire property, and for nitrogen load. Nitrogen concentration was consistently less than 1 mg/l (see DEIS Table 1-8a and Table 5; FEIS Table 1-1a), and the</p>

¹ Suffolk County Department of Health Services (SCDHS) uses 50-65 mg/l as working concentrations of nitrogen in residential wastewater (see Guidance Memorandum 28 and Reclaim Our Water website: www.reclaimourwater.info).

		nitrogen load was net negative due to removal of nitrogen-laden groundwater from upgradient farming (see FEIS Appendix R-7), and using this for irrigation-fertigation under an Integrated Turf Health Management Plan (ITHMP) (see DEIS Appendix J). ² Given these factors, the project complies with this Guideline. Updates to the nitrogen budget analysis for the Lewis Road PRD continued to demonstrate a nitrogen in recharge concentration of less than 1 mg/l, and a net negative nitrogen load for the project (see 2018 SEQRA Compliance Analysis, Section 3.2 and Appendix C-1).
S 5.3.3.2.1	Suffolk County Sanitary Code Articles 7 & 12 compliance	<p>These regulations concern water pollution control (SCSC Article 7) and storage of hazardous or toxic materials associated with industrial use (SCSC Article 12). The proposed project is consistent with Article 7 in that it does not involve an industrial process, will not store or use hazardous or toxic materials in excess of the quantities allowed. Further, the project is not within a water supply sensitive area as defined under Article 7.</p> <p>As the proposed project is not an industrial operation, Article 12 would only apply to tank storage, and any such storage, if proposed would conform to Article 12. The proposed golf course recreational amenity will include the use, storage and handling of various landscape chemicals (e.g., fertilizers, pesticides, etc.) in connection with the on-site maintenance area. The project will provide for proper storage and handling facilities for these substances in conformance with Article 12.</p> <p>An Article 12 permit will be obtained for the maintenance area. The project will comply with this Standard through proper handling and permitting of restricted materials.</p>
S 5.3.3.3.1	Significant discharges and public supply well locations	<p>This standard restricts activities that could degrade the public water supply within a 200-foot radius of a public supply well. However, the existing Spinney Road Wellfield is well beyond 200 feet of any such activity, and the proposed project will not have a “significant discharge” such that it would have the potential to impact public water supply. As part of the SEQRA processing of the Hills PDD application, the Suffolk County Water Authority (SCWA) indicated that that project was not expected to result in any impact to well fields in the area of the subject site. As the proposed Lewis Road PRD is similar to the Hills PDD in terms of uses (other than the removal of outside golf memberships which reduces the intensity of use), yields and layout, it is expected that it would likewise not represent any significant adverse impact on the wellfields in the area.</p> <p>Mapping provided by the SCWA found that the proposed project is substantially not within the Malloy Drive or Spinney Road well field contributing areas (see DEIS Figure 2-6) and SCWA provided a letter indicating the project would not adversely impact wellfields (see DEIS Appendix A-17). The project therefore conforms to this Standard.</p>
G 5.3.3.3.2	Private well protection	The DEIS found “...there are several small areas located to the south and southeast of the subject property that are not within the distribution network of the SCWA and likely utilize private wells for potable water supply.” (see DEIS Page 2-20). Potential groundwater impacts were analyzed in the EIS for the Lewis Road PRD (see DEIS Section 2.2.2; FEIS Section 2.2), and the December 2017 SEQRA Compliance Analysis (see Section 3.2). There are no uses, discharges or applications that will occur on the subject site that would adversely impact these wells. The proposed project conforms to SCSC Articles 6 and 7, which will minimize potential impacts to private wells down-gradient of the site, by minimizing potential spillage or leakage of chemicals that could impact groundwater quality. The project also has the lowest nitrogen load of all alternative uses for the site, and is demonstrated to be less than 1 mg/l ³ (see DEIS Section 2.2.2; FEIS Section 2.2), and the December 2018 SEQRA Compliance Analysis (see Section 3.2). The proposed project and therefore will ensure private well protection and is consistent with this Standard.
S 5.3.3.4.1	Nondisturbance buffers	<p>There are two areas of Town-regulated freshwater wetlands on the Hills North Parcel that total about 1.40 acres. However, because this parcel will not be disturbed or developed for the proposed project (this parcel is in the Core Preservation Area [CPA] and will be offered for dedication in its entirety for public open space preservation), no impacts to these resources are expected. There are no wetlands within 200 feet of the Hills South Parcel or the Kracke Property where development is proposed and in fact, the nearest wetlands are approximately 1,500 feet southeast of the south part of the project site.</p> <p>The proposed ponds will be manmade and will be used for utility (stormwater storage and irrigation water re-use) purposes. Appropriate nondisturbance buffers will be established for terrestrial/Pine Barrens habitat protection, and no wetlands or wetlands buffers will be affected by the project. The proposed project is consistent with this Standard.</p>
S 5.3.3.4.2	Buffer delineations, covenants and conservation easements	<p>No encroachment on the estimated 1.40 acres of Town and State regulated freshwater wetlands on the Hills North Parcel are proposed, so that no buffers are necessary or proposed. The entire 86.92-acre Hills North Parcel will be offered to the Town of Southampton for public open space preservation along with open space retention on other parts of the site.</p> <p>The project sponsor and the Town will establish measures to ensure that buffers and intended natural vegetation areas are retained including such measures as covenants and conservation easements. The proposed project is consistent with this Standard.</p>
S 5.3.3.4.3	Wild, Scenic & Recreational Rivers Act compliance	N/A; the project site is not located within or adjacent to any WSRR boundary. This Standard does not apply.
G 5.3.3.4.4	Additional nondisturbance buffers	<p>No encroachment on the estimated 1.40 acres of suspected Town-regulated freshwater wetlands on the Hills North Parcel are proposed, so that no buffers are necessary or proposed.</p> <p>There are no wetlands on or near development portions of the site, and all buffers and intended natural areas on the site will be retained through appropriate mechanisms. The project conforms with this Guideline.</p>
S 5.3.3.5.1	Stormwater recharge	This standard requires that adequate drainage capacity be provided for retention and recharge of stormwater runoff generated on-site. All stormwater runoff generated on developed project surfaces will be retained on-site and managed through recharge to groundwater and containment in detention and pond areas in a drainage system designed in conformance with Town of Southampton requirements.

² Based on mass-balance nitrogen load analysis at the property line using the SONIR model which has precedent as an approved methodology consistent with CPB CLUP review.

³ Ibid.

		<p>Preliminary drainage design is such that this system will utilize a combination of Drainage Reserve Areas, bioswales and rain gardens, leaching catch basins and pond area to retain, treat, reuse and recharge stormwater. No runoff from developed surfaces will be allowed to exit the site, based on the stringent retention and design requirements of the Town. The project’s drainage system is subject to the review and approval of the Town engineering and planning staff and the project will comply with SPDES GP 0-15-002 for stormwater project notification and preparation of a Stormwater Pollution Prevention Plan (SWPPP). A preliminary SWPPP in the form of a Hydrology Report was prepared for the DEIS and demonstrated that the project will be in compliance with SWPPP/drainage requirements (see DEIS Appendix A-10). The applicant prepared and submitted a final SWPPP, has met with the Town Engineer, responded to initial comments on the SWPPP, and resubmitted the SWPPP for final Town approval prior to filing with New York State Department of Environmental Conservation (NYSDEC) under GP 0-15-002. The proposed stormwater design conforms to the intent of this standard and the project will comply with this Standard.</p>
G 5.3.3.5.2	Natural recharge and drainage	<p>There are no natural recharge areas on or proximate to the proposed development area that could be used as part of the project’s drainage system. The site was studied for potential use of natural drainage areas. The north part of the property slopes from north to south, and the south part of the property slopes from northwest to southeast; as a result, there are no “closed” contour areas on the property that can be used for natural recharge (see DEIS Figure 2-3a and Attachment I of this application). In lieu of such natural features, the proposed project will utilize Drainage Reserve Areas, rain gardens, leaching catch basins and man-made ponds (in already cleared areas) as components of the project’s drainage system, to provide stormwater retention and recharge. As a result, the rain gardens and ponds will serve utilitarian functions in the form of runoff containment and recharge, and stormwater management through green infrastructure methods. The ponds will have the additional function of use for mixing of irrigation water for recycling and fertigation management.</p> <p>The use of multiple drainage areas is consistent with this Guideline as it avoids the need for excessive clearing/grading for large drainage areas in one location. The project conforms with Vegetation Clearance Limits as will be noted below, and complies with this Guideline related to drainage design as described herein.</p>
G 5.3.3.5.3	Ponds	<p>The Guideline indicates that ponds may be created if used for stormwater handling, but not solely for aesthetic purposes. As noted above, the proposed ponds will serve multiple utilitarian functions as noted herein.</p> <p>The project’s drainage ponds are located in an existing cleared area in the central portion of the proposed development area. The ponds are proposed primarily for utility (stormwater and irrigation-fertigation storage) purposes, but will also provide habitat functions. One pond is designed to accommodate stormwater. A second pond is also designed to be used for blending of well water for reuse as irrigation on the golf course, a practice that will result in a net nitrogen reduction through removal of nitrogen-laden groundwater for irrigation. As a result, the project complies with this Guideline.</p>
G 5.3.3.5.4	Natural topography in lieu of recharge basins	<p>The project site is characterized by glacial moraine and outwash plain topography in the development areas of the site (see DEIS Figure 2-3a and Attachment I of this application). Development is primarily located at the south part of the moraine and in the outwash plain area and no suitable natural swales or depressions are available on-site for use in lieu of a recharge design or for drainage.</p> <p>In review of drainage plans, the stormwater design does not include any recharge basins. There are no natural topographic low areas proximate to the areas to be developed (the areas proposed for the majority of development on the site are already disturbed), and the low areas that do exist are distant from the developed areas and so are proposed to remain undisturbed within areas to be retained as natural. No natural topographic low points or swales are available to be utilized for stormwater runoff detention or recharge.</p> <p>No natural swales or depressions are suitable to use for drainage. The drainage system will utilize a combination of Drainage Reserve Areas, bioswales and rain gardens, leaching catch basins and pond area to retain, treat, reuse and recharge stormwater. The project is consistent with this Guideline as it permits and encourages use of natural swales and depressions whenever feasible; in this case, it is not feasible. As a result, the project complies with this Guideline.</p>
G 5.3.3.5.5	Soil erosion and stormwater runoff control during construction	<p>The subdivision plans include erosion control. The project has been subject to Town Engineering review and is pending SWPPP approval for filing with the NYSDEC under the general permit. Erosion control will be employed during construction to ensure that impacts from soil erosion during and/or after the construction period will not occur. Additionally, a SPDES GP 0-15-002 permit will be obtained based on the SWPPP which is pending approval, prior to the onset of construction of the proposed project, and the project will comply with the requirements of the SWPPP/general permit. Based on these factors, the project will comply with this Guideline.</p>
S 5.3.3.6.1	Vegetation Clearance Limits	<p>The subject parcels were zoned in a mix of districts in 1995, when the CPB CLUP was adopted (CR-80, CR-120 and CR-200). In conformance with this policy (S 5.3.3.6.1), the individual acreages of the site zoning that existed at the time of preparation of the CLUP, are to be combined to render an overall value for allowed clearing. Using the acreages of prior site zoning, and in conformance with the allowable site clearance standards listed in Figure 5-1 of the CLUP, the overall maximum allowed site clearance for the 588.39-acre site is 28.24%, or 166.18 acres (conversely, a minimum of 71.76% of the site, or 422.21 acres, would have to be preserved as natural). The project includes a mix of natural vegetation and previously cleared areas. The proposed project will preferentially occupy the previously-cleared areas, so that the 159.57 acres of development (27.12% of the site) will occupy 28.28 acres of previously-cleared areas plus removal of 131.29 acres of existing natural vegetation. As a result, 424.96 acres of natural vegetation (72.22% of the property) will remain on the site, allowing the project to conform to this standard. It should be noted that there are also 3.86 acres of former farm fields and cleared areas within the site that are currently undergoing natural succession which will remain. As a result, there will be a total of 428.82 acres (72.88% of the site) of natural vegetation on the property.</p> <p>It is noted that the entire Hills North Parcel, and portions of the Hills South Parcel and the Parlato Property, are within the CPA. These areas will not be disturbed as a result of the proposed project.</p> <p>The overall property is configured such that a portion of the Parlato Property lies within the Henry’s Hollow Region CRA, as designated by the CPB CLUP. While not so designated by the Town regulations, it is noteworthy that the proposed project will not adversely impact any portion of the Parlato Property (whether within or outside of the Henry’s Hollow CRA). To the contrary, the project will allow the Town to ensure the retention of this acreage (a total of 101.91 acres), through an offer of dedication of this property to the Town of Southampton. It is noted that 15.78 acres of prior agricultural land on the Parlato Property has reverted to a natural condition and is established in native overgrown field habitat.</p>

		<p>Table G (see Attachment G) details the project’s proposed clearing, by tax lot or groupings of tax lots as given in the surveys of the site components. This table indicates the amount of land within each zoning district as it existed in 1995 (when the CLUP was created), the amount of land allowed to be cleared in each district under CLUP, and the amount of land proposed to be cleared for the proposed project. The detailed values in Table G demonstrate that the project will conform to this Standard, as it will clear a total of 159.57 acres (27.12% of the site), where the CLUP allows clearing of up to 166.18 acres (or 28.24% of the site).</p>
S 5.3.3.6.2	Unfragmented Open Space	<p>This standard concerns preservation of natural vegetation in large unbroken blocks to establish open spaces contiguous to on-site and off-site property. There are a number of aspects regarding compliance of the proposed project with this Standard. These include the following considerations:</p> <ol style="list-style-type: none">1. The preservation of large unbroken blocks of open space aligned internally and with off-site open space.2. The CPB CLUP is not explicit as to how Unfragmented Open Space is to be achieved, making this Standard subjective.3. This Standard can be at odds with the Standard for Vegetation Clearance Limits which favors development that retains existing natural vegetation, for which there is precedent.4. The Hills South and Kracke properties were previously disturbed in various places on the properties which were used by the applicant in site design, as required by this Standard.5. The Town prepared the East Quogue Land Use Plan (EQLUP) which sought to strategically protect open space throughout East Quogue in a coordinated fashion consistent with the CLUP.6. The Project clears fewer acres than permitted and has no barriers to wildlife movement on 95% of the site. <p>Each of these considerations is addressed below in order to demonstrate conformance with this Standard:</p> <ol style="list-style-type: none">1. <u>Large Unbroken Open Space Blocks</u>: The entire Hills North Parcel (86.92 acres) and the entire Parlato Property (101.91 acres) will be retained in a natural state and offered for dedication. These properties total 188.83 acres, or 32.09% of the site. Both of these properties abut vacant, wooded lands, so that these dedications will fit within and expand the existing open space network and contiguity of open spaces in the area. The Parlato Property could have been developed on its own; however, the Applicant purchased this land, transferred density to the main development area, and intends to preserve it outright, rather than allow it to be developed as a separate parcel. An additional 45.3 acres on the north side of the Hills South parcel, south of Sunrise Highway is in the Core Preservation Area and will be preserved adjacent to large areas of additional open space in the CGA. This CPA area aligns with additional CGA preserved lands on the north side off the development such that substantial additional large blocks of open space comprising approximately 149 acres are retained surrounding the development area, and these areas align with on-site and existing off-site open space. The project is tightly clustered and centered on previously cleared area and all development is prioritized on previously cleared area which ensures that existing natural open space is preserved in large unbroken blocks. The Lewis Road PRD layout has been substantially refined over the course of the subdivision planning process, so that its clearing area, development area and retained natural open spaces ensure retention of unfragmented open space in large unbroken blocks outside of the development area that align with internal and off-site open space.2. <u>Subjective Nature of Unfragmented Open Space Standard</u>: It is noted that the CPB CLUP is not explicit in how the Unfragmented Open Space Standard is to be achieved, thus making it subjective. The Lewis Road PRD site is unique in that it is in an area of the CPB where open space is already fragmented (farms and a mine to the west, clearing on the site, a mix of development and preserved open space to the east, and Sunrise Highway and Spinney Road transecting the site). Given these unique conditions, the site open space plan must be approached based on the existing site context. Guidance for open space management is contained in “Conservation of Biodiversity in Central Pine Barrens Protection Area” (McDougal, James, 1994), and other CPBC references as noted in Volume 2 of the CLUP. References were reviewed to ensure conformance with ecological guidance related to this Standard. The Town Aquifer Protection Overlay District (APOD) provides guidance on achieving contiguous/unfragmented open space as it requires 65% of the site to be preserved as one unit of open space, with other open space aligned as contiguously as possible. The project is designed to align large unbroken blocks of open space with off-site open space, use existing cleared areas to the maximum extent, and provide extensive internal open space, consistent with the language of this Standard. This extensive open space area includes the Parlato Property and the Hills North Parcel, totaling nearly 200 acres, which will be offered for dedication, as well as extensive open space on the Hills South and Kracke Parcels that is aligned with contiguous open space within the subdivision and on adjacent parcels. The project sponsor purchased the Parlato Property for dedication. This property could have been developed on its own by the owner, but will be preserved. The proposed project meets the Vegetation Clearance Limit Standard as noted above. Additional open space is provided in large swaths on the property, thus retaining the requisite natural vegetation while aligning the project to use existing cleared areas and providing unfragmented open space. As a result, the Lewis Road PRD uses a defined metric to ensure that open space is preserved in large unbroken blocks. The detailed design of the PRD provides in excess of the minimum Town required 65% of the site in contiguous open space outside the development area and also retains in excess of the minimum required 71.76% of the existing natural vegetation on the overall site.3. <u>Retention of Existing Natural Vegetation</u>: Based on the second part of the Standard which indicates a priority to preserve native pine barrens vegetation, and the existing cleared areas on the site, clearing is aligned in a manner that maximizes the use of existing cleared areas and alignment with other developed lands. Approximately 427 acres or nearly 72% of the site will be left in a natural state. Almost 400 acres or 65% of the site will be left in large unfragmented blocks. An additional estimated 7% of the site will also be undisturbed naturally-vegetated open space within the development area that is configured as large open space areas that include wide corridors, portions of lots and common area open space that are internally or externally connected in large unbroken blocks of contiguous open space. Additionally, it is noted that there is a precedent for CPB approval of projects that maximize the use of previously-cleared areas on which to preferentially locate developed surfaces. The Willow Wood, Coram hardship approval (see CPBJPPC Resolution of Approval, Attachment H), created islands of open space in order to retain existing natural vegetation. The Pine Barrens Commission found that “...the hardship, as it relates to the Project Site, is unique due to the previous disturbance of the Project Site and the existing configuration of fragmented and dispersed patches of existing natural vegetation on the Project Site that constrain the ability to develop the Project Site without disturbing the existing natural vegetation...”. This directly relates to the Lewis Road PRD, which has dispersed clearing and existing fragmented open space on the site. The Commission further found that the Willow Wood applicant, “cannot satisfy the requirements contained in Standard 5.3.3.6.1 (the Vegetation Clearance Limits) while simultaneously satisfying the requirements of Standard 5.3.3.6.2 (the Unfragmented open space) because in order to meet the

		<p>clearing standard the site plan would require additional fragmentation of open space and natural vegetation on the site, while in order to meet the unfragmented open space standard the site plan would require additional clearing of native vegetation, beyond that permitted by the clearing standard.” This is directly related to the proposed project where the Vegetation Clearance Limits Standards is in conflict with the Unfragmented Open Space Standard. Finally, in the Willow Wood case, the Commission found, “...that the Project is consistent with the purposes because the prior clearing and soil disturbance on the Project Site has produced fragmentation of habitat and by retaining the existing vegetation that remains to the extent practicable will provide benefits to wildlife as stopover, and foraging habitat...”. This also relates to the Lewis Road PRD, as the site will continue to provide for wildlife habitat benefits throughout the vast majority of the subject site. As a result, the Lewis Road PRD seeks to preferentially use existing cleared areas. Through design, the proposed project does preferentially use existing cleared areas in a manner that provides contiguous open space and aligns open space with large unbroken blocks of vegetation within the property and in coordination with surrounding properties, in order to achieve unfragmented open space. As a result, the proposed project achieves all aspects (retains open space in large unbroken blocks, aligns with off-site open space), and prioritizes the preservation of natural vegetation of this Standard.</p> <p>4. <u>Alignment of Open Space</u>: The highest-quality undisturbed natural vegetation that remains on the Hills South Parcel is primarily found in the north part of the property, which will be preserved. The overall design for the Lewis Road PRD has been improved since the Hills PDD and even since the Town Preliminary Subdivision approval. Along the east side of the site, part of the driving range is reduced such that a greater contiguous open space connection is achieved with Town land to the east. On the southwest part of the site, clearing has been reduced between golf holes to expand open space connections within the undeveloped part of the project site to the southwest. On the west side, the subdivision road on the Kracke property has been moved to the east to expand the connection between natural open space on the East Coast Mines site to the north, south across the undeveloped part of the Kracke property, and continuing south across undeveloped Town and cemetery lands to link with open space along Spinney Road and the Hills South property. As a result, significant natural open space will be retained throughout the subject property, such that minimum large blocks of contiguous open space that aligns with off-site open space will be retained and wide corridors within the development will be preserved. The Protection of Natural Vegetation Standard, as well as the Vegetation Clearance Limits in the CPB CLUP favor the placement of development in existing cleared areas in order to retain natural vegetation. This design intent is effectively used for the Lewis Road PRD plan. Given the restricted nature of allowable clearing on the site such that only 28% of the site may be cleared (including existing cleared areas), the design seeks to use existing cleared areas to the maximum extent possible while retaining large unbroken blocks of contiguous open space to align with adjacent parcels as required. In summary, substantial areas of natural contiguous habitat will be retained; these areas will be contiguous to naturally-vegetated spaces adjacent to the north, east and west, thus forming an open space continuum as intended by this Standard.</p> <p>5. <u>East Quogue Land Use Plan</u>: The proposed project conforms to the Town of Southampton APOD, and is consistent with the intent of the EQLUP and Generic Environmental Impact Statement (GEIS) that established the basis for Central Pine Barrens CLUP clearing in the East Quogue study area, including Lewis Road PRD (then known as the Hills). The EQLUP was reviewed by the Pine Barrens Commission for consistency with its goals and objectives (see EQLUP, Page 1-22) and the plan includes multiple references to alignment of open space and clearing to conform to Standard 5.3.3.6.2. Key references from the EQLUP are noted by page number and quoted in italics, followed by a brief explanation of conformance:</p> <p><u>Page 2-6</u>: <i>“The [LUP] Recommended Plan meets these guidelines by promoting cluster developments, providing a public trail system, and open space preservation and recreation that provides a transition between the CPA and CGA as well as a contiguous block of land between the western and eastern portions of the study area that limits forest fragmentation. Because the [LUP] Recommended Plan includes a portion of the CGA as a resort/recreation/residential PDD, clearing can be focused on previously cleared areas and vegetation and fertilization can be better monitored to ensure the defined standards are met.”</i></p> <p>This intent of this recommendation is directly achieved through the Lewis Road PRD. The project is a cluster development, provides for a public trail system, establishes significant/permanent open space preservation, creates a recreational amenity and creates contiguous open space in large unbroken blocks, thus limiting forest fragmentation. The development focuses development on previously cleared areas and clearing and fertilization can be effectively monitored through dedication, covenants and conservation easements such that clearing “creep” does not occur as has been witnessed on private lands within subdivisions in the area.</p> <p><u>Page 2-7</u>: <i>“It is recognized that there are many design parameters that need to be met with respect to developing a golf course within the CGA, particularly with respect to standards related to vegetation clearance limits (CLUP Standard 5.3.3.6.1), unfragmented open space (CLUP Standard 5.3.3.6.2) and fertilizer-dependent vegetation (CLUP Standard 5.3.3.6.3). As a result, flexibility in these standards is appropriate to allocate clearing, open space, and fertilized areas from other portions of the study area, to an area intended to be developed as a golf course. This [LUP] Final GEIS supports the application of such flexibility to achieve this vision as follows:”</i></p> <p>7. <i>“Create a golf course design that retains as much natural vegetation as possible and provides large contiguous vegetated open space on the perimeters and using the golf course design and layout to maximize this preservation.”</i></p> <p>This intent of this recommendation is directly achieved through the Lewis Road PRD. The project preserves the Parlato property, similar to what is envisioned in this recommendation with respect to flexibility in standards within the Study Area, and results in the creation of a golf course recreational amenity. The project meets Standards with respect to Vegetation Clearance Limits and Fertilizer-Dependent Vegetation.</p> <p><u>Page 2-8</u>: <i>“Protect critical habitats defined within the overall study area through clustering, acquisition, and related land use protection methods. Parts of [LUP] Recommendation Area 7 have been impacted by past grading activities, and ATV use, and are proximate to the extensive mined lands associated with [LUP] Recommendation Area 1. As a result, [LUP] Recommendation Area 7 does not represent as significant a contiguous or critical open space area as the eastern parts of the study area, where there is existing protected open space and planned enhancements for open</i></p>
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		<p><i>space protection. Consideration should be given to existing clearing in the north central parts of [LUP] Recommendation Area 7, as locations for active recreation and recreation/open space transition, which would involve gradually decreasing the level of active use toward the north toward the CPA boundary.”</i></p> <p>The intent of this recommendation is directly achieved through the Lewis Road PRD. The site is within Recommendation Area 7, exhibits the characteristics (extensive clearing, ATV use, East Coast Mine to the west, etc.) that are described, and implements the recommendations by situating development in existing cleared areas and aligning on-site and off-site contiguous open space. The project is designed so that the level active recreation and recreation/open space transition gradually decreases toward the north and the CPA boundary, thus creating a “soft” transition from limited use areas, to open space areas.</p> <p><i>Page 2-8: “Achieve compliance with the CPB CLUP through flexibility in recognizing that density reduction through rezoning, and acquisition of land within the study area, would be allocated toward compliance for a golf course use in keeping with the vision and goals of this plan. This allocation would apply toward vegetative clearing limits, fertilization areas and unfragmented open space.”</i></p> <p>This intent is directly achieved through the Lewis Road PRD. The site was rezoned from a combination of more dense zoning districts (CR-80, CR-120 and CR-200), to all 5-acre zoning (CR-200), thus decreasing yield and density to the current project density of 118 units on 588.39 acres (<u>0.20 units per acre</u>). At the time of the EQLUP, lands were being considered for public acquisition and this recommendation notes that acquisition of land would be allocated toward compliance for a golf course. Lands within the Study Area were acquired (The Links property of approximately 70 acres plus additional acreage north of the Links); however, no such “credit” is taken as part of the Lewis Road PRD with respect to clearing or fertilization. The pattern of open space within the EQLUP Study Area is enhanced by the acquisition (as well as the applicants acquisition of the Parlato property), and the alignment of development within existing cleared areas while leaving large blocks of open space that align with off-site open space (including The Links land), achieves this recommendation and maximizes Unfragmented Open Space in the EQLUP Study Area.</p> <p>The proposed project situates development in existing cleared areas to the maximum extent practicable, and reduces clearing by ensuring that the golf holes use existing topography. The current design achieves a balance of providing contiguous open space and using existing cleared areas and is consistent with the EQLUP thus achieving conformance with Standard 5.3.3.6.2.</p> <p>6. <u>Clearing Compliance and Soft Transitions to Maximize Open Space</u>: The Project clears fewer acres than permitted and has no barriers to wildlife movement on 95% of the site. Only 30 acres or 5% of the property, clustered in the primary existing cleared areas, has a road or roof on it. The balance of the property is comprised of 429 acres of preserved and natural area and 129 acres of parkland space with natural buffers between those areas. The EQLUP recognized the concept of “soft transitions.” The Town consultant for the EQLUP found that the subject site and surroundings “have been impacted by past grading activities, and ATV use, and are proximate to the extensive mined lands associated... As a result, [LUP] Recommendation Area 7 does not represent as significant a contiguous or critical open space area as the eastern parts of the study area, where there is existing protected open space and planned enhancements for open space protection. Consideration should be given to existing clearing in the north central parts of [LUP] Recommendation Area 7, as locations for active recreation and recreation/open space transition, which would involve gradually decreasing the level of active use toward the north toward the CPA boundary.” The development allows for “soft” transitions from limited use areas to open space areas and complies with the Standard for Unfragmented Open Space.</p>
S 5.3.3.6.3	Fertilizer dependent vegetation limit	<p>No more than 15% of a project site shall be established in fertilizer-dependent vegetation. As the project site is a total of 588.39 acres in size (in three component properties), up to 88.26 acres of landscaping that requires fertilization may be planted on this site. Based on the site plans, less than 15% of the site will be fertilized landscaping, as private lawns, common areas and the golf course. This ensures compliance with this standard. The subdivision/site landscape plan will ensure that less than 15% of the site is established in fertilizer-dependent vegetation. None of the non-native species listed in Figure 5-2 of the CLUP will be used as part of the project’s final site plan landscape design plans.</p> <p>Landscape species consistent with the species list in Figure 5-2 (Planting Recommendations) of the Pine Barrens Plan will be used as part of the final site plan landscape design plans. Typical landscape trees that are native to the area will be used for streetscapes and natural vegetation will be retained wherever possible.</p>
S 5.3.3.6.4	Native Plantings	<p>Where pine barrens species are used in a landscape function, species listed in Figure 5-2 of the CPB CLUP will be used. Additionally, transplanting and use of existing native seed and plant stock will be explored in connection with installation of native landscaping through Town review of the Final Subdivision approval and project construction.</p>
S 5.3.3.7.1	Special Species and Ecological Communities	<p>The project will conform to the Town of Southampton Findings Statement with regard to this Standard with respect to the Applicant’s plan to mitigate impacts to protected species on the project site. The proposed project will comply with this Standard.</p> <p>As part of the review of the Hills PDD application, the NYNHP was contacted to determine any known records of rare, threatened or endangered species or communities on or in the vicinity of the subject site. Correspondence from the NYNHP indicated the presence of one special concern moth, one threatened dragonfly/damselfly, three rare dragonflies/damselflies, two uncommon communities, two rare communities, one endangered plant and one threatened plant in the vicinity of the subject site. Two historical records of threatened plants were also noted within the vicinity of the site. The majority of the records listed by the NYNHP require wetland areas with open water, which are not present on the subject sites. Of the species identified, the moth, one rare community and one historical plant are upland species. The project is not expected to impact these species. In addition, prior field inspections and investigations conducted subsequent to receipt of the NYNHP letter (dated December 28, 2007, May 11, 2009, September 8, 2009 and July 13, 2010) did not reveal the presence of any of these resources. Therefore, no endangered or threatened species are expected to be present in areas that would be disturbed on the subject site. As a result, no impacts are expected with respect to special species and/or ecological communities and the project conforms to this standard.</p> <p>This issue of clearing restrictions of potential habitat for the Northern Long-Eared Bat is addressed in detail the DEIS/FEIS for the Hills PDD, and the proposed Lewis Road PRD will conform with the applicable NYSDEC clearing window restrictions to ensure there is no impact to this species.</p>

		<p>The issue of NYS-listed plant species identified as rare and threatened is addressed in detail in the EIS record for the Hills PDD (see FEIS Section 2.3.2), and the proposed Lewis Road PRD will likewise conform. Rare plants are not protected from removal by the owner of private land. Plants are noted to be located in tire ruts and disturbed areas of the site that occur as a result of ATV activity, prior clearing and disturbance where soils and sunlight conditions support these species. These conditions would not be expected to persist, and therefore habitat for these species would be modified over time with or without the project. The Applicant will seek to employ transplant methods to suitable habitat areas for those species that can be successfully transferred.</p> <p>With respect to NYS-listed Special Concern species and Species of Greatest Conservation Need, wildlife sweeps can be completed to relocate individual wildlife species to portions of the site that will not be subject to clearing as construction proceeds.</p> <p>Appendix M-7 of the DEIS presents the results of a Buck Moth Survey completed in 2009. This study indicated that limited stands of the host plant, scrub oak, were not capable of supporting Buck Moth. Site inspections by NP&V in the fall of 2019 verified that scrub oak on-site has not changed since this study was completed.</p>
G 5.3.3.8.1	Clearing envelopes	The project will minimize grading of natural slopes that are in excess of 10% to the maximum extent practicable. Consistent with this Guideline, individual lots within the subdivision will ensure that clearing envelopes are placed to maximize envelopes in areas with less than 10% slopes. The majority of the development areas are previously disturbed have been subject to ongoing unauthorized use by off-road vehicles. The design seeks to utilize existing cleared and disturbed areas to the maximum extent, so that the project will be developed on these surfaces, allowing the remaining natural steep slopes to be preserved.
G 5.3.3.8.2	Stabilization and erosion control	<p>The guideline states that construction on slopes greater than 10% may be approved based on technical review. The preliminary subdivision map includes grading, drainage and erosion control plans. These plans will be reviewed by the Town Engineer, and the SWPPP will be approved by the Town prior to filing with NYSDEC. As result, the project will comply with this Guideline.</p> <p>Erosion prevention measures to be taken during construction may include: groundcovers (vegetative or artificial), drainage diversions, soil traps, minimizing the area of soil exposed to erosive elements at one time, and minimizing the time span that soil is exposed to erosive elements. Soil removed during grading and excavation will be used as backfill (if it displays acceptable bearing capacity and leaching characteristics) to produce acceptable slopes for construction. The proposed stormwater design conforms to the intent of this Guideline.</p> <p>Erosion control measures such as staked hay bales, silt fences, groundcovers (vegetative or artificial), drainage diversions, minimizing the area of soil exposed to erosive elements at one time, and minimizing the time span that soil is exposed to erosive elements, will be utilized to minimize loss of soil during construction, particularly in locations where erosion and sedimentation could adversely impact adjoining properties and streets. Applicable Town of Southampton standards and construction practices specified by the appropriate Town agencies will be followed. Conformance to the Town Code and to the requirements of NYSDEC SPDES review of stormwater control measures is necessary, to be consistent with Phase II stormwater permitting requirements for construction sites in excess of 1-acre (the SPDES GP-0-15-002 permit; hereafter, the General Permit). Under this program, a site-specific SWPPP has been prepared and submitted to the Town for review and approval prior to construction. Once the SWPPP has been prepared and approved by the Town, the Applicant will need to file a Notice of Intent with the NYSDEC to obtain coverage under the General Permit. Additionally, the General Permit requires that inspections of the construction site be performed under the supervision of a qualified professional to ensure that erosion controls are properly maintained during the construction period. As long as erosion is controlled during grading and construction, the potential for sediment transport will be minimal, and no significant loss of soils is expected and the project conforms to this Guideline.</p>
G 5.3.3.8.3	Slope analysis	<p>An updated Slope Interval Map (see Attachment I) was prepared for this application, based on 2014 LIDAR information, which indicates that there are 75.51 acres (12.83%) of slopes in excess of 15% on the subject site. There are 93.09 acres (15.82%) between 10 and 15% in slopes; the map shows that the majority of the site (71.35%, or 419.79 acres) have slopes of less than 10%.</p> <p>On the Hills South Parcel/Kracke Property (the only portions of the site that will be developed), natural steep slopes are found in the central and northern parts. For the proposed project, regrading of this area will not result in any slopes in excess of 1:3.</p> <p>The quantity and amount of steep slopes to be removed is not required to comply with this Guideline. The map shows that there are a total of 168.60 acres (28.65% of the site) that contains slopes in excess of 10%. Construction in these areas may be approved if the design incorporates adequate soil stabilization and erosion control measures so as to mitigate negative environmental impacts. A grading plan has been prepared to consider these slopes in relation to the proposed use. The proposed golf course uses existing topography and situates development in existing cleared areas to the maximum extent practicable. Homesites have been selected such that driveways will parallel contours as much as practicable, to access more level building locations. The south part of the site does not exhibit steep slopes and thus requires less grading and erosion control.</p> <p>This indicates that the Guideline is addressed and the project complies with this Guideline.</p>
G 5.3.3.8.4	Erosion and sediment control plans	The potential for erosion to occur during construction or after construction is completed will be controlled by implementing the SWPPP, which will include engineered Erosion Control Plans as part of Site Plan review and controls will be implemented during construction as noted above under G 5.3.3.8.2. As a result, the proposed project complies with this Guideline.
G 5.3.3.8.5	Placement of roadways	<p>The subdivision plan demonstrates that the subdivision is designed to minimize traversing of slopes greater than 10%. The proposed project has been designed to maximize its development on previously-cleared areas, so that the least amount of natural steep slopes would be impacted. As a consequence of this design policy, any need for cut or fill for the project's internal roadways is minimized.</p> <p>Only the northernmost portion of one subdivision road extends into limited areas with slopes greater than 10%. This road is situated based on the flattest topography and clearing envelopes will be established on lots to ensure that driveways minimize traversing of slopes greater than 10% as well as retention of vegetation outside of the clearing envelopes. As a result, the project conforms with this Guideline.</p>

G 5.3.3.8.6	Retaining walls and control structures	The subdivision plan provides detailed grading for roads and driveways including those which traverse slopes greater than 10%. No retaining walls are proposed. All grade transitions are made using slopes of 1:3 or less. As a result, the project conforms with this Guideline.
S 5.3.3.9.1	Receiving entity for open space dedications	<p>The Applicant anticipates that the entire Hills North Parcel (86.92 acres) and the entire Parlato Property (101.91 acres), totaling 188.83 acres, will be offered to the Town of Southampton for dedication as public open space. It is expected that the details and process whereby this transfer would occur will be specified by the Planning Board. An additional 193.87 acres of open space (as 190.01 acres of natural vegetation and 3.86 acres undergoing natural succession) within the Hills South Parcel/Kracke Property outside of the residential lots and golf course play area and common spaces, and 46.12 acres of retained natural vegetation within the developed area will remain privately-owned and protected from disturbance by covenant or conservation easement.</p> <p>Buffer areas and intended natural vegetation areas will be retained through mechanisms to be implemented by the Town through subdivision review.</p>
G 5.3.3.9.2	Clustering	<p>Clustering of the proposed development areas is the basis on which the proposed project is designed, to allow for retention of substantial buffers of natural vegetation around the entire developed area. This principle also enables the Applicant to locate the developed area preferentially on previously-cleared areas, which mitigates the loss of valuable natural vegetation. The proposed project is clustered on the Hills South Parcel and part of the Kracke Property. These areas most closely align with existing developed areas adjacent to the site. East Coast Mines is an impacted site south of Sunrise Highway, adjoining the Hills South Parcel. The development has been clustered to this northwest part of the Hills South Parcel near the sand mine and other areas are clustered toward existing developed areas, thus allowing on-site open space to align with off-site open space in conformance with this Guideline.</p> <p>The project sponsor purchased the Parlato Property for dedication. This property could have been developed on its own by the owner, but will be preserved. The design achieves clustering onto limited parts of the Hills South Parcel and the Kracke Property to enhance open space and provide contiguous open space connections with adjacent open space parcels. The design conforms with Town Code §247-8 H., the APOD and the EQLUP as well as CLUP Standard 5.3.3.6.2. The project uses clustering and is consistent with this Guideline.</p> <p>The proposed Lewis Road PRD will provide 65% of its entire area as undisturbed, unfragmented naturally-vegetated open space outside of the developed portion of the combined Kracke Property/Hills South Parcel. This extensive open space area includes the Parlato Property and the Hills North Parcel totaling nearly 200 acres, which will be offered for dedication, and extensive open space on the Hills South Parcel that is aligned with contiguous open space on adjacent parcels.</p> <p>Based on the second part of the Standard which indicates a priority to preserve native pine barrens vegetation, and the existing cleared areas on the site, the clearing was aligned in a manner that maximized the use of existing cleared areas. An additional estimated 7% of the site will also be undisturbed naturally-vegetated open space that is configured as large open space areas that include wide corridors, portions of lots and common area open space that are internally or externally connected in large unbroken blocks of contiguous open space.</p> <p>The design of the golf recreational amenity is to use existing cleared areas to the maximum extent, while also achieving clustering for contiguous open space aligned with off-site open space.</p>
G 5.3.3.9.3	Protection of dedicated open space	<p>The Applicant will participate in the preparation of covenants/easements to permanently protect the naturally-vegetated open spaces to remain under private ownership on the Hills South Parcel/Kracke Property. The Applicant proposes to offer the entirety of the Hills North Parcel and the Parlato Property to the Town for dedication.</p> <p>Buffer areas and intended natural vegetation areas will be retained through mechanisms to be implemented by the Town through subdivision review.</p>
G 5.3.3.10.1	Best Management Practices	The project is residential in nature, and no new or expanded agricultural or horticultural uses are included. The project has stopped farming activity on the Parlato Property (15.78 acres) and the Kracke Property (2.64 acres), which has eliminated use of agricultural chemicals, and thus would improve groundwater quality as related to these sources.
G 5.3.3.11.1	Cultural resource consideration	<p>Extensive site inspections have not revealed the existence of any authorized recreational or educational trails or trail corridors, or active recreation sites, on any of the project properties (see Figure 4). The existing trails are the result of past unauthorized ATV usage. A portion of the Parlato Property is within the Henry’s Hollow Region CRA, but this area will be undisturbed by the project, to be offered to the Town for dedication as a public open space. As such, its existing use and appearance will not be altered by the proposed project.</p> <p>The project includes open space that will be dedicated to the Town for public use. Scenic corridors are associated with the northern part of the Hills South Parcel, specifically the CPA that extends 1,000 feet south of Sunrise Highway. Substantial natural or landscaped buffers separate the historic district from proposed use areas on the subject site such that these resources are not impacted. Specifically, a vegetated buffer (landscaped and/or natural) will be provided along the site perimeter to ensure that the neighboring uses will not be impacted.</p> <p>There are no cultural resources on the subject site that could be impacted by the proposed project, based on on-site archaeological studies. As determined in the SEQRA review for the Hills PDD, there are no sites of cultural significance on the Hills South Parcel/Kracke Property, so there would be no impacts to cultural resources.</p> <p>The subject property adjoins Town of Southampton land to the south and east. The project sponsor offered to install a trailhead parking area to access the Town land to enable connection with existing trails east of the project site (see FEIS, Public Open Space and Trails, p. 1-7). An alignment was proposed to facilitate this connection to existing trails (see FEIS Plan 4). The Town property to the east includes existing cleared paths that facilitate connection to a trail system to the east as depicted in Plan 4. The existing trails are within existing wooded areas of the Town land, and the nearest use within the Hills South Parcel would be golf holes which are used intermittently and do not necessitate a trail buffer. Part of the existing Spinney Road would traverse one of the golf course holes, and therefore is not conducive to continued use as a trail; however, the need for this portion of Spinney Road for trail connections is superfluous given the Town land and trail system to the east. The Parlato Property to the east, and the Hills North Parcel north of Sunrise Highway (CPA land) would be offered for dedication and available for trail connections, and the land south of Sunrise Highway within the CPA including the north part of Spinney Road would also be available for trail connections.</p>

		<p>Subsequent to the SHPO letter of October 10, 2017, the project sponsor submitted additional information to SHPO that addressed the outstanding issues identified; SHPO issued a letter dated January 30, 2018 that concludes:</p> <p><i>Based on this review, it is the New York State Office of Parks, Recreation and Historic Preservation’s opinion that your project will have no impact on archaeological and/or historic resources listed on or eligible for the New York State and National Registers of Historic Places.</i></p>
G 5.3.3.11.2	Inclusion of cultural resources in application	N/A; the Archaeological Investigation prepared for the project site’s developed area does not indicate the presence of any cultural resources.
G 5.3.3.11.3	Protection of scenic and recreational resources	<p>The project complies with this Guideline. The proposed project is not expected to be highly visible to outside observers. It will use an existing mapped road from Lewis Road for access. The nearest structures to Lewis Road include the workforce housing and maintenance area which will be 700 feet north of Lewis Road behind existing homes and barns fronting Lewis Road and behind existing overgrown nursery stock on land owned by Kracke that is expected to remain. The balance of the development will not be visible from any public road as it is within the interior of the site and screened by existing woods. Existing vegetation on the subject site is being retained to the maximum extent practicable to conform with Vegetation Clearance Limits (Standard 5.3.3.6.1). As a result, natural buffers and native species will be retained to buffer the project. Cleared areas that are not used for development will be replanted with native pine barrens vegetation. As a result, these areas will be restored. The project will employ signs that are in keeping with the style and scale with the community as determined by the Town of Southampton Planning Board.</p> <p>Project design will retain substantial natural vegetation buffers along the Hills South Parcel/Kracke Property boundaries, buffering views of the site from abutting public open spaces and the homes located on Spinney Road. This buffer will be supplemented with plantings of appropriate landscape species to protect and enhance the natural aesthetics of this corridor. The proposed project is set back from Lewis Road through cluster design. The project’s buildings and amenities will employ an attractive architectural treatment and complementary landscape design that would be consistent with the aesthetics of the area and congruent with the surrounding land uses, while remaining at an intensity below any impact threshold.</p> <p>Attachment J presents the results of an effort to determine the potential visual/aesthetic impact on observers on Lewis Road from views of the proposed project. In order to make this determination, computer-simulated views of the residences in the Kracke Property were prepared, and scaled to duplicate the distance between observer and this portion of the site. Additionally, the topography, existing natural vegetation to be retained and the anticipated landscaping design were incorporated into the simulation. As can be seen in the appendix, the residences will not be visible to observers on Lewis Road at all, primarily due to the depth and density of the intervening natural buffer.</p>
G 5.3.3.11.4	Roadside design and management	<p>The project complies with this Guideline. No roadside areas are proposed to be cleared. Access to the development will use an existing mapped road from Lewis Road for access and appropriate buffers in the form of existing vegetation will remain to the maximum extent. Any and all man-made structures will have architectural styles consistent with the character of the area.</p> <p>The developed portion of project has been preferentially located within the interior of the Hills South Parcel/Kracke Property, in order to maximize the buffering effect of the natural vegetation that will remain along the site’s periphery. These deep belts of naturally-vegetated land will buffer views of the site from the abutting public open spaces and the homes located on Spinney Road. These buffers will be supplemented with plantings of appropriate landscape species to further protect and enhance the natural aesthetics of this corridor. Finally, extensive plantings of landscape species within the developed area will add to the buffering effect of natural vegetation, rendering the clubhouse and homes less likely to be visible to outside observation.</p> <p>As noted under Guideline 5.3.3.11.3, the proposed project will not be highly visible. It will use an existing mapped road from Lewis Road for access. The nearest structures to Lewis Road include the workforce housing and maintenance area which will be 700 feet north of Lewis Road behind existing homes and barns fronting Lewis Road and behind existing overgrown nursery stock on land owned by Kracke that is expected to remain. The balance of the development will not be visible from any public road as it is within the interior of the site and screened by existing woods. Existing vegetation on the subject site is being retained to the maximum extent practicable to conform with Vegetation Clearance Limits (Standard 5.3.3.6.1). Trails east of the site will be within existing wooded areas and the nearest use areas on the subject site will be for golf which is used intermittently. The DEIS includes an assessment of views from the coastal area, and the proposed project was found to not be highly visible or obtrusive (see DEIS, Section 3.4.2 and Appendix D-4).</p>
S 5.3.3.12.1	Commercial and industrial compliance with Suffolk County Sanitary Code	The project is not a commercial or industrial development: therefore, this Standard does not apply. The project will conform with all applicable SCDHS regulations under the SCSC, and therefore, to the extent this Standard applies, the project will conform.

FIGURES

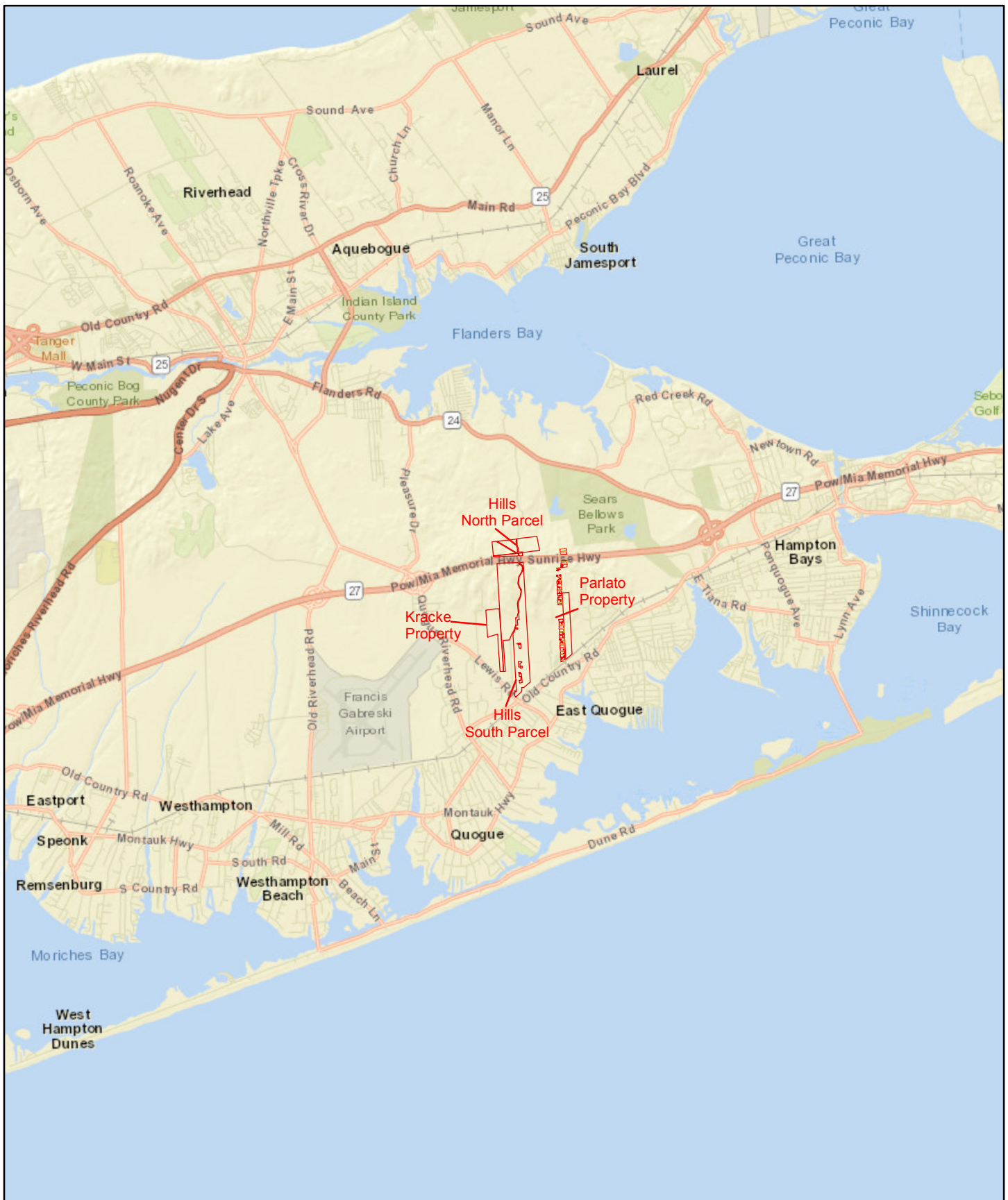


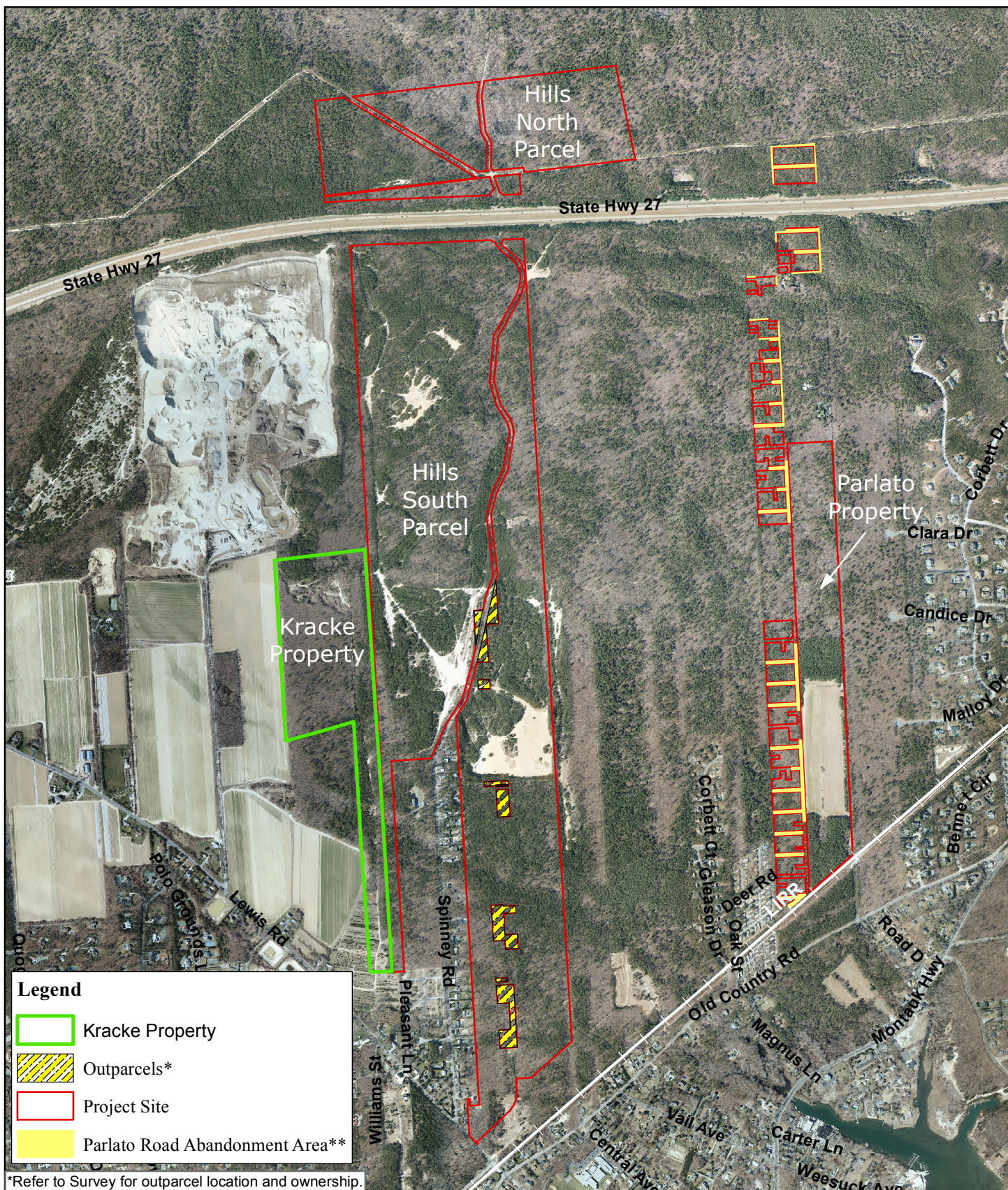
FIGURE 1-1a
REGIONAL LOCATION MAP

Source: ESRI Webmapping Service
Scale: 1 inch = 10,000 feet



Lewis Road
PRD

CPB Application



*Refer to Survey for outparcel location and ownership.

**Abandonment Area consists of previously mapped roads to be abandoned. The acreage of these roads has been added to that of the Parlato Property.

**FIGURE 1-1b
LOCAL LOCATION MAP**

Source: NYSGIS Orthoimagery Program, 2013.

Scale: 1 inch = 1,500 feet



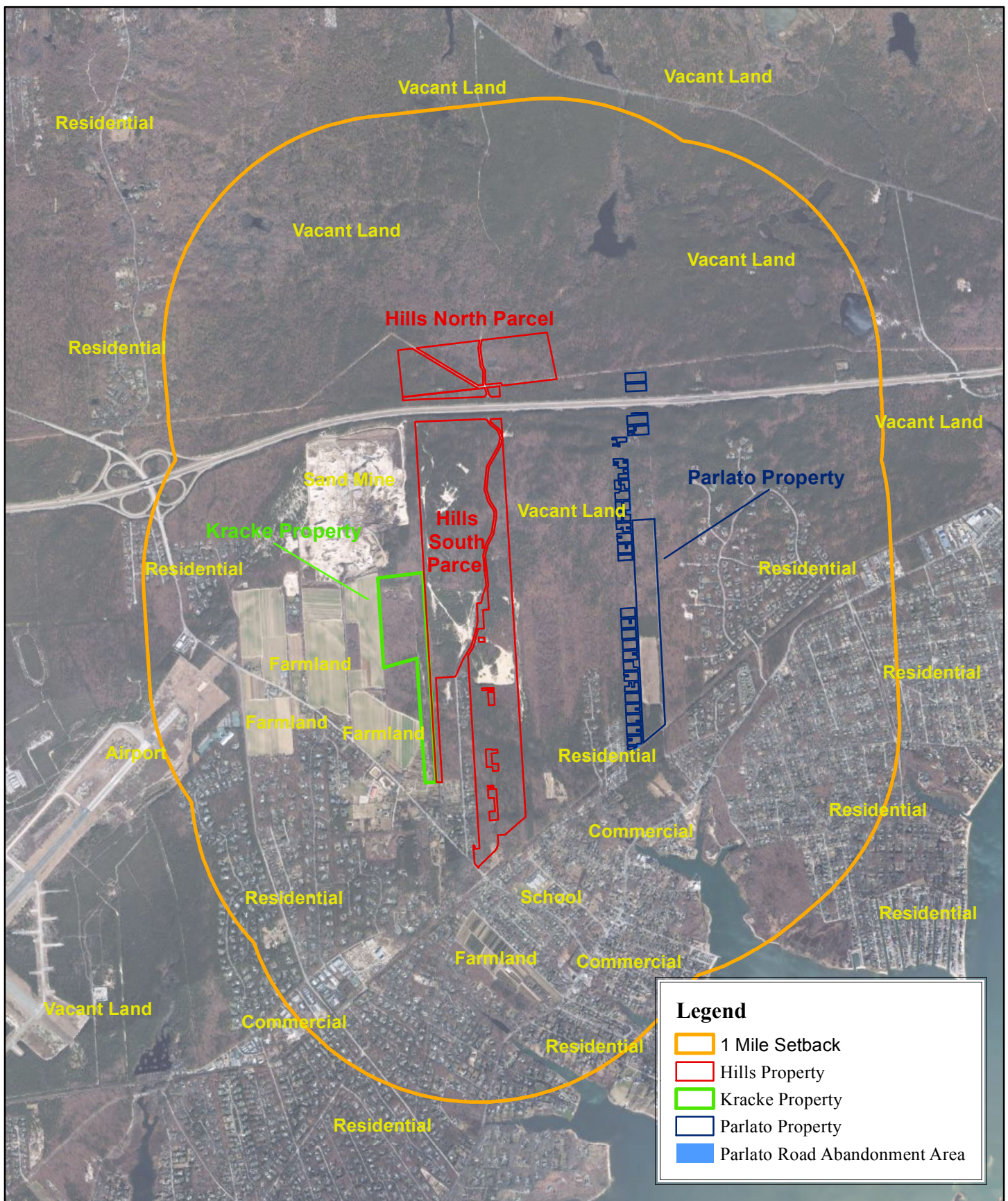


FIGURE 2
LAND USE MAP

Source: NYSGIS Orthoimagery Program, 2016
Scale: 1 inch = 3,000 feet



Lewis Road
PRD

CPB Application

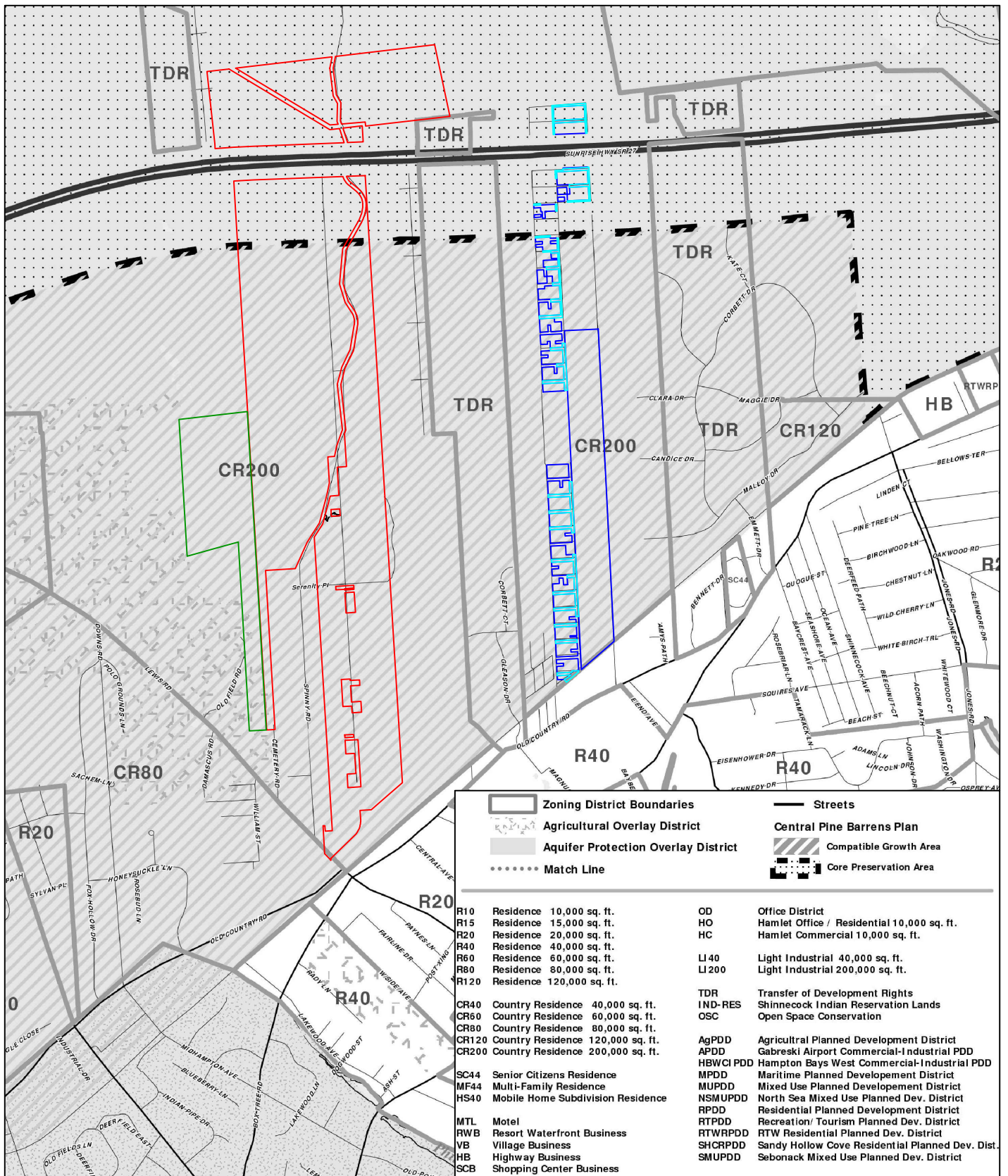


FIGURE 3
EXISTING ZONING MAP

Lewis Road
PRD

Source: Town of Southampton Zoning, 2008
Scale: 1" = 2000'



CPB Application

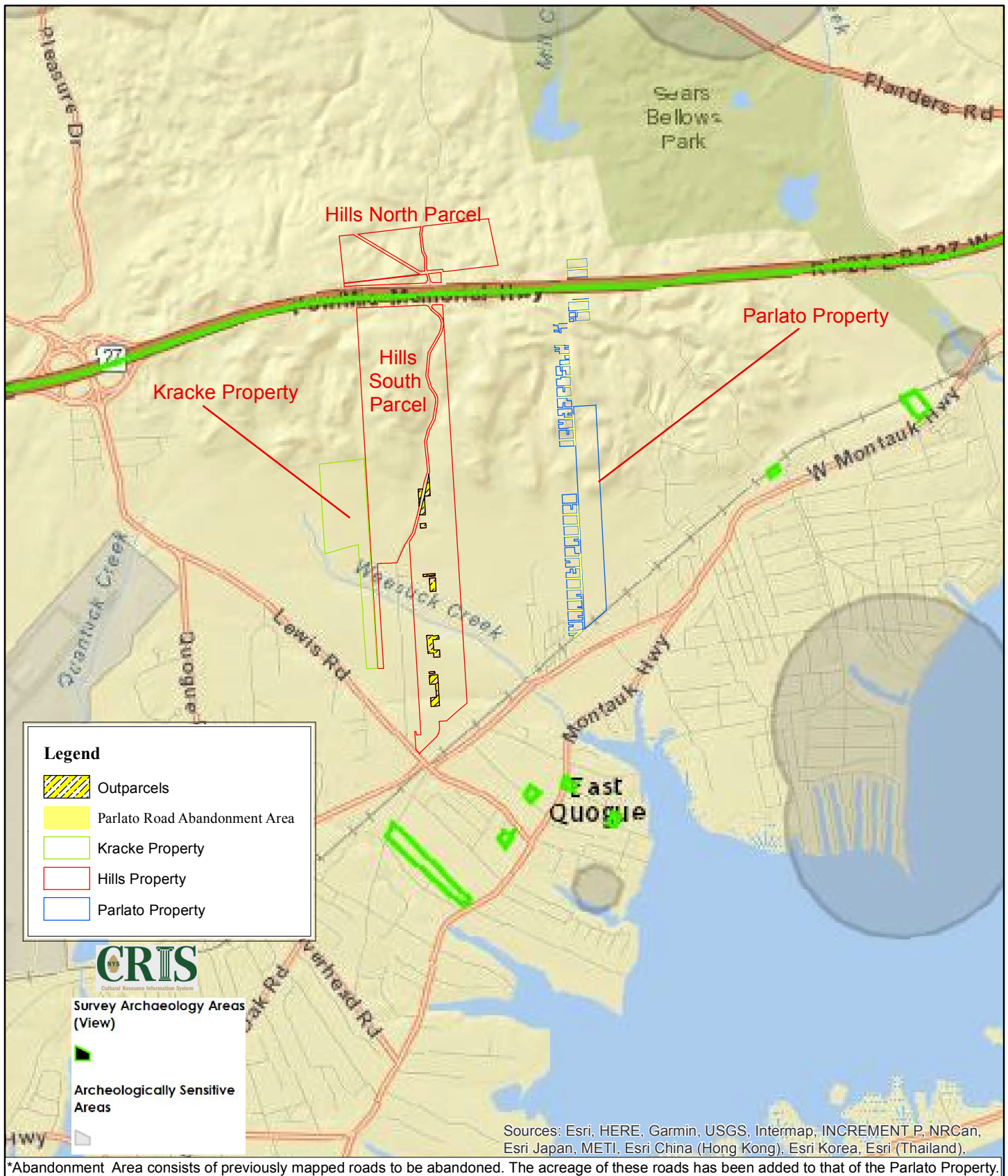


FIGURE 4 CULTURAL RESOURCES SENSITIVITY MAP

Source: ESRI WMS, NYS Historic Preservation
Office GIS
Scale: 1 inch = 3,000 feet



**Lewis Road
PRD**

CPB Application

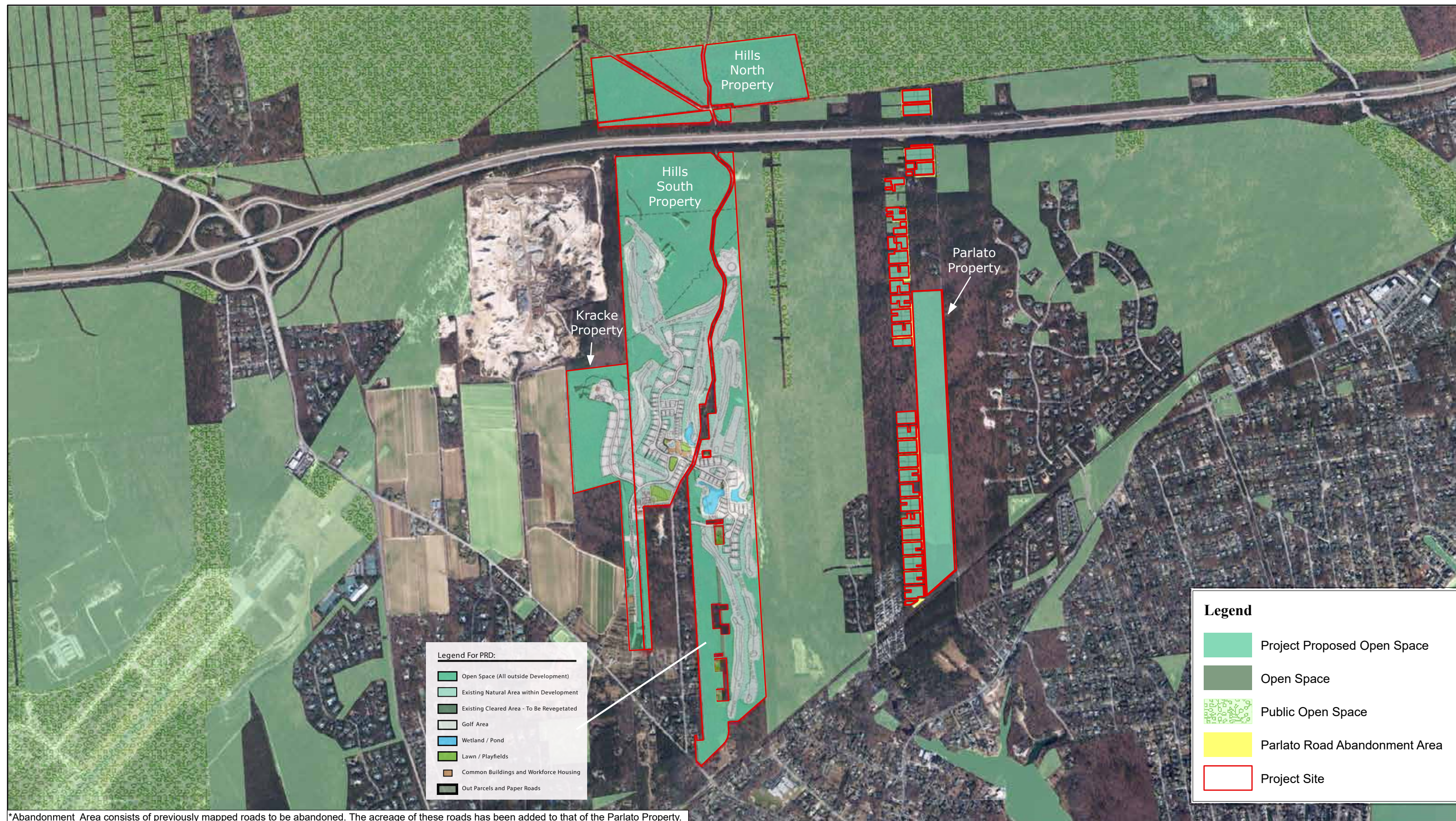


FIGURE 5
OPEN SPACE CONTIGUITY



ATTACHMENTS

ATTACHMENT A

STAFF REPORT ON THE LEWIS ROAD PLANNED RESIDENTIAL DEVELOPMENT (PRD)

**Suffolk County Department of Economic Development and
Planning**

October 2, 2019

COUNTY OF SUFFOLK

S-1



Steven Bellone
SUFFOLK COUNTY EXECUTIVE
Department of
Economic Development and Planning

Natalie Wright
Acting Commissioner

**Division of Planning
and Environment**

STAFF REPORT

SECTIONS A14-14 THRU A14-26 OF THE SUFFOLK COUNTY ADMINISTRATIVE CODE

Applicant: Lewis Road - Planned Residential Development (PRD)
Municipality: Town of Southampton
Location: Easterly side of Lewis Road, 300' west of Old Country Road, in the hamlet of East Quogue.

Received: 9/20/19
File Number: S-SH-19-04
T.P.I.N.: 0900 25000 0300 001000 et al
Jurisdiction: Suffolk County Pine Barrens Zone-Central Pine Barrens & NYS Rte. 27

ZONING DATA

- Zoning Classification: CR-200 Country Residence for single family
- Minimum Lot Area: 200,000 SF minimum lot area
- Section 278: Yes, clustered development
- Obtained Variance: None noted.

SUPPLEMENTARY INFORMATION

- Within Agricultural District: No
- Shoreline Resource/Hazard Consideration: No
- Received Health Services Approval: No
- Property Considered for Affordable Housing Criteria: Yes
- Property has Historical/Archaeological Significance: No
- Property Previously Subdivided: No
- Property Previously Reviewed by Planning Commission: Yes, change of zone request Commission approved "The Hills at Southampton" on 11/1/17 subject to 2 conditions & offered 6 comments for the Town to consider. Town denied requested zone change.
- SEQRA Information: Full EAF – Part 1 Compliance Analysis
- SEQRA Type: Type I
- Traffic Impact Report: Yes – prior referral
- Minority or Economic Distressed: No

SITE DESCRIPTION

- Present Land Use: Vacant
- Existing Structures: None
- General Character of Site: Mostly natural state with a rolling topography
- Range of Elevation within Site: 20' to 220' above msl
- Cover: Mostly wooded with some disturbed areas.
- Soil Types: Carver, Haven, Riverhead, Plymouth, Sudbury sandy loam associations and Gp (gravel pit)
- Range of Slopes (Soils Map): 0-15%
- Waterbodies or Wetlands: Yes (freshwater wetlands on Hills North Parcel)

NATURE OF SUBDIVISION/ NATURE OF MUNICIPAL ZONING REQUEST

- Type: Major subdivision & site plan application
- Layout: Clustered with several types of dwellings units proposed, including both single family and multi-family units along a curvilinear road with large open space areas, including an 18 hole golf course, clubhouse and recreational facilities to be maintained by a homeowners association.
- Area of Tract: 588.39 +/- acres (25,630,268 +/- SF)
- No. of Units: 130 total residential units: 118 dwelling units, 12 workforce housing units are proposed.
- Open Space: Yes, 3 areas identified on the proposed map as follows:
 - “Area South of Sunrise Hwy” = 197.50 acres,
 - “Area North of Sunrise Hwy” = 86.92 acres,
 - “Area of Parlato Property” = 100.76 acres,
 - “Total Open Space Outside -----
of the Development Area” = 385.18 acres, or 65.46%Proposal also identified the amount of Cleared & Natural Area as follows:
 - “Existing Cleared Area within Open Space Area” = 3.86 acres
 - Therefore: 385.18 acres – 3.86 acres = 381.32 acres of Natural Area within the Open Space.
 - “Natural Area within Development Area” = 46.26 acres
 - “Total Natural Area Calculation” = 381.32 acres + 46.26 acres = 427.58 acres.
 - “Total Natural Area” = 427.58 acres, or 72.67 %

ACCESS

- Roads: Private/Gated with access from Town owned and maintained Lewis Road via Old Field Road and Spinney Road to be extend into cul-de-sac streets.
- Driveways: Individual driveways and shared parking lots

ENVIRONMENTAL INFORMATION

- Storm-water Drainage
 - Design of System: Drainage easements and reserve areas (ponds).
 - Recharge Basins: Incorporating drainage reserves (ponds) into the water features of the proposed H.O.A. owned golf course & other areas within the development area.
- Groundwater Management Zone: Zone III (300 gpd of wastewater/40,000 SF)
- Water Supply: Suffolk County Water Authority
- Sanitary Sewers: Sewage Treatment Plant & Leaching Fields

PROPOSAL DETAILS

OVERVIEW – The petitioner has submitted both a major subdivision and site plan applications, being reviewed concurrently, to the Town of Southampton Planning Board. The applicants are proposing to subdivide an assemblage of contiguous and non-contiguous tax map parcels consisting of a total of 588.39 acres in the Hamlet of East Quogue. The requested subdivision would allow for a seasonal residential resort development consisting of 118 residential attached and detached single-family dwellings, an approximate 98 acre private 18-hole golf course, a private clubhouse roughly 38,000 SF in size (that will provide onsite amenity services strictly accessory to the proposed development), plus 12 Workforce Housing Units (10 units in a proposed single building on an H.O.A. parcel & 2 units in a yet to be determined off site location), and approximately 427 acres (72%) of area to remain natural according to the site plan application material, and more than 65% of the total subject property will be designated as open space. The footprint for the development is limited to approximately 167 acres of the overall 588 acres (28.4%). The subject application does not include the Transfer of Pine Barrens Credits, but is allowed by the Town of Southampton to transfer of development rights in the vicinity to the proposed development area in a non-contiguous clustered subdivision layout/design.

Regarding the past action by the Suffolk County Planning Commission with prior application on the subject property;

The Suffolk County Planning Commission reviewed a pre-application referral in 2013 for a conceptually similar project entitled the Hills at Southampton PDD and was intended to consist of 82 owner occupied residential units and a golf course to be clustered in the center portion of the South Parcel.

The Commission reviewed and deliberated the 2013 Hills at Southampton pre-application referral from the Southampton Town Board at their regularly scheduled meeting of September 4, 2013 and resolved to disapprove the referred pre-application petition for a change of zone from CR-200 to MUPDD (see attached 9/4/13 SCPC resolution). Those reasons for the Planning Commission's disapproval were for the following concerns:

1. The ability to maintain the non-primary residence status for the proposed units.
2. Allowing a golf course proposed above a critical watershed and raises issues related to nitrogen, phosphate, potash, bacteria, etc.
3. The elimination of access to the Pine Barrens core via this parcel.
4. The petition lacks any significant discussion of the provision of affordable (workforce) housing on or off-site.

The Southampton Town Board considered the SCPC disapproval along with the Petitioner and through the SEQRA process continued to modify and amend the proposal to its current form. In the process of the preparation of the Final Environmental Impact Statement (FEIS) the Petitioners have addressed the Suffolk County Planning Commissions reasons for disapproval (see below).

A summary of the changes in the proposed project since the Pre-application include:

- The addition of two separate land holdings; the Parlato and Kracke properties,
- The Petitioner proposes to purchase and retire additional thirty (30) Pine Barrens Credits, (a number equivalent to the yield of the projects golf course component) originating from the Core Preservation Area of the Central Pine Barrens of Southampton,

- The applicant will purchase an additional 33 acres of land in East Quogue that are owned by the Parlato family and are currently under subdivision application based on a yield of 29 lots. The project sponsor would retire these units, as well as the 30 PBC noted above.
- A switch from individual onsite septic systems to an on-site sanitary treatment plant,
- A preliminary identification of the tertiary sanitary wastewater treatment system to be constructed, and its location within the project site has been determined,
- The location of a 4-acre area to be dedicated to the Suffolk County Water Authority has been relocated to the projects site's eastern boundary

Changes to the project that have occurred in response to comments during the review and community input process is reflected in the documents contained above. The applicant also offers the following new or updated information in relation to the set of Community Benefits associated with the project:

- One million dollars will be set aside for sanitary system upgrades described in the DEIS to be utilized to upgrade non-conforming sanitary systems with Innovated/Alternative Onsite Waste Water Treatment Systems (I/A OWTS),
- Installation of an on-site waste water treatment system at the East Quogue Elementary School,

Then the Suffolk County Planning Commission reviewed at their November 1st 2017 meeting a change of zone application on the subject property requesting the change from Country Residence – 200 (CR200) to Mixed Use Planned Development District (MUPDD) to allow for a seasonal residential resort development that is virtually identical to the current proposal and subdivision application that the Commission is currently be considering. At that November 1st 2017 staff recommended approval of application, subject to two (2) conditions and with five (5) comments for the consideration and use of the Town of Southampton. The Commission had a discussion and after deliberation the Commission resolved to approve the change of zone request, subject to two (2) conditions, and offering six (6) comments to the Town of Southampton for their consideration and use.

The motion to approve the change of zone application subject to two (2) conditions and with six (6) comments for their consideration and use by the Southampton Town Board was made by Commission member Kramer and seconded by Commission member Chu, vote to Approve; 11 ayes, 1 nays (Esposito), 0 abstentions.

Subsequently, the Town Board of Southampton vote was 3-2 in favor of approval; however, to approve the PDD application, a majority plus 1 (super majority) was required under the Town's PDD code in effect at the time of the vote, therefore the change of zone application failed to be approved at the Town level. Thereafter, the applicant prepared and submitted the 'Lewis Road Planned Residential Development (PRD)', a major subdivision to the Town Planning Board which is the application that was review by the staff and is being consider by the Commission currently. The Lewis Road PRD does not require a change of zone and conforms to the site's existing zoning, while carrying forward the essential design elements and on-site amenities of the rejected Hills PDD that resulted in the key environmental conclusions that will be further presented in the staff analysis portion of this report.

The subject project site is divided unevenly into four (4) parts; the largest owned land component, known as the Hills property, consists of 338 acres south of Sunrise Highway and 86 acres North of Sunrise Highway, for a total of 426 acres; with contiguous property to the west known as the Kracke property which consists of 62 acres, and noncontiguous property to the east known as the Parlato property which consists of 102 acres for a total of 588 acres. Of the 588 acres the 86 acre 'North' parcel and the 102 acre Parlato parcel, for a total of 188 acres will be dedicated to the Town as Open Space (contiguous with other existing open space parcels). The remaining approximately

400 acres (consisting of the Hills South and Kracke parcels) are allocated to the overall development area.

The Lewis Road Planned Residential subdivision area site data is as follows:

Area in lots:	48.07 acres
Area in H.O.A.:	330.56 acres
Area in H.O.A. Roads:	10.56 acres
Area in Townhouse:	3.23 acres
Area in Recreation:	2.69 acres
Sewage Treatment Area:	3.90 acres
Area in R.O.W. for out parcels:	0.11 acres
Area in Un Named Road extension:	<u>0.44 acres</u>
Total Subdivision Area:	399.56 acres

According to the Town of Southampton, a yield map showed that the combined acreage of the Hills Property and the Kracke would provide for 94 lots under the existing CR-200 zoning, and information on the Parlato Property included a series of Development Rights Allocation Letters from the Town of Southampton that certify the parcel has a yield of 24 lots under existing CR-200 zoning. Overall, the Town of Southampton has certified that the combined parcels would have the base density of 118 lots of current Lewis Road PRD subdivision/site plan applications.

The application material indicates that the development has been designed to conform to the requirements of the Suffolk County Sanitary Code, Article 6, promulgated by the Suffolk County Department of Health Services. An onsite sewage treatment is proposed.

A Suffolk County Water Authority will supply public water. There is a water supply field located adjacent to the subject property approximately midway of the South Parcel known as the Spinney Road Well Field. The previous proposal requesting the change of zone of the project site included the offering of an additional four acres of undisturbed land to the SCWA somewhere on the subject property for potable water supply purposes, this offer is land is no longer a component of the current subdivision application.

The subject site has access to Lewis Road and frontage at the end of the paved portion of Spinney Road. No access is proposed to Spinney Road. Access to the development is proposed via a single uncontrolled intersection to Lewis Road. All frontage and access is to Town of Southampton Roads. There is no access proposed via the ROW of NYS Rte. 27 (Sunrise Highway). The layout of the internal roadway is aligned in a north-south direction and connects the site access point on Lewis Road to the Clubhouse area and branches out to three cul-de-sac internal roadways.

Submission material by the Petitioners to the Planning Board relating to the Town of Southampton State Environmental Quality Review Act (SEQRA) process included a 'Compliance Analysis' letter dated December 2018 which compared and determined the any changes from the 'Southampton Hills PDD' to the current 'Lewis Road PRD' are minor or insignificant and would result in a slightly less adverse impacts to the environment that the prior 'Hills' application.

STAFF ANALYSIS

In response to Suffolk County Planning Commission concerns with respect to the ability to maintain the non-primary residence status for the proposed units the petitioners puts forth (pgs. 1-4 of the FEIS) that the legal mechanism proposed for enforcing seasonal occupancy restrictions is a Declaration of Covenant and Restriction, recorded in the Suffolk county Clerk's Office. In particular, the covenant proposes the following restrictive language:

- (a) At no time hereafter shall the dwelling units erected on the lots and/or units shown on the aforesaid subdivision map be occupied as a place of primary or permanent residence or domicile,
- (b) There shall be no time limits on occupancy of a lot or unit between May 1 and October 15 in any given year, provided, however, that the total number of days of occupancy in any calendar year shall not exceed one-hundred-eighty-three (183) days; and
- (c) A lot or unit may not be occupied for more than thirty (30) consecutive days or aggregate of (60) days between October 16 and April 30 in any given year.

In addition, the covenant identifies a presumptive breach of these seasonal occupancy restrictions where an owner or occupant:

- (a) Enrolls a child or children in the East Quogue School District,
- (b) Applies for a real property tax exemption, abatement or rebate based upon his or her primary residence in East Quogue or the Town of Southampton and/or
- (c) Applies for any public monetary benefit or service available only to primary residents in East Quogue or the Town of Southampton

Finally, enforceability of the covenant and its conditions therein are expressly given to:

- (a) The Declarant, that is, DLV Quogue, LLC, or its heirs, successors and assigns,
- (b) The property owner or homeowner's association to be established should the project be approved, and/or
- (c) The Town of Southampton

The petitioners also put forth that the Covenant document can be revised to allow the Town to seek reimbursement from the applicant and/or the Homeowners Association for any costs associated with the enforceability of said covenant, whether that enforcement is realized in the form of a Supreme Court enforcement action or otherwise. In addition, these occupancy restrictions should also be included in any and all transfer deeds for each parcel as further assurance of the intent of the seasonal occupancy restrictions.

The Suffolk County Planning Commission was also concerned about a golf course proposed above a critical watershed and raises issues related to nitrogen, phosphate, potash, bacteria, and other possible contaminants.

It is proposed by the Petitioner that the creation of a golf course that meets the most stringent requirements of modern golf courses and as set forth in the FEIS, including an integrated turf health management plan limiting the amount of fertilizer and water use. It is also proposed that the project have a complete groundwater monitoring program (as recommended by the East Quogue Land Use Plan) equivalent to the programs at the Bridge and Sabonack golf courses in the Town of Southampton. Existing elevated groundwater nitrogen is proposed by the Petitioner to be removed from the aquifer and reused for golf course irrigation such that the project will have a net negative nitrogen load, and nitrogen laden groundwater that would otherwise flow to Weesuck Creek and western Shinnecock Bay will be removed (this is a relatively, unproven approach to reduce nitrogen).

The Petitioners contend that no more than 15% of the project site (standard of the CLUP and SCPC) will be established in fertilizer-dependent vegetation. Based on the Updated Master Plan (included in the FEIS and subject of this referral) a total of approximately 88 acres of landscaping is proposed and potentially subjected to fertilization; this includes private lawns, common areas, and the golf course. This acreage represents 14.98% of the site.

The Petitioners put forth that measures incorporated into the project (i.e. conformance to SCSC Article 6, minimization of fertilization for the golf course, and the use of groundwater impacted by

agricultural practices from locales in the upgrading direction for the project's irrigation) are expected to generate an overall nitrogen concentration in recharge of less than 1mg/l.

It is the belief of staff of the Suffolk County Planning Commission that the Town of Southampton should assure that the Petitioner work with the Suffolk County Department of Health Services to carefully monitor the variable concentrations of the nitrogen component from the offsite and onsite groundwater flow for fluctuations during irrigation periods in accordance with descriptions provided within the FEIS (see page 1-5 & 15, etc.). The Town and the Health department should verify the differences in modeling between the applicant and commentators potentially with more tests wells on site. In addition, the petitioner and the Suffolk County Department of Health Services should also address potential legacy agricultural chemicals other than nitrogen in any fertilizer management program associated with "fertiligation." The Suffolk County Water Authority should also be brought into the discussions.

The Suffolk County Planning Commission was also concerned about the elimination of access to the Pine Barrens core via this parcel. As indicated in the submittal material to the Suffolk County Planning Commission from the Southampton Town Board, the previously proposed Hills at Southampton MUPDD provides for park and recreational space, including public trails. The Petitioner has offered the preparation of covenants to permanently protect the naturally-vegetated open spaces to remain under private ownership on the Hills South Parcel/Kracke property. The applicant also has offered the entirety of the Hills North Parcel and the Parlato Property (both of which are in the Core Preservation Area) to the Town of Southampton for dedication. These properties contain existing trails that provide access to the Pine Barrens Core via this project. The Petitioner has also been working to provide onsite connections to the existing trail network.

The Suffolk County Planning Commission also noted that at the time of the Pre-submission review, the petition lacked any significant discussion of the provision of affordable (workforce) housing on or off-site.

The Petitioners have responded by indicating that the HSMUPDD will provide funds for the establishment of affordable housing as required under the Long Island Workforce Housing Act and Article, II of chapter 216 of the Town of Southampton Code. The Petitioners contend that given the isolated location of the subject property combined with the fact that the proposed residential resort development is to be seasonal with no year round residences the provision of on-site affordable housing is not ideal. Further the Petitioner does not own appropriate additional lands for the construction of off-site housing. Therefore, it is recommended by the Petitioner that a fee as provided for in section 216-9A (3) of the Southampton Town code which equates to approximately \$2.7 million, be contributed to Town of Southampton affordable housing initiatives.

GENERAL MUNICIPAL LAW CONSIDERATIONS: New York State General Municipal Law, Section 239-I provides for the Suffolk County Planning Commission to consider inter-community issues. Included in such issues are compatibility of land uses, community character, public convenience and maintaining of a satisfactory community environment.

It is the belief of the staff that the proposed Lewis Road PRD project has been designed to be consistent with the existing character of the community, and would remain so into the future with the use of Design Guidelines and a recorded Master Declaration of Covenants and Conditions as proposed by the applicant. According to submitted material to the Commission, the proposed plan has been designed specifically to balance the capabilities of the applicant with the goals of the Town and community for the site, as well as with the pattern of land uses in the vicinity, in order to provide high-quality development on a site where the probability of economic and aesthetic success is high.

The project's vehicle access has been located on Lewis Road and not Spinney Road so that the existing character of the residences along Spinney Road would not be adversely impacted by vehicle traffic associated with the proposed project. In addition, the project is developed preferentially on already-cleared areas of the South Parcel, which reduces the amount of natural vegetation that must be removed for the project.

LOCAL COMPREHENSIVE PLAN RECOMMENDATIONS: It is the belief of the staff that the proposed action conforms to the recommendations of the East Quogue Land Use Plan and GEIS, as well as including some sustainability elements in accordance with the Updated Comprehensive Plan goals of the Town are to minimize impact on services, increasing tax revenues, providing recreational use, preserving habitat and ensuring a balance of aesthetic development and land preservation. The staff is in agreement with the petitioner that the proposal will provide an alternative to a typical residential subdivision development that could be anticipated to increase local school-age population and school enrollments, motor vehicle traffic, etc. beyond what is currently proposed.

SUFFOLK COUNTY PLANNING COMMISSION GUIDELINE CONSIDERATIONS:

The Suffolk County Planning Commissions has identified six general Critical County Wide Priorities and include:

1. Environmental Protection
2. Energy efficiency
3. Economic Development, Equity and Sustainability
4. Housing Diversity
5. Transportation
6. Public Safety

These policies are reflected in the Suffolk County Planning Commission Guidebook (unanimously adopted July 11, 2012). Below are items for consideration regarding the above policies:

Pine Barrens- Suffolk County Legislative Resolution No 215- 1996 established the authority of the Suffolk County Planning Commission to review projects in the Central Pine Barrens Zone of Suffolk County (one of four described Pine Barrens Zones in the Suffolk County Charter).

The proposed action is essentially a cluster development where the yield from northern portions of the site is "slid down" to the mid and southern end of the Southern Parcel. This is in recognition of the regulatory restrictions in the Central Pine Barrens regarding development in the Core Preservation Area (CPA). As proposed, all disturbances associated with the development will take place in the Compatible Growth Area (CGA) portion of the site. No part of the development will occur in the CPA portion.

The proposed project is intended to conform to the maximum allowed clearing for the site under the Central Pine Barrens Comprehensive Land Use Plan (promulgated by the Central Pine Barrens Joint Planning and Policy Commission). The Petitioners propose to provide approximately 428 acres as naturally occurring vegetation. As such, clearing is proposed by the project sponsors to be limited to approximately 160 acres or approximately 27.33% of the overall site. Suffolk County Planning Commission guidelines for clearing in the Central Pine Barrens for property's zoned at or greater than 200,000 SF minimum lot size is established at 25%. Moreover, the Central Pine Barrens CLUP indicates (table 5-1) a clearing restriction of 20% and in some cases 25%.

It is the belief of the staff that review by the Central Pine Barrens Joint Planning and Policy Commission is warranted with regard to adherence to natural vegetation clearing and other portions of the Comprehensive Land Use Plan (CLUP). The petitioner should be directed to the Central Pine

Barrens Joint Planning and Policy Commission for compliance to the CLUP as soon as is practicable.

The subject parcel is southeast of the regional groundwater divide, indicating that flow is generally toward the southeast. Groundwater will be ultimately discharged from the subsurface system in the form of stream flow and/or subsurface outflow to the waters of Weesuck Creek and western Shinnecock Bay. The elevation of groundwater beneath the subject site ranges from approximately 10 to 15 feet asl, depending on meteorological conditions associated with the water year. The average topographic elevation of the property ranges from approximately 17 to 255 feet asl, therefore, the depth to groundwater is ranges from approximately 6 to 240 feet asl.

As written above, the application material indicates that the development has been designed to conform to the requirements of the Suffolk County Sanitary Code, Article 6, promulgated by the Suffolk County Department of Health Services. An onsite sewage treatment is proposed. Since the release of the original concept for the project, the Petitioner has investigated the potential use of full tertiary treatment systems at the subject property to achieve nitrogen effluent concentrations of less than 10 milligrams per liter (mg/l). There are several systems that are currently approved by the SCDHS (Appendix A systems) that meet the 10/mg/l threshold, and the Petitioner has indicated a commitment toward using the best available technology that provides tertiary treatment for the final cleaning process that improves wastewater quality before it is reused, recycled or discharged to the environment. This treatment is intended to remove the remaining inorganic compounds, and substances, such as the nitrogen and phosphorus. Its noteworthy that staff has not provided the specific details for wastewater treatment of a seasonal occupancy project, importantly is whether and how the sanitary flow can be effectively treated intermittently or in this case on a seasonally basis with or without the needed critical-mass of wastewater flow.

It is the belief of the staff that as there is still some discussion between the Petitioner and the SCDHS/SCDPW as to sanitary flow. The Town, Petitioner and SCDHS need to reconcile the assumptions and models regarding unit occupancy, sanitary flow and load from the proposed larger units in terms of density and period of use.

Lined golf course greens and man-made ponds as well as some natural retention areas are proposed as part of the storm water treatment system. The petitioners should be encouraged to review the Suffolk County Planning Commission publications on the Study of Man Made Ponds in Suffolk County and Managing Stormwater-Natural Vegetation and Green Methodologies and incorporate into the proposal, where practical, design elements contained therein.

Little mention of the consideration of energy efficiency is provided in the referral material to the Suffolk County Planning Commission. The petitioners should be encouraged to review the Suffolk County Planning Commission Guidebook particularly with respect to energy efficiency and incorporate where practical, elements contained therein applicable for residential and clubhouse components of the proposal.

A Traffic Impact Study (TIS) was conducted in conformance with the Final Scope of Work and was included in the DEIS for the subject application. Four intersections in the study area were analyzed. The results of the intersection capacity analyses contained in the DEIS found that the existing levels of service (LOS) associated with these intersections will remain relatively the same after the completion of the project, with minimal increases in delay. In addition to the intersection LOS, vehicle ques and safety at the at-grade Long Island railroad crossing on Lewis Road were reviewed. No queuing or traffic safety issues are expected at the LIRR grade crossing. Based on the findings of the TIS, the Petitioners put forth that construction and operation of the proposed project will not create significant adverse traffic and safety impacts on the adjacent street network.

Little discussion is made in the petition to the Town and referred to the Commission on public safety and universal design. The applicant should review the Planning Commission guidelines particularly related to public safety and universal design and incorporate into the proposal, where practical, design elements contained therein.

STAFF RECOMMENDATION

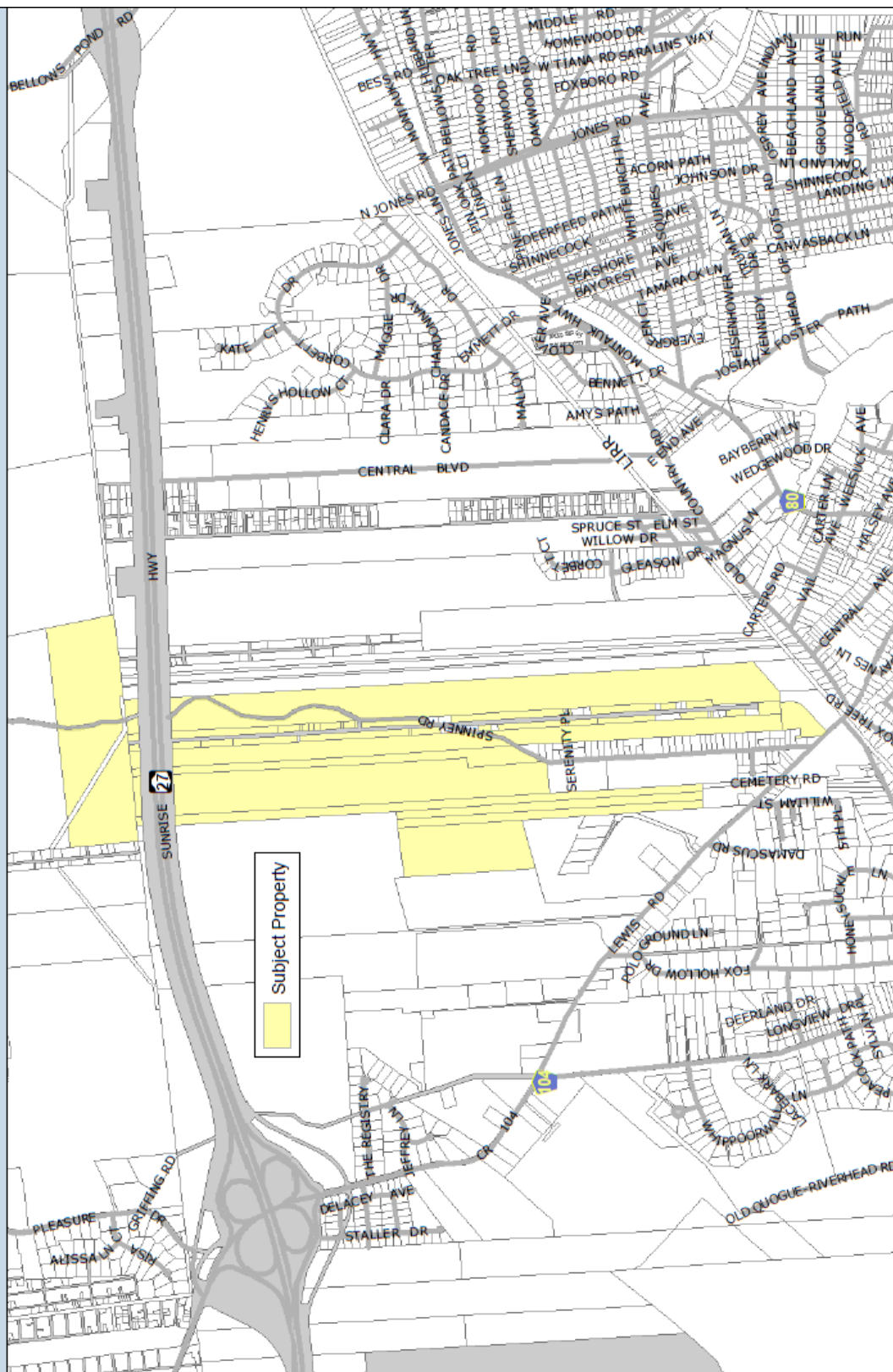
Approval of the Lewis Road Planned Residential Development (PRD) with the following conditions and comments:

Conditions:

1. The Petitioner, with the Suffolk County Department of Health Services, shall address potential legacy agricultural chemicals other than nitrogen in any fertilizer management program associated with “fertigation.”
2. The Petitioner shall be directed to continue dialogue with the Suffolk County Department of Health Services and Suffolk County Department of Public Works as soon as possible. It is the belief of the Suffolk County Planning Commission that as there is still some discussion between the Petitioner and the SCDPW/SCDHS as to sanitary flow. The Town, Petitioner and SCDHS need to reconcile the assumptions and models regarding unit occupancy, sanitary flow and load from the proposed larger units in terms of density and seasonal period of use.
3. The Town and the petitioner shall comply with the State of New York’s Long Island Workforce Housing Act.

Comments:


1. Suffolk County Planning Commission guidelines for clearing in the Central Pine Barrens for property’s zoned at or greater than 200,000 SF minimum lot size is established at 25%. The Petitioner should be directed to the Central Pine Barrens Joint Planning and Policy Commission for compliance to the Central Pine Barrens Comprehensive Land Use Plan (CLUP).
2. The Petitioners should be encouraged to review the Suffolk County Planning Commission publication on Managing Stormwater-Natural Vegetation and Green Methodologies and incorporate into the proposal, where practical, design elements contained therein.
3. The Petitioners should be encouraged to review the Suffolk County Planning Commission Publication entitled Study of Man Made Ponds in Suffolk County and incorporate into the proposal, where practical, design elements contained therein.
4. “Dark Sky” best management techniques should be employed for the lighting plan to mitigate impacts to surrounding areas.
5. The Petitioner should be encouraged to review the Suffolk County Planning Commission Guidebook particularly with respect to energy efficiency and incorporate where practical, elements contained therein applicable for residential and clubhouse components of the proposal.
6. The Petitioner should review the Planning Commission guidelines particularly related to public safety and universal design and incorporate into the proposal, where practical, design elements contained therein.



Copyright 2018, County of Suffolk, N.Y.
Real Property "Mapping parcel boundaries with wet and dry water bodies and the adjacent shoreline" is hereby approved by the Board of Planning and Zoning for the purpose of the Comprehensive Zoning Ordinance. The Board of Planning and Zoning is hereby authorized to execute the necessary documents to implement this resolution. The Board of Planning and Zoning is hereby authorized to execute the necessary documents to implement this resolution. The Board of Planning and Zoning is hereby authorized to execute the necessary documents to implement this resolution.

1 inch = 2,000 feet

0 2,000 4,000 Feet



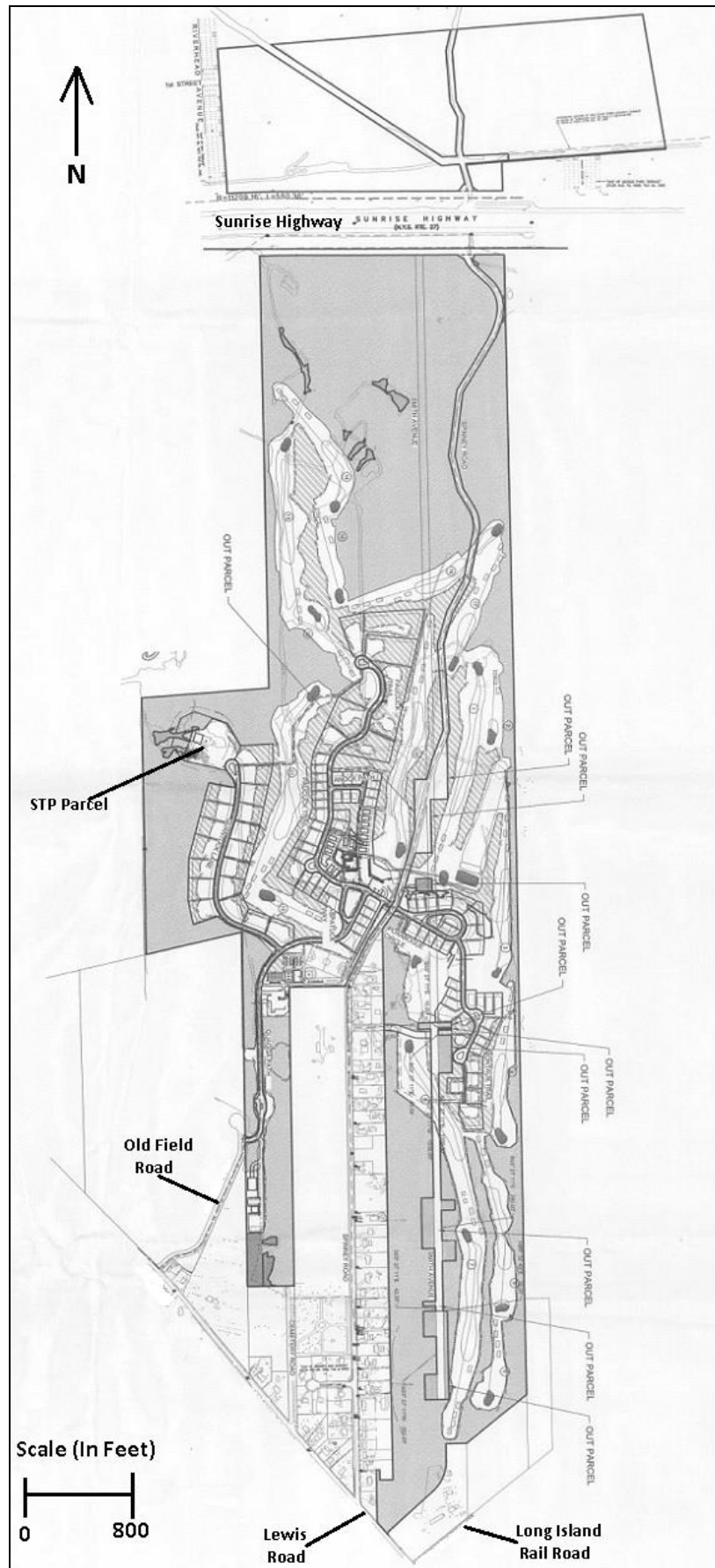
SUFFOLK COUNTY
 High Streets Business
 Development Corporation
 1000 Main Street, Suite 200
 Suffolk, Virginia 23401

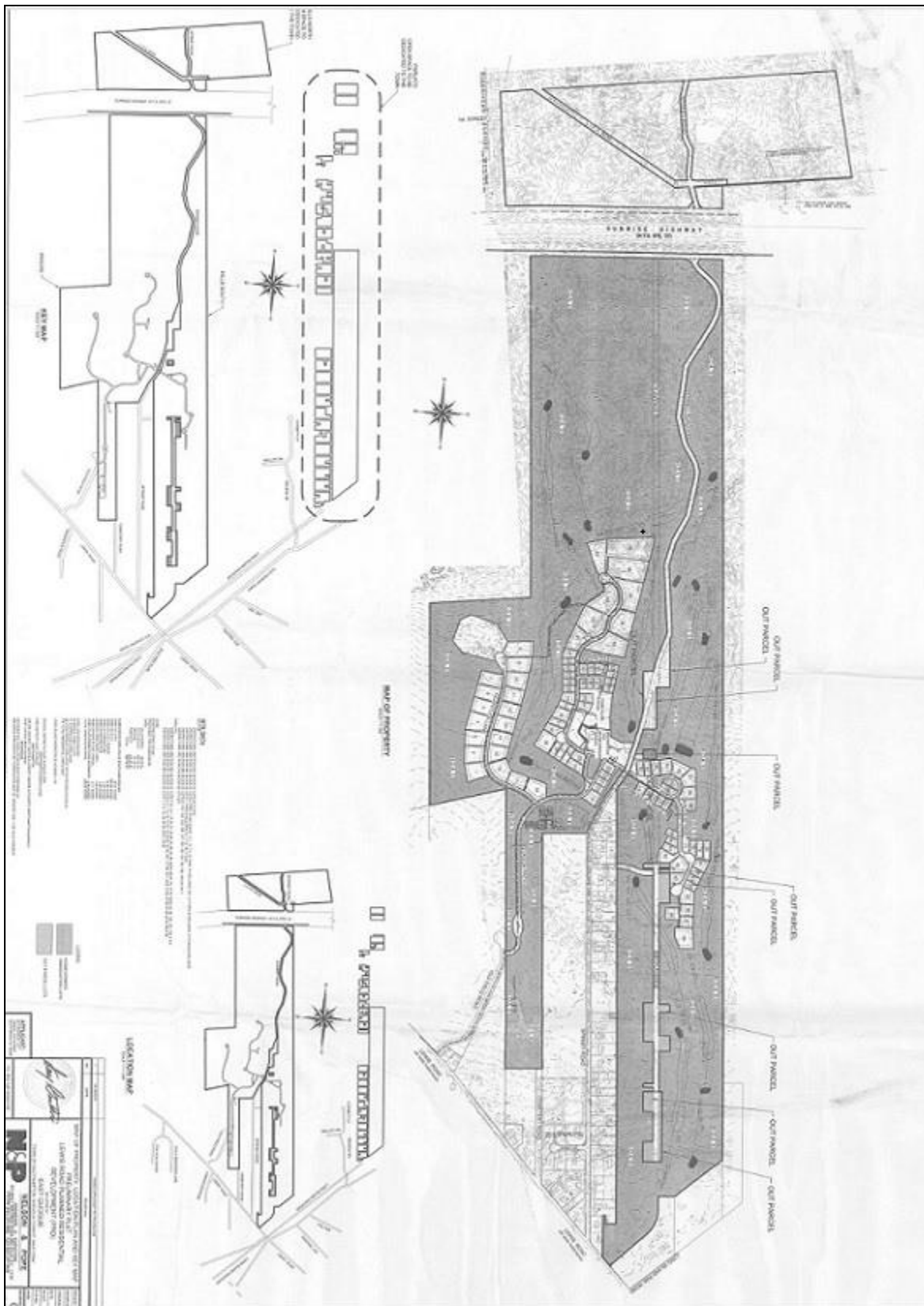
SCRP TAXMAP BASE, 2019

Application: The Hills at Southampton

SCPD No.: S-SH-19-04

No.: 3-311-13-04
Date: 09/23/2019







ATTACHMENT B

PROJECT SPONSOR COMMENTS ON THE SUFFOLK COUNTY PLANNING COMMISSION STAFF REPORT ON THE LEWIS ROAD PLANNED RESIDENTIAL DEVELOPMENT (PRD)

NP&V, LLC

October 10, 2019



Project Sponsor Comments on the Suffolk County Planning Commission Staff Report

Lewis Road Planned Residential Development (PRD)

Prepared for: Suffolk County Planning Commission
H. Lee Dennison Building
11th Floor
100 Veteran's Memorial Highway
Hauppauge, New York 11788

Discovery Land Company
DLV Quogue, LLC
14605 North 73rd Street
Scottsdale, Arizona 85260

Prepared by: Nelson, Pope & Voorhis, LLC
Environmental Planning Consulting
572 Walt Whitman Road
Melville, New York 11747
Contact: Charles J. Voorhis, CEP, AICP

Date: October 10, 2019

1.0 Introduction

This document provides the Project Sponsor's comments on the Staff Report (dated October 2, 2019; see **Attachment A**) on the subdivision application for the Lewis Road Planned Residential Development (PRD). The Staff Report was circulated on the Suffolk County Planning Commission (SCPC) web site prior to the meeting of October 2, 2019 and was summarized on the record at that meeting. This document is intended to provide supplemental information and/or clarification on the limited number of items in the Staff Report that warrant such information/clarification, in order to provide a complete and accurate record should the Staff Report be used for any further purpose or deliberations by the SCPC.

It is noted that the Southampton Town Planning Board, as lead agency for the subdivision under the New York State Environmental Quality Review Act (SEQRA), determined that a Supplemental Environmental Impact Statement (SEIS) was not required on June 27, 2019, and as a result, the SEQRA record is closed. A substantial amount of information is available to the SCPC through the SEQRA record for the project. This includes the Draft Environmental Impact Statement (EIS)/Final EIS (FEIS) and Findings Statement from The Hills Mixed-Use Planned Development District (PDD) EIS process, as well as documentation reviewed by the Planning Board to lead to the conclusion that a Supplemental EIS is not required for this project based on the preliminary subdivision pending before the Planning Board, and in consideration of the EIS record. The full record of documents is listed as follows:

DEIS (PDD):	September 2016
FEIS (PDD):	September 1, 2017
Town Findings (PDD):	"State Environmental Quality Review Act, Environmental Impact Statement, Findings Statement, The Hills at Southampton Mixed Use Planned Development District," November 27, 2017
Compliance Analysis (PRD):	"State Environmental Quality Review Act (SEQRA) Compliance Analysis, Lewis Road Planned Residential Development (PRD), Subdivision/Site Plan Development" December 2018
Supplement to the Compliance Analysis:	Supplemental Information in Response to: SEQRA-SEIS Threshold Review - Analysis For the Planning Board of the Town of Southampton, DLV Quogue, LLC-Lewis Road PRD", June 30, 2019
Planning Board Decision on SEIS:	Resolution ID #32062, "Lewis Road PRD (formerly The Hills at Southampton) – Deem Preliminary Application Complete and Schedule Public hearing," Adopted June 27, 2019

The complete SEQRA record should be referred to for detailed information and analysis regarding the proposed project.

2.0 Comments on the Staff Report

The following presents those portions of the Staff Report on which the Project Sponsor has comments. Each such passage is followed by the Project Sponsor's detailed comment.

2.1 Page 3

...a private clubhouse roughly 38,000 SF in size (that will provide onsite amenity services strictly accessory to the proposed development), plus 12 Workforce Housing Units (10 units in a proposed single building on an H.O.A. parcel & 2 units in a yet to be determined off site location)...

Comment: The size of the clubhouse discussed in the Staff Report (approximately 38,000 SF) is incorrect; this value was operative for the Hills PDD and associated DEIS, but does not reflect the size of this facility for the Lewis Road PRD.

For the Lewis Road PRD, the clubhouse area will contain four separate structures providing a total of 66,393 SF of space, as: 22,175 SF of homeowners association (HOA) member facilities, a pool and pool house, maintenance/mechanical/storage areas (6,918 SF), below-grade parking (19,000 SF), and 18,300 SF in the 8 clubhouse condominiums, which would be similar in style and appointments to a luxury hotel unit. These units will have between 2,150 to 2,400 SF of floor area (averaging 2,288 SF), and have three bedrooms. The clubhouse area will not be available for public use; its facilities will be reserved exclusively for the use of the residents of the subdivision.

With respect to the 12 workforce units, the Lewis Road PRD will provide all 12 units on the project site, as recommended by the Town Planning Board.

2.2 Page 5

There is a water supply field located adjacent to the subject property approximately midway of the [Hills] South Parcel known as the Spinney Road Well Field. The previous proposal requesting the change of zone of the project site included the offering of an additional four acres of undisturbed land to the SCWA somewhere on the subject property for potable water supply purposes, this offer is land is no longer a component of the current subdivision application.

Comment: The Lewis Road PRD will provide a land dedication of approximately 4 acres to the SCWA, which would develop this acreage at some future time as a new public water supply wellfield.

2.3 Page 5

No access is proposed to Spinney Road. Access to the development is proposed via a single uncontrolled intersection to Lewis Road.

Comment: This access on Lewis Road through the approved Kijowski Subdivision has been consistent on all plans to date and is the proposed main access to the subdivision. The access location was thoroughly discussed in the EIS record for the Hills PDD. This access point will be controlled by a "Stop" sign for exiting vehicles. The design of this access point will be subject to Town engineering review and approval as part of the site plan review process.

The potential to locate an emergency access at the northerly terminus of Spinney Road has been under consideration for the Hills PDD as well as the Lewis Road PRD, and will be determined at the time of site plan review.

2.4 Page 6

Existing elevated groundwater nitrogen is proposed by the Petitioner to be removed from the aquifer and reused for golf course irrigation such that the project will have a net negative nitrogen load, and nitrogen laden groundwater that would otherwise flow to Weesuck Creek and western Shinnecock Bay will be removed (this is a relatively, unproven approach to reduce nitrogen).

Comment: The proposed project's use of fertigation conforms to a recommendation of the Town's CPF Water Quality Improvement Project Plan (WQIPP; see **Attachment B**), and is not "a relatively unproven" method to reduce nitrogen in groundwater. This method equates to a pump-and-treat system which is common technology.

As supported by the analyses in the DEIS and the FEIS, the irrigation-fertigation program will remove nitrogen from the watershed that would otherwise enter Weesuck Creek and western Shinnecock Bay and this program was thoroughly vetted through the EIS process. The EIS record demonstrates that no significant adverse impact to water quality will occur as a result of the project, and that the irrigation-fertigation plan will improve area water quality.

This measure will remove approximately 1,600 pounds of nitrogen from the aquifer each year. The inclusion of this nitrogen reduction measure is voluntary and is not needed to meet any regulatory standard.

2.5 Page 7

In addition, the petitioner and the Suffolk County Department of Health Services should also address potential legacy agricultural chemicals other than nitrogen in any fertilizer management program associated with “fertigation.” The Suffolk County Water Authority should also be brought into the discussions.

Comment: The PRD complies with all regulations and land use plans including those of the Town, County, State and Central Pine Barrens Commission. The EIS record is complete with a complete study of impacts including nitrogen using standard review practices. The irrigation-fertigation program is an approach recommended in the Town's Water Quality Improvement Project Plan (WQIPP). The irrigation well will help to mitigate a pre-existing condition to actually improve groundwater and surface water quality in the area. The Town will engage Dr. A. Martin Petrovic to assist with oversight of the irrigation system including monitoring for appropriate contaminants so as to protect the quality of the public water supply, and the Town will have oversight of this program, much like Town oversight for fertilization and monitoring of Golf at the Bridge and Sebonack Golf Club.

It is noted that, as part of the EIS record for the Hills PDD, an extensive groundwater monitoring program was established, to be extended into the future as part of the ITHMP. The Lewis Road PRD includes this testing program.

2.6 Page 7

The Suffolk County Planning Commission also noted that at the time of the Pre-submission review, the petition lacked any significant discussion of the provision of affordable (workforce) housing on or off-site.

The Petitioners have responded by indicating that the HSMUPDD will provide funds for the establishment of affordable housing as required under the Long Island Workforce Housing Act and Article, II of chapter 216 of the Town of Southampton Code. The Petitioners contend that

given the isolated location of the subject property combined with the fact that the proposed residential resort development is to be seasonal with no year-round residences the provision of on-site affordable housing is not ideal. Further the Petitioner does not own appropriate additional lands for the construction of off-site housing. Therefore, it is recommended by the Petitioner that a fee as provided for in section 216-9A (3) of the Southampton Town code which equates to approximately \$2.7 million, be contributed to Town of Southampton affordable housing initiatives.

Comment: As noted in **Section 2.1** above, the proposed Lewis Road PRD will provide all 12 required workforce units on the project site; no dispersal of two units to an off-site location is proposed. As a result, no monetary contribution to the Town affordable housing initiative would be provided.

2.7 Page 8

The proposed project is intended to conform to the maximum allowed clearing for the site under the Central Pine Barrens Comprehensive Land Use Plan (promulgated by the Central Pine Barrens Joint Planning and Policy Commission). The Petitioners propose to provide approximately 428 acres as naturally occurring vegetation. As such, clearing is proposed by the project sponsors to be limited to approximately 160 acres or approximately 27.33% of the overall site. Suffolk County Planning Commission guidelines for clearing in the Central Pine Barrens for property's zoned at or greater than 200,000 SF minimum lot size is established at 25%. Moreover, the Central Pine Barrens CLUP indicates (table 5-1) a clearing restriction of 20% and in some cases 25%.

It is the belief of the staff that review by the Central Pine Barrens Joint Planning and Policy Commission is warranted with regard to adherence to natural vegetation clearing and other portions of the Comprehensive Land Use Plan (CLUP). The petitioner should be directed to the Central Pine Barrens Joint Planning and Policy Commission for compliance to the CLUP as soon as is practicable.

Comment: The acreage of allowed clearing for the site under the Central Pine Barrens Comprehensive Land Use Plan (CLUP) is based on the zoning that existed at the time of adoption of the CLUP. Prior zoning included CR-80 (80,000 SF lot yield), CR-120 (120,000 SF lot yield) and CR-200 (200,000 SF lot yield) at varying acreages. The allowable clearing was addressed in detail in the Hills DEIS and re-visited in the SEQRA Compliance Analysis for the Lewis Road PRD., as follows:

Conformance to Clearing Restrictions

The anticipated clearing/grading program for the proposed project will fit within the allowable clearing restrictions of the CPB CLUP and [Town Pine Barrens] Overlay District (see Table 2-3). According to these regulations and based on the site's zonings at the time the regulating plans were established in 1995, up to 166.18 acres (28.24% of the site) may be cleared; the proposed project would clear 160.81 acres, or 27.33%.

Table 2-3
MAXIMUM CLEARING ALLOWED UNDER CPB CLUP
Prior Zonings and Acreages

	Prior (1995) Zoning District	Acreage (acres)	Estimated Yield (lots)*	Maximum Allowed Clearing Under CLUP	
				%	acres
Hills North Parcel	CR-200	86.92	14	25	21.73
Hills South Parcel	CR-80	58.14	24	35	20.35
	CR-120	130.32	35	30	39.10
	CR-200	149.84	24	25	37.46
Kracke Property	CR-80	10.32	4	35	3.61
	CR-120	50.93	14	30	15.28
	CR-200	0.01	0	25	0.0025
Parlato Property	CR-120	58.96	16	30	17.69
	CR-200	33.61	5	25	8.40
Parlato Road Abandonment Area	CR-120	4.43	1	30	1.33
	CR-200	4.91	1	25	1.23
Total Property		588.39	128	---	166.18**

* Calculated as: (acreage x 43,560 x 0.75)/lot size under zoning.

** Up to 28.24% clearing is allowed; based on 166.18 acres of allowable clearing.

It is noted that open space for the Lewis Road PRD has been increased in comparison to that of the Hills PDD. As a result, in excess of 65% of the entire property area will now be retained open space that is outside of the development envelope, as large contiguous blocks that are contiguous with and align with similar land on adjacent sites. An additional 7% of the site within the development area will also be retained open space, in large contiguous blocks as well.

2.8 Page 9

As written above, the application material indicates that the development has been designed to conform to the requirements of the Suffolk County Sanitary Code, Article 6, promulgated by the Suffolk County Department of Health Services. An onsite sewage treatment is proposed. Since the release of the original concept for the project, the Petitioner has investigated the potential use of full tertiary treatment systems at the subject property to achieve nitrogen effluent concentrations of less than 10 milligrams per liter (mg/l). There are several systems that are currently approved by the SCDHS (Appendix A systems) that meet the 10/mg/l threshold, and the Petitioner has indicated a commitment toward using the best available technology that provides tertiary treatment for the final cleaning process that improves wastewater quality before it is reused, recycled or discharged to the environment. This treatment is intended to remove the remaining inorganic compounds, and substances, such as the nitrogen and phosphorus. Its noteworthy that staff has not provided the specific details for wastewater treatment of a seasonal occupancy project, importantly is whether and how the sanitary flow can be effectively treated intermittently or in this case on a seasonally basis with or without the needed critical-mass of wastewater flow.

It is the belief of the staff that as there is still some discussion between the Petitioner and the SCDHS/SCDPW as to sanitary flow. The Town, Petitioner and SCDHS need to reconcile the assumptions and models regarding unit occupancy, sanitary flow and load from the proposed larger units in terms of density and period of use.

Comment: Water Quality has been the focus of all of the environmental reviews of the project, including protection, management and conservation. To protect water quality, the proposed Lewis Road PRD project, like the Hills PDD before it, goes above and beyond the required sanitary systems to a state-of-the-art sewage treatment plant (STP) which will treat waste water to drinking water quality standards. The STP engineering report has been submitted to SCDHS and is under review. The report addresses seasonal flow and any installation will be approved by SCDHS. It is also noted that the 12 workforce units to be constructed on-site will connect to the STP, thereby providing year-round flow, and the STP will be designed in “trains” to reduce the treatment volume during the off-season.

The following is taken from the SEQRA Compliance Analysis prepared for the Lewis Road PRD project in regard to expected performance of the STP envisioned for the site.

There is no change in the method of wastewater treatment between the PDD and the PRD. The SEQRA Compliance Analysis is consistent in its use of the word “will” with respect to the anticipated performance of the PRD’s STP, and its conformance to the applicable 10 mg/l effluent nitrogen concentration. Section 1.3 of the SEQRA Compliance Analysis clearly states:

All of the project’s wastewater will be treated in an on-site tertiary STP whose performance will provide effluent having a total nitrogen concentration of less than 10 milligrams per liter (mg/l). The STP would meet the applicable standards of the Suffolk County Department of Health Services (SCDHS; through the Suffolk County Sanitary Code [SCSC]), and New York State Department of Environmental Conservation (NYSDEC).

Generally, seasonal use would cause seasonal fluctuation in the volume of effluent conveyed to an STP. The STP will be of a design recognized by SCDHS and will be reviewed and approved by that office. Seasonal use can be accommodated in the startup and reduction of flow after peak seasonable use. Connecting the on-site workforce units to the STP will help to maintain a base flow that enables the biological process to be maintained throughout the year.

An application for the STP has been filed with and is pending before SCDHS. The plan is to use a type of STP already recognized and approved by the SCDHS for the project, to meet the required nitrogen concentration. The Engineering Report for the STP includes the following description of the treatment technology on which the proposed STP operates:

The sewage treatment plant will be a Sequenced Batch Reactor (SBR) type of plant. The plant will be capable of producing an effluent with less than 30 mg/l BOD [Biological Oxygen Demand] and suspended solids, and less than 10 mg/l of total nitrogen.

The STP will be entirely enclosed within a masonry building. Area for 100% expansion of the plant shall be provided per Suffolk County Departments of Health Services and Public Works

requirements. Two hundred percent of the required leaching pools will be provided at time of construction, to comply with Suffolk County Department of Public Works standards. All treatment units will be located at sufficient distances from any habitable dwelling in accordance with Suffolk County Department of Health Services requirements.

The STP has been designed for the peak flow of the project, which would be during the Summer. Based on the business model and occupancy pattern of DLC projects, this peak will never be reached.

It should also be noted that an STP is not required to meet SCDHS requirements under Article 6 of the SCSC. After the subject site was rezoned to CR-200 following the EQLUP and GEIS, the density of the project site was reduced to 1/5 of what is allowed under Article 6. In addition, none of the alternatives including those without an STP exceeded the 2.5 mg/l guideline in the Central Pine Barrens CLUP. Therefore, there is no reasonable metric that would require the STP. Nevertheless, the STP was offered by the Project Sponsor during the PDD SEQRA review process due to the importance of reducing nitrogen load to the Weesuck Creek watershed and contributing areas to western Shinnecock Bay. The STP will reduce nitrogen load and is an important aspect of the project that the Project Sponsor is committed to providing even though it is not needed to meet Article 6 or the CLUP 2.5 mg/l guideline. The Planning Board should ensure that SCDHS approval as a standard matter related to their subdivision review as they would any other project. As a result, there are no significant adverse impacts with respect to groundwater impacts, or the approval process/operation of the STP.

The use of an on-site STP is voluntary and is not needed to conform to Article 6 of the SCSC. The STP is proposed to reduce nitrogen as much as possible based on concern for nitrogen load in the Weesuck Creek and western Shinnecock Bay watershed.

2.9 Page 9

Traffic Impact Study (TIS) was conducted in conformance with the Final Scope of Work and was included in the DEIS for the subject application. Four intersections in the study area were analyzed. The results of the intersection capacity analyses contained in the DEIS found that the existing levels of service (LOS) associated with these intersections will remain relatively the same after the completion of the project, with minimal increases in delay. In addition to the intersection LOS, vehicle queues and safety at the at-grade Long Island railroad crossing on Lewis Road were reviewed. No queuing or traffic safety issues are expected at the LIRR grade crossing. Based on the findings of the TIS, the Petitioners put forth that construction and operation of the proposed project will not create significant adverse traffic and safety impacts on the adjacent street network.

Comment: A detailed Traffic Impact Study (TIS) was prepared for the Lewis Road PRD in May 2018. That study addressed anticipated impacts at the same set of intersections as the TIS prepared for the Hills PDD in August 2016. The May 2018 TIS concluded as follows:

- After the completion of the project, the stop-controlled intersection of Quogue Riverhead Road and Lewis Road will continue to operate at No Build levels of service for all peak periods. Therefore, no significant impacts are created, and no mitigation measures are proposed at this intersection.

- After the completion of the project, the stop-controlled intersection of Spinney Road and Lewis Road will continue to operate at No Build levels of service for all peak periods. Therefore, no significant impacts are created, and no mitigation measures are proposed at this intersection.
- After the completion of the project, the stop-controlled intersection of Old Country Road and Lewis Road will continue to operate at No Build levels of service for all peak periods. From the review of the capacity analyses results, during the worst peak period the 95% queue length on both Lewis Road approaches are less than one vehicle and the available storage exceed one vehicle length on both approaches. The accident data did not indicate any accidents related to the railroad crossing occurred on Lewis Road. It should also be noted that less than 8 trains cross Lewis Road at this at-grade crossing daily. Hence, no queueing and safety issues are expected at this location. Therefore, no significant impacts are created, and no mitigation measures are proposed at this intersection.
- After the completion of the project, the stop-controlled intersection of Old Country Road/Box Tree Road and Lewis Road will continue to operate at No Build levels of service for all peak periods. Therefore, no significant impacts are created, and no mitigation measures are proposed at this intersection.
- After the completion of the project, the southbound Site Driveway approach is anticipated to operate at LOS B during all peak periods. The eastbound Site Driveway approach is anticipated to operate at LOS A during all peak periods.

Based on our Traffic Impact Study as detailed in the body of this report, the construction and operation of the proposed PRD will not create a significant adverse traffic impact on the adjacent street network.

Attachment A Staff Report

Lewis Road Planned Residential Development (PRD)

**Office of the Suffolk County Executive
Department of Economic Development and Planning
Division of Planning and Environment**

October 2, 2019

COUNTY OF SUFFOLK

S-1



Steven Bellone
SUFFOLK COUNTY EXECUTIVE
Department of
Economic Development and Planning

Natalie Wright
Acting Commissioner

Division of Planning
and Environment

STAFF REPORT

SECTIONS A14-14 THRU A14-26 OF THE SUFFOLK COUNTY ADMINISTRATIVE CODE

Applicant: Lewis Road - Planned Residential Development (PRD)
Municipality: Town of Southampton
Location: Easterly side of Lewis Road, 300' west of Old Country Road, in the hamlet of East Quogue.

Received: 9/20/19
File Number: S-SH-19-04
T.P.I.N.: 0900 25000 0300 001000 et al
Jurisdiction: Suffolk County Pine Barrens Zone-Central Pine Barrens & NYS Rte. 27

ZONING DATA

- Zoning Classification: CR-200 Country Residence for single family
- Minimum Lot Area: 200,000 SF minimum lot area
- Section 278: Yes, clustered development
- Obtained Variance: None noted.

SUPPLEMENTARY INFORMATION

- Within Agricultural District: No
- Shoreline Resource/Hazard Consideration: No
- Received Health Services Approval: No
- Property Considered for Affordable Housing Criteria: Yes
- Property has Historical/Archaeological Significance: No
- Property Previously Subdivided: No
- Property Previously Reviewed by Planning Commission: Yes, change of zone request Commission approved "The Hills at Southampton" on 11/1/17 subject to 2 conditions & offered 6 comments for the Town to consider. Town denied requested zone change.
- SEQRA Information: Full EAF – Part 1 Compliance Analysis
- SEQRA Type: Type I
- Traffic Impact Report: Yes – prior referral
- Minority or Economic Distressed: No

SITE DESCRIPTION

- Present Land Use: Vacant
- Existing Structures: None
- General Character of Site: Mostly natural state with a rolling topography
- Range of Elevation within Site: 20' to 220' above msl
- Cover: Mostly wooded with some disturbed areas.
- Soil Types: Carver, Haven, Riverhead, Plymouth, Sudbury sandy loam associations and Gp (gravel pit)
- Range of Slopes (Soils Map): 0-15%
- Waterbodies or Wetlands: Yes (freshwater wetlands on Hills North Parcel)

NATURE OF SUBDIVISION/ NATURE OF MUNICIPAL ZONING REQUEST

- Type: Major subdivision & site plan application
- Layout: Clustered with several types of dwellings units proposed, including both single family and multi-family units along a curvilinear road with large open space areas, including an 18 hole golf course, clubhouse and recreational facilities to be maintained by a homeowners association.
- Area of Tract: 588.39 +/- acres (25,630,268 +/- SF)
- No. of Units: 130 total residential units: 118 dwelling units, 12 workforce housing units are proposed.
- Open Space: Yes, 3 areas identified on the proposed map as follows:
 - “Area South of Sunrise Hwy” = 197.50 acres,
 - “Area North of Sunrise Hwy” = 86.92 acres,
 - “Area of Parlato Property” = 100.76 acres,
 - “Total Open Space Outside -----
of the Development Area” = 385.18 acres, or 65.46%Proposal also identified the amount of Cleared & Natural Area as follows:
 - “Existing Cleared Area within Open Space Area” = 3.86 acres
 - Therefore: 385.18 acres – 3.86 acres = 381.32 acres of Natural Area within the Open Space.
 - “Natural Area within Development Area” = 46.26 acres
 - “Total Natural Area Calculation” = 381.32 acres + 46.26 acres = 427.58 acres.
 - “Total Natural Area” = 427.58 acres, or 72.67 %

ACCESS

- Roads: Private/Gated with access from Town owned and maintained Lewis Road via Old Field Road and Spinney Road to be extend into cul-de-sac streets.
- Driveways: Individual driveways and shared parking lots

ENVIRONMENTAL INFORMATION

- Storm-water Drainage
 - Design of System: Drainage easements and reserve areas (ponds).
 - Recharge Basins: Incorporating drainage reserves (ponds) into the water features of the proposed H.O.A. owned golf course & other areas within the development area.
- Groundwater Management Zone: Zone III (300 gpd of wastewater/40,000 SF)
- Water Supply: Suffolk County Water Authority
- Sanitary Sewers: Sewage Treatment Plant & Leaching Fields

PROPOSAL DETAILS

OVERVIEW – The petitioner has submitted both a major subdivision and site plan applications, being reviewed concurrently, to the Town of Southampton Planning Board. The applicants are proposing to subdivide an assemblage of contiguous and non-contiguous tax map parcels consisting of a total of 588.39 acres in the Hamlet of East Quogue. The requested subdivision would allow for a seasonal residential resort development consisting of 118 residential attached and detached single-family dwellings, an approximate 98 acre private 18-hole golf course, a private clubhouse roughly 38,000 SF in size (that will provide onsite amenity services strictly accessory to the proposed development), plus 12 Workforce Housing Units (10 units in a proposed single building on an H.O.A. parcel & 2 units in a yet to be determined off site location), and approximately 427 acres (72%) of area to remain natural according to the site plan application material, and more than 65% of the total subject property will be designated as open space. The footprint for the development is limited to approximately 167 acres of the overall 588 acres (28.4%). The subject application does not include the Transfer of Pine Barrens Credits, but is allowed by the Town of Southampton to transfer of development rights in the vicinity to the proposed development area in a non-contiguous clustered subdivision layout/design.

Regarding the past action by the Suffolk County Planning Commission with prior application on the subject property;

The Suffolk County Planning Commission reviewed a pre-application referral in 2013 for a conceptually similar project entitled the Hills at Southampton PDD and was intended to consist of 82 owner occupied residential units and a golf course to be clustered in the center portion of the South Parcel.

The Commission reviewed and deliberated the 2013 Hills at Southampton pre-application referral from the Southampton Town Board at their regularly scheduled meeting of September 4, 2013 and resolved to disapprove the referred pre-application petition for a change of zone from CR-200 to MUPDD (see attached 9/4/13 SCPC resolution). Those reasons for the Planning Commission's disapproval were for the following concerns:

1. The ability to maintain the non-primary residence status for the proposed units.
2. Allowing a golf course proposed above a critical watershed and raises issues related to nitrogen, phosphate, potash, bacteria, etc.
3. The elimination of access to the Pine Barrens core via this parcel.
4. The petition lacks any significant discussion of the provision of affordable (workforce) housing on or off-site.

The Southampton Town Board considered the SCPC disapproval along with the Petitioner and through the SEQRA process continued to modify and amend the proposal to its current form. In the process of the preparation of the Final Environmental Impact Statement (FEIS) the Petitioners have addressed the Suffolk County Planning Commissions reasons for disapproval (see below).

A summary of the changes in the proposed project since the Pre-application include:

- The addition of two separate land holdings; the Parlato and Kracke properties,
- The Petitioner proposes to purchase and retire additional thirty (30) Pine Barrens Credits, (a number equivalent to the yield of the projects golf course component) originating from the Core Preservation Area of the Central Pine Barrens of Southampton,

- The applicant will purchase an additional 33 acres of land in East Quogue that are owned by the Parlato family and are currently under subdivision application based on a yield of 29 lots. The project sponsor would retire these units, as well as the 30 PBC noted above.
- A switch from individual onsite septic systems to an on-site sanitary treatment plant,
- A preliminary identification of the tertiary sanitary wastewater treatment system to be constructed, and its location within the project site has been determined,
- The location of a 4-acre area to be dedicated to the Suffolk County Water Authority has been relocated to the projects site's eastern boundary

Changes to the project that have occurred in response to comments during the review and community input process is reflected in the documents contained above. The applicant also offers the following new or updated information in relation to the set of Community Benefits associated with the project:

- One million dollars will be set aside for sanitary system upgrades described in the DEIS to be utilized to upgrade non-conforming sanitary systems with Innovated/Alternative Onsite Waste Water Treatment Systems (I/A OWTS),
- Installation of an on-site waste water treatment system at the East Quogue Elementary School,

Then the Suffolk County Planning Commission reviewed at their November 1st 2017 meeting a change of zone application on the subject property requesting the change from Country Residence – 200 (CR200) to Mixed Use Planned Development District (MUPDD) to allow for a seasonal residential resort development that is virtually identical to the current proposal and subdivision application that the Commission is currently be considering. At that November 1st 2017 staff recommended approval of application, subject to two (2) conditions and with five (5) comments for the consideration and use of the Town of Southampton. The Commission had a discussion and after deliberation the Commission resolved to approve the change of zone request, subject to two (2) conditions, and offering six (6) comments to the Town of Southampton for their consideration and use.

The motion to approve the change of zone application subject to two (2) conditions and with six (6) comments for their consideration and use by the Southampton Town Board was made by Commission member Kramer and seconded by Commission member Chu, vote to Approve; 11 ayes, 1 nays (Esposito), 0 abstentions.

Subsequently, the Town Board of Southampton vote was 3-2 in favor of approval; however, to approve the PDD application, a majority plus 1 (super majority) was required under the Town's PDD code in effect at the time of the vote, therefore the change of zone application failed to be approved at the Town level. Thereafter, the applicant prepared and submitted the 'Lewis Road Planned Residential Development (PRD)', a major subdivision to the Town Planning Board which is the application that was review by the staff and is being consider by the Commission currently. The Lewis Road PRD does not require a change of zone and conforms to the site's existing zoning, while carrying forward the essential design elements and on-site amenities of the rejected Hills PDD that resulted in the key environmental conclusions that will be further presented in the staff analysis portion of this report.

The subject project site is divided unevenly into four (4) parts; the largest owned land component, known as the Hills property, consists of 338 acres south of Sunrise Highway and 86 acres North of Sunrise Highway, for a total of 426 acres; with contiguous property to the west known as the Kracke property which consists of 62 acres, and noncontiguous property to the east known as the Parlato property which consists of 102 acres for a total of 588 acres. Of the 588 acres the 86 acre 'North' parcel and the 102 acre Parlato parcel, for a total of 188 acres will be dedicated to the Town as Open Space (contiguous with other existing open space parcels). The remaining approximately

400 acres (consisting of the Hills South and Kracke parcels) are allocated to the overall development area.

The Lewis Road Planned Residential subdivision area site data is as follows:

Area in lots:	48.07 acres
Area in H.O.A.:	330.56 acres
Area in H.O.A. Roads:	10.56 acres
Area in Townhouse:	3.23 acres
Area in Recreation:	2.69 acres
Sewage Treatment Area:	3.90 acres
Area in R.O.W. for out parcels:	0.11 acres
Area in Un Named Road extension:	<u>0.44 acres</u>
Total Subdivision Area:	399.56 acres

According to the Town of Southampton, a yield map showed that the combined acreage of the Hills Property and the Kracke would provide for 94 lots under the existing CR-200 zoning, and information on the Parlato Property included a series of Development Rights Allocation Letters from the Town of Southampton that certify the parcel has a yield of 24 lots under existing CR-200 zoning. Overall, the Town of Southampton has certified that the combined parcels would have the base density of 118 lots of current Lewis Road PRD subdivision/site plan applications.

The application material indicates that the development has been designed to conform to the requirements of the Suffolk County Sanitary Code, Article 6, promulgated by the Suffolk County Department of Health Services. An onsite sewage treatment is proposed.

A Suffolk County Water Authority will supply public water. There is a water supply field located adjacent to the subject property approximately midway of the South Parcel known as the Spinney Road Well Field. The previous proposal requesting the change of zone of the project site included the offering of an additional four acres of undisturbed land to the SCWA somewhere on the subject property for potable water supply purposes, this offer is land is no longer a component of the current subdivision application.

The subject site has access to Lewis Road and frontage at the end of the paved portion of Spinney Road. No access is proposed to Spinney Road. Access to the development is proposed via a single uncontrolled intersection to Lewis Road. All frontage and access is to Town of Southampton Roads. There is no access proposed via the ROW of NYS Rte. 27 (Sunrise Highway). The layout of the internal roadway is aligned in a north-south direction and connects the site access point on Lewis Road to the Clubhouse area and branches out to three cul-de-sac internal roadways.

Submission material by the Petitioners to the Planning Board relating to the Town of Southampton State Environmental Quality Review Act (SEQRA) process included a 'Compliance Analysis' letter dated December 2018 which compared and determined the any changes from the 'Southampton Hills PDD' to the current 'Lewis Road PRD' are minor or insignificant and would result in a slightly less adverse impacts to the environment that the prior 'Hills' application.

STAFF ANALYSIS

In response to Suffolk County Planning Commission concerns with respect to the ability to maintain the non-primary residence status for the proposed units the petitioners puts forth (pgs. 1-4 of the FEIS) that the legal mechanism proposed for enforcing seasonal occupancy restrictions is a Declaration of Covenant and Restriction, recorded in the Suffolk county Clerk's Office. In particular, the covenant proposes the following restrictive language:

- (a) At no time hereafter shall the dwelling units erected on the lots and/or units shown on the aforesaid subdivision map be occupied as a place of primary or permanent residence or domicile,
- (b) There shall be no time limits on occupancy of a lot or unit between May 1 and October 15 in any given year, provided, however, that the total number of days of occupancy in any calendar year shall not exceed one-hundred-eighty-three (183) days; and
- (c) A lot or unit may not be occupied for more than thirty (30) consecutive days or aggregate of (60) days between October 16 and April 30 in any given year.

In addition, the covenant identifies a presumptive breach of these seasonal occupancy restrictions where an owner or occupant:

- (a) Enrolls a child or children in the East Quogue School District,
- (b) Applies for a real property tax exemption, abatement or rebate based upon his or her primary residence in East Quogue or the Town of Southampton and/or
- (c) Applies for any public monetary benefit or service available only to primary residents in East Quogue or the Town of Southampton

Finally, enforceability of the covenant and its conditions therein are expressly given to:

- (a) The Declarant, that is, DLV Quogue, LLC, or its heirs, successors and assigns,
- (b) The property owner or homeowner's association to be established should the project be approved, and/or
- (c) The Town of Southampton

The petitioners also put forth that the Covenant document can be revised to allow the Town to seek reimbursement from the applicant and/or the Homeowners Association for any costs associated with the enforceability of said covenant, whether that enforcement is realized in the form of a Supreme Court enforcement action or otherwise. In addition, these occupancy restrictions should also be included in any and all transfer deeds for each parcel as further assurance of the intent of the seasonal occupancy restrictions.

The Suffolk County Planning Commission was also concerned about a golf course proposed above a critical watershed and raises issues related to nitrogen, phosphate, potash, bacteria, and other possible contaminants.

It is proposed by the Petitioner that the creation of a golf course that meets the most stringent requirements of modern golf courses and as set forth in the FEIS, including an integrated turf health management plan limiting the amount of fertilizer and water use. It is also proposed that the project have a complete groundwater monitoring program (as recommended by the East Quogue Land Use Plan) equivalent to the programs at the Bridge and Sabonack golf courses in the Town of Southampton. Existing elevated groundwater nitrogen is proposed by the Petitioner to be removed from the aquifer and reused for golf course irrigation such that the project will have a net negative nitrogen load, and nitrogen laden groundwater that would otherwise flow to Weesuck Creek and western Shinnecock Bay will be removed (this is a relatively, unproven approach to reduce nitrogen).

The Petitioners contend that no more than 15% of the project site (standard of the CLUP and SCPC) will be established in fertilizer-dependent vegetation. Based on the Updated Master Plan (included in the FEIS and subject of this referral) a total of approximately 88 acres of landscaping is proposed and potentially subjected to fertilization; this includes private lawns, common areas, and the golf course. This acreage represents 14.98% of the site.

The Petitioners put forth that measures incorporated into the project (i.e. conformance to SCSC Article 6, minimization of fertilization for the golf course, and the use of groundwater impacted by

agricultural practices from locales in the upgrading direction for the project's irrigation) are expected to generate an overall nitrogen concentration in recharge of less than 1mg/l.

It is the belief of staff of the Suffolk County Planning Commission that the Town of Southampton should assure that the Petitioner work with the Suffolk County Department of Health Services to carefully monitor the variable concentrations of the nitrogen component from the offsite and onsite groundwater flow for fluctuations during irrigation periods in accordance with descriptions provided within the FEIS (see page 1-5 & 15, etc.). The Town and the Health department should verify the differences in modeling between the applicant and commentators potentially with more tests wells on site. In addition, the petitioner and the Suffolk County Department of Health Services should also address potential legacy agricultural chemicals other than nitrogen in any fertilizer management program associated with "fertiligation." The Suffolk County Water Authority should also be brought into the discussions.

The Suffolk County Planning Commission was also concerned about the elimination of access to the Pine Barrens core via this parcel. As indicated in the submittal material to the Suffolk County Planning Commission from the Southampton Town Board, the previously proposed Hills at Southampton MUPDD provides for park and recreational space, including public trails. The Petitioner has offered the preparation of covenants to permanently protect the naturally-vegetated open spaces to remain under private ownership on the Hills South Parcel/Kracke property. The applicant also has offered the entirety of the Hills North Parcel and the Parlato Property (both of which are in the Core Preservation Area) to the Town of Southampton for dedication. These properties contain existing trails that provide access to the Pine Barrens Core via this project. The Petitioner has also been working to provide onsite connections to the existing trail network.

The Suffolk County Planning Commission also noted that at the time of the Pre-submission review, the petition lacked any significant discussion of the provision of affordable (workforce) housing on or off-site.

The Petitioners have responded by indicating that the HSMUPDD will provide funds for the establishment of affordable housing as required under the Long Island Workforce Housing Act and Article, II of chapter 216 of the Town of Southampton Code. The Petitioners contend that given the isolated location of the subject property combined with the fact that the proposed residential resort development is to be seasonal with no year round residences the provision of on-site affordable housing is not ideal. Further the Petitioner does not own appropriate additional lands for the construction of off-site housing. Therefore, it is recommended by the Petitioner that a fee as provided for in section 216-9A (3) of the Southampton Town code which equates to approximately \$2.7 million, be contributed to Town of Southampton affordable housing initiatives.

GENERAL MUNICIPAL LAW CONSIDERATIONS: New York State General Municipal Law, Section 239-I provides for the Suffolk County Planning Commission to consider inter-community issues. Included in such issues are compatibility of land uses, community character, public convenience and maintaining of a satisfactory community environment.

It is the belief of the staff that the proposed Lewis Road PRD project has been designed to be consistent with the existing character of the community, and would remain so into the future with the use of Design Guidelines and a recorded Master Declaration of Covenants and Conditions as proposed by the applicant. According to submitted material to the Commission, the proposed plan has been designed specifically to balance the capabilities of the applicant with the goals of the Town and community for the site, as well as with the pattern of land uses in the vicinity, in order to provide high-quality development on a site where the probability of economic and aesthetic success is high.

The project's vehicle access has been located on Lewis Road and not Spinney Road so that the existing character of the residences along Spinney Road would not be adversely impacted by vehicle traffic associated with the proposed project. In addition, the project is developed preferentially on already-cleared areas of the South Parcel, which reduces the amount of natural vegetation that must be removed for the project.

LOCAL COMPREHENSIVE PLAN RECOMMENDATIONS: It is the belief of the staff that the proposed action conforms to the recommendations of the East Quogue Land Use Plan and GEIS, as well as including some sustainability elements in accordance with the Updated Comprehensive Plan goals of the Town are to minimize impact on services, increasing tax revenues, providing recreational use, preserving habitat and ensuring a balance of aesthetic development and land preservation. The staff is in agreement with the petitioner that the proposal will provide an alternative to a typical residential subdivision development that could be anticipated to increase local school-age population and school enrollments, motor vehicle traffic, etc. beyond what is currently proposed.

SUFFOLK COUNTY PLANNING COMMISSION GUIDELINE CONSIDERATIONS:

The Suffolk County Planning Commissions has identified six general Critical County Wide Priorities and include:

1. Environmental Protection
2. Energy efficiency
3. Economic Development, Equity and Sustainability
4. Housing Diversity
5. Transportation
6. Public Safety

These policies are reflected in the Suffolk County Planning Commission Guidebook (unanimously adopted July 11, 2012). Below are items for consideration regarding the above policies:

Pine Barrens- Suffolk County Legislative Resolution No 215- 1996 established the authority of the Suffolk County Planning Commission to review projects in the Central Pine Barrens Zone of Suffolk County (one of four described Pine Barrens Zones in the Suffolk County Charter).

The proposed action is essentially a cluster development where the yield from northern portions of the site is "slid down" to the mid and southern end of the Southern Parcel. This is in recognition of the regulatory restrictions in the Central Pine Barrens regarding development in the Core Preservation Area (CPA). As proposed, all disturbances associated with the development will take place in the Compatible Growth Area (CGA) portion of the site. No part of the development will occur in the CPA portion.

The proposed project is intended to conform to the maximum allowed clearing for the site under the Central Pine Barrens Comprehensive Land Use Plan (promulgated by the Central Pine Barrens Joint Planning and Policy Commission). The Petitioners propose to provide approximately 428 acres as naturally occurring vegetation. As such, clearing is proposed by the project sponsors to be limited to approximately 160 acres or approximately 27.33% of the overall site. Suffolk County Planning Commission guidelines for clearing in the Central Pine Barrens for property's zoned at or greater than 200,000 SF minimum lot size is established at 25%. Moreover, the Central Pine Barrens CLUP indicates (table 5-1) a clearing restriction of 20% and in some cases 25%.

It is the belief of the staff that review by the Central Pine Barrens Joint Planning and Policy Commission is warranted with regard to adherence to natural vegetation clearing and other portions of the Comprehensive Land Use Plan (CLUP). The petitioner should be directed to the Central Pine

Barrens Joint Planning and Policy Commission for compliance to the CLUP as soon as is practicable.

The subject parcel is southeast of the regional groundwater divide, indicating that flow is generally toward the southeast. Groundwater will be ultimately discharged from the subsurface system in the form of stream flow and/or subsurface outflow to the waters of Weesuck Creek and western Shinnecock Bay. The elevation of groundwater beneath the subject site ranges from approximately 10 to 15 feet asl, depending on meteorological conditions associated with the water year. The average topographic elevation of the property ranges from approximately 17 to 255 feet asl, therefore, the depth to groundwater is ranges from approximately 6 to 240 feet asl.

As written above, the application material indicates that the development has been designed to conform to the requirements of the Suffolk County Sanitary Code, Article 6, promulgated by the Suffolk County Department of Health Services. An onsite sewage treatment is proposed. Since the release of the original concept for the project, the Petitioner has investigated the potential use of full tertiary treatment systems at the subject property to achieve nitrogen effluent concentrations of less than 10 milligrams per liter (mg/l). There are several systems that are currently approved by the SCDHS (Appendix A systems) that meet the 10/mg/l threshold, and the Petitioner has indicated a commitment toward using the best available technology that provides tertiary treatment for the final cleaning process that improves wastewater quality before it is reused, recycled or discharged to the environment. This treatment is intended to remove the remaining inorganic compounds, and substances, such as the nitrogen and phosphorus. Its noteworthy that staff has not provided the specific details for wastewater treatment of a seasonal occupancy project, importantly is whether and how the sanitary flow can be effectively treated intermittently or in this case on a seasonally basis with or without the needed critical-mass of wastewater flow.

It is the belief of the staff that as there is still some discussion between the Petitioner and the SCDHS/SCDPW as to sanitary flow. The Town, Petitioner and SCDHS need to reconcile the assumptions and models regarding unit occupancy, sanitary flow and load from the proposed larger units in terms of density and period of use.

Lined golf course greens and man-made ponds as well as some natural retention areas are proposed as part of the storm water treatment system. The petitioners should be encouraged to review the Suffolk County Planning Commission publications on the Study of Man Made Ponds in Suffolk County and Managing Stormwater-Natural Vegetation and Green Methodologies and incorporate into the proposal, where practical, design elements contained therein.

Little mention of the consideration of energy efficiency is provided in the referral material to the Suffolk County Planning Commission. The petitioners should be encouraged to review the Suffolk County Planning Commission Guidebook particularly with respect to energy efficiency and incorporate where practical, elements contained therein applicable for residential and clubhouse components of the proposal.

A Traffic Impact Study (TIS) was conducted in conformance with the Final Scope of Work and was included in the DEIS for the subject application. Four intersections in the study area were analyzed. The results of the intersection capacity analyses contained in the DEIS found that the existing levels of service (LOS) associated with these intersections will remain relatively the same after the completion of the project, with minimal increases in delay. In addition to the intersection LOS, vehicle ques and safety at the at-grade Long Island railroad crossing on Lewis Road were reviewed. No queuing or traffic safety issues are expected at the LIRR grade crossing. Based on the findings of the TIS, the Petitioners put forth that construction and operation of the proposed project will not create significant adverse traffic and safety impacts on the adjacent street network.

Little discussion is made in the petition to the Town and referred to the Commission on public safety and universal design. The applicant should review the Planning Commission guidelines particularly related to public safety and universal design and incorporate into the proposal, where practical, design elements contained therein.

STAFF RECOMMENDATION

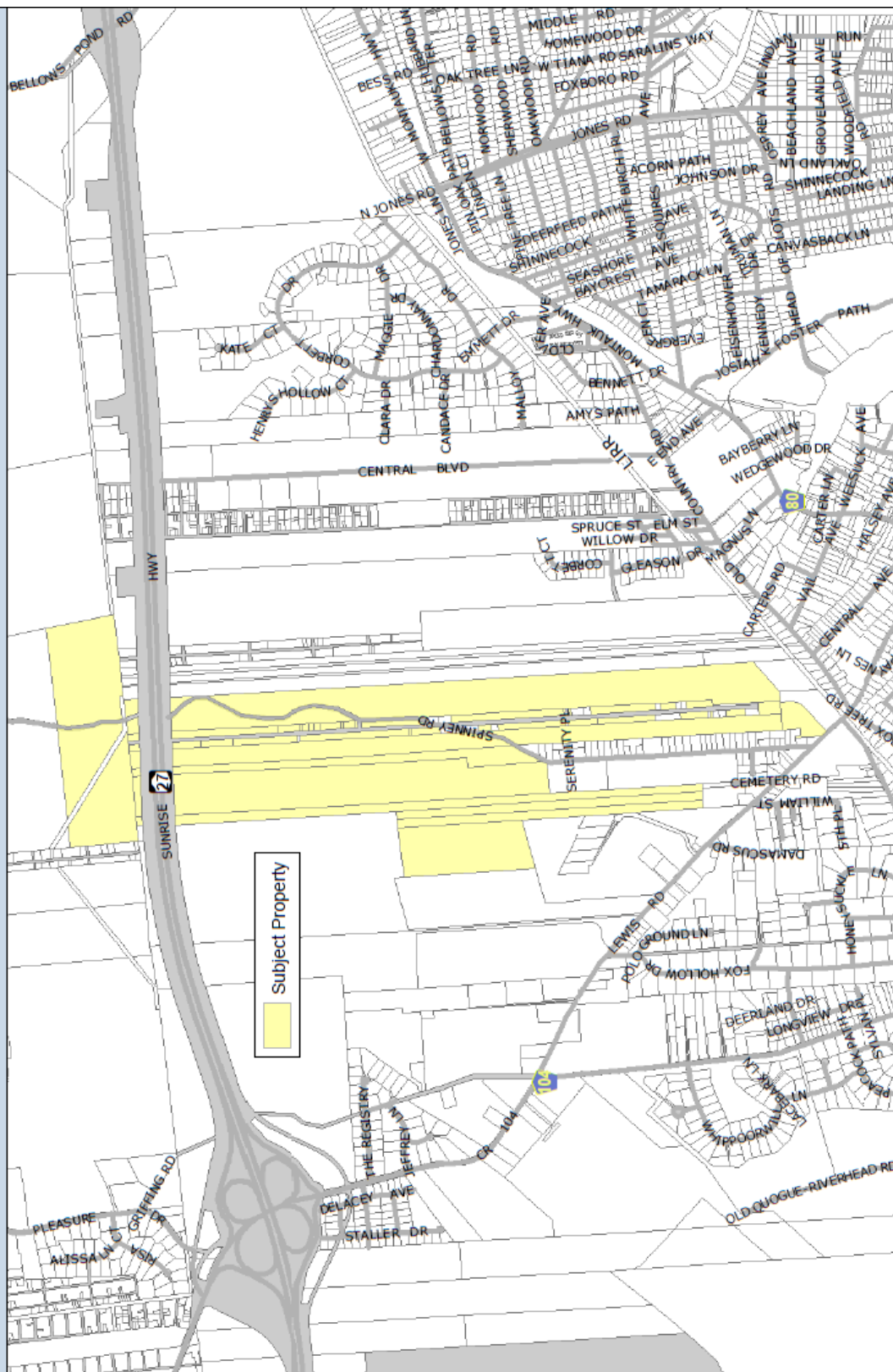
Approval of the Lewis Road Planned Residential Development (PRD) with the following conditions and comments:

Conditions:

1. The Petitioner, with the Suffolk County Department of Health Services, shall address potential legacy agricultural chemicals other than nitrogen in any fertilizer management program associated with “fertigation.”
2. The Petitioner shall be directed to continue dialogue with the Suffolk County Department of Health Services and Suffolk County Department of Public Works as soon as possible. It is the belief of the Suffolk County Planning Commission that as there is still some discussion between the Petitioner and the SCDPW/SCDHS as to sanitary flow. The Town, Petitioner and SCDHS need to reconcile the assumptions and models regarding unit occupancy, sanitary flow and load from the proposed larger units in terms of density and seasonal period of use.
3. The Town and the petitioner shall comply with the State of New York’s Long Island Workforce Housing Act.


Comments:

1. Suffolk County Planning Commission guidelines for clearing in the Central Pine Barrens for property’s zoned at or greater than 200,000 SF minimum lot size is established at 25%. The Petitioner should be directed to the Central Pine Barrens Joint Planning and Policy Commission for compliance to the Central Pine Barrens Comprehensive Land Use Plan (CLUP).
2. The Petitioners should be encouraged to review the Suffolk County Planning Commission publication on Managing Stormwater-Natural Vegetation and Green Methodologies and incorporate into the proposal, where practical, design elements contained therein.
3. The Petitioners should be encouraged to review the Suffolk County Planning Commission Publication entitled Study of Man Made Ponds in Suffolk County and incorporate into the proposal, where practical, design elements contained therein.
4. “Dark Sky” best management techniques should be employed for the lighting plan to mitigate impacts to surrounding areas.
5. The Petitioner should be encouraged to review the Suffolk County Planning Commission Guidebook particularly with respect to energy efficiency and incorporate where practical, elements contained therein applicable for residential and clubhouse components of the proposal.
6. The Petitioner should review the Planning Commission guidelines particularly related to public safety and universal design and incorporate into the proposal, where practical, design elements contained therein.

[illegible]

1 inch = 2,000 feet

0 2,000 4,000 Feet



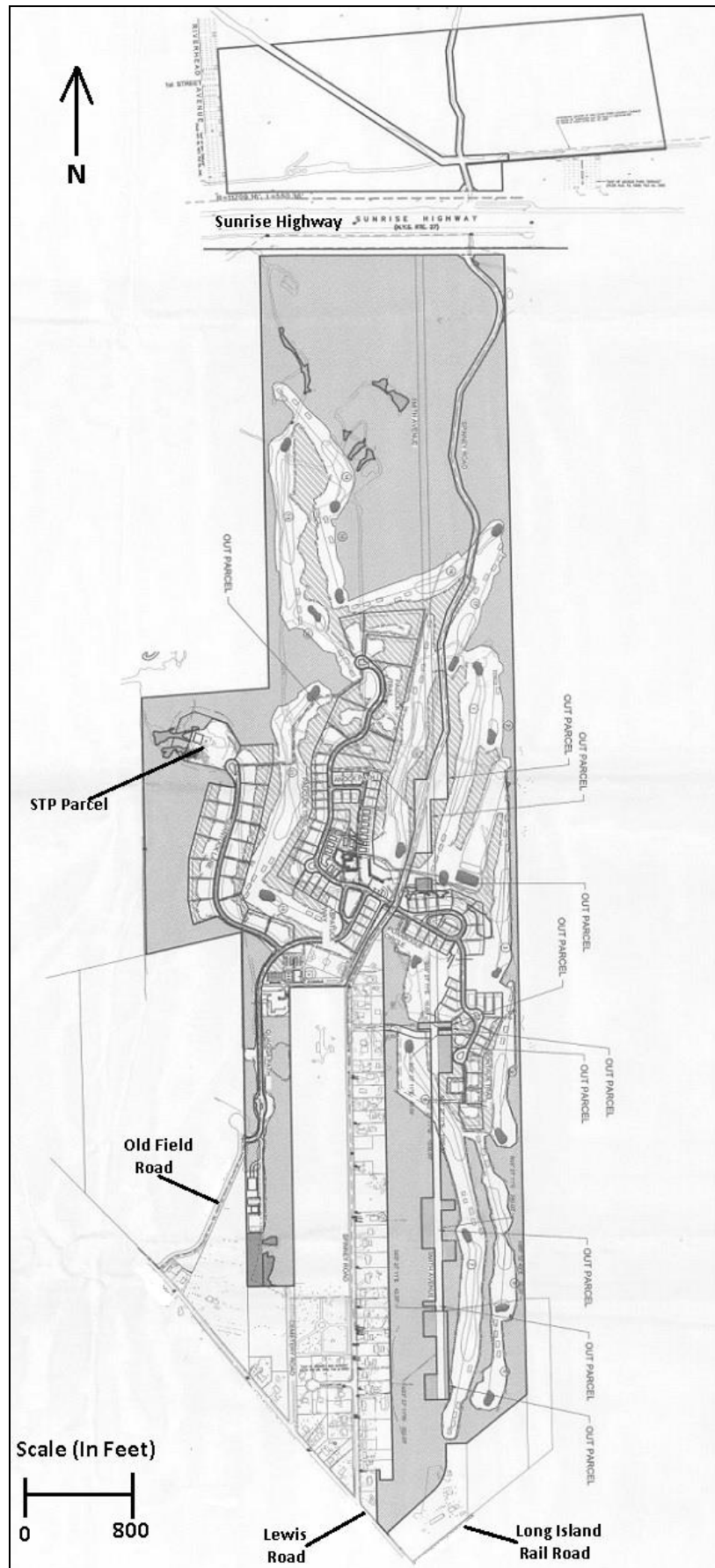
SUFFOLK COUNTY
 High Streets Business
 Development Corporation
 National Transportation Library

SCRP TAXMAP BASE, 2019

Application: The Hills at Southampton

SCPD No.: S-SH-19-04

No.: J-311-13-04
Date: 09/23/2019





Attachment B
**Excerpt from the Southampton Town CPF Water
Quality Improvement Project Plan (WQIPP)**
Town of Southampton, Department of Land Management
June/July 2016

SOUTHAMPTON TOWN

CPF Water Quality Improvement Project Plan (WQIPP)



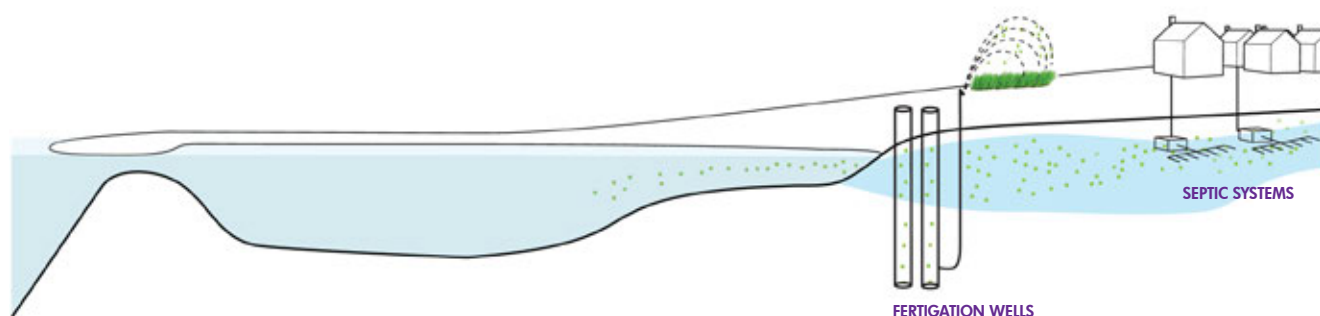
REDUCTION

REMEDIATION

RESTORATION

EXPECTED OUTCOMES





FERTIGATION WELLS

SCALE: NEIGHBORHOOD/WATERSHED
 APPROACH: REMEDIATION
 SCENARIO PLANNING: SELECTED FOR USE IDENTIFIED FOR PILOTING

DESCRIPTION

Fertigation consists of capturing nitrogen enriched groundwater via wells and using it to irrigate plants that use the nutrients. Fertigation wells can capture nutrient enriched groundwater and recycle it back to irrigate and fertilize turf grass areas, and to irrigate crops. Irrigated turf grass areas include golf courses, athletic fields and lawns, while irrigated crops. Fertigation can reduce nutrient loads to down gradient surface waters while reducing fertilizer costs to the irrigated areas.

TECHNOLOGY PERFORMANCE

Nitrogen Removal	60% to 80%
Phosphorus Removal	60% to 80%
20 years	Useful Life
1 to 10 years	See Results

FERTIGATION WELLS

SITING NEEDS

- Fertigation wells should be located down gradient of nutrient source areas such as wastewater treatment plant disposal fields and compact development
- They can also be positioned down gradient of high-density subdivisions where they might capture nutrients derived from both septic systems and residential lawns
- The specific locations, depths and diameters can be optimized using standard hydrogeologic principles

ECO-BENEFITS

- Promotes Green Space / Conservation / Recreation
- Improves Energy Savings / Nutrient Recovery / Recycling

PERFORMANCE CHALLENGES

- Seasonal technology potentially requiring several capture wells to capture entire nutrient plume
- Most effective in areas where groundwater contains a “plume” of high concentration of nutrients (i.e. down gradient of a WWTF discharge, etc.)
- Need an area to irrigate for nutrient uptake May require monitoring

CLIMATE RESILIENCE: RISKS

- Degradation of materials and reduced asset lifespan due to more frequent inundation and increased exposure to saline water
- Inundation leading to saltwater intrusion
- into groundwater potentially affecting reuse of water (e.g. irrigation)
- Destabilization of assets as a result of changes in groundwater levels or erosion

CLIMATE RESILIENCE: SOLUTIONS

- Ensure frequent maintenance inspections to monitor asset condition (e.g. rate of corrosion) and performance of technology (i.e. achieving nutrient removal targets)
- Select materials and coatings that are able to cope with an increasingly saline environment
- Backflow valves on outlets
- Anchoring of buried assets
- Locate technology outside flood hazard area anticipated for the life of the installation

ATTACHMENT C
TAX LOT NUMBERS

TABLE OF TAX LOTS*
Proposed Project

Section	Block	Lot	Owner
Hills North Parcel			
203	1	25	DLV Quogue Owner, LLC
		27	
		30	
219	1	4	
		5	
		6	
		7	
		8	
		9	
		10	
		23	
24			
Hills South Parcel			
219	1	11.1	DLV Quogue Owner, LLC
		12	
		13	
		14	
		15	
		16	
		17	
		18	
		19	
		20.1	
		21	
		22	
		47	
		48	
		49	
		50	
250	3	1	
		2	
		3	
		4	
		5	
		6	
		9	
		11	
		13	
		14	
		17	
		30	
288	1	61	
		121	
		122	

		123	
		125	
		127	
		130	
		132	
		133	
		136	
		138	
		140.2	
		141.1	
		153	
314	2	20.5	Unknown
<i>Kracke Property</i>			
250	2	4	John Kracke
288	1	59.1	
		60	
<i>Parlato Property</i>			
220	1	7	Carolyn S. Parlato
		8	East Quogue Development LLC
		9	Carolyn S. Parlato
		10	East Quogue Development LLC
		11	
		12	Carolyn S. Parlato
		14.1	East Quogue Development LLC
		15	Carolyn S. Parlato
		16	East Quogue Development LLC
		17	Carolyn S. Parlato
		18	East Quogue Development LLC
		19	Carolyn S. Parlato
		31	East Quogue Development LLC
		33	
		34	Carolyn S. Parlato
		35	East Quogue Development LLC
		36	Carolyn S. Parlato
		39	
		40	Charles Parlato
		42	
		56	
		58	Shorelands Inc.
		59	Charles Parlato
		60	
		65	Shorelands Inc.
		66	East Quogue Development LLC
		67	Shorelands Inc.
		70	Carolyn S. Parlato
		72	East Quogue Development LLC
		73	Carolyn S. Parlato
		74	East Quogue Development LLC
		75	Carolyn S. Parlato

		76	East Quogue Development LLC
		78	Carolyn S. Parlato
		79	East Quogue Development LLC
		80	Carolyn S. Parlato
		81	East Quogue Development LLC
		82	Carolyn S. Parlato
		84	East Quogue Development LLC
		86	Carolyn S. Parlato
		102	East Quogue Development LLC
		103	Carolyn S. Parlato
		109	
251	1	110	East Quogue Development LLC
		4	
		5	Carolyn S. Parlato
		7	
		8	
		10	
		12	East Quogue Development LLC
		13	Carolyn S. Parlato
		14	Shorelands Inc.
		15	East Quogue Development LLC
		16	Carolyn S. Parlato
		18	East Quogue Development LLC
		20	Shorelands Inc.
		21	
		22	East Quogue Development LLC
		23	Shorelands Inc.
		24	East Quogue Development LLC
		25	Carolyn S. Parlato
		26	
		27	C&C Shorelands Inc.
		28	Carolyn S. Parlato
		29	East Quogue Development LLC
		30	Carolyn S. Parlato
		32	
		33	East Quogue Development LLC
		34	Carolyn S. Parlato
		35	East Quogue Development LLC
		36.1	
		37	Shorelands Inc.
		38	East Quogue Development LLC
		39	
		40	Shorelands Inc.
		41	
		42	East Quogue Development LLC
		43	Charles Parlato
		44	East Quogue Development LLC
		45	
		46	Charles Parlato

		47	East Quogue Development LLC
		48	Carolyn S. Parlato
		50.1	Charles Parlato
		50.2	
		51	East Quogue Development LLC
		52	Carolyn S. Parlato
		53	East Quogue Development LLC
		54	Carolyn S. Parlato
		57	East Quogue Development LLC
		58	Carolyn S. Parlato
		59	East Quogue Development LLC
		61	C&C Shorelands Inc.
		62	East Quogue Development LLC
		63	Carolyn S. Parlato
		65	East Quogue Development LLC
		67	Carolyn S. Parlato
		68	East Quogue Development LLC
		69	Carolyn S. Parlato
		96	Shorelands Inc.
289	2	1	East Quogue Development LLC
		3	
		5	
		19	Carolyn S. Parlato
		20	East Quogue Development LLC
		22	
		23	Carolyn S. Parlato
		24	East Quogue Development LLC
		25	Carolyn S. Parlato
		26	East Quogue Development LLC
		28	Charles Parlato
		29	East Quogue Development LLC
		30	Shorelands Inc.
		31	East Quogue Development LLC
		33	Shorelands Inc.
		34	East Quogue Development LLC
		35	Carolyn S. Parlato
		36	East Quogue Development LLC
		37	Carolyn S. Parlato
		38	East Quogue Development LLC

* All tax lots are in District 0900.

TABLE OF TAX LOTS*
Hills South Parcel Outparcels

Section	Block	Lot	Owner
250	3	7	Edith Green & Rendy Grinblat
		8	
		10	David J. Butterfly, Thomas G. Butterfly Jr., Susan Butterfly Ebert; James David Mayo; Joseph J. Mayo

		12	Roanoke Sand & Gravel Co. Inc
		15	County of Suffolk
		16	Edith Green & Rendy Grinblat
		29	Unknown
		31	Unknown
288	1	124	Richard Kayser
		126	Mary McDonaugh
		128	County of Suffolk
		129	Suffolk County Nature Preserve
		131	County of Suffolk
		134	Frances M. Haas, Salvatore Maggio, Anna B. McCarthy
		135	Alexander Dikus
		137	County of Suffolk
		139	Suffolk County Nature Preserve
		140.1	County of Suffolk
		153	Unknown

* All tax lots are in District 0900.

TABLE OF TAX LOTS*
Parlato Parcel Outparcels

Section	Block	Lot	Owner
220	1	2	Third Garden Park Limited Partnership, LLC.
		3	County of Suffolk
		4	
		5	
		6	
		20	
		21	Angelo A. Granuzzo
		22	
		23	
		24	Ruth S. Freese
		26	County of Suffolk
		27	Agnes Douglas
		28	County of Suffolk
		29	
		30	
		32	
		37	Orpha Schultz
		38	County of Suffolk
		41	
		43	
		44	
		45	
		46	Suffolk County Nature Preserve
		47	Richard A. Schultz
		48	County of Suffolk
		49	
		50	
		51	Suffolk County Nature Preserve
		52	County of Suffolk
		53	Unknown
		54	County of Suffolk

		55	
		57	Kathleen M. Fischer
		61	Suffolk County Nature Preserve
		62	Deborah Pasfield, Kenneth C. Pasfield, Robert Pasfield
		63	Suffolk County Nature Preserve
		64	Gladys Debski
		68	Suffolk County Nature Preserve
		69	
		71	
		77	Joseph Zachary Gazza
		83	County of Suffolk
		85	Suffolk County Nature Preserve
		87	John A. Forrest & Benny Lin
		88.1	CDC Acquisitions NY, LLC.
		89	Guddha LLC.
		90	Bank of New York Mellon Trust Co.
		91	Lar Sal Realty Corp.
		107	County of Suffolk
		108	George T. Elliot
251	1	3	Third Garden Park Limited Partnership, LLC.
		6	Agnes Marie Eaton
		9	County of Suffolk
		11	Suffolk County Nature Preserve
		17	County of Suffolk
		19	Gladys Hall
		31	County of Suffolk
		49	Suffolk County Nature Preserve
		55	William Weber
		56	Harold Ogden
		60	County of Suffolk
		64	
		66	
289	2	90	Swan Acres LLC.
		2	Suffolk County Nature Preserve
		4	Majorie E. Freedman
		21	County of Suffolk
		27	Henry A. Meyenberg
		32	CK Moles

* All tax lots are in District 0900.

ATTACHMENT D

PROJECT DESCRIPTION

PROJECT DESCRIPTION

Introduction

The project described herein is a seasonal residential development known as the **Lewis Road PRD** (Planned Residential Development; hereafter, the “*proposed project*”). It is similar in use, yield and design to a previous development application for the subject site known as The Hills at Southampton Mixed Use Planned Development District (MUPDD). That prior application was subject to a thorough Town review process conducted under the New York State Environmental Quality Review Act (SEQRA) and applicable Town laws, including the Town PDD (planned development district) ordinance that existing at that time. That review was concluded by Southampton Town Board’s adoption of its Findings Statement supporting approval of that prior project. As described in detail below, the MUPDD application was not approved by the Town Board, resulting in the applicant’s proposal for the PRD application, which had been described and reviewed as part of the SEQRA review previously conducted.

Background

Subsequently, the applicant prepared and submitted the Lewis Road PRD Subdivision Pre-Application materials to the Town Planning Board in April 2018. The Lewis Road PRD does not require a change of zone and conforms to existing CR-200 zoning of the site, while carrying forward the essential project design elements and on-site benefits that resulted in the key environmental conclusions of the Statement of Findings. The Town Planning Department reviewed the Pre-Application materials and issued its report supported progressing the project to a full subdivision application before the Town Planning Board. The subdivision and site plan application was submitted on December 10, 2018, and the Town Planning Board assumed lead agency status to conduct the required SEQRA review.

A Town Planning Board review process ensued that built upon the foundation established for the MUPDD review. Ultimately, the Town Planning Board adopted its Findings Statement that supports approval of the Lewis Road PRD, and also issued its Preliminary Subdivision approval and its Site Plan approval. Subsequently, and in response to discussions with the Central Pine Barrens Joint Planning & Policy Commission (CPBJPPC) staff, the Applicant has made minor revisions to the project’s layout to incrementally increase retained natural area and conversely, incrementally decrease cleared area. It is on this revised layout that this application is being made (see the **Master Plan** and the **Clearing Plan**, *in pouches at the back of this document*).

Location and Zoning

The site of this proposed project is 588.39 acres in size, and is located in the hamlet of East Quogue, Town of Southampton. The site is comprised of three named “Properties” (the Hills, Kracke and Parlato), of which one (the Hills) is divided into two “Parcels” separated by Sunrise Highway (see **Figure 1-1b**). The site is generally north and east of Lewis Road in the vicinity of Spinney Road. **Table 1** identifies the lands that comprise the subject property.

Table 1
IDENTIFICATION OF COMPONENT PROPERTIES
Proposed Project

Hills Property	Hills North Parcel	86.92 acres	425.22 acres
	Hills South Parcel	338.30 acres	
Kracke Property	---	61.26 acres	61.26 acres
Parlato Property	---	101.91 acres	101.91 acres
Totals	---	588.39 acres	588.39 acres

The site is residentially zoned within the CR-200 zoning district, which is five-acre zoning, the lowest-density residential zone in the Town. Based on the minimum lot size of 200,000 square feet in the CR-200 district, 118 homes could be developed on the site.

General Project Description

The Applicant's objective is to develop a high-quality seasonal residential project that conforms to the standards and guidelines of the Central Pine Barrens Comprehensive Land Use Plan (CLUP), eliminates potential enrollment impacts on the East Quogue Union Free School District (UFSD), and provides an accessory golf course use as recommended in the East Quogue Land Use Plan.

It is important to note that the Hills MUPDD and the Lewis Road PRD are similar in design and layout, and so are very similar in terms of characteristics and potential impacts. Several minor differences are noteworthy and have only resulted from refinement and improvement of the project design. The project has been designed to ensure that the Aquifer Protection Overlay District requirement for open space set-aside area of 65% is completely outside of the outer boundaries of the proposed development (minimum 382.45 acres required, 382.70 acres [65.04%] provided). This provides contiguous open space that aligns with off-site open space to the maximum extent, and complies with the more subjective CLUP Standard S 5.3.3.6.2 for Unfragmented Open Space (see **Figure 5**). The project will continue to meet CLUP Standard S 5.3.3.6.1 for Vegetation Clearance Limits by providing 72.22% of the overall parcel (424.96 acres) in existing natural vegetation. Further, with the 3.86 acres of existing cleared land and former farmland being allowed to continue undergoing natural succession, there will be a total of 428.82 acres (72.88%) of natural vegetated open space on the site, with the remaining 159.57 acres (27.12%) to be cleared for clustered development, consistent with the Findings Statement. It was also determined that access to outparcels within the development needed to be modified to retain Town rights-of-way for potential future access. The Applicant continues to make efforts to acquire outparcels and the likelihood of actual development of these outparcels remains very low.

Like the Hills MUPDD, the proposed project was designed to conform to the goals and intent of the East Quogue Land Use Plan. Open space preservation, environmentally-sound design, fiscal responsibility and conformance to the Town's planning goals for the subject site. The overall project has been designed to conform to the applicable zoning and land use plan standards, to

minimize clearing of the parcel, and to situate development within existing cleared areas to the maximum extent practicable. The overall site design minimizes fertilizer-dependent vegetation and incorporates a sustainable design strategy.

Potential enrollment impacts on the East Quogue UFSD would be minimized in consideration of the effect of the proposed accessory golf course on occupancy of the residences. The golf course and clubhouse area will only be in operation from April through October each year, which is when the residential units are expected to be occupied. No full-time residents would be allowed, to be enforced by covenant.

The applicant proposes to implement mitigation measures offered in the Hills at Southampton MUPDD related to the construction of the golf course, including use of lined greens, a cap on the use of fertilizers, the construction protocols, the Integrated Turf Health Management Plan, a groundwater monitoring program and the fertigation program.

The low-density residential use will conform to the land use type of the surrounding neighborhood. The Applicant will utilize architectural treatments to support the traditional, historic character of the community.

Development Summary

A plan for the proposed project has been prepared to identify the proposed uses, location of uses and general design for the development of the subject property. As shown in the **Master Plan** and the **Clearing Plan**, the proposed project involves development of 118 seasonal residences as follows:

- 53 Village Lots (detached single-family homes)
- 16 Village Estates (detached single-family homes)
- 26 Woodland Estates (detached single-family homes)
- 15 Village Cottages (fifteen townhouse buildings clustered adjacent to the clubhouse area)
- 8 Clubhouse Units (condominiums on second floor of Buildings 1, 2 and 3 in the community clubhouse area)

The requested PRD yield of 118 units is the as-of-right yield as determined in the EIS for The Hills at Southampton MUPDD (the 94 lots on The Hills South Parcel and Kracke Property, with the 24 units from the Parlato Property). However, Chapter 216 of the Southampton Town Code provides for households that meet income standards (i.e., “affordable” or “workforce” housing units), under the In conformance with the Town’s Community Housing Opportunity Fund. Article II of Chapter 216, the applicant will provide an additional twelve (12) residences on the project site, to be designated, occupied and administered as required by the Town as “affordable”.

The project includes a recreational complex, fitness center, community pool and clubhouse, private 18-hole golf course and other accessory structures to be used as on-site recreational amenities for the exclusive use of the site’s residents; these amenities will not be open to the public, nor will any outside memberships be available.

Vehicle access to the site would be provided from Lewis Road, just north of Spinney Road via the approved alignment for the road associated with the map of Kijowski Farms. The new internal circulation roads of the subdivision would be private, with road width limited to no more than 26 feet for appropriate fire access while minimizing clearing beyond, and providing a more rural feeling than the Town Typical Road Section for a 50-foot minimum right-of-way, which depicts full right-of-way clearing plus additional clearing beyond based upon a 1:3 slope maximum.

The project's internal roadways, as well as the sewage treatment plant (STP) and community facilities, will be privately-owned, operated, managed and maintained by a Homeowners Association to be established for these purposes.

All of the project's wastewater will be treated in an on-site state-of-the-art tertiary STP whose performance will provide effluent having a total nitrogen concentration of less than 10 milligrams per liter. The STP would meet the applicable standards of the Suffolk County Department of Health Services (through Article 6 of the Suffolk County Sanitary Code), and the New York State Department of Environmental Conservation.

Stormwater runoff generated on-site will be retained and recharged in an on-site drainage system that interconnects the drainage system of the golf course and the drainage system of the residential areas. The project's drainage system will comply with all applicable Town, State and Federal requirements and design standards. This system will include leaching pools, drainage detention, swales and drainage ponds, as necessary to meet Town Storm Water Pollution Prevention Plan requirements. Stormwater management will be reviewed by the Town Engineer through the subdivision review process and will conform with the guidelines of that review.

ATTACHMENT E

SEQRA FINDINGS STATEMENT

Lewis Road Planned Residential Development (PRD)

Southampton Town Planning Board

October 24, 2019



ADOPTED

PLANNING BOARD RESOLUTION (ID # 32814)

DOC ID: 32814

Lewis Road PRD (formerly The Hills at Southampton) - Adopt SEQRA Findings Statement

WHEREAS, the Preliminary Subdivision Application of Lewis Road PRD was received by the Southampton Town Planning Board on November 1, 2018, with additional information/revised plans submitted on December 7, 2018 and again on December 12, 2018; and

WHEREAS, the applicant also submitted a Site Plan Application on December 10, 2018 for the Planning Board's review of the HOA recreational buildings, structures and uses, including the golf course; and

WHEREAS, the Subdivision and Site Plan applications are being reviewed concurrently; and

WHEREAS, the Preliminary Subdivision and Site Plan Application of DLV Quogue, LLC entitled "Lewis Road PRD" proposes 118 units as: 8 clubhouse units, 15 village cottages, 53 village lots, 16 village estates, and 26 woodland estates, plus an additional twelve (12) workforce housing units on-site. Other project components include: a recreational complex, fitness center, community pool and clubhouse, private 18-hole golf course and other accessory structures, all as on-site amenities for the exclusive use of the site's residents; and 72.67% open space equaling 427.58 acres, on a total of 178 assembled tax parcels totaling 588.39 acres of land situated in the CR-200 Zoning District, Compatible Growth Area of the Central Pine Barrens Overlay District and Aquifer Protection Overlay District, located generally north and east of Lewis Road in the vicinity of Spinney Road and extending north to and beyond Sunrise Highway in East Quogue; and

WHEREAS, the project was classified as a Type I Action pursuant to Article 8 (State Environmental Quality Review Act, SEQRA) of the New York State Environmental Conservation Law and Chapter 157 (Environmental Quality Review) of the Code of the Town of Southampton; and

WHEREAS, the proposed action underwent a complete SEQRA review as part of a Change of Zone Application with the Southampton Town Board, who served as lead agency for the project; and

WHEREAS, as Lead Agency, the Southampton Town Board completed the SEQRA process, from the initial classification and coordination to the acceptance of the FEIS and adoption of a Findings Statement dated November 27, 2017; and

WHEREAS, at their meeting on January 24, 2019, the Southampton Town Planning Board retained the services of B. Laing Associates, Inc. to assist with the Board's SEQRA

review for the pending subdivision and site plan application of Lewis Road PRD, including a determination as to whether a Supplemental Environmental Impact Statement is required, and for the preparation of a Findings Statement prior to issuance of any decision on the application; and

WHEREAS, the Southampton Town Planning Board is an involved agency for this project and, as an involved agency, is required to identify any differences between the current action before the Planning Board and what was considered under the adopted FEIS by the Town Board, and whether or not those changes warrant a supplemental EIS; and

WHEREAS, at their meeting on June 27, 2019 the Southampton Town Planning Board was presented with B. Laing Associates, Inc. SEQRA-SEIS Threshold Review dated June 27, 2019, which found that no SEIS is necessary; and

WHEREAS, by resolution dated June 27, 2019, the Southampton Town Planning Board deemed the Preliminary Subdivision and Site Plan Application complete; and

WHEREAS, a public hearing on the Preliminary Application was held on July 27, 2019 and was adjourned until August 8, 2019, and subsequently closed with a 10-day written comment period; and

WHEREAS, a Planning Board Findings Statement has been prepared which summarizes the facts and conclusions of the Draft and Final EIS's, and all application materials submitted, and weighs and balances the relevant environmental impacts with social, economic and other considerations to provide a rationale for the Planning Board's decision; now therefore,

BE IT RESOLVED, the Planning Board of the Town of Southampton hereby Accepts and Adopts the Positive Findings Statement prepared on its behalf by the Town's consultants, B. Laing Associates, Inc, in conjunction with the Town of Southampton Planning Division of the Department of Land Management, dated October 23, 2019, pursuant to the State Environmental Quality Review Act and Chapter 157 of the Town Code; and

BE IT FURTHER RESOLVED, as required by SEQRA and its implementing regulations, the Town Clerk is hereby directed to distribute and file copies of the Findings statement to the following involved agencies:

1. Town of Southampton Planning Board, Jacqui Lofaro, Chairman
2. Town of Southampton Town Board
3. New York State Department of Environmental Conservation
Region I- Carrie Meek Gallagher, Regional Director
50 Circle Road, SUNY Building 40, Stony Brook, NY 11790

4. Suffolk County Water Authority
4060 Sunrise Highway, Suite 1000, Oakdale, NY 119769
5. Suffolk County Department of Health Services
Office of Ecology, 360 Yaphank Ave., Suite 2B, Yaphank, NY 11980
6. Office of Wastewater Management, PE Principal Public Health Engineer
360 Yaphank Avenue, Suite 2C, Yaphank, NY 11980
7. Central Pine Barrens Joint Planning & Policy Commission
624 Old Riverhead Road, Westhampton Beach, NY 11978
8. Suffolk County Planning Commission c/o Sarah Lansdale, Director
P.O. Box 6100, 100 Veterans Memorial Hwy, Hauppauge, NY 11788-0099

BE IT FURTHER RESOLVED, the following interested agencies/parties shall be given this resolution and is hereby notified that the Findings Statement is available to access on the Town website:

1. East Quogue Union Free School District, Robert J. Long, Jr. Superintendent
6 Central Avenue East Quogue, NY 11942
2. Westhampton War Memorial Ambulance Association
3 Hazelwood Avenue, Westhampton Beach, New York 11978
3. East Quogue Citizen Advisory Committee
4. East Quogue Fire Department
465 Montauk Hwy, East Quogue, NY 11942

RESULT:	ADOPTED [4 TO 3]
MOVER:	Philip A. Keith, Secretary
SECONDER:	Dennis Finnerty, Vice Chair
AYES:	Dennis Finnerty, John Blaney, John Zuccarelli, Philip A. Keith
NAYS:	Jacqui Lofaro, Robin Long, Glorian Berk

To: Wayne Bruyn, Esq.

State Environmental Quality Review Act
ENVIRONMENTAL IMPACT STATEMENT
INVOLVED AGENCY - FINDINGS STATEMENT

Lewis Road Planned Residential Development (PRD)

Involved Agency: Planning Board of Town of Southampton
116 Hampton Road
Southampton, New York 11968

Applicant: DLV Quogue, LLC
14605 North 73rd Street
Scottsdale, Arizona 85260

I. Introduction and Project Background & History

1. Introduction

This document is the Statement of Findings which compiles an environmental review of the Preliminary Subdivision and Site Plan applications by DLV Quogue, LLC ("Applicant") to the Town of Southampton Planning Board (the "Planning Board") for a Proposed Project known as "Lewis Road Planned Residential Development (PRD)" (the "Project"). The Proposed Project site is located in the hamlet of East Quogue, Town of Southampton, Suffolk County, New York, and is comprised of over 175 tax lots set on four parcels totaling 588.39 acres. The Preliminary Subdivision and the Site Plan applications require discretionary administrative approvals and, as a Type I Action, was and is subject to the requirements of the State Environmental Quality Review Act (SEQRA).

The total area of the parcel is 588.39 acres. Development is proposed within 160.81 acres and 427.58 acres will be permanently preserved as open space. The Lewis Road PRD Project will be developed as a resort use comprised of 118 seasonally-occupied housing units (which will be subject to a seasonal-occupancy covenant) plus 12 full time use, affordable residential units, an 88-acre private golf course (as a recreational amenity for resident use) and a clubhouse area containing four separate structures providing a total of 66,393 square feet (SF) of space, as: 22,175 SF of homeowners association (HOA) member facilities, a pool and pool house, maintenance/mechanical/storage areas (6,918 SF), below-grade parking (19,000 SF), and 18,300 SF in the 8 clubhouse condominiums. These units will have between 2,150 to 2,400 SF of floor area (averaging 2,288 SF), and have three bedrooms. The clubhouse area and recreation facilities will not be available for public use; its facilities will be reserved for the use of the residents of the subdivision. Wastewater will be handled in a new, tertiary sewage treatment plant (STP).

The Lewis Road PRD will also include infrastructure improvements such as a private access road that will traverse a separate parcel and connect with Lewis Road, internal private roads, stormwater management and other infrastructure improvements, and accessory structures and facilities related to project operations (e.g., groundwater pumping wells, operational and maintenance structures for the golf course). Outside of the proposed development area, the Proposed Lewis Road PRD

will provide approximately 382.45 acres (65% of the site) of preserved open space and public trails.

The Town Board completed a State Environmental Quality Review Act ("SEQRA") review of a Mixed Use Planned Development District ("MUPDD") project known as The Hills at Southampton. The Hills MUPDD was near identical to the Lewis Road PRD in terms of the type, design and yield of development; however, the golf course and recreation facilities would have been open to all members of the public eligible to join as compared with the resident recreational amenity golf course that is proposed with the Lewis Road PRD. The Town Board completed an Environmental Impact Statement ("EIS") process for The Hills and the Town of Southampton Planning Board was an involved agency in this review. The Town Board voted to approve a Statement of Findings for The Hills MUPDD and to approve the PDD Local Law, resulting in a 3 to 2 vote in favor of the Findings and PDD Local Law. The Findings were therefore adopted; however, the PDD Local Law at that time required a majority plus one vote, and as a result, the PDD application was not adopted. The Lewis Road PRD subdivision and site plan was submitted to the Planning Board under current CR-200 zoning, and is the subject of these Findings of the Planning Board.

The Planning Board completed a detailed review of the proposed preliminary subdivision and site plan including an assessment of changes in the Proposed Project and if any such changes rose to a level that would require a Supplemental EIS. On June 27, 2019, the Planning Board determined that no Supplemental EIS was required. These Findings rely on the EIS record including review of the SEQRA Compliance Analysis dated December 2018, Town Staff, Consultant and Applicant input, and Planning Board deliberation.

2. Project Background & History

The Lewis Road PRD subdivision application is a logical outcome of the development application review process that started with a subdivision application in 2005. The subdivision application was later revised after the Town's adoption of the East Quogue Land Use Plan and Generic Environmental Impact Statement ("East Quogue GEIS") in 2008. The East Quogue GEIS adopted the previous recommendations of the Western Town GEIS and specifically recommended that the property be developed as a seasonal resort with a golf course. At the direction of the Town, the applicant then filed the Hills at Southampton PDD Pre-Application submission to the Southampton Town Board, in June 2013. The PDD legislation at §330-243 contemplates a two-stage review process with the Town Board acting a preliminary development concept and the Planning Board approval of a subdivision map and/or site plan. The Town Board in 2015 coordinated with involved agencies (including the Town Planning Board) and upon no objections from Involved Agencies, assumed Lead Agency status for the environmental review process.

The Draft Environmental Impact Statement ("DEIS") for the Hills PDD was initially submitted to the Town Board as lead agency under SEQRA in December 2015, and after a series of Town reviews and Applicant revisions and resubmissions, the DEIS was accepted as complete by the Town on October 12, 2016. Upon acceptance, the public review period commenced and the Town Board scheduled the 1st DEIS public hearing on November 7, 2016. On November 7, the Town

Board also determined that additional public hearings and an extended public comment period on the DEIS were appropriate. The additional public hearings were held on December 5, 2016, January 10, 2017, and February 7, 2017. The Town Board also accepted all written comments on the DEIS through April 1, 2017. A review letter summarizing on the proposed application was also received from the Town's environmental consultant on May 15, 2017.

Acceptance of the Final Environmental Impact Statement ("FEIS") for the Hills PDD by the Town Board indicated that all of the public and agency comments on the DEIS had been sufficiently addressed by the lead agency such that a Findings Statement could be prepared for the Town Board to complete the SEQRA process. The Planning Board participated in the review of the DEIS/FEIS and provided comments on the proposed PDD Local Law (see resolution dated October 26, 2017). The Town Board issued its Statement of Findings to Approve on November 27, 2017, and voted on the PDD application. It is noteworthy that the Findings supported approval of the Hills PDD and were adopted by the Town Board by a vote of 3 to 2. The Town Board vote on the PDD was 3 to 2 in favor of approval but, under Town Code Section 330-244 I (3), a "supermajority" of 4 "aye" votes was required for approval of a PDD at that time, so the Hills PDD application was not approved.

Subsequently, the Applicant submitted a subdivision Pre-Application to the Planning Board, for a development type, design and yield that had been included as an alternative and evaluated in the Hills PDD draft and Final EIS's (for comparison purposes), for a PRD based on retention of and conformance to the CR-200 zoning district. The Pre-Application for the Lewis Road PRD subdivision was submitted to the Town Planning Board in October 2017, and was subject of review by the Town Planning Department and the Pre-Application Report was adopted on May 24, 2018.

As the Lewis Road PRD subdivision application included a private golf course recreational amenity, the Planning Board, in its Subdivision Pre-Application Report, noted that Town Code §330-5 defines an accessory use as a subordinate use customarily incidental to and located on the same lot occupied by the main use. The Planning Board noted that neither the Zoning Code §330-5 nor the Residence Table of Use Regulations (§330-10) lists every permitted accessory use, building or structure allowed in the CR-200 Zoning District, nor does the Town Code define a golf course. The Planning Board concluded that an analysis must be made on a case-by-case basis to determine whether a proposed private golf course recreational amenity is allowed as an accessory use. The Planning Board requested an interpretation from the Town Building Inspector, who then posed the question to the Zoning Board of Appeals, as to whether the proposed private 18-hole golf course recreational amenity would be permitted as an accessory use to the applicant's proposed 118-home residential subdivision and would not constitute a second principal use. The precise question posed to the Building Inspector and ZBA by the Planning Board set forth in the Planning Board's Subdivision Pre-Application Report was as follows:

Is applicant's proposed 18-hole golf course, available only to the owners of the subdivision parcels and not to the public at-large, customary and accessory to the 118-home residential subdivision located on 591 acres, or does said golf course – together with the maintenance and operating buildings and structures that accompany said golf course – constitute a second principal use?

The Zoning Board of Appeals by decision dated November 15, 2018 found that the proposed private golf course, available only to the owners of the subdivision parcels and not to the public

at-large, together with maintenance and operating buildings and structures that accompany said golf course are accessory to the proposed residential subdivision.

The Applicant submitted a Preliminary Subdivision application on November 1, 2018 with additional information on December 7, 2018 and December 12, 2018. As requested by the Planning Department, the Applicant submitted a Site Plan application on December 10, 2018. The Applicant also submitted a SEQRA Findings Compliance Analysis prepared by the Nelson, Pope & Voorhis, LLC ("NPV") which contains a summary of the project with environmental analyses of the changes from the Hills PDD application verses the Lewis Road PRD application. The Compliance Analysis includes additional technical information and analysis regarding impacts and mitigation for geologic, water (especially groundwater and nitrogen inputs), ecological, transportation, land use, zoning and community resources. It also provided additional information on compliance of the project with Town Zoning regulations and those of the Central Pine Barrens Commission ("CPBC"). In January 2019, the Planning Board retained consultants B. Laing Associates, Inc. and Kimley-Horn of NY, P.C. ("BLG-KHN") to review the Preliminary Subdivision application in light of the prior DEIS/FEIS and SEQRA record and the Applicant's Preliminary Subdivision submission including the SEQRA Compliance Analysis to determine if a Supplemental EIS ("SEIS") pursuant to 6 NYCRR §617.9(a)(70), SEQRA was required to review the Preliminary Lewis Road Subdivision application.

On April 15, 2019, the Planning Board, received a report from BLG-KHN, which posed a series of questions to the Applicant entitled, "Initial SEQRA – SEIS Threshold Review, Analysis and Inquiries." The Applicant through NPV submitted a response dated May 7, 2019 with additional information supplementing the SEQRA Compliance Analysis, and letter from Sive, Paget and Riesel, PC ("SPR"), attorneys for the Applicant, dated May 9, 2019. The Applicant's report included additional information and analyses on environmental impacts and mitigation including traffic, SONIR nitrogen loadings, etc. Based upon the entire record to that date, BLG-KHN then produced a final SEQRA – SEIS Threshold Review – Analysis dated June 27, 2019. The June 27, 2019 BLG-KHN report recommends, and the Planning Board adopted, that no SEIS be required of the Applicant but that further information was determined to be necessary for the Planning Board to make its determination on the Preliminary Lewis Road PRD Subdivision and/or Site Plan applications. Upon acceptance of the June 27, 2019 report, the public review period commenced and the Planning Board scheduled a public hearing on July 17, 2019. The public hearing was adjourned and extended to August 8, 2019. The Planning Board closed the public hearing on August 8, 2019 and extended the time to receive written comments from the public through August 19, 2019.

In response to comments raised by the public and advisory agencies, the on September 23, 2019, SPR issued a further letter regarding SEQRA procedures and appended an NPV document entitled "Supplemental Information in Response to: SEQRA – SEIS Threshold Review – Analysis For the Planning Board of the Town of Southampton DLV Quogue, LLC – Lewis Road PRD Prepared by: B. Laing Associates/Kimley Horn Dated: June 27, 2019," and dated September 23, 2019 which addressed the information requested in the June 27, 2019 BLG-KHN review.

In May 2019, the Central Pine Barrens Joint Planning & Policy Commission ("CPBC") re-asserted jurisdiction over the Lewis Road PRD by extension of a prior assertion of jurisdiction over The

Hills MUPDD dated February 25, 2015. As a result, upon approval of the Preliminary Subdivision and Site Plan applications by the Planning Board, the Lewis Road PRD will be subject to review by the CPBC. In May 2019 and July 2019, the Planning Board referred the application materials to the CPBC and requested advisory input from the CPBC. By letter dated September 20, 2019, the CPBC advised that they could not produce an advisory report until their meeting on October 16, 2019 and asked the Planning Board to request an extension of the action deadline on the Preliminary application. On October 16, 2019, the CPBC adopted by a 4-1 vote (Town of Southampton voted no) an advisory report prepared by CPBC staff. At the CPBC meeting of October 16, 2019, the Town Planning and Development Administrator provided on the record, a review of the CPBC staff prepared draft letter, which preceded the meeting of October 16, 2019. This Town document was provided in the record to address the CPBC's staff comments on the SEQRA process in relation to the conformance of the Lewis Road PRD with the Standards and Guidelines of the CPB CLUP as will be discussed in a section of these Findings. The CPBC has been an Involved Agency throughout the SEQRA process, and since 2009, has been party to eleven (11) communications regarding the project, noted as follows:

1. February 11, 2009, comments to the Town of Southampton ("TOS") in response to the Hills at Southampton Draft Scoping Document.
2. September 6, 2013, comments to the TOS in response to the Hills at Southampton Pre-App submission.
3. March 9, 2015, communication to the TOS Clerk stating that the Hills at Southampton will need to make an application to the CPBC due to the expectation that the development would be including development in the CRA.
4. March 30, 2015, to TOS asserting jurisdiction as there is property in the assemblage in the CRA.
5. May 11, 2015, Draft Scope DEIS referral to TOS asserting jurisdiction as the property includes land in the CRA.
6. November 16, 2015, DEIS referral response to TOS.
7. March 1, 2018, requested additional information from the TOS about Lewis Road PRD.
8. March 27, 2019, request to TOS for response to March 1, 2018 letter to the TOS.
9. May 15, 2019, resolution of reassertion of jurisdiction over Lewis Road PRD.
10. June 19, 2019, resolution confirmation of May 15, 2019 resolution.
11. October 16, 2019, referral comments to TOS regarding Lewis Road PRD preliminary subdivision application.

As noted, the Southampton Planning Board was included as an Involved Agency as part of the Town of Southampton Town Board SEQRA process including the preparation of the DEIS and FEIS. The Planning Board has reviewed the record before them including but not limited to the DEIS and FEIS, the Preliminary Subdivision and Site Plan applications, the applicant's SEQRA Compliance Analysis, public and advisory agency comments, Town consultants' recommendations, the applicant's responses to comments, and Town Board Statement of SEQRA Findings, and hereby issues its own Findings Statement as required by SEQRA. This Statement of Findings by the Planning Board is a final step in the SEQRA process for the Preliminary Lewis Road PRD Subdivision and Site Plan application as outlined in Title 6 of the New York Code of Rules and Regulations (6 NYCRR) Part 617, with statutory authority and enabling legislation under Article 8 of the NYS Environmental Conservation Law ("ECL").

The project was referred to the Suffolk County Planning Commission. On October 2, 2019, the Suffolk County Planning Commission provided a response as follows: "The Suffolk County Planning Commission after due study and deliberation, was unable to render a determination on the merits of the referral as the necessary votes were unavailable to carry a resolution relative thereto."

II. Findings

1. Geological Resources

- (i) *To the extent feasible, the existing topography of the Project site will be preserved or followed in developing the site plan.*

The configuration of the site grading program for the proposed Lewis Road PRD is expected to conform closely to that of the Hills PDD. The detailed design of the PRD provides 65% open space outside of the development area (with natural areas retained within the development area as well). Based on the limits of clearing for grading, the overall retention of existing natural vegetation remains the same at 72% of the overall site. Thus, any impacts to the site's topography from the proposed project would be similar to those associated with the Hills PDD, which were reviewed by the Town Board and deemed to not be significant. Therefore, it is expected that the potential impacts to topography from the proposed project would likewise not be significant.

- (ii) *Prior to any soil disturbance, the erosion and sediment control measures required in an approved Storm Water Pollution Prevention Plan (SWPPP) will be installed. This would prevent any significant adverse soil erosion and sedimentation impacts during construction.*

Like the Hills PDD, a SWPPP will be prepared, approved and implemented prior to the onset of construction of the Lewis Road PRD. The SWPPP will ensure that there are no significant adverse soil erosion and/or sedimentation impacts during construction.

- (iii) *Some development will occur within all of the various soil types present on the Project site, as described in the DEIS. Soils exhibiting limitations related to sandy surface layer consist of types CpA, CpC, CpE, CuB, P1A, P1B and P1C which comprise approximately 73% of the subject property. The limitation of a sandy surface layer is not expected to be an impediment to locating roads, parking, buildings or related infrastructure.*

As noted above, the configuration of the site-grading program for the proposed project conforms closely to that of the Hills PDD. The detailed design of the PRD provides 65% open space outside the development area while retaining 72% of the existing natural vegetation on the site. The PRD involves the same soil types. As a result, any impacts to the site's soils would be similar to those associated with the Hills PDD, which were previously reviewed by the Town Board and deemed to not be significant. In this case, the limitation of a sandy surface layer is not expected to be an impediment to locating roads, parking, buildings or related infrastructure and no significant adverse impact is anticipated.

- (iv) *Soils exhibiting limitations related to slopes consist of CpC, CpE, HaB, P1B, P1C and RdB soils which comprise 52.9% of the Project site. The limitation of slopes may affect the installation of sewage disposal fields, home sites, streets and parking lots as well as the establishment of*

landscape vegetation related to concerns of providing stable surface areas to properly control erosion and drainage. Impediments with respect to a sandy surface layer will be managed through soil preparation for the intended use. The Project site master plan has been designed to take slope constraints into consideration- roads have been placed in low slope areas and home sites are planned in areas with construction areas of flatter surfaces. Planned grading of strategic locations of the site will be necessary to provide appropriate and stable surface areas to allow development of the proposed Project.

As noted above, the configuration of the site grading programs for the Hills PDD and the Lewis Road PRD are similar, so that it is expected that the potential impacts of each proposal from soils having characteristics of concern (e.g., slopes and a sandy surface layer) would be similar as well. The potential impacts and constraints due to soil limitations were reviewed by the Town Board for the Hills PDD project, and were deemed to not be significant. Therefore, it is expected that the potential impacts from soil limitations upon the proposed project would likewise not be significant as the proposed project incorporates planned grading of strategic locations of the site to allow development.

- (v) *Establishment of fertilized turf and landscaped areas is limited to 15% of the Project site which is compliant with the Town's Aquifer Protection Overlay District (APOD) Standards.*

The proposed Lewis Road PRD will result in a fertilized acreage of no more than 15% of the site, a figure that duplicates and closely follows the pattern of that for the Hills PDD. As such, there would be no difference between the two projects in potential impacts from fertilized acreage. The potential, over all impacts associated with landscape fertilization were reviewed by the Town Board for the Hills PDD project, and were deemed to not be significant. The Integrated Turf Health Management Plan (ITHMP) and associated monitoring will ensure that the project will conform to the 15% limitation.

- (vi) *Soils will be amended to establish healthy growing conditions and nutrient and water retention properties needed to support the limited areas of landscaping. In the case of the proposed Project, this may potentially affect lawns, ornamental shrubs and golf course turf grasses. The potential impacts related to this limitation with respect to erosion potential and re-vegetation will be addressed by using proper grading techniques and erosion control measures, installing proper drainage and using suitably adapted drought tolerant indigenous vegetative species for landscaping as well as site stabilization and restoration.*

The proposed Lewis Road PRD will utilize a soil amendment program within the ITHMP that will follow that of the Hills PDD proposal, which was reviewed by the Town. As a result, it is expected that there would be no significant differences in potential impacts between these two proposals. The potential impacts associated with soil amendment will be overcome by using proper grading techniques and erosion control measures, installing proper drainage and using suitably adapted drought tolerant indigenous vegetative species for landscaping, site stabilization and restoration. As a result, these impacts were reviewed by the Town Board for the Hills PDD project, and were deemed to not be significant. Therefore, it is expected that the potential impacts for the proposed project would likewise not be significant.

- (vii) *STP facilities will be placed in good leaching soil and design will ensure adequate depth to water below leaching structures given the observed and published soil characteristics and the depth to*

groundwater. Project review will require test holes during Town site plan review and SCDHS review for locating the STP. Though not expected, if unsuitable material is encountered, it will be removed and replaced with good leaching material to ensure proper functioning of STP leaching areas as well as for stormwater catchment.

The STP for the Lewis Road PRD will be sited in the same location as was proposed for the Hills PDD, where soils having proper leaching characteristics are present and adequate separation between the leaching facilities and the water table are found. Further, this facility will be subject to full and detailed engineering review and approval by the SCDPW and the SCDHS. The potential impacts associated with the STP for the Hills PDD were reviewed by the Town Board, and were deemed to not be significant. Therefore, it is expected that the potential impacts for the proposed Lewis Road PRD project would likewise not be significant.

- (viii) *Consistent with the requirements of the Central Pine Barrens Comprehensive Land Use Plan (CLUP), natural recharge areas and/or drainage system designs will be employed as part of the Project site plan design.*

As was determined for the Hills PDD, the natural topography of the site is considered in the design of the site's drainage systems, although, there are no natural recharge areas that could be incorporated into the drainage system to meet all of the storage requirements of the Town. As a result, the design includes a combination of catch basins, drainage swales, detention ponds/areas and leaching pools in order to meet Town requirements for site drainage. The proposed project is very similar to what was proposed for The Hills PDD in terms of drainage system design. Therefore, like the Hills PDD, this potential impact was considered and no significant adverse impacts were identified.

2. Water Resources

The Planning Board accepts the Town Board's November 27, 2017 Findings as they relate to items (iii), (vii), (viii), (ix) and (xiii).

In reviewing the project as a PRD, the Planning Board extensively reviewed the prior D/FEIS record created by the Town Board for the MUPDD proposed zoning change in relation to the Subdivision and Site Plans applications as a PRD. On April 15 and June 27, 2019 reports by B. Laing Associates, Inc. and Kimley-Horn of NY, P.C., the Planning Board asked the applicant a series of questions/informational requests. Such further information and the reason for requesting such information and analyses is as follows:

- A. A more conservative nitrogen loading (SONIR) calculation at 20% leaching for unlined areas and 180 days of unit occupancy. This change in the SONIR Loading Comparisons approximately doubled the nitrogen load to be carried to the aquifer in percolating waters. That is, this increases the calculated, total mass balance concentration in groundwater recharge from 0.33 mg/l in the Applicant's SEQRA Supplement (1,238 lbs N/year) to 0.59 mg/l in the BLG_KHN June 27, 2019 report (2,200.68 lbs/year). The BLG-KHN conclusion was supported by Dr. C Gobler August 2017 report (2,300 – and up- lbs/year), Paul W. Grosser, Table 2, Page 5, DEIS Appendix L-5 (2,100 lbs/year) and FPM Group Figure 1, FEIS Appendix J-3 (2,326 lbs/year). The revised analysis would be a refinement of the data and analyses contained in the D/FEIS record.

A revised "application" of the nitrogen load to only developed/fertilized portions of the site. This change would again increase the SONIR-calculated nitrogen load as it will be applied in the PRD scenario on a much smaller portion of the 591 acre site than assumed by applying a gross, mass balance equation. That is, the nitrogen load will be applied only over the developed portions of the property. In this case, the developed and landscaped portion can be considered to range between 120 and 140 acres¹. This multiple ranges from 4.2 to 4.9². When considered only within the acreage actually fertilized, the nitrogen concentration in recharge would then range from 2.48 to 2.89 mg/l in specific locations on site. Further, the margin of precision for the SONIR nitrogen loading analyses as provided in the May 7, 2019 SEQRA Supplement report by the applicant (item 7 on page 8) is 100 %. If this precision has declined on the upper boundary to even 50 % and a result of BLG adjustments, the upper, predictive boundary of the SONIR nitrogen loadings and the resulting nitrogen concentrations as the recharging groundwater enters the aquifer could be even higher in specific locations on site. If calculated in this revised manner, the concentrations of nitrogen in groundwater as it "arrives" at the aquifers' "surface" is well above the 2.5 mg/l CPBC guidelines. The revised analysis would be a refinement of the data and analyses contained in the D/FEIS record.

B. A dispersion model of the nitrogen load as it enters the aquifer. There are a number of physical and dispersive groundwater aquifer models which are regularly used and could be applied in this case. In fact, a suitable physical model has already been run for the project and its surroundings by P.W. Grosser Consulting, Inc. for a proposed mitigating measure of the project to describe flow patterns in this localized aquifer as presented in FEIS Appendix L-5 (as an update to DEIS Appendix A-12). The analysis was completed using Groundwater Vistas Version 6.78 by Environmental Simulations, Inc. However, the Groundwater Vistas model was applied to the potential for fertigation (i.e., extraction of nitrogen-contaminated groundwater which already occurs in the aquifer due largely to farming practices). However, it was not applied to potential project impacts to groundwater from the project. Groundwater Vistas was/is a physical model of the local (sub-regional) aquifer. The same approach can be used for water quality "impact" determinations. Ideally, this type of modeling should be conducted for the PRD Site Plan with the adjusted nitrogen loadings as applied in the actual developed acreage. This would determine the nitrogen concentration more precisely as it enters the aquifer and proceeds downgradient. In this way, location-specific, expected nitrogen concentrations in the aquifer can be determined with precision at varying depths at the eastern property line, at an established "grace limit" (see below), at the Parlato parcel, at single use wells down gradient (if any), and at Weesuck Creek (i.e., entering Shinnecock Bay). These data would further allow for adjustments in the proposed mitigation (fertigation) well numbers and locations. The revised analysis would be a refinement of the data and analyses contained in the D/FEIS record.

With the above reasons for providing/requiring adjusted and refined analyses and since such have not been provided to date by the applicant, the Planning Board must modify the Town Board's conclusions and Findings as follows (the original Town Board Findings organization has been retained to facilitate comparisons):

¹ Per SEQRA Supplement Table 2-1b and Attachment 1-2, 102.2 acres developed and 139.97 acres cleared.

² See SEQRA – SEIS Threshold Review - Analysis for the Planning Board of the Town of Southampton
DLV Quogue, LLC – Lewis Road PRD, June 27, 2019, Sections 4.1 and 4.3.

- (i) *The Proposed Project site is located in Groundwater Management Zone III, and ultimately the groundwater in this subwatershed flows into Weesuck Creek and Western Shinnecock Bay. Of particular concern is nitrogen loading, which is responsible for the decline in surface water quality as evidenced by algal blooms which cause an increase in brown and red tides, reduced levels of shellfish and other habitat impacts. The proposed project complies the policies and plans for this area that are designed to protect water resources including the Town APOD, the Central Suffolk Special Groundwater Protection Area (SGPA), and the CLUP.*
- a. The APOD imposes limits on the disturbance of natural vegetation and in this case, 71.77% of the existing natural vegetation must be left undisturbed, it also restricts fertilized vegetation to 15%.*
 - b. The goals and objectives of the CLUP will be met for the Compatible Growth Area, namely:*
 - i. preserve natural vegetation in large, unbroken blocks (86.92 acres and 101.91 acres);*
 - ii. there will be no significant discharges within 200 ft. of any public supply well.*

The above establishes that the Hills PDD would conform to the standards and requirements of the APOD and the CLUP, ensuring that minimal potential for impacts to either groundwater or surface water quality would result. The proposed Lewis Road PRD is similar in layout, uses and yield as the Hills PDD, and will include a tertiary STP, the same overall landscape fertilization characteristics, and similar natural vegetation retention, so that the potential impacts of the proposed Lewis Road PRD project would be similar to those of the Hills PDD. The potential groundwater impacts associated with the Hills PDD were reviewed by the Town Board, and were deemed to not be significant as reflected in the Findings Statement, which is based on the EIS record for the project. The Lewis Road PRD will ensure protection of 72% of the site in existing natural vegetation and will limit fertilizer dependent vegetation to not more than 15% of the site, or 88.26 acres. The design of the Lewis Road PRD provides 65% open space outside of the development area, to align with off-site open space as required by the CLUP. Further, there will be no significant discharges within 200 feet of any public supply well. Since the project conforms to zoning, no transfer of credits is required. Based on these factors, the Lewis Road PRD is consistent with the Findings Statement and there are no significant adverse impacts expect with regard to water resources.

- (ii) *The area to be developed as part of the Proposed Project site does not immediately adjoin to existing surface water, ponds or wetlands; however, the headwaters of Weesuck Creek as well as Shinnecock Bay are downgradient of the site. Nitrogen impact reduction has been a focus of the Project and comprehensive impact analyses were provided in the FEIS. It is expected that the proposed project, inclusive of its land preservation and wastewater treatment system, will have a mass balanced, average nitrogen concentration of less than 1.0 mg/l (even with the SONIR modeling revisions suggested by the Planning Board's consultant), which conforms to the nitrate-nitrogen guideline of 2.5 mg/l per CLUP and is less than what could be achieved under alternative development scenarios. Overall, the proposed project results in the lowest nitrogen load of all alternatives analyzed. With the proposed irrigation-fertigation system that will utilize groundwater that already contains high concentrations of nitrogen and take it out of the system (as modified per the results of refined nitrogen loading and groundwater dispersion modeling outlined in Water Resources above), the project is expected to result in a net negative nitrogen load which is beneficial to underlying groundwater within the Central Pine Barrens, as well as downgradient streams, bays, and coastal resources.*

The above indicates that the Hills PDD would result in the reduction in nitrogen impact to

groundwater (net negative), as well as to surface waters of Weesuck Creek and Shinnecock Bay, due to its inclusion of on-site land preservation, the tertiary STP, and implementing a modified irrigation-fertigation system. The nitrogen budget has been updated to reflect the Lewis Road PRD proposal, and the concentration of nitrogen in recharge will continue to be less than 1 mg/l and therefore will conform to this Guideline. The potential impacts associated with groundwater quality protection for the Hills PDD were reviewed by the Town Board, and were deemed to not be significant. The proposed Lewis Road PRD will include measures within the Site Plan including:

1. The southern legs/fairways of the golf course are currently located on the central and eastern portions of the property as it extends southward toward the LIRR ROW. Since the highest fertilization rates will be on the fairways of the golf course, there will be nitrogen leaching at concentrations greater than the mass balanced average for the site. Therefore, the above modeling procedures as outlined in Water Resources A and B above will be conducted. If the results show a significantly higher nitrogen level than calculated by a mass balancing of the entire site, then the southern legs/fairways of the golf course may be relocated to the central and/or western portions of the property as it extends southward toward the LIRR ROW. This change will add several hundred feet of groundwater buffer to Weesuck Creek, which connects to Shinnecock Bay an impaired water body.
2. The applicant has indicated that there will be two irrigation ponds. The second pond will be the mixing pond prior use for irrigation of the fairways. The highest concentrations of nitrogen will occur in this pond. For that reason, detailed cross sections of the pond liner/barrier with groundwater leak protections and overflow protections is needed prior to approval. A detailed section of this pond shall be provided to the Town and reviewed by the Town Engineer and Planning staff for adequacy of such protections.
3. The mitigation/ fertigation groundwater modeling will need to be rerun as outlined in Water Resources A and B above with nitrogen calculations provided for specific locations where fertilization will occur. Once these location-specific nitrogen impacts have been layered on the existing mitigation/fertigation groundwater modeling (including the existing nitrogen plume from agricultural uses upgradient of the site), the location of fertigation wells may need to be changed and/or added to, to maximize the capture of nitrogen due to combined impacts of the existing plume, waste water treatment systems and site-specific fertilization. This revised modeling shall provide for future predictions of nitrogen conditions as it impacts the final location of the Suffolk County Water Authority parcel which will result in new public water supply wells (i.e., an area outside these impact and fertigation locations will be chosen).

These measures would protect and improve groundwater and surface water quality to the same or greater degree then the PDD. Therefore, it is expected that the potential impacts for the proposed Lewis Road PRD project would likewise not be significant and the project is found to be consistent with the Findings Statement.

(iii) *The applicant has proposed an Integrated Turf Health Management Plan (ITHMP). Among the*

design requirements of the ITHMP is a design requirement for liners under the greens to capture drainage water. This drainage water would then be collected and treated or reused for irrigation.

The proposed Lewis Road PRD includes the same ITHMP as that of the Hills PDD. The Lewis Road PRD will include a similar drainage system design (including installation of 40 mil liners beneath the greens and treating stormwater) and the full measures for turf management for maximum nutrient uptake as outlined in the ITHMP which was incorporated into the EIS record. The potential impacts related to turf management were reviewed as part of The Hills PDD, and were deemed to not be significant. Therefore, it is expected that the potential impacts for the proposed Lewis Road PRD project, with Site Plan conditions provided in Water Resources Item (ii), 1, 2 and 3 above, would likewise not be significant.

Overall, the proposed project, as a clustered subdivision results in the lowest nitrogen load of all alternatives analyzed. The proposed mitigation-fertigation system (as modified by the results of the proposed modeling refinements described in Water Resources Item (ii), 1, 2 and 3 above) will utilize groundwater that already contains high concentrations of nitrogen and take it out of the system, and so, the project, considered as a subdivision, would result in a net negative nitrogen load which is beneficial to underlying groundwater within the Central Pine Barrens, as well as downgradient streams, bays, and coastal resources.

- (iv) *The use of groundwater with elevated nitrogen levels for both irrigation and as a fertilizer source would be supplemented with fertigation which is projected to improve local groundwater and minimize project impacts on groundwater, particularly with respect to nitrogen.*

Like the Hills PDD, the Lewis Road PRD will include use of groundwater from beneath the site (having high nitrogen levels due to agricultural use upgradient of the site) for golf course irrigation, supplemented with fertigation techniques (as modified per the results of refined nitrogen loading and groundwater dispersion modeling outlined in Water Resources Item (ii), 1, 2 and 3 above), to improve the quality of groundwater down gradient of the site. This will result in a net negative nitrogen load and will improve local groundwater quality with respect to nitrogen. The potential impacts associated with this proposal for the Hills PDD were reviewed by the Town Board, and were deemed to not be significant. Therefore, it is expected that the corresponding potential impacts for the proposed project would likewise not be significant.

- (v) *In addition, the applicant has agreed to limit the amount of fertilized land to 88 acres (e.g., greens, tees). The ITHMP and fertilizer limits will be implemented through a Management Program document reviewed, approved and implemented by the Town which will establish protocols for the use of fertilizer, pesticides, and ground water monitoring. The covenants and restrictions placed on the PRD project and property will require the ITHMP to establish a maximum application of fertilizer to no more 2.5 lbs/1000 SF/yr of nitrogen to greens, tees and fairways and 1.0 lbs/1000 SF/yr to rough and residential areas. Further, if there is any violation of said protocols all fertilization and pesticide application activities shall halt, and the use of the golf course shall cease until such time as it can be determined the cause of the violation and the corrective action can be identified. In addition, the Town would have the ability to impose a substantial fine for any violations of the protocols established in the ground water monitoring and protection program. The monitoring would be based on submitted reports to the Town and oversight by the Town. The Town could also inspect the site to monitor compliance and would also have data from the monitoring wells (see below).*

The proposed project will include an ITHMP similar in content to that prepared for and reviewed by the Town for the Hills PDD. In this way, it is expected that the Lewis Road PRD will provide the same or similar level of protection to groundwater and surface water resources as was reviewed by the Town for the Hills PDD. The Lewis Road PRD will include a maximum application of fertilizer to no more 2.5 lbs/1000 SF/yr of nitrogen to greens, tees and fairways and 1.0 lbs/1000 SF/yr to rough and residential areas to be implemented by whatever means the Planning Board finds appropriate. Total fertilized acreage will not exceed 15% of the site, or 88.26 acres, and will include golf course tees (as underlined), greens (as underlined) and fairways, and areas within lots and in the community clubhouse area. The overall potential impacts anticipated from the ITHMP for the Hills PDD were reviewed by the Town Board, and were deemed to not be significant. Therefore, it is expected that the overall potential impacts for the proposed project would likewise not be significant.

The Planning Board will impose that in the event of any violation of Integrated Turf Health Management Plan (ITMHP) protocols, all fertilization and pesticide application activities shall halt, and the use of the golf course shall cease until such time as it can be determine the cause of the violation and the corrective action can be identified. In addition, the Town would have the ability to impose a substantial fine for any violations of the protocols established in the ground water monitoring and protection program. The monitoring would be based on submitted reports to the Town and oversight by the Town. The Town could also inspect the site to monitor compliance and would also have data from the monitoring wells.

- (vi) *The proposed ITHMP includes the limited use of certain environmentally sensitive pesticides that may be used on the site to achieve reasonable pest control and to maintain healthy turf at the proposed golf course. The Town Board is aware that every pesticide product which is used, distributed, sold or offered for sale in New York State must be registered by the NYS Department of Environmental Conservation (NYSDEC). Under Sections 33-0301 and -0303 of the Environmental Conservation Law (ECL), the NYSDEC has sole jurisdiction in all matters pertaining to the distribution, sale, use and transportation of pesticides. They also regulate the registration, commercial use, purchase and custom application of pesticides. As described by NYSDEC, "pesticides, properly used for the control of insects, fungi, weeds, and nematodes, and as defoliants, desiccants, and plant regulators and for related purposes, are valuable, important and necessary to the welfare, health, economic well-being and productive and industrial capabilities of the people of this state; however, such materials, if improperly used, may injure health, property and wildlife." It is noted that review of specific compounds and chemical structures contained in pesticide formulations labeled for the control of pests commonly associated with turfgrass management are pre-empted by the State; however, through the pesticide registry those labeled for use here are tested and formulated specifically for Long Island because of the sole- source aquifer.*

In the PRD project, the entire property, which includes the single-family dwelling lots, will be managed and maintained by a single entity that will be required to comply with the ITHMP as described in the DEIS and FEIS. Integrated Pest Management (IPM) is a decision- making process that requires training in all phases of turfgrass management, including biology, soil science, pest management, and cultural practices. It involves establishing pest response threshold levels that are consistent with the intended use of the turf, intensive field monitoring, good record keeping, and consideration of different pest control strategies.

The keystone of a turfgrass IPM program is frequent, careful monitoring of pest activity. If the monitoring program is successful, pests can be detected early and controlled before the threshold

level is exceeded. By keeping good records of previous pest activity, turfgrass managers will know where and when to look for subsequent pest issues and utilize certified applicators to apply registered pesticides to targeted areas when needed.

Certified pesticide applicators are subject to NYSDEC requirements in terms of pesticide reporting. The Pesticide Reporting Law requires every certified commercial applicator to report regulated pesticide activities from January 1 through December 31 of each year. This report requires detailed information on the type, area and quantity of pesticide used in an application. This type of oversight is typically unavailable for a single-family subdivision in an environmentally sensitive area as most people apply their own pesticides and fertilizers, which has a higher likelihood of misuse and over-application than that of a professional who is charged with maintaining the grounds to the highest standard. A certified pesticide applicator is also educated on best management practices, including those that minimize aerial drift and curtail unintended exposure, as well as following personal protection protocols required by the label and New York State law. The MUPDD will have monitoring wells and reports to confirm that the standards are routinely met, and the ITHMP will require that turfgrass/sod come from approved Long Island sources.

Implementation of the ITHMP is intended to provide a level of safety to ensure that no impact occurs to people, wildlife, water resources or the local ecology as a result of the action. The whole premise behind an integrated turf management program is to promote the health and vitality of the soil. Utilizing the strategies in the program will result in a more efficient use of pesticides, which translates into a reduction in need for pesticide use. With the safety, reporting and monitoring protocols followed, the limited use of pesticides as outlined in the ITHMP is not expected to result in any significant impacts. This expectation has been factually demonstrated within the other two monitored golf courses within the Town, namely Sebonack and The Bridge.

The proposed Lewis Road PRD will utilize the same ITHMP (and IPM) as was prepared for and reviewed by the Town for the Hills PDD, and found to be appropriate in terms of groundwater and surface water quality protection, as well as for human health protection. The Lewis Road PRD will also include the GMP incorporated into The Hills EIS record. NYSDEC Licensed pesticide applicators and trained personnel will be involved with all aspects of management of the golf course recreational amenity and appropriate safety, reporting and monitoring protocols are agreed to by the applicant to be incorporated into the decision making on the Lewis Road PRD. In this way, it is expected that these resources will be protected to at least the same degree as was established for the Hills PDD. The potential impacts anticipated from the ITHMP for the Hills PDD were reviewed by the Town Board, and were deemed to not be significant. Therefore, it is expected that the potential impacts for the proposed project would likewise not be significant.

There is some amount of uncertainty over the concentration and spread/dispersion of nitrogen loads from specific locations within the PRD project itself as described in A, B above. It is noted that the whole premise behind an integrated turf management program is to promote the health and vitality of the soil. Utilizing the strategies in the program will result in a more efficient use of pesticides, which translates into a reduction in need for pesticide use. With the safety, reporting and monitoring protocols followed, the limited use of pesticides as outlined in the ITMHP is not expected to result in any significant pesticide impacts.

- (vii) *In addition to the above, the Applicant will be required to engage in a regular sampling program*

to monitor groundwater quality, which is necessary to ensure that the Proposed Project does not adversely impact water resources. The groundwater monitoring program (GMP) for the proposed golf course is proposed to be comprised of two parts: 1) monitoring the volume of fertilizer being applied; and 2) monitoring any impacts on groundwater quality from the fertilizer applied and all applied pesticides potentially leaching into groundwater. As part of the groundwater monitoring program a total of fourteen (14) groundwater monitoring wells and nine (9) lysimeters will be installed throughout the golf course to monitor the water quality beneath the golf course four times per year. The irrigation pond will also be monitored.

The Lewis Road PRD will include the same groundwater sampling program as was prepared for the Hills PDD, in order to ensure that groundwater quality is properly protected. The GMP proposed as part of The Hills is incorporated into the decision making process on the Lewis Road PRD. As a result, the proposed project is consistent with the Findings Statement and no significant impacts are expected given these protocols.

- (viii) *The applicant has developed and proposed a program to monitor groundwater quality, which is necessary and sufficient to ensure that the project does not adversely affect water resources. Under this proposed monitoring program, renewable in perpetuity, a five-year sampling plan will be supplemented with a quarterly sampling of nitrogen and the pesticides that may have been used during the previous twelve-month period. An independent laboratory, acceptable to the Town, will conduct all water testing. The sampling would be conducted under the direction of an entity acceptable to the Town.*

The Lewis Road PRD will include the same groundwater sampling program as was prepared for the Hills PDD, and will include a supplementary quarterly sampling program for nitrogen and pesticides applied during the previous year. The groundwater sampling program will be reviewable after a period of five (5) years. Additionally, the same requirements for use of an independent sampler, and use of an independent laboratory (both of which shall be acceptable to the Town) to perform all sample testing will ensure that groundwater quality is properly monitored. Consequently, the proposed project is consistent with the Findings Statement and no significant adverse impact is expected.

- (ix) *If a pesticide or nitrogen species is detected above a response threshold in any lysimeter or groundwater sample: (a) the use of the pesticide and or nitrogen fertilizer will be stopped; (b) the lysimeter or well will be tested again as soon as practically possible to confirm the presence of the pesticide/nitrogen and to see if the concentration is rising; (c) the environmental (rainfall after application) and management (amount of irrigation after application, amount of pesticide-fertilizer application, etc.) conditions at the time of the pesticide-fertilizer application and immediately after would be documented; d) when nitrate concentrations drop below 2 mg/L fertilization can resume; e) when the concentration of a pesticide drops below the response threshold its use may resume.*

The Lewis Road PRD will include the same groundwater sampling program, including the same action thresholds and requirements, as was devised for the Hills PDD, in order to ensure that groundwater quality is properly protected. As a result, the proposed project is consistent with the Findings Statement and no significant adverse impact is expected.

- (x) *Based on an independent review of the proposed project it is concluded that with the above measures in place, the proposed project would not result in any significant adverse impacts on groundwater or surface waters.*

By design, the Lewis Road PRD incorporates all of the on-site aspects and features of the Hills PDD with respect to groundwater and surface water quality and health protection. Although there is uncertainty over the concentration and spread/dispersion of nitrogen loads from specific locations within the PRD project itself as described in Water Resources A, B above, any changes resulting from those refined data and a significant amount of testing and protocols will ensure against any significant environmental impacts. In this way, the Lewis Road PRD would not result in any significant adverse impacts on groundwater or surface water resources. As a result, the proposed PRD project is consistent with the Findings Statement and no significant adverse impact is expected.

- (xi) The IHTMP that contains the components described above will be subject to final review and approval by the Planning Board as modified with any changes resulting from those refined data described in Water Resources A and B and with a requirement for the submission of regular monitoring reports.

As noted above, the proposed Lewis Road PRD will utilize the same ITHMP as was prepared for and reviewed by the Town for the Hills PDD and found to be acceptable in terms of groundwater and surface water quality protection, as well as for human health protection. The project's ITHMP will contain provisions for regular reports of monitoring activities to be submitted to the proper Town office. As a result, the proposed project is consistent with the Findings Statement and no significant adverse impact is expected.

- (xii) *The Suffolk County Water Authority (SCWA) has expressed the desire for new wells on the project site. The Applicant has included in their site plan approximately 4 acres for a new well field to be dedicated to the SCWA as part of the proposed public benefits. The Planning Board questioned if the dedication of 4 acres for a well site was considered a public benefit if it was instead a project requirement. The DEIS included correspondence from the SCWA dated September 21, 2015 that indicated this agency did not anticipate any water quality impacts due to the proposed project. The letter further indicated that once constructed, the proposed well(s) on the property would produce high quality water for the foreseeable future. After the FEIS was deemed complete, the SCWA submitted another letter dated November 6, 2017 indicating that they will be providing water for domestic consumption and fire suppression for the 118 housing units and clubhouse. It further states that "the developer will be responsible for making system improvements including distribution system piping, booster upgrades and a new booster station in order to ensure [potable] water is available". The letter further discusses the irrigation well plan and the conveyance of the land for SCWA to use as a new well field and storage. This dedication is not required as a condition of approval from SCWA but the system improvements are. Therefore, the Town Board still considered this dedication to be a public benefit to all users within Suffolk County Water Authority jurisdiction.*

While the Hills project was a PDD, and so required provision of Community Benefits, the Lewis Road project is a PRD, which under zoning law of the Town, does not require Community Benefits to offset an increase in density as would be provided for under "incentive zoning." The Lewis Road PRD will be supplied with public water for domestic use from the existing SCWA distribution system, while its irrigation needs will be addressed by installation of a new on-site irrigation well(s). The proposed project will provide improvements to the SCWA distribution system as needed to serve the proposed project, and on-site irrigation wells

will be permitted by NYSDEC and installed for irrigation of the golf course recreational amenity and landscaping. Therefore, the Lewis Road PRD need not and does not include dedication of land for a new SCWA public water supply wellfield. The Planning Board still considers any dedication to be a public benefit to all users within Suffolk County Water Authority jurisdiction, if it were to be included by the applicant.

- (xiii) *The project will conform to all Suffolk County Department of Health Services (SCDHS) regulations for the disposal of wastewater. Additionally, an on-site sewage treatment system will be installed and will consist of tertiary treatment with a nitrogen treatment level of 10 mg/l or less. The STP shall be located in the northwestern corner of the Project Site. This location is in-line with groundwater flow that shows elevated nitrogen concentrations from upgradient historic/current farming is on the west side of the site and would situate the STP as far as possible, approximately 1.5 miles, from downgradient wetlands and the surface waters of Weesuck Creek and Shinnecock Bay. Thus, this proposed facility is located at the greatest distance possible from surface waters. In accordance with applicable SCDHS requirements, an area for this facility has been set aside on the site plan that is twice the building footprint in size, in the event that expansion at a later date is necessary. The site plan also includes an access drive and leaching area, with additional area for leaching area set aside for future expansion, if required by the SCDHS. The Applicant has presented information that this system can potentially achieve compliance the NYS effluent limitation of 10 mg/l and is expected to perform consistently with much lower total nitrogen concentrations. SONIR modeling has also been provided in this FEIS assuming a 10 mg/l nitrogen effluent with the proposed project, noting that the residential density is still consistent with the CR-200 (5 acre) zone and there is a significant amount of open space and undisturbed natural vegetation to provide for aquifer recharge.*

The proposed Lewis Road PRD will provide a tertiary STP in the same location as was evaluated in the Hills PDD. This facility is expected to result in the same or similar level of performance, providing effluent within the applicable SCDHS standard of 10 mg/l. SONIR modeling is updated for the proposed project and will still result in a concentration of nitrogen in an overall site recharge of less than 1.0 mg/l. The STP will be reviewed and approved by SCDHS and will perform as outlined in the EIS record for The Hills PDD. The potential impacts associated with the STP performance were reviewed by the Town Board for the Hills PDD project, and were deemed to not be significant. Therefore, the proposed project is consistent with the Findings Statement and the potential impacts for the proposed project will likewise not be significant.

3. Ecological Resources

A. Aquatic Ecology

- (i) *There are no existing wetlands within the development area of the project.*

As there are no wetlands in the area of the site that will be developed for the Hills PDD, and the Lewis Road PRD will develop the same or similar area, there will be no impact to such a resource from either proposal.

- (ii) *As described within the DEIS and FEIS, the proposed Project would not result in any indirect impacts on the water quality of Weesuck Creek or Shinnecock Bay and therefore is not expected to result in any impact on the aquatic ecology of these resources.*

This Finding confirms that, as the Hills PDD would not result in nitrogen-related impact to groundwater or, through subsurface flow, to surface waters of Weesuck Creek or Shinnecock Bay, that proposal would not impact the aquatic ecology of these surface water bodies. The proposed Lewis Road PRD will include the same or similar water resources-related measures (as modified with any changes resulting from those refined data described in Water Resources A and B), supporting a conclusion that this proposal would also not impact the aquatic ecology of Weesuck Creek or Shinnecock Bay.

As a subdivision, the clustered proposed PRD with the golf course minimizes nitrogen loading overall, even with the requested changes to the SONIR modeling as described in Water Resources A above. Thus, as a whole, the project is not expected to significantly impact Weesuck Creek.

B. Terrestrial Ecology

- (i) *Clearing limitations will conform to Town of Southampton Central Pine Barrens Overlay District and the limitations of the CLUP. The proposed project has put heavy emphasis on the preservation of existing natural resources. Therefore, of the total 588.39 acres, only 160.81 acres (about 27.3 %) will be developed as part of the proposed project. Outside of the proposed development area, the Proposed Project would provide 427.58 acres (about 72.7 % of the site) of open space preservation area with public trails. Additionally, a 33 acres site located in the head lands of Weesuck Creek will be preserved, which could have potentially yielded 32 additional dwelling units.*

The configuration of the clearing program for the Lewis Road PRD will conform closely to that of the Hills PDD, so that impacts to natural vegetation and ecology would be similar as well. However, as the detailed design of the PRD has been revised to provide a greater amount of retained open spaces outside of the development area, the contiguous open space associated with the proposed project will be improved. It is noted that with the slightly modified design, the property size is 588.39 acres. The same percentages will be applied based on the project site size, such that 72% of the existing natural vegetation will be retained. The Lewis Road PRD will not, however, provide preservation of the non-contiguous 33-acre parcel, as this feature was a Community Benefit for the Hills PDD, but is not required for the proposed project. The potential impacts associated with clearing were reviewed by the Town Board for the Hills PDD project, and were deemed to not be significant. Therefore, it is expected that the potential impacts for the proposed project would likewise not be significant.

- (ii) *The majority of the existing natural vegetation on the site is pitch pine forest habitat. There are also areas that have been previously disturbed. Clearing is necessary to implement the proposed project; however, this clearing is proposed to be concentrated in areas that are for the most part, previously cleared or disturbed. The project will concentrate development on 142 acres of land to be cleared, of which 44 of those acres have been previously cleared. The previously disturbed areas will be used for construction of the residential units, roads, and accessory structures. Reuse of previously disturbed areas is proposed to minimize impacts on woodland/Pine Barrens habitat. With the proposed project approximately 115 acres of pitch pine forest will be cleared; however, the proposed project will also preserve 427 acres of the site with a significant amount of land offered for dedication to the Town of 189 acres at commencement of construction with routine monitoring and surveillance during the process to ensure that the clearing and grading activities will not negatively impact the surrounding ecosystem.*

The Lewis Road PRD layout closely follows the general development and layout design of the Hills PDD (including its general intent to concentrate development on the site's previously-disturbed areas), so that its clearing area, development area and retained natural open spaces also follow those of the Hills PDD. The detailed design of the PRD provides 65% of the site as open space outside of the development area, while retaining 72% of the existing natural vegetation on the site. The potential impacts associated with clearing of natural vegetation for the Hills PDD were reviewed by the Town Board, and were deemed to not be significant. Therefore, the proposed project is consistent with the Findings Statement and it is expected that the corresponding potential impacts for the proposed project would likewise not be significant.

- (iii) *The proposed subdivision and site design of the project supports preservation of natural vegetation in large unbroken blocks that allow contiguous open spaces to be established. The subdivision and golf course site designs are found to be configured in a manner that prioritizes the preservation of native Pine Barrens vegetation to the maximum extent practicable.*

The Hills PDD was designed to provide its retained natural open spaces in large blocks insofar as practicable, to result in substantial contiguity of open spaces in the area. The Lewis Road PRD also is designed and configured to produce this outcome. The potential impacts associated with planned configuration of clearing for the Hills PDD were reviewed by the Town Board, and were deemed to not be significant. Therefore, the proposed project is consistent with the Findings Statement and it is expected that the corresponding potential impacts for the proposed Lewis Road PRD project would likewise not be significant.

- (iv) *Consistent with the CLUP, the preservation of the above-referenced 427 acres will maintain the essential character of the existing Pine Barrens environment, including the protection of indigenous plant and animal species and their associated habitats to the maximum extent practicable. As described, the proposal centers the development on the previously disturbed areas to maximize retention of the existing Pine Barrens habitat. Consistent with the Recommended Plan described in the East Quogue GEIS, any other disturbed area in the Core is not being utilized as a deduction in calculating vegetative clearing limits.*

Following the revisions to the design of the PRD, to provide a greater amount of retained open spaces, it is expected that the proposed Lewis Road PRD would retain an estimated 427± acres of open space, and conforms to the standards of the CLUP, including those standards addressing plant and animal species and habitat protection. The Hills PDD was designed to provide 427± acres of retained natural open spaces in large blocks insofar as practicable, to result in substantial contiguity of open spaces in the area, and to concentrate development on the site's previously-disturbed areas. The potential impacts associated with the preservation of natural spaces for the Hills PDD were reviewed by the Town Board, and were deemed to not be significant. The Lewis Road PRD also is designed and configured to produce this outcome, and retains much the same layout of retained open spaces as the Hills PDD. Therefore, the proposed project is consistent with the Findings Statement and it is expected that the corresponding potential impacts for the proposed project would likewise not be significant.

No areas of previously-disturbed land of the project site are within the CPB CPA, so no such areas were utilized in calculations of vegetative clearing limits.

- (v) *Investigations were undertaken for the DEIS to confirm that areas of the site that may be sensitive for rare, threatened, or protected species have been avoided. In addition, as part of the site plan review and pre-construction, a survey of areas proposed for development will be performed to*

confirm that none of the protected species that are known to inhabit this area of the Pine Barrens would be impacted by any proposed clearing or project construction. Based on these investigations, if protected species are identified, the Applicant has proposed as mitigation measures that these areas would be avoided by the site plan and/or other options would be implemented, such as plant rescue/relocation. If transplanting is determined to be possible, a professional horticulturalist will perform the transplanting of the species to optimize survival. Transplanting of this species would be the responsibility of the Applicant and would be performed under the supervision of the Applicant in accordance with a protocol approved by the Town prior to the commencement of construction activities.

The limits of clearing for the Hills PDD were reviewed by the Town as part of its review of that application and, in consideration of the distribution of habitat types on the site, determined whether those limits would impact any sensitivity for rare, threatened or endangered species. Consistent with the Findings, should field investigation reveal the presence of sensitive species in areas to be disturbed, the Applicant will perform appropriate mitigation, which may include but not be limited to transplantation. The potential impacts of the Hills PDD with respect to rare, threatened or endangered species were reviewed by the Town Board, and were deemed to not be significant. The Lewis Road PRD will conform closely to the clearing area and development area values and configuration of the Hills PDD, so that impacts to natural vegetation and ecology would be similar as well. Therefore, the proposed project is consistent with the Findings Statement and it is expected that the potential impacts for the proposed project would likewise not be significant.

- (vi) *With the proposed project, approximately 25 acres of former farmland will be restored through a planting plan that is proposed to include a combination of native woodland, shrubland and grassland/meadow habitats to be provided under the supervision of a certified ecologist. Detailed restoration plans will be provided during site plan review. Only native species will be utilized for any restoration work to ensure that native habitat restoration goals are achieved.*

In the same manner as was proposed for the Hills PDD, the Lewis Road PRD will revegetate the estimated 3 acres of the Hills South Parcel/Kracke Property that had been farmed. An additional 7± acres on the Parlato Property and the Hills South Parcel/Kracke Property that had been disturbed but not farmed will be revegetated. Specific revegetation plans were included as part of the Lewis Road PRD site plan application, and must be approved by separate resolution as a condition of approval. The potential impacts associated with the Hills PDD revegetation plan were reviewed by the Town Board, and were deemed to not be significant. Therefore, the proposed project is consistent with the Findings Statement and it is expected that the potential impacts for the proposed project would likewise not be significant.

- (vii) *As described in the FEIS and above, in addition to the large tracts of land proposed for preservation, the 33 acres known as the Parlato parcel was also to be sterilized from development through the TDR process and this added benefit will not only reduce nitrogen loading but would have also increased the open space assemblage in the area and eliminate development pressure. The portion of the project area designated as a Critical Resource Area will also be preserved. In total the project is found to promote the preservation and conservation of open space, natural resources, diverse ecological communities, species diversity, and groundwater quality and quantity and provides connection of open space areas. Maximization of unfragmented open space will support terrestrial ecosystem functions by allowing for plant and animal species to have suitable habitat as well as migratory corridors for climate change adaptation.*

The proposed Lewis Road PRD will preserve the entirety of the 101.91-acre Parlato Property, and would reduce nitrogen loading to groundwater and increase the amount of open space in the area east of the subject site. This will ensure protection of the Critical Resource Area associated with the Parlato Property. With respect to the 33-acre Parlato parcel, while the Hills project was a PDD which required Community Benefits under "incentive zoning" provisions, the Lewis Road project is a subdivision for a PRD, conforms to zoning, and does not require Community Benefits. Therefore, the Lewis Road PRD does not include purchase of the 33-acre Parlato parcel. The Lewis Road PRD includes other aspects of the Hills PDD that would result in substantial preservation of open space, natural resources, ecological communities, and groundwater quality and quantity, and will provide its open spaces in large contiguous blocks. As a result, no significant adverse impacts are expected.

4. Transportation Resources

- (i) *A traffic analysis for the proposed project demonstrates that the Proposed Project would not result in any significant adverse impacts and said Traffic Impact Analysis was peer-reviewed by the Town's consultant, AKRF. An operational traffic monitoring program will be required to be prepared and submitted with the site plan to confirm that traffic circulation at the intersection of the proposed access road and Lewis Road is operating acceptably as identified in the traffic analysis.*

The Lewis Road PRD does not allow for any outside golf club memberships, so that the trip generation of the project will be less than that of The Hills PDD. As a result, it is expected that the potential impacts on traffic flow on local roadways and at local intersections will be reduced for the Lewis Road PRD. As required by the Findings Statement, a program will be prepared for the Lewis Road PRD and submitted to the Town as part of the site plan conditions, to monitor the performance of the site entrance on Lewis Road. The potential traffic-related impacts of the Hills PDD were reviewed by the Town Board, and were deemed to not be significant. Therefore, the proposed project is consistent with the Findings Statement and it is expected that the potential impacts for the proposed Lewis Road PRD project would likewise not be significant.

- (ii) *The FEIS identified preliminary grading and associated quantities of material to be filled or cut and removed as excess material which is expected to total up to 350,000 cubic yards. Although the applicant identified additional options transport this material to the adjoining mine site, as outlined below, there will be no significant impact to traffic as a result of the transport of the fill material utilizing Lewis road as was analyzed within the DEIS.*

Option 1: The existing farm road on the western adjacent property, which would avoid commercial vehicle use of Lewis Road.

Option 2: Lewis Road via the proposed roadway to the proposed project from Lewis Road.

Option 3: A temporary conveyor belt system would be installed for transporting material to East Coast Mines and the farm road or Lewis Road would be used to import soils to the Hills site. This option reduces vehicle trips on Lewis Road and transports the excess soils to the sand mine pit.

Option 4: Construct a temporary construction haul road over the adjacent western farmland property to East Coast Mines.

Under options that include the farmland, the proposed project must obtain a license agreement

with the owner of property. In addition, the Town's agricultural easement requires the Town permission to temporarily utilize the existing farm road. The Planning Board recommends that the applicant pursue the alternative that would convey the sand from within the site. As stated in the FEIS (Page 1-19), the applicant will continue to pursue the potential to utilize a conveyor belt system or temporary haul road (options 3 & 4). In the event that options 3 & 4 are not feasible, in order to minimize the potential impact to Lewis Road due to the transport of the subject fill material between the Hills property and East Coast Mines, a performance bond will be required to ensure Lewis Road is restored to pre-construction conditions.

The Lewis Road PRD will result in a similar volume and configuration of grading as the Hills PDD, so that the excess soil removal options are likewise anticipated to be the same or similar as well. Like the Hills PDD, the applicant will obtain the proper access agreement (including performance bonding) with the adjacent landowner to enable the removal system to be implemented across land not under the control of the applicant. In the event this is not feasible, a performance bond will be provided to ensure Lewis Road is restored to pre-construction conditions. The project is consistent with the Findings with respect to soil removal and related construction impacts and based on this conformity, no significant adverse impacts are expected.

5. Land Use, Zoning, and Comprehensive Plans

- (i) *The site is currently undeveloped and would be developed by the Proposed Project in conformance with current plans and policies. The current zoning on the site is CR-200 with several overlay districts including the Town's APOD (Article XIII, Sections 330-66 and 330-67), the Town's Central Pine Barrens Overlay District (Chapter 330, Article XXIV, Sections 215 to 221). The clearing restrictions within these plans have been developed to ensure the highest level of groundwater recharge and vegetation protection and therefore the Board is requiring strict adherence to the percentage of clearing established within these plans. The local law accounts for delineating the limits of clearing and demarcation of any large caliper trees within the development area that can be protected. The Proposed Project would be developed under the Town's MUPDD requirements (§330-240 E) and this proposed zone would not conflict with the objectives of any other zoning districts in the area. The proposed project is consistent with the planning objectives of the Southampton Tomorrow 1999 Comprehensive Plan Update, the 1993 Western Town Generic EIS, the East Quogue GEIS and adopted Recommended Land Use Plan, the SGPA and the Central Pine Barrens CLUP. The most recently adopted East Quogue GEIS and Recommended Land Use Plan indicates the subject parcels should be developed as a mixed-use proposal that combines housing, resort/recreation, and open space uses with protected areas of natural resources. It articulates the goal to "encourage uses that will generate positive net tax ratables, while having little or no adverse financial impact on the school district". The Recommended Plan also indicates that the number of potential housing units could be increased (by no more than 15 percent) if the development can submit satisfactory and sufficient documentation to the Town confirming a housing profile of only seasonal or resort type residences.*

This Findings confirm that the Hills PDD conforms to the policies and recommendations of the Town APOD, the Town Central Pine Barrens Overlay District, the Town Comprehensive Plan Update, the Western Town GEIS, the East Quogue GEIS and adopted Recommended Land Use Plan, the SGPA and the Central Pine Barrens CLUP. The potential impacts associated with these recommendations upon the Hills PDD were reviewed by the Town Board, and were deemed to not be significant. The uses, yields, design and features of the proposed Lewis Road PRD closely follow those of the Hills PDD (with elimination of outside golf memberships), so that it is expected that the potential impacts for the proposed project would likewise not be significant.

In the case of the Lewis Road PRD, twelve (12) units of workforce affordable housing are being added to the project to conform with Town Code and the Long Island Workforce Housing Act.

- (ii) *In the subject proposal, the number of housing units conforms to the total amount that would be allowed in the underlying CR200 (5 acre) residential zone. There is no increase in residential density as part of the subject PDD proposal. The proposed action does allow for a private golf course use that is accessed through a membership program and the construction of a clubhouse and various amenities that will be provided for the exclusive use of the residents/members. The nitrogen component of the golf course use is accounted for through the extinguishment of Pine Barrens Credits and complies with the purpose and intent of sending/receiving areas as well as §330-246B where there is no substantial increase in the number of dwelling units or population within the Town because development has been redirected in order to channel growth and preserve more ecologically sensitive lands.*

The Lewis Road PRD seeks the same 118-unit yield that was reviewed by the Town Board for the Hills PDD application, so that there will be no increase in impacts associated with yield. The Lewis Road PRD will further reduce the intensity of site use by eliminating outside golf club memberships, which would reduce such use to only the 118 households and their guests. The Planning Board will restrict the housing units from constructing accessory apartments in order to maintain the stated yield. As the proposed Lewis Road PRD project is a subdivision developed under the site's existing zoning, there is no requirement under Town law for inclusion of off-site mitigation measures proposed in the Hills PDD (e.g., purchase and retirement of PBCs, and purchase and retirement of yield from a proposed 33-acre subdivision application) and so, they are not included. Based on thorough review during the EIS process, not significant adverse impacts are expected.

- (iii) Discovery Land has offered a restrictive covenant for the residential units that confirms the limited occupancy of the housing units. The golf course use itself is also seasonal in nature (April-November) which is considered desirous to the community versus the alternative of a year-round residential subdivision. The Zoning Board of Appeals by decision dated November 15, 2018 found that the proposed private golf course, available only to the owners of the subdivision parcels and not to the public at-large, together with maintenance and operating buildings and structures that accompany said golf course are accessory to the proposed residential subdivision.
- (iv) With respect to open space and public access, under existing conditions, the site is currently private property and provides no public access. The Applicant is proposing 427.58 acres of preserved land, of which 188.83 would be offered to the Town for dedication as public open space, and is also proposing to implement a public access and a public trails plan that may utilize portions of the Project site where there are existing trails and adjoining public lands. It is proposed by the Applicant that this trails plan be further advanced in coordination with the Town's Trails Advisory Board. The Applicant will also coordinate with the Town on the maintenance of the public trail system on the project site. The Planning Board finds that providing public access and a trails system as part of this application is a necessary and important component of the project in terms of providing public benefits.
- (v) The Recommended Plan analyzed in the East Quogue GEIS and adopted as part of the Comprehensive Plan was found to be consistent with the Article 57 and Central Pine Barrens CLUP by preserving contiguous blocks of open space and utilizing already disturbed areas for development. Consistent with the Recommended Plan, the proposed action will construct

seasonal housing and recreation (golf) uses with state-of-the-art approaches to protecting existing environmental conditions and preserves 427.58 acres of Pine Barrens land. The Proposed Project is therefore consistent with the Recommended Plan and through the project-specific EIS process. It is found to be a Subdivision proposal that complies with all relevant planning documents and studies while minimizing/mitigating impacts to the greatest extent practicable while providing many social and economic benefits to the East Quogue Community. Therefore, it is concluded that the Proposed Project Subdivision is consistent with the above-referenced zoning requirements, plans, and policies.

- (vi) It is noted that the CPBC provided a letter dated October 16, 2019, in response to the referral request by the Planning Board. This letter addresses land use matters as related to the CLUP Standards and Guidelines. The CPBC letter does not provide a full evaluation of the complete record of information available including the DEIS, FEIS, Town Board Findings, SEQRA Compliance Analysis and related materials that have been fully considered by the Planning Board as part of the PRD Clustered Subdivision review. The Planning Board has prepared a detailed assessment of the project's conformance with the Standards and Guidelines of the CLUP and finds that the Proposed Project is consistent with the applicable provisions as related to land use (see **Attachment A**).

6. Community Facilities and Services

- (i) The Proposed Project will place limited, if any, demands on local facilities and services and has proposed community benefits that will support community services.
- (ii) Based on the occupancy restriction placed on the subject dwelling units as proposed by the project, the seasonal units within the Proposed Project will not generate any school children or demands on the East Quogue Union Free School District (UFSD). The 12 affordable units, which will be occupied full time, will have the potential to generate a small number of students for the local public schools. In its Supplement to the SEQRA Compliance Analysis of May 7, 2019 (sic 2017), the Applicant calculated, based on the proposed size and configuration of those units, that 2-3 school-aged children would be expected to reside there. This number of students is not expected to have a noticeable impact on the East Quogue UFSD. Moreover, the Proposed Project will generate tax ratables as a net benefit to the school district. Therefore, it is concluded that the fiscal impacts on the school district are positive.

7. Community Character

- (i) The Proposed Project will not result in any adverse impacts on community character.
- (ii) With respect to visual and scenic resources, a comprehensive assessment of the Proposed Project's potential to impact visual and scenic resources was performed. The assessment consisted of: 1) characterizing the existing visual resources; 2) identifying potentially impacted views; 3) identifying key views that may change due to project development; 4) preparing visual simulations at the selected viewpoints that show the before and after conditions or view impacts; and 5) evaluating the impact of change in public views. Based on this analysis and a review of the proposed site plan and buffers, the Proposed Project will not impact locals view or the visual character of East Quogue. Wooded buffers that were proposed during the review as a screening buffer from adjacent properties will be mandated.
- (iii) With respect to affordable housing, it is recommended that the Applicant provide

affordable (workforce) housing in accordance with calculations outlined in the Southampton Town Code, Chapter 216, Section 216-9 Per the Applicant's December 2018, SEQRA Compliance Analysis (Section 4.2) and the May 7, 2019 [sic 2017] Supplement to their December SEQRA Compliance Analysis, the PRD project will, therefore, provide 12 on-site units of affordable housing. With this action, it is concluded that the Proposed Project will be compliant with the Town's requirements to provide workforce (attainable) housing.

8. Cultural Resources

- (i) Archeological studies of the property have been completed. Based on these studies it is determined that the Proposed Project will not result in any impact on archaeological features.

9. Construction Impacts

- (i) As described in greater detail in the DEIS and the FEIS and reiterated in the PRD, the Proposed Project has committed to a number of measures to avoid impacts during construction include but are not limited to: *alternative methods for soil importation that are under consideration (see "Geological Resources," above); vehicular construction access will be limited to Lewis Road; repair and replacement of local roads that be damaged as a result of construction; material storage and soil stockpiling on site will only be at locations that do not impact the adjacent community; noise attenuation and control measures will be implemented during construction; implementation of a SWPPP; and areas within the site to be dedicated for parking and materials storage will be located in the vicinity of the proposed maintenance area and not near existing residences.*
- (ii) *A construction management plan will be prepared and submitted to the Town for review and approval prior to construction to ensure the mitigation measures and construction approaches described in the DEIS and FEIS (e.g., truck and vehicle traffic trip reduction, noise and fugitive dust controls) are properly implemented during construction.*

10. Implementation of Mitigation Measures

The Applicant proposes to implement all of the above impact avoidance and mitigation measures cited in the DEIS, the FEIS and the PRD proposal and summarized above.

11. Alternatives

A range of alternatives to the Proposed Project were examined in the East Quogue GEIS as well as the project-specific DEIS and FEIS including the no action alternative, residential subdivision alternatives under the current zoning, reduced density alternatives, alternative site designs and technologies, and a lesser impact alternative. The Planning Board extensively reviewed that record. The FEIS also examined a maximum residential alternative that could also generate up to 137 units through the use of Pine Barrens Credits and density incentives permissible under the Long Island Workforce Housing Act and an alternative that considered a lower density residential development with a horse farm that came out of the DEIS process. The FEIS examined all of the alternatives and their associated impacts. As a Subdivision; the clustered proposed PRD with the golf course recreational amenity minimizes impacts to the environment.

**Town of Southampton Planning Board
Lewis Road Planned Residential Development (PRD)
PRD Subdivision and Site Plan Applications
SEQRA, Involved Agency Findings Statement**

III. Certification

State Environmental Quality Review Act
FINDINGS STATEMENT SIGNATURE PAGE

Having considered the Draft and Final Environmental Impact Statements for the Subject Action's Subdivision and Site Plan applications and having considered additional, refined information provided by the Applicant in December 2018 and May 2019 and having considered the preceding written facts and conclusions relied upon to meet the requirements of 6 NYCRR Part 617.11 as an Involved Agency and to make its own Findings, this Statement of Findings certifies that the Southampton Planning Board as Involved Agency in the subject matter has:

1. considered the relevant environmental impacts, facts and conclusions disclosed in the SEQRA documents including the additional, updated information provided by the Applicant in December 2018, May and September 2019, Town Staff, Consultant and Planning Board deliberation as relevant to the pending Subdivision application;
2. weighed and balanced relevant environmental impacts with social, economic and other considerations;
3. provided a rationale for the agency's decision;
4. met the requirements of 6 NYCRR Part 617; and
5. found that consistent with social, economic and other essential considerations, the proposed PRD Clustered Subdivision and Site Plan with the proposed conditions provided in Water Resources Item (ii), 1, 2 and 3, Item (iii) and Item (iv)) avoids or minimizes adverse environmental impacts to the maximum extent practicable, and that adverse impacts, will be avoided or minimized to the maximum extent practicable by incorporating as conditions to the decision those mitigation measures and safeguards that were identified as practicable.

By the Planning Board of the Town of Southampton,

Signature of Responsible Official

Name of Responsible Official

Title of Responsible Official

Date

Copies of this Findings Statement have been filed with:

Lead Agency

Other Involved Agencies

ATTACHMENT F

**CONDITIONAL PRELIMINARY PLAT APPROVAL FOR
THE LEWIS ROAD PLANNED RESIDENTIAL
DEVELOPMENT (PRD)**

Southampton Town Planning Board Resolution #32763

October 24, 2019



SCHEDULED

PLANNING BOARD RESOLUTION (ID # 32763)

DOC ID: 32763

Lewis Road PRD (formerly The Hills at Southampton) - Conditional Preliminary Plat Approval

WHEREAS, the Preliminary Subdivision Application of Lewis Road PRD was received by the Southampton Town Planning Board on November 1, 2018, with additional information/revised plans submitted on December 7, 2018 and again on December 12, 2018; and

WHEREAS, the applicant also submitted a Site Plan Application on December 10, 2018 for the Planning Board's review of the HOA accessory recreational buildings, structures and uses, including the golf course; and

WHEREAS, the Preliminary Subdivision and Site Plan applications are being reviewed concurrently; and

WHEREAS, the Preliminary Subdivision and Site Plan Application of DLV Quogue, LLC entitled "Lewis Road PRD" proposes 118 units as: 8 clubhouse units, 15 village cottages, 53 village lots, 16 village estates, and 26 woodland estates, plus an additional twelve (12) workforce housing units on-site. Other project components include: a recreational complex, fitness center, community pool and clubhouse, private 18-hole golf course and other accessory structures, all as on-site amenities for the exclusive use of the site's residents; and 72.67% open space equaling 427.58 acres, on a total of 178 assembled tax parcels totaling 588.39 acres of land situated in the CR-200 Zoning District, Compatible Growth Area of the Central Pine Barrens Overlay District and Aquifer Protection Overlay District, located generally north and east of Lewis Road in the vicinity of Spinney Road and extending north to and beyond Sunrise Highway in East Quogue; and

WHEREAS, the Zoning Board of Appeals, in a decision dated November 15, 2018 (Decision No. D018150) made a determination that the 18 hole golf course is accessory to the 118 home subdivision; and

WHEREAS, the project was classified as a Type I Action pursuant to Article 8 (State Environmental Quality Review Act, SEQRA) of the New York State Environmental

Conservation Law and Chapter 157 (Environmental Quality Review) of the Code of the Town of Southampton; and

WHEREAS, the proposed action underwent a complete SEQRA review as part of a Change of Zone Application with the Southampton Town Board, who served as lead agency for the project; and

WHEREAS, as Lead Agency, the Southampton Town Board completed the SEQRA process, from the initial classification and coordination to the acceptance of the FEIS and adoption of a Findings Statement dated November 27, 2017; and

WHEREAS, pursuant to §330-243 of the Town Code, the Southampton Town Planning Board has been an involved agency for the two-stage review of the project and, as an involved agency, is required to identify any differences between the current action before the Planning Board and what was considered under the adopted FEIS by the Town Board, and whether or not those changes warrant a supplemental EIS (“SEIS”); and

WHEREAS, at their meeting on January 24, 2019, the Southampton Town Planning Board retained the services of B. Laing Associates, Inc. to assist with the Board’s SEQRA review for the pending subdivision application of Lewis Road PRD, including a determination as to whether a Supplemental Environmental Impact Statement is required, and for the preparation of a Findings Statement prior to issuance of any decision on the application; and

WHEREAS, at their meeting on June 27, 2019 the Southampton Town Planning Board was presented with B. Laing Associates, Inc. SEQRA-SEIS Threshold Review dated June 27, 2019, which found that no SEIS is necessary; and

WHEREAS, by resolution dated June 27, 2019, the Southampton Town Planning Board deemed the Preliminary Application complete for public review and made referrals to advisory agencies including the Suffolk County Planning Commission (“SCPC”) and Central Pine Barrens Joint Planning and Policy Commission (“CPBC”); and

WHEREAS, a public hearing on the Preliminary Application was held on July 27, 2019 and was adjourned until August 8, 2019, and subsequently closed with a 10-day written comment period; and

WHEREAS, the total proposed number of residential units / lots for the Lewis Road PRD is 118 and is derived from the 94 lot yield map for the 489.9 acre combined Discovery Land and former Kracke properties together with the transfer of 24 Town-allocated development rights from the 38.3 acres of old filed map properties and 55.7 acres of described property previously referred to as the Parlato properties, as follows:

1. The total acreage of The Lewis Road PRD is indicated as 588 acres from which the yield was derived.
2. The 94 lot yield on the combined Discovery Land and former Kracke properties is a reasonable demonstration of the permitted yield on these properties. All lots as indicated meet the minimum required area and dimensional requirements of the CR-200 zoning district. All lots have frontage on a street providing access to improved roads. Recharge areas and a park area are provided.
3. The 24 development rights from the Parlato properties are broken down as follows: 8.89 development from the 38.3 acres of old filed maps and 16 development rights from 55.7 acres of described property. These development rights have been allocated pursuant to Chapter 244 of the Town Code. With respect to the 38.3 acres of Parlato old filed map properties, the 8.89 development right allocations were based on the allocation formulas prescribed by Sections 244-2 (J) and 330-221 (B)(2) of the Town Code and Chapter 6.3.1.1 of the Central Pine Barrens Comprehensive Land Use Plan, as amended Nov. 12, 2012. With respect to the 55.7 acre Parlato described property, the 16 development right allocation was based on a subdivision yield map pursuant to Sections 244-3 (A) and 330-221 (B)(2) of the Town Code.

WHEREAS, based on a yield of 118 lots, the Long Island Workforce Housing Act and Town Code §216-9 (Long Island Work Force Housing Program) would provide a density incentive of 10%, or an additional twelve (12) dwelling units for affordable housing, for a total of 130 lots; and

WHEREAS, at the Pre-Application, the Town Planning and Development Administrator recommended that the workforce housing requirement be satisfied by construction of the 12 units rather than payment of a fee as previously required by the Town Board, and the Planning Board agreed with the recommendations of the Southampton Town Planning and Development Administrator; and

WHEREAS, the Preliminary maps show construction of 12 workforce housing units onsite; and

WHEREAS, pursuant to Chapter 292-35(B) of the Town Code (Subdivision Regulations) the subdivision park area requirement for an 118-lot subdivision (excluding the workforce housing units) is 5.9-acres and the Planning Board has determined that the park requirement is satisfied with the provision of on-site recreational facilities including the golf course designed for use of the residents of the proposed subdivision and dedication of 65% of the property for park, recreation and open space purposes, including potential trail linkages; and ; and

WHEREAS, the Planning Board has reviewed and considered the requirements of §292-36H of the Town Code with respect to the width of the street right-of-way and find that the proposed street right-of-way of forty (40) feet can accommodate the required paved width of the streets and utilities, minimize the amount of clearing and are adequate as private roads maintained by the HOA; and

WHEREAS, the subject parcel is located within the Compatible Growth Area of the Central Pine Barrens Overlay District and therefore must comply with the development standards pursuant to 330-220 of the Town Code and Chapter 5 of the Central Pine Barrens Comprehensive Land Use Plan (CLUP); and

WHEREAS, for the reasons stated in the adopted Preliminary Staff Report dated October 24, 2019 and the SEQRA Findings Statement, the Southampton Town Planning Board finds the project is in compliance with the development standards pursuant to Chapter 330-220 of the Town Code and Chapter 5 of the Central Pine Barrens Comprehensive Land Use Plan ("CLUP"); and

WHEREAS, the proposed subdivision is consistent with the recommendations of the Town's Comprehensive Plan, including the WGEIS and EQGEIS; and

WHEREAS, the Preliminary Application was referred to involved and interested agencies and referral comments were received and are contained in the adopted Staff Report dated October 24, 2019; now, therefore

WHEREAS, the SCPC, by letter dated October 9, 2019, advised that the Commission failed to take an action on the referral within the 45-day statutory time period, which means that the proposed Preliminary Subdivision and Site Plan applications as referred to the Commission are deemed approved in accordance with the provisions of Article XIV of the Suffolk County Administrative Code.

NOW, THEREFORE, BE IT RESOLVED, the Preliminary Subdivision Application of DLV Quogue, LLC entitled "Lewis Road PRD", which proposes 118 lots/units as: 8 clubhouse units, 15 village cottages, 53 village lots, 16 village estates, and 26 woodland estates, plus an additional twelve (12) workforce housing units on-site an accessory buildings, structures and uses, including a recreational complex, fitness center, community pool and clubhouse, private 18-hole golf course and other accessory structures, all as on-site amenities for the exclusive use of the subdivision lot owners/ residents and their guests; and 72.67% open space equaling 427.58 acres, on a total of 178 assembled tax parcels totaling 588.39 acres of land situated in the CR-200 Zoning District, Compatible Growth Area of the Central Pine Barrens Overlay District and Aquifer Protection Overlay District, located generally north and east of Lewis Road in the

vicinity of Spinney Road and extending north to and beyond Sunrise Highway in East Quogue, is hereby approved subject to the following conditions:

1. Four sets of the Revised Preliminary Plat, containing all of the modifications required as conditions of approval herein, shall be submitted for signature by the Planning Board, in addition to the requirements for filing a final plat submission contained in Art. VI of Chapter 292 of the Town Code.
2. To facilitate review of the Final Application, the road, drainage and grading plans, reflecting the Town Engineer's comments, a SWPPP and the subdivision modifications and conditions set forth herein, shall be submitted for preliminary review, with revisions as necessary, by the Town Engineer, prior to the final plat submission.
3. The project shall conform to the State Pollutant Discharge Elimination System (SPDES) GP-08-01 general permit requirements requiring filing of a Notice of Intent (NOI), Erosion and Sedimentation Control Plan and a Stormwater Pollution Prevention Plan (SWPPP), consistent with the Town of Southampton and the New York State Department of Environmental Conservation (NYSDEC). This final plan shall be submitted in conformance with Town and State filing requirements with the final plat submission.
4. The final application shall include road and common driveway plans incorporating Country Lane Standards /curb-less, where applicable, as to allow wildlife access to Open Space parcels.
5. The final plat shall show the table of modified dimensional setbacks for the lots/units and shall include the amount of clearing per lot in conformance with the Aquifer Protection Overlay District and CLUP.
6. Topsoil application and/or other soil amendments shall be undertaken as needed in areas where lawn or landscape plantings are proposed, in order to ensure suitable growing conditions. The establishment of fertilizer-dependent vegetation within the development shall be limited in accordance with the Aquifer Protection Overlay District (APOD). Fertilizer dependent vegetation will be limited by means of a covenant, to 15% of the area of development. This shall be a required notation on the final plat, and shall be ensured through the filing of covenants and restrictions, and shall be reviewed for conformance in connection with Building Permit application plans for all of the individual lots.

7. The ITHMP to establish a maximum application of fertilizer to no more 2.5 lbs/1000 SF/yr of nitrogen to greens, tees and fairways and 1.0 lbs/1000 SF/yr to rough and residential areas.
8. In the event of any violation of Integrated Turf Health Management Plan (ITMHP) protocols, all fertilization and pesticide application activities shall halt, and the use of the golf course shall cease until such time as it can be determine the cause of the violation and the corrective action can be identified.
9. The groundwater sampling program will be reviewable after a period of five (5) years. Additionally, the same requirements for use of an independent sampler, and use of an independent laboratory (both of which shall be acceptable to the Town) to perform all sample testing will ensure that groundwater quality is properly monitored.
10. The IHTMP that contains the components described above will be subject to final review and approval by the Planning Board with a requirement for the submission of regular monitoring reports.
11. If protected species are identified, the Applicant has proposed as mitigation measures that these areas would be avoided by the site plan and/or other options would be implemented, such as plant rescue/relocation. If transplanting is determined to be possible, a professional horticulturalist will perform the transplanting of the species to optimize survival. Transplanting of this species would be the responsibility of the Applicant and would be performed under the supervision of the Applicant in accordance with a protocol approved by the Town prior to the commencement of construction activities.
12. In the same manner as was proposed for the Hills PDD, the Lewis Road PRD will revegetate the estimated 3 acres of the Hills South Parcel/Kracke Property that had been farmed. An additional 7± acres on the Parlato Property and the Hills South Parcel/Kracke Property that had been disturbed but not farmed will be revegetated. Specific revegetation plans were included as part of the Lewis Road PRD site plan application, and must be approved by separate resolution as a condition of approval.
13. As required by the Findings Statement, a program will be prepared for the Lewis Road PRD and submitted to the Town as part of the site plan conditions, to monitor the performance of the site entrance on Lewis Road
14. The Planning Board recommends that the applicant pursue the alternative that would convey the sand from within the site (per Planning Board resolution 2017-335). As stated in the FEIS (Page 1-19), the applicant will continue to pursue the potential to utilize a conveyor belt system or temporary haul road (options 3 & 4). In the event that options 3 & 4 are not feasible, in order to minimize the potential impact to Lewis

Road due to the transport of the subject fill material between the Hills property and East Coast Mines, a performance bond will be required to ensure Lewis Road is restored to pre-construction conditions.

15. The Planning Board will restrict the housing units from constructing accessory apartments in order to maintain the stated yield.
16. The groundwater monitoring program (GMP) for the proposed golf course is proposed to be comprised of two parts: 1) monitoring the volume of fertilizer being applied; and 2) monitoring any impacts on groundwater quality from the fertilizer applied and all applied pesticides potentially leaching into groundwater. As part of the groundwater monitoring program a total of fourteen (14) groundwater monitoring wells and nine (9) lysimeters will be installed throughout the golf course to monitor the water quality beneath the golf course four times per year. The irrigation pond will also be monitored.
17. A street tree plan shall be submitted with the final application that identifies those trees/vegetation to remain and where additional street trees are proposed to be planted.
18. The final plat shall indicate the ownership of the open space parcels shall be noted if any are to remain privately owned, the area(s) will need to be encumbered by applicable Conservation Easements and/or Trail Easements.
19. Removal of site plan elements from all subdivision maps, as may be applicable.
20. The final amp shall note the density incentive provisions of the Town Code and indicate the proposed affordable units are being provided on-site.
21. Suffolk County Department of Health Approval prior to the submission final application.
22. As applicable, approval of the Central Pine Barrens Joint Planning and Policy Commission prior to the submission of the final application.

BE IT FURTHER RESOLVED, the Site Plan Application of DLV Quogue, LLC for the recreational buildings, structures and uses as accessory to the “Lewis Road PRD”, including a recreational complex, fitness center, community pool and clubhouse, private 18-hole golf course and other accessory structures, all as on-site amenities for the exclusive use of the subdivision lot owners/residents and their guests, is hereby approved subject to the following conditions:

1. Changes to the site plan to be submitted jointly with the final subdivision applications

for final review:

- a. Compliance with the requirements of the Town Engineer.
 - b. Provide parking calculations for uses requiring parking as shown on the site plan.
 - c. It appears the workforce housing units have a zero lot line setback. This needs to be revised to provide a setback consistent with the table of lot modifications.
 - d. The southern legs/fairways of the golf course are currently located on the central and eastern portions of the property as it extends southward toward the LIRR ROW. Since the highest fertilization rates will be on the fairways of the golf course, there will be nitrogen leaching at concentrations greater than the mass balanced average for the site. Therefore, the above modeling procedures as outlined in Water Resources A and B above will be conducted. If the results show a significantly higher nitrogen level than calculated by a mass balancing of the entire site, then the southern legs/fairways of the golf course may be relocated to the central and/or western portions of the property as it extends southward toward the LIRR ROW. This change will add several hundred feet of groundwater buffer to Weesuck Creek, which connects to Shinnecock Bay an impaired water body.
2. The applicant has indicated that there will be two irrigation ponds. The second pond will be the mixing pond prior use for irrigation of the fairways. The highest concentrations of nitrogen will occur in this pond. For that reason, detailed cross sections of the pond liner/barrier with groundwater leak protections and overflow protections is needed prior to approval. A detailed section of this pond shall be provided to the Town and reviewed by the Town Engineer and Planning staff for adequacy of such protections.
 3. The mitigation/ fertigation groundwater modeling will need to be rerun as outlined in Water Resources A and B above with nitrogen calculations provided for specific locations where fertilization will occur. Once these location-specific nitrogen impacts have been layered on the existing mitigation/fertigation groundwater modeling (including the existing nitrogen plume from agricultural uses upgradient of the site), the location of fertigation wells may need to be changed and/or added to, to maximize the capture of nitrogen due to combined impacts of the existing plume, waste water treatment systems and site-specific fertilization. This revised modeling shall provide for future predictions of nitrogen conditions as it impacts the final location of the Suffolk County Water Authority parcel which will result in new

public water supply wells (i.e., an area outside these impact and fertigation locations will be chosen).

4. Submission with the final application elevations and floor plans for all proposed structures stamped by a licensed design professional, subject to review and approval by the Planning Board and the Architectural Review Board.
5. The lighting plan shall provide information demonstrating compliance with Section 330-346(I)(1) of the Town Code for all site lighting and include photometric data.
6. Compliance with the requirements of the Town Engineer.
7. Compliance with the requirements of the Southampton Town Department of Public Safety & Fire Prevention
8. General Conditions:
 - a. Lighting shall be dark sky compliant, no uplighting shall be permitted.
 - b. The installation and/or use of dusk to dawn lighting fixtures, whether located on or off premises and used to illuminate the subject parcel, shall not be permitted;
 - c. No additional lighting on the property without Planning Board approval;
 - d. All lighting shall be shielded and all outdoor lighting shall project downward and light sources shall not be visible to adjacent properties or roadways, in conformance with the Town Code;
 - e. All HVAC systems shall be screened and located so as not be visible from the adjacent roadway.
 - f. This application is subject to inspection fees for the Site Plan and the Stormwater Management Plan. Prior to start of construction, the applicant will need to deliver a **check** to the Engineering Division, payable to the Town of Southampton, in accordance with the fee schedule in effect at the time.
 - g. Please arrange for a pre-construction meeting with the Engineering Division two weeks prior to the start of construction. Engineering Division to be contacted no less than 48 hours in advance, during all phases of the project, to inspect erosion control measures, drainage before backfilling, before and after paving of roads and parking lots. **Failure to obtain Engineering inspections during the construction process will either delay final approval, or incur**

substantial costs to the applicant to expose installed components, in order to obtain approval. Prior to final inspection, submit an as built land survey showing all site improvements including, but not limited to, buildings and structures, parking areas, storm-water drainage inlets, retaining wall & fence height and locations.

9. Items to be submitted/completed as condition of approval.
 - a. A maintenance bond having a term of two (2) years shall be submitted to guarantee the survival of the landscaping prior to the issuance of a Certificate of Occupancy. The Planning Division upon completion of the work and acceptance of the landscaping as shown on the approved plan shall set the amount of this bond. The applicant shall submit a cost estimate of the approved landscaping for review and approval in conjunction with setting this bond.

To: Wayne Bruyn, Esq.

ATTACHMENT G

PROPOSED DEVELOPMENT BY TAX LOT /TAX LOT GROUPINGS, UNDER CLUP

Table G
PROPOSED DEVELOPMENT BY TAX LOT/TAX LOT GROUPINGS, UNDER CLUP

Tax Lot Numbers				Area (SF)	CLUP		Cleared		Proposed Development on Tax Lot(s)
Parcel	Section	Block	Lot		1995 Zoning	Allowed Clearing (SF) ⁽¹⁾	Existing (SF)	Proposed (SF)	
Hills North Parcel ⁽²⁾									
E	203	1	25	1,087,258	CR-200	271,815	0	0	To be offered to the Town for public open space dedication
F	203	1	27	754,024	CR-200	188,506	0	0	
G	203	1	30	1,643,083	CR-200	410,770	0	0	
H	219	1	24	55,757	CR-200	13,940	0	0	
I	219	1	4	246,114	CR-200	61,530	0	0	
			5						
			6						
			7						
			8						
			9						
			10						
			23						
Total Hills North Parcel				3,786,236	CR-200	946,561	0	0	---
Hills South Parcel/Kracke Property ⁽³⁾									
A	219	1	22	6,641,013	CR-200 (1,183,332 SF) CR-120 (3,225,860 SF) CR-80 (2,231,821 SF)	CR-200 (295,833 SF) CR-120 (967,758 SF) CR-80 (781,138 SF)	253,037	2,862,960	Private open space, private golf course, SCWA public supply wellfield, and residential use
	250	3	9						
			11						
			13						
			14						
			30						
	288	1	121						
			122						
			123						
			125						
			127						
			130						
			132						
			133						
			136						
			138						
			140.2						
141.1									
314	2	20.5							
D	219	1	11.1	8,095,337	CR-200 (5,343,698 SF) CR-120 (2,450,880 SF) CR-80 (300,759 SF)	CR-200 (1 335 925 SF) CR-120 (735,264 SF) CR-80 (105,266 SF)	579,318	3,156,400	Private open space, private golf course, and residential uses
			12						
			13						
			14						
			15						
			16						
			17						
			18						
			19						
			20.1						
			21						
			47						

Table G
PROPOSED DEVELOPMENT BY TAX LOT/TAX LOT GROUPINGS, UNDER CLUP

			48						
			49						
			50						
	250	3	1						
			2						
			3						
			4						
			5						
			6						
17									
Total Hills South Parcel				14,736,350	CR-200 (6,527,030 SF) CR-120 (5,676,740 SF) CR-80 (2,532,580 SF)	CR-200 (1,631,758 SF) CR-120 (1,703,022 SF) CR-80 (886,404 SF)	832,355	6,019,360	---
288 (Kracke Property)	1	4	1,503,256	CR-120	450,977	75,000 (est.)	404,676	Private open space, residential uses, and STP	
		59.1	582,570	CR-120 (357,800 SF) CR-80 (224,770 SF)	CR-120 (107,340 SF) CR-80 (78,670 SF)	0	291,790	Private open space and residential use	
		60	582,570	CR-200 (450 SF) CR-120 (357,350 SF) CR-80 (224,770 SF)	CR-200 (113 SF) CR-120 (107,205 SF) CR-80 (78,670 SF)	0	184,974	Private open space and residential use	
Total Kracke Property				2,668,396	CR-200 (450 SF) CR-120 (2,218,406 SF) CR-80 (449,540 SF)	CR-200 (113 SF) CR-120 (665,522 SF) CR-80 (157,340 SF)	75,000 (est.)	881,440	---
Total Hills South Parcel/Kracke Property				17,404,746	CR-200 (6,527,480 SF) CR-120 (7,895,146 SF) CR-80 (2,982,120 SF)	CR-200 (1,631,871 SF) CR-120 (2,368,544 SF) CR-80 (1,043,744 SF)	907,355	6,900,800	---
Parlato Property ⁽⁴⁾									
A	220	1	9	92,000	CR-200	23,000	0	0	To be offered to the Town for public open space dedication
			10						
			11						
			12						
			14.1						
B	220	1	7	79,049	CR-200	19,763	0	0	To be offered to the Town for public open space dedication
			8						
			15						
			16						
C	220	1	109	2,726	CR-200	680	0	0	To be offered to the Town for public open space dedication
			110						
D	220	1	17	92,000	CR-200	23,000	0	0	To be offered to the Town for public open space dedication
			18						
			19						
			102						
E	220	1	31	14,000	CR-200	3,500	0	0	To be offered to the Town for public open space dedication
F	220	1	33	60,000	CR-200	15,000	0	0	To be offered to the Town for public open space dedication
			34						
			35						
			36						
G	220	1	39	6,000	CR-200	1,500	0	0	To be offered to the Town for public open space dedication
H	220	1	40	30,000	CR-200	7,500	0	0	To be offered to the Town for public open space dedication
I	220	1	42	4,000	CR-200	1,000	0	0	To be offered to the Town for public open space dedication

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PROPOSED DEVELOPMENT BY TAX LOT/TAX LOT GROUPINGS, UNDER CLUP

J	220	1	56	48,000	CR-200	12,000	0	0	To be offered to the Town for public open space dedication
			58						
			59						
			60						
K	220	1	65	22,000	CR-200	5,500	0	0	To be offered to the Town for public open space dedication
			66						
L	220	1	67	8,000	CR-200	2,000	0	0	To be offered to the Town for public open space dedication
M	220	1	70	24,000	CR-200	6,000	0	0	To be offered to the Town for public open space dedication
N	220	1	103	28,000	CR-200	7,000	0	0	To be offered to the Town for public open space dedication
O	220	1	72	60,000	CR-200	15,000	0	0	To be offered to the Town for public open space dedication
			73						
			74						
			75						
P	220	1	76	60,000	CR-200	15,000	0	0	To be offered to the Town for public open space dedication
			78						
			79						
			80						
Q	220	1	81	54,000	CR-200	13,500	0	0	To be offered to the Town for public open space dedication
			82						
			84						
			86						
R	251	1	4	50,000	CR-200	12,500	0	0	To be offered to the Town for public open space dedication
			5						
			7						
			8						
S	251	1	10	60,000	CR-200	15,000	0	0	To be offered to the Town for public open space dedication
			12						
			13						
			14						
T	251	1	15	60,000	CR-200	15,000	0	0	To be offered to the Town for public open space dedication
			16						
			18						
			20						
U	251	1	21	39,776 ⁽⁵⁾	CR-200	9,944	0	0	To be offered to the Town for public open space dedication
			22						
			23						
			24						
V	251	1	25	64,000 ⁽⁶⁾	CR-120	19,200	0	0	To be offered to the Town for public open space dedication
			26						
			27						
			28						
W	251	1	29	60,000 ⁽⁷⁾	CR-120	18,000	0	0	To be offered to the Town for public open space dedication
			30						
			32						
			33						
			34						
			35						
			36.1						

Table G
PROPOSED DEVELOPMENT BY TAX LOT/TAX LOT GROUPINGS, UNDER CLUP

			96						
X	251	1	37	64,000	CR-120	19,200	0	0	To be offered to the Town for public open space dedication
			38						
			39						
			40						
			41						
Y	251	1	42	64,000	CR-120	19,200	0	0	To be offered to the Town for public open space dedication
			43						
			44						
			45						
			46						
Z	251	1	47	60,000	CR-120	18,000	0	0	To be offered to the Town for public open space dedication
			48						
			50.1						
			50.2						
			51						
AA	251	1	52	50,000	CR-120	15,000	0	0	To be offered to the Town for public open space dedication
			53						
			54						
			57						
BB	251	1	58	60,000	CR-120	18,000	0	0	To be offered to the Town for public open space dedication
			59						
			61						
			62						
CC	251	1	63	50,000	CR-120	15,000	0	0	To be offered to the Town for public open space dedication
			65						
			67						
			68						
DD	289	2	69	64,000	CR-120	19,200	0	0	To be offered to the Town for public open space dedication
			35						
			36						
			37						
EE	289	2	38	60,000	CR-120	18,000	0	0	To be offered to the Town for public open space dedication
			30						
			31						
			33						
FF	289	2	34	62,000	CR-120	18,600	0	0	To be offered to the Town for public open space dedication
			25						
			26						
			28						
GG	289	2	29	60,000	CR-120	18,000	0	0	To be offered to the Town for public open space dedication
			19						
			20						
			22						
HH	289	2	23	58,000	CR-120	17,400	0	0	To be offered to the Town for public open space dedication
			24						
II	289	2	1	9,266	CR-120	2,780	0	0	To be offered to the Town for public open space dedication
			3						

Table G
PROPOSED DEVELOPMENT BY TAX LOT/TAX LOT GROUPINGS, UNDER CLUP

			5						
---	251	1	90	2,426,728	CR-200 (569,770 SF) CR-120 (1,856,958 SF)	CR-200 (142,443 SF) CR-120 (557,088 SF)	50,100	50,100	To be offered to the Town for public open space dedication
Total Parlato Tax Lots (with Overlaps)				4,105,545	CR-200 (1,463,321 SF) CR-120 (2,642,224 SF)	CR-200 (365,830 SF) CR-120 (792,667 SF)	---	---	---
Total Parlato Tax Lots (without Overlaps)				4,032,404	CR-200 (1,464,219 SF) CR-120 (2,568,185 SF)	CR-200 (366,055 SF) CR-120 (770,456 SF)	---	---	---
---	Road Abandonments			406,850	CR-200 (213,880 SF) CR-120 (192,970 SF)	CR-200 (53,470 SF) CR-120 (57,891 SF)	0	0	To be abandoned by Town for inclusion as public open space dedication
Total Parlato Property (without Overlaps & with Road Abandonments)				4,439,254	CR-200 (1,678,099 SF) CR-120 (2,761,155 SF)	CR-200 (419,525 SF) CR-120 (828,347 SF)	50,100	50,100	---
TOTAL PROJECT SITE				25,630,236	CR-200 (11,991,815 SF) CR-120 (10,656,301 SF) CR-80 (2,982,120 SF)	CR-200 (2,997,957 SF) CR-120 (3,196,891 SF) CR-80 (1,043,744 SF)	957,455	6,950,900	---

- (1) Based on the zoning in-place as of 1995, the CLUP allows up to 25% clearing in the CR-200 Zone, up to 30% in the CR-120 Zone, and up to 35% in the CR-80 Zone.
- (2) See Survey of Parcels A, D, E, F, G, H, I, J, K, L, M [Hills Property]
- (3) See Survey of Parcels A, D, E, F, G, H, I, J, K, L, M [Hills Property], and Boundary Survey of Property, [Kracke Property]
- (4) See Survey of Property, [Parlato Property]
- (5) Includes 2,602 SF of Apparent Overlap Condition.
- (6) Includes 64,000 SF of Apparent Overlap Condition.
- (7) Includes 6,539 SF of Apparent Overlap Condition.

ATTACHMENT H

MATERIALS IN SUPPORT OF DISCUSSION OF PRECEDENCE-SETTING NATURE OF PRIOR CPBJPPC DECISIONS REGARDING OPEN SPACE FRAGMENTATION



**Commission Meeting of November 17, 2010
Town of Brookhaven Town Hall, Farmingville, New York**

Present: Peter Scully (State of New York), Mark Lesko (Town of Brookhaven), Carrie Meek Gallagher (Suffolk County), Sean Walter (Town of Riverhead),
Marty Shea (Town of Southampton)

Adopted Resolution

**Willow Wood at Coram Compatible Growth Area Hardship
Hamlet of Coram, Town of Brookhaven, SCTM No. 200-523-1-1.002**

Peter A. Scully
Chair

Mark Lesko
Member

Steve A. Levy
Member

Anna E. Throne-Holst
Member

Sean M. Walter
Member

Whereas, Yaphank Realty Corp., owns a 25.4 acre parcel of land located on the west side of State Route 112, in the Compatible Growth Area in the hamlet of Coram in the Town of Brookhaven (the “Project Site”) designated as #200-523-1-1.002 on the Suffolk County Tax Map; and

Whereas, the Klar Realty Corp. (“Klar”) controls the Yaphank Realty Corp.; and

Whereas, the Project Site, is undeveloped but was mined in the late 1960s and early 1970s for mineral soils and as a result the Project Site contains a mix of cleared areas and isolated patches of vegetated areas. Specifically, 61 percent of the Project Site (15.55 acres) is cleared and 39 percent of the Project Site (9.85 acres) is naturally vegetated; and

Whereas, on June 1, 1993, the Project Site was part of a larger 34.5 acre parcel identified as SCTM No. 200-523-1-1.1, which was in the D-1 Residence Zoning District; and

Whereas, in 1997, the Town Board of the Town of Brookhaven approved Klar’s request for a change in zoning for 9.1 acres of the 34.5 acre parcel from the D-1 Residence zoning district to the NH-H zoning district; and

Whereas, in 1999, the Town approved a two-lot subdivision, which subdivided the 34.5 acre parcel into two lots, the Project Site and the 9.1 acre NH-H parcel which was subsequently sold to the Miller Realty Corp.; and

Whereas, on September 23, 2008, the Town of Brookhaven and Yaphank Realty Corp. entered into a Stipulation of Settlement concerning the Project Site’s development. The Stipulation provides for a 140 unit multi-family unit development and requires that Klar provide a ten (10) foot public trail easement along the Project Site’s southern boundary; and

Whereas, Klar proposes to construct 140 duplex residential condominium units on the Project Site, of which 28 units will

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3525 Sunrise Highway
2nd Floor
Great River, NY
11739-0587

Phone (631) 224-2604
Fax (631) 224-7653
www.pb.state.ny.us

“affordable/workforce housing units,” a 3,300 square foot community recreational building, a tennis court and swimming pool, 283 parking spaces and an internal road network, and dedication to the Town of the 10 foot wide trail easement (the “Project”) and

Whereas, the proposed development of the Project Site will require clearing of 5.31 acres of the natural vegetated areas and will result in the creation of 6.73 acres of maintained landscape area; and

Whereas, Klar, subject to the approval of the Suffolk County Department of Health Services, proposes to treat sanitary waste generated by the Project at the existing Bretton Woods Sewage Treatment Plant (STP), which is situated on a parcel that adjoins the Project site on the west; and

Whereas, in order to transmit the sanitary waste generated by the Project to the Bretton Wood STP, Klar proposes to develop a 5,000 square foot pump station on the parcel owned by the Miller Realty Corp. and

Whereas, Klar also proposes to construct a 50 foot wide access road across the Miller Realty Corp. parcel between the Project Site and State Route 112; and

Whereas, the Project must conform to the provisions of the Central Pine Barrens Comprehensive Land Use Plan (CLUP), including CLUP Standard 5.3.3.6.1 authorizes Klar to clear up to 70% of the Project Site based upon the Project Site’s inclusion in the D-1 zoning district on the date of the CLUP’s adoption; and

Whereas, the Project does not comply with CLUP Standard 5.3.3.6.1 because Klar proposes to clear an additional 5.31 acres of the Project Site resulting in the total clearance of 20.86 acres (82%) of the Project Site (15.55 acres of the Project Site is currently cleared which, when combined with the proposed clearing of 5.31 acres, results in total clearing of 20.86 acres or 82% of the Project Site); and

Whereas, as the Project does not comply to the CLUP, Klar, by its consultants, Nelson, Pope and Voorhis submitted an application dated May 2010 (the “Application”) to the Central Pine Barrens Joint Planning and Policy Commission (the “Commission”) for a Compatible Growth Area (“CGA”) Hardship exemption to authorize the development of the Project Site; and

Whereas, the Commission received the Application on May 28, 2010; and

Whereas, Klar’s Hardship petition included an analysis of the hardship criteria contained in ECL §57-0121 in support of its Waiver application; and

Whereas, the Commission held a public hearing on the Project on July 21, 2010 during which Klar submitted five Exhibits including an accounting report; Environmental Assessment Form (“EAF”) Part III; a PowerPoint presentation about the Project; a Site

Plan package with 16 sheets; and a copy of the Town's Zoning Code relating to the D-1 zoning district; and

Whereas, Klar submitted a Financial Accounting Report prepared by Alperin & Alperin, P.C. dated July 6, 2010 to demonstrate the Project provides Klar with a reasonable return which was defined by Alperin & Alperin to be a six percent return on Klar's investment; and

Whereas, Mr. Steven Klar, President of Yaphank Realty Corp., testified during the hearing that his company has owned the Project Site since 1986; and

Whereas, the Project is a Type I Action pursuant to the New York State Environmental Quality Review Act ("SEQRA") for which the Town of Brookhaven performed a coordinated review; and

Whereas, a coordinated SEQRA review was performed because the Project requires other permits and approvals including, but not limited to, Suffolk County Department of Health Services (SCDHS) approval, New York State Department of Transportation road opening permit; and

Whereas, the Commission did not object to the Town serving as Lead Agency for purposes of the Project's SEQRA review by letter dated July 23, 2010 and on September 13, the Town declared itself to be the Lead Agency and adopted a Negative Declaration declaring that the Project would not have a significant adverse impact on the environment; and

Whereas, Klar's EAF Part III included analysis of an alternative that considered clearing more than proposed in the Project in order to provide a tighter cluster of developed areas in the eastern portion of the Project Site and also resulted in a wider buffer to the adjoining open space; and

Whereas, by letter dated November 11, 2010, Nelson & Pope submitted a site plan that "would not require a Hardship" and illustrates the development of 36 units, however, according to the description of said plan in the cover letter, it does not meet engineering and other design requirements; moreover, the submission states, "If the site were developed pursuant to the plan, it would result in financial loss to the developer of \$2,860,000"; the letter further states, "It is not possible or practical to avoid any clearing of vegetation as Standard 5.3.3.6.1 would require. A plan which comes close to meeting this standard is flawed because it results in only 36 units and fragments open space on the site, thus causing a conflict with Standard 5.3.3.6.2;" and

Whereas, pursuant to the Act, in determining whether to grant Klar a CGA hardship exemption for the Project, the Commission shall consider, among other things, the criteria set forth in New York State Town Law § 267-b(2) and determine whether the Project is consistent with the purposes and provisions of the Act and whether the Project

will result in a substantial impairment of the resources of the Central Pine Barrens area, and

Whereas, in considering the criteria set forth in Town Law § 267-b(2)(1), the Commission finds that Klar submitted competent financial evidence in the form of the Aleperin & Alperin Report, which concluded that the Project is expected to take 3.5 years to develop and the return over the period will only be 6%, which according to Alperin is “not a reasonable, return,” but “in spite of this, the applicant is ready to accept such a risk and proceed with the Project; and

Whereas, in considering the criteria set forth in Town Law § 267-b(2)(2), the Commission finds that the hardship, as it relates to the Project Site, is unique due to the previous disturbance of the Project Site and the existing configuration of fragmented and dispersed patches of existing natural vegetation on the Project Site that constrain the ability to develop the Project Site without disturbing the existing natural vegetation; and

Whereas, in considering the criteria set forth in Town Law § 267-b(2)(3), as it relates to character of the neighborhood, the site is set back from the north-south artery of State Route 112 and is situated in an area characterized by a variety of land uses representing commercial, industrial, residential, and open space uses; due to the range of existing land uses in the immediate area, the Project does not propose a land use that is not inconsistent with the existing neighborhood character; and

Whereas, the adjacent land uses include a high density residential community to the west, single-family residential and office uses to the north, an industrial land use to the south, and natural open space to the east which reflects the developed and undeveloped land uses that exist in the area immediately adjacent to the Project site; and

Whereas, the Commission finds that the Project will not alter the essential character of the Project Site’s neighborhood given the pattern of development surrounding the Project Site, the Project will be consistent with the high density residential community to the west and the land uses to the north and provide a transition from the industrial uses on the south, and

Whereas, in considering the criteria set forth in Town Law § 267-b(2)(3), the Commission finds that the requested exemption will not alter the essential character of the neighborhood since the proposed use is consistent with the established community character; and

Whereas, pursuant to Town Law § 267-b(2)(4), the Commission finds that hardship is not self-created since Klar did not cause or permit the disturbance of the Project Site. Klar has demonstrated that the Project Site was disturbed and mined prior to his ownership of the Project Site and prior to the Act’s enactment. These pre-Act land uses have caused the fragmentation of the Project Site; and

Whereas, the Commission finds that Klar cannot satisfy the requirements contained in Standard 5.3.3.6.1 (the Vegetation Clearance Limits) while simultaneously satisfying the requirements of Standard 5.3.3.6.2 (the Unfragmented open space) because in order to meet the clearing standard the site plan would require additional fragmentation of open space and natural vegetation on the site, while in order to meet the unfragmented open space standard the site plan would require additional clearing of native vegetation, beyond that permitted by the clearing standard; and

Whereas, the Commission finds that the Project is consistent with the purposes because the prior clearing and soil disturbance on the Project Site has produced fragmentation of habitat and by retaining the existing vegetation that remains to the extent practicable will provide benefits to wildlife as stopover, and foraging habitat; and

Whereas, the Commission finds the Project is consistent with the Act because the Project has been designed to minimize its environmental impacts without seeking additional units to increase the rate of return; and

Whereas, the Commission also finds that Klar's proposal to mitigate the Project's impacts by revegetating 3.91 acres of the project site with one acre of transplanted shrubs and new seedlings from the New York State Department of Environmental Conservation's Saratoga Nursery and 2.91 acres of Long Island Native Meadow Mix hydroseed will increase the amount of edge habitat at the Project Site; and

Whereas, the Commission has previously required restoration of vegetation and habitat as mitigation for development projects requiring its approval including, in the applications of the Villas at Medford, the Flowerwood Development Corp., and the Long Island Power Authority Riverhead Substation Expansion; and

Whereas, the Commission finds that the successful implementation of Klar's mitigation plan will require the preparation of a Revegetation Plan, and

Whereas, the Commission has considered all of the materials submitted in connection with the Project, now, therefore, be it,

Resolved, that the above recitals are incorporated herein and made a part hereof, and be it further

Resolved, that the Commission hereby determines the Application, as submitted, meets and satisfies the criteria for a Compatible Growth Area Hardship pursuant to the Act; and be it further

Resolved, that the Application is approved in accordance with the Alignment Plan prepared by Nelson, Pope & Voorhis, last dated August 25, 2010 and Landscape Plan prepared by Nelson, Pope & Voorhis last dated October 12, 2010, subject to the following specific conditions:

1. The Alignment Plan must be modified to state:
 - a. “Amount of area to remain natural: 4.54 acres”
 - b. “Amount of clearing: 5.31 acres”
 - c. “Amount of area to be revegetated: 3.91 acres, which is composed of one acre of transplanted shrubs and new seedlings from the DEC Saratoga Nursery and 2.91 acres of Long Island Native Meadow Mix hydroseed. Note: See separate Revegetation Plan”
 - d. “Amount of natural area to be managed by the Homeowner’s Association: 8.45 acres”
 - e. “Note: See conditions of approval in the Central Pine Barrens Joint Planning and Policy Commission decision dated November 17, 2010.”
2. Submission of Amended Alignment Plan modified in accordance with this approval.
3. At maximum a five foot wide path is permitted to be established in the 10 foot wide easement area to be dedicated to the Town. The trail shall be composed of natural groundcover or bare soil. No placement of fill, stone or other material is permitted. Clearing of trees for the trail shall not be permitted.
4. A plan for the creation of the trail shall be submitted to Commission staff for review and approval prior to commencement of any physical activity required for trail establishment. The trail plan shall depict the trail location, location of trees, signage, trail composition and trail construction requirements.
5. Submission of a Revegetation Plan, subject to Commission review and approval. Until approved by the Commission, no activity may commence on the Project Site. The Revegetation Plan must contain: a Revegetation Detail Plan, a Maintenance Plan, an Invasive Species Monitoring Plan and a Reporting Plan, as follows:
 - a. Revegetation Detail Plan: The Revegetation Detail Plan must:
 - i. Cover the 3.91 acre area to be revegetated.
 - ii. Contain a minimum of 1 acre of transplanted shrubs and DEC Saratoga Nursery supplied native seedlings.
 - iii. Contain a minimum of 2.91 acres of Long Island Meadow Mix hydroseed composed of grassland species native to the Central Pine Barrens.
 - iv. Planting specifications, composition of species in the meadow mix, and source of seed for review by the Commission.
 - b. Maintenance Plan: The Maintenance Plan must:
 - i. Designate the entity responsible for its implementation.

- ii. Be designed to ensure that at a minimum 85 percent survival rate of plants planted pursuant to the Revegetation Plan survive for a minimum three (3) year after the Commission approves the revegetation.
 - iii. Specify how the revegetation area will be maintained, including, but not limited to, irrigation details and mowing specifications.
 - iv. Contain a replanting schedule.
 - c. Invasive Species Monitoring Plan: The Invasive Species Monitoring Plan must:
 - i. Ensure that the revegetated area is kept free of invasive species.
 - ii. Provide an invasive species monitoring schedule.
 - iii. Ensure that invasive species are manually removed. Commission approval shall be required if herbicides or other chemicals are proposed for use to control invasive species.
 - d. Reporting Plan: The Reporting Plan must:
 - i. Set forth a schedule for submitting reports, on at least a biannual basis for four years, to the Commission concerning the status and success of the Revegetation Plan.
 - ii. Set forth the Reporting Plan elements including, but not limited to, the date and time of inspection, name and qualifications of person conducting inspection, color digital photographs of the revegetated area taken at the time of each inspection, relative health of revegetated area including whether or not an 85 percent survival rate of native species is being attained and, if not, corrective methods to be employed and whether or not invasive species are present and, if so, name of invasive species and corrective methods to be employed.
 - iii. Commission Staff must be permitted site access to perform inspections during the minimum three year maintenance period.
- 6. Prior to the commencement of activities on the Project Site, Klar must:
 - a. Stake limits of clearing for inspection by Commission Staff prior to commencement of construction activity.
 - b. Notify the Commission's Compliance and Enforcement Coordinator a minimum of 48 hours in advance of initial site disturbance to inspect site disturbance limits.
 - c. Install snow fencing around the existing 4.54 acre area that will remain natural. This area shall be set aside in its current natural state to undergo natural ecological processes. No clearing of the understory or other activity is permitted in this area.

7. Klar shall submit documentation to the Commission that it has dedicated to the Town a trail easement as per its stipulation with the Town.
8. Prior to application to the Town for Certificates of Occupancy, Klar must certify to the Commission that revegetation is complete and that Commission conditions have been fulfilled. Klar may not request Town Certificates of Occupancy until it has received written verification from Commission staff that the revegetation is complete and that Commission conditions have been fulfilled.
9. In the event Klar or any of its related entities transfers ownership or responsibility for compliance with the terms of this approval to any other entity, including a Homeowner's Association, arrangements, approved by the Commission, must be made to ensure that the new entity will be responsible for implementing the terms of this approval. Absent such approval, Klar shall retain responsibility for the implementation of the conditions of this approval.
10. Obtain additional permits and approvals, as required by law, prior to commencement of the Project. Klar must forward copies of such approvals including, but not limited to the SCDHS approval for connection to the Bretton Woods STP, and any other applicable permits to the Commission Office two weeks prior to commencement of site work.

Resolved, if any changes occur in the elements of the project, Klar must notify the Commission and submit an amended application, subject to review and approval, prior to implementation; and be it further

Resolved, Klar shall cause the terms and conditions of this approval to be incorporated into a Covenant and Restriction and submit the same to the Commission for its approval. If approved by the Commission the Covenants and Restrictions shall be filed promptly with the Suffolk County Clerk. If rejected, Klar shall revise the draft Covenant as per the Commission's comments and re-submit the same for its approval. This cycle shall continue until the Commission approves the Covenant and Restriction. Until the Covenant and Restriction is approved and recorded no activity may occur on the Project Site.

Record of Motion:

Motion by: M. Lesko

Seconded by: S. Walter

In Favor: 4

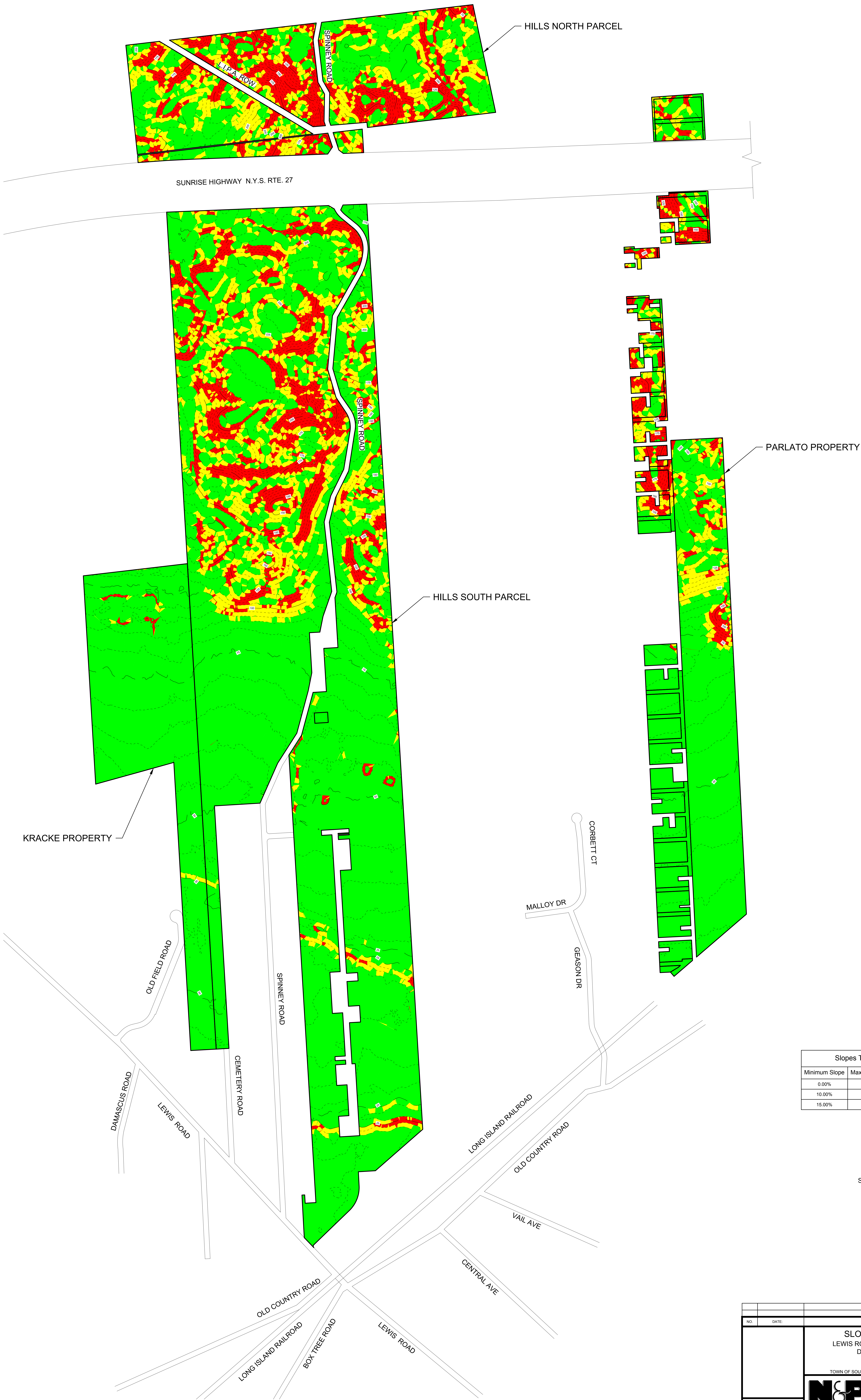
Opposed: 1 (M. Shea)

Abstention: 0

ATTACHMENT I
SLOPE INTERVAL MAP


N&P, LLP

December 2019



Slopes Table			
Minimum Slope	Maximum Slope	Acres	Color
0.00%	10.00%	419.79	Green
10.00%	15.00%	93.09	Yellow
15.00%	100.00%	75.51	Red

SOURCE: 2014 LIDAR

NO.		DATE:		REVISIONS:		BY:	
		SLOPE INTERVAL MAP				PROJECT NO.: 05105	
		LEWIS ROAD PLANNED RESIDENTIAL DEVELOPMENT (PRD)				DRAWN BY: JM	
		EAST QUOGUE				CHECKED BY: REP	
		TOWN OF SOUTHAMPTON, SUFFOLK COUNTY, NEW YORK				DATE: DEC. 2019	
		SITUATED AT				SCALE: 1" = 300'	
P.E. SEAL AND SIGNATURE		NELSON & POPE				DRAWING NO.: C-101	
		ENGINEERS & SURVEYORS 572 WALT WHITMAN ROAD, MELVILLE, N.Y. 11747 PHONE (631) 427-5965 FAX (631) 427-5620 WWW.NELSONPOPE.COM				SHEET NO.: 1 of 1	

ATTACHMENT J

VIEWSHED ANALYSIS

NP&V, LLC

December 20, 2019



VIEWSHED ANALYSIS

LEWIS ROAD PRD

December 20, 2019

1.0 INTRODUCTION

This document has been prepared to assess the potential visual impacts on outside observers from clearing of forested land on the site to develop 118 residences and an accessory private golf course associated with the proposed Lewis Road Planned Residential Development (PRD). The new structures, including the residences and the community buildings, are proposed to be approximately 35 feet in height. This document describes the visual changes expected, and summarizes the anticipated visual impacts of those site use changes.

2.0 CURRENT CONDITIONS

The majority of the property is currently heavily vegetated with natural forest species.. To the south of the site, there is residential development along Spinney Road. To the west of the property along Lewis Road, there are several active row crop farms and a sand and gravel mine, across which visual access to the project site may be available. In addition, there is a walking trail that borders the eastern project boundary and intersects an interior roadway, Serenity Place.

3.0 VISUAL ASSESSMENT

To assess the visual impact of the proposed project, three methods were used to demonstrate the visibility of the site from two determined locations shown in **Attachment A**.

Method A consists of photo-simulations which were generated using photographs of existing area conditions with the proposed locations of the housing units modeled into the photographs. Modeled representations of the residential units were generated using a 3D computer modeling software (SketchUp) and placed over the actual photographs utilizing software to simulate the proper location, heights and overall scale of the proposed residential units to simulate future views of the proposed project area. **Attachment B** provides the existing conditions photographs and the photo-simulated view for the proposed project. Location 1 is approximately 130 feet from the proposed site boundary. Location 2 is approximately 50 feet from the proposed site boundary.

As demonstrated by the photo-simulations, no significant adverse changes to the visual character of the site observable in this area will occur. The residences will not be seen from Location 1 or Location 2 as a result of the dense forested buffer set to remain in the proposed project. The potentially visible components of the development are located directly behind the dense understory and therefore beyond the visible range of the photos present. To best represent this, the models

presented in the photo-simulations were made translucent in order to visualize this location in the distance. A second method was then applied to better demonstrate this process.

To demonstrate the depth of location of the proposed project relative to the photo locations, *Method B* consists of modelling the site using only SketchUp to render the housing units and surrounding vegetation. **Attachment C** provides the modeled existing conditions during Summer and Spring months with full vegetation growth as well as a secondary image to demonstrate the location of the housing units beyond the scope of view from Locations 1 and 2.

As demonstrated by the full rendered images, the visual characteristics are still in agreement with *Method A* above; no significant adverse changes to the visual character of the area will occur. While there are small areas in which rooftops can be seen through the tree canopy, it should be noted that this model is only a representation of the vegetated material which contains slight variation and departure from existing conditions.

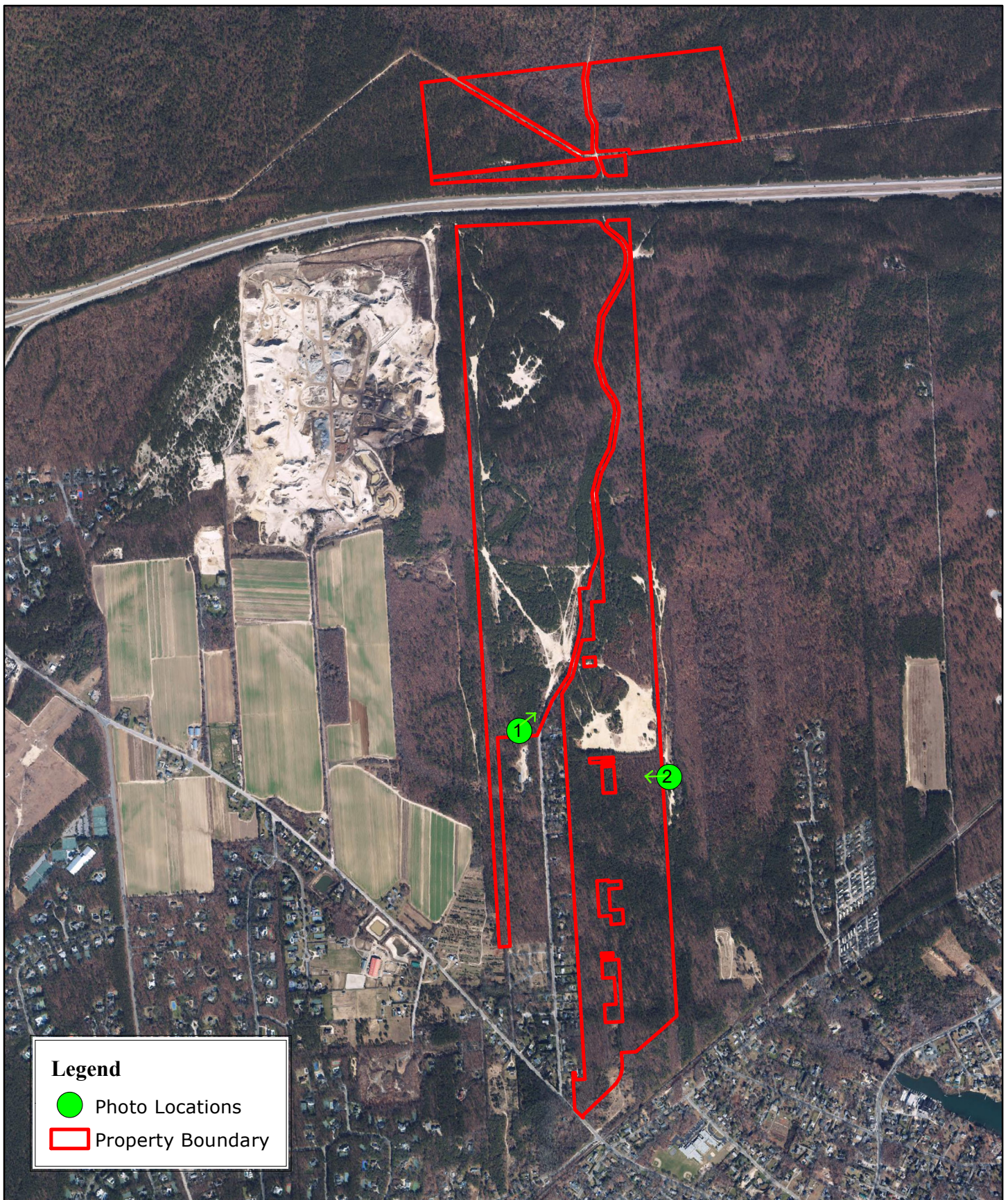
4.0 CONCLUSIONS

The findings of the visual characteristics remain consistent between the two methods presented above and support the conclusion that no significant changes to the visual character of the area will occur. While this method presents the proposed project in existing conditions, the images produced better visualize the extent and scale of existing vegetation relative to existing structures and the proposed project.



In total, the proposed project including the addition of 118 residential units will remain unseen from Lewis Road and the general public as a result of retention of existing natural perimeter vegetation, a majority of which is to remain. Initial concerns from Lewis Road are addressed by the use of two locations within closer proximity that still present extremely limited to no visibility of the proposed project.

ATTACHMENT A

PHOTOGRAPH LOCATIONS



Legend

-  Photo Locations
-  Property Boundary

**ATTACHMENT A
PHOTO LOCATION MAP**

Source: 2016 LiDAR
Scale: 1 inch = 1,500 feet



**Lewis Rd PRD
Southampton**

ATTACHMENT B

METHOD A

PHOTO-SIMULATION

PHOTO-SIMULATION LOCATION 1

EXISTING CONDITIONS



View from south western woods located within the project parcel looking east towards existing wooded vegetation.

PROPOSED CONDITIONS



Photo-simulation of proposed project within the project parcel looking east towards existing wooded vegetation.

PHOTO-SIMULATION LOCATION 2

EXISTING CONDITIONS



View from the trail located on the eastern edge of the property boundary looking west towards the proposed project.

PROPOSED CONDITIONS



Photo-simulation of proposed project from the trail located on the eastern edge of the property boundary looking east towards the proposed project.

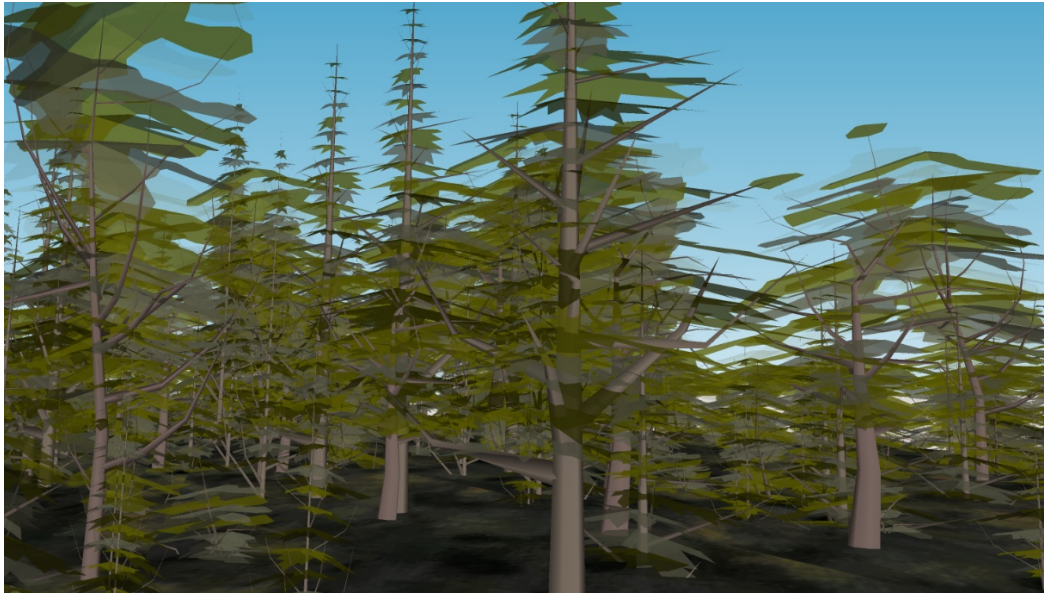
ATTACHMENT C

METHOD B

RENDERED MODEL

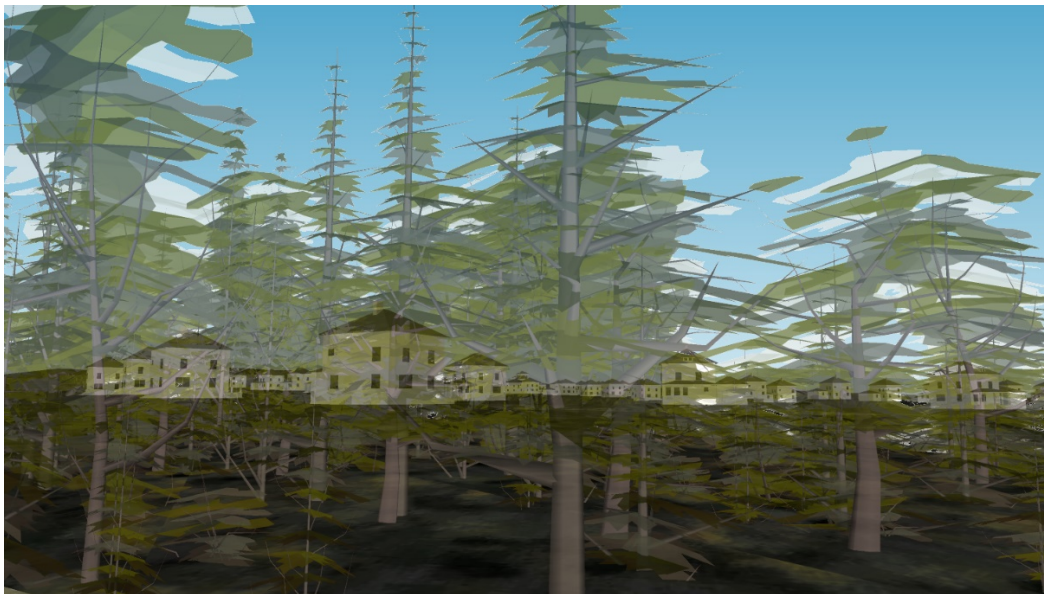
RENDERED MODEL LOCATION 1

EXISTING CONDITIONS



Rendered model view from southwestern woods located within the property boundary looking east towards existing wooded vegetation.

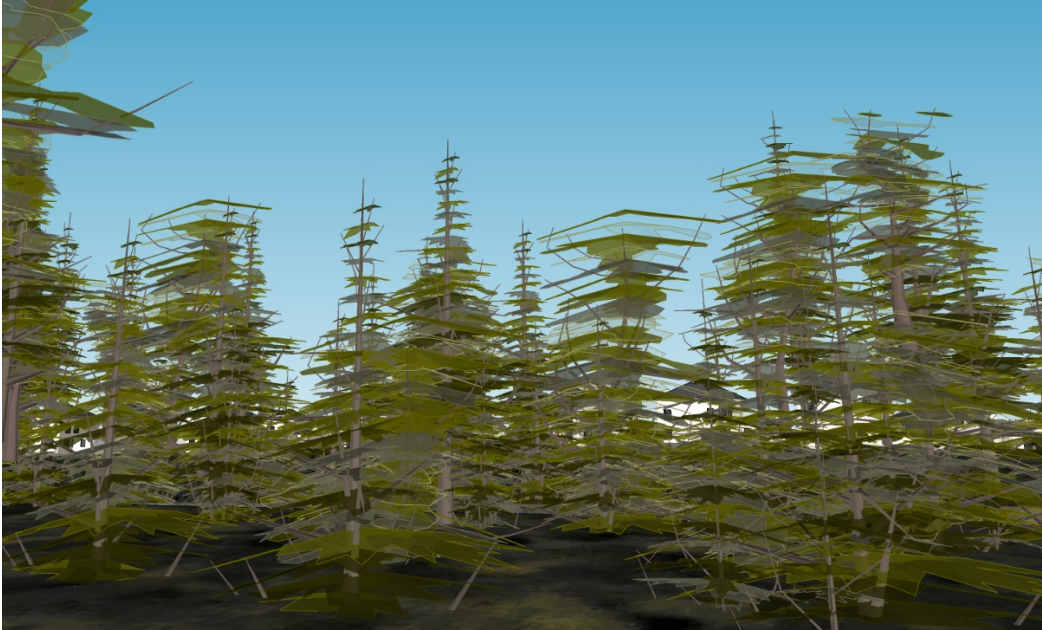
PROPOSED CONDITIONS



Rendered model of proposed project within the property boundary looking east towards existing wooded vegetation. Vegetation was made translucent to demonstrate the proposed residential housing beyond the visual scope of the location.

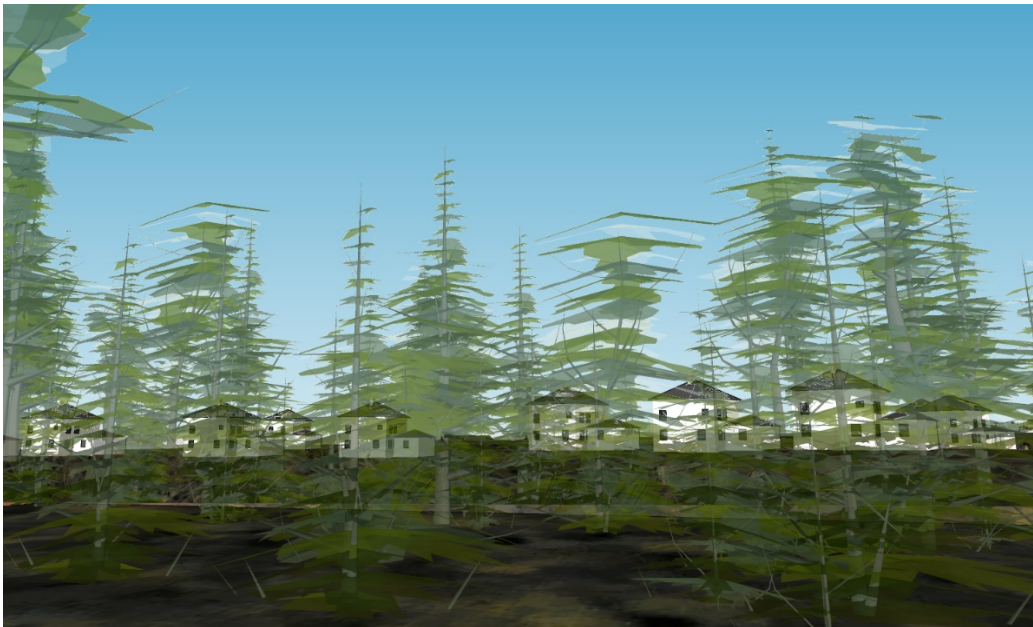
RENDERED MODEL LOCATION 2

EXISTING CONDITIONS

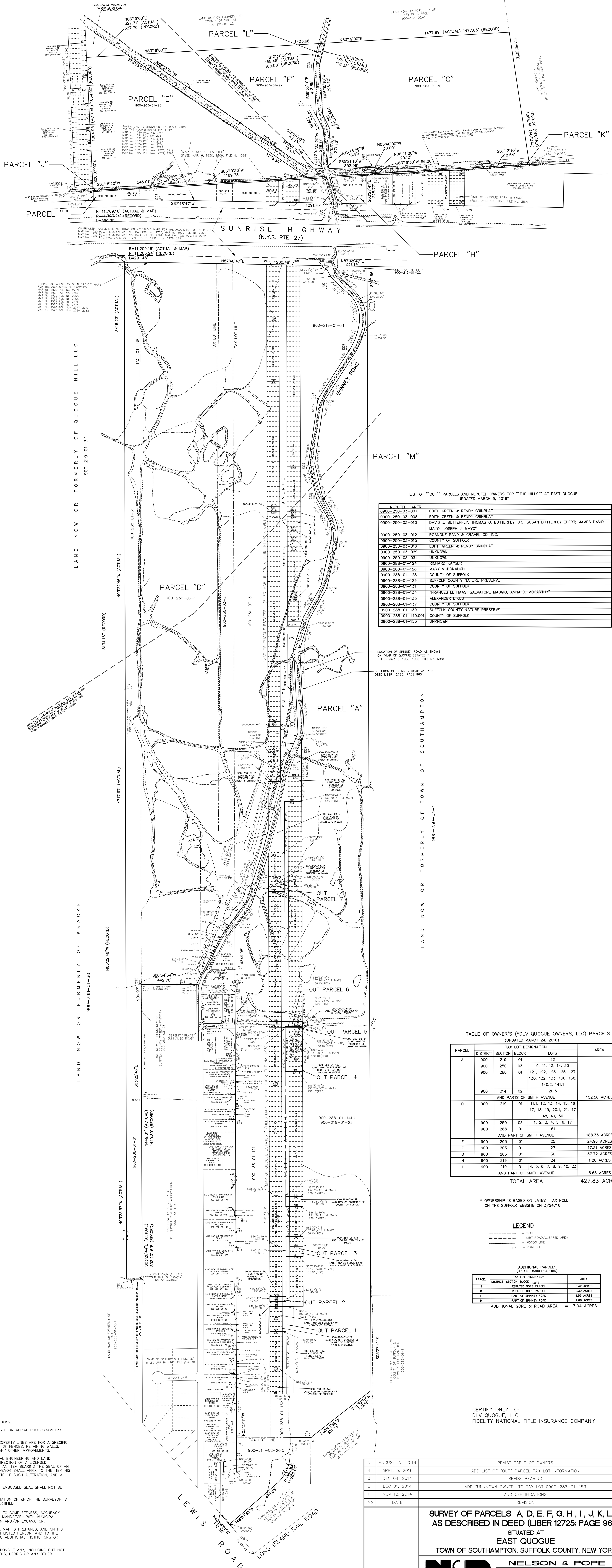
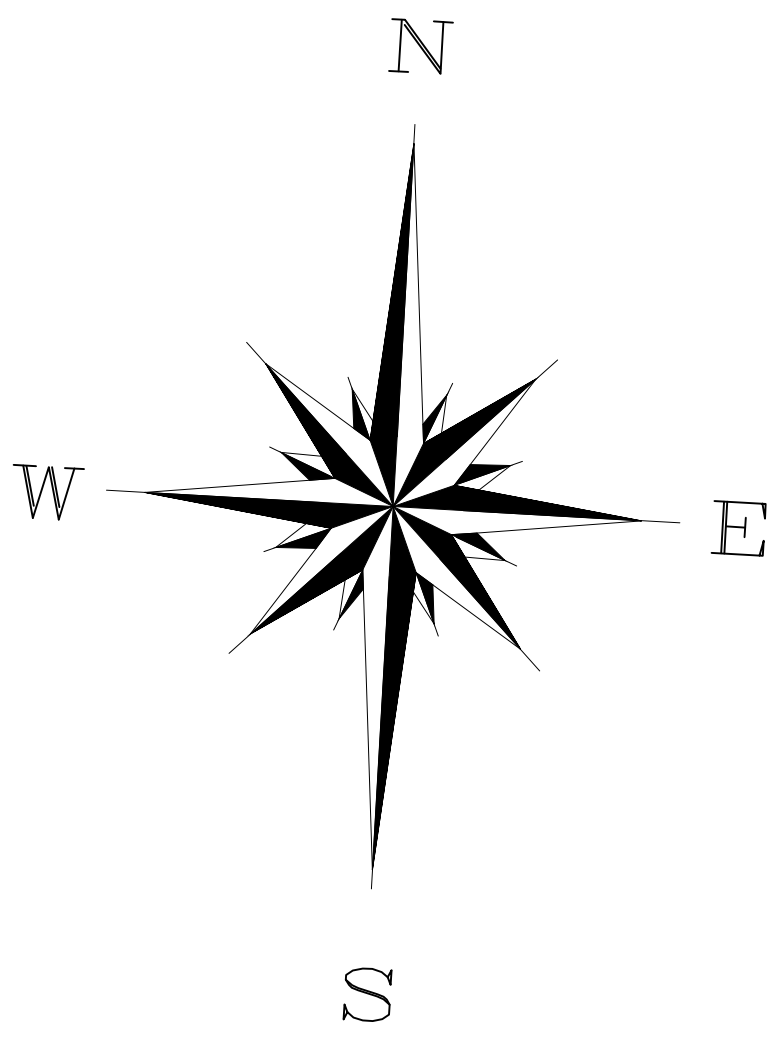


Rendered model view from the trail located on the eastern edge of the property boundary looking west towards the proposed project.

PROPOSED CONDITIONS



Rendered model view from the trail located on the eastern edge of the property boundary looking west towards the proposed project. Vegetation was made translucent to demonstrate the proposed residential housing beyond the visual scope of the location.



LIST OF "OUT" PARCELS AND REPUTED OWNERS FOR "THE HILLS" AT EAST QUOGUE
UPDATED MARCH 9, 2016

REPUTED OWNER	REPUTED OWNER
0900-250-03-007	EDITH GREEN & RENDY ORINBLAT
0900-250-03-008	EDITH GREEN & RENDY ORINBLAT
0900-250-03-010	DAVID J. BUTTERFLY, THOMAS G. BUTTERFLY, JR., SUSAN BUTTERFLY EBERT, JAMES DAVID MAYO, JOSEPH J. MAYO
0900-250-03-012	ROANKE SAND & GRAVEL CO. INC.
0900-250-03-015	COUNTY OF SUFFOLK
0900-250-03-016	EDITH GREEN & RENDY ORINBLAT
0900-250-03-029	UNKNOWN
0900-250-03-031	UNKNOWN
0900-288-01-124	RICHARD KAYSER
0900-288-01-126	MARY MCCONAUGH
0900-288-01-128	COUNTY OF SUFFOLK
0900-288-01-129	SUFFOLK COUNTY NATURE PRESERVE
0900-288-01-131	COUNTY OF SUFFOLK
0900-288-01-134	"FRANCES W. WYSE, SALVATORE MAGGIO, ANNE B. MCCARTHY"
0900-288-01-135	ALEXANDER UKROS
0900-288-01-137	COUNTY OF SUFFOLK
0900-288-01-139	SUFFOLK COUNTY NATURE PRESERVE
0900-288-01-142/001	COUNTY OF SUFFOLK
0900-288-01-153	UNKNOWN

LOCATION OF SPINNEY ROAD AS SHOWN
ON "MAP OF QUOGUE ESTATES"
(FILED MARCH 9, 2016; FILE NO. 698)

LOCATION OF SPINNEY ROAD AS PER
DEED LIBER 12725, PAGE 965

TABLE OF OWNER'S (*DLV QUOGUE OWNERS, LLC) PARCELS
(UPDATED MARCH 24, 2016)

PARCEL	DISTRICT	SECTION	BLOCK	LOTS	AREA
A	900	219	01	22	
	900	250	03	9, 11, 13, 14, 30	
	900	288	01	121, 122, 123, 125, 127, 130, 132, 133, 136, 138, 140, 141, 142	152.56 ACRES
	900	314	02	20.5	
D	900	219	01	11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 47, 48, 49, 50	
	900	250	03	1, 2, 3, 4, 5, 6, 17	
	900	288	01	61	188.35 ACRES
E	900	203	01	25	24.96 ACRES
F	900	203	01	27	17.31 ACRES
G	900	203	01	30	37.72 ACRES
H	900	219	01	24	1.28 ACRES
I	900	219	01	4, 5, 6, 7, 8, 9, 10, 23	5.65 ACRES
				AND PART OF SMITH AVENUE	
				TOTAL AREA	427.83 ACRES

* OWNERSHIP IS BASED ON LATEST TAX ROLL
ON THE SUFFOLK WEBSITE ON 3/24/16

LEGEND

- TRAIL
- DIRT ROAD/CLEARED AREA
- WOODS LINE
- MANHOLE

PARCEL	DISTRICT	SECTION	BLOCK	LOTS	AREA
J	900	250	03	3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50	0.42 ACRES
K	900	250	03	3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50	0.39 ACRES
L	900	250	03	3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50	1.55 ACRES
				PART OF SPINNEY ROAD	4.68 ACRES
				ADDITIONAL GORE & ROAD AREA	= 7.04 ACRES

CERTIFY ONLY TO:
DLV QUOGUE, LLC
FIDELITY NATIONAL TITLE INSURANCE COMPANY

NOTES:
LOT AND BLOCK NUMBERS IN PARENTHESES (), REFER TO FILED MAP LOTS AND BLOCKS.
LOCATIONS OF ROADWAYS, TRAILS, PATHS, AND LIMITS OF WOODED AREAS ARE BASED ON AERIAL PHOTOGRAMMETRY AND ARE APPROXIMATE.
THE OFFSETS (OR DIMENSIONS) SHOWN HEREON FROM THE STRUCTURES TO THE PROPERTY LINES ARE FOR A SPECIFIC PURPOSE AND USE AND THEREFORE ARE NOT INTENDED TO GUIDE THE ERECTION OF FENCES, RETAINING WALLS, POOLS, PLANTING AREAS, BUILDINGS, BUILDING ADDITIONS AND CONSTRUCTION OF ANY OTHER IMPROVEMENTS.
IT IS A VIOLATION OF NEW YORK STATE EDUCATION LAW ARTICLE 145, PROFESSIONAL ENGINEERING AND LAND SURVEYING, SECTION 2209, FOR ANY PERSON, UNLESS HE IS ACTING UNDER THE DIRECTION OF A LICENSED PROFESSIONAL ENGINEER OR LAND SURVEYOR, TO ALTER AN ITEM IN ANY WAY, IF AN ITEM BEARING THE SEAL OF AN ENGINEER OR LAND SURVEYOR IS ALTERED. THE ALTERING ENGINEER OR LAND SURVEYOR SHALL AFFIX TO THE ITEM HIS SEAL AND THE NOTATION "ALTERED BY FOLLOWED BY HIS SIGNATURE AND THE DATE OF SUCH ALTERATION, AND A SPECIFIC DESCRIPTION OF THE ALTERATION."
COPIES OF THIS SURVEY MAP NOT BEARING THE LAND SURVEYOR'S IRONED SEAL OR EMBOSSED SEAL SHALL NOT BE CONSIDERED TO BE A VALID TRUE COPY.
SURVEY MAP DEPICTS ONLY THOSE EASEMENTS, IMPROVEMENTS AND OTHER INFORMATION OF WHICH THE SURVEYOR IS AWARE. ANY OTHER PHYSICAL OR RECORDED EASEMENTS NOT SHOWN, ARE NOT CERTIFIED.
UNDERGROUND, OVERHEAD AND GROUND LEVEL UTILITIES ARE NOT GUARANTEED AS TO COMPLETENESS, ACCURACY, EXISTENCE, EXACT LOCATION, TYPE OR USE. ACTIVE OR INACTIVE. VERIFICATION IS MANDATORY WITH MUNICIPAL AGENCIES AND/OR PUBLIC OR PRIVATE UTILITY COMPANIES PRIOR TO CONSTRUCTION AND/OR EXCAVATION.
GUARANTEES INDICATED HEREON SHALL RUN ONLY TO THE PERSON FOR WHOM THE MAP IS PREPARED, AND ON HIS BEHALF TO THE TITLE COMPANY, GOVERNMENTAL AGENCY AND LENDING INSTITUTION LISTED HEREON, AND TO THE ASSIGNEES OF THE LENDING INSTITUTION. GUARANTEES ARE NOT TRANSFERABLE TO ADDITIONAL INSTITUTIONS OR SUCCESSOR OWNERS.
PREPARED MAPPING DOES NOT DEPICT GROUND SURFACE, OR SUB SURFACE CONDITIONS IF ANY, INCLUDING BUT NOT LIMITED TO WETLANDS, WATER COURSES, SOIL CONDITIONS, VEGETATION, TREES, PATHS, DEBRIS OR ANY OTHER CONDITIONS OTHER THAN VISIBLE PERMANENT STRUCTURES.
TITLE REPORT NOT PROVIDED FOR PREPARATION OF SURVEY.
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5	AUGUST 23, 2016	REVISE TABLE OF OWNERS	BY: PE
4	APRIL 5, 2016	ADD LIST OF "OUT" PARCEL TAX LOT INFORMATION	BY: PKE
3	DEC 04, 2014	REVISE BEARING	BY: PF
2	DEC 01, 2014	ADD "UNKNOWN OWNER" TO TAX LOT 0900-288-01-153	BY: JF
1	NOV 18, 2014	ADD CERTIFICATIONS	BY: JF
No.	DATE	REVISION	BY:
SURVEY OF PARCELS A, D, E, F, G, H, I, J, K, L, M AS DESCRIBED IN DEED (LIBER 12725; PAGE 965) SITUATED AT EAST QUOGUE TOWN OF SOUTHAMPTON, SUFFOLK COUNTY, NEW YORK			
NELSON & POPE ENGINEERS • DESIGNERS • SURVEYORS 572 WALT WHITMAN ROAD, MELVILLE, N.Y. 11747-2188 (631) 427-5665 FAX (631) 427-5620			DWN: BY: PF DATE: 10/15/14 CHK'D BY: JF DATE: 10/29/14 JOB No.: 14003 FILE No.: 900-250-250 CADD: THE HILLS SCALE: 1"=200' SHEET: 1 OF 1



Legend:

- Open Space (All outside Development)
- Existing Natural Area within Development
- Existing Cleared Area - To Be Revegetated
- Golf Area
- Wetland / Pond
- Lawn / Playfields
- Common Buildings and Workforce Housing
- Out Parcels and Paper Roads

Scale: 1" = 300'

North 0 150 300 600 900

Master Plan

LEWIS ROAD PRD AT EAST QUOGUE

December 23, 2019

TOWN OF SOUTHAMPTON, NEW YORK

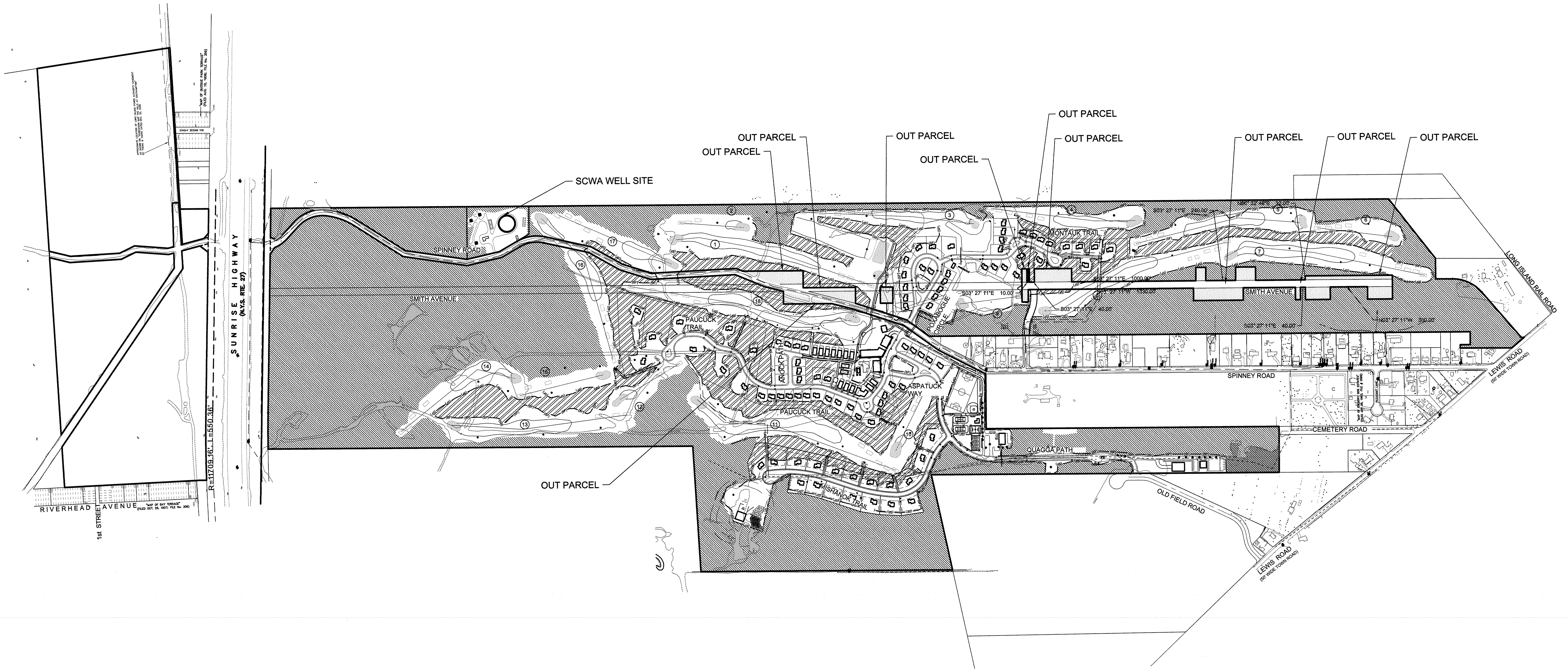
N&P NELSON & POPE
ENGINEERS & SURVEYORS

NP&W NELSON, POPE & WOODWARD LLC
ENVIRONMENTAL PLANNING & CONSULTING

FAZIO
DESIGN

VITA
PLANNING & LANDSCAPE ARCHITECTURE





TOTAL AREAS

AREA OF SITE SOUTH OF SUNRISE HIGHWAY: (61.26 KRACKE) + (338.3 HILLS SOUTH) = 399.56 ACRES
AREA NORTH OF SUNRISE HIGHWAY: 86.92 ACRES
AREA OF PARLATO PROPERTY: 101.91 ACRES
TOTAL AREA: 588.39 ACRES*

* TOTAL AREA REDUCED BY 2.61 ACRES DUE TO THE REMOVAL OF SOUTHERN PORTION OF SMITH AVENUE

OPEN SPACE OUTSIDE OF DEVELOPMENT

AREA OF SITE SOUTH OF SUNRISE HIGHWAY: 195.02 ACRES
AREA NORTH OF SUNRISE HIGHWAY: 86.92 ACRES
AREA OF PARLATO PROPERTY: 100.76 ACRES
TOTAL AREA OF OPEN SPACE: 382.70 ACRES

OPEN SPACE OUTSIDE OF DEVELOPMENT CALCULATION

382.70 ACRES / 588.39 ACRES = 0.6504 = 65.04%

FORMER CLEARED AREA WITHIN OPEN SPACE

CLEARED AREAS WITHIN OPEN SPACE WHICH HAS NATURALIZED: 3.86 ACRES

NATURAL AREA WITHIN DEVELOPMENT AREA

TOTAL NATURAL AREA WITHIN DEVELOPMENT: 46.12 ACRES

TOTAL NATURAL AREA CALCULATION

382.70 ACRES + 46.12 ACRES = 428.82 ACRES
428.82 / 588.39 = 72.89%

4	DECEMBER 6, 2019	REVISE OPEN SPACE OUTSIDE OF DEVELOPMENT AS PER TOWN	REP
3	NOVEMBER 14, 2019	REVISED PLANT LIST ITEM 4 TITLE ON SHEET L-100	REP
2	OCTOBER 17, 2019	REVISED PER TOWN COMMENTS OF SEPTEMBER 19, 2019	GEO
1	12/18/2018	ADDED APPLICANT TO TITLE BLOCK	REP
NO.		DATE	BY:
NO.		DATE	BY:
PROJECT NO.: 05105			
DRAWN BY: GEO			
CHECKED BY: REP			
DATE: OCTOBER 2018			
SCALE: 1" = 300'			
FILE NO.: .			
CADD: 05105 FSP.DWG			
DRAWING NO.: C-112			
SHEET NO.: 13 of 17			

APPLICANT:
EAST QUOGUE LLC
1400 N. 7TH STREET
SCOTTSDALE, AZ 85260

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