

Appendix F-11
Carolyn Zenk, Esq. Letter

November 21, 2016

Carolyn A. Zenk
Attorney at Law
143 West Montauk Highway
Hampton Bays, New York 11946
Phone/fax: 631-723-2341

Southampton Town Board
Southampton Town Hall
116 Hampton Road
Southampton, New York 11968

November 21st, 2016

Re: Hills at Southampton PDD
September 2016 Draft Environmental Impact Statement/FRAUDS

FRAUD I: THE "LESSER IMPACT ALTERNATIVE MAP" WAS NOT INCLUDED IN THE SEPTEMBER 2016 DEIS AFTER ALL!

FRAUD II: THE RADICALLY INCORRECT ASSUMPTION THAT CLUBHOUSES ARE ALLOWED IN THE FIVE ACRE RESIDENTIAL ZONE RENDERS THE SEPTEMBER 2016 DEIS'S COMPARISON OF ALTERNATIVES AND CONCLUSIONS USELESS.

Dear Supervisor Schneiderman and Southampton Town Board members:

CLEAN-Citizens for Clean Drinking Water, Clean Air, and Clean Bays-has reviewed the September 2016 Draft Environmental Impact Statement for "The Hills at Southampton." We wish to bring **TWO RADICAL FRAUDS** to your attention:

1) No "**Reduced Impact Alternative**" map was included in the DEIS as you required in your final scoping document. The Town Board and the public have been fooled because the "**Current Zoning Alternative Map**" was simply relabeled the *Reduced* or "*Lesser Impact Alternative*" Map and slipped into the document.

F-11.1
Sec. 5.7.1

The developer freely admits, "Alternative 7: **Lesser Impact Alternative...A conceptual sketch plan was not prepared for this alternative** because omitting the golf course is the same as Alternatives 2a and 2b and other alternative components considered in Alternative 7 are not design-related." This critical omission is confirmed at page S-36 of the DEIS. See attached **Exhibit A**. See admission again at DEIS 5-2. (Emphasis added.)

2) The developer has falsely represented that club houses are allowed in the five acre residential zone when they are a prohibited use. Therefore, its entire analysis of the various alternatives is useless. His "*Current Zoning Alternatives* 2a and 2b include, "118 lots, *private clubhouse & amenities*." (Emphasis added.) See **Exhibit B/**Table S-6, page S-30 of the DEIS.

F-11.2
Sec. 1.2.1



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Carolyn A. Zenk
Attorney at Law
143 West Montauk Highway
Hampton Bays, New York 11946
Phone/fax: 631-723-2341

The developer has misled the public since its project's inception, by continuously representing that the density and intensity of the "*current zoning alternative*," also known as the "as of right" alternative (a misnomer), and his *Planned Development District* Project are the same. This is a **FRAUD!**

F-11.3
Sec. 1.2.1

The PDD project is a **RADICAL INTENSIFICATION** of USES on site. The PDD introduces an *otherwise illegal* commercial **GOLF COURSE USE** and an *otherwise illegal* **CLUBHOUSE USE** into the 5 acre residential zone. The square footage of the PDD clubhouse, with its dining room, gym, underground parking lots etc., is **155,760** square feet, or *over four times* the square feet of the Parrish Art Museum building in Watermill! (**34,400** square feet).

I have attached Southampton's *Residential Districts Table of Use* to prove my point. As the chart indicates, "ALL UNLISTED USES ARE PROHIBITED IN ALL DISTRICTS." "P" indicates a use Permitted as of right. "SE" indicates a use only permitted by special exception. There are only two types of clubs listed. Neither of them is permitted as of right. The first is under C. General community facilities. It is (1) "**Beach club, nonprofit.**" It is a *special exception* use. Very specific criteria laid out in the Code have to be met before this use is allowed. A second club is mentioned at C(12)- "**Yacht club, nonprofit.**" It is *prohibited* in the five acre residential zone altogether. Since the club proposed herein is not a beach club, and is "unlisted", according to the Town Code, it is a prohibited use in the five acre zone. Thus, it must be omitted from Alternative 2. See **Exhibit C/Table of Use Residence Districts/demonstrating clubhouses are not a permitted use in 5A zone**

CONCLUSION

The DEIS analysis is radically flawed because the "Lesser Impact Alternative Map" was never included in the environmental impact statement and the developer has based his analysis of alternatives on the illegal assumption that standard clubhouses are permitted in the five acre residential zone when they are in fact a prohibited use. Once again, the developer's repeated frauds indicate that the Town Board and the public should reject the PDD change of zone.

Respectfully,


Carolyn Zenk
Vice President CLEAN

1d; the conceptual sketch plan for the Parlato Property in **Figure 5-1c** (for Alternative 2a) would also apply to the Parlato Property in Alternative 2b.

- **Alternative 3: Development per the East Quogue LUP** - assumes development of the properties based on additional options and concepts contained in the referenced plan. A conceptual sketch plan for the Hills South Parcel/Kracke Property is included in **Figure 5-2**; for the Parlato Property, the conceptual sketch plan prepared for the Parlato Property for Alternatives 2a & 2b (**Figure 5-1c**) would apply.
- **Alternative 4: Reduced Density** - assumes development similar to that of the proposed project, but at a residential yield reduced to 94 units, by removal of the Parlato Property from the project. A conceptual sketch plan for the Hills South Parcel/Kracke Property is included in **Figure 5-3**; as the Parlato Property would not be developed in this alternative, no conceptual sketch plan for this site was prepared.
- **Alternative 5: Alternative Site Designs** - this scenario evaluates alternative site layouts undertaken to reduce potential impacts such as clearing and graded acreage, soil excavation, retain open space, and preserve the area's aesthetics that may have been considered for the subject site during the design phase of the proposed project. This alternative discusses the project designer's efforts in this regard, so that the proposed project represents a balance between protection of these resources and provision of the proposed project. Therefore, a specific sketch plan was not prepared for this alternative.
- **Alternative 6: Alternative Technologies** - this scenario considers use of the following technologies in the proposed project: 1) use of natural organic turf management techniques for both the golf course and the residential landscape areas; 2) use of alternative wastewater treatment technologies; and 3) use of domestic wastewater for landscape irrigation. This alternative would not alter the site design of the proposed project, and therefore, no sketch plan was prepared.
- **Alternative 7: Lesser Impact Alternative** - this scenario considers the following measures that would reduce potential impacts of the proposed project: 1) omitting the golf course; 2) prohibiting septic systems, turf or clearing in the "area of influence" of public or private wells (**Figures 5-4a and 5-4b**); and 3) locating the houses away from the habitat of endangered, threatened or species of special concern. A conceptual sketch plan was not prepared for this alternative because omitting the golf course is the same as Alternatives 2a and 2b and other alternative components considered in Alternative 7 are not design-related.

The following summarizes the analysis for each of the seven alternative scenarios reviewed:

- **Alternative 1: No Action** - as there would be no development in this scenario, there would be no changes on the project site, and no impacts would occur. However, there would also be no improvement in conditions on the site, no Community Benefits would be provided, and groundwater and surface water conditions in the area would not be improved.
- **Alternative 2: Development per Current Zoning & Regulatory Controls**
 - **Alternative 2a** - implementing this scenario would allow for private on-site recreational amenities for the each of the three sites' residents, but would not provide any public recreational amenities. Additionally, no Community Benefits would be required (as no PDD is involved); the only such benefits would be the potential donation of land for a new SCWA wellfield, an increase in tax revenues, a number of new jobs, and revegetation of previously-impacted land. The totality of some impacts in this scenario would be similar to those of the proposed project, though they would be distributed over a larger geographic area than the proposed project (impacts on the Hills South Parcel and Kracke Property would be somewhat reduced in this scenario as compared to the impacts on these parcels in the proposed project), as the Parlato Property would be developed. However, other impacts of Alternative 2a on the community would be greater than those of the proposed project, and include: more impervious coverage, less retained natural vegetation, more excavated soil, greater water use, higher nitrogen concentration in recharge, more nitrogen

- EXHIBIT B | DEIS 9/16
 Lists illegal use -

Alternative 2

N: Clubhouses are not a permitted use in R5A zone

Table S-6
 QUANTITATIVE COMPARISON OF SITE AND DEVELOPMENT CHARACTERISTICS & IMPACTS
 Proposed Project and Alternatives 1-4 ^(1,2)

Parameter	Proposed Project ⁽²⁾	Alt. 1/No Action	Alt. 2a/PRD	Alt. 2b/PRD	Alt. 3/East Quogue LUP	Alt. 4/Reduced Density
Use	MUPDD	Vacant	Residential	Residential	Residential & Commercial	MUPDD
Yield	118 units & private golf/clubhouse	none	* 118 lots, private clubhouse & amenities		108 lots, clubhouses, golf & banquet/restaurant/spa	94 units & private golf/clubhouse
Occupancy	100% seasonal	none			100% year-round	
Coverages (acres):						
Impervious	23.24	0	46.68	37.20	23.30	22.27
Unvegetated	3.45	21.98	1.18	1.18	2.30	3.45
Brushy/Cleared	0	3.66	0	0	0	0
Landscaped & Rain Gardens	101.15	0	81.66	95.86	100.93	99.90
Fertilized	88.53	0	80.26	88.65	88.53	88.53
Unfertilized	12.62	0	0	7.21	12.40	11.37
Agriculture	0	18.42	0	0	0	0
Wetlands	1.40	1.40	1.40	1.40	1.40	1.40
Water (ponds & pools)	5.85	0	28.45	21.97	5.85	5.67
Natural Vegetation	422.74	545.54	398.46	400.22	424.05	425.14
Revegetated	33.17	0	33.17	33.17	33.17	33.17
Clearing (acres):						
Natural Vegetation	122.80	0	147.08	145.32	121.49	120.40
Total Cleared	166.86	0	166.84	166.96	165.55	164.46
Water Resources:						
Domestic Water Use (gpd) ⁽³⁾	41,814 (20,964)	0	35,400	35,400	38,814	34,614
Nitrogen Conc. (mg/l)	0.59/0.34 ⁽²⁾	0.24	1.04	1.07	0.99	0.92
Nitrogen Load (lbs/year)	-446.36/-1,436.23 ⁽³⁾	873.70	4,217.67	4,344.95	3,965.64	3,653.97
Recharge (MGY)	474.27	432.44	487.03	485.26	481.97	476.08
Taxes/Public Services:						
Total Tax Revenue (\$/yr)	4,513,946	272,986	3,351,000	3,351,000	3,277,249	4,553,749
School Tax Revenue (\$/yr)	3,431,031	218,580	2,683,143	2,683,143	2,624,092	3,646,183
Potential Schoolchildren	0 ⁽⁴⁾	0	130	130	137	0 ⁽⁴⁾
School Expenditure (\$/yr)	0	0	2,189,480	2,189,480	2,935,540	0
School Surplus/Deficit (\$/yr)	+3,431,031	+218,580	-136,337	-136,337	-311,449	+3,646,183
Economies:						
Construction Jobs (FTE)	310.0	0	654.0	654.0	550.0	251.0
Permanent Jobs (FTE)	101.8	0	53.55	53.55	164.8	101.8

ZONING

330 Attachment 1

RESIDENTIAL
- EXHIBIT C / Table of Use -

Town of Southampton
* § 330-10, Residence Districts
Table of Use Regulations
[Last amended 11-13-2001 by L.L. No. 52-2001]

P = Permitted use
SE = Special exception use
X = Prohibited use

* ALL UNLISTED USES ARE PROHIBITED IN ALL DISTRICTS * *N: If not listed, the use is prohibited*

Use Classification	* CR-200 Country Residence	CR-120 Country Residence	CR-80 Country Residence	CR-60 Country Residence	CR-40 Country Residence	R-120 Residence	R-80 Residence	R-60 Residence	R-40 Residence	R-20 Residence	R-15 Residence	R-10 Residence	MF-44 Multi- family Residence	MHS-40 Mobile Home Subdi- vision Residence	SC-44 Senior Citizen Housing	MFPRD	OSC
A. Residential uses.																	
(1) 1-family detached dwelling, new	P	P	P	P	P	P	P	P	P	P	P	P	P	P	X	P	X
(2) 2-family detached dwelling, new	X	X	X	X	X	X	X	X	X	X	X	X	P	X	X	P	X
(3) Multiple dwelling for 3 or more families.	X	X	X	X	X	X	X	X	X	X	X	X	P	X	X	P	X
(4) Conversion of existing single-family dwelling for 2 families.	SE	SE	SE	SE	SE	SE	SE	SE	SE	SE	X	X	P	X	X	X	X
(5) Dwelling lawfully existing prior to adoption of this chapter.	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	X
(6) Planned residential development.	P	P	P	P	P	P	P	P	P	P	X	X	X	X	X	X	X
(7) Camping ground.	SE	SE	SE	SE	SE	SE	SE	SE	SE	SE	SE	SE	X	X	X	X	X
(8) Mobile home.	X	X	X	X	X	X	X	X	X	X	X	X	X	P	X	X	X
(9) Senior citizen housing.	X	X	X	X	X	X	X	X	X	X	X	X	X	X	P	P	X
(10) Conversion into residential condominium or residential cooperative.	SE	SE	SE	SE	SE	SE	SE	SE	SE	SE	SE	SE	SE	SE	SE	SE	SE
(11) Density incentive.	X	X	P	P	P	P	P	P	P	P	X	X	X	X	X	X	X
(12) Recreational vehicle parks.	X	X	X	X	X	X	X	X	SE	SE	SE	SE	X	X	X	X	X
B. Residential community facilities.																	
(1) Church or similar place of worship or religious instruction, parish house rectory, seminary or convent	SE	SE	SE	SE	SE	SE	SE	SE	SE	SE	SE	SE	SE	SE	X	X	X
(2) (Reserved)																	

SOUTHAMPTON CODE

Use Classification	* CR-200 Country Residence	CR-120 Country Residence	CR-80 Country Residence	CR-60 Country Residence	CR-40 Country Residence	R-120 Residence	R-80 Residence	R-60 Residence	R-40 Residence	R-20 Residence	R-15 Residence	R-10 Residence	MF-44 Multi- family Residence	MHS-40 Mobile Home Subdi- vision Residence	SC-44 Senior Citizen Housing	MFPRD	OSC
(3) Nursery school or child day care.	SE	SE	SE	SF	SE	SE	SE	SE	SF	SE	SE	SE	SF	SE	X	X	X
(4) Park, playground or recreational area which authorized or operated by the municipality.	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
(5) Public library or museum.	SE	SE	SE	SE	SF	SE	SE	SE	SF	SF	SE	SE	SF	SE	X	X	X
(6) Fire station, municipal office or any government building of similar character.	P	P	P	P	P	P	P	P	P	P	P	P	P	X	X	X	X
(7) School, elementary or high, public, denominational or private, operated or licensed by the New York State Education Department	P	P	P	P	P	P	P	P	P	P	P	P	P	X	X	X	X
(8) School for the mentally retarded, public or private, nonprofit, for which a certificate of incorporation has been issued under Article 31 of the Mental Hygiene Law of the State of New York.	SE	SE	SE	SE	SE	SE	SE	SE	SF	SF	SE	SE	SF	SE	SF	X	X
(9) Colleges and universities.	X	X	X	X	X	SE	SE	SE	SE	SE	SE	SE	X	X	X	X	X
C. General community facilities.																	
* (1) Beach club, nonprofit.	SE	SE	SE	SE	SE	SE	SF	SE	X	X	X	X	X	X	X	X	X
(2) Bus passenger shelter	SE	SE	SE	SE	SE	SE	SE	SE	SF	SF	SE	SE	SF	SE	SE	SF	X
(3) Cemetery:	SE	SE	SE	SE	SE	X	X	X	X	X	X	X	X	X	X	X	X
(a) Expansion of preexisting nonconforming cemetery.	SE	SE	SE	SE	SE	SE	SE	SE	SE	SE	SE	SE	X	X	X	X	X
(4) Helicopter landing area.	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X
(5) (Reserved)																	
(6) (Reserved)																	
(7) (Reserved)																	
(8) Nursing home or proprietary rest home.	SE	SE	SE	SE	SE	X	X	X	X	X	X	X	X	X	SE	X	X
(9) Philanthropic, fraternal, social or educational institutional office or meeting room, nonprofit.	SE	SE	SE	SE	SE	X	X	X	X	X	X	X	X	X	SE	X	X

ZONING

Use Classification	CR-200 Country Residence	CR-120 Country Residence	CR-80 Country Residence	CR-60 Country Residence	CR-40 Country Residence	R-120 Residence	R-80 Residence	R-60 Residence	R-40 Residence	R-20 Residence	R-15 Residence	R-10 Residence	MF-44 Multi- family Residence	MHS-40 Mobile Home Subdi- vision Residence	SC-44 Senior Citizen Housing	MFPRD	OSC
(10) Public utility structure or right-of-way, sewage treatment plant or water supply facility necessary to serve the municipality, except wireless communications towers and antennas.	SE	SE	SE	SE	SE	SE	SE	SE	SE	SE	SF	X	SE	X	X	X	SF
(11) (Reserved)																	
(12) Yacht club, nonprofit.	X	SE	SE	SE	SE	SE	SE	SE	SE	X	X	X	X	X	X	X	X
(13) Wireless communications towers and antennas.	SE	SE	SE	SE	SE	SE	SE	SE	SE	SE	X	X	X	X	X	X	SE
(14) Hospitals.	SE	SE	SE	SE	SE	SE	SE	SE	SE	SE	SE	SE	SE	SE	SE	SE	X
(15) Hospice residence home.	SE	SE	SE	SE	SE	SE	SE	SE	SE	SE	X	X	X	X	X	X	X
D. Business uses.																	
(1) Agriculture, excluding animal husbandry.	P	P	P	P	P	P	P	P	P	P	P	P	X	X	X	X	X
(2) Animal husbandry, dairy and dairy products.	SE	SE	SE	SE	SE	SE	SE	SE	SE	SE	X	X	X	X	X	X	X
(3) Greenhouse, agricultural	SE	SE	SE	SE	SE	SE	SE	SE	SF	SF	X	X	X	X	X	X	X
(4) Horse farm, horse stabling facility or horseback riding academy.	SE	SE	SE	SE	SE	SE	SE	SE	SF	SF	X	X	X	X	X	X	SF
(5) Plant nursery.	SE	P	P	P	P	P	P	P	P	P	P	P	P	P	P	X	X
(6) Winery.	SE	SE	SE	SE	SE	X	X	X	X	X	X	X	X	X	X	X	X
E. Industrial uses (none permitted).	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X
F. Accessory uses.																	
(1) Accommodations for not more than 2 roomers or boarders in a 1-family detached dwelling, provided that separate kitchen and entrance facilities shall not be provided.	X	X	X	X	X	P	P	P	P	P	P	X	X	X	X	X	X
(2) Customary accessory structure and/or use, except those prohibited by this chapter.	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
(3) Home occupation other than home professional office.	P	P	P	P	P	P	P	P	P	SE	SE	SE	SE	SE	SE	X	X
(4) Home professional office.	P	P	P	P	P	P	P	P	P	SE	SF	SF	SE	SE	X	X	X
(5) Agricultural labor housing	SE	SE	SE	SE	SE	SE	SF	SE	SE	X	X	X	X	SF	X	X	X

SOUTHAMPTON CODE

Use Classification	 CR-200 Country Residence	CR-120 Country Residence	CR-80 Country Residence	CR-60 Country Residence	CR-40 Country Residence	R-120 Residence	R-80 Residence	R-60 Residence	R-40 Residence	R-20 Residence	R-15 Residence	R-10 Residence	MF-44 Multi- family Residence	MHS-40 Mobile Home Subdi- vision Residence	SC-44 Senior Citizen Housing	MFPRD	OSC
(6) Private garage or private off-street parking area pursuant to §§ 330-92 through 330-101.	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	X
(7) Private mooring, dock or similar marine structure in a tidal wetland or walkway over the dunes on an ocean beach pursuant to § 330-39 et seq.	X	P	P	P	P	P	P	P	P	P	P	P	SE	P	X	X	X
(8) Private swimming pool.	P	P	P	P	P	P	P	P	P	P	P	P	P	P	SE	P	X
(9) Signs pursuant to §§ 330-85 through 330-91.	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	X
(10) Temporary roadside stand for sale at retail of fish and shellfish taken by the vendor from local waters.	SE	SE	SE	SE	SE	SE	SE	SE	SE	X	X	X	X	X	X	X	X
(11) Temporary roadside stand for sale at retail of farm products grown on the premises.	P	P	P	P	P	P	P	P	P	X	X	X	X	X	X	X	X
(12) Wind energy conversion systems.	P	P	P	P	P	P	P	P	P	X	X	X	X	X	X	X	X
(13) Greenhouse, private.	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	X
(14) Accessory apartment pursuant to Article II A of this chapter.	P	P	P	P	P	P	P	P	P	P	P	P	X	X	X	X	X
(15) Bed-and-breakfast in an accessory building.	SE	SE	SE	SE	SE	SE	SE	SE	SE	SE	X	X	X	X	X	X	X