

Hargrave, Julie

From: Chic Voorhis <CVoorhis@nelsonpope.com>
Sent: Tuesday, November 08, 2022 6:16 AM
To: PB Hargrave, Julie
Cc: Hargrave, Julie; Jakobsen, Judith; Milazzo, John; Jessica Insalaco
Subject: FW: CPBC Referral Response - November 7, 2022
Attachments: Appendix A_Vita_2022-10-05 Lewis Rd overlay.pdf; Appendix B-2_Lewis Road PRD - Phasing Gantt Chart - Monthly 11-7-22.pdf; Appendix B-3_PWGC Letter_2022-11-07 _Construction Phasing Plan.pdf; Appendix C_CLUP Compliance Exhibit_N+P_ 2022-11-07.pdf; Appendix D_Covenant.CPBC.11-03-22.pdf; 2022-11-7_Response to CPBC-Town Referral.pdf

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.

Julie – attached, please find the applicant's response to your referral letter to the Town of Southampton Planning Board in connection with the Final Subdivision approval for the Lewis Road PRD. I'm sending these to you directly as a courtesy and you may also receive this from the Town. Please confirm you received. We also have the letter adopted by the Commission at the 10/19/2022 meeting which has many of the same requests, but some additional ones. I'll send you further information in response to that letter today as well. Thanks very much and have a great day.



Charles J. Voorhis, CEP, AICP
Principal
o: 631.427.5665 x206
c: 631.513.8594

From: Jessica Insalaco <jessica.insalaco@gmail.com>
Sent: Monday, November 7, 2022 6:21 PM
To: Janice Scherer <JScherer@southamptontownny.gov>; Clare Shea <cshea@southamptontownny.gov>; Anthony Trezza <atrezza@southamptontownny.gov>
Cc: Chic Voorhis <CVoorhis@nelsonpope.com>; Mark Hissey <mhissey@discoverylandco.com>
Subject: Fwd: CPBC Referral Response - November 7, 2022

Hello everyone. Hope you had a wonderful day.

Per Chic's request, I am forwarding the attached links and files in response to questions from the CPBC regarding the Lewis Road PRD referral. I have also uploaded the files, including the large updated phasing plans and maps, to the Town Box account.

Chic is going to send additional responses to you addressing comments from the DPS, EQFD and others. Comments from the Town Engineer were addressed and sent to Tom Houghton last week.

Please let me know if you want anything else uploaded and/or printed at scale.

Thank you so much.

Jessica
917 693 9406 (m)

----- Forwarded message -----

From: **Chic Voorhis** <CVoorhis@nelsonpope.com>
Date: Mon, Nov 7, 2022 at 5:05 PM
Subject: CPBC Referral Response - November 7, 2022
Cc: Jessica <jessica.insalaco@gmail.com>

[!\[\]\(3dfb8d66e81160ad61421a3452093d1b_img.jpg\) Appendix B-1a PWGC 2022-11-03 Construction Phasing Plan Aerial.pdf](#) [!\[\]\(21ece2018b00c7267b3324c50bbed633_img.jpg\) Appendix B-1b PWGC 2022-11-03 Constrution Phasing Plan no aerial.pdf](#) [!\[\]\(074da87f0b7a74793bdf823413604aae_img.jpg\) Appendix E 03082022 PLN-Txt-LewisRdPRD-GWMonPlan V6F \(2\).pdf](#)

Can you check this package and submit it to Janice?
PLMK if any changes are needed and confirm it is submitted.
Thanks!

Charles J. Voorhis, CEP, AICP
Nelson Pope Voorhis
631-513-8594



Response to Central Pine Barrens Commission Referral of September 21, 2022 to the Town of Southampton

LEWIS ROAD PLANNED RESIDENTIAL DEVELOPMENT SUBDIVISION PREVIOUSLY APPROVED ASSERTION OF JURISDICTION

Lewis Road, East Quogue, Town of Southampton, NY

NP&V No. 05105

Prepared For: Town of Southampton Planning Board/Staff
116 Hampton Road
Southampton, NY 11968

To Address Comments by: Central Pine Barrens Joint Planning & Policy Commission
624 Old Riverhead Road
Westhampton Beach, New York 11978

On Behalf of: DLC East Quogue and affiliates
14605 N 73rd Street
Scottsdale, AZ 85260

Prepared By: Nelson Pope Voorhis
70 Maxess Road
Melville, New York 11747
Contact: Charles J. Voorhis, Principal

Date: November 7, 2022

1.0 INTRODUCTION

The Central Pine Barrens Joint Planning & Policy Commission (CPBC) considered the Lewis Road Final Subdivision referral from the Town of Southampton Planning Board on September 21, 2022. CPBC staff prepared a draft letter that was approved to be sent to the Town dated September 21, 2022. The CPBC referral letter included certain requests for information to assist the Town in processing the Final Subdivision. Information requested in the letter will also assist the CPBC in processing the revised approval of the Lewis Road PRD which received approval from the CPBC for an Assertion of Jurisdiction application from the CPBC on January 20, 2021. Minor changes have occurred to the plan since that time as documented in the August 31, 2022 submission to the CPBC.

This document includes a point-by-point response to the questions/comments outlined by the CPBC in the September 21, 2022 correspondence. Each information request is stated, followed by a response. Accompanying maps, plans and related information are provided to assist the Town and the Commission in the review of the revised plan as reflected in revised Final Subdivision Plans.

2.0 REQUESTED AND PROVIDED INFORMATION

Each information request contained in the September 21, 2022 email is stated below in italics, followed by a response that addresses the request and provides supplemental information in support of the proposed project.

1. *A plan with the layout of the approved plan with an overlay of the new project and explain the comparison and the purpose for changes, if any.*

The August 31, 2022 submission to the CPBC included a plan that clearly highlights the changes in clearing areas and includes a description of the changes. The plan was included as Attachment A to that submission and was provided to illustrate all of the changes in open space that occurred since the January 20, 2021 approved plan. This plan was prepared by PW Grosser cooperatively with Nelson + Pope using plans provided by N+P and dated 6/29/2022. The changes are minor in the context of the overall site, and that plan is a useful exhibit to highlight the changes.

Based on the current request, an additional plan has been prepared which provides a Master Plan Overlay to Previous Plan (see **Appendix A**). This plan was prepared by VITA, Inc., the project landscape architect/designer that prepared the approved master plan, and is dated October 4, 2022. The outline of the old plan is depicted in **red** dashed line, and the outline of the new plan is depicted in **blue** dashed line. While this plan is more difficult to read, it provides the requested information.

The basic changes to the plan involved meeting Town drainage requirements and relocating the site access. The preliminary changes were listed in the August 31, 2022 correspondence and are updated below:

- As noted on the comparison map (Attachment A of the August 31, 2022 submission and **Appendix A** of this submission), very minor changes were made to the golf course areas to accommodate the necessary drainage required by the Town of Southampton. Town requirements changed since the Commission approval where 3 inches of storage is required (instead of 2"), for site plan components of the plan.
- One (1) lot was moved from the clubhouse area to an area previously planned for conservation. The lot (Lot 36) is just over 14,000 square feet (SF). The conservation area loss was offset by additional conservation on the golf course areas.
- Two 15-foot wide, drainage easements were added (one by lots 41 and 42 and the other by lots 26 and 27) through areas previously planned for conservation. The conservation area loss was offset by additional conservation on the golf course areas.
- The access road was shifted from a paper road to an easement over a property on Lewis Road approximately 500 feet farther south, as the paper road owner would not come to terms with the project sponsor. The easement runs through previously cleared area.

- The property size is 607.87 acres based on updated survey information and road abandonments.
- There are now 37 drainage reserve areas including the drainage ponds.

2. *Please identify:*

- The clearing limit based on the Plan standard.*

The clearing limit based on the plan standard is that 28.26% of the existing natural vegetation on the overall site is permitted to be cleared.
- The amount of existing natural vegetation on the project site*

The existing natural vegetation on the subject site is 576.04 acres.
- The amount of existing cleared area on the project site*

The existing cleared areas on the site total 31.83 acres, including 0.33 acres that were cleared for monitoring well installation.
- The amount of proposed clearing*

The proposed clearing of existing natural vegetation equals 139.92 acres, which is less than 28.26% of the existing natural vegetation on the site.
- the total area to be cleared for the project including existing cleared area and the area of proposed clearing*

The total area to be cleared for the project is 171.75 acres. The breakdown is: 31.83 acres of existing cleared area, and 139.92 acres of proposed clearing of existing natural vegetation.
- the total area to remain natural when the project is completed*

The total area to remain natural when the project is completed is 576.04 acres.

3. *Clearing for wells*

- The "Proposed Clearing Plan" prepared by PWGC dated May 2, 2022 lists 16 Boring IDs and 16 Well IDs and the total clearing required is approximately 6 acres. Please clarify if the 6 acres of clearing will occur in areas that will be cleared for the project or if 6 additional acres will be cleared for this purpose.*
- The tables refer to "areas previously cleared (fully or partially)." If an area is identified as only "partially cleared," then clearing is proposed. Sites such as BW-1 and SB-16 appear to be located close to or in natural areas. Please have applicant explain if it is*

possible to work in areas that will be cleared for the project rather than in areas that require excess clearing.

Per the Town of Southampton, the applicant has agreed that all clearing for well installation will take place when clearing for the project occurs. In addition, all wells will be located within areas cleared for the proposed project.

4. *NYS listed threatened species - NLEB proposed clearing and summary of bat habitat table.*
 - a. *Areas to be cleared year round - 47 acres*
 - b. *Areas to be cleared December through February 107 acres*
 - c. *Please explain the information in the table including:*
 - *Bat Habitat Area #1 where 20 acres will be cleared appears to be in the southerly portion where "outparcels" exist in lots not owned by the Applicant*
 - *Bat Habitat Area #4 is in the northern portion that is to remain natural open space and table lists 8 acres to be cleared in that area*

Appendix B-1a of this submission includes a Construction Phasing Plan overlayed on an aerial photograph prepared by PWGC and dated 11/03/2022. **Appendix B-1b** includes this same plan not on an aerial photograph. This plan includes updated information on construction zones, acres and time schedule and conforms with guidelines established by New York State Department of Environmental Conservation (NYSDEC) for protection of the Northern Long-eared Bat (NLEB). NYSDEC outlined several areas that could be cleared year round, as depicted in a **green** solid line on the plan. All clearing outside of the green areas will occur during the period March 1 through November 30. No outparcels will be impacted by clearing. All clearing will be within the boundaries of the subject site. Four (4) Construction Zone areas are shown on the plan, and each zone is color-coded to depict the area covered by the Construction Zone, and a table is provided to identify the activities that will occur within each zone as well as timing. This table is excerpted and provided below:

<u>CONSTRUCTION ZONE 1</u>		<u>CONSTRUCTION ZONE 3</u>	
ACTIVITIES		ACTIVITIES	
1. TREE FELLING:	15.9 ACRES 5.5 ACRES		
TIMING:	11/18/22 - 12/15/22		
TREE FELLING:	10.2 ACRES		
TIMING:	03/01/23 - 04/01/23		
2. ROADWAYS ⁴ :	7,722 LF.		
TIMING:	12/15/22 - 06/01/24		
3. RECREATION AREA:	09/01/23 - 12/31/26		
4. W.F. HOUSING:	06/01/23 - 06/01/24		
5. TURF CARE/ ENVIRONMENTAL CENTER/ADMIN / OPS.	05/01/23 - 06/01/24		
6. RESIDENTIAL UNITS ³	UNITS 1-3; 37-77 TIMING: UNITS 50-70 05/01/23 - 06/01/24 UNITS 1-3; 37-49; 71-77 01/01/24 - 12/31/25		
7. CLUBHOUSE AREA:	01/01/24 - 06/01/26		
8. STP:	04/01/23 - 05/01/24		
		1. TREE FELLING:	20.5 ACRES 1.17 ACRES
		TIMING:	01/01/23 - 01/31/23
		TREE FELLING:	9.3 ACRES
		TIMING:	03/01/23-04/01/23
		TREE FELLING:	3.2 ACRES
		TIMING:	12/01/23 - 02/28/24
		2. ROADWAYS:	1,986 LF.
		TIMING:	02/01/23 - 12/31/24
		3. GOLF HOLES ² :	1,2,3,16,17,18, D.R.
		TIMING:	04/01/23 - 01/01/24
		4. RESIDENTIAL UNITS ³	UNITS 78 TO 93 & 108 - 110
		TIMING: UNITS 78 TO 83 UNITS 84-93 & 108 - 110	01/01/25 - 12/31/25
			01/01/26 - 12/31/26

<u>CONSTRUCTION ZONE 2</u>		<u>CONSTRUCTION ZONE 4</u>	
ACTIVITIES		ACTIVITIES	
1. TREE FELLING:	10.3 ACRES 2.4 ACRES TIMING: 12/01/22 - 12/31/22		1. TREE FELLING: 26.0 ACRES 2.6 ACRES TIMING: 02/01/23 - 02/28/23
TREE FELLING:	15.1 ACRES TIMING: 12/01/23 - 02/28/24 ⁷		TREE FELLING: 7.6 ACRES TIMING: 12/01/24 - 02/28/25
TREE FELLING:	10.2 ACRES TIMING: 12/01/23 - 02/28/24		2. ROADWAYS: 2,604 LF. TIMING: 03/01/23 - 12/31/24
2. ROADWAYS:	2,604 LF. TIMING: 12/31/22 - 12/31/24		3. GOLF HOLES ⁸ : 4,5,6,7,8,9 TIMING: 05/01/23 - 12/31/23
3. GOLF HOLES ⁸ :	10,11,12,13,14,15 TIMING: 07/01/23 - 01/31/24		4. RESIDENTIAL UNITS ⁹ : UNITS 94-107 TIMING: 01/01/26 - 12/31/26
4. RESIDENTIAL UNITS ⁹	UNITS 4 TO 36 01/01/24 - 02/01/25 UNITS 4 TO 11 01/01/24 - 02/01/25 UNITS 12 TO 32 01/01/24 - 02/01/25		

Appendix B-2 includes a Gantt chart to further document the construction schedule. This is correlated with the Construction Phasing Plan included in **Appendix B-1**. Finally, **Appendix B-3** includes a construction narrative prepared by PWGC dated November 7, 2022 that describes the construction phasing activities and also is correlated with the Construction Phasing Plan. These documents provide the full construction sequence information that will ensure protection of natural areas, conformance with clearing windows and overall construction management for orderly development.

5. Please identify if the current proposal and layout continues to conform with the Plan Standards and Guidelines and changes to the plan, if any, that have occurred and the purpose of the changes.

As reported in the August 31, 2022 submission to the Commission and demonstrated on the supporting plans, the proposed project continues to conform with all Plan Standards and Guidelines of the CPB CLUP. None of the refinements to the plan to meet engineering requirements have any incremental impact on the conformance of the plan with the Standards and Guidelines. Plan changes are minimal and the full Commission determined that the original plan was in conformance. The supporting overlay map (**Appendix A** of this submission) and the limits of clearing changes map (Attachment A of the August 31, 2022 submission) demonstrate the minor nature of the changes. In addition, **Appendix C** includes an updated Central Pine Barrens conformance plan that reflects minor changes to date and demonstrates conformance to Standard 5.3.3.6.1 for Vegetation Clearance Limits.

6. *An amendment to the Commission decision is expected to be necessary for the record to reflect the current plan and project.*

This is acknowledged. The Applicant has provided information to the Commission to support an amended decision (dated August 31, 2022) and is providing this response to the Commission September 21, 2022 referral to the Town on the Final Subdivision in further support of the minor nature of the plan changes and the appropriateness of finding the

revised plan to be consistent with the CLUP so that the amendment to the Commission decision can be made.

7. *The Commission reserves its right to fully review the project in accordance with the Act and the Plan once it has received all of the relevant information on the current project and its comparison to the Lewis Road Master Plan that was determined to conform with the Central Pine Barrens Comprehensive Land Use Plan.*

This comment is acknowledged and as noted in #6 above, supporting information has been and will be provided as needed.

8. *Timeline:*

- a. *Please submit a timeline to satisfy the requirements and conditions of the Commission's decision*

A timeline to satisfy the requirements and conditions of the Commission's decision was provided in the August 31, 2022 submission to the Commission. The following provides an update and expansion of this previously submitted information:

Other Agency Approvals and Permit Requirements

- Condition 1: Article 6 approval from the SCDHS was received on May 11, 2022.
- Condition 2: The Sewage Treatment plant and conveyance system design approval is expected in November 2022.
- Condition 3: Article 7 and 12 approvals are expected November 2022. Review is complete and fees have been paid. Issuance of permits is imminent.
- Condition 4: Town SWPPP approval is expected in November 2022. Town review comments were received in September and revisions are being completed for approval.
- Condition 5: NYSDEC approval of the SWPPP is expected in November 2022. The SWPPP will be filed with NYSDEC immediately following Town approval.
- Condition 6: NYSDEC approved two (2) onsite irrigation wells in April 2021.

Open Space Protection and Natural Resources

- Condition 1: No more than 171.75 acres will be cleared and developed per the attached N+P CLUP Compliance Exhibit, last dated 11/07/2022. Conformance is confirmed through Final Subdivision maps submitted to the Town and the Commission.
- Condition 2: A minimum of 207 acres [including 4-acres for use by the Suffolk County Water Authority (SCWA)] must be offered for dedication to the Town other local,

county, state or federal agency. Conformance is confirmed through Final Subdivision maps submitted to the Town and the Commission.

- Condition 3: A minimum of 230 acres will be protected by the Hills HOA. This is included in HOA documents and reflected in Final Subdivision mapping.
- Condition 4: Covenants or conservation easements will be provided to protect in perpetuity 437 acres of natural open space including 203 acres to be protected by the Town through legal instruments. These legal instruments will be recorded prior to disturbance, clearing and development on the project site. The Town and Commission will approve these instruments for filing after which they will be recorded with County Clerk and then submitted to the Commission. Draft covenants to protect open space are provided as **Appendix D** of this submission.
- Condition 5: Snow fencing will be installed along the boundaries of the limits of vegetation clearing and require inspection by the Commission prior to the occurrence of any clearing activity. The aforementioned snow fencing will be retained in place in each Project phase until each phase is complete.
- Condition 6: Prior to disturbance DLC will submit a copy of the approval of the Stormwater Pollution Prevention Plan (SWPPP) by the Town and NYSDEC.
- Condition 7: New York State and Federally-listed protected species and their habitat(s), including the Northern Long-eared Bat (NLEB), will be protected. The Applicant will adhere to NYSDEC regulations to protect the NLEB and its habitat.
- Condition 8: Listed plant and wildlife species and habitats will be protected as required by local, State and Federal agencies.

Construction Phasing and Completion of Project

- Condition 9: Because the proposal is a six-year phased project, the Applicant has submitted a copy of the Construction Phasing Plan for the Project Site showing areas to be cleared and developed in succession (see Appendices B-1, B-2 and B-3). On the aforementioned plan the Applicant has identified areas of the site that will be constructed at different times, including clearing, while meeting the habitat requirements of regulated species and habitats.

Groundwater Monitoring Protocols

- Condition 10: The Project will not exceed a maximum concentration limit of 2 mg/l groundwater, as calculated over the entire Project Site. A covenant will be placed on the property to institute this requirement and the covenant must be approved by the Commission prior to commencing site disturbance and development activities. Draft covenants are included in Appendix D of this submission.
- Condition 11: The Applicant has submitted a copy of the final Groundwater Monitoring Plan to the Town. A copy of the plan prepared by PWGC (Rev. 2; dated March 2022) is included as **Appendix E** of this submission. The protocols include

measures to cease operations if and when measurements exceed maximum limits unless and until conditions return to compliance levels.

General

- Condition 12: The Applicant agrees that there shall be no changes of use, other uses or other changes to the Project Master Plan or on the Project Site, no increases in density, intensity, sewage flow (including expansions of the sewage treatment plant to increase capacity), accessory uses or additional structures other than the facilities in the current Master Plan, increases in footprint, increases in gross square footage, and modifications that would change the site plan or subdivision map, master plan and/or conformance with Standards and Guidelines without the Commission's approval.
- Condition 13: The applicant will submit a copy of the final filed subdivision map, filed with the Suffolk County Clerk, and plans and resolutions approved by the Town of Southampton Planning Board upon approval.
- Condition 14: The Applicant will prepare for Commission review and approval and then record a covenant that no additional population density yield may be generated from the site. All covenants as currently proposed are included in Appendix E for review by the Commission.
- Condition 15: The Applicant agrees that if at any time during construction or disturbance, including clearing, archaeological or cultural resources or remains are uncovered, the Applicant will cease operations and report this to the Town and develop a plan for modifications to protect artifacts and resources.
- Condition 16: It is acknowledged that the Commission's approval is valid for 10 years from the Commission's date of approval. The Project must be 90% complete by the time the end of this 10-year term occurs. If it is not, the Applicant must request an extension from the Commission, and the extension is subject to Commission review and approval of conditions at that time and regulations in effect at that time.
- Condition 17: The applicant acknowledges that the proposal must conform to all other involved agency jurisdictions and permit requirements in effect on the Project Site and will conform.

b. Please indicate and submit information including:

- *the status of the project including staking clearing limits for inspection*

The limits of clearing are currently hand staked every 50 feet. Additional hand staking every 8 feet is currently being done in preparation for installation of construction fencing. No clearing will occur until after all approvals are obtained including an amendment to the prior Commission approval of January 20, 2021. The Commission will be contacted to inspect the staking every 8 feet when completed. Inspections are available to be conducted at any time by contacting DLC

representative Nick Venturino at 401-447-2114 via voice or text message. The attached Phasing Plan (**Appendix B-1**) includes the following notation:

PHASING OF TREE FELLING/CLEARING ACTIVITIES

Phase 1 - Hand stake (8' o.c.) and attached with fluorescent flagging tape to delineate the limit of clearing for the entire project site, for inspected by Town of Southampton, CPBC, and other agencies, as may be applicable, prior to authorized clearing activity.

Phase 2 - Commence tree felling and clearing of 15 ft wide path along the limit of clearing, required to install fencing, followed immediately by the installation of required limit of clearing and silt fencing.

Phase 3 - Tree felling of any permitted development areas outside the Green Zone, as delineated by the NYS DEC, will be restricted to the NLEB protection window between December 1st and February 28th, as delineated on the above map. Inspections available at any time by contacting DLC representative Nick Venturino at 401-447-2114 via voice or text message.

Phase 4 - Following the tree felling, clearing activities such as stump removal, tree chipping, grubbing, and other waste reduction efforts will commence. Phase 5 - Upon completion of Phase 4 in a given zone, the other construction activities, including but not limited to roads, drainage and infrastructure, golf course, and residential units, will commence pursuant to the schedule of activities in each construction zone.

- *a phased development plan*

This is provided in **Appendix B** and is explained under #4 above.

- *a schedule that is consistent with avoiding clearing during windows established by the NYSDEC to protect individuals and habitat of NLEB*

The Phasing and Site Disturbance Plan (Attachment B) provides for full conformance with the NYSDEC policy to protect individuals and habitat of the NLEB. Per NYSDEC, the areas identified within the green polygons can be cleared at any time of year. The remainder of the site will be cleared only during the period from December 1 through February 28.

- *filing covenants to protect open space*

Draft covenants to protect open space are provided as Appendix E of this submission.

- *fulfilling the conditions of approval*

Please refer to 8.a. above.

9. *The proposal must conform to all other involved agency jurisdictions and permit requirements in effect on the project site.*

The Applicant is aware of the need to conform to all other involved agency jurisdictions and permit requirements pertaining to the site, and will conform. As noted in 8.a. above, many approvals have been received and the remaining approvals are pending and will be obtained prior to commencement of construction/disturbance of the site.

3.0 SUMMARY AND CONCLUSION

This document provides supplemental information for Town reference in responding to the Commission referral letter of September 21, 2022. This document reflects the minor changes to the Lewis Road PRD that received Commission approval for an Assertion of Jurisdiction project on January 20, 2021. The changes to the project are minor and are outlined herein. The goal of the applicant is to obtain an updated decision to recognize the changes in the proposed project since the CPBC approval, and to comply with all conditions of the approval. The applicant looks forward to working cooperatively with the Town and Commission to complete this process.

APPENDICES

APPENDIX A

MASTER PLAN OVERLAY TO PREVIOUS PLAN

Vita; 10/04/2022

APPENDIX B CONSTRUCTION PHASING PLAN

APPENDIX B-1a
CONSTRUCTION PHASING PLAN (with Aerial)
PWGC; 11/03/2022

APPENDIX B-1b
CONSTRUCTION PHASING PLAN (without Aerial)
PWGC; 11/03/2022

APPENDIX B-2

GANTT CHART CONSTRUCTION PHASING PLAN

APPENDIX B-3

CONSTRUCTION PHASING PLAN NARRATIVE

PWGC; 11/07/2022

APPENDIX C

CLUP COMPLIANCE EXHIBIT

Nelson + Pope; 11/07/2022

APPENDIX D

DRAFT COVENANTS & RESTRICTIONS

APPENDIX E

GROUNDWATER MONITORING PLAN

PWGC; Rev. 2; March 2022

Master Plan Overlay to previous Plan

October 4, 2022

LEWIS ROAD PRD AT EAST QUOGUE

TOWN OF SOUTHAMPTON, NEW YORK



Lewis Road PRD
Phasing Plan

November 7, 2022

Town of Southampton
116 Hampton Road
Southampton, NY 11968
Planning Department

RE: Lewis Road PRD – Phasing Narrative

Dear Ms. Scherer

P.W. Grosser Consulting (PWGC), in coordination with Discovery Land Company (DLC), has prepared the following construction phasing narrative and plan for the Lewis Road PRD project. This plan establishes the basic phasing of the project and is a living document as approvals are still pending. Tree felling outside of the project's "green zones" is limited to the period of December 1 through February 28 due to the potential presence of the Northern Long Eared Bat (NLEB). PWGC understands that special permission may be granted by New York State Department of Environmental Conservation (NYSDEC) to clear potential bat habitat areas outside of that window. Given the short window, tree felling will be the primary activity in that period of time. Construction activities will not commence until approvals have been granted unless specific work, such as installing monitoring wells and advancing soil borings, are authorized ahead of receipt of formal approvals.

As shown on the attached construction phasing plan the project has been split into four (4) zones. Each zone has been further broken down into separate areas, such as roads, golf, HOA areas and Housing. The map also provides a simplified schedule, that shows the areas of tree felling over a particular time period as well as preliminary construction schedules for roads, golf, HOA areas, housing, etc. These time periods have been carefully selected to strike a balance between the needs of the development to progress with key infrastructure and golf while attempting to stretch the tree felling operations over a longer time period as requested by the Town. Additionally, a gantt chart with an overall schedule has been developed and is attached to this narrative.

Phasing Narrative

1. Prior to the commencement of work, the limits of clearing for the entire project will have been staked by hand during October and November 2022. The Town of Southampton (Town) and other agencies will be able to view these limits and review the locations of the stakes using GPS mapping tools. The limits of clearing will be shifted inward slightly to avoid large caliper trees where possible. A sample display of the construction fencing will be erected in a previously cleared area to demonstrate what the final product will be in the field.

1

P.W. GROSSER CONSULTING, INC.
P.W. GROSSER CONSULTING ENGINEER & HYDROGEOLOGIST, P.C.

PHONE: 631.589.6353 630 JOHNSON AVENUE, STE 7
PWGROSSER.COM BOHEMIA, NY 11716

LONG ISLAND • MANHATTAN • SARATOGA SPRINGS • SYRACUSE • SEATTLE • SHELTON

With respect to ecological aspects of the development as required per the preliminary site plan approval, the site has been inventoried for rare plants listed in the Ecological Species Transplant Management Program, prepared by Nelson Pope and Voorhis (NPV) dated July 6, 2021. The inventory consisted of flagging and recording GPS coordinates of any species found. In addition, the site was inventoried for reptile species within areas intended for clearing during the NLEB seasonal tree removal period; if found and able to capture, relocate specimens to areas on the northern part of the site, at least 500 feet from the proposed areas of disturbance.

During November of 2022, plant species that were located during the inventory phase within the proposed disturbance areas, either had seeds collected from plants bearing seeds, or were removed for transplant efforts later in the development. All seeds and plants are being held at a nursery for propagation and growth; reinstall at subject site within 3 years; transplant locations to be determined based on success of nursery plant health, non-ATV use areas, suitable soil, moisture and/or habitat conditions and landscape opportunities, once grading and site preparation activities are complete. Reptile observations and relocation continued during this period.

2. Upon commencement of work, the measures in the stormwater pollution prevention plan (SWPPP), including the clearing limit fencing, will be installed. Limited tree felling and clearing of a fifteen-foot-wide path will be required to install the clearing limit construction fence and the adjacent interior silt fence, where required by the SWPPP, due to the wooded areas and topography. Installation solely by foot without construction equipment assistance is not feasible. Inspections required by appropriate agencies can be conducted once the clearing limit construction fence has been installed. This operation will utilize the previously installed posts of the clearing limits as a guide. The clearing limiting fencing and silt fence is estimated to be installed in 500-800 foot increments after the path is cleared.
3. Necessary tree felling at the property within the limits of clearing will commence once the clearing limit construction fence has been installed. Tree felling will commence according to the schedule shown on the construction phasing plan. The phasing plan has segmented the tree felling operations into three (3) separate time periods:
 - First Bat Window - December 1, 2022 - February 28, 2023
 - Deferred Clearing - March 1, 2023 - April 1, 2023
 - Second Bat Window - December 1, 2023 - February 28, 2024

Given the potential presence of the Northern Long Eared Bat, tree felling will be prioritized in the between December 1 and February 28, beginning with the access roadway and the interior road system and golf holes on the east part of the property, progressing to the remaining area on the

west part of the property starting in December of 2022. Based upon the construction phasing plan the total tree felling acreage in the first bat window is 84.37 acres or 60.27% of the total proposed clearing. This will allow for the construction of the roads and drainage, much of which is tied to the golf course.

Areas in zone 1, and 3, such as clubhouse and irrigation pond areas will have tree felling operations deferred until March 2023 and April 2023. All of these areas are located within the “green zones”, as established by NYSDEC and are not subject to clearing restrictions. In total this area is 19.5 acres or 13.93% of the total proposed clearing.

The last of the tree felling operations are for the proposed home lots in zones 2, 3, and 4. These areas have been deferred until the second bat window starting in December of 2023. Additionally, a portion of the golf course, consisting of holes 10, 11, 12, and 13 will be deferred to the second bat window starting December of 2023. The developer will seek permission from the NYSDEC to clear the 15.1 acres associated with the golf course in August of 2023. In total this area is 36.1 acres or 25.79% of the total proposed clearing.

For disturbance and/or clearing proposed in subsequent years, complete inventory of plant/animal species as per Phase 1 above, prior to November 1 for areas subject to the NLEB Seasonal Tree Removal Period. For those areas not within the NLEB Seasonal Tree Removal Period, inventory per Phase 1 above within 4 weeks prior to intended disturbance/clearing. For rare plants, collect seed and plants as per the notes in Phase 1 above. For reptiles, locate specimens to area outside of limit of clearing/silt fence, prior to start of disturbance/clearing.

4. Clearing and ground disturbance after tree felling can occur at any time during the year. Included in this stage will be the chipping, mulching, and removal of wood debris. The removal of wood debris would begin within a day after the tree felling. It is the intention to chip the wood debris on site to create a reusable topsoil product for use later at the site. Any trees that have been impacted by the southern pine beetle will be handled in accordance with NYSDEC regulations. The clearing and ground disturbance would begin with the access roadway and western interior roadways. Work would then progress to the eastern interior roadways. Similarly, after tree felling has been completed in roadways, golf hole clearing and grubbing will begin. Currently the plan is to sequence the golf hole clearing in the following order, however this is subject to change:
 - a. Holes 3, 2, 17, 16, 15, 14
 - b. Holes 18, 1, Golf Practice Area
 - c. Holes 4, 5, 6, 7, 8, 9
 - d. Holes 10, 11, 12, 13

5. After clearing has been completed in a given area of the site, the next operation in the construction sequence will be mass grading of that areas within the development. This includes rough grading of the golf course, roadways, individual lots, amenity areas, and excavation of the irrigation ponds. Once the golf holes are cleared the monitoring wells will be installed in accordance with the groundwater monitoring plan. The project is a master planned and largely master developed project, so most residential lots will be developed in tranches for efficiency. Grading activities will follow closely behind the clearing and grubbing activities, as noted in the SWPPP. Excavated materials will be relocated on site as necessary to satisfy the fill areas on the property. Materials that cannot be immediately placed in their final location will be stockpiled on site in accordance with the SWPPP.
6. Upon completion of the mass grading in a given area on the site, the next operation will be establishing the roads, utilities and golf course infrastructure. With respect to the roads - the goal of this phase is to have the roads graded, install drainage and the sewage collection system within the roadways, and install the curbs. Completion of this phase is necessary to allow SCWA, PSEG, National Grid, and Altice to install the required utilities within the development.
7. As the roads are being installed, additional work for the golf course infrastructure will be ongoing at the site. This includes shaping of the golf course, installing the golf course irrigation system, cart paths, final construction of the irrigation pond and liner, and golf course irrigation well installation.
8. Simultaneously with the golf course work, the utility work will begin. The utility companies will be responsible for installing their own utilities as per their requirements. On the DLC side, work will begin on the proposed sewage treatment plant (STP). Additionally, work on drainage systems outside of the roadways will begin.
9. As the roadways and utility work is completed in key areas of the site, the development of the buildings beginning with the support amenity areas, such as the workforce housing, administrative, maintenance, turf care, amenity buildings, sports courts, and gate house will begin. This phase of development will include excavating and installing foundations, followed by framing, utility connections, and landscaping of these areas.
10. The next item will be installing the foundation for the main clubhouse. Installing the foundation early in the phasing of the project will allow excavated materials to be placed in this area and minimize the number of times material is required to be handled on site.
11. Once foundations are complete for the support amenities and clubhouse foundations will be installed and residential home construction will begin. Tentatively, the home construction sequence is as follows:
 - a. Lot's 50-70

- b. Lot's 1-3, 38-49, 73-77
- c. Lot's 4-11, 33-37, 78-83
- d. Remainder of lots as sold

12. Clubhouse framing along with the development of the core amenity areas including the pools, hot tubs, patios, etc. will continue to progress during this phase.

13. Work will begin on all final grading, irrigation, landscaping and final paving of the roadways as work on the home lots, support amenity areas, and clubhouse core areas are progressing

14. Punch list items will then be generated, and final approvals will be sought for all completed buildings and utilities, such as the STP, such that certificates of occupancy can be obtained. It is the intention of the developer to garner certificates of occupancies for buildings and uses as they are completed to allow interim use of the property, including the golf course, amenity buildings, residential homes, etc., as these items are completed.

15. For the ecological aspects of the project, document all methodologies for inventory, GPS data collection, seed/plant collection, holding, propagation and growth and reinstallation as well as animal species observations and relocation. Map GPS data for inclusion and submit annual reports to the Town Department of Land Management.

Should you have any questions or wish to discuss the phasing plan in further detail please do not hesitate to contact me at any time.

Regards,
P.W. GROSSER CONSULTING

Bryan Grogan

Bryan Grogan, PE
 Sr. Vice President



05105		CLIP (CENTRAL PINE BARRENS COMPREHENSIVE LAND USE PLAN COMPLIANCE EXHIBIT	PRODUCT NO.
		LEWIS ROAD PLANNER RESIDENTIAL DEVELOPMENT (PRD)	DRAWN BY:
		SITUATED AT: EAST QUOGUE	CHECKED BY:
		TOWN OF SUFFOLK COUNTY, NEW YORK	DATE:
		70 Adams Road, Melville, NY 11747-5565 • nelson+pope.com	SCALE:
		1 of 1	FILE NO.:
		APPLICANT: DUVORGE, LLC SCOTT SAWYER	CARD: 00000000000000000000000000000000
		DRAWING NO.: 70 Adams Road, Melville, NY 11747-5565 • nelson+pope.com	REV'D TOTAL AREA AND ADDED CLEARING FOR WELLS
1		1/17/2022	REV'D PER TOWN COMMENTS
2		1/17/2022	REV'D TOTAL AREA AND ADDED CLEARING FOR WELLS

DRAFT

DECLARATION OF COVENANTS AND RESTRICTIONS

(CBPC)

THIS DECLARATION, made the _____ day of _____, 2022, by DLV QUOGUE, LLC; DLV QUOGUE OWNER, LLC; DLV PARLATO PARCEL 1, LLC; DLV PARLATO PARCEL 2, LLC; DLV PARLATO PARCEL 3, LLC; DLV PARLATO PARCEL 4, LLC; and DLV PARLATO PARCEL 5, LLC, each a Limited Liability Company duly organized and authorized to do business in the State of Delaware, with offices 14605 North 73rd Street, Scottsdale, Arizona 85260 (hereinafter collectively referred to as the “Declarants”).

W I T N E S S E T H:

WHEREAS, the Central Pine Barrens Joint Planning and Policy Commission (hereinafter referred to as the “Commission”), having offices at 624 Westhampton-Riverhead Road, Westhampton, New York 11978, was created pursuant to the Long Island pine Barrens Protection Act of 1993, codified in New York State Environmental Conservation Law Article 57 (hereinafter referred to as “Article 57”); and

WHEREAS, the Declarants are the owner of certain real property situate in the hamlet of East Quogue, Town of Southampton, County of Suffolk, State of New York, consisting of separate parcels totaling approximately 608 acres, more specifically described in Schedule “A” annexed hereto, hereinafter referred to as the “Property”; and

WHEREAS, the Property is located within the Central Pine Barrens area as bounded and described in Article 57; and

WHEREAS, the Commission adopted the Central Pine Barrens Comprehensive Land Use Plan (hereinafter referred to as the “Plan” or “CLUP”) pursuant to Article 57 and has jurisdiction over certain activities within the Central Pine Barrens; and

WHEREAS, the Declarants, pursuant to Article 57 and the CLUP, made an application for approval to subdivide said Property into a clustered residential subdivision with 118 seasonal single family residences/units, 12 year round workforce housing residences with accessory amenities for the residents and their guests residential lots/units, including an 18-hole private golf course clubhouse,

swimming pools, ball fields, tennis courts, spots courts, two ponds, roads, drainage reserve areas, and other amenities, parking areas, lighting, landscaping and other infrastructure, with open space areas, as shown on the final subdivision map entitled, "**Lewis Road Planned Residential Development**," prepared by Nelson & Pope, Engineers - Architects - Surveyors, which subdivision map is to be filed in the Office of the Clerk of the County of Suffolk, hereinafter referred to as the "Lewis Road PRD Subdivision") and

WHEREAS, the Commission by Findings Statement and Determination, dated on January 21, 2021, approved the Lewis Road PRD Subdivision (hereinafter referred to as the "Approval"); and

WHEREAS, for and in consideration of the granting of said Approval, the Commission has deemed it to be for the best interests of the owners of said lots and the homeowner's association to be established simultaneously with the filing of the subdivision map that the within covenants and restrictions be imposed on said Property and as a condition of said Approval the Commission has required that the within Declaration be recorded in the Suffolk County Clerk's Office; and

WHEREAS, the Declarants have considered the foregoing and have determined that same will be in the best interests of the Declarants, the homeowner's association to be established simultaneously with the filing of the subdivision map and subsequent owners of said Property;

NOW, THEREFORE, THIS DECLARATION WITNESSETH:

That the Declarants, for the purposes of carrying out the intentions above expressed, does hereby make known, admit, publish, covenant and agree that said premises herein described shall hereafter be subject to the following covenants, restrictions and agreements, which shall run with the land and shall be binding upon all purchasers and holders of said Property, their heirs, executors, legal representatives, distributees, successors and assigns, to wit:

- (1) That at no time after the filing of the subdivision map in the Office of the Suffolk County Clerk shall the maximum concentration of nitrate-nitrogen in recharge exceed the limit of 2 mg/l as calculated over the entire 608 acre Property using mass-balance analysis consistent with methodologies used to support the Commission's Findings and Approval under the Central Pine Barrens Comprehensive Land Use Plan Guideline 5.3.3.1.3 (Nitrate-Nitrogen goal). The responsibility to assure compliance with this limit shall be with the homeowner's association

pursuant to the Groundwater Monitoring Program for the Property established with the Town of Southampton.

(2) That at no time after the filing of the subdivision map in the Office of the Suffolk County Clerk shall the Property generate any additional population density yield established by the Approval for the 118 residential units and 12 workforce housing units.

The Covenants and Restrictions contained herein Covenants and Restrictions contained herein shall be construed to be in addition to and not in derogation or limitation upon any local, state or federal laws, ordinances, regulations or provisions in effect at the time of execution of this agreement, or at the time such laws, ordinances, regulations and/or provisions may hereafter be revised, amended or promulgated.

The Covenants and Restrictions contained herein shall be enforceable by the Central Pine Barrens Joint Planning and Policy Commission under the provision of the New York State Environmental Conservation Law, by injunctive relief or by any other remedy in equity or at law. The failure of the Central Pine Barrens Joint Planning and Policy Commission or any of its agencies to enforce same shall not be deemed to affect the validity of this covenant nor to impose any liability whatsoever upon the Central Pine Barrens Joint Planning and Policy Commission or any officer or employee thereof.

If any section, subsection, paragraph, clause, phrase or provision of these covenants and restrictions shall, by a Court of competent jurisdiction, be adjudged illegal, unlawful, invalid or held to be unconstitutional, the same shall not affect the validity of these covenants as a whole, or any other part or provisions hereof other than the part so adjudged to be illegal, unlawful, invalid or unconstitutional.

The within Declaration is made subject to the provisions of all laws required by law or by their provisions to be incorporated herein, and they are deemed to be incorporated herein and made a part hereof, as though fully set forth.

The within Declaration shall run with the land and shall be binding upon the Declarants, its successors and assigns, and upon all persons or entities claiming under them, and may not be annulled, waived, changed, modified, terminated, revoked or amended by the Declarants, their heirs, executors, legal representatives, distributees, successors and assigns, and/or the

homeowner's association to be established simultaneously herewith, unless and until approved by the Central Pine Barrens Joint Planning and Policy Commission or its successor.

IN WITNESS WHEREOF, the Declarants above named have executed the foregoing Declaration the day and year first above written.

DLV QUOGUE, LLC

By: _____

DLV QUOGUE OWNER, LLC

By: _____

DLV PARLATO PARCEL 1, LLC

By: _____

DLV PARLATO PARCEL 2, LLC

By: _____

DLV PARLATO PARCEL 3, LLC

By: _____

DLV PARLATO PARCEL 4, LLC

By: _____

DLV PARLATO PARCEL 5, LLC

By: _____

STATE OF NEW YORK)
ss.:
COUNTY OF SUFFOLK)

On the ____ day of ____ in the year **2022**, before me, the undersigned, personally appeared _____, personally known to me or proved to me on the basis of satisfactory evidence to be the individual whose name is subscribed to the within instrument and acknowledged to me that he executed the same in his capacity, and that by his signature on the instrument, the individual or the person upon behalf of which the individual acted, executed the instrument.

NOTARY PUBLIC

STATE OF NEW YORK)

ss.:

COUNTY OF SUFFOLK)

On the ____ day of ____ in the year **2022**, before me, the undersigned, personally appeared _____, personally known to me or proved to me on the basis of satisfactory evidence to be the individual whose name is subscribed to the within instrument and acknowledged to me that he executed the same in his capacity, and that by his signature on the instrument, the individual or the person upon behalf of which the individual acted, executed the instrument.

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NOTARY PUBLIC