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# Appendix B-2

**ORIGINAL**

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**Southampton Town Planning Board Meeting  
January 26, 2017**

1 COUNCILMEMBER ROBIN LONG: Second.

2 CHAIRPERSON DENNIS FINNERTY: Second by  
3 Robin. All in favor, aye; opposed, abstentions?  
4 Five yes, two absent. We're moving now to the  
5 continuation of Southampton Country Day Camp.  
6 This has been continued from December. It's a  
7 SEQR hearing for the DEIS. We don't have the  
8 benefit of a sign-in sheet, but the format we're  
9 going to follow is we're going to hear from  
10 speakers who have not entered testimony at the  
11 last hearing.

12 So, we would ask if you have not  
13 entered testimony yet, please line up at the  
14 podium and...

15 WAYNE BRUYN: I'd just like to make one  
16 point of order--is that the board did request us  
17 to repost the property, and we did submit a  
18 poster.

19 CHAIRPERSON DENNIS FINNERTY: Oh, we do  
20 have an affidavit. Okay.

21 MAN 1: Though one wasn't required, we  
22 did request them to repost the property and they  
23 did that.

24 CHAIRPERSON DENNIS FINNERTY: Okay.  
25 We'll note that for the record. We are keeping

1 all speakers to a three-minute time window. So,  
2 we do have a timekeeper and we apologize, but  
3 we're going to have to really adhere to the  
4 three-minute time window. We're going to try to  
5 get everyone to speak and that includes the  
6 applicants, and the representatives, and the  
7 representatives of the neighbors. There's going  
8 to be a three-minute time window for everyone. We  
9 ask you to adhere to that time window, and we  
10 hopefully will be adjourned in about two hours.

11 And we also--yeah, we ask you--since we  
12 don't have a sign-in sheet, so print your name  
13 either before or after your comments. Also, state  
14 your name for the audio record. And I guess  
15 that's... Come on up. Someone has to be first.

16 JESSICA HINES: Hi, everyone. My name is  
17 Jessica Hines and I'm a resident of Southampton.  
18 Three years ago, my husband and I got married in  
19 the Hamptons and we had our wedding reception  
20 just down the road at the Lobster Grill Inn.  
21 Shortly after we put our life savings down on an  
22 800-square foot bungalow on Little Fresh Pond, we  
23 fell in love with the serene views and idyllic  
24 Americana vibe of the neighborhood, and the  
25 camaraderie of the neighbors and the Pond

H33

1 Association--families that have lived on this  
2 pond for generations and take great pride in its  
3 pristine beauty.

4 We knew this was the type of community  
5 we wanted to invest in and raise our own children  
6 here one day. I've been a public school teacher  
7 for 14 years. I teach elementary school aged kids  
8 and deeply understand the need for all children  
9 to have access to camps and relaxation during  
10 their summers off.

11 All children deserve the opportunity to  
12 develop their musical, cultural, and sporting  
13 abilities. For many of my own students, their  
14 annual summer camps play a big part in that  
15 development. So, yes, I think camp is a fantastic  
16 idea, and I would never want to take that way  
17 from any child.

18 With that said, the location of this  
19 camp is not appropriate for hundreds of children  
20 to visit per day. The original tennis camp on the  
21 property servicing 50 kids playing tennis only  
22 was fine with our neighborhood. However, the type  
23 of camp Mr. Jacobs is planning, bussing in  
24 hundreds of kids per day, is disastrous to the  
25 environment and the ecosystem of Little Fresh

H33-1

1 Pond.

2 We teach the kids in school about the  
3 impact their actions have on the environment and  
4 how we must preserve the earth's natural  
5 resources. We stress the importance of our  
6 footprint and how we must learn from our  
7 mistakes. Georgica Pond in East Hampton and Mill  
8 Pond in Watermill are both examples of the  
9 devastatingly irreversible results of urban  
10 runoff and overdevelopment.

11 The algae bloom breakouts in Long  
12 Island have reached record highs. Our children  
13 are watching everything we do, and this crucial  
14 moment determines their future even more than  
15 ours. The children will inherit this planet and I  
16 personally plan to work hard every day to make  
17 sure it is in the best condition possible for  
18 them.

19 A camp of this size and impact does not  
20 belong here on the shores of a kettle pond. I  
21 hope that among the children attending the camp  
22 are the future scientists and biologists that  
23 will continue our efforts in preserving the  
24 complex and delicate ecosystem of Little Fresh  
25 Pond and other bodies of water in Long Island

H33-1  
cont'd

1 with rising temperatures caused by irresponsible  
2 building.

H33-1  
cont'd

3 I also find it heartbreaking that  
4 children were brought here to testify on behalf  
5 of the camp. The fact that they were burdened and  
6 stressed by the issue that should've been dealt  
7 with adults is counterproductive to their  
8 wellbeing. Please save Little Fresh Pond.

9 [APPLAUSE]

10 CHAIRPERSON DENNIS FINNERTY: Thank you  
11 very much. Don't forget to write your name. What  
12 we should ask is--we did in the last meeting--to  
13 please withhold any applause or boos, as it may  
14 be. It's really important. So it's important. It  
15 helps the speakers and maintains decorum, and  
16 that's what we're all about. So, next speaker?

17 STACY DIAMOND: Hello, my name is Stacy  
18 Diamond. I am a Southampton resident, born and  
19 raised here, and my children have had the extreme  
20 privilege of attending the camp since they  
21 opened. I just wanted to speak to the nature of  
22 the owners and the people that work there just a  
23 little bit. I think it's important.

H34

24 They really care about the children,  
25 and I really feel like they do care about the

1 environment, and they've gone to lengths to  
2 demonstrate the steps that they're taking. I  
3 mean, it's difficult to say because each side has  
4 their own data. But I've spent a little bit of  
5 time looking at what they have, and I'm an  
6 environmental person myself--so I just--I feel  
7 like they're very willing to work with people on  
8 this, even with the neighbors, to accommodate  
9 what reasonable requests they can. And it feels  
10 very contentious in this room and it's just  
11 disheartening to me--as a resident. I've had my  
12 children going there...this has become such an  
13 issue.

14 But also in regards to the camp and the  
15 number of children and the potential traffic  
16 concerns, which we heard about a lot last  
17 meeting, I've had both experiences. My children  
18 have taken the bus with absolutely no incidents,  
19 which I think they have organized extremely well.  
20 They have a dedicated time for bus drop-offs and  
21 pick-ups, which is the opposite of the parent  
22 drop-off-pickup time, so there's no overlapping  
23 of busses and parent cars trying to get in and  
24 out.

25 And the way that the children are

H34-1

1 dropped off is extremely organized as well. The  
2 few parents that do decide to drop off their  
3 children form a separate line on the opposite  
4 side of the building. The camp counselors come to  
5 the car and remove them to their group and walk  
6 away. So there's never any children in front of  
7 cars, as it was alluded to last time. That's not  
8 even a remote concern. I just wanted to speak on  
9 that.

H34-1  
cont'd

10 Sorry, I'm very nervous. And I don't  
11 know. That's really all I have to say. I will put  
12 my name. Thank you.

13 CHAIRPERSON DENNIS FINNERTY: Thank you.

14 STACY DIAMOND: Thank you.

15 CHAIRPERSON DENNIS FINNERTY: Thank you.

16 GARY GALESKI: Good evening. Gary  
17 Galeski, 22 Horton Terrace. I lived at my current  
18 address for 22 years. I'm adjacent to the south  
19 side of the camp, about 100 feet away from the  
20 tennis courts. When I purchased my home, the camp  
21 was in off-season, it was very quiet. What I  
22 found, as Mother's Day approached, work on the  
23 courts began and they would start up with a  
24 tractor at 6 a.m. in the morning to roll out the  
25 clay courts, often working until sundown.

H35

1           This would continue onward through the  
2 summer and the fall, and the noise only seemed to  
3 stop when the courts were in use. My wife and I  
4 were not too happy about living there.

5           So, what did we do? We met with then  
6 owner Jeff Kronemeyer and he asked for help with  
7 the noise. And over time, we started to get used  
8 to it and also he made efforts to quiet it down  
9 for us. But we were the new guys in the  
10 neighborhood, and this camp had been in existence  
11 for over 70 years.

12           I did not feel then and I do not feel  
13 now that I should complain about uses that have  
14 gone on for generations. When I heard the camp  
15 was sold, I was worried it would be developed,  
16 and instead of having a quiet neighbor much of  
17 the year, I would have multiple homes and the  
18 traffic they would bring to the neighborhood.

19           But soon after I met Jay Jacobs at my  
20 home, he told me of his plans to keep the  
21 property a camp, of his improvements, and how he  
22 basically reassured me he would be a good  
23 neighbor, which I still find true to this day.

24           I am the superintendent of Public Works  
25 for the Village of Southampton and I'm used to

1 receiving complaints about properties I manage.  
2 Some of our residents discover they have moved  
3 next to a loud facility and basically tell me I  
4 should move village activities elsewhere. In the  
5 village we have a large area of ballfields at  
6 Downs Family Park where we can have as many as  
7 400 kids at a time. Neighbors often complain  
8 about the noise, but as a past director of  
9 Southampton Little League, the sound of children  
10 running around and laughing is music to my ears.

11 I remember one day Tim Barringer was  
12 with me on opening day. He is a past Little  
13 League president. He looked out at the large  
14 crowd of kids and said to me "This is about as  
15 apple pie as it gets", you know, as in the  
16 saying, as American as apple pie.

17 This camp is in the same situation. And  
18 instead of looking at a computer screen, kids  
19 here are having physical activity by running, and  
20 playing, and swimming, and laughing. These  
21 children are the future of Southampton and are  
22 learning the importance of having fun outdoors.  
23 We need to preserve camps and recreational areas  
24 so future generations will have the same  
25 opportunity. They're not making any more land in

H35-1

1 Southampton, so we can't afford to lose any camps  
2 like these.

3 I think it's sad that some think  
4 children having fun is a noise. I hope that never  
5 happens to me. In America for me, children  
6 playing is about as apple pie as it gets. Thank  
7 you.

8 CHAIRPERSON DENNIS FINNERTY: Thank you.  
9 I think it might be productive to have the sign-  
10 in sheet... Yeah. I think over there. This way  
11 they don't have to cross... And then prior--just  
12 before--while you're queueing up to speak, you  
13 can print your name on the sheet. That would be  
14 great. Thanks for helping.

15 LINDSAY FREIDA: Hi, I'm Lindsay Freida,  
16 and I have a couple of points. One is last  
17 meeting--so I'm going to refer to the expanded  
18 use of the dining hall, which we had dealt with  
19 before because it was never a dining hall, and I  
20 lived there as a share-house member for a couple  
21 of summers. And I've collected other data for  
22 people who have lived there for longer than that,  
23 over years. It was used for ten years as a share-  
24 house and not a dining hall. It was never a  
25 dining hall, so it cannot be expanded use.

H35-1  
cont'd

H35-2

H36

H36-1

1           Apparently, the Zoning Board did not  
2 feel that was important, but I'll tell you why  
3 it's important. Because when we were there, ten  
4 adults using it like, a three-day weekend or  
5 maybe some people stayed during the week by  
6 themselves, whatever, for vacation. Now if you  
7 have hundreds of kids using it every day as a  
8 dining hall, that's dishwashing all those dishes,  
9 all those pots, all those pans, food prep,  
10 whatever--the impact environmentally is much,  
11 much greater than it had ever been in years past.

12           They did have a small camp in years  
13 past; they never used that house as a dining  
14 hall, to my knowledge, and I was there. In the  
15 morning they would come and play tennis and do  
16 whatever, and then they would go home and  
17 probably eat lunch at home. It wasn't an all-day  
18 camp. There was no dining hall. They were not fed  
19 at the camp. I mean, maybe they brought  
20 sandwiches of their own but they didn't eat at  
21 the dining hall.

22           So, that amount of water of dishwasher-  
23 -are they going to use ecofriendly products in  
24 cleaning all the plates and washing all the pans?  
25 I doubt it because it's expensive and it probably

H36-1  
cont'd

1 doesn't even come in the bulk quantity that you  
2 would need for 400 or 500 kids a day five days a  
3 week.

4           So, my concern is really Little Fresh  
5 Pond. I have no problem with camps. I went to  
6 camp. I love camps. Love kids. That's not a  
7 problem. But we also have--we have activities for  
8 kids right down Majors Path. The Stars of  
9 Tomorrow facility--it's a huge camp area that  
10 doesn't abut the lake and that's for local kids.

11           So, one of my other questions is, you  
12 know, who is this serving? Because many of the  
13 kids that are coming to this camp are not local  
14 kids, except for the ones that are getting to go  
15 for free, thanks to Jay Jacobs.

16           But the people--the camp is really for  
17 wealthier kids because it's a very expensive  
18 camp, and that isn't the neighborhood. The  
19 neighborhood has a camp. I mean, it has Stars of  
20 Tomorrow, it has Sandy Hollow. This neighborhood  
21 isn't being served by this camp, and so I don't  
22 know why--considering that the zoning is supposed  
23 to go back to residential--why we would choose to  
24 take a big, big commercial business on top of  
25 this area that isn't serving the local community,

H36-2

1 other than those who get to go for free, which  
2 maybe will leave an end. Because once he can sell  
3 those spaces, maybe he won't give them away  
4 anymore. Right now he's getting everybody to  
5 agree by giving them free camp memberships, but  
6 if he could sell those spaces when he gets  
7 bigger, he probably would sell them and those  
8 people would be out of luck.

9 I also have included in this packet--so  
10 I have a lot of photos, if you want to, that show  
11 us hanging out in the building. I actually got  
12 married in the building so I have Barbara, Judge  
13 Wilson up there on the fireplace with me. So you  
14 can ask her. She was in that house, and it was  
15 not a dining hall when she was there.

16 But I also have a couple of articles  
17 from the paper. The most recent one is May 2016,  
18 and I quote: "Suffolk County leads New York in  
19 toxic algae and freshwater lakes and ponds as the  
20 area has seen an increase in algae that causes  
21 sickness, even death."

22 CHAIRPERSON DENNIS FINNERTY: That's our  
23 time window.

24 LINDSAY FREIDA: I'm just going to hand  
25 this in.

H36-3

1 CHAIRPERSON DENNIS FINNERTY: You want  
2 to submitted it to the secretary, please?

3 CHAIRPERSON DENNIS FINNERTY: Thank you  
4 for your comments. Hello.

5 DEIDRE BOYD: Hi, I'm Deidre Boyd. Good  
6 evening. I live in Watermill. I have two children  
7 that go to the camp. I am here in favor of the  
8 camp. I summered here on Little Fresh Pond. My  
9 grandmother had a house on Lakeview Court. My  
10 best memories are of Little Fresh. I don't feel  
11 like the pond needs saving from the camp, I  
12 really don't.

13 My kids, one of which--he was here last  
14 time, wanted to come tonight and really struggled  
15 with should he do his homework and go to this  
16 basketball practice or should he be here? Because  
17 he really wants to be here. Nobody's dragging him  
18 here. He loves the camp. He's so mad that he  
19 can't go anymore because he's 12. So he's aged  
20 out. It was the best experience.

21 As far as the traffic and the busses,  
22 there is so much traffic on that road, we're not  
23 talking 4 or 500 kids. I think some people here  
24 in opposition of the camp don't have their facts  
25 straight. You don't even see the busses or the

H37

H37-1

1 cars the way that they pull in. Stacy kind of  
2 mentioned it. You wouldn't even be aware of it. I  
3 think there's a lot of traffic in this area  
4 that's been preexisting, having nothing to do  
5 with the camp.

H37-1  
cont'd

6 I built a house in Watermill. My  
7 neighbor is renovating their house. I would  
8 imagine that ten weeks of camp is preferable to  
9 however many acres of, you know, McMansions going  
10 up. And to me, this is a classic case of "not in  
11 my backyard". It's fine for someplace else, but  
12 the people that live around Little Fresh, they  
13 want it gone, they want it gone. They don't want  
14 it in their backyard, and they will--you know,  
15 let them do it someplace else.

H37-2

16 And that's just my personal feeling on  
17 the subject. The camp has been wonderful. Yes, my  
18 children have gone to camp for free because my  
19 husband is a volunteer firefighter and he would  
20 come to any of your homes at any time, any day to  
21 go into your burning home. And I think that Jay  
22 and his staff have been great with acknowledging  
23 that.

24 And my kids are done with the camp, so  
25 I have absolutely nothing to benefit except to

1 say that it's been a really good experience, and  
2 I think the community does benefit from it.

3 CHAIRPERSON DENNIS FINNERTY: Thank you  
4 for your comments. Next speaker?

5 DANIEL PATRY: Daniel Patry. My house is  
6 721 Majors Path, which is just north of the  
7 property. You can see the busses. And it is a lot  
8 of traffic. This was my first summer so I don't  
9 have anything to compare against, but pulling out  
10 either right or left onto Majors Path from our  
11 house is difficult during the week, especially in  
12 those mornings. I can't speak for the safety of  
13 the kids. I haven't seen what's going on in the  
14 parking lot.

H38

H38-1

H38-2

15 The setbacks are probably one of our  
16 biggest concerns, given the changes going on. The  
17 amount of kids that are there now, it's a  
18 reasonable amount of noise. But going to hundreds  
19 of kids is going to obviously make things a lot  
20 louder. They also want to expand the tennis  
21 court. It's going to be five--four times the size  
22 of my home. Just 35 feet from our property line.

23 So, expanding the tennis court into a  
24 basketball court--I'm sure you guys know what a  
25 basketball sounds like bouncing all day by 35 or

1 40 children. The tennis court isn't all that bad  
2 right now, but a basketball court would be pretty  
3 annoying.

H38-2  
cont'd

4 The other thing that was brought to our  
5 attention this week was around the sightlines for  
6 busses. I mean, we want to talk about safety for  
7 the children getting on and off the bus--how  
8 about coming out of the driveways? A site study  
9 that was done shows that whether it's coming out  
10 of the north or the south driveways, there's  
11 about 100 feet less than is needed for a safe  
12 turn for a bus out of the road. That's not safe  
13 for the children, it's not safe for the neighbors  
14 driving on the street, it's not safe for anybody.

H38-3

15 The pond is important. I don't know how  
16 they're going to take care of everything that  
17 comes out of children every day and how that's  
18 not going to affect the pond and the environment.  
19 I think there's a lot of things that are not  
20 necessarily being fully covered in the DIS, and I  
21 think all of us have pointed out some of those  
22 challenges. Thank you.

H38-4

23 CHAIRPERSON DENNIS FINNERTY: Great.  
24 Next speaker? Hi.

25 BILL GADEN: Good evening. My name is

H39

1 Bill Gaden. I'm fortunate to own a home on Little  
2 Fresh Pond and I'm against the change of use for  
3 the Southampton camp. The owner of the camp is  
4 asking you for a change of use only so that he  
5 can make more money. It's as simple as that.

6 But on the other side of that request  
7 is the very serious risk of long-term harm to  
8 Little Fresh Pond and to the safety of the  
9 neighborhood. If granted this change of use, he  
10 will have an unfettered ability to do what he  
11 pleases on the property and in Little Fresh Pond  
12 with nobody to approve what he does in the  
13 future.

14 I believe that the only way for this  
15 board to approve his change of use is to be 100  
16 percent confident that his DEIS is absolutely  
17 foolproof and there are far too many doubts to do  
18 that. These doubts are risks, serious, long-term  
19 risks.

20 I'll cite just two examples of the  
21 doubt that is found throughout the DEIS. Traffic  
22 and environment. The traffic impact study was  
23 recorded on dates when the camp was not in  
24 session. So all the traffic analysis is based on  
25 traffic levels when there was no camp in session.

H39-1

H39-2

1 That must create doubt in all the resulting  
2 traffic findings.

H39-2  
cont'd

3 The DEIS also describes the camp  
4 traffic if there were no busses. It states, "The  
5 volume of traffic could not be readily  
6 accommodated on site." It would more than double.  
7 This scenario does not work. So if the level of  
8 bussing decreases in the future, the risk to the  
9 kids in the neighborhood increases. The DEIS  
10 makes that clear.

H39-3

11 The environment. The DEIS states that  
12 the generate groundwater flow direction is to the  
13 west-northwest, yet just five pages later it  
14 states, "During prolonged periods of little or no  
15 rainfall, groundwater inflow is induced to Little  
16 Fresh Pond." This clearly states there is risk  
17 with the groundwater flow.

H39-4

18 The biggest doubt in the study of the  
19 water, however, is that it was performed by  
20 Lombardo Associates, the same consultant whose  
21 findings were the opposite just four years ago.  
22 That simple fact makes all of his conclusions  
23 about water in doubt.

H39-5

24 I firmly believe that there is no way  
25 that this board can be 100 percent confident that

1 there will not be adverse effects to the  
2 neighborhood, the safety, and the delicate  
3 ecology of Little Fresh Pond. How can we know  
4 today that the damage won't happen in six months  
5 or five years? To state unequivocally that the  
6 growth of this camp with no checks and balances  
7 will have no negative effect, it can't be true.

8 This DEIS is filled with doubt. We must  
9 not let a commercial operation in a residential  
10 neighborhood to grow with no boundaries simply  
11 for the economic gain of the camp's owners and  
12 risk that Little Fresh Pond could be destroyed.

13 Please respect the residential  
14 neighborhood, please respect Little Fresh Pond,  
15 and please respect the fact that the DEIS is full  
16 of doubt. Doubt that are risks; risks that will  
17 be detrimental to the ecology of Little Fresh  
18 Pond, to the quiet enjoyment of the neighborhood,  
19 and the safety.

20 I believe we must put our  
21 neighborhoods, our safety, and our precious  
22 natural resources first. This change of use is a  
23 very, very serious request.

24 I believe we must put our  
25 neighborhoods, our safety, and our precious

1 natural resources first. This change of use is a  
2 very, very serious request and with all the  
3 doubts and risks that are in front of you, I urge  
4 you to deny the change of use. Thank you.

5 CHAIRMAN DENNIS FINNERTY: Thank you.  
6 Just made it on the time. We--has everyone been  
7 printing in? I don't know where the timing sheet  
8 is. Sign in sheet. Okay. It's worked its way  
9 back. All right.

10 BARBARA PETERSON: Hi. I'm Barbara  
11 Peterson, 6 Trout Lane, Southampton. I live half  
12 a block away from Little Fresh Pond and I've  
13 resided at this residence for 39 years. Thirty-  
14 nine years ago, the quality of Little Fresh Pond  
15 water was absolutely and positively beautiful.  
16 Not so now. Little Fresh Pond is on the DEC's  
17 endangered list. The camp should not be where it  
18 is. The camp should not be allowed to expand.

19 We don't need another Lake Aguan. We  
20 don't need another Georgica Pond. And we don't  
21 need another Mill Pond. Save Little Fresh Pond.  
22 Thank you.

23 CHAIRMAN DENNIS FINNERTY: Thank you for  
24 your comments.

25 ROBIN LONG: Thank you.

H40

H40-1

1 CHAIRMAN DENNIS FINNERTY: Next speaker?

2 WALLY TEICH: My name is Wally Teich--  
3 can you hear me?

4 CHAIRMAN DENNIS FINNERTY: Yes.

5 WALLY TEICH: I live at 54 Little Fresh  
6 Pond. And we've owned the house for about 27  
7 years. I have a lot more questions than comments.  
8 My first question is--I'm being redundant--figure  
9 me. But what would the pond be like in six  
10 months? Five years? Ten years? Twenty years?

11 Will it stay a pristine spring-fed  
12 pond? Or will it become contaminated like the  
13 other three ponds? Will the fact that you--  
14 assuming the Planning Board and Zoning Board  
15 approves the application--will the camp--will a  
16 full-blown 500-person camp be the catalyst that  
17 takes the pond over? And from the runoff and from  
18 the affluent, that the pond then becomes  
19 contaminated.

20 Now, if the pond becomes contaminated?  
21 Who pays? Who pays for all the environmental  
22 studies? And who pays for the clean-up like in  
23 the other ponds? It's the tax-payer? So, our  
24 taxes are going to go up in a situation that,  
25 maybe, if we act now, as opposed to later, we can

H41

H41-1

1 avoid. You know, is an ounce of prevention worth  
2 a pound of cure? So, there are alternatives.

H41-1  
cont'd

3 One alternative might be, if you guys  
4 approve the 500-person camp, to impose a tax on  
5 the camp. Let's say a \$100,000 a year. That would  
6 go into a kitty to clean up the pond in the event  
7 that it does become contaminated. And obviously,  
8 there are the other alternatives. The community  
9 development fund. We can put housing on the pond.  
10 Or we can do a swap. Take the camp from where it  
11 is, put it into an area that doesn't have  
12 proximity to the pond, doesn't have proximity to  
13 the houses around the pond, doesn't have  
14 proximity to a heavily traffic road.

H41-2

15 Put it in a commercial area. Put it in  
16 an area that is not very well built. The problem  
17 is as like we've all been saying. It's a  
18 wonderful camp. The camp does two primary  
19 objectives. It keeps the kids safe and the kids  
20 have a good time. Mr. Jacobs has a wonderful job  
21 of running the camp. No argument. The problem is  
22 the camp's in the wrong spot.

H41-3

23 Okay? You have a full-blown 500-person  
24 commercial enterprise right smack dab in the  
25 middle of a residential neighborhood. There's no

1 other commercial properties around it. Probably  
2 the closest properties are the delis and the  
3 tavern on North Sea Road.

H41-3  
cont'd

4 I mean, here it is. And we have houses  
5 all around it. Another thought that I'm having is  
6 I was wondering why we honor the camp. They're  
7 spending hundreds of thousands of dollars in  
8 lawyers and in these, what I call, tainted  
9 environmental studies that are telling exactly  
10 what he wants to hear.

11 CHAIRMAN DENNIS FINNERTY: Three  
12 minutes.

13 [OVERLAPPING VOICES OBSCURES]

14 WALLY TEICH: I'm done. By the way, why  
15 is he spending that type of money? Because the  
16 camp is enormously profitable.

17 CHAIRMAN DENNIS FINNERTY: You've got  
18 out--

19 WALLY TEICH: I'm done.

20 CHAIRMAN DENNIS FINNERTY: Thank you.  
21 You did well, Mr. Teich.

22 SALLY BAREAU: Hi. Chairman Finnerty,  
23 members of the board. My name is Sally Bateau. I  
24 have lived on the north side of Little Fresh Pond  
25 for more than 26 years. In the summer, I swim,

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1 paddle in the lake daily. And from time to time,  
2 my seven grandchildren, two great-grandchildren,  
3 niece, nephew, great-niece, great-nephew join me  
4 in this enjoyment.

5           During the 26 years that I've lived on  
6 Little Fresh Pond, when there was a tennis club  
7 on the property that Mr. Jacobs wants to operate  
8 as a racquet club and day camp, I never saw  
9 anyone from the tennis club use the beach or the  
10 lake for swimming, boating, or other leisure  
11 activities.

12           The tennis club members did not use the  
13 lake. There is no precedent set for them to use  
14 the lake. I have two ads from local sources. One  
15 dating from 2012 and one dating from 2013 stating  
16 that along with tennis instructions, there's a  
17 private beach that can be used for kayaking,  
18 swimming, and other leisure activities. The other  
19 states that refreshing water fun can be had in  
20 Little Fresh Pond.

21           On page XIII, in the executive summary  
22 from the DEIS, it states, there is no use of the  
23 pond related to the existing facility operations.  
24 With the potential exception of supervised nature  
25 walks near the pond. And no changes are proposed.

H42-1

1 Can we be assured that there will be no use of  
2 the lake? Or would a supervised nature walk lead  
3 to entering the lake looking for nature?

H42-1  
cont'd

4 I also have something if I still have  
5 time to say about the traffic. The American  
6 Associate of State and Highway Transportation  
7 officials is the organization that sets the  
8 standards for all traffic studies in the U.S.  
9 From this data, there is insufficient departure  
10 site distance for a bus loaded with children to  
11 make a safe turn from any of the two driveways  
12 turning on to Majors Path in either direction--  
13 north or south.

14 Departure site distance is the distance  
15 needed for the bus to exit the camp driveway  
16 without causing the oncoming traffic on Majors  
17 Path from breaking--

H42-2

18 ROBIN LONG: Three minutes.

19 SALLY BAREAU: --to slow down or the  
20 actual stop so that the bus could exit.

21 CHAIRMAN DENNIS FINNERTY: [UNINTEL] the  
22 time.

23 SALLY BAREAU: Okay.

24 CHAIRMAN DENNIS FINNERTY: Thank you for  
25 your comments.

1           SHEILA CAMPARETTO: My name is Sheila  
2           Camparetto. I'd like to read a letter from Lucy  
3           Dunn who is the co-chairperson of the North Sea  
4           Citizens Advisory Community. Lucy is recovering  
5           from pneumonia.

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6           Dear Planning Board members, at the  
7           North Sea CAC meeting of Tuesday, November 8,  
8           2016, a discussion regarding the EIS for  
9           Southampton Tennis and Camp property at 655  
10          Majors Path, North Sea. This property is well  
11          known to the community because the usage has been  
12          questioned since 2011. The CAC firmly believes  
13          that a change in use is beyond the scope of the  
14          prior use as the tennis club and that it will  
15          impact the surrounding neighborhood.

H43-1

16          The CAC would like to see the Planning  
17          Board limit the use of the property to the  
18          previous owner's level of use as a tennis club.  
19          This would avoid the further development of the  
20          property and density. The expansion of parking to  
21          approximately 120 spaces is just one indication  
22          that there is an expansion of use. Further  
23          changes have been made without any authorizations  
24          in place to have dormitory style housing where  
25          small family cottages were rented.

H43-2

H43-3

1           There has been no formal inspections to  
2 address the many changes. The law states that to  
3 change the use of the property to day camp from  
4 tennis camp, the day camp must be more beneficial  
5 to the general neighborhood than the tennis camp.  
6 We voted unanimously to suggest this to the  
7 Planning Board that the DEIS for this expansion  
8 of preexisting, non-conforming use not be  
9 approved because of the impact on the surrounding  
10 residential area including noise, sanitation,  
11 water quality of Little Fresh Pond, traffic,  
12 parking, and quality of life issues for the  
13 surrounding residences.

14           Following the discussion, a motion was  
15 made, accepted, and voted upon. A unanimous vote  
16 to oppose this proposal for the change of one  
17 non-conforming use. Sincerely, Lucy Dunn. Co-  
18 chairperson North Sea CAC. Thank you.

19           CHAIRMAN DENNIS FINNERTY: Thank you. We  
20 actually have a copy.

21           SHEILA CAMPARETTO: Yes? Okay.

22           CHAIRMAN DENNIS FINNERTY: Good. Hello.

23           ANN BARZOLA: Hi. My name is Ann  
24 Barzola. I live at 111 Little Fresh Pond Road.  
25 And I'm speaking to the issue of Mr. Lombardo's

H43-3  
cont'd

H43-4

H44

H44-1

1 report in regard to the flow of the ground water.  
2 I know you've heard some of this before but he  
3 did a report for us, the LFPA, in October of  
4 2012.

5 And he said that the campsite waste  
6 water discharge will likely flow into Little  
7 Fresh Pond. Then, for the camp report, he writes  
8 that, "Lombardo Associates concluded that ground  
9 water at the subject property does not flow into  
10 Little Fresh Pond." And further in that report,  
11 he says that--first of all, he said Little Fresh  
12 Pond is at a higher elevation than the camp which  
13 is ludicrous. That's one thing.

14 And then, the sentence after that,  
15 "insufficient data exist to determine the ground  
16 water flow patterns into and out of Little Fresh  
17 Pond." I mean, he's even doubting his own study  
18 and his own results in the report to the camp. He  
19 wrote a letter to the press this week saying that  
20 the testimony of this hearing and a letter in the  
21 press had impugned his reputation. But I think  
22 he's impugned his own reputation by double  
23 talking.

24 And I think for that reason that the  
25 report lacks credibility and should be

H44-1  
cont'd

1 disregarded. Thank you.

2 CHAIRMAN DENNIS FINNERTY: Thank you for  
3 your comments.

4 CARLA RICH: My name is Carla Rich and I  
5 live on Lake Missapoque--Big Fresh Pond. I will  
6 be brief as to quote from an American Indian  
7 Chief, Chief Joseph. "It does not require many  
8 words to speak the truth."

H45

9 I wish to join with Little Fresh Pond  
10 Association and their experts in their statements  
11 that the DEIS, which the developer has submitted,  
12 fails to prove that the more intensive use he  
13 plans will not be detrimental to the environment.  
14 Your decision is very important for the ecology  
15 of the neighborhood.

H45-1

16 In closing, may I site a relevant  
17 saying from the Iroquois Nation. "In our every  
18 deliberation, we must consider the impact of our  
19 decisions on the next seven generations." Thank  
20 you for your consideration.

21 CHAIRMAN DENNIS FINNERTY: Thank you.  
22 Thank you for your comments.

23 PERSON: [UNINTEL PHRASE]

24 CHAIRMAN DENNIS FINNERTY: Good evening.  
25 Mr. Havemeyer. Good to see you.

1           FRED HAVEMEYER: Good evening. Chairman  
2 Finnerty and members of the Planning Board, happy  
3 new year to you.

4           CHAIRMAN DENNIS FINNERTY: Happy new  
5 year.

6           FRED HAVEMEYER: I'm Fred Havemeyer,  
7 former Southampton town trustee. I served in that  
8 elected capacity for over 11 years. The trustees  
9 divide the town in the various geographic areas.  
10 My area included Little Fresh Pond. And over my  
11 many years as a trustee, I got to know the people  
12 of that area very well, the pond very well, and  
13 the dynamics of what is going on there.

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14           And I have to say in opening that the  
15 residents there are marvelous stewards of their  
16 own environment. It's really to be applauded  
17 because the lakes and ponds in Southampton town  
18 are really the crown jewels of our environment.  
19 Of course, we have the ocean and the bays, but  
20 I'm talking of the land side. And many of the  
21 lakes and ponds are in very serious trouble. And  
22 one of the obvious examples is Lake Aguan right  
23 near here.

H46-1

24           And the critical problem there is  
25 runoff from the village which is excessive and

1 there is very little control of it. And  
2 secondarily, all the residents around the lake,  
3 which are not particularly good stewards of the  
4 environment as per fertilizer, and pesticides, et  
5 cetera. So, runoff is a very big problem.

6 The people at Little Fresh Pond area  
7 have really gone overboard in trying to take care  
8 of their pond. To that end, they're members of  
9 the New York State Lakes and Ponds Association  
10 and they have periodic testing which they have  
11 over, I think, 25 years. They have quite a long  
12 record of history on the pond.

13 The pond has had its ups and downs, of  
14 course. But over all, it's doing very well. And I  
15 think it's doing very well because the people  
16 that live there care about it. It's their  
17 viewshed. To a limited extent, they use it for  
18 recreation. And it's really something very, very  
19 special environmentally.

20 The reason I'm here is because a person  
21 that has been involved can't help but be  
22 concerned when a very high intensity usage is  
23 proposed for an area that is very fragile  
24 environmentally. And so, I'm really here, and to  
25 hope, that the five of you will take this

H46-1  
cont'd

1 application--which I know you will, I'm not  
2 disparaging--very, very seriously, and the uses,  
3 and do everything you possibly can to reduce the  
4 impact and to make sure that this wonderful jewel  
5 stays healthy for all time to come. Because right  
6 at the present moment--I'm not sure how much time  
7 I have left here because usually Sandy is there  
8 with a 30 second thing.

9 But the bottom line is when it's gone,  
10 it's gone. And Little Fresh Pond does not have a  
11 river running into it and a river running out of  
12 it. It's really a landlocked pond. The water  
13 does--

14 ROBIN LONG: Three minutes.

15 FRED HAVEMEYER: --move underneath and  
16 there's a debate over that. I don't know what  
17 that was. As a trustee, it didn't come across my  
18 desk. But the fact is, it can be every easily  
19 impacted and very seriously impacted. And a  
20 proposal of the scale and magnitude that is being  
21 proposed for there now is something that really  
22 sends up a lot of red flags. So, I want to thank  
23 you for listening to me. And I know you're going  
24 to do a good job. And just remember that Little  
25 Fresh Pond is a jewel and let's keep it a jewel.

H46-1  
cont'd

1 Thank you very much.

2 CHAIRMAN DENNIS FINNERTY: Thanks, Fred.  
3 Good to see you again.

4 PERSON: [UNINTEL PHRASE]

5 CHAIRMAN DENNIS FINNERTY: Come on up.

6 KEVIN MCALLISTER: Good evening. Kevin  
7 McAllister of Defend H2O and thank you for the  
8 decorum this evening, as always. I, of course,  
9 like to speak to water quality. I'm not going to  
10 speak to quality of life issues. You've seen,  
11 certainly, with the evidence in the  
12 documentation. Virtually every pond, every  
13 freshwater body, every coastal water body is  
14 stressed and impaired. Little Fresh is certainly  
15 classified in that manner. The watershed--and you  
16 know this term. This is the contributing drainage  
17 basin to this pond. It's pretty expansive.

18 While I agree, and understand, the  
19 nuances with respect to the ground watershed  
20 versus the surface drainage--they don't  
21 necessarily match up. But I do want to speak to  
22 the Lombardo report. While it suggested that the  
23 water does not flow to the pond, as a scientist,  
24 I find that difficult to accept. Perhaps not  
25 immediately on the parcel. I know there were a

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H47-1

1 number of ground water wells that were sunk.  
2 Four, I believe. August and November. And I would  
3 say that it's deficient to make that statement,  
4 ultimately, without more expansive analysis of  
5 sediments. There's clay lenses that might be  
6 diverting water.

H47-1  
cont'd

7 You know, there's a whole host of  
8 variables that could affect the actual influence.  
9 But if the water is moving west or northwest, as  
10 suggested, I have to believe, eventually it is  
11 diverting into that pond being within the  
12 watershed. I think that's very clear science with  
13 respect to that assertion.

14 The water quality influences--we're  
15 watching our waters degrade because of,  
16 ultimately, development pressures. You know, it's  
17 land use. We understand this. I know that.  
18 Whether it'll be the fertilizers, the wastewater  
19 systems, impervious surfaces, draining storm  
20 water, you know, the ultimate loads are affecting  
21 water quality in the living resources.

22 I don't take umbrage to what this plan  
23 proposes, but I ask you to strengthen it. And I  
24 will point out the deficiency. And you know from  
25 my writings and my communications publicly, I

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1 take great exception to the notion that we are at  
2 a level of wastewater treatment that is  
3 sufficient to protect water quality. Suffolk  
4 county has failed us for decades in that realm.

5 The notion that the system was upgraded  
6 to meet current Article 6 standards means  
7 nothing, quite frankly. This is significant load  
8 coming from waste water. I ask you, as you  
9 evaluate this plan based on a host of issues,  
10 when with respect to water quality, absolutely,  
11 you have the leverage to impose advance treatment  
12 on this site.

13 ROBIN LONG: Three minutes.

14 KEVIN MCALLISTER: To effectively treat  
15 the waste water. Dealing with the fertilizer  
16 applications. Impervious surfaces. This can be  
17 managed and, I'll say, crafted in a way that  
18 there's a minimal footprint on the site. And  
19 perhaps that doesn't appease the group, but I'm  
20 here to speak about water quality and move back  
21 to the, you know, backing out with the watershed  
22 and developing influences.

23 ROBIN LONG: Thank you.

24 KEVIN MCALLISTER: Thank you.

25 CHAIRMAN DENNIS FINNERTY: Thank you for

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cont'd

1 your comments.

2 ROBIN LONG: Has everybody spoken that--

3 CHAIRMAN DENNIS FINNERTY: I believe--  
4 are there any other speakers who have not been  
5 heard last weekend? Last week? You, sir? Yes,  
6 please. Come on up.

7 ROBIN LONG: [UNINTEL]

8 JAY JACOBS: My name is Jay Jacobs, I'm  
9 the applicant. And I would like to just address a  
10 couple of issues. First of all, I do feel badly  
11 that I have created quite a stir here in  
12 Southampton over this application. And I will  
13 tell you--I want to answer a couple of things I  
14 heard this evening. And one that was stated last  
15 time and was reiterated again today.

16 The first thing is about the  
17 camperships that come to our camp. The statement  
18 was made that in all likelihood, when we are able  
19 to sell more spaces, we will be giving them FOR  
20 free. Well, the evidence really goes against that  
21 if you look at my other five camps. At each of my  
22 camps. We take children, and a good number of  
23 children, at no cost. We do that as a part of  
24 what we have done for the community and for  
25 society as a whole.

1           The other thing I would like to do, and  
2 like to say in particular, is about the use of  
3 Little Fresh Pond. Again, today, I heard a quote  
4 of some newspaper advertisement that supposedly  
5 put in that we were going to use Little Fresh  
6 Pond. We have never put in--to my knowledge--a  
7 newspaper advertisement, or any advertisement, or  
8 sold at all, anything that conflicts with the  
9 statement I have made from the very beginning.

10           Children at this camp will not be using  
11 Little Fresh Pond. Not for swimming, not for  
12 going in for nature, not for any purpose, boating  
13 or otherwise. And that is a fact. None of my day  
14 camps use a fresh body of water. And this one  
15 will not either.

16           So, you understand, the campgrounds  
17 itself where the camp activities take place are,  
18 at the closest, 650 feet from Little Fresh Pond.  
19 So, I don't want you get the impression that the  
20 activity takes place right on the pond. That's  
21 not the case.

22           The most important point I want to make  
23 is that, you know, I am understanding for the  
24 fact that there are going to be things said about  
25 me and there are going to be doubts. People don't

1 know me and that's fair, and I understand that.  
2 But I do take issue when one of my consultants  
3 gets his credibility impugned.

4 And that's Pio Lombardo. And I'd like  
5 to explain the background on my use of Pio  
6 Lombardo. When we first undertook this, we  
7 understood that we were going to have to confront  
8 the issue as to whether or not the groundwater  
9 from the camp was going to impact the pond.  
10 Studies--other studies--had shown in the past,  
11 through charts and otherwise, that it did not.

12 But we hired our own engineer, Paul  
13 Grosser, to make the case, and do the tests, et  
14 cetera. And he made a presentation in October of  
15 2012 to the effect that the groundwater would not  
16 be going into Little Fresh Pond. Opponents  
17 brought in their own expert that they hired and  
18 paid. That was Pio Lombardo.

19 Pio Lombardo did say at that hearing,  
20 which has been quoted numbers of times, that it  
21 is likely, in his opinion, that the water--  
22 groundwater--did go into Little Fresh Pond. And  
23 what he said was it needed more study. Now,  
24 incidentally, that is exactly what the expert  
25 from the group here had said that, the last time,

1 it needs more study. But I have to tell you  
2 something. We hired Pio Lombardo because of the  
3 fact that he was their expert.

4           What Pio Lombardo does, and the reason  
5 we hired him, was he designs mitigation systems  
6 in case we would have to mitigate. And I met with  
7 him and I asked him that--would he design such a  
8 system for us if it were needed? But first, I  
9 wanted to make sure that the water did go into  
10 Little Fresh Pond.

11           He organized the testing with Grosser.  
12 He did more than one series of tests at his  
13 request. We paid for every test that he wanted.  
14 And each time, it showed not only did the water  
15 direction not go to Little Fresh Pond, but that  
16 Little Fresh Pond's elevation was higher than our  
17 ground water. Not our camp, our ground water. And  
18 that is the science.

19           You know, the story of Diogenes--I'll  
20 end with this. You know, was the gentleman in  
21 search, you know, with a lantern in search of an  
22 honest man. Well, the fact of the matter is his  
23 paper and his finding went against his own  
24 financial interest. I think Diogenes found his  
25 man in Pio Lombard. And I just want to say that.

1 Thank you.

2 CHAIRMAN DENNIS FINNERTY: Thank you,  
3 Mr. Jacobs. Mr. McGann.

4 VINNY MCGANN: Chairman, board members, H48  
5 I'm Vinny McGann. I live in Southampton, or North  
6 Sea actually. Walking distance to Fish Cove Pond  
7 in--road. And as we all know, there's down drift  
8 toxic pollution there. That's the way it is.  
9 Water flows from a height down to the sea.  
10 Whether it's the bay or the ocean.

11 My tenuous connection to Little Fresh  
12 is that I ice skated there as a child. And we  
13 used to kick holes in it--the ice--to get a drink  
14 of water. I would never consider doing that now.  
15 Wouldn't think of it. The other is that a friend,  
16 [UNINTEL] owns the farm that's adjacent to--  
17 contiguous to the pond itself. She attended the  
18 camp. She's 99. So, it was quite a while ago. I'm  
19 not clear on all the details.

20 At 99 years old, there were 10 people  
21 at the camp at that point. Camps are good as  
22 someone stated. Children laughing is the best  
23 thing in the world. Camps are wonderful. It's  
24 really a question of density. So, I want to leave  
25 you with a couple of thoughts. At 500, it is too H48-1

1 much. It's an over density that doesn't suit the  
2 environment.

3 The fact that it was there,  
4 grandfathered in in a residential area, you have  
5 to make adjustments for that. But 500 is too  
6 much. I'll leave you with these two thoughts.  
7 Lake Aguan, about four years ago. And this  
8 anecdotal but I can provide proof for anybody who  
9 needs it. Two golden retrievers weighing 80 and  
10 90 pounds went for a swim, and the following day,  
11 died. Not a little lap dog. Muffin dog. These  
12 were full-grown healthy animals died because of  
13 the water quality.

14 And the second though is [UNINTEL]  
15 said, in 1968, that wars will be fought not over  
16 oil in the future, but over water. It's our  
17 obligation to protect our water resources. The  
18 burden lies on you for the wisdom of Solomon.  
19 Good luck with it. I hope you do the best for the  
20 greatest number of people. Thank you.

21 CHAIRMAN DENNIS FINNERTY: Thanks,  
22 Vinny.

23 PERSON: [UNINTEL PHRASE]

24 CHAIRMAN DENNIS FINNERTY: Hello.

25 KELLY GANG: Hi. Can you hear me?

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cont'd

1 CHAIRMAN DENNIS FINNERTY: Yup.

2 KELLY GANG: I can't hear me.

3 CHAIRMAN DENNIS FINNERTY: Speak into  
4 the mic.

5 KELLY GANG: Kelly Gang. 31 Greenvale  
6 Lane. I live right behind Little Fresh Pond Road.  
7 My property, because of where it's located is  
8 considered in that neighborhood, in that  
9 watershed, so to speak. I have a cold. You'd have  
10 to forgive me. I can't hear crap. Which is  
11 probably good.

12 Anyway, back in approximately 2010,  
13 2011, Jay Jacobs wanted to do all this. And at  
14 the time, I lived at 690 Majors Path which is the  
15 driveway directly across from the main entrance.  
16 And he came to all of us. And I mean all of us.  
17 So, anybody who didn't attend that meeting,  
18 that's your fault.

19 He took us all out to dinner at the  
20 Public House and said, "Listen. I know you guys  
21 have questions and concerns. Hit me. You know,  
22 let me see what I can do for you." He gave us his  
23 proposal and, yes, there was opposition and there  
24 was some people that were for it. I told him--and  
25 I am a local firefighter here in Southampton, and

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1 his front entrance does fall into my fire  
2 district.

3 I said to him, "The first thing we want  
4 you to do is straighten out that road. I don't  
5 care if you have to go on your own property, but  
6 Majors Path has been a nightmare for over 50  
7 years." It was bad when the junkyard was open.  
8 And then, it got worse when the recycling center  
9 started to ship everything back out.

10 And being that now, the people from up  
11 west, our trade traffic, has figured out that  
12 it's a nice place to cut through. Yes, the  
13 traffic sucks. He said, yes, he would straighten  
14 it out. I told him, "Where you have your exit and  
15 your entrance has to be switched or you're going  
16 to have a problem." And he did that.

17 I told him, "You need to bring water up  
18 from Majors Path all the way to Little Fresh Pond  
19 Road." He did that. Told him, "Listen, you need  
20 to get rid of all the septic systems. Anything  
21 that in any of those little houses, and you need  
22 to bring in a complete sealed septic system." I  
23 was living across the street. Yes, I was nosey,  
24 but I was also observant. And he was more than  
25 welcome to have anybody come over and see what he

1 was doing. And I watched them rip every single  
2 septic system out of there and put in sealed  
3 tanks.

4 The other thing about the noise. The  
5 one thing I have about the pollution in the pond.  
6 I, too, grew up here. I, too, grew up ice skating  
7 and drinking the water and not wanting my toes to  
8 go too far down because there was a turtle in  
9 there, supposedly. And I would kayak on there,  
10 but no, I wouldn't drink that water.

11 What I do want to say is having had  
12 friends that are in the highway department and  
13 being in the fire department and being very aware  
14 of happens on the streets around us--whether it's  
15 the traffic on Majors Path or North Sea Road, a  
16 lot of what's happening to that pond is runoff  
17 coming off of those roads. And so, it's not  
18 something that you can through on Jay's  
19 shoulders.

20 He's already fixed his problem, so to  
21 speak. The other thing that was brought up, and I  
22 don't know the exact facts on it, but originally,  
23 they had said that there were 27 houses that  
24 affected the ground water over there. And out of  
25 the 27 homes that affect the pond, only one

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1 replaced their septic system. That's me. And I  
2 don't even live on the damn pond. I mean, our  
3 very wonderful pond.

4 I don't live on it but I'm the only one  
5 that replaced it. So, if everybody is so upset  
6 about the septic and everything, look in your own  
7 backyard first. So, okay.

8 CHAIRMAN DENNIS FINNERTY: Thanks for  
9 your comments. All speakers now have been heard.  
10 Have you been heard, Leslie? We're just taking  
11 new speakers?

12 FRANK KALAMAIIKA: Oh, this is--I was not  
13 allowed to speak at the last--

14 CHAIRMAN DENNIS FINNERTY: Oh, okay.  
15 Then come on up.

16 FRANK KALAMAIIKA: My name is Frank  
17 Kalamaika and I'm here on behalf of Nadia  
18 Potapchuk who's a longtime resident on Little  
19 Fresh Pond Road. She is infirm. She's at home  
20 right now. She can't make it tonight. I have a  
21 one page letter that we'll submit to the board  
22 but I'd just like to read into the record.

23 Dear Planning Board Members, as a  
24 resident of Little Fresh Pond Road for decades,  
25 who has a sincere interest in seeing that our

H49-1  
cont'd

H50

1 area is not overbuilt, I wish to briefly comment  
2 on the pending matter involving DEIS proposed day  
3 camp, which is really a mega camp and a change of  
4 use.

5 Those who have been following our David  
6 and Goliath struggle over the years know that  
7 there is a built-in unfairness here. One that  
8 pits a local community against a deep pocket  
9 developer. I also believe there is some doubt as  
10 to whether developer can pass minimal test of  
11 candor in any submission to this board in my  
12 opinion.

13 But let me directly move what I think  
14 is the most critical issue before you. None of  
15 the homeowners in the Little Fresh Pond area have  
16 ever received any assurance that the proposed  
17 mega camp will not lower our quality of life,  
18 will not harm the lake waters and habitats, and  
19 not directly increase it's already growing noise,  
20 nuisance, and traffic levels to residents around  
21 Little Fresh Pond.

22 Yes, we've seen studies and  
23 projections. But what is still lacking for this  
24 pending DEIS decision is any guarantee by the  
25 developer that this proposed mega camp, whose

H50-1

1 imposing size and potentially limitless growth,  
2 will not result in a harmful change to our lake  
3 and our North Sea neighborhood.

4 It's hard to conceive any manner in  
5 which these 500 to 700 visitor-per-day juggernaut  
6 would not reap tremendous amount of collateral  
7 damage, and albeit,

8 consume our small community. I'm not  
9 an expert in environmental law but from my  
10 understanding of the DEIS procedure here, there's  
11 a burden placed on developers to provide clear  
12 and convincing proof that our neighborhood will  
13 remain unscathed if and when the camp is in  
14 place.

15 And that in two years, five years, or  
16 more, no one who lives here now will have barely  
17 noticed its operations. So far, the developer has  
18 not met this simple standard. On that basis  
19 alone, I respectfully submit the plan before you  
20 should be reject. Otherwise, we are faced with  
21 more buildings, larger staff, hundreds of  
22 visitors per day. Our tiny lake teeming with  
23 kayaks instead of fish and waterfall. Not to  
24 mention, over taxed sewage and runoff noise and  
25 traffic. Without rejection by the board now, can

H50-1  
cont'd

1 anyone say that in three years, or five years,  
2 our neighborhood and our lake will be unharmed?  
3 If not, then why should the rights of one  
4 property owner outweigh the rights of dozens of  
5 other homeowners.

H50-1  
cont'd

6 ROBIN LONG: Three minutes.

7 FRANK KALAMAIIKA: It is unfair of its  
8 developer to bootstrap a small tennis club permit  
9 into a mega camp without assurance that Little  
10 Fresh Pond will be no worse off than before.

H50-2

11 CHAIRMAN DENNIS FINNERTY: You have--

12 FRANK KALAMAIIKA: Sincerely, Nadia  
13 Potapchuk.

14 CHAIRMAN DENNIS FINNERTY: Okay.

15 FRANK KALAMAIIKA: Yes. Thank you.

16 CHAIRMAN DENNIS FINNERTY: Just submit--  
17 if you're going to submit that--are you going to  
18 submit that letter or...?

19 FRANK KALAMAIIKA: This one is not signed  
20 so, I'm going to get her signature--

21 CHAIRMAN DENNIS FINNERTY: Okay. As soon  
22 as it's signed, just drop it off at the  
23 secretary. Thank you. And there are no more new  
24 speakers who haven't spoken last week? Who have  
25 not spoken last week. You did not speak last

1 week? Come on up.

2 MARCELLA SILVERMAN: He didn't but I did  
3 and we're adjoined--

4 CHAIRMAN DENNIS FINNERTY: If you  
5 haven't spoken, you're certainly entitled to  
6 speak.

7 MARCELLA SILVERMAN: Though I could  
8 speak for his time--

9 CHAIRMAN DENNIS FINNERTY: Okay. You'll  
10 get a chance to speak but we have to take the new  
11 speakers first.

12 MAN: They want to speak together?

13 CHAIRMAN DENNIS FINNERTY: Oh, they want  
14 to speak.

15 MARCELLA SILVERMAN: He's the last of  
16 the new speakers.

17 CHAIRMAN DENNIS FINNERTY: He's the last  
18 of the new speakers? So, you can be the first of  
19 the old speakers, how's that? We figured that--we  
20 got through that. Just make sure you print your  
21 name...

22 MARCELLA SILVERMAN: [UNINTEL].

23 [OVERLAPPING VOICES OBSCURES]

24 CHAIRMAN DENNIS FINNERTY: Okay.

25 [OVERLAPPING VOICES OBSCURES]

1 MARCELLA SILVERMAN: I'm not going to  
2 need some -- for this but I might be--

3 CHAIRMAN DENNIS FINNERTY: Three  
4 minutes.

5 MARCELLA SILVERMAN: Well, no. He's  
6 ceding his time.

7 CHAIRMAN DENNIS FINNERTY: Oh, he's  
8 ceding his three minutes? Six minutes.

9 MARCELLA SILVERMAN: Thank you. It's not  
10 going to be six minutes. Thank you for continuing  
11 this hearing again. My name is Marcella  
12 Silverman. My property is at 717 Majors Path at  
13 the north border of the subject property and less  
14 than 50 feet, I would say, from its largest and  
15 ever growing athletic field.

H14  
cont'd

16 I wanted to just talk for a minute--do  
17 you want to put this up? About two town code  
18 provisions that the DEIS makes clear the  
19 applicant proposes not to comply with. So, I  
20 don't think there's any much of a dispute on the  
21 facts. And I wanted to just talk about them.

22 So, one of them has to--the first has  
23 to do with what the law requires be between a day  
24 camp--these are all codes governing summer camps  
25 and day camps. The first is a common--a two-part

H14-3

1 requirement for a section--a 100-foot landscaped  
2 setback. In other words, all buildings must be at  
3 least 100 feet from the property lines of  
4 neighbors. And there must be a landscaped buffer  
5 within those 100 feet.

6 Well, the law requires that to put some  
7 separation between--auditory and visual  
8 separation between neighbors and the inevitable  
9 noise that children make at summer camps. As  
10 delightful as they may be, they're noisy. We  
11 would all agree on that. And so, these rules are  
12 in place. The DEIS makes crystal clear that the  
13 applicant does not care for these rules and seeks  
14 your permission not to comply with them.

15 Here's what the DEIS says, right here  
16 in quote. "Due to the extensive site disturbance  
17 and cost that would be involved in establishing a  
18 100-foot landscaped buffer around the perimeter  
19 of the subject property, it is not feasible."

20 Why is it not feasible? Well, taking  
21 them at their word, the applicant's own list of  
22 what they'd have to relocate or remove tells us  
23 exactly what is already in the mandated buffer  
24 and what they want to add to it. This is within  
25 the 100 feet of other people's property lines.

H14-3  
cont'd

1 Already in the mandated 100-foot buffer are three  
2 cottages, used and proposed as overnight dorms  
3 for their staff--which I'll get to on the next  
4 provision of law--four tennis courts--these are  
5 their own lists in the DEIS--Sixteen parking  
6 spaces. What they want to add to the 100-foot  
7 buffer that makes compliance with the law so  
8 unfeasible is a 14th cottage for housing, a  
9 second basketball court, approximately 20 gravel  
10 parking spaces proposed. They describe them as 23  
11 including those existing in front of the  
12 residence which I think they're just a couple.  
13 And part of a new pool.

14 They exclude from the list of what's  
15 already there the largest athletic field in the  
16 whole property. Ever growing athletic field. Used  
17 to be a little children's soccer field. Now looks  
18 like a regulation sized soccer field. And that  
19 too, unmentioned in the DEIS, but right there  
20 staring in my face within the 100-foot buffer, is  
21 that athletic field. Not landscaped buffer.

22 So, they are telling you they are not  
23 going to comply. And in doing so, or explaining  
24 how--what is already in the buffer that the  
25 neighbors are confronting. When one of their

H14-3  
cont'd

1 experts describes how--like last time, one of the  
2 experts, I think the landscape architect  
3 described how impressed she was at how perfect  
4 the site is for a camp. How little has to be done  
5 to turn it into a camp. The punchline really  
6 should have been as long as you don't make us  
7 obey the law. Then it's a perfect spot for the  
8 camp.

9 You don't have to put in buffers. You  
10 can leave all the courts. You can put in athletic  
11 fields. You can put in cabins. You can house  
12 people. You can do whatever.

13 The other law that I want to draw your  
14 attention to is--we have these whittled down to  
15 leaflets for you.

16 CHAIRMAN DENNIS FINNERTY: Oh, good.  
17 Okay.

18 MARCELLA SILVERMAN: So, you'll get  
19 those. The other provision of the town code--and  
20 I recognize that these are zoning codes. And  
21 what's before you--you're not the Zoning Board.  
22 Nonetheless, these are zoning laws that exist for  
23 noise related reasons. And that's why I'm bring  
24 them to your attention. And they are addressed in  
25 the DEIS and you did require that they be

H14-3  
cont'd

H14-4

1 addressed in the DEIS.

2 The other code is, "prohibits summer  
3 camps and day camps from having any overnight  
4 residential structure, except for a permanent  
5 dwelling for a caretaker." It's very simple  
6 language. Why does that exist? Well, the policy  
7 is that the law does not want day camps turned  
8 into entirely unregulated residential housing.

9 The rules for day camps contemplate  
10 that everyone goes home at the end of the camp  
11 day. Children and staff alike. If this were a  
12 sleep over camp, there'd be a host of other  
13 regulations that--none of us want to go there.  
14 So, this table, based on--just wait and take a  
15 look at--

16 ROBIN LONG: Why don't you put that up  
17 here.

18 MARCELLA SILVERMAN: This table, based  
19 solely on the information--

20 ROBIN LONG: That is six minutes.

21 MARCELLA SILVERMAN: --in the DEIS shows  
22 that if the applicant has his way, he will be  
23 housing over 70 percent of his staff. That's 65  
24 adults in 14 dormitories--four to five people,  
25 potentially, in a structure. Without limit after

H14-4  
cont'd

1 that as we all know. My leaflets will speak for  
2 themselves on this numbers but I want to make  
3 just two really quick points.

4 First, the applicant's need for  
5 overnight housing. Because you might think, well,  
6 what is it to put counselors in a camp? That  
7 makes perfect sense. The applicant's need for  
8 overnight housing results solely from its own  
9 business model as a camp that relies heavily on  
10 foreign-born young people. I believe. I'm not in  
11 their offices, I don't know.

12 CHAIRMAN DENNIS FINNERTY: Your time is  
13 up.

14 MARCELLA SILVERMAN: This is my  
15 understanding. Who they need not pay a normal  
16 wage. They only need to house them, feed them,  
17 and pay an allowance rather than our local youth.  
18 The last thing is--take a quick look at this  
19 table. And look at what happened between 2015 and  
20 2016. They went from housing--

21 CHAIRMAN DENNIS FINNERTY: Time. It's  
22 time.

23 MARCELLA SILVERMAN: The number of steps  
24 stayed the same. But they went from 34 percent  
25 housed overnight to over 80 percent housed. Where

1 did those 31 overnigheters come from? I asked Mr.  
2 Jacobs if they aren't some of the counselors that  
3 have been displaced by the illegal use by his  
4 sister camp in Easthampton. It's the same year.

5 CHAIRMAN DENNIS FINNERTY: Well...

6 MARCELLA SILVERMAN: They went from 34  
7 percent to over 80 percent being housed while the  
8 number of staff stayed the same. How could that  
9 be?

10 CHAIRMAN DENNIS FINNERTY: Do you have  
11 this in your submissions?

12 ROBIN LONG: Do you have the forms? Do  
13 you have this information?

14 CHAIRMAN DENNIS FINNERTY: Do you have--

15 MARCELLA SILVERMAN: I don't. I have  
16 these leaf--posters.

17 CHAIRMAN DENNIS FINNERTY: Okay. If you  
18 could give those--have they been submitted yet?

19 MARCELLA SILVERMAN: No.

20 CHAIRMAN DENNIS FINNERTY: Just submit  
21 them because they'll be copied out to us.

22 MARCELLA SILVERMAN: Thank you.

23 CHAIRMAN DENNIS FINNERTY: Thank you.  
24 You're welcome.

25 PERSON: [UNINTEL]

1 CHAIRMAN DENNIS FINNERTY: Okay. Hi.

2 BARBARA MARSH: Hi. My name is Barbara  
3 Marsh and I've lived on Little Fresh Pond for  
4 over 60 years. Tonight, I'd like to bring your  
5 attention to a statement on page 8 of the DEIS in  
6 which the camp claims it will not use the lake. I  
7 quote, "There's no use of the pond related to the  
8 existing facility operation with the potential  
9 exception of supervised nature walks near the  
10 pond and no changes are proposed." In the DEIS,  
11 the camp makes reference to existing conditions  
12 for 2016 of 342 campers and staff. And proposed  
13 increases to 446 people. Even if the size of the  
14 camp were to stay the same as it is now, this  
15 number of children using the lake on a regular  
16 basis would be disastrous.

17 Think of the sun screen, the bug  
18 lotion, and I hate to say it, the urination on  
19 the water quality in the lake. And in addition,  
20 because noise travels, the noise would really be  
21 overwhelming. As was noted last time, once the  
22 camp is given the request to change of use  
23 permit, there's no legal way to limit the size to  
24 which it grows. In addition, there's nothing to  
25 prevent the camp from changing its mind and

H13  
cont'd

H13-7

1 deciding to use the lake in the future.

2           There's a 2012 brochure which mentions  
3 refreshing water fun in Little Fresh Pond. And an  
4 ad for the camp in the Southampton Patch for May  
5 of 2013 which states, "Located on the property is  
6 also a private beach that could be used for  
7 kayaking, swimming, and other leisure  
8 activities." By the way, I have copies of  
9 everything for you.

10           Furthermore, if the camp did not really  
11 intend to use the lake at some point, why did it  
12 chose to include the following statement in the  
13 DEIS? "Little Fresh Pond has historically been  
14 used by the existing tennis club and or tennis  
15 camp facility for various purposes." I mentioned  
16 that I'd been there for over 60 years. I've never  
17 seen any use of the lake or the beach at any time  
18 since the location has been used as a tennis  
19 club.

20           In article in the Southampton press on  
21 December 6th, Mr. Jacob stated, "In no day camp  
22 of mine do I take children to fresh water. I use  
23 swimming pools. They're safer." In fact, he  
24 reiterated that today. Actually, that's because  
25 the other day camps don't have fresh water ponds.

H13-7  
cont'd

1     However, his three upstate sleepaway camps do  
2     have fresh water lakes. And the videos on the  
3     website prominently highlight the use of the  
4     lakes. Their videos show their children boating,  
5     swimming, and using lake trampolines on those  
6     facilities. I have some screen shots for you that  
7     I'll give you afterwards.

8             In addition, I'd like to address some  
9     observations from the last meeting. Many of the  
10    families, perhaps all, I don't know, who spoke on  
11    behalf of the camp are able to have their  
12    children at the Southampton day camp because of  
13    the generosity of the camp. There's a clear  
14    conflict of interest here. It's easy for them to  
15    overlook the long term environmental issues in  
16    exchange for free camp experiences for their  
17    children.

18            ROBIN LONG: That's three minutes.

19            BARBARA MARSH: Okay. There are other  
20    areas in the camp but they're not free. The  
21    Planning Board needs to consider the long term  
22    environmental issues for the whole neighborhood.  
23    Once the pond is dead, there's not bringing it  
24    back and that result will last long after the  
25    youngest of these campers have graduated high

1 school.

2 CHAIRMAN DENNIS FINNERTY: Thank you for  
3 your comments.

4 UNIDENTIFIED MALE: Hello, I'm Ginny  
5 Silber and my testimony is very specific. It's  
6 about a notion that is constantly repeating in  
7 DEIS. And that notion is because the use of this  
8 camp today, they're saying it has 280 children in  
9 enrollment, and the proposed expansion is for  
10 360. But that increase is so minimal that it  
11 cannot possibly have any adverse effect on the  
12 environment.

H21  
cont'd

13 But that's an inaccurate statement. It  
14 is not valid. And to understand exactly how this  
15 property is to be used today, we look at the  
16 Zoning Board of Appeals. Because they examined  
17 this question intensely back in March 15, in  
18 2012. They did extensive research into the  
19 preexisting non-conforming history of the use of  
20 this site. They held a public hearing where we  
21 had 150 members of our organization from North  
22 Sea attend.

H21-3

23 And they came out with a detailed  
24 analysis of what this property has to be. Unique  
25 for this one property. And I want to read you

1 four quick statements that they made. Okay? These  
2 are determinations by the Southampton Town Zoning  
3 Board of Appeals.

4 Number one. They say, "We find  
5 persuasive, the analysis, that the property in  
6 its existing state and previous is designed and  
7 or arranged for use as a tennis club, and not a  
8 day camp." One, they say that. Two, they say,  
9 "Indeed, any children programs appear to be  
10 small, intermittent, accessory uses to the tennis  
11 club use. Likely provided for children of the  
12 club members."

13 Three, "Of the thirteen activities  
14 offered, only two involve programs for children  
15 too. And they were tennis related." And four,  
16 they say, "Thus, it seems clear that any previous  
17 tennis camp use on the subject premises was  
18 merely ancillary or accessory to the tennis club  
19 use. And the proposed day camp use and the  
20 preexisting non-conforming membership tennis club  
21 use is incompatible or non-interchangeable uses  
22 pursuant to the SIC code.

23 That is as clear as you can get. What  
24 is supposed to be going on on this site. But  
25 let's look at what's going on in this site, and

H21-3  
cont'd

1 we have to only look at the DEIS. And I direct  
2 you to the DEIS, to page six.

3 And there is a chart of how this club  
4 has been run since the Zoning Board of Appeals  
5 decision. And today, we have the children's camp  
6 enrollment as increased to 280. And the adult  
7 membership is 90.

8 ROBIN LONG: That's three minutes.

9 UNIDENTIFIED MALE: And the staff  
10 sleeping on the premises is 65 where there was  
11 none. So, what we have here, if we have a  
12 complete reversal, we have the children's day  
13 camp has become primary. The adult tennis club is  
14 ancillary. That is completely contrary to what  
15 the Zoning Board of Appeals said should be going  
16 on here.

17 So, when they ask you to use a baseline  
18 to judge the intensity of this proposal at 280,  
19 that's invalid. That's not correct. That's a  
20 ruse. And we ask the Planning Board members to  
21 see through this ruse. The baseline is about 10  
22 children. 10 children, 40 adult club members, no  
23 staff. Two owners who slept --

24 CHAIRMAN DENNIS FINNERTY: Time is up.  
25 You're over your speaking time.

H21-3  
cont'd

1 UNIDENTIFIED MALE: --overnight on the  
2 premises to maintain the facility. That is the  
3 baseline. What they're proposing now for 360  
4 children, 65 staff is a huge, intensely...

5 CHAIRMAN DENNIS FINNERTY: Mr. Silber,  
6 your time is up. Sorry.

7 UNIDENTIFIED MALE: We just wanted you  
8 to see what the reality is of this.

9 ROBIN LONG: We hear it.

10 UNIDENTIFIED MALE: And our own town  
11 government board has already stated what is  
12 supposed to be used there. It is not being  
13 complied with.

14 ROBIN LONG: Thank you.

15 CHAIRMAN DENNIS FINNERTY: Can you pass  
16 those out?

17 FOSTER MAER: It's two pages.

18 CHAIRMAN DENNIS FINNERTY: Two pages  
19 each.

20 FOSTER MAER: Since the [UNINTEL], I'll  
21 become a noise expert.

22 ROBIN LONG: Your name. Your name. What  
23 is your name?

24 FOSTER MAER: Sorry. Foster Maer, 717  
25 Majors Path. Now a noise expert. I was

H21-3  
cont'd

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1 particularly struck by this story that Celeste  
2 and Scott told last time of how bad the noise was  
3 and, obviously, I've heard this before, 83  
4 decibels measured in their home. That's, like,  
5 that's horrible. And how does this noise study  
6 manage to say, "Oh, no. There is no impact that's  
7 going to require any mediation." And then,  
8 Celeste came up with the fact, "Gee, one of the  
9 two days they measured was after the camp had  
10 closed." That's the day they're measuring? And  
11 what was the other day? The very last day of an  
12 eight-week camp session. That's like, "Oh, that's  
13 going to be a reduced number of kids on the camp.  
14 That forms the baseline for the measurements,  
15 current and projected."

16 Then I looked a little further. They  
17 didn't include three of the four loudest noise  
18 sources in their analysis. The largest property--  
19 that first picture of the soccer field. They  
20 didn't think that was worth measuring noise from.  
21 It's huge and it holds lots of kids, but they  
22 didn't measure anything from it.

23 Second page, you can see on the left, a  
24 very unartistic blob there--that's, sort of, the  
25 cut out where they created the soccer field out

H51-1

H51-2

1 of chopping down lots of trees. And you can see  
2 both that and the tennis court--the [UNINTEL]  
3 tennis court--that's now the children's play  
4 area--are right up against the border and just  
5 bombarding Celeste and the rest of us with noise.

6 So, I said, "That's not good." Then, I  
7 start reading what the noise rules say, and god  
8 knows, it gets misdefined. And the key rule that  
9 [UNINTEL] saw was, gee, if there's multiple noise  
10 sources, there's a formula for adding them. You  
11 know, first noise source is 70, then there's  
12 another one that's at 71. You know, it  
13 incrementally adds to each other.

14 So, instead of the three noise sources  
15 that they cite in the DEIS, there's six noise  
16 sources. Three additional ones. And guess what?  
17 Their analysis was one decibel short of requiring  
18 mediation. One decibel. And there's three noise  
19 sources right on our boundary. Right there. That  
20 would have upped that way over the mitigation  
21 level.

22 So, that's all [UNINTEL]. That's how  
23 they pulled this off. The other thing is the way  
24 they measured noise. It's variable noise on a  
25 camp. And the noise method they used is for a

H51-2  
cont'd

H51-3

1 constant noise source. That also takes away from  
2 the validity of this study.

3 Last, but not least, no noise study.  
4 They didn't attach the noise study. The scoping  
5 document said, as an appendix, you have to attach  
6 a noise study. And in the body of it, it said  
7 what it should cover. Noise study. They didn't do  
8 it.

H51-3  
cont'd

H51-4

9 What I am asking is that they be asked  
10 to provide. The DEIS says it exists, so it would  
11 be great if we could see that.

12 CHAIRMAN DENNIS FINNERTY: We're going  
13 to obtain it for you.

14 ROBIN LONG: No.

15 FOSTER MAER: Excuse me?

16 CHAIRMAN DENNIS FINNERTY: We can obtain  
17 that. We'll get it. We're going to get it.

18 FOSTER MAER: Give us some time to give  
19 it to someone who really understands this stuff,  
20 not me. And make comments.

21 ROBIN LONG: [UNINTEL] it's in the  
22 scoping documents. [UNINTEL].

23 CHAIRMAN DENNIS FINNERTY: All right.  
24 Okay, Mr. Maer, thank you.

25 ROBIN LONG: Thank you.

1           CHAIRMAN DENNIS FINNERTY: We're going  
2 to bring up the next speaker.

3           FOSTER MAER: And can I ask, so how is  
4 that going to work? And we'll have time to make  
5 the comments on the noise study? When you get it?

6           CHAIRMAN DENNIS FINNERTY: When we find  
7 out from staff--once it becomes available but--

8           ROBIN LONG: And you can submit whatever  
9 you need to submit. [UNINTEL].

10          CHAIRMAN DENNIS FINNERTY: If it's new  
11 information, it will be available to the public  
12 to comment on.

13          FOSTER MAER: Well, that's what I'm--

14          CHAIRMAN DENNIS FINNERTY: Absolutely.

15          FOSTER MAER: It will be new because I  
16 certainly haven't seen them.

17          CHAIRMAN DENNIS FINNERTY: Absolutely.

18          FOSTER MAER: So, in some fashion, the  
19 record will be held open until...

20          CHAIRMAN DENNIS FINNERTY: Just for  
21 that.

22          FOSTER MAER: Just for that.

23  
24          CHAIRMAN DENNIS FINNERTY: For that  
25 aspect.

1 FOSTER MAER: Okay. Super. Thanks so  
2 much.

3 CHAIRMAN DENNIS FINNERTY: Thanks, Mr.  
4 Maer. Our next speaker is...

5 CELESTE FRANK: Hello, I'm Celeste  
6 Frank.

7 CHAIRMAN DENNIS FINNERTY: This young  
8 lady behind you was in line.

9 CELESTE FRANK: She has generously let  
10 me continue what--

11 CHAIRMAN DENNIS FINNERTY: Oh, okay.

12 CELESTE FRANK: Foster was saying.

13 CHAIRMAN DENNIS FINNERTY: So, she is  
14 not going to speak?

15 C2: No, she's going--

16 ROBIN LONG: She gave up her spot in  
17 line.

18 UNIDENTIFIED MALE: We're stepping in.

19 CELESTE FRANK: I just want to make  
20 sure. And it will make more sense, I think, to  
21 everybody if we continue what he just said. If  
22 that's okay with you.

23 CHAIRMAN DENNIS FINNERTY: Okay. Sure.

24 ROBIN LONG: Sure.

25 CELESTE FRANK: So, my name is Celeste

H9  
cont'd

1 Frank. I am the president of Little Fresh Pond. I  
2 live on 735 Majors Path. I actually grew up  
3 around here. I used to work at the Omni. I knew  
4 the area. We bought our house 10 years ago. We  
5 live in a teeny little house. And when we bought  
6 our house, which is right next door to the north  
7 tennis court. And you can see--as you can see on  
8 this map, that we're all on that little lot, you  
9 know.

10 And so, the field is right here and  
11 there's the old tennis court which actually was  
12 abandoned at one time. And it's this far from us.  
13 It's about 50 feet or so from our window. So,  
14 that just, kind of, gives it perspective. Just so  
15 you know.

16 So, when we bought our house, it was  
17 abandoned. There was actually, like, little trees  
18 growing through the concrete and all. So, we  
19 never heard any noise. We didn't even hear the  
20 tennis courts that were all the way on the other  
21 side either. That was the only thing that was  
22 near our house. We never heard any noise.

23 And so, it never occurred to us that  
24 this could happen. The past couple of years  
25 though with the camp, it's getting worse and

H9-2

1 worse. We can hear noise inside our house. It's  
2 to the point where sometimes, I'll go to the  
3 library with my laptop and my cell phone and  
4 juggle myself in the back seat of the car so I  
5 can catch their Wi-Fi signal and have a  
6 conference call.

7           And I feel like I'm starting to adapt  
8 my life towards what's going on in the  
9 environment right around our house. And so, I  
10 felt the best way to try to communicate that to  
11 everybody, both in the room and you guys, was to  
12 try to bring you into my world for just a moment.  
13 So, I have a helper here who's going to show us.

14           The noise is unbearable inside the  
15 house. We're that close. So, I have a decibel  
16 meter now. I purchased a decibel meter and I'm  
17 recording it from 81 to 83 decibels inside the  
18 house. I spoke to a friend of mine that works in  
19 construction and asked him, "Well, when they do  
20 noise study, how do they do it? Do they do a  
21 closed window study?" "No." It's not in the DEIS.

22           Interestingly, there is some  
23 information in the DEIS which doesn't make any  
24 sense. However, they did not do a closed window  
25 study. Well, I'm going to play for you just a

H9-2  
cont'd

1 little bit of what happens in my living room.

2 [RECORDING PLAYS]

3 UNIDENTIFIED MALE: This is what she  
4 hears in her room.

5 CELESTE FRANK: Inside the house.

6 ROBIN LONG: [UNINTEL] try to the mic if  
7 you want.

8 C4: Put it on the mic.

9 CHAIRMAN DENNIS FINNERTY: Put it on  
10 the microphone.

11 [RECORDING PLAYS]

12 CELESTE FRANK: And I realize--

13 UNIDENTIFIED MALE: This has been  
14 recorded at 81 decibels inside the house. Imagine  
15 listening to this in your living room. This is--

16 [OVERLAPPING VOICES OBSCURES WITH  
17 RECORDING]

18 CELESTE FRANK: So, that has led me to  
19 spend a lot of time with the DEIS over the  
20 holiday season--

21 ROBIN LONG: That's three minutes.

22 CELESTE FRANK: --and figure out exactly  
23 what it was. Okay. I'm sorry. I won't take any  
24 more time. I just would say that the [UNINTEL] in  
25 the DEIS, we would want to see the noise study

H9-2  
cont'd

1 because they don't make sense. There's some  
2 decibels, there's some done with LAEQ, and that's  
3 a weighted, an A-weighted decibel. And so they're  
4 not comparing apples to oranges.

H9-3

5 Also, one last point, they measured  
6 the, as a baseline, they measured the kids on the  
7 tennis court, as a baseline, 80 feet from the  
8 tennis court on the interior of the property. I  
9 don't see how that makes any sense. And, so I  
10 looked further in the DEIS to see why there was  
11 noise study. And I thought perhaps that VHB, the  
12 authors of the DEIS who also did the noise study  
13 maybe had a protocol. So I started looking to see  
14 just how the study was done, so I could make  
15 sense of the numbers. In my investigation, I  
16 found out that they are involved in multiple  
17 lawsuits. They're being sued for falsifying noise  
18 studies on behalf of developers, so I never did  
19 find the protocol.

H9-4

20 DENNIS FINNERTY: Thank you for your  
21 time.

22 SOPHIE NADEL: Good evening. My name is  
23 Sophie Nadel. On December 8, we heard the  
24 testimonies of lovely little children who  
25 described how much fun they are having in the

H10  
cont'd

1 camp. And as little children, they should have  
2 fun and play at this stage in their lives. It's  
3 very nice of Mr. Jacobs to offer free  
4 scholarships so that they're able to do that.  
5 However, when they grow up and become adults and  
6 have a family of their own, they too will,  
7 hopefully, worry about the environment and make  
8 efforts to keep it safe and healthy for their own  
9 families. That is what we're addressing here  
10 today. The health of Little Fresh Pond depends on  
11 people who care about keeping it safe today and  
12 in the future. If Mr. Jacobs is allowed to go  
13 ahead with an expansion of a camp, he will not  
14 stop expanding. He already has advertised  
15 recreational activities on the pond, and there is  
16 no guarantee that he will not go ahead and just  
17 do that.

18           The DEIS report does not mention any  
19 noise that would be created by water activities,  
20 and someone else mentioned that tonight. Nor does  
21 it mention the environmental concern to the  
22 water, such as the lotions, insect sprays, bodily  
23 fluids. You know what children do in the water.  
24 The mere suggestion in the DEIS report that there  
25 is no intention to use the lake, does not

H10-5

H10-6

1 guarantee that it will not be used at some time  
2 in the future. And then it will be too late. The  
3 pond will have suffered irreversible damage that  
4 no one will be able to fix.

5 Mr. Jacobs has been cited with a number  
6 of zoning violations by the town of East Hampton.  
7 He already has violated the original town of  
8 Southampton ZBA ruling. He has not complied as  
9 per the American Association of State and Highway  
10 Transportation Officials with the required  
11 departure distance for buses filled with  
12 children, that leave the campgrounds to make a  
13 safe turn onto Majors Path. As a result, every  
14 bus that leaves the property with children on  
15 board is at serious risk of an accident.

16 Mr. Jacobs has made it a habit of  
17 violating town rules and regulations and cannot  
18 be trusted to stop here. If an expansion of a  
19 camp is permitted, nothing will stop him from  
20 continuing to violate every rule, regulation and  
21 code he's supposed to comply with. He has so far  
22 proven that is exactly what he does. And for all  
23 these reasons, I urge you to not allow this  
24 expansion which will have disastrous consequences  
25 for Little Fresh Pond. Thank you for your

H10-6  
cont'd

H10-7

1 thoughtful and serious consideration of this  
2 matter and please help save the pond. Thank you  
3 very much.

4 DENNIS FINNERTY: Thank you for your  
5 comments. Next speaker.

6 GRANT GREENBERG: Hey there everyone. My  
7 name is Grant Greenberg and I've been a resident  
8 in North Sea for the past 11 years. I'm also one  
9 of the administrators of the Little Fresh Pond  
10 Instagram account, where we have 939 followers  
11 who take a keen interest in the pond. In my hand  
12 here I have a small portion of the Southampton  
13 Town Code. The Southampton Town Code includes all  
14 the laws and ordinances for the town. And the  
15 document begins, this document begins with the  
16 delegation of authority. It says, "The Planning  
17 Board is hereby authorized to act on proposed  
18 special exception uses, which are specifically  
19 provided for in this chapter. Such action may  
20 include approval, conditional approval or  
21 disapproval based upon the standards set forth in  
22 this chapter." This is a Special Exemption Uses  
23 chapter. And so, if you dig into it, it actually  
24 outlines the standards for the special exemption  
25 uses specifically for day camps; for campgrounds,

H5  
cont'd

H5-4

1 summer camps and day camps.

2 The applicant this evening is  
3 requesting a change of use of the existing zoning  
4 to fall under this category. Here are some of the  
5 standards that are specified in the code for this  
6 category. Standard B: All buildings shall be set  
7 back to at least 100 feet from any property line,  
8 and in no case shall the setback be less than  
9 that required by the applicable district.

H5-4  
cont'd

10 And you can see, this is actually from  
11 the applicant's DEIS, and you can see this red  
12 line here is what they've marked as a 100-foot  
13 setback. And there are structures already on the  
14 property, which are less than 100 feet from the  
15 property line. There's two cottages, an other  
16 cottage, and there's a tennis court that he wants  
17 to turn into a basketball court, that are well  
18 within, not even close to 100-foot setback from  
19 the property.

20 Then the next section, Point C of the  
21 requirement, a minimum 50-foot landscape buffer  
22 shall be provided adjacent to any property line.  
23 And on the same map you can see that, over here  
24 you can see that that isn't even close to 50  
25 feet, what they're proposing here, in terms of a

H5-5

1 buffer. So, again, they failed to meet the  
2 standard of what's required by the town code.

H5-5  
cont'd

3 Moving on, Point C, it says, "No  
4 overnight residential building or structure shall  
5 be permitted, except for one permanent dwelling,  
6 for the use of a caretaker or other custodial  
7 person." And we know from what's been presented  
8 tonight and what's in the DEIS, that the  
9 applicant intends to have tens of people living  
10 on the property overnight, again failing to meet  
11 the standards of the use of that the town  
12 required.

H5-6

13 ROBIN LONG: That's three minutes.

14 GRANT GREENBERG: Clearly, the  
15 submission is in violation of numerous basic  
16 standards which the town created to protect all  
17 our property owners. I appeal to this Planning  
18 Board to enforce the code. It's why it was  
19 created.

20 DENNIS FINNERTY: Thank you for your  
21 comments.

22 IVAN BART: Good evening. My name is  
23 Ivan Bart. I live on Little Fresh Pond, 40 Fresh  
24 Pond Lane. I will try to address, again, the DEIS  
25 and the issues at hand, but it's very hard for me

H8  
cont'd

1 because it's a very emotional experience to be  
2 living on a pond that's freshwater, that we  
3 personally don't use fertilizers. We have  
4 upgraded our septic tank, so I don't know what  
5 people are talking about. And we take precious  
6 care of this pond. I have kayaked, since 2005,  
7 when I bought my property, and I know every part  
8 of that pond, everything including Turtle Cove,  
9 where I've actually witnessed turtles ascending  
10 the hill and actually laying eggs, and a neighbor  
11 who actually had the eggs there. I've actually  
12 seen great nature on Little Fresh Pond. And not  
13 knowing, I actually docked my kayak, in early  
14 2005, on a sandy dirt, it's actually dirt, area  
15 of the pond, and I got out and I walked and I  
16 looked around. I didn't know I was trespassing,  
17 but I was actually on the property of what was a  
18 tennis club. And what I'd like to address is the  
19 history of that tennis club.

20 What I had seen was, it was abandoned.  
21 It was locked up. The main house was padlocked  
22 and there was weeds coming up through the tennis  
23 courts. But I was hopeful that actually it would  
24 be open, and I thought maybe I came on a day or  
25 maybe an off season. So, I continued to drive

H8-3

1 there and go into the driveway and continue, for  
2 five years, without ever seeing a person or  
3 anybody there. So, if anybody said it was  
4 continually used as a tennis club, it wasn't.  
5 There was a very long period of time when I was  
6 living there that nobody was there. And again, it  
7 wasn't until Mr. Jacobs came that I even knew  
8 what his intentions were. I'm a big fan of  
9 tennis. I have friends. I was really hoping that  
10 my friends could use a tennis facility, and then  
11 came to find that this was going to grow into a  
12 mega-camp.

13           Again, my emotions come from the fact  
14 of the pond itself. It's fragile. We all know how  
15 it can turn. We've heard it over and over again.  
16 I don't have to say it. But what do we know? We  
17 know that Mr. Jacobs has several camps and he  
18 says there's no intention to use it but, however,  
19 he does have activity on lakes and ponds in other  
20 parts of where he has camps. And what I've seen  
21 is, there's been, actually, what looks like--I  
22 could be wrong and he could say--what looks like  
23 sand brought in, which isn't native to the pond.  
24 And then there are slides and things that are  
25 less ...

H8-3  
cont'd

1 ROBIN LONG: That's three minutes.

2 IVAN BARD: ... than 100 feet from the  
3 pond. So it seems to be a lot of activity next to  
4 a fragile water body? So, what do we know? We  
5 know that the developer has no interest in  
6 preserving pond water because he's actually using  
7 it in other areas. So, I would hope that we can  
8 trust his word, but I'm not sure.

9 DENNIS FINNERTY: Thank you. Next  
10 speaker.

11 LINCOLN PALSGROVE: Hi. Thank you for  
12 your time tonight. My name is Lincoln Palsgrove,  
13 and I'm going to make a few points tonight,  
14 hopefully a couple of new ones too, keep the  
15 night going.

16 I do believe that the characteristics  
17 of this [SWEET?] neighborhood tennis facility  
18 with approximately 80 children would forever be  
19 lost if the expansion to 500-plus is permitted as  
20 outlined in the report, in the DEIS. This  
21 facility would be a vastly different place on par  
22 with the size of several Long Island public  
23 schools, and a very different experience for the  
24 children than what they have today. And I think  
25 that's a very, very strong point to make, that a

H25  
cont'd

H25-3

1 lot of the parents and a lot of the kids who  
2 spoke, they say they love camp, of course they  
3 do. Are they going to love camp when there's six  
4 and seven times the amount of enrollment? It's  
5 going to be a very different situation for those  
6 children than what they know and what they have  
7 today.

8 I reside on the north boundary of the  
9 camp and actually am one of the lucky ones that  
10 ... noticed tonight, first time I'm seeing this  
11 map, I live in a 1,200-square foot house. It's an  
12 old house. It was built in the '40s. It was there  
13 when the camp was originally built.

14 According to this map behind me, I  
15 would be getting a basketball court four times  
16 the size of my house, 50 feet away from my living  
17 room. Is that going to enhance my environment? I  
18 don't think so.

19 One thing I'd like to point out, and is  
20 very deficient in this DEIS, is the sound study.  
21 This is 2004. This is a circle around a clearing  
22 that was there, and probably had been there  
23 forever. In 2015, this is a circle around that  
24 clearing, which is a soccer field, and the  
25 largest outdoor gathering space in the entire

H25-3  
cont'd

H25-4

H25-5

1 facility, yet it is nowhere mentioned on any map  
2 in the DEIS.

3 When you look at the sound study right  
4 here, note where the red dots are. That's where  
5 the noise was emanated to conduct the study. Look  
6 where the yellow circle is. The largest outdoor  
7 gathering space in the facility was not tested in  
8 this noise study. Why? Why was this not tested?  
9 This is where they do the bouncy house, this is  
10 where they gather, this is where the largest  
11 number of activities take place all at one time--  
12 no sound study. I implore a 100-foot setback for  
13 the sanity of the people that live in this  
14 community if this goes forward. There has to be  
15 codes that are kept.

H25-5  
cont'd

H25-6

16 ROBIN LONG: That's three minutes.

17 LINCOLN PALSGROVE: Thank you very much.

18 DENNIS FINNERTY: Thank you.

19 LARRY PENNY: My name is Larry Penny.

H4  
cont'd

20 I'm from Noyack. I live on Noyack Road. I'm in  
21 the Noyack CAC. For 28 years I was the  
22 Environmental Protection Director and Natural  
23 Resource Director of the Town of East Hampton. I  
24 had to look at a lot of ponds and a lot of  
25 things. And I didn't always win every battle. And

1 I must say that there's something to what Mr.  
2 McAllister said, that waters are going downhill  
3 really quickly.

4 I wrote the Water Plan for East Hampton  
5 with a hydrologist. And I will say that if it  
6 were true that water up-gradient didn't flow into  
7 ponds down-gradient, then we wouldn't have to  
8 spend all this 20% tax money from the Community  
9 Preservation Fund because the water would go ...  
10 the underground water would never reach the  
11 surface waters. But that's not true. The  
12 underground waters, almost 99 times out of 100  
13 reaches the surface waters.

14 And I invoke the name of a wonderful  
15 person, who a lot of you knew, who died last  
16 year, Richard Hendrickson, he wasn't a water  
17 expert, he was a weather expert and he was a  
18 terrific thinker. And he taught me, when I first  
19 started working, how to tell if water is coming  
20 from the underground. I should have known this, I  
21 grew up in this kind of area, in Mattituck.

22 He said if you walk on the bottom and  
23 you feel some cold, all of a sudden a little cold  
24 water, that's the ground water coming up. So, I  
25 don't think this has ever been done in Little

H4-3

1 Fresh Pond. It's pretty deep. Maybe on the shore  
2 you could do that. But almost every one of these  
3 ponds has springs. Most of the water that does  
4 come up, comes up through a vent that has been  
5 cleared of debris and so forth, sediment and so  
6 forth. I guarantee you, that if they did that  
7 kind of study they would, somewhere in Little  
8 Fresh Pond, they would find water coming up from  
9 the ground water, you know, like Richard  
10 Hendrickson taught me.

11 I certainly agree with Mr. McAllister.  
12 They tried to get rid of Mr. McAllister for years  
13 and years and he resurfaced. I noticed that the  
14 current Peconic Bay keeper, or something, hasn't  
15 been here at any of the things that I've been in.  
16 Maybe he will come. Maybe he'll start doing it.  
17 But obviously, the water problem, they haven't  
18 looked at the wetlands carefully. There may be  
19 new flora and fauna that is there that's endanger  
20 or threatened since the last reconnaissance from  
21 the Heritage Foundation of New York State.

22 And so the pond is not in good shape.

23 ROBIN LONG: That's three minutes.

24 LARRY PENNY: As some people say, I  
25 wouldn't drink the water myself. And it needs

H4-3  
cont'd

H4-4

1 love. It doesn't need, let's see, 100 people  
2 staying overnight. I noticed this in the paper  
3 today, Southampton Press, Town Wins Court Battle,  
4 the State court are upholding an injunction that  
5 bars an East Hampton summer camp operator from  
6 using a house he owns to board more than two  
7 dozen camp counselors in the summertime. Well,  
8 they were going to have about 100, or 50  
9 counselors at least and who knows what other  
10 people.

11 I have a statement signed, and a lot of  
12 statements unsigned. I'll give ...

13 DENNIS FINNERTY: Give to the recording  
14 secretary. Thank you.

15 CATHIE GANDEL: Thank you Larry.

16 DENNIS FINNERTY: Do we have the sign-in  
17 [UNINTEL] sheet somewhere floating around? Okay,  
18 good, just want to make sure people are using it.  
19 No, no, it's just ... keep it in that area.

20 [STEWART SUBANT? 03:48:38] I'm Stewart  
21 Subant. I live on Lakeview Court, which is the  
22 east side of the pond. I'm fortunate enough to  
23 live on a hillside right on the pond, for over 20  
24 years, been coming to the area for over 50, in  
25 this house for about 20, which is in the process

H12  
cont'd

1 of becoming my prime residence.

2 I spoke the last time we were together  
3 about the lawsuit that Mr. Jacobs had brought  
4 against two of our officers, one of whom is here,  
5 Mr. [BARONA 03:49:18], for \$55 million, which was  
6 so antagonistic to the laws of New York that we  
7 were awarded legal fees, which I don't have to  
8 tell you doesn't happen very often, Forty-three  
9 thousand dollars was awarded to my firm in legal  
10 fees, which we donated to the Little Fresh Pond  
11 Association. Thank you, Mr. Jacobs.

12 The people have asked me, well, what  
13 has that have to do with the DEIS? Well, the  
14 Chair was quoted in the press, I hope accurately,  
15 as pointing out that there was a weakness in the  
16 town codes, in that once a use is legitimatized,  
17 there's very little control over its expansion. H12-2  
18 And that's what you're hearing about right now.  
19 That sleepy little tennis facility that the  
20 zoning board described became a--somehow, without  
21 your action, without a DEIS--hundreds of kids are  
22 there and 60 counselors are there. By whose  
23 leave? But there is, apparently, leeway somehow.

24 The same reason that that lawsuit I  
25 described is relevant; the same reason that the

1 fact that there's been a pond and deck added to  
2 Mr. Jacobs' home, personal home, in East Hampton,  
3 against the zoning laws, without bothering with a  
4 permit, is also relevant to the DEIS. You cannot  
5 place your trust in someone who does these  
6 things, someone who sues two gentleman merely for  
7 being against him with the town authorities, for  
8 \$55 million, and won't let go. I had to go all  
9 the way up to the Appellate Division to keep  
10 hanging onto the fees that were granted, because  
11 that lawsuit was specious and meant to  
12 intimidate.

13 Now that's ... we're giving the pond  
14 over to that person? That person who totally  
15 ignores the need for a permit, according to East  
16 Hampton Press, in building a, ironically, pond at  
17 his own place, and put 40-some people in a house  
18 with four bedrooms, also in East Hampton. And  
19 instead of accepting punishment is trying to get  
20 the law changed to make it okay? That's what  
21 you're dealing with. It's called hubris. It's  
22 called arrogance. And the question is whether or  
23 not you wish to trust the Pond and all of its  
24 neighbors to this developer.

25 Thank you very much. You've been so

1 patient. [APPLAUSE]

2 PAUL GROSSER: Good evening. Paul  
3 Grosser with PW Grosser Consulting. We're the  
4 consulting hydrogeologist for the project. I'm  
5 here just to address some of the issues brought  
6 up at the last meeting. First is Pio Lombardo  
7 put together a letter to the Planning Board. I  
8 was wondering if you had received it yet?

9 DENNIS FINNERTY: Yes.

10 PAUL GROSSER: That's addressing some of  
11 the accusations, I guess, against him.

12 A couple of issues to clear up. There  
13 was some concern regarding, questions regarding  
14 depth of the pond last time I was here.  
15 References have it 22 feet. I talked to Larry, he  
16 says 25 feet. EEC says six meters, which is about  
17 20 feet, 19-20 feet. So, it's somewhere in that  
18 neighborhood. It's not 60 or 80 feet. It's  
19 somewhere in the 20 to 25 foot range, and that's  
20 in the deepest parts. And it's considered a  
21 kettle lake, so it was created by a glacial hunk  
22 of ice that melted there and left a hole.

23 There's questions regarding onsite soil  
24 borings and monitoring wells. We have compiled  
25 the logs from that, for cross sections, to

1 present in the FEIS. One boring showed a very  
2 small silt layer above the water table. There's  
3 no indication that there's any clay layers at  
4 this point. We also know of deeper wells that  
5 were drilled at the North Sea landfill, not far  
6 away, and they went to about 160 feet below sea  
7 level, and there it was pretty much sand and  
8 gravel all the way down to those levels. So,  
9 we're not seeing any clay layers in the area. And  
10 we haven't seen any indication in that. And that  
11 will also be included in the FEIS for the  
12 documentation.

13 We've taken additional water level  
14 samples, since the last hearing. Pio did this.  
15 And, essentially, they've been consistent with  
16 what we had before. The pond level has always  
17 been higher than the ground water levels in the  
18 area. In the most recent one, January 17th, which  
19 is after all the rain and snow we had, actually  
20 showed ground water flow away from the pond. You  
21 had the ground water ... excuse me, the water  
22 level in the pond was at this level. The closest  
23 well to the pond was at this level, and wells  
24 further from the pond were lower than that,  
25 indicating there's actually groundwater flow

1 radially away from the pond after high rainfall  
2 events, and snowfall. Again, this will presented  
3 in the FEIS. And I think it's in Pio's letter, he  
4 shows that table.

5 I think what's critical, you've got to  
6 understand here, is you've got to look at each  
7 pond within the town individually. Like I said,  
8 this is a kettle pond. It's different than Mill  
9 Pond. Mill Pond certainly has ground water  
10 flowing into it. It's got flow over a dam into  
11 Mecox Bay, so you've got water leaving it, and  
12 the groundwater flows into it.

13 Kevin mentioned Lake Agawam before.  
14 That's similar to Little Fresh Pond.

15 ROBIN LONG: That's three minutes.

16 PAUL GROSSER: There's no outlet and  
17 storm water is the key issue. Control of runoff,  
18 as you say, is key and that's being controlled in  
19 accordance with town codes.

20 DENNIS FINNERTY: Thank you.

21 MAN: Can we keep that record open until  
22 we see copies of this report?

23 DENNIS FINNERTY: It's going to be in  
24 the FDIS. And the record will be held open. Next  
25 speaker?

1           PAUL SHEA: My name is Paul Shea. I live  
2 in Little Fresh Pond. And I guess, we have an  
3 alternative fact tonight, because one of the  
4 things that Mr. Jacobs said is that he never  
5 advertised that Little Fresh Pond was going to be  
6 used for water sports. And here's an ad  
7 specifically outlining Little Fresh Pond for  
8 water sports. And it's not just once, it's twice.  
9 So, I guess that's an alternative reality, or  
10 alternative fact, alternative fact. And then ...

H52

H52-1

11           [BACKGROUND VOICES]

12           PAUL SHEA: Thank you, that's the other  
13 piece.

14           WOMAN: Sir, what's your name, for the  
15 record?

16           [OVERLAPPING SPEAKERS]

17           DENNIS FINNERTY: Paul Shea?

18           PAUL SHEA: Shea. The other thing I want  
19 to address is traffic, and I think we've all  
20 heard about traffic reports and traffic turns.  
21 And the fact of the matter is that it just  
22 doesn't work. And I'm going to read something,  
23 because I think this is something that's going to  
24 be really relevant here that you guys should all  
25 be aware of. This is according to the [ASHCO

H52-2

1 03:56:34] Traffic Safety Report. And very  
2 specifically, it says, "As a concerned resident  
3 of North Sea, I've seen recent data that shows  
4 that the proposed exit driveway from 665 Majors  
5 Path, does not meet the required departure sight  
6 distances for buses, as required by ASHCO. As a  
7 result, every bus that leaves this property with  
8 children on board, is at serious threat." This is  
9 a pass-fail course. You sort of don't get to make  
10 distances work for you or not. And I have  
11 distances and I can show you that.

12 I would like to state my deep concerns  
13 about this as I view this as a really, accident  
14 waiting to happen. And this is on you guys, the  
15 Board. And don't want to hear back in a year from  
16 now, "Oh, we could have done something. We could  
17 have stopped this." No. We have to stop this now  
18 and this is reality. So, I can give you numbers  
19 from the traffic study and I think we have  
20 someone here from the traffic study tonight that  
21 can address this. But this is simply a pass-fail  
22 course. You have traffic there. We've heard all  
23 about the traffic coming down the road, and  
24 increased traffic. Well, it's going to get worse  
25 as it does, and a bus pulling out is a target.

H52-2  
cont'd

1 And these kids are going to be a target. And  
2 we're going to come back and go, "Oh, wow, we  
3 could have done something here." And this cannot  
4 be mitigated by moving driveways, and the  
5 proposed driveways show that, plain and simple.  
6 Thank you.

H52-2  
cont'd

7 DENNIS FINNERTY: Thank you for your  
8 comments. Next speaker? We have a three minute  
9 time window, Mr. Bragman, I apologize.

10 JEFF BRAGMAN: My name's Jeff Bragman.  
11 I'm the attorney for the Little Fresh Pond  
12 Association. I apologize for getting here late. I  
13 was in court this morning in Brooklyn. But it may  
14 mean I speak ... I have less to say because some  
15 of my thunder has been stolen.

H1  
cont'd

16 I wanted to talk to you about the DEIS  
17 in general terms. I was reading it last night,  
18 and what I realized is that there's a consistent  
19 pattern in the DEIS in which the applicant makes  
20 mis-descriptions of what the existing conditions  
21 are. When you do a DEIS, you're supposed to start  
22 from the condition of the property before you do  
23 anything to it and evaluate your impacts against  
24 that as a baseline. What this DEIS does, and it  
25 does it very subtly, is it weaves in as existing

H1-26

1 conditions, what's going on in the camp today,  
2 and in 2015 and in 2016, which activity is  
3 illegal. This camp is being run as a public camp.  
4 That's what he is in front of this board to get  
5 approved. And, in addition, you have a decision  
6 from the Zoning Board of Appeals back in 2012,  
7 that definitively resolved the issue of what he  
8 was allowed to do and what he was not allowed to  
9 do. And what that decision clearly distinguished  
10 was the use of the property as a tennis club with  
11 a small accessory camp, from the use as a public  
12 day camp. And it's stated very clearly that  
13 they're not interchangeable, that one is not  
14 comparable to the other, and that's why he's in  
15 front of the planning board.

16 And yet, today, he's running that camp.  
17 And what he did is ... I don't mean to say we,  
18 what the applicant did, what his consultants did,  
19 is they weave into the description of existing  
20 conditions the situation in the camp as of 2015,  
21 2016. So, they describe it with a table, for  
22 example, that says you've got 90 club members,  
23 you've got 65 staff people, 22 overnight people  
24 that stay in dormitories on site. That was in  
25 2015. None of that is the existing condition as

H1-26  
cont'd

H1-27

1 it should be described in the DEIS. The DEIS  
2 should be talking about this piece of property  
3 before he commenced this public camp. So, it  
4 should be talking back in the day when they had  
5 35 members and however many children of tennis  
6 club members that went to tennis lessons. And  
7 that's a fundamental flaw in the DEIS.

H1-27  
cont'd

8 He does the same thing, in the same  
9 table he also refers to the 2016 operation as  
10 being part of the existing conditions. It says  
11 there are 90 club members. Now the number of  
12 campers has gone up to 280 campers. I discussed  
13 that with you the last time I was in front of  
14 you, that that may be the total, not a daily  
15 number. And that he now has 52 overnights.

16 ROBIN LONG: That's three minutes.

17 JEFF BRAGMAN: Can I have a little more  
18 than three minutes?

19 [OVERLAPPING SPEAKERS]

20 JEFF BRAGMAN: I can wrap this up more  
21 quickly than I intended to. Another issue. I was  
22 glad to hear comments about the slap suit, the  
23 strategic lawsuit against public participation,  
24 what I would put a slightly different  
25 interpretation on that for you. I wouldn't ...

1 I'm not taking issue with the comments that said  
2 maybe you shouldn't trust this applicant with our  
3 precious pond. But what I would say to you as an  
4 attorney is, it shows a willingness of an  
5 applicant to place his own economic interests  
6 ahead of the integrity of the planning process.  
7 When you launch a slap suit you are deliberately  
8 using economic power to try to chill the rights  
9 of citizens to petition their government. That's  
10 what we're doing today, we're petitioning our  
11 government. [APPLAUSE]

12 And that is a very deep concern because  
13 it suggests, when you look at the pattern in the  
14 DEIS, of exaggerating the existing conditions,  
15 and the other side of that is minimizing impacts  
16 by manipulating the data, going back to the  
17 earlier times before 2015, before 2016, for  
18 traffic impacts, or taking noise measurements on  
19 the day when the camp is closing and after the  
20 camp is closed. So, on the one hand he's boosting  
21 existing conditions to include illegal  
22 activities, and then he's lowering the potential  
23 impacts. That fits with the pattern of an  
24 applicant that would launch a slap suit for \$60  
25 million, to try to frighten citizens form

H1-28

1 participating.

2 In addition, there's something very  
3 curious going on with this grandfathering issue  
4 that we've looked at. I'm not going to have time  
5 without getting into a lot of time with you, but  
6 I can say this: There's no evidence that we can  
7 find in the paperwork that has been submitted  
8 anywhere, that authenticates the claim that the  
9 cottages on site were ever used as dormitories.  
10 And it's contradicted by the Zoning Board of  
11 Appeals' decision from 2012. And I say this to  
12 you as the lead agency because your primary  
13 responsibility is applying the law of the Town of  
14 Southampton as you understand it. You also are  
15 the lead agency to supervise every environmental  
16 decision that's made, and that includes the  
17 Suffolk County Department of Health Services.

H1-29

18 But if you look at the 2012 decision,  
19 it says there was never any staff in that tennis  
20 club. There were two owners that lived on site.  
21 They did all the maintenance. Where does he come  
22 up with the idea that the cottages, which are  
23 described as cottages, were ever dormitories?  
24 There's no basis for it. And if you look in the  
25 paperwork--and the reason I'm describing this to

1 you is because I'm asking you to require this  
2 applicant to give you this paperwork so that you  
3 hear what their explanation is. Even in the  
4 paperwork that went to Suffolk County they  
5 describe the cottages as cottages. It's very  
6 subtly done. The only way they get this huge  
7 grandfathered flow is when they look at the flow  
8 for the cottages, by some magic method, they  
9 select dormitories and schools, and they come up  
10 with an occupancy of 120 people. Now, these are  
11 cottages that range in size from 600 to 900 feet,  
12 and they have a documented history of being  
13 permitted only as temporary residences, only as a  
14 summer bungalow colony, never as dormitories.  
15 There's no evidence that they were ever treated  
16 as dormitories, and it contradicts the Zoning  
17 Board decision. So, I would ask you as the lead  
18 agency, to insist from the applicant, that you  
19 get all the documentation that purports to  
20 support a claim that there were dormitories and  
21 that the capacity of those cottages was 120  
22 people.

23 Also, I want to throw into the mix,  
24 you're not allowed to grandfather anything unless  
25 you had a prior Suffolk County Department of

H1-29  
cont'd

1 Health Services approval for it, or a Suffolk  
2 County Food ... there's a Food Unit Control Unit,  
3 Food Control Unit. You must have an approval from  
4 Suffolk County, from one of those two agencies,  
5 or there is no grandfathering. There is no  
6 evidence in their records that they ever had  
7 those kinds of approvals.

8 So, again, what I'm suggesting to you  
9 is that they are weaving a misstatement into this  
10 DEIS. That grandfathered flow is mentioned more  
11 than a dozen times throughout the DEIS. I spent  
12 last night pouring over Suffolk County Department  
13 of Health Services records. There's nothing that  
14 supports it other than a letter from an engineer  
15 working for the applicant, who simply referred to  
16 the cottages and said they're dormitories. And  
17 they did the same thing and are doing the same  
18 thing, I might add, on the dining hall. Suddenly  
19 we have a dining hall that appeared here. If you  
20 look at the 2012 ZBA decision, you'll see that  
21 the ZBA said the dining hall was abandoned. So,  
22 what I'm asking you tonight is, to look at the  
23 actions of this applicant in the way that they  
24 effect the DEIS and insist that we get clear,  
25 plain English explanations of these issues that

H1-29  
cont'd

1 I've raised. Thank you for your time. I know I've  
2 imposed on you, on your time limit.

3 DENNIS FINNERTY: Thank you, Mr.  
4 Bragman. Any additional speakers? We have another  
5 10, 15 minutes. Have you been heard? Come on up.

6 LARISSA POTAPCHUK: My name is Larissa  
7 Potapchuk. My family has been on the pond, living  
8 on the pond, since 1972. Parents moved fulltime  
9 there in 1996.

10 In review of the two DEIS's that you've  
11 received, I believe that these are severely  
12 inadequate, incomplete and deficient. And I  
13 believe it's by design because the applicant has  
14 enough manpower, dollar power, to do the full  
15 study right, yet why not? Why not do it when the  
16 time is right, during the high season? Why not do  
17 it when the water is at the normal summer level?  
18 By the way, the water, being on the pond all the  
19 time, only went up about an inch and a half since  
20 this past snow, so it's not any big change of  
21 water. And it goes down in the summertime. And  
22 this is pretty normal. It's been lower than it  
23 usually has been. We need to really consider the  
24 water, because it has changed over the years. We  
25 used to drink it. I still do drink it every now

H53

H53-1

1 and then when I dive in it. But it's really  
2 important to keep it as good as possible. And  
3 when the applicant in the 2013 Southampton Patch  
4 article identified they're going to have  
5 kayaking, lake activities. That can't be done in  
6 a pool, that can only be done in the lake. We  
7 have copies of that and that has been submitted.

H53-2

8 Another concern is the history of the  
9 applicant with safety of the single-family  
10 residential neighborhood that this is in. The 61  
11 citations in East Hampton, which were upheld by  
12 the Riverhead Supreme Court, after the applicant  
13 challenged those citations, it's not like he  
14 wants to fix it. He wanted to challenge the  
15 zoning rules for the town of East Hampton. And  
16 East Hampton stood up to this. Do we need to have  
17 another situation like this in Southampton, where  
18 there's an issue with the zoning and  
19 overcrowding, and then we have to go to court.  
20 Once the ball's rolling, it's hard to stop.

21 And another interesting thing, the TLC  
22 website, which is the family of businesses that  
23 the applicant owns, three out of the six camps  
24 listed on that website advertise private rentals.  
25 And some of those rentals have been identified

H53-3

1 as, you can have weddings, musical festivals.  
2 Now, we don't know if it's going to ever be like  
3 that in this site, but this is not the  
4 neighborhood for it. This is a single-family  
5 dwelling neighborhood. There are no big rentals,  
6 there are no condominiums. We need to keep that,  
7 the integrity and the safety of the neighborhood  
8 in place. A camp is great. It's just not the  
9 right place, especially when we have challenges  
10 to the integrity of the paperwork.

11 And also, bending the rules a little  
12 bit, in my opinion, because I don't want to be  
13 sued. So, please consider all these factors. And  
14 the fact is, this is not the right place for an  
15 expansion of commercial use property--water  
16 slides, kayaking in the lake--not appropriate  
17 here. Thank you.

18 DENNIS FINNERTY: Sir, did you wish to  
19 be heard?

20 MAN: I've been heard.

21 DENNIS FINNERTY: Ma'am, did you wish to  
22 be heard.

23 DONNA KREYMBORG: I have not sir.

24 DENNIS FINNERTY: Did you wish to be  
25 heard now?

H53-3  
cont'd

1 DONNA KREYMBORG: I do.

2 DENNIS FINNERTY: You're next.

3 DONNA KREYMBORG: Hello. My name is  
4 Donna Kreymborg. I am Ex-Chief, currently a  
5 volunteer member of Southampton Village  
6 Ambulance, as well as the town ambulance. And I  
7 just want to speak for the kids. There's really  
8 not much left in Southampton to do for these  
9 children. And for these 10 weeks out of the  
10 summer, for the opportunity for them to enjoy a  
11 place that teaches such things like sportsmanship  
12 and tolerance and appreciation.

13 And the main thing I want to talk about  
14 is integrity. Just because something is not liked  
15 does not mean that mistruths should be stated  
16 about that. And I just really wholeheartedly want  
17 you to look at the truths and the rumors that I  
18 hear of kids being in the lake and water slides  
19 being put in. That's simply not true. As a chief  
20 of the ambulance I've been involved for four  
21 years with this camp. They have kept to their  
22 word. When they need things done there, they hire  
23 local companies. They have offered to all the  
24 volunteer agencies, scholarships for our  
25 children. Not one local business ... you know, we

H18  
cont'd

H18-4

1 are volunteers and we do that from our hearts.  
2 But it's so nice to be recognized for the  
3 volunteer work that we do. And if this landowner  
4 wants to offer that to us, what is the same in 10  
5 weeks, for five days a week? Because what's the  
6 alternative? This owner could turn around and  
7 sell these properties, homes will be built, sod  
8 will be put in, and then pools and then you talk  
9 about lake damage? That's where you're going to  
10 find your lake damage, because 10 weeks out of  
11 the year is a lot shorter than a year-round  
12 resident.

13 And I heard somebody mention a school  
14 bus. I run ambulances. County Road 39, anywhere  
15 you go, you run the risk. But there is somebody  
16 at every entry and exit at that camp at any given  
17 time to protect such traffic. But the traffic  
18 doesn't come from the camp, it comes from down  
19 the road at SYS, it comes from the west, you  
20 know, the trade people that are coming in to get  
21 work. So, you can't just single out the camp for  
22 that. You know, it's unfair that the camp is  
23 taking the heat for all the problems with the  
24 lake and all the traffic problems. So, I'm just  
25 hear to speak. My other two children wanted to be

H18-4  
cont'd

H18-5

H18-6

1 here but they too are volunteers with the Fire  
2 Department so they couldn't be here because they  
3 have a meeting tonight.

4 So, I think you for listening, but it's  
5 not all the camp, you know. It's everybody in  
6 general. The population is just ... let's not  
7 take away from the children. That's all I ask.  
8 Please look at the facts.

9 DENNIS FINNERTY: Thanks for your  
10 comments. Who's the next speaker on the queue?

11 WOMAN: She spoke before.

12 [OVERLAPPING SPEAKERS]

13 WOMAN: I don't know, I'm asking.

14 DENNIS FINNERTY: Mr. Hill or ...? Sir,  
15 did you wish to speak?

16 DAVID WORTMAN: Good evening Mr.  
17 Chairman, members of the Board. Can you hear me  
18 all right?

19 WOMAN: Yeah.

20 DAVID WORTMAN: My name is David  
21 Wortman. I'm with the firm VHB Engineering.

22 DENNIS FINNERTY: Quiet please.

23 WOMAN: David? Sorry?

24 DAVID WORTMAN: David Wortman, W-O-R-T-  
25 M-A-N, with the firm VHB. We were the preparer of

1 the DEIS on behalf of the applicant. The purpose,  
2 that we're gathered here tonight is, of course,  
3 to receive public comment on the substance of the  
4 DEIS. It's not necessarily to answer all the  
5 questions, whether ... several things that have  
6 been raised here tonight, so I won't attempt to  
7 do any of that. And I wasn't prepared to speak  
8 tonight but I just wanted to point out something  
9 regarding noise, and just to confirm for the  
10 Board, for the folks here this evening, there is  
11 in fact a noise analysis contained with the DEIS.  
12 It's not hidden anywhere. It's identified as  
13 Section 3.9, shown right there in the Table of  
14 Contents. I just want to mention also that if it  
15 were not included as required by the final scope,  
16 it would not have ... the DEIS as a whole would  
17 not have likely been deemed to be complete and  
18 adequate for public review, as is required by the  
19 regulations, by this Board as the lead agency,  
20 with the assistance of its professional  
21 consultants.

22 And so, I assure you, there is, in  
23 fact, a section there. For the benefit of those  
24 here, it begins on page 149, and again, that's  
25 section 3.9 of the DEIS. It offers a background

1 on noise as a subject in general. It offers a  
2 background with respect to the local regulations  
3 and explains the regulatory context including the  
4 town's noise ordinance. It describes the current  
5 activities at the camp with respect to noise and  
6 sound levels. It describes what the existing  
7 sound levels are and how and where and when the  
8 noise data was collected. It was collected at  
9 four sites dispersed throughout the improved  
10 portion of the subject property and adjacent to  
11 areas of concentrated activity. It also presents  
12 what are the potential impacts based on the  
13 future utilization levels of the property, the  
14 design of the proposed improvements, et cetera,  
15 and predicts the future noise at the 20 nearest  
16 sensitive receptors off-site, meaning the nearest  
17 single-family residences, in this case. It also  
18 addresses construction noises, discusses  
19 mitigation, et cetera.

20 In giving the background on noise, it  
21 explains why they A-weighted scale is used to  
22 describe the sound levels. While I won't go into  
23 any of the detail really, I will just sort of  
24 summarize by explaining that the A-weighted scale  
25 is that which is most closely resembling the

1 human ear perception. It's also used here for the  
2 same reason why the Town Code uses it as its  
3 standard for identifying a noise impact, and  
4 that's further explained in detail. You're  
5 welcome, anybody, to offer an substantive  
6 comments during the written comment period that  
7 will continue from here.

8 ROBIN LONG: That's three minutes.

9 DAVID WORTMAN: And as with all  
10 substantive comments received, it will be  
11 addressed then in the final environmental impact  
12 statement to be prepared. Thank you.

13 DENNIS FINNERTY: Mr. Hill, are you  
14 prepared to ...

15 RON HILL: Ron Hill with Dunn  
16 Engineering Associates, Westhampton Beach. I just  
17 wanted to assure the Board that we are going to  
18 take care and answer every question regarding  
19 traffic. I'd just like to mention a couple of  
20 things. The counts at our driveways that we used  
21 for traffic analysis were done in July 2015. The  
22 camp was open. It's been suggested we should have  
23 done counts in 2016. We started the report in  
24 2015. We handed it in as a draft before this  
25 summer. So, it's unreasonable to ask us to update

1 the counts every year, and it's never been  
2 required by the town.

3 We have updated the accidents. We now  
4 have the four ... we have three and a half years  
5 of accident. They include four summers when the  
6 camp was open. And there's really no changes with  
7 our conclusions. All the accidents that we saw  
8 that were between North Sea, Mecox Road and  
9 Edgewood Road were run off the road accidents in  
10 bad weather and often it was cited that speed was  
11 the causal factor.

12 Regarding the sight distance, we  
13 provided the safe stopping sight distance, which  
14 was the real safety issue. What they're talking  
15 about with departure sight distance has to do with  
16 whether a vehicle has to adjust his speed when  
17 somebody pulls out. And if anybody drives around  
18 here and you're adjusting your speed all the  
19 time, and somebody pulls out, it's not unusual.

20 It's desirable, and we always strive to  
21 get that, but we can't always because of the  
22 nature of the road. It's been suggested that we  
23 have should have longer stopping sight distance  
24 because of trucks and buses, and we're using so  
25 many buses.

1 But the buses in that category, that  
2 are large city buses, the Hampton Unit, they're  
3 single unit vehicles like heavy dump trucks. We  
4 have these half buses that are 20 passengers, 24  
5 passengers. They're not, shouldn't fall in the  
6 same category. Some of those buses are only four  
7 tires, two axels. And that would clearly not fall  
8 into the bus category.

9 Part of the site plan is to improve  
10 those driveways and sight distances from those  
11 driveways, by relocating them and cleaning out  
12 the shrubs and brushes so the sight distance is  
13 better. We don't get approval, we can't do that.  
14 We're trying to make those driveways as safe as  
15 possible. Thank you.

16 DENNIS FINNERTY: Thank you, Mr. Hill.  
17 We have time for one more speaker. Did you wish  
18 to ...? And then we're going to ... Excuse me?

19 MAN: There's another guy coming around.

20 DENNIS FINNERTY: Oh, okay. Two more  
21 speakers, no problem.

22 ANN WELKER: Is it okay if I go?

23 DENNIS FINNERTY: Go ahead.

24 ANN WELKER: Good evening Mr. Chairman,  
25 members of the Planning Board. My name is Ann

H54

1 Welker. I'm a resident of North Sea, but I grew  
2 up in Shinnecock Hills. I learned to swim in Big  
3 Fresh Pond and have been swimming and kayaking  
4 and paddle boarding and ice skating on Little and  
5 Big Fresh Ponds my entire life. And I hope that  
6 generations of children and families will  
7 continue to be able to do that.

8 But I'm here tonight as a member of the  
9 Eastern Long Island Chapter of Surfrider.  
10 Surfrider is a national grassroots volunteer  
11 organization dedicated to the preservation of  
12 clean water, public access to beaches,  
13 preservation and protection of our coasts,  
14 oceans, bays and, most importantly this evening,  
15 ponds.

16 I'm a volunteer in the Blue Water Task  
17 Force. Blue Water Task Force is Surfrider's  
18 volunteer-run water testing education and  
19 advocacy program. As a chapter, we use this  
20 program to alert citizens and officials in our  
21 community to water quality problems and to work  
22 toward solutions.

23 Blue Water Task Force had demonstrated  
24 success by identifying problems with beach and  
25 coastal water pollution, raising public awareness

1 of these incidents and working collaboratively  
2 with local stakeholders, such as the Southampton  
3 Country Day Camp, to find and implement pollution  
4 solutions.

5 Blue Water Task Force water testing  
6 programs measure bacterial levels at both marine  
7 and freshwater beaches and compare them to  
8 federal water quality standards established by  
9 the EPA to improve the public's knowledge of the  
10 safety of their beach water and protect public  
11 health in recreational waters.

12 The Eastern Long Island Chapter of  
13 Surfrider began water testing in Big and Little  
14 Fresh Pond in September of 2016, and will be  
15 continuing to do so throughout the spring and  
16 summer of 2017 and beyond. We do not yet have our  
17 own data to review for the summer months when  
18 camp is in session. However, upon review of the  
19 New York State DEC Harmful Algal Blooms  
20 Notifications page, water sampling results have  
21 confirmed the presence of cyanobacteria harmful  
22 algal blooms, which may produce toxins or other  
23 harmful compounds in Little Fresh Pond.

24 We must work together to prevent Little  
25 Fresh Pond from attaining the status of Lake

H54-1

H54-2

1 Agawam or Georgica Pond, both which have been  
2 confirmed high toxin blooms for the past several  
3 summers. Water sampling results confirmed that  
4 there were toxins ... I'll finish ...

5 Water sampling results confirmed that  
6 there were toxins present in quantities to  
7 potentially cause deleterious health effects to  
8 people or animals who came in contact with the  
9 water, as happened when a dog passed away due to  
10 liver failure after drinking water from Georgica  
11 pond in summer of 2012.

12 On behalf of Eastern Long Island  
13 Chapter of Surfrider, I implore you, if the camp  
14 goes forward, limit the number of children in the  
15 day camp as well as the number of counselors who  
16 live on site to a number that's sustainable for  
17 the pond and the neighborhood, and also to demand  
18 installation of the highest grade advanced  
19 commercial denitrifying septic system available  
20 today, not the conventional system that was  
21 installed to bring the antiquated system that was  
22 on site up to grade. Thank you. [APPLAUSE]

23 DENNIS FINNERTY: Wayne, you haven't  
24 used your three minutes. We're going to close the  
25 hearing but ...

H54-2  
cont'd

H54-3

1           WAYNE BRUYN: Hopefully, you are. Good  
2 evening. Wayne Bruyn, O'Shea, Marcincuk & Bruyn,  
3 Southampton, for the applicant. Thank you for all  
4 your patience and understanding. It's a long  
5 record. I just want to indicate this board,  
6 you've been very patient. This application has a  
7 long history. There is a substantial record  
8 before the Zoning Board of Appeals on many of the  
9 questions of law that had been presented to you  
10 here that are also addressed in our draft  
11 environmental impact statement. And I'd think the  
12 board will review those and provide questions for  
13 our client to address and make sure it's all  
14 addressed in the final EIS.

15           I just want to point out though,  
16 there's certainly been a difference of opinion  
17 legally as to the import of the 2012 Zoning Board  
18 decision, and that decision was clearly an appeal  
19 by some of our neighbors, and apologize, the last  
20 time I spoke I kept referencing our neighbors,  
21 but not all of our neighbors dispute the use of  
22 the camp.

23           The point being, is the Zoning Board  
24 reviewed that application with three specific  
25 questions. One is, is the current use of the

1 camp, back in 2012, abandoned? And that includes  
2 all the elements, some of the elements. But the  
3 law is that all the elements have to have ceased  
4 actual use for the statutory period of time of at  
5 least three years.

6 The Zoning Board our neighbors'  
7 concerns and found that that was not the case;  
8 the use was not abandoned and, actually, directed  
9 my client that if he didn't operate the use, he  
10 would lose the use by abandonment.

11 The Zoning Board also reviewed a  
12 substantial amount of evidence, and the question,  
13 though, before them was, was the plan, the  
14 renovation plan, the specific renovation plan  
15 that we presented to the building inspector, does  
16 that constitute a change of use that requires a  
17 variance or not? And the building inspector said  
18 it didn't. And the Zoning Board of Appeals found  
19 otherwise based on the records that were  
20 submitted and a number of other reasons.

21 What the Zoning Board did not do is  
22 they did not define or go far as to determine the  
23 scope or limits of the existing certificate of  
24 occupancy and what a tennis camp is, or what a  
25 tennis camp and tennis club is or is not.

1           They did, however, in that decision,  
2       which was mentioned to you--you can go and read  
3       it yourself--there is discussion about it, but  
4       the end result you got to go to the conclusion.  
5       What did they conclude, is that our specific  
6       renovation plan constituted change of use, more  
7       so based on basic design--and I presented all  
8       those plans to you before ...

9           ROBIN LONG: Three minutes.

10          WAYNE BRUYN: ... and just want you to  
11       go back and do that.

12          The last thing, I just want to point  
13       out there's ... previous speaker mentioned the  
14       dining room. The 1998 Certificate of Occupancy,  
15       which came as a result of the 1995 Zoning Board  
16       of Appeals' decision, granted a dining room CO.  
17       The fact that it was used as residential by a  
18       prior owner without authority, without any  
19       permits, does not make it a use that's not  
20       permitted. What is permitted on the site is a  
21       dining room and the building inspector has  
22       allowed, that's what the CO is, and that's been  
23       the operation.

24          The other thing that was mentioned is  
25       the special exception standards. This Board asked

1 us to look at the special exception standards  
2 that were listed for campgrounds, day camps, et  
3 cetera. This Board well knows what special  
4 exception standards are. The application before  
5 the Zoning Board of Appeals is not for a special  
6 exception, it's for a change from one non-  
7 conforming use to another non-conforming use. The  
8 special exception standards, by law, do not apply  
9 to this application.

10 Nonetheless, this Board, as guidance,  
11 asked us to look at those standards and see how  
12 they may or may not apply to this property, and  
13 that is presented in the draft environmental  
14 impact statement. What has to be recognized is  
15 there preexisting uses, among other things the  
16 cabins, the overnight cabins that were used by  
17 families and people, overnight residence, were  
18 rented out to people off the premises. It is a  
19 residential use that is accompanying with the  
20 property, whether it's used by our counselors or  
21 people, third parties. That has been the record.  
22 That is part of the certificate of occupancy.

23 But, among other things, to meet the  
24 special exception standards, as you heard, you  
25 would have no overnight guests on there. You need

1 a 100-foot buffer. This board looked at the site  
2 plan in 1995, and some of the buffering and  
3 everything else, with the preexisting structures,  
4 can't be accomplished. All of this is addressed  
5 in the environmental impact statement. It's one  
6 of the alternatives you asked us to look at.

7 The most important point, and I think  
8 you've heard this time and time again, we're here  
9 with an application. We have a certain right to  
10 operate our day camp. The town building  
11 department has allowed that to continue without  
12 violation, without complaint other than what you  
13 hear, no official complaints as to the operation.  
14 Some of our neighbors did file a lawsuit and that  
15 was dismissed by the court, over that specific  
16 issue.

17 But nonetheless, what's important to  
18 understand is there is an application and  
19 opportunity, as I've said before this Board many  
20 times, every time an application comes before  
21 you, your job is not a ministerial thing to just  
22 rubber stamp and say, "Hey, you met a setback and  
23 let me approve this." Your job is to look at  
24 this, and which you do very diligently, is to  
25 look at the ...

1 ROBIN LONG: Three minutes.

2 WAYNE BRUYN: ... mitigation measures  
3 and improvements and upgrades an things like that  
4 which people complain about the current activity  
5 at the camp. None of our mitigation measures have  
6 been put in place, whether it's relocation of  
7 structures, putting in buffers, other things,  
8 upgrades. The last speaker just talked about a  
9 potential upgrade that we can explore. All of  
10 these cannot come unless the application is  
11 granted, and conditions, otherwise we're left to  
12 the existing use and operation. Thank you.

13 DENNIS FINNERTY: Thank you, Mr. Bruyn.  
14 There was mention of keeping the record open, and  
15 the Board's intention is to keep the record open.  
16 We've got a massive mount of correspondence with  
17 this application. All correspondence is read  
18 diligently. It's copied. We even get form letters  
19 that we actually even read, form letters. So, we  
20 are going to keep the record open for at least 30  
21 days, I think 30-day window. Many people are  
22 away, down South. So, we would encourage you to  
23 submit comments, either written correspondence,  
24 emails. It all comes through to our inbox. I  
25 think this ...

1 [BACKGROUND CONVERSATION]

2 DENNIS FINNERTY: Procedurally, what's  
3 going to happen is once the record is closed, and  
4 the advisory reports are submitted, final  
5 environmental impact statement will be drafted,  
6 and a finding statement will be adopted by this  
7 Board. It will be based on the record.

8 MAN: Is the record closed in 30 days?

9 DENNIS FINNERTY: The record will close  
10 in 30 days.

11 WAYNE BRUYN: That's the record on the  
12 draft environmental ...

13 WOMAN: And the DEIS.

14 DENNIS FINNERTY: And the DEIS.

15 WAYNE BRUYN: Final environmental impact  
16 statement has to be prepared and then there's a  
17 comment period on that.

18 [OVERLAPPING SPEAKERS]

19 MAN: Forty-five days from the close of  
20 the record.

21 DENNIS FINNERTY: Once the FEIS is  
22 drafted then there's an additional comment, the  
23 record gets opened again, so you'll get to  
24 comment on the final environmental impact  
25 statement.

1 I think your comments were very  
2 appropriate. There's a lot of passion, but I  
3 think the testimony you've entered, both at this  
4 meeting and the prior meetings is very much on  
5 point, very targeted and appropriate and you  
6 certainly have the ear of this Board.

7 WAYNE BRUYN: On both sides.

8 DENNIS FINNERTY: Both sides, that's  
9 correct. So, we encourage you to keep the  
10 activity, keep the correspondence coming in. I  
11 know it's hard. We put a tremendous amount of  
12 effort. We really appreciate the visual ... the  
13 signs, the graphics that you've provided. We're  
14 going to ... I think we can hang onto them.

15 [OVERLAPPING SPEAKERS]

16 DENNIS FINNERTY: We have small copies,  
17 okay, that's good. Take it back.

18 [OVERLAPPING SPEAKERS]

19 DENNIS FINNERTY: So, we do appreciate  
20 you and we thank you and bit you a good evening.  
21 Safe home.

22 [OVERLAPPING SPEAKERS]

23 DENNIS FINNERTY: ... by Robin, second  
24 by Jackie.

25 WOMAN: Motion to adjourn.

1 DENNIS FINNERTY: Yes, with a 30-day  
2 written comment period.

3 [OVERLAPPING SPEAKERS]  
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C E R T I F I C A T I O N

I, Sonya Ledanski Hyde, certify that the foregoing transcript is a true and accurate record of the proceedings.

*Sonya M. Ledanski Hyde*

Sonya Ledanski Hyde,

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Date: February 28, 2017

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