

State Environmental Quality Review Act
ENVIRONMENTAL IMPACT STATEMENT
FINDINGS STATEMENT

The Hills at Southampton
Mixed Use Planned Development District

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

Applicant: DLV Quogue, LLC
14605 North 73rd Street
Scottsdale, Arizona 85260

I. Introduction

This document is the Statement of Findings which completes environmental review of the application by DLV Quogue, LLC (“Applicant”) to the Town of Southampton Town Board (the “Town Board”) for a proposed Mixed-Use Planned Development District (MUPDD) known as “The Hills at Southampton”(the “Project”). The proposed project site is located in the hamlet of East Quogue, Town of Southampton, Suffolk County, New York, and is comprised of four parcels totaling 591 acres. The Zone Change application requires discretionary approvals and as a Type I Action is subject to the requirements of the State Environmental Quality Review Act (SEQRA). Accordingly, the Town Board has coordinated with involved agencies and upon no objection has assumed Lead Agency status for this environmental review process. .

Within the approximate 591-acre project site, development is proposed within 165.53 acres and 424.14 acres would be permanently preserved as open space. The Project would be developed as a resort use comprised of 118 seasonally-occupied housing units, a 97.81 acre private golf course and a 37,860 square foot three-story structure that will contain ten (10) of the seasonal dwelling units totaling 24,000 square feet, a private clubhouse, below-grade parking, a maintenance area, a management office, and space for mechanical equipment and storage..

The Project would also include infrastructure improvements such as a private access road that would traverse a separate parcel and connect with Lewis Road, internal private roads, stormwater 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 proposed development area, the Proposed Project would provide 424.14 acres of preserved open space and public trails.

This Statement of Findings is the final step in the SEQRA process as 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 both the Draft Environmental Impact Statement (DEIS) and the Final Environmental Impact Statement (FEIS), the Southampton Town Board completed a coordinated review with involved agencies. As the initial step in the environmental review process, 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 and that the Town Board would be the Lead Agency in this environmental review. As Lead Agency, the Town Board then issued a

Positive Declaration on April 14, 2015. The Town Board also conducted a DEIS scoping process in conformance with 6 NYCRR Part 617.8 to allow comment on the Draft Scope of Work and accepted both spoken and written comments on that Draft Scope. A Final Scope of Work was then issued on July 1, 2015. A DEIS was then prepared based on the Final Scope. The DEIS, accepted as complete by the Town Board on October 12, 2016, described the Proposed Project, including the project site and area resources, disclosed the potential environmental impacts of the project, presented measures to mitigate adverse impacts, and examined alternatives to the Proposed Project.

Upon acceptance of the DEIS as complete, the public review period commenced and the Town Board scheduled a DEIS public hearing on November 7, 2016. At the close of that hearing, the Town Board also determined that additional public hearings and an extended public comment period on the DEIS were appropriate. Thus, 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.

As required by SEQRA, an FEIS was then prepared to address all substantive comments made on the DEIS during this review period and described the following changes to the Project and its proposed community benefit package: (a) inclusion of tertiary wastewater treatment for the entire development; (b) funding for the upgrade of private wastewater treatment systems associated with existing development in the Weesuck Creek watershed; (c) installation of a wastewater treatment system at the East Quogue Elementary School; (d) dedication of 4 acres of land to the Suffolk County Water Authority (SCWA) for a water supply wellfield; (e) providing affordable housing funds to be utilized in the Hamlet of East Quogue in accordance with the Long Island Workforce Housing Law; (f) acquisition and sterilization of thirty (30) Pine Barren Credits within the Town of Southampton to account for the nitrogen equivalent of the golf course, where the sterilization of such credits will result in no additional density or impact to the associated school District; and (g) the proposed preservation of a 33-acre parcel at the head lands of Weesuck Creek, with public trails with a public trail system to be developed in conjunction with the Town Trails Advisory Board.

The FEIS was accepted as complete by the Town Board on September 14, 2017. The FEIS concluded that the proposed Project, of all the alternatives considered, “offers the greatest level of protection to the environment and the greatest set of benefits to the community” (FEIS, I-26).

All comments received from the public and from involved and interested agencies were carefully considered during the DEIS and FEIS preparation processes and in preparing this revised Statement of Findings and corresponding local law, including but not limited to the most recently received:

- “Analysis of Nitrogen Loading rates from the Hills PDD based on the Final Environmental Impact Statement” Gobler, Christopher J., Stony Brook University, School of Marine and Atmospheric Sciences, August 2017
- “Updated Analysis of Nitrogen Loading rates from the Hills PDD based on the Final Environmental Impact Statement”, Gobler, Christopher J., Stony Brook University, School of Marine and Atmospheric Sciences, October 2017;
- On October 26, 2017 by Resolution 2017-335, the Planning Board issued comments pursuant to §330-244H;
- On November 1, 2017, the Suffolk County Planning Commission issued its comments on the subject PDD application pursuant to General Municipal Law. Based on the recommendations within the Supplemental Staff Report dated October 27, 2017, the Planning Commission voted to recommend approval of the Project application and stated

that “*the proposed action conforms to the recommendations of the East Quogue Land Use Plan and GEIS, as well as the Town’s PDD zoning ordinance*”;

- On November 6, 2017 the Suffolk County Water Authority (SCWA) submitted comments on the FEIS;
- On November 15, 2017, the Conservation Board submitted revised comments pursuant to §330-244H;

II. Findings

1. Geological Resources

- (i) To the extent feasible, the existing topography of the Project site will be preserved or followed in developing the site plan.
- (ii) Prior to any soil disturbance, the erosion and sediment control measures required in an approved Stormwater Pollution Prevention Plan (SWPP) will be installed. This would prevent any significant adverse soil erosion and sedimentation impacts during construction.
- (iii) Some development will occur within all of the various soil types present on the Project site, as described in the DEIS. Soils exhibiting limitations related to sandy surface layer consist of types CpA, CpC, CpE, CuB, P1A, P1B and P1C which comprise approximately 73% of the subject property. The limitation of a sandy surface layer is not expected to be an impediment to locating roads, parking, buildings or related infrastructure.
- (iv) Soils exhibiting limitations related to slopes consist of CpC, CpE, HaB, P1B, P1C and RdB soils which comprise 52.9% of the Project site. The limitation of slopes may affect the installation of sewage disposal fields, home sites, streets and parking lots as well as the establishment of landscape vegetation related to concerns of providing stable surface areas to properly control erosion and drainage. Impediments with respect to a sandy surface layer will be managed through soil preparation for the intended use. The Project site master plan has been designed to take slope constraints into consideration- roads have been placed in low slope areas and home sites are planned in areas with construction areas of flatter surfaces. Planned grading of strategic locations of the site will be necessary to provide appropriate and stable surface areas to allow development of the proposed Project.
- (v) Establishment of fertilized turf and landscaped areas is limited to 15% of the Project site which is compliant with the Town’s Aquifer Protection Overlay District (APOD) Standards.
- (vi) Soils will be amended to establish healthy growing conditions and nutrient and water retention properties needed to support the limited areas of landscaping. In the case of the proposed Project this may potentially affect lawns, ornamental shrubs and golf course turf grasses. The potential impacts related to this limitation with respect to erosion potential and re-vegetation will be overcome by using proper grading techniques and erosion control measures, installing proper drainage and using suitably-adapted drought tolerant indigenous vegetative species for landscaping as well as site stabilization and restoration.
- (vii) STP facilities will be placed in good leaching soil and design will ensure adequate depth to water below leaching structures given the observed and published soil characteristics and the depth to groundwater. Project review will require test holes during Town site plan review

and SCDHS review for locating the STP. Though not expected, if unsuitable material is encountered, it will be removed and replaced with good leaching material to ensure proper functioning of STP leaching areas as well as for stormwater catchment.

- (viii) Consistent with the requirements of the Central Pine Barrens Plan, natural recharge areas and/or drainage system designs will be employed as part of the Project site plan design.

2. Water Resources

- (i) The Proposed Project site is located in Groundwater Management Zone III, and ultimately the groundwater in this subwatershed flows into Weesuck Creek and Western Shinnecock Bay. Of particular concern is nitrogen loading, which is responsible for the decline in surface water quality as evidenced by algal blooms which cause an increase in brown and red tides, reduced levels of shellfish and other habitat impacts. The proposed project complies the policies and plans for this area that are designed to protect water resources including the Town of Southampton Aquifer Protection Overlay District (APOD), the Central Suffolk Special Groundwater Protection Area (SGPA), and the Central Pine Barrens Comprehensive Land Use Plan (CLUP).
 - a. The APOD imposes limits on the disturbance of natural vegetation and in this case, 71.77% of the existing natural vegetation must be left undisturbed, it also restricts fertilized vegetation to 15%.
 - b. The goals and objectives of the CLUP will be met for the Compatible Growth Area, namely:
 - i. preserve natural vegetation in large, unbroken blocks (86.92 acres and 101.91 acres);
 - ii. there will be no significant discharges within 200 ft. of any public supply well
 - iii. The PDD serves as a receiving area for 30 credits originating within the Core Preservation Areas of the Town.
- (ii) The area to be developed as part of the Proposed Project site does not immediately adjoin to existing surface water, ponds or wetlands; however, the headwaters of Weesuck Creek as well as Shinnecock Bay are downgradient of the site. Nitrogen impact reduction has been a focus of the Project and comprehensive impact analyses were provided in the FEIS. It is expected that the proposed project, inclusive of its land preservation and wastewater treatment system, will have a nitrogen concentration of less than 1.0 mg/l, which conforms to the nitrate-nitrogen guideline of 2.5 mg/l per Central Pine Barrens' Comprehensive Land Use Plan and is less than what could be achieved under alternative development scenarios. Overall, the proposed project results in the lowest nitrogen load of all alternatives analyzed. With the proposed irrigation-fertigation system that will utilize groundwater that already contains high concentrations of nitrogen and take it out of the system, the project is expected to result in a net negative nitrogen load which is beneficial to underlying groundwater within the Central Pine Barrens, as well as downgradient streams, bays, and coastal resources.
- (iii) The applicant has proposed an Integrated Turf Health Management Plan (ITHMP). Among the design requirements of the ITHMP is a design requirement for liners under the greens to capture drainage water. This drainage water would then be collected and treated or reused for irrigation.

- (iv) The use of groundwater with elevated nitrogen levels for both irrigation and as a fertilizer source would be supplemented with fertigation which is projected to improve local groundwater and minimize project impacts on groundwater, particularly with respect to nitrogen.

- (v) In addition, the applicant has agreed to limit the amount of fertilized land to 88 acres (e.g., greens, tees). The ITHMP and fertilizer limits will be implemented through a Management Program document reviewed, approved and implemented by the Town which will establish protocols for the use of fertilizer, pesticides, and ground water monitoring. The local law will require the ITHMP to establish a maximum application of fertilizer to no more 2.5 lbs/1000 SF/yr of nitrogen to greens, tees and fairways and 1.0 lbs/1000 SF/yr to rough and residential areas. Further, 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 monitoring would be based on submitted reports to the town and oversight by the Town. The town could also inspect the site to monitor compliance and would also have data from the monitoring wells (see below).

- (vi) The proposed Integrated Turf Health Management Plan (ITMHP) includes the limited use of certain environmentally sensitive pesticides that may be used on the site to achieve reasonable pest control and to maintain healthy turf at the proposed golf course. The Town Board is aware that every pesticide product which is used, distributed, sold or offered for sale in New York State must be registered by the NYS Department of Environmental Conservation. Under Sections 33-0301 and -0303 of the Environmental Conservation Law (ECL), the department has sole jurisdiction in all matters pertaining to the distribution, sale, use and transportation of pesticides. They also regulate the registration, commercial use, purchase and custom application of pesticides. As described by NYSDEC, *“pesticides, properly used for the control of insects, fungi, weeds, and nematodes, and as defoliants, desiccants, and plant regulators and for related purposes, are valuable, important and necessary to the welfare, health, economic well-being and productive and industrial capabilities of the people of this state; however, such materials, if improperly used, may injure health, property and wildlife.”* It is noted that review of specific compounds and chemical structures contained in pesticide formulations labeled for the control of pests commonly associated with turfgrass management are pre-empted by the State; however through the pesticide registry those labeled for use here are tested and formulated specifically for Long Island because of the sole- source aquifer.

In the Mixed Use PDD alternative, the entire property, which includes the single family dwelling lots, will be managed and maintained by a single entity that will be required to comply with the ITMHP as described in the DEIS and FEIS. Integrated Pest Management (IPM) is a decision making process that requires training in all phases of turfgrass management, including biology, soil science, pest management, and cultural practices. It involves establishing pest response threshold levels that are consistent with the intended use of the turf, intensive field monitoring, good record keeping, and consideration of different pest control strategies.

The keystone of a turfgrass IPM program is frequent, careful monitoring of pest activity. If the monitoring program is successful, pests can be detected early and controlled before the

threshold level is exceeded. By keeping good records of previous pest activity, turfgrass managers will know where and when to look for subsequent pest issues and utilize certified applicators to apply registered pesticides to targeted areas when needed.

Certified pesticide applicators are subject to NYSDEC requirements in terms of pesticide reporting. The Pesticide Reporting Law requires every certified commercial applicator to report regulated pesticide activities from January 1 through December 31 of each year. This report requires detailed information on the type, area and quantity of pesticide used in an application. This type of oversight is typically unavailable for a single family subdivision in an environmentally sensitive area as most people apply their own pesticides and fertilizers, which has a higher likelihood of misuse and over-application than that of a professional who is charged with maintaining the grounds to the highest standard. A certified pesticide applicator is also educated on best management practices, including those that minimize aerial drift and curtail unintended exposure, as well as following personal protection protocols required by the label and New York State law. The MUPDD will have monitoring wells and reports to confirm that the standards are routinely met, and the ITHMP will require that turfgrass/sod come from approved Long Island sources.

Implementation of the ITHMP is intended to provide a level of safety to ensure that no impact occurs to people, wildlife, water resources or the local ecology as a result of the action. The whole premise behind an integrated turf management program is to promote the health and vitality of the soil. Utilizing the strategies in the program will result in a more efficient use of pesticides, which translates into a reduction in need for pesticide use. With the safety, reporting and monitoring protocols followed, the limited use of pesticides as outlined in the ITHMP is not expected to result in any significant impacts. This expectation has been factually demonstrated within the other two monitored golf courses within the Town, namely Sebonac and The Bridge.

- (vii) In addition to the above, the Applicant will be required to engage in a regular sampling program to monitor groundwater quality, which is necessary to ensure that the Proposed Project does not adversely impact water resources. The groundwater monitoring program for the proposed golf course is proposed to be comprised of two parts: 1) monitoring the volume of fertilizer being applied; and 2) monitoring any impacts on groundwater quality from the fertilizer applied and all applied pesticides potentially leaching into groundwater. As part of the groundwater monitoring program a total of fourteen (14) groundwater monitoring wells and nine (9) lysimeters will be installed throughout the golf course to monitor the water quality beneath the golf course four times per year. The irrigation pond will also be monitored.
- (viii) The applicant has developed and proposed a program to monitor groundwater quality, which is necessary and sufficient to ensure that the project does not adversely affect water resources. Under this proposed monitoring program, a five-year sampling plan will be supplemented with a quarterly sampling of nitrogen and the pesticides that may have been used during the previous twelve-month period. An independent laboratory, acceptable to the Town, will conduct all water testing. The sampling would be conducted under the direction of an entity acceptable to the Town.
- (ix) If a pesticide or nitrogen species is detected above a response threshold in any lysimeter or groundwater sample: (a) The use of the pesticide and or nitrogen fertilizer will be stopped; (b) the lysimeter or well will be tested again as soon as practically possible to confirm the

- presence of the pesticide/nitrogen and to see if the concentration is rising; (c) the environmental (rainfall after application) and management (amount of irrigation after application, amount of pesticide-fertilizer application, etc.) conditions at the time of the pesticide-fertilizer application and immediately after would be documented; d) when nitrate concentrations drop below 2 mg/L fertilization can resume; e) when the concentration of a pesticide drops below the response threshold its use may resume.
- (x) Based on an independent review of the proposed project¹ it is concluded that with the above measures in place, the proposed project would not result in any significant adverse impacts on groundwater or surface waters.
 - (xi) The IHTMP that contains the components described above will be subject to final review and approval by the Town with a requirement for the submission of regular monitoring reports.
 - (xii) The Suffolk County Water Authority has expressed the desire for new wells on the project site. The Applicant has included in their site plan approximately 4 acres for a new well field to be dedicated to the SCWA as part of the proposed public benefits. The Planning Board questioned if the dedication of 4 acres for a well site was considered a public benefit if it was instead a project requirement. The DEIS included correspondence from the SCWA dated September 21, 2015 that indicated this agency did not anticipate any water quality impacts due to the proposed project. The letter further indicated that once constructed, the proposed well(s) on the property would produce high quality water for the foreseeable future. After the FEIS was deemed complete, the SCWA submitted another letter dated November 6, 2017 indicating that they will be providing water for domestic consumption and fire suppression for the 118 housing units and clubhouse. It further states that “the developer will be responsible for making system improvements including distribution system piping, booster upgrades and a new booster station in order to ensure water is available”. The letter further discusses the irrigation well plan and the conveyance of the land for SCWA to use as a new well field and storage. This dedication is not required as a condition of approval from SCWA but the system improvements are. Therefore, the Town Board still considers this dedication to be a public benefit to all users within Suffolk County Water Authority jurisdiction.
 - (xiii) The project will conform to all Suffolk County Department of Health Services regulations for the disposal of wastewater. Additionally, an on-site sewage treatment system will be installed and will consist of tertiary treatment with a nitrogen treatment level of 10 mg/l or less. The STP shall be located in the northwestern corner of the Project Site. This location is in-line with groundwater flow that shows elevated nitrogen concentrations from upgradient historic/current farming is on the west side of the site and would situate the STP as far as possible, approximately 1.5 miles, from downgradient wetlands and the surface waters of Weesuck Creek and Shinnecock Bay. Thus, this proposed facility is located at the greatest distance possible from surface waters. In accordance with applicable SCDHS requirements, an area for this facility has been set aside on the site plan that is twice the building footprint in size, in the event that expansion at a later date is necessary. The site plan also includes an access drive and leaching area, with additional area for leaching area set aside for future expansion, if required by the SCDHS. The Applicant has presented information that this system can potentially achieve compliance the NYS effluent limitation

of 10 mg/l and is expected to perform consistently with much lower total nitrogen concentrations. SONIR modeling has also been provided in this FEIS assuming a 10 mg/l nitrogen effluent with the proposed project, noting that the residential density is still consistent with the CR-200 (5 acre) zone and there is a significant amount of open space and undisturbed natural vegetation to provide for aquifer recharge.

- (ix) An independent review of the proposed project by Dr. Christopher Gobler at Stony Brook University concluded that the PDD alternative with the 33 acre parcel preservation and other measures offered as community benefits has the greatest potential to reduce and mitigate nitrogen loading in this watershed.

3. Ecological Resources

A. Aquatic Ecology

- (i) There are no existing wetlands within the development area of the project.
- (ii) As described within the DEIS and FEIS, the proposed Project would not result in any indirect impacts on the water quality of Weesuck Creek or Shinnecock Bay and therefore is not expected to result in any impact on the aquatic ecology of these resources.

B. Terrestrial Ecology

- (i) Clearing limitations will conform to Town of Southampton Central Pine Barrens Overlay District and the limitations of the Central Pine Barrens Comprehensive Land Use Plan (CLUP). The proposed project has put heavy emphasis on the preservation of existing natural resources. Therefore, of the total 591 acres, only 165.53 acres (about 28 percent) will be developed as part of the proposed project. Outside of the proposed development area, the Proposed Project would provide 424.14 acres (about 72 percent of the site) of open space preservation area with public trails. Additionally, a 33 acres site located in the head lands of Weesuck Creek will be preserved, which could have potentially yielded 32 additional dwelling units.
- (ii) The majority of the existing natural vegetation on the site is pitch pine forest habitat. There are also areas that have been previously disturbed. Clearing is necessary to implement the proposed project; however, this clearing is proposed to be concentrated in areas that are for the most part, previously cleared or disturbed. The project will concentrate development on 142 acres of land to be cleared, of which 44 of those acres have been previously cleared. The previously disturbed areas will be used for construction of the residential units, roads, and accessory structures. Reuse of previously disturbed areas is proposed to minimize impacts on woodland/Pine Barrens habitat. With the proposed project approximately 115 acres of pitch pine forest will be cleared; however, the proposed project will also preserve 424 acres of the site with a significant amount of land offered for dedication to the Town of Southampton. The local law will require limits of clearing to be established within the project development site prior to commencement of construction with routine monitoring and surveillance during the process to ensure that the clearing and grading activities will not negatively impact the surrounding ecosystem.
- (iii) The proposed subdivision and site design of the project supports preservation of natural vegetation in large unbroken blocks that allow contiguous open spaces to be established. The subdivision and golf course site designs are found to be configured in a manner that

- prioritizes the preservation of native Pine Barrens vegetation to the maximum extent practicable.
- (iv) Consistent with the CLUP, the preservation of the above-referenced 424 acres will maintain the essential character of the existing Pine Barrens environment, including the protection of indigenous plant and animal species and their associated habitats to the maximum extent practicable. As described, the proposal centers the development on the previously disturbed areas to maximize retention of the existing Pine Barrens habitat. Consistent with the Recommended Plan described in the East Quogue GEIS, any other disturbed area in the Core is not being utilized as a deduction in calculating vegetative clearing limits.
 - (v) Investigations were undertaken for the DEIS to confirm that areas of the site that may be sensitive for rare, threatened, or protected species have been avoided. In addition, as part of the site plan review and pre-construction, a survey of areas proposed for development will be performed to confirm that none of the protected species that are known to inhabit this area of the Pine Barrens would be impacted by any proposed clearing or project construction. Based on these investigations, if protected species are identified, the Applicant has proposed as mitigation measures that these areas would be avoided by the site plan and/or other options would be implemented, such as plant rescue/relocation. If transplanting is determined to be possible, a professional horticulturalist will perform the transplanting of the species to optimize survival. Transplanting of this species would be the responsibility of the Applicant and would be performed under the supervision of the Applicant in accordance with a protocol approved by the Town prior to the commencement of construction activities.
 - (vi) With the proposed project, approximately 25 acres of former farmland will be restored through a planting plan that is proposed to include a combination of native woodland, shrubland and grassland/meadow habitats to be provided under the supervision of a certified ecologist. Detailed restoration plans will be provided during site plan review. Only native species will be utilized for any restoration work to ensure that native habitat restoration goals are achieved.
 - (vii) As described in the FEIS and above, in addition to the large tracts of land proposed for preservation, the 33 acres known as the Parlato parcel will also be sterilized from development through the TDR process and this added benefit will not only reduce Nitrogen loading but will also increase the open space assemblage in the area and eliminate development pressure. The portion of the project area designated as a Critical Resource Area will also be preserved. In total the project is found to promote the preservation and conservation of open space, natural resources, diverse ecological communities, species diversity, and groundwater quality and quantity and provides connection of open space areas. Maximization of unfragmented open space will support terrestrial ecosystem functions by allowing for plant and animal species to have suitable habitat as well as migratory corridors for climate change adaptation.

4. Transportation Resources

- (i) A traffic analysis for the proposed project demonstrates that the Proposed Project would not result in any significant adverse impacts and said Traffic Impact Analysis was peer-reviewed by the Town's Consultant, AKRF. An operational traffic monitoring program will be required to be prepared and submitted with the site plan to confirm that traffic circulation at the intersection of the proposed access road and Lewis Road is operating acceptably as identified in the traffic analysis.

- (ii) The FEIS identified preliminary grading and associated quantities of material to be filled or cut and removed as excess material which is expected to total up to 350,000 cubic yards. Although the applicant identified additional options transport this material to the adjoining mine site, as outlined below, there will be no significant impact to traffic as a result of the transport of the fill material utilizing Lewis road as was analyzed within the DEIS.

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 owner of property. In addition the Town's agricultural easement requires the Town permission to temporarily utilize the existing farm road. The Planning Board recommends that the applicant pursue the alternative that would convey the sand from within the site. As stated in the FEIS (Page 1-19), the applicant will continue to pursue the potential to utilize a conveyor belt system or temporary haul road (options 3 & 4). In the event that options 3 & 4 are not feasible, 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.

5. Land Use, Zoning, and Comprehensive Plans

- (i) The site is currently undeveloped and would be developed by the Proposed Project in conformance with current plans and policies. The current zoning on the site is CR-200 with several overlay districts including the Town's Aquifer Protection Overlay District (Article XIII, Sections 330-66 and 330-67), the Town's Central Pine Barrens Overlay District (Chapter 330, Article XXIV, Sections 215 to 221). The clearing restrictions within these plans have been developed to ensure the highest level of groundwater recharge and vegetation protection and therefore the Board is requiring strict adherence to the percentage of clearing established within these plans. The local law accounts for delineating the limits of clearing and demarcation of any large caliper trees within the development area that can be protected. The Proposed Project would be developed under the Town's MUPDD requirements (§ 330-240 E) and this proposed zone would not conflict with the objectives of any other zoning districts in the area. The proposed project is consistent with the planning objectives of the Southampton Tomorrow 1999 Comprehensive Plan Update, the 1993 Western Town Generic EIS, the East Quogue GEIS and adopted Recommended Land Use Plan, the Special Groundwater Protection Area (SPGA) and the Central Pine Barren Comprehensive Land Use Plan. The most recently adopted East Quogue GEIS and Recommended Land Use Plan indicates the subject parcels should be developed as a mixed use proposal that combines housing, resort/recreation, and open space uses with protected areas of natural resources. It articulates the goal to "*encourage uses that will generate positive net tax ratables, while having little or no adverse financial impact on the school district*". The Recommended Plan also indicates that the number of potential housing units

could be increased (by no more than 15 percent) if the development can submit satisfactory and sufficient documentation to the Town confirming a housing profile of only seasonal or resort type residences.

- (ii) In the subject proposal, the number of housing units conforms to the total amount that would be allowed in the underlying CR200 (5 acre) residential zone. There is no increase in residential density as part of the subject PDD proposal. The proposed action does allow for a private golf course use that is accessed through a membership program and the construction of a clubhouse and various amenities that will be provided for the exclusive use of the residents/members. The nitrogen component of the golf course use is accounted for through the extinguishment of Pine Barrens Credits and complies with the purpose and intent of sending/receiving areas as well as §330-246B where there is no substantial increase in the number of dwelling units or population within the Town because development has been redirected in order to channel growth and preserve more ecologically sensitive lands. The PDD proposal represents a density reduction plan in that the thirty (30) Pine Barrens Credits transferred will not result in actual residential density from the Core Preservation Areas within the Town of Southampton. Further, the proposal was amended within the FEIS to include the preservation of an additional 33 acre parcel (Parlato South) that will reduce density in the East Quogue Hamlet by at least 32 homes and the corresponding offset of nitrogen loading in this watershed is significant.

- (iii) Discovery Land has offered a restrictive covenant for the residential units that confirms the seasonal use of the housing units and the local law has added safeguards to be sure that the covenants are enforceable. The golf course use itself is also seasonal in nature (April-November) which is considered desirous to the community versus the alternative of a year-round residential subdivision. The local law has been amended to allow for limited access for Town residents at an affordable rate so that in addition to the open space and trail system being dedicated to the Town, Town residents can also enjoy the recreational resource of the golf course use.

- (iv) With respect to open space and public access, under existing conditions, the site is private property and provides no public access. The Applicant is proposing 424 acres of preserved land with property dedication to the Town of Southampton and is also proposing to implement a public access and a public trails plan. It is proposed by the applicant that this trails plan be further advanced in coordination with the recommendations of the Town's Trails Advisory Board. The Applicant will also coordinate with the Town on the maintenance of the public trail system. The Town Board finds that providing public access and a trails system as part of this application is a necessary and important component of the project in terms of providing public benefits.

- (v) The Recommended Plan analyzed in the East Quogue GEIS and adopted as part of the Comprehensive Plan was found to be consistent with the Article 57 and Central Pine Barrens Comprehensive Land Use Plan by preserving contiguous blocks of open space and utilizing already disturbed areas for development. Consistent with the Recommended Plan, the proposed action would construct seasonal housing and recreation (golf) uses with state-of-the-art approaches to protecting existing environmental conditions and preserves 424 acres of Pine Barrens land and 33 acres of land in the headwaters of Weesuck Creek. The proposed project is therefore consistent with the Recommended Plan and through the project-specific EIS process, it is found to be a development proposal that complies with all relevant Planning documents and studies while minimizing/mitigating impacts to the greatest extent practicable

while providing many social and economic benefits to the East Quogue Community. Therefore, it is concluded that the Proposed Project is consistent with the above-referenced zoning requirements, plans, and policies.

6. Community Facilities and Services

- (i) The Proposed Project would place limited, if any, demands on local facilities and services and has proposed community benefits that will support community services.
- (ii) Based on the occupancy restriction placed on the subject dwelling units as proposed by the project, the Proposed Project would not generate any school children or demands on the East Quogue Union Free School District. However, the proposed project would generate tax ratables in the district as a net benefit to the school district. Therefore, it is concluded that the fiscal impacts on the school district are positive, particularly when compared to other possible alternatives (see the discussion below).

7. Community Character

- (i) The Proposed Project will not result in any adverse impacts on community character.
- (ii) With respect to visual and scenic resources, a comprehensive assessment of the Proposed Project's potential to impact visual and scenic resources was performed. The assessment consisted of: 1) characterizing the existing visual resources; 2) identifying potentially impacted views; 3) identifying key views that may change due to project development; 4) preparing visual simulations at the selected viewpoints that show the before and after conditions or view impacts; and 5) evaluating the impact of change in public views. Based on this analysis and a review of the proposed site plan and buffers, the proposed project will not impact locals view or the visual character of East Quogue. Wooded buffers that were proposed during the MUPDD review as a screening buffer from adjacent properties will be mandated.
- (iii) With respect to affordable housing, it is recommended that the Applicant provide \$2,659,200 to fund affordable (workforce) housing in accordance with calculations outlined in the Southampton Town Code, Chapter 216, Section 216-9. Given the isolated nature of the subject property and the proposed seasonal objective of the project, this is the preferred approach in lieu of providing on-site affordable housing. With this funding, it is concluded that the Proposed Project would be compliant with the Town's requirements to provide workforce (attainable) housing.

8. Cultural Resources

- (i) Archeological studies of the property have been completed. Based on these studies it is determined that the proposed project would not result in any impact on archaeological features.

9. Construction Impacts

- (i) As described in greater detail in the DEIS and the FEIS, the Proposed Project has committed to a number of measures to avoid impacts during construction include but are not limited to: alternative methods for soil importation that are under consideration (see "Geological Resources," above); vehicular construction access will be limited to Lewis Road; repair and replacement of local roads that be damaged as a result of construction; material storage and soil stockpiling on site will only be at locations that do not impact the adjacent community; noise attenuation and control measures will be implemented during construction; implementation of a Stormwater Pollution Prevention Plan (SWPPP); and areas within the site to be dedicated for parking and materials storage will be located in the vicinity of the

proposed maintenance area and not near existing residences.

- (ii) A construction management plan will be prepared and submitted to the Town for review and approval prior to construction to ensure the mitigation measures and construction approaches described in the DEIS and FEIS (e.g., truck and vehicle traffic trip reduction, noise and fugitive dust controls) are properly implemented during construction.

10. Implementation of Mitigation Measures

The Applicant proposes to implement all of the above impact avoidance and mitigation measures cited in the DEIS and the FEIS and summarized above.

11. Alternatives

A range of alternatives to the Proposed Project were examined in the DEIS and FEIS including the no action alternative, residential subdivision alternatives under the current zoning, reduced density alternatives, alternative site designs and technologies, and a lesser impact alternative. The FEIS also examined a maximum residential alternative that could also generate up to 137 units through the use of Pine Barrens Credits and density incentives permissible under the Long Island Workforce Housing Act and an alternative that considered a lower density residential development with a horse farm that came out of the DEIS process. The FEIS examined in detail all of the alternatives and their associated impacts. The alternatives analysis within the FEIS demonstrates that all of the alternatives considered would have equal or greater adverse impacts and would not provide the economic or social environmental benefits of the Proposed Project.

Table one is a condensed comparative analysis between the proposed Mixed Use PDD as recommended in the East Quogue GEIS and the existing zoning alternative utilizing the available facts that have been publicly discussed throughout the SEQRA process. The proposed project that includes the transfer of Pine Barrens Credits from the Core to account for the golf course use and sterilizes an additional 33 acres that can otherwise be developed, again in this limited comparison is still the only option that has the least associated impact while providing the most public benefit.

III. Certification

State Environmental Quality Review Act
FINDINGS STATEMENT SIGNATURE PAGE

Having considered the Draft and Final Environmental Impact Statements for the Subject Action and having considered the preceding written facts and conclusions relied upon to meet the requirements of 6 NYCRR Part 617.11, this Statement of Findings certifies that the Southampton Town Board as Lead Agency in the subject matter has:

1. considered the relevant environmental impacts, facts and conclusions disclosed in the SEQRA documents;
2. weighed and balanced relevant environmental impacts with social, economic and other considerations;
3. provided a rationale for the agency's decision;
4. met the requirements of 6 NYCRR Part 617; and
5. found that consistent with social, economic and other essential considerations from among the reasonable alternatives available, the Subject Action is the one that avoids or minimizes adverse environmental impacts to the maximum extent practicable, and that adverse impacts will be avoided or minimized to the maximum extent practicable by incorporating as conditions to the decision those mitigation measures and safeguards that were identified as practicable.

By the Town Board of the Town of Southampton,

Signature of Responsible Official

Name of Responsible Official

Title of Responsible Official

Date

Copies of this Findings Statement have been filed with:

- Lead Agency
- Involved Agencies

**TABLE 1
COMPARATIVE ANALYSIS
THE HILLS AT SOUTHAMPTON MUPDD AND EXISTING ZONING ALTERNATIVE**

Parameter	The Hills at Southampton Mixed Used PDD					Per Existing Zoning						Difference between The Hills MUPDD vs Existing Zoning Alternative ¹	
	Proposed Project	30 Pine Credits Retired	Subtotal	32.6 Acres Preserved	Total The Hills MUPDD	CR-200 PRD Subdivision	6 Pine Credits Transferred ²	Long Island Workforce Housing Act Units ³	Subtotal PRD Subdivision	32.6 Acres R-40 PRD Subdivision	Total Per Existing Zoning		
Number of Dwelling Units	118	0	118	0	118	118	6	13	137	32	169	-51	Number of Dwelling Units
Proposed Clearing (Acres)	149.75	0	149.75	0	149.75	159.20	0	0	159.20	24.45	184	-34	Proposed Clearing (Acres)
Preserved Natural Areas (Acres)	441.25	30	473.85	32.6	506.45	395.80	6	0	401.80	8.15	410	97	Preserved Natural Areas (Acres)
Buildings Floor Area (sqft.) ⁶	591,560	0	591,560	0	591,560	970,096	49,327	106,875	1,126,298.25	128,000	1,254,298	-662,738	Buildings Floor Area (sqft.)
Nitrogen Load (lbs/year) ⁴	622	-706.44	-84.32	-706.44	-790.8	4,942.90	251.33	544.56	5,738.79	1340.45	7,079	-7,870	Nitrogen Load (lbs/year)
Weekday AM Peak Hour (vph) ⁷	63	0	63	0	63	92	14	19	125.00	32	157	-94	Weekday AM Peak Hour (vph)
Weekday PM Peak Hour (vph) ⁷	103	0	103	0	103	122	8	17	147.00	38	185	-82	Weekday PM Peak Hour (vph)
Saturday Midday Peak Hour (vph) ⁷	125	0	125	0	125	114	14	20	148.00	37	185	-60	Saturday Midday Peak Hour (vph)
Pesticide Use (acres) ⁵	41	0	41	0	41	207	0	0	207	24.45	231	-190	Pesticide Use (acres)
School-Age Children Enrollment	0	0	0	0	0	130	7	14	151	35	186	-186	School-Age Children Enrollment
Taxes Generated (\$/year)	\$ 7,605,819	\$0	\$7,605,819	\$0	\$ 7,605,819	\$2,565,602	\$130,454	\$282,651	\$ 3,261,358	\$ 695,756	\$3,957,115	\$ 3,648,704	Taxes Generated (\$/year)
School Taxes (\$/year)	\$ 5,681,079	\$0	\$5,681,079	\$0	\$ 5,681,079	\$1,916,347	\$97,441	\$211,123	\$ 2,436,034	\$ 519,687	\$2,955,722	\$ 2,725,357	School Taxes (\$/year)
Employees (FTE)	152	0	152	0	152	53.6	2.7	5.9	62.2	15	77	75	Employees (FTE)

1. Negative (-) represents the proposed project will have less than the existing zoning.
Positive (+) represents the proposed project will have more than existing zoning.
2. Pine Barren Credits for residential yield has to come from within the same school district.
3. Long Island Workforce Housing Act Requires automatic 10% increase in yield (118+6=124 * 10% = 12.4) requiring 13 housing units.
4. Nitrogen Load calculation does not include fertigation.
5. Pesticide use will be managed in The Hills MUPDD through ITHMP and unmanaged by individual property owners per the existing zoning.
6. Although the FEIS determined that maximum of 1,925,760 square feet of building area for principal structures could be built per existing zoning restrictions, a .125 FAR was utilized to calculate the total building area for the existing zoning alternative, representing a more realistic number for this comparative analysis.
7. Utilized correct numbers from the DEIS, as the traffic counts included in the FEIS are incorrect.