

# TOWN OF SOUTHAMPTON

Department of Land Management  
Long Range Planning Division  
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SOUTHAMPTON, NY 11968



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## PRE-APPLICATION SUMMARY REPORT

**DATE** December 6, 2013

**PREPARED BY** Amy Pfeiffer, Principal Planner

**PROJECT NAME** “The Hills at Southampton” Planned Development District (PDD)

**S.C.T.M NO.** 900- Sections 203, 219, 250, 288, 314 and 340  
Multiple blocks and lots (71 separate lots)

**PROJECT LOCATION** East Quogue

**ZONING DISTRICT(S)** Country Residence 200 (CR-200)

**ZONING OVERLAY DISTRICT(S)**

- Aquifer Protection Overlay District
- Central Pine Barrens Overlay District:
  - Compatible Growth Area
  - Core Preservation Area
- Groundwater Management Zone III

**SEQRA:** Type I

## INTRODUCTION

On June 7, 2013 a Planned Development District (PDD) pre-application was submitted for the subject project titled “The Hills at Southampton” to rezone 435.6 acres from Country Residence 200 (CR-200) to Mixed Use Planned Development District (MUPDD). The proposed project is for 82 residential units, an 18-hole golf course, and a club house facility in East Quogue. The total project area of 435.6 acres is divided into two large tracts of land consisting of 87.9 acres north of Sunrise Highway, and 347.7 acres south of Sunrise Highway. The entire parcel north of Sunrise Highway and the first 1000 feet of the parcel south of Sunrise Highway, totaling 43.2 acres, is within the Central Pine Barrens Core Preservation Area, which will remain undisturbed; and the remaining 304.5 acres of the southern tract of land is within the Compatible Growth Area. The proposed developed will be clustered in the Compatible Growth Area south parcel, as shown in **Figure 1**.

This pre-application summary report has been prepared to assist the Town Board to determine whether to consider or not to consider, a formal application for the proposed PDD in accordance with §330-244C. The Town Board will make their decision within 30 days of receiving this pre-application summary report.

## HISTORY

On May 4, 2006 the Planning Board adopted a Pre-Application Report for a 111-lot subdivision on the subject property. On April 25, 2006 the Town Board adopted the East Quogue Moratorium<sup>1</sup> in order to prepare a Hamlet Study and accompanying Generic Environmental Impact Statement (GEIS) to analyze the cumulative impacts associated with the potential build out within the Hamlet, particularly in the area of the subject application.

On November 25, 2008 the Town Board adopted the East Quogue Land Plan & GEIS which made the following specific recommendations as it relates to the subject property, which are outlined in greater detail later in this report:

- Upzoning: *“These areas would be upzoned from a mix of CR-80, CR-120, and CR-200 to all CR-200.”*
- Residential/Recreational: *“A clustered residential use comprised of a mix of housing types built around a theme of resort/recreational uses. A private golf club and golf course that would be constructed on approximately 200 acres of land that is situated on both the Hills property and a portion of the Town land without disturbing any of the Central Pine Barrens Core Preservation Area.”*

On December 09, 2008 the Town Board implemented the recommended upzoning by changing the CR-80/CR-120 zoning category of the subject property to CR-200 zoning. On March 24, 2011 the Planning Board adopted an updated pre-



**Figure 1: Project Conceptual Plan**

<sup>1</sup>The Town Board at their meeting of April 25, 2006 adopted LOCAL LAW NO. 18 OF 2006 as follows: “A LOCAL LAW creating a new Chapter 309 (East Quogue Moratorium) of the Code of the Town of Southampton. This moratorium will affect certain properties that are zoned residential, commercial and industrial within the boundaries of the Hamlet of East Quogue, Town of Southampton.”

application report for the project which reflected the upzoning, resulting in an 82-lot clustered subdivision containing 283.3 acres of open space representing 65% of the site, rather than the previous 111-lot plan.

## **SITE DESCRIPTION**

The 435.85± acre subject area in the Hamlet of East Quogue is within Country Residence 200 (CR-200) zoning district, the Aquifer Overlay district, both the Core Preservation Area (131.3 acres) and the Compatible Growth Area (304.5 acres) of the Central Pine Barrens Overlay District, and the Suffolk County Department of Health Services Groundwater Management Zone III, which allots 300 gallons of septic per 40,000 square feet of land area.

The total project area consists of two large tracts of land; one being 87.9 acres north of Sunrise Highway which shall remain undisturbed, and the other being 347.7 acres south of Sunrise Highway. This southern subject property's bound to the south by two parcels fronting on Long Island Rail Road (L.I.R.R) right-of-way, owned by the Town of Southampton and purchased with Community Preservation Funds, to the east by a two parcels of land also owned by the Town of Southampton, with the southern of these eastern adjacent parcels an undisturbed area of 5.7 acre and purchased with Community Preservation funds, and the other 37.8 acre eastern adjacent property being unrestricted Town owned property, which contains some disturbed areas associated with a previous land use. The property is bound to the north by NYS Route 27 (Sunrise Highway) and to the west by two privately owned parcels, one being a 146 acre site utilized as a sand mine, and the other being a 13.3 acre parcel which is currently undisturbed except for an unimproved access road to the sand mine. The western property line of the bulk of the southern property abuts the residential homes fronting on Spinney Road.

The northern half of the southern tract of land is hilly with some areas of steep slopes, with the remainder of site being generally flat, except for two ravines that run west to east and handle the storm water run-off that comes onto the subject property from the properties located to the west during severe storm events. The property slopes generally from north to south, from an elevation of +230 feet at the northern portion of the site to an elevation of +25 at the southern portion of the site.

The subject 347.7 acre southern parcel is substantially vegetated with plantings consistent with Pine Barrens environs; except for approximately 19.7 acres of existing disturbed areas associated with a previous land use.

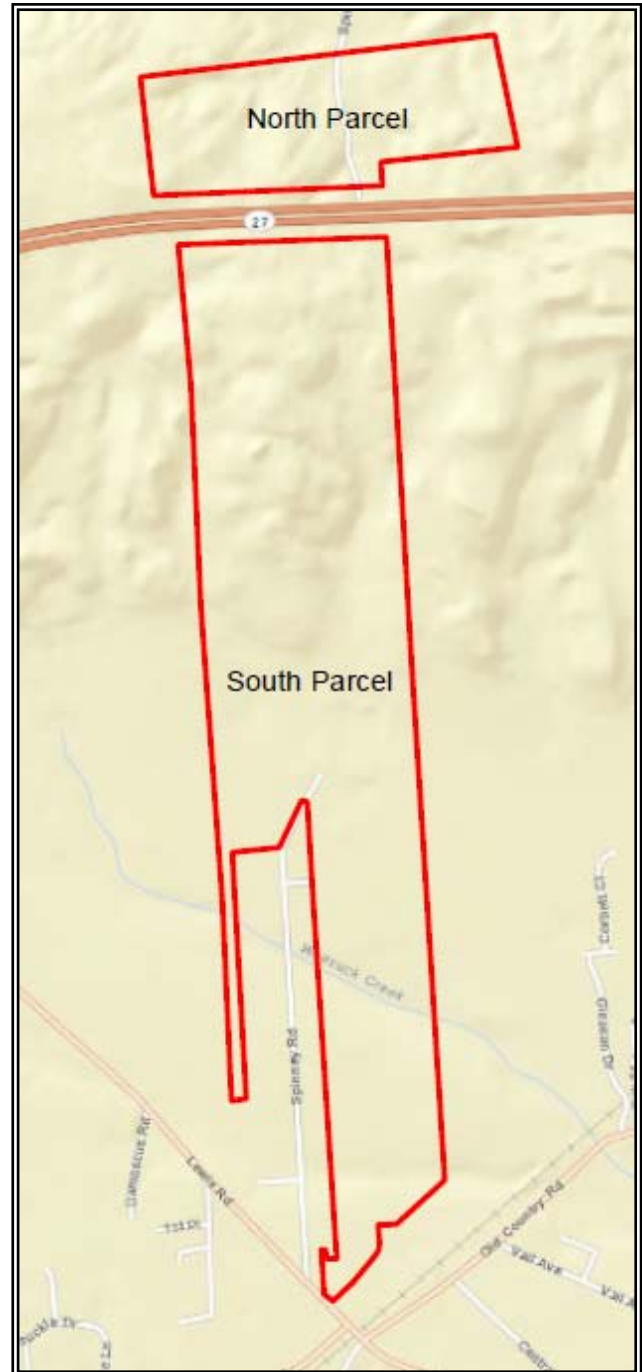
The site has approximately 125 feet of road frontage on the east side of Lewis Road, approximately 305 feet north of the LIRR right of way. The site also has frontage on the northern terminus of the paved portion of Spinney Road. The project boundaries are shown in **Figure 2**.

## PROPOSED ACTION

The applicant is petitioning the Town Board to change the zoning of these two large tracts from CR-200 to Mixed Use Planned Development District (MUPDD) to facilitate the development of the subject property which will consist of: 82 residential units; of which 75 will be single family homes and 7 will be apartments units within the proposed club house on 12.9 acres; an 18-hole golf course with associated maintenance facilities, pond, and pond house on 86.3 acres, and roadways accessing these uses on 7.3 acres. The total area of the 435.85 acre site to be developed is 106.5 acres, representing 24.43% of the site, with the remaining 329.35 acres (75.56 % of the site) to remain undeveloped. The applicant states that “the development on the site has been designed to utilize the existing cleared areas in order to minimize the amount of disturbance of the subject site”. The total clearing, both existing and proposed, required to construct the proposed development will consist of 106.5 acres, combined with the 2.8 acres of existing cleared areas not to be developed, represents 109.3 acres, or 25% of the site. The applicant plans to construct and maintain the subject development, including the proposed golf course, so as to comply with the Compatible Growth Area standard that a maximum of 15% of the entire site be dedicated to fertilizer-dependent landscaping.<sup>2</sup>

## COMMUNITY PRESERVATION FUND

Much of the project property is on the Community Preservation Fund (CPF) Priority List. On October 12, 2010 the subject property was offered for sale to the Town for \$29,000,000, consistent with the \$66,500 per acre price paid by the Town to purchase the Links property located to the east of the subject property. On May 3, 2013, the Town of Southampton made an offer of \$18,535,000, or approximately \$43,300 per acre, to purchase the subject property using CPF monies. The offer was declined.



**Figure 2: Geographic Location of the North and South Parcels**

<sup>2</sup> §330-220-A12

### **GROUNDWATER MANAGEMENT ZONE III**

The proposed development is entirely in the Suffolk County Department of Health Services (SCDHS) Groundwater Management Zone III. In Groundwater Management Zone III, Article 6 of the Suffolk County Sanitary Code requires that residential uses seeking use of septic systems have a density load of no more than 300 gallons per day (gpd) per acre of sanitary wastewater. The allowable flow for a subdivision in Zone III is based on a formula of:

$$\text{Acreage} \times 75\% \times (43,560\text{SF}/40,000) = \# \text{ units or,}$$

$$435.85 \pm \times 75\% \times 1.089 = 356 \text{ units}$$

At 300 gpd/unit, the allowable flow is 300 x 356, or 106,800 gallons. However, because this development includes a golf course, the 65 acres dedicated to the golf course turf cannot be added to the yield per SCDHS “General Guidance Memorandum #17” which states that “in determining allowable density, consider as developable only that land which will NOT be used for agricultural, golf course, or other recreation turf”.<sup>3</sup>

The amount of flow less the 65 acres of turf is: 303 units, or 90,900 gallons per day. The total sanitary wastewater generated by the residential uses is 24,600 gallons per day excluding the Club house. Although the total sanitary wastewater generated by the proposed project is less than a third of what is permitted by the SCDHS, in order to get an accurate wastewater flow calculation including the Club house use, the applicant must provide floor plans and a description of the activities proposed to take place within the Club house in order to determine the total allowable daily flow associated with said use.

### **AQUIFER PROTECTION OVERLAY DISTRICT**

The project also falls in the Town of Southampton’s Aquifer Protection Overlay District. **Figure 3** shows cleared land as white areas within the subject parcels.

The average lot size of the proposed residential development is 58,125 square feet. With this average lot size, the applicant is permitted under §330-67 to clear up to 50% of the site. The applicant states there will be 106.5 acres of new clearing with the MUPDD. Added to the existing 2.8 acres of cleared area, there will be **a total of 109.3 acres of clearing**, or 25%.

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<sup>3</sup> Suffolk County Department of Health Services, *General Guidance Memorandum #17 Agricultural and Golf Course Density*, May 13, 2002.



**Figure 3: Existing Conditions: Clearing associated with the subject site.**

## **ASSESSMENT OF THE POTENTIAL BENEFITS AND IMPACTS OF THE PROPOSED PDD/ HOW THE PROPOSAL IS OR IS NOT SUITED TO THE CHARACTER OF THE COMMUNITY**

The subject area has been the focus of many planning studies, which involved substantial community participation, as well as public hearings during the preparation and their ultimate adoption of the plans by the Town Board. The proposed action of a resort style residential development with a golf course on this land has been contemplated and recommended in these previous planning documents, as follows:

### WESTERN GENERIC ENVIRONMENTAL IMPACT STATEMENT (“WGEIS”) (1989-1995):

This plan was prepared but not adopted by the Town of Southampton. The WGEIS eventually evolved into the Central Pine Barrens Plan. This plan identifies environmental conditions of the property and contains recommendations for development of this property as a “Resort Development Zone” via the use of development rights. Included in the recommended development scheme are proposals for a resort hotel, resort villas, residential development, a golf course and other recreational amenities on or adjacent to the subject premises. Alternative land uses, including the recreational resort development, were identified as a means of creating tax-ratable development without generating school-aged children.

CENTRAL PINE BARRENS PLAN (1995): The northerly portion of the property is in the Core Preservation Area (CPA) where no development is to occur. Development rights in the CPA are to be clustered or transferred out to receiving areas in the Compatible Growth Area (CGA). The remaining portions of the property are in the CGA, where development is permitted under certain conditions.

### COMPREHENSIVE PLAN UPDATE (1999):

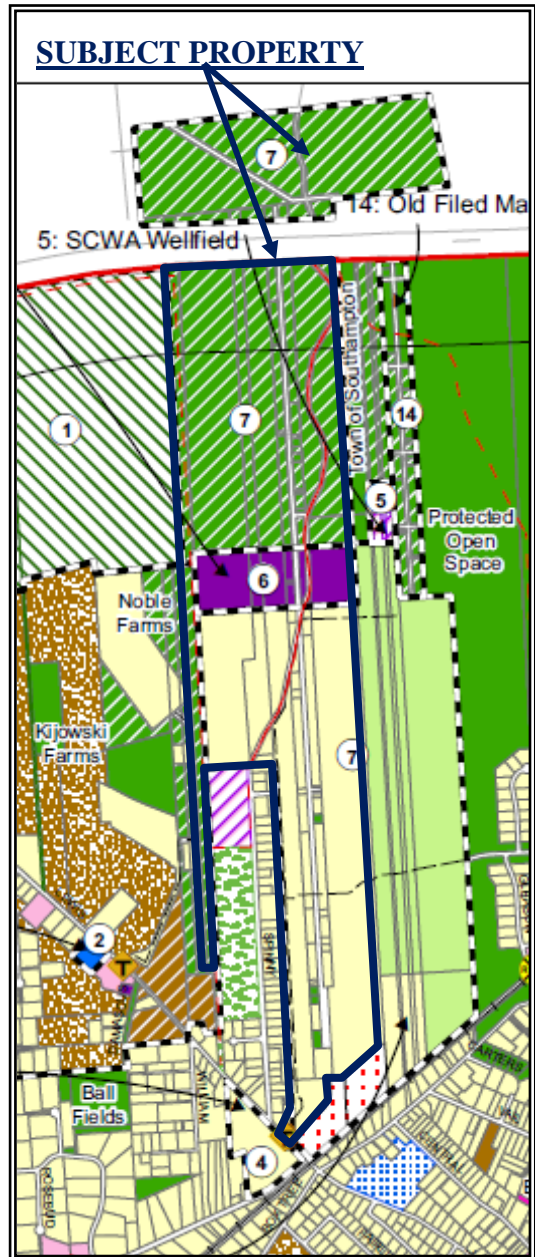
This plan did not offer any specific changes to the existing zoning and development regulations affecting the subject property. In general, this plan did note: Southampton is one of the premier vacation and second-home destinations in the region, and the Town’s primary economic development engine is the resort economy. The demand for recreation of all types is likely to grow in the future, by a large measure. The affluence of Town’s market should prompt continued private and public introduction of recreation facilities. With respect to the hamlet of East Quogue: use PDD zoning to provide more flexibility with regard to use and density, in order to create incentives to implement design and amenity recommendations.

EAST QUOGUE LAND PLAN & GEIS (2008):

The following recommendations as they relate to the subject site and surrounding area are illustrated in **Figure 4**:

“Recommend Areas 5, 6, and 7 be developed as part of a PDD. These areas would be upzoned from a mix of CR-80, CR-120, and CR-200 to all CR-200. These recommendation areas (5, 6, and 7) are consistent with the objectives of the Central Pine Barrens Comprehensive Land Use Plan (CLUP) in that they promote community benefits (including providing high quality drinking water, protecting natural habitats and providing open space and public recreation and trails) while preserving contiguous open space, providing a recreation/resort use, utilizing previously cleared areas for active recreation/resort use, and accommodating Pine Barrens Credits from within the study areas as well as lands north of the study area under common ownership. The Town recognizes the benefits of providing the resort/recreational properties within the study area and intends to take a regional approach in ensuring compliance with the CLUP clearing and fertilizer dependent vegetation requirements to achieve the overall goals for the study area.”

It should be noted that the recommendation to upzone the entire study area to 1 unit per five acres was made specifically to reduce the impacts to the groundwater in order to meet the targeted maximum threshold of nitrogen concentration recharge in the groundwater of 3 mg/l, as recommended in the “Land Use and Ground-Water Quality in the Pine Barrens of Southampton” study prepared by Cornell University. This study went on to further recommend that, in addition to reducing the residential density to 1 unit per 5 acres, land devoted to turf shall be limited to 18%.



**Figure 4: Recommendation Areas 5, 6 and 7**

“Recommendation Area 5: Approximately 4 acres of land would be allocated to the Suffolk County Water Authority (SCWA). SCWA would utilize the area to install a new well field that would meet the future water demands of the area. This would be a new SCWA well field in addition to the existing Spinney Road well field in the study area.”

“Recommendation Area 6: To potentially create a more diverse tax base and mix of uses in the hamlet, a portion of the Hills of Southampton property (about 10-15 acres) could be dedicated to



resort/recreational uses that would provide additional ratables with little or no demand on local municipal services. This “Resort/Recreation” zone would be flexible in both its size and location on the Hills’ property (see Recommendation Area 7A). Planning for this “flex” zone would be accommodated through a PDD process. The proposed uses may include but not be limited to the following: conference center, banquet facility, health and wellness facility, spa, equestrian center, or other recreational and sport related activities and uses.”

“Recommendation Subarea 7A: This recommendation assumes the Hills of Southampton property could accommodate a mix of uses in a PDD as follows: **a clustered residential use comprised of a mix of housing types built around a theme of resort/recreational uses (for the purposes of this plan and the GEIS evaluation, 85 to 90 units were assumed for Recommendation Area 7 as a whole with a housing type that would have a mix of traditional seasonal and year-round housing consistent with the current housing profile for the area); a private golf club and golf course that would be constructed on approximately 200 acres of land that is situated on both the Hills property and a portion of the Town land without disturbing any of the Central Pine Barrens Core Preservation Area.** It is estimated that up to approximately 100 acres of the private golf course may be dedicated to managed turf with the remainder of the land that is associated with golf, devoted to course edges, transition areas, buffers and general out-of-play open space that will be preserved as part of the low-impact design of the course.”

Although the Cornell study referenced above found that average turf management practices associated with golf courses may result in nitrogen recharge levels higher than the target of 3mg/L, it also acknowledged that implementing particular turf management practices that are designed specifically to address this issue “might be able to meet the nitrogen criterion”. Based on this, the Town Board has since required turf management protocols that insure compliance this nitrogen criterion as a condition of approving to the last two privately owned golf courses constructed in the Town.

“It is noted that a substantial portion of Subarea 7A represents disturbed areas that could be integrated to the recommended development program. For this reason, as well as the site’s overall size and dimension, **the Hills’ property is compatible for private golf development.** The private golf course would provide the opportunity of staging a limited amount of public events and charitable functions during the year as a public benefit. An additional public benefit to the plan is the development of a trail system that provides public access for walking, jogging, or cross country skiing, for example.”

### **POTENTIALLY ADVERSE IMPACTS THAT REQUIRE ANALYSIS SHOULD THE PROJECT MOVE FORWARD**

In addition to the issues raised at the two public hearing held on the application, as well as the correspondence received from the referral agencies, as detailed in the Public Hearing and Correspondence section of this report, the following is a list of the potentially adverse impacts of the proposed project. These potential impacts will be further refined during the SEQRA review process, which the Department of Land Management recommends include a public scoping hearing, if a formal PDD application is submitted for this project.

1. Soil and Topographic Resources - Potential significant adverse impacts on: geological resources from amount of clearing and depth of cut/fill; dust during excess soil export from site; soil erosion during construction; loss of natural landforms and/or steep slopes.
2. Water Resources - surface and groundwater - Potential significant adverse impacts on: surface water quantity and quality from runoff; groundwater quantity and quality from site-generated recharge; conformance to applicable recommendations of water resources plans.
3. Vegetation and Wildlife Resources - Potential significant adverse impacts on: natural vegetation; wildlife residing on or using site; habitat type(s) and/or acreage(s); protected species (if any).
4. Aesthetic Resources/Community Character - Potential significant adverse impacts on aesthetics of site and vicinity and character of community. These could be described and analyzed in terms of subjective qualities such as noise; building height, visibility, appearance, spacing and massing; landscaping, etc.
5. Community Service and Utility Resources - Potential significant adverse impacts on the various public services and utilities necessary to the project; whether these services have the ability and/or capacity to provide services without significant expansions; costs of increased services; etc.
6. Transportation Resources - Potential significant adverse impacts on traffic flow and safety on adjacent and local roadways and intersections from increased trip generation of project, particularly during peak traffic hours.

#### **ASPECTS OF THE PROJECT REQUIRING FURTHER DETAIL**

The size and location of the proposed PDD requires further detail from the applicant on a number of issues. Information that is recommended to be included in the formal application includes:

Water Resources: A site disturbance plan based on a recent survey of the subject parcels depicting the existing vegetated areas proposed to be disturbed.

Open Space: The applicant must verify, via mapped survey and in writing, the amount of land dedicated to open space/preservation and rectify any discrepancies between the survey and written text.

Long Island Workforce Housing Act: As per §216-9, the applicant needs to explain their proposal for meeting the requirements of the Long Island Workforce Housing Act.

#### Outparcels:

- There are 17 outparcels within the project site boundaries, for a total of almost 5 acres. The majority of these outparcels are privately owned or owned by Suffolk County. In the formal application, the applicant should explain how these parcels will be managed and accessed within the overall development plan.
- The applicant must discuss the Smith Street right-of-way, an old file map tract that runs north-south through the center of the proposed development. The applicant must describe

the proposed process by which the right-of-way will be abandoned and incorporated into The Hills PDD.

Clearing: The applicant must provide a survey that clearly demarcates the geographic limits of any new clearing.

Access: The applicant must include information regarding any provision of public access to the development.

### **NATURE AND ADEQUACY OF THE PROPOSED COMMUNITY BENEFIT(S)**

There are several documented priorities for the Hamlet of East Quogue, and this site specifically, described in the planning documents listed earlier in this report. These reports contemplate the benefits of a PDD that includes a golf course and a resort style housing component, like the proposed project.

During the October 8, 2013 public hearing, the applicant presented two lists of community benefits associated with the project. The first list outlined benefits compared to the existing as-of-right use of the property for 82 single family homes. These community benefits are:

- Conformance with the East Quogue GEIS/LUP,
- Less intense use,
- No children to attend location school district,
- Significant increase in tax revenue,
- Reduced groundwater impacts,
- Greater control of fertilizer and clearing,
- Less activity and disturbance east of Spinney Road,
- Greater retention of natural vegetation, and,
- Pro-Active watershed management.

The second list described the “additional potential benefits of the project”. The applicant states that “direct benefits to East Quogue may include but are not limited to:

- Wastewater treatment,
- Construction of sidewalks to access school, where no such sidewalks exist,
- Affordable housing opportunities,
- Funds for open space preservation and/or use of Pine Barrens Credits,
- Land for an historic structure, fire district and/or a well field, as well as,
- Restrictive covenants – occupancy restrictions: the applicant proposes the following restrictions on occupancy:
  - The residential units shall not be occupied as a primary or permanent residence or domicile;
  - Students attending schools in the Town of Southampton may not reside in the residential units during the school year;
  - Between April 15 and October 15: no time limits on occupancy;
  - Between October 16 and April 14 of the following year: a residential unit may not be occupied for more than 30 consecutive days or an aggregate of 60 days

- Further benefits to be identified through the full review of zoning and SEQRA.

## **PUBLIC INPUT AND CORRESPONDENCE**

Two public hearings have taken place regarding the subject project: the first was an evening meeting on August 27, 2013 and the second was an afternoon meeting on October 8, 2013. The public hearing was closed after the October 8<sup>th</sup> hearing. The following is a summary of the issues raised during the public hearings:

- Existing and potential traffic safety issues.
- Overcrowding of the East Quogue school district.
- Negative impacts of any potential increase in the amount of nitrogen into the Shinnecock Bay.
- Support for full preservation of all parcels.
- Concern over the future condition of the South shore estuaries, surface and groundwater quality.
- Enforcement of clearing restrictions.
- Support for the project due to the need for the added tax base in East Quogue.
- People should consider the pros and cons of what could be developed as-of-right compared to the proposed project.
- Concern about adding more children to the school district and the possibilities of restrictive covenants.
- Regarding school age children and the burden on the East Quogue school system, the applicant discussed the use of covenants and restrictions which would create occupancy restrictions for use as a primary or permanent residence. He further discussed options such as occupancy restrictions from October to April and limiting occupancy to no more than 60 days during the school year. The restrictions would be enforced by the homeowners association and the Town.
- If the project goes forward as it is proposed, the school district would receive an additional \$3.5 million in tax revenue, with no additional students added to the enrollment.
- The occupancy restrictions will result in less intensity of use, less wastewater and less traffic.
- Only 15% of the property would be subject to fertilizers, including golf course areas.
- If the property was to be developed under the cluster law, with 82 townhouses, they would be allowed, as of right, to clear 35% of the site. Under the proposed PDD, the applicant proposes to clear 25% of the site.
- The client owns two small lots (S.C.T.M. 900-340-1-2 and 900-340-1-5) south of the LIRR. One lot is 18,802 square feet, or about .4 acres, and one lot is 22,705 square feet, or about .5 acres. These lots could be used for a future community benefit use.
- The area is part of the unique Pine Barrens system that protects the drinking water. The golf course will require pesticides and should be monitored so neighborhood children aren't exposed to the pesticides.
- The school district is in need of funding and would benefit from the \$3.5 million in tax revenue from this project.

- The Western GEIS, the 1999 Comprehensive Plan Update and four planning studies all found the area suitable for development. The project will give economic support to a struggling main street.
- There is a choice between 82 homes or a resort community that has covenants and restrictions with no children and would still receive \$3.5 million to the school district.
- Discussion of the possibility of preserving the site, stating that the real issue is nitrogen from sewage and fertilizers.
- Resident whose property abuts the development suggested preserving the property. Further discussed traffic and safety issues on Old Country Road, Spinney Road and the railroad tracks. Resident opposed the project.
- In 1955 there were a total of 7 homes on Spinney Road; now there are 50 homes. The project is out of character with the neighborhood and zoning should not be changed to suit individual homeowners. Spoke in opposition to the project.
- Discussion of restrictions on occupancy.
- Discussion of the benefit of the millions of dollars to the school district and support for the project.
- There is a need for balance between development and preservation, pointing to the Southampton Pines. Speaker was opposed to the project.
- Resident of Southampton Pines spoke in support of the project and the associated jobs created.
- Concerned with drinking water and the condition of the bays. The commerce and economic boost and assistance to the schools are welcome. Spoke in support of the project.
- The bays are dying and the property should be preserved.
- Discussion of the Shinnecock Bay restoration project. Stated that Weesuck Creek is 1,000 feet from the proposed development which sits on the largest undeveloped parcel in the Town of Southampton.

## **CORRESPONDENCE**

### **Central Pine Barrens Joint Planning & Policy Commission**

Received September 6<sup>th</sup>, 2013 – from Julie Hargrave, Senior Environmental Planner, *Central Pine Barrens Joint Planning & Policy Commission*.

Pg.2 – “The applicant must demonstrate that the project complies with the Central Pine Barrens Comprehensive Land Use Plan (CLUP), specifically Chapter 5, Standards and Guidelines for Land Use, as implemented by the Town Code. A complete conformance analysis should be submitted in the development project application.”

Pg.2 – “Although the submission states in general terms that it conforms to certain standards, the applicant must submit a clear demonstration of conformance to each specific standard listed in Chapter 5 of the CLUP, as implemented by the Southampton Town Code Section 330-220, Development within the Compatible Growth Area.”

Pg.2- “An Environmental Assessment Form Part 1 should be prepared to accompany the submission and provide all relevant project-related information and ascertain potential adverse environmental impacts pursuant to the State Environmental Quality Review Act (SEQRA).”

Pg. 2- “The proposal should include a discussion of conformance with Article 6 of the Suffolk County Sanitary Code (Standard 5.3.3.1.1). The analysis should address the proposed golf course and residential density with respect to the document entitled, “*Suffolk County Department of Health Services General Guidance Memorandum #17 Agricultural and Golf Course Density.*””

Pg.2, 3- “The submission notes that prior to the site’s upzoning to CR-200 (five-acre residential zoning category), the project site was zoned under three different zoning districts in 1993 when the Act was adopted, including CR-80 (two-acre residential), CR-120 (three-acre residential), and CR-200. The land areas of the site in each different zoning category are not provided in the submission to determine conformance with standards. Please request any and all required data and information from the applicant needed to determine conformance and forward to the Commission for review.”

Pg. 3 – “On page 10, it states the amount of land “natural to be retained” is 326.55 acres, which is 75 percent of the project site. The Clearance Standards listed in Figure 5-1 of the CLUP indicate different limits to be applied to a site based on the zoning category. In this case, at least three different zoning categories are presented as “existing” on the site at the time of the Act; therefore, the areas in each different zoning category are necessary to demonstrate conformity.”

Pg.3 – “The project must demonstrate conformance to the *Unfragmented Open Space Standard* (5.3.3.6.2). The Standard states, ‘Subdivision and site design shall support preservation of natural vegetation in large unbroken blocks that allow contiguous open spaces to be established when adjacent parcels are developed’. The Concept Master Plan illustrates the development of golf fairways that fragment open space in the southern parcel. The golf course layout, through its development of fairways, appears to fragment open space that lies between disturbed areas that are cleared, graded, and maintained. A discussion of this standard as it relates to the development of the site is needed to determine conformance.”

Pg.3- “Please clarify whether freshwater wetlands exist on the site and/or any mapped wetlands are present on the site. This information pertains to CLUP standards including, but not limited to, Standard 5.3.3.4.1, 5.3.3.4.2 and 5.3.3.7.1. The presence of freshwater wetlands may require site specific surveys to verify the occurrence of special species and ensure the protection of wetland-dependent species and ecological communities.

Pg.4- “The CLUP Guidelines 5.3.3.5.3 *Ponds* states: ‘Ponds should only be created if they are to accommodate storm water runoff, not solely for aesthetic purposes’. According to the submission at least one 3.8 acre pond will be created on the project site. Man-made ponds are typical features in golf courses; however, the exact purpose of the proposed pond is not described in the submission, other than to state it is an ‘irrigation pond’.”

### **Suffolk County Planning Commission**

On September 4, 2013, the Suffolk County Planning Commission held a public hearing to approve and adopt the report of its staff regarding “The Hills at Southampton”. At this hearing, the Commission passed Resolution No. ZSR-13-21, disapproving the pre-application referral for the following reasons:

1. The Suffolk County Planning Commission is concerned about the ability to maintain the non-primary residence status for the proposed units.
2. The Suffolk County Planning Commission is concerned about a golf course proposed above a critical watershed and raises issues related to nitrogen, phosphate, potash, bacteria, etc.
3. The Suffolk County Planning Commission is concerned about the elimination of access to the Pine Barrens core via this parcel.
4. The petition lacks any significant discussion of the provision of affordable (workforce) housing on or off-site.

In response to the resolution passed by the Suffolk County Planning Commission, the Town Attorney for the Town of Southampton sent a letter dated October 1, 2013 to the Commissioners, stating:

“As the Commission’s Resolution aptly notes, the Town forwarded a Pre-application for the project known as “The Hills at Southampton” for the Commission’s suggestions and/or recommendations. While the Commission seems to have treated said referral as a “full statement of the proposed action” under General Municipal Law §239-m (1) (c), and subsequently “disapproved” the pre-application, we believe the action was premature.

...Because the Hills at Southampton Pre-application was not referred to the Commission pursuant to GML §239-m, the Town Board is not bound by the Commission’s “disapproval” finding as that term is contemplated in §239-m (5), and thus, is not required to act with a vote of a majority plus one in order to allow the application to move to the next stage in the Town’s PDD process, that is, the submission of a formal application”.

### **SEQRA CLASSIFICATION**

The project meets the criteria for classification as a Type I Action. Based on this preliminary review, a Positive Declaration pursuant to SEQRA is warranted, requiring the preparation of an Environmental Impact Statement. It is recommended that scoping shall be conducted, including a public scoping hearing, as part of the SEQRA process, if a formal application is submitted for this project.

### **CONCLUSION**

Given that the area of the proposed project has been the subject of numerous planning studies, all of which contemplate and recommend a development containing the elements proposed in this application, at the thresholds described in these studies, the Department of Land Management deems the consideration of a formal MUPDD application warranted.