

Appendix F-7
Carolyn Zenk, Esq. Letter

September 29, 2016

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Southampton Town Board
Southampton Town Hall
116 Hampton Road
Southampton, New York 11968

September 29th, 2016

Re: The September 2016 Draft Environmental Impact Statement must be deemed incomplete until maps at the same size and level of detail as the PDD Plan are provided for all alternatives, as directed by the Town's July 1, 2015 scope.

Dear Supervisor Schneiderman and Southampton Town Board Members:

Thank you for tabling *resolution 2016-950*, so that you could determine whether the latest DEIS for "The Hills at Southampton" is complete for public review. Board members planned to check with Kyle Collins to answer this critical question. However, given that importance and enormity of this project, CLEAN asks that the Board *independently* determine whether the document contains the necessary maps.

The Town's final scoping document for "The Hills at Southampton" clearly directed that, "All **graphics**, [maps] text, tables and analytical data for the alternatives will be formatted in the same way for ease of comparison among scenarios." See Exhibit A/July 1, 2015 scoping document. (Double emphasis added.)¹

CLEAN maintains that the document is not complete for public review if it does not contain the necessary full scale graphics/maps, for the "current zoning alternative," the "lesser impact alternative", and the "reduced density alternative."

The DEIS summary does not indicate that full scale maps were provided. It states that it provides a "**conceptual sketch plan**" for the "Current Zoning Alternative." See DEIS summary at page S-35; and that,

¹The directive for similar formatting of all the graphics (maps) was largely the result of CLEAN's and Councilwoman Christine Scaler's insistence that full scale maps for all the alternatives be provided at the same size and level of detail as the PDD to allow the public to compare the alternatives.

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"A conceptual sketch plan was not prepared" for the "Lesser Impact Alternative." See page S-36. **Exhibit B/Excerpts from September 19th, 2016 DEIS.** ²

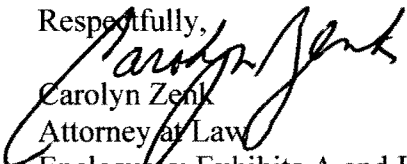
CLEAN has reservations regarding Mr. Collins's objectivity with respect to the PDD. Critical documents, which the Town's consultants transferred to him, made it into the Town Clerk's file weeks after they were written. Yesterday, I was informed by the Town Clerk's staff that the September 19th, 2016 AKRF report did not make it into the Town Clerk's file at all. ³

CONCLUSION

The Town Board cannot deem the Hills at Southampton DEIS complete until the Town's scoping directive that maps for the "current zoning alternative", the "reduced density alternative", and the "reduced impact alternative" be provided to the public *at the same scale and level of detail as the PDD Plan*.

The point of the SEQRA hearings is to compare the PDD's *alleged* benefits with the benefits the public would receive under *existing* zoning *plus* the benefits the public would receive by the Town Board imposing conditions that maximize environmental benefits to the public. If the Town Board and the public do not have a proper map at the same detail and scale, this cannot be done. ⁴

Respectfully,


Carolyn Zenk
Attorney at Law

Enclosures: Exhibits A and B

9/19/16

² CLEAN was informed by staff at the Town Clerk's office that the Town lost its Freedom of Information request, dated August 29th, 2016, which requested the September 2016 DEIS. Therefore, we did not receive the DEIS in time to fully review its contents and maps before the September 27th, 2016 Town Board meeting. We only had a chance to look at the summary, which seems to indicate that full scale maps were not provided.

³ Mr. Collins appears to have a business entitled, "KPC Planning Services in Westhampton." If Mr. Collins has ever been hired by Discovery Land, or its affiliates, he should step down from reviewing this project.

⁴ Furthermore, the PDD Law contained at Town Code, Section 330-245 I(6) makes it clear that "features that would otherwise be required of development on the subject property through the site plan, subdivision, architectural, SEQRA, or other regulatory review process" "shall not qualify as community benefits." This makes it imperative that the public can clearly see the benefits it can obtain under existing law. Otherwise, any alleged benefits of the PDD are impossible to determine.

- EXHIBIT A SCOPE -

Appendix A-4
~~*~~ Final Scope of Draft EIS

Southampton Town Board

~~*~~ July 1, 2015

- 3.4 Community Character**
 - 3.4.1 Existing Conditions
 - 3.4.2 Anticipated Impacts
 - 3.4.3 Proposed Mitigation
- 3.5 Cultural Resources**
 - 3.5.1 Existing Conditions
 - 3.5.2 Anticipated Impacts
 - 3.5.3 Proposed Mitigation

4.0 OTHER REQUIRED SECTIONS

- 4.1 Construction-Related Impacts
- 4.2 Cumulative Impacts
- 4.3 Adverse Impacts that Can not be Avoided
- 4.4 Irreversible and Irretrievable Commitment of Resources
- 4.5 Effects on the Use and Conservation of Energy Resources
- 4.6 Growth-Inducing Aspects

5.0 ALTERNATIVES



- ✓ 5.1 Alternative 1: No Action
- ✓ 5.2 Alternative 2: Development per Existing Zoning /
- ✓ 5.3 Alternative 3: Development per East Quogue Land Use Plan
- ✓ 5.4 Alternative 4: Reduced Density Alternative
- 5.5 Alternative 5: Alternative Site Design
- 5.6 Alternative 6: Alternative Technologies
- ✓ 5.7 Alternative 7: Lesser Impact Alternative

6.0 REFERENCES

APPENDICES

5.0 Detailed DEIS Scope

As required under SEQRA, the DEIS should include "a statement and evaluation of potential significant adverse impacts at a level of detail that reflects the severity of the impacts and the reasonable likelihood of their occurrence". Included in this evaluation will be short-term and long-term impacts, with other required sections identified in Section 6.0 of this scoping document. This section further describes the level of analysis and the type of analysis expected with respect to the key environmental impacts of the project as outlined in the Positive Declaration. Each major section is followed by a description of the extent and quality of information needed to perform the evaluation of each of the impacted resources.

Description of the Proposed Project

Description of the Project Area

1. Describe the entire project area that is subject to the proposed actions, which include: a listing of all tax lots within the project area, proposed uses of said tax parcels, and accompanying map illustrating the same.

Description of the current zoning and the Town's PDD and MUPDD Ordinances

1. Describe the current zoning at the site and the development potential under the current zoning on a standard yield map, taking into account other regulatory requirements and site design factors

6.0 Other Required Sections

In addition to the key resources identified in the Positive Declaration, SEQRA identifies other required sections for a complete DEIS as included in 6NYCRR Part 617.9 (b)(3). Mitigation measures will be included with respect to each key impact area as noted in Section 5.0. Alternatives to be studied are identified in Section 7.0. The following Other Required Sections and evaluations will be provided in the DEIS.

- **Construction-Related Impacts** - Describe the impacts related to construction noise, air quality and dust, erosion and sedimentation, area receptors, applicable nuisance regulations, applicable agency oversight and safeguards, phasing of the project, staging areas, parking areas, operation areas, duration, hours, and related mitigation measures to reduce construction impacts.
- **Cumulative Impacts** - Describe other pending projects in vicinity, determine potential for impacts due to implementation of proposed project in combination with others and discuss/analyze potential cumulative impacts the natural and social environments.
- **Adverse Impacts That Cannot Be Avoided** - Provide a brief listing of those adverse environmental impacts described/discussed previously that are anticipated to occur, which cannot be completely mitigated.
- **Irreversible and Irretrievable Commitment of Resources** - Provide a brief discussion of those natural and human resources which will be committed to and/or consumed by the proposed project.
- **Effects on the Use and Conservation of Energy Resources** - Provide a brief description of planned and/or potential energy-conserving measures, which may include use of energy-efficient devices. Include a general discussion related to the potential for buildings and site to be constructed to LEED® certification.
- **Impact on Public Health** - Provide a brief discussion of the potential impacts of the development on public health.
- **Growth-Inducing Aspects** - Provide an analysis of whether or not the proposed project may contribute to future growth in the area or result in secondary demands due to the employment.
- **Mitigation** - Provide a summary of mitigation measures in a mitigation chapter.

✓ 7.0

Alternatives to be Studied

SEQRA requires a description and evaluation of the range of reasonable alternatives to a proposed action that are feasible, considering the objectives and capabilities of the project sponsor. Alternative technologies should be considered, where appropriate. As noted in SEQRA, "*The description and evaluation of each alternative will be at a level of detail sufficient to permit a comparative assessment of the alternatives discussed*". The following alternatives are required for the DEIS:

- **Alternative 1:** No Action (zoning remains the same; no municipal acquisition and no site development).

✓ **Alternative 2:** Development per Current Zoning and all Regulatory Controls:

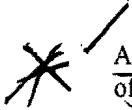
- This should include the mandatory requirements of all regulatory controls associated with developing this site, including, but not limited to:

- ✓ • Central Pine Barrens Overlay District

- * ✓ • Groundwater Management III Zone
- * ✓ • Aquifer Protection Overlay District – Specifically explain how the project will conform to §330-68 of the Town Code which states that “fertilized vegetation shall not exceed 15% of the area of a lot within in the Aquifer Protection Overlay District, and fertilized vegetation on a tract shall not exceed 20,000 square feet”.
- * ✓ • Specifically explain how the project will conform to §330-67 of the Town Code which states that “for residential lots, the amount of disturbance of natural vegetation shall not exceed 20% for lots between 140,001 and 200,000 square feet and shall not exceed 15% for lots between 200,001 or greater”.
- * ✓ • Open Space – Specifically explain how the project will conform to §247-8(H) of the Town Code which states “where a parcel is located in Residence Zone CR-200 and is in the Aquifer Protection Overlay District, at least 65% of the parcel shall be preserved”.
- ✓ • Mitigation measures imposed during site plan and subdivision review.
- ✓ • SEQRA
- * ✓ • **Alternative 3:** Development per East Quogue Land Use Plan
- * ✓ • **Alternative 4:** Reduced Density Alternative (an alternative which considers reduced density, clearing or development and may assume partial acquisition of development rights).
- **Alternative 5:** Alternative Site Designs that may assume alternative arrangements for buildings and/or reduced managed turf with enhanced clustering of structures and roads.
- **Alternative 6:** Alternative Technologies that may assume alternative technologies for site operations and maintenance (e.g., natural organic turf management for the golf course and Integrated Land care Management Plan for other turf, alternative wastewater treatment technologies, utilizing domestic wastewater for irrigation).
- * ✓ • **Alternative 7:** Lesser Impact Alternative for technical areas where the DEIS may identify potentially significant adverse impacts, an alternative that reduces or eliminates those impacts. Included, but not limited to:
 - ✓ • No golf course.
 - ✓ • No septic systems, turf, or clearing located in the “areas of influence” for public and private wells.
 - ✓ • Locating housing away from the habitat of endangered, threatened, or “species of special concern”.

✓ Each alternative will use ~~graphics~~ graphics, text, tables and analytical data that detail:

1. The qualitative and quantitative comparison of the environmental and social impacts of each of the alternatives and the proposed project;
2. The mitigation that may be necessary under each alternative and with the proposed project;
3. The comparison of each of the impact categories presented in this scope as they relate to each alternative and the proposed project.
4. The construction impacts of each of the alternatives.



All graphics, text, tables and analytical data for the alternatives will be formatted in the same way for ease of comparison among scenarios.

This document is intended to fulfill the lead agency requirements for issuance of a Final Scope for a DEIS in accordance with 6 NYCRR Part 617.8. The document assists the lead agency in evaluating the DEIS for content and adequacy for public review and assists the applicant in understanding the extent and quality of information needed to evaluate the proposed project and allow the lead agency and involved agencies to obtain the information necessary to reach an informed decision on the proposed project.

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EXHIBIT B

**DRAFT Environmental Impact Statement
The Hills at Southampton
Mixed-Use Planned Development District (MUPDD)**

Town of Southampton, Suffolk County New York
Volume I of II (Main Text, Figures and Plans)



September 2016

NSW

- The applicant is currently negotiating an innovative method by which the excess soil will be removed, but without impact to Lewis Road, by trucking the soil to the adjacent East Coast Sand Mine via an internal haul road.
- The construction process will conform to the SWPPP to be prepared for the project and reviewed and approved by the Town of Southampton.
- The erosion control measures to be implemented conform to applicable Town requirements and are expected to include, but not be limited to, use of groundcovers, drainage diversions, soil traps, water sprays and minimization of the time span that bare soil is exposed to erosive elements.
- Areas designated for construction worker parking, truck loading/unloading, and material storage/staging will be located within the project site in the vicinity of the proposed golf course maintenance area, and will thereby mitigate potential impacts to the Lewis Road corridor.

Additional Mitigation Measures That Could Be Provided

- It is acknowledged that adverse impacts will occur during the construction phase. However, it is expected that the significant and substantial mitigation measures inherent to the project and noted above will mitigate these impacts to the greatest degree practicable, so that no additional mitigation measures are necessary or proposed.

Issues of Controversy

As with any large project, there is public interest with respect to development and changes that may occur as a result of the proposed project. The applicant has conducted numerous public meetings to provide information and facts about the project. The proposed project has both supporters and non-supporters. Issues of controversy primarily include: water quality concerns, impact on the school district, development in the compatible growth area of the Central Pine Barrens and potential golf course related impacts. All potential impacts including issues of controversy are addressed in this Draft EIS, which was prepared to conform to the Final Scope.

Alternatives Considered

SEQRA requires the consideration of alternatives to a proposed project. For the subject application, the following alternatives were specified in the Final Scope:

- **Alternative 1: No Action** - assumes that the zoning of the sites remains the same; no municipal acquisition and no site development occur.
- **Alternative 2: Development per Current Zoning & Regulatory Controls** - assumes residential development of the project properties under their existing zonings and in conformance with the Town Pine Barrens Overlay District, the CPB CLUP, Groundwater Management Zone III, the Town APOD, and Town Open Space requirements. This alternative is divided into two subsections, based on two differing layouts of the component properties:
 - **Alternative 2a** assumes that each of the component properties is developed on an individual basis, independent of the other two. Conceptual sketch plans for the Hills South Parcel, Kracke Property, and the Parlato Property are included in **Figures 5-1a, 5-1b and 5-1c**, respectively.
 - **Alternative 2b** assumes that the Hills South Parcel and Kracke Property are developed as a single unit; a conceptual sketch plan for the Hills South Parcel/Kracke Property is included in **Figure 5-**

1d; the conceptual sketch plan for the Parlato Property in **Figure 5-1c** (for Alternative 2a) would also apply to the Parlato Property in Alternative 2b.

- **Alternative 3: Development per the East Quogue LUP** - assumes development of the properties based on additional options and concepts contained in the referenced plan. A conceptual sketch plan for the Hills South Parcel/Kracke Property is included in **Figure 5-2**; for the Parlato Property, the conceptual sketch plan prepared for the Parlato Property for Alternatives 2a & 2b (**Figure 5-1c**) would apply.
- * • **Alternative 4: Reduced Density** - assumes development similar to that of the proposed project, but at a residential yield reduced to 94 units, by removal of the Parlato Property from the project. A conceptual sketch plan for the Hills South Parcel/Kracke Property is included in Figure 5-3; as the Parlato Property would not be developed in this alternative, no conceptual sketch plan for this site was prepared.
- **Alternative 5: Alternative Site Designs** - this scenario evaluates alternative site layouts undertaken to reduce potential impacts such as clearing and graded acreage, soil excavation, retain open space, and preserve the area's aesthetics that may have been considered for the subject site during the design phase of the proposed project. This alternative discusses the project designer's efforts in this regard, so that the proposed project represents a balance between protection of these resources and provision of the proposed project. Therefore, a specific sketch plan was not prepared for this alternative.
- **Alternative 6: Alternative Technologies** - this scenario considers use of the following technologies in the proposed project: 1) use of natural organic turf management techniques for both the golf course and the residential landscape areas; 2) use of alternative wastewater treatment technologies; and 3) use of domestic wastewater for landscape irrigation. This alternative would not alter the site design of the proposed project, and therefore, no sketch plan was prepared.
- * • **Alternative 7: Lesser Impact Alternative** - this scenario considers the following measures that would reduce potential impacts of the proposed project: 1) omitting the golf course; 2) prohibiting septic systems, turf or clearing in the "area of influence" of public or private wells (Figures 5-4a and 5-4b); and 3) locating the houses away from the habitat of endangered, threatened or species of special concern. A conceptual sketch plan was not prepared for this alternative because omitting the golf course is the same as Alternatives 2a and 2b and other alternative components considered in Alternative 7 are not design-related.

The following summarizes the analysis for each of the seven alternative scenarios reviewed:

- **Alternative 1: No Action** - as there would be no development in this scenario, there would be no changes on the project site, and no impacts would occur. However, there would also be no improvement in conditions on the site, no Community Benefits would be provided, and groundwater and surface water conditions in the area would not be improved.
- **Alternative 2: Development per Current Zoning & Regulatory Controls**
 - **Alternative 2a** - implementing this scenario would allow for private on-site recreational amenities for the each of the three sites' residents, but would not provide any public recreational amenities. Additionally, no Community Benefits would be required (as no PDD is involved); the only such benefits would be the potential donation of land for a new SCWA wellfield, an increase in tax revenues, a number of new jobs, and revegetation of previously-impacted land. The totality of some impacts in this scenario would be similar to those of the proposed project, though they would be distributed over a larger geographic area than the proposed project (impacts on the Hills South Parcel and Kracke Property would be somewhat reduced in this scenario as compared to the impacts on these parcels in the proposed project), as the Parlato Property would be developed. However, other impacts of Alternative 2a on the community would be greater than those of the proposed project, and include: more impervious coverage, less retained natural vegetation, more excavated soil, greater water use, higher nitrogen concentration in recharge, more nitrogen