



**Town of Southampton  
Long Island, NY**

**Planning Board Resolution  
32763**

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

Information

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| <b>Department:</b> | Planning    | <b>Sponsors:</b> |  |
| <b>Category:</b>   | Subdivision | <b>Projects:</b> | Lewis Road PRD<br>(formerly The Hills at<br>Southampton) |
| <b>Functions:</b>  | None        |                  |  |

Item Discussion

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Consider granting conditional approval for the Preliminary Subdivision Application for DLV Quogue, LLC entitled “Lewis Road PRD,” which includes 118 units as: 8 clubhouse units, 15 village cottages, 53 village lots, 16 village estates, and 26 woodland estates, and ten (10) workforce housing units on-site, and two workforce housing (2) 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 65.46% 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.

Body

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1. Four sets of the Revised Preliminary Plat, containing all of the modifications required as conditions of approval herein, shall be submitted for signature by the Planning Board, in addition to the requirements for filing a final plat submission contained in Art. VI of Chapter 292 of the Town Code.
2. To facilitate review of the Final Application, the road, drainage and grading plans, reflecting the Town Engineer’s comments, a SWPPP and the subdivision modifications and conditions set forth herein, shall be submitted for preliminary review, with revisions as necessary, by the Town Engineer, prior to the final plat submission.
3. The project shall conform to the State Pollutant Discharge Elimination System (SPDES) GP-08-01 general permit requirements requiring filing of a Notice of Intent (NOI), Erosion and Sedimentation Control Plan and a Stormwater Pollution Prevention Plan (SWPPP), consistent with the Town of Southampton and the New York State Department of Environmental Conservation (NYSDEC). This final plan shall be submitted in conformance with Town and State filing requirements with the final plat submission.
4. The final application shall include road and common driveway plans incorporating Country Lane Standards /curb-less, where applicable, as to allow wildlife access to Open Space parcels.

5. The final plat shall show the table of modified dimensional setbacks for the lots/units and shall include the amount of clearing per lot in conformance with the Aquifer Protection Overlay District and CLUP.
6. Topsoil application and/or other soil amendments shall be undertaken as needed in areas where lawn or landscape plantings are proposed, in order to ensure suitable growing conditions. The establishment of fertilizer-dependent vegetation within the development shall be limited in accordance with the Aquifer Protection Overlay District (APOD). Fertilizer dependent vegetation will be limited by means of a covenant, to 15% of the area of development. This shall be a required notation on the final plat, and shall be ensured through the filing of covenants and restrictions, and shall be reviewed for conformance in connection with Building Permit application plans for all of the individual lots.
7. The ITHMP to establish a maximum application of fertilizer to no more 2.5 lbs/1000 SF/yr of nitrogen to greens, tees and fairways and 1.0 lbs/1000 SF/yr to rough and residential areas.
8. In the event of any violation of Integrated Turf Health Management Plan (ITMHP) protocols, all fertilization and pesticide application activities shall halt, and the use of the golf course shall cease until such time as it can be determine the cause of the violation and the corrective action can be identified.
9. The groundwater sampling program will be reviewable after a period of five (5) years. Additionally, the same requirements for use of an independent sampler, and use of an independent laboratory (both of which shall be acceptable to the Town) to perform all sample testing will ensure that groundwater quality is properly monitored.
10. The IHTMP that contains the components described above will be subject to final review and approval by the Planning Board with a requirement for the submission of regular monitoring reports.
11. If protected species are identified, the Applicant has proposed as mitigation measures that these areas would be avoided by the site plan and/or other options would be implemented, such as plant rescue/relocation. If transplanting is determined to be possible, a professional horticulturalist will perform the transplanting of the species to optimize survival. Transplanting of this species would be the responsibility of the Applicant and would be performed under the supervision of the Applicant in accordance with a protocol approved by the Town prior to the commencement of construction activities.
12. In the same manner as was proposed for the Hills PDD, the Lewis Road PRD will revegetate the estimated 3 acres of the Hills South Parcel/Kracke Property that had been farmed. An additional 7± acres on the Parlato Property and the Hills South Parcel/Kracke Property that had been disturbed but not farmed will be revegetated. Specific revegetation plans were included as part of the Lewis Road PRD site plan application, and must be approved by separate resolution as a condition of approval.

13. As required by the Findings Statement, a program will be prepared for the Lewis Road PRD and submitted to the Town as part of the site plan conditions, to monitor the performance of the site entrance on Lewis Road
14. The Planning Board recommends that the applicant pursue the alternative that would convey the sand from within the site (per Planning Board resolution 2017-335). As stated in the FEIS (Page 1-19), the applicant will continue to pursue the potential to utilize a conveyor belt system or temporary haul road (options 3 & 4). In the event that options 3 & 4 are not feasible, in order to minimize the potential impact to Lewis Road due to the transport of the subject fill material between the Hills property and East Coast Mines, a performance bond will be required to ensure Lewis Road is restored to pre-construction conditions.
15. The Planning Board will restrict the housing units from constructing accessory apartments in order to maintain the stated yield.
16. The groundwater monitoring program (GMP) for the proposed golf course is proposed to be comprised of two parts: 1) monitoring the volume of fertilizer being applied; and 2) monitoring any impacts on groundwater quality from the fertilizer applied and all applied pesticides potentially leaching into groundwater. As part of the groundwater monitoring program a total of fourteen (14) groundwater monitoring wells and nine (9) lysimeters will be installed throughout the golf course to monitor the water quality beneath the golf course four times per year. The irrigation pond will also be monitored.
17. A street tree plan shall be submitted with the final application that identifies those trees/vegetation to remain and where additional street trees are proposed to be planted.
18. The final plat shall indicate the ownership of the open space parcels shall be noted if any are to remain privately owned, the area(s) will need to be encumbered by applicable Conservation Easements and/or Trail Easements.
19. Removal of site plan elements from all subdivision maps, as may be applicable.
20. The final amp shall note the density incentive provisions of the Town Code and indicate the proposed affordable units are being provided on-site.
21. Suffolk County Department of Health Approval prior to the submission final application.
22. As applicable, approval of the Central Pine Barrens Joint Planning and Policy Commission prior to the submission of the final application.

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

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

final review:

- a. Compliance with the requirements of the Town Engineer.
  - b. Provide parking calculations for uses requiring parking as shown on the site plan.
  - c. It appears the workforce housing units have a zero lot line setback. This needs to be revised to provide a setback consistent with the table of lot modifications.
  - d. The southern legs/fairways of the golf course are currently located on the central and eastern portions of the property as it extends southward toward the LIRR ROW. Since the highest fertilization rates will be on the fairways of the golf course, there will be nitrogen leaching at concentrations greater than the mass balanced average for the site. Therefore, the above modeling procedures as outlined in Water Resources A and B above will be conducted. If the results show a significantly higher nitrogen level than calculated by a mass balancing of the entire site, then the southern legs/fairways of the golf course may be relocated to the central and/or western portions of the property as it extends southward toward the LIRR ROW. This change will add several hundred feet of groundwater buffer to Weesuck Creek, which connects to Shinnecock Bay an impaired water body.
2. The applicant has indicated that there will be two irrigation ponds. The second pond will be the mixing pond prior use for irrigation of the fairways. The highest concentrations of nitrogen will occur in this pond. For that reason, detailed cross sections of the pond liner/barrier with groundwater leak protections and overflow protections is needed prior to approval. A detailed section of this pond shall be provided to the Town and reviewed by the Town Engineer and Planning staff for adequacy of such protections.
3. The mitigation/ fertigation groundwater modeling will need to be rerun as outlined in Water Resources A and B above with nitrogen calculations provided for specific locations where fertilization will occur. Once these location-specific nitrogen impacts have been layered on the existing mitigation/fertigation groundwater modeling (including the existing nitrogen plume from agricultural uses upgradient of the site), the location of fertigation wells may need to be changed and/or added to, to maximize the capture of nitrogen due to combined impacts of the existing plume, waste water treatment systems and site-specific fertilization. This revised modeling shall provide for future predictions of nitrogen conditions as it impacts the final location of the Suffolk County Water Authority parcel which will result in new public water supply wells (i.e., an area outside these impact and fertigation locations will be chosen).
4. Submission with the final application elevations and floor plans for all proposed structures stamped by a licensed design professional, subject to review and approval by the Planning Board and the Architectural Review Board.
5. The lighting plan shall provide information demonstrating compliance with Section 330-346(I)(1) of the Town Code for all site lighting and include photometric data.



6. Compliance with the requirements of the Town Engineer.
7. Compliance with the requirements of the Southampton Town Department of Public Safety & Fire Prevention
8. General Conditions:
  - a. Lighting shall be dark sky compliant, no uplighting shall be permitted.
  - b. The installation and/or use of dusk to dawn lighting fixtures, whether located on or off premises and used to illuminate the subject parcel, shall not be permitted;
  - c. No additional lighting on the property without Planning Board approval;
  - d. All lighting shall be shielded and all outdoor lighting shall project downward and light sources shall not be visible to adjacent properties or roadways, in conformance with the Town Code;
  - e. All HVAC systems shall be screened and located so as not be visible from the adjacent roadway.
  - f. This application is subject to inspection fees for the Site Plan and the Stormwater Management Plan. Prior to start of construction, the applicant will need to deliver a **check** to the Engineering Division, payable to the Town of Southampton, in accordance with the fee schedule in effect at the time.
  - g. Please arrange for a pre-construction meeting with the Engineering Division two weeks prior to the start of construction. Engineering Division to be contacted no less than 48 hours in advance, during all phases of the project, to inspect erosion control measures, drainage before backfilling, before and after paving of roads and parking lots. **Failure to obtain Engineering inspections during the construction process will either delay final approval, or incur substantial costs to the applicant to expose installed components, in order to obtain approval.** Prior to final inspection, submit an as built land survey showing all site improvements including, but not limited to, buildings and structures, parking areas, storm-water drainage inlets, retaining wall & fence height and locations.
9. Items to be submitted/completed as condition of approval.
  - a. A maintenance bond having a term of two (2) years shall be submitted to guarantee the survival of the landscaping prior to the issuance of a Certificate of Occupancy. The Planning Division upon completion of the work and acceptance of the landscaping as shown on the approved plan shall set the amount of this bond. The applicant shall submit a cost estimate of the approved landscaping for review and approval in conjunction with setting this bond.

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