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*From  
Ann Cook*

RECEIVED

1/21/2010

2010 FEB -9 PM 2: 16

Box 320  
Speonk, NY 11972

TOWN OF SOUTHAMPTON  
DEPT OF LAND MGMT

Town of Southampton Town Planning Board  
116 Hampton Road  
Southampton, NY 11968

Re: Serenity Estates (SCTM 900 350 3 85.1)  
95 North Phillips Ave., Speonk, NY

Dear Chairman Finnerty,

I understand that the owner of the captioned property has filed a request to change the zoning on the property from CR-40 to Residential Planned Development District (RPDD). A draft environmental impact statement has been filed and the Planning Board will begin the review of that request at its work session on 1/28/10.

I have not had an opportunity to review the draft environmental impact statement and thus do not know what it contains. However, this property has been subjected to multiple studies and there is a long history of documented problems that need to be addressed before any request to develop the property is granted. Unfortunately I am going on an extended vacation and will not be able to attend the 1/28/10 work session. In any case I wish to provide some information on this site to perhaps help the Planning Board direct its inquiries.

**History:** This site located on the west side of North Phillips Ave. Speonk identified locally as the "feather factory" for many years (pre WWII) served as a collection point for duck feathers. Feathers were trucked in barrels from the duck processing facilities located on the many local duck farms. At the "feather factory" the feathers were washed in a solution of chemicals and soaps, dried, baled and shipped to factories where they were used as pillow stuffing and insulation in jackets. The washing process took place in a large cement building located on the portion of the property located closest to Phillips Ave. This building contained boilers for heating water, washing machines and driers, loading docks and packing/baling machines. This building and perhaps some storage building were demolished sometime after 4/12/02 (Southampton Town permit # 038423). The demolition was unsupervised by town personnel and went without problem as best as I can tell. The permit does not identify asbestos material as a problem and the method of waste disposal is not identified in the permit application.

The feather washing process used at least 3 agents (perhaps more) coarse salt, bluing and pine oil. The waste and rinse water from the washing process was piped from the washing area to three open leeching pits located on the rear (west side) of the property. The pits were sequential in nature. Dirty wash water entered the first pit, settling and leeching occurred, overflow was directed to the second pit where more settling and leeching occurred and the overflow went to a third pit where more settling and water evaporation occurred. Sludge/waste material remained in the pits.

**Identified problems:**

*CC  
P/B*

1. The processing building was demolished by bulldozer. The building contained pipes shielded with asbestos and there was asbestos material used in the construction of the building. The demolition contractor made no provision for containment of the asbestos; thus, at least a portion of the property is contaminated with asbestos. (see note 1)
2. Two of the three leaching pits have been partially or totally excavated and covered with sand. The third leaching pit has not been cleaned or filled. (see note 2)
3. Ground water plume of volatile organic compounds, this site is located in an area that is currently under investigation for VOC pollution (Speonk Plume). The investigation is ongoing and unresolved. Cleanup or special construction considerations may be needed.
4. Limited Phase II Environmental Site Assessment prepared for Serenity, LLC by Cashin Associates, PC Hauppauge, NY dated Oct. 21, 2003. (note my copy of this study is missing page 2) This study sites work done by Volumetrics in 2001. All of the information contained in this report indicate that volatile organic compounds are not a problem. However the report identifies heavy metals (see bold face type table 2 page 7) in shallow samples in many cases exceeding NYS ground water standards. The study concludes that these heavy metals could have originated off site and suggest that B B & S a wood treatment facility 1.5 miles to the north and east might be the source of the this contamination. (see note 3)

**Hamlet Study:** This property was the subject of considerable discussion. It is located in the Eastport South Manor School District. ESM district has the highest property tax levy in Southampton Town. District residents were generally opposed to residential development of this property and suggested some level of industrial zoning. It is noted that there is a sizeable light industry development nearby and that there is a pending request for a zoning change (Posenelli property) from residential to light industry east of Windmere Court (the current light industry development).

**Suggested course of action:** (I wish to qualify my suggestions by stating that I am a layman and concerned citizen not a geologist or hydrologist.)

1. Determine the extent of the asbestos contamination and seek a remediation plan.
2. Request that the property owner do a comprehensive environmental study of the sludge pits at several depths specifically checking for heavy metals. (The Phase II study wording—page 5—“presence of metals in the groundwater could have originated off site,” is troubling.)
3. Consider rezoning this site to light industrial with the condition the sludge pit areas be paved over for parking.

Respectfully,

Ed Pavlak

Note 1. Concerned that this site would be developed without proper pollution remediation I entered the site on 6/20/04 and took three soil samples in the area where the processing building was located. I transported the samples to Long Island Analytical Laboratories, Holbrook NY and at my own expense had these samples tested – two of the three samples were found to contain chrysotile at a <1% level. Chrysotile is the chemical identification of asbestos and is a known carcinogen. The third sample was of sand that had clearly been dumped on the site sometime after the demolition of the building and contained no chrysotile.

Note 2. In early Oct. 2002 in the area a “horrible stench” that persisted for several days caused a nearby resident to anonymously contact the Suffolk County Health Dept and file a complaint (10/22/02). This in turn caused the Health Dept. to begin an investigation. However, by the time the Health Dept. responded to the site the cleanup was pretty much complete. The building(s) had been pushed down, debris removed and the sludge (which accounted for the stench) pit had been partially or totally excavated and filled with sand.

Later I was able to locate two eye witnesses to the sludge pit excavation. They independently reported that a pay loader drove to the edge of the leeching pit, scraped some leaves from the surface and drove onto the cleared area. The pay loader immediately sank to its hubs in the sludge. The contractor using other heavy equipment retrieved the pay loader and cautiously continued the excavation.

Note 3. The B B & S site is currently undergoing a major NYS environmental clean-up. Heavy metals used in the pressure treatment of lumber have been isolated and are being extracted from the soil and ground water. These heavy metals have migrated from the B B & S treatment facility south and east away from the Serenity Estates property and Serenity Estates is not in the designated clean up area.

2

**Lisa Dunlap**

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**From:** Christopher Nuzzi  
**Sent:** Monday, February 08, 2010 9:05 AM  
**To:** Lisa Dunlap; Kimberly Ottati  
**Cc:** Sundy Schermeyer  
**Subject:** FW: Serenity Estates

For the record.

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**From:** Elizabeth Spears (INTERN) [mailto:Elizabeth.Spears@moorecap.com]  
**Sent:** Friday, February 05, 2010 1:31 PM  
**To:** Christopher Nuzzi; Anna Throne-Holst; Nancy Graboski; James Malone  
**Cc:** Ann Colley  
**Subject:** Serenity Estates

Supervisor Anna Throne-Holst & Members of the Town Board  
Southampton Town  
116 Hampton Road  
Southampton, NY 11986

Dear Supervisor Throne-Holst & Members of the Town Board,

I am seriously concerned with the proposed development known as Serenity Estates. I urge the Town Board to prioritize public health and ensure that all studies and reports relating to the contamination in the vicinity of the site are updated and appropriately examined prior to making any decisions regarding this development.

Additionally, I am concerned that the proposed increase in density is unjustified. The community will inevitably bear the burden of excessive density. I urge you to require a reduced density plan, which would eliminate the need for a new sewage treatment plant and alleviate traffic concerns.


Thank you for your consideration of this important Town-wide matter.

Sincerely,  
Ann Colley  
Executive Director  
The Moore Charitable Foundation

TOWN OF SOUTHAMPTON  
TOWN CLERK'S OFFICE

2010 FEB - 8 AM 9:14

RECEIVED

3 

**Lisa Dunlap**

---

**From:** Christopher Nuzzi  
**Sent:** Monday, February 08, 2010 9:05 AM  
**To:** Lisa Dunlap; Kimberly Ottati  
**Cc:** Sundy Schermeyer  
**Subject:** FW: proposed development known as Serenity Estates

For the record.

---

**From:** Diane Hewett [mailto:dhewett@optonline.net]  
**Sent:** Friday, February 05, 2010 1:32 PM  
**To:** Christopher Nuzzi; Anna Throne-Holst; Nancy Graboski; James Malone  
**Subject:** proposed development known as Serenity Estates

Dear Supervisor Throne-Holst and Members of the Town Board,

I am seriously concerned with the proposed development known as Serenity Estates. I urge the Town Board to prioritize public health and ensure that all studies and reports relating to the contamination in the vicinity of the site are updated and appropriately examined prior to making any decisions regarding this development.

Additionally, I am concerned that the proposed increase in density is unjustified. The community will inevitably bear the burden of excessive density. I urge you to require a reduced density plan, which would eliminate the need for a new sewage treatment plant and alleviate traffic concerns.

Thank you for your consideration of this important Town-wide matter.

Sincerely,

Diane Hewett  
1712 Millstone Road  
Sag Harbor, NY 11963

TOWN OF SOUTHAMPTON  
TOWN CLERK'S OFFICE

FEB 08 9:14 AM '10

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(4) (S)

**Lisa Dunlap**

**From:** Christopher Nuzzi  
**Sent:** Monday, February 08, 2010 9:06 AM  
**To:** Lisa Dunlap; Kimberly Ottati  
**Cc:** Sundy Schermeyer  
**Subject:** FW: Say NO to Serenity Estates

For the record.

---

**From:** Alfred Scherzer [mailto:scherzer@optonline.net]  
**Sent:** Friday, February 05, 2010 2:11 PM  
**To:** Christopher Nuzzi; Anna Throne-Holst; Nancy Graboski; James Malone  
**Subject:** Say NO to Serenity Estates

Dear Supervisor Throne-Holst and Members of the Town Board,

I am seriously concerned with the proposed development known as Serenity Estates. I urge the Town Board to prioritize public health and ensure that all studies and reports relating to the contamination in the vicinity of the site are updated and appropriately examined prior to making any decisions regarding this development.

Additionally, I am concerned that the proposed increase in density is unjustified. The community will inevitably bear the burden of excessive density. I urge you to require a reduced density plan, which would eliminate the need for a new sewage treatment plant and alleviate traffic concerns.

Thank you for your consideration of this important Town-wide matter.

Sincerely,

Alfred L. Scherzer, MD

Hampton Bays

TOWN OF SEHAMPTON  
TOWN CLERK'S OFFICE

FEB 08 - 9 AM 9:15

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**Lisa Dunlap**

**From:** Christopher Nuzzi  
**Sent:** Monday, February 08, 2010 9:06 AM  
**To:** Lisa Dunlap; Kimberly Ottati  
**Cc:** Sundry Schermeyer  
**Subject:** FW: Serenity Estates

---

**From:** arlene martell [mailto:arlmartell@hotmail.com]  
**Sent:** Friday, February 05, 2010 2:14 PM  
**To:** Christopher Nuzzi; Anna Throne-Holst; Nancy Graboski; James Malone  
**Subject:** Serenity Estates

Supervisor Anna Throne-Holst & Members of the Town Board  
Southampton Town  
116 Hampton Road  
Southampton, NY 11986

Dear Supervisor Throne-Holst & Members of the Town Board,

I am seriously concerned with the proposed development known as Serenity Estates. I urge the Town Board to prioritize public health and ensure that all studies and reports relating to the contamination in the vicinity of the site are updated and appropriately examined prior to making any decisions regarding this development.

Additionally, I am concerned that the proposed increase in density is unjustified. The community will inevitably bear the burden of excessive density. I urge you to require a reduced density plan, which would eliminate the need for a new sewage treatment plant and alleviate traffic concerns.

Thank you for your consideration of this important Town-wide matter.

Sincerely,

Mr. & Mrs. Neil Martin  
71 Dune Rd.  
Quogue, NY

Town Board Member E-mails: [cnuzzi@southamptontownny.gov](mailto:cnuzzi@southamptontownny.gov), [athrone@southamptontownny.gov](mailto:athrone@southamptontownny.gov),  
[ngraboski@southamptontownny.gov](mailto:ngraboski@southamptontownny.gov), [jmalone@southamptontownny.gov](mailto:jmalone@southamptontownny.gov)

TOWN OF SOUTHAMPTON  
TOWN CLERK'S OFFICE

FEB 08 2010 9:15 AM

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**Lisa Dunlap**

**From:** Christopher Nuzzi  
**Sent:** Monday, February 08, 2010 9:07 AM  
**To:** Lisa Dunlap; Kimberly Ottati  
**Cc:** Sundy Schermeyer  
**Subject:** FW: No Serenity here!

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**From:** Katherine Addleman [mailto:addleman@nyc.rr.com]  
**Sent:** Friday, February 05, 2010 5:08 PM  
**To:** Christopher Nuzzi  
**Cc:** Anna Throne-Holst; Nancy Graboski; James Malone  
**Subject:** No Serenity here!

Dear Supervisor Throne-Holst and Members of the Town Board,

I am seriously concerned with the proposed development known as Serenity Estates. I urge the Town Board to prioritize public health and ensure that all studies and reports relating to the contamination in the vicinity of the site are updated and appropriately examined prior to making any decisions regarding this development.

Additionally, I am concerned that the proposed increase in density is unjustified. The community will inevitably bear the burden of excessive density. I urge you to require a reduced density plan, which would eliminate the need for a new sewage treatment plant and alleviate traffic concerns.

Thank you for your consideration of this important Town-wide matter.

Sincerely,  
Katherine Addleman, PhD  
Arnold M. Cooper, MD  
Southampton

TOWN OF SOUTHAMPTON  
TOWN CLERK'S OFFICE

2010 FEB - 8 AM 9:15

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**Lisa Dunlap**

**From:** Christopher Nuzzi  
**Sent:** Monday, February 08, 2010 9:07 AM  
**To:** Lisa Dunlap; Kimberly Ottati  
**Cc:** Sundy Schermeyer  
**Subject:** FW: Speonk development proposal

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**From:** LaurieCorey@aol.com [mailto:LaurieCorey@aol.com]  
**Sent:** Friday, February 05, 2010 7:20 PM  
**To:** Christopher Nuzzi; Anna Throne-Holst; Nancy Graboski; James Malone  
**Subject:** Speonk development proposal

Dear Supervisor Throne-Holst and Members of the Town Board,

I am seriously concerned with the proposed development known as Serenity Estates. I urge the Town Board to prioritize public health and ensure that all studies and reports relating to the contamination in the vicinity of the site are updated and appropriately examined prior to making any decisions regarding this development.

Additionally, I am concerned that the proposed increase in density is unjustified. The community will inevitably bear the burden of excessive density. I urge you to require a reduced density plan, which would eliminate the need for a new sewage treatment plant and alleviate traffic concerns.

Thank you for your consideration of this important Town-wide matter.

Sincerely,

Laurie Corey

TOWN OF SOUTHAMPTON  
TOWN CLERK'S OFFICE

2010 FEB -8 AM 9:15

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8

**Lisa Dunlap**

**From:** Christopher Nuzzi  
**Sent:** Monday, February 08, 2010 9:08 AM  
**To:** Lisa Dunlap; Kimberly Ottati  
**Cc:** Sundy Schermeyer  
**Subject:** FW: Serenity Estates

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

From: Bob Mozer [mailto:rmozer@optonline.net]  
Sent: Saturday, February 06, 2010 11:56 AM  
To: Anna Throne-Holst; Christopher Nuzzi; Nancy Graboski; James Malone  
Subject: Serenity Estates

Supervisor Anna Throne-Holst & Members of the Town Board Southampton Town  
116 Hampton Road  
Southampton, NY 11986

Dear Supervisor Throne-Holst & Members of the Town Board,

I am seriously concerned with the proposed development known as Serenity Estates. I urge the Town Board to prioritize public health and ensure that all studies and reports relating to the contamination in the vicinity of the site are updated and appropriately examined prior to making any decisions regarding this development.

As you all well know, I am one of three hydrogeologists that live in the Hamlet of Remsenburg-Speonk and have been working on understanding and disseminating information to the public regarding the technical data generated by the New York State Department of Environmental Conservation and Suffolk County Health Department for the Speonk Solvent Plume that directly underlies this proposed site. The Draft Environmental Impact Statement dated October 2009 relies on out of date correspondence that predates our understanding of the nature and extent of the area of groundwater contamination in our community and how the chemicals migrate from the groundwater into the subsurface soils and possibly into overlying building structures.

Additionally, I am concerned that the proposed increase in density is unjustified. The community will inevitably bear the burden of excessive density. I urge you to require a reduced density plan, which would eliminate the need for a new sewage treatment plant and alleviate traffic concerns. The Town's zoning codes were developed based on the level of nitrogen loading that our receiving "Sole Source Aquifer" could absorb from septic tanks at a certain density. A sewage treatment plant undermines the whole concept of protecting our only source of potable water from the increased density. Sewage treatment plants require constant maintenance, are prone to breakdown, have a shelf life, and are only as good as the resources the developer has to manage them. Sewage treatment plants should not be allowed to replace good land use planning.

Thank you for your consideration of this important Town-wide matter.

Sincerely,

Robert J. Mozer, PG  
Hydrogeologist

TOWN OF SOUTHAMPTON  
TOWN ENGINEER

2010 FEB - 08 AM 9:15

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**Lisa Dunlap**

**From:** Christopher Nuzzi  
**Sent:** Monday, February 08, 2010 9:08 AM  
**To:** Lisa Dunlap; Kimberly Ottati  
**Cc:** Sundy Schermeyer  
**Subject:** FW: Say NO to Serenity Estates

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**From:** Martha Weller [mailto:mw@gardenenvironmentsinc.com]  
**Sent:** Saturday, February 06, 2010 12:03 PM  
**To:** Christopher Nuzzi; Anna Throne-Holst; Nancy Graboski; James Malone  
**Subject:** Say NO to Serenity Estates

Dear Supervisor Throne-Holst and Members of the Town Board,

I am seriously concerned with the proposed development known as Serenity Estates. I urge the Town Board to prioritize public health and ensure that all studies and reports relating to the contamination in the vicinity of the site are updated and appropriately examined prior to making any decisions regarding this development.

Additionally, I am concerned that the proposed increase in density is unjustified. The community will inevitably bear the burden of excessive density. I urge you to consider preservation of the land parcel, or at the very least require a reduced density plan, which would eliminate the need for a new sewage treatment plant and alleviate traffic concerns.

The site for proposed development is VALUABLE habitat and watershed and should be preserved. The land has great potential for recreational and educational use with the creation of trails at minimal environmental expense.

Thank you for your consideration of this important Town-wide matter.

Sincerely,

Martha Weller

TOWN OF SOUTHAMPTON  
TOWN CLERK'S OFFICE

2010 FEB - 8 AM 9:15

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(10) ~~12~~

**Lisa Dunlap**

**From:** Christopher Nuzzi  
**Sent:** Monday, February 08, 2010 9:08 AM  
**To:** Lisa Dunlap; Kimberly Ottati  
**Cc:** Sundy Schermeyer  
**Subject:** FW: Serenity Estates

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**From:** B. Doyle [mailto:bdoyle8@optonline.net]  
**Sent:** Saturday, February 06, 2010 9:26 AM  
**To:** Christopher Nuzzi  
**Subject:** Serenity Estates

Dear Town Councilman Nuzzi,

Health concerns should be a priority in the Town of Southampton. If they are, the proposed PDD required for the development known as Serenity Estates would be voted down. It has the potential for a disaster in the making if this development goes forward without required research and study to determine the extent and exact nature of the health threat to property owners. Why would you take a chance?

Issue two is equally disturbing to me. Why allow the density that this 60 units would allow? Who does this benefit? What is the cost to the Town and taxpayer? As you know, additional housing must be supplemented by additional taxes for required services. I urge you to require a reduced density plan, which would eliminate the need for a new sewage treatment plant and alleviate traffic concerns.

I urge you to complete all studies required prior to consideration of this PDD. Reduce the density. Keep our Town sustainable for its residents.

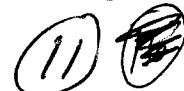
Sincerely,

Bonnie Doyle

TOWN OF SOUTHAMPTON  
TOWN CLERK'S OFFICE

FEB 08 9:15 AM

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**Lisa Dunlap**

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**From:** Christopher Nuzzi  
**Sent:** Monday, February 08, 2010 9:09 AM  
**To:** Lisa Dunlap; Kimberly Ottati  
**Cc:** Sundry Schermeyer  
**Subject:** FW: Serenity Estates  
**Attachments:** Serenity Estates - 2-7-10.doc

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**From:** Mary Jean Green [mailto:mjg4606@msn.com]  
**Sent:** Sunday, February 07, 2010 4:22 PM  
**To:** Anna Throne-Holst; Christopher Nuzzi; Nancy Graboski; James Malone; Sundry Schermeyer  
**Subject:** Serenity Estates

Dear Superviosr and Town Board Members,

Please accept our remarks concerning Serenity Estates. It is attached to this e-mail as a Word Document.

Thank you.

Mary Jean Green

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Hotmail: Powerful Free email with security by Microsoft. [Get it now.](#)

TOWN OF SOUTH HAMPTON  
TOWN CLERK'S OFFICE

2010 FEB -8 AM 9:15

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**Dear Supervisor Throne-Holst & Members of the Town Board,**

**The Hampton Bays Civic Association is seriously concerned with the proposed development known as Serenity Estates. We urge the Town Board to prioritize public health and ensure that all studies and reports relating to the contamination in the vicinity of the site are updated and appropriately examined prior to making any decisions regarding this development.**

**Additionally, we are concerned that the proposed increase in density is unjustified. The community will inevitably bear the burden of this excessive density. I urge you to require a reduced density plan, which would eliminate the need for a new sewage treatment plant and alleviate traffic concerns and other density concerns , particularly the impact on property taxes.**

**FYI, according to state law, Condos are assessed on a income basis. Therefore, a condo valued at \$500,000 is assessed at half the value of a residential home valued at \$500,000. The cost of providing services is the same for a house or condo and the homeowners subsidize the condo owners.**

**Thank you for your consideration of this important Town-wide matter.**

**Sincerely,**

**Mary Jean Green, President**

**HBCA**

TOWN OF SOUTHAMPTON  
TOWN CLERK'S OFFICE

2010 FEB - 8 AM 9:15

RECEIVED

12  
[Handwritten initials]

**Kimberly Ottati**

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**From:** Sundy Schermeyer  
**Sent:** Friday, February 12, 2010 10:58 AM  
**To:** Lisa Dunlap; Kimberly Ottati  
**Subject:** FW: Say NO to Serenity Estates

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**From:** Jennifer Garvey  
**Sent:** Friday, February 12, 2010 10:48 AM  
**To:** Sundy Schermeyer  
**Cc:** Diane Carpenter  
**Subject:** FW: Say NO to Serenity Estates

For the record, email below.

---

**From:** Martha Weller [mailto:mw@gardenenvironmentsinc.com]  
**Sent:** Wednesday, February 10, 2010 9:13 AM  
**To:** Christopher Nuzzi; Anna Throne-Holst; Nancy Graboski; James Malone  
**Subject:** Say NO to Serenity Estates

Dear Supervisor Throne-Holst and Members of the Town Board,

I am seriously concerned with the proposed development known as Serenity Estates. I urge the Town Board to prioritize public health and ensure that all studies and reports relating to the contamination in the vicinity of the site are updated and appropriately examined prior to making any decisions regarding this development.

Additionally, I am concerned that the proposed increase in density is unjustified. The community will inevitably bear the burden of excessive density. I urge you to require a reduced density plan, which would eliminate the need for a new sewage treatment plant and alleviate traffic concerns.

A better use of this land would be a nature preserve with walking trails.

Thank you for your consideration of this important Town-wide matter.

Sincerely,

Tom O'Leary

TOWN OF SOUTHAMPTON  
TOWN CLERK'S OFFICE

2010 FEB 12 AM 11:46

RECEIVED

Post Office Box 569  
Bridgehampton, NY 11932  
Tel: 631.537.1400  
Fax: 631.537.2201



Post Office Box 1792  
Southold, NY 11971  
Tel: 631.765.6450  
Fax: 631.765.6455

tabled ?  
Janice

February 15, 2010

Received

FEB 16 2010

President  
Robert S. DeLuca

Supervisor Anna Throne-Holst  
& Members of the Town Board  
Southampton Town  
116 Hampton Road  
Southampton, NY 11968

**SUPERVISOR**

Chairman  
William S. McChesney, Jr.

Vice Chairman  
Ann Colley

**Re: Environmental Assessment Form Proposed Amendments**

Board Members  
Harris A. Barer  
Katherine Leahy Birch  
W. Marco Birch  
Wilhelmus B. Brvan  
Mark Burchill  
Andrew Goldstein  
Gregory Hoogkamp  
Ronald S. Lauder  
Sandra R. Meyer  
Christopher Pia  
Peter Schellbach  
John Shea  
John C. Waddell  
Mary Walker

Dear Supervisor Throne-Holst & Members of the Town Board,

The history of contamination throughout the East End of Long Island and Southampton Town is well documented. The Town, Planning and Appeals boards, community members, landowners, potential developers, and future property owners are best served with knowledge and notice of the current circumstances that afflict these areas.

A first step would necessitate a comprehensive understanding of the location of the plumes in relation to development actions proposed in their vicinity. Additionally, in order to ensure disclosure and aid in the Town's planning review process Group for the East End strongly recommends amendments to the Town of Southampton's Environmental Assessment Forms.

**Existing Contamination in Southampton**

The New York State Department of Environmental Conservation (NYSDEC) has been investigating the **Speonk Solvent** toxic groundwater plume since 2001. The area encompassing the plume is generally undeveloped, but also includes light industrial uses, commercial businesses and a residential area.

The **Woodfield Gables** subdivision parcel includes a large portion of this undeveloped area and was proposed to the Town in 2006. It wasn't until a year after the Planning Board had began its review that information surfaced indicating the presence of the plume in Speonk and its location under this specific proposed project. Currently, a new 60-unit PDD development **Serenity Estates** ← is proposed on contaminated land.

Inevitably, the undeveloped parcels lying over this plume and other contaminated land will face development pressures. It is vital that the Town's planning review process incorporate, as early as possible, a stringent



examination of the situations and factors that may potentially occur when developing contaminated land. For instance, lot layout, engineering controls, environmental easements and land dedication, need to be examined. Obviously, in order to examine these issues, the Planning Board must first understand that the parcel is contaminated.

### **Future Contamination**

According to the DEC, it expects that, “the total number of sites requiring remediation will continue to increase in the foreseeable future.” Given the number of contaminated sites within the Town including the Speonk Solvent Plume, the BB&S Lumber New York State Superfund site, State Superfund sites located in the vicinity of Gabreski Airport as well as others that are likely to be discovered in the future, the Town must do everything in its power to ensure that contaminated parcels are thoroughly and appropriately addressed in the planning review process.

The Planning Board, on behalf of the Town, is charged to, “provide for the improvement of the Town, future growth, protection of natural resources, and to provide **adequate facilities for housing**, transportation, distribution, comfort, convenience, **public health, safety and the general welfare** of residents...” In order to most effectively ensure that these charges are met, the Planning Board must obtain full disclosure regarding the environmental state of the parcels it reviews.

### **Proposed Environmental Assessment Form Amendments**

According to 6 NYCRR Part 617 State Environmental Quality Review Act Section 617.2 (m) **“The model full and short EAFs... may be modified by an agency to better serve it in implementing SEQRA, provided the scope of the modified form is as comprehensive as the model.”** Given the permitted we propose the following amendments to both the Environmental Assessment Form and the Long Form so that the forms may better serve the Town of Southampton given the its current circumstances. The additional questions will help to ensure that disclosure occurs and a more stringent review takes place. The following questions were directly borrowed from New York State agencies as well as other New York State municipalities’ forms.

The proposed changes should be added to Section B. titled, *Project Site Information*. The additional questions should generally read:



- 1) Is the parcel(s) wholly or in part listed on the United States Environmental Protection Agency's Superfund "active or archived" National Priorities List (NLP)?
- 2) Is the parcel(s) wholly or partly listed on the New York State Department of Environmental Conservation's Registry of Inactive Hazardous Waste Disposal Sites? (Contact regional NYSDEC office to verify).
- 3) Is the parcel(s) wholly or partly within an area contaminated by either a registered Inactive Hazardous Waste Disposal Site or a site being investigated by the NYSDEC as an Inactive Hazardous Waste Disposal Site? (Contact regional NYSDEC office to verify).
- 4) Has any agency (ie: New York State Department of Environmental Conservation, New York State Department of Health or Suffolk County Department of Health Services) accessed the parcel(s) to conduct soil or groundwater sampling?
  - a. If yes, what were the results?
- 5) Has the project site or any sites within 1/2 -mile radius of the project site ever been used for storage or disposal of solid or hazardous waste? (Contact regional NYSDEC office to verify)
- 6) Is there any visible evidence of possible groundwater or soil contamination on the proposed site or any adjacent sites (e.g., stressed vegetation, stained soil, discolored surface water, foul odors, leaking containers)?

In addition to amending the Environmental Assessment Forms, it is strongly recommended that the Town adopt and enforce a policy that requires applicants to notify the Town if contamination on a subject parcel is discovered after the initial phases of the planning review process begins.

#### **Town Geographic Information System and Mapping Contamination**

As part of a long-term strategy, it is recommended that the Town upload the exact boundaries of contaminated sites into its Geographic Information System. This will ensure that Town Planners are knowledgeable of the contamination as they review development and re-development applications. The New York State



Department of Environmental Conservation can provide exact details of these sites. Additionally, the Suffolk County Department of Health Services can provide additional data and locations of contamination that it has investigated and monitored. It is recommended that contact be made with the above agencies.

*Feel they have even upon region*

**Conclusion**

Southampton Town will continue to face complex planning decisions relating to development and re-development of land on or in the vicinity of contamination. In order to better serve the public as well as future residents of the Town it is imperative that proactive changes be made to increase disclosure. Please consider amending the Environmental Assessment Forms, adopting a policy of disclosure as well as utilizing the GIS system to aid in the planning review process.

Thank you for considering this critically important matter. We look forward to working with the Town to ensure that public health, safety and the interests of the community are protected. If you have any questions or comments please feel free to contact me at your convenience. I can be reached at (631) 765-6450 ext. 211 or at [jhartnagel@eastendenvironment.org](mailto:jhartnagel@eastendenvironment.org).

Sincerely,

Jenn Hartnagel  
Environmental Advocate

Cc: Jefferson Murphree, Planning and Development Administrator  
David Wilcox, Planning Director  
Dennis Finnerty, Chairman, & the Southampton Town Planning Board  
Elizabeth E. Vail, Assistant Town Attorney

14

**Speonk-Remsenburg Civic Association  
P.O. Box 578  
Remsenburg, NY 11960**

February 24, 2010

Supervisor Anna Throne-Holst  
Southampton Town Hall  
116 Hampton Road  
Southampton, NY 11968

Dear Supervisor Throne-Holst:

On behalf of the Speonk-Remsenburg Civic Association (SRCA) I wish to congratulate you on your new post as Town Supervisor. We look forward to working with you.

As you know, our community is facing several large issues, including the Speonk Solvent Plume and the potential for massive development in Eastport and East Moriches which must be taken into account when evaluating any proposed projects in our hamlets. I am writing today however, about two more easily solved problems. With all the terrible weather we have experienced over the last months it has come to our attention that people are waiting for the bus on Montauk Highway in Speonk with no protection from the elements. We are requesting that a bus shelter be provided in our community.

Secondly, a cell tower was recently proposed and installed just north of Montauk Highway in Speonk. We learned about the project with so little advance notice that it was too late to address any concerns we might have had. As it turns out, the tower is very unobtrusive, but the point remains that as a Civic Association, we would like to have notification of projects in our area in a more timely fashion. How can we solve this problem?

Thank you for your attention to these issues,

Sincerely,

Beverly Rood  
Speonk Remsenburg Civic Association

cc: Chris Nuzzi, Town Board; Sundy Schermeyer, Town Clerk

RECEIVED

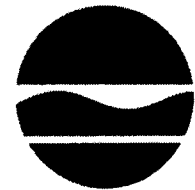
2010 FEB 24 PM:2:52

TOWN OF SOUTHAMPTON  
TOWN CLERK'S OFFICE

15

**New York State Department of Environmental Conservation  
Division of Environmental Remediation**

Remedial Bureau A  
625 Broadway, 11<sup>th</sup> Floor  
Albany, New York 12233-7015  
Phone: (518) 402-9621 • Fax: (518) 402-9627  
Website: [www.dec.state.ny.us](http://www.dec.state.ny.us)



Alexander B. Grannis  
Commissioner

March 2, 2010

Ms. Sundy Schermeyer  
Town Clerk  
Town of Southhampton  
116 Hampton Road  
Southampton, NY 11968

RECEIVED  
MARCH 11 2010  
15110 1000 0000

Re: Speonk Solvent Plume, Site No. 1-52-185  
Response to the Serenity Estates Draft Environmental Impact Statement request  
for comments.

Dear Ms. Schermeyer:

This letter is written in response to Southampton Town Planning Board's request for New York State Department of Environmental Conservation (NYSDEC) comments regarding the Serenity Estates Draft Environmental Impact Statement (DEIS).

Please note that the following comments are from the Division of Environmental Remediation, Bureau A of the NYSDEC, not the entire Department and are limited only to the contamination associated with the Speonk Solvent Plume; and do not address any other DEIS topics such as wetlands, streams, sewage, endangered species, solid waste, asbestos, Pine Barrens,...etc. which may require comments by other offices within the DEC. All other DEIS topics/issues should be managed as in your usual course of business, with copies of the DEIS sent directly to the appropriate agency and/or office for comment.

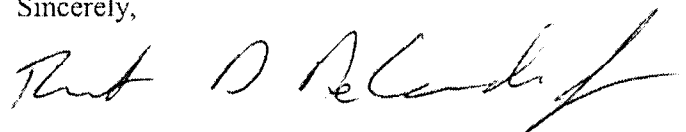
The Division of Environmental Remediation responsibilities, include among others, the investigation and remediation of contamination associated with inactive hazardous waste disposal sites. The entire DEC remedial process consists of a number of steps required to generate information needed to characterize and remediate environmental contamination. The initial step is the Site Characterization phase, with the goal of identifying and investigating any potentially contaminated areas of concern at a site. The Speonk Site Characterization Plume Trackdown Investigation is currently in this initial Site Characterization phase. Therefore, the comments are limited to those that are within the scope of the ongoing investigation. Further action may be warranted depending upon the findings of the Site Characterization investigation.

Volatile Organic Compounds (VOCs), mainly chloroform; tetrachloroethylene (PCE); trichloroethene (TCE); 1,1,1-trichloroethane (1,1,1-TCA), and carbon tetrachloride are present in groundwater above New York State standards. These and other VOCs were observed in groundwater profile borings and groundwater monitoring wells across the study site, which ranged from north of the Serenity Estates subject property to south of Montauk Highway. VOCs are also present in soil vapor and indoor air over various portions of the Speonk Plum, at levels that are not known to exceed New York State guidance.

A groundwater contaminant plume exists under the Serenity Estates project. The contaminated groundwater exceeds New York State standards and would not be allowed to be used as a potable water source or for irrigation. VOCs have been found in soil vapor and indoor air over various portions of the Speonk Plume. Consequently, the State has advised another building applicant that vapor barrier installations during construction, as a precautionary measure, might be prudent.

Please also note that the Division of Environmental Remediation is not empowered to provide advice on SEQRA issues related to development proposals under review by local government agencies. Such determinations appropriately fall within the purview and discretion of the reviewing entity.

Sincerely,



Robert D. DeCandia Jr., P.E.  
Environmental Engineer II

cc: J. Murphree Southampton Planning & Development  
ec: G. Bobersky DER  
S. McLelland NYSDOH

Post Office Box 569  
Bridgehampton, NY 11932  
Tel: 631.537.1400  
Fax: 631.537.2201



cc: Jeff Murphee  
Town Clerk  
Kathleen Murphee  
Post Office Box 1792  
Southold, NY 11971  
Tel: 631.765.6450  
Fax: 631.765.6455

16

Received

MAR 10 2010

SUPERVISOR

March 8, 2010

President  
Robert S. DeLuca

Chairman  
William S. McChesney, Jr.

Vice Chairman  
Ann Colley

Supervisor Anna Throne-Holst &  
Members of the Town Board  
Southampton Town  
116 Hampton Road  
Southampton, NY 11968

**Re: Serenity Estates Proposed PDD**

Board Members  
Harris A. Barer  
Katherine Leahy Birch  
W. Marco Birch  
Wilhelmus B. Bryan  
Mark Burchill  
Andrew Goldstein  
Gregory Hoogkamp  
Ronald S. Lauder  
Sandra R. Meyer  
Christopher Pia  
Peter Schellbach  
John Shea  
John C. Waddell  
Mary Walker

Dear Supervisor Throne-Holst & Members of the Town Board,

On behalf of Group for the East End I urge the Town Board to deny the request for the proposed change of zone. The proposed Planned Development District (PDD) does not conform to the overall Town established intent of the PDD law (Section 330-240).

Additionally, the Draft Environmental Impact Statement (DEIS) contains outdated and inaccurate information regarding the presence and potential health and environmental impacts of the Speonk Solvent Plume located within the boundaries of the subject property. The property also appears to have other issues related to contamination not associated with the Speonk Solvent Plume, which have not been thoroughly addressed (refer to Appendix S and T).

The proposed excessive increase in density is unjustifiable given the lack of "community benefits" that the PDD legislation recommends. What is most alarming, is the applicant's request to the Town Board to waive participation in the Transfer of Development Right Program, the Pine Barrens Credit Program and the "cash-in-lieu-of" clause outlined within Section 330-246 (C) all designed to balance the substantial increase in density while preserving the Town's invaluable environmental resources.

**DEIS Contains Outdated Information Regarding Contamination**

The 60-unit residential development would be located over the toxic Speonk Solvent Plume. The New York State Department of Environmental Conservation and the Suffolk County Department of Health Services have not yet completed their extensive studies and reports detailing this matter.

BW → DN 3/17/10

CC  
P/B



It is imperative that if the Town Board continues to entertain this proposal that it halt the review of this project until it receives up-to-date and accurate information. The new data, information and recommendations must be analyzed within the context of this specific development proposal.

The following documents related to contamination that are unrelated to the Speonk Solvent Plume located in the Appendix of the DEIS are outdated:

- *Phase I Environmental Site Assessment* prepared August 15, 2003 by Cashin Associates, P.C.
- *Limited Phase II Environmental Site Assessment* prepared October 21, 2003 by Cashin Associates, P.C.

Additionally, it must be realized that there are several other important factors that were not discussed within the DEIS related to proposing development on contaminated land. The Town Board must make it a priority to address the following factors:

- Will potential homeowners be notified of the circumstance afflicting the property?
- If engineering controls are put in place to address potential risks associated with soil vapor intrusion, who will be charged with inspecting, monitoring, and ensuring that the soil vapor barrier systems are working effectively?
- Will restrictions be placed preventing the use of the groundwater?
- Will restrictions be placed on further expansions or development pending additional review in the context of the plume?

### **The Proposed Density is Unjustifiable – Lacking Community Benefits**

The proposed density is more than 4 times the allowable yield permitted under the as-of-right R-40 zoning, while the offered “community benefits” severely fall short of justifying the drastic increase in density.

Urge the Board to review page 64 of the DEIS. The proposed community benefits are not unique. The purported benefits can be attributed to any proposed development. For instance, all development proposals create short-term construction jobs, many proposals enhance landscaping and include natural buffers. Most property transactions create revenue for the Community Preservation Fund. Therefore, how are these community benefits above and beyond? How do they justify increasing density four-fold?



It is our assertion that community benefits are those benefits that provide amenities or long-term benefits that are in addition to the necessary and common contributions that ALL developments offer.

**Lack of Participation in the Town's TDR, PBC and Cash-in-lieu-of Clause**

In pages 61-63 of the DEIS, the applicant justifies not participating in the TDR program or the PBC program. The reasoning is as follows:

“The Town’s Master plan recommends that the use of PDD zoning for large senior housing or multifamily housing developments, whereby additional density can be achieved through the TDRs or PBCs, such that there is no substantial increase in the number of dwelling units or population within the Town because development has been redirected in order to channel growth and preserve more ecologically sensitive lands.”

*Therefore, the Town Board clearly has the discretion pursuant to the Town Code to increase yield to provide for community benefits, without requiring the TDRs or PBCs (page 62 DEIS)*

Additionally, the applicant justifies not paying the Town cash-in-lieu-of pursuant to Section 330-246. The reasoning is as follows:

The Area Study states, as follows: “By providing a density bonus for the developer, specific community benefits or amenities being sought by the community, such as affordable housing, open space, recreational facilities, infrastructure or cash-in-lieu therefore can be obtained”

*Therefore, it is recognized in the Area Study that specific community benefits or amenities could be provided or cash could be paid. In other words, a cash payment is not required (page 62 DEIS).*

There are no tangible benefits to the community of Speonk that would justify the additional demands of the proposed action and its 4-fold increase in density and waiver of the above Town recommended land preservation programs.

**Conclusion**

In closing, we recommend that the Town Board deny the request for the change of zone. Continued failure of the PDD to produce measurable, tangible and



defensible community benefits (as intended by the language of the law) only furthers public opposition to creative community planning and weakens the planning framework that underlies the review and approval of future projects. A project that proposes a 4-fold density increase and provides no discernable long-term community benefits or sufficient cash compensation to offset an obvious increased demand for services should be denied outright. Such applications were never the intent of the Town's PDD legislation and do not serve the best interests of the community. Continued review of such applications further burdens the Town's scarce planning resources.

Thank you for taking the time to review my comments. Please do not hesitate to contact me should you have any questions or concerns. I can be reached at (631) 765-6450 ext. 211.

Sincerely,

Jenn Hartnagel  
Environmental Advocate

19

March 21, 2010

Ms. Sundy A. Schermeyer, Southampton Town Clerk  
Southampton Town Supervisor and Board Members  
Town of Southampton  
116 Hampton Road  
Southampton, NY

Re: Draft Environmental Impact Statement  
Planned Development District  
Serenity Estates  
North Phillips Avenue  
Speonk, New York

Dear Ms. Schermeyer,

On behalf of the Speonk Remsenburg Civic Association (SRCA), the purpose of this correspondence is to provide our comments with respect to the following document:


- Serenity Estates  
Planned Development District  
Change of Zone Application  
North Phillips Avenue  
Hamlet of Speonk  
Town of Southampton  
Suffolk County, New York  
October 2009

While the SRCA is a non-partisan organization, one of our main goals is to ensure that the small-hamlet nature of our community is preserved and any proposed development is in accordance with adopted guidance in the Town of Southampton Hamlet Study for our area. While we understand landowner needs, our main objective is to ensure that any proposed development enhances the nature of our community and is designed and constructed to ensure the quality of life, and health and safety of our residents, visitors, and the environment. The SRCA may carefully review any provided documentation (e.g., planning studies, draft environmental impact studies [DEISs], etc.) and may provide project-specific comment letters detailing our concerns to the applicable Town, County, State and/or Federal entities.

This correspondence has been prepared to provide our comments regarding the subject DEIS. In general, the SRCA does not believe that the DEIS provides sufficiently detailed analyses of potential impacts of the proposed development, or proposed mitigation measures. Further, we found significant errors and issues within the document, as discussed in detail below, which force us to question the overall quality of the DEIS. Based on our findings, the SRCA concludes that the DEIS is not suitable to support the change-of-zone request. We recommend that the Town either: 1) send the Applicant "back to the drawing board" to prepare and submit an accurate and complete DEIS in accordance with the New York State Environmental Quality Review Act (SEQRA); or, 2) deny the application.

**General Comment No. 1** - The entire DEIS is very cursory in nature and does not provide specific details or information to support the Applicant's change-of-zone request to allow a proposed development of 60 condominium units, a recreational building (with pool and tennis courts) and sewage treatment plant. The Applicant's proposed development would result in a much more extensive build-out than the 13 single-family homes which are allowed as-of-right under the current zoning of the Subject Property. This more intense development will result in more impacts than suggested in the DEIS. Some of the specific instances where the DEIS is very limited include:

- **Proposed Project** – The DEIS is not completely clear on the proposed end use of the Subject Property. In one place, the DEIS states “*The proposed project, known as “Serenity Estates” has been initially designed as a condominium complex for seniors (i.e. – age 55 and over) ...*.” The SRCA requests that it be made completely clear in the DEIS what the proposed project entails, without such vague terms as “*initially.*” The SRCA is very concerned that the end use of the property is not sufficiently delineated in the DEIS. This may result, if the request of zone change is granted, in a subsequent change in project scope by the Applicant;
- **Botanist Report** – The “report” consists of a single-page letter without site photographs, maps, or any supportive documentation of the nature of the flora and fauna present on the site. Additionally, the report does not discuss any actions or efforts to determine if any State or Federal Rare and Endangered Species are present on the Subject Property based upon any resource other than the preparer's visual observations. This documentation is clearly insufficient to detail the biologic resources on this vegetated site;
- **Representative Site Photographs** – The nine photographs are hand-labeled and poorly reproduced in the DEIS;
- **Renderings and Site Plans** – Most of the appendices which are referenced to provide specific details of the proposed development only include one example. No additional elevations of the proposed condominium buildings are provided, nor are any details of the other proposed buildings (e.g., recreational center, sewage treatment plant, etc.). The Town should insist that the Applicant provide many more details illustrating the proposed appearance and construction of the proposed infrastructure; and,
- **General Document Statements / Observations** – There are many conclusion statements made throughout the DEIS to support the Applicant's proposed redevelopment of the site. However, the document does not typically provide “expert” backup information to these claims. For instance, on Page 73, the DEIS states “*These soils which are on the subject property do not present any limitations in connection with the development of the site.*” The document does not provide any engineering backup to support this statement. The DEIS included a number of such unsubstantiated statements.


 The SRCA has the following specific comments to the DEIS:

**The Feather Factory is a Blight** – The document states “*The Feather Factory represents a blight in the area. This project will eliminate the blight and replace it with a beautiful development.*” This statement is not only in error but is clearly the opinion of the Applicant and in no way should be included in a DEIS. The former feather factory has been removed and the current site condition of open meadows and woodlands is not considered a “blight” by many residents of our community;

**Depth to Groundwater:** As part of the discussion of on-site sanitary waste disposal, Page 16 of the DEIS states “*There is adequate depth to groundwater (a minimum of 40 feet) to allow for the proper functioning of the catch basins and leaching pools...*” However, the Phase II Environmental Site Assessment (ESA) report included in Appendix T states that groundwater was encountered at a depth of approximately 22 feet below grade surface (bgs). In fact, the deepest groundwater samples were collected from 33 feet bgs. There is a significant disagreement between the two DEIS statements, which requires reconciliation before the DEIS could be considered complete.

**Impacts to Groundwater from Nitrogen:** The DEIS states that “*no significant impacts are expected from the nitrogen in recharge.*” However, the DEIS does not provide any discussion with respect to the location of nearby and downgradient private and public water supply wells. Nor does the DEIS provide any nitrogen-loading calculations based upon anticipated sewage disposal and on-site fertilizer use. These are additional examples of the cursory nature of this DEIS; significant conclusions are made without any technical backup.

**Irrigation / Fertilizer Application Rates** – The DEIS states “*It is anticipated that this landscaping will be irrigated (at a rate of approximately 5 inches annually) and fertilized (at a rate of 2 pounds of nitrogen per year).*” The SRCA requests that the backup calculations for the stated irrigation rate be provided as it seems too low. Further information as to the anticipated fertilizer application rates needs to be provided, as the DEIS does not actually provide an actual rate.

 **Affordable Housing Crisis in Remsenburg-Speonk** – The DEIS references an affordable housing crisis in the Remsenburg-Speonk Housing Area. In the SRCA’s opinion, there is certainly an affordable housing issue in our community; however, it relates predominantly to younger people who provide services to and work in our community, such as school teachers, police, firefighters, etc. In fact, it is usually the younger portion of our population who have challenges finding affordable housing in our community. As we understand it, the proposed project is senior housing and is not designed or intended for occupancy by the portion of our population with affordable housing issues. It is not clear in the DEIS how the proposed project will address affordable housing issues in our community.

**Asbestos-containing Materials** – Residents of the area recall that the former Feather Factory was covered in transite, which is typically an asbestos-containing material (ACM). Further, some residents visited the property after the demolition of the on-site buildings (which was not observed to have included asbestos abatement) and recall observing pieces of transite sticking up through the ground surface. The DEIS states that soil sampling for ACM would be conducted if warranted. The SRCA strongly recommends that such testing be required to evaluate whether ACM is present in the site soil and, if so, to what depth such that appropriate mitigation measures can be implemented to protect existing neighborhood residents and any future site residents. The SRCA further requests that the Applicant provide the specific test protocols proposed to conduct such testing and what threshold values would be utilized to determine if soil remediation is required. Further, the SRCA requests that an applicable regulatory authority (e.g., USEPA, NYSDDC, NYSDOH and/or SCDHS) provide the review/approval of any such sampling, analyses and action plan, as well as oversight and approval of any required soil remediation due to the presence of ACM.

**On-site Sumps** – Throughout the Phase II ESA Report and the DEIS, there is discussion of previous removal of impacted bottom sediments from one or more of the three on-site sumps. The DEIS must provide additional documentation of this environmental remediation, including written regulatory agency documentation confirming that appropriate regulatory requirements have been met.

**On-site or Adjacent Wetlands** – The DEIS states “As a heavily developed suburban site, there are no wetlands on or adjacent to the Subject Property.” The SRCA does not believe that the Subject Property, composed of over 15 acres of woodland/meadows with no existing buildings, is reasonably described as “a heavily developed suburban site.” As to the claim that there are no wetlands on or adjacent to the site, there is no documentation presented in the DEIS as to the presence or absence of wetlands.

**Transportation** - The Transportation section is insufficient and must be updated. The data were collected during the summer of 2006 (July / August 2006) and in March 2007. The referenced NYSDOT information dates from 1999-2002. In the intervening years, traffic has increased, development projects in the area have been completed and new projects have been approved. A new and more comprehensive traffic study must be carried out for the prime roads in this area, including Montauk Highway, North Phillips Avenue, Old Country Road and Speonk/Riverhead Road. It is essential that the transportation study include the peak summer traffic days. The data in the current study used Wednesday and Thursday as well as Saturday. The new study should compile data for Friday and Sunday instead.

**Pedestrian Use of North Phillips Avenue** – Page 18 of the DEIS states “the proposed project is not anticipated to generate a significant amount of pedestrian use of North Phillips Avenue.” However, Page 66 states “Residents of the proposed development will be able to walk to the Speonk Hamlet Center...” These two contradictory positions need to be reconciled.

**Chemical / Hazardous Substances Use** – Page 22 of the DEIS states “it is not anticipated that any toxic or hazardous wastes will be generated or used on the site...” The SRCA questions the validity of this statement as the proposed sewage treatment plant will require the use of some chemicals and hazardous substances. Further, Page 25 of the DEIS indicates that there is a possibility that the units will be heated with fuel oil, another chemical / hazardous substance.

**Eastport/South Manor School District** - The proposed development will be located in the Eastport/South Manor (ESM) School district. Southampton residents in this school district already pay the highest school taxes in Southampton Town. Although the DEIS refers to Serenity Estates as being a 55 and over community, there are also references to the possibility that this will not be age-restricted. It should also be pointed out that Westhampton Pines, the 169-unit “senior” development at the old drag strip site has not been completed, reportedly because sales are dwindling. Another 50-unit senior complex is under construction two-to-three miles away in Eastport (on the Brookhaven Town side). There is no guarantee that a senior development built at Serenity Estates would be viable, with the possibility that the developer would seek a hardship and then remove any age restrictions. Any additional children added to the ESM school district from this development will have a very negative impact on this already “at capacity” school district as well as on the tax burden on residents. Although a recent school bond passed, it was only designed to maintain an anticipated growth of approximately 2% and was intended in part, to allow for the replacement of the existing portable classrooms at the Eastport Elementary School.

Additionally, a 70-home development in Eastport (Eastport Meadows) has just received approval from the Town of Brookhaven. This development, along with two other potential developments in Eastport (the Hamptons Club with 119 units proposed and the Eastport Hamlet Center with 90 units proposed) if approved, could place an additional 400 students in the Eastport/South Manor schools. Superintendent Mark Nocero has made it clear that the school district is not prepared for an increase of this magnitude. As such, the SRCA strongly urges the Town to confirm and require the 55 + status of the project and make it clear upfront that no "hardship" will be granted to change the end-use of the project in the event of poor sales.

**Water Resources and the Speonk Solvent Plume** – The DEIS does not accurately or correctly address the issue of the Speonk Solvent Plume, which underlies the eastern portion of the Subject Property. As the Town is aware, this is an issue that the SRCA has been following closely. The DEIS does indicate that volatile organic compounds (VOCs) were not detected in groundwater samples collected by the Applicant from the Subject Property. However, as indicated in multiple publically-available data sets from the NYSDEC and SCDHS, VOC-impacted groundwater is present on the Subject Property below an approximately 40-foot-thick lens of unimpacted groundwater. In fact, these data are included in an August 25, 2009 SCDHS correspondence included in Appendix U of the DEIS, which clearly indicates that the eastern portion of the Subject Property overlies the Speonk Solvent Plume. This information clearly confirms that the Applicant's samples were not collected in a manner designed or intended to evaluate the extent of the Speonk Solvent Plume underlying this property. The DEIS does state "*The plume is a mixture of chemical solvents that most likely date back to the end of World War II. Therefore, people have been living over the plume for many years.*" While the SRCA agrees that this comment is correct, it does not address potential health concerns associated with soil vapor intrusion from the plume. Further, the aforementioned correspondence from the SCDHS to the Town of Southampton recommends "*that all proposed developments constructed on or near significant groundwater contamination be constructed with vapor barriers in order to mitigate any potential vapor intrusion.*" The DEIS must fully address potential impacts associated with the property's location above the Speonk Solvent Plume, including a clear and comprehensive discussion of mitigation measures to be used to protect residents from exposures to VOCs via drinking water and soil vapor intrusion.

The DEIS also includes an older (October 23, 2002) letter from the SCDHS that discussed the clean layer of groundwater that was anticipated to protect overlying developments from soil vapor intrusion. The SRCA wishes to point out that this letter was prepared eight years ago, before our understanding of soil vapor intrusion had fully developed. This letter has been superseded by the SCDHS's August 25, 2009 correspondence and is no longer applicable with respect to this issue.

The DEIS states "*Planning Board Chairman Dennis Finnerty has stated that, in his opinion, the new homeowners would not be liable for the costs of a clean-up even if the source of the contamination is determined to be on Woodfield Gables.*" The Applicant is apparently referring to an issue raised by the SRCA with respect to Federal and State CERCLA liability on another property. The SRCA does not believe that this issue is applicable for the Serenity Estates proposed redevelopment, and we do not understand why it was raised by the Applicant as it is irrelevant.

Based upon the Applicant's incorrect understanding of the Speonk Solvent Plume and the lack of any proposed mitigation measures to address soil vapor intrusion (even though these are recommended by the SCDHS in a letter included in the DEIS), the SRCA requests that the Town make the Applicant revise the DEIS to provide a technically correct understanding of this issue

and a sensible and realistic approach to mitigating soil vapor intrusion.

**Metals in Groundwater** - The DEIS references a Phase II ESA conducted in 2003 by Cashin Associates, PC (Cashin). Both documents indicate that metals, including arsenic, beryllium, cadmium, chromium, copper, lead, mercury, nickel, and silver, were detected in on-site groundwater samples above NYSDEC thresholds of concern. It is suggested that the metals in groundwater could indicate an off-site source related to metal plating operations or pressurized wood treating operations. The DEIS then goes on to state "*However, it is possible that the source of the metal contamination is the adjacent welding shop to the south, known as "AR Fechtmann Welding, although the source of the contamination has not been identified."* The SRCA has significant and serious reservations about the accuracy of the data included in both documents, as follows:

- The groundwater samples were collected by Cashin utilizing the Geoprobe direct push method. This sampling technique typically results in very turbid groundwater samples which, unless the clay and silt particles are filtered out, can result in hi-biased metals data that do not accurately reflect existing aquifer conditions. As the Phase II ESA report did not include the turbidity values of the groundwater samples, the SRCA cannot make a definitive conclusion with respect to this issue. However, we strongly recommend that the Applicant be required to appropriately collect and analyze low-turbidity groundwater samples, to allow for the accurate assessment of the potential presence of metals in groundwater. In our opinion, it is completely irresponsible to identify the presence of potential groundwater contamination in a public document based upon data that appear to have been inappropriately collected and interpreted.
- The DEIS identifies the adjacent southern property as a potential source area of the metals impact to groundwater. As groundwater in this portion of Long Island flows from north to south, the southern adjoining property is actually downgradient of the Subject Property and, therefore, could not reasonably be interpreted to be the source of impacts to the Subject Property groundwater. This discussion is technically incorrect and results in apparent slander of the adjoining downgradient property. This type of irresponsible and inaccurate information leads the SRCA to question the accuracy of other information included within the DEIS for which we do not have specialized knowledge.

Based upon the aforementioned information, the SRCA respectfully submits that the DEIS for the Serenity Estates application has significant technical challenges and does not provide sufficient information, analyses, and details to support the change-of-zone request.

Sincerely,  
**Speonk Remesenburg Civic Association**



Richard J. Baldwin, C.P.G., P.G.  
Co-President

Beverly Rood  
Corresponding Secretary

Town of Southampton  
Planning Board  
March 25, 2010  
Agenda Item #16, Page 1 of 5

ADOPTED RESOLUTION  
TOWN BOARD REFERRAL  
**Draft Environmental Impact Statement (DEIS) for the Serenity Estates Change of Zone Petition from Residential (CR-40) to Residential Planned Development District (RPDD) for a 60 Unit Senior Citizen Condominium Complex in the Hamlet of Speonk**

WHEREAS, By Resolution 2009-1510, the Town Board of the Town of Southampton deemed the scope and content of the resubmitted Draft Environmental Impact Statement (DEIS) prepared for the Serenity Estates Change of Zone Petition From Residential (CR-40) to Residential Planned Development District (RPDD) for a 60 Unit Senior Citizen Condominium Complex in the Hamlet of Speonk to be adequate for public review; and

WHEREAS, the Town of Southampton Town Planning Board was determined to be an involved agency; and

WHEREAS, comments will be received and considered by the lead agency, the Town of Southampton, for no less than 30 calendar days from the first filing and circulation of the notice of completion, or no less than 10 calendar days following a public hearing at which environmental impacts of the proposed action is considered, whichever is later; and

WHEREAS, on January 28, 2010, the Town Planning Board held a Work Session on the resubmitted Draft Environmental Impact Statement (DEIS) for the proposed Zone Change/PDD application known as Serenity Estates; and

WHEREAS, Town Code §330-244 D. Reports from Planning Board and other agencies. [Amended 3-25-2008 by L.L. No. 15-2008], states:  
(2) In preparing its report and recommendation, the Planning Board shall take into consideration the recommendations of the Comprehensive Plan, the existing characteristics and arrangement of land uses in the area, the environmental and cultural aspects of the project site and its surroundings, the relationship of the proposed design and location of buildings on the site, traffic circulation on and off the site, the adequacy of available community facilities and utilities to service the proposed project, compliance of the proposed project with the standards and requirements of this chapter, the then-current need for the requested use(s), and such other factors as may be appropriately related to the purpose and intent of this article and other provisions of the Town Code; and

**CRITERIA FOR ASSESSMENT:**

- 1. The recommendations of the Comprehensive Plan.

The Eastport/Speonk/Remsenburg/ Westhampton Area Study, adopted September 28, 2004 states: "The site, which has been identified by the community for redevelopment, is currently zoned CR-40 (Country Residence, one-acre lots). **There have been environmental issues reported due to prior activities, with suspected leaching into the local groundwater system. Similar to the conditions affecting the Suffolk Life site (which is discussed in a later section), the Old Feather Factory needs to be further evaluated with respect to potential mitigation from alleged environmental contamination and in order to provide a more significant contribution to tax ratables for the community.** While there is an agricultural use (horse farm) to the north and an industrial use (welding shop) to the south, it is primarily surrounded by residential uses. It has been suggested that the 15-acre property be rezoned to either a light industrial park designation or PDD. Given the extent of the alleged environmental contamination from previous users, there is likely a need to provide economic incentives to encourage reuse of the site for low-impact tax ratable uses, such as senior housing, particularly assisted living. It is suggested that the Town undertake a PDD Study to examine opportunities for alternative uses for the Old Feather Factory property, as well as the adjoining welding shop site. Some community members have suggested another Light Industrial Contractor's Park, while others have suggested senior housing, as it is located in close proximity to the hamlet center and may present a better tax ratable for the Eastport/South Manor School District, with less traffic and other potential impacts. LI-40 may be too broad and have negative impacts on the adjoining residential community to the west of the site, in terms of noise, vibrations, etc. A new "Non-Nuisance Industrial Zoning Classification" has been suggested during the course of the community involvement process. Alternatively, a Mixed-Use PDD to allow medical offices and senior assisted living could be considered.

The recommended Action Item was to undertake a PDD Study of the Old Feather Factory property, working with the property owner and community members comprising a PDD Study Group, to consider options involving a PDD (Residential restricted to seniors, Mixed-Use, or Non-Nuisance Industrial). Provide economic incentive for redevelopment of allegedly contaminated site."

**The Planning Board concludes that exploring the proposed PDD and its alternatives as proposed in the DEIS is in keeping with only one of the recommendations of the Comprehensive Plan Update, September 2004. Other alternatives, such as mixed use, medical offices, light industrial uses, may better meet community needs and provide greater economic benefits for the area as a whole.**

**There is an amendment to the 2004 environmental data concerning this land. According to Guy Bobersky, Chief of the Remedial Section of the DEC's Division of Environmental Remediation and Rob DeCandia, the DEC's Project Manager for the Speonk Plume, September 23, 2009, the final DEC report, assessing all the information from eighty (80) monitoring wells, installed since 2004, should be available in February or March, 2010.**

**The February 3, 2010 letter from the Suffolk County Department of Health asked that "soil samples contained in the Phase II Environmental**

report be clarified to distinguish between samples collected from surface soil or those obtained from on-site sludge. Remediation would be required if surface soil samples revealed contamination as discussed in the report”

This letter went on to state in reference to Prior Industrial Uses that “Finally, it is our understanding the subject property was previously used for industrial purposes (e.g. a duck processing) and we are not certain that all issues in connection with the prior use have been fully evaluated. Therefore, we believe that this item should also be addressed.

“Based on our review of the proposal, we believe the additional information which reflects attention to the above stated concerns of our agency is important to the overall assessment of the potential impacts of this proposal.”

**Based on this information, the Planning Board finds that all potential impacts have not been explored.**

2. The existing characteristics and arrangement of land uses in the area.

To the North: a stable with a residence.

To the South: a welding shop with a residence

To the East: Across North Philips Avenue: Industrial development

To the West: Single family homes

**The Planning Board concludes that while residential use might be appropriately compatible with surrounding land uses, the unanswered questions about the environment keep them from recommending this use at this time. They suggest that the applicant explore other alternatives, such as light industrial. See #1 above.**

3. The environmental and cultural aspects of the project site and its surroundings.

**Recent updated data on the Speonk Plume, January 2010, provided by the Suffolk County Department of Health shows that the solvent plume continues to expand, as well as moving westward. (See 1. above) As no environmental assessment has been done by the applicant since 2003 , and briefly readdressed in a letter in 2004, the Planning Board asks that the applicant provide an updated environmental report that specifically addresses potential impacts to the currently proposed 60 unit senior citizen project, not the previously proposed subdivision. Note that the 2003 data supplied by the applicant also addresses potential soil contamination. The report on this should also be updated. The applicant should complete this investigation following publication of the SCDOH and DEC data, as discussed in 1. above. This site may not be appropriate for a zone change.**

4. The relationship of the proposed design and location of buildings on the site.

**This should be reevaluated based on the 2010 report from the Suffolk County Health Department. The present proposal for 60 condominium units does not meet SCDOH standards for sewage disposal.**

5. Traffic circulation on and off the site.

**Design of interior roads will need to be reassessed in light of updated Conservation Commission and environmental findings.**

6. The adequacy of available community facilities and utilities to service the proposed project:

**The Planning Board concludes, after reading letters to the applicant, included in the DEIS, that there are adequate available community facilities and utilities to service the proposed project. The applicant should provide a letter from the Police Department.**

7. Compliance of the proposed project with the standards and requirements of this chapter, Standards on location: For an RPDD which contains residential condominiums, senior housing or multifamily housing developments, the site shall be located within a convenient distance from a central business district or hamlet center or village center, which provides shopping, access to public transportation, and community facilities. Generally, multiunit developments are to be within ½ mile of a hamlet or village center. Senior housing developments may only be permitted if located a short and safe walking distance, no greater than ½ mile to a village center or the site is within a short and safe walking distance no greater than 500 feet from a public transit area. Short and safe distance shall mean convenient and having adequate sidewalks, street lights, and other pedestrian-friendly, traffic calming amenities presently available or shall established as a condition for approval of the RPDD designation.

**The Planning Board concurs that the above requirements must be established as a condition of approval all RPDDs.**

8. The then-current need for the requested use(s).

The applicant has presented a list of all similar projects in the area as follows:

#### **SENIOR HOUSING PROJECTS**

a. Westhampton Pines (originally developed by Pulte Homes, Inc) 189 units, of which 19 are affordable, located one mile from the proposed Serenity Estates site in Westhampton.

b. Encore Atlantic Shores, 240 units with a club house, located in Eastport approximately three miles from the proposed Serenity Estates site.

The applicant states that by the time Serenity Estates is developed, the units at both Westhampton Pines and Encore Atlantic Shores "will probably be primarily sold out."

c. Eagles Walk, 67 units, located in East Quogue.

d. Eastport Meadows, 50 condominiums, with 5 as affordable, located in Brookhaven portion of Eastport.

e. RTW, Arborview at Tiana, 50 units, with 15 affordable, Hampton Bays.

f. Jessup's Landing, 32 units, Quogue Village.

g. Heritage Square Retirement Community, 415 units, Eastport, Brookhaven part.

h. Bristol Estates, 240 units, East Moriches.

**OTHER HOUSING PROJECTS**

- a. Woodfield Gables, 57 home subdivision located in Speonk.
- b. Sophia Place, 18 houses, in Westhampton

**The Planning Board questions the need for a discretionary change of zone to increase density at this site to provide a senior housing complex since there are many senior living options available nearby and some of those are not near capacity. In fact, the Town is contemplating lowering the age occupancy requirements in the SC-44 zone in part to address vacancies in these facilities. The Planning Board requests that a town-wide inventory of current availability of age restricted units be conducted in order to provide current factual data on the availability of such units.**

9. Such other factors as may be appropriately related to the purpose and intent of this article and other provisions of the Town Code

WHEREAS, Town Code §330-246 A. 7. (e) [1] Findings by the Town Board offers criteria for the assessment of Residential Planned Development Districts and specifically for those involving senior housing: In determining whether to grant a zone change to a planned development district involving senior housing or multifamily housing, the Town Board, in addition to its usual discretion in considering a change of zone, shall also consider the need for additional senior housing and multifamily housing in the particular hamlet, the nature and extent to which the applicant intends to provide moderate-income housing units, the appropriateness of the site, environmental considerations, the proposed development design to accommodate an increased density, and any potentially significant negative impacts to any special assessment district in which the proposed development is located. In addition, the Town Board shall find that the housing development is consistent with the recommendations of the Comprehensive Plan, will be beneficial, compatible and harmonious with the surrounding land uses and will not have a significant adverse impact upon the environment, or a special assessment district in which the site is located; now

**THEREFORE BE IT RESOLVED, that as the applicant has stated his willingness to update the environmental information and has already made steps to hire someone to update the Phase I and Phase 11 environmental reports, and as the applicant is waiting for additional information and outside audits from the DEC and SCDOH which may generate a project redesign, the Town Planning Board requests that the Town Board seek consent of the applicant to adjourn the SEQRA process.**

Town of Southampton Planning Board  
 Chairman: Dennis Finnerty  
 March 25, 2010

VOTE

Moved by: Lofaro  
 Second by: Toler  
 In favor: 7 In opposition: 0 Absent:0

Should you have any questions, please do not hesitate to contact Diane Neill,  
principal planner, 702-1808, or via email at: [dneill@southamptontown ny.gov](mailto:dneill@southamptontown ny.gov)