

State Environmental Quality Review Act
SUPPLEMENTAL GENERIC ENVIRONMENTAL IMPACT STATEMENT
FINDINGS STATEMENT

HAMPTON BAYS DOWNTOWN OVERLAY DISTRICT
ZONING MAP AND CODE AMENDMENTS

February 14, 2020

1.0 INTRODUCTION

Pursuant to Article 8 of the New York State Environmental Quality Review Act (“SEQRA”) of the New York State Environmental Conservation Law and Title 6 of the New York State Code of Rules and Regulations (“6 NYCRR”) Part 617, the Town Board of the Town of Southampton, as Lead Agency in this matter, makes the following findings:

Name of Action: Hampton Bays Downtown Overlay District (“HBDOD”) Zoning Map and Code Amendments.

Description of Action: The subject action involves the creation of the ±54.85-acre Hampton Bays Downtown Overlay District which will overlay land that is currently zoned “Village Business” (“VB”) in Downtown Hampton Bays, and adoption of a Regulating Plan and comprehensive Form-Based Zoning Code for the new district. The HBDOD contains three “subzones” identified as “HBDOD-1” (“Central Downtown Zone”), “HBDOD 2” (“Transition Zone”), and “HBDOD 3” (“Edge Zone”) as well as an area of Town-owned land in the VB zoning district that is primarily used as and dedicated for open space (Good Ground Park) as depicted on the proposed Regulating Plan. The standards and guidelines contained in the HBDOD and its three subzones, are based on the 2017 “Pattern Book for the Hampton Bays Downtown Overlay District” and will be implemented through the HBDOD form-based zoning code. The code addresses land use and dimensional requirements, sustainability and design standards, community benefit housing, and other pertinent issues. The zoning amendment will be delineated on the Town’s official zoning maps and its implementing standards and regulations will be contained within Chapter 330, Sections 421 through 439 of the Town of Southampton Code and may be invoked by landowners and developers in the future at their discretion or they may develop pursuant to the existing underlying VB requirements.

SEQRA Classification: Type I Action

Location: The proposed HBDOD is located in the central business district of the community of Hampton Bays, Town of Southampton, Suffolk County, New York. The boundaries of the HBDOD are coincident with those of the existing Village Business (“VB”) zoning district established for Downtown Hampton Bays. The HBDOD includes land located north of the Long

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Island Railroad and Good Ground Road, south of Good Ground Park, east of Springville Road and Cemetery Road, and west of the Hampton Bays Town Center and St. Rosalie's Catholic Church in Hampton Bays.

Lead Agency:

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

Date Supplemental Draft Generic Environmental Impact Statement Filed: May 14, 2019

Date Supplemental Final Generic Environmental Impact Statement Filed: January 14, 2020

Contact for Additional Information:

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Standards for Findings Statement Preparation and Review: The Town Board of the Town of Southampton ("Town Board") as Lead Agency must review the Supplemental Draft Generic Environmental Impact Statement ("SDGEIS") and Supplemental Final Generic Environmental Impact Statement ("SFGEIS"), which together constitute the complete Supplemental Generic Environmental Impact Statement ("SGEIS"), and certify through the preparation, analysis and adoption of this Findings Statement that it has:

- considered the relevant environmental impacts, facts and conclusions disclosed in the DGEIS, FGEIS, and Findings Statement;
- weighed and balanced the relevant environmental impacts with social, economic and other considerations;
- met the requirements of 6 NYCRR Part 617;
- provided a rationale for its decision; and
- found that consistent with social, economic and other essential considerations from among the reasonable alternatives available, the action described herein is one that avoids or minimizes adverse environmental impacts to the maximum extent practicable; and that adverse environmental impacts will be avoided or minimized to the maximum extent practicable by incorporating as conditions to the decision those mitigation measures that were identified as practicable during the environmental review process.

Background and History of the Subject Action: Improving the appearance, character, functionality, business and service capabilities, and economic well-being of Downtown Hampton

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Bays, while protecting the Hamlet's environmental resources and quality of life have been major subjects of study and planning over the past 20 years. This process began primarily with the adoption of the 1999 Comprehensive Plan Update ("Southampton Tomorrow") which was followed by the 1999 Hampton Bays Hamlet Center Strategy Study; 2004 Transportation Element Update; 2010 Hampton Bays Corridor Strategic Plan; 2010-2013 Hampton Bays Corridor Strategic Plan and Cumulative Impact of Buildout GEIS; 2017 Pattern Book for the Hampton Bays Downtown Overlay District; and most recently, the delineation of the Proposed HBDOD boundaries, its subzones (i.e., Central Downtown District, Transition District and Edge District), and drafting of the Hampton Bays Downtown Overlay District Form Based Code.

The overall purpose of the subject action is to address the goals and objectives of the above plans and develop and implement new zoning requirements and design guidelines to revitalize conditions in Downtown Hampton Bays, support and implement relevant recommendations of past Town plans, and address ever-changing conditions and community needs.

In accordance with the Town's Comprehensive Plan Update, the Town has drafted the HBDOD to channel mixed use redevelopment to the traditional Hamlet center at and near the intersection of Montauk Highway and Ponquogue Avenue. The proposed HBDOD is intended to provide flexibility to allow for a variety of appropriate land uses, development densities, and building heights, and achieve coordinated redevelopment by encouraging and incentivizing a mix of land uses (e.g., commercial/retail and office uses with upper-level residential uses). The Form Based nature of the HBDOD is intended to strengthen the community's character and sense of place, improve the aesthetic qualities and functionality of the built environment, and to encourage a walkable and mixed use hamlet center that supports economic vitality.

SEQRA Review Process:

Lead Agency Coordination and Positive Declaration

By Resolution No. 2018-944 dated September 25, 2018, the Southampton Town Board re-established itself as Lead Agency to review the environmental impacts of the proposed HBDOD and evaluate its consistency with the duly adopted 2010 "Hampton Bays Corridor Strategic Plan and Cumulative Impact of Buildout" study, its GEIS, and the 2013 SEQRA Findings Statement for that action. The Town of Southampton Land Management Division and its environmental consultants, Nelson, Pope & Voorhis ("NP&V"), prepared draft Long Environmental Assessment Forms ("LEAFs") Parts 1, 2, and 3/Determination of Significance, provided a project narrative and location map, and submitted these materials to the Southampton Town Board for consideration. The Town Board reviewed the EAFs, determined that the proposed zoning required analysis of the potential for environmental impacts and determined that supplements to the 2013 GEIS, FGEIS, and Findings Statement were appropriate to address any such impacts and identify the means by which they must be further assessed, avoided and/or minimized. . The Town Board also found that an additional level of detail such as a hypothetical build-out scenario was appropriate in order to test the parameters of the proposed HBDOD that are expressed by the Form-Based Zoning Regulations, as well as to identify any necessary

thresholds and conditions under which future site- and project-specific environmental reviews or additional Supplemental EISs would be required.

Acceptance of SDGEIS and Scheduling of a Public Hearing

An SDGEIS was prepared by NP&V and submitted to the Town’s Land Management Division for review and comment. Based on this review, comments were provided and the SDGEIS was revised accordingly for resubmission to the Town Board for its consideration. The Town Board reviewed the SDGEIS, and at its regularly scheduled meeting held May 14, 2019, adopted Town Board Resolution 2019-596 deeming the scope and content of the SDGEIS for the assessment of the form-based code for the HBDOD adequate for public review and scheduled a combined public hearing for the SDGEIS and Proposed HBDOD Code for Tuesday, June 11, 2019, at 1:00 p.m., at Southampton Town Hall, to request comments on the SDGEIS and to hear any and all persons who were for or against the adoption of the HBDOD Code. The Town Board, in its May 14, 2019 resolution, also identified a total of 13 agencies, special districts, commissions, and organizations as involved or interested agencies.

The SDGEIS was filed with the Town Clerk and posted on the Town’s official website and notices of SDGEIS acceptance and the scheduling of an initial public hearing were published in the New York State Department of Environmental Conservation (“NYSDEC”) Environmental Notice Bulletin (“ENB”) and a local newspaper with town-wide circulation. Public hearings on the SDGEIS and Proposed Action were held on June 11, 2019, June 25, 2019, and July 23, 2019 and a written comment period was provided from May 14, 2019, when the SDGEIS was accepted by the Town Board, to August 2, 2019 (a total of 80 days) when the written comment period was closed. A stenographer recorded comments based on the Town’s video recordings and prepared transcripts for the three public hearings to assist in the preparation of the SFGEIS.

Supplemental Final Generic Environmental Impact Statement

Preparation and submission of the SFGEIS represented the penultimate step in the SEQRA process and along with the SDGEIS provided the basis from which the Lead Agency/Town Board would prepare its SEQRA Findings Statement. The SFGEIS identified and addressed all substantive related verbal and written comments received from the public and involved and interested agencies during the June 11, 2019, June 25, 2019, and July 23, 2019 public hearings and the 80-day written comment period.

This SFGEIS also provided the public and involved and interested agencies with the following pertinent information:

- detailed descriptive information about the proposal under review;
- documentation of the SEQRA process and the Proposed Action’s consistency with the requirements of that process;
- a summary of written and verbal comments received during the designated public review and comment period;
- the source i.e., name, title if applicable, and affiliation and manner of delivery of each comment i.e., verbal comment entered into the public record during the hearing, or written correspondence such as letters, memoranda, faxes, and email;

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- responses to all substantive and relevant comments received during the designated public review phase;
- any necessary corrections, clarifications, or amendments to the SDGEIS;
- analyses of the Action's potential environmental effects; and
- any consideration of additional strategies and techniques identified for mitigating impacts that may have not been previously identified.

The SFGEIS was prepared, submitted to the Lead Agency/Town Board for review, and on January 14, 2020 the Town Board adopted Resolution 2020-110 finding that:

- the SFGEIS was complete and adequately addressed comments received during the public and agency review period and was in proper form for Lead Agency acceptance;
- an SFGEIS Notice of Completion would be filed with the NYSDEC's ENB;
- the SFGEIS would be filed with the Town Clerk and posted on the Town's website so that it was available for public consideration; and
- the SFGEIS would be digitally distributed to involved and interested agencies; with hard copies provided upon request and additional printed copies directed to be maintained at the Hampton Bays Public Library and the Town Clerk Annex in Hampton Bays.

The Notice of Completion was filed with the NYSDEC's ENB on January 15, 2020 and on January 22, 2020, the Notice of Completion was posted on the ENB website beginning the required minimum 10-day SFGEIS public and agency consideration period.

Both the SDGEIS and SFGEIS have been prepared in accordance with the standards and procedures of SEQRA and its implementing regulations set forth in Part 617, Title 6 of the New York Code of Rules and Regulations (6 NYCRR Part 617).

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Once the minimum 10-day SFGEIS public and agency consideration period had ended, this SEQRA Findings Statement was prepared and submitted to Town staff and the Lead Agency/Town Board for its review. A Findings Statement is a written document which outlines the SEQRA process, certifies that all SEQRA standards and procedures have been fulfilled, and identifies environmental, as well as the social and economic considerations that have been weighed in rendering a decision to approve or disapprove a Proposed Action.. The Findings Statement also identifies the environmental impacts, required mitigation, thresholds and standards for any future supplemental environmental reviews, and discusses the alternative(s) that were considered. Adoption of the Findings Statement by the Lead Agency must precede a final decision to approve or deny a Proposed Action that was the subject of an EIS.

2.0 IMPACTS, MITIGATIONS, FINDINGS AND CONCLUSIONS

The following is a summary of relevant facts, potential environmental impacts, impact avoidance and mitigation measures determined to be necessary and practical, anticipated benefits of the action, social and economic factors considered, action alternatives evaluated, and the Lead

Agency's findings and conclusions from the SEQRA environmental review process. Identified impact prevention and mitigation strategies include those identified as part of the preparation of the SDGEIS as well as those that were determined necessary based on input received from the public, the Lead Agency and other involved agencies.

2.1 Topography and Soils

2.1.1 Impacts

Additional clearing and soil and topographic disturbances will likely occur in areas within the HBDOD that have not been previously developed or disturbed; particularly, land on the north side of the HBDOD that is private property currently existing in a naturally vegetated state. These disturbances will occur intermittently as development and redevelopment occur in the future. Disturbance of slopes and soils can contribute to erosion, sedimentation and dust generation during future clearing, grading, excavation, backfilling, demolition and construction activities. Similar impacts are possible under existing zoning and numerous mitigative techniques are available to significantly reduce these impacts. Some existing natural areas (mostly on the north side of the HBDOD) will be replaced with buildings and associated impervious surfaces but disturbances will be stabilized with landscaping and required green or open space. Sustainable development standards as outlined in §330-430 are required for all new development utilizing the HBDOD standards.

2.1.2 Mitigations and Future Actions

- Future site plan, special permit, subdivision, zoning variance, building permit reviews, and infrastructure improvements will be performed as appropriate in connection with future development and redevelopment projects proposed in the HBDOD and will include a second level of site- and project-specific assessment to refine and implement the recommended soil and topographic methods identified by this Supplemental DGEIS as needed.
- Future land use applications will be subject to conformance reviews with the final adopted SEQRA Findings Statement for this Supplemental GEIS as well as preliminary site- and project-specific SEQRA reviews ("EAFs") under NYCRR Part 617, as specified in §330-437 Compliance with State Environmental Quality Review Act (SEQRA) of the HBDOD Form Based Code if an action is classified as an "Unlisted" or "Type I" action.
- Any clearing, grubbing and grading of future construction sites will be conducted in accordance with Town approved site, grading and drainage plans and under the supervision of the Town Engineering Department once a building permit is issued.
- Erosion and sediment control plans must be submitted with future development site plans in the HBDOD that involve soil and/or slope disturbances and shall be implemented during construction. Erosion controls, including installation of work area perimeter and/or silt fencing and drainage inlet protection will be required, as needed, to prevent sediment from development and redevelopment sites from being transported off-site and deposited on to streets, adjacent properties, or discharged to subsurface drainage structures, thereby resulting in a loss of topsoil, and potential adverse effects on drainage structure capacity and performance.

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- A stabilized construction entrance and/or “rumble strips” will be installed at construction sites where necessary to reduce the potential for tracking soil on to public streets.
- Dust control in the form of soil wetting may also be necessary and should be implemented based on site plan requirements and site soil conditions.
- Trucks carrying soil to and/or from development sites shall cover loads as required by law to prevent soil and pebbles from being blown on to streets and construction vehicles and equipment must be staged on-site and off the rights-of-way of area streets (Montauk Highway/Main Street, Ponquogue Avenue, Squiretown Road, Springville Road, Cemetery Road and Good Ground Road).
- Phasing of clearing and ground disturbance may be beneficial on large development sites so that soils are not left bare for extended periods of time during future demolition and construction processes. In accordance with the Stormwater General Permit and Chapter 285 of the Town Code, disturbed areas should be stabilized as soon as possible after clearing and grading activities are conducted. Reseeding and planting of landscaping, paving or building construction should be implemented on future development sites within the HBDOD as soon as possible after initial clearing and ground disturbance.
- Future drainage infrastructure must be installed in conformance with the design and capacity requirements of the State and Town and meet the approval of the Town Engineer.
- Stormwater General Permits and the preparation of Stormwater Pollution Prevention Plan (“SWPPP”) will be required for any project involving one acre or more of disturbance to ensure proper control of stormwater runoff and associated erosion and sedimentation issues, including the siltation of storm drains or the nearby State-owned stormwater recharge basin.
- Vehicle, equipment and materials staging areas and designated stockpile locations must be located on individual development and redevelopment sites during construction-related activities and must be suitably stabilized or covered or otherwise prevented from creating significant dust, erosion and sedimentation issues if they must remain. Soil stockpiles that must remain longer than 14 days will be stabilized with burlap matting or seeding or in accordance with Town standards and requirements if more stringent or determined necessary
- Using native plants or species that are well adapted to site soil conditions; providing suitable topsoil and/or mulching; “xeriscaping;” as well as the using efficient/water conserving irrigation systems and watering only at night and as needed, will be necessary to overcome potential minor issues associated with landscape water demands and excessively drained soils and will also help to conserve groundwater resources.
- Soil test borings are expected to be completed on sites in drainage areas to ensure that suitable subsoils are present. If poorly drained soils or hardpan (not anticipated) are encountered, these soils may have to be removed and replaced with clean loose sand or soil of a suitable texture to ensure adequate drainage.
- Sanitary wastes must be conveyed to a sewage treatment plant (“STP”) for advanced nitrogen treatment for all new development utilizing the HBDOD standards (See ‘Table of Sustainability Requirements at §330-430 D). Based on existing development conditions and additional development density that can be supported by the proposed zoning, an advanced sewage treatment method must be provided. This facility, along with

approved stormwater collection and recharge systems that comply with all applicable standards and specifications of the Town and State, will help to reduce potential soil and groundwater issues from future development or redevelopment. This infrastructure coupled with the relatively deep groundwater table and the removal and replacement of subsurface soils if restrictive layers or hazardous soil conditions are encountered, will help to protect groundwater, soils, and public health.

- Site grading operations will be undertaken in a manner to promote the incorporation of excavated material back into development sites as practical unless soils are determined to be unsuitable.
- An assessment of redevelopment projects involving the demolition of buildings or disturbance of soils that will be subject to Town site plan review may be necessary in the future to identify the presence of on-site cesspools, septic systems, drywells, floor drains, and/or underground and/or above ground storage tanks that must be removed or abandoned in accordance with applicable Federal, State and local requirements. If the potential for past or present soil contamination by hazardous materials may be an issue, a Phase IA ESA will be conducted to determine the need for a Phase IB ESA and any necessary remediation. In the case of older buildings to be demolished, an assessment of the possible presence of asbestos containing materials (“ACM”) and/or lead-based paint may also be warranted depending on the exact age of the structure and the types of building materials used in its construction, to ensure public and environmental health.

Finding 1: The Proposed Action is not anticipated to have a significant adverse impact on topography, slopes or soils based on the impact avoidance and mitigation strategies identified. Much of the Study Area was previously disturbed and is developed which would have involved some excavation, backfilling, grading, installation of subsurface drainage and septic systems, paving, and construction. Excessively steep slopes are not present in the HBDOD. Numerous impact avoidance and mitigation strategies have been identified to address issues related to the limited constraints posed by slopes and soils in the area, including but not limited to controlling dust, erosion, and sedimentation, ensuring suitable drainage facilities, and other approaches. Hydric soils (soils located in or adjacent to wetland areas or poorly drained areas) do not exist in the developable portion of the HBDOD. Soils in the area are suitable for development or can be easily addressed by implementing standard engineering strategies and identified mitigations and best management practices to prevent or suitably alleviate potential impacts. During future site- and project-specific site plan and infrastructure improvements, the Town will be required to ensure compliance to impact avoidance and mitigation strategies identified by this Findings Statement and that stormwater and erosion control measures are properly installed and routinely inspected to protect against any potential project-specific impacts.

2.2 Water Resources (Groundwater, Surface Waters and Wetlands)

2.2.1 Impacts

- There are no surface waters or wetlands in or adjacent to the proposed HBDOD but standing water is present in the existing NYS stormwater recharge basin located near the

center of the HBDOD all or part of the year. Water quality within the recharge basin could be affected by the introduction of contaminants from increased stormwater runoff and development and operational activities in the HBDOD but this would be expected to be minor based on permitted land uses and stormwater control requirements.

- Potential increased stormwater runoff from the removal of vegetation and additional impervious ground cover from new development (new buildings, building additions, new streets, parking lots, driveways and sidewalks) from an estimated 73.12 million gallons per year (“mgy”) to 107.36 mgy. Stormwater runoff must and will be properly collected, controlled and recharged into the ground in accordance with Town and State requirements.
- Increased volume of wastewater that would likely be generated in the area and recharged into the ground; particularly, from new residential and commercial land uses from an estimated existing flow of 45,460± gallons per day (“gpd”) which goes to cesspools and septic systems to 128,829± gpd which would be discharged to an STP. An STP that will provide a higher level of treatment than conventional septic systems will be necessary to address the build condition and total wastewater flow envisioned.
- Potable water demand including domestic/indoor and irrigation/outdoor consumption is expected to increase from the existing condition projected to be 58,503± gpd to the 10-year build condition which was estimated to be 141,176± gpd.
- Possible application of fertilizers and/or pesticides on future site landscaping which can affect surface water and groundwater quality and be transported by runoff. The HBDOD requires that each property provide a minimum 10% greenspace which should include natural vegetation to reduce fertilizer and demands. Landscaping should include native or suitably adapted species to reduce or eliminate the need for fertilizers and pesticides. Assessment of future nitrate loading found that due to plans to construct an STP and other factors, total nitrogen concentrations of groundwater recharge would be reduced from an estimated 10.11± mg/l to 4.87± mg/l.

2.2.2 Mitigations and Future Actions

- Future development or redevelopment exceeding SCDHS groundwater management density loading requirements pursuant to Article 6 of the Suffolk County Sanitary Code will require connections to an approved STP or other innovative sewage treatment system(s) that have advanced nitrogen treatment capabilities and/or acquire the requisite Pine Barrens Credits or SCDHS sewage transfer credits in the Hampton Bays Union Free School District to address density and any sewage disposal overages in the area.
- The proposed STP will be assessed as part of the engineering report/plans and specifications process to ensure that the proposed facility conforms to Suffolk County/State requirements relating to system design, siting, setbacks, and installation so that groundwater and surface waters remain properly protected.
- Maximum wastewater flow and treatment requirements are subject to SCDHS approval and strict compliance with all SPDES effluent permit standards for community wastewater treatment and disposal systems will be required.
- Connection of all future development to the local public water supply after HBWD approval. The HBWD supply is routinely monitored and raw water is treated as necessary

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by the HBWD to ensure that the water is safe and potable for drinking and that an appropriate supply is available to serve the needs of its customers.

- A Master Plan has been provided by the Water District which identifies distribution, source and storage projects over a 10 year period to ensure ongoing infrastructure needs and water supply availability are met.
- The Town should continue to support efforts by the NYSDEC to remediate soil and groundwater contamination stemming from the Hampton Bays Fire Department Superfund Site to restore and protect the Ponquogue Avenue wellfield.
- In accordance with the proposed HBDOD, future development plans must provide reduced potable indoor water use (reduction of 20% below baseline) and reduced outdoor landscape irrigation demand by 50% of baseline (per proposed Section 330-430).
- Future development within the proposed HBDOD must comply with Article 7, “Water Pollution Control,” of the Suffolk County Sanitary Code to ensure that groundwater is protected, and the Ponquogue Avenue water supply is not adversely affected.
- Landscaping is expected to be limited and mainly used for aesthetic enhancements and screening due to the relatively urban nature of the Downtown. Native vegetation should be retained to the extent practical and future plantings for site landscaping should be native and/or well-adapted to area conditions to reduce the need for watering, fertilization and pesticide applications. Species diversity is encouraged in order to prevent extensive vegetation loss should certain species become vulnerable to disease. Species on NYSDEC’s invasive species list must not be used. Irrigation wells to reduce the strain on the HBWD are recommended if applicable and practicable.
- Due to the size of the corridor study area, variability in topography, irregularity of groundwater levels from seasonal and annual weather fluctuations, and insufficient available data, exact depths to groundwater must be determined on a location-by-location basis by examining on-site test-hole data.
- Future developments or redevelopments involving one acre or more of disturbance will be reviewed to determine if a State Pollution Discharge Elimination System (“SPDES”) General Permit for Stormwater and a SWPPP are required. Erosion and Sedimentation Control Plans must also be implemented for projects involving soil and/or slope disturbances.
- In accordance with the proposed HBDOD, incorporation of vegetated swales, filter strips, rain gardens, and other green infrastructure, state-of-the-art treatment technologies, and best management practices (“BMPs”) is required. Examples of BMPs that can be used to address stormwater runoff are provided in the New York State Stormwater Management Design Manual (or subsequently approved State guidelines).
- The HBDOD Code requires green infrastructure options be incorporated into site designs, such as green roofs, grey-water and rainwater recycling for irrigation, rain gardens, vegetated swales, retention of native vegetation, and other similar methods and systems to address stormwater issues and reduce overall water demand.
- New development will be required to capture and retain stormwater runoff on-site to prevent flooding or overland sheet runoff on to adjacent land or public streets. Future development plans must therefore include appropriate drainage collection and recharge pools on-site to ensure that stormwater generated from impervious surfaces is adequately controlled to prevent flooding or icing of public rights-of-way, development

sites, basements and adjacent properties. Using stormwater collection and treatment devices that comply with minimum State and Town engineering standards and best management practices and that meet the approval of the Town Engineer and Planning Board, including capturing and recharging the anticipated runoff from the required design-storm rainfall event. The Town Engineer will review future site plans to ensure that projects provide suitable drainage and comply with applicable State and local standards.

Finding 2: The Proposed Action will not have significant adverse impacts on water resources, including surface waters, wetlands, and groundwater when factoring in the identified impact prevention and mitigation strategies listed above. There are no surface waters or wetlands in the area other than occasional if not permanent standing water that may exist in the NYS recharge basin on the north side of Montauk Highway. Potential impacts to water quality will be addressed through implementation of water quality best management practices implemented as part of any erosion and sedimentation control plans, drainage plans, SWPPPs, General Permits (if and as required), Town engineering review of plans, and the many impact avoidance and mitigation requirements set forth in this Findings Statement, including those indicated in the Water Resources sections. Loading of sediment into surface waters or off-site will be controlled through the implementation of erosion control and drainage plans which must be approved by the Town Engineer.

Groundwater will also be protected through stormwater controls, the elimination of septic systems and cesspools on redevelopment sites, construction of a sewage treatment plant that has advanced treatment capabilities, is operated and maintained by trained professionals, and meets strict effluent standards and required discharge permits, and other mitigation techniques. Water conservation techniques will be provided and are discussed further in Section 2.5 below.

2.3 Ecological Resources

2.3.1 Impacts

- Ecological impacts will result from the clearing of natural vegetation, increased human occupation and site activities and other associated wildlife stressors, and the consequential fragmentation of wildlife habitat. It should be noted that most of the land within the HBDOD has already been cleared and developed, and can currently be disturbed under the existing zoning. Future site disturbance and development is expected to take place primarily within the portions of the HBDOD that still contain native oak-hickory forest, adjacent to Good Ground Park. The HBDOD is outside of the Central Pine Barrens and other special environmental protection overlays or districts.
- Based on an examination of existing conditions and projections for future development under the Theoretical Development Scenario, an estimated 4.51± acres of natural woodland, 3.8± acres of mixed invasive, naturalized and/or successional overgrowth, and 0.39± acres of lawn would be lost to physical construction.

- The loss of native and mixed invasive, naturalized and/or successional overgrowth would further reduce and fragment wildlife habitat in the Downtown.

2.3.2 Mitigations and Future Actions

- The loss of coastal oak-hickory forest habitat on the property will be partially mitigated by the requirement for a minimum of ten percent green space on each development site (which is not required by the existing zoning) and retention of a portion of Good Ground Park in the HBDOD in its naturally vegetated condition.
- In accordance with the Sustainable Development Requirements of the proposed HBDOD, native and low maintenance plant species are required; such species will provide food and shelter to wildlife.
- Invasive Plants species must not be utilized for landscaping, screening or any other purpose, including those species specifically listed in 6NYCRR Part 575 and the “New York State Prohibited and Regulated Invasive Plants” publication (**NYSDEC and NYDAM, 2014**).
- Disturbances to vegetation and habits will be minimized to the maximum extent practicable, including delineating tree-clearing limits where necessary at development sites prior to construction to avoid inadvertent clearing.

Finding 3: Some limited habitat and ecological resources will be lost but significant impacts to ecological resources are not anticipated if future projects implement the numerous mitigation strategies outlined in this Findings Statement and development occurs consistent with the HBDOD Code. The HBDOD is not in the Central Pine Barrens or other significant ecological resource area. Significant unfragmented woodlands and water resources that serve ecological communities have been preserved to the north and north west of the HBDOD, particularly, in the Central Pine Barrens, and in estuary beach areas to the south and the Town continues to acquire land through its Community Preservation Project Plan funding. New development and future real estate transfers in the Downtown will ultimately contribute to the fund.

2.4 **Land Use, Zoning, and Plans**

2.4.1 Impacts

- Some differences between the proposed HBDOD and VB zoning district include stand-alone multifamily residences and hotels which would be permitted in the HBDOD’s CDD and TD zones, and a few other exceptions. These changes are expected to be largely beneficial from a land use perspective.
- Based on the Theoretical Development Scenario that was developed for this SEQRA investigation, the proposed HBDOD could increase the number of individual housing units from 43 apartments and 11 single-family homes under existing conditions and 101 apartments under the current zoning (VB) to an estimated total 248 multifamily residential units or apartments (0 single-family homes) which could result in a corresponding increase in the total population of the Hamlet and Downtown by

approximately 437 persons (from 119 to 556 persons), although this would be offset by changes to motel conversions policies and continued acquisition of community preservation sites. Under the existing VB zoning, 10-year build scenario, the increase would be 372 persons (from 184 to 556). There is also the possibility that not all development will serve new residents, and that existing persons living in the Hampton Bays community (recent graduates/new workforce, empty-nesters, seniors, etc.) may seek to move into the hamlet center. See also **Section 2.5, “Community Services and Facilities”**.

- Potential changes in future development conditions based on the proposed HBDOD standards include modifications to: 1) the overall development pattern of the Downtown; 2) individual lot layouts/site designs, based on new dimensional zoning standards (e.g., lot depths, yard setbacks, build-to zones, building footprints, required greenspace, parking setback and parking drive lane standards and requirements for locating parking behind buildings; and 3) building form, including building heights and number of stories that may affect density, building types or designs, and building frontage types. Again, based on the previous past planning, visioning and analysis performed during the preparation of the Pattern Book and current draft code and environmental review, these effects are expected to be mostly positive.

2.4.2 Mitigations and Future Actions

- Future site-and project-specific site plans must be designed and reviewed by the Town under site plan review requirements to determine overall consistency with the standards established in the HBDOD Code.
- To date, the Town Board has not enacted the HO/HC zoning districts that were previously recommended by the 2013 Hampton Bays studies along Montauk Highway, east and west of the Downtown. Any HO/HC zoning modifications contemplated by the Town Board should no longer include an allowance for residential uses; as residential/mixed use would be shifted to the Downtown by the proposed HBDOD.
- As recommended by the Town of Southampton Coastal Resources & Water Protection Plan (April 2016), the Town will consider restricting conversions of existing motels in MTL and RWB zoning districts to offset the number of new residential units.
- Side streets entering/exiting on both sides of Montauk Highway should be aligned where possible or adequately separated rather than slightly offset to prevent traffic turning conflicts.
- Based on input from the community, the previous recommendation for establishing an assisted living use in the Downtown has been eliminated.
- The Town will continue to seek and acquire environmentally sensitive land in Hampton Bays for open space preservation if and as possible.
- Revised §330-423 A.(1) Form Standards-Central Downtown District (CDD) of the HBDOD Code as follows:
 - Reduced the Footprint Depth requirement for ground-floor commercial space from 40 to 30 feet.
 - Provided clarification on the applicability of the build-to and parking location requirement for lots that are bound by 3 street frontages.

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- Provided a footnote to the Ground Floor Allowed Use Type requirement indicating the “Park-Enhanced” use requirement for buildings fronting on Good Ground Park Access Road.
- Revised §330-423 A.(2) Parking and Encroachment Standards-(CDD) of the HBDOD Code by reducing the setback for parking on the side streets from 30’ to 20’, except along Montauk Highway where the setback shall remain 30’.
- Revised §330-423 B.(1) Form Standards-Transition District (TD) of the HBDOD Code as follows:
 - Reduced the minimum Front Build-to requirement from 10 to 5 feet along Good Ground Park Access Road due to the location of the existing improvements within the park.
 - Reduced the Footprint Depth requirement for ground-floor commercial space from 40 to 30 feet.
 - Provided clarification on the applicability of the build-to and parking location requirement for lots that are bound by 3 street frontages.
 - Provided a footnote to the Ground Floor Allowed Use Type requirement indicating the “Park-Enhanced” use requirement for buildings fronting on Good Ground Park Access Road.
- Revised §330-423 B.(2) Parking and Encroachment Standards-(TD) of the HBDOD Code by reducing the setback for parking on the side streets from 30’ to 20’, except along Montauk Highway where the setback shall remain 30’.
- Revised §330-423 C.(1) Form Standards-Edge District (ED) of the HBDOD Code as follows:
 - Reduced the Footprint Depth requirement for ground-floor commercial space from 40 to 30 feet.
 - Provided clarification on the applicability of the build-to and parking location requirement for lots that are bound by 3 street frontages.
- Revised §330-423. D. Hampton Bay Business Overlay District Table of Use Regulations as follows:
 - Deleted “Assisted Living” as a use permitted in the overlay district.
 - Included footnotes for both the Central Downtown District and Transition District outlining the Ground Floor Use requirements, as they related to “Park-Enhanced” uses.
- Revised §330-433 Streets A.(3) by providing clarification that the street design standards shall apply to all new streets whether a separate street right of way is created or not.
- Revised §330-434 to include a definition for Park-Enhanced Uses.
- Added §330-437 B., Compliance with State Environmental Quality Review Act to the HBDOD Code, which identifies and clarifies thresholds and future requirements for environmental review and agency referrals for Unlisted and Type I actions proposed in the HBDOD, consistent with Section 6.1 of the SDGEIS. This section of the revised HBDOD code includes a provision stating that after the approval of the first 147 units (which is the difference in residential units anticipated by the as of right build out and the residential units evaluated by the SDGEIS Reasonable Theoretical Development Scenario, or “TDS”), any project qualifying as an Unlisted or Type I action will be

evaluated to ensure that there has been no significant change to the assumptions made in the Supplemental GEIS or area conditions that would warrant additional SEQRA review. This will include coordination by the Planning Board with involved and interested agencies during the site plan referral and SEQRA review processes.

Note: The third footnote for Table 5-3 on page 5-8 of the SDGEIS incorrectly states that the affordable housing/Community Benefit Unit requirement is 10% when it is actually proposed to be 20%. This error is hereby revised to say 20%.

Finding 4: The Proposed Action is not anticipated to result in significant adverse environmental impacts to land use, zoning, or public planning policies considering the identified mitigation and balancing of social and economic considerations. The Proposed Action is based on the extensively vetted 2017 Pattern Book for the Hampton Bays Downtown Overlay District and is specifically designed to address various land use, community character, community benefit housing, jobs, and economic development, and other related issues. The Proposed Action is anticipated to result in beneficial changes to current land use and zoning, provide new business and housing opportunities, create jobs, stimulate economic activity and fiscal health, and improve aesthetic and community character. The proposed action seeks to concentrate growth and economic development in the HBDOD where it is most suited. Future site specific actions will require site plan review and may be subject to plan modifications or additional mitigation as warranted.

2.5 Community Services and Facilities

2.5.1 Impacts

- The Proposed Action is anticipated to generate an additional 30± school-aged children. According to the latest population estimates, 10.2%± of school-aged children residing within the boundaries of the Hampton Bays UFSD attend private schools. When this factor is applied to the 30± school age children anticipated to live within the units proposed for development. This results in three (3±) students that would likely attend private schools; the remaining 27± children would likely attend public schools within the Hampton Bays UFSD. Based on the above projection, the number of school age children living in the Downtown that are expected to attend public school currently (12± students) would increase by a total of 15± students. See tax projections below.
- Total indoor drinking water demand would increase from 45,460± gpd to 128,829± gpd for a total estimated increase of 83,369± gpd. Total landscape/irrigation water would decrease by 696± gpd (from 13,043± gpd to 12,347± gpd) based on annual flow projection averaged over the course of a year. Total water demand (indoor and outdoor) would increase by 82,673± gpd from an estimated 58,503± gpd to 141,176± gpd.
- A sewage treatment plant will have to be constructed to collect, treat and discharge wastewater under the build condition. Total wastewater generation would increase by an estimated 83,369± gpd from 45,460± gpd to 128,829± gpd but would receive a much higher level of treatment than provided by existing on-site cesspools and septic systems.

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- Total stormwater recharge would increase by 34.24± mgy from 73.12± mgy to 107.36± mgy.
- Minor additional demands on police, fire and ambulance personnel may occur but increased tax revenues, possible additional volunteers/employees from residential growth, and fundraising from increased population, and the proximity of emergency services to the Downtown would help to mitigate impacts. It is expected that needed vehicles, equipment and personnel from future growth would be provided as demand warrants.
- Based on the fiscal analysis performed for the Proposed Action as revised in **Appendix F** of the SFGEIS, the estimated cost to educate 27 school age children in public schools in Hampton Bays would be \$687,555/year, while the projected annual tax revenues under the 10-year build scenario would be an estimated \$1,398,170 for a net surplus of \$710,615 per year.
- the Town Police Department from the anticipated growth in the HBDOD would increase from \$53,315 to \$58,154 ± under the 10-year build scenario.
- Estimated annual tax revenues for the Hampton Bays Fire District is expected to increase from \$68,886±/year to \$75,138 ±/year under the 10- year build scenario.
- Estimated annual tax revenues for the Hampton Bays Ambulance District is expected to increase from \$31,831±/year to \$34,720 ±/year under the 10-year build scenario.
- Total property tax revenues would increase by \$1,106,828±/year from an estimated \$1,634,633±/year to \$2,741,461±/year.
- Total property tax revenues for the school district would increase by \$501,171±/year from an estimated \$1,281,827±/year to \$1,782,998 ±/year.
- Total solid waste generation would increase by 4,478± lbs./day from an estimated 4,257± lbs./day to 8,735± lbs./day.

2.5.2 Mitigations and Future Actions

- Sewage flow that exceeds SCSC Article 6 standards must connect to sewers and/or use other methods of acceptable mitigation such as the transfer of development rights or sanitary credits in accordance with Town and SCDHS standards and procedures.
- Conduct an STP site and design feasibility study to determine/verify the most suitable location for an STP, conduct a detailed on-site conditions assessment, determine the final required capacity for such a facility, evaluate the types of treatment technologies that are available and the system that is best suited for the HBDOD, determine required main locations and sizes and the necessity for pump stations, calculate the total costs to construct and operate the collection system and treatment facility, and identify and apply for any available funding sources.
- Future development and redevelopment projects envisioned under the Proposed Action and Theoretical Development Scenario will require a source of potable drinking water and must connect to a public water supply. Written confirmation must be obtained from the HBWD demonstrating that an adequate supply of water is available to satisfy both the “domestic” (drinking water) and “non-domestic”(non-drinking water) needs of the project prior to issuance of a building permit.

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- The Water District currently operates with a surplus on peak demand days; however, in the event of a mechanical failure, the surplus will be severely reduced. To service future development, the District should:
 - Plan for an additional supply well, depending on capacity.
 - Plan for additional storage. The HBWD will continue to monitor its storage and demand and plan for additional storage facilities as warranted.
 - The HBWD will also have to plan for additional water transmission main(s), depending on the location(s) of any future well(s).
 - Future water demand projections should include peak day and hour estimates to adequately determine the impact on the water system. Fire flow demand for future development will also be necessary and should be determined based on Insurance Service Office (“ISO”) standards.
- Proposed projects will need to demonstrate with the proposed HBDOD Sustainable Development Standards (Section 330-430 of the HBDOD Code).
- The Fire Department/Fire Marshal will have the opportunity to review future proposed site plans to ensure that their needs, including provisions for emergency access, hydrant locations, sprinkler systems, fire alarms, and smoke and carbon monoxide detection, are properly addressed.
- Assisted living facilities are no longer proposed in the Downtown therefore alleviating some of the potential strain that might have been placed on the Hampton Bays Ambulance Corps.
- The HBDOD Code was revised by adding §330-437 B., Compliance With State Environmental Quality Review Act, which identifies and clarifies thresholds and future requirements for environmental review and agency referrals for Unlisted and Type I actions proposed in the HBDOD, in the future. Specifically, this section includes a provision stating that after the approval of the first 147 residential units (which is the difference in residential units anticipated by the as of right build out and the residential units evaluated by the SDGEIS Reasonable Theoretical Development Scenario, or “TDS”), any project qualifying as an Unlisted or Type I action will be evaluated to ensure that there has been no significant change to the assumptions made in the Supplemental GEIS or area conditions that would warrant additional SEQRA review. This will include coordination by the Planning Board with involved and interested agencies during the site plan referral and SEQRA review processes, plus coordination with community service providers such as the school district, fire department, police department, water district, and others.

Finding 5: Development associated with the Proposed Action will increase the demand for community services and facilities as it would for any future growth. However, the increases in property tax, sales tax, building permit and other one-time fees and other revenues and payments will help to offset these increased costs. Developers of larger projects would be responsible for financing certain infrastructure improvements needed to serve their projects (sanitary, drainage, water extensions and connections, access, etc.) while other financing sources such as increased tax revenues from new development, customer fees, and grant programs can be sought for some capital improvements to offset costs (wastewater, water,

road). For example, the Town recently received \$50,000 from the State to fund an STP engineering and feasibility study.

There may be increased demand for police, fire, ambulance, school, and other essential services during the build process. Services are readily available and in close proximity and issues have been vetted and carefully considered with area service providers. The Town will continue to work with community service providers as projects are proposed. Additional assessment of conditions and possible additional SEQRA review may be needed after the initial 147 residential units of the build condition have been constructed, including outreach to affected community service providers.

A district STP will be needed under build conditions. Sewage treatment facilities, including but not limited to the plant, leaching areas, pumps and mains will be paid for by developers and possibly through funding programs. A sewer feasibility study will be performed to identify the best location for a facility to provide quality service and reduce the potential for environmental degradation.

Buildout is projected to result in tax revenue increases for the School District; particularly as it relates to additional commercial and office uses.

The HBDOD is served by the Hampton Bays Water District. Water quality is generally good. Additional infrastructure may be necessary in the future. The water supply is delivered subject to customer user fees. Significant impacts to ground and drinking water supplies are not anticipated.

Electric and gas service is available in the area from PSEG Long Island and National Grid, respectively and these services are supported by customer user fees.

The many impact avoidance and mitigation strategies included in this Findings Statement will address concerns regarding community services from growth over time. Future site plan and any future SEQRA reviews for specific projects will help to refine the mitigation strategies if needed and viable.

2.6 Traffic and Transportation

2.6.1 Impacts

- Based on the results of the Traffic Impact Study provided with the SDGEIS, it is the professional opinion of Nelson & Pope that the traffic impacts associated with the construction of the Proposed Action can be mitigated by the implementation of the proposed improvements and measures listed below. With the proposed improvement measures (e.g., Good Ground Road Extension, new cross streets, other street improvements, signal adjustments, pedestrian and alternative modes of transportation, etc.), the intersections in the study area will continue to operate at No Build or better levels of service after the construction of the 10-Year Build Condition.

2.6.2 Mitigations and Future Actions

- Extend Good Ground Road, west from its intersection with Springville Road, and then north to the intersection of Montauk Highway and NYS Route 24, creating the “Good Ground Road Extension” which will relieve traffic along Montauk Highway.
 - The new intersection at Montauk Highway and NYS Route 24 must be constructed at 90 degrees with Montauk Highway for a proper geometrical design.
 - Design the four-leg intersection with an exclusive northbound left turn, one through lane and one shared through/right turn lane.
 - Redesign the southbound approach with one left turn lane, two through lanes and a channelized right turn lane.
 - Provide two exclusive left turn lanes and a shared through/right turn lane in the eastbound approach.
 - Redesign the westbound approach with two through lanes, one left turn lane and a channelized right turn lane.
 - Redesign the traffic signal at the new four leg intersection with new signal timings and cycle lengths.
- The Good Ground Road Extension would also create a new four-leg intersection at Good Ground Road and Springville Road.
 - Design this new intersection with exclusive northbound and southbound left turn lanes with a shared through/right turn lane.
 - Design the westbound approach with an exclusive left turn lane and a shared through/right turn lane.
 - Design the eastbound approach with an exclusive through lane and an exclusive right turn lane with the prohibition of eastbound left turns.
 - Install a traffic signal at this new four leg intersection.
 - Due to the proximity of this intersection to the LIRR, it is required that train pre-emption be incorporated into the traffic signal. A high left turn volume is anticipated at the new intersection and the design must consider the potential for vehicles to be queued on the tracks.
- Provide an exclusive southbound left turn lane at the intersection of Ponquogue Avenue/Squiretown Road and Montauk Highway.
 - Minor widening of the north leg would be necessary.
 - Modify the traffic signal to provide an exclusive northbound/southbound left turn phase.
- Extend sidewalk along the west shoulder of Squiretown Road to Good Ground Park at some time in the future and provide a crosswalk between the existing sidewalk on the east side of Squiretown Road, to the park entrance.
- Provision for electric vehicle charging stations as permitted and encouraged along with preferred parking for these types of vehicles.

Finding 6: *A number of traffic mitigation strategies have been identified above. The introduction of mixed uses in the Hamlet helps to reduce the overall need for additional vehicle use, as it places residential uses in walking distance to goods and services to be provided by the nonresidential uses contemplated in the HBDOD and the rest of the Hamlet’s*

Central Business District. The Hampton Bays train station is located in the HBDOD, Good Ground Road Extension is needed, bus service is available with stops along Montauk Highway in the HBDOD, new sidewalks will be installed, and biking is a feasible option. Various other traffic related strategies and improvements such as signal adjustments, new signals, turning lanes etc. have been identified as indicated above. County and State reviews and approvals will also be necessary for some of the traffic improvements. It is anticipated that much of the traffic will be local traffic or summer pass by traffic and as stated above, the intersections in the study area will continue to operate at No Build or better levels of service after the construction of the subject action.

2.7 Community Character, Visual Resources, and Historic and Archaeological Resources)

2.7.1 Impacts

- Future development and redevelopment under the proposed HBDOD Code will alter the visual character of the Downtown over the course of many years but anticipated changes are expected to be generally positive and improve district functionality. More development will occur including infill development in currently undeveloped sections of the HBDOD (mostly on the north side of the HBDOD near the park). Most of the buildings in the Downtown are one (1), one-and- one-half (1.5), two (2), or two-and-one-half (2.5) stories. Under the Proposed HBDOD Code, it is expected that more 2 and 2.5-story buildings would be constructed and up to 3.5 stories may be permitted for up to a maximum of 60 percent of the street frontage in the Central Downtown Zone and Transition Zone in the build condition.
- The proposed HBDOD Code contains many design standards and guidelines that specifically address community character, building form, development patterns, architecture, landscaping, outdoor lighting, and signage and overall visual resource protection and enhancement. Under the proposed form-based zoning and design standards, future development will be generally consistent with the appearance, pattern, scale and form of buildings in traditional small town central business districts, but the specific look and function of future development may vary slightly depending on which HBDOD zone the development is in (“Central Downtown,” “Transition,” or “Edge” Zone) and landowner and architect preferences with review and guidance from the Town’s Architectural Review Board (“ARB”) during site plan and building division reviews. The 2017 Pattern Book for Hampton Bays Downtown Overlay District involved community-based study to inventory and evaluate the existing character of the Downtown’s built environment, including its development pattern, structural forms, architectural styles, signage characteristics, open spaces, and suitability of its landscaping. The purpose of these investigations was to assess current conditions in the Downtown and identify the design guidelines necessary to enhance the future character of the Hamlet’s business center, improve its overall appearance, and create a vibrant, successful and economically sustainable Downtown. The recommendations of this study were used as a foundation for the proposed HBDOD Code so that future development will be consistent with the goals, objectives and recommendations of the study.

- The proposed HBDOD Code includes specially formulated architectural, open space, landscaping, and sign standards to address potential issues and impacts and improve the character of the Downtown.
- There are no National or State Register listed historic sites, landmarks, or districts in the Downtown. Furthermore, there no known archaeological resources within or adjacent to the proposed HBDOD; nor is the HBDOD within an OPRHP-designated archaeologically sensitive area. Historic resources of local significance, including the Prosper King House and Lyzon Hat Shop, do, however, exist in the Downtown. Significant effort and expense have been directed toward preserving, restoring and protecting these structures. In fact, the Hampton Bays Historical and Preservation Society has assumed responsibility for the protection, maintenance, and stewardship of these structures and is using the adjacent structures as an historical, educational, and cultural center.
- Based on the information and analyses provided above and the steps that have been taken to protect these locally important historic structures, significant impacts to these resources from the Proposed Action are not anticipated.

2.7.2 Mitigations and Future Actions

- Future development and redevelopment should be reviewed against applicable design criteria that have been established for the Downtown in the Pattern Book which will help to protect the character of the Downtown and existing and proposed development, including locally designated historic resources.
- Town of Southampton Architectural Review Board analysis of building plans during site plan reviews.
- Outreach to and input from the Town of Southampton Historical and Preservation Society when development or redevelopment is proposed adjacent to or opposite the Prosper King House and Lyzon Hat Shop.

Finding 7: Adoption of the HBDOD Code will not have a significant adverse impact on community character based on previous visioning and planning and the numerous standards and specifications outlined in the HBDOD Code. In fact, the standards and requirements of the Form Based Code as informed by the 2017 Pattern Book are expected to vastly improve the appearance, functionality and success of the Downtown, as well as provide a more desirable character and sense of place. Future site-specific development will be required to evaluate the potential impact of a site-specific project on local historic and cultural resources, although State and National Register historic sites are not present in the area. Site plans will undergo Town architectural review. Future actions must comply with the standards of this Findings Statement, and if needed in the future, based on site- and project-specific plans, may be subject to additional mitigation, if deemed necessary by the reviewing board or agency.

2.8 Other Impacts

The DGEIS investigated several additional environmental topics to fulfill the requirements of SEQRA including:

- Unavoidable Adverse Environmental Impacts
- Irreversible and Irrecoverable Commitment of Resources
- Growth-Inducing, Secondary, and Cumulative Impacts
- Energy Use and Conservation, and Greenhouse Gas Emissions
- Construction Related Impacts

2.8.1 Unavoidable Adverse Environmental Impacts, Mitigations and Future Actions

- Site impacts would typically involve some soil disturbance, clearing, disturbances to existing slopes, grading, and possibly limited excavation/cutting and filling, as necessary that will alter the physical and biological characteristics of a site, especially an undisturbed site. Impacts of some minor clearing extending beyond building and parking envelopes will be addressed by revegetating/landscaping some affected areas and requirements in the Proposed Code that at least ten percent of each lot be greenspace.
- Despite the measures routinely taken to mitigate dust impacts during construction, such as soil wetting, potential temporary increases in dust may still occur and some soil may enter streets or end up on adjacent properties if not properly controlled. Such conditions would be temporary and largely be controlled by standard erosion and sedimentation techniques to ensure that such impacts are minor.
- Temporary increases in truck traffic and construction noise will occur during demolition and/or construction phases for each development or redevelopment site. Activity will be conducted in conformance with Town construction hour requirements and noise management.
- There will be increases in vehicle trips generated on area roadways, including a small increase in traffic over time, from temporary construction traffic and future business and residential traffic activities with consequent impacts on the LOS at nearby intersections, though mitigation may be required at these locations in the future as needed to reduce impacts to the extent possible. Proposed cross streets should help to distribute traffic flows and a Good Ground Road extension to the west and then north to SR 24 would provide a bypass for traffic coming to and from areas to the south which would greatly relieve any congestion. Future development will be oriented toward or promote pedestrian activity and increased use of bus and rail services is expected.
- There will be increased total water consumption associated with the new development, but it appears based on existing groundwater quality and supply conditions, anticipated buildout potential, and existing and proposed water district infrastructure, that significant impacts are unlikely. Indoor and outdoor water conservation methods have been identified to reduce anticipated impacts.
- There will be increased total wastewater generation associated with the new development, particularly residential development, with consequential requirements to provide for the ongoing collection and treatment of wastewater in a new nearby STP

facility that will replace less efficient septic systems and any substandard cesspools that may still exist.

- There will be a minor increase in demand in emergency services (police, fire, and ambulance services), though the increased taxes generated will offset the costs of these services and new buildings must be constructed in accordance with contemporary building and fire codes and safety standards. New residents in the area could include new emergency services volunteers and provide additional donations and fundraising opportunities.
- There could also be an increase in public school enrollment from the residential component of future development that will be permitted under the proposed HBDOD zoning, although this is offset from the 2013 buildout projections by eliminating the potential for new residents that can be created through hotel conversions. New development will also generate tax revenues to offset additional demands on the school district. Community service providers have been contacted to request their input on any issues or concerns they may have regarding the subject action. Future site-specific projects will be further examined once detailed site plan applications are submitted.
- There will be increased demands for energy services from PSEG LI and National Grid, which may entail minor expansions of these service networks for the generation and delivery of additional energy supplies; particularly, to future development on currently vacant land along the north side of the HBDOD. These impacts will be offset by fees paid by owners and occupants of new and expanded buildings, but energy/utility infrastructure is already present in the area. Energy service providers have been notified as part of the current action and it is expected that further outreach will occur during future site plan reviews once specific details of energy load demands are determined. The HBDOD requires new construction and substantial renovation to provide for on-site renewable energy (solar) generation, solar ready and passive solar designs as a sustainable development standard to reduce greenhouse gas emissions.

Finding 8.1: The Subject Action has the potential to result in the above-listed impacts. However, these impacts have been mitigated to the extent practicable and are considered to be unavoidable. Analyses contained in the SGEIS support the conclusion that impacts are mitigated to the extent feasible, and none of the impacts are expected to be significant if the standards and requirements of this Findings Statement and existing and proposed laws are implemented. Many social and economic benefits are anticipated from the implementation of the of the proposed HBDOD Code which will offset the unavoidable impacts identified.

2.8.2 Irreversible and Irretrievable Commitment of Resources, Mitigations and Future Actions

- Materials used for construction of site-specific development, including but not limited to: wood, asphalt, concrete, fiberglass, steel, aluminum, etc. can be expected.
- Energy used in the demolition, construction, operation and maintenance of site-specific development constructed under the proposed Code amendments, including combustion of fossil fuels (i.e., gasoline, diesel fuel, natural gas, and fuel needed by PSEG LI in its generation of electricity); however this demand will be offset by the requirement to provide on-site renewable energy

- The proposed 10-Year build projection indicates that 141,176± gpd of combined commercial, domestic, and irrigation water or 82,673± gpd more than currently consumed and 66,042± gpd more than projected demand under the 10-Year existing zoning build condition. However, it is noted that the above water demand does not account for the requirement of future development plans under the proposed HBDOD to provide reduced potable indoor water use (reduction of 20% below baseline) and reduced outdoor landscape irrigation demand by 50% of baseline (per proposed Section 330-430). (This could be accomplished by utilizing the latest in water conserving techniques, plumbing, fixtures and irrigation systems.) Potable water from Long Island’s Sole Source Aquifer that will be consumed daily for the operation of site-specific development. Drinking water can be reused in the future, however, after wastewater has been treated and recharged into the ground, it would not likely be reused as the currently operating public supply wells of the HBDOD are up-groundwater-gradient of the anticipated wastewater recharge point.
- Construction and demolition materials that are not reusable or recyclable would be landfilled outside of the Town which takes up space at such facilities. It is expected that construction and demolition materials that can be salvaged and recycled will be recycled and that solid waste generated at future land uses would also recycle per existing regulations.
- Some vegetation and natural habitats would be lost or degraded by new or expanded development as long as development is present and natural vegetative conditions are not permitted to regenerate.

Finding 8.2: Analysis indicates that irreversibly committed resources are related to the removal of natural vegetation, and the use of building materials and energy resources associated with future site-specific construction processes and potable water. No other significant nonrenewable environmental resources are expected to be lost as a result of the Subject Action.

2.8.3 Growth-Inducing, Secondary and Cumulative Impacts, Mitigations and Future Actions

Growth-inducing aspects of development are those aspects that would cause or promote further development, either directly from future development under the proposed zoning itself (i.e., “primary” development), or indirectly, as a result of an increase in population or expanded retail, office, industry, institutional or other potential “spin-off” development in the larger community (i.e., “secondary” development). Direct/primary impacts might include, for example, the creation of a major employment center or institutional facility, installation or extension of infrastructure improvements or the development of a large residential project, particularly if that project were designed for a specific age group.

Cumulative impacts refer to the combined effects of a number of development proposals in an area, where the impacts of all such proposals are additive rather than individual and isolated. Cumulative impacts therefore consider the sum of the impacts anticipated from all actions and processes, which may be significantly greater than the individual effects occurring from each separate project.

Impacts

Many of the growth-related/inducing effects are considered positive and an effort has been made to concentrate growth in the Downtown where it is most appropriate and balancing growth outside the HBDOD. Based on the existing built condition of Hampton Bays, the extensive blocks of preserved land in the community (particularly to the north and northwest of the Downtown and along the seashore), existing zoning restrictions, and other factors, considerable additional growth outside of the Downtown in Hampton Bays is unlikely based on the limited availability of land. In terms of actual impacts from anticipated growth, they would be consistent with the types of impacts indicated above including but not limited to traffic, increased community service demands, land disturbances, etc. Cumulative impacts were assessed and are addressed by each of the mitigations contained in the SDGEIS and this Findings Statement.

Mitigation and Future Actions

- By its very nature, the Subject Action is intended to provide for commercial and residential growth in a portion of the HBDOD that it is most suited so that economic development, job creation, new housing, and community revitalization will occur in the central business district where most infrastructure and services are present or nearby and there is an absence of critical and sensitive environmental resources. This is in accordance with State and County Smart Growth policies and in keeping with the recommendations of the Comprehensive Plan. Growth related impacts and cumulative impacts are addressed by the many policies and impact mitigation strategies and techniques identified by HBDOD Form Based Code and this Findings Statement.
- The Final HBDOD Form Based Code includes new language provided in §330-437 B., “Compliance With State Environmental Quality Review Act,” which addresses the need for future environmental reviews. This section identifies and clarifies thresholds and future requirements for environmental review and agency referrals for Unlisted and Type I actions proposed in the HBDOD. This section of the revised HBDOD code includes a provision stating that after the approval of the first 147 units (which is the difference in residential units anticipated by the as-of-right build out and the residential units evaluated by the SDGEIS Reasonable Theoretical Development Scenario, or “TDS”), any project qualifying as an Unlisted or Type I action will be evaluated to ensure that there has been no significant change to the assumptions made in the Supplemental GEIS or area conditions that would warrant additional SEQRA review. This process will include coordination by the Planning Board with involved and interested agencies during the site plan referral and SEQRA review processes.

Finding 8.3: The Proposed Action is intended to stimulate much needed economic growth in the Study Area and is expected to have beneficial growth-inducing aspects. The Subject Action will also result in significant, beneficial secondary and cumulative impacts, particularly related to job creation, business development, economic growth, diverse and affordable community benefit housing. In general, while some negative cumulative impacts are anticipated from the implementation of the Subject Action, based on the forgoing considerations, it is the opinion of the Town that cumulative impacts would not be significant and would be offset by the Action’s many benefits. Ultimately, involved agencies will review

each application on its own merits, weigh the potential cumulative impacts outlined herein, and will render a decision on the significance of impacts and appropriateness of each individual project and further mitigate them if possible.

2.8.4 Energy Use and Conservation, and Greenhouse Gas Emissions

Impacts

- Additional development will increase energy demands and related emissions.
- There will be an increase in the use of nonrenewable energy resources, including fossil fuels such as gasoline and diesel fuel during future demolition, clearing, grading, and construction activities that occur pursuant to the standards and regulations of the proposed HBDOD.
- Related to this increased demand and consumption of nonrenewable energy resources are emissions associated with the use of fossil fuels for heating and powering new or larger buildings, use of refrigerant substitutes, possible natural gas leakage, and combustion of fossil fuels associated with motor vehicle activity during construction and the occupancy/operational phase of future development.

Mitigations and Future Actions

- Reducing the urban heat island effect and associated cooling loads during the summer months by requiring that 50 percent of the non-roof site hardscape be permeable and properly shaded by trees and requiring that 50 percent of roof areas be vegetated “green roofs” or using roofing materials with low SRI on at least 75 percent of the roof area.
- Encouraging pedestrian activity by allowing for a mix of commercial, office, residential and civic uses, providing alleys, cross streets, storefronts and pedestrian and bicycle facilities and amenities to create a more walkable and bikeable Downtown and facilitate use of nearby train service.
- Electric and natural gas utilities are present in the area to serve the HBDOD. Peak demand will be offset by the Code requirement for on-site renewable energy generation.
- Charging Stations for battery powered cars will be made available as well as multi-modal transportation alternatives (train, bus, bike paths, sidewalks, etc.)
- Future buildings must be constructed consistent with existing State building codes and new building construction in New York State and must conform to applicable statewide energy codes. The New York State Energy Conservation Construction Code is promulgated by the State Fire Prevention and Building Code Council pursuant to Article 11 of the New York State Energy Law. The New York Energy Code is contained in Title 19 of the New York Codes, Rules and Regulations (“NYCRR”), Part 1240, and in the publications incorporated by reference in 19 NYCRR Part 1240. The ECCC addresses the design and construction of energy-efficient building envelopes and the installation of energy-efficient mechanical, lighting and power systems through requirements that emphasize performance. The ECCC establishes minimum standards for energy-efficient buildings, using prescriptive and performance-related provisions.

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- Development in accordance with current requirements which typically rely on more energy-efficient building materials (e.g., insulations, windows, weather stripping, door seals, etc.) than those from the past, as well as the installation of more modern mechanical systems (e.g., Energy Star or other rated energy conserving air conditioners, HVAC systems, heating systems, water heaters, heat pumps, etc.), and which would minimize the amount of energy resources required compared to the less efficient materials and systems used in the past. Incorporation of such energy-conserving measures is not only required by the State of New York through its Building and Energy Conservation codes but is a sensible building construction and site operational practice, particularly in light of the increasing costs and declining supplies of nonrenewable energy resources.
- Exterior lighting must conform to the requirements of Southampton Town Code Chapter 330, Article XXIX, and Attachment 12, Figure 5, “Outdoor Lighting”. The policies contained within Article XXIX and Attachment 12 not only address excessive lighting and energy consumption concerns but also address nuisance lighting, glare, light trespass, skyglow, impacts on natural nocturnal communities, and interference with pedestrian and vehicular activity from site, parking lot, and private street lighting. Related energy conservation and lighting impact mitigations are realized by specific polices relating to lamp type, maximum illumination levels, hours of operation, fixture mounting heights, lighting setbacks, and shielding. In addition, Chapter 176 of the Town Code, “Solar Electric and Solar Hot Water System Rebate and Incentive Program,” incentivizes the use of energy efficient electric and hot water systems which may provide an additional benefit if utilized by property owners and Chapter 123, Article V “Building Construction,” “Energy Conservation,” which contains energy conservation standards and regulations for certain types of residential developments, including multifamily housing, that would be permitted in the HBDOD.
- Developers and others seeking site plan approvals in the future will have to further coordinate with area utilities for final authorizations once site plans are finalized and more precise energy estimates can be made. As with all developments, energy efficient building designs and use of renewable energy resources are always beneficial, and voluntary certification by energy and environmental organizations such as the US Green Building Council’s Leadership in Energy and Environmental Design (LEED), Energy Star or other energy conservation, smart growth and sustainability standards are always supported. Such certification would not only decrease energy demand and reduce long-range energy costs but would also help to protect the environment and collectively help to reduce the impacts of climate change.

Finding 8.4: An increase in the consumption of energy resources, including electricity and natural gas is expected from development, regardless of whether the site is proposed for residential, commercial, industrial or mixed-use purposes. Increased energy demands will occur as part of future development and building occupation under the proposed HBDOD zoning due simply to the anticipated small increase in development density including multifamily residential construction that will be permitted by the new zoning. This increase, however, is expected to be incremental—ongoing but infrequent with the exception of any initial anchor projects on larger and/or undeveloped or underdeveloped parcels—and

relatively small or minor actions as compared to total regional energy use, demand, and supply, and should have minimal impacts on energy generation and transmission. Moreover, the HBDOD will be developed and redeveloped to comply with applicable local land use, zoning, building, and environmental and energy codes and standards and any applicable State standards, therefore, providing a density that is reasonable and sustainable for this area. Of specific note are the sustainable development standards that directly or indirectly relate to energy use and conservation and are included in the proposed HBDOD Code. There will be an increase in the use of nonrenewable energy resources, including fossil fuels such as gasoline and diesel fuel during any future demolition, site preparation and construction activities that occur pursuant to the standards and regulations of the proposed HBDOD. These impacts are expected to be of short duration and relatively small in the scope of overall use and demand for energy resources throughout the Town and Long Island region and are in part unavoidable impacts on non-renewable resources. Again, more recent innovations and energy conserving technologies have been built into modern vehicles and equipment to reduce energy use compared to vehicles and equipment from decades past.

2.8.5 Demolition and Construction Related Activities

Impacts

- Future clearing and grading is expected to be quite limited in the Downtown since topography is relatively flat and the area is mostly devoid of vegetation with the exception of some natural wooded areas on the north side of the HBDOD adjacent to Good Ground Park; an existing residential house lot that is mostly wooded near the intersection of Springville Road and Good Ground Road; landscaped areas, including some grass or lawn on some of the lots; and a row of trees on a few lots that are located along Good Ground Road. Therefore, significant shipments of soil on or off-site are not anticipated depending on actual field results of soil sampling, where necessary.
- Temporary disturbance related to installation of infrastructure in the right of ways (electrical conduit, sewage treatment pipes, water extensions, etc.) is expected.
- The geographic extent and magnitude of impacts during demolition and construction activities would depend upon the location of a specific project, the size and scale of the project, specifics of the particular project design, and length of construction schedule. Generally, the larger the project, the larger the area of potential impact. The scale, nature, and timing including the season or months of the year) of each development or redevelopment project will have an impact on the overall magnitude and duration of potential impacts such as interruptions to traffic flow, and areas needed for staging and worker parking areas, materials storage, etc.
- Impacts are expected to be somewhat limited due to the limited lot sizes and therefore the magnitudes of future development and the fact that most of the area has already been cleared and developed. Even though projects are expected to occur intermittently and be on a relatively small scale, there could be more than one project at a time, or a development/redevelopment could involve more than one lot which may combine to increase the inconvenience and level of activity along streets.

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- Land will be cleared, and soils and slopes will be disturbed which may result in some temporary minor soil erosion, sedimentation, and dust. See also Section 2.1, Topography and Soils and Section 2.2, Water Resources above.
- There will be an increase in temporary and intermittent noise from truck traffic, demolition and construction activities during development and redevelopment activities that may be audible from other nearby properties.
- There is always potential for temporary damage to Town, State and/or Suffolk County roads during construction due to truck and heavy equipment traffic. Maintenance and performance bonds may be requested for some projects.
- There is a potential for impacts on traffic movements in the area during construction activities due to deliveries of building materials, construction worker arrivals and departures, etc. These impacts would be managed under the building permit issued, and by the terms of a construction traffic management plan if and as needed, which may specify truck routes that would reduce impacts to roadways, options for the redirection of traffic at times or locations of particularly intense construction traffic, coordination of traffic measures with other adjacent or nearby construction sites, and staging of construction activities within the site to avoid activity on public streets, to the extent possible.

Mitigations and Future Actions

- Disturbed soil should be stabilized as soon as possible after disturbance either by construction (e.g., buildings or pavement), re-seeding and planting of landscaping and any vegetative screening, or stabilization using burlap mesh or other methods. Standards and mitigations outlined in other applicable subsections (e.g., **Section 2.1**, Topography and Soils) relating to site disturbances and construction activities must be followed.
- Construction vehicles should be staged on each construction site or on another nearby site with appropriate permission and approvals so that they are off of the rights-of-way of Montauk Highway and local streets and so they do not impact traffic flow. Use of train service by workers may be helpful. Also, it should be noted that some future development would be expected in the Downtown over time regardless of whether the HBDOD is established; although growth within the proposed HBDOD has been quite limited for many years.
- Accesses and cross streets will need to be constructed, including the Good Ground Road Extension. The projects should generally precede any significant developments to not only provide access but provide possible parking and staging areas prior to the Extension or crossroads being opened up for public use.
- Construction and any demolition activities associated with future development and redevelopment within the HBDOD is likely to be intermittent and geographically sporadic, possibly over decades, if and as landowners decide to sell, develop or redevelop their properties, or put additions on existing buildings. The time period for individual projects to be completed is contingent upon the exact nature and scale of the project; however, construction will be restricted to the days of the week and hours of the day permitted by the Town under Chapter 235, “Noise,” of the Southampton Town Code,

which allows such activities Monday through Friday between 7:00 AM and 7:00 PM and Saturday and Sunday between 8:00 AM and 6:00 PM.

- Demolition and construction debris should be placed in appropriate containers or placed directly into dump vehicles and shipped off-site as soon as possible for disposal at a licensed C&D disposal or recycling facility.
- All utilities are required to be buried underground.
- The proposed HBDOD standards and guidelines have been designed to reduce potential impacts from future development and ensure a suitable and sustainable development pattern and structural form and design.

Finding 8.5: No large scale impacts are anticipated from future construction activities based on the anticipated intermittent nature of future development and redevelopment, existing regulations, and the standards and policies outlined above which, based on the available information, mitigate impacts to the maximum extent practicable. Future site- and project-specific site plan reviews will provide opportunities to refine necessary mitigations contained in this document to further mitigate construction related impacts.

2.9 Socioeconomic Considerations

2.9.1 Impacts

- See Community Services above.

2.9.2 Mitigations, Benefits, and Future Actions

The Proposed Action seeks to implement relevant unimplemented recommendations of past Town plans. Consistent with the Town's 1999 Comprehensive Plan Update, the Town has drafted the HBDOD to channel mixed-use redevelopment to the traditional Hamlet center at and near the intersection of Montauk Highway and Ponquogue Avenue. The proposed HBDOD is intended to provide flexibility to allow various land uses, densities, and building heights that would achieve coordinated redevelopment by encouraging and incentivizing a mix of land uses (e.g., commercial/retail and office uses with upper-level residential uses or stand-alone multifamily residences). The Form Based nature of the HBDOD is intended to improve the aesthetic qualities of the built environment and provide for a walkable and mixed-use hamlet center and strengthen the community's sense of place and economic viability.

The 2017 Pattern Book which specifically focuses on the area within the HBDOD, its current needs, and the necessary steps toward meeting contemporary targeted goals. Benefits of the proposed HBDOD include:

- Improving the appearance, character, functionality, business and service capabilities, energy efficiency and economic well-being of Downtown Hampton Bays, while minimizing impacts on the Hamlet's environmental resources and quality of life;

- Providing housing options to serve the community’s residential needs, including options for multifamily residences and upstairs apartments for persons with diverse incomes, rental and owner-occupied units, and providing new live/work/shop opportunities;
- Creating new business opportunities, new temporary construction jobs and permanent full- and part-time work, and boosting the local customer base and employee base by allowing multifamily residential uses, encouraging upstairs apartments and creating a greater full-time residential presence;
- Enhancing the character of the Downtown, increasing walkability, and promoting more activity, economic growth, fiscal health, and Downtown vitality consistent with Smart Growth criteria;
- Increasing the selection and availability of goods and services for locals;
- Concentrating growth in the Downtown rather than in environmentally sensitive areas outside the hamlet center;
- Creating a pedestrian and bike friendly, transit accessible, community with suitable parking, access, and traffic circulation based on a variety of infrastructure improvements and impact mitigations;
- Developing and implementing a new form-based code that meets smart growth objectives and promotes long-term community sustainability;
- Allowing for more efficient land use via compact development instead of sprawl;
- Providing improved wastewater treatment for improved water quality; and
- Promoting energy efficiency and community sustainability.

Section 330-436 C. of the HBDOD Form Based Code states that:

Twenty percent (20%) of the total number of new housing units within the HBDOD area, approved under this article shall be designated as community benefit units (CBU), which shall satisfy the requirements of the Long Island Workforce Housing Act and Chapter **216** of the Town Code. The distribution of CBU’s shall be evenly distributed between moderate, and middle-income households, i.e., 50% of the units for moderate income, and 50% of the units for middle income, with the first unit being reserved for a middle-income household. The distribution of affordable units may be amended, subject to Planning Board approval, after the housing needs of income eligible participants are formally determined, pursuant to Chapter **216**. The location, number, size and type of community benefit units shall be determined and distributed in accordance with the accompanying final generic environmental impact statement (FGEIS) and findings statement.

Finally, it is expected that increased commercial development in the Downtown would help to provide a tax benefit, contributing an additional \$148,664 in annual property tax revenues to the Town of Southampton.

There is a benefit to concentrating development density in a centralized location that is well served by emergency services, and other essential services and facilities. Smart Growth is sensible, planned, efficient growth that integrates economic development and job creation with community quality-of-life by preserving and enhancing the built and natural environments.

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A Fiscal Impact Analysis was conducted to determine the impact that the Proposed Action would have on the tax base and was revised based on input from the Town Tax Assessor (see Attachment F). According to the Southampton Town Tax Assessor, the Proposed Action would generate total potential taxes of approximately \$1.8 million in tax revenues upon full build-out. Of this, it is projected that \$148,664 would be generated to the Town, with a portion of that offsetting impacts to the hamlet of Hampton Bays. In addition, it is projected that \$153,501 would be generated to local taxing jurisdictions including the Hampton Bays Fire District, Hampton Bays Lighting District, Hampton Bays Water District, Hampton Bays Ambulance District, and Hampton Bays Parking District. Such revenues represent a substantial increase in revenues distributed to each taxing jurisdiction.

2.9.3 Balancing Social, Economic and Other Considerations with Environmental Impacts

Section 3.2, “Community Services and Facilities” of the DGEIS address fiscal and other factors associated with the adoption and implementation of the Proposed Project. These sections, along with Subsections 1.3.7, “Need and Benefit of the Proposed Action” of the DGEIS not only assist in identifying potential related impacts and impact avoidance and mitigation strategies but also indicate the many social and economic benefits of the Subject Action which is the primary impetus behind the Subject Action’s creation. Social and economic factors are very important to SEQRA Findings Statements as:

...it is not the intention of SEQR that environmental factors be the sole consideration in decision-making” but that “the environment, human and community resources be given appropriate weight with social and economic considerations in determining public policy, and that those factors be considered together in reaching decisions on proposed activities.

(SEQRA 6NYCRR Part 617, Section 617.1(d)).

The SEQR Handbook is instructive in this regard, in its response to the question: “How should an agency balance environmental harm against social and economic benefits in order to approve an action?”

SEQR gives considerable discretion to agencies to make decisions consistent with social, economic and other essential considerations. This allows agencies to approve actions providing social or economic benefits even if all environmental impacts cannot be totally avoided or mitigated. However, the underlying requirements that adverse environmental impacts must be avoided or minimized, and mitigation measures applied, remain. Thus, the more a project provides important, public, social and economic needs or benefits, the more an agency may conclude that it can accept certain adverse environmental impacts.

(NYSDEC, 2010, p. 152, Question No. 15)

First and foremost, the Subject Action is intended to address many Town and community goals, needs and hopes for growth, revitalization, sustainability, and viability, as expressed in previous planning studies. The overall goal of these studies has always been to revitalize the Hampton Bays hamlet center with uses that would restore the character and functionality of this struggling commercial corridor, promote needed economic development, provide diverse and affordable

housing opportunities, foster the creation of jobs, and ensure adequate capital infrastructure to support necessary growth and promote the health, safety and general welfare of the public. The anticipated community benefits from the Zoning Code amendments are as follows:

Anticipated Community Benefits

- Improving the appearance, character, functionality, business and service capabilities, energy efficiency and economic well-being of Downtown Hampton Bays, while minimizing impacts on the Hamlet’s environmental resources and quality of life;
- The development and redevelopment of underutilized properties and providing a set of land uses that are appropriate and compatible with land uses in and around the HBDOD;
- The diversification of the community’s housing stock by providing both market rate and Community Benefit Units (20 percent of the total residential units), increasing workforce housing options for persons with diverse housing needs;
- Construction of infill development on land on the north side of the HBDOD that has long been dormant and unproductive in part because lots on the north side of Montauk Highway are narrow but very deep and land uses (buildings) are located at the south ends of the lots due to the frontage they enjoy, lack of any access roads to the north ends of the lots to serve landlocked parcels or provide additional frontage, and need for subdivision of some lots because of their unique configurations;
- The generation of many temporary construction jobs as well as more permanent part-time and full-time employment opportunities at future retail, restaurant, office, personal services, hospitality, maintenance of multifamily residential buildings, as well as secondary “spin-off” jobs for Hampton Bays;
- The creation of a more walkable multimodal transit-oriented community facilitating car, bus, train, taxi, bicycle and pedestrian activity, and new road improvements and street and pedestrian connections that will mitigate traffic impacts to the maximum extent practicable;
- The creation of an enhanced traditional Downtown with a renewed character and sense of place, with increased community/social interaction through building designs and parcel layouts, with an increased level of “eyes on the street” to promote public safety, new pedestrian amenities, attractive architecture and landscaping, and outdoor community spaces, all under a unified form-based master plan;
- The construction of new buildings that are more energy efficient, generation of renewable energy on-site and fixtures and plumbing that conserve water for future generations;
- The enhancement of public access and use of Good Ground Park; and
- The use and connection of area land uses to an advanced sewage treatment facility that provides a high level of wastewater treatment.

As discussed above, a Fiscal Impact Analysis was conducted to determine the impact that the Proposed Action would have on the tax base and was revised based on input from the Town Tax Assessor (see Attachment F). According to the Southampton Town Tax Assessor, the Proposed Action would generate total potential taxes of approximately \$1.8 million in tax revenues upon full build-out. Of this, it is projected that \$148,664 would be generated to the Town, with a portion of that offsetting impacts to the hamlet of Hampton Bays. In addition, it is projected that

\$153,501 would be generated to local taxing jurisdictions including the Hampton Bays Fire District, Hampton Bays Lighting District, Hampton Bays Water District, Hampton Bays Ambulance District, and Hampton Bays Parking District. Such revenues represent a substantial increase in revenues distributed to each taxing jurisdiction.

Additionally, build out under the Theoretical Development Scenario is anticipated to generate 977 full-time equivalent (FTE) employees during annual operations (an increase of 435 jobs over the 542 anticipated under existing zoning). Under the Community Benefit Policy, a portion of these jobs must go to residents of the Town, with priority consideration going to residents of Hampton Bays.

The Town has worked diligently in examining numerous land use, zoning and environmental laws and policies and have offered a multitude of approaches to ensure that identified environmental impacts are mitigated to the maximum extent practicable.

Finding 9: The Proposed Action is anticipated to result in substantial social and economic benefits to the Hampton Bays community. These benefits arise from direct, indirect and induced investments, employment, tax revenues, salaries, and operational expenses from both construction activities and long-term occupancy of the new development sites. The HBDOD Amendments include the requirement to establish enforceable Community Benefit Housing, Sustainable Development Standards, as well as a Fair Share Mitigation Fund which are intended to assure that future development and redevelopment under the HBDOD result in direct benefits to the Hampton Bays community. Applicants who voluntarily opt-in to the District will be required to comply with Community Benefit Policies, which will include provisions for local construction and operation jobs and a local contracting policy to ensure local job creation both during construction and on a permanent basis.

The many critical social and economic needs of the community and benefits the Subject Action provides, in conjunction with the numerous impact avoidance and mitigation strategies contained herein, clearly constitute a call for a reasoned balancing between the environment, human and community resources and social and economic considerations as indicated by SEQRA.

2.10 Alternatives

SEQRA and its implementing regulations at 6 NYCRR Part 617.9(b)(5)(iii)(v) require an examination of reasonable project alternatives that are consistent with the objectives and capabilities of the project sponsor. This phase of environmental review provides the context and framework for identifying, comparing and contrasting feasible project alternatives and plays a critical role in project planning and the identification of impacts and mitigation strategies. Alternatives investigations provide a broader foundation for informed decision-making by the Lead Agency and other involved agencies. The SDGEIS considered the following alternatives:

Alternative 1: No-Action

Alternative 2: Alternative 2: 10-Year Build Condition under Existing VB Zoning

2.10.1 Alternative 1: No-Action

This alternative assumed that the Proposed Action (zoning map and code amendments creating the HBDOD and future buildout under the proposed zoning) would not be undertaken and that Downtown Hampton Bays would remain as currently zoned and in its existing condition with no new development, improvements, infrastructure, or other reviewable actions. Current conditions, therefore, included the same development and zoning patterns, land uses, site layouts, building heights, building form and densities; environmental conditions, and continued use of existing infrastructure and facilities. Under this scenario, current land use, zoning, infrastructure, community services, and environmental, social and economic conditions would remain the same, potential impacts and the many benefits of the Proposed Action would not come to fruition, and the vision and goals of the community would not be fully realized.

Impacts

- The pattern and The Town would not implement the recommendations, nor fulfill the many goals of past land use plans and community visioning processes including the form based recommendations established by the 2017 Pattern Book for the Hampton Bays Downtown Overlay District which guided the development of the HBDOD Code.
- The pattern and form of development that currently exists in Hampton Bays would remain generally unchanged. Growth in the community center would likely continue to stagnate rather than benefiting from the concentration of mixed land uses in the Downtown, where it is most appropriate, which would support a more functional, walkable, sustainable and economically productive community center and maintaining densities in outer residential areas of the community.
- The existing visual condition of the built environment would likely remain as is or possibly degrade rather than being enhanced by the proposed dimensional zoning standards and design guidelines that have been specifically designed to improve conditions and provide a more functional and productive Downtown.
- The existing condition would not increase the potential for new stand-alone multifamily residential development and apartments over stores including community benefit units for residents in the area (priority determined pursuant to Chapter 216), and a more diverse housing stock.
- The status quo condition would not generate any new construction jobs (i.e., temporary full and part-time work) that would become available, as well as full- and part-time employment opportunities that may be created by a variety of new businesses and an increased residential presence.
- New business development would not be promoted to the extent anticipated by the Proposed Action and associated development incentives and the type and level of mixed-use development that is necessary to create a more sustainable community and the enhancement of the Downtown would not occur.
- Traffic patterns would remain generally the same with additional background growth for the area and the mix of land uses, development pattern, building form, and density would

be less conducive to a more pedestrian friendly transit oriented development that takes advantage of easy access to rail and bus service and essential goods and services, not to mention the recently available Good Ground Park facilities. There would be no Good Ground Road Extension or other street improvements to relieve traffic along Montauk Highway and no STP.

- The existing condition would also preclude the possibility for providing additional side streets to reduce the size of blocks in the Downtown, which would create more road frontage for store fronts, facilitate vehicle and pedestrian access, and allow for more efficient and beneficial use of land, especially undeveloped land on the north side, adjacent to the park.
- The existing condition would not provide the level of school/library tax revenues that the Reasonable Theoretical Development Scenario (10-Year Build condition) would provide for school/library district services. Based on tax revenue projections prepared for the current environmental review, the Proposed Action would increase annual school/library tax revenues from \$1,340,169 under the No-Action condition to an estimated \$1,461,806 for an annual increase of \$121,637.
- The No-Action Alternative would also generate less total tax revenues. Under the existing/No-Action condition, the total estimated annual tax revenue for all affected taxing jurisdictions is \$1,634,633 which is \$148,365± less than the \$1,782,998± that would be expected from the Reasonable Theoretical Development Scenario.
- The area may not get the needed sewer infrastructure, pedestrian friendly cross streets, on and off-street parking areas, and sidewalk and streetscape improvements that are necessary to transform the Downtown into a more active live/work/shop center and make more efficient use of the land.

Benefits

- The No-Action alternative would not increase traffic activity, although traffic levels are currently manageable and not expected to result in a significant impact assuming implementation of recommended mitigations, and the performance of future traffic analyses for site plans, as may be warranted in the future. Moreover, in some respects it is expected that a Good Ground Road Extension, proposed cross streets, mixed land uses and anticipated pedestrian amenities would mitigate some impacts and provide certain traffic and circulation benefits.
- The No-Action alternative would not consume as much potable water from the underlying aquifer including domestic, commercial and irrigation water (58,504 gpd compared to 141,177 gpd) or generate as much wastewater (+/-45,461 gpd under existing conditions considering no additional growth under existing zoning compared to 128,830 gpd under the Reasonable Theoretical Development Scenario.
- Less stormwater runoff would be expected under the No Action Alternative as there would be more impervious surfaces, but adherence to standard stormwater engineering practices would help to reduce the potential for impacts under the Proposed Action. Depth to groundwater and soil conditions appear suitable to promote positive drainage and there are no nearby wetlands, surface waters or sensitive water resources in or in close proximity to the HBDOD.

- Since there is limited habitat available in the Downtown, especially compared to other parts of the community (Central Pine Barrens Area and associated preserves and coastal areas) and due to the fact that this area has been chosen as the growth and development center of the community, the mitigations recommended by this Supplemental DGEIS to protect natural areas to the extent practicable, no significant impacts to ecological resources are expected.
- The No-Action Alternative would be expected to generate approximately the same number of school age children that would attend public school over time (estimated 12 students) and therefore generate an estimated 15 fewer than under the Theoretical Development Scenario (estimated 27 students).
- As with all public services, new business owners and residents would offset the limited impacts expected through the assessment of property taxes or would pay the necessary utility fees as future customers.
- Based on the absence of any significant impacts on or constraints from soil and topography, and no nearby natural surface water or wetland resources within the Downtown, the No-Action alternative, as well as implementation of the Proposed Action would have no significant adverse impacts on these resources, especially in light of drainage and sewer improvements and limited landscaped areas that might require fertilization.
- There would be less demand placed on public services and facilities under the No Action Alternative.
- The No-Action alternative would not increase traffic activity, although traffic levels are currently manageable and not expected to result in a significant impact assuming implementation of recommended mitigations, and the performance of future traffic analyses for site plans, as may be warranted in the future. Moreover, in some respects it is expected that a Good Ground Road Extension, proposed cross streets, mixed land uses and anticipated pedestrian amenities would mitigate some impacts and provide certain traffic and circulation benefits.

2.10.2 Alternative 2: 10-Year Build Condition under Existing VB Zoning

Alternative 2 involved the review and analysis of anticipated conditions under a reasonable build projection of the Downtown under the existing VB zoning and other applicable regulations such as the SCDHS's sanitary waste disposal standards required for individual on-site septic systems. Analysis of the 10-Year build condition under existing zoning was useful as it identified the anticipated character and conditions of the Study Area if no Code and/or zoning map amendments are undertaken and development proceeds under the current regulatory scheme during the same timeframe which can be compared with anticipated conditions under the Proposed Action.

Impacts of Development under 10-Year Build Condition Existing VB Zoning

- An increase in the total volume of water needed to serve the Downtown, including projected residential, commercial, institutional, and irrigation water demands from 75,491± gpd to 141,177± gpd (a difference of 65,682± gpd or an 87± percent increase).

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- An increase in total wastewater generation from 62,787± gpd to 128,830± gpd for an increase of 66,042± gpd or by 105± percent of current flow.
- Construction and operation of an innovative STP and sewage collection system in the Downtown which would reduce overall pollutant loading from new and existing development.
- An increase in total solid waste generated in the Downtown from 5,104± lbs/day to 8,735± lbs/day for a total increase of 3,631± lbs/day or 71± percent.
- An increase in the number of total residents in the Downtown from 184 under the 10-Year Build condition under existing VB zoning scenario to 556 under the 10-Year Theoretical Buildout Scenario for an increase of 372.
- An increase in the number of school age children living in the Downtown from an estimated 12 under the 10-Year Build condition under existing VB zoning to 27 under the 10-Year Build condition under the Theoretical Development Scenario for a total increase of 15 new school age children.
- Increased traffic flows to be mitigated through the Good Ground Road Extension, providing turning lanes at key intersections, adjusting signal timing, and promotion and facilitation of transit, pedestrian and bicycle activity.

Mitigation and benefits of Development under 10-Year Build Condition Existing VB Zoning

The potential impacts of the 10-Year Theoretical Development Scenario are offset or mitigated by the numerous benefits of the implementation of the HBDOD zoning. There are also many benefits from the implementation of the Proposed Action (see below). While many impacts and benefits have been quantified, many can only be considered qualitatively and therefore may be subjective depending on one's perspectives and perceived issues and concerns. Nevertheless, these benefits should be compared, contrasted, weighed and balanced by the Town against the above anticipated impacts to determine the overall benefit and/or impact.

- Improving the appearance, character, functionality, business and service capabilities, and economic well-being of Downtown Hampton Bays, while protecting the Hamlet's environmental resources and quality of life;
- Providing housing options to serve the community's residential needs, including creating multifamily units and apartments for persons of diverse incomes and providing new work/live opportunities;
- Creating new business opportunities, new temporary construction jobs and permanent full- and part-time work, and boosting the local customer base and employee base by allowing multifamily residential uses, encouraging upstairs apartments and creating a greater full-time residential presence;
- Enhancing the character of the Downtown, increasing walkability, and promoting more activity, economic growth, fiscal health, and Downtown vitality;
- Increasing the selection and availability of goods and services for locals;
- Concentrating growth in the Downtown rather than in environmentally sensitive areas outside the core;

- Creating a pedestrian and bike friendly, transit accessible, community with suitable parking, access, and traffic circulation;
- Developing and implementing a new form-based code that meets smart growth objectives and promotes long-term community sustainability;
- Controlling future growth by concentrating development within the Downtown rather than perimeter residential neighborhoods; and
- Allowing for more efficient and sustainable land use and growth.

Finding 10: Under both alternative scenarios, the intended benefits of the proposed HBDOD and previous planning and visioning efforts were specifically designed to improve local conditions, including recommendations of the Pattern Book would not be realized, and some of the potential impacts associated with a full buildout under the existing zoning would run counter to the goals and objectives of the Proposed Action and past community plans and environmental assessments. Numerous impact avoidance and mitigation techniques have been identified by this SGEIS to address potentially significant impacts associated with the Proposed Action.

Based on the review of Action Alternatives, and in consideration of social, economic, environmental, and other applicable considerations, the Proposed Action has been found to provide the best approach to achieving Town and community goals while avoiding or minimizing adverse environmental impacts to the maximum extent practicable, by incorporating as conditions to the decision those mitigation measures and safeguards that were identified as practicable.

2.11 Future SEQRA Review

Title 6, New York Code of Rules and Regulations (“6 NYCRR”) Part 617.10(c), states that “Generic EISs and their findings should set forth specific conditions or criteria under which future actions will be undertaken or approved, including requirements for any subsequent SEQR compliance. This may include thresholds and criteria for supplemental EISs to reflect significant impacts, such as site specific impacts, that were not adequately analyzed or addressed in the Generic EIS.

As indicated by SEQRA Part 617.10(d), “When a final Generic EIS has been filed under this part:

- (1) No further SEQR compliance is required if a subsequent proposed action will be carried out in conformance with the conditions and thresholds established for such actions in the Generic EIS or its findings statement;
- (2) An amended findings statement must be prepared if the subsequent proposed action was adequately addressed in the Generic EIS but was not addressed or was not adequately addressed in the findings statement for the Generic EIS;
- (3) A negative declaration must be prepared if a subsequent proposed action was not addressed or was not adequately addressed in the Generic EIS and the subsequent action will not result in any significant environmental impacts;

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- (4) A supplement to the final Generic EIS must be prepared if the subsequent proposed action was not addressed or was not adequately addressed in the Generic EIS and the subsequent action may have one or more significant adverse environmental impacts.”

Therefore, all future reviewable actions including applications for new development projects in the HBDOD that are determined to constitute an Unlisted or Type I action under SEQRA must be reviewed against this Findings Statement to determine whether the future action was 1) addressed, and 2) adequately addressed by the SGEIS, 3) is consistent with the previous supplemental environmental review, and 4) conforms with the conditions and thresholds established for such actions. If not, an EAF would be required to determine if the action may result in a significant environmental impact that was not considered and if a supplemental EIS is warranted. Notwithstanding the above standard requirements, HBDOD Code §330-437 B., Compliance With State Environmental Quality Review Act, identifies and clarifies thresholds and future requirements for environmental reviews and agency referrals for Unlisted and Type I actions proposed in the HBDOD, to address actions occurring in the future after considerable development has been completed. This section of the revised HBDOD Code includes a provision stating that after the approval of the first 147 residential units in the Downtown (i.e., the difference between units anticipated by the as-of-right build out and the residential units evaluated by the SDGEIS’s Reasonable Theoretical Development Scenario or “TDS”), any project qualifying as an Unlisted or Type I action will be evaluated to ensure that there has been no significant change to the assumptions made in the Supplemental GEIS or area conditions that would warrant additional SEQRA review. This will include coordination by the Planning Board with involved and interested agencies during the site plan referral and SEQRA review processes.

3.0 CONCLUSION

The preceding identified potential impacts, mitigation required, and established thresholds, standards and procedures for supplementary impact assessments for future reviewable actions proposed in and pursuant to the HBDOD and balances these considerations with social and economic considerations. The Lead Agency, has as required by SEQRA, evaluated and compared and contrasted the Subject Action against the requisite “No Action Alternative” (Alternative 1) and a “10-Year Build Condition under Existing VB Zoning” (Alternative 2). Based on these investigations, it was determined that in the absence of the proposed HBDOD Form Based Code, the Hampton Bays community would not receive the mix of uses, critical mass, dimensional and design controls, and infrastructure to spur economic activity in the Downtown to vitalize a generally stagnant Downtown, manage growth, diversify the housing stock, and meet the many goals outlined in the 2017 Pattern Book for the Hampton Bays Downtown Overlay District.

Based on the Town Board’s review of the content of the subject SGEIS and this Findings Statement, consideration of the comments received during the public and agency review process, and the measures identified to avoid or minimize impacts, the Town Board of the Town of Southampton as Lead Agency, concludes that identified impacts have been avoided or mitigated to the maximum extent practicable and that the long-term benefits of the Action, including

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social, economic and other essential considerations outweigh any residual impacts that are identified. Moreover, the Proposed Action meets the spirit and overall objectives of the Town of Southampton's long-term planning efforts and vision for the future, includes thresholds and procedures for additional future environmental review as necessary, and the processes and procedures of SEQRA have been fulfilled.

**State Environmental Quality Review Act
FINDINGS STATEMENT SIGNATURE PAGE**

Certification to Approve/Undertake

Having considered the Draft and Final Generic Environmental Impact Statements for the Subject Action and having considered the preceding written facts and conclusions relied upon to meet the requirements of 6 NYCRR Part 617.11, this Statement of Findings certifies that the Southampton Town Board as Lead Agency in the subject matter has:

1. considered the relevant environmental impacts, facts and conclusions disclosed in the SEQRA documents;
2. weighed and balanced relevant environmental impacts with social, economic and other considerations;
3. provided a rationale for the agency's decision;
4. met the requirements of 6 NYCRR Part 617; and
5. found that consistent with social, economic and other essential considerations from among the reasonable alternatives available, the Subject Action is the one that avoids or minimizes adverse environmental impacts to the maximum extent practicable, and that adverse impacts will be avoided or minimized to the maximum extent practicable by incorporating as conditions to the decision those mitigation measures and safeguards that were identified as practicable.

By the Town Board of the Town of Southampton,

Signature of Responsible Official

Name of Responsible Official

Title of Responsible Official

Date

Copies of this Findings Statement have been filed with:

- Lead Agency
- Involved Agencies