

**APPENDIX B**

**COMMENT LETTERS**

November 19, 2015



Kyle P. Collins, ACIP, Southampton Town Planning & Development Administrator  
Town of Southampton Town Hall  
116 Hampton Road  
Southampton, NY 11968

Sundy A. Schermeyer, Town Clerk  
Town of Southampton Town Hall  
116 Hampton Road  
Southampton, NY 11968

Vacant  
*Chair*

Steven Bellone  
*Member*

Edward P. Romaine  
*Member*

Anna E. Throne-Holst  
*Member*

Sean M. Walter  
*Member*

**RE:** Draft Generic Environmental Impact Statement, dated October 2015  
Riverside Brownfield Opportunity Area (BOA), Revitalization Action Plan  
(RRAP) and Zoning Amendments in the hamlet of Riverside, Town of  
Southampton, Compatible Growth Area of the Central Pine Barrens

Dear Mr. Collins and Ms. Schermeyer:

Southampton Town proposes to adopt the Riverside Revitalization Action Plan (RRAP) and to create a new overlay zoning district and rezone 468 acres in the hamlet of Riverside to encourage the revitalization of this area in order to address long-standing socioeconomic and environmental issues. The 468 acre study area contains approximately 340 acres in the Compatible Growth Area (CGA) of the Central Pine Barrens. It is also within the Peconic River Watershed. The portion of the study area not in the CGA or the Central Pine Barrens is located north of State Route 24, east of Peconic Avenue and south of the Peconic River.

On September 24, 2015, the Town Board assumed Lead Agency status pursuant to the State Environmental Quality Review Act (SEQRA) and issued a Positive Declaration requiring the preparation of a Draft Generic Environmental Impact Statement (DGEIS) for the RRAP.

Subsequently, on October 13, 2015 the Town Board DGEIS and deemed it complete for the purpose of public review. On October 16, 2015, the Central Pine Barrens Commission office received the DGEIS for the RRAP, including proposed zoning amendments to facilitate the RRAP implementation.

This letter analyzes the potential impact, to the extent that the same can be ascertained from the DGEIS, of full development under the RRAP. If an impact of a development activity exceeds a Central Pine Barrens land use standard or guideline, a hardship waiver will be required from the Commission.

624 Old Riverhead Road  
Westhampton Beach, NY  
11978

Phone (631) 288-1079  
Fax (631) 288-1367  
[www.pb.state.ny.us](http://www.pb.state.ny.us)

**Background and Proposed Action**

**PBC-1**  
3.2.9 The DGEIS defines the proposed action as the Theoretical Development Scenario (TDS) and uses this to analyze potential adverse environmental impacts. The action proposes a new zoning code with overlay zones, RO-1 through RO-7, radiating from the traffic circle at Route 24 and Peconic Avenue. The proposed zones permit greater development density around the traffic circle with reduced development density in zones radiating southward and eastward from the circle.

Table 7-5 of the DGEIS lists proposed land uses and additional square feet, rooms, and dwelling units.

Land Use	Additional Square Feet, Rooms, and Dwelling Units
Residential Units	2,267 Dwelling Units
Adult Care/Nursing Home	63,910 Square Feet
Retail	133,517 Square Feet
Office	62,000 Square Feet
Hotel	97 Hotel Rooms
Artisan Lofts/Production	30,900 Square Feet
Cultural	11,032 Square Feet
Parking Garage	550 Spaces
Surface Parking Lots	1,602 spaces
On-Street Parking Spaces	1,107 spaces
Indoor Ice Skating/Hockey Rink	100,000 SF, plus parking

**PBC-2**  
3.2.7 The study area is comprised of approximately 542 parcels of land. Currently, approximately 43 percent of the study area is zoned Residence 15 (minimum 15,000 square foot lots); the remaining majority of zoning districts include R-20, Mobile Home (57 acres), and commercial districts including highway and village business zoning districts. Table 14-1 of the DGEIS indicates that for the total study area water use will increase by approximately 416,332 gallons per day in the RRAP area under the TDS.

Given the potential magnitude of full implementation of the proposed action, future actions arising from it may be subject to Commission review as defined in the Central Pine Barrens Comprehensive Land Use Plan (CLUP).

**Comments on the DGEIS**

*General Comments*

**PBC-3**  
3.2.7 1. The Commission reiterates and restates its comments contained in its October 5, 2015 letter

**PBC-4**  
3.2.9 2. The DGEIS states, “Additional development density will be permitted by the Proposed Action.” However, the DGEIS is unclear as to the extent of existing residential and commercial development, the amount of additional development permitted under

PBC-4 cont

3.2.9

current zoning and the amount of proposed development. Accordingly, this should be clarified.

PBC-5

3.2.9

3. The specific details and quantitative analysis appear deeply embedded in the document in chapters 7 and 14. Instead, the elements of the proposed action, in particular density and intensity of land uses, should be presented upfront in the beginning of the DGEIS.

The data are also not entirely clear. For instance, quantities generated by the proposed action (e.g. square feet of residential units) are presented as being comprised of the new development resulting directly from the TDS plus existing development. In order to comprehend and compare the magnitude and scope of the action relative to existing conditions in the study area, please provide a data summary indicating the amount of development that currently exists, the amount that could exist if the study area were fully built out under existing zoning and the amount of the development under the proposed action.

PBC-6

3.2.7

4. The DGEIS appears to defer full analysis and mitigation of potential adverse environmental impacts in many subject areas (e.g. ecological, water resources, traffic) to a future time when site-specific plans arising from the action are submitted. Any potentially significant adverse environmental impacts that are identified in the DGEIS analysis must be clearly presented and avoided or mitigated, pursuant to Section 617.9(b)(5) of the SEQRA regulations (“*Preparation and Content of Environmental Impact Statements*”). If some future site plans arising from this project are permitted to be classified as Type II Actions, requiring no environmental review, the GEIS must provide a thorough evaluation of all potential impacts of the same.

Furthermore, the GEIS and its subsequent SEQRA Findings must define specific, measurable maximum threshold criteria for future site plans and other development proposals in the study area that, if exceeded, will trigger additional site-specific SEQRA review. In addition, the DGEIS should identify where an action is deferred and compliance is unidentified at this time and if a supplemental EIS or additional site-specific environmental impact analysis will be required, pursuant to Section 617.10(d)(4) of the SEQRA regulations (“*Generic Environmental Impact Statements*”).

Not establishing the aforementioned thresholds in the GEIS and Findings may result in future site-specific projects being deemed in non-conformance with the Central Pine Barrens land use development standards and guidelines and therefore may result in the need to apply for and obtain hardship waivers from the Commission.

***Central Pine Barrens Status***

PBC-8

3.2.7

1. Consistent with Commission comments on prior actions, compliance with ECL Article 57, the Long Island Pine Barrens Protection Act, and the CLUP, must be demonstrated.

PBC-9

3.2.7

2. The study area includes a small area of the Compatible Growth Area (CGA) located on the west side of Peconic Avenue, south of the Peconic River and north of the traffic circle. As it appears the DGEIS may have inadvertently excluded this area from the

PBC-9 cont

3.2.7

CGA, this area should be identified in the future as being within the CGA .

PBC-10

3.2.7

3. In Appendix G: Theoretical Program Scenario Central Pine Barrens Analysis, the clearing analysis appears to exclude some Central Pine Barrens land, located within the Study Area, that is currently cleared or developed. Appendix G states that the portion of the Study Area within the Central Pine Barrens is 339.69 acres. It lists the existing naturally vegetated area as 101.50 acres. Then, in the clearing calculation, certain existing -developed areas are subtracted from the Central Pine Barrens Study area, reducing the portion in the Central Pine Barrens, by 82.54 acres, to 257.15 acres due to previous development. However, in evaluating conformance with other CLUP standards, such as those in regard to water resources, the entire 339.69-acre area is utilized. Therefore, consistent with Commission practice, the entire area within the CGA must be evaluated in regard to relative conformity to the clearing standard.

PBC-11

3.2.7

4. Appendix G, page G-8 of the DGEIS presents an interpretation of Pine Barrens Credits (PBCs) and their value which equates a clearing value to PBCs to estimate the number of PBCs that may be retired for the proposed increase in land use density and intensity. However, PBCs have always been equated solely to sanitary flow (i.e., 300 gallons per day per acre) and this interpretation to equate PBCs to clearing would be contrary to the long-standing practice of the Commission, the Pine Barrens Credit Clearinghouse and the Suffolk County Department of Health Services and may establish an adverse precedent. The method presented in the DGEIS to estimate the number of 20 PBCs is an incorrect interpretation of Credit use and allocation under the Credit program as per Chapter 6 of the CLUP nor is it the policy or current practice of the Commission or Clearinghouse.

PBC-12

3.2.7

5. Compliance with ECL Article 57 and the CLUP must be demonstrated, especially in regard to the goals and objectives for the land use plan outlined in ECL Sections 57-0121(1), (2) and (4) and the CLUP, specifically Chapter 5, Standards and Guidelines for Land Use and Chapter 6, Pine Barrens Credit Program.

PBC-13

3.2.7

Please note that areas already dedicated as public open space cannot be counted toward the action site's area to remain natural and therefore cannot be used to ensure conformance to the clearing standards for proposed development. Furthermore, please note that revegetation of an area cannot be used to bring a site into conformance with the CLUP clearing standards.

PBC-14

3.2.7

6. The CLUP and its GEIS analyzed a specific build out capacity for the Town based on the Town's zoning in 1995. Accordingly, for any proposed deviation from the SEQRA analysis that formed the basis of the adopted CLUP, particularly proposed increases in density and/or intensity for all land uses (residential, commercial, industrial, etc.), Pine Barrens Credits should be utilized and redeemed. Compliance with the CLUP must be demonstrated for all rezoning scenarios to avoid potential adverse cumulative impacts on the Central Pine Barrens, including, but not limited to, ensuring that the ratio of receiving area to sending area capacity is maintained, as outlined in CLUP Chapter 6, Pine Barrens Credit Program.

PBC-15

3.2.7

7. A designated as-of-right Pine Barrens Credit receiving area, Area E, is located within

PBC-15  
3.2.7



the proposed action area (see Figure 6-7 and Figure 6-8 in the CLUP). This receiving area, comprised of Suffolk County Tax Map parcels 900-139-3- lot 10.2 and 900-141-1- lot 9.2 and contains a total of 47.2 acres, is located within the Riverhead School District. As such, the DGEIS must review the potential impacts if development is proposed on this site for which redemption of Pine Barrens Credits is not required at all or not at the maximum rate calculated when this receiving site was first designated.

**Section 1.0 Summary**

PBC-16  
3.2.20

1. On Page 1-7 the DGEIS states, “Some future development could be proposed within areas identified as having archaeological sensitivity or potential local historic significance.” If archaeological surveys and compliance with the New York State Historic Preservation Office are deferred, please discuss how and when in the review process project sites will be surveyed prior to development or redevelopment to identify archaeological resources, if any, and if identified, how they will be protected, and when such findings will be coordinated in conformance with guidelines of the New York State Historic Preservation Office and to ensure preservation.

PBC-17  
3.2.8

2. On Page 1-10 the DGEIS states, “If threatened or endangered wildlife are encountered on a project site, site specific mitigation measures will need to be developed and an Article 11 Take Permit or Letter of Non-Jurisdiction will be necessary from the NYSDEC.” It is strongly suggested that the action avoid significant adverse impacts to endangered species and avoid the need to obtain an Article 11 Take Permit. Since it is not clear at this time whether or not impacts will occur, compliance with Central Pine Barrens CLUP Standard 5.3.3.7.1 cannot be determined at this time. Any project that may result in potential impacts on endangered species is expected to require review by the Commission when it is proposed, unless measures are implemented now which will obviate the need to such permits.

PBC-18  
3.2.8

In a related matter, on pages 5-13 and 5-14 the DGEIS refers to the potential need for a Takings Permit for the Eastern Tiger Salamander. In that case, it is not clear at this time that the action conforms since the analysis of potential specific impacts has not been conducted and no ECL Article 11 permit has yet been applied for or obtained. Please explain how the action will conform to this standard and consider avoidance of such permits through revisions to projects to the maximum extent practicable. Please explain how it will be confirmed and by whom that surveys were performed in the required season to properly identify whether there are endangered species present and please explain potential impacts and mitigation that will be required as a result of documented presence.

PBC-19  
3.2.7

3. On Page 1-10 the DGEIS states, “Obtain a hardship waiver or modification of the CLUP for any clearing that would exceed 13.09 acres for the overall ROD.” If a development activity the project exceeds the standard, the applicant must apply to the Commission for a hardship waiver.

PBC-20  
3.2.6



4. On Page 1-11 the DGEIS states an application will be made to the New York State Department of Environmental Conservation to change the current Peconic River Recreational designation, in the area mapped along the western boundary of the study

PBC-20 cont.

3.2.6

area, to a less-restrictive community rivers designation or, maintain the existing Recreational designation and comply or seek variances upon redevelopment of individual parcels. It is strongly suggested that action avoid requesting variances of WSRR designations through revisions in the action.

PBC-21

3.2.4

5. On page 1-11 the DGEIS states, “*New York State Coastal Consistency reviews may be required for future projects proposed north of SR 24 in the future if they require State or Federal Permits.*” A portion of the study area lies within the Coastal Area Boundary. Therefore, the coastal consistency review should occur at this time allowing the New York State Department of State (DOS) to review the action and offer its guidance. For instance, it is a clear a state permit will be required simply by the proposed curb cut(s) on New York State roads in the coastal area boundary (e.g., east of the existing McDonald’s on the north side of Route 24). Please explain, if not now, then when will consistency be demonstrated with all 44 applicable DOS Coastal Zone Management policies of the Coastal Zone Management Program. All potential impacts must be identified and analyzed in accordance with the DOS policies. In accordance with Section 617.9(b)(5)(vi) of the SEQRA regulations, please assess the proposed action’s consistency with the coastal policies contained in 19 NYCRR 600.5. If an action is deferred, it is not clear if and when the policies will be reviewed. Therefore, conformance with the Coastal Zone Management policies cannot be confirmed at this time.

**Section 2.0 Description of the Proposed Action**

PBC-22

3.2.9

1. Section 2, Description of the Proposed Action, should clearly define the existing conditions under existing zoning, the existing build out potential under current zoning and details of the proposed action using the quantitative estimates that are known at this time (e.g., sanitary flow, residential housing, commercial uses), rather than later in Section 7.0. Without a side-by-side comparison the proposed action with existing conditions and full buildout under existing zoning, the potential impacts of the action are not clearly identified. This would allow the reviewer to compare and understand how the action area will change from the existing zoning and land uses to the proposed increases in land use density and intensity, including residential and commercial development, respectively. This information could be added to Table 2-9 titled, “*Reasonably Expected New Development Riverside Overlay Zones*” which currently lists the land uses and additional square footage, rooms, and dwelling units under the proposed Theoretical Development Scenario. Similarly, the Trip Generation under the proposed plan, Table 10-3a on page 10-10 should be presented alongside the existing conditions or build out scenario for comparison.

**Section 4.0 Water Resources**

PBC-23

3.2.4

1. The DGEIS notes on page 4-11 that the action will strive to achieve an overall concentration of Nitrate-Nitrogen of 2.5 mg/l, as indicated in the CLUP for DRSS. However, on page 4-14 the DGEIS acknowledges that, under the current Theoretical Development Scenario, even with a new sewage treatment plant, the action will result in a significant net increase in nitrogen loading of 631 pounds or nitrogen per year. Given the significant impairments already faced by local surface waters, especially the

PBC-23  
3.2.4

Peconic River and Flanders Bay, it is imperative that the action strive to achieve a significant net reduction in nitrogen loading when the proposed action has achieved full buildout to prevent any further environmental degradation and to improve environmental quality. Accordingly, the GEIS should explore any and all means necessary to achieve such a net nitrogen loading reduction, including establishing a fertilizer-dependent vegetation threshold at significantly less than 15%. This should be carried over to the mitigation measures on pages 4-18 and 4-19. Detailed discussions and analyses should be provided.

PBC-24  
3.2.7

Development generated by the action will result in an overall Nitrate-Nitrogen concentration above the CLUP's Guideline of 2.5 mg/l. A hardship exemption from the Commission will be required for actions which constitute a DRS or over which the Commission asserts jurisdiction.

PBC-25  
3.2.26

2. Given that the action will be developed over a period of at least 10 years, the DGEIS should provided a detailed discussion of action phasing to ensure that the sewage treatment plant will have enough flow to operate appropriately. Also, in the interim, the DGEIS should discuss whether or not "temporary sanitary systems" will be used until the STP is constructed and enough flow is available to ensure proper operation.

### ***Section 5.0 Ecological Resources***

PBC-26  
3.2.8

1. It has been noted that the action area contains documented habitats of rare, endangered and threatened species of plants and animals which includes the Eastern tiger salamander. The DGEIS should provide for on-site ecological surveys for such species during those times of the year when such species are expected to be present. Potential impacts to these species should be fully analyzed and appropriate mitigation measures proposed and considered.

### ***Section 6.0 Critical Environmental Areas and Other Regulated Environmental Districts***

PBC-27  
3.2.7

1. On Pages 6-6 through 6-18, the DGEIS provides an analysis of the proposed action's conformity with the Central Pine Barrens Standards and Guidelines and the Town of Southampton's Central Pine Barrens Overlay District. This includes, on page 6-8, a discussion of CLUP guideline 5.3.3.1.3, "Nitrate-nitrogen goal", the achievement of a more protective goal of 2.5 mg/l of nitrate-nitrogen. The DGEIS subsequently acknowledges that "...the Study Area currently exceeds a concentration of nitrogen in recharge of 2.5 mg/l" and that "therefore, the goal should be to not increase, or decrease the level of non-conformity." Further, the DGEIS references the discussion in Section 4.0, Water Resources, as demonstrating this achievement. However, this is still not the same as meeting the goal of a nitrate-nitrogen concentration of 2.5 mg/l. The discussion on page 4-18 states that the existing nitrate-nitrogen concentration will decrease from an existing condition of 4.58 mg/l to 4.12 mg/l for the overall study area and a decrease from the existing condition of 4.83 mg/l to 4.55 mg/l for that portion of the action site that lies within the Central Pine Barrens. A hardship exemption from the Commission is required for development under the action that constitutes a DRS or is a development project over which the Commission asserts jurisdiction that will result in an overall Nitrate-Nitrogen concentration above the 2.5 mg/l CLUP Guideline. As

<p>PBC-27 3.2.7</p>	<p>↑ mentioned previously in regard to overall nitrogen loading, the GEIS should explore additional means of mitigation so that a truly significant reduction in nitrogen concentration can be achieved. It would be helpful, in this regard, if in so doing the GEIS provided a detailed explanation of the sources of nitrogen and their relative contribution to overall loading and concentration.</p>
<p>PBC-28 3.2.1</p>	<p>2. On Page 6-10 the DGEIS proposes to connect all future new development and redevelopment associated with the proposal to a new sewage treatment plant. Discuss whether any initiatives will be employed to remove or abandon existing sanitary systems in the action site area once existing uses are connected to the new sewage treatment plant, especially to ensure that such systems cannot be reused.</p>
<p>PBC-29 3.2.1</p>	<p>3. The GEIS should indicate the proposed total flow of the proposed sewage treatment plant (e.g., 500,000 gpd, 1 million gpd).</p>
<p>PBC-30 3.2.7</p>	<p>4. In the discussion on Page 6-10 of Standards under Section 5.3.3.4, Surface Waters and Wetlands, the DGEIS states that “...any future development or site disturbance within NYSDEC, NWI and/or Town wetlands jurisdiction(s) will be required to receive a wetlands permit...” If this is the case then the action cannot be deemed to be in compliance with this section of the CLUP. It is not clear where wetlands permits will be required and the potential impacts have not been identified and mitigated as necessary. If a future site-specific project generated by the action results in potential adverse impacts to wetlands, then the DGEIS cannot presumptively designate that future site-specific project as a Type II action. Accordingly, please explain the project review process. Since it is not clear at this time whether or not impacts will occur, compliance with CLUP Standards 5.3.3.4.1 and 5.3.3.4.2 cannot be determined at this time.</p>
<p>PBC-31 3.2.7</p>	<p>5. On page 6-12, the DGEIS discusses the CLUP vegetation clearing standard, 5.3.3.6.1 but does not note, as it does in <i>Appendix G: Theoretical Program Scenario Central Pine Barrens Analysis</i>, that the action will exceed the overall clearing standard requiring a hardship from the Commission.</p>
<p>PBC-32 3.2.7</p>	<p>6. On Page 6-13 the DGEIS states, “Prior to any development project that is in proximity to known rare, threatened or endangered species, site specific surveys will be conducted to determine the presence/absence of such species. If positive identification of such species occurs on the development site, the developer will be required to work with the Town and the NYSDEC to incorporate appropriate design changes or mitigation measures necessary for the protection of the identified specie.” Thresholds should be established for future site-specific projects. For example, if a project falls within the regulatory jurisdiction of the NYSDEC or other regulatory body and a permit is required, survey(s) of species should be performed and conformance to the CLUP Standard 5.3.3.7.1, Special species and ecological communities, must be demonstrated at that time. Projects should be designed to avoid potential significant adverse impacts to listed species to the greatest extent practicable. Until such time as conformance is demonstrated, it is not clear at this time if potential significant adverse impacts will occur to species, if any mitigation is required and if a hardship waiver is necessary.</p>

PBC-33  
3.2.7

7. Consideration should be given to recent reported sightings and observations of bald eagle nesting activity on the Peconic River in the action site area and potential impacts on the species as it relates to conformance with CLUP Standard 5.3.3.7.1. Consideration should be given to providing support of the presence and propagation of the species that appears to be utilizing habitat in the action site area.

### ***Section 8.0 Community Character***

PBC-34  
3.2.20

1. On Page 8-4 of the DGEIS an estimated 14 potentially historically significant structures were identified in the study area, per a Town Historical Resources Survey in 2014. Six sites (designated RV-2, RV-3, RV-4, RV-5, RV-7 and RV-14) exist in the Theoretical Development Scenario and therefore could potentially be affected by redevelopment. The six sites should be identified and thresholds for review should be established to examine the potential for salvage, adaptive reuse, or other preservation under the proposed redevelopment. Mitigation measures on page 8-12 and 8-13 should provide specific actions that will be undertaken to mitigate impacts on these historic sites. In addition, please explain how these historic sites will be protected and/or appropriately mitigation if future site-specific projects are reviewed as Type II Actions pursuant to SEQRA with limited review and discretionary decision. (CLUP Guideline 5.3.3.11.1)

PBC-35  
3.2.20

2. Pages 8-12 and 8-13 of the DGEIS contain a discussion on potential impacts to cultural and historic resources, where the DGEIS states, "*Future site-specific development applications (conforming to the Proposed Action) submitted to the Town will be subject to site-specific review of visual and/or cultural resources impacts.*" Please explain how this is consistent with the earlier discussions to not require site specific project review and classify projects as Type II, requiring no further environmental review. Additionally, the DGEIS notes that the SHPO requested additional information and a response is pending from the agency. The DGEIS further states that the Town will continue to coordinate with SHPO to identify any potential impacts or concerns it may have. Accordingly, please describe the coordination that will occur with the agencies and reviewing board(s) and how will it be ensured that impacts to cultural resources do not occur, are avoided and/or mitigated. Thresholds or types of development projects may need to be specified to identify projects that will and will not require site specific and environmental review by the Town and involved agencies. Since it is not clear at this time whether or not impacts will occur, compliance with CLUP Guidelines 5.3.3.11.1, 5.3.3.11.2, 5.3.11.3, and 5.3.3.11.4 cannot be determined at this time.

### ***Section 10.0 Traffic and Transportation***

PBC-36  
3.2.16

1. The GEIS must clearly indicate whether or not the proposed action will result in a reduction in service at any intersection by two levels below the existing level of service or to a level of service of D or below.

### ***Section 14.0 Alternatives***

PBC-37  
3.2.7

1. In Table 14-1 the sanitary flow estimates of existing flow and conditions under the proposed action appear unclear. Please clarify if the data should be interrelated as existing conditions or build out under existing zoning, the latter of which would be

PBC-37  
3.2.7

higher since the study area is not currently built out. The gallons per day in excess of what is permitted under current zoning should be examined as it relates to the proposal to retire Pine Barrens Credits (PBCs) for the action keeping in mind that 1 PBC equates to 300 gpd of sanitary waste. Redemption of PBCs should be considered as an option for mitigation to the proposed increases in land use density and intensity.

PBC-38  
3.2.24

2. In the Alternatives Analysis, consider a reduced scale alternative, pursuant to Section 617.9(b)(5)(v)(c) of the SEQRA regulations. A reduced scale alternative may avoid some or all of the potential significant adverse impacts identified or that may potentially occur per the DGEIS including, but not limited to, avoiding significant adverse traffic impacts and new traffic signals, an Article 11 Takings Permit, and wetland impacts.

### Other Comments on the DGEIS

Comments are provided on the DGEIS as they relate to compact, efficient, and orderly development and the goals and objectives of the Act. Some of the previous comments submitted in the staff’s letter dated October 5, 2015 are reiterated, as applicable.

PBC-39  
3.2.10

1. Where Town owned land exists in the study area, please describe the process for the Master Planner to use and/or acquire public land for the proposed development.

PBC-40  
32.10

2. Please identify and explain the use of taxing districts in the proposal to facilitate the development plan including sewage treatment, parking, parks (riverfront access), etc.

PBC-41  
3.2.10

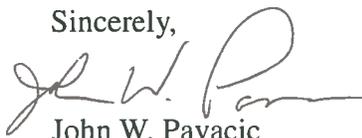
3. Please discuss the timeline of riverfront development, walkways, and other public amenities and benefits, how they will be paid for and by whom and on what timetable or deadline.

PBC-42  
3.2.11

4. The NYSDEC mapped environmental justice areas in New York State (see [http://www.dec.ny.gov/docs/permits\\_ej\\_operations\\_pdf/suffolkejeast.pdf](http://www.dec.ny.gov/docs/permits_ej_operations_pdf/suffolkejeast.pdf)). The 2003 Environmental Justice Policy (see <http://www.dec.ny.gov/public/36929.html>) should be addressed in the DGEIS, particularly as it relates to the proposed 50 percent “Community Benefit Units,” increasing the affordable workforce housing options for persons with diverse housing needs.

Thank you. If you have any questions, please do not hesitate to contact this office.

Sincerely,



John W. Pavacic  
Executive Director

cc: Julie Hargrave, Principal Environmental Planner, Central Pine Barrens Joint Planning & Policy Commission  
Judy Jakobsen, Policy and Planning Manager, Central Pine Barrens Joint Planning & Policy Commission  
John Milazzo, Counsel to the Central Pine Barrens Joint Planning & Policy Commission  
Martin Shea, Chief Environmental Analyst, Town of Southampton  
Renaissance Rediscovered  
Nelson Pope & Voorhis



October 5, 2015

Kyle P. Collins, AICP, Town Planning and Development Administrator  
Town of Southampton  
116 Hampton Road  
Southampton, NY 11968

**RE:** SEQRA Lead Agency Coordination  
Riverside Revitalization Action Plan (RRAP) dated July 2015  
Compatible Growth Area of the Central Pine Barrens

Vacant  
*Chair*

Steven Bellone  
*Member*

Edward P. Romaine  
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Anna E. Throne-Holst  
*Member*

Sean M. Walter  
*Member*

Dear Mr. Collins:

On September 10, 2015, the Central Pine Barrens Commission office received the SEQRA Lead Agency Coordination for the above-referenced document. The Commission does not object to the Southampton Town Board assuming Lead Agency status.

On September 16, 2015, Riverside Rediscovered Master Planner, Sean McLean, presented the proposal at the regular meeting of the Commission. On September 18<sup>th</sup>, Commission staff including John Pavacic, Executive Director, and Julie Hargrave met in the field with project representatives including Town staff including yourself and David Wilcox, representatives of Nelson and Pope including Charles Voorhis and Lara Urbat, and representatives of Riverside Rediscovered including Ela Dokonal and Sean McLean. Additionally, previously, on August 14<sup>th</sup>, Commission staff met with the Master Planner and Town representatives for an overview of the proposal.

On September 29, 2015 the Commission office received the Town's Resolution RES-2015-946 to declare Lead Agency and to adopt a Positive Declaration requiring the preparation of an Environmental Impact Statement for the project.

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### **Proposed Project**

According to the RRAP and information presented by the Town and Master Planner, the project considers the adoption of a proposed Brownfield Opportunity Area (BOA) Step 2 – Riverside Revitalization Action Plan and optional Form Based Zoning Overlay Districts with the hamlet that would serve to implement the RRAP. The BOA is a New York State program that provides grants and other mechanisms for community revitalization.

The RRAP describes an existing buildout potential of 1,229,958 square feet, and a proposed potential buildout of 5,470,895 square feet, approximately five times greater than existing conditions. The proposed zoning overlay district would facilitate the zoning approval for the potential mixed use residential and commercial development of a maximum of approximately 2,400 residential units, a one million gallon wastewater treatment plant, new roads, a riverwalk, other infrastructure and development activities in the 468-acre area of the hamlet of Riverside, which is the study area outlined in the RRAP. The project is expected to cost \$100 million in capital costs to develop the STP, two lane traffic circle, river bridge, waterfront, parks, etc.

### **Central Pine Barrens Status**

Page 54 in the Existing Conditions portion of the RRAP is entitled “Challenges and Opportunities: Long Island Pine Barrens.” It provides a very broad and brief discussion of the relationship between the proposed action and the Long Island Pine Barrens Protection Act, New York State New York State Environmental Conservation Law (ECL) Article 57, and the Central Pine Barrens Comprehensive Land Use Plan (the “CLUP”). The discussion states that the proposed Riverside form-based zoning code will adhere to the goals for the CLUP, outlined in Article 57, and reiterated on page 54. (Although map entitled “Pine Barrens Protected Lands” appears at the top of page 55 it appears page 55 should be entitled “Long Island Regional Planning Council” based on the discussions contained in the text on that page.)

However, the RRAP does not state specifically how the proposal will conform with Article 57 and the CLUP, in particular, the Standards and Guidelines contained within CLUP Chapter 5. It should be noted that the proposed zoning overlay district and the expected mixed use development constitute development, pursuant to ECL Article 57 Section 57-0107(13). Therefore, the project must conform to the provisions of the Town Zoning Code, including standards and guidelines, which implement the CLUP. If the proposal does not comply with these provisions or, if such compliance is not proposed, then the applicant must submit a CGA Hardship Waiver application to the Commission, subject to Commission review and approval, prior to commencement of construction or development activities related to the proposal.

Although not mentioned in the RRAP and although the RRAP does not entail any physical activity, such as construction, clearing and grading, in and of itself, the Master Planner indicated that the project is expected to achieve the definition of a Development of Regional Significance (DRS). As was discussed previously, instead of reviewing every ensuing site-specific project generated by this proposal for conformance to Central Pine Barrens requirements and potentially segmenting review, consideration may be given to the submission of a DRS application, for the overall project, to the Commission for review and decision. A DRS application would address comprehensively how the project conforms or does not conform to each specific standard and guideline in CLUP Chapter 5 and could also aid in refining the thresholds and site-specific criteria in the Final GEIS and SEQRA Findings for future actions.

Alternatively, as was previously discussed, consideration may be given to reviewing the potential for an amendment to the CLUP or requesting that the Commission assert jurisdiction over the proposal pursuant to Chapter 4, Section 4.5.3 of the CLUP entitled “*Development located within the Compatible Growth Area which has been subjected to a petition by the Commission pursuant to ECL Section 57-0123(2).*”

### Comments on the project

**PBC-43**  
3.2.7

1. The RRAP contains Attachment A, the proposed Riverside Overlay District Zoning Amendments to be adopted following the completion of the SEQRA process. Section 330-415 of this proposed zoning code, entitled “Compliance with the State Environmental Quality Review Act,” states in part C that “...*all site plan applications for development proceeding under the Riverside Overlay Zones and their standards under this Article shall be deemed Type II Actions.*” Therefore, it is imperative that any potential significant adverse environmental impacts posed by the project are identified, analyzed, and mitigated in the Draft GEIS, pursuant to Section 617.9(b)(5) of the SEQRA regulations. If future site plans arising from this project are permitted to be classified as Type II Actions, requiring no environmental review, the EIS must provide a thorough evaluation of all impacts. Furthermore, the EIS and SEQRA Findings must define specific, measurable criteria for future site plans and other development proposals in the study area that exceed the envisioned Type II Action threshold below which site-specific environmental review is not required.

**PBC-44**  
3.2.4

2. A portion of the study area lies within the Coastal Area Boundary. Therefore, the DGEIS must contain an analysis of the proposed action in accordance with all 44 applicable Coastal Zone Management policies of the Coastal Zone Management Program administered by the New York State Department of State (DOS). All potential impacts must be identified and analyzed in accordance with the DOS policies. In accordance with Section 617.9(b)(5)(vi) of the SEQRA regulations, please assess the proposed action’s consistency with the coastal policies contained in 19 NYCRR 600.5.

**PBC-45**  
3.2.26

3. In the DGEIS, please analyze impacts of the proposed maximum build out in the study area including impacts on traffic and infrastructure, sewage treatment with a capacity of one million gallons per day, approximately 2,400 to 2,500 residential dwelling units, impacts on community services including schools, fire districts, libraries, and other institutional uses and facilities, short and long term impacts, alternatives, etc.

PBC-46  
3.2.26

4. The DGEIS should address key potential environmental impacts including the following:

a. *Water Resources:*

Please discuss potential environmental impacts on groundwater and surface water resources including the impacts of siting a new and significantly sized wastewater treatment plant in the watershed of the Peconic River and impacts on water quality including groundwater and surface water. It is recommended that the analysis include a mass balance approach to compare the nitrogen loading to groundwater and Peconic River surface waters generated by the existing development, and build-out in accordance with existing zoning without sewage treatment, to the overall nitrogen loading which would occur after the RRAP is implemented, with full development under the Riverside Overlay zoning, with the entire study area is connected to the new sewage treatment plant. A net reduction in overall nitrogen loading due to RRAP implementation would be expected to be beneficial and, if this were not to occur, mitigation and other measures should be examined, which when implemented, would cause a net reduction in nitrogen loading.

Page 90 of the RRAP discusses the infrastructure necessary to support redevelopment of Riverside. In regard to sewage treatment, the RRAP briefly touches on the “Living Machine” engineered wetland system and the Omni processor. The feasibility of both of these systems should be fully explored in the DGEIS including their history, permitting requirements, track record, space requirements and their ability to meet both effluent and air pollution requirements.

In addition, discussion should include potential impacts on public supply wells and private wells and water quantity demand under existing conditions and as compared to full build out under existing zoning and under full Riverside Overlay District build out.

Also, the DGEIS analysis should cover existing stormwater inputs, especially direct inputs into the Peconic River and area wetlands, potential impacts from the proposed project and potential mitigation measures to reduce direct, untreated stormwater inputs into these surface waters.

b. *Wetlands:*

There are a number of freshwater wetlands and tidal wetlands within and in close proximity to the project area, some of which provide habitat for rare, endangered and threatened species of plants and animals. Accordingly, potential impacts on these wetlands should be analyzed along with potential mitigation measures including restoration of wetlands and wetland buffer



areas (e.g. adjacent areas), removal of direct inputs of stormwater and removal of invasive plant species.

Under the section “Addressing Resiliency,” on page 95 the RRAP discusses protection and restoration of wetlands but does not touch on design and implementation nor shading and other impacts related to construction near, over or within wetlands. Accordingly, these issues should be fully explored and discussed in the DGEIS.

c. *Vegetation:*

Portions of the project area are currently vegetated. Potential impacts on existing natural vegetation, especially clearing, should be reviewed in the DGEIS and potential mitigation measures explored.

d. *Endangered, threatened and special concern:*

As has been noted the project area contains documented habitats of rare, endangered and threatened species of plants and animals. These include the Eastern tiger salamander. The DGEIS should provide for on-sight ecological surveys for such species during those times of the year when such species are expected to be present. Potential impacts to these species should be fully analyzed and appropriate mitigation measures proposed and considered. In the case of the Eastern tiger salamander it is our understanding that a portion of the project area contains at least some of the upland habitat for this endangered species. The New York State Department of Environmental Conservation requires proposed disturbances, such as those within 1,000 feet of a documented Eastern tiger salamander breeding site, be fully analyzed and if there is any potential for adverse impact to this species, an ECL Article 11 endangered species permit must be submitted. Such permits are only issued when for a proposed action it can be demonstrated that it will result in a net conservation benefit to the endangered species at issue. As such, the DGEIS should explore measures, including land set asides within the upland habitat area of this species, which will ensure species protection, or potential acquisitions of other habitat areas within the watershed area.

e. *Traffic and Transportation:*

The DGEIS should conduct a full review of traffic and transportation including an assessment of existing conditions including traffic counts, accident data, v/c ratios and LOS. Existing conditions under weekday morning and evening and weekend peak periods (especially during summer and fall) should be reviewed.

Impacts on traffic associated with the proposed project should be fully analyzed. The RRAP has noted that traffic mitigation is to be implemented

PBC-46  
3.2.26

including the widening of the traffic circle by Suffolk County and the construction of new bypass and “slip” streets to shift traffic away from the traffic circle and major state and county roadways. These should also be fully analyzed in the DGEIS

f. *Cultural and scenic resources:*

SEQRA information and information provided in the RRAP indicates that no historic resources listed on the State or National Registers is present within the project area. However, the RRAP acknowledges the significant history and identity of the Riverside area as noted in the “Getting to Know the Community: Historic Maps” section of the RRAP on pages 56 to 59, the “Getting to the Know the Community: Learning About the Past and Present” section on page 60 and “Riverside’s Forgotten Cranberry Bogs” section on page 63. Accordingly, the DGEIS should inventory historic sites and areas within the project area and analyze potential impacts on these. Mitigation measures should be explored for identified historic resources including adaptive reuse or incorporation into future development or even restoration and nomination for listing on the State and National Registers or as a Town of Southampton Landmark or Historic Place. In cases where such resources are to be removed, mitigation could include provisions for full documentation in accordance with State Historic Preservation Office standards including photographs and potential for removal and reuse of certain historic elements prior to demolition (e.g. salvaging materials for dedication to museums or reuse in restoration of other historic buildings).

The DGEIS should also consider potential impacts on scenic resources, including impacts on scenic resources identified in Volume II of the CLUP, and impacts due to the removal of existing naturally-vegetated sites which serves as visual buffers.

g. *Other Impacts:*

The DGEIS should also consider environmental justice concerns of displacement, changes in character of the area due to an increase in allowable building height and other structures, capacity of the area to support the proposed uses, and potential cumulative impacts.

5. The DGEIS must demonstrate that the proposed rezoning actions comply with the goals and objectives for the land use plan outlined in ECL Article 57 Section 57-0121(1), (2) and (4) and the CLUP, specifically Chapter 5, Standards and Guidelines for Land Use and Chapter 6, Pine Barrens Credit Program.

In regard to the Chapter 5 requirements, the DGEIS should analyze the adherence of the proposed project to standards including those regarding SCDHS Article 6 and nitrogen, wetlands and surface waters, stormwater runoff, preservation of

PBC-47  
3.2.7

PBC-47

3.2.26

natural vegetation and open space and protection of special species and ecological communities.

Please note that area(s) already dedicated as open space cannot be used to conform to standards for proposed development and that revegetation cannot be used to bring a site into conformance with the CLUP clearing standards – revegetation could only be used as a form of mitigation after the Commission has reviewed and considered a hardship waiver for proposed clearing of vegetation which will exceed the clearing standard.

Chapter 6, Section 6.5.2.1 of the CLUP states:

*“Each Town shall include enough absorption capacity in receiving districts that meet the as of right definition set forth in Section 6.4 of this Plan so as to absorb all of the Pine Barrens Credits on a one to one (1:1) ratio that the Commission estimates it may allocate in that town pursuant to this Plan. The Commission recognizes that a change in zoning upon a town board's own motion that would decrease the receiving capacity so as to reduce this ratio below 1:1 would have an adverse effect on the Pine Barrens Credit program.”*

The CLUP analyzed a specific build out capacity for the Town based on the Town zoning in 1995. Any proposed deviation from the DEIS analysis that formed the basis of the adopted CLUP, particularly proposed increases in density, shall be required to utilize and redeem pine barrens credits or transfer of development rights (TDRs) for such requests to increase density and/or intensity for all land uses (residential, commercial, industrial, etc.). Compliance with the CLUP must be demonstrated for all rezoning scenarios to avoid potential adverse cumulative impacts on the Central Pine Barrens, including, but not limited to, ensuring that the ratio of receiving area to sending area capacity is maintained, as outlined in CLUP Chapter 6, Pine Barrens Credit Program.

In addition, a designated as-of-right Pine Barrens Credit receiving area, Area E, is located within the proposed project area (see Figure 6-7 and Figure 6-8 in the CLUP). This receiving area, comprised of Suffolk County Tax Map parcels 900-139-3- lot 10.2 and 900-141-1- lot 9.2 and containing a total of 47.2 acres, is located within the Riverhead School District. As such, the DGEIS must review the potential impacts if development is proposed on this site for which redemption of Pine Barrens Credits is not required at all or not at the maximum rate calculated when this receiving site was first designated. Appropriate compensation, such as designation of another receiving area, would need to be considered in response to any proposed diminution of receiving area capacity in the Riverhead School District.

*PBC-48*  
3.2.7

6. The redemption of Pine Barrens Credits should be considered to mitigate the proposed increase in density and intensity of land uses and facilitate the implementation of the CLUP.

*PBC-49*  
3.2.9

7. It is recommended that a zoning analysis be prepared which quantifies the number of residential dwellings and commercial square footage allowed with full build out under existing zoning compared with the proposed number of residential units and commercial space which could be generated by full build out under the Riverside Overlay District. In addition, potential impacts due to the proposed increases in population and housing, impacts on parks, community facilities, water use, etc. should also be evaluated.

A discussion of potential mitigation for the increase in units, could consider offsets via the acquisition of land in environmentally-sensitive areas or TDRs or PBCs, etc.

*PBC-50*  
3.2.9

8. A matrix of the existing and proposed zoning of all parcels in the study area should be provided.

*PBC-51*  
3.2.10

9. Where Town owned land exists in the study area, please describe the process for the Master Planner to use and/or acquire public land for the proposed development.

*PBC-52*  
3.2.10

10. Please identify and explain the use of taxing districts in the proposal to facilitate the development plan including sewage treatment, parking, parks (riverfront access), etc.

*PBC-53*  
3.2.10

11. Please discuss the timeline of riverfront development, walkways, and other public amenities and benefits, how they will be paid for and by whom and on what timetable or deadline.

*PBC-54*  
3.2.11

12. Please discuss the proposed 50 affordable units and the programs that may or may not require affordable units to be developed, the “affordability” rate to be used based on State, County, and/or local incomes, how it is established, and related subjects.

*PBC-55*  
3.2.26

13. Please discuss phasing of the project and the expected build out in each phase.

Thank you for the opportunity to review the proposed RRAP. If you have any questions, please do not hesitate to contact this office.

Sincerely,

A handwritten signature in cursive script that reads "Julie Hargrave".

Julie Hargrave  
Principal Environmental Planner

cc: John W. Pavacic, Executive Director, CPBJP & Policy Commission  
Judy Jakobsen, Policy and Planning Manager, CPBJP & Policy Commission  
John Milazzo, Counsel to the CPBJP & Policy Commission



**Town of Southampton**  
116 HAMPTON ROAD  
SOUTHAMPTON, NEW YORK 11968

**TOWN COUNCIL**

**BRIDGET FLEMING**  
COUNCILWOMAN

Telephone (631) 287-5745  
FAX (631) 287-4507

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**TO:** Kyle Collins, Town Planning and Development Administrator  
David Wilcox, Director of Planning

**FROM:** Councilwoman Bridget Fleming

**DATE:** November 17, 2015

**RE:** Riverside Revitalization Action Plan

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I wholeheartedly support economic revitalization of the Riverside community. At the same time, responsible legislation in this regard requires careful scrutiny of underlying assumptions to avoid a false sense of confidence in the community regarding full build out of the Theoretical Development Scenario. Additionally, short of full build out, we must ensure that allowing piecemeal opting in to the density bonuses provided for in the overlay district not further degrade the economy and quality of life of the area. With these thoughts in mind, kindly ensure that the following concerns are addressed in the FEIS:

- |                      |  |
|----------------------|--|
| <i>BF-1</i><br>3.2.1 | <ul style="list-style-type: none"><li>• Discussion of alternatives regarding sewage disposal indicate that “additional study is warranted to determine the best locations to serve the community.” Specifically identify strategy, timelines, funding sources and proposed entities to undertake such study.</li></ul>   |
| <i>BF-2</i><br>3.2.1 | <ul style="list-style-type: none"><li>• Describe and analyze specific features of any proposed Sewage Treatment Plant.</li></ul>   |
| <i>BF-3</i><br>3.2.1 | <ul style="list-style-type: none"><li>• Where, if at all, can density bonuses be realized, if it all, without the installation of large-scale septic, that is, identify properties that could opt in to the overlay district and meet septic standards with individual on-site sewage disposal systems. <i>See e.g.</i>, (410.A (4) “Where public sewerage is not available, no lot shall be built upon which has insufficient space for a private sanitary waste disposal system, as determined by the Town and the Suffolk County Department of Health Services.”)</li></ul> |
| <i>BF-4</i><br>3.2.9 | <ul style="list-style-type: none"><li>• How will commercial developers who benefit from, or will benefit from, density bonuses contribute to regional costs of governmental infrastructure investment, e.g., sewers, traffic infrastructure, if at all, e.g., TIFF.</li></ul>  |

**BF-5**  
**3.2.1**

- If the proposal is adopted and funding for septic is not subsequently secured so that the full Theoretical Development Scenario cannot be realized, what legislative mechanism exists for retracting the density bonuses provided for in the overlay district?

**BF-6**  
**3.2.10**

- The RRAP provides that “We believe that, even with the considerable conditions for economic, social and environmental protection contained in the proposed Zoning, property owners will choose over time to opt in because it will provide them the most sustainable and profitable path to development for them and the community.” (p.36) What, if any inducements are contemplated to encourage current property owners to opt into the overlay zoning rather than being vulnerable to sale to commercial developers who are far better equipped to profit from density bonuses, and to what extent can or will commercial developers contribute to such inducements?

**BF-7**  
**3.2.10**

- Who determines payment in lieu of civic space? Identify a timeline tying the construction of civic space to project construction.

**BF-8**  
**3.2.10**

- Will the opportunity to opt into density bonuses be organized strictly on a “first come first served” basis, or will other organizational principles be utilized?

**BF-9**  
**3.2.10**

- Identify a strategy for build out that will ensure against displacement of current residents who desire to remain the hamlet, particularly with regard to larger single family homes.

**BF-10**  
**3.2.15**

- Is there general agreement that full build out will only generate the addition of 283 children to the school district? Is the Riverhead School District in agreement with this estimate? What is the specific strategy for the District to serve these additional students, what will be the cost and how will that cost be met? Does the School Board agree with the proposed strategy regarding these challenges?

cc: Town Board

**Catcove Corp**  
**71 Hill Street**  
**Southampton, NY 11968**

**November 10, 2015**

**Anna Throne Holst, Supervisor**  
**Town of Southampton**  
**116 Hampton Road**  
**Southampton, NY 11968**

**Re: Riverside BOA, Revitalization Plan and Zoning Amendments**  
**DEIS comments**

**Dear Supervisor Throne Holst:**

**After attending the meeting in FRNCA last week, and meeting with Sean McLean and others, I submit some comments on the GEIS plan, hoping that they can be incorporated prior to finalizing.**

*DDG-1*  
*3.2.9*

**1) The R0-6 benefits are associated with a 300 foot minimum frontage. I respectfully request that this be waived since some of the properties (including 252 and 248 Flanders Road) are flag lots. Please amend to remove that requirement or to remove it for any waterfront properties that contain more than 60,000 sf of land area.**

*DDG-2*  
*3.2.9*

**2) The zoning chart of the GEIS calls for 44 hotel units on the approximate 7 acres of properties that my companies own (252 and 248 Flanders Road). This is not at all economically viable and doesn't appear to be conforming to the community and current Town Board desires to maximize waterfront access, to create jobs, to contribute to an economic multiplier, and to beautify the hamlet. I am hoping that the proposed overlay zoning can be amended to the maximum number of housing units acceptable given the lot area, sanitary, parking, and wetland constraints. As discussed with Sean Mclean, I am suggesting 20 units per acre of first time home buyer product—perhaps condo with pool, paddle tennis, kayak and canoe open to community use, and potentially a restaurant overlooking the water. Walking path connecting to the parkland to the west, and perhaps a float boat landing pad for “commute” across to downtown riverhead. All are possible, but none are economic without such density.**

*DDG-3*  
*3.2.9*

**3) In order to maximize density and views, and to create a visual beacon, I propose amending the draft height restriction to the maximum proposed on neighboring sites in the hamlet study area. (55 feet) This would permit the construction to**

- DDG-3  
3.2.9
- ↑
- be raised above flood plain, to maximize views, and to minimize the footprint of the building area, (limiting impervious lot coverage as much as possible).**
- DDG-4  
3.2.9
- 4) The 3.5 story limit is respectfully requested to be, as written above, changed to the maximum under the riverside rediscovered guidelines—4 story. Again, shrinking the footprint while affording maximum density.**
- DDG-5  
3.2.9
- 5) It is requested that the wetland set- backs be set as close to the water as is possible (especially in light of the wetland mitigation and restoration project discussed by Sean). This would permit the waterfront theme, the walking trails, seating areas, and maritime connection that the community is seeking. As has been discussed, a 50' setback from both the tidal and freshwater wetlands is requested.**
- DDG-6  
3.2.9
- 6) As written above, a use of residential, rather than hotel, could be economically feasible. I do not believe that a Hotel, in this location, on the much smaller amount of land area, at this time, is feasible.**

**Thank you very much for your consideration. Please call with any questions or comments: 631 283 6500 ext 718 or email, [dedecatcove@aol.com](mailto:dedecatcove@aol.com).**

**Sincerely,**

**Dede Gotthelf**

**Cc: Brad Bender, Councilman  
Christine Scalera, Councilwoman  
Stan Glinka, Councilman  
Bridget Flemming, Councilwoman  
Sundy Schermeyer, Clerk of the Town of Southampton  
Frank Zappone, Deputy Supervisor, Town of Southampton  
Kyle Collins, Southampton Town Planning and Development Administrator  
Members, FRMCA Board of Directors  
Sean McLean, Riverside Rediscovered  
Charles Cuddy  
T. Moan**

*Flanders, Riverside and Northampton Community Association*

P.O. Box 602, Flanders, N.Y. 11901 • FRNCA.org

November 10, 2015

Anna Throne Holst, Supervisor  
Town of Southampton  
116 Hampton Road  
Southampton, N.Y. 11901

Re: Riverside BOA, Revitalization Plan and  
Zoning Amendments  
DEIS Comments By FRNCA

Dear Supervisor Throne Holst:

I am writing to once again express the support of the Flanders, Riverside and Northampton Community Association, Inc. (FRNCA) for the referenced plan and zoning amendments.

On Behalf of FRNCA, I spoke at the public hearing of October 29, 2015, to express the organization's full support for the proposed overlay district and revitalization plan and, hope to see the proposed action approved in its entirety by the Southampton Town Board.

FRNCA-1  
3.2.27

Nonetheless, I request town consideration of modifications to dimensional requirements and related limitations of the RO6 zoning overlay district in the area north of SR 24 on the easterly side of the 14 acre county park property located along the Peconic River (including the formerly proposed Catwalk Hotel site). Specifically, I make the following suggestions:

FRNCA-2  
3.2.9

Any residential, or hospitality/commercial development should maximize public access to the waterfront and minimize the total building lot coverage through the adoption of incentives. To achieve this, the zoning should provide for relief from such limitations to create a building(s) of smaller footprint by permitting greater height – similar to the height achieved by the Riverhead Hyatt located just north of the property on the Riverhead side of the Peconic River.

The subject RO6 waterfront site is one of particular significance as it forms a corner of the developed area and a terminating vista for the new Riverside. Due to its location, additional latitude should be provided to encourage architecturally significant roof structures. Turrets and other possible roof and building features that create a stronger architectural statement, as determined by the Southampton Town ARB, should not be counted toward the stated total height limit of the proposed zone.

FRNCA-3  
3.2.9

Additionally, height limits for this location should be measured from the roof of any internal or underground parking within the principal structures to encourage design that will best protect buildings from both long term sea level rise and, in the shorter term, occasional flooding as a result of storm surges.

FRNCA-4  
3.2.9

Further, minimum setbacks and street frontage should be made flexible to permit the maximum amount of wetland remediation where desired and, for providing relief to flag lot parcels to encourage appropriate building and site designs as well as the utilization of advanced building systems that can reuse treated water (gray water) to irrigate said re created natural landscapes as well as to collect and reuse storm water. For this waterfront area, visibility of the overall site, as seen from a distance, is as important as the sidewalk view from Flanders Blvd.

FRNCA-5  
3.2.9

Lastly, most overlay district wide mitigation charges should be paid prior to the issuance of Certificate of Occupancies instead of upon application for building permits. The imposition of such charges prior to completion of buildings is an undesirable burden on developers who have a long construction period before generating revenues.

FRNCA-6  
3.2.10

If you have any question or want to discuss the matter further, please contact me at 631-369-3535 or at [Vtaldone@optonline.net](mailto:Vtaldone@optonline.net).

Thank you for your consideration.

Sincerely,



Vince Taldone  
President

C:  
Brad Bender, Councilman, Town of Southampton  
Christine Scalera, Councilwoman, Town of Southampton  
Stan Glinka, Councilman, Town of Southampton  
Bridget Fleming, Councilwoman, Town of Southampton  
Sundy Schermeyer, Clerk of the Town of Southampton  
Frank Zappone, Deputy Supervisor, Town of Southampton  
Kyle Collins, Southampton Town Planning and Development Administrator  
Members, FRNCA Board of Directors

# *Flanders, Riverside and Northampton Community Association*

P.O. Box 602, Flanders, N.Y. 11901 • FRNCA.org

November 11, 2015

Anna Throne Holst, Supervisor  
Town of Southampton  
116 Hampton Road  
Southampton, N.Y. 11901

Re: Riverside BOA, Revitalization Plan and  
Zoning Amendments, DEIS, Comments By FRNCA

Dear Supervisor Throne Holst:

I am writing to supplement my attached comments dated November 10, 2015, in effect adding add one additional recommendation regarding the referenced proposed zoning as it affects the density of development on the riverfront east of the 14 acre county park. Specifically, I recommend that the as of right density be increased for projects that include at least 50% affordable condominium units and which provide maximum public access to the waterfront (for residents and non residents) as well as environmental enhancements that are deemed by the town to be of significant public benefit.

*FRNCA-7*  
*3.2.9*

Overall, FRNCA supports non single-family home residential development that provides both market rate and affordable units together so as to avoid the identification or stigmatization of persons who live in “affordable housing”. However, due to high land values on the waterfront, I believe such a mix may only be achieved through greater density than that which is permitted by the present zoning designation.

Higher density offers perhaps the last opportunity to create attainably priced residential options on the East End waterfront. There is no other location that I can imagine that has waterfront views and access for those who are not wealthy, may be veterans and emergency workers, are seniors or persons with disabilities of modest means. We should make creating such an affordable option feasible through increased density.

Thank you for your consideration.

Sincerely,

Vince Taldone  
President

C: Brad Bender, Councilman, Town of Southampton  
Christine Scalera, Councilwoman, Town of Southampton  
Stan Glinka, Councilman, Town of Southampton  
Bridget Fleming, Councilwoman, Town of Southampton  
Sundy Schermeyer, Clerk of the Town of Southampton  
Frank Zappone, Deputy Supervisor, Town of Southampton  
Kyle Collins, Southampton Town Planning and Development Administrator  
Members, FRNCA Board of Directors

**From:** [Tara Farrell](#)  
**To:** [David Wilcox](#)  
**Cc:** [Kimberly Ottati](#)  
**Subject:** Riverside project  
**Date:** Tuesday, November 24, 2015 3:42:50 PM

---

As per your request.

Thank you,  
Tara Farrell on behalf of  
Sundy Schermeyer, Town Clerk  
Town of Southampton  
116 Hampton Road  
Southampton, NY 11968  
Phone: 631.287.5740  
Fax: 631.283.5606

From: Lorraine paceleo [[lpaceleo@msn.com](mailto:lpaceleo@msn.com)]  
Sent: Wednesday, November 11, 2015 12:28 PM  
To: Sundy Schermeyer  
Subject: Riverside project

Hi,

My name is Lorraine Paceleo and I reside at 23 Nash Ave., in Flanders NY and I work in Riverhead.

I was recently informed that the redevelopment project for the Riverside project is in its final stages and is up for approval in December.

I respectfully request more time be given for the public to review the proposal as well as request another public hearing (or 2!) be allowed, especially one that will take place at night. I have a lot of questions (as I know my neighbors have as well). We need this additional time to see exactly what will be happening to our neighborhood as well as enable us to voice any concerns or revisions we may need or think may help the area more.

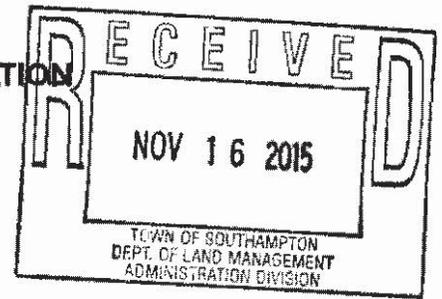
Thank you for your consideration.

Lorraine Paceleo  
516-672-7187

*LP-1*  
3.2.25

**NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION**

Division of Environmental Permits, Region 1  
SLNY # Stony Brook, 50 Circle Road, Stony Brook, NY 11790  
P: (631) 444-0365 | F: (631) 444-0360  
www.dec.ny.gov



Kyle Collins  
Planning & Development Administrator  
Town of Southampton  
Department of Land Management  
116 Hampton Rd  
Southampton, NY 11968

November 12, 2015

Re: DEC # 1-4736-08363 / 00001 DGEIS for Riverside BOA, Revitalization Action Plan & Zoning Amendments

Dear Mr. Collins:

The Department of Environmental Conservation has reviewed the Draft Generic Environmental Impact Statement (DGEIS) for the action known as the Riverside Brownfield Opportunity Area Step II Nomination Study, Revitalization Action Plan and Zoning Amendments. The action involves the creation of a new zoning overlay district which will affect approximately 468 acres of land in the hamlet of Riverside. The overlay district will consist of seven separate zones with various incentives for increased density and building height to encourage landowners to explore redevelopment options which would further the vision and goals for revitalization of the hamlet.

We have a number of comments on the DEIS and the action as described in the report. General comments or concerns are followed by specific issues linked to the various sections of the document.

1. Two of the DEC regulatory programs which cover portions of the project area contain specific development restrictions or land use controls which are the functional equivalent of zoning requirements and have at least the potential to disallow some activities or uses, or the intensity of some uses which the proposed zoning amendments seem to encourage. The Tidal Wetlands Land Use Regulations (6 NYCRR Part 661) and the Regulation for Administration and Management of the Wild, Scenic and Recreational Rivers Program in New York State (Part 666) both include such standards as prohibited land uses, minimum lot size requirements for principal buildings, minimum setback requirements for principal buildings and other structures from the wetland boundary or river bank, maximum lot coverage percentages and maximum floor area limits for certain commercial, public or semi-public buildings.

DEC-1  
3.2.10

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DEC-1  
3.2.10

↑ These standards will be discussed in more detail later in this letter, but it is important to recognize now that these DEC regulations must be taken into account, particularly for parcels located in the proposed "Waterfront Center", overlay zone RO-6 and the western portion of the project area, generally west of Lake Avenue, in proposed overlay zones RO-5 (Suburban), RO-2 (Hamlet Neighborhood) and RO-4 (Gateway).

DEC-2  
3.2.1

2. The proposed action as described in the GEIS includes the construction of a new sewage treatment plant with a groundwater discharge to service the project area. During the October 29, 2015 meeting at the DEC office in Stony Brook among the Town of Southampton; the master developer, Renaissance Downtowns, the lead consultant and DEC, the proposed sewage treatment plant was described as an advanced facility with a surface water discharge to the Peconic River through a created tidal wetland which would also serve as a pre-constructed mitigation bank to offset wetland losses or impacts associated with certain development in the project area. The GEIS contains no mention of the surface water discharge for the STP or the created wetland / mitigation bank concept which was described as being part of the action. The Town should decide now whether these features are or will be viable components of the action. If they are determined to be viable, they should be described and analyzed to the greatest extent practicable now in the GEIS as both components will require extensive DEC regulatory involvement.

DEC-3  
3.2.7

3. GEIS Page 2-24; Table 2-11 – Reviews, Permits & Approvals Required: The section of this table which lists the DEC approvals required for this action should include the possibility of an Endangered Species – Incidental Take permit (ECL Article 11 & 6 NYCRR Part 182) for development on parcels located within 1,000 linear feet of the identified breeding pond of the state endangered eastern tiger salamander.

DEC-4  
3.2.7

4. Pages 5-6 through 5-8; Table 5-3 – Rare, Threatened or Endangered Species Identified by the New York Natural Heritage Program: Several additional species should be added to this table, because either the project area appears to contain suitable habitat or the species has been observed in the project area. The northern long-eared bat, *Myotis septentrionalis*, was listed by the federal government and New York State as threatened earlier this year. The species is known to spend a significant portion of the year in forested areas similar to those found in the project area. The eastern box turtle (*Terrepenne carolina*) and the spotted turtle (*Clemmys guttata*) are listed by New York State as special concern species and have been observed by the undersigned on properties within the project area. Planning and environmental reviews undertaken for the development of parcels with suitable habitat within the project area must account for these listed species. These presence or possible presence of these species should also be considered and accommodated in any wetland or other habitat restoration or creation proposals developed in conjunction with this action.

DEC-5  
3.2.10

5. Pages 5-9 & 5-10; Regulatory Conditions – Tidal Wetlands: 6 NYCRR Part 661.6 (Tidal Wetlands Land Use Regulations) sets forth a series of limitations on development activities conducted in the adjacent area of a tidal wetland. The adjacent area is broadly defined as the non-wetland area which extends from the tidal wetland boundary up to 300 feet landward. The limitations which are likely to have the most influence on projects proposed as part of the proposed action include, but are not limited to:

- A 75-foot minimum setback requirement from the wetland for all new principal buildings and other non-water-dependent structures in excess of 100 square feet in area.
- A 100-foot minimum wetland setback requirement for all components of a septic system.
- All components of a septic system must be installed with at least two vertical feet of soil between the bottom of the component and the seasonal high groundwater level.
- No more than 20% of the adjacent area on any lot can be covered with existing or new structures and impervious surfaces. Individual lots which were lawfully existing on the August 20, 1977 effective date of Part 661 may be covered with up to 3,000 square feet of existing and structures and other impervious surfaces.
- The minimum lot area for any **principal building** constructed within the area regulated by Part 661, which minimum lot area shall include any wetland portion and any adjacent area portion of such lot, shall be as follows:
  - a. 20,000 square feet where the principal building will be served by a public or community sewage disposal system.
  - b. 40,000 square feet where the principal building will not be served by a public or community sewage disposal system.

The definition of the term **principal building** is any one of the following: single-family dwelling; each two units of a multiple-family dwelling; any other type of building, including but not limited to any commercial or industrial use building or public or semi-public building, that exceeds 1,000 square feet in area and each additional 1,000 square feet of floor space of such a building in excess of 3,000 square feet. In addition, each commercial or industrial use building or public or semi-public building less than 1,000 square feet in area shall count as one-quarter of a principal building.

↓

DEC-5  
3.2.10

↑ These restrictions are very likely to have an impact on the development of the parcels in the project area which contain or are adjacent to tidal wetlands, IE: the riverfront parcels in the proposed "Waterfront Center" overlay zone RO-6, where the proposed allowable uses include hotels, bed & breakfast / inns and senior housing. These types of buildings are often very concentrated and are likely to exceed the allowable density outlined above, particularly if the building/s are not connected to a sewage treatment plant. This situation should be noted in the GEIS so that prospective developers of RO-6 lots are aware of and understand these restrictions.

DEC-6  
3.2.6

6. Pages 5-9 & 5-10; Regulatory Conditions – Wild, Scenic & Recreational Rivers System:

6 NYCRR Part 666 (Regulation for Administration & Management of the Wild, Scenic & Recreational Rivers System in New York State) also establishes a system of land use controls or development restrictions for lands situated within the Peconic River Corridor. The western portion of the study area, generally the section west of Lake Avenue in proposed overlay zones RO-5, and small sections of RO-2 and RO-4 is located in the Peconic Recreational River Area and is subject to regulation pursuant to Part 666. See Section 666.13 for the full explanation of the restrictions. Notable provisions include:

- A prohibition on non-river-related commercial uses.
- New residential development must be on a lot at least two acres in area, and if applicable have at least 200 linear feet of river frontage.
- Multiple family dwellings must be constructed on lots with at least one acre per dwelling unit.
- New residential buildings must be located at least 150 feet from the river.

The GEIS should include a presentation of the Part 666 development restrictions so that landowners and potential project sponsors are aware of them and can make informed decisions. This is especially important for the parcels in the proposed RO-2 and RO-4 zones near the traffic circle, where the project vision calls for many types of commercial development at densities which are contrary to the regulation. Sponsors contemplating projects on parcels located in the Peconic Recreational River Corridor should be directed to DEC at the earliest possible juncture for pre-application discussions.

DEC-7  
3.2.7

↓ 7. Page 5-14; Section 5.3 – Mitigation: This section describes measures which can be employed to mitigate impacts to natural resources, or as offsets for variance relief granted for particular projects.

DEC-7  
3.2.7  
↑ It is important that this section of the GEIS include a discussion of the approach to environmental impact and mitigation employed by DEC, the Town of Southampton and most other regulatory agencies, namely, the sequence of avoiding impacts and minimizing impacts before the discussion turns to mitigating impacts.

Also, please note that the more complicated mitigation proposals, especially large scale wetland creation or restoration projects involve very detailed planning, design and regulatory reviews which involve multiple DEC programs and considerable time. DEC should be contacted for guidance as early in the planning process as possible to ensure that the proposed mitigation project will be feasible, appropriately matched with the project causing the impacts, and approvable.

This section states that site specific mitigation measures will need to be developed and an Article 11 Incidental Take Permit of Letter or Non-Jurisdiction obtained from DEC if species of wildlife listed as threatened or endangered are encountered on a property in the project area. Article 11 / Part 182 Endangered Species – Incidental Take permits are not routine matters. Even though regulations have been promulgated which establish a permit program, the showing that is required of an applicant to demonstrate that permit issuance standards are met is daunting. The application process is always very involved, as well as work and funding intensive, with no guarantee of an approval. Multi-year or multi-field season, site specific studies of the listed species on the property in question with detailed data analysis are generally required. Incidental Take permit applications should not be taken lightly and any developer considering a project requiring one should be contacting DEC before doing anything else.

DEC-8  
3.2.1  
↓  
8. Pages 14-7 through 14-11; Section 14.3 Alternative 3 – Sewage Treatment Plant Options:

This section discusses the need for some type of sewage treatment works for the project area to achieve the level of nitrogen removal necessary for regulatory agencies to authorize the development densities the master developer has identified as critical for an economically viable project. The scenario contemplated in the GEIS involves a new sewage treatment plant with a groundwater discharge. A new plant with a groundwater discharge developed privately would require a State Pollutant Discharge Elimination System (SPDES) permit administered by the Suffolk County Department of Health Services. The application for such a permit would need to include information about pre-project and post-project nitrogen loading to the groundwater so that it can be reviewed against the Total Maximum Daily Load limit for nitrogen established for the Peconic system.

Kyle Collins  
November 12, 2015  
Page 6

DEC-8  
3.2.1

As mentioned earlier in this letter, the project sponsor described a proposal to develop a sewage treatment plant with a surface water discharge during an October 29, 2015 meeting on this action attended by the Town, the Master Developer, the lead consultant and DEC. It was described as an advanced treatment facility which would discharge through a created wetland system to the Peconic River. If this approach is being considered, it should be described in as much detail as possible in the GEIS. The nitrogen discharge limitations for a surface water discharge are much lower than for a groundwater discharge. Also, the agency administering the SPDES permit application for a surface water discharge plant would be DEC. There would also be detailed involvement by DEC natural resources programs.

I can be reached at (631) 444-0371 or [george.hammarth@dec.ny.gov](mailto:george.hammarth@dec.ny.gov) if you have any questions about these comments. Thank you for the opportunity to review this GEIS.

Sincerely,



George W. Hammarth  
Deputy Regional Permit  
Administrator

cc: Cathy Haas  
Anthony Leung  
Rob Marsh



# Parks, Recreation, and Historic Preservation

ANDREW M. CUOMO  
Governor

ROSE HARVEY  
Commissioner

October 23, 2015

Mr. Scott Robin  
Environmental Planner  
Nelson, Pope & Voorhis, LLC  
572 Walt Whitman Road  
Melville, NY 11747

Re: SEQRA - Adoption of Riverside Overlay Zone  
468 acres in the Hamlet of Riverside in the Town of Southampton. 15PR05055  
NPV #15128

Dear Mr. Robin:

Thank you for requesting the comments of the Division for Historic Preservation of the Office of Parks, Recreation and Historic Preservation (OPRHP) as part of your SEQRA process. These comments are those of OPRHP and relate only to Historic/Cultural resources. They do not include potential environmental impacts to New York State Parkland that may be involved in or near your project. Such impacts must be considered as part of the environmental review of the project pursuant to the State Environmental Quality Review Act (New York Environmental Conservation Law Article 8) and its implementing regulations (6 NYCRR Part 617).

*OPRHP-1*  
*3.2.20*

There are no known historic properties wholly or partially within, or substantially contiguous to the project area that are recommended for listing or listed in the State and/or National Registers of Historic Places (S/NRHP). Therefore, under SEQRA we have no comments regarding potential impacts to architectural or archaeological resources.

*OPRHP-2*  
*3.2.20*

However, our review does not include potential impacts to architectural or archaeological resources that may be eligible for the registers. If the lead agency concludes that additional studies would be beneficial to identify and/or assess potential impacts to archeological and historic resources eligible for the registers, the OPRHP would be pleased to provide additional guidance.

*OPRHP-3*  
*3.2.20*

If this project will involve state or federal permitting, funding or licensing, it may require a more rigorous review for potential impacts to architectural and archaeological resources, in accordance with Section 106 of the National Historic Preservation Act or Section 14.09 of NYS Parks Recreation and Historic Preservation Law.

*OPRHP-4*  
*3.2.20*

Sincerely,

Ruth L. Pierpont  
Deputy Commissioner for Historic Preservation

---

**Division for Historic Preservation**

DEPARTMENT OF LAND MANAGEMENT  
PLANNING BOARD  
116 Hampton Road  
Southampton, NY 11968

Phone: (631) 287-5735  
Fax: (631) 287-5706

## Town of Southampton



ANNA THRONE-HOLST  
TOWN SUPERVISOR

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DENNIS FINNERTY

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SECRETARY  
JOHN ZUCCARELLI

BOARD MEMBERS  
GEORGE SKIDMORE JACQUI LOFARO  
PHILIP KEITH CATHIE GANDEL

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**PLANNING BOARD REPORT AND COMMENTS  
ON THE  
RIVERSIDE BROWNFIELD OPPORTUNITY AREA REVITALIZATION ACTION PLAN,  
FORM BASED ZONING CODE AMENDMENTS AND  
DRAFT GENERIC ENVIRONMENTAL IMPACT STATEMENT,  
AS AN AMENDMENT TO THE TOWN'S COMPREHENSIVE PLAN**

**NOVEMBER 19, 2015**

The Town of Southampton Department of Land Management (DLM), Master Developer Renaissance Downtowns (RD), and environmental planning consultant Nelson, Pope & Voorhis meet with the Town of Southampton Planning Board (the Board) on October 8<sup>th</sup> and 22<sup>nd</sup>, and November 12, 2015 to provide an overview of the Riverside Revitalization Action Plan (RRAP) and proposed Form Based Zoning Code and Overlay District. The purpose of these meetings was to discuss the proposed zoning overlay initiative and the details of how the form based code would be implemented, as well as review the State Environmental Quality Review Act (SEQRA) process, to form the basis for this report.

Sean McLean (Renaissance Downtowns) and Kyle Collins (DLM) provided an overview and presentation of the RRAP and proposed Overlay Districts during the October 8, 2015 Board meeting. This meeting was mainly an informational meeting for the Board. The Board expressed a desire to further understand how an optional overlay district would work, as well as concerns regarding potential displacement of existing residents. The Board had an opportunity to review the details of the draft code prior to the additional meetings held on October 22, 2015, and November 12, 2015, and these meetings provided an opportunity for questions/concerns to be discussed. The following summarizes discussions during these meetings.

### October 22, 2015 Meeting

- Board Member Lofaro asked the Master Developer to explain how the proposed Overlay District interacts with the underlying zoning, and if a landowner would still have the option of going to the Zoning Board of Appeals under the Overlay District. Sean McLean explained that the Overlay District is entirely optional for property owners; however incentives are built into the proposed Overlay District that significantly benefit the land owner to opt into the Overlay District. Those benefits are tied to the various requirements of the overlay code, which provide for

community benefits such as fees contributing to wetlands and pine barrens restoration funds, requirement for connection to sewers, local hiring requirements and sustainable development requirements. The Code dictates the form, or architectural styles of the buildings constructed under the Overlay District, which provides for a cohesive downtown appearance. So rather than require property owners to development under the Overlay District, the code is designed to provide adequate incentives to encourage land owners to choose to opt in. The Overlay District still follows NYS law, and therefore is subject to Zoning Board of Appeals procedures.

- Board member Gandel questioned how the RO-5 was set up, and if the existing non-conforming homes would be impacted by the Overlay District. Sean McLean explained that the RO-5 District maintains the existing residential neighborhoods and does not allow for additional density in RO-5 so the existing established residential neighborhoods are not impacted or changed by the Overlay District. The Board also discussed the existing mobile home communities and was generally supportive in the notion that these established neighborhoods should remain unchanged.
- Board member Blaney questioned if an analysis had been done to evaluate what could be built under the existing zoning and compared to that which could be built under the proposed Overlay District. Sean McLean explained that in developing the proposed Overlay code, the Master Developer started with an evaluation of build out under the existing zoning to understand allowable uses, setbacks and heights. The proposed Overlay District was then built around the existing parameters to ensure incentives were adequately provided for the optional Overlay District. The Town of Riverhead's rezoning efforts were also discussed in comparison to the proposed Overlay District. Sean McLean noted that the Town of Riverhead's situation is fairly unique, in that a single land owner controls much of the downtown area (and was using the vacant buildings as a tax write off). The Town then rezoned the downtown, which gave further density/value that significantly benefited that single property owner.
- The question of eminent domain was raised. Sean McLean explained that the Overlay District does not anticipate or encourage the use of any eminent domain. The Overlay District is entirely optional for landowners.
- The uses were generally discussed and the Planning Board asked if a community center was envisioned in the area. Sean McLean indicated that a community ice rink is being evaluated as part of the Theoretical Development Scenario considered in the environmental impact statement. Suffolk Community College is in the process of building a pool nearby; therefore a separate YMCA type use is not envisioned at this time.
- Increased public transportation opportunities were also discussed, including the potential for a shuttle from Riverside to downtown Riverhead and shopping areas on CR 58. The need for increased bus service along the existing bus route was also discussed. Sean McLean indicated that increased bus service and public transit opportunities were voiced as significantly desired by the community during the

extensive community outreach efforts. Therefore, the Master Developer and the Town are working with Suffolk County on potential increases in service for this line. Chairman Finnerty noted that a public/private bus service or shuttle would be a great addition to the Riverside area.

#### November 12, 2015 Meeting

- The types of artisan manufacturing uses that would be permitted and what controls exist in the code to ensure that potentially incompatible industrial activities do not occur adjacent to residential uses was discussed. The draft code is broad in the allowance of uses, but requires that all buildings built are a minimum of two stories, and many of the streets have storefront requirements – which are designed for artisan production and first floor showroom space. Kyle Collins indicated that the code does not allow “industrial scale”, mass production manufacturing, rather it is geared toward costume work that is compatible with residential uses. The Planning Board suggested that the code definitions be updated to distinguish and define “industrial scale” to ensure artisan production uses are an appropriate scale and do not require large tractor trailer deliveries into the downtown area.
- The process for individual site development and the 10-year build-out horizon evaluated under the Draft GEIS was discussed. It was explained that the Draft GEIS assumed a 10 year build horizon for analysis purposes, which is the basis for establishing thresholds in the Findings Statement. The actual time to build the uses evaluated in the GEIS may take more or less time based on market demand. However, each individual project opting into the code will need to provide a consistency analysis with the adopted Findings Statement to demonstrate the project falls within the SEQRA assumptions evaluated in the GEIS, and provides supplemental information/analysis as needed (i.e., items identified in the “Future Actions” Section 15 of the Draft GEIS, such as site-specific Phase I environmental assessments, archaeological surveys, access analysis for driveway locations, etc.). Any project in the future that is outside or beyond the thresholds established by the current GEIS would require supplemental review pursuant to SEQRA.
- Specific threshold limits were discussed for impacts such as nitrogen loading. The load limitations to the Peconic River were discussed, and in particular how discharge is monitored from sewage treatment. Carrie O’Farrell discussed that under the permitting requirements for a sewage treatment plant (STP), the NYS Dept. of Environmental Conservation requires regular testing and reporting of the effluent discharged from the STP. Because the Peconic River has strict nitrogen loading limitations and regulatory standards precluding increases in nitrogen loading to the Peconic River, any STP proposed for Riverside will be subject to very closely monitored discharge limitations. It is recognized that building under the Overlay District cannot occur until an acceptable sewage treatment solution is constructed.
- Board Member Keith questioned how the Overlay Districts will facilitate and encourage revitalization? Sean McLean indicated the purpose of this larger planning effort and the BOA is to help work out many of the barriers to development that currently exist

in Riverside. The complications surrounding Pine Barrens requirements, sewage treatment, and what the zoning currently allows do not allow for a property owner to easily pursue redevelopment with any kind of significant financial gain. The process presently underway is intended to identify clear roads to redevelopment, and provide a code that incentivizes redevelopment as a “market ready model”. By understanding what can be built and what mitigation needs to be provided to redevelop, there is much greater certainty and benefit to a property owner.

- Board Member Keith also asked if Veterans were afforded some priority in the housing proposed under the Overlay District. Kyle Collins noted that the Town’s Community Benefit housing regulations that will be applied to 50% of the units built under the Overlay District already places Veterans as a priority group eligible for Community Benefit Housing. Board Member Keith suggested that outreach to Veterans should be considered once the residential units are available. Board Member Lofaro asked if an applicant could opt out of the requirement for providing the Community Benefit Housing. It was explained that you cannot opt out; however applicants can reach agreements for the Community Benefit Housing to be built on other parcels within the Overlay District area – however it must be constructed on a one for one basis.
- Board Member Gandel asked how the community felt about the density proposed under the Overlay Districts. Sean McLean discussed the tremendous community support and positive turnout at the Town’s public hearing on 10/29/15. The community has been overwhelmingly supportive of the revitalization efforts. Kyle Collins noted that the code only allows the higher 3-4.5 story buildings for properties that meet the minimum area and frontage requirements, so not all properties will be able to qualify for the large building heights (without consolidating lots with adjacent properties).
- Board Member Gandel noted concern regarding the proposed reduction of parking requirements, as other downtown areas of the town have experienced issues with parking shortfalls. Additionally, concern regarding the creation of connector streets and the potential for impact to the adjacent residential streets was noted. Kyle Collins noted that the connector streets that are limited in their networking can create problems, but when a fully integrated network can be constructed, as proposed, then the burden that any one street would experience would be reduced (it’s spread throughout a larger area).
- Board Member Keith noted that traffic conditions on Route 24 at 5:00 in the afternoon are problematic currently. He asked if the Town had coordinated with the Town of Riverhead on the backups occurring on Main St. and Roanoke in Riverhead. Sean McLean noted that the County has funded the traffic circle improvements which will convert the roundabout to two lanes beginning in 2016. The traffic analysis indicates that this will improve the traffic situation significantly; however, as development occurs, it will decline again, but not to the unacceptable level of service that currently occurs. However, slowing traffic down on Rt. 24 through the Riverside area is viewed as a good situation in support of a vibrant downtown. Kyle Collins

noted that the Town’s consultants, NP&V, are also the Town of Riverhead’s consultants for Riverhead BOA work. The Towns have met and have a full understanding of the traffic conditions and concerns from both Towns.

- The Board was interested in when projects would be expected to be built given a STP needs to first be built. Sean McLean indicated the target is for STP groundbreaking to begin in 2017 and projects starting in 2019.

Recommendations:

- |   |                               |
|---|-------------------------------|
| • The Board fully supports the proposed Overlay District and recommends that a stream line application process be established for projects opting into the code. Establishment of a specific procedure for reviews under the Overlay District was also suggested.   | <i>SPB-1</i><br><i>3.2.10</i> |
| • The Board also suggested that applicants be referred to the Town’s Project Development Council in the early stages of the application process to ensure the various agencies and the applicant are fully informed regarding the proposed project and any concerns or issues are identified as early as possible.                                | <i>SPB-2</i><br><i>3.2.10</i> |
| • The Planning Board suggested that the code should define “industrial scale” to ensure the size and hours of operation of artisan manufacturing are clearly understood. Artisan manufacturing should not depend on large scale deliveries with large trucks in the downtown area and should ensure compatibility with adjacent residential uses. | <i>SPB-3</i><br><i>3.2.9</i>  |
| • The Planning Board suggested that a greater effort should be made to determine where the STP(s) may be constructed, sooner than later, in order to minimize opposition to the location(s) from nearby property owners in the overlay district.  | <i>SPB-4</i><br><i>3.2.1</i>  |

## Ashley Marciszyn

---

**From:** David Wilcox <DWilcox@southamptontownny.gov>  
**Sent:** Friday, October 30, 2015 1:53 PM  
**To:** Carrie OFarrell; Kathy Eiseman; mike brusseau  
**Subject:** FW: Communication- Riverside redevelopment plan (10/29/15)

This communication was receive by the Town Clerk regarding the RRAP

DAVID A. WILCOX, JR.  
DIRECTOR OF TOWN PLANNING  
SOUTHAMPTON TOWN DEPARTMENT OF LAND MANAGEMENT  
116 HAMPTON ROAD  
SOUTHAMPTON, NY 11968  
[DWILCOX@SOUTHAMPTONTOWNNY.GOV](mailto:DWILCOX@SOUTHAMPTONTOWNNY.GOV)  
631-702-1812 (PHONE)  
631-287-5706 (FAX)

---

**From:** Tara Farrell  
**Sent:** Thursday, October 29, 2015 1:55 PM  
**To:** Anna Throne-Holst; Bradley Bender; Bridget Fleming; Christine Scalera; Stan Glinka; Tiffany Scarlato; Kathleen Murray; Kyle Collins  
**Cc:** Sundy Schermeyer; Kimberly Ottati; Linda Marzano; Janice Wilson; Jamie Cunningham; Julie Fitzgerald; David Wilcox  
**Subject:** Communication- Riverside redevelopment plan (10/29/15)

I am fully in support of the proposed Riverside redevelopment plan. | *PS-1*  
| 3.2.27

Pauline Sandmann  
President of Mobile/Manufactured Homeowners Assoc. Suffolk.Inc.  
and  
resident of Riverwoods MHP in Riverside

525 Riverleigh Ave. #108  
Riverside, N.Y. 11901

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**Steven Bellone**  
SUFFOLK COUNTY EXECUTIVE  
**Department of**  
**Economic Development and Planning**

**Joanne Minieri**  
Deputy County Executive and Commissioner

**Division of Planning**  
**and Environment**

November 5, 2015

Town of Southampton  
116 Hampton Road  
Southampton, NY 11968  
Attn: Sundry A. Schermeyer, Town Clerk

Re: Adopted Res-2015-950 Riverside Revitalization  
Action Plan  
Local File No.: Res-2015-950  
S.C.P.C. File No.: ZSR-15-31

Dear Ms. Schermeyer:

The Suffolk Planning Commission at its regular meeting on November 4, 2015, reviewed the referral from the Town of East Hampton entitled, "**Adopted Res-2015-950 Riverside Revitalization Action Plan**," referred to it pursuant to Section A14-14 thru A14-25, Article XIV of the Suffolk County Administrative Code.

The attached Resolution signifies action taken by the Commission relative to this application.

Very Truly Yours,

Sarah Lansdale  
Director of Planning



Andrew P. Freleing  
Chief Planner

APF/cd

Resolution No. ZSR-15-31 of the Suffolk County Planning Commission  
Pursuant to Sections A14-14 to thru A14-25 of the Suffolk County Administrative Code

WHEREAS, pursuant to Sections A14-14 thru A14-25 of the Suffolk County Administrative Code, a referral was received on October 8, 2015 at the offices of the Suffolk County Planning Commission with respect to the application of **“Adopted Res-2015-950 Riverside Revitalization Action Plan/Zoning ”** located in the Town of Southampton, and

WHEREAS, said referral was considered by the Suffolk County Planning Commission at its meeting on **November 4, 2015**, now therefore, Be it

RESOLVED, that the Suffolk County Planning Commission hereby adopts the report of its staff, as the report of the Commission, Be it further

RESOLVED, pursuant to Section A14-16 of the Suffolk County Administrative Code and Section 239-m 6 of the General Municipal Law, the referring municipality within thirty (30) days after final action, shall file a report with the Suffolk County Planning Commission, and if said action is contrary to this recommendation, set forth the reasons for such contrary action, Be it further

RESOLVED, that the Suffolk County Planning Commission **Conceptually Approves** the Riverside Revitalization Action Plan and Residential Overlay District(s) ROD(s) with the following comments:

- |                         |   |
|-------------------------|---|
| <i>SCPC-1</i><br>3.2.1  | 1. The Town should continue dialogue with the New York State Department of Environmental Conservation, the Suffolk County Department of Public Works and the Suffolk County Department of Health Services for wastewater treatment options for the Riverside area.  |
| <i>SCPC-2</i><br>3.2.2  | 2. The Town of Southampton should continue to coordinate with the Suffolk County Department of Public Works and the Town of Riverhead regarding traffic and storm water issues north of the CR 94 Roundabout on Peconic Avenue and in connecting downtown Riverhead to Riverside.                           |
| <i>SCPC-3</i><br>3.2.7  | 3. Referral of the RRAD and ROD should be referred to the Central Pine Barrens Joint Planning and Policy Commission for consistency review with the CLUP.   |
| <i>SCPC-4</i><br>3.2.7  | 4. The Town should allow no more than 65% total natural vegetative clearance and maintain no less than 35% natural vegetation within the proposed ROD.  |
| <i>SCPC-5</i><br>3.2.7  | 5. The redemption of Pine Barrens Credits beyond the 20 PBC's discussed for non-compliance with native vegetation clearing standards, should be considered to mitigate the proposed increases in density and intensity of land uses above the existing and base zoning yield for properties within the ROD. |
| <i>SCPC-6</i><br>3.2.23 | 6. The Town should review the Suffolk County Planning Commission Guidelines on energy efficiency and incorporate into the Form Based Code practical elements contained therein.   |
| <i>SCPC-7</i><br>3.2.16 | 7. The Town of Southampton should work with the Suffolk County Department of Public Works to explore the feasibility of increasing bus service within the proposed ROD.   |

<i>SCPC-8</i> 3.2.2	8. The Town of Southampton should consult with the Suffolk County Department of Public Works on future possible improvements to the Riverside Roundabout intersection with the goal of not precluding, by way of land use zoning changes, right-of-way expansion for traffic flow mitigations or storm water treatment options.
<i>SCPC-9</i> 3.2.22	9. The Town of Southampton should review the Suffolk County Planning Commission Guidelines on public safety and include into the Form Based Code practical elements contained therein.
<i>SCPC-10</i> 3.2.22	10. The Town should review the Planning Commission Guidelines particularly related to universal design and include into the Form Based Code practical elements contained therein.
<i>SCPC-11</i> 3.2.2	11. The Town should review the Suffolk County Planning Commission publication on Managing Stormwater-Natural Vegetation and Green Methodologies and include into the Form Based Code practical elements contained therein.

- The Suffolk County Planning Commission Guidebook for policies and guidelines can be found on the internet at the below website address:  
<http://www.suffolkcountyny.gov/Home/departments/planning/Publications%20and%20Information.aspx#SCPC>

Adopted Reso 2015-950 Riverside Revitalization Action Plan/Zoning

COMMISSION ACTIONS ON ADOPTION OF RESOLUTION

	AYE	NAY	RECUSED	ABSENT
ACCETTELLA Jr., RAMON – Town of Babylon	X			
CALONE, DAVID – Chairman, At Large	X			
CASEY, JENNIFER - Town of Huntington	X			
CHARTRAND, MATTHEW - Town of Islip	X			
CHU, SAMUEL – At Large				X
ESPOSITO, ADRIENNE - Villages over 5,000	X			
FINN, JOHN - Town of Smithtown				X
GABRIELSEN, CARL - Town of Riverhead				X
GERSHOWITZ, KEVIN G.- At Large				X
KAUFMAN, MICHAEL - Villages under 5,000	X			
KELLY, MICHAEL – Town of Brookhaven				X
PLANAMENTO, NICHOLAS - Town of Southold	X			
ROBERTS, BARBARA Town of Southampton				X
KRAMER, SAMUEL – Town of East Hampton	X			

Motion: Commissioner Kaufman

Present: 8

Seconded: Commissioner Accettella

Absent: 6

Voted: 8

Recused: 0

DECISION: Conceptual Approval

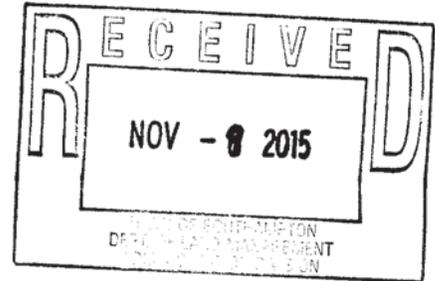


Jeffrey W. Szabo  
Chief Executive Officer

Administrative Offices: 4060 Sunrise Highway, Oakdale, New York 11769-0901  
(631) 563-0353  
Fax: (631) 563-0370

November 4, 2015

Kyle Collins  
Town Planning & Development Administrator  
Town of Southampton  
116 Hampton Road  
Southampton, NY 11968



Re: DGEIS- Riverside Hamlet Revitalization, Town Southampton

Dear Mr. Collins:

The Suffolk County Water Authority (SCWA) would like to thank you for the opportunity to comment on the recently adopted DGEIS for the Riverside Hamlet Revitalization project.

As you know, representatives of SCWA met with Chic Voorhis, a project consultant with Nelson & Pope to discuss the scope of the project. While SCWA does not object to the project or anticipate any water quality impacts at this time due to the proposed project, more information on the theoretical build out would be needed to determine anticipated water supply demand and evaluation of existing and future infrastructure improvements.

SCWA-1  
3.2.3

It is anticipated that the consultant will be providing SCWA with additional information on the theoretical build out and that another meeting may be necessary to discuss this additional information as well as the other discussion points outlined in the DGEIS document.

I look forward to working with you on this project and may be reached at 631-563-0353 if you would like to discuss this matter further.

Very truly yours,

A handwritten signature in black ink that reads "Jeffrey W. Szabo".  
Jeffrey W. Szabo

JWS:kk

cc: James Gaughran, Chairman, SCWA  
Joseph Pokorny, Deputy CEO Operations, SCWA