

A. INTRODUCTION

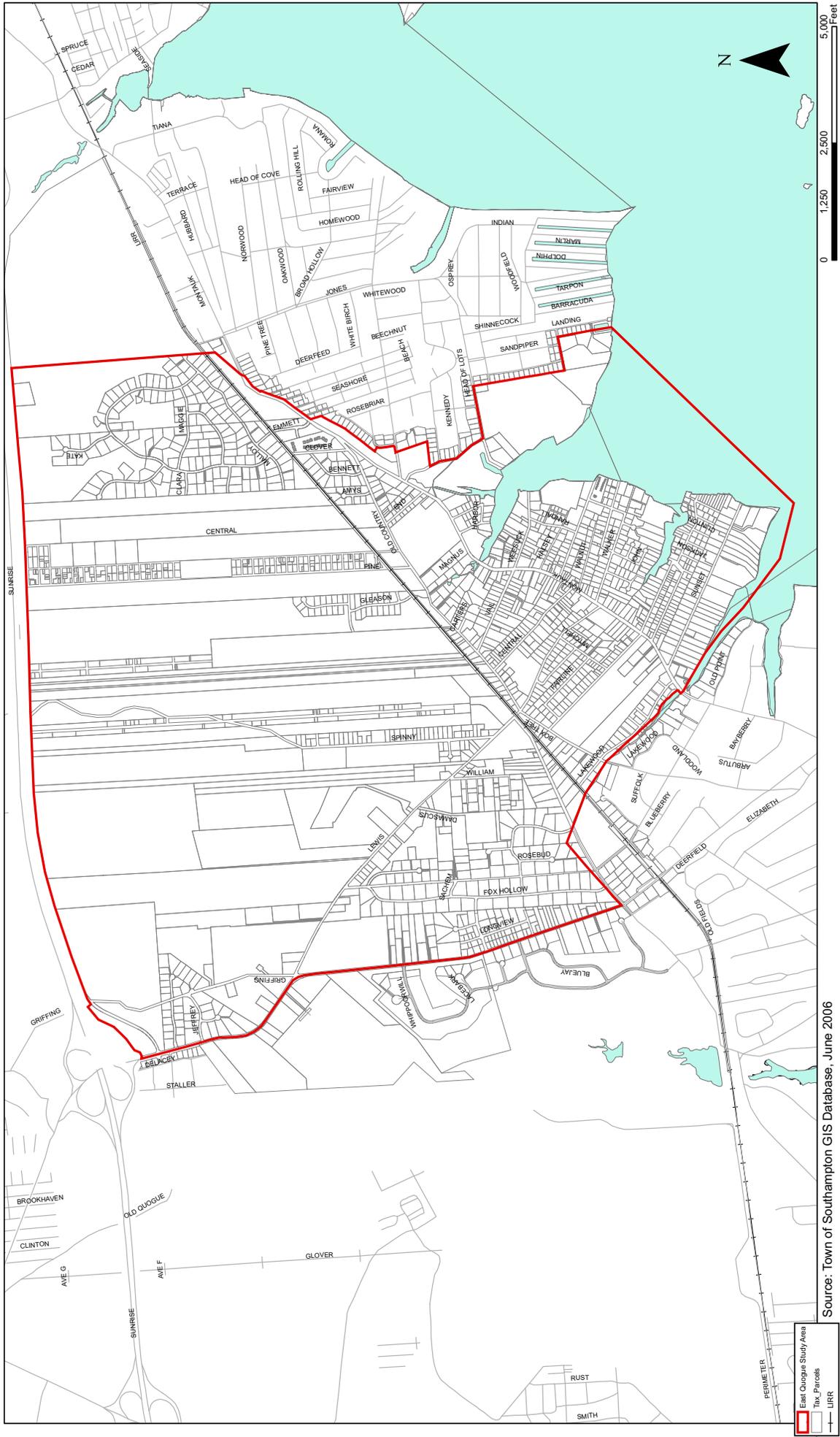
Like much of the Town of Southampton, the hamlet of East Quogue is experiencing strong development pressure. In comparison to other hamlets in the Town, East Quogue, with the exception of the Main Street and lands south of Old Country Road, maintains large, undeveloped tracts of land. The majority of these lands are associated with the Central Pine Barrens but other important areas include active agricultural lands and coastlines along Shinnecock Bay, including Weesuck Creek. The undeveloped woodlands and coastlines provide an exceptional ecological diversity and scenic resource that is threatened by several large development proposals that comprise more than 1,000 acres. Figures 1-1 and 1-2 depict the area boundary and provide an aerial view of the area, respectively.

To understand the potential environmental and social consequences of future land use changes in the East Quogue study area, the Town of Southampton is analyzing potential scenarios that take into account the unique natural communities that comprise East Quogue and the social, fiscal, and economic consequences of new development. Thus, the Town of Southampton prepared this Generic Environmental Impact Statement (GEIS) to examine the cumulative and site specific impacts of various land use scenarios for the East Quogue study area and to identify the potential environmental and social impacts of these land use alternatives. This GEIS analyzes these alternatives in the context of the environmental impacts that could occur and provides environmental documentation that will serve as the basis for public policy and land use decision-making for East Quogue, which could include zoning proposals and site-specific development review requirements.

It is the objective of this analysis to protect environmental resources while also recognizing that residential development will occur, with the potential for economic growth and recreational opportunities through smart growth principles and land use applications that direct development away from environmentally sensitive areas and towards appropriate receiving areas. It is also the Town's objective to recognize the attractiveness of East Quogue as a place to live, work, and recreate, and to limit adverse impacts from development. In the absence of these planning measures, unmanaged future growth could cumulatively impact the local school district and tax structure, ecological habitats, groundwater and surface water quality, and adversely impact existing and potential open spaces. These concerns prompted the Town of Southampton to initiate this process as the tool for making important planning and regulatory decisions relative to the future growth and preservation of the study area. Moreover, guidelines set forth in this GEIS will provide direction for decision makers relative to future land management in the study area.

B. STUDY AREA DEFINITION AND ANALYSIS YEAR

The study area for this GEIS covers the majority of the hamlet of East Quogue, which is located in the western portion of the Town (west of Shinnecock Canal), on the South Fork of Long



Source: Town of Southampton GIS Database, June 2006

Study Area Boundary
Figure 1-1

East Quogue Generic Environmental Impact Statement



2006 Aerial
Figure 1-2

East Quogue Generic Environmental Impact Statement

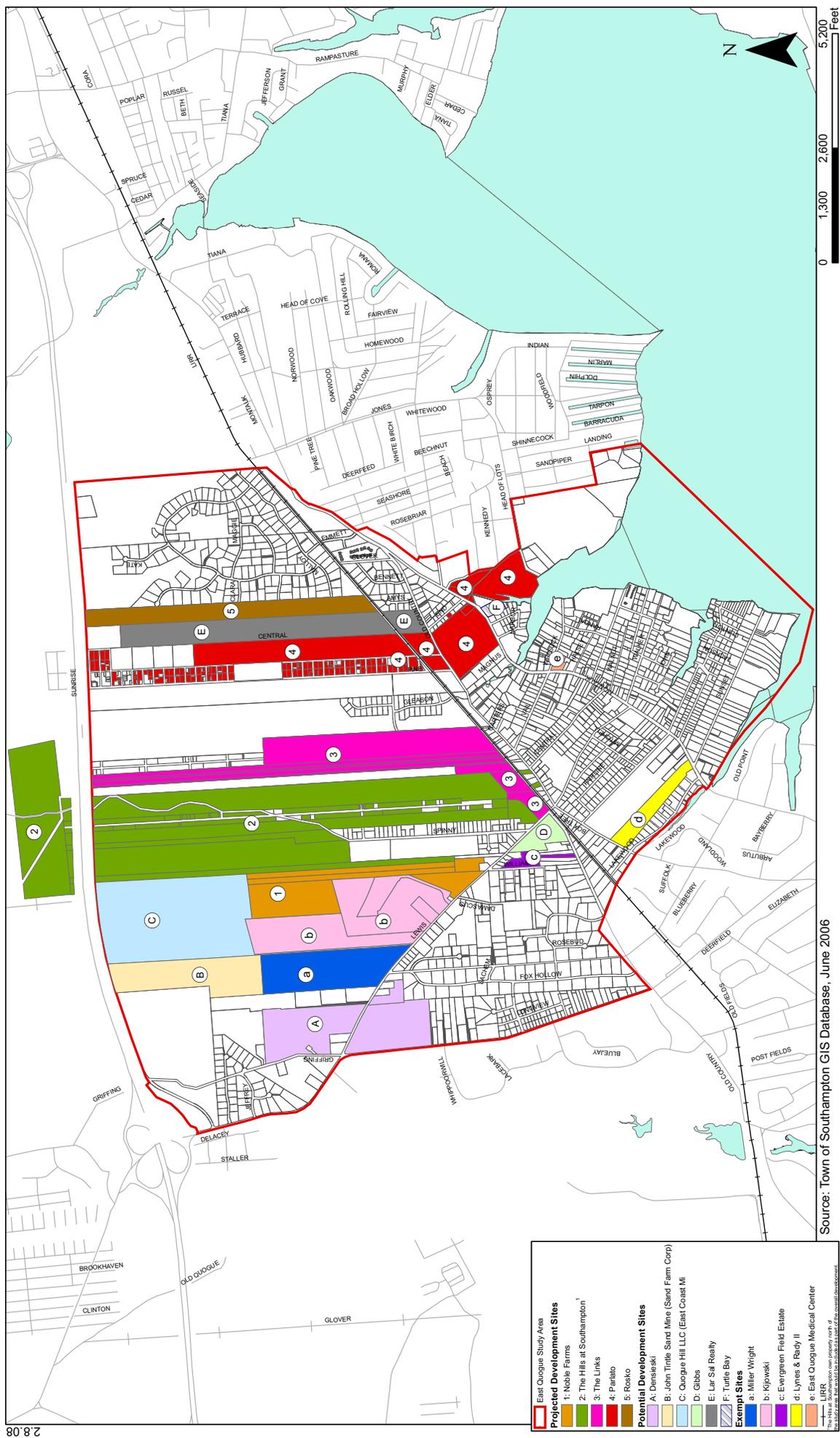
Island's East End (see Figure 1-1). The study area covers about 4,044 acres, including surface water, and is bordered to the north by Sunrise Highway, to the south by Shinnecock Bay (including Weesuck Creek and Daves Creek), and to the west by Riverhead-Quogue Road (County Road 104). The eastern boundary generally extends east of Central Boulevard and the Pines subdivision, north of Old Country Road and reaches almost as far as Landing Lane, south of Montauk Highway. About 69 percent of the East Quogue study area is within the Central Pine Barrens region—9 percent of which is located in the Core Preservation Area and 13 percent is identified as a Critical Resource Area. The balance of land within the Central Pine Barrens is located in the Compatible Growth Area. These lands are all located north of the Long Island Rail Road (LIRR) track. For the purpose of this study, the analysis year is 2015.

C. PLANNING BACKGROUND

The region as a whole, including the Town of Southampton, has experienced significant real estate investment and development pressure in recent years. This growth is consuming many of the larger remaining development parcels in what have been historically more rural or open areas. One such area subject to this development pressure is East Quogue. By the summer of 2006, there were more than 800 acres within the study area identified as projected development sites (i.e., sites with subdivision applications submitted to the Town or pending). In addition, another approximately 390 acres are potential development sites that do not have applications on file or imminent, but where development is assumed to occur in the future. As shown in Table 1-1 and Figure 1-3, there are three subdivision proposals on approximately 553 acres including Noble Farms (76 acres), The Hills at Southampton (420 acres), and Rosko Farms (57 acres). All of these proposals, with the exception of Rosko Farms, are Planned Residential Developments (PRD), which promote the preservation of prime agricultural land and/or natural areas while providing opportunities for varied housing types. The Rosko Farms subdivision, classified as a reduced yield standard with open space (RYS/OS) is a PRD where fewer lots are proposed, but the sizes of the lots are larger than what was originally planned. See Appendix A for a figure that shows the Suffolk County Tax Map numbers for all projected and potential development sites within the study area.

An additional 310 acres of vacant land are listed as projected development, but do not have applications pending before the Town—The Links, a proposal to construct an 18-hole golf course and residential uses on 148 acres and Atlanticville, a proposed mixed use development on 162 acres with varied housing opportunities including single-family detached and attached units, apartments, condominiums, and live/work units; commercial including a hotel; retail including a grocer and the existing farmer's market; land dedicated to the school district; a sewage treatment plant; a shuttle/train station; and open space uses.

In addition to the projected developments described above, there are six potential development sites, two of which, Gibbs and Lar Sal Realty Corp., are largely vacant properties. These two vacant properties total about 93 acres (12.3 and 80.3 acres, respectively). The third potential development site—Densieski Farms—is presently used for agricultural purposes. Turtle Bay is currently used as a seasonal night club on almost 3 acres. The two remaining sites, Sand Farm Corp. and East Coast Mines, are actively used for sand mining operations. The current New York State Department of Environmental Conservation Mine Permit expires for both of these facilities in July 2010. It is presumed that these properties, at some point in the future, could be developed with residential homes or other uses including open space and recreation. These proposals would be subject to both current zoning and the end use requirements of the permit.



East Quogue Study Area

Projected Development Sites

- 1: Noble Farms
- 2: The Hills at Southampton
- 3: The Links
- 4: Parlato
- 5: Rosato

Potential Development Sites

- A: Densasaki
- B: John Tittle Sand Mine (Sand Farm Corp)
- C: Quogue Hill LLC (East Coast MI)
- D: Gibbs
- E: Lar Sa Realty
- F: Turtle Bay

Exempt Sites

- a: Miller Wright
- b: Kipowski
- c: Evergreen Field Estate
- d: Lynes & Rody II
- e: East Quogue Medical Center
- f: IJRR

Source: Town of Southampton GIS Database, June 2006

Scale: 0, 1,300, 2,600, 5,200 Feet

Projected and Potential Development Site Ownership
Figure 1-3

Chapter 1: Project Background

**Table 1-1
Projected and Potential Development Sites**

Map ID	Ownership /Applicant	Site Size (acres)	As-of-Right Residential Lots	Proposed Residential Lots	Proposed Uses	Current Zoning	Current Overlay	Type of Development	Application Status
Projected Development Sites									
1	Noble Farms	76.1	26	27 cluster	Residential and open space and agricultural preserve	CR80, CR120	APOD, AOD, CGA	PRD	Adopted pre-application report
2	The Hills at Southampton ^{1,2}	420.1	113	111 cluster	Residential, open space preserve, trails, and recreation amenities	R20, CR80, CR120, CR200	APOD, CGA, CPA	PRD	Adopted pre-application report and hearing held in March 2006
3	The Links	148.4	48	80	Golf course with residential	CR80, CR120, CR200	APOD, CGA, CPA	-	No plans have been submitted to the Town
4	Atlanticville (Parlato) ³	161.5	80 ³	300	Residential, commercial, institutional, and open space	R20, R40, CR120, CR200	APOD, CGA, CRA	PDD	Conceptual plans have been submitted to the Town
5	Rosko Farms	56.7	14	8	Residential and open space preserve	CR120, CR200	APOD, CGA, CPA, CRA	RYS/OS	Preliminary approval
Total		863	281	550					
Potential Development Sites									
A	Densieski Farm	88.1	27	N/A	N/A	CR80, CR200, LI200	APOD, AOD, CGA	N/A	N/A
B	Sand Farm Corp	57.5	13	N/A	N/A	CR-120, CR-200	APOD, AOD, CPA, CGA	N/A	N/A
C	East Coast Mines Ltd	146	31	N/A	N/A	CR-120, CR-200	APOD, AOD, CPA, CGA	N/A	N/A
D	Gibbs	12.3	5	N/A	N/A	CR-80	APOD, CGA	N/A	N/A
E	Lar Sal Realty Corp.	80.3	31	N/A	N/A	CR-120, CR-200	APOD, CPA, CGA, CRA	N/A	N/A
F	Turtle Bay	2.7	2	N/A	N/A	R40	N/A	N/A	N/A
Total		387	109						
Exempt Projects									
a	Map of Miller J. Wright	60.7	21	N/A - One existing unit	Residential and agricultural	CR80, CR120, CR200	APOD, AOD, CGA, CPA	COS	Adopted pre-application report December 2005
b	Map of Kijowski Family Farm	115.9	43	7	Residential and open space and agricultural preserve	CR80, CR120, CR200	APOD, AOD, CGA	COS	Final conditional approval December 2006
c	Evergreen Field Estates	6.2	3	3	Residential	CR80	APOD, CGA	-	Submitted site plan
d	Map of Rady-Lynes II	17.2	13	14 cluster	Residential and open space preserve	R40	N/A	PRD	Final conditional approval January 2007

East Quogue Generic Environmental Impact Statement

**Table 1-1 continued
Projected and Potential Development Sites**

Map ID	Ownership /Applicant	Site Size (acres)	As-of-Right Residential Lots	Proposed Residential Lots	Proposed Uses	Current Zoning	Current Overlay	Type of Development	Application Status
e	East Quogue Medical Center	1.3	5	4 second-story apartments	Three buildings with medical offices and 4 second story apartments	HO	N/A	-	Submitted site plan
Total		201	85						
Overall Total		1,451	475						

Notes:

¹ Projects identified as Developments of Regional Significance due to the size and/or potential impact.
² It should be noted that almost 90 acres of the Hills at Southampton are located north of Sunrise Highway and the study area (see Figure 1-3).
³ The estimated as-of-right development excludes approximately 6.25 acres that comprise wetlands

APOD=Aquifer Protection Overlay District; AOD=Agricultural Overlay District; CGA=Central Pine Barrens Compatible Growth Area; CPA=Central Pine Barrens Core Preservation Area; CRA=Central Pine Barrens Critical Resource Area, COS=Conservation Opportunity Subdivision (80% of property preserved); PRD=Planned Residential Development; PDD = Planned Development District

Five additional projects have been recently completed or approved and are exempt from the EQ Moratorium. These projects include Miller J. Wright (61 acres), Kijowski Family Farm (116 acres), Evergreen Field Estates (6 acres), Rady-Lynes II (17.2 acres), and East Quogue Medical Office Center (0.25 acres). Town Board Resolutions No. 2006-396 and 2006-1117 below provide more detail on these exemptions.

TOWN BOARD RESOLUTION NO. 2005-1353 (OCTOBER 2005)

By passing Local Law 52 of 2005, the Town Board approved the reclassification of the East Quogue downtown zoning districts. This reclassification, in conformance with the Town’s 1999 *Comprehensive Plan Update*, encourages a civic hamlet center that promotes a walkable and sociable center with a new park and community center and possibly a library. To accomplish these objectives while providing an orderly transition in uses, density and bulk between the existing residential, retail, and office development along the central business corridor, the Highway Business (HB) district was changed to Hamlet Office/Residence (HO) and R20 while the Village Business (VB) was changed to HO, Hamlet Commercial/Residence (HC), and R20. This rezoning, consistent with the Comprehensive Plan, also promotes tax ratable development within a compact and well-balanced center to eliminate potential commercial sprawl.

TOWN BOARD RESOLUTION NO. 2006-360 (MARCH 2006)

In March 2006, the Southampton Town Board adopted Resolution No. 2006-360 acknowledging that each of the Town’s hamlets are faced with unique challenges and opportunities and should be analyzed further in separate studies. As such, a GEIS would be prepared for the East Quogue study area. Recognizing that more than 1,000 acres of land were under consideration for development in East Quogue, the resolution allows the Town to evaluate land use alternatives for the study area in the context of potential cumulative and site specific environmental impacts including physical, natural, social, economic, fiscal, and regulatory issues such as geology and groundwater, wetlands and natural features, population and housing, infrastructure, Town services, and the school district. Based on this assessment of cumulative impacts and a consideration of alternatives and mitigation measures, the GEIS may identify recommendations for changes to existing land use plans and zoning regulations. This GEIS has been developed as a result of that resolution.

TOWN BOARD RESOLUTION NO. 2006-396 (MARCH 2006)

In furtherance of the above resolution, in March 2006 the Town Board passed Resolution No. 2006-396. This resolution called for a 12 month development review moratorium within the East Quogue study area while the GEIS is prepared. Criteria were also established to exclude certain properties from the moratorium including but not limited to:

- Building permits and subdivision applications for projects that had received all necessary approvals prior to the adoption of this Chapter;
- Minor additions less than 1,000 square feet to existing structures;
- Renovations of existing structures that do not involve a change of use;
- Modifications to approved applications which do not involve expansion of existing structures;
- A site plan and special exception application submitted for a parcel that preserves at least 80 percent of open space for the preservation of prime agricultural soils; and
- Subdivision applications for three lots or less.

Five of the above identified projected development sites are exempt from the East Quogue moratorium. Miller J. Wright and Kijowski Family Farm are both Conservation Opportunity Subdivisions (COS), which encourages agricultural production as well as preservation and protection of the farmability of the land. The first application, Miller J. Wright, as of December 2006 has deeded and preserved approximately 58 acres of land (approximately 49 percent of the site) for agricultural use while the remaining land would continue to be utilized for a residential home and the active sand mining operations (Sand Farm Corp.). The portion of this application that is dedicated to sand mining has been added as a potential development site for the purpose of the GEIS (see site B: Sand Farm Corp.). The Kijowski property is 116 acres, 80 of which would be preserved for agriculture and 19.7 acres would be preserved as woodland. The remaining 16 acres would be developed with seven single-family residential units. Rady-Lynes II was also granted an exemption from the moratorium. This application is the proposal to develop 14 residential units on 13 lots while preserving 25.2 percent of the site as open space. This application was deemed by the Town Board to not pose a significant adverse impact to the surrounding neighborhood and/or natural communities in the project vicinity. Evergreen Field Estates is also exempt from the East Quogue moratorium. This proposal is a traditional single-family development on three lots on 6 acres. The last project that is exempt from the moratorium is the East Quogue Medical Center. This application is the proposal to develop 1.33 acres with three separate buildings to be used as medical offices. These buildings would also include second story apartments for a total of four apartments on the project site. See Resolution No 2006-1117 that exempts the East Quogue Medical Center from the moratorium. The project was then identified as the East Quogue Village Center.

TOWN BOARD RESOLUTION NO. 2006-454 (MARCH 2006)

Scoping of the GEIS is the earliest opportunity for the public to be involved in the State Environmental Quality Review Act process. In March 2006, the Town Board passed Resolution No. 2006-454 that identified public scoping as part of the GEIS review. Scoping is designed to identify the issues to be addressed in the GEIS and the methodologies by which these issues will be analyzed. Scoping ensures that the GEIS is a comprehensive document that covers all concerns and issues for public and agency review with the use of appropriate methods for impact evaluation and providing an appropriate level of detail in all analyses. The scope for this GEIS

East Quogue Generic Environmental Impact Statement

was made available to the public and in addition to the scoping meeting (held on April 25, 2006), there was a 30-day comment period held after the public scoping session to receive written comments on the draft scoping document. A final scope was prepared based on all comments (both spoken and written) presented to the Town and adopted by the Town on September 21, 2006.

TOWN BOARD RESOLUTION NO. 2006-578 (APRIL 2006)

This resolution is the adoption of Local Law No. 18-2006 creating a new Chapter 309 (East Quogue Moratorium) of the Town Code.

TOWN BOARD RESOLUTION NO. 2006-1117 (AUGUST 2006)

By adoption of Resolution No. 2006-1117, the Town Board found that the East Quogue Village Center (now identified as the East Quogue Medical Center) should be exempt from the East Quogue Moratorium for the following reasons:

The property was recently the subject of a rezoning effort that changed the zoning classification from Highway Business to Hamlet Office/Residential as recommended in the Town's *1999 Comprehensive Plan Update*;

The subject application would be consistent with the goals of the *1999 Comprehensive Plan Update* in that the parcel would be developed under the HO guidelines;

The applicant's parcel is 1.33 acres of land, which is a relatively small area in the business district

The applicant's parcel is not located near pine barrens, wetlands, or endangered plant and animal species, and therefore has relatively few environmental concerns;

The extent of the proposed development is to construct three separate buildings with one building to include a second story apartment with associated parking;¹ and

The proposed project would not likely create an adverse impact on the surrounding neighborhood, and the site plan will be reviewed by both the Planning Board and Architectural Review Board to ensure compatibility with the aesthetic resources of the community.

TOWN BOARD RESOLUTION NO. 2007-623 (APRIL 2007)

This resolution is the adoption of Local Law No. 21 of 2007 that extended the East Quogue Moratorium for six months, until November 11, 2007.

TOWN BOARD RESOLUTION NO. 2007-1440 (OCTOBER 2007)

By adoption of Local Law No. 50 of 2007, resolution 2007-1440 is the approval for a second extension for the East Quogue Moratorium for an additional six months, until May 11, 2007.

¹ The East Quogue Medical Center project scope has expanded and now includes a total of four apartments.

TOWN BOARD RESOLUTION NO. 2007-1440 (OCTOBER 2007)

By adoption of Local Law No. 50 of 2007, resolution 2007-1440 is the approval for a second extension for the East Quogue Moratorium for an additional six months, until May 11, 2008.

D. STUDY GOALS AND OBJECTIVES

As stated above, the Town of Southampton initiated this study for the purposes of understanding the cumulative environmental and social impacts of land use alternatives for the East Quogue study area. To that end, this study has the following goals:

- Provide an evaluation of the environmental and social consequences of potential land use plans for the East Quogue study area;
- Analyze the impacts of development proposals both individually and collectively;
- Present mitigation measures that eliminate or reduce significant environmental impacts;
- Present and examine alternative land plans that provide additional benefits to the Town or reduce impacts;
- Present analyses for public review and input for the purposes of developing a land use proposal for the future of East Quogue with the least environmental, social, and fiscal impact;
- Identify a traffic circulation plan that avoids overburdening the existing street network;
- Encourage natural features preservation and recreational opportunities;
- Promote compatible open space opportunities through the preservation of contiguous large blocks of land and creating the opportunity for an open space network linked by a trail and park system; and
- Recognize the land use and environmental protection recommendations of the Town's *1999 Comprehensive Plan Update*, the South Shore Estuary Reserve, and the Central Pine Barrens Plan.

E. TOWN AND REGIONAL LAND USE POLICIES

There are a number of Town, State, and regional planning policies and programs that apply to the study area. A summary of these policies and programs follows.

TOWN OF SOUTHAMPTON

TOWN OF SOUTHAMPTON 1970 MASTER PLAN

The *Town of Southampton Master Plan* was first published in 1970 and focused on the balance between development and natural features protection, groundwater management, protection of agricultural resources, and wetlands preservation. It was recommended in that plan that areas where growth should occur are the historically populated hamlets and villages in the Town, while recognizing that open spaces and neighborhood parks are essential components of future development. The plan specifically identified the need for planned residential development within East Quogue and the preservation of tidal salt marshes and woodland buffers along the shoreline. The importance of the resort resources of the Town, including its extensive beaches, was also presented.

East Quogue Generic Environmental Impact Statement

TOWN OF SOUTHAMPTON 1984 MASTER PLAN UPDATE

The *1984 Master Plan Update* aimed to reevaluate the development density recommended in the 1970 Master Plan and to further establish a balance between preservation of the natural environment and development, while providing for a mix of land uses and adequate open space that would meet the needs of a diverse group of people. This plan recommended upzoning to 3 and 5 acre lots for a vast number of lands throughout the Town. Specific to the East Quogue study area, lands north of the LIRR tracks were recommended to be rezoned to CR200 to preserve the large undisturbed area of the Pine Barrens as well as to protect groundwater recharge. This update also encouraged the Town to further pursue the preservation of lands through the purchase of development rights and to reduce density in the subdivision process.

WESTERN TOWN GENERIC ENVIRONMENTAL IMPACT STUDY

In 1993, the Town released the *Western Town Generic Environmental Impact Study*. This analysis was for the Town's portion of the Central Suffolk Special Groundwater Protection Area designated by the Long Island Regional Planning Board in their *Long Island Comprehensive Special Groundwater Protection Area Plan* published in 1992. That GEIS identified a large portion of land west of the Shinnecock Canal for preservation and also identified areas where development would be appropriate if designed in accordance with the guidelines and goals of the GEIS. The area identified in the GEIS as a forest preserve closely matches the Central Pine Barrens Core Preservation Area, with the exception of some expansions that the Town deemed to be included in the Core Preservation Area. None of these expansion areas are in the East Quogue study area.

The GEIS also recognized the importance of protecting the area from development to preserve its unique biodiversity, protect water resources, and prohibit forest fragmentation. The overall objective was to preserve this area in its natural state while recognizing the need for economic growth by permitting residential and recreational developments within designated areas west of the Shinnecock Canal.

Consistent with the Central Pine Barrens plan, the GEIS designated most of the East Quogue study area as compatible growth, thus promoting environmentally compatible planned developments that would cluster residential units towards the southern portion of the property while providing large open spaces to the north and establishing a buffer between the Core Preservation Area and Compatible Growth Area, thereby maintaining large unfragmented forest blocks for open space and ecological preservation.

The preferred development scenario specific to this study area was the establishment of a wilderness park in the Henry's Hollow region south to the LIRR tracks. This wilderness park would provide a passive recreation venue for residents and visitors to enjoy a relatively pristine open space in the Pine Barrens with its unique wildlife and biota while promoting the Town as a destination for nature tourism and enhancing public awareness of the exceptional ecological quality of the region. To the west of the wilderness park, the GEIS proposed establishing a resort development zone that would support the park and boost the local tourist economy. The GEIS recognized East Quogue's large expanse of undeveloped land as a prime opportunity for such a resort community that in addition to boosting the local economy would provide a buffer against overuse of the forest preserve. This resort area would comprise a hotel and several lodges (near Spinney Road) designed to blend with the natural landscape and would provide low impact recreation amenities including horseback riding with a network of bridle paths and walking trails. The recreation activities would extend from Sears Bellow Park in the northeast to the sand

mines towards the western edge of the East Quogue study area. Active recreation uses included a golf course in the disturbed areas (i.e., at the sites of the current sand mine operations). Resort villas were also proposed as part of the golf course complex.

Similar to the Central Pine Barrens plan (discussed below), the GEIS recommended the use of Transfer of Development Rights (TDR) to facilitate the preservation of the forested lands by permitting land owners to transfer their development rights from sending areas (i.e., areas within the forest preserve) to areas where development is more appropriate and would minimize impacts on the natural environment (receiving areas). Similar to the Central Pine Barrens plan, the GEIS identified the parcel of land south of Old Country Road and north of Montauk Highway that is presently proposed for a portion of the Atlanticville development as a potential receiving site. However, this site was located outside of the Western GEIS study area boundary.

The GEIS was never adopted by the Town and has been superseded by other documents that have been approved since that time (e.g., the Central Pine Barrens plan). However, the Town continues to use the GEIS as a reference in reviewing development applications.

TOWN OF SOUTHAMPTON 1999 COMPREHENSIVE MASTER PLAN UPDATE

Overall Objectives

A comprehensive update of the 1970 and 1984 master plans was released by the Town in 1999. The *1999 Comprehensive Plan Update* for the Town of Southampton focused on land management, growth, and environmental protection throughout Southampton. As stated in the adopted plan, “all Town land use regulations must be in accordance with the Comprehensive Plan” and the underlying purpose of the plan is “the control of land uses for the benefit of the whole community.”

The Town’s vision in preparing this Comprehensive Plan was to protect existing natural and cultural resources, promote community spaces, encourage economic growth, and provide alternative transportation options for residents. With the adoption of the Comprehensive Plan, the Town has specifically committed to:

- Protect its valuable natural, historic, and scenic resources;
- Enhance the community through a variety of public facilities and programs designed to ensure that Southampton can meet the fullest range of needs for its entire community today and tomorrow;
- Maintain the existing nature of the local economy, while working to enhance the diversity of the economy for the future, particularly in the areas of tourism and the second home industry, while protecting the Town’s character and quality of place; and
- Create more choices for residents in how they travel to and through town, and creating a transportation system that works in tandem with land use to preserve a landscape of rural roads with distinct village and hamlet centers.

The Town’s plan recognizes that each of its hamlets is unique and must contend with different challenges and opportunities. The overall goal for the East Quogue hamlet was to create a “civic hamlet center theme, featuring a walkable center and a new park and community center and possibly a library.” Beyond the development of a community center/library and a park within walking distance of the main street area, other recommendations relative to East Quogue are to:

East Quogue Generic Environmental Impact Statement

- Prohibit residential and commercial sprawl but encourage intensive residential, resort and waterfront development, where appropriate, to preserve the pine barren areas and farmland;
- Continue to support a traditional compact mix of retail and civic uses;
- Promote economic growth in the downtown area while maintaining the hamlets historic quality; and
- Ensure preservation of open space views.

2004 UPDATE TO THE TOWN OF SOUTHAMPTON COMPREHENSIVE PLAN TRANSPORTATION ELEMENT

In November 2004, the Town of Southampton published the *Update to the Town of Southampton Comprehensive Plan Transportation Element*. This document attempts to address the Town's problems with traffic congestion particularly on major arterials east of the Shinnecock Canal due to a tripling of the population during the summer months. Recommendations set forth in this plan use a multi-modal approach to relieve congestion as well as land use and zoning policies to protect the existing transportation infrastructure and to facilitate the use of public transportation in the future. The update recognizes that Smart Growth techniques (such as directing development to existing hamlet and employment centers and transit facilities) and Access Management (the effective management of highway access, via driveways or streets, to adjacent developments) are the most appropriate tools necessary for the Town to continue to preserve environmentally sensitive land and farmland, ultimately resulting in a reduction in the number of homes that can be built and thus reducing the escalation of traffic congestion. The following are recommendations made by the update that would impact the East Quogue study area:

- Develop an integrated bus and rail transit system based on frequent rail service (every half hour in each direction) between Montauk Point and some point west of Speonk.
- Establish a new division in the Department of Land Management or Department of Public Works to provide expertise and guidance in administration of an Access Management Program. This new division would also assist the Town Board in evaluating requests for traffic control; complaints of unsafe traffic conditions; and recommendations for improvements as well as oversee the improvement projects related to street lighting, bicycle lanes, traffic calming, and transit enhancements.
- Create a new commission to help steer implementation of the Transportation Comprehensive Plan Update and oversee all transportation matters.
- Create a separate transportation authority with the other East End towns and villages or at a minimum on the South Fork.
- Establish a traffic management system to actively monitor the highway system using traffic sensors and closed circuit television. Based on incoming data, signal timings are modified, variable message signs are activated, and incidents are identified and help is dispatched.
- Modifications or improvements to roads should include the evaluation of the appropriateness of introducing traffic calming efforts to improve traffic flow, safety, and sustainability along with appropriate landscaping to ensure safety, and to maintain the rural, aesthetic, and historic character of the Town.
 - Incorporate safe conditions for bicycle travel and management (e.g., storage and parking facilities) as an alternative mode of transport.

- The update identified Montauk Highway in the hamlets of Eastport, Speonk, Westhampton, East Quogue, Hampton Bays, Water Mill, and Bridgehampton as providing parking in the shoulder, which forces bicyclists to use the same travel lanes as motor vehicles.
- Pursue Demand Reduction Strategies and Transportation Demand Management (e.g., commuter tax credits, the use of intermodal transit such as rail and bus systems) to reduce traffic congestion and the related problems and issues.
- Where appropriate and when possible, eliminate left hand turns onto and off of Montauk Highway. It was noted that adequate enforcement is required to achieve this recommendation.
- All road improvements should, wherever possible, include burying adjacent utility lines.
- Prepare Transit Oriented Development plans.
- Develop hamlet strategies that protect the hamlet character but also meet the present and future traffic demands. Strategies should reduce the number of through trips by providing public transit or bypass routes.

The update recognizes that the only way for public transit systems to work is that users must be located close to the system and the use that the riders are destined for must also be close. The update further recognizes that a large quantity of workers travels from outside of the Town and therefore, affordable housing for year round residents would further reduce congestion due to a reduction in travel time and distance.

LAND USE REGULATIONS

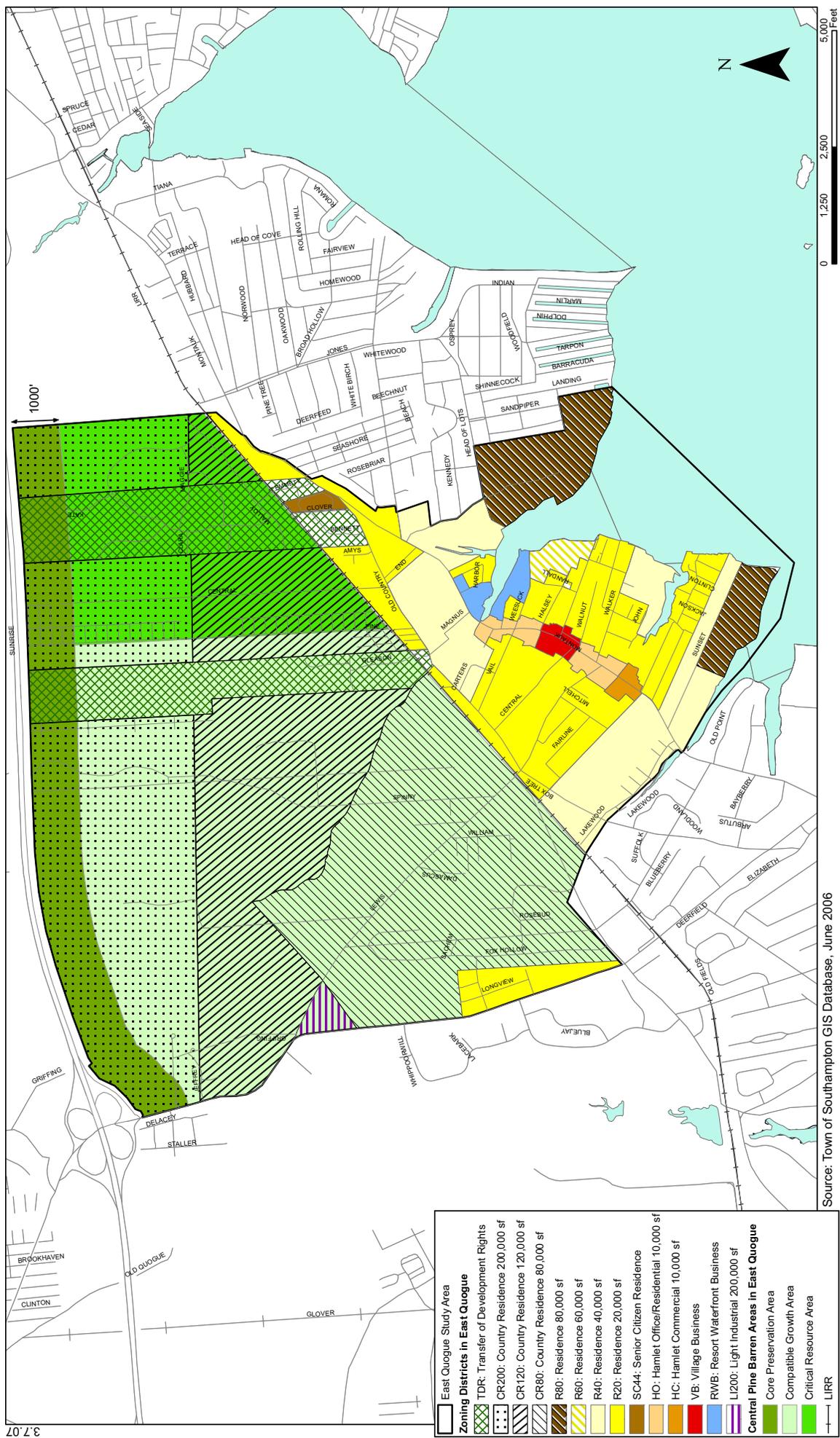
Chapter 330: Zoning

There are a number of zoning districts within the study area. As shown in Figure 1-4 and Table 1-2, more than half the land in the study area is zoned CR200 and CR120. In addition to the districts shown, the Town has a Planned Development District (PDD) that can be applied to sites meeting the applicable zoning requirements (see the discussion below). The majority of the zoning districts in the study area are residential districts (including the TDR district). A total of 1.3 percent of the study area is in a business zone (village or hamlet office or commercial along Main Street), 0.6 percent is waterfront business (marine and other uses along the waterfront of Weesuck Creek), and there is a small portion of the study area, 0.5 percent, dedicated to light industrial uses.

Residential Districts

CR200 Country Residence. The Town's CR (Country Residence) 200 zoning district is the most prevalent zoning district (24 percent) in the study area. This district requires minimum 200,000 square foot (about 5 acre) parcels, with an allowable minimum lot width of 200 feet, a minimum front yard setback of 100 feet, a minimum side yard setback of 125 feet (total for both sides on interior lot), and a minimum rear yard setback of 100 feet. There are also setback requirements for accessory buildings and structures (excluding fences and retaining walls).

Land uses that are permitted within this residential zoning district include single-family detached dwellings; parks, playgrounds and recreation areas (when authorized or operated by the Town); fire stations, municipal offices or any government building of similar character; schools; and agricultural uses, excluding animal husbandry (raising of livestock). The Town may also grant special exception uses that must meet certain conditions and criteria so as to assure compatibility and harmony with those uses permitted by right in a zoning district. Within the CR200 district,



Existing Zoning
Figure 1-4

East Quogue Generic Environmental Impact Statement

Source: Town of Southampton GIS Database, June 2006

	East Quogue Study Area
Zoning Districts in East Quogue	
	TDR: Transfer of Development Rights
	CR200: Country Residence 200,000 sf
	CR120: Country Residence 120,000 sf
	CR80: Country Residence 80,000 sf
	R80: Residence 80,000 sf
	R60: Residence 60,000 sf
	R40: Residence 40,000 sf
	R20: Residence 20,000 sf
	SC44: Senior Citizen Residence
	HO: Hamlet Office/Residential 10,000 sf
	HC: Hamlet Commercial 10,000 sf
	VB: Village Business
	RWB: Resort Waterfront Business
	L1200: Light Industrial 200,000 sf
	Core Preservation Area
	Compatible Growth Area
	Critical Resource Area
	LIRR

permitted accessory uses include home occupation professional office, wind energy conservation systems, greenhouses (private) and accessory apartments subject to certain restrictions.

**Table 1-2
Zoning Districts in the Study Area**

Zoning District	Land Areas (acres)	Percent of Total Area
CR200: Country Residence	901.5	23.8
CR120: Country Residence	756.1	20.0
CR80: Country Residence	687.6	18.2
R80: Residence	148.0	3.9
R60: Residence	19.3	0.5
R40: Residence	302.3	8.0
R20: Residence	455.5	12.0
SC44: Senior Citizen Residence	9.0	0.2
HO: Hamlet Office/Residence	29.1	0.8
HC: Hamlet Commercial/Residence	8.5	0.2
VB: Village Business	11.7	0.3
RWB: Resort Waterfront Business	21.8	0.6
LI200: Light Industrial	17.3	0.5
TDR: Transfer of Development Rights	412.9	10.9
Total	3780.7*	100
Note:	This zoning acreage does not include the surface waters that are part of the total study area acreage.	
Source:	Town of Southampton Town Code and GIS Database, August 2006	

CR120 Country Residence. This district requires a minimum of 120,000 square foot (3 acre) parcels, maximum lot coverage (main and accessory buildings) of 10 percent, a minimum lot width of 200 feet, a maximum building height of 2 stories (or 32 feet), a minimum front yard setback of 80 feet, a minimum side yard setback of 75 feet (total for both sides on interior lot), and a minimum rear yard setback of 100 feet. Permitted and accessory uses generally include those identified above for the CR200 zoning district.

CR80 Country Residence. This district requires a minimum 80,000 square foot (2 acre) parcels, with a maximum lot coverage (main and accessory buildings) of 10 percent, a minimum lot width of 175 feet, a maximum building height of 2 stories (or 32 feet), a minimum front yard setback of 80 feet, a minimum side yard setback of 75 feet (total for both sides on interior lot), and a minimum rear yard setback of 100 feet. Permitted and accessory uses generally include those identified above for the CR200 zoning district.

R80 Residence. This district requires a minimum 80,000 square foot (about 2 acre) parcel, maximum lot coverage (main and accessory buildings) of 10 percent, a minimum lot width of 175 feet, a maximum building height of 2 stories (or 32 feet), a minimum front yard setback of 80 feet, a minimum side yard setback of 75 feet (total for both sides on interior lot), and a minimum rear yard setback of 100 feet. Permitted and accessory uses generally include those identified above for the CR200 zoning district.

R60 Residence. This district requires a minimum 60,000 square foot (about 1.5 acre) parcel, maximum lot coverage (main and accessory buildings) of 15 percent, a minimum lot width of 150 feet, a maximum building height of 2 stories (or 32 feet), a minimum front yard setback of 80 feet, a minimum side yard setback of 65 feet (total for both sides on interior lot), and a

minimum rear yard setback of 100 feet. Permitted and accessory uses generally include those identified above for the CR200 zoning district.

R40 Residence. This district requires a minimum 40,000 square foot (about 1 acre) parcel, maximum lot coverage (main and accessory buildings) of 20 percent, a minimum lot width of 150 feet, a maximum building height of 2 stories (or 32 feet), a minimum front yard setback of 60 feet, a minimum side yard setback of 60 feet (total for both sides on interior lot), and a minimum rear yard setback of 70 feet. Permitted and accessory uses generally include those identified above for the CR200 zoning district.

R20 Residence. This district requires a minimum 20,000 square foot (½ acre) parcels, maximum lot coverage (main and accessory buildings) of 20 percent, a minimum lot width of 120 feet, a maximum building height of 2 stories (or 32 feet), a minimum front yard setback of 40 feet, a minimum side yard setback of 45 feet (total for both sides on interior lot), and a minimum rear yard setback of 60 feet. Permitted and accessory uses generally include those identified above for the CR200 zoning district.

Senior Citizen Housing (SC44). Within the SC 44 District, a minimum parcel of 44,000 square feet (about 1.1 acre) is required with a minimum of 11,000 square feet per dwelling unit, a maximum lot coverage (main and accessory buildings) of 20 percent, with a minimum lot width of 200 feet, a maximum building height of 2 stories (or 32 feet), a minimum front yard setback of 50 feet, a minimum side yard setback of 100 feet (total for both sides on interior lot), and a minimum rear yard setback of 50 feet. In addition to senior citizen housing, the following uses are permitted in the SC44 District: dwellings lawfully existing prior to adoption of the current regulations; park, playground or recreation area when authorized or operated by the municipality; and plant nurseries.

Business and Mixed-Use Districts

Village Business (VB). In this business district, there are no minimum requirements for lot area. However, there is a maximum lot coverage (main and accessory buildings) of 70 percent, a minimum lot width of 20 feet, a maximum building height of 2.5 stories (or 35 feet), a minimum front yard setback of 10 feet, a minimum side yard setback of 15 feet (total for both sides on interior lot), and a minimum rear yard setback of 35 feet. The following uses are permitted in the VB district: village dwellings lawfully existing prior to adoption of the current regulations; park, playground or recreation areas when authorized or operated by the municipality; church or similar place of worship or religious instruction; parish house, rectory, seminary or convent; school, elementary or high, public denominational or private, operated or licensed by the New York State Education Department; bus passenger shelter; medical arts building; greenhouse; agricultural; plant nursery; retail business; office business; personal services; amusement and recreational uses; other business uses and accessory uses.

Hamlet Office/Residence (HO) and Hamlet Commercial/Residence (HC). Within the Town's HO and HC districts, a minimum parcel of 10,000 square feet (about 0.25 acres) is required with a maximum lot coverage (main and accessory buildings) of 20 percent, a minimum lot width of 75 feet, a maximum building height of 2 stories (or 32 feet), a minimum front yard setback of 30 feet, a minimum side yard setback of 30 feet (total for both sides on interior lot), and a minimum rear yard setback of 30 feet. The HO and HC districts were recently adopted (in 2005) for the hamlet of East Quogue to eliminate the HB (Highway Business) district, which was in conflict with the small lot sizes and residential uses that dominate the East Quogue hamlet center. These districts also replaced a large portion of the VB district in this area to promote more compatible

East Quogue Generic Environmental Impact Statement

mix of uses with the surrounding historic community character. The HO and HC districts permit similar uses, i.e., offices, housing, and low-traffic generating retail and service uses such as antique stores, galleries, and restaurants without liquor licenses. In addition, the HC district would permit by special exception some of the commercial and retail uses allowed in the VB district.

Resort Waterfront Business (RWB). The RWB requires a minimum lot of 40,000 square feet (equivalent to approximately 1 acre) with a maximum lot coverage of 20 percent, a minimum lot width of 150 feet, a maximum building height of 2 stories (or 35 feet), a minimum front yard setback of 60 feet, a minimum side yard setback of 100 feet (total for both sides on interior lot), and a minimum rear yard setback of 50 feet. The intent of the RWB district is to promote commercial business including hotels and motels along the waterfront. Specifically, the following uses are permitted by special exception: bar, tavern or nightclub; bowling alleys or billiards; other outdoor activities; motels; marinas and yacht clubs; waterfront business complex; noncommercial educational, scientific, and research organization to study the marine environment; fresh or frozen packaged fish or commercial fishing facilities; ship and boat building and repairing; and boatyards. Permitted uses include church or similar place of worship or religious instruction; parish house, rectory, seminary or convent; park, playground or recreational area when authorized or operated by the municipality; fire station or any governmental building; school, elementary or high, public denominational or private, operated or licensed by the New York State Education Department; bus passenger shelter; agriculture excluding animal husbandry and restaurants. Accessory uses including docks or similar marine structures are permitted in this district.

Light Industry (LI200)

There is a small area (17.3 acres) of Light Industry zoned land in the study area. In the LI200 District, a minimum parcel size of 200,000 square feet (about 5 acres) is required with a maximum lot coverage (main and accessory buildings) of 20 percent, a minimum lot width of 300 feet, a maximum building height of 3 stories (or 40 feet), a minimum front yard setback of 60 feet, a minimum side yard setback of 120 feet (total for both sides on interior lot), and a minimum rear yard setback of 60 feet. The following uses are generally permitted in the LI200 district: dwellings lawfully existing prior to adoption of the current regulations; residential community facilities; general community facilities (e.g., bus passenger shelter, sewage treatment plant or water supply facility); agricultural business uses (mainly by special exception); wholesale uses (by special exception only); limited retail business uses (largely by special exception); office business and service uses (with the exception of taxicab services, by special exception only); nonmanufacturing industrial uses by special exception only; manufacturing industrial uses; and other accessory uses.

Transfer of Development Rights (TDR)

Within the study area, the TDR district was established in 1988 when about 249 acres were deeded and transferred to the Town of Southampton in association with the Malloy subdivisions (including the 30-lot subdivision on Gleason Drive and the Pines subdivision). This district allowed the applicant to increase the density of the Pines due to TDR from the property north and south of Sunrise Highway in East Quogue. As shown on Figure 1-4, the TDR district is located north of Old Country Road in the eastern portion of the study area.

Planned Development District

The Town has a floating zoning district that is referred to as the Planned Development District. It is the purpose of this district to provide public benefits, such as protecting natural resources while accommodating and providing for growth. It is intended that the district be used to achieve desirable development through the use of creative and imaginative site planning and design for residential, mixed-use, commercial, and industrial developments that might otherwise not be achievable under conventional zoning. A PDD can also serve as receiving sites for Pine Barrens credits and other applicable development rights transfers. Bonuses can also be awarded for providing substantial community benefits.

Goals of a PDD are to:

- Conserve and protect open space, natural resources, diverse ecological communities and protect groundwater quality and quantity;
- Provide and protect open space corridors;
- Preserve agricultural lands and uses;
- Consider and coordinate school districts, utilities, and governmental services;
- Encourage an efficient use of undeveloped land;
- Preserve and improve existing smaller communities and foster sharing of amenities and the utilization of local services;
- Provide a range of housing needs;
- Reduce effective cost of governmental and other public services;
- Reduce infrastructure extensions; and
- Prevent inappropriate development on lands encompassing wetlands, high water-table areas, steep slopes, and other unsuitable terrain.
- Provide development where the mix of uses encourages a sense of place by way of aesthetics and physical, social, and economic parameters;
- Encourage development and improvement of significant areas including “main streets” and historic or architecturally important locations;
- Assure that lands identified as sending and receiving areas for development are consistent and harmonious with the Town’s comprehensive land use objectives.

There are five classifications of PDDs:

- Residential (PRD)
- Mixed Use (MUPD)
- Commercial/Industrial (CIPD)
- Recreation/Tourism (RTPD)
- Maritime (MPD)

The Town Board must grant approval for the use of this district and the Planning Board approves the subdivision map or site plan. In PRD districts, the following standards apply to development:

- Compatibility with adjoining land uses;
- Preparation of a yield map consistent with existing zoning (additional density can be added at the discretion of the Town Board, if other goals of the PDD are met); and

East Quogue Generic Environmental Impact Statement

- The permitted uses are residential, agricultural, golf courses, or recreational facilities.

Aquifer Protection Overlay District

Southampton recognizes that population density and the intensity of land use/land coverage are important variables that can impact water quality and quantity. Therefore, the Town designated a number of Aquifer Protection Overlay Districts in 1984. As an overlay district, special provisions apply to all lots within the district regardless of their underlying zoning designations.

In addition to regulating land use, specific measures aimed to protect natural vegetation have also been established within the district. The purpose is to maximize groundwater recharge and to minimize nitrogen loading from fertilizers. For residential lots, the amount of disturbance of natural vegetation may not exceed the percentages shown in Table 1-3. In order to minimize impacts on groundwater from fertilizers, pesticides, herbicides, and other substances, the Town has placed restrictions on fertilized vegetation. Specifically, fertilized vegetation may not exceed 15 percent of lot area, and shall not exceed 20,000 square feet unless approved by the Planning Board in accordance with an approved landscape plan.

The entire East Quogue study area north of the LIRR tracks is located within the Aquifer Protection Overlay District (see Figure 1-5).

**Table 1-3
Allowable Area of Lot Disturbance in the Aquifer Protection Overlay District**

Lot Size (square feet)	Percentage of Site
1 to 15,000	75
15,001 to 30,000	60
30,001 to 60,000	50
60,001 to 90,000	35
90,001 to 140,000	25
140,001 to 200,000	20
200,001 or greater	15

Notes: For multi-family (including senior citizen and affordable housing) and non-residential lots, the amount of disturbance of natural vegetation shall not exceed 50 percent of the area of the respective lot.
For PRD (cluster) subdivisions, the permitted natural vegetation disturbance shall not exceed 25 percent of the natural vegetation area found on the lot.

Source: Town of Southampton Code, Chapter 330, "Zoning," September 2006

Agricultural Overlay District

The Town of Southampton, in recognition of the growing economic and development pressures facing prime agricultural lands and realizing the importance of the viewsheds provided by these open rural lands, has implemented an overlay district to encourage and make economically feasible the preservation of prime land for agricultural purposes.

The 1999 *Comprehensive Plan Update* recommended a combination of preservation approaches to reach the intended goal of at least 80 percent farmland preservation and reduction in overall density by 50 percent. Techniques for preservation include PRDs, TDR, purchase of development rights, Agricultural PDDs, and private conservation donations. When residential developments are considered, the parcel must be delineated to preserve the maximum possible land area for agricultural purposes. Further, unless approved by the Farmland Permit Administrator, no new structures are allowed to be constructed on the agricultural preserve.

Similar to the Aquifer Protection Overlay District, special provisions apply to all lots within the district regardless of their underlying zoning designations. However, the regulations set forth in the standard zoning district are also applicable.

Approximately 456 acres of land in the western portion of the study area, both north and south of the LIRR tracks are within the Agricultural Overlay District (see Figure 1-5).

Old Filed Map Overlay District

There are more than 300 subdivision maps filed with the office of the Suffolk County Clerk prior to May 13, 1931, which have no record of approval by either by the Planning Board or the Town Board. These maps, referred to as “old filed maps” are generally comprised of lots as small as 20 feet by 100 feet and are smaller than the minimum required in their applicable districts. Most of these lots are located in residentially zoned districts. (The entire study area is located within this overlay district.) The Town has created an Old Filed Map Overlay District to establish standards and procedures for the redevelopment of these nonconforming properties.

The Town has also established an Old Filed Map Land Bank Program. One of the main objectives of this program is to promote and manage the orderly development of old filed maps by the acquisition, holding, and disposition of development rights or land. These development rights and/or land would be purchased from funds contained within the Town's Land Bank Trust Fund.

Central Pine Barrens Overlay District

Consistent with the goals of the *Central Pine Barrens Comprehensive Land Use Plan* adopted in 1995, the Town of Southampton implemented a Central Pine Barrens Overlay District covering the land area governed by the Central Pine Barrens Plan. To ensure more stringent controls on development within this area, the Town adopted this district to equitably meet the economic and environmental needs of the present and future generations, and achieve sustainable development. The principal form of relief within this district is the ability to transfer development rights from the Central Pine Barrens district to approved receiving areas.

One residential development right (Pine Barrens credit) is allocated for each single-family dwelling permitted on a lot based on the development yield of the gross lot area multiplied by the development yield factors shown in Table 1-4. The Central Pine Barrens Overlay District is shown on Figure 1-6.

Table 1-4
Transfer of Development Rights Development Yield Factor

Zoning District	Minimum Lot Area of Zone (square feet)	Development Yield Factor
CR200	200,000	0.16
CR120 or R120	120,000	0.27
CR80 or R80	80,000	0.40
CR60 or R60	60,000	0.60
CR40 or R40	40,000	0.80
R20	20,000	1.60
R15	15,000	2.00
R10	10,000	2.70
Source: Town of Southampton Town Code, September 2006		

East Quogue Generic Environmental Impact Statement

Transfer of Permitted Residential Development Rights

The provisions of the Town code relative to the transfer of permitted residential development rights were enacted to implement the *1999 Comprehensive Plan Update* and the *Central Pine Barrens Comprehensive Land Use Plan*. The purpose of these provisions is to provide a means of achieving community planning objectives in connection with the area's natural resources, population, utilities, and housing, while maintaining the overall ratio established between potential build-out population and the safe yield of the aquifer.

Specifically, any land from which the development rights are to be transferred (i.e., the sending area) must exhibit features such that their permanent open space preservation will fulfill specific objectives, including, but not limited to maximizing groundwater recharge while lessening pollutant discharge to aquifer recharge areas or wetlands protection and their adjacent environments that provide ecological benefits (see Table 1-5 for the applicable zoning transfer regulations).

**Table 1-5
Transfer of Development Rights Regulations**

District to which Development Rights are to be Transferred	Density shall not exceed the number permitted in the District
CR120 or R120	CR80 or R80
CR80 or R80	CR60 or R60
CR60 or R60	CR40 or R40
CR40 or R40	R20
R20	MF44
Source: Town of Southampton Town Code, September 2006	

Development rights may be transferred within the CR200 zone and may be transferred out of the zone. However, development rights may not be transferred into the CR200 district from any other residential zone, unless authorized in connection with the establishment of a PDD, in which case a greater density may also be authorized. The resulting density on a parcel within the CR200 zone to which rights are transferred may not exceed the number of dwellings that would be permitted in the CR120 district. The site to which the TDR is proposed shall be no less than 5 acres in the CR200, CR120, CR80, CR60, CR40 R120, and R80 districts.

Chapter 325: Wetlands

Wetlands (freshwater, brackish, and tidal) are protected by the Town Code pursuant to Chapter 325. In establishing Chapter 325, the Town Board created a policy to achieve no net loss of existing wetlands and to restore and create wetlands where appropriate. The Town Code lists activities that require a permit in wetland areas or within 200 feet of a wetland boundary. Permits are sought from the Conservation Board or Planning Board (the approving authority depends on type of application). Permits may also be issued by the Town's Chief Environmental Analyst for certain kinds of activities, i.e., administrative wetlands permits. Regulated activities in and near wetlands include:

- Placing or depositing debris, fill, sand, gravel or other material;
- Clearing, digging, or dredging;

- Planting, seeding, or cultivating, and the use of fertilizers (unless there is a natural 75-foot buffer); and
- Construction or reconstruction of a structure; i.e., anything constructed or erected on or under the ground, or upon another structure or building.

There are standards in the code for permit review and approval. For undeveloped lands these standards include a:

- Minimum buffer zone of 100 feet for turf, landscaping, pesticide, or fertilizer application, landscaping, or other clearing of natural vegetation;
- Minimum buffer zone of 125 feet for structures; and
- Minimum buffer zone of 150 feet for septic systems.

For developed lands the setbacks are 75 feet for clearing and 100 feet for structures, with the exception of wetlands that are constructed recharge basins.

Buffer zones can be enlarged when it is determined that the minimum standards are insufficient, due to site specific features, to adequately protect and preserve the wetlands.

There are also procedures for minor project review. Minor projects generally include activities that occur outside the minimum setback buffers.

The approving authority has the power to set the term of the permit (usually 1 to 3 years), as well as to impose covenants, performance/maintenance bonds or other similar documents to assure that all provisions of the Town Code are met. Permits can be renewed, modified, transferred, suspended, or revoked by the approving authority. Penalties are assessed by the Town if any of the provisions are violated.

COMMUNITY PRESERVATION PROJECT PLANNING

The Town of Southampton has many natural features, as well as a countrified setting with abundant forests, wetlands, farmlands and historic hamlets bordered by beautiful sandy beaches with ocean and bay shorelines. The Town also enjoys clean air, clean water, plentiful fisheries and a wealth of open space. These features, in addition to its rich maritime, Native American, and colonial heritage, make Southampton one of the top places to live and visit in the world.

Recognizing the value of these resources, Southampton has always sought to preserve community character through open space preservation. For the past thirty years, the Town has put forth a range of plans and programs for preserving land and water, creating a regional network of parks, beaches, preserves, wildlife sanctuaries, agricultural reserves, trails, and historic sites. Implementation of these plans, however, has been challenged by the availability of funds.

In order to establish a regular source of funds for open space preservation, on June 22, 1998, State legislation was passed enabling the five East End towns of Suffolk County to establish, through local referenda, Community Preservation Funds to be supported by revenues from a 2 percent real estate transfer tax. These preservation funds are to be used to protect farmland and open space through a voluntary program. As permitted by statute, a Community Project Plan, once adopted by the Town Board, can only be "updated not less than 5 years, but in no event until 3 years after the adoption of the original plan." This program was first approved by local voters in 1998 and was recently extended in November of 2006, when the voters of the five East End Towns approved a ten-year extension of the tax to the year 2030.

East Quogue Generic Environmental Impact Statement

The legislative findings and intent supporting the creation of this program recognized that local governments in the Peconic Bay region of Suffolk County had made a substantial commitment towards the protection and preservation of farmland, open space, significant natural areas, historic places, and park and recreation opportunities, and that additional funding mechanisms were appropriate. Since the program was enacted, the Town has spent over \$161 million in conservation with \$152 million coming from the Community Preservation Fund. In 2005, the Suffolk County Clerk collected over \$90.5 million for the Community Preservation Fund with more than \$50.6 allocated to the Town of Southampton, an increase of 20 percent over 2004.¹

Community Preservation Project Plan Objectives

The Community Preservation Project Plan, which establishes the basis for the preservation program, serves several functions in carrying out the goals of the program. Most importantly, it lists the parcels for which the fund should be used. The project plan, as mandated by the State enabling legislation, must satisfy the following conditions:

- Each plan must list every project the Town plans to undertake pursuant to the Community Preservation Fund.
- Each plan must include every parcel that is necessary to be acquired in the Town in order to protect community character.
- Each plan must provide a detailed evaluation of all available land use alternatives to protect community character, including but not limited to: fee simple acquisition; zoning regulations, including density reduction, cluster development, and site plan and design requirements; transfer of development rights; purchase of development rights, and scenic and conservation easements.
- Each plan must establish the priorities for preservation, and include the preservation of farmland as its highest priority.

The enabling legislation provides further guidance for establishing preservation priorities other than farmland. Specifically, the project plan's focus may involve preservation and protection of one or more of the following:

- Parks, nature preserves, or recreation areas.
- Agricultural lands.
- Lands of exceptional scenic value.
- Fresh and saltwater marshes or other wetlands.
- Aquifer recharge areas.
- Undeveloped beach lands or shorelines.
- Wildlife-refuges for the purposes of maintaining native animal species diversity, including the protection of habitat essential to the recovery of rare, threatened or endangered species.
- Pine barrens consisting of such biota as pitch pine, and scrub oak
- Unique or threatened ecological areas.
- Rivers and streams in a natural, free flowing condition.
- Forested lands.

¹ www.co.suffolk.ny.us/pressreleases.cfm?dept=33&id=1503

- Public access to lands for public use including stream rights and waterways.
- Historic places and properties listed on the New York state register of historic places and/or protected under a municipal historic preservation ordinance or law.
- Any of the above in furtherance of the establishment of a greenbelt.

Community Preservation Project Plan 1998-2001

The Town's initial *Community Preservation Project Plan 1998-2001* was released in July 1998 and adopted by the Town Board in August 1998. For the area west of Shinnecock Canal, the Community Preservation Plan was prefaced by the Western GEIS (described above), and the *1996 Open Space Greenbelt Acquisition Report*. One purpose of the Western GEIS was to identify areas for preservation while recognizing that certain areas are appropriate for development as long as they are designed in accordance with the standards and guidelines set forth in the GEIS.

The *1998-2001 Community Preservation Project Plan* identified a total of eight target preservation areas, as follows:

- Unprotected prime agricultural land contained within the "Agricultural Overlay District".
- Twenty-two open space and greenbelt areas defined by previously adopted open space plans and the Town's *1999 Comprehensive Plan Update*.
- The core area of the adopted Central Pine Barrens Plan.
- Ten critical resource areas identified by the adopted Central Pine Barrens Plan.
- Critical freshwater and tidal wetlands.
- Significant opportunities to establish trails.
- Significant parcels identified within Villages and hamlets to create traditional greens, parks, recreation opportunities and other forms of open space.
- Historic places and properties defined as Town landmarks or listed on the National and State Registers of Historic Places.

The eight target areas and their respective acreage are shown in Table 1-6. Table 1-6 also depicts the acreage identified for preservation in the two updated plans as well as the preserved acreage as of December 2004.

Within East Quogue, the area comprising Weesuck Creek, specifically 46 acres along the eastern shoreline were identified as a high priority for preservation. The plan recognized that "Weesuck Creek sustains exemplary occurrences of high and intertidal marshes, biologically significant areas whose protection is critical to maintaining the overall ecology of Shinnecock Bay." The preservation of these lands would help to counter the devastation this watershed has experienced from the heavy residential development along the western shoreline.

Community Preservation Project Plan 2001-2003

The purpose of the *2001-2003 Community Preservation Project Plan* was to build upon the 1998-2001 plan with new initiatives, including but not limited to: regulatory techniques; subdivision, zoning, and wetland protection laws; and other strategies adopted by the Town. In addition to the eight target areas identified in the 1998-2001 plan, the 2001-2003 plan identified a ninth target area:

East Quogue Generic Environmental Impact Statement

- Significant parcels identified within an aquifer recharge area to provide potable groundwater and to assure clean surface water.

Table 1-6
Lands Identified for Preservation by the Community Preservation Project Fund

Target Area	Acreage			Total Acreage Preserved as of August 2005
	1998-2001 Plan	2001-2003 Plan	2005 Plan	
Agricultural Lands	3,561	4,764.97	4,252.69	530.2
Open Space/Greenbelt Areas	4,606	8,404.64	6,446.35	1,085.98
Central Pine Barrens	18,753	-	-	-
Central Pine Barrens Plan-CPA	-	13,553.88	12,461.22	11.28
Central Pine Barrens Plan-CRA	-	1,108.49	511.60	0.0
Wetlands	569	2,539.29	2,229.17	86.93
Trails	11	1,913.41	1,637.09	58.0
Aquifer Recharge Areas	-	731.58	648.49	-
Village/Hamlet Green/Parks/Recreation/Open Space	1,168	2,003.23	1,873.32	172.06
Historic Places	-	1.6	1.6	0.0
Totals	28,668	35,021.09	30,061.53	1,944.45
Notes: CPA= Core Preservation Area; CRA = Critical Resource Area				
Sources: Community Preservation Project Plan 1998-2001, 2001-2003, 2005				

In total, the 2001-2003 Community Preservation Project Plan identified 35,021 acres as the highest priorities for preservation through the appropriate land-use alternatives noted. Approximately 296 acres within the area comprising Weesuck Creek were identified by the 2001-2003 plan. By late 2001, over 846.4 acres of land had been preserved under the Community Preservation Project Plan with an additional 300 acres in contract.

The project plan also identified various categories of priority parcels and projects situated within the target areas based on a number of sources including: the 1998-2001 plan; recommendations from the draft *1999 Comprehensive Plan Update*; the inventory of agricultural land resources completed as part of the first phase of the Town's Farm and Farmland Preservation Strategy; priority recommendations from the Town's Community Preservation Advisory Board; priority recommendations from the Town's Environmental Advisory Committee; the New York State Open Space Plan; recommendations from each of the villages; recommendations defined by various hamlet citizen groups during the comprehensive and related planning processes; recommendations from various local environmental groups; and recommendations defined through analyses completed by the Department of Land Management.

Together, the target areas and the priority projects and parcels form a comprehensive system of open space and greenways that, if preserved, will insure the short-and long-term protection of Southampton's rural and resort environment, economy and, community character. In addition to the fund, alternative preservation techniques identified in the plan include:

- Fee simple land acquisition;
- Zoning regulations;
- Transfer of development rights;
- Purchase of development rights; and
- Scenic and conservation easements.

Most of the land use alternatives are identified by corresponding sections of the Town Code such as Section 292-11, Planned Residential Development (Residential Cluster). Other alternatives are defined by classes such as fee simple acquisition or the purchase of development rights which may be accomplished through, not only the Community Preservation Fund, but also partnerships with County, State, and federal funding programs, as well as private financing strategies in order to leverage the greatest fiscal and public benefits.

Community Preservation Project Plan 2005

The 2005 plan is an extension of the prior plans and identifies nearly 270 parcels (approximately 1,203 acres) of land within the study area that contain significant natural features. Figure 1-7 shows the priority parcels listed in the 2005 update within the study area. The 2005 plan recommends the preservation of approximately 109 acres in the Weesuck Creek vicinity.

As of December 2004, more than 1,944 acres of land have been preserved in the Town under the 2001-2003 plan with an additional 300 acres in contract.

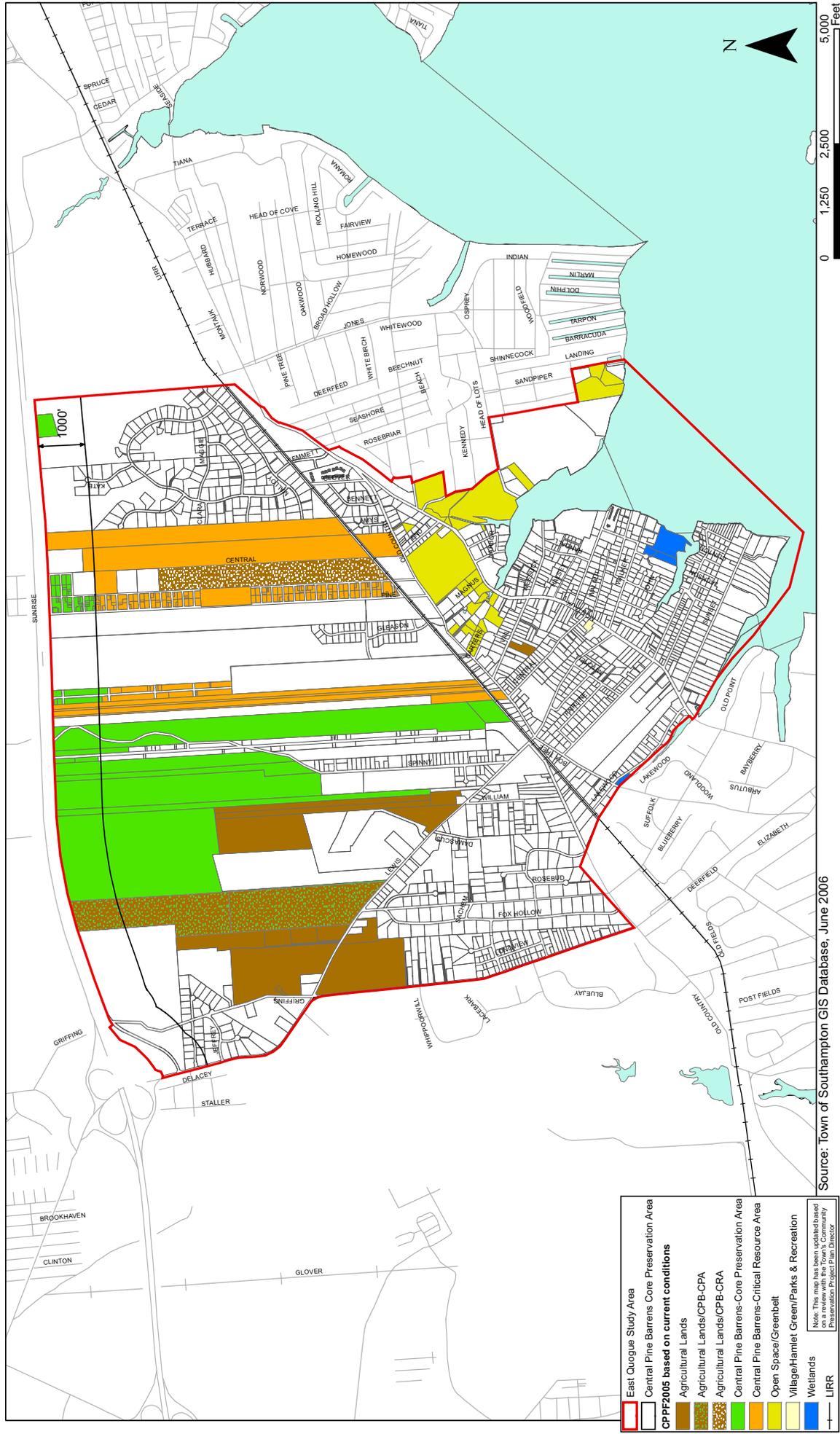
The 2005 *Community Preservation Project Plan* was put forth to further the goals and objectives of the prior plans and the Town's adopted and ongoing open space and farmland preservation plans and programs. The 2005 update serves as an important tool for the Town Board, the Community Preservation Division, and the Community Preservation Fund Advisory Board, in making recommendations regarding the acquisition of interests in real property to not only protect community character, but to insure that Southampton's rural and resort environment and economy.

SUFFOLK COUNTY

Suffolk County, through the Suffolk County Department of Health Services (SCDHS) regulates land uses and activities for the purposes of protecting natural features and groundwater quantity and quality. These regulatory programs are described below. In addition, the County monitors groundwater conditions and develops key planning studies with respect to water supply and water quality protection, which are also described. One of the key programs is the Source Water Assessment Program (SWAP) which is described in detail under New York State, below.

ARTICLE 4: WATER SUPPLY

Article 4 requires that private water systems conform to standards issued by the SCDHS, as well as to minimum New York State requirements (contained in 10NYCRR Appendix 5, Rural Water Supply) for items not covered by the SCDHS. These regulations govern the requirements for minimum separation distances between wells and septic systems and other potential sources of contamination and the minimum depth of wells into groundwater. These effectively restrict lot size and configuration in areas where public water is not available. Minimum water quality standards are also presented that are consistent with New York State and federal drinking water standards.



- East Quogue Study Area
- Central Pine Barrens Core Preservation Area
- CPPE2005 based on current conditions**
- Agricultural Lands
- Agricultural Lands/CPB-CPA
- Agricultural Lands/CPB-CRA
- Central Pine Barrens-Core Preservation Area
- Central Pine Barrens-Critical Resource Area
- Open Space/Greenbelt
- Village/Hamlet, Green/Parks & Recreation
- Wetlands
- LIRR

Source: Town of Southampton GIS Database, June 2006

Community Preservation Project Fund (2003-2005) Priority Parcels
Figure 1-7

East Quogue Generic Environmental Impact Statement

ARTICLE 6: REALTY SUBDIVISIONS

Article 6 of the Suffolk County Code applies to subdivisions and their review with respect to sanitary and waste disposal techniques. Under these regulations, individual septic systems are reviewed for adequacy based on their hydrologic zone and the suitability of the on-site soils. Under this law, the SCDHS must review all proposals for individual sewerage systems. Article 6 also allows for SCDHS review of community water supply systems. Subdivision and development approvals reviewed under this article must be filed with the County.

SCDHS Transfer of Development Rights

Article 6 includes provisions that permit the use of TDR with respect to siting of on-site treatment systems. The entire study area north of the LIRR tracks lies within Suffolk County Groundwater Management Zone III (minimum lot size of 40,000 square feet or the density equivalent for the entire subdivision), while the area south of the LIRR tracks lies within Zone IV, (minimum lot size of 20,000 square feet or the density equivalent for the entire subdivision). Under the County regulations (issued September 30, 1995), a TDR Program can allow the transfer of development rights on lots up to double the normal densities (40,000 square feet minimum lot size in Zone V and VI) as long as public water is provided. Transfers between groundwater management zones are also permitted, which allow even greater densities in other zones (e.g., lots of 20,000 square feet in Zones I-IV, VII, and VIII). This TDR approach is implemented in the Central Pine Barrens region in the western portion of the Town. Another set of standards applies to those areas outside of this region.

ARTICLE 7: WATER POLLUTION CONTROL

The purpose of this article is to safeguard all the water resources of Suffolk County, especially in deep recharge areas and water supply sensitive areas, from discharges of sewage, industrial and other wastes, toxic or hazardous materials, and stormwater runoff by preventing and controlling such sources in existence when this article was enacted and also by preventing further pollution from new sources under a program which is consistent with maintaining and protecting the water resources. This article regulates the discharge of sewage, industrial wastes, offensive materials, toxic or hazardous materials or other wastes to surface or groundwater. These discharges are prohibited in deep recharge or water supply sensitive areas. It also regulates the storage of toxic or hazardous materials. One of the most important aspects of this article is that it restricts the sanitary flow per acre within various Hydrogeologic Zones. In Hydrogeologic Zones III, V, and VI, or where public water supply is not provided, the maximum sanitary flow per acre is 300 gallons per day. This is the equivalent of one acre zoning and is based on nitrogen loading to groundwater that is equivalent to 6 mg/l compared to a drinking water standard of 10 mg/l. Densities in excess of these standards require the use of a sewage treatment plant (STP). In addition, New York State Department of Environmental Conservation (DEC) regulations require the use of a STP if the flow from a single facility is in excess of 30,000 gallons per day.

ARTICLE 12: TOXIC AND HAZARDOUS MATERIALS HANDLING

Article 12 regulates the storage of hazardous materials/wastes and petroleum products with requirements for spill cleanup. This article provides design details for underground storage tanks and outdoor aboveground storage. One exemption is underground storage tanks of a capacity of less than 1,100 gallons. The vast majority of home heating oil tanks are less than 1,100 gallons.

SUFFOLK COUNTY COMPREHENSIVE WATER RESOURCES MANAGEMENT PLAN (1987)

The *Suffolk County Comprehensive Water Resources Management Plan* of 1987 evaluated the potential for water supply development in Suffolk County for both water quantity and quality. The water resources management plan recognizes the link between land use and groundwater contamination and to a large extent recharge areas must be protected as water supply zones. To this end, the Towns were encouraged to take steps, through local zoning, to limit residential densities in these key areas. In addition, the SCDHS, through Article 6, placed density restrictions on the use of private wells and on-site sewage disposal to prevent the indiscriminate use of clustering. What remains is the enforcement of the current zoning restrictions and SCDHS requirements to ensure that the South Fork has adequate supplies of potable drinking water for generations to come.

LONG ISLAND COMPREHENSIVE WASTE TREATMENT MANAGEMENT PLAN (208)

The *Long Island Comprehensive Waste Treatment Management Plan* (208) was released in 1978. It is a product of numerous agencies including the Long Island Regional Planning Board as well as the SCDHS. With respect to Suffolk County, the plan identified various Hydrogeologic Zones as part of the land and groundwater management planning recommendations. The study area is in Hydrogeologic Zones III (minimum lot size of 40,000 square feet) and IV (minimum lot size of 20,000 square feet). Recommendations of the 208 plan relevant to the study area are:

Zone III

- Minimize population density by encouraging large lot development (two acre zoning or better) where possible, to protect the groundwater and surface waters from future pollutant loadings;
- Promote the preservation of existing large lot holdings and natural vegetation;
- Establish a groundwater monitoring program for early detection of potential water quality problems;
- Encourage low maintenance lawns and reduce the use of fertilizers on turf;
- Control stormwater runoff to minimize the transport of sediments, nutrients, metals, organic chemicals and bacteria to surface and groundwater; and
- Prohibiting the use of fertilizers on turf and promote the use of low maintenance lawns.

Zone IV

- Minimize population density by encouraging large lot development (one dwelling unit per acre or more);
- Reduce excessive use of irrigation water to minimize saltwater intrusion;
- Optimize pumping patterns to minimize saltwater upconing;
- Optimize the timing of fertilizer application to reduce nitrate contamination from agriculture; and
- Control stormwater runoff to minimize contamination to surface and groundwater.

SMART GROWTH POLICY PLAN

The Suffolk County legislature, in March 2000, passed Resolution No. 212-2000, establishing a smart growth policy for County implementation and required a master plan for smart growth be prepared for Suffolk County. In October 2000, the Suffolk County Planning Department drafted the *Smart Growth Policy Plan for Suffolk County*. This plan was prepared to describe smart growth principles which would “provide sensible growth, balance jobs, and economic development with the preservation of the natural environment and the historical community fabric.” The smart growth initiative is a collaborative effort among Suffolk County, towns, hamlets, villages, and local citizens to promote development that considers all aspects of a community and ways for the community to prosper socially, culturally, economically, and ecologically. There are eight smart growth principles outlined in this document that help to further the County’s goals for appropriate development, reduced sprawl, and preservation of natural features. These eight principles include:

- Encourage consultation and collaboration among communities;
- Direct development to strengthen existing communities;
- Preserve open spaces, natural and historic resources and working farms;
- Encourage compact and orderly development;
- Provide transportation choices;
- Provide for a variety of housing choices;
- Encourage permitting processes which are predictable, certain, efficient and final; and
- Encourage consistency of government policies and programs.

SUFFOLK COUNTY FUNDING PROGRAMS

Real Estate Transfer Tax Program

In November 1998, the voters of the five East End Towns approved a referendum that added a 2 percent tax to real estate transfers in their communities, thereby creating a fund for the protection and acquisition of open space and historic properties. To move forward with the proposal, the Towns had to prepare a Community Preservation Project Plan (described above).

The moneys are collected by the County and then distributed to the Town in which the transaction occurred. It is expected that this program could provide up to \$10 million per year for open space preservation through the year 2010, when the program would have to be renewed or expire. As stated, the program has just been extended until 2030.

Drinking Water Protection Program

This Suffolk County program is funded with ¼ percent of the sales tax and has been generating approximately \$35 million annually. The program has three components:

- **12.5.A** requires that acquisitions must relate directly to drinking water supply anywhere in Suffolk County, generally in one of the Special Groundwater Protection areas (SGPAs) of which there are seven designated within the deep aquifer recharge areas of Suffolk County. The bulk of the money continues to pay for debt service on acquisitions made in the 1989-1991 timeframe.

- **12.5.D** is a revenue sharing component based on population and is set aside by town. The towns can elect to spend all or a portion on landfill remediation costs, but the towns are also focused on land acquisition.
- **12.5.E** is the residual funds that voters in 1996 mandated to be spent totally for land acquisition. It is divided into two segments: $\frac{1}{3}$ goes to the four western towns and Shelter Island on a population basis and can be spent to acquire any properties authorized by the County Legislature; $\frac{2}{3}$ goes to the other Pine Barrens towns, on an undifferentiated basis to be spent on Drinking Water-related parcels.

Under this program, the County has acquired over 12,000 acres, primarily in the Pine Barrens. The program was scheduled to expire on November 30, 2000, but was extended by the New York State legislature until 2013. The State legislation permits the County to finance land purchases under the County Drinking Water Protection Program. This law will accelerate the pace of land preservation while also allowing the County to utilize the State Environmental Facilities Corporation revolving loan program that also provides short term no-interest land for up to three years and long term low-interest loans at half the market rate.

NEW YORK STATE

THE PINE BARRENS PROTECTION ACT OF 1993

The Pine Barrens Protection Act of 1993 was an amendment to the Long Island Pine Barrens Maritime Reserve Act (Environmental Conservation Law Article 57) of 1990. Article 57 was implemented for the purposes of protecting the ecology of the Pine Barrens of eastern Suffolk County, the groundwater and sole source aquifer, and the surface waters of the Peconic Bay. In passing the Act, the State legislature specifically recognized the unique geological, natural, recreational, economic, and educational values of the Pine Barrens region and the contribution of the Pine Barrens to the purity of regional and local drinking water and the contribution of clean groundwater and surface water. Furthermore, the Pine Barrens region was recognized for its concentrations of diverse vegetation and wildlife with a particular emphasis on the preservation of endangered, threatened, and special concern species. The Act created a commission comprised of a governor's appointee, the Suffolk County Executive, and the supervisors of the Towns of Brookhaven, Riverhead, and Southampton "to prepare, oversee, and participate in the implementation of a comprehensive land use plan." The *Central Pine Barrens Comprehensive Land Use Plan* would aim to "protect, preserve and enhance the functional integrity of the Pine Barrens ecosystem and the significant natural resources; protect the quality of surface water and groundwater; promote active and passive recreational and environmental educational uses that are consistent with the land use plan; discourage piecemeal and scattered development; and accommodate development, in a manner consistent with the long term integrity of the Pine Barrens ecosystem and to ensure that the pattern of development is compact, efficient and orderly." In addition to recognizing the importance of the Pine Barrens contribution to the natural environment, the legislation defined a 100,000 acre Central Pine Barrens area for the purposes of managing regional growth, development, and land preservation in portions of the Towns of Riverhead, Brookhaven, and Southampton. Within Southampton, this management area is west of Shinnecock Canal.

The 1993 amendments required the development of a comprehensive management plan for the Central Pine Barrens area and identified two geographic regions within the Central Pine Barrens—the 52,500 Core Preservation Area and the 47,500 acre Compatible Growth Area. Development in the Core Preservation Area is to be prohibited and redirected outside of the Core

East Quogue Generic Environmental Impact Statement

Preservation Area while the Compatible Growth Area provides a balance for growth and development consistent with groundwater and surface water protection as well as habitat preservation. The Compatible Growth Area would also permit a portion of the redirected development from the Core Preservation Area. The Comprehensive Land Use Plan established a long range goal for the Core Preservation Area to protect 75 percent of lands in the Core Preservation Area that are privately held, undeveloped and unprotected. Table 1-7 provides a breakdown of the lands allocated to Core Preservation Area and Compatible Growth Area within the East Quogue study area and the entire Town. Figure 1-6 identifies how the Central Pine Barrens plan affects land management in the East Quogue study area. As shown in that figure, the study area contains Core Preservation Area on its northern portion but is largely within the Compatible Growth Area (or is outside the Central Pine Barrens management area) where development is allowed in accordance with the design standards discussed below.

Table 1-7
Central Pine Barrens Acreage Designated within the Town of Southampton

Central Pine Barrens Region	East Quogue Study Area	Town of Southampton
Core Preservation Area (CPA)	356	21,651
Compatible Growth Area (CGA)	2,422	3,986
Total	2,778	25,637
Source: Southampton Geographic Information Systems database, 2006		

- The Central Pine Barrens plan identified certain thresholds for developments within the Compatible Growth Area that, when met, constitutes a Development of Regional Significance where the Pine Barrens Commission would have the jurisdiction to review a proposed development application meeting the following criteria:
- A commercial, industrial or office development project exceeding 300,000 square feet of gross floor area, or an addition to an existing commercial, industrial or office development where the addition is 100,000 square feet or more and that addition causes the total square footage to exceed 300,000 square feet;
- A multi-family residential development project consisting of 300 or more units;
- A single family, detached residential development project consisting of 200 or more units; and
- A development project resulting in a traffic impact which would reduce service by two levels below existing conditions or to a level of service D or below.

For example, based on the current East Quogue proposals before the Town, the Hills at Southampton would be considered a Development of Regional Significance due to the potential traffic impact, while Atlanticville would be similarly categorized due to the proposed number of housing units.

Based on the above, the Central Pine Barrens plan further identified several Critical Resource Areas that are defined due to the presence of exceptional natural features or rare, endangered, or special concern plant and animal species. One Critical Resource Area, Henry’s Hollow, was identified between Sunrise Highway and the LIRR tracks at the eastern edge of the study area (see Figure 1-6). This area comprises approximately 540 acres of the East Quogue study area mostly within in the Compatible Growth Area, but also in the Core Preservation Area. Henry’s

Hollow was classified as a Critical Resource Area due solely to the presence of the Pine Barrens Buck Moth generally north of the 100 foot contour line.

Consistent with the goals established in Article 57 to ensure preservation of the Core Preservation Area and promote appropriate, compact and efficient development, the Pine Barrens Credit was established to administer the preservation of lands within the Core Preservation Area and Compatible Growth Area that are held in private ownership but are necessary for the protection and preservation of the hydrologic and ecologic integrity of the Central Pine Barrens region. These credits allow the TDR from sending areas (areas to be preserved) to receiving areas (areas where development is encouraged). Within the Town of Southampton, the Pine Barrens Credit program is administered in two ways:

- Redirect development to other areas of the Town on an as-of-right basis through residential overlay districts, and
- Use Planned Development Districts (PDDs) to convert Pine Barrens Credits to highly tax ratable uses including resort and tourism, commercial and retail, senior housing and care centers, and medical centers.

The plan identified approximately 587 acres or 79 parcels as receiving areas within the Town of Southampton. These areas are as-of-right receiving areas—areas that would permit increased density (an increase in number of permitted housing units) or increased intensity (an increase in gross floor area of a nonresidential use) and therefore are able to redeem Pine Barren Credits. No as-of-right receiving areas were identified in the East Quogue study area. However, four areas were identified in the study area as alternative sites to redeem Pine Barrens Credits that would promote tourism and related facilities. Starting in the west, the first area is now an agricultural preserve south of Lewis Road, the second area is also an agricultural reserve south of Old Country Road, the third area is a residential lot that is largely vacant and also located south of Old Country Road, and the fourth lot is an existing marina that is also largely vacant. The last two lots are part of the proposed Atlanticville site.

In recognition of the importance of receiving areas and development that is consistent with existing conditions and improves upon the Compatible Growth Area, which comprises a large portion of the East Quogue study area, the plan sets forth design guidelines for future residential developments in these areas as follows:

- Subdivision roads should be designed to foster community interaction, protect natural vegetation and allow the opportunity for natural drainage.
- Open space areas within a subdivision should protect natural resources and maintain large unfragmented tracts.
- Residential driveways should be coordinated for general access off of collector roads.
- Design recharge basins to more closely reflect site specific conditions and to allow more natural drainage patterns based on soil and topographic conditions; minimize clearing of natural vegetation and excessive grading in and around retention and storage areas; and generally occupy less space while comprising an aesthetic open space element.
- Setback requirements should foster community interaction and provide more efficient use of individual lots.

Recommended guidelines for PDD are:

- Develop land uses according to surrounding uses, environmental suitability, market analysis, and community participation.

East Quogue Generic Environmental Impact Statement

- Design streets as part of the public space and safely accommodate pedestrian walkways with the automobile.
- Design parking areas to be an aesthetic component of a PDD and provide coordinated access between areas as well as pedestrian circulation.
- Create open spaces that protect natural resources and provide for active and passive recreation areas.

The plan further established clearing restrictions for land within the Central Pine Barrens. Table 1-8 lists those clearing standards. In addition to these clearing limits, the plan states that no more than 15 percent of the entire site can be planted with non-native vegetation.

**Table 1-8
Clearance Standards**

Zoning Lot Size*	Maximum Site Clearance**
10,000 square feet residential (1/4 acre)	90 %
15,000 square feet residential (1/3 acre)	70 %
20,000 square feet residential (1/2 acre)	60 %
30,000 square feet residential (2/3 acre)	58 %
40,000 square feet residential (1 acre)	53 %
60,000 square feet residential (1.5 acre)	46 %
80,000 square feet residential (2 acres)	35 %
120,000 square feet residential (3 acres)	30 %
>160,000 square feet residential (>4 acres)	20% Clearance limitations on lots in this category shall not include the clearance necessary for the construction of driveways and septic systems. In no case shall the total clearance exceed 25%.
Commercial, Industrial, and Other or Mixed Use	65 %
<p>Notes: *These entries are the minimum lot sizes required by zoning, not the size of the subject parcels. **In calculating the percentage of land cleared, the preserved areas in a development should preferably be native vegetation. These are maximum clearance standards, and more restrictive standards may be imposed during the review by the local municipality due to consideration of other standards, especially those addressing preservation of rare or endangered species, or unique flora or vegetation.</p> <p>Source: <i>Central Pine Barrens Comprehensive Land Use Plan</i>, April 26, 1995</p>	

SOUTH SHORE ESTUARY RESERVE PROGRAM

In 1993, the New York State Legislature enacted Article 46 entitled “Long Island South Shore Estuary Reserve.” Article 46 recognized the importance of the South Shore Estuary and its contributions to the natural environment including unique marine habitats and locally significant and diverse populations of rare, threatened, and endangered species of plants and animals. The South Shore Estuary Reserve (SSER) provides immeasurable ecological, recreational, and economic benefits to the Town of Southampton, Nassau and Suffolk Counties, and New York State. In fact, the SSER supports the largest concentration of water-dependent businesses in the State. Realizing that many entities, both private and public, were already responsible for the regulation, management, and protection of the Estuary, but that the quality of the surface water and the productivity of the system continued to decline, this Act required that the South Shore estuary system be managed and protected as a single integrated estuary. Article 46 further acknowledged the importance of this system both economically and culturally to the recreation

and commercial water dependent businesses in the region and State. Thus, Article 46 required the development of a comprehensive management plan to better manage and protect this massive estuarine system.

The SSER is a 326 square mile watershed that stretches 75 miles from the western Nassau County border to the Village of Southampton including the waters between the barrier beach and the mainland. The eastern bays, where the East Quogue study area is located, was noted for its ability to support significant colonies of nesting terns, gulls, and wading birds with highly productive shallow waters. The goals and implementation strategies of the *Long Island South Shore Estuary Reserve Comprehensive Management Plan* include:

Goals

- Improve and maintain water quality;
- Protect and restore living resources;
- Expand public use and enjoyment ;
- Sustain and expand the estuary-related economy; and
- Increase education outreach and stewardship.

Implementation Strategies

- Reduce point and nonpoint source pollution;
- Increase harvest levels of hard clams and other shellfish species;
- Protect and restore coastal habitats to support shellfish, finfish, and coastal bird populations;
- Preserve open space to sustain community character and protect water quality and habitat;
- Improve knowledge of ecosystem management;
- Increase public use of the estuary and expand tourism;
- Sustain water-dependent businesses;
- Promote maritime center vitality; and
- Heighten public awareness of the Estuary.

Recommendations of the plan specific to the East Quogue study area include expanding public access to Weesuck Creek; remediating storm water management from Sunrise Highway down to Weesuck Creek; preserving open space in the Pine Barrens region; restoring wetlands in the Pine Neck area and further south; and restoring the stream corridor that extends from Weesuck Creek northwest past Spinney Road. This plan also identified Weesuck Creek as a priority waterbody that at some point had some or all of its uses impaired by pollution or other human activities.

SOURCE WATER ASSESSMENT PROGRAM

An important mission of the New York State Department of Health (DOH) is to protect and promote the health of the citizens of New York State. Within the DOH, the Bureau of Public Water Supply Protection (BPWSP) has the primary responsibility of administering the Public Water System Supervision program (PWSS) and for assuring that safe, potable water, in adequate quantities, is provided throughout the State. This is accomplished through:

- Oversight of local water supply regulatory programs;
- Training and certification of water supply operators;

East Quogue Generic Environmental Impact Statement

- Maintenance of a statewide database on individual public water systems;
- Development and initiation of enforcement policies;
- Plan review;
- Maintenance of a water quality surveillance program; and
- Providing technical assistance to both regulatory units and water suppliers.

The primary regulatory agency that oversees New York's PWSS is the U.S. Environmental Protection Agency (EPA). The primary federal legislation governing public drinking water systems is the 1976 Safe Drinking Water Act (SDWA), including 1986 and 1996 Amendments.

The 1996 amendment of the SDWA places a strong emphasis on the protection of surface and groundwater sources used for public drinking water. As a result of these amendments, states must develop a SWAP and complete assessments of the sources of drinking water used by public water systems. Each source water assessment must include:

- 1) A delineation of the source water assessment area;
- 2) An inventory of potential significant contaminant sources within the source water assessment area; and
- 3) An evaluation of the source water's susceptibility to contamination.

States are also required to make the completed source water assessments available to the public. The SWAP for Long Island was completed by the New York State Department of Health and the SCDHS in 2003. However, certain data is held on file for security reasons.

CENTRAL SUFFOLK SPECIAL GROUNDWATER PROTECTION AREA

Article 55 of the State's Environmental Conservation Laws established the Special Groundwater Protection Planning Project on Long Island. Prepared under the direction of the Long Island Regional Planning Board and released in 1992, the *Long Island Comprehensive Special Groundwater Protection Area Plan* identifies nine special groundwater protection areas in the Nassau and Suffolk County regions. The Central Suffolk Special Groundwater Protection Area covers the study area north of the LIRR tracks (see Figure 1-8).

According to the legislation, a special groundwater protection area is defined as a "recharge watershed area within a designated sole source aquifer area within counties having a population of one million or more which is particularly important for the maintenance of large volumes of high quality groundwater for long periods of time." Each special groundwater protection area is also classified as a critical area of environmental concern under the State Environmental Quality Review Act.

The plan makes the following recommendations relative to the study area within the Central Suffolk SGPA:

- Suffolk County or the Town should acquire the development rights to the small pockets of farmland at Lewis Road and along Riverhead-East Moriches Road.
- The Town of Southampton should facilitate the conversion of obsolete or inappropriately located extractive and industrial properties, such as sand mines.
- The Town or County should replat the remaining old file map subdivision for clustered housing and open space.

GROUNDWATER AND SURFACE WATER DISCHARGE PERMITS

In 1987, the Clean Water Act (CWA) was amended to specifically identify the types of stormwater discharges requiring permit authorization and to establish deadlines for their achievement. New York State administers its State Pollutant Discharge Elimination System (SPDES) program which serves as the authorizing mechanism for activities in the State to comply with the National Pollution Discharge Elimination System (NPDES) program.

Whenever there are discharges to the waters of the State of New York, authorization is required through a SPDES permit from the DEC. This permit contains provisions under which the discharge is allowed to occur. A SPDES permit also satisfies the federal NPDES process, since the DEC has an approved NPDES program which is administered in lieu of the EPA issuing discharge permits in New York State.

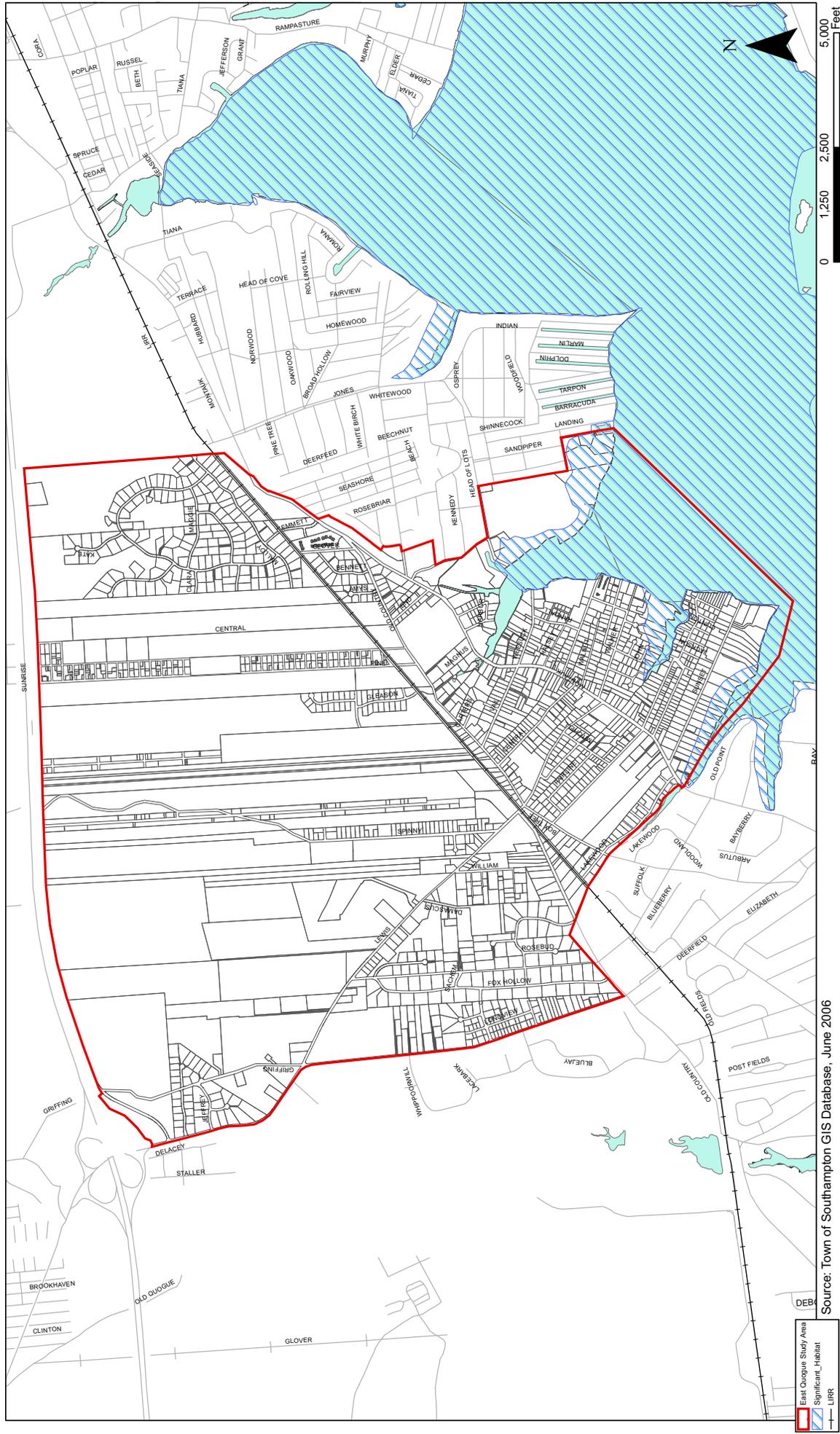
Since 1975, SPDES permits have been issued mostly on a site-specific basis and have been tailored to an individual activity which often has been either a sewage or wastewater treatment facility. These individual, site-specific SPDES permits contain limits on the quantity and quality of the discharge. Permits often require monitoring in order to facilitate and enable the permittee to gauge compliance with effluent limits. Individual SPDES permits also contain other appropriate provisions for safeguarding the receiving waters.

FRESHWATER WETLANDS

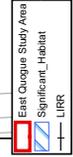
New York's freshwater wetlands are protected under Article 24 of the Environmental Conservation Law (the Freshwater Wetlands Act). The Act directs the DEC to regulate land use in and around certain freshwater wetlands with a protective buffer area extending 100 feet upland of the wetland boundary. In general, to be protected under the Freshwater Wetlands Act, a wetland must be 12.4 acres or larger. Smaller wetlands may be protected by the Commissioner if they are deemed to have unusual local importance as defined by the DEC. The Act requires DEC to map all protected wetlands so as to identify those wetlands that meet the criteria set for in the law, and to provide a mechanism by which affected property owners can be notified that a particular wetland in their area is protected. Examples of activities that require a freshwater wetlands permit include: construction of buildings, roadways, septic systems, bulkheads, dikes or dams; placement of fill, excavation, or grading; modification, expansion, or extensive restoration of existing structures; drainage; and application of pesticides. The Town of Southampton regulates activities in and near freshwater wetlands through Chapter 325 of the Town code.

NEW YORK STATE DEPARTMENT OF STATE (DOS) COASTAL ZONE MANAGEMENT PROGRAM

The State of New York has a Coastal Zone Management Program that is administered through the DOS. This program provides a state level of review and oversight for projects and actions that are proposed within the States coastal zone, which includes the study area south of Montauk Highway. When activities are proposed in the State's coastal zone that requires federal or state discretionary permits or approvals, a coastal zone consistency analysis must be performed. There are 44 State policies that are reviewed as part of this process. Of particular importance, in this review, the State has designated one significant coastal fish and wildlife habitat in the study area—Shinnecock Bay and its tributaries (i.e., Weesuck and Daves Creek) and the wetlands included as part of the Pine Neck Preserve (see Figure 1-9).



Source: Town of Southampton GIS Database, June 2006



Significant Coastal Fish and Wildlife Habitat Areas
Figure 1-9

East Quogue Generic Environmental Impact Statement

East Quogue Generic Environmental Impact Statement

This designation affords special protections for these areas with respect to a non-degradation policy for actions that require state or federal decisions. Actions that could significantly adversely impact these habitats are generally not in conformance with the objectives of the State's coastal zone management plan.

RARE AND ENDANGERED SPECIES

Under the New York State Environmental Conservation Law and its implementing regulations (6 NYCRR, Part 193 and Part 182), DEC maintains a list of plant and animal species that are considered rare, endangered, threatened, or of special concern. The classifications are slightly different for plants and animals—e.g., plants can be considered endangered, threatened, rare, or vulnerable, while animals can be endangered, threatened, or of special concern. These State designations have legal status, providing protection for plants and animals that are endangered, threatened, or rare, although species considered to be vulnerable or of special concern have no legal protection. Species determined to be of special concern are those that are candidates for listing as rare or endangered, but for which insufficient data exists for a final determination. It is a violation to pick, damage, or destroy any protected plants, or to apply defoliant or herbicides, or to carry these plants away without the owner's consent. Animal species designated as endangered or threatened are protected from hunting, importing, exporting, or possession.

PESTICIDES

The State of New York regulates the commercial application of pesticides through the DEC. The regulations manage the handling, storage, and application of pesticides. An individual cannot engage in the commercial application of pesticides, or the sale of restricted use pesticides, unless that individual is a certified applicator. To be certified, individuals must be trained in integrated pest management principles and practices as a technique for reducing the use of pesticides, proper use and application of pesticide agents, safety in pesticide handling, first aid and emergency response in the event of a pesticide accident, and the potential environmental consequences in the event of the use or misuse of pesticides that may be influenced by weather and climate terrains and soils, drainage patterns, and the presence of wildlife. Commercial applicators must also keep records of the use of such pesticides and provide an annual report of sales and volume of materials.

While residential applications on property owned by the individual applying the pesticides are not regulated, State law does require individuals who apply pesticides to their residential properties to post visual markers around the perimeter of the treated area. Commercial lawn application also requires the notification on the property and within 150 feet of that property. The act also restricts the use of certain pesticides and defines and classifies the use of those pesticides and bans the use of certain pesticides. Pesticides must also be registered with the DEC commissioners and renewed on a regular basis. Separate regulations (Part 329) are in-place for the control or elimination of aquatic insects.

OPEN SPACE PROTECTION PROGRAMS

New York State Open Space Conservation Plan

In November 2006, DEC, New York State Department of State and the Office of State Parks, Recreation, and Historic Preservation (OPRHP) released *New York State Open Space Conservation Plan and GEIS*. This is the current adopted State-wide plan for open space acquisition and protection. Preparation of a State-wide open space conservation plan was

initiated by an act of the State legislature in 1990 and the first plan was approved in November 1992. It is required by the act that the plan be updated every three years. Subsequent plans were completed in 1995, 1998, and 2002. The 2006 plan builds upon the previous studies and now includes the State's Coastal and Estuarine Land Conservation Plan, which is a requirement for coastal states to qualify for federal funds through the Coastal and Estuarine Land Conservation Program (CELCP). This fund gives priority to lands that can be effectively managed and that have significant ecological value. Another change from the 2002 plan was the expansion of priority projects that should be included as part of the plan including major resource areas, areas of statewide significance, and linear corridors.

Within the DEC, the Bureau of Real Property is the agency responsible for land acquisition. The plan is not limited to public recreation but recognizes the benefit of private land stewardship and identifies sites that are priorities for preservation for a number of reasons, among them the protection and preservation of farmland, historic and archaeological resources, water quality, natural and scenic environments, and open space/recreational opportunities. There is an evaluation process that leads to the identification of priority sites. That process considers regional plans and needs, resource values, and alternative mechanisms for protection. To assist in developing the plan there are nine Regional Advisory Committees that provide input; the Town lies within Region 1, which covers Long Island. Within the project study area, the 2002 plan identified lands for acquisition in the Central Pine Barrens Core Preservation Area and Critical Resource Area including the Henry Hollow's region and Chardonnay Woods (now the Pines subdivision). The 2006 plan removed Henry's Hollow and Chardonnay Woods from the priority parcel list since the largest parcels were acquired. However, the lands within the Central Pine Barrens are still listed on the priority acquisition list.

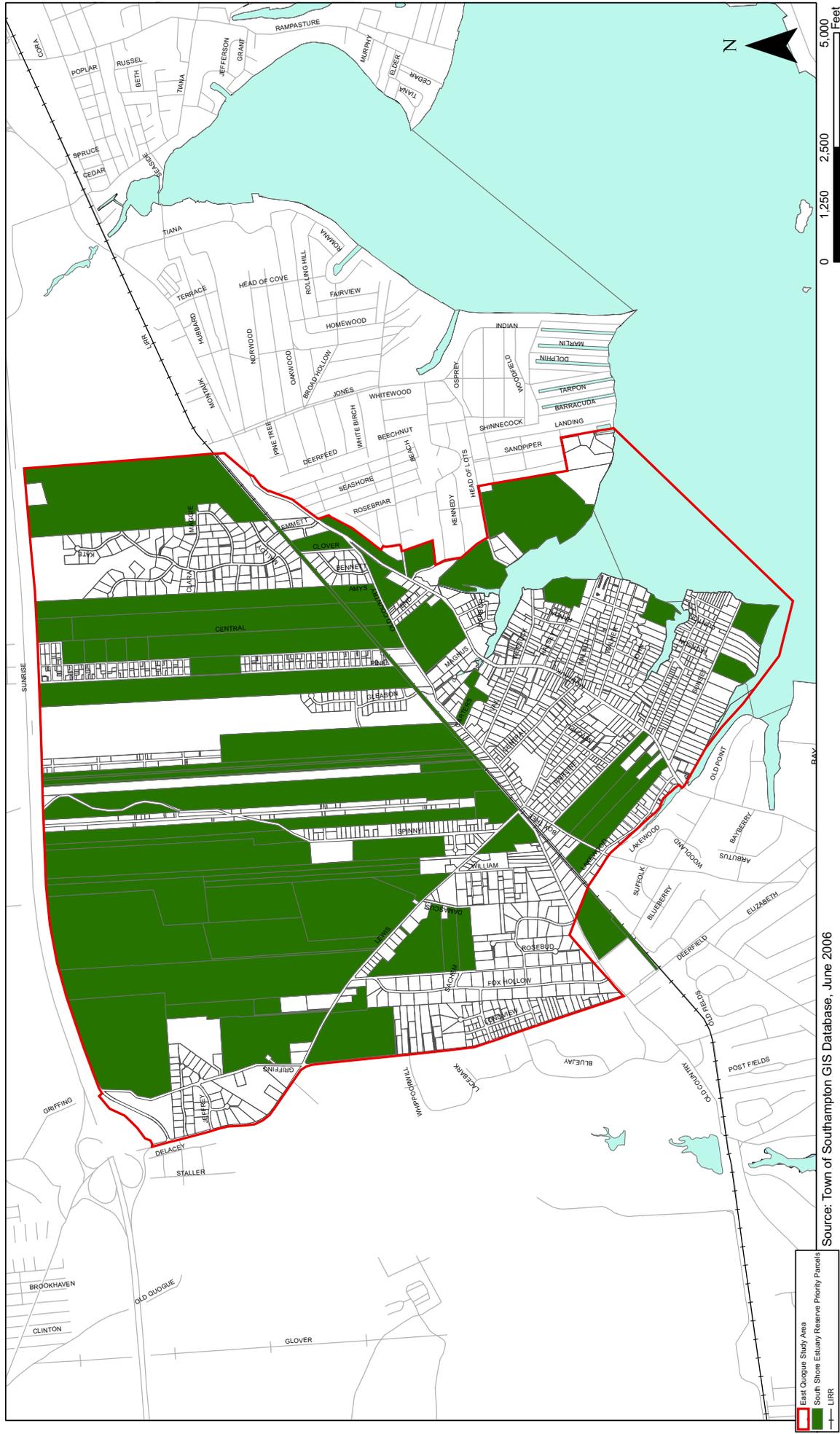
South Shore Estuary Reserve Open Space Analysis

In May 2005, New York State Department of State published the South Shore Estuary Reserve Open Space Analysis, which identified areas of open space in the confines of the SSER study area. Open space areas were defined as lands that do not exhibit manmade structures or improvements and are not already protected by public or private entities. Within the study area there are more than 60 individual parcels totaling approximately 2,083 acres—more than half of the study area—that have been identified as SSER open space priority parcels. Figure 1-10 shows these proposed open space areas.

Funding Programs

The two principal State funding programs for open space acquisition in New York State are the Environmental Protection Fund (EPF), which contributes an estimated \$30 million dollars per year of its \$100 million revenues to open space acquisition and the 1996 Clean Water/Clean Air Bond Act, which provides an additional \$150 million for State-wide land acquisition and open space programs.

The Environmental Protection Fund was started by an act of the State legislature in 1993 as a funding source for addressing the State's environmental, open space, historic and farmland protection needs. The acquisition of open space conservation projects is permitted under Title 3 of Article 54 of the Environmental Conservation law. Title 9 authorizes a matching grants program for municipal parks and recreation and historic preservation projects (municipalities, but not counties, are eligible to receive the funding). Revenues are generated through sales of State surplus and underwater lands and the conservation license plate program as well a portion of the real estate transfer tax. The fund generates an estimated \$100 million dollars annually. As



East Quogue Study Area
 South Shore Estuary Reserve Priority Parcels
 LIRR

Source: Town of Southampton GIS Database, June 2006

South Shore Estuary Reserve Open Space Priority Parcels
Figure 1-10

East Quogue Generic Environmental Impact Statement

stated above, about 30 percent of this money goes toward State-wide acquisition of lands for conservation and open space projects. An additional \$9 million is dedicated to municipal parks and historic preservation parks, which includes small acquisition projects that have local significance. By the beginning of 2006, the EPF has provided \$1.3 billion for over 4,700 projects to protect and restore the State's natural resources.

The Clean Water/Clean Air Bond Act program was put into effect when voters approved a referendum in November 1996 authorizing the State to move ahead with a number of programs to protect the environment and natural resources of the State. Under this program, \$150 million is set aside for State Open Space conservation projects undertaken by either the DEC or OPRHP and farmland preservation projects administered by the Department of Agriculture and Markets. An evaluation process is used to rate projects that are intended to improve water quality or public access to water bodies. Projects are to be undertaken with willing sellers. An additional \$50 million is dedicated to municipal parks and historic preservation projects administered through OPRHP; this also includes funds for land acquisition. Annual budgets are established for the allocation of the funds. By the beginning of 2006, the Bond Act has provided about \$1.6 million to various projects throughout the State. Moneys dedicated to water quality abatement under the 1996 Act can also be used to provide the ancillary benefits of public open space. The State's "Gift to Wildlife Program" through the State income tax form has raised some limited money for open space preservation.

The Coastal and Estuarine Land Conservation Program (CELCP), passed by Congress in 2002, is another funding program that provides grants to states and local governments for land acquisition in a state's coastal zone. Grants are provided for the purpose of "protecting coastal and estuarine areas with significant conservation, recreation, ecological historical or aesthetic values, or those that are threatened by conversion from their natural state to other uses."¹ The National Oceanic and Atmospheric Administration administers CELCP. Since the funds inception in 2002, the average annual budget has been about \$37 million. During this time, CELCP has provided \$177 million for 130 projects throughout the United States.²

FEDERAL

The federal government also has a role in land management of the study area. This includes groundwater and surface water management as well as the protection of rare and endangered plant and animal species. These programs are generally administered either through the EPA, the US Army Corps of Engineers (ACOE), or the Department of Interior through the US Fish and Wildlife Service (FWS), and the United States Geological Survey (USGS). Each of the relevant programs is described below.

SOLE SOURCE AQUIFER PROTECTION

The study area lies over the Long Island groundwater system. In 1978, the EPA designated this as a sole source aquifer (Federal Register, 43, June 21, 1978), concluding that the system is the principal source of drinking water to the people of Long Island" and "if contaminated, would create a significant hazard to public health." As a result, federally funded projects must be

¹ Public Law 107-77

² http://coastalmanagement.noaa.gov/land/celcp_projects.html

reviewed by EPA to ensure that they do not adversely impact groundwater. This designation is made pursuant to the Safe Drinking Water Act, Section 14: 24 (e).

WETLANDS

The federal government, through the ACOE, regulates activities in freshwater wetlands; specifically the dredging, construction, and/or placement of any dredged or fill material in any fresh or marine waters of the United States; or any work affecting the course, location, condition, or capacity of such areas. These wetland activities are regulated in accordance with Title 33 of the Code of Federal Regulations, Parts 320-330, which are implemented pursuant to Section 404 of the 1977 Clean Water Act amendments. Under the regulations of the nationwide permitting program, the review of permits for federally regulated wetlands generally addresses projects that impact headwater (freshwater) wetlands of 1 acre or more. FWS, the EPA Marine Wetlands Protection Branch, and the National Oceanic and Atmospheric Administration's National Marine Fisheries Service, by interagency agreement, are each active in the review of applications for federal wetlands permits. There are no regulated setbacks under the federal program.

RARE AND ENDANGERED SPECIES

As part of the 1974 Endangered Species Act (50 CFR 17), several categories of federal status for plants and animals were identified by the FWS. Plants and animals can be listed in the Federal Register as endangered or threatened, thereby receiving protection under federal law. It is illegal to pick, damage, or destroy any protected plants, or to hunt, import, export, or possess protected animals. Furthermore, federally assisted or sponsored projects that would affect protected species must be reviewed by FWS for a determination of impacts. Other categories exist for species that require further study before determining whether they are endangered or threatened.

FEDERAL FUNDING PROGRAMS

The Federal Land and Water Conservation Fund Program is administered through the US Department of Interior, appropriates money for land acquisition and outdoor recreation. In 1964 the US Congress passed the Land and Water Conservation Fund program allocating an expenditure of up to \$900 million annually for land and water conservation projects that receive Congressional approval. Monies are raised from the leasing of off-shore oil rights, sales of federal surplus property, and other sources. Since 1965, the State of New York has used nearly \$200 million from this fund for the purposes of implementing more than 1,100 projects across New York State-wide. Within the region, this program was used in the late 1990's to fund the creation of the Wertheim National Wildlife Refuge. This program requires a 50-50 match by the State or local government. The *New York State Comprehensive Recreation Plan* provides the basis and direction for the State's use of monies under this fund. To date, this fund has not been used by the Town. Overall, it is not expected that the fund is applicable to this watershed and small parcel site specific land acquisitions. *