

**APPENDIX 8**

**WRITTEN CORRESPONDENCE**

**HAMPTON BAYS CIVIC  
ASSOCIATION**

**NOVEMBER 5, 2010**



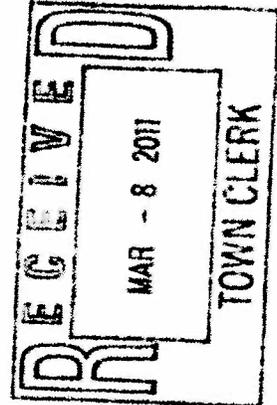
Sp TB Meeting 3/8/11  
P.H. #2

P.O. Box 734  
Hampton Bays, NY 11946

RECEIVED

2010 NOV -9 AM 1:27

TOWN OF SOUTHAMPTON  
TOWN CLERK'S OFFICE



Founded in 1918

November 5, 2010

TOWN OF SOUTHAMPTON

Town Board

118 Hampton Road

Southampton, New York 11968

Attention: Supervisor Anna Throne-Holst

Councilmembers Bridget Fleming, Nancy Graboski, James Malone, Chris Nuzzi

RE: Good Ground Road Extension

Dear Supervisor and Councilmembers:

During the ongoing Hampton Bays GEIS process, the subject of extending Good Ground Road westward from Springville Road to the vicinity of the Route 24 intersection with Montauk Highway was again brought forward in documentation produced by Land Management.

After due deliberation and discussion, it is the opinion and contention of the Directors of the Hampton Bays Civic Association that such road expansion is neither indicated nor warranted.

The initial impetus to "consider" such expansion had allegedly been to provide alleviation of traffic flow through the hamlet center, principally as a consequence of the daily "trade parade" seeking circumvention options around Sunrise Highway/CR-39. However, in light of intervening expansion of County Road 39, there is no demonstrable rationale or pressing need for such road expansion. In fact, the Hutton "Corridor Strategic Plan" Draft Report (begun in 2006, dormant for two years and now resurrected for incorporation during the GEIS) was designed to specifically study the Hampton Bays Corridor. It contains the following:

*P. 66: "Over portions of late summer and fall 2006, as well as in summer 2007, Suffolk County temporarily implemented a second eastbound thru lane on weekday mornings to alleviate this congestion. This trial measure was dramatically effective in reducing vehicle queues on Sunrise Highway. Public input during the charrette indicated that, during the hours when it was in effect, this measure was effective in reducing eastbound traffic on Montauk Highway, as well as that on parallel roads such as Good Ground Road and Fanning Avenue, indicating that a significant number of motorists no longer needed to divert from Sunrise Highway. Suffolk County has now constructed a permanent second lane on CR39..."*

Additional points reinforcing opposition to such an expansion:

- Extension of Good Ground Road would represent yet another growth-inducing planning stratagem, which is neither appropriate nor desirable within Hampton Bays, given the extent and scale of already existing development (both commercial and residential).
- The original 1970 Master Plan and subsequent Updates already referenced the disparity in overall development within Hampton Bays vs. the rest of the Town.
- As consistently memorialized in both Hutton Study and Comp Plan Updates, retention of small-town character, country road feel and a walkable, inviting downtown area are clear community priorities. Vehicular roadway expansion with more traffic lights runs counter to those goals.

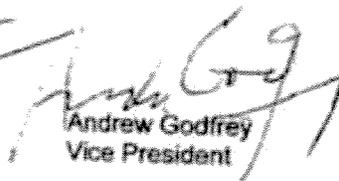
- Creating a circumvention route for residents and visitors would impact negatively on the Hamlet Center/Main Street. It has been a long-articulated community goal to enhance and protect the vibrancy of the traditional Hampton Bays downtown, not compromise or detract from its vitality.
- Such a circumvention route would not significantly relieve possible "trade parade" or seasonal traffic congestion but would only serve to shift it onto residential streets south of Montauk Highway. And, as acknowledged in the Hutton Study, the additional eastbound lane on CR-39 has been dramatically effective in reducing circumvention traffic flow on Montauk Highway.

We thank you for your attention and careful consideration of our observations and concerns.

Sincerely Yours,

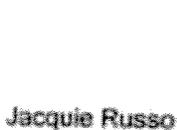
HAMPTON BAYS CIVIC ASSOCIATION Board of Directors

  
Dr. Bruce A. King  
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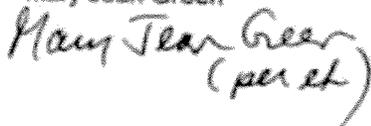
  
Marion Boden

  
Robert McAlevy

  
Eve Houlihan



Mary Jean Green

  
(per et)



Bonnie Doyle



  
Pat Tuccio

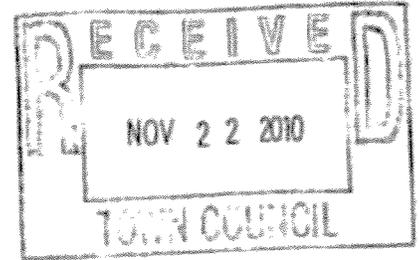
**APPENDIX 9**

**WRITTEN CORRESPONDENCE**

**HAMPTON BAYS CITIZENS  
ADVISORY COMMITTEE**

**NOVEMBER 18, 2010**

November 18, 2010



**TO:** TOWN OF SOUTHAMPTON  
Town Board  
**Attn:** Supervisor Anna Throne-Holst  
Councilmembers Bridget Fleming, Nancy Graboski,  
James Malone and Chris Nuzzi

**FROM:** Hampton Bays Citizens Advisory Committee

**RE:** "Suggested" Extension of Good Ground Road

At the November 3<sup>rd</sup> 2010 Monthly Meeting of the Hampton Bays Citizens Advisory Committee, the above subject was discussed. As memorialized in the Minutes of that Meeting, a subsequent vote was taken signifying clear majority opposition to such an undertaking and any expansion/extension of Good Ground Road.

The subject of extending Good Ground Road westward was again featured in documentation produced by Land Management during the still ongoing Hampton Bays GEIS process. By this letter, which is also to be entered into the official records, the CAC is reiterating and reinforcing its conclusion and judgement that any such road expansion is neither warranted nor appropriate within Hampton Bays, given the community's oft-spoused goals for retention of small-town ambiance and country road feel.

While this "suggestion" for traffic alleviation had been referenced in the previous 1999 Comprehensive Plan as: "...consider extending Good Ground Road westward and then up to Montauk Highway," the purpose of the current Hampton Bays GEIS was and is to re-evaluate and update all previously proffered suggestions for relevancy and actual need as well as eliminate any which do not comport with the community's vision and goals.

The original intent of such a "suggestion" had allegedly been to alleviate traffic flowing through the hamlet center as a consequence of the "trade parade" diverting from CR-39. But intervening expansion of County Road 39 has provided demonstrable evidence that such road expansion is not indicated as necessary. That corresponding conclusion was memorialized in the Hutton "Corridor Strategic Plan" 2006-2010 which states:

P. 66: *"Over portions of late summer and fall 2006, as well as in summer 2007, Suffolk County temporarily implemented a second eastbound thru lane on weekday mornings to alleviate this congestion. This trial measure was dramatically effective in reducing vehicle queues on Sunrise Highway. PUBLIC INPUT during the charrette indicated that, during the hours when it was in effect, this measure was effective in reducing eastbound traffic on Montauk Highway, as well as that on parallel roads such as Good Ground Road and Fanning Avenue, indicating that a significant number of motorists no longer needed to divert from Sunrise Highway. Suffolk County has now constructed a permanent second lane on CR39..."*

RECEIVED

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TOWN OF SOUTHAMPTON  
TOWN OFFICES

**Additional Points:**

- Extension of Good Ground Road would represent yet another undesirable growth-inducing measure, inconsistent with community aspirations in light of existing development scale (commercial and residential).
- The original 1970 Master Plan (plus Updates) referenced the disparity in development within Hampton Bays vs. the rest of the Town – a condition still evidenced by population and development statistics.
- Creating a diversion route for residents and visitors would detract from the Hamlet Center/Main Street. Consistently voiced community goals had been to protect and promote the vibrancy of traditional Hampton Bays downtown, not compromise or further detract from its vitality.
- Such road expansion would only serve to shift some east-bound traffic from Montauk Highway, spilling it onto residential streets (Fanning, etc.), before linking again to the Highway at Canoe Place Road. The result: clearly undesirable increased traffic encroachment into densely populated residential neighborhoods.
- Both Hutton Studies and Comp Plan Updates have emphasized community wishes and priorities to moderate density, retain small-town character, country road feel, and a walkable, inviting downtown area. Roadway expansions and additional traffic lights clearly contradict these community goals.

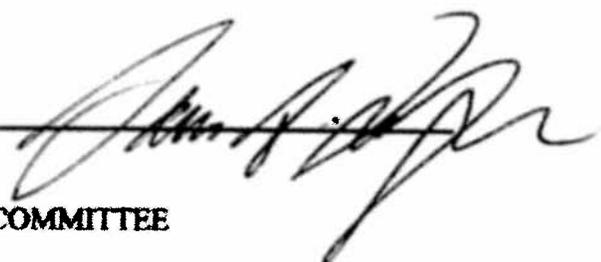
We very much appreciate your attention and consideration of our comments.

Yours truly,



Eve Houlihan  
Member

For: HAMPTON BAYS CITIZENS ADVISORY COMMITTEE



**APPENDIX 10**

**WRITTEN CORRESPONDENCE**

**BONNIE DOYLE**

**FEBRUARY 7, 2011**

8 Lawrence Avenue  
Hampton Bays, NY 11946  
February 7, 2011

Dear Supervisor Throne-Holst and Town Board Members:

As personal plans prevent my participating in the public portion this evening, I would appreciate your reading my comments into the public record at the hearing for the Hampton Bays DGEIS.

I applaud the Town's implementing this thorough examination of the current and projected state of affairs. The report serves to show just how desperately this review was needed. It becomes clear that without proactive steps taken to address the density and all issues that arise from that, the quality of life of the residents and surrounding marine life would be in serious jeopardy.

While this DGEIS addresses a broad range of topics, I wish to focus and comment on the most critical, the issue is **density**. It is recognized in much of the writings that we are approaching build out with little property left and that much of that property would best serve the community left as open space. As the document states, additional growth under any circumstances, would trigger need for additional services from schools, code enforcement, library, water and solid waste management, recreational facilities, ambulance, and fire. All of these services would require higher taxes just to maintain the status quo.

The DGEIS projected full build out is noted as 2,000 – 5,000 residents with 550 new single family homes yielding 260-290 school age children. If only 50% of these 550 single family homes had two school age children, that would yield 550 additional students. This build out figure includes 200 potential accessory apartments. Given what I observe in Hampton Bays, this potential is grossly inaccurate. Even if this were the case, 200 apartments may yield 150 children. The figure is now 700 new students not 260-290. Motel/condo conversions will exacerbate the population growth even further, particularly given the 50% favorable tax assessment for condominiums. As recognized, Hampton Bays has by far the greatest number of motels. As our community ages, so does our housing stock, making it ripe for redevelopment and younger families. At the cost of \$20,000 per student per year, the potential for school taxes increasing exponentially is alarming. The school district currently has concerns about the current growth patterns with out even addressing potential student increases from development. As the document states, "data from the school district shows enrollment growth outstripping growth in development."

What is happening in our schools is emblematic of how unfettered growth is will fail to promote an economically viable, environmentally sustainable community. It is a bell

weather of a community that is on the verge of negative change unless density, both residential and commercial, is controlled.

There are many recommendations to soften the impact, but they are merely recommendations. An example is the recommendation to “Promote zoning code enforcement through strict application and the reduction of variance”. The Zoning Board of Appeals has a well earned reputation of approving variances and special exceptions that should not be approved from many perspectives. This has continued despite much discussion and no resolution to the core issue of abuse of current zoning regulations. Why does it seem that the ZBA is accountable to no one? The structural changes needed here are not addressed.

PDD's is another issue critical to planned, sustainable growth. The document recommends that the RWB zoning district be maintained on the majority of the canal-side parcels. This is a terrific recommendation, but it is unlikely to be implemented, in the face of the proposed PDD for CPI. Current versions of the proposed PDD would bring a significant increase in density, greater than current as-of-right zoning. Tiana Commons is yet another PDD requesting residential and commercial building of epic proportions. Yet, these will be entertained as PDD's despite the increased density. While the PDD legislation is undergoing favorable changes, the power still remains with the Town Board to approve or deny the request, making this a political issue not one where density and quality of life are paramount.

There are many recommendations in this document that promote Hampton Bays community vision of a vibrant, historic, seaside, ecological, sustainable, safe and distinctive hamlet. But unless the density issues is resolved by addressing the continued use of PDD's, motel/condo conversions with favorable tax assessment and the ZBA lack luster reviews of variance and special exception requests, it will be difficult to bring the vision to life in our hamlet.

Thank you for your consideration these points as well as for all the positive recommendations made for Hampton Bays.

Sincerely,

Bonnie Doyle

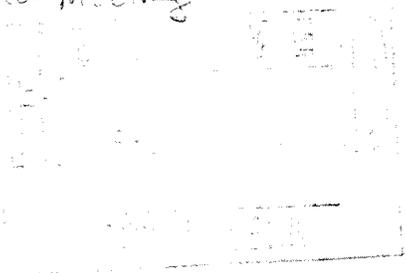
**APPENDIX 11**

**WRITTEN CORRESPONDENCE**

**J. RUGGIERI**

**FEBRUARY 7, 2011**

Southampton Town Meeting  
2/8/11



2 Baybury Lane  
Hampton Bays, NY 11946

February 5, 2011  
Re: Library Parking Problem

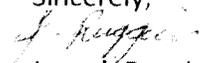
Southampton Town Hall, attn Town Clerk  
116 Hampton Road  
Southampton, NY 11968

Dear Honorable Sundry Schermeyer,

Please accept this letter as a comment submitted to the Draft Generic Environmental Impact Statement (DGEIS) for the *Hampton Bays Corridor Strategic Plan*.

It is acknowledged that section II.6.L of the DGEIS claims that library resources will be sufficient for the increasing population for the next ten years. Although resources within the library may be sufficient, the ability to access the library is already difficult. This comment identifies the parking problem which must be included to the DGEIS. The library parking spaces are frequently filled at capacity with overflow parking extending down Argonne Road into the residential area. It is typical for multiple community events to be occurring at the same time, as the library has multiple meeting rooms. The community events that bring the greatest need for parking are the same events that need safest access; since participants include small children and senior citizens. One overflow parking agreement was already instituted that requires cooperation from St. Rosalie Church to accommodate day trip parking by library programs that provide bus service to a destination.

With continued growth of the population in Hampton Bays the DGEIS must include a forecast as to how much additional parking is needed to provide us access to the library resources. The DGEIS should also be ambitious enough to indicate how we can solve this parking problem as well as the economic impact to do so.

Sincerely,  
  
Joseph Ruggieri

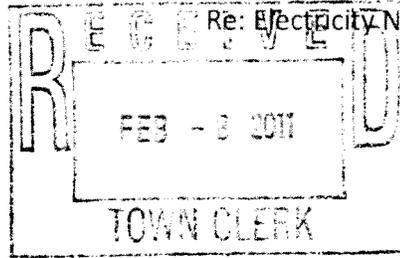
Sp. TB Meeting 2/8/11

2 Baybury Lane  
Hampton Bays, NY 11946

February 5, 2011

Re: Electricity Needs and Costs

Southampton Town Hall, attn Town Clerk  
116 Hampton Road  
Southampton, NY 11968



Dear Honorable Sundy Schermeyer,

Please accept this letter as a comment submitted to the Draft Generic Environmental Impact Statement (DGEIS) for the *Hampton Bays Corridor Strategic Plan*.

In response to DGEIS Chapter 8.A. *Anticipated Impacts to Energy Consumption* the document refers to data from the Sustainability Committee but it is not included. Southampton Town has a new Office of Energy and Sustainability which should be better qualified to provide such data. The data is not included and there are no details provided, only the speculation that the committee might address the subject. Proposals within the document have a significant impact on electricity demand and energy consumption. The DGEIS is requested to identify impacts of the proposed actions on the use and conservation of energy, as specified in SEQR section 617.9(b)(5)(iii)(e).

The ever increasing use of electronic devices and greater dependence upon computers and automated systems in our homes is basis for a U.S. Department of Energy forecast reporting large increases in the amount of electricity that will be needed per capita. Conservation measures such as low wattage light bulbs and energy star appliances do not keep pace with our increasing consumption. As vacation homes change in use from seasonal to year round this is another significant increase to energy consumption. Still further, homeowners are upgrading their houses with installation of central air conditioning systems with ducts for forced air supply. Department of Energy reports capture the installation of HVAC systems and the data shows that this growing demand is another factor driving up consumption of residential electricity. With the age of our structures there will be substantial new electricity demand created from installation of new AC systems where they previously did not exist. Continued conversion to full year uses of Hampton Bays homes, motels, hotels, addition of accessory apartments, and increased density will result in significant increase of energy and electricity needs within the hamlet.

Coupling the increasing needs of the existing community with the added needs of new construction creates a predictable demand for the future. Identification of this quantity of electricity within the DGEIS will prove invaluable to planning growth here and in our neighboring communities. Data collection is needed so the cumulative impacts to electricity demand and the cost of meeting the demand can be planned. Consumption of electricity can be calculated in accordance with the sample provide below. It is the burden of the DGEIS to refine the numbers and determine the expected needs and subsequently match the needs to the supply on hand. Making up the difference between the supply on hand and the expected needs becomes an economic impact to our region as new costs will be incurred.

A sample method to calculate and forecast energy follows: let's simplify 3 current residential projects to a total of 191 units (Tiana Commons, Canoe Place Inn, Ponquogue Manor). Department of Energy reports average monthly consumption of electricity is 842 kilowatthours per family. Multiply the numbers and increase to 12 months for a 1 year value and the result is 1,900 Megawatthours per year. The result may be

splitting  
2,811

2 Baybury Lane  
Hampton Bays, NY 11946

February 5, 2011  
Re: Sewage Treatment Monitoring

Southampton Town Hall, attn Town Clerk  
116 Hampton Road  
Southampton, NY 11968

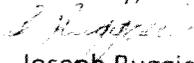
Dear Honorable Sundy Schermeyer,

Please accept this letter as a comment submitted to the Draft Generic Environmental Impact Statement (DGEIS) for the *Hampton Bays Corridor Strategic Plan*.

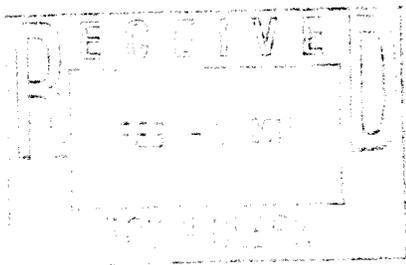
The DGEIS identifies provisions by New York State DEC and Suffolk County Department of Health Services to issue effluent discharge permits for advanced alternative septic systems or sewage treatment plants. Treatment systems and the transfer of sanitary credits allows for increases to population density in sensitive areas including the Pine Barrens protection areas and Aquifer Protection Overlay District. The only way to ensure our groundwater is actually protected is to monitor the effluent from these systems and provide authority to someone who is qualified to set standards and review analytical results. Successful monitoring ensures that adverse impacts are minimized to our groundwater. It is critical to lay the foundation in identifying a jurisdiction having authority that shall set standards for a program to monitor the performance of septic treatment systems. Discussion must be added to Section II.5.1.8 of the DGEIS to include an effluent monitoring program that ensures groundwater protection from alternative septic systems and on-site sewage treatment. The ultimate result will be selection of systems that function to provide the intended result, which is preservation of groundwater quality. It cannot be left to the claims of manufacturers and installers.

Available treatment technologies have been demonstrated to require regular service in order to achieve intended results and others have shown to be completely ineffective. Data presented by New Jersey Department of Environmental Protection shows that certain residential septic treatment systems are ineffective and fail to meet requirements. (Pine Barrens Research Forum; October 2, 2008) Some systems function properly and require minimal upkeep to achieve the desired results. Results are now published and policy is in place that explicitly prohibits certain technologies from use in the New Jersey groundwater protection areas. Conclusions are summarized and are based upon data obtained in their monitoring program called, "Pinelands Comprehensive Management Plan to establish a Pilot Program for Alternative Design Wastewater Treatment Systems".

There is also new opportunity for impact to groundwater with increasing amounts of untreated runoff being directed into the aquifer system. There are measures ongoing to collect runoff into newly constructed storm drains and interest to further increase infiltration to groundwater. The same pollutants that we are looking to keep out of surface water are now being diverted to groundwater through storm drains. What is the impact to groundwater quality from stormwater diversion projects? Monitoring is necessary to determine if pollutants are concentrating. Does the capture of runoff contribute to the rise in groundwater level that resulted in such extensive flooding during the heavy rainfalls of 2010? Does the increasing groundwater level adversely impact existing residential septic systems?

Sincerely,  
  
Joseph Ruggieri

Y TO Meeting  
2/8/11



2 Baybury Lane  
Hampton Bays, NY 11946

February 6, 2011  
Re: Potable Water Infrastructure

Southampton Town Hall, attn Town Clerk  
116 Hampton Road  
Southampton, NY 11968

Dear Honorable Sundy Schermeyer,

Please accept this letter as a comment submitted to the Draft Generic Environmental Impact Statement (DGEIS) for the *Hampton Bays Corridor Strategic Plan*.

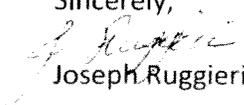
The distribution of potable water within Hampton Bays is currently problematic. When summer occupants arrive there is not enough water to meet our needs. We even had a water advisory during 2010. My home has insufficient pressure to refill the toilet tank on the second floor and water dribbles out of the shower and faucet. Evaluations by personnel from Hampton Bays Water District inform me that they are meeting the minimum pressure requirements. I have concern in the future as a high density residential property sharing my distribution line is being constructed.

The community is still bearing the burden to pay for installation of the new pumping station and holding tank. We have a tax line item paid to the water district plus quarterly billing for usage. The demand of the increasing population overwrote the previous supply well and rendered the water undrinkable from salt water intrusion. With plans to continue increasing density by zoning changes as well as the incentives to add accessory apartments into houses I now request to see the predicted cost to upgrade the distribution system so that it will meet demand in Hampton Bays. It is identified within the DGEIS that there is enough water within our aquifers, but the document is lacking discussion about how much will it cost to get water to our homes. I request the DGEIS to acknowledge that a plan is needed to remedy the reduced water pressure during the summer when population increases and we also have irrigation needs.

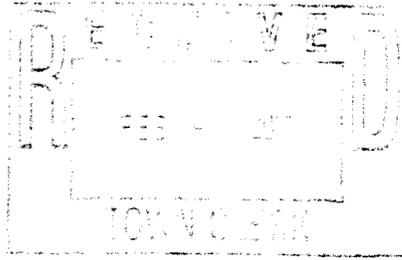
A sample method to calculate and forecast water needs follows: let's simplify 3 current residential projects to obtain 191 total new units (Tiana Commons, Canoe Place Inn, Ponquogue Manor). The consumption needs are calculated with an estimated usage of 69 gallons per day per person and population of 2 per unit. Multiply the numbers and increase to 365 days for a 1 year value and the result is 9.6 million gallons per year. This value is a conservative estimate since each property will have additional consumption for landscape irrigation and restaurants which further increase the demand. Do the existing wells and storage tanks meet this need? At what population does the water district need to construct another well and pump station? What is cost for additional well and treatment tank? What upgrades are necessary for the pipes and pumps in the distribution system? Should revenue be secured from proposed actions to ensure that we meet our needs?

Section II.5.1.3 provides recognition of a plan for water conservation but it would benefit the DGEIS to provide suggestions that minimize the impact of new development. Measures should be further recommended that minimize water consumption at the sites of new buildings, especially when changes to zoning are required to increase the population density.

Sincerely,

  
Joseph Ruggieri

Sp. TB Meeting  
2/8/11



2 Baybury Lane  
Hampton Bays, NY 11946

February 7, 2011

Re: Additional Public Meeting & Public Notice

Southampton Town Hall, attn Town Clerk  
116 Hampton Road  
Southampton, NY 11968

Dear Honorable Sundy Schermeyer,

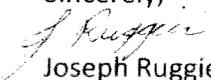
Please accept this letter as a comment submitted to the Draft Generic Environmental Impact Statement (DGEIS) for the *Hampton Bays Corridor Strategic Plan*.

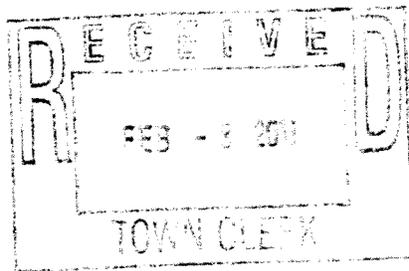
It is recommended to extend the comment period and make a more concerted effort at informing the Hampton Bays community about the benefit of involvement to this process. Implementation of the proposed action will have numerous and significant impacts. There will be increases to cost of living and cost of doing business within the hamlet as the taxation will increase to provide funding to implement the recommendations described within the GEIS, as well as pay for growth of town government, plus pay for growth of utilities that is necessary to meet added needs. We have invested a substantial amount of money to conduct research and prepare reports that must not be wasted by hastily accepting the final GEIS and rushing the process to completion.

There has been a lack of sincere effort to include the community at large from this planning process. The process has been inclusive to various organizations, but in general, the public had been shut out with a limited Scoping process for this GEIS. I support this with a survey of my neighbors and several shopkeepers within the hamlet who have no knowledge about the GEIS public meeting on February 8, 2011 or any awareness that the GEIS is available. Notices were not provided in the most appropriate materials or locations to reach the community here. This would include the Library Bulletin Board, 27east.com, Church Bulletins, or any other public bulletin board, such as those within popular shops. There has not been a public notice sign posted anywhere within the hamlet. It is only with the approaching meeting that on-line media has now reported about the scheduled event. There is insufficient time for the public to seek out the report, review it, and prepare comment. A legally satisfying notice may have been posted in the Southampton Press, but doing this alone and printing it the week of Christmas fell short of notifying the Hampton Bays community that will be most directly impacted by the proposed action. It is appropriate and consistent with the process to post notice on sign boards located within the hamlet in visible areas, as specified in SEQR Section 617.12 (c)(3).

Due to winter vacancies, many stakeholders are away from their Hampton Bays properties. The timing for this meeting corresponds with the least availability for community participation and excludes many stakeholders from the public scoping process. It would also be more appropriate to hold this meeting about the future of Hampton Bays at a location in Hampton Bays. The report is invaluable and contains a great wealth of useful information to convey the proposed actions plus it identifies mitigating measures which would improve the results. To maximize the benefit of the GEIS the next objective must be to have a diversity of stakeholders to provide comments that will ensure a sustainable economy and desirable community within Hampton Bays.

Sincerely,

  
Joseph Ruggieri



2 Baybury Lane  
Hampton Bays, NY 11946

February 7, 2011  
Re: Bicycle and Pedestrian Safety

Southampton Town Hall, attn Town Clerk  
116 Hampton Road  
Southampton, NY 11968

Dear Hon. Sundy Schermeyer,

Please accept this letter as a comment submitted to the Draft Generic Environmental Impact Statement (DGEIS) for the *Hampton Bays Corridor Strategic Plan*.

Pedestrians and bicyclists cannot travel through the streets of Hampton Bays safely. On November 12, 2010 Rebecca Elfant was struck by an automobile on Montauk Highway; On August 12, 2009 Joseph Marino was struck and killed by an automobile while bicycling on Ponquogue Avenue; on July 26, 2009 Kristen Lohneiss, Kathryn Gadzinski, and Daniel Gilliam were all three struck by automobile while walking on Dune Road. As mentioned within the DGEIS there must be pedestrian-friendly redevelopment, and I agree with the description of bicycle facilities in DGEIS Part IV.7.G.ii. The plan must be extrapolated throughout the hamlet and I have provided a recommendation that will provide numerous benefits to residents and businesses.

The solution proposed is based upon a vision for a single continuous pedestrian corridor that consists of planned sidewalks and bicycle paths that connect the community residences to the most used destinations. This pedestrian corridor is a vision for something that improves quality of life for everyone who uses our roads: whether it be auto, truck, bicycle, walkers, and even joggers. It is an effective way to integrate our community with improved access to shops, beaches, and parks that will improve safety for everyone. My vision is for a proper bicycle path that begins at Dune Road, providing beach access, with a continuous path extending over the bridge, continuing through the heart of Hampton Bays, crossing Montauk Hwy and ending at Red Creek Park. A comprehensive pedestrian corridor would also extend along Montauk Hwy to connect the western hamlet area to the canal, with a location to join with the north/south path. More people can get to the numerous shops on Main Street including the movie theater, which usually has no available parking spaces. The value of living in Hampton Bays will increase with such a pedestrian corridor providing access to the 1) beach; 2) Red Creek Park for sports and recreation; 3) canal for fishing; 4) shops; 5) restaurants; and 6) the pleasure of walking and bicycling. This will change life in Hampton Bays for the better.

Such a project achieves several goals and brings great value. There will be safe passage by pedestrians to get to and from Main Street, from both the north and south sides of our hamlet. A pedestrian corridor that reaches the beach adds great value because it will certainly reduce the number of cars traveling over the bridge and reduce the number of cars that need parking at the ocean beaches. Extending to Red Creek Park adds priceless recreational value to our community. With such a path residents who want to leave the car in the driveway and seek exercise now have a jogging and bicycling option, low income residents who do not have cars and immigrants who are not yet licensed to drive have a safe corridor, and most important is that the children in our community can get to the park, the beach, and everything in between, without risking their lives.

Bicycle paths were addressed within the DGEIS, but they become much more valuable when they are interconnected to the residences as described. It is desirable to remove the paths from the road as the Corridor Strategic Plan had presented with integrated bike paths. The vision is expanded to provide the dedicated pedestrian corridor that lets the community get around town without automobiles. It must entirely eliminate the need to move into traffic lanes and it would minimize intersection crossings. Painting a lane down the shoulder of existing roads is not a realistic bicycle path. The lane added on east Montauk Hwy is usually obstructed by parked cars and creates more hazard than benefit.

Specific roads that would be included are to be determined by the extent of the pedestrian and bicycle corridor that is ultimately defined. My vision includes: the entire length of Main Street within the hamlet, the entire length of Ponquogue Avenue, Squiretown Road from Main Street to Old Riverhead Road, Old Riverhead Road West from Squiretown to CR 24, Shinnecock Road, Foster Avenue. Dune Road should also be considered to provide access from the inlet to (the second ocean beach going west). I agree with the recommendation within the reports to create off-street routes for bicycles. (DGEIS II.8.G.iv)

*Similar Plan has been included on Map 34 within the DGEIS. The concept is recommended to be developed further for the FEIS.*

Sincerely,

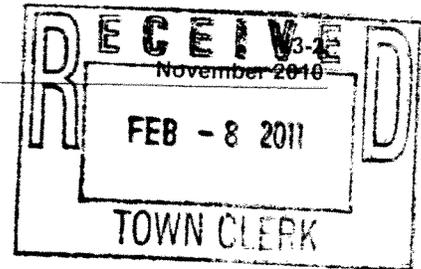
*J. Ruggieri*  
Joseph Ruggieri

**APPENDIX 12**

**WRITTEN CORRESPONDENCE**

**HOUSING CHARACTERISTIC  
FLYER**

**FEBRUARY 8, 2011**



### 3.B. Housing Characteristics

#### 3.B.i) Housing Units

Also according to the 2000 Census, the Hampton Bays CDP had a total of 6,875 housing units, 1,998 of which were classed as "vacant." Most of the vacant units have seasonal, occasional or recreational use. The inventory of Town GIS records analyzed for the hamlet build out (see section IV.1) identified 7,871 housing units as of mid-2009.

##### Accessory Apartments

The Town's GIS records show 373 of Hampton Bay's housing units are apartments. The distribution of apartments is shown on Map 3. Multi-family Housing and Apartment Units.

Prior to the Town's current accessory apartment law, an apartment could be built with an addition or renovation permit and then issued a certificate of compliance. Now, the Code defines an accessory apartment as a "secondary dwelling unit established in conjunction with and clearly subordinate to the single-family detached dwelling (one-family dwelling, detached)." A minimum lot size of 30,000sf is also required, as well as an accessory apartment permit, valid for a three-year period. As of September 2009, there were 37 up to date accessory apartment permits for units in Hampton Bays.

\* One community concern identified during preparation of this DGEIS is over the potential for accessory apartments to substantially increase, or even double, the allowable density in the hamlet. Such a situation would theoretically be possible were the addition of an accessory apartment allowed on any residence. However, because of the 30,000 sf lot size threshold, this potential is greatly limited. Map.4, Residential Properties 30,000sf or Larger, shows the distribution of qualifying properties in the hamlet. The build out analysis in section IV.1.B identifies 888 such parcels, 11.24% of the total residential units. The build out further notes that only a small proportion of these qualifying properties are likely to add a rental apartment, since most area residents purchase their homes to enjoy a single family lifestyle rather than to become landlords.

Aside from the general range of impacts associated with increased density, concerns about accessory apartments also focus on the ability of lots to handle the increased water usage and sanitary flow that comes with an extra, albeit smaller, residential unit. Again, the minimum lot size threshold addresses this issue, at least in part, because the 30,000sf meets Suffolk County Health Department requirements for parcels in Groundwater Management Zone III. Properties in the more restrictive Groundwater Management Zone IV may be required to obtain a transfer of sanitary credits.



# Town of Southampton

## Board of Appeals

*This is Not a Building Permit*

DECISION NO. D012681

DECISION DATE: March 4, 2010

### VARIANCE IS HEREBY GRANTED

**OWNER:** Mete Ogun  
38 Palo Alto Dr  
Hampton Bays, NY 11946

**LOCATION:** West side #38 Palo Alto Dr, Hampton Bays

**DETERMINATION:**

This Board grants applicant relief from: (i) Town Code Section 330-11.2(F) to allow an accessory apartment to be located on a lot of 11,866 square feet where 30,000 square feet is required; (ii) Town Code Section 330-11.2(F) to allow an accessory apartment to be located on a lot of 11,866 square feet, where 16,000 square feet is 80% of the lot area for the applicable zoning district; (iii) Town Code Section 330-11.2(F) to allow a rear yard of 40 feet where 42 feet is required; and (iv) Town Code Section 330-11.2(G)(1) to allow the size of the proposed accessory structure to be 58.8% of the total floor area of the principle dwelling where 35% is permitted. The granting of this relief however is conditioned upon the applicant screening the proposed driveway with landscape plantings from the proposed driveway east to the property line on Palo Alto Drive, which shall include evergreen shrubs, not less than three feet in height at the time of the installation and that the applicant and future owners of the subject property will maintain the screening.

Pursuant to application, and survey and conditions as approved by the Board of Appeals.

NOTE: The holder of this variance is requested to familiarize himself with the ordinance under which said variance is granted. Any violation of the provisions of said ordinance shall render the offender liable for the penalties provided therein, and in addition thereto, may result in the immediate revocation of the building permit.

*This notice must be kept on the premises until full completion of the work authorized*

\* ASSESSMENT RECORDS SAY PRINCIPAL DWELLING AREA IS 1352 sq ft

ACCESSORY APT = 966 sq ft.

$966 / 1352 = 71\%$   
vs code req. 35%

**APPENDIX 13**

**WRITTEN CORRESPONDENCE**

**JACK CAPONE**

**FEBRUARY 26, 2011**

**Jack Capone**

**From:** "Costanza, Frank" <frankc@pressnewsgroup.com>  
**To:** "Jack Capone" <jdcapone@optimum.net>  
**Cc:** "Covell, Kim" <kimc@pressnewsgroup.com>  
**Sent:** Saturday, February 26, 2011 1:20 PM  
**Subject:** RE: About Hampton Bays.

Jack,

We have a 450-word limit on letters and your letter is around 630 words. Please cut to 450 words and resubmit before noon on Monday or give us permission to cut it for you. Thanks.

Frank Costanza  
 Editor  
 The Southampton Press Western Edition

-----Original Message-----

**From:** Jack Capone [mailto:jdcapone@optimum.net]  
**Sent:** Sat 2/26/2011 12:48 PM  
**To:** Costanza, Frank  
**Subject:** About Hampton Bays.

Editor, Southampton Press,

Not too much has been written in the Press, lately, about the lengthy study, completed by the Land Management Division of Southampton Town, entitled, Hampton Bays Corridor Strategic Plan DGEIS, and Cumulative Impact of Build Out Study. Confused? The Planning Department led by Jeff Murphree, and Freda Eisenberg, AICP, Planner, with Cashin Asso., and L.K. McLean Asso. prepared the study of the Hamlet of Hampton Bays. It is long, and concise. If you did not watch the first hearing by the Town Board, recorded by Channel 22, then yes, you are confused. Simply put, DGEIS stands for Draft Generic Environmental Impact Statement, and the Build Out Study tells you how many new residents Hampton Bays can absorb without affecting water supply, sewage, and etc.

I watched the first hearing. It was lengthy because Freda did an excellent job of explaining the contents page by page. Three booklets about an inch and a quarter thick, total. I have them if you want to look at them. A few people from Hampton Bays were in attendance, naturally representing you, the residents of Hampton Bays. Bruce, Richard, Mary Jean, Eve, and Marion. Each spoke, and their main cry was, "Enough, we want no more population growth". In other words, what they are saying is, "We are here, now close the gates."

I have studied the report. It shows that there is a possibility of an additional growth of about 2500 new residents, based on 250 new homes, 200 new accessory apartments, 15 potential LI Workforce Housing Act bonus density units, and 250 Condominium Units mostly resulting from conversions of Motels, and Cottage Lodgings.

How do you get through to the five people that I mentioned above, that Hampton Bays is unique in that without a doubt it is the most beautiful Hamlet in Suffolk County. All you have to do is to walk to the top of the Ponquogue bridge, and look around in all directions. Take a ride to the Inlet, the Shinnecock Canal, Red Cedar Point. For these reasons, and dozens more, new residents are attracted. You have good Restaurants, active Churches, Shopping, excellent School system, superior Fire Department, and Ambulance service, you name it, it is here in Hampton Bays.

I have an idea. At the next meeting that the Board will again discuss the Study, insist that the Town Board purchase all empty lots in Hampton Bays. That would eliminate 250 families. Have them refuse to issue any more permits for accessory apartments, Condos, etc. This would make the five happy.

The report has many things that are good for Hampton Bays. I doubt if I will see much of it completed in my lifetime. Right now, the important things that should be done, #1 Montauk Highway, and the sidewalks from Jones Road to the Canal, are a disgrace. #2 The County Park, at the Inlet, visited by hundreds of visitors each day, is a total disgrace. #3 The roadway from the Bridge to the Inlet is also a disgrace. I realize that some of it floods often, but it should at least have some maintenance. #4 the West Side of the Shinnecock Canal could stand a little sprucing up. I wish the Beautification Society would get involved.

If you have lived in Hampton Bays fifty years or more, to me you are a Native. Get involved. Where are the Wilson's, Smith's, Jackson's, Warner's, Jones's, Halsey's, Kaul's, Hansen's, Carter's, Berglin's, Zarro's, Kenny's, Schnieder's, Pensa's, Sinclair's, Baucum's, Mason's, Raynor's, Tuthill's, O'Shea's, Booth's, Down's, Borell's, Brown's, King's, Schrage's, Maloney's, Nicholson's, Penny's, Scott's, Spellman's, Tedesco's, Wourgola's, Van Scoy's, Catena's, Trafford's, Koehler's, Kuhn's. I could

2/28/2011

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TOWN OF SOUTHAMPTON  
 TOWN CLERK'S OFFICE

go on, and on. Keep in mind that the five people I mentioned above, are speaking for you. Is that what you want?

Yours very truly,  
Jack D. Capone  
728-5996

2/28/2011

**APPENDIX 14**

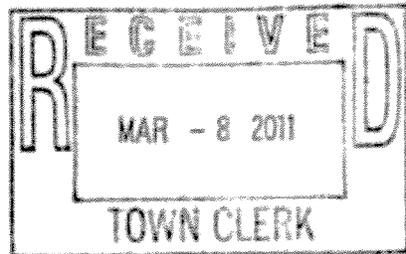
**WRITTEN CORRESPONDENCE**

**SCOTT CARLIN**

**MARCH 1, 2010**

Sp TB Meeting 3/8/11  
P.H. #2

Scott Carlin, Ph.D.  
March 1, 2011  
DGEIS Comments to Southampton Town



The Draft GEIS is a first step in a long process whereby the Town can assist the residents and businesses of Hampton Bays to achieve its vision for Hampton Bays, a community that is vibrant, historic, seaside, ecological, green, safe, and distinctive.

The DGEIS does a good job of redefining zoning for the downtown corridor.

The document provides support for protecting important historic resources, such as the Prosper King House and Canoe Place Inn.

The document recommends updating the Town's Planned Development District Guidelines, which is already underway and something I strongly support.

The report calls for a statue commemorating the portage of canoes at Canoe Place, interpretive exhibits at Shinnecock Canal, various proposals for bicycle lanes and improved pedestrian access, a tree protection ordinance, façade improvements, promoting infill development and discouraging sprawl, downtown walking paths, designing Good Ground Park for passive recreation, completing the Town's Local Waterfront Revitalization Plan (LWRP), strengthening wetlands protections, promoting water conservation, improving stormwater management and road run off, and the report recommends increasing land acquisitions for sensitive Critical Resource Areas (CEA) and open space parcels along Montauk Highway (among other places). And, the DGEIS recommends that the Town's Sustainable Advisory Committee create a Hampton Bays subcommittee to improve energy efficiency in the hamlet. I strongly support all of these recommendations.

Some of the roadway recommendations will facilitate the flow of traffic. One example is the proposed access road connecting the parking lots at Macys and Stop and Shop. I also support developing a service lane (or "slip street") east of the hamlet center (by Katrinkas Deli). Various layers of government have installed a number of new traffic lights in Hampton Bays in recent years. The DGEIS should document this increase in installed stop signs and traffic lights in Part II: Existing Conditions. At this point, I would rather see lower speed limits than additional traffic lights. The DGEIS advocates for constructing a Good Ground Road extension, when needed in the future, which would connect to Route 24 near the Diner. This conclusion is asserted in the DGEIS without any supporting evidence in the main report. The main report of the DGEIS should develop a more compelling case for this road by summarizing the Traffic Study data in an easy to understand format. The DGEIS should also provide more information about current community opposition to this project.

School taxes account for 72% of the total property tax bill (DGEIS, p. IV5-12). The School District's ability to pass budgets has improved in recent years, aided by the

Town's assistance with local funding. The DGEIS recommends that the Town work with the School District on consolidating back office functions or consolidating school districts, ideas that I support.

We should also consider other options. The Long Island Regional Planning Council raised the issue of "Development Impact Fees" in a recent report.<sup>1</sup> Impact Fees would offer the Town a new tool to assist Hampton Bays with the ongoing costs hamlet growth. New developments impose large costs on the hamlet. Communities across the country are using Development Impact Fees to as a way to manage the tax and environmental burdens associated with rapid growth.

The School District is currently at 96% of capacity (p. II.6-24). It isn't clear why the report (Section II.7.C) doesn't specify the reasons for rising school taxes in recent years. The School District can provide that information.

Hampton Bays' future is closely tied to the health of beaches and bays. Local growth has significantly impaired the quality of local waterways. Mary Jean Green recently spoke in favor of Hampton Bays as a watershed. I hope the final DGEIS can adopt this language. Currently the Town's land use regulations pay insufficient attention to this reality. The DGEIS uses the word watershed seven times. Good Ground Road is a much more numerous reference in this report. Why isn't the reality of Hampton Bays as a watershed given greater prominence in this document, as many residents have repeatedly asked?

While there are some recommendations in the DGEIS to protect local waters, the report fails to provide a comprehensive review of how land use is impacting water quality and defers that issue for the LWRP report. So the current DGEIS will result in the further degradation of the marine ecosystems.

In recent years, local growth has forced the Water Supply District to significantly expand its water supply system. Growth contributed to chlorinating local drinking water. Chlorination provides important health benefits, but local residents enjoyed water that was free of chlorination and growth has taken that quality from residents. The DGEIS should, but currently does not, discuss this important change in water delivery.

Section II.6.F.iii discusses the growth in water consumption, but it does not discuss the capital costs incurred by the Hampton Bays Water District in recent years. The District has drilled new wells and installed a new storage tank to accommodate local growth. Additional investments will be needed to accommodate future growth (Section IV.5.D.i). Yet the DGEIS cannot specify what those future investments might be.

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<sup>1</sup> See the Long Island 2035 Regional Comprehensive Sustainability Plan Technical Report - Land Use. P. 31.

Another area of concern is the Town's Zoning Board of Appeals. The DGEIS should acknowledge local concerns that the ZBA is too lenient in granting variances. The Town should develop a set of procedures to address these concerns. The Town should mandate changes in training procedures for ZBA members. The Town can set annual reporting requirements for the ZBA so that communities know what percentage of the ZBA's variances are granted by hamlet each year. In the current DGEIS, by my count, there is only one reference to the ZBA.

The Corridor Plan and the DGEIS reflect years of hard work by the Town, consultants, and local residents. Overall, I support the majority of recommendations in this report and commend the Town and its staff for a job well done.

My comments have emphasized the many strengths of the DGEIS report. This report (and the planning process of the last two years), however, does not adequately address local concerns about growth: growth in people, buildings, roads, traffic and traffic signals, school children, water consumption, and septic flows. Yet concerns about growth was central to why organizations like the Hampton Bays Civic Association had asked the Town for this buildout analysis.

What many residents and I wanted was for the Town to provide an ecological analysis of Hampton Bays. For example, given that Hampton Bays is a watershed and given that existing levels of growth are impairing local quality of life, the Town recommends the following actions. But the DGEIS has delivers an entirely different product. The DGEIS outlines "responsible" strategies for accommodating future growth and uses a variety of strategies to postpone addressing local environmental concerns.

Last year, out of frustration with the DGEIS planning process, members of the Hampton Bays Civic Association wrote their own report: *Hampton Bays: A Vision for the 21<sup>st</sup> Century*. The report offers many valuable ideas and places greater emphasis on Hampton Bays as a watershed. Hopefully more of that report can be incorporated into the DGEIS.

Lastly, the uproar over Planned Development Districts has, until recently, been another exercise in frustration for many residents in Hampton Bays. Month after month, local residents attended Town-sponsored meeting on the DGEIS process. Some of us consistently complained about local PDD issues, yet our concerns were not addressed. After awhile, Town staff felt that this issue had consumed too much time. The issue was removed from the agendas of the Ad Hoc Advisory meetings and tensions escalated. Today, the Town is considering substantial changes to the existing PDD regulations.

Each year, the Town should allocate a budget for hiring an impartial facilitator so it can more effectively address communication breakdowns during community driven planning processes. In addition, the agendas for these Ad Hoc Committees should be constructed in consultation with Committee members.

The completion of this report is only a first step. I hope this Town Board will move forward with prioritizing, funding, and implementing the DGEIS. The *Introduction* to the Civic Association's July 2009 Vision document states that "Hampton Bays is currently in a state of crisis." With the completion of the DGEIS, Hampton Bays still does not have a planning document that adequately understands and addresses these crises. Much more work still needs to be done. The DGEIS enables Hampton Bays to better accommodate future growth. But growth has become the problem; it isn't the solution.

Other issues:

Section II.2.C, Population Density, should compare the density of Hampton Bays to the rest of Southampton Town. (The current data compares Hampton Bays to all of Southampton - which includes Hampton Bays.)

It is not clear why the Modified Alternative (Section IV 10.B) did not receive more attention in the report. It seems to argue for less intense development - which would be beneficial to the community.

Section III.4, Additional Recommendations, notes several of the recommendations of the Civic Association's 2009 Vision report. Section 4.B.iii discusses Harbor Protection. In this section the Town should also consider a Watershed Overlay District that encompasses the entire landmass of Hampton Bays. All lands in Hampton Bays are affecting the local estuaries. Section 4.B.iv discusses the density permitted by Suffolk County. But those requirements are for human health, not marine health. The Town should consider regulations for Hampton Bays that protect marine life as well as human health. The Peconic BayKeeper, for example, believes that communities like Hampton Bays need more stringent Nitrogen regulations to protect local bays.

**APPENDIX 15**

**WRITTEN CORRESPONDENCE**

**BRIDGID COUGHLIN**

**MARCH 8, 2011**

ABOLISH PDD FOR HAMPTON BAYS  
CC: TOWN BOARD  
TOWN CLERK

DEMOLISH THE C.P.I. ITS  
A REAL EYESORE AT THE  
CANAL

NO BUILDING CONDOS, TOWN-  
HOUSES OR APARTMENTS. AT  
THE CANAL

OUR DRINKING WATER WILL  
BECOME POLLUTED AND THE  
CANAL WILL BECOME ONE

BIG CESSPOOL. NO NO WE  
DO NOT NEED THIS.

NO TO THE TIANA COMMONS  
OUR TRAFFIC IS ALREADY  
TOO CONGESTED.

Bruce Coughlin  
Hampton Bay

Received

MAR 8

SUPERVISOR

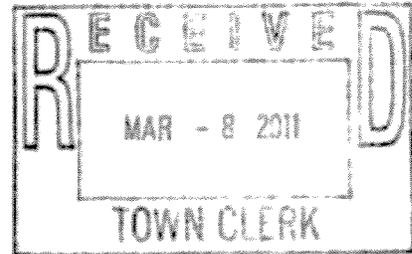
**APPENDIX 16**

**WRITTEN CORRESPONDENCE**

**MARY JEAN GREEN**

**MARCH 8, 2011**

Sp TB Meeting 3/8/11  
P.H. #2



March 8, 2011

To: Southampton Town Board

From: Mary Jean Green

Re: HB DGEIS – Public hearing

My comments this evening revolve around specific suggestions for amendment to the HB DGEIS.

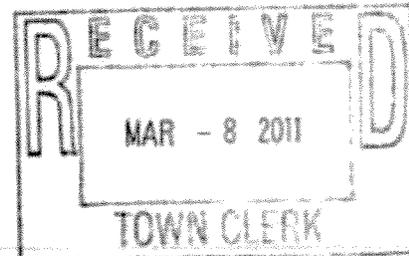
1. I am submitting for the record and to be appended to the HB FGEIS, the Hamlet Visioning Document of 2008, prepared by the Hampton Bays Civic Association based on a walking tour and analysis of the entire HB Corridor and waterfront by citizens of Hampton Bays. This document was intended to guide the town in this study and contains many scientific references and suggestions by educated, informed citizens, including but not limited to engineers, mediation and business professionals, attorneys, physiologists, chemists, business owners and professional environmentalists and hydrologists. I
2. This Visioning Document is a real, valid and insightful contribution by the citizens of Hampton Bays to their future and is not to be demeaned by any arbitrary criticism or exclusion.
3. I suggest that the DVD of the Wastewater Management Forum held in Suffolk County Legislative Building on January 31, 2011, be introduced into the record and reviewed by the entire town board. It can be obtained from Charlie Styler of Sea TV. It is an outstanding documentary on the critical issue of wastewater contamination of our ground and surface water. It should be seriously referenced in the HB FGEIS as a prototype for immediate upgrading of our septic waste disposal systems.
4. It should be specifically noted in the DGEIS that the Chromoglass sewage disposal on-site system is unacceptable for removing Nitrogen contamination from waste water and shall not be used.
5. It is to be specifically noted in the HB FGEIS that Hampton Bays is a critical watershed which sits on a sand spit and cannot absorb an unlimited populations without dire results. This is seriously noted in the 1970 Comprehensive Plan which addresses the population density at which our natural resources will no longer support us. This quota has already been exceeded in Hampton Bays.
6. The conclusions of the 1970 Master Plan were upheld in the 1984 update from which I now quote: "

Sp TB Meeting 3/8/11  
P.H.#2

recommended modifications to zoning maps or existing laws should be implemented soon after the SEQR findings statement and final plan are adopted.

The GEIS also discusses various appropriate environmental protection devices that are currently in place to protect the environment and their influence on ensuring that potential impacts from future growth and implementation of the plan are mitigated to the maximum extent practicable (e.g., wetlands laws, pine barrens standards, health department requirements, use of CPF funds to acquire any available properties if possible, etc.). Some of the GEIS discussions also focus on the actual environmental benefits of the Hutton Plan and buildout analysis mitigations which were specifically crafted to avoid or mitigate future environmental impacts. As the name indicates, the GEIS is generic. Additional site and project specific investigations can be conducted and additional mitigations put into place, as necessary, as individual projects are reviewed in the future (e.g., future EISs for any PDDs that may be proposed). It is our belief, that based on the environmental benefits of the corridor plan, existing environmental and public health laws, and other mitigations listed in the GEIS, that significant impacts will not result from the implementation of the plan.

Michael E. Brusseau, AICP, LEED AP ND & BD+C  
Community and Environmental Planner  
Cashin Associates, P.C.  
1200 Veterans Memorial Highway  
Hauppauge, NY 11788  
PH (631) 348-7600  
FX (631) 348-7601  
[www.cashinassociates.com](http://www.cashinassociates.com)



**From:** Mary Jean Green [mailto:mjg4606@msn.com]  
**Sent:** Monday, January 17, 2011 11:16 AM  
**To:** Freda Eisenberg  
**Subject:** Draft HB GEIS  
**Importance:** High

Good Morning Freda,

HBCA is diligently studying the draft document. I would so appreciate the following clarification from you.

If you refer to the Environmental section ( part IV.4 ), can you advise me if your final sentences which almost always state that "" Based on the forecgoin, including the findings and recommendations identified under the groundwater, wetlands, surface waters and ecological sections, no significant impacts to CEAs are anticipated by the implementation of the Corridor Poan." - Page IV.4-17.

Does this mean that the Corridor study needs all thes recommendations to be implemented in order to be acceptable environmental y and eliminate negative impacts l or do these recommendations apply only to full buildout, while the Corridor Study can be implemented under present conditions with no significant negative impact?

Thanks,

Mary Jean

## RE: Draft HB GEIS

From: **Mary Jean Green** (mjg4606@msn.com)  
Sent: Tue 1/18/11 1:04 PM  
To: Freda Eisenberg (feisenberg@southamptontownny.gov); mbrousseau@ca-dc.com

Good Morning Mr. Brousseau,

Thank you for your comments; however, it is still unclear to me whether implementation of the Corridor Plan will or will not require the mitigations you mention to be environmentally sensitive and protective.

May I take your last sentence and reconstruct it as follows:

1. YOUR SENTENCE: It is our belief, that based on the environmental benefits of the corridor plan, existing environmental and public health laws, and other mitigations listed in the GEIS, that significant impacts will not result from the implementation of the plan.

2. RECONSTRUCTED SENTENCE: It is our belief, that based on the environmental benefits of the corridor plan, compliance with existing environmental and public health laws and institution of the mitigations in the GEIS, significant impacts will not result from the implementation of the Hutton Corridor Plan.

Are these two sentences equivalent in conveying your intended thoughts?

Thanks to you and Freda for taking the time to address this question.

Mary Jean Green

---

From: FEisenberg@southamptontownny.gov  
To: mjg4606@msn.com  
Date: Tue, 18 Jan 2011 12:40:41 -0500  
Subject: FW: Draft HB GEIS

Mary Jean — I had Mike Brusseau of Cashin field your question; his response is below.

**Freda Eisenberg, AICP**

Town of Southampton  
Asst. Town Planning & Development Administrator  
FEisenberg@southamptontownny.gov  
631-287-5707 X1764 ■ 917-613-8425

---

**From:** Brusseau, Mike [mailto:MBrusseau@ca-pc.com]  
**Sent:** Tuesday, January 18, 2011 11:51 AM  
**To:** Freda Eisenberg  
**Subject:** RE: Draft HB GEIS

The GEIS sections prepared by Cashin Associates primarily address the environmental impacts of implementing the Corridor Plan and the available mitigations to address them. The Town, and in some instances, Cashin, has augmented these with reviews and mitigations to address the wider community buildout (e.g. hotel conversions, broader groundwater issues, etc.), based on analyses and public input. The mitigations set forth in the GEIS should be implemented as the plan is implemented and development redevelopment and any new infrastructure or projects are put into place. Any

**APPENDIX 17**

**WRITTEN CORRESPONDENCE**

**EVE HOULIHAN**

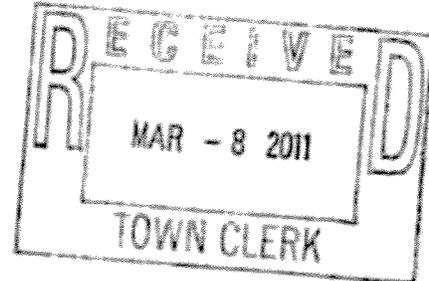
**MARCH 8, 2011**

Sp TB Meeting 3/8/11  
RH.#2

Page 1 of 3

March 08, 2011

TO: Supervisor Anna Throne-Holst  
Councilpersons Fleming, Graboski, Malone, Nuzzi  
TOWN OF SOUTHAMPTON  
116 Hampton Road  
Southampton, New York 11968  
CC: Town Clerk, Sundy Schermeyer



FROM: Eve Houlihan  
8 Bay Woods Drive  
Hampton Bays, New York 11946

RE: Hampton Bays Draft Environmental Impact Statement ("DGEIS") and Corridor Study

Referencing the first February 8 Public Hearing on above, I am taking this opportunity to re-submit the substance of my comments in writing, together with additional input, for your consideration and to be entered into the "official" record for this ongoing GEIS process.

As evidenced by the data and as I stated on February 8, the over-arching issue remains zoning-related DISPROPORTIONATE DENSITY, which is neither frivolous nor to be taken lightly. In my opinion, it frankly encompasses basic issues of Fairness and Constitutionality in the context of *Disparate Impacts*, to wit:

- Disproportionate Tax Burdens
- Declining House Values (inversely proportional to population/density factors)
- Deterioration in Quality of Life and Place
- Erosion of Environmental Integrity and Marine Resources
- Impairment of Community Character and Rural Ambiance

Indeed, the Town's original 1970 Master Plan had already identified the nexus between population and the community's available water supply and problems of sanitary disposal – deriving a maximum population density goal of 1.4 persons per gross buildable acre of land for the Southampton Community (including all the villages) and 1.2 persons per gross buildable acre for the unincorporated areas of the Town. It further recognized that in many areas of Southampton, the existing zoning already *exceeded* these limits necessary to sustain water and associated resources, further highlighting that the Hampton Bays area was the *"...center of some of the most intensive development in the entire community."*

**In 1970:** emphasis was placed on acquisition of open land, population density control, groundwater quality and supply as well as wastewater management issues.

**By 1999:** the development-driven agenda and related strategies are evident, with no credible rationale for that seismic shift.

Corrective measures are required and inexorably linked to RECREATING and PRESERVING:

- A significantly more BALANCED Hampton Bays Community in terms of its absolute population, density factor and over-all development vis a vis the rest of the Town.
- An environmentally SUSTAINABLE Hampton Bays Community in terms of development impacts on Groundwater and the Health of Marine Resources — the principal engine of local economic vitality.
- Escalating Effluent Discharge and Stormwater Runoff (both by-products of disproportionate development) clearly threaten to degrade water quality and marine resources — with inevitably negative consequences for both environment and economy.

As repeatedly emphasized by me throughout the process, the existing DGEIS continues to represent principally a list of ACCOMMODATION Initiatives and Proposals versus requisite REMEDIATION (as in Correction, Counteraction, Prevention) geared to eliminating the root cause(s) of dysfunctional consequences.

The document tone thus serves to promote the message that, while acknowledging disproportionate development density already exists, further growth is somehow inevitable and unavoidable — triggering only Mitigation “recommendations” to lessen (rather than avoid and eliminate) *negative Disparate Impacts*. But that message seems in diametric contradiction to the perceived and pronounced objectives of this exercise and the underlying Purpose of Zoning declared in the Town Code, which includes the following directives:

“To prevent overcrowding of land or buildings and to avoid undue concentration of population”  
and

“To secure the maximum recharge of the Town’s fresh groundwater reservoir to assure both the maintenance of the natural environment and the ecosystems essential to its continued well-being...”

In short, DENSITY must inform all planning decisions and Code prescriptions. This is not a tendentious observation, but rather one supported by irrefutable existing conditions. Long over-due and clearly needed are: unambiguous commitment and mandates to yield definitive reductions in potential DENSITY increases and general development overload — not merely another “Wish-List” or discretionary “Recommendation” compilation. While reference is made to a list of “Hamlet Planning Criteria” as collaboratively developed by the Ad-Hoc Committee, no tangible BLUEPRINT has been provided by Consultants or Land Management to recapture and achieve that Vision of a “Vibrant – Seaside – Ecological – Sustainable – Safe – Distinctive” Community.

#### (A.) ATTACHMENT:

Attached is a synopsis of “Overview” as prepared by me dated January 24, 2011 outlining relevant background information and highlighting some data as now contained in the Draft document, including: *Population Statistics, “Projected” Build-Out Numbers, Impacts on Schools, Community Facilities and Infrastructure.*

Note: Pages 5 and 6 delineate various “Recommendations” excerpted from the existing GEIS Document as prepared by Land Management, requiring elaboration and added clarification during the Public Hearing “Q and A” phase. Several of the “Action Items” and “Recommendations” as now contained in the document are not demonstrably consistent with community vision (notably: “proposed” Good Ground Road Extension which has been met with opposition from both Hampton Bays Civic Association and Hampton Bays Citizens Advisory Committee).

**(B.) ADDENDA:**

Several pertinent topics also require enhanced scrutiny and discussion during the ongoing process. Focused on density-related components of the existing DGEIS, they are covered in greater detail via the following 5 Addenda:

- **ACCESSORY APARTMENTS and Groundwater Management Zone Regulations**
- **WATER ISSUES — Surface Waters and Wetlands, Quality and Availability of Potable Water Supply, Wastewater Management**
- **TRAFFIC and Transportation**
  - \*\* Good Ground Extension
  - \*\* Reconfiguration of Montauk Highway
- **PLANNED DEVELOPMENT DISTRICTS ("PDDs")**
- **COMMUNITY PRESERVATION FUND ("CPF")**

Your review and consideration of my comments will be most appreciated.  
Thank you for your continued attention and cooperation.

Yours truly,

Eve Houlihan  
Hampton Bays

Attachment (1)  
Addenda (5)

**ADDENDUM # 1**

**(prepared/submitted per E. Houlihan Ltr. Dated March 08, 2011)**

**ACCESSORY APARTMENTS and Groundwater Management Zone Regulations:**

This topic represents heightened relevance as applicable to both legally-permitted **Accessory Apartment** additions and **ZBA-granted variances** for lot size and dimensional characteristics which are inconsistent with Zoning Code standards. With respect to the latter, **Town Code Chapter 330-11.2 , Paragraph F** (Special Standards) specifically outlines (thus, likely "encourages") the available ZBA relief mechanism — effectively undermining the force and over-all applicability of the underlying Town Code.

**Note:** The County of **Suffolk Department of Health Services** (Office of Wastewater Management) has reportedly provided a guidance memorandum on Accessory Apartments to all municipalities. Municipalities are required by Code to refer applications for accessory apartments to SCDHS for review of sanitary system design and compliance with Sanitary Code. While not intended to supersede local zoning, SCDHS requirements can result in additional restrictions, as necessary to protect groundwater, drinking water and public health.

The issue of sub-sized lots predating Article 6 of the County Sanitary Code also continues to be of concern. Reportedly, the **County Comprehensive Water Resources Management Plan** is re-evaluating Sanitary Code issues, *including density*, in various hydrogeologic zones. Options being discussed include increasing lot sizes in new subdivisions to 40,000 sq. ft. per dwelling unit in Hydrogeological Zone 4.

**(a) November 2010 DGEIS (Page ES-8 of 35)** states re *Transient to Residential (Motel/Condo)*

*Conversions that:*

*"Code amendments are also expected that would link conversions to SCDH sanitary standards, and ultimately reduce the residential yield"*

and

**Page ES-26 of 35** stipulates under "Recommendations":

*"Link Development regulations to Groundwater Management Zone limitations, with potential amendments to the Accessory Apartment Code, and the anticipated motel conversion code."*

**(b) November 2010 DGEIS (Page IL3-2)** references **Accessory Apartments** as requiring a lot area of Minimum 30,000 Sq. Ft.

**Page IV.1-16** expands on that definition stating that Town Code allows for accessory apartments to be added to single-family homes on lots of 30,000 sq. ft. or greater, provided that the size of the lot is at least 80% of the minimum area required for the district. Ergo: 30,000 sq. ft. is minimum required in R15 and R20 zones, but min 80% or 32,000 sq. ft. would be required in R40, 48,000 Sq. Ft. in R60, 64,000 sq. ft. in R80, etc..

**(c) November 2010 DGEIS (Page III.4-5, Section 4.B.iv)** states:

*"The Town Code permits accessory apartments on lots of 30,000 sf or larger. Looked at another way, ½ of an acre, or 20,000 sf, is allowed for the main dwelling and half that amount is added for the accessory. This is consistent with County regulations for groundwater management zone III. However, groundwater management zone IV requires a minimum of 40,000 sf for a single Family home; an accessory apartment generating half the wastewater flow would require 20,000.*

**To make the Town code consistent with Suffolk County Sanitary requirements, a minimum lot Size of 60,000 sf should be required for accessory apartments on property in GMZ IV."**

**NOTE:** The Comprehensive Plan 1999 Update (p. 164 and 165) also referenced that "...The Town should tie accessory units in accessory structures to the purchase of Pine Barrens and agriculture land transfer of Development Rights (TDR) credits; and there should be a minimum of one and a half times the required lot area" and "...Provision of more than one unit per store could also be tied to TDR credit purchases, +for 'sterilization' of lots elsewhere, in order to address the County Department Health's concerns regarding water degradation."

**FORCES THE QUESTIONS:**

- What rules and regulations are currently in place for Accessory Apartments and what, if any, monitoring/oversight have been implemented on both existing Accessory Apartments and already executed Motel/Condo Conversions ? What has been prevailing Town practice ?
- At present, transfers of Sewage Credits are reportedly permitted within the same GMZ, but not requiring restriction to/from within the same hamlet area. What are actual impacts of such "transfers" on water quality and groundwater management practices in the "receiving" site(s) ?
- Given the exceptional environmental sensitivity of Hampton Bays (and all of Southampton Town), why has there been no implementation of the 1999 Comprehensive Plan Update "recommendations" ? Where are conformity and consistency with Suffolk County Department of Health prescriptions stipulated and adopted in the Town Code ?

**ADDENDUM # 2**

**(prepared/submitted per E. Houlihan ltr. Dated March 08, 2011)**

**WATER ISSUES (Surface Waters and Wetlands, Quality and Availability of Potable Water Supply, Wastewater Management) :**

**(a) Wastewater Management**

- **November 2010 DGEIS (Page ES-9 of 35)** stipulates that, while the Corridor Strategic Plan does not directly address water issues, the DGEIS *recommends* mitigations. Water protection policies and regulations will be addressed at the Town-wide level in the Local Waterfront Revitalization Plan (LWRP), a long dormant project that has recently been revived.
- **November 2010 DGEIS (Page ES-16 of 35)** stipulates that: *"For PDDs exceeding density standards for groundwater, require a modified subsurface sewage disposal (MSSD) system that treats for nitrates."*
- **November 2010 DGEIS (Page ES-26 of 35)** stipulates: *"Link development regulations to Groundwater Management Zone limitations, with potential amendments to the Accessory Apartment code, and the anticipated motel conversion code."*

In October 1996, the Town of Southampton Department of Land Management had convened a Study Advisory Committee to address Shinnecock Canal / Maritime Development. One finding was that properties along the canal (particularly the southern end of the study area) were subjected to a high groundwater table, limiting the ability of typical wastewater systems to function properly. It further referenced that certain land use proposals *"...may have densities in excess of what the site may be able to accommodate in terms of wastewater flow pursuant to Suffolk County Department of Health Services standards."*

**Note:** Septic Management and current Sanitary Code prescriptions have recently garnered renewed attention and public awareness on a county-wide level. Influx of nitrogen, escalating effluent discharge and stormwater pollution have been identified as the principal threats to local waters and bays.

**FORCES THE QUESTIONS:**

- Why have these long over-due studies and remediation strategies been allowed to languish in a state of dormancy ?
- Given the fact that Hampton Bays is a WATERSHED, surrounded by water on virtually all sides, prioritization was/is self-evident.

In light of these concerns, the robotic and largely anecdotal conclusion reached in the **November 2010 DGEIS (Pages IV.4-1 through 17)** that "no significant impacts" are anticipated to Geology, Topography, Soils, Surface Waters, Wetlands, Groundwater Resources, Ecological Resources or Critical Environmental Areas (albeit apparently as confined to *"implementation of the proposed Hampton Bays Corridor Strategic Plan"*) does not appear to be comprehensively derived to gauge cumulative impacts on the entire Hamlet at "build-out" – to wit:

- Substantive changes to the Code have NOT been implemented.
- The LWRP has yet to be completed and updated
- The majority of motels within Hampton Bays are in close proximity to water resources
- A frequently referenced "proposed" PDD is located in very close proximity to a Water District public well site and (as stated on **Page IV.4-9**): *"...increased impacts to groundwater from stormwater runoff cannot be quantified at this time."*
- Vulnerability and susceptibility to contamination suggests that development in proximity to the Bellows Pond well field *should* be carefully designed to prevent impacts to public drinking water supplies. (November 2010 DGEIS (Page IV.4-9/10).

**(b) Availability of Potable Water Supply (Infrastructure Stress)**

Increased water consumption, attributable to population growth and household use, is creating infrastructure stress on the Hampton Bays Water District and other emergency services. Future transmission of adequate water supply throughout the Water District has been linked to needed installation of 16" or larger water mains. At present, the Hampton Bays Water District includes 5 Well Fields and 11 Wells.

The increased cost factors for continuing expansion of Water District infrastructure will be borne entirely by the taxpayers residing within Hampton Bays.

**ADDENDUM #3**

(prepared/submitted per E. Houlihan Ltr. Dated March 08, 2011)

**TRAFFIC AND TRANSPORTATION:**

**(a) "Good Ground Road Extension"**

Despite community opposition and intervening developments, the current DGEIS continues to integrate the suggestion for construction of this roadway. In fact, existing (and previous) Hutton Corridor Strategic Plan "Drafts" each indicated that the need for such expansion (for the presumed purpose of alleviating congestion) was no longer evident as a consequence of intervening County Road 39 expansion and lane addition.

**Hutton Corridor Plan (pages 63 and 66) has consistently stated that:**

*"It must be recognized that the traffic data used in this study was gathered in the 2007 summer peak season, while the Route 39 cones were in place, simulating the subsequent reconfiguration of Route 39 whose initial phase... was completed in 2008. The cones had a 'ripple effect in terms of positive impacts on Montauk Highway as far west as Hamptons Bays — traffic was significantly lighter when the cones were up and there was less need for searching out short cuts to get around bottlenecks."*

*"Over portions of late summer and fall 2006, as well as in summer 2007, Suffolk County temporarily implemented a second eastbound thru lane on weekday mornings to alleviate this congestion. This trial measure was dramatically effective in reducing vehicle queues on Sunrise Highway. Public input during the charrette indicated that, during the hours when it was in effect, this measure was effective in reducing eastbound traffic on Montauk Highway, as well as that on parallel roads such as Good Ground Road and Fanning Avenue, indicating that a significant number of motorists no longer needed to divert from Sunrise Highway. Suffolk County has now constructed a permanent second lane on CR39..."*

**NOTE:** In a recent Southampton Press article, County Legislator Jay Schneiderman stated that long-term plans for CR-39 would include widening the road to two lanes in both directions, with sidewalks and center median (a \$70 Million project). Continuing short-term improvement will add a second eastbound lane to this thoroughfare. Hence, conclusions reached in 2007 have been borne out.

Notwithstanding: inexplicably, November 2010 DGEIS (Page ES-3 of 35 "Proposed Action") continues to integrate, under Transportation/Roadway/Infrastructure Improvements:

*"Good Ground Road extension"*

PLUS

November 2010 DGEIS (Page IV.3-5) includes the following "recommendation" as if a "fait accompli" (rather than ill-conceived and clearly unwarranted, in light of CR-39 expansion both completed and planned):

*"The proposed Good Ground Road extension will involve some encroachment onto the property now occupied by the Hampton Bays Diner and require an easement. Extending further west... could be complicated by existing development and would require feasibility analysis. Alignment with the Kimco (Macy's) entrance off Montauk Highway appears to require relocation of, or impingement on, the Riverhead Building Supply property. Direct alignment with the Stop & Shop/McDonald's entrance would encroach onto the Bowen's Cottages and ministorage properties and structures."*

**FORCES THE QUESTIONS:**

- Is a "road essentially leading to nowhere" and representing more growth-inducement worth such destruction and expense: i.e., Massive Tree Eradication, encroachment onto the pristine Bowen's property, other property "relocation" with alterations in setbacks and zoning impacts on adjacent developed property, etc. ?  
Plus, to the rear and west of the Diner sits a N.Y. State Recharge Area.
- Is this linked to the now inserted "Action" item (November 2010 DGEIS, Page ES-19 of 35) stating: "Pursue acquisition of the Hampton Bays Diner site for gateway development" — i.e., to facilitate another growth-inducing and gratuitous roadway extension diverting traffic from the Hamlet Center ?
- It warrants repetition that a principal and long-standing goal has been to revitalize the Hamlet's traditional downtown sector, not provide a circumvention route effectively contributing to its demise.
- Note: Purchase of the property east of the Diner had included CPF monies and "bonding" source(s). Requiring clarification: have "public benefit" / PBC-offset monies generated ex the Hamlet Center MUPDD/King Kullen (totaling approx. \$127 K) been diverted to defray a portion of that "bonding" component.
- **Land acquisition made with CPF funds may not be used for roadway improvements other than Open Space Access.**

**(b) Expansion/Extension/Reconfiguration of Montauk Highway**

(1) Various Traffic analyses over the years on this particular topic have yielded contradictory conclusions. November 2010 DGEIS (Page IV.7-16) indicates that: "...Mitigations implemented in connection with the Stop & Shop development include the installation of an additional eastbound lane between the supermarket and SR-24, and a two-way-left-turn lane. Continuation of that configuration further west has been considered by the County and the Town, but the capacity analysis undertaken here indicates that it will not be necessary given the maximum amount of growth anticipated under all scenarios studied, including the pending Tiana Commons PDD application."

November 2010 DGEIS (Page IV.7-25) also states: "...Continuation of that configuration further west has been considered by the County and the Town but it appears that it will not be necessary under the entire hamlet build-out conditions, which includes the effect of the Tiana Commons PDD application."

(2) Hutton Draft Reports (July 2010 Version, page 69), January 2010 Version (page 69), January 2009 Version (page 61) states:

"...As noted previously, the Stop & Shop developer's traffic analysis indicates that two thru lanes in each direction are required on Montauk Highway in the vicinity of his site to accommodate traffic growth by 2018."

and

Hutton Draft Reports (January 2010 Version (Page 68) and January 2009 Version (Page 59):

"...In conjunction with Tiana Commons, a second eastbound lane will be required on Montauk Highway, from the Hampton Bays West/McDonald's traffic signal east to Route 24. At Route 24, an additional left turn lane for the southbound-to-eastbound left turn movement will be required. 'Normal traffic growth' by 2018 (approximately 2% per year, as determined by the State's LITP 2000 Study) would require Montauk Highway to be widened to two lanes in each direction."

(3) An Additional August 2006 Traffic Analysis prepared by Consulting Engineers (at the behest of Land Management to address the Hampton Bays West PDD) included the following observations:

*"...in the short term if the Tiana Commons were developed by 2008, it could be accommodated with the use of the HBW PDD traffic signal and the cross access road to the west. If and when the Tiana Commons site is developed, intersection performance could be further improved by modifying the southbound approach to provide two southbound left turn lanes. This requires two eastbound receiving lanes that can be constructed within the existing 66-foot highway right-of-way. This capacity addition is **not necessary** for the proposed Stop & Shop supermarket, but **would be necessary to accommodate additional traffic due to Tiana Commons...**"*

and

*"...The long term improvements...required for Montauk Highway will necessitate that right-of-way be acquired from private properties already developed, or at locations where development is not imminent. This will ultimately require a property taking under **eminent domain** by a government agency."*

(4) Nong of the referenced "reconfiguration" scenarios clearly define the length and span of roadway envisioned for such widening nor degree of encroachment onto existing, developed properties.

November 2010 DGEIS (Page ES-3 of 35) under "Proposed Action" Items includes the following:

*"Reconfigure Montauk Highway west of RT 24 to consist of two 12' wide lanes, a 12' center median/turning lane, 4' shoulders, and 8' sidewalk areas — all of which can be accommodated within the existing ROW" — but without delineation of roadway distance involved and eventual property encroachment — both north and south sides of the Highway. It is also unclear whether what has already been undertaken on that roadway represents only the beginning phase of a much larger project (foreseen as required for the future, absent preventive intervention measures).*

**Conclusion:** Ultimately, each of these "proposed" roadway modifications are growth-inducing stratagems, leading to escalating and irreversible URBANIZATION in tandem with increased Open Space and Treescape Destruction. They run counter to the oft-pronounced goal of retaining rural ambiance and hamlet scale *community character*.

As repeatedly exhorted, the logically remaining antidote is to *curb density* for myriad reasons already articulated throughout this exercise and encapsulated in the original 1970 Comprehensive Master Plan.

**ADDENDUM #4**

(prepared/submitted per E. Houlihan Ltr. Dated March 08, 2011)

**PLANNED DEVELOPMENT DISTRICTS ("PDDs"):**

**(a) Article XXVI of Town Code (Planned Development District – added in 1995)** establishes that there exist in the Town "...vast but diminishing natural resources and tracts of land deserving of preservation and maintenance."

It further defines that the "Purpose" of this PDD legislation is "...to facilitate increased flexibility to achieve more desirable development through the use of more creative and imaginative design ... AND to preserve, adapt and improve existing open space, land uses and communities, consistent with the recommendations of the Town's Comprehensive Plan..."

The Chapter further states that "...the various long-term goals which the Town Board wishes to achieve by this legislation are...**PRESERVATION and CONSERVATION of OPEN SPACE**..."

**(b) November 2010 DGEIS (Page III.1-8)** states that PDDs may be established "...as a receiving site for development rights or Pine Barrens credits" or "...as a method of providing incentives or bonuses for development providing substantial community benefits or amenities."

New York State "density incentive" enabling legislation Chapter 261-b stipulates that: "...community benefits or amenities shall mean Open Space..." While others are listed, the first articulated benefit is OPEN SPACE.

In addition, the EPA summary of New York State Town Law 261-a governing Transfer of Development Rights procedures emphasizes that:

*"This law gives town boards in New York State the authority to provide for transfer of development rights. The purpose of providing for transfer of development rights is to protect the natural, scenic or agricultural qualities of open lands, to enhance sites and areas of special character or special historical, cultural, aesthetic or economic interest or value and to enable and encourage flexibility of design and careful management of land in recognition of land as a basic and valuable natural resource."*

**(c) November 2010 DGEIS (Page III.1-8)** states that "...PDDs are sometimes viewed as an exchange in which the applicant or developer receives certain benefits, such as a change in land use or an increase in allowable density, in return for benefits provided to the community such as open space preservation or a piece of infrastructure."

The DGEIS then draws the decidedly curious conclusion that "...this is a narrow view, and does not take into account the general purpose of PDDs noted above, which is to achieve flexibility and optimization in land use."

**(d)** In my opinion, this is expedient interpretation of the legislation's seminal intent and an example of a flawed pro-development rationalization. As evidenced by underlying legislation, it is my contention that the purpose of the PDD is NOT about optimization or flexibility (as interpreted by planners); rather, that device (or tool) is clearly linked to preservation of natural resources, first and foremost. While extolling the virtues of PDDs as enhancers of "flexibility" (a.k.a., inordinate use intensification), Land Management continues to gloss over the most significant component: Open Space Preservation. It would seem that in the minds of planning entities, "flexibility" connotes use intensification, with vacant land routinely labeled as under-utilized and in need of "optimization."

This stance is promulgated despite evidence indicating OPEN SPACE and bucolic rural charm continue to represent the goals for which most East End communities are clamoring and advocating.

Indeed, when citing examples of "good" PDDs, both the Director of Land Management and Town Council members routinely trot out:

- the 66.1 acre Hampton Classic
- the 289-acre Sebonac Golf Course: a stellar example of both Residential Density Eradication and outright 54-acre preservation PLUS a hefty cash contribution of \$1 Million for future historic and "open space" purposes.

Consistently absent from the rhetoric are PDDs approved and pending for Hampton Bays — each of which has incorporated some form of "affordable housing" component (despite previous Comp Plan directives indicating no need for that within the Hamlet) — rather than the most manifestly logical and urgent public benefit/amenity: OPEN SPACE — to offset the disparate density in the already most populous hamlet, i.e.:

- Hampton Bays MUPDD /Hamlet Center with apartments (several of which "affordable")
- Hampton Bays South MUPDD with 5 SFRs and 3 Rental Apartments (with 1 SFR and 1 Apt. "affordable")
- "Arborview" (a.k.a., RTW) 50 Condominium Units (with 30% "affordable").

(e) November 2010 DGEIS is peppered throughout with some welcome phrasing about ongoing and self-evident imperatives, to wit:

- Offsetting Density Increases elsewhere in the Hamlet
- Offset density bonuses granted through PDD rezonings with preservation of residentially-zoned land elsewhere (as "Mitigations" under School and Fiscal Considerations)
- Augmenting CPF acquisition targets
- Increasing the Critical Environmental Area ("CEA") Priority Acquisition list  
And
- Requiring TDRs for all PDDs would help in achieving various goals such as controlling over-all growth and the impacts associated with this growth and protecting natural resources *to the maximum extent practicable while balancing social and economic considerations ... (Page IV.10-1).*

Unfortunately, the November 2010 DGEIS principally offers and reiterates "recommendations" (not mandates). And it consistently dilutes the force of the "recommendation" itself by incorporating subjective phrasing, effectively obscuring and nullifying any mandated intent. While continuing to attempt to argue the rationale for PDDs, the DGEIS does not directly address non-compliance with previously pronounced Comprehensive Plan "directives" or "action" items (specifically those dealing with Hampton Bays' density).

**None of the PDDs approved within Hampton Bays has yielded appropriately-sized Open Space Offset and/or appropriately-priced "cash-in-lieu-of" amounts enabling the Town "...to retire development rights on property that would have yielded an equivalent number of units to the density bonus."**

In short: a "cash-in-lieu-of" amount equivalent to ensure off-site preservation or acquisition of interests in land in order to achieve the development yield or higher density.

(f) November 2010 DGEIS (Page III-I-10) states the draft Corridor Strategic Plan "recommends" that:

- *"Cash-in-lieu-of amounts should be calculated fairly, based on the density bonus provided. The Town should be able to use the cash to retire development rights on property that would have yielded an equivalent number of units to the density bonus."*
- Cash-in-lieu-of funds should be spent in a timely manner to avoid the reduction in buying power that comes as property values increase.

November 2010 DGEIS (Page ES-13 of 35) also includes, under "Modified Alternative," the following:

- *"...recommends that no additional density be permitted in PDD zones, unless a sufficient number of development rights are sterilized in the Central Pine Barrens Core Preservation Area or that appropriate fees in lieu of rights are remitted and dedicated for open space protection in the HB SD."*

This is precisely the degree of specificity requiring unambiguous codification — to yield both adherence to the directives of the Comprehensive Plan and community vision "to moderate density" while simultaneously protecting the intent and "spirit" of the underlying State-enabling legislation as well as Pine Barrens Plan (when applicable). There is no discernible justification, much less evidence of "good planning," when the already most densely populated part of Town (as demonstrated and acknowledged for years) continues to be threatened with more than its fair or appropriate share of development density (no matter how cleverly or expediently packaged).

It appears that within Southampton Town the short-term and immediate "economic interests" of the few have effectively (and selectively) eclipsed the more urgent need to protect open space and natural resources of benefit to the well-being of all current and future generations.

(g) November 2010 DGEIS (Page III.I-9) states that:

*"Because public benefits may also be in the form of infrastructure improvements or contributions to meeting other community objectives, the draft Corridor Strategic Plan offers...additional potential public benefits for the Town Board to consider: ...*

- *reducing the operating costs associated with the Town's current lease arrangement on the Hampton Bays community center building on Ponquogue Avenue in the hamlet center.*

When this "suggestion" first surfaced in July of 2009 during the DGEIS process, I submitted Rebuttal Notes/Comments (dated August 12, 2009) for purposes of that record.

In short: the Southampton Town Community Center (while physically sited in Hampton Bays) houses not only *Town-wide* multi-social service amenities, but also a fully functioning satellite Town Clerk's office — accessible to and utilized by **all residents of the Town** (and others), irrespective of actual domicile. It is NOT the Hampton Bays Community Center, per se !

Cannibalizing Hampton Bays-specific PDD-generated "public benefit" monies for the purpose of subsidizing a Town-sanctioned lease arrangement will not stand up to rational scrutiny. It clearly contradicts the principle of "hamlet-specific" and "hamlet-sensitive" public benefit criteria and would also vitiate the pronounced intent of previously realized "public benefit" cash contribution(s): i.e., such monies were/are to be placed in a trust fund for the acquisition of lands or interests therein for open space within the boundaries of the H.B. School District.

**ADDENDUM #5**

(prepared/submitted per E. Houlihan Ltr. Dated March 08, 2011)

**COMMUNITY PRESERVATION FUND ("CPF")**  
**And PINE BARRENS CREDITS ("PBCS")**

(a) **November 2010 DGEIS (Pages II.4-7 through 10)** recap Acquisition Targets, some of which have been languishing on the CPF Target list for years, together with parcels identified in 2006 by Hampton Bays Civic Association. Included on the CPF Target listing had been the approx. 17.56 acre parcel repeatedly referenced throughout the document as a "prospective" PDD site. Such proposed PDD siting suggests it as singularly ill-conceived given several factors, including:

- its location within the Compatible Growth Area of the Pine Barrens
- its proximity to a H.B. Water District wellfield
- its "proposed" inordinate density intensification
- its designation within a "Critical Resource Area"

**November 2010 DGEIS (Page IV.10-4)** cites two contiguous lots outside the Core Preservation Area to be "considered" as potential TDR sending sites "...or otherwise be preserved in whole or part through other mechanisms." Totalling some 67.6 acres these are likely the last remaining LARGE Open Space parcels adjacent to other woodland properties. They have been on the CPF Target List for years without action to date. Their "Pure Preservation" for Open Space purposes is essential and long over-due, extinguishing any and all development potential — whether directly on site or serving as a TDR-generation device.

(b) **November 2010 DGEIS (Page II.4-6)** references CPF disbursements and receipts for exclusively Hampton Bays since the inception of the CPF program — seemingly designed to illustrate the disparity between the two amounts. Obvious counterpoints include the following observations:

- Disparity between receipts and disbursements is equally demonstrable within other sectors of Town, as evidenced by current statistics.
- Lagging receipts ex housing sales within Hampton Bays are directly and fundamentally attributable to its low-end housing values — i.e., Hampton Bays sits at the bottom of median housing values compared with other hamlets and thus has a relative paucity of homes selling significantly above the \$250K threshold for purposes of CPF-generation — versus other sectors of Town enjoying continuing price escalation (stabilization).
- This effectively illustrates and reinforces the nexus between LOW Density (Maximum Open Space — a.k.a., Quality of Place) and HIGH Housing Values.

(c) **November 2010 DGEIS (Page IV.5-12)**, while referencing the potential acquisition of some 8 Acres on Montauk Highway for "Open Space" purposes, integrates a "suggestion" that "...consideration should be given to developing sport courts in the property's interior on land formerly used as a sand pit." It goes on to say that: "...The 10-acre parcel next to Munn's Pond County Park, site of the former Hampton Frontiers cottages, is also mentioned ...as a potential site for active recreation facilities, but that recommendation is not generally supported by the community."

2 This ill-considered and inappropriate "suggestion" continues to fail to acknowledge the principal imperative for Hampton Bays (in terms of density reduction, cost containment and quality of life) as: UNADULTERATED OPEN SPACE PRESERVATION. Already existing sports fields are sited at Red Creek Park (as well as on school properties), bolstered with abundant waterfront recreational amenities courtesy of Mother Nature.

Both the CPF-acquired 10-acres adjacent to Munn's Pond and the long advocated (now proposed) 8-acre acquisition on Montauk Highway are vital to preserving and restoring the few remaining SCENIC VISTAS along the exceptionally long 3-mile span of highway (also recommended in the Comprehensive Plan for roadways in all hamlet areas).

**(d) PINE BARRENS CREDITS ("PBCs"):** Contrary to initial indications put forth by Land Management stating that there were some 29 PBCs existing within the Hampton Bays School District, **November 2010 DGEIS (Page III.1-12)** now indicates that:

- "...the hamlet of Hampton Bays has one remaining parcel in the Pine Barrens with the potential to register 4.81 PBCs."

**FORCES THE QUESTIONS:**

- What is actual status of Pine Barrens Credits ("PBCs") delineating assigned land areas, per hamlet, sited within the Core Preservation Area of the Pine Barrens ?
- Where is the accurate breakdown / recap of actual PBCs as: "issued" – "redeemed" – "still potentially outstanding" --- within individual Hamlet/Village areas ?

**(e) November 2010 DGEIS (Page ES-19 of 35)** advocates to "...Develop a tree protection ordinance to preserve large, mature, or otherwise notable trees and prevent clear-cutting."

Considering that this initiative had been the focus of community advocacy dating back to 2003, implementation is now clearly in order.

**FORCES THE QUESTIONS:**

- **What is the status of this long outstanding Tree Protection Ordinance ?**
- **What is the status of the now long over-due Motel/Condo Conversion Study ?**
- The originally proffered explanations for related delay had been that certain initiatives require town-wide study and implementation. Thus, the Motel/Condo Conversion Study was not specifically integrated in the Hampton Bays DGEIS when that study was launched in 2008 (notwithstanding that some 47% + of Motel Units are situated in the hamlet).

## **HAMPTON BAYS CORRIDOR STRATEGIC PLAN / DRAFT GENERIC ENVIRONMENTAL IMPACT STATEMENT ("DGEIS")**

### **STATUTORY AUTHORITY:**

- It is the intent of the State legislature to encourage, but not require, the preparation and adoption of a comprehensive plan.
- The great *diversity of resources and conditions* that exist within and among the towns of the State compels the consideration of such diversity in the development of each town comprehensive plan.
- Once adopted, all town land use regulations must be in accordance with a comprehensive plan adopted pursuant to Town Law Section 272-a.

### **MORATORIA:**

- Case Law has established that, during a moratorium, the community must be actively engaged in the development or revision of its comprehensive plan or new regulations. A comprehensive plan addresses issues of Growth and Development on a community-wide basis.
- As outlined on Southampton Town's website: the Comprehensive Plan is a "living" document and as such, the Town should review the Plan on a yearly basis.

### **PURPOSE of Hampton Bays Moratorium and DGEIS:**

- Long-standing impetus for the Moratorium and ongoing "DGEIS" has been strong advocacy and consistent community concern related to escalating development with rapid and dense growth experienced in the Hamlet since 1990.
- As outlined in the "Final Scoping Document for the Hampton Bays Corridor Strategic Plan and Cumulative Impact of Build-out Study Generic Environmental Impact Statement" (GEIS - issued in July 2008): the proposed Hampton Bays Corridor Strategic Plan was intended to provide zoning, planning and capital improvements recommendations to guide development along a portion of the Montauk Highway/Main Street corridor from Jones Road in West Tiana to Peconic Road in Shinnecock Hills.
- The Cumulative Impact of Build-out Study component expanded on the Hampton Bays Corridor Strategic Plan. The Build-Out study is intended to involve a comprehensive assessment of conditions at BUILD-OUT within the greater Hampton Bays community and to investigate a variety of additional planning and environmental issues. Topics to be addressed include, but are not limited to, demographics, land use and zoning, transportation, Hamlet Build-Out, housing, condominium conversions, utilities and public services, historic and environmental resources, and *recommendations and mitigations*.
- A Generic EIS differs from a site or project-specific EIS in having broader focus. It is geared to analyses of *cumulative impacts* enabling consideration of Mitigation and Alternatives at an earlier stage in the planning process.

**CHRONOLOGY:**

- Town Resolution establishing the Corridor Moratorium: June 10, 2008
  - Scoping Session: June 20, 2008
  - Moratorium boundaries expanded: August 12, 2008
  - Final Scope of HB GEIS adopted: August 26, 2008
  - FIRST purely introductory meeting of Ad-Hoc Committee: Nov. 4, 2008
  - Additional Ad-Hoc Committee meetings: 11 during 2009  
3 during 2010 (2 “workshop sessions”)
- PLUS final meeting w. Supervisor  
And Land Management: 1 on June 14, 2010

**Note:** Meetings typically consisted of 2 to 3-hour sessions (including “workshops”). The process has thus far spanned 2-1/2 years and still counting. By comparison, the East Quogue Moratorium/GEIS covered 2 years and 8 months from initial Moratorium adoption (April 2006) through actual Zone/Code Changes (December 2008).

**COMMITTEE STRUCTURE:**

- Originally designated Ad-Hoc Committee members included 13 community representatives (several of whom sporadically attended meetings).
- The existing DGEIS document lists 11 Ad-Hoc Committee members (several of whom had not been on the original list, omitting others who had been).
- Committee Interaction with “planning consultant” Hutton Associates was relegated to the January 2009 Meeting. Committee Interaction with “environmental planning consultant” Cashin and Associates was relegated to the January 2010 half-day “workshop” sessions. Interaction with Traffic Consultants occurred on April 26, 2010.

**Note:** At the beginning of the DGEIS process, the Ad-Hoc Committee collaboratively developed a set of “hamlet planning criteria” to define community goals and objectives and to serve as both Vision and Benchmarks for future development. Expressed as a set of adjectives to characterize current Hamlet identity: **Vibrant – Historic – Seaside – Ecological – Sustainable – Safe – Distinctive.**

**POPULATION STATISTICS:**

1990 Census	Hampton Bays: 8,134 ....	Bal. Of Town: 37,775
2000 Census	Hampton Bays: 12,236 ....	Bal. Of Town: 42,980
2010 Estimated/“Projected”	Hampton Bays: 14,500	

**2000 Density Factor**

Persons per Square Mile	Hampton Bays: 1,016	Bal. Of Town: 339*
		(*net of Hampton Bays)

**Note:** Between 1990 and 2000, Hampton Bays' population increased some 50.4%. Preliminary figures indicate Hampton Bays' population had risen to 13,224 by 2008 and, based on preliminary estimates, **projected** to yield approx. **14,500 Persons at Year 2010:** an increase of 78% over 1990.

The 1970 **Master Plan** had drawn the nexus between population and the community's available water supply and problems of sanitary waste disposal. Derived standards concluded that overall **density should not exceed 1.2 persons per gross buildable acre** of land in the "unincorporated" area of Town, translating to approx. **9,247 persons** for Hampton Bays.

#### **BUILD-OUT NUMBERS:**

- **82%** of all parcels within Hampton Bays are One Acre or Less.
- **18%** of all parcels are Over One Acre.
- GEIS potential residential build-out estimated to yield plus 10 to 12% over existing dwelling units. Town records identified **7,871 existing Housing Units as of mid-2009.**
- Build-Out **Estimates** are based on the assumption development would be according to existing and proposed zoning only. **Variance and Change of Zone applications could/would alter these projections.**
- Estimated Build-Out numbers are variously reported in the existing document as totaling **1,015 Units** (alternately, 780) as follows:

550 New Single Family Residences ("SFRs")

200 Potential Accessory Apartments

15 Potential L.I. Workforce Housing Act bonus density units

250 Condominium Units potentially resulting from motel/condo conversion

- Based on these "estimates" the **DGEIS projects** a total **new population of: Plus 2,018** which is represented as "conservative" – i.e., potentially over-estimated.

#### **NOTES TO 'BUILD-OUT':**

- The **alternate** numbers represent 550 New SFRs, 90 Accessory Apartments, 15 Potential L.I. Workforce Housing Act bonus density units and 125 Condominium Units potentially resulting from motel/condo conversion.
- **Note:** That reduced condominium projection assumes enactment of Code changes regulating motel/condo conversions.
- Town-wide Motel/Condo Conversion Study still pending. Goal: amendment of Code to reduce yield from "one-to-one" ratio to dimension-based formula. Basic premise: Lodging Units larger than 1,200 Sq. Ft. would retain "one-to-one" yield ratio.
- Town's current tabulation of existing **Motel Units** totals **1,050 Town-wide** of which **498 Units (47.3%) are situated in Hampton Bays.**
- Existing vacant and residentially developed parcels in residential zoning districts meeting minimum lot size threshold for **potential accessory apartment** total **888.**
- No tally projection given for potential accessory apartments in non-residential zones and/or proposed rezoning to HO/HC impacts.

### **HAMPTON BAYS SCHOOLS**

- Rated Student **Capacity** within the Hampton Bays School District totals **2,080**.
- **Current enrollment** for 2009 – 2010: **1,998** (or approx. 96% of rated capacity).
- In the period between 2008 and 2009, enrollment spiked by **12.06%**.
- Hampton Bays is burdened with the **third highest school district taxes** in Town, while serving the **largest population sector** (approx. 22% of Town-wide total Census 2000).

### **HOUSING VALUES & TAXES**

- Housing values in Hampton Bays have consistently lagged behind Town-wide median prices with sharp increases in that discrepancy during recent years.
- Prevailing Tax Disparity between Single Family Residences ("SFRs") and Condominiums/Co-ops: Condos/Co-ops assessed at approx. 50% of actual Market value vs. SFRs assessed at full market value, disproportionately shifting Tax Burdens to SFRs.

### **WATER SUPPLY / EMS**

- Increased water consumption, attributable to population growth and household use, is creating infrastructure stress on the Hampton Bays Water District and other emergency services.
  - Future transmission of adequate water supply throughout the Water District has been linked to needed installation of 16" or larger water mains.
  - At present, the Hampton Bays Water District includes: 5 Well Fields and 11 Wells.
  - Pressures on the Hampton Bays Ambulance Corps have risen in tandem with population increases. As full time residents have increased, so have calls for pediatric and aging adult aid.
  - Under existing conditions, Hampton Bays represents approx. 22% of police activity in the Town. That percentage is roughly proportionate with Hampton Bays' current share of total Town population. Future police activity will likely rise in tandem with any population increases.
-

**PROPOSED ACTIONS:**

**Hampton Bays Corridor Strategic Plan Recommendations include:**

**Land Use Planning and Zoning**

- Amend the Zoning Map to apply Hamlet Office ("HO") and Hamlet Commercial ("HC") districts (in Highway Business and/or other districts).
- Enact location-specific design standards.
- Refine the use of Planned Development District ("PDD") re-zoning to make the process more transparent and accountable.
- Acquire vacant properties on Montauk Highway near Bittersweet South Extension to preserve for open space on Montauk Highway and facilitate proposed road improvements.

**Transportation/Roadway/Infrastructure Improvements**

- Construction of a North Main Street to provide access to Good Ground Park from Squiretown Road
- Controlled access lane east of Bittersweet South Extension, with sidewalk
- Good Ground Road Extension
- Realignment of Old Riverhead Road to increase sight distance to the east for motorists attempting to enter Montauk Highway
- Reconfigure Montauk Highway west of RT 24 to consist of two 12' wide lanes, a 12' center median/turning lane, 4' shoulders, and 8' sidewalk areas -- all of which can be accommodated within the existing ROW
- Roundabout at intersection of Montauk Highway and Old North Highway.
- Cross-Access Agreements

**PLUS Table of Recommendations Hampton Bays Corridor Strategic Plan and DGEIS Mitigations (excerpts only) include:**

**Land Use and Zoning**

**PDDs / Community Character/Cultural/Historical and Archaeological Resources**

- Review and update policies and procedures for processing PDD applications to achieve: "**density neutrality for new PDDs** in Hampton Bays utilizing CPB credit redemption or TDRs" and equity in calculation of community benefits.
- For PDDs exceeding density standards for groundwater, require a modified subsurface sewage disposal (MSSD) system that treats for nitrates. Site at least 200 feet from the SCWA property near "Tiaga Commons."
- Develop a tree protection ordinance to preserve large, mature, or otherwise notable trees, and prevent clear cutting.
- Investigate feasibility of burying electrical utilities and eliminating telephone poles in the Hamlet to improve aesthetic qualities. New utilities should be underground.
- Promote the use of façade easements as a tool for historic preservation.
- To the extent feasible, Town discretionary powers should be used to encourage rehabilitation and reuse of the existing Canoe Place Inn structure.

**Environment/Critical Resource Areas/Parks & Open Space/  
Water Resources/Wastewater**

- Prohibit the application of pesticides or fertilizers within 100 feet of surface through restrictive covenants, easements and conditions of wetlands permits.
- Complete the Town's Local Waterfront Revitalization Plan ("LWRP").
- Increase the priority of land acquisition in the sensitive Critical Environmental ("CEA") Areas.
- Augment the Community Preservation Fund ("CPF") priority list with preservation targets identified by the Hampton Bays community.
- Promote stormwater management best practices on developed property.
- Promote the cause of water conservation.
- Link development regulations to Groundwater Management Zone limitations, with potential amendments to the Accessory Apartment code, and the anticipated motel conversion code.

**Community Facilities: Schools / Economic and Fiscal Considerations:**

- Offset density bonuses granted through PDD rezonings with preservation of residentially-zoned land elsewhere.
- Offset bonuses for residential density with open space preservation.

**APPENDIX 18**

**WRITTEN CORRESPONDENCE**

**EVE HOULIHAN**

**MARCH 10, 2011**

(13)

**Lisa Dunlap**

**From:** Lisa Dunlap  
**Sent:** Thursday, March 10, 2011 1:57 PM  
**To:** Anna Throne-Holst; Bridget Fleming; Nancy Graboski; James Malone; Christopher Nuzzi; Tiffany Scarlato; Kathleen Murray; Jefferson Murphree; Freda Eisenberg  
**Cc:** Sundy Schermeyer; Kimberly Ottati; Kristen Tuffy  
**Subject:** Communication re: Hampton Bays DGEIS and Corridor Study  
**Attachments:** DGEIS-Addendum #5.doc

Please see attached additional comments from Eve Houlihan re: the HB DGEIS and Corridor Study.

Thank you,

Lisa Dunlap on behalf of  
Sundy A. Schermeyer, Town Clerk  
702-1794 (direct)

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**From:** Evehoulihan1@aol.com [mailto:Evehoulihan1@aol.com]  
**Sent:** Thursday, March 10, 2011 10:03 AM  
**To:** Sundy Schermeyer  
**Subject:** March 8, 2011 Town Board Public Hearing: Hampton Bays DGEIS and Corridor Study

Dear Sundy,

At the above Public Hearing which addressed the pending Hampton Bays Draft Environmental Impact Statement ("DGEIS") and Corridor Study, I had provided oral testimony and submitted written comments to be entered into the record -- which included 5 Addenda Items.

With respect to the latter, I would like to submit a modified version of Addendum #5 to be entered into the official record. The modification is contained in Paragraph (a) and correctly delineates the referenced site as located within the Southampton Town Aquifer Protection Overlay District ("APOD") and within the Central Suffolk Special Groundwater Protection Area ("SPGA") -- which is also designated as a Critical *Environmental* Area ("CEA").

My reference to "Critical *Resource* Area" (as opposed to "Critical Environmental Area") was inadvertent and not accurate. The modified/corrected Addendum #5 should be placed into the official record, as per attached.

Thank you for your kind attention and cooperation.

Sincerely yours,

Eve Houlihan

3/10/2011

**ADDENDUM #5**

(prepared/submitted per E. Houlihan Ltr. Dated March 08, 2011)

**COMMUNITY PRESERVATION FUND (“CPF”)**

**And PINE BARRENS CREDITS (“PBCS”)**

(a) **November 2010 DGEIS (Pages II.4-7 through 10)** recap Acquisition Targets, some of which have been languishing on the CPF Target list for years, together with parcels identified in 2006 by Hampton Bays Civic Association. Included on the CPF Target listing had been the approx. 17.56 acre parcel repeatedly referenced throughout the document as a “prospective” PDD site. Such proposed PDD siting suggests it as singularly ill-conceived given several factors, including:

- its location within the Compatible Growth Area of the Pine Barrens
- its proximity to a H.B. Water District wellfield
- its “proposed” inordinate density intensification
- **its location within the Southampton Town Aquifer Protection Overlay District (“APOD”)**
- **its location within the Central Suffolk Special Groundwater Protection Area (“SPGA”) which is designated as a Critical Environmental Area (“CEA”)**

**November 2010 DGEIS (Page IV.10-4)** cites two contiguous lots outside the Core Preservation Area to be “considered” as potential TDR sending sites “...or otherwise be preserved in whole or part through other mechanisms.” Totalling some 67.6 acres these are likely the last remaining LARGE Open Space parcels adjacent to other woodland properties. They have been on the CPF Target List for years without action to date. Their “Pure Preservation” for Open Space purposes is essential and long over-due, extinguishing any and all development potential --- whether directly on site or serving as a TDR-generation device.

(b) **November 2010 DGEIS (Page II.4-6)** references CPF disbursements and receipts for exclusively Hampton Bays since the inception of the CPF program --- seemingly designed to illustrate the disparity between the two amounts. Obvious counterpoints include the following observations:

- Disparity between receipts and disbursements is equally demonstrable within other sectors of Town, as evidenced by current statistics.
- Lagging receipts ex housing sales within Hampton Bays are directly and fundamentally attributable to its low-end housing values --- i.e., Hampton Bays sits at the bottom of median housing values compared with other hamlets and thus has a relative paucity of homes selling significantly above the \$250K threshold for purposes of CPF-generation --- versus other sectors of Town enjoying continuing price escalation (stabilization).
- This effectively illustrates and reinforces the nexus between LOW Density (Maximum Open Space --- a.k.a., Quality of Place) and HIGH Housing Values.

(c) **November 2010 DGEIS (Page IV.5-12)**, while referencing the potential acquisition of some 8 Acres on Montauk Highway for “Open Space” purposes, integrates a “suggestion” that “...consideration should be given to developing sport courts in the property’s interior on land formerly used as a sand pit.” It goes on to say that: “...The 10-acre parcel next to Munn’s Pond County Park, site of the former Hampton Frontiers cottages, is also mentioned ...as a potential site for active recreation facilities, **but that recommendation is not generally supported by the community.**”

This ill-considered and inappropriate “suggestion” continues to fail to acknowledge the principal imperative for Hampton Bays (in terms of density reduction, cost containment and quality of life) as: **UNADULTERATED OPEN SPACE PRESERVATION.** Already existing sports fields are sited at Red Creek Park (as well as on school properties), bolstered with abundant waterfront recreational amenities courtesy of Mother Nature.

Note: Both the CPF-acquired 10-acres adjacent to Munn's Pond and the long advocated (now proposed) 8-acre acquisition on Montauk Highway are vital to preserving and restoring the few remaining SCENIC VISTAS along the exceptionally long 3-mile span of highway (also recommended in the Comprehensive Plan for roadways in all hamlet areas).

(d) **PINE BARRENS CREDITS ("PBCs"):** Contrary to initial indications put forth by Land Management stating that there were some 29 PBCs existing within the Hampton Bays School District, **November 2010 DGEIS (Page III.1-12)** now indicates that:

- *"...the hamlet of Hampton Bays has one remaining parcel in the Pine Barrens with the potential to register 4.81 PBCs."*

**FORCES THE QUESTIONS:**

- What is actual status of Pine Barrens Credits ("PBCs") delineating assigned land areas, per hamlet, sited within the Core Preservation Area of the Pine Barrens ?
- Where is the accurate breakdown / recap of actual PBCs as: "issued" – "redeemed" – "still potentially outstanding" --- within individual Hamlet/Village areas ?

(e) **November 2010 DGEIS (Page ES-19 of 35)** advocates to *"...Develop a tree protection ordinance to preserve large, mature, or otherwise notable trees and prevent clear-cutting."*

Considering that this initiative had been the focus of community advocacy dating back to 2003, implementation is now clearly in order.

**FORCES THE QUESTIONS:**

- **What is the status of this long outstanding Tree Protection Ordinance ?**
- **What is the status of the now long over-due Motel/Condo Conversion Study ?**
- The originally proffered explanations for related delay had been that certain initiatives require town-wide study and implementation. Thus, the Motel/Condo Conversion Study was not specifically integrated in the Hampton Bays DGEIS when that study was launched in 2008 (notwithstanding that some 47% + of Motel Units are situated in the hamlet).-