

# **FINAL SUPPLEMENTAL ENVIRONMENTAL IMPACT STATEMENT (FSEIS)**

## **CPI, Canal, Eastern Maritime Planned Development District (CPICEMPDD) Zone Change Petition of R Squared Development LLC**

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

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*For Submission to:* Town of Southampton  
Town Board  
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**December 2017**



**FINAL SUPPLEMENTAL ENVIRONMENTAL IMPACT STATEMENT  
(FSEIS)**

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

**ZONE CHANGE PETITION OF R SQUARED DEVELOPMENT LLC**

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

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This document, together with the Draft SEIS concerning this proposal, represents a Final SEIS. Copies are available for public review and comment at the office of the Lead Agency. Comments on the Final SEIS 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 SEIS Accepted: \_\_\_\_\_

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**SECTION 1.0  
INTRODUCTION**

## 1.0 INTRODUCTION

### 1.1 Purpose of this Document

This document is a Final Supplemental Environmental Impact Statement (Final SEIS) for a project that has received zone change approval from the Southampton Town Board. The project is known as “CPI, Canal & Eastern Properties Maritime Planned Development District” and was the subject of a Draft and Final EIS, as well as the subsequent Town Board Findings Statement, per the New York State Environmental Quality Review Act (SEQRA). After completion of the SEQRA review process, the project was the subject of a lawsuit brought to the New York State (NYS) Supreme Court by local residents opposed to the project. While the suit was ultimately decided in favor of the respondent Town Board, Justice Mark D. Cohen determined that one issue had not been fully addressed in the EIS and directed that it be addressed in the form of a supplement to the EIS, specifically: potential impacts associated with the public water supply and fire flow issue (hereafter, “*the proposed action*”). Subsequently, a Draft SEIS was prepared in response to that requirement.

As required by the Supreme Court decision, the Draft SEIS described the proposed action, described/discussed the anticipated impacts on the environment associated with improvements to address this issue, presented measures to mitigate these impacts, and examined alternatives to the action that are reasonable and feasible to the Hampton Bays Water District (HBWD; the agency responsible for the improvement).

The Draft SEIS was submitted to the Town Board in August 2017 and, after Town review, was accepted as complete by that agency (as lead agency under SEQRA) on September 26, 2017 (see **Appendix A**). Public notice of this action was published in the October 4, 2017 issue of the New York State Department of Environmental Conservation (NYSDEC) Environmental Notices Bulletin. As required by SEQRA, the lead agency filed all required notices and made the Draft SEIS available to the public in text and electronic form and distributed copies to the interested and involved agencies. The lead agency accepted written comments through November 3, 2017. It is noted that all received written comments were provided by the public. As required by SEQRA, this document addresses the substantive, pertinent comments provided to the lead agency during the comment period.

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

This Final SEIS represents the penultimate step in the SEQRA environmental review process, which provides the public and governmental review agencies with information regarding the proposal under review, as well as analyses of its potential environmental effects and proposed

mitigation. This Final SEIS incorporates the Draft SEIS by reference, so that the combination of these two documents constitutes the entire SEIS. According to the SEQRA regulations, after acceptance of the Final SEIS by the lead agency, there must be a minimum 10-day period of consideration prior to the preparation and adoption of a Supplement to the prior Findings Statement.

## 1.2 Organization of this Document

All comments were provided in written form, and were submitted to the Town Board; at the close of the comment period, the Town Clerk's office forwarded all comment letters to the Applicant, to be addressed in this Final SEIS. **Appendix B** contains all of the written comments received by the lead agency.

Each substantive comment 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 (e.g., B-5, B-17, etc.). Also provided is the subsection of this document where the response will be found (e.g., Sec. 2.3, Sec. 2.12, etc.). 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 of **Section 2.0**, so that the reader may review the comment in its original form.

There are 43 separate comments, some of which appear only once, and the remainder are similar to, closely related to and/or duplicate to other comments. Therefore, the related comments have been grouped together, so that only one response is necessary for each such grouping. Ultimately, eight separate and distinct comments were delineated; each of the eight subsections of **Section 2.0** provides one comment verbatim (if it is an individual comment), or a paraphrased comment (if representing a group of related comments), with the corresponding response.

With respect to the issues to be addressed in this Final SEIS, the court decision<sup>1</sup> directs as follows:

The second additional issue that the Petitioners raise is that the Town failed to take any look at the issue of water supply and fire flow as the data was not provided in sufficient time to be reviewed. The Petitioner indicates that the water supply and fire flow issues was not addressed in the SEQRA review. It would seem clear that understanding water supply and fire flow issues should be reviewed as part of the environmental impact statements in order for the lead agency to take a hard look at such data. The Respondents indicate that the issue was raised before the Town by citing a response to a comment in the FEIS. However, the letter of H2M architects and engineers, cited by both parties, notes that the Water District "cannot meet the estimate fire flow demands on the east side of the canal without additional facilities." As noted the additional water would cross the canal. There is no evidence that the Town

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<sup>1</sup> See *Short Form Order, Index Number 15-8276, Shinnecock Neighbors v. Town of Southampton, et al, Supreme Court, State of New York, I.A.S. Part 28, Suffolk County, Hon. Mark D. Cohen, May 30, 2017.*

undertook a hard look at this issue. The Town's position that all necessary approvals will be required from the Water District neglects its obligation as the lead agency, by attempting to defer the issue. "A lead agency improperly defers its duties when it abdicates its SEQRA responsibilities to another agency or insulates itself from environmental decision making." Furthermore, the Local Law provides that for fire protection, the Planning Board shall solicit comments, also deferring this important issue. "Though the SEQRA process and individual agency permitting processes are intertwined, they are two distinct avenues of environmental review. Provided that a lead agency sufficiently considers the environmental concerns addressed by particular permits, the lead agency need not await another agency's permitting decision before exercising its independent judgment on that issue." Therefore, the Town should require a supplemental EIS on this limited issue and undertake the required "hard look" on this issue. [6 NYCRR 617.9 (a)(7).]

Further, 6 NYCRR Part 617.9 (a)(7) provides the following with respect to the issues to be addressed in a Supplemental EIS:

(7) Supplemental EISs.

- (i) The lead agency may require a supplemental EIS, limited to the specific significant adverse environmental impacts not addressed or inadequately addressed in the EIS that arise from:
  - (a) changes proposed for the project;
  - (b) newly discovered information; or
  - (c) a change in circumstances related to the project.

Finally, the SEQR Handbook states the following regarding the issues that are to be addressed in a Supplemental EIS:

**16. How should a lead agency treat public comments received on a supplement to a generic EIS?**

Comments made on supplements to generic EISs should be restricted to the new issues identified and discussed in the supplement, and the lead agency must respond to those comments in the final supplemental EIS. However, the lead agency need not respond to comments received in regard to the underlying final generic EIS, or to simple statements in support of, or in opposition to, the proposed action analyzed by the supplemental EIS.

Therefore, only those comments that pertain to the issue of adequacy of water supply and fire flow will be addressed in this Final SEIS.

Another matter of concern is the mechanism by which the mitigation measure that is the subject of this Final SEIS (the public water supply improvements) is to be provided under the overall SEQRA administrative process. As discussed in the SEQR Handbook, these improvements can be incorporated as conditions to decision-making by the lead agency. The proposed improvements could be incorporated as a condition in the Findings Statement that its adverse impacts have been avoided or minimized to the maximum extent practicable:

**16. Can conditions and mitigation measures outside the scope of an agency's jurisdiction be incorporated into that agency's SEQR findings?**

Yes. Based on the draft and final EISs, and any related application material, a lead agency should incorporate all appropriate mitigation measures as conditions to its decision making, even if such conditions do not specifically fall within the agency's jurisdictional authority. However, conditions imposed by a lead or involved agency cannot infringe upon the jurisdiction of any other involved agency. In order for an agency to incorporate mitigation measures as conditions for its approval, the agency must identify the supporting reasons in its SEQR findings statement, based on specific information from the final EIS.

**17. Must all mitigation be limited to the project site?**

No. Because of the substantive nature of the SEQR process, reasonable mitigation justified in the findings statement should be applied, even when such mitigation may be off the project site. The offsite mitigation must be reasonably related to the impacts from the action, and both achievable and deliverable by the project sponsor.

**18. What is the basis for imposing conditions outside of an agency's basic authority?**

The core substantive requirement for SEQR findings is the conclusion that all significant adverse environmental impacts have been avoided, minimized, or mitigated, to the maximum extent practicable. This gives agencies the authority, following the filing of a final EIS, to use the written SEQR findings as the basis for requiring substantive conditions, that fully or partially mitigate identified adverse impacts, within the approval for an action. Using SEQR findings as a basis for conditions ensures that SEQR is not just a procedure, but instead, that the information gathered by the environmental review process will affect agency decisions. The agency may even impose conditions that are beyond the agency's jurisdiction, unless those conditions would intrude upon another agency's jurisdiction.

Each response provides the information necessary for the Lead Agency (the Southampton Town Board) and other involved agencies to make informed decisions on the specific impacts of the project. This document fulfills the obligation of the Lead Agency in completing a Final SEIS based on 6 NYCRR Part 617.9 (a).

## **SECTION 2.0**

# **PUBLIC COMMENTS AND RESPONSES**

## 2.0 PUBLIC COMMENTS AND RESPONSES

### 2.1 Concerns about water supply and fire flow adequacy

Comments B-1, B-3, B-12, B-15, B-18, B-26, B-31, B-33, B-35, B-38, & B-41:

*These comments indicate concerns regarding the ability of the HBWD to provide adequate amounts of water to its customers, as well as adequate amounts of water for fire protection, particularly to the areas on the east side of the Shinnecock Canal, and in light of the recent closure of three supply wells due to contamination. These concerns were expected to be addressed as part of the SEQRA review process for the proposed project, and there remain public concerns that this has not been done.*

Response:

The proposed interconnection improvements are expected to fully satisfy concerns regarding adequacy of water supply and fire flow in the area east of the Shinnecock Canal, as well as concerns associated with contaminated/closed water supply wells. As directed by the court decision and consistent with SEQRA, it is the purpose of the Supplemental EIS to address these issues.

The HBWD's engineering consultant (H2M) states as follows with respect to the current status of the HBWD's ability to serve the area east of the Shinnecock Canal:

For normal average day operations, there are no problems in feeding the community east of the canal. Under peak demand conditions, with a 150 gpm demand for the development applied, there is a slight predicted decrease in pressure to other areas east of the canal in the range of 3 pounds per square inch. If no improvements are made, during an extreme demand (such as a fire), pressures across the area east of the canal will plummet, which is the reason that some form of secondary feed [as represented by the proposed interconnection] is required.

The HBWD's engineering consultant states as follows with respect to the closed supply wells, and current plans/actions to enable them to be re-activated:

The three wells at the Ponquogue Avenue wellfield have been removed from service due the presence of perfluorinated compounds in the raw water of each of the wells. As per the NYS Department of Health, the Hampton Bays Water District [HBWD] is prohibited from utilizing these wells until proper wellhead treatment can be constructed. These wells will not for any reason be reactivated without treatment. The HBWD is currently in the process of designing treatment to remove the contaminants and hope to have the system on-line during the late spring of 2018. However, activation of these filters is dependent on proper regulatory approvals being in place.

Thus, it is expected that the HBWD will rectify the well closure problem by the late spring of 2018, which is before the proposed CPI development will be requiring public water to be supplied to it. The interim closure of the three wells due to contamination does not diminish the effectiveness of the proposed interconnection improvements; provision of additional public water

through the interconnection will alleviate any potential shortfall in public water supply due to the closure of the three wells. It is expected that the Town Board, acting in its role as lead agency under SEQRA, will make completion of the interconnection a Condition of Approval in its Findings Statement. Such an action will ensure that this important mitigation measure feature is provided.

## 2.2 “Hard look” at all impacts of the proposed project not taken

Comments B-2, B-5, B-11, B-13, B-16, B-22, B-24, B-27, B-29, B-36, B-39, & B-42:

*These comments indicate concerns that the “hard look” at potential impacts has not been undertaken by the lead agency. There remain concerns that the full range of potential impacts to customers of the HBWD from potential means of addressing the perceived shortfall in water supply has not been performed.*

Response:

The Draft SEIS provided complete information to address the issue of water supply and fire flow as related to the HBWD and the proposed development as directed by the court decision and consistent with SEQRA. The content of this Final SEIS and the issues on which it focuses is dictated by the court decision, conformance to which ensures that the requisite “hard look” has been taken. The proposed solution to the water supply/fire flow question represents the optimum way to address this issue, as it balances factors such as cost, simplicity, reliability, and reductions of construction time, complexity, and public disturbance, and is the method recommended by the HBWD.

## 2.3 Deny any extension of the 36-month time period to perform work on the approved MPDD

Comments B-4, B-14, B-17, B-21, B-28, B-32, B-34, B-37, B-40, & B-43:

*These comments note that the 36-month period following the Town Board approval of the MUPDD, during which “...appropriate Planning Board approvals have been obtained and substantial construction has begun [Town Board Resolution 2015-60, January 13, 2015].” is to occur, will soon expire with these benchmarks uncompleted. These comments then urge the Town Board to deny any extension of this period, and instead “create a plan that is more environmentally respectful of our community and our natural resources.”*

Response:

**Appendix C** contains a detailed list of 142 project planning, approval and redevelopment/construction events that have been completed since the MUPDD was issued. Review of this list will establish that substantial progress has and continues to be made in the Town and County review and processing of the necessary applications.

Since the issuance of the above-referenced Town Board Resolution, the Applicant has performed a substantial number of events necessary for the site to be redeveloped, prior to the onset of the project construction. The following 29 site preparation and redevelopment-related activities have occurred:

- 01.13.15 - Change of Zone approved
- 08.12.15 - groundwater monitoring wells installed at CPI
- 12.15.15 - 15 soil & groundwater borings conducted at Canal property
- 01.28.16 - Canal property USTs pumped empty
- 02.11.16 - additional supplemental environmental investigation performed at Canal property
- 02.25.16 - CPI inspection with Strada Baxter Design/Build, LLC
- 04.01.16 - asbestos survey of CPI and cottages
- 04.04.16 - nine monitoring wells installed at Canal property per NYSDEC approved locations
- 04.13.16 - asbestos surveys of Canal structures conducted for pre-demolition purposes
- 04.15.16 - Canal property monitoring wells sampled
- 05.26.16 - UST removed at cottages, cesspools at CPI and cottages inspected
- 05.27.17 - SCDHS onsite sanitary inspection at Canal property
- 07.15.16 - Canal property monitoring wells sampled
- 10.26.16 - Canal property monitoring wells sampled
- 11.28.16 - asbestos abatement of CPI connector roofing material
- Early-mid December - CPI connector demolition
- 01.19.17 - Canal property monitoring wells sampled
- 02.24.17 - asbestos abatement of CPI kitchen roofing material
- 04.13.17 - Canal property monitoring wells sampled
- 05.25.17 - CPI asbestos survey
- 07.15.17 - Canal property monitoring wells sampled
- 09.27.17 - CPI and cottages cesspools abandoned
- 10.10.17 - USTs removed at Canal property
- 10.12.17 - Canal property onsite cesspools abandoned
- 10.17.17 - Canal property monitoring wells sampled
- 10.24.17 - Canal property asbestos abatement for three structures
- 11.27.17 - Canal property asbestos abatement for remaining structure
- 11.29.17 - receive demolition permit for Canal property structure
- 12.01.17 - begin site clearing and demolition on Canal property

The Town Board is conducting a separate review for the requested extension, which review will include a public hearing. The extension is not the subject of this Supplemental EIS.

## 2.4 The HBWD and well closures

Comments B-6 & B-19:

*These comments suggest that the SDEIS is incomplete and inadequate, as it refers to 11 public supply wells serving the HBWD, but does not mention that three of those wells have recently been closed due to contamination, nor does it discuss the impact on the HBWD of those or any additional future supply well closures.*

Response:

A description/discussion of the three closed public supply wells is presented in **Response, Section 2.1**. As directed by the court decision, the issue addressed in this Final SEIS is limited to those aspects related to the proposed interconnection, and to the proposed funding responsibilities; other issues, including but not limited to public supply wells closed due to contamination not associated with the project site, are not specified therein.

## **2.5 Lack of and need for agreement(s) to implement proposed improvements**

Comments B-7, B-8, B-20, & B-30:

*These comments request that the agreements between the HBWD, Applicant and SCWA to provide the water supply interconnection improvements described in the Draft SEIS are provided.*

Response:

It is expected that the Town Board, acting in its role as lead agency under SEQRA, will make completion of the interconnection a Condition of Approval in its Findings Statement. In order to implement the interconnection, a sample Water Supply Agreement is contained in **Appendix D**, which specifies the improvements to be installed, agreements delineating the entity that will perform the work, and agreements specifying the entity that will fund the work. The costs of the work will be determined at a later, appropriate time and inserted into the Agreement.

It will be at the lead agency's discretion to specify and/or include such documents in the Findings Statement.

## **2.6 Interconnection to the SCWA wells**

Comment B-9:

*"The interconnection to the SCWA wells appears relatively easy, inexpensive and minimally disruptive. The work could and should be completed and the system tested before the SDEIS can be accepted. There are too many variables that could affect the ultimate start and satisfactory completion of the work."*

Response:

The HBWD and its engineering consultant are experienced in all aspects of public water supply system construction and improvements, including that of the proposed interconnection. It is expected that, following completion of construction, the interconnection will be fully tested to ensure that it operates properly and reliably.

## 2.7 Water flow problems to the east side [of the Shinnecock Canal]

Comment B-10:

*“It is noted that the water flow problems to the east side have been known for some time. It is puzzling as to why the relatively simple solution described in the SDEIS has not already been undertaken.”*

Response:

**Response, Section 2.1** presents a brief description/discussion of the current status of the HBWD’s ability to serve the area east of the Shinnecock Canal; a more detailed discussion of this issue is beyond the scope of this document. As directed by the court decision, the discussion of this issue in this Final SEIS is limited to those aspects related to the proposed interconnection, and to the proposed funding responsibilities.

The HBWD’s engineering consultant states as follows with respect to the factors that the HBWD considered in reaching its decision to implement the proposed interconnection:

The initial 2014 engineering report [dated October 10, 2014, in Appendix D-5 of the Draft SEIS] analyzed four options:

- 1) *Install second feed beneath the canal from west to east* - The analysis determined that although the second feed would meet projected fire flow demands of the development, an adverse effect was still observed on the existing properties east of canal.
- 2) *New source east of the canal in the form of a well or storage tank* - The analysis determined that this would enable the current system to meet the fire flow demands of the development while having no observed detrimental effects on the existing properties east on the canal.
- 3) *Creation of a new pressure zone east of canal* - This would involve the installation of a new booster pump facility on the west side of the canal to increase pressure and available flow on the east side. The analysis determined that this would enable the current system to meet the fire flow demands of the development while having no observed detrimental effects on the existing properties east on the canal.
- 4) *A combination of Options 1 & 2*

The final recommendations were for the HBWD to install a new source. With a lack of available property on the east side of the canal, the HBWD installed a test well at its Well 2 field. Results of the aquifer test were not positive, and indicated that a new well at this location would severely impact the existing sources at depth. It was also determined that deeper drilling would impact the freshwater/salt water interface. Thus, plans for a new source at this site were abandoned. Ultimately a new source is still in the best interest of the HBWD.

A follow-up to the analysis with reduced projected fire flows showed Option 1 would be viable with the exception that the properties at the highest elevations would still see lower pressures during peak demand periods.

The idea of upgrading the existing interconnections came about after the initial and revised analyses as a more economical solution that is easier to implement. In essence, the feed from the SCWA will act in-place of the feed beneath the canal.

## 2.8 Town moratorium on PDDs

Comments B-23 & B-25:

*“Now with the water and fire and contamination issues, the remedies proposed in the DSEIS would put the current board at the mercy of county and state as well as developer, and not give definite assurance of a solution.”*

Response:

The issues of potential inadequate emergency water supply and fire flow on the east side of the Shinnecock Canal will be addressed by the proposed interconnection. It is expected that the Town Board (as lead agency under SEQRA) can and will make such mitigation a Condition of Approval in the Findings Statement that it will prepare, which will be fully enforceable by the Town.

# **APPENDICES**



## **APPENDIX A**

# **SEQRA NOTICE OF COMPLETE DRAFT SEIS**

**Town Board**

September 26, 2017



**Southampton Town Board**

116 Hampton Road  
Southampton, NY 11968

Meeting: 09/26/17 06:00 PM  
Department: Long Range Planning  
Category: SEQRA  
Prepared By: Janice Scherer

Initiator: Kyle Collins  
Sponsors: Supervisor Jay Schneiderman  
DOC ID: 27928

**ADOPTED**

**TOWN BOARD RESOLUTION 2017-909**

**Deem Supplemental DEIS Adequate for Public Review for the  
Canoe Place Inn, Canal and Eastern Properties Maritime  
Planned Development District (CPICEMPDD), Hampton Bays**

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

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

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

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

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

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

WHEREAS, by Resolution 2017-719, the Town Board re-affirmed its status as Lead Agency and notified all relevant agencies of the Draft Supplemental Environmental Impact Statement (SDEIS); and

WHEREAS, pursuant 6 NYCRR § 617.9, the lead agency must determine whether to accept the draft supplemental EIS as adequate with respect to its scope and content for the purpose of commencing public review; and

WHEREAS, the Division of Land Management Staff reviewed the submitted SDEIS for completeness of content and has determined that the document contains the minimum submission requirements for the purpose of conducting the SEQRA review and is therefore adequate for public review and comment; now, therefore

BE IT RESOLVED, that the Town Board of the Town of Southampton hereby deems the scope and content of the Supplemental Draft Environmental Impact Statement (SDEIS) for the proposed Zone Change application known as "Canoe Place Inn (CPI), Canal and Eastern Properties Maritime PDD" to be adequate for public review and hereby establishes a thirty (30) day written comment period for any agency with jurisdiction to provide the Board with testimony regarding the issue of water supply and fire flow as it relates to the development proposal; and be it further

RESOLVED, that the Town Clerk shall forward this notice to all interested and involved agencies as described in Resolution 2013-672 and re-notice in the Environmental Notice Bulletin (ENB) to indicate that there is a thirty (30) day written comment period for any interested person to submit written comments.

Copies of the Supplemental Draft Environmental Impact Statement (SDEIS) are on file in the Town Clerk's Office, Monday through Friday, from 8:30 a.m. to 4:00 p.m., in the Hampton Bays Library and on the Southampton Town Website <http://www.southamptontownny.gov>

BY ORDER OF THE TOWN BOARD  
TOWN OF SOUTHAMPTON, NEW YORK  
SUNDY A. SCHERMEYER, TOWN CLERK

**Financial Impact**

None

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Jay Schneiderman, Supervisor
<b>SECONDER:</b>	Stan Glinka, Councilman
<b>AYES:</b>	Schneiderman, Lofstad, Scalera, Bouvier, Glinka

**APPENDIX B**

**WRITTEN PUBLIC COMMENTS**

Dear Southampton Town, Suffolk County, and NY State Officials:

RE: Canoe Place Inn, Canal, Eastern Maritime Planned Development District  
Court-Ordered Supplemental Environmental Impact Statement  
(CPICEMPDD and Court-Ordered SEIS)

Shinnecock Neighbors together with our attorney, Jennifer Juengst, have worked to highlight unresolved problems associated with the change in zoning for the proposed Maritime Planned Development at the Shinnecock Canal.

It is disappointing to us, your constituents, that the Southampton Town Board did not go further to investigate our claims of low-water supply, our fears of fire from inadequate water pressure, and that the court--as a result of our lawsuit--had to take on the responsibility of directing that a Supplemental Environmental Impact Statement be done to take a hard look at water supply and fire flow issues before the project can proceed.

It is disturbing that as a result of that court-ordered SEIS we now know with certainty that the water supply and fire flow will be inadequate for the townhouses and nearby neighbors, that some extraordinary actions will have to be taken by the town and the county to keep us safe from fire and to have sufficient water pressure in our homes.

**B-1  
Sec. 2.1**

The developer, R Squared, has turned to Suffolk County for a remedy--the possible installation of hook-ups to SC water for emergencies. There is also the mention of a new water main installation under the Shinnecock Canal if the first remedy is inadequate. These are significant public safety issues that should be handled with transparency and discussed with the public. We expect the current board to take a 'hard look' at this project rather than to accept perfunctorily whatever the developer's engineer states will insure our health and safety. We believe the solicited involvement of Suffolk County or the installation of a new main under the Canal cannot be done without a resolution passed and research done as to how that will affect Hampton Bays residents' water bills, property taxes, health, and safety. On behalf of Shinnecock Neighbors and the community at large, we ask that the Town Board take all necessary steps to insure a public hearing.

**B-2  
Sec. 2.2**

On a related topic, Southampton Town is close to receiving NYS climate certification. It seems amazing that we would be considered a climate-smart community, with a climate action committee being established on September 12, when the town voted for this MPDD. Thirty-seven (37) townhouse units will be built in an area known to have flooded in the recent past, with a swimming pool just a few feet from the canal's edge. The Shinnecock Canal is a fragile eco-system crucial to the health of the Peconic watershed. Such increased density there is the antithesis of 'climate-smart' planning. A vulnerability assessment, which is part of the certification for a climate-smart community, would certainly uncover the future negative repercussions of this project, before it is built. Houston, Texas never imagined the floodwaters would rise so high. Hopefully we have gained wisdom from watching that flood unfold. We have an opportunity to apply that wisdom to our own community.

When our group formed in opposition to the MPDD, our first concern was that a wastewater treatment facility was to be located off-site at Eastern Property, in our neighborhood across the street and up a hill from the townhouse Canal site. We felt Eastern Property was not appropriate to include in the MPDD. We had confidence that the town officials would think that the project should be re-designed to accommodate the waste water facility on the townhouse site. Our other concerns were the increased density, loss of commercial water-associated businesses, noise pollution from the Inn, traffic congestion, resulting air pollution, diminished public access to the Canal, and whether the proposed permeable reactive barriers would indeed protect the Canal--especially since no DEC approvals were required by the Town for the PRB installation. Ultimately, the board did not share the depth of our concerns at that time, three years ago.

We are asking that the Southampton Town Board, some of whom are newly-elected and did not vote for this MPDD, take a hard look at the issues that have come up since the time of the vote. There is further

opportunity to address this project. The water supply and fire flow issues are most crucial--and frightening--and we hope the Board will not let the project progress as long as there are unanswered questions about our health, safety, quality of life, and cost to tax payers. The water supply and fire flow issues are too important to put to an expedited review process that does not include a public hearing.

**B-3**  
**Sec. 2.1**

The developer could have presented a less-ambitious plan. If there had been fewer townhouses proposed, or a mix of residential and commercial, and the site could have contained the waste water facility on-site or on the Suffolk County land being given for the development, there might not have been an on-going lawsuit. There might have been enough water pressure, and the townhouses could have been positioned further back from the Canal. If the project had not been so far-reaching, it might have succeeded already.

The developer had 36 months to get this building project approved and substantially underway before the expiration of the MPDD, when the properties revert back to their former zoning. That 36 month period will soon be finished. We are asking that the Southampton Town Board deny any extension of time for this MPDD.

**B-4**  
**Sec. 2.3**

No substantial work has been done at any of the sites that compose the MPDD. Yes, the developer spent money on trying to get this project underway, but that is the cost of doing business. It should not influence the Town's decision whether to let the MPDD expire. Then the new Southampton Town climate-action committee, to be established September 12, and the Board, can take a fresh look at the sites together with the developer and advise as to sensible future development.

Rita Knox  
Representative for  
Shinnecock Neighbors  
9/4/17



FOUNDED 1918

P.O. Box 734  
Hampton Bays, NY 11946  
September 26, 2017

Supervisor Jay Schneiderman  
Members of the Southampton Town Council  
116 Hampton Road  
Southampton, NY 11968

Re: Comments to Draft Supplemental Environmental Impact Statement for Canoe Place Inn, Canal, Eastern Maritime Planned Development District

Dear Supervisor Schneiderman and Councilpersons:

This letter is being submitted on behalf of the Board of Directors of the Hampton Bays Civic Association (HB Board) in response to the court-ordered Supplemental Draft Environmental Impact Statement (SDEIS) for the Canoe Place Eastern Maritime Planned Development District (the Project).

R Squared Development, LLC, (the Developer) submitted the SDEIS after being directed to do so as a result of a lawsuit brought by certain residents of Hampton Bays. The court found that the Town had not done the required "hard look" at the water issues and directed that the Town undertake such a review. In addition, the court noted that the Town, as the lead agency, could not abdicate its SEQRA responsibilities by deferring to another agency.

For the reasons provided below, the SDEIS is incomplete and cannot be accepted by the Town.

The SDEIS is incomplete and inadequate in that it does not address impacts on the water service to all customers on the west side of the canal. Unlike traffic at an intersection or temporary construction noise, water service issues cannot be isolated to only issues affecting one property. What happens in one part of the water system affects the entire water system. This was the case recently when all Hampton Bays Water District (HBWD) customers were asked to refrain from certain watering activities because of inadequate flow to the east.

The SDEIS is incomplete and inadequate in that it refers to 11 wells being available to the HBWD. However, 3 of those wells have been recently closed. For any number of reasons,

B-5  
Sec. 2.2

B-6  
Sec. 2.4

additional wells could be closed in the future. The SDEIS mentions the possibility of future loss of service, but it fails to address the impact of the current closing of 3 wells or potential closing of additional wells.



The SDEIS is inadequate in that it relies on future actions by multiple parties without any agreements binding the parties. Letters dated in late 2015, attached as Exhibits, outline general terms and actions to be taken by the Developer, HBWD, the Suffolk County Water Authority (SCWA) and even the Suffolk County of Health in order for the interconnection to be successful. There is no recourse should a party be unable or unwilling to fulfill its obligations as described in the SDEIS.

B-7  
Sec. 2.5

On November 30, 2015, the SCWA's Director of Construction and Maintenance provided a letter stating SCWA's willingness to allow HBWD to upgrade the existing interconnections. The letter outlined basic requirements and referred to the development of a formal agreement. It is not reasonable for the Town to rely on a letter written almost 2 years ago. Letters from H2M outline steps for the HBWD, however, H2M cannot enter into binding agreements on behalf of the HBWD. The parties have had ample time to formalize an agreement. If they had reached an agreement, presumably, it would have been attached to the SDEIS. There is no recourse if the parties fail to reach a formal binding agreement.

B-8  
Sec. 2.5

The interconnection to the SCWA wells appears relatively easy, inexpensive and minimally disruptive. The work could and should be completed and the system tested before the SDEIS can be accepted. There are too many variables that could affect the ultimate start and satisfactory completion of the work.

B-9  
Sec. 2.6

It is noted that the water flow problems to the east side have been known for some time. It is puzzling as to why the relatively simple solution described in the SDEIS has not already been undertaken.

B-10  
Sec. 2.7

The court directed that the Town take a hard look at the water issue without abdicating its SEQRA responsibilities by deferring to another agency or entity. A hard look at the water issue must include consideration of the water needs of the entire hamlet as well as the loss of usage due to contamination or repair. A hard look must also consider the feasibility of the multi-agency plan to interconnect to SCWA, as well as consider the ramifications should the agencies ultimately be unable to complete the work as described.

B-11  
Sec. 2.2

All the best,

Mary F. Pazan  
Board of Directors

Cc: Kyle Collins  
Janice Scherer  
HBCA Board of Directors

October 12, 2017

Supervisor Jay Schneiderman  
Members of the Southampton Town Council  
116 Hampton Road  
Southampton, NY 11968

Dear Board Members:

Re: CPICEMPDD/SEIS

Because of the court-ordered SEIS, we all now know that the water supply/pressure and fire flow will be inadequate for the proposed townhouses and nearby neighbors, that some extraordinary actions will have to be taken by the developer, town, and the county to keep us safe, especially since 3 poisoned area wells have been shut down since the submission of this SEIS.

The Southampton Town Board should take a hard look at the issues that have arisen since the time of the vote to establish a MPDD at the Shinnecock Canal. The water supply and fire flow issues are life-threatening. There are unanswered questions about the water. There are no current legal documents in the SEIS to insure that any remedies promised or proposed will be put into effect, or that these remedies would even work.

The developer had 36 months to get this building project approved and substantially underway before the expiration of the MPDD, when the properties revert back to their former zoning. That 36 month period will soon be finished. I believe the Southampton Town Board should deny any extension of time for this MPDD, and, instead go back to the drawing board with the developer to create a plan that is more environmentally respectful of our community and our natural resources.

TOWN OF SOUTHAMPTON  
TOWN CLERK'S OFFICE

2017 OCT 23 PM 1:32

RECEIVED

B-12  
Sec. 2.1

B-13  
Sec. 2.2

B-14  
Sec. 2.3

Sincerely,

*Lisa Crew*

Name

*19 Seneca Drive, Hampton Bays, NY 11946*

Address

October 12, 2017

Supervisor Jay Schneiderman  
Members of the Southampton Town Council  
116 Hampton Road  
Southampton, NY 11968

Dear Board Members:

Re: CPICEMPDD/SEIS

Because of the court-ordered SEIS, we all now know that the water supply/pressure and fire flow will be inadequate for the proposed townhouses and nearby neighbors, that some extraordinary actions will have to be taken by the developer, town, and the county to keep us safe, especially since 3 poisoned area wells have been shut down since the submission of this SEIS.

B-15  
Sec. 2.1

The Southampton Town Board should take a hard look at the issues that have arisen since the time of the vote to establish a MPDD at the Shinnecock Canal. The water supply and fire flow issues are life-threatening. There are unanswered questions about the water. There are no current legal documents in the SEIS to insure that any remedies promised or proposed will be put into effect, or that these remedies would even work.

B-16  
Sec. 2.2

The developer had 36 months to get this building project approved and substantially underway before the expiration of the MPDD, when the properties revert back to their former zoning. That 36 month period will soon be finished. I believe the Southampton Town Board should deny any extension of time for this MPDD, and, instead go back to the drawing board with the developer to create a plan that is more environmentally respectful of our community and our natural resources.

B-17  
Sec. 2.3

Sincerely,

*Robert Colucci*  
ROBERT COLUCCI  
*Rose E. Colucci*  
ROSE E. COLUCCI

Name

*8 HARBOR AVE HAMPTON BAY, N.Y. 11946*  
Address

TOWNSHIP OF SOUTHAMPTON  
TOWN CLERK'S OFFICE

2017 OCT 16 PM 12:49

RECEIVED

October 21, 2017

Re: CPICEMPDD/SEIS

Supervisor Jay Schneiderman  
Members of the Southampton Town Council  
116 Hampton Road  
Southampton, NY 11968

Dear Town of Southampton Council Members:

The results of the court-ordered SEIS confirm water supply/pressure (effect supply of drinking water to fire control in this wooded area) will be inadequate for the proposed townhouse development to be constructed on the southeastern shores of the Shinnecock Canal.

**B-18  
Sec. 2.1**

Most importantly, it will also cause same problems to neighbors and their properties .

Its clear that multiple remediations must take place before moving forward in order to keep us, all area residents safe and healthy.

Especially since 3 poisoned area wells have been shut down since the submission of this SEIS; and the new waste water system installed by the County at the northern end of the Canal, at Meshutt Beach, has not functioned properly.

**B-19  
Sec. 2.4**

The Southampton Town Board should take a closer look at the issues that have arisen since the time of the vote that established a MPDD at the Shinnecock Canal. The water supply and fire flow issues are life-threatening. There are unanswered questions about the water. There are no current legal documents in the SEIS to insure that any remedies promised or proposed will be put into effect, or that these remedies would even work. There is no plan to control traffic flow during construction at this highly congested intersection. Nor for the additional traffic generated by the Inn and Townhouses that places our lives at risk, pollutes air. And water: algae blooms in the adjacent bays have not been remedied. Furthermore, two restaurants at the western edge of the Hampton Bays Business district have failed, the properties for sale: why would a new dining facility at the eastern side, where there is substantially more traffic congestion - succeed?

**B-20  
Sec. 2.5**

The developer was granted 36 months to get this building project approved and substantially underway before the expiration of the MPDD when the properties revert back to their former zoning designated by our Town Comprehensive Plan. That would follow vitally important conservation codes and Laws.

**B-21  
Sec. 2.3**

That 36 month period will soon come to an end. We firmly believe Southampton Town Council should deny any extension of time for this MPDD, and, instead return to the drawing board with the developer to create a plan more environmentally respectful of our neighborhood, our community and our natural resources. Any plan going forward MUST include a real benefit to the public as required.

Sincerely,

Hope Sandrow and Ulf Skogsbergh  
653 Montauk Highway Shinnecock Hills Southampton

October 23, 2017

To Supervisor Jay Schneiderman and Southampton Town Board Members:

Re: CPICEMPDD/DSEIS

We wrote to you earlier this month on this subject, but we want to make one further point.

We have already asked that you take a hard look at the water supply and pressure issues, decommissioned poisoned wells, and the speculative remedies that were introduced in the DSEIS. We want to make sure that this project does not move forward until you have legal documents backing up what will be done and proof that it will work, and at what cost, financially and otherwise, in years to come, to the entirety of Hampton Bays. The DSEIS is not adequate and complete at this time. It should not be accepted.

**B-22**  
**Sec. 2.2**

Presently the developer is addressing soil contamination from a corroded underground 2000-gallon gasoline tank at the Canal property (a tank which was not abandoned properly by a previous owner), with oversight from the NYSDEC. DEC assigned it a spill number in 2012 and the problem was known before that--disclosed years ago in the EIS for the CPICEMPDD. The former town board allowed a PDD zoning change 3 years ago, financially lucrative for the developer, knowing that this contamination problem already existed, without demanding the developer do the clean-up then, or impose monitoring to ensure the safety of the public and the environment. It is good that the contamination is finally being addressed after more than a decade--but the former Town Board and the developer were remiss. The contamination sat for years at the canal's edge.

Will the developer ask for an extension of time to get his MPDD substantially underway, citing that he needs time to clean up the contamination--when the clean-up should have occurred years ago? Although DEC is monitoring the work now, and will be professional and thorough, the current board must also exercise some oversight in these crucial matters.

There is presently a moratorium on PDDs because they are so difficult to justify as an enhancement to the community's comprehensive plan. Now with the water and fire and contamination issues, the remedies proposed in the DSEIS would put the current board at the mercy of county and state as well as developer, and not give definite assurance of a solution .

**B-23**  
**Sec. 2.8**

The current board must take a hard position and reject this DSEIS as incomplete and not grant any extension of time for this MPDD.

Rita Knox  
Secretary-Treasurer  
Shinnecock Neighbors

**From:** sco-b [mailto:sco\_b1@yahoo.com]

**Sent:** Tuesday, October 24, 2017 5:32 PM

**To:** Sundy Schermeyer; Jay Schneiderman; John Bouvier; Stan Glinka; Christine Scalera; Julie Lofstad; Kyle Collins; Janice Scherer

**Subject:** CPICEMPDD/DSEIS

October 24, 2017

To Supervisor Jay Schneiderman and Southampton Town Board Members:

Re: CPICEMPDD/DSEIS

**I urge you vote "no" to extend the Canoe Place Inn MPDD.**

We have already asked that you take a hard look at the water supply and pressure issues, decommissioned poisoned wells, and the speculative remedies that were introduced in the DSEIS. We want to make sure that this project does not move forward until you have legal documents backing up what will be done and proof that it will work, and at what cost, financially and otherwise, in years to come, to the entirety of Hampton Bays. The DSEIS is not adequate and complete at this time. It should not be accepted.

B-24  
Sec. 2.2

Presently the developer is addressing soil contamination from a corroded underground 2000-gallon gasoline tank at the Canal property (a tank which was not abandoned properly by a previous owner), with oversight from the NYSDEC. DEC assigned it a spill number in 2012 and the problem was known before that--disclosed years ago in the EIS for the CPICEMPDD. The former town board allowed a PDD zoning change 3 years ago, financially lucrative for the developer, knowing that this contamination problem already existed, without demanding the developer do the clean-up then, or impose monitoring to ensure the safety of the public and the environment. It is good that the contamination is finally being addressed after more than a decade--but the former Town Board and the developer were remiss. The contamination sat for years at the canal's edge.

Will the developer ask for an extension of time to get his MPDD substantially underway, citing that he needs time to clean up the contamination--when the clean-up should have occurred years ago? Although DEC is monitoring the work now, and will be professional and thorough, the current board must also exercise some oversight in these crucial matters.

There is presently a moratorium on PDDs because they are so difficult to justify as an enhancement to the community's comprehensive plan. Now with the water and fire and contamination issues, the remedies proposed in the DSEIS would put the current board at the mercy of county and state as well as developer, and not give definite assurance of a solution .

B-25  
Sec. 2.8

The current board must take a hard position and reject this DSEIS as incomplete and not grant any extension of time for this MPDD.

Scott Bolster  
18 Maidstone Ln, Hampton Bays  
Shinnecock Neighbors

**From:** Judith Cohen [mailto:jctapper462@gmail.com]  
**Sent:** Wednesday, October 25, 2017 8:37 PM  
**To:** Sundy Schermeyer  
**Cc:** Janice Scherer  
**Subject:** Re Town Board Mtg 10/26

Please enter the following letter into the record and distribute it to the board members. Thank you:

Supervisor Jay Schneiderman  
Members of the Southampton Town Council  
116 Hampton Road  
Southampton, New York 11968

Dear Board Members: RE: CPICEMPDD/SEIS

Because of the court-ordered SEIS, we all now know that the water supply and water pressure and fire flow will be inadequate for the proposed townhouses and nearby neighbors, that some extraordinary actions will have to be taken by the developer, town and the county to keep us safe, especially since three poisoned area wells have been shut down since the submission of this SEIS.

B-26  
Sec. 2.1

The Southampton Town Board should take a hard look at the issues that have arisen since the time of the vote to establish a MPDD at the Shinnecock Canal. The water supply and fire flow issues are life-threatening. There are unanswered questions about the water. There are no current legal documents in the SEIS to ensure that any remedies promised or proposed will be put into effect, or that these remedies would even work.

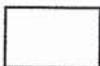
B-27  
Sec. 2.2

The developer had 36 months to get this building project approved and substantially under way before the expiration of the MPDD, when the properties revert back to their former zoning. That 36-month period will soon be finished. We believe the Southampton Town Board should deny any extension of time for this MPDD, and instead go back to the drawing board with the developer to create a plan that is more environmentally respectful of our community and our natural resources.

B-28  
Sec. 2.3

Sincerely,

Jerry and Judith Cohen  
9 Madison Avenue  
Hampton Bays, New York 11946



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# SOUTHAMPTON TOWN CIVIC COALITION

October 25, 2017

Supervisor Jay Schneiderman  
Members of the Southampton Town Board  
116 Hampton Road  
Southampton, NY 11968

Dear Supervisor and Town Board Members:

Re: CPICEMPDD/SEIS

On behalf of the Southampton Town Civic Coalition, as well as the East Quogue CAC and the East Quogue Civic we ask the Town Board to take a hard look at the issues that have arisen since the time of the vote to establish a MPDD at the Shinnecock Canal. The water supply and fire flow issues are very concerning and appear to be life-threatening. There are unanswered questions about the water quality in the area as well as real questions about previous contamination at the canal site that may also have an impact. There are no current legal documents in the SEIS to ensure that any remedies promised or proposed will be put into effect, or that these remedies would even work.

B-29  
Sec. 2.2

B-30  
Sec. 2.5

Since the court-ordered SEIS, the reality that the water supply/pressure and fire flow will be inadequate for the proposed townhouses and nearby neighbors has become more widely known. It is clear that some extraordinary actions will have to be taken by the developer, Town among others to remedy the situation to protect the community, especially since 3 poisoned area wells in the area have been shut down since the submission of this SEIS.

B-31  
Sec.  
2.1

We strongly support the requests from both the Hampton Bays Civic Association and the Shinnecock Neighbors to reject any request for an extension to comply with the zone change. The developer has had 36 months to get this building project approved and substantially underway before the expiration of the MPDD, when the properties revert to their former zoning. That 36-month period will soon be finished. Given the extensive water quality threats you now know exist, the Town should deny any extension of time for this MPDD, and, instead work with the developer to create a plan that puts the health and safety of the residents and their natural resources first.

B-32  
Sec.  
2.3

Thank you.

Sincerely,

Andrea Spilka

Andrea Spilka  
President, Southampton Town Civic Coalition



P.O. Box 734  
Hampton Bays, NY 11946

October 26, 2017

Supervisor Jay Schneiderman  
Members of the Southampton Town Board  
116 Hampton Road  
Southampton, NY 11968

Re: CPICEMPDD/SEIS

On behalf of the Board of Directors of the Hampton Bays Civic Association, we write to follow up on our previous letter, dated September 26, 2017, objecting to the acceptance of the CPICEMPDD SEIS as complete, and to request that the Town Board refuse any future application by the property owners for an extension of time to achieve substantial progress in the construction of this MPDD.

In our previous letter, we pointed out a number of deficiencies in the SEIS with respect to the property owners' proposal for addressing the insufficient water flow to the property on the east side of the Shinnecock Canal. Although the Town Board voted to accept the SEIS as complete, we reiterate those concerns as we do not believe that there has been a sufficient solution to the water flow problem proposed.

B-33  
Sec. 2.1

Since the Town Board voted to accept the SEIS, we have also learned about the serious oil contamination problem on the property located on the east side of Shinnecock Canal that has been known, but not addressed, by the owners for at least five years. According to the information provided by the New York State Department of Environmental Conservation ("DEC"), leaking oil tanks on the east shore of the Shinnecock Canal were reported to DEC by the owners as early as 2012, yet they have taken no steps to remove the tanks and remediate the contamination until now, five years later. Moreover, the plume from these leaking gas tanks appears to be on a westward flow into the groundwater and ultimately into the Canal. It is unclear how long these tanks have been leaking, and it is unclear just how much of the property

Supervisor Jay Schneiderman  
Members of the Southampton Town Board  
October 26, 2017  
Page 2

is contaminated nor how extensive the remediation will be. In all their submissions to the Town Board regarding the MPDD proposed, there was minimal information about this contamination.

It is concerning to us that this MPDD was approved in January 2015, now that we know a portion of the ground is contaminated, and that the contamination has been possibly flowing into the Canal. Before approving any residential MPDD, the Town Board should have required certification that the property was remediated to the standards appropriate for residential construction. How does the Town Board plan to address this situation now? What assurances will the potential homebuyers have that the land upon which their homes have been built is safe for their children and pets? What assurances does the Hampton Bays community have that any oil contamination into Shinnecock Canal has been staunched? It appears that the only reasonable approach is to require full remediation be completed and approved by DEC to the standards safe for residential properties before any construction of the homes begins.

When the MPDD was approved in January 2015, by the terms of the law, the property owners have 36 months in which to achieve substantial progress in the construction. As that date is only a few months away, we anticipate that a request to extend the deadline for achieving substantial progress will be made to the Board, and we strongly urge the Board to deny any such request. There is no equitable reason to grant an extension to the property owners given their inexcusable delay in addressing serious contamination issues that affect this important and already impaired waterway. We are not aware that any government action prevented them from beginning the remediation in 2012. For this reason, there is no justification for granting them an extension of time to complete the remediation now. Moreover, they should not be permitted to begin any type of construction on the property until the DEC approves the remediation and deems it acceptable for residential use.

B-34  
Sec. 2.3

Best regards,



Elizabeth I. Hook  
On Behalf of HBCA Board of Directors

Cc: Town Clerk  
HBCA Board of Directors

October 12, 2017

Supervisor Jay Schneiderman  
Members of the Southampton Town Council  
116 Hampton Road  
Southampton, NY 11968

Dear Board Members:

Re: CPICEMPDD/SEIS

Because of the court-ordered SEIS, we all now know that the water supply/pressure and fire flow will be inadequate for the proposed townhouses and nearby neighbors, that some extraordinary actions will have to be taken by the developer, town, and the county to keep us safe, especially since 3 poisoned area wells have been shut down since the submission of this SEIS.

B-35  
Sec. 2.1

The Southampton Town Board should take a hard look at the issues that have arisen since the time of the vote to establish a MPDD at the Shinnecock Canal. The water supply and fire flow issues are life-threatening. There are unanswered questions about the water. There are no current legal documents in the SEIS to insure that any remedies promised or proposed will be put into effect, or that these remedies would even work.

B-36  
Sec. 2.2

The developer had 36 months to get this building project approved and substantially underway before the expiration of the MPDD, when the properties revert back to their former zoning. That 36 month period will soon be finished. I believe the Southampton Town Board should deny any extension of time for this MPDD, and, instead go back to the drawing board with the developer to create a plan that is more environmentally respectful of our community and our natural resources.

B-37  
Sec. 2.3

Sincerely,



Name

5 Wildwood Lane

Hampton Bay, NY 11946

Address

October 12, 2017

Supervisor Jay Schneiderman  
Members of the Southampton Town Council  
116 Hampton Road  
Southampton, NY 11968

Dear Board Members:

Re: CPICEMPDD/SEIS

Because of the court-ordered SEIS, we all now know that the water supply/pressure and fire flow will be inadequate for the proposed townhouses and nearby neighbors, that some extraordinary actions will have to be taken by the developer, town, and the county to keep us safe, especially since 3 poisoned area wells have been shut down since the submission of this SEIS.

B-38  
Sec. 2.1

The Southampton Town Board should take a hard look at the issues that have arisen since the time of the vote to establish a MPDD at the Shinnecock Canal. The water supply and fire flow issues are life-threatening. There are unanswered questions about the water. There are no current legal documents in the SEIS to insure that any remedies promised or proposed will be put into effect, or that these remedies would even work.

B-39  
Sec. 2.2

The developer had 36 months to get this building project approved and substantially underway before the expiration of the MPDD, when the properties revert back to their former zoning. That 36 month period will soon be finished. I believe the Southampton Town Board should deny any extension of time for this MPDD, and, instead go back to the drawing board with the developer to create a plan that is more environmentally respectful of our community and our natural resources.

B-40  
Sec. 2.3

Sincerely,

*Bonnie Doyle*

Name

*8 Lawrence Avenue*

Address

*Hampton Bays Ny 11946*

**From:** frank Grabinski <skikzm@gmail.com>  
**Date:** October 12, 2017 at 9:46:16 AM EDT  
**To:** [sschermeier@southamptontownny.gov](mailto:sschermeier@southamptontownny.gov)

Please enter this letter into the record and distribute it to the Board.

Please enter into the record and distribute to the Board

Because of the court-ordered SEIS, we all now know that the water supply/pressure and fire flow will be inadequate for the proposed townhouses and nearby neighbors, that some extraordinary actions will have to be taken by the developer, town, and the county to keep us safe, especially since 3 poisoned area wells have been shut down since the submission of this SEIS.

B-41  
Sec. 2.1

The Southampton Town Board should take a hard look at the issues that have arisen since the time of the vote to establish a MPDD at the Shinnecock Canal. The water supply and fire flow issues are life-threatening. There are unanswered questions about the water. There are no current legal documents in the SEIS to insure that any remedies promised or proposed will be put into effect, or that these remedies would even work.

B-42  
Sec. 2.2

The developer had 36 months to get this building project approved and substantially underway before the expiration of the MPDD, when the properties revert back to their former zoning. That 36 month period will soon be finished. I believe the Southampton Town Board should deny any extension of time for this MPDD, and, instead go back to the drawing board with the developer to create a plan that is more environmentally respectful of our community and our natural resources.

B-43  
Sec. 2.3

Sincerely,

\_\_\_\_\_  
\_Frank Grabinski

Name

## **APPENDIX C**

# **LIST OF SITE REDEVELOPMENT-RELATED EVENTS**



## CANOE PLACE INN & CANAL PROPERTIES

1. 01.13.15 - Change of Zone approved
2. 05.11.15 - Shinnecock Neighbors file Article 78 against Town, R Squared Development LLC, Canal Properties LLC, (Rechler Entities) et al.
3. 05.12.15 - meeting w/ SCDPW re: roadway/intersection improvements
4. 07.30.15 - site plan application pre-submission meeting w/ Town of Southampton
5. 08.12.15 - groundwater monitoring wells installed at Canoe Place Inn
6. 08.31.15 - Suffolk County Legislature, Public Works, Transportation & Energy Committee approve MOU to proceed to full Legislature
7. 09.09.15 - Suffolk County Legislature approve adoption of MOU
8. 09.28.15 - Rechler Entities filed Motion to Dismiss Article 78
9. 11.16.15 - submit site plan applications
10. 11.17.15 - Submit SCSA application
11. 11.23.15 - updated investigation workplan submitted at request of NYSDEC
12. 11.30.15 - NYSDEC approves 11.23.15 workplan
13. 11.30.15 - Motion to Dismiss fully briefed by all parties and submitted to the court
14. 12.03.15 - Town "Site Plan Elements Review Form" for Canoe Place Inn- application completeness
15. 12.04.15 - Town "Site Plan Elements Review Form" for Canal properties- application completeness
16. 12.11.15 - meeting w/ PSEG
17. 12.07.15 - SCDHS application submitted for CPI
18. 12.15.15 - 15 soil & groundwater borings conducted at Canal property
19. 12.17.15 - meeting w/ Town staff re: misc. Canal property topics related to completeness
20. 12.21.15 - SCSA approve construction of Nitrex system
21. 01.28.16 - Canal property underground storage tanks pumped empty
22. 01.28.16 - Nitrex application submitted to SCDHS & SCDPW
23. 02.03.16 - MOU agreement fully executed (Town, County, R Squared)
24. 02.11.16 - additional supplemental environmental investigation performed at Canal property
25. 02.24.16 - meeting w/ HBWD consultant
26. 02.25.16 - CPI inspection with Strada Baxter Design/Build, LLC
27. 03.02.16 - meeting w/ SCDHS & SCDPW, Nitrex review
28. 03.08.16 - environmental investigation report issued to NYSDEC for Canal property
29. 03.21.16 - submit PB request for precautionary roof repairs
30. 03.22.16 - submit revised CPI & Canal site plan applications
31. 04.01.16 - asbestos survey of CPI and cottages
32. 04.04.16 - nine monitoring wells installed at Canal property per NYSDEC approved locations
33. 04.13.16 - asbestos surveys of Canal structures conducted for pre-demolition purposes
34. 04.15.16 - Canal property monitoring wells sampled
35. 04.21.16 - meeting w/ Town re: site plan applications completeness
36. 04.28.16 - PB deem Canoe Place Inn site plan application complete
37. 04.28.16 - PB approve Strada Baxter Design/Build, LLC as local preservation consultant for the rehabilitation of the Canoe Place Inn & approve exploratory demolition



## CANOE PLACE INN & CANAL PROPERTIES

38. 04.29.16 - Nitrex Engineering Report submitted to SCDHS & SCDPW
39. 05.12.16 - meeting w/ Town re: Canal site plan application completeness
40. 05.25.16 - meeting w/ SCDHS & SCDPW, CPI & Nitrex review
41. 05.26.16 - underground storage tank removed at cottages, cesspools at CPI and cottages inspected
42. 05.26.16 - Strada Baxter Design/Build, LLC present and submit Baseline Conditions Assessment Report to PB; PB approve demolition of "connector" portion of Canoe Place Inn building
43. 05.26.16 - PB refer Site Characterization Report for peer review (PRB)
44. 05.26.16 - PB work session- Canal property shoreline stabilization & wetlands
45. 05.26.16 - PB public hearing for Canoe Place Inn
46. 05.27.17 - SCDHS onsite sanitary inspection at Canal property
47. 06.03.16 - submit miscellaneous revisions for Canal site plan completeness
48. 06.07.16 - Canoe Place Inn ARB presentation
49. 06.09.16 - meeting w/ Town Assessor- Canal property subdivision
50. 06.21.16 - resubmission to SCDHS for CPI sanitary system
51. 06.21.16 - Landmarks & Historic Districts Board review/approve Canoe Place Inn "connector" demolition
52. 06.23.16 - SCDHS issued abandonment approval for CPI and cottages cesspools
53. 06.23.16 - PB work session- Canal property boat basin vegetation
54. 06.28.16 - meeting w/ SCDHS & SCDPW, Nitrex review
55. 06.29.16 - resubmission to SCDHS & SCDPW for Nitrex Engineering Report
56. 06.30.16 - 1<sup>st</sup> meeting w/ Town re: Shinnecock Canal Park concept plan
57. 06.30.16 - SCDHS Canal property approval for sanitary abandonment
58. 07.14.16 - PB deem Canal property site plan application complete
59. 07.15.16 - Canal property monitoring wells sampled
60. 07.21.16 - meeting w/ Town staff re: CPI demo
61. 07.21.16 - 2<sup>nd</sup> meeting w/ Town re: Shinnecock Canal Park concept plan
62. 07.22.16 - meeting w/ SCDHS & SCDPW, Nitrex review
63. 07.28.16 - PB work session- Canal property grading, drainage, landscaping & architecture
64. 08.16.16 - approval to abandon former Canal sanitary structures issued by SCDHS
65. 08.16.16 - Canal townhomes ARB presentation
66. 08.24.16 - subdivision application submitted to SCDHS
67. 08.25.16 - PB work session- CPI Site Characterization Report (PRB)
68. 08.30.16 - Judge Rebolini issues Decision denying the Motion to Dismiss and case is removed to Justice Cohen
69. 09.08.16 - 1<sup>st</sup> PB public hearing for Canal property site plan & subdivision
70. 09.29.16 - meeting w/ Town staff re: Covenants & Restrictions to be required
71. 10.04.16 - Rechler Entities and Town of Southampton file Cross Motions for Summary Judgement
72. 10.13.16 - 2<sup>nd</sup> PB public hearing for Canal properties



## CANOE PLACE INN & CANAL PROPERTIES

73. 10.13.16 - receive NYSDOS consistency review
74. 10.25.16 - resubmission to SCDHS for CPI sanitary system
75. 10.26.16 - Canal property monitoring wells sampled
76. 10.28.16 - resubmission to SCDHS & SCDPW for Nitrex plans
77. 11.09.16 - resubmission to SCDHS & SCDPW for Nitrex Engineering Report
78. 11.14.16 - Building Permit for Canoe Place Inn targeted demolition
79. 11.22.16 - Article 78 Petition and Cross Motions are fully briefed and submitted to Justice Cohen
80. 11.28.16 - asbestos abatement of CPI connector roofing material
81. Early-mid December- CPI connector demolition
82. 12.15.16 - PB meeting- Strada Baxter Design/Build, LLC present Phase One Removals Report for CPI, PB approve demolition of CPI kitchen
83. 12.28.16 - meeting w/ SCDHS & SCDPW, Nitrex review
84. 12.28.16 - resubmission to SCDHS for CPI sanitary system
85. 01.06.17 - receive USACOE wetland permit
86. 01.12.17 - PB meeting re: Draft Canoe Place Inn Staff Report
87. 01.17.17 - Landmarks & Historic Districts Board review/approve CPI kitchen demolition
88. 01.19.17 - Canal property monitoring wells sampled
89. 01.23.17 - resubmission to SCDHS & SCDPW for Nitrex Engineering Report & Plans
90. 02.06.17 - SCSA grant extension of approval to construct Nitrex system
91. 02.23.17 - PB Work Session- CPI rehabilitation & PRB
92. 02.23.17 - PB meeting, discuss Canal Staff Report
93. 02.24.17 - asbestos abatement of CPI kitchen roofing material
94. 03.09.17 - CPI PB Conditional site plan approval
95. 03.23.17 - meeting w/ SCDHS & SCDPW, Nitrex review
96. 03.31.17 - resubmission to SCDHS for Canal subdivision
97. 04.04.17 - resubmission to SCDHS & SCDPW for Nitrex Engineering Report
98. 04.12.17 - application made to SCDHS Board of Review
99. 04.13.17 - Canal PB Conditional site plan approval
100. 04.13.17 - Canal property monitoring wells sampled
101. 04.18.17 - receive NYSDEC wetland permit
102. 04.19.17 - Justice Cohen issues Order Requesting a supplemental submission from all parties on the PRB
103. 04.20.17 - SCDHS Board of Review hearing
104. 05.05.17 - receive SCDPW Highway Work Permits (CPI & Canal)
105. 05.23.17 - Justice Cohen issues decision denying the Article 78 Petition and granting Rechler Entities' and Town's Cross Motions for Summary Judgement, except with respect to the "limited purpose of conducting a supplemental environmental impact statement (SEIS) on the limited issue of water supply for fire-flow"
106. 05.24.17 - meeting w/ Town staff
107. 05.25.17 - CPI asbestos survey
108. 05.30.17 - receive Town Trustees wetland permit



## CANOE PLACE INN & CANAL PROPERTIES

109. 06.22.17 - revised Canal site plans submitted to review before signature
110. 06.29.17 - receive SCDHS Board of Review Findings, Recommendations and Determination
111. 06.29.17 - meeting w/ SCDHS, Canal subdivision
112. 07.13.17 - Final CPI plans signed by PB
113. 07.13.17 - resubmission to SCDHS for Canal subdivision
114. 07.15.17 - Canal property monitoring wells sampled
115. 07.27.17 - PB approved PRB Monitoring Plan
116. 07.28.17 - Justice Cohen signs the Order respecting his decision of 5.23.17. - final Order to issue upon compliance with the requirement for the SEIS
117. 08.07.17 - submit application to SCDHS for materials storage facility
118. 08.21.17 - DSEIS submitted to Town
119. 09.06.17 - receive Town Highway road striping approval
120. 09.11.17 - meeting w/ PSEG
121. 09.14.17 - resubmission to SCDHS for Canal subdivision
122. 09.18.17 - resubmission to SCDHS & SCDPW for Nitrex plans & specifications
123. 09.19.17 - meeting w/ SCDHS & SCDPW, Nitrex review
124. 09.26.17 - DSEIS Accepted by TB as Complete
125. 09.27.17 - CPI and cottages cesspools abandoned
126. 10.09.17 - resubmission to SCDHS & SCDPW for Nitrex plans & specifications
127. 10.10.17 - underground storage tanks removed at Canal property
128. 10.10.17 - resubmission to SCDHS for Canal subdivision
129. 10.12.17 - meeting w/ Town staff
130. 10.12.17 - Canal property onsite cesspools abandoned
131. 10.17.17 - Canal property monitoring wells sampled
132. 10.24.17 - Canal property asbestos abatement for three structures
133. 10.26.17 - meeting w/ SCDHS & SCDPW, Nitrex review
134. 10.31.17 - receive SCDHS Permit materials storage facility
135. 11.04.17 - Public Comment period for DSEIS closes
136. 11.08.17 - Final Canal site plans submitted for PB signature
137. 11.09.17 - resubmission to SCDHS & SCDPW for Nitrex plans & specifications
138. 11.20.17 - meeting w/ SCDHS & SCDPW, Nitrex review
139. 11.20.17 - meeting w/ SCDHS
140. 11.27.17 - Canal property asbestos abatement for remaining structure
141. 11.29.17 - receive demolition permit for Canal property structures
142. 12.01.17 - begin site clearing and demolition on Canal property

## **APPENDIX D**

# **SAMPLE INTERCONNECTION AGREEMENT**



**LOW PRESSURE FIRE FLOW WATER SUPPLY AGREEMENT**

**AGREEMENT** made this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_, by and between the TOWN BOARD of the TOWN OF SOUTHAMPTON acting as Water Commissioners on behalf of the HAMPTON BAYS WATER DISTRICT, a New York State Special Improvement District, with offices located at 18 Ponquogue Avenue, Hampton Bays 11946, County of Suffolk, State of New York, hereinafter referred to as the "DISTRICT", and CANAL PROPERTIES LLC, a Delaware Limited Liability Company, with offices located at 85 South Service Road, Plainview, New York 11803, hereinafter referred to as the "COMPANY".

**WITNESSETH:**

WHEREAS, the COMPANY is the owner in fee of certain premises situate wholly within the geographic boundaries of the HAMPTON BAYS WATER DISTRICT. Said property is located at the northwest corner of the intersection of Montauk Highway (County Road 80) and North Road (County Road 39) in Hampton Bays and designated on the Suffolk County Tax Map as District 0900, Section 207, Block 04, Lots 22.1, 023 and 024; and Section 208, Block 02, Lot 18.1, hereinafter referred to as the "PREMISES".

WHEREAS, H2M architects + engineers have performed a hydraulic analysis of the development dated October 10, 2014 with follow-up correspondence dated February 10, 2016. This analysis concluded that the DISTRICT does not currently have the facilities available on the east side of Shinnecock Canal to provide the available fire flow needed during times of peak usage for this development and existing uses based on Insurance Safety Office (ISO) minimum standards and that improvements to existing facilities were required.

WHEREAS, the Suffolk County Water Authority (SCWA) and the DISTRICT have agreed to upgrade the two (2) existing interconnections on the east side of the DISTRICT service area, pursuant to the terms of the letter of Paul J. Kuzman dated November 30, 2015, a copy of which is attached hereto as Exhibit A.

NOW, THEREFORE, in consideration of the mutual covenants, agreements and conditions herein contained, it is covenanted and agreed as follows:

FIRST: The DISTRICT agrees to install and upgrade its existing emergency interconnections with SCWA located at: Hillover Road, East Peconic Road and Montauk Highway; and Oakhurst Road with necessary pipes, valves, fittings hydrants pumps and meters, pursuant to the terms of the letter from H2M dated February 10, 2016 and attached hereto as Exhibit B, hereinafter referred to as the "Work." This installation and upgrade of the DISTRICTS existing emergency interconnections provides the available fire flow needed during the times of peak usage for this development and existing uses based on ISO minimum standards. The COMPANY agrees to pay fully for the costs of purchase and installation of the described Work.

SECOND: The COMPANY agrees that the pipes, valves, fittings and meters hydrants and pumps shall conform to the specifications, rules and regulations of the DISTRICT and shall be installed by the DISTRICT or its designated agents or employees, and shall conform to the standards of the DISTRICT and SCWA.

THIRD: It is understood that fire hydrants will be installed on said mains at the OWNER'S expense at such places as are designated by the DISTRICT.

FOURTH: The DISTRICT acknowledges receipt of the sum of \$18,000.00 which represents approximately ten (10%) percent of the estimated \$180,000.00 cost of the Work, as determined by the DISTRICT'S engineers as set forth in Exhibit B. Prior to execution of the contract for installation, and after receipt of bids, the COMPANY agrees to deposit with the DISTRICT, a certified check for the difference between the amount on deposit and the full amount of the actual cost of installation, plus all costs for advertising, permit fees, engineering expenses and contingencies which amount shall not exceed a total of \$198,000.00 for the work.

FIFTH: Except for the negligent or intentional acts, errors or omissions of the DISTRICT, its employees, agents and contractors, the COMPANY shall be responsible for all costs that may arise during construction due to unforeseen conditions and agrees to deposit with the DISTRICT, all fees that should arise during construction for work not included under the contract and considered Extra or Change Order work. Provided such extras or change orders do not exceed a total cost of \$198,000.00 for the work.

SIXTH: The COMPANY agrees that upon completion of the Work in accordance with any contract made pursuant hereto, title to pipes, valves, fittings and meters shall be the property of the DISTRICT.

SEVENTH: Shall the Work not proceed for any reason, the COMPANY shall not be entitled to a refund for monies already spent.

EIGHTH: The OWNER and the DISTRICT agree that the price for making taps, and for all materials and services furnished by the DISTRICT in connection with the installation of service pipes, taps, meters and such other materials and services as may be incidental to the supply of water to any buildings that may be erected on the property as described, including the price of water, shall be determined in accordance with the rules and regulations of the DISTRICT in effect at the time the services or materials are provided.

NINTH: Upon completion and acceptance of the Work, the DISTRICT will utilize all funds deposited under this contract to pay all contractors and all expenses incident to the Work and will refund to the COMPANY the balance of the funds deposited under the THIRD, FOURTH and paragraphs, except that the DISTRICT, may, in its discretion, withhold for a further period of one year, a sum sufficient, in the opinion of the DISTRICT, to cover any damage that may occur to the mains or appurtenances as a result of operations by the OWNER in completing its development, and the cost of relocating any mains, service lines or appurtenances that may, by virtue of change of grade or otherwise, be exposed or left with improper cover during such year.

TENTH: If at any time after the completion of the work and the acceptance of the mains by the DISTRICT, any claims shall be made or liens filed for labor materials used in the installation, the DISTRICT may pay such claims or discharge such liens, utilizing any moneys withheld under the NINTH Paragraph hereof. The OWNER shall be liable to the DISTRICT and agrees to indemnify the DISTRICT for the amount of any payment necessary to discharge any lien or pay any claim. Provided any such claims or liens do not exceed a total cost for the work of \$198,000.00. The OWNER shall be notified before the DISTRICT shall pay any claim or discharge any lien.

ELEVENTH: This Agreement shall inure to the benefit of and shall bind the respective heirs, legal representative, successors and assigns of the parties hereto. This Agreement shall not be assignable by the COMPANY without the consent in writing of the DISTRICT, which will not be unreasonably withheld or delayed.

IN WITNESS WHEREOF, the parties hereto have caused this Agreement to be executed as of the day and year first above written.

CANAL PROPERTIES, LLC

PRINT: \_\_\_\_\_

SIGN: \_\_\_\_\_

TITLE: \_\_\_\_\_

DATE: \_\_\_\_\_

HAMPTON BAYS WATER DISTRICT

BY: \_\_\_\_\_

DATE: \_\_\_\_\_

representing the Board of  
Commissioners of the  
HAMPTON BAYS WATER DISTRICT

STATE OF NEW YORK )  
 ) ss.:  
COUNTY OF SUFFOLK)

On this \_\_\_\_ day of \_\_\_\_\_, 20\_\_ before me personally appeared \_\_\_\_\_, to me known, who being by me duly sworn, did depose and say individually that they are the respective officers of the Board of Commissioners of the Hampton Bays Water District, described in and which executed the foregoing instrument; that by virtue of the authority conferred on them by law, they subscribed their names to the foregoing instrument and they executed the same for the purpose mentioned therein.

\_\_\_\_\_  
Notary Public

STATE OF NEW YORK )  
 ) ss.:  
COUNTY OF SUFFOLK)

On this \_\_\_\_ day of \_\_\_\_\_, 20\_\_ before me personally appeared \_\_\_\_\_, to me known, to be the person who executed the foregoing instrument, and who, being duly sworn to me, did depose and say that he is the \_\_\_\_\_ of CANAL PROPERTIES, LLC, and that he executed the foregoing instrument in the name of CANAL PROPERTIES, LLC, and that he had authority to sign the same, and he acknowledged to me that he executed the same as the act and deed of said corporation for the uses and purposes therein mentioned.

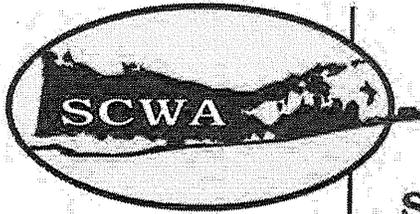
\_\_\_\_\_  
Notary Public

STATE OF NEW YORK )  
 ) ss.:  
COUNTY OF SUFFOLK)

On this \_\_\_\_ day of \_\_\_\_\_, 20\_\_ before me personally appeared \_\_\_\_\_, to me known, who being by me duly sworn, did depose and say individually that they are the respective officers of the Suffolk County Water Authority, described in and which executed the foregoing instrument; that by virtue of the authority conferred on them by law, they subscribed their names to the foregoing instrument and they executed the same for the purpose mentioned therein.

\_\_\_\_\_  
Notary Public

EXHIBIT A



## SUFFOLK COUNTY WATER AUTHORITY

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

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

November 30, 2015

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

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

Dear Mr. Collins;

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

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

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

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

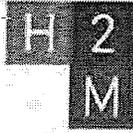
Very truly yours,

Paul J. Kuzman  
Director of

Construction-Maintenance

cc: Joseph Pokorny P.E.  
Doug Celiberti

EXHIBIT B



water

538 Broad Hollow Road, 4<sup>th</sup> Floor East tel 631.756.8000  
Melville, NY 11747 fax 631.694.4122

February 10, 2016

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

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

Dear Mr. Renter:

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

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

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

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

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

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

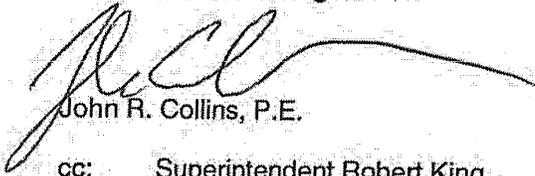
Mr. Andrew Renter  
Canal Place Properties  
February 8, 2016  
Page 2 of 2



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

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

Very truly yours,  
**H2M architects + engineers**



John R. Collins, P.E.

cc: Superintendent Robert King