



Final Generic Environmental Impact Statement
Riverside BOA, Revitalization Plan and Zoning Amendments
Hamlet of Riverside, Town of Southampton, Suffolk County, New York



December 2, 2015

FINAL GENERIC ENVIRONMENTAL IMPACT STATEMENT

Riverside BOA, Revitalization Action Plan and Zoning Amendments Town of Southampton Suffolk County, New York

SEQRA Type I Action
Classification:

Lead Agency: Town of Southampton, Town Board
116 Hampton Road
Southampton, New York 11968

For Information Office of the Town Clerk
Contact: Town Hall, Town of Southampton
116 Hampton Road
Southampton, New York 11968
Contact: Sundry Schermeyer, Town Clerk
(631) 287-5740

Prepared by: *(Environmental Analysis & Planning)* *(Input, Review and Coordination)*
Nelson, Pope & Voorhis, LLC Town of Southampton
572 Walt Whitman Road 116 Hampton Road
Melville, New York 11747 Southampton, NY 11968
Contact: Carrie O'Farrell, AICP Contact: Kyle P. Collins, AICP
(631) 427-5665 631-702-1800

(Traffic Engineering) *(Riverside Revitalization Action Plan,*
Nelson & Pope, LLP *Code Amendments, Coordination)*
572 Walt Whitman Road Master Developer
Melville, New York 11747 Renaissance Downtowns
Contact: Osman Barrie, PE 9 Gerhard Road
(631) 427-5665 Plainview, New York 11803
Contact: Sean McLean, V.P. Planning
and Development
516-433-9000

(Fiscal and Economic Analysis)
Urbanomics
115 Fifth Avenue
New York, NY 10003
Contact: Tina Lund, AICP, Principal

This document, along with the Draft Generic Environmental Impact Statement (DGEIS), represents the Final Generic Environmental Impact Statement (FGEIS) for the subject action. Copies are available for public review and comment at the Town of Southampton Clerk's Office, 116 Hampton Road, Southampton, NY 11968. Comments on the FGEIS should be submitted to the Lead Agency listed above by _____ to be included in the public record and considered in the Findings Statement.

Date FGEIS Accepted: _____

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**SECTION 1.0
INTRODUCTION**

1.0 INTRODUCTION

1.1 Purpose of this Document

This document is the Final Generic Environmental Impact Statement (FGEIS) for the adoption of the Riverside Brownfield Opportunity Area Step II Nomination Study (BOA Study), Riverside Revitalization Action Plan (RRAP), Town Zoning Map Amendments and Town Zoning Code Amendments creating the Riverside Overlay District (ROD) and its seven Overlay Zones (collectively referred to as “the Proposed Action”). The above documents are included in the Draft Generic Environmental Impact Statement (DGEIS), which is available for review at the Southampton Town Clerk’s Office (Southampton Town Hall, 116 Hampton Road, Southampton), the Riverhead Free Library (330 Court Street, Riverhead) and online at the Town’s website¹ and are hereby incorporated into this FGEIS by reference. The potential impacts resulting from the adoption of the Proposed Action were analyzed in the DGEIS, impact avoidance and mitigation strategies were identified, and Action alternatives were considered.

In July 2015, the Town accepted the RRAP, which included the draft Town Zoning Map Amendments and Town Zoning Code Amendments creating the ROD (here after “zoning amendments” or “Overlay District”) for public review. On August 20, 2015, an Environmental Assessment Form (EAF) Part 1 was submitted to the Southampton Town Board for the Proposed Action. The Town Board accepted the EAF, tentatively identified the Proposed Action as a Type I Action pursuant to the State Environmental Quality Review Act (SEQRA), and began Lead Agency coordination on August 25, 2015. EAF Parts 2 and 3 were subsequently prepared and on September 24, 2015, the Southampton Town Board officially assumed “Lead Agency” status, formally identified the Proposed Action as a Type I Action, determined that one or more significant environmental impacts may result from the Proposed Action, and issued a Positive Declaration pursuant to SEQRA (all previous SEQRA documents provided in the DGEIS). A New York State Department of Environmental Conservation (NYSDEC) Environmental Notice Bulletin (ENB) Positive Declaration notice was subsequently filed with the NYSDEC and applicable materials were distributed in accordance with SEQRA’s preparation, filing, publication, and distribution requirements as set forth under Section 617.12 of SEQRA.

A DGEIS, together with an updated version of the proposed ROD zoning amendments was submitted to the Southampton Town Board (Lead Agency) for review and the DGEIS was accepted by the Town Board as adequate for public review on October 13, 2015 (see **Appendix C-1**). Following the determination that the DGEIS was complete in terms of its scope and content and therefore adequate for public review, the Lead Agency announced it would accept written public and agency comments on the DGEIS and Proposed Action until the close of the public comment period on November 12, 2015. A Notice of Acceptance of a Draft GEIS and Public Hearing for the subject Action was then published in the NYSDEC ENB on Wednesday October 21, 2015 (**Appendix C-2**) and the hearing was properly noticed in *The Southampton*

¹ The Draft GEIS can be reviewed online at the Town of Southampton, NY’s official website by navigating to “Your Government>Town Studies & Reports or by connecting to the following web address:
<http://www.southamptontownny.gov/Archive.aspx?AMID=66>

Press, a newspaper of general circulation in the area, 14 days prior to the hearing (**Appendix C-3**).

The DGEIS, including the BOA Study, RRAP, ROD, and all other graphic and written materials is hereby incorporated into the FGEIS by reference and together comprise the FGEIS for the Proposed Action. The DGEIS and FGEIS have been prepared in accordance with the standards and policies of SEQRA and its implementing regulations in Part 617, Title 6 of the New York Code of Rules and Regulations (6 NYCRR Part 617). As required, this FGEIS identifies and addresses all substantive written comments and questions received from the public and involved and interested agencies during the required 30-day public comment period, as well as all substantive and related verbal comments entered into the record at the October 29, 2015 public hearing.

Preparation of this FGEIS represents the penultimate step in the New York State environmental review process and provides the foundation for the Lead Agency to prepare its SEQRA Findings Statement and render a final decision in this matter. The FGEIS also specifically provides the public and involved and interested agencies with:

- information regarding the proposal under review;
- a summary of written and verbal comments received during the designated public review and comment period;
- the source of each comment (hearing, letter or email);
- Lead Agency responses to all substantive comments received during the designated public review stage;
- any necessary corrections or modifications to the DGEIS;
- analyses of the Action's potential environmental effects; and
- any additional methods and approaches identified for mitigating Action impacts that may have not been previously identified.

Pursuant to SEQRA Part 617.11(a), following acceptance of this FGEIS by the Lead Agency, a minimum 10-day review period will be provided during which the public and governmental review agencies may consider the FGEIS before the Lead Agency issues its SEQRA Findings Statement and final decision for the Action.

1.2 Organization of this Document

Section 2.0 of this document presents a description of all proposed refinements on the proposed zoning amendments based on public comments, which are provide in their entirety in **Appendix D**. All changes are shown in a tracked changes (redline) format so the reader can easily see the proposed modifications. These mainly involved clarifications to definitions and organizational modifications to provide for a clearer understanding of various code provisions.

Section 3.0 of this document presents all of the substantive written and verbal comments on the DGEIS that were received by the close of the public comment period on November 12, 2015 and provides a reasoned evaluation and response to each. As required by SEQRA, only those

comments that are “substantive” are addressed. Comments that are directed toward the content, scope, subject matter, information, data, tables, figures, analyses, rationale, conclusions, procedures or other substantive aspects of the DGEIS or the documents comprising the Proposed Action are responded to. Comments such as expressions of support or non-support for the Proposed Action with no explanation, support or substantive elaboration are acknowledged but are not responded to.

Appendix A contains the written transcript from the October 29, 2015 public hearing and **Appendix B** contains all written comments received by the Lead Agency from the public and agencies and organizations, respectively, during the 30-day comment period. Each substantive comment or question appearing in the transcript was identified and assigned an identification code based on the speaker’s initials and the order in which the comment or question was presented. Comment codes for the public hearing transcript are listed in **Table 3-1**. Similarly, each written comment or question provided in each written correspondence was identified, and assigned a comment code based on the initials of the organization, agency, or individual who submitted them. **Table 3-2** includes the name of the person who wrote the letter, the person’s affiliation, the date the letter was received, and respective correspondence code. As a result, the identity of the commenter can easily be determined and traced back to the original comment provided in **Appendices A and B**. Also, provided next to comments on the transcript and letters are the sections of the FGEIS that the comment is addressed in.

There were a total of 208 separate comments and questions received on the Proposed Action during the designated 30-day SEQRA public participation phase. This included 104 comments spoken into the record at the public hearing (see hearing transcript) and 13 separate written correspondences from agencies, organizations and the public containing a total of 104 comments. Since comments are addressed by topic and many comments are similar in nature, related comments were grouped together under applicable topics (**Section 3.2.1 – Section 3.2.27**).

The responses provide the additional information necessary for the Lead Agency and other involved agencies in making informed decisions on the Proposed Action and fulfills the obligation of the Lead Agency in completing an FGEIS based upon the requirements of 6 NYCRR Part 617.9 (b)(8) of SEQRA.

SECTION 2.0

REFINEMENTS TO THE DESCRIPTION OF THE PROPOSED VILLAGE ZONING CODE AMENDMENTS

2.0 REFINEMENTS TO THE PROPOSED ACTION

As described in **Section 1.1** of this FGEIS, the RRAP and the draft ROD Zoning Code and Zoning Map amendments were accepted by the Town for public review and input in July 2015. The zoning amendments are necessary to create the Riverside Overlay District and to facilitate the redevelopment initiatives sought in the Riverside Revitalization Action Plan (RRAP, see Appendix A-1 of the DGEIS). The final draft of the ROD zoning amendments are provided in **Appendix D** of this FGEIS and are described in **Section 2.1** below. Input received from the public and involved and interested agencies during DGEIS review and public hearings helped identify issues, necessary clarifications and updates to the proposed ROD to maximize environmental protection, further advance mechanisms for fair share mitigation funds, and provide necessary clarifications in the proposed Code. Section 2.1 provides an overview of modifications to the proposed ROD. The bulk of the revisions to the Code are to provide further clarification and simplification of the code for administrative purposes (i.e., placing standards in table form wherever possible, removing repetitive language and illustrations that were unnecessary or less descriptive were many illustrations that were repetitive or less descriptive were removed, clarified, or moved into Section 330-411 Design Manual). All proposed changes to the ROD zoning amendments are tracked in red (see **Appendix D**), so readers can clearly see the changes that are proposed.

The “Future Actions” section of the DGEIS, which identifies proposed impact avoidance, mitigation strategies and the procedures, thresholds and standards of review for implementation (i.e., development) under the Proposed Action has also been modified in accordance with the additional input received and supplemental investigations performed. A summary of necessary Action refinements are outlined in the subsections below, while the amended Future Actions section is provided in its entirety in **Appendix F** of this FGEIS (note: changes to this Section from the Draft GEIS are shown as underlined text). The Future Actions document and this section (Section 2.0, “Refinements to the Proposed Action”) will be incorporated into the SEQRA Findings Statement at the end of the environmental review process to provide the basis for required impact avoidance and mitigation strategies and procedural and review requirements for future development projects conducted pursuant to the policies and standards of the Riverside Overlay District.

2.1 ROD Text Adjustments

As described above, the following provides a summary of the zoning text amendments and clarifications that are proposed based on the comments received during the public comment period. All proposed changes to the ROD zoning amendments are tracked in red (see **Appendix D**), so readers can clearly see the changes that are proposed. The revisions are as follows:

- **SECTION 330-402 APPLICABILITY**
 - Provision added to ROD restricting the use or availability of the Overlay Zone until such time as a Wastewater Treatment Facility is provided to service the lands or developments.

- **SECTION 330-403 DEFINITIONS**
 - The following definitions were added or modified:
 - The size of Artisan Production was defined as a maximum 15,000 SF, with 30' minimum storefront requirement where Storefront Frontage is required.
 - The Riverside Promenade was defined as Primary Frontage having priority equal to an A street, which will include its length into the aggregate length of a Site or Development Site (changing all of the definitions accordingly).
 - The definition of Height was modified to describe Height as a vertical distance measured from the average elevation of the natural grade along the building's elevation located in a Build-To-Zone of the Primary Frontage, except for properties according to 169-16 and 169-17 of the Town code for Residential and Non-residential Structures in coastal high hazard areas, with lowest floor (including basement) located two feet above the base flood elevation.

- **SECTION 330-407 ROD ZONING STANDARDS MAP**
 - New Streets, Riverside Promenade, Pedestrian Ways, Walkways or Waterfront Boardwalk were conceptually placed on the Zoning Standards Map to represent the intent of connectivity and public access to waterfront areas, where the final location and type of accesses shall be determined during the site application process. The access routes are based on Theoretical Development Scenario schematic.
 - Permitted Arcade Frontage where Storefront Frontage is allowed.
 - Slight modification of the locations of Terminated Vistas and Significant Corners.
 - Eliminated Block numbers and block division lines.
 - Updated Maps and Tiles accordingly.

- **SECTION 330-408 STREET & BLOCK PUBLIC FRONTAGE STANDARDS**
 - Provision added to allow the Planning Board to make the designation of all New Streets to A, B or C streets.
 - A Table was created that illustrates all contingent regulations of Street Types, Public Frontages and Private Frontages, for simplification and clarification purpose.
 - Moved all New Street Standards and renamed as Permitted Travelled Way Types, aligned with the intent of the Standards Map into Section 330-411 Design Manual, and further clarified allowable Street Types per District.

- **SECTION 330-410 TABLE OF PRINCIPAL USES, Figure 330-410-1A**
 - RO-7 (RPL) District added to the table of uses, prohibiting all uses other than Recreational Business, Camping Grounds and Parking Lot.
 - For Retail uses, drive-through was identified as prohibited in all districts, and Special Exception for Retail and Restaurant was changed to Permitted in RO-6.

- For Residential uses, Single Family was added as Prohibited in all districts except in RO-5.
- In Residential uses, Granny-Flat use was added as Permitted in all districts except in RO-1 and RO-7.
- In Cultural Uses, Museum use was changed from Prohibited in RO-4 and Special Exception in RO-6 to Permitted.
- In Recreational/Education, Camping Grounds were added as Permitted only in RO-7.
- Animal Husbandry was added as prohibited in all districts.
- Utilities Use category was changed to Infrastructure and Wastewater Treatment Plant added as a permitted use in all districts except in RO-7 (RPL).
- ***SECTION 330-410 DEVELOPMENT STANDARDS FOR RO-1, RO-2, RO-3, RO-4, RO-5, RO-6, Figure 330-410-8.***
 - Height Stories:
 - The minimum height requirement for RO-3 was changed from 2 stories to one story.
 - Incentive Bonus 2 was eliminated in RO-4 district.
 - Height (feet) value was added to all standards.
 - RO-1: Base Requirement - 35' maximum, RIB1 - 45' maximum, RIB 2 – 55' maximum
 - RO-2: Base Requirement - 35' maximum, RIB1 - 45' maximum, RIB 2 – 50' maximum
 - RO-3: Base Requirement - 35' maximum, RIB1 - 45' maximum, RIB 2 – 50' maximum
 - RO-4: Base Requirement - 32' maximum, RIB1 - 35' maximum
 - RO-5: Base Requirement - 32' maximum, RIB1 - 35' maximum
 - RO-6: Base Requirement - 32' maximum, RIB1 - 35' maximum, RIB 2 – 40' maximum
 - RO-7: No development
 - Sustainable Development Standards have been moved from this table into Section 330-410.J, Sustainable Development Standards
- ***SECTION 330-410.C PRIVATE FRONTAGE TYPES***
 - Eliminated Tables 410-14 Permitted Private Frontage Types , 410-15 Table of Minimum Occupancy Requirements, 410-D Table of Edging Elements, and merged into new Table of Street Types
 - Moved Edging Elements into Section 330-411 Design Manual.
- ***SECTION 330-410. I. PARKING REQUIREMENTS***
 - Clarified that parking can be located in the Build-To-Zone, only if located below grade with ceiling at maximum 4.5 feet above ground (previously 4 feet above ground).
 - Parking requirements were clarified to include all uses from the Table of Uses (see Table 2-1 below):

**Table 2-1
PROPOSED ROD PARKING REQUIREMENTS**

Use	Proposed ROD Parking Requirements
<i>Retail Uses</i>	
Retail	3 spaces/1,000 SF
Restaurant	3 spaces/1,000 SF
<i>Office Uses</i>	
Office/Professional Service/Business Incubator	2 spaces/1,000 SF
Medical Office	2 spaces/1,000 SF
<i>Residential</i>	
Residential	1 space/unit
<i>Hospitality</i>	
Hotel	1 spaces/unit
Inn/Bed & Breakfast	1 space/unit
Adult /Residential Care	1 space/5,000 SF
<i>Recreation & Civic Uses</i>	
Performing Arts Theater	2 spaces/1,000 SF
Library	1 space/1,000 SF
Schools/Education Facilities	1 space/1,000 SF
Recreation Facilities	1 space/1,000 SF
<i>Light Industrial & Warehouse</i>	
Artisan Production	2 spaces/1,000 SF
Research & Development	2 spaces/1,000 SF
Document/Misc. Storage	1 space/5,000 SF
Data Information Center	1 space/5,000 SF

- **SECTION 330-410. J. SUSTAINABLE DEVELOPMENT REQUIREMENTS**
 - In addition to already described standards, requirements were added to address various comments and SEQRA mitigation measures, and the new table created:

**Table 2-2
SUSTAINABLE DEVELOPMENT REQUIREMENTS**

		BASE	RIB1	RIB2
ALL DISTRICTS	Reduce Impacts to Water Resources	All new development within ROD must connect to an approved Wastewater Treatment Facility that provides advanced nitrogen treatment reduction capabilities.		
		Maximum 15 % of the site may be planted with fertilizer dependent vegetation; Limiting landscaped areas that will require irrigation, fertilization and pesticide applications by Retaining natural vegetation to the maximum extent possible and revegetating areas that have been disturbed during the construction process but will remain undeveloped with native or well-adapted non-invasive species;		
	Reduce Water Use (See 410.J.1)	Reduce indoor water use 20% below baseline (use of low flow fixtures, fittings and appliances)		
	Outdoor Potable Water Consumption (See 410.J.2)	Reduce potable water consumption for outdoor landscape irrigation by 50% from a calculated midsummer baseline case (use of plant species, density and microclimate; irrigation efficiency; water reuse)		
	Heat Island Reduction (See 410.J.3)	Heat Island reduction for 50% of the non-roof site hardscape providing increased shade and permeable coverage. Install “Green” roof for at least 50% of roof area, OR, use roofing materials with low Solar Reflectance Index for 75% of roof		
	Provision of Open Space Requirement	Provide 10% of Development Site area as Public Open Space		
		Provide 5% of Development Site area requirement as Private Open Space		
	Stormwater Management	Use of pre-treatment of stormwater runoff prior to infiltration using “green infrastructure” practices such as vegetated swales, filter strips, rain gardens, green roofs other best management practices (BMPs) in accordance with the New York State Stormwater Management Design Manual and the Suffolk County Planning Commission Managing Stormwater Guide.		
	Reduce Carbon Emissions	Provide Public frontages to encourage pedestrian activity		
		Provide bicycle parking racks for residents, visitors and employees (See 410.K)		
Provide parking as required (for Base Requirements)		Provide PMP and increase car sharing (for RIB1 & RIB2)		

		BASE	RIB1	RIB2
	Clearing	Contribution to a Riverside Pine Barrens Preservation Fund to advance benefits to natural vegetation in the Central Pine Barrens		
		Ensure that existing quality contiguous natural pine barrens habitat is retained in the Study Area through design		
		Advance wastewater treatment opportunities, nitrogen removal, stormwater management, other technologies that will improve water quality in the Pine Barrens and resultant water quality in the Peconic Bay system, consistent with the Legislative Findings and Intent of Article 57		

- **SECTION 330-411 DESIGN MANUAL**
 - Permitted Travelled Way Types
 - Moved New Streets Standards and renamed as Permitted Travelled Way Types, aligned with the intent of the Standards Map.
 - Modified Figure 408-A-5, and changed from “Table of Permitted Street Types” to “Table of Permitted New Streets.”
 - Changed Table to permit travelled way types as A, B, or C streets or as pedestrian walkways or waterfront promenades or boardwalks in each district rather than permitting them in general.
 - Changed “ROW” column to a minimum based on minimum width of each component rather than one dimension.
 - “Landscaping” column was added to determine what type of landscaping is permitted along each travelled way type
 - A description was added below the Table to describe purpose
 - A street sections legend was added to the travelled way diagrams with descriptions and minimum widths of each component
 - The Travelled Way Type diagrams were updated to improve clarity and address comments, as well as to reflect the following:
 - Added “Avenue A-4”
 - Changed “Mews” to “Pedestrian Way”
 - Changed “Walkway” to “Waterfront”
 - Added “Walkway WK-1”
 - Public Frontage Design Standards
 - Public Frontage components description was added into Section 330-411 Design Manual
 - Modified dimensional Standards for Pedestrian Clearway
 - Landscape requirements were added to Section 330-411 Design Manual
 - Civic Open Space Types were moved into Section 330-411 Design Manual
 - Private Frontage Design Standards
 - Edging Elements were moved into Section 330-411 Design Manual
 - 409.I Private Open Space was moved into Section 330-411 Design Manual
 - Architectural Standards
 - Private Frontage Type Standards were moved into Section 330-411 Design Manual
 - 410.E Significant Corner and 410.F Terminated Vista were moved into Section 330-411 Design Manual
 - 410-B.5 Expression Line were moved into Section 330-411 Design Manual
 - Added additional Architectural Standards
 - Moved 410.L Sign Regulations into Section 330-411 Design Manual

2.2 Fair Share Mitigation and Community Benefit Fund

The DGEIS includes a discussion of two sources of funding for Town initiatives to improve the social and environmental conditions in Riverside. The ROD code amendments have also been updated to require Fair Share Mitigation for developments approved under the ROD in order to offset the potential capital costs of mitigations identified during this SEQRA process. Additionally, Community Benefit Fees will be paid to promote the socioeconomic wellbeing of the residents of the area.

In determining the Fair Share Mitigation payments to be collected in connection with applications submitted under the ROD, the Town seeks to create a stream of revenue that would cover the projected capital costs of mitigating the anticipated impacts identified by the SEQRA process. The major categories of Fair Share Mitigation costs calculated by the Town based on the anticipated impacts are described below. It should be noted that the actual allocation of the Fair Share Mitigation Payments to the Town will depend on the actual amount of development realized under the ROD. Necessary capital improvements and mitigation will be completed to accommodate the future development corresponding to actual needs as site specific developments are planned and as determined necessary by each entity.

Fair Share Environmental Mitigation Fund: Based on the importance of the Peconic Estuary and the Pine Barrens CLUP the Town is proposing several ways which it may proactively mitigate potential impacts in these areas and generally improve these important ground and surface water environments. In total, approximately \$4.6 million is estimated to be allocated to the improvement of these based on the full Theoretical Development Scenario over the 10-year projection period. The Town will allocate funding where appropriate over time however it is anticipated that 50% will be used in support of the Pine Barrens and 50% toward projects in support of the health of the Peconic Estuary, including but not limited to wetlands restoration projects. Additional benefits (not mitigation) may include a public recreation fee that is dedicated for construction of the promenade access to the Riverfront and support for the maritime trail program on public lands.

Fair Share Mitigation of Traffic Impacts: The flow of traffic examined by the Town in the DGEIS. It is estimated that the total cost of these improvements will be approximately \$500,000 and \$1,000,000. This cost includes funding for the Town to acquire land and/or construct limited amounts of new interior circulation roads if necessary.

Community Benefit Fund toward Social Impacts: Significant Social Equity Investments into the Riverside Community are necessary to provide a safe, inviting and buildable environment. Since the current economic and socioeconomic conditions detailed in the RRAP and the DGEIS go beyond the limits of zoning and building forms, the new development under the ROD presents the opportunity to contribute toward addressing the current and ongoing needs of the Flanders/Riverside/Northampton area. The Community

Benefit Program therefore should include funding for anti-recidivism programs, anti-human/drug trafficking programs, support for residents looking to recover from addiction and find alternatives to prostitution, as well as other programs such as relocation assistance for residents who are displaced through future development resulting from this action. The allocation is estimated to be approximately \$4.6 million, based on the full Theoretical Development Scenario over the 10-year projection period.

Fair Share Mitigation Fee Calculation

To determine the required fee payment for a proposed application in accordance with the Riverside Overlay Districts, the first step will be to determine the total net rentable square footage of the project. The total net rentable square footage will be multiplied by the then-applicable per square foot Fee Amount for each Fee Category (see **Table 2-3**). Finally, the applicable Fee Amounts derived will be summed to determine the total payment due for the applicable project.

The Per Square Foot Fee Amounts, which will be increased by three percent every year, starting on the first anniversary of the issuance of a site plan approval for the wastewater treatment plant serving the proposed ROD (and on each anniversary thereafter) are provided in **Table 2-3**:

**TABLE 2-3
PER SQUARE FOOT FEE AMOUNTS**

Per SF Fee Amount	Fee Category
\$1.25	Fair Share Environmental Mitigation
\$0.25	Fair Share Traffic/Road Improvements
\$1.25	Community Benefit Program

Table 2-4 provides an example of how the Fair Share Mitigation fees would be calculated for a sample project.

**TABLE 2-4
 SAMPLE FEE CALCULATION**

Sample Calculation and Steps	
Step 1	Take 175,000 net rentable SF of Mixed-Use/Residential space and multiply it by the relevant Per SF Fair Share Environmental Mitigation Amount. This amount equals \$218,750.
Step 2	Take 175,000 net rentable SF of Mixed-Use/Residential space and multiply it by the relevant Per SF Fair Share Mitigation Amount for Traffic/Road Improvements. This amount equals \$43,750.
Step 3	Take 175,000 net rentable SF of Mixed-Use/Residential space and multiply it by the relevant Per SF Community Benefit Program Fee. This amount equals \$218,750.
Step 4	Add the results of steps 1-3 (\$218,750 + \$43,750 + \$218,750)
The resultant Fair Share Mitigation Payment due in connection with the project equals \$481,250.	

Based on the best available current information, the total identifiable mitigation/community benefit funding which could be available associated with the full build-out of the Theoretical Development Scenario is estimated to be approximately \$10.25 million (see **Table 2-5** below). In addition, these funds could be leveraged as matching fund requirement for grant programs, thereby significantly increasing the potential availability for funding these projects. It is noted that the total fees ultimately collected will be based on the amount of development which ultimately is approved and constructed.

All Fair Share Mitigation payments made by applicants opting into the ROD will be allocated to separate accounts according to each Fair Share Mitigation Category to be administered by the Town. Payments may be phased with 50% paid as a condition of the Site Plan approval, and 50% prior to issuance of a Certificate of Occupancy.

**Table 2-5
POTENTIAL FAIR SHARE MITIGATION FEES BASED ON
10-YEAR THEORETICAL DEVELOPMENT SCENARIO BUILD OUT**

Potential Fees To be Paid by New Development Based on the 10 Year Full Buildout of the TDS												
	Fee/SQFT	Yr1	Yr2	Yr3	Yr4	Yr5	Yr6	Yr7	Yr8	Yr9	Yr10	Total
SQFT of Development		315,800	315,800	315,800	315,800	315,800	315,800	315,800	315,800	315,800	315,800	3,158,000
Environmental Mitigation	\$ 1.25	\$ 406,593	\$ 418,790	\$ 431,354	\$ 444,295	\$ 457,623	\$ 471,352	\$ 485,493	\$ 500,057	\$ 515,059	\$ 530,511	\$ 4,661,127
Community Benefit Program	\$ 1.25	\$ 406,593	\$ 418,790	\$ 431,354	\$ 444,295	\$ 457,623	\$ 471,352	\$ 485,493	\$ 500,057	\$ 515,059	\$ 530,511	\$ 4,661,127
Traffic/Roads	\$ 0.25	\$ 81,319	\$ 83,758	\$ 86,271	\$ 88,859	\$ 91,525	\$ 94,270	\$ 97,099	\$ 100,011	\$ 103,012	\$ 106,102	\$ 932,225
Total Fees Paid by Development	\$ 2.75											\$ 10,254,480

SECTION 3.0

COMMENTS AND RESPONSES

3.0 COMMENTS AND RESPONSES

3.1 Introduction

This section addresses the questions and comments received from the public and involved and interested agencies during the public participation and agency review process for the BOA Step II Nomination Study, RRAP, DGEIS and proposed Zoning Map and Code amendments (i.e., Proposed Action). It contains questions and comments spoken into the record during the October 29, 2015 public hearing held at Phillips Avenue Elementary School, 141 Phillips Avenue, Riverside, as reflected in the Public Hearing Transcript provided in **Appendix A** of this FGEIS, as well as written correspondences submitted to the Lead Agency (the Southampton Town Board) from involved and interested agencies and the general public within the designated 30-day comment period which began October 13, 2015 and ended November 12, 2015 (**Appendix B**).

Table 3-1 lists the names, affiliations, and speaker identification codes for substantive questions and comments received during the October 29th Public Hearing. **Table 3-2** provides a list of written correspondences received by the Lead Agency during the designated public review and written comment period, including the name of the person who authored the correspondence, their affiliation, date of correspondence, and assigned comment code for easy reference.

Table 3-1
VERBAL COMMENTS ENTERED INTO THE OFFICIAL RECORD
Public Hearing Held October 29, 2015*

<i>Name</i>	<i>Affiliation/Organization/Residency</i>	<i>Speaker ID Codes</i>
Kevin McAllister	Defend H2O	KM1-KM5
Liz Bard	Education Coordinator for Children’s Museum of the East End	LB1-LB2
Unidentified Speaker Nick Polumbo (phonetic)	On Behalf of Suffolk Community College, Eastern Campus	US1
Lisa Lowenstein	Advisor to Barnaby Evan’s, Founder of Waterfire™	LL1-LL5
Francesca Martinez	Resident Involved with the Project	FM1-FM2
Susan Koukounas	President of the Board of Education for Riverhead School District	SK1-SK2
Reverend Jesus Marte	Pastor of local church	RJM1-RMJ2
Christine Prete	Bay View Pine Civic Association Board	CP1-CP15
Sandy Adams	President of Riverwoods Civic Association	SA1
Michelle Schaefer	Resident Manager and Acting Representative of Riverwoods Mobile Home Community Management Company	MS1-MS5
Mike Bruno	Resident	MB1-MB4
Susan Tocci	Resident	ST1-ST5
Ann Cotton-Degrass	Riverhead Board of Education	ACD1-ACD2
John Locascio	Manager of Parkview Community	JL1-JL4

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<i>Name</i>	<i>Affiliation/Organization/Residency</i>	<i>Speaker ID Codes</i>
Dawn Gilliam	Resident	DG1-DG4
Rose Nigro	Flanders Resident	RN1
Dave Cook	Flanders resident and Pastor at Calvary Baptist Church, Riverside	CD1
Julia Halsey	Flanders Resident	JH1-JH2
Donna Stovall	Resident	DS1-DS5
Alex DiJulio	Artist and Business Owner from Southampton	AD1-AD2
Theodora Cohen	Riverside Business Owner and Riverhead Resident	TC1-TC5
Neil Young	Resident of Flanders	NY1-NY2
Kathy Krueel	Flanders Resident, Founder of Flanders Neighborhood Watch	KK1
Nikki Sacco	Resident, Bayview Pines Board	NS1-NS3
Larry Ochsmith	Remsenburg Resident, Works in Downtown Riverhead	LO1-LO2
Robert Brown	Riverside Resident	RB1-RB2
Peter Bolman	Unspecified (Believed to be a Resident)	PB1
Chris Sheldon	Past Affiliations with Riverside Economic Development Committee, FRNCA and CAC	CS1
Vince Taldone	President of Flanders-Riverside-Northampton Community Association	VT1-VT2
Courtney Surmanek	Assistant Director of Suffolk Long Island Mentor and Mentee	CS1
Angela Huneault	Riverside Resident and Assistant Liaison with Riverside Rediscovered	AH1
Andrew Silvoy	Resident	AS1-AS7
Sivi Regis (phonetic)	Resident	SR1
Siris Barrios	Community Liaison for Riverside Rediscovered	SB1
Raymond Overton	Southampton Town Trustees Resident of Westhampton	RO1-RO2
Scott Horowitz	Southampton Town Trustees	SH1
Ron Fisher	Unspecified (Believed to be a Resident)	RF1

*See complete public hearing transcript provided in **Appendix A**.

Table 3-2
WRITTEN COMMENTS RECEIVED DURING THE DGEIS REVIEW PERIOD
October 13, 2015—November 12, 2015

Written Correspondences Received from Involved and Interested Agencies			
<i>Author</i>	<i>Affiliation/Agency/Residency</i>	<i>Date</i>	<i>Written Comments Codes</i>
Ruth L. Pierpoint	Deputy Commissioner for Historic Preservation New York State Office of Parks, Recreation and Historic Preservation	10/23/15	OPRHP1-OPRHP4
Andrew Freleng	Chief Planner, Suffolk County Department of Economic Development and Planning and Suffolk County Planning Commission	11/5/15	SCPC1-SCPC11
Jeffery W. Szabo	Chief Executive Officer, Suffolk County Water Authority	11/4/15	SCWA1
George W. Hammarth	Deputy Regional Permit Administrator, NYSDEC, Division of Environmental Permits, Region 1	11/12/15	DEC1-DEC8
John W. Pavacic	Executive Director, Central Pine Barrens Joint Policy and Planning Commission	11/19/15	PBC1-PBC42
Julie Hargrave	Principal Environmental Planner, Central Pine Barrens Joint Policy and Planning Commission	10/5/15	PBC43-PBC55
Planning Department Staff	On Behalf of the Town of Southampton Planning Board	11/19/15	SPB1-SPB4
Bridget Fleming	Concilwoman, Town of Southampton	11/17/15	BF1-BF10
Written Correspondences Received from the Public or Private Organizations			
<i>Author</i>	<i>Affiliation/Agency/Residency</i>	<i>Date</i>	<i>Written Comments Codes</i>
Pauline Sandmann	President of Mobile/Manufactured Homeowners Association, Suffolk, Inc. and resident of Riverwoods MHP in Riverside	10/29/15	PS1
Dede Gotthelf	Catcove Corp/Property Owner	11/10/15	DDG1-DDG6
Vince Taldone	President of Flanders, Riverside and Northampton Community Association	11/10/15	FRNCA1-FRNCA6
Vince Taldone	President of Flanders, Riverside and Northampton Community Association	11/11/15	FRNCA7
Lorraine Paceleo	Resident of Flanders	11/24/15	LP1

3.2 Specific Comments

A summary of the questions and comments received by the Lead Agency and the Lead Agency's responses to each is provided below. Questions and comments are grouped by topic to facilitate discussion, reduce redundancy and provide for more comprehensive and informative responses. Questions and comments are excerpted, summarized and/or paraphrased from the public hearing transcript and written correspondences to provide greater clarity and succinctness. In instances where the speaker or written correspondence expresses general support without further

elaboration, the comment is identified as “acknowledged.” The entire October 29, 2015 Riverside BOA, Revitalization Action Plan and Zoning Amendments public hearing transcript is provided in **Appendix A**. **Appendix B** contains the written correspondences received from the public and involved and interested agencies.

3.2.1 Sewage Treatment and Water Quality Protection

***Comment KMI:** The Board is well aware that I've been speaking to wastewater issues for probably ten years now. When I reviewed the Action Plan, I made a visual beeline for the section on sewage treatment. I have one word: “Stupendous.” I think it's outstanding what is being proposed. The wetland system (Living Machine) discussed in the RRAP is outstanding -- not necessarily across the country, but in our region. Any support in advancing this living system (Living Machine) -- I'm there to help because I'm a big, big advocate and I really applaud this Board and Mr. McLean for hatching this and having such a model project*

Response: Comment acknowledged. The Town, Master Developer and project consultants have identified potential issues and impacts related to sewage generation, treatment and disposal and have identified preliminary approaches to address these issues. The Town and project team will continue to work with the community and involved and interested agencies through the implementation of the Proposed Action to find the best solutions and ensure that future residents and businesses are properly served and the environment is protected. Elimination of outdated on-site cesspools and septic systems and connection of new buildings to one or more advanced sewage treatment facilities that are approved or acceptable to the state, county and town will help in significantly mitigating sewage related impacts.

***Comment SPB4:** The Planning Board suggested that 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.*

Response: The GEIS is provided to assess the potential impacts of the adoption of overlay zones and other related land use decisions. The adoption of zoning in conformance with the Riverside RAP will facilitate future actions that includes focused examination of wastewater treatment. It is noted that no meaningful redevelopment and resultant revitalization can occur without wastewater treatment. Under current conditions, projects on sites within the Study Area are limited to Article 6 allowable flow and/or grandfathered flow, and must not exceed these limitations without Board of Review approval or wastewater treatment. The adoption of overlay zoning will facilitate the coordination between Town, county, state and federal branches of government for the necessary feasibility assessment, locational analysis, technology identification, design, approval process and funding for wastewater treatment. The GEIS serves to provide an identification of water resource impacts related to sanitary wastewater disposal and examines mitigation and alternatives on a preliminary basis. The DGEIS findings indicate that wastewater treatment of proposed and existing uses in the Study Area will reduce water quality impacts due to pre-existing uses that exceed Article 6 density criteria (see DGEIS Section 4.2.3). Alternatives including connection to existing treatment facilities, potential wastewater treatment

site locations, separated treatment and discharge locations, technologies including “Living Machine” and wetland creation for effluent polishing and discharge as well as constraints associated with these alternatives are included in the DGEIS (see DGEIS Section 14.3). The Planning Board comment is best addressed through the adoption of the overlay zoning and related land use decisions, which will provide the ability to conduct the focused assessment needed to resolve needed wastewater treatment to achieve revitalization of Riverside.

***Comment KM2:** Looking at and addressing stormwater and its reuse, water conservation (both quality as well as quantity) will be a challenge for us going forward. Water quality already is. Quantity will be with respect to sea level rise. So, all the key elements relative to water management are here. ...And aside from all the other components in this, which are certainly not my expertise (my expertise is in water issues), really set the bar high bar; particularly in this region, relative to revitalization, and the renaissance that’s occurring.*

Response: Comment acknowledged. Section 4.1 and 4.2 of the DGEIS address water resources including surface water, wetlands, drainage, FEMA flood zones and groundwater. Consideration is given to ensuring adequate elevation of development above the water table, adequate depth to groundwater for drainage installation, construction above flood plain elevations and proper design with respect to future sea level rise. Section 410.J of the proposed ROD zoning amendments provides standards for Reduction of Potable Water Use (for both indoor and outdoor water consumption), Reduction of Impacts to Water Resources (requirement for connection to Wastewater Treatment Facility with nitrogen treatment reduction and limiting landscaped areas that will require irrigation, fertilization and pesticide applications to a maximum 15% of the landscaped areas), Heat Island Reduction (reduction of site hardscape through provision increased shade and permeable coverage and installation of “Green” roof for at least 50% of roof area, or, use roofing materials with low Solar Reflectance Index for 75% of roof area), Provision of Open Spaces (10% as Public Open Space and 5% as Private Open Space), Stormwater Management (Use of pre-treatment of stormwater runoff prior to infiltration using “green infrastructure” practices such as vegetated swales, filter strips, rain gardens, green roofs other best management practices), Reduction in Carbon Emissions (encouraging walkability through provision of Public Frontages, provision of bike parking racks for residents and storage areas, and reduction of parking areas through required shared parking strategies) and Clearing requirements (that require contributions to Riverside Pine Barrens Fund, assurance of contiguous natural pine barrens habitat and use of advanced technologies in removal of nitrogen). The proposed zoning will help to create a compact walkable mixed use community that offers bus service and is relatively close to the Riverhead train station. The project involves the use of advanced sewage treatment which will include the cleanup of hazardous redevelopment sites, which all have a positive influence over the creation of a clean and more sustainable community. Stormwater will be controlled using catch basin and leaching pool design that meets state and local requirements, along with bioretention methods, such as rain gardens, vegetated swales, and retention of natural areas. Limitations on clearing and the planting of non-fertilizer and irrigation dependent landscaping and shade trees will also help to limit irrigation demands, reduce the heat island effect, provide shade to reduce cooling loads.

Sustainable revitalization is a central tenet of the Riverside RAP and GEIS (see DGEIS, Appendix A-1).

***Comment CP3:** There will be a lot of residential units. Will there be a sewage treatment facility?*

Response: An advanced sewage treatment facility will be used to treat wastewater from new projects which are developed under the optional overlay zones.

***Comment CP8:** Homeowners can't afford to do what Southampton wants them to do with septic systems and everything else. The government needs to start putting infrastructure in place.*

Response: Individual existing homeowners will not bear the cost of new development for the revitalization of Riverside. Costs associated with the construction of sewage treatment facilities and connecting new construction to these facilities will be paid for through grants, other funding, inter-governmental efforts, and through contribution and connection fees associated with development projects. Future development will also be required to connect to the public water delivery system which is currently available in the area. Developers will have the responsibility of extending water lines and connecting new development to these facilities. Additional needed infrastructure will be identified through communication with the water purveyor, and cooperative and shared costs will be defrayed through new development projects if needed.

***Comment PBC28:** 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.*

Response: The DGEIS recognizes that potential density associated with the TDS, and in fact, any density exceeding Article 6 (other than as approved by the Board of Review) will need to connect to wastewater treatment facilities. SCDHS has protocols with respect to sanitary system abandonment upon connection to an STP. Future actions will be required to conform to these protocols.

***Comment PBC29:** The GEIS should indicate the proposed total flow of the proposed sewage treatment plant (e.g., 500,000 gpd, 1 million gpd).*

Response: There is no specific proposal for a sewage treatment plant at this time. Additional study of treatment feasibility, project sponsor, location, capacity, engineering and design, plans and specifications, funding, district establishment, permitting and construction will be needed and will be reviewed under SEQRA. The TDS provides a basis for analysis of water resource impacts and potential wastewater treatment. The DGEIS identified sanitary flow for new development to be 538,065 gpd, and sanitary flow from remaining existing development to

be 171,072 gpd, with a total of 709,137 gpd. The proposed total flow of future planned wastewater treatment facilities will be determined through further study as noted above.

***Comment KM5:** So I can't applaud you loud enough to say what a great job. I'm so impressed. And, you know, I used the word "stupendous," but I have been wowed by this vision and conceptual plan, particularly as it relates to water protection.*

Response: Comment acknowledged.

***Comment SCPC1:** 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 and potential district expansion into the Riverside area.*

Response: The Town and Master Developer conducted meetings with NYDEC, SCDPW and SCDHS during the DGEIS process to explain the Proposed Action (adoption of zoning and related land use decisions), review analysis of water resource assessments, and encourage proactive inter-agency cooperative efforts toward resolving wastewater treatment to achieve revitalization of Riverside. The Town, Master developer and its consultants will continue to work with the above listed agencies. Permits and approvals will be required from the entities to ensure the facilities are sited, constructed, and operated in accordance with state and county requirements and that all discharges meet applicable standards.

***Comment DEC2:** 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.*

Response: The Proposed Action would necessitate the construction of a new wastewater treatment facility as a result of the adoption of the proposed overlay zones and other land use decisions, in order to accommodate new development that exceeds allowable densities under Article 6 of the SCSC. The Riverside RAP which is part of the GEIS (Appendix A-1) identified "Living Machine" wastewater treatment and innovative technologies. The GEIS further examined potential wastewater treatment sites and constraints (Section 14.3) and found limited potential sites and high groundwater constraints within the Study Area. During the October 29,

2015 meeting, the “concept” of advanced treatment with surface water discharge was discussed, as this had emerged through other inter-agency meetings as a potential way to handle effluent volumes due to high groundwater conditions and also provide beneficial wetland creation that would enhance the quality of wastewater effluent. Figure 14-1 from the DGEIS has been revised to illustrate the potential location constructed wetlands in the northeast part of the Study Area, as is described herein (see FGEIS; **Figure 3-1**).

The proposed systems are viable; however, the best location(s), design, treatment technologies and other factors will require additional study as a future action. As noted in response to Comment SCPC1 above, the Town and Master Developer will continue dialogue with respect to wastewater treatment and permitting through the New York State Department of Environmental Conservation (NYSDEC) and other agencies.

***Comment DEC8:** 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.*

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 DEIS. 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.

Response: This comment is acknowledged. Specific wastewater treatment studies will obtain the necessary SPDES permit as administered by SCDHS, and will include further examination of pre and post nitrogen load to groundwater to ensure compliance with the Peconic Estuary TMDL. The potential for discharge of tertiary treated wastewater through a created wetland system would be further examined through specific study of wastewater engineering. The DGEIS provides information to advise the SEQRA process and ultimate decision on the zoning, and will form a basis for further analysis of wastewater treatment once the zoning overlay code is adopted.

Additional analysis of nitrogen loading was performed, and it was determined that a reduced residential unit density and/or providing wastewater treatment for existing developed areas would provide a means to reduce nitrogen loading below what would occur if the Riverside revitalization did not occur. Based on this analysis, the following changes to the TDS and/or the considering of expanded sewerage would provide less nitrogen load than without the project:

- Provide wastewater treatment for 200 existing units for units with design flow of 225 gpd/unit
- Provide wastewater treatment for 150 existing units for units with design flow of 300 gpd/unit
- Reduce density by 1,100 units for units with design flow of 150 gpd/unit
- Reduce density by 750 units for units with design flow of 225 gpd/unit
- Reduce density by 550 units for units with design flow of 300 gpd/unit

Note: any one of these individual changes would reduce nitrogen load to less than existing; combinations of changes could also be considered.

This analysis is preliminary and would be subject to further evaluation once through a wastewater study. Specifically, additional study of treatment feasibility, project sponsor, location, capacity, engineering and design, plans and specifications, funding, district establishment, permitting and construction will be needed and will be reviewed under SEQRA, SC Guidance Memo #28, the TMDL and SPDES permitting requirements.

Nitrogen limitations would be adhered to for the type of discharge, with the goal of reducing nitrogen load within the watershed and conforming to the TMDL as well as Suffolk County Guidance Memo #28. Discharge to created wetlands proximate to surface water may provide multiple benefits of further effluent treatment and nitrogen reduction, and establishment of beneficial wetlands habitat. A target site that has been identified is the dredge spoil area in the northeast part of the Study Area, which is owned by the Town of Southampton. This area would require examination and ecological assessments of quality of existing habitat and measures to improve habitat through created wetlands. Since this involves tidal wetlands and nearby coastal freshwater wetlands, the NYSDEC would be further involved under Article 25 and possibly Article 24. This would involve further coordination with natural resources programs. As noted in response to Comment SCPC1 above, the Town and Master Developer will continue dialogue with respect to wastewater treatment, as well as wetlands management and permitting through the NYSDEC and other agencies.

Comment BF1: *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.*

Response: The Town of Southampton would likely be the sponsor of wastewater treatment initiatives, as this has been identified as a necessity for the redevelopment and resultant revitalization of Riverside, which is a prominent planning goal of the Town. The Master Developer has significant vested interest in ensuring that wastewater treatment can be provided in order to implement the RAP and realize the planning as well as economic development goals of this private entity. The public-private partnership that is formed through the Master

Developer Agreement, is the best vehicle to advance this initiative. Governmental involvement provides a vehicle for grants, funding opportunities, inter-agency involvement and public functions that will advance the project. Private interest involvement provides incentives and ability to defray costs through development profit. A favorable outcome by the Town on the adoption of the proposed overlay zones, would then enable the Town and Master Developer to seek funding and undertake additional study needed to provide wastewater treatment. The strategy would be to provide the most efficient, cost effective and environmentally sound form of treatment and disposal of sanitary waste, while conforming to agency permit requirements and ensuring environmental protection and enhancement of the Peconic Estuary. The time line is not specifically known; however, this revitalization of Riverside is a priority of the Town and it is expected that any such study would proceed subsequent to the zoning approvals. Funding sources may include Town, County, State Environmental Facilities Corporation as well as private contribution to advance the study. It is noted that Suffolk County prepared a preliminary feasibility study for the Riverside area, which illustrates county level government interest which can be revisited in connection with an improved vision for Riverside. Ultimately, the first step is to provide the land use mechanisms under Town zoning to put the redevelopment incentives in place, and this will be followed by public-private partnership initiatives (including wastewater treatment study) to achieve the revitalization that is vitally important to Riverside.

Comment BF2: Describe and analyze specific features of any proposed Sewage Treatment Plant.

Response: It is premature to describe the specific features of any proposed STP at this time. As outlined in above responses, this proposed overlay zoning must be put in place and will be followed by implementation measures which will include identification of specific wastewater location and design of an STP. On a preliminary basis, advanced (tertiary) treatment will be used for nitrogen removal, and one or more locations will be selected for treatment facilities and discharge facilities, either on the same site or separated. The concept of a “Living Machine” as identified in the RAP will be examined, as would potential for creation of constructed wetlands for effluent discharge and habitat enhancement. Also see response to Comments SPB4, DEC8 and BF1 above.

Comment BF3: *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. See e.g., (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.”)*

Response: The RAP and DGEIS recognize that wastewater treatment is required to achieve the density and bonuses identified in the RAP, draft zoning and TDS (which was prepared as a basis for analysis in the GEIS). Also see response to Comments SPB4, DEC8 and BF1 above.

Comment BF5: *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?*

Response: The overlay zoning is optional and would remain an option in the Town Code until such time as wastewater treatment is available. It would not be necessary to retract the density bonus or overlay district provisions since it is recognized that additional redevelopment under the overlay zoning would not occur until wastewater treatment is provided. Also see response to Comments SPB4, DEC8 and BF1 above.

3.2.2 Stormwater/Drainage

Comment SCPC2: *The Town of Southamptton 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.*

Response: The Town, Master Developer, and their consultants are committed to making sure that stormwater runoff is properly controlled to prevent flooding and promote positive drainage that is protective of the environment. The project team has met with the SCDPW already but will continue to work with the SCDPW throughout the planning and implementation of future projects to ensure that they will comply with State, County, and Town requirements for stormwater control. Where possible innovative green stormwater control solutions and/or pretreatment may be employed (subject to compliance with State, County and Town standards) that exceed minimum requirements, while providing other benefits such as improving aesthetic qualities and maintaining more natural site conditions and functions. See also Section 3.2.16 “Traffic and Transportation.”

Comment SCPC8: *The Town of Southamptton 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.*

Response: As mentioned above, the project sponsors have met and coordinated with the SCDPW to discuss the Proposed Action. Consultations and coordination of site plans fronting on the traffic circle will be important part of redevelopment and revitalization and a necessary part of future site plan reviews. Developers will work with the County to address both contemporary and long-range traffic planning issues, including activity at the traffic circle, as it is in everyone’s best interests to ensure safe, efficient and convenient access. The County has funded the widening of the traffic circle to accommodate two lanes of traffic. Construction is scheduled to begin in in 2016. Southamptton Town has further given consideration to design of the Riverside roundabout with respect to its high visibility location and its function as a gateway to the Riverside community, finding that it is important that the roundabout be designed to be

aesthetically pleasing and inviting. The following future actions are recommended to be considered and implemented by SCDPW with respect to the Riverside roundabout:

- It is recommended that the center of the roundabout incorporate a shallow man made pond with park like landscaping and trees. The pond could be irregular in shape so that it has a more natural appearance. The pond could be illuminated at night for the visual effect.
- Considering the high ground water level in the area of the roundabout it is also recommended that the pond be designed as a drainage retention area with overflow into standard catch basins and drainage rings. The incorporation of indigenous wetland plants could also function to filter and absorb road runoff before entering catch basins and recharging into groundwater.
- Lighting around the perimeter and on the approaching street arteries should be relatively low in height and of a community scale. Utility wires along the arteries and the roundabout should be placed underground. Pedestrian street crossings should be located where they will be most convenient and safe.

The provision of such a pond feature within the roundabout could achieve multiple objectives with respect to environmental benefits and visual aesthetics.

Comment SCPC11: 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.

Response: The Town is familiar with the County publication on Managing Stormwater-Natural Vegetation and Green Methodologies. The form based code recognizes the need for innovative stormwater design. Site plan review will consider the best forms of stormwater management on a site and use specific basis. The County publication as well as emerging technologies will be considered through site plan review as redevelopment occurs.

3.2.3 Drinking Water Supply

Comment SCWA1: Members of the SCWA have met with a project consultant from Nelson, Pope & Voorhis 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.

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 other discussion points outlined in the DGEIS document.

Response: This comment is acknowledged. During the meeting, it was noted that there is available capacity to provide water supply and there is an existing water distribution system in place, and that incremental development can occur using the existing. It was further noted that

longer term redevelopment may require upgrades to the distribution system as more density is realized in Riverside. This will require a longer range analysis and approach to share cost of water distribution improvements. Subsequent to the adoption of the overlay zoning, the Town and Master Developer will further coordinated with SCWA for long range water supply infrastructure needs. Shorter term incremental development may occur, and in this case, the Town, Master Developer and other developers will continue to coordinate individual site plans with the SCWA as development applications are submitted to obtain SCWA's input prior to approvals.

3.2.4 Wetlands and Surface Waters

Comment DEC5: 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 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 (as defined in the NYSDEC's letter, Appendix B excerpted below) 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.*

Note: Excerpted Definition of Principal Building - 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.

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, i.e. 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 is 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.

Response: This comment is acknowledged. Future projects will be required to obtain a Tidal Wetlands Permit from NYSDEC under Article 25 with regulations established in 6NYCRR Part 661, and any other applicable permits and regulations. Section 5.2 (page 5-12) of the DGEIS acknowledges these limitations, with the exception of the lot area limitation, which is acknowledged as a constraint for redevelopment along the waterfront.

The Town of Southampton seeks to ensure protection of wetland resources within Riverside. The concept of future development also anticipates development on riverfront lots in the west part of the study area that would maximize access to and appreciation of the Peconic River. Development within the NYSDEC jurisdictional area will be required to conform to the requirements of Article 25 and 6 NYCRR Part 661.6 or if conformance is not possible, a variance from the requirements would need to be sought (Part 661.11). Based on the TDS and conceptual designs for the riverfront parcels, it is recognized that the use as envisioned would not conform to the setback, coverage and lot size (density) requirements of Part 661.

Wetland setbacks will be adhered to as much as possible; however, in cases where social and economic factors as well as environmental considerations could warrant relaxation of buffer requirements (i.e., setback, coverage and density), the Town seeks a mechanism for relief. Such relief would only be considered if a specific proposal is designed to not impair river and/or wetland functions through green infrastructure design, reduction of impervious surfaces to the maximum extent possible, use of natural features to improve the quality of runoff from the site, and off-site mitigation.

Relief may be considered in the context of substantial land preservation along the south side of the Peconic River that has been achieved by the Town of Southampton through acquisition. Riverfront parcels that have been 100% preserved by the Town are identified in **Figure 3-1**. These lands total 35.78 acres and provide a natural open space preservation area along a significant portion of the River within the Study Area. The preservation of these parcels removes all potential density and impervious coverage from within the NYSDEC Article 25 jurisdiction. Other riverfront parcels that may warrant relief under established criteria with built-in mitigation controls as will be discussed herein are also illustrated in **Figure 3-1**.

The procedures and criteria for a variance are outlined in Part 661.11, and are noted as follows:

661.11 Variances.

(a) Where there are practical difficulties in the way of carrying out any of the provisions of section 661.6 of this Part or where in the department's judgment the strict application of the provisions of

section 661.6 of this Part would be contrary to the purposes of this Part, the department shall have authority in connection with its review of an application for a permit under this Part to vary or modify the application of any provisions in such a manner that the spirit and intent of the pertinent provisions shall be observed, that public safety and welfare are secured and substantial justice done and that action pursuant to the variance will not have an undue adverse impact on the present or potential value of any tidal wetland for marine food production, wildlife habitat, flood and hurricane and storm control, cleansing ecosystems, absorption of silt and organic material, recreation, education, research, or open space and aesthetic appreciation. [Emphasis added.]

Any person wishing to make application for a variance shall do so in writing in conjunction with his application for a permit under this Part and shall specify the proposed variance, which elements of section 661.6, Development Restrictions, relief is sought from, the minimum relief that is necessary, the practical difficulties claimed, a discussion of alternate site possibilities, a discussion of change of project objective possibilities and a discussion of environmental impact reduction or mitigation measures to be employed. The burden of showing that a variance to such provisions should be granted shall rest entirely on the applicant.

(b) The regional permit administrator may treat an application for a permit under this Part as a request for a variance and may request from the applicant the information required by this section.

In summary, a variance must demonstrate the following to be considered by NYSDEC under this relief provision:

1. The applicant conforms to the spirit and intent of Article 25;
2. Public safety and welfare are secured and substantial justice done;
3. No undue adverse impact to marine food production;
4. No undue adverse impact to wildlife habitat;
5. No undue adverse impact to flood, hurricane and storm controls;
6. No undue adverse impact to cleansing ecosystems, absorption of silt and organic material;
7. No undue adverse impact to recreation, education and research; or
8. No undue adverse impact to open space and aesthetic appreciation.

The objective of the Riverside revitalization is to provide access to, and enjoyment of, the Peconic River while maintaining and enhancing environmental quality of natural resources. On balance, it is the objective to *establish parameters for some level of relief* that may be considered by NYSDEC under the criteria above, to be applied as redevelopment occurs, specifically with regard to the riverfront parcels.

More specifically, such relief would only apply to unbulkheaded parcels west of and east of McDonalds other than public open space lands that opt-in to the overlay district. Riverside is unique in terms of social, economic and environmental conditions as outlined in the RAP and DGEIS. Riverside is an environmental justice area and subject to extreme poverty from the standpoint of median income and home values. Therefore, from the start, the unique conditions of Riverside, and the establishment of a RAP, preparation of a GEIS, and creation of an optional form-based overlay district zoning to stimulate needed revitalization, make Riverside unique

such that an adverse precedent would not be established through consideration of controlled relief.

It is proposed that the variance process be used to allow limited structural improvements within the 75 foot required setback, but that all such improvements maintain a minimum setback of 50 feet and be designed as green roof and/or porous pavement that contains all runoff and erosion control/minimization potential. Coupled with this, a minimum natural buffer of 25 feet would be maintained between tidal wetlands and areas of disturbance; however, perpendicular pathways, boardwalks and other such improvements that would normally be permitted would be allowed. The requirement of green infrastructure within any setback encroachment areas would be expected to mitigate impacts with respect to coverage and buffer relaxation and conform to variance criteria noted above.

Further, it is noted that the jurisdiction area of NYSDEC would be expected to extend basically to Route 24. As a result, coverage within the jurisdiction area would be limited to 20% and density would be limited to the equivalent of 20,000 SF lots if connected to sewers, and under the definition of principal building, this would allow 4 units per acre of multi-family, and commercial space as provided for in the note above (definition of principal building). It is expected that proposed density on the limited parcels identified above would exceed this Part 661 restrictions; however, density in and of itself is not expected to cause an impact to tidal wetlands provided that the development is sewerred and the variance criteria above are met. In addition, the full preservation of riverfront parcels noted above and in **Figure 3-1**, coupled with a proposal to provide an *environmental protection and enhancement fund* for wetland creation and improvements (as well as other acquisition and upland restoration efforts) will create a basis for further improvement of water quality, wetlands quantity and quality and open space in the Riverside area. Therefore it is proposed that no coverage or density restrictions be imposed provided that variance relief is sought, the project is justified through those criteria, and off-site mitigation is proposed. Off-site mitigation would occur in the form of wetland restoration on a 1 to 1 basis such that for each square foot of development that exceeds coverage within the subject parcels, one square foot of wetlands will be established elsewhere within and/or proximate to the Study Area. This would apply only to the limited unbulkheaded parcels west of and east of McDonalds other than public lands, that opt-in to the overlay district. In review of the variance criteria, the following is noted:

1. *The applicant conforms to the spirit and intent of Article 25*
The spirit and intent of Article 25 would be met through conformance with Part 661, either by meeting the restrictions, or seeking a variance that would be weighed against the criteria below.
2. *Public safety and welfare are secured and substantial justice done*
Public safety and welfare are improved as a result of the Riverside revitalization. Currently, there is crime, prostitution, drug sale and abuse and other social challenges occurring in Riverside. Riverside is an Environmental Justice area. Economic conditions are extremely poor. Justice would be done by balancing these social and economic factors with environmental compatibility through controlled relaxation of tidal wetlands buffer, coverage and density restrictions as noted herein.

3. *No undue adverse impact to marine food production*

No actual impact to designated tidal wetland would occur, and a minimum 25 foot buffer would be retained, therefore, there would be no adverse impact to marine food production.

4. *No undue adverse impact to wildlife habitat*

All tidal wetlands would be delineated and protected as part of the use of the subject parcels. A Minimum 25 foot natural buffer and 50 building setback would be established to retain riverfront vegetation that contributes to habitat directly adjoining the Peconic River. The upland habitat consists of successional vegetation as these parcels contained significant development in the early 1960s. Cessation of use and overgrowth has occurred leaving successional and invasive vegetation. Vegetation would be inventoried and significant natural species and stands would be identified and retained if possible and landscape revegetation would be used to maintain or enhance habitat quality. Consequently, no undue adverse impact to wildlife habitat is expected.

5. *No undue adverse impact to flood, hurricane and storm controls*

The avoidance of all tidal wetlands and retention of a minimum buffer of 25 feet will provide waterfront vegetative structure that currently exists for flood, hurricane and storm controls. The proposed buffer relaxation would involve the concept of only allowing green infrastructure development within the relaxed buffer area, which will maintain reduce runoff and recharge characteristics within these areas. The retention of all stormwater on the site of new development, in conformance with Town design storm and SWPPP requirements will ensure that upland flooding will not occur as a result of development. All new development would be required to meet FEMA requirements for the design of construction within the flood plain, thus ensuring that significant damage would not occur during storm events. As a result, no undue adverse impact to flood, hurricane and storm controls is expected.

6. *No undue adverse impact to cleansing ecosystems, absorption of silt and organic material*

Consistent with the discussion above, the 25 foot minimum riverfront buffer, green infrastructure, upland stormwater retention, revegetation and stabilized upland development will ensure the cleansing of ecosystems and absorption of silt and organic material, such that no undue adverse impact is expected to occur.

7. *No undue adverse impact to recreation, education and research*

The intent of the Riverside redevelopment is to provide a focus on the Peconic River and expand recreational opportunities. Redeveloped areas will enhance these recreational opportunities and can include historic and environmental information to enhance the appreciation and understanding and appreciation of maritime resources and river ecology, in order to promote educational aspects. The RRAP establishes goals for wetland restoration and programing aimed at educating the public about the beneficial qualities of wetlands. To the extent that research on the limited parcels in question is important, same can be conducted; however, it is noted that the current Town owned parcels in the Study Area already provide this opportunity. In addition, if constructed wetlands are used for effluent discharge, or if “Living Machine” treatment technologies are employed, substantial educational opportunities would be available. As a result, no undue adverse impact to recreation, education or research are expected.

8. *No undue adverse impact to open space and aesthetic appreciation.*

The subject parcels are privately owned and could be subject to some level of development in the future. The intent here is to increase use opportunities to promote a focus on the Peconic River and establish an economically viable framework for redevelopment of Riverside. Open space exists within the Study Area along the Peconic River east of the parcels in question. This will remain, and would be enhanced by the delineation of wetlands and establishment of a minimum 25 foot vegetative buffer that would be contiguous along the riverfront between the public land and McDonalds. In addition, only green infrastructure would be permitted within the relaxed setback area, and off-site mitigation will further enhance open space and aesthetics. The project concept in itself would increase the aesthetic appreciation of the Peconic River and natural aspects of the ecosystem, while providing the opportunity for controlled redevelopment that is protective of the Peconic River, Article 25 wetlands, and addresses the spirit and intent of Article 25 and the overall variance criteria. As a result, no undue adverse impact to open space and aesthetic appreciation is expected.

As a result, it is believed that the variance criteria would be met for development proposed along the limited riverfront parcels east of McDonalds and west of public lands. Further, the design proposed parameters associated with buffer relaxation, and off-site wetland restoration/mitigation of an equal square footage to the square footage of coverage in excess of what would be permitted will provide a means to maintain and enhance wetlands in Riverside. Use of such mitigation measures in approval of a variance from Article 25 and Part 661.11 is ultimately up to the discretion of NYSDEC and would occur through issuance of a site specific permit. However, the Town would seek the ability to establish *wetland mitigation banking*, such that if wetlands are restored within or proximate to the Study Area under a NYSDEC Article 25 permit, that this be tracked and available as “credit” for the coverage relief as noted above. It is noted that the Town regulates wetlands setbacks under Town Code Chapter 325 and may establish specific provisions that would apply only to the Riverside ROD.

Comment KM3: I strongly encourage the protection and enhancement of wetlands along this waterfront to the greatest extent possible and areas that have been filled and degraded in the past should be restored.

Response: See response to Comment DEC5 above which outlines a basis for wetlands and river protection and enhancement while providing a mechanism for controlled relaxation of regulatory restrictions. In general, impacts on wetlands associated with the Proposed Action, including adoption of the RRAP and the Overlay Districts are anticipated to be minimal as current SCDHS, State and Federal regulations restrict development in close proximity and or in jurisdictional limits of wetlands. Additionally, the RRAP establishes goals for wetland restoration and programing aimed at educating the public about the beneficial qualities of wetlands and is supportive of the imposition of minimum wetland setbacks, buffers and other methods to protect these important features. The mixed use development on the waterfront parcels north of SR 24 under the Theoretical Development Program contemplates the creation of boardwalks along and in proximity to the shoreline to provide public pedestrian access to the waterfront. In some areas, these boardwalks will be located along the shoreline, while in other areas walkways or viewing platforms may be provided perpendicular to the shoreline. The latter option is

anticipated to occur in the areas where existing natural shoreline exists, while the former will be located in areas of existing bulkhead and hardened shoreline in order to minimize impacts to existing vegetated wetlands.

Any work that is performed within federal, state, or town wetlands jurisdictions such as clearing, excavation, dredging, cutting, filling, planting, seeding, bulkheading, demolition, construction, etc. will require wetlands review and ultimately, compliance with the conditions of the wetlands permit. Conditions may include but are not limited to compliance with wetlands setbacks and/or relief standards, non-disturbance buffers, limitations on clearing, ground disturbance, and other activities, ensuring the use of appropriate landscaping, soil stabilization and erosion and sedimentation controls, construction vehicle staging requirements, the filing of restrictive covenants and easements, and more, depending on the work to be performed, location, conditions and various other factors.

There is currently considerable publicly owned and dedicated open space along the Peconic River within the Study Area, as well as thousands of acres of natural open space surrounding the Riverside/Northampton/Flanders Area. The proposed RO-7 Zone promotes the continuance of natural open space along the river and along with the thousands of acres of nearby open space, helps to offset total development density and potential impacts to surface water and wetland resources.

During the construction period, precautions and mitigations described in **Sections 3.3** and **13.5** of the DGEIS will be taken to ensure that sediment will not be transported off-site by stormwater runoff and, as a result, there would be no impact to local conditions. In addition, an erosion control plan will be prepared that incorporates the NYSDEC Guidelines for Urban Erosion and Sediment Control and all future development will be performed consistent with the conditions and specifications of any required SPDES stormwater permits and SWPPPs. Typical construction impact control measures to be utilized for future development include:

- Flagged clearing limits followed by installation of the erosion control measures.
- Silt fencing with staked hay bales, storm drain inlet protection, and good housekeeping procedures.
- Stabilized construction entrances to prevent soil on truck tires from being tracked onto the public road system.
- Proper management and disposal of demolition materials.
- Installation of permanent stormwater controls once construction is completed.

Subsequent to this period, permanent occupancy and operation of the project sites would not be expected to impact water resources in consideration of the following:

- The Site Grading and Drainage Plan (to be prepared as part of the site plan application) will be subject to thorough review and approval of the Town Engineering Division prior to approval. This plan will be designed to prevent runoff from developed surfaces from causing erosion, sedimentation or impacts to land or water resources.

- The Proposed Project will be provided with a drainage system that will retain all runoff generated within the developed area and direct it into on-site recharge facilities, so that no such runoff may impact off-site properties.

The proposed structures will be constructed in conformance with all applicable Town and State Building Codes and will not encroach into low-lying areas or alter drainage characteristics of adjacent or nearby properties. Finally, the project will be subject to detailed review by the Town Engineering Division as part of the site plan review process, ensuring that no impact to or from floodwaters will occur.

Any discharges to surface waters are required to have upland detention for a five year storm event prior to overflow. If these parameters cannot be met during development, a variance from the NYSDEC will be required, and mitigation for the development components that exceed DEC standards may need to be incorporated into project design. Mitigation for any proposed variance from NYSDEC setback or coverage requirements may involve activities such as shoreline protection/restoration, invasive species control, wetland restoration within dredge spoil impacted areas within and immediately adjacent to the Study Area, stormwater improvements, etc. The anticipated process for such review is outlined below:

- Delineation of the flagged wetland boundary within the vicinity of each wetland area will be necessary to determine the exact location of the wetland boundary, and the quality of habitat within the wetland adjacent area. Development within the regulated adjacent area of each wetland will be governed through appropriate regulatory review at which time appropriate protective measures for the wetlands will be determined.
- Should a project require a variance from NYSDEC Article 24 or Article 25 wetland regulations or Town wetland regulations, mitigation for project impacts will be required. Mitigation measures that may be offered in support of a variance application include:
 - Wetland creation
 - Wetland restoration
 - Invasive species removal
 - Improvements to existing drainage systems which currently contribute to poor water quality
 - Improvements to existing sanitary systems which currently contribute to poor water quality.

A funding mechanism will be established to provide monies through an *environmental protection and enhancement fund* as noted above.

- Revegetation and restoration of currently degraded and unutilized land may be required for the loss of quality natural habitat to be developed under the Theoretical Development Scenario.
- Incorporation of vegetated swales, filter strips, rain gardens, other green infrastructure, and state-of-the-art treatment technologies and best management practices (BMPs); examples of BMPs are provided in the New York State Stormwater Management Design Manual.
- Green infrastructure practices that reduce coliform loads to the river will be incorporated into site design, particularly for those uses in closest proximity to the river which will have the greatest chance of direct input.
- Covenants and restrictions should be required for all multifamily residential developments to ensure the pickup and proper disposal of pet waste by tenants. Dedicated waste receptacles

should be installed by the developer and public spaces should provide pick-up-after-your-pet dispensers.

- Water conservation fixtures for both indoor plumbing and any outdoor irrigation to help reduce water consumption and wastewater generation and adherence to the proposed Sustainable Development Standards for reducing impacts to water outlined under Section 410 J. of the Proposed Code Amendments;
- Incorporation of pre-treatment of stormwater runoff prior to infiltration using “green infrastructure” practices such as vegetated swales, filter strips, rain gardens, green roofs other best management practices (BMPs) in accordance with the New York State Stormwater Management Design Manual and the Suffolk County Planning Commission Managing Stormwater Guide.
- Precautions will be taken to ensure sediment will not be transported off-site by stormwater runoff and as a result there is no expected impact to local wetlands or surface waters as a result of erosion and sedimentation control measures and permit compliance that will be implemented during construction activities.
- A SWPPP(s) will be prepared as required to ensure compliance with water quality and quantity requirements pursuant to Technical Guidance and GP 0-15-002 and Town of Southampton requirements. In addition, an erosion control plan will be prepared incorporating the NYSDEC Guidelines for Urban Erosion and Sediment Control.

These measures and the variance considerations outlined in response to Comment DEC5 above provide a basis to conclude that riverfront and wetlands resources will be protected to the maximum extent practicable through the regulations, procedures and approvals that would apply to redevelopment on parcels subject to wetlands regulations.

***Comment PBC21, PBC44:** 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.*

Response: This comment should be removed since NYSDOS is the agency that administers the Coastal Zone Management Program and the CZM zone is north of NYS Route 24. Input has been provided by NYSDOS and information contained in the DGEIS in Sections 6.1.2 and 15 is accurate with respect to applicability, specifically individual projects where a Federal agency is involved in making an approval or issuing a permit, supplying funding or taking a direct action is subject to Federal consistency. In addition, State consistency is triggered when a permit is required in the coastal zone. Nevertheless, a consistency review was conducted

to address the proposed preliminary actions, which as described previously, involve the adoption of long-range plans and zoning code amendments. **Appendix E** contains the Coastal Consistency Assessment Form and Attachment. Additional coastal consistency assessments may be required in the future if a project or action is undertaken or funded by a State or Federal agency or requires a State or Federal permit or approval.

Comment PBC23: *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 DRs. 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 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.*

Response: The comment should be directed toward the Central Pine Barrens CLUP Nitrate-Nitrogen Guideline dealing with concentration. The Town of Southampton and the SEQRA process, as well as SCDHS (through Guidance memo #28) and the TMDL for the Peconic Estuary will ultimately determine nitrogen load as outlined in the DGEIS. The Town will also seek to reduce nitrogen load from current conditions by either increasing sewerage of existing over-density areas, reducing unit yield, or both. Further limitations on fertilizer dependent vegetation may be considered. See also Section 3.2.1, response to Comment DEC8 above.

3.2.5 Public Access to the Peconic River

Comment KM4, JL3: *Access to the waterfront with walkways going through the natural system will really bring people to nature. We have this beautiful waterfront yet we can't access it. To enhance the viability of the river is a beautiful thing.*

Response: The Proposed Action provides considerable focus on enhancing access to the river, while protecting the ecological, environmental and aesthetic qualities of the system. The Town and Master Developer consider the river and area wetlands to be a tremendous asset to the community from aesthetic, environmental, community character, quality of life, sense of place, and business and tourism perspectives and will do everything in its power reasonable to protect it, while also providing physical and visual access to these valued resources. In order to achieve those goals, the proposed ROD includes requirements associated with high quality public frontages, and public access to waterfront areas by including the conceptual placement of Riverside Promenade and Waterfront Boardwalks. Toward this end, the Town will seek to

provide a mechanism for reduced setbacks under Town Code Chapter 325, specific to the Riverside ROD. Consideration of Town wetlands regulations further note that NYSDEC regulates wetland setbacks, coverage and density under Article 25 of the NYSECL. The Town wetland setback of 125 feet that is typically required for natural shorelines (with a 100 foot setback for bulkheaded shorelines) would require relief as noted under Chapter 325-9. Much of the justification for such relief is outlined in relation to NYSDEC considerations and supported in the DGEIS and FGEIS. For the purpose of the Riverside ROD, the following considerations would apply:

- Riverside is unique in character and social conditions which warrant flexibility to ensure that revitalization is achieved in conformance with Town planning initiatives and the Town adopted Riverside RAP.
- The Riverside Theoretical Development Scenario envisions public access, appreciation and enjoyment of riverfront areas on limited parcels through passive public space and development that would require relief from Town Code setbacks.
- As noted in the FGEIS, the Town has permanently preserved many parcels of land along the Peconic River within the Riverside Study Area comprising 35.78 acres.

In summary, due to the unique social, economic and environmental conditions associated with the hamlet of Riverside, relief of Town wetland setbacks appears to be warranted.

With respect to Town of Southampton wetlands regulations, the Riverside ROD proposes specific modifications to the requirements of Chapter 325 to reflect the unique conditions of Riverside as noted above. Specifically, the following shall apply only to riverfront parcels within the Study Area:

- For existing developed parcels within the ROD (i.e., unbulkheaded lands between the Town parking lot and the McDonald's), a 50 foot wetlands setback and revegetated buffer for the purpose of providing retaining walls and an improved riverfront promenade is permitted, and a 75 foot principal building setback shall apply.
- For vacant lands (east of McDonalds) a 75 foot principal structure setback shall apply.

The justification for these setbacks shall be based on the following:

- 5 acre wetlands restoration project on the Town owned land on the east side of the study area.
- Already preserved Town and County waterfront lands within the study area comprising 35.78 acres.

The basis for this relief is as noted above and in consideration of the existing section of the code that allows reduced setbacks as follows: Town Code Chapter 325-9 D. states that "For projects that do not satisfy the standards enumerated in this section, the approving authority shall consider imposing less than the recommended setbacks if the approving authority finds that the following requirements have been met." Specifically, the following considerations would apply:

(4) The approving authority may consider imposing less than the recommended setbacks if the approving authority determines that the applicant has demonstrated the following:

(a) A buffer zone with an overall average width equivalent to the minimum required buffer zones set forth in § [325-9A](#), for turf, fertilizers, pesticides, herbicides, fungicides or similar treatments, landscaping or other clearing or disturbance of natural vegetation will provide equivalent protection of the wetland, or that partial relief of the minimum buffer requirements is both reasonable and sufficient to justify a lesser overall average buffer zone for such activities.

(b) The proposed work and location will not impair the capacity of the wetland and buffer to provide essential wildlife habitat characteristics, including, among others, food, shelter, breeding, cover, screening and migratory habitat, as well as essential corridors and connective functions.

(c) The proposed work and location will not impair wetlands and surface water quality by incorporating erosion, sedimentation and runoff controls to minimize nonpoint source pollution.

(d) Mitigating measures shall be implemented that contribute to the protection and enhancement of wetlands and wetland benefits.

(5) If the applicant can meet the criteria enumerated in § [325-9D\(1\)](#) through (4), then the approving authority may impose less than the recommended setbacks set forth in § [325-9A](#).

Comment VT2: *Kids at the school should be able to walk down to the river to a park rather than seeing a rubble-strewn, garbage covered lot or the prostitutes and crack dealers along several of our streets on their way home, will be a day that's worth waiting for in my life. They deserve the riverfront. They deserve to enjoy the environment that we have, and I'm thrilled to see this moving forward.*

Response: See comment and response to Comment KM4, JL3 above. See also Section 3.2.21, "Crime").

3.2.6 New York State Wild, Scenic and Recreational Rivers Act

Comment DEC6: *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.

Response: The Town is aware of the New York State Wild, Scenic and Recreational Rivers (WSRR) Act restrictions affecting the above described areas, which is outlined in Section 6.1.2 of the DGEIS. Much of the area within the WSRR consists of existing single-family residential development that is not likely to be redeveloped and was therefore not included as likely redevelopment areas in the Theoretical Development Scenario. Moreover, the RO-5 is not subject to density bonuses that would allow greater density than currently permitted in the underlying R-15 zoning district. Nevertheless, it is important to recognize that the WSRR regulations and restrictions would affect these areas. As noted in Section 6.2.2 of the DGEIS, the applicable WSRR standards for the proposed RO-1, RO-2, RO-3 and RO-4, which are mixed-use zones (RO-5 is proposed as a primarily residential Overlay Zone), have strict requirements, including prohibitions against nonresidential land uses and extensive setback requirements (outlined by the DEC6 comment above) which would trigger the need for variances under the development shown in RO-1 through RO-4 under the DGEIS Theoretical Development Scenario. Any proposed non-river-related commercial, multifamily or single family development that cannot meet the Part 666.13 would require variances or exemptions from the WSRR Act, if appropriate, or they would not be permitted. Section 6.2.2. of the DGEIS makes the case for a reassignment of this WSRR from its current “Recreational River” classification to a community classification, which would be less restrictive and more appropriate to this location, as discussed in Section 6.2.2 of the DGEIS. Regardless of classification, any projects that may be proposed in the WSRR will be referred to the NYSDEC at the time of application.

The above language in Comment DEC6 indicating the requirements of 6 NYCRR Part 666 are included in the attached section on Future Actions and Mitigations which will be included in the SEQRA Findings Statement. This will help to ensure that future developers are put on notice as to the regulations and restrictions.

Comment PBC20: *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 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.

Response: This comment is an opinion with respect to matters under another agencies jurisdiction that are already addressed through the CLUP. Standard 5.3.3.4.3 in Chapter 5 of the CLUP indicates that “Projects which require variances or exceptions under the New York State Wild, Scenic and Recreational Rivers Act shall meet all requirements imposed by the New York State Department of Environmental Conservation in order to be deemed to have met the requirements of this standard.” Relief from the WSRR is only granted if warranted through review by NYSDEC. The Community Rivers designation, although less restrictive, is still stringent and protective of river resources and an application for such designation must be reviewed and approved by the NYSDEC.

3.2.7 Central Pine Barrens and CPBJPPC Comments

Comment SCPC3: *The RRAP and ROD should be referred to the Central Pine Barrens Joint Planning and Policy Commission for consistency review with the Central Pine Barrens Comprehensive Land Use Plan (CLUP).*

Response: The RRAP, ROD, BOA Study and DGEIS have been referred to the Central Pine Barrens Joint Planning and Policy Commission (CPBJPPC). The Town coordinated lead agency status with the CPBJPPC and received preliminary input from the commission. Representatives from the Town, Renaissance Downtown and project consultants have met with the CPBJPPC to discuss the Proposed Action and receive input. The Town and project sponsors will continue to meet and coordinate with the CPBJPPC and its staff to ensure that the goals of the Town, land owners, and CPBJPPC are fully vetted and addressed.

Comment PBC2: *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).

Response: This comment should recognize that the Proposed Action is the adoption of zoning and this action is solely under the authority of the Town Board of the Town of Southampton and cannot be usurped by the Commission. Should future actions be under the authority of the Commission, appropriate applications will be made. The DGEIS does not indicate that the Proposed Action is a DRS, but clearly expresses that the TDS is a projection of what may occur

under the proposed zoning to be used as a basis for environmental analysis. The DGEIS uses this projection to compare to the Standards and Guidelines which would apply to a DRS in order to provide an assessment of potential impacts that provides the Town Board with information to consider with respect to future actions and conditions and thresholds in the Findings Statement.

***Comment PBC3:** The Commission reiterates and restates its comments contained in its October 5, 2015 letter.*

Response: This letter was submitted prior to the DGEIS; it is presumed that any comments on the DGEIS are provided in updated correspondence.

***Comment PBC6, PBC43:** 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.*

Response: The GEIS process ensures that an appropriate level of analysis of potential impacts is provided in relation to the adoption of the overlay zones and Town planning initiatives. The proposed action is for the adoption of zoning code amendments and no development is currently proposed. Future site specific development plans have not been prepared and impacts from specific projects are dependent on numerous factors including exact location (whether it is proposed within the CGA, near wetlands, within the Wild, Scenic and Recreational Rivers area), proposed use, development density, etc.

As described in Section 2.1 of the DGEIS, if the revisions to the Official Zoning Map and Zoning Code are adopted, detailed parcel-specific site plan applications to implement the RRAP in accordance with the zoning amendments may be submitted. The potential impacts of individual site-specific projects that are carried out in conformance with adopted regulations and the thresholds or conditions identified in the generic EIS may require limited additional SEQR review, provided the GEIS and its findings statement sets forth specific conditions or criteria under which future actions will be undertaken or approved, including requirements for any subsequent SEQR compliance. This may include thresholds and criteria for supplemental EISs to reflect specific significant impacts, such as site specific impacts, that were not adequately addressed or analyzed in the generic EIS. These site plan applications will be reviewed by the Town Planning Board and will be compared to the standards and policies for future development in the ROD outlined by the SEQRA Findings Statement, Official Town Zoning Map, and Zoning Code.

Future actions are identified in Section 15.0 of the DGEIS. These actions identified some of the considerations and mitigations that may be necessary in the future depending on the specifics of the future action. As with any project that has been reviewed through a Generic EIS process, an EAF and supplemental Environmental Impact Statement may be required, if in the future, it is determined that a subsequent proposed action was not addressed or was not

adequately addressed in the Generic EIS and the subsequent action may have one or more significant adverse environmental impacts.

See also response to Comments PBC1-PBC5.

Comment PBC8, PBC47: *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.*

Response: The DGEIS does not identify the Proposed Action as a DRS, but indicates that the action is compared to the Standards and Guidelines that would apply if it were a DRS. The DGEIS already includes an analysis of the Land Use Standards and Guidelines in Chapter 5 of the CLUP. This information is used as part of SEQRA to inform the decision-making process. It is recognized that actions within the CGA will require compliance with Article 57 and the CLUP, either through Town review under the approved Central Pine Barrens Overlay District, or through CPBJPPC involvement for actions which may be under the jurisdiction of that authority.

Comment PBC9: *The study area includes a small part 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 CGA, this area should be identified in the future as being within the CGA.*

Response: Comment acknowledged

Comment PBC10: *In Appendix G (of the DGEIS): 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.*

Response: Section 6.2 and Appendix G of the DGEIS included assessment of the Study Area in relation to the CLUP and specifically focused on Vegetation Clearance Limits. Two existing subdivisions were logically excluded from the assessment of the Standard 5.3.3.6.1 “Vegetation Clearance Limits” since they were fully developed prior to the Pine Barrens Act, are primarily cleared and will not change in terms of clearing under the Proposed Action. In terms of environmental impact with respect to clearing, no impact will occur since no additional clearing will occur in these areas. The mathematical calculation of Vegetation Clearance Limits should

logically consider these conditions. The water resource analysis included all existing and proposed development in order to establish nitrogen concentration in recharge and nitrogen load within the Study Area to determine environmental impact to groundwater which impacts nearby surface water. If the same two subdivisions were eliminated from the water resource analysis, the concentration of nitrogen in recharge and the nitrogen load would be reduced, thus resulting in less environmental impact. Since changes may occur with respect to sanitary wastewater (i.e., density, future treatment options, etc.), it is logical that the full Study Area be examined.

It is noted that projects which exceed the Vegetation Clearance Limits outlined in Standard 5.3.3.6.1 would require a hardship waiver from the Commission. The DGEIS sought to examine methods that could be used to establish a process to facilitate revitalization through analysis of clearing within the Study Area. This may be one of several options to approach vegetation clearance limits, with several other options being individual hardship waiver and/or modification of the CLUP to recognize the unique considerations with regard to Riverside. Future actions will consider either individual hardships, assessment of clearing within the downtown zones subject to code change and/or consideration of modification of the CLUP.

***Comment PBC11:** 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.*

Response: Appendix G of the DGEIS, page G-8 establishes a basis for “mitigation” to offset clearing of fragmented vegetation that is not characteristic of natural pine barrens vegetation. RO-1, 2, 3 and 4 are the primary areas to experience redevelopment changes if the zoning is enacted. Assessment of the vegetation found in these areas finds that it is fragmented and dominated by non-native vegetation such as Norway maple. The assessment of clearing under the TDS finds that larger contiguous blocks of native vegetation will remain than would otherwise remain under current zoning. Clearing of non-native vegetation that may occur in RO-1, 2, 3 and 4 would not be expected to have adverse ecological impacts, nor would such clearing impact native pine barrens since the vegetation is not characteristic of native pine barrens. Nevertheless, a basis for further mitigation, pine barrens improvement and natural open space preservation was envisioned to offset any perceived impacts due to the removal of fragmented, non-native pine barrens areas in RO-1, 2, 3 and 4. The mitigation should not be assessed in relation to Chapter 6 of the CLUP, since Chapter 6 is a Pine Barrens Credit Program for preservation of lands in the Core Preservation Area and designated sending areas. The revitalization areas in Riverside are not in the CPA and are not designated sending areas. Therefore, any comparison to the Chapter 6 Pine Barrens Credit Program is not valid. The

establishment of a mitigation fund was offered in the DGEIS as mitigation to offset the “potential” overclearing that may occur as the Theoretical Development Scenario comes to fruition. In summary, no significant adverse impacts to native pine barrens vegetation are expected due to minimal clearing of non-native species in RO-1, 2, 3 and 4. The retention of a greater amount of natural vegetation in larger contiguous blocks as a result of the TDS is considered an environmental and pine barrens benefit. Additional benefit is derived from the establishment of a mitigation fund for perceived impacts from clearing of non-native vegetation, this fund may be used for credit redemption, land preservation, and pine barrens restoration as outlined in Appendix G of the DGEIS.

The FGEIS furthers the concept of a mitigation fund which would provide monies for environmental protection and enhancement including pine barrens as well as wetlands related benefits. More specifically, it is proposed that a fund be established that would provide monies for *environmental protection and enhancement* in Riverside and nearby areas. This fund would be based on an assessment of \$1.00 per square foot of development such that the full development of over 3 million square feet (3.158 million) would establish a fund of more than \$3 million for environmental protection and enhancement based on the full build scenario. This funding could be used for: pine barrens acquisition, restoration, invasive species management, control of the pine beetle infestation, and other pine barrens protection and enhancement, as well as wetland construction, restoration and enhancement, stormwater improvements that benefit the Peconic River and wetlands and related projects.

Comment PBC12, PBC47: *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.*

Response: § 57-0121 of Article 57 addresses Central Pine Barrens comprehensive land use plan; interim regulations. ECL Section 57-0121 (1) establishes the requirement for the preparation of the CLUP and GEIS within 12 months of the effective date of Article 57 and does not apply. ECL Section 57-0121 (2) indicates that “The land use plan for the Central Pine Barrens area shall be designed to:

- (a) protect, preserve and enhance the functional integrity of the Pine Barrens ecosystem and the significant natural resources, including plant and animal populations and communities, thereof;
- (b) protect the quality of surface water and groundwater;
- (c) discourage piecemeal and scattered development;
- (d) promote active and passive recreational and environmental educational uses that are consistent with the land use plan; and
- (e) accommodate development, in a manner consistent with the long term integrity of the Pine Barrens ecosystem and to ensure that the pattern of development is compact, efficient and orderly.”

The Riverside redevelopment will protect, preserve and enhance the functional integrity of the Pine Barrens ecosystem by retaining and enhancing natural pine barrens vegetation to a greater degree than zoning, and therefore to a greater degree than anticipated in the GEIS analysis of the CLUP. Riverside revitalization will result in sewerage of unsewered areas and protection/enhancement of surface water and groundwater. Riverside revitalization will discourage piecemeal and scattered development in favor of consolidated and sustainable development that will protect pine barrens to a greater degree than existing zoning, which is demonstrated to create a more piecemeal, scattered form of development. Riverside revitalization will promote active and passive recreational and environmental education uses within the hamlet, particularly through the mitigation fund and sustainable development. Riverside revitalization will provide compact, efficient and orderly development that is consistent with the long term integrity of the Pine Barrens ecosystem.

ECL Section 57-0121 (4) indicates that “The land use plan with respect to the compatible growth areas shall be designed to:

- (a) preserve and maintain the essential character of the existing Pine Barrens environment, including plant and animal species indigenous thereto and habitats therefor;
- (b) protect the quality of surface and groundwaters;
- (c) discourage piecemeal and scattered development;
- (d) encourage appropriate patterns of compatible residential, commercial, agricultural, and industrial development in order to accommodate regional growth influences in an orderly way while protecting the Pine Barrens environment from the individual and cumulative adverse impacts thereof;
- (e) accommodate a portion of development redirected from the preservation area. Such development may be redirected across municipal boundaries; and
- (f) allow appropriate growth consistent with the natural resource goals pursuant to this article.

Riverside revitalization will preserve and maintain the character of the Pine Barrens environment by retaining natural pine barrens vegetation to a greater degree than current zoning, and through a preservation fund. Subsections (b) and (c) are redundant with ECL Section 57-0121 (2) and are addressed above. Riverside revitalization will encourage appropriate patterns of development while protecting pine barrens from individual and cumulative impacts. Development is redirected from natural pine barrens, toward areas with non-native vegetation as part of the Riverside revitalization, and this redevelopment is intended to allow appropriate growth consistent with Article 57 and the CLUP.

The DGEIS already includes an assessment of the Chapter 5 Standards and Guidelines (see DGEIS, Section 6 Critical Environmental Areas).

With respect to Chapter 6 of the CLUP, the Town of Southampton specifically identified receiving parcels by School District (see Figure 6-8 of the CLUP). Two (2) parcels in Riverside were identified as receiving parcels, specifically the 12.5± acre parcel referenced above and the Enterprise Zone Drive land (35 acres; 0900-141-1-9.2). Both parcels are identified as receiving area “E” in the CLUP. It is noteworthy that the 35 acres is industrial land that has been

subdivided and therefore would not be expected to act as a receiving site. Under Chapter 6, the Town of Southampton is responsible to monitor the sending site to receiving site ratio. The Town continues to ensure that credits are redeemed such that all CPA preservation areas within the Riverhead School District are accommodated. This occurs through use of CPF (Community Preservation Fund) monies to purchase land and development rights. The Proposed Action is not inconsistent with Chapter 6 of the CLUP and specifically 6.4.4 Town of Southampton designated Pine Barrens Credit receiving districts.

***Comment PBC13:** 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.*

Response: Review of Standard 5.3.3.6.1 of the CLUP does not identify any prohibition against use of dedicated public open space toward a natural area clearing calculation. To the contrary, the last paragraph of the Standard reads: "To the extent that a portion of a site includes Core property, and for the purpose of calculating the clearance limits, the site shall be construed to be the combined Core and CGA portions. However, the Core portion may not be cleared except in accordance with Section 5.2 of the Plan." This would indicate that permanently preserved land (i.e., CPA land) can be used in the calculation of vegetation clearance limits. Further, the DGEIS did not identify the use of "revegetation" to bring a site into conformance with the CLUP clearing standards, but rather sought to identify vegetation clearance limits, evaluate the significance of such limits, and provide a mechanism for mitigation of clearing of small, non-contiguous areas that were not characteristic of natural pine barrens vegetation.

***Comment PBC14:** 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.*

Response: Per Chapter 6, the Town of Southampton is responsible to ensure that credits generated within the Riverhead School District can be redeemed or are retired to ensure preservation of lands within the CPA. Nowhere in Chapter 6 is it indicated that the Town must, or shall off set density increase with Pine Barrens Credits, and the comment above indicates that PBCs "should" be utilized or redeemed. The Town of Southampton continues to monitor sending and receiving areas in the Town and will ensure that the necessary number of credits in the Riverhead School District is redeemed. The Town has very successfully retired credits through land acquisition using CPF thus reducing density from

any prior buildout analysis and ensuring conformance with the CLUP. It is expected that this practice will continue.

Comment PBC15, PBC47: *A designated as-of-right Pine Barrens Credit receiving area, Area E, is located within 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.*

Response: The Pine Barrens Credit receiving Area E includes 35 acres that is subdivided and will not change regardless of the Riverside overlay zone initiative. The 12.5 acre site is a potential receiving site; however, there is no adverse impact on the ability of the Town to redeem remaining credits within the Riverhead School District since there are limited credits, the ability to purchase lands through CPF (which has effectively redeemed credits and reduced density in the Town), and all residential lands are considered Residential Overlay District (ROD) zones that are capable of receiving PBCs. This strategy is outlined in Section 6.4.4.2, As of right redemption of Southampton Pine Barrens Credits, of the CLUP.

Comment PBC19: *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 exceeds the standard, the applicant must apply to the Commission for a hardship waiver.*

Response: This comment is acknowledged, specifically, “If a development activity exceeds the standard, the applicant must apply to the Commission for a hardship waiver” provided some other form of allowance is not in place. The potential to modify the CLUP to consider the unique aspects of Riverside was mentioned by Commission staff in meetings to discuss the zoning initiative. This is reflected as an option in the DGEIS, along with a hardship exemption or waiver. One or both options may be pursued by the Town if additional clarity is needed with respect to Riverside redevelopment as it relates to the Central Pine Barrens CLUP.

If a hardship exemption is requested in the future, the request must conform with the same standards necessary to justify a use variance listed in NYS Town Law Section 267-b, as New York State Environmental Conservation Law, Article 57, Section 57-0121.9 utilizes them as the basis for consideration of a hardship exemption for development proposals in the Central Pine Barrens Compatible Growth Area. Town Law Section 267-b states, in pertinent part, that in order to receive a use variance:

- No such use variances shall be granted by a board of appeals without a showing by the applicant that applicable zoning regulations and restrictions have caused unnecessary hardship. In order to prove such unnecessary hardship the applicant shall demonstrate to the board of appeals that for

each and every permitted use under the zoning regulations for the particular district where the property is located, (1) the applicant cannot realize a reasonable return, provided that lack of return is substantial as demonstrated by competent financial evidence; (2) that the alleged hardship relating to the property in question is unique, and does not apply to a substantial portion of the district or neighborhood; (3) that the requested use variance, if granted, will not alter the essential character of the neighborhood; and (4) that the alleged hardship has not been self-created.

- The board of appeals, in the granting of use variances, shall grant the minimum variance that it shall deem necessary and adequate to address the unnecessary hardship proven by the applicant, and at the same time preserve and protect the character of the neighborhood and the health, safety and welfare of the community.

Therefore, the criteria that must be considered are noted as follow:

1. the applicant cannot realize a reasonable return, provided that lack of return is substantial as demonstrated by competent financial evidence;
2. that the alleged hardship relating to the property in question is unique, and does not apply to a substantial portion of the district or neighborhood;
3. that the requested use variance, if granted, will not alter the essential character of the neighborhood; and
4. that the alleged hardship has not been self-created.

The analysis of these criteria in relation to a development project would form the basis for a hardship waiver.

Mapping has been prepared to identify parcels that should be considered with respect to a potential hardship waiver as related to Standard 5.3.3.6.1 Vegetation Clearance Limits. Mapping is based on parcels that are identified in the TDS as compared with vegetation characteristics. **Appendix G** of this FGEIS, **Figures G-1, G-2 and G-3**, and associated **Tables G-1, G-2 and G-3** provides the following:

- G-1: Theoretical Development Program Parcels with No Existing Natural Vegetation
- G-2: Theoretical Development Program Parcels Exceeding the Allowable CPB Clearing Limit Under Existing Conditions
- G-3: Theoretical Development Program Parcels Within the Allowable CPB Clearing Limits Under Existing Conditions

This establishes a hierarchy for consideration of the need for a hardship from Standard 5.3.3.6.1 noted as follows:

1. Determine if a parcel in the TDS has any remaining vegetation; if not, hardship from 5.3.3.6.1 is not required.
2. Determine if a parcel in the TDS that has vegetation can be developed within the allowable vegetation clearance limits; if so, a hardship from 5.3.3.6.1 is not required.
3. Determine if a parcel in the TDS is overcleared; avoid remaining vegetation if possible; if not able to avoid remaining vegetation; a hardship from 5.3.3.6.1 is expected to be required.

This hierarchy would allow development of parcels with no vegetation, parcels that conform to vegetation clearance limits, and overcleared parcels that can avoid remaining vegetation; with the expectation that other parcels that don't meet these criteria would require a hardship.

Comment PBC24: *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.*

Response: This comment is not consistent with current review policy as related to Standard 5.3.3.6.1, Vegetation Clearance Limits, whereby it has been the Commission's practice to not require a hardship if a site is over-cleared and will not result in additional clearing. This is the same situation with a location that is over the Nitrate-Nitrogen guideline, and will not result in further increase in concentration. It is also noted that the exact wording of the Guideline is ambiguous, specifically, the Guideline reads as follows: "5.3.3.1.3 Nitrate-nitrogen goal A more protective goal of two and one half (2.5) ppm may be achieved for new projects through an average residential density of one (1) unit per two (2) acres (or its commercial or industrial equivalent), through clustering, or through other mechanisms to protect surface water quality for projects in the vicinity of ponds and wetlands." First, this is characterized as a "goal" and not a hard fast requirement. Second, the phrase "may be achieved" through certain types of development would not apply in this instance, and is vague. Consequently, the DGEIS finding that the Nitrate-Nitrogen guideline cannot and should not apply given the historical development conditions in Riverside that have resulted in an existing nitrogen concentration that is higher than the Proposed Action is a logical rationale for review that is consistent with past practice of the Commission on another Standard.

Comment PBC27: *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 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.

Response: As noted previously, this comment is not consistent with past review policy where a standard is not currently met. Also as noted, the project will reduce the concentration of nitrogen in recharge, which is an improvement in the condition related to the Nitrate-Nitrogen goal. The Town will seek additional methods to reduce nitrogen load which may include sewerage of existing unsewered areas, reduction of density and additional fertilizer limitations. The DGEIS identifies the relative concentration of nitrogen sources in Appendix D and thus provides this information. Also see response to Comment PBC23 above.

Comment PBC30: *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.*

Response: This comment does not recognize that the Proposed Action is the adoption of zoning and associated land use plans, and should be changed accordingly. The recognition that agency review under various regulations including NYSDEC under Article 24 and 25 will be required is appropriate for the Generic EIS stage. This FGEIS contains additional information in response to agency comments and the Statement of Findings will establish appropriate conditions and thresholds with respect to applicable permits. Specifically, please refer to response to Comments DEC5 and KM3 in Section 3.2.4 above, which outline tidal wetlands considerations and subsequent responses with respect to Article 24 wetlands. Review of the DGEIS, RRAP, BOA Study, and proposed code amendments evaluated by the DGEIS do not contain any references to “Type II actions,” whatsoever. A previous version of the RRAP, did however, contain a reference to Type II actions, but this was removed prior to formal submission. This comment should reflect that Type II actions will not be pre-designated, other than those that are listed in Part 617; §617.5.

***Comment PBC31:** 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 Appendix G: Theoretical Program Scenario Central Pine Barrens Analysis, that the action will exceed the overall clearing standard requiring a hardship from the Commission.*

Response: The Proposed Action is the adoption of a zoning overlay district to facilitate revitalization of Riverside and in itself will not exceed the overall clearing standard. If all development proceeds according to the TDS, there is a potential to exceed the vegetation clearance limit Standard. This assumes that the TDS occurs and that the fragments of non-native vegetation in RO-1, 2, 3 and 4 are determined to be natural vegetation. Under this scenario, a hardship waiver would be required from the Commission, provide other considerations with respect to modification of the CLUP are not pursued.

***Comment PBC32:** 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.*

Response: This comment is acknowledged. The DGEIS identifies this process which will be needed once details regarding specific projects are known. The primary potential species of concern was identified as being the Eastern Tiger Salamander. This FGEIS further outlines steps to address Article 11 of the NYSECL as noted below:

- If threatened or endangered wildlife are encountered on a project site, site specific mitigation measures will need to be developed and an Article 11 Incidental Take Permit or Letter of Non-Jurisdiction will be necessary from the NYSDEC. Site specific measures would involve retention of 100% of the suitable upland habitat on a parcel, within 535 feet of the potential breeding pond, with retention of 50% of the suitable upland habitat on a parcel, within 1,000 feet of the potential breeding pond. This, along with other species protection provisions are outlined in a NYSDEC policy document with respect to Eastern Tiger Salamander which is included in **Appendix H** of this FGEIS.
- Development within proximity to a potential tiger salamander breeding pond would require pond and/or upland habitat surveys to determine the presence/absence of the species. Should the presence of the species be confirmed, the appropriate mitigation measures would need to be

considered during site design, which would include preservation of habitat, installation of barrier curbing or flashing to prevent salamanders from entering into a developed area, provisions to address lighting, stormwater runoff and management plans for both the pond and preserved upland habitat.

A check zone map of potential sites where radii extend into potential future development parcels is provided as **Figure H-1**. This map should be consulted and parcels within the check zone that are proposed for development. It is further noted that it is a recommendation of this GEIS that the Town undertake surveys of the potential tiger salamander breeding ponds near the Study Area in coordination and cooperation with NYSDEC to determine presence or absence of the species. If not found to be present over a 3 year seasonal survey period, NYSDEC has indicated that the ponds would not be considered suitable habitat, and the setback area open space restrictions outlined above would not be imposed as there would be no impact to the essential upland habitat of an endangered species.

***Comment PBC33:** 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.*

Response: This comment is noted and to the extent a species is designated and is afforded protection under Article 11 of the NYSECL, the presence/absence of such species will be determined and parameters for protection of habitat will be provided as is required under Article 11 and Part 182.

***Comment PBC37:** 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 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.*

Response: Table 14-1 of the DGEIS lists the sanitary flow (water use) estimate for the Study Area as it currently exists. The use of PBCs as outlined under Chapter 6 of the CLUP is not proposed and therefore would not apply. The comment indicates that the Town “should” consider redemption of PBCs; however, the Town is seeking measures to revitalize Riverside through adoption of zoning that would incentivize housing to serve workforce and next generation residents, and the purchase of PBCs is not consistent with this intent. Mitigation is provided as it relates to clearing of fragmented non-native vegetation, and this mitigation would establish a protection fund that would be available for land acquisition that would potentially retire PBCs. In addition, the Town will continue to use CPF funds for land and credit purchases that will retire credits and reduce development density. The Town will also monitor

sending and receiving sites in the Riverhead School District to ensure that all credits will be retired.

***Comment SCPC4:** The Town should allow no more than 65% total natural vegetative clearance and maintain no less than 35% natural vegetation within the proposed ROD.*

Response: The comment is arbitrary with respect to vegetation clearance in the overall Study Area. The portion of the Study Area within the Central Pine Barrens is subject to the Central Pine Barrens Comprehensive Land Use Plan and the Town Aquifer Protection Overlay District. The CLUP was reviewed in the DGEIS and an assessment was performed with respect to Vegetation Clearance Limits (Standard 5.3.3.6.1). The allowable clearing varies based on zoning with some areas limited to 53% (R-40 zoning) while some areas allow as much as 70% clearing (R-15 zoning). The DGEIS analysis determined the allowable clearing for the Pine Barrens portion of the Study Area, and compared the Theoretical Development Scenario to the allowable clearing. The finding was that if the TDS were developed as proposed, that the allowable clearing would be exceeded by approximately 10 acres (this considered the omission of a mobile home park and a subdivision that were constructed prior to the Pine Barrens Act, have no retained vegetation, and would not be affected by the proposed zoning overlay). It is further noted that the vegetation in the core of the proposed downtown area is fragmented and compromised by invasive species (primarily Norway maple), and is not characteristic of native pine barrens vegetation. It is further noted that if development occurred consistent with the TDS, that more vegetation than is required would be retained on some sites that have native pine barrens vegetation in more contiguous tracts. It must also be noted that the TDS is a hypothetical build scenario for the purpose of analysis in the GEIS, and is not necessarily what will be built. The proposed action involves the adoption of a form-based overlay zone and other land use planning decisions, subsequent to which, development may occur as an option in conformance with the overlay zones. There are multiple landowners throughout the Study Area and it is not known what properties or assemblages may be proposed, or when such development may occur. The Town will consider the clearing restrictions under Standard 5.3.3.6.1 and the APOD, and will comply with the CPB CLUP either through clearing limitations, hardship waiver or modification of the CLUP to consider the unique characteristics of Riverside. With respect to the APOD, the Town will seek to provide a modification of the clearing restrictions specific to the Riverside ROD and parcels that opt-in, as will be outlined below. While the Town seeks preservation of natural areas to the maximum extent practicable, Riverside warrants consideration of the social and economic factors that depend on successful revitalization. Redevelopment under the overlay zones will provide sustainable development and will ensure limitation on fertilizer dependent vegetation and planting of native species as part of landscaping. Natural vegetation will be retained to the maximum extent practicable in consideration of planning and revitalization goals, and ultimately, the plan will comply with the CLUP under the provisions noted herein. See also response to Comment PBC19 above.

The Town regulates vegetation clearing under the APOD. The ROD is recommended to continue to rely on the Town's APOD with respect to clearing. However, pursuant to Section 330-67.B of the Town Code, the ROD should be treated similar to a planned development

district and provided with the same ability to allow greater disturbance with an approved revegetation program. The DGEIS and FGEIS provide support for this approach particularly with respect to the discussion regarding the CPB CLUP as well as the provision for an environmental protection and enhancement fund that would be used for pine barrens vegetation preservation and enhancement. The ROD should specifically note that provisions of 330-67.B shall also apply to parcels opting into the ROD (i.e., the Planning Board may allow greater disturbance if warranted by a particular application with mitigation provided). The following language is proposed to apply to the Riverside ROD:

B. Notwithstanding the provisions of the aforementioned subsections, lots or tracts which opt-in to the Riverside ROD may be allowed to disturb a greater amount of the natural vegetation, provided that said use is consistent with the intent and policies of the Riverside Revitalization Action Plan and the Aquifer Protection Overlay District and that a revegetation program which protects the aquifer is incorporated into the project design.

The DGEIS currently states the following on APOD: “the above standards must be complied with except as outlined under Section 330-69-4 E. of the Southampton Town Code which states that the provisions of [Article VIII] including the standards and regulations summarized in the first three bullets above, may only be modified by the Planning Board after due consideration is given to a site disturbance plan, as provided in Section 330-67A(1) of this chapter, and where the applicant has proven that there is a practical difficulty in meeting these regulations and that environmental considerations are still satisfied to the maximum extent possible.”

***Comment SCPC5, PBC48:** The redemption of Pine Barrens Credits beyond the 20 PBCs 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.*

Response: The DGEIS outlined consideration that the 20 PBCs (or monetary equivalent) would be provided as a mitigation factor for clearing in the Central Pine Barrens portion of the Study Area. The number of credits is reasonable based on the considerations outlined in the DGEIS. This concept is expanded in this FGEIS, to establish a larger fund that would be available for environmental protection and enhancement in relation to pine barrens, wetlands and open space.

It should also be noted that density is a central tenet of the Riverside Revitalization effort and is under the purview of the Town of Southampton under zoning law. Increased density is a catalyst for the revitalization of Riverside. The Town Board has been diligent in ensuring that Pine Barrens Credits are redeemed, and or extinguished through Purchase of Development Rights and fee simple purchase of land, thus ensuring preservation and credit redemption. The Town tracks the number of credits within each school district and will ensure that there are adequate receiving sites to land credits from the CPA areas in the Town.

Comment DEC3: *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.*

Response: This comment is acknowledged. The DGEIS Page 2-24; Table 2-11 – “Reviews, Permits, and Approvals Required,” is hereby amended to reflect the possible need to apply for an Incidental Take permit from the NYSDEC as per ECL Article 11 & 6 NYCRR Part 182 for regulated development on parcels located within 1,000 linear feet of any identified breeding pond of the state endangered eastern tiger salamander. It is noted that Chapter 15, “Future Actions,” of the October 2015 DGEIS, already indicates that, “[i]f threatened or endangered wildlife are encountered on a project site, site specific mitigation measures will need to be developed and an Article 11 Incidental Take Permit or Letter of Non-Jurisdiction will be necessary from the NYSDEC.” See also response to Comment PBC32 above.

Comment DEC4: *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 (*Terrepena 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.*

Response: It is acknowledged that habitat exists within the study area for the federally threatened northern long eared bat. This species requires woodland habitat for foraging with open areas between either the shrub layer or sub canopy layer and the canopy. Roosting habitat requires trees with peeling bark or snags, and will more rarely utilize structures for roosting. Locally, habitat for hibernation includes caves and structures that provide some insulation from the winter temperatures. As caves are not present on Long Island, a variety of other habitat types are utilized by bats, including dead or dying trees and roofs of buildings. Habitat for roosting, foraging and hibernation is present within the study area, as open woodlands exist in addition to abandoned buildings which bats may utilize for hibernation. If during development, greater than one acre of existing suitable habitat is proposed for removal, consultation and a determination of the need for a permit will be required from both the United States Fish and Wildlife Service (USF&WS) and the NYSDEC.

It is recognized that both the eastern box turtle and the spotted turtle are NYSDEC listed Special Concern species. Although there is documented concern about their welfare in New York State, these species receive no additional legal protection under ECL 11-0535. This category is presented primarily to enhance public awareness of these species, which bear additional attention (NYSDEC, 2007). The DGEIS and FGEIS provides an opportunity to understand the habitat needs and potential impacts to these species. The eastern box turtle is the only turtle species common to terrestrial habitats on long island, and requires very little water (Obst, undated). The species is found in a variety of habitats, but prefers moist woodlands. The species feeds on primarily on slugs, earthworms, wild strawberries and mushrooms (Behler and King, 1979). Retention of significant areas of natural vegetation on the site will assist in diminishing potential impacts to these species, however, it is acknowledged that the minor loss of quality woodland associated with redevelopment within the study area may result in a minor impact to this species. Ultimately, site specific review will be required to determine whether or not potential loss of habitat will occur and the potential for minimization or avoidance of impacts will be determined during the planning phase of site development.

Spotted turtles require wetlands habitats, such as marshy meadows, bogs, swamps, ponds, ditches, or other small bodies of still water. As disturbance of appropriate habitat for this species would not occur during any portion of redevelopment, this species is not anticipated to be impacted by the adoption of the zoning overlay districts or subsequent development.

3.2.8 General Ecology, Wildlife, Rare Species

Comment PBC17: 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.

Response: It is the function of the Statement of Findings to establish conditions and thresholds for future site specific development to be proposed within the Study Area. Areas of sensitivity are established through the DGEIS. Future Actions identified in Section 15.0 outline the need for appropriate permitting. Future site specific projects would be expected to be designed to avoid the need for an Article 11 permit, in coordination with the Town and NYSDEC during the land use review process. Further information may be provided in the FGEIS and the Findings will address this matter. See also response to Comment PBC32 above.

Comment PBC18: *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.*

Response: There is no site selected nor project designed that would provide the information needed to determine if an Article 11 take permit is needed or to submit for such a permit. The action is the adoption of zoning that would facilitate revitalization of Riverside. Once the zoning is adopted, site and use specific development plans are expected, at which time review of endangered species can be conducted and plans designed to avoid the need for an Article 11 take permit. It is not currently known when site plans may be filed, what those site plans may entail, who the applicant will be, or other essential details to address site specific considerations regarding endangered species. As a result, it is not possible to determine who will conduct surveys or what the results of such surveys may be. The DGEIS documents the sensitivity within the Study Area based on resource maps and NYSDEC/NYNHP information. This information identifies certain areas within the Study Area that may warrant further site specific review during future site plan applications. Such methods are appropriate in a Generic EIS process. It is the function of the Statement of Findings to establish conditions and thresholds for future site specific development to be proposed within the Study Area. Further information may be provided in the FGEIS and the Findings will address this matter. See also response to Comment PBC32 above.

Comment PBC26: *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.*

Response: It is beyond the DGEIS to perform on-site surveys or the Eastern tiger salamander. Areas with 1,000 feet of potential breeding ponds are identified, and any future actions within those areas will be addressed through individual site and project review in coordination with NYSDEC. See also response to Comment PBC32 above.

Comment DEC7: *Page 5-14; Section 5.3 — Mitigation of the DGEIS describes measures which can be employed to mitigate impacts to natural resources, or as offsets for variance relief granted for particular projects.*

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 Southamptton 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.

Response: With respect to Article 11, it is recognized that obtaining an Article 11/Part 182 permit is an intense process with multi-year data collection and analysis required. It is recommended that the Town begin conducting presence/absence surveys for the ponds identified in proximity to the Study Area in the winter of 2016 so that data is available should redevelopment of areas in proximity to these ponds occur. Ultimately, the need for such a permit is dependent on the presence/absence data and as a result, the gathering of such data is key to ultimately determining redevelopment potential at a particular site. See also response to Comment PBC32 above.

3.2.9 Land Use and Zoning

Comment PBC1: *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.*

Response: The proposed Action is for the adoption of the RRAP, BOA Step II Nomination Study, creation of the Riverside Overlay Zoning District which will contain seven separate

optional overlay zones, and amendments to the Town's zoning code to guide development in these zones. The Theoretical Development Scenario (TDS) described in the GEIS is used as a basis for analysis under SEQRA and is not an actual action but will be used to "advise" the SEQRA process and establish conditions and thresholds for the overlay zones. At present, there are no specific development proposals related to the Proposed Action.

***Comment PBC4, PBC49, PBC50:** These comments are asking for clarification regarding the additional development density will be permitted by the Proposed Action, the extent of existing residential and commercial development, the amount of additional development permitted under current zoning and the amount of proposed development.*

Response: As discussed above, the Proposed Action involves the adoption of the BOA, RRAP and Zoning Code/Zoning Map Amendments to create the Overlay Zones necessary to implement the redevelopment sought in the RRAP. At present, there are no specific development proposals. The DGEIS considers the potential for redevelopment and the associated environmental implications, in order to identify and mitigate any adverse environmental impacts at the earliest planning stages of the Riverside Revitalization initiative. The DGEIS includes an assessment of a Theoretical Development Scenario, which relates to the anticipated development that could occur within a period of ten years within the Study Area. As the proposed code amendments are optional, any property owner within the Overlay Zones has the option to pursue redevelopment if desired. Therefore, the exact property owners that may choose to implement redevelopment under the Overlay Zones are unknown. However, to ensure that the review of the Proposed Action and its anticipated impacts is not segmented, a theoretical scenario of additional development that could be reasonably expected in the Study Area if the proposed zoning amendments are put into place was evaluated in the DGEIS. This provides the ability to establish guidelines as to what level of further SEQRA review is appropriate, based on conditions and thresholds to be established in the Statement of Findings.

No changes are proposed to the underlying zoning. Because the proposed ROD is an Overlay District, property owners would be able to choose to redevelop under the existing zoning or the ROD if adopted. Development under the existing zoning regulations can continue to occur as it could today if desired by a property owner. The extent of existing development and uses are outlined in the existing conditions portions of each of the various DGEIS Sections 3-13, and is summarized in Section 14 (Alternatives). Table 14-1 of the DGEIS summarizes the extent of existing uses, acreages, land coverages, etc. This is compared to the "Theoretical Development Scenario" in Section 14, which also accounts for existing uses that may remain based on the development projected and evaluated by the "Theoretical Development Scenario." Additionally, Section 14.2 of the DGEIS discusses build out under existing zoning; see response to PBC5 below.

***Comment PBC5:** 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.

Response: See response to comment PBC4, PBC49 above. The Proposed Action is the adoption of the BOA, RRAP and Zoning Code/Zoning Map Amendments to create the Overlay Zones necessary to implement the redevelopment sought in the RRAP. In terms of the density and types of land uses that may be built in the future, the Theoretical Development Scenario was developed to provide a basis of analysis of what may be built in the future under the proposed Overlay Districts. Section 2.5 of the DGEIS provides a detailed description of the uses, square footages, unit counts, land coverages, and various service demands, etc. that were used as a basis of the Theoretical Development Scenario (see Table 2-9 and 2-10 for a summary of these assumptions). Each of the “Potential Impacts” subsections of the DGEIS (Sections 3-13) then describe the potential impacts that may result under the development assumptions outlined by the Theoretical Development Scenario to assist in identifying conditions and thresholds that will need to be established in the Statement of Findings.

Section 14.2 of the DGEIS provides a discussion of “build out” under existing zoning and provides an estimated potential build out under existing zoning. As described in the response above, the optional nature of the Proposed Overlay Zones does not change the underlying zoning. Therefore property owners within the study area may continue to develop their property under the existing zoning. As described in this section of the DGEIS, the status quo under the existing zoning has led to little to no investment or redevelopment in the community. Vacant developable lots in the Study Area have remained vacant for extended periods of time, and the presence of numerous boarded up commercial and recreational structures in the Hamlet, supports the notion of long-term stagnation from both a population and business growth perspective. The purpose of the Proposed Action is to incentivize and facilitate re-investment into this community to reverse this long-term trend of vacant blighted buildings and the lack of business development and success, provide greater opportunity for residents and provide greater community sustainability. Therefore extensive analysis of maximum potential build out under existing zoning is not relevant.

Comment PBC22: *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.

Response: See response to Comments PBC4, PBC49 and PBC5 above.

Comment CP9, CP12: *What types of land uses are permitted in the proposed overlay zones (RO-1 through RO-6)?*

Response: The DGEIS, RRAP, and ROD available for review online at the Town website, the Town Clerk’s office, and at the Riverhead Library provides goes into considerable detail about allowable land uses and proposed zoning standards and requirements. **Table 3-3** below lists the uses that would be permitted (P), and those prohibited (X) under the proposed zoning code amendments for the respective zones. Land uses permitted under the 13 existing zoning districts including five single-family residence districts, six commercial, one light industry, and one open space conservation district would be permitted in the respective zones, if the land owner did not want to utilize the Overlay District standards. All other uses would be permitted.

**Table 3-3
PROPOSED SCHEDULE OF USES FOR RIVERSIDE OVERLAY DISTRICT
BY OVERLAY ZONE**

Use	RO-1	RO-2	RO-3	RO-4	RO-5	RO-6	RO-7
<i>Mixed-Use</i>							
Mixed-Use Building	P	P	P	P	X	P	X
Live-Work Unit	P	P	P	X	X	X	X
<i>Retail</i>							
Retail	P	P	P	X	X	P	X
Restaurant	P	P	P	X	X	P	X
Drive-through	X	X	X	X	X	X	X
<i>Office</i>							
Office	P	P	P	P	X	X	X
Medical Office	P	P	P	P	X	X	X
Professional Service	P	P	P	P	X	X	X
Business Incubators	P	P	P	X	X	X	X
<i>Residential¹</i>							
Home Occupation/Home Professional Office	P	P	P	P	P	P	X
Single Family	X	X	X	X	P	X	X
Two-family Residence	P	P	P	P	P	P	X
Granny-Flat	X	P	P	P	P	P	X
Multiple Dwelling	P	P	P	P	X	P	X

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Use	RO-1	RO-2	RO-3	RO-4	RO-5	RO-6	RO-7
Multifamily Residence	P	P	P	P	X	X	X
<i>Cultural</i>							
Theater	P	P	P	X	X	X	X
Museum	P	P	P	P	X	P	X
<i>Hospitality</i>							
Hotel	P	P	P	X	X	P	X
Bed and Breakfast	P	P	P	P	P	P	X
Residential Care Facility	P	P	P	P	X	P	X
<i>Recreation/Education</i>							
Recreational Business	P	P	P	P	X	P	P
Educational Use	P	P	P	P	P	P	X
Camping Grounds	X	X	X	X	X	X	P
<i>Religious/Civic</i>							
Houses of Worship	P	P	P	P	X	P	X
Library	P	P	P	P	X	X	X
<i>Special Waterfront</i>							
Marina	P	X	X	X	X	P	X
<i>Light Industry</i>							
Artisan Production Facilities	P	P	P	P	X	P	X
Research & Development Facility	P	P	P	P	X	X	X
Data Information Center	P	P	P	P	X	X	X
Document/Misc. Storage	P	P	P	P	X	X	X
Renewable Energy Facilities	P	P	P	P	X	P	X
Agricultural Use	P	P	P	P	P	P	X
Animal Husbandry	X	X	X	X	X	X	X
<i>Parking Facilities</i>							
Parking Structure	P	P	P	P	X	P	X
Parking Lot	P	P	P	P	X	P	P
<i>Adult Entertainment²</i>							
Adult Entertainment Use	X	X	X	X	X	X	X
<i>Infrastructure</i>							
Utilities	P	P	P	P	P	P	X
Wastewater Treatment Facility	P	P	P	P	P	P	X

Notes: P = Permitted; X = Prohibited

1= Private dwelling units are prohibited within the Private Frontage area on the first floor of Storefront frontages

2=As defined in §330-162.17 of the Town of Southampton Zoning Ordinance

The Theoretical Development Scenario examined in the DGEIS provides an example of one possible reasonable scenario of what might be constructed in the future if the proposed zoning is put into place. The Theoretical Development Scenario investigated the following additional development.

Table 3-4
THEORETICAL DEVELOPMENT SCENARIO
RIVERSIDE OVERLAY ZONES
(Zones RO-1 through RO-6)*

Land Use	Additional Square Feet, Rooms, and Dwelling Units
Retail	133,517 Square Feet
Office	62,000 Square Feet
Hotel	97 Hotel Rooms
Residential Units	2,267 Dwelling Units
Adult Care/Nursing Home	63,910 Square Feet
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

*RO-7 or Riverside Parkland (RPL) is preserved or public land

Comment SPB3: *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.*

Response: Section 330-403 of the ROD has been updated to provide definitions for Artisan Production and better define the types of allowable industrial type uses that are permitted within the ROD. Definition of Artisan Production is as follows: An establishment of up to 15,000 SF in size, where small-scale art, craft, building components, food and beverage, and similar products are produced and/or sold on the premises, including but not limited to arts and crafts, micro-breweries, musical instrument makers, toy makers, furniture makers.

Comment RNI: *I don’t want to see prostitutes. I want to see a pizza place. I don’t want to see drug dealing. I want to see a donut place. I want to see maybe an annex from the Riverhead Library and a little coffee shop next door, maybe a walk-in medical doctor or “doc-in-the-box” somewhere. This has to change. We have to travel everywhere to do anything. Now is our opportunity to change.*

Response: It is the intent of the proposed project to provide a mix of viable and desirable land uses that will better serve the community and improve public safety, community character and the quality of life for Riverside residents. Pizza parlors, donut shops, coffee shops, libraries and other highly desirable land uses would be permitted in some or all zones the ROD. See also Section 3.2.21, “Crime.”

Comment CP13, MB1: These comments note concern over the introduction of mixed-uses to the area and how such mix uses with integrate/coexist.

Response: The speaker did not elaborate on why she saw mixed uses as a negative feature of the Proposed Action. The purpose of the Proposed Action is to eliminate negative or blighted land uses that detract from community character and quality of life for residences and replace them with uses that can support the community, provided jobs, generate tax revenues and revitalize the area and increase pride in the community. Restricting the ROD to just one or two types of land uses would not promote the creation of a viable business district and would not meet the numerous goals and objectives of the Proposed Action and numerous plans that have preceded it. The RRAP describes in detail the revitalization strategies based on mixed use accompanied with placemaking and walkability, and Section 7.2.1 of the DGEIS discusses the reasons for creating a mixed use district and the benefits of mixed use. The introduction of more diverse uses will provide the means to bring more activity and vibrancy into the ROD and allow the community to have greater self-sustainability by increasing the customer base for hamlet merchants, providing a larger employee pool for these businesses, creating more employment opportunities for residents where few jobs exist, and developing more favorable conditions that will be more conducive to future success and vitality. This mixing of uses and resulting increased activity is expected to benefit both existing and future uses and will promote more options for economic growth and investment in the area. The Proposed Action would integrate suitable uses that will be supportive with one another. See also comment and response RN1 above.

Comment MS4: Having mixed use structures is beneficial to everyone. It does not just focus on one entity. More expansion affords more opportunity.

Response: The Town concurs. See response to CP13, MB1 above.

Comment CPI4: Is this zoning already in place?

Response: No, the Proposed Action is for the adoption of new zoning outlining the standards and requirements for the Riverside Overlay District and its seven Overlay Zones (RO-1 – RO-7). The proposed Zoning is provided in the RRAP and ROD code, which were included as Appendix A-1 of the DGEIS and are available for review online, at the Town Clerk’s office and at the Riverhead Library.

Comments CPI, CP5, CP7, and CPI10: The proposed zoning is going to increase development density too much. This project is starting to look like Queens.

Response: The level of density considered by the proposed code amendments was developed after extensive public outreach involving dozens of meetings with the community, which is summarized in Appendix 2 of the RRAP (Appendix A-1 of the GEIS) and the BOA (Appendix B of the GEIS). The resulting redevelopment strategies formulated the proposed zoning district densities and parameters of the ROD. The RRAP and proposed ROD are consistent with the

wishes of the majority of the community, has received extensive community support, and is predicated on extensive study. Future development under the proposed ROD is voluntary and it is anticipated that not all land owners will opt in. Future development density will be generally consistent with neighboring Riverhead which resembles other downtown business districts on Long Island and is considered to display a positive visual character.

Comment ACD1: How big is the area to be developed?

Response: The total Study Area or area subject to the ROD is 468 acres. Any or all of the 468 acres excluding publically protected lands could be developed or redeveloped. It is noted that little change is expected within the established/built out residential neighborhoods as the ROD does not provide density incentives with the RO-5 district proposed for these established residential areas. The amount of development that will occur is dependent on numerous factors such as the willingness of property owners to develop or redevelop their land, their long-term plans for the property, the ability of proposed developers to buy or assemble land, etc.

Comment MB2, NS3: The maximum permitted building height (i.e., number of stories) is too high. I'm originally from Brooklyn and I love the open air, that type of look. If you could do it with two stories, I don't think anyone will have objections.

Response: See response to comments CP1, CP5, CP7, and CP10 above. It should be noted that the lots that do not meet the ROD minimum lot size and frontage requirements for either base requirements or to receive the bonus, will not qualify to opt-in or to receive additional height. Maximum height of 4.5 stories and 55' can be achieved only in RO-1 District under Incentive Bonus 2, and only a few properties achieve that level now. Properties that qualify for Incentive Bonus 1 in that most dense district can achieve 3.5 stories at maximum height of 45', which is only 13' higher than permitted height of 32' in underlying zoning. All development standards are included in **Table 3-5** below.

**Table 3-5
ROD DEVELOPMENT STANDARDS**

Minimum Site and Building Requirements				
ROD Zone	Zoning Standard	Overlay Baseline Requirements	Riverside Overlay Development Incentive Bonus 1 (RIB1)	Riverside Overlay Development Incentive Bonus 2 (RIB2)
RO-1	Minimum Frontage	75 feet	150 feet	300 feet
	Minimum Site Area	7,500 SF	15,000 SF	60,000 SF
	Stories	Minimum 2, Maximum 3	Maximum 3.5	Maximum 4.5
	Height	Minimum 30 foot	Maximum 45 feet	Maximum 55 feet

Minimum Site and Building Requirements				
ROD Zone	Zoning Standard	Overlay Baseline Requirements	Riverside Overlay Development Incentive Bonus 1 (RIB1)	Riverside Overlay Development Incentive Bonus 2 (RIB2)
		Street Wall. Maximum 35 feet		
RO-2	Minimum Frontage	75 feet	150 feet	300 feet
	Minimum Site Area	7,500 SF	15,000 SF	60,000 SF
	Stories	Minimum 2, Maximum 3	Maximum 3.5	Maximum 4
	Height	Maximum 35 feet	Maximum 45 feet	Maximum 50 feet
RO-3	Minimum Frontage	75 feet	150 feet	300 feet
	Minimum Site Area	7,500 SF	15,000 SF	60,000 SF
	Stories	Minimum 1, Maximum 3	Maximum 3.5	Maximum 4
	Height	Maximum 35 feet	Maximum 45 feet	Maximum 50 feet
RO-4	Minimum Frontage	75 feet	150 feet	300 feet
	Minimum Site Area	7,500 SF	15,000 SF	60,000 SF
	Stories	Minimum 1, Maximum 2	Maximum 2.5	No Bonus Available
	Height	Maximum 32 feet	Maximum 35 feet	No Bonus Available
RO-5	Minimum Frontage	75 feet	150 feet	No Bonus Available
	Minimum Site Area	7,500 SF	15,000 feet	No Bonus Available
	Stories	Minimum 1, Maximum 2	Maximum 2.5	No Bonus Available
	Height	Maximum 32 feet	Maximum 35 feet	No Bonus Available
RO-6	Minimum Frontage	75 feet	150 feet	300 feet
	Minimum Site Area	7,500 SF	15,000 SF	60,000 SF
	Stories	Minimum 1, Maximum 2	Maximum 2.5	Maximum 3.5
	Height	Maximum 32 feet	Maximum 35 feet	Maximum 40 feet
RO-7	No Development	No Development	No Bonus Available	No Bonus Available

Further, in order for the Study Area to receive the level of interest and investment from developers necessary to address the critical community concerns identified and create a successful, sustainable, revitalized community, a certain level of development is going to have to be permitted to attract and incentivize developers to invest their time and money. Riverside is currently in decline and many businesses have been closed and shuttered or are not doing as well as they could. This type of environment is not conducive to the creation of a strong and successful community or business district and can only be turned around by concerted effort and significant coordination and investment.

***Comment DDG1:** The RO-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.*

Response: Two out of top three highest rated and supported community goals (See Riverside Rediscovered and the RRAP) is to provide public access and events to Riverside’s waterfront area. In order to achieve those goals, the ROD is proposing provisions to elevate importance of waterfront areas by regulating the access of the Riverside Promenade and Waterfront Boardwalks.

Section 330-403 of the ROD provides a definition for

- Development Site Frontage: The aggregate length of a Site or Development Site fronting on one or more Streets or a Riverside Waterfront, measured in feet along the Build-To-Line.
- Primary Frontages: The Site Frontage, facing the Street Type of the highest priority where A is the highest and C is the lowest. The Riverside Promenade shall be treated as having priority equal to an A street.

Therefore, flag lots facing waterfront area regardless of their size will add a measurement of their waterfront length to the total lot frontage.

***Comment DDG2:** 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.*

Response: As discussed above, the DGEIS includes an assessment of a Theoretical Development Scenario, which relates to the anticipated development that could occur within a period of ten years within the Study Area. The Theoretical Plan assumed the development of the hotel at 252 and 248 Flanders Road, based on previous efforts in that area. However, the plan was theoretical in nature to determine impacts, and is in no way the only possible option for development in that area. The parcels are located in the proposed RO-6 district overlay, and any of the proposed allowable uses associated with RO-6 from the Table of Uses can be applied (given the restrictions of connection to the Wastewater Treatment Facility and other provisions of the ROD).

Comment DDG3: 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 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).

Response: The parcels of 252 and 248 Flanders Road are approximately 1,300 feet from the other waterfront parcels in the proposed Riverside Hamlet District (RO-1), not contiguous to the Hamlet area and not intended to have the same amount of land-use intensity. Therefore, the maximum height proposed in the RO-6, for the Incentive Bonus 2 is 3.5 stories and 40 feet, which is significant increase from the 32 feet of the existing zoning, which would maximize views, and minimize the footprint of the building area to minimize the impervious lot coverage. The Height is defined in Section 330-403 as the vertical distance measured from the average elevation of the natural grade along the building's elevation located in a Build-To-Zone of the Primary Frontage, to the highest point of the roof, except as specified by Height Exceptions, see 410.G Building Height. Those lots in the flood area will conform to Sections 169-16 and 169-17 of the Town code for Residential and Non-residential Structures in coastal high hazard areas, with lowest floor (including basement) located two feet above the base flood elevation.

Comment DDG4: 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.

Response: See DDG3 response above.

Comment DDG5: It is requested that the wetland setbacks 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 foot setback from both the tidal and freshwater wetlands is requested.

Response: The NYSDEC Division of Environmental Permits has informed the Town in its correspondence dated November 12, 2015, that a 75-foot minimum setback requirement from the tidal wetland for all new principal buildings and other non-water-dependent structures in excess

of 100 square feet in area, as well as other restrictions, will limit development in the RO-6 zone. It also notes that this and other 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, i.e.: the riverfront parcels in the proposed “Waterfront Center” overlay zone RO-6, where the proposed allowable uses include hotels, bed and breakfast/inns and senior housing. The Future Action Section (see **Appendix F** of this FGEIS) notes these development restrictions so that land owners are aware of and understand these restrictions. See also response to Comment DEC5 in Section 3.2.4 above.

***Comment DDG6:** 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.*

Response: See DDG2 response above.

***Comment FRNCA2:** 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:*

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.

Response: See DDG2 above.

***Comment FRNCA3:** 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.*

Response: The list of different architectural treatments are listed under Section 410.G. Building Height as Height exceptions, including Significant Corners and Terminated Vistas, at location as designated by the Zoning Standards Map or at locations approved by the Planning Board.

***Comment FRNCA4:** 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.*

Response: See DDG3 response above.

Comment FRNCA5: 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.

Response: See DDG5 response above for wetland setbacks. Street Frontages have flexibility of placement between a Build-To-Line and the furthest line of a Build-To-Zone, defined by the chosen Private Frontage. Build-To-Line is measured from measured from the Face of Curb of the adjoining Street at a distance defined by that Street Type, or a line at the edge of an approved Pedestrian Way or 75' distance from the Wetland Line for Riverside Promenade. Continuous pedestrian access along the River, public access to the waterfront, and multiple pedestrian connections leading from Flanders Road, create connectivity and visibility of the waterfront with the rest of the community.

Comment FRNCA7: 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.

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.

Response: See response to comment DDG5 above. This area is subject to limitations on density and setbacks under NYSDEC tidal wetlands requirements, which limits potential density in this area. In addition, and per Section 330-412 the 50% of the total number of all units have to be designated as Community Benefit Units. Table 410-8 Development Standards depicts “As of

Right Density” provides three different options of densities, depending on the Lot Frontage and Site Area.

***Comment TC3, TC5:** There is a large (approximately 40 acre) parcel at the corner of Flanders Road and Cross River Drive (CR 105). The land is environmentally sensitive and about 33 acres is encumbered by a conservation easement held by the Peconic Land Trust, but six acres are developable and are being considered for development. Several renowned artists have expressed an interest in this property for use as art or sculpture schools. This property could be a cultural arts center, not only for use by artists but also for the Bridgehampton Children’s Museum and WaterFire for the public.*

Response: The boundaries of the Riverside Hamlet Study Area or ROD were delineated in the RRAP and DGEIS. The property referred to in this comment is outside of the Study Area. Future developers of the property should meet with planning staff to discuss issues, concerns, processes and requirements once a plan has been prepared.

***Comment BF4:** 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.*

Response: As discussed in **Section 2.2** of this FGEIS, the Zoning Code includes a provision for establishment of a fair share mitigation fund which would provide monies for necessary infrastructure improvements, such as roadway improvements, construction of a public sewer, water infrastructure and school district improvements. Additionally, the ROD is a form based code that regulates a character and quality of public spaces. Creation of New Streets with Pedestrian Clearways, Landscaping and Furnishing Zones, provision of Riverside Promenade, Pedestrian Ways and Waterfront Boardwalks, as well as provision of required 10% of Public Open Space, significantly improve pedestrian connectivity and investment in new public infrastructure.

3.2.10 Plan and Zoning Implementation, Viability and Procedures

***Comment SPB1:** The Town of Southampton Planning Board fully supports the proposed Overlay District and recommends that a stream lined application process be established for projects opting into the code. Establishment of a specific procedure for reviews under the Overlay District was also suggested.*

Response: The Application process in the ROD includes the formulation of expedited review by internal departments through the required Project Development Council process. Additionally, the Master developer will provide the necessary resources for training for the Planning board members and staff of the Department of Land Management and planning for the implementation of Form Based Codes. Staff and members of the Planning Board have already begun using the online and in person resources of the Form Based Code Institute. If the ROD is adopted into local law application forms, requirement checklists and review procedure will be developed and published for the ease of use of future applicants as well as the staff reviewing applications. The Planning Board shall be provided with instructional materials to guide them through the

particulars of the process related to ROD applications. Additionally, SAMPLE completed “Zoning & SEQRA Conformity” documents shall be created with Town Staff through the development of case studies of conceptual development of actual parcels located within the Riverside Overlay Districts. These tools and resources will help to expedite the actions of the applicants and the Planning Board Review process.

***Comment SPB2:** The Town of Southampton Planning 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.*

Response: In the ROD Section 413 B (2) (a) states: “A pre-submission conference with the Project Development Council is mandatory for all applicants for development within the ROD.”

***Comment ACD2, AS5:** If there is no eminent domain and the overlay zoning is optional, how are the Proposed Plan and Zoning Code ever going to be implemented?*

Response: The use of eminent domain proceedings is not proposed. The development and redevelopment of the area would occur at the voluntary option of property owners. The current zoning (which will remain unchanged) does not currently provide incentives for redevelopment or investment in the community. The proposed zoning overlay, however, offers zoning/density incentives which allow property owners to receive additional development density if they choose to opt into the ROD and its standards and regulations. Additionally, the work completed for the BOA and GEIS by the Town is intended to assist in identifying and collectively working to resolve redevelopment constraints for the overall study area. The complications surrounding the existing regulatory requirements (wetlands setbacks and restrictions, WSRR and Central Pine Barrens regulations, Town overlay district requirements, sewage treatment, etc.) do not allow for existing property owners to easily pursue redevelopment with any kind of significant financial gain given what existing zoning permits. 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 motivation for property owners to pursue redevelopment of properties.

***Comment PBC39, PBC51:** 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.*

Response: Section 2.1 of the DGEIS describes that the Town selected Renaissance Downtowns (“RD”) as the Master Developer, and authorized the Town to negotiate a Master Developer agreement (“MDA”) with RD. The MDA was executed in April 2014 and sets forth a definitive and binding agreement between the Town and the Master Developer governing the implementation of the revitalization effort, including provision for the sale of certain Town-owned properties within the Study Area to the Master Developer. The transfer and

redevelopment of the Town-owned parcels, will be a future action, anticipated to be undertaken subsequent to the adoption of the recommended zoning and after completion of the full appraisal process

***Comment PBC40, PBC52:** 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.*

Response: Sewage treatment facilities and operations will be paid for by those opting into the ROD and redeveloping land. Parking will be the responsibility of individual land owners and developers in accordance with the requisite parking standards. Public and private open space is mandated by the proposed ROD requirements, including the provision for waterfront access and paths, which have been identified on the Zoning Standards Map. Easements will be requested from property owners along the river to provide public access/walkways to the shoreline. Additionally, grant applications will be pursued to help offset the costs of sewage treatment and waterfront access improvements, as well as other environmental enhancements. New taxing districts are not anticipated.

***Comment PBC41, PBC53:** 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.*

Response: Future development timelines will depend on individual property owners and developers' ability to secure land, funding, and receive approvals. Some property owners may not opt into the overlay zoning or may not decide to develop or redevelop their land for years, if at all. It is anticipated that waterfront improvements and walkways will be constructed at the time of development or redevelopment.

***Comment AS1, AS4, AS5:** All the big businesses have left Main Street in Riverhead, and moved to Old Country Road (County Road 58). That's where people want to shop. That's how they want to shop. I don't know that they are looking for what you are proposing in Flanders or Riverside. You don't have the Long Island Railroad nearby. So attracting people to come here isn't the same as having a subway stop or a nearby Long Island Railroad stop. There isn't enough base to support this development. This is Riverhead. It's not Manhattan.*

Response: Currently there are many obstacles to development and redevelopment, limited potential for financial gain, and great uncertainty about investment in the area; however, the proposed zoning code amendments provide density incentives that make redevelopment more viable and economically attractive to property owners and developers. The Town of Southampton, Master Developer, and project consultants have been working toward creating an environment that will make the area more attractive to business through the many ideas included in the RRAP and ROD. Similarly, the Town of Riverhead has been working toward improving its downtown. The Riverside and Riverhead projects represent considerable commitment by the two towns. Both plans include the construction of additional residential units that will increase

the need for goods and services and create more business opportunities. Providing mixed uses, convenient access and enhanced community walkability will help to facilitate patronage of businesses by locals. Holding major events such as WaterFire along with the expansion of business activity should help draw more visitors to the area. Moreover, there is a significant untapped consumer base that passes through Riverside on their way to work or on their way to other destinations. This traffic represents a significant source of business that can and should be captured.

***Comment AS2:** You're going to dictate to businesses that they have to employ ten percent of local people, how the buildings are going to look and the architectural details, and I don't know how that's going to fly with many businesses or developers – that is having all the details spelled out early. I think you may be cutting off your nose to spite your face and discouraging people from coming in and partaking in this redevelopment.*

Response: Minimum workforce housing, architectural standards and zoning requirements are already in place in Riverside, the Town and communities across the region. The proposed zoning code amendments have been specifically designed to include incentive bonuses that allow increased density and should make development under the proposed zoning attractive to anyone who is looking to maximize the economic return on their property.

***Comment DGI:** The bar near the Church in Flanders (Riverside) has a very negative history. Bringing liquor into that area will make it just as crazy as it's ever been. Since December 2014, I've been fighting to make sure they do not obtain their liquor license.*

Response: Bars, taverns, and nightclubs are not among the uses to be permitted in the ROD but they are permitted in some of the existing underlying zones through the special exception review process. The Proposed Action provides incentives to landowners to redevelop their property which may incentivize the redevelopment of this property into a use that may be more beneficial to the community.

***Comment FRNCA6:** Lastly, most overlay district wide mitigation charges should be paid prior to the issuance of Certificates of Occupancy 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.*

Response: As described in Section 2.2, the Fair Share Mitigation payments area anticipated to be phased with 50% paid as a condition of the Site Plan approval, and 50% prior to issuance of a Certificate of Occupancy.

***Comment DECI:** 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

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).

Response: The comment is acknowledged. See Comments DEC5 and DEC6 under Section 3.2.4, “Wetlands,” and Section 3.2.6, “Wild, Scenic and Recreational Rivers Act,” for specific comments and responses relating this comment.

Comment BF6: *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?*

Response: See response to Comments ACD2, AS5 above. Current property owners can choose to pursue redevelopment or not under the proposed ROD. It should be noted that the only way to opt-in to the ROD is through a successful site plan/development proposal to the Planning Board. Therefore by its nature, the ROD is only able to be used for the purpose of developing the property.

Comment BF7: Who determines payment in lieu of civic space? Identify a timeline tying the construction of civic space to project construction.

Response: The Town Board shall determine the payment in lieu of civic space and said payment structure to the applicable Fee section of the Town ordinance. Changes to the Fee schedule of the Town ordinance is not a zoning action and may be revised as the Board deems necessary and beneficial to the Town. The Civic Space shall be a condition of Site Plan approval. If conditions of Site Plan approval are not met, the Town under existing law as well as the proposed action has several remedies including withholding the Certificate of Occupancy of the project therefore, the construction of the approved Civic Space shall be concurrent to the project.

Comment BF8: 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?

Response: The Density Bonuses contained in the ROD are as-of-right determined by the applicable site conditions such as minimum requirements for Site Frontage on a public street and the total area of the Site measured in square feet. Therefore the ROD does not limit the number of sites which could take advantage of the two density bonus conditions save for the limited number of development parcels in the ROD.

Comment BF9: 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.

Response: Section 2.2 of this FGEIS outlines Community Benefit Program funding which may be utilized to ensure those residents who desire to remain in the Hamlet will be able to. It should be noted that this ROD is an optional zoning for the express purpose of the development of property therefore, homeowners will not be displaced from the Hamlet. Additionally, the larger and single family home neighborhood of the Hamlet are not directly impacted with additional development rights under the ROD and careful consideration was given to those areas to limit displacement as much as possible.

3.2.11 Housing

Comment CPB54: *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.*

Response: The project proposed that 50 percent of the units be affordable not that 50 units are affordable. See response to comment AD2 below. The rate of affordability will be as defined by Chapter 216 of Town of Code, which regulates Community Benefit housing units. Income levels for eligibility for Community Benefit housing units is based on U.S. Department of Housing and Urban Development (HUD), income levels for the region (Nassau and Suffolk Counties).

Comment AD2, PBC54: *I’m excited about the idea of affordable housing and an urban environment, similar to what is happening in Riverhead right now.*

Response: Comment acknowledged. The Town and Master Developer believe it is important to ensure diverse housing options and therefore is promoting live/work, home/office, apartments over stores, two-family residences, multifamily residences, and multiple residence options. Housing affordability is a key element of the revitalization of the area. In regard to affordability, it is the intent of the Proposed Zoning to provide housing for people of differing means. As envisioned by Chapter 216 of Town of Code, future dwellings will serve existing residents, their children, the local workforce, American veterans, and community services providers in the area, as well as others who may wish to move to the area. A significant benefit anticipated in redevelopment under the proposed ROD is the requirement for 50 percent of the total number of

housing units constructed to be offered in perpetuity as Community Benefit housing units, administered pursuant to Chapter 216 of Town of Code. Based on the Theoretical Development Scenario, which contemplates the construction of 2,267 residential units, this code requirement would equate to over 1,100 new Community Benefit housing units reserved for income eligible households. The remainder would be market rate units.

Comment FM3: I love the idea of first floor retail uses with housing above. It's something that we desperately need in this community and we need it for future generations, so I'm in support.

Response: Comment acknowledged. See also Comment AD2 above.

Comment PBC42: The NYSDEC mapped environmental justice areas in New York State (see http://www.dec.ny.gov/klocs/permits_q_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.

Response: The Riverside community is a racially and ethnically diverse community. It also is one of the poorest communities on Long Island. The purpose of the proposed development and redevelopment is to eliminate blight, promote private investment, provide affordable housing, offer new employment opportunities, increase tax ratable development, reduce crime, and revitalize of the community. The proposed proportion of affordable housing far exceeds minimum requirements of the Town, County and State.

3.2.12 Home and Property Values

Comment JLI: When I took over management of the Parkview community, my pledge to them was to increase home values and maintain the property so that they retained the value of their home. I sat in on some meetings with Renaissance and was skeptical at first but they listened to the issues and answered questions. I do know one thing: If you continue to do something the same way, it's going to remain the same. You have to give something a chance.

Response: Comment acknowledged. A common theme at the public hearing is that action is needed to improve the community. Eliminating blight, promoting private investment and redevelopment of the area with mixed uses that conform to form based codes, providing capital improvements such as sewage treatment facilities, reductions in crime through job creation, are just some of the objectives of the RRAP, BOA Study and ROD that should help to improve home and property values in the area.

3.2.13 Economic and Business Impacts and Benefits

Comment LL5: *If I can add to what the Supervisor said, every politician, every leader, whether they're in a civic organization or business that I've encountered and spoken to about WaterFire who has done their due diligence, including Denise Civiletti, who I would say is a leader in this community, as well as a journalist, has actually understood the potential impact. Hundreds of millions of dollars go to the economy wherever WaterFire goes.*

Response: Comment acknowledged. Bringing WaterFire to Riverside and Riverhead is intended to attract visitors to the area and provide another avenue to spur significant economic investment in Riverside. Additionally, the WaterFire project will provide additional opportunities for public access of the waterfront – a highly desired goal of the community.

Comment FM2, MS5: *I'm in support of the economic development that is coming. There is a need for economic development in the community.*

Response: Comment acknowledged. A carefully planned and coordinated effort is required to curtail the decline of Riverside's economy and quality of life. This can only be accomplished through a multi-faceted economic revitalization approach involving quality planning, suitable zoning, viable development incentives, public participation and the cooperation and diverse talents of local residents, property owners, developers, and Town and agency officials. Based on the materials reviewed, meetings held and input received, the Proposed Action has been developed to address the key concerns and needs of the community identified through the public outreach process to date.

Comment ST2: *We need this. We are now the most economically distressed. That is not where I want to live.*

Response: Comment acknowledged. See comment FM2 and MS5 above.

Comment AS3: *I own a business in Flanders. It is a vacant building. How am I going to attract someone now, instead of waiting, 50 years as Sean said, for someone's grandchildren to develop their property? I need something to be done now. It's vacant. I'm paying the taxes. I can't attract anyone to the property. If I put this development up, it's going to be in a sea of vacant land around me. I don't know if I can attract anybody, nor attract a large, large company. I mean, local businesses, maybe. But you need the basis for a basement corporation so that if the little ones leave, at least I have some income from the big guy. I don't mind having small local people. They need to know that I'm not going to have turnover every two years because business isn't as good as they'd like. Same thing with housing -- people move in, people move out. There are vacancy factors that have to be considered.*

Response: The proposed action should spark additional business activity and investment in the area as a result of new housing, new residents, a need for building supplies and construction products, an increase in the number of residents, the anticipated draw of people from the

additional retail, restaurant, hotel, and offices, and increased public events and activities such as “WaterFire.” It is the intent of the project to attract more visitors, residents and business to the area and to capture some of the residual demand passing through the area. The Proposed Action strives to create an environment that is conducive to revitalization and long-term success and sustainability in terms of business, business support, employment, essential goods and services, and other vital aspects of community.

***Comment JL2:** In my experience from traveling a little bit and seeing other towns, cities, communities that have been planned with thought for the residents and actually have a workable plan, are thriving. That’s what we need here because we have the perfect base.*

Response: Planning and outreach has been occurring for years in Riverside including several area land use and zoning studies, a sewer feasibility plan, and traffic improvements planning. It is this planning and outreach that has served as the foundation for the Proposed Action and with continued work will bring reward. The Town of Riverhead is also in the process of revitalizing its downtown to help promote business activity and address storefront vacancies. The concerted efforts of the Hamlet of Riverside and Town of Riverhead should work synergistically to strengthen both communities’ business districts and create a more vibrant business environment. The location of Riverhead and Riverside at the gateway to the Hamptons and the North and South Forks and its location at the mouth of the Peconic River and Peconic Estuary is an ideal location for such development.

3.2.14 Jobs/Employment

***Comment US1:** I support the project and Suffolk Community College supports the project as it will promote the creation of jobs. As businesses come in, we will look at the degrees that the eastern campus can provide -- whether it be design, accounting or business, which are the major degree programs. Jobs will help keep young people here on Long Island and that’s a big issue.*

Response: Social, economic, and environmental factors are fundamental components of a successful and sustainable community and assuring a well trained workforce through quality education and job training programs is essential to social and economic opportunity and well-being. SCC will therefore have an important role to play in the revitalization of Riverside and is urged to work with the Town and the community towards this goal.

***Comment CP11:** If we want workforce housing, we need real jobs. What type of economic development and jobs are we talking about? Retail?*

Response: The types of land uses and hence the types of employment opportunities that will be available are largely dependent on the actual uses that are established which may include professional offices (lawyers, engineers, accountants, etc.), medical offices (doctors, dentists, hygienists, nurses, administrative persons, retail industry (sales persons, managers, and cashiers) restaurants (cooks, waiters and waitresses, etc.), institutional (librarians, museum curators, etc.)

light industry (artisans, researchers, etc.) and a wide variety of others. Secondary or spin-off employment opportunities can also be expected in the area, such as increased demand for school teachers, police officers, and employees working for business support and service establishments. Section 12.2 of the Draft GEIS provides an overview of the significant job creation anticipated through the revitalization efforts, including a considerable number of construction jobs created during the community development and rebuilding process and material and equipment suppliers. Jobs would include temporary (construction), intermittent (property and building maintenance), and full-time and part time employment. A significant benefit realized under the proposed ROD is the establishment of enforceable Community Benefit Policies. The policies include a Construction Jobs Policy, an Operations Jobs Policy, and a Local Contracting Policy to ensure job creation for local residents and businesses.

***Comment RB2:** When you talk about jobs, I want people that look like me to have jobs. I want people on the boards that look like me. In this community, whether it's in a town hall, whether it's in the police station, whether it's in the school system, whether it's on the school board, there is a lack of what the demographics of this community should look like.*

Response: See response to comment CP11 above. The project will open up a variety of opportunities for housing, employment and involvement in the community. All members of the Riverside community who are seeking employment are urged to apply for jobs as they are advertised. The Town, Master Developer and project team are very appreciative of efforts of the minority community which have been very involved, provided quality input and continue to be a major contributor in the success of the Proposed Action to date. We urge all members of the community to continue your efforts toward achieving the goals and vision of your community, including ensuring equality and opportunity for everyone.

3.2.15 School District Impacts/Tax Implications

***Comment SK2:** The Riverhead Board of Education supports the revitalization and progress for our neighboring towns. We would also like to be proactive in accommodating the plan's projected 283 additional students. This plan predicts an average increase of 28 new students per year over the course of the 10-year construction. It also states that a fair share mitigation program will include an evaluation of the implementation of facility upgrades once a greater understanding of future enrollment is completed.*

Five years ago Riverhead voters approved \$78.3 million to increase the number of classrooms, expand our common areas and provide upgrades. We will complete this project next year and this week we finally tore down our old portable classrooms on our main campus.

Riverhead is one of the few districts on Long Island experiencing increased enrollment. Over the past ten years we've had an average increase of 19 new students per year, and this school year alone we currently increased by 187. Therefore, I hope you understand our Board of Education's concern and will put more concrete detail into answering the questions of when,

what and how fair share mitigation will be provided to Riverhead Central School District's future students and taxpayers.

Response: The Town reached out to the Riverhead School District at the early stages of the SEQRA review process to obtain input from the District and gather a greater understanding of potential issues and concerns. Sections 9.2.2 and 15 of the Draft GEIS describe the process by which the Town proposes to work with the District to ensure the District is able to accommodate children generated from the Riverside revitalization efforts. The first step is to gather greater understanding demographic projections and the expected enrollment changes based on current growth trends and the additional students anticipated from redevelopment pursuant to the Proposed Action. Once a greater understanding of future enrollment and available classroom space is completed throughout the District, a determination of facility needs to accommodate this growth can be evaluated based on existing available classroom space, short term vs. long term space needs, exploration of options for specialized programs such as Science Technology Engineering and Math (STEM) and opportunities to work with the nearby Suffolk County Community College campus may be pursued to assist with space constraints. Once space and growth trends are better understood, the costs of potential facility improvements and potential funding mechanisms will be discussed. The Town is committed to continuing to work with the District to best serve the residents and students of the School District.

Comment MB3: *I don't like the idea of four-story buildings because of the number of children it will bring into the school system.*

Response: See responses to comments SK2 above, and comments CP1, CP5, CP7, CP10, MB2 and NS3 in Section 3.2.9 of this Final GEIS. The taller buildings in the community are expected to contain a mix of land uses, including but not limited to offices, retail and other business uses which generate tax revenues without placing demands on the school. Additionally, 70% of the units anticipated by the Theoretical Development Scenario are either studio, one bedroom or age restricted units, which are very low generators for school age children. A

Comment CP6, CP15, and AS6: *These comments note concern with potential increases in taxes resulting from development, and particularly the tax implications on school taxes.*

Response: Section 9.2.2 of the Draft GEIS provides a detailed discussion of the existing and future tax generation anticipated from redevelopment pursuant to the ROD, including a breakdown of the various taxing jurisdictions. The analysis shows a net benefit of over \$940,000/annually for school taxes (see discussion from this section of the Draft GEIS below).

The Theoretical Development Scenario will generate additional school-aged children to the Riverhead CSD, necessitating an increase in school district expenditures. According to budgetary information from the school district, the current annual cost to the taxpayers of each student is \$18,384; the total costs to the district for the Theoretical Development Scenario upon full buildout are therefore \$5.2 million. The Theoretical Development Scenario will cause a substantial increase in property taxes for the Riverhead CSD over

the existing condition, particularly as several parcels will be returned to the tax rolls. Based on the current 2014-15 tax rates, the school tax revenue from the Theoretical Development Scenario would be approximately \$6.14 million per year, creating a net-benefit to the district of \$940,734 each year after full buildout.

Comment BF10: *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?*

Response: The Town has been in communication with the School District since the early stage of the SEQRA process and the dialogue is on-going. The estimate of school age children projected from the 10-year build-out of the Theoretical Development Scenario was completed using regionally accepted demographic multipliers from residential demographic multipliers published by the Center for Urban Policy Research at Rutgers University. The District has not noted concern with this projection. The 283 student projection is notably very conservative, as the Theoretical Development Scenario anticipated redevelopment on some existing residential lots, which would result in a net of 233 additional students anticipated when existing residential lots considered for redevelopment area accounted for. Additionally, this projection does not take credit for the priority given to existing residents of the school district that would be eligible for 50% of the units as dedicated Community Benefit Units pursuant to Chapter 216 of the Town Code. Therefore a portion of the units are anticipated to be inhabited by students which currently live within the district. See response to comment SK2 above regarding on-going efforts between the Town and the School District to evaluate the Districts future growth projects and facility needs.

3.2.16 Traffic and Transportation

Comment ST3, DG2: *I have to tell you that, the big thing that comes up constantly is the traffic. You know how much traffic this is going to cause? There's going to be an increase in traffic, without a doubt. But that's traffic I want to see, not the drug dealers, not the prostitutes. That is what we see now and that is the only traffic we're seeing. It has to be done. We're going to have traffic, regardless, but it has to be that positive traffic. No more drug dealers, no more prostitutes.*

Response: Comment acknowledged. The Town and County have thoroughly examined the issue of traffic and weighed potential impacts against the many benefits of the project, and sought methods to mitigate traffic concerns to the maximum extent practicable. The County has recently funded the reconstruction of the roundabout with a traffic circle to accommodate two lanes of traffic that will help to ease traffic impacts (construction is slated to begin in 2016). As described in Section 2.2 of this FGEIS, projects opting into the ROD will be responsible for

payment of a Fair Share Mitigation fee to fund the traffic improvement identified in the DGEIS (see Section 10.3) to further mitigate impacts. See Comment CP3 below.

Comment CP3: *What about the traffic issue?*

Response: A comprehensive Traffic Impact Study (TIS) was conducted by Nelson & Pope Engineers and Surveyors to determine existing traffic conditions and to identify potential traffic impacts and available traffic solutions or mitigations for the proposed project, which culminated in the preparation of a 423-page report. The conclusions of the TIS are as follows:

Based on the results of the Traffic Impact Study as detailed in the body of this report, it is the professional opinion of Nelson & Pope that the construction of The Plan with the implementation of the recommended mitigation measures will not result in adverse traffic impacts in the study area. Increases in traffic from the proposed project can be accommodated at some study intersections without any mitigation. Some locations will require mitigation ranging from adjustments to the signal timings, additional lanes and installation of a traffic signal. Although there will be changes in the LOS at some intersections, they will continue to operate at acceptable levels of service. The following are the recommended mitigations.

- Optimize and adjust the splits at the signalized intersection of Flanders Road (NYS Route 24) and CR 105.
- Redesign the northbound Old Quogue Road approach at its intersection with Flanders Road (NYS Route 24) to provide one right turn lane and one left turn lane.
- Redesign the northbound Vail Avenue approach at the intersection of Flanders Road (NYS Route 24) at Vail Avenue to provide one right turn lane and one left turn lane. In addition to the redesign of the northbound approach, re-stripe the painted median on Flanders Road just west of Vail Avenue as a center two-way left turn lane consistent with the rest of Flanders Road.
- Install a traffic signal at the intersection of CR 104 at Old Quogue Road and Ludlam Avenue.

In addition, the County has recently funded the widening of the traffic circle to accommodate two lanes of traffic which will help to ease traffic impacts. The proposed work is slated to begin in 2016.

Comment SCPC2, SCPC8: *The Town of Southampton should continue to coordinate with the Suffolk County Department of Public Works and the Town of Riverhead regarding traffic and stormwater issues north of the CR 94 Roundabout on Peconic Avenue and in connecting downtown Riverhead to Riverside.*

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 stormwater treatment options.

Response: The Town Southampton, Master Developer and project consultants has reached out to the Town of Riverhead, the Riverhead School District, Riverhead Fire District and the Suffolk County Department of Public Works and will continue to work with these entities until the last building is constructed. (See also Section 3.2.2 Stormwater/Drainage)

Comment PBC36: 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.

Response: This comment does not recognize that the Proposed Action is the adoption of zoning and associated land use plans, and should be changed accordingly. The Traffic Impact Study contained in the DGEIS, which evaluates the 10-year build out of a Theoretical Development Scenario contains information on Level of Service changes (see Section 10.2 of the DGEIS).

Comment SCPC7: 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.

Response: Bus service is well utilized in the area and during the public outreach phase of project planning, the community expressed great interest in increasing bus and transit opportunities. As a result, the Town and Master Developer have been working with Suffolk County to determine if increasing bus service along the existing bus route is possible. Bus and transit to, from and between Riverside, downtown Riverhead (which is also slated for revitalization in the near future), the Riverhead Train Station, and shopping centers along CR 58 are being evaluated. Connecting Riverside/Riverhead to EPCAL may be another option as development occurs and demand warrants.

3.2.17 Parking

Comment CP2: When you're talking about 2,267 residential units, where are all these people going to park?

Response: Parking will be the responsibility of individual land owners and developers in accordance with the requisite parking standards of the ROD. As noted in Section 2.1 of this FGEIS, the required parking has been expanded to provide additional requirements for a larger range of uses. Where parking will be provided off-site, the Applicant will be required to pay a fee-in-lieu of spaces to the applicable Parking Agency/Fund according to a fee schedule established by the Town Board.

The Proposed Action encourages the establishment of shared parking between proximate uses as a way to reduce the number of parking lots and parking spaces constructed (see Section 330-410 I. 3 and 4 of the proposed zoning code amendments, see **Appendix D**). In addition, the Proposed Action seeks to move parking areas to locations where it would be more aesthetically appropriate, such as locating shared surface parking behind buildings. "Liner" buildings would

screen parked cars but allow for parking to be situated in convenient proximity to new uses. In addition, the parking setback requirements for A- and B-Streets would locate surface lots (even those exposed to public view) outside of the Build-To-Zone, which would improve visual qualities from streets and sidewalks and allow for street-side landscaping thus enhancing the overall appearance of development and the streetscape. The exact location of parking will be determined by the Town Planning Board during site plan review.

3.2.18 Community Walkability/Pedestrian Activity

***Comment MS2:** Having new opportunities just a short walk away is beneficial to the seniors living within Riverwoods, and families within the area, and will promote a pedestrian-friendly neighborhood.*

Response: The compact mixed-use nature of the proposed ROD, ground floor businesses, as well as the creation of new street connections, sidewalks, boardwalks, a possible pedestrian bridge over the river, pedestrian safety improvements, improved outdoor lighting, more “eyes on the street” and any reduction in crime, will help to promote a more walkable community.

***Comment DS1:** I used to come out to the area when I was a little girl and visit my grandparents. I lived in Brooklyn and Troy New York and hadn't been out here in decades. When I first moved here, I couldn't believe how “dead” the area looked. I'm a walker. So I have a car, but I haven't driven because I love to walk around Long Island. I'm also a student at SCC. So usually when I get off at the County Center, sometimes the buses take too long and I walk. So that is a task in itself if you're trying to get across from the County Center to come all the way over to this side.*

Response: Implementation of the Proposed Action will ultimately result in new sidewalk improvements, greater street connectivity, more outdoor lighting, increased signage, increased community activity, and anticipated reductions in crime that should make the Riverside community safer and more walkable. The roads that the County Center front on, “Center Drive” and “Center Drive South,” are County roads and are outside of the Study Area of the proposed BOA Study, RRAP and ROD. The Town suggests that the commenter reach out to the Suffolk County Department of Public Works to express concerns regarding pedestrian safety in those areas outside of the study area. I

***Comment DS4:** I get tired of going to New York to do things. I can't wait until all I have to do is just walk down the block. And that's the other thing -- there are no sidewalks. I have to pick which streets to walk down because it's too dark, it's isolated, it's dangerous. It's just scary.*

Response: See comment and response MS2 and DS1.

***Comment KK2:** People are getting hit leaving because when the bar closes they're going to 7-Eleven trying to buy beer and people crossing. We still don't have a light. So people from our*

community are still getting killed crossing the road, which is something we're hoping will be addressed before 2016.

Response: Implementation of the Proposed Action will ultimately result in new sidewalk improvements, greater street connectivity, more outdoor lighting, increased signage, increased community activity, and anticipated reductions in crime that should make the Riverside community safer and more walkable. Flanders Road is a State highway falling under the jurisdiction of the New York State Department of Transportation and we expect the State is well aware of any accidents and deaths and injuries that have occurred while persons were crossing the street. The Town and Master Developer will continue to dialogue with the New York State Department of Transportation to discuss traffic issues and concerns as the process proceeds and implementation begins. As an involved or interested agency we anticipate that the State will review the FGEIS. The Town also suggests that you reach out to the State Department of Transportation to express your concerns.

3.2.19 Community Character/Placemaking/Revitalization

***Comment LL3:** One of the strongest messages that I've taken away from the RRAP is that I really see the essential connection between the two sides of the river, which is something that as a creative placemaker, which is what I do professionally, meaning, I identify places that are made of physical assets and human assets and nature and I help communities turn them into the optimal formula for their success. And here, recognizing both sides of the river together and their proximity, something the RRAP has done, is not by chance. There are many areas that could be developed along the whole northern side of Southampton. But positioning the Riverside development in proximity to Riverhead and rekindling the old vibrant communities, whose history I have had the pleasure of researching, and pulling them together around this space is, I think, a tremendous, extraordinary, extraordinary opportunity for this community.*

Response: The Town concurs. The Town and Master Developer have also recognized the great potential for this area based on its proximity to downtown Riverhead and everything it has and will offer in the future, the presence of the County facility and nearby courts, the river and estuary, several major streets that merge in the community, nearby transit, and the presence of a number of vacant rundown buildings and properties that are ripe for redevelopment.

***Comment MS3, ST1:** These comments describe the poor aesthetic conditions of the existing conditions of the Study Area and the need for improvement and reinvestment in the area.*

Response: The Town concurs. The driving force behind the Town's efforts to enter into a Master Developers Agreement and initiate the Riverside Revitalization Action Plan was to facilitate change. There is clearly a need for improvement and this can be accomplished by implementing a coordinated, well vetted and careful considered plan aimed at incentivizing redevelopment, eliminating existing blight (numerous vacant and boarded up buildings) and encouraging new form-based developments that are subject to state-of-the art design criteria, are

subject to architectural review, and can reduce and mitigate visual and community character impacts.

Comment MB4: I come out here, I don't mind paying the taxes, but I like the open type of a look.

Response: The proposed redevelopment and revitalization of Riverside is necessary to save the area from further decline and blight and to return it to a thriving socially and economically healthy community. The Riverside-Northampton-Flanders-Hampton Bays-Calverton area contains thousands of acres of preserved woodlands, ponds, wetlands, and wildlife habitat and is subject to what is one of the most stringent environmental standards on Long Island. These areas will remain intact and maintain much of the rural charm of the area.

Comment RN2: I'm a believer in the adage: "a rising tide raises all ships." With the development of the Riverside revitalization, I'm hoping that this will not only have a positive impact on the hamlet of Riverside but also the communities of North Hampton and Flanders. With the right revitalization of Riverside, you can only hope that the tide will rise and trickle down to this lovely little place called Flanders, my home, and the community of North Hampton.

Response: Comment acknowledged. It is the intention of the revitalization efforts to have an overall positive impact on the Study Area and the surrounding communities.

Comment NY1: I will miss the nice natural side of the river when I walk the boardwalk in Riverhead.

Response: While the surrounding area is replete with preserved pine barren forests and open spaces and contains ponds, a lake, rivers and streams, tidal creeks, marshes and a bay, the built environment within Riverside lacks a positive and distinctive community identity and in many instances actually detracts from its character. Unlike other well-established and successful hamlets and villages in the Town, Riverside lacks any recognition as a desirable "place" or destination to live where social and economic activities are woven into the fabric of the community creating a vibrant, walkable, mixed-use, sustainable business and neighborhood climate. Instead, the community is failing and is in dire need of revitalization.

Several large properties along the river are currently owned by the Town or County for the purpose of protection or management and there are wetlands in some areas along the river. It is very important that these valued resources be protected to the extent practical, while allowing some development and activities that are needed to sustain the community socially and economically.

3.2.20 Social Aspects of Community/Quality of Life/Recreation/Entertainment/Arts, History and Culture

Comment PBC16: *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.*

Response: The process for review of archaeologically sensitive or potential local historic sites of significance is described in detail in Section 8.2.2 of the DGEIS. It is the function of the Statement of Findings to establish conditions and thresholds for future site specific development to be proposed within the Study Area. In addition, Section 15.0 (page 15-5) of the DGEIS identifies how Future Actions will be handled with respect to cultural resources. Further information may be provided in the FGEIS and the Findings will address this matter. **Appendix F** of this Final GEIS contains an updated version of the Section 15 “Future Actions” section, which includes additional specification relating to possible future site- and project-specific archaeological assessments.

Comment PBC34: *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)*

Response: See response above. This DGEIS provides this information which was from a Town survey. The process for review of archaeologically sensitive or potential local historic sites of significance is described in detail in Section 8.2.2 of the DGEIS, and Section 15.0 (page 15-5) of the DGEIS identifies how Future Actions will be handled with respect to cultural resources during site plan review of individual applications. The Statement of Findings will establish appropriate conditions and thresholds with respect to applicable permits and/or historic structure considerations. No additional actions will be designated as Type II actions other than those minor actions recognized and listed in SEQRA §617.5, “Type II actions.”

Comment PBC35: *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, 5.3.3.11.3, and 5.3.3.11.4 cannot be determined at this time.*

Response: See response to PBC34 under this subsection above. As noted, no additional actions will be designated as Type II actions other than those listed in §617.5. A letter dated October 23, 2015 was received from NYS OPRHP regarding cultural resources in the area and provided in **Appendix B** of this FGEIS. The four comments provided from the OPRHP (OPRHP1-OPRHP4) are addressed in this FGEIS.

Comment LL1: *WaterFire has embraced the RRAP in as much as it is a quadruple bottom line project, paralleling the RRAP which is a triple bottom line project where we’re looking at economic, social and environmental impact. WaterFire is also centered around cultural impact.*

Response: The redevelopment and revitalization of Riverside including the possibility of cultural land uses and housing for artists that would be permitted in the ROD, along with revitalization efforts by the Town of Riverhead in its Downtown will help to promote new and expanded cultural and educational opportunities. Uses such as the existing aquarium in Riverhead, WaterFire, other public events, activities, arts and culture, new restaurants, hotels, and museums are just some of the existing cultural assets to the area, which help form a desirable community.

Comment AD1: *I feel like I represent a demographic of a young person living in Southampton and also a member of the creative community. I think that I’m interested in Riverside because it, first of all, has embraced the WaterFire project, which I think is a really exciting way to bring people to and expose them to the arts in the community.*

Response: See comment and response LL1 above.

Comment JA2: *I’m excited. I’m afraid. I’m a single mom living on Long Island, just banging it out every day trying to survive and not living a statistical life, but we don’t have to live a statistical life. I want that for my son who’s coming up. I want that for my grandchildren. I*

want to have hope, and that's what this project does. It brings hope and unity to our community, and that's what we need. That's what we need. We know what we have. We have to do something else.

Response: Comment acknowledged

Comment OPRHP1: *Comments provided are those of the New York State Office of Parks, Recreation and Historic Preservation (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).*

Response: Several acres of the 2,500-acre, State-owned, David A Sarnoff Preserve extends into the Study Area. Despite the existence of this portion of the wildlife refuge and passive recreational parkland in the ROD, no private development will occur within the State park's boundaries and no disturbance or direct or significant impacts are anticipated to its functions or quality. The portion of the preserve within the ROD contains a small freshwater pond/wetland and is in a Central Pine Barrens Compatible Growth Area and the portion of the Preserve that is adjacent and south of the ROD is in a compatible Growth Area. Since the park is within the Central Pine Barrens, and the CPBJPPC is an involved agency, it reviewed the RRAP, ROD, and DGEIS and provided comments accordingly. There may be additional use and enjoyment of the park as the community grows; however, neither the DGEIS nor any of the CPBJPPC's correspondences identified potential significant impacts to the park from the Proposed Action.

Comment OPRHP2: *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.*

Response: Comment Acknowledged

Comment OPRHP3: *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.*

Response: Comment acknowledged

Comment OPRHP4: *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.

Response: If future projects involve state or federal permitting, funding or licensing, additional review of potential impacts to architectural and archaeological resources may be required pursuant to Section 106 of the National Historic Preservation Act or Section 14.09 of NYS Parks Recreation and Historic Preservation Law. This language will be included in the list of “Future Actions” (**Appendix F**) and the final SEQRA Findings Statement.

3.2.21 Crime

Comment KK1: *I am for this project, because when I moved here, I was told that they tried to confine the drug dealers and hookers to Cypress and Old Quogue Road. That was unacceptable. We got the people together and in numbers people realized that you can speak, we do have a voice, and they came out. They need to clean up the area. I'm tired of being -- I can't curse, can I? I'm tired of being the end of Southampton. I'm tired of being – “Oh, you live in Flanders? Oh, don't go to Riverside. Oh, my, God, don't go down Brown Street or Old Quogue Road. Oh my God, Cypress is unsafe.” We all live here. We're a community and together we're going to clean it up. We're not going to take it anymore. Southampton is going to realize that we are part of Southampton and we are going to make a difference. Our children are going to grow up safe. They're going to have a place to play. They're going to have a place to go shopping. We need to clean up this area.*

Response: One of the primary reasons for the redevelopment and revitalization of the area is to attempt to eliminate the scourge of crime that currently exists in the Study Area. To facilitate these efforts, the Town has established a Community Benefit Program aimed specifically at generating funding for anti-recidivism programs, anti-human/drug trafficking programs, support for residents looking to recover from addiction and find alternatives to prostitution as well as other programs such as relocation assistance for residents who are displaced through future development resulting from this action. The allocation is estimated to be approximately \$4.6 million, based on the full Theoretical Development Scenario over the 10-year projection period.

Comment RJM2: *I've been running the church for 35 years. I remember probably 20 years ago, no one was able to walk on Flanders Road. There were people walking around breaking windows and stealing church instruments. But when I heard that this new project came through, it made me feel happy because I know that there will be great improvement even for me to bring people around the church safely.*

Response: Comment Acknowledged. See comment and response to KK1 above.

Comment ST4, DG3: *What we see now is drug dealers and prostitutes. That is what we see now and that is the only traffic we are seeing. This traffic has to change. No more drug dealings, no*

more prostitutes. We have children. We have our future that we have to worry about, my grandchildren, everyone's grandchildren. It's gone on for too long now. I'm for it.

Response: Comment Acknowledged. See comment and response to KK1 above.

Comment TC2: *My car was stolen from the Getty station and it was taken over to the gas station across the street. They stole \$3,000 worth of cigarettes and we finally found my car up on Old Quoque Road. It was used by a group of drug addicts. And I said, well, this is a pretty bad area.*

Response: Comment Acknowledged. See comment and response to KK1 above.

Comment KK3: *We did the neighborhood watch. They cleaned the streets. What more could they do? They got to a point that they weren't getting help anymore. Everybody needs to stand together. You need to go to your neighbors. You need to tell your neighbors that we need the help, we need more say. Everybody needs to stand up and we need to stand up for ourselves because nobody else is going to stand up for us, but us. We live here. My nephew got involved with the drug dealers and was murdered a block away from my house because of what goes on in my community. This needs to be cleaned up now, not tomorrow. Today.*

Response: Comment Acknowledged. See comment and response to KK1 above.

Comment NY2: *Won't the redevelopment and revitalization of Riverside only push its problems into Flanders?*

Response: The proposed project will bring economic investment, many new employment opportunities, stimulate greater social interaction, and provide new affordable multifamily dwellings to the community that will help to address poverty and joblessness, the lack of opportunity, building vacancies, and community blight. Additional residents, human activity and public events will create a more vibrant community with eyes on the street 24 hours a day, seven days a week. It will promote a greater level of community service including a potentially greater police presence and patrols and will provide increased security through lighting and public activity. It is not the intent of the plan and zoning amendments to push people out but to better address social and economic issues and to integrate these individuals into the community.

3.2.22 Public Safety and Universal Design

Comment SCPC9: *The Town of Southampton should review the Suffolk County Planning Commission Guidelines on public safety and include into the proposed Form Based Code practical elements contained therein.*

Response: Comment acknowledged. The code was reviewed to incorporate provisions from these Guidelines.

Comment SCPC10: *The Town should review the County Planning Commission Guidelines particularly as it relates to universal design and include into the Form Based Code practical elements contained therein.*

Response: Comment acknowledged. The code was reviewed to incorporate provisions from these Guidelines.

3.2.23 Energy

Comment SCPC6: *The Town should review the Suffolk County Planning Commission Guidelines on energy efficiency and incorporate into the Form Based Code practical elements contained therein.*

Response: Comment acknowledged. The code was reviewed to incorporate provisions from these Guidelines.

3.2.24 Project Alternatives

Comment PBC38: *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.*

Response: This comment does not recognize that the Proposed Action is the adoption of zoning, and should be changed accordingly. The Generic EIS process is intended to “inform” the SEQRA process with respect to various resources, potential impacts, applicable permits, mitigation and potential modifications and evolution of the actual development that may occur once the zoning is adopted. The Future Actions in the DGEIS recognizes various considerations that will occur as development occurs. The FGEIS may contain additional information of future action items, and the Statement of Findings will establish thresholds and conditions for future action based on information from the GEIS process. Since the Theoretical Development Scenario is not a “Proposed Action”, an alternative to this is not appropriate in the context of a GEIS and as noted, information gained through the GEIS will help to establish development limitations where appropriate and necessary to protect identified resources from potential impacts.

3.2.25 Public Outreach and Education

Comment LB1, LB2: *The Children’s Museum of the East End completed an eight-week pilot program last spring and will be back in the fall. Being at Riverside Rediscovered has been such a fulfilling experience for me and hopefully for the families who have been involved.*

CMEE, parents and educators in the community have had an opportunity to revitalize the community through art and through play. Furthermore, Siris has mentioned that our programming has been a way to get young parents, valuable members of the community, involved in what is happening, and educated on the potential of their community. Prior to the programming this demographic was hard to inform or, make excited about the revitalization.

In my time there I have seen a definite change and an action in Riverside. There is a pride, a sense of culture and a hope for the community. CMEE is looking forward to the redevelopment and our continued commitment and the investment of children and families in the area.

Response: Comment acknowledged. The CMEE’s efforts provide support to achieving the goal of revitalizing Riverside. The Town and community appreciate the Children’s Museum of the East End’s involvement as it is yet another step toward enhancing the quality of life in the community and hope that it will continue its efforts in providing cultural and educational opportunities to area children and their parents.

Comment LL2: *At this point, what’s interesting for us is that as a community-based project, one of the strongest voices that has kept WaterFire International engaged and allowed knowledge to be transferred to the community has actually been the active outreach that has been conducted through Renaissance Downtown’s Riverside Rediscovered program, which has been spearheaded by Siris Barrios, with Angela’s help...And I have to say that the community that they’ve built around themselves, has allowed me access to do the type of research I need to do in order to help the community make WaterFire a reality.*

Response: Comment acknowledged. Waterfire will also play an important role in the rebirth and revitalization of the area by providing public access to the river, offering cultural and entertainment opportunities for the public, and attracting people from outside the area to Riverside and downtown Riverhead.

Comment CP4, LPI: *The plan just came out October 13th, the SEQRA report. So this is where I’m getting actual figures and numbers. Are you going to have any more public hearings on this? I request more time be given for the public review including another hearing, especially one held at night. I have a lot of questions.*

Response: There has been considerable planning, public outreach, community meetings, environmental investigations, and public hearings, over the course of the past 15 to 20 years regarding the revitalization of the area including:

- 1999 Comprehensive Plan Update (“Southampton Tomorrow”);
- 2004 Flanders/Riverside/Northampton Revitalization Study;
- 2006 Riverside Blight Study;
- 2008 Riverside Hamlet Plan;
- 2009 Riverside Urban Renewal Plan;
- 2011 Suffolk County Comprehensive Plan 2035;
- 2013 Flanders Riverside Corridor Sewering Feasibility Study;
- SCDPW traffic circle improvements planning; and
- 2015 RRAP, ROD and DGEIS.

The current planning alone, has involved the following outreach activities since the summer of 2014, which is summarized in the BOA (Appendix B of the DGEIS).

- In the summer of 2014 Renaissance Downtowns opened a CSPM Community Office at 108 Peconic Avenue and hired a community liaison to better understand the collective values and vision of residents for the redevelopment plans. Riverside Rediscovered (RR) officially began in August 2014 at a kick-off community meeting in the presence of Town officials, by a vote of about 50 residents in attendance.
- Hosting the monthly meet-ups exclusively in Riverside has significantly increased resident participation. During this period, RD talked to over 500 residents face-to-face and conducted special outreach with local pastors and congregations in order to reach a wide audience.
- A major component of the outreach effort included walking the community and literally going door to door to speak to residents of Riverside. During this process, RD witnessed firsthand the living conditions of residents and the existing range of housing types and conditions. Community liaisons included both English and Spanish speaking representatives to ensure that everyone had a chance to voice their opinions.
- The Riverside Rediscovered website (<http://riversiderediscovered.com/>) was launched in August 2014 and quickly revealed the digital divide in the community. As a result of a significant amount of face-to-face outreach, the website has achieved 150 registered users online. During this period, RD also launched a Riverside Rediscovered Facebook Page (with 207 “likes”), a Riverside Rediscovered Community Liaison personal page (583 “friends”) and a twitter account (40 followers).
- Riverside Rediscovered Monthly Meetups were held between October 2014 – April 2015
- Door Knocking: September 2014 - November 2014, and March 2015 – April 2015
- One on One Meetings: August 2014 – August 2015
- CSPM Online Campaigns: November 2014 – August 2015
- In March 2015 the Children’s Museum of the East End (CMEE) began an eight (8) week pilot program for children between the ages of 2 and 5. The sessions were filled within 24 hours of the announcement, with children from Riverside, Flanders, Northampton, Hampton Bay, Tuckahoe and Westhampton all taking part. The “Museum without Walls” Riverside experiment has proven without a doubt that the community and the rest of the Town of Southampton can and will come together in Riverside if quality programming and quality space is offered. The program was such a success that the

CMEE recently approached Riverside Rediscovered about offering the program again in the Riverside community and with the offer to fund the program. If there is continued interest and participation, a permanent home for a children's museum in the community can be explored.

- Project materials were forwarded to numerous agencies, boards, organizations and community service providers and several meetings were held with these entities to solicit information.
- The DGEIS, RRAP, ROD and BOA Step II Nomination Study was made available to the public at the Town's website, The Town Clerk's Office, and at the Riverhead Library for review by the public.
- A public hearing, which is optional under SEQRA, was held for the DGEIS, RRAP, ROD and BOA Step II Nomination Study. The hearing was duly advertised in the NYSDEC Environmental Notice Bulletin and local newspaper, in accordance with the requirements of SEQRA.
- A 30-day written comment period was provided to those who wanted to submit written comments.
- An open hearing or work session was conducted by the SCPC in early November of 2015 at the nearby County Center to discuss the project.
- The Riverhead Local, News Review, Southampton Press, and Newsday have written articles about the project.

The RRAP has been available on the Town's website since July 2015 and the Draft GEIS available since October 14, 2015. Significant opportunity has been given to the community to gather information regarding the proposed zoning initiatives and to express goals, issues, concerns, opportunities, and recommendations. Members of the public are also welcome to visit the Master Developer's office, located at 108 Peconic Avenue, Riverside to gather more specific information or to provide comments regarding the Proposed Action or its implementation.

***Comment NS2:** My big concern with this is that I've spoken to some of my neighbors. I live in Flanders. Nobody is really aware of this. And one of the reasons that they're not aware that most of the -- for instance, FRNCA -- the civic associations, FRNCA, Bay View Pines, whoever, would say to you, well, they didn't attend meetings. Well, I don't think its Susan's responsibility to attend every meeting or at all. I think when some project of this heft goes into place, I think it's your responsibility to make sure that every citizen, even surrounding the area, is aware of it and has some input. Now we're talking two weeks away for input. We're not even sure exactly what the zones mean, which they weren't really explained. And I would love to have invited some of the people from Renaissance to our next meeting. However, we have Fred Thiele coming with the barracks thing, which I encourage you all to come to our meeting on the 6th. It'll be important. So my -- other thing that I want to say is, besides not having enough time for the people in Flanders, in Bay View Pines alone to give the input that they could give intelligently, because we really don't know what the zoning entails and what the density is going to do, what our school taxes are going to fly up to, if at all. I think I would ask you to maybe have another meeting like this or lengthen your time for our input. I would appreciate if you could do that.*

I'm sure everybody loves that there is a project going on and we're not looking to put a damper on it, but we'd love to give some intelligent input, if we could.

Response: See comment and response CP4 above. If the Proposed Action is approved, opportunities for public comment will be provided for each application proposed under the ROD, as such applications are submitted to the Town for review. We recommend that civic groups and persons interested in development and other activities taking place in their neighborhoods or nearby communities read local newspapers and look for local articles and meeting notices, attend public meetings and work sessions, communicate with other community members, neighborhood organizations, town officials and Town staff, periodically review the Town's website, and stay involved. Members of the public are also welcome to visit the Master Developer's office, located at 108 Peconic Avenue, Riverside to gather more specific information or to provide comments regarding the Proposed Action or its implementation. The public outreach efforts for the Proposed Action have been monumental and far exceed the applicable public outreach and notification requirements.

Comment DG4: *Those that are against this: Renaissance Downtown is there to answer any questions you have. I've attended those meetings. These guys are awesome. So, make it work.*

Response: Renaissance Downtown, as the selected Master Developer, will continue to make itself available at its office located at 108 Peconic Avenue, Riverside if anyone has input, comments or questions regarding the Proposed Action or its implementation. Members of the community are urged to stay involved as the Proposed Action is implemented.

Comment LO2: *One of the things that have made this where it is right now, the 300-page document that, by the way, answers almost all of the questions that have been asked here, what kind of zoning. It just goes into a merriment of detail. So it's a long one, you just have to look at it. But you closed timeframes. You asked the developer to do something by a certain date. They have. Two years ago they started when they were selected. Now they've come in with this very impressive document. I would encourage you to basically do the same. I would ask that you do close the public portion of this hearing. I will submit some written comments on a technical aspect about parking and sewage treatment. But what's really driving this is that it's moving ahead. It's not getting bogged down. It's moving ahead. It's very exciting.*

I would ask that you, again, do not keep the public hearing open. Keep it open for public comment. There's going to be other public hearings, as everyone knows.

Response: Comment acknowledged. See comment and response CP4 above.

Comment AS7: *I was only approached once in the very beginning and never had a chance to give any more input into the business aspect of it.*

Response: See comment and response CP4 above.

Comment SBI: *I am the community liaison for the Riverside rediscovered project. Previously, I had seen a posting for a similar position in Huntington, and I was like, what? A developer interested in engaging the community? Ridiculous. This doesn't happen. We're usually fighting developers because they don't give us a seat at the table. So I researched, researched, researched. I was like, they seem to be credible. So I applied and got hired.*

I think I've knocked on thousands of doors in my lifetime, not because I need to, because I can sit behind a desk and make maps, but I do like the community engagement. I think that oftentimes researchers, elected officials have ideas about communities and what should happen in their communities. But it's really the people that live in these communities, the businesses who need to dictate, and that's what happened here. And that's the one thing that I can appreciate about this process.

We've had an opportunity to door knock. 75 percent, I would say, of all Riverside, not once, twice -- I don't know how many people have walked these streets... We can invite people to come to meetings. We can't force them. That's the reality.

I want to thank the press, Riverhead Local, News Review, Southampton Press, the East (inaudible), Newsday, Tim Gannon, because they've been really the folks bringing the message to those that don't attend meetings, to those that don't go online, to those that don't participate, because when we knock on those doors they're like, "Oh, have you heard about the project," "Yes, I've been keeping up through the newspaper." So I want to really thank the press on the role that they played these past four months because without their help, this would not be possible.

I've done national work training other organizations on how to engage communities. And to me, the way that this has happened between the municipality, the master developer and communities is the model for other places to follow. I think it should be -- somehow we should package it and take it all over, because, like I said, oftentimes people don't have a seat at the table. We have to fight usually for community benefits and we have to fight to even get a word in. So I'm thankful that I've been on both sides and that I'm satisfied as a human being that people had an opportunity to engage. And you can go online. All the information is there. Actually, all your questions to taxes, dwellings, it's all in the last document.

Response: Comment acknowledged

Comment RO2: *But more than anything else, what Scott and I (Town of Southampton Trustees) would like to do is thank the Town Board and Supervisor for making the Trustees an interested party in this application. There's a lot of work that's on the riverfront on Trustee property, and we look forward to working together with the developer and the Town Board to protect that property and making certain that it's a great community resource over here in Flanders, Riverside, and that it stays that way.*

Response: The Town, Master Developer and project consultants have reached out to numerous agencies, offices and service providers during the course of this project, including the Town Trustees, and will continue to work closely with those involved through the remainder of the process and its implementation to ensure the best results possible.

Comment SH1: It's very refreshing to see so many people from the public come out and speak so passionately about such a great project, so my hats off to the public. My hat's off to you as a Board. Thank you very much. I look forward to working with you on this.

Response: Comment acknowledged

3.2.26 Generic Environmental Impact Statement Content and Format

Comment PBC7: 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.

Response: The DGEIS does not indicate that future actions will be considered as Type II actions and the draft Code has been modified to not consider future actions as Type II actions, other than those that are clearly defined as Type II under SEQRA Part 617; §617.5. It is recognized that future actions that are not in conformance with the CLUP will require a hardship waiver from the Commission. If additional clarity is needed by the Town Board with respect to future actions, further steps such as hardship waiver and/or amendment of the CLUP may be sought to establish a land use approval process for future actions. This comment should be modified to recognize these factors. Section 15, "Future Actions," of the DGEIS has been amended to more fully address this and other comments and is attached to this FGEIS.

Comment PBC25, PBC55: *Given that the action will be developed over a period of at least 10 years, the DGEIS should provide 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.*

Response: This comment does not recognize that the Proposed Action is the adoption of zoning, and should be changed accordingly. The Theoretical Development Scenario (TDS) assumes a potential 10 year build period as a basis for analysis. It is not possible to provide a detailed action or phasing plan as future development will be at the option of any existing landowner within the study area. As stated in the DGEIS, all development will need to conform to Article 6 of the Suffolk County Sanitary Code. Additional study of an STP location, feasibility, finding, district establishment, project sponsor, design, engineering, permitting and construction will be needed and will have to be reviewed under SEQRA once those issues are known. The DGEIS is expected to include information regarding the need to sewer additional existing development, reduction in density, or both, in order to meet SCDHS guidance memo #28 and the TMDL.

Comment CPB45: *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.*

Response: The Theoretical Development Scenario established in the DGEIS was described and evaluated the various resource categories, including traffic and infrastructure, sewage treatment, community services, potential short and long term impacts and alternatives.

Comment CPB46: The DGEIS should address key potential environmental impacts including the water resources, wetlands, vegetation, endangered, threatened, and special concern species, traffic and transportation, cultural and scenic resources, and other impacts.

Response: The DGEIS includes a comprehensive analysis of these topics.

3.2.27 General Comments Expressing Support

Verbal comments entered into the record at the October 29, 2015 public hearing held at the Phillips Avenue Elementary School, were primarily positive and supportive of the Proposed Action. Of the 37 individuals who spoke at the hearing, an overwhelming majority expressed support or spoke positively about the project. Many of these individuals also expressed concerns over current conditions in the Riverside community, including illegal drug use and sale, violent crime, auto thefts, prostitution, vandalism, limited job opportunities, and blighted and continually declining conditions that have adversely affected the community. Frustration and

disappointment over the failure of past planning projects to be brought to fruition to affect change and revitalize the area, and fears for the future of the Hamlet and its residents in the absence of the Proposed Action, were also common themes. Also, noted, was the support the Proposed Action received in terms of proposed steps to protect water resources through connections to an advanced treatment sewage treatment plant, the use of green infrastructure and other approaches to addressing stormwater runoff, and policies for potable drinking water conservation. The prospects for long-term community sustainability, affordable workforce housing for existing and future residents, and revitalization of the area to keep young people from leaving the community or even Long Island to seek jobs and affordable housing, were also seen as positive attributes of the Action. The possibility of attracting more young adults, such as artists, and cultural and public events, such as Waterfire™ to the area to help make the community more vibrant, was also seen as beneficial. The envisioned structural and architectural improvements for the Hamlet were also supported by some residents who felt that the Proposed Action will improve the gateway to the Hamptons and North and South Forks, and therefore would provide benefits to other area communities. Support was also given for the idea of providing a mix of land uses within the district and within individual buildings (with one person mentioning a possible library extension, doctor's offices, a coffee/donut shop rather than drug sales) while one individual noted that the concept of first-floor storefronts with upper story offices and apartments is a good idea. One community member indicated that the Proposed Action could bring about a "rebirth" of the Hamlet, as another noted the Proposed Action should be used as a model for other communities.

A summary of comments in support of the project are provided below. The 2015 Riverside BOA, Revitalization Action Plan and Zoning Amendments public hearing transcript (**Appendix A**) provides all comments received at the October 29, 2015 public hearing as spoken into the official record. **Appendix B** contains all written correspondences.

***Comment LL4:** I've been coming to and vacationing here in the Riverhead area for the past five years. I love Riverhead, and I never expected in a million years to fall upon this opportunity for a community. So I thank you for allowing me to address you and I wholeheartedly encourage the adoption of this project.*

Response: Comment acknowledged

***Comment FMI:** I'm a resident of the area. I've been involved with this project for a year now, and I support it.*

Response: Comment acknowledged

***Comment SKI:** I'd like to say that the Riverhead Board of Education supports the revitalization and progress for our neighboring towns.*

Response: Comment acknowledged

Comment RJMI: I'm really impressed with the new development in Riverside and congratulate -- where is he, the person -- the vice president for the beautiful project. I'm very proud of it.

Response: Comment acknowledged

Comment SAI: We (Riverwoods Civic Association) are hoping that the overlay zoning is approved. We need this progressive, well-planned, if not brilliant thing called Riverside Rediscovered under the expert direction and management of Renaissance Downtowns in order to expect and achieve a significant, positive result for our downtrodden community. So whatever it takes, we should forge ahead.

Response: Comment acknowledged

Comment MSI: At Riverwoods we feel this is a great venture and are in full support of the Riverside Revitalization Action Plan.

Response: Comment acknowledged

Comment ST5: Thank you very much. I'm 110 percent behind this.

Response: Comment acknowledged

Comment JL4: I just think this is a great idea and we (Parkview community management) support it 100 percent.

Response: Comment acknowledged

Comment DC1: I just want to say, I want to thank the Board for pushing this forward, considering this redevelopment. I want to thank everyone involved and I am 100 percent behind this.

Response: Comment acknowledged

Comment JH1: I'm really excited. This is something to get excited about. We know what we have. It's not working. So, you know, it's a risk. It's a risk for you to take. It's a risk for Sean to take. It's a risk for anybody coming in. But, you know, great risk brings great reward, and that's what I really see in this project.

Response: Comment acknowledged

Comment DS2 and DS5: Since I've been here, I've taken a love for Siris and Angela's Renaissance office. Any time that I have, I devoted to them. They know that I never hesitate. When I found out about what they were doing, I was overwhelmed. I could not believe it. I was

like, this is going to be exciting...So just to see this plan coming, I'm excited for it. So I can't volunteer for anyone else, but I love the plan and thank you.

Response: Comment acknowledged

***Comment DS3:** Not too long after that I met Lisa through WaterFire. I wanted to help her, too, because it sounded exciting. So it got to the point where I had to divide my time and I said, this is going to be a fierce collaboration. And it's not about me. It's not so much about Riverhead and Riverside. It's about the East End. When they have big functions coming up in Brooklyn people come out and just support it because it's going to help that area. So if these two can collaborate, this is going to be phenomenal.*

Response: Comment acknowledged.

***Comment TC1 and TC4:** And what I want to say is that we are all very thankful for all of your cooperation, input and the calling in of Renaissance Group and Sean and Siris. They're the catalyst that pull everything together and so are all of you...This is a wholistic project, a wonderful project that incorporates the environment, the economical, and that's what's so special about it, and it may be a light to all the other projects that go on.*

Response: Comment acknowledged

***Comment NS1:** I appreciate all the work the Board has done and the Supervisor since you've come in. We definitely need a project in our end of town.*

Response: Comment acknowledged

***Comment LO1:** I commend this program. I commend you guys for starting this. I'm a youngster. I've only been attending the Riverside economic development meetings for three years. And during those three years the Town put out an RFP. They ended up selecting this developer and this developer has done a wonderful job.*

Response: Comment acknowledged

***Comment RB1:** I look at this project as almost a rebirth.*

Response: Comment acknowledged

Comment PB1:

*Riverside Rediscovered, trying to change a town can be a trying task.
Changes needing to be made, bring many questions to ask.*

Where do you start? Who do you put in charge?

*Is the change small or is the change large?
Will people see the vision when you explain it to them?
Will they gather 'round, and give a hand, and create a shining gem?*

*Riverside will be changing. Ask yourself what you can do,
because it's a long, long process and can't be done by just a few.*

*The plans look good on paper and the plans are for everyone,
and my picture of the future sees it all in place, and the job done.*

*And many will come and see the changes put in place,
the new buildings and attractions that will change Riverside's face.*

*So get ready and roll up your sleeves, there's still more work to be done.
Contractors galore will invade, and Riverside will shine, bar none.*

Response: Comment and creativity acknowledged

Comment CSI: And what happens in Riverside affects not only the three hamlets of Flanders, Riverside, and North Hampton, it affects downtown Riverhead and it affects the Town of Southampton and the entire east end. This is going to be such an exciting, celebratory place. I just can't wait to see it happen, and let's go, go, go.

Response: Comment acknowledged

Comment VTI: I don't want to see my babies leave. And on behalf of my board [(the Flanders-Riverside-North Hampton community Association)], I would like to express our full, total support for this project; in particular, the momentum that is continuing to this night, which is so, so very different from the history, and many, many years of inaction. So I'd like to first thank the entire Town Board for its work, but, in particular, Anna Throne-Holst, Christine Scalera for really lighting a fire and making this happen and happen quickly so that people can regain their hope and with a united board. I think that's probably the only way that things really do move forward.

I'm thrilled with this project for a number of reasons. We started this by asking for economic development that would create jobs and tax-ratables, that would help pay our school taxes, help generate jobs for the people who live there, decent housing for people who live in substandard housing in the area and people who work in the area, but can't find housing. So Riverside can serve so many purposes, in addition to serving the people who live there, and it's such an underutilized resource that it's really a pity.

Response: Comment acknowledged

Comment AHI: *And when I saw this for the first time in an article in the newspaper, in the August of last year, I grabbed my mom, I called Siris, and I went that same day, and I sat in the office and I heard all about it. I just lit up, completely lit up to the point now I am an assistant liaison. This project cannot be pushed aside. It just needs to be signed, delivered, done, sealed. Please don't let it go any further. We got to do this. This has to happen.*

Response: Comment acknowledged

Comment SRI: *I agree 100 percent with what you said. Fifteen years ago you wouldn't even really want to walk into Patchogue. Now it's an absolute destination that everybody wants to go to. Now that, and even better, can happen to Riverhead because, as you said, it's at the mouth of the two forks.*

Response: Comment acknowledged

Comment ROI: *I'm from Westhampton. My mother was from Riverhead, so I came through this area constantly when I was a kid. And to watch the change has been disappointing. To see the possibilities is exciting.*

Response: Comment acknowledged

Comment RF1: *I'm Ron Fisher and I support the project.*

I've been following for over a year. I've gotten to know Siris and Sean and I've sat through this presentation at least a dozen times. I think the housing is a great component. I love the triple aspect of the social approach and economic approach and environmental approach that will ensure sustainability and I just wanted to voice my support for the project. So thank you all for the understanding. It's nice to see so many members of the community coming out and supporting this.

Response: Comment acknowledged

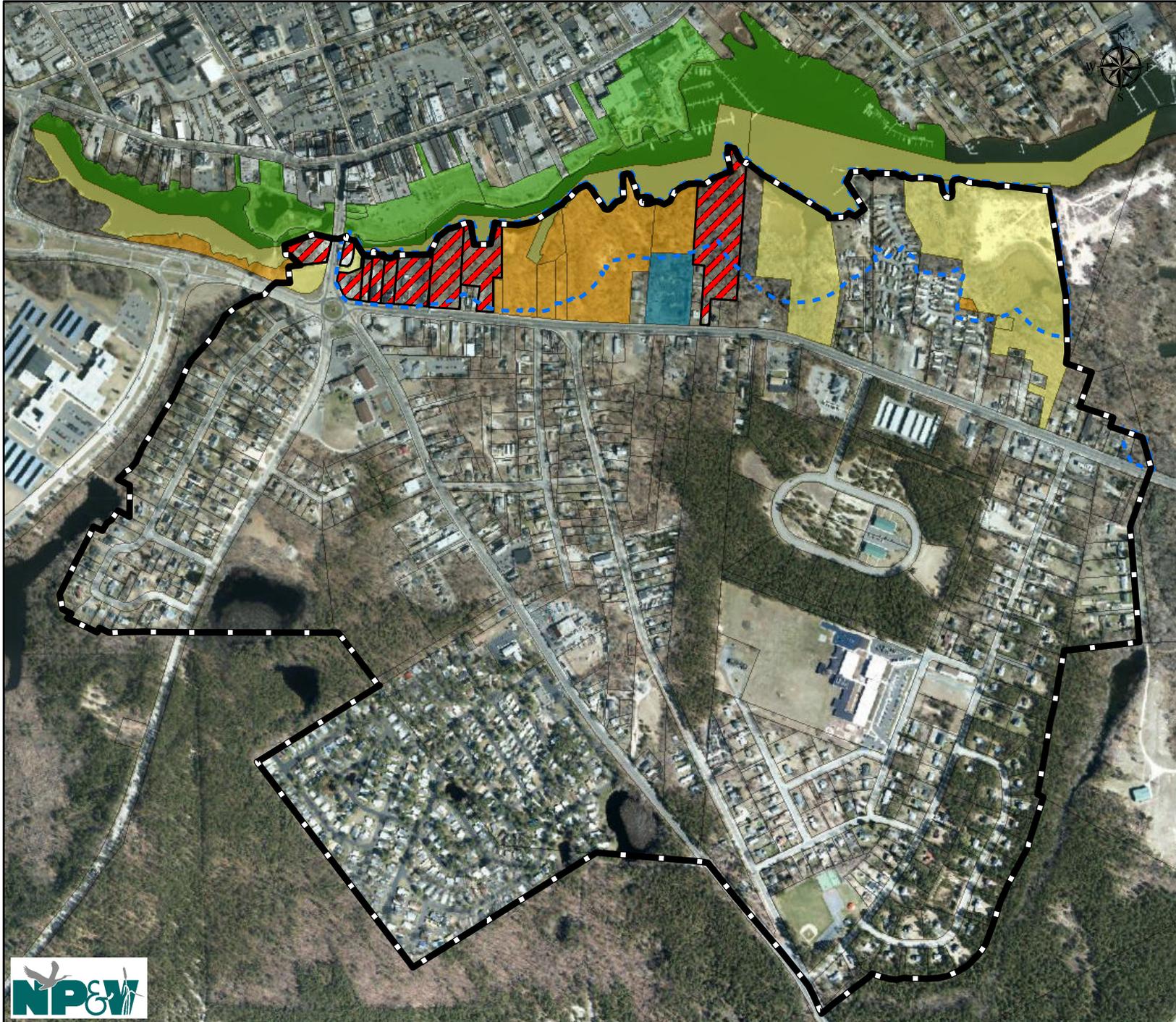
Comment PSI: *I am fully in support of the proposed Riverside redevelopment plan.*

Response: Comment acknowledged

Comment FRNCA1: *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.*

Response: Comment acknowledged

FIGURES



Town of Southampton
and
New York Department of State



Riverside Hamlet Revitalization

FIGURE 3-1
Public Lands and
Theoretical Development Scenario
Parcels that May Need
Article 25 Variance Relief

Legend

-  Study Area
-  Approximate
NYSDEC Tidal
Wetlands
Jurisdiction Limits
-  Theoretical
Development
Scenario Parcels that
May Need Variance
Relief from
NYSDEC Tidal
Wetlands
Regulations

Public Lands

-  Suffolk County
-  Town of Riverhead
-  Town of Southampton
-  State of New York

Source: NYSGIS Orthoimagery Program, 2013

0 800
Feet

1 inch = 800 feet



APPENDICES