

Southampton Town
Citizen Advisory Committee-WEST

PO Box 646
Westhampton • NY 11977



(page #3)

Mr. Bernstein suggested an alternate plan of 36 condominium units plus a small "medical center" as a community benefit, that might include a pharmacy and some walk-in care. This might provide some emergency services, Doctors' offices, and rehabilitation facilities. The members unanimously felt that this was nonetheless too large for the property and that building "as-of-right" was still after all the best possible use of the property.

The need for condominiums, especially senior units is just not there. Westhampton Pines, begun in 2003 is still not completed, and the premise of the need for senior housing was begun using admittedly faulty data. Any community benefit proposed was deemed by the group as woefully insubstantial and insignificant to the increase requested. The final consensus by all the community members in attendance was that Mr. Bernstein should build "as-of-right" with 13 houses.

The meeting was adjourned at approximately 8:30 PM.

Lorraine David

From: Hermann Beck [hbeck@mac.com]
Sent: Wednesday, September 22, 2010 7:38 PM
To: Lorraine David
Subject: CAC-West Meeting Minutes
Attachments: CAC Minutes Sept 16 2010.pdf

Good Morning--

We (the CAC-West) held a joint meeting with the Speonk-Remsenburg Civic Association last Thursday and here are the minutes. I produced a pdf file to (I hope) make it easy for you to print and send around. I think this will be of some interest to the planning board.

If you could please see that the planning board members get this I would be very grateful.

Thanks.

--Hank Beck

Kimberly Ottati

From: Sundy Schermeyer
Sent: Monday, November 15, 2010 9:19 AM
To: Lisa Dunlap; Kimberly Ottati
Subject: FW: Serenity Estates

From: Bob Mozer [bobmozer@gmail.com]
Sent: Friday, November 12, 2010 7:06 PM
To: Jefferson Murphree
Cc: Andrea Spilka; Beverly Rood; Carol Smith; Fran Barnes Fink; Jerry Collins; Joel Petersen; Rich Baldwin; Sue Edmonson; Suzanne Collins; Walt Dawydiak; Albert Leutwyler; betsy craz; Claudia La Mlza; Diana Delucia; Douglas Adams; Ed Pavlak; Frank Moschetti; George Lynch; Henry Bramwell; Hermann Beck; Jager Jeniffer; Janet Beck; MICHAEL ANTHONY; Nichole Dennehy; Steve Tooker; Jennifer Hartnagel; Jennifer Garvey; Anna Throne-Holst; Christopher Nuzzi; Francis Zappone; ngabroski@southamptontownny.gov; James Malone; Sundy Schermeyer; Bridget Fleming
Subject: Serenity Estates

Jeff....based on your response to Jenn Hartnagle's email about the above referenced project, I am concerned that the Speonk Remsenburg Civic Assoc and the CAC-West does not have enough time to review and respond to the revised project plan by Barry Bernstein. What's going on here?
Please advise.

Bob Mozer, Co-Pres, SRCA,
Co-Chair, CAC-West

TOWN OF SOUTHAMPTON
TOWN CLERK'S OFFICE

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Lisa Dunlap

From: Sundy Schermeyer
Sent: Thursday, November 18, 2010 11:08 AM
To: Lisa Dunlap; Kimberly Ottati
Subject: FW: Comments On Serenity Estates RPDD

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

From: Hermann Beck [mailto:hbeck@mac.com]
Sent: Tuesday, November 16, 2010 7:41 PM
To: Anna Throne-Holst; Bridget Fleming; Nancy Graboski; James Malone; Christopher Nuzzi; Sundy Schermeyer; Jefferson Murphree
Subject: Comments On Serenity Estates RPDD

Written public comments On Serenity Estates RPDD

November 16, 2010

To: All members of the Southampton Town Board

Supervisor Anna Throne-Holst
Board members: Bridget Fleming; Nancy Graboski; James Malone; Christopher Nuzzi

With the vote to close the hearings on Serenity Estates (Town Board meeting November 9, 2010) and the change of zone petition from residential (CR-40) to residential planned development district (RPDD) we hope that the end will have come at last to a process that could and should have been aborted much earlier. Mr. Bernstein's last minute suggestion that he might modify his plan to a 36 unit market-rate development might have been a surprise to the Southampton Town Board but is old news to the CAC-West and the Speonk Remsenburg Civic Association.

At a well-attended joint meeting of the two organizations about two months ago Mr. Bernstein, again as our invited guest, received respectful attention from our members and he was also quite clearly aware of our unanimous opposition to his 60 unit RPDD. Toward the end of that meeting as the results of our discussions became clearer to Mr. Bernstein, he opened up a folder of papers and asked how we would receive a modified proposal for only 36 non-age restricted units plus a vague "medical office" and a "restaurant" as community benefits. This did not spring from his mind the night of November 8th just before the Town Board hearing. It has been around for some two months or longer and was known to us well before this last hearing. The only thing that's new is his addition of an "In Lieu" payment of \$250,000, an arbitrary number by his own admission. Regardless, at that meeting we again rejected this new approach and reiterated our request that he build, if he must, "as of right" on that property.

His immediate response, which we took as a not-so-veiled threat, was that if he built "as of right" he would produce thirteen 6-bedroom homes and flood the school district with children adding to our tax burden. He claimed that this large size home was clearly what new home owners wanted and demanded. He could not provide any evidence to support that assertion. The conclusion of our members after all this posturing was that Mr. Bernstein should go ahead with his plans to build his 13 individual "as of right" homes and good luck to him.

We are still of one voice in asking that this RPDD petition, regardless of whether it's 60 or 36 units, be denied and that the development of this parcel proceed, if the owner so desires, in accordance with the original zoning conditions "as of right". We see no demonstrated need in either of his proposals for the huge increase in density nor do we find any substantial community benefit in either of his purported plans. This request should be denied.

Yours truly

Hank Beck

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Bob Mozer
Co-Chairs, CAC-West

CC/ Southampton Town Clerk Sundy Schermeyer
Southampton Town Planning and Development Administrator Jefferson Murphree

November 22, 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 and Town Board Members,

On behalf of the Speonk Remsenburg Civic Association (SRCA), the purpose of this correspondence is to provide our comments and concerns regarding the "Serenity Estates" project (Subject Property), located on North Phillips Avenue in Speonk, New York. As the Town of Southampton (the Town) is aware, the SRCA has been carefully following this project. Our members have spent many hours reviewing project-related documents, have met with the Applicant and the Town on multiple occasions, and previously provided a detailed comment letter to the Town on March 22, 2010.

The SRCA has been very discouraged as we have met with the Applicant on multiple occasions, listened to and discussed his proposals, then reiterated our as-of-right position, only to be ignored by the Applicant in his revised plans. The Town's zoning for the Subject Property of R-40 (one-acre residential zoning) was, in part, assigned to be protective of groundwater quality without the need for a sewage treatment plant. As such, the SRCA continues to support the potential build-out of the Subject Property under the as-of-right R-40 zoning.

Based upon information that the SRCA has received through e-mail communications and public Town Board meetings, it appears that the Applicant is attempting to "wear" the Town down with multiple report submissions and revisions to the project scope, which have resulted in six public hearings to date. We are very concerned that the Applicant may receive approval of the proposed Planned Development District (PDD) simply by submitting so many revised proposals that the Town finally gives in to his PDD request to avoid having to evaluate further proposals (this appeared to be the case during the most recent Town hearing). This is obviously unacceptable to the SRCA and all of the citizens of the Town. The Town has the responsibility to protect the citizens of the Town from projects that are not in accordance with zoning and that do not provide a community benefit.

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 that any proposed development is in accordance with zoning and the Town of Southampton Master Plan, as locally articulated in the most recent Hamlet Study for our area. Our main objective is to ensure that any proposed development, especially one requesting a change to existing zoning, 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 typically carefully reviews any provided project documentation, as it has for the Serenity Estates project, and may provide project-specific comment letters detailing our concerns to the applicable Town, County, State,

and/or Federal entities.

The SRCA hereby provides the following comments, concerns, and questions regarding the most recent Serenity Estates proposal:

Current Project Status / Public Comment Period

We understand that the Town has set a 14-day public comment period regarding the Applicant's latest submission, which is apparently an addendum to the October 2009 Draft Environmental Impact Statement (DEIS). Please be advised that the SRCA has not been provided access to a full copy of the addendum and, therefore, has been hampered in its ability to more fully assess the potential impacts of the current proposal. The SRCA was provided with a few pages of the latest addendum through the efforts of the Group for the East End. Neither the Town nor the Applicant provided the SRCA with a copy of the document, nor has an electronic copy been posted on the Town's website. While this may be a simple oversight, the Town must be well aware of our interest in this project and it would have been appropriate for the Town to provide a copy to the SRCA. In the event that the Town has any potential for voting in favor of the Applicant's PDD, the SRCA hereby requests a full copy of the Applicant's latest submission for our review and comment. In this event, we also formally request that the Town extend the public comment period to 45 days after the SRCA's receipt of a full copy of the Applicant's latest project submission. This will allow our members sufficient time to conduct a thorough review and provide more meaningful comments.

It should also be noted that the SRCA does not understand the Town's plan and timeline to move forward once the public comment period is over. Please provide in writing a timeline for review and action on the current PDD proposal. As this must be conducted in accordance with New York's State Environmental Quality Review Act (SEQRA), we understand that in the event that the PDD request is approved to move forward, that the Applicant will be required to respond to all public comments in the form of a Final Environmental Impact Statement (FEIS), and that there will be additional opportunities for review and public comment.

November 2010 Addendum

As with the DEIS, the portions of addendum provided to the SRCA are very cursory in nature and do not provide specific details to support the Applicant's proposal for 36 condominium units, a recreational building (with pool and tennis courts), medical office building(s), restaurant and sewage treatment plant. If approved to move forward, the Applicant's proposed development would result in a much more extensive build-out than the 13 single-family homes that are allowed as-of-right under the current zoning of the Subject Property. Furthermore, the addendum does not address concerns previously raised by other agencies that have provided input to this project.

For example:

- The addendum references expected sanitary waste flow rates in gallons per day (gpd) without providing any substantiation for the selection of these rates. The Suffolk County Department of Health Services (SCDHS) provides detailed sanitary flow rates for various proposed uses; the current SCDHS rates should be used in the Applicant's calculations. The Applicant must show the detailed backup for all sanitary waste flow rates for the latest proposed build-out;

- The addendum discusses stormwater retention methodologies and references the NURP Study. Again, the Applicant must show detailed design calculations and engineering backup for stormwater management plans;
- The Applicant proposes to provide a vapor barrier for the project buildings but does not provide for sub-slab depressurization, contrary to the recommendations of the SCDHS in their February 3, 2010 letter to the Town regarding the Serenity Estates proposal and the SCDHS August 25, 2009 letter to the Town regarding new construction in the area of the Speonk Solvent Plume. While vapor barriers can help protect buildings constructed over a plume of groundwater contaminated with solvents, as the project buildings will be, vapor barriers do not remove the solvent-contaminated vapors from beneath the buildings as sub-slab depressurization systems do. The SCDHS has taken the step of advising the Town of the appropriate methods to address soil vapors associated with the Speonk Solvent Plume; these methods should be required for all new construction above the plume, including any buildings proposed at Serenity Estates;
- The Applicant is apparently attempting to build flexibility into the project by not being definitive as to proposed uses. For instance, the addendum states that the 36 condominium units will be non-age restricted but "*may be marketed primarily to seniors.*" The Applicant then utilizes the projected seniors use to minimize the calculated number of school-age children that may reside at the project (five children as indicated in Table 2). The entire argument regarding the project's minimal impact to the Eastport - South Manor School District is meaningless in the event that the Applicant "*decides to change his mind*" regarding the sector of the population to which the project is marketed. As with the original DEIS, the Town should require the Applicant to clearly identify and adhere to the proposed uses such that the project impacts can be assessed and the value of a PDD properly evaluated;
- How do the "public benefits" proposed by the Applicant comport with the Town's recently-adopted PDD legislation? In the latest plan submitted by the Applicant, the SRCA does not see a Speonk Hamlet-specific community benefit associated with the proposed PDD. Such an evaluation should be made by appropriate Town personnel (not the Applicant) and be publicly reported by the Town;
- The Applicant proposes to provide a cash contribution of \$250,000 for the purported benefit of the residents of the local community. How did the Applicant determine that this amount would be convertible to some type of community benefit? What exactly does the Applicant think \$250,000 will buy in Speonk? If there is to be some type of cash contribution, the amount should be commensurate with the actual cost of a park or other public open space that would realistically provide a community benefit; and,
- How would the Town administer such a fund and ensure that it is used only for projects in the Speonk Area?

Review of July 1, 2010 Phase II Environmental Site Assessment

As discussed in our March 23, 2010 comment letter on the DEIS, the SRCA previously provided several comments with respect to the environmental conditions at the Subject Property. The Applicant subsequently conducted a Phase II Environmental Site Assessment (ESA) to address many of these concerns. The following is a summary of the environmental concerns and additional information from the recent ESA:

- **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 report included in Appendix T of the DEIS states that groundwater was encountered at a depth of approximately 22 feet below grade surface (bgs). The recent ESA documented groundwater at approximately 25 feet bgs, confirming the previous report. Therefore, there remains a significant disagreement within the DEIS regarding the depth to groundwater and proper functioning of leaching structures. This has significant implications for sanitary waste and stormwater management design and for the total sanitary flow that can be managed on this property. This issue must be addressed before the DEIS can be considered complete;
- **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 did not include 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 recommended 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. Soil testing for ACM was conducted during the Phase II ESA and confirmed the presence of ACM. The Applicant must take all precautions required by law to abate the identified ACMs;
- **On-site Sumps** – In the DEIS there is discussion of previous removal of impacted bottom sediments from one or more of the three on-site sumps. Additional documentation of this environmental remediation, including written regulatory agency documentation confirming that appropriate regulatory requirements have been met, was needed. During the Phase II ESA additional testing was conducted, with SCDHS oversight, and it was confirmed that there are no remnant sub-grade sludges associated with the former feather processing sumps;
- **Metals in Groundwater** - The DEIS includes documentation indicating 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 had significant and serious reservations about the accuracy of the reported data and the suggestion as to its source, as follows:
 - The groundwater samples were collected a method that typically results in high amounts of suspended sediment which can significantly bias metals data and not accurately reflect existing groundwater conditions. It was strongly recommended 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. This work was conducted during the Phase II ESA and confirmed that the previously-reported data were in error and that there is

- o no metals contamination in the Subject Property groundwater; and
- o The DEIS identified the adjacent southern property as a potential source of the metals. 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 resulted in apparent slander of the adjoining downgradient property. This type of irresponsible and inaccurate information led the SRCA to question the accuracy of other information included within the DEIS for which we do not have specialized knowledge. As the Phase II ESA confirmed the absence of metals impacts in the Subject Property groundwater, this clearly inaccurate and slanderous information regarding the adjoining property should be corrected by the Applicant.
- **Metals in Soil** – The analytical data from the Phase II ESA soil samples were not compared to New York State Department of Environmental Conservation (NYSDEC) Soil Cleanup Objectives (SCOs), as required by prevailing regulations. An evaluation of these data with respect to the NYSDEC SCOs indicates that two soil samples contained lead at 110 milligrams per kilogram (mg/kg), which exceeds the NYSDEC Unrestricted SCO for lead of 61 mg/kg. The Applicant must be required to address the elevated lead in the property soil as it is not commensurate with residential use.

As the SRCA has not been provided with a full copy of the Applicant's latest submission, we cannot make any comment on how the Applicant has revised and / or addressed the actual environmental conditions associated with the Subject Property as documented in the recent Phase II ESA. However, should the Town move forward with the approval process for the PDD, these issues should be addressed in detail in any final submissions and "the door should be closed" in writing with respect to the issues raised by the SRCA in our March 23, 2010 correspondence.

* * *

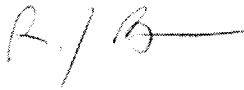
As discussed above, the SRCA has raised specific questions and concerns to be addressed by the Town as part of their review of the Applicant's latest submission. In the event that there is the potential for the Town to approve the Applicant's PDD, we hereby formally request, at a minimum, the following:

- A full copy (either hard copy or electronic) of the Applicant's latest submission to the Town to allow for our review and comment;
- A 45-day public comment period to start upon our receipt of the aforementioned document; and,
- A meeting with appropriate Town personnel regarding the intended path forward / timeframes for the review of the PDD application, as well as any other questions included above.

Based upon the aforementioned information, the SRCA submits that the DEIS and currently-available documentation for the Serenity Estates application continues to have significant technical problems and does not provide sufficient information, analyses, and details to support the change-of-zone request. Furthermore, this documentation does not address several of the outstanding environmental issues associated with this property, as discussed above. The Applicant's documentation should be complete and all issues addressed before the change-of-zone request can be considered complete.

As discussed above, the SRCA continues to support the potential build out of the Subject Property under the as-of-right, R-40 zoning.

Sincerely,
Speonk Remsenburg Civic Association



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

Beverly Rood
Corresponding Secretary

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