



**FINAL Environmental Impact Statement
The Hills at Southampton
Mixed-Use Planned Development District (MUPDD)**

Town of Southampton, Suffolk County New York
Volume I of II (Main Text, Figures and Plans)



September 1, 2017



Final Environmental Impact Statement

THE HILLS AT SOUTHAMPTON

Mixed-Use Planned Development District (MUPDD)

Hamlet of East Quogue, Town of Southampton
Suffolk County, New York

Prepared for:

DLV Quogue, LLC
14605 North 73rd Street
Scottsdale, Arizona 85260
Contact: Joey Arenson
(310) 859-0700
jarenson@discoverylandco.com

Discovery Land Company
14605 North 73rd Street
Scottsdale, Arizona 85260
Contact: Mark Hissey
(631) 335-1003
mhissey@discoverylandco.com

John Kracke (*Kracke Property*)
c/o Gibert Flanagan
Bourke, Flanagan & Asato, P.C.
21 South Main Street
Southampton, New York 11968
(631) 283-0046

Carolyn S. Parlato (*Parlato Property*)
c/o Randall C. Weichbrodt
436 Montauk Highway
East Quogue, New York 11942
(631) 653-6603

For Submission to:

Town of Southampton
Town Clerk
116 Hampton Road
Southampton, NY 11968
Contact: Sundry Schermeyer
(631) 287-5470

Lead Agency:

Town of Southampton
Town Board
116 Hampton Road
Southampton, NY 11968

Prepared by:

Nelson, Pope & Voorhis, LLC (*Environmental Planning & Analysis*)
572 Walt Whitman Road
Melville, New York 11747

Contact: Charles J. Voorhis, CEP, AICP
(631) 427-5665
cvoorhis@nelsonpope.com

Becker Brothers LLC (*Project Development Consultant*)
55 Fifth Avenue, 14th Floor
New York, NY 10003
Contact: David Becker
(212) 216-6032
david@beckerbrothers.net

VITA Planning and Landscape Architecture (*Project Architect*)
181 Third Street, Suite 250
San Rafael, CA 94901
Contact: Don Vita
(415) 259-0190
dvita@vitainc.com

Hart Howerton (*Clubhouse Architect*)
10 East 40th Street
New York, New York 10016
Contact: Carl Pearson, Sr. Assoc.
(212) 683-5842
cpearson@harthowerton.com

Fazio Golf Course Designers, Inc. (*Golf Course Architect*)
401 North Main Street, Suite 400
Hendersonville, NC 28792
Contact: Brian Courcelle
(828) 693-0052
bcourcelle@faziodesign.com

EQGC (*Environmental Planning for Golf Course*)
PO Box 244
East Quogue, New York 11942
Contact: Jeff Seeman
(631) 954-1238
(631) 872-9116 (*cell*)
jlscost@optonline.net

Nelson & Pope, LLP (*Project Engineering*)
572 Walt Whitman Road
Melville, New York 11747
Contact: Osman Barrie, PE (*traffic*)
obarrie@nelsonpope.com
Gary Becker, PE (*civil*)
gbecker@nelsonpope.com
Greg Peterman, PLS (*surveyor*)
gpeterman@nelsonpope.com
(631) 427-5665

UrbanGreen (*Sustainable Development Advisor*)
511 Johnson Street
Healdsburg, California 95448
Contact: Jim Heid
(415) 218-6709
jim@urbangreen.net

O'Shea, Marcincuk & Bruyn (*Project Counsel*)
250 North Sea Road
Southampton, NY 11968
Contact: Wayne Bruyn, Esq.
(631) 283-7007
wbruyn@omblaw.com

Aqua Agronomic Solutions, Inc. (*Irrigation System Design*)
PO Box 5532
Clinton, New Jersey 08809
Contact: Paul Granger
(908) 730-7887
paul@aasigolf.com

Tracker Archaeology Services, Inc. (*Cultural Resources*)
62 Pickerel Road
Monroe, NY 10950
Contact: Al Cammisa, President
(845) 783-4082
trackera@optonline.net

P.W. Grosser Consulting, Inc. (*Groundwater Resources*)
630 Johnson Avenue, Suite 7
Bohemia, New York 11716
Contact: Paul W. Grosser, PhD., PE, President/CEO
(631) 589-6353
paulg@pwgrosser.com

Greenman-Pederson, Inc. (*Document Review*)
325 West Main Street
Babylon, New York 11702
Contact: Robert Grover, Vice President
(631) 761-7369
rgrover@gpinet.com

Environmental & Turf Services, Inc. (*Pesticides*)
11141 Georgia Avenue, #208
Wheaton, Maryland 20902
Contact: Stuart Z. Cohen, PhD., CGWP, President
(301) 933-4700
info@environmentalandturf.com

*Reviewed and final draft
prepared by:*

Town of Southampton
Department of Land Management
Southampton, New York 11968
Contact: Kyle P. Collins, AICP
(631) 702-1800
kcollins@southamptontownny.gov

Allee King Rosen + Fleming, Inc. (*SEQRA Consultant*)
440 Park Avenue South
New York, New York 10016
Contact: Robert White
(212) 696-0670
rwhite@akrf.com

Marty Petrovic Ph. D (*Environmental Consultant*)
62 East Seneca Road
Trumansburg, New York 14886
(607) 227-0310
amp4@cornell.edu

This document, together with the Draft EIS concerning this proposal, represents a Final EIS. Copies are available for public review and comment at the office of the Lead Agency. Comments on the Final EIS should be submitted to the Lead Agency listed above by _____ to be included in the public record and considered in the Findings Statement.

Date Final EIS Accepted: _____

TABLE OF CONTENTS
Volume I of II

	<u>Page</u>
COVER SHEET	i
TABLE OF CONTENTS	v
INTRODUCTION	I-1
Purpose of this Document	I-1
Organization of this Document	I-2
Description of the Updated Master Plan and Comparative Impact Analysis	I-3
Introduction to the Updated Master Plan	I-4
Description of the Updated Master Plan	I-4
Comparative Impact Analysis	I-19
1.0 RESPONSES TO COMMENTS ON THE DESCRIPTION OF THE PROPOSED PROJECT	1-1
1.1 Introduction	1-1
1.2 Project Overview	1-1
1.3 Project Description	1-1
1.4 Project Background, Need, Objectives and Benefits	1-6
1.5 Project Area Location	1-7
1.6 Project Design and Layout	1-7
1.7 Construction Process and Operations	1-19
1.8 Permits and Approvals Required	1-23
2.0 RESPONSES TO COMMENTS ON NATURAL ENVIRONMENTAL RESOURCES	2-1
2.1 Geological Resources	2-1
2.2 Water Resources	2-1
2.3 Ecological Resources	2-10
3.0 RESPONSES TO COMMENTS ON HUMAN ENVIRONMENTAL RESOURCES	3-1
3.1 Transportation Resources	3-1
3.2 Land Use, Zoning and Plans	3-4
3.3 Community Facilities and Services	3-18
3.4 Community Character	3-19
3.5 Cultural Resources	3-19
4.0 RESPONSES TO COMMENTS ON OTHER REQUIRED SECTIONS	4-1
4.1 Construction-Related Impacts	4-1
4.2 Cumulative Impacts	4-2
4.3 Adverse Impacts that Cannot Be Avoided	4-4
4.4 Irreversible and Irrecoverable Commitment of Resources	4-4
4.5 Effects on the Use and Conservation of Energy Resources	4-5
4.6 Impact on Public Health	4-5
4.7 Growth-Inducing Aspects	4-7

4.8	Summary of Mitigation Measures	4-14
5.0	RESPONSES TO COMMENTS ON ALTERNATIVES CONSIDERED	5-1
5.1	Alternative 1: No Action	5-1
5.2	Alternatives 2A and 2B: Development per Current Zoning & Regulatory Controls	5-1
5.3	Alternative 3: Development per the East Quogue LUP	5-3
5.4	Alternative 4: Reduced Density	5-3
5.5	Alternative 5: Alternative Site Designs	5-4
5.6	Alternative 6: Alternative Technologies	5-4
5.7	Alternative 7: Lesser Impact Alternative	5-4
5.8	Summary and Conclusion	5-7
6.0	MISCELLANEOUS COMMENTS	6-1
6.1	Statements of Opposition to Project	6-1
6.2	Statements of Support of Project	6-1
6.3	School Enrollment	6-1
6.4	Questions Regarding Site Employees during Off-Season	6-3
6.5	Perceived Questionable Performance of Applicant at Baker’s Bay and in East Quogue	6-3
6.6	Prefer that the Site be Bought and Preserved for Public Open Space	6-5
6.7	Town Board Can and Should Impose Conditions on the Project, to Reduce Potential Impacts	6-5
6.8	Questions Regarding the Impartiality of the Town Board Administration of the SEQRA Review and PDD Application	6-6
6.9	Question Regarding the Authenticity of Signatures on Petitions in Support of the Project	6-6
6.10	Statement Supporting Deference to Facts Concerning Project	6-6
6.11	Assertion that the Public Hearings were Unfair to Speakers Opposed to the Project	6-6
6.12	Suggested Town Board Resolution to Deny Application	6-7
6.13	Questions Regarding the Completeness of Draft EIS with Respect to the Scope and Provision of Alternative Plans	6-7

FIGURES

1-1	Soil Removal Options	following page 1-15
2-1	USEPA’s PRZM-GW Conceptual Model	2-2
3-1	Slope Analysis within the PDD Coverage Area	following page 3-17

MAPS AND PLANS

(in pouches at the back of Volume I; all plans by VITA Planning and Landscape Architecture)

Updated PDD Master Plan, June 28, 2017
Updated PDD Color-Coded Master Plan, June 29, 2017
Updated PDD Coverage Plan, June 13, 2017
Updated PDD Landscape Concept Plan, June 28, 2017
Updated PDD Lot Coverage Diagram - PDD Woodland Estate, June 28, 2017
Updated PDD Lot Coverage Diagram - PDD Village Lot, June 28, 2017
Updated PDD Well Site Access Diagram, June 28, 2017
Construction Management Plan, June 28, 2017
Preliminary Plant List, June 28, 2017
Conceptual Plan: Alternative 2A (Hills South Parcel), June 27, 2017
Conceptual Plan: Alternative 2A (Kracke Property), June 13, 2017
Conceptual Plan: Alternatives 2A, 2B & 3 (Parlato Property), June 13, 2017
Conceptual Plan: Alternative 2B (Hills South Parcel/Kracke Property), June 27, 2017
PRD 2B Landscape Concept Plan, June 13, 2017
PRD 2B Coverage Plan, June 27, 2017
Lot Coverage Diagram - PRD Large Lot, June 13, 2017
Lot Coverage Diagram - PRD Small Lot, June 13, 2017

Volume II of II
APPENDICES

- A Miscellaneous SEQRA and Administrative Documents**
- A-1 Resolution Deeming DEIS for Proposed Project Adequate for Public Review, Town Board, October 11, 2016 (updated October 12, 2016) & Memo Setting Date of Special Public Hearing, Town Supervisor, November 1, 2016
 - A-2 Affidavits of Publishing, Special Public Hearing of November 7, 2016, Town Clerk, 11/3/16
 - A-3 Letter Requesting Extension of Time Period for Written Comments, Wayne Bruyn, Esq., 2/21/17
- B Transcript of Special Public Hearing, Town Board, November 7, 2016**
- C Notice of Special Public Hearing Date, and Hearing Transcript, Town Board, December 5, 2016**
- D Notice of Special Public Hearing Date, and Hearing Transcript, Town Board, January 10, 2017**
- E Notice of Special Public Hearing Date, and Hearing Transcript, Town Board, February 7, 2017**
- F Written Public Comments**
- F-1 Comments on DEIS of the Hills PDD, Christopher J. Gobler, PhD., March 2017
 - F-2 Group for the East End Letter, March 28, 2017
 - F-3 Group for the East End Letter and Reduced Impact Alternative, March 31, 2017
 - F-4 Leggette, Brashears & Graham, Inc. Memo, November 7, 2016

- F-5 Analysis of Critical Issues within the 09/16/2016 Discovery LLC. MUPDD “Hills” DEIS Submission, Ron Nappi, undated
- F-6 Shinnecock Nation Letter, February 7, 2017
- F-7 Carolyn Zenk, Esq. Letter, September 29, 2016
- F-8 Carolyn Zenk, Esq. Letter, October 5, 2016
- F-9 Carolyn Zenk, Esq. Letter, October 12, 2016
- F-10 Carolyn Zenk, Esq. Letter, October 23, 2016
- F-11 Carolyn Zenk, Esq. Letter, November 21, 2016
- F-12 Carolyn Zenk, Esq. Letter, November 28, 2016
- F-13 Carolyn Zenk, Esq. Letter, March 27, 2017 (first)
- F-14 Carolyn Zenk, Esq. Letter, March 27, 2017 (second)
- G Written Agency Comments**
 - G-1 Central Pine Barrens Joint Policy & Planning Commission, November 16, 2016
 - G-2 Central Pine Barrens Joint Policy & Planning Commission, December 5, 2016
 - G-3 Town Planning Consultant Review of the DEIS, AKRF, May 15, 2017
- H Documents Regarding Baswood Advanced Wastewater Treatment System**
- I Testimony at Special Public Hearings, Wayne D. Bruyn, Esq.**
 - I-1 November 7, 2016
 - I-2 December 5, 2016
 - I-3 February 7, 2017
- J Peer Reviews**
 - J-1 Technical Assessment of the Hills Golf Course and Residential Development Project, A.J. Turgeon, PhD., undated
 - J-2 Review of ITHMP, Michael A. Fidanza, PhD., January 10, 2016
 - J-3 Nitrogen Loading and Mitigation Evaluation, ZEB Environmental Solutions, Inc., June 28, 2017
 - J-4 Review of SONIR Model, FPM, Inc., June 29, 2017
- K Materials in Support of Comments Provided During Special Public Hearings**
 - K-1 Ron Nappi, Special Public Hearing of November 7, 2016
 - K-2 Andrea Spilka, Special Public Hearing of January 10, 2017
 - K-3 Richard Amper, Special Public Hearing of December 5, 2016
 - K-4 Carolyn Zenk, Esq., Special Public Hearing of November 7, 2016
- L Letters, Petitions, Cards, and E-mails**
 - L-1 Letters Opposed to Project (24 letters)
 - L-2 Letters Supporting Project (48 letters)
 - L-3 Petitions Supporting Project (1,884 petitions)
 - L-4 Southampton Water Protection Alliance Cards (1,895 Opposed; 37 Supporting) & Applicant’s Response
 - L-5 E-mails Opposed to Project (49 e-mails)
 - L-6 E-mails Supporting Project (22 e-mails)
- M Response to Report by Arthur Goldberg, Ph.D., “Pesticide Analysis of the Draft Environmental Impact Statement Submitted by Discovery Land Company for The Hills at Southampton Change of Zone Proposal from Five Acre Zone and Aquifer Protection Overlay District to Planned Development District (PDD) and Recommendations” (February 8, 2017), Stuart Z. Cohen, Ph.D., CGWP (Study**

- Director) & N. LaJan Barnes, M.S., P.G. (Hydrogeologist), Environmental & Turf Services, Inc. Wheaton, MD
- N Bahamas Coral Reef Report Card, Volume I: 2011-2013, Dahlgren, C., K. Sherman, J. Lang, P.R. Kramer, & K. Marks. 2016.**
- O Fiscal & Economic Impact Analysis, NP&V, LLC, Revised June 2017**
- P Central Pine Barrens Clearinghouse Letter, December 3, 2015**
- Q PBC-Related Documents**
- Q-1 Available PBCs in the Town of Southampton as of June 1, 2017, CPB Clearinghouse
- Q-2 Tax Lots of Land in East Quogue UFSD, to Possibly Generate PBCs
- R Water Resource and Nitrogen Budget-Related Documents**
- R-1 SONIR Computer Model User's Guide (Revised)
- R-2 SONIR Computer Model Results, Updated Master Plan
- R-3 SONIR Computer Model Results, Existing Conditions
- R-4 SONIR Computer Model Results, Alternative 2a
- R-5 SONIR Computer Model Results, GEE Equestrian Use Alternative
- R-6 Intentionally left blank
- R-7 Nitrogen Load Comparison Chart and Off-Site Benefit Analysis
- R-8 April 25, 2017 Letter and Attachments from Mark Hissey, Senior Vice President, Discovery Land Company to Supervisor Jay Schneiderman and the Town Board
- R-9 Water Resource Technical Meeting Minutes February 1, 2017 & March 17, 2017
- S Materials in Support of Response to Fertigation Comment, Section 1.6.6, P.W. Grosser Consulting, Inc.**
- T Materials in Support of Response to GEE Reduced-Impact Alternative**
- U Yield Map - East Quogue Development LLC (33 acre parcel)**
- V Community Benefit Table**
- W Draft The Hills at Southampton MUPDD Law**

INTRODUCTION AND PROPOSED PROJECT MODIFICATIONS

A. Purpose of this Document

This document is the Final Environmental Impact Statement (Final EIS) that analyzes the potential environmental impacts of a proposed action which is an application before the Town of Southampton Town Board for a proposed Mixed-Use Planned Development District (MUPDD) that is referred to as “The Hills at Southampton.” The proposed project site is located in East Quogue, Town of Southampton, Suffolk County, New York, and is comprised of four distinct parcels in three properties totaling 591 acres. The MUPDD application is under review by the Town Board of the Town of Southampton and in accordance with the requirements of the State Environmental Quality Review Act (SEQRA). The Town Board has also assumed Lead Agency status for this environmental review process. Of the total 591 acres project site, 165.53 acres has been proposed for a development as a seasonal resort that will be comprised of 118 seasonal housing units. The proposed project also includes a 97.81 acre private golf course, and a 37,860 square foot private clubhouse that will also provide onsite amenity services strictly accessory to the proposed development. To implement the Proposed Project requires supporting infrastructure improvements including a private access road with a gatehouse across a separate parcel that will connect with Lewis Road, internal private roads to provide access to residences and other facilities, a two-level below grade parking facility associated with the clubhouse, supporting storm water management and other infrastructure improvements, and accessory structures and facilities related to project operations (e.g., groundwater pumping wells, operational and maintenance structures for the golf course). Outside of the development area, the proposed project would provide 424.14 acres of open space.

This FEIS 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). During the preparation of the Draft Environmental Impact Statement (DEIS), the Southampton Town Board completed a coordinated review with involved agencies (i.e., agencies that also have discretionary decisions to make on this project, such as the Suffolk County Water Authority [SCWA]). The Town Board determined that the proposed project 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 project on April 14, 2015. The Town Board also conducted a DEIS scoping process in conformance with 6 NYCRR Part 617.8, providing public meetings on a review of the Draft Scope of Work and accepting both spoken and written comments on the Draft Scope. A Final Scope of Work was then issued on July 1, 2015. The DEIS was then prepared based on the Final Scope. The DEIS described the proposed project, including the project site and area resources, discussed the potential environmental impacts of the project, presented measures to mitigate adverse impacts, and examined alternatives to the Proposed Project.

The DEIS was initially submitted to the Town Board in December 2015, and after a series of Town reviews and applicant revisions and resubmissions, the DEIS was accepted as complete by the Town on October 12, 2016. Upon acceptance, the public review period commenced and the Town Board scheduled the 1st DEIS public hearing on November 7, 2016 (see **Appendices A-1**

and A-2; all appendices can be found in Volume II of II). On November 7, the Town Board also determined that additional public hearings and an extended public comment period on the DEIS were appropriate. The additional public hearings were held on December 5, 2016, January 10, 2017, and February 7, 2017. The Town Board also accepted all written comments on the DEIS through April 1, 2017 (see **Appendix A-3**). A review letter summarizing on the proposed application was also received from the Town's environmental consultant on May 15, 2017 (see **Appendix G-3**).

As required by SEQRA, it is the objective of this FEIS to address all substantive comments made on the DEIS during this review period.

It is also the objective of this Final EIS to provide the public and involved government agencies with the information necessary to take an action on the Proposed Project. This FEIS incorporates the DEIS information by reference, and also provides additional information in response to the comments received on the DEIS. Based on SEQRA regulations, after acceptance of the FEIS by the Lead Agency, there must be a minimum 10-day period prior to the preparation and adoption of a Findings Statement, which is the final step in the SEQRA decision making process.

Organization of this Document

Comments on the Draft EIS were provided as public testimony during four special public hearings and submitted in writing during the comment period. **Appendices B through E** contain the transcripts of the November, December, January and February special public hearings, respectively, **Appendices F-1 through F-14** contain the written comments received by the lead agency from the public, and **Appendices G-1 through G-3** contain the written comments from governmental agencies. The comments are then summarized and responded to in the following Chapters of this FEIS, as follows:

- 1.0 RESPONSES TO COMMENTS ON THE DESCRIPTION OF THE PROPOSED PROJECT**
- 2.0 RESPONSES TO COMMENTS ON NATURAL ENVIRONMENTAL RESOURCES**
- 3.0 RESPONSES TO COMMENTS ON HUMAN ENVIRONMENTAL RESOURCES**
- 4.0 RESPONSES TO COMMENTS ON OTHER REQUIRED SECTIONS**
- 5.0 RESPONSES TO COMMENTS ON ALTERNATIVES CONSIDERED**
- 6.0 MISCELLANEOUS COMMENTS**

Each substantive comment in each of the twenty-one (21) above-named appendices has been identified and numbered sequentially. This numbering system includes a letter code that indicates the appendix in which the comment is located, followed by a number that is assigned to each comment within that appendix (e.g., B-5, F-5.17, G-2.1, etc.). Also provided is the subsection of this document where the response will be found. In this way, a reciprocal relationship is created between the comments and the responses: the comment can be located, if

one wishes to match the response to the comment that generated it, or if one is reviewing the comments and wishes to match it against its response. The comment numbers to which the response refers are listed in each subsection, so that the reader may refer to the appropriate appendix to review a comment in its original form.

Overall, there were 478 separate comments on the DEIS. **Appendix B** contains 100 comments, **Appendix C** contains 113 comments, **Appendix D** contains 70 comments, **Appendix E** contains 111 comments, **Appendices F-1 through F-14** contains 44 comments, and **Appendices G-1 through G-2** contains 40 comments. There were 438 public comments and 40 agency comments.

The contents of the remaining appendices in this document present other materials submitted to the Lead Agency as part of the DEIS review process, such as letters, petitions, and e-mails. The Appendices also include additional supplemental project information that was prepared in response to the comments raise on the DEIS (see the Table of Contents for a complete list of all Appendices)

B. DESCRIPTION OF THE UPDATED PDD MASTER PLAN AND COMPARATIVE IMPACT ANALYSIS

In response to comments received on the DEIS, the Applicant has submitted an updated Master Plan. This **Updated PDD Master Plan** (see Plans Section in the back of Volume I) was prepared to address public and agency comments on the DEIS and also reflects project updates that resulted from discussions with the Town, the Suffolk County Water Authority (SCWA), Suffolk County Department of Health Services (SCDHS), and Suffolk County Department of Public Works (SCDPW) during the DEIS review. These modifications include, but are not limited to: relocation of the proposed SCWA well field and the addition of a full, tertiary sanitary wastewater treatment system that would serve the proposed development. The Master Plan updates are described below.

As stated above, the SEQRA process anticipates that changes to a project may occur in response to comments and community input as the DEIS review process proceeds, or as updated information on site design, building configuration and architecture, and/or related changes in the project design are made in response to comments. Based upon the DEIS review the Applicant has modified the Master Plan presented in the DEIS in order to be address to comments where appropriate. This Updated PDD Master Plan design is provided in the “Plans” section of this document. The “Plans” section located at the end of Volume I of the FEIS contains the following: **Updated PDD Color-Coded Master Plan, Updated PDD Master Plan, Updated PDD Landscape Concept Plan, Updated PDD Coverage Plan, and the PDD Lot Coverage Diagrams**). It is recognized that with these changes, the basic concept of the Proposed Project remains unchanged from that described in the Draft EIS; a comprehensively-planned mixed-use MUPDD, featuring seasonal resort housing units, a private golf course, and the supporting infrastructure improvements (see the description above). A summary of the changes in the proposed project since the release of the DEIS follows:

- A preliminary identification of the tertiary sanitary wastewater treatment system to be constructed, and its location within the project site, has been determined.¹
- Based on input provided by the SCWA, the location of the 4-acre area to be dedicated to the SCWA for a new public supply well field may be changed, to an area to the east of the site shown in the Draft EIS, abutting the Town property that runs adjacent to the project site's eastern boundary.

Aside from the updates to the Master Plan, the applicant offers the following new or updated information in relation to the set of Community Benefits associated with the project:

- The applicant proposes to purchase and retire 30 Pine Barrens Credits (PBCs; a number equivalent to the yield of the project's golf course component)
- The \$1 million set aside for sanitary system upgrades described in the DEIS to be utilized to upgrade non-conforming sanitary systems with Innovated/Alternative Onsite Waste Water Treatment System(I/A OWTS)
- Installation of an on-site waste water treatment system at the East Quogue Elementary School.
- The applicant will purchase an additional 33 acres of land in East Quogue that are owned by the Parlato family and are currently under subdivision application based on a yield of 29 lots. DLC would retire these units, as well as the 30 PBCs noted above.

Proposed Sanitary Wastewater Treatment System

In the DEIS, the Applicant noted that due to the relatively low-density and seasonality of the Proposed Project, an on-site sewage treatment plant was not required under SCDHS regulations. The Applicant, however, did commit to installation of sanitary wastewater treatment system capable of treating nitrogen to concentrations less than 19 mg/l. As stated in the DEIS, the Applicant remains committed to providing tertiary sewage treatment for the Proposed Project although under Suffolk County Sanitary Code (SCSC) Article 6, such a level of treatment is not required. Since the release of the DEIS, the Applicant has further investigated the potential use of full tertiary treatment systems at the site to achieve nitrogen effluent concentrations of less than 10 milligrams per liter (mg/l).

The project's proposed STP facility will be located in the northwestern corner of the project site (on the Kracke property), in an area that is presently unvegetated (see **Updated PDD Master Plan**). This location is in-line with groundwater flow that shows elevated nitrogen concentrations from up gradient historic/current farming, and is on the west side of the site to situate the STP as far as possible from down gradient wetlands and surface waters associated with Weesuck Creek. The facility is central to the development and optimally located based on site design, clearing, distance from surface waters and location of discharge in an area that is not pristine in terms of ambient nitrogen. An area for this facility has been set aside on the site plan that can accommodate future expansion and may be necessary, in accordance with applicable SCDHS requirements.

¹ The applicant has identified the Baswood Biovore treatment system as a probable installation and has used this technology on other Discovery Land Company (DLC) projects with excellent results. DLC commits to providing tertiary (nitrogen removal) treatment using an approvable system that is appropriate for the seasonal wastewater flow of the project and achieves compliance with lower than the maximum nitrogen effluent limitation of 10 mg/l. (see **Appendix H** for supplemental laboratory data from the Baswood Biovore sewage treatment plant (STP))

Proposed Public Water Supply Wellfield

The Applicant has been engaged in discussions with the SCWA since the release of the DEIS. Based on these conversations, the proposed 4-acre dedication for a new public water supply well field may be relocated from what was presented in the DEIS and originally accepted by SCWA. Specifically, and as shown in the **Updated PDD Master Plan**, the well field dedication area may be located to a site abutting the Town property that parallels the site's eastern boundary (see **Updated PDD Well Site Access Diagram**). The Proposed Project is offering this 4-acre property to SCWA which is consistent with the project benefit presented in the DEIS

This proposed location could be accessible for construction and maintenance purposes via the project site. SCWA has indicated that with improvements to the existing water supply distribution system, the water supply needs of proposed project can be accommodated by SCWA. This need for an additional well field was identified in the East Quogue Land Use Plan (LUP) Generic EIS for existing and expected future water supply needs. It is expected that clearing will be necessary to construct and provide access to this proposed well field site. Consideration has been given to this clearing as it relates to Standard 5.3.3.6.1 (Vegetation Clearance Limits) of the Central Pine Barrens (CPB) Comprehensive Land Use Plan (CLUP). Under the definition of development as contained in ECL Article 57, a public utility is exempt from the clearing restrictions. As stated above, the well field is not required to specifically serve the proposed project, but was identified as a needed element for existing and future water supply needs of the service area, which includes the proposed project. Nevertheless, the area of dedication is subtracted from the total property size for the purpose of calculating vegetation clearance limits. Specifically, the allowable 28.24% clearing limit is applied to 587 acres (591-acre total project site minus 4-acre dedication area), resulting in an allowable clearing limit of 165.53 acres. As a result, even though this is a public utility use which is exempt from CPB CLUP clearing limits, it is accounted for in terms of clearing for The Hills project, and continues to be offered as a public benefit of the project under the MUPDD.

Use of Pine Barrens Credits (PBCs)

A principal basis to support the sustainability of the Transfer of Development Rights (TDR) program in the Central Pine Barrens (CPB) Comprehensive Land Use Plan (CLUP) was the establishment of Planned Development Districts (PDDs) as receiving sites for Pine Barrens Credits (PBCs) (see Section 330-240C of the Town Zoning Code). The Proposed Project presented in the DEIS did not include the use of any PBCs. During the review of the DEIS and based upon comments from the Town's Department of Land Management and the staff of the Central Pine Barrens (CPB) Commission ("the Commission"), and as requested by the CPB Clearinghouse (see **Appendix P**), the applicant has amended the proposed project to include the redemption of 30 PBCs which is proposed to address the inclusion of a golf course in this mixed use project. The underlying zoning of the subject property is CR-200, where 200,000 square feet of land area is required per dwelling unit. One PBC is equivalent to one dwelling unit. The current layout and design of the golf course indicates a golf course area of approximately 130 acres, which translates to 28 dwelling units or 28 PBCs. Understanding that there may be minor modifications of the layout and design once the application is fully engineered and reviewed by the Town Planning Board, the applicant is nonetheless committing to the redemption of 30 PBCs. This proposed redemption of the PBCs fulfills the goals and recommendations of the

CLUP and the Town Zoning Code and provides conformance with the MUPDD objectives by eliminating the potential development associated with those PBCs.

Town Zoning Code, Section 330-245 I (5) states that, when determining the community benefit requirement for a proposed PDD, the Town Board shall consider:

Whether the project is in a school district with unredeemed Pine Barrens credits. If so, priority shall be given to PBC redemption as all or part of the required community benefit

Included within **Appendix Q-1** is the complete Pine Barrens Clearinghouse Registry as of June 1, 2017 which includes credits from the Towns of Riverhead and Brookhaven. While credits from neighboring Towns may be available, in order to consider it as a community benefit the PB credits transferred for this application would be required to be generated from within the Town of Southampton. Based on the spreadsheet in **Appendix Q-1**, there are 168.53 PBCs within the Town of Southampton and at least 38 PBCs available within a 2.5 mile radius of the subject site (See WJF Realty). It is noted that there are at present no PBCs currently available/registered for sale from core parcels within the East Quogue UFSD (see **Appendix Q-1**). As indicated above, utilizing unredeemed credits within the same school district are a priority and therefore the Town Board could potentially condition the applicant to make a good faith effort to solicit credit purchases from core property owners within the East Quogue School District. In the case where such purchase is not possible due to the absence of a willing seller, the Code accounts for a scenario in which PBC may be received from another school district where the applicant demonstrates that the transfer does not result in a significant adverse impact upon the sending school district or the receiving school district [See Zoning §330-221 B (9)]. In the subject application, the 30 Pine Barrens credits proposed to be extinguished are meant to offset the nitrogen-related density of the golf course and as such would not have school district impacts since they would not result in any additional housing construction.

Community Benefits to address existing impairment of surface waters in East Quogue

As stated in the DEIS, the applicant has been committed to assisting the community in addressing the existing impacts of non-conforming septic systems have on the surface waters of Weesuck Creek and western Shinnecock Bay. As a result, the Proposed Project has offered to provide \$1,000,000 in a fund for the upgrade of existing sanitary systems within Weesuck Creek watershed with I/A OWT Systems.

In addition, the applicant has offered to install an on-site sanitary treatment facility at the East Quogue Elementary School, as a community benefit. The East Quogue Elementary School has been identified as a site that contributes nitrogen to the Weesuck Creek Watershed and the possibility of installing an on-site sewage treatment system could therefore be considered an additional public benefit. The incorporation of such a sewage treatment facility with nitrogen removal would provide a benefit with respect to local groundwater and surface water quality and reductions in nitrogen loading.

The Long Island Workforce Housing Law

The Southampton Town Code, Chapter 216, Article II presents the procedure and requirements for the Town's Long Island Workforce Housing Act legislation. Section 216-9 A. states as follows:

When the Town approves a subdivision plat or site plan for five or more residential units, or a mixed use development that incorporates five or more residential units, except as otherwise provided in Subsection B of this section, the applicant shall receive a density bonus or other incentive pursuant to a written agreement between the applicant and the Town, and the Town shall require, at the Town's option, that the applicant: (1) Set aside at least 10% of such units for affordable workforce housing on site, or (2) provide other land and construct the required affordable workforce housing units, on another site within the Town; or (3) pay a fee equal to two times the median income for a family of four for the Nassau-Suffolk PMSA as determined by the Federal Department Housing and Urban Development for each of the number of units generated by the 10% density bonus.

Although the applicant proposed to decrease the yield by one unit in order to not have to comply with this section by utilize Section 216-9 C., which stated that "The provisions of this article shall not apply when an applicant elects a lesser percentage than the maximum allowable residential density ...", pursuant to Local Law 10 of 2017 adopted by the Town Board on May 23, 2017 this section of the code was repealed and therefore does not apply.

Given the isolated location of the subject property combined with the fact that proposed project is to be seasonal resort style development with no year round residences the provision of on-site affordable housing is not ideal. Further the applicant does not own additional lands for the construction of off-site housing. Therefore, it is recommended that the application pay the fee as provided in section §216-9 A. (3) code, which equates to the following:

$$\begin{aligned} 118 \text{ units} \times 10\% &= 12 \text{ units} \\ 2017 \text{ AMI } \$110,800 \times 2 &= \$221,600 \\ \$221,600 \times 12 \text{ units} &= \$2,659,200 \end{aligned}$$

Public Open Space Trails

Since the release of the DEIS additional consideration by the applicant to providing on-site trail connections that would support the existing Town trail system. To that end, Applicant representatives met with Julie Lofstad, liaison to the Town Trails Advisory Board, to discuss access, alignment and inter-connection opportunities. This discussion resulted in a concept whereby a trailhead would be provided on the southern part of The Hills South parcel/Town property (both are adjacent to each other) off of Lewis Road just north of the LIRR crossing. This would lead to a north-south trail in the on-site natural open space on The Hills South Parcel east of the golf course and on the Town's adjacent property; as the trail meanders, it would run north to connect to existing off-site trails east of the subject property (see **Updated PDD Master Plan** and also **Updated PDD Landscape Concept Plan**). The existing trail system traverses approximately 1,000 acres of open space in the area east of The Hills, and includes another potential trailhead near Central Avenue and Old Country Road. The eastern trails will be able to access the 15+ acres of former farmland on the Parlato Property (to be dedicated as part of The

Hills project), which will be restored with native grassland and provide a grassland and wooded edge bird refuge accessible to the public. The existing trail system also connects to the northeast then east toward Sears-Bellows County Park and the existing Paumanok Trail. This concept allows for parking and a logical access location to the existing trail network in the area. In addition to this current proposal, the Applicant has proposed to continue the discussion on providing trail opportunities between The Hills Property and the surrounding area. It also noted that the Parlato Property and The Hills North Parcel would both be dedicated to the Town of Southampton under this application to continue to expand the open space and public access continuum in the area. In addition, the 33-acre Parlato Property that the Applicant is proposing in this FEIS as an additional off-site benefit to reduce density/development in the area will also be dedicated to the Town. This parcel can further the connections between the Parlato Property and the Town's preserved land south of Montauk Highway on Shinnecock Bay.

Overall, the applicant is offering to work with the Town to provide a public benefit that expands the existing trail network onto the subject property. The trails created on the subject site will achieve the goal of expanding the existing trail network throughout the Town, and specifically in this area by creating the potential for future trail connection to the west. In addition the applicant has offered to create sub-trail network within the subject property, however, it is noted that any trails created on site that may conflict with the proposed golf course use would only be traversable during the period when the golf course is not in use (October through March). Keeping these goals in mind, the final design of trails on the subject property would be done by the Planning Board, in consultation with the Trails Advisory Board, as part of the site plan review.

In terms of maintenance, applicant representatives also met with the head of the Southampton Town Department of Parks & Recreation (Kristin M. Doulos) about the trail concept. The Parks & Recreation Department indicated they expect they could take over the minimal maintenance of trailheads and trails associated with The Hills inter-connections to the existing trail system, with the volunteer group from the trails society that currently maintains other trails in Southampton Town. As a result, it is expected that the Town Parks & Recreation Department in partnership with the Southampton Trails Society would maintain the proposed trails, trailheads and interconnections with the existing trail system in the areas east of and including the Proposed Project site, as is the current practice in the Town for public trails.

Removal of Excess Excavated Soil

The DEIS identified preliminary grading and associated quantities of material to be filled or cut and removed as excess material from the site which is expected to total 350,000 cubic yards. These preliminary soil removal estimates are unchanged from the DEIS with the **Updated PDD Master Plan**. The DEIS did analyze the potential impacts of the transport of this fill material between the Hills site and East Coast Mines on Lewis Road in detail, consistent with the Final Scope. Although the applicant identified additional options transport this material to the adjoining mine site, as outlined below, this FEIS is based on the original proposal analyzed in the DEIS given the viability of these options is unknown for the reasons outlined below. (see **Response, Section 1.6.9 and Figure 1-1**):

- Option 1: The existing farm road on the western adjacent property, which would avoid commercial vehicle use of Lewis Road.

- Option 2: Lewis Road via the proposed roadway to the proposed project from Lewis Road.
- Option 3: A temporary conveyor belt system would be installed for transporting material to East Coast Mines and the farm road or Lewis Road would be used to import soils to the Hills site. This option reduces vehicle trips on Lewis Road and transports the excess soils to the sand mine pit.
- Option 4: Construct a temporary construction haul road over the adjacent western farmland property to East Coast Mines.

Under options that include the farmland, the Proposed Project must obtain a license agreement with the owners of property. In addition the Town's agricultural easement requires the Town permission to temporarily utilize the existing farm road. The Town encourages, and the Applicant has proposed to continue to pursue the option with the least impact on the community provided all necessary approvals are obtained.

In order to minimize the potential impact to Lewis Road due to the transport of the subject fill material between the Hills property and East Coast Mines a performance bond will be required to ensure Lewis Road is restored to pre-construction conditions.

It is also expected that the Proposed Project will require a NYSDEC Mined Land permit for creation of ponds in excess of 2 acres in size. It is proposed by the Applicant to apply to NYSDEC for the appropriate determination of jurisdiction and/or permit at the time of site plan review.

Updated PDD Master Plan FEIS Comparative Impact Matrix

Table I-1a provides the physical characteristics of the project site that are projected based on the **Updated PDD Master Plan** and **Table I-1b** provides a detailed listing of the project site coverages. These tables are comparable to Tables 1-8b and 1-8c in the DEIS, respectively.

Generally, the values shown in **Tables I-1a and I-1b** are similar to those of the corresponding tables in the DEIS as the changes related to the **Updated PDD Master Plan** are minor, such as minor changes in site coverage, the elimination of one (1) residence **Updated PDD Master Plan** that was located the clubhouse, which did not affect the floor area or site coverage and this internal space will instead be used as administrative/storage space in the clubhouse.

Alternative 2 (includes 2A and 2B; Existing Zoning Planned Residential Development (PRD))

In addition to the **Updated Master Plan**, the applicant has updated the conceptual plans for Alternatives 2A and 2B as presented in the DEIS comparative impact data on these updated plans and the projected physical characteristics at the site with these alternatives is e provided in **Tables I-2a and I-2b**, and **I-3a and I-3b**, respectively. The related design drawings are provided with this FEIS in pouches at the back of this document including a **Conceptual Plan: Alternative 2A (Hills South Parcel)**, **Conceptual Plan: Alternative 2A (Kracke Property)**, **Conceptual Plan: Alternatives 2A, 2B & 3 (Parlato property)**, **Conceptual Plan: Alternative 2B (Hills South Parcel/Kracke property)**, **PRD 2B Landscape Concept Plan**, **PRD 2B Coverage Plan**, **Lot Coverage Diagram - PRD Large Lot**, and **Lot Coverage Diagram - PRD Small Lot**).

Additional As-of Right Alternative: 137 Unit PRD Development

Finally, upon further analysis of the Town Code, the subject property could yield more than the as-of-right 118 dwelling units permitted by the CR-200 zoning district requirements, as contemplated in the DEIS. The subject property has the ability to transfer PBC's to the subject property, and then must apply the requirements of the Long Island Workforce Act, pursuant to §330-9 and §216-9, respectively. The following describes the methodology by which this yield was determined.

A density increase was provided in §330-9.D.2. in order to insure that the Town had adequate receiving sites for the number of potential Pine Barrens Credits generated by the Central Pine Barrens Plan. This section of the code accounts for a non-discretionary increase in yield over that permitted by the subject zoning requirement to a maximum of 30% through the transfer of PBC's. This results in an additional 35 units when applied to the subject property. However, Pine Barrens Credits have to come from the same school district when used for residential development. Although there are no PBC's currently within the East Quogue School District, there are privately owned lands that could generate 6 PBC's, therefore maximum potential increase in yield would be 6 units.

There is also a required density incentive for affordable housing pursuant to *Long Island Workforce Housing Act* under §216-9.A.1., which would result in an increase of 10%, as outlined above. This results in 13 units. Consequently, total number of dwelling units that could be generated on this site is 137 units (118+6+13).

Table I-1a
SITE AND DEVELOPMENT CHARACTERISTICS and IMPACTS
Updated Master Plan

Parameter	Parlato Property	Hills North Parcel	Hills South Parcel & Kracke Property*	Totals
Use & Yield	Open Space	Open Space	118 resort units & golf	---
Coverages (acres):	---	---	---	---
Unvegetated	1.15	0	2.30	3.45
Agriculture	0	0	0	0
Freshwater Wetland	0	1.40	0	1.40
Natural Vegetation	84.98	85.52	252.24	422.74
Brushy Cleared Land	0	0	0	0
Revegetated	15.78	0	17.39	33.17
Landscaped	0	0	101.15	101.15 ⁽¹⁾
Ponds & Pools	0	0	5.84	5.84
Buildings	0	0	8.43	8.43
Paved/Impervious	0	0	14.81	14.81
Totals	101.91	86.92	402.17	591.00
Water Resources:	---	---	---	---
Domestic Use (gpd) ⁽²⁾	0	0	41,514/6,574	41,514/6,574
Irrigation, golf (gpy)	0	0	30,050,978	30,050,978
Irrigation, non-golf (gpy)	0	0	4,680,704	4,680,704
Total Water Use (gpy)	0	0	34,738,256	34,738,256
Recharge Volume (MGY) ⁽³⁾	449.56			474.27
Nitrogen Conc. (mg/l) ⁽³⁾	0.45/0.37 (assumes advanced wastewater system)			0.59/0.34
Trip Generations (vph):	---	---	---	---
Weekday AM Peak Hour	0	0	92	92
Weekday PM Peak Hour	0	0	122	122
Saturday Midday Peak Hour	0	0	114	114
Miscellaneous:	---	---	---	---
Parking Provided (spaces)	0	0	385 (601 w/drwwys.)	385/601
Residents (max. potential) ⁽⁴⁾	0	0	444	444
School-Age Children ⁽⁴⁾	0	0	130	130
Taxes Generated (\$/year) ⁽⁴⁾	7,605,819			7,605,819
School Taxes (\$/year) ⁽⁴⁾	5,681,079			5,681,079
Employees: (FTE) ⁽⁵⁾	---	---	---	---
Direct	0	0	101.8	101.8
Indirect	0	0	17.6	17.6
Induced	0	0	32.2	32.2

- (1) Total fertilized landscaping is 88.53 acres (14.98% of the site), as: 78.00 acres of Golf Course Play Area, 2.31 acres Clubhouse Landscaping, and 8.22 acres of Residential Area Landscaping.
- (2) Assuming SCDHS design flow rates for wastewater systems/flow reduction due to seasonal occupancy.
- (3) See **Appendix R-2**.
- (4) Will not attend East Quogue UFSD due to restrictive covenant.
- (5) Per applicant.

Table I-1b
DETAILED SITE COVERAGES, Updated Master Plan

Parameter	Parlato Property	Hills North Parcel	Hills South Parcel & Kracke Property	Totals
Golf Course Play Area				
Greens	0	0	2.62	2.62 ⁽¹⁾
Tees	0	0	3.62	3.62 ⁽¹⁾
Fairways	0	0	35.00	35.00 ⁽¹⁾
Rough	0	0	36.76	36.76 ⁽¹⁾
Bunkers	0	0	2.30	2.30
Drainage Pond (18 th Hole)	0	0	0.64	0.64
Comfort Station	0	0	0.01	0.01
Rain Gardens	0	0	1.40	1.40
Revegetated Native Areas	0	0	9.55	9.55
<i>Total Golf Course Play Area</i>	<i>0</i>	<i>0</i>	<i>91.90</i>	<i>91.90</i>
Golf Course Non-Play Area				
Irrigation Pond (3 rd & 9 th Holes)	0	0	3.88	3.88
Pond House	0	0	0.01	0.01
Landscaping at Pond House	0	0	0.38	0.38
Maintenance Building	0	0	0.21	0.21
Maintenance Yard/Parking	0	0	0.84	0.84
Maintenance Area Landscaping	0	0	0.59	0.59
<i>Total Golf Course Non-Play Area</i>	<i>0</i>	<i>0</i>	<i>5.91</i>	<i>5.91</i>
Clubhouse Area				
Building	0	0	0.93	0.93
Paved (roads, driveways & patios)	0	0	0.91	0.91
Swimming Pool	0	0	0.10	0.10
Landscaping	0	0	2.31	2.31 ⁽¹⁾
<i>Total Clubhouse Area</i>	<i>0</i>	<i>0</i>	<i>4.25</i>	<i>4.25</i>
Woodland Estate Lots				
Buildings	0	0	1.97	1.97
Paved (driveways & patios)	0	0	2.27	2.27
Swimming Pools	0	0	0.89	0.89
Landscaping	0	0	0.32	0.32 ⁽¹⁾
<i>Total Woodland Estates Area</i>	<i>0</i>	<i>0</i>	<i>5.45</i>	<i>5.45</i>
Clubhouse Cabins				
Buildings	0	0	0.63	0.63
Paved (driveways & patios)	0	0	0.06	0.06
Swimming Pools	0	0	0.04	0.04
Landscaping	0	0	1.28	1.28 ⁽¹⁾
<i>Total Clubhouse Cabin Area</i>	<i>0</i>	<i>0</i>	<i>2.01</i>	<i>2.01</i>
Village Estate Lots				
Buildings	0	0	1.55	1.55
Paved (driveways & patios)	0	0	0.71	0.71
Swimming Pools	0	0	0.11	0.11
Landscaping	0	0	4.58	4.58 ^(1,2)
<i>Total Village Estate Lot Area</i>	<i>0</i>	<i>0</i>	<i>6.95</i>	<i>6.95</i>

Village Lots				
Buildings	0	0	3.11	3.11
Paved (driveways & patios)	0	0	2.07	2.07
Swimming Pools	0	0	0.18	0.18
Landscaping	0	0	6.96	6.96 ^(1,3)
<i>Total Village Lot Area</i>	<i>0</i>	<i>0</i>	<i>12.32</i>	<i>12.32</i>
Other Areas				
Major Roads	0	0	7.95	7.95
Gatehouse	0	0	0.01	0.01
Miscellaneous Landscaping	0	0	5.34	5.34
<i>Total Other Areas</i>	<i>0</i>	<i>0</i>	<i>13.30</i>	<i>13.30</i>
Existing Cleared Land				
Farm Field (to be Revegetated)	15.78	0	7.84	23.62
Driveway (to Remain)	1.15	0	0	1.15
<i>Total</i>	<i>16.93</i>	<i>0</i>	<i>7.84</i>	<i>24.77</i>
Area to be Cleared and Developed/Revegetated				
<i>Total Cleared Area</i>	<i>16.93</i>	<i>0</i>	<i>148.60</i>	<i>165.53</i>
Area to Remain Undisturbed and Natural				
Freshwater Wetland	0	1.40	0	1.40
Natural Vegetation	84.98	85.52	252.24	422.74
<i>Total Undisturbed and Natural Area</i>	<i>84.98</i>	<i>86.92</i>	<i>252.24</i>	<i>424.14</i>
TOTAL PROJECT	101.91	86.92	402.17	591.00

- (1) Total fertilized landscaping is 88.53 acres (14.98% of the site).
- (2) Of which 2.11 acres fertilized and 2.47 acres non-fertilized.
- (3) Of which 4.51 acres fertilized and 2.45 acres non-fertilized.

Table I-2a
SITE AND DEVELOPMENT CHARACTERISTICS & IMPACTS
Alternative 2A

Parameter	Parlato Property	Kracke Property	Hills Property	Totals
Use & Yield	24 Units	12 Units	82 Units & Amenities	---
Coverages (acres):	---	---	---	---
Unvegetated	0	0	0	0
Agriculture	0	0	0	0
Freshwater Wetland	0	0	1.40	1.40
Natural Vegetation	73.14	43.97	307.06	424.17
Brushy Cleared Land	0	0	0	0
Revegetated	1.18	0.27	4.37	5.82
Landscaped	15.28	9.19	64.19	88.66 ⁽¹⁾
Ponds & Pools	4.09	0.55	19.82	24.46
Buildings & Paved/Impervious	8.22	7.28	30.99	46.49
Totals	101.91	86.92	402.17	591.00
Water Resources:	---	---	---	---
Domestic Use (gpd) ⁽²⁾	7,200	3,600	31,014	41,814
Irrigation (gpy)	6,638,680	3,992,766	27,888,540	38,519,986
Total Water Use (gpy)	6,645,880	3,999,966	27,919,554	38,561,800
Recharge Volume (MGY) ⁽³⁾	449.09			449.09
Nitrogen Conc. (mg/l) ⁽³⁾	1.54			1.54
Trip Generations (vph):	---	---	---	---
Weekday AM Peak Hour	19	9	64	92
Weekday PM Peak Hour	25	12	85	122
Saturday Midday Peak Hour	23	11	80	114
Miscellaneous:	---	---	---	---
Parking Provided (spaces)	72	36	266	374
Residents (max. potential)	90	45	309	444
School-Age Children ⁽⁴⁾	26	13	91	130
Taxes Generated (\$/year)	2,565,602			2,565,602
School Taxes (\$/year)	1,916,347			1,916,347
Employees: (FTE)	---	---	---	---
Construction	134	67	453	606
Permanent	10.98	5.49	37.08	53.55

(1) Total fertilized landscaping is 88.66 acres (15% of the site).

(2) Assuming SCDHS design flow rates for wastewater systems/flow reduction due to seasonal occupancy.

(3) See **Appendix R-4**.

(4) Will attend East Quogue UFSD.

Table I-2b
DETAILED SITE COVERAGES
Alternative 2A

Parameter	Parlato Property	Kracke Property	Hills Property	Totals
Clubhouse Area				
Building	0	0	0.93	0.93
Paved (parking, driveway, path, patio, tennis)	0	0	3.06	3.06
Swimming Pool	0	0	0.10	0.10
Landscaping	0	0	7.24	7.24 ⁽¹⁾
<i>Total Clubhouse Area</i>	<i>0</i>	<i>0</i>	<i>11.33</i>	<i>11.33⁽²⁾</i>
Large Lots				
Buildings & Impervious (driveways & patios)	0.15	0.44	2.34	2.93 ⁽²⁾
Swimming Pools	0.03	0.10	0.55	0.68 ⁽²⁾
Landscaping	0.38	1.13	7.89	9.40 ^(1,2)
Undisturbed	0.56	1.67	10.78	13.01 ⁽³⁾
<i>Total Large Lots Area</i>	<i>1.12</i>	<i>3.34</i>	<i>21.56</i>	<i>26.02</i>
Small Lots				
Buildings & Impervious (driveways & patios)	3.36	1.32	9.65	14.33 ⁽²⁾
Swimming Pools	0.80	0.31	2.27	3.38 ⁽²⁾
Landscaping	5.34	2.09	15.35	22.78 ^(1,2)
Undisturbed	6.34	2.48	18.18	27.00 ⁽³⁾
<i>Total Small Lots Area</i>	<i>15.84</i>	<i>6.20</i>	<i>45.45</i>	<i>67.49</i>
Roads				
Impervious	3.69	4.68	14.21	22.58
Landscaping	0	1.00	2.92	3.92 ⁽¹⁾
<i>Total Village Lot Area</i>	<i>3.69</i>	<i>5.68</i>	<i>17.13</i>	<i>26.50⁽²⁾</i>
Ponds, Wetlands & Stormwater Management				
Freshwater Wetlands	0	0	1.40	1.40 ⁽³⁾
Ponds & Stormwater Management	3.22	0	15.45	18.67 ⁽²⁾
<i>Total Ponds, Wetlands & Stormwater Mgmt.</i>	<i>3.22</i>	<i>0</i>	<i>16.85</i>	<i>20.07</i>
Amenities				
Impervious (parking, path, patio)	0.95	0.81	0.71	2.47
Rain Garden	0	0	1.40	1.40
Family Center	0.04	0.04	0.11	0.19
Swimming Pool	0.05	0.14	0.05	0.24
Landscaping (Play Fields)	2.00	3.00	13.00	18.00 ⁽¹⁾
Landscaped (Organic Garden)	2.00	0	4.00	6.00 ⁽¹⁾
Landscaped (lawns, gardens, etc.)	5.57	1.97	13.78	21.32 ⁽¹⁾
<i>Total Amenities Areas</i>	<i>10.61</i>	<i>5.96</i>	<i>33.05</i>	<i>49.62⁽²⁾</i>
Natural Areas				
Open Space	66.24	39.82	278.10	384.16 ⁽³⁾
Existing Cleared Area to be Revegetated	1.18	0.27	4.37	5.82 ⁽²⁾
<i>Total Natural Areas</i>	<i>67.42</i>	<i>40.09</i>	<i>282.47</i>	<i>395.80</i>
TOTAL PROJECT	101.91	61.26	427.83	591.00

(1) Total fertilized landscaping is 88.66 acres (15% of the site).

(2) Total area to be cleared is 165.43 acres (27.99% of site).

(3) Total natural area is 425.57 acres (72.01% of site).

Table I-3a
SITE AND DEVELOPMENT CHARACTERISTICS & IMPACTS
Alternative 2B

Parameter	Parlato Property	Hills & Kracke Properties	Totals
Use & Yield	24 Units	94 Units & Amenities	---
Coverages (acres):	---	---	---
Unvegetated	1.18	8.24	9.42
Agriculture	0	0	0
Freshwater Wetland	0	1.40	1.40
Natural Vegetation	73.14	351.03	424.17
Brushy Cleared Land	0	0	0
Revegetated	0	0	0
Landscaped	15.28	73.36	88.64 ⁽¹⁾
Ponds & Pools	4.10	21.73	25.83
Buildings & Paved/Impervious	8.19	33.33	41.52
Totals	101.91	489.09	591.00
Water Resources:	---	---	---
Domestic Use (gpd) ⁽²⁾	7,200	34,614	41,814
Irrigation (gpy)	6,638,680	31,872,617	38,511,297
Total Water Use (gpy)	6,645,880	31,907,231	38,553,111
Recharge Volume (MGY) ⁽³⁾		449.09	449.09
Nitrogen Conc. (mg/l) ⁽³⁾		1.54	1.54
Trip Generations (vph):	---	---	---
Weekday AM Peak Hour	19	73	92
Weekday PM Peak Hour	25	97	122
Saturday Midday Peak Hour	23	91	114
Miscellaneous:	---	---	---
Parking Provided (spaces)	72	302	374
Residents (max. potential)	90	354	444
School-Age Children ⁽⁴⁾	26	104	130
Taxes Generated (\$/year)		2,565,602	2,565,602
School Taxes (\$/year)		1,916,347	1,916,347
Employees: (FTE)	---	---	---
Construction	134	520	606
Permanent	10.98	42.57	53.55

(1) Total fertilized landscaping is 88.64 acres (15% of the site).

(2) Assuming SCDHS design flow rates for wastewater systems/flow reduction due to seasonal occupancy.

(3) See **Appendix R-4**.

(4) Will attend East Quogue UFSD.

Table I-3b
DETAILED SITE COVERAGES
Alternative 2B

Parameter	Parlato Property	Hills & Kracke Properties	Totals
Clubhouse Area			
Building	0	0.93	0.93
Paved (parking, driveway, path, patio, tennis)	0	3.06	3.06
Swimming Pool	0	0.10	0.10
Landscaping	0	7.25	7.25 ⁽¹⁾
<i>Total Clubhouse Area</i>	<i>0</i>	<i>11.34</i>	<i>11.34⁽²⁾</i>
Large Lots			
Buildings & Impervious (driveways & patios)	0.15	2.63	2.78 ⁽²⁾
Swimming Pools	0.03	0.62	0.65 ⁽²⁾
Landscaping	0.38	8.92	9.30 ^(1,2)
Undisturbed	0.56	12.19	12.75 ⁽³⁾
<i>Total Large Lots Area</i>	<i>1.12</i>	<i>24.36</i>	<i>25.48</i>
Small Lots			
Buildings & Impervious (driveways & patios)	3.37	11.11	14.48 ⁽²⁾
Swimming Pools	0.79	2.62	3.41 ⁽²⁾
Landscaping	5.34	17.67	23.01 ^(1,2)
Undisturbed	6.34	20.94	27.28 ⁽³⁾
<i>Total Small Lots Area</i>	<i>15.84</i>	<i>52.34</i>	<i>68.18</i>
Roads			
Impervious	3.69	14.73	18.42
Landscaping	0	3.24	3.24 ⁽¹⁾
<i>Total Village Lot Area</i>	<i>3.69</i>	<i>17.97</i>	<i>21.66⁽²⁾</i>
Ponds, Wetlands & Stormwater Management			
Freshwater Wetlands	0	1.40	1.40 ⁽³⁾
Ponds & Stormwater Management	3.23	16.94	20.17 ⁽²⁾
<i>Total Ponds, Wetlands & Stormwater Mgmt.</i>	<i>3.23</i>	<i>18.34</i>	<i>21.57</i>
Amenities			
Impervious (parking, path, patio)	0.95	0.73	1.68
Rain Garden	0	1.40	1.40
Family Center	0.04	0.14	0.18
Swimming Pool	0.05	0.05	0.10
Landscaping (Play Fields)	2.00	5.70	7.70 ⁽¹⁾
Landscaped (Organic Garden)	2.00	3.70	5.70 ⁽¹⁾
Landscaped (lawns, gardens, etc.)	5.56	26.88	32.44 ⁽¹⁾
<i>Total Amenities Areas</i>	<i>10.60</i>	<i>38.60</i>	<i>49.20⁽²⁾</i>
Natural Areas			
Open Space	66.24	317.91	384.15 ⁽³⁾
Existing Cleared Area to Remain	1.18	8.24	9.42 ⁽²⁾
<i>Total Natural Areas</i>	<i>67.42</i>	<i>326.15</i>	<i>393.57</i>
TOTAL PROJECT	101.91	489.09	591.00

(1) Total fertilized landscaping is 88.64 acres (15% of the site).

(2) Total area to be cleared is 165.43 acres (27.99% of site).

(3) Total natural area is 425.57 acres (72.01% of site).

Comparative Impact Analysis

The **Updated PDD Master Plan** is evaluated herein, to provide a comparative evaluation of potential impacts between this update and the DEIS Master Plan, in order to thoroughly document the changes and bring the impact assessment up-to-date for the purpose of this Final EIS. As has been noted, the changes in the **Updated PDD Master Plan** are relatively minor and concern only the addition of a central sanitary wastewater treatment facility in the northwest part of the Kracke property, and the re-location of the proposed 4-acre area to be offered for dedication to the SCWA from the northwest part of The Hills South Parcel to the east central part of this property. The following subsections provide a comparison between the Draft EIS Master Plan and the **Updated PDD Master Plan** with respect to the following resource categories:

Geological Resources

An analysis of the site clearing coverages of **Tables I-1a and I-1b** to the data in the corresponding tables in the Draft EIS (Tables 1-8b and 1-8c) reveals that nearly the same acreages of land (and in nearly the same configuration) would be cleared and subject to grading. Any differences between these two acreages are due to the minor change in clearing to construct the project's sanitary system which is to be located in an area that is already partially cleared.

The updates to the Master Plan do not significantly alter the planned grading program, as described and analyzed in the Draft EIS, with respect to either the acreage or depths of planned cut/fill. As such, there would be no significant difference between these plans with respect to this issue.

The applicant remains committed to re-using as much of the excess excavated soil on the project site as practicable, in order to minimize the amount of soil to be removed from the site (via whichever option that is ultimately selected). The Draft EIS included significant discussion of methods to ensure that the impacts to the neighbors are minimized and this Final EIS includes additional consideration of provisions to move soil between the subject site and the nearby East Coast Mines site as part of the site development process.

Water Resources

The amount of water used by the project would be significantly less than that assumed in the DEIS. This reduction is due to the assumption that 75% of rainfall will be taken up by the vegetation on the project's irrigated surfaces, thereby significantly reducing the amount of groundwater pumped by the project to provide sufficient irrigation water. For the Draft EIS, a value of only 50% was assumed landscaped. The amount of water used for domestic purposes in the project will not significantly change from that as described and analyzed in the Draft EIS, as the nature of the updates to the Master Plan do not affect the yield or acreages of irrigated landscaping. As the specific sanitary treatment system has now been determined, it is possible to model the performance of that system and its effects on groundwater quality and quantity. The SONIR computer model results for nitrogen load and nitrogen in recharge for the **Updated PDD Master Plan** (see **Appendices R-1 and R-2**) indicate that the proposed MUPDD will have the lowest concentration of nitrogen in recharge and will result in the lowest nitrogen load as compared with all other alternatives as well as Existing Conditions, particularly in consideration of the off-site benefits (i.e., 30 PBCs, 33 acres of land with 29 units of density sterilized, and

\$1,000,000 in off-site sanitary upgrades) and their resulting reduction in nitrogen load (see **Appendix R-7**).² Thus, the **Updated PDD Master Plan** would result in a lower nitrogen load than was described in the Draft EIS.

Ecological Resources

Because the nature of the updates to the Master Plan do not significantly affect the amount or distribution of clearing on the project site from those described and analyzed in the Draft EIS, it is not expected that the impacts to ecological resources analyzed previously would be changed by those updates. There continues to be an infestation of the Southern Pine Beetle in the east-central part of The Hills South Parcel. The applicant has contacted the Town and the CPB Commission) and has permitted access for on-site assessments of this infestation for the purpose of exploring potential control and containment measures. The Commission is considering these options and has not as of yet notified the applicant/owner of any planned activity. It is noted that this infestation is a natural phenomenon that was not initiated by the applicant but is plaguing this and other parts of Southampton Town. The applicant seeks to pro-actively cooperate with allowing access to the site for monitoring and control measures. It is further noted that this unavoidable condition may alter the existing Pine Barrens habitat through the demise of individual pitch pine trees; however, this does not alter those areas of the site that are now natural or intended to remain natural. The alteration of habitat by demise of individual pitch pine species may over time change the composition of ground cover, shrub layer and canopy species; however, these areas will remain under consideration as natural vegetation for the purpose of vegetation clearance limits under the CPB CLUP.

Transportation Resources

The updates to the Master Plan do not include any aspect that would affect the amount, type or distribution of vehicle trips previously calculated to be generated by the project with the minor exception of the decrease of one (1) unit which would reduce vehicle trip generation by that amount. As a result, there would be no changes to the potential impacts on traffic resources that were described and analyzed in the Draft EIS except for this minor decrease in vehicle trips.

Land Use, Zoning and Plans

Land Use - The **Updated PDD Master Plan** remains, like the Master Plan described and analyzed in the Draft EIS, a mixed-use PDD. Further, the uses, yields, amenities and layout of the project have not significantly changed from that previously described and analyzed. Thus, there would be no change in the impact analysis prepared for the Draft EIS in terms of land use.

Zoning - As the updates to the Master Plan do not include any change relevant to zoning issues, the previous analysis for zoning-related impacts remains valid for the **Updated PDD Master Plan**; there are no differences between these two scenarios with respect to zoning impacts.

² **Appendix R-7** includes a comparison of several MUPDD scenarios and Existing Zoning PRD scenarios in order to test the sensitivity of nitrogen load reduction based on various occupancies and varied assumptions of fertilization leaching rates, sanitary systems and factors brought about in discussions with Dr. Christopher Gobler as part of the preparation of this Final EIS and in response to comments on the Draft EIS (see Final EIS **Section 2.2** for a full description of comments and responses).

Land Use Plans - The updates to the Master Plan do not affect the project's conformance to the land use plans that were reviewed and analyzed in the Draft EIS. The project continues to be in conformance with the East Quogue UP and Generic EIS. As such, there are no differences in the potential impacts of the project as depicted in the **Updated PDD Master Plan** as compared to those of the project described and analyzed in the Draft EIS.

Community Facilities and Services

The updates made to the Master Plan (the plan on which the impact analyses in the Draft EIS were based) are not significant in magnitude or of a type that would tend to change the conclusions of those analyses. While the **Updated PDD Master Plan** now shows the location and design of the sewage treatment facility, and the location of the SCWA well field dedication has shifted from that described previously, the anticipated impacts of these facilities were fully analyzed in the Draft EIS, so that additional analysis for this Final EIS is not necessary.

Community Character

The updates applied to the Master Plan do not include any changes relevant to land uses, yield, density, visual appearance of the buildings, the distribution of developed areas within the site, or any other aspect that would affect the analysis of community character impacts that was prepared for the Draft EIS. The STP site and building will be located within the project site, in an area generally proposed for internal site development of residential units. Adjoining parcels are primarily agricultural or open space and much of this adjoining land is protected through purchase of development rights. Regardless, the areas surrounding the STP will remain wooded, and the site on which the building is located is such that the location of the building will be at least 150 feet from the nearest property line and 200 feet from the nearest habitable structure. The applicant will construct the building so it is faced with architectural elements similar to a residential structure. The proposed well field site will be moved south and east of its original location; however, this new location is either internal to The Hills site, or on Town land and is bordered only by the proposed development or publicly owned land. Wastewater buildings and well field sites are commonly situated in residential areas and are necessary utilities to ensure groundwater protection and water supply. Since these are the only material changes to the **Updated Master Plan**, it is not expected that there would be any changes in the description or analysis of potential impacts as related to community character.

Cultural Resources

It must be noted that the Archaeological Investigation of the project site did not indicate the presence of any cultural resources. As a result, the Draft EIS concluded that there would be no impact on this resource. No aspect of the updates to the Master Plan would affect the amount or distribution of clearing on the site, so there would be no difference in the potential to uncover or impact any cultural resources that may yet be present on the site. Therefore, there is no difference in the potential impact on cultural resources from either plan.

Construction-Related Impacts

The construction-related impacts of the project as depicted in the Master Plan were described and analyzed in Section 4.1 of the Draft EIS. These discussions included the following six aspects:

- the construction program, including the construction schedule
- construction and construction-related noise, including truck noise

- air quality, dust, erosion and sediment control
- potential disruption to school bus movements
- trip generation, vehicle access, construction vehicle and construction worker parking, and loading/unloading & staging area locations
- excess soil removal and disposition

Given the nature of the updates to the Master Plan, for the first four of the above bulleted items, it is not expected that there will be any difference in the potential impacts of the project as depicted in the Master Plan as compared to those of the project as shown by the **Updated Master Plan**. With respect to approximate locations for construction worker parking, loading/unloading areas and staging areas, the **Construction Management Plan** included with updated plans attached to this Final EIS shows that the site is of sufficient size to accommodate all working parking, loading/unloading areas and staging areas within the property. There are few surrounding neighbors adjoin the site and all proposed construction worker parking, loading/unloading areas and staging areas are located sufficiently far from the neighbors on Spinney Road to ensure that this temporary activity will not cause significant adverse off-site impacts. **Figure 1-1** depicts locations of the four Options for the removal of the excess soil generated by the site grading operation and all other aspects of the project remain the same as described and analyzed in the Draft EIS.

Cumulative Impacts

The impacts of the proposed project with those of the other pending and/or proposed projects in the area were defined and discussed in Section 4.2 of the Draft EIS, where it was determined that no significant cumulative impacts were expected, as follows:

In summary, based on the absence of any other pending projects in the vicinity, and the necessity to conform to the various land use plans and development regulations (applied at the Town, County and State levels), and the level of governmental scrutiny any future projects will undergo in order to receive approvals and permits, no cumulative impacts have been identified with respect to the proposed project and no other projects are pending that would result in any cumulative impacts.

The nature of the physical updates to the Master Plan are minor and so would not change that prior analysis. In addition, the proposed purchase and retirement of 30 PBCs will remove the risk of adverse cumulative impacts in the area, by permanently reducing the amount of remaining development potential therein. Finally, the permanent preservation of 33 acres of natural open space on Montauk, within the Weesuck Creek watershed, will be a benefit to the aesthetic condition of the area.

Adverse Impacts That Cannot Be Avoided

For the Draft EIS, the site's conditions were characterized and the potential impacts to those conditions were assessed. In the same manner as for the Master Plan, some impacts may exist with respect to the **Updated PDD Master Plan** for which no mitigation is available. These impacts have been minimized where possible, but the following same adverse impacts may still occur:

- Grading will alter the topography of a portion of the Hills South Parcel/Kracke Property.
- There will be increases in local traffic and noise conditions during the construction period.

- Despite the planned mitigation measures (such as soil wetting, etc.), there may be some fugitive dust during the construction period.
- There will be an increase in vehicle trips generated on the site and on area roadways.
- The project will clear a total of 165.53 acres of the overall site, of which most would be undisturbed natural vegetation). This will reduce the amount of habitat available for wildlife.
- There will be an increased potential need for emergency services of Southampton Town Police Department and the East Quogue Fire Department (offset by increases in tax revenues).
- There will be increased demand on the energy services of PSE&G and National Grid (to be paid for according to rate tariffs).
- There will be increased demand for groundwater, to be supplied by SCWA for domestic purposes, as well as directly on the groundwater system for irrigation. It is noted that the SCWA has indicated that the increase for domestic use does not represent a significant adverse impact on groundwater quality this service provide certain measures are provided for as part of project design and implementation.
- Construction activities will generate construction-related debris, which will require temporary on-site storage until it is removed for disposal.

Irreversible and Irretrievable Commitment of Resources

The project described in the **Updated PDD Master Plan** is expected to result in the same set of resources commitments as was described and analyzed in the Draft EIS, as the updates do not significantly change the Master Plan. The natures of the updates are not significantly different from those of the Master Plan. Like the Master Plan, the **Updated PDD Master Plan** will result in irreversible and irretrievable commitment of resources, as follows:

- Building materials used for construction, including but not limited to: wood, asphalt, concrete, fiberglass, steel, aluminum, brick, etc.
- Energy and related resources used in the construction, operation and maintenance, including fossil fuels, electricity and water.
- 165.53 acres of clearing on the overall site, of which most would be natural vegetation.

Effects on the Use and Conservation of Energy Resources

The updates to the Master Plan are not of a nature that would affect the anticipated energy-consumption aspects of the proposed project (which were described and analyzed in the Draft EIS), so that there would be no difference in the potential impacts on these resources associated with the **Updated Master Plan.**, as follows:

An increase in the consumption of energy resources would typically be expected from the intensification of land use on a site, particularly for sites which had been undeveloped or unused. The proposed development sites (indeed, none of the project properties) have not previously been developed, so that neither electricity nor natural gas are being consumed. Therefore, development of the project will increase the use of these two energy forms in the area. It is noteworthy that the seasonal occupancy of the residences will substantially reduce the consumption of energy resources compared to the consumptions would be if the project were intended for year-round occupancy. As evidenced by the correspondence received from the energy suppliers, the project's demand on these energy sources are not expected to significantly strain the ability of either National Grid or PSE&G to supply the site and the area.

The Applicant is not prepared at the present stage of the review process to commit to seek LEED® certification for the proposed project. However, the Applicant is committed to incorporating a number

of sustainable features, designs, materials and systems typical of projects that do seek LEED® certification into the proposed project. Section 1.6.7 [of the Draft EIS] presents a discussion of the sustainable features of the proposed project, which includes its energy-efficiency aspects. Use of new, energy-efficient building materials (e.g., insulations, windows, weather stripping, door seals, etc.) and mechanical systems, (e.g., air conditioners, heating systems, HVAC systems, water heaters, heat pumps, etc.) is anticipated, which would mitigate the usage of energy resources required. Incorporation of such energy-conserving measures is not only required by New York State and the Town of Southampton, but is a sensible business practice, particularly in light of the increasing cost of energy resources. The project will result in an overall development that includes sustainable design elements and Energy Star design/construction, in conformance with the applicable requirements of Chapter 123, Article V of the Town Code.

There will be a short-term increase in energy use during the construction phase of the proposed project. This impact is expected to be of short duration, and the long-term energy demand is expected to remain stable.

Water-saving plumbing fixtures will be specified for the proposed residences and clubhouse buildings in accordance with current building requirements and practice of the trade. Such measures will include installation of low-flow lavatories, sinks, fixtures and equipment, to reduce unnecessary water loss, which would translate into conservation of the energy resources required to heat water for domestic purposes.

The applicant has determined to include numerous advanced energy-related materials and systems in the construction of the project, and has committed to incorporating sustainable features in its design. In summary, it is not anticipated that the project will result in any significant adverse impacts on the use and conservation of energy resources.

Impacts on Public Health

The updates to the project's Master Plan are not of a nature that affects issues of public health, so that there would be no difference in the anticipated impacts on public health between the Master Plan (described and analyzed in the Draft EIS) and the **Updated PDD Master Plan**, as follows:

The Comprehensive Risk Assessment contained in Appendix 13 of the (Interrogated Turf Health Management Plan) ITHMP was prepared to determine the potential risks to the public and aquatic life from the use and application of pesticides associated with the project's landscape maintenance practices being introduced into the environment. Potential risks that are assessed include pathways and receptors (surface water, groundwater, public wells and potential drift).

The assessment process began with an initial list of 61 pesticides; this list was reduced significantly after completion of a screening process that considered Federal, State and local standards. A number of these remaining pesticides are "natural" and/or "organic," and/or biochemical, and additional pesticides of this remainder are classified by the USEPA as "reduced risk." The next stage of the assessment involved collection and review of an extensive amount of environmental fate, mammalian/human toxicology, and aquatic toxicology data for these remaining pesticides. Subsequent modeling using three computer models (PRZM-GW, AgDRIFT, and Cornell's EIQ) raised some potential risk and/or regulatory concerns.

Ultimately, the Assessment recommended the following:

- The use of a tractor boom spray shroud should be considered when applying two of the insecticides.
- Seven of the fungicides, five of the herbicides, and one insecticide were not recommended for inclusion in the ITHMP.
- Seven pesticides were recommended for use, to be restricted to the golf course greens and, occasionally and as-needed, to the golf course tees.

Appendices J-1 and J-2 contains peer reviews of the ITHMP, each of which confirms the validity of that report.

Growth-Inducing Aspects

The growth-inducing aspects of the proposed project as described by the Master Plan were defined and discussed in Section 4.7 of the Draft EIS, where it was determined that no significant direct growth-induced impacts were expected, though an incremental increase in indirect growth-induced impacts would occur. The nature of the updates to the Master Plan are minor and so would not cause any differences with respect to the project's growth-inducing aspects, described and analyzed in the Draft EIS, as follows:

The proposed project is not expected to induce types of growth dissimilar or complementary to it in the area, in consideration of the following:

- The area is not zoned for types of development that would tend to damage the character of the area, so that the area is already properly protected from inappropriate development;
- The project would not tend to induce development of uses designed to address needs generated by the project (e.g., commercial spaces to capitalize on the increased potential customers of the project, industrial spaces to provide employment for the new residents, new residential spaces for employees attracted by the jobs generated by the project, etc.);
- The project is intended to be the only example of its type and quality in the region; it is meant to take advantage of the rural and bucolic character of the region to support the character of the project itself. Therefore, it would be contrary to the applicant's goals to encourage development of other sites in a way that tend to impair the existing character of the area.

It is anticipated that the project would contribute to an increase in activity for local businesses. The project will increase the number of potential shoppers in an area where commercial and service-oriented businesses are available by relatively short auto trips. These businesses, especially those serving the needs of family-oriented customers, would tend to experience increased activity due to the increase in their customer base; this is viewed as a benefit and does not require new facilities but supports existing ones.

Construction of the residences and its associated clubhouse and golf course amenity will create both short-term and long-term job opportunities. In the short-term, development will create construction jobs, and indirectly jobs may be created based on increased patronage of material suppliers. In the long-term, the proposed project will create a number of permanent operation and maintenance-related jobs. These jobs may be filled first from within the local labor pool.

These job opportunities would not require relocation of specialized labor forces or influx of large businesses from outside the area to provide construction support. The number of construction jobs created, estimated at 310 FTE, is not expected to represent a growth inducing factor as these are

temporary in duration; however, job creation is viewed as a substantial benefit to the local job market and local economy.

Development of the Hills South Parcel/Kracke property will result in an incrementally increased usage of utilities. Electrical and natural gas services are generally available throughout Long Island (though not presently available on the subject properties), and a well field and water main distribution system is adjacent; therefore, any infrastructure improvements needed would be for the subject site only and would not result in expansions of utilities that would induce further growth. Because these facilities and services already exist and have the capacity to service the proposed project, no significant growth is expected to result. As the proposed project is being developed at a density well below its allowed density from a sanitary wastewater standpoint, no local or regional treatment facilities are needed that would induce growth. The proposed project may lead to the improvement of community services in the area as stimulated by the increased taxes generated by the project. In addition, the project is expected to support local businesses and provide local and regional jobs, two aspects which would not result in growth and are considered to be beneficial.

Potential growth related to construction of the road associated with the Kijowski Family Farm is discussed in Section 4.2.1 [of the Draft EIS]. Based on that discussion, no significant growth-inducing aspects are expected as a result of the use of the road for access to The Hills at Southampton project.

In summary, like the project described in the Draft EIS for the Master Plan, the project shown in the **Updated PDD Master Plan** is not expected to result in significant direct growth-induced impacts, though an incremental increase in indirect growth-induced impacts is expected.

D. SUMMARY AND CONCLUSION

Based on the comparative impact analysis above, the **Updated PDD Master Plan** would not result in any increase in the potential for or magnitude of adverse impacts to the site and/or the area's resources beyond what was described and analyzed in the DEIS.

1.0 RESPONSES TO COMMENTS ON THE DESCRIPTION OF THE PROPOSED PROJECT

1.1 Introduction

There were no public or agency comments directed to this sub-section of the Draft EIS.

1.2 Project Overview

1.2.1 Comments B-41, B-44, C-26, C-38, C-39, C-47, C-48, C-94, D-50, F-11.2, & F-11.3:

These comments indicate objection to the use of the term “as-of-right development,” as such a term is undefined.

Response:

The term “as-of-right” refers to development under the existing zoning and is presented in the DEIS in Chapter 5.0 Alternatives Considered as “Alternatives 2a and 2b: Development per Current Zoning & Regulatory Controls. During the public hearing presentations to the Town Board it is possible that the term “as-of-right” was used when referring to this alternative. This term is often used when referring to the development of a site in accordance with existing zoning.

1.2.2 Comments B-33, & B-35:

These comments indicate that the yield of the Parlato property, and the yield of the proposed project, has not been established accurately.

Response:

The yield of the Parlato Property was correctly presented in the DEIS. Yield maps were submitted to and reviewed by the Town and Appendix A-7 of the DEIS contains a series of Development Rights Allocation Letters prepared by the Town certifying that this parcel has a yield of 24 lots under its existing CR 200 zoning.

1.3 Project Description

1.3.1 Comment G-3.1:

“There is an extensive description of the potential community benefits that are proposed to be provided by the project (e.g., see DEIS pages 1-2 through 1-4 and Table 1-7). However, these public benefits were provided as of the date of the DEIS release for public review (October 2016). Have there been any changes or modifications in these proposed benefits since the release of the DEIS, based either on additional outreach during this time or developed in response to comments on the DEIS? At a minimum, the FEIS will need to address what, if any, changes in these benefits are necessary based on the comments that were submitted as part of the

DEIS review. All benefits should also be reviewed to confirm that they are community benefits as that term is defined in §261-b of New York State Town Law (i.e. is funding college scholarships a community benefit?)

Response:

The DEIS presented on Tables S-2 and I-7 a list of community benefits that are proposed by the applicant. In addition to these benefits, the applicant has proposed the following additional Community Benefits with the proposed project:

- Purchase of 30 Pine Barrens Credits (PBCs; a number equivalent to the yield of the project's golf course component) and "retire" them (i.e., the project will construct only the proposed mix of 118 various types and sizes of seasonal resort residential units).
- As stated in the DEIS, the applicant has been committed to assisting the community in addressing the existing impacts of non-conforming septic systems have on the surface waters of Weesuck Creek and western Shinnecock Bay. As a result, the proposed project has offered to provide \$1,000,000 in a fund for the upgrade of existing sanitary systems within Weesuck Creek watershed with I/A OWT Systems.
- In addition, the applicant has offered to install an on-site sanitary treatment facility at the East Quogue Elementary School, as a community benefit. The East Quogue Elementary School has been identified as a site that contributes nitrogen to the Weesuck Creek Watershed and the possibility of installing an on-site sewage treatment system could therefore be considered an additional public benefit. The incorporation of such an sewage treatment facility with nitrogen removal would provide a benefit with respect to local groundwater and surface water quality and reductions in nitrogen loading.
- The applicant will purchase an additional 32.6 acres of land in East Quogue that is currently owned by the East Quogue Development LLC, and located on the south side of Montauk Highway, having SCTM #'s 900-316-1-23 & 30, containing existing structures associated with a seasonal farm stand use. This property is currently under subdivision review by the Planning Board, having an as-of-right yield is 29 lots, which this does not include the required 10 percent density incentive to provide for workforce housing, pursuant to the Long Island Workforce Housing Act, which would bring the total potential yield to 32 lots.

The NYS Town Law states the following with respect to the criteria constituting a "community benefit:"

- 261-b. Incentive zoning; definitions, purpose, conditions, procedures. 1. Definitions. As used in this section:
- (b) "Community benefits or amenities" shall mean open space, housing for persons of low or moderate income, parks, elder care, day care or other specific physical, social or cultural amenities, or cash in lieu thereof, of benefit to the residents of the community authorized by the town board. [emphasis added]

The wording in Section 261-b indicates that there is flexibility in regard to the range of amenities that a proposal may present as a legitimate, acceptable community benefit as may be determined at the discretion of the Town Board.

1.3.2 Comment G-3.2:

“The proposed project does not include the use of any Pine Barrens Credits. The DEIS states on page 1-14 that the residential yield is as-of-right for the subject properties and there is no regulatory need to provide for the use of Pine Barrens Credits. However, the golf course use and associated facilities are the features of the subject project that necessitate the subject PDD application, and therefore one way to address this use that is not permitted in the underlying CR-200 zoning district would be the transfer of development rights including Pine Barren Credits. The FEIS therefore needs to analyze the use of Pine Credits to address the subject golf course use. The DEIS also states that as of April 1, 2015 there were no credits in the East Quogue Union Free School District that are available for purchase. Not only shall the FEIS complete an updated review of the CPB Credit Registry, it shall also include an analysis of the existing privately owned lands within the CORE of the Pine Barrens that could generate Pine Barrens Credits in the East Quogue School District, and adjacent school districts so as to determine the potential sending sites.”

Response:

As stated above (see **Response Section 1.3.1**), the proposed project has been modified to include the redemption of 30 Pine Barrens Credits (PBCs).

Appendix Q-1 of this FEIS contains a page from the Pine Barrens Credit Registry stating that, as of June 1, 2017, there are no PBCs available for any site within the East Quogue UFSD.

Appendix Q-2 of this FEIS provides a list of those vacant properties in the East Quogue UFSD that are in the Core Preservation Area CPA for which PBCs have not been applied for by the landowner. These sites represent properties that would generate PBCs upon application to the Central Pine Barrens CPB Clearinghouse.

1.3.3 Comment G-3.4:

“The proposed project would be generating a substantial number of workforce jobs estimated at up to 125 jobs during construction and 155 during operation, of which about 102 are direct (at the site) with 52 additional indirect jobs (offsite), presumably the majority of which would be from Eastern Long Island. It is a mandatory requirement to comply with the Long Island Workforce Housing Law. Therefore, the FEIS must include the final proposal of the applicant with respect to providing affordable housing in terms of how many units are required, and out of the options discussed from Chapter 216 of the Town Code, what the monetary sum for option 4 would be based on the HUD calculation.”

Response:

The Southampton Town Code, Chapter 216, Article II presents the procedure of said requirements for the Town’s Long Island Workforce Housing Act legislation. Section 216-9 A. states as follows:

When the Town approves a subdivision plat or site plan for five or more residential units, or a mixed use development that incorporates five or more residential units, except as otherwise provided in Subsection B of this section, the applicant shall receive a density bonus or other

incentive pursuant to a written agreement between the applicant and the Town, and the Town shall require, at the Town's option, that the applicant: (1) Set aside at least 10% of such units for affordable workforce housing on site, or (2) provide other land and construct the required affordable workforce housing units, on another site within the Town; or (3) pay a fee equal to two times the median income for a family of four for the Nassau-Suffolk Primary Metropolitan Statistical Areas (PMSA) as determined by the Federal Department Housing and Urban Development for number of unit generated by the 10% density bonus.

Although the applicant proposed to decrease the yield by one unit in order to not have to comply with this section by utilize Section 216-9 C., which stated that “The provisions of this article shall not apply when an applicant elects a lesser percentage than the maximum allowable residential density ...”, pursuant to Local Law 10 of 2017 adopted by the Town Board on May 23, 2017 this section of the code was repealed and therefore does not apply.

Given the isolated location of the subject property combined with the fact that proposed project is to be seasonal resort style development with no year round residences the provision of on-site affordable housing is not ideal. Further, the applicant does not own additional lands for the construction of off-site housing. Therefore, it is recommended that the application pay the fee as provided in section §216-9 A. (3) code, which equate to the following:

$$\begin{aligned} 118 \text{ units} \times 10\% &= 12 \text{ units} \\ 2017 \text{ AMI } \$110,800 \times 2 &= \$221,600 \\ \$221,600 \times 12 \text{ units} &= \$2,659,200 \end{aligned}$$

1.3.4 Comment G-3.17:

“The question has been raised by several commenters on the DEIS as to the project's proposed restriction on school age students; is it legal, valid, and enforceable? Can it be challenged at a later date and invalidated? Also, what is the legal mechanism for seasonally restricting housing occupancy in the project?”

Response:

The proposed covenant would not restrict school-age students in the proposed residences; it would restrict the duration of occupancy, so that the units could not be primary residences in the school district which would preclude attendance at East Quogue UFSD by school age children. Occupancy restrictions are common, legal, valid and enforceable. While this restriction may be challenged at some point, the applicant has stated that it could not be invalidated.

The comments raised during the review period have not brought forth any issues related to the legal mechanism for seasonally restricting housing occupancy in the project.

The legal mechanism proposed for enforcing seasonal occupancy restrictions is a Declaration of Covenant and Restriction, recorded in the Suffolk County Clerk's Office. In particular, the covenant proposes the following restrictive language:

Seasonal Occupancy Restrictions. To assure that the lots and units in The Hills are occupied on a seasonal basis and are not occupied as a place of primary legal residence and/or domicile, the occupancy of the lots and units on The Hills shall be restricted as follows:

- (a) At no time hereafter shall the dwelling units erected on the lots and/or units shown on the aforesaid subdivision map be occupied as a place of primary or permanent residence or domicile;
- (b) There shall be no time limits on occupancy of a lot or unit between May 1 and October 15 in any given year, provided, however, that the total number of days of occupancy in any calendar year shall not exceed one-hundred-eighty-three (183) days; and
- (c) A lot or unit may not be occupied for more than thirty (30) consecutive days or an aggregate of sixty (60) days between October 16 and April 30 in any given year.

In addition, the covenant identifies a presumptive breach of these seasonal occupancy restrictions where an owner or occupant (i) enrolls a child or children in the East Quogue School District, (ii) applies for a real property tax exemption, abatement, or rebate based upon his or her primary residence in East Quogue or the Town of Southampton, and/or (iii) applies for any public monetary benefit or service available only to primary residents in East Quogue or the Town of Southampton.

Finally, enforceability of the covenant and its conditions therein are expressly given to (i) the Declarant, that is, DLV Quogue, LLC, or its heirs, successors and assigns, (ii) the property owner or homeowner's association to be established should the project be approved, and/or (iii) the Town.

The applicant has also provided an opinion from counsel, that is, Jeffrey A. Kehl, Esq., of Bond, Schoeneck & King, dated March 21, 2016, as it relates to the validity and enforceability of the covenant. Based upon said analysis, counsel concludes that the proposed covenant is valid and enforceable. While there is no certainty in litigation, based upon a review of relevant case law, as well as the analysis provided by counsel, it is likely that the covenants proposed asserting occupancy restrictions for seasonal use only would be upheld as both valid and enforceable.

That said, the Town Board may contemplate whether the covenant document should be revised to allow the Town to seek reimbursement from the applicant and/or the Homeowners Association for any costs associated with the enforceability of said covenant, whether that enforcement is realized in the form of a Supreme Court enforcement action or otherwise. In addition, these occupancy restrictions should also be included in any and all transfer deeds for each parcel as further assurance of the intent herein

1.3.5 Comment G-3.26:

“The golf course is considered a use that contributes nitrogen to groundwater and as such, it has a population density allocation associated with the use and is considered in the yield calculation to determine compliance with Suffolk County Department of Health Services requirement pursuant to the subject Ground Water Management Zone. Based on the accepted methodology described within the SCDHS General Guidance Memorandum #17 dated May 13, 2002, the FEIS must fully describe the Health Department nitrogen standards for golf course density and how it applies to this project. In addition, based on the applicable groundwater management zone and the Pine Barrens Comprehensive Land Use Plan, the FEIS must indicate the amount of Pine Barrens credits or Development Rights that would be required to achieve the applicable golf course density and, in the absence of available credits, how this may be achieved.”

Response:

The total property area is 591 acres. It is zoned CR-200 and has a yield of 118 units. As stated above, the proposed project has also been modified to include the purchase of 32.6 acres of land, having SCTM #'s 900-316-1-23 & 30, which is zoned R-40 and has a total potential yield of 32 lots. The turf area of the proposed golf course that would be fertilized is 88.05 acres. SCDHS General Guidance Memorandum #17 only applies if wastewater treatment is not provided. Since the proposed project includes wastewater treatment, Memo #17 does not apply. The total golf course area including all support and golf related services are 132 acres. Dividing this by the CR-200 (200,000 SF) factor results in an equivalency of 28.74 credits for the golf course acreage of the site and as stated above, the proposed project has been modified to include the purchase of 30 PBCs to achieve the nitrogen reduction goals.

1.4 Project Background, Need, Objectives and Benefits

Comments B-43, B-49, B-86, B-100, C-45, C-46, E-82, & F-12.1:

These comments state that the change in the acreage and yield of the project from that as described in the PDD Pre-Application document, and the PDD Application and Draft EIS, is illegal.

Response:

The project described in the PDD Pre-Application was subsequently revised after the initial preliminary review. Adding the Parlato parcel to the project created larger blocks of open space than if the parcel was developed separately, as it would have resulted in bifurcated development in the area. By adding the parcel to the project through the use of Transfer of Development Rights (TDR) the application sought to comply with the intent of §330-240E, the relevant sections highlight the long term goals as follows:

- (1) Preservation and conservation of open space, natural resources, diverse ecological communities, species diversity, and groundwater quality and quantity.*
- (2) Connection of open space systems and maximization of open space corridors and to establish and maintain open space and open space corridors for active and passive uses.*

- (5) *Encourage the most efficient and purposeful use of all remaining vacant land.*
- (6) *Preservation and improvement of existing smaller communities.*
- (10) *Elimination of excessive and inefficient infrastructure and the minimization of infrastructure development and maintenance costs and maximization of efficiency and coordination of existing and planned transportation facilities and networks.*
- (12) *Development of communities wherein, collectively, the mix of uses, aesthetically, physically, socially and economically encourages the creation and/or preservation of a sense of place, pride and values.*
- (15) *Encourage comprehensive and innovative planning and design of the highest quality, utilizing and incorporating a variety of land uses.*
- (17) *Assure that lands set aside for receiving or sending areas are consistent and harmonious with the Town's comprehensive land use objectives and locate areas permitted to be developed in such a manner as to maximize the continuity and connection of open spaces, preserves and wildlife corridors.*

For the reasons enumerated above, the revisions made to the PDD application for formal review submission are considered consistent with Town Planning objectives and would not likely have resulted in a determination where the Board would elect to not consider the application as it was vastly improved prior to submission. To that end, the Board had the opportunity to change its decision or recommendation at the formal application stage pursuant to §330-244(B) (7) if it felt such action was necessary. Instead however, the yield under zoning was reviewed in the DEIS as in Chapter 5.0 Alternatives Considered under the analysis of Alternatives 2a and 2b: Development per Current Zoning & Regulatory Controls Alternatives, and found to be appropriate.

1.5 Project Area Location

Comment B-42:

This comment suggests that the clearing for the security force trailer on the site was performed without a permit, and is therefore illegal.

Response:

As verified by the Town, no property was cleared for this security force trailer; it was placed on previously cleared area on the site. A temporary security force trailer does not require a permit, provided that it is not being utilized for domicile purposes, and does not require on-site septic facilities.

1.6 Project Design and Layout

1.6.1 Comment C-60:

This comment notes a concern that the buffer depth between the site's western boundary and the rear yards of the homes on the east side of Spinney Road will not be deep enough to adequately shield these homes from visual and noise impacts from the golf course.

Response:

The depth of the buffer of natural vegetation to be provided between the rear property lines of the homes along the east side of Spinney Road and the proposed project golf course (a fairway is proposed along this portion of the project site) will vary from a minimum of 100 feet to a maximum of 615 feet and is proposed to be wooded. This is an adequate buffer from visual or and operational noises related to the golf course.

1.6.2 Comments D-51, D-58, & F-2.3:

These comments state that the site coverage values presented in several tables in the Draft EIS are confusing.

Response:

In response to this comment, these tables have been revised and simplified and are provided in the Introduction and proposed project Modifications section of this FEIS (**Tables I-1a** and **I-1b**).

1.6.3 Comment G-3.5:

“The FEIS needs to be clear as to why the proposed parking garage needs to be below grade and requires substantial grading (see page 1-49 of the DEIS). In addition, a conceptual grading plan with cross sections should be provided showing the existing and proposed topography at this location, the depth of the excavation, and the volume of material to be removed. Will the proposed parking garage be designed to prevent infiltration or flooding?”

Response:

The design objective with the proposed below-grade parking garage is part of creating a compact, walkable center in the proposed project. Locating parking beneath the clubhouse is an efficient use of land and avoids the impacts that would otherwise be generated by a 170-car surface lot and 80 golf cart storage facility.

A cross section of the clubhouse building was provided in Appendix B-1 of the DEIS provides an understanding of existing site grade in relation to the proposed clubhouse and garage. The existing site topography at the location of the proposed clubhouse ranges from elevation +67.9 feet to elevation +71.1 with an average elevation of +69.5 feet. The basement level of the proposed clubhouse has a footprint of approximately 52,200 square feet and is set at elevation +49.0 feet, or about 20.5 feet below the current average grade. To construct the proposed garage requires excavating approximately 39,481 cubic yards of material.

The proposed sub-surface garage would be designed in a way to prevent groundwater and surface water infiltration and would be protected against flooding.

1.6.4 Comment G-3.6:

“In general, the FEIS needs to explain in greater detail why so much earth moving/cut and fill is needed for the project and what other grading alternatives may be considered by the Town Board that will comparatively minimize clearing and grading impacts to the greatest extent

practicable. The DEIS indicates that after grading activities are completed, there will be an excess of between 200,000-350,000 cubic yards (CY) of soil. It further indicates that any impacts related to the soil removal would be temporary, yet the DEIS does not detail exactly what impacts result from this degree of grading. As provided for the in adopted scope, all such impacts must be addressed in detail with a mitigative solution specified. Such impacts must be considered at this phase and not at the time of site plan review.”

Response:

There are a number of factors that resulted in the cut/fill quantities for the proposed development as presented in the DEIS:

1. The proposed site plan concentrates development on a relatively small portion of the property with the priority objective of maximizing protection of woodland (Pine Barrens) habitat. Thus, limiting the development area requires greater excavation than might otherwise be necessary (estimated to be between 200,000 and 350,000 cubic yards).
2. **Excavation for stormwater storage in accordance with Town of Southampton and State of New York stormwater management requirements.** These requirements mandate storage of stormwater runoff as either a direct volumetric amount or indirectly through the stormwater pollution prevention plan (SWPPP) approval process to meet water quality and 100-year flow rate discharge limitations. With the proposed project, this stormwater storage is most proposed within the area to be developed to minimize clearing; however, every acre-foot of storm water management impoundment generates 1,613 cubic yards of excavation. While there is a project need to manage runoff from structures and streets, there is also a need to provide for irrigation, which is preferably done, to the extent practical, from captured stormwater. Therefore, The Hills is proposing a stormwater/irrigation pond in a central location within the developed area to serve this function. Grading related to storm water management is expected to result in a net of 48,500 cubic yards of cut material.
3. **Grading to create roads.**
It is a site design engineering standard to place roads that are cut through native soil instead of on fill which typically generates excess material. Grading related to road construction is expected to result in a net of 100,000 cubic yards of cut material.
4. **Grading related to golf course.**
The proposed golf course will require grading for tees, greens, and fairways. Grading related to golf course construction is expected to result in a net of 200,000 cubic yards of cut material (excluding material that needs to be excavated for the proposed stormwater management).
5. **Grading to create clubhouse.** Grading related to club house construction is expected to result in a net of 16,500 cubic yards of cut material

1.6.5 Comment G-3.7:

“The DEIS description of the liner systems proposed at the golf greens and the associated treatment system begins on page 1-56. The FEIS needs to clearly state the capture rates of the proposed liner systems at each of the greens and the assumption used in the modeling analysis. Also, are there alternative technologies/measures to the liner system? What happens when the

liner breaks down? Describe the protocol for determining the remaining useful life of the liner once it is installed and address how repairs to the liner occur.”

Response:

There are areas of the project that are proposed for liners: 1) one systems would be installed beneath the greens (30 mils thick); and 2) the other is proposed beneath the ponds (40 mils thick). Both liners are to be made of high density polyethylene (HDPE) which has a usable life of about 30 years after which it would be replaced. The capture rate of the liners will depend on rainfall; however, the liners as proposed can provide a capture rate with a 100 percent efficiency of the rainfall that infiltrates to the ground (assumed in the modeling was a 50 percent capture rate). The liners are one element in the project's irrigation pond system, which is proposed to recycle and reuse water for irrigating the golf course. Where possible, water captured from the liners for the greens will be piped to the irrigation ponds. Other areas of the golf course, more remote from the ponds will overflow to rain gardens, which are extremely efficient at retaining and treating water through biological uptake. Each liner will be provided with a separate port and is proposed that the outflow be monitored as a method for measuring the liner efficiency over time; should a liner under the greens begin to fail, it will be repaired or replaced, as necessary.

Golf courses are typically reconstructed after a number of years of use. With that, the reconstruction of greens is proposed to include replacement of the liner prior to 30 years of operation and performed in phases (i.e., six greens in year 25, six more in year 27, and the final six greens in year 30).

The project's water monitoring protocol is such that any water quality issues relating to the greens liners would appear in the proposed soil and water testing results. This monitoring will be required as a condition of the project, should it be approved.

The proposed project has been designed to maximize plant uptake of rainwater and applied irrigation water with minimal percolation to the liner. During natural precipitation events, there is a potential that additional recharge through the greens may occur, which would be retained by the liner and if a sufficient volume or percolation is captured, this will overflow to the proposed stormwater detention pond or the rain garden system. The green liner system is designed to handle the water quality volume as per the NYS Stormwater Design Manual's 90% Design Storm Rule of 1.5".

1.5" = 90% Rule
-0.75" = Storage within the soil profile
+0.18 = residual moisture within the soil profile
This leaves 0.93" after soil saturation of the green

Allowing for 30% overland runoff of stormwater after soil saturation due to grading of the greens assumes 0.28" will runoff the green via the surface. This equates to 0.65" of stormwater which will be captured by the liner and directed into the rain garden for treatment. Converting to feet, this is: $0.65" / 12 = 0.05'$

Assuming an average green size of 6,000 SF, $6,000 \text{ SF} \times 0.05' = 300 \text{ CF}$ of the 90% rule rainfall event to be directed to the rain garden for treatment. Therefore, the rain gardens are designed to have a 300 SF footprint with a depth of 1'. In summary, the design is per the 90% rule of 1.5".

The design storm is 1.5". This 1.5" design does not take into account the infiltration factor from rain gardens which will be adjusted to an estimated 0.5 to 1" an hour to maximize nitrogen removal. A storm event of greater than 1.5" will overflow into a Drainage Reserve Area. The overall stormwater design is for a 2" storm event. This design criteria was determined through preparation of the preliminary SWPPP analysis which revealed that the 10-year storm of 5.3" currently discharges off site at a rate of 82.33 CF/second while the proposed project reduces this to 59.80 CF/second, while the 100 year storm of 9" currently discharges off site at a rate of 415.31 CF/second while the proposed project reduces this to 403.50 CF/second. Therefore, the SWPPP meets design criteria for the 2" of storage.

On a daily basis, the green liner conveyance system is frequently drier. The greens occupy less than 3% of the area of the golf course and will limit nitrogen fertilization to a maximum of 2.5 lbs/1000 square feet/yr. from both the irrigation water and applied fertilizer. The modeling of nitrogen groundwater recharge (SONIR model)¹- by the applicant assumed that all the nitrogen applied to greens would be collected by the greens liners and the effective greens liner nitrogen reduction rate was 70%.

1.6.6 Comment G-3.8:

"The proposed project will also be including a fertigation system as part of the proposed golf course (see page 1-66). The FEIS should include additional details on the proposed location, design, implementation, and operational features of a fertigation system and expand on the benefits it may provide with respect to local groundwater quality (see also the discussion below). How specific is the siting of these wells with respect to achieving these benefits? What monitoring requirements are needed to confirm that the benefits are being realized?"

Response:

The following response is supplemented by detail figures and attachments contained Appendix S.

Proposed Location/Siting

The proposed irrigation system will be comprised of two supply wells and a storage pond. Irrigation water stored in the pond will then be pumped into the fertigation system, supplemented with fertilizer as necessary, and distributed to the golf course. To meet the needs of the fertigation system the two wells will be installed in two separate areas on the property. The first well is proposed to be installed on the southern portion of the property where sampling has shown there are greater concentrations of nitrogen in the groundwater (see **Appendix S** for groundwater monitoring data). The second well is proposed to be installed on the northern portion of the site where there is minimal nitrogen in the groundwater, this well will provide the golf course superintendent the inputs necessary to mix the water supplies and control the nitrogen level in the irrigation pond.

¹ Responses to comments on the SONIR nitrogen budget model examine varied leaching rates (see **Section 2.2.6**).

Groundwater samples taken at the site show that nitrogen concentrations in groundwater ranged from 1.2 to 28.7 mg/l. Additionally, the results revealed increasing nitrogen concentrations towards the center of the site (see TW-1, on Figure 1 in **Appendix S**). This was the first indication that a nitrogen plume may exist on the subject property. It was later indicated in comments received from Christopher Gobler, that TW-1 may have been located adjacent to a historic compost pile, potentially causing the higher nitrogen concentration obtained at the groundwater interface. Prior to this comment a vertical profile well was installed adjacent to the location of TW-1, which was drilled to a depth of 175 feet, where the clay layer between the Upper Glacial and Magothy aquifers was encountered. Samples were taken at ten-foot intervals starting at a depth of 175 feet and continuing to a depth of 40 feet below grade, the groundwater interface. Nitrogen levels ranged from 1.71 mg/l to 28.7 mg/l and varied with depth, as shown in Figure 2 [in **Appendix S**] The average nitrogen concentration of the groundwater between the depths of 40 and 105 feet below grade was 14.26 mg/l which confirmed the DEIS assumption of 15 mg/l which was utilized in the DEIS.

To verify the results on the onsite study an off-site study was conducted, which centered on the Suffolk County Water Authority (SCWA) Spinney Road Wellfield. The Spinney Road well field currently has four wells on the property, two upper glacial wells and two Magothy wells, known as wells 1, 2, 3 and 4 respectively. The focus of the offsite study was on Well 2 (Well 1 is currently offline). Historic water quality sampling results for Well 2 were reviewed over a seven (7) year period from January 13, 2010 to January 13, 2017 (see Figure 3 in **Appendix S**). Over that period, the nitrate concentration averaged 12.90 mg/l, with a maximum of 15.90 mg/l and a minimum of 9.88 mg/l. This sampling is indicative of a sustained elevated nitrate level in the groundwater.

In addition, the source water contributing map for Well 2 was reviewed (see Figure 4, **Appendix S**). Based upon this map, the existing farm located to the west of the proposed development, comprises a large percentage of the contributing area to the well field. It can be reasonably assumed that fertilizer leaching from the farm fields has increased the groundwater nitrate levels in this area. Thus, there are two options for the location of the proposed irrigation well. One is to install irrigation well near TW-1 and the other is to utilize the SCWA Well 2. The applicant has initiated preliminarily conversations with the SCWA regarding the potential to use a side stream of Well 2 for the sole purpose of providing water to the irrigation system since the nitrate levels are above drinking water standards. If this option cannot be implemented with SCWA, a new irrigation well will be installed as part of the proposed project. Finding a location for this on-site irrigation well has been determined based on modeling to identify determine the optimal location on the project site for this well for intercepting the nitrate laden groundwater.

Design and Implementation

As discussed above, the proposed irrigation system function is to provide the water necessary for watering golf course turf. That system will consist of two irrigation supply wells, an irrigation pond, irrigation booster pump, and irrigation heads. Both wells are proposed to be equipped with inline nitrate sensors that are capable of displaying real time nitrate concentrations. In addition, nitrate sensors located within the pond will monitor the overall nitrate concentration in the pond. The overall level in the pond will be controlled via sensors, which will activate the irrigations wells to either maintain the water level in the pond or maintain a certain nitrate level.

The proposed fertigation system will consist of up to three small storage tanks, fertilizer injection pumps, and a computer control system which will be located in the proposed golf course maintenance building. The proposed storage tanks will also be designed in accordance with Suffolk County Department of Health Services (SCDHS) Article 7 and 12 which include a requirement for overflow protection, secondary containment for the tanks and interior piping, and leak detection sensors.

The proposed fertigation system will have a series of sensors, flow meters, and metering pumps which will all be connected to the computer control system. By using various sensors on the supply side of the irrigation system, the nitrate levels in each of the wells and pond can be determined instantaneously. Combining these sensors with the level controls in the irrigation pond, the nitrate concentration in the pond can be managed. A process flow diagram for the proposed system is providing in Appendix S of this FEIS (see Figure 5 in **Appendix S**).

There will be times the nitrate concentration in the irrigation pond is insufficient to support proper turf health, and then the fertigation system will be utilized to supplement the irrigation water. This will be accomplished by the use of metering pumps on the fertigation system, which will be linked to the flow meter on the booster pump. This will ensure that the proper amount of fertilizer is injected into the irrigation water to ensure mixing and even distribution across the areas of the golf course actively being fertilized. The proposed irrigation system at the Hills will have the ability to selectivity irrigate the golf course, rather than the historic way which may have irrigated or fertilized an entire hole or two at a single time. With the proposed system, each irrigation head can be separately controlled, such that if the golf course superintendent only needs to fertilize a small portion of one fairway that can be accomplished without fertilizing areas that don't need it. This will not only reduce water consumption and fertilizer applications, it will likely eliminate over fertilization of the golf course. The weekly total nitrogen to be applied via fertigation will not exceed 0.1 lbs of nitrogen per 1,000 square feet so as to ensure that the Hills golf course conforms to the proposed annual nitrogen cap of 2.5 lbs of nitrogen per 1,000 square feet.

Operational Features

The irrigation and fertigation systems are proposed to be state of the art, with sensors and flow meters. In addition, the irrigation system can be adjusted to precisely target individual locations within the golf course and, as stated above, the entire system is proposed to be interconnected and controlled by a central computer with the capability of performing calculations to determine the amount of additional fertilizer that may need to be injected into the irrigation system, which will depend upon the current concentration of nitrate in the irrigation pond. The computer will also have the ability to control the irrigation supply wells, which can be varied to obtain a specific nitrate concentration in the irrigation pond.

With respect to the fertilizer storage tanks, the system will be equipped with an alarm panel for overfills and leak detection, in accordance with SCDHS requirements.

Potential Benefits to Water Quality

As stated above, additional groundwater modeling efforts were performed since the DEIS was released to analyze the potential benefit of using the SCWA Spinney Road #2 well as an irrigation or fertigation well for The Hills golf resort.(see Appendix S). Under this alternative proposal, the Hills irrigation well that was proposed in the DEIS to be located south of the Spinney Road SCWA well field would be eliminated, the proposed Hills well to the northeast would remain, and a new SCWA well would be installed north of the well field near Sunrise Highway, Spinney Road Well #1 would be removed from service and Wells #3 and #4 would remain in use. Spinney Road Wells #1 and #2 are shallower than Wells #3 and #4. Spinney Road Well #2 is predominantly screened in the lower portion of the Upper Glacial aquifer, with the lower portion screened in the Magothy aquifer, while Wells #3 and #4 are screened in the Magothy aquifer.

Spinney Road Well #2 would be used to supply 20 million gallons per year of groundwater for irrigation purposes to The Hills golf resort. Spinney Road Well #2 is located such that it will intercept some of the groundwater that is being pumped towards Wells #3 and #4 and originates beneath the farm fields to the northwest. The groundwater model that is presented in Appendix A-12 of the DEIS

was used to analyze this condition. Steady state conditions were modeled with Spinney Road Well #2 pumping at 38 gpm (the annualized pumping rate for 20 million gallons per year) while both Wells #3 and #4 were pumping at their average annualized pumping rates of 293.9 gpm. A line of particles was released at the water table up-gradient from the Spinney Road well field and beneath the farm fields. (see **Appendix S**, Figure 6) shows the particle tracks and capture zones of the three wells under consideration. The Spinney Road Well #2 can clearly be seen to intercept a portion of the water that is being drawn towards Wells #3 and #4 (notice the two particle tracks that terminate at Spinney Road Well #2). The color change along the particle tracks from red to green indicates a change in model layers, with the shallow or top layer of the model being the Upper Glacial aquifer and the next deeper layer being the Magothy aquifer. Thus, red indicates a particle in the Upper Glacial aquifer and green represents the Magothy aquifer.

A simulation was performed with Spinney Road Well #2 to show how the particles would behave without its withdrawal, as described above. Figure 7 in **Appendix S** illustrates this situation. Here the particles flow past Well #2 and are ultimately captured by the deeper wells, Spinney Road Well #3 and #4. Thus, by comparing the two model simulations it can clearly be seen that Spinney Road Well #2 does provide some environmental benefit in reducing the amount of potential nitrogen laden water from reaching the deeper wells.

In addition to reducing the impact on the drinking water supply wells, the removal of the nitrate laden groundwater to use in the irrigation system for the proposed golf course is expected to positively impact the downstream surface water quality in Weesuck Creek. As of September 21, 2017, the Densieski farm located to the east of the Hills property had its development rights purchased by the Town of Southampton. Since the development rights were purchased, the existing farm and the agricultural uses will likely continue in perpetuity. If the farm continues with its current fertilizing practices, it can be reasonably assumed that the nitrate laden groundwater will be a continual source for the golf course irrigation well.

By implementing the proposed golf course and irrigation system, the proposed development can potentially create a “Pump and Fertilize” system. Pump and fertilize is recognized as a potentially effective nutrient management program for groundwater and can be as much a source reduction method as it is a form of groundwater remediation (University of California, King, 2012). By using this treatment method, known as phytoremediation, the turf from the golf course, with its ability to uptake the nitrate has the ability to act as a nitrate treatment system.

In an effort to quantify the current impact to Weesuck Creek, a water sample was taken on March 16, 2016 from the south side of the culvert under Montauk Highway as the tide receded from Weesuck Creek. This sample was analyzed for the nitrogen series, which yielded total kjeldahl nitrogen (TKN) of 0.499 mg/l of which 0.326 mg/l was from nitrate. Based upon the flow rate of Weesuck Creek (approximately 1 million gallons per day, based upon information obtained from USGS reports), the estimated nitrogen loading being discharged by Weesuck Creek is 4.3 lbs per day. This equates to 1,570 lbs per year of nitrogen per year, which is similar to the amount of nitrogen the irrigation well proposed at the Hills is estimated to remove from groundwater annually. While the proposed phytoremediation system will only intercept a small portion of the overall nitrate plume, it is expected to be an improvement over the existing conditions which without the proposed project would go untreated.

Monitoring Requirements

The groundwater monitoring program for the proposed golf course is proposed to be comprised of two parts: 1) the first is monitoring the volume of fertilizer being applied; and 2) the second is

monitoring the impact to groundwater quality. The ITHM plan and the Groundwater Monitoring Protocols (GMP) that are proposed as part of the project present in detail plan for monitoring the golf course throughout the year. As part of the GMP a total of fourteen (14) groundwater monitoring wells and nine (9) lysimeters will also be installed throughout the golf course to monitor the water quality beneath the golf course four times per year.

With respect to the amount of fertilizer being applied to the course, the irrigation system will be equipped with a number of sensors and flow meters to accurately determine the amount of fertilizer being applied daily. The system will be capable of determining not only the overall amount of fertilizer being applied, but where the fertilizer originated from, either the irrigation pond or the supplemental fertilizer. By tracking the amount of nitrate being applied from the irrigation pond, the overall amount removed from the groundwater can be quantified. This information will be reported to the Town as part of the annual reporting from the golf course on fertilizer use.

1.6.7 Comment G-3-9:

“The DEIS description of the proposed wastewater treatment system begins on page 1-64 where the individual septic systems are described as an interim wastewater treatment system. Substantial concerns were raised during the DEIS review about groundwater and surface water impacts from the proposed project related to wastewater disposal. The FEIS must describe the benefits and constraints to providing SCDHS-approved innovative/alternative onsite treatment systems for the homes vs. a standard wastewater treatment facility. What would be the sewage treatment plant design, operation, and maintenance details and the flows that are necessary to sustain a sewage treatment plant given that the proposed project is expected to have limited residential occupancy? What would be the flow rates over the course of a year and how will the system remain functional since this will only be a seasonal resort? What are the operational requirements of the sewage treatment plant? Can a sewage treatment plant be designed to also handle nearby septic systems and reduce overall nitrogen impacts on groundwater? If so, what would be the flow rates in that scenario and the related impacts on groundwater?”

Response:

As stated in the “FEIS Introduction and Proposed Project Modifications” section, since the issuance of the Draft EIS, the applicant has further investigated the potential for full tertiary treatment systems to achieve nitrogen effluent concentrations of less than 10 mg/l. Based on that investigation, a tertiary sanitary wastewater treatment system to be constructed has preliminarily been identified², which has been approved by NYSDEC for other resort communities in New York State. The applicant proposes to provide tertiary (nitrogen removal) treatment using an approvable system that is appropriate for the seasonal wastewater flow of the project and achieves compliance with lower than the maximum nitrogen effluent limitation of 10 mg/l. There are several system that are currently approved by SCDHS that meet the 10 mg/l threshold, and the applicant is committed to using the best available technology that provides tertiary

² The applicant has identified the Baswood Biovore treatment system as a probable installation and has used this technology on other Discovery Land Company (DLC) projects with excellent results. (see **Appendix H** for supplemental laboratory data from the Baswood Biovore sewage treatment plant (STP))

Option 3: Green - Set up a conveyor system across the corner of the farm - no Pine Barren access required. Move all construction materials to the mine. The farm road or Lewis road could be used for returns later in the project.

Option 4: Green - Construct a new temporary road - rent the farm land - to make a shorter trim to and from the mine. This will reduce the dust and noise for the neighbors and greatly reduce the fuel used for trucking.

Option 1: Blue - Use the farm road to the access road to the mine. Direct move all material to and from the mine for all stages of construction.

Option 2: Yellow - use the main entrance to Lewis Rd to the mine access road. This would be used for all material to and from the mine for all stages of construction.

Legend

-  Outparcels
-  Kjowski Subdivision Roadway*
-  The Hills Property - 427.83 acres
-  Kracke Property - 61.26 acres
-  Parlato Property - 101.91 acres
-  Parlato Road Abandonment Area - 9.35 acres**

*Construction vehicles will access the project site through a tap road located off of the Kjowski Subdivision roadway.

**Abandonment Area consists of previously mapped roads to be abandoned. The acreage of these roads has been added to that of the Parlato Property.

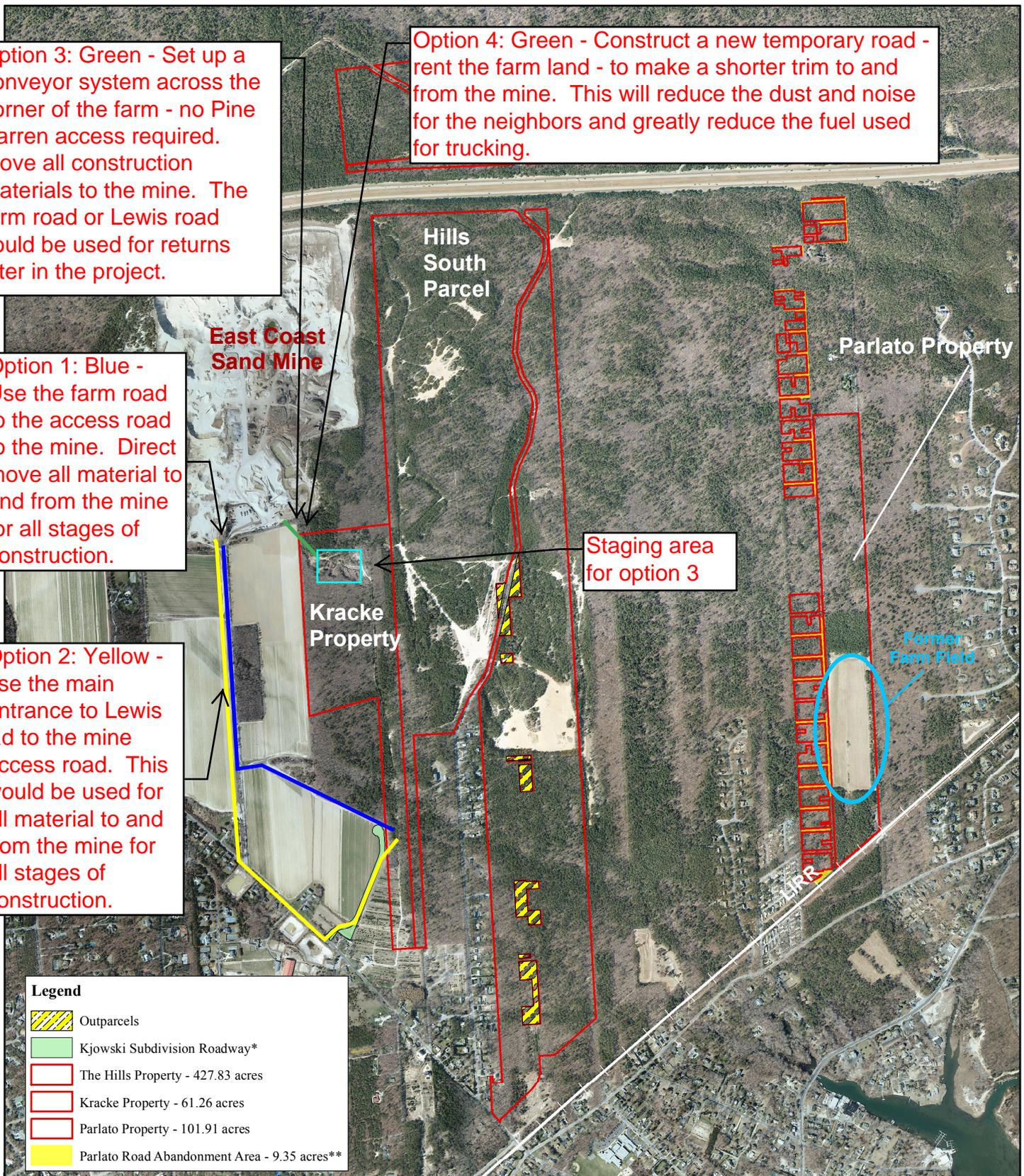


FIGURE 1-1 SOIL REMOVAL OPTIONS

**The Hills
at
Southampton**



Source: NYSGIS Orthoimagery Program, 2013
Scale: 1 inch = 1,500 feet



Final EIS

treatment for a seasonal occupancy project. (It is noted that all of the SONIR modeling in this FEIS has used 10 mg/l for nitrogen budgets.)

As stated in the DEIS, based on SCDHS flow rates, the peak wastewater peak flow of the proposed project is expected to be 41,514 gallons per day. The ultimate system shall be designed and installed so as to provide double the design flow capacity consistent with SCDHS requirements, as well as provide treatment that will meet or exceed the maximum threshold of 10 mg/l. It is also expected that actual flow data would demonstrate excess capacity in the STP after operations commence.

1.6.8 Comments B-36, B-60, B-85, E-44, & F-5.12:

These comments request that the entity to be responsible for monitoring, performing and reporting on the project's sanitary wastewater treatment system, as well as its maintenance practices, be identified. Further, these comments request input on the Town entity that will receive and review this data and, when necessary, regulate the proposed project.

Response:

The project sponsor, DLC has proposed to be responsible for all monitoring and maintenance operations with the Proposed Project. DLC has also proposed to contract with a qualified, licensed wastewater treatment plant operator to operate the sewage treatment plant (STP), as required by the SCDHS requirements. All STP monitoring of performance and reporting will be completed in conformance with any issued SCDHS operational requirements and permit requirements. The STP will be regulated under a State Pollutant Discharge Elimination System (SPDES) permit, which will have an effluent limitation of 10 mg/l of nitrogen (or lower). The STP operator will be responsible operate the plant in conformance with the permit, under contract to DLC. SCDHS would then identify a responsible entity and would enforce proper STP operations through that entity. STP's must meet SCDHS design, installation, construction and operational requirements. Discharge Monitoring Reports (DMRs) must be submitted to SCDHS, and the plant must be inspected, maintained and operated in conformance with the intended design and installation. SCDHS also performs quarterly inspections of STP's and will require compliance and maintenance as a governmental safeguard to the required STP operator's responsibilities. The Town's Department of Land Management will oversee, with the assistance of an outside consultant, the golf course monitoring protocols, and the STP monitoring would be done as required by SCDHS.

1.6.9 Comment G-3.11:

"A summary description of the proposed groundwater monitoring and protection measures is provided on pages 1-68 through 1-70 (the draft monitoring plans are provided in greater detail in Appendices J and K). The FEIS should summarize these measures in the context of the project's proposed phasing and include any additional details that have been developed as it relates to the groundwater quality monitoring requirements and their implementation. It should also include a summary of any intended enforcement mechanisms and penalties if the management restrictions are compromised or exceeded and the overall groundwater protection system is not operating properly (i.e. can a letter of credit be issued as it relates to the

groundwater monitoring, reporting and management). The FEIS should also include the maintenance needs of the proposed groundwater protection systems (e.g., periodic replacement of liners)."

Response:

A ground water monitoring and protection program will be established for the proposed project that identifies protocol for the uses of fertilizer, pesticides, and ground water monitoring procedures. This program will be similar to that established for the Sebonack Golf Club water monitoring and protection program (see Appendix U). If there is any violation of said protocols all fertilization and pesticide application activities shall halt, and the use of the golf course shall cease until such time as it can be determine the cause of the violation and the corrective action can be identified. In addition, the Town would have the ability to impose a substantial fine for any violations of the protocols established in the ground water monitoring and protection program. The Applicant is also proposing the following with respect to ensuring fertilizer application restrictions and tracking.

1. *Nitrogen Application Limitations:* Per the ITHMP, DLC will agree to a turf maintenance program that will not apply more than 2.5 lbs/1000 SF/yr of nitrogen to greens, tees and fairways and 1.0 lbs/1000 SF to rough and residential areas. In addition, it should be noted that the ITHMP specifies organic maintenance practices for all residential, non-golf common areas and primary rough areas. This is critical because a single-family subdivision would not have any such restrictions on turf management. The acreage of turfed area will be less than 15% of the overall site in conformance with Pine Barrens fertilizer dependent vegetation restrictions. This limitation is the same regardless of whether the project is a MUPDD or a subdivision under existing zoning. The benefit is that the proposed MUPDD can be strictly controlled, monitored and enforced, whereby a residential subdivision would have no such controls. Per the SONIR model, the nitrogen limitations result in a maximum of 6,551 lbs/year of nitrogen based on the acreages of the turfed area cover types. As a further limitation, DLC will ensure that the fertigation well acts as a supplement to the turf management program and not an addition thereto. Specifically, based on modeling of the number of pounds of nitrogen removed from the aquifer through fertigation 1,669 lbs/year is removed based on a concentration of 10 mg/l in the source well and 20,000,000 gallons per year of pumping. This, subtracted from the total application limit of 6,551 lbs/year, yields a resultant amount of 4,882 lbs/year. DLC will agree to not apply more than 4,882 lbs/year nitrogen as fertilizer product applied in a manner other than the fertigation system. This results in an assurance of nitrogen application limitations, and further assures that nitrogen will be withdrawn from the aquifer for groundwater restoration. This concept can be incorporated in the ground water monitoring and protection program
2. *Nitrogen Application Enforcement and Maintenance:* The ITHMP and fertilizer limits will be implemented through a Management Program document reviewed, approved and implemented by the Town. The program will involve monthly reporting of applied nitrogen for tracking by Town. DLC has expressed agreement to potential enforcement concepts, proposes to fully implement the ITHMP through the Operations Manual, and has stated a commitment to further reduce nitrogen application to the minimum possible to maintain healthy turf which they anticipate will be less than the allowable limits outlined herein. The applicant will also prepare and implement a complete final Operations Manual for Town approval that will include monitoring, reporting, enforcement and maintenance practices that will be based on manuals similar to other golf courses in the Town

See **Response, Section 1.6.5** for a discussion of the proposed liner maintenance.

1.6.10 Comment G-3.10:

“The DEIS briefly describes the proposed landscaping (page 1-65) with a preliminary plant list provided in Volume III. The FEIS should elaborate more on the types of plantings that are proposed and the species that are native to Southampton that will reduce maintenance and watering.”

Response:

The **Preliminary Plant List** has been revised to include species native to Long Island and to the Town of Southampton in particular (see “Plans” section attached to Volume I of the FEIS).

1.6.11 Comment G-3.24:

“How will public access be provided for within the open space areas? Indicate on a map where public access may be provided within the open space, include any existing local and regional trail networks, and how the access will be maintained.”

Response:

As discussed in the “Introduction and Proposed Project Modifications” chapter, since the release of the DEIS, additional consideration has been given to trail connections that support the existing Town trail system through the proposed site plan. Discussions with the Town resulted in a concept, whereby a trailhead would be provided on the southern part of The Hills South Parcel/Town property (these parcels are adjacent) off Lewis Road, just north of the LIRR crossing, and this would lead to a north-south trail in the on-site natural open space on The Hills South Parcel east of the golf course and on the Town's adjacent property and the trail would run north to connect to existing off-site trails east of the subject property. An existing trail system traverses approximately 1,000 acres of open space in the area east of The Hills, and includes another potential trailhead near Central Avenue and Old Country Road. Under this proposal, the eastern trails will be able to access the approximately 15 acres of former farmland on the Parlato Property (to be dedicated as part of The Hills project). The existing trail system also connects to the northeast then east toward Sears-Bellows County Park and the existing Paumanok Trail. This concept allows for parking and a logical access location to the existing trail network in the area. The applicant has committed to continuing the discussion to provide trail opportunities between The Hills property and the surrounding area. Also, as part of the Proposed Project the Parlato Property and The Hills North Parcel are proposed to be dedicated to the Town of Southampton which would continue to expand the open space and public access continuum in East Quogue. In addition, the 33-acre Parlato Property that is proposed as an additional off-site benefit to reduce density/development in the area will also be dedicated to the Town. This parcel provides further connections between the Parlato Property and the Town's preserved land south of Montauk Highway on Shinnecock Bay. The public trail system could be maintained by the Southampton Parks Department in partnership with the Southampton Trail Society which is the common practice for public trails in the Town of Southampton (see **Updated PDD Landscape Concept Plan** in the “Plans” section attached to Volume I of the FEIS).

1.6.12 Comment G-3.25:

“The plan indicates a manned gatehouse at the entrance to subject project. Provide alternatives as this is not typical to developments in the area.”

Response:

The applicant is proposing the gatehouse for security purposes. Gated residential communities within the Town of Southampton are typically not permitted, as they are in direct conflict with the Town’s prevailing community character of existing residential neighborhoods. This small structure would be situated well within the entry road into the property, set back behind a buffer of trees and would not be visible from Lewis Road or from any other vantage point accessible to the public. As the subject project is a seasonally occupied resort community in need of secured entry during the off season, combined with the fact that it will not be seen from a public right-of-way, the proposed gate house will not have an impact on the area’s community character

1.7 Construction Process and Operations

1.7.1 Comment G-3.19:

“Chapter 1: Project Description related to construction, excavation, and fill and use of the East Coast Sand Mine site should include more detailed discussions related to the means of soil transport associated with the proposed project. This information shall be provided as part of the FEIS.”

Response:

The Section 1.6.2 and 1.7 of the DEIS analyzed the potential impacts of the transport of this fill material between the Hills site and East Coast Mines on Lewis Road in detail, consistent with the Final Scope. Although the applicant identified additional options transport this material to the adjoining mine site, as outlined below, this FEIS is based on the original proposal analyze in the DEIS given the viability of these options is unknown for the reasons outlined below. (see **Response, Section 1.6.9 and Figure 1-1**):

- Option 1: The existing farm road on the western adjacent property, which would avoid commercial vehicle use of Lewis Road.
- Option 2: Lewis Road via the proposed roadway to the proposed project from Lewis Road.
- Option 3: A temporary conveyor belt system would be installed for transporting material to East Coast Mines and the farm road or Lewis Road would be used to import soils to the Hills site. This option reduces vehicle trips on Lewis Road and transports the excess soils to the sand mine pit.
- Option 4: Construct a temporary construction haul road over the adjacent western farmland property to East Coast Mines.

Under options that include the farmland, the proposed project must obtain a license agreement with the owners of property. In addition the Town's agricultural easement requires the Town permission to temporarily utilize the existing farm road. The Town encourages, and the

applicant has proposed to continue to pursue the option with the least impact on the community provided all necessary approvals are obtained.

In order to minimize the potential impact to Lewis Road due to the transport of the subject fill material between the Hills property and East Coast Mines a performance bond will be required to ensure Lewis Road is restored to pre-construction conditions.

1.7.2 Comment G-3.12:

“The FEIS needs to include any additional information related to the use of the East Coast Mine site for the disposal of excavated soil and the method of transport. What is happening with East Coast Mine and what is their role in the project? What are the limitations and requirements of the current DEC regulatory permit for the sand mine site? It was thought that this permit was expiring. As stated on page 1-83 of the DEIS, the feasibility of an internal haul road is being considered to transport soil from the project site to the East Coast Mine. What are the limitations and requirements of the current DEC regulatory permit for the sand mine site and is this permissible under the current permit?”

Response:

The applicant has stated that East Coast Mines, Ltd, has no direct involvement in the proposed project and has no land ownership or shared financial interest in the project. However, given its proximity to the project site, and because of its business in aggregates, there is a potential mutual benefit for soil exports to East Coast and soil imports needed for the Hills project.

East Coast Mines is the holder of NYSDEC permit #10020 which is a mining permit for 75 acres. The operation excavates (mines) aggregates primarily sand and gravel. According to the NYSDEC, East Coast Mines has a NYSDEC Mined Land permit issued August 10, 2015 that does not expire until 2020. The permit can also be extended in five-year increments. An application is made and at the discretion of NYSDEC the permit could be extended to 2025. The mining permit does not affect East Coast Mine’s import of clean, unadulterated aggregates, including aggregate proposed to be imported from the Hills project.

The existing entrance/exit road to East Coast Mines connects to Lewis Road. If haul roads located on The Hills property are installed, these would be temporary compacted soil roads for transporting soils to East Coast Mines from on-site stockpile and staging areas. Internal haul roads already exist at East Coast Mines; however, additional East Coast Mines haul roads may require a modification to the existing NYSDEC permit. This may also involve an update to the existing “reclamation plan” to indicate where the access will be located, and how restoration would be performed after the temporary road is no longer needed. The current reclamation plan for East Coast Mines is bank stabilization and grassing of the slopes. No final land use has been proposed.

The Town's agricultural easement, associated with adjacent western property, requires the Town permission to temporarily utilize the existing farm road. The applicant has proposed to seek to provide a direct connection to East Coast Mines in order to minimize truck traffic on Lewis Road. In the event that Lewis Road is needed, the Draft EIS did analyze the potential impacts on

Lewis Road in detail consistent with the Final Scope. This Final EIS further examines options for direct connection to the adjoining mine site, and the applicant has committed to pursuing the option with the least impact on the community provided all necessary approvals are obtained.

1.7.4 Comment G-3.13:

“Additional text should be provided to describe the soil management activities on the project site during construction. Will there be any mixing of soils or materials on-site? If so, where would that be done on the site?”

Response:

During the construction of the golf course, areas around the proposed greens, tees and bunkers would be stabilized with sod, silt fence, and hay bales. Sod imported to the project site will only be accepted from vendors who have grown the sod on fields located in Suffolk County. Soils on the golf course will be specific to the areas of play and engineered for proper drainage, pore space, saturated hydraulic conductivity and fertility. Greens are proposed to be constructed as per USGA recommendations for soil characteristics that involve soil particle size and distribution (Appendix 3 [of the ITHMP]) and seeded. Soil erosion within the footprint of the golf course and bunker areas is proposed to be closely managed and controlled to avoid mixing soils and disrupting the design characteristics of the soil types. Soil characteristics will also be controlled by implementing a quality control/quality assurance (QA/QC) program that will require soil sample collecting and analyses by an independent qualified soil laboratory.

Fairways are typically constructed with native soils providing the soils possess suitable qualities and can be amended as needed and then hydroseeded. Ideal soil properties that resemble loam are best for fairways and can be blended at the site. Clay layers that may be discovered during earthwork do not provide good properties for golf course construction. If necessary, the clay can be excavated and placed in the proposed stormwater detention pond as an added impervious liner below the synthetic liner. Soil samples will be collected and analyzed by qualified soil labs to report physical and chemical properties. Amendments if needed will be determined after lab reports have been reviewed. Appendix 21 of the proposed project's ITHMP provides standards and recommended specifications for the production of fairway soils. Advantages of hydroseeding are inclusion of nutrients and tackifiers that can feed and mulch the turf during grow-in and establishment.

On site sands cannot be used for the greens mix because of the potential for cross-contamination by soils of different physical properties, soils that contain dormant weed seed, a lack of control of the soil mixing machine and introduction of unsuitable material from site construction debris which all potentially impact native soil quality. The greens drainage and root zone mixes will be mixed off site and placed within the green as each green is constructed. The greens root zone mix quality control will include sampling of the mix and testing by a qualified soils laboratory. Typical samples are collected from soil mix stockpiles at 500-yard increments, with several preserved samples retained indefinitely. The specifics of the root zone and drainage layer QA/QC program will be specified in the golf course construction documents.

Tee mix soils will closely mimic the greens root zone mix. There is a possibility to use some screened on-site native soils for tee construction. However, the risks of producing less than adequate quality soil remains. The recommendation is to prepare the tee mix soil off site at an approved source, with samples collected and tested for quality control purposes. The specifics of the root zone and drainage layer QA/QC program will be specified in the golf course construction documents. Tees will be either hydro-seeded or seeded with sod installed at perimeters to stabilize slopes and define the teeing ground area.

Fairway soils will be blended from on-site native sands and incorporate the existing albeit thin layer of organic matter (OM). During clearing, grubbing and rough shaping (grading), the upper soil horizon will be stockpiled. These materials will be screened to remove tree roots, brush, large stones and other debris. Some of the organic debris may be useful for processing on site and incorporated into the roughs and fairway areas as an organic amendment. The prescribed bentgrass and fescues favor soils with a slightly lower soil pH, sandy soils, good drainage, and will germinate in soils with naturally low organic content.

As the golf course ages, the fairways and roughs will generate an organic mass within the soil profile. The initial amendment to fairway and rough native soils may require addition of organic (leaf) matter compost to be blended with native soils to aid in soil moisture holding capacity and provide organic matter as a food stock for soil micro-organisms. Once the population of soil microbes becomes established, the organisms and thatch generated from grass clippings will provide a sustainable soil mix. The cultivation practices applied to the fairways will manage the organic matter content through verti-cutting, dethatching, aeration and top dressing.

The amended native soils will require sampling and analyses for physical properties, (particle size distribution, bulk density, organic matter content, porosity and saturated hydraulic conductivity) to evaluate how the soil properties influence the fate of applied water, chemical inputs, nutrient uptake, soil biological activity and the fate of inputs with respect to groundwater. At a minimum of once per year, post grow-in, the Hills will collect soil samples for analyses and cross reference the results with the ground and surface water monitoring programs.

The soil sampling information will be used to evaluate the impacts(s) that post construction soils may or may not have on ground and surface water quality, and what mechanisms (cultivation, soil amendments, changes in turf management) may be implemented to minimize or avoid potential negative impact and/or document how post construction soils have affected the phyto-remediation design technology and predicted improvement in overall water quality, as compared to the pre-construction existing conditions.

It is not advisable for large pieces of land clearing/organic debris to be buried within the playing areas of the course. As the debris decomposes and the land settles it creates uneven surface conditions, and may encourage fungus problems that interfere with fine turf management. There is opportunity to process and till some of the debris into the roughs, practice area of naturalized/restored areas. Excess land clearing debris will be removed from the site and processed at an approved facility.

Residential areas and non-golf areas are expected to tolerate greater quantities of organic compost. Organic leaf compost will be used to amend the nutrient weak sandy soils within these areas. The selection of all compost materials will be in accordance with the recommendations referenced in Appendix 4. “Using Compost to Improve Turf Performance” [of the ITHMP].

Figure 1-1 depicts the areas selected for on-site soil management and stockpiling. These locations will be storage areas prior to export and will also be used for storing imported soils and for mixing of soils on site. The United States Golf Association of America (USGA) recommended specifications for greens construction (Appendix 3 of the ITHMP) that will require offsite mixing of soils used in the root zone mix, and drainage layer of the constructed greens. Offsite mixing offers better quality control and collection of unadulterated soil samples needed for analyzing soil physical properties. It is estimated that 7,000-8,000 cubic yards of root zone related soil will be needed and approximately 3,000 cubic yards of drainage aggregates (i.e., pea gravel) is needed.

Soil for tees and fairways are proposed to be mixed onsite. The mixing equipment that would be used is mobile, and will be transported to the mixing areas closest to the construction activities. The properties of the site’s native soil (high percentage of sand) indicate that organic matter needs to be added. Typically, the organic matter is Dakota Peat, a specialty product used for amending soils for green root zone mix. Clean topsoil will also be mixed with the native soils and peat to provide a growing medium consistent with the fairway root zone mix described in Appendix 21 of the ITHMP.

1.7.5 Comment G-3.18:

“The FEIS should include a graphic depicting the proposed construction program that is described on page 1-83. Given the large volumes of employee and construction vehicles that are anticipated, this graphic should show where the employee truck parking and construction staging areas would be provided on the site and the principal vehicle routes, particularly the truck routes, soil management locations, operational offices, controlled entries, etc.”

Response:

Figure 1-1 identifies potential locations for equipment associated with the soil removal operations. Refer to the **Construction Management Plan** in the “Plans” section attached to Volume I of the FEIS for a depiction of possible locations of construction worker parking, construction materials loading/unloading areas, construction staging areas, etc.

1.8 Permits and Approvals Required

Comment G-3.23:

“How would a Mixed Use PDD law for this project be structured? Provide a draft for review to determine what parameters or conditions would be included to ensure that all of the impacts are mitigated and public benefits achieved.”

Response:

A draft of the MUPDD law for the proposed project is contained in Appendix W, which is generally consistent with format of other MUPDD laws prepared for the Town of Southampton (e.g., for the Hampton Bays MUPDD (330-248B), the Sebonack MUPDD (330-248 K), and the North Sea MUPDD (330-2548 L)

2.0 RESPONSES TO COMMENTS ON NATURAL ENVIRONMENTAL RESOURCES

2.1 Geological Resources

There were no public or agency comments directed to this sub-section of the Draft EIS.

2.2 Water Resources

2.2.1 Comments B-19, B-20, B-47, B-53, B-57, B-67, B-72, B-95, C-9, C-25, C-50, C-54, C-65, C-70, C-96, C-97, C-98, D-1, D-22, D-37, D-38, D-48, D-55, D-64, D-69, E-43, E-89, E-109, E-111, F-3.4, F-5.9, & F-8.4:

These comments are related to concerns that the proposed project will significantly and adversely impact groundwater and surface water resources beneath the site as well as such downgradient surface waters, specifically Weesuck Creek and Shinnecock Bay .

Response:

The DEIS included a comprehensive assessment of the potential impacts to groundwater with the proposed project. This impact assessment examined the overall nitrogen budget (including fertilizer nitrogen, wastewater nitrogen and other sources), pesticide use assessment, and stormwater impact assessment.

The comment didn't address comparisons, but impacts analyses updated for this FEIS further demonstrate the lack of impact and significant benefit in terms of nitrogen reduction to the underlying aquifer and downgradient areas of Weesuck Creek and Western Shinnecock Bay (see Draft EIS Section 2.2.2 and **Final EIS**).

Potential impacts related to pesticide use are fully examined in the DEIS and are based on the proposed ITHMP. Modeling was used to predict no impacts related to use of pesticide through analyses in the DEIS. The Pesticide Root Zone Model for Groundwater (PRZM-GW) (http://www.epa.gov/oppefed1/models/water/przm_gw/wqgt_przm_gw_guidance.htm) was used to conservatively calculate drinking water concentrations in a vulnerable shallow aquifer environment. When EPA assesses the risk of a pesticide to human health or the environment, it considers the toxicity of the pesticide as well as the amount of pesticide to which a person or the environments may be exposed. PRZM-GW is a recent innovation by the US EPA's Office of Pesticide Programs (**Baris et al., 2012**) and is considered highly conservative in predicting actual concentrations.

2.2.2 Comment F-1.1:

This comment addresses "Comments on the DEIS of The Hills PDD: Effects on Surface and Groundwater Quality" submitted by Christopher J. Gobler, PhD, dated March, 2017; Stony Brook University School of Marine and Atmospheric Sciences. The document presents background information on area water resources, a review of nitrogen budget analyses in the

*Draft EIS (i.e., BURBS model and comments requesting use of LINAP-based nitrogen budget assumptions), an assessment of the proposed PDD, comments on Fertigation (referencing this as a novel/innovative approach as well as comments on the fertigation withdrawal well nitrogen concentration), comments on As of Right Development, and an Epilogue that references meetings held between the applicants technical consultants and Dr. Gobler prior to the preparation of this Final EIS. The document also includes several tables of calculations in support of the comments (see **Appendix F-1** for full comment document).*

Response:

Overall, the review document noted above is thoroughly addressed in the minutes of several meetings held between the Town's and applicants' technical consultants and Dr. Gobler, as well as supplemental nitrogen budget modeling tailored to address the comments noted herein and test the sensitivity of the model results based on a range of assumptions. This response will first address several inaccuracies in the assumptions and calculation tables included with this comment, followed by reference to two (2) technical meetings held to address comments, and completed by presenting the results of supplemental modeling designed to update the analyses and address the comments in this section.

The Hills technical team (described in introduction) reviewed the report referenced herein as comment F-1.1 and prepared a response that was submitted to the Town Supervisor and Board members on April 25, 2017. This submission outlines the inaccuracies in the assumptions and calculation tables (see **Appendix R-7** for full letter and attachments). A summary of the applicant's findings and review by Town Staff is provided below:

1. TOTAL FERTILIZED AREA USED IN THE CALCULATION

The total fertilized area is 88.65 acres not 113.66 acres stated by Gobler. The maximum allowable fertilized area on the Hills property per Southampton Town Code is 15% or 88.65 acres on the total of 591 acres.

2. AMOUNT OF FERTILIZER USED IN THE CALCULATION

The total amount of fertilizer nitrogen projected to be used by The Hills is 6,651 lbs/yr not 11,349 lbs/yr as stated by Gobler. The 6,651 lbs/yr is within the EPA Challenge of 2004 which limits fertilizer on East End golf courses to 2.5 lbs/1000 sq ft./yr

3. TOTAL IMPERVIOUS ACREAGE USED IN THE CALCULATION

The amount of impervious acreage (Table 3) in the Hills proposed project is 9.14 acres not 55.11 acres as stated by Gobler.

4. LEACHING RATE

The leaching rate (Table 1) that was applied by Gobler is significantly higher (30% compared to 10-20%) than what has been experienced at the similarly developed and managed golf course in Southampton Town-Sebonack and significantly higher than what was recommended for The Hills DEIS by Dr. Martin Petrovic.

5. NET RESULT OF THESE ISSUES

The overestimated fertilized area and fertilizer amounts by Gobler result in an overstatement of net nitrogen applied of over 1100 pounds/yr of the estimated total in the report. The overstatement of leaching rate results in an additional overstatement of over 1500 pounds of net nitrogen leaching per year. Combined, these three calculations overestimate nitrogen for The Hills by 72%. It is further noted that the Gobler report did not account for the mitigation efforts to further reduce nitrogen leaching including the fertigation/denitrification well, lined greens and rain gardens and other proven technologies although these are well-documented, effective technologies that can improve water

quality in the aquifer. These mitigation efforts are projected to remove 2500 pounds of nitrogen per year, thereby improving overall water quality in the aquifer. The report also does not include the value to the watershed of the investment in offsite sanitary system upgrades, shellfish restoration, eel grass planting nor funding in research to further mitigate nitrogen loading in Western Shinnecock Bay.

DEIS REVIEW BACKGROUND

This technical team worked collaboratively for internal peer review and quality control and all documentation was further peer reviewed by the Town experts Dr. A. Martin Petrovic and Robert White of AKRF prior to acceptance of the DEIS. The Town's consultants are experts in their respective fields covering agronomy, hydrology, hydrogeology, turf management, environmental planning, fertigation and other relevant disciplines. Further, the Hills ITHMP was peer reviewed by Alfred J. Turgeon Ph.D. and Mike Fidanza Ph.D. of Penn State's Department of Plant Science.

In addition, The Hills project sponsor Discovery Land Companies (DLC) retained noted experts PW Grosser Consulting, Inc. - hydrogeology, waste water, engineering (Dr. Paul Grosser, Ph.D., P.E., P.G.), Nelson, Pope & Voorhis, LLC - environmental planning, nitrogen budget analyses (Charles J. Voorhis, CEP, AICP), East Quogue Golf Corporation - Integrated Turf Health Management (Jeffrey Seeman, CGCS, CEP), Greenman-Pedersen, Inc.- Ecology, Hydrology, Surface water (Robert Grover), Environmental and Turf Services, Inc. (Stuart Cohen, Ph.D. Turf Management) and other legal specialists - land use, long range municipal planning (Wayne Bruyn, Esq.), golf and environmental design specialists (Fazio Design and Vita, Inc.), and irrigation specialists (Paul Granger of Aqua Agronomic Solutions, Inc).

The two (2) technical meetings between the commenter (Gobler) and the applicants' technical team did address each of the items discussed in Comment F-1.1. Present were Dr. Christopher Gobler, PhD, Robert Grover, Dr. Paul Grosser, PhD, P.E., P.G. and Charles Voorhis, CEP, AICP. Detailed minutes were taken as part of these meetings and were circulated to all parties noted above for approval, prior to finalization. Once finalized, these minutes were submitted to the Town Supervisor and Board members. The full minutes of both meetings are included as **Appendix R-8**. These minutes further clarify the discussions regarding area water resources, a review of nitrogen budget analyses in the Draft EIS (i.e., BURBS model and comments requesting use of LINAP [Long Island nitrogen action plan] -based nitrogen budget assumptions), an assessment of the proposed PDD, comments on Fertigation, comments on As of Right Development, and support the analyses contained in the Draft EIS, which is further supplemented by updated/refined analyses for this Final EIS and referenced below. In further response to this comment, NP&V prepared supplemental nitrogen budget analyses that are based on LINAP assumptions, and further provide various development scenarios to test the sensitivity of various other assumptions. Based on discussions with the commenter, the following development scenarios were evaluated:

Development Scenarios:

1. The Hills PDD; Most likely scenario in terms of occupancy and leaching rate; DLC projects have actual occupancy in the range of 60 days per year
2. The Hills PDD; Covenanted to not exceed 183 days per year
3. The Hills PDD; Expected occupancy, but with 20% leaching rate per LINAP
4. Existing Conditions assumes that farms on Kracke and Parlato are active

5. Group for the East End Equestrian Alternative; With 1 horse per unit; STP; no turf
6. Existing Zoning PRD (Alt 2); With Innovative/Alternative (I/A) Systems (not currently required); seasonal adjustment of 75%; and 10% turf limit (not required; 15% allowed)
7. Existing Zoning PRD (Alt 2); With I/A systems (not currently required)
8. Group for the East End Equestrian Alternative; With 1 horse per unit; no STP; 10% turf limit (not required; 15% allowed)
9. Existing Zoning PRD (Alt 2); With seasonal adjustment of 75%
10. Existing Zoning PRD (Alt 2); With standard sanitary (similar to what was analyzed in DEIS)
11. -137 Unit PRD; With Maximum Density through transfer of 6 Pine Barrens Credits and 10% affordable housing increase to permit 137 homes as a feasible alternative

Many of these scenarios were the direct result of input from the commenter, specifically including: Scenario 3 which increases the leaching rate to 20% which is twice what is recommended by the Town expert Dr. A. Martin Petrovic; Scenario 6 which is the Existing Zoning PRD with I/A OWTS, a seasonal adjustment of 75% of population; and an arbitrary 10% turf limit, where 15% is allowed; Scenario 7 which is the Existing Zoning PRD with I/A OWTS; and, Scenario 9 which is the Existing Zoning PRD with a seasonal adjust of 75% of population. It is noted that Scenario 2 is similar to the proposed project in the Draft EIS; Scenario 4 is similar to the Existing Conditions in the Draft EIS, and Scenario 10 is similar to the Existing Zoning PRD (Alternative 2) in the Draft EIS.

Several additional scenarios are included in the comparison, specifically: Scenario 5 which is based on the Group for the East End comment to examine an equestrian facility with an STP and no turf (this is arbitrary and not a reasonable alternative given the stringent requirements already applicable to the site regarding turf limitations); and Scenario 7, which is also a GEE equestrian use but with no STP and limited turf of 10%. Finally, Scenario 11 is a Maximum Density alternative through density incentives for affordable housing and transfer of development rights as provided for in Town code and described in the Introduction section of this Final EIS.

Each development scenario was subject considered in the context of nitrogen load/reductions whereby the SONIR model results for on-site development were first prepared, followed by various layers of nitrogen load reduction strategies. These nitrogen load reduction strategies are only available for The Hills MUPDD project and include: Fertigation/Mitigation Reduction; Sanitary System Upgrade Reduction; PBC Reduction; and, 33 Acre Land Purchase Reduction. The following load/reduction factors were included in a comparison of the various alternatives:

Nitrogen Load/Reductions:

- a. Project Nitrogen Load determined by SONIR model
- b. Fertigation/Mitigation Reduction determined using 10 mg/l source well nitrogen; other mitigation includes lined greens and rain gardens
- c. Sanitary System Upgrade Reduction is based on "Nitrogen Reduction Computation - Sanitary System Upgrade Funding;" including East Quogue School
- d. Pine Barrens Credit Reduction is based on "Nitrogen Reduction Computation - Pine Barrens Credits and Land Acquisition"
- e. 33 acre Land Purchase Reduction is based on "Nitrogen Reduction Computation - Pine Barrens Credits and Land Acquisition"

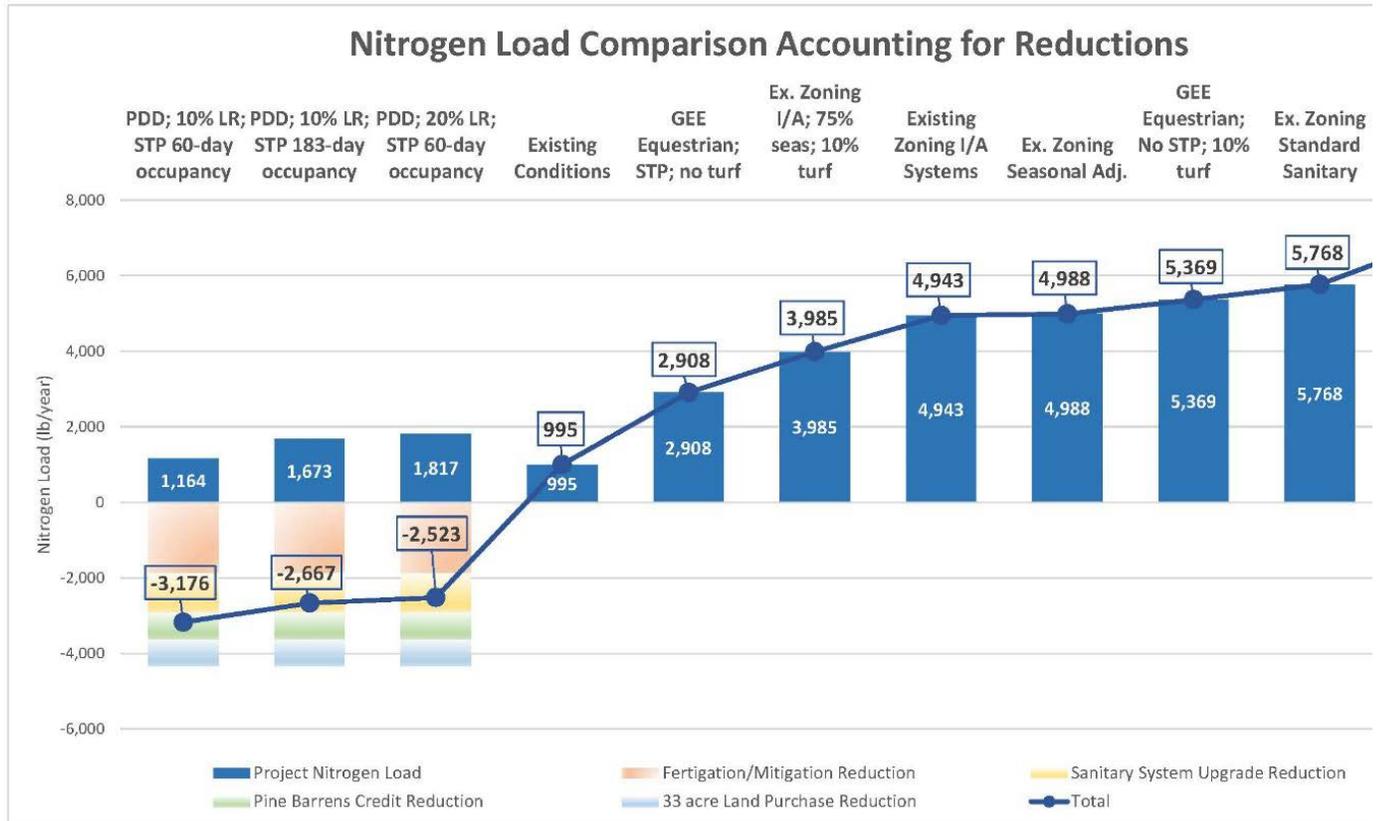
The SONIR Model User's Guide that describes model inputs is provided as **Appendix R-1**. **Appendix R-2** includes the SONIR Model results for the Updated Master Plan (Scenarios 1-3 noted above). **Appendix R-3** includes the SONIR Model results for the Existing Conditions (Scenario 4 noted above). **Appendix R-4** includes the SONIR Model results for Alternative 2 (Scenarios 6, 7, 9 & 10 noted above). **Appendix R-5** includes the SONIR Model results for the GEE Equestrian Alternative (Scenarios 5 & 8 noted above).

The SONIR nitrogen budget modeling is summarized in a comparison table and chart included in **Appendix R-7**. The table includes the various nitrogen load/reduction strategies noted above and provides a comparison chart that graphically depicts the relative nitrogen loads from the scenarios outlined herein. This appendix also includes the supporting calculations that were used to determine the nitrogen reduction strategies. The summary/comparison chart is excerpted and provided below; however, the full analyses, table and chart in **Appendix R-7** should be reviewed for complete documentation.

The documentation in **Appendices R-1** through **R-9** is provided in response to Comment F-1.1, along with the text provided above. This additional documentation demonstrates that the proposed project has the lowest nitrogen load of all alternatives including Existing Conditions and development under existing zoning. The analyses further demonstrate that the proposed project will have a net negative nitrogen load and therefore, no adverse impact on nitrogen in groundwater. Conversely, the proposed project is expected to improve water quality conditions as compared to current conditions.

Not included in this analysis but as stated in the DEIS, the applicant has been committed to assisting the community in addressing the existing impacts of non-conforming septic systems have on the surface waters of Weesuck Creek and western Shinnecock Bay. As a result, the project sponsor has offered to provide \$1,000,000 in a fund for the upgrade of existing sanitary systems within Weesuck Creek watershed with I/A OWT Systems.

In addition, the project sponsor has offered to install an on-site sanitary treatment facility at the East Quogue Elementary School, as a community benefit. The East Quogue Elementary School has been identified as a site that contributes nitrogen to the Weesuck Creek Watershed and the possibility of installing an on-site sewage treatment system could therefore be considered an additional public benefit. The incorporation of such a sewage treatment facility would provide additional benefit with respect to local groundwater and surface water quality by achieving significant reductions in nitrogen loading. Based on this intention, the applicant has met with the Superintendent of the East Quogue School District to review their existing sanitary facilities. Due to the low existing flow volumes, tertiary treatment was deemed to be infeasible/impractical. The wastewater engineering recommendation is to provide Innovative/Alternative On-site Wastewater Treatment Systems (I/A OWTS) for the school. The elementary school currently has two conventional sanitary systems. These systems would be replaced with I/A OWTS installations at a total cost of approximately \$25,000. If the district is not inclined to allow this change in their sanitary systems, then the equivalent dollar amount would be made available as part of the Town fund for sanitary system upgrades in the East Quogue area. This is separate from the other capital grant monies proposed to be allocated to the School District.



2.2.3 Comments F-3.6, F-4.1:

This document presents an engineering analysis of the project's computer model application to the water resources-related aspects and impacts of the proposed project. Comment F-4.1 is a Memorandum from Leggette, Brashears & Graham, Inc. to Robert DeLuca, Group for the East End, Subject: Review of Draft Environmental Impact Statement, The Hills at Southampton, Hamlet of East Quogue, Southampton, NY. The review focuses on the Draft EIS nitrogen budget load analyses (SONIR and BURBS), and the Fertigation System.

Response:

The turf management program developed for the proposed project used the USEPA Pesticide Root Zone Model (PRZM) to analyze pesticide fate and nutrient loading potential impacts to groundwater. See **Response, Section 2.2.1** for a detailed discussion of how the PRZM-GW was applied to the proposed project.

Specific comments from Leggette, Brashears & Graham, Inc. (LBG) in F-4.1 are identified and responded to below:

LBG notes the following with respect to the Existing-Conditions Simulation:

NPV Sheet 3 - Model input at location G1 (Natural Recharge) is 3.08 feet or 36.9 inches. This value is high when compared to the range of Natural Recharge input values of 1.68 to 2.0 feet used by NPV in four other simulations; and in comparison to published data (Jackson, Kung and Brutsaert, 1985) that indicates the natural recharge to the upper glacial aquifer would range from 1.6 to 2.0 feet.

Based on this comment, the SONIR was changed to 2.14 and the resulting nitrogen load changes from 873.70 lbs to 703.20 lbs representing a slight decrease.

LBG notes the following with respect to Proposed-Project Simulation:

NPV Sheet 1 - Model input at location A24 (fraction of Rain Gardens in study area) is 1.4 acres, and at location A25 (total percentage of project area) is 0.061 or 6.1 percent. Based on a total project area of 591 acres, the 1.4 acres of rain gardens account for 0.24 percent of the total project area (1.4 acres/591 acres).

Based on this comment, the SONIR was changed from 0.061 to 0.003 which changes the nitrogen concentration from 0.34 to 0.35 in the original model; however, it is noted that in response to other comments, the SONIR Model has been updated (see **Response, Section 2.2.2**); however, this changes as carried forward throughout the updated modeling.

LBG notes the following with respect to Proposed-Project Simulation:

NPV Sheet 1 - Model input at location A26 (Runoff from Rain Gardens) is 0.35 inch. Item number 26 on Page 7 of the User's Manual states that "for rain gardens, no runoff would be expected". Thus, the model input at location A26 should be 0.0 inch.

Based on this comment, the SONIR was 0.35 inches to 0.0 inches which did not change the inches of runoff or the concentration in the model output.

LBG notes the following with respect to Proposed-Project Simulation:

NPV Sheet 3 - Model input at location B3 (Pet Population) is eight pets. The User's Manual states that the pet population is equal to 17-percent of the human population. The DEIS assumes there will

be 118 dwellings with 2.5 people per dwelling for a total human population of 295 and pet population of 50 pets. However, per the DEIS, the occupation of any dwelling is capped at 183 days a year (50 percent), thus the annualized pet

Based on this comment, the input was changed from 13.33 lbs to 40.66 lbs which resulted in no change in the nitrogen concentration model. It is noted that this methodology is updated in the FEIS analyses.

LBG notes the following with respect to the SONIR Model:

Accounting for the fraction of rain garden land (0.24%), runoff from rain garden land (0.0 inch) and number of pets (25 pets), the nitrogen load prior to mitigation would increase from the 2,626 lbs. (0.66 mg/l) as presented in the DEIS to 2,653 lbs. (0.71 mg/l).

This comment is acknowledged and verified through the original SONIR Model. As noted, the model has been updated based on other comments (see **Response, Section 2.2.2**).

LBG notes the following with respect to the SONIR Model:

If the proposed nitrogen mitigation from the Lined Greens and rain gardens is incorporated into the original NPV model, the nitrogen load would decrease from 2,626 lbs. (0.66 mg/l) to 2,326 lbs. (0.59 mg/l). Using the updated input parameters outlined above, the nitrogen load would decrease from 2,653 lbs. (0.71 mg/l) to 2,357 lbs. (0.63 mg/l). In both cases, there is a net increase of nitrogen loading to the Weesuck Creek drainage basin from the existing condition (677 lbs.). Of note, this evaluation of nitrogen loading does not incorporate any mitigation associated with the proposed fertigation system.

In updating the SONIR Model based on the recommend input adjustments in the preceding comments, the Existing Conditions changed to 702.30 lbs of nitrogen.

Overall, the comments on the SONIR Model are inconsequential in terms of the relative results of the modeling effort. The comments recognize the mass-balance methodology as appropriate, and identified several input adjustments that are acknowledged but do not appreciably change the findings.

LBG further commented on the assumed concentration of nitrogen in the fertigation withdrawal well, suggesting a lower concentration than the 15 mg/l that was assumed for the Draft EIS specifically recommending 9 mg/l. A similar comment was raised and responded to in **Response, Section 1.6.6**. Based on review of additional water quality monitoring data available from the SCWA for the Spinney Road Well Field, Well 2, a concentration of 10 mg/l is supported for the concentration of nitrogen in the withdrawal well. This value has been used for all updated modeling completed for the Final EIS with results presented in Response, **Section 2.2.2**.

2.2.4 Comment F-8.2:

This comment suggests that the proposed project does not consider the 1983 Cornell Study.

Response:

The DEIS fully reviewed and considered the Cornell Study; that review is presented in the DEIS Appendix I-4, and is summarized in Section 2.2.1 (pages 2-16 and 2-27) of the Draft EIS. See **Response, Section 4.6.2** and Attachment 3 of **Appendix M**.

2.2.5 Comments F-5.1, F-5.4, F-5.5, F-5.6, F-5.7, & F-5.11:

These comments question the project's computer model application to the water resources-related aspects and impacts of the proposed project.

Response:

The nitrogen budget and other analyses presented in the DEIS are supported by the references provided in that document and were reviewed and found to be acceptable for public review by the lead agency and the lead agencies technical consultants. This Final EIS presents supplemental analyses based on comments on the Draft EIS. The comment included in **Section 2.2.2** is most detailed and that response provides full documentation of the supplemental analyses. Therefore, the reader is referred to **Response, Section 2.2.2** above.

2.2.6 Comment G-3.14:

“The DEIS contains a description of the potential impacts of the proposed project with respect to groundwater and surface water resources (see pages 2-42 through 2-62). The FEIS should address and update, as needed, the water resources analysis provided in the DEIS on pages 2-42 through 2-62 to reflect the comments raised above with respect to the analyses of potential impacts on groundwater and surface water resources. The FEIS needs to explain the results of the workshops that were held on the proposed project with respect to groundwater impacts on February 1 and March 17, 2017 (see attached minutes) and provide any supplemental analyses as it pertains to the groundwater and surface water impact analyses that were provided in the DEIS, particularly with respect to the fertigation proposal and the modeling of impacts. This analysis was based on the SONIR model. Since the DEIS release, there was additional review and coordination to address the potential for groundwater impacts with the Stony Brook University School of Marine and Atmospheric Sciences and the potential for use of the Long Island Nitrogen Action Plan (LINAP) model. Based on this coordination, additional updates to the nitrogen budget analyses as presented in the DEIS (for both the fertilizer applications and the operation of the sewage treatment plant), and the resulting analyses as to the impacts on groundwater and surface waters may need to be provided in the FEIS.”

Response:

The nitrogen budget and other analyses presented in the Draft EIS are supported by the references provided in that document and were reviewed and found to be acceptable for public

review by the lead agency and the lead agencies technical consultants. This Final EIS presents supplemental analyses based on comments on the Draft EIS. The comment included in **Section 2.2.2** is most detailed and that response provides full documentation of the supplemental analyses. Therefore, the reader is referred to **Response, Section 2.2.2** above.

2.3 Ecological Resources

2.3.1 Comments B-39, D-56, F-2.1, & F-2.4:

These comments question the completeness and accuracy of the studies and evaluations of the site's wildlife and habitat resources that were presented in the DEIS.

Response:

It is acknowledged the development of the proposed project will alter the habitats on site, and will require clearing and grading within approximately 167 acres of the 591 acres project property (see also Section 2.3.2 of the DEIS). Mitigation measures were outlined in the DEIS to address the identified habitat loss; these measures include habitat re-vegetation and restoration including creating grasslands, installation of bat boxes, and clearing limit protections. Specifically, the proposal includes creation of 15.78 acres of grasslands on the former farm field area of the Parlato property, as well as revegetation of 17.39 acres of natural revegetation on other portions of the site, and is the required habitat for many of the rare species identified as potentially utilizing the site and/or surrounding area. It is proposed by the applicant that only native species will be utilized for any restoration work to ensure that native habitat restoration is achieved.

2.3.2 Comment G-2.1:

This comment notes that, during field visits to the site, Commission staff observed a number of rare plant species, a special concern animal species, and unique species compositions on the site. Additional analysis of such resources is warranted.

Response:

After careful review of the materials provided by the CPB Commission staff, identification of the stated species cannot be verified at the current stage of the annual growing season. As such, field identification will be necessary in order to ensure accurate identification. The applicant has contacted Steve Young, Chief Botanist of the New York Natural Heritage Program, to coordinate a review of specimens collected on site to provide accurate identification of the species addressed in the comment. As a result of the identification process, a rare plant/species of special concern management plan shall be developed identifying those areas that may potentially conflict with the proposed development and what precautions may be taken to protect those species to the maximum extent practicable in accordance with the Central Pine Barrens Comprehensive Land Use Plan and 6 NYCRR Part 193.3 and NYS ECL, Section 9-1503 and provide suitable habitat conditions to re-establish these ecological communities on the 424.14 acres that will remain undisturbed/protected as a result of this application. If transplanting of certain plant species is determined to be possible, it is recommended that a professional

horticulturalist perform the transplanting of the species to optimize survival. Transplanting of this species would be the responsibility of the property owner and would be performed under the supervision of the applicant and the Town in accordance with a protocol approved by the Town and Pine Barrens Commission prior to the commencement of construction activities.

Several mitigation measures were also outlined in the DEIS to minimize and address the habitat impacts of the proposal (see the response to Comment 2.3.1, above), including creation of grasslands, use of native species in the landscape plans (in addition to any species of special concern identified in the management plan that can be utilized or supported within assemblages in landscaped areas), preservation of undisturbed areas, installation of bat boxes, and limiting clearing, all of which serve to provide significant natural habitat in conjunction with the proposed development. Overall, the site development will comply with all the Central Pine Barrens (CPB) Compatible Growth Area standards. This includes the site design that supports preservation of natural vegetation in large unbroken blocks that allow contiguous open spaces to be established as recommended in the CPB Comprehensive Land Use Plan. The subject proposal includes the preservation of over 400 acres and the site design has been configured to prioritize the preservation of native Pine Barrens vegetation to the maximum extent practicable, these actions combined will support species diversity and regeneration.

3.0 RESPONSES TO COMMENTS ON HUMAN ENVIRONMENTAL RESOURCES

3.1 Transportation Resources

3.1.1 Comments B-23, B-55, B-63, B-71, B-82, B-83, C-18, C-20, C-67, & C-107:

These comments express concerns that the increased traffic on local roads and the operations of local intersections will be significantly and adversely impact traffic circulation. These impacts will in turn affect community character and safety of the community including the safety of school children.

Response

A Traffic Impact Study (TIS) was conducted in conformance with the Final Scope of Work and is included in the DEIS. Based on the finding of the TIS, the construction and operation of the proposed project will not create significant adverse traffic and safety impacts on the adjacent street network.

As part of the DEIS, analyses of 4 intersections in the study area as well as the proposed site driveway were conducted for both summer and fall conditions in order to capture the range of traffic conditions in the study area. Anticipated vehicular trip generation from the proposed project was also estimated for both the operational and construction phases of the proposed project (the construction phase was examined in Chapter 4 “Other Required Sections,” see those comment in the section following in this FEIS). The operational phase considered trip generation associated with the residents of the residential component of the project, resident and outside members of the golf club and all their guests, employees of the proposed project, and anticipated traffic from special events. The results of the intersection capacity analyses contained in the DEIS found that the existing levels of service (LOS) associated with these intersections will remain relatively the same after the completion of the project, with minimal increases in delay. In addition to the intersection LOS, vehicles queues and safety at the at-grade railroad crossing on Lewis Road were reviewed. The 95 percent queue length on both Lewis Road approaches to the project entrance during the worst peak period are less than one vehicle and the available storage exceed one vehicle length on both approaches. A review of accident data also did not identify any accidents related to the railroad crossing occurred on Lewis Road. It is also noted that fewer than 8 trains cross Lewis Road at this at-grade crossing daily. Thus, it was concluded in the TIS that no queuing or traffic safety issues are expected at this location.

3.1.2 Comment G-3.27:

“As mentioned during the DEIS public hearings, the FEIS should address the potential impacts of increased flight traffic in the area that will land at Gabreski airport as a result of this action.”

Response:

This comment was addressed in the Draft EIS in conformance with the Final Scope. Any vehicle trips between the airport and the project site would also be accounted for in the trip generation analysis as a vehicle trip.

As stated in the DEIS (Section 3.4.2), the operation of airports in the United States including Gabreski Airport is regulated under 14 CFR 161 by the Federal Aviation Administration (FAA). The FAA has been given authority to promulgate regulations for the safe use and designation of air transport facilities. As a federal agency, they are bound by the requirements of the National Environmental Policy Act (NEPA) to enact regulations that consider environmental impacts. Air emissions from aircraft or support equipment on the ground were not identified as an issue at any of the studied airports. This is not surprising since *"Generally, about 10 percent of aircraft pollutant emissions are emitted close to the surface of the earth (less than 3000 feet above ground level). The remaining 90 percent of aircraft emissions are emitted at altitudes above 3000 feet".*¹

The proposed action is not expected to significantly impact operations at Gabreski Airport that would result in a significant increase in aircraft traffic and associated noise and air emission impacts. Airport operational procedures that control aircraft departures and arrivals are regulated by the FAA. These controls can effectively complement the reduction of aircraft source emissions. For example, operational controls that apply reduced thrust settings near the ground augment the noise reduction levels. In addition, approach paths are designed to avoid residential neighborhoods.

The minor increase in seasonal air traffic and associated impacts that may result from the proposed project is not likely to be significant when considering all the aircraft operation control and management requirement that are in place and under the regulatory review of the FAA. Additionally, aircraft operations would be limited to Gabreski's 11:00 PM to 7:00 AM voluntary curfew. There is a potential for a small percentage of future owners at the Hills to own and use private aircraft; however, based on the existing airport operations any potential increase in use is expected to be minor. An additional consideration is that this project is located within relatively close proximity to a major destination (i.e., New York City) that is well-served by three major international airports. Existing commercial airline flights are expected to be used by the occupants of The Hills. Therefore, it is concluded that the proposed project would not result in any significant noise impacts related to aircraft activity.

The existing use of the Gabreski Airport was characterized in Section 3.4.1 as follows:

Gabreski Airport

The Federal Aviation Act of 1958, as amended (recodified at 49 United States Code [USC] 40101 *et seq.*), delegates responsibilities to the Federal Aviation Administration (FAA) that include controlling the use of the nation's navigable airspace and regulating civil and military aircraft operations in that airspace in the interest of the safety and efficiency of all operations. To assist in fulfilling this FAA mandate, the National Airspace System (NAS) was established.

Within the NAS, the FAA manages aircraft takeoffs and landings and the flow of aircraft between airports through a system of infrastructure (such as air traffic control facilities), people (such as air traffic controllers, maintenance and support personnel), and technology (sensors such as radar or

¹Based on mass balance analysis using emission factors from the ICAO Aircraft Engine Emissions Databank for representative aircraft engines <http://easa.europa.eu/document-library/icao-aircraft-engine-emissions-databank>

communications equipment). The system is governed by rules and regulations to ensure safe and efficient use of navigable airspace.

The subject site is located approximately 1 mile from Francis S. Gabreski Airport (hereafter referred to as the "Airport" or "FOK"). FOK is a Suffolk County owned, joint civil-military airport located approximately 80 miles east of New York City. The following provides an overview of the Airport:

- FOK averages approximately 100,000 aircraft operations each year. The airport is home to about 100 based aircraft and the 106th Rescue Wing of the New York National Guard, but has no commercial air carriers.
- Airport access is regulated under 14 CFR 161 the Federal Aviation Administration (FAA). Almost every activity at FOK is dictated overwhelmingly by safety considerations and adherence to Federal law.
- FOK has a voluntary Noise Abatement Program. The noise abatement program includes a Voluntary Flight Curfew between 11 p.m. and 7 a.m. daily, which provides recommended departure and arrival procedures. FOK is prohibited by Federal law from levying fines, or restricting access to the airport (or the routes by which aircraft access the airport) to aid the noise abatement program.
- A comprehensive noise report data base is maintained, and FOK has an aggressive educational program aimed at informing and reminding FOK tenants about noise abatement efforts and procedures. Additionally, FOK efforts coupled with technological advances in the aviation industry are making a significant reduction in terms of aircraft related noise.
- FOK does not attempt to meet any numerical quota when dealing with air traffic control issues. The judgment of the air traffic controller (during Control Tower hours of operation), the wind, other weather factors, surrounding air traffic, the capabilities of the aircraft, and the judgment and capabilities of the pilot, all impact on the decision as to which runway to use for arrivals and departures, or which course to take. There is no attempt to use each runway an equal number of times within any given time period, or to fly over a particular neighborhood at any given interval. Safety is always our primary concern.
- The Airport is home for the Hampton Business and Technology Park. The Park promotes economic growth for the local community by coordinated and creative development of the site, suitable for multiple uses.

Aviation affects the environment in many ways: people living near airports are exposed to noise from aircraft and aircraft engines emit pollutants to the atmosphere. The FAA works with stakeholders to address these issues. In July 2012, the FAA published the document "Aviation Environmental and Energy Policy Statement"² which identifies and reaffirms FAA's commitment to environmental protection that allows sustained aviation growth. The Policy Statement lists the guiding principles of: 1) limiting and reducing future aviation environmental impacts to levels that protect public health and welfare and 2) ensuring energy availability and sustainability.

The FAA has made significant progress addressing environmental concerns through the strategy and programs it has created under the Five Pillar Environmental Approach. New engine designs and technologies are improving fuel efficiency, while simultaneously reducing noise, NOx and PM emissions.

² http://www.faa.gov/about/office_org/headquarters_offices/apl/enviro_policy_guidance/policy/media/FAA_EE_Policy_Statement.pdf

The FAA's Next Generation Air Transportation System (NextGen) will establish the programs, systems, and policies needed for safer, responsive, and more efficient air transport. The FAA's Office of Environment and Energy (AEE) is working to develop new technologies, operations, systems, and fuels to ensure aviation can meet the goals of NextGen while minimizing aviation's impact on the environment. AEE has established a strategic framework to guide research programs for mitigating the environmental impacts of aviation. The framework calls for working with the Environmental Protection Agency (EPA), the National Aeronautics and Space Administration (NASA), and other federal agencies as well as industry stakeholders and academia to ensure aviation emissions do not pose health concerns for U.S. citizens or degrade the global climate."³

3.2 Land Use, Zoning and Plans

3.2.1 Comments B-8, B-11, B-13, B-25, B-32, B-65, B-66, C-2, C-43, C-76, C-92, C-101, E-40, E-41, E-42, F-5.10, F-8.1, F-8.3, F-8.6, & F-8.7:

These comments state that the proposed project does not conform to the CR-200 zoning district, nor to the recommendations of the various applicable land use plans and studies evaluated in the Draft EIS.

Response:

Section 3.2.2 of the DEIS provides a detailed discussion and analysis of the proposed project's conformance with the Town zoning regulations that apply to the site including the s CR-200 zoning district, the Town's Aquifer Protection Overlay District, the Town's Central Pine Barrens Overlay District, and the Town's MUPDD Zoning requirements, as well as to the recommendations of the Town Comprehensive Plan Update, the Western Town GEIS, the East Quogue Land Use Plan and GEIS, the SGPA Plan, and the CPB Comprehensive Land Use Plan (CLUP) As stated in the DEIS:

- The proposed project will change the zoning classification of the site from CR 200 to a Mixed-Use PDD of the type that is envisioned in the East Quogue LUP. However, the proposed land uses are commensurate with those in the vicinity; low-density residential exists throughout the area, and the golf course amenity is complementary to the low-intensity, open space uses that are also present.
- With respect to the project's conformance to the Town's zoning standards for the MUPDD district, the DEIS analysis provide substantial justification to conclude that the proposed project represents a suitable land use in the context of the surrounding community while providing Community Benefits, and thereby fulfill the Town's PDD goals.
- Analyses of the project's conformance to the Town Aquifer Protection Overlay District and the Town Central Pine Barrens Overlay District indicate that the project conforms to the applicable zoning standards.
- Analyses of the land use plans pertinent to the site (the Town Comprehensive Plan Update, the East Quogue GEIS), the CPB CLUP, and the SGPA Plan, indicate that the project generally conforms to the applicable recommendations of these plans.
- The entire Parlato Property will be dedicated to the Town as a public open space, after completion of a re-vegetation program of its existing 15.98 acres of agricultural use. Thus, that portion of the Parlato Property within the Henry's Hollow CRA, (as designated by the CPB CLUP and not by the Town), will not be impacted. Such preservation would comply with this aspect of the CPB CLUP.

³ Aviation Emissions, Impacts & Mitigation, A Primer, FAA Office of Environment and Energy, January 2015

The proposed project was also subject to a planning review during the DEIS acceptance process in terms of documenting zoning and land use plan conformance which included a review of the PDD Pre-Application, MUPDD Change of Zone submission and the DEIS which was reviewed for adequacy including zoning conformity, yield map and land use plan analysis and related land use matters prior to acceptance of the DEIS..

3.2.2 Comments B-9, B-18, B-50, B-87, B-90, B-98, C-1, C-42, C-95, D-42, D-54, D-62, E-4, E-39, E-45, E-77, E-79, E-83, E-98, E-110, F-3.1, F-3.2, F-3.7, F-8.8, & F-9.2:

These comments state the at the proposed project does not conform to the Town's PDD Law or the requirements thereof, that the applicant's proposed Community Benefits do not constitute valid community benefits as defined by the Town's PDD Law, and that the Town's PDD Law has not performed as expected, and should be rescinded altogether.

Response:

As discussed above in **Response, Section 3.2.1**, the proposed project fully conforms to the requirements of the Town's PDD law.

With respect to the questions regarding the validity of the project's proposed Community Benefits, as also stated above under **Section 1.3.1** of this FEIS:

The NYS Town Law states as follows with respect to the criteria constituting a "community benefit":

§261-b. Incentive zoning; definitions, purpose, conditions, procedures. 1. Definitions. As used in this section:

- (b) "Community benefits or amenities" shall mean open space, housing for persons of low or moderate income, parks, elder care, day care or other specific physical, social or cultural amenities, or cash in lieu thereof, of benefit to the residents of the community authorized by the Town Board.

Section 261-b indicates that there is flexibility in regard to the range of amenities that a constitute a legitimate, acceptable, community benefit. The law indicates that an acceptable community benefit may be based upon more than the limited options of open space, the provision of affordable housing, parks, elder care, or day care; flexibility in the range and/or types of community benefit is built into the law, so that an applicant has the ability to incorporate innovative, site- or community-specific measures tailored to the unique needs and circumstances of a community.

Community benefits are part of this project and specifically identified in **Appendix V** with corresponding value calculations as required in the Code. In developing those benefits, the Applicant has stated that community needs were identified through the PDD Pre-Application and application process as well as numerous outreach meetings with the community and input at hearings about the project, including the DEIS public hearings. As stated above, this FEIS includes additional benefits for the project including the redemption of 30 PBCs and purchase and sterilization of 33 acres of land for open space.

Comments related to Town considerations for rescission of the Town's PDD law are outside the bounds of this proposed project.

3.2.3 Comment G-1.1:

“The Project constitutes development as defined by the Long Island Pine Barrens Protection Act of 1993 and its amendments. The Commission has jurisdiction over the Project for several reasons. This includes the Commission’s assertion of jurisdiction over the Project on October 21, 2015 and the Project’s triggering of the Development of Regional Significance threshold due to decreases in traffic Levels of Service (including a decrease to Level of Service D) at two intersections. Accordingly, the Project Sponsor must submit a combined application to the Commission which addresses the Project’s different components and the differing criteria for each.”

Response:

The Applicant will prepare an application for a Development of Regional Significance (DRS) to the CPB Commission at the end of the SEQRA review process, so that the CPB Commission will have the benefit of the Town Board’s review and Findings Statement to consider when reviewing the DRS application. It is recognized that the DEIS contains an extensive and detailed review of the project’s conformance to the Standards and Guidelines of the CPB CLUP, which will also be the basis of the DRS application.

3.2.4 Comment G-1.2:

“The Project Sponsor must demonstrate that the Project conforms to the Standards and Guidelines in the Central Pine Barrens Comprehensive Land Use Plan. If the Project does not conform to one or more of the Standards and Guidelines, the Project Sponsor must apply for a Commission-issued hardship waiver for those Standards and Guidelines with which it does not conform. Lastly, additional review may be required if the Project is subsequently modified resulting in the proposed development of Project parcels included within a Critical Resource Area.”

Response:

Table 3-8 of the DEIS provides a detailed analysis of the project’s conformance to the standards and guideline of the CPB CLUP. That analysis showed that the project fully conforms to these requirements. **Table 3-1** below contains an updated conformance analysis, to reflect the **Updated Master Plan**. It demonstrates that the project, based on the updated design, continues to conform to the standards and guidelines of the CPB CLUP. This information will be submitted to the CPB Commission at the appropriate time in the process and will be used by that agency to determine compliance with the CPB CLUP. That DRS application will provide this analysis and allow for a detailed review by the CPB Commission and its technical staff.

Table 3-1
CONFORMANCE TO CPB CLUP STANDARDS AND GUIDELINES FOR LAND USE, Updated Master Plan

Standard (S)/Guideline (G)		Explanation and Document Page Reference <i>(Attach additional sheets if necessary)</i>	
5.3.3.1 Nitrate-nitrogen			
S 5.3.3.1.1	Suffolk County Sanitary Code Article 6 compliance	All development proposals subject to Article 6 of the Suffolk County Sanitary Code shall meet all applicable requirements of the Suffolk County Department of Health Services. Projects which require variances from the provisions of Article 6 shall meet all requirements of the Suffolk County Department of Health Service's Board of Review in order to be deemed to have met the requirements of this standard.	Article 6 would allow a yield based on 1 unit per 40,000 SF. The proposed project will be well below SCSC Article 6 requirements for the treatment, handling and disposal of its sanitary wastewater. All wastewater generated will be treated and recharged to groundwater through an advanced technology treatment facility conforming to SCDHS design, installation and operational requirements. Appropriate County approvals and permits will be obtained. The project density involves residential units based on 1 unit per 5 acres, as well as a clubhouse, and through a PDD provides a golf course as an amenity. The occupancy of the units is such that sanitary flow will be substantially reduced given the actual utilization of units on the order of 60 days per year. Nitrogen load due to sanitary wastewater will be reduced to the maximum extent.
S 5.3.3.1.2	Sewage treatment plant discharge	Where deemed practical by the County or State, sewage treatment plant discharge shall be outside and downgradient of the Central Pine Barrens. Denitrification systems that are approved by the New York State Department of Environmental Conservation or the Suffolk County Department of Health Services may be used in lieu of a sewage treatment plant.	The proposed project will conform to SCSC Article 6 requirements; based on its standards, septic systems would be allowed for the proposed project, so that no STP is required. However, the project is proposing an in-site treatment plant to reduce nitrogen load. No wastewater discharge that would increase yield above Article 6 density limits is proposed with an STP discharge within the Central Pine Barrens. The project will operate under the jurisdiction of the SCDHS and in conformance with SCSC Article 6 and applicable design, installation and operational requirements.
G 5.3.3.1.3	Nitrate-nitrogen goal	A more protective goal of two and one half (2.5) ppm may be achieved for new projects through an average residential density of one (1) unit per two (2) acres (or its commercial or industrial equivalent), through clustering, or through other mechanisms to protect surface water quality for projects in the vicinity of ponds and wetlands.	The development portions of the site are not within 200 feet of surface waters or wetlands. Nevertheless, based on the measures incorporated into the project that would tend to minimize potential nitrogen impacts to groundwater and surface water features (i.e., conformance to SCSC Article 6, minimization of fertilization for the golf course, and use of groundwater impacted by agricultural practices from locales in the upgradient direction for the project's irrigation), the project is expected to generate an overall nitrogen concentration in recharge of less than 1 mg/l and therefore is well below the 2.5 mg/l standard. Existing elevated groundwater nitrogen will be removed from the aquifer and reused for golf course irrigation such that the project will have a net negative nitrogen load, and nitrogen laden groundwater that would otherwise flow to Weesuck Creek and western Shinnecock Bay will be removed.
5.3.3.2 Other chemical contaminants of concern			
S 5.3.3.2.1	Suffolk County Sanitary Code Articles 7 & 12 compliance	All development projects must comply with the provisions of Articles 7 and 12 of the Suffolk County Sanitary Code, including any provisions for variances or waivers if needed, and all applicable state laws and regulations in order to ensure that all necessary water resource and wastewater management infrastructure shall be in place prior to, or as part of, the commencement of construction.	These regulations concern water pollution control (Article 7) and storage of hazardous or toxic materials associated with industrial use (Article 12). The proposed project is consistent with SCSC Article 7 in that it does not involve an industrial process, will not store or use hazardous or toxic materials in excess of the quantities allowed. As the proposed project is not an industrial operation, SCSC Article 12 would only apply to tank storage, and any such storage, if proposed would conform to Article 12. It is acknowledged that the proposed golf course operation will include the use, storage and handling of various landscape chemicals (e.g., fertilizers, pesticides, etc.). However, the project will provide for proper storage and handling facilities for these substances, as well as procedures for their application by trained and certified personnel, as well as procedures for cleanup and disposal, in conformance with Articles 7 and 12 and pertinent County and State regulations and professional standards.
5.3.3.3 Wellhead protection			
S 5.3.3.3.1	Significant discharges and public supply well locations	The location of nearby public supply wells shall be considered in all applications involving significant discharges to groundwater, as required under the New York State Environmental Conservation Law Article 17.	This standard restricts activities that could degrade the public water supply within a 200-foot radius of a public supply well. However, the location of the existing Spinney Road Wellfield, as well as the location of the potential new wellfield in the northern portion of the site, is well beyond 200 feet of any such activity, and the proposed project will not have a "significant discharge" such that it would have the potential to impact public water supply. The SCWA was contacted with respect to the proposed project plan and expressed that the project is not expected to result in any impact to well fields in the area of the subject site.
G 5.3.3.3.2	Private well protection	The Suffolk County Department of Health Services' guidelines for private wells should be used for wellhead protection.	The proposed project conforms to SCSC Articles 6 and 7. The existing Spinney Road Wellfield is located south of the majority of the project's development area, and the land to be provided to SCWA for a future wellfield would be located in the north part of the site in an open space area with high quality groundwater. SCWA was contacted with respect to the proposed project plan and expressed that the project is not expected to result in any impact to wellfields in the area of the subject site and further expressed that the proposed 4-acre well field dedication area serves their future needs.
5.3.3.4 Wetlands and surface waters			

S 5.3.3.4.1	Non-disturbance buffers	Development proposals for sites containing or abutting freshwater or tidal wetlands or surface waters must be separated by a non-disturbance buffer area which shall be no less than that required by the New York State Tidal Wetland, Freshwater Wetland, or Wild, Scenic and Recreational Rivers Act or local ordinance. Distances shall be measured horizontally from the wetland edge as mapped by the New York State Department of Environmental Conservation, field delineation or local ordinance. Projects which require variances or exceptions from these state laws, local ordinances and associated regulations, shall meet all requirements imposed in a permit by the New York State Department of Environmental Conservation or a municipality in order to be deemed to have met the requirements of this standard.	There are two areas of Town-regulated freshwater wetlands on The Hills North Parcel that total about 1.40 acres. However, because this parcel will not be disturbed or developed for the proposed project (this parcel will be dedicated in its entirety for public open space preservation), there would not be any impacts on this resource. There are no wetlands within 200 feet of the Hills South Parcel or the Kracke Property where development is proposed .
S 5.3.3.4.2	Buffer delineations, covenants and conservation easements	Buffer areas shall be delineated on the site plan, and covenants and/or conservation easements, pursuant to the New York State Environmental Conservation Law and local ordinances, shall be imposed to protect these areas as deemed necessary.	N/A; no encroachment on the estimated 1.40 acres of suspected Town-regulated freshwater wetlands on the Hills North Parcel are proposed , so that no buffers are necessary or proposed . The entire 86.92-acre Hills North Parcel will be offered to the Town of Southampton for public open space preservation.
S 5.3.3.4.3	Wild, Scenic & Recreational Rivers Act compliance	Development shall conform to the provisions of the New York State Wild, Scenic and Recreational Rivers Act, where applicable. Projects which require variances or exceptions under the New York State Wild, Scenic and Recreational Rivers Act shall meet all requirements imposed by the New York State Department of Environmental Conservation in order to be deemed to have met the requirements of this standard.	N/A; the project site is not located within or adjacent to any WSRR boundary.
G 5.3.3.4.4	Additional non-disturbance buffers	Stricter non-disturbance buffer areas may be established for wetlands as appropriate.	N/A; no encroachment on the estimated 1.40 acres of suspected Town-regulated freshwater wetlands on the Hills North Parcel are proposed , so that no buffers are necessary or proposed .
5.3.3.5 Stormwater runoff			
S 5.3.3.5.1	Stormwater recharge	Development projects must provide that all stormwater runoff originating from development on the property is recharged on-site unless surplus capacity exists in an off-site drainage system.	This standard requires that adequate drainage capacity be provided for retention and recharge of stormwater runoff generated on-site. All stormwater runoff generated on developed project surfaces will be retained on-site and recharged to groundwater in a drainage system designed in conformance with Town requirements. Preliminary drainage design is such that this system will utilize a combination of Drainage Reserve Areas, bioswales and rain gardens, leaching catch basins and pond area to retain, treat, reuse and recharge stormwater. No runoff from developed surfaces will be allowed to exit the site, based on the retention and design requirements of the Town. The project's drainage system will be subject to the review and approval of the Town engineering and planning staff and the project will comply with SPDES GP 0-15-002 for stormwater project notification and preparation of a SWPPP. The proposed stormwater design conforms to the intent of this standard.
G 5.3.3.5.2	Natural recharge and drainage	Natural recharge areas and/or drainage system designs that cause minimal disturbance of native vegetation should be employed, where practical, in lieu of recharge basins or ponds that would require removal of significant areas of native vegetation.	The proposed project has been designed to minimize clearing of previously-undisturbed natural vegetation, including clearing for the proposed drainage system that has been accounted for within the overall allowable clearing for the site. As a result, the project will retain a total of 424.14 acres of existing natural vegetation on the site. There are no natural recharge areas on or proximate to the proposed development area that could be used as part of the project's drainage system. In lieu of such features, the proposed project will utilize DRAs, rain gardens, leaching catch basins and a 0.64-acre pond as components of the project's drainage system, to provide stormwater retention and recharge. In addition to these functions, the rain gardens and pond will also provide aesthetic enhancement.
G 5.3.3.5.3	Ponds	Ponds should only be created if they are to accommodate stormwater runoff, not solely for aesthetic purposes.	The project's drainage pond is located primarily in an existing cleared area in the central portion of the proposed development area; it will also provide aesthetic and habitat functions. One pond is designed to accommodate stormwater and is not solely designed for aesthetic purposes. A second pond is also designed to be used for blending of well water for reuse as irrigation on the golf course, a practice that will result in a net nitrogen reduction through removal of nitrogen-laden groundwater for irrigation.
G 5.3.3.5.4	Natural topography in lieu of recharge basins	The use of natural swales and depressions should be permitted and encouraged instead of excavated recharge basins, whenever feasible	The project does not include any recharge basins. There are no natural topographic low areas proximate to the areas to be developed (the areas proposed for the majority of development on the site are already disturbed), and the low areas that do exist are distant from the developed areas and so are proposed to remain undisturbed, within areas to be retained. No natural topographic low points or swales are available to be utilized for stormwater runoff detention or recharge. The

			drainage system will utilize a combination of Drainage Reserve Areas, bioswales and rain gardens, leaching catch basins and pond area to retain, treat, reuse and recharge stormwater. As a result, the proposed stormwater design conforms to the intent of this standard.
G 5.3.3.5.5	Soil erosion and stormwater runoff control during construction	During construction, the standards and guidelines promulgated by the New York State Department of Environmental Conservation pursuant to state law, which are designed to prevent soil erosion and control stormwater runoff, should be adhered to.	A Preliminary SWPPP has been prepared to demonstrate that the post development condition will generate less stormwater than the pre-development condition. A final SWPPP and erosion control plans will be part of the site plan review process and employed during construction to ensure that impacts from soil erosion during and/or after the construction period do not occur. Additionally, a SPDES GP 0-15-002 permit will be obtained prior to the onset of construction of the proposed project, and the project will comply with its requirements.
5.3.3.6 Natural vegetation and plant habitat			
S 5.3.3.6.1	Vegetation Clearance Limits	<p>The clearance of natural vegetation shall be strictly limited. Site plans, surveys and subdivision maps shall delineate the existing naturally vegetated areas and calculate those portions of the site that are already cleared due to previous activities. Areas of the site proposed to be cleared combined with previously cleared areas shall not exceed the percentages in Figure 5-1 [of the Plan]. These percentages shall be taken over the total site and shall include, but not be limited to, roads, building sites and drainage structures. The clearance standard that would be applied to a project site if developed under the existing residential zoning category may be applied if the proposal involves multi-family units, attached housing, clustering or modified lot designs. Site plans, surveys and subdivision maps shall be delineated with a clearing limit line and calculations for clearing to demonstrate compliance with this standard.</p> <p>To the extent that a portion of a site includes Core property, & for the purpose of calculating the clearance limits, the site shall be construed to be the combined Core & CGA portions. However, the Core portion may not be cleared except in accordance with Section 5.2 of the Plan.</p>	<p>The subject parcels were zoned in a mix of districts in 1995, when the CPB CLUP was adopted. In conformance with the policy of the CLUP, the individual acreages of the site, by zoning at that time, are to be combined to render an overall value for allowed clearing. In conformance with the allowable site clearance standards listed in Figure 5-1 of the CLUP, the overall maximum allowed site clearance for the subject site is 28.25%, or 166.96 acres (conversely, a minimum of 71.75% of the site, or 424.04 acres, would have to be preserved as natural). The proposed project will preferentially occupy the previously-cleared areas so that the 166.86 acres of development (28.23% of the site) would occupy existing cleared areas, with removal of 122.80 acres of existing natural vegetation. As a result, 424.14 acres of natural vegetation (71.77% of the property) would remain on the site, and the project will conform to this standard.</p> <p>The entire Hills North Parcel, and portions of the Hills South Parcel and the Parlato Property, are within the CPA. These areas will not be disturbed with the proposed project.</p> <p>A portion of the Parlato Property lies within the Henry's Hollow Region CRA, as designated by the CPB CLUP. While not so designated by the Town regulations, it is noted that the proposed project will not adversely impact any portion of the Parlato Property (whether within or outside of the Henry's Hollow CRA). Rather, the project will revegetate the estimated 15.78 acres of agricultural land on the Parlato Property to a natural condition, followed by an offer of public dedication of this land to the Town.</p>
S 5.3.3.6.2	Unfragmented open space	<p>Subdivision and site design shall support preservation of natural vegetation in large unbroken blocks that allow contiguous open spaces to be established when adjacent parcels are developed. Subdivision and site designs should also be configured in such a way so as to prioritize the preservation of native pine barrens vegetation to the maximum extent practicable.</p> <p>For the purpose of this paragraph, native pine barrens vegetation shall include pitch pines and various species of oak trees, understory and ground cover plants such as blueberry, wintergreen, bearberry and bracken fern, grasses and sedges such as little bluestem, Pennsylvania sedge and indian grass as well as those ecological communities listed in sections 5.6 and 5.7 in Chapter 5, Volume 2 of the Plan.</p> <p>It is recognized that the preservation of nonnative but ecologically important habitats may be consistent with the intent and goals of the plan when such action would result in the creation of large contiguous natural open space areas and or the protection of rare, threatened or endangered species or their habitat.</p>	<p>This standard concerns preservation of natural vegetation in large unbroken blocks to establish open spaces contiguous to on-site and, if possible, off-site property. The entire Hills North Parcel (86.92 acres) and the entire Parlato Property (101.91 acres) will be retained in a natural state and dedicated. These properties total 188.83 acres, or 31.95% of the site. Both of these properties abut vacant, wooded lands, so that these dedications would extend the amount of and contiguity of open spaces in the area.</p> <p>Additionally, the highest-quality undisturbed natural vegetation that remains on the Hills South Parcel is primarily found in the north part of the property, which will be preserved. Significant natural open space will be retained throughout the subject property, such that minimum 100-foot corridors and large blocks of contiguous open space that aligns with off-site open space will be retained. It is noted that the Protection of Natural Vegetation Standard, as well as the Vegetation Clearance Limits in the CPB CLUP favor the placement of development in existing cleared areas in order to retain natural vegetation. This design intent is effectively used for The Hills plan. Given the restricted nature of allowable clearing on the site such that only 28.25% of the site may be cleared (including existing cleared areas), the design seeks to use existing cleared areas to the maximum extent possible while still retaining large unbroken blocks of contiguous open space to align with adjacent parcels as required. As a result, substantial areas of natural contiguous habitat will be retained; these areas will be contiguous to naturally-vegetated spaces adjacent to the north, east and west, thus forming an open space continuum as intended by this standard.</p>
S 5.3.3.6.3	Fertilizer dependent vegetation limit	No more than 15% of an entire development project site shall be established in fertilizer-dependant vegetation including formalized turf areas. Generally, nonnative species require fertilization; therefore, planting of such nonnative species shall be limited to the maximum extent	No more than 15% of a project site shall be established in fertilizer-dependent vegetation. The project site is a total of 591.00 acres in size (in three component properties) and up to 88.65 acres of landscaping that requires fertilization may be planted on this site. Based on the Updated Master Plan , a total of 88.53 acres of landscaping is proposed and potentially subject to fertilization; this includes private lawns, common areas, and the golf course. This acreage

		practicable. The use of the nonnative plants in Figure 5-2 [of the Plan] is specifically not recommended.	represents 14.98% of the total site, which complies with this standard. Final site plans will ensure that less than 15% of the site is established in fertilizer-dependent vegetation. None of the non-native species listed in Figure 5-2 of the CLUP will be used as part of the project's final site plan landscape design plans. Landscape species consistent with the species list in Figure 5-2 (Planting Recommendations) of the Pine Barrens Plan will be used as part of the final site plan landscape design plans. Typical landscape trees that are native to the area will be used for streetscapes and natural vegetation will be retained wherever possible as per the Updated Master Plan and Preliminary Plant List .
S 5.3.3.6.4	Native Plantings	Development designs shall consider the native planting suggestions contained in Figure 5-2 [of the Plan].	Where pine barrens species are used in a landscape function, species listed in Figure 5-1 of the CPB CLUP will be used.
5.3.3.7 Species and communities of special concern			
S 5.3.3.7.1	Special Species and Ecological Communities	Where a significant negative impact upon a habitat essential to those species identified on the New York State maintained lists as rare, threatened, endangered or of special concern, or upon natural communities classified by the New York State Natural Heritage Program as G1, G2, G3 or S1, S2 or S3, or on any federally listed endangered or threatened species is proposed, appropriate mitigation measures as determined by the appropriate state, county or local government agency shall be taken to protect these species.	The NYNHP was contacted to determine any known records of rare, threatened or endangered species or communities on or in the vicinity of the subject site. Correspondence from the NYNHP indicated the presence of one special concern moth, one threatened dragonfly/damselfly, three rare dragonflies/damselflies, two uncommon communities, two rare communities, one endangered plant and one threatened plant in the vicinity of the subject site. Two historical records of threatened plants were also noted within the vicinity of the site. The majority of the records listed by the NYNHP require wetland areas with open water, which are not present on the subject sites. Of the species identified, the moth, one rare community and one historical plant are upland species. The project is not expected to impact these species. In addition, prior field inspections and investigations conducted subsequent to receipt of the NYNHP letter (dated December 28, 2007, May 11, 2009, September 8, 2009 and July 13, 2010) did not reveal the presence of any of these resources. Subsequent to these field inspections the CPB staff conducted a site inspection in observed a number of rare species as outlined in letter dated December 5, 2017. As a result a rare plant/species of special concern management plan shall be developed identifying those areas that may potentially conflict with the proposed development and what precautions may be taken to protect those species to the maximum extent practicable in accordance with the Central Pine Barrens Comprehensive Land Use Plan and 6 NYCRR Part 193.3 and NYS ECL, Section 9-1503 and provide suitable habitat conditions to re-establish these ecological communities on the 424.14 acres that will remain undisturbed/protected as a result of this application. (see section 2.3.2 for further details)
5.3.3.8 Soils			
G 5.3.3.8.1	Clearing envelopes	Clearing envelopes should be placed upon lots within a subdivision so as to maximize the placement of those envelopes on slopes less than ten percent (10%).	The project will minimize grading of natural slopes that are in excess of 10% to the maximum extent practicable. Much of the development area is previously disturbed. The proposed design seeks to utilize existing cleared and disturbed areas to the maximum extent, so that the project will be developed on these surfaces, allowing the remaining natural steep slopes to be preserved.
G 5.3.3.8.2	Stabilization and erosion control	Construction of homes, roadways and private driveways on slopes greater than ten percent (10%) may be approved if technical review shows that sufficient care has been taken in the design of stabilization measures, erosion control practices and structures so as to mitigate negative environmental impacts.	An Erosion & Sediment Control Plan and Preliminary SWPPP have been prepared for the DEIS and this FEIS. Erosion prevention measures to be taken during construction may include: groundcovers (vegetative or artificial), drainage diversions, soil traps, minimizing the area of soil exposed to erosive elements at one time, and minimizing the time span that soil is exposed to erosive elements. Soil removed during grading and excavation will be used as backfill (if it displays acceptable bearing capacity and leaching characteristics) to produce acceptable slopes for construction. The proposed stormwater design conforms to the intent of this standard. Erosion control measures such as staked hay bales, silt fences, groundcovers (vegetative or artificial), drainage diversions, minimizing the area of soil exposed to erosive elements at one time, and minimizing the time span that soil is exposed to erosive elements, will be utilized to minimize loss of soil during construction, particularly in locations where erosion and sedimentation could adversely impact adjoining properties and streets. Applicable Town of Southampton standards and construction practices specified by the appropriate Town agencies will be followed. Conformance to the Town Code and to the requirements of NYSDEC SPDES review of stormwater control measures is necessary, to be consistent with Phase II stormwater permitting requirements for construction sites in excess of 1-acre (the SPDES GP-0-15-002 permit; hereafter, the General Permit). Under this program, a site-specific SWPPP must be prepared and submitted to the Town for review and approval prior to final site plan approval. Once the SWPPP has been prepared and approved by the Town, the Applicant will need to file a Notice of Intent with the NYSDEC to obtain coverage under the General Permit. Additionally, the General Permit requires that inspections of the construction site be performed under

			the supervision of a qualified professional to ensure that erosion controls are properly maintained during the construction period. As long as erosion is controlled during grading and construction, the potential for sediment transport will be minimal, and no significant loss of soils is expected and the project conforms to this standard.
G 5.3.3.8.3	Slope analysis	Project review is facilitated if submissions contain a slope analysis showing slopes in the ranges 0-10%, 11-15% and 15% and greater. In areas with steep slopes, slope analysis maps should be required. This can be satisfied with cross hatching or shading on the site plan for the appropriate areas.	A map has been prepared depicting slope intervals of 0-10%, 10-15% and greater than 15%. As shown in the Slope Analysis (see DEIS Figure 2-3b), there are 70.11 acres of steep slopes (defined as >15%) on the subject site. It should be noted that 88.14% of the site has slopes of less than 15%. DEIS Table 2-2 provides a slope analysis of all of the parcels that are part of the site. Natural steep slopes are found in the central and northern parts of the site. For the proposed project, regrading of this area will not result in any slopes in excess of 1:3.
G 5.3.3.8.4	Erosion and sediment control plans	Erosion and sediment control plans should be required in areas of fifteen percent (15%) or greater slopes.	The entire site will be addressed in erosion and sediment control plans and the SWPPP, and preliminary plans have been prepared and included in the DEIS. The potential for erosion to occur during construction or after construction is completed will be controlled by implementing a SWPPP, which will include engineered Erosion Control Plans as part of Site Plan review and controls will be implemented during construction as noted above under G 5.3.3.8.2.
G 5.3.3.8.5	Placement of roadways	Roads and driveways should be designed to minimize the traversing of slopes greater than ten percent (10%) and to minimize cuts and fills.	The proposed project has been designed to maximize its development on previously-cleared areas, so that the least amount of natural steep slopes would be impacted. As a consequence of this design policy, any need for cut or fill for the project's internal roadways is minimized.
G 5.3.3.8.6	Retaining walls and control structures	Details of retaining walls and erosion control structures should be provided for roads and driveways which traverse slopes greater than ten percent (10%).	It is acknowledged that short sections of retaining walls may be needed along the internal access roadways and/or within the golf course area. However, in consideration of the preliminary nature of the Updated Master Plan and the overall project design policy to minimize the amount of development on natural steep slopes, more detailed information on the need for and extent of retaining walls cannot be determined at this time. The need for details of retaining walls will be determined as part of the Town site plan application process, at which time detailed engineering review would be conducted by the Town.
5.3.3.9 Coordinated design for open space management			
S 5.3.3.9.1	Receiving entity for open space dedications	Applications must specify the entity to which dedicated open space will be transferred.	The Applicant anticipates that the entire Hills North Parcel (86.92 acres) and the entire Parlato Property (101.91 acres), totaling 188.83 acres, will be offered to the Town of Southampton for dedication as public open space. It is expected that the details and process whereby this transfer would occur will be specified in the SEQRA Findings Statement, to be prepared by the Town Board. An additional 235.31 acres of open space within the Hills South Parcel/Kracke Property outside of the residential lots and golf course play area and common spaces will remain privately-owned, but protected from disturbance by a binding covenant.
G 5.3.3.9.2	Clustering	Municipalities are strongly urged to maximize the use of the clustering technique where its usage would enhance adjacent open space or provide contiguous open space connections with adjacent open space parcels.	Clustering of the proposed development areas is a design objective of the proposed project, which allows for retention of substantial buffers of natural vegetation around the entire developed area. This design objective also enables the Applicant to locate the developed area preferentially on previously-cleared areas, which limits the impacts on valuable natural vegetation.
G 5.3.3.9.3	Protection of dedicated open space	Proposed open space should be protected with covenants, conservation easements or dedications that specify proper restrictions on its use and contingencies for its future management.	The Applicant will participate in the preparation of covenants to permanently protect the naturally-vegetated open spaces to remain under private ownership on the Hills South Parcel/Kracke Property. The Applicant proposes to offer the entirety of the Hills North Parcel and the Parlato Property to the Town for dedication.
5.3.3.10 Agriculture and horticulture			
G 5.3.3.10.1	Best Management Practices	Any existing, expanded, or new activity involving agriculture or horticulture in the Compatible Growth Area should comply with best management practices as defined herein and relevant requirements including local law. Best management practices are, for purposes of this Plan, the same practices stated in the most recent version of <i>Controlling Agricultural Nonpoint Source Water Pollution in New York State</i> (Bureau of Technical Services and Research, Division of Water, New York State Department of Environmental Conservation, 1991 and as later amended).	No new or expanded agricultural or horticultural uses are proposed with the project. The project includes the cessation of existing farming activity on the Parlato Property (15.78 acres) and the Kracke Property (2.64 acres), which would eliminate any use of agricultural chemicals, and thus would tend to improve groundwater quality as related to these sources, as well as the restoration of this land.
5.3.3.11 Scenic, historic and cultural resources			
G 5.3.3.11.1	Cultural resource consideration	Development proposals should account for, review, and provide protection measures for: 1. Established recreational and educational trails and trail corridors, including but not limited to those trail corridors inventoried elsewhere in this Plan.	Site investigations have not revealed the existence of any authorized recreational or educational trails or trail corridors, or active recreation sites, on any of the project properties. The existing trails are the result of past unauthorized ATV usage; these trails will be re-vegetated as part of the project. A portion of the Parlato Property is within the Henry's Hollow Region CRA, but this area will be undisturbed by the project, to be offered to the Town for dedication as a public open space. As such, its existing use and appearance will not be altered by the proposed project.

		<p>2. Active recreation sites, including existing sites and those proposed as part of a development.</p> <p>3. Scenic corridors, roads, vistas and viewpoints located in Critical Resource Areas, and along the Long Island Expressway, Sunrise Highway, County Road 111 and William Floyd Parkway.</p> <p>4. Sites of historical or cultural significance, including historic districts, sites on the State or National Registers of Historic Places, and historic structures listed on the State or National Registers of Historic Places, or recognized by local municipal law or statute.</p> <p>5. Sensitive archaeological areas as identified by the New York State Historic Preservation Office or the New York State Museum.</p>	<p>The project includes open space that will be dedicated to the Town for public use. Scenic corridors are associated with the northern part of The Hills South Parcel, specifically the CPA that extends 1,000 feet south of Sunrise Highway. Substantial natural or landscaped buffers separate the historic district from proposed use areas on the subject site such that these resources are not impacted. Specifically, a vegetated buffer (landscaped and/or natural) will be provided along the site perimeter to ensure that the neighboring uses will not be impacted. There are no cultural resources on the subject site that could be impacted by the proposed project, based on on-site archaeological studies. As shown in DEIS Figure 3-10 and discussed in the Archaeological Investigation (see Appendix N of the DEIS), there are no sites of cultural significance on the Hills South Parcel/Kracke Property, so there would be no impacts to cultural resources.</p>
G 5.3.3.11.2	Inclusion of cultural resources in application	<p>Development proposals should note established recreation and educational trails and trail corridors; active recreation sites; scenic corridors, roads, vistas and viewpoints located in Critical Resource Areas and undisturbed portions of the roadsides of the Long Island Expressway, Sunrise Highway, County Road 111 and William Floyd Parkway; sites on the State or National Register of Historic Places, and historic structures and landmarks recognized by municipal law or statute, or listed on the State or National Registers of Historic Places; and sensitive archaeological areas as identified by the New York State Historic Preservation Office or the New York State Museum within a five hundred (500) foot radius of the outside perimeter of the project site, including any project parcels which are physically separate from the bulk of the proposed development area.</p> <p>A development proposal may be disapproved or altered if the local municipality determines that the development proposal, in its current form, may have a significant negative impact on any of the above resources.</p>	<p>N/A; the Archaeological Investigation prepared for the project site's developed area does not indicate the presence of any cultural resources. Per NYS OPRHP standards, the CRA excavated 2,456 test holes over the entire area to be disturbed by the project, and found no prehistoric or historic cultural remains in any of them.</p>
G 5.3.3.11.3	Protection of scenic and recreational resources	<p>Protection measures for scenic and recreational resources should include, but not be limited to, retention of visually shielding natural buffers, replacement of degraded or removed natural visual buffers using native species, use of signs which are in keeping in both style and scale with the community character, and similar measures.</p>	<p>Project design will retain substantial natural vegetation buffers along the Hills South Parcel/Kracke Property boundaries, buffering views of the site from abutting public open spaces and the homes located on Spinney Road. This buffer may be supplemented with plantings of appropriate landscape species to protect and enhance the natural aesthetics of this corridor. The project's proposed buildings and amenities will employ architectural treatments and complementary landscape design that would be consistent with the aesthetics of the area and the surrounding land uses.</p>
G 5.3.3.11.4	Roadside design and management	<p>Undisturbed portions of the roadside should be maintained in a manner that protects the scenic features of these areas. Clearing (including that for aisles, driveways, access and parking) is not precluded within these roadside areas, provided that appropriate buffers are maintained, and that manmade structures meet standards consistent with the character of the area.</p>	<p>The developed portion of project has been preferentially located within the interior of the Hills South Parcel/Kracke Property, to maximize the buffering effect of the natural vegetation that will remain along the site's periphery. These setbacks of naturally-vegetated land will buffer views of the site from the abutting public open spaces and the residences along Spinney Road. These proposed buffers may be supplemented with plantings of appropriate landscape species to further protect and enhance the natural aesthetics of this corridor. Finally, extensive plantings of landscape species within the developed area will add to the buffering effect of natural vegetation, rendering the clubhouse and homes less likely to be visible to outside observation.</p>
5.3.3.12 Commercial and industrial development			
S 5.3.3.12.1	Commercial and industrial compliance with Suffolk County Sanitary Code	<p>All commercial and industrial development applications shall comply with the provisions of the Suffolk County Sanitary Code (SCSC) as applied by the Suffolk County Department of Health Services, and all other applicable federal, state or local laws. Projects which require variances from the provisions of the Suffolk County Sanitary Code shall meet all requirements of the Department of Health Service's Board of Review in order to be deemed to have met the requirements of this standard.</p>	<p>N/A; the proposed project is residential in nature, and includes no commercial or industrial components or land uses. The golf course and associated clubhouse are private recreational amenities for use by the site's residents and, with the exception of a limited number of annual, fundraising outings, are not available to the general public. The project complies with the SCSC with respect to wastewater treatment and disposal, in that it will include a SCHDS-approved tertiary on-site treatment system that will achieve nitrogen effluent concentrations of less than 10 mg/l. No variances associated with the SCSC are expected to be needed for the proposed project.</p>

3.2.5 Comment G-1.3:

“The Commission is an involved agency as defined by the State Environmental Quality Review Act (SEQRA) and the Town is the Lead Agency responsible for overseeing the SEQRA review process. The Commission will utilize the environmental review documents prepared via this process in reviewing the environmental impact of the Project on the resources of the Central Pine Barrens and will issue its own Findings Statement. Thus, the issues raised in this letter must be adequately addressed in the SEQRA review in order to enable the Commission to determine the impact of the Project. Accordingly, an adequate record must be provided in the associated environmental review documents in order for the Commission to make its determinations regarding the Project.”

Response:

As stated above, **Table 3-1** contains the conformance analysis for the **Updated Master Plan**. This analysis demonstrates that the project, based on the updated design, continues to conform to the standards and guidelines of the CPB CLUP.

3.2.6 Comment G-1.5:

“In 1995, the Commission adopted an environmental impact statement that analyzed the impacts related to the adoption of the Central Pine Barrens Comprehensive Land Use Plan. This EIS analyzed the development of the parcels contained within the Project under their then-current zoning. The Project proposes to alter the as-of-right density by adding a golf course to the as-of-right density. The impact, if any, of the resulting additional density and intensity should be analyzed and discussed.”

Response:

The project sponsor has amended the proposal to include the transfer of 30 Pine Barrens Credits (PBCs) to account for and offset the nitrogen equivalent related to the golf course component of the project as discussed in detail on **page I-5** (Use of Pine Barrens Credits) and **Section 1.3.2**. The total residential yield of 118 units complies with the CR200 (5 acre) zoning requirement so the as-of-right density is not changed.

The analysis in **Table 3-1** above demonstrates that the project, based on the updated design and including a golf course, will conform to the standards and guidelines of the CPB CLUP. Following completion of the SEQRA review process by the Town Board, the proposed project will then be subject to a review by the CPB Commission for the DRS application to ensure and document that the proposed project fully conforms to the CPB CLUP.

Both the DEIS and this FEIS provide documentation and analysis of all components of the proposed project, including the proposed golf course and clubhouse. As shown in the table, the proposed project does not alter the quantity of vegetation, fertilized area, or other design aspects contained in the CPB CLUP. The only change is to include a golf amenity in lieu of standard residential lawns for a seasonal resort use in conformance with the Town East Quogue LUP and

GEIS. The proposed seasonal use of the site also decreases the intensity of use, and project has been designed to not impact water quality and to provide water quality benefits within the coastal areas adjoining the CPB.

3.2.7 Comment G-1.6:

This comment questions whether the project conforms to CLUP Section 5.3.3.1 regarding nitrate nitrogen and whether or not the Project results in other groundwater-related impacts.

Response:

The individual Standards and Guidelines of CLUP Section 5.3.3.6 are evaluated in **Table 3-1** in Section 3.2.4 above. The specific CLUP Guideline referenced under Section 5.3.3.1 of the CLUP is as follows:

5.3.3.1.3 Nitrate-nitrogen goal

A more protective goal of two and one half (2.5) ppm may be achieved for new projects through an average residential density of one (1) unit per two (2) acres (or its commercial or industrial equivalent), through clustering, or through other mechanisms to protect surface water quality for projects in the vicinity of ponds and wetlands.

The project site does not immediately adjoin surface water, ponds or wetlands; however, the headwaters of Weesuck Creek are downgradient of the site. Nitrogen impact reduction has been a focus of the project and the impact analyses prepared for the DEIS and this FEIS. **Section 2.2.1** of this FEIS includes a full update on water quality impacts, as a supplement to the information contained in the DEIS Section 2.2.2. It is expected that with the proposed wastewater treatment system the proposed project will have a concentration of nitrogen of less than 1.0 mg/l and as a result, which conforms with the Nitrate-Nitrogen guideline of 2.5 mg/l per CPB CLUP Section 5.3.3.1. Overall, the proposed project will have the lowest nitrogen load of all alternatives analyzed, and with the proposed fertigation system is expected to result in a net negative nitrogen load which is beneficial to underlying groundwater within the CPB, as well as downgradient streams, bays, and coastal resources.

3.2.8 Comment G-1.7:

This comment questions whether the project conforms to CLUP Section 5.3.3.6, Natural Vegetation and Plant Habitat.

Response:

The individual Standards of CPB CLUP Section 5.3.3.6 are evaluated in **Table 3-1** in **Section 3.2.4** above. Specific Standards included Vegetation Clearance Limits, Unfragmented Open Space, Fertilizer Dependent Vegetation and Native Plantings. As described in the DEIS and also in this FEIS, the design intent of the proposed project has been to conform with the Standards and Guidelines of the CPB CLUP including the clearing limitations. Significant open space is proposed for dedication with the Parlato Property, and The Hills North Parcel while the proposed development is clustered on The Hills South Parcel and Kracke Property to conform with

Unfragmented Open Space that aligns with other off-site open space. Fertilizer dependent vegetation is limited to no more than 15% of the site in conformance with this Standard, and the landscape concept plan includes all native species.

3.2.9 Comment G-1.8:

This comment questions whether the project conforms to CLUP Section 5.3.3.7 regarding Species and Communities of Special Concern.

Response:

The individual Standards of CPB CLUP Section 5.3.3.7 are evaluated in **Table 3-1** in **Section 3.2.4** above. The specific Standards include Special Species and Ecological Communities, which is evaluated in the table as well as the Draft EIS.

While habitat for the federally threatened Northern Long Eared Bat is present on the subject site, no roost trees for this species have been identified on site to date. Project construction will observe the no construction period limits as presented in the DEIS.

With respect to the special concern species that may utilize the site, several of the proposed mitigation measures proposed address that habitat needs of special concern species. In particular, preservation of 424± acres of existing wooded habitat will continue to provide habitat to whip-poor-wills, Cooper's hawks, eastern hognose snakes, and eastern box turtles. The creation of 33± acres of native grasslands will serve to provide habitat for eastern spadefoot toads and eastern hognose snakes. Grasslands would also serve to aid in the protection of the following Species of Greatest Conservation Need:

- Barn Owl
- Brown Thrasher
- Grasshopper Sparrow
- Northern Bobwhite
- Yellow Breasted Chat
- Eastern Hognose Snake
- American Kestrel
- American Woodcock
- Blue-winged Warbler
- Northern Harrier
- Eastern Spadefoot Toad
- North American Least Shrew

Marbled salamanders would only be expected to occur within the existing wetlands in the northernmost portion of the site; these wetlands are designated for preservation and as a result this species would be protected should they choose to utilize the wetlands.

The remaining species identified require some combination of woodlands and wetlands, of which the site will continue to provide 424.17 acres of after development. In particular, the woodland and wetland area in the northernmost portion of the site which serve as the most viable habitat

for the special concern species and Species of Greatest Conservation Need will be preserved. Such preservation will ensure continued habitat availability for the identified species.

As a result, the proposed project meets CPB CLUP Standard 5.3.3.7.1, which requires development of mitigation measures for Special Concern Species and additional measures will be required during project implementation (see Chapter 2.0: Responses to Comments on Natural Environmental Resources, Comment 2.3.2).

3.2.10 Comment G-1.9:

“On the basis of the information presented within the DEIS, the Commission is unable to determine whether the Project conforms to Central Pine Barrens Comprehensive Land Use Plan Section 5.3.3.8 regarding Soils. The DEIS contains a site plan with contour elevations shown and another plan showing the proposed development without contour elevations. The DEIS also contains Table 2-2 which provides a gross accounting of slope intervals on the Project site along with Figure 2-3b, a slope interval map. However, the DEIS does not contain any graphic which shows the Project site plan actually superimposed on the slope interval map to provide a more precise accounting of areas of development in relation to steep slopes. The DEIS also does not provide a more detailed table showing the area and Project site percentage of specific slope intervals to actually be developed nor specific areas where mitigation measures, such as retaining walls, may be considered. Without this information, the Commission cannot determine whether or not the Project Sponsor is proposing development within areas of steep slopes and if so, whether such activity conforms to the Central Pine Barrens Comprehensive Land Use Plan.”

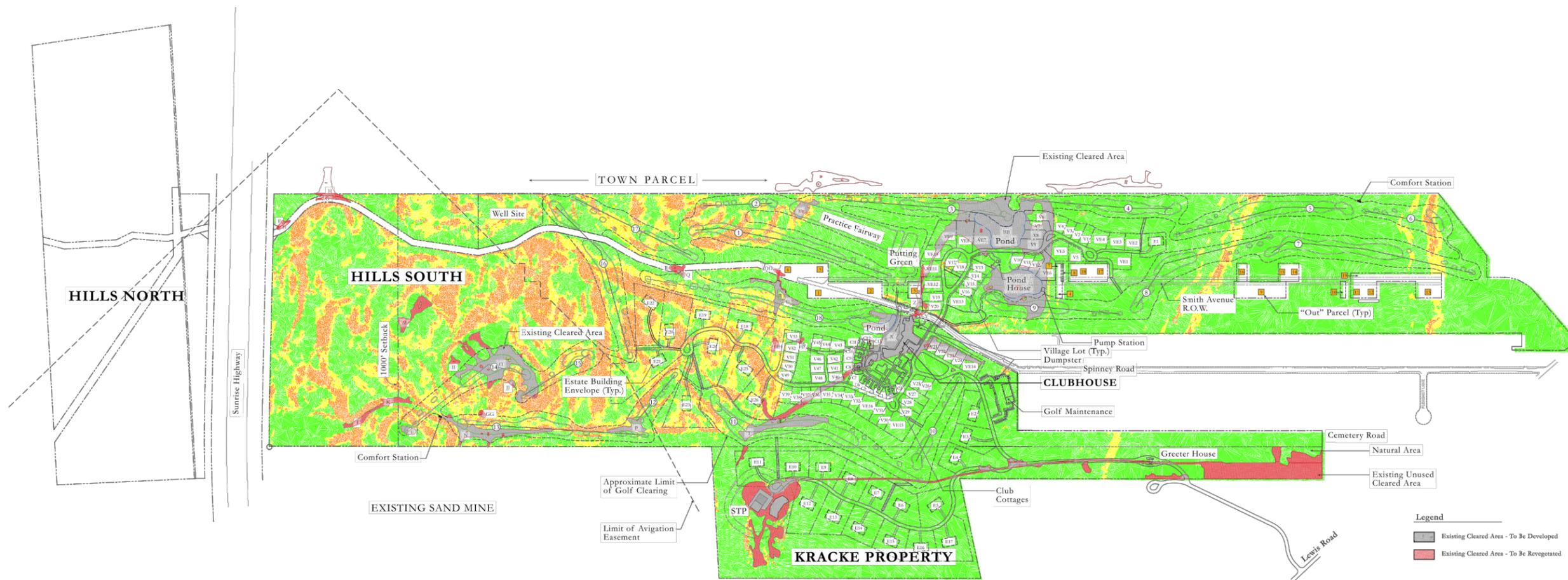
Response:

Figure 3-1 is an overlay of the **Updated Master Plan** on the Slope Interval Map (see also Figure 2-3b in the DEIS). As shown on that figure, of the 167± acres of land within the development area (and, therefore, re-graded), the majority of the proposed site has slopes of less than 10%. Specifically, the table on **Figure 3-1** shows that 144.6 acres (86.6% of the developed area) has slopes between 0 and 10%, 12.3 acres (7.4%) has slopes of between 10 and 15%, leaving the remaining 10.1 acres (6.0%) having slopes in excess of 15%.

As proposed, the project will be developed primarily on the central and southern portions of the combined Hills South Parcel/Kracke Property, where the majority of land features flatter slopes, which limits the grading.

3.2.11 Comment G-1.10:

“On the basis of the information presented within the DEIS, the Commission is unable to determine whether the Project conforms to Central Pine Barrens Comprehensive Land Use Plan Section 5.3.3.11, Scenic, Historic and Cultural Resources. In particular, the DEIS does not provide sufficient information and analysis in regard to impacts on scenic resources, such as the impact of proposed signage and view shed impacts, and appropriate mitigation measures. A New York State Department of Environmental Conservation document, entitled “Assessing and Mitigating Visual Impacts (DEC ID# DEP-00-2) provides excellent guidance in regard to evaluation of impacts on aesthetic resources and is suggested for use. It may be found at:



SLOPE	AREA
0% - 10%	144.6 Acres
10% - 15%	12.3 Acres
15% -	10.1 Acres
TOTAL	167 Acres

SLOPE ANALYSIS
WITHIN THE
PDD COVERAGE AREA

FIGURE 3-1

THE HILLS AT SOUTHAMPTON
EAST QUOGUE, NEW YORK

June 13, 2017



http://www.dec.ny.gov/docs/permits_ej_operations_pdf/visual2000.pdf”

Response:

The proposed project would include only one sign that is proposed to be placed along Lewis Road at the site entrance roadway. It would be small in size (exact dimensions are not determined at the present time), but would be designed to be subdued and appropriate to the rural character of the area. The proposed sign would not be lighted, and would be set low to the ground, so as to minimize any potential for adverse visual impacts.

As analyzed in Section 3.4.2 of the DEIS (supplemented by the simulated views of the project in Appendix D-4 of that document), it is expected that the substantial retention of natural vegetation all along the perimeter of the development area, would ensure that the rural character of the area is maintained, and with the exception of this sign, the proposed project would not be visible from local roads.

3.2.12 Comment G-1.12:

“The Commission notes that other approvals are required and the Act provides that no entity may approve the Project unless the approval conforms to the provisions of the Central Pine Barrens Comprehensive Land Use Plan. The environmental review documents must provide an adequate basis for the other entities to issue their determinations in a manner that demonstrates those determinations conforms to the provisions of the Plan.”

Response:

Table 3-1 is provided for Town Board review as part of the FEIS and Statement of Findings. The Commission will also review the DRS application (when submitted), which will ensure that full and complete review of the project’s conformance to the CPB CLUP will have been achieved. Any and all other entities that have approval authority related to the project will have the benefit of these two documents when conducting their reviews.

3.2.13 Comment G-3.3:

“Further, the FEIS shall compare the applicable elements, including but not limited to the proposed homes and clubhouse, of the project to the MUPDD requirements (specifically those bolded below) found in §330-246 B (2) (b) that states:

*The resultant yield of an MUPDD shall be the sum of the receiving parcel yield plus the density obtained from the transfer of development rights or PBCs from any sending parcels as set forth in this chapter. Each development right or Pine Barrens credit shall be equivalent to a sewage flow rate of 300 gallons per acre per day as described in the Suffolk County Department of Health Services standards and/or **up to a two-percent increase in building coverage, floor area, height or building mass. However, there shall not be an overall increase in building coverage, floor area, height or building mass greater than 10% over the requirements of the underlying zone (i.e., where 30% is the maximum coverage in the underlying zone, a maximum of 40% may be permitted).**”*

Response:

The underlying zoning for the parcels comprising the Hills project is CR-200, which has a maximum building coverage is 5%. The **Updated Master Plan** includes a detailed Land Use Summary for the various plan components, including approximate building footprint square footages. Based on these building square footages, the building coverage under the **Updated Master Plan** is approximately 1.5%.

Given the nature of the proposed use as a seasonal resort with amenities proposed under the MUPDD, credit equivalency based on wastewater flow or building coverage is not applicable. The proposed project has been evaluated and a rationale has been determined for the redemption of PBCs. An amount of credits has been determined to equal the overall golf course acreage divided by the zoning, yielding 29 PBCs. The applicant has offered 30 PBCs and has provided documentation that this number of credits is not available either in private land, letters of interpretation or registered credits in the East Quogue UFSD. As a result, 30 PBCs are proposed to be redeemed as an offset to the golf course is supported.

3.2.14 Comment G-3.15:

“The FEIS should contain a summary statement of how the proposed project is consistent with the Central Pine Barrens Plan. Table 3-8 is extensive and a summary statement of compliance needs to be provided with the FEIS.”

Response:

Table 3-1 provides the requested summary of compliance.

3.3 Community Facilities and Services

3.3.1 Comments B-21, B-52, & B-78:

These comments question the tax assessment and generation values of the proposed project, as presented in the Draft EIS.

Response:

The tax assessment and generation values as presented in the DEIS were reviewed by the Southampton Town Assessor and , the projected tax generation was prepared in coordination with the Southampton Town Tax Receiver, who confirmed the tax projections to be accurate as of the date of submission of the analysis (see also the DEIS, Attachments B and C). It is noted that the analyses have been updated for more recent tax bills and expected sales prices and a revised Fiscal & Economic Report is provided in **Appendix O** of this FEIS, including an updated review and confirmation by the Assessor and Tax Receiver.

3.3.2 Comment G-3.16:

“A description of the proposed project and the tax generation allocation is provided beginning on page 3-64. It should be confirmed whether the site is also within a Town of Southampton Park District and, if so, is there a park district tax to be applied to the project?”

Response:

The subject site is not located within a Town of Southampton Park District, and as such, the site will not levy property taxes to this taxing jurisdiction. The Fiscal and Economic Impact Analysis (see **Appendix O**) projected the impacts to the local tax base that would occur from full build-out of the project, and the distribution of such projected property taxes can be found in **Table I-1a** of this Final EIS.

3.4 Community Character

Comments B-64, B-80, B-81, B-94, B-96, C-56, C-66, C-71, C-72, F-5.2 & F-5.3:

These comments indicate concerns that the proposed project, with all of the anticipated changes to the community arising from that development, will significantly and adversely impact the bucolic, rural character of East Quogue.

Response:

The proposed project is sited at a location in the hamlet that is will not adversely impact the community character of East Quogue. While it will be a private development, the proposed project would also include public open space with public trails and has proposed Community Benefits that would integrate the community to the proposed development.

3.5 Cultural Resources

Comments C-99, F-6.1, & F-6.2:

These comments request that the potential presence of native American evidences on the site be determined and, if found to be present, that such resources be properly documented and curated, according to all applicable Federal and State requirements.

Response:

The DEIS provided Archaeological Investigation that addressed the portions of the Hills South Parcel and Kracke Properties that are proposed to be developed. The Archaeological Investigation prepared for the project site’s developed area does not indicate the presence of any cultural resources. Per NYS OPRHP standards, the CRA excavated 2,456 test holes over the entire area to be disturbed by the project, and found no prehistoric or historic cultural remains in any of them. The

Updated Master Plan presented in this FEIS will impact these same areas, and therefore no additional investigations would be needed.

4.0 RESPONSES TO COMMENTS ON OTHER REQUIRED SECTIONS

4.1 Construction-Related Impacts

Comments B-24, B-84, C-19, C-58, D-44, D-61, E-9, & F-5.8:

These comments address a number of potential adverse impacts to the community associated with the project construction phase and state that adequate mitigation must be provided.

Response:

Section 4.1 of the Draft EIS provided a detailed assessment of potential adverse impacts during construction. The Draft EIS outlined the details of the construction program with a phasing timeline and addressed the potential impacts of the project related to noise, air quality, dust, erosion and sediment control, worker and truck traffic and parking, staging areas for loading/unloading soil and materials, and the related impacts both on site and in the surrounding area.

Noise Management

With respect to noise, mitigation measures were identified in Section 4.1.2 of the Draft EIS by limiting construction during hours to those allowed by the Town of Southampton Code. Chapter 235 of the code regulates noise generation. From 7 AM to 7 PM, noise from a residentially-zoned site may not exceed 65 dBA at the property line; however, construction-related activities are exempt. However, the applicant proposes to limit the hours of construction to within the period 7 AM to 7 PM on weekdays. Construction on Sundays or holidays will be prohibited and any other reasonable noise management restriction may be imposed by the Town Board specific to this PDD.

Erosion and Dust Control Management

With respect to the control of erosion and fugitive dust, the following mitigation measures were proposed in Section 4.1.3 of the DEIS. These included, but were not limited to the following:

- Water trucks are to be utilized for suppression of dust during land clearing and grading activities.
- Unvegetated areas are to be seeded or planted with other groundcovers as soon as is feasible following regrading, and will continue to be monitored and sprayed during dry periods to prevent dust generation.
- Grading activities that could potentially generate airborne emissions will not be conducted if winds are in excess of 15 mph.
- The use of rumble strips is the control method proposed at the construction exit to minimize the quantity of material that is tracked off site to reduce soil on truck tires from being tracked onto adjacent roadways, thereby reducing the potential for dust to be raised in order to mitigate this potential construction related impact.
- Use of groundcovers and seeding, drainage diversions, soil traps, water sprays and minimizing the duration of exposed soil.
- Use of proper site grading procedures, implementing erosion controls and, for the long-term, use of properly-designed drainage systems, and particularly to conformance to the Town-required measures specified in the SWPPP and Erosion Control Plans and subject to the oversight of the Town Building Department.

It was the conclusion of the DEIS, that with these measures in-place, development of the proposed subject would not result in any significant erosion/sedimentation or stormwater impacts due to construction.

Transportation Management

Construction Traffic

A trip generation analysis was prepared assuming all construction activity was occurring simultaneously including soil removal. This analysis found that the vehicle trip generation for the construction phase was generally less than the operational phase of the project during the analyzed peak hours. It was also the conclusion of the construction analysis that traffic flow and temporary/short-term construction impacts could be minimized through the use of traffic control and construction management measures which would be outlined in the PDD legislation and in connection with the approved SWPPP. Such measures may include but are not limited to:

- Providing adequate signage to direct workers and deliveries to a dedicated construction access location;
- Use of flaggers to direct construction related vehicles to the site during periods of higher volume of arrivals and/or truck deliveries; encouraging and facilitating contractors and trades to conduct construction worker car-pooling;
- Implementing an internal haul road or other means of reducing soil hauling truck trips on Lewis Road (see below).

The proposed project site is large enough to accommodate worker and construction vehicle parking and construction support operations on-site (e.g., trailers material storage). Therefore, no off-site parking impacts are anticipated with the proposed project.

Options for transporting soil with the proposed project are addressed under comment 1.7.1 in **Chapter 1.0 Responses to Comments on the Description of the Proposed Project**” and also in the **“Introduction and Proposed Project Modifications”** section of this FEIS.

The applicant will be required to work with the Town to minimize construction impacts through soil movement options, carpooling of workers, and adherence to the identified mitigation measures and applicable Town Code requirements with respect to noise and hours of operation, as well as any other reasonable conditions that are identified.

4.2 Cumulative Impacts

Comment G-1.11:

This comment recommends additional analysis of cumulative impacts, particularly with respect to potential future use of offsite parcels.

Response

The DEIS included an analysis of cumulative impacts in Section 4.2.2 “Cumulative Impacts.” The DEIS examined potential cumulative impacts from other known or pending projects in the study area for all technical areas including land use, natural resources (including ground and surface waters), community resources, and construction; this analysis was limited to

consideration of future development only five (5) lots on the Kijowski Farm property. In addition, the purchase and retirement of 30 PBCs with the Proposed Project, as is proposed in this FEIS, and the purchase of an additional 33 acres of land in East Quogue that are currently proposed for subdivision based on a yield of 29 lots, reduces the potential for adverse cumulative development impacts in the study area.

The DEIS examined the impacts associated with the proposed project cumulatively with other pending development proposals in the study area. Hypothetical future development of privately-owned parcels in the area bounded by Lewis Road, the LIRR tracks, Sunrise Highway, and the Rosko Farms property would:

- increase residential population
- increase the school-age child population
- increase vehicle trip generation
- increase water use
- increase wastewater generation
- increase the amount of nitrogen recharged to groundwater
- increase the volume of water recharged
- increase tax generation
- increase school enrollment
- increase school district expenditures
- increase potential use of emergency safety and security services
- decrease natural vegetation
- decrease habitat for wildlife
- contribute to change in the character of the community
- increase demand on energy services
- increase vehicle activity at local roadway intersections
- increase the number of potential patrons at local businesses
- increase usage at local public recreational sites

The above comment also raises the question as to the potential for development of other future outparcels within the immediate project vicinity. The project site adjoins 19 outparcels that are not owned by the applicant. Based on the Town Code, these lots are parcels on a map filed in the office of the Suffolk County Clerk, but no portion of which has been opened and improved. This map is considered to be an “old filed map” as defined in the Article XI of the Zoning Code and Chapter 243 of the Town Code. The “opening” of the map for development is subject to the approval of the Planning Board. In recognition that the majority of old filed maps were filed prior to the adoption of any planning, zoning and environmental review, the purpose of the Old Filed Map regulations is to provide for a procedure by which the Planning board may take into account these additional planning and environmental factors for the purposes of providing future orderly growth and redevelopment of old filed maps (see Chapter 243). Upon application, the Planning Board is charged with reviewing the overall development of an old filed map taking into account the physical and legal constraints, and approving the redevelopment of the map including location of suitable home sites (“development parcels”) and the establishment of a program for the opening of streets, utilities and other infrastructure. Under section 330-56D, the Planning Board may only approve the transfer of development rights to an old filed map

development parcel in the CR-200 zone that has a minimum lot area of 30,000 SF. In this case, the subject old filed map has never been opened for development, either physically or legally.

Ten (10) of the 19 identified out-parcels are currently owned by the Town or County as open space. The remaining 9 parcels appear to be privately owned (one appears to be jointly owned by the town and a private company). Only one parcel (n/f Kayser, SCTM# 0900-288-1-124) appears to exceed 30,000 square feet, which is the necessary minimum lot area to be considered a development parcel. Given the past practices of the Planning Board, it is not likely the Planning Board would open and approve this map for development of this one development parcel as it is located more 3,400 feet from the nearest public improved street with public utilities, and there no other potential development parcels in between. Thus, in accordance with the old filed map regulations, it is likely that each of the 9 outparcels would be considered as “transfer parcels” that will be a source of development rights to be transferred to approved development parcels or receiving sites in other old filed maps. For example, the old filed map of Quogue Estates to the southwest of Lewis Road and Lakewood Park to the south have both been opened and approved by the Planning Board for development and contain several potential receiving sites. The impact of the development of these parcels and the transfer of development rights from old filed maps within the East Quogue UFSD such as this map has already been evaluated by the Planning Board. Ordinarily, the Planning Board can approve the abandonment of unopened streets in the old filed maps, but a certificate of abandonment covering the entire width of the street cannot be achieved without all abutting owners consent. Therefore, the project map depicts “paper streets” being left available for legal access until such time the abandonment of the streets with the out-parcels can be achieved. The applicant has stated that they have made efforts to purchase the above referenced out-parcels; however, the parcels were not available for purchase.

It is likely that the development section will not be opened and the area will remain as open space with development rights transferred out, however it is duly noted that the outparcels remain in private ownership and the potential access via the paper streets will remain intact until such time abandonment is actualized. Access to these properties will therefore be maintained.

It is noted that use of privately owned land in the area of the proposed project site is anticipated and addressed through the Town comprehensive plan in terms of zoning and projected land use changes. The East Quogue Land Use Plan and GEIS resulted in the rezoning of many acres of land in East Quogue, which ultimately had the impact of reducing potential development densities, thus reducing the magnitude of impacts related to private development of these lands.

As a result, significant and/or adverse cumulative impacts are not expected based on a reasonable review and assessment of the potential for such impacts. In addition, the proposed purchase and retirement of 30 PBCs with the Proposed Project, as is proposed in this FEIS, would reduce the potential for adverse cumulative development impacts in the study area.

4.3 Adverse Impacts that Cannot Be Avoided

There were no public or agency comments directed to this sub-section of the Draft EIS.

4.4 Irreversible and Irretrievable Commitment of Resources

There were no public or agency comments directed to this sub-section of the Draft EIS.

4.5 Effects on the Use and Conservation of Energy Resources

There were no public or agency comments directed to this sub-section of the Draft EIS.

4.6 Impact on Public Health

4.6.1 Comments C-59 & F-8.11:

These comments relate to concerns that the pesticides applied to the proposed golf course will be dispersed by the wind to sensitive nearby receptors, such as downtown East Quogue hamlet, residential homes, and the East Quogue Elementary School.

Response:

The DEIS included a detailed Integrated Turf Health Management Plan (ITHMP) that addressed the limited use of the most environmentally sensitive pesticides that may be used as part of the project to achieve reasonable pest control and to maintain healthy turf at the proposed golf course. The ITHMP also addresses the management of the pest control program in terms of equipment, application, and ongoing course maintenance to ensure the careful control and use of pest control and turf management compounds (pesticides and fertilizers). Implementation of the ITHMP is proposed to ensure that no impact occurs to residential receptors, the downtown East Quogue hamlet or occupants of the East Quogue Elementary School. The applicant's proposed ITHMP is provided as Appendix J of the Draft EIS.

The lead agency designated for pesticide registration, pesticide use, applicator certification and enforcement of state and federal regulations is the NYSDEC, Division of Materials Management Bureau of Pesticides Management. On-site staff involved in the application of pesticides shall at a minimum be NYS Certified Commercial Pesticide Applicators- Category 3A.

The NYSDEC also registers pesticides for use in the state, such that all USEPA registered pesticides are not legally permitted for use in New York unless the product is also registered by the state. The NYSDEC further restricts pesticide use within specific counties, with Nassau and Suffolk Counties having the most restrictions on pesticides available for use and limitations of annual cumulative application quantities for specific pesticides.

The pesticide's formulation together with selection of pesticide application equipment and application methods will be used to reduce the potential for drift.

There were 28 pesticides that were found for use on the golf course with no or minimal restrictions beyond the risk-assessed and heavily regulated product labeling. There were significant restrictions recommended on another 11 golf course pesticides, and eight pesticides that are legally registered for golf course use in Suffolk County not be used at this site. For the lawn care program, 16 pesticides were found for use without additional restrictions beyond the

regulated labeling, and one with a timing restriction. Also eight registered pesticides will not be used on home lawns at this site. Two pesticides will have limited use with only a small fraction of the site.

4.6.2 Comment F-14.1:

This document provides an analysis of the pesticides-related aspects and impacts of the proposed project.

The following response has been taken from a larger document prepared on behalf of the applicant to address comments prepared by Arthur Goldberg, PhD (see **Appendix F-14**); the full response document is contained in **Appendix M**.

Comment: There is a lack of detail on the proposed pesticides (only names and no chemical structures and or hazard properties including water solubility, accumulation in fatty tissue of animals and humans and toxicity data). Pesticides may affect ecosystem (like Weesuck Creek and Shinnecock Bay) and have non-target effects on wildlife, plants and humans, be bio-accumulators, highly toxic (i.e. organophosphate and organochlorine pesticides) and endocrine disruptors.

Response: The proposed 42 pesticides for use on the proposed golf course at The Hills project site that are contained in the ITHMP (Appendix J of the Draft EIS including its appendices) do contain chemical structures, water solubility, half-life, organic matter absorption coefficient, human and wildlife toxicity data, and toxicological standards for humans and wildlife.

These data are used by USEPA and NYSDEC to conduct a thorough risk-benefit analysis which if passed leads to the pesticide being registered. The USEPA evaluates the risk to humans, wildlife and thus ecosystems. All proposed pesticides for use on this proposed site were registered first by the USEPA and then NYSDEC. The NYSDEC also conducts an additional review for pesticides that are being considered for use in Nassau-Suffolk Counties that involves protecting groundwater. Most of the proposed pesticides (ones registered in NY after 2000) passed the additional groundwater risk assessment for the sandy soils and groundwater conditions of Suffolk County.

Additionally the applicant conducted site specific risk screening of all pesticide registered by NYSDEC for use on Suffolk County NY golf courses. The applicant used pesticide chemical-specific and site-specific data and the environmental exposure models PRZM-GW and AgDRIFT to do the comprehensive risk assessment. Furthermore, the Applicant also conducted a field environmental impact quotient analysis and will only use pesticide that has a low environmental impact quotient (low risk to humans as drinking water source-ground or surface water, wildlife, applicators and non-target organisms. The results of the risk assessment screening reduced the number of allowable pesticides (pesticides that can and are used on most other Long Island golf courses) to 42.

The risk of pesticide exposure to humans, wildlife and ecosystems for this proposed site would most likely only come from pesticide drift (as a spray or as a volatile compound) or from groundwater contamination that could travel to Weesuck Creek and Shinnecock Bay. Mitigation of potential pesticide drift is found in comment 4.6.1. The applicant has provided an extensive plan to mitigate the risk of pesticide contamination of groundwater for the proposed site. Mitigation practices the applicant shall be required to follow are:

- Follow all the extensive list of best management practices found in the ITHMP that reduces the need pesticide applications.
- Apply irrigation based on on-site measured evapotranspiration rate and soil moisture mapping which reduces pesticide movement through soil.
- Install liners under all putting surfaces to collect, transfer drainage water to raingarden structures so as to filter, retain and degrade pesticides.
- Use bio-pest control and USEPA defined low risk pesticide first.
- Use only the 42 pesticides that have gone through the extensive risk analysis having a low risk of groundwater contamination. Four pesticides with a higher toxicity, while having a low risk exposure via drift and groundwater contamination, will only be applied to limited areas as an emergency.
- Measure the shallow soil water (via lysimeters) and groundwater monitor well system to confirm pesticides are not contaminating the groundwater of this proposed site.

4.7 Growth-Inducing Aspects

There were no public or agency comments directed to this sub-section of the Draft EIS.

4.8 Summary of Mitigation Measures

There were no public or agency comments directed to this sub-section of the Draft EIS.

5.0 RESPONSES TO COMMENTS ON ALTERNATIVES CONSIDERED

5.1 Alternative 1: No Action

There were no public or agency comments directed to this sub-section of the Draft EIS.

2. Alternatives 2a and 2b: Development per Current Zoning & Regulatory Controls

5.2.1 Comment G-3.20:

“Land use restrictions under the as-of-right alternative (Alternative 2) should be clearly stated in the FEIS in the comparison of alternatives.”

Response:

As stated in Section 5.2.1 of the Draft EIS, Alternative 2 was developed to conform to the following current regulations.

- Town CR-200 Zoning District; which limits density to 82 units on The Hills South, with 24 units on the Parlato property and 12 units on the Kracke property;
- Town Pine Barrens Overlay District which requires compliance with standards similar to the CPB CLUP (28 percent clearing limits, 15 percent turf limits and protection of environmental resources);
- Town Aquifer Protection Overlay District (APOD) which requires 65 percent open space set-aside plus individual lot clearing limits based on lot size;
- Town Open Space requirements (which are similar to the Town APOD);
- Central Pine Barrens Comprehensive Land Use Plan (CLUP) which requires compliance with the Town Pine Barrens Overlay District; and
- Suffolk County Groundwater Management Zone III (i.e., SCSC Article 6) which requires not more than 300 gpd/acre sanitary discharge unless wastewater treatment is provided.

The site was rezoned as part of the East Quogue LUP from 111 units to 82 units on The Hills South Parcel as this and other lands in the area were upzoned to CR-200 (i.e., 200,000 SF lot size for yield). As listed above there are also other zoning controls special districts and overlay districts, limit clearing and establishment of fertilizer dependent vegetation. The Planning Board would also seek clustering and placement of development within existing cleared areas, much as what is proposed under the MUPDD.

5.2.2 Comment G-3.21:

“The FEIS needs to explain how the pollutant loading rates under the proposed project match up with each alternative. It is not explained why the nitrogen loading rates substantially decline with the proposed action (see Page 5-2). Also, footnote number 3 to Table 5-1 should further explain the assumptions made regarding advanced wastewater treatment systems with the proposed project that were used to calculate this reduction.”

Response:

The primary factors involved in nitrogen loading rates are wastewater, and fertilization. Secondary sources include pet waste, and atmospheric deposition. The seasonal resort aspect of

The Hills MUPDD is a factor in limiting the nitrogen load. Based on similar projects by the applicant, the average occupancy is 60 days, and the applicant will covenant that a unit cannot be occupied for more than 183 days. Thus, the sanitary wastewater, which is a primary component of nitrogen load, is substantially less than that with standard single family residences at the same density.

Use under existing zoning and traditional residential development, the dwelling units can be occupied potentially for 365 days per year. It is possible that some of these units would be seasonally occupied, but there is no assurance of this. Also, with respect to wastewater, use under existing zoning would not require wastewater treatment. As presented in this FEIS, the Hills MUPDD has proposed tertiary treatment to less than 10 mg/l total nitrogen (the DEIS assumed use of I/A OWTS for the MUPDD which treat to 19 mg/l). For comparison, development under the existing zoning would discharge wastewater at concentrations in the range of 50 mg/l. Thus, the proposed project provides a substantial reduction in wastewater nitrogen through the MUPDD obligations.

The other major component of nitrogen loading, fertilization is also less under The Hills MUPDD. LINAP and Town recognized references acknowledge that a golf course, with the proper management plan as proposed, can result in a very controlled application of fertilizer. Soil pH is properly adjusted, soil moisture is monitored, smaller applications are used, application methods are more precise, irrigation is used at appropriate times, and the overall application rates are more controlled through the employment of a trained and certified professional golf course superintendent and staff. The Hills has proposed an ITHMP aimed at proper turf management practices. The Hills proposed ITHMP for turf management includes a “cap” on the maximum amount of nitrogen that can be applied to the golf course. Conversely, individual homeowner’s use of fertilizers is typically not controlled, monitored, or limited and based on standard application rates is likely to exceed the controlled turf management practices of a golf course over the same amount of acreage. This can result- in a greater amount of nitrogen applied to the turf for residential use as compared to golf course use as the fertilized area is the same in both scenarios.

Fertilizer is also subject to leaching, which the rate is essentially an estimate of how much nitrogen will pass through the root zone and recharge to groundwater. A golf course is designed and managed to ensure maximum uptake of nutrients (including nitrogen) applied to the turf. Golf courses can achieve nearly a zero (0) percent leaching rate; however, a typical leaching rate for a golf course with this type of management plan, based on numerous research studies, is 10% as recognized by the Town contracted scientist who assists with overseeing golf course operation and monitoring (Dr. A. Martin Petrovic).

Residential lawns have been estimated by the LINAP to result in leaching rates of 30 percent, and LINAP conservatively estimates golf course leaching at 20 percent, which is less than residential use. This results in a greater amount of nitrogen leaching through an acre of soil in residential use than for a similar acre of managed golf course use.

When the factors are cumulatively evaluated, wastewater nitrogen, fertilizer application and fertilizer leaching are all less for the proposed project as compared with development under the

existing zoning. As a result, Proposed Project would have much less of an impact on groundwater in terms of nitrogen load as compared with use under existing zoning.

The Hills project also provides a mechanism for groundwater remediation through the proposed “phytoremediation” based irrigation process which can result in a net negative nitrogen load to groundwater. The “phytoremediation” irrigation system proposed with the project involves placing a withdrawal well on the south part of the subject property, within an area of nitrogen enriched groundwater from upgradient, that has been effected by agricultural uses. With the proposed project, this well is proposed to be used to irrigate the golf course, which will remove nitrogen from the aquifer, and apply it to the golf course through the irrigation system (simulated “fertigation”), thus reducing the pounds of nitrogen applied to the golf course. In this way, the lower leaching rate cited above would apply to a managed golf course. The golf turf is essentially a biological treatment mechanism called “phytoremediation”. No such measures would be possible if the property is used for a residential subdivision under existing zoning.

The project modifications presented in the “Introduction and Proposed Project Modifications” chapter of this FEIS is also proposing the following which would potentially reduce nitrogen loading in the watershed from what might otherwise occur in the future without the proposed project: 1) \$1,000,000 to fund sanitary upgrades at the East Quogue UFSD 2) redemption of 30 Pine Barren Credits; and 3) purchase and dedicate 33 acres of land for preservation (retirement of 29 units near the subject site in East Quogue). Each of these measures has a quantifiable benefit in terms of reducing nitrogen loading in the watershed from what might otherwise occur without the proposed project. Additionally, no such measures would be possible if the property is developed as a standard residential subdivision under existing zoning.

The quantification of nitrogen loads and relative comparison between various development scenarios is also provided in Chapter 2.0 under **Response, Section 2.2.2** with supporting documentation, calculations, comparison tables, and comparison charts provided in **Appendix R**. In sum, the proposed MUPDD has a lower nitrogen loading rate to the aquifer and, in turn, the down gradient surface waters. The Hills project also has the lowest nitrogen loading rate of all of the alternatives analyzed, including existing conditions and use under existing zoning with the potential for the Hills project to have a net negative nitrogen load to groundwater which can result in lower nitrogen levels and potentially improve groundwater and surface water quality in the Weesuck Creek watershed.

5.3 Alternative 3: Development per the East Quogue LUP

There were no public or agency comments directed to this sub-section of the Draft EIS.

5.4 Alternative 4: Reduced Density

There were no public or agency comments directed to this sub-section of the Draft EIS.

5.5 Alternative 5: Alternative Site Designs

Comment G-3.22:

“The FEIS should include for the purposes of comparison any additional potentially feasible alternatives for the site that were raised during the public comment period. This may include the following: 1) an alternative design with less site grading and the minimal amount of land disturbance and grading needed to build a golf course; and 2) a sewage treatment system that allows for local connections and the removal of on-site systems currently used on nearby properties including the elementary school.”

Response:

Each of the alternatives cited in the comment above is addressed below.

1. Alternative Site Design with Less Grading

It is noted that if a golf course is to be installed on the property in keeping with the objectives of the project sponsor and for consistency with the East Quogue LUP and GEIS, the grading program is necessary and excess soil will be generated. The grading program on which the project is currently based is the one that involves the least amount of grading that would meet the design needs for a golf course of the type and quality envisaged.

2. Alternative Wastewater Treatment System

The applicant has committed \$1,000,000 to a sanitary system upgrade fund. These funds will be available for sanitary upgrades to install I/A OWTS systems. It is not economically feasible to connect the East Quogue Elementary School to The Hills STP given the distance and relatively low flow of this facility; however, the applicant has met with the East Quogue Elementary School and offers to install an I/A OWTS system at this facility to achieve immediate benefit.

Elements of alternative project designs proposed by this comment are feasible and have been incorporated into the proposed project. The project now includes a full tertiary wastewater treatment facility. The wastewater treatment facility is designed consistent with SCDHS requirements and can be expanded to twice the design capacity. It is also expected that actual flow data will demonstrate excess capacity in the STP after operations commence. The STP is offered for dedication to SCDHS and off-site connections will remain a possibility subject to future sewer district formation, conveyance system installation, house connections and fee structure.

In summary, some elements of this comment are feasible and have been incorporated into project design for this Final EIS. Other elements are not feasible, not reasonable, and are not in keeping with the objectives of the project sponsor.

5.6 Alternative 6: Alternative Technologies

There were no public or agency comments directed to this sub-section of the Draft EIS.

5.7 Alternative 7: Lesser Impact Alternative

5.7.1 Comments B-12, C-3, C-5, C-23, C-68, D-21, D-40, D-57, D-59, E-75, E-76, E-78, E-100, E-101, F-2.2, F-3.5, & F-11.1:

These comments present an alternative development scenario perceived as having lesser impacts than those of the proposed project. As part of this alternative, the Group for the East End submitted an alternative development scenario prepared by a landscape architectural firm with supporting planning documentation. This alternative is comprised of 88 residential units, an equestrian facility, a 20,000 SF riding arena, a wastewater treatment facility, no fertilizer dependent vegetation and associated amenities, with the required roads and support facilities.

Response:

This development scenario can potentially be achieved with the current CR200 zoning by utilizing the Subdivision procedures as well as the Horse Farm special exception standards within the Code. Therefore, comparatively, it is not an alternative that categorically falls within the purpose of Incentive Zoning as enabled by the State through Town Law and instead is a variant within the context of as of right zoning.

The NYS SEQRA Handbook provides guidance on the goals of the alternative discussions in an EIS as follows:

“...to investigate means to avoid or reduce one or more identified potentially adverse environmental impacts. Part 617 further requires that the alternatives discussion include a range of reasonable alternatives which are feasible considering the objectives and capabilities of the project sponsor. In general, the need to discuss alternatives will depend on the significance of the environmental impacts associated with the proposed action. The greater the impacts, the greater the need to discuss alternatives. The discussion of each alternative should specifically include an assessment of its likely effectiveness in reducing or avoiding specific impacts.”

As noted from the SEQRA Handbook, alternatives must be tied to “the objectives and capabilities of the project sponsor.” The Group for the East End’s alternative does not meet the applicant’s objectives or capabilities and therefore does not meet the intent of a reasonable alternative pursuant to SEQRA as outlined above. Furthermore, the equestrian community alternative seeks to “reduce potential development impacts” however, after careful review; this alternative may likely have a greater impact, as demonstrated below:

A nitrogen budget analysis of this alternative was prepared by the Applicant using the SONIR model, based on the above description and as reasonable impact assumptions as provided in **Appendix T**. ¹**Appendix R-5** provides two (2) SONIR Model runs, one, for the based on GEE proposal (STP and no turf) and two, for the same alternative development scenario with no STP and 10 percent turf (which is

¹ **Appendix T-1** provides a report on horse excrement and nitrogen contribution from Louisiana State University wherein it states that an average horse contributes 100 pounds of nitrogen to the environment every year. With 132 horses, this amounts to 13,200 pounds of nitrogen annually to the environment with much of it leached to the aquifer

less than allowed). The results of that modeling indicate that this alternative with a STP and no turf would have more nitrogen load impact than existing conditions, but less than the most conservatively low estimated residential use of the site under current zoning. An analysis under the second assumption (with no STP and 10 percent turf) yields a comparably high impact on nitrogen load, greater than the existing zoning alternative (with a seasonal adjustment), but less than the existing zoning alternative with standard sanitary systems. Of the alternatives analyzed, this alternative yields the third highest rate of nitrogen production while the Proposed Project still has the lowest nitrogen load as compared with other alternatives. A comparison that includes the GEE equestrian use alternative is provided in Appendix R-7.

- To the extent that this alternative impacts groundwater, it is also assumed to impact downgradient surface water in Weesuck Creek.
- **Appendix T-1** provides a report on horse excrement and nitrogen contribution from Louisiana State University wherein it states that an average horse contributes 100 pounds of nitrogen to the environment every year.

While the Group for the East End's alternative is a laudable effort, the equestrian community alternative does not meet the intent of the analysis required pursuant to SEQRA, for the reasons stated above and because it is another variation of the as-of right scenario. On its own merit, this option does not appear to reduce the impact of nitrogen on ground water and nearby surface waters and does not contain any community benefits that the proposed project includes because it is not based on the premise of incentive zoning.

5.7.2 Comment G-1.4:

"In its letter dated May 11, 2015 the Commission provided comments to the Town on the project Draft Scope. A review of the Draft EIS indicates that not all of the Commission Draft Scope comments have been addressed. Specifically, the Commission requested consideration of a reduced-scale alternative. The DEIS contains a reduced scale alternative reducing the overall units proposed for the project by not including the Parlato parcel. Under this scenario, however, the density of development is not reduced. Therefore, the project sponsor should prepare a reduced yield alternative that includes all three project parcels and that reduces the density of overall development. It is also recommended that the project sponsor prepare a cluster development plan based on the as-of-right development involving all three project parcels, with development clustered to the south."

Response:

The proposed project evaluated 118 residences and a golf course on the 591.00 acres of land comprising the project site (a density of 0.20 units/acre). In the DEIS Scope, Alternative 4 was intended to describe and analyze a project similar to the proposed project but a "reduced scale" (not reduce yield), which ultimately was determined by eliminating the Parlato Property (and the 24 lots attributable to it) from the project. This elimination was achieved by assuming that the applicant allowed the option on the Parlato Property to expire, so that its 101.91 acres and 24-lot yield would be subtracted from the proposed project. In such a case, the Alternative 4 site would be 489.09 acres, and its yield would be 94 units, a density of 0.19 units/acre. This density is very similar to that of the proposed project, so that such an Alternative 4, if analyzed in isolation from the rest of the acreage involved, would not represent a true reduced-density scenario. The

Alternative 4 analysis described and analyzed in the DEIS included the 101.91 acres of the Parlato Property, though the 24 units it would yield were not. That is, the Alternative 4 analyzed in the DEIS included the acreage of the Parlato Property, but was not intended to mean that that acreage was still a part of the proposed project; it was assumed that the 101.91 acres of the Parlato Property in Alternative 4 would remain undisturbed, in its existing natural state, and available for development. To have done otherwise (i.e., to have eliminated this acreage entirely from the analysis) would have created a situation wherein one scenario evaluating 489.09 acres of land would have been compared to seven scenarios assuming 591.00 acres of land. This would have created an inapt comparison of alternatives, which is not intended by SEQRA.

Nevertheless, the evaluation of impacts for Alternative 4 as presented in the DEIS remains valid; the assumption underlying Alternative 4 should be revised to indicate that the Parlato Property would remain a part of the site acreage as open space, but that its yield would not be realized. In this way, Alternative 4 would include 591.00 acres, at a yield of 94 units, as described and analyzed in the DEIS.

5.8 Summary and Conclusion

There were no public or agency comments directed to this sub-section of the Draft EIS.

6.0 RESPONSES TO ADDITIONAL COMMENTS

Provided below are responses to additional comments that were raised during the DEIS review that were not directed at a particular chapter in the DEIS.

6.1 Statements of Project Opposition

Comments B-27, B-28, B-34, B-37, B-45, B-54, B-56, B-59, B-73, B-76, B-77, B-89, B-91, B-99, C-8, C-21, C-24, C-30, C-33, C-35, C-41, C-64, C-87, C-88, C-90, C-100, C-102, C-109, C-110, D-4, D-15, D-19, D-25, D-31, D-36, D-41, D-53, D-60, D-63, D-66, D-67, D-70, E-2, E-8, E-51, E-74, E-80, E-81, & E-105:

These comments stated opposition to the proposed project but did not raise any comments on the DEIS analyses.

Response:
Comments acknowledged.

6.2 Statements of Project Support

Comments B-1, B-2, B-3, B-4, B-5, B-6, B-7, B-14, B-15, B-16, B-17, B-26, B-29, B-30, B-31, B-38, B-46, B-69, B-70, B-74, B-75, B-93, B-97, C-6, C-7, C-10, C-11, C-12, C-13, C-14, C-15, C-16, C-17, C-22, C-27, C-28, C-29, C-31, C-32, C-34, C-40, C-51, C-52, C-53, C-57, C-61, C-62, C-63, C-69, C-73, C-74, C-75, C-77, C-78, C-79, C-80, C-81, C-82, C-83, C-84, C-85, C-86, C-89, C-104, C-105, C-106, C-108, C-112, D-2, D-3, D-5, D-6, D-7, D-8, D-9, D-10, D-11, D-12, D-13, D-14, D-16, D-17, D-18, D-20, D-23, D-24, D-26, D-27, D-28, D-29, D-32, D-33, D-34, D-35, D-39, D-43, D-45, D-46, D-47, D-52, D-65, D-68, E-1, E-3, E-5, E-6, E-10, E-11, E-12, E-13, E-14, E-15, E-16, E-17, E-18, E-19, E-20, E-21, E-22, E-23, E-24, E-25, E-26, E-27, E-28, E-29, E-30, E-31, E-32, E-33, E-34, E-35, E-36, E-37, E-38, E-47, E-48, E-49, E-50, E-54, E-55, E-56, E-57, E-58, E-60, E-61, E-62, E-63, E-64, E-65, E-66, E-67, E-68, E-69, E-70, E-71, E-72, E-73, E-86, E-87, E-88, E-90, E-91, E-92, E-94, E-95, E-96, E-97, E-103, E-104, E-106, E-107, & E-108:

These comments stated support for the proposed project but did not raise any comments on the DEIS analyses. .

Response:
Comments acknowledged.

6.3 School Enrollment

Comments B-10, B-22, B-48, B-51, B-62, C-49, C-55, D-49, E-52 & F-8.9:

These comments are related to concerns that the applicant's proposed covenant on residential occupancy is constitutional and enforceable, particularly with respect to the potential for generating school-age residents in the East Quogue UFSD.

Response:

With reference to the legality of the proposed covenant on residential occupancy, as previously stated in section 1.3.4:

The proposed covenant would not restrict school-age students in the proposed residences; it would restrict the duration of occupancy, so that the units could not be primary residences in the school district which would preclude attendance at East Quogue UFSD by school age children. Occupancy restrictions are common, legal, valid and enforceable.

The comments raised during the review period have not brought forth any issues related to the legal mechanism for seasonally restricting housing occupancy in the project.

The legal mechanism proposed for enforcing seasonal occupancy restrictions is a Declaration of Covenant and Restriction, recorded in the Suffolk County Clerk's Office. In particular, the covenant proposes the following restrictive language:

Seasonal Occupancy Restrictions. To assure that the lots and units in The Hills are occupied on a seasonal basis and are not occupied as a place of primary legal residence and/or domicile, the occupancy of the lots and units on The Hills shall be restricted as follows:

- (a) At no time hereafter shall the dwelling units erected on the lots and/or units shown on the aforesaid subdivision map be occupied as a place of primary or permanent residence or domicile;
- (b) There shall be no time limits on occupancy of a lot or unit between May 1 and October 15 in any given year, provided, however, that the total number of days of occupancy in any calendar year shall not exceed one-hundred-eighty-three (183) days; and
- (c) A lot or unit may not be occupied for more than thirty (30) consecutive days or an aggregate of sixty (60) days between October 16 and April 30 in any given year.

In addition, the covenant identifies a presumptive breach of these seasonal occupancy restrictions where an owner or occupant (i) enrolls a child or children in the East Quogue School District, (ii) applies for a real property tax exemption, abatement, or rebate based upon his or her primary residence in East Quogue or the Town of Southampton, and/or (iii) applies for any public monetary benefit or service available only to primary residents in East Quogue or the Town of Southampton.

Finally, enforceability of the covenant and its conditions therein are expressly given to (i) the Declarant, that is, DLV Quogue, LLC, or its heirs, successors and assigns, (ii) the property

owner or homeowner's association to be established should the project be approved, and/or (iii) the Town.

The applicant has also provided an opinion from counsel, that is, Jeffrey A. Kehl, Esq., of Bond, Schoeneck & King, dated March 21, 2016, as it relates to the validity and enforceability of the covenant. Based upon said analysis, counsel concludes that the proposed covenant is valid and enforceable. While there is no certainty in litigation, based upon a review of relevant case law, as well as the analysis provided by counsel, it is likely that the covenants proposed asserting occupancy restrictions for seasonal use only would be upheld as both valid and enforceable.

That said, the Town Board may contemplate whether the covenant document should be revised to allow the Town to seek reimbursement from the applicant and/or the Homeowners Association for any costs associated with the enforceability of said covenant, whether that enforcement is realized in the form of a Supreme Court enforcement action or otherwise. In addition, these occupancy restrictions should also be included in any and all transfer deeds for each parcel as further assurance of the intent herein.

6.4 Questions Regarding Site Employees during Off-Season

Comments B-61 & B-68:

These comments requested information on the off-season activities at the site.

Response:

During the periods of reduced occupancy (e.g., January, February), it is proposed that a small maintenance and security staff will be on site. Executive Management will also work on site during off-season projects as well. The applicant estimates there will be about 5-6 workers during this off-season period.

6.5 Questions on applicant Operations at Baker's Bay and in East Quogue

Comments B-40, C-36, E-46, E-59, E-84, F-8.5, & F-8.12:

These comments question the project implementation as presented in the DEIS based on purported adverse impacts at other applicant operated projects.

Response:

The applicant (DLC) has submitted the following information in response to this comment:

“The applicant purchased the Baker's Bay property in the Bahamas after it had been distressed by a former owner. DLC worked to restore the environmental conditions on and surrounding the site, and has been successful in supporting and improving the environmental health of the area over the conditions that existed

when the site was purchased. Independent research by the Nature Conservancy and other independent research and advocacy groups has found that reef health is in decline in the Bahamas and around the world due to effects related to global climate change, primarily from ocean acidification (see **Appendix N**). DLC has built other properties in other sensitive areas and has an outstanding record of environmental protection. DLC's goal for the proposed project is to be environmental stewards in East Quogue, which is consistent with all of its other projects in each host community. DLC's general plan is to not only protect the environment in which it develops, but to improve it.

It is noted that the Baker's Bay community is not East Quogue and vice versa. The locations, communities, environmental resources, settings and regulatory requirements are very different in each of these locations. For example, Baker's Bay is directly on the coast, and The Hills is inland. The Town of Southampton is the primary governmental body that will oversee development of The Hills property, and the Town has an exemplary record of environmental stewardship and particular expertise in review, approval, construction and operational oversight of golf course uses. The commitments that DLC has offered will be recognized in the Statement of Findings, imposed as conditions of approval, required as covenants, incorporated into the MUPDD Local Law and required through site plan and subdivision approval by the Planning Board. The conditions will be implemented through various mechanisms available to the Town. There will also be an operations manual for the golf course and the applicant has proposed regular reporting on said monitoring to the town, in a manner that is similar to the reporting for The Golf at the Bridge and Sebonack Golf Course projects, as well as other existing golf courses in the Town with monitoring protocols and stringent requirements.

This response addresses the comment regarding performance at Baker's Bay and the East Quogue site, recognizing the contrasts between these sites and the environmental performance standards that the Town of Southampton has to ensure compliance with stringent review, approval, construction and operational requirements. The applicant will abide by the conditions of any such approval."

This is the end of the Applicant's response to this comment.

6.6 Land Acquisition MOVE TO ALTERNATIVES

Comments B-58, B-79, B-88, B-92, C-93, C-103, D-30, E-53, E-93, & E-102:

These comments indicate support for the public purchase of the project site for its preservation as public open space.

Response:

This property that is the subject of this application was also the subject of a previous multi-agency effort to acquire the property for preservation. The effort was not successful; a later Town-sponsored effort to purchase the property was also not accepted by the site owner/applicant (DLC).

Acquisition of the subject property for preservation requires a willing buyer and a willing seller, as well as a mutually agreed upon purchase price. This site is privately owned by the Applicant, Discovery Land Company, which has stated their intent to develop the subject property as proposed in the FEIS, if this effort is not successful; the applicant has stated their intent to develop the property in accordance with existing zoning through the Planning Board subdivision review process. It should be noted that the Hills MUPDD preserves 72% of the property, or roughly 424 acres, of which the applicant proposes to dedicate approximately 200 acres of land to the Town of Southampton for public open space and trails.

6.7 The Town Board Can and Should Impose Conditions on the Project, to Reduce Potential Impacts

Comments C-4, C-113, F-3.3, & F-8.10:

These comments note that the Town Board has the authority to impose terms and conditions on the project, to reduce its potential impacts.

Response:

The Town Board has the authority to require conditions on the design and operation of the proposed project as part of the project review process. If the Town Board chooses to approve the project with these conditions, it may do so. Conditions can be stated in the FEIS Statement of Findings and subsequently included in any MUPDD review as a condition of MUPDD approval in the Local Law, required as covenants (as is proposed with respect to the occupancy limitations), and required through site plan and subdivision review by the Planning Board. Thus, there are various mechanisms available to the Town to ensure implementation of conditions that may avoid or reduce impacts as have been stated in the DEIS and this FEIS.

6.8 Questions Regarding the Town Board Administration of the SEQRA Review and PDD Application

Comments C-37, C-91, C-111, & E-7:

These comments question whether the Town Board has administered the application in a full and fair manner.

Response:

The Town is well-experienced in the proper procedures and administration of all submitted applications. In this case, the SEQRA process as required in 6 NYCRR Part 617 has been followed. The Town has acted, provided ample opportunity for public involvement and comment related to the SEQRA and MUPDD review processes. Therefore, a decision can be made after taking a “hard look” at the potential impacts of the project and applying the requirement to weigh and balance the environmental, as well as social and economic issues with the proposed project. The completion of this SEQRA process will be with the adoption of a Statement of Findings that will establish the basis for the Town Board decision on this project.

6.9 Question Regarding the Authenticity of Signatures on Petitions in Support of the Project

Comment E-85:

This comment questions the authenticity of some of the signatures on Petitions in Support of the project (see Appendix L-3).

Response:

The applicant has responded to this comment as follows. The applicant prepared a form letter indicating support for the proposed project so that the applicant could present this to the Town Board during the DEIS review process. The letter was emailed or handed to members of the community. Some residents signed the letter and included their addresses, and others asked the applicant to prepare the letters for them with their knowledge and consent. Signatures were not required, only consent. However, all of the letters are from supporters of the project who were aware of the intent of the letter and approved their names to appear on the letter.

6.10 Statement Supporting Deference to Facts Concerning Project

Comment E-99:

This comment commends the idea of letting the science of the analyses determine whether to support or oppose the project.

Response:

A decision on the Proposed Project will be made by the Town Board based on the information presented in the FEIS and supporting documentation submitted as part of the MUPDD application review process.

6.11 The Public Hearings were Unfair to Speakers Opposed to the Project

Comment F-10.1:

This comment indicates that the Town Board was unfair to citizen commenters during the public hearings, in that each was allotted only three minutes (or 5 minutes for representatives of case of organizations) to comment, whereas the applicant was given an unlimited amount of time to present the project.

Response:

The Town Board conducted the public hearings in conformance with SEQRA requirements and Town Law. It is standard practice at Southampton Town public hearings that members of the public have 3 minutes to speak. Four (4) separate hearings were also held on the DEIS over the course of four months (November 2016 through February 2017) and those hearings remained open until all who had signed up to speak were heard. SEQRA requires a minimum 30-day comment period on DEIS.

There were a large number of speakers at each of the four public hearings, and the Board continued each hearing until all speakers had had an opportunity to speak. As is typical in Southampton Town Board meetings and for the SEQRA process, the applicant is also provided time to present the proposed project to the board and the community (this was primarily conducted during the first of hearing, and to lesser degree in the subsequent hearings).

6.12 Suggested Town Board Resolution to Deny Application

Comment F-13.1:

This comment presents a suggested Town Board Resolution, to deny the application.

Response:

Comment acknowledged. The Town Board is a legislative body that makes informed decisions to the benefit of Southampton Town residents. Therefore, the Town Board will prepare its own Resolutions when it completes the SEQRA process and prepares the necessary Statement of Findings and resolutions to issue an informed decision on the pending MUPDD application.

6.13 Questions Regarding the Completeness of Draft EIS with Respect to the Scope and Provision of Alternative Plans

Comments C-44, F-7.1 & F-9.1:

These comments suggest that the Draft EIS does not fully address the items of the Final Scoping document, particularly as regards the provision and extent of the plans for the alternatives.

Response:

The Town Board as lead agency, deemed the DEIS complete for public review on October 12, 2016 and in doing so confirmed that the DEIS addressed all the requirements of the DEIS Final Scope as adopted by the Town Board on July 1st 2015. This acceptance of the Final Scope of Work includes the range of alternatives to be evaluated in the DEIS. The impact analyses of the

DEIS alternatives were based on conceptual plans and descriptions of the alternatives and compared with the impacts identified for the proposed project.