



**Planning Board**  
Town Hall  
Southampton, NY 11968

**ADOPTED**

**PLANNING BOARD RESOLUTION (ID # 32062)**

**RECEIVED**

Meeting: 06/27/19 02:00 PM

Department: Planning

Category: Subdivision

Prepared By: Anthony Trezza

**JUL 11 2019**

DOC ID: 32062

Central Pine Barrens  
Joint Planning & Policy Commission

## **Lewis Road PRD (formerly The Hills at Southampton) - Deem Preliminary Application Complete and Schedule Public Hearing**

**WHEREAS**, the Preliminary Subdivision Application of DLV Quogue, LLC entitled "Lewis Road PRD" proposes 118 units as: 8 clubhouse units, 15 village cottages, 53 village lots, 16 village estates, and 26 woodland estates, plus an additional ten (10) workforce housing units on-site, and two (2) workforce housing units off-site on parcels along Old Country Road and within walking distance of downtown East Quogue. Other project components include: a recreational complex, fitness center, community pool and clubhouse, private 18-hole golf course and other accessory structures, all as on-site amenities for the exclusive use of the site's residents; and 72.67% open space equaling 427.58 acres, on a total of 178 assembled tax parcels totaling 588.39 acres of land situated in the CR-200 Zoning District, Compatible Growth Area of the Central Pine Barrens Overlay District and Aquifer Protection Overlay District, located generally north and east of Lewis Road in the vicinity of Spinney Road and extending north to and beyond Sunrise Highway in East Quogue; and

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

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

**WHEREAS**, by letter dated November 14, 2018, the applicant granted the Planning Board an extension of the action deadline for a completeness determination until December 13, 2018; and

**WHEREAS**, at their meeting on December 13, 2018, the Planning Board reviewed a staff report entitled "Preliminary Subdivision Application Completeness Report", which provided a technical review to ensure compliance with the mapping and submission requirements

pursuant to §292-31 (Subdivision) and §330-183 (Site Plan) of the Town Code, consistency with the Planning Board's adopted Pre-Application Report dated May 24, 2018, and compliance with SEQRA as an involved agency for the subject application by identifying any differences between the current action before the Planning Board and what was considered under the adopted FEIS by the Town Board and whether or not those changes warrant a supplemental EIS; and

**WHEREAS**, by resolution dated December 13, 2018, the Planning Board found the Preliminary Application of Lewis Road PRD incomplete pending the completion of their SEQRA review for which the Planning Board opted to retain outside professional services; and

**WHEREAS**, at their meeting on December 20, 2018, the Planning Board was presented with a list of potential qualified consultants who could provide professional services to assist with the Board's SEQRA review, and staff was advised to send out a formal Request for Professional Services accordingly; and

**WHEREAS**, at their meeting on January 24, 2019, the Planning Board reviewed the proposals received from qualified consultants to provide professional services, and by resolution dated January 24, 2019, the Planning Board retained the services of B. Laing Associates, Inc. to assist with the Board's SEQRA review for the pending subdivision application of Lewis Road PRD, including a determination as to whether a Supplemental Environmental Impact Statement is required, and for the preparation of a Findings Statement prior to issuance of any decision on the application; and

**WHEREAS**, B. Laing Associates, Inc met with the Planning Board at their meetings on February 14, 2019, February 21, 2019, February 28, 2019 and March 14, 2019 to address the first task of determining whether a Supplemental Environmental Impact Statement is required in light of any project changes that would result in potentially significant environmental impacts not already considered under the adopted FEIS of record; and

**WHEREAS**, B. Laing Associates, Inc at the Planning Board meetings on February 14, 2019, February 21, 2019, February 28, 2019 and March 14, 2019 presented the Board with various draft SEQRA-SEIS Threshold Reports, which identified project changes and raised a series of questions and need for additional information from the applicant in order to make a determination as to whether a SEIS was needed for this project; and

**WHEREAS**, at their meeting on March 28, 2019, the Planning Board was presented with B. Laing Associates, Inc. Draft SEQRA-SEIS Threshold Review, which was formally adopted at their meeting on April 11, 2019 and subsequently released to the applicant requesting additional information or clarification on a number of environmental issues so that a final determination could be made by the Planning Board on whether an SEIS was needed for the project; and

**WHEREAS**, the Planning Board received the applicant's response to the Planning Board's SEQRA – SEIS Threshold Review on May 7, 2019, which was forwarded to B. Laing Associates, Inc. for their review; and

**WHEREAS**, at their meeting on June 13, 2019, B. Laing Associates, Inc. updated the Planning Board regarding their review of the applicant's response to the SEQRA – SEIS Threshold Review and advised that they would have a final recommendation for the meeting on June 27, 2019, which would be based on a series of questions guided by Part 617 SERQA process regulations but specific to this project and its technical elements/impacts; and

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

**WHEREAS**, the Planning Board makes the following findings:

1. A completeness determination of the Preliminary Subdivision Application and Site Plan Application requires a technical review to ensure compliance with the mapping and submission requirements, compliance with the adopted Pre-Application Report dated May 24, 2018, and that SEQRA be analyzed as provided under §292-13D of the Town Code with the adoption of an FEIS, which has already occurred, or the preparation of an SEIS, if one is required.
2. With respect to the technical mapping and submission requirements, staff prepared a Preliminary Subdivision Application checklist and Site Plan Application checklist (both attached) identifying any items that are missing. By memorandum dated December 10, 2018, Vincent Gaudiello, P.E. of the Raynor Group reviewed the application on behalf of the Office of the Town Engineer to determine if the submission requirements have been met for a compete engineering review (also attached). The subdivision and site plan applications have the required mapping and technical information, including those required for the engineering review.
3. With respect to the conformance with the adopted Pre-Application Report for this project dated May 24, 2018, the Planning Board make the following findings:
  - a. Accessory Golf Course Use – The Planning Board referred the golf course use question to the Building and Zoning Division. On November 13, 2018, the

Southampton Town Zoning Board of Appeals determined the proposed 18-hole 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 residential subdivision.

- b. Affordable Housing – The Planning Board required the twelve (12) affordable units be provided rather than accept payment of a fee as originally proposed. The Preliminary Application includes (10) workforce housing units on-site, and two workforce housing (2) units off-site, within the East Quogue School District.
- c. The applicant submitted a clearing and re-vegetation plan clarifying the areas to be re-vegetated and indicating compliance with the maximum clearing permitted in the APOD.
- d. The applicant clarified the required open space areas do not include any of the greens associated with the proposed golf course.
- e. Road width was raised as an issue as the proposed private roads are not 50'-wide and therefore cannot be dedicated to the Town of Southampton in the future. The plans submitted show a R.O.W. width of only 40' as previously presented. NYS Highway Law requires roads that are to be dedicated now or in the future to be a minimum of 50'-wide, however it does not mandate that all roads be designed to that specification. Pursuant to Section 292-36(H) of the Town Code, which outlines the ROW width and improvement specifications, it appears all new subdivision roads need to be a minimum of 50', although the actual pavement width varies depending on the type of road. The Planning Board has the ability to waive this provision for private roads provided they make findings to support such a decision, but typically prefers 50'-wide right-of-ways in the event a future homeowners association or similar organization ceases to exist and maintenance of the road becomes an issue for the Town.

4. The Lewis Road PRD is subject to New York's **State Environmental Quality Review Act** (SEQRA), which requires all state and local government agencies to consider environmental impacts equally with social and economic factors during discretionary decision-making. SEQRA requires the agencies to balance the environmental impacts with social and economic factors when deciding to approve or undertake an "Action". In this case, the proposed action underwent a complete SEQRA review as part of a Change of Zone Application with the Southampton Town Board, who served as lead agency for the project. At that time, the Southampton Town Planning Board was an involved agency as the project required the subdivision of land, subject to their review and approval. **Part 617.11 of SEQRA requires the lead agency and every other involved agency make their own decisions about**

**whether, and upon what terms, to approve the project. To that point, each involved agency is required to adopt its own Findings Statement and said Findings Statement is to be adopted prior to the issuance of any decision on the project.**

5. As Lead Agency, the Southampton Town Board completed the SEQRA process, from the initial classification and coordination to the acceptance of the FEIS on September 1, 2017 and adoption of a positive Findings Statement dated November 27, 2017, although the Change of Zone was ultimately denied. The applicant has opted to proceed with the subdivision and site plan applications in accordance with current zoning regulations to the Planning Board who, as an involved agency, has an obligation to consider this action pursuant to SEQRA based on the FEIS that was already prepared and accepted and any other supplemental information that may be required.
6. A supplemental EIS may be required by the Planning Board if: the project sponsor proposes project changes which may result in one or more significant adverse environmental impacts not addressed in the original EIS; the lead agency discovers new information, not previously available, concerning significant adverse impacts; or there is a change in circumstances arises which may result in a significant adverse environmental impact(s).
7. Through the professional services of B. Laing Associates, the Southampton Town Planning Board fulfilled its obligations under SEQRA as an involved agency for the subject application by identifying any differences between the current action before the Planning Board and what was considered under the adopted FEIS by the Town Board, and whether or not those changes warrant a supplemental EIS, which included a review of the Draft (September 2016) and Final (September 1, 2017) Environmental Impact Statements (D/FEIS), the Town Board's SEQRA Findings of November 27, 2017, the Planning Board's ADOPTED Pre-Application Report of May 24, 2018, Town Planning Staff's Preliminary Subdivision Application Completeness Report of December 13, 2018, the Applicant's SEQRA Compliance Analysis of December 2018 for the Lewis Road PRD and the Applicant's Supplement to the SEQRA Compliance Analysis dated May 7, 2019 as well as applicable planning documents.
8. Based on the above, the Planning Board finds that changes to the project would not result in any significant environmental impacts not already considered in the adopted FEIS, nor was there any new information submitted that would result in any significant environmental impacts. Therefore, the preparation of a Supplemental Environmental Impacts Statement is not required for the Lewis Road PRD; now, therefore

**BE IT RESOLVED**, the Preliminary Application of Lewis Road PRD is hereby deemed complete as of June 27, 2019 and a Public Hearing is hereby scheduled at Special Meeting on Wednesday July 17, 2019 at 6:00pm at Southampton Town Hall.

**RESULT:** **ADOPTED [UNANIMOUS]**

**MOVER:** Philip A. Keith, Secretary

**SECONDER:** Glorian Berk, Board Member

**AYES:** Finnerty, Blaney, Lofaro, Zuccarelli, Keith, Long, Berk

To: Wayne Bruyn, Esq.