

Lewis Road Planned Development District Subdivision
Assertion of Jurisdiction Application
Staff Report Project Summary
For August 19, 2020

Summary

Discovery Land Venture (“DLV”) owns 608.45 acres of land (“the Project Site”) in the Central Pine Barrens in the Town of Southampton. On October 24, 2019, the Southampton Town Planning Board granted Conditional Approval of the Preliminary Subdivision Application to develop the property as a resort subdivision with 118 single-family and 12 year round workforce housing residential units, an 18-hole private golf course for resident use, a clubhouse and other recreational amenities, infrastructure, a tertiary sewage treatment plant, and open space (the “Project”). The proposal constitutes “Development” under the Long Island Pine Barrens Protection Act of 1993 which provides the Commission’s jurisdiction over the Project. Under the Central Pine Barrens Comprehensive Land Use Plan (the “Plan”), the Project is further categorized as a Development of Regional Significance. Because a portion of the Property is in the Plan-specified Critical Resource Area, and because the Commission asserted jurisdiction over the Project, the Project must demonstrate that it conforms to the Plan’s Standards and Guidelines. (Plan Section 4.5.3.3). If the Commission finds that it does not conform, to proceed DLV must receive a hardship exemption from the Commission unless it is modified to conform.

On October 21, 2015, the Commission asserted its jurisdiction over the Project and reaffirmed its assertion on May 15, 2019. DLV submitted a petition in response to the Commission on December 23, 2019, and on the basis of this petition, the Commission held a public hearing on February 19, 2020. Subsequently, DLV modified their proposal and on July 1, 2020 submitted a report entitled “Response to Pine Barrens Commission Staff Review and Public Comments.”. The submission provides a summary of the current Master Plan, site conditions, and responses to comments received at the public hearing on February 19, 2020.

This Staff Report analyzes the current iteration of DLV’s proposal and is based upon DLV’s Application submitted December 23, 2019 and its June 3, 2020 and July 1, 2020 submissions. The July 1, 2020 submission included:

- Master Plan dated June 30, 2020
- Clearing Plan dated July 1, 2020
- Grading Plan dated July 1, 2020
- Road Abandonment Strategy dated May 1, 2020
- Slope Map dated July 1, 2020

This Staff Report supplements and incorporates by reference the Commission’s February 19, 2020 Staff Report.

In total, the Project involves 608.45 acres. The Applicant proposes to develop 171.93 acres with the balance of the site, 436.52 acres, designated as Open Space. The Project involves 176 separate tax lots, both in the Central Pine Barrens Core Preservation Area and the Compatible

Growth Area. Some of the CGA lands are in a Critical Resource Area with features described in Chapter 4 of the Plan as “buck moth habitat generally north of the 100-foot contour.” Not all of the lots are contiguous. The Record defined four areas of the site that each include multiple parcels as: The Hills North, The Hills South, Kracke, and Parlato.

The Hills North and Parlato, including the CRA and a 11.96-acre lot known as the Timperman Property acquired after the February hearing, except for four acres of Parlato, are to be conveyed to the Town of Southampton for open space purposes. The four-acre area is slated to be conveyed to the Suffolk County Water Authority for public water supply purposes. The remaining 469.22 acres are in the Hills South and Kracke holdings. Of these 233.24 acres will remain as open space and be dedicated to a homeowner’s association DLV proposes to establish. Development will occur on the remaining 171.93 acres.

Summary of Project Information

Commission Review

- The Commission Asserted Review Jurisdiction on October 21, 2015 and reaffirmed the Assertion on May 15, 2019.
- SEQRA
 - Commission is an Involved Agency
 - Commission will issue a Findings Statement

Project Statistics

- Development of 118 single-family seasonal residences and 12 year-round workforce residences
- Maximum population of 444 people
- Development of accessory uses including an 18-hole private golf course for residents only, a clubhouse, recreational uses, and other structures.
- Project components are on Hills South and Kracke holdings with development closer to Project Site boundaries on the east, south and west sides than previous iterations.
- 176 tax lots in the Project Site were used for the Project’s yield, sewage flow, and clearing rights.
- No Pine Barrens Credits will be redeemed. This is a change from the Final EIS which reported 30 PBCs would be extinguished to offset the nitrogen-related density of the golf course.
- No density incentive development, as per the Planning Board Findings, is proposed.

Vegetation, Clearing and Open Space

- 171.93 acres of cleared/developed surfaces (28.26% clearing limit under the Plan)
- 233.24 acres of open space to be held in a Private Homeowner’s Association (HOA)
- 203.32 acres of open space dedicated to the Town of Southampton
- The addition of the Timperman property increased clearing by approximately 5 acres.
- The site contains properties identified in Chapter 4 of the Plan as Critical Resource Areas. The CRAs will be protected and dedicated to the Town as open space.
- No freshwater wetland habitat is present, as per the Record.

- The 171-acre development area may require a significant amount of landscaping.
- Open space
 - Approximately 300 acres of open space in large blocks will remain
 - An additional approximately 100 acres of open space, interspersed among the development areas, will be created

Water Resources

- Sanitary wastewater flow 40,957 gallons per day
- Development of a Sewage Treatment Plant in the CGA. The June 3, 2020 submission contains a “Notice of Incomplete Application Sewage Treatment Plant” from the SCDHS dated December 20, 2019 (Ref. No. C09-19-0017) with comments on the proposal. The Applicant submitted responses to SCDHS dated February 26, 2020. No final letter was submitted.
- Water use
 - Irrigation wells are proposed to pump 35 million gallons of water per year to irrigate the golf course. The June 3, 2020 submission contains a Request for Additional Information letter from NYSDEC dated January 9, 2020 (DEC ID# 1-4736-07248/00003). The Applicant submitted responses to NYSDEC dated February 4, 2020. No final letter was submitted.
 - 20 million gallons of water per year will be consumed for domestic use from the public water supply
 - Four acres of land on Parlato, designated as future open space, will be dedicated to SCWA to build a new public water supply well field.
- Development of two lined ponds for irrigation, each up to 10 feet deep
- Fertigation will utilize existing high nitrogen levels in groundwater to fertilize golf course
- Fuel will be stored on site including a 1,000-gallon diesel fuel storage tank and a 500-gallon gasoline storage tank.

Soils, Topography, Grading

- Development of 63 drainage reserve areas, as per the Grading Plan
- No mining will occur and therefore, no mining permits are needed. No exports of soil off site will occur; excavated soil will be redistributed on site. This is a change from the DEIS that reported up to 400,000 cubic yards of excess soil material would be generated by the Project and that an agreement would allow for purchase and import of soils and aggregates from East Coast Mines for development in exchange for exporting from the Project Site clearing debris, soils and aggregates generated by construction.
- A Stormwater Pollution Prevention Plan (SWPPP) and erosion and sediment control plan was submitted to the Town of Southampton Engineering Division. The Town issued a “Checklist for Storm Water Pollution Prevention Plan (SWPPP) Review” dated January 22, 2020 with comments that need to be addressed by the Applicant. The Town has not yet approved the SWPPP to move forward with a filing to NYSDEC.

Visual and Cultural Resources

- The Project will be visible from adjacent public land, open space, and trails.
- The Project may be visible to the public on Lewis Road and from other public viewpoints in winter when foliage is not present and under nighttime lighting.

- Due to a southward shift, development is closer to the Project Site boundaries on the east, south, and western boundaries. No revised computer simulations of the current Master Plan were submitted to determine if public views have changed.
- Construction of a trailhead and parking with no disturbance to natural vegetation.
- No impacts to cultural resources, as per the Record.

REVIEW OF STANDARDS AND GUIDELINES

This section analyzes the Record to determine whether the Project conforms to the Plan’s Standards and Guidelines.

Standard 5.3.3.1.1 Suffolk County Sanitary Code Article 6 compliance

All development proposals subject to Article 6 of the Suffolk County Sanitary Code shall meet all applicable requirements of the Suffolk County Department of Health Services. Projects which require variances from the provisions of Article 6 shall meet all requirements of the Suffolk County Department of Health Service's Board of Review in order to be deemed to have met the requirements of this standard.

- Project will conform when the Suffolk County Department of Health Services (SCDHS) has issued its approval.

Standard 5.3.3.1.2 Sewage treatment plant discharge

Where deemed practical by the County or State, sewage treatment plant discharge shall be outside and downgradient of the Central Pine Barrens. Denitrification systems that are approved by the New York State Department of Environmental Conservation or the Suffolk County Department of Health Services may be used in lieu of a sewage treatment plant.

- The STP remains in the CGA. The Master Plan shifts the STP southward on the Project Site closer to Lewis Road and to the CGA boundary line. Neither the County nor the State has issued any correspondence or rendered a determination that it is practical to place the STP discharge outside and downgradient of the Central Pine Barrens.
- The Suffolk County Department of Health Services Office of Wastewater Management issued a “Notice of Incomplete Application – Sewage Treatment Plan (STP)” dated December 20, 2019. The form reference Number is C09-19-0017. It contains comments that need to be addressed and an attached letter with comments on the same date.
- Absent the County or State input, in accordance with this Standard, the Project will conform.

Guideline 5.3.3.1.3 Nitrate-nitrogen goal

A more protective goal of two and one half (2.5) ppm may be achieved for new Projects through an average residential density of one (1) unit per two (2) acres (or its commercial or industrial equivalent), through clustering, or through other mechanisms to protect surface water quality for Projects in the vicinity of ponds and wetlands.

- Please explain why in the SONIR analysis the inputs in the population and number of units are both zero (0) where the inputs were not zero in other development projects.
- **The Commission must determine if the Project conforms to this Guideline.**

Standard 5.3.3.2.1 Suffolk County Sanitary Code Articles 7 and 12 compliance

All development projects must comply with the provisions of Articles 7 and 12 of the Suffolk County Sanitary Code, including any provisions for variances or waivers if needed, and all applicable state laws and regulations in order to ensure that all necessary water resource and wastewater management infrastructure shall be in place prior to, or as part of, the commencement of construction.

- The SCDHS letter dated December 20, 2019 raised questions and needed clarification on the request for an Article 12 permit. Please clarify to satisfy SCDHS requests.
- The Project will conform if the SCDHS review is satisfied and SCDHS issues its approval.

Standard 5.3.3.3.1 Significant discharges and public supply well locations

The location of nearby public supply wells shall be considered in all applications involving significant discharges to groundwater, as required under the New York State Environmental Conservation Law Article 17.

- Project will conform.

Guideline 5.3.3.3.2 Private well protection

The Suffolk County Department of Health Services' guidelines for private wells should be used for wellhead protection.

- Project will conform.

Standards 5.3.3.4.1 through 5.3.3.4.4 Wetlands and Surface Waters

Not applicable; no freshwater wetland habitat was identified on site.

Standard 5.3.3.5.1 Stormwater Recharge

Development Projects must provide that all stormwater runoff originating from development on the property is recharged on site unless surplus capacity exists in an off-site drainage system.

- Project will conform

Guideline 5.3.3.5.2 Natural recharge and drainage

Natural recharge areas and/or drainage system designs that cause minimal disturbance of native vegetation should be employed, where practical, in lieu of recharge basins or ponds that would require removal of significant areas of native vegetation.

- The Record indicates that it is not feasible to utilize existing natural low points and natural topography for drainage purposes due to existing site conditions. No centralized recharge basins are proposed.
- The Project will clear 11.5 acres to construct 63 drainage reserve areas, as per the references in the submission and Grading Plan.
- The Commission must determine whether the drainage plan conforms to this Guideline.

Guideline 5.3.3.5.3 Ponds

Ponds should only be created if they are to accommodate stormwater runoff, not solely for aesthetic purposes.

- 3.33 acres in two lined ponds each 10 feet deep will be developed for irrigation purposes; therefore, they are not being created solely for aesthetic purposes as the Record states, “[i]n addition to golf play and drainage functions, the two ponds will provide an aesthetic and functional role for visual interest in proximity to the clubhouse and residential units.”
- The Commission must determine whether the development of ponds conforms to this Guideline.

Guideline 5.3.3.5.4 Natural topography in lieu of recharge basins

The use of natural swales and depressions should be permitted and encouraged instead of excavated recharge basins, whenever feasible.

- The Grading Plan identifies 63 drainage reserve areas. The Record indicates it is not feasible to use natural swales and depressions for this purpose.
- Compliance to be demonstrated upon approval of a Stormwater Pollution Prevention Plan by the NYSDEC. Absent such approval, the Project does not conform.

Guideline 5.3.3.5.5 Soil erosion and stormwater runoff control during construction

During construction, the standards and guidelines promulgated by the New York State Department of Environmental Conservation pursuant to state law, which are designed to prevent soil erosion and control stormwater runoff, should be adhered to.

- The July 1 submission states, “With the completion of the Revised Master Plan, the Clearing Plan, and the Grading Plan, the SWPPP can be completed and will be submitted to the Town for review and approval; when it has been finalized, it will be forwarded to the Commission as a part of the on-going review.”
- Compliance to be demonstrated upon approval of the SWPPP. Absent such approval, the Project does not conform.

Standard 5.3.3.6.1 Vegetation Clearance Limits

The clearance of natural vegetation shall be strictly limited. Site plans, surveys and subdivision maps shall delineate the existing naturally vegetated areas and calculate those portions of the site that are already cleared due to previous activities.

Areas of the site proposed to be cleared combined with previously cleared areas shall not exceed the percentages in Figure 5-1. These percentages shall be taken over the total site and shall include, but not be limited to, roads, building sites and drainage structures. The clearance standard that would be applied to a Project site if developed under the existing residential zoning category may be applied if the proposal involves multi-family units, attached housing, clustering or modified lot designs. Site plans, surveys and subdivision maps shall be delineated with a clearing limit line and calculations for clearing to demonstrate compliance with this standard.

To the extent that a portion of a site includes Core property, and for the purpose of calculating the clearance limits, the site shall be construed to be the combined Core and CGA portions. However, the Core portion may not be cleared except in accordance with Section 5.2 of the Plan.

- Existing and Proposed conditions:
 - natural area coverage is 576.95 acres
 - existing cleared area is 31.50 acres
 - proposed cleared 171.93 acres
- The clearing/development area of 171.93 acres was increased by 5.75 acres from the prior Master Plan due to the increase in Project Site area to 608.45 acres as a result of the addition of the Timperman property and road abandonments.
- Table 1-2 in the July 1 submission summarizes the maximum amount of clearing in the Master Plan based on the areas of properties in the Project Site and 1995 zoning. The result is 171.93 acres or 28.26% of the Project Site.
- The Project will conform to the Standard if the clearing does not exceed 171.93 acres including the 31.5 acres currently cleared. Therefore, a maximum of 140.43 acres of existing natural vegetation can be cleared for the Project.

Standard 5.3.3.6.2 Unfragmented open space

Subdivision and site design shall support preservation of natural vegetation in large unbroken blocks that allow contiguous open spaces to be established when adjacent parcels are developed. Subdivision and site designs should also be configured in such a way so as to prioritize the preservation of native pine barrens vegetation to the maximum extent practicable.

For the purpose of this paragraph, native pine barrens vegetation shall include pitch pines and various species of oak trees, understory and ground cover plants such as blueberry, wintergreen, bearberry and bracken fern, grasses and sedges such as little bluestem, Pennsylvania sedge and indian grass as well as those ecological communities listed in sections 5.6 and 5.7 in Chapter 5, Volume 2 of the Plan.

It is recognized that the preservation of nonnative but ecologically important habitats may be consistent with the intent and goals of the Plan when such action would result in the creation of large contiguous natural open space areas and or the protection of rare, threatened or endangered species or their habitat.

- The Master Plan and Clearing Map identify the layout and areas of development and open space. The Project proposes a total of 436.52 acres of naturally vegetated area including approximately:
 - 233.24 acres of Private open space in the Hills South and Kracke (~187.81 acres in the CGA and ~42.43 acres in the Core)
 - 203.32 acres of Dedicated open space in the Hills North and Parlato (~109 acres in the CGA and ~97.84 acres in the Core)
- Four acres of the dedicated open space on Parlato will be subject to the construction of a public water supply well field, as per negotiations between the Applicant, the Town of Southampton, and the Suffolk County Water Authority.
- The Commission must determine whether the Project conforms to this Standard.

Standard 5.3.3.6.3 Fertilizer-dependent vegetation limit

No more than 15% of an entire development Project site shall be established in fertilizer-dependent vegetation including formalized turf areas. Generally, nonnative species require fertilization therefore, planting of such nonnative species shall be limited to the maximum extent practicable. The use of the nonnative plants in Figure 5-2 is specifically not recommended.

- The Project will conform.

Standard 5.3.3.6.4 Native Plantings

Development designs shall consider the native planting suggestions contained in Figure 5-2 of the Central Pine Barrens Comprehensive Land Use Plan.

- The Project will conform.

Standard 5.3.3.7.1 Special species and ecological communities

Where a significant negative impact upon a habitat essential to those species identified on the New York State maintained lists as rare, threatened, endangered or of special concern, or upon natural communities classified by the New York State Natural Heritage Program as G1, G2, G3 or S1, S2 or S3, or on any federally listed endangered or threatened species is proposed, appropriate mitigation measures as determined by the appropriate state, county or local government agency shall be taken to protect these species.

- Project will conform if clearing adheres to the windows for bat habitat protection. No clearing may occur between March 1 to November 30 to protect habitat of Northern Long Eared Bat in accordance with current NYSDEC guidance.

Guideline 5.3.3.8.1 Clearing envelopes

Clearing envelopes should be placed upon lots within a subdivision so as to maximize the placement of those envelopes on slopes less than ten percent (10%)

- Within the development envelope:
 - 144.59 acres of development will occur on slopes 0 to 10% grade
 - 17.31 acres of development will occur on slopes 10% to 15% grade and slopes greater than 15% grade.
- Taking the 171-acre development area into account, a lesser amount of disturbance or clearing for the Project occurs on slopes greater than 10% grade than the disturbance that occurs on slopes less than 10% grade. Lot-specific information was not provided, only for the overall Project. Therefore, as a percentage of the overall development area, the Applicant has maximized the placement of clearing on slopes less than 10% grade in conformance with this Guideline.
- **The Commission must determine whether the Project conforms to this Guideline.**

Guideline 5.3.3.8.2 Stabilization and erosion control

Construction of homes, roadways and private driveways on slopes greater than ten percent (10%) may be approved if technical review shows that sufficient care has been taken in the design of stabilization measures, erosion control practices and structures so as to mitigate negative environmental impacts.

- The Project develops 17.31 acres of 171 acres on slopes greater than 10% grade.
- The Applicant submits a Stormwater Pollution Prevention Plan (SWPPP) to the Town and initiates technical review prior to submission to NYSDEC. The SWPPP has not been approved by the Town yet as per the “Checklist for Storm Water Pollution Prevention Plan (SWPPP) Review” in Appendix D-3, submitted June 3, 2020, which contains comments at the end from the Town Engineer that have not yet been completed. The Applicant must complete the requirements of the Town Engineer’s technical review to demonstrate conformance with this Guideline.
- Once the Town approves the SWPPP, the Town will issue a “Notice of Acceptance” that the Applicant files with a Notice of Intent to NYSDEC.
- The Project will conform if technical review is approved by the Town.

Guideline 5.3.3.8.3 Slope analyses

Project review is facilitated if submissions contain a slope analysis showing slopes in the ranges 0-10%, 11-15% and 15% and greater. In areas with steep slopes, slope analysis maps should be required. This can be satisfied with cross hatching or shading on the site plan for the appropriate areas.

- The “Total Project Slopes Table” in the Slope Map quantifies the amount of development on slopes in intervals of 0-10% grade, 10-15% grade, and 15% to 100% grade. The areas listed are 430 acres, 97.68 acres, and 80.31 acres, respectively.
- The Slope Analysis and Map defines 17.31 acres of development on steep slopes limited to:
 - 11.08 acres of development on slopes 10 to 15% grade
 - 6.23 acres of development on slopes 15% grade or greater.
- The Project conforms to this Guideline.

Guideline 5.3.3.8.4 Erosion and sediment control plans

Erosion and sediment control plans should be required in areas of fifteen percent (15%) or greater slopes.

- The Project develops 6.23 acres on slopes 15% grade or greater.
- The June 3 submission states, “Technical review will be completed through the Town subdivision review process which will include review of the SWPPP, grading and drainage plans and erosion control plans.”
- The Project does not conform to the Guideline because an erosion and sediment control has not been submitted to the Commission.

Guideline 5.3.3.8.5 Placement of roadways

Roads and driveways should be designed to minimize the traversing of slopes greater than ten percent (10%) and to minimize cuts and fills

- The Project develops 17.31 acres of roads, driveways and other uses on slopes 10% grade or greater.
- Soil material in the cut will be distributed on site; no off-site soil removal will occur.
- The Commission must determine whether the Project conforms to this Guideline.

Guideline 5.3.3.8.6 Retaining walls and control structures

Details of retaining walls and erosion control structures should be provided for roads and driveways which traverse slopes greater than ten percent (10%).

- The Record states, “Because of the general shift of development southward from the steep slope areas (see the Revised Master Plan with Slope Analysis), the need for retaining walls to minimize graded area along the roadway, is minimized, if not eliminated altogether. Grade transitions will be made using slopes of 1:3 or less.”
- The Project conforms if the details of retaining walls are submitted in accordance with this Guideline.

Standard 5.3.3.9.1 Receiving entity for open space dedications

Applications must specify the entity to which dedicated open space will be transferred.

- The dedication and/or conservation easement should reserve the right for the future development of a public water supply well field in the open space. The Hills North and Parlato will be dedicated to the Town.
- A private Homeowners Association will manage approximately 233 acres of open space within the development.
- The Project conforms to this Standard.

Guideline 5.3.3.9.2 Clustering

Municipalities are strongly urged to maximize the use of the clustering technique where its usage would enhance adjacent open space or provide contiguous open space connections with adjacent open space parcels.

- The Town of Southampton has urged the use of the clustering technique in regard to the Project as its development has been clustered further southward on the Hills South and Kracke parcels and open space is preserved on these sites as well as on the Hills North and Parlato properties.
- The Project conforms to this Guideline.

Guideline 5.3.3.9.3 Protection of dedicated open space

Proposed open space should be protected with covenants, conservation easements or dedications that specify proper restrictions on its use and contingencies for its future management.

- The Project will conform if adequate restrictions are in place in the HOA.
- Reserve rights to dedicate four acres on Parlato to SCWA to develop a future public water supply well field.
- Work pertaining to water supply for the residents of Suffolk County constitutes “non-development” pursuant to definitions in Section 57-0107(13)(ii) of the Act. Therefore, no Commission review of the well field is required.

Scenic, Historic and Cultural Resources Guidelines 5.3.3.11.1 through 5.3.3.11.4

Guideline 5.3.3.11.1 Cultural resource consideration

Development proposals should account for, review, and provide protection measures for:

- 1. Established recreational and educational trails and trail corridors, including but not limited to those trail corridors inventoried elsewhere in this Plan.*
- 2. Active recreation sites, including existing sites and those proposed as part of a development.*
- 3. Scenic corridors, roads, vistas and viewpoints located in Critical Resource Areas, and along the Long Island Expressway, Sunrise Highway, County Road 111 and William Floyd Parkway.*
- 4. Sites of historical or cultural significance, including historic districts, sites on the State or National Registers of Historic Places, and historic structures listed on the State or National Registers of Historic Places, or recognized by local municipal law or statute.*
- 5. Sensitive archaeological areas as identified by the New York State Historic Preservation Office or the New York State Museum.*

- The width of natural buffers to adjacent public lands will range from 32 feet to 197 feet.
- According to the Grading Plan, on the east side of the Project Site (Hills South) and the west side (Kracke), the natural buffers are in the narrower portion of the 32 to 197-foot wide buffer width range.
- Since the development was shifted southward, it placed structures and uses closer to the Project Site boundaries on the east, south and west sides and closer to other adjoining uses including public land, farms, and residential properties. The Grading Plan identifies grading and development activity. Grading on the easterly boundary adjoins public land and occurs for a linear distance of more than 5,000 feet.
- Clearing and grading limits will need to be staked and inspected to avoid disturbance including erosion and clearing of vegetation off site.
- Existing hiking trails on the public land run adjacent to the easterly Project Site boundary.
- **The Commission must determine whether the Project conforms to this Guideline.**

Guideline 5.3.3.11.2 Inclusion of cultural resources in applications

Development proposals should note established recreation and educational trails and trail corridors; active recreation sites; scenic corridors, roads, vistas and viewpoints located in Critical Resource Areas and undisturbed portions of the roadsides of the Long Island Expressway, Sunrise Highway, County Road 111 and William Floyd Parkway; sites on the State or National Register of Historic Places, and historic structures and landmarks recognized by

municipal law or statute, or listed on the State or National Registers of Historic Places; and sensitive archaeological areas as identified by the New York State Historic Preservation Office or the New York State Museum within a five hundred (500) foot radius of the outside perimeter of the Project site, including any Project parcels which are physically separate from the bulk of the proposed development area.

A development proposal may be disapproved or altered if the local municipality determines that the development proposal, in its current form, may have a significant negative impact on any of the above resources.

- No active recreation sites, historic sites and archaeological sites are known to exist near the Project Site.
- The CRA in the Project Site will be protected as open space, so the Project conforms to the Guideline relates to the CRA.
- The Project will preserve large blocks of open space adjacent to both the north and south sides of Sunrise Highway, the only roadside listed above that is located near the Project Site.
- The Town Planning Board Findings concluded, “The Proposed Project will not result in any adverse impacts on community character.” It continued, “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.”
- The Commission must determine whether the Project conforms to the Guideline based on the Town’s Findings that there is no adverse impact on the resources identified in this Guideline.

Guideline 5.3.3.11.3 Protection of scenic and recreational resources

Protection measures for scenic and recreational resources should include, but not be limited to, retention of visually shielding natural buffers, replacement of degraded or removed natural visual buffers using native species, use of signs which are in keeping in both style and scale with the community character, and similar measures.

- The Project Site adjoins public nature preserve and open space properties. The Project will reduce existing natural visual buffers on site from the present condition, and the Project is likely to be visible from adjoining public lands. The width of the buffers ranges from a minimum of 32 feet to a maximum of 197 feet.
- A visual assessment simulating the current Master Plan in the landscape and public viewshed was not submitted for an impact evaluation. A visual assessment was submitted in a prior version of the Master Plan.

- The Commission must determine whether the Project conforms to this Guideline.

Guideline 5.3.3.11.4 Roadside design and management

Undisturbed portions of the roadside should be maintained in a manner that protects the scenic features of these areas. Clearing (including that for aisles, driveways, access and parking) is not precluded within these roadside areas, provided that appropriate buffers are maintained, and that manmade structures meet standards consistent with the character of the area.

- The Project may be visible from Lewis Road on the west side, from public lands and open space on the east side, and potentially from the coastal area when foliage is not present and potentially at night due to nighttime lighting.
- The Applicant’s evaluation concludes that the Project is in keeping with the character of the area even if it is visible.

- The Commission must determine whether the Project conforms to this Guideline.

POTENTIAL RECOMMENDATIONS/DISCUSSION ITEMS/QUESTIONS

Potential items to consider in addition to permits or other agency requirements identified in this evaluation.

1. No additional uses, density or intensity may be taken from the 176 lots from which yield, sewage flow and clearing rights were derived.
2. Please explain why in the SONIR analysis the inputs in the population and number of units are both zero (0) where the inputs were not zero in other development projects.
3. Outparcels should be delineated and protected from disturbance and encroachments during and after construction
4. Has the Timperman property been acquired?
5. Clearing.
 - The July 1 submission identifies a 207.69 acre “development area.” Please explain what is included in this area and how it relates to the maximum clearing limit of 171.93 acres where development will occur for the Project. Will the Project clear 171 acres or 161 acres? Explain the area references to 186 acres of naturally vegetated area within the development area and 390.73 acres of naturally vegetated area outside the development area. The term “development area” appears to be used to refer to more than one “area” and have more than one meaning. Please clarify.

- Paths between fairways, emergency access, the main access road, and any clearing for the Project must be included in the limit. Regarding cart paths, the July 1 submission states, “Most connections between a given green and the next tee flow between holes without obstruction. Where topography and design features do not allow these connections to be made, minor paths through the woods will be used for carts to traverse to the next hole. No clearing will occur as a result of these paths.”
6. Identify mitigation for the Project, if any.
 7. Maximum 15% fertilizer-dependent vegetation covenant.
 8. Native plantings. Utilize native plant genotypes to support species indigenous to the region. Consider coordinating clearing and landscaping/planting when and where feasible to reuse existing native plant material and seeds displaced for the Project.
 9. Protect patches of scrub oak habitat to support the regional population of the coastal barrens buck moth, a NYS-listed Species of Special Concern, and its habitat, where feasible.
 10. Protect State-listed Rare Plants and Species of Greatest Conservation Need including birds and other wildlife identified on site, where feasible.
 11. Is the proposed buffer wide enough to provide protection measures for established trails on the adjoining public land in accordance with G5.3.3.11.1? Has the Project noted established and educational trails, trail corridors, scenic corridors, roads, vistas and viewpoints as per G5.3.3.11.2? Is an updated visual assessment required (G5.3.3.11.3)? Are buffers and other measures adequate to protect scenic and recreational resources and adjacent public lands? Are appropriate buffers maintained for the Project to demonstrate conformance with G5.3.3.11.4?
 12. Consider the use of timers and motion detectors in non-seasonal months when the site is not in use to reduce nighttime lighting except where necessary for safety and security.
 13. The Commission reserves the right to review elements of the Project if they change or have an impact not previously identified and contemplated in this review.