

APPENDIX G

WRITTEN AGENCY COMMENTS

Appendix G-1
Central Pine Barrens Joint Policy & Planning Commission

November 16, 2016



November 16, 2016

Sundy A. Schermeyer, Town Clerk
Town of Southampton
116 Hampton Road
Southampton, New York 11968

**RE: Referral of the Draft Environmental Impact Statement for
The Hills at Southampton Mixed Use Planned Development
District on 213 parcels in 591 acres in Suffolk County Tax Map
District 900 Sections 203, 219, 220, 250, 251, 288, 289, and 314
Compatible Growth Area, and Core Preservation Area, Critical
Resource Area of the Central Pine Barrens**

Carrie Meek Gallagher
Chairwoman

Steven Bellone
Member

Edward P. Romaine
Member

Jay H. Schneiderman
Member

Sean M. Walter
Member

Dear Ms. Schermeyer:

On October 18, 2016, the Commission received the Draft EIS for the Hills at Southampton Mixed Use Planned Development District (the “Project”). The Commission offers the following comments on the Project.

1. The Project constitutes development as defined by the Long Island Pine Barrens Protection Act of 1993 and its amendments. The Commission has jurisdiction over the Project for several reasons. This includes the Commission’s assertion of jurisdiction over the Project on October 21, 2015 and the Project’s triggering of the Development of Regional Significance threshold due to decreases in traffic Levels of Service (including a decrease to Level of Service D) at two intersections. Accordingly, the Project Sponsor must submit a combined application to the Commission which addresses the Project’s different components and the differing criteria for each.
2. The Project Sponsor must demonstrate that the Project conforms to the Standards and Guidelines in the Central Pine Barrens Comprehensive Land Use Plan. If the Project does not conform to one or more of the Standards and Guidelines, the Project Sponsor must apply for a Commission-issued hardship waiver for those Standards and Guidelines with which it does not conform. Lastly, additional review may be required if the Project is subsequently modified resulting in the proposed development of Project parcels included within a Critical Resource Area.
3. The Commission is an involved agency as defined by the State Environmental Quality Review Act (SEQRA) and the Town is the Lead Agency responsible for overseeing the SEQRA review process. The

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Sec. 3.2.3

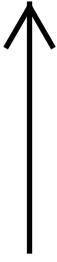
G-1.2
Sec. 3.2.4

G-1.3
Sec. 3.2.5

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Commission will utilize the environmental review documents prepared via this process in reviewing the environmental impact of the Project on the resources of the Central Pine Barrens and will issue its own Findings Statement. Thus, the issues raised in this letter must be adequately addressed in the SEQRA review in order to enable the Commission to determine the impact of the Project. Accordingly, an adequate record must be provided in the associated environmental review documents in order for the Commission to make its determinations regarding the Project.



4. In its letter dated May 11, 2015 the Commission provided comments to the Town on the Project Draft Scope. A review of the Draft EIS indicates that not all of the Commission Draft Scope comments have been addressed. Specifically, the Commission requested consideration of a reduced-scale alternative. The DEIS contains a reduced scale alternative reducing the overall units proposed for the Project by not including the Parlato parcel. Under this scenario, however, the density of development is not reduced. Therefore, the Project Sponsor should prepare a reduced yield alternative that includes all three Project parcels and that reduces the density of overall development. It is also recommended that the Project Sponsor prepare a cluster development plan based on the as-of-right development involving all three Project parcels, with development clustered to the south.

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Sec. 5.7.1

5. In 1995, the Commission adopted an environmental impact statement that analyzed the impacts related to the adoption of the Central Pine Barrens Comprehensive Land Use Plan. This EIS analyzed the development of the parcels contained within the Project under their then-current zoning. The Project proposes to alter the as-of-right density by adding a golf course to the as-of-right density. The impact, if any, of the resulting additional density and intensity should be analyzed and discussed.

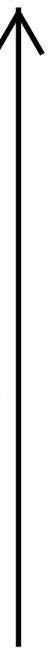
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Sec. 3.2.6

6. The DEIS discuss the potential qualitative and quantitative impacts of the Project on groundwater resources. However, on the basis of the information presented within the DEIS, the Commission is unable to determine whether the Project conforms to Central Pine Barrens Comprehensive Land Use Plan Section 5.3.3.1 regarding nitrate-nitrogen and whether or not the Project results in other groundwater-related impacts.

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Sec 3.2.7

- a. The DEIS notes the use of the proprietary SONIR model which has previously been used to analyze the impacts of other Projects requiring Commission approval. The Project Sponsor must provide additional verification that the inputs used to model the impacts of this Project are consistent with the inputs used to model the previous projects. For example, in Appendix G of the DEIS, inputs for the Site Nitrogen Budget for the proposed project and alternatives indicate zero for Number of Dwellings and Population whereas the Site Nitrogen Budget the SONIR model prepared for the project known as The Hamptons Club at Eastport provided actual figures for these inputs (64 for Number of Dwellings and 248.96 for Population).



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- b. The DEIS indicates that the Project Sponsor is committed to the use of advanced wastewater treatment systems. Additional detail in this regard should be provided, including whether or not the Project Sponsor will covenant to the installation and use of such treatment systems, even after interim conventional systems have been installed.
 - c. The DEIS indicates that monitoring wells and lysimeters will be installed and sampled on a regular basis to provide for early detection of any water quality issues that may arise from the golf course. The DEIS goes on to state that if any such issues are detected, modified management practices would be implemented. Table 2 in Appendix K indicates that if, even after resampling, a monitoring well or lysimeter detects nitrogen at 5 ppm or greater in groundwater or at 10 ppm or greater in a lysimeter, fertilization would cease and would not resume until concentrations have decreased to 2 ppm. However, more detailed information should be provided as to what specific long-term corrective measures will be undertaken to prevent such high concentrations of nitrogen from re-occurring in the future.
7. On the basis of the information presented within the DEIS, the Commission is unable to determine whether the Project conforms to Central Pine Barrens Comprehensive Land Use Plan Section 5.3.3.6, Natural Vegetation and Plant Habitat. The DEIS provides an overall clearing amount but the Commission cannot determine what is included within this figure.
- a. For example, it is unknown as to whether or not the overall clearing figure includes the clearing required for roads, unopened roadbeds proposed for abandonment that are unable to be abandoned, drainage reserve areas, clearing needed to develop work force housing units that may be required under Article 16-A of the General Municipal Law and other infrastructure.
 - b. There are a number of parcels within old filed maps comprising portions of the Project site which have overlapping ownership, as indicated on a number of maps submitted as part of the DEIS submission. How will the development potential on such overlap parcels be accounted for, especially as these may have clouded titles? How will clearing on such overlap parcels even be considered and therefore calculated if these parcels do not have clear titles?
 - c. Does the overall clearing figure include clearing associated with the proposed public water supply facility located in the northern portion of The Hills South parcel or the fire station?
 - d. In order to address the overall clearing calculation, a detailed itemized listing of the various clearing components included in the overall clearing calculation should be provided and should include, but not be limited to:

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Sec. 3.2.8

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- i. Clearing for proposed residential units
 - ii. Clearing for proposed golf course
 - iii. Clearing for proposed clubhouse
 - iv. Clearing for proposed roads and associated infrastructure
 - v. Clearing for proposed drainage reserves
 - vi. Clearing associated with old filed map roadways to be abandoned
- e. A more detailed rationale should be provided as to whether or not the proposed Project open space is configured in a manner to prioritize the preservation of native pine barrens vegetation to the maximum extent practicable and whether or not the proposed open space configuration meets Standard 5.3.3.6.2 regarding Unfragmented Open Space. For example, can further adjustments be made to the proposed project design to reduce the intrusion of clearing and development into the northern portion of The Hills South parcel, as in the area of the proposed public water supply facility or proposed holes 12 through 15?
- f. In a number of locations throughout the DEIS, mention is made of the fact that landscaping and revegetation of existing cleared areas will utilize the species listed in Figure 5-2 of the Central Pine Barrens Comprehensive Land Use Plan, including plants provided by the New York State Department of Environmental Conservation's Saratoga Nursery. What steps will be undertaken to maximize or ensure the use of plants having a local genotype to help ensure the continued genetic integrity and vitality of existing native vegetation in the Central Pine Barrens region?
- g. The DEIS indicates that a number of existing unvegetated areas will be revegetated with native warm season grass species to restore such sites to grasslands. Will local genotypes be used? Will these grasslands be maintained over the long term (e.g. mowed and/or burned on a regular basis) or will they be allowed to undergo succession once they become established? If so, who will be responsible for maintenance?
- h. The DEIS indicates that the clearing of vegetation is estimated to generate approximately 64,000 cubic yards of land clearing debris and that this debris will be processed and used for rain gardens, edges of golf course roughs and native restoration areas to the "maximum extent practicable." What will be the disposition of excess processed detritus that cannot be used for these purposes?
8. On the basis of the information presented within the DEIS, the Commission is unable to determine whether the Project conforms to Central Pine Barrens Comprehensive Land Use Plan Section 5.3.3.7 regarding Species and Communities of Special Concern. The DEIS notes the presence on the project site of roosting and maternity habitat of the northern long eared bat, a species Federally-listed as threatened. However, the DEIS is inconclusive on whether or not the required consultation has occurred with Federal and State agencies, in regard to impacts on and mitigation

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Sec. 3.2.9

measures to protect this species, especially in that such consultation may result in Project modifications and additional mitigation measures.

Furthermore, Central Pine Barrens Comprehensive Land Use Plan Standard 5.3.3.7.1, Special Species and Ecological Communities, states that mitigation measures are to be developed not only for endangered and threatened species but for special concern species as well. The DEIS indicates that the special concern species Cooper's hawk, whip-poor-will, eastern spadefoot toad, eastern hognose snake, marbled salamander and eastern box turtle are expected to occur on the site. In addition, the DEIS verifies that both the Cooper's hawk and the eastern box turtle have been observed on The Hills South parcel where development is proposed to occur. Accordingly, specific mitigation measures should be provided and described in detail for these species.

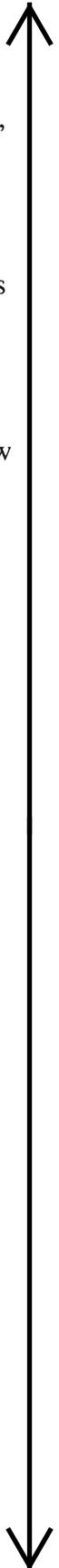
Finally, there are a number of species listed in the DEIS which are designated by New York State as Species of Greatest Conservation Need – High Priority, Species of Greatest Conservation Need and Species of Potential Conservation Need. These are as follows:

Species of Greatest Conservation Need – High Priority

Little brown myotis
Eastern pipistrelle
Barn owl
Brown thrasher
Grasshopper sparrow
Northern bobwhite
Prethontory warbler
Whip-poor-will
Yellow-breasted chat
Eastern hog-nosed snake

Species of Greatest Conservation Need

Hoary bat
Eastern red bat
Silver-haired bat
American kestrel
American woodcock
Black-billed cuckoo
Blue-winger warbler
Northern goshawk
Northern harrier
Scarlet tanager
Wood thrush
Worm-eating warbler
Common ribbonsnake
Eastern spadefoot toad
Fowler's toad



Species of Potential Conservation Need
North American least shrew



Potential mitigation measures for these species should also be discussed.

9. On the basis of the information presented within the DEIS, the Commission is unable to determine whether the Project conforms to Central Pine Barrens Comprehensive Land Use Plan Section 5.3.3.8 regarding Soils. The DEIS contains a site plan with contour elevations shown and another plan showing the proposed development without contour elevations. The DEIS also contains Table 2-2 which provides a gross accounting of slope intervals on the Project site along with Figure 2-3b, a slope interval map. However, the DEIS does not contain any graphic which shows the Project site plan actually superimposed on the slope interval map to provide a more precise accounting of areas of development in relation to steep slopes. The DEIS also does not provide a more detailed table showing the area and Project site percentage of specific slope intervals to actually be developed nor specific areas where mitigation measures, such as retaining walls, may be considered. Without this information, the Commission cannot determine whether or not the Project Sponsor is proposing development within areas of steep slopes and if so, whether such activity conforms to the Central Pine Barrens Comprehensive Land Use Plan.

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Sec. 3.2.10

10. On the basis of the information presented within the DEIS, the Commission is unable to determine whether the Project conforms to Central Pine Barrens Comprehensive Land Use Plan Section 5.3.3.11, Scenic, Historic and Cultural Resources. In particular, the DEIS does not provide sufficient information and analysis in regard to impacts on scenic resources, such as the impact of proposed signage and view shed impacts, and appropriate mitigation measures. A New York State Department of Environmental Conservation document, entitled “Assessing and Mitigating Visual Impacts (DEC ID# DEP-00-2) provides excellent guidance in regard to evaluation of impacts on aesthetic resources and is suggested for use. It may be found at: http://www.dec.ny.gov/docs/permits_ej_operations_pdf/visual2000.pdf

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Sec. 3.2.11

11. Section 4.2, Cumulative Impacts, provides a generic analysis of potential cumulative impacts. However, additional analysis is suggested as follows:

- a. It is recommended that this section also consider in greater detail the potential impacts of the potential future development of the 12 privately-owned outparcels located within The Hills South parcel, especially in that the proposed Project will be affording these lots access which they currently do not possess. The review should consider not only development on each such outparcel, in accordance with Southampton Town’s Old Filed Map Overlay District, but also the potential for development rights to be transferred from these lots to areas in close proximity to the Project site.

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Sec. 4.2



b. The cumulative impact analysis notes that there are few if any pending development applications in the areas near the Project site. However, a more specific analysis of the potential cumulative impacts in the immediate area is certainly warranted and not unreasonable, given that the development of The Hills may result in growth inducing effects, attracting and inviting further development in the surrounding area. Accordingly, it is suggested that the cumulative impact analysis examine the potential future development of privately-owned parcels located in the area bounded by Lewis Road on the west, Sunrise Highway on the north, the Rosko Farms development on the east and the Long Island Railroad right-of-way on the south. Such an analysis could rely heavily on GIS technology and utilize existing zoning, tax map information and orthophotography, at a minimum, to generate more relevant and meaningful data and analysis regarding potential cumulative impacts.



12. The Commission notes that other approvals are required and the Act provides that no entity may approve the Project unless the approval conforms to the provisions of the Central Pine Barrens Comprehensive Land Use Plan. The environmental review documents must provide an adequate basis for the other entities to issue their determinations in a manner that demonstrates those determinations conforms to the provisions of the Plan.

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Sec. 3.2.12

Please note that, at the time of actual application submissions to the Commission, the Commission may require additional information in order to have a complete record on which to make a decision. Thank you for your attention to and consideration of these comments. If you have any questions, please do not hesitate to contact our office at (631) 288-1079.

Sincerely,

John W. Pavacic
Executive Director

- cc: Carrie Meek Gallagher, NYSDEC Regional Director & Chairwoman
Honorable Steven Bellone, Suffolk County Executive & Member
Honorable Edward P. Romaine, Brookhaven Town Supervisor & Member
Honorable Jay H. Schneiderman, Southampton Town Supervisor & Member
Honorable Sean M. Walter, Riverhead Town Supervisor & Member
Sarah Lansdale, Planning Director, Suffolk County Planning & Environment Division & Designated Representative
Andrew P. Freleng, Chief Planner, Suffolk County Planning & Environment Division & Designated Representative
Janet M. Longo, Acquisition Supervisor, SC Div. of Real Property Acquisition & Mgt. & Designated Representative
Brenda A. Prusinowski, Deputy Commissioner, Brookhaven Town Dept. of Planning & Env. & Designated Representative
Jill Lewis, Deputy Town Supervisor, Town of Riverhead & Designated Representative
Daniel P. McCormick, Deputy Town Attorney, Riverhead Town Department of Law and Designated Representative
Kyle P. Collins, Town Planning and Development Administrator, Southampton Town Department of Land Management & Designated Representative
Martin E. Shea, Chief Environmental Analyst, Southampton Town Environment Division & Designated Representative