DRAFT SUPPLEMENTAL ENVIRONMENTAL IMPACT STATEMENT (DSEIS)

CPI, Canal, Eastern Maritime Planned Development District (CPICEMPDD)

Zone Change Petition of R Squared Development LLC

HAMLET OF HAMPTON BAYS, TOWN OF SOUTHAMPTON
SUFFOLK COUNTY , NEW YORK

Prepared for:

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Town of Southampton
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August 2017

DRAFT SUPPLEMENTAL ENVIRONMENTAL IMPACT STATEMENT (DSEIS)

CPI, CANAL, EASTERN MARITIME PLANNED DEVELOPMENT DISTRICT (CPICEMPDD)

ZONE CHANGE PETITION OF R SQUARED DEVELOPMENT LLC

Hamlet of Hampton Bays, Town of Southampton
Suffolk County, New York

Prepared for:

R Squared Development LLC
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Date of Acceptance by Lead Agency: _____

Date of SEQRA Public Hearing: _____

Comments to the Lead Agency are to be submitted by: _____

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TABLE OF CONTENTS

		Page
COVERSHEET		i
TABLE OF CONTENTS		ii
SUMMARY		S-1
	Introduction	S-1
	Location and Existing Conditions	S-1
	Description of the Proposed Action	S-2
	Anticipated Impacts	S-4
	Proposed Mitigation	S-5
	Alternatives Considered	S-5
	Permits and Approvals Required	S-5
1.0	DESCRIPTION OF THE PROPOSED ACTION	1-1
	1.1 Introduction	1-1
	1.2 Project Background and History	1-1
	1.3 Location and Existing Conditions	1-3
	1.4 Project Design and Layout	1-3
	1.4.1 Overall Design	1-3
	1.4.2 Clearing and Grading	1-6
	1.5 Permits and Approvals Required	1-7
2.0	NATURAL ENVIRONMENTAL RESOURCES	2-1
	2.1 Soils and Topography	2-1
	2.1.1 Existing Conditions	2-1
	2.1.2 Anticipated Impacts	2-1
	2.1.3 Proposed Mitigation	2-1
3.0	HUMAN ENVIRONMENTAL RESOURCES	3-1
	3.1 Water Service	3-1
	3.1.1 Existing Conditions	3-1
	3.1.2 Anticipated Impacts	3-1
	3.1.3 Proposed Mitigation	3-1
4.0	OTHER REQUIRED SECTIONS	4-1
	4.1 Construction-Related Impacts	4-1
	4.2 Adverse Impacts That Cannot Be Avoided	4-2
	4.3 Irreversible and Irretrievable Commitment of Resources	4-2
	4.4 Growth-Inducing Aspects	4-2
5.0	ALTERNATIVES CONSIDERED	5-1

5.1 Alternative 1: No Action 5-1
5.2 Alternative 2: Alternative Methodology 5-1

FIGURES

(following Section 5.0)

1a Location Map, Proposed Project
1b Location Map, Proposed Action
2 Location Map, Proposed Oakhurst Road Interconnection
3 Location Map, Proposed Montauk Highway Interconnection
4 Schematic of Proposed Interconnection Improvements

APPENDICES

A SEQRA Findings Statement, Town Board, *revised January 12, 2015*
B Short Form Order, Index Number 15-8276, Hon. Mark D. Cohen, *May 23, 2017*
C Positive Declaration, Town Board, *July 27, 2017*
D Water Service-Related Correspondence
D-1 Letter to HBWD Commissioner, NPV, LLC, July 9, 2012
D-2 Letter to NPV, LLC, HBWD, July 16, 2012
D-3 Letter to Sidney B. Bowne & Son, LLP, H2M, April 10, 2014
D-4 Letter to H2M, Sidney B. Bowne & Son, LLP, July 15, 2014
D-5 Letter to HBWD, H2M, October 10, 2014
D-6 Letter to HBWD, Sidney B. Bowne & Son, LLP, November 13, 2015
D-7 Letter to Sidney B. Bowne & Son, LLP, HBWD, November 30, 2015
D-8 Letter to H2M, SCWA, November 30, 2015
D-9 Letter to Applicant, H2M, February 10, 2016
D-10 Letter to Town of Southampton PELM, H2M, November 8, 2016

SUMMARY

SUMMARY

Introduction

This document is a Draft Supplement to the Environmental Impact Statement (Draft SEIS) for a project that has received zone change approval from the Southampton Town Board. The proposed project is known as *"CPI, Canal & Eastern Properties Maritime Planned Development District"* and was the subject of a Draft and Final EIS, as well as the subsequent Town Board Findings Statement, per the New York State Environmental Quality Review Act (SEQRA). After completion of the SEQRA review process, the project was the subject of a lawsuit brought to the New York State (NYS) Supreme Court by local residents opposed to the project. While the suit was ultimately decided in favor of the respondent Town Board, Justice Mark D. Cohen's decision directed that one issue that had not been fully addressed in the EIS be addressed in the form of a supplement to the EIS. This document is the response to that requirement.

As required by the Supreme Court decision, this Draft SEIS describes the proposed public water supply and fire flow improvement (hereafter, *"the proposed action"*), describes/discusses the anticipated impacts on the environment associated with that improvement, presents measures to mitigate these impacts, and examines alternatives to the action that are reasonable and feasible to the Hampton Bays Water District (HBWD; the agency responsible for the improvement).

This document is part of the official record under the SEQRA process outlined in Title 6 of the New York Code of Rules and Regulations (6 NYCRR) Part 617, with statutory authority and enabling legislation under Article 8 of the NYS Environmental Conservation Law (ECL). The Southampton Town Board is the Lead Agency for the review of the proposed action, as the application that triggered the SEQRA process is under the jurisdiction of that Board.

This Draft SEIS addresses the items specified in the court decision, to fully disclose potential impacts and mitigation measures of the public water supply and fire flow improvement. Future stages of this review include: determination of completeness by the Lead Agency; circulation of this document to involved agencies, parties of interest and the public during the review and comment period; preparation of a Final Supplement to the Environmental Impact Statement (Final SEIS), which responds to agency and public comments received during the Draft SEIS review period; preparation and acceptance of a Supplemental Findings Statement by the Lead Agency (including issues addressed by involved agencies).

Location and Existing Conditions

The proposed project is located on three separate parcels of land, including the Canoe Place Inn (hereafter, the "CPI Property"; 5.65 acres), a marina/restaurant/residential parcel along the east of the Shinnecock Canal and north of Montauk Highway (County Route [CR] 80; hereafter, the "Canal Property"; 4.50 acres), and a vacant wooded parcel located east of North Shore Road (CR

39) north of Montauk Highway (hereafter, the "Eastern Property"; 2.68 acres). **Figure 1a** provides a Location Map of the subject properties in relation to adjacent and local roadways, and **Figure 1b** indicates the location of the proposed action.

Description of the Proposed Action

In a report prepared by H2M for HBWD consideration, a potential issue was identified, described and analyzed with respect to the district's ability to serve the proposed project and still meet the water service needs of the area and maintain sufficient system integrity to address fire flow needs. The following has been taken from this report:

> In accordance with our proposal, we have evaluated the impact the proposed Canal Properties and Canoe Place Inn developments will have upon the existing water supply and distribution facilities of the Hampton Bays Water District (District). This analysis was performed utilizing the District's hydraulic model and was based on information provided in a July 15, 2014 letter from the developer's consultant, Bowne AE&T Group and the "Conceptual Site Plan," last dated April 8, 2014.
>
> Using a computerized hydraulic model of the existing District, an analysis was performed to gauge the effect the Canoe Place Inn and Canal Properties developments will have upon the existing District facilities and to provide recommendations on how the District can best provide water service to these developments without a negative impact on the existing customer base or the existing District facilities.
>
> Final Conclusions & Recommendations:
> The analysis performed show that the District can supply the proposed Canoe Place Inn and Canal Properties developments with the requested estimated domestic demand with minimal effects on the existing District facilities. However, the District cannot meet the estimated fire flow demands on the east side of the canal without additional facilities.
>
> During peak demand periods, the District struggles to meet their demand requirements with all facilities at their disposal. With the threat of the loss of production from the threat of contamination or due to mechanical failure the ability of the District to meet increasing peak demand requirements is further taxed. These developments will further tax the system.
>
> In order to continue to meet its peak demand requirements and meet future development demands the District should investigate the construction of additional supply facilities. The additional supply will help the District meet its demand requirements in the event of a loss of existing supply due to contamination or mechanical failure.
>
> Locating this new supply on the east side of the canal will both aid the District in meeting demand requirements but provide a source of water in the eastern portion of the District. To properly site a well and meet all requirements of the Department of Environmental Conservation a minimum of a two-acre parcel would be required. The unavailability of sufficient land on the east side of the canal significantly reduces the feasibility of constructing a new well facility in this area. Instead, the District should investigate other locations to construct a new well to supplement the already taxed system. The new well site should be located on the west side of the canal, but towards the central to eastern portion of the District. One possible location to consider would be the District's existing Well Field No. 2. Although

> the site of two wells, the proper acreage remains to construct a new facility while maintaining required clearances.
>
> Since the locating of a new well east of the canal is assumed to not be feasible, in order to help improve service to the Canal Properties, a second water main shall be installed crossing the Shinnecock Canal from west to east. This main will not only enable the District to [provide] better service to the proposed development but will provide a level of redundancy to the east side of the canal in the event that the existing crossing along Sunrise Highway is lost.

Subsequent to the H2M report, the HBWD and SCWA discussed a solution to the question of water service and fire flow in the area, wherein an existing interconnection between these two suppliers would be improved, so that emergency needs of the HBWD would be addressed. This would obviate the need for the HBWD to otherwise address this problem on its own. These discussions yielded a solution which would be preferable to the options evaluated in the H2M report: to improve the existing interconnections between the HBWD and SCWA and use water from the SCWA to assist the HBWD in addressing this issue, as follows

> SCWA is willing to allow Hampton Bays Waster District (HBWD) to upgrade the existing manual interconnections for automatic operation for use as a back-up supply in an emergency. There is adequate supply for this purpose in the SCWA Southampton service area which feeds these connections.
>
> Based on our recent meeting the following is the preliminary scope and basic SCWA requirements. There are two interconnections on the east side of HBWD's service area to be upgraded. One is on Oakhurst Rd., and the other is at the intersection of Hillover Rd., East, Peconic Rd., and Montauk Hwy. Both interconnections would be upgraded by HBWD with 6" or 8" automatic pressure regulating valves (PRVs) which would open to supply HBWD at a pre-set pressure when needed. Each valve will have a meter which SCWA will furnish. The meter will have an ERT for remote meter reading via our AMR system. The valve/meter should be housed in a "DT-201" style vault large enough to permit access to service them. The vault should be located out of the travel lane on the shoulder of the ROW. There should also be a bypass gate valve around the PRV/meter to maintain the two-way manual interconnection we currently have. SCWA will maintain the PRB and meter. HBWD and SCWA would coordinate setting/commissioning of the valves based on HBWD requirements.
>
> SCWA will read each meter monthly. There will be no minimum availability charge. Any water consumed will be billed at our standard wholesale rate at the time.

A letter from H2M then notified the Applicant that the HBWD and SCWA have determined how to address the water supply/fire flow issue:

> As stated in previous correspondence dated October 10, 2014 and November 11, 2014, the District does not currently have the facilities available on the east side of Shinnecock Canal to provide the fire flow needed for a development such as this, in accordance with ISO minimum standards. This deficiency in the distribution system can be attributed to the fact that properties east of the canal are supplied by a single water main crossing the canal. In order to increase the capacity east of the canal a secondary feed was initially recommended. Due to the high cost of this secondary crossing, the

District approached the Suffolk County Water Authority (SCWA) and requested an upgrade to the two existing interconnects maintained east of the canal on Montauk Highway and Oakhurst Road. The upgrade of these interconnects will allow the SCWA to supplement District facilities in the event of a fire flow incident.

The SCWA has agreed to the upgrade with the following conditions:

1. Both interconnections will need to be metered.
2. A hydraulic control valve will be installed at each location that will automatically open and close the valve based on pressure in the system.
3. The meter and valve will need to be located within a below grade concrete vault within the shoulder of the roadway.
4. Vault shall be accessible for maintenance
5. A by-pass of meter and valve shall, exist to enable the District to feed SCWA.

As all of the improvements associated with the proposed action will occur inside existing belowground interconnection vaults (located in the rights-of-way along Montauk Highway and Oakhurst Road), no clearing, grading or excavations will be needed.

The Applicant will fund the work, H2M will prepare the utility improvement application to permit the work, the Suffolk County Department of Health Services (SCDHS) and SCWA shall review the application and be responsible for issuing the necessary approval, and the HBWD will perform the work.

Anticipated Impacts

Soils and Topography

As all of the improvements of the proposed action will occur within the existing interconnection vaults, no clearing, grading or excavations will be necessary. As a result, no impacts to any soil resources will occur. As no disturbance with respect to soil resources will occur for the proposed action, there will be no impacts to any topographical characteristics or resources.

Water Service

The proposed action is designed and intended to preclude an adverse impact to the HBWD from a potential shortfall in public water supply for domestic use and fire flow (see **Section 1.4.1**). Such a situation would occur if the district's public water supply system in the area east of the Shinnecock Canal were to be overtaxed. The proposed action will enable the HBWD system to be supplemented with water from the SCWA system, which would enter the HBWD system through either or both of the interconnections shown in **Figures 2 and 3**, should this be necessary. Thus, the proposed action would not cause an adverse impact on the public water supply system, but would be a beneficial impact on it, by expanding and enhancing the HBWD's ability to provide adequate emergency water supply in this area.

Proposed Mitigation

Soils and Topography

- As no clearing, grading or excavation will occur as part of the improvements installed inside the interconnection vaults, there will be no impacts to either soil or topographic resources, so that no mitigation is necessary or proposed.

Water Service

- The proposed action represents a significant mitigation measure with respect to the public water supply system, in that it is designed and intended to correct a low-pressure situation experienced by the HBWD during peak demand periods, and obviate a potential adverse impact on the ability of the HBWD to provide adequate water supply and emergency fire flow in the area east of the Shinnecock Canal.

Alternatives Considered

SEQRA requires the consideration of alternatives to the proposed action. Alternatives should represent reasonable and feasible land use, technology and other options to the proposed action that would achieve the applicant's objectives and remain within the applicant's capabilities. The purpose of this analysis is to determine the merits of the proposed action as compared to those of other possible uses, sites and technologies that would also achieve the applicant's objectives and potentially reduce environmental impacts. The discussions and analyses of the alternatives should be conducted at a level of detail sufficient to allow for this informed comparison, to be conducted by the decision-making agencies. Alternative 1 is the "No Action" alternative, which is required by SEQRA and is intended to represent site conditions if the proposed action is not implemented. For the subject application, the following alternatives have been analyzed:

- Alternative 1: No Action - assumes that the proposed action is not undertaken, so that each of the two interconnection vaults remain in their existing use and conditions. This scenario also assumes that the HBWD does not address the issue of potential shortfall in its ability to serve its customers in the area east of the Shinnecock Canal with adequate water supply simultaneous with emergency fire flow needs.
- Alternative 2: Alternative Methodology - assumes that the HBWD utilizes an alternative method to address its concerns regarding customer service and fire flow adequacy.

Permits and Approvals Required

Prior to the issuance of any permits or approvals, the SEQRA-designated Lead Agency must fulfill the requirements of SEQRA. This Draft SEIS is intended to provide the Southampton Town Board (as lead agency under SEQRA for the proposed project) and all involved agencies with the information necessary to render an informed decision on the proposed action. This document is intended to comply with SEQRA requirements as administered by the lead agency. Once accepted, the document will be the subject of public review, followed by the preparation of a Final SEIS for any substantive comments on the Draft SEIS. Upon completion of the Final

SEIS, the Town Board will be responsible for the adoption of a Supplemental Statement of Findings.

SECTION 1.0

DESCRIPTION OF THE PROPOSED ACTION

1.0 DESCRIPTION OF THE PROPOSED ACTION

1.1 Introduction

This document is a Draft Supplement to the Environmental Impact Statement (Draft SEIS) for a project that has received zone change approval from the Southampton Town Board. The project is known as *"CPI, Canal & Eastern Properties Maritime Planned Development District"* and was the subject of a Draft and Final EIS, as well as the subsequent Town Board Findings Statement, per the New York State Environmental Quality Review Act (SEQRA). After completion of the SEQRA review process, the project was the subject of a lawsuit brought to the New York State (NYS) Supreme Court by local residents opposed to the project. While the suit was ultimately decided in favor of the respondent Town Board, the Justice Mark D. Cohen's decision directed that one issue that had not been fully addressed in the EIS be addressed in the form of a supplement to the EIS. This document is the response to that requirement.

As required by the Supreme Court decision, this Draft SEIS describes the proposed public water supply and fire flow improvement (hereafter, *"the proposed action"*), describes/discusses the anticipated impacts on the environment associated with that improvement, presents measures to mitigate these impacts, and examines alternatives to the action that are reasonable and feasible to the Hampton Bays Water District (HBWD; the agency responsible for the improvement).

This document is part of the official record under the SEQRA process outlined in Title 6 of the New York Code of Rules and Regulations (6 NYCRR) Part 617, with statutory authority and enabling legislation under Article 8 of the NYS Environmental Conservation Law (ECL). The Southampton Town Board is the Lead Agency for the review of the proposed action, as the application that triggered the SEQRA process is under the jurisdiction of that Board.

This Draft SEIS addresses the items specified in the court decision, to fully disclose potential impacts and mitigation measures of the public water supply and fire flow improvement. Future stages of this review include: determination of completeness by the Lead Agency; circulation of this document to involved agencies, parties of interest and the public during the review and comment period; preparation of a Final Supplement to the Environmental Impact Statement (Final SEIS), which responds to agency and public comments received during the Draft SEIS review period; preparation and acceptance of a Supplemental Findings Statement by the Lead Agency (including issues addressed by involved agencies).

1.2 Project Background and History

Appendix A contains the Findings Statement prepared by the Town Board (as lead agency for the proposed project). Finding 5 of that document states as follows with respect to evaluation and SEQRA review of the proposed action that may arise after adoption of the Findings Statement:

> It is noted here that in conversations and correspondence with the Hampton Bays Water District and their consultant, H2M that during peak demand periods, the existing water distribution system of the Hampton Bays Water District may be taxed to meet the anticipated fire flow demand of the proposed Canal Place Development located on the east side of Shinnecock Canal. The proposed fire flow demand is comprised of 1,000 gpm needed fire flow as per ISO requirements plus 350 gpm fire standpipe demand as provided by developer. Under this combined demand of 1,350 gpm, portions of the distribution system will see residual pressure fall below minimum requirements set forth by the New York State Health Department. In order to avoid the occurrence of these lower pressures, one of two things must happen. First an additional supply of water must be provided to the easterly portion of the canal to supplement the existing water main crossing. This can be achieved by either providing an additional crossing of the canal, by upgrading the existing interconnections maintained with the Suffolk County Water Authority to automatic or by providing a source point east of the Canal. Secondly the fire flow demand must be reduced. The ISO requirements cannot be reduced; therefore any reduction in needed fire flow will need to be to the fire sprinkler demand. The local law accounts for this and requires referral of the site plan to the Water District and their satisfaction that the option provided by the applicant to provide additional water supply (such as the upgrade of existing interconnections) will assure there is a sufficient amount at the correct pressure for the worst case scenario (i.e. the occurrence of a fire on a hot summer day).

Appendix B contains a copy of the Supreme Court decision, which states as follows with respect to the need to prepare a supplemental EIS to address the necessity for SEQRA review of impacts associated with the proposed action:

> The second additional issue that the Petitioners raise is that the Town failed to take any look at the issue of water supply and fire flow as the data was not provided in sufficient time to be reviewed. The Petitioner indicates that water supply and fire flow issues was not addressed in the SEQRA review. It would seem clear that understanding water supply and fire flow issues should be reviewed as part of the environmental impact statements in order for the lead agency to take a hard look at such data. See e.g. *Green Earth Farms Rockland LLC v. Town of Haverstraw Planning Bd.* 45 Misc.3d 1209(A) (Rockland Ct 2014); *Concord Associates, L.P. v. Town of Thompson*, 41 Misc.3d 1208(A) (Sullivan Ct. 2013). The Respondents indicate that the issue was raised before the Town by citing a response to a comment in the FEIS. However, the letter of H2M architects and engineers, cited by both parties, notes that the Water District "cannot meet the estimate fire flow demands on the east side of the canal without additional facilities." As noted the additional water would cross the canal. There is no evidence that the Town undertook a hard look at this issue. The Town's position that all necessary approvals will be required from the Water District neglects its obligation as the lead agency, by attempting to defer the issue. "A lead agency improperly defers its duties when it abdicates its SEQRA responsibilities to another agency or insulates itself from environmental decision making." *Riverkeeper, Inc. v. Planning Bd. of Town of Southeast*, 9N.Y.3d 219, 234. Furthermore, the Local Law provides that for fire protection, the Planning Board shall solicit comments, also deferring this important issue. "Though the SEQRA process and individual agency permitting processes are intertwined, they are two distinct avenues of environmental review. Provided that a lead agency sufficiently considers the environmental concerns addressed by particular permits, the lead agency need not await another agency's permitting decision before exercising its independent judgement on that issue." Id. Therefore, the Town should require a supplemental EIS on this issue and undertake the required "hard look" on this issue. 6 NYCRR 617.9(A)(7). See *Matter of Coca-Cola Bottling Co. of N.Y. v. Board of Estimate of City of N.Y.*, 72 N.Y.2d674.

In conformance with the Supreme Court decision, the Town Board determined that the proposed action is a Type I Action pursuant to SEQRA, and the regulating provisions of 6 NYCRR Part 617. As lead agency under SEQRA, the Town Board issued a Positive Declaration on the proposed action on July 27, 2017 (see **Appendix C**).

1.3 Location and Existing Conditions

The proposed project is located on three separate parcels of land, including the Canoe Place Inn (hereafter, the "CPI Property"; 5.65 acres), a marina/restaurant/residential parcel along the east of the Shinnecock Canal and north of Montauk Highway (County Route [CR] 80; hereafter, the "Canal Property"; 4.50 acres), and a vacant wooded parcel located east of North Shore Road (CR 39) north of Montauk Highway (hereafter, the "Eastern Property"; 2.68 acres). **Figure 1a** provides a Location Map of the subject properties in relation to adjacent and local roadways, and **Figure 1b** indicates the location of the proposed action.

1.4 Project Design and Layout

1.4.1 Overall Design

Appendices D-1 through D-10 contain correspondence pertinent to the proposed action that was circulated between and among the Applicant, the HBWD and its engineering consultant (H2M), the Applicant's engineering consultant (Sidney B. Bowne & Son, LLP), and the SCWA. **Appendix D-1** is the Applicant's request for information on the HBWD's services in the area, for the DEIS; **Appendix D-2** contains the HBWD response, wherein the need for improvements to serve the proposed project with water is noted.

Appendix D-3 is a letter from the HBWD's engineering consultant, H2M, to the Applicant's engineer, requesting detailed information on the proposed project's anticipated water needs. This letter notes that the HBWD is dealing with a shortfall in its ability to address water supply needs in the area east of the Shinnecock Canal, in emergency situations:

> It should be noted that the portion of the District east of the canal is supplied from a single feed, thus, the Water District has historically experienced low-pressure situations during peak demand periods on the east side of the canal. Using the District's hydraulic model of the existing distribution system and an assumed demand load of the proposed developments, the District has previously determined that in order to provide adequate fire and domestic service to any development east of the canal, significant improvements to the existing system are necessary.

Appendix D-4 contains the reply from Sidney B. Bowne & Son, LLP.

Appendix D-5 is a report prepared by H2M for HBWD consideration, wherein a potential issue was identified with respect to the district's ability to serve the proposed project and still meet the

water service needs of the area and maintain sufficient system integrity to address fire flow needs is described and analyzed. The following has been taken from this report:

> In accordance with our proposal, we have evaluated the impact the proposed Canal Properties and Canoe Place Inn developments will have upon the existing water supply and distribution facilities of the Hampton Bays Water District (District). This analysis was performed utilizing the District's hydraulic model and was based on information provided in a July 15, 2014 letter from the developer's consultant, Bowne AE&T Group and the "Conceptual Site Plan," last dated April 8, 2014.
>
> Using a computerized hydraulic model of the existing District, an analysis was performed to gauge the effect the Canoe Place Inn and Canal Properties developments will have upon the existing District facilities and to provide recommendations on how the District can best provide water service to these developments without a negative impact on the existing customer base or the existing District facilities.
>
> Final Conclusions & Recommendations:
> The analysis performed show that the District can supply the proposed Canoe Place Inn and Canal Properties developments with the requested estimated domestic demand with minimal effects on the existing District facilities. However, the District cannot meet the estimated fire flow demands on the east side of the canal without additional facilities.
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> During peak demand periods, the District struggles to meet their demand requirements with all facilities at their disposal. With the threat of the loss of production from the threat of contamination or due to mechanical failure the ability of the District to meet increasing peak demand requirements is further taxed. These developments will further tax the system.
>
> In order to continue to meet its peak demand requirements and meet future development demands the District should investigate the construction of additional supply facilities. The additional supply will help the District meet its demand requirements in the event of a loss of existing supply due to contamination or mechanical failure.
>
> Locating this new supply on the east side of the canal will both aid the District in meeting demand requirements but provide a source of water in the eastern portion of the District. To properly site a well and meet all requirements of the Department of Environmental Conservation a minimum of a two-acre parcel would be required. The unavailability of sufficient land on the east side of the canal significantly reduces the feasibility of constructing a new well facility in this area. Instead, the District should investigate other locations to construct a new well to supplement the already taxed system. The new well site should be located on the west side of the canal, but towards the central to eastern portion of the District. One possible location to consider would be the District's existing Well Field No. 2. Although the site of two wells, the proper acreage remains to construct a new facility while maintaining required clearances.
>
> Since the locating of a new well east of the canal is assumed to not be feasible, in order to help improve service to the Canal Properties, a second water main shall be installed crossing the Shinnecock Canal from west to east. This main will not only enable the District to [provide] better service to the proposed development but will provide a level of redundancy to the east side of the canal in the event that the existing crossing along Sunrise Highway is lost.

Appendix D-6 is a formal request from Sidney B. Bowne & Son, LLP on behalf of the Applicant, to the HBWD requesting a Letter of Availability from the district for the proposed project, which would confirm that the district can and will serve the proposed project. The requested letter is presented in **Appendix D-7**.

Appendix D-8 is letter from the SCWA to H2M that indicates that the HBWD and SCWA had been discussing a solution to the question of water service and fire flow in the area, wherein an existing interconnection between these two suppliers would be improved, so that emergency needs of the HBWD would be addressed. This would obviate the need for the HBWD to otherwise address this problem on its own. These discussions yielded a solution which would be preferable to the options evaluated in the H2M report: to improve the existing interconnections between the HBWD and SCWA and use water from the SCWA to assist the HBWD in addressing this issue. The following has been taken from this letter:

> SCWA is willing to allow Hampton Bays Waster District (HBWD) to upgrade the existing manual interconnections for automatic operation for use as a back-up supply in an emergency. There is adequate supply for this purpose in the SCWA Southampton service area which feeds these connections.
>
> Based on our recent meeting the following is the preliminary scope and basic SCWA requirements. There are two interconnections on the east side of HBWD's service area to be upgraded. One is on Oakhurst Rd., and the other is at the intersection of Hillover Rd., East, Peconic Rd., and Montauk Hwy. Both interconnections would be upgraded by HBWD with 6" or 8" automatic pressure regulating valves (PRVs) which would open to supply HBWD at a pre-set pressure when needed. Each valve will have a meter which SCWA will furnish. The meter will have an ERT for remote meter reading via our AMR system. The valve/meter should be housed in a "DT-201" style vault large enough to permit access to service them. The vault should be located out of the travel lane on the shoulder of the ROW. There should also be a bypass gate valve around the PRV/meter to maintain the two-way manual interconnection we currently have. SCWA will maintain the PRB and meter. HBWD and SCWA would coordinate setting/commissioning of the valves based on HBWD requirements.
>
> SCWA will read each meter monthly. There will be no minimum availability charge. Any water consumed will be billed at our standard wholesale rate at the time.

Appendix D-9 is a letter from H2M that notifies the Applicant that the HBWD and SCWA have determined how to address the water supply/fire flow issue:

> As stated in previous correspondence dated October 10, 2014 and November 11, 2014, the District does not currently have the facilities available on the east side of Shinnecock Canal to provide the fire flow needed for a development such as this, in accordance with ISO minimum standards. This deficiency in the distribution system can be attributed to the fact that properties east of the canal are supplied by a single water main crossing the canal. In order to increase the capacity east of the canal a secondary feed was initially recommended. Due to the high cost of this secondary crossing, the District approached the Suffolk County Water Authority (SCWA) and requested an upgrade to the two existing interconnects maintained east of the canal on Montauk Highway and Oakhurst Road. The

upgrade of these interconnects will allow the SCWA to supplement District facilities in the event of a fire flow incident.

The SCWA has agreed to the upgrade with the following conditions:

1. Both interconnections will need to be metered.
2. A hydraulic control valve will be installed at each location that will automatically open and close the valve based on pressure in the system.
3. The meter and valve will need to be located within a below grade concrete vault within the shoulder of the roadway.
4. Vault shall be accessible for maintenance
5. A by-pass of meter and valve shall, exist to enable the District to feed SCWA.

Appendix D-10 is a letter from H2M, on behalf of the HBWD, that notifies the Town that a solution to the question of water supply/fire flow has been determined by the HBWD, the SCWA and the Applicant.

As described by H2M (see **Appendix D-9**), the Applicant will fund the work, H2M will prepare the utility improvement application to permit the work, the SCDHS and SCWA shall review the application and be responsible for issuing the necessary approval, and the HBWD will perform the work.

Based on these requirements and in coordinating with the District, we estimate that the cost to upgrade each interconnection is $90,000 for a total of $180,000 including construction costs, metering, engineering, regulatory submission and contingencies.

Approximately three months prior to the owner commencing with construction of Canal Place Properties, an initial project deposit of 10% of the total project cost or $18,000 to initiate the design, and regulatory submission should be delivered to the Hampton Bays Water District. Once the initial deposit is made, H2M, in conjunction with the District, will prepare the regulatory documents for the upgrades to the interconnections for approval by the Department of Health and SCWA. We anticipate the timeframe to prepare the drawing and receive approval is twelve to sixteen weeks. After the approval is received, the owner will be required to deposit the balance of funds with the District to initiate the construction and installation phase.

Figure 2 and 3 indicate the locations of the proposed interconnection improvements, and **Figure 4** is a schematic of the proposed interconnection improvements.

1.4.2 Clearing and Grading

As all of the improvements associated with the proposed action will occur inside existing belowground interconnection vaults (located in the rights-of-way along Montauk Highway and Oakhurst Road), no clearing, grading or excavations will be needed.

1.5 Permits and Approvals Required

Prior to the issuance of any permits or approvals, the SEQRA-designated Lead Agency must fulfill the requirements of SEQRA. This Draft SEIS is intended to provide the Southampton Town Board (as lead agency under SEQRA for the proposed project) and all involved agencies with the information necessary to render an informed decision on the proposed action. This document is intended to comply with SEQRA requirements as administered by the lead agency. Once accepted, the document will be the subject of public review, followed by the preparation of a Final SEIS for any substantive comments on the Draft SEIS. Upon completion of the Final SEIS, the Town Board will be responsible for the adoption of a Supplemental Statement of Findings.

SECTION 2.0

NATURAL ENVIRONMENTAL RESOURCES

2.0 NATURAL ENVIRONMENTAL RESOURCES

2.1 Soils and Topography

2.1.1 Existing Conditions

Soils
The two interconnection vaults are sited in the ROWs for Oakhurst Road and Montauk Highway (see **Figures 2 and 3**, respectively), and lie along these road surfaces. As such, clearing, grading and roadbed preparations when these roadways were originally laid down had disturbed the soils that had previously been present, so that no natural soil column remains at either location.

Topography
The two interconnection vaults are located within the ROWs along existing roadways, and so occupy spaces that have been previously impacted by clearing and grading for installation of the roadbeds and paved surfaces. As such, there would be no natural topographic resources at these locations.

2.1.2 Anticipated Impacts

Soils
As discussed in **Section 1.4**, all of the improvements of the proposed action will occur within the existing interconnection vaults, so that no clearing, grading or excavations will be necessary. As a result, no impacts to any soil resources will occur.

Topography
As no disturbance with respect to soil resources will occur for the proposed action, there will be no impacts to any topographical characteristics or resources.

2.1.3 Proposed Mitigation

- As no clearing, grading or excavation will occur as part of the improvements installed inside the interconnection vaults, there will be no impacts to either soil or topographic resources, so that no mitigation is necessary or proposed.

SECTION 3.0

HUMAN ENVIRONMENTAL RESOURCES

3.0 HUMAN ENVIRONMENTAL RESOURCES

3.1 Water Service

3.1.1 Existing Conditions

The CPI and Canal Properties and area are presently served with water for domestic and fire flow purposes from the HBWD using a distribution system that includes large transmission and supply mains to serve existing uses on both the east and west of the Shinnecock Canal.

As discussed in the DEIS for the proposed project, the source of water for the District is groundwater pumped from 11 active wells drilled into the Glacial and Magothy aquifers. Generally, the quality of the water in the aquifer is good to excellent, although there are localized areas of contamination. The water pumped from these areas is treated to remove any contaminants prior to the conveyance to the consumer.

3.1.2 Anticipated Impacts

As described and discussed in **Sections 1.2 and 1.4.1**, the proposed action is designed and intended to preclude an adverse impact to the HBWD from a potential shortfall in public water supply for domestic use and fire flow (see **Appendix D-3**). Such a situation would occur if the district's public water supply system in the area east of the Shinnecock Canal were to be overtaxed. The proposed action will enable the HBWD system to be supplemented with water from the SCWA system, which would enter the HBWD system through either or both of the interconnections shown in **Figures 2 and 3**, should this be necessary. Thus, the proposed action would not cause an adverse impact on the public water supply system, but would be a beneficial impact on it, by expanding and enhancing the HBWD's ability to provide adequate emergency water supply in this area.

3.1.3 Proposed Mitigation

- The proposed action represents a significant mitigation measure with respect to the public water supply system, in that it is designed and intended to correct a low-pressure situation experienced by the HBWD during peak demand periods, and obviate a potential adverse impact on the ability of the HBWD to provide adequate water supply and emergency fire flow in the area east of the Shinnecock Canal.

SECTION 4.0

OTHER REQUIRED SECTIONS

4.0 OTHER REQUIRED SECTIONS

4.1 Construction-Related Impacts

It is acknowledged that construction-related impacts may occur as a result of the proposed action. However, such impacts are unavoidable; it is the type and degree of such impacts, along with their duration, that determines the severity of construction-related impacts. Further consideration of construction-related impacts is outlined herein.

As each of the two existing interconnection vaults are sites in the ROWs for Oakhurst Road and Montauk Highway, no clearing, grading or excavation will be necessary to install the proposed improvements. All work associated with the proposed action will take place within these vaults. As such, there will be no impacts to any vegetation or soil material, and no impacts associated with the presence of earthmoving equipment will occur, such as equipment movements, equipment operational noise, engine emission odors, dust raised from excavations and truck loading, and increased risk on pedestrian safety. As no earthwork is proposed, no provisions for erosion control, noise control or dust control are anticipated to be necessary or implemented. As described in **Section 1.4.1**, the Applicant will fund the work, H2M will prepare the utility improvement application to permit the work, the SCDHS and SCWA shall review the application and be responsible for issuing the necessary approval, and the HBWD will perform the work.

It is expected that all construction-related activities will occur in close proximity to these vaults, which are accessed through a single grade-level hatch. Trucks for delivery of parts and equipment will be parked off the roadway adjacent to these hatches (worker vehicles would be parked farther away); it is not expected that any lane closures will be necessary, though appropriate warning signs and/or traffic cones may be placed along the roadways upstream of the work site, to enhance driver and worker safety and convenience. An estimate of the length of time that these installations will take is not presently known with precision, though it is not expected to take more than 1 or possibly 2 days.

Because the duration and spatial extent of the construction process are limited, the potential impacts that may be experienced by each site's neighbors are likewise anticipated to be limited. It is expected that construction activities will not occur outside weekday daytime hours (say 7 AM to 5 PM), and will conform to applicable Town regulations regarding construction noise generation and hours.

Short-term construction impacts may cause some temporary inconvenience to local residents and/or passing drivers, but implementation of proper site construction management techniques, as well as the short-term nature of the work, will minimize these impacts.

4.2 Adverse Impacts That Cannot Be Avoided

The potential for and nature of adverse impacts associated with the proposed action's post-construction period have been discussed qualitatively in **Sections 2.0 and 3.0** of this document, and are not expected to be significant. With respect to the construction period, however, it is acknowledged that some minimal, adverse impacts may occur, as follows:

- Limited to the construction period, temporary increases in construction-related truck and construction worker traffic, and potential equipment and construction activity-related noise.

It should be noted that any such impacts would be experienced only within a short distance of each of the two interconnection vault locations, would be limited in duration and in time to only as long as the installation process lasts, and noise generations are not expected to be particularly loud, given the nature of the equipment expected to be used.

4.3 Irreversible and Irretrievable Commitment of Resources

This subsection is intended to identify those natural and human resources listed in **Sections 2.0 and 3.0** that will be consumed, converted or made unavailable for future use as a result of the proposed action. However, these analyses indicate that no significant commitment of such resources is expected. The proposed interconnection improvement program does not include or consume any resources that are in short supply, or are semi-precious or precious to the community or region, or are otherwise substantial. The only consumption of resources would occur as part of the construction process. The following represents the only irreversible and irretrievable commitment of resources associated with the proposed action:

- Energy resources used in the construction, operation and maintenance of the interconnections and interconnection vaults, including fossil fuels and electricity.

4.4 Growth-Inducing Aspects

Growth-inducing aspects of a proposed action represent characteristics which would cause or promote further development in the vicinity of that project, either due directly to the nature of the project itself, or indirectly as a result of a change in the area's population, consumer or housing markets, or in the attractiveness for further development in that community. Direct impacts might include, for example, the creation of a major employment center or institutional facility, installation or extension of infrastructure improvements, or the development of a large residential project, particularly if that project were designed for a specific age group. An indirect impact would cause an increase in the potential for further development in an area, which in turn would result in direct impacts. In this sense, the proposed development project would not *directly* cause growth in the vicinity, but would increase the *potential* for growth, from other development induced by the project**.**

The proposed action is not intended to provide for or encourage growth in the area; it is intended to correct an existing shortfall in HBWD's ability to maintain consumer water supply and provide sufficient water for fire flow (see **Section 1.4**.1 and **Appendix D-3**). This improvement would be activated for only a limited period of time and only in case of emergency; by its nature, such an activation cannot be known in advance and so could not be relied upon to serve a growing population or new development. The SCWA would not and does not intend, by this interconnection improvement, to supply potable water to the HBWD on a long-term basis. In view of the above, the proposed action would not support growth in the area, as it would not make a secure and increased volume of water supply available to serve such growth. Thus, it is not expected that the proposed action would have any growth-inducing aspects.

The proposed improvements at the two interconnection vaults are not expected to create a significant number of jobs, as this installation is expected to be relatively routine in nature and would not take long to complete. As noted above, the Applicant will fund the installation, and the HBWD will perform the work.

In the long-term, the proposed action will not create permanent operational and/or maintenance-related jobs. It is expected that these tasks will be addressed from within the HBWD's existing staff. The maintenance responsibilities would not require relocation of any specialized labor forces or influx of large businesses from outside the area to provide support, and operational tasks would be addressed as part of normal system operations. As a result, job-related growth-inducing aspects of the proposed action are not expected to be significant.

In summary, there are no significant growth-inducing aspects associated with the proposed action.

SECTION 5.0

ALTERNATIVES CONSIDERED

5.0 ALTERNATIVES CONSIDERED

SEQRA requires the consideration of alternatives to the proposed action. Alternatives should represent reasonable and feasible land use, technology and other options to the proposed action that would achieve the applicant's objectives and remain within the applicant's capabilities. The purpose of this analysis is to determine the merits of the proposed action as compared to those of other possible uses, sites and technologies that would also achieve the applicant's objectives and potentially reduce environmental impacts. The discussions and analyses of the alternatives should be conducted at a level of detail sufficient to allow for this informed comparison, to be conducted by the decision-making agencies. Alternative 1 is the "No Action" alternative, which is required by SEQRA and is intended to represent site conditions if the proposed action is not implemented. For the subject application, the following alternatives have been analyzed:

- Alternative 1: No Action - assumes that the proposed action is not undertaken, so that each of the two interconnection vaults remain in their existing use and conditions. This scenario also assumes that the HBWD does not address the issue of potential shortfall in its ability to serve its customers in the area east of the Shinnecock Canal with adequate water supply simultaneous with emergency fire flow needs.
- Alternative 2: Alternative Methodology - assumes that the HBWD utilizes an alternative method to address its concerns regarding customer service and fire flow adequacy.

5.1 Alternative 1: No Action

If the proposed action is not undertaken, the HBWD will continue to face the potential shortfall in its ability to fulfill consumer demand for potable water simultaneously with demand for water to fire fires, in the area east of the Shinnecock Canal. Such a situation is clearly not acceptable to the HBWD, and is the prime factor in its effort to implement the proposed action in the first place.

5.2 Alternative 2: Alternative Methodology

This alternative is based on the use of a different method to address the HBWD's concern regarding customer service needs and emergency fire flow demand in the area east of the Shinnecock Canal. It should be noted that, prior to its discussions with the SCWA (that ultimately led to the methodology described by the proposed action), the HBWD's engineering consultant, H2M, had investigated this issue, delineated a number of methods to address it, and evaluated the pros and cons of each (see **Appendix D-5**). The following is taken from that document.

New Distribution Main

The portion of the District's distribution system east of the canal is fed by a single 12-inch feed crossing the canal on Sunrise Highway. Analysis was performed within the hydraulic model to gauge

the effects that an additional 12-inch water main crossing the canal would have upon the residual pressure on the east side of the canal. This additional crossing was placed at Gate Street.
The following conclusion can be made:

1. Although an additional 12-inch water main crossing the Shinnecock Canal will help meet the fire flow demands of the proposed Canal Properties development, residual pressure within the remaining portion of the distribution system east of the canal will not meet minimum pressure requirements.

New Source
Since there are no sources of supply on the east side of the canal, in the event of a disruption of service to the existing canal crossing domestic or fire flow demands could not be made. Analysis was performed to model the effects a new supply well on the east side of the canal would have upon the existing District. The hydraulic model was edited to show a new water supply well located east of the canal, south of Route 27, and north of Old Canoe Place Road.

The following conclusions can be made:

1. The addition of a new well to the system east of the canal will enable the District to provide recommended fire flow demands while maintain acceptable residual pressure in the system, except at the extreme high elevation point.

New Booster Facility
In lieu of an additional crossing or additional source point, Analysis modeled the feasibility of the creation of a high-pressure zone on the east side of the canal, fed from an inline booster pump. Under this analysis, the existing distribution remained in place and a new booster pump sized to the higher elevations was input within the model on the west side of the canal.

The following conclusions can be made:

1. The installation of a booster pump to service the east side of the canal will essentially create another pressure zone within the District and allow the District to meet the demands of the proposed development while maintaining minimum pressures in the system.

New Distribution & Source
Analysis modeled the effects of a combination of an additional water main crossing the canal together with a new well on the east side of the canal.

The following conclusions can be made:

1. A combination of a new well with an additional crossing of the canal will enable the District to provide recommended fire flow demands while maintain acceptable residual pressure in the system, except at the extreme high elevation point.

Conclusions & Recommendations:
The analysis performed show that the District can supply the proposed Canoe Place Inn and Canal Properties developments with the requested estimated demand with minimal effects on the existing

District facilities. However, the District cannot meet the estimated fire flow demands on the east side of the canal without additional facilities.

During peak demand periods, the District struggles to meet their demand requirements with all facilities at their disposal. With the threat of the loss of production from the threat of contamination or due to mechanical failure, the ability of the District to meet increasing peak demand requirements is further taxed. These developments will further tax the system.

In order to continue to meet its peak demand requirements and meet future development demands the District should investigate the construction of additional supply facilities. The additional supply will help the District meet its demand requirements in the event of a loss of existing supply due to contamination or mechanical failure.

Locating this new supply on the east side of the canal will both aid the District in meeting demand requirements of the Department of Environmental Conservation a minimum of a two-acre parcel would be required. The unavailability of sufficient land on the east side of the canal significantly reduces the feasibility of constructing a new well facility in this area. Instead, the District should investigate other locations to construct a new well to supplement the already taxed system. The new well site should be located on the west side of the canal, but towards the central to eastern portion of the District. One possible location to consider would be the District's existing Well Field No. 2. Although the site of two wells, the proper acreage remains to construct a new facility while maintaining required clearances.

Since the locating of a new well east of the canal is assumed to not be feasible, in order to help improve service to the Canal Properties, a second water main shall be installed crossing the Shinnecock Canal from west to east. This main will not only enable the District to better service the proposed development but will provide a level of redundancy to the east side of the canal in the event that the existing crossing along Sunrise Highway is lost.

The H2M report indicates that while each of the scenarios analyzed would address the HBWD's concerns, none of these scenarios is clearly preferable to the others, based on cost and efficacy.

Consequently, the HBWD undertook to discuss this issue with the SCWA to see whether some arrangement could be made that would better satisfy the HBWD's concerns and be acceptable to the SCWA. Those discussions resulted in a simpler, more straight-forward solution (based on cost, efficiency and construction considerations), which is the proposed action. That is, there is no compelling reason to select any of the other alternatives examined, as the HBWD's engineering consultant found that the proposed action was the most appropriate solution.

FIGURES

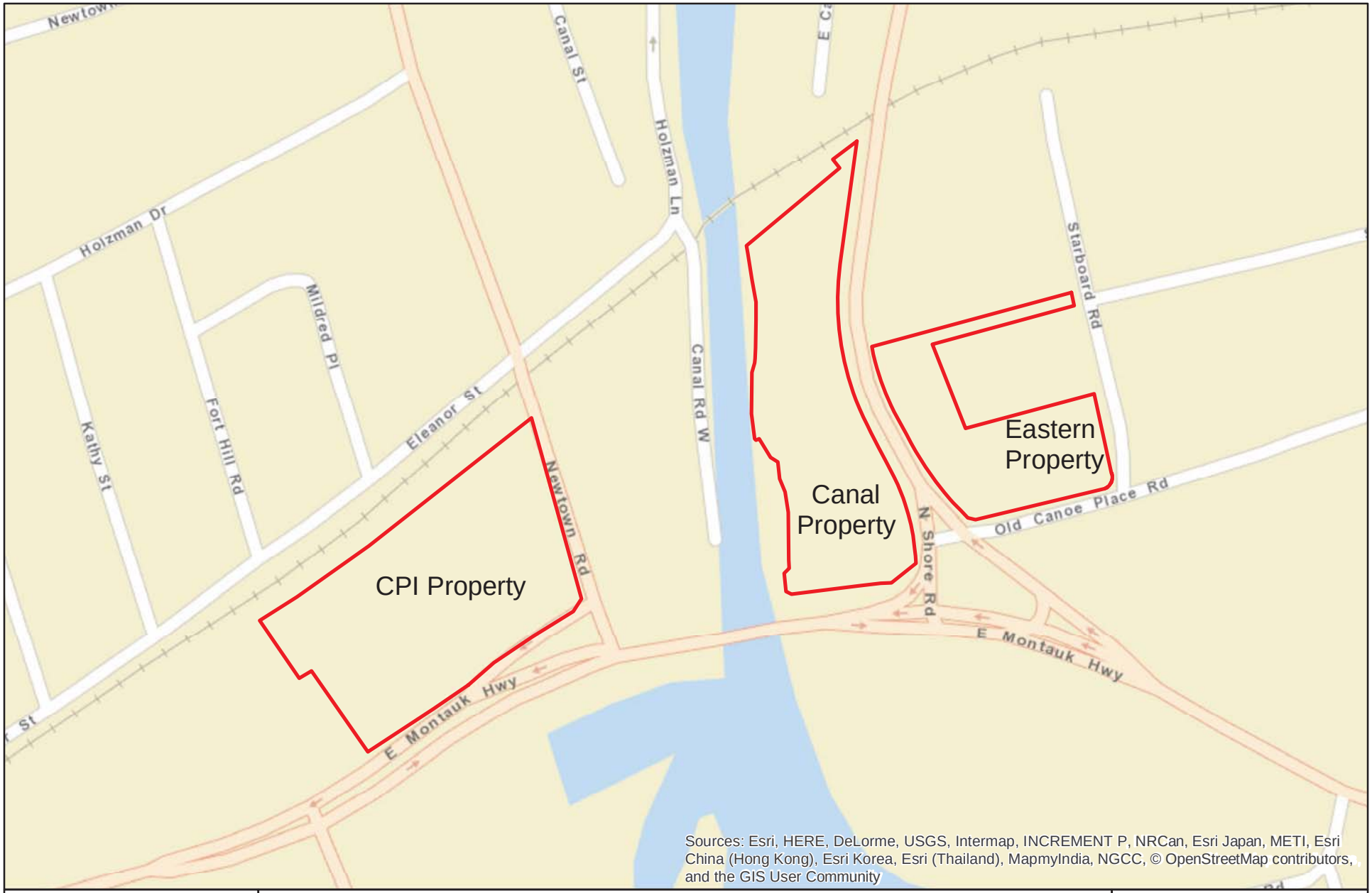

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FIGURE 1a
LOCATION MAP, PROPOSED PROJECT

Source: ESRI Web Mapping Service
Scale: 1 inch = 300 feet

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CPI, Canal & Eastern Properties MPDD

Draft Supplemental EIS

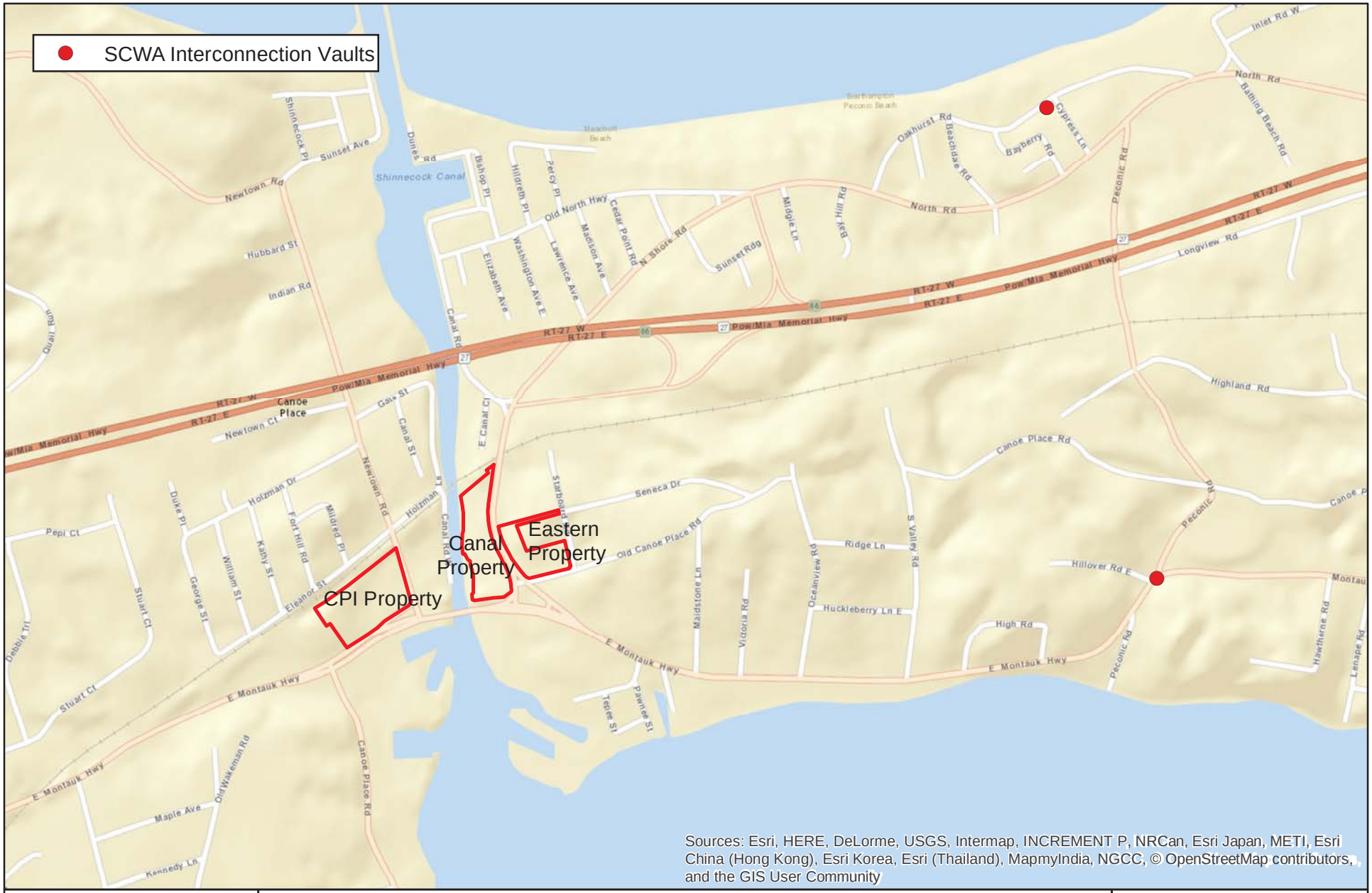

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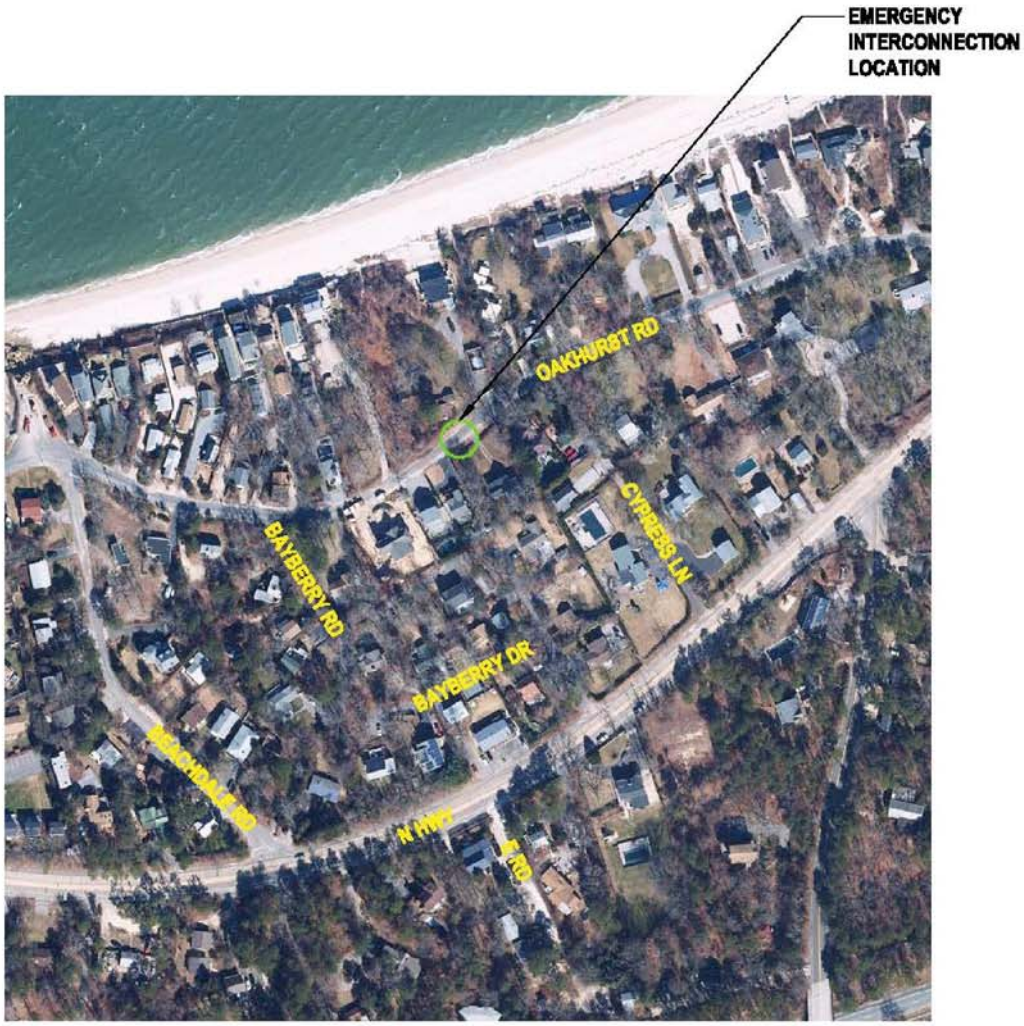
FIGURE 1b
LOCATION MAP, PROPOSED ACTION

Source: ESRI Web Mapping Service
Scale: 1 inch = 1,000 feet

CPI, Canal & Eastern Properties MPDD

Draft Supplemental EIS



Location Map
SCALE: 1:250

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CLIENT			
Hampton Bays Water District Emergency Interconnection Locations	SHEET # 1 DATE: JULY 2017	H 2 M	architects + engineers

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FIGURE 2
LOCATION MAP, PROPOSED OAKHURST ROAD INTERCONNECTION

Source: H2M Architects and Engineers

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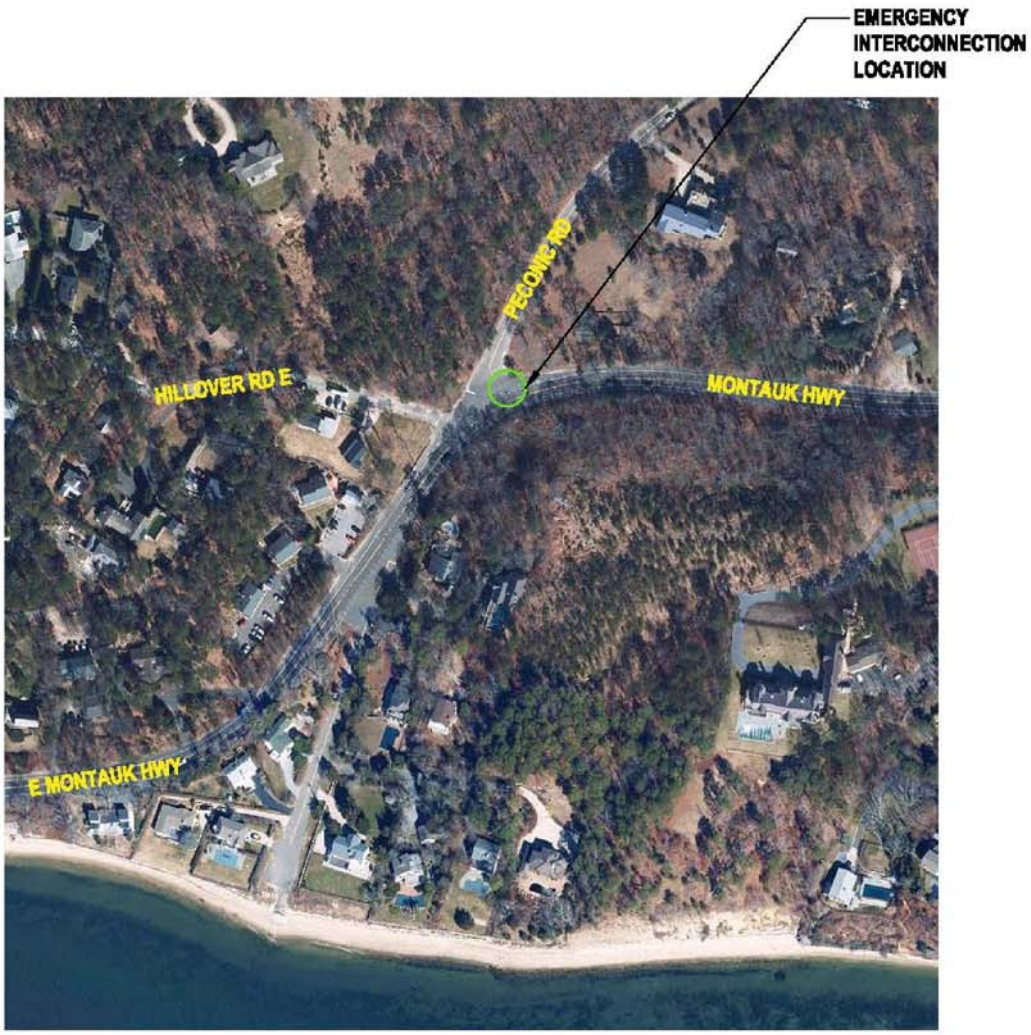
CPI, Canal & Eastern Properties MPDD

Draft Supplemental EIS



Location Map
SCALE: 1:250

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CLIENT	SHEET #		
Hampton Bays Water District Emergency Interconnection Locations	2	H 2 M	architects + engineers
	DATE: JULY 2017		

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FIGURE 3
LOCATION MAP, PROPOSED MONTAUK HIGHWAY INTERCONNECTION

Source: H2M Architects and Engineers

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CPI, Canal & Eastern Properties MPDD

Draft Supplemental EIS

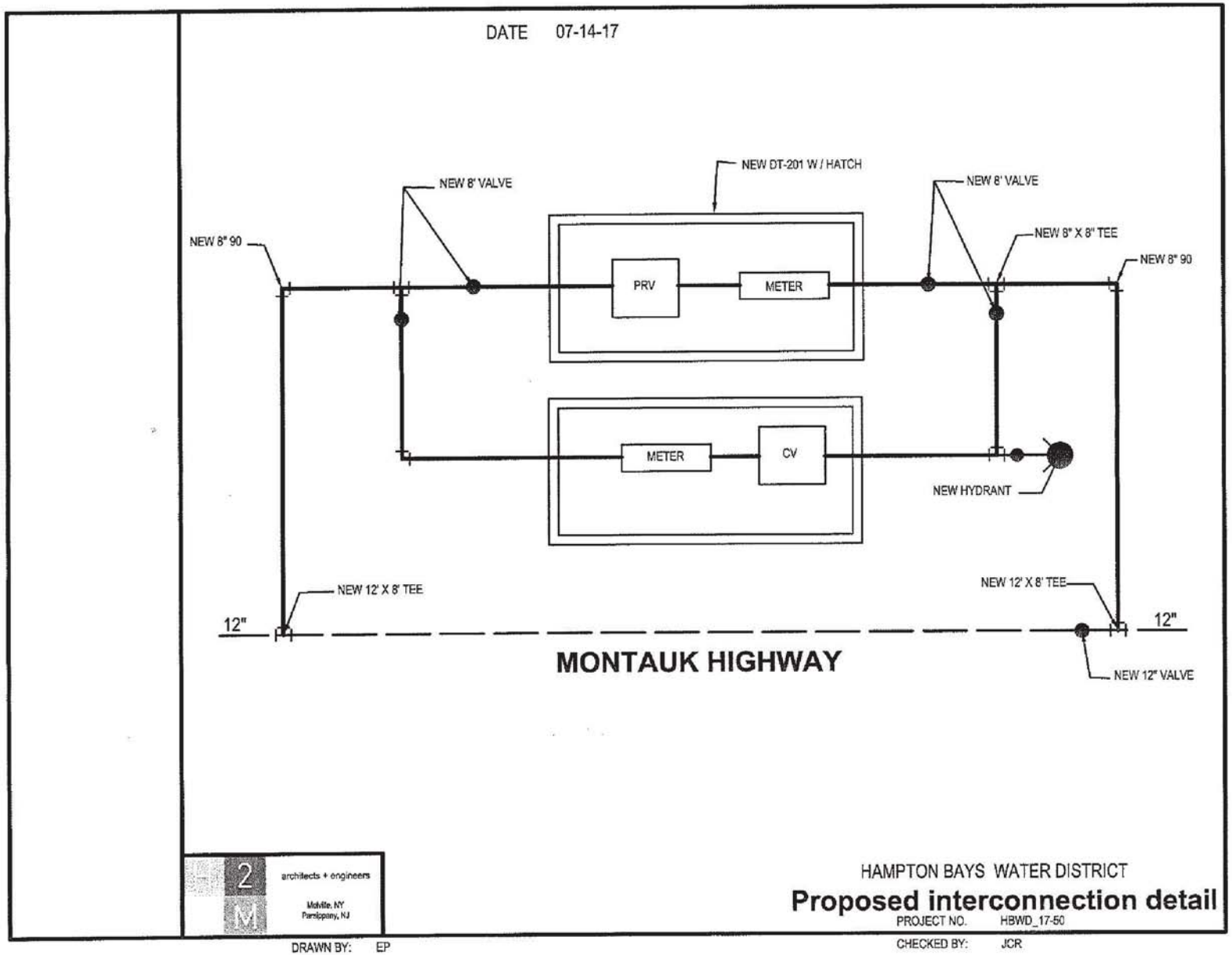

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FIGURE 4
SCHEMATIC OF PROPOSED INTERCONNECTION

Source: H2M Architects and Engineers

CPI, Canal & Eastern Properties MPDD

Draft Supplemental EIS

APPENDICES

APPENDIX A

SEQRA FINDINGS STATEMENT

Town Board

revised January 12, 2015

NELSON POPE & VOORHIS, LLC
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ORIGINAL

State Environmental Quality Review Act
Statement of Findings

CANOE PLACE INN (CPI), CANAL & EASTERN PROPERTIES
Maritime Planned Development (MPDD) Application
Environmental Impact Statement
December 31, 2014; last revised January 12, 2015

Pursuant to Article 8 of the New York State (NYS) Environmental Quality Review Act (SEQRA) of the New York State Environmental Conservation Law and Title 6 of the NYS Code of Rules and Regulations (6 NYCRR) Part 617, the Town Board of the Town of Southampton makes the following findings.

Name of Action: Canoe Place Inn (CPI), Canal & Eastern Properties MPDD Application

SEQRA Classification: Type I Action

Brief Description of Action: The proposed project would redevelop the CPI Property by rehabilitating the dilapidated CPI structure for use as an inn (20 units), a catering facility (350-person capacity), and a restaurant (70 indoor seats and 120 outdoor seats), and in-kind renovation of the five existing cottages. The Canal Property is proposed to be redeveloped with 37 townhouse units, with a clubhouse structure and private 17-boat marina. The Eastern Property is proposed to be developed with a Nitrex™ Waste Water Treatment Facility (WWTF) serving the townhouses. The CPI Property will be served by an upgraded conventional septic system, with a Permeable Reactive Barrier (PRB) installed along the eastern and southern site boundaries, to treat nitrogen generated on-site and from upgradient areas, to protect groundwater and surface water quality in Shinnecock Canal and Shinnecock Bay.

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TOWN CLERK'S OFFICE

Location: The 5.65-acre CPI Property is located on the corner of Newtown Road and Montauk Highway on the west side of the Shinnecock Canal. The 4.50-acre Canal Property is located on the eastern side of the Shinnecock Canal with frontage on North Highway, and includes the underwater boat basin parcel to the north. The 2.68-acre Eastern Property is on the eastern side of North Highway opposite the Canal Property, and is a "U"-shaped parcel fronting on Old Canoe Place Road zoned.

SCTM No.: CPI Property (Zoned RWB): 900-207-5-3 & 4
Canal property (Zoned RWB): 900-207-4-22.1, 23 & 24
Eastern Property (Zoned MTL): 900-208-2-18.1

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

Lead Agency Contact: Town of Southampton
Department of Land Management
Long Range Planning Division
116 Hampton Road
Southampton, New York 11968
Contact: Kyle Collins, Town Planning/Development Administrator
(631) 287-5735

Date Final EIS Filed: October 16, 2014

Statement of Certification:
The Town Board of the Town of Southampton, as Lead Agency, has reviewed the Draft Environmental Impact Statement (hereinafter referred to as the Draft EIS) and the Final Environmental Impact Statement (hereinafter referred to as the Final EIS) and certifies that:

- It has considered the relevant environmental impacts, facts and conclusions disclosed in these documents;
- It has weighed and balanced the relevant environmental impacts with social, economic and other considerations;
- It has considered and addressed all public comments on the Draft EIS;
- The requirements of 6 NYCRR Part 617 have been met;
- Consistent with social, economic and other essential considerations from among the reasonable alternatives available, the action described below is one that avoids or minimizes adverse environmental impacts to the maximum extent practicable.
- Adverse environmental impacts will be avoided or minimized to the maximum extent practicable by incorporating as conditions to the decision those mitigation measures that were identified as practicable during the environmental review process.

Summary of the SEQRA Process:
- On February 23, 2012, the Town Board received the applicant's formal application to establish an MPDD on the subject site.
- On March 27, 2012, the Town Board commenced the SEQRA process to coordinate Lead Agency status.
- On May 8, 2012, the Town Board assumed Lead Agency status and adopted a Positive Declaration for the proposed project. This necessitated preparation of a Draft EIS.
- On July 10, 2012, the Town Board issued a final written scope of contents for preparing the Draft EIS on the proposed project.

- On November 9, 2012, the applicant submitted the Draft EIS to the Town Board with additional information provided to the Town Board on November 26, 2012.
- On January 14, 2013, the Town Board issued comments on the submitted Draft EIS, necessitating revisions to and re-submission of that document.
- On May 2, 2013, the applicant submitted the revised Draft EIS to the Town Board, with additional information provided to the Town Board on May 9, 2013.
- On June 25, 2013, the Town Board deemed the revised Draft EIS as complete for public and agency review and comment, scheduled public hearings, and directed that a Notice of Complete Draft EIS be forwarded to and published by the NYSDEC's Environmental Notices Bulletin.
- Public hearings were held by the Town Board on the Draft EIS on August 13, 2013, September 10, 2013, October 22, 2013, and December 10, 2013.
- At the end of the December 10, 2013 public hearing, the Town Board closed the public hearing, with a 30-day written comment period to run through January 9, 2014. Verbal and written public comments, and written agency comments received during the public hearings and the comment period were responded to in the Final EIS.
- In response to some of the above-referenced comments, the applicant undertook a number of changes to the project, on which the responses presented in the Final EIS were based.
- On May 7, 2014, the Final EIS was submitted to the Town Board. The Town Board forwarded traffic and hydrologic information in the Final EIS to Cashin Associates and the FPM Group, respectively, for technical reviews.
- On July 28, 2014, the Town Board issued comments on the submitted Final EIS, necessitating revisions to and re-submission of that document.
- In September 2014, the applicant submitted the revised Final EIS to the Town Board.
- On October 16, 2014, the Town Board accepted the Final EIS as complete, and directed that a Notice of Complete FEIS be forwarded to and published by the NYS Department of Environmental Conservation (NYSDEC) Environmental Notices Bulletin.
- On November 12, 2014, the Town Board held a public hearing on the proposed Maritime PDD zoning legislation and conducted additional hearings on November 25 and December 9, 2014. Written comments were accepted for 10 additional days.

Existing Property Conditions:

CPI Property

The CPI Property is a 5.65-acre parcel comprised of two tax lots located on the corner of Montauk Highway (CR 80) and Newtown Road (CR 62) within the southwestern quadrant of the Shinnecock Canal area. The site is currently occupied by a large, old and deteriorated structure that has a fire-rated occupancy of 1,857 persons. The building is not built to current building code standards and when previously operated as a nightclub, was an intense use that generated traffic, noise and disturbance in the neighborhood based on substantial activity. During periods when the building is not in operation (currently, as requested by the Town), it is an attractive nuisance. There are also five individual cottages currently on the west part of the site which are vacant and in extreme disrepair and have been subject to vandalism and unauthorized activity. The majority of the site (2.07 acres) is comprised of Successional Southern Hardwood forest, with an additional 1.14 acres of Successional Old Field.

Canal & Eastern Properties

The Canal Property is a 4.50-acre parcel comprised of four tax lots (including one 0.52-acre underwater lot) located north of Montauk Highway, directly adjacent to the eastern shore of the Shinnecock Canal. The Canal Property contains two restaurants and a bait shop totaling 14,150 SF, a two-story house with two apartments (total of 2,600 SF) and a marina (estimated 17 slips). The majority of natural habitat on the site consists of Pitch Pine-Oak Forest (0.52 acres) with the remaining natural habitat comprised of Successional Southern Hardwood forest (0.44 acres).

The Eastern Property is a 2.68-acre property comprised of a single tax lot located north of Canoe Place Road and east of North Shore Road. The Eastern Property is currently vacant and undeveloped and is completely wooded (Pitch Pine-Oak forest).

Description of Action:

The project description that is included above under "Brief Description of the Action," is the project that was the subject of the Final EIS. This project was modified, improved, and reduced in size and mass from the project that was the subject of the Draft EIS in order to respond to public and agency comments. The original project involved 40 townhomes on the Canal Property with greater mass and disturbance. This was changed through the EIS process. The proposed use on the CPI property remained much the same with the addition of the proposed PRB. On both properties, proposed roadway realignments and improvements with coordination with Suffolk County Department of Public Works (SCDPW) may result in additional land available for additional landscaping and grading and a public access to the canal and parking for the Canal property. Overall, the evolution of the plan reduced impacts and improved the proposed project. These changes are outlined in more detail below.

The Plan as described in the Final EIS

It must be understood that the SEQRA process anticipates that changes to a project may occur in response to comments and community input as the review process proceeds, or as updated information on site design, tenants, building configuration and architecture, and/or related evolutionary changes in the project are made. The following changes were made to the project that was described and analyzed in the Draft EIS (the "Prior Plan"); the revised project (the "Revised Plan") was the basis on which the responses were prepared and included in the Final EIS.

CPI Property

- An estimated 0.32 acres of surplus land from Suffolk County, currently used for right-of-way at the intersection of Montauk Highway and Newtown Road, are included in the southeastern portion of the CPI Property in consideration for applicant-funded and -constructed public roadway improvements, as requested by SCDPW in order to address existing traffic safety concerns at this intersection.
- The roadway improvements include:
  - removing the ramp from southbound Newtown Road to westbound Montauk Highway;
  - regrading this area to more smoothly transition the land surface between the CPI and Montauk Highway;
  - landscaping and beautifying the intersection;
  - construct a southbound to westbound acceleration lane on Montauk Highway;
  - construct a deceleration lane at the new site access on Montauk Highway;

- these improvements will cost an estimated $480,000, to be paid by the applicant.

- Changes to the location of the outdoor tent area as recommended by the noise consultants retained by the applicant to study the noise concerns identified in the DEIS comments. The tent area has been relocated from the north side of the building to the west lawn, thereby maximizing the separation from the nearest Eleanor Street neighbors as well as using topography and new landscaping features for fixed, permanent acoustic shielding. A fixed position and orientation for musical events is described such that noise is directed toward the southeast and away from the neighbors to the north and west.
- A new, on-site septic tank/leaching pool system will be installed to treat the wastewater generated on the CPI site. The proposed design flow of this new system will be 67% less than the grandfathered flow recognized for CPI, providing a reduction in nitrogen recharged to groundwater beneath this site.
- A Permeable Reactive Barrier (PRB) will be installed along portions of the downgradient (southern and eastern) borders of the property. This feature will remove nitrogen from the new on-site sanitary system as well as non-project wastewater such as stormwater, and will also remove nitrogen in groundwater emanating from off-site, upgradient locations as it passes beneath the site and through the PRB. In this way, the quality of groundwater that outflows to Shinnecock Canal and Shinnecock Bay will be improved over existing conditions, thus a positive benefit on the quality of marine surface waters.
- Under these design conditions, the project is expected to remove 1,197 pounds (lbs.) per year of nitrogen in addition to removing all of the nitrogen associated with the entire CPI project. The applicant has indicated that this additional nitrogen removal is the equivalent of wastewater nitrogen discharged from approximately 35 homes.

Canal Property

- The number of townhouses has been reduced from 40 to 37 units and the average size of the units (2,000 sq. ft.) has been reduced by approximately 10%. This reduction, which decreases the total proposed building area by 20% and the site coverage by more than 22%, will then reduce many other impacts including fewer residents, fewer vehicle trips, less water used and less wastewater to be treated at the WWTF, less taxes paid, less school taxes generated, etc.
- The floor area of the resident's clubhouse has been reduced from 6,000 square feet (SF) to ±1,900 SF. It is expected to contain men's and women's rooms (with toilets and showers), a small, catering-type kitchen, a self-serve bar and a small fitness room as well as pool equipment.
- The number of townhouse buildings has been reduced, from nine in the Prior Plan to seven in the Revised Plan, and the buildings have been redistributed around the site so that they no longer overlap to allow for two significantly wider view corridors between buildings from North Shore Road to the Shinnecock Canal. As a result, observers to the east will have wider views between structures across the site to and beyond the Shinnecock Canal, to the west.
- The amount of regrading on the site has been reduced by changing the elevations of the proposed buildings to better reflect the existing grades. This will also allow the noise wall to be eliminated entirely from the Revised Plan.
- The original walkway/gazebo depicted in the DEIS has been replaced by an access path and public viewing/fishing platform in the site's southwestern corner, allowing visual and physical access to the Shinnecock Canal.
- A public parking area and path to the canal, accessed from North Shore Road near its intersection with Montauk Highway, has been located to provide easy public access to the canal.

- The existing floating dock, with ongoing maintenance provided by the applicant, will be made available for public access and transient boaters
- The applicant will provide a conditional passive public easement along the property's entire frontage of the Shinnecock Canal (i.e. extending from the southern property line adjoining Montauk Highway right of way to the northern property line adjoining the MTA property). The easement is considered conditional in that it will become effective at such time the Town secures the adjoining public easement connections over the MTA and Suffolk County locks property. A covenant will be required to this effect.
- A 25-foot naturally vegetated non-disturbance and non-fertilization wetland buffer will be established upland of the wetlands in the area south of the bulkheaded areas of the site. The proposed buildings have been shifted landward to respect the proposed 25-foot natural buffer, and buildings have been relocated to be placed outside of the area of NYSDEC tidal wetlands jurisdiction.
- The proposed buildings on the north part of the site have either been placed landward of previously bulkheaded areas recognized by NYSDEC as the limit of jurisdiction, or beyond the crest of the bluff for areas landward of the boat basin/floating dock basin.
- An estimated 0.59 acres of surplus land from Suffolk County, currently used for right-of-way at the intersection of Montauk Highway and North Shore Road, are included in the southeastern portion of the Canal Property in consideration for applicant-funded and -constructed public roadway improvements, as requested by the SCDPW to address existing traffic safety concerns at this intersection.
- The roadway improvements include:
  - removing the ramp from southbound North Shore Road to westbound Montauk Highway;
  - regrading this area to more smoothly transition the land surface between the Canal Property and North Shore Road;
  - landscaping and installation of a public parking area and walkway to the proposed viewing platform;
  - realigning North Shore Road from roughly mid-point of the Canal Property's frontage on Newtown Road to Montauk Highway, to provide a "T"- intersection on Montauk Highway;
  - make minor roadway improvements on Montauk Highway east and west of the T-intersection, and removing the now-isolated ramp of westbound Montauk Highway to northbound North Shore Road; these improvements are estimated to cost an estimated $1.07 million, to be paid by the applicant.
- The Town's parking requirement will be met including the construction of 74 parking stalls (including four accessible spaces), 19 landbanked stalls located in the surplus right-of-way area, and five spaces for the public to access the proposed viewing platform.

Eastern Property

- In response to concerns of the neighbors along Wildwood Lane, the vehicle access to the Nitrex™ system building has been relocated to Canoe Place Road to eliminate any maintenance traffic from the existing neighborhood roads.
- The Nitrex™ system lab/maintenance building has been shifted to conform to all applicable setbacks as regulated by the SCDHS.
- The northern part of the Eastern Property is not proposed to be altered and will remain vacant and wooded in the Revised Plan. The applicant will provide an easement for public trail access to this part of the site, to be used for passive recreation in connection with the Paumanok Path, to the Town.

- In response to Town concerns over the amount of clearing required for the Concept Plan provided in the FEIS, a third alternative was drafted which limits the clearing required to 30% without WWTP expansion area and 50% for clearing with WWTP expansion area. The likelihood of expansion being required by Suffolk County Health is low; however it is recognized as the worst-case scenario. The Planning Board will oversee the clearing and re-vegetation plans for all parcels, with input from the Town Conservation Board and Chief Environmental Analyst. The local law includes a provision that allows the Planning Board to require limits of clearing or retention of significant sized trees, if any, as part of the site plan review *for all parcels* as well as limitations on fertilizer-dependent landscaping.

Revised Density Exchange

Similar to what is proposed in the Draft EIS, the density exchange for the Revised Plan would transfer the existing potential development yields of each of the three subject properties among the three sites, in order to place development on the two properties that are proposed for development. The Revised Plan, like the Prior Plan, requests more residential units than the total existing potential yield of the three properties. However, the Town's PDD ordinance is designed to address such a situation, and sets procedures and standards to achieve an increase through use of Community Benefits as per NYS Town Law §261-b. Determining the increase in density, when seeking to transfer yield from one site to another, and particularly when it is necessary to first convert the yield from one type of unit to another, is a multi-step process; one must first establish the site's existing yield, then convert this yield to an equivalent-unit yield. This process was detailed in the Draft EIS. Updating that analysis for the Revised Plan finds that the number of units in the Revised Plan exceeds the number of units being transferred to the Canal Property by 8 units. As a result, the Revised Plan will require provision of Community Benefits to compensate for the increase. The Revised Plan will provide Community Benefits (within a larger set of Public Benefits) that are well in excess of the required compensatory benefits (based on dollar value). As a result, the benefits of the revised Plan exceed the requested increase in yield over existing and as-of-right conditions.

The project does not propose the use of transfer of development rights or Pine Barrens Credits (PBCs) to offset the increased density, but instead utilizes a comparison method as provided for in §330-248 that indicates that the value of the rehabilitation of the Canoe Place Inn, construction of the proposed public viewing/fishing platform and associated parking, roadway modifications, contribution of $300,000 to upgrade the Shinnecock Canal Maritime Park, $50,000 toward roadway improvements immediately surrounding the Eastern property, and provision of Paumanok Path trail easement exceeds the current market value of PBC or TDR purchase. The applicant will also be required to comply with the Long Island Workforce Housing Act requirements outlined in Chapter 216 of the Town Code.

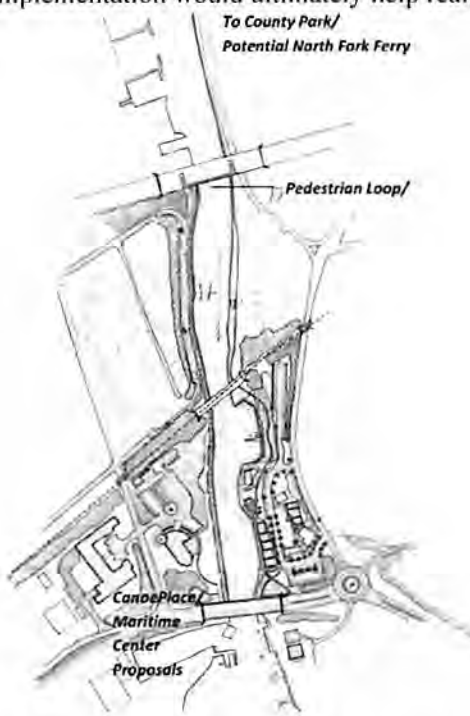
The Revised Plan, like the Prior Plan, meets the goals for land use and development identified by the Town and community, specifically in that the historic CPI building and use will be retained and rehabilitated for use by the public through significant investment by the property owner. The redevelopment of these sites will improve the community character in the area and eliminate the deteriorated, blighted and underutilized condition that now exists on the CPI Property.

Overall Public Benefits of the Revised Plan

The anticipated qualitative benefits of the Revised Plan to the community also include conformance with key elements of land use plans, aesthetic and economic benefits. Most significantly, the proposed PDD project fulfills the community objective of maintaining and rehabilitating the CPI building. This objective has been expressed by the Town and community.

In summary, the following public benefits are anticipated to result from the Revised Plan:

1. Rehabilitation of the CPI Property as a public use (inn, catering facility, and restaurant) and retaining historic features and fabric to the extent practicable, resulting in improved aesthetics on the site and retention of a structure that is important to community character.
2. New public access easement from North Shore Road over the Canal property with a viewing/fishing platform with access to the existing floating dock
3. The applicant will provide a conditional passive public easement along the property's entire frontage at the Shinnecock Canal (i.e. extending from the southern property line adjoining Montauk Highway right of way to the northern property line adjoining the MTA property) to become effective at such time the Town secures the adjoining public easement connections over the MTA and Suffolk County locks property. The objective of providing the Canal promenade and passive public access is to create a continuous pedestrian connection from the South, across the subject parcels to connect to the north to the County Parkland. The Hampton Bays Corridor Strategic Plan and DGEIS depict the following schematic of the pedestrian loop connection that this plan and its implementation would ultimately help realize.



4. A *$300,*000 contribution towards improvement/enhancement to the Shinnecock Canal Park and additional design services and renderings provided for said park improvements to be provided by the applicant.

5. Roadway safety improvements at the intersections of Montauk Highway (CR 80) and Newtown Road (CR 62) and Montauk Highway (CR 80) and North Shore Road (CR 39), subject to further approval of Suffolk County and the Town of Southampton.
6. Easement to the Town for public access to be used for passive recreation in connection with the Paumanok Path on the Eastern Property.
7. The increase in taxes generated on the subject properties amortized over 10 years ($7.200 million) for a total estimated Public Benefit associated with the proposed project of $14.085 million.
8. The substantial investment in the subject CPI Property will substantially upgrade the site and immediate vicinity and enhance surrounding property values.
9. Rehabilitation of the CPI building will create an aesthetically and architecturally appealing structure and use on the site, reminiscent of its history.
10. Rehabilitation of the CPI Property is proposed to include a new septic tank/leaching pool system for its sanitary wastewater, and use of a PRB, which are expected to, in combination, capture and treat more nitrogen beneath this site than is contained in the sanitary wastewater generated on the site. That is, this system would not only treat the wastewater generated at the CPI, but would also remove nitrogen in recharge generated in areas to the north and west as it passes beneath the site. As a result, the quality of groundwater seeping into the Shinnecock Canal will be improved, and thereby incrementally improve the quality of marine surface waters.
11. The creation of an attractive public gateway into Hampton Bays.
12. Generation of substantial annual tax revenue (estimated at $807,398) compared to $180,249 under existing conditions.
13. The proposed project will provide substantial construction-related jobs and operation employment including; building, amenities and grounds (systems, pool, landscaping, etc.) maintenance-related jobs, management jobs, housekeeping jobs and other hospitality-related jobs and services.
14. The proposed project will bring high-spending vacation residents to the Hampton Bays area resulting in direct sales, sales tax and related "ripple effect" economic benefits to the community, Town and County.
15. Redevelopment of the Canal Property will include an upgrade of the sanitary system resulting in environmental benefits, including a reduction in the nitrogen levels discharged into the Shinnecock Canal from existing uses.

In total, the proposed Public Benefits package is estimated by the applicant at $14.085 million. As previously mentioned, the Revised Plan does not propose the use of transfer of development rights or PBCs as the value of the proposed public benefits exceeds the value of the increased density of 8 units.

Overall Site Layout

The Revised Plan has been developed as a means of balancing the economic goals of the applicant with the environmental protection, and land use and planning goals of the Town and community. It assumes redevelopment of the three component properties similar to those of the Prior Plan, though the majority of the changes are located on the Canal Property, where fewer residential units, in fewer buildings are proposed. Nevertheless, significant and beneficial changes are proposed on the CPI and Eastern Properties as well. Thus, the Revised Plan would not only mitigate the potential impacts of the Prior Plan, but would introduce additional mitigation measures and beneficial development features that would not have been provided by the Prior Plan.

The proposed application involves the rehabilitation of the former Canoe Place Inn, and development of 37 townhouses on the Canal Property. The Eastern Property is located north of Montauk Highway and east of North Shore Road; a portion of it would be occupied by the Nitrex™ WWTF to serve the townhome development on the Canal Property.

CPI Property
The Revised Plan assumes the same rehabilitation program for the CPI structure that was described in the Draft EIS.

In response to public concerns regarding noise impacts from outdoor events (typically, such as weddings, wedding receptions, bar or bat mitzvahs, etc.), the applicant retained a noted noise consultant and pursuant to their recommendations has moved the location of the tent area (where outdoor events will be held) from the northern side of the CPI to the western side, to maximize the separation from the nearest receptors, which are the homes on Eleanor Street. Other noise-mitigating features include using a fixed position and orientation for musical events (so that noise is directed toward the southeast and away from receptors), and grading for the tent area that includes tiered retaining walls and screening vegetation so that topography would shield receptors to the north and west.

As noted earlier, the CPI Property will be increased by approximately 0.32 acres (to 5.97 acres), by the acquisition or incorporation of surplus land from Suffolk County along the site's southeastern portion. An estimated 0.32 acres of land owned by Suffolk County and used for right-of-way at the intersection of Montauk Highway and Newtown Road is proposed to be added to the southeastern portion of the CPI Property.

The applicant will re-grade the land surface in this area, and will construct public roadway improvements in this area. These improvements conceptually include removing the ramp from southbound Newtown Road to westbound Montauk Highway, and making minor lane improvements westerly from the intersection of Newtown Road at Montauk Highway. Final design of the roadway improvements will be made with SCDPW input during the permitting process. These improvements would cost an estimated $480,000.

If the county land transfer does not happen, the public roadway improvements noted above would not be provided, and the grading and landscaping proposed in the site's front yard would be revised downward accordingly. The area of land to be graded would be reduced, the volume of soil excavated for fill or removal would be reduced, and the proposed drainage system would be revised to relocate drainage facilities outside of this area. However, there would be no changes in the proposed building rehabilitation program, nor would there be any changes in the outdoor improvements program of the Revised Plan. Of particular note is that the existing traffic safety issues at the intersection of CR 80 and Newtown Road would not be addressed.

The wastewater generated on this site will be handled by use of a new, on-site septic tank/leaching pool system; in addition, in order to provide further nitrogen reduction in groundwater beneath this site, a PRB is proposed to be installed along a portion of the downgradient (southern and eastern) borders of this property. This feature will remove nitrogen from the new on-site sanitary system and stormwater, and

will also remove nitrogen in groundwater emanating from upgradient off-site locations as it passes beneath the site and through the PRB. In this way, the quality of groundwater that outflows to Shinnecock Canal and Shinnecock Bay will be improved, thus benefiting the quality of marine surface waters.

The proposed PRB will be installed below the ground surface, located in groundwater. The area below the ground surface but above groundwater is referred to as the vadose or unsaturated zone. At the CPI Property, groundwater in the area of the PRB is located approximately 10 feet below the ground surface. Existing and proposed landscape vegetation grows in the vadose/unsaturated zone and would not survive if the roots were in groundwater. Landscape vegetation receives its needed nutrients and water for growth from atmospheric deposition (rain and wet and dry deposition of nutrients) and irrigation/fertilizers. The PRB removes only nutrients from water that passes through it, and water that passes through the PRB is not reachable by landscape vegetation. Consequently, the vegetation on land above the PRB will not be affected by the PRB.

Canal Property

The number of townhouses has been reduced from 40 to 37 units. This reduction will then reduce a number of other impacts, such as fewer residents, fewer vehicle trips, less water used and less wastewater to be treated at the WWTF, less taxes paid, less school taxes generated, etc.

The proposed buildings have been shifted landward to address the Town Conservation Board's concerns regarding tidal wetlands; a 25-foot natural buffer is proposed, and all buildings in the southern portion of the site (where the buffer exists) are outside the buffer and are setback more than 25 feet from the wetland line. The amount of grading has been reduced by utilizing existing grades to the extent possible by lowering the elevation of the larger resident's parking area relative to North Shore Road. The noise wall has been eliminated from the Revised Plan. These changes will also reduce impacts to observers of the canal. There are two views toward the northeast from the CR 80 Bridge, two views eastward from Newtown Road, and two views northwesterly from the CR 80/North Shore Road intersection. These simulations depict the differences in the appearance of this property between the Prior Plan and the Revised Plan, particularly the reduction in the density of development and decrease in building bulk in the latter scenario.

The number of townhouse buildings has been reduced, from nine in the Prior Plan to seven in the Revised Plan, and the buildings have been sited so that they no longer overlap (to allow for wider separations between buildings). As a result, observers to the east will have wider views between structures across the site to and beyond the Shinnecock Canal, to the west. The Canal Property is proposed to be redeveloped with 37 townhouses, all of which would contain three bedrooms, with a ±1,900 SF clubhouse area, pool and private boat basin. The Town Board finds that the proposed residential structures are proposed to be three-story with a maximum height of 33.5 feet; and the total habitable size including walk-out basements will not exceed 74,000 sq. ft. for the entire development. The average size of units will be approximately 2,000 sq. ft. The waterfront gazebo has been replaced by an access path and public viewing/fishing platform in the site's southwestern corner with connection to the existing floating dock, allowing visual and physical access to Shinnecock Canal subject to necessary approvals, with liability insurance and indemnification to be provided by the Town. Ongoing maintenance of the floating dock and viewing/fishing platform will be the responsibility of the applicant. A parking area for the public to use

when visiting the public viewing platform has also been added. There are Town-regulated tidal wetlands in the area, so that Town Planning Board approval of a tidal wetlands permit for this feature will be required.

The conceptual plans indicate architecture that is based on the historic character of 'bayhomes' or waterfront manors that are typical of Southampton. The Revised Plan has reduced the massing and scale from the initial proposal and the architectural design and other site features will continue to be worked out through the site plan process. For example, the project's architectural character and building material color will be required to minimize visual disharmony between the project and the surrounding natural vegetation and built environment, including the Shinnecock Canal, and the road and railroad bridges. Limits of clearing and re-vegetation plans will be required to ensure the site development fits in to its surrounding context and ample landscaping is provided to soften the views of the townhomes from the Canal, North Road and Montauk Highway.

The clubhouse has been reduced in size to approximately 1,900 SF and will be located in the basement level in a portion of Building 2. The clubhouse is expected to contain men's and women's rooms (with toilets and showers), a small, catering-type kitchen, a self-serve bar and a small fitness room. The townhomes will be accessed via a driveway and parking area in the northern portion of the site (serving Building 1) and a larger, divided driveway in the central portion of the site serving the remaining buildings connecting to a third driveway which will access the parking area at the southern end for the public viewing platform.

All existing buildings and uses on the Canal Property would be eliminated as a result of the redevelopment. Seven separate buildings, each housing four, six or seven townhouse units will be located throughout the Canal Property; the pool and deck area will be located in the central portion of the site near the canal. The boat basin will be privately used by residents of the proposed residential development; however, the applicant proposes to provide land in the southwestern portion for, as well as fund construction of, a public canal access path and viewing/fishing platform and existing floating dock. The private boat basin has space for approximately 17 boats, which will be available for sale to residents of the townhomes on a first-come, first-served basis. Annual maintenance fees will be collected from any residents who purchase a slip. Water and electric service will be provided for the boat basin; however, gasoline and pump-out facilities are not planned or necessary as boat basin/floating dock support services are abundant in close proximity to the Canal Property. Off-street parking will be provided throughout this property (98 spaces including 79 constructed stalls [including five spaces for public use for the viewing platform], and 19 landbanked stalls that can be constructed should the need arise).

An estimated 0.59 acres of surplus Suffolk County-owned land currently used for right-of-way at the intersection of Montauk Highway and North Shore Road would be incorporated through purchase or easement into the southeastern portion of the Canal Property, in consideration for applicant-funded and -constructed public roadway improvements in this area as requested by SCDPW. The roadway improvements conceptually include removing the ramp from southbound North Shore Road to westbound Montauk Highway, regrading the area between the existing Canal Property and North Shore Road to more smoothly transition the land surface in this area, landscaping and installation of a public parking area and walkway to the proposed viewing/fishing platform, realigning North Shore Road from roughly mid-point of the Canal Property's frontage on North Shore Road to Montauk Highway, to provide a "T"-

intersection on Montauk Highway, make minor roadway improvements on Montauk Highway east and west of the T-intersection, and removing the now-isolated ramp of westbound Montauk Highway to northbound North Shore Road. Final design of the improvements will be made with SCDPW input during the permitting process. The applicant estimates these improvements would cost $1.07 million.

If the county land transfer does not happen, the public roadway improvements noted above would not be provided, and the grading and landscaping proposed in the southern and southeastern portions would be revised accordingly. The acreage graded would be reduced, the volume of soil excavated for fill or removal would be reduced, and the proposed drainage system would be revised to relocate drainage facilities outside of this area. The public viewing/fishing platform and associated public parking area would not be constructed and an alternative public access would instead be provided, subject to additional review and approval of the Town Board. However, there would be no other changes in the proposed yield or layout of this site. Of particular note is that the existing traffic safety issues at the intersection of CR 80 and North Shore Road would not be addressed.

Eastern Property
In response to a number of public comments expressing concern that maintenance traffic would impact the homes along Wildwood Lane, the vehicle access for the WWTF has been moved to Canoe Place Road. Nevertheless, the Eastern Property will remain mostly naturally-vegetated. The Nitrex™ system lab/maintenance building has been shifted to conform to all applicable setbacks as regulated by the SCDHS.

The northern part of the Eastern Property is not proposed to be altered and will remain vacant and wooded. The applicant will provide an easement for public access to this part of the site, to be used for passive recreation in connection with the Paumanok Path, to the Town. The connection itself will be designed, constructed and maintained by the Town.

Relevant Project Impact Discussions and Findings:

Soils and Topography
Reference to the Draft EIS indicates that a total of 10.37 acres would be cleared for the Prior Plan, and that 11.17 acres would be cleared for the Revised Plan. The difference between these two acreages is that, due to the revised WWTF layout, there would be an additional clearing of 0.80 acres of natural vegetation on the Eastern Property. However, as a result of the third alternative for the Nitrex WWTF layout, the total area to remain natural (without expansion) would increase to 70% of the site, or 1.875 acres or the same amount to remain natural for the Eastern Property in the Prior Plan.

With respect to volumes of soil excavated for development, the Draft EIS indicated a total of 22,700 cubic yards (CY) of cut for the Prior Plan, while the Revised Plan would disturb 18,414 CY. Specifically, the CPI Property would experience about the same volume of cut under either scenario (3,000 CY), while the Canal Property would undergo excavation of 18,500 CY under the Prior Plan, but 7,414 CY under the Revised Plan. This 60% reduction is due to the applicant's response to reduce earthwork on this property. For the Eastern Property, there was an increase in soil excavation, in the Revised Plan as the Nitrex™ system was been shifted onto a more steeply-sloped portion of that property, necessitating increased

grading for this facility. This shift in the WWTF location is the applicant's response to community concerns about odors from the Nitrex™ WWTF. However, for the third alternative for the Nitrex WWTF, the total net cut is decreased from approximately 8,000 CY removed to approximately 1,851 CY without expansion and approximately 2,027 CY with expansion.

As was the case for the Prior Plan, as much of the cut material as possible will be retained and reused as fill on the property from it was excavated, but it is expected that much of this material will have to be removed and disposed of as fill (for use elsewhere), or landfilled in an approved facility.

Finding 1. The Revised Plan and third alternative for the Nitrex WWTF results in the same area of clearing required when compared to the plan described and analyzed in the DEIS.

Finding 2. The Revised Plan and third alternative for the Nitrex WWTF will decrease the volume of soil disturbed during grading required compared to the plan described and analyzed in the Draft EIS by 10,435 CY, or 45%.

Finding 3. The three USTs on the Canal Property will be removed and, if necessary, remediated per applicable NYSDEC procedures and requirements. This will ensure that existing contaminant sources on the site are properly controlled.

Finding 4. The Site Plan will be designed by a NYS-licensed professional engineer, and will meet Town drainage and SWPPP requirements. The Revised Plan will then be subject to the review and approval of the Town during the Site Plan application, ensuring that no impacts to geologic resources will occur. Professional design and town review of final site plans will ensure that stormwater is properly managed on the subject property.

Water Resources

The amount of water used by the Revised Plan for domestic use (21,845 gallons per day [gpd]) would be less than that of the Prior Plan (23,975 gpd), as a result of the proposed reduction of three townhouses in the former. As the amount of water used for landscape irrigation is also less for the Revised Plan (1,105 gpd versus 1,972 gpd), total water usage for the Revised Plan (22,226 gpd) is less than that of the Prior Plan (25,947 gpd).

The same Nitrex™ system and septic system will be used on the Eastern Property and CPI Property, respectively, for either the Revised or Prior Plan, and similar stormwater systems are proposed for all three properties in either the Revised or Prior Plan. However, the Revised Plan includes two areas of surplus land to potentially be acquired or incorporated from Suffolk County that were not a part of the Prior Plan. These two areas contribute stormwater runoff to overall site recharge values, so that the Revised Plan will recharge more water to the Upper Glacial Aquifer (19.70 million gallons per year [MGY]) than the Prior Plan (17.95 MGY).

The Revised Plan includes a PRB on the CPI Property as a supplement to the septic system there, so that more nitrogen will be removed from groundwater in the Revised Plan than for the Prior Plan. As a result,

the amount of nitrogen load to groundwater would be higher in the Prior Plan (691 lbs) than for the Revised Plan (71.69 lbs). Thus, impacts to groundwater quality would be reduced in the Revised Plan.

Finding 5. The Revised Plan will decrease the amount of water used for combined domestic and irrigation purposes compared to the plan described and analyzed in the Draft EIS by 3,721 gpd, or 14.3%. Based on analysis contained in the Draft and Final EIS, water use is not expected to cause a significant adverse impact.

It is noted here that in conversations and correspondence with the Hampton Bays Water District and their consultant, H2M that during peak demand periods, the existing water distribution system of the Hampton Bays Water District may be taxed to meet the anticipated fire flow demand of the proposed Canal Place Development located on the east side of Shinnecock Canal. The proposed fire flow demand is comprised of 1,000 gpm needed fire flow as per ISO requirements plus 350 gpm fire standpipe demand as provided by developer. Under this combined demand of 1,350 gpm, portions of the distribution system will see residual pressure fall below minimum requirements set forth by the New York State Health Department. In order to avoid the occurrence of these lower pressures, one of two things must happen. First an additional supply of water must be provided to the easterly portion of the canal to supplement the existing water main crossing. This can be achieved by either providing an additional crossing of the canal, by upgrading the existing interconnections maintained with the Suffolk County Water Authority to automatic or by providing a source point east of the Canal. Secondly the fire flow demand must be reduced. The ISO requirements cannot be reduced; therefore any reduction in needed fire flow will need to be to the fire sprinkler demand. The local law accounts for this and requires referral of the site plan to the Water District and their satisfaction that the option provided by the applicant to provide additional water supply (such as the upgrade of existing interconnections) will assure there is a sufficient amount at the correct pressure for the worst case scenario (i.e. the occurrence of a fire on a hot summer day).

Finding 6. The Revised Plan will increase the amount of water recharged on the subject sites compared to the plan described and analyzed in the Draft EIS by 1.75 MGY, or 9.7%. The increase in recharge will replenish water resources through aquifer recharge.

Finding 7. The Revised Plan will utilize the same Nitrex™ system as would have been provided under the Prior Plan. This system provides state-of-the-art nitrogen removal for maximum groundwater protection and based on modeling contained in the Draft and Final EIS, significant adverse impacts from wastewater are not expected as a result of the project.

Finding 8. The Revised Plan includes a PRB to be installed on the CPI Property, so that more nitrogen in groundwater will be removed at this location than is generated on the CPI Property. This is due to the removal of nitrogen in groundwater that is generated on off-site properties to the northwest, as it passes beneath the CPI Property. Installation of this system will ensure that no groundwater impacts will occur from the on-site use and will improve groundwater conditions downgradient of the subject site.

Finding 9. The building will be designed to comply with the NYS Fire Safety Code and Federal Emergency Management Agency Flood Plain elevation requirements. The Site Plan will then be

subject to the review and approval of the Town during the Site Plan application, ensuring that no impacts to the project from flooding will occur.

Finding 10. The applicant shall develop an acceptable monitoring program for Planning Board approval the PRB as part of site plan review. Additional groundwater elevation information will be required in connection with the final design- i.e. the installation of monitoring wells will be required to depict the pre-development condition to assess accurate groundwater depth information and groundwater flow for baseline conditions. The information from this analysis will inform the design/placement of the Permeable Reactive Barrier. A long-term monitoring program for designed systems will also be required.

Ecology

The Revised Plan would involve removal of an estimated 5.78 acres of natural vegetation, while the Prior Plan would remove 4.98 acres, with the difference being 0.81 acres of natural vegetation on the Eastern Property (Prior Plan) as opposed to 1.61 acres of natural vegetation clearing on the Eastern Property. However, as a result of the third alternative for the Nitrex WWTF layout, the total area to remain natural (without expansion) would increase to 70% of the site, or 1.875 acres or the same amount to remain natural for the Eastern Property in the Prior Plan.

While the applicant has proposed 100% clearing on the CPI and Canal properties to indicate the worst case scenario in the DEIS and FEIS, the Town Board finds that to mitigate impacts to the greatest extent, the applicant must provide a limit of clearing plan and re-vegetation plan to the Town Planning Board as part of the site plan process. The local law has therefore identified that the Planning Board is charged with ensuring that as much natural existing vegetation is retained as possible, with particular special consideration given to retaining the natural vegetation on the boat basin berm as well as any large caliper tree species on any of the subject properties. Such trees will have to be identified on the clearing plan and verified in the field by Staff. In addition, the Wastewater Treatment Facility and associated fencing etc. will have to be screened from view to the maximum extent practicable.

In response to Town input after the Draft EIS was adopted, the Revised Plan will also re-vegetate the portion of the canal bank south of the existing bulkhead, to a depth of 25 feet from the established tidal wetland line. This area will be planted with appropriate tidal wetland species after the conclusion of the construction process. Prior to the commencement of construction, the area will be staked with silt fencing and haybales and any other appropriate measures approved in the SWPPP to avoid sedimentation to the Canal. The Chief Environmental Analyst will be consulted along with the Town Engineer for protocols for ensuring the highest level of protection to surface waters during construction.

Finding 11. The Revised Plan and third alternative for the Nitrex WWTF results in the same area of clearing required when compared to the plan described and analyzed in the DEIS.

Finding 12. The Revised Plan includes revegetating the area between the Shinnecock Canal and a line 25 feet from the Town wetland limit, using appropriate wetland species. This expanded natural vegetation wetland setback will reduce overland flow over unstabilized soils in the existing parking lot which currently impact the canal; contrasted with the habitat, stormwater control and water quality mitigation that the installed buffer will provide.

Land Use, Zoning and Plans

Land Use - The proposed redevelopment of the CPI Property is the same for the Prior and Revised Plans, and includes the rehabilitation of the CPI building in a similar use and configuration as its historic conditions. Rehabilitation of the CPI building and cottages will be "in kind" or the same as current conditions. Rehabilitation and the continued public use of the CPI building is a major public benefit that has been identified as being important to the community. The existing character of the property will be retained through maintaining the existing buildings on the site, and the value to the community will be enhanced through rehabilitation of the buildings and public accessibility.

The townhomes are expected to attract second home owners and would be subject to greater summer seasonal and tourism-related use potential due to the water-enhanced location, access to maritime and other forms of recreation (beaches, boating, fishing golf and parks), and location in the Hamptons with access to tourism-based activities (recreation, shopping, dining, sightseeing). As a result, it is expected that occupants will bring revenue to Hampton Bays and the surrounding area via consumer spending (patronage of businesses, sales taxes, economic ripple effect) and tax revenues, with little burden on community services (especially the school district) during much of the year. The use concept will strengthen the local economy and tax base and reduce burden on services.

The boat basin and floating dock will be privately used by residents of the proposed townhouses. The private boat basin has space for approximately 17 boats that will be available for sale to residents of the townhomes on a first-come, first-served basis. Annual maintenance fees will be collected for this amenity. Water and electric service will be provided; however, gasoline and pump-out facilities are not planned, as marina support services are abundant in close proximity to the Canal Property.

The primary land use effect of either the Prior or Revised Plan will be to generate an additional seasonal multi-family housing development where it did not occur previously, and removal of a seasonal water-enhanced use (Tiderunners) and associated transient boat slips available for patrons of the restaurant.

Public testimony and opposition to the application cites the following Hampton Bays Corridor Study/GEIS recommendation for the Canal property:

> *On the eastern shore of the canal, the existing waterside restaurant points the way to a potential expansion of such uses into 'Canalside East,' a complex of shops and restaurants similar to the Gosman's Dock pierside development in Montauk. Such an attraction is consistent with the intent of the recommended 1996 plan and would provide an important anchor to this end of the Hampton Bays corridor.*

The Town Board recognizes the current townhouse proposal on the Canal property does not provide a complex of shops and restaurants on these parcels as discussed in this recommendation. This zone change petition has caused the Town Board to rethink the current patterns of development along the north and south sides of the Shinnecock Canal and ways in which the economy and vibrancy of Hampton Bays can be effectively revitalized and integrated with ongoing improvements and plans related to the central business district. While it is a fundamental goal of the Town to encourage and facilitate water enhanced and dependent uses in waterfront locations, a major component of this application and the revitalization effort is the rehabilitation of the Canoe Place Inn that will serve its original and historic function as an Inn/Tavern and destination for travelers as well as a much needed venue for parties and events. In addition this property is considered a gateway and its revitalization will serve as a major attraction and economic stimulus for the area as a whole.

The Hampton Bays Corridor Study discusses the previous plans for CPI and indicates:

> *Redevelopment of the CPI site as a PDD would incorporate provisions for public benefits. As noted, a much desired public benefit for this project is preservation and adaptive reuse of the existing structure.*

Although not directly on the water, the rehabilitation of this important historic structure will serve as the new water enhanced use and community amenity and fulfills the public benefit goals stated above. This application is unique in that it achieves a major goal for the retention and rehabilitation of an historic structure and use. The Corridor Study also recommends planning for the park in tandem with any CPI development proposal:

> *Although the history of the CPI site and the maritime history to be celebrated at the park are separate and distinct, the area would benefit from some joint site planning to avoid conflicts in access and circulation, plan for intermodal transportation connections, and ensure that the experience of the park is enhanced, rather than hampered, by the adjacent development.*

Based on this, the applicant has offered to contribute $300,000 plus design services and conceptual renderings for park improvements to the Town property that is directly adjacent to the CPI and fronts on the Shinnecock Canal. By rehabilitating the CPI and the adjacent park, the Town Board is fulfilling several Comprehensive Plan objectives such as providing for increased public use of the Town property which currently contains the Parks Department offices but has long been considered the prime location for creation of a Maritime Heritage Center. The components being put into place at this time will set the stage for realization of this goal:

> *Within the southern loop, the Maritime Heritage Center would be an important western anchor. It could link beneath the Montauk Highway bridge to dock service provided by the existing marina, for educational and excursion trips that would explain the ecology of the bay to schoolchildren, families and adult visitors. Along the canal front the Center would incorporate fishing and sightseeing along an improved esplanade, with landscaping and decorative rail at the water's edge.*

By allowing for the 'high end' construction of residential townhomes and accepting the public access trail/parking area, viewing/fishing platform, floating dock and conditional passive easement along the property's frontage on the Shinnecock Canal as well as the trail easement connecting to the Paumanok Path, the Town Board is creating a land use pattern that is consistent with the residential uses to the east while still providing for traditional public access and pass/re-pass Public Trust rights along the Canal. (See attached image). The resort nature of the townhouses along with the CPI guest units and cottages are intended to rekindle the tourist nature of this very special area and bring economic stimulus to the existing waterfront marinas and restaurants along with the revitalization of the Village Business District on Main Street. The potential to create a waterfront business complex with small shops, ice cream and pier access similar to the Gosman's concept is not considered completely lost because of the Townhouse development on the Canal property. The possibility still exists on other more sizeable properties and the feasibility of which would be more appropriate will be explored by the Town in collaboration with the Hampton Bays community and other stakeholders. The Town Board finds that these development projects are not in conflict with one another or the overall objectives for the Canal. Indeed, that is why the Board elected to consider the Maritime PDD for parcels that are not adjacent but nonetheless related.

The uses and access contemplated with this zone change along with the park improvements will set the stage for additional revitalization in the remaining RWB districts and the Town Board remains committed to facilitate additional water dependent and enhanced uses that can be coordinated with this MPDD into a cohesive whole. By putting these critical pieces into play at this juncture, the Town Board seeks to have Hampton Bays and the Town of Southampton benefit as a world-class resort destination.

Zoning - As the Revised Plan and the Prior Plan involve the same change in zone to MPDD for all three component properties, as well as the same level of conformance to applicable Town zoning requirements for this district, there are no differences between these two scenarios with respect to zoning impacts.

Land Use Plans - As the Revised Plan and the Prior Plan are not significantly different in terms of use and yield, it is expected that their levels of conformance to the recommendations and/or goals of the following land use plans evaluated in the Draft and Final EIS's are the same as well:

- Town Comprehensive Plan Update
- Shinnecock Canal Public Access Sites and Maritime Planned Development District Plan
- Hampton Bays Corridor Strategic Plan Draft Generic EIS
- Peconic Estuary Conservation and Management Plan
- Long Island South Shore Estuary Reserve Program, Comprehensive Management Plan
- Long Island's South Shore Bayway - Strategic Implementation and Marketing Plan Final Report
- New York State's Coastal Management Program
- Suffolk County Comprehensive Water Resources Management Plan
- Town of Southampton Community Preservation Project Plan

Finding 13. Similar to the Prior Plan, the primary land use effect of the Revised Plan will be to rehabilitate and continue the public use of the CPI building (a major public benefit important to the community), and generate a seasonal multi-family housing development. The rehabilitated CPI,

although not directly on the water, will serve as the new water enhanced use and community amenity. The Eastern Property will remain substantially in a natural state, and will be used for the Nitrex™ WWTF to be constructed to serve the proposed townhouse units.

Finding 14. The proposed project conforms to the Town's long-term goals for use under the PDD ordinance (Section 330-240E), as well as to the requirements of the MPDD District (Section 330-246E) and the standards for Community Benefits associated with a PDD contained in Section 330-245I and NYS Town Law Section 261-b.

The inn/catering with restaurant and cottage units at the Canoe Place Inn are considered to be water enhanced uses, while the proposed townhouses are intended to be second homes that will enhance the tourist nature of the area. Inasmuch as a significant portion of the project proposal is considered water-enhanced and the townhouse project provides opportunities for creating passive public access to the water along the property frontage of the Shinnecock Canal once all connections are secured as well as includes the accessory water-dependent viewing/fishing platform with associated parking and existing floating dock for transient boating and/or fishing, it is considered compatible with the goals and objectives of the Maritime PDD designation.

As described in the legislative intent of the local law, in terms of the land use goals and objectives for implementing the Town's pending Water Protection Plan as well as the South Shore Estuary Reserve (SSER) and Peconic Estuary Plan (PEP CCMP), public and private development that brings people to the waterfront to live, eat, shop, relax, recreate and participate in cultural events is considered positive because, when done properly with the necessary environmental controls, it has the potential to foster a sense of connection with and stewardship of the Town's water resources. By providing the necessary legal instruments to ensure for passive public access to the waterfront along with the incorporation of a scenic viewing/fishing platform and existing floating dock access, as well as revitalizing a major historic asset (CPI) to its former glory and therefore providing an attractive gateway into Hampton Bays, the project is considered to be consistent with the goals of waterfront revitalization.

Finding 15. Similar to the Prior Plan, the Revised Plan generally conforms to the applicable recommendations of the land use plans evaluated in the Draft and Final EIS's.

Finding 16. The permitting process for Canoe Place Inn and the Canal Townhomes will occur simultaneously and construction will commence within 150 days of issuance of a Building Permit.

Finding 17. No dwelling unit shall be eligible for an accessory apartment permit as defined in Town Code §§330-11.1 and 330-11.2.

Finding 18. Prior to the issuance of a building permit, the applicant shall submit a payment to the Town of Southampton in satisfaction of its obligation under the provisions of the Long Island Workforce Housing Act.

Finding 19. A 30-foot wide easement, the precise location to be determined during site plan review and in consultation with the Town's Trails Advisory Board located on the Eastern Property shall be deeded to the Town of Southampton for passive recreational pedestrian access to the Paumanok Path. The Department of Land Management will facilitate planning for the Trail connection as part of the site plan review.

Finding 20. New public access easement from North Shore Road over the existing County ROW with a viewing/fishing platform on the Canal property shall be constructed and maintained by the applicant with access to the existing floating dock subject to necessary approvals, with liability insurance and indemnification to be provided by the Town.

Finding 21. The Eastern Property shall have no associated development rights and be forever limited to the construction of the Suffolk County Department of Health Services-approved Nitrex System, maintenance building, access road and fence. Other than what has been described in the DEIS and FEIS, and indicated in the local law, there will be no associated storage of any kind or any type of accessory uses permitted on the Eastern property.

Community Character

The Revised Plan includes a number of site plan changes for the Canal Property that were made in response to public comments that concern aesthetic-related aspects of the Prior Plan. These changes include a revised grading plan (so that the apparent building heights would be lowered), a reduced yield and reduced building count (to reduce the intensity and density of use), an enhanced natural wetland re-vegetation program (to enhance natural appearance and function), and the elimination of the noise barrier along North Shore Road. Together, these revisions plus a significant amount of landscaping and the use of high quality materials in connection with architecture that is based on historic proportions and forms will significantly reduce the potential for adverse impacts on the visual appearance of the Canal Property and on the character of the Shinnecock Canal Corridor. The local law also requires that a *comprehensive and unified pedestrian access and circulation plan shall be submitted with the final site plan. The plan shall incorporate all public sidewalks, streetscape improvements including trees and the internal pedestrian circulation for the public viewing/fishing platform and floating dock as well as conceptual plan related to the conditional passive access easement along the Canal*, which will allow for the cohesive planning of all landscaping and pedestrian improvements related to the MPDD.

Finding 22. As result of the plan revisions, the potential for impacts to community character from the Revised Plan would be reduced from those of the plan described and analyzed in the Draft EIS. In either case, based on analysis contained in the Draft and Final EIS, no significant adverse impact is expected to result to community character, and the proposed project will improve the character of the eastern gateway to Hampton Bays and significantly improve the visual and aesthetic appearance of the CPI site.

Finding 23. All outdoor events, including outdoor parties, weddings and other events at the Canoe Place Inn, shall be held only in the "outdoor tent area" as shown on the Canoe Place Inn conceptual site plan and the final approved site plan for Canoe Place Inn.

Finding 24. Outdoor musical events at the Canoe Place Inn will be restricted to noon to 10:00 PM on Sundays through Thursdays and noon to midnight on Fridays and Saturdays.

Finding 25. Music sound from outdoor events at the Canoe Place Inn shall not exceed the decibel levels provided in Chapter 235 at or beyond the line of the property on which such noise is being generated.

Finding 26. The Canoe Place Inn will not be demolished but will be constructed pursuant to the approved site plan and annotated construction drawings and will remain a functioning Inn upon completion of the work.

Preparation of preliminary design plans and specifications for the rehabilitation and adaptive re-use of the *Canoe Place Inn* will be based upon the observations and recommendations contained within the *Historic Structure Report*. Inasmuch as the intent of the project is to preserve surviving architectural fabric that is documented to be associated with the historic building, every reasonable precaution must be taken to ensure that this fabric is preserved and enhanced. A detailed program for how existing features will be identified, stabilized and protected throughout the construction project will form a significant component of the rehabilitation and adaptive reuse strategy. All historic elements, including but not limited to exterior detailing, doors and windows, architectural trim, roof and wall coverings, as well as interior details of architectural significance and load-bearing foundations, walls, floors and roof supports will be identified in this plan. No work will commence or proceed if any element or feature identified in the plan is considered to be compromised by the project until such condition has been addressed and corrected. The Town Board has required that the applicant retain a local historic preservation consultant, qualified by the Planning Board, to oversee the program and report on milestones and progress so that the concurrent work on the townhouse development can have CO's released.

Finding 27. Individual residents shall not alter or change exterior facades, construct additions or any other type of appurtenance other than those approved by the Planning Board through the site plan process.

Community Facilities and Services

It is anticipated that the usages of public utilities (water supply and energy) would be lower for the Revised Plan than for the Prior Plan, due to the reduction in townhouses. Additionally, solid waste generation would be expected to be lower for the Revised Plan than for the Prior Plan (1,701 lbs/day versus 1,724 lbs/day), as there would be fewer residents (93 capita versus 100 capita, respectively) to generate such wastes. As for services, there would be little difference in the potential need for emergency services such as police and fire protection despite the lower number of townhouses in the Revised Plan. With respect to schools, while either scenario would generate an estimated three (3) school-aged children, the nature of the townhouse ownership would minimize the probability that these children would attend Hampton Bays Union Free School District schools, as these children would not likely reside on the site on a year-round basis. Thus, the potential enrollment and fiscal impacts on the school district for either scenario would be the same.

Finding 28. Analyses indicate that the magnitude of impacts to community services for the Revised Plan would be somewhat reduced compared to those of the Prior Plan, which were found to be not significant in the Draft EIS. As a result, no significant impact upon community facilities and services is expected.

Transportation

The Revised Plan would generate slightly fewer vehicle trips during peak traffic hours than the Prior Plan because of the elimination of three townhouses on the Canal Property. The TIS indicated that the Prior Plan would not adversely impact local traffic conditions; therefore, it is expected that the Revised Plan would likewise have a smaller potential for such an impact. In addition, the TIS had indicated that no

roadway mitigation would be necessary for the Prior Plan, so that the Revised Plan would also not require such mitigation. Nevertheless, the applicant is seeking to acquire or incorporate two small areas of surplus Suffolk County-owned land so that road and intersections improvements can be made at the intersections of Montauk Highway and Newtown Road (CPI Property) and Montauk Highway at North Shore Road (Canal Property). These improvements would enhance the flow of traffic at these locations by improving traffic safety and reducing traffic friction.

Finding 29. No significant traffic impacts were identified in the TIS for the Prior Plan and, as the Revised Plan would generate fewer vehicle trips, impacts from the Revised Plan are not expected.

Finding 30. As the TIS for the Prior Plan did not indicate the need for any off-site roadway improvements, the revised Plan likewise does not need any such improvements. Nevertheless, the Revised Plan includes minor land additions (from surplus county lands) to the CPI and Canal Properties, to enable intersection improvements, which would improve the operating conditions at Montauk Highway and Newtown Road (CPI Property) and Montauk Highway at North Shore Road (Canal Property).

Finding 31. The project site design will be subject to the review and approval of the Town and County traffic engineering specialists, ensuring that safe and proper conditions for traffic are maintained.

Finding 32. Roadway improvements at the intersection of Montauk Highway (CR 80) and Newtown Road (CR 62) will occur in substantial conformance with the Canoe Place Inn Concept Site Plan and as approved by the Suffolk County Department of Public Works, shall be constructed by the owner prior to the issuance of a certificate of occupancy for the Canoe Place Inn building.

Finding 33. Roadway improvements to the intersection of Montauk Highway (CR 80) and North Shore Road (CR 39) in substantial conformance with the Canal Eastern Property Concept Site Plan and as approved by the Suffolk County Department of Public Works, shall be constructed by the owner prior to the issuance of a certificate of occupancy for the last Townhouse building to be constructed.

Finding 34. A five-car parking area and pedestrian access walk shall be constructed in the Montauk Highway (CR 80) right-of-way along the southern boundary of the Canal Property from North Shore Road (CR 39) to the public viewing/fishing platform also to be constructed by the owner prior to the issuance of a certificate of occupancy for the last building in Phase I of the Townhouse development. Construction shall be subject to all necessary governmental approvals and pursuant to a separate agreement between the owner, Suffolk County and the Town of Southampton.

Finding 35. The Canoe Place Inn will be rehabilitated and completed concurrent with the construction of the Townhouses. The local law accounts for this by requiring the following: *a phasing plan shall be submitted as part of the site plan application, reviewed and approved by the Planning Board to ensure the concurrent and timely construction of the townhouses and the CPI rehabilitation. In connection with the construction drawings and methodology plan required in item (j) below, milestones shall be identified for the CPI rehabilitation that the release of Certificates of Occupancy (CO) for townhomes shall be based on (e.g. for every 25% completion of work for CPI, a group of CO's may be released). The Planning Board shall ensure that all work on the Canoe Place Inn site is completed prior*

to the issuance of the last group of townhouse CO's.

Historic and Archaeological Resources

CPI Property - The NYS Office of Parks, Recreation and Historic Preservation (OPRHP) issued a letter on August 28, 2007 which indicated the following with respect to the potential for cultural resources on this site: *"...it is the OPRHP's opinion that your project will have No Impact upon cultural resources in or eligible for inclusion in the State and National Register of Historic Places."*

Canal and Eastern Properties - Based on the results of the Phase I Archaeological Investigation of these two properties, *"No historic artifacts or features were encountered. No prehistoric artifacts or features were encountered. The [Canal Property] is mostly developed with mid to late twentieth century buildings. No further work is recommended."*

Finding 36. Similar to the Prior Plan described and analyzed in the Draft EIS, impacts to archaeological resources would not be expected from the Revised Plan, as no such resources exist on the project site.

Conclusions:

Based on the comparative impact analysis above, the Revised Plan would mitigate potential adverse impacts to the site and area's natural and human resources to a higher degree than would occur for the Prior Plan. It would address a number of Town and community concerns related to aesthetics and character, public recreational spaces, flooding and wetland protection, while satisfying the goals, capabilities and fiscal motivations of the applicant. As such, the Revised Plan represents a realistic and attractive option for redevelopment of the subject site.

Alternatives Considered:

For the Draft EIS, the applicant reviewed several reasonable alternatives to the proposed project, which included:

- Alternative 1: No Action - assumes that the subject properties remain in their current zonings, but that the buildings and facilities are fully utilized.
- Alternative 2: Full As-of-Right Build-Out - assumes development of the project properties under their existing zoning categories (namely RWB and MTL) , as follows:
  - CPI Property: new 49,187 SF (338 seat) restaurant
  - Canal Property: new 17,176 SF (238 seat) restaurant
  - Eastern Property: new 21,032 SF (160 seat) restaurant

The analyses in the Draft EIS for the Alternatives concluded as follows:

- Alternative 1 - The analysis in the Draft EIS supports a conclusion that this alternative would not be seen as preferable on the part of the owner in view of his inability to realize an equitable return on investment in the land for the seasonal nightclub and cottage rental operations, which are the only sources of income in this scenario for the CPI Property as well as the underutilized Canal Property. This alternative would not be preferable to the Town or the neighbors, as the CPI Property would remain in a state of disrepair, and vacancy during much of the year.

- Alternative 2 - The analysis contained in the Draft EIS suggests that the applicant, the Town and the community would not likely prefer implementing this scenario. An equitable return on investment is not expected from development of three restaurants, and such a use (particularly the amount of it in a small locality), the loss of a desired land use (CPI), and impacts associated with traffic would not be acceptable to the Town or community.

Facts and Conclusions Relied on to Support the Decision:
The Draft EIS and Final EIS have fully disclosed all pertinent information in order to arrive at the conclusions presented above.

Based upon the foregoing, having considered the relevant environmental impacts, facts and conclusions disclosed in the Final EIS having weighed and balanced relevant environmental impacts with social, economic and other considerations; and having set forth the rationale for its decision in the foregoing Findings, the Lead Agency now certifies that the requirements of 6 NYCRR Part 617 have been met and further certifies that, consistent with social, economic and other essential considerations, from among the reasonable alternatives available, the Revised Plan avoids or minimizes adverse environmental impacts to the maximum extent practicable.

State Environmental Quality Review Act
FINDINGS STATEMENT SIGNATURE PAGE
Certification to Approve/Undertake

Having considered the Draft and Final Environmental Impact Statements for the proposed MPDD and having considered the preceding written facts and conclusions relied upon to meet the requirements of 6 NYCRR Part 617.11, this Statement of Findings certifies that:

1. The requirements of 6 NYCRR Part 617 have been met.
2. Consistent with social, economic and other essential considerations from among the reasonable alternatives available, the Proposed Action is the one that avoids or minimizes adverse environmental impacts to the maximum extent practicable, and that adverse impacts will be avoided or minimized to the maximum extent practicable by incorporating as conditions to the decision those mitigative measures and safeguards that were identified as practicable.

By the Town Board of the Town of Southampton, 116 Hampton Road, Southampton, New York 11968.

Signature of Responsible Official

Anna Throne-Holst

Name of Responsible Official

Town Supervisor

Title of Responsible Official

01/13/15

Date

Copies of this Findings Statement have been filed with:

- Applicant
- Town Board (as Lead Agency)
- Commissioner, NYSDEC
- NYSDEC, Region 1 Office, Stony Brook
- Environmental Notices Bulletin
- Parties of Interest on record
- Involved Agencies:
  - Town Board
  - Town Planning Board
  - Suffolk County Department of Health Services
  - Suffolk County Department of Public Works
  - New York State Department of Environmental Conservation - Albany
  - New York State Department of Environmental Conservation - Region I
- Interested Agencies:
  - New York State Department of Transportation
  - New York State Historic Preservation Office
  - Suffolk County Planning Commission
  - Southampton Town Engineer

Southampton Town Building Division
Southampton Town Fire Marshal
Southampton Town Highway Department
Southampton Town Conservation Board
Southampton Town Architectural Review Board
Southampton Town Director of Transportation and Traffic Safety
Southampton Town Landmarks and Historic Districts Board
Hampton Bays Fire District
Hampton Bays Water District
Hampton Bays Citizens Advisory Committee
Hampton Bays Ambulance
Hampton Bays Chamber of Commerce
Hampton Bays Historical Society
Hampton Bays Beautification Committee
Hampton Bays Civic Association
Shinnecock Canal Maritime Heritage Museum Committee

APPENDIX B

SHORT FORM ORDER, INDEX NUMBER 15-8276

Hon. Mark D. Cohen

May 23, 2017

SHORT FORM ORDER

INDEX No. 15-8276

50 7476 JD

MAY 30 2017

SUPREME COURT - STATE OF NEW YORK
I.A.S. PART 28 - SUFFOLK COUNTY

PRESENT:

Hon. MARK D. COHEN
Justice of the Supreme Court

Mot. Seq. # 001 - Mot D
006 - Mot D
007 - Mot D

SHINNECOCK NEIGHBORS, Rita Knox, Antonina Garofalo a/k/a Anna Marie Garofalo, Hope Sandrow and Mary Elizabeth Woodburn, property owners, taxpayers, residents and individual members of Shinnecock Neighbors,

Plaintiffs/Petitioners,

- against -

TOWN OF SOUTHAMPTON, TOWN BOARD OF THE TOWN OF SOUTHAMPTON, PLANNING BOARD OF SOUTHAMPTON, R SQUARED DEVELOPMENT LLC, R SQUARED INV HB LLC, CANAL PROPERTIES LLC and THE BOARD OF TRUSTEES OF THE FREEHOLDERS AND COMMONALITY OF THE TOWN OF SOUTHAMPTON,

Defendants/Respondents.

GORDON & JUENGST, P.C.
Attorney for Petitioners
P.O. Box 639
Shoreham, New York 11786

HAMBURGER, MAXSON, YAFFE, KNAUER & McNALLY, LLP
Attorney for Respondents R Squared
225 Broadhollow Road, Suite 301E
Melville, New York 11747

DEVITT SPELLMAN BARRETT, LLP
Attorney for Respondents Town of Southampton
50 Route 111, Suite 314
Smithtown, New York 11787

In this hybrid proceeding, pursuant to Article 78 of the CPLR, and action, seeking declaratory and injunctive relief, the Petitioners/Plaintiffs[1] include an unincorporated community group focused on promoting the historical role the Shinnecock Canal has played in the area and for protection of the environmental, social and economic characteristics of the area. Three individual Petitioners/Plaintiffs are both members of Shinnecock Neighbors and own property near the canal and the rezoned property. One of the Petitioners/Plaintiffs is a professional artist and uses the canal.

[1]. In the decision, the Court will utilize Petitioners when the discussion clearly involves the proceeding aspect and Plaintiffs when it clearly involves issues in the action.

On January 13, 2015, the Respondent/Defendant, Town Board of the Town of Southampton [Town][2], adopted Local Law No. 1 of 2015, amended the Town's zoning code by adding a new section that created the Canoe Place Inn, and the Canal and Eastern Properties Maritime Planned Development District. The law rezoned three parcels of property owned by Defendants R Squared Development LLC, R Squared INV HB LLC and Canal Properties, LLC, so as to permit the rehabilitation of the Canoe Place Inn[3] [CPI] for use as an inn, catering facility and restaurant, as well as the development of both a 37 unit luxury waterfront townhouse community and a wastewater treatment facility for the community, and a Permeable Reactive Barrier [PRB] to be installed along the eastern and southern site boundaries to treat nitrogen generated on-site from up gradient areas.

The Petitioners/Plaintiffs claim that the rezoning in not in conformity with the Town's Comprehensive Plan [Plan]. The Plan envisions the Shinnecock Canal as a facility for water-dependent businesses. The Town argues, *inter alia*, that inn and catering with a restaurant and cottage units are water-enhanced uses, and the townhouses will enhance the tourist nature of the area. The application for rezoning provides for a passive public access to the water along the property frontage of the Shinnecock Canal based upon securing a viewing/fishing platform and existing floating dock. The Final Environmental Impact Statement [FEIS] notes that the rehabilitation of the CP I is in conformity with the goals of the Plan, and enhances an underutilized area. The Petitioners/Plaintiffs also urge that the rezoning is not rational, and should be declared void, due to the failure to comply with SEQRA. This argument includes utilizing a water treatment system that should be reviewed by the NYSDEC.[4]

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[2]. The decision will utilize Town both for the petition and the action parts, including all the Defendants/Respondents.

[3]. Presently the building has a fire rated occupancy of 1,857 persons.

[4]. Specifically, as noted by Justice Rebolini in a prior determination in this case : " The Petitioners plead six causes of action in the combined petition and complaint: the first and second, for judgment declaring Local Law No. 1 to be null, void, and of no legal effect; the third and fourth, declaring the Town Board's resolution adopting the January 12, 2015 findings statement approving the zoning change also to be null, void, and of no legal effect; the fifth, declaring Local Law No. 1 to be unlawful and unenforceable; and the sixth, for injunctive relief relative to the development of the property. As their first cause of action, the petitioners allege that the Town Board violated Town Law § 272–a(11) by rezoning the property in a manner inconsistent with the Town's comprehensive plan. As their second cause of action, they allege that the Town Board's actions are unlawful because there is no reasonable relationship between the end sought to be achieved and the means used. As their third cause of action, they allege that the Town Board violated SEQRA's requirement to take a hard look at all areas of environmental concern and to issue a reasoned elaboration for finding that there were no adverse impacts. As their fourth cause of action, they allege that because the SEQRA process was fatally flawed, any actions predicated on the DEIS, FEIS, and findings statement are illegal. As their fifth cause of action, they allege that Local Law No. 1 is violative of New York's constitutional prohibition against the making of a gift of public property to a person, corporation, or private undertaking. As their sixth cause of action, they seek preliminary and permanent injunctive relief enjoining any land clearing, grading, demolition, construction, or other work in furtherance of Local Law

In addressing the contention that the Local Law violates the Plan, the Petitioners urge that the Shinnecock Canal is a maritime center according to the South Shore Estuary Reserve Comprehensive Management Plan that classifies the area so that it is developed with and has concentration of water-dependent commercial and industrial use. The Plan lists the property as a Resort Waterfront Business and Motel Business. The crux of the Petitioners' position is that allowing residential use along the canal fails to comply with the Comprehensive Management Plan. As the Second Department has held, "Town Law § 272–a(11) provides that where, ..., a town has adopted a formal comprehensive plan, the town's zoning decisions must be consistent with that plan. Compliance with the statutory requirement is measured, however, in light of the long-standing principle that one who challenges such a legislative act bears a heavy burden. " 'If the validity of the legislative classification for zoning purposes be fairly debatable, the legislative judgment must be allowed to control' " (*Shepard v. Village of Skaneateles*, 300 N.Y. 115, 118, 89 N.E.2d 619, quoting *Village of Euclid v. Ambler Realty Co.*, 272 U.S. 365, 388, 47 S. Ct. 114, 71 L.Ed. 303; see *De Sena v. Gulde*, 24 A.D.2d 165, 169, 265 N.Y.S.2d 239). Thus, where the Plaintiff fails to establish a clear conflict with the comprehensive plan, the zoning classification must be upheld." *Bergstol v. Town of Monroe*, 15 A.D.3d 324, 325. [some cites omitted]. Here, the Town determined that the change "has been structured to accomplish the findings, purpose and long term goals established by the Town Board as part of [the Plan]. Said districts are intended to provide flexible residential and/or commercial development with predominantly water-dependent or water-enhanced uses, while maximizing the preservation of natural vegetation and resources. Clustering, open-space preservation, water access and the most efficient utilization of the of the waterfront, transportation systems, utilities and public services are to be achieved through a MPDD designation." The Town does concede that the "proposed townhouses are not considered water enhanced" but maintains that they will enhance the tourist nature of the area. If the townhouses were the only change, it would clearly conflict with the comprehensive plan.[5] However, the change must be determined in toto. See *Matter of Gernatt Asphalt Prods. v. Town of Sardinia*, 87 N.Y.2d 668, 685; *Asian Americans for Equality v. Koch*, 72 N.Y.2d 121. In providing the deference required for such action by the municipality, the Petitioners have failed to establish that the Local Law, in toto, is in clear conflict with the Plan. *Restuccio v. City of Oswego*, 114 A.D.3d 1191; *Bergami v. Town Bd. of Town of Rotterdam*, 97 AD3d 1018. Consequently, this basis to annul the determination of the Town must be rejected.

The second petition ground alleges that the Town action was irrational. The Petitioners claim that Local Law rezoning which involves "the means of trading the rehabilitation of a private catering business and incorporating an unproven water treatment technology for water traveling to an impaired water body for the eradication of zoning that supports primary industries in the Shinnecock Canal area for 37-3 bedroom residential townhouses that will forcefully pump their wastewater into another neighborhood is not rational." It is axiomatic that "zoning ordinances and amendments enjoy strong presumption of constitutionality, and burden rests on party attacking them to overcome that presumption beyond reasonable doubt." *Asian Americans for Equality v. Koch*, supra at 131. "The analysis follows traditional due process rules: if the zoning ordinance is adopted for a legitimate governmental purpose and there is a " 'reasonable relation between the end sought to be achieved by the regulation and the means used to achieve that end,' " it will be upheld." Id. [quote omitted]. Here, the Town found public benefits in the zoning change including the rehabilitation of the CPI (which was in poor condition),

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No. 1."

[5]. It is clear that the townhouses are the fulcrum of the project.

providing a new public access easement, a monetary contribution for the Shinnecock Canal Part, roadway safety improvements and the installation of sidewalks along the property. Petitioners' argument focuses on the benefit of the rehabilitation of the inn, while the rationality of the determination must be viewed in totality. The potential benefits the Town determined existed provide a legitimate governmental interest and the Local Law provides a rational nexus to obtain the governmental interest. Consequently, the determination must be determined valid under this challenged basis.

The third issue raised in the petition involves the failure of the respondents to undertake their requirement under the State Environmental Quality Review Act (SEQRA). " SEQRA insures that agency decision-makers—enlightened by public comment where appropriate—will identify and focus attention on any environmental impact of proposed action, that they will balance those consequences against other relevant social and economic considerations, minimize adverse environmental effects to the maximum extent practicable, and then articulate the bases for their choices." *Jackson v. New York State Urban Development Corp.*, 67 N.Y.2d 400, 414-15. Judicial review requires a "review the record to determine whether the agency identified the relevant areas of environmental concern, took a "hard look" at them, and made a "reasoned elaboration" of the basis for its determination. Court review, while supervisory only, insures that the agencies will honor their mandate regarding environmental protection by complying strictly with prescribed procedures and giving reasoned consideration to all pertinent issues revealed in the process." Id. at 417.[6]

The SEQRA process was initiated on February 23, 2012, with the formal application. The Town was determined to be the lead agency. A Draft Environmental Impact Statement [DEIS] was submitted, reviewed, revised and public hearings were held. On May 7, 2014, a [FEIS] was submitted to the Town and the Town issued comments and forwarded parts of the statement to appropriate entities for review. On October 16, 2014, the Town accepted the FEIS and thereafter held public hearings. In January 2015, the Town adopted the FEIS.

The Petitioners raise numerous issues with the FEIS and its adoption. Two issues involve a new, on-site septic tank/leaching pool system to be installed on the CPI site. "The proposed design flow of this new system will be 67% less than the grandfathered flow recognized for CPI, providing a reduction in nitrogen recharged to the groundwater beneath this site." Also, a Permeable Reactive Barrier [PRB] will be installed along part of the borders of the CPI property. "This feature will remove nitrogen from the new on-site sanitary system as well as non-project wastewater" and "will remove nitrogen in groundwater emanating from off-site, up gradient locations as it passes beneath the site and through [the system]." Petitioners claim that the Town "relied on faulty and seriously deficient information for the proposed permeable reactive barrier to be installed at the borders of the CPI property. As to water use at the CPI, the developers misrepresented that they had Suffolk County Department of Health Services [SCDHS] approval for a grandfathered water usage level of 20,000 gallons of water per

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[6]. The Petitioners note several procedural delays. It is noted that SEQRA mandates literal compliance with its procedural requirements and substantial compliance is insufficient to discharge the responsibility of the agency under the act. *Matter of Group for S. Fork v. Wines*, 190 A.D.2d 794. To the extent that there existed improper delays, there is no evidence of prejudice nor that the SEQRA process was undermined including judicial review. Consequently, assuming any procedural errors, it would not provide a basis to annul the determination.

day when they did not and the Town" failed to determine the accuracy and thereafter take a "hard look" at the data.

The FEIS provides, *inter alia*, that a" PRB will be installed along portions of the down gradient (southern and eastern) borders of the property (see Figure 1-1). This feature will remove nitrogen from the new on-site sanitary system as well as non-project wastewater such as storm water, and will also remove nitrogen in groundwater emanating from off-site, up gradient locations as it passes beneath the site and through the PRB. In this way, the quality of groundwater that outflows to Shinnecock Canal and Shinnecock Bay will be improved over existing conditions, thus a positive benefit on the quality of marine surface waters." "The wastewater generated on this site will be handled by use of a new, on-site septic tank/leaching pool system; in addition, in order to provide further nitrogen reduction in groundwater beneath this site, a PRB is proposed to be installed along a portion of the down gradient (southern and eastern) borders of this property. This feature will remove nitrogen from the new on-site sanitary system and storm water, and will also remove nitrogen in groundwater emanating from up gradient off-site locations as it passes beneath the site and through the PRB. In this way, the quality of groundwater that outflows to Shinnecock Canal and Shinnecock Bay will be improved, thus benefitting the quality of marine surface waters. The proposed PRB will be installed below the ground surface, located in groundwater (see Appendix M-2 for detailed information on the design of the PRB system). The area below the ground surface but above groundwater is referred to as the vadose or unsaturated zone. At the CPI Property, groundwater in the area of the PRB is located approximately 10 feet below the ground surface. Existing and proposed landscape vegetation grows in the vadose unsaturated zone and would not survive if the roots were in groundwater. Landscape vegetation receives its needed nutrients and water for growth from atmospheric deposition (rain and wet and dry deposition of nutrients) and irrigation/fertilizers. The PRB removes only nutrients from water that passes through it, and water that passes through the PRB is not reachable by landscape vegetation. Consequently, the vegetation on land above the PRB will not be affected by the PRB." As part of the FEIS, the Master Plan Report, Wastewater Management System & Nitrex TM RB Nitrogen Removal, Canoe Place Inn submitted by Lombardo Associates, Inc. provides that "Depending on site testing results and Nitrex TM PRB final design, the entire CPI project, including the Canal-Eastern Property, may have no net nitrogen discharge, that is essentially 100% nitrogen reduction. In other words, this means that the CPI Property and Canal-Eastern properties development are projected to remove more nitrogen discharging into Shinnecock Bay and Peconic Estuary than if the sites were undeveloped and in pristine condition. It is not unreasonable that site data and final design will result in 150+/-% of the CPI project nitrogen discharges to be removed –which is equivalent to no nitrogen discharge from the CPI project and removal of all nitrogen discharges from at least 33 homes." Furthermore, "at this groundwater travel time, the Nitrex TM treatment systems would remove an estimated 150% of Total Project Nitrogen Discharges." [7] The Town notes that, contrary to the Petitioners' argument, the PRB is not new

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[7]. The report states that based upon discussions with NYSDEC and SCDHS the proposed NitrexTM passive PRB nitrogen removal system at the CPI Project does not require NYSDEC or SCDHS permits. This Court requested further clarification on this issue by order dated April 19, 2017. All parties submitted excellent supplemental responses for the Court to review. However, it is still unclear to the Court whether a permit is required. Although the Petitioners cite two sections of the Environmental Conservation Law that are triggered by the proposed system, the Respondents note that there is no basis to obtain any determination from the DEC nor the Suffolk County Department of Health Services. In any case, the Respondents indicate that no

• regrading this area to more smoothly transition the land surface between the Canal Property and Montauk Highway ($30,000);

• landscaping ($40,000)and installation of a public parking area and walkway to the proposed viewing platform;

• realigning North Shore Road to create a "T"- intersection with Montauk Highway ($580,000); and

• make minor improvements to Montauk Highway and remove the westbound Montauk Highway to northbound North Shore Road ($170,000);

• With "soft costs" (i.e., mapping, permitting, survey, inspection services) of $170,000, the applicant estimates the total cost of these improvements at $1.07 million.

The DEIS included a Traffic Impact Study by Nelson & Pope which concluded that the construction of the proposed project will not significantly impact the operation of the study intersections. [9] The Petitioners cite studies and the Planning Boards resolution that the traffic impacts appear significant and that "traffic improvements should be identified that will increase the level of service and decrease the rate of accidents and implementation should be proposed as a public benefit of the development." [Southampton Planning Board Resolution].[10] The SEQRA findings are derived from sufficient data from which the Town performed a hard look at the traffic studies and accepted those submitted as part of the DEIS with modification in the FEIS. The Town identified relevant concerns and elaborate on the reasons for its conclusions. *Chinese Staff & Workers Assn. v. City of New York*, 68 N.Y.2d 359. It is not the province of the judiciary to second-guess thoughtful agency decision making and "it is not for a reviewing court to duplicate these efforts." *Riverkeeper, Inc. v. Planning Bd. of Town of Southeast*, 9 N.Y.3d 219. Therefore, the SEQRA review must be sustained on this issue.[11]

The Petitioners argue that the SEQRA review failed in two additional aspects. First, the Petitioners claim that a cumulative impact study was required for the other twenty-one Planned Development District. There are times when separate projects are intertwined such that their impact should not be isolated in order to properly review the environmental issues. *Matter of Village of Westbury*

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[9] In the response to the comments in the FEIS states "The Traffic Impact Study [TIS] prepared for the DEIS indicated that the expected trip generation associated with the proposed project would not be excessive, and would in fact not result in any significant adverse impacts on the operation of any intersections studied. As the Revised Plan will reduce the number of townhouses, the trip generation of the Revised Plan would be reduced, which would further reduce the potential the potential for any adverse traffic impacts." [Response 2:36]

[10]. The Petitioners' referral to the Suffolk County Planning Commission's indication that further discussions with the NYSDOT should occur does not provide any mandate that the Town failed to perform. Of course, noting the expertise of NYSDOT, such recommendation was prudent.

[11]. The Town has reviewed the issue of flooding and the sea level rise. Furthermore, the Town undertook a hard look at economic factors.

technology [see Nelson & Pope report]. This report does note that there should be an Operations and Maintenance Plan to determine when substrate replenishment is necessary and that there is a lack of clarity as to the appropriate response to any diminution in performance of the technology. This latter issue raised by the Town's own expert does raise a concern.[8] However, in a SEQRA review "not every conceivable environmental impact, mitigating measure or alternative must be identified and addressed before the substantive dictates of SEQRA are satisfied." *Matter of Saratoga Lake Protection & Improvement Dist. v. Department of Pub. Works of City of Saratoga Springs,* 46 A.D.3d 979. The Town did provide that the applicant shall develop an acceptable monitoring program for the PRB as part of site plan review and a covenant shall be required by the Planning Board to ensure continued maintenance and viability. Therefore, the Planning Board will be required to undertake a "hard look" at the maintenance and viability. With this issue still to be addressed, the Town did identify the environmental issues involved and undertook the hard look required for the PRB. *Joel v. Village of Woodbury*, 138 A.D.3d 1008.

With respect to the water usage, the Petitioners claim that CPI has an unsubstantiated claim that permissible grandfathered water usage of 20,000 gallons per day was approved by the Suffolk County Department of Health Services. The Petitioners claim that since the CPI was closed and maintenance discontinued, the amount of water usage could not utilized for Sanitary Wastewater Disposal. The FEIS provides that for the CPI Property " As discussed in Section 1.3.5.1 of the Draft EIS, the Population Density Equivalent on the CPI Property is 3,582 gpd (based on 5.97 acres x 600 gpd/acre). However, the Draft EIS identifies the grandfathered flow for the property as 20,000 gpd based on the previous uses. Because the Revised Plan is anticipated to generate a total of 10,175 gpd of hydraulic flow (see Table 1-6a), this is significantly less than the grandfathered flow; therefore, a new Suffolk County-approved conventional subsurface sewage disposal system is proposed." Moreover, appendix Q of FEIS [Materials in Support of Discussion on Grandfathered Flow, SCDHS] does not clarify whether the grandfathered flow could be utilized, only providing guidelines dated 2005. Although the Respondents indicates that the sanitary flow was 6600 gpd, the issue should have been clear for the Town's to undertake a hard look. However, noted in the required permits is SCSC Article 4 (water supply system design) review/approval and SCSC Article 6 (sanitary system) review/approval. The issue of whether the water usage will be grandfathered will be determined by SCDHS. The data provided the Town was sufficient for it to undertake a hard look at the water usage issue with the understanding that the data may be rejected by SCDHS. The Petitioners claim also that the Town failed to undertake a hard look at the traffic impacts of the Local Law. The FEIS provides for public road improvements to be provided as part of the Revised Plan conceptually include:

• removing the ramp from southbound North Shore Road to westbound Montauk Highway ($80,000);

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permit is required. At this juncture, the Court cannot say such a position is arbitrary and irrational.

The Court will direct the petitioners to serve a copy of this Court's order dated April 19, 2017 and the parties submissions in response to the order on the DEC and the Suffolk County Department of Health Services to inform these entities.

[8] Furthermore, contrary to the Town's position, the issue was clearly raised in their own submission in the Nelson & Pope report.

v. Department of Transp. of State of N.Y., 75 N.Y.2d 62. Usually "projects should be considered together when they are integrated components of a larger plan, dependent upon one another and sharing a common purpose." *Friends of Stanford Home v. Town of Niskayuna,* 50 A.D.3d 1289. Here, there is no common purpose among the PDDs requiring a cumulative review.[12] See *Residents for Reasonable Development v. City of New York*, 128 A.D.3d 609. Consequently, there is was no need for a cumulative impact statement.

The second additional issue that the Petitioners raise is that the Town failed to take any look at the issue of water supply and fire flow as the data was not provided in sufficient time to be reviewed. The Petitioner indicates that water supply and fire flow issues was not addressed in the SEQRA review. It would seem clear that understanding water supply and fire flow issues should be reviewed as part of the environmental impact statements in order for the lead agency to take a hard look at such data. See e.g. *Green Earth Farms Rockland LLC v. Town of Haverstraw Planning Bd.* 45 Misc.3d 1209(A) (Rockland Ct 2014); *Concord Associates, L.P. v. Town of Thompson*, 41 Misc.3d 1208(A) (Sullivan Ct. 2013). The Respondents indicate that the issue was raised before the Town by citing a response to a comment in the FEIS.[13] However, the letter of H2M architects and engineers, cited by both parties, notes that the Water District "cannot meet the estimate fire flow demands on the east side of the canal without additional

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[12]. This does not suggest that a such a cumulative review should not be performed for such projects. It would be hoped that the comprehensive plan provides such opportunity for this combined review.

[13]The FEIS provides: Water Supply Potable water is provided in the area by the Hampton Bay Water District (HBWD) using an existing distribution system that includes large transmission and supply mains to serve existing uses in the area. The CPI and Canal Properties will be served via these existing mains which currently serve the properties. The two closest well fields are:
• Well Field # 1: located off Ponquogue Avenue, has three wells (SCTM No. 900-224-2-36.11)
• Well Field # 2: located off Old Riverhead Road East, has two wells (SCTM No. 900-227-1-7.39) The CPI and Canal Property's water supply system designs will be determined during the Site Plan review process; however, the previous and existing water use on the properties, coupled with the extensive water supply distribution system in the area, ensure that sufficient potable water supply is available. The applicant has submitted a letter to the HBWD to confirm that the district has sufficient capacity to adequately supply the CPI and Canal Properties (see Appendix R). As of the date of this FEIS, the water district's consultant, H2M is preparing a model to gauge the impact the proposed Canoe Place and Canal Properties developments will have upon the existing water system and plan accordingly. <u>The Town received the report dated October 10, 2014 (see Appendix R) outlining the options for improvements, and concludes that a new a second water main must be installed crossing the Shinnecock Canal from west to east.</u> Any necessary connections, meters, easements and installations will be provided to ensure adequate water supply from the existing distribution system. It is noted that the nitrate concentration in potable water to be supplied to the proposed project is 2.04 mg/l, reflective of conditions in the Magothy Aquifer, from which the HBWD draws. The corresponding value for the Upper Glacial Aquifer, into which all treated wastewater will be conveyed, is estimated to average about 3.5 mg/l. [emphasis added]. Any data involving this second water main effect on the environment is lacking in the FEIS and, a fortiori, in the ability to take the required "hard look" and provide a determination on the Local Law. [emphasis added]

facilities." As noted the additional water would cross the canal. There is no evidence that the Town undertook a hard look at this issue. The Town's position that all necessary approvals will be required from the Water District neglects its obligation as the lead agency, by attempting to defer the issue. "A lead agency improperly defers its duties when it abdicates its SEQRA responsibilities to another agency or insulates itself from environmental decision making." *Riverkeeper, Inc. v. Planning Bd. of Town of Southeast*, 9 N.Y.3d 219, 234. Furthermore, the Local Law provides that for fire protection, the Planning Board shall solicit comments, also deferring this important issue. "Though the SEQRA process and individual agency permitting processes are intertwined, they are two distinct avenues of environmental review. Provided that a lead agency sufficiently considers the environmental concerns addressed by particular permits, the lead agency need not await another agency's permitting decision before exercising its independent judgment on that issue." Id. Therefore, the Town should require a supplemental EIS on this limited issue and undertake the required "hard look" on this issue. 6 NYCRR 617.9 (a)(7). [14] See *Matter of Coca–Cola Bottling Co. of N.Y. v. Board of Estimate of City of N.Y.*, 72 N.Y.2d 674.

The Plaintiff seeks to declare that the Local law violates the Gift and Loan Clause of the New York State Constitution based upon the fact that the project seeks to obtain land from Suffolk County. A request for a declaratory judgment is premature if the future event is beyond the control of the parties and may never occur. *Prashker v. United States Guar. Co.*, 1 N.Y.2d 584. Here, whether there is ever a transfer of the property and the nature of such transaction is not presently ascertainable for judicial review. Consequently, that part of the motion for summary judgment is granted.[15] To the extent that the Plaintiffs seek injunctive relief, there is insufficient basis to grant such relief. CPLR art. 63.

Settle order granting the petition/complaint to the limited extent that the proceeding is remitted to the Town for the limited purpose of adding a supplemental EIS on the limited issue noted and thereafter complying with SEQRA, denying the petition/complaint in all other aspects, and granting summary judgment to both Respondents/Defendants except as noted on the requirement of a supplemental EIS on the limited issue and declaring the Local Law valid except to the extent that a limited supplemental EIS is required and thereafter complying with SEQRA.[16]

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[14]The remaining arguments of the Petitioners must be rejected. The Town reviewed reasonable alternatives and exercised its determination in granting the application. See *Matter of Eadie v. Town Bd. of Town of N. Greenbush*, 7 N.Y.3d 306; *Matter of Town of Dryden v. Tompkins County Bd. of Representatives*, 78 N.Y.2d 331; *Webster Assoc. v. Town of Webster*, 59 N.Y.2d 220. Furthermore, Petitioners' argument involving tidelands seems to be erroneous as the FEIS indicates that there will be no construction within this zone. Furthermore, the June 10, 2016 Letter of No Jurisdiction Tidal Wetlands Act from the DEC negates the issue.

[15]. Clearly, the County of Suffolk would be a necessary party. CPLR 1001. This would be alternative basis to dismiss this cause of action. CPLR 1003. This procedural issue could be corrected at the appropriate time. In light of the determination, no declaration will be provided. "A declaratory judgment will not be granted if it may only result in an advisory opinion." *Cutro v. Sheehan Agency*, 96 A.D.2d 669, 669 [citing New York Public Interest Research Group v. Carey, 42 N.Y.2d 527].

[16]. Since this is not a complete declaration, the parties may not desire such a declaration at this juncture.

Dated: May 23, 2017

Mark D. Cohen
J.S.C.

APPENDIX C

POSITIVE DECLARATION

Town Board

July 27, 2017

Southampton Town Board
116 Hampton Road
Southampton, NY 11968

Sundy A. Schermeyer Town Clerk
Telephone: (631) 287-5740
Fax: (631) 283-5606
Hampton Bays Annex: (631) 723-2712

RECEIVED
JUL 31 2017
NELSON & POPE

July 27, 2017

Charles Voorhis
Nelson, Pope & Voorhis
572 Walt Whitman Road
Melville, NY 11747

Dear Charles Voorhis:

Please be advised that the Town Board, at a meeting held on July 25, 2017 6:00 PM, reviewed the following resolution(s):

Town Board Resolution RES-2017-719 **Adopted [Unanimous]**
Notice to Require a Draft Supplemental Environmental Impact Statement in Connection with the "CPI, Canal, Eastern Maritime Planned Development District (CPICEMPDD)" Zone Change Petition of R Squared Development LLC, Hampton Bays

Sincerely Yours,

Sundy A. Schermeyer

Sundy A. Schermeyer
Town Clerk

TOWN BOARD RESOLUTION 2017-719

Item # 7.36

ADOPTED

DOC ID: 27570

Notice to Require a Draft Supplemental Environmental Impact Statement in Connection with the "CPI, Canal, Eastern Maritime Planned Development District (CPICEMPDD)" Zone Change Petition of R Squared Development LLC, Hampton Bays

WHEREAS, on February 23, 2012, the Town Board of the Town of Southampton received a formal application for a Change of Zone to allow a Maritime Planned Development District (MPDD) on several properties in Hampton Bays; and

WHEREAS, the application requested the re-zoning to facilitate the redevelopment of the Canoe Place Inn (CPI) site (SCTM Nos: 900-207-5-3 & 4), as well as the neighboring Canal Property, which consists of four parcels located directly east of the Shinnecock Canal and north of Montauk Highway (SCTM Nos: 900-207-4-22.1, 23, 24 & 25), and an Eastern Parcel, which consists of a single parcel located east of North Shore Road (CR 39), and north of Montauk Highway (SCTM No. 900-208-2-18.1); and

WHEREAS, specifically, the proposal sought to rezone (i) the CPI and Canal properties from their Resort Waterfront Business (RWB) designations to MPDD, and (ii) the Eastern Parcel from Motel Business (MTL) to MPDD; and

WHEREAS, the proposed redevelopment of the CPI site includes renovating the historic CPI building for use as an inn with 20 units, a catering facility with a 350-person maximum room occupancy, a 70-seat restaurant with a 20-seat bar area and 120-seat outdoor seating, and the renovation of the five existing cottages on the property for extended stay non-residential guest units; the Canal Property is proposed to be redeveloped with a reduced yield of 37 townhouses with a 1,900 sq. ft. Clubhouse/amenity building, pool and private marina; the Eastern Parcel will contain a community sewage treatment system to handle the proposed townhouse development; and

WHEREAS, the proposed Change of Zone was classified as a Type I Action pursuant to the State Environmental Quality Review, and the regulating provisions of 6 NYCRR Part 617; and

WHEREAS, on March 27, 2012, by Resolution No. 433, the Town Board commenced the SEQRA process to coordinate lead agency; and

WHEREAS, on May 8, 2012, by Resolution No. 570 of 2012, the Town Board adopted a Positive Declaration pursuant to the State Environmental Quality Review Act (SEQRA) and Chapter 157 of the Town Code for this change of zone application; and

WHEREAS, on July 10, 2012 by Resolution No. 760, the Town Board issued a final written scope for the purposes of preparing a DEIS; and

WHEREAS, the applicant submitted a revised DEIS on May 2, 2013 with additional information given on May 9, 2013; and

WHEREAS, on June 25, 2013 by Resolution No. 2013-672, the Town Board deemed the resubmitted Draft Environmental Impact Statement complete; and

WHEREAS, public hearings were held on the DEIS on August 13, 2013, September 10, 2013, October 22, 2013 and December 10, 2013; and

WHEREAS, on October 16, 2014 by Resolution No. 2014-1067 the Town Board accepted the Final Environmental Impact Statement (FEIS) and directed a Notice of Completion to be filed in the Environmental Notice Bulletin; and

WHEREAS, based on the content and testimony at the DEIS hearings cited above as well as information in the Final Environmental Impact Statement, the Town Board afforded the public the opportunity to review and comment on the revised plans contained in the FEIS and the corresponding local law by holding public hearings on November 12, 2014, November 25, 2014 and December 9, 2014 where the public consideration period was closed with a 10-day written comment period; and

WHEREAS, after the requisite public consideration period, the Town Board adopted a Findings Statement on January 13, 2015 which summarized the facts and conclusions of the Draft and Final EISs and weighed and balanced the relevant environmental impacts with social, economic and other considerations to provide a rationale for the Town Board?s decision; and

WHEREAS, subsequent to the adoption of a Findings Statement, the Town Board adopted the Local Law No. 1-2015 as Chapter 330 Zoning; Article XXVI Planned Development District; ?330-248 Specific planned development districts; V. Canoe Place Inn, Canal and Eastern Properties Maritime Planned Development District (CPICEMPDD) on January 13, 2014;

WHEREAS, this Local Law and SEQRA process were challenged in an Article 78 proceeding in Supreme Court, State of New York I.A.S. Part 28, Suffolk County (Shinnecock Neighbors v Town of Southampton; Index No. 15-8276) resulting in a decision by Hon. Mark D. Cohen, Justice of the Supreme Court which focused on one narrow issue warranting further study, specifically to ensure that a ?hard look? is taken at water supply and fire flow issues; and

WHEREAS, the Town Board of the Town of Southampton seeks to comply with the Supreme Court decision and further study water supply and fire flow issues at it relates to the CPICEMPDD; now

THEREFORE BE IT RESOLVED, that the Town Board of the Town of Southampton is the Lead Agency for review of the project under SEQRA as a result of their prior review capacity in processing the Environmental Impact Statement (EIS) for the Canoe Place Inn, Canal Parcel and Eastern Property EIS; and

BE IT FURTHER RESOLVED, that the Town Board of the Town of Southampton hereby issues this Notice to Require a Draft Supplemental EIS in Connection with the "CPI, Canal, Eastern Maritime Planned Development District (CPICEMPDD)," Hampton Bays, New York; and

BE IT FURTHER RESOLVED, that the applicant is directed to prepare a Draft Supplemental EIS and submit same to the Town Clerk of the Town of Southampton in in fulfillment of this Notice so that the requirements of 6 NYCRR Part 617.9(a)(7) are met; and

BE IT FURTHER RESOLVED, that since scoping is optional under 6 NYCRR Part 617.8, and the court decision is narrowly focused on only (1) matter that involves water supply and fire

flow issues concerning the Hampton Bays Water District, public scoping will not be conducted; and

BE IT FURTHER RESOLVED, the Town Clerk is directed to file and publish this Notice in the Environmental Notice Bulletin pursuant to 6 NYCRR Part 617.12 (b) and (c); and

BE IT FURTHER RESOLVED, that the Town Clerk is directed to notify all involved and interested agencies of this Notice, particularly those who were notified of the SEQRA Findings Statement issued on January 13, 2015 and specifically including the following:

1. Environmental Notice Bulletin
   625 Broadway, Rm. 538, Albany, NY 12233-1750

2. Town of Southampton Planning Board, Dennis Finnerty, Chairman

3. Southampton Town Building Division, Michael Benincasa, Chief Building Official

4. New York State Department of Environmental Conservation
   Region I-Carrie Meek Gallagher, Regional Director
   50 Circle Road, Stony Brook, NY 11790

5. Southampton Town Engineer

6. Suffolk County Department of Health Services
   Office of Wastewater Management
   c/o Craig Knepper, P.E.
   360 Yaphank Avenue Suite 2C, Yaphank NY 11980

7. Hampton Bays Water District
   Robert King, Superintendent
   P.O. Box 1013, Hampton Bays, NY 11946

8. Hampton Bays Fire District
   PO Drawer 800, Hampton Bays, NY 11946

and the following interested agencies/parties:

1. Suffolk County Planning Commission
   c/o Sarah Lansdale, Director
   P.O. Box 6100, Hauppauge, NY 11788-0099

2. Hampton Bays Unified School District
   Lars Clemensen, Superintendent
   86 East Argonne Road, Hampton Bays, NY 11946

3. New York State Office of Parks, Recreation & Historic Preservation
   Peebles Island State Park
   P.O. Box 189, Waterford, NY 12188-0189

4. Southampton Town Landmarks and Historic Districts Board

5. Hampton Bays Historical & Preservation Society
   P.O. Box 588, Hampton Bays, NY 11946

6. Southampton Town Fire Marshal

7. Southampton Town Highway Department

8. Southampton Town Architectural Review Board

9. Southampton Town Director of Transportation & Traffic Safety

10. Hampton Bays Citizen Advisory Committee
Kevin Springer (Co-Chair)
11 Maple Avenue, Hampton Bays, NY 11946

Tom Mulrooney (Co-Chair)
7 Westbury Road, Hampton Bays, NY 11946

11. Hampton Bays Civic Association
c/o Bruce King, President
92 Ponquogue Avenue, Hampton Bays, NY 11946

12. Hampton Bays Beautification Association
c/o Susan Von Freddi, President
P.O. Box 682, Hampton Bays, NY 11946

13. Hampton Bays Volunteer Ambulance
PO Drawer 997, Hampton Bays, NY 11946

14. Hampton Bays Chamber of Commerce

Financial Impact:
None

RESULT: **ADOPTED [UNANIMOUS]**
MOVER: Jay Schneiderman, Supervisor
SECONDER: Julie Lofstad, Councilwoman
AYES: Schneiderman, Lofstad, Scalera, Bouvier, Glinka

Southampton Town Board
116 Hampton Road
Southampton, NY 11968

Sundy A. Schermeyer Town Clerk
Telephone: (631) 287-5740
Fax: (631) 283-5606
Hampton Bays Annex: (631) 723-2712

July 27, 2017

Charles Voorhis
Nelson, Pope & Voorhis
572 Walt Whitman Road
Melville, NY 11747

Dear Charles Voorhis:

Responding to this letter will serve as an acknowledgement of receipt of the attached copies of resolutions adopted by the Southampton Town Board. Please sign this letter and return it to the Town Clerks Office via standard mail, by fax at 631-283-5606 or you may scan and email it back to **townclerk@southamptontownny.gov**.

Signature: _____ Date: _____

Please be advised that the Town Board, at a meeting held on July 25, 2017 6:00 PM, reviewed the following resolution(s):

Town Board Resolution RES-2017-719 **Adopted [Unanimous]**
Notice to Require a Draft Supplemental Environmental Impact Statement in Connection with the "CPI, Canal, Eastern Maritime Planned Development District (CPICEMPDD)" Zone Change Petition of R Squared Development LLC, Hampton Bays

Sincerely Yours,

Sundy A. Schermeyer

Sundy A. Schermeyer
Town Clerk

APPENDIX D

WATER SERVICE-RELATED CORRESPONDENCE

Appendix D-1
Letter to HBWD Commissioner

NPV, LLC

July 9, 2012

NELSON, POPE & VOORHIS, LLC
ENVIRONMENTAL • PLANNING • CONSULTING
572 WALT WHITMAN ROAD, MELVILLE, NY 11747 - 2188
(631) 427-5665 FAX (631) 427-5620
npv@nelsonpope.com

July 9, 2012

Water Commissioner
Hampton Bays Water District
PO Box 1013
Hampton Bays, NY 11946

Re: Canoe Place Inn & Canal Properties
Environmental Impact Review
NPV #06275

Dear Commissioner:

Nelson, Pope & Voorhis, LLC is an environmental and planning consulting firm located in Melville. We are currently preparing a Draft Environmental Impact Statement (DEIS) for proposed development located on the Canoe Place Inn (CPI) site located on the corner of Newtown Road and Montauk Highway on the west side of the Shinnecock Canal (SCTM No's: 900-207-5-3 & 4) as well as the Canal Properties which consist of four parcels located directly east of the Shinnecock Canal north of Montauk Highway (CR 80) (SCTM No's: 900-207-4-22.1, 23, 24 & 25) and the Eastern Parcel, which consists of a single tax parcel located east of North Shore Road (CR 39) north of Montauk Highway (CR 80) (SCTM No.: 900-208-2-18.1). A Location Map is included herein.

The proposed project includes the three non-contiguous properties and projects so they can be integrated into a unified development plan where the properties relate to one another in terms of density exchange and public benefits. A change of zone to Maritime Planned Development District (MPDD) is proposed to provide flexible zoning and public benefits to facilitate the proposed project. Proposed redevelopment of the CPI site includes retaining all existing buildings such that public access will be provided. The project more specifically calls for renovation of the CPI building for use as an inn (20 units), catering facility with a 300-person maximum occupancy, 90-seat restaurant with 24-seat bar area, as well as the renovation of the five existing cottages on the property for extended stay guest units. The Canal Properties are proposed to be redeveloped with 40 high-quality townhouses with a clubhouse/amenity building, pool and private marina. The Eastern Parcel will contain a community sewage treatment system to handle the proposed townhouse development.

I would like to request the following information (which may be contained in the District's Annual Water Report):

- The locations of the three closest supply and/or monitoring wells which have the potential to serve the site;
- The aquifer from which each of the above wells pumps including any wells down gradient of the site;
- Untreated water quality test results for the last year for the above well(s), if sourced from the upper glacial aquifer;
- If applicable, information on the nature and extent of any water quality and/or water supply problems in the area;
- Will the project require a new or extended supply line to serve the site?

If you have any further input with regard to the ability to provide services to this project, please provide an explanation so that this may be considered in the review process. Your responses will be included in the DEIS submitted for review by the Town of Southampton.

If you should have any questions or require additional information, please do not hesitate to contact me at (631) 427-5665 or kmccabe@nelsonpope.com.

Very truly yours,
NELSON, POPE & VOORHIS, LLC

Kristen L. McCabe
Environmental Planner

Appendix D-2
Letter to NPV, LLC

HBWD

July 16, 2012

HAMPTON BAYS WATER DISTRICT
P.O. BOX 1013
HAMPTON BAYS, NEW YORK 11946

ROBERT KING
Chief Water Plant Operator

Telephone (631) 728-0179
Fax (631) 728-2484

July 16, 2012

RECEIVED
JUL 18 2012
NELSON & POPE

Nelson, Pope & Voorhis, LLC
572 Walt Whitman Road
Melville, NY 11747-2188
Attention: Kristen L. McCabe

Re: Canoe Place Inn & Canal Properties
Environmental Impact Review
NPV #06275

Dear Ms. McCabe:

We are in receipt of your letter dated July 9th regarding the above captioned project. In response to that request we are reporting the following:

The two closest well fields, are as follows:

Well Field #1 - Located off Ponquogue Avenue
Has three (3) Wells S.C.T.M. #900-224-2-36.1

Well Field #2 - Located off Old Riverhead Road East
Has two (2) Wells S.C.T.M. #900-227-1-7.39

Each of these wells is in the Glacial Aquifers.

This project will require new services for all of the buildings for fire suppression and potable water.

Also enclosed you will find copies of water quality test results from 2011 through current 2012.

Should you have any questions, please feel free to contact my office.

Sincerely,

James V. Warner

James V. Warner
Hampton Bays Water District.

JVW/sm
Attachments

Appendix D-3
Letter to Sidney B. Bowne & Son, LLP

H2M

April 10, 2014

H2M architects + engineers
538 Broad Hollow Road, 4th Floor East
Melville, NY 11747
tel 631.756.8000
fax 631.694.4122

April 10, 2014

Steven Feihel, PE
Sidney B. Bowne & Son, LLP
235 East Jericho Turnpike,
Mineola, NY 11501

Re: Hampton Bays Water District
Canal Properties & Canoe Place Inn
H2M Project No.: HBWD 14-50

S.C.T.M. Parcel: 0900-207-05-03 & 04 / 0900-207-04-22.1, 23, 24 & 25 / 0900-208-02-18.1

Dear Mr. Feihel:

We are the consulting engineers for the Hampton Bays Water District and have been directed to respond to your request for water facility maps in the vicinity of the above referenced properties. We have attached a portion of the Town's GIS map showing the existing water main infrastructure in the area.

Briefly, the District maintains a 10" water main along Montauk Highway, west of the canal. The main crossing the canal and on North Highway is 12". The main on Canal Road West is 8".

It should be noted that the portion of the District east of the canal is supplied from a single feed, thus the Water District has historically experienced low pressures situations during peak demand periods on the east side of the canal. Using the District's hydraulic model of the existing distribution system and an assumed demand load of the proposed developments, the District has previously determined that in order to provide adequate fire and domestic service to any development east of the canal, significant improvements to the existing system are necessary. These improvements include the installation of an additional pipe crossing the canal, additional supply east of the canal, the creation of a separate pressure zone or a combination of items.

In order to assess the best and most feasible course of action to supply these proposed developments, please provide the following information in order that a more detailed assessment of the new development can be performed:

1. Anticipated Maximum Day Water Usage
2. Proposed Landscaped Area and Irrigation Demand
3. Proposed Water Demand of the WWTP.
4. Proposed Water Demand of the Canoe Place Inn Development.

Thank you and if you have any further questions, please do not hesitate to contact me.

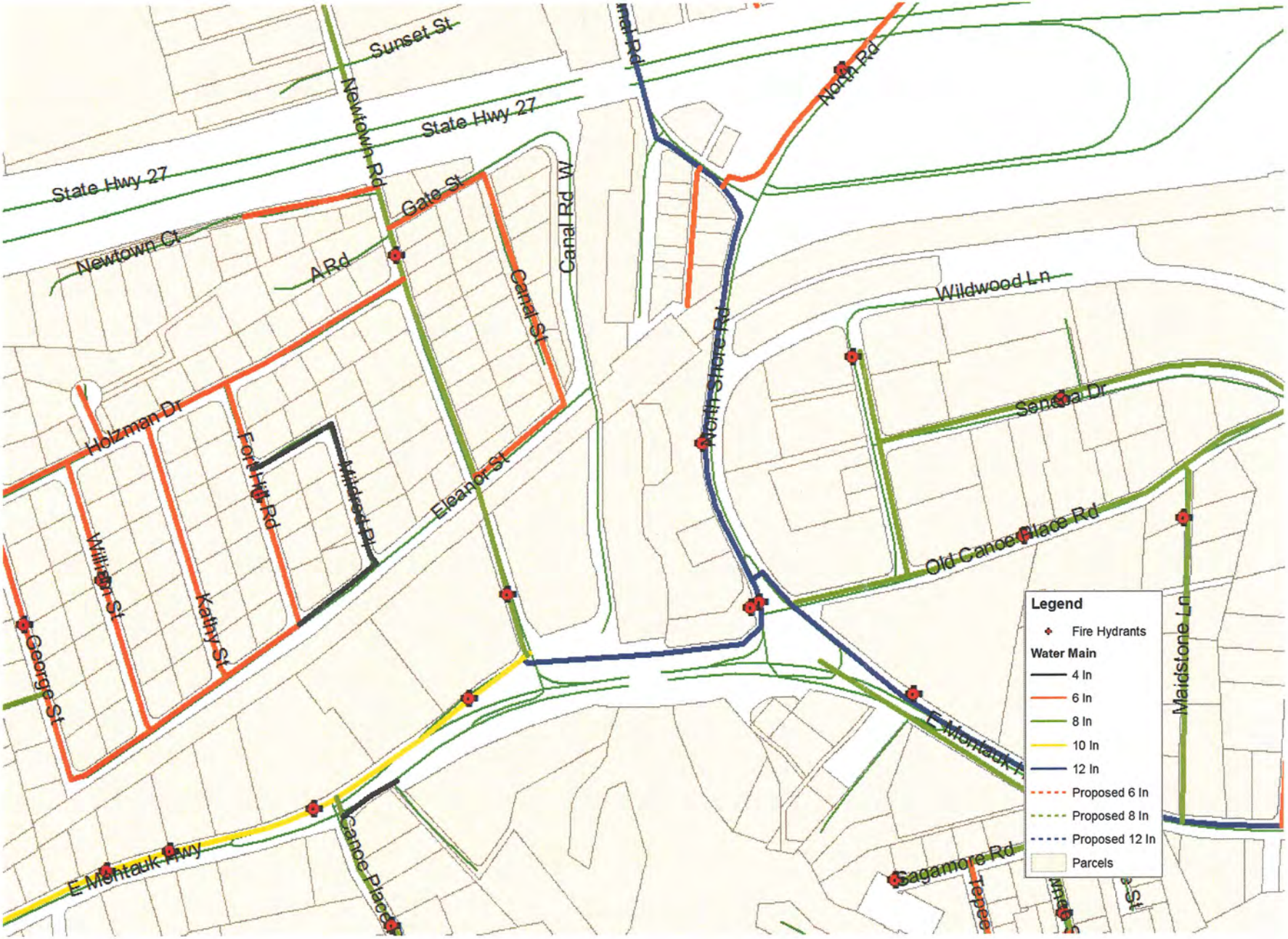
Very truly yours,

HOLZMACHER, McLENDON & MURRELL, P.C.

John R. Collins, P.E.

cc: Supt. Robert King

x:\hbwd (hampton bays water district) - 10482\hbwd1450 - retainer\correspondence\14.04.10_feihel - canoe place properties.doc


Sunset St
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State Hwy 27
Newtown Rd
Newtown Ct
Gate St
A Rd
Canal St
Canal Rd W
North Rd
Wildwood Ln
North Shore Rd
Seneca Dr
Holzman Dr
Fort Hill Rd
Mildred Pl
Eleanor St
Old Canoe Place Rd
Willard St
Kathy St
George St
Maidstone Ln
E Montauk Hwy
Canoe Place
Sagamore Rd
Tepee
Legend
Fire Hydrants
Water Main
4 In
6 In
8 In
10 In
12 In
Proposed 6 In
Proposed 8 In
Proposed 12 In
Parcels

Appendix D-4
Letter to H2M

Sidney B. Bowne & Son, LLP

July 15, 2014

BOWNE
AE&T
GROUP
Where
Experience
Empowers
Vision

Sidney B. Bowne
& Son, LLP
235 East Jericho Turnpike
PO Box 109
Mineola, NY 11501
Phone: 516-746-2350
Fax: 516-747-1396
www.bownegroup.com

July 15, 2014

John R. Collins, P.E.
Holzmacher, McLendon & Murrell, P.C.
538 Broad Hollow Road, 4th Floor East
Melville, NY 11747

Re: Response to Water Demand Information
Proposed Canal Properties & Canoe Place Inn, Hampton Bays
H2M No.: HBWD 14-50

Dear Mr. Collins:

We are responding to your request for information on the above captioned property per your letter dated April 10, 2014 (copy attached) and as part of the Final Environmental Impact Study.

The project will consist of three (3) parcels, the Canal property west (N/W/C of Montauk Highway and North Shore Road), Canal property east (N/E/C of Canoe Place Road and North Shore Road and the Canoe Place Inn (N/W/C of Montauk Highway and Newtown Road). The Canal property west will include the demolition of four (4) existing buildings and proposed nine (9) townhouse buildings with total of 37 units. The Canal property east will consists of a proposed waste water treatment plant with a maintenance and lab building. The Canoe Place Inn will consists of rehabilitation of the existing catering hall with rooms and five (5) cottages.

We have included one (1) Concept Site Plan (sheet CP-1, Rev. #5, dated 4/8/14) for the Canal properties and one (1) Concept Site Plan (sheet CP-1, Rev. #5, dated 4/8/14) for the Canoe Place Inn for your use.

A. Canal Property West:

Our estimate of the average consumptive water use is computed as follows:

1. DOMESTIC

- Townhouse Units – 37 units @ 300 GPD/ unit = 11,100 GPD
- Clubhouse/ Amenities – 1,800 SF+/- @ 0.3 GPD/ SF = 570 GPD

2. IRRIGATION

- Landscaped area = 81,036 SF
- Assume 0.5" per week of irrigation water required for 15 weeks (not including effective rainfall)

- Average daily water use for irrigation =

$$81{,}036 \text{ sf} \times \frac{0.5''}{12} \times 15 \text{ weeks} \times 7.48 \text{ gal/cf} \times \frac{1}{365} = 1{,}038 \text{ GPD}$$

Total average daily water use = 11,100 + 570 + 1,038 = 12,708 GPD

Total average yearly water use = 12,708 x 365 days/year = 4,638,420 GPY (4.64 MGY)

B. Canal Property East (WWTP):

Our estimate of the average consumptive water use is computed as follows:

1. DOMESTIC

• Alkalinity Feed Tank Fill Pipe	=	36 GPD
• Outdoor Hose	=	9.3 GPD
• Hand Sink	=	1 GPD
• Utility Sink	=	2.5 GPD
• Water Closet	=	5 GPD
Total average daily water use	=	53.5 GPD

Total average yearly water use = 53.5 x 365 days/year = 19,528 GPY (0.02 MGY)

Note at a given time, there is a peak day per month as follows:

• Alkalinity Feed Tank Fill Pipe	=	250 GPD
• Outdoor Hose	=	260 GPD
• Hand Sink	=	2 GPD
• Utility Sink	=	5 GPD
• Water Closet	=	6 GPD
Maximum Peak flow	=	523 GPD

C. Canoe Place Inn:

Our estimate of the average consumptive water use is computed as follows:

1. DOMESTIC

• Catering Hall – 350 seats @ 7.5 GPD/ seat	=	2,625 GPD
• Restaurant – 70 seats @ 30.0 GPD/ seat	=	2,100 GPD
• Bar – 20 seats @ 15 GPD/ seat	=	300 GPD
• Outdoor – 120 seats @ 15 GPD/ seat	=	1,800 GPD

- Hotel – 20 units @ 100 GPD/ unit = 2,000 GPD
- Cottage (< 1,200 SF) – 2 units @ 225 GPD/ unit = 450 GPD
- Cottage (> 1,200 SF) – 3 units @ 300 GPD/ unit = 900 GPD

Sub-total = 10,175 GPD

2. IRRIGATION

- Landscaped area = 154,050 SF
- Assume 0.5" per week of irrigation water required for 15 weeks (not including effective rainfall)
- Average daily water use for irrigation =

$$154{,}050 \text{ sf} \times \frac{0.5''}{12} \times 15 \text{ weeks} \times 7.48 \text{ gal/cf} \times \frac{1}{365} = 1{,}973 \text{ GPD}$$

Total average daily water use = 10,175 + 1,973 = 12,148 GPD

Total average yearly water use = 12,148 x 365 days/year = 4,434,020 GPY
(4.43 MGY)

Please contact me should you require additional information.

Sincerely,

Steven Feihel (BY LK)

Steven Feihel, P.E.

Cc: Robert King, Superintendent, Hampton Bays Water District
Janice Scherer, Principal Planner, Town of Southampton

H2M architects + engineers
538 Broad Hollow Road, 4th Floor East
Melville, NY 11747
tel 631.756.8000
fax 631.694.4122

April 10, 2014

Steven Feihel, PE
Sidney B. Bowne & Son, LLP
235 East Jericho Turnpike,
Mineola, NY 11501

Re: Hampton Bays Water District
Canal Properties & Canoe Place Inn
H2M Project No.: HBWD 14-50

S.C.T.M. Parcel: 0900-207-05-03 & 04 / 0900-207-04-22.1, 23, 24 & 25 / 0900-208-02-18.1

Dear Mr. Feihel:

We are the consulting engineers for the Hampton Bays Water District and have been directed to respond to your request for water facility maps in the vicinity of the above referenced properties. We have attached a portion of the Town's GIS map showing the existing water main infrastructure in the area.

Briefly, the District maintains a 10" water main along Montauk Highway, west of the canal. The main crossing the canal and on North Highway is 12". The main on Canal Road West is 8".

It should be noted that the portion of the District east of the canal is supplied from a single feed, thus the Water District has historically experienced low pressures situations during peak demand periods on the east side of the canal. Using the District's hydraulic model of the existing distribution system and an assumed demand load of the proposed developments, the District has previously determined that in order to provide adequate fire and domestic service to any development east of the canal, significant improvements to the existing system are necessary. These improvements include the installation of an additional pipe crossing the canal, additional supply east of the canal, the creation of a separate pressure zone or a combination of items.

In order to assess the best and most feasible course of action to supply these proposed developments, please provide the following information in order that a more detailed assessment of the new development can be performed:

1. Anticipated Maximum Day Water Usage
2. Proposed Landscaped Area and Irrigation Demand
3. Proposed Water Demand of the WWTP.
4. Proposed Water Demand of the Canoe Place Inn Development.

Thank you and if you have any further questions, please do not hesitate to contact me.

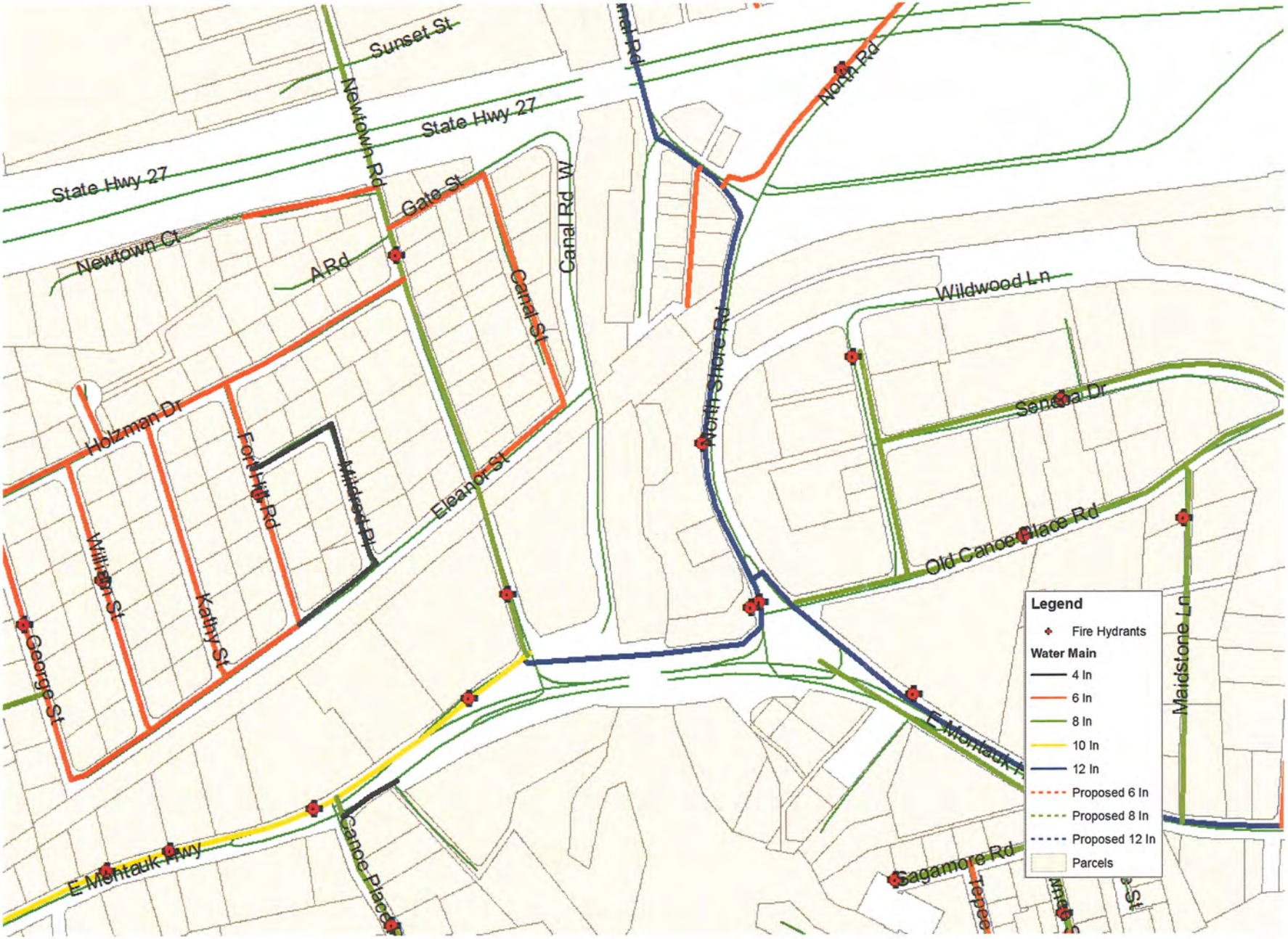
Very truly yours,

HOLZMACHER, McLENDON & MURRELL, P.C.

John R. Collins, P.E.

cc: Supt. Robert King

x:\hbwd (hampton bays water district) - 10482\hbwd1450 - retainer\correspondence\14.04.10_feihel - canoe place properties.doc


Sunset St
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Newtown Rd
Newtown Ct
Gate St
A Rd
Canal St
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North Rd
Wildwood Ln
North Shore Rd
Seneca Dr
Holzman Dr
Fort Hill Rd
Mildred Pl
Eleanor St
Old Canoe Place Rd
Willard St
Kathy St
George St
Maidstone Ln
E Montauk Hwy
Canoe Place
Sagamore Rd
Tepee
Legend
Fire Hydrants
Water Main
4 In
6 In
8 In
10 In
12 In
Proposed 6 In
Proposed 8 In
Proposed 12 In
Parcels

Appendix D-5
Letter to HBWD

H2M

October 10, 2014

water

538 Broad Hollow Road, 4th Floor East
Melville, NY 11747

631.756.8000
631.694.4122

October 10, 2014

Supt. Robert King
Hampton Bays Water District
P.O. Box 1013
Hampton Bays, New York 11946

Re: Hampton Bays Water District
Hydraulic Analysis
Canal Properties & Canoe Place Inn
H2M Project No.: HBWD 14-02

Dear Supt. King:

In accordance with our proposal, we have evaluated the impact the proposed Canal Properties and Canoe Place Inn developments will have upon the existing water supply and distribution facilities of the Hampton Bays Water District (District). This analysis was performed utilizing the District's hydraulic model and was based on information provided in a July 15, 2014 letter from the developers consultant, Bowne AE&T Group and the "Conceptual Site Plan," last dated April 8, 2014.

Project Scope:

We understand that R Squared Development LLC has submitted application and plans to the Town of Southampton for the redevelopment of the Canoe Place Inn property, as well as the redevelopment of an approximate seven acre property of the east side of the Shinnecock Canal known as Canal Properties. Both of these developments are within the service area of the Hampton Bays Water District.

The Canoe Place Inn property is a six acre parcel located at the northwest corner of the intersection of Sunrise Highway and Newtown Road, west of the Shinnecock Canal. The redevelopment of the Canoe Place Properties will involve the rehabilitation of the existing hotel to include a new catering hall, restaurant, bar and hotel. In addition the five existing cottagers on-site will be refurbished. The proposed water usage for the Canoe Place Inn development is as follows:

Canoe Place Inn		
Use	Sanitary Usage Rate [1]	Anticipated Daily Sanitary Use (gallon/day)
Catering Hall	350 seats @ 7.5 gpd/seat	2,625
Restaurant	70 seats @ 30 gpd / seat	2,100
Bar	20 seats @ 15 gpd / seat	300
Outdoor Dining	120 seats @ 15 gpd / seat	1,800
Hotel	20 units @ 100 gpd / unit	2,000
Cottage 1	2 units @ 225 gpd / unit	450
Cottage 2	3 units @ 300 gpd / unit	900
	Total Anticipated Sanitary Usage:	10,175
	Water to wastewater ratio:[2]	0.8

Anticipated Daily Water Usage:	**12,719 gpd**
Estimated Maximum Daily Water Usage (Daily Demand x 3.2[3]):	**40,700 gpd**
Estimated Peak Usage[4]:	**85 gpm**
Required Fire Flow Demand[5]:	**2,000 gpm**
Maximum Day Demand + Required Fire Flow:	**2,085 gpm**

The Canal Properties development is located on the on the east side of the Shinnecock Canal and will consist of the demolition of the existing buildings and the construction of nine new buildings with a total of thirty-seven residential townhome units and a common clubhouse. This proposed residential development is located on approximately seven acres on County Route 39A and borders the Shinnecock Canal. In addition, the owner proposes to construct a wastewater treatment plant at the intersection of Old Canoe Place Road and County Route 39. The proposed water usage for the Canal Properties development is as follows:

Canal Properties East		
Use	Sanitary Usage Rate[1]	Anticipated Daily Sanitary Use (gallon/day)
Townhomes	37 units @ 300 gpd/unit	11,100
Clubhouse	1,800 sf @ 0.3 gpd / seat	540
Wastewater Plant	523 gpd	523
	Total Anticipated Sanitary Usage:	**12,163**
	Water to wastewater ratio:[2]	0.8
	Anticipated Daily Water Usage:	**15,205 gpd**
Irrigation	1" / week for 81,036 sf[6]	7,220
	Anticipated Daily Water Usage + Irrigation:	**22,425 gpd**
	Estimated Maximum Daily Water Usage (Daily Demand x 3.2[3]):	**71,760 gpd**
	Estimated Peak Usage[4]:	**150 gpm**
	Required Fire Flow Demand[5]:	**2,000 gpm**
	Maximum Day Demand + Required Fire Flow:	**2,150 gpm**

(1) Sanitary usage rates coincide with the previously mentioned conceptual Site Plan and letter and are based on "Standards for Approval of Plans and Construction for Sewage Disposal Systems for other than Single Family Residences," as published by the Suffolk County Department of Health Services, Division of Environmental Quality.

(2) The water to wastewater ratio is applied to proposed sanitary usage rates to estimate the water use rates as the two values will not match due to consumption. The ratio is not applied to irrigation usage.

(3) Historically, the ratio of Average Day to Peak Day Demand for the Hampton Bays Water District system wide is 3.2.

(4) Estimated Peak Usage = Maximum Day Demand / 1,440 minutes per day times a peaking factor of 3.0.

(5) Required Fire Flow Demand estimated using "Guide for Flow Determination of Needed Fire Flow" published by ISO, 05-2008 Edition. Note a detailed analysis could not be performed; therefore a conservative estimate of 2,000 GPM was used.

(6) A 1" per week irrigation rate is based upon the Cornell Cooperative Extension recommended irrigation rate for Long Island.

Based on the above the total anticipated average daily water usage to both properties is estimated at 35,144 gallons per day (gpd). The total estimated maximum daily water demand is 105,450 gpd. The total estimated peak hour water demand plus required fire flow demand is approximately 2,100 gallons per minute (gpm) for each of the proposed developments. This demand would account for approximately twenty-seven percent of the District's total pumpage available.

Existing Water District Facilities:

On the west side of the Shinnecock Canal, in the vicinity of the Canoe Place Inn property, the District maintains a ten inch water main along Sunrise Highway and an eight inch water main along Newtown Road along the frontage of the subject property. The District maintains two fire hydrant assemblies within the property frontage. The estimated static operating pressure on an average day for this property is in the range of 45 psi to 65 psi.

To feed the properties east of the Canal, the District maintains a single twelve inch water main feed along Sunrise Highway.

On the east side of the Canal, in the vicinity of the Canal Properties property, the District maintains a twelve inch water main on County Route 39A across the frontage of the proposed residential development and an eight water main on Old Canoe Place Road across the frontage of the proposed wastewater plant.

The District maintains eleven groundwater supply wells at five well sites across the District. These eleven wells are capable of providing a maximum of 7,750 gpm. It should be noted that due to the presence of manganese in the product of one of the three wells at the District's well site on Ponquogue Avenue, the District has been forced to regulate one of their existing wells to emergency status. In the event that manganese concentrations continue to rise in this well, the District will lose production of 750 gpm, thus reducing their total available pumpage to 7,000 gpm.

The closest District well and storage site to the subject properties is Plant No. 2 located off of Old Riverhead Road. Plant No. 2 is the site of two supply wells capable of providing up to 1,250 gpm also is the site of a 0.25 Million gallon elevated storage tank. The plant is also the site of the District's three booster pumps which feed the isolated high pressure zone. The booster pump system is capable of providing up to 1,000 gpm.

Analysis:

As previously stated, the District has the capacity to provide a maximum of 7,750 gpm, however with the threat of increasing manganese concentration, a strong possibility exists that this maximum pumpage can be reduced to 7,000 gpm in the immediate future. Over the past ten years, the District has pumped on average approximately 8.0 million gallons per day (MGD) with a peak pumpage of over 9.0 MGD recently recorded.

Using a computerized hydraulic model of the existing District, an analysis was performed to gauge the effect the Canoe Place Inn and Canal Properties developments will have upon the existing District facilities and to provide recommendations on how the District can best provide water service to these developments without a negative impact on the existing customer base or the existing District facilities.

To gage the effect of these new developments on the District's distribution system, three scenarios were created within the hydraulic model. These scenarios all assessed a peak day water demand and are as follows:

1. Existing conditions with no future demand assigned within the District
2. New demand nodes representing the peak usage demand of the proposed developments; 150 gpm east of the canal and 85 gpm west of the canal.
3. Fire flow demand set at 2,000 gpm for east of canal for a two hour duration.

During each scenario, Well Nos. 1-1, 1-3, 2-1, 2-2, 3-2, 3-3, 4-1, and 5-1 were being operated at full capacity and each of the District's three elevated water storage tanks were set at 80% capacity at the beginning of the simulation.

Under each of the scenarios, residual pressures in the vicinity of the canal were compared to understand how well the District is providing water to areas in the vicinity of the proposed developments. Residual pressure is defined as the pressure remaining within the distribution system under peak day, peak hour or fire flow demand situations. The four points in the distribution system that were compared are as follows:

A. Intersection of Oceanview Road and Old Canoe Place Road (high elevation point east of canal)
B. Intersection of Old North Highway and County Route 39 (east of canal)
C. Local Pressure at new Canal Place Development (east of canal)
D. Local Pressure at new Canoe Place Inn Development (west of canal)

<u>Analysis 1 - Existing Conditions</u>

Under Analysis 1 the existing District was modeled as it currently stands today with no upgrades to the District's infrastructure but with the demands associated with Scenarios 1 through 3. The table below summarizes the resulting system pressure under Scenarios 1 through 3:

	Location A [psi]	Location B [psi]	Location C [psi]	Location D [psi]
Scenario 1 (Existing Peak Demand Conditions)	33	52	64	62
Scenario 2 (Increased Demand)	31	49	61	60
Scenario 3 (2,000 gpm Fire Flow)	-8	9	19	30

Note: In accordance with Ten States Standards, the minimum normal working pressure within a distribution system is 35 psi and at no point shall the working pressure fall below 20 psi.
Note: A negative pressure indicates the system cannot handle the increased demand.

The following conclusions can be made from the above:

1. The higher elevations of the existing water system on the east side of the canal are already taxed to maintain water pressures during peak demand times.
2. The domestic water demand associated with the new development will have only a slightly negative impact on the system.
3. A 2,000 gpm fire demand east of canal cannot be met for two (2) hours on the east side of the canal without dropping pressure below the 20 psi residual minimum requirement.

Analysis 2 – New Distribution Main

The portion of the Districts distribution system east of the canal is fed by a single 12-inch feed crossing the canal on Sunrise Highway. Analysis 2 was created within the hydraulic model to gage the effects that an additional 12-inch water main crossing the canal would have upon the residual pressure on the east side of the canal. This additional crossing was placed at Gate Street. The same three scenarios described above were run with the additional canal crossing in-place. The table below summarizes the results from for these scenarios:

	Location 1 [psi]	Location 2 [psi]	Location 3 [psi]	Location 4 [psi]
Scenario 1A (Existing Peak Demand Condition)	33	52	64	62
Scenario 2 (Increased Demand)	32	51	61	61
Scenario 3 (2,000 gpm Fire Flow)	0	18	27	33

The following conclusion can be made from the above:

1. Although an additional 12-inch water main crossing the Shinnecock Canal will help meet the fire flow demands of the proposed Canal Properties development, residual pressure within the remaining portion of the distribution system east of the canal will not meet minimum pressure requirements.

Analysis 3 – New Source

Since there are no sources of supply on the east side of the canal, in the event of a disruption of service to the existing canal crossing domestic or fire flow demands could not be made. Analysis 3 was created to model the effects a new supply well on the east side of the canal would have upon the existing District. The hydraulic model was edited to show a new water supply well located east of the canal, south of Route 27, and north of Old Canoe Place Road. The table below summarizes the results from for these scenarios:

	Location 1 [psi]	Location 2 [psi]	Location 3 [psi]	Location 4 [psi]
Scenario 1 (Existing Peak Demand Condition)	38	56	68	67
Scenario 2 (Increased Demand)	37	55	67	65
Scenario 3 (2,000 gpm Fire Flow)	13	27	37	45

The following conclusions can be made from the above:

1. The addition of a new well to the system east of the canal will enable the District to provide recommended fire flow demands while maintain acceptable residual pressure in the system, except at the extreme high elevation point.

Analysis 4 – New Booster Facility

In lieu of an additional crossing or additional source point, Analysis 4 modeled the feasibility of the creation of a high pressure zone on the east side of the canal, fed from an inline booster pump. Under this analysis, the existing distribution remained in place and a new booster pump sized to the higher elevations was input within the model on the west side of the canal. The table below summarizes the results from for these scenarios:

	Location 1 [psi]	Location 2 [psi]	Location 3 [psi]	Location 4 [psi]
Scenario 1 (Existing Peak Demand Condition)	60	79	92	63
Scenario 2 (Increased Demand)	59	77	89	61
Scenario 3 (2,000 gpm Fire Flow)	9	25	37	30

The following conclusions can be made from the above:

1. The installation of a booster pump to service the east side of the canal will essentially create another pressure zone within the District and allow the District to meet the demands of the proposed development while maintaining minimum pressures in the system.

Analysis 5 – New Distribution & Source

Analysis 5 modeled the effects of a combination of an additional water main crossing the canal together with a new well on the east side of the canal. The table below summarizes the results from for these scenarios:

	Location 1 [psi]	Location 2 [psi]	Location 3 [psi]	Location 4 [psi]
Scenario 1 (Existing Peak Demand Condition)	38	56	68	67
Scenario 2 (Increased Demand)	37	55	67	65
Scenario 3 (2,000 gpm Fire Flow)	13	31	40	45

The following conclusions can be made from the above:

1. A combination of a new well with an additional crossing of the canal will enable the District to provide recommended fire flow demands while maintain acceptable residual pressure in the system, except at the extreme high elevation point.

Final Conclusions & Recommendations:

The analysis performed show that the District can supply the proposed Canoe Place Inn and Canal Properties developments with the requested estimated domestic demand with minimal effects on the existing District facilities. However, the District cannot meet the estimated fire flow demands on the east side of the canal without additional facilities.

During peak demand periods, the District struggles to meet their demand requirements with all facilities at their disposal. With the threat of the loss of production from the threat of contamination or due to mechanical failure,

the ability of the District to meet increasing peak demand requirements is further taxed. These developments will further tax the system.

In order to continue to meet its peak demand requirements and meet future development demands the District should investigate the construction of additional supply facilities. The additional supply will help the District meet its demand requirements in the event of a loss of existing supply due to contamination or mechanical failure.

Locating this new supply on the east side of the canal will both aid the District in meeting demand requirements but provide a source of water in the eastern portion of the District. To properly site a well and meet all requirements of the Department of Environmental Conservation a minimum of a two acre parcel would be required. The unavailability of sufficient land on the east side of the canal significantly reduces the feasibility of constructing a new well facility in this area. Instead, the District should investigate other locations to construct a new well to supplement the already taxed system. The new well site should be located on the west side of the canal, but towards the central to eastern portion of the District. One possible location to consider would be the District's existing Well field No. 2. Although the site of two wells, the proper acreage remains to construct a new facility while maintaining required clearances.

Since the locating of a new well east of the canal is assumed to not be feasible, in order to help improve service to the Canal Properties, a second water main shall be installed crossing the Shinnecock Canal from west to east. This main will not only enable the District to better service to the proposed development but will provide a level of redundancy to the east side of the canal in the event that the existing crossing along Sunrise Highway is lost.

Should you have any questions or comments, please contact this office.

Very truly yours,

H2M architects + engineers

John R. Collins, P.E.

JRC/rgc
Enclosure

cc: Supervisor Anna Throne-Holst
Janice Scherer
Kristen McCabe, R Squared
Lawrence Kuo

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Sidney B. Bowne
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235 East Jericho Turnpike
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Mineola, NY 11501
Phone: 516-746-2350
Fax: 516-747-1396
www.bownegroup.com

July 15, 2014

John R. Collins, P.E.
Holzmacher, McLendon & Murrell, P.C.
538 Broad Hollow Road, 4th Floor East
Melville, NY 11747

Re: Response to Water Demand Information
Proposed Canal Properties & Canoe Place Inn, Hampton Bays
H2M No.: HBWD 14-50

Dear Mr. Collins:

We are responding to your request for information on the above captioned property per your letter dated April 10, 2014 (copy attached) and as part of the Final Environmental Impact Study.

The project will consist of three (3) parcels, the Canal property west (N/W/C of Montauk Highway and North Shore Road), Canal property east (N/E/C of Canoe Place Road and North Shore Road and the Canoe Place Inn (N/W/C of Montauk Highway and Newtown Road). The Canal property west will include the demolition of four (4) existing buildings and proposed nine (9) townhouse buildings with total of 37 units. The Canal property east will consists of a proposed waste water treatment plant with a maintenance and lab building. The Canoe Place Inn will consists of rehabilitation of the existing catering hall with rooms and five (5) cottages.

We have included one (1) Concept Site Plan (sheet CP-1, Rev. #5, dated 4/8/14) for the Canal properties and one (1) Concept Site Plan (sheet CP-1, Rev. #5, dated 4/8/14) for the Canoe Place Inn for your use.

A. Canal Property West:

Our estimate of the average consumptive water use is computed as follows:

1. DOMESTIC

- Townhouse Units – 37 units @ 300 GPD/ unit = 11,100 GPD
- Clubhouse/ Amenities – 1,800 SF+/- @ 0.3 GPD/ SF = 570 GPD

2. IRRIGATION

- Landscaped area = 81,036 SF
- Assume 0.5" per week of irrigation water required for 15 weeks (not including effective rainfall)

- Average daily water use for irrigation =

$$81{,}036 \text{ sf} \times \frac{0.5''}{12} \times 15 \text{ weeks} \times 7.48 \text{ gal/cf} \times \frac{1}{365} = 1{,}038 \text{ GPD}$$

Total average daily water use = 11,100 + 570 + 1,038 = 12,708 GPD

Total average yearly water use = 12,708 x 365 days/year = 4,638,420 GPY (4.64 MGY)

B. Canal Property East (WWTP):

Our estimate of the average consumptive water use is computed as follows:

1. DOMESTIC

• Alkalinity Feed Tank Fill Pipe	=	36 GPD
• Outdoor Hose	=	9.3 GPD
• Hand Sink	=	1 GPD
• Utility Sink	=	2.5 GPD
• Water Closet	=	5 GPD
Total average daily water use	=	53.5 GPD

Total average yearly water use = 53.5 x 365 days/year = 19,528 GPY (0.02 MGY)

Note at a given time, there is a peak day per month as follows:

• Alkalinity Feed Tank Fill Pipe	=	250 GPD
• Outdoor Hose	=	260 GPD
• Hand Sink	=	2 GPD
• Utility Sink	=	5 GPD
• Water Closet	=	6 GPD
Maximum Peak flow	=	523 GPD

C. Canoe Place Inn:

Our estimate of the average consumptive water use is computed as follows:

1. DOMESTIC

• Catering Hall – 350 seats @ 7.5 GPD/ seat	=	2,625 GPD
• Restaurant – 70 seats @ 30.0 GPD/ seat	=	2,100 GPD
• Bar – 20 seats @ 15 GPD/ seat	=	300 GPD
• Outdoor – 120 seats @ 15 GPD/ seat	=	1,800 GPD

- Hotel – 20 units @ 100 GPD/ unit = 2,000 GPD
- Cottage (< 1,200 SF) – 2 units @ 225 GPD/ unit = 450 GPD
- Cottage (> 1,200 SF) – 3 units @ 300 GPD/ unit = 900 GPD

Sub-total = 10,175 GPD

2. IRRIGATION

- Landscaped area = 154,050 SF
- Assume 0.5" per week of irrigation water required for 15 weeks (not including effective rainfall)
- Average daily water use for irrigation =

$$154{,}050 \text{ sf} \times \frac{0.5''}{12} \times 15 \text{ weeks} \times 7.48 \text{ gal/cf} \times \frac{1}{365} = 1{,}973 \text{ GPD}$$

Total average daily water use = 10,175 + 1,973 = 12,148 GPD

Total average yearly water use = 12,148 x 365 days/year = 4,434,020 GPY
(4.43 MGY)

Please contact me should you require additional information.

Sincerely,

Steven Feihel (BY LK)

Steven Feihel, P.E.

Cc: Robert King, Superintendent, Hampton Bays Water District
Janice Scherer, Principal Planner, Town of Southampton

H2M architects + engineers
538 Broad Hollow Road, 4th Floor East
Melville, NY 11747
tel 631.756.8000
fax 631.694.4122

April 10, 2014

Steven Feihel, PE
Sidney B. Bowne & Son, LLP
235 East Jericho Turnpike,
Mineola, NY 11501

Re: Hampton Bays Water District
Canal Properties & Canoe Place Inn
H2M Project No.: HBWD 14-50

S.C.T.M. Parcel: 0900-207-05-03 & 04 / 0900-207-04-22.1, 23, 24 & 25 / 0900-208-02-18.1

Dear Mr. Feihel:

We are the consulting engineers for the Hampton Bays Water District and have been directed to respond to your request for water facility maps in the vicinity of the above referenced properties. We have attached a portion of the Town's GIS map showing the existing water main infrastructure in the area.

Briefly, the District maintains a 10" water main along Montauk Highway, west of the canal. The main crossing the canal and on North Highway is 12". The main on Canal Road West is 8".

It should be noted that the portion of the District east of the canal is supplied from a single feed, thus the Water District has historically experienced low pressures situations during peak demand periods on the east side of the canal. Using the District's hydraulic model of the existing distribution system and an assumed demand load of the proposed developments, the District has previously determined that in order to provide adequate fire and domestic service to any development east of the canal, significant improvements to the existing system are necessary. These improvements include the installation of an additional pipe crossing the canal, additional supply east of the canal, the creation of a separate pressure zone or a combination of items.

In order to assess the best and most feasible course of action to supply these proposed developments, please provide the following information in order that a more detailed assessment of the new development can be performed:

1. Anticipated Maximum Day Water Usage
2. Proposed Landscaped Area and Irrigation Demand
3. Proposed Water Demand of the WWTP.
4. Proposed Water Demand of the Canoe Place Inn Development.

Thank you and if you have any further questions, please do not hesitate to contact me.

Very truly yours,

HOLZMACHER, McLENDON & MURRELL, P.C.

John R. Collins, P.E.

cc: Supt. Robert King

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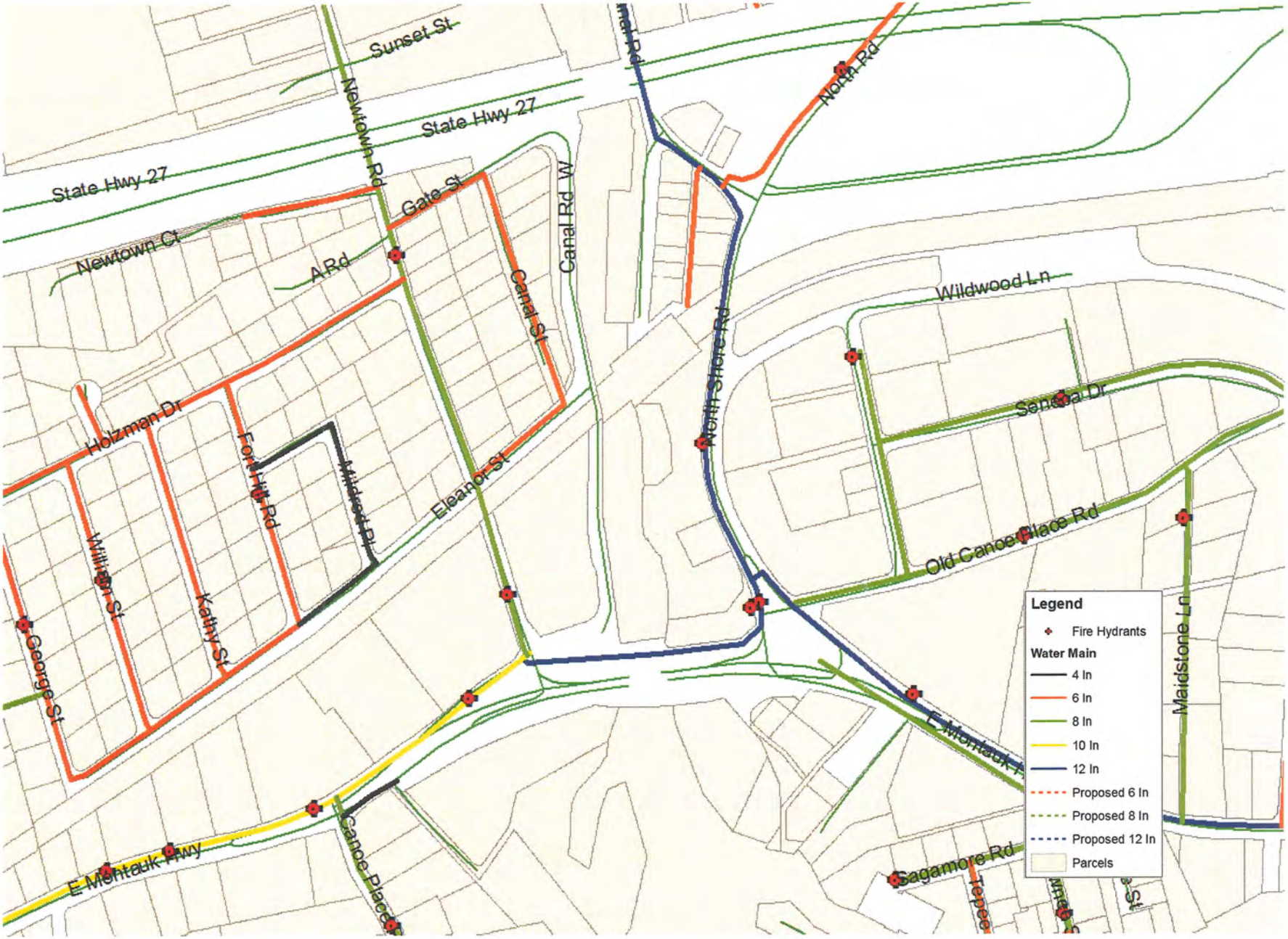
Sunset St
State Hwy 27
State Hwy 27
Newtown Rd
Newtown Ct
Gate St
A Rd
Canal St
Canal Rd W
North Rd
Wildwood Ln
North Shore Rd
Seneca Dr
Holzman Dr
Fort Hill Rd
Mildred Pl
Eleanor St
Old Canoe Place Rd
Willard St
Kathy St
George St
Maidstone Ln
E Montauk Hwy
Canoe Place
Sagamore Rd
Tepee
Legend
Fire Hydrants
Water Main
4 In
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8 In
10 In
12 In
Proposed 6 In
Proposed 8 In
Proposed 12 In
Parcels

Appendix D-6
Letter to HBWD

Sidney B. Bowne & Son, LLP

November 13, 2015

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Sidney B. Bowne
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Mineola, NY 11501
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www.bownegroup.com

November 13, 2015

Robert King, Superintendent, Hampton Bays Water District
Hampton Bays Water District.
P.O. Box 1013
Hampton Bays, NY 11946

Re: Request for Letter of Water Availability
Proposed Canoe Place Inn
Montauk Hwy. & Newtown Road, Hampton Bays
SCTM #: 900-207-5-3 & 4
H2M No.: HBWD 14-50

Dear Mr. King:

We are formally requesting the Letter of Water Availability for the above captioned property. We have enclosed a copy of the estimated water demand previously sent to H2M and to your office.

Please contact me should you require additional information.

Sincerely,

Larry Kuo, P.E.

Cc: John R. Collins, P.E., H2M

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Appendix D-7
Letter to Sidney B. Bowne & Son, LLP

HBWD

November 30, 2015

Town of Southampton
P.O. Box 1013
Hampton Bays, New York 11946

HAMPTON BAYS WATER DISTRICT

ROBERT KING
Superintendent

Telephone (631) 728-0179
Fax (631) 728-2484

WATER AVAILABLITIY

November 30, 2015

Sidney B. Bowne & Son, LLP
235 E. Jericho Tpke – PO Box 109
Mineola, NY 11501
Bowne AE&T Group
Attention: Larry Kuo, PE

Pursuant to your request for Water Availability; the following accounts have water available and have inactive accounts with the HBWD:

Parcel	Account #	Status
900-207-4-22.1	140077	Inactive Account
900-207-4-23	152639	Inactive Account
900-207-5-3	111222	Inactive Account
900-207-5-3	128996	Inactive Account
900-207-5-3	102398	Inactive Account
900-207-5-4	101038	Inactive Account
900-207-5-4	136795	Inactive Account

The following parcels do not have accounts with the Water District but there is water available:
900-207-4-24
900-207-4-25
900-208-2-18.1

There is a 10" Water Main on Montauk Highway; an 8" Water Main on Newtown Road; and a 12" Water Main on North Road.

Should you have any questions, please phone our office.

Yours truly,

Robert King
Superintendent

Appendix D-8
Letter to H2M

SCWA

November 30, 2015

SCWA

SUFFOLK COUNTY WATER AUTHORITY

Paul J. Kuzman
Director of
Construction- Maintenance
paul.kuzman@scwa.com

4060 Sunrise Hwy., Oakdale, New York 11769
(631) 563-0339

November 30, 2015

John R. Collins, P.E.
Senior Project Engineer - H2M Water
538 Broad Hollow Road, 4th Floor East,
Melville, NY 11747

Re: Upgrade of Hampton Bays W.D./SCWA interconnections in Southampton

Dear Mr. Collins;

SCWA is willing to allow Hampton Bays Water District (HBWD) to upgrade the existing manual interconnections for automatic operation for use as a back-up supply in an emergency. There is adequate supply for this purpose in the SCWA Southampton service area which feeds these connections.

Based on our recent meeting the following is the preliminary scope and basic SCWA requirements. There are two interconnections on the east side of HBWD's service area to be upgraded. One is on Oakhurst Rd. and the other is at the intersection of Hillover Rd. East, Peconic Rd. and Montauk Hwy. Both interconnections would be upgraded by HBWD with 6" or 8" automatic pressure regulating valves (PRVs) which would open to supply HBWD at a pre-set pressure when needed. Each valve will have a meter which SCWA will furnish. The meter will have an ERT for remote meter reading via our AMR system. The valve/meter should be housed in a "DT-201" style vault large enough to permit access to service them. The vault should be located out of the travel lane on the shoulder of the ROW. There should also be a bypass gate valve around the PRV/meter to maintain the two-way manual interconnection we currently have. SCWA will maintain the PRV and meter. HBWD and SCWA would coordinate setting/commissioning of the valves based on HBWD requirements.

SCWA will read each meter monthly. There will be no minimum availability charge. Any water consumed will be billed at our standard wholesale rate at the time.

I trust that this should provide you with enough information to move the process forward. As things progress we will continue to hammer out the details and develop a formal agreement. Please feel free to contact me with any questions you may have.

Very truly yours,

Paul J. Kuzman
Director of
Construction-Maintenance

cc: Joseph Pokorny P.E
Doug Celiberti

Appendix D-9
Letter to Applicant

H2M

February 10, 2016

H2M water
538 Broad Hollow Road, 4th Floor East
Melville, NY 11747
tel 631.756.8000
fax 631.694.4122

February 10, 2016

Mr. Andrew Renter
Director of Development and Construction
85 South Service Road
Plainview, NY 11803

Re: Hampton Bays Water District
Canal Place Properties
(S.C.T.M. 900-207-04-22.1, 23, 24 & 25 and 208-02-018.1)
County Route 39 – North Road, Hampton Bays
H2M Project No.: HBWD 16-52

Dear Mr. Renter:

Our firm is the consulting engineer for the Hampton Bays Water District (District) and has been directed to follow up with the previously issued "Letter of Water Availability," dated November 30, 2015 regarding the above referenced project. We understand the owner proposes to redevelop the existing property and construct seven new buildings containing thirty-seven town homes.

As stated in previous correspondence dated October 10, 2014 and November 11, 2014, the District does not currently has the facilities available on the east side of Shinnecock Canal to provide the fire flow needed for a development such as this, in accordance with ISO minimum standards. This deficiency in the distribution system can be attributed to the fact that properties east of the canal are supplied by a single water main crossing the canal. In order to increase the capacity east of the canal a secondary feed was initially recommended. Due to the high cost of this secondary crossing, the District approached the Suffolk County Water Authority (SCWA) and requested an upgrade to the two existing interconnects maintained east of the canal on Montauk Highway and Oakhurst Road. The upgrade of these interconnects will allow the SCWA to supplement District facilities in the event of a fire flow incident.

The SCWA has agreed to the upgrade with the following conditions:

1. Both interconnections will need to be metered.
2. A hydraulic control valve will be installed at each location that will automatically open and close the valve based on pressure in the system.
3. The meter and valve will need to be located within a below grade concrete vault within the shoulder of the roadway.
4. Vault shall be accessible for maintenance.
5. A by-pass of meter and valve shall, exist to enable the District to feed SCWA.

Based on these requirements and in coordinating with the District, we estimate that the cost to upgrade each interconnection is $90,000 for a total of $180,000 including construction costs, metering, engineering, regulatory submission and contingencies.

Approximately three months prior to the owner commencing with construction of Canal Place Properties, an initial project deposit of 10% of the total project cost or $18,000 to initiate the design and regulatory submission should be delivered to the Hampton Bays Water District. Once the initial deposit is made, H2M, in conjunction with the District, will prepare the regulatory documents for the upgrades to the interconnections for approval by the Department of Health and SCWA. We anticipate the timeframe to prepare the drawing and receive approval is twelve to sixteen weeks. After the approval is received, the owner will be required to deposit the balance of funds with the District to initiate the construction and installation phase.

In addition, a final utility plan showing the location of any proposed water mains, services or hydrants shall be submitted to the District for review. We understand the developer/owner proposes to service each of thirty-seven units separately. Based on the location of proposed facilities, the District may require the extension of new water facilities within the development. In this case, all new water mains will be owned by the District with the appropriate easements dedicated by the owner to the District. Please submit a final copy of the site utility plan and grading and drainage plan as soon as available so that a proper determination on how best to serve this development can be made.

Should you have any questions, please feel free contact our office.

Very truly yours,
H2M architects + engineers

John R. Collins, P.E.

cc: Superintendent Robert King

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Appendix D-10
Letter to Town of Southampton PELM

H2M

November 8, 2016

H2M architects + engineers
538 Broad Hollow Road, 4th Floor East
Melville, NY 11747
tel 631.756.8000
fax 631.694.4122

November 8, 2016

Ms. Janice Scherer
Assistant Town Planning Director
Town of Southampton Department of Land Management
116 Hampton Road, Southampton NY

Re: Hampton Bays Water District
Canal Place Properties
(S.C.T.M. 900-207-04-22.1, 23, 24 & 25 and 208-02-018.1)
County Route 39 – North Road, Hampton Bays
H2M Project No.: HBWD 16-52

Dear Ms. Scherer:

At your request, we are herewith providing the Town planning Board with this correspondence to confirm that H2M as engineer for the Hampton Bays Water District (District) are working with Rechler Equity, the developer of the above referenced project, to ensure that the requirements of the District are met. Please see attached letter dated February 10, 2016 outlining the most recent requirements of the District. These requirements include the upgrade of existing emergency interconnections between the District and the Suffolk County Water Authority to ensure adequate needed fire flow is available to the development.

At this time, we are awaiting the initial deposit of funds from the developer to the District to begin design of the emergency interconnect upgrades. It should also be noted that the District has not yet been provided with a recent utility plan showing the proposed water and sanitary facilities. Further requirements may be required of the District once these plans are provided and reviewed.

Should you have any questions, please feel free contact our office.

Very truly yours,
H2M architects + engineers

John R. Collins, P.E.

cc: Superintendent Robert King

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H 2 M water
538 Broad Hollow Road, 4th Floor East tel 631.756.8000
Melville, NY 11747 fax 631.694.4122

February 10, 2016

Mr. Andrew Renter
Director of Development and Construction
85 South Service Road
Plainview, NY 11803

Re: Hampton Bays Water District
Canal Place Properties
(S.C.T.M. 900-207-04-22.1, 23, 24 & 25 and 208-02-018.1)
County Route 39 – North Road, Hampton Bays
H2M Project No.: HBWD 16-52

Dear Mr. Renter:

Our firm is the consulting engineer for the Hampton Bays Water District (District) and has been directed to follow up with the previously issued "Letter of Water Availability," dated November 30, 2015 regarding the above referenced project. We understand the owner proposes to redevelop the existing property and construct seven new buildings containing thirty-seven town homes.

As stated in previous correspondence dated October 10, 2014 and November 11, 2014, the District does not currently has the facilities available on the east side of Shinnecock Canal to provide the fire flow needed for a development such as this, in accordance with ISO minimum standards. This deficiency in the distribution system can be attributed to the fact that properties east of the canal are supplied by a single water main crossing the canal. In order to increase the capacity east of the canal a secondary feed was initially recommended. Due to the high cost of this secondary crossing, the District approached the Suffolk County Water Authority (SCWA) and requested an upgrade to the two existing interconnects maintained east of the canal on Montauk Highway and Oakhurst Road. The upgrade of these interconnects will allow the SCWA to supplement District facilities in the event of a fire flow incident.

The SCWA has agreed to the upgrade with the following conditions:

1. Both interconnections will need to be metered.
2. A hydraulic control valve will be installed at each location that will automatically open and close the valve based on pressure in the system.
3. The meter and valve will need to be located within a below grade concrete vault within the shoulder of the roadway.
4. Vault shall be accessible for maintenance.
5. A by-pass of meter and valve shall, exist to enable the District to feed SCWA.

Based on these requirements and in coordinating with the District, we estimate that the cost to upgrade each interconnection is $90,000 for a total of $180,000 including construction costs, metering, engineering, regulatory submission and contingencies.

Approximately three months prior to the owner commencing with construction of Canal Place Properties, an initial project deposit of 10% of the total project cost or $18,000 to initiate the design and regulatory submission should be delivered to the Hampton Bays Water District. Once the initial deposit is made, H2M, in conjunction with the District, will prepare the regulatory documents for the upgrades to the interconnections for approval by the Department of Health and SCWA. We anticipate the timeframe to prepare the drawing and receive approval is twelve to sixteen weeks. After the approval is received, the owner will be required to deposit the balance of funds with the District to initiate the construction and installation phase.

In addition, a final utility plan showing the location of any proposed water mains, services or hydrants shall be submitted to the District for review. We understand the developer/owner proposes to service each of thirty-seven units separately. Based on the location of proposed facilities, the District may require the extension of new water facilities within the development. In this case, all new water mains will be owned by the District with the appropriate easements dedicated by the owner to the District. Please submit a final copy of the site utility plan and grading and drainage plan as soon as available so that a proper determination on how best to serve this development can be made.

Should you have any questions, please feel free contact our office.

Very truly yours,
H2M architects + engineers

John R. Collins, P.E.

cc: Superintendent Robert King

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