
RESPONSE TO PINE BARRENS COMMISSION STAFF REVIEW AND PUBLIC COMMENTS

Lewis Road Planned Development District (PRD)

East Quogue, New York

NPV No. 05105

Prepared for Submission to:

Central Pine Barrens Joint Planning & Policy Commission
624 Old Country Road (County Route 31)
Westhampton Beach, New York 11798

Prepared by:



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July 1, 2020

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Lewis Road PRD

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Suffolk County, New York

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TABLE OF CONTENTS

	<u>Page</u>
COVERSHEET	i
TABLE OF CONTENTS	iii
1.0 INTRODUCTION	1-1
1.1 Purpose of this Document	1-1
1.2 Organization of this Document	1-2
1.3 Lewis Road PRD Master Plan Revisions	1-3
1.3.1 Area Change	1-3
1.3.2 Allowable Clearing Update	1-4
1.3.3 Project Change Summary	1-6
1.3.4 Future SCWA Wellfield	1-7
1.3.5 STP Update	1-8
1.3.6 Workforce Housing Units	1-8
1.3.7 Removal of Excess Excavated Soil	1-9
1.3.8 Below-Grade Parking and Other Amenities	1-9
1.3.9 Other Design Considerations	1-9
1.4 Revised Project Description	1-11
2.0 RESPONSES TO CPB STAFF REVIEW	2-1
2.1 Standards and Guidelines 5.3.3.1.1 through 5.3.3.1.3 Nitrate-nitrogen	2-1
2.2 Standard 5.3.3.6.1 Vegetation Clearance Limit	2-2
2.3 Standard 5.3.3.6.2 Unfragmented Open Space	2-7
2.4 Guidelines 5.3.3.8.1 through 5.3.3.8.6 Soils and Steep Slopes	2-9
2.5 Guideline 5.3.3.9.2 Clustering	2-14
2.6 Guidelines 5.3.3.11.1 through 5.3.3.11.4 Scenic, Historical, & Cultural Resources	2-15
2.7 Other Comments	2-15
3.0 RESPONSES TO PUBLIC COMMENTS AT AND AFTER THE CPB HEARING	3-1
3.1 Lawsuit	3-1
3.2 Surface and groundwater impacts	3-4
3.3 Conformance to plans	3-5
3.4 Project poorly planned	3-6
3.5 Golf course pollution	3-6
3.6 Zoning	3-6
3.7 Forest fragmentation	3-7
3.8 Precedent	3-7
3.9 Gbler report not considered	3-7
3.10 Public purchase	3-8
3.11 Support for project	3-8

3.12	CLUP Guidelines 5.3.3.1.1 & 5.3.3.1.3	3-8
3.13	CLUP Guideline 5.3.3.2.1	3-9
3.14	CLUP Guideline 5.3.3.3.1	3-9
3.15	CLUP Guideline 5.3.3.4.1	3-9
3.16	CLUP Guidelines 5.3.3.5.2 & 5.3.3.5.4	3-10
3.17	CLUP Guideline 5.3.3.5.3	3-10
3.18	CLUP Guidelines 5.3.3.5.5, 5.3.3.8.2, & 5.3.3.8.4	3-11
3.19	CLUP Guideline 5.3.3.6.1	3-11
3.20	CLUP Guideline 5.3.3.6.2	3-12
3.21	CLUP Guideline 5.3.3.6.3	3-12
3.22	CLUP Guideline 5.3.3.7.1	3-12
3.23	CLUP Guideline 5.3.3.8.1	3-13
3.24	CLUP Guideline 5.3.3.8.3	3-13
3.25	CLUP Guideline 5.3.3.9.2	3-13
3.26	CLUP Guidelines 5.3.3.11.1 & 5.3.3.11.2	3-14
3.27	CLUP Guideline 5.3.3.11.3	3-14
3.28	CLUP Guideline 5.3.3.11.4	3-14
3.29	Development of Regional Significance	3-14
3.30	Opposed to project	3-15
3.31	ZBA Decision precedence	3-15
3.32	Need for Dispersion Analysis	3-15
3.33	Fertigation	3-16
3.34	“Member” not defined	3-16
3.35	Climate change	3-17
3.36	GFE Alternative not considered	3-17
3.37	Construction period impacts	3-19
3.38	Soil removal and associated impacts	3-19
3.39	Underground garage construction	3-20
3.40	Traffic Impact Study should be updated to include Summer months	3-20
3.41	Traffic impacts severe	3-21
3.42	Nitrogen modeling	3-21
3.43	Impact of the Lewis Road PRD on the Spinney Hills CGA of the CPB Overlay District and APOD	3-22
3.44	Amper Letter, June 16, 2020	3-30

TABLES

1-1	Identification of Component Properties, Revised Master Plan	1-2
1-2	Maximum Clearing Allowed under CLUP, Revised Master Plan	1-4
1-3	Slopes, Existing and Disturbed, Revised Master Plan	2-11

APPENDICES

- A Staff Review of Applicant's Response to Staff Report of February 19, 2020**, Pine Barrens Commission Staff, *June 17, 2020*
- B Transcript of Public Hearing**, Pine Barrens Commission, *February 19, 2020*
- C Written Comments from Public Hearing**
- D Impact of the Lewis Road Planned Residential Development on the Spinney Hills Compatible Growth Area of the Central Pine Barrens Overlay District and Aquifer Protection Overlay District**, Ron Nappi, *undated*
- E Comment Letter**, Seatuck Environmental Association, John L. Turner, Conservation Policy Advocate, *March 24, 2020*
- F E-mails from Public**
- G Lewis Road PRD Golf Course Overview**
- H SONIR Computer Model Results, Revised Master Plan**
- I Tax Lot Numbers**

IN POUCHES AT THE BACK OF THIS DOCUMENT

- (Revised) **Master Plan**, June 30, 2020, VITA Associates
- (Previous) **Master Plan**, December 23, 2019, VITA Associates
- Clearing Plan**, Nelson + Pope, *revised July 1, 2020*
- Slope Map**, Nelson + Pope, *July 1, 2020*
- Grading Plan**, Nelson + Pope, *July 1, 2020*
- Road Abandonment Strategy #3**, N&P, LLP, *May 1, 2020*

SECTION 1.0

INTRODUCTION

1.0 INTRODUCTION

1.1 Purpose of this Document

This document provides the Applicant's responses to the comments contained in the letter prepared by the staff of the Central Pine Barrens Joint Planning & Policy Commission (hereafter, the "Commission") reviewing the Applicant's June 3, 2020 Response to the Commission Staff Report (dated February 19, 2020) on the proposed project as contained in the letter from the Commission to Charles J. Voorhis, CEP, AICP dated June 17, 2020. This document also responds to comments provided by the public during and after the Commission's public hearing on the application, which took place on February 19, 2020. The report and hearing were conducted on the project's Master Plan dated December 23, 2019 (hereafter, the "**Previous Master Plan**") note that all plans can be found in pouches at the back of this document. It is noteworthy that, in response to comments in the February 19th Staff Report and input from the Town of Southampton received before and during the hearing, particularly regarding steep slope avoidance, the Applicant incorporated a number of revisions to the project layout. It was on this revised layout that the Applicant's June 3rd Response document was prepared. The **Master Plan** dated June 30, 2020 (hereafter, the "**Revised Master Plan**") shows this revised layout. The changes are described further in the next subsection, and it is on this **Revised Master Plan** that the responses in this document are based. All of the prior submitted documents are part of the Applicant's submission and should be considered as a collective project submission. The June 3, 2020 submission identifies and explains the changes since the December 23, 2019 submission. This submission dated July 1, 2020, provides further detail to build upon the June 3, 2020 submission. The combination of these documents demonstrate conformance with the Central Pine Barrens Comprehensive Land Use Plan (CPB CLUP).

The proposed project remains a seasonal resort residential community of 118 (all seasonal) units, with amenities including an accessory golf course and clubhouse, and related recreational and site maintenance facilities. Sanitary wastewater generated by the project will be treated and recharged on-site in a new, state-of-the-art sewage treatment plant (STP). Also included are twelve (12) non-seasonal rental apartments for qualifying households; these units will be occupied year-round. The project site is located in East Quogue, Town of Southampton, Suffolk County, New York.

It is also noteworthy that, as a result of the Applicant's on-going efforts to purchase and incorporate adjoining land and "outparcels" within and near the project site (11.96 acres; the "Timperman property"), an increase in road abandonments on the Parlato Property (to 16.72 acres) and an abandonment of 1.57 acres of the Smith Road right-of-way (ROW) on the Hills South Parcel, the acreage of the project site has increased by a net 20.06 acres from the 588.39 acres described in the Assertion of Jurisdiction application. The Timperman property (Suffolk County Tax Map numbers: District 0900, Section 252, Block 1, Lot 98; see Road Abandonments Plan #3) is within the central part of the Parlato Property and connects north parts of the Parlato Property with south parts of the Parlato Property, thereby expanding natural area and

contiguous open space to be dedicated to the Town. As is described in more detail in **Section 1.3**, the project site described and analyzed in this document is 608.45 acres.

The subject site continues to be comprised of four distinct parcels in three properties but, as described above, additional property has been incorporated into the project site and therefore the site is larger than the acreage as described and analyzed in the Assertion of Jurisdiction application.

The inclusion of the Timperman property is significant, in that this land could be developed independently with two (2) single family homes under Town Zoning. Addition of this parcel to the subject site precludes such development and adds to the contiguous open space holdings to be offered for dedication to the Town, thus further improving unfragmented open space. No additional yield is being sought for this land, and as a result, the Lewis Road PRD therefore results in further consolidation of land, inclusion of adjoining parcels, reduction of yield and open space preservation through this beneficial change in the project. The current site acreages are listed in **Table 1-1** below.

TABLE 1-1
IDENTIFICATION OF COMPONENT PROPERTIES
Revised Master Plan

Name of Property/Parcel		Size (acres)
Hills Property*	Hills North Parcel	86.92
	Hills South Parcel**	339.87
Kracke Property	---	61.26
Parlato Property***	---	120.40
Totals	---	608.45

Notes:

* The Hills Property is made of two Parcels, one north of Sunrise Highway, the other south of Sunrise Highway.

** Includes 1.57 acres from Abandonment of a portion of the Smith Road ROW.

*** Includes Timperman property (11.96 acres) and 16.72 acres of road ROW Abandonments.

1.2 Organization of this Document

Comments on the application that are addressed herein were provided in two sources: the Commission staff letter reviewing the Applicant's document (submission dated June 3, 2020) responding to the Commission Staff Report (report dated February 19, 2020), and from the public during the February 19, 2020 Commission hearing. The Commission staff review letter is presented herein in **Appendix A**; the transcript of the hearing is found in **Appendix B**. Written public comments received during and after the hearing are presented in **Appendices C through**

F. All responses to the comments in the staff review letter are addressed in **Section 2.0**, and all responses to the comments from and after the hearing are presented in **Section 3.0**.

Each substantive comment in **Appendices A through F** has been identified and numbered sequentially (e.g., A-5, B-17, C-21, etc.), and the sub-section where its response can be found is indicated. In this way, a reciprocal relationship is created between the comments (found in the appendix) and the responses (in Section 2.0 or 3.0): the comment can be located in the appendix (if one is reviewing the responses and wishes to match a response to the comment that generated it), or if one is reviewing the comments (and wishes to match it against its response).

Each response provides information for the Commission to consider when deliberating the merits of the application pending before it.

1.3 Lewis Road PRD Master Plan Revisions

Town environmental staff and Commission staff comments on the **Previous Master Plan** sought to provide more consolidated contiguous open space (to address the Unfragmented Open Space Standard 5.3.3.6.2) and reduce impacts to those existing steep slopes on the site that were within the development area (to address slope area development related Standards and Guidelines 5.3.3.8.1 through 5.3.3.8.5). Additional modifications were encouraged through redesign of the project including location of the STP and maintenance area and related project design features. The **Slope Map** shows the slope areas of the subject site overlaid with the anticipated development area of the **Previous Master Plan** and the **Revised Master Plan**. A comparison of these two boundaries shows the shift of proposed development on the northern part of the development area in a southerly direction, to reduce impact to the steeper slopes in this area, as sought by the Town and Commission.

Appendix G contains a description of the golf course changes and advantages gained from those revisions, as well as a descriptions of each golf hole layout.

1.3.1 Area Change

In order to achieve these goals, the Applicant has revised the plan to shift a number of the planned golf holes, the SCWA wellfield site, the STP, and a number of the housing units southward. It is noted that, as a result of an additional land purchase undertaken after the hearing (11.96 acres), an increase in the acreage of roadway abandonment on the Parlato Property and 1.57 acres of Smith Road abandonment on the Hills South Parcel, the acreage of the project site has increased to 608.45 acres, increasing the Parlato Property to 120.40 acres and the Hills South Parcel to 339.87 acres.

1.3.2 Allowable Clearing Update

Based on the increase in site acreage, the allowed clearing for the site under the Comprehensive Land Use Plan (CLUP) clearing standard will increase from the value it had been for the **Previous Master Plan**. As can be seen in **Table 1-2**, based on the zonings of the project's component properties as of 1995, up to 171.93 acres, or 28.26% of the site, may be cleared. The clearing for the **Revised Master Plan** will conform to this requirement.

TABLE 1-2
MAXIMUM CLEARING ALLOWED UNDER CLUP
Revised Master Plan

	Zoning in 1995	Acreage (acres)	Estimated Yield (lots) ¹	Maximum Allowed Clearing Under CLUP	
				%	acres
Hills North Parcel	CR-200	86.92	14	25	21.73
Hills South Parcel ²	CR-80	58.14	24	35	20.35
	CR-120	130.98	36	30	39.29
	CR-200	150.75	25	25	37.69
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 ³	CR-120	69.55	19	30	20.87
	CR-200	34.13	6	25	8.53
Parlato Road Abandonment Area ⁴	CR-120	7.93	2	30	2.38
	CR-200	8.79	1	25	2.20
Total Property		608.45	145	---	171.93⁵

Notes:

- 1 Calculated as: (acreage x 43,560 x 0.75)/lot size under zoning.
- 2 Includes an additional 1.57 acres of road abandonment of Smith Road.
- 3 Includes added Timperman property (11.96 acres).
- 4 Includes 7.38 acres of additional ROW Abandonments.
- 5 Up to 28.26% clearing is allowed; based on 171.93 acres of allowable clearing.

The following details the existing and proposed site acreage values:

Total Area of Project Site: 608.45 acres

Total Acreage within Development Area: 207.69 acres

Total Acreage outside Development Area: 400.76 acres

Total Existing Cleared/Developed Area: 31.50 acres

Existing Cleared/Developed Area within Development Area: 21.47 acres

Existing Cleared/Developed Area outside Development Area: 10.03 acres

Total Existing Naturally-Vegetated Area: 576.95 acres

Existing Naturally-Vegetated Area within Development Area: 186.22 acres

Existing Naturally-Vegetated Area outside Development Area: 390.73 acres

Total Proposed Cleared/Developed Area: 171.93 acres

Proposed Cleared/Developed Area within Development Area: 161.90 acres

Proposed Cleared/Developed Area outside Development Area: 10.03 acres

Total Proposed Naturally-Vegetated Area: 436.52 acres (71.74%, as defined per CLUP)

Proposed Naturally-Vegetated Area within Development Area: 45.79 acres

Proposed Naturally-Vegetated Area outside Development Area: 390.73 acres

These data demonstrate that the site will be divided into a 207.69 acre “Development Area” within which the project as well as substantial natural and open space areas will be located; and its impacts will be located; conversely, all of the 400.76 remaining acres will be outside this area, and so will not be disturbed in any manner. The 400.76 acres consists of large unfragmented blocks of open space that align internally and also align with off-site open space. As noted, 7.5% of the required natural area to meet vegetation clearance limits is within the development area. These areas align with interior open space, natural and natural revegetation areas within the golf course (referred to as carry areas) and open space outside of the development area, and provide significant natural area and habitat benefit to the overall project design.

There are currently 31.50 acres of land that have been cleared or otherwise developed, and so are not reflective of natural conditions. This area is composed of 21.47 acres that will be within the development area, and 10.03 acres outside of it. These 10.03 acres are in turn comprised of 4.81 acres on the Hills South Parcel that are bare soil, and 5.22 acres in the Parlato Property that are paved roadway (1.06 acres), 0.16 acres in a conservation easement, and 4.00 acres much of which is assumed to be cleared for installation of the SCWA wellfield based on actual plans provided by the SCWA.

The remaining 576.95 acres of the site are naturally-vegetated, of which 186.22 acres are in what will be the development area, and 390.73 acres are outside of it.

The proposed project will establish a 207.69-acre development area, within which 161.90 acres will be cleared or developed surfaces, and 45.79 acres will be retained naturally-vegetated surfaces. All 21.47 acres of existing cleared/developed surfaces in this area are expected to be cleared and graded for development. As a result, only 140.43 acres of naturally-vegetated land in the development area will be removed.

For areas outside the development area, all 390.79 naturally-vegetated acres will remain undisturbed, as will the existing 10.03 acres of cleared land.

Overall:

- 21.47 acres of the 31.50 acres of previously impacted land will be graded for development; the remaining 10.03 acres will remain undisturbed.
- On the Parlato Property, 0.16 acres are in an existing easement, 1.06 acres are a paved roadway, and 4.00 acres of clearing anticipated for the SCWA wellfield have been set aside for its development.
- There will be 45.79 acres of natural vegetation retained within the development area.
- There will be a removal of 140.43 acres of natural vegetation from within the development area.
- All 390.73 acres of natural vegetation that are outside the development area will be retained undisturbed.
- With the 45.79 acres of natural land within the development area, and the 390.73 acres of natural vegetation outside the development area, there will be a total of 436.52 acres of natural vegetation retained on the site, which represents 71.74% of the property.
- This value exceeds the minimum amount of retention required by Standard 5.3.3.6.1 of the CLUP.

The plan is still designed to adhere to the general design concept to preferentially develop the previously-developed or impacted areas of the site (i.e., Unvegetated, Agriculture and Brushy Cleared). As a result of the application of this design concept, the amount of naturally-vegetated land has been minimized to the maximum extent feasible, given the golf course recreational amenity, the residences, and the associated improvements amenities on-site. Nevertheless, the **Revised Master Plan** will, like the **Previous Master Plan** before it, meet the CLUP clearing standard.

1.3.3 Project Change Summary

The general shift southward mentioned above resulted in the following relocations of buildings and development areas:

- At the request of the SCWA and concurred to by the Town, the future SCWA wellfield will be located at the southern end of the Parlato Property.
- The STP was moved southward to the southern end of the “panhandle” area, on the west side of Spinney Road. This was promoted by the Town of Southampton to locate the STP near the East Quogue Cemetery, and in a location that is downgradient of the SCWA Spinney Road well field as well as downgradient of historic/present farm fields.
- The golf course holes in the northern part of the developed area were shifted to the south and west.
- One of the three artificial ponds has been eliminated, so that the total surface area of the ponds has been reduced.

- The residences located in the northern part of the site have been moved south and occupy smaller lots; the number of Woodland Estate Lots is decreased by 28; Village Lots increased by 33; the number of Village Estate Lots is increased by 2; and the number of Village Cottage/Townhouses increased by 3. The number of Clubhouse Condominiums remains unchanged.
- The maintenance area has been moved south.
- Because all of the development in the site's northern area has been shifted southward, the length of roadways (and associated paved surfaces) has also been reduced.
- Additional land referred to as the Timperman property, has been added to the Parlato Property.
- Land has been added to the Hills South Parcel and to the Parlato Property from additional roadway ROW abandonments.

Despite these changes in the locations of these project components, the overall building coverage is not expected to substantially change, though the land area in which these components are situated has been reduced.

1.3.4 Future SCWA Wellfield

Discussions with the Town and SCWA have resulted in the decision to move the location of the proposed 4-acre dedication for a new public water supply well field from what was originally indicated in the **Previous Master Plan** east to the south part of the former farm field area on the Parlato Property, as shown in the **Revised Master Plan**. This wellfield is not required for the proposed project which has received a letter of water availability from SCWA that includes a list of improvements that are needed to ensure water supply service to the site. SCWA requested land for a future wellfield to meet the needs of the distribution area. SCWA provided a design in AutoCAD to the project design team, to incorporate the wellfield into the south part of the Parlato Property. This location is preferred by SCWA as it lies more equally between the Spinney Road wellfield to the west and the Malloy Drive wellfield to the east. This wellfield is not needed to serve the project site, and is planned as a future improvement to improve pressure and water supply to the SCWA distribution network. The Town expressed support for the proposed location as compared with the location in the north part of the Hills South Parcel that was previously proposed. The previously proposed location would have required more disturbance for access and construction as it was located within the higher elevation and steep slope areas of the Hills South Parcel and therefore also potentially more visible. The new proposed future SCWA wellfield location is in an area that exhibits flat topography. Access to this location is more easily gained, and the location is less visible.

The proposed future SCWA wellfield location is within the Critical Resource Area (CRA), and as a result of the CRA designation, requires Commission review. No additional procedural requirements apply other than Commission review, and since the application is already being reviewed under the Assertion of Jurisdiction, the process that is being followed allows for consideration of the future SCWA wellfield in this location. The basis for the Henrys Hollow

CRA was primarily for protection of open space and habitat for the Coastal Barrens Buckmoth (*Hemileuca maia*) designated as a rare species of “special concern” by New York State Department of Environmental Conservation (NYSDEC). The host plant Scrub Oak (*Quercus ilicifolia*) was found to be prevalent in the higher elevation areas of the CRA. The proposed future SCWA wellfield location will not adversely impact the higher elevation areas of the property, or the host plant for the Coastal Barrens Buckmoth. The new proposed wellfield location is preferred by SCWA for future water service and access and is environmentally preferable as it requires less disturbance, is not within steep slope areas, is less visible and more accessible, and is in a previously disturbed area. For these reasons, the new proposed location is incorporated into the **Revised Master Plan**.

In addition to the beneficial aspects of relocating the wellfield site to the south part of the Parlato property as per SCWA noted water supply advantages and Town noted open space improvements, it is noted that the overall 11.96 acre Timperman property addition to the Parlato Property provides additional open space in the higher elevation areas of the subject site. The higher elevation areas of the site are more advantageous to buckmoth habitat and protection of steep slopes. This effectively offsets any perceived negative aspect of locating the wellfield site on the south side of the Parlato Property. The Timperman property could be developed independently with 2 single family homes under Town Zoning. Addition of this parcel to the subject site precludes such development and adds to the contiguous open space holdings to be offered for dedication to the Town, thus further improving unfragmented open space. No additional yield is being sought for this land, and as a result, any perceived yield aspect to the SCWA wellfield site is further offset by this inclusion of land in the overall project area. The Lewis Road PRD therefore results in further consolidation of land, inclusion of adjoining parcels, reduction of yield and open space preservation through this beneficial change in the project.

1.3.5 STP Update

As stated in the Draft Environmental Impact Statement (DEIS) for the Hills Mixed Use Planned Development District (MUPDD) and in all subsequent analyses, the applicant remains committed to providing state-of-the-art tertiary sewage treatment for project, despite the fact that, under Suffolk County Sanitary Code (SCSC) Article 6, such a level of treatment is not required for the project. An Engineering Report for this facility has been prepared and submitted to the SCDHS, and is currently undergoing agency technical and regulatory review (see **Appendix D-1**).

The project’s proposed STP facility will be located in the southern “panhandle” portion of the Kracke Property, in an area that is primarily unvegetated. This area is in-line with groundwater flow with elevated nitrogen concentrations from upgradient historic/current farming, and is downgradient of the SCWA Spinney Road wellfield. In accordance with applicable SCDHS requirements, space at this facility has been set aside for twice the building’s footprint (in case

expansion is later necessary), an access drive and leaching area (with additional leaching area set aside as required by the SCDHS).

1.3.6 Workforce Housing Units

The **Revised Master Plan** shows that all twelve (12) of the non-seasonal rental apartments required by Southampton Town Code, Chapter 216, Article II will be located on the project site, in the southern “panhandle” area, north of the entrance gateway and the Maintenance Annex building. It is expected that these units will be occupied year-round, unlike the seasonal occupancy pattern of the 118 residences and golf course operation. The anticipated impacts of the year-round occupancy for these 12 units was evaluated and found to not represent a significant adverse impact.

1.3.7 Removal of Excess Excavated Soil

The proposed project plan will be revised to balance the site in terms of cut and fill, such that no off-site exportation of soil is necessary. In the previous plans for the Lewis Road PRD and the prior Hills at Southampton MUPDD, the anticipated grading program would have resulted in a substantial volume of excess excavated soil, which would have to be removed from the site in some manner, either by trucks travelling to and from the site on local roadways (particularly Lewis Road), or internally to the adjacent sand mine site by trucks or a conveyor belt system. It was acknowledged that any of these options would have resulted in impacts to the community from truck traffic, and from the noise and dust associated with these trips.

For the **Revised Master Plan** the project’s grading program will ensure all excavated soil is redistributed on the site. As a result, there will be no net excess soil generated (i.e., the site will be “balanced”), and therefore, there will be no need for soil removal off of the project site.

1.3.8 Below-Grade Parking and Other Amenities

There is one underground parking garage under the community clubhouse and locker room buildings that is approximately 19,000 SF and accommodates about 60 spaces. This area provides parking for the golf clubhouse condominium and village cottage owners as they do not otherwise have parking spaces at grade. It is noted that the Outdoor Pursuits building has approximately 2,000 SF of underground cart parking and bag storage, which is common for these types of buildings. The Homeowners Association (HOA) maintenance building which has a footprint of 4,500 SF has an 11 foot deep basement for equipment and tool storage. All other parking is at-grade.

1.3.9 Other Design Considerations

- An Integrated Turf Health Management Plan (ITHMP) has been prepared, to document the balance achieved between the requirements of healthy golf course turf and protection of

groundwater quality. Maintaining healthy turf with minimal use of fertilizers and pesticides ensures maximum uptake of nutrients applied as fertilizer. The ITHMP proposed as part of the MUPDD is hereby incorporated into the subdivision/site plan development. It is noteworthy that similar protocols have successfully been put in place for similar projects in Southampton, for The Bridge and Sebonack.

- Groundwater Monitoring Protocols (GMPs) have been prepared, to document the efforts to be taken to ensure that groundwater quality is protected by implementing the ITHMP. Such measures have been successfully implemented at other golf courses on Long Island's East End, including as Sebonack and The Bridge. The GMPs proposed as part of the MUPDD are hereby incorporated into the subdivision/site plan development.
- Despite the recent addition of lands to the project site, particularly the Timperman property (which could yield two (2) additional lots), the project continues to seek the same 118 units as the original The Hills at Southampton MUPDD.
- The project's water supply needs do not require installation of a new public water supply wellfield; provision of a 4-acre dedication on the Parlato Property to the SCWA for this amenity continues to represent a benefit to the community provided by the Applicant, as recommended by the East Quogue LUP.
- The current nitrogen-related impacts upon Weesuck Creek will be alleviated by features of the proposed project, including but not limited to: implementing an irrigation/fertigation program for golf course irrigation, inclusion of rain gardens in the drainage system, and installation of a state-of-the-art tertiary STP.
- It is acknowledged that the STP is within the Compatible Growth Area (CGA) of the Central Pine Barrens zone. This STP is being installed voluntarily to reduce nitrogen load to the aquifer and resulting downgradient migration to surface water discharge areas. The STP has been located in the most appropriate part of the site practicable, downgradient of and the farthest from the Core Preservation Area (CPA). All of the area north of the LIRR tracks is within the CGA, so that it is not possible to locate the STP outside the Pine Barrens zone, or the CGA in particular. This STP is located downgradient of existing and historic agricultural areas that have resulted in elevated nitrogen concentrations in the aquifer, that will be partially remediated by the proposed project through the irrigation/fertigation system.
- The Applicant plans to restore the existing unpaved trails on the site that will be outside the development area, and is interested in supporting Commission, Town and other public entities in their efforts in restoring trails on this and other nearby properties.
- The Applicant's design team has paid particular attention to minimize tree clearing needed to provide golf transitions/paths between greens and tees.
- Split rail fencing will be used to delineate the boundaries of naturally-vegetated preservation areas on residential lots
- The golf design will include substantial natural areas between tees and fairway landing areas. These "carry areas" will consist of retained groundcover vegetation, replanted low-growing native vegetation, sand and wood chip/leaf litter areas. The carry areas are not included as natural areas in calculations for conformance with Vegetation Clearance Limits, but act as natural habitat areas within the development area, thus increasing natural open space.

- The project's grading program has been revised such that excavated soil generated during grading operations will be retained on-site and re-used for grade adjustments. As a result, the site is "balanced" in terms of cut and fill, and there will be no need to export excess soil from the site, which will obviate a potential source of roadway, traffic, noise, dust and/or safety concerns.
- Generally, the golf course play surfaces have been designed to align with previously cleared areas, disturbed/developed, and/or otherwise impacted (by pine beetle infestation), and to avoid or minimize impacts to steep slopes, while maintaining substantial naturally-vegetated buffers.
- Ball fields proposed on the site will be established in artificial turf to minimize fertilizer dependent vegetation and will use current state-of-the-art products and materials, and further, will be subject to Town review and approval through final site plan review.
- Where practicable, tree species of particular note will be considered for transplantation.

1.4 Revised Project Description

Based on the updates noted above, the following identifies the specific project details including residential and non-residential land uses including:

- 118 single-family seasonal residential units/lots and an estimated population of up to 444 people
 - 15 Large Woodland Estate lots (24,000 SF min. lot size, 5,250 SF/unit, 6 bedrooms)
 - 10 Small Woodland Estate lots (19,200 SF min. lot size, 4,250 SF/unit, 4 to 5 bedrooms)
 - 18 Village Estate lots (13,600 SF min. lot size, 3,600 SF/unit, 4 to 5 bedrooms)
 - 23 Large Village lots (9,800 SF min. lot size, 3,200 SF/unit, 3 to 4 bedrooms),
 - 26 Village Lots (7,700 SF min. lot size, 3,200 SF/unit, 3 to 4 bedrooms)
 - 18 Club Cabins (4,500 SF min. lot size, 3,000 SF/unit, 4 bedrooms)
 - 8 Clubhouse Units (2,400 SF/unit, 2 to 3 bedrooms)
- 12 non-seasonal rental apartments in two story, 7,000 SF structures, with at-grade parking with units on second story
- Structures for residential and accessory uses include 18-hole private golf course. Only golf buildings are 2 comfort stations on the course, the 4,500 SF footprint Maintenance Building, irrigation well barn and irrigation well or 0.15 acres to add to the total from the FEIS.
- Sewage Treatment Plant - in the south part of the site
- HOA Clubhouse - approx. 10,000 SF with 5,000 SF of residential area; dining with 40 seats, cold storage, kitchen, meeting spaces, and restrooms. Basement for parking with 60 spaces total, connection to changing room building,
- Changing/locker room/showers/restrooms - footprint of approx. 12,000 SF with four village condos on the second story. Central place for families to store items for recreational activities, changing and shower areas for men and women, and

underground basement parking connected to the Clubhouse parking and storage. The total combined underground parking between the Clubhouse and the Changing/locker room is approximately 16,000 SF.

- Fitness center - footprint of approx. 5,000 SF with two village condos on the second floor. Building includes cardio fitness center, weight lifting area, spin cycle, movement studios, and a basement level theater, game room, and two lane bowling alley.
- Outdoor Pursuits - approximately 2,000 SF footprint, one story building, used to store and make available sports equipment for all sporting options including golf, tennis, basketball, baseball, lacrosse, swimming, soccer, etc. Underground/basement bag and cart storage.
- Pool house/restrooms - approx. 2,000 SF, one story building to be used for food storage and restrooms by the pool area.
- Comfort station 1 - 565 SF, one-story building on the golf course for restrooms and storage for beverages
- Comfort station 2 - 565 SF, one-story building on the golf course for restrooms and storage for beverages
- Comfort station 3 - approx. 1,000 SF, one-story building on the by the courts and sports field for restrooms and storage for equipment and beverages.
- Pond house - 500 SF, one-story building to store recreational items including kayaks, life jackets and with a restroom
- HOA maintenance facility - (4,500 SF footprint) 9,000 SF building including basement for maintenance work and equipment storage, used to maintain the golf course, wash down for clearing equipment, dirt and seed area and fueling facilities
- HOA Maintenance Annex - 10,000 SF building including basement for HOA management, office, storage, supplies. At grade parking for HOA employees and vendors.
- Workforce housing rental apartments - 7,000 SF footprint, two-story building with at-grade parking for 12 rental units. Second floor is apartments.
- Irrigation pump station - 500 SF one-story building to support irrigation of the property using water stored in the ponds and managed under the ITHMP
- Gatehouse - 500 SF approximately, one-story building for use as the entry house into the community, receiving, storage, and a restroom
- Pool Area - 10,000 SF area for HOA members including two to three different pools (e.g. plunge pool, baby pool, main pool) and deck area.
- Ponds - Two lined ponds up to 10 feet deep will be developed for irrigation purposes;
- One mixed use ball field for use for multiple sports.
- The ball fields will be established in artificial turf to minimize fertilizer dependent vegetation and will use current state-of-the-art products and materials, and further, will be subject to Town review and approval through final site plan review.
- Sports Courts - sports courts for HOA members including two tennis courts, one basketball court and four pickleball courts
- Putting Course/Short game area
- Practice Fairway

- Emergency Vehicle Access - off North Spinney Road
- Entry irrigation well barn - 300 SF, one-story building for the irrigation well on the south end of the Kracke Property
- Irrigation/fertigation system to reuse existing nitrogen enriched groundwater from the aquifer, for golf course irrigation to be installed for area nitrogen reduction
- Main access road and internal roads
- 1.22 acres of swimming pools on the lots
- Development of approximately 50 drainage reserve areas covering an estimated 11.5 acres including drainage basin structures for stormwater runoff called drainage reserve areas, bioswales, raingardens; this concept increases distribution of stormwater recharge more similar to natural conditions than central recharge areas
- Two private wells for irrigation at a rate of 35 million gallons per year
- Parking on site for 340 vehicles including driveway spaces. 216 parking spots on driveways, 60 spaces underground parking for condo and village cottage units plus approx. 40 spaces for employees and vendors and 20 spaces for the non-seasonal rental apartments. Maintenance carts and vehicles will be parked in the maintenance building basement and Outdoor Pursuits basement.
- Utilities including electric, water mains
- Dedication of four acres of land to the SCWA for a public water supply well field on the Parlato Property
- Dedication of 203.32 acres of the Parlato Property and the Hills North Parcel to the Town of Southampton (about 94 acres in CPA, and 109 acres in Compatible Growth Area [CGA]).
- Additional 233.20 acres of naturally-vegetated land within the Hills South Parcel and Kracke Property (as 45.79 acres within the development area and 187.41 acres outside it) to remain in private ownership of the HOA, protected by Conservation Easement.
- Overall, the project will retain and preserve a total of 436.52 acres in its existing naturally-vegetated state (of which 390.73 acres are outside the development area and 45.79 acres are within it), which represents 71.74% of the site, and meets the minimum acreage of such land required to be retained as natural
- Conversely, 171.93 acres (28.26% of the site) will be cleared or developed surfaces. This 171.93 acres includes areas totaling 10.03 acres outside the development area that are already impacted surfaces and will not be disturbed, as well as the 21.47 acres of currently-cleared areas within the development area that will be cleared and developed for the project [see **Clearing Plan**]. Overall, the proposed project will physically clear an estimated 161.90 acres, of which 140.43 acres will be natural vegetation and 21.47 acres will be currently-cleared surfaces.
- An Integrated Turf Health Management Plan (ITHMP) and groundwater monitoring program for the golf course, and a fertilizer cap of 2 pounds N/1000 SF/year
- Golf course rain gardens for stormwater management
- While there is no Town requirement that natural vegetation within the residential lots be retained, it is noted that such land could voluntarily be permanently protected from

future development/use by the individual homeowner. Such an action would incrementally increase the amount of preserved natural vegetation on the project site.

This project description reflects the current project in terms of project design and detailed information, and may be used by the Commission in any decision-making documents.

SECTION 2.0

RESPONSES TO CPB STAFF REVIEW

2.0 RESPONSES TO COMMISSION STAFF REVIEW

2.1 Standards and Guidelines 5.3.3.1.1.through 5.3.3.1.3 Nitrate-nitrogen

Comment 2.1.1:

- *A Sewage Treatment Plant with tertiary treatment is proposed voluntarily even though the project density is well below Suffolk County Health threshold.*

Response:

Comment acknowledged. As evaluated throughout the SEQRA process, the proposed project not only conforms to the standards and requirements of SCSC Article 6, but it exceeds them by including a state-of-the-art STP to treat all wastewater generated on the site.

Comment 2.1.2:

- *Conformance with Plan Standard (5.3.3.1.2), which states, “Where deemed practical by the County or State, sewage treatment plant discharge shall be outside and downgradient of the Central Pine Barrens, will need to be determined.*

Response:

Comment acknowledged. The proposed STP has been designed to provide on-site recharge of effluent in conformance with SCSC Article 6 requirements. The Engineering Report prepared for this facility is currently under review by the SCDHS and SCDPW. As noted in Section 1.3.9, it is acknowledged that the STP is within the Compatible Growth Area (CGA) of the Central Pine Barrens zone. This STP is being installed voluntarily to reduce nitrogen load to the aquifer and resulting downgradient migration to surface water discharge areas. The STP has been located in the most appropriate part of the site practicable, downgradient of and the farthest from the Core Preservation Area (CPA). All of the area north of the LIRR tracks is within the CGA, so that it is not possible to locate the STP outside the Pine Barrens zone, or the CGA in particular. This STP is located downgradient of existing and historic agricultural areas that have resulted in elevated nitrogen concentrations in the aquifer, that will be partially remediated by the proposed project through the irrigation/fertigation system.

Comment 2.1.3:

- *The revised submission states “The SONIR Model was updated for LINAP assumptions as explained in the SONIR Model User’s Guide,” and “The SONIR inputs have been reviewed and are found to accurately reflect the Project’s impact on nitrogen in recharge,” but no revised SONIR analysis was provided to support these assumptions nor were responses submitted*

that adequately address the questions posed in the 2/19/20 Staff Report. Please submit the revised SONIR model and analyses along with these responses.

Response:

The SONIR model has been updated to reflect the current proposed project including the full boundaries of the property, all nitrogen sources, water balance information and resulting concentration of nitrogen in recharge as well as nitrogen load and recharge. The SONIR model is consistent with the SONIR Model User's Guide included in the EIS record. As noted in **Appendix H**, the updated SONIR analysis for the Lewis Road PRD based on the project plan that is the subject of this submission has determined that the concentration of nitrogen in recharge is; 0.31 mg/l pre-mitigation and 0.24 mg/l with mitigation, and the nitrogen load prior to consideration of fertigation is 1,208.37 lbs/year pre-mitigation and 915.98 lbs/year with mitigation. When factoring in irrigation/fertigation, the nitrogen load is minus (-) 665.49 lbs/year.

Comment 2.1.4:

- *Please confirm the STP nitrogen effluent will not exceed 10 mg/l and how the Project achieves the more protective goal of 2.5 mg/l of nitrogen over the entire site.*

Response:

Guideline 5.3.3.1.3, the CPB CLUP states that, "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 wetland." This Guideline does not apply as the project is not "...in the vicinity of ponds and wetlands." Nevertheless, all of the PDD and Lewis Road PRD scenarios are less than 1 mg/l of total nitrogen in recharge at the property line (specifically 0.24 mg/l for the updated SONIR model run included in **Appendix H**), when compared with 2.5 mg/l under this Guideline if it were applicable.

2.2 Standard 5.3.3.6.1 Vegetation Clearance Limit

Comment 2.2.1:

- *The clearing limit has increased to 28.6% (equal to 171.93 acres). However, the sum of 171.93 acres of cleared area and 401.56 acres of open space does not appear to equal the total Project Site area of 608.45 acres. Please clarify.*

Response:

The Applicant does not propose to clear all of the natural vegetation that is allowed. As shown on the **Revised Master Plan** and the **Clearing Plan**, the project will clear a total of 161.90 acres of land, of which 21.47 acres are presently cleared, and 140.43 acres will be naturally-vegetated. Overall, there will be 171.93 acres of cleared or developed surfaces (28.26%) on the site, which includes the 10.03 acres of cleared or developed surfaces outside the development area that will be retained. Thus, the project will clear an amount of land that conforms to this Standard.

Comment 2.2.2:

- *The amount of existing cleared area has still not been provided in the Clearing Plan. Please provide this information.*

Response:

The requested information has been added to the **Clearing Plan**. There are an estimated 31.50 acres of “cleared” area on the subject site (assumed to represent areas where natural vegetation has been removed), comprised of 21.47 acres within the Hills South Parcel/Kracke Property (all of which will be cleared and graded for development), and 10.03 acres outside the development area that will be retained (as 4.81 acres on the Hills South Parcel and 5.22 acres on the Parlato Property).

Comment 2.2.3:

- *Please clarify any changes in the amount of existing cleared area and how it relates to conformance with the clearing limit. The submission states 151.70 acres will be cleared for the Project, and the existing cleared area is 9.35 acres. These amounts appear to have changed from areas reported in the Record. Please clarify the amount of existing cleared area and how it applies to the clearing limit.*

Response:

In response to input provided by the Town in its ongoing review of the project’s site plan application, changes have been made to the project layout, with the goal of reducing impacts to steep slope areas and increasing retained naturally-vegetated areas. The **Revised Master Plan** and **Clearing Plan** reflect the current project design, and the **Clearing Plan** quantifies the acreages of existing and proposed clearing and retention. **Section 1.3.2** of this document highlights relevant quantities requested in this comment.

Comment 2.2.4:

- *The 2/19/20 Staff Report asked if the existing cleared area is 28 or 44 acres. This was not clarified in the narrative or in the Clearing Plan. Please submit the information.*

Response:

The **Clearing Plan** has been revised to indicate that a total of 31.50 acres of the site are presently “cleared” a term used here to indicate areas where natural vegetation was removed in the past, and are now bare soil or undergoing succession. **Section 1.3.2** of this document presents relevant quantities requested in this comment.

Comment 2.2.5:

- *The 2/19/20 Staff Report asked if the area of road abandonments in the Parlato Old Filed Map contribute to yield in the Project and if they also contribute to the overall clearing limit as they increase the area of the Project Site. This was not provided- please do so.*

Response:

The yield for the Parlato Property was established by the use of Development Rights Allocation letters, and not by considering the acreage and zoning of this property. The 16.72 acres of road right-of-way (ROW) abandonments for the Parlato Property were included in the 120.40 acres of this property when calculating allowable clearing under the CLUP (see **Table 1-2**). No yield is taken for the additional 16.72 acres, and the transfer yield of the Parlato property conforms with Town recognized yield methods, as evidenced by the Town of Southampton Preliminary Subdivision map approval.

Comment 2.2.6:

- *Demonstrate the clearing limit includes existing cleared area and all areas proposed to be cleared. In addition, please provide the amount of existing cleared area and how much existing cleared area is utilized in the Project prior to undertaking “new” clearing or clearing of existing natural vegetation. The Project must address this Standard as it is stated in the Plan:*

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 the previous activities. Areas of the site proposed to be cleared combined with the previously cleared areas shall not exceed the clearing percentage.

Response:

The **Clearing Plan** depicts the boundary of clearing, identifies the differing types of existing surfaces, and quantifies the acreages of existing and proposed clearing and retention. The clearing limit does include existing cleared areas as well as all areas proposed to be cleared. **Section 1.3.2** of this document highlights relevant quantities requested in this comment.

Comment 2.2.7:

- *The Clearing Plan identifies 401.56 acres of open space on 608.45 acre Project Site, leaving 206.89 acres (34%) to be cleared and developed. Identify the existing cleared area in this amount and the proposed clearing in the amount of the area. The Record indicated approximately 167 acres would be developed. Please explain and clarify the area that will be cleared and developed in the Project.*

Response:

In response to input provided by the Town in its ongoing review of the project's site plan application, minor changes were made to the project layout, with the goal of reducing impacts to steep slope areas and increasing retained naturally-vegetated areas. The **Revised Master Plan** and **Clearing Plan** reflect the current project design, and the **Clearing Plan** quantifies the acreages of existing and proposed clearing and retention. **Section 1.3.2** of this document presents relevant quantities requested in this comment.

Comment 2.2.7:

- *The Revised Master Plan visually shows areas of "Existing natural area within the development" and "Open space outside the development" but it does not quantify these areas or list the amount of each area in the Plan. Please quantify the areas and provide them in the plans and assessment for the Record.*

Response:

The **Clearing Plan** has been revised to indicate these acreage values.

Comment 2.2.8:

- *Is the area titled "Existing natural area within the development" expected to be cleared? If so, confirm the clearing limit is met if it is cleared.*

Response:

The natural areas within the development area will not be cleared, and will be protected through appropriate conservation easements. The **Revised Master Plan** and **Clearing Plan**

reflect the current project design, and the **Clearing Plan** quantifies the acreages of existing and proposed clearing and retention.

Comment 2.2.9:

- *Clearing for cart paths between golf holes must be included in the clearing limit. Identify the amount of clearing needed for card paths between golf holes in a cleared path from the end of one hole (green) to the beginning of the next hole (tee box).*

Response:

The **Revised Master Plan** and **Clearing Plan** reflect the current project design, which includes clearing of land for cart paths between one green and the following tee box; the **Clearing Plan** quantifies the acreages of existing and proposed clearing and retention. Most connections between a given green and the next tee flow between the holes with obvious connections. Where topography and design factors do not allow these connections to be readily 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. All connections are shown on the **Revised Master Plan** and **Clearing Plan**.

Comment 2.2.10:

- *It appears some of the cleared area between holes may be included in the clearing limit for the following: from Hole 2 to 3, from Hole 10 to 11, from Hole 11 to 1, from Hole 12 to 13, from Hole 13 to 14,, and from Hole 14 to 15. However, please confirm the clearing for paths between golf holes is covered in the clearing limit calculation, specifically the clearing needed to connect areas on the golf course including: from Practice Fairway to Hole 1, from Hole 1 to 2, from Hole 3 to 4, from Hole 4 to 5, from Hole 5 to 6, from Hole 9 to 10, and from Hole 15 to 16.*

Response:

As noted in the preceding **Response**, the **Revised Master Plan** and **Clearing Plan** include clearing of land for cart paths between one green and the following tee box; the **Clearing Plan** quantifies the acreages of existing and proposed clearing and retention. As noted above, most connections between a given green and the next tee flow between the holes with obvious connections. Where topography and design factors do not allow these connections to be readily 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. All connections are shown on the **Revised Master Plan** and **Clearing Plan**.

2.3 Standard 5.3.3.6.2 Unfragmented Open Space

Comment 2.3.1:

A greater amount of unfragmented open space exists in the Revised Plan on the Project Site in the area between the northerly limits of physical disturbance and south of the Core boundary. This improves connectivity among open space areas on the Project Site and with public land to the east. However, it appears approximately 200 acres of fragmented open space is still situated in between the golf course and residential development. More information is needed to demonstrate conformance including:

- *Identify the extent to which the Revised Plan has reduced unfragmented open space in the northerly portion and in other areas of the Project Site.*

Response:

The **Clearing Plan** shows that the proposed retained natural vegetation on the site are found in two areas: within the development area, and outside the development area. The term “development area” indicates the boundary within which new clearing undertaken to construct the project occurs, and includes all parts of the golf course, the residential lots, the roadways, the recreational amenities and maintenance facilities as well as significant areas of natural open space between golf holes and to the back of larger development lots as well as other common area natural open space. All of the natural areas will be ensured to remain through conservation easements. Additionally, the 207.69 acre development area includes areas that are currently cleared but will be developed (21.47 acres), as well as the previously noted areas that are retained natural vegetation between the fairways and on lots (45.79 acres). The natural areas within the development area comprise 7.5% of the total preserved natural area and these areas align with interior open space, natural and natural revegetation areas within the golf course, carry areas and open space outside of the development area, and provide significant natural area and habitat benefit to the overall project design. Conversely, there will be 390.73 acres of natural vegetation retained that are outside the development area.

Comment 2.3.2:

- *How much of the 244.68 acres of private HOA open space will be fragmented?*

Response:

A total of 233.20 acres of naturally-vegetated land (within the combined Hills South Parcel/Kracke Property) will remain privately-owned, by the HOA. This value includes the 45.79 acres of retained naturally-vegetated land within the development area. These areas align with interior open space, carry areas and open space outside of the development area, and provide significant natural area and habitat benefit to the overall project design.

Comment 2.3.3:

- *It appears approximately 200 acres of fragmented open space, in the form of vegetation corridors, is dispersed among the 171 acres of physical development. Please confirm.*

Response:

The **Clearing Plan** shows that 45.79-acres of naturally-vegetated land are expected within the overall 207.69 acre development area. These areas align with interior open space, carry areas and open space outside of the development area, and provide significant natural area and habitat benefit to the overall project design.

Comment 2.3.4:

- *Identify which area(s) shown in different colors in the Revised Master Plan will be subject to filing of conservation easement. Will an easement be recorded for areas identified separately as “Existing Natural Area within the Development” and/or the “Open space (all outside Development)?” Each of these areas are extensive and fragmented in islands or corridors of vegetation winding around the golf course, in the area of residences and other facilities where surveying, delineating, and protection may be challenging. Please explain these areas as it relates to this Standard.*

Response:

The **Revised Master Plan** reflects the mode of protection to be applied to each area of privately-owned retained natural vegetation. The Applicant will coordinate with the Commission and the Town Planning Board at the time of Final Subdivision plat review to determine the appropriate conservation easements to ensure the protection of all natural areas to remain as natural. All natural areas on residential lots will be delineated with split rail fence and all other open space areas will adhere to strict clearing limits. It is important to note that the Applicant proposes to offer all of the Parlato Property and all of the Hills North Parcel to the Town, and retain the Hills South Parcel and Kracke Property in private ownership. In such a case, it would be only on the Hills South Parcel and Kracke Property that the conservation easements would apply.

Comment 2.3.5:

- *Extensive areas of isolated islands of “open space” are scattered throughout the development. Again, this appears to be roughly 200 acres of fragmented habitat and open space area that still remains in long narrow corridors and strips of vegetation in and around the developed facilities including the golf course.*

Response:

As a result of the Applicant's on-going efforts to address Town concerns, the acreage of natural vegetation within the development area is 45.79 acres.

Comment 2.3.6:

- *The tee box on Hole 15 is north of the Avigation Easement. Is it feasible to shift it southward of the easement to reduce fragmentation of open space between Holes 15 and 16, which would shorten the distance and tighten the cluster between the green on Hole 15 to the tee box of Hole 16?*

Response:

This concept was investigated in the field with Town of Southampton planning/environmental staff. Field work involved extensive groundwork with a Global Positioning System (GPS) and detailed understanding of site topography and open space alignment. Based on this understanding of site conditions, moving this hole would not result in an improved open space design. Moving the tee box southward would require substantial grading of steep slopes (see **Slope Map**).

2.4 Guidelines 5.3.3.8.1 through 5.3.3.8.6 Soils and Steep Slopes

Comment 2.4.1:

The submission states the revisions to the Project "reduced the amount of impact to steep slopes in the central and northern portion" and that "Generally, the Project's design seeks to avoid steep slope areas and utilize existing cleared/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. The Revised Master Plan places clearing envelopes on slopes less than 20 percent."

However, in the 2/19/20 Staff Report the Commission requested specific details on the amount of steep slopes that will be removed. This information was not submitted and is again requested. The required information includes:

- *Question #16 in the Staff Report (page 27) requested the Applicant, "Quantify steep slopes removed for the project." This information was not provided. Please submit the requested information.*

Response:

The requested information is included on project plans and tables included with this submission as will be described herein, in response to each comment. The Commission is also requested to review the Applicant's response to the Pine Barrens Commission draft staff report, provided in

this submission of June 3, 2020. This response document addresses each of the Guidelines 5.3.3.8.1 through 5.3.3.8.6 involving Soils and Steep Slopes by analyzing the specific language contained therein. For example, Guideline 5.3.3.8.2 states that construction on slopes greater than 10 percent may be approved based on technical review. It is important to understand the limits of language outlined in this series of Guidelines as documented in the June 3, 2020 submission.

Changes in the project design have improved the layout to reduce impacts to areas with slopes greater than 10% as well be evident in review of the revised plan and slope maps. Each Commission staff comment is addressed below in order to be responsive to the requested information.

The **Slope Map** depicts the areas of steep slopes (defined here to include areas of slopes of 10 to 15%, and of slopes 15% and greater) that currently exist within and outside of the development area, and of the acreages of these slope intervals that will be subject to grading for the proposed project.

The **Slope Map** and **Table 2-1** quantify the acreages of slopes on the site, and list the acreages of these slopes within and outside the 207.69-acre development area. The table further classifies the acreages of slopes that will be subject to disturbance, which is limited to only within the development area. Note that the areas of retained natural vegetation within the development area (45.79 acres) will therefore not be subject to grading, and so also represent the slope areas that will not be disturbed.

Comment 2.4.2:

- *To determine conformance with Guidelines 5.3.3.8.1 through 8.6, the Staff Report requested the submission of information and plans that quantify impacts to steep slopes. Although a visual plan and qualitative discussions were submitted, no quantitative information was submitted to address these Guidelines. Please submit this information.*

Response:

The **Slope Map** depicts and **Table 2-1** quantifies the requested areas of steep slopes to be impacted by the proposed project. Specifically, the project will clear a total of 161.90 acres, of which only 17.31 acres will be of slopes 10% or greater.

TABLE 2-1
SLOPES, Existing and Disturbed
Revised Master Plan

Parameter	Slope Interval	Acreage
Existing Slopes on Project Site	0 – 10%	430.46
	10 – 15%	97.68
	>15%	80.31
	Total	608.45
Existing Slopes Outside Development Area	0 – 10%	250.54
	10 – 15%	77.33
	>15%	72.89
	Total	400.76
Existing Slopes Within Development Area	0 – 10%	179.92
	10 – 15%	20.35
	>15%	7.42
	Total	207.69
Proposed Slopes Within Development Area to be Retained	0 – 10%	42.75
	10 -15%	1.85
	>15%	1.19
	Total	45.79
Proposed Slopes Within Development Area to be Disturbed	0 – 10%	144.59
	10 -15%	11.08
	>15%	6.23
	Total	161.90

Comment 2.4.3:

- Please submit the information requested, including but not limited to, quantifying areas of roads and driveways that traverse slopes in excess of 10%. The Record indicated 88.36 acres of slopes exceeding 10% and 36.94 acres of slopes exceeding 15% grade would be subject to construction. Please confirm the amount of removal, 36.94 acres, or if the conditions have changed in the Revised Master Plan and if so, how much area of steep slopes will be removed.*

Response:

A total of 0.40 acres of roadways and driveways will occur on surfaces that are presently in excess of 10% in grade. **Table 2-1** indicates that an estimated 11.08 acres of slopes between 10 and 15% will be subject to grading for the project, and that 6.23 acres in excess of 15% grade will likewise be subject to grading.

Comment 2.4.4:

- *The Staff Report requested the Applicant identify where clearing envelopes occur on slopes less than 10% grade and on slopes in excess of 10%. No quantitative analysis is provided to determine the impact to this Guideline.*

Response:

The **Slope Map** depicts the site's slope intervals overlaid on the Revised Master Plan, to show the areas of existing slopes and those areas of slopes within the development area that will be subject to grading. The acreages of existing and proposed slopes (by slope interval) are quantified on this map and in **Table 2-1**.

Comment 2.4.5:

- *Please submit a map identifying the areas of steep slopes, where clearing envelopes occur on slopes less than 10% grade and on slopes in excess of 10%. No quantitative analysis is provided to determine the impact to this Guideline.*

Response:

The **Slope Map** includes the requested acreages of steep slopes to be impacted by the proposed project. **Table 2-1** indicates that an estimated 11.08 acres of slopes between 10 and 15% will be subject to grading for the project, and that 6.23 acres in excess of 15% grade will likewise be subject to grading.

Comment 2.4.6:

- *Please submit a map identifying the areas of steep slopes, where they intersect with physical development on site, and how much area of steep slopes will be removed including slopes in the categories 10 to 15% grade and 15% or greater.*

Response:

The **Slope Map** depicts the requested information, which includes an outline of the development area, the proposed development within that area, and the existing slopes in the area, to demonstrate the slopes that will be subject to disturbance by the proposed project. Quantification of the anticipated impacts to these slopes are provided on the **Slope Map** as well as in **Table 2-1**.

Comment 2.4.7:

- *How much of the 70.11 acres of steep slopes greater than 15% grade will be removed? The prior Record reported an estimated 70.11 acres of slopes in excess of 15% grade exist on the Site, and 36.94 acres of these would be removed. Confirm this amount to be removed, or provide the revised amount as per the Revised Plan.*

Response:

The **Slope Map** and **Table 2-1** establish that, of the 80.31 acres of slopes in excess of 15% on the site, 72.89 acres are outside the development area, and so will not be disturbed by the project. The remaining 7.42 acres are within the development area, of which 6.23 acres will be disturbed by construction.

Comment 2.4.8:

- *The existing area of slopes greater than 10% is provided (88.36 acres), but not the amount of this area to be removed by the Project. Please provide this information and submit plans that provide the information requested for Guideline 5.3.3.8.6, including quantifying areas of roads and driveways that traverse slopes in excess of 10% grade.*

Response:

The **Slope Map** and **Table 2-1** establish that, of the 177.99 acres of slopes in excess of 10% on the site, 150.22 acres are outside the development area, and so will not be disturbed by the project. The remaining 27.77 acres are within the development area, of which 17.31 acres will be disturbed by construction.

The **Slope Map** depicts those locations where roadways and driveways are proposed on existing slopes in excess of 10% (estimated at 0.40 acres), and the **Grading Plan** shows where these impervious surfaces will involve grading of these slopes to grades that are acceptable to the Town upon its review.

Comment 2.4.9:

- *The submission only provides a qualitative assessment of steep slope impacts which is not adequate to address the Project's impacts on the Plan Guidelines. The narrative provided does not identify the quantity of removal, even though the Applicant was requested to provide the "quantity of steep slopes removed for the project." For instance, it states, "The majority of grading on steep slopes will be associated with the golf course surfaces." Please submit this quantitative information.*

Response:

The **Slope Map** depicts and **Table 2-1** quantifies the acreages of steep slopes to be impacted by the proposed project. Specifically, the project will clear a total of 161.90 acres, of which the majority (144.59 acres) will be on slopes of less than 10%, and only 17.31 acres will be of slopes 10% or greater.

Comment 2.4.10:

- *Confirm the maximum amount of steep slope disturbance is more that 88 acres on slopes 10% or greater than 36.94 acres on slopes exceeding 15% grade. If this is incorrect, please identify the correct amounts and identify where on the Project Master Plan they occur.*

Response:

The **Slope Map** depicts the distribution of slopes to be impacted by the proposed project, and **Table 2-1** quantifies those acreages of disturbance, subdivided by slope interval. Specifically, a total of 161.90 acres will be subject to grading (all within the 207.69-acre development area). Of that disturbance area, 144.59 acres will occur on slopes less than 10%, 11.08 acres will be on slopes between 10 and 15%, and 6.23 acres will take place on areas having slopes in excess of 15%.

2.5 Guideline 5.3.3.9.2 Clustering

Comment 2.5.1:

Tighter clustering could be achieved if Hole 16 were shifted south of the Avigation Easement and closer to the Hole 16 tee box to tighten the cluster. Please revise or advise why this is not feasible.

Response:

As noted above and in response to input provided by the Town in its ongoing review of the project's site plan application, minor changes have been made to the project layout, with the goal of reducing impacts to steep slope areas and increasing retained naturally-vegetated areas. This is achieved by "tightening" the development area in general and of the limits of the golf course and of the residential area in particular, and shifting the northerly golf holes southward. This shifting includes moving the northernmost golf holes entirely out of the Avigation/Avigation Easement.

2.6 Guidelines 5.3.3.11.1 through 5.3.3.11.4 Scenic, Historical, & Cultural Resources

Comment 2.6.1:

Public lands and trails are adjacent to the easterly side of the Project Site. Development will occur on the shared boundary for a linear distance of roughly 5,600 feet, and visually shielding natural buffers will be removed. Protecting public land resources and connecting open spaces is a goal of the Plan. Please do the following:

- Please submit revised grading plans to verify that adequate buffers to public land will remain and to confirm that no clearing or grading will occur on adjoining public lands.*

Response:

The **Grading Plan** shows that a buffer of natural vegetation having a depth of between 32 and 197 feet will be retained between developed areas and the site's eastern boundary abutting Town-owned land. The development area does not extend into off-site properties, so that no clearing would occur on Town-owned property.

Comment 2.6.2:

- Identify widths of natural buffers on the east side of the site where golf course holes, facilities and other structures are proposed adjacent to the boundary. Buffers should be preserved to protect resources including trails and public open space.*

Response:

The **Grading Plan** shows that a buffer of natural vegetation having a depth of between 32 and 197 feet will be retained between developed areas and the site's eastern boundary abutting Town-owned land.

2.7 Other Comments

Comment 2.7.1:

- Public comments received at the February 19, 2020 hearing were not addressed. Please provide responses to any relevant questions and concerns raised by the public.*

Response:

Responses to substantial comments provided during and after the February 19th Commission hearing are presented in **Section 3.0** of this document.

Comment 2.7.2:

- *Submit the information necessary to update the Project Record to reflect current plans and to determine conformance including:*
 - *Revised SONIR analysis*
 - *List of tax lots in the Project including the tax map number of the Timperman property*
 - *Revised Grading Plans*

Response:

Appendix H of this document contains the results of an updated SONIR analysis of the revised project.

A revised list of the tax lots that comprise the subject site, with the owners updated to reflect the applicant's ownership of these tax lots, is contained in **Appendix I** of this document.

The project's **Grading Plan** is attached, in a pouch at the back of this document.

Comment 2.7.3:

- *Other Standards and Guidelines cannot be confirmed unless and until compliance is demonstrated upon approval of a Stormwater Pollution Prevention Plan:*
 - *Standard 5.3.3.5.1 Stormwater recharge*
 - *Guideline 5.3.3.5.5 Soil erosion and stormwater runoff control during construction.*

Response:

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.

As required by Town Code, the project will include an on-site drainage system that conforms to all applicable Town requirements for retention and recharge of stormwater, as well as to Town requirements for erosion control measures to be applied both during and after the construction process.

Comment 2.7.4:

- *The Record identified gore conditions, overlaps and unknown owners and the Staff Report requested that these be excluded from yield, clearing and sanitary flow calculations. Has*

this been done and please explain how these areas contribute to the Project include the overall Project Site area, yield, clearing, and any other element of the Project.

Response:

The issues of gore conditions and overlaps on the Parlato Property have been resolved by the purchase of the Timperman property. The table in **Appendix I** has been revised to update the current ownership of each tax lot, all of which are entities of the Applicant.

Comment 2.7.5:

- *Submit revised Attachment C titled “Table of Tax Lots Proposed Project” to reflect the current list of all tax parcels in the Project and their ownership. Owner’s consents are needed from all applicable owners and entities.*

Response:

Appendix I contains the Table of Tax Lots, Proposed Project, which has been revised to reflect the current ownership of each tax lot that comprises the subject site. There are eight (8) separate entities that own the lots, all of which have Owner’s Consent forms filed with the application to the Commission.

Comment 2.7.6:

- *Please explain if the areas for public facilities including but not limited to the STP and well field dedication area (4-5 acres) were used in the site area to calculate yield.*

Response:

The yields for the Hills Property (comprising the Hills South Parcel and the Hills North Parcel), and the Kracke Property were established based on the full acreage of these sites, as described in the SEQRA record for the Hills at Southampton MUPDD application. Acreages for the STP (then expected for the Kracke Property) and the wellfield dedication (then planned for the Hills South Parcel) were not first subtracted when preparing the respective Yield Maps. The Parlato Property’s yield was determined by the set of DRAs for that property, also established as a part of the SEQRA record for the Hills at Southampton MUPDD application and the Town Planning Board Preliminary Subdivision approval.

Comment 2.7.7:

- *Provide a map showing each parcel in the Project and Project overlay.*

Response:

The **Clearing Plan** has been revised to identify the four component properties of the project overlaid on the proposed layout.

Comment 2.7.8:

- *Explain how the Applicant will protect outparcels, private and public, in the Hills South area where physical development is in proximity to parcels not under the Applicant's ownership.*

Response:

The Applicant will coordinate with the Commission and the Town Planning Board at the time of Final Subdivision plat review to determine the appropriate conservation easements to ensure the protection of all natural areas to remain as natural.

SECTION 3.0

RESPONSES TO PUBLIC COMMENTS AT AND AFTER THE CPB HEARING

3.0 RESPONSES TO COMMENTS AT AND AFTER THE COMMISSION HEARING

3.1 Lawsuit

Comments B-1, B-6, B-7, B-9, B-30, B-32, C-1, C-3, C-8, C-12, C-14, C-16, C-23 & C-47:

These comments question whether the Town Planning Board's processing of the application under SEQRA was conducted properly, and that the determination by the Town ZBA that the golf course is an accessory use and not a second primary use on the site.

Response:

The following has been prepared by Steven Barshov, Esq. on behalf of the Applicant.

Questions have been raised as to the Commission's role and obligations under the New York State Environmental Quality Review Act (SEQRA) in light of the actions taken by the Southampton Town Board as Lead Agency and the Southampton Town Planning Board as an Involved Agency. Comments were made at the public hearing alleging that the Commission has no authority to consider the Lewis Road PRD application because the Town Board did not approve the Planned Development District (PDD) application. Specifically, opponents contend that the Town Board's decision on the PDD application constitutes a total denial of the subdivision of the property and that the Lewis Road PRD subdivision application is a completely new application requiring re-establishment of a Lead Agency. The opponent's allegation is not supported by any legal authority and rests on a misunderstanding of the facts and SEQRA requirements, particularly relating to the re-establishment of lead agency under 6 NYCRR §617.96(b)(6), which provides that re-establishment of lead agency may occur by agreement of all involved agencies in the following circumstances:

- (a) for a supplement to a Final EIS (FEIS) or Generic EIS (GEIS);
- (b) upon failure of the lead agency's basis for jurisdiction; or
- (c) upon agreement of the project sponsor, prior to the acceptance of a Draft EIS (DEIS).

In this case, there has been no agreement by all Involved Agencies to re-establish a lead agency, nor has there been a determination by any Involved Agency that a Supplemental Environmental Impact Statement (SEIS) is needed, nor has there been failure of the basis for the lead agency's jurisdiction. Lastly, the Applicant did not agree to the re-establishment of a lead agency before the acceptance of the DEIS.

As the Commission is aware, SEQRA requires all state and local government agencies to balance any significant adverse unmitigated environmental impacts against the social and economic utility of a project when deciding to approve or undertake an "Action." As early as possible in the SEQRA process, the agency which first receives an application has the obligation to coordinate review with other agencies that have been identified as having jurisdiction to approve the project or some facet thereof, for purposes of determining a "Lead Agency." The purpose of having a Lead Agency is to coordinate the SEQRA process so that a single integrated environmental review is conducted. The Lead Agency, once designated by the Involved Agencies, has the sole responsibility of determining whether the preparation of an environmental impact statement (EIS) is necessary for the project and for the preparation and filing of the statement if one is required. Upon a determination that an environmental impact statement is required, the Lead Agency undertakes and coordinates the

SEQRA process with the Involved Agencies, including scoping, review of a DEIS, public comment, preparation of an FEIS, and all notices and filings associated therewith. Where an EIS is required, it is incumbent upon Involved Agencies to participate in the process and make the Lead Agency aware of the agency's concerns and technical requirements related to its jurisdiction over the project. Upon completion and filing of a FEIS, the Lead Agency and all Involved Agencies are free to exercise their own jurisdiction and review authority over the project, however, each agency is required to adopt its own SEQRA Findings Statement based upon the FEIS before making its final decision (see 6 NYCRR §617.11(c)).

The proposed action since 2005 has been the subdivision of the property in the form of a Planned Residential Development ("PRD" a/k/a "cluster") with the 35% development area to contain residential housing and recreational accessory uses all located within the Compatible Growth Area, and the remaining 65% of the property as open space. In 2005, the proposed PRD subdivision did not propose a golf course, but after the Town's adoption of the East Quogue Land Use Plan & Generic EIS in 2008, the project was modified to include a golf course where the membership of the club was open to members of the public as well as owners of lots/units in the subdivision. The subdivision of the land is within the jurisdiction of the Southampton Town Planning Board ("Planning Board") but a golf club with membership open to the public at large was not permitted on the property without approval of a Mixed Use Planned Development District by the Southampton Town Board (Town Board). Accordingly, the Applicant made application to the Town Board for a MUPPD. The Town Board identified and coordinated review with Involved Agencies, including the Planning Board, SCDHS, NYSDEC and the Commission. After the Commission and other agencies expressly relinquished Lead Agency, the Town Board was designated Lead Agency and thereafter the proposed development underwent a complete SEQRA review, with Scoping, a DEIS and FEIS. Upon completion and filing of the FEIS by a unanimous 5-0 vote, the Town Board fulfilled its obligations as the Lead Agency for the project under SEQRA.

The Town Board, thereafter, undertook consideration of the approval of the MUPDD application. The Town Board's jurisdiction was solely over the approval of the PDD application, which would permit the golf course with membership of the club open to members of the public as well as owners of lots/units in the subdivision. The Town Board prepared and adopted a positive SEQRA Findings Statement, dated November 27, 2017, and voted 3-2 to approve the PDD application, but the vote failed because the Town's PDD law required four votes to approve the application. No decision or findings to deny the application was ever offered. The Town Board exercised its jurisdiction over a component of the project by its decision on the PDD. It is a customary course of action for the Lead Agency to be the first agency to adopt its SEQRA Findings Statement and adopt a decision on its component of the application under its jurisdiction.

As the PDD legislation specifically identifies the Planning Board's authority (see §330-243), the Town Board's decision would have only authorized the public membership aspect of the proposed golf course. The balance of the review and approval of the PRD subdivision was left to the Planning Board's jurisdiction. Contrary to the opponents' allegations the Town Board's decision is not a complete denial of the Applicant's right to subdivide the property as a PRD with customary recreational accessory uses in the 35% allowable development area. As confirmed by both the Town ZBA and Planning Board's action (see discussion that follows) such a PRD subdivision is permitted as-of-right under the existing zoning through Planning Board review. Moreover, the Town Board as Lead Agency was always mindful of the Planning Board's authority over the

subdivision of the property, and made sure that the PRD subdivision with accessory golf course was identified and considered in the SEQRA documents for both the East Quogue Land Use Plan (EQLUP) and GEIS and the FEIS for the project. Thus, the Town Board fulfilled its obligations as Lead Agency by providing a SEQRA record that each agency could rely on in making its decision.

The Town Board's exercise of its jurisdiction on the PDD application does not constitute a "failure of the lead agency's basis of jurisdiction." Failure of jurisdiction would be a matter where the project was changed thereby eliminating the need for the Town Board's action on any component of the project. As discussed below, other than the public membership aspect of the golf course, the project has not changed and the SEQRA documents address all aspects of thereof. As noted, the Town Board never had approval authority over the PRD subdivision, such authority remaining with the Planning Board. Regardless of the Town Board's decision on the PDD application, the Town Board still retains limited jurisdiction over aspects of the project related to the acceptance of applicable dedications of open space and infrastructure improvements, as well as various management agreements related to the maintenance and monitoring of the golf course.

As noted, the Town Board's decision on the MUPDD does not prevent the subdivision of the property or development of the proposed PRD subdivision, but it did eliminate the Applicant's ability to proceed with the golf club with membership open to members of the public as a component of the project. Accordingly, the Applicant has proceeded with the PRD subdivision application entitled "Lewis Road PRD" with the golf course, but the membership will be open to only owners of the lots/units in the subdivision as a customary accessory use. The Planning Board processed the subdivision application, first as a Pre-Application and adopted a Pre-Application Report on May 24, 2018, which specifically identified its role and obligation as an Involved Agency under SEQRA (see pages 6-8). The Planning Board expressly recognized its authority to determine if an SEIS would be necessary (see 6 NYCRR §617.6(a)(7)) and when it might be necessary to establish a new Lead Agency (see 6 NYCRR §617.96(b)(6)). The Planning Board also asked the Building Inspector and Zoning Board of Appeals (ZBA) to opine on whether the proposed golf course, available only to the owners of the subdivision parcels and not to the public at-large, is customary and accessory to the 118-home PRD subdivision. The ZBA determined that the proposed golf course is a customary recreational accessory use to this PRD subdivision and not a second non-permitted use.

Thereafter, the Applicant submitted a Preliminary Subdivision Application and the Planning Board after more than six months of review guided by independent consultants determined that there were no specific adverse environmental impacts not addressed or inadequately addressed in the FEIS arising from changes to the project, or newly discovered information, or a change of circumstances related to the project, and no SEIS need be prepared, which eliminated the need and the Planning Board's ability to re-establish a Lead Agency under 6 NYCRR §617.96(b)(6). The Planning Board then scheduled and held public hearings on the preliminary application and made referrals to Involved Agencies seeking comments, including the Commission. By resolutions dated October 24, 2019, the Planning Board adopted its own SEQRA Findings Statement and approved the preliminary Lewis Road PRD application with conditions to be completed prior to final application. The Planning Board has fulfilled all of its obligations as an Involved Agency under SEQRA.

Like the Planning Board, the Commission must fulfill its obligations as an Involved Agency under SEQRA. The Commission is recognized as an Involved Agency, having gained its jurisdiction by

assertion under the CLUP. The Commission's review jurisdiction is to apply the Standards and Guidelines for development within the CGA to the project. The record before the Commission, which includes the FEIS and SEQRA documents, addresses the CLUP Guidelines and Standards. There have been no allegations of specific adverse environmental impacts not addressed or inadequately addressed in the FEIS arising from changes to the project, or newly discovered information, or a change of circumstances related to the project, warranting a SEIS under 6 NYCRR §617.6(a)(7). There are no other grounds under 6 NYCRR §617.96(b)(6) to re-establish lead agency. Accordingly, like the Planning Board, and as acknowledged in the Commission's staff report, the Commission must make its own SEQRA findings based upon consideration of the relevant environmental impacts, facts and conclusions disclosed in the FEIS, and render its decision as to the projects compliance to the CLUP standards and Guidelines.

3.2 Surface and groundwater impacts

Comments B-8, B-41, C-2, C-11, C-22 & C-42:

These comments indicate concerns over the project's potential to impact surface water and groundwater quality, and its ability to support wildlife resources if the project is constructed.

Response:

The proposed project was subject to a Draft and Final Environmental Impact Statement (EIS) by the Town Board of the Town of Southampton as lead agency, and the Town Board issued a Statement of Findings to approve the project. This was followed by the Town of Southampton Planning Board issuance of a determination that no Supplemental EIS was required based on the Lewis Road PRD, which is very similar to the current proposed project but was prior to the improvements made to fully comply with the CPB CLUP Standards and Guidelines. The Town Planning Board issued a Statement of Findings to approve the project and approved the Preliminary Subdivision. The s EIS and the subsequent SEQRA Compliance Analysis document are part of the Town EIS record and should be relied on for information and findings with respect to potential environmental impacts. These documents fully examined surface water and groundwater quality, and wildlife resources as related to existing conditions and potential impacts. The EIS record is complete and no unmitigated significant adverse impacts to surface water, groundwater quality or wildlife resources were identified in the EIS record or Town Agency Findings Statements.

Some key points of the analyses and findings are that the proposed project is not proximate to surface waters or wetlands and therefore no surface water impacts were identified. The proposed project includes an Integrated Turf Health Management Plan (ITHMP) for golf course management which has been reviewed by the Town of Southampton's specialized consultant that oversees the monitoring of Golf at the Bridge and Sebonack Golf Club in the Town (Dr. A. Martin Petrovic, PhD), where no impacts have been identified. The Lewis Road PRD golf recreational amenity will further limit materials applied to manage healthy turf as compared to these prior approved and monitored golf courses. Turf management includes reduced and controlled use of fertilizer and turf management that will promote maximum uptake of

nitrogen by healthy turf grass. The findings with respect to recharge and uptake of nitrogen have been verified on a site and project-specific basis by the Town specialist, Dr. Petrovic. The proposed project turf area is less than 15% of the site in compliance with CPB CLUP Standard 5.3.3.6.3. The proposed golf amenity will be managed more stringently than a typical residential lot that may be maintained by a homeowner or landscape company as a result of the ITHMP, Town oversight, and baseline and continuing monitoring.

The proposed project also includes irrigation management that will intercept and extract existing groundwater with elevated nitrogen from upgradient farm fields, and will reuse this water source for irrigation of the golf course. This will remove nitrogen from the aquifer that would otherwise flow toward Weesuck Creek and western Shinnecock Bay, and will ensure maximum uptake of nutrients through fertigation and the ITHMP. This will result in a net negative nitrogen load as verified in the EIS record. Groundwater quality, groundwater outflow to Shinnecock Bay and nitrogen load are critical factors in the health of the Shinnecock Bay estuary, and this reduction of nitrogen load is a significant environmental benefit of the project.

Ecological assessments were completed as part of the Draft/Final EIS and the project will clear less than 28% of existing natural vegetation in conformance with CPB CLUP Standard 5.3.3.6.1. This ensures conformance with protection of habitats on-site through maximum retention of natural vegetation. The updated project design removes clearing from steep slope areas and increases contiguous, unfragmented open space through site design. The findings support that no significant adverse impacts to wildlife resources were identified through the SEQRA process.

Concern over surface water, groundwater and wildlife resources have been extensively addressed through the EIS record. The project conforms with the CPB CLUP with respect to surface water, groundwater and wildlife resource Standards and Guidelines.

3.3 Conformance to plans

Comments B-2, B-10, B-13, B-24, C-4, C-6, C-17, C-20 & C-45:

These comment express concerns that the project does not conform to the requirements and recommendations of the various land use plans that apply to the site.

Response:

To the contrary, from its initial planning efforts for the prior The Hills at Southampton MUPDD (which was supported by a majority vote of the Town Board and the SEQRA Findings Statement adopted by that body) and continuing through to the present day, in the form of the Lewis Road PRD. The proposed project has consistently conformed to the recommendations and requirements of the various applicable land use plans, including the Town Aquifer Protection Overlay District (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.

3.4 Project poorly planned

Comment C-5:

This comment expresses the opinion that the project is poorly planned.

Response:

This comment is not supported by the facts; see **Response, Section 3.3** above.

3.5 Golf course pollution

Comments B-3, B-4 & C-7:

These comments suggest that use of chemicals on the project's golf course amenity will adversely impact groundwater quality

Response:

As noted in Section 3.2 above, the proposed project will not adversely impact groundwater quality. The proposed project was subject to a Draft and Final Environmental Impact Statement (EIS), the EIS record is complete and no unmitigated significant adverse impacts to groundwater quality. The proposed project includes an ITHMP for golf course management and based on extensive review, no impacts have been identified. The proposed project turf area is less than 15% of the site in compliance with CPB CLUP Standard 5.3.3.6.3. The proposed golf amenity will be managed more stringently than a typical residential lot that may be maintained by a homeowner or landscape company as a result of the ITHMP, Town oversight, and baseline and continuing monitoring. The fertigation program will further reduce nitrogen load such that the project will be net negative in terms of nitrogen. The proposed project conforms with all applicable water quality Standards and Guidelines of the CPB CLUP and will not adversely impact groundwater quality; to the contrary, the project will improve water quality as noted herein.

3.6 Zoning

Comment C-9:

This comment questions whether the project conforms to Town Zoning Code requirements.

Response:

Analysis prepared for the proposed project and now part of the public record establishes that the Lewis Road PRD fully conforms to the Town Zoning Code requirements for the CR-200 district.

The Town Zoning Board of Appeals has established that the proposed golf course (a private on-site recreational amenity limited to the use of the site's residents) is an amenity and not an impermissible second primary use on the site.

3.7 Forest fragmentation

Comment C-10:

This comment expresses concerns about forest fragmentation associated with the project's layout.

Response:

Throughout the SEQRA review process undertaken for the prior The Hills at Southampton MUPDD and continuing to the present time for the Lewis Road PRD, the Applicant has consistently cooperated with the Town and CPB Staff to maximize the retention of natural vegetation, throughout the site but particularly within the 207.75-acre development area, primarily by adjusting the golf course layout, and secondarily by reducing lot sizes, shifting the roadway layout, and reducing the irrigation pond sizes. However, because of the need to conform with natural topography and maintain natural buffers between the fairways, tees and greens, it is necessary that some amount of this natural vegetation continue to be maintained.

3.8 Precedent

Comment C-13:

This comment stresses the importance of the precedent-setting nature of the project.

Response:

It must be remembered that the prior The Hills at Southampton MUPDD and continuing through to the Lewis Road PRD, the uses and yield represented by these proposals were specifically sought for this particular location in the East Quogue GEIS, which was crafted and adopted by the Town and community in 2008. Thus, the proposed project does not represent a developer's concept for the site, but represents the Applicant's efforts to realize the Town and community's joint vision for the subject site. As such, the Town and community have set the conditions for precedence in this regard, and not the Applicant.

3.9 Gbler report not considered

Comments B-31, & C-15 :

These comments question whether the analysis prepared by Dr. Christopher Gbler has been fully considered and addressed.

Response:

Dr. Christopher Gobler, PhD provided advice to the Town Board during The Hills MUPDD review process. The Applicant's technical team met with Dr. Gobler on numerous occasions during that review process to exchange project information. Dr. Gobler's analysis, "Analysis of Nitrogen Loading Rates from the Hills PDD Based on the Final Environmental Impact Statement," Christopher Gobler, PhD., Stony Brook University, School of Marine and Atmospheric Sciences, August 2017, was provided to the Town and is specifically referenced in the Town Board Statement of Findings. The Statement of Findings found that no significant adverse water quality impacts would occur as a result of this project, and this finding considered the Gobler analysis.

3.10 Public purchase

Comments B-5, B-23, B-25, B-43, B-55 & C-18:

These comments express a preference for purchase of the site as a public open space, in lieu of private development.

Response:

The Applicant has not received any serious offer for public purchase of the subject site from any single or group of public entities.

3.11 Support for project

Comments B-11, B-12, B-21, B-22, B-27, B-28, B-29, B-44, B-45, B-46, B-47, B-50, B-53, C-14, C-21 & C-43:

These comments express support for the project

Response:

Comments acknowledged.

3.12 CLUP Guidelines 5.3.3.1.1 & 5.3.3.1.3

Comment C-24:

This comment questions whether the project will conform to these two Guidelines of the CLUP.

Response:

Analyses conducted during the SEQRA review conducted by the Town Planning Board and by the Commission Staff for the Lewis Road PRD application establish that the project complies to the requirements of CLUP Guidelines 5.3.3.1.1 and 5.3.3.1.3; see **Response, Section 2.1**.

3.13 CLUP Guideline 5.3.3.2.1

Comments C-25:

This comment questions whether the project will conform to this Guideline of the CLUP.

Response:

As stated in the Applicant's Response to Pine Barrens Commission Draft Staff Report, dated June 3, 2020:

The project will comply with all applicable requirements of SCSC Article 7 and Article 12 and will secure any required permits from the SCDHS for storage of compounds regulated under Article 12.

As the subsequent Commission Staff Review Letter (see **Appendix A**) does not also contain this comment, it is assumed that the above response satisfies the Commission Staff concern in this regard.

3.14 CLUP Guideline 5.3.3.3.1

Comment C-26:

This comment questions whether the project will conform to this Guideline of the CLUP.

Response:

As stated in the Applicant's Response to Pine Barrens Commission Draft Staff Report, dated June 3, 2020:

The [Hills at Southampton PDD] DEIS/FEIS addressed public supply well locations in detail. 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 conforms to this Standard.

As the subsequent Commission Staff Review Letter (see **Appendix A**) does not also contain this comment, it is assumed that the above response satisfies the Commission Staff concern in this regard.

3.15 CLUP Guideline 5.3.3.4.1

Comment C-27:

This comment questions whether the project will conform to this Guideline of the CLUP.

Response:

As stated in the Applicant's Response to Pine Barrens Commission Draft Staff Report, dated June 3, 2020:

... the nearest wetlands are approximately 1,500 east of the south part of the subject site. Therefore, no response is necessary and the project complies with this Standard.

As the subsequent Commission Staff Review Letter (see **Appendix A**) does not also contain this comment, it is assumed that the above response satisfies the Commission Staff concern in this regard.

3.16 CLUP Guidelines 5.3.3.5.2 & 5.3.3.5.4

Comment C-28:

This comment questions whether the project will conform to these two Guidelines of the CLUP.

Response:

As stated in the Applicant's Response to Pine Barrens Commission Draft Staff Report, dated June 3, 2020:

...there are no natural features that can be used for drainage. Therefore, no response is necessary and the project complies with this Guideline.

As the subsequent Commission Staff Review Letter (see **Appendix A**) does not also contain this comment, it is assumed that the above response satisfies the Commission Staff concern in this regard.

3.17 CLUP Guideline 5.3.3.5.3

Comment C-29:

This comment questions whether the project will conform to this Guideline of the CLUP.

Response:

As stated in the Applicant's Response to Pine Barrens Commission Draft Staff Report, dated June 3, 2020:

While the project's two artificial, lined ponds have been designed to be aesthetically-pleasing, they are proposed primarily for utilitarian purposes, for irrigation/fertigation storage purposes. That is, neither of these ponds are proposed exclusively as aesthetic features. It is noted that the area of ponds has been reduced through refinement of the project plan as presented herein. These two ponds have a total area of 3.33 acres and, with an additional 1.40 acres of wetlands and 1.22 acres of pools, total water surfaces are 5.95 acres. Each of the two irrigation ponds have a depth of

approximately 10 feet. As the elevation of the water table is about 15 feet above mean sea level (asl) in the area of these ponds, there would be a minimum of 28 and a maximum of 45 feet of vertical separation between the bottoms of these ponds and the water table. It has been confirmed with NYSDEC that no mining permit is required to develop the ponds. As a result, the project complies with this Guideline.

As the subsequent Commission Staff Review Letter (see **Appendix A**) does not also contain this comment, it is assumed that the above response satisfies the Commission Staff concern in this regard.

3.18 CLUP Guidelines 5.3.3.5.5, 5.3.3.8.2, & 5.3.3.8.4

Comment C-30:

This comment questions whether the project will conform to these three Guidelines of the CLUP.

Response:

These three CLUP Guidelines will be satisfied by the proposed project, as follows:

- The project's drainage system has been revised so that no excess soil will result from grading operations, so that no program whereby excess soils is taken by trucks from the property. As a result of this revision, no soil or erosion impacts will occur. The project will include preparation of the required SWPPP, in conformance with an erosion control or sedimentation control plan.
- As discussed in Response, **Section 3.39** below, *"The proposed clubhouse has been reduced in scale such that the depth of excavation required to construct its below-grade portion can be and has been minimized to the minimum necessary. There will be an ample (in excess of 40 feet) vertical separation between the bottom of this parking level and the water table so that no dewatering will be necessary to construct this facility."*
- No mining is proposed in association with the proposed project. There is proposed site clearing and grading operations over an estimated 162.50 acres, but this is a usual and expected part of site construction and is not considered a separate, revenue-generating commercial operation requiring any permitting from the Town or NYSDEC.

3.19 CLUP Guideline 5.3.3.6.1

Comment C-31:

This comment questions whether the project will conform to this Guideline of the CLUP.

Response:

Analyses conducted during the SEQRA review conducted by the Town Planning Board and by the CPB Staff for the Lewis Road PRD application establish that the project complies to the requirements of CLUP Guideline 5.3.3.6.1; see **Response, Section 2.2**.

3.20 CLUP Guideline 5.3.3.6.2

Comments C-32 & E-1:

These comments question whether the project will conform to this Guideline of the CLUP.

Response:

Analyses conducted during the SEQRA review conducted by the Town Planning Board and by the CPB Staff for the Lewis Road PRD application establish that the project complies to the requirements of CLUP Guideline 5.3.3.6.2; see **Response, Section 2.3**.

3.21 CLUP Guideline 5.3.3.6.3

Comment C-33:

This comment questions whether the project will conform to this Guideline of the CLUP.

Response:

As stated in the Applicant's Response to Pine Barrens Commission Draft Staff Report, dated June 3, 2020:

No response necessary as the proposed project is found to be consistent with this Standard.

As the subsequent Commission Staff Review Letter (see **Appendix A**) does not also contain this comment, it is assumed that the above response satisfies the Commission Staff concern in this regard.

3.22 CLUP Guideline 5.3.3.7.1

Comment C-34:

This comment questions whether the project will conform to this Guideline of the CLUP.

Response:

As stated in the Applicant's Response to Pine Barrens Commission Draft Staff Report, dated June 3, 2020:

The proposed project will comply with this Standard. The issue of clearing in relation to habitat for the Northern Long-Eared Bat (NLEB) is addressed in detail the DEIS/FEIS for the Hills PDD, and the proposed Lewis Road PRD will conform to the conclusions of that prior study. The proposed Lewis Road PRD will conform with the applicable NYSDEC clearing window restrictions to ensure there is no impact to the NLEB.

With respect to the other NYS-listed wildlife and plant species that are or may be found on those parts of the project site to be developed, the Applicant will ensure that the appropriate NYSDEC

office(s) are consulted for guidance before clearing begins. Appendix M-7 of the DEIS presents the results of a Buck Moth Survey completed in 2009. This study indicated that the limited stands of the host plant, scrub oak, were not capable of supporting Buck Moth and conditions have not changed since that survey. It is noted that the reconfiguration of the project will remove development from the higher elevation areas of the property and increases contiguous open space which will expand wildlife habitat.

As the subsequent Commission Staff Review Letter (see **Appendix A**) does not also contain this comment, it is assumed that the above response satisfies the Commission Staff concern in this regard.

3.23 CLUP Guideline 5.3.3.8.1

Comment C-35:

This comment questions whether the project will conform to this Guideline of the CLUP.

Response:

Analyses conducted during the SEQRA review conducted by the Town Planning Board and by the CPB Staff for the Lewis Road PRD application establish that the project complies to the requirements of CLUP Guideline 5.3.3.8.1; see **Response, Section 2.4**.

3.24 CLUP Guideline 5.3.3.8.3

Comment C-36:

This comment questions whether the project will conform to this Guideline of the CLUP.

Response:

Analyses conducted during the SEQRA review conducted by the Town Planning Board and by the CPB Staff for the Lewis Road PRD application establish that the project complies to the requirements of CLUP Guideline 5.3.3.8.3; see **Response, Section 2.4**.

3.25 CLUP Guideline 5.3.3.9.2

Comments C-37 & E-2:

These comments question whether the project will conform to this Guideline of the CLUP.

Response:

Analyses conducted during the SEQRA review conducted by the Town Planning Board and by the CPB Staff for the Lewis Road PRD application establish that the project complies to the requirements of CLUP Guideline 5.3.3.9.2; see **Response, Section 2.5**.

3.26 CLUP Guidelines 5.3.3.11.1 & 5.3.3.11.2

Comment C-38:

This comment questions whether the project will conform to these two Guidelines of the CLUP.

Response:

Analyses conducted during the SEQRA review conducted by the Town Planning Board and by the CPB Staff for the Lewis Road PRD application establish that the project complies to the requirements of CLUP Guidelines 5.3.3.11.1 and 5.3.3.11.2; see **Response, Section 2.6**.

3.27 CLUP Guideline 5.3.3.11.3

Comment C-39 :

This comment questions whether the project will conform to this Guideline of the CLUP.

Response:

Analyses conducted during the SEQRA review conducted by the Town Planning Board and by the CPB Staff for the Lewis Road PRD application establish that the project complies to the requirements of CLUP Guideline 5.3.3.11.3; see **Response, Section 2.6**.

3.28 CLUP Guideline 5.3.3.11.4

Comment C-40:

This comment questions whether the project will conform to this Guideline of the CLUP.

Response:

Analyses conducted during the SEQRA review conducted by the Town Planning Board and by the CPB Staff for the Lewis Road PRD application establish that the project complies to the requirements of CLUP Guideline 5.3.3.11.4; see **Response, Section 2.6**.

3.29 Development of Regional Significance

Comments C-41:

This comment notes that the project should be considered a DRS by the Pine Barrens Commission.

Response:

It is acknowledged that the CPB Commission could have chosen to establish the proposed Lewis Road PRD as Development of Regional Significance (DRS) when the Applicant submitted the CGA application to that entity in December 2019. However, in lieu of such a decision, the

Commission opted to assert its right to review the application under the authority of Section 4.4.3 of the CLUP.

3.30 Opposed to project

Comments B-19, B-20, B-26, B-42, B-48, B-49, B-51, B-52, B-54, B-56, C-44 & F-1 through F-15:
These comments express opposition to the project.

Response:
Comments acknowledged.

3.31 ZBA Decision precedence

Comment C-46:
This comment questions the Town ZBA determination that the proposed golf course is an accessory for the residential subdivision, and not a second primary use on the site.

Response:
This issue was settled by the review and consideration of the Town ZBA that, considering the nature and usage of the proposed private golf course, this facility does not represent an impermissible second primary use on the site, but rather represents a recreational amenity for the site's residents.

3.32 Need for Nitrogen Dispersion Analysis

Comments B-33 & C-48 :
These comments demand that a dispersion analysis be prepared for the project.

Response:
Preparation of a dispersion analysis is not consistent with standard practice for this type of analysis. The CPB CLUP does not require this form of analysis. This type of analysis was not part of Final Scope for DEIS. The SEQRA process is complete and the Commission was an involved agency that had the opportunity to provide input on the DEIS and did provide other input. The Commission must rely on EIS record which provided a full and complete analysis of groundwater impacts from nitrogen leading to the conclusion that the proposed project will not have an adverse impact on groundwater as a result of nitrogen. In fact, the proposed project had the least impact of the alternatives that were assessed, and overall will have a net negative nitrogen load when considering reuse of existing nitrogen contaminated groundwater for golf course irrigation. The comment overlooks the importance of existing contaminated groundwater (with concentrations as high as 29 mg/l), and the use of irrigation-fertigation to

withdraw this water and reuse it for golf course irrigation thus removing it from the aquifer, reducing the amount of fertilizer nitrogen to be applied for golf course management, and promoting plant uptake of applied nitrogen through the use of an ITHMP.

Further, the method of analysis used in the DEIS is supported by past precedent of the Commission, and was incorporated into the CPB CLUP which contemplates a mass-balance approach at the property line of a project to determine compliance with the 2.5 mg/l guideline. Mass-balance modeling of nitrogen load and concentration such as the SONIR model has been effectively used for analysis of conformance with the 2.5 mg/l guideline for many projects since the inception of the Pine Barrens Act. Dispersion modeling, which is normally used in air quality and other types of analyses not related to clustered subdivisions or groundwater nitrogen loading analysis, was not contemplated for this type of analysis and therefore should not be considered. Given these factors, dispersion analysis is not appropriate for assessment of the proposed project.

3.33 Fertigation

CommentsB-15 & C-49:

These comments question the project's use of fertigation.

Response:

The proposed project seeks to utilize existing nitrogen-enriched groundwater in the aquifer that is contaminated by upgradient farm fields, and apply this water as for irrigation on the golf course recreational amenity. This was examined in detail in the EIS record, and was found to use common technology and proven systems to withdraw the water and reuse it for irrigation. The Town of Southampton includes this technology in their Water Quality Improvement Project Plan (WQIPP) as a remediation technique.¹ The EIS record found that this method of water reuse would remove nitrogen from the aquifer that would otherwise travel to Weesuck Creek and western Shinnecock Bay. This results in a net negative nitrogen load from the proposed project. The project environmental benefit is enhanced as a result of the use of fertigation. The Commission should consider the EIS record with respect to fertigation, and incorporate this remediation technique as part of the decision-making process on the pending application.

3.34 "Member" not defined

Comment B-37 & C-50:

These comments request that the term "member" be strictly defined, in order to control use of the golf course by non-residents

¹ <https://www.southamptontownny.gov/DocumentCenter/View/7318/Water-Quality-Improvement-Plan-CPF-Referendum-PDF?bidId=>

Response:

As established in the SEQRA record, only the owners and immediate family members that reside on the site will be considered to be “members” of the project, and so would be eligible to enjoy the proposed golf course amenity. It is acknowledged that these members would be allowed to bring guests to play on the course, but that permission would be limited in the number of guests necessary to fill their foursome.

3.35 Climate change

Comment B-36 & C-51:

These comments request that the effects of global climate change be considered in evaluating the potential impacts of the project.

Response:

These comment express concerns that perceived increased nitrogen loading to surface waters and groundwater from the subject site will impair the health and thereby weaken the ability of the existing coastal salt marshes to buffer increasing storm surges and flooding in areas south of the site.

The SEQRA record establishes that the proposed project will reduce the amount of nitrogen in the stormwater flowing from the site (which could impact surface waters, including Weesuck Creek and the coastal salt marshes), by minimizing the use of nitrogen-bearing fertilizers in landscape maintenance and by engineering a site drainage system that will minimize the potential for stormwater flow from leaving the site in the first place. As for nitrogen in groundwater, the planned use of a state-of-the-art STP and reuse of impacted groundwater to reduce nitrogen in ambient groundwater will actually reduce nitrogen in groundwater, thereby reducing impacts to the coastal salt marsh vegetation. These features of the project will enhance the health of the coastal salt marshes, and help reduce concerns over future flooding associated with climate change.

It is noted that the area south of the project site between Montauk Highway and Shinnecock Bay is residentially developed. Concerns over increased potential for flooding in this area would be addressed by a combination of Federal, state, county and Town resources acting together with the community to provide appropriate measures to reduce coastal erosion and vulnerability to storm surges and flooding.

3.36 GFE Alternative not considered

Comments B-35 & C-52:

These comments question why the alternative scenario developed by the Group for the East End was not considered.

Response:

The alternative development scenario put forth by the GFEE for the Hills at Southampton MUPDD FEIS was designed to achieve much the same features as that proposal, but cause lesser impacts. That alternative scenario included the following:

This alternative is comprised of 88 residential units, an equestrian facility, a 20,000 SF riding arena, a wastewater treatment facility, no fertilizer dependent vegetation and associated amenities, with the required roads and support facilities.

This scenario was reviewed for the FEIS. The following is that analysis:

This development scenario can potentially be achieved with the current CR200 zoning by utilizing the Subdivision procedures as well as the Horse Farm special exception standards within the Code. Therefore, comparatively, it is not an alternative that categorically falls within the purpose of Incentive Zoning as enabled by the State through Town Law and instead is a variant within the context of as of right zoning.

The NYS SEQRA Handbook provides guidance on the goals of the alternative discussions in an EIS as follows:

“...to investigate means to avoid or reduce one or more identified potentially adverse environmental impacts. Part 617 further requires that the alternatives discussion include a range of reasonable alternatives which are feasible considering the objectives and capabilities of the project sponsor. In general, the need to discuss alternatives will depend on the significance of the environmental impacts associated with the proposed action. The greater the impacts, the greater the need to discuss alternatives. The discussion of each alternative should specifically include an assessment of its likely effectiveness in reducing or avoiding specific impacts.”

As noted from the SEQRA Handbook, alternatives must be tied to “the objectives and capabilities of the project sponsor.” The Group for the East End’s alternative does not meet the applicant’s objectives or capabilities and therefore does not meet the intent of a reasonable alternative pursuant to SEQRA as outlined above. Furthermore, the equestrian community alternative seeks to “reduce potential development impacts” however, after careful review; this alternative may likely have a greater impact, as demonstrated below:

A nitrogen budget analysis of this alternative was prepared by the Applicant using the SONIR model, based on the above description and as reasonable impact assumptions as provided in Appendix T-1 Appendix R-5 provides two (2) SONIR Model runs, one, for the based on GEE proposal (STP and no turf) and two, for the same alternative development scenario with no STP and 10 percent turf (which is less than allowed). The results of that modeling indicate that this alternative with a STP and no turf would have more nitrogen load impact than existing conditions, but less than the most conservatively low estimated residential use of the site under current zoning. An analysis under the second assumption (with no STP and 10 percent turf) yields a comparably high impact on nitrogen load, greater than the existing zoning alternative (with a seasonal adjustment), but less than the existing zoning alternative with standard sanitary systems. Of the alternatives analyzed, this alternative yields the third highest rate of nitrogen production while the Proposed Project still has

the lowest nitrogen load as compared with other alternatives. A comparison that includes the GEE equestrian use alternative is provided in Appendix R-7.

- To the extent that this alternative impacts groundwater, it is also assumed to impact downgradient surface water in Weesuck Creek.
- Appendix T-1 provides a report on horse excrement and nitrogen contribution from Louisiana State University wherein it states that an average horse contributes 100 pounds of nitrogen to the environment every year.

While the Group for the East End's alternative is a laudable effort, the equestrian community alternative does not meet the intent of the analysis required pursuant to SEQRA, for the reasons stated above and because it is another variation of the as-of right scenario. On its own merit, this option does not appear to reduce the impact of nitrogen on ground water and nearby surface waters and does not contain any community benefits that the proposed project includes because it is not based on the premise of incentive zoning.

3.37 Construction period impacts

Comment C-53:

This comment notes a number of potential impacts during the construction period that should be considered.

Response:

The SEQRA record supports the conclusion that all construction-related impacts have been considered, and analyzed. Additionally, as part of its site plan review process, all construction-related activities and procedures will be subject to the review and approval of the Town, ensuring that potential construction-related impacts would be minimized.

It is noted that the proposed project no longer will require any removal of excess soil from the site, which eliminates concerns over impacts related to such a trucking operation on local roadways, air quality, pedestrian safety, noise, community character, and/or roadwear.

3.38 Soil removal and associated impacts

Comment B-40 & C-54:

These comments note a number of potential impacts that could occur during any excess soil removal program during the construction period.

Response:

Associated with the **Revised Master Plan**, project's engineering plans are based on a general drainage system design decision to reduce the depth of grading by one (1) foot over the development area, so that an excess of soil will no longer occur, obviating the need to export

any excess soil from the site. As a result, no impacts to the community would occur from such a removal operation.

3.39 Underground garage construction

Comment C-55:

This comment indicates several concerns associated with construction of the project's clubhouse.

Response:

The proposed clubhouse has been reduced in scale such that the depth of excavation required to construct its below-grade portion can be and has been minimized to the minimum necessary. There will be an ample (in excess of 40 feet) vertical separation between the bottom of this parking level and the water table so that no dewatering will be necessary to construct this facility.

3.40 Traffic Impact Study should be updated to include Summer months

Comments B-38 & C-56:

These comments indicate that the project's Traffic Impact Study be revised to consider traffic during the summer months.

Response:

This comment refers to the review conducted for the Town Planning Board by B. Laing Associates/Kimley Horn, dated June 27, 2019. The Applicant responded to this review in September 2019, and to this comment in particular as follows:

This comment calls for further information regarding the traffic analysis in the FEIS [for The Hills at Southampton MUPDD]. As stated above, and as stated in the SPR letter, following the Planning Board's determination that no Supplemental EIS is required, comments recommending changes to FEIS analyses are no longer germane. Nevertheless, to avoid any confusion or misunderstanding of technical issues by the Planning Board, we provide the following technical response.

The traffic documentation prepared by the applicant is accurate and complete and is part of the existing information in the EIS record. The May 2018 Traffic Impact Study (TIS) included as Appendix D of the NP&V December 2018 SEQRA Compliance Analysis applies a 15% seasonal adjustment factor to the Saturday data to account for summer traffic. Therefore, the Saturday analyses is very conservative to account for any increase in traffic due to summer activities. In addition, the August 2016 TIS included as Appendix H in the DEIS for The Hills MUPDD included both summer counts (July) and Fall counts (September) and the results are similar for both the summer and fall traffic. As a result, this comment is fully addressed by information contained in the EIS record.

3.41 Traffic impacts severe

Comments B-39 & C-57:

These comments express a number of concerns associated with traffic associated with the project on local roadways, intersections, and safety issues.

Response:

All potential impacts related to the vehicle trips generated by the proposed PRD were evaluated by the Applicant for the Preliminary Subdivision application, which analysis was subsequently reviewed and commented upon by the Town and its consultant B. Laing Associates/Kimley Horn, in June 2019. The Applicant's response to those traffic-related comments is presented in **Section 3.40** below.

3.42 Nitrogen modeling

Comments B-14, B-16, B-17, B-18 & B-34:

These comments question the assumptions on which the groundwater modeling was conducted.

Response:

Groundwater modeling was completed during the Draft/Final EIS process and updated for the Planning Board SEQRA Compliance Analysis. This included the Simulation of Nitrogen in Recharge (SONIR) model which analyzed the load and concentration of nitrogen and water balance for the proposed project and alternatives. All documentation, including the fully justified and supported groundwater modeling and SONIR Model User's Guide, was reviewed in detail by the Town and by experts retained on behalf of the Town, and found to be accurate for decision-making purposes. The Town Board adopted Findings to Approve the prior Hills MUPDD, and the Planning Board issued a determination that a Supplemental EIS was not needed for the similar Lewis Road PRD, and thereafter adopted a Statement of Findings to approve, and in fact did approve the Preliminary Subdivision plat. The Draft/Final EIS and the subsequent SEQRA Compliance Analysis document are part of the Town EIS record and should be relied on for information and findings with respect to potential water resource impacts. The EIS record including groundwater modeling, is complete and no unmitigated significant adverse impacts to water resources were identified in the EIS record or Town Agency Findings Statements.

With respect to the SONIR model, accuracy of data is critical to the results of the model. In addition, understanding of the model and the input/output data is equally critical. It is noted that during the Town Draft/Final EIS process, the Long Island Nitrogen Action Plan (LINAP) emerged, and through further research the SONIR Model was updated for LINAP assumptions as explained in the SONIR Model User's Guide. As a result, the SONIR model and that data and assumptions used to complete the model can be relied upon for decision-making. The

modeling has consistently found The Hills PDD and the Lewis Road PRD projects to be well below 1 mg/l in terms of nitrogen concentration in recharge, and net negative in terms of nitrogen load. As noted in **Appendix H**, the updated SONIR analysis for the Lewis Road PRD based on the project plan that is the subject of this submission has determined that the concentration of nitrogen in recharge is 0.24 mg/l with mitigation.

3.43 Impact of the Lewis Road PRD on the Spinney Hills CGA of the CPB Overlay District and APOD

This sub-section responds to the comments contained in the document *“Impact of the Lewis Road Planned Residential Development on the Spinney Hills Compatible Growth Area of the Central Pine Barrens Overlay District and Aquifer Protection Overlay District,”* attached hereto as **Appendix D**. The document is undated and was prepared by a local resident, Ron Nappi. The Nappi document identifies the authors concerns with respect to water resource impacts of the Lewis Road PRD. The following statements are included in the “End Notes” of the Nappi document: *All values for variables used in the calculations for this document are transcribed directly form the Applicants PRD Submission. The “Specific Concern” section is a subjective supposition based on the results of simple mathematical calculation, systems analysis, and empirical observation. The document is for personal use only and not intended for publication. The contents are simply the author’s opinions. This document is not to be represented and/or quoted as fact. The contents herein are logical and reasonable interpretation of sources and are not to be construed as accredited research. The author holds no certifications or degrees in Environmental or related Science and Arts.* These statements are acknowledged. Each area of concern in this report is noted individually below, and is followed by the Applicant’s response.

Comment D-1:

This comment discusses concentration versus load of nitrogen in groundwater.

Response:

The comment does not show a full understanding or the regulations applicable to the Lewis Road PRD, or the modeling that was completed to address nitrogen impact. The CPB CLUP has two (2) Standards and one Guideline that relate to nitrate-nitrogen impact, that must be complied with for a project to be approved. Standard 5.3.3.1.1 requires conformance with Article 6 of the Suffolk County Sanitary Code (SCSC) which limits density of development due to nitrogen load from the combined effects of wastewater and fertilization on single family homesites. The subject site is in Groundwater Management Zone III which limits to a residential equivalent density based on 40,000 SF lots. The “allowable” flow is determined for a site based on density or yield, and then compared to the “design” flow of the project. in this case, the allowable flow was established to be in excess of 140,000 gallons per day (gpd) of wastewater. The Lewis Road PRD model run has a total Wastewater Design Flow of 40,957 gpd which is substantially less than the allowable flow, and therefore the project complies with

Standard 5.3.3.1.1. In addition, Standard 5.3.3.6.3 of the CPB CLUP limits fertilizer-dependent vegetation to less than 15% of a site for the purpose of limiting nitrogen used in fertilizer and its potential impact on water resources. The proposed project is designed to limit fertilizer-dependent vegetation to less than 15%, and therefore complies with this Standard and thus limits nitrogen in this manner. Finally, under Guideline 5.3.3.1.3, the CPB CLUP outlines, “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 wetland.” This Guideline does not apply as the project is not “...in the vicinity of ponds and wetlands.” Nevertheless, all of the PDD and Lewis Road PRD scenarios are less than 1 mg/l of total nitrogen in recharge at the property line (0.24 mg/l), when compared with 2.5 mg/l under this Guideline.

None of these metrics on which development approval is based address the comment in the Nappi document regarding nitrogen concentration versus nitrogen load. Nevertheless, the EIS record addresses this in great detail. The nitrogen load of the project was determined through prior and updated analyses, as this is an important factor for comparison with alternatives and in determining potential nitrogen impact to groundwater and down-gradient surface water to which groundwater flows and discharges through subsurface outflow. The nitrogen load of the proposed project is “Net Negative” as verified in the EIS record. As a result, the proposed project will improve water quality with respect to nitrogen by intercepting nitrogen that would otherwise flow toward western Shinnecock Bay, and using this nitrogen enriched groundwater for irrigation/fertigation of the golf course area, such that nutrients will be taken up by turf with a commensurate reduction in nitrogen in recharge. This comment is not relevant to the considerations required to be made by the Commission. Nevertheless, the proposed project conforms with applicable Standards and Guidelines of the CPB CLUP, has been analyzed in detail and found to not impact water resources as a result of nitrogen load or concentration. See also **Section 3.2** above.

Comment D-2:

This comment includes a golf course nitrogen budget summary that calculates pounds of nitrogen applied to fertilized areas.

Response:

The calculations provided in the Nappi document are not consistent with standard methods of analysis and are not supported by references. The SONIR model determined nitrogen load and is supported by the SONIR Model User’s Guide. This User’s Guide provides detailed references that support the input to the model, analyses and results. The model and water resource analyses were prepared by NPV, a professional environmental and water resource analysis company, and peer-reviewed by the following professionals during the SEQRA process including the Planning Board review of the SEQRA Compliance Analysis:

- Dr. Paul Grosser, PhD, P.E., PW Grosser
- FPM Group, professional hydrogeologists
- Greenman-Pedersen, Inc., environmental service company
- ZEB Environmental Solutions, environmental service company
- Jeffrey Seeman, certified golf course superintendent/certified environmental professional
- Dr. Christopher Gobler, PhD, Stony Brook University, as advisor to the Town of Southampton
- Leggette, Brashers & Graham, professional hydrogeologists, on behalf of the Group for the East End
- B. Laing/Kimley Horn, environmental service company, on behalf of the Town Planning Board

The findings of these professionals refined and corroborated the nitrogen budget modeling prepared as part of the SEQRA process. The total nitrogen determined at the time of the Lewis Road PRD approval by the Planning Board was 1,238 lbs/year (pre-mitigation) and 944.02 lbs/year (with mitigation), not 4,448 or 6,487 pounds. The nitrogen budget for the proposed project has been updated for the additional site acreage and revised project plan and is provided in **Appendix H**. Also refer to **Sections 3.2, 3.9** and **3.42** above.

Comment D-3:

This comment expresses concern over the use of irrigation at the golf course and its impact on Pine Barrens habitat, suggesting that approximately 334 pounds of nitrogen generated by sprinkler system mist will be released annually, drift into the native pine barren vegetation and consequently alter the pine-oak forest ecology.

Response:

This comment does not properly consider the purpose and method of golf course irrigation, nor is it accurate regarding the quantity of nitrogen applied and how it is assimilated. Team member Jeffrey Seeman contributed to the response provided herein. The irrigation nozzle spray patterns to be used for the Lewis Road PRD will form a uniform and specific droplet size for the intended application. The water droplet size and its distribution pattern will create efficient use of water during an irrigation cycle. The location and number of irrigation sprinkler heads and the specific arc (or rotation) of each sprinkler define the irrigated area.

Generating a “mist” is indicative of a poor design, maintenance and/or operation of an irrigation system. This can occur when irrigation water pressure is excessive and/or when the nozzle within the sprinkler head is too restrictive, causing the delivered spray pattern to become highly “atomized” resulting in a mist.

The Lewis Road PRD golf course irrigation system will be operated by a variable frequency drive (VFD) pump, operated via a computer that controls water pressure based on irrigation water demand. The lower the demand for water, the slower the pumping rate and the lower the

water pressure. Larger nozzle sizing is used to achieve the appropriate droplet size that would replicate ideal rain conditions for plant utilization. The combination of pumping rate, lower water pressure and properly sized nozzle sizes achieve proper water droplet size and distribution without generating a mist.

The Lewis Road PRD irrigation system design also addresses native/non-irrigated areas to minimize water use and control overspray. The golf course design and turf management plan ensures that certain areas remain unirrigated to promote native plants and reduce weed infestation. Location of sprinklers, rotation of the head and distance the water is carried are factored into the design to avoid overspray.

Unlike residential and crop irrigation systems, golf course irrigation systems are primarily operated during nighttime, early evening and early morning hours. Daytime operations are limited because of playing times, with daytime irrigation applied for short time periods (known as syringing), in order to reduce heat stress. This is an advantage over residential and agricultural use both of which are present in the area of the project site and within the Central Pine Barrens.

There will be a minor loss of irrigation water because of evaporation and impact by the wind. It is standard practice for the trained golf course superintendent that will operate the course, to restrict use of the irrigation system based on wind conditions. Hand watering applications will reduce impacts during dry periods with high winds, which is also standard practice for golf courses.

The exhibit referenced as Mr. Nappi's Figure 15 (Zazueta, F. "Evaporation Loss During Sprinkler Irrigation") was generated from the University of Florida. In its conclusions for the Gainesville, Florida geographic area, it states, "... the average daily evaporation loss would be 1.5 percent. The average loss would be about 3 percent for sprinkler operation during early afternoon hours on typical summer days. The amount would be very small during nighttime, early morning and evening hours." Florida climate conditions are not comparable to Long Island and nighttime watering as will be practiced for the proposed project will reduce evaporation as noted in this reference. This is consistent with the Rutgers 2002 Cooperative Extension Bulletin E278: "Best Management Practices for Irrigating Golf Turf" which recommends watering between 10:00 PM and 8:00 AM because it is "generally less windy, cooler and more humid resulting in less evaporation and a more efficient application of water."

Concern for spray/wind drift generated nitrogen impacts to off-target areas is at best speculative. The Nappi document suggests that a mist rate of 7.5 percent will transport 334 pounds of nitrogen annually into the "Spinney Hills Watershed" and that moisture and enrichment will encourage intrusion by "Compatible Zone" border species. This is not consistent with the type of system and irrigation practices proposed for the Lewis Road PRD. The Nappi reference provided no specific scientific documentation in support of this prediction other than reference to a representative from Rain Bird. The reference is not consistent with

proper golf course management and it is not known if this was related to a system with proper design, maintenance and operation.

Based on the cited reference, even for the extreme environmental conditions found at southwestern desert and southeastern golf courses, the impact of evaporation and wind generated spray to off-target areas is relatively small (less than 10%). Proper irrigation system design and management is crucial to minimize off-target migration of irrigation water and inputs added via a fertigation system. Professional golf course superintendents control irrigating off-target areas by selection of nozzle size, computerized adjustments to pumping rates and pressure in response to irrigation demands. Most areas where off-target irrigation occurs is confined to the secondary roughs, which for the Lewis Road PRD golf course will be comprised of Chewing's fescue, sheep fescue, hard fescue, big blue stem and little blue stem. These naturalized areas will uptake the small quantities of nitrogen that could result from potential overspray.

It is important to recognize that the Lewis Road PRD environmental stewardship program is not limited to the boundaries of the golf course. The golf course ITHMP with the site's overall land management as described in the EIS record is a holistic program. The applicant will retain the necessary professional staff to administer the land management plan and maintain required record keeping in conformance with Town approvals.

Comment D-4:

This comment raises concern with respect to creating ponds and the impact on pond water evaporation on the pine barrens.

Response:

This comment relies on two invalid assumptions: 1) annual water surface evaporation rates will cause the local micro climate to be altered to the extent that non-native plants will evolve and displace native pine barrens vegetation; and, 2) pond water high in nitrogen concentrations will generate algal blooms and potentially generate conditions favoring toxic algae because of high levels of nutrients in the water. The Nappi document does not consider several conditions that make these assumptions invalid.

First, the general conditions indicate large areas of disturbance and anthropogenic influence on the site and within the area. These conditions include prior clearing, ongoing use by ATVs/dirt bikes, soil erosion due to prior clearing and ongoing use, as well as the neighborhood conditions including residential development, East Coast Mines and agricultural use. This history results in existing ecological conditions that are different than Central Pine Barrens Core Preservation Area such as Bellows Pond. The sandy, un-vegetated area where much of the Lewis Road development is concentrated does not currently support plants that would somehow be disrupted by an increase in atmospheric moisture levels. Many factors must be considered for plants to grow and out-compete native species that have already adapted and become

dominant (soil type, available seed and available micro/macro nutrients, pollination/reproduction, sunlight and predation, not simply a new small water source). Simply adding a small amount of atmospheric moisture does not generate new dominant plant varieties into an existing habitat.

Second, the theory of 5.95 acres of pond/pool/wetland surface water (now reduced to 3.37 acres of ponds) would increase atmospheric water only within the geographic boundaries of the “Spinney Hills Pine Barrens” is inaccurate. This suggests there is no air movement, and the subject site is located in a “bubble.” Wind condition are a major factor for the East Quogue area, such that windy conditions are prevalent. Breezes off the bay and ocean include summer southwest prevailing winds in the late afternoon that distribute moisture and would tend to minimize any effect from a small surface water feature. Winter prevailing northwest winds also increase dispersion; however, evaporative loss is less during non-summer seasons.

Third, significant algal blooms are a rare occurrence in lined irrigation ponds. Water is constantly in circulation because of its withdrawal and input, with supply lines pumping in lower temperature groundwater and creating an upwelling effect. Research into Long Island blue-green algal issues finds that legacy phosphorus released from bottom sediments is a greater contributing factor than nitrogen alone. Measures can be taken as needed to control potential algal blooms which are not desirable in the residential/recreational setting associated with the proposed project. The Lewis Road PRD will include an extensive surface water quality monitoring program that will be implemented at Lewis Road PRD. Hence BOD, COD will be monitored and provide an early “warning” system or indicates a potential problem and management measures can be instituted to ensure suitable water conditions.

Comment D-5:

This comment questions the existing nitrogen concentration in the aquifer and the source, indicating it could be from compost on the Kracke property rather than upgradient farm fields. The comment indicates that a lower concentration of nitrogen withdrawn from the aquifer for fertigation will require more fertilization of the turf associated with the recreational golf amenity.

Response:

Team member Paul Grosser, PE, PhD contributed to the response provided herein. The Nappi document characterization of the source of nitrogen as a point source is incorrect. The document states that the source of nitrogen found in TW-1 is the result of a compost pile while ignoring large scale agricultural use to the west and northwest of the location. This land, upgradient in terms of groundwater flow, has been in agricultural use for decades during which it has been continuously farmed with the use of fertilizers. This past land use has contaminated a wide swath of groundwater downgradient of the farm fields with elevated nitrogen to depths in excess of 100 feet below the water table. Although nitrogen levels in TW-1 may be influenced by localized use, concentrations in the vertical profile were not. The vertical profile

represents nitrogen that was introduced into the aquifer upgradient of the monitoring well locations. This is evidenced by the results of the vertical profile well and the shallow SCWA wells at the Spinney Road well field.

The Nappi document speculates that the nitrogen found in the SCWA well is due to a point source located on the well field property. This contamination reflects nitrogen introduced to the aquifer upgradient – west and northwest of the well field.

It should be noted that the very high concentration in TW-1 (nearly 29 mg/l) was discounted in estimating the concentration to be expected in the irrigation/fertigation well. This concentration was taken from the area in the vertical profile well at depths of 75 to 105 feet.

The Nappi document contends that the leach zone from the compost pile on the Kracke property that is promoted as the nitrogen source, would be deep. This is not correct in that the groundwater flow patterns in this area are relatively shallow based on the groundwater management zone and proximity to the coast. As noted, the data indicate that the nitrogen found in the 75 to 105 foot zone is from the agricultural use to the west and northwest. This agricultural use is expected to continue into the foreseeable future.

The Nappi document states “If fertigation nitrogen concentration from the well draw falls below 10 mg/l the difference will be equalized by additional applied fertilizer.” This statement requires further discussion of two (2) major points, as follows: 1) nitrogen in fertilizer will be applied to no more than 15% of the site in conformance with the CPB CLUP and application limits under the ITHMP, regardless of the source, be it fertilizer or fertigation. This does not change the nitrogen budget, concentration of nitrogen in recharge, or nitrogen load, for the development, other than to reduce the benefit of fertigation. The reason for this is that the uptake of nitrogen from healthy maintained turf does not change, therefore the recharge component does not change. 2) if the concentration of nitrogen in the aquifer is below the conservatively estimated 10 mg/l, further analysis shows that nitrogen as low as 6 mg/l will still maintain a “net negative” nitrogen load for the site. Nitrogen concentrations of less than 10 mg/l are not expected to occur based on the monitoring data, legacy nitrogen in the aquifer, and continued operation of upgradient farms. In any case, the proposed project has the lowest nitrogen load of alternatives, is predicted to have a “net negative” nitrogen load, and though Guideline 5.3.3.1.3 does not apply, the proposed project will have a nitrogen concentration in recharge at the property lines of well below 1 mg/l (specifically 0.24 mg/l), where the Guideline is 2.5 mg/l.

Comment D-6:

This comment questions the SONIR model and indicates: “..., there are omissions of other nitrogen sources such as employees and detailed calculations of all 18 Workforce Housing septic effluence. Over the past five years, the convoluted calculations for total nitrogen impact 19 seem to have “evolved” by modifying constants, parameters, or ignoring accepted research.

Some changes were a response to criticisms, but ultimately these “tweaks” never significantly impacted the instrument’s outcomes.”

Response:

The SONIR model includes employees of the proposed project site based on design flow factors for wastewater generation issued by SCDHS. Similarly, the 12 non-seasonal rental apartments are included in the wastewater flow computations for the SONIR model. The separate computations in the Nappi document are not supported or accurate. As stated in the Nappi document, the SONIR model has been refined over the review period through the DEIS, FEIS and SEQRA Compliance documents, which is a normal part of the SEQRA process for project review. This agency and public review process only tends to strengthen the findings and conclusions of the SONIR modeling. As noted in the comment, the agency and public input ultimately did not significantly change the results of the model, which specifically indicate that the project will have a nitrogen concentration in recharge of significantly less than 1 mg/l, and when factoring in the reuse of irrigation water from the aquifer as fertigation, there is a net negative nitrogen load. As noted in **Appendix H**, the updated SONIR analysis for the Lewis Road PRD based on the project plan that is the subject of this submission has determined that the concentration of nitrogen in recharge is; 0.31 mg/l pre-mitigation and 0.24 mg/l with mitigation, and the nitrogen load prior to consideration of fertigation is 1,208.37 lbs/year pre-mitigation and 915.98 lbs/year with mitigation. When factoring in irrigation/fertigation, the nitrogen load is minus (-) 665.49 lbs/year.

Comment D-7:

This comment provides “End Notes” to the commentary and concerns expressed in the Nappi document and specifically indicates the following: All values for variables used in the calculations for this document are transcribed directly form [sic] the Applicants PRD Submission. The “Specific Concern” section is a subjective supposition based on the results of simple mathematical calculation, systems analysis, and empirical observation. The document is for personal use only and not intended for publication. The contents are simply the author’s opinions. This document is not to be represented and/or quoted as fact. The contents herein are logical and reasonable interpretation of sources and are not to be construed as accredited research. The author holds no certifications or degrees in Environmental or related Science and Arts.”

Response:

This comment is acknowledged. The comments are taken as “subjective supposition” and opinion and are not taken as “fact” or “accredited research.” Though the comment indicates the document is for personal use only and not intended for publication,” the document was submitted to the Commission and is responded to herein.

3.44 Amper Letter, June 16, 2020

Comment F-16:

This comments questions the Commission's handling of the Applicant's responses to its and the public's comments on the project, and of its administration of the application with respect to SEQRA procedures, and makes statements of opinion regarding the applications consistency with respect to the CPB CLUP.

Response:

The comment is rendered moot as a result of the procedural steps followed by the Commission. The letter was submitted the day before the June 17, 2020 Commission meeting. The meeting was not a continuation of the public hearing, and no action was taken other than the provide a comment letter to the Applicant regarding the June 3, 2020 submission. The Commission is following proper procedures and plans to hold a continuation of the public hearing at a subsequent meeting. With respect to content in the letter, there are opinions expressed regarding the applications consistency with respect to the CPB CLUP, speculating that the application is not consistent. However, no facts, information, supporting documentation, references or other materials were submitted to support these unfounded assertions. The letter further seeks to blow out of proportion the changes in the project. The project remains similar in all respects as the December 2019 Commission application based on density, amenities, utilities and infrastructure. The only changes are in response to Commission staff, public and Town of Southampton comments and these changes further consolidate the development to further maximize contiguous open space and remove disturbance in steep slope areas. The resulting project is even more in conformance with CPB CLUP Standards and Guidelines and further improves environmental aspects of the proposed project. The claims made in this comment letter are unsubstantiated and inaccurate and this full submission presents the project changes, addresses all comments, and demonstrates conformance with the CPB CLUP. Please also refer to **Section 3.1**.

APPENDIX A

STAFF REVIEW OF APPLICANT'S RESPONSE TO STAFF REPORT OF FEBRUARY 19, 2020

Pine Barrens Commission Staff

June 17, 2020



Carrie Meek Gallagher
Chairwoman

Steven Bellone
Member

Yvette Aguiar
Member

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June 17, 2020

Charles Voorhis, CEP, AICP, Managing Partner
Nelson Pope & Voorhis
572 Walt Whitman Road
Melville, New York 11747

RE: Lewis Road PRD Subdivision, June 3, 2020 submission

Dear Mr. Voorhis:

The Central Pine Barrens Commission staff performed a preliminary review of the June 3 submission. The Project Site area has been increased by 20 acres to 608.45 acres through a combination of 8.89 acres of additional road abandonments and the purchase of an 11.11-acre parcel (Timperman property) adjacent to Parlato for open space mitigation. The allowable clearing limit increased 5.75 acres to 171.93 acres.

Revised Master Plan

The Revised Master Plan reflects benefits, clarifications, and changes including:

- Greater unfragmented open space in the northerly portion of the Project Site to connect with contiguous public open space to the east
- Tighter clustering of development and open space
- Conservation easement on private HOA open space
- Mitigation through the purchase and sterilization of 11.11 acres near Parlato
- Conformance with NYSDEC clearing window restrictions to protect the Federal and New York State-listed Threatened, Northern Long Eared Bat and its habitat.
- No construction of the 17 density incentive units as per Planning Board Findings
- No mining permits are needed.
- No dewatering is necessary
- No off-site exportation of soil will occur.
- Underground parking garage area totals 27,500 square feet
- Relocation of the new public water supply well field to a flatter area of topography on the south end of Parlato.

The Revised Master Plan shifts development southward approximately 1,300 feet, and as a result, a larger block of unfragmented open space is now proposed in the northerly portion. Shifting development south also reduces impacts to steep slopes. However, additional information is required in regard to the slope analysis and how much area of steep slopes will be removed, as previously requested in the February 19, 2020 Staff Report. This information is required to verify conformance with the Comprehensive Land Use Plan (the "Plan"). See review of conformance below.

Review of Conformance

Standards and Guidelines 5.3.3.1.1 through 5.3.3.1.3 Nitrate-nitrogen

- A Sewage Treatment Plant with tertiary treatment is proposed voluntarily even though the project density is well below Suffolk County Health threshold.

A-1
Sec.
2.1.1

Conformance with Plan Standard (5.3.3.1.2), which states, “Where deemed practical by the County or State, sewage treatment plant discharge shall be outside and downgradient of the Central Pine Barrens,” will need to be determined.	A-2 Sec. 2.1.2
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| <ul style="list-style-type: none"> The revised submission states “The SONIR Model was updated for LINAP assumptions as explained in the SONIR Model User’s Guide,” and “The SONIR inputs have been reviewed and are found to accurately reflect the Project’s impact on nitrogen in recharge,” but no revised SONIR analysis was provided to support these assumptions nor were responses submitted that adequately address the questions posed in the 2/19/20 Staff Report. Please submit the revised SONIR model and analyses along with these responses. | A-3
Sec. 2.1.3 |
| <ul style="list-style-type: none"> Please confirm the STP nitrogen effluent will not exceed 10 mg/l and how the Project achieves the more protective goal of 2.5 mg/l of nitrogen over the entire site. | A-4
Sec. 2.1.4 |

Standard 5.3.3.6.1 Vegetation Clearance Limit

Conformance cannot be demonstrated until information is provided including:

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| <ul style="list-style-type: none"> The clearing limit has increased to 28.26% (equal to 171.93 acres). However, the sum of 171.93 acres of cleared area and 401.56 acres of open space does not appear to equal the total Project Site area of 608.45 acres. Please clarify. | A-5
Sec. 2.2.1 |
| <ul style="list-style-type: none"> The amount of existing cleared area has still not been provided in the Clearing Plan. Please provide this information. | A-6
Sec. 2.2.2 |
| <ul style="list-style-type: none"> Please clarify any changes in the amount of existing cleared area and how it relates to conformance with the clearing limit. The submission states 151.70 acres will be cleared for the Project, and the existing cleared area is 9.35 acres. These amounts appear to have changed from areas reported in the Record. Please clarify the amount of existing cleared area and how it applies to the clearing limit. | A-7
Sec. 2.2.3 |
| <ul style="list-style-type: none"> The 2/19/20 Staff Report asked if the existing cleared area is 28 or 44 acres. This was not clarified in the narrative or in the Clearing Plan. Please submit the information. | A-8
Sec. 2.2.4 |
| <ul style="list-style-type: none"> The 2/19/20 Staff Report asked if the area of road abandonments in the Parlato Old Filed Map contribute to yield in the Project and if they also contribute to the overall clearing limit as they increase the area of the Project Site. This was not provided - please do so. | A-9
Sec. 2.2.5 |
| <ul style="list-style-type: none"> Demonstrate the clearing limit includes existing cleared area and all areas proposed to be cleared. In addition, please provide the amount of existing cleared area and how much existing cleared area is utilized in the Project prior to undertaking “new” clearing or clearing of existing natural vegetation. The Project must address this Standard as it is stated in the Plan: | A-10
Sec. 2.2.6 |

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 the previously cleared areas shall not exceed the clearing percentage.

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| <ul style="list-style-type: none"> • The Clearing Plan identifies 401.56 acres of open space on a 608.45 acre Project Site, leaving 206.89 acres (34%) to be cleared and developed. Identify the existing cleared area in this amount and the proposed clearing in this amount of area. The Record indicated approximately 167 acres would be developed. Please explain and clarify the area that will be cleared and developed in the Project. | A-11
Sec. 2.2.7 |
| <ul style="list-style-type: none"> • The Revised Master Plan visually shows areas of “Existing natural area within the development” and “Open space outside the development” but it does not quantify these areas or list the amount of each area in the Plan. Please quantify the areas and provide them in the plans and assessment for the Record. | A-12
Sec. 2.2.8 |
| <ul style="list-style-type: none"> • Is the area titled “Existing natural area within the development” expected to be cleared? If so, confirm the clearing limit is met if it is cleared. | A-13
Sec. 2.2.9 |
| <ul style="list-style-type: none"> • Clearing for cart paths between golf holes must be included in the clearing limit. Identify the amount of clearing needed for cart paths between golf holes in a cleared path from the end of one hole (green) to the beginning of the next hole (tee box). | A-14
Sec. 2.2.10 |
| <ul style="list-style-type: none"> • It appears some of the cleared area between holes may be included in the clearing limit for the following: from Hole 2 to 3, from Hole 10 to 11, from Hole 11 to 12, from Hole 12 to 13, from Hole 13 to 14, and from Hole 14 to 15. However, please confirm the clearing for paths between golf holes is covered in the clearing limit calculation, specifically the clearing needed to connect areas on the golf course including: from the Practice Fairway to Hole 1, from Hole 1 to 2, from Hole 3 to 4, from Hole 4 to 5, from Hole 5 to 6, from Hole 9 to 10, and from Hole 15 to 16. | A-15
Sec. 2.2.11 |

Standard 5.3.3.6.2 Unfragmented Open Space

A greater amount of unfragmented open space exists in the Revised Plan on the Project Site in the area between the northerly limits of physical disturbance and south of the Core boundary. This improves connectivity among open space areas on the Project Site and with public land to the east. However, it appears approximately 200 acres of fragmented open space is still situated in between the golf course and residential development. More information is needed to demonstrate conformance including:

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| <ul style="list-style-type: none"> • Identify the extent to which the Revised Plan has reduced unfragmented open space in the northerly portion and in other areas of the Project Site. | A-16
Sec. 2.3.1 |
| <ul style="list-style-type: none"> • How much of the 244.68 acres of private HOA open space will be fragmented? | A-17
Sec. 2.3.2 |
| <ul style="list-style-type: none"> • It appears approximately 200 acres of fragmented open space, in the form of vegetation corridors, is dispersed among the 171 acres of physical development. Please confirm. | A-18
Sec. 2.3.3 |
| <ul style="list-style-type: none"> • Identify which area(s) shown in different colors in the Revised Master Plan will be subject to filing of conservation easement. Will an easement be recorded for areas identified separately as “Existing Natural Area within the Development” and/or the “Open space (all outside Development)?” Each of these areas are extensive and fragmented in islands or corridors of vegetation winding around the golf course, in the area of residences and other facilities where surveying, delineating, and protection may be challenging. Please explain these areas as it relates to this Standard. | A-19
Sec. 2.3.4 |

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| <ul style="list-style-type: none"> • Extensive areas of isolated islands of “open space” are scattered throughout the development. Again, this appears to be roughly 200 acres of fragmented habitat and open space area that still remains in long narrow corridors and strips of vegetation in and around the developed facilities including the golf course. | A-20
Sec. 2.3.5 |
| <ul style="list-style-type: none"> • The tee box on Hole 15 is north of the Avigation Easement. Is it feasible to shift it southward of the easement to reduce fragmentation of open space between Holes 15 and 16, which would shorten the distance and tighten the cluster between the green on Hole 15 to the tee box of Hole 16? | A-21
Sec. 2.3.6 |
| <ul style="list-style-type: none"> • Please also refer to the related discussion of Guidelines 5.3.3.11.1 through 11.4 below. | |

Guidelines 5.3.3.8.1 through 5.3.3.8.6 Soils and Steep Slopes.

The submission states the revisions to the Project “reduced the amount of impact to steep slopes in the central and northern portion” and that “Generally, the Project’s design seeks to avoid steep slope areas and utilize existing cleared/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. The Revised Master Plan places clearing envelopes on slopes less than 10 percent.”

However, in the 2/19/20 Staff Report the Commission requested specific details on the amount of steep slopes that will be removed. This information was not submitted and is again requested. The required information includes:

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| <ul style="list-style-type: none"> • Question #16 in the Staff Report (page 27) requested the Applicant, “Quantify steep slopes removed for the project.” This information was not provided. Please submit the requested information. | A-22
Sec. 2.4.1 |
| <ul style="list-style-type: none"> • To determine conformance with Guidelines 5.3.3.8.1 through 8.6, the Staff Report requested the submission of information and plans that quantify impacts to steep slopes. Although a visual plan and qualitative discussions were submitted, no quantitative information was submitted to address these Guidelines. Please submit this information. | A-23
Sec. 2.4.2 |
| <ul style="list-style-type: none"> • Please submit the information requested, including but not limited to, quantifying areas of roads and driveways that traverse slopes in excess of 10%. The Record indicated 88.36 acres of slopes exceeding 10% and 36.94 acres of slopes exceeding 15% grade would be subject to construction. Please confirm the amount of removal, 36.94 acres, or if the conditions have changed in the Revised Master Plan and if so, how much area of steep slopes will be removed. | A-24
Sec. 2.4.3 |
| <ul style="list-style-type: none"> • The Staff Report requested the Applicant identify where clearing envelopes occur on slopes less than 10% grade and on slopes in excess of 10%. No quantitative analysis is provided to determine the impact to this Guideline. | A-25
Sec. 2.4.4 |
| <ul style="list-style-type: none"> • Please submit a map identifying the areas of steep slopes, where they intersect with physical development on site, and how much area of steep slopes will be removed including slopes in the categories 10 to 15% grade and 15% or greater. | A-26
Sec. 2.4.5 |

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| <ul style="list-style-type: none"> How much of the 70.11 acres of steep slopes greater than 15% grade will be removed? The prior Record reported an estimated 70.11 acres of slopes in excess of 15% grade exist on the Site, and 36.94 acres of these would be removed. Confirm this amount to be removed, or provide the revised amount as per the Revised Plan. | A-27
Sec. 2.4.6 |
| <ul style="list-style-type: none"> The existing area of slopes greater than 10% is provided (88.36 acres), but not the amount of this area to be removed by the Project. Please provide this information and submit plans that provide the information requested for Guideline 5.3.3.8.6, including quantifying areas of roads and driveways that traverse slopes in excess of 10% grade. | A-28
Sec. 2.4.7 |
| <ul style="list-style-type: none"> The submission only provides a qualitative assessment of steep slope impacts which is not adequate to address the Project's impacts on the Plan Guidelines. The narrative provided does not identify the quantity of removal, even though the Applicant was requested to provide the "quantity of steep slopes removed for the project." For instance, it states, "The majority of grading on steep slopes will be associated with the golf course surfaces." Please submit this quantitative information. | A-29
Sec. 2.4.8 |
| <ul style="list-style-type: none"> Confirm the maximum amount of steep slope disturbance is more than 88 acres on slopes 10% or greater and 36.94 acres on slopes exceeding 15% grade. If this is incorrect, please identify the correct amounts and identify where on the Project Master Plan they occur. | A-30
Sec. 2.4.9 |

Guideline 5.3.3.9.2 Clustering

Tighter clustering could be achieved if Hole 16 were shifted south of the Avigation Easement and closer to the Hole 16 tee box to tighten the cluster. Please revise or advise why this is not feasible.	A-31 Sec. 2.5
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Guidelines 5.3.3.11.1 through 5.3.3.11.4 Scenic, Historic, and Cultural Resources

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| Public lands and trails are adjacent to the easterly side of the Project Site. Development will occur on the shared boundary for a linear distance of roughly 5,600 feet, and visually shielding natural buffers will be removed. Protecting public land resources and connecting open spaces is a goal of the Plan. Please do the following: | A-32
Sec. 2.6.1 |
| <ul style="list-style-type: none"> Please submit revised grading plans to verify that adequate buffers to public land will remain and to confirm that no clearing or grading will occur on adjoining public lands. Identify widths of natural buffers on the east side of the site where golf course holes, facilities and other structures are proposed adjacent to the boundary. Buffers should be preserved to protect resources including trails and public open space. | A-33
Sec. 2.6.2 |

Other Comments

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| <ul style="list-style-type: none"> Public comments received at the February 19, 2020 hearing were not addressed. Please provide responses to any relevant questions and concerns raised by the public. | A-34
Sec. 2.7.1 |
| <ul style="list-style-type: none"> Submit the information necessary to update the Project Record to reflect current plans and to determine conformance including: <ul style="list-style-type: none"> Revised SONIR analysis List of tax lots in the Project including the tax map number of the Timperman property Revised Grading Plans | A-35
Sec. 2.7.2 |

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| <ul style="list-style-type: none"> • Other Standards and Guidelines cannot be confirmed unless and until compliance is demonstrated upon approval of a Stormwater Pollution Prevention Plan: <ul style="list-style-type: none"> ○ Standard 5.3.3.5.1 Stormwater recharge ○ Guideline 5.3.3.5.5 Soil erosion and stormwater runoff control during construction. | A-36
Sec. 2.7.3 |
| <ul style="list-style-type: none"> • The Record identified gore conditions, overlaps and unknown owners and the Staff Report requested that these be excluded from yield, clearing and sanitary flow calculations. Has this been done and please explain how these areas contribute to the Project include the overall Project Site area, yield, clearing, and any other element of the Project. | A-37
Sec. 2.7.4 |
| <ul style="list-style-type: none"> • Submit revised Attachment C titled “Table of Tax Lots Proposed Project” to reflect the current list of all tax parcels in the Project and their ownership. Owner’s consents are needed from all applicable owners and entities. | A-38
Sec. 2.7.5 |
| <ul style="list-style-type: none"> • Please explain if the areas for public facilities including but not limited to the STP and well field dedication area (4-5 acres) were used in the site area to calculate yield. | A-39
Sec. 2.7.6 |
| <ul style="list-style-type: none"> • Provide a map showing each parcel in the Project and the Project overlay. | A-40
Sec. 2.7.7 |
| <ul style="list-style-type: none"> • Explain how the Applicant will protect outparcels, private and public, in the Hills South area where physical development is in proximity to parcels not under the Applicant’s ownership. | A-41
Sec. 2.7.8 |

Please note that these are preliminary comments, based upon an initial review of the June 3 submission, and that additional comments may be provided at the continuation of the public hearing.

Thank you for your attention.

Sincerely,



Julie Hargrave
Principal Environmental Planner

cc: John W. Pavacic, Executive Director, CPBJP&P Commission
Judy Jakobsen, Deputy Director, CPBJP&P Commission
John Milazzo, Counsel to the CPBJP&P Commission

APPENDIX B

TRANSCRIPT OF PUBLIC HEARING

Pine Barrens Commission

February 19, 2020

1
In the Matter Of:
LEWIS ROAD PLANNED RESIDENTIAL DEVELOPMENT
ASSERTION of JURISDICTION APPLICATION

TOWN OF RIVERHEAD PUBLIC HEARING
February 19, 2020

2
CENTRAL PINE BARRENS
PLANNING & POLICY
COMMISSION
RIVERHEAD TOWN HALL
200 HOWELL AVENUE
RIVERHEAD, NEW YORK 11901
February 19, 2020
2:30 p.m.

3
1
2 A P P E A R A N C E S:
3 CARRIE MEEK GALLAGHER, Chairwoman
4 DANIEL P. MCCORMICK, Representative
5 EDWARD P. ROMAIN, Member, Supervisor
6 JAY H. SCHNEIDERMAN, Member, Supervisor
7 EMILY PINES, Representative
8 YVETTE AGUIOR, Member, Supervisor
9 JOHN PAVACIC, Executive Director
10 JOHN MILAZZO, ESQ., Legal Counsel
11

12 A L S O P R E S E N T:
13
14 JULIE HARGRAVE, Principal Environmental
15 Planner
16 CHARLES VOORHIS, ESQ., Nelson, Pope and
17 Voorhis
18 ASSEMBLYMAN STEVE C. ENGLEBRIGHT
19 WAYNE BRUYN
20 RICHARD AMPER
21 BILL TYMANN
22 MITCHELL PALLY
23 KATIE MUETHER BROWN
24 MARISSA BRIDGE
25 PAUL DIETCHE

4
1
2 TOMMY BENNETTER
3 BILL KRIETZEK
4 KEVIN MCALLISTER
5 JOAN HUGHES
6 BILL KEARNS
7 JEFFREY SEEMAN
8 LARRY OXMAN
9 CAMDEN ACKERMAN
10 SILAS ANTHONY
11 ELIZABETH JACKSON
12 ROBERT DALLAS
13 BOB DELUCA
14 ANDREA SPILKA
15 MICHAEL MIRINO
16 LARRY PENNY
17 MARIA HULTS
18 KAREN KOOI
19 CYNDI MCNAMARA
20 BRITTON BISTRIAN
21 PAUL HOULIHAN
22 LAURA CLARY
23 LARISSA PATCHEKA (phonetic)
24 ELEANOR DALY KOBLE
25 JANE FUSSULLO (phonetic)

RECEIVED

MAR 5 2020

Central Pine Barrens
Joint Planning & Policy Commission

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

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

<p>13</p> <p>1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25</p> <p>restrooms on the golf course, underground parking, roads, utilities and other infrastructure and a gatehouse and emergency vehicle access and parking. Approximately 43 drainage reserve areas covering approximately seven acres for water runoff. Dedication of land for a new ball field.</p> <p>Approximately 167 acres of the site will be developed with the project and approximately 427 acres of the site will remain natural. Out of that natural area, 188 acres will be dedicated to the Town of Southampton and that is in The Hills North and the Parlato area. And the remaining 240 acres will be within the developed area in The Hills house and Kracke.</p> <p>Briefly review the environmental review process, development proposals on the project site occurred as far back as 2009 and potentially further -- actually, there were subdivisions</p>	<p>15</p> <p>1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25</p> <p>Commission voted to assert review jurisdiction over The Hills at Southampton starting with the PDD with draft EIS was submitted to the Town Board in September 2016. And the Commission was an involved agency in the state environmental review process for the PDD. And final EIS was submitted by the applicant in September 2017, and in December of 2017 the Town Board adopted a Findings Statement, but the zone change action was not approved. It failed to obtain the votes needed to be approved.</p> <p>And Planning Board received an application -- a pre-application in January of 2018 and referred that application to the Commission. And in July 2019, a preliminary subdivision was received by the commission on June -- because in May 2019, the Commission -- in May and June the Commission reaffirmed to apply to The Hills as a precursor to the Lewis Road and to any</p>
<p>14</p> <p>1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25</p> <p>proposed on this on at least a portion of this property back in between '04 and '07. So back in 2009, a subdivision with 82 lots on 42 acres of the site was proposed to the Planning Board and the Commission received a Draft Scope for a environmental draft impact statement on The Hills at Southampton. And in 2013 a plan development district pre-application was submitted to the Town of Southampton Planning Board and about this time five years ago in February 2015, a zone change application was submitted to the Town Board for The Hills at Southampton mixed view plan development district. In the environmental review commenced that the Town Board with a distribution of the Draft Scope in April 2015 for the preparation of the Draft Environmental Impact Statement for the zone change.</p> <p>On October 21st, 2015, the</p>	<p>16</p> <p>1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25</p> <p>substantially similar project -- on the project site.</p> <p>And October 24th, 2019, the Planning Board adopted a Findings Statement and approved with conditions the preliminary subdivision application. And on December 23rd, the applicant submitted this application to the Commission, that is the subject of this hearing.</p> <p>And the record referred to in the report includes all the SEQRA materials, the referrals, applications and the project related information received in and generated by the Commission office. And the Pine Barrens Act reviews -- I'm sorry -- permits the Commission to review jurisdiction over a project and the assertion process is outlined in the conference plan in chapter four. The Commission also reviews applications in -- that occur in Critical Resource Areas. The Commission's jurisdiction</p>

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

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

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

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

1
2 Development to the Planning Board.
3 And with continuing the accessory golf
4 course with this membership limited
5 only to the lot owners. And that's
6 the distinction between the PDD and
7 the application -- the subdivision
8 application, which is always required
9 to be approved. The whole application
10 for development is a subdivision. And
11 the Planning Board is the only agency
12 who had jurisdiction of the
13 subdivision. The Town Board's sole
14 jurisdiction was not approval of the
15 entire project. It was only on that
16 limited aspect that would allow that
17 project to have that component.

18 So that being said, I want to
19 turn this over to Chick Voorhis who
20 can take you through the project and
21 hopefully be able to show you.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1
2 And again, it's a very important
3 component of this project. We did
4 model everything that is proposed as
5 part of the project.
6 This is fairly readable. This
7 is 1.84 milligrams per liter. This is
8 .26 milligrams per liter. The current
9 project as was analyzed for the
10 Planning Board's review shows a
11 concentration of .6 -- I'm sorry --
12 .26 milligrams per liter. And that's
13 kind of intuitive because one unit per
14 five acres is a very low density.
15 Article 6 was designed for like one
16 unite per acre, to not exceed a 10
17 milligram per liter limit. So we're
18 down in this range. But even the
19 maximum density alternative was at
20 1.84 milligrams per liter. So there's
21 no way to come to any other conclusion
22 than we meet the 2.5, and it appears
23 as though that the 2.5 doesn't even
24 apply because we are not near surface
25 water.

1
2 This is a very important image.
3 This shows the nitrogen load. This is
4 not part of your standard or
5 guideline, and it speaks to it and the
6 advancements that we've made in
7 science. And what we have is the
8 proposed project will have
9 net-negative nitrogen load of minus
10 637 pounds per year. That's once
11 factoring in all the sources of
12 nitrogen including atmospheric
13 deposition and taking out the elevated
14 nitrogen from groundwater and
15 recycling it onto the golf course and
16 then applying known uptake rates and a
17 leaching factor to determine what that
18 overall nutrient budget is.
19 So these, again, are all of the
20 alternatives. Some of the As Of Right
21 alternatives were over 4,000 close to
22 5,000 pounds of nitrogen per year.
23 And all of the ones that involved the
24 fertigation/irrigation system were
25 less than -- or net-negative.

1
2 So that's all been part of the
3 record. And the calculations are
4 very, very solid and have been peered
5 reviewed extensively. There was a
6 discussion -- and I'll just get to the
7 rest of these very quickly.
8 There's a standard that has to
9 do special species and ecological
10 communities. Julie mentioned that.
11 Obviously, there's no development in
12 the Core Preservation Area or the
13 Critical Resource Area, which was the
14 primary area for the buck moth
15 habitat. And 72 plus percent of the
16 site will remain natural.
17 All of this was addressed in the
18 EIS. There were a couple of
19 mitigation measures that came out of
20 that. But no impacts to rare species
21 were identified.
22 There was an on-site assessment
23 of buck moth habitat and higher
24 elevations of this property, and the
25 Scrub Oak was found in insufficient

1
2 numbers and poor condition and did not
3 support the population through those
4 studies. We will observe any DEC
5 clearing windows with respect to the
6 Northern Long Eared Bat, and we'll
7 look to transplant species on the
8 property, in addition to the extensive
9 open space areas that will be
10 retained.
11 There is a SWPPP pending with
12 the town. These standards -- this
13 standard and these guidelines speak to
14 storm water, natural recharge area,
15 ponds and natural topography. The
16 SWPPP has been reviewed, as we are in
17 the process of finalizing a response
18 to the initial SWPPP review. And that
19 includes all of the drainage areas
20 that Julie mentioned.
21 But I look at that as a
22 positive. We were not able to locate
23 individual closed contour areas where
24 you can direct storm water to a
25 natural area. So we essentially

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

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

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

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

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

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

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

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

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

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

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

1
2 Report that you received today.

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

1
2 any of the comments received in public
3 or in writing up to today and beyond.

4 That concludes my remarks. I
5 hope it was close to the time, and I
6 appreciate it very much.

7 CHAIRWOMAN GALLAGHER: Chick,
8 just hangout. We are going to have
9 some questions.

10 CHICK: Yes.

11 CHAIRWOMAN GALLAGHER: Mr.
12 Romaine, do you have any questions?

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

17 CHAIRWOMAN GALLAGHER: Okay.

18 MR. MCCORMICK: I have questions
19 as well, but I defer to the wisdom of
20 Mr. Romaine.

21 MR. ROMAINE: They all have been
22 waiting a long time.

23 CHAIRWOMAN GALLAGHER: Okay.
24 Assemblyman Englebright, would you
25 like to start off before the public

1
2 comments?

3 ASSEMBLYMAN ENGLEBRIGHT: Yes, I
4 would.

5 Good afternoon.

6 CHAIRWOMAN GALLAGHER: Good
7 afternoon.

8 ASSEMBLYMAN ENGLEBRIGHT: Good
9 afternoon, distinguished members of
10 the Pine Barrens Commission.

11 My name is Steven C.
12 Englebright.

13 And I have lived in Setauket,
14 Brookhaven Town, Long Island where I
15 have the privilege of representing the
16 people of the 4th Assembly District.

17 I'm a geologist by training and
18 was for 46 years the curator of
19 Geology for the Department of
20 Geoscience at the State University of
21 Stony Brook, where I taught various
22 courses, including my specialty Long
23 Island geology.

24 Before joining the New York
25 State Assembly, I also was for eight

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

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

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

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

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

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

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

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

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<p>65</p> <p>1 a quarter century ago.</p> <p>2</p> <p>3 If a proposal was put forth by a</p> <p>4 developer to create a golf course on</p> <p>5 the edge of -- for example, the New</p> <p>6 Croton Reservoir or the Rondout</p> <p>7 Reservoir or the Great Ashokan</p> <p>8 Reservoir of the City Of New York, the</p> <p>9 city would inevitably act to halt such</p> <p>10 an unwise proposal because the</p> <p>11 pesticides, the herbicides, the</p> <p>12 fertilizers laden with nitrates and</p> <p>13 phosphate that the company and golf</p> <p>14 course would inevitably contaminate</p> <p>15 drinking water destined for</p> <p>16 maintaining the public health of the</p> <p>17 citizens of New York City. The idea</p> <p>18 of allowing a golf course within the</p> <p>19 watershed of any of the city's</p> <p>20 reservoirs would be immediately</p> <p>21 stopped because it would be a direct</p> <p>22 threat to public health via the</p> <p>23 inevitably compromised purity of</p> <p>24 drinking water.</p> <p>25 Why then should we on</p> <p>B-3 Sec. 3.5</p>	<p>67</p> <p>1 proposed golf course and its excessive</p> <p>2 residential development would likely</p> <p>3 exceed any human lifespan.</p> <p>4</p> <p>5 From a policy perspective then,</p> <p>6 the proposal before you would in</p> <p>7 practical terms permanently compromise</p> <p>8 the large groundwater flow segment of</p> <p>9 the Pine Barrens, and set an adverse</p> <p>10 precedent for all of the other</p> <p>11 portions of the Pine Barrens.</p> <p>12</p> <p>13 If you were to say yes to this</p> <p>14 proposal, how can you stand behind the</p> <p>15 lawful purposes and function of the</p> <p>16 Pine Barrens Preservation Act in the</p> <p>17 future for any other such proposal,</p> <p>18 which like this one, straddles</p> <p>19 Compatible Growth Area and the Core.</p> <p>20 In short, a new golf course is</p> <p>21 not compatible with any part of either</p> <p>22 the 208 studies federally funded</p> <p>23 hydrogeological Zone 3, or New York</p> <p>24 State's designated Pine Barrens</p> <p>25 region, and should not be approved.</p> <p>Ideally, the large acreage of</p> <p>B-4 Sec. 3.5</p>
<p>66</p> <p>1</p> <p>2 Long Island allow a massive</p> <p>3 subdivision and pollution generating</p> <p>4 golf course atop, not next to, but</p> <p>5 atop our reservoir, part of the deep</p> <p>6 flow recharge area of our largest</p> <p>7 designated watershed.</p> <p>8 Within this context, please note</p> <p>9 that the resident's time -- that's how</p> <p>10 long pollutants stay in the</p> <p>11 environment once they enter into it --</p> <p>12 please note that the resident's time</p> <p>13 of pollution from any golf course and</p> <p>14 associated large scale human living</p> <p>15 activities development adjacent to it</p> <p>16 that might enter into the surface</p> <p>17 water reservoir -- such as those that</p> <p>18 New York City depends upon -- would be</p> <p>19 measured at most in just a few years,</p> <p>20 it would purge itself.</p> <p>21 By contrast, the resident's time</p> <p>22 of the same kind of contamination in</p> <p>23 any part of our Pine Barrens</p> <p>24 groundwater watershed would be much,</p> <p>25 much longer. Pollution from the</p> <p>B-5 Sec. 3.10</p>	<p>68</p> <p>1</p> <p>2 the subject site should be acquired</p> <p>3 and made public. And Assemblyman</p> <p>4 Thiele's successful efforts to create</p> <p>5 a preservation fund as provided a</p> <p>6 mechanism for providing a substantial</p> <p>7 portion of such necessary funds, and</p> <p>8 as a tool that should be used to</p> <p>9 protect this part of the Pine Barrens.</p> <p>10 Governor Andrew Cuomo's current</p> <p>11 proposal now before us in Albany for a</p> <p>12 \$3,000,000,000 environmental buy back</p> <p>13 would may be approved by referring</p> <p>14 them later this year, is another</p> <p>15 potential source of public funding for</p> <p>16 such possible acquisition.</p> <p>17 Similarly, funds are also</p> <p>18 available from the New York State</p> <p>19 Water infrastructure Investment Act,</p> <p>20 which currently is funded in 3.5</p> <p>21 billion dollars. And we are currently</p> <p>22 considering the proposal to add</p> <p>23 \$500,000,000 more to this in our</p> <p>24 current state budget deliberations.</p> <p>25 What I am communicating to you</p>

<p>69</p> <p>1 is that saying no does not compromise</p> <p>2 this Commission because of inadequate</p> <p>3 funding sources to backup your</p> <p>4 decision. To backup your decision</p> <p>5 against species that still are likely</p> <p>6 accusations that would likely will</p> <p>7 follow from the developer that a</p> <p>8 taking has occurred.</p> <p>9</p> <p>10 Just the shortcomings of the</p> <p>11 SEQRA portion of this application is</p> <p>12 enough to require a no vote on your</p> <p>13 part. But the bigger picture, is that</p> <p>14 the Pine Barrens is recognized in</p> <p>15 state law as deserving special</p> <p>16 protection and particular shelter from</p> <p>17 ordinary development because it's both</p> <p>18 an ecological and cultural treasure</p> <p>19 and in an especially vulnerable and</p> <p>20 fragile drinking water source area</p> <p>21 that is necessary to the ultimate</p> <p>22 protection of public health.</p> <p>23 I am disappointed that the</p> <p>24 Southampton Town Planning Board has</p> <p>25 acted a variance to SEQRA, and in many</p>	<p>71</p> <p>1</p> <p>2 today that seem to represent a larger</p> <p>3 coalition or there's a larger group of</p> <p>4 folks that have been involved.</p> <p>5 I don't know if any of them want</p> <p>6 to start. I was going to try to have</p> <p>7 some of those position statements</p> <p>8 maybe made earlier that will be longer</p> <p>9 statements and then, again, an effort</p> <p>10 to allow everyone to have some time to</p> <p>11 speak to try to shorten the public</p> <p>12 comment time period. And if you just</p> <p>13 agree with what's been stated before,</p> <p>14 please feel free to say I agree with</p> <p>15 the previous statement and I have</p> <p>16 written comments to submit for the</p> <p>17 record.</p> <p>18 So do we have people signed up?</p> <p>19 MR. MILAZZO: No, we don't.</p> <p>20 CHAIRWOMAN GALLAGHER: Mr.</p> <p>21 Amper, I see you standing. Remember</p> <p>22 to state your name and affiliation for</p> <p>23 the record.</p> <p>24 (Undecipherable cross-talk.)</p> <p>25 CHAIRWOMAN GALLAGHER: I just do</p>
<p>70</p> <p>B-6 Sec. 3.1</p> <p>1 other ways, has allowed this unwise</p> <p>2 proposal to advance.</p> <p>3</p> <p>4 However, when the legislature</p> <p>5 created the Pine Barrens Commission,</p> <p>6 it was our intent that the entity that</p> <p>7 you are a firewall against</p> <p>8 parochialism and does a failsafe</p> <p>9 mechanism for objective rational</p> <p>10 science based decision making in the</p> <p>11 Pine Barrens.</p> <p>12 Please uphold the legacy,</p> <p>13 tradition and lawful policy based</p> <p>14 public expectation of the Pine Barrens</p> <p>15 Protection Act, and protect the Pine</p> <p>16 Barrens by rejecting the application</p> <p>17 before you.</p> <p>18 Thank you for your</p> <p>19 consideration.</p> <p>20 If you have questions, I will be</p> <p>21 available.</p> <p>22 CHAIRWOMAN GALLAGHER: Thank</p> <p>23 you, sir.</p> <p>24 So moving on, I know there are</p> <p>25 several members of the public here</p>	<p>72</p> <p>1</p> <p>2 want to make sure that if we have --</p> <p>3 if people thought they were signing up</p> <p>4 to speak that we have that.</p> <p>5 MR. MILAZZO: We could go down</p> <p>6 the list.</p> <p>7 CHAIRWOMAN GALLAGHER: Okay.</p> <p>8 MR. MILAZZO: So the first</p> <p>9 person is Bill Tymann.</p> <p>10 CHAIRWOMAN GALLAGHER: Okay.</p> <p>11 (Undecipherable cross-talk.)</p> <p>12 MR. ROMAINE: Why don't we let</p> <p>13 Mr. Amper finish and then go to the</p> <p>14 list.</p> <p>15 (Undecipherable cross-talk.)</p> <p>16 CHAIRWOMAN GALLAGHER: You're a</p> <p>17 frequent public speaker at these</p> <p>18 meetings.</p> <p>19 MR. AMPER: Okay. Thank you</p> <p>20 very much for convening this meeting</p> <p>21 and for looking at this project. It's</p> <p>22 very important.</p> <p>23 We are not to call out. We have</p> <p>24 instructions about that in the very</p> <p>25 beginning. But I'd like to see -- I</p>

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

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<p>77</p> <p>1 but not limited to the State and</p> <p>2 Environmental Quality Review Act. I</p> <p>3 will leave that to them. The Long</p> <p>4 Island Pine Barrens Society has been</p> <p>5 working deciduously for more then 40</p> <p>6 years to protect the Long Island</p> <p>7 Pine Barrens to win approval by the</p> <p>8 central Pine Barrens Joint Planning</p> <p>9 and Policy Commission. The Lewis Road</p> <p>10 Project must meet all of the</p> <p>11 provisions of the Pine Barrens Act and</p> <p>12 all of the requirements in the</p> <p>13 Comprehensive Land Use Plan.</p> <p>14 We treat the Pine Barrens</p> <p>15 Commission and staff to meet this</p> <p>16 solemn responsibility.</p> <p>17 Thank you very much.</p> <p>18 CHAIRWOMAN GALLAGHER: All</p> <p>19 right.</p> <p>20 So we'll start going in order.</p> <p>21 There are 40 people who signed up. So</p> <p>22 again, just in the spirit of trying to</p> <p>23 allow everyone to speak, if you just</p> <p>24 agree with something that already has</p> <p>25</p> <p>B-10 Sec. 3.3</p>	<p>79</p> <p>1 opposition's guys as being about</p> <p>2 environmental protection has been</p> <p>3 utter nonsense.</p> <p>4 Am I a popular guy yet?</p> <p>5 If it were valid, I would be</p> <p>6 opposed to it, too. What I am opposed</p> <p>7 to is settling for all ways of doing</p> <p>8 business. This project complies with</p> <p>9 all environmental standards and then</p> <p>10 some. When Discovery has been asked</p> <p>11 for one, they have given three. When</p> <p>12 the opponents have assumed one thing,</p> <p>13 it's been proven otherwise. When</p> <p>14 asked to demonstrate support for the</p> <p>15 community and public hearings --</p> <p>16 unlike this evening -- they've done so</p> <p>17 outnumbering the opposition two to</p> <p>18 one.</p> <p>19 None of it's mattered,</p> <p>20 obviously. Because of politics and</p> <p>21 promises. And I trust the stops here.</p> <p>22 It's times like this that I'm reminded</p> <p>23 of a quote that I often times use.</p> <p>24 And, basically it says, stay away from</p> <p>25</p> <p>B-11 Sec. 3.11</p>
<p>78</p> <p>1 been said you just need to say that.</p> <p>2 First, on the list is</p> <p>3 Bill Tymann.</p> <p>4 I'll probably butcher a lot of</p> <p>5 your names, especially trying to read</p> <p>6 the handwriting.</p> <p>7 MR. MILAZZO: Who's next after</p> <p>8 him?</p> <p>9 CHAIRWOMAN GALLAGHER: After him</p> <p>10 is Mitchell Pally.</p> <p>11 MR. TYMANN: Well, I am very</p> <p>12 depressed right now. But I will</p> <p>13 continue to speak briefly and in</p> <p>14 English.</p> <p>15 Good afternoon, members of the</p> <p>16 Commission.</p> <p>17 My name is Bill Tymann. I live</p> <p>18 in Aquebogue and prior to that 35</p> <p>19 years in Manorville.</p> <p>20 Thanks for the opportunity to</p> <p>21 express my opinion. I'll be very</p> <p>22 brief and pretty blunt.</p> <p>23 The project has been the victim</p> <p>24 of politics at it's worse. The</p> <p>25</p>	<p>80</p> <p>1 negative people, they have a problem</p> <p>2 for every solution.</p> <p>3 I have been seeing the problems</p> <p>4 listed time and time again. Surprised</p> <p>5 sometimes, but always against.</p> <p>6 That quote by the way is Albert</p> <p>7 Einstein, whether it makes a</p> <p>8 difference to you folks or not.</p> <p>9 Your esteemed Commission has a</p> <p>10 chance and important duty to look at</p> <p>11 science and fact. And thank goodness</p> <p>12 for that because this projects is all</p> <p>13 good science and hard fact.</p> <p>14 I've said my peace, in English</p> <p>15 and briefly. Thank you very much.</p> <p>16 CHAIRWOMAN GALLAGHER: Thank</p> <p>17 you. Mitch, and then we have Katie</p> <p>18 Brown.</p> <p>19 MR. PALLY: Good afternoon,</p> <p>20 members of the Commission.</p> <p>21 My name is Mitch Pally. I am a</p> <p>22 Chief Executive Office of the Long</p> <p>23 Island Builders Institute. I live not</p> <p>24 too far from the Assemblyman in Stony</p> <p>25</p>

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

B-12
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<p>85</p> <p>1 jurisdiction of Central Pine Barrens</p> <p>2 Commission in this situation is to</p> <p>3 determine whether the development</p> <p>4 proposal meets the objective standards</p> <p>5 of the Pine Barrens Land Use Plan.</p> <p>6 The objective standards, not the</p> <p>7 subjective standards.</p> <p>8</p> <p>9 Under the authority granted to</p> <p>10 you under the Articles 57 in the</p> <p>11 environmental Conservation Law, once a</p> <p>12 determination is made that the</p> <p>13 proposed development in the Compatible</p> <p>14 Growth Area meets these objective</p> <p>15 standards, this body must provide for</p> <p>16 the project to move forward under the</p> <p>17 zoning in place by the Town of</p> <p>18 Southampton.</p> <p>19 The analysis provided by the</p> <p>20 Central Pine Barrens Commission is</p> <p>21 part of the process for the</p> <p>22 development of this property, but it</p> <p>23 must follow the law of the State of</p> <p>24 New York and the zoning authority of</p> <p>25 the Town of Southampton.</p>	<p>87</p> <p>1 today.</p> <p>2</p> <p>3 However, the sake of time I'd</p> <p>4 like to focus today on the nitrogen</p> <p>5 impacts of this project.</p> <p>6 There's a well documented water</p> <p>7 quality crisis across Long Island and</p> <p>8 in particular the Town of Southampton.</p> <p>9 Drinking and surface waters are</p> <p>10 comprised in every single hamlet in</p> <p>11 the town. Toxic chemicals have been</p> <p>12 detected in drinking water supplies,</p> <p>13 nitrogen pollution from septic</p> <p>14 systems, cess pools and fertilizers</p> <p>15 have resulted in devastating harmful</p> <p>16 algae blooms.</p> <p>17 Weesuck Creek and Western</p> <p>18 Shinnecock Bay are severely impaired</p> <p>19 water body and are ranked priority one</p> <p>20 areas for nitrogen removal for Suffolk</p> <p>21 County.</p> <p>22 Science shows us that any new</p> <p>23 development in the area will result in</p> <p>24 an increase in nitrogen loading and</p> <p>25 will further degrade our ground and</p>
<p>86</p> <p>1</p> <p>2 It is the legislator intent in</p> <p>3 New York State as can be seen that</p> <p>4 this property is located within the</p> <p>5 Compatible Growth Area and not the</p> <p>6 Core Preservation Area, and as such</p> <p>7 can be developed in accordance with</p> <p>8 the objective standards of the</p> <p>9 Compatible Growth Area Land Use Plan.</p> <p>10 Thank you very much.</p> <p>11 CHAIRWOMAN GALLAGHER: Are you</p> <p>12 leaving us a copy?</p> <p>13 (Handing document to the Board.)</p> <p>14 All right. So we have Katie and</p> <p>15 then Marissa Bridge.</p> <p>16 MS. BROWN: Good afternoon.</p> <p>17 My name is Katie Muether Brown</p> <p>18 and I'm the Deputy Director of the</p> <p>19 Long Island Pine Barrens Society.</p> <p>20 Thank you, Commissioners for</p> <p>21 this opportunity to speak today.</p> <p>22 The Pine Barrens Society has</p> <p>23 several concerns about this project.</p> <p>24 And they are outline in the document</p> <p>25 that we are submitting to the record</p>	<p>88</p> <p>1 surface waters.</p> <p>2</p> <p>3 As you know, the Comprehensive</p> <p>4 Land Use Plan sets strict guidelines</p> <p>5 for nitrogen loading in the Pine</p> <p>6 Barrens. The applicant who is</p> <p>7 proposing a 130 home development</p> <p>8 project with manicured landscapes, a</p> <p>9 professional golf course, a common</p> <p>10 lawn, putting greens, a baseball field</p> <p>11 and more stating that they will have a</p> <p>12 net-negative nitrogen impact.</p> <p>13 I'm sorry, not only is the</p> <p>14 idealistic, it's simply not true. If</p> <p>15 net negative nitrogen development on</p> <p>16 projects existed, Long Island wouldn't</p> <p>17 be in the water crisis that find</p> <p>18 ourselves in today.</p> <p>19 There are several ways in which</p> <p>20 the developer has fudged the numbers</p> <p>21 in order to produce their new negative</p> <p>22 nitrogen load.</p> <p>23 First, they are using modeling</p> <p>24 numbers that are lower than industry</p> <p>25 standards. As pointed out by</p>

B-14
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<p>89</p> <p>1 consultants hired by the Town of</p> <p>2 Southampton and world renowned</p> <p>3 scientist Dr. Chris Gobler, the</p> <p>4 developer has been using nitrogen</p> <p>5 leaching rates that are much lower and</p> <p>6 fertilization rates that are much</p> <p>7 higher than these used by</p> <p>8 environmental development planners and</p> <p>9 those adapted by LINAP. And LINAP is</p> <p>10 the Long Island Nitrogen Action Plan.</p> <p>11 LINAP uses nitrogen rates that</p> <p>12 have been collaboratively developed</p> <p>13 between the New York State Department</p> <p>14 of Environmental Conservation, Suffolk</p> <p>15 and Nassau County, Cornell University,</p> <p>16 USGS, USEPA and Stony Brook</p> <p>17 University.</p> <p>18 In addition, both the Town's</p> <p>19 consultants and Dr. Chris Gobler both</p> <p>20 state that while fertigation or using</p> <p>21 nitrogen leading water to irrigate</p> <p>22 holds promise, it is a largely</p> <p>23 untested experimental practice and the</p> <p>24 results cannot be predicted.</p> <p>25</p> <p>B-15 Sec. 3.33</p>	<p>91</p> <p>1 mitigate the massive nitrogen impacts</p> <p>2 that their project will have.</p> <p>3 However, these mitigation</p> <p>4 efforts have been removed from the</p> <p>5 Lewis Road project. So let me say</p> <p>6 that I again. All of the nitrogen</p> <p>7 mitigation efforts that were in place</p> <p>8 to curtail nitrogen from this project</p> <p>9 are missing from this project that is</p> <p>10 before you today.</p> <p>11 So you probably wondering what</p> <p>12 will be the nitrogen impacts of the</p> <p>13 project then?</p> <p>14 Well, after you adjust their</p> <p>15 modeling numbers to industry</p> <p>16 standards, remove the experimental and</p> <p>17 untested fertigation from their</p> <p>18 calculations and remove the speed of</p> <p>19 nitrogen mitigation efforts, you are</p> <p>20 looking at about 4,800 pounds added</p> <p>21 nitrogen per year. A nitrogen loading</p> <p>22 that is far greater than once</p> <p>23 permissible by the Comprehensive Land</p> <p>24 Use Plan.</p> <p>25</p> <p>B-17 Sec. 3.42</p>
<p>90</p> <p>1 Therefore, fertigation cannot be</p> <p>2 included in nitrogen calculations.</p> <p>3 Next, the applicant has blurred</p> <p>4 the lines between previous Hills at</p> <p>5 Southampton Development Project and</p> <p>6 the new Lewis Road PRD. It's</p> <p>7 important to note that the developer</p> <p>8 touts their net-negative nitrogen</p> <p>9 impact from The Hills PDD</p> <p>10 environmental impact statement.</p> <p>11 However, what they fail to</p> <p>12 mention is that those numbers were</p> <p>13 calculated including a whole sweep of</p> <p>14 nitrogen mitigation measures. Those</p> <p>15 include a sewage treatment plant at</p> <p>16 the local school, a preservation of 33</p> <p>17 acres in the head waters of</p> <p>18 Weesuck Creek, the purchase and</p> <p>19 retirement of 30 Pine Barrens credits,</p> <p>20 a fertilizer cap of two pounds of</p> <p>21 nitrogen per thousand square feet and</p> <p>22 a \$1,000,000 fund to support community</p> <p>23 wide septic upgrades. Those were all</p> <p>24 put into The Hills application and</p> <p>25</p> <p>B-16 Sec. 3.42</p>	<p>92</p> <p>1 It is the Commissions duty to</p> <p>2 demand that the developer provide new</p> <p>3 accurate loading estimates, use</p> <p>4 industry standard modeling numbers,</p> <p>5 include a dispersion model, remove</p> <p>6 untested fertigation from the</p> <p>7 calculations and remove the mitigation</p> <p>8 that have been set that are no longer</p> <p>9 at play. So that you can accurately</p> <p>10 determine whether or not this project</p> <p>11 complies with the Land Use Plan.</p> <p>12 Any increase of nitrogen to the</p> <p>13 area will have devastating impacts on</p> <p>14 groundwater, supply wells, and the</p> <p>15 already impaired Weesuck Creek and</p> <p>16 Shinnecock Bay.</p> <p>17 Thank you for your time and</p> <p>18 consideration.</p> <p>19 CHAIRWOMAN GALLAGHER: Marissa</p> <p>20 and then next is Paul Dietche.</p> <p>21 Again, just for the record,</p> <p>22 state who you are and your</p> <p>23 affiliation.</p> <p>24 MS. BRIDGE: Hi. My name is</p> <p>25</p> <p>B-18 Sec. 3.42</p>

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

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2 Affordable housing I believe is

3 one that deserves a positive

4 consideration around the country.

5 Luxury golf courses, luxury homes I

6 would say does not.

7 There's no way I can believe

8 that the developer can control the

9 emission of CO2 into the atmosphere,

10 which is -- I think I'm correct in

11 saying -- a major problem in this

12 climate consideration, where, of

13 course, temperatures are rising and

14 the sea levels are rising.

15 In the case of the project we

16 are discussing, maintenance and

17 transportation, just very living in

18 the homes will create more CO2 and

19 perhaps I can say unnecessarily it

20 serves wealthy people. I think the

21 wealthy people might be well to settle

22 for one or two homes, instead of two

23 or three. And maybe four or five golf

24 courses instead of five or six.

25 It is my hope that the developer

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2 of -- somebody can reach the developer

3 of this plan and somehow get him to do

4 something for humanity and accept

5 Southampton Town's offer to buy the

6 property for preservation.

7 And I would love to see the

8 planting of trees.

9 Thank you.

10 CHAIRWOMAN GALLAGHER: So

11 Tommy Benetter; is that correct?

12 Billy Kreitzek it's looks like.

13 MR. BENNETTER: Tom Benetter.

14 Good afternoon.

15 I'm specifically asking you to

16 follow your own rules and do the right

17 things for the residents. The project

18 is in Compatible Growth Area of the

19 Pine Barrens and is designated

20 precisely for the development that

21 Discovery Land has been proposing.

22 Thank you very much.

23 CHAIRWOMAN GALLAGHER: Thank

24 you.

25 MR. KREITZEK: Hi, my name is

B-21
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2 Billy Kreitzek.

3 I've been a resident out here

4 for almost 40 years.

5 And I just want to say that I

6 know that the Discovery Land company

7 very well. I think they are going to

8 do a great job. I firmly believe they

9 play by the rules. They have done

10 nothing but everything that you're

11 supposed to do to get things approved

12 out here.

13 I just think we should vote yes

14 and move ahead and move on with this.

15 And I appreciate your time and I

16 look forward to getting this approved.

17 Thank you.

18 CHAIRWOMAN GALLAGHER: Kevin

19 McAllister. And after Kevin, we have

20 Joan Hughes.

21 MR. McALLISTER: Good afternoon,

22 Commissioners.

23 Kevin McAllister of

24 Defending H2O.

25 I think the Commission are

B-22
Sec.
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2 somewhat aware of my credentials.

3 Very briefly, my training has

4 been in biological sciences and

5 natural resources management for over

6 three decades. I've worked in various

7 roles, a great deal in permitting,

8 habitat restoration. As you know I

9 served as the Peconic Bay keeper for

10 16 years, so I certainly am very

11 familiar with water quality issues.

12 I guess I approach this from a

13 pragmatic permitting perspective based

14 on water quality regulations and

15 standards. Again, I think I'm

16 reasonably versed in environmental

17 processes.

18 The site itself I am familiar

19 with my own recreational activities

20 over the course of the years, living

21 nearby. I know the typography well, I

22 know the extent of disturbance with

23 respect to the site plan. And now I'm

24 a bit conflating the two from The

25 Hills to Lewis Road. This has been

<p>101</p> <p>1</p> <p>2 four, five years -- if not longer --</p> <p>3 in review. But ultimately the -- a</p> <p>4 couple of key components, the site</p> <p>5 itself -- let's be clear, Mr. Voorhis</p> <p>6 showed a very important graphic of the</p> <p>7 level of nitrogen pollution streaming</p> <p>8 through the site from the farm built,</p> <p>9 essentially, very high levels.</p> <p>10 As I understand it, the Suffolk</p> <p>11 County Water Authority has to actually</p> <p>12 blend water for quotability, the 10</p> <p>13 milligram per liter or lower. So we</p> <p>14 do have situation where, again, as a</p> <p>15 pass through with do have a pollution</p> <p>16 source, again, with the farms.</p> <p>17 Secondly with the sewage</p> <p>18 treatment, certainly early on there</p> <p>19 was not specificity to the level of</p> <p>20 treatment, I am pleased that the</p> <p>21 developers are proposing a sewage</p> <p>22 treatment plan on-site. I think we</p> <p>23 can do -- while it is a standard of 10</p> <p>24 milligrams, we think we can do better.</p> <p>25 Absolutely, based on the technology --</p>	<p>103</p> <p>1</p> <p>2 Mr. Voorhis in the application and I</p> <p>3 know it was brought up by an earlier</p> <p>4 speaker that some variation on</p> <p>5 leaching rates, I believe that has</p> <p>6 been adjusted, so the presumption of a</p> <p>7 net-negative that is possibility.</p> <p>8 And I do know that the</p> <p>9 technology, the level of monitoring,</p> <p>10 the adaptation ultimately using</p> <p>11 enriched groundwater for irrigation on</p> <p>12 turf grasses, again, where there is</p> <p>13 systematically monitoring where there</p> <p>14 can be adjustments that -- again, this</p> <p>15 is negligible in me professional</p> <p>16 opinion.</p> <p>17 The ultimate result of this</p> <p>18 project, I would like to see</p> <p>19 preservation. I'm not sure if that</p> <p>20 ship has sailed, perhaps not.</p> <p>21 It's incumbent upon this</p> <p>22 Commission, however, to do all they</p> <p>23 can to ensure that the standards are</p> <p>24 being met.</p> <p>25 And with respect to process</p> <p>B-23 Sec. 3.10</p> <p>B-24 Sec. 3.3</p>
<p>102</p> <p>1</p> <p>2 employment of drain fields -- so the</p> <p>3 nitrogen from waste water can be</p> <p>4 negligible. The turf grass is of</p> <p>5 course is a big issue in the golf</p> <p>6 course.</p> <p>7 You know, I've come to terms</p> <p>8 with I guess with the implications of</p> <p>9 golf courses over the last ten years</p> <p>10 of just paying attention and reading</p> <p>11 the literature. I will say that the</p> <p>12 use of waste water on golf courses is</p> <p>13 a practice that's out there, so we</p> <p>14 certainly do know how to treat, fight</p> <p>15 or remediate nitrogen loading.</p> <p>16 The model itself, the nitrogen</p> <p>17 loading model -- and certainly this is</p> <p>18 not my bailiwick -- but suffice it to</p> <p>19 say I know enough about it to say that</p> <p>20 the assigned values, the assumptions</p> <p>21 that have been applied to this project</p> <p>22 with a loading from various sources,</p> <p>23 that's the accepted science. That's</p> <p>24 how we review these projects.</p> <p>25 And I would submit that</p>	<p>104</p> <p>1</p> <p>2 which I've been in and out over the</p> <p>3 last five years, if there are issues</p> <p>4 with process, you know, where we are</p> <p>5 cutting corners, I believe that is</p> <p>6 being called out and that will be</p> <p>7 decided.</p> <p>8 I don't think the project as</p> <p>9 proposed as built is any death nail</p> <p>10 for Shinnecock Bay. I believe that,</p> <p>11 again, the nitrogen reduction with the</p> <p>12 controls and the practices, the</p> <p>13 monitoring, the adjustments can be</p> <p>14 managed and maintained.</p> <p>15 Short of that, we are dealing</p> <p>16 with a lot of issues. We talked about</p> <p>17 this particular area in being</p> <p>18 pristine. I think one very important</p> <p>19 point -- and I've been bringing this</p> <p>20 up from the inception of these</p> <p>21 discussions -- with blending water,</p> <p>22 that nitrogen plume that is emanating</p> <p>23 from the farm bales.</p> <p>24 If we are not ensuring that</p> <p>25 clean drinking water is protected and</p>

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

B-25
Sec.
3.10

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

B-26
Sec.
3.30

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

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

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

B-27
Sec.
3.11

B-28
Sec.
3.11

<p>125</p> <p>1 Elizabeth Jackson.</p> <p>2 And I'm from East Quogue.</p> <p>3 In fact, my family has been</p> <p>4 living, working volunteering,</p> <p>5 educating, serving and drinking water</p> <p>6 from this local aquifer for the past</p> <p>7 11 generations. And we are based</p> <p>8 right here in Hampton Bays and East</p> <p>9 Quogue.</p> <p>10</p> <p>11 There has been a lot of</p> <p>12 discussion about the -- the purity of</p> <p>13 the area, the preservation of virgin</p> <p>14 soils versus Pine Barrens habitat, and</p> <p>15 the likes.</p> <p>16 I was told years -- while this</p> <p>17 was still in its earlier phases -- by</p> <p>18 an older woman, people own these</p> <p>19 properties before they got bought up</p> <p>20 into a large group. The older</p> <p>21 generations knew that they weren't</p> <p>22 going to develop it because this was</p> <p>23 an important habitat to protect.</p> <p>24 So in time developers got their</p> <p>25 hands on it, but these were parcels</p>	<p>127</p> <p>1</p> <p>2 has been and it will continue to be.</p> <p>3 But now we have a new thing that we</p> <p>4 never knew about when these plans were</p> <p>5 getting into place. It's called</p> <p>6 PFOAs. We had no concept that they</p> <p>7 were in our soils, in our houses, in</p> <p>8 our furniture, in our fire retardants,</p> <p>9 whatever.</p> <p>10 What are we going to find</p> <p>11 tomorrow that maybe these safe</p> <p>12 chemicals are not as good as we</p> <p>13 thought they were. Chaos. It's</p> <p>14 always changing.</p> <p>15 Like they said, soils changing.</p> <p>16 When they put the plans together for</p> <p>17 The Hills project, I have only ever</p> <p>18 found two test hold datas recording</p> <p>19 the location of the groundwater taken</p> <p>20 in, like, March. This area goes from</p> <p>21 200 something feet to 25 feet above</p> <p>22 sea level. Taking a soil location in</p> <p>23 two locations is not going to tell you</p> <p>24 what's really going on in the depths</p> <p>25 of these different layers of aquifers.</p>
<p>126</p> <p>1</p> <p>2 that families owned. They didn't get</p> <p>3 paid much probably to put them</p> <p>4 together. But generations knew you</p> <p>5 don't touch Spinney Hills because it's</p> <p>6 where our water comes from.</p> <p>7 That said, a lot has been talked</p> <p>8 about, old plans that are in line with</p> <p>9 what they want it to be line with.</p> <p>10 Like the Land Use Plan of 2000 and</p> <p>11 whatnot.</p> <p>12 I'm reminded of the fact that</p> <p>13 everything that we are experiencing is</p> <p>14 in a constant state of chaos. And</p> <p>15 that's why models are changing, that's</p> <p>16 why discussions of scientific</p> <p>17 communities are changing, that's why</p> <p>18 golf course regulations are changing.</p> <p>19 The problem is that we have to</p> <p>20 make those changes with them and not</p> <p>21 allow ourselves to go back to certain</p> <p>22 papers and prove our theories that</p> <p>23 way.</p> <p>24 When they said that nitrogen was</p> <p>25 this major problem. It is. And it</p>	<p>128</p> <p>1</p> <p>2 Concepts of putting water back</p> <p>3 when they are saying they are going to</p> <p>4 do all the leaching and the</p> <p>5 fertigation is one thing on a normal</p> <p>6 parcel. This is not a normal parcel.</p> <p>7 This is Core Preservation</p> <p>8 Pine Barrens. This is Compatible</p> <p>9 Growth Pine Barrens.</p> <p>10 These are soils that were</p> <p>11 deposited here by the glaciers and</p> <p>12 never really touched aside from a</p> <p>13 little bit of disturbance on the top.</p> <p>14 That said, we don't know where</p> <p>15 there's pockets of water, we don't</p> <p>16 know where water is vitally being</p> <p>17 absorbed into our groundwater because</p> <p>18 it rains in the month of July and this</p> <p>19 is a part that's a very spongy area.</p> <p>20 You have to get over this entire</p> <p>21 analysis of this entire area.</p> <p>22 If in they end up taking area in</p> <p>23 a large -- a large area collecting the</p> <p>24 water underground through the golf</p> <p>25 course -- like they said -- and then</p>

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

B-29
Sec.
3.11

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

<p>137</p> <p>1</p> <p>2 be the lead agency.</p> <p>3 But there's something different</p> <p>4 that happened in this case, and the</p> <p>5 reason I bring it to your attention</p> <p>6 is, it's a matter that we are</p> <p>7 currently litigating. I not the ghost</p> <p>8 of Christmas future, I want you to</p> <p>9 know what the issues are as you make</p> <p>10 your own secret determination.</p> <p>11 It goes something like this:</p> <p>12 The prior application, The Hills Plan</p> <p>13 Development District came to the Town</p> <p>14 in 2015, and by the end of 2017 the</p> <p>15 Town Board said we're not going to</p> <p>16 approve this application. We have</p> <p>17 done the review, we have done SEQRA,</p> <p>18 we are the lead agency, but we are not</p> <p>19 approving it. They didn't pass muster</p> <p>20 and that application -- it went away.</p> <p>21 The developers then came back in</p> <p>22 with another separate distinct</p> <p>23 application. It is a subdivision</p> <p>24 application -- a Plan Residential</p> <p>25 Development -- and its process under</p>	<p>139</p> <p>1</p> <p>2 never did SEQRA other than to assign</p> <p>3 its SEQRA responsibility under the</p> <p>4 prior lead agency.</p> <p>5 I think it's a real problem.</p> <p>6 And I'm not even sure I know how to</p> <p>7 fix it. But what happens is if you</p> <p>8 continue to carry this through it's</p> <p>9 extreme conclusion, you all sort of</p> <p>10 become unwitting coconspirators in the</p> <p>11 contention that nobody did SEQRA the</p> <p>12 right way. So why does SEQRA matter?</p> <p>13 Well, there's two reasons. One</p> <p>14 is under State law stringent</p> <p>15 procedural compliance with SEQRA is</p> <p>16 required, and there's a foot high</p> <p>17 stack of court decisions that back</p> <p>18 that up. But more importantly, that</p> <p>19 SEQRA process allows us to one, get</p> <p>20 all the questions answered that your</p> <p>21 staff has raised. And I will tell you</p> <p>22 if you look back at the hearing on the</p> <p>23 preliminary application -- you don't</p> <p>24 have to believe me, you can look it up</p> <p>25 -- members of the Planning Board were</p>
<p>138</p> <p>1</p> <p>2 the Town's Open Space Law. The Open</p> <p>3 Space Law is intended to preserve</p> <p>4 cultural and natural resources into</p> <p>5 clustered development -- you are all</p> <p>6 familiar with them -- but it's a very</p> <p>7 different standard of review than the</p> <p>8 standard of review under the Plan</p> <p>9 Development District.</p> <p>10 Setting that aside, the Planning</p> <p>11 Board -- for whatever reason --</p> <p>12 decided it was still an involved</p> <p>13 agency to the Town Board application.</p> <p>14 That was no longer extent. And here's</p> <p>15 the problem, you can not be an</p> <p>16 involved agency to a lead agency that</p> <p>17 doesn't have a permit authority. The</p> <p>18 Town Board has no permit authority</p> <p>19 over this project.</p> <p>20 This is not a continuation of</p> <p>21 the PDD, it's not an appendage of the</p> <p>22 PDD. It's a separate distinct</p> <p>23 subdivision application submitted to</p> <p>24 the Town, reviewed by the Planning</p> <p>25 Board. And the Planning Board just</p>	<p>140</p> <p>1</p> <p>2 saying, we don't have this</p> <p>3 information. We don't have enough</p> <p>4 information. Their consultant said I</p> <p>5 thought you were getting the</p> <p>6 information, we didn't get the</p> <p>7 information. I don't know how it</p> <p>8 ended up that way, but that is what</p> <p>9 happens. You can pick it up on the</p> <p>10 footage. You can see it happen.</p> <p>11 If there's any problem in</p> <p>12 getting the information that you all</p> <p>13 need to make your decision, the best</p> <p>14 way to get it is through SEQRA</p> <p>15 process.</p> <p>16 Let me tell you something else</p> <p>17 people have said here, you know, that</p> <p>18 we have environmental guys are just</p> <p>19 like nothing can happen here on the</p> <p>20 property. We are saying it's part of</p> <p>21 the Core or whatever.</p> <p>22 We hired outside consultants to</p> <p>23 design alternatives for this property</p> <p>24 during the review before the Town</p> <p>25 Board. But I never had the</p>

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

B-31
Sec.
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B-32
Sec.
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<p>145</p> <p>1</p> <p>2 that covers most of the civics on west</p> <p>3 of the Shinnecock canal in</p> <p>4 Southampton. But I'm also a conduit</p> <p>5 on the east canal.</p> <p>6 Most importantly, one of my</p> <p>7 prime civics is the East Quogue Civic</p> <p>8 Association.</p> <p>9 Bob DeLuca focused on the SEQRA</p> <p>10 procedures. I'm focused on this</p> <p>11 application's substance as it's being</p> <p>12 reviewed under the State Environmental</p> <p>13 Quality Review Act. There was -- I</p> <p>14 was in the audience that day, and I</p> <p>15 saw what happened at the</p> <p>16 Planning Board. There's real concerns</p> <p>17 that many of the questions that all of</p> <p>18 us, you know, everyone sitting here --</p> <p>19 if you're for or against because the</p> <p>20 impact will be so substantial -- need</p> <p>21 to be answered.</p> <p>22 Some of them have been</p> <p>23 discussed. Many of these concerns</p> <p>24 were identified by the Planning</p> <p>25 Board's consultants, that's the Belang</p>	<p>147</p> <p>1</p> <p>2 workforce housing. So I think that's</p> <p>3 something that has to be taken into</p> <p>4 consideration.</p> <p>5 In addition, Bob mentioned the</p> <p>6 comparisons to other alternatives.</p> <p>7 And yes, he submitted what the Group</p> <p>8 From The East End had put forth, which</p> <p>9 was an alternative resort, but without</p> <p>10 a golf course.</p> <p>11 And all long we've been</p> <p>12 concerned -- the big issue here isn't</p> <p>13 necessarily the development per se,</p> <p>14 it's the golf course and the impact --</p> <p>15 now, I'll get to that when I talk</p> <p>16 about traffic.</p> <p>17 The other thing is climate</p> <p>18 change. The gentleman very eloquent</p> <p>19 in his concerns with it. As people</p> <p>20 have mentioned, Weesuck Creek is</p> <p>21 already Priority one, in the county</p> <p>22 sub-watershed plan, which means that's</p> <p>23 the worst of the worst in terms of the</p> <p>24 impairments.</p> <p>25 In addition, I think it's</p> <p>B-35 Sec. 3.36</p> <p>B-36 Sec. 3.35</p>
<p>146</p> <p>1</p> <p>2 Associates (phonetic). They presented</p> <p>3 a list of things that they thought the</p> <p>4 Planning Board should get from the</p> <p>5 applicant, it never came. So I think</p> <p>6 that's important to consider. I'm</p> <p>7 going to mention some of these. And</p> <p>8 I'm hoping that in your review, you</p> <p>9 will.</p> <p>10 The nitrogen loading and sodium</p> <p>11 have been talked about. I just want</p> <p>12 to stress two things. Yes, there's</p> <p>13 some concern about the numbers. Most</p> <p>14 of the development is at the southern</p> <p>15 end, closest to Weesuck Creek and</p> <p>16 Shinnecock Bay. And so, therefore,</p> <p>17 there needs to be disbursement</p> <p>18 analysis because the concentration of</p> <p>19 the nitrogen is going to be at the</p> <p>20 point closest to Weesuck Creek and</p> <p>21 Shinnecock Bay.</p> <p>22 But in addition, it has been</p> <p>23 mentioned to me that there's some</p> <p>24 concern that in their nitrogen</p> <p>25 modeling, they didn't include the</p> <p>B-33 Sec. 3.32</p> <p>B-34 Sec. 3.42</p>	<p>148</p> <p>1</p> <p>2 important to note that during</p> <p>3 Hurricane Sandy, East Quogue was</p> <p>4 floated -- flooded up to Montauk</p> <p>5 Highway. Things were floating away,</p> <p>6 but it was flooded up to Montauk</p> <p>7 Highway. Now, Hurricane Sandy didn't</p> <p>8 have a direct hit, it hit in</p> <p>9 Baltimore. But there's real concern</p> <p>10 if this project is approved, where</p> <p>11 will the flooding extend to? So</p> <p>12 that's something that I think the</p> <p>13 Commission really needs to consider.</p> <p>14 In addition -- and this was</p> <p>15 something that the Planning Board as</p> <p>16 well as their consultants kept talking</p> <p>17 about -- there needs to be a real</p> <p>18 definition of what is a member for</p> <p>19 this golf course. Because that has a</p> <p>20 direct impact on traffic.</p> <p>21 Discovery has agreed not to</p> <p>22 allow outside members. Now, that's</p> <p>23 not their normal plan. But each</p> <p>24 member can bring three guests to play</p> <p>25 golf. So, therefore, can a timeshare</p> <p>B-37 Sec. 3.34</p>

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

B-38
Sec.
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B-39
Sec.
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B-40
Sec.
3.38

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

B-41
Sec.
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157

1
2 talking about Little Weesuck Creek --
3 the Town CPF has purchased substantial
4 lands on both shores of Little Weesuck
5 Creek. And there's a sign on the west
6 shore -- the east shore, it's
7 preserved for future generations by
8 the Town of Southampton. It's
9 continuing commitment to protect the
10 scenic and natural places.
11 I don't see why you would allow
12 a golf course runoff to run into the
13 creek that's in between there.
14 So I just have some pictures of
15 birds that I've taking over several
16 years. And I'm want to submit those
17 to you.
18 Thank you.
19 CHAIRWOMAN GALLAGHER: Thank
20 you. And after Larry it looks like
21 Maria Hults.
22 MR. PENNY: Hi. I am Larry
23 Penny. I am 84 years old.
24 I grew up in Mattituck and lived
25 on the south fork since 1973.

158

1
2 And I taught at Southampton
3 College when there was a college. I
4 was talking to a couple of those guys
5 down there, they were good students.
6 Then I became the Environmental
7 Protection Director -- the Natural
8 Resource Director for the Town for 28
9 years.
10 I've written two water quality
11 reports for the Town of East Hampton
12 and a lot of other things.
13 I just want to point out a
14 couple of things. I won't take a lot
15 of your time.
16 I was at a meeting when
17 Mr. Schneiderman, the Supervisor of
18 Town of Southampton, was at the same
19 meeting. And Mr. Goble -- Chris --
20 whoever Chris -- when Southampton
21 College was there. He was showing
22 what would happen if you didn't have
23 any golf course at all. That was the
24 question I asked.
25 First of all, he showed what

159

1
2 would happen if a golf course was.
3 Secondly, he showed if one of the
4 alternative plans was just a
5 residential area.
6 And he showed that the
7 residential area actually could
8 produce more pollutants in terms of
9 nitrates and so forth then the golf
10 course. Then at the very end I asked
11 a question -- because it was open for
12 questions again -- what would happen
13 if there was nothing there? If there
14 was no golf course, if there was no
15 housing development? He said, oh,
16 that would be so much better. There
17 would hardly be any pollution. There
18 would still be a few homes along
19 Weesuck Creek.
20 And so that was convincing to me
21 because the Town did offer to buy the
22 land, and the owner could have got off
23 with a lot of money without having to
24 pay a lot of money.
25 And secondly, I just heard from

160

1
2 someone sitting in the audience, I
3 don't know if there is any truth to
4 this. The one in Montana -- where
5 ever is that place -- went broke or
6 something. It's no longer
7 functioning. That was one of the big
8 deal by the same company.
9 But I want to say we have
10 Surfrider now -- Surfrider Foundation.
11 I was at Southampton College, we do a
12 lot of the testing and so forth.
13 Chris Goble really did the testing.
14 And the Surfrider Foundation --
15 they don't cost us anything, they
16 don't cost the town anything, they
17 don't cost the citizens anything.
18 They've been doing a terrific job.
19 And they found -- discovered with
20 Chris Goble that half the town waters
21 are in terrible shape; like Little
22 Fresh Pond, eastern -- western
23 Shinnecock Bay which used to be the
24 clamming paradise of the world.
25 Things have gone downhill.

<p>161</p> <p>1</p> <p>2 So I would have to agree with</p> <p>3 Steve -- whom I used to work for --</p> <p>4 from the New York State Assembly, and</p> <p>5 I have to agree with the fellow from</p> <p>6 Riverhead Pine Barrens thing, which I</p> <p>7 worked on. I have to agree that the</p> <p>8 best thing for this place is not to do</p> <p>9 anything.</p> <p>10 And I really have to say that I</p> <p>11 think the Pine Barrens Committee</p> <p>12 should stand up here and take a stand.</p> <p>13 Thank you very much.</p> <p>14 MR. SCHNEIDERMAN: Maria Hults,</p> <p>15 you are up next and followed by Karen</p> <p>16 Kooi.</p> <p>17 MS. HULTS: Hi. Maria Hults.</p> <p>18 I am president of the Hampton</p> <p>19 Bay Civic Association.</p> <p>20 Just as a general statement,</p> <p>21 we're in agreement with the Pine</p> <p>22 Barrens Association. We would</p> <p>23 basically like to see the land</p> <p>24 preserved.</p> <p>25 I have two observations or</p> <p>B-42 Sec. 3.30</p> <p>B-43 Sec. 3.10</p>	<p>163</p> <p>1</p> <p>2 far as I know, two of their properties</p> <p>3 are in bankruptcy.</p> <p>4 Thank you.</p> <p>5 MR. SCHNEIDERMAN: Karen Kooi is</p> <p>6 next followed by Cyndi McNamara.</p> <p>7 MS. KOOI: Good afternoon,</p> <p>8 members of the Commission.</p> <p>9 My name is Karen Kooi.</p> <p>10 I'm a resident of East Quogue</p> <p>11 and the Vice Chair of the current East</p> <p>12 Quogue CAC.</p> <p>13 I stand before you today to ask</p> <p>14 that the Central Pine Barrens</p> <p>15 Commission simply follow their own</p> <p>16 rules and do the right thing for the</p> <p>17 residents of East Quogue.</p> <p>18 The Lewis Road PRD project is in</p> <p>19 the Compatible Growth Area of the</p> <p>20 Pine Barrens, and this land is</p> <p>21 designated in the Town's Comprehensive</p> <p>22 Plan in 2008 after a two year study of</p> <p>23 researchers and scientists with input</p> <p>24 from the people of East Quogue</p> <p>25 precisely for the development that is</p> <p>B-44 Sec. 3.11</p>
<p>162</p> <p>1</p> <p>2 statements I'd like to make.</p> <p>3 Number one, I'm a scuba diver.</p> <p>4 I a member of the Woman Diver's Hall</p> <p>5 of Fame. I've been diving in</p> <p>6 Shinnecock Bay for 48 years. And it's</p> <p>7 unbelievable to see that about 90</p> <p>8 percent of the life in there does not</p> <p>9 exist anymore. And that's something</p> <p>10 that most people don't see from the</p> <p>11 surface.</p> <p>12 I can remember when we used to</p> <p>13 go clamming getting 15 dozen clams in</p> <p>14 an hour. You probably can't get a</p> <p>15 dozen these days. So the impairment</p> <p>16 on the water is very dramatic and well</p> <p>17 documented, I will say.</p> <p>18 The other thing is, I've been</p> <p>19 diving in the Bahamas in the Discovery</p> <p>20 Land and property, and they killed the</p> <p>21 reef. When they can talk about</p> <p>22 protecting the reef. They literally</p> <p>23 killed a reef in their building.</p> <p>24 So I don't feel they're very</p> <p>25 protective in what they do. And as</p>	<p>164</p> <p>1</p> <p>2 currently purposed.</p> <p>3 Those who oppose this project</p> <p>4 claim to be the majority. And they</p> <p>5 claim to represent the people of East</p> <p>6 Quogue. I can assure you, they do</p> <p>7 not.</p> <p>8 This coalition made up of the</p> <p>9 East Quogue Civic Association, Group</p> <p>10 for the East End and Assemblyman Fred</p> <p>11 Thiele has spent an inordinate amount</p> <p>12 of tax payer dollars, donations and</p> <p>13 dues to fund a political smear</p> <p>14 campaign of misinformation and self</p> <p>15 promotion, against the wishes of the</p> <p>16 residents of East Quogue.</p> <p>17 There is immense support for</p> <p>18 this project by the residents of my</p> <p>19 community who understand what is best</p> <p>20 for our future.</p> <p>21 (Indecipherable cross-talk from</p> <p>22 the public.)</p> <p>23 MS. KOOI: Excuse me.</p> <p>24 Thank you.</p> <p>25 There is immense support for</p>

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

B-45
Sec.
3.11

<p>169</p> <p>1</p> <p>2 MS. BISTRIAN: Good afternoon,</p> <p>3 member of the Commission.</p> <p>4 My name is Britton Bistran.</p> <p>5 I'm a fifth generation east</p> <p>6 ender.</p> <p>7 I'm a professional land use</p> <p>8 consultant.</p> <p>9 You are taxed with a very</p> <p>10 complex review in front of you.</p> <p>11 There's volumes of pages and testimony</p> <p>12 on the project resolved this question</p> <p>13 imposed upon you.</p> <p>14 To me the answer is quite</p> <p>15 simple. This is residentially zoned</p> <p>16 land. Under this plan, 70 percent of</p> <p>17 its area is to be preserved. It's an</p> <p>18 As Of Right on density project with</p> <p>19 environmental benefits that far</p> <p>20 surpass the stand alone single family</p> <p>21 residents construction. And most</p> <p>22 important, the project meets, if not</p> <p>23 exceeds, the standards of the</p> <p>24 Pine Barrens Act.</p> <p>25 The question posed to this Board</p>	<p>171</p> <p>1</p> <p>2 MR. ROMAINE: Line up.</p> <p>3 MR. HOULIHAN: Good afternoon,</p> <p>4 Commissioners.</p> <p>5 My name is Paul Houlihan.</p> <p>6 I've been a resident for Hamlet</p> <p>7 of East Quogue for 34 years.</p> <p>8 My wife and I raised our three</p> <p>9 children there. They all went to East</p> <p>10 Quogue Elementary School, and it's a</p> <p>11 wonderful place to live.</p> <p>12 I'm absolutely in favor of this</p> <p>13 project. I took the time to read the</p> <p>14 Town Planning Board's review of this,</p> <p>15 they did a comprehensive review. From</p> <p>16 everything that I can see, they</p> <p>17 provided mitigation where necessary,</p> <p>18 and I believe it shows compliance.</p> <p>19 You can also see that the</p> <p>20 majority, if not all, of the</p> <p>21 development is in the Compatible</p> <p>22 Growth Area, as it should be.</p> <p>23 I would ask that the Commission</p> <p>24 consider that and move this</p> <p>25 application forward.</p>
<p>170</p> <p>B-46 Sec. 3.11</p> <p>1</p> <p>2 is not a question of develop or not to</p> <p>3 develop, but instead, is this the most</p> <p>4 sensitive and appropriate development</p> <p>5 for this site? I believe the</p> <p>6 resounding answer to that question is</p> <p>7 yes.</p> <p>8 Thank you.</p> <p>9 CHAIRWOMAN GALLAGHER: Brendan</p> <p>10 -- is there a Brendan?</p> <p>11 (Indecipherable cross-talk.)</p> <p>12 CHAIRWOMAN GALLAGHER: Okay. Is</p> <p>13 there a Peter Sartorias?</p> <p>14 UNKNOWN SPEAKER: He had to</p> <p>15 leave.</p> <p>16 CHAIRWOMAN GALLAGHER: Then it</p> <p>17 looks like Glen Vicks.</p> <p>18 (No response from the public.)</p> <p>19 CHAIRWOMAN GALLAGHER: Then we</p> <p>20 are done with who's on the list.</p> <p>21 (Indecipherable cross-talk from</p> <p>22 the public.)</p> <p>23 CHAIRWOMAN GALLAGHER: It looks</p> <p>24 like we have a few people who would</p> <p>25 like to speak.</p>	<p>172</p> <p>B-48 Sec. 3.30</p> <p>1</p> <p>2 And thank you for letting me</p> <p>3 speak.</p> <p>4 CHAIRWOMAN GALLAGHER: Thank</p> <p>5 you.</p> <p>6 MS. CLARY: Hello. My name is</p> <p>7 Laura Clary.</p> <p>8 I am an ecologist and I worked</p> <p>9 at the Suffolk County Coordinator for</p> <p>10 the Peconic Estuary Program from 1999</p> <p>11 through 2008. And in that position, I</p> <p>12 helped write the original CC and PD</p> <p>13 conservation -- CMP, the management</p> <p>14 plan for the Peconics.</p> <p>15 In my opinion, this project is</p> <p>16 not necessary development, nor is it</p> <p>17 thoughtful development.</p> <p>18 Please say no.</p> <p>19 Thank you.</p> <p>20 MS. PATCHEKA (phonetic): Hi. My</p> <p>21 name is Larissa Patcheka (phonetic).</p> <p>22 I live in the north sea area.</p> <p>23 I am a member of the Surfriders</p> <p>24 Organization.</p> <p>25 And very concerned about water</p>

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

B-49
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<p>1 doesn't give me a right to speak. But</p> <p>2 I think it does because I am not 20,</p> <p>3 I'm little older than that. And I</p> <p>4 have some experience with what happens</p> <p>5 to developments.</p> <p>6</p> <p>7 Not only does this developer</p> <p>8 have some questionable record, but</p> <p>9 when you consider is this Compatible</p> <p>10 Growth, you can't just consider today.</p> <p>11 You need to consider will it be</p> <p>12 Compatible Growth 10 years from now?</p> <p>13 Will it be Compatible Growth 30 years</p> <p>14 from now?</p> <p>15 One simply has to look at places</p> <p>16 like Levitown, or any of the number of</p> <p>17 planned retirement community</p> <p>18 developments that are now going</p> <p>19 bankrupt. One has to question, will</p> <p>20 this always be owned by the developer</p> <p>21 or will these become private houses?</p> <p>22 What happens should they become</p> <p>23 private houses? Will these people be</p> <p>24 able to go to the Town and ask for</p> <p>25 extensions on their homes?</p>	<p>177</p> <p>B-51</p> <p>Sec.</p> <p>3.30</p> <p>178</p>	<p>179</p> <p>1</p> <p>2 I've been sitting here,</p> <p>3 listening to both sides, and I think</p> <p>4 I've heard excellent arguments from</p> <p>5 both sides. And the speakers should</p> <p>6 be commended on -- well, I wanted to</p> <p>7 come up here to give you an opinion on</p> <p>8 whether I think this project should</p> <p>9 move forward or not.</p> <p>10 Quite frankly, I don't know the</p> <p>11 answer to that. And I think everybody</p> <p>12 on the Board should be the same way.</p> <p>13 Who's numbers are right? You as</p> <p>14 Committee members really need to pour</p> <p>15 over those numbers, both at the</p> <p>16 developer has given you and that the</p> <p>17 opponents have given you and figure</p> <p>18 out who is closer to telling the truth</p> <p>19 as to exactly what the environmental</p> <p>20 impact is going to be, especially in</p> <p>21 terms of nitrogen.</p> <p>22 Now, there are a ton of studies</p> <p>23 out there. And for me just from what</p> <p>24 I've heard so far, something doesn't</p> <p>25 add up. Now, I would estimate -- and</p>
<p>1</p> <p>2 How much more of this land will</p> <p>3 this developer come back and ask to be</p> <p>4 developed? What are the consequences</p> <p>5 of this development, not today -- and</p> <p>6 I have to tell you, if I were to look</p> <p>7 at this application I would say</p> <p>8 definitely approve it. There's a lot</p> <p>9 of good things this developer has</p> <p>10 done. But there have been promises</p> <p>11 made and promises broken from every</p> <p>12 level of government, from every level</p> <p>13 of industry, from every level that I</p> <p>14 can think of. You can't just</p> <p>15 determine about today, you have to ask</p> <p>16 what is the future for this property?</p> <p>17 Is it real going to remain Compatible</p> <p>18 Growth? And what should the Town --</p> <p>19 what should the developer do to</p> <p>20 guarantee that it does?</p> <p>21 Thank you.</p> <p>22 MR. SUPERNAUGHT (phonetic): Good</p> <p>23 evening.</p> <p>24 Adam Supernought (phonetic).</p> <p>25 Southold, New York.</p>	<p>178</p>	<p>180</p> <p>1</p> <p>2 my math might be wrong here -- they</p> <p>3 would have to put something on order</p> <p>4 of a half a billion gallons of water</p> <p>5 from that farm with a high nitrogen</p> <p>6 load to irrigate the golf course for</p> <p>7 one year.</p> <p>8 Now, my math could be wrong on</p> <p>9 that, but that's a lot of water. So</p> <p>10 they are going to definitely be adding</p> <p>11 additional nitrogen to that golf</p> <p>12 course.</p> <p>13 They are also going to be -- one</p> <p>14 of the major chemicals that's sprayed</p> <p>15 on golf courses is neonicotinoid. And</p> <p>16 neonicotinoid is a known bad factor</p> <p>17 especially for ground nesting bees,</p> <p>18 moths -- okay -- and other species.</p> <p>19 So when people say that there's</p> <p>20 just bare land up there, it's been</p> <p>21 disturbed and there's nothing there.</p> <p>22 Look at the ground, I guarantee you</p> <p>23 there's a thousand species living</p> <p>24 underneath the soil that you know</p> <p>25 should be protected.</p>

181

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2 So like I said, I think there's

3 arguments on both sides. I was kind

4 of wishing that I would hear from the

5 developers, maybe that they were going

6 above and beyond the pale. And I

7 strongly urge the developer to go back

8 and maybe reconsider certain aspects

9 of this project, and see how they can

10 make their project really kind of mesh

11 well in the Pine Barrens environment

12 and not just make it a suburban

13 subdivision.

14 Thank you very much.

15 MR. TUTUNIUM(phonetic): Good

16 afternoon.

17 My name is Aran

18 Tutunium(phonetic).

19 I am from Westhampton Beach, New

20 York.

21 I rise today in support of this

22 project.

23 Today I will wear three hats.

24 I'm a coastal geologist with 35

25 years experience. I worked with

B-52
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B-53
Sec.
3.11

182

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2 Discovery on their Dune Deck project

3 in Westhampton Beach. We

4 reconstructed a dune that had been

5 severely damaged over many decades.

6 They did an outstanding job, and that

7 dune is functioning very well today.

8 Number two, I'm the co-founder

9 of the Moriches Bay Project, where we

10 are restoring Moriches Bay one oyster

11 at a time. Discovery has been a

12 partner with us since day one.

13 They've been an outstanding neighbor.

14 And as I stand before you today we are

15 1.9 million oysters and counting.

16 Thanks to them and all our great

17 neighbors on Moriches Bay.

18 Especially Mr. Romaine. Thank

19 you, sir.

20 And Mr. Schneideman, who share

21 the bay.

22 Number three, I'm a resident tax

23 payer of Southampton for 55 years. In

24 fact, I rode dirt bike in this area

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

183

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2 And I remember remarking that it was a

3 moonscape then, and much of this land

4 is a moonscape now, where The Hills

5 were leveled when they built airport

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

7 you as a former president of the

8 Westhampton Beach Board of Education,

9 luxury housing is a tremendous benefit

10 to the tax base.

11 And for those reasons I've given

12 you, I stand in support of this

13 project.

14 And I thank you for this time.

15 MR. BARSHOV: Good afternoon.

16 My name is Steven Barshov. I am

17 from the law firm of Sive, Paget and

18 Riesel.

19 I am counsel to Discovery Land.

20 And I am here to address the

21 SEQRA issue, particularly, the issue

22 regarding lead agency.

23 And I'm speaking on a technical

24 level. We will certainly supplement

25 these oral comments with a written

184

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2 submission.

3 But because this seems to be

4 given bribes to some confusion, I

5 would like to make sure that staff in

6 particular, as well as members of the

7 Commission understand exactly what is

8 going on because there is no SEQRA

9 problem here at all.

10 So let's go back, look at a

11 little bit of history, and this won't

12 take more than a couple of moments.

13 So the PDD application is put in

14 for what to the Town Board? Not just

15 for a public golf course, but for a

16 residential development that included

17 a golf course with public attributes

18 as well.

19 The Environmental Impact

20 Statement that is prepared analyzes

21 the entire project. It's residential

22 development and it's golf course. And

23 all aspects of if including its

24 traffic, its water and so forth. And

25 a Finding Statement is adopted by the

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

<p>189</p> <p>1 families poured water right from the</p> <p>2 tap and drank it. And in my head I</p> <p>3 was like, I don't do that, I don't</p> <p>4 know why I don't do that. My parents</p> <p>5 tell me you can't do that. But I</p> <p>6 don't drink water right from the tap.</p> <p>7</p> <p>8 Then my concern came when I came</p> <p>9 home and I started university. And I</p> <p>10 took courses with Professor</p> <p>11 Englebright and lots of unique</p> <p>12 professors who all expressed a concern</p> <p>13 for the Pine Barrens.</p> <p>14 Now as a 23 year old, I spend</p> <p>15 most of my time walking around the</p> <p>16 trails of the Pine Barrens; not only</p> <p>17 just to explore the unique natural</p> <p>18 surfaces it provides for us, but to</p> <p>19 enjoy the biodiversity and the unique</p> <p>20 species that occupy it.</p> <p>21 So now I've been talking with</p> <p>22 Richard Amper and starting a group at</p> <p>23 Stony Brook just to educate and</p> <p>24 advocate for the protection of it.</p> <p>25 And when I speak to a lot of these</p>	<p>191</p> <p>1 friends when I get home -- I still</p> <p>2 don't have clear numbers to give them.</p> <p>3 And I think that's an issue on itself.</p> <p>4</p> <p>5 And I think that is, you know,</p> <p>6 enough to say no to this project until</p> <p>7 there are clear numbers on nitrogen</p> <p>8 output and ecosystem impacts, so.</p> <p>9 Thank you.</p> <p>10 MR. SEALIES(phonetic): My name</p> <p>11 is Dave Sealies(phonetic).</p> <p>12 I'm a 40 year resident -- 45</p> <p>13 year resident of East Quogue.</p> <p>14 If this does go pass today, I</p> <p>15 think it would be important to do this</p> <p>16 in East Quogue at the school where I</p> <p>17 believe Mr. Amper wouldn't have done</p> <p>18 that hand raising bit because I think</p> <p>19 it would be a completely different</p> <p>20 crowd.</p> <p>21 There's a lot of people today</p> <p>22 who aren't here because they are at</p> <p>23 work, they have kids, they have</p> <p>24 sports, they have plays, they have</p> <p>25 everything that you can image. So</p>
<p>190</p> <p>1 students, nine out of ten of them</p> <p>2 don't know where our water comes from,</p> <p>3 and don't understand that 100 percent</p> <p>4 of it comes from rainfall and it's</p> <p>5 filtered through the Pine Barrens</p> <p>6 ecosystem. And a lot of them are</p> <p>7 concerned about what's going on today.</p> <p>8 They would be here, but it's Wednesday</p> <p>9 and most of them are in school.</p> <p>10</p> <p>11 But I do speak on behalf of a</p> <p>12 lot of scared Stony Brook University</p> <p>13 students because this is not just an</p> <p>14 issue that belongs to East Quogue or</p> <p>15 Westhampton, this is the aquifer that</p> <p>16 provides millions of people, their</p> <p>17 drinking water. This is bigger than</p> <p>18 just a town.</p> <p>19 Sadly, I would have advocate for</p> <p>20 the preservation of this land, but I</p> <p>21 know there's a lot of conflict going</p> <p>22 on about that. But just sitting here</p> <p>23 today and trying to listen to</p> <p>24 arguments and trying to piece together</p> <p>25 what I can tell my group and my</p>	<p>192</p> <p>1 they can't be here today. I am</p> <p>2 afforded a little of flexibility</p> <p>3 because I own my own business and some</p> <p>4 other people here who also own their</p> <p>5 own business. But, you know, the</p> <p>6 people who are actually working today</p> <p>7 that aren't here don't get a fair</p> <p>8 chance to talk. So if this does go</p> <p>9 pass today, maybe that's a good idea.</p> <p>10 On top of that though, you have</p> <p>11 rules to follow. Follow them. This</p> <p>12 isn't about all this hard grabbing</p> <p>13 stuff today.</p> <p>14</p> <p>15 Thank you.</p> <p>16 MR. BARBATO: Thank you.</p> <p>17 I'm Phil Barbato.</p> <p>18 I am a resident of Jamesport.</p> <p>19 I'm also a professional</p> <p>20 environmental engineer, and I actually</p> <p>21 worked on the 208 study back in the</p> <p>22 '70s. It seems like yesterday.</p> <p>23 I subsequently work for the</p> <p>24 regional office of the DEC for 17</p> <p>25 years --</p>

B-54
Sec.
3.30

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

B-55
Sec.
3.10

B-56
Sec.
3.30

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

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2 have another public hearing and to

3 have the SEQRA review to whatever else

4 is required.

5 They were very sensitive to

6 action deadline. I want to make sure

7 that this Commission has enough time

8 to give this project to review it.

9 MR. MCCORMICK: I have about

10 five questions based on over three

11 hours of testimony. So I would like

12 to at least to ask those questions. I

13 can't do it now, I would like the

14 opportunity to address it as we go

15 forward. Bearing in mind what John

16 has told us about the deadline. So as

17 long as Mr. Bruyn is prepared to

18 extend our decision deadline beyond

19 the April date.

20 MR. BRUYN: I think the question

21 first is, we are going to try to

22 attempt to take all the comments

23 received, all the written comments

24 from the Staff Report and try to

25 provide a response. We don't know

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2 what that response is. I understand

3 what Counsel is saying. If there is

4 something that rises to a substantive

5 level that needs the record to be kept

6 open, we understand what the Board 's

7 -- the Commission's request would be.

8 And we would work with you in that

9 end.

10 But I think it's premature for

11 me to say how and when and where at

12 this point we need a response. We

13 certainly welcome all of your

14 questions as well. However, if we can

15 get those so we can address those

16 rapidly.

17 MR. MILAZZO: Wayne, you are

18 saying two different things, I think.

19 Either you are saying let's hold

20 the record open, which is a good idea,

21 then for all purposes that would

22 include keeping the public portion

23 open. And at the other time you are

24 saying we don't want to keep it too

25 far open, you are going to proceed

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2 with the extension. Or alternatively

3 the Commission can deny without

4 prejudice and we can come back when

5 the changes -- if any changes are

6 needed, you can do it that way.

7 I suspect that granting the

8 extension makes more sense, but that's

9 ultimately your and --

10 MR. ROMAINE: (Interjecting)

11 Right now all we're doing as

12 Supervisor Schneideman has suggested

13 is keeping the hearing opening to our

14 March meeting. And we may be able

15 after the March meeting to meet and

16 review and come to a decision by

17 April.

18 CHAIRWOMAN GALLAGHER: Well, the

19 challenge is --

20 (Indecipherable cross-talk.)

21 MR. MILAZZO: Having watched

22 staff work on this project for years,

23 knowing that the quantity of

24 materials, knowing that we are

25 probably on a couple hundred page

204

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2 transcript today, so we are going to

3 need time.

4 How many pages are we at?

5 (Court reporter clarification.)

6 MR. MILAZZO: The Commission

7 members want to keep the hearing open,

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

9 of the Commission to say -- well we

10 are going to deal with that at the

11 next meeting because March will come

12 and then you're looking at a 30 day

13 turnaround to deliberate, may need a

14 special meeting.

15 Just from a process point, you

16 just want to give process time to

17 develop.

18 MR. SCHNEIDERMAN: Understood.

19 And if there are changes, we have to

20 see those changes. I would say at

21 least two weeks before our next

22 meeting, so the public can digest them

23 and maybe some people who support this

24 who may now not support it because

25 things have moved around in certain

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

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

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CHAIRWOMAN GALLAGHER: Okay.
All in favor?
(Whereupon, there was a
unanimous, affirmative vote of the
Board.)
CHAIRWOMAN GALLAGHER: Motion to
adjourn the public meeting.
(Whereupon, there was a
unanimous, affirmative vote of the
Board.)
(Whereupon, this hearing was
concluded at 5:47 p.m.)

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C E R T I F I C A T I O N .
STATE OF NEW YORK
Ss:
COUNTY OF SUFFOLK

I, DOMENICA RAYNOR, Court
Reporter and Notary Public of the State of
New York, do hereby certify:

That the within transcript
was prepared by me and is a true and
accurate record of this hearing to the
best of my ability.

I further certify that I am
not related to any of the parties to this
matter by blood or by marriage and that I
am in no way interested in the outcome of
any of these matters.

IN WITNESS WHEREOF, I have
hereunto set my hand this 19th day of
February, 2020.

APPENDIX C

WRITTEN COMMENTS FROM PUBLIC HEARING

Lewis Road Public Hearing Sign-In

	Name	Representing	Address	Telephone / Fax
in favor	Bill Tymann	APURBOGUE	3530 MYRKP/ELLS	516 260 6572
in favor	Mitchell Pally	LIBI	1757-8 W. Hgh ^{LA} Is. Lania	631-232-2345
PROSED	Alex Carter	LTPBS	5472 ALSON DIV	631 369-3300
PROSED	Katie Brown	LTPBS	547 E. Main St., 11901	631-369-3300
PROSED	MARISSA BRIDGE	EQ CIVIC	5 WEESUCK AVE ^{EAST} QUOGUE	631-653 8060
PROSED	Paul Dietche	self	211 Quoguest Quogue	631 653 8677
in favor	Tommy Bennette	self	39 Shore RD Westhampton	516-313-4865
in favor	Billy Kreitzer	self		917-443-6820
?	Kerin McAllister	Defend H2O	P.O. 2557, Sag Harbor	631-599-9326
Worried	Jean Hughes	Secretary E.O. 12812 CAE Chair	Greenport	631 653-5155
PROSED	BILL KEARNS	RESIDENT	E. QUOGUE	631 682 1164
in favor	Jeffrey Seeman	DHV Quogue	Southampton	631 872 9116
	William Matoska	self	Southampton	631 704 0601
	Marilyn England	self	205 Brookfield Ave. C. Monches	631-874-0448
	James Smith	SELF	1757-8 W. Hgh Is. Lania	917-443-6820
in favor	KARAY OXMAN	SELF	REMSIENBURG	516-810-0900
in favor	Camden Ackerman	SBA	WHB	
in favor	SIYAS ANTHONY	SELF	WHB	917 488 2557
	JERRY J. SANDECK	SELF	EAST QUOGUE	631-680-9873
PROSED	Elizabeth JACKSON	self: neighbors	E. QUOGUE	516 639 2838
	Self Artanian	SELF	Fort Jefferson	631-804-8003
in favor	Robert Dalkis	Self	Southampton	646-245-6769
	Cohl Webb	self	Hampton Bays	
	Sam Kelly	Self	Southampton	
	Robert Ward			
	* TO Speak *			
	self		Manorville, NY	631 905-1537

Name	Representing	Address	Telephone / Fax
JOANN CLARK	SELF	W HB	516 901 3794
Dominick Clark	SELF	W HB	631 880-2226
MARC BEANKER	SELF	RIVERHEAD	631-764-2737
BILL KEARNS	11	EQ	631 682-1154
Andrea Spilka	Southampton Town Civic Coalition		
PROSED Bob DeLuca	Group for the East End		
PROSED Andrea Spilka	Southampton Town Civic Coalition		
PROSED Michael Mirino	SELF	E. Quogue	917 692 7927
PROSED Larry Peary	Edwards		825 4524
PROSED Maria Hults	HBCA	Hampton Bays	631-728-2285
in Favor Karen Kooi	EQ	9 W. End Ave EQ	516 449-7217
in Favor Cyndi McNamara	EQ	75 Lewis, EQ	631-728-5574
WILLIAM HUGHES	SELF	38 Yale Dr. HB.	631-728-2754
in Favor BRITTUN BISTRIAN	SELF	AMAGANITT	
Freedom Team	Plumbtech	C. J. J. man	516 768-400
Peter Sartorius	SELF	Quogue	631-745-9482
Glenn Vickery	Discover the Hapt	East Norwich / Southampton	
in Favor Paul Hurlbion		E. Quogue	
PROSED Laura Clary	Self	PER SE CARD	
in Favor Larissa Ritchie		Surfdocs	
in Favor Eleanor Day Goble			
PROSED? June Fasullo	Sierra Club		
? Adam Supernight	self	Southold	
in Favor Arum Tschunian	DLV, self,	W HB	
in Favor Steve Busher	Sierra, Dayt DLV		

Text of Remarks by Richard Amper, Executive Director Long Island Pine Barrens Society

As an author of the Pine Barrens Protection Act and a contributor to the Comprehensive Land Use Plan, I know when I see a proposed project that is inconsistent with the purpose of Pine Barrens protection. The Long Island Pine Barrens boast the greatest diversity of plants and animals anywhere in New York State and the ecosystem sits atop the purest water anywhere on Long Island.

The "Lewis Road Planned Residential Development" and its predecessor "The Hills at Southampton" are the biggest and baddest development proposals ever presented to the Pine Barrens Commission. Long Island voters have put up more than a billion dollars to preserve the Island's premier ecosystem.

The Lewis Road project lies in a state-designated Special Groundwater Protection Area and a county designated Critical Environmental Area. The Pine Barrens act as a natural filter for nitrogen and other contaminants. A nearly identical project was disapproved by the Southampton Town Board and our Pine Barrens Society and the Group for the East End have gone to court to challenge the legality of the Town Planning Board's effort to railroad the project through.

C-1
Sec. 3.1

The proposal calls for construction of a 18-hole championship golf course and a 130-home housing project. This is in addition to many other facilities including a baseball field, a practice fairway, a fitness center, a pool, a basketball court, four pickle ball courts and a common area lawn.

There is a well-documented water quality crisis in the Town of Southampton and across Long Island. Drinking water and surface waters have been contaminated in almost every hamlet in the town. Toxic chemicals such as PFO's and PFOA's have been detected in the drinking water supplies of Speonk, Westhampton, East Quogue, Hampton Bay, Bridgehampton and surrounding areas. Harmful algae blooms and depleted oxygen plague the surface waters in this area. These water quality issues are a public health threat and have also resulted in beach closures, fish and turtle kills and flooding, which undermine our marine economy. Any new development is expected to increase nitrogen in the area threatening the already impaired water bodies of Weesuck Creek and Western Shinnecock Bay. In fact, the recently-released Draft Suffolk County Watersheds Wastewater Plan ranks the coastal areas around East Quogue as "priority one" for nitrogen removal and specifically lists Weesuck Creek as a "priority one" water body.

C-2
Sec. 3.2

The Group for the East End will present a list of violations to state environmental law including but not limited to the State Environment Quality Review Act.

C-3
Sec. 3.1

The Long Island Pine Barrens Society has been working assiduously for more than 40 years to protect the Long Island Pine Barrens. To win approval by the Central Pine Barrens Joint Planning & Policy Commission, the Lewis Road project must meet all the provisions of the Pine Barrens Act and all the requirements of its Comprehensive Land Use Plan. We entreat the Pine Barrens Commissioners and staff to meet this solemn responsibility.

C-4
Sec. 3.3



STEVEN ENGLEBRIGHT
4th Assembly District
Suffolk County

THE ASSEMBLY
STATE OF NEW YORK
ALBANY

2/19/20 Hearing

CHAIRMAN
Committee on Environmental Conservation

COMMITTEES
Education
Energy
Higher Education
Rules

COMMISSIONS
Science and Technology
Water Resource Needs of Long Island

MEMBER
Bi-State L.I. Sound Marine Resource Committee
N.Y.S. Biodiversity Research Institute
Long Island Sound Area Advisory Council

Statement of New York State Assemblyman Steven C. Englebright to the
Long Island Pine Barrens Commission

Re: Hills/Lewis Road PRD Project

February 19, 2020

Good afternoon distinguished members of the Pine Barrens Commission. My name is Steven C. Englebright and I live in Setauket, Brookhaven Town, Long Island where I have the privilege of representing the people of the 4th Assembly District.

As an original prime co-sponsor of the Long Island Pine Barrens Protection Act and current Chairman of the Environmental Conservation Committee of the New York State Assembly I appear before you today regarding the above-captioned subdivision proposal. This is the second time that I have communicated to this Commission regarding this approximately 588-acre development plan which underscores the significance of the matter before you.

Specifically, when my colleague and fellow Environmental Conservation Committee Member Assemblyman Fred W. Thiele of the 1st Assembly District and I wrote to you in March of last year regarding the "Lewis Road Planned Residential Development" we urged "the Commissioner to review this proposal and insure that the stated policy of New York State to protect the Pine Barrens is not violated". I wanted today to acknowledge that your staff response both to our request and the underlying review requirements of the Pine Barrens Protection Act is objective and thorough. It is, however, your vote on this matter that will establish permanent policy and precedent for the Pine Barrens – Peconic Region and my purpose in being here today is to ask you to act in accord with the lawful stated purpose of the Pine Barrens Protection Act by voting "no".

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

Your decision, however, should not be made solely on these numerous flaws and omissions in the SEQRA Process or in local planning norms. The Pine Barrens is not a normal or ordinary area and your rejection of this overdevelopment proposal should also reflect the importance of maintaining the ecological and water chemistry integrity of the Pine Barrens Region the fate of which New York's Legislature has repeatedly acted upon to protect and preserve because it is a public trust of great importance.

Please remember that the Pine Barrens Preservation Act was in large part passed by the state legislature in 1987 in order to quench the march of overdevelopment across the face of Eastern Long Island's last uncompromised segments of the Ronkonkoma Moraine and Hempstead Outwash Plain: our region's last large pure drinking water source area. This proposed project is exactly the kind of excess that some thirty-three years ago my legislative colleagues and I expressly purposed what was then new law that such ordinary suburban sprawl would be ended here and never again occur in the future and I wanted to be here today to express and underscore that original legislative intent.

One of the NorthStar references guiding the Legislature when the Pine Barrens Act was approved was a landmark regional groundwater study carried out by the Long Island Regional Planning Board and funded under section 208 of the Federal Clean Drinking Water Act. Known

as the Long Island Comprehensive Waste Treatment Management Plan (Koppelman, 1978) this study of subsurface groundwater data identified as “Hydrogeological Region III” the area that we in the legislature recognized at the surface as the Pine Barrens. For the Zone III area of the 208 study the recommendation included strict limitations on allowing any new major pollution sources such as any new golf courses. In the more than one-third of a century since the Pine Barrens Protection Act was signed into law this guiding premise has not been violated and to the best of my knowledge no new golf courses have been approved within the Pine Barrens watershed.

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

C-6
Sec. 3.3

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

C-7
Sec. 3.5

Why, then, should we on Long Island allow a massive subdivision and pollution-generating golf course atop our largest designated watershed? Within this context please note that the residence time of pollution from any golf course and associated large scale human living activities development that might enter into a surface water reservoir such as those that New York City depends upon would be measured in, at most, just a few years whereas the residence time of the same kind of contamination in any part of our Pine Barrens groundwater watershed would be much, much longer; pollution from the proposed golf course and its



excessive residential development would likely exceed any human lifespan. From a policy perspective, then, the proposal before you would, in practical terms, permanently compromise a large groundwater flow segment of the Pine Barrens and set an adverse precedent for all of the other portions of the Pine Barrens. If you were to say “yes” to this proposal how could you stand behind the lawful purposes and function of the Pine Barrens Preservation Act in the future for any other such proposal which, like this one, straddles the compatible growth area and the core? In short, a new golf course is not compatible with any part of either the 208 study’s Federally funded “Hydrogeological Zone III” or New York States’ designated Pine Barrens Region and should not be approved.

Ideally the large acreage of the subject site should be acquired and Assemblyman Thiele’s successful efforts to create a Community Preservation Fund has provided a mechanism for providing a substantial portion of such necessary funds and is a tool that should be used to protect this part of the Pine Barrens. Governor Andrew Cuomo’s current proposal for a \$3 Billion Environmental Bond Act which may be approved by referendum later this year is another potential source of public funding for such possible acquisition. Similarly, funds are also available from the New York State Water Infrastructure Investment Act (WEEA) which currently is funded at \$3.5 billion dollars with at least \$500 million more to be added in our current state budget deliberations. What I am communicating to you is that saying “no” does not compromise this commission because of inadequate funding sources to back up your decision against the specious but still likely accusation that would likely follow from the developer that a “taking” has occurred. Just the shortcomings of SEQRA of this application is enough to require a “no” vote but the bigger picture is that the Pine Barrens is recognized in State Law as deserving special protection and particular shelter from ordinary development because it is both an ecological and cultural treasure and an especially vulnerable and fragile drinking water source area that is necessary to the ultimate protection of public health.

I am disappointed that the Southampton Town Planning Board has acted at variance to SEQRA and in many other ways to allow this unwise proposal to advance. However, when the Legislature created this Pine Barrens Commission it was our intent that this entity act as a

C-8
Sec. 3.1

firewall against parochialism and as a fail-safe mechanism for objective rational, science-based decision making in the Pine Barrens.

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

Thank you for your consideration of this request.





Robert S. DeLuca
PRESIDENT

BOARD OF DIRECTORS

Katherine Leahy Birch
CHAIRMAN

William Ryall
VICE CHAIR

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W. Marco Birch

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Nestor Gounaris

Sandra R. Meyer

John F. Shea

Kimberly Smith Spacek

Mary Walker

Donna Winston

February 17, 2020

Carrie Meek Gallagher, Chairwomen
Central Pine Barrens Joint Planning and Policy Commission
624 Old Riverhead Road
Westhampton Beach, New York 11978

**RE: Compatible Growth Area Application:
Lewis Road Planned Residential Development Subdivision (PRD)
Town of Southampton, Hamlet of East Quogue
STATEMENT OF OPPOSITION**

Dear Ms. Gallagher,

I write on behalf of Group for the East End (the Group) in opposition to the of the above-referenced application.

Summary Statement:

If approved, the Lewis Road PRD would authorize two substantial primary uses (an expansive 130-unit full-service resort/residential complex and an 18-hole golf club/course) on a site consisting largely of intact pine barrens forest, which is currently zoned only for low-density residential use (1 unit/5 acres).

C-9
Sec. 3.6

At nearly 600 acres, this proposal is the largest single development application considered in the Southampton Town Pine Barrens in decades and we have significant concerns about the precedent it may set.

C-10
Sec. 3.7

As designed, the project will unnecessarily fragment contiguous pine barrens forest, require significant consumptive use of water resources, and fail to adequately mitigate nutrient loading from site operations and grounds management.

P.O. Box 1792
Southold, NY 11971

P.O. Box 569
Bridgehampton, NY 11932

631.765.6450
GroupfortheEastEnd.org

Protecting the nature of the place you love¹

Nutrient loading impacts from this proposal are a particularly important to this review, not only due to the project's location within the Central Pine Barrens, but because the project site also falls within the watershed of Weesuck Creek, which the New York State Department of Environmental Conservation (NYSDEC) has classified as an impaired waterbody.

C-11
Sec. 3.2

Weesuck Creek also serves as a tributary to the Shinnecock Bay, which according to the NYSDEC, is significantly impaired due to nutrient contamination.

In addition to the specific environmental concerns related to this project, we believe that the environmental review afforded the Lewis Road PRD pursuant to the State Environmental Quality Review Act (SEQRA) has been significantly mishandled by the Southampton Town Planning Board, and we look to the Commission to help assure proper compliance for this proposal.

C-12
Sec. 3.1

To date, the public record indicates that the Southampton Town Planning Board issued a preliminary subdivision approval for an action that (despite its Type I classification) was never subjected to a coordinated review, never had a lead agency determination, never had a determination of significance, nor ever benefited from the full consideration of environmental mitigation measures, or from the detailed consideration of design alternatives.

Additionally, the Commission should be aware that the planning board's review of the Lewis Road PRD proposal largely failed to incorporate many elements of an extensive nitrogen mitigation package deemed necessary by the Town of Southampton's science advisor (Dr. Christopher Gobler of Stony Brook University) for a very similar resort/golf club proposal (The Hills at Southampton Planned Development District -PDD), which was to be located on the subject property. Even with this additional mitigation, the Southampton Town Board denied The Hills PDD application in 2017.



Unfortunately, the Southampton Town Planning Board has failed to fulfill both the procedural and substantive requirements of SEQRA. Given the regional significance of this project however, we must look to the Commission to remedy these problems and assure an environmental review and outcome that is in the best interest of the Pine Barrens and all the resources it provides for Long Island.

Further details of our comments and concerns are provided below:

Groundwater Protection:

If approved, the Lewis Road PRD resort/golf club development would provide for a significant intensification of allowable use within a low-density residential zone that is also recognized as a New York State-designated Special Groundwater Protection Area, a Suffolk County-designated Critical Environmental Area, a Critical Resource Area pursuant to the Central Pine Barrens Comprehensive Land Use Plan (CLUP), and a Southampton Town-designated Aquifer Protection Overlay District (APOD).

The APOD, and its attendant low-impact zoning, was established based on scientific research (Porter & Hughes 1983) and designed to protect water quality as well as the unique ecosystem within the Southampton Town Pine Barrens.

The goals of the APOD align closely with the Commission's responsibility to properly manage land use within the Central Pine Barrens and protect the region's groundwater, surface water and vast natural and cultural resources for the public's benefit.

The Commission should be aware that there is no comparable example of a large undeveloped parcel of pine barrens within the low-density residential zoning of the APOD that has ever been granted permission to operate an expansive mixed-use resort development complex under the rules governing PRD subdivisions in the Town of Southampton. Should this project be approved, other similar applications are sure to follow.

C-13
Sec. 3.8

In fact, PRD subdivisions are only allowed under the Town of Southampton's "Open Space Law", which is primarily intended to "cluster" development proposals in an effort to maximize protection of natural and cultural resources. The law was never intended to confine development areas so as to permit a second primary use of the property that largely negates the value of clustered development in the first place.

Environmental Review:

We believe the environmental review process undertaken by the Southampton Town Planning Board for the Lewis Road PRD proposal is seriously flawed because the Southampton Town Planning Board never coordinated review of the Lewis Road proposal as required by SEQRA, nor did it ever establish a lead agency, or adopt a determination of significance.

C-14
Sec. 3.1

Instead of immediately classifying the proposal as a Type I Action pursuant to SEQRA [see **6NYCRR 617.4 (B)(6)(i)**, **6NYCRR 617.4 (B)(10)** and **Southampton Town Code § 157.11(3)**], and initiating a coordinated review of the Lewis Road PRD application when it was received, the planning board relied upon a prior SEQRA review that was conducted several years ago for a change of zone application on the same 600-acre property known as The Hills at Southampton, PDD. After review, The Hills proposal failed to gain Town Board approval and no longer exists as an open or active application.

Notably, The Hills PDD was denied by the Town in 2017 based largely on unresolved environmental concerns and other uncertainties raised by Town Board members at the time.

Regarding the Lewis Road PRD, the fundamental mistake made by the planning board was its failure to recognize that the Southampton Town Board simply could not be the lead agency for the Lewis Road PRD application. The Lewis Road PRD is a completely new application and the Town Board no longer has any approval authority over the subject or any PRD subdivision proposal. As a result, the planning board had an obligation to reestablish Lead Agency for the current project, and then conduct a thorough SEQRA review, but it failed to do so.

Impact Mitigation:

It is important for the Commission to recognize that despite a similar project "footprint", the Lewis Road PRD is also different in many ways especially with respect to water quality impact mitigation.

C-15
Sec. 3.9

The Lewis Road PRD has a different unit density, a different building configuration, and is being reviewed under a different set of local regulatory requirements, but most importantly, it lacks the full benefit of an extensive nitrogen impact mitigation package that the Town Board's science consultant (Dr. Christopher Gobler) argued was necessary to limit potential harm from the proposal's anticipated nutrient loading to the surrounding environment. Dr. Gobler's 2017 report to Southampton Town is attached as **Exhibit A** (see pp.6-11).

Among the nutrient mitigation measures supported by Dr. Gobler were:

- A 33-acre land purchase within the Weesuck Creek watershed,
- The dedication of a drinking water well site,
- The purchase and abandonment of 30 Pine Barrens Credits,
- The creation of a million-dollar septic replacement fund,
- A waste treatment plant for the East Quogue School,
- A waste treatment plant for the project, and
- A fertilizer limitation and groundwater monitoring program.

With respect to the current Lewis Road PRD application, a substantial number of nitrogen reducing recommendations endorsed by Dr. Gobler, and outlined in the prior PDD application's Final Environmental Impact Statement, have been removed without explanation, despite Dr. Gobler's clear conclusion that all such measures would be needed to offset the anticipated nitrogen impacts of the previously proposed PDD.

Notably, the nitrogen impacts associated with the current PRD application can be expected to be very similar to the prior Hills PDD proposal as the overall resort/golf course usage, amenities and building envelope remain largely the same as the prior application.



This is a major substantive shortcoming of the planning board's environmental review process and it reflects the general lack of required due diligence that characterized the entire SEQRA review for the Lewis Road PRD as handled by the Southampton Town Planning Board.

Conclusions and Recommendations:

Given that SEQRA demands strict procedural and substantive compliance, the Commission will need to carefully determine how best to manage its forthcoming environmental review obligations for the Lewis Road PRD.

In the absence of a coordinated review, or a viable Lead Agency, the Commission may need to conduct its own coordinated review, assume lead agency status, and thereafter render its own determination of significance for the Lewis Road PRD proposal.

C-16
Sec. 3.1

We leave it to the Commission to determine how best to handle this matter, but the courts have made it clear that SEQRA's procedures must be strictly complied with. A recent New York Law Journal article on the importance of strict compliance with SEQRA is attached as **Exhibit B**.

The Commission may also find that the Lewis Road PRD is simply too inconsistent with the approval standards of the Central Pine Barrens CLUP to move forward and deny the project in its current form. If the project is denied, then it might not require any further SEQRA action by Commission.

C-17
Sec. 3.3

We have long felt that the best outcome for this parcel would be a purchase for public preservation. However, we remain committed to providing professional planning and design input (including the development and submission of specific professionally designed alternatives) that would reflect the project-sponsor's development objectives, while still providing for the highest level of conservation design.

C-18
Sec.
3.10

We greatly appreciate the opportunity to comment on this proposal and remain available to provide additional information or answer any questions you may have.

Sincerely,



Robert S. DeLuca
President

cc: Central Suffolk Pine Barrens Commission

Attachments (Exhibits A & B)

Standing:

Group for the East End was founded in 1972 and is a professionally staffed environmental protection organization representing the conservation and community planning interests of several thousand member-households, individuals and businesses from across the five towns of eastern Long Island. Group for the East End is also a statutorily appointed member of the Central Pine Barrens Advisory Committee established under the Long Island Pine Barrens Protection Act of 1993.

For nearly five decades, the Group has been extensively involved in the professional review of complex development applications proposed throughout eastern Long Island, and has extensive working knowledge of local, regional, and state procedures governing the review of development applications in our region including SEQRA.

We are fully familiar with the above-referenced application and have been involved as a reviewer and commenter on the subject PRD proposal and the applicant's similar preceding application known as The Hills at Southampton PDD for nearly seven years.

Credentials of the Author:

Bob DeLuca has served as the President and CEO of Group for the East End since 1992. DeLuca holds a B.S. in Environmental Science from Fordham University and an M.S. in Environmental Science from the State University's College of Environmental Forestry at Syracuse. DeLuca also served as a Biologist and Sr. Environmental Analyst with the Suffolk County Office of Ecology for nearly a decade. In these positions, DeLuca conducted field research, prepared detailed environmental assessments and prepared extensive testimony regarding hundreds of development applications that were annually coordinated with Suffolk County through the New York State Environmental Quality Review Act (SEQRA). DeLuca has also taught state and local environmental policy, planning, zoning and SEQRA as an adjunct professor at Long Island University for more than 15 years.



Robert S. DeLuca
PRESIDENT

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EXHIBIT A

Report of

Dr. Christopher J. Gobler PhD

October 2017

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Southold, NY 11971

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631.765.6450
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Protecting the nature of the place you love



**UPDATED ANALYSIS OF NITROGEN LOADING RATES FROM THE HILLS
PDD BASED ON THE FINAL ENVIRONMENTAL IMPACT STATEMENT**



CHRISTOPHER J. GOBLER, PHD

OCTOBER, 2017



Stony Brook University
School of Marine and
Atmospheric Sciences

Executive Summary:

The Hills is a Planned Development District (PDD) proposed by Discovery Land Corporation (DLC) to be built in East Quogue. The Hills property is currently comprised of 591 acres of Pine Barrens, open space, and farmland and has been proposed by DLC via the PDD to be made into a seasonal resort with a golf course. The Hills property lies within the watershed of western Shinnecock Bay which has experienced significant losses of seagrass and bivalves in recent years due to increasing nitrogen loads, harmful algal blooms, and low oxygen events. Increases in nitrogen loading to this region is expected to worsen these conditions. For this evaluation, a dynamic nitrogen loading model was constructed using information generated by the NYS Department of Environmental Conservation's Long Island Nitrogen Action Plan (LINAP) as well as standard practices used to determine nitrogen loading rates across Long Island this decade. Using this model, the nitrogen loading rates currently delivered to this property and expected from multiple development scenarios were quantified using information provided by the PDD Final Environmental Impact Statement (FEIS) for The Hills, specific guidance from the Town of Southampton, information from LINAP, and the most up-to-date science available. The series of nitrogen mitigation measures proposed in the FEIS, that did not appear in the DEIS, considered in this report for the Town of Southampton included the preservation (or development) of 33 acres at the headwaters of Weesuck Creek within East Quogue, the purchase of 30 Pine Barrens credits and the associated potential increase housing density, community septic system upgrades, the installation of a sewage treatment plant (STP) to treat wastewater on the PDD property, the installation of a STP for East Quogue Elementary School with both STPs treating wastewater to 10 mg/L, and a conservative estimate of the impacts of fertigation on the site. Calculations demonstrated that the Hills PDD as described within the FEIS yielded a lower nitrogen loading rate compared to a higher and lower impact, as of right development on the property. After accounting for updates within the FEIS, as of right development is estimated to yield 2,500 to 5,100 lbs of nitrogen per year, depending on the level of occupancy, fertilization rates, and the extent of clearing, and the size of lawns on properties. The lower bound of this estimate primarily uses many of the details of the PDD without a golf course as well as the low impact development as proposed by The Group for the East End. The PDD nitrogen load was found to be ~2,000 lbs of nitrogen per year or more than 20% lower than the lowest As of Right scenario. Each scenario provides a greater nitrogen loading rate than the current, undeveloped property (1,200 lbs per year). All of these calculations are, of course, theoretical and the extent to which the actual nitrogen yields on the Hills property match these calculations will be partly a function of the extent to which the characteristics of development matches the details and practices outlined in the PDD. As such, careful monitoring of any potential development, the

watershed, groundwater, surface waters, and surrounding ecosystems will be required to assure optimal environmental outcomes.

Preface:

Christopher J. Gobler is a professor within the School of Marine and Atmospheric Sciences (SoMAS) at Stony Brook University. He received his M.S. and Ph.D. from Stony Brook University in the 1990s. He began his academic career at Long Island University (LIU) in 1999. In 2005, he joined Stony Brook University as the Director of Academic Programs for SoMAS on the Stony Brook – Southampton campus. In 2014, he was appointed as the Associate Dean of Research at SoMAS and in 2015, he was named co-Director of the New York State Center for Clean Water Technology. In 2016, he was given the Environmental Champion Award by the US Environmental Protection Agency for his research efforts and was named the 40th most influential person on Long Island by the Long Island Press. In 2017, he was awarded the Endowed Chair in Coastal Ecology and Conservation within SoMAS. The major research focus within his group is investigating how anthropogenic activities such as climate change, eutrophication, and the over-harvesting of fisheries alters the ecological functioning of coastal ecosystems. He has been researching these topics on Long Island for 25 years and has published more than 150 peer-reviewed manuscripts in international journals on these subjects. He has been calculating nitrogen loads to water bodies across Long Island for more than 20 years.

Background on regional groundwater and surface waters:

Current conditions

'The Hills in Southampton' is comprised of nearly 500 acres of undisturbed Pine Barrens in the town of East Quogue. Beyond the intrinsic value of open space and the ecosystem services and benefits of the Long Island Pine Barrens, this property has numerous benefits to water quality in the region. The natural vegetation on this property acts as a natural filter for nitrogen and other contaminants deposited from the atmosphere. This is clear from the levels of nitrogen and general contaminant currently present in the Suffolk County Water Authority's groundwater wells on Malloy Drive which show exceedingly low levels of nitrogen (< 0.5 mg per liter) and undetectable levels of pesticides and other organic compounds¹. In contrast, other groundwater in the region has been contaminated by various land use processes. For example, the upper glacial aquifer in regions away from the Hills such as the SCWA Spinney Road well field is already contaminated with high levels of nitrate and perchlorate to the point Suffolk County Water Authority has stopped using these wells to deliver drinking water.¹. Unfortunately, more than 100 families in East Quogue with private wells rely on upper glacial aquifer for drinking water.¹

The proposed development in The Hills is located 1,500 feet from Weesuck Creek and western Shinnecock Bay and groundwater travels times from land to bay in this region are less than five years² meaning that land use changes on the Hills such as adding homes or a golf course will quickly impact the nearby coastal ecosystems. This being the case, it is important to clearly understand and document the current and recent conditions of these ecosystems. During Hurricane Sandy, the waters of Shinnecock Bay crossed Montauk Highway in East Quogue, flooded the three major communities on the East Quogue peninsula (Shinnecock Shores, Pinesfield, Pine Neck Landing) and approached Main Street³. East Quogue has been fortunate to still have lush stands of salt marsh along the east and west sides of Weesuck Creek. During Sandy, those salt marshes protected East Quogue from a significantly worse flooding scenario than it would have experienced without these marshes⁴.

In 2010, NYSDEC declared Shinnecock Bay an impaired waterbody due to excessive wastewater nitrogen loads⁵; total nitrogen levels in the Bay exceed guidance levels set by USEPA⁶. Impairments brought about by high nitrogen loading to western Shinnecock Bay include: Annual toxic brown tides⁶, dissolved oxygen levels in summer dangerously low for marine life^{6,7}, the near complete loss of seagrass beds⁸, a critical habitat for fisheries⁸, and low densities of hard clams and conditions under which baby shellfish cannot survive⁹. Brown tides in Shinnecock Bay continue to worsen. The brown tide in 2016 was the most intense on record

and excessive nitrogen loading will make such events worse in the future. Brown tides have a cascading effect on the marine ecosystem, killing off remaining seagrass and shellfish, which in turn makes the ecosystem more vulnerable to additional brown tides⁶. Western Shinnecock Bay is one of five places in NYS that experiences paralytic shellfish poisoning (PSP) caused by saxitoxin and was closed by NYSDEC to due to this toxin in 2011, 2012, and 2015.¹⁰ In fact, every year the epicenter of PSP during these events has been in Weesuck Creek in East Quogue. And the PSP event in 2015 was three-fold more toxic than any measurement made to date¹⁰ suggesting that conditions are worsening.

Future threats

Any additional nitrogen loading from land in East Quogue will worsen existing conditions in the bay. Enhanced nitrogen loading will push already high nitrate levels in public and private water supply wells for East Quogue closer to the USEPA federal limit for drinking water¹. In conducting a state-wide assessment of coastal flooding, NYSDEC released a report in April 2014 that concluded that salt marsh habitats provide critical flood protection to New York coastal communities and that increases in land-to-sea delivery of nitrogen degrades, erodes, and eventually destroys salt marshes⁴. Given the progression of sea level rise, there could be an intensification of flooding risk in East Quogue coastal communities associated with storms, hurricanes, and/or extreme tides with more nitrogen loading. Furthermore, the numerous impairments in Shinnecock Bay including toxic brown tides, low oxygen levels, the loss of eelgrass, and the loss of shellfish will all worsen in Shinnecock Bay with additional nitrogen loads^{8,13,14}. Increasing nitrogen loading has been shown to increase the intensity and toxicity of PSP on Long Island.¹⁵ More nitrogen loading in East Quogue could intensify PSP in and around Weesuck Creek leading to larger and/or longer shellfish bed closures. This also creates the risk that citizens of Southampton could become seriously sickened or worse from eating contaminated shellfish. Due to diffusive groundwater flow and tidal exchange, the impacts of enhanced nitrogen loads on surface water will be experienced in regions to the east and west including Hampton Bays, Quogue, and Westhampton Beach. Finally, all of these worsened conditions have serious economic repercussions on tourism, fisheries, restaurants, and even home values¹⁶.

References

1: Suffolk County Water Authority, Spinney Road Well Head tests, 2010-2104; 2: Suffolk County Comprehensive Water Resources Management Plan. 2010. Draft report; 3: USGS Hurricane Sandy Storm Tide mapper. 4: NYSDEC 2014. Nitrogen Pollution and Adverse Impacts on Resilient Tidal Marshlands Technical Briefing Summary. 5: NYSDEC 2010. 303-d List. 6: Suffolk County Department of Health Services 1976-2013. Annual reports of surface water quality. 7: News 12 Water Quality Index Reports, 2014. 8: New York State Department of Environmental Conservation 2009. Seagrass Task Force Final Report. 9: Shinnecock Bay Restoration Project Final report 2013. Stony Brook University. 10: NYSDEC 2011 – 2014. Marine Division annual monitoring of PSP on Long Island. 12: Bowen, J. L., et al. 2007. NLOAD: an interactive, web-based modeling tool for nitrogen management in estuaries. Ecological Applications, 17(sp5), S17-S30. 13: Valiela, I. 2006. Global Coastal Change,

Blackwell Publishing. **14:** Gobler CJ, Sunda WG. 2012. Ecosystem disruptive algal blooms of the brown tide species, *Aureococcus anophagefferens* and *Aureocoumbra lagunensis*. *Harmful Algae*. 14: 36–45; **15:** Hattenrath TK, Anderson DA, Gobler CJ. 2010. The influence of nutrients and climate on the dynamics and toxicity of *Alexandrium fundyense* blooms in a New York (USA) estuary. *Harmful Algae* 9: 402–412. **16:** Johnston RJ et al. 2002. Valuing Estuarine Resource Services Using Economic and Ecological Models: The Peconic Estuary System Study. *Coastal Management*, 30:47–65.

Scope of this analysis

This document has been prepared to solely consider the potential impacts of the Hills PDD on groundwater and surface water in the region. Within this realm, the overwhelming majority of this document considers the loading rates of nitrogen that will be a consequence of differing potential land uses of the property given the sensitivity of surface water and habitats to nitrogen loading rates. The author has created a dynamic nitrogen loading model that uses the loading rate constants and assumptions that have been developed as part of the NYSDEC's Long Island Nitrogen Action Plan (LINAP). This plan has been collaboratively developed by CDM Smith, NYSDEC, Suffolk County, Cornell University, USGS, US EPA, and Stony Brook University and represents a scientific consensus among these teams and contains the most up-to-date and best science available on the subject of nitrogen loading within coastal watersheds. The tables and constants used in calculations appear in Table 1. This document comments on the actual contents of the FEIS only. The author acknowledges there are many other very important aspects of the project beyond nitrogen loading that are not considered here.

Current use of properties

Presently, the 591 acres of land that comprise the Hills PDD include open space, Pine Barrens forest, and farmland. My analyses indicate the nitrogen loading rate is 1,200 lbs per year if the farm fields within the property are actively being fertilizer (Gobler, March 2017). If they are not actively being fertilizer, the loading drops to ~660 lbs per year (Gobler, March 2017). Local observations have indicated that the singular farm field on the Parlato property is not used every year and thus not always fertilized. Similarly, it is not clear if the Kracke property under consideration is actively managed and fertilized. Further, the area contains shrubs and ornamentals which are typically fertilizer at a lower rate than row crops and thus at a lower rate than used in the DEIS. Differences between my calculated nitrogen loads and those of the DEIS also arise from the use of a leaching rates for nitrogen different than those that have been accepted by LINAP and a fertilization rate higher than has been accepted by LINAP.

Changes from the DEIS to the FEIS

The FEIS differed from the DEIS with regard to nitrogen impacts of the PDD in five material ways:

- 1) The FEIS now includes preserving an additional 33 acres of land located at the headwaters of Weesuck Creek. The zoning associated with the parcel is R-40 which would result in an as-of-right yield of 30 homes.
- 2) The purchase and abandonment of 30 Pine Barrens Credits consistent with the objectives of Central Pines Barrens Program, which eliminates potential nitrogen load associated with 30 single family homes that could be otherwise constructed with these credits.
- 3) An On-Site Wastewater Treatment System that would remove nitrogen at a level at or below 10mg/L compared to allowable County standard of 19mg/L.
- 4) The construction of a Sewage Treatment Plant for the local school in addition that would remove nitrogen at a level at or below 10mg/L
- 5) A fertilizer cap of 2 pounds per year per 1000 square feet for the entire property cleared property.
- 6) A \$1M fund to support community-wide septic upgrades. This final approach had been mentioned in the DEIS but was not part of the analysis provided by the author to the Town of Southampton. For completeness, this is now included here.

Changes to nitrogen loading due to additional nitrogen reducing measures in the FEIS

The analysis of the DEIS indicated the nitrogen loading rates of the PDD would be 4,128 lbs per year (Gobler, March 2017). For consideration of the 'As of Right' development, two scenarios were previously considered: One that included nearly all of the default assumptions made by the DLC consultants and a second considering considered a 'reduced impact' alternative, using some information proposed by the PDD as well as many of these assumptions and conditions within the 'reduced impact' alternative proposed by The Group for the East End for the property. The As of Right development using the DLC default assumptions would yield 3,454 lbs of nitrogen per year a level similar to the level determined by the DLC consultants in the DEIS (3,288 lbs). The reduced impact alternative provides a nitrogen loading rate (~1,700 lbs nitrogen per year) that is roughly half of the As of Right conditions but highly similar to the PDD without the golf course.

Preserving 33 acres of land located at the headwaters of Weesuck Creek

Following the guidance of Southampton Town, the zoning associated with the parcel is R-40 and would result in an as-of-right yield of 30 homes. The nitrogen loading model was used to include a development on this parcel with 30 homes and the associated changes in nitrogen loading to that land that would emanate from wastewater, fertilizer use, and land clearing. The model was run using parameters that were consistent with a higher and lower impact development as outlined within the analyses provided for the DEIS. As pristine, undeveloped forest, this land presently yields < 40 pounds of nitrogen per year. It is assumed any

development would include advanced septic systems to treat wastewater to 19 milligrams of nitrogen per liter. If developed with the maximal allowable amount of clearing, above average acreage of lawns, and a mostly year-round residency, such a development would yield 823 pounds of nitrogen per year. If developed more realistically, with a normal amount of clearing (based on Town averages), normal acreage of lawns (based on Town averages), and a realistic mix of seasonal and year-round residency (based on U.S. census data), such a development would yield 384 pounds of nitrogen per year. These totals must be added to the expected 'As of Right' scenarios as they are not part of the Hill PDD plan. This would bring the total nitrogen yield from the maximal As of Right scenario to 4,278 pounds of nitrogen per year and the yield from the more conservative / realistic development scenario to 2,122 pounds of nitrogen per year.

The purchase and abandonment of 30 Pine Barrens Credits

It has been proposed that DLC will purchase 30 Pine Barrens Credits within the Central Pines Barrens Program, which would eliminate potential nitrogen load associated with 30 single family homes that could be otherwise constructed with these credits. This is a challenging scenario to evaluate given the precise location of the additional homes that could be developed is not fully known. In one scenario, these homes were hypothetically sites on the Hills site as an additional 30 units build in a manner similar to the other units as proposed in the DEIS and FEIS. In this case, if developed to with the maximal allowable amount of clearing, above average acreage of lawns, and a mostly year-round residency using scenarios suggested by DLC consultants within the DEIS, the 30 additional units would yield 852 pounds of nitrogen per year. If developed with lesser impact including a lower amount of clearing, smaller acreage of lawns, and a realistic mix of seasonal and year-round residency, such a development would yield 362 pounds of nitrogen per year. These yields are similar to the hypothetical 33 acres scenarios run above, indicating that if these credits were placed elsewhere, the yields would likely be somewhat similar if the lot sizes were similarly small. More homes or larger lot sizes would yield more nitrogen. Regardless, using the scenarios described here would bring the total nitrogen yield from the maximal As of Right scenario to 5,130 pounds of nitrogen per year and the yield from the more conservative / realistic development scenario to 2,484 pounds of nitrogen per year. It is noted that if the PDD is not approved by the Town of Southampton and if the DLC desired to land the PBC on the Hills property (i.e. the scenario used here), this action would need to be approved by the Town Board and would not be an As of Right alternative without such approval.

An On-Site Wastewater Treatment System for Hills PDD

The FEIS states that the Hills development will be outfitted with a Baswood sewage treatment facility that would remove nitrogen at a level at or below 10 milligrams of nitrogen per liter, lower than the allowable County standard of 19 milligrams of nitrogen per liter. It was estimated in the DEIS that the Hills development would produce 562 pounds of wastewater nitrogen per year using technology that treated to 19 milligrams of nitrogen per liter. Treatment to 10 milligrams of nitrogen per liter would remove an additional 330 pounds of nitrogen per year from the development.

The construction of a Sewage Treatment Plant East Quogue Elementary School

East Quogue elementary school is comprised of ~400 students, ages 5 – 12, and ~100 adults including faculty and staff. The school year is 180 days of the year and the building is fully occupied by people for approximately six hours per day. Faculty and staff work longer days and some staff are present all year. There are daily activities in the afternoons and evenings as well as special events such as sports, concerts, cub scouts, community meetings, plays, graduation, etc. It is estimated that the collective activities of the school releases 400 pounds of nitrogen from wastewater per year with standard septic tanks and leaching rings to the aquifer. The construction of a sewage treatment facility that treated wastewater to 10 mg N per liter would reduce the wastewater-based nitrogen output from the school to 65 pounds per year, removing 335 pounds of nitrogen per year. It is noted that sewage treatment plant operation can be expensive and that it is not clear who would be responsible for the operation and maintenance of this system.

A fertilizer cap of 2 pounds per year per 1000 square feet

This change effects the nitrogen load of the PDD in two ways. Firstly, it eliminates the possibility of additional nitrogen fertilizer being added to the proposed golf course beyond 2 pounds per year per 1000 square feet in the event that the proposed fertigation approach does not yield the expected level of nitrogen needed, a possibility acknowledged within the DEIS. This removes 500 lbs of nitrogen per year that had been added in the prior analyses given that the ability of fertigation to deliver a set level of nitrogen seems uncertain. This change also reduces the total amount of fertilizer added to the property by 257 lbs given a higher rate that had been planned for the golf course in the DEIS.

A \$1M fund to support community-wide septic upgrades

Presently, there is great interest in reducing nitrogen loading from wastewater across Suffolk County and the recent renewal and update of the Community Preservation Funds within the Town of Southampton to include funds for upgrading septic systems will provide funds to convert standard septic systems to new, innovative and alternative systems that remove greater

amounts of nitrogen, specifically to levels below 19 milligrams per liter as per the recently approved Article 19 of the Suffolk County health code. The Hills PDD proposed to spend \$1M on upgrading septic systems within the East Quogue watershed. While off-the-shelf septic systems that remove large amounts of nitrogen approved by Suffolk County can cost \$20,000 installed (e.g. South Fork Septic Services, East Hampton, NY) additional costs may include landscaping, marking out utilities, pump out and abandonment of older systems, and electrical updates / installations. Hence, a cost of \$25,000 per septic upgrade was used for the purposes of this analyses, which would result in 40 homes in East Quogue being upgraded as a result of the PDD. Given the known rates of seasonal occupancy for East Quogue as reported by Suffolk County's Department of Planning, 40 East Quogue homes with standard septic systems produce ~562 pounds of nitrogen annually, but would release 178 pounds of nitrogen annually with a system reducing down to 19 milligrams of nitrogen per liter, resulting in 384 pounds of nitrogen removed annually. It is notable that the upgrading of septic systems is presently voluntary and the extent to which associated nitrogen reductions are achieved will be a function of how many homeowners in the East Quogue watershed take advantage of this program. Even if this program along, with any programs developed by Suffolk County and/or the Town of Southampton, cover the full cost of installation, installing such systems require annual maintenance and inspection fees. How this may impact program participation is unknown.

Fertigation:

Fertigation is a novel and innovative approach for groundwater remediation and holds promise to be one of many potential mitigation strategies used on Long Island to reduce the loading of nitrogen from land to sea. This concept employs turf-remediation by allowing vegetation to absorb nitrogen from groundwater. This "pump-and-fertilize" concept proposed is a primary mitigating measure for the PDD. Since this report was completed, the Town's consultant, AKRF, in developing the SEQRA findings statement attributed substantial nitrogen reduction to this methodology. The applicant indicated that some 1,800 pounds of nitrogen per year will be removed from the ground water due to the pumping of 20 million gallons of groundwater for irrigation per year and groundwater testing in the western portion of the subject property revealed nitrogen levels averaging 14 mg N per liter.

The largest uncertainty with regard to the success of the fertigation approach stems from the groundwater nitrogen concentrations which vary strongly both horizontally and vertically in the region where the groundwater is to be pumped, being as high as 28 mg per liter and as low as 1 mg per liter. Suffolk County Water Authority wells on Spinney Road have consistently produced high levels of nitrogen (7 – 14 mg per L) for many years, but there are currently no concrete plans to use this water source for fertigation.

Since my original report was written, fertigation has been implemented on the Indian Island golf course in Riverhead and I have become aware of its use in other locations including a golf course in Massachusetts. While the precise level of nitrogen in groundwater that will be used for fertigation remains an unknown, it seems highly likely that any nitrogen in solution that is applied to a turf will be absorbed at a significant rate. Being conservative and consistent with the on-going NYSDEC-led LINAP study as well as my prior evaluations, a 20% leaching rate of nitrogen by turf could be considered. Regarding actual concentrations of nitrogen in groundwater, 2 mg N per liter is substantially lower than the levels considered by the Hills consultants (14 mg per L) but is within the range of what is present near the proposed well to be used for fertigation. If an application rate of 20 million gallons per year is used by the golf course as proposed, this would result in the removal of 281 pounds of nitrogen per year (Table 1).

Summary:

Collectively, the additional nitrogen mitigation measured included in the FEIS as interpreted by the Town of Southampton would yield nitrogen loads of 2,500 to 5,100 pounds of nitrogen per year for lower and higher As of Right development scenarios whereas the proposed Hills PDD would yield 2,000 pounds of nitrogen per year. This equates to a lower yield than the lower impact As of Right development but is still more than the current yield of the forest and farmland.

The total calculation of nitrogen impacts and mitigation for this project are complicated by the challenge of attempting to quantify several inexact variables under differing regulatory requirements, while simultaneously making judgments about effective implementation, voluntary program participation, long-term enforcement, and site management over time. There are uncertainties in this analysis with regard to where the Pine Barrens Credits to be purchased would 'land'. Further, it is not known how many homeowners will participate in the septic upgrade program within the watershed.

Future considerations:

All of these calculations are, of course, theoretical and the extent to which the actual nitrogen yields on the Hills property match these calculations will be partly a function of the extent to which the characteristics of development matches the details and practices outlined in the PDD. Moreover, as more detailed information of the manner in which the Hills PDD may be developed and operated become available and as actual data is collected, these hypothetical scenarios and calculations could and probably should be refined. If the Hills PDD is approved

and The Hills at Southampton is developed, stringent enforcement along with careful monitoring of the development, watershed, groundwater, surface waters, and surrounding ecosystems will be required to assure optimal environmental outcomes.

Table 1. Nitrogen yields for the Hills property for the DEIS, as well as specific changes made to the FEIS and considered in this report for the Town of Southampton. Values are in pounds of nitrogen per year.

	Existing	Hill PDD	As of right, maximum	As of right, lower	Comment
DEIS	1,210	4,128	3,455	1,738	Reported in March
Fertilizer cap	1,210	3,371	3,455	1,738	2 lbs/1000 sq. ft. cap on applied fertilizer
Hills STP	1,210	3,041	3,455	1,738	STP for the PDD treating to 10 mg/L
School STP	1,210	2,706	3,455	1,738	STP for the school treating to 10 mg/L
Community septic upgrades	1,210	2,322	3,455	1,738	Using new technologies that treat to 19 mg/L
Fertigation, conservative estimate	1,210	2,041	3,455	1,738	Considers 2mg N / L groundwater
33 acres with 30 homes	1,210	2,041	4,278	2,122	Build out of 30 homes on 33 acres
Pine Barrens Credits, 30 homes	1,210	2,041	5,130	2,484	30 additional units via purchase of Pine Barrens credits
FINAL	1,210	2,041	5,130	2,484	Total yields



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EXHIBIT B
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"Strict Compliance With SEQRA"
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ZONING AND LAND USE PLANNING

Strict Compliance With SEQRA: A Mandate Courts Enforce

By
**Anthony S.
Guardino**



Several years after the State Environmental Quality Review Act (SEQRA) was enacted in 1975, Rye's town board granted a permit to a property owner to construct an office building on close to 18 acres of town land. The board acted despite the fact that the town had not prepared an environmental impact statement (EIS) as described in SEQRA. On several occasions when considering the property owner's application, however, the town had carefully examined environmental factors such as traffic volume, parking capacity, drainage, soil, vegetation, noise, and aesthetics.

A number of community members challenged the town board's decision, seeking to have the construction permit set aside. They argued that the town had failed to adhere to the mandates of SEQRA.

The trial court dismissed their petition, concluding that "sub-

stantial, not strict compliance with SEQRA" was required and observing that the town had "closely examined the environmental impact factors" even without an EIS.

The Appellate Division, Second Department, reversed in *Matter of Rye Town/King Civic Association v. Town of Rye*, 82 A.D.2d 474 (2d Dept. 1981), where the court ruled that the town had not discharged its duties under SEQRA because it failed "to adhere to the literal requirements" of the statute, notwithstanding that it carried out extensive environmental review procedures in harmony with the spirit of the law.

According to the Second Department, substantial compliance with the "spirit" of SEQRA did not constitute adherence to its policies "to the fullest extent possible," as provided by SEQRA itself in Environmental Conservation Law (ECL) 8-0103(6). The law, and the accompanying regulations, the court emphasized, required "literal compliance."

That courts have reached the same conclusion many times since

the Second Department's decision in *Town of Rye* may seem surprising, given that the "literal compliance" standard is clear and well accepted. Yet local governments all too often fail to literally abide by SEQRA's requirements, at the risk of having their decisions overturned.

This column explains the essential features of SEQRA, reviews a recent case that illustrates the risks of failing to strictly comply with SEQRA's requirements, and concludes by reiterating the importance of literal compliance with this law.

SEQRA's Rules

As many courts have observed, SEQRA represents an attempt by the New York State Legislature to strike a balance between social and economic goals and concerns about the environment. See, e.g., *Matter of Jackson v. New York State Urban Development Corp.*, 67 N.Y.2d 400 (1986). SEQRA's primary purpose is to inject environmental considerations directly into governmental planning and decision making at the

earliest possible time, so that social, economic, and environmental factors are considered together when reaching decisions on proposed activities that may have a significant effect on the environment. See, e.g., *Matter of Neville v. Koch*, 79 N.Y.2d 416 (1992).

To promote the Legislature's goals and to assist agency officials in their assessment of environmental factors, SEQRA requires that an EIS be prepared for such government-sponsored or government-approved projects or actions. ECL 8-0109(2). Described by the New

The lesson is clear: local governments that fail to strictly comply with SEQRA risk having their decisions overturned, even if they considered environmental and other issues and reached the result that they would have reached if they had complied with SEQRA.

York Court of Appeals as the "heart of SEQRA," *Matter of Jackson, supra*, the EIS is a detailed statement setting forth, among other things, a description of the proposed action and its environmental setting; the environmental impacts of the proposed action, including both long-term and short-term effects; any adverse environmental impacts that cannot be avoided if the action is implemented; alternatives to the proposed action; and mitigation measures proposed to minimize the environmental impact.

SEQRA groups the "actions" subject to review into three distinct

categories: "Type I," "Type II," and "Unlisted." Type I actions are those projects directly undertaken, funded, or approved by a government agency that are considered likely to require the preparation of an EIS. Type II actions are activities that the New York State Department of Environmental Conservation (DEC) has determined will not have a significant impact on the environment or are otherwise precluded from environmental review by the ECL and, therefore, are not subject to SEQRA review. Unlisted actions are all actions not identified as Type I or Type II.

The initial step for a government agency that receives an application for approval or funding, or that proposes to directly undertake an action, is to determine whether the proposed action falls within the scope of SEQRA. The statute and regulations mandate that as early as possible in an agency's formulation of an action it seeks to undertake, or as soon as an agency receives an application for funding or for approval of an action, the agency must determine whether the proposed action qualifies as a Type I, a Type II, or an unlisted action for purposes of SEQRA review.

If a proposed project is classified as a Type II action, the agency has no further responsibilities under SEQRA. If not, the agency must make a preliminary classification of the action as either Type I or Unlisted, and begin the process of environmental review by determining, among other things, whether

an environmental assessment form (EAF) or a draft EIS should be prepared and, if more than one agency is involved, which agency should act as the lead agency.

The lead agency then must determine the environmental significance of the proposed action by comparing the information contained in the EAF or draft EIS with criteria established by the DEC as indicators of significant adverse impacts on the environment. The lead agency may determine either that the proposed action will not have any adverse environmental impacts or that the identified adverse environmental impacts will not be significant, or that the action "may include the potential for at least one significant adverse environmental impact."

A written determination by the lead agency that a proposed action will not have a significant adverse impact on the environment, known as a "negative declaration," ends the SEQRA process. Conversely, if the lead agency determines that the proposed action may have a significant environmental impact, it must issue a "positive declaration" and direct the preparation of an EIS.

A local government's failure to literally comply with SEQRA can happen at any stage of this process, as illustrated by *Pickerell v. Town of Huntington*, 45 Misc.3d 1208(A) (Sup.Ct. Suffolk Co. 2014).

'Pickerell'

The case arose after 7-Eleven, Inc., sought a special use permit and an area variance for a proposed demo-

lition and construction project on commercial property in the Long Island town of Huntington. Before the Huntington zoning board of appeals (ZBA) conducted a public hearing on 7-Eleven's proposal, the company submitted various maps, photographs, site plans, and reports to the ZBA, including a traffic impact study, an engineering report, a planning study, and an

A local government's failure to literally comply with SEQRA can happen at any stage of this process, as illustrated by *'Pickerell v. Town of Huntington'*.

appraisal report on impact on real property values of the convenience store it proposed.

At the opening of the hearing, the chair entered into evidence a "Convenience Store Study" prepared by the town's Department of Planning and Environment.

The ZBA held 7-Eleven's application open for comment, and it retained an engineering firm to review the proposed project. In addition to a report prepared by that firm, the ZBA received numerous supplemental reports, expert affidavits, and other documents from 7-Eleven.

The ZBA classified the project as a Type I action and voted in favor of issuing a negative declaration. After it granted 7-Eleven's application, community members and a local civic association challenged the decision in court. The petitioners maintained that the

ZBA had failed to literally comply with SEQRA's requirements in determining that the proposed project, a Type I action, would not have any significant adverse effects on the environment and by failing to require the preparation of an EIS.

The court agreed with the petitioners, holding that the ZBA failed to meet procedural and substantive obligations under SEQRA when ruling on 7-Eleven's application. In particular, the court ruled that the ZBA violated SEQRA by failing to promptly make its own preliminary classification of the proposed project as a Type I, Type II, or Unlisted action, and by failing to verify the accuracy of the information 7-Eleven provided in Part I of the EAF. The court added that the ZBA also failed to have 7-Eleven, the project sponsor, complete Part I of a full EAF, which is required for Type I actions.

Although the negative declaration stated that the ZBA had conducted a coordinated SEQRA review of the proposed project, the court found "no evidence in the record" that any of the involved or interested agencies were notified that the proposed project had been classified as a Type I action. The court also ruled that the ZBA's decision to classify the project as a Type I action and issue a negative declaration was made "without a deliberative consideration of the various environmental issues."

The court concluded that the ZBA failed to meet the obligations SEQRA imposed on a lead agency, and it annulled the ZBA's decision

granting 7-Eleven the special use permit and area variance it sought.

Conclusion

Other courts also have recently rejected local government land use decisions upon finding that the municipality failed to literally or strictly comply with SEQRA. *See, e.g., Matter of Dawley v. Whitetail 414, LLC*, 130 A.D.3d 1570 (4th Dept. 2015) ("SEQRA's procedural mechanisms mandate strict compliance"); *Matter of Healy v. Town of Hempstead Board of Appeals*, No. 3214/2017 (Sup.Ct. Nassau Co. Aug. 28, 2018) (board's decision was "fatally flawed" as it failed to "strictly follow" SEQRA requirements).

The lesson is clear: local governments that fail to strictly comply with SEQRA risk having their decisions overturned, even if they considered environmental and other issues and reached the result that they would have reached if they had complied with SEQRA. Since the failure to comply with SEQRA can doom a municipality's zoning and land use decisions, both the project sponsor and the reviewing agency should meticulously comply with their respective obligations under SEQRA.



February 20, 2020

**TESTIMONY OF THE LONG ISLAND BUILDERS INSTITUTE BEFORE THE CENTRAL PINE
BARRENS COMMISSION REGARDING THE LEWIS ROAD SUBDIVISION**

Section 57-0103 of the Environmental Conservation Law of the State of New York says, "It is further in the public interest to establish a commission made up of the Governor's appointee, the County Executive of Suffolk County and the Supervisors of the towns of Brookhaven, Riverhead and Southampton to prepare, oversee and participate in the implementation of a comprehensive land use plan for the Central Pine Barrens area to guide development there in a manner suitable to the needs for the preservation of the core preservation area and development in the compatible growth area."

Section 57-0105 declares that "The Legislature further finds that a portion of a system known as the Central Pine Barrens area requires the preparation and implementation of a state supported regional comprehensive land use plan that will provide for the preservation of the core preservation area, protection of the Central Pine Barrens area and for the designation of the compatible growth areas to accommodate appropriate patterns of development and regional growth with recognition of the rights of private land owners and the purpose of preservation of the core area."

The project being discussed today in this public hearing, the Lewis Road Planned Residential Development is in the Compatible Growth area as designated by the New York State Legislature, not in the core preservation area. The Lewis Road property, which is in the Compatible Growth area could have been included within the Core Preservation area when the original Central Pine Barrens map was created in 1993 but it was not included, it was put in the Compatible Growth area. It could have been moved to the Core Preservation area when the Pine Barrens statute was amended in 1995, in 1996, in 1998, in 2001, in 2003, in 2004, in 2005, in 2006, in 2012, 2013, in 2014, in 2016 and in 2019, but it was not moved from the Compatible Growth area to the Core Preservation area, in 13 separate legislative changes the property included for development in the proposed Lewis Road subdivision could have been moved from the Compatible Growth area to the Core Preservation area but in each and every situation the New York State legislature did not do so. I repeat, in 13 separate chapter amendments, while other lands in the region were being added to the Core Preservation area, the lands included for development in the proposed Lewis Road subdivision before this body today was not moved from the Compatible Growth area to the Core Preservation area. It would have been easy to do so at any time over the past 27 years, but it was never done. This clearly shows that the intent of the New York State Legislature that these areas are to be developed because they are in the Compatible growth area.

C-19
Sec.
3.11

Second, the land included within the Lewis Road subdivision and how it is developed is solely within the jurisdiction of the Town of Southampton and their governing bodies. The Town of Southampton can decide whether to build homes or to build a golf course or to do both. The sole jurisdiction of the Central Pine Barrens Commission in this situation is to determine whether the development proposed meets the objective standards of the Pine Barrens Land Use Plan. The objective standards, not the subjective standards. Under the authority granted to you under Article 57 of the Environmental Conservation Law, once a determination is made that the

C-20
Sec.
3.3

proposed development in the Compatible Growth area meets these objective standards, this body must provide for the project to move forward, under the zoning in place by the Town of Southampton.

The analysis provided by the Central Pine barrens Commission is part of the process for the development of this property, but it must follow the law of the State of New York, and the zoning authority of the Town of Southampton. It is the legislative intent of New York State that this property is located within the Compatible Growth area and not the Core Preservation area, and as such can be developed in accordance with the objective standards of the Compatible Growth Area Land Use Plan.

Mitchell H. Pally
Chief Executive Officer

2/19/20
Hearing

Billy Mack
129 Seafield Point
Westhampton Beach, NY 11978
Billymackny@yahoo.com

February 11, 2020

Dear Members of the Pine Barrens Commission,

I am a life long resident of area and I consider myself an adamant protector of our natural environment. I can say with complete confidence that I support this project. I think you will see very clearly that this is not a "big bad development" but that it's what we all should be working towards, which is smart development. While I commend anyone who has raised concern about the project for fear of adverse environmental impacts, I also, as a man of science both professionally and personally, can assure them that this project and the company proposing it are first class and that the design of it is prudent and environmentally sound.

C-21
Sec. 3.11

I've seen first hand the diligence and concern that Discovery Land applied while developing the Dune Deck, their Caribbean property Barbuda Beach Club and their mountain property the Yellowstone Club in Montana. They create and maintain pristine properties. They have gone out of their way to be sensitive to the local concerns and issues. No developer goes to such extents to do the right thing, and I think it would be a travesty to see them denied. Please approve this beneficial project.

Sincerely yours

BILLY MACK

Submitted by Michael Marino

C-22
Sec. 3.2

The proposed golf course is
up Stream from Weesuck and
Little Weesuck Creeks.

Pesticides Kill fish and crustaceans.
The beginnings of these Creeks are
fresh / groundwater, which comes from
the higher inland.

~~Please only allow the appropriate, in
place, state residential zoning.~~

~~The~~ ^{The} golf course ^{is} to manufacture interest in the home.

The long term maintenance of a golf
course ~~may~~ irreparably damage
these creeks below it, and
Shinnecock bay as well.

~~and it is~~
~~Vegetation pumps will be~~ ^{can be}
~~lower outages and blow loss~~
~~down pumps will occur, over melting~~

Multitudes of birds, including some
breeding Blue Herons, osprey, etc.

A breeding ground and nursery for
Multitudes of fish + crabs,
and birds

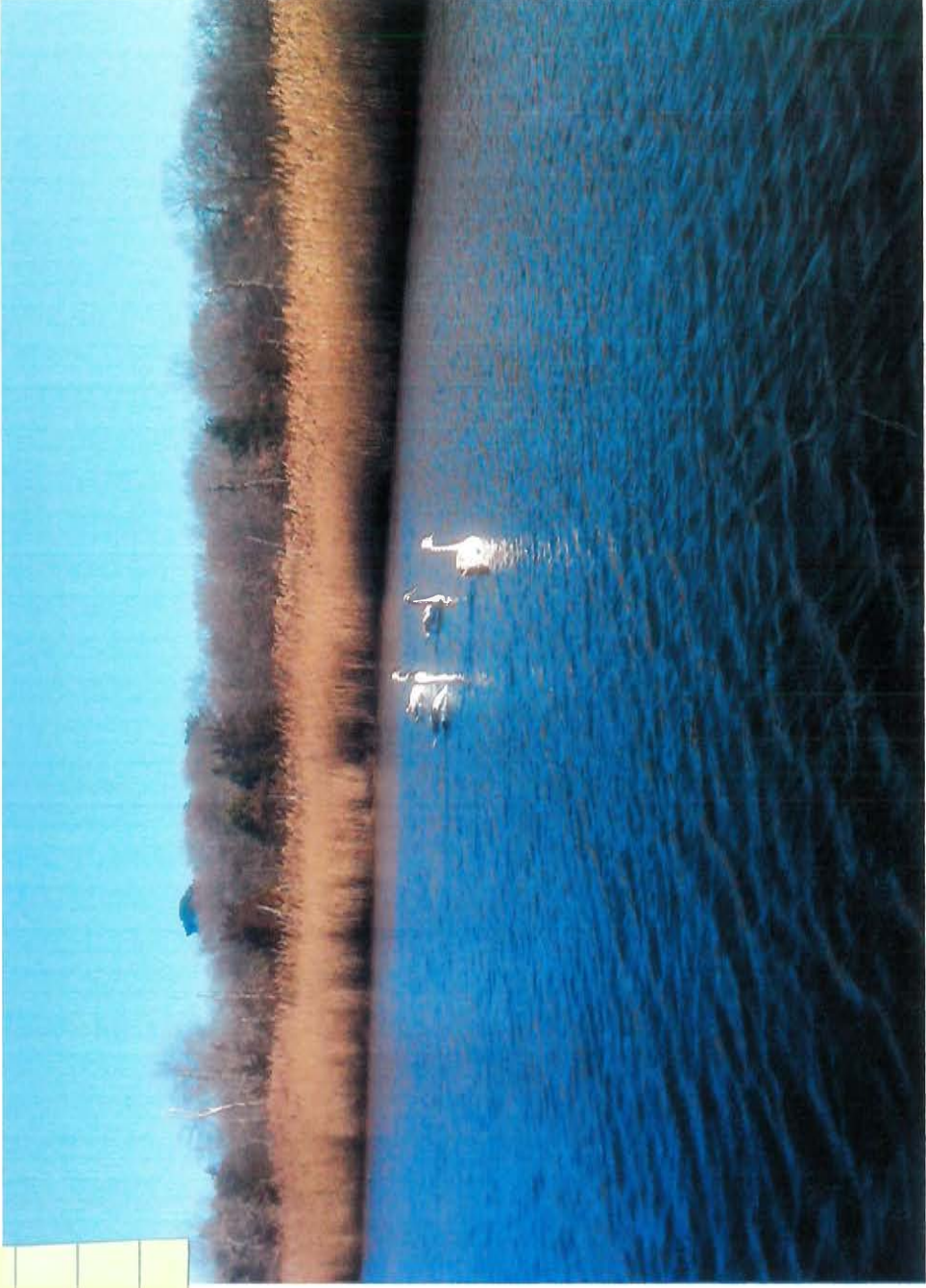


Far upstream of
Little Weesuck Creek,
Fresh water.

Blue heron in flight over
Little Weesuck Creek

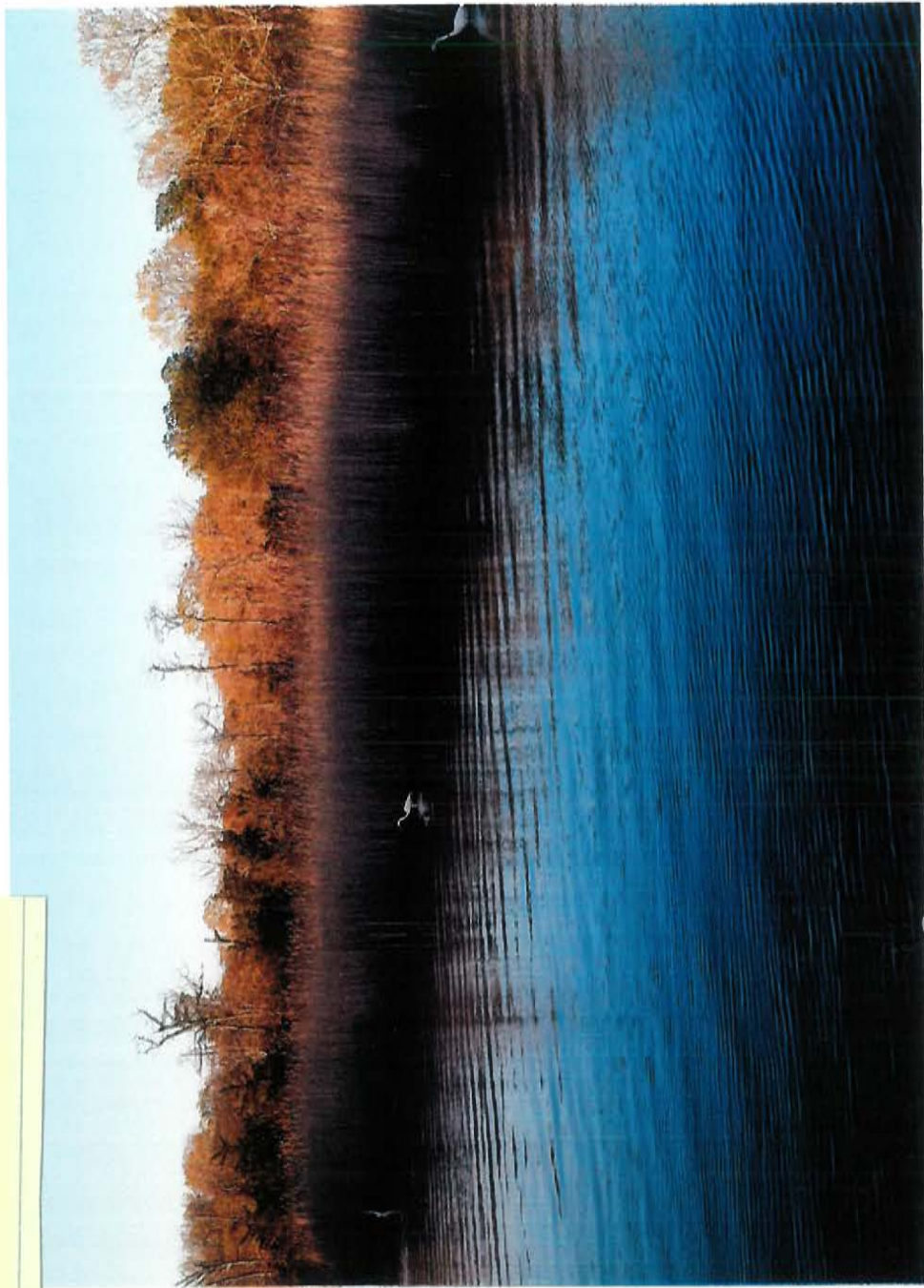


Little Weesuck
Creek



Family of Swans

White egrets fishing the
eastern Shore of Little
Weesuck Creek



The Town of Southampton CFP
has purchased substantial lands on
both shores of Little Weesuck Creek,
"Preserved for future generations
by The Town of Southampton in it's
Continuing Commitment to Protect
the Town's Scenic and Natural Places"

Why allow golf Course Runoff
up stream?

Eastern Shore of
Little Weesuck Creek



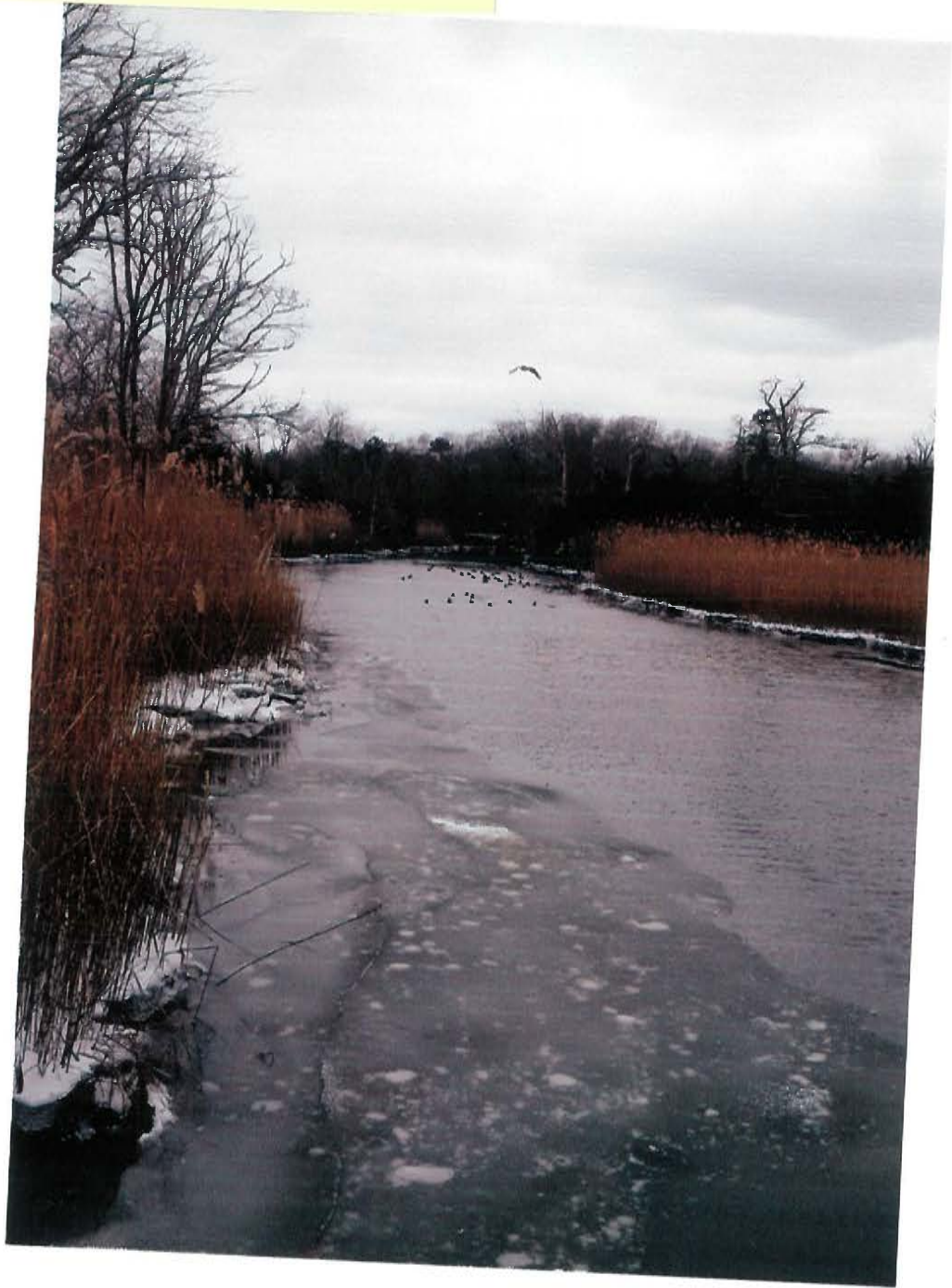
This property has been preserved for future generations
by the Town of Southampton in its continuing
commitment to protect the Town's scenic and natural places.

NO DUMPING
NO MOTORIZED VEHICLES
NO UNAUTHORIZED CLEARING
NO USE OF BODY GRIPPING TRAPS

For more information or to report any violations call:
Town of Southampton CFP, Stearns-Walsh Program
631-287-5729

A Good Day for Ducks,
Northern Little Weeside Creek

6



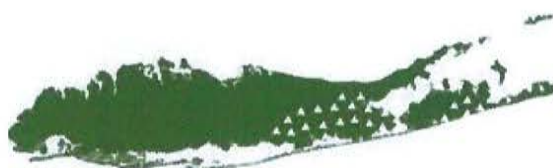
Our Son Christopher loves watching for birds. It is one of the rare outdoor activities he can enjoy, due to his severe disability. The nursery of fish and crabs attracts many birds. Michael Mirino E. Quogue

Looking north up
Little Weeside Creek.



2/19/20
Hearing

**An Analysis of the Lewis Road Planned Residential Development's (PRD)
Compliance to the
New York State Pine Barrens Act and Comprehensive Land Use Plan**



LONG ISLAND
PINE BARRENS
SOCIETY

Prepared by:

**Richard Amper, Executive Director &
Katie Muether Brown, Deputy Director**

Long Island Pine Barrens Society

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The Commission's Obligation

Per adopted resolution dated 6/19/2019, the Central Pine Barrens Commission has outlined the Pine Barrens Protection Act provisions and Comprehensive Land Use Plan standards and guidelines to be evaluated in the process of reviewing the Lewis Road Planned Development District (PRD) application. The Commission discharges this duty in order to fulfill the goals and objectives outlined in the Pine Barrens Protection Act, the founding document of the institution.

These stated goals and objectives, as listed within Section 57-0121, are as follows:

- a. To protect, preserve and enhance the functional integrity of the Pine Barrens ecosystem and the significant natural resources, including plant and animal populations and communities,
- b. To protect the quality of surface water and groundwater;
- c. To discourage piecemeal and scattered development
- d. To promote active and passive recreational and environmental educational uses that are consistent with the land use plan;
- e. To accommodate development, in a manner consistent with the long term integrity of the Pine Barrens ecosystem and to ensure that the pattern of development is compact, efficient and orderly.

The review of this project, one of the biggest and most consequential to ever come before the Commission, will set a powerful precedent for other projects that are proposed for sensitive areas of the Pine Barrens in the future.

Background – An Environmental Crisis in the Town of Southampton

The Lewis Road Planned Residential Development (PRD) is comprised of nearly 600 acres of pristine Pine Barrens, which act as a natural filter for nitrogen and other contaminants deposited from the atmosphere. The site is also in a State-designated Special Groundwater Protection Area, as well as a Suffolk County-designated Critical Environmental Area. The Lewis Road PRD is also part of a group of lands which The Nature Conservancy has given top priority for permanent preservation.

There is a well-documented water quality crisis in the Town of Southampton and across Long Island. Drinking water and surface waters are compromised in almost every single hamlet in the town. Toxic chemicals such as PFOS and PFOAs have been detected in the drinking water supplies of Speonk, Westhampton, East Quogue, Hampton Bays, Bridgehampton and surrounding areas like Wainscott and Manorville. Harmful algae blooms and depleted oxygen plague the surface waters in this area.¹ These water quality issues are a public health threat, and have also resulted in beach closures, fish and turtle kills, flooding and are destroying our marine economy. Any new development is expected to increase nitrogen contamination in the area, threatening the already severely impaired waterbodies of Weesuck Creek and Western Shinnecock Bay. In fact, the recently released Draft Suffolk County Subwatersheds Wastewater Plan ranks the coastal areas around East Quogue as “priority one” for nitrogen removal and specifically lists Weesuck Creek as a priority one waterbody.²

¹ Exhibit 1 – Map - Water Quality Issues Surrounding East Quogue

² Exhibit 2 – Draft Suffolk County Subwatersheds Wastewater Plan Figures

Nitrogen pollution from septic systems, cesspools and fertilizers entering our waters have resulted in devastating harmful algae blooms, compromising commercial fisheries and the shellfish industry. Beach closures due to harmful algae blooms or fish kills result in a decline in visitors and major loss in tourism dollars. Many Long Island businesses rely on a fresh supply of clean drinking water. Enhanced nitrogen loading will “push already high nitrate levels in public and private water supply wells for East Quogue closer to the USEPA federal limit for drinking water.”³

We simply cannot afford to let this trend continue. The more we ignore our problems, or allow development to continue at unsustainable levels, the worse our water quality issues become and the more complicated and expensive the solutions will be.

Not only will new development stand to threaten our only source of fresh water, but it threatens the integrity of our natural environment and the Pine Barrens ecosystem. A development of this scale will have significant and long-lasting impacts to our natural resources, including plant and animal populations and communities.

Legal Concerns

After a four year battle, in December of 2017, “The Hills at Southampton” development project, proposed under Southampton’s Planned Development District (PDD) zoning, was voted down by the Southampton Town Board. The PDD ordinance has since been removed from town code. Shortly after, in addition to filing a multi-million dollar lawsuit against the Town, the developer, Arizona-based Discovery Land Company, filed for a nearly identical application, renamed “The Lewis Road Planned Residential Development (PRD).” The new application was filed under the Planned Residential Development ordinance of the Town’s Open Space code (§247). In order to show that they qualify for a PRD, the developer has argued that the 18-hole golf course and its clubhouse and other large structures are simply a “recreational amenity” to the 130-home development. This is in addition to the many other recreational amenities provided on site, including a baseball field, a practice fairway, a fitness center, pool, basketball court, four pickle ball courts, and a common area lawn. This point has been disputed by several leading planners, including Assemblyman Fred Thiele, who wrote the Open Space Law for the Town of Southampton.⁴

The Pine Barrens Society has joined Group for the East End in two lawsuits that have challenged this end-around by the developers and The Town of Southampton, and the clear violation of the Open Space Law. Other litigants include the East Quogue Civic Association, Assemblyman Fred Thiele, and neighbors surrounding the development site. These suits are still pending in the courts, but have fortunately resulted in a temporary restraining order over the property until they are settled.

This has been an attempt by the developer to manipulate the code to their liking, and the Town of Southampton has allowed them to do this. One must ask the simple question: If the project would have been allowed to pass through under the Planned Residential Development zoning, wouldn’t the developer have proceeded with this route in the first place, instead of trying to get their project approved under the more

³ Exhibit 3 – Analysis of Nitrogen Loading Rates from The Hills PDD (Dr. Chris Gobler)

⁴ Exhibit 4 – Fred Thiele Letter to Zoning Board of Appeals 3/17/18

difficult Planned Development District zoning? In fact, the developer states in the Draft EIS for “The Hills” in section 1.3.3, “The proposed project could not be developed if the site were to remain in its existing CR-200 zoning, as its development requirements do not provide the flexibility of uses to allow for the amount and type of development that DLC proposes. A PDD was recognized in the East Quogue LUP and GEIS as a means to achieve the recommended golf course and resort development other than the recently up-zoning single-family residential use.”⁵ However, now, after the project was voted down by the Town Board, the developer is back-tracking and trying to push their project under the current CR-200 zoning.

Nevertheless, the Town of Southampton Planning Board and Zoning Board of Appeals have allowed this project to move forward, which is why it is before The Pine Barrens Commission today.

The Application’s Compliance with the Pine Barrens Act & Its Comprehensive Land Use Plan (CLUP)

After reviewing the application of the Lewis Road Planned Residential Development for its compliance to the Pine Barrens Act and its Comprehensive Land Use Plan, we have identified the following areas of concern:

1. Permits

Several permits from various government agencies are required to be in hand in order for this project to conform to the Act. While the applicant states that many of the required permits have been applied for, are pending and “will be obtained,” only final approval and officially issued permits can ensure that the project does in fact comply with the Pine Barrens Act. Those pending include:

- Suffolk County Sanitary Code Article 6 Compliance;
- Suffolk County Department of Health Services Approval of Sewage Treatment Plant;
- Suffolk County Sanitary Code Article 12 Compliance;
- Suffolk County Department of Health Services and New York State Department of Environmental Conservation (NYSDEC) Compliance to NYS Environmental Conservation Law Article 17, re: groundwater discharge and public supply well locations;
- Suffolk County Department of Health Services and NYSDEC approval of private well protection plan;
- NYSDEC Stormwater Pollution Prevention Plan approval;
- NYSDEC and Town of Southampton approval, re: protection of special species and ecological communities;
- Sign-off by the New York State Office of Parks, Recreation & Historic Preservation;
- Commercial and Industrial Compliance with Suffolk County Sanitary Code approval;
- And Mining permits to be issued by the NYSDEC

The Commission must stipulate that all approvals and permits must be complete, before this project can approved by Commission.

⁵ Exhibit 5 – Excerpt from The Hills at Southampton MUPDD Application Draft EIS

2. Suffolk County Sanitary Code Article 6 Compliance (Guideline 5.3.3.1.1) and Nitrate-nitrogen goal (Guideline 5.3.3.1.3)

There are several important issues with the applicant's nitrogen calculations that need to be addressed by The Commission.

First, as part of SEQRA, the applicant was required to include a complete groundwater dispersion model. However, analysis of this dispersion modeling reveals that the applicant has focused on dispersion of the project's proposed mitigation efforts, rather than the dispersion of its impacts. The modeling, therefore, fails to show the concentrated impacts of nitrogen that are predicted within the area of the golf course, which lies within the watershed of Weesuck Creek. As part of the Town of Southampton Planning Board's preliminary review of the proposal, the body's hired consultant, Mr. Michael Bontje, reported that the applicant's groundwater models inaccurately use 10 percent as the amount of nitrogen that leech into the ground from turf grass. When inputting a more accurate figure (20 percent), along with questions over whether or not the residents of the development would be allowed to hire their own landscapers, Mr. Bontje's estimate of the project's total nitrogen loading increased to 3,100 lbs/year. In addition, the consultant's report found that the applicant's estimate of an annual 60-day occupancy average was likely low – an increase in occupancy would result in an increase in nitrogen discharge.⁶

Next, the developer conveniently touts that the DEIS/FEIS for the Hills at Southampton MUPDD demonstrates a "net-negative removal of nitrogen," and therefore complies with standard 5.3.3.1.3 of the CLUP. In addition to the "fudging" of numbers mentioned above, calculations for nitrogen discharge cannot be calculated using figures from the DEIS/FEIS for "The Hills." The Lewis Road PRD is a different project when it comes to nitrogen discharge and nitrogen mitigation, and therefore, the nitrogen calculations will not be the same. First, the Hills MUPDD included a suite of nitrogen mitigation measures, as part of the Planned Development District "community benefits" requirement. This included: the preservation of 33 acres in the headwaters of Weesuck Creek; the purchase and retirement of 30 Pine Barrens credits; a \$1-million fund to support community-wide septic upgrades; and the construction of a sewage treatment plant at The Hills development *and* at the East Quogue Elementary School; and a fertilizer cap of 2 pounds of nitrogen per 1000 square feet. These measures were proposed to mitigate the nitrogen impacts of the developer's proposed project. Those mitigation measures were included in "The Hills," but are not included in the proposed Lewis Road PRD project that is currently before The Commission.

As part of the review of the environmental impact of The Hills, the developer and the Town of Southampton commissioned Dr. Christopher Gobler to study the potential nitrogen impacts of the project, including an analysis of how the proposed mitigation benefits would impact the total nitrogen load.⁷ Dr. Chris Gobler of Stony Brook University is a world-renown expert in the fields of harmful algae blooms, nitrogen pollution and coastal water impairments. In Dr. Gobler's study, he mentions that the applicant, in their DEIS, has used nitrogen leaching rates that are "different than those that have been accepted by the

⁶ B. Laing Consultant Report can be found on the Pine Barrens Commission website

⁷ Exhibit 3 – Analysis of Nitrogen Loading Rates from The Hills PDD (Dr. Chris Gobler)

Long Island Nitrogen Action Plan (LINAP) and a fertilization rate higher than has been accepted by LINAP.” He goes on to explain that LINAP, is a plan that “has been collaboratively developed by CDM Smith, NYSDEC, Suffolk County, Cornell University, USGS, US EPA, and Stony Brook University and represents a scientific consensus among these teams and contains the most up-to-date and best science available on the subject of nitrogen loading within coastal watersheds.” Gobler uses these agreed upon numbers, calculations, and models, to calculate the expected nitrogen loads of the property. He also mentions that while “fertigation is a novel and innovative approach for groundwater remediation,” that it is still considered an “experimental approach,” without much scientific data to back it up. Thus, Gobler deems it is scientifically-responsible, to leave any proposed fertigation impacts out of his calculations, because he cannot be sure of their results.

Gobler concludes his report by stating that *any* development of the Hills property will result in an increase in nitrogen loading. He also concludes that the Hills PDD would result in the addition of 2,322 lbs. of nitrogen per year (current loading 1,210 per year). It is extremely important to note that the expected addition of 2,322 lbs. of nitrogen per year is after all of the nitrogen mitigation efforts mentioned above, were applied. While the developer plans to include a sewage treatment plant for the project, all of the other mitigation measures have been removed from the new Lewis Road PRD. Dr. Gobler, in his report, also mentions that after excluding the mitigation efforts, expected nitrogen loading would be 4,800 lbs./nitrogen per year. This nitrogen loading would be far greater than permissible by the CLUP.

The Hills project was applied for in Southampton Town under the Planned Development District (PDD) ordinance (which has since been removed from Town Code). Under the PDD law, the developer was allowed to propose nitrogen mitigation efforts in various areas across the Town, in order to compensate for the nitrogen impacts that their project would have on site. This project was voted down by the Town Board. However, the developer is trying to push this approach before the Commission – essentially saying, “We will remove nitrogen somewhere else, to compensate for the nitrogen that will enter our ground and surface waters at the development site.” This type of approach may have worked at the Town, but this type of nitrogen measurement does not comply with the standards of review set forth by the CLUP. Measurements of nitrogen must be calculated on site, regardless of any promises to remove elsewhere. The Commission must review what the loading and dispersion of nitrogen will be on site only.

It is the Commission’s duty to demand that the developer provide new, accurate nitrogen loading estimates, that use industry standard modeling numbers, include a dispersion model, remove untested fertigation from their calculations, and remove the mitigation benefits that are no longer in play. Any increase in nitrogen to the area, will have devastating impacts on groundwater supply wells and the already-impaired Weesuck Creek and Shinnecock Bay.

Currently, the project’s expected nitrogen loads are far greater than permissible by the CLUP. The project does not comply with these standards.

3. Suffolk County Sanitary Code Articles 7 and 12 Compliance (Guideline 5.3.3.2.1)

The applicant mentions that there will be the use, storage and handling of various landscaping chemicals (e.g., fertilizers, pesticides, etc.). The applicant does not demonstrate how they will comply with Article 12, regarding the proper storage and handling of these chemicals. Instead, they simply state “the project will provide for proper storage and handling [...] in conformance with Article 12.” As fertilizers and pesticides are a large risk factor and have the potential to severely pollute groundwater and surface waters, the applicant must elaborate on their plans to ensure proper storage and handling further, in order to comply with this standard.

C-25
Sec.
3.13

Given the vague explanation by the developer, the project does not comply with this standard.

4. Significant Discharges and Public Supply Well Locations (Guideline 5.3.3.3.1)

Here, the applicant asserts that the Lewis Road PRD project has “the lowest nitrogen load of all alternative uses for the site” and that they do not expect significant discharges or damage to public supply wells. This is untrue. Dr. Christopher Gobler, as part of his nitrogen analysis⁸, also determined which use of the property would have the least impact. The SEQRA process requires that the involved agencies look into site alternatives. As part of the SEQRA review for The Hills, Group for the East End hired a highly regarded planner, Lisa Liquori, to create a “Reduced Impact Alternative” (RIA).⁹ This RIA would be an alternative “as of right” use for the site, that would have a lower impact on the environment. In Gobler’s analysis of all of the potential uses of the site, he found that the Hills PDD without all of its nitrogen mitigation measures (aka the Lewis Road PRD), would have a higher nitrogen load impact than the the Reduced Impact Alternative.

C-26
Sec.
3.14

Once again, the Commission must demand an accurate nitrogen loading and dispersion analysis from the applicant, to determine whether or not there will be significant discharges to groundwater and impact to public supply wells.

The project would result in significant nitrogen discharges to groundwater and has the potential to impact nearby public supply wells, and therefore, does not comply with this standard.

5. Nondisturbance Buffers (Guideline 5.3.3.4.1)

The applicant has not adequately demonstrated whether freshwater wetlands exist on the project site. As mentioned in the 10-16-19 letter from the Pine Barrens Commission to the Southampton Town Planning Board¹⁰, “stream reaches of Weesuck Creek are shown on the United States Fish and Wildlife Services wetland maps and United States Geological Survey topographic maps on the project site. The record shows the entire site is in the Weesuck Creek watershed. Weesuck Creek reaches traverse the site. The project site contains at least two swales, which are described in the record as ‘normally dry.’” The

C-27
Sec.
3.15

⁸ Exhibit 3 – Analysis of Nitrogen Loading Rates from The Hills PDD (Dr. Chris Gobler)

⁹ Exhibit 6 - Reduced Impact Alternative Comparisons submitted as part of SEQRA by Group for the East End

¹⁰ Exhibit 7 – Commission Letter to Southampton Town Planning Board

Commission goes further to state that the “presence or absence of vernal pond(s) and forested wetland habitat, especially in the southern portion of the project site, should be verified on site.”

As part of the DEIS for The Hills, the applicant includes a non-jurisdiction letter from the NYSDEC, received in December of 2007. The letter states that proposed project to “construct single family residences” is located more than 100 feet from regulated freshwater wetlands. However, since 2007, the project has changed in size and shape several times. This letter also fails to mention the golf course entirely. We cannot rely on an assessment from 13 years ago to determine if the applicant complies with this standard. A more recent and adequate assessment needs to be prepared and it needs to be verified on site.

The applicant has failed to prove that there are not wetlands on site, and therefore, does not comply with this standard.

6. Natural Recharge and Drainage (Guideline 5.3.3.5.2) and Natural Topography in Lieu of Recharge Basins (Guideline 5.3.3.5.4)

In order to create stormwater and drainage structures, the applicant is proposing to remove 48,500 cubic yards of materials from the site. In addition, 200,000-300,000 cubic yards of materials will need to be removed to create the golf course. This project does not comply with this standard, as it does not cause minimal disturbance to native vegetation. The applicant must demonstrate why they have ruled out utilizing the existing natural low points and natural topography on site, and are instead choosing to clear and construct 43 drainage areas.

The applicant has failed to explain why they will be clearing and constructing 43 drainage areas, and therefore the project does not comply with these standards.

C-28
Sec.
3.16

7. Ponds (Guideline 5.3.3.5.3)

Ponds should only be constructed if they are to accommodate stormwater runoff, not solely for aesthetic purposes. While the applicant states that one pond will be used to accommodate stormwater runoff, they state that the other is to blend well water for reuse as irrigation on the golf course (fertilization). The CLUP does not provide for the creation of ponds for fertilization. This pond would be experimental in nature, as fertilization is considered a promising but un-tested nitrogen mitigation technique. There is no proof that this second pond would work as intended.

Since the proposed fertilization pond would be experimental, and would not be used for stormwater purposes, it does not comply with this standard.

C-29
Sec.
3.17

8. Soil Erosion and Stormwater Runoff Control During Construction (Guideline 5.3.3.5.5), Stabilization and Erosion Control (Guideline 5.3.3.8.2) and Erosion and Sediment Control Plans (Guideline 5.3.3.8.4)

The applicant has predicted the removal of 200,000 to 350,000 cubic yards of soil during the five years of the project’s construction. The removal of soils has an impact on erosion and site stability. The applicant must provide information pertaining to erosion control as well as a sediment control plan.

C-30
Sec.
3.18

The developer also plans to create a large underground parking garage, but does not explain how they plan to construct this. What impact will this have on the soil? Will this underground garage hit the water table? Will this impact groundwater flow and nitrogen dispersion? Is de-watering required? If so, does the developer have a plan for this and the required permits? These questions need to be answered so that the Commission can determine the impact this garage will have on soil erosion and our drinking water supplies.

The applicant has failed to detail the extent of the expected mining to occur on site, and therefore, does not comply with this standard.

9. Vegetation Clearing Limits (Guideline 5.3.3.6.1)

The applicant has not provided accurate documentation that existing cleared areas are accounted for in the overall clearing limit. Cleared areas must include haul roads, paper roads, construction roads, parking lots, drainage reserve areas, bioswales, raingardens, stormwater management structures, ponds, expansion area for the sewage treatment plant, trailhead parking lot, well field, and any other development and infrastructure. The applicant has also failed to explain how the Smith Ave right of way and Spinney Road segment traversing the project site will be incorporated to the Project and affect the clearing standard.

The applicant lists a clearing limit of 28.24-percent for the entirety of their site. This limit would translate to approximately 166.18 acres of allowable clearing. Table 2-3 in the preliminary application presents the method by which the applicant calculated this allowable clearing estimate. It is apparent that the applicant reached this estimate by taking the average of each individual parcel's maximum allowable clearing.¹¹ This methodology is inaccurate based upon the provisions of this standard (5.3.3.6.1), which states "... These percentages shall be taken *over the total site* and shall include, but not limited to, roads, building sites and draining structures." As the project is located within the CR-200 zoning district, the site is limited to the 5-acre zoning clearing limit included within Figure 5-1 of the CLUP. With this zoning, a 25-percent clearing limit should be applied to the project site. The current figures listed in the preliminary subdivision application will, therefore, exceed CLUP standards by 2.33 percent or 13 acres. In this case, the allowable clearing for the site would be 147 acres.

The applicant fails to meet the vegetation clearing limits on the project site, and therefore, does not comply with this standard.

10. Unfragmented Open Space (Guideline 5.3.3.6.2)

The majority of the proposed open space 241 acres or 55% in the project (located within the Hills South and Kracke sites) does not appear to be unfragmented. The developer has placed "slivers" of land across

C-31
Sec.
3.19

C-32
Sec.
3.20

¹¹ Exhibit 8 - Table 2-3 of Lewis Road PRD Preliminary Application

the project site.¹² As the Commission staff points out in their 10-16-19 letter, this proclaimed open space consists of “more than 17 separate and discrete islands and corridors comprised of woody vegetation, ranging in size from approximately 11,000 square feet to an average of approximately two acres, which fragments open space.” The Commission even goes so far as to provide suggestions, to avoid fragmentation, protect open space, greater cluster the development and avoid some development on steep slopes.¹³ The applicant has chosen to ignore this recommendation.

The applicant has continuously pointed to the East Quogue Land Use Plan (EQLUP) and its recommendation for a golf course in the area of East Quogue. However, the Town Board rejected this proposal of the EQLUP when they voted down The Hills PDD in December 2017, therefore making the recommendation for a golf course irrelevant.

The applicant also points to a previous Hardship Resolution approved by the Commission in 2010, “Willow Wood at Coram,” and attempts to draw comparisons between their project and Willow Wood. Willow Wood is 24.5 acre development site that constructed 140 duplex condominium units. The development required the clearing of 5.31 acres of natural vegetated areas. Based on zoning and the CLUP standard, the developer was authorized to clear up to 70% of the project site. Willow Wood is located in a densely developed area, surrounded by commercial, industrial and residential land uses. In studying the development, the Commission found that the project could clear more than proposed to provide a tighter cluster of developed areas in the eastern portion of the project site and provide a buffer to the adjoining open space. In this very particular case, the Commission determined that the CLUP’s Vegetation Clearing Limits Standard and Unfragmented Open Space Standard were at odds with one another. This was determined after all alternatives for the site were analyzed.

In comparison, The Lewis Road PRD is 588.39 acre development site, that includes 130 residential units, a professional 18-hole golf course, a massive clubhouse with underground parking garage, baseball field, a practice fairway, a fitness center, pool, basketball court, four pickle ball courts, and a common area lawn. 131.29 acres of existing natural vegetation are expected to be cleared. This type of development is not consistent with other development in the area. In addition, alternatives provided by the Commission and by others during the SEQRA process, demonstrate ways that the Vegetated Clearing Limits and Unfragmented Open Space guidelines could both be achieved. The applicant is trying to argue, by comparing their project to Willow Wood, that they cannot meet the both the clearing limits and unfragmented open space guideline. This is simply untrue. The developer must adhere to both these guidelines in order to comply with the CLUP.

The developer, in their application, argues that the Unfragmented Open Space Standard is “subjective,” however, its intentions are very clear – to avoid the clearance of natural vegetation in large unbroken blocks. The developer fails to do this and therefore, does not comply with this standard.

¹² Exhibit 9 – Unfragmented Open Space and “Slivers” Map

¹³ Exhibit 7 – Commission Letter to Southampton Town Planning Board

11. Fertilizer-Dependent Vegetation Limit (Guideline 5.3.3.6.3)

The applicant acknowledges the Pine Barrens Comprehensive Land Use Plan's 15 percent limit on fertilizer-dependent vegetation detailed by this standard. Based upon this 15 percent limit, the applicant has an allowable limit of 88.2 acres of fertilized vegetation. As the applicant does not explain how much of the 109.8 acres of landscaping is fertilizer-dependent, it is difficult to ascertain the applicant's compliance with this CLUP provision. The applicant does explain that 78 acres of the golf play surface will be fertilized "greens, tees, fairways and primary rough." With this in mind, more information will be needed to explain how the applicant will limit fertilized vegetation to just the remaining allowable 10.2 acres. In terms of information, specific acreage figures for the baseball fields, practice fairway, and separate lawn outlined in the application's "Site Plan Details" as well as any fertilizer-dependent vegetation lying within residential unit areas will greatly aid the review process.

C-33
Sec.
3.21

The developer does not explain how several amenities on site will be maintained and therefore, does not comply with this standard.

12. Special Species and Ecological Communities (Guideline 5.3.3.7.1)

As the Lewis Road PRD's physical configuration mirrors that of the predecessor Hills PDD, the Commission's on-site study of endangered and threatened species in the Summer of 2016 and Fall of 2016 remain relevant. The study found linum medium (S2), sericocarpus linifolus (S2), pityopsis falcate (G3), lespedeza frutescens (S3), lespedeza stuevei (S2), spiranthes tuberosa (S3), terrapene Carolina (S3), and baptisa tinctoria (G3), present on site. In addition, a number of species listed in the applicant's environmental impact statement are designated as Species of Greatest Conservation Need by New York State. These include:

C-34
Sec.
3.22

<u>High Priority</u>	<u>Species of Greatest Conservation Need</u>
<ul style="list-style-type: none">• Little brown myotis• Eastern pipistrelle• Barn Owl• Brown Thrasher• Grasshopper sparrow• Northern bobwhite• Prethontory warbler• Whip-poor-will• Yellow-breasted chat• Eastern hog-nosed snake	<ul style="list-style-type: none">• Hoary bat• Eastern red bat• Silver-haired bat• American kestrel• American woodcock• Black-billed cuckoo• Blue-winger warbler• Northern goshawk• Northern harrier• Scarlet tanager• Wood thrush• Worm-easting warbler• Common ribbon snake• Eastern spadefoot toad• Fowler's toad
<u>Potential Conservation Need</u>	
<ul style="list-style-type: none">• North American least shrew	

The applicant states that "the project is not expected to impact these species." A more extensive explanation about how these species will be protected needs to be provided, to insure compliance with this standard.



In addition, both the Cooper's Hawk and Eastern Box Turtle have been sighted and confirmed to reside on the Hills South Parcel, where development is proposed to occur. The project site also lies within Henry Hollows' Critical Resource Area, which received its designation due to the presence of buck moth habitats. To comply with this standard, the applicant must detail the mitigation measures expected to minimize the impacts to these vulnerable species. A more current and accurate survey for the NYS-listed Species of Special Concern Buck Moth, within the scrub oak area of the property, must be taken. The last survey occurred in 2014 and is outdated.

The applicant has failed to demonstrate how important species of concern will be protected during construction and after, and therefore, the project does not comply with this standard.

13. Clearing Envelopes (Guideline 5.3.3.8.1)

This project does not appear to comply with this standard, because it does not maximize the development of lots, roads, and the golf course and other facilities on slopes of less than 10%. The applicant has vaguely stated that they will "minimize the grading of natural slopes that are in excess of 10% to the maximum extent practicable." The applicant must clarify this further.

The applicant does not detail how they will minimize the grading of natural slopes in excess of 10%, and therefore, does not comply with this standard.

14. Slope Analyses (Guideline 5.3.3.8.3)

As part of the Commission's 10-16-19 letter to the Town of Southampton Planning Board, detailing a brief review of the project's compliance to the CLUP¹⁴, the Commission states that the amount of steep slope area to be removed must be provided in order to determine whether or not the project complies with this standard. The applicant responds to this request with denial by stating "the quantity and amount of steep slopes to be removed is not required to comply with this guideline." A proper slope analyses ensures that the Commission can review the project's compliance with several other guidelines, including 5.3.3.8.2, 5.3.3.8.4, and 5.3.3.8.5 and 5.3.3.8.6. If the applicant can comply with these guidelines, they should have no problem providing the slope analyses that the Commission has previously asked for and requires to complete their assessment.

The applicant has failed to supply a slope analysis deemed necessary for the Commission's review, and therefore, does not comply with this standard.

15. Clustering (Guideline 5.3.3.9.2)

The project, as it stands today, does not maximize clustering to enhance open space or provide contiguous open space connections with adjacent public lands. As mentioned in the 10-16-19 letter from the

C-35
Sec.
3.23

C-36
Sec.
3.24

C-37
Sec.
3.25

¹⁴ Exhibit 7 – Commission Letter to Southampton Town Planning Board

Commission to the Southampton Town Planning Board¹⁵, “The majority, 240 acres (55%) are in an unclustered pattern because the golf course and residential development create narrow buffer strips and islands of vegetation among developed areas within the Project Site.”

The applicant argues that 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.” However, the golf course is what causes the fragmented open space. The Commission also points out in their 10-16-19 letter, that “The record contains a cluster plan prepared by NP&V, Fazio and Vita titled ‘As-of-Right Plans’ dated March 5, 2014 for the development absent the golf course. Absent the golf course, the site demonstrated clustering to the maximum extent.” The Commission later goes on to state that “If [the] layout could be examined to cluster more tightly to create significantly fewer acres of fragmented open space and connect open space to adjoining public lands, the Applicant may be able to demonstrate conformance.”

As mentioned above, under point four, there are other as-of-right alternatives that were presented during the SEQRA process for The Hills, like the Reduced Impact Alternative submitted by Group for the East End, that show a more-clustered, lower impact alternative for the site. The developer does not want to develop a golf course because it is the best use of the property to maximize open space; they want to develop a golf course because it aligns with their business plan and interests.

The applicant has failed to cluster their application and therefore, does not comply with this standard.

16. Cultural Resource Consideration (Guideline 5.3.3.11.1) and Inclusion of Cultural Resources in Application (Guideline 5.3.3.11.2)

In the 10-16-19 Commission review letter to the Southampton Town Planning Board, Commission staff points out that there are existing trails running through the easterly project site boundary and that the developer has not provided a buffer to protect trail corridors. The applicant argues that these existing trails are a result of past unauthorized ATV use. The Commission would be able to determine whether or not this is true and must investigate this. However, no matter how these trails were created, if they are being utilized by people for recreational purposes such as hiking, they are considered trail corridors and Guideline 5.3.3.11.1 requires that there be adequate buffers in place.

We are also concerned about the inadequate review of cultural and archeological resources on the project site. As part of the Hills review before the Town of Southampton, David Martine, the designated Tribal Historic Preservation Officer for the Shinnecock Nation, mentioned serious concerns about the review of the site. The Shinnecock Nation argued that they were “not consulted in the development of a scope of work, nor apprised on the original research design for data recovery.” In the February 7, 2017 letter, Martine goes on further and states that “the importance of this site relevant to Shinnecock history and

¹⁵ Exhibit 7 – Commission Letter to Southampton Town Planning Board

identity is not dependent on the survival of above-ground structures of facilities.” Martine also outlines several federal mandates that should have been covered in a review of the project site.¹⁶

While these concerns were largely ignored by the Town of Southampton, it is our hope that the Commission will require a more comprehensive review of the site for cultural, historic and archeological resources, in order to determine the application’s compliance with these guidelines.

The applicant has failed to follow federal mandates for the review of historical, cultural and archeological resources on site, and therefore, does not comply with this standard.

17. Protection of Scenic and Recreational Resources (Guideline 5.3.3.11.3)

As mentioned above, the developer has failed to add the required buffer to the easterly adjoining open space properties. We also agree with the Commission Staff’s observation from their 10-16-19 letter that, “no buffer is identified in the Record between the proposed golf course and the adjacent Town open space and significant grading and disturbance is proposed to occur in order to develop the golf course immediately adjacent to this existing open space.” In order to comply with this guideline, the applicant must provide appropriate buffers to protect existing scenic and recreational resources.

C-39
Sec.
3.27

The applicant has failed to provide required buffers and therefore, does not comply with this standard.

18. Roadside Design and Management (Guideline 5.3.3.11.4)

We agree with Commission Staff’s assessment that the “development on the project site is expected to 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.” The developer must provide an adequate assessment of the visual impacts of the project from public lands, public roads, and the coastal zone area, in order to comply with this standard.

C-40
Sec.
3.28

Without an adequate assessment of the potential visual impacts of this project, it does not comply with this standard.

19. Development of Regional Significance

The Hills project was a Development of Regional Significance because of impacts identified in a traffic study analyzing summer and fall peak traffic. Another traffic study was prepared in May 2018, for the Lewis Road PRD, which was collected in March of 2018 over the course of a single month. The new traffic study was not taken during the busy summer and fall peak periods and therefore, is not an accurate depiction of the potential impacts that this project will have on localized traffic. Without an accurate traffic study, the Commission is unable to ascertain if this project will be a Development of Regional Significance (DRS). There are separate standards for DRS projects that the applicant will need to abide by. A longer traffic study, taken during peak times, must be provided.

C-41
Sec.
3.29

¹⁶ Exhibit 10 – Shinnecock Letter to Southampton Town

Although the developer claims that this golf-course will be for members only and their guests, there are no details outlined about how they plan to enforce this. Many questions still remain: Who will be considered a member? Will members of Dune Deck¹⁷ be allowed to use the golf course? Will they be allowed to have guests as well? Will a homeowner need to be present for guests to play? If just homeowners and their guests are allowed to play the course, why is a 10,000 square foot locker room needed? What about the two-story parking garage? Who will enforce all of this?

These questions remain unanswered by the developer. These answers are important because the number of golf players impacts the type and size of amenities that are needed and the traffic into and out of the area. A clear plan must be outlined by the developer.

The Lewis Road PRD closely mirrors a proposed project from 2008 that came before the Pine Barrens Commission – *Tall Grass Village* in Shoreham. Tall Grass proposed 352 single family units, a 125,000 square foot Village Center, an on-site 120,000 gallon per day sewage treatment plant, a 12,200 square foot community recreation center, a golf course and a 9,197 square foot clubhouse. The project was deemed a Development of Regional Significance and the Commission ruled that it did not comply with two standards and one guideline of the CLUP. The developer did not provide a reasonable alternative to scale the project down below DRS thresholds or to comply with the CLUP and was ultimately, denied by the Commission.¹⁸

The Lewis Road PRD project would likely be deemed a DRS if an adequate traffic study was provided and as outlined in this document, violates numerous guidelines of the CLUP.

Conclusion

Given the serious legal concerns that surround this project, the failure to meet at least 28 guidelines of the Comprehensive Land Use Plan (CLUP) and the failure to demonstrate reasonable alternatives that would comply with the CLUP, it is clear that this project cannot be approved by the Pine Barrens Commission.

A project of this magnitude will undoubtedly have significant and long-lasting impacts on the Pine Barrens and our drinking water supply and surface waters. We hope the Commissioners work hard to protect the integrity of our natural environment, as set forth by the Pine Barrens Act.

¹⁷ Dune Deck is a nearby oceanfront beach club owned by Discover Land, in the Village of Westhampton.

¹⁸ Exhibit 11 – Tall Grass Village Denial Resolution by Commission

Exhibit 1 – Water Quality Issues Surrounding East Quogue

Water Quality Issues Surrounding East Quogue



Yellow Outline is Lewis Road PRD site

Exhibit 2 – Draft Suffolk County Subwatersheds Wastewater Plan Figures

Page 1 of 2

Section 3» Existing Environmental Setting

Subwatershed Name	PWL_ID	Rank
Old Town Pond	1701-0118	1
Pardees, Orowoc Lakes, Creek, & Tribs	1701-0094+0341+0338	1
Patchogue Bay	1701-0326	1
Patchogue River	1701-0099+0018+0055+0327	1
Peconic River Middle, and Tribs	1701-0261+0262+0269	1
Peconic River Upper, and Tribs	1701-0108+0265+0266+0269	1
Peconic River, Lower, and Tidal Tribs	1701-0259+0263	1
Penataquit Creek	1701-0092+0338	1
Penniman Creek and Tidal Tribs	1701-0300	1
Phillips Creek, Lower, and Tidal Tribs	1701-0299	1
Quantuck Bay	1701-0042+0303	1
Quantuck Canal/Moneybogue Bay	1701-0371	1
Quantuck Creek and Old Ice Pond	1701-0303-QC+0304	1
Quogue Canal	1701-0301	1
Red Creek Pond and Tidal Tribs	1701-0250	1
Sagaponack Pond	1701-0146+0286	1
Sampawams Creek	1701-0090+0372+0343	1
Sans Souci Lakes	1701-0336+0335	1
Santapogue Creek	1701-0016+0372	1
Scallop Pond	1701-0354	1
Seatuck Cove and Tidal Tribs	1701-0309-SC+0306+0311	1
Shinnecock Bay West	1701-0033-W	1
Speonk River	1701-0306-SR	1
Stillman Creek	1701-0329-SC	1
Swan River, Swan Lake, and Tidal Tribs	1701-0100+0332+0329+0327	1
Terry's Creek and Tribs	1701-0256-TC	1
Tuthills Creek	1701-0098+0327+0329+0334	1
Wading River	1702-0099+0243	1
Wainscott Pond/Fairfield Pond	1701-0144	1
Weesuck Creek and Tidal Tribs	1701-0111-rev	1
West Creek and Tidal Tribs	1701-0246	1
West Neck Bay and Creek	1701-0242-WB	1
Wickapogue Pond	1701-0119	1
Willets Creek	1701-0091+0175+0372	1
Priority Rank 2		
Big Reed Pond	1701-0281	2
Centerport Harbor	1702-0229	2
Crab Meadow Creek	1702-0232-CMC+0234	2
Flanders Bay, East/Center, and Tribs	1701-0030+0255+0273	2
Forge River Cove and Tidal Tribs	1701-0316-FRC+0312	2
Fort Pond	1701-0122	2
Goose Neck Creek	1701-0272-GNC	2

Exhibit 2 – Draft Suffolk County Subwatersheds Wastewater Plan Figures

Page 2 of 2

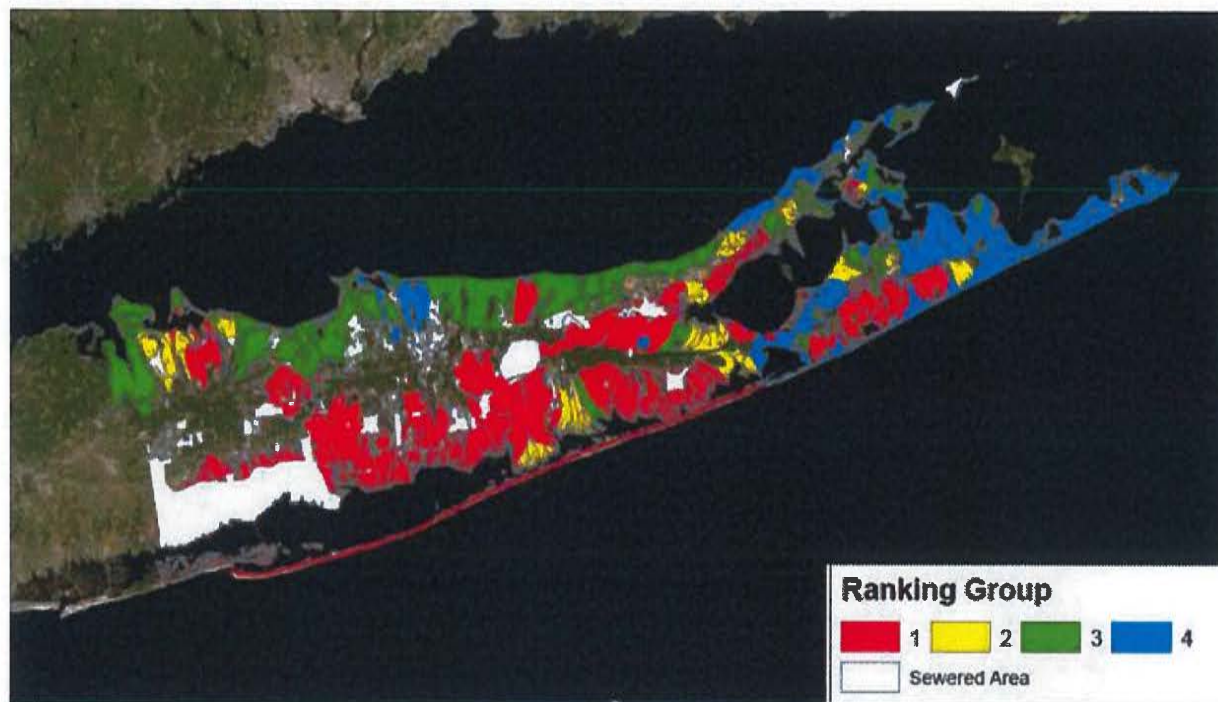


Figure 4-1 Priority Areas for Nitrogen Load Reduction

**ANALYSIS OF NITROGEN LOADING RATES FROM THE HILLS PDD
BASED ON THE FINAL ENVIRONMENTAL IMPACT STATEMENT**



CHRISTOPHER J. GOBLER, PhD

AUGUST, 2017



Stony Brook University
School of Marine and
Atmospheric Sciences

Executive Summary:

The Hills is a Planned Development District (PDD) proposed by Discovery Land Corporation (DLC) to be built in East Quogue. The Hills property is currently comprised of 591 acres of Pine Barrens, open space, and farmland and has been proposed by DLC via the PDD to be made into a seasonal resort with a golf course. The Hills property lies within the watershed of western Shinnecock Bay which has experienced significant losses of seagrass and bivalves in recent years due to increasing nitrogen loads, harmful algal blooms, and low oxygen events. Increases in nitrogen loading to this region is expected to worsen these conditions. For this evaluation, a dynamic nitrogen loading model was constructed using information generated by the NYS Department of Environmental Conservation's Long Island Nitrogen Action Plan (LINAP) as well as standard practices used to determine nitrogen loading rates across Long Island this decade. Using this model, the nitrogen loading rates currently delivered to this property and expected from multiple development scenarios were quantified using information provided by the PDD Final Environmental Impact Statement (FEIS) for The Hills, specific guidance from the Town of Southampton, information from LINAP, and the most up-to-date science available. The series of nitrogen mitigation measures proposed in the FEIS, that did not appear in the DEIS, considered in this report for the Town of Southampton included the preservation (or development) of 33 acres at the headwaters of Weesuck Creek within East Quogue, the purchase of 30 Pine Barrens credits and the associated potential increase housing density, community septic system upgrades, the installation of a sewage treatment plant (STP) to treat wastewater on the PDD property, and the installation of a STP for East Quogue Elementary School with both STPs treating wastewater to 10 mg/L. Calculations demonstrated that the Hills PDD as described within the FEIS yielded a lower nitrogen loading rate compared to a higher and lower impact, as of right development on the property. After accounting for updates within the FEIS, as of right development is estimated to yield 2,500 to 5,100 lbs of nitrogen per year, depending on the level of occupancy, fertilization rates, and the extent of clearing, and the size of lawns on properties. The lower bound of this estimate primarily uses many of the details of the PDD without a golf course as well as the low impact development as proposed by The Group for the East End. The PDD nitrogen load was found to be ~2,300 lbs of nitrogen per year. All of these scenarios provide a greater nitrogen loading rate than the current, undeveloped property (1,200 lbs per year). A planned use of fertigation on the proposed golf course could reduce net nitrogen loading for the PDD further, although uncertainties and unknowns prohibit such reductions from currently being quantified. It should be noted that if the nitrogen mitigation measures added since the DEIS were made to the lower impact, As of Right scenario, this would yield lower nitrogen levels than the PDD. All of these calculations are, of course, theoretical and the extent to which the actual nitrogen yields on the Hills property match these calculations will be partly a function of the extent to which the characteristics of development matches the details and practices outlined in the PDD. As such,

careful monitoring of any potential development, the watershed, groundwater, surface waters, and surrounding ecosystems will be required to assure optimal environmental outcomes.

Preface:

Christopher J. Gobler is a professor within the School of Marine and Atmospheric Sciences (SoMAS) at Stony Brook University. He received his M.S. and Ph.D. from Stony Brook University in the 1990s. He began his academic career at Long Island University (LIU) in 1999. In 2005, he joined Stony Brook University as the Director of Academic Programs for SoMAS on the Stony Brook – Southampton campus. In 2014, he was appointed as the Associate Dean of Research at SoMAS and in 2015, he was named co-Director of the New York State Center for Clean Water Technology. In 2016, he was given the Environmental Champion Award by the US Environmental Protection Agency for his research efforts and was named the 40th most influential person on Long Island by the Long Island Press. In 2017, he was awarded the Endowed Chair in Coastal Ecology and Conservation within SoMAS. The major research focus within his group is investigating how anthropogenic activities such as climate change, eutrophication, and the over-harvesting of fisheries alters the ecological functioning of coastal ecosystems. He has been researching these topics on Long Island for 25 years and has published more than 150 peer-reviewed manuscripts in international journals on these subjects. He has been calculating nitrogen loads to water bodies across Long Island for more than 20 years.

Background on regional groundwater and surface waters:

Current conditions

'The Hills in Southampton' is comprised of nearly 500 acres of undisturbed Pine Barrens in the town of East Quogue. Beyond the intrinsic value of open space and the ecosystem services and benefits of the Long Island Pine Barrens, this property has numerous benefits to water quality in the region. The natural vegetation on this property acts as a natural filter for nitrogen and other contaminants deposited from the atmosphere. This is clear from the levels of nitrogen and general contaminant currently present in the Suffolk County Water Authority's groundwater wells on Malloy Drive which show exceedingly low levels of nitrogen (< 0.5 mg per liter) and undetectable levels of pesticides and other organic compounds¹. In contrast, other groundwater in the region has been contaminated by various land use processes. For example, the upper glacial aquifer in regions away from the Hills such as the SCWA Spinney Road well field is already contaminated with high levels of nitrate and perchlorate to the point Suffolk County Water Authority has stopped using these wells to deliver drinking water.¹ Unfortunately, more than 100 families in East Quogue with private wells rely on upper glacial aquifer for drinking water.¹

The proposed development in The Hills is located 1,500 feet from Weesuck Creek and western Shinnecock Bay and groundwater travels times from land to bay in this region are less than five years² meaning that land use changes on the Hills such as adding homes or a golf course will quickly impact the nearby coastal ecosystems. This being the case, it is important to clearly understand and document the current and recent conditions of these ecosystems. During Hurricane Sandy, the waters of Shinnecock Bay crossed Montauk Highway in East Quogue, flooded the three major communities on the East Quogue peninsula (Shinnecock Shores, Pinesfield, Pine Neck Landing) and approached Main Street³. East Quogue has been fortunate to still have lush stands of salt marsh along the east and west sides of Weesuck Creek. During Sandy, those salt marshes protected East Quogue from a significantly worse flooding scenario than it would have experienced without these marshes⁴.

In 2010, NYSDEC declared Shinnecock Bay an impaired waterbody due to excessive wastewater nitrogen loads⁵; total nitrogen levels in the Bay exceed guidance levels set by USEPA⁶. Impairments brought about by high nitrogen loading to western Shinnecock Bay include: Annual toxic brown tides⁶, dissolved oxygen levels in summer dangerously low for marine life^{6,7}, the near complete loss of seagrass beds⁸, a critical habitat for fisheries⁸, and low densities of hard clams and conditions under which baby shellfish cannot survive⁹. Brown tides in Shinnecock Bay continue to worsen. The brown tide in 2016 was the most intense on record and excessive nitrogen loading will make such events worse in the future. Brown tides have a cascading effect on the marine ecosystem, killing off remaining seagrass and shellfish, which in turn makes the ecosystem

more vulnerable to additional brown tides⁶. Western Shinnecock Bay is one of five places in NYS that experiences paralytic shellfish poisoning (PSP) caused by saxitoxin and was closed by NYSDEC due to this toxin in 2011, 2012, and 2015.¹⁰ In fact, every year the epicenter of PSP during these events has been in Weesuck Creek in East Quogue. And the PSP event in 2015 was three-fold more toxic than any measurement made to date¹⁰ suggesting that conditions are worsening.

Future threats

Any additional nitrogen loading from land in East Quogue will worsen existing conditions in the bay. Enhanced nitrogen loading will push already high nitrate levels in public and private water supply wells for East Quogue closer to the USEPA federal limit for drinking water¹. In conducting a state-wide assessment of coastal flooding, NYSDEC released a report in April 2014 that concluded that salt marsh habitats provide critical flood protection to New York coastal communities and that increases in land-to-sea delivery of nitrogen degrades, erodes, and eventually destroys salt marshes⁴. Given the progression of sea level rise, there could be an intensification of flooding risk in East Quogue coastal communities associated with storms, hurricanes, and/or extreme tides with more nitrogen loading. Furthermore, the numerous impairments in Shinnecock Bay including toxic brown tides, low oxygen levels, the loss of eelgrass, and the loss of shellfish will all worsen in Shinnecock Bay with additional nitrogen loads^{8,13,14}. Increasing nitrogen loading has been shown to increase the intensity and toxicity of PSP on Long Island.¹⁵ More nitrogen loading in East Quogue could intensify PSP in and around Weesuck Creek leading to larger and/or longer shellfish bed closures. This also creates the risk that citizens of Southampton could become seriously sickened or worse from eating contaminated shellfish. Due to diffusive groundwater flow and tidal exchange, the impacts of enhanced nitrogen loads on surface water will be experienced in regions to the east and west including Hampton Bays, Quogue, and Westhampton Beach. Finally, all of these worsened conditions have serious economic repercussions on tourism, fisheries, restaurants, and even home values¹⁶.

References

- 1: Suffolk County Water Authority, Spinney Road Well Head tests, 2010-2104; 2: Suffolk County Comprehensive Water Resources Management Plan, 2010. Draft report; 3: USGS Hurricane Sandy Storm Tide mapper; 4: NYSDEC 2014. Nitrogen Pollution and Adverse Impacts on Resilient Tidal Marshlands Technical Briefing Summary; 5: NYSDEC 2010. 303-d List; 6: Suffolk County Department of Health Services 1976-2013. Annual reports of surface water quality; 7: News 12 Water Quality Index Reports, 2014; 8: New York State Department of Environmental Conservation 2009. Seagrass Task Force Final Report; 9: Shinnecock Bay Restoration Project Final report 2013. Stony Brook University; 10: NYSDEC 2011 – 2014. Marine Division annual monitoring of PSP on Long Island; 12: Bowen, J. L., et al. 2007. NLOAD: an interactive, web-based modeling tool for nitrogen management in estuaries. *Ecological Applications*, 17(sp5), S17-S30; 13: Valiela, I. 2006. *Global Coastal Change*, Blackwell Publishing; 14: Gobler CJ, Sunda WG. 2012. Ecosystem disruptive algal blooms of the brown tide species, *Aureococcus anophagefferens* and *Aureocoumbra lagunensis*. *Harmful Algae*. 14: 36–45; 15: Hatterrath TK, Anderson DA, Gobler CJ. 2010. The influence of nutrients and climate on the dynamics and toxicity of *Alexandrium fundyense* blooms in a New York (USA) estuary. *Harmful Algae* 9: 402–412; 16: Johnston RJ et al. 2002. Valuing Estuarine Resource Services Using Economic and Ecological Models: The Peconic Estuary System Study. *Coastal Management*, 30:47–65.

Scope of this analysis

This document has been prepared to solely consider the potential impacts of the Hills PDD on groundwater and surface water in the region. Within this realm, the overwhelming majority of this document considers the loading rates of nitrogen that will be a consequence of differing potential land uses of the property given the sensitivity of surface water and habitats to nitrogen loading rates. The author has created a dynamic nitrogen loading model that uses the loading rate constants and assumptions that have been developed as part of the NYSDEC's Long Island Nitrogen Action Plan (LINAP). This plan has been collaboratively developed by CDM Smith, NYSDEC, Suffolk County, Cornell University, USGS, US EPA, and Stony Brook University and represents a scientific consensus among these teams and contains the most up-to-date and best science available on the subject of nitrogen loading within coastal watersheds. The tables and constants used in calculations appear in Table 1. This document comments on the actual contents of the FEIS only. The author acknowledges there are many other very important aspects of the project beyond nitrogen loading that are not considered here.

Current use of properties

Presently, the 591 acres of land that comprise the Hills PDD include open space, Pine Barrens forest, and farmland. My analyses indicate the nitrogen loading rate is 1,200 lbs per year if the farm fields within the property are actively being fertilized (Gobler, March 2017). If they are not actively being fertilized, the loading drops to ~660 lbs per year (Gobler, March 2017). Local observations have indicated that the singular farm field on the Parlato property is not used every year and thus not always fertilized. Similarly, it is not clear if the Kracke property under consideration is actively managed and fertilized. Further, the area contains shrubs and ornamentals which are typically fertilized at a lower rate than row crops and thus at a lower rate than used in the DEIS. Differences between my calculated nitrogen loads and those of the DEIS also arise from the use of a leaching rates for nitrogen different than those that have been accepted by LINAP and a fertilization rate higher than has been accepted by LINAP.

Changes from the DEIS to the FEIS

The FEIS differed from the DEIS with regard to nitrogen impacts of the PDD in five material ways:

- 1) The FEIS now includes preserving an additional 33 acres of land located at the headwaters of Weesuck Creek. The zoning associated with the parcel is R-40 which would result in an as-of-right yield of 30 homes.
- 2) The purchase and abandonment of 30 Pine Barrens Credits consistent with the objectives of Central Pines Barrens Program, which eliminates potential nitrogen load associated with 30 single family homes that could be otherwise constructed with these credits.

- 3) An On-Site Wastewater Treatment System that would remove nitrogen at a level at or below 10mg/L compared to allowable County standard of 19mg/L.
- 4) The construction of a Sewage Treatment Plant for the local school in addition that would remove nitrogen at a level at or below 10mg/L
- 5) A fertilizer cap of 2 pounds per year per 1000 square feet for the entire property cleared property.
- 6) A \$1M fund to support community-wide septic upgrades. This final approach had been mentioned in the DEIS but was not part of the analysis provided by the author to the Town of Southampton. For completeness, this is now included here.

Changes to nitrogen loading due to additional nitrogen reducing measures in the FEIS

The analysis of the DEIS indicated the nitrogen loading rates of the PDD would be 4,128 lbs per year (Gobler, March 2017). For consideration of the 'As of Right' development, two scenarios were previously considered: One that included nearly all of the default assumptions made by the DLC consultants and a second considering considered a 'reduced impact' alternative, using some information proposed by the PDD as well as many of these assumptions and conditions within the 'reduced impact' alternative proposed by The Group for the East End for the property. The As of Right development using the DLC default assumptions would yield 3,454 lbs of nitrogen per year a level similar to the level determined by the DLC consultants in the DEIS (3,288 lbs). The reduced impact alternative provides a nitrogen loading rate (~1,700 lbs nitrogen per year) that is roughly half of the As of Right conditions but highly similar to the PDD without the golf course.

Preserving 33 acres of land located at the headwaters of Weesuck Creek

Following the guidance of Southampton Town, the zoning associated with the parcel is R-40 and would result in an as-of-right yield of 30 homes. The nitrogen loading model was used to include a development on this parcel with 30 homes and the associated changes in nitrogen loading to that land that would emanate from wastewater, fertilizer use, and land clearing. The model was run using parameters that were consistent with a higher and lower impact development as outlined within the analyses provided for the DEIS. As pristine, undeveloped forest, this land presently yields < 40 pounds of nitrogen per year. It is assumed any development would include advanced septic systems to treat wastewater to 19 milligrams of nitrogen per liter. If developed with the maximal allowable amount of clearing, above average acreage of lawns, and a mostly year-round residency, such a development would yield 823 pounds of nitrogen per year. If developed more realistically, with a normal amount of clearing (based on Town averages), normal acreage of lawns (based on Town averages), and a realistic mix of seasonal and year-round residency (based on U.S. census data), such a development would yield 384 pounds of nitrogen per year. These totals must be added to the expected 'As of Right' scenarios as they are not part of the Hill PDD plan. This would bring the total nitrogen yield from the maximal As of Right scenario to 4,278 pounds of

nitrogen per year and the yield from the more conservative / realistic development scenario to 2,122 pounds of nitrogen per year.

The purchase and abandonment of 30 Pine Barrens Credits

It has been proposed that DLC will purchase 30 Pine Barrens Credits within the Central Pines Barrens Program, which would eliminate potential nitrogen load associated with 30 single family homes that could be otherwise constructed with these credits. This is a challenging scenario to evaluate given the precise location of the additional homes that could be developed is not fully known. In one scenario, these homes were hypothetically sites on the Hills site as an additional 30 units build in a manner similar to the other units as proposed in the DEIS and FEIS. In this case, if developed to with the maximal allowable amount of clearing, above average acreage of lawns, and a mostly year-round residency using scenarios suggested by DLC consultants within the DEIS, the 30 additional units would yield 852 pounds of nitrogen per year. If developed with lesser impact including a lower amount of clearing, smaller acreage of lawns, and a realistic mix of seasonal and year-round residency, such a development would yield 362 pounds of nitrogen per year. These yields are similar to the hypothetical 33 acres scenarios run above, indicating that if these credits were placed elsewhere, the yields would likely be somewhat similar if the lot sizes were similarly small. More homes or larger lot sizes would yield more nitrogen. Regardless, using the scenarios described here would bring the total nitrogen yield from the maximal As of Right scenario to 5,130 pounds of nitrogen per year and the yield from the more conservative / realistic development scenario to 2,484 pounds of nitrogen per year. It is noted that if the PDD is not approved by the Town of Southampton and if the DLC desired to land the PBC on the Hills property (i.e. the scenario used here), this action would need to be approved by the Town Board and would not be an As of Right alternative without such approval.

An On-Site Wastewater Treatment System for Hills PDD

The FEIS states that the Hills development will be outfitted with a Baswood sewage treatment facility that would remove nitrogen at a level at or below 10 milligrams of nitrogen per liter, lower than the allowable County standard of 19 milligrams of nitrogen per liter. It was estimated in the DEIS that the Hills development would produce 562 pounds of wastewater nitrogen per year using technology that treated to 19 milligrams of nitrogen per liter. Treatment to 10 milligrams of nitrogen per liter would remove an additional 330 pounds of nitrogen per year from the development.

The construction of a Sewage Treatment Plant East Quogue Elementary School

East Quogue elementary school is comprised of ~400 students, ages 5 – 12, and ~100 adults including faculty and staff. The school year is 180 days of the year and the building is fully

occupied by people for approximately six hours per day. Faculty and staff work longer days and some staff are present all year. There are daily activities in the afternoons and evenings as well as special events such as sports, concerts, cub scouts, community meetings, plays, graduation, etc. It is estimated that the collective activities of the school releases 400 pounds of nitrogen from wastewater per year with standard septic tanks and leaching rings to the aquifer. The construction of a sewage treatment facility that treated wastewater to 10 mg N per liter would reduce the wastewater-based nitrogen output from the school to 65 pounds per year, removing 335 pounds of nitrogen per year. It is noted that sewage treatment plant operation can be expensive and that it is not clear who would be responsible for the operation and maintenance of this system.

A fertilizer cap of 2 pounds per year per 1000 square feet

This change effects the nitrogen load of the PDD in two ways. Firstly, it eliminates the possibility of additional nitrogen fertilizer being added to the proposed golf course beyond 2 pounds per year per 1000 square feet in the event that the proposed fertigation approach does not yield the expected level of nitrogen needed, a possibility acknowledged within the DEIS. This removes 500 lbs of nitrogen per year that had been added in the prior analyses given that the ability of fertigation to deliver a set level of nitrogen seems uncertain. This change also reduces the total amount of fertilizer added to the property by 257 lbs given a higher rate that had been planned for the golf course in the DEIS.

A \$1M fund to support community-wide septic upgrades

Presently, there is great interest in reducing nitrogen loading from wastewater across Suffolk County and the recent renewal and update of the Community Preservation Funds within the Town of Southampton to include funds for upgrading septic systems will provide funds to convert standard septic systems to new, innovative and alternative systems that remove greater amounts of nitrogen, specifically to levels below 19 milligrams per liter as per the recently approved Article 19 of the Suffolk County health code. The Hills PDD proposed to spend \$1M on upgrading septic systems within the East Quogue watershed. While off-the-shelf septic systems that remove large amounts of nitrogen approved by Suffolk County can cost \$20,000 installed (e.g. South Fork Septic Services, East Hampton, NY) additional costs may include landscaping, marking out utilities, pump out and abandonment of older systems, and electrical updates / installations. Hence, a cost of \$25,000 per septic upgrade was used for the purposes of this analyses, which would result in 40 homes in East Quogue being upgraded as a result of the PDD. Given the known rates of seasonal occupancy for East Quogue as reported by Suffolk County's Department of Planning, 40 East Quogue homes with standard septic systems produce ~562 pounds of nitrogen annually, but would release 178 pounds of nitrogen annually with a system reducing down to 19 milligrams of nitrogen per liter, resulting in 384 pounds of nitrogen removed

annually. It is notable that the upgrading of septic systems is presently voluntary and the extent to which associated nitrogen reductions are achieved will be a function of how many homeowners in the East Quogue watershed take advantage of this program. Even if this program along, with any programs developed by Suffolk County and/or the Town of Southampton, cover the full cost of installation, installing such systems require annual maintenance and inspection fees. How this may impact program participation is unknown.

Fertigation:

Fertigation is a novel and innovative approach for groundwater remediation and holds promise to be one of many potential mitigation strategies used on Long Island to reduce the loading of nitrogen from land to sea. If this experimental approach is successful for The Hills, it would a project benefit, reducing the net nitrogen release from this project further than documented here.

Summary:

Collectively, the additional nitrogen mitigation measured included in the FEIS as interpreted by the Town of Southampton would yield nitrogen loads of 2,500 to 5,100 pounds of nitrogen per year for lower and higher As of Right development scenarios whereas the proposed Hills PDD would yield 2,300 pounds of nitrogen per year. This equates to a lower yield than the lower impact As of Right development but is still more than double the current yield of the forest and farmland. It should be noted that if the changes since the DEIS were made to the lower impact, As of Right scenario, this would yield lower nitrogen levels than the PDD.

The total calculation of nitrogen impacts and mitigation for this project are complicated by the challenge of attempting to quantify several inexact variables under differing regulatory requirements, while simultaneously making judgments about effective implementation, voluntary program participation, long-term enforcement, and site management over time. There are uncertainties in this analysis with regard to where the Pine Barrens Credits to be purchased would 'land'. Further, it is not known how many homeowners will participate in the septic upgrade program within the watershed. It is notable that full execution of all six changes in the FEIS considered in this analysis are needed to provide a nitrogen yield for the PDD that was lesser than the lower impact, As of Right development, meaning that the loss of any one of these changes would change the final outcome of this analysis.

Future considerations:

All of these calculations are, of course, theoretical and the extent to which the actual nitrogen yields on the Hills property match these calculations will be partly a function of the extent to which the characteristics of development matches the details and practices outlined in the PDD. Moreover, as more detailed information of the manner in which the Hills PDD may be developed

Exhibit 3 – Analysis of Nitrogen Loading Rates from The Hills PDD (Dr. Chris Gobler)

Page 11 of 12

and operated become available and as actual data is collected, these hypothetical scenarios and calculations could and probably should be refined. If the Hills PDD is approved and The Hills at Southampton is developed, stringent enforcement along with careful monitoring of the development, watershed, groundwater, surface waters, and surrounding ecosystems will be required to assure optimal environmental outcomes.

Exhibit 3 – Analysis of Nitrogen Loading Rates from The Hills PDD (Dr. Chris Gobler)

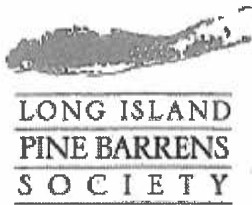
Page 12 of 12

Table 1. Nitrogen yields for the Hills property for the DEIS, as well as specific changes made to the FEIS and considered in this report for the Town of Southampton. Values are in pounds of nitrogen per year.

	Existing	Hill PDD	As of right, maximum	As of right, lower	Comment
DEIS	1,210	4,128	3,435	1,738	Reported in March
Fertilizer cap	1,210	3,371	3,435	1,738	2 lbs/1000 sq. ft. cap on applied fertilizer
Hills STP	1,210	3,041	3,435	1,738	STP for the PDD treating to 10 mg/l.
School STP	1,280	2,706	3,435	1,738	STP for the school treating to 10 mg/l.
Community septic upgrades	1,210	2,322	3,435	1,738	Using new technologies that treat to 10 mg/l.
13 acres with 30 homes	1,210	2,322	4,278	2,122	Build out of 30 homes on 33 acres
Pine Barrens Credits, 30 homes	1,210	2,322	5,130	2,484	30 additional units via purchase of Pine Barrens credits
FINAL	1,210	2,322	5,130	2,484	Total yields

Exhibit 4 – Fred Thiele Letter to Zoning Board of Appeals 3/17/18

Page 1 of 5



547 EAST MAIN STREET
RIVERHEAD, NEW YORK 11901
P: (631) 369-3300
F: (631) 369-3389
WWW.PINEBARRENS.ORG

March 19, 2018

Southampton Town Planning Board
Southampton Town Hall
116 Hampton Road
Southampton, NY 11968

To: Members of the Southampton Town Planning Board
Re: Lewis Road Planned Residential Development (PRD) Pre-Application Submission Comments
From: Richard Amper, Executive Director

Please include the enclosed letter from New York State Assemblyman Fred Thiele in the record. Thank you.

Exhibit 4 – Fred Thiele Letter to Zoning Board of Appeals 3/17/18

Page 2 of 5

Richard Amper

From: Fred Thiele [fwt1953@yahoo.com]
Sent: Saturday, March 17, 2018 2:01 PM
To: Richard Amper
Subject: Lewis Road PRD
Attachments: Amper letter.docx

Dick:

Attached is the response to your letter.

Hard copy will be mailed on Monday.

F

 Virus-free. www.avg.com

Exhibit 4 – Fred Thiele Letter to Zoning Board of Appeals 3/17/18

Page 3 of 5

March 17, 2018

Richard Amper
Executive Director
Long Island Pine Barrens Society
547 East Main Street
Riverhead, NY 11901

Re: Southampton Open Space Law (Chapter 247, Section 247-9)

Dear Dick:

Thank you for your letter of March 14, 2018 regarding the above-referenced local law and inquiring whether a golf course would constitute "open space" under the provisions of Section 278 of the State Town Law and Chapter 247 (Open Space) of the Southampton Town Code.

I have a unique perspective on this particular issue. Before 1981, mandatory open space subdivisions were not permitted in New York State. An open space subdivision required the consent of the landowner and could not be mandated on the landowner by a Town.

In 1981, as counsel to Assemblyman John Behan, I drafted a special act of the State Legislature for the Town of East Hampton that permitted the Town to mandate open space subdivisions. The legislation was approved. The Town of Southampton quickly requested the same legislative authority, which I also drafted. Soon after, the State Town Law was amended so that every Town in the state was authorized to mandate open space subdivisions.

As the Southampton Town Attorney between 1982 and 1987, I drafted the Open Space Law for the Town of Southampton. It was enacted in 1982 and updated in 1984 as part of the 1984 Comprehensive Plan Update. I was also the East Hampton Town Planning Board and Zoning Board of Appeals Attorney between 1982 and 1987.

In both towns, I was asked to opine whether or not a golf course constituted "open space" under their respective Open Space laws. The

issue arose in the context of whether land devoted to a golf course use could be used to meet the various percentage requirements for open space, mandated under the statute. It was my opinion that in both towns a golf course did not constitute open space and that the statute prohibited golf courses from being included in the open space calculation. To my knowledge, both towns have followed that interpretation to this day.

Under Section 278 of the State Town Law, the Planning Board "may establish such conditions on the ownership, use, and maintenance of such open lands.....to assure the preservation of the natural and scenic qualities of such open lands. The Town Board may require approval of those conditions. Chapter 247 of the Southampton Town Code enacted by the Southampton Town Board constitutes the approval of conditions for the use of open space.

Section 247 of the State General Municipal Law further defines open spaces and areas as follows: "'open space' or 'open area' is any space or area characterized by (1) natural scenic beauty or, (2) whose existing openness, natural condition, or present state of use, if retained, would enhance the present or potential value of abutting or surrounding urban development, or would maintain or enhance the conservation of natural or scenic resources. For purposes of this section natural resources shall include but not be limited to agricultural lands defined as open lands actually used in bona fide agricultural production.

Consistent with state law, Section 247-9 of the Southampton Town Code defines what uses may be approved for open space. Section 247-9 provides as follows:

The Planning Board may approve uses for open space, and these uses will be clearly indicated on the final map.

A. The Planning Board may approve recreational use, such as wooded park areas, bridle paths, hiking trails, beach areas, etc.

B. The Planning Board may approve conservational uses, such as open woodland, wetlands, dune areas or farm fields.

C. The Planning Board may approve cultural aspects, such as historic places, buildings and works of art and paleontological and archaeological sites and such open spaces which will assure that each of the above cultural aspects are adequately protected in the public interest.

D. Areas for active recreation which are to contain substantial improvements, structures, impervious surfaces and other alteration from their natural state shall not constitute open space hereunder or for the purpose of § 247-7 hereof.

In the early 1980's as Southampton Town Attorney, it was my opinion that a golf course was "active recreation" which required substantial improvements to the land, structures, and alterations from the natural state of the land. My opinion has not changed.

Exhibit 4 – Fred Thiele Letter to Zoning Board of Appeals 3/17/18

Page 5 of 5

The statute does permit minor uses of land to enhance the use of the land for passive recreation such as bridle paths, hiking trails, beaches, wooded parks. In conclusion, the proper use of open space areas, pursuant to an open space subdivision, is clearly outlined in state law, as well as, Southampton Town local law implementing the state law. These lands are to remain in their natural state, with minor improvements to foster public access for passive recreational purposes.

Golf courses simply don't constitute such a use. This is clear from both the legislative history and the clear meaning of the language used in the statutes. A contrary interpretation would torture the meaning of the English language beyond all recognition.

I trust this responds to your inquiry.

Sincerely,

Fred W. Thiele, Jr.
Member of Assembly

The project will be clustered on 166.86 acres (28.23%)³ on the central and southern parts of the Hills South Parcel and on the Kracke Property (hereafter, when discussing this portion of these combined sites in reference to the proposed development, this area will be referred to as the *"Hills South Parcel/Kracke Property"*), so that the project can provide 424.14 acres of retained natural open space (71.77%). It should be noted that the project will clear only 122.80 acres of existing natural vegetation, and will revegetate 33.17 acres of existing disturbed land to create additional natural open space. This is achieved by:

- revegetating 15.78 acres of agricultural land on the Parlato Property; and
- revegetating the 17.39 acres of combined unvegetated, agricultural and brushy cleared land on the Hills South Parcel/Kracke Property.

Access to the site will be gained from an existing mapped but not constructed road associated with the Subdivision Map of Kijowski Family Farm which is immediately west of and abuts the Kracke Property (see Figures 1-2 and 1-3). As discussed in Section 1.6.3, this roadway is designated "Old Field Road."

1.3.2 Architecture and Aesthetics

The project will feature attractive, coordinated architectural styling for the clubhouse, residential structures, and common areas (see Appendices B-1 and B-2). It is intended and expected that the project's architecture would, in coordination with landscaping, create a visually interesting and desirable environment for occupants and visitors. The development areas of the subject property are distant from Lewis Road and will not be readily visible from most of the community; however, the intent is that the project will blend with the natural environment and contribute positively to the character of the community in general through quality architectural design, pleasing and sustainable landscape design and significant retention of natural features of the site. Quality-of-life and respect for the natural environment will be the central tenets of the project, and this emphasis will be evident in the use of thoughtful building design, appropriate landscaping, well-equipped private residential recreational spaces and installation of attractive site entrances and external appearance. The materials in Appendix B-3 exemplify the types of building character, street furniture and amenities (e.g., lighting fixtures, signage, benches, trash receptacles, kiosks, etc.) and overall aesthetic effect to which the Proposed Project will aspire.

1.3.3 Yield Analysis

Although the proposed project is not requesting an increase in yield or density from the current zoning yield, the proposed project could not be developed if the site were to remain in its existing CR-200 zoning, as its development requirements do not provide the flexibility of uses to allow for the amount and type of development that DLC proposes. A PDD was recognized in the East Quogue LUP and GEIS as a means to achieve the recommended golf course and resort development other than the recently up-zoned single-family residential use.

³ Includes existing cleared areas that are not used for development.

Exhibit 6 – Reduced Impact Alternative Comparisons submitted as part of SEQRA
by Group for the East End

Page 1 of 3

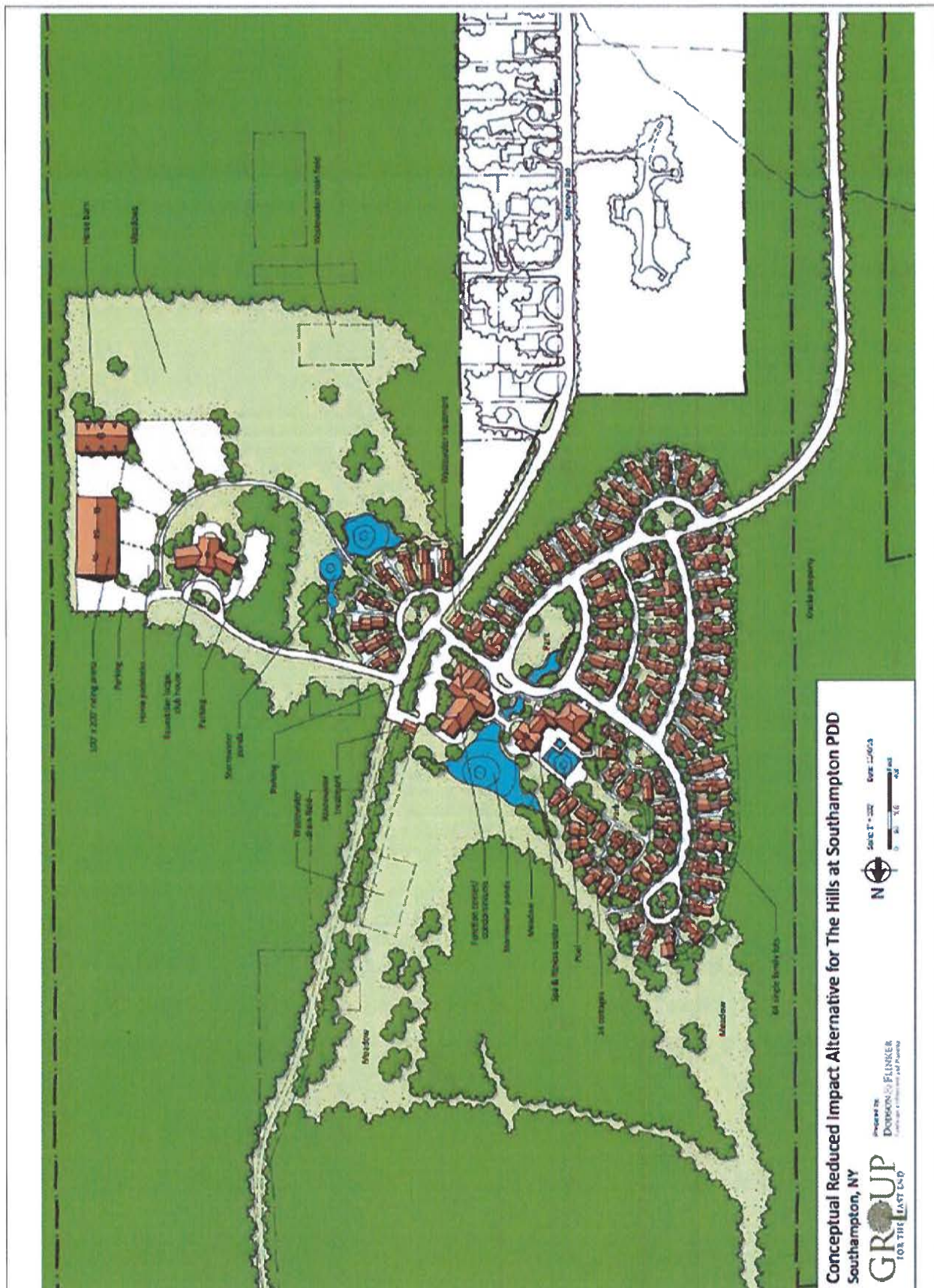


Exhibit 6 – Reduced Impact Alternative Comparisons submitted as part of SEQRA
by Group for the East End

Page 2 of 3



Exhibit 6 – Reduced Impact Alternative Comparisons submitted as part of SEQRA by Group for the East End

Page 3 of 3

Comparison of Impacts: Discover Land Company PDD vs. Conceptual Reduced Impact Alternative

Impacts	Discovery PDD		Reduced Impact Alternative		Comparison: Reduced Impact Alternative vs. Discovery PDD
	Acres	% of Site	Acres	% of Site	
Site Development Total Area	166.86	28.23	23.53	4	86% less developed area
Cleared Areas	166.86	28.23	45	7.61	74% less clearing
Fertilized Turf	88.53	15%	0	0	100% less fertilized turf
Preserved Contiguous Open Space	276	48%	546	92	100% more preserved contiguous open space
Preserved Open Space incl. fragmented areas	424	72%	546	92	29% more open space incl. fragmented areas
		Units		Units	
Water Usage-	53,810,179	gallons per year	11,961,650	gallons per year	78% less water usage
Sewage Flow - bldgs. only	41,814	gallons per day	31,770	gallons per day	25% less sewage flow from buildings
Design flow including turf	65,214	gallons per day	31,770	gallons per day	51% less overall wastewater flow
Nitrogen loading					
Turf	655.1	pounds/year	0	pounds/year	100% less nitrogen loading from turf
Sewage from buildings	Variable by computation model				72 % to 88% less nitrogen loading buildings
Residences total number	118	residences	88	residences	25% fewer residences
Total size of residences	435,800	square ft.	532,800	square ft.	22% greater combined sf of residences
Traffic wkdy PM/Sat peak	103/125	trips per hour	23/31.5	trips per hour	78% to 75% less peak hour traffic



Protecting the nature of the place you love
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Prepared by Fine Arts Sciences for Group for the East End, November 2016

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October 16, 2019

Jacqui Lofaro, Chairperson
Town of Southampton Planning Board
116 Hampton Road
Southampton, NY 11968

RE: Lewis Road Planned Residential Development (PRD) Subdivision

Dear Chairperson Lofaro:

This letter provides the Central Pine Barrens Commission's comments on the Preliminary Application for the Lewis Road Planned Residential Development Subdivision.

Currie Meek Gallagher
Chairwoman

Steven Bellone
Member

Laura Jens-Smith
Member

Edward P. Romaine
Member

Jay H. Schneiderman
Member

Review of Comprehensive Land Use Plan Standards and Guidelines

This review is based on the information and material referred to the Commission by the Town and is subject to change if additional information is received and/or if the Project elements change. Nothing herein shall serve to limit the Commission's review of the Project under its Assertion of Jurisdiction.

The SEQRA Record consists of the materials analyzing the impacts of this Project and its predecessor, the Hills at Southampton.

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.

- Compliance to be demonstrated upon Suffolk County Department of Health Services approval. Absent such approval, the Project does not conform.

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.

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- Compliance to be demonstrated upon Suffolk County Department of Health Services approval. Absent such approval, the Project does not conform.
- The Applicant has not demonstrated the practicability or impracticability of locating the SIP discharge outside and downgradient of the Central Pine Barrens.

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.

- The Project does not appear to comply because the Applicant has not demonstrated that the Project will conform with the 2.5 ppm nitrate-nitrogen goal as measured over the entire Project Site.
- The Record contains apparent discrepancies between projected sewage effluent nitrogen concentrations and treatment technologies potentialities. The Applicant should provide the amount of nitrate-nitrogen that will be recharged by the Project.

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.

- Compliance to be demonstrated upon Suffolk County Department of Health Services approval. Absent such approval, the Project does not conform.

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.

- Compliance to be demonstrated upon Suffolk County Department of Health Services and New York State Department of Environmental Conservation (NYSDEC) approval. Absent such approvals, the Project does not conform.

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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.

- Compliance to be demonstrated upon Suffolk County Department of Health Services and NYSDEC approval. Absent such approvals, the Project does not conform.

Standard 5.3.3.4.1 Nondisturbance buffers

Development proposals for sites containing or abutting freshwater or tidal wetlands or surface waters must be separated by a nondisturbance buffer area which shall be no less than that required by the New York State Tidal Wetland, Freshwater Wetland, or Wild, Scenic and Recreational Rivers Act or local ordinance. Distances shall be measured horizontally from the wetland edge as mapped by the New York State Department of Environmental Conservation, field delineation or local ordinance. Projects which require variances or exceptions from these state laws, local ordinances and associated regulations, shall meet all requirements imposed in a permit by the New York State Department of Environmental Conservation or a municipality in order to be deemed to have met the requirements of this standard.

- The Project does not appear to comply because the Applicant has not demonstrated whether freshwater wetlands exist on the Project Site.

Stream reaches of Weesuck Creek are shown on United States Fish and Wildlife Services wetland maps and United States Geological Survey topographic maps on the Project Site. The Record shows the entire site is in the Weesuck Creek watershed. Weesuck Creek's reaches traverse the site. The Project Site contains at least two swales, which are described in the Record as "normally dry." The Applicant should provide information as to whether water ponds seasonally or after significant rain events in the reaches of Weesuck Creek or in the two swales on the Project Site. If so, appropriate buffers should be provided.

- The presence or absence of vernal pond(s) and forested wetland habitat, especially in the southern portion of the Project Site, should be verified on site.
- The Planting and Lighting Plans prepared by N&P dated December 18, 2018 identify "wetlands." Explain if the proposed ponds will be considered wetlands or if other wetlands were identified or are proposed.

Standard 5.3.3.4.2 Buffer delineations, covenants and conservation easements

Buffer areas shall be delineated on the site plan, and covenants and/or conservation easements, pursuant to the New York State Environmental Conservation Law and local ordinances, shall be imposed to protect these areas as deemed necessary.

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- The Project conforms to the Standard, but efficacy can be enhanced through the requirement that buffer areas be protected under conservation easement rather than by covenants and restrictions.

Standard 5.3.3.4.3 Wild, Scenic and Recreational Rivers Act compliance

Development shall conform to the provisions of the New York State Wild, Scenic and Recreational Rivers Act, where applicable. Projects which require variances or exceptions under the New York State Wild, Scenic and Recreational Rivers Act shall meet all requirements imposed by the New York State Department of Environmental Conservation in order to be deemed to have met the requirements of this standard.

- Not applicable.

Guideline 5.3.3.4.4 Additional nondisturbance buffers

Stricter nondisturbance buffer areas may be established for wetlands as appropriate

- Same comment as under Standards 5.3.3.4.1 and 5.3.3.4.2 above.

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.

- Compliance to be demonstrated upon approval of a Stormwater Pollution Prevention Plan by the NYSDEC. Absent such approval, the Project does not conform.

Guideline 5.3.3.5.2 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 Project does not appear to comply because the Project does not cause minimal disturbance of native vegetation in creating natural drainage recharge areas and/or drainage system designs since up to 200,000 cubic yards of materials will be removed to create the golf course and 48,500 cubic yards of materials will be removed to create stormwater and drainage structures.
- The Applicant has not demonstrated whether the Project can utilize existing natural low points and natural topography for drainage where feasible to avoid clearing, excavation and construction of 43 drainage areas on the Project Site.

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Guideline 5.3.3.5.3 Ponds

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

- The Project does not appear to comply because the applicant states that “[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.”

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 Project does not appear to comply because the Applicant failed to demonstrate that it is not feasible to use natural swales and depressions for this purpose.
- The Project Site contains natural knob and kettle topography and benefits from significant topographic features, with elevations of 25 feet in the southerly portions of the site to 230 feet in the northerly portions of the Project Site. The Project should utilize existing natural topography, swales and depressions for drainage where feasible rather than clearing more than seven acres for drainage reserve areas and an additional area of approximately seven acres of ponds for stormwater management purposes.

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.

- Compliance to be demonstrated upon approval of a Stormwater Pollution Prevention Plan by the NYSDEC. 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

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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.

- The Project does not appear to comply based on the information provided. The Project Site consists of 178 separate tax map parcels. The applicant should provide a table containing information on each parcel including its area, its 1995 zoning, and its current clearing status and whether the parcel will be cleared and, if the parcel is to be developed, with what. This information should include the percentage and acreage to be cleared and percentage and acreage to remain natural on the Project Site.
- The Applicant must confirm that existing cleared area is accounted for in the overall clearing limit. Cleared areas must include haul roads, paper roads, construction roads, parking lots, drainage reserve areas, bioswales, raingardens, stormwater management structures, ponds, expansion area for the sewage treatment plant, trailhead parking lot, well field, and other development and infrastructure.
- Explain how the Smith Avenue right of way and Spinney Road segment traversing the Project Site will be incorporated into the Project and affect the clearing standard.

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

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the creation of large contiguous natural open space areas and or the protection of rare, threatened or endangered species or their habitat.

- The Project does not appear to comply. The majority of the proposed open space, 241 acres or 55%, in the Project (located within the Hills South and Kracke sites) does not appear to be unfragmented. Rather, it consists of more than 17 separate and discrete islands and corridors comprised of woody vegetation, ranging in size from approximately 11,000 square feet to an average of approximately two acres, which fragments open space. Some areas are long and narrow and some are circular. This fragmented open space is interspersed among the developed and natural areas in between housing units, the golf course, roads, and other buildings, facilities, structures, infrastructure and disturbance.
- To increase the amount of unfragmented open space and better align with the Standard, the Applicant may wish to consider moving the proposed northerly three golf course holes to a more southerly portion open space. The holes could be moved further southward in the rear of units on the Kracke property (Lots 1 through 7, HOA 3 in the map, and in the area of proposed HOA 5 in the southerly area of the Project). This would avoid fragmentation of open space in the northerly area, provide a greater cluster of development and open space, and avoid some development on steep slopes.

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-dependant 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 demonstrates compliance with this Standard

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 demonstrates compliance with this Standard. The Project provides the opportunity to transplant and reuse existing native plants and seeds as the Project develops. Clearing and grading activity will result in the removal of 167 acres of vegetation and soil resources containing native seeds and plants that could be reused to some extent.
- Strive to utilize native genotypes and transplant and reuse existing cleared material where feasible.

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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.

- Compliance to be demonstrated upon approval by the NYSDEC and the Town of Southampton of the Applicant's plan to mitigate impacts to protected species present on the Project Site.
- Please confirm if and how the habitat of the Federally-listed and New York State-listed Threatened Species, the Northern Long-Eared Bat (NLEB), will be protected. NLEB habitat for roosting and foraging is present on the Project Site. The Record states, "There is potential for this species to utilize the site for maternity roosting and foraging activities."
- The Record identified New York State Listed plant species on the Project Site. Please confirm if State-listed species defined as rare and threatened plant species will be protected and, if so, describe how.
- The Record identified New York State Listed wildlife species including species defined as Special Concern on the Project Site, as well as wildlife identified in the State list of Species of Greatest Conservation Need. Please confirm if State-listed wildlife species will be protected and, if so, how.
- The Scrub Oak Map in the Record identified scrub oak habitat for the coastal barrens buck moth, a NYS-listed Species of Special Concern present on the Project Site. However, buck moth surveys performed in 2008, 2009, and 2014, which are outdated, did not identify individuals of this species. It is unknown if the species has populated the site at this time in 2019.

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%).

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- The Project does not appear to comply because it does not maximize the development of lots, roads, and the golf course and other facilities on slopes of less than 10%, as per the maps titled "Map of Property, Location Plan and Key Map Preliminary Plan" Sheet C101 and "Overall Development Plan Preliminary Plat" Sheet C102, prepared by Nelson & Pope dated December 18, 2018.

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 may not comply with this Guideline because construction will occur on slopes greater than 10%; however, it is not clear if the development was designed to take sufficient care to mitigate negative environmental impacts. A SWPPP will be submitted to NYSDEC for review and approval. Input from NYSDEC staff reviewing the SWPPP may provide guidance on this matter.

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 Project does not appear to comply because the materials provided to the Commission do not provide the required information.
- Please quantify and provide the amount of steep slope area to be removed.

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.

- Compliance to be demonstrated upon approval of a Stormwater Pollution Prevention Plan by the NYSDEC. Absent such approval, the Project does not conform.

Guideline 5.3.3.8.5 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.

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- The Project does not appear to comply based on the information provided.
- The Project's roads and driveways traverse slopes greater than 10%. The Applicant must demonstrate that the traversing of slopes greater than 10% has been minimized by quantifying the amount of steep slopes to be disturbed.

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 Project does not appear to comply based on the information provided.

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 Project demonstrates compliance with the Standard, but efficacy can be enhanced through the requirement that buffer areas be protected under conservation easement rather than by covenants and restrictions. The dedication of 188 acres of open space to the Town complies.

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 Project does not appear to comply. The Project's design can be reconfigured to maximize clustering of the development areas to enhance open space and provide connectivity to the adjoining public lands on the east and north sides of the Project Site.
- Notwithstanding that the Applicant characterizes 428 acres of the Project Site as open space, the majority, 240 acres (55%) are in an unclustered pattern because the golf course and residential development create narrow buffer strips and islands of vegetation among developed areas within the Project Site. The remaining 188 acres (44%) are clustered.
- The Record contains a cluster plan prepared by NP&V, Fazio and Vita titled "As-of-Right Plans" dated March 5, 2014 for the development absent the golf course. Absent the golf course the site demonstrated clustering to the maximum extent.

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The golf course fragments open space and if its layout could be examined to cluster more tightly to create significantly fewer acres of fragmented open space and connect open space to adjoining public lands, the Applicant may be able to demonstrate conformance.

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 demonstrates conformance with the Guideline, but efficacy can be enhanced through the requirement that buffer areas be protected under conservation easement rather than by covenants and restrictions.

Guideline 5.3.3.10.1 Best management practices

Any existing, expanded, or new activity involving agriculture or horticulture in the Compatible Growth Area should comply with best management practices, as defined herein, and relevant requirements including local law. Best management practices are, for purposes of this CLUP, the same practices stated in the most recent version of Controlling Agricultural Nonpoint Source Water Pollution in New York State (Bureau of Technical Services and Research, Division of Water, New York State Department of Environmental Conservation, 1991 and as later amended).

- Not applicable since the agricultural use will be abandoned in the Project.

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.*

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5. Sensitive archaeological areas as identified by the New York State Historic Preservation Office or the New York State Museum.

- The Project does not appear to comply with subpart 1 of this Guideline.
 - o Existing trails run adjacent to the easterly Project Site boundary. However, no buffer is provided to protect trail corridors.
 - o Identify and confirm if public access to the portion of Spinney Road running through the Project Site will be eliminated. Will this portion also be abandoned?
- The Project does not appear to comply with subpart 5 of this Guideline because the New York State Office of Parks, Recreation and Historic Preservation (SHPO) sign off is required.
 - o An archaeological survey was performed for the Project. The Record states, "Based upon soil type, topography, distance to water, an Indian foot trail and prehistoric sites, the property is seen as having an above average potential for the recovery of prehistoric archaeological sites. Based upon similar environmental characteristics, and proximity to Indian trails and/or wigwams and historic map documented structures, the property is seen as having a moderate potential for the recovery historic archaeological sites." The SHPO letter dated October 10, 2017 did not conclude its review of this Project; no sign off has been submitted on the potential impacts to cultural, archaeological or historic resources. The Record contains a Phase IA and Phase IB study, but SHPO stated that the "submitted materials hinder our ability to review the project." The matter appears unresolved. The SHPO has not provided a conclusive letter regarding the results of the Applicant's Phase IB survey, findings, and potential cultural resources impacts of the Project.

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

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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.

- The Project does not appear to comply because the October 10, 2017 SHPO letter is not conclusive about the impacts of the Project on the resources protected by 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 does not appear to comply.
- The Project Site adjoins public nature preserve and open space properties. However, no buffer to the easterly adjoining open space is provided. No buffer is identified in the Record between the proposed golf course and the adjacent Town open space and significant grading and disturbance is proposed to occur in order to develop the golf course immediately adjacent to this existing public open space. Identify measures to buffer and protect adjoining public lands and land not under the Applicant's ownership, particularly minimally sized old filed map lots, paper streets, and other areas that cannot be disturbed as part of the Project.
- The Project's Visual Assessment fails to show the Project in the landscape so as to provide a means to evaluate its impacts.

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 does not appear to comply.

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- Development on the Project Site is expected to 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. The Record contains an inadequate assessment of visual impacts and opportunities to visually shield the project from public lands, public roads, and the coastal zone area.
- The Record contains a visual assessment, but it is deficient because it does not illustrate the Project in the landscape to adequately evaluate potential visual impacts of the project.

Standard 5.3.3.12.1 Commercial and industrial compliance with Suffolk County Sanitary Code

All commercial and industrial development applications shall comply with the provisions of the Suffolk County Sanitary Code as applied by the Suffolk County Department of Health Services, and all other applicable federal, state or local laws. Projects which require variances from the provisions of the Suffolk County Sanitary Code shall meet all requirements of the Department of Health Service's Board of Review in order to be deemed to have met the requirements of this standard.

- Compliance to be demonstrated upon Suffolk County Department of Health Services approval. Absent such approval, the Project does not conform.

Other Comments

Development of Regional Significance

- The Hills Project was a Development of Regional Significance because of impacts identified in a traffic study analyzing summer and fall peak traffic. Another traffic study was prepared in May 2018 after the Project changed with, among other elements, the elimination of the non-resident golf course membership. This study did not analyze seasonal traffic impacts including seasonal, summer and fall, peak periods. In addition, the study was based on counts recorded in March 2018, not representative of seasonal traffic including summer and fall peak periods to analyze traffic impacts.

Mining

- The Project requires Mining Permits from the NYSDEC for activities in the Project including:
 - Net removal of 350,000 cubic yards of soil to be exported to East Coast Mines.

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- Development of two (2) ponds with a total area of approximately four to seven acres and maximum depth of approximately 10 feet.
- Coordinate with and obtain input from NYSDEC on the feasibility of issuing new Mining Permits.
- Confirm if Town Mining Permits are required for the Project.

Pine Barrens Credits

- Confirm if Pine Barrens Credits will be retired for the Project, and if not, should the Project retire PBCs.

Thank you.

Sincerely,

Julie Hargrave
Principal Environmental Planner

Exhibit 8 – Table 2-3 of Lewis Road PRD Preliminary Application

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.

Exhibit 9 – Unfragmented Open Space and “Slivers” Map

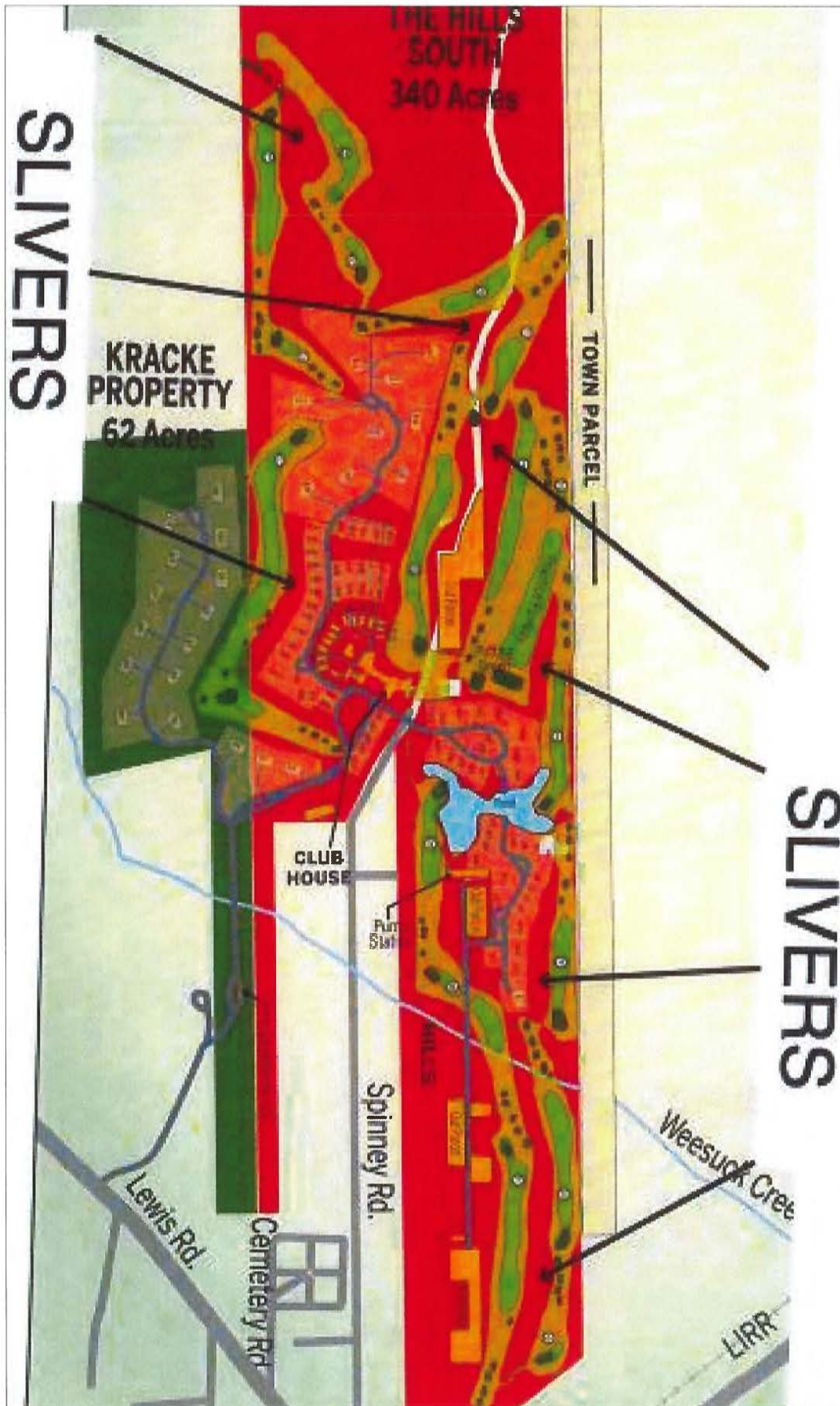


Exhibit 10 – Shinnecock Letter to Southampton Town

Page 1 of 4

**The Hills at Southampton
MU/PDD Application
Final EIS**

Appendix F-6 Shinnecock Nation Letter

February 7, 2017

Exhibit 10 – Shinnecock Letter to Southampton Town

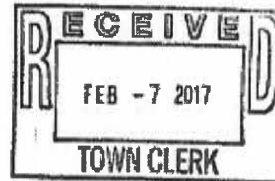
Page 2 of 4



SHINNECOCK INDIAN NATION
Shinnecock Indian Territory
P.O. Box 5006 Southampton, New York 11969-5006
Phone (631) 283-6143 Fax (631) 283-0751

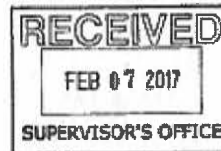
*The oldest self governing
Tribe of Indians in the United States*

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February 7, 2017

Mr. Jay Schniederman, Supervisor
Town of Southampton
Town Board
Southampton Town Planning Dept
Hills Development Corp.
116 Hampton Road
Southampton, NY 11968



This letter is a follow up to my presentation at the previous hearing before last regarding The Hills project in East Quogue and the concerns of the Shinnecock Nation. I, David Martine am designated Tribal Historic Preservation Officer. Our mandate is to implement consultation processes on behalf of the Nation as they relate to the Section 106 process of the National Historic Preservation Act as well as other Federal statutes which affect the preservation of Shinnecock historical/cultural resources, based on consultation and remediation as far as possible to mitigate adverse effects to Shinnecock cultural resources wherever necessary.

The Shinnecock Nation is vitally concerned with the protection and preservation of our cultural resources encompassing the lands and waters surrounding the areas of Long Island and New York City as designated by the New York State Dept. of Historic Preservation. Our area of interest primarily is under the Tribal Consultation Process as set forward in the Section 106 of the National Historic Preservation Act and other acts as they relate to the East Quogue project and that has not been fulfilled under the mandates of several Federal Statutes.

Exhibit 10 – Shinnecock Letter to Southampton Town

Page 3 of 4

We were not included as a consulting party in this project as is mandated by Federal law and should have been a party to all pertinent consultations regarding this project with the same consideration as the EPA and HUD. As I mentioned in my presentation to the board, the Area of Potential Effects (APES) in regard to this particular development effects bear on the Nation. Our interest is related to Environmental aspects and Archaeological/cultural resource protection. We were not formally consulted in the development of a scope of work, nor apprised on the original research design for data recovery. The importance of this site relevant to Shinnecock history and identity is not dependant on the survival of above-ground structures or facilities. The places themselves are part of a traditional landscape affirmed by the presence of archaeological contexts and content that document Shinnecock occupation.

F-6.1
Sec. 3.5

While it is possible that significant parties were not aware of the Federal consultation mandate required under Federal law, following is a list of Federal statutes that have bearing on the interest of the Shinnecock Nation on our traditional lands encompassing our areas of interest. Because of the seriousness of this matter, we are considering informing the State Historical Preservation Office as well as the Advisory Council on Historic Preservation in Washington to mediate on our behalf because of the serious nature and number of non-compliance issues involved with the Quogue project.

F-6.2
Sec. 3.5

In addition to Section 106 issues of the National Historic Preservation Act following is a list of other statutes that bear on this parcel:

1. The Tracker arch. Survey only surveyed 160 of the 596 acre area. In addition there are not enough test pits performed for the area that was surveyed. Consideration was not given to the fact that resources (Shinnecock flint cache) had been found, proximity to footpath (Shinnecock historic trade routes) infusion of waste-water into Shinnecock Bay, (which effects the quality of the Shinnecock Bay waters surrounding the reservation; infusion of waste-water in Weesuck Creek, (same problem as previously mentioned; and possible location of Shinnecock prehistoric and historic habitation and or human burials within area of potential effects (APES) around Weesuck Creek. We know that Shinnecock habitation and burials may be located near water sources as was demonstrated by the Hotel St. James site in Bridgehampton years ago. Survey report indicates "higher than average potential for recovery of prehistoric sites" then immediately contradicts that finding by saying that the likelihood of materials being found is not there or not sufficient of impact the project. We strenuously disagree.
2. NHPA - National Historic Preservation Act 16 U.S.C. 470f]
3. NAGPRA - Native American Graves Protection and Repatriation Act 25 U.S.C. 3002 (a)] If human remains are unearthed during construction because these things were not found before construction began, all construction would cease, a Federal zone would be established and Shinnecock Nation will fully exert its rights under NAGPRA to its fullest extent.
4. ARPA - Archeological Resource Protection Act 16 U.S.C.470aa (b)]
5. NEPA - National Environmental Policy Act (EPA and HUD agencies have not consulted with the Shinnecock Nation relative to the reports involved with environmental impacts to the environment. Which bring Title 33 – Clean Water Management issues and Coastal Resource Management Council, and National Ocean and Atmospheric issues into play as they impinge on the interests of the Shinnecock Nation relevant to the possible effects on Shinnecock water resource and resource management issues.



Exhibit 10 – Shinnecock Letter to Southampton Town

Page 4 of 4

If lack of consultation with the Shinnecock Nation was based on the N.Y. State Dept. of State, Office of Planning and Development, Office of Planning and Development (Land Use Solutions – Geographic Information Gateway Maps online which supposedly shows Shinnecock Coastal Tribal Lands Shinnecock Nation Offshore use areas relative to Shinnecock Bay and the Atlantic Ocean not impinging on the area around East Quogue, that would be inaccurate. That Offshore use areas map is not based on Shinnecock Federal use jurisdiction based on Section 106 issues not even close to applicable jurisdictions.

6. 1790 – Indian Non-Intercourse Act (Collective name for 6 Congressional statutes from 1790 to 1834) Pertains to the fact that none of that land was approved by Congress to be transferred away from the native people to start with;
7. UN Declaration For Indigenous Rights pertain to all indigenous people rights to fight for restitution of their resources
8. Coastal Zone Management Act or Coastal Resource Management – CRM, – 1972 1452 or (Title 16- USC-1451) refers to another applicable Federal statute to the Nations interest and this projects impact on the wetlands and sea-coast eco-systems.
9. The Southampton Town's Archaeological sensitivity map is also not adequate as it relates to the Federal cultural resources interests of the Shinnecock Nation that exist today. That whole area of East Quogue is covered as an area of archaeological/cultural sensitivity as far as that is concerned, one reason because of the proximity to "Good Ground" which was a very active location for Shinnecock settlement up through the late 19th century going back to Rev. Paul Cuffee, Azariah Horton as well as hunting, whaling, trading, occupation, as well as other forms of traditional activity.

The agenda consultation should address is all of the foregoing concerns and should not be limited to discussion of the treatment of human remains, should they be recovered, but the full extent of Shinnecock cultural resource interests at the Federal level.

Please contact me directly to discuss these issues further. I look forward to the development of a more equitable and respectful consultation process.

Respectfully,


David Martine
Tribal Historical Preservation Officer


Eugene Cuffee II
Sachem, Council of Trustees



Peter A. Scully
Chair

Philip J. Cardinale
Member

Brian X. Foley
Member

Linda A. Kabot
Member

Steve A. Levy
Member

P.O. Box 587
3525 Sunrise
Highway
2nd Floor
Great River, NY
11739-0587

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

Resolution on the Tall Grass Village Planned Development District Application

East side of Randall Road, on the south side of NYS Route 25A, and on both the north and south sides of Cooper Street, in an area west of the William Floyd Parkway in the hamlet of Shoreham, Town of Brookhaven, New York.
Suffolk County Tax Map Parcel Numbers: 200-104-2-14.3, 14.4, 15.1, 16.1, & 21.3, 200-126-2-1.5 & 2, 200-127-1-3, 200-148-2-6

Central Pine Barrens Commission Meeting of May 21, 2008 Brookhaven Town Hall, Farmingville, NY

Commission members present:
Mr. Scully (for New York State),
Mr. Isles (for Suffolk County),
Mr. Foley (for Brookhaven Town),
Mr. McCormick (for Riverhead Town),
Mr. Shea (for Southampton Town).

Whereas, Tallgrass Properties, LLC and TGC Operating Co. (the "Applicant") by their attorneys Farrell Fritz, submitted an amended Compatible Growth Area Development of Regional Significance application for Tall Grass Village Center at Shoreham Planned Development District, (the "Project") to the Commission on November 30, 2007, and

Whereas, the Project is for a change of zone of 320 acres from A-1 Residence to Planned Development District to construct a large scale, mixed use development project that consists of: 352 single family and detached residential units, a 125,000 square feet Village Center, an on site 120,000 gallon per day sewage treatment plant, a 12,200 square foot community recreation center, and the retention and reconfiguration of the Tallgrass Golf Course with a 9,197 square foot clubhouse, as more fully described in the Commission's Findings Statement and Decision dated May 21, 2008, and

Whereas, the Commission is required to review Developments of Regional Significance compliance with the Standards and Guidelines contained in the Central Pine Barrens Comprehensive Land Use Plan (the "CLUP"), and

Whereas, the Project is a Development of Regional Significance as set forth in the CLUP because the Project exceeds the DRS threshold for traffic impacts because the Project will result in traffic impacts that will reduce service at seven (7) intersections by two levels of service or more below existing conditions and will cause a drop in the level of service at eight (8) intersections

Exhibit 11 – Tall Grass Village Denial Resolution by Commission

Page 2 of 3

to D or below, and

Whereas, the Project is a Development of Regional Significance because the Project exceeds the CLUP's DRS threshold of 200 single family residences, and

Whereas, the Commission's Findings Statement and Decision details the Project's procedural history and environmental review performed by the Town of Brookhaven, including the Town's October 16, 2007 conditional approval of the Project, and by the Commission's review of the Project, and

Whereas, the Project does not comply with two Standards and one Guideline of the CLUP, and

Whereas, the Applicant's CGA-DRS application includes the request that the Commission grant the Applicant a CGA hardship waiver from strict compliance with two of the CLUP Standards, and

Whereas, the Commission held two public hearings on the Application, and

Whereas, the Commission further discussed the Project at its March 19, 2008 meeting attended by the Applicant's representatives, and

Whereas, during the March meeting, the Commission at the request of the Applicant granted the Applicant until March 31, 2008 to provide additional information to the Commission, and

Whereas, the Applicant requested at the April 16, 2008 Commission meeting for the Commission to extend the deadline for making a determination on the Project for 30 days in order to submit information and rationale for offering additional Pine Barrens Credits for the project, and

Whereas, the Applicant submitted additional information on the Project and site plans on April 23, 2008, and

Whereas, the decision deadline was later extended to coincide with the May 21, 2008 Commission meeting, and

Whereas, the Commission has considered all information submitted by the Applicant for this Project, and

Whereas, the Applicant has not adequately demonstrated that there are no reasonable alternatives available, which would conform with the CLUP standards, including, among others, the possible reduction of the scale of the Project to a level or intensity below the DRS thresholds,

Exhibit 11 – Tall Grass Village Denial Resolution by Commission

Page 3 of 3

to address traffic impacts and reduce the number of residential units, as well as the possible incorporation of other mitigation measures, which could offset or compensate for the potential for substantial impairment of the resources of the Central Pine Barrens area, related to the project's non-compliance with those CLUP standards and guidelines for which a hardship waiver request is being sought, and

Whereas, the public record is insufficient with respect to adequately demonstrating that the CLUP's Standards and Guidelines cause an unnecessary hardship; and

Whereas, the Commission as an involved agency under SEQRA §617.11(c), has prepared the attached Findings Statement and Decision to satisfy its requirements as an Involved Agency under the New York State Environmental Quality Review Act and which also contains the Commission evaluation and denial of the Applicant's hardship waiver application, now therefore be it

Resolved that the Commission adopts and issues the attached Findings Statement and Decision, and be it further

Resolved, the Commission finds that Project neither complies with nor conforms to two CLUP Standards and one CLUP Guidelines, and be it further

Resolved, that the Commission denies the hardship waiver request and the Project's DRS application for the reasons set forth in the Findings Statement and Decision.

Motion by: Mr. Scully

Second by: Mr. Shea

Vote:

Yes: Mr. Scully, Mr. Isles, Mr. McCormick, Mr. Shea

No: Mr. Foley

Abstain: None

Page 3 of 3

2/19/20
Hearing

James & Ellen Sanders
P O Box 191
Westhampton NY 11977
Ellen57@optonline.net 5164436237

Full time resident of East Quogue off Lewis Road

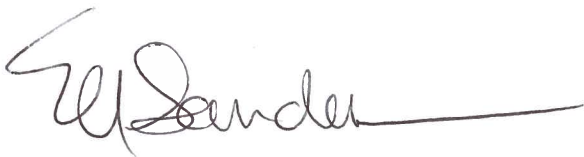
Pine Barrens Commission
Re: Lewis Road/ Hills /Golf DLC
2-19-2020

We are apposed to the approval of the land use for this project.
Specifically, the water protection and use of our water resources for
A development of this size and golf course with club house.

C-42
Sec. 3.2

The volume of water required to sustain this project should be strongly
considered by this board. We DO NOT have an endless supply of water
. Nor do we clean drinkable water throughout long island.

Please vote NO to this application, NO to the golf. NO to additional
pollutants.

A handwritten signature in dark ink, appearing to read "Ellen Sanders", followed by a long horizontal line.



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DIRECTORS EMERITUS**Charles Guilloz**

James H. Rambo Co

Anthony Toscano

Southampton Masonry, Inc.

February 19, 2020

TO: Pine Barrens Commission

I am writing on behalf of the Board of Directors of the Southampton Business Alliance, our 100+ local business membership and their thousands of local employees to voice strong support of the Discovery Land project proposed in East Quogue. The quality and caliber of Discovery Land projects speak for themselves, both locally and globally. Their management team has consistently evidenced a commitment to the betterment of our community at large.

C-43
Sec.
3.11

The Southampton Business Alliance feels this project will provide a huge economic benefit to East Quogue and to the Town of Southampton. This will create many local jobs, both during and after construction. The new homeowners will support local businesses for decades to come, and the new homes will generate sorely needed tax dollars to support the East Quogue school district and other local services.

The project is located in a Compatible Growth area and the plan has already been approved by the Town of Southampton Planning Board and the Zoning Board of Appeals. Discovery Land's track record evidences that they consistently go above and beyond requirements for environmental protection and preservation. They are proven good neighbors, on the East End and far beyond.

We thank you in advance in joining us in support of this project.

Sincerely,

A handwritten signature in cursive script that reads "Sheryl Heather".

Sheryl Heather
Executive Director

Our mission is to ensure balance between the economic, environmental and social needs of the people and businesses in the Town of Southampton.

We are a tax exempt, non-for-profit New York corporation established under Section 501(c) of the I.R.S.



FRED W. THIELE, JR.
Assemblyman 1st District

CHAIR
Committee on
Local Governments

THE ASSEMBLY
STATE OF NEW YORK
ALBANY

COMMITTEES
Ways and Means
Environmental Conservation
Oversight, Analysis and Investigation
Transportation

February 18, 2020

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

RE: Lewis Road Planned Residential Development (PRD)
East Quogue, Town of Southampton

Dear Pine Barrens Commission:

I write the Commission in opposition to the above referenced development proposal. In summary, the proposed application would substantially increase the intensity of development for property located within the Central Pine Barrens, situated in the hamlet of East Quogue, Town of Southampton. Specifically, the applicant proposes an overall density of 130 residential units, a full-sized 18-hole golf course, with a massive clubhouse, health club, and other accessory structures.

C-44
Sec.
3.30

I am a former Southampton Town Supervisor and an original Central Pine Barrens Commission member who assisted in the drafting of the state legislation and the original comprehensive management plan for the Central Pine Barrens. Further, as the State Assemblyman representing this area and as a member of the State Assembly Environmental Conservation Committee for more than 25 years, I have continued to take an active interest in this matter. The regional scope of this project and its impact on Long Island's water supply and the Central Pine Barrens makes this project a matter of regional and state concern.

Long Island's sole source of drinking water comes from our underground aquifer. The State of New York has been involved in protecting this resource for decades. For example, in 1987, the State Legislature adopted Article 55 of the State Environmental Conservation Law which designated nine (9) separate groundwater protection areas (SGPAs) on Long Island. The subject property was included within one of these SGPAs. In 1993, the State Legislature designated the Central Pine Barrens as a state reserve. The subject property was included in the boundaries of the Central Pine Barrens.

C-45
Sec. 3.3

The Town of Southampton has also taken numerous actions to protect drinking water including up-zonings to reduce density and the intensity of land use. In the mid 1980's the subject property was up-zoned to CR-200 and CR-120, the most restrictive residential districts in the Town.

The State Legislature has authorized the 5 East End Towns to create Community Preservation Funds (CPF's) to protect water resources by acquiring watershed lands and undertaking water quality protection projects. The subject property was included in the Town CPF Project Plan.

In short, from a perspective of water quality and open space preservation, it has long been understood that the subject property has special attributes worthy of protection.

At the same time, there can be no doubt that water quality across Long Island continues to decline. Nitrogen has been declared to be public enemy number one. This has been well documented by the Suffolk County Department of Health Services and the State Department of Environmental Conservation. It is the cumulative impacts of land use that has caused this problem.

All levels of government are engaged in aggressive efforts to remediate our groundwater. In the last few years, the "Center for Water Quality Technology" has been created at Stony Brook University. The State has appropriated funding for a Long Island Nitrogen Action Plan (LINAP) which is currently underway. The voters in Southampton Town approved a referendum by an 80% to 20% margin to permit up to 20% of the CPF to be used for water quality remediation projects. In the last three (3) years, Albany has provided \$3 billion for water quality improvement projects. There have been decades of policy initiatives to protect and remediate our underground aquifer, the source of our drinking water.

Contrast those policies with this project which would permit much more intensive land uses than was ever contemplated when the Central Pine Barrens Act was adopted.

The Town of Southampton, through its Board of Zoning Appeals, has twisted the interpretation of its Zoning Code to permit more intensive development on the subject property by finding that a golf course is a mere accessory use, even though such a use is prohibited as a principal use. This decision is currently under legal challenge. In addition, the Town had previously rejected an application to permit a golf course as a principal use for this property in a planned development district (PDD).

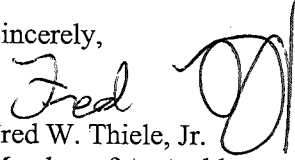
C-46
Sec.
3.31

Not only has the meaning of the Southampton Town Zoning Code been tortured beyond all rationality, the Town of Southampton has also failed to meet the legal mandates of the State Environmental Quality Review Act (SEQRA). The Town has never fully complied with SEQRA for this project. Rather, it has attempted to rely on a previous review for a different project on the subject property. The Town of Southampton is legally bound to at least require a Supplemental Environmental Impact Statement (EIS) for this specific project. They must consider all reasonable alternatives and select the alternative that "avoids or minimizes adverse environmental impacts to the maximum extent practicable."

C-47
Sec.
3.1

In summary, the proposed project before the Commission is completely inconsistent with the legislative history and the actual provisions of the Central Pine Barrens Act which seek to protect our drinking water. In addition, the Town of Southampton has not complied with the legal dictates of the SEQRA process. Approval of this project would throw out nearly 50 years of planning efforts to protect the Central Pine Barrens. The Commission should reject the project.

Sincerely,


Fred W. Thiele, Jr.
Member of Assembly

2/19/20
Hearing

SOUTHAMPTON TOWN CIVIC COALITION

February 19, 2020

Carrie Meek Gallagher, Chairperson
Central Pine Barrens Joint Planning and Policy Commission
624 Old Riverhead Rd, Westhampton Beach, NY 11978

RE: Lewis Road Planned Residential Development (PRD)

Dear Chairperson Gallagher and Pine Barrens Commissioners:

I am submitting these written comments on the Lewis Road PRD to support our longstanding opposition to the proposed Golf resort in this sensitive, zoning protected location on behalf of the Southampton Town Civic Coalition, and its member organizations including the East Quogue Civic. My comments will cover a range of issues, including concerns with traffic, pesticide use, and potential flooding as well as areas that the Town's consultants, B. Laing Associates/Kimley Horn indicated require further review when evaluating this application for the Planning Board.

Further Review is needed to examine:

- **The applicant's Nitrogen Loading and the SONIR modeling lack a dispersion analysis.** The developer's nitrogen loading models used numbers that were considerably low and failed to consider that the majority of the development would be located at the southern end of the parcel, closest to the already impaired Weesuck Creek and Shinnecock Bay. Weesuck Creek is now priority 1 in the Suffolk County Subwatershed Wastewater Plan (see attached). Should a golf resort with 130 homes, a mega clubhouse with several out parcels be allowed in this location? Is there a better layout of this property or another alternative to protect the water? C-48 Sec. 3.32
- **Their nitrogen remediation plan, including the use of Fertigation lacks sufficient data** to ensure that this would be beneficial and most importantly would cause no further harm to the waters and the health of the community. C-49 Sec. 3.33
- **More information is needed regarding the definition of a member allowed to use the recreational facilities** - including the 18-hole golf course and the ball field. In applying to build this development under the Open Space Law and defining the golf course as a "recreational amenity" the developer has agreed that no outside memberships will be allowed. This is not Discovery's usual business plan so that ownership/membership needs to be clearly defined. C-50 Sec. 3.34

How a member is defined could have a tremendous impact on traffic – which is already problematic, especially when you consider that each "member" can bring 3 guests to play golf. Can time-share, corporate or fractional use be allowed? Will members of Discovery's "Dune Deck" beach club in Westhampton Beach be allowed to use the golf course? Will they be allowed to have



guests as well? In addition, I would hope that the Commission considers the possibility of a proposed future change in the development if the private golf course is NOT viable.

- **Climate change needs to be considered when looking at the long-term effects of this project on the environment.** Excess nitrogen severely weakens our salt marshes that serve as an important buffer from storm surge. An increase in development and nitrogen loading will decimate whatever natural buffer exists along the Weesuck Creek corridor. During Hurricane Sandy, East Quogue was flooded up to Montauk Hwy by storm surge. With an increase in the frequency and magnitude of large storms, along with degraded shorelines, we can expect significant coastal flooding in the future. Where will the flooding extend to in the future?

C-51
Sec.
3.35

- The consultants to the Planning Board mentioned concerns about the **developer's EIS as it relates to required SEQRA alternatives for the property.** I have attached a copy of the Group for the East End's submission to the Town Board for a reduced impact alternative. This alternative was prepared by Lisa Liquori a well-respected planning consultant and former Planning Director to the Town of East Hampton. It's important to remember too, that even with all of the "community benefits" offered by Discovery as part of their PDD application, the Town denied the project. **Now without the community benefits mitigating the impact of the mega golf resort, what's the best alternative for the project?**

C-52
Sec.
3.36

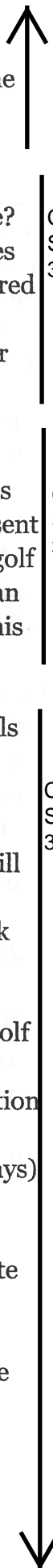
The developer has indicated that construction will take approximately 5 years. **Construction of this magnitude will greatly impact the quality of life of those surrounding the project site** as well as folks travelling the already congested Lewis Road and the school children and summer campers at the East Quogue School nearby. Construction trucks and vehicles entering and exiting the site will only worsen traffic. 300,000 cubic yards of soil will need to be removed and will also change the topography of a large portion of the property. That's about 30,000 dump truck trips in and out of the site (or about 40 truck trips per day, every day over a two-year period). Discovery hopes to arrange for these trucks to go directly to the East Coast Sand mine through an interior road. However, there is no guarantee and regardless, ultimately, 1/2 of these truck loads will eventually leave the sand mine once again turning onto Lewis Road.

C-53
Sec.
3.37

In addition to the traffic, noise and dust, you can expect road repairs to be needed. Neighbors and children in the area will suffer air and noise pollution for over five years. There needs to be a review of the developer's plan to mitigate these impacts on the public. As well as the unintended impact on the slope and potential runoff from the site?

Keep in mind that Discovery estimates that there will be between 10,000 and 17,000 truckloads needed to remove the soil to create the golf course and that 6,000 cubic yards of topsoil will be brought onto the site during the construction phase. What kind of topsoil will be added and where will it come from? Will the topsoil be tested to make sure that additional pollutants are not being

C-54
Sec.
3.38



added to the property? Contaminated topsoil has the potential to impact the water supply of the area. This will need to be outlined fully and monitored carefully.

- The **developer plans to create a large underground parking garage but does not explain how they plan to construct this.** Will this underground garage hit the water table? Will this impact groundwater flow and nitrogen dispersion? Is de-watering required? If so, does the developer have a plan for this and the required permits? These questions need to be answered so that the Commission can determine the impact this garage will have on our drinking water supplies. East Quogue residents have already expressed concerns about the impact to the water table of the adjacent East Coast mine. C-55 Sec. 3.39
- The Planning Board consultants stressed **the need for Discovery to update it's March 2018 traffic study to include summer months.** The consultants noted that traffic studies should almost always cover two months and given the current traffic impairments already present in the area, one of those months should be during the summer – the busiest time for both the golf resort and the community. An updated traffic study should be completed before this project can go forward – although I believe that the current conditions warrant denial of a golf course in this location (see below). C-56 Sec. 3.40

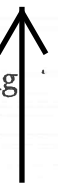
I have been concerned about the **traffic impact of this project** since its inception as the Hills PDD. The roads are narrow (only 10-11 ft. wide often with no shoulder or just one very narrow shoulder), about a dozen children are on the street waiting for buses (or perhaps walking to school) and the road is clogged with trade parade traffic. Locating a golf resort of this size and scale in close proximity to the East Quogue School and given the surrounding road structure will have a very detrimental impact on traffic in the area especially when you add in all of the employees and golfing/recreational guests who will be arriving daily, especially during the peak summer months. C-57 Sec. 3.41

Anyone entering or leaving the resort must turn onto Lewis Road. I worry that the golf resort will create a safety hazard, and an evacuation nightmare. The LIRR runs between the proposed development and the EQ School and has added additional trains to help with congestion on Sunrise Hwy. **Traffic along Lewis Road is already problematic** – it has become an alternate to Sunrise Hwy with drivers now getting off in East Quogue (rather than Hampton Bays) to avoid the back up.

I have attached a copy of the **map of the roads in the area.** The red dots on the map indicate the locations of Discovery's traffic counters. The Level of service (LOS) at the intersection of Quogue Riverhead Rd (CR 104) and Lewis Rd already has "D" level traffic flow, as does the intersection of Old Country Rd/Boxtree and Lewis Road. To make matters worse, traffic will be concentrated during the peak summer months when traffic in the area is already the busiest.

The **map does NOT indicate a counter to determine the truck traffic entering and leaving the adjacent East Coast Mine** throughout the year. Both during and after

construction is complete, the neighboring East Coast Mine will continue to have trucks entering and leaving their facility onto Lewis Road. Should Discovery be required to update the traffic study there needs to be a count taken on Lewis Road at the entrance to the East Coast Mine.



Since 2003, **I have been volunteering as a community advocate** on a variety of issues impacting the region, working closely with local environmental organizations and Town and County officials to preserve the quality of life in the area. I've worked hard to ensure that the community is represented in the decision-making process and in 2012 I was honored to be named a Woman of Distinction for the Second Legislative District. I have served as President of the Southampton Town Civic Coalition for the last 15 years.

The Coalition is an umbrella organization for most of the civics west of the Shinnecock Canal and their members. At this time, the Coalition includes the following organizations: Hampton Bays Civic Association, East Quogue Civic Association, Flanders/Riverside/Northampton Community Association, CAC- West (covering Westhampton, Remsenburg, Speonk and Eastport) and the Speonk/Remsenburg Civic Association. I also serve as a conduit and support for many of the civic organizations East of the Canal. In addition to zoning/planning efforts I have worked closely with community leaders, Town officials and the developer to reach a compromise solution for the 38-unit affordable housing development in Speonk and along with Town Board Member Julie Lofstad, created an ad hoc Housing Opportunity Committee designed to create small scale affordable housing projects in each of the hamlets (this committee is no longer as necessary). I have been working with local civic leaders, the community and politicians at the Town, County and State level, to pressure LIPA/PSEG to bury the oversized metal poles recently installed in Eastport and Riverside. Most recently, I was appointed to serve on the Suffolk County Committee on Environmental Quality (CEQ).

A golf course in this sensitive location should never be allowed.

Thank you.

Andrea Spilka

Andrea Spilka

President, Southampton Town Civic Coalition

4 Pages/3 Attachments

Section 3- Existing Environmental Setting

Subwatershed Name	PWL_ID	Rank
Old Town Pond	1701-0118	1
Pardees, Drowoc Lakes, Creek, & Tribs	1701-0094+0341+0338	1
Patchogue Bay	1701-0326	1
Patchogue River	1701-0099+0018+0055+0327	1
Peconic River Middle, and Tribs	1701-0261+0262+0269	1
Peconic River Upper, and Tribs	1701-0108+0265+0266+0269	1
Peconic River, Lower, and Tidal Tribs	1701-0259+0263	1
Penataquit Creek	1701-0092+0338	1
Penniman Creek and Tidal Tribs	1701-0300	1
Phillips Creek, Lower, and Tidal Tribs	1701-0299	1
Quantuck Bay	1701-0042+0303	1
Quantuck Canal/Moneybogue Bay	1701-0371	1
Quantuck Creek and Old Ice Pond	1701-0303-QC+0304	1
Quogue Canal	1701-0301	1
Red Creek Pond and Tidal Tribs	1701-0250	1
Sagaponack Pond	1701-0146+0286	1
Sampawams Creek	1701-0090+0372+0343	1
Sans Souci Lakes	1701-0336+0335	1
Santapogue Creek	1701-0016+0372	1
Scallop Pond	1701-0354	1
Seatuck Cove and Tidal Tribs	1701-0309-SC+0306+0311	1
Shinnecock Bay West	1701-0033-W	1
Speonk River	1701-0306-SR	1
Stillman Creek	1701-0329-SC	1
Swan River, Swan Lake, and Tidal Tribs	1701-0100+0332+0329+0327	1
Terry's Creek and Tribs	1701-0256-TC	1
Tuthills Creek	1701-0098+0327+0329+0334	1
Wading River	1702-0099+0243	1
Wainscott Pond/Fairfield Pond	1701-0144	1
Weesuck Creek and Tidal Tribs	1701-0111-rev	1
West Creek and Tidal Tribs	1701-0246	1
West Neck Bay and Creek	1701-0242-WB	1
Wickapogue Pond	1701-0119	1
Willeys Creek	1701-0091+0175+0372	1
Priority Rank 2		
Big Reed Pond	1701-0281	2
Centerport Harbor	1702-0229	2
Crab Meadow Creek	1702-0232-CMC+0234	2
Flanders Bay, East/Center, and Tribs	1701-0030+0255+0273	2
Forge River Cove and Tidal Tribs	1701-0316-FRC+0312	2
Fort Pond	1701-0122	2
Goose Neck Creek	1701-0272-GNC	2

Weeksuck Creek and Tidal Tribs is listed as a rank #1 priority for nitrogen load reduction.

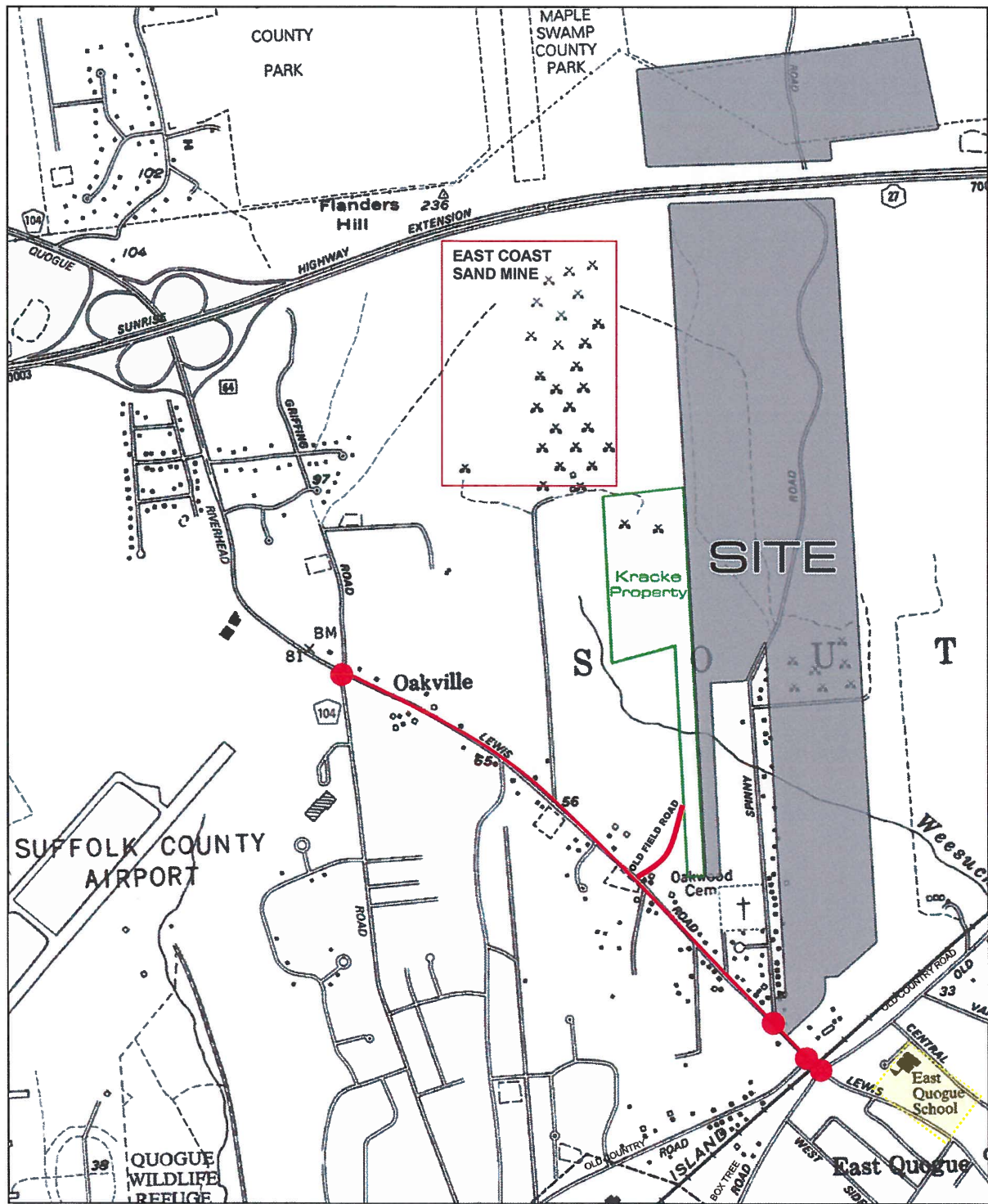
Comparison of Impacts: Discover Land Company PDD vs. Conceptual Reduced Impact Alternative

Impacts	Discovery PDD		Reduced Impact Alternative		Comparison: Reduced Impact Alternative vs. Discovery PDD
	Acres	% of Site	Acres	% of Site	
Site Development Total Area	166.86	28.23	23.53	4	86% less developed area
Cleared Areas	166.86	28.23	45	7.61	74% less clearing
Fertilized Turf	88.53	15%	0	0	100% less fertilized turf
Preserved Contiguous Open Space	276	48%	546	92	100% more preserved contiguous open space
Preserved Open Space incl. fragmented areas	424	72%	546	92	29% more open space incl. fragmented areas
Water Usage-	53,810,179	Units	11,961,650	Units	78% less water usage
Sewage Flow - bldgs. only	41,814	gallons per day	31,770	gallons per day	25% less sewage flow from buildings
Design flow including turf	65,214	gallons per day	31,770	gallons per day	51% less overall wastewater flow
Nitrogen loading					
Turf	655.1	pounds/year	0	pounds/year	100% less nitrogen loading from turf
Sewage from buildings	Variable by computation model				72 % to 88% less nitrogen loading buildings
Residences total number	118	residences	88	residences	25% fewer residences
Total size of residences	435,800	square ft.	532,800	square ft.	22% greater combined sf of residences
Traffic wkdy PM/Sat peak	103/125	trips per hour	23/31.5	trips per hour	78% to 75% less peak hour traffic



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APPENDIX D

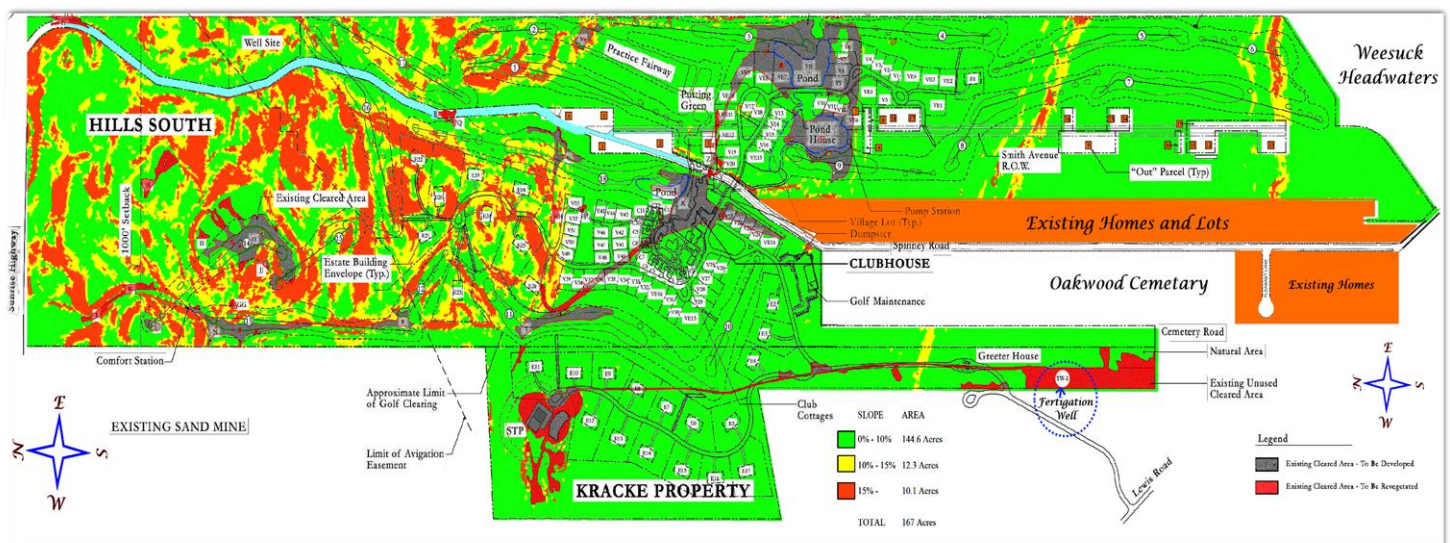
IMPACT OF THE LEWIS ROAD PLANNED RESIDENTIAL DEVELOPMENT ON THE SPINNEY HILLS COMPATIBLE GROWTH AREA OF THE CENTRAL PINE BARRENS OVERLAY DISTRICT AND AQUIFER PROTECTION OVERLAY DISTRICT

Ron Nappi

undated

Impact of Lewis Road Planned Residential Development on the Spinney Hills Compatible Growth Area of the Central Pine Barrens Overlay District and Aquifer Protection Overlay District

1 Figure 1 - PRD Property



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The Table of Contents and Table of Figures are hyperlinked in the PDF for easy navigation. The images in this document are in high-resolution JPG format and can be zoomed up to 400% magnification in the PDF format.

Contents

1	Summary: Impact of Lewis Road Planned Residential Development	3
2	Existing Conditions:	4
3	Proposed Lewis Road PRD Environmental Concerns:	5
4	PRD Nitrogen and Irrigation Budget:	5
5	Golf Course Rough and Landscaping:	5
6	Golf Course Turf (Tees, Greens, and Fairways):	6
7	Course Nitrogen Budget Summary:	7
8	Concern #1:	7
9	Effects on Spinney Hills Pine Barrens of Nitrogen Enriched Mist from Sprinkler System	7
10	Concern #2	8
11	Golf Course Irrigation Ponds, Swimming Pools, and Other Freestanding Water:	8
12	Concern #3	9
13	Availability of Sustainable Groundwater Nitrogen source for Fertigation	9
14	Anomalies in the PRD SONIR Modeling	13
15	ENDNOTES:	15

Figures

16	Figure 1 - PRD Property	1
17	Figure 2 - Spinney Hills Environmental Conditions	4
18	Figure 3 - Annual Pounds Rough Applied Nitrogen	5
19	Figure 4 - Annual Pounds Turf Fertigation & Supplemental Nitrogen	6
20	Figure 5 - PRD Irrigation/Fertigation Blending System Proposed Design	6
21	Figure 6 - Irrigation Sprinkler System	7
22	Figure 7 - Ponds	8
23	Figure 8 - Test Well Location Plot and Nitrogen mg/L Levels	10
24	Figure 9 - Location of Compost Heap and TW-1 Fertigation Well	11
25	Figure 10 - TW-1 with Compost Heap in Background	12
26	Figure 11 - 41.24 Acre Turf Applied Nitrogen Mitigation Regression Data	13
27	Figure 12 - N Regression 88.05 Course + Residential Acres & Other Sources	14
28	Figure 13 - All Referenced Calculations	16
29	Figure 14 - PRD Data Sources	17
30	Figure 15 - Abstract Evaporation and Drift Losses Sprinkler Irrigation	18
31	Figure 16 - Vertical Profile of TW-1 Capture Zone & N mg/l Levels	19

32

33

“To manage land use within the Central Pine Barrens to protect its vital groundwater and surface water and the region’s vast and significant natural, agricultural, historical, cultural and recreational resources for current and future Long Island residents.”

The effects of Lewis Road PRD currently under consideration are contrary to the charter, goals, and objectives of the Commission. The PRD development is not in the Core Preservation Area. However, it is unfeasible to manage the complex matrices of inevitable environmental effects intrinsic to a large-scale development in proximity to the Spinney Hills Pine Barrens natural resource. The antiquity, topology, geography, and hydrology of the Spinney Hills section of the Core Pine Barrens Preserve Area are globally unique. The PRD will initiate a cascading assimilation of this irreplaceable resource and constitute an avoidable transgression to our environmental values.

Summary: Impact of Lewis Road Planned Residential Development

1. **34M** gallons of water will be needed **annually** to maintain the seasonal 200-day irrigation schedule for the PRD’s **88.05** ¹ acre managed fertigation and irrigation water budget.
2. **33M** ² **additional** gallons of moisture from Irrigation and Ponds will be **annually** released into the atmosphere from PET (Potential (E)vapo(T)ransporation].
3. **2.5M** gallons @**15.79mg/l** ³ of nitrogen mist will be released through sprinkler fertigation.
4. **334** ⁴ pounds of nitrogen will be released **annually** within these micro-mist water droplets.
5. **2,039** pounds of Nitrogen are required **annually** to maintain the 46.81-acre golf course rough.
6. **4,448** pounds of Nitrogen are required annually to maintain the 41.24-acre golf course Play area.
[Go to \[Figure 13\] Reference Calculations](#)

With the construction of 7.3 acres of ponds filled with millions of gallons of fortified irrigation water, the naturally sparse arid biota of the Spinney Pine Barrens will be subjugated to intrusion of aggressive indigenous ground plants, sub canopy species, forest pines, and deciduous species. There is a potential for harmful flora and fauna vectors to “hitchhike” on various bird species that will frequent this new aquatic environment during seasonal migration.

During an irrigation event, this precisely blended mixture nitrogen supplement will then be pumped to the golf course’s sprinkler heads. Misting is an unavoidable consequence.

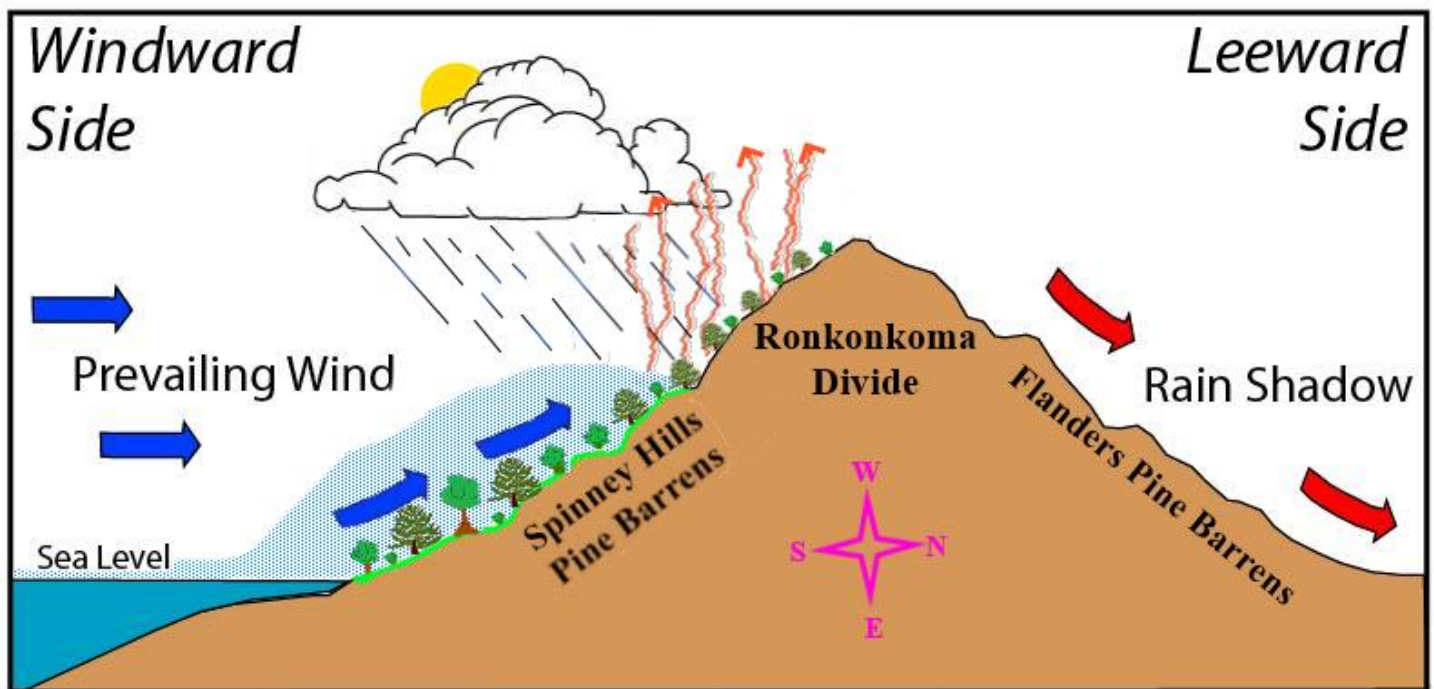
The PRD declaration of negative nitrogen groundwater impact pivots on the sustainability of a 10 mg/L well source for golf turf fertigation. However, evidence suggests a sustainable source of 10mg/L does not exist. Consequently, the PRD goal of negative nitrogen impact cannot be achieved. As point source nitrogen concentration inevitably diminishes, it will necessitate systematic supplementation with a reciprocal amount of applied chemical fertilizer. This additional soil amendment is in an inverse ratio to mitigation. This increased supplemental nitrogen amendment results in a greater mass of leached nitrogen and simultaneously reduces the pivotal mass of mitigation. With the data and modeling available, the likelihood of achieving the “Negative Nitrogen Load” objective is not possible from any point source available on the PRD property. As designed, sustained negative nitrogen load by fertigation cannot be accomplished.

1 **Impact of the Lewis Road PRD on the Spinney Hills Pine Barrens**

2 **Existing Conditions:**

3 The Spinney Hills Pine Barrens are a combination of unique topographical, geological, and hydrological
4 features. This narrow strip of land is the southeastern portion of the vast stretch of CENTRAL PINE BARRENS
5 AREA from Rocky Point to Hampton Bays. It was formed as a glacial moraine, which peaks at an altitude of 236ft ASL
6 just north of Sunrise Highway at the crest of the Ronkonkoma Divide. The terrain gradually descends one mile south
7 to 30ft ASL at the base of the southern glacial outwash plain. The topology propagates a constant on-shore breeze from
8 the ocean and bay. This moisture-laden air flows three miles through the buffering pine and oak forest, which intercept
9 the tropospheric moisture as mist and condensate. Spinney Hills is the windward side of the glacial moraine, trapping
10 moisture and creating a “rain shadow” effect on the moraine’s Flanders Pine Barrens leeward side north of the
11 Ronkonkoma Divide. The “barren” Pine Barrens is a direct consequence of this natural moisture barrier and breezes
12 created by constant solar radiation convection. This intricate hydro cycle is a critical evolutionary dynamic in the
13 formation and stability of the Spinney Hills Pine Barrens.

14 **Figure 2 - Spinney Hills Environmental Conditions**



15
16 The soil under the Pine Barrens is classified as Plymouth/Carver, Class V-VII excessively drained, and with
17 high porosity. Only a few species of dwarf Oaks, Pines, low profile brush, and indigenous ground species of ferns,
18 fungi, and grasses can survive in this environment. A phenomenon known as “soil catena” restricts the depth of
19 topsoil to a very thin layer. This lack of loam creates a persistent cycle of moisture and nutrient leaching that restricts
20 the vigor of vegetation. Sparse foliage, undergrowth, and high porosity obstruct the formation of essential detritus,
21 which is necessary to form substantive topsoil. Precipitation and nutrients are drained into the sandy sub-soil within
22 minutes. This deprivation cycle and evapotranspiration perpetuates the arid conditions of the Spinney Hills.

1 Proposed Lewis Road PRD Environmental Concerns:

2 The primary concern for the Lewis Road PRD is the environmental consequences to the Spinney Hills Aquifer.
 3 The developer has delineated an annual nitrogen and irrigation budget that will be necessary to maintain the viability of
 4 the project. To minimize the impact, the PRD calculates the nitrogen 0.31 mg/L leaching over the entire 588 acres of
 5 the property but if only the fertilized acres are used in the calculations, the leach rate becomes 2.2mg/L. The
 6 perspective of 588 acres contradicts the Law of Conservation of Mass which states: "*Mass can neither be created nor*
 7 *destroyed in a chemical reaction*". Thus, the amount of matter cannot change. If 10 pounds of nitrogen is released into
 8 the aquifer, the area of distribution is irrelevant. Ten pounds spread over one sqft or a million sqft still equals 10
 9 pounds. The actual total mass of nitrogen that will be released into the aquifer is the concern. *The concentration by*
 10 *volume is irrelevant*. A tangential impact will be to the additional acres that will be cleared, developed and partially
 11 fertilized. This combined 168 acres sits directly on top of the soul source Upper Glacial Aquifer that is the top layer of
 12 the Spinney Hills Watershed. The undeveloped 420 acres is a "wash" as the environmental effects will be nominal.

13 PRD Nitrogen and Irrigation Budget:

14 The PRD documentation gives a fairly accurate allocation of the dynamic aspects of nitrogen and irrigation
 15 needs to meet the "*INTEGRATED TURF HEALTH MANAGEMENT PLAN (ITHMP)*". Extrapolating data from these
 16 documents provides a method of precise calculations on the projected nitrogen budget. The two primary areas of
 17 applied nitrogen are the 46 acres of rough and landscaping and the 41 acres of managed turf. Since these two areas
 18 will receive different concentrations of applied nitrogen, they are independently examined.

19 Golf Course Rough and Landscaping:

20 **Figure 3 - Annual Pounds Rough Applied Nitrogen**

		Annual Pounds Turf Maximum Nitrogen				
		Rough Fertilizati	Limit Lbs N/1000	Total Fertilizer Lbs N /yr	Supplement mg/L @ Solution	
		46.81	1.00	2,039	30	
Manage Turf	Acres in Area	Month	Applied Chemical Fertilizer Lbs N per month	Applied Supplemental Lbs N per 1000sqft per month	Blended Gallons Supplement @30 mg/L Solution	Monthly N Load @ Solution mg/L
Rough	35	April	0.143	291.29	1,164,236	30.0
Res	8.3	May	0.143	291.29	1,164,236	30.0
Club	3.51	June	0.143	291.29	1,164,236	30.0
Total Acres	46.81	July	0.143	291.29	1,164,236	30.0
		August	0.143	291.29	1,164,236	30.0
		September	0.143	291.29	1,164,236	30.0
		October	0.143	291.29	1,164,236	30.0
		Totals	1.00	2,039	8,149,655	Average 30mg/L
						Average 27mg/L

22 The PRD documentation clearly indicates that the Rough, Residential and Clubhouse landscaping will be
 23 fertilized at the annual rate of 1.00 pound per 1000/sqft. However, there is no indication of delivery method other than
 24 it will not be through a sprinkler system. Independent of method, 2.039 pounds of supplemental nitrogen fertilizer will
 25 be diluted in a solution of 8 million gallons of water.

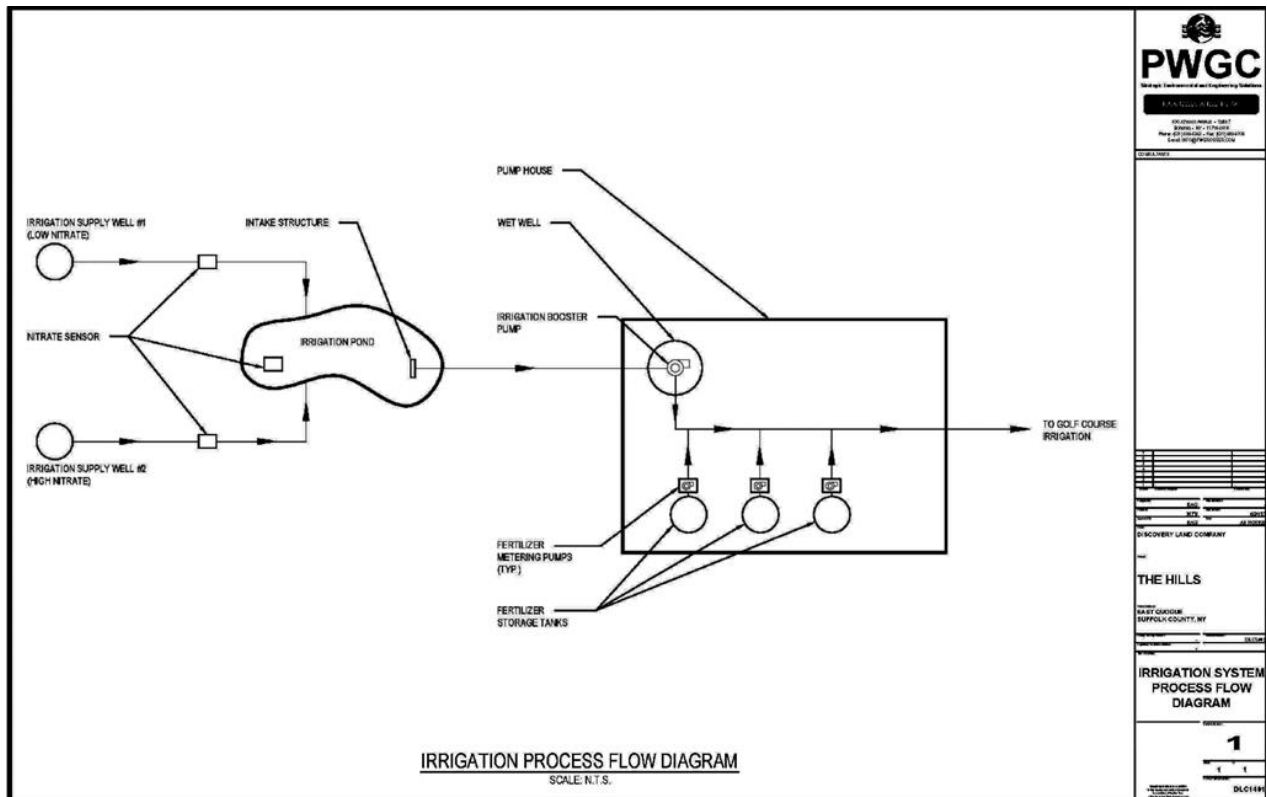
1 Golf Course Turf (Tees, Greens, and Fairways):

2 **Figure 4 - Annual Pounds Turf Fertigation & Supplemental Nitrogen**

				Annual Pounds Turf Maximum Nitrogen								
				Managed Turf Fertigation Acres	Limit Lbs N/1000 sqft /yr	Total Fertigation Lbs N /yr						
				41.24	2.48	4,448						
				Ferigation Well Nitrogen mg/L 10		Supplement mg/L @ Solution 30						
Manage Turf	Acres in Area	Month	Fertigation Lbs N from Groundwater per month	Fertigation n Lbs N per 1000sqft per month	Gallons from Fertigation Well @10 mg/L Solution	Applied Chemical Fertilizer Lbs N per month	Applied Supplemental Lbs N per 1000sqft per month	Fertigation Gallons + Blended Gallons Supplement @30 mg/L Solution	Percent N from Fertigation Well	Percent N from Fertilizer Blending	Total Lbs N per Month @ 41.24 Acres	Monthly N Load @ Solution mg/L
Tees	2.62	April	0.037	66	796,970	0.317	568.95	3,340,711	5.00%	95.00%	635	22.8
Greens	3.62	May	0.111	199	2,390,911	0.243	436.02	4,934,652	15.00%	85.00%	635	15.4
Fairways	35	June	0.111	199	2,390,911	0.243	436.02	4,934,652	15.00%	85.00%	635	15.4
Total Acres	41.24	July	0.148	266	3,187,882	0.206	369.55	5,731,623	20.00%	80.00%	635	13.3
		August	0.148	266	3,187,882	0.206	369.55	5,731,623	20.00%	80.00%	635	13.3
		September	0.148	266	3,187,882	0.206	369.55	5,731,623	20.00%	80.00%	635	13.3
		October	0.037	66	796,970	0.317	568.95	3,340,711	5.00%	95.00%	635	22.8
Totals		0.74	1,329	15,939,408	1.74	3,119	33,745,594	Average 14%	Average 86%	4,448	Average 16.6	

3
4 As per the PRD, [Figure 3] shows the monthly breakdown of nitrogen and irrigation necessary to meet the
5 ITHMP minimum requirements for healthy turfgrass. To achieve optimum results the Fertigation well must supply
6 1,329 pounds of nitrogen @10 mg/L in combination with 3,119 pounds of supplemental nitrogen fertilizer diluted in a
7 solution of 34 million gallons of irrigation water. The PRD details the delivery system for ITHMP maintenance.

8 **Figure 5 - PRD Irrigation/Fertigation Blending System Proposed Design**



1 The PRD's irrigation water resources will rely on two supply wells screened in the Upper Glacial Aquifer. The
 2 primary well will provide 34 million gallons of groundwater to maintain a constant volume of water to the irrigation
 3 pond. The second well will be the TW-1 fertigation well that will supply 16 million gallons of water to the second
 4 "feeder" pond with a proposed nitrogen concentration of 10mg/L. Based in ITHMP requirements, the feeder pond
 5 water will be blended with the nitrogen supplemented irrigation pond water at precise nitrogen concentrations. As per
 6 daily irrigation requirements, the principle method of fertigation water delivery will be through a network of sprinkler
 7 heads strategically placed throughout the course play area managed turf.

8 **Course Nitrogen Budget Summary:**

9 The PRD documentation clearly indicates that the Rough, Residential, and Clubhouse landscaping fertilization
 10 will be an annual total, 2,039 pounds of supplemental nitrogen fertilizer that will be diluted in a solution of 8 million
 11 gallons of water. As documented in the PRD, annual fertilization of Turf will constitute 4,448 pounds of nitrogen
 12 diluted into 34M gallons of water to maintain the seasonal 200-day sprinkler irrigation schedule for the PRD's 41.24
 13 acres managed turf. Thus, the total annual nitrogen budget for the 88.05 fertilized acres will be 6,487 pounds.

14 **Concern #1:**

15 **Effects on Spinney Hills Pine Barrens of Nitrogen Enriched Mist from Sprinkler System**

16 With reference to the current conditions of the Spinney Hills Watershed, the dispersing of 34M gallons of
 17 **sprinkler water** laden with 4,448 pounds of nitrogen in a semiarid environment will have unintended consequences.

Average Temp 70°F, Humidity 50%, Wind 7mph=Mist Rate 7.5%				
Annual Irrigation Gallons	N Lbs /Yr	Gallons Mist @7.5%	Total Lbs N @ 7.5% Mist Rate	Mist mg/L
33,745,594	4,448	2,530,920	334	15.79

19 In statement attributed to a spokesperson for **RAIN BIRD™**, under typical weather conditions and
 20 water pressure for a Long Island golf course, the average mist rate is 7.5% by volume for commercial sprinkler heads.
 21 Based on the PRD figures, 334 pounds of atomized 16mg/L nitrogen particulate will be annually dispersed into the
 22 atmosphere of the Spinney Hills Watershed. Other academic studies report even higher rates of misting [Figure 15].

23 **Figure 6 - Irrigation Sprinkler System**



Photo Credit - PRD Appendix J, ITHMP, Page 936

D-3
 Sec.
 3.43

1 The 16mg/L nitrogen-loaded mist will aggregate onto the surface of sensitive Central Pine Barrens plants and
2 soil. The effects are insidious. Over decades, the resulting inevitable increase of detritus and topsoil. The moisture
3 and enrichment will encourage intrusion by “Compatible Zone” border species. The sparse arid biota of the Spinney
4 Pine Barrens will be subjugated to intrusion of aggressive indigenous ground plants, sub canopy species, forest pines,
5 and deciduous species. This augmentation will accelerate the eventual assimilation of the Core Pine Barrens ecology.
6 These changes will occur over decades. Thus, there is a tendency to marginalize these effects.

7 Concern #2

8 Golf Course Irrigation Ponds, Swimming Pools, and Other Freestanding Water:

9 **Figure 7 - Ponds**



D-4
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 3.43

11 Within the PRD, 7.26 Acres of functional Ponds and Pools will be created to provide irrigation, recreation, and
12 drainage. The volume of water in each receptacle varies from a foot to eight feet with the greatest volume of water
13 being the fertigation and irrigation ponds. In addition, the water vapor from all irrigation will be considerable.

Source	PRD Gallons	SONIR ETO	Gallons Evapo
Ponds & Pools	16,559,770	60%	9,955,773
Irrigation	33,745,594	60%	20,247,357
Mist = Irr. Gal x Rate		7.5%	2,530,920
Total	50,305,364	PET-Total	32,734,049

1 Based on figures provided by the PRD & SONIR Modelling, 33M additional gallons of moisture will be
2 annually released into the atmosphere from PET [(P)otential (E)vapo(T)ransporation].

3 Even without nitrogen augmentation, the unmistakable micro environmental effects of existing ponds and
4 irrigation vapor on Pine Barrens can be observed at Quogue Wildlife, Sears Bellows Park, and Maple Swamp. While
5 new ponds may be beneficial to indigenous and migratory species, this new aquatic habitat will potentially expose the
6 Spinney Hills Pine Barrens to excessive moisture, invasive species, and harmful vectors. The fertigation mixing pond
7 will contain millions of gallons of nitrogen enriched water and could become a breeding ground for aquatic bacteria
8 and plants that are harmful to both animals and humans.

9 The introduction of new hydro dynamics to the Spinney Hills Water Shed will have detrimental environmental
10 repercussions. The Spinney Hills Pine Barrens has not had a source of freestanding water for centuries. The proximity
11 new water sources will short-circuit the distance by three miles from the current moisture sources of Western
12 Shinnecock Bay and the Atlantic Ocean. The existing compatible growth forest acts as a natural buffer that is critical
13 to preserve the Spinney Hills Pine Barrens. This essential evolutionary protection will be negated by free standing
14 water. The introduction of continual irrigation vapor will migrate to the Pine Barrens Core Preservation Area altering
15 the delicate ecosystem that is dependent on seasonal atmospheric moisture constants.

16 Concern #3

17 Availability of Sustainable Groundwater Nitrogen source for Fertigation

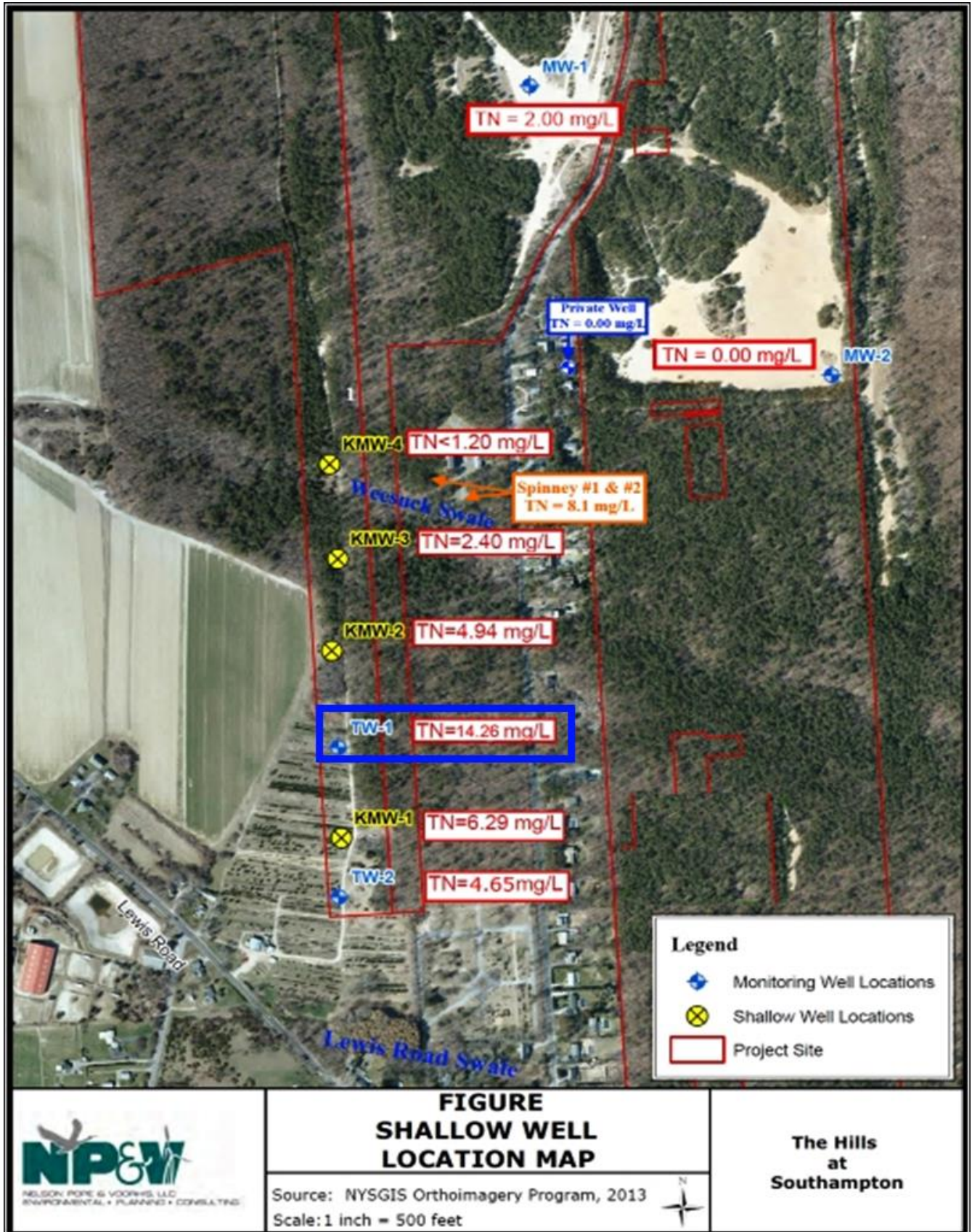
18

19 Fertigation captures nutrients in groundwater from a point source and uses this water to fertilize plants through
20 an irrigation system. Quantitative evidence suggests that the groundwater on and around the “Lewis Road PRD”
21 project site has high nitrogen levels. The “Lewis Road PRD” project has designed a theoretical fertigation method that
22 is efficient in recycling the background nitrogen and therefore reduces the volume of applied fertilizer. This level of
23 fertigation nitrogen mitigation is the basis for the developers claim that the PRD project will have a negative nitrogen
24 impact on the already imperiled aquifer by reducing the down gradient nitrogen concentrations. As designed, the point
25 source must continually supply 100,000 gallons of water per day at 10 mg/L nitrogen. The Weesuck Water Shed is
26 composed of three major swales, the Lewis Road, Weesuck Creek, and Malloy Drive swales. Two of these swales are
27 within the proposed PRD property.

28 The PRD has offered specifics on the location of the 10 mg/L fertigation well. Therefore, all available test
29 well locations were verified by field observation and documentation from both the SCWA and the December 2019
30 PRD submission. The nitrogen levels from each known point source site were plotted on the PRD project FEIS maps.
31 Included with the test well finding were plots of other wells that, while not on property accessible to the PRD, did have
32 documented nitrogen concentration results. The aggregate plotting of nitrogen concentration created a Spinney Hills
33 watershed nitrogen map. The only well location on the PRD property that could potentially meet the fertigation
34 requirement is referred to a “TW-1” or Test Well #1. This well is located on a ridge parallel to the northern boundary
35 of the Lewis Road Swale. The wellhead is situated at the southwest corner of the Kracke property, just off the PRD
36 access road and a few hundred feet from the proposed 10 Workforce Housing units.

37

1 Figure 8 - Test Well Location Plot and Nitrogen mg/L Levels



2

1 TW-1 nitrogen concentrations were tested at different depths to determine a contaminant profile [Figure 16]
2 According to the results, the well will be screened at approximately 100 feet into the Upper Glacial aquifer. The Zone
3 of Contribution at this depth will provide the necessary level of nitrogen to meet the 10mg/L requirement. While TW-1
4 may appear to meet the fertigation requirements, further examination of this location manifests doubts as to whether
5 this well is truly viable.

6 The TW-1 well in [Figure 3] is the proposed site of the fertigation well. All the well test-plotting
7 locations form a discernable pattern in the groundwater nitrogen plume. With two anomalous exceptions, the
8 average level of **5.14 mg/L** is within the accepted standards for leach rates (~20%) of agricultural related
9 fertilization. The first anomaly is the 8.1 mg/L average reading for the SCWA Spinney #1 & #2 wells.
10 However, this site must be eliminated since the point source is on the SCWA public land and inaccessible.

11
12 The more pertinent anomaly is the averaged results of **14.24 mg/L** nitrogen from the TW-1 test well.
13 The problem: **Why is the background nitrogen higher at this location than any other test site?** The precise
14 location of this well provides substantive evidence that the high Nitrogen levels at this particular location was
15 influenced by anecdotal history. The 14.24 mg/L is consistent within the context of this history. This area of
16 the Kracke property is defined by a 20-acre nursery that has been continually operating for at least 40 years. By
17 empirical observation over 35 years, debris, leaves, potting soil, and other detritus were dumped into a 0.5-acre
18 compost heap located on the north nursery border. The overhead view in Figure #9 shows this location and
19 point of reference.

20 **Figure 9 – Location of Compost Heap and TW-1 Fertigation Well**



21

1 Over years, tons of organic material have been dumped in this refuse pile. Occasionally the heap was
2 aerated and compost was removed. Reason would suggest that the compost was used for organic fertilizer.
3 Over the observed 35-year period, the leach cone for a half acre in sandy subsoil would be narrow, deep, and
4 bulging down gradient. This is supported by the **6.29 mg/L** result of the down gradient KMW-1 well [Figure 8].
5 Based on this history, the 14.26 mg/L point source is not an anomaly but the reasonably expected output from a
6 high nitrogen leach source. Arguably, this location apparently meets the requirements necessary to achieve the
7 PRD's groundwater needs. There is one caveat to this solution. Sections of the nursery, including part of the
8 compost heap, will be assimilated when the PRD project is initiated. The deposits of nitrogen rich detritus and
9 debris have ceased. The levels of groundwater nitrogen in the TW-1 wellfield are static. Even without
10 pumping, the levels of nitrogen would dissipate as the plume nitrogen level reliability is compromised by
11 intrusion of surrounding groundwater of lesser nitrogen concentration (5.14mg/L) and by down gradient drift.

12 **Figure 10 - TW-1 with Compost Heap in Background**



13
14 A real-world analogy would be a carnival snow cone (ZOC) with a straw (Well Pipe). As fluid is
15 removed by the straw, the surface ice color begins to fade as the colored flavoring mixture (N concentrate)
16 draws up through the straw. Due to gravity, volume, and mass, the bottom contributes less mixture than the top
17 above the straw's opening (well screen). As the narrow bottom point of the cone reaches the point of diminished
18 returns, only the upper part of the cone will supply more flavoring. If you do not add more flavoring, the top
19 feed will be exhausted and the entire snow cone is just ice (sand) surrounded by plain water. There is not
20 enough nitrogen in the groundwater within and/or surrounding the TW-1 capture zone to maintain the 10 mg/L
21 source integrity. At the risk of banality, the entire fertigation scenario is based on **compost**.

1 This issue presents an insidious enigma that will have an extremely detrimental impact on the
2 groundwater beneath the Pine Barrens. The PRD clearly states that in order to meet ITHMP recommendations, a
3 minimum of 4,448 pounds nitrogen fertilizer is required to maintain the health of the 41.24 acres of turf. If fertigation
4 nitrogen concentration from the well draw falls below 10mg/L, the difference will be equalized by additional applied
5 fertilizer. Thus, there is an inverse correlation between the nitrogen level of the fertigation well and the mass of applied
6 nitrogen that must be added to maintain turf health. However, more to the point, ***any additional applied nitrogen will***
7 ***reduce the proportional amount of mitigation.*** Less nitrogen in the fertigation well means more applied fertilizer and
8 an increase to nitrogen entering the aquifer. As stated in the previous section; there is considerable doubt that the
9 fertigation well can supply a sustained level of 10mg/L nitrogen concentration. Figure 11 below shows the critical
10 impact to the Aquifer of this regression correlation.

11 **Figure 11 - 41.24 Acre Turf Applied Nitrogen Mitigation Regression Data**

Description	Estimated Annual Gallons Fertigation Well	Fertigation Well mg/L	Fertigation Lbs N Mitigated @mg/L	Fertilizer Supplement Lbs N to Equal Lbs / Year	Lbs After Credit for Fertigation & Liners Mitigation	Lbs AFTER Applying Global Leach Rate of 10%	Annual Irrigation 13.5M Gallons after EvapoTrans to Aquifer @mg/L"
Results @mg/L	15,939,408	15	1,995	2,453	250	24.98	0.22
Results @ mg/L	15,939,408	14	1,862	2,586	516	51.58	0.46
Results @ mg/L	15,939,408	13	1,729	2,719	782	78.19	0.69
Results @ mg/L	15,939,408	12	1,596	2,852	1,048	104.79	0.93
Results @ mg/L	15,939,408	11	1,463	2,985	1,314	131.40	1.17
PRD Target @ mg/L	15,939,408	10	1,330	3,118	1,580	158.00	1.40
Results @ mg/L	15,939,408	9	1,197	3,251	1,846	184.60	1.64
Results @ mg/L	15,939,408	8	1,064	3,384	2,112	211.21	1.87
Results @ mg/L	15,939,408	7	931	3,517	2,378	237.81	2.11
Results @ mg/L	15,939,408	6	798	3,650	2,644	264.42	2.35
Average @ mg/L	15,939,408	5.14	684	3,764	2,873	287.30	2.55
Results @ mg/L	15,939,408	4	532	3,916	3,176	317.63	2.82
Results @ mg/L	15,939,408	3	399	4,049	3,442	344.23	3.06
Results @ mg/L	15,939,408	2	266	4,182	3,708	370.83	3.29
Results @ mg/L	15,939,408	1	133	4,315	3,974	397.44	3.53
Results @ mg/L	15,939,408	0	0	4,448	4,240	424.04	3.76

13 Anomalies in the PRD SONIR Modeling

14 The project FEIS uses the **SONIR** (Simulation Of Nitrogen In Recharge) model to determine the total
15 nitrogen budget by collectively calculating the recharge in all 588 acres. Ideally, SONIR is a Mass-Balance Model
16 that objectively calculates the annual Nitrogen Load that will intrude into the ground water of Spinney Hills
17 Watershed. However, there are omissions of other nitrogen sources such as employees and detailed calculations of all
18 Workforce Housing septic effluence. Over the past five years, the convoluted calculations for total nitrogen impact
19 seem to have “evolved” by modifying constants, parameters, or ignoring accepted research. Some changes were a
20 response to criticisms, but ultimately these “tweaks” never significantly impacted the instrument’s outcomes. [Figure
21 12] below takes an “Occam’s Razor” approach to Nitrogen Impact with simplified calculations and a global 10% leach
22 rate. While numbers reflect portions of the detailed SONIR results, the aggregate is not within acceptable tolerances.

1 Figure 12 - N Regression 88.05 Course + Residential Acres & Other Sources

Description	Estimated Annual Gallons Fertigation Well	Fertigation Well mg/L	Fertigation Lbs N Mitigated @mg/L	Fertilizer Supplement Lbs N to Equal 4,448 Lbs / Year	All Play Area + 3,797 Lbs from Other sources*	Lbs After Credit for Fertigation & Liners Mitigation	Lbs N AFTER Applying Global Leach Rate of 10%	16,373,750 Gallons* to Acres of Aquifer @mg/L Annually
Results @ mg/L	15,939,408	20	2,660	1,788	8,245	5,377	537.67	3.93
Results @ mg/L	15,939,408	19	2,527	1,921	8,245	5,510	550.97	4.03
Results @ mg/L	15,939,408	18	2,394	2,054	8,245	5,643	564.27	4.13
Results @ mg/L	15,939,408	17	2,261	2,187	8,245	5,776	577.57	4.23
Results @ mg/L	15,939,408	16	2,128	2,320	8,245	5,909	590.87	4.32
Results @ mg/L	15,939,408	15	1,995	2,453	8,245	6,042	604.18	4.42
Results @ mg/L	15,939,408	14	1,862	2,586	8,245	6,175	617.48	4.52
Results @ mg/L	15,939,408	13	1,729	2,719	8,245	6,308	630.78	4.62
Results @ mg/L	15,939,408	12	1,596	2,852	8,245	6,441	644.08	4.71
Results @ mg/L	15,939,408	11	1,463	2,985	8,245	6,574	657.38	4.81
PRD Target @mg/L	15,939,408	10	1,330	3,118	8,245	6,707	670.69	4.91
Results @ mg/L	15,939,408	9	1,197	3,251	8,245	6,840	683.99	5.01
Results @ mg/L	15,939,408	8	1,064	3,384	8,245	6,973	697.29	5.10
Results @ mg/L	15,939,408	7	931	3,517	8,245	7,106	710.59	5.20
Results @ mg/L	15,939,408	6	798	3,650	8,245	7,239	723.89	5.30
Average @ mg/L	15,939,408	5.14	684	3,764	8,245	7,353	735.33	5.38
Results @ mg/L	15,939,408	4	532	3,916	8,245	7,505	750.50	5.49
Results @ mg/L	15,939,408	3	399	4,049	8,245	7,638	763.80	5.59
Results @ mg/L	15,939,408	2	266	4,182	8,245	7,771	777.10	5.69
Results @ mg/L	15,939,408	1	133	4,315	8,245	7,904	790.41	5.78
Results @ mg/L	15,939,408	0	0	4,448	8,245	8,037	803.71	5.88

*Annual SONIR Other Pounds Nitrogen	
Pet Waste	161
STP Septic (130 Units)	1,493
Rough, Res, Club @1 lb/Ksf	2,039
Turf Maint Staff (21)	103
Total Other	3,797

Turf Maint Staff Sanitary Waste	Value
All Staff on Site @ Peak Season	103.00
Percent of Staff Turf Maint	20%
Turf Staff = 20% of Total Staff	21
Annual Lbs of Nitrogen per Person	10
Total N 21 Persons @183 Day Season	103

Nitrogen Water Source	PRD Gallons	SONIR ETO	*Annual Gals to Aquifer
Irrigation	51,492,460	75%	12,795,722
STP	3,578,029	0%	3,578,029
		Total	16,373,750

Total Applied Nitrogen Supplement for 88.05 arces of Golf Course.			
Area	Lbs N /1000sf	Acres	Lbs N/yr
Turf	2.476	41.24	4,448
Rough	1.000	46.81	2,039

Sanitary Nitrogen Clubhouse Building @183 Day Operation	
CF = Commercial/STP Flow	3,757 gal/day
CF = Commercial/STP Flow	2,602,587 liters/yr
N = Nitrogen (1)	50 mg/l
N = Nitrogen (1) Influence	287 Lbs

Sanitary Nitrogen 118 Residential Units @60 Day Occupancy	
CF = Commercial/STP Flow	300 gal/day
CF = Commercial/STP Flow	8,040,211 liters/yr
N = Nitrogen (1)	50 mg/l
N = Nitrogen (1) Influence	886 Lbs

Sanitary Nitrogen 12 Workforce (10x150+2x300) @365 Days	
CF = Commercial/STP Flow	2,100 gal/day
CF = Commercial/STP Flow	2,901,509 liters/yr
N = Nitrogen (1)	50 mg/l
N = Nitrogen (1) Influence	320 Lbs

2

1 **ENDNOTES:**

2 All values for variables used in the calculations for this document are transcribed directly form the Applicants
3 PRD Submission. The “Specific Concern” section is a subjective supposition based on the results of simple
4 mathematical calculation, systems analysis, and empirical observation. The document is for personal use only and not
5 intended for publication. The contents are simply the author’s opinions. This document is not to be represented and/or
6 quoted as fact. The contents herein are logical and reasonable interpretation of sources and are not to be construed as
7 accredited research. The author holds no certifications or degrees in Environmental or related Science and Arts.

8 There is no intent of animosity or hostility towards the developer. Their corporate values demonstrate a
9 willingness to adapt to needs and individuality of the community they wish to join at the sacrifice of profit. The
10 developer’s officers, employees, and consultants, are dedicated to the company and devoted to their belief in the
11 benefits to the community this project could realize. On the surface, the design and scope of this development are
12 commensurate with the Town’s vision of future fiscal stability and aesthetic values. Unfortunately, the environmental
13 impact to the Pine Barrens is significant. **This is a great project in the wrong place.**

14 Thank you for your time.

15 Respectfully,

16 Ron Nappi
17 115 Spinney Road
18 East Quogue, NY 11942
19 631-653-6543
20 Grantad9@gmail.com
21

Figure 13 - All Referenced Calculations

Referenced Calculations

Acres of Fertigated (Irrigated) Managed Turf				Lbs N /Year
Tees	Greens	Fairways	Total Acres	
2.62	3.62	35	41.24	4,448
Acres of Irrigated Landscape				
Golf Rough	Residential	Clubhouse		
35	8.3	3.51	46.81	2,039
Total Irrigated Acres			88.05	6,487
Ref# ①				

Gallons of Water in Ponds & Pools			
Gallons/1 acre-ft	Acres	Depth/Feet	Gallons
325,851	7.26	7	16,559,770

Source	PRD Gallons	SONIR ETO	Gallons Evapo
Ponds & Pools	16,559,770	60%	9,955,773
Irrigation	33,745,594	60%	20,247,357
Mist = Irr. Gal x Rate		7.5%	2,530,920
Total	50,305,364	PET-Total	32,734,049
Ref# ②			

Annual Limit 2.5 Lbs of N per 1000 SF			* Note: Should the Well's N output fall below 10mg/L, the supplement will increase in an inverse proportion to maintain the 2.48 Lbs limit. See table on Last page and Appendix A
LBS N/1000sqft /yr from Fertigation Well @10mg/L*	N/1000 sqft /yr Supplement	Limit Lbs N @ 41.24 Acres/yr	
0.74	1.74	2.48	

Average Temp 70°F, Humidity 50%, Wind 7mph=Mist Rate 7.5%				
Annual Irrigation Gallons	N Lbs /Yr	Gallons Mist @7.5%	Total Lbs N @ 7.5% Mist Rate	Mist mg/L
33,745,594	4,448	2,530,920	334	15.79
Ref# ③		Ref# ④		

Total Evapotranspiration in Gallons Per Year			
Mist = Irr. Gal x Rate	33,745,594	7.5%	2,530,920
Ponds & Fertigation			32,734,049
Gallons Annual Evapotranspiration Vapor			32,734,049
Ref# ⑤			

[Return to Summary: Impact of Lewis Road Planned Residential Development](#)

Figure 14 - PRD Data Sources

The Hills at Southampton
MUPDD Application
Final EIS

Table I-1a
SITE AND DEVELOPMENT CHARACTERISTICS and IMPACTS
Updated Master Plan

Parameter	Parlato Property	Hills North Parcel	Hills South Parcel & Kracke Property*	Totals
Use & Yield	Open Space	Open Space	118 resort units & golf	---
Coverages (acres):	---	---	---	---
Unvegetated	1.15	0	2.30	3.45
Agriculture	0	0	0	0
Freshwater Wetland	0	1.40	0	1.40
Natural Vegetation	84.98	85.52	252.24	422.74
Brushy Cleared Land	0	0	0	0
Revegetated	15.78	0	17.39	33.17
Landscaped	0	0	101.15	101.15 ⁽¹⁾
Ponds & Pools	0	0	5.84	5.84
Buildings	0	0	8.43	8.43
Paved/Impervious	0	0	14.81	14.81
Totals	101.91	86.92	402.17	591.00
Water Resources:	---	---	---	---
Domestic Use (gpd) ⁽²⁾	0	0	41,514/6,574	41,514/6,574
Irrigation, golf (gpy)	0	0	30,050,978	30,050,978
Irrigation, non-golf (gpy)	0	0	4,680,704	4,680,704
Total Water Use (gpy)	0	0	34,738,256	34,738,256
Recharge Volume (MGY) ⁽³⁾	449.56			474.27
Nitrogen Conc. (mg/l) ⁽³⁾	0.45/0.37 (assumes advanced wastewater system)			0.59/0.34

(1) Total fertilized landscaping is 88.53 acres (14.98% of the site), as: 78.00 acres of Golf Course Play Area, 2.31 acres Clubhouse Landscaping, and 8.22 acres of Residential Area Landscaping.

(2) Assuming SCDHS design flow rates for wastewater systems/flow reduction due to seasonal occupancy.

(3) See **Appendix R-2**.

(4) Will not attend East Quogue UFSD due to restrictive covenant.

(5) Per applicant.

Page I-11

Appendix J ITHMP DEIS Final

Integrated Turf Health Management Plan for the Hills at Southampton, East Quogue, NY.

Page 83

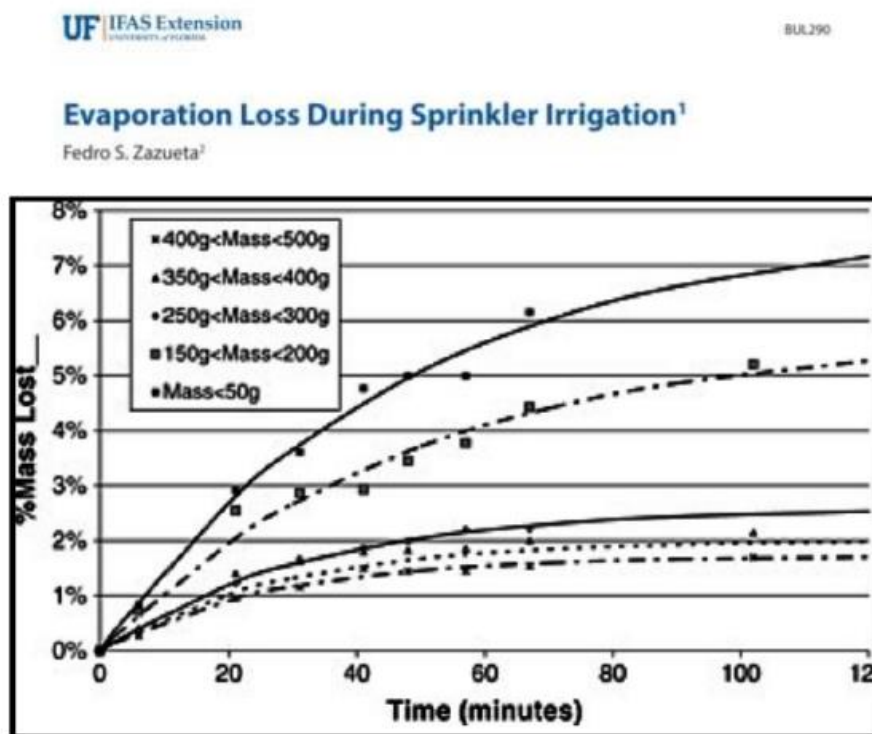
"The Hills at Southampton Monthly Nitrogen Nutrient Projection:

An estimate of maximum applied nitrogen was determined by calculating the amount of nitrogen applied through the groundwater supply of irrigation water (I) plus the amount of supplemental nitrogen applied as fertilizer (S). The annual maximum amount of nitrogen applied from groundwater is 0.74 pounds and is based on groundwater nitrogen concentration of 15 mg/L. Monthly irrigation is estimated from the percentage of annual irrigation applied each month. The maximum allowable amount of monthly applied nitrogen (irrigation and supplemental) was set at 0.248 pounds per month based on an annual limit of 2.5 pounds of nitrogen per 1000 SF of managed turf per year excluding roughs."

April: 0.74# N x 05% = 0.037# N(I) + **0.211# N(S)** = 0.248 pounds
 May: 0.74# N x 15% = 0.111# N(I) + **0.137# N(S)** = 0.248 pounds
 June: 0.74# N x 15% = 0.111# N(I) + **0.137# N(S)** = 0.248 pounds
 July: 0.74# N x 20% = 0.148# N(I) + **0.100# N(S)** = 0.248 pounds
 August: 0.74# N x 20% = 0.148# N(I) + **0.100# N(S)** = 0.248 pounds
 September: 0.74# N x 20% = 0.148# N(I) + **0.100# N(S)** = 0.248 pounds
 October: 0.74# N x 05% = 0.037# N(I) + **0.211# N(S)** = 0.248 pounds
 Total N(I) = 100% = .74#N(S) = **2.476 #N/1000 SF/year**

The numbers in **RED** in this table are mistaken. ↑ They represent a calculation for 183 days but the 0.248 pounds per month is based on an annual formula. The annual limit of 2.5 pounds must be factored (prorated) into 183 days. The "Applied Chemical Fertilizer Lbs N per month" column in Figure #4 calculates this correction.

Go to Figure 4



Agricultural Water Management
Volume 8, Issue 4, February 1984, Pages 439-449

Evaporation and drift losses from sprinkler irrigation systems under various operating conditions

Attila Yazar

[https://doi.org/10.1016/0378-3774\(84\)90070-2](https://doi.org/10.1016/0378-3774(84)90070-2)

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Abstract

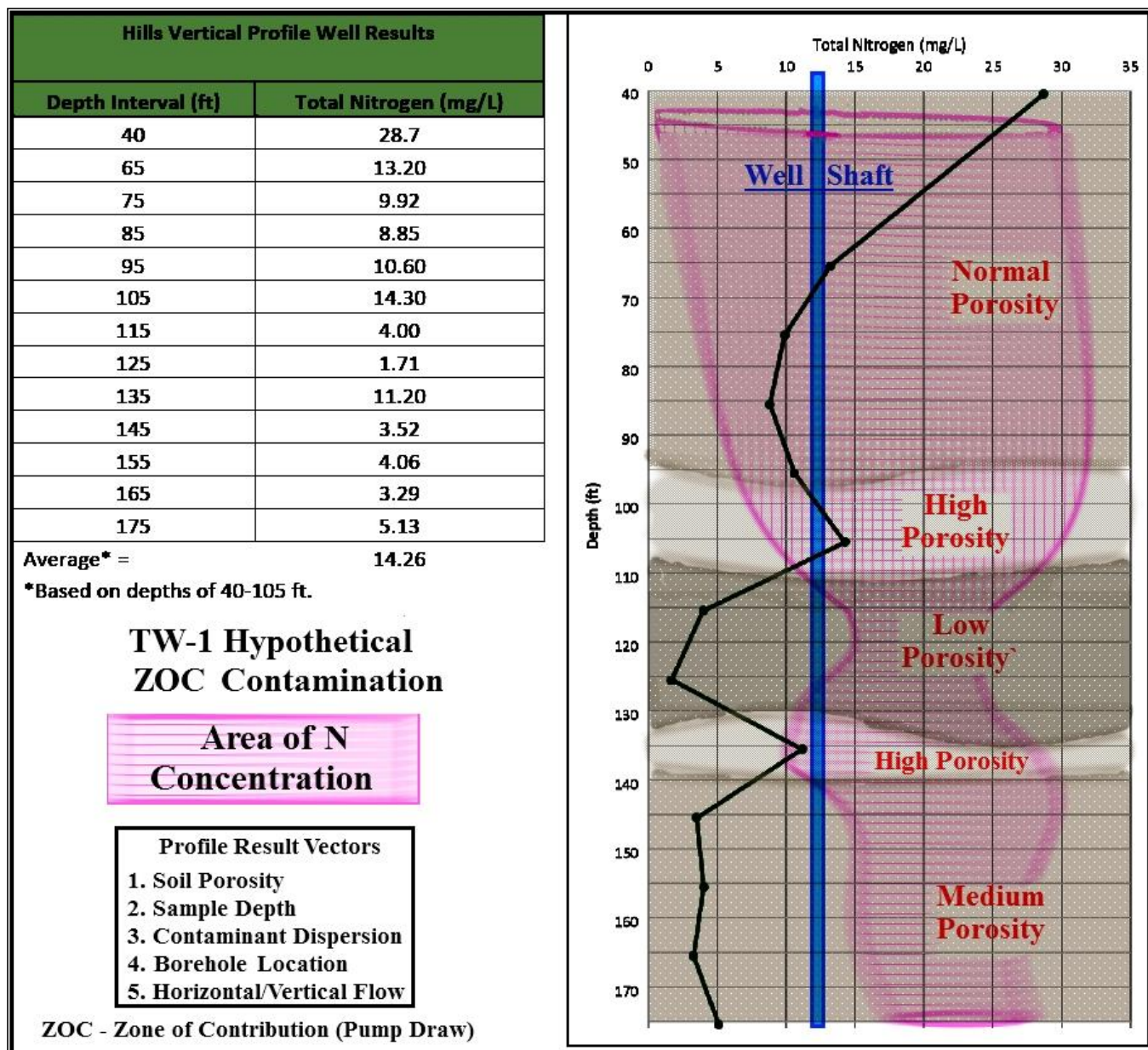
Quantitative determinations of evaporation and drift losses from sprinkler systems were carried out under different operating conditions.

Evaporation losses determined by an electrical-conductivity method ranged from 1.5 to 16.8% of the total sprinkled volume. Wind velocity and vapor pressure deficit were the most significant factors affecting the evaporation losses. Exponential relationships between the evaporation losses and both wind velocity and vapor pressure deficit have been found. For the operating pressures used in this study the least effect on evaporation was found.

Drift losses measured by the magnesium-oxide method varied from 1.5 to 15.1%. Drift losses increased with the second power of the wind velocity, and decreased with increasing distance in the downwind direction.

Combined losses from a sprinkler system for a given set of operating conditions have been estimated by using the results obtained from the experiments. Combined losses ranged from 1.7 to 30.7% of the applied water.

Figure 16 – Vertical Profile of TW-1 Capture Zone & N mg/L Levels



This edited profile is consistent with a well location that draws groundwater directly beneath an established active compost heap. The problem is whether an annual pump volume of 20 M gallons can persistently produce a 10 mg/L level from such a narrow, skewed area of nitrogen concentration. The 38 gpm 24/7/365 pump rate generates a narrow Zone Of Contribution for the well. The primary nitrogen source will be continually tapped. Grosser acknowledges there will only be a slight deflection of nitrogen particulate from surrounding groundwater. The FIES defines a 200-day/season irrigation period. At 20 M gallons for 24/7/200, the pump rate becomes ~70 gpm. This will expand the **ZOC** beyond the narrow cone of particulate concentration due to the increased draw radii. The surrounding groundwater outside the catchment of TW-1's original contribution zone will also be captured. However, the adjacent test wells [Figure 8] average half (5.14mg/L) the nitrogen concentration of TW-1. The **ZOC** expansion into the low nitrogen contribution area will effectively dilute the nitrogen concentration in the source point. In addition, the **static** TW-1 compost

1 nitrogen source will inevitably reach a point of diminishing returns. The TW-1 well's high nitrogen particulate
2 will eventually be exhausted.

3 There is not enough nitrogen in the groundwater within and/or surrounding the TW-1 capture zone to maintain
4 10 mg/L source point integrity at either a 38-gpm or a 70-gpm pump rate scenario.

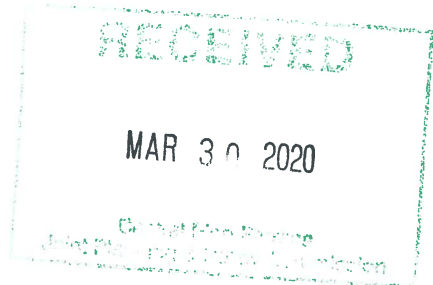
5 The environmental consequences of a drawdown in sustained nitrogen levels will be significant. In order to
6 maintain turf health, it will be necessary to inject more chemical nitrogen fertilizer into the irrigation water.
7 There is a direct proportional relationship between the amount of additive fertilizer and the amount of nitrogen
8 mitigation. The more chemical nitrogen fertilizer needed for fertigation, the less nitrogen is mitigated. The
9 result is the entire premise of negative nitrogen load is instantaneously nullified. The impact is dependent on
10 the available mass of nitrogen levels, the volume of water pumped, and, most significant, the length of time
11 before the nitrogen levels become insufficient for the design. With a ZOC diameter of 200 feet and a depth of
12 draw of 150 feet, a completely empty cylindrical vessel would contain ~36M gallons of water. However, only
13 10% of the total volume in the sandy soil aquifer is water. That equals 3.6 M gallons. At a pump rate of 20M
14 gallon/year, the levels of groundwater nitrogen would drop well below 10mg/L within a year. The [Figure 12]
15 documents the interrelationship of background nitrogen levels vs supplemental nitrogen injection.

APPENDIX E

COMMENT LETTER

**Seatuck Environmental Association
John L. Turner, Conservation Policy Advocate**

March 24, 2020



March 24, 2020

Ms. Carrie Meek-Gallagher
Chairperson
New York State Central Pine Barrens Joint Policy & Planning Commission
624 Old Riverhead Road
Westhampton Beach, NY 11978

RE: Lewis Road Planned Residential Development

Dear Chairperson Gallagher:

The Seatuck Environmental Association (Seatuck) is a Long Island based not-for-profit wildlife conservation whose mission is to protect wildlife species and populations native to Long Island and safeguard the marine, estuarine, and terrestrial habitats upon which they depend.

Seatuck has had very limited involvement in issues relating to the preservation of the Long Island Pine Barrens, Long Island's premier ecosystem. We have not commented on the CLUP and its amendments, general stewardship issues, or commented on specific projects. However, we felt compelled to analyze and assess the above-referenced project given its size and scope (involving more than 500 acres) and after a thorough and careful review of all the relevant information - including the Commission staff report, all exhibit materials, and the hearing transcript - we feel further compelled to express our concern about the above-referenced project since this review led us to conclude: 1) the project will have numerous significant, collective adverse environmental impacts to the species, natural communities, and ecosystem processes of the Pine Barrens; 2) is inconsistent with the goals of the Pine Barrens Comprehensive Land Use Plan (CLUP) as elaborated upon below, and 3) whose approval would set a dangerous and undesirable precedent. After conducting this review, we fully understand and appreciate the decision of the Central Pine Barrens Joint Policy & Planning Commission to assert jurisdiction over the project and we respectfully recommend the Commission disapprove the Lewis Road Planned Residential Development project.

It is our understanding that in order for the Commission to approve this project it must comply with each and every one of the approximately dozen and a half land use standards and guidelines enumerated in the CLUP. While it is clear from our review, and the review of other parties, that the project does not comply with many of these standards and guidelines, I'd like to illustrate this non-compliance by focusing on one land use standard and one land use guideline - Standard 5.3.3.6.2 relating to Unfragmented Open Space and Guideline 5.3.3.9.2 relating to Clustered Development.

The Land Use Standard relating to Unfragmented Open Space is designed to ensure that the open space components of a project are as continuous, contiguous, and coherent as possible, (generally quantified by measuring the perimeter to area ratio of the open space; the lower the ratio the more it conforms with the spirit of this Standard) while keeping small and isolated open space areas to a minimum. This standard is based on both sound and general principles of landscape ecology and the specific ecological

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characteristics and processes of the Long Island Pine Barrens which includes habitat and size requirements of key species as well as the role of periodic wildfire.

Small, thin, and physically separate blocks of open space serve to undercut the continuation of these functions, values, and processes. Many species, including many indigenous to the Pine Barrens, cannot persist in fragmented landscapes. The reasons for this vary but include development-induced impacts such as roadkill for wide-ranging ground dependent species including small mammals and almost all reptiles and amphibians, to an inability to provide requisite minimum territories for size dependent species including many mammals and almost all terrestrial bird species found in the Long Island Pine Barrens.

Fragmented open space also makes it highly difficult, to impossible, for periodic wildfires to occur, a process that is both essential for the longterm maintenance of the Long Island Pine Barrens and which strongly influences the region's distinctive and unique ecological character.

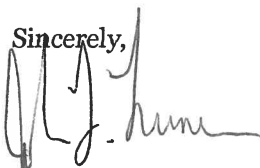
A related guideline to this concern contained in the CLUP is Guideline 5.3.3.9.2 relating to Clustered Development. The plan strongly recommends clustered development, recognizing that by so doing fragmentation of open space can be reduced, if not eliminated, and the long-term values and functions provided by large contiguous blocks of open space/wildlife habitat can continue unimpeded.

In our view neither the interconnected Unfragmented Open Space land use standard and Clustering land use guideline, respectively, are met with the current design and layout of the project. This is due to the fact the project contains numerous long and thin blocks of disconnected or thinly connected vegetation that have little to no ecological value as they simply do not provide sufficient habitat to ensure that affected wildlife species can meet their biological/life history requirements. Furthermore, it is clear from a review of the site plan that the developed portion of the site fails to maximize the Cluster concept as there are significant amounts of open space positioned between development components such as roads, fairways, residences and other structures. A true clustered development minimizes the amount of open space in these areas, shifting it to where it has the greatest ecological value, as part of larger more contiguous blocks of habitat and vegetation.

In conclusion, we believe that due to non-compliance with the aforementioned Standard relating to Unfragmented Open Space and the Guideline relating to Cluster Development, and the inability for the project to meet many other important Land Use Standards and Guidelines, as assessed and enumerated by other parties, the project does not comply with the CLUP and must be disapproved.

We appreciate the opportunity to provide Seatuck's perspective to you on the Lewis Road Planned Residential Development. We ask that this letter be entered into the hearing record for the application.

Sincerely,



John L. Turner
Conservation Policy Advocate.
Seatuck Environmental Association

cc: Steven Bellone, County Executive, Suffolk County
Edward P. Romaine, Supervisor, Town of Brookhaven
Yvette Aguiar, Supervisor, Town of Riverhead
Jay H. Schneiderman, Supervisor, Town of Southampton
John Pavacic, Executive Director, Pine Barrens Commission
Enrico Nardone,, Executive Director, Seatuck Environmental Association

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APPENDIX F

E-MAILS FROM PUBLIC

From: males0310@aol.com <males0310@aol.com>
Sent: Monday, March 02, 2020 1:14 PM
To: PB Info <info@pb.state.ny.us>
Subject: The Hills application to build in the pine barrens

CAUTION: This email originated from outside of SCWA. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Dear Ms. Carrie Meek Gallagher, Chairwoman;

The Moment is Here

Nearly 30 years ago, there was an insightful vision by a number of politicians to protect a swath of pristine and environmentally sensitive land- the Pine Barrens of eastern Long Island.

With then-Gov. Mario Cuomo, State Senator Ken La Valle and others, the Pine Barrens

Protection Act was signed in 1993 to address forever the fact that the land should remain pure and pristine, not only for its natural beauty but because our drinking water lies beneath the Pine Barrens. They knew that a time would come when some entity would want to develop the Pine Barrens-and the moment has arrived

Discovery Land wants to build luxury homes and a professional golf course in the Pine Barrens of East Quogue. Under normal circumstances, such a proposal should be rejected with little or no debate, but we are not dealing with normal circumstances.

It is nearly impossible to pick up and read a local newspaper and not find serious issues in our drinking water from one end of Long Island to the other. Newsday has just published

a scathing expose of the problems Grumman is responsible for, with respect to the severity of tainted groundwater due to their negligence and the cover-up that followed. East Hampton's problem with its groundwater supply due to sand mining is a topic that concerns them.

A problem exists in East Quogue, where the proposed development by Discovery Land is being contested. New water mains had to be installed on Lewis Road which is adjacent to the Discovery Land project, to give some of the residents of East Quogue potable water.

I could go on ad infinitum about the water problems on Long Island, but to the crux of the problem: To knowingly support a major construction project in the Pine Barrens when all the facts clearly point to the fact that adding more pollutants to an already compromised water supply will only further exacerbate a very serious problem- makes no sense.

The Pine Barrens Protection Act was written into law for this very moment, and

It must be seen as the last bulwark against a problem that will haunt Long Island for generations to come. The time has come to end this disastrous project and just say NO to Discovery Land.

Respectfully yours,
Michael Alestra(22 year full time resident of East Quogue)

F-1
Sec.
3.30

-----Original Message-----

From: Dana Dolan <danastardnd@icloud.com>

Sent: Saturday, March 07, 2020 9:16 AM

To: PB Info <info@pb.state.ny.us>

Subject: Please Stop!

CAUTION: This email originated from outside of SCWA. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Hello, Please stop the Louis Road PDR! It would screw up the valuable pine Barrens water!

Thank you,

Dana Dolan

Sent from my iPad

F-2
Sec.
3.30

Hargrave, Julie

From: Alissa Sallee <alissasallee@gmail.com>
Sent: Friday, March 13, 2020 1:43 PM
To: PB Hargrave, Julie
Subject: Lewis Rd PRD project

CAUTION: This email originated from outside of SCWA. Do not click links or open attachments unless you recognize the sender and know the content is safe.

To whom it may concern,

I'm writing to express my deepest disapproval of the Lewis Road PRD.

We are living in a time of rapid environmental neglect and destruction. Profit is held to a higher regard than the protection of the resources we need to survive on this planet.

I can't understand how a decision to build yet another man made structure while taking away natural resources is a good idea to anyone right now. Restoration and preservation of natural habitats is crucial to our lives.

This project is a decision moving briskly into the wrong direction and blatantly choosing profit over the future of our beautiful island. It's absolutely barbaric reasoning.

As you already know, the Pine Barrens are a precious part of the Long Island ecosystem. The forest purifies our ground water, houses endangered species, and of course the trees are working tirelessly to balance our climate destruction while giving us clean air to breathe.

Does anyone stop to think of these simple yet crucial things? Is anything sacred anymore? Or do we prefer to accept immediate monetary gratification at the expense of a future?

I thank you for your time and careful consideration,
Alissa Sallee

F-3
Sec.
3.30

From: Terry Montgomery <terrylmontgomery@gmail.com>

Sent: Friday, March 13, 2020 3:13 PM

To: PB Info <info@pb.state.ny.us>

Subject: Lewis Road PRD - please stop

CAUTION: This email originated from outside of SCWA. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Please stop this development!

Thank you.

Terry Montgomery
30 Pond View Dr, Wading River, NY 11792

--

Terry Montgomery

F-4
Sec.
3.30

-----Original Message-----

From: Mevivod <mevivod@optonline.net>

Sent: Thursday, February 20, 2020 4:11 PM

To: PB Info <info@pb.state.ny.us>

Subject: Proposed Lewis Road development

CAUTION: This email originated from outside of SCWA. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Michele Murray
46 Baycrest Ave.,
East Quogue, N.Y. 11942
February 20, 2020

To whom it may concern:

I hope this letter is not arriving too late and your decision has already been made, unless it was to stop this greedy development. I attended the meeting yesterday, unfortunately I had to leave before it ended.

I've been a resident of East Quogue since 1976. I have seen many changes, some good and some not so good. What I'm seeing lately makes my heart hurt. The proposed development, whether you call it the Hills or the Lewis Road development, boils down to the same thing: money and no concern for the future of East Quogue or for our children, our grandchildren and our great grandchildren. Those that are pushing for this development are not those that really care about what happens here. I wonder if golf course superintendent Jeffrey Seemen has ever supervised a golf course in the Pine Barrens. I doubt it. I wonder if Sheryl Heather of the Southampton Business Alliance really cares about anything else but the businesses making more money. For the two and a half hours that I sat at the meeting yesterday, I noticed that those that are for this development didn't really have all that much to say other than trying to manipulate and get their way without regard to the area concerns, mainly our precious water. While those that were opposed, some very brilliant people I might add, had the good of our people and our water and our town upper most in their thoughts and words. Hindsight is 20/20, which all of you I'm sure realize with what is happening in our world today. Had people only acted environmentally correct 40+ years ago when the commercial aired with the Native American going down the river with old tires and garbage floating in it, with a tear running down his face, which would way too soon be a reality, perhaps they would have done something to prevent it. You don't need hindsight to see what will happen should this development go through. What we have now will be destroyed for generations to come. This beautiful area, that we are truly blessed to live in, with clean water will be taken and then it will be too late. You must think ahead to the future now and plan for what is best rather than listen to people that only want to provide the wealthy with a third or fourth home while they take away our homes, our health, our clean water, our seafood and our future. It is way too fragile an environment. They are not looking to the future of our area, they are only looking to how much money they can make at the cost of those of us that actually live here.

F-5
Sec.
3.30

I'm begging you, for our children and our grandchildren and for all of our generations to come, to say no to this development once and for all. I'm begging you to look into your hearts and follow what they are telling you. Please say NO.

Thank you for your time,
Michele Murray

Sent from my iPad

From: patricia bowles <patbowles13@gmail.com>
Sent: Thursday, February 20, 2020 2:25 PM
To: PB Info <info@pb.state.ny.us>
Subject: Luxury home development project

CAUTION: This email originated from outside of SCWA. Do not click links or open attachments unless you recognize the sender and know the content is safe.

I listened to the News 12 segment regarding the development proposal. "Land. They just don't make it anymore." was an observation made by Will Rogers. We are an island with a finite amount of space. What do you say about a people who build houses on farmland, foul their drinking water with industrial waste and pollute their waters with nitrates to have greener lawns? When do decision making bodies stop bowing to developers, banks and construction trades and put quality of life for the common good ahead of special interests? Time to pay attention to environmental threats. Please preserve the Pine Barrens.

F-6
Sec.
3.30

From: Scott Blom <sblom269@gmail.com>
Sent: Thursday, February 20, 2020 9:33 AM
To: PB Info <info@pb.state.ny.us>
Subject: Hills Project

CAUTION: This email originated from outside of SCWA. Do not click links or open attachments unless you recognize the sender and know the content is safe.

To whom this may concern,

I am writing to express my opinion on the Hills project proposed in East Quogue. I am strongly against developing any part of the natural Pine Barrens areas as we do not have many large forested areas left on Long Island. This will also set a precedence that the Pine Barrens Commission is open to developing the land, which could lead to more developments.

F-7
Sec.
3.30

The east end is slowly becoming more and more like Nassau in terms of developments and diminishing green space/farm land. It is sad to see and for many Long Islanders, including myself, this has a negative effect on quality of life. I chose to move out east because of the lower population density, larger plots of land for homes, less commercialization, and to be closer to nature. Continuing to develop Long Island and our green spaces is not in the best interest of Long Islanders.

This proposed project will also destroy areas where wildlife live and will force them to compete for food and living space or worse force them into areas of the island that are not ideal locations for larger animals such as deer and turkey. It is important to remember how nature plays apart in our daily lives and how we need to preserve and protect natural areas (something that the Pine Barrens Commission should be very familiar with).

F-8
Sec.
3.30

It is easy to dismiss this project as having little to no effect on pollution, animal habitats, and the quality of life for Long Islanders when compared to everything else. The problem is though that over time, these decisions and projects will compound and negatively impact quality of life, green space, animals, and our natural resources.

F-9
Sec.
3.30

When making a decision regarding this project or any other proposed plan for the Pine Barrens, please take these factors into consideration and know the only one who benefits from this project is the Developer, not Long Islanders.

Thanks,

Scott Blom

From: wires38@optonline.net
To: [PB Hargrave, Julie](#)
Subject: Opposed to golf in The Pine Barrens
Date: Sunday, May 31, 2020 10:16:23 PM

CAUTION: This email originated from outside of SCWA. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Dear Commissioners

This letter is in opposition to a golf course complex inside a five acre country residence zone. The Southampton Zoning Appeals Board, and Planning Board, are appointed. I believe they have been infiltrated, or intimidated. I write this due to the outlandish nature of this reapplication, and Mr. Collins' approach. Considering the project was already voted down by our elected Southampton Town Board. As well as a zoning village attempt which was decisively voted down by East Quogue residents.

F-10
Sec.
3.30

This request for SPECIAL PERMISSION risks our drinking water, our health, the health of our creeks, bays, wildlife, and sea life. Chemical pollution and pesticides flow downward. Private community is an oxymoron. Special permission will tear up the social fabric in East Quogue, and the credibility of its Government.

F-11
Sec.
3.30

Attached is a photo of the developer's storefront in East Quogue. This was the night of our annual holiday concert and tree lighting. Afterwards as we all hurried in to the warmth of The New Moon restaurant, I couldn't help but notice the pile of leaves inconsiderately left in front of the developer's store. Not very neighborly.

F-12
Sec.
3.30

Michael Mirino
917 692 7927

The Hills
Sensory Resort
Information Center



From: wires38@optonline.net
To: [PB Hargrave, Julie](#)
Subject: Do not allow illegal golf course in the pine barrens.
Date: Sunday, May 31, 2020 10:12:21 PM

CAUTION: This email originated from outside of SCWA. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Dear Pine Barrens Commissioners

We in East Quogue have been fighting the golf course for many years. First it was the PDD which our Town Board voted down after years of community opposition. Then an attempted zoning village, convincingly voted down by East Quogue residents. Now a PRD being forced on two APPOINTED boards. The Southampton ZBA and Planning Board. These Boards seem to be intimidated or infiltrated, either is NG!

The appropriate, in place, Country Residence, five acre zoning has yielded no homes to date. The special permission request for a golf course is to generate interest in the proposed dwellings, where no interest exists. A gift or a grift? Either is NG!

A golf course is in violation of Town Code section 247-9D.

PLEASE do not allow corrupt commercial development in the Pine Barrens.

Michael Mirino
917 692 7927

F-13
Sec.
3.30

From: [Rita deRose](#)
To: [PB Hargrave, Julie](#)
Subject: proposing to build in the East Quogue Pine Barrens
Date: Friday, February 28, 2020 5:41:03 PM

CAUTION: This email originated from outside of SCWA. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Please include my comment as part of the record.

In this past decade of Cuomo, real estate developers have been given a free pass -along with a get-out-of-jail card- to exploit our natural resources on Long Island. Now you consider an encroachment onto our sacred Pine Barrens, dangerously exposing our fragile, vulnerable single-source aquifer system--a system already contaminated by vulgar cuomonian led initiatives? A time must come when justice is served for your criminal acts.

F-14
Sec.
3.30

From: karma54@verizon.net
To: [PB Hargrave, Julie](#)
Subject: east quogue pine barrens
Date: Friday, February 28, 2020 8:25:18 PM

CAUTION: This email originated from outside of SCWA. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Hello PB Commission,

Under no circumstance should the proposed development take place!!!! Discovery is only here to savage the east end.

We DON'T NEED MORE PEOPE, MORE traffic, etc.

The pine barrens are also just recovering from the fires of 1995.

Thank you.

Rita

F-15
Sec.
3.30

June 16, 2020

Mr. John Pavacic
Executive Director
Central Pine Barrens Joint Planning and Policy Commission
624 Old Riverhead Road
Westhampton Beach, NY 11978

John:

What in Sam Hill is going on? "The Hills" submits documents to the Commission in support of their project, days before the deadline. It seems to be providing information on a Pine Barrens development that is entirely different from what was provided to the Southampton Town Board and the Southampton Planning Board. This is an outrage. The applicant has been consistently changing its project, without providing supporting information.

Add to this, I discover on the Commission's website today, there is a proposed review of the revised project without any time to prepare a reaction. There is no way that the Commission could respond to this massive input. I know, because the environmental community is trying to do so. The applicant's submission is absolutely incompatible with its past submissions, violates New York State's Environmental Quality Review Act and the applicant is obviously trying to obtain the Commission's approval of a project that is utterly inconsistent with the Pine Barrens Protection Act. What is now proposed is significantly different from what has been previously proposed. The Commission requires the time to review it.

Staff and the environmental community deserve appropriate time to review the applicant's massive new application for a project different from the earlier submission. This is the biggest and baddest proposal ever presented to the Commission. The current application differs significantly from the previous proposal. So, the current project should be disapproved by the Commission, since what is now presented is not what has been previously proposed by the applicant.

The Commission seems to be responding to a demand for consideration of a new project on the day before the Pine Barrens Commission is set to meet. Neither the staff nor the community can respond to the massive claims of the applicant in such a short time. We have no scheduled adequate location for a hearing, no opportunity for staff to respond to the alternatives being advanced by the applicant and no real opportunity for the community to point out the shortcomings of the new application.

John, the applicant's project is inconsistent with the Pine Barrens Protection Act. It is violative of state environmental law. It has been properly reviewed neither by the Commission nor the community and still moves ahead with little or no public input.

Add to this, notion that the Commission should respond to the applicant's June 3rd submission, 24 hours before the Commission's June 17th meeting, suggests the greatest shortcoming in review of a project in the history of the Pine Barrens Protection Act.

F-16
Sec.
3.44



This must be fixed at once, or we will take this matter directly to Governor Cuomo. I'm furious. This is inexcusable. Please call me, at once.

Sincerely,

Richard Amper, Executive Director

cc: Pine Barrens Commissioners

John Milazzo

Julie Hargrave

Senator Kenneth P. Lavallo

New York State Comptroller

Assembly Member Steven Englebright



APPENDIX G

LEWIS ROAD PRD GOLF COURSE OVERVIEW

Lewis Road PRD Site Layout and Golf Course Overview

The subdivision layout prioritizes the use of existing clearing and disturbed areas, maximizing hundreds of acres of contiguous open space while working around areas of steep slopes to minimize clearing and grading. The golf course is designed to maintain a significant amount of natural area throughout the course as is favored in many modern golf course design concepts which provides natural safety buffers for residents and minimizes the need for water and chemicals use. While the limits of clearing are included on the map, every effort will be taken during the construction process to preserve areas of natural vegetation and by transplanting as many plants and trees as possible elsewhere on site. A detailed survey will delineate the clearing of the golf envelope and a split rail fence will be placed on the limit of clearing around the perimeter of the lots (or real estate). Existing cleared areas and trails will be used for primary maintenance access to the golf course with no additional clearing required. Connections from hole to hole are noted on the map which shows that 17 of the 18 holes do not require the clearing of trees for these connections due to the close proximity from one hole to the next. These connector trails will be 8 to 10 ft wide and will only impact any native understory in the area, which is not present on many holes. These are tamped down dirt paths like deer paths. Any other materials for paths will be very limited and only used for safety and water management. The only hole that needs additional clearing for connector trails, is hole 6 because the area is disturbed and hampered by invasive species.

The golf course and community grounds will be managed by licensed professionals under the proposed Integrated Turf Health Management Plan (ITHMP) which monitors, controls, and catalogs the amount and type of materials that can be used on the course, governs the fertilizer cap and provides the best practices for protecting the environment. The ITHMP will also be applied to the throughout entire property, including residential lots. The two ponds are for irrigation and storm water treatment. Serious attention will be paid by the HOA for any lots adjacent to the two ponds to ensure both safety and pond cleanliness standards are kept. Should any additional recreational use be sought for those ponds which could have a public health impact (i.e. swimming), the applicant will apply for a permit with the County Health Department.

A State of the Art sprinkler system design using a detailed layout with sensor technology to only place water where it is needed will help maximize water conservation. It is important that good quality water is used throughout the development needs and the golf course. An independent 3rd Party will manage the water quality monitoring program and report directly to the Town of Southampton, similar to the monitoring programs at Sebonack and Golf at the Bridge.

Invasive species will be removed throughout the development and golf course areas. Any landscaping will utilize primarily native types of species.

Golf hole specific details

1. Hole 1. People can access this hole off of existing clearing behind some lots. The first third of this par 4 hole is going through an area of extreme damage by pine beetles. Almost every older pine has been wiped out. Carry area will maintain existing low grasses. The remainder of the hole goes through a low density area of pines and some invasive species with very little native understory. There is an easy way to get to the next hole without cutting down any trees.
2. Hole 2. The short par 3 is through a low density deciduous area. Carry area will have native plantings. There is an easy way to get to the next hole without cutting down any trees.
3. Hole 3. The tee box for this par 5 is in a previously cleared area and it follows down an area of existing clearing through an area decimated by pine beetles ending in a previously cleared area. The carry area will be replanted with native vegetation. The area between holes 3 and 4 is already cleared.
4. Hole 4. The par 4 hole starts in a previously cleared area and heads south through an area heavily impacted by pine beetle damage. The carry area will have native plantings. There is an easy way to get to the next hole without cutting down any trees.
5. Hole 5. This par 5 hole goes through an area of extreme pine beetle damage. There is a swale that will be a carry area which will include native plantings. The last third of the hole is a low density deciduous area. There is an easy way to get to the next hole without cutting down any trees.
6. Hole 6. This short par 3 goes through an area of significant previous disturbance, invasive species and trash dumped over the years. There is a specimen deciduous tree by the green that will be preserved as part of the hole layout. The carry area will maintain some native grasses and other natural area.
7. Hole 7. This par 4 starts in an area of extreme disturbance and invasive species, follows an existing trail and finishes in an area of extreme pine beetle damage. The carry area will include native plantings and other natural area. There is an easy way to get to the next hole without cutting down any trees.
8. Hole 8. This par 5 goes through an area of extreme pine beetle damage and landscape dumping areas. This hole goes through a swale which will be retained as natural area with native plantings. Carry areas will include native vegetation and plantings. There is an easy way to get to the next hole without cutting down any trees.
9. Hole 9. This par 3 starts in an area of extreme pine beetle damage and the majority of the hole is in a previously cleared area. The carry area will be replanted with native plants. There is almost no understory on this hole. There is an easy way to get to the next hole without cutting down any trees. People will use existing cleared area behind some lots and by the recreational area to cross over to the 10th hole.
10. Hole 10. This par 4 starts in an area with invasive species mixed in with pines and then ends in an area of low density deciduous trees. The carry area will have natural area and native plantings. There is an easy way to get to the next hole without cutting down any trees.
11. Hole 11. This par 5 starts in an area of low density deciduous trees and ends in an area of extreme disturbance and invasive species and landscape refuse. The connection to the next hole is including in the clearing limit plan due to the invasive species which will be removed. The carry area will include native plants and natural area.
12. Hole 12. This par 3 goes through an area of extreme disturbance, dumping and invasive species including a very large area of bamboo which will be removed. The carry area will be replanted with native vegetation. There is almost no understory on this hole. There is an easy way to get to the next hole without cutting down any trees.

13. Hole 13. This par 4 begins in an area of extreme disturbance and invasive species and follows existing clearing to end in an area of disturbance and invasive species. The carry area will be replanted with native vegetation. The invasive species will be removed. There is an easy way to get to the next hole without cutting down any trees.
14. Hole 14. This par 4 follows existing clearing all the way to the end of the hole through an area of extreme pine beetle damage. The carry area will include native vegetation. There is an easy way to get to the next hole through existing clearing.
15. Hole 15. This par 4 starts in existing cleared area and follows existing clearing through pine beetle damaged pines through a fairly flat area staying off of steep slopes and ends in an area of an existing trail and low density deciduous trees. The carry area will include native vegetation. There is an easy way to get to the next hole without cutting down any trees.
16. Hole 16. This par 4 stars in low density deciduous trees and then goes through an area of extreme pine beetle damage, ending in an area of landscaping disturbance and low density deciduous trees. The carry area will include natural areas and native vegetation. There is an easy connection to the next hole without cutting down any trees.
17. Hole 17. This par 3 starts in an area of low density of deciduous trees and carries over an area of extreme disturbance, to an area with pine beetle damage and invasive species which will be removed. The carry area will include native vegetation. There is an easy connection to the next hole without cutting down any trees.
18. Hole 18. This par 5 stars in an area of extreme disturbance, pine beetle damage and invasive species. It follows an existing trail and cleared area, ending in a previously cleared area. The carry area will include native vegetation.
19. Putting Green and Driving Range. These are both accessible off of the roadway through existing clearing.

APPENDIX H

SONIR COMPUTER MODEL RESULTS

Revised Master Plan

SIMULATION OF NITROGEN IN RECHARGE (SONIR)

SHEET 1

NELSON, POPE & VOORHIS, LLC MICROCOMPUTER MODEL

NAME OF PROJECT

Lewis Road PRD - SEQRA Compliance Analysis (June 30, 2020)

118 resort homes; 12 WF Units; golf; STP; 10% Turf LR; 60d

DATA INPUT FIELD

A	Site Recharge Parameters	Value	Units	B	Nitrogen Budget Parameters	Value	Units
1	Area of Site	608.45	acres	1	Persons per Dwelling	2.90	persons
2	Precipitation Rate	49.90	inches	2	Nitrogen per Person per Year	10.0	lbs
3	Acreage of Rough/Res/Golf Landsc.	58.05	acres	3	a. Sanitary Nitrogen Leaching Rate	84%	percent
4	Fraction of Land in above	0.095	fraction	3	b. Treated Sanitary Nitrogen Leaching Rate	100%	percent
5	Evapotranspiration from above	23.00	inches	4	Fertilized Land (Golf Rough/Res/Golf Landsc.)	58.05	acres
6	Runoff from above	0.50	inches	5	Fertilizer Application Rate (for above)	1.00	lbs/1000 sq ft
7	Acreage of Greens/Tees/Fairways	33.16	acres	6	Fertilizer Nitrogen Leaching Rate (for above)	10%	percent
8	Fraction of above	0.054	fraction	7	Fertilized Land (Greens/Tees/Fairways)	33.16	acres
9	Evapotranspiration from above	23.90	inches	8	Fertilizer Application Rate (for above)	2.50	lbs/1000 sq ft
10	Runoff from above	0.50	inches	9	Fertilizer Nitrogen Leaching Rate (for above)	10%	percent
11	Acreage of Unvegetated/Dirt Roads	4.81	acres	10	Outdoor Cat Population	0.74	pets/dwelling
12	Fraction of above	0.008	fraction	11	Cat Waste Nitrogen Load	3.22	lbs/pet/year
13	Evapotranspiration from above	6.36	inches	12	Outdoor Dog Population	1.40	pets/dwelling
14	Runoff from above	1.05	inches	13	Dog Waste Nitrogen Load	4.29	lbs/pet/year
15	Acreage of Water/Ponds/Wetlands	3.37	acres	14	Pet Waste Nitrogen Leaching Rate	25%	percent
16	Fraction of Site in above	0.006	fraction	15	Adjusted Pet Waste (days/year occupied)	16%	percent
17	Evaporation from above	30.00	inches	16	Area of Land Irrigated	91.21	acres
18	Makeup Water (if applicable)	0.00	inches	17	Irrigation Rate	21.40	inches
19	Acreage of Natural/Natural Reveg.	483.66	acres	18	Irrigation Nitrogen Leaching Rate	10%	percent
20	Fraction of above	0.795	fraction	19	Atmospheric Nitrogen Application/Load	0.04	lbs/1000 sq ft
21	Evapotranspiration from above	23.00	inches	20	Atmos. N Leaching Rate (Natural/Wetlands)	25%	percent
22	Runoff from above	0.35	inches	21	Atmos. N Leaching Rate (Turf 30%; Golf 20%)	20%	percent
23	Acreage of Impervious/Paved/Bldgs	24.00	acres	22	Atmos. N. Leaching Rate (Ag; Imperv; Other)	40%	percent
24	Fraction of Land in above	0.039	fraction	23	Nitrogen in Water Supply	2.00	mg/l
25	Evapotrans. from above	4.99	inches	24	Nitrogen in Sanitary Flow -1	10.00	mg/l
26	Runoff from Impervious	0.00	inches	25	Nitrogen in Sanitary Flow -2	10.00	mg/l
27	Acreage of Other (Rain Gardens)	1.40	acres	C Comments 1) Please refer to user manual for data input instructions; updated per LINAP. 2) Runoff for turf areas increased/adjusted to 2.1% of ppt. 3) Irrigation includes April-Oct.; based on 51,456,148 gpy; irrigation equals ET. 4) Greens area equals 2.62 acres and does not include rain gardens. 5) Bunkers and rain gardens are not fertilized or irrigated. 6) Evapotranspiration from Unvegetated is 30% of ET for vegetated surfaces. 7) Evapotranspiration from Rain Gardens is similar to other landscaping. 8) Rain Garden runoff is adjusted to be similar to natural areas. 9) Fertilizer nitrogen leaching rate is 10%; all landscaping maintained by GC 10) Irrigation adjusted to increase runoff to 2.1% of ppt, and add leaching. 11) Area of land irrigated includes all turf/landscaping, plus golf rough. 12) Wastewater flow adjusted for maximum of 60 days/year; ensured by C&R. 13) Rain Gardens adjusted for 70% Nitrogen removal efficiency (see Sheet 4).			
28	Fraction of Land in above	0.002	fraction				
29	Evapotrans. from above	23.90	inches				
30	Runoff from above	0.00	inches				
31	Acreage of Land Irrigated	91.21	acres				
32	Fraction of Land Irrigated	0.150	fraction				
33	Irrigation Rate	21.40	inches				
34	Number of Dwellings	130	units				
35	Water Use per Dwelling	300	gal/day				
36	Wastewater Design Flow (units)	0	gal/day				
37	Wastewater Design Flow (total)	40,957	gal/day				
38	Adjusted WW Design Flow (total)	9,137	gal/day				
				Developed Area 118.58 19% Natural/Unvegetated/Revegetated Area 472.42 78% Total Acreage Check 608.45 100%			

SIMULATION OF NITROGEN IN RECHARGE (SONIR)

SHEET 2

NELSON, POPE & VOORHIS, LLC MICROCOMPUTER MODEL

118 resort homes; 12 WF Units; golf; STP; 10% Turf LR; 60d

SITE RECHARGE COMPUTATIONS

A	Golf Rough/Res/Golf Landsc.	Value	Units	B	Greens/Tees/Fairways	Value	Units
1	A = Fraction of Land in Cover Type	0.095	fraction	1	A = Fraction of Land in Cover Type	0.054	fraction
2	P = Precipitation Rate	49.90	inches	2	P = Precipitation Rate	49.90	inches
3	E = Evapotranspiration Rate	23.00	inches	3	E = Evapotranspiration Rate	23.90	inches
4	Q = Runoff Rate	0.50	inches	4	Q = Runoff Rate	0.50	inches
5	R(a) = P - (E + Q)	26.40	inches	5	R(b) = P - (E + Q)	25.50	inches
6	R(A) = R(a) x A	2.52	inches	6	R(B) = R(b) x A	1.39	inches

C	Unvegetated/Dirt Roads	Value	Units	D	Water/Ponds/Wetlands	Value	Units
1	A = Fraction of Land in Cover Type	0.008	fraction	1	A = Fraction of Site in Water	0.006	fraction
2	P = Precipitation Rate	49.90	inches	2	P = Precipitation Rate	49.90	inches
3	E = Evapotranspiration Rate	6.36	inches	3	E = Evaporation Rate	30.00	inches
4	Q = Runoff Rate	1.05	inches	4	Q = Runoff Rate	0.00	inches
5	R(c) = P - (E + Q)	42.49	inches	5	M = Makeup Water	0.00	inches
6	R(C) = R(c) x A	0.34	inches	6	R(d) = {P - (E+Q)} - M	19.90	inches
				7	R(D) = R(d) x A	0.11	inches

E	Natural/Natural Revegetation	Value	Units	F	Impervious/Paved/Roads	Value	Units
1	A = Fraction of Land in Cover Type	0.795	fraction	1	A = Fraction of Land in Cover Type	0.039	fraction
2	P = Precipitation Rate	49.90	inches	2	P = Precipitation Rate	49.90	inches
3	E = Evapotranspiration Rate	23.00	inches	3	E = Evapotranspiration Rate	4.99	inches
4	Q = Runoff Rate	0.35	inches	4	Q = Runoff Rate	0.00	inches
5	R(e) = P - (E + Q)	26.55	inches	5	R(f) = P - (E + Q)	44.91	inches
6	R(E) = R(e) x A	21.11	inches	6	R(F) = R(f) x A	1.77	inches

F	Rain Gardens	Value	Units	H	Irrigation Recharge	Value	Units
1	A = Fraction of Land in Cover Type	0.002	fraction	1	A = Fraction of Land Irrigated	0.150	fraction
2	P = Precipitation Rate	49.90	inches	2	I = Irrigation Rate	21.40	inches
3	E = Evapotranspiration Rate	23.90	inches	3	E = Evapotranspiration Rate	21.40	inches
4	Q = Runoff Rate	0.00	inches	4	Q = Runoff Rate	0.00	inches
5	R(g) = P - (E + Q)	26.00	inches	5	R(h) = I - (E + Q)	0.00	inches
6	R(G) = R(g) x A	0.06	inches	6	R(H) = R(h) x A	0.00	inches

I	Wastewater Recharge	Value	Units	J	Runoff Recharge	Value	Units
1	WDF = Wastewater Design Flow	9,137	gal/day	1	Q(A) = Runoff from Rough/Landscaped	0.048	inches
2	WDF = Wastewater Design Flow	445,890	cu ft/yr	2	Q(B) = Runoff from Tees/Fairways	0.027	inches
3	A = Area of Site	26,504,082	sq ft	3	Q(C) = Runoff from Unvegetated	0.008	inches
4	R(j) = WDF/A	0.02	feet	4	Q(E) = Runoff from Natural	0.278	inches
5	R(I) = Wastewater Recharge	0.20	inches	5	Q(H) = Runoff from Rain Gardens	0.000	inches
				6	Q(I) = Runoff from Irrigation	0.00	inches
				7	Q(tot) = Q(A)+Q(B)+Q(C)+Q(E)+Q(H)+Q(I)	0.36	inches

Total Site Recharge			
R(T) =	R(A)+R(B)+R(C)+R(D)+R(E)+R(F)+R(G)+R(H)+R(I)+R(J)+Q(tot)		
R(T) =	27.85	inches	

SIMULATION OF NITROGEN IN RECHARGE (SONIR)

SHEET 3

NELSON, POPE & VOORHIS, LLC MICROCOMPUTER MODEL

118 resort homes; 12 WF Units; golf; STP; 10% Turf LR; 60d

SITE NITROGEN BUDGET

A	Sanitary Nitrogen-Residential	Value	Units
1	Number of Dwellings	0	units
2	Persons per Dwelling	2.90	capita
3	P = Population	0.00	capita
4	N = Nitrogen per person	10	lbs
6	N = (total; pre loss/removal)	0	lbs
7	LR = Leaching Rate	84%	percent
8	N(S) = P x N x LR	0.00	lbs
9	N = loss/removed	0.00	lbs

C	Sanitary Nitrogen (Wastewater Design Flow)		
1	CF = Commercial/STP Flow	9,137	gal/day
2	CF = Commercial/STP Flow	12,622,994	liters/yr
3	N = Nitrogen (1)	10.00	mg/l
4	N = Nitrogen (1)	278.34	lbs
5	N = Nitrogen (2)	10.00	mg/l
6	N = Nitrogen (2)	278.34	lbs
7	LR = Leaching Rate	100%	percent
8	N(S) = CF x N x LR	126,229,939	milligrams
9	N(S) = Sanitary Nitrogen	278.34	lbs
10	N = loss/removed	0.00	lbs

E	Fertilized Land (Golf Rough/Res/Golf Landscaped)		
1	A = Area of Land Fertilized 1	2,528,658	sq ft
2	AR = Application Rate	1.00	lbs/1000 sf
3	N(T) = Nitrogen (total applied)	2528.66	lbs
4	LR = Leaching Rate	10%	percent
5	N(F1) = A x AR x LR	252.87	lbs
6	N = loss/removed	2275.79	lbs

G	Atmospheric Nitrogen (existing condition)		
1	Application Load	0.041	lbs/1000 sf
2	Area of Natural/Wetlands/1000 sf	21,276	1000 sf
3	Leaching Rate	25%	percent
4	Atmos. N Load-1 (natural/wetlands)	218.08	lbs/year
5	Area of turf/golf/1000 sf	3,973	1000 sf
6	Leaching Rate	20%	percent
7	Atmos. N Load-2 (golf/turf)	32.58	lbs/year
8	Area of Impervious/Agriculture/1000 sf	1,255	1000 sf
9	Leaching Rate	40%	percent
10	Atmos. N Load-3 (ag; imperv; other)	20.58	lbs/year
11	N(at) = N Load 1 + 2 + 3	271.24	lbs
12	N = loss/removed	815.43	lbs

B	Cat Waste Nitrogen	Value	Units
1	Number of Cats per Dwelling	0.74	cats/dwelling
2	Number of Cats (Cats/dwelling x dwellings)	96	cats
3	Cat Waste Nitrogen Load	3.22	lbs/cat/year
4	N(p) = AR x cats x Adjustment (if applicable)	50.92	lbs/year
5	LR = Leaching Rate	25%	percent
6	N(P) = N(p) x LR	12.73	lbs
7	N = (loss/removed)	38.19	lbs

B'	Dog Waste Nitrogen	Value	Units
1	Number of Dogs per Dwelling	1.40	dogs/dwelling
2	Number of Dogs (Dogs/dwelling x dwellings)	182	dogs
3	Dog Waste Nitrogen Load	4.29	lbs/dog/year
4	N(p) = AR x dogs x Adjustment (if applicable)	128.35	lbs/year
5	LR = Leaching Rate	25%	percent
6	N(P) = N(p) x LR	32.09	lbs
7	N = (loss/removed)	96.26	lbs

D	Water Supply Nitrogen (other than wastewater, if applicable)		
1	WDF = Wastewater Design Flow	0	gal/day
2	WDF = Wastewater Design Flow	0	liters/yr
3	N = Nitrogen in Water Supply	10.00	mg/l
4	N(WW) = WDF x N	0	milligrams
5	N(WW) = Wastewater Nitrogen	0.00	lbs

F	Fertilized Land (Greens/Tees/Fairways)		
1	A = Area of Land Fertilized 2	1,444,450	sq ft
2	AR = Application Rate	2.50	lbs/1000 sf
3	N(T) = Nitrogen (total applied)	3611.12	lbs
4	LR = Leaching Rate	10%	percent
5	N(F2) = A x AR x LR	361.11	lbs
6	N = loss/removed	3250.01	lbs

H	Irrigation Nitrogen		
1	R = Irrigation Recharge (inches)	0.00	inches
2	R = Irrigation Rate (feet)	0.0001	feet
3	A = Area of Land Irrigated	932,376	sq ft
4	R(I) = R(irr) x A	51	cu ft
5	R(I) = Site Irrigation (liters)	1,451	liters
6	N = Nitrogen in Water Supply	2.00	mg/l
7	N(T) = Nitrogen (total applied)	0.01	lbs
8	LR = Leaching Rate	10%	percent
9	N(irr) = R(I) x N x LR	290	milligrams
10	N(irr) = Irrigation Nitrogen	0.00	lbs
11	N = loss/removed	0.01	lbs

Total Site Nitrogen		
N=	N(S) + N(P) + N(WW) + N(F1) + N(F2) + N(ppt) + N(irr)	
N=	1,208.37	lbs

SIMULATION OF NITROGEN IN RECHARGE (SONIR)

SHEET 4

NELSON, POPE & VOORHIS, LLC MICROCOMPUTER MODEL

NAME OF PROJECT

Lewis Road PRD - SEQRA Compliance Analysis (June 30, 2020)

118 resort homes; 12 WF Units; golf; STP; 10% Turf LR; 60d

FINAL COMPUTATIONS

A	Nitrogen in Recharge	Value	Units
1	N = Total Nitrogen (lbs)	1,208.37	lbs
2	N = Total Nitrogen (milligrams)	548,601,219	milligrams
3	R(T) = Total Recharge (inches)	27.85	inches
4	R(T) = Total Recharge (feet)	2.32	feet
5	A = Area of Site	26,504,082	sq ft
6	R = R(T) x A	61,521,695	cu ft
7	R = Site Recharge Volume	1,742,294,416	liters
9	NR = N/R	0.31	mg/l

CONCENTRATION OF
NITROGEN IN RECHARGE

Pre-Mitigation

0.31

A	Nitrogen in Recharge	Value	Units
1	N = Total Nitrogen (lbs)	915.98	lbs
2	N = Total Nitrogen (milligrams)	415,853,133	milligrams
3	R(T) = Total Recharge (inches)	27.85	inches
4	R(T) = Total Recharge (feet)	2.32	feet
5	A = Area of Site	26,504,082	sq ft
6	R = R(T) x A	61,521,695	cu ft
7	R = Site Recharge Volume	1,742,294,416	liters
9	NR = N/R	0.24	mg/l

CONCENTRATION OF
NITROGEN IN RECHARGE

With Mitigation (not including well pumping)

0.24

B	Site Recharge Summary	Value	Units
1	R(T) = Total Site Recharge	0.00	inches/yr
2	R = Site Recharge Volume	61,521,695	cu ft/yr
3	R = Site Recharge Volume	460,214,274	gal/yr
4	R = Site Recharge Volume	460.21	MG/yr

MITIGATION COMPUTATIONS

M1	Reuse of Irrigation Water	Value	Units
1	IW = Reused Irrigation Water	54,795	gal/day
2	IW = Reused Irrigation Water	75,700,000	liters/yr
3	N = Nitrogen in Aquifer	10.00	mg/l
4	AF = Additional Factor (n/a)	100%	percent
5	N(IW) = IW x N x AF	757,000,000	milligrams
6	N(IW) = Irrigation N Reduction	1669.19	lbs

M2	Lined Greens	Value	Units
1	A = Area of Land Fertilized 2	114,127	sq ft
2	AR = Application Rate	2.50	lbs/1000 sf
4	N(LG) = A x AR x LR	285.32	lbs
5	N(LG) = Potential Lined Greens N Reduction	285.32	lbs
6	N(LGeff) = Effective Lined Greens N Reduction	199.72	lbs (70% eff)

M3	Rain Gardens	Value	Units
1	RG = RG Recharge (inches)	0.36	inches
2	RG = RG Recharge (feet)	0.03	feet
3	A = Area of Golf Runoff (SF)	1,444,450	SF
4	RG = RG Recharge Volume (CF)	43,441	CF
5	RG = RG Recharge (Gallons/year)	324,965	gal/yr
6	RG = RG Recharge (Liters/year)	1,229,992	liters/yr
8	N = Nitrogen in Runoff (mg/l)	2.61	mg/l
9	N = Nitrogen Load (milligrams)	3,210,279	milligrams
10	N(IW) = IW x N x AF	7.08	lbs
12	N(RG) = Potential Rain Garden N Reduction	7.08	lbs
13	N(RGeff) = Effective Rain Garden N Reduction	4.96	lbs (70% eff)

Conversions used in SONIR

Acres x 43,560 = Square Feet
Cubic Feet x 7.48052 = Gallons
Cubic Feet x 28.32 = Liters
Days x 365 = Years
Feet x 12 = Inches
Gallons x 0.1337 = Cubic Feet
Gallons x 3.785 = Liters
Grams / 1,000 = Milligrams
Grams x 0.002205 = Pounds
Milligrams / 1,000 = Grams

Mitigation Summary

M1 Reuse of Irrigation Water	1,669.19
M2 Lined Greens	199.72
M3 Rain Gardens	4.96
Total	1,873.86

Total Nitrogen

Site Nitrogen (No Mitigation)	1,208.37
Mitigation Nitrogen	1,873.86
Adjusted Total Site Nitrogen	-665.49

Total Anthropogenic Nitrogen

Site Nitrogen (No Mitigation)	937.13
Mitigation Nitrogen	1,873.86
Adjusted Total Site Nitrogen	-936.73

APPENDIX I

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	
314	2	20.5	DLV Quogue Owner, LLC
Road Abandonment for Smith Road ROW, 1.57 acres			
Kracke Property			
250	2	4	DLV Quogue, LLC
288	1	59.1	
		60	
Parlato Property			
220	1	7	DLV Parlato Parcel 3, LLC
		8	DLV Parlato Parcel 1, LLC
		9	DLV Parlato Parcel 3, LLC
		10	DLV Parlato Parcel 1, LLC
		11	
		12	DLV Parlato Parcel 3, LLC
		14.1	DLV Parlato Parcel 1, LLC
		15	DLV Parlato Parcel 3, LLC
		16	DLV Parlato Parcel 1, LLC
		17	DLV Parlato Parcel 3, LLC
		18	DLV Parlato Parcel 1, LLC
		19	DLV Parlato Parcel 3, LLC
		31	DLV Parlato Parcel 1, LLC
		33	
		34	DLV Parlato Parcel 3, LLC
		35	DLV Parlato Parcel 1, LLC
		36	DLV Parlato Parcel 3, LLC
		39	
		40	DLV Parlato Parcel 4, LLC
		42	
		56	
		58	DLV Parlato Parcel 2, LLC
		59	DLV Parlato Parcel 4, LLC
		60	
		65	DLV Parlato Parcel 2, LLC
		66	DLV Parlato Parcel 1, LLC
		67	DLV Parlato Parcel 2, LLC
		70	DLV Parlato Parcel 3, LLC
		72	DLV Parlato Parcel 1, LLC
		73	DLV Parlato Parcel 3, LLC
		74	DLV Parlato Parcel 1, LLC
		75	DLV Parlato Parcel 3, LLC

		76	DLV Parlato Parcel 1, LLC
		78	DLV Parlato Parcel 3, LLC
		79	DLV Parlato Parcel 1, LLC
		80	DLV Parlato Parcel 3, LLC
		81	DLV Parlato Parcel 1, LLC
		82	DLV Parlato Parcel 3, LLC
		84	DLV Parlato Parcel 1, LLC
		86	DLV Parlato Parcel 3, LLC
		102	DLV Parlato Parcel 1, LLC
		103	DLV Parlato Parcel 3, LLC
		109	
251	1	110	DLV Parlato Parcel 1, LLC
		4	
		5	DLV Parlato Parcel 3, LLC
		7	
		8	
		10	
		12	DLV Parlato Parcel 1, LLC
		13	DLV Parlato Parcel 3, LLC
		14	DLV Parlato Parcel 2, LLC
		15	DLV Parlato Parcel 1, LLC
		16	DLV Parlato Parcel 3, LLC
		18	DLV Parlato Parcel 1, LLC
		20	DLV Parlato Parcel 2, LLC
		21	
		22	DLV Parlato Parcel 1, LLC
		23	DLV Parlato Parcel 2, LLC
		26	DLV Parlato Parcel 3, LLC
		28	
		29	DLV Parlato Parcel 1, LLC
		30	DLV Parlato Parcel 2, LLC
		32	
		33	DLV Parlato Parcel 1, LLC
		34	DLV Parlato Parcel 3, LLC
		35	DLV Parlato Parcel 1, LLC
		36.1	
		37	DLV Parlato Parcel 2, LLC
		38	DLV Parlato Parcel 1, LLC
		39	
		40	DLV Parlato Parcel 2, LLC
		41	
		42	DLV Parlato Parcel 1, LLC
		43	DLV Parlato Parcel 4, LLC
		44	DLV Parlato Parcel 1, LLC
		45	
		46	DLV Parlato Parcel 4, LLC

		47	DLV Parlato Parcel 1, LLC
		48	DLV Parlato Parcel 3, LLC
		50.1	DLV Parlato Parcel 4, LLC
		50.2	
		51	DLV Parlato Parcel 1, LLC
		52	DLV Parlato Parcel 3, LLC
		53	DLV Parlato Parcel 1, LLC
		54	DLV Parlato Parcel 3, LLC
		57	DLV Parlato Parcel 1, LLC
		58	DLV Parlato Parcel 3, LLC
		59	DLV Parlato Parcel 1, LLC
		61	DLV Parlato Parcel 2, LLC
		62	DLV Parlato Parcel 1, LLC
		63	DLV Parlato Parcel 3, LLC
		65	DLV Parlato Parcel 1, LLC
		67	DLV Parlato Parcel 3, LLC
		68	DLV Parlato Parcel 1, LLC
		69	DLV Parlato Parcel 3, LLC
		90	DLV Parlato Parcel 5, LLC
		96	DLV Parlato Parcel 2, LLC
		98	DLV Quogue, LLC
289	2	1	DLV Parlato Parcel 1, LLC
		3	
		5	
		19	DLV Parlato Parcel 3, LLC
		20	DLV Parlato Parcel 1, LLC
		22	
		23	DLV Parlato Parcel 3, LLC
		24	DLV Parlato Parcel 1, LLC
		25	DLV Parlato Parcel 3, LLC
		26	DLV Parlato Parcel 1, LLC
		28	DLV Parlato Parcel 4, LLC
		29	DLV Parlato Parcel 1, LLC
		30	DLV Parlato Parcel 2, LLC
		31	DLV Parlato Parcel 1, LLC
		33	DLV Parlato Parcel 2, LLC
		34	DLV Parlato Parcel 1, LLC
		35	DLV Parlato Parcel 3, LLC
		36	DLV Parlato Parcel 1, LLC
		37	DLV Parlato Parcel 3, LLC
		38	DLV Parlato Parcel 1, LLC
Road Abandonments totaling 16.72 acres			

* All tax lots are in District 0900.

PLANS

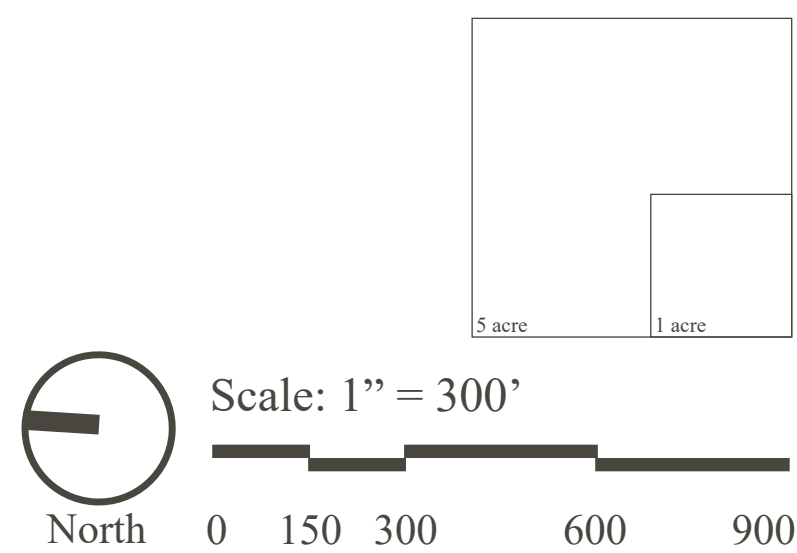


Key:

- 1 HOA Clubhouse
- 2 Putting Course and Short Game Area
- 3 Practice Fairway
- 4 Pond House
- 5 Pond
- 6 Comfort Station
- 7 Ball Field
- 8 Sport Courts
- 9 Gate House
- 10 Workforce Housing
- 11 HOA Maintenance Building
- 12 Waste Water Treatment Plant
- 13 Irrigation Pump Station
- 14 Well Site

Legend:

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



Master Plan

June 30, 2020

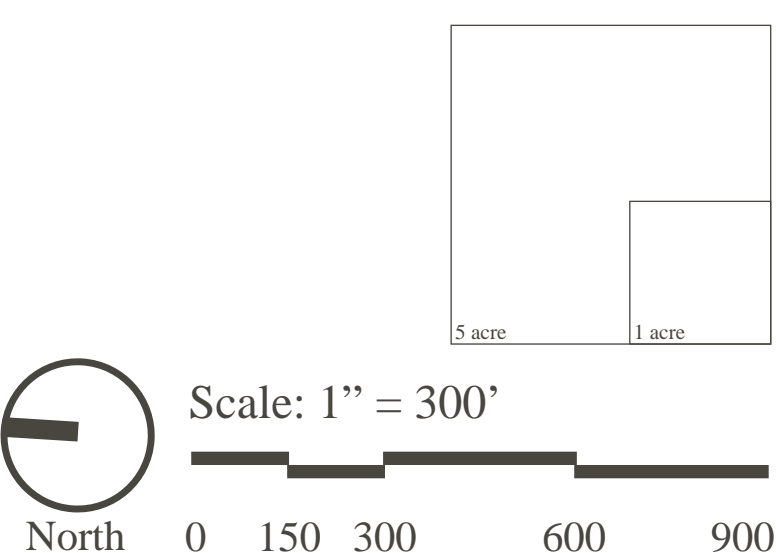
LEWIS ROAD PRD AT EAST QUOGUE

TOWN OF SOUTHAMPTON, NEW YORK





- 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



Master Plan

December 23, 2019

LEWIS ROAD PRD AT EAST QUOGUE

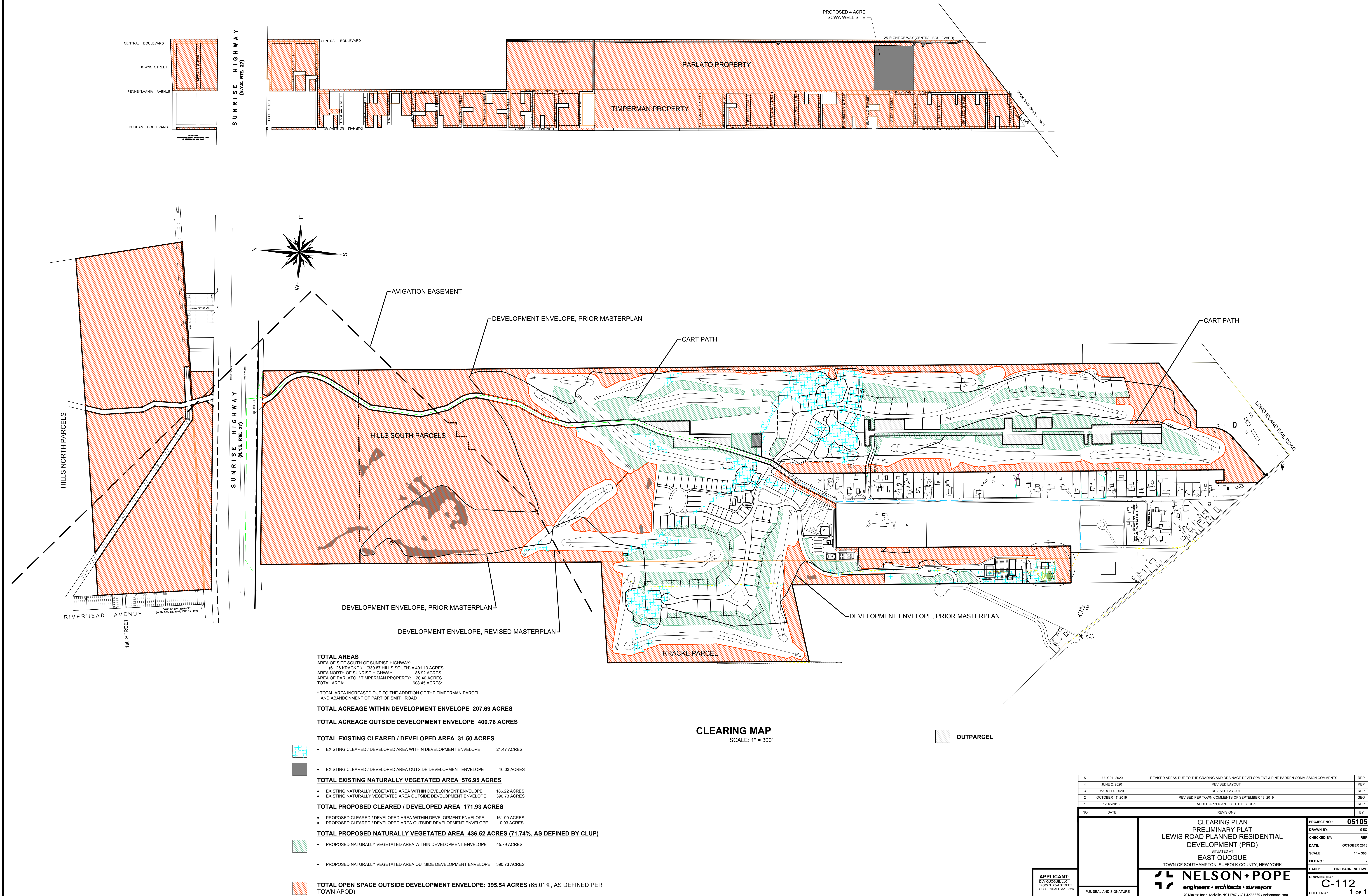
TOWN OF SOUTHAMPTON, NEW YORK

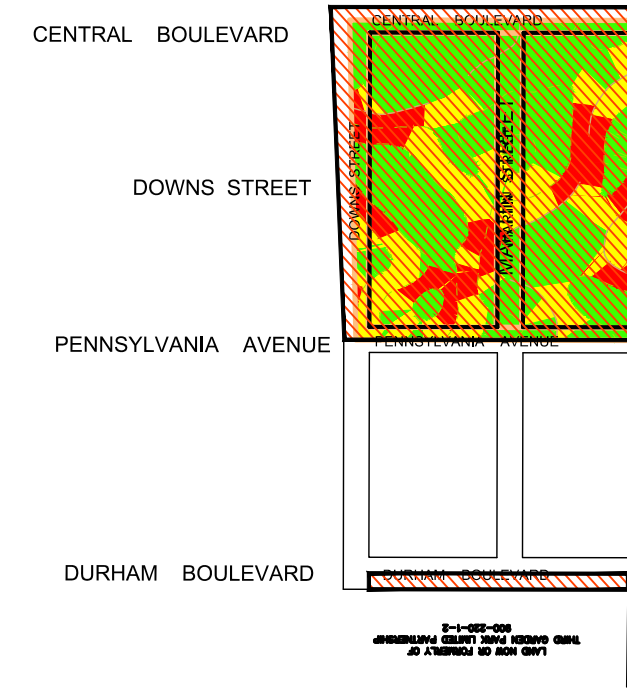
N&P NELSON & POPE
ENGINEERS & SURVEYORS

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

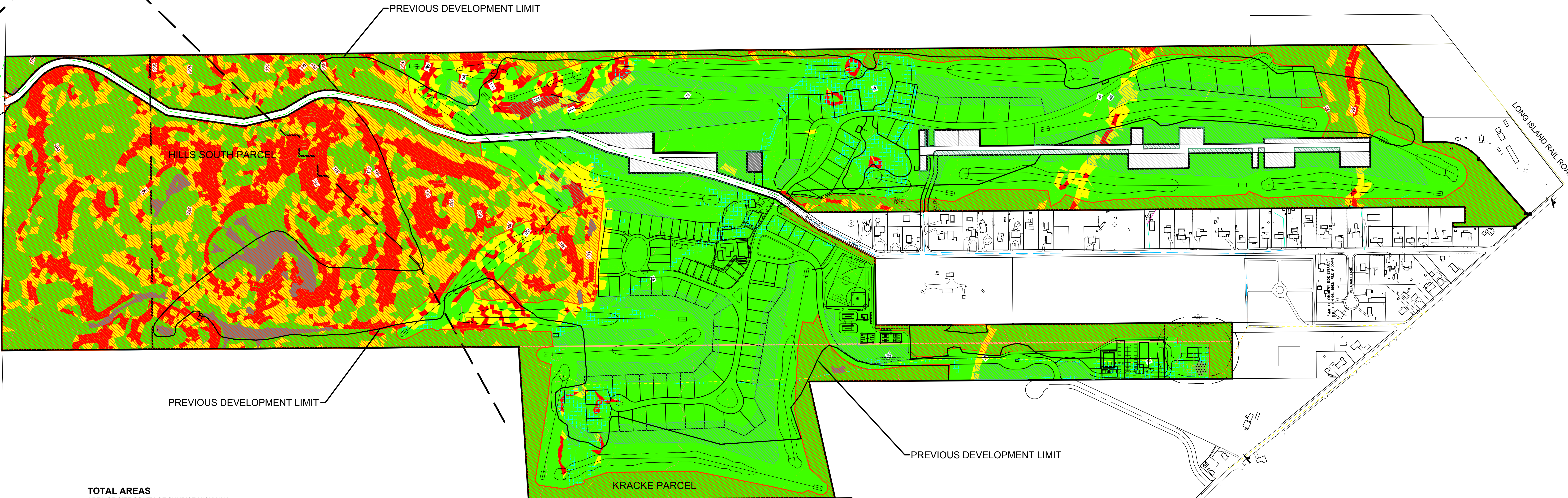
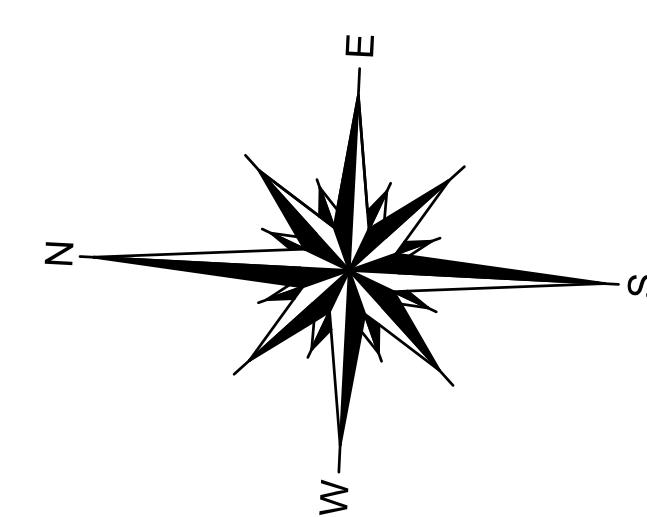
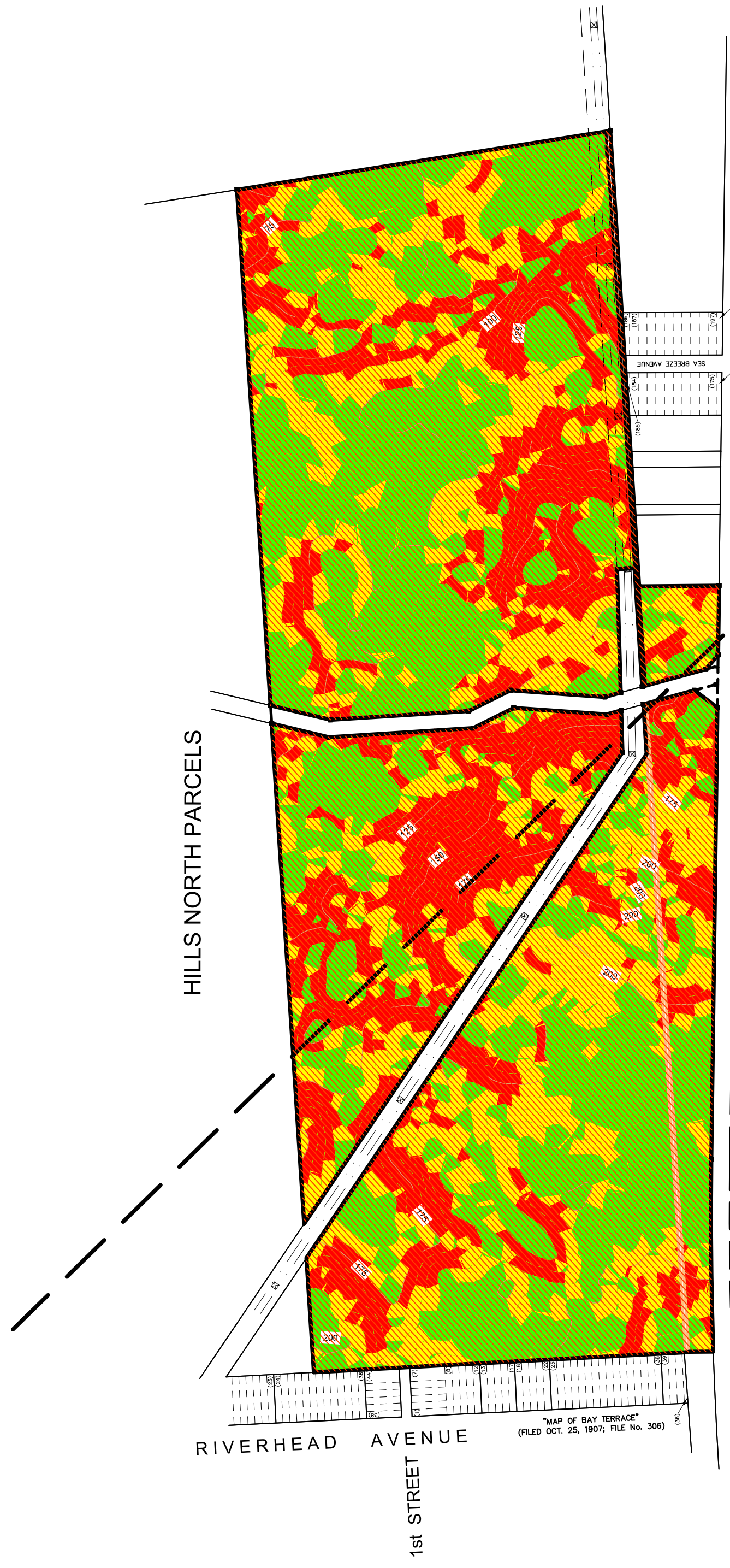
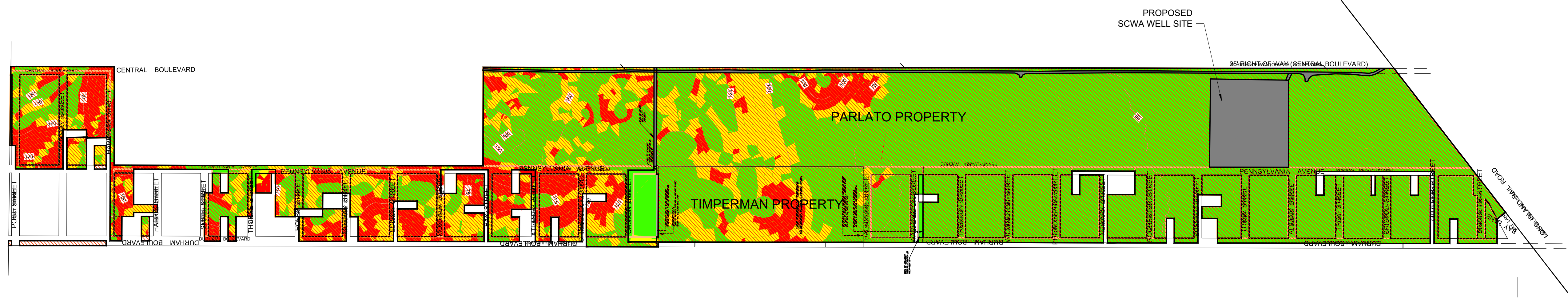
FAZIO
DESIGN

VITA
PLANNING & LANDSCAPE ARCHITECTURE





SUNRISE HIGHWAY
(NYS RTE 27)
COUNTY OF SUFFOLK



TOTAL AREAS
AREA OF SITE SOUTH OF SUNRISE HIGHWAY:
(61.26 KRACKE) + (339.87 HILLS SOUTH) = 401.13 ACRES
AREA NORTH OF SUNRISE HIGHWAY: 86.92 ACRES
AREA OF PARLATO / TIMPERMAN PROPERTY: 120.40 ACRES
TOTAL AREA: 608.45 ACRES*

* TOTAL AREA INCREASED DUE TO THE ADDITION OF THE TIMPERMAN PARCEL
AND ABANDONMENT OF PART OF SMITH ROAD

TOTAL ACREAGE WITHIN DEVELOPMENT ENVELOPE 207.69 ACRES

TOTAL ACREAGE OUTSIDE DEVELOPMENT ENVELOPE 400.76 ACRES

- EXISTING SLOPES ON PROJECT SITE 608.45 ACRES**
- 0 - 10% 430.46 ACRES
 - 10 - 15% 97.68 ACRES
 - > 15% 80.31 ACRES
- EXISTING SLOPES OUTSIDE DEVELOPMENT ENVELOPE 400.76 ACRES**
- 0 - 10% 250.54 ACRES
 - 10 - 15% 77.33 ACRES
 - > 15% 72.89 ACRES
- EXISTING SLOPES WITHIN DEVELOPMENT ENVELOPE 207.69 ACRES**
- 0 - 10% 179.92 ACRES
 - 10 - 15% 20.35 ACRES
 - > 15% 7.42 ACRES
- EXISTING SLOPES WITHIN DEVELOPMENT ENVELOPE TO BE DISTURBED 161.90 ACRES**
- 0 - 10% 144.59 ACRES
 - 10 - 15% 11.08 ACRES
 - > 15% 6.23 ACRES
- EXISTING SLOPES WITHIN DEVELOPMENT ENVELOPE TO BE RETAINED 45.79 ACRES**
- 0 - 10% 42.75 ACRES
 - 10 - 15% 1.85 ACRES
 - > 15% 1.19 ACRES

SLOPE MAP
SCALE: 1" = 300'

Total Project Slopes Table				
Number	Minimum Slope	Maximum Slope	Acres	Color
1	0.00%	10.00%	430.46	Green
2	10.00%	15.00%	97.68	Yellow
3	15.00%	100.00%	80.31	Red

5	JULY 01, 2020	REVISED AREAS DUE TO THE GRADING AND DRAINAGE DEVELOPMENT & PINE BARREN COMMISSION COMMENTS	REP
4	JUNE 2, 2020	REVISED LAYOUT	REP
3	MARCH 4, 2020	REVISED LAYOUT	REP
2	OCTOBER 17, 2019	REVISED PER TOWN COMMENTS OF SEPTEMBER 19, 2019	CEO
1	12/16/2018	ADDED APPLICANT TO TITLE BLOCK	REP

NO.	DATE:	REVISIONS:	BY:

APPLICANT: DLV QUOGUE, LLC 1460 N. 70th STREET SCOTTSDALE, AZ 85260		PROJECT NO.: 05105
DESIGNED BY: GEO		CHECKED BY: REP
DATE: OCTOBER 2019		SCALE: 1" = 300'
FILE NO.: 		DRAWING NO.: C-122
CADD: PINEBARRE.DWG		SHEET NO.: 1 OF 1

NELSON + POPE
engineers • architects • surveyors
70 Main Street, Shelton, CT 06484 • 203.343.5665 • nelsonpopeng.com

NOTES:

LOT NUMBERS IN PARENTHESIS, (), REFER TO FILED MAP LOTS.

THE EXISTENCE OF DUNHAM BOULEVARD SOUTH OF THE LONG ISLAND RAIL ROAD IS BASED ON DEED LIBER 12695; PAGE 683.

THE OFFSETS (OR DIMENSIONS) SHOWN HEREIN 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.

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THIS DRAWING WAS PREPARED FOR LAND PLANNING PURPOSES AND IS NOT TO BE CONSIDERED AN ACTUAL SURVEY OF THE PROPERTIES SHOWN.

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.

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.

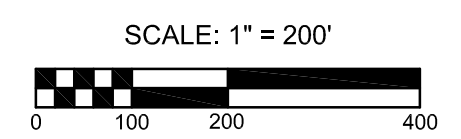
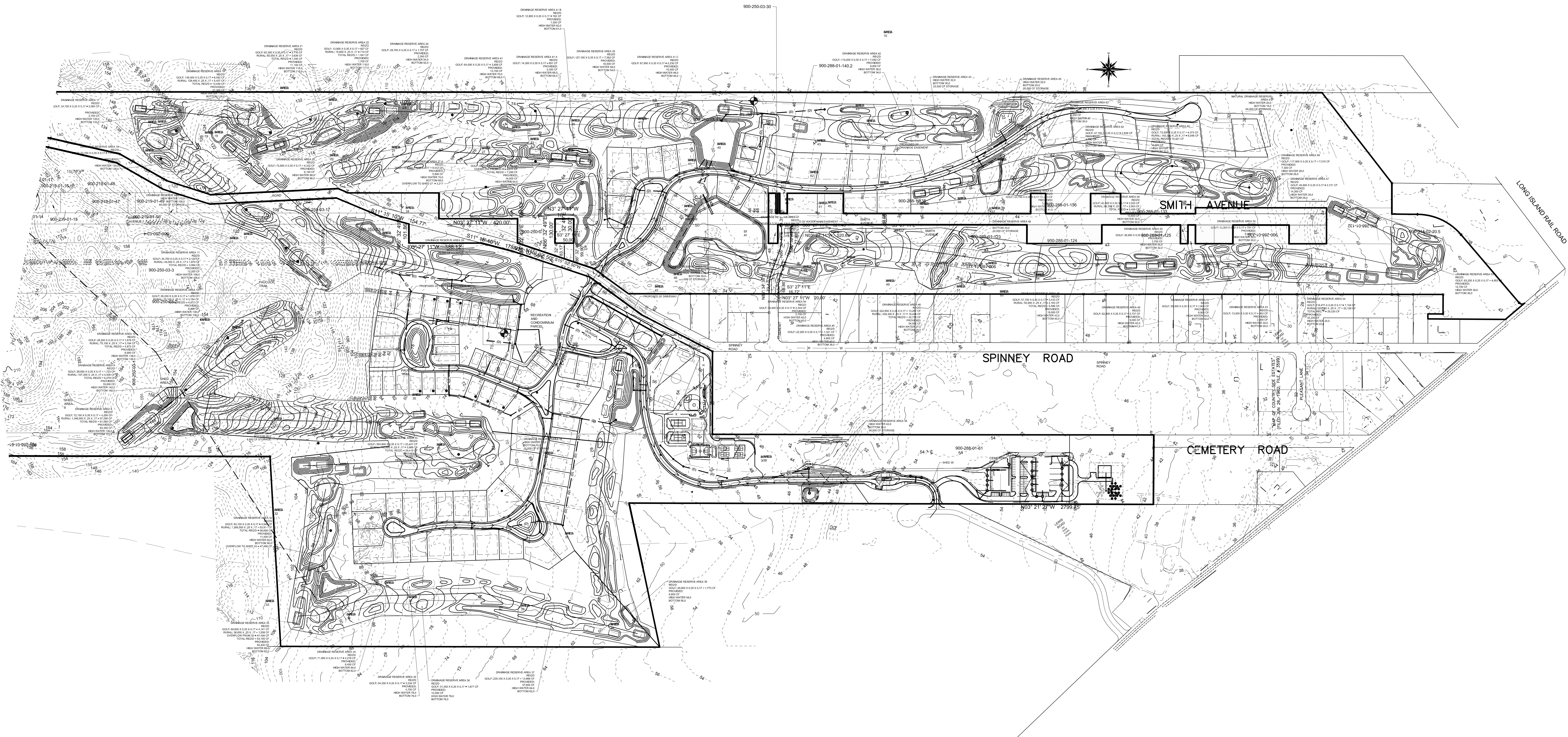
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TABLE OF AREAS

PARCEL	SUFFOLK COUNTY TAX MAP NOS.	AREA	PARCEL	SUFFOLK COUNTY TAX MAP NOS.	AREA	PARCEL	SUFFOLK COUNTY TAX MAP NOS.	AREA
[A]	900 220 1-1 9 900 220 1-10 11 900 220 1-11 11 900 220 1-12 11	92,000 SF	[Q]	900 220 1-81 81 900 220 1-82 82 900 220 1-83 83 900 220 1-84 84	54,000 SF	[BB]	900 221 1-1 59 900 221 1-2 62 900 221 1-3 62 900 221 1-4 65	60,000 SF
[B]	900 220 1-13 8 900 220 1-14 8 900 220 1-15 16	79,049 SF	[R]	900 221 1-4 4 900 221 1-5 10 900 221 1-6 10	50,000 SF	[CC]	900 221 1-65 65 900 221 1-66 67 900 221 1-67 68 900 221 1-68 68	50,000 SF
[C]	900 220 1-109 2 900 220 1-110 2	2,726 SF	[S]	900 221 1-12 12 900 221 1-13 13 900 221 1-14 14 900 221 1-15 14	60,000 SF	[DD]	900 221 1-69 29 900 221 1-70 39 900 221 1-71 39 900 221 1-72 36	64,000 SF
[D]	900 220 1-17 17 900 220 1-18 19 900 220 1-19 19	92,000 SF	[T]	900 221 1-16 16 900 221 1-17 17 900 221 1-18 18 900 221 1-19 23	60,000 SF	[EE]	900 221 1-73 30 900 221 1-74 31 900 221 1-75 31 900 221 1-76 34	60,000 SF
[E]	900 220 1-31 31	14,000 SF	[Y]	900 221 1-20 20 900 221 1-21 21 900 221 1-22 23 900 221 1-23 23	60,000 SF	[FF]	900 221 1-77 28 900 221 1-78 29 900 221 1-79 29 900 221 1-80 29	64,000 SF
[F]	900 220 1-33 33 900 220 1-34 34 900 220 1-35 34	60,000 SF	[W]	900 221 1-24 30 900 221 1-25 34 900 221 1-26 34 900 221 1-27 36 900 221 1-28 36	53461 SF	[GG]	900 221 1-81 29 900 221 1-82 29 900 221 1-83 29 900 221 1-84 29	60,000 SF
[G]	900 220 1-39 39	6,000 SF	[X]	900 221 1-29 39 900 221 1-30 40 900 221 1-31 41 900 221 1-32 41	64,000 SF	[HH]	900 221 1-85 29 900 221 1-86 29 900 221 1-87 29 900 221 1-88 29	60,000 SF
[H]	900 220 1-40 40	35,000 SF	[Z]	900 221 1-33 47 900 221 1-34 50 900 221 1-35 50 900 221 1-36 50	60,000 SF	[II]	900 221 1-89 29 900 221 1-90 29 900 221 1-91 29 900 221 1-92 29	60,000 SF
[I]	900 220 1-42 42	4,000 SF	[AA]	900 221 1-37 57 900 221 1-38 57 900 221 1-39 57 900 221 1-40 57	50,000 SF	[JJ]	900 221 1-93 98 900 221 1-94 98 900 221 1-95 98 900 221 1-96 98	521,088 SF
[J]	900 220 1-46 60	48,000 SF						
[K]	900 220 1-66 66	20,000 SF						
[L]	900 220 1-67 67	8,000 SF						
[M]	900 220 1-70 70	24,000 SF						
[N]	900 220 1-72 72	48,000 SF						
[O]	900 220 1-72 72	40,000 SF						
[P]	900 220 1-76 76 900 220 1-77 76 900 220 1-78 76 900 220 1-79 80	60,000 SF						

TOTAL OF AREAS IN TABLE: 47.97 ACRES (2,089,590 SF)
 AREA OF TAX LOT 900-221-1-90: 35.71 ACRES
 TOTAL AREA: 103.68 ACRES
 SUB TOTAL NET AREA PROPOSED ABANDONMENT: 16.72 ACRES
 TOTAL NET AREA: 120.40 ACRES

No.	DATE	REVISION	BY:
		ROAD ABANDONMENT STRATEGY #3	DWN. BY: RW
		SITUATED AT	DATE: 05/01/20
		EAST QUOCUE	CHKD BY: GP
		TOWN OF SOUTHAMPTON, SUFFOLK COUNTY, NEW YORK	
		N&P NELSON & POPE	JOB No.: 14003
		ENGINEERS & SURVEYORS	FILE No.: 900-230
		772 WALT WHITMAN ROAD, MELVILLE, NY 11747-2188	CADD: PARLATO
		(631) 427-5665 FAX: (631) 427-5620	SCALE: 1"=100'
			SHEET: 1 OF 1



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

3	JULY 01 2020	REVISED LAYOUT	REP
2	OCTOBER 17, 2019	REVISED PER TOWN COMMENTS OF SEPTEMBER 19, 2019	GEO
1	12/16/2018	ADDED APPLICANT TO TITLE BLOCK	REP
NO.	DATE:	REVISIONS:	BY:
PROJECT NO.: 05105			
DRAWN BY: GEO			
CHECKED BY: REP			
DATE: OCTOBER 2018			
SCALE: 1" = 200'			
FILE NO.: 05105 PRD 2018 REP PWD			
CADD: BARRETT.DWG			
DRAWING NO.: C-104			
SHEET NO.: 1 OF 1			

GRADING PLAN
LEWIS ROAD PLANNED RESIDENTIAL
DEVELOPMENT (PRD)
EAST QUOGUE
TOWN OF SOUTHAMPTON, SUFFOLK COUNTY, NEW YORK
NELSON+POPE
engineers • architects • surveyors
70 Masters Road, Melville, NY 11747 • 631.427.5665 • nelsonpoppe.com