

Final Environmental Impact Statement

SERENITY ESTATES CHANGE OF ZONE PETITION

Project Location:

15.217 Acres on the West Side of North Phillips Avenue
Hamlet of Speonk
Town of Southampton, Suffolk County, New York

Applicant:

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Contact Person:

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Lead Agency:

Town of Southampton Town Board
Southampton Town Hall
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Contact Person:

Jefferson V. Murphree, AICP, Town Planning and Development Administrator
Town of Southampton Town Board
Southampton Town Hall
116 Hampton Road
Southampton, NY 11968

Preparer:

Town of Southampton

Availability of Documents:

This document is a complete Final Environmental Impact Statement (FEIS). Copies are available for public review at the offices of the Town Clerk, at the Westhampton Free Library, and on the Town's website under SEQRA at southamptontownny.gov.

Date submitted: January 19, 2011

Date accepted by Lead Agency: January 25, 2011

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Executive Summary

The Executive Summary is provided as a review of the issues of the Serenity Estates DEIS. Chapters I and II of this document provide the body of the FEIS.

I A. Proposed Action

On December 28, 2009, the Town Board of the Town of Southampton , by Resolution 2009-1510, deemed the DEIS submitted in regard to the zone change for Serenity Estates, complete and set a date for the first public hearing on February 9, 2010. The DEIS was to address the application for a Change of Zone from Country Residence 40,000 square feet (CR 40) to Residential Planned Development District (RPDD) to build sixty (60) Senior Citizen condominiums (128,656 square feet) for ages fifty-five (55) and older, twelve (12) of which were to be set aside as Community Benefit Units, as defined in Chapter 216 of Southampton Town Code. The proposal indicated two bedrooms and two bathrooms in each market rate unit, and two bedrooms and one bathroom in each Community Benefit Unit. The proposal also included a 10,000 square foot recreational building. The complete DEIS appears in Appendix II on the attached Appendices Disk.

The Suffolk County Department of Health Services found the projected sewage flow exceeded the 15,000 gallons per day limit for a sewage treatment facility such as the Cromoglass system proposed by the applicant. Therefore, the proposal for the sixty (60) units could not be accommodated.

Additionally, the applicant was asked to update the Phase II Environmental Site Assessment. This document appears as Appendix V, on the attached Appendices Disk. Information supplied indicated that there was a need for use of public water and for vapor barriers because of the proximity to the Speonk Solvent Plume. (See Comment 2 in Chapter 2.) It was also found that the site needed further clean up due to asbestos containing materials.

I B. Alternatives

COMPARISON OF ALTERNATIVES November 2009 DEIS

	Proposed 60 senior condo units	No Build	13 Homes	50 Senior condo units	Medical/Professional Offices and condos
Building coverage	128,656 sq. ft. (19.4%)	None	Maximum 20% of lot area, 91,389 sf. (13.7%)*****	123,903 sq. ft. (18.7%)	132,656 sq. ft. (20%)
Landscaping	203,111 sq. ft. (30.6%)	None	On site for homes	203,111 sq. ft. (30.6%)	199,111 sq. ft. (30%)
Open space	186,616 sq. ft. (28.15%)	Entire area	3 acres	201,940 sq. ft. (30.47%)	Approx. 186,616 sq. ft. (28.15%)
Wastewater	19,200 gpd	None	3,900 gpd	17,250 gpd	19,600 gpd*****
Residents	102*	None	65	85	132
School aged children	None	None	20	None	24
Total Taxes	\$342,829**	\$9,537	\$86,783****	\$285,690	\$509,748

*Assuming that there would be 18 one-person households and 42 two-person households (84 persons), totaling 102 persons, as computed by the Economic Consultant's estimates based on 2000 Census Data for Remsenburg-Speonk. (See Appendix Q)

**The real estate taxes for the alternative project of 60 condo units were computed by the Economic Consultant (See: Appendix Q).

***Assuming an assessed valuation of approximately \$400,000 per home and a tax rate of 16.6891 per \$1,000.

****Assuming 48 condominium units, 6 community benefit units, 9,000 square feet of professional offices (medical), 10,000 square feet in a recreation building.

*****Assuming maximum lot coverage per residential structures at 20%. Applicant's original chart listed 75% coverage which would not be allowed by Town Code.

I C. Proposed Community Benefits November 2009 DEIS

1. Redevelop pre-existing environmentally sensitive site used as a feather factory. (Please note that the feather factory buildings have been removed.)
2. Add substantial real estate revenues from condominiums, without many school-age children. (Please see discussion of taxes in Comment 23.)
3. Provide twenty percent of units as Community Benefit Units. (This is required under Chapter 216 of Town Code.)
4. Increase local employment due to construction.
5. Address the need for quality residential construction in the area.
6. Increase aesthetics of the site.
7. Retain a good portion of natural vegetation. (The proposal sets aside 28.15% as Open Space.)
8. Protect cultural resources. (These have not been defined in the application.)

I D. Hearing

On November 9, 2010, after hearings on February 9, 2010, March 23, 2010, May 11, 2010, July 13, 2010, August 10, 2010, and November 9, 2010, the Town Board of the Town of Southampton, closed the hearing on the Serenity Estates DEIS.

II A. Modified Alternative

An alternative of Mixed Use Development with medical professional offices and 54 condominiums (six to be Community Benefit Units) was addressed in the original DEIS and discussed extensively with the community. On November 9, 2010, the date that the hearing on the DEIS was closed, the applicant submitted an amended document for a zone change to a Mixed Use Planned Development District (MUPDD), with medical center with medical/professional offices and 36 non-age restricted residential condominiums. Each proposed condominium would have two bedrooms and two bathrooms. The proposed development would also have a 5000 square foot recreation center. This amended document appears in Appendix VI.

The applicant has provided information for the following summary table to show the major differences between the submission alternatives:

COMPARISON OF ALTERNATIVES November 2010 submission

	60 senior condos (Original plan addressed by 11/2009 DEIS)	No Build	13 Homes	50 Senior condos	Medical/Professional Offices and 36 condos (Amended plan submitted on 11/9/10, the date the hearing on the original DEIS was closed)
Building coverage	128,656 sq. ft. (19.4%)	None	Maximum 20% of lot area, 91,389 sf. (13.7%)*****	123,903 sq. ft. (18.7%)	132,656 sq. ft. (20%)
Landscaping	203,111 sq. ft. (30.6%)	None	On site homes	203,111 sq. ft. (30.6%)	199,111 sq. ft. (30%)
Open space	186,616 sq. ft. (28.15%)	Entire property	3 acres	201,940 sq. ft. (30.47%)	Approx. 256,000 sq. ft. (38%)
Wastewater	19,200 gpd	None	3,900 gpd	17,250 gpd	15,000 gpd*****
Residents	102*	None	65	85	61
School aged children	None	None	20	None	5
Total Taxes	\$342,829**	\$9,537	\$86,783***	\$285,690	\$439,189

*Assuming that there would be 18 one-person households and 42 two-person households (84 persons), totaling 102 persons, as computed by the Economic Consultant's estimates based on 2000 Census Data for Remsenburg-Speonk. (See [Appendix Q](#))

**The real estate taxes for the alternative project of 60 condo units were computed by the Economic Consultant (See: [Appendix Q](#)).

***Assuming an assessed valuation of approximately \$400,000 per home and a tax rate of 16.6891 per \$1,000.

****Assuming 36 condominium units, 10,000 square feet of medical offices, a small restaurant, and 5,000 square feet in a recreation building.

*****Assuming maximum lot coverage per residential structures at 20%. Applicant's original chart listed 75% coverage which would not be allowed by Town Code.

II B. Community Benefits Proposed in the November 2010 Medical/Professional Offices and 36 Condo Modified Alternative

1. Contribute \$250,000 to the Town for local projects. (This does not appear to meet the intent of the PDD legislation, offering no specificity on its use, or nexus to the increase in development density.)
2. Provide medical and elder care for residents of the community in an appropriate location. (This has not been justified.)
3. Increase open space
4. Increase real estate tax revenues (This would be an increase over the present taxes. See discussion under Comment 23.)
5. Provide appropriately located, well-designed and needed residential units (This statement has been challenged. See Comments 19 and 25.)
6. Improve aesthetics of the site. (The site is presently open space.)

7. Retain a good portion of the remaining natural vegetation.
8. Protect cultural resources of the community. (This has not been defined.)

III. Potential Impacts and Mitigations

The Potential Environmental Impacts and Mitigations for the DEIS dated November 2009 and the document dated November 9, 2010 are essentially the same.

1.1 Overview

This is the Final Environmental Impact Statement (FEIS) for Serenity Estates. This FEIS has been prepared in accordance with Section 8-0109 of the New York State Environmental Conservation Law (the State Environmental Quality Review Act, SEQR) and the Implementing regulations of SEQR at 6 NYCRR Part 617, including the content specifications of the final environmental impact statements contained in 6 NYCRR §617.9 (b)(8).

This project has been identified as a Type I action pursuant to SEQR and the Southampton Town Board has assumed “Lead Agency” status in this matter. Preparation of the DEIS was authorized by the Town Board of the Town of Southampton so as to determine whether the proposed action will result in significant environmental impacts, and, if so, whether modifications can be made to the proposed action to avoid or suitably mitigate such impacts.

A complete Draft Environmental Impact Statement (DEIS) was submitted by the applicant in November 2009 and was adopted by the Town Board as complete with respect to its scope and content for the purposes of commencing public review, in accordance with 6NYCRR § 617.9 (a)(2) on December 28, 2009, at which time the Town Board set a Public Hearing for February 9, 2010. The public hearing date and a description of the proposed action was published in a local newspaper of wide circulation as well as the New York State Department of Environmental Conservation (NYSDEC’s) Environmental Notice Bulletin (ENB). The proposed plan, law, and DEIS were subsequently circulated to involved agencies and made available to the general public to solicit commentary in accordance with 6 NYCRR §617.12.

Six public hearing sessions were held on the following dates: February 9, 2010, March 23, 2010, May 11, 2010, July 13, 2010, August 10, 2010, and November 9, 2010. The period for submitting written comments on the DEIS was held open until November 24, 2010.

1.2 Incorporation of the DEIS into FEIS Document

The November 2009 DEIS is included in its entirety in Appendix II of this FEIS. The November 9, 2010 amendment is included in its entirety in Appendix VI. Directly incorporating the DEIS into the FEIS was considered the most efficient and practical approach to fulfilling the FEIS content requirements as outlined under 6NYCRR §617.9 (b)(8). All Appendices appear in the attached Appendices Disk.

1.3 Content of DEIS

The DEIS was prepared by Barry M. Bernstein, P.C., 245 East 63rd Street, Suite 1202, New York, New York 10021, Contact: Barry M. Bernstein, (212) 980-1212, With technical input from: John J. Raynor, P.E. & L.S., P.C., Deerfield Green, Montauk Highway, Watermill, NY 11976, Contact: Rick Van de Keift, (631) 726-7600; Nicholas A. Vero AICP, Architect, 120 Mill Road, Westhampton Beach, NY 11978, (631) 288-1404; Dunn Engineering Associates, P.C., Consulting Engineers, 66 Main Street, Westhampton Beach, NY 11978, Contact: Ron Hill, (631) 288-2480; Pearl M. Kamer, PhD, Economic Consultant, 11 Westminster Road, Syosset, NY 11791, (631) 297-3065; Cashin Associates, P.C., Environmental Consultant, 120 Veterans Memorial Highway, Hauppauge, NY 11788, Contact: Gregory Greene, (631) 348-7600.

The DEIS consists of all chapters required by SEQR including: Executive Summary; Introduction; Environmental Setting, Impacts, and Mitigation; and Alternatives.

1.4 Purpose of FEIS

The FEIS, in conjunction with the November 2009 DEIS included in Appendix II, is intended to provide the Town Board, as lead agency and primary decision-making body relative to the proposed action, with information relating to potential environmental impacts associated with the adoption and implementation with the Serenity Estates PDD application and DEIS submitted November 2009 and document submitted November 9, 2010, the date the hearing on the DEIS was closed. This document, along with the forthcoming SEQR Findings Statement, will also facilitate a determination by the Southampton Town Board as to whether the Plan and Local Law should be adopted as currently proposed.

1.5 Scope and Content of the FEIS

The primary objective of this FEIS is to address substantive comments that were raised during the public review of the DEIS, and draft Plan and draft Local Law. Chapter 2 of this FEIS identifies all substantive verbal and written comments received by the Lead Agency during the public hearings and written comment period and provides a response to each as required by 6NYCRR §617.9(b)(8). The comments addressed in this FEIS were made or submitted during the public hearings held by the Town Board on February 9, 2010, March 23, 2010, May 11, 2010, July 13, 2010, August 10, 2010, and November 9, 2010 or were entered into the record as written correspondence within the designated public review period through November 24, 2010.

Scoping was conducted pursuant to NCCR 617.8. The final written scope was adopted by the Town Board of the Town of Southampton on November 14, 2006, and is attached as Appendix I in the attached Appendices disk. All Appendices appear on the Appendices Disk.

Also included, as Appendix II on the attached disk, is the applicant's original DEIS from November 2009, deemed adequate for public review by the Town Board on December 28, 2009 and set for Public Hearing on February 9, 2009 which was forwarded to sixteen involved and interested agencies and parties.

Minutes of the Town Board Hearings on the Serenity Estates DEIS appear in Appendix III. In Appendix IV are the substantial written comments received by the Town Clerk of the Town of Southampton on the November 2009 DEIS. Appendix V contains the updated Phase II Environmental Reports

Appendix VI is the applicant's Amendment to Planned Development District Change of Zone Application dated November 2010 and received by the Town of Southampton on November 9, 2010. On page one, this document is also called a Draft Environmental Impact Statement (DEIS). The applicant discussed this document at the November 9, 2010 Town Board meeting. This document was modified by the applicant from the November 2009 Draft EIS based on his interpretation of spoken and written comments received on the Draft EIS. Most changes are to reference MUPDD instead of RPDD, to detail the need for the project and its public benefits, to quote the Speonk-Remsenburg-Westhampton Area Study and its action items, and to describe the new project. **The majority of the original text has not changed.**

The appendices, except for Appendix C, the amended site plan, have not changed.
The following highlights the page/content differences between the two documents.

Category	November 2009 DEIS	November 9, 2010 DEIS
Preparer & Contact	Serenity LLC	Barry M. Bernstein, P.C.
Appendices		Unchanged, cites existing appendices
Phase II Environmental	added	cited
Site Plan	60 Condos	Medical/Professional/condos
Executive Summary		Added MUPDD narrative
		Change in condos to 2 brs.
Need for Project		Cites area study on Mixed Use pgs 6-8
Water Resources	19,200 gpd	New STP , 15,000 gpd discharge p. 12
Ecology	Almost 28.15% Open Space	Almost 40 % p.13
Land Use and Zoning		Cites area study action item p. 14
<u>Transportation</u>		Reference changed to medical/professional offices/condos p.14
Site coverage		Change in parking p.16
Land Use/ Zoning		Medical/Professional p. 19, p.20
Real Estate Taxes		Substantial increase cited on p.21
Schools		Non-age restricted p. 22
Land Use and Zoning		MUPDD p. 27
		p. 29 Comparison of Alternatives Chart and narrative p. 30
		Narrative paragraph on Industrial Use p.32
Description of Proposed Project		p.37-44 new
		p.50 restaurant flow
<u>Site Coverage</u>	Same total square feet	p. 52 , % change
Vehicle Access and Parking		p.53 parking spaces
Purpose and Need		p.54 modified condos, p.55 updated times
		p.57 Affordability removed
		p.64 removed job argument
		p.65 medical facility
Community Benefits		p. 66 severe recession removal
		p. 68-75, taxes are higher
Environmental Conditions		p. 79 cites July 2910 Cashin report
		p. 82 will install soil vapor barriers
		p. 93 mixed use reference
Land Use and zoning		p.112, 113 new MUPDD
Wastewater		p. 119 15,000 gpd

Appendices VIII and IX refer to the Planning Board approval of the Serenity Estates 13-lot subdivision.

2.1. Introduction

This Response to Substantive Comments chapter of this FEIS has been prepared to respond to comments on the Serenity Estates Draft Environmental Impact Statement (DEIS) which was distributed for public review by the lead agency, the Town of Southampton Town Board, on December 28, 2009. These comments were made at six public hearing sessions held on the following dates: February 9, 2010, March 23, 2010, May 11, 2010, July 13, 2010, August 10, 2010, and November 9, 2010. The period for submitting written comments on the DEIS was held open until November 24, 2010 to receive written and email comments. These comments and correspondence are provided in Appendices IV.

In order to facilitate review of the FEIS by interested parties, the comments are broken into two sections: Comments made at public hearings and comments submitted in writing or by email.

Listed below are the names of individuals who commented, both orally and in writing, on the DEIS. Where comments were made on the same subject by more than one person, they are summarized into a single comment. Where comments were made both orally and in writing, they are summarized in one category.

2.2.**Persons who commented on the Draft Environmental Impact Statement at Public Hearings**

1. Wayne Bruyn, Esq., O'Shea, Marcincuk, and Bruyn (LLC) (Bruyn)
2. Nicholas Vero, Architect for the applicant (Vero)
3. Jennifer Hartnagle, Group for the East End (Hartnagle)
4. Suzanne Collins, member Remsenbug-Speonk Civic Association (Collins)
5. Hank Beck, co –chair CAC-West (Beck)
6. Arlene Schroeder, Disability Advisory Committee, (Schroeder)
7. Andrea Spilka, Southampton Town Civic Coalition (Spilka)
8. Bob DeLuca, President Group for the East End (DeLuca)
9. Joel Peterson, Vice President Speonk-Remsenburg Civic Association (Peterson)
10. Greg Green , Cashin Associates (G.Green)
11. George Lynch of Quiogue for CAC-West, (Lynch)
12. Barry Bernstein, applicant (Bernstein)
13. Martha Weller of Speonk, (Weller)
14. Albert Leutwyler of Eastport
15. Eve Houlihan (Houlihan)
16. Mary Jean Green (MJ Green)

2.3 Persons who commented on the Draft Environmental Impact Statement in Writing or by Email

1. Richard J. Baldwin, C.P.G., P.G., Speonk Remsenburg Civic Association, November 22, 2010
2. Hank Beck and Bob Mozer, Co-chairs, CAC-West, November 16, 2010
3. Bob Mozer, SRCA, CAC-West, November 15, 2010
4. Hank Beck-CAC West Meeting Minutes, September 16, 2010
5. Janet Beck, CAC –West, August 16, 2010

6. Ed Pavlak, Speonk, July 17, 2010
7. Robert DeCandia, New York State, Department of Environmental Conservation, Division of Environmental Remediation, May 14, 2010
8. Jason Cecere, Environmental Scientist, Cashin Associates, May 12, 2010
9. Town of Southampton Planning Board, March 25, 2010
10. Richard J. Baldwin, Speonk Remsenburg Civic Association, March 21, 2010
11. Jenn Hartnagel, Group for the East End, March 8, 2010
12. New York State Department of Environmental Conservation, Robert DeCandia Jr. P.E., March 2, 2010
13. Beverly Rood, Speonk-Remsenburg Civic Association, February 24, 2010
14. Jenn Hartnagel, Group for the East End, February 15, 2010
15. Tom O'Leary, February 10, 2010
16. Mary Jean Green, Hampton Bys Civic Association, February 7, 2010
17. Robert J. Mozer, PG, February 6, 2010
18. Martha Weller, February 6, 2010
19. Bonnie Doyle, February 6, 2010
20. Ann Colley, the Moore Charitable Foundation, February 5, 2010
21. Diane Hewitt, Sag Harbor, February 5, 2010
22. Albert L. Scherzer, MD, Hampton Bays, February 5, 2010
23. Mr. and Mrs. Neil Martin, Quogue, February 5, 2010
24. Katherine Addleman Ph.D. and Arnold M. Cooper, MD, Southampton, February 5, 2010
25. Laurie Corey, February 5, 2010
26. Kimberly Shaw, Office of Ecology, Suffolk County Department of Health Services, February 3, 2010
27. Chris Hansen, Fire Marshal, January 28, 2010
28. Ed Pavlak, Speonk, January 21, 2010

2.4 Public Hearing Questions and Comments and Lead Agency Responses

Comment 1. The Disability Advisory Committee requests that all affordable housing units be Universally accessible, including width of doorways, no bathtubs but roll in showers, no steps in front or back.

Response: All affordable housing in the Town of Southampton must be ADA compliant. Town Code §330-246 "Development Standards for specific PDD classifications" addresses Universal design and its implementation for high-density residential development designated as "senior housing" or "multifamily housing."

Comment 2. The Speonk Solvent Plume affects the development on the Serenity Estates Property. There is a need for public water and vapor barrier design.

Response:

1. Robert D. DeCandia Jr., P.E, Environmental Engineer II of the New York State Department of Environmental Conservation, Division of Environmental Remediation, Remedial Bureau A, made the following written comments on March 2, 2010: "The Speonk Site Characterization Plume Trackdown is currently in this initial Site characterization phase. Therefore, the comments are limited to those that are within the scope of the ongoing 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 in the Speonk Plume Area 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 Serenity Estates subject property to south of Montauk Highway. VOCs area also present in soil vapor and indoor air over various portions of the Speonk Plume, at levels that are not known to exceed New York State guidance.

A groundwater contaminant plume exists under the Serenity Estates project. The contamination 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.”

Public water is available to this site and the applicant has indicated that the public water will be the source for the site.

2. The update to the EIS, conducted for the applicant by Cashin Associates, **Surface and Subsurface Soil Sampling, Soil Vapor Sampling, Groundwater Sampling, and Test Pit Excavations**, dated July , 2010, and available on line at the Town of Southampton website under SEQRA, Serenity Estates, various reports, states, “To address and mitigate possible exposures from migration or intrusion of soil vapors from the existing solvent groundwater plume originating off-site, Cashin Associates recommends any future building development proposed or the subject property be properly equipped with vapor barrier systems. In addition, Cashin Associates recommends any future development of the subject property be serviced by the municipal water supply.”

3. There is controversy about the depth of the plume. At a Town Board meeting the applicant’s representative from Cashin Associates stated that the plume was at a depth of 85 feet below ground. However, information provided by the Suffolk County Department of Health Services of the DEC has not confirmed this data.

Comment 3. Development at this site potentially has a negative impact on the school district. The school district is already overburdened.

Response: The applicant’s November 2009 DEIS plan calls for 60 senior citizen condominium units and no school age children would be added to the district. The applicant’s revised plan that was submitted on November 9, 2010, the date the hearing was closed, calls for 36 non-age restricted, two-bedroom condominium units. There is a possibility of school age children living in these proposed units, although the number would be limited by the size of the units.

The subdivision application that was given preliminary approval by the Planning Board on November 18, 2005, which has now lapsed, consisted of 13 lots on 15.19 acres of land, with 3.8 acres, 25%) of open space in a cluster plan. The applicant stated in correspondence dated November 8, 2010 that if he were to build the 13 lot subdivision, all of the houses would have six bedrooms, for a total of 78 bedrooms. This type of development would potentially have an impact on the school district.

Comment 4. The proposed density of the project is too great for the area and exceeds the as-of-right allowed density by four-fold. The community will inevitably bear the burden of excessive density.

Response: Current zoning of the subject property is Country Residence 40,000 (CR 40) square foot zoning. An alternative Planned Residential Development Map, cluster plan, of a 13 lot

subdivision on the 15.19 acre tract of land with 3.80 acres of Open Space in the NYS designated Archaeologically Sensitive Area was given preliminary approval by the Planning Board on November 18, 2004. Four six-month extensions for Preliminary Approval-Subdivision were granted by the Planning Board. The last dated June 12, 2006 extended preliminary approval from May 18, 2006 until November 18, 2006. That approval has now lapsed. (See Comment 21 for conditions for re-review)

The current application is for a 60–unit senior citizen condominium complex. (See Comment 3.) The applicant also proposed an amendment to this plan on November 9, 2010 which calls for 36 condominium units plus recreation, community medical center, and a small restaurant. All of these alternatives to the 13 lot subdivision increase density. The applicant considers that the increased density is offset by his proposed public benefits as outlined in Comment 7.

Comment 5. The DEIS is outdated.

Response: At the request of the Town Board, the applicant agreed to update the DEIS and hired Cashin Associates to complete the work. Cashin, with input from Town Board meetings and the community about the content of the update to the DEIS, completed an updated review of the property. (see below) The updated Cashin report was forwarded to the Town Board in July, 2010 and was made available to the public through the office of the Town Clerk and appears on the Town’s website.

Comment 6. There is possible asbestos contamination from the building that was previously demolished on the site.

Response: The update to the EIS, conducted for the applicant by Cashin Associates, **Surface and Subsurface Soil Sampling, Soil Vapor Sampling, Groundwater Sampling, and Test Pit Excavations**, dated July , 2010, states that ,”Small remnant pieces of asbestos-containing materials (ACM) from construction/demolition debris are scattered in some area within the fenced area in the eastern portion of the subject property. ACM was not reported in any soil samples.

Based on the results and data collected during this investigation and the proposed future development of the site, Cashin Associates makes the following recommendations:

“The area of the subject property where the former buildings were demolished should be inspected for any remnant asbestos-containing construction/demolition debris. Any remaining asbestos-containing materials should be removed from the subject property.”

Comment 7. There are no community benefits. The applicant should meet with the community to discuss benefits. Community charettes would be needed to obtain a list of benefits.

Response: The Town of Southampton is currently looking at ways to update PDD legislation to more clearly define required community benefits. Existing legislation lists the following as possible community benefits to allow an increase in yield for a residential PDD §330-246 A. (2) (c): Notwithstanding the provisions of the aforementioned subsections, the yield may be increased, at the discretion of the Town Board, to achieve any of the goal set forth in this chapter, or to provide for community benefits or public facility that satisfies an identified public need as recommended by the Comprehensive Plan or as established by the Town Board, excluding common and/or requisite public improvements. New York State Law permits the Town to utilize incentive zoning for the purpose of obtaining community benefits. New York State Town Law

§261-b of the State of New York defines “community benefits or amenities” as “open space, housing for persons of low or moderate income, parks, elder care, day care, or other specific physical, social or cultural amenities, or cash in lieu thereof, of benefit to the residents of the community authorized by the Town Board.

The Town’s Master Plan recommends that the use of planned development district (PDD) zoning for large senior housing or multifamily housing developments, whereby additional density can be achieved through the transfer of development rights (TDRs) or Pine Barren Credits (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 ecologically sensitive lands.”

Community Benefits Proposed in the November 2009 DEIS

1. Redevelop pre-existing environmentally sensitive use as a feather factory. (Please note that the feather factory buildings have been removed.)
2. Add substantial real estate revenues from condominiums, without many school-age children. (Please see discussion of taxes in Comment 23.)
3. Provide twenty percent of units as Community Benefit Units. (This is required under Chapter 216 of Town Code.)
4. Increase local employment due to construction.
5. Address the need for quality residential construction in the area.
6. Increase aesthetics of the site.
7. Retain a good portion of natural vegetation. (The proposal sets aside 28.15% as Open Space.)
8. Protect cultural resources. (These have not been defined in the application.)

Community Benefits Proposed in the November 2010 Medical/Professional Offices and 36 Condo Modified Alternative

1. Contribute \$250,000 to the Town for local projects. (This does not appear to meet the intent of the PDD legislation.)
2. Provide medical and elder care for residents of the community in an appropriate location. (This has not been justified.)
3. Increase open space
4. Increase real estate tax revenues (This would be an increase over the present taxes. See discussion under Comment 23.)
5. Provide appropriately located, well-designed and needed residential units (This statement has been challenged. See Comments 19 and 25.)
6. Improve aesthetics of the site. (The site is presently open space.)
7. Retain a good portion of the remaining natural vegetation.
8. Protect cultural resources of the community. (This has not been defined.)

The applicant does not propose the use of TDRs or PBCs.

The applicant does not propose to reuse the site for a low-impact tax ratable.

Comment 8: There is a need to look at updated area studies.

Response: The Eastport/Speonk/Remsenburg/Westhampton Area Study was adopted by the Town Board on September 28, 2004. The study addressed the subject property in the following manner: “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, on 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.

Action Item: 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-Nui Industrial). Provide economic incentive for redevelopment of allegedly contaminated site.”

A PDD study group was never convened. However, after submission of the subject application, community groups and the applicant met extensively to discuss alternatives. According to correspondence received from the community, the applicant, Barry Bernstein, attended the following community meetings: April 21, 2010- the Speonk-Remsenburg Civic Association; September 16, 2010-joint meeting of CAC West and the Speonk-Remsenburg Civic Association;

He, or his representative, also attended the following Town Board meetings where he was able to receive feedback from the community, staff, and the Town Board: August 25, 2006-Public Scoping Session; February 9, 2010-Public Hearing on DEIS; March 23, 2010-Public Hearing on DEIS; May 11, 2010-Public Hearing on DEIS; July 13, 2010-Public Hearing on DEIS; August 10, 2010-Public Hearing on DEIS, and November 9, 2010-Public Hearing on DEIS when the hearing was closed.

Comment 9: Senior housing is not within a walkable distance of the hamlet center.

Response: Current local law (§330-13 General Site Criteria Senior Citizen Zone) requires that senior housing be within walkable distance, less than one half a mile, of the hamlet center. Criteria for waivers to this requirement are clearly defined in this section. §330-246A.(7) (a) [2] “Short and safe walking distance” shall be construed as meaning convenient and having adequate sidewalks, street lights, and other pedestrian-friendly, traffic-calming amenities presently available or shall be established as a condition or approval for the RPDD designation. The proposed project is within one quarter mile of the hamlet center but conditions of approval would have to be established to make the distance safe and walkable.

Comment 10: The proposal does not meet the PDD criteria.

Response: §330-246 Development Standards for specific PDD classifications states:

A. Residential Planned Development District (RPDD)

The RPDD is predominantly intended to encourage flexible residential development with provisions for recreational, agricultural, community uses, services and activities normally accessory to residential use, while maximizing the preservation of natural vegetation and resources. Clustering, open-space preservation, and the most efficient use of transportation systems, utilities and public services are intended to be achieved by the RPDD. The intent is to support creative, desirable and affordable private residential development by providing incentives and flexibility which **encourage the use of innovative planning and design techniques**.

(1) Requirements.

(a) the RPDD shall be beneficial, compatible and harmonious with the surrounding land uses, and the goals and objectives set forth in this article and the Comprehensive Plan must be maintained and furthered.

The applicant proposes 60 units for senior citizens and a recreation building with fitness center, locker rooms, lounge/entertainment center, billiards room and card room, indoor and outdoor heated swimming pools, indoor and outdoor hot tubs, two tennis courts, a putting green and walking paths. Building coverage is 19.4% of the allowable 20%. Innovative planning and design techniques have not been used.

Comment 11: The applicant introduced an amended plan into the record. The new plan reduced the number of condos to 36 and changed the housing from senior housing to non-age restricted housing. The recreation building was reduced from 10,000 square feet to 5,000 square feet. A 10,000 square foot medical center and a restaurant was added. The applicant talked about 25%-40% open space and said that \$250,000 cash-in-lieu be designated for certain community projects outside of the subject application.

Response: The medical offices will be fee-based offices. The concepts in the amended plan were discussed with the community residents at several meetings and the community had indicated that they were not interested in the proposal. They thought the applicant should build as-of-right, a 13 lot subdivision. The concept was also part of the initial DEIS as an alternative but was modified further by reducing the number of condominiums to 36 from 48 and by adding a restaurant. The \$250,000 cash-in-lieu does not appear to meet the intent of the PDD legislation. The proposed open space is a buffer area and not dedicated open space

2.5 Written Comments in the Form of Emails and Letters and Lead Agency Responses. Many of these reports were read into the record and discussed at Town Board hearings. See above.

Comment 12: This property has been subjected to multiple studies and there is a long history of documented problems. Determine the extent of asbestos contamination. Update environmental study checking for heavy metals. Consider rezoning to light industrial, pave sludge pit areas.

Response: Cashin Associates updated the Phase I and Phase II documents. **Surface and Subsurface Soil Sampling, Soil Vapor Sampling, Groundwater Sampling, and Test Pit Excavations**, dated July, 2010, indicates that asbestos was found and should be removed. This study also addressed heavy metals. Rezoning to light industrial is an alternative that has not been addressed in detail in the DEIS. However, other areas of the plume include light industrial areas.

Comment 13: The Town should examine the situations and factors that may potentially occur when developing contaminated land, including reviewing and rewriting the Environmental Assessment forms and adopting a policy that requires applicants to notify the Town if contamination is discovered after the initial phases of the planning review process. Town should upload geographic boundaries of contaminated sites, utilize the GIS system to aid in the planning review process, and contact all involved agencies.

Response: The Town is working in conjunction with the State DEC to amend, rewrite, and offer comments on the Environmental Assessment forms required under SEQRA. The Town of Southampton GIS department is currently working on boundary maps for various aspects of planning.

Comment 14: Response to the Southampton Town Planning Board's request for New York State Department of Environmental Conservation (NYSDEC) comments regarding Serenity Estates Draft Environmental Impact Statement (DEIS). 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

Response: If the area is developed, all water would have to be from a public water supply in order to meet New York State standards. Vapor barriers would also need to be installed as recommended by the NYSDEC.

Comment 15: Proposed PDD does not conform to PDD law. DEIS contains outdated information. Excessive increase in density is not justifiable.

Response: Comments, 5, 6, 8, and 11 above address these issues as they were presented at Town Board hearings.

Comment 16: DEIS is not suitable to support the change-of-zone request. Redo the DEIS or deny the application.

Response: The applicant was instructed by the Town Board to resubmit parts of the DEIS and hired Cashin Associates to update the information. The applicant did resubmit and re-label parts of the document to make it more user friendly. The Cashin Associates document, **Surface and Subsurface Soil Sampling, Soil Vapor Sampling, Groundwater Sampling, and Test Pit Excavations**, dated July, 2010 was submitted to the Town Board and made available to the public. See Comment 2 as these issues were addressed during Town Board hearings.

Comment 17: The statement that the Feather Factory is a blight is not accurate as the buildings have been removed and the site condition of open meadows and woodlands is not considered a blight by many in the community.

Response: Much of the site has been cleared but there are still some remnants of past uses. The Cashin report notes that there is still asbestos present that should be removed. The updated EAF

also notes other environmental problems. See Appendix V. The amended DEIS submitted November 9, 2010 removed references to the Feather Factory blight.

Comment 18: Irrigation/Fertilizer application rates stated seem low and should be recalculated.

Response: This issue would have to be addressed if future building is to occur.

Comment 19: There is an affordable housing crisis in Speonk-Remsenberg but it relates to younger people who provide services to and work in our community, such as school teachers, police, firefighters, etc.

Response: The original proposed 60 unit condominium project provides for 12 affordable senior citizen units. The proposed amended plan, submitted on November 9, 2010, the day the public hearing was closed, proposes 36 two bedroom market-rate condominium units that are non-age restricted. There is a potential that these units could address part of the need for housing for younger residents. This would depend on the market value of the units and therefore economic accessibility to those in need. However, the applicant states that these units would be marketed toward seniors.

Comment 20: I urge you to require a reduced density plan which would eliminate the need for a new sewage treatment plant and reduce traffic concerns.

Response: The 13-lot subdivision application for Serenity Estates given preliminary approval by the Planning Board in November of 2004 has now lapsed after four extensions. However, the Planning Board has not revoked the approval and it is still in effect. If the approval were revoked, the applicant would need to apply for re-approval as shown below.

§292-15. Expiration of approval.

A. Approval of a preliminary plat may be revoked by the Planning Board unless a proper application for approval of the final plat has been submitted to the Planning Board within six months of the approval of the preliminary plat.

B. No Planning Board action will be taken after such revocation until a new application, filing fee and review fee, if required, are submitted. The Planning Board may grant a six-month extension of preliminary plat approval upon written request by the subdivider, who shall present adequate reasons for the delay of the final plat submission.

§292-19. Expiration of approval.

A. The signature of the duly authorized Planning Board officer constituting final approval of the plat shall expire 62 days after the date of such signature unless within such time the final plat or a section thereof shall have been filed in the office of the County Clerk.

B. Expiration of an approval shall mean that any further action will require a new final application, filing fee, if deemed necessary, and public hearing, as well as a review of previous findings.

Comment 21. A sewage treatment plant undermines the concept of protecting our only source of potable water from increased density. 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. Sewage treatment plants should not be allowed to replace good land use planning.

Response: The Suffolk County Department of Health Services, Office of Ecology, has noted that the proposed sewage system is not adequate for the proposed project and that modifications will have to be made to meet the 15,000 gallon capacity of a sewage treatment system. “The applicant underestimated the sewage flow and the County corrected the proposed flow to be 19,200gpd. The allowable Suffolk County Sanitary Code limit of the treatment capacity for a Cromoglass system is 15,000 gpd. Several units would need to be eliminated from this project to achieve this flow limit.

The applicant, in the November 9, 2010 submission did address the 15,000gpd limit for a Cromoglass system, by reducing the number of units and applying the updated SCDOH standards.

In addition, the SCDHS noted that information shown on a 2009 groundwater contour and flood map, prepared by the USGS in conjunction with the SCDHS, estimates the depth to Groundwater in the vicinity of the subject site to be in the range of 25-30 feet from grade. Given this information and the proximity of the proposed sewage treatment facility to adjacent property lines, we would suggest the project sponsor consider potential impacts to neighboring properties from mounding of effluent recharged from the proposed STP.

Due to the potential for the migration or intrusion of soil vapors from an existing groundwater VOC plume that is currently under investigation in the vicinity of this site, we believe it would be prudent that, as part of this project, the developer install acceptable sub-slab vapor depressurization systems (SSVDS) for all units or habitable buildings.” See text under Comments from Involved Agencies.

Comment 22: The site for the 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.

Response: The NYSDEC has determined that the Speonk Solvent Plume runs under the project property and public water must be used. In addition, vapor barriers have been suggested. See Response to Comments 14 and 21 above.

Comment 23: The community will bear the burden of increased density and homeowners will end up subsidizing the condo owners as a condo valued at \$500,000 is assessed at half the value of a residential home valued at \$500,000.

Response: The project proposes to build 60 senior citizen condominiums, with 12 of these as affordable units. State law requires assessors to assess condos differently than traditional houses. Condo assessments are based not on the sales price of individual units but on the value of the development as a whole. In practice, that requires assessors to value individual condo units based on their potential to earn rent.

The Tax Assessor for the Town of Southampton states that, “Condos are assessed on an income approach (gross rents, expenses and then are capitalized out to full value). This usually provides for a 65% reduction in assessment from what they would normally sell for. They might sell for \$500,000, but the assessment might be only \$175,000. The “condo with PILOT” concept came up as one way to recoup lost/assessment/taxes. The condo would have to agree to pay a yearly “PILOT” payment to make up some of the lost assessment/taxes in return for a set density. Getting the condo to agree to this would be very problematic.”

Comments from Involved Agencies

Suffolk County Department of Health Services

Comment 24: The Suffolk County Department of Health Services, Office of Ecology, has noted that the proposed sewage system is not adequate for the proposed project and that modifications will have to be made to meet the 15,000 gallon capacity of a sewage treatment system. “The applicant underestimated the sewage flow and the County corrected the proposed flow to be 19,200gpd. The allowable Suffolk County Sanitary Code limit of the treatment capacity for a Cromoglass system is 15,000 gpd. Several units would need to be eliminated from this project to achieve this flow limit.

Response: Site plan approval of this project is dependent on approval of the Suffolk County Department of Health Services. The original project would need to be modified to meet all County standards. The amended project submitted November 9, 2010 addresses the Suffolk County Department of Health concerns with the sewage treatment capacity.

Town of Southampton Planning Board

Comment 25: 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.

Response: The applicant did meet with community groups to discuss alternatives to this project. In addition, the applicant addressed alternatives in the alternatives section of the DEIS. On November 9, 2010, the day the public hearing was closed, the applicant distributed an alternative project with fewer condominiums, a recreation area, a medical office area, and a restaurant.

Comment 26: 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.

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.

Response: The Town Board requested that the applicant update the Phase I and Phase II environmental reports of the DEIS and the applicant hired Cashin Associates to complete these changes. Their report **Surface and Subsurface Soil Sampling, Soil Vapor Sampling, Groundwater Sampling, and Test Pit Excavations**, was distributed in July, 2010.

The applicant did meet with community groups to discuss alternatives to this project. In addition, the applicant addressed alternatives in the alternatives section of the DEIS. On November 9, 2010, the day the public hearing was closed, the applicant distributed an alternative project with fewer condominiums, a recreation area, a medical office area, and a restaurant

Comment 27: The Planning Board questions the current need for the requested use.

Response: 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

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.

There is limited 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 lowered the age occupancy requirements in the SC-44 zone in part to address vacancies in these facilities.

Comments from Interested Agencies

Speonk-Remsenburg Citizens Advisory Committee and CAC West

The Speonk-Remsenburg Citizens Advisory Committee and CAC West commented at public hearings before the Town Board and also submitted written statements into the record. The most recent correspondence from the Speonk Remsenburg Civic Association (SRCA), dated November 22, 2010, and received after the close of the public hearings and within the fourteen day written comment period provides a detailed summary of the issues addressed above as well as providing guidance to the Town Board based on the criteria for assessment of RPDDs.

Comment 28: The SRCA is very discouraged as we have met with the applicant on multiple occasions, listened to and discussed his proposals, then re-iterated our as-of-right position, only to be ignored by the applicant in his revised plans (November 9, 2010 distribution at Town Board meeting, when hearing was closed).

Response: The Town's zoning for the subject property is R-40 and the Town Planning Board did approve a 13-lot subdivision for this property in November of 2004. The Planning Board has not chosen to revoke this designation so the applicant can now still build a 13-lot subdivision.

Comment 29: The SRCA has not been provided access to the full copy of the addendum as presented at the November 9, 2010 Town Board meeting, when the hearing was closed. When is the Public Comment period?

Response: On, November 24, 2010, the Office of the Town Clerk asked the applicant to provide an electronic copy of the added submission, as required under §330-244 (B), so that the document could be distributed to all involved and interested agencies. As of December 17, 2010, the Office of the Town Clerk still has not received this electronic information. There is a hard copy of this information available at the Town Clerk's Office. The Department of Land Management who is drafting the FEIS on the project has asked the Town Board for a thirty-two day extension (from December 24, 2010 to January 25, 2011) of the time period for the FEIS as this material is still not available. After the FEIS is adopted by the Town Board, the Town Board has 30 calendar days to file a written findings statement. Prior to the lead agency's decision, it shall afford all agencies and the public a reasonable time period (not less than ten days) in which to consider the final EIS before issuing its written findings statement. An electronic copy will be made available on the Town's website. A hard copy will be available in the Office of the Town Clerk, after the January 25, 2011 Town Board meeting if the FEIS is accepted. SRCA will have adequate time to comment further.

Comment 30: The applicant's November 2010 proposal would result in a much more extensive build-out than under the 13-lot as-of-right development. In addition, this proposal change does not address concerns raised by other agencies about this project.

Response: The November 2010 proposal includes 36 non-age restricted condominiums, a restaurant, a medical office building, and a recreation facility. This is increased density over as-of-right uses. The applicant has not provided detailed sanitary flow rates as required by the SCDHS, and as explained in a letter from SCDHS regarding the original project. In addition, stormwater management plans would have to be reviewed and approved by the Town of Southampton. Soil vapor barriers would be required for new construction at this site as determined by the SCDHS, and their means of construction would have to meet SCDHS standards.

Appendices for Serenity Estates FEIS

The Appendices are provided on the accompanying computer disk and also appear on the Town's website: www.southamptontownny.gov.

Appendix I: Final Written Scope of Work for DEIS, adopted November 14, 2006

Appendix II: Applicant's Draft Environmental Impact Statement, submitted November 2009 and deemed complete on December 28, 2009

Appendix III: Minutes of Town Board Hearings on Serenity Estates

Appendix IV Substantial Written Comments received by the Town Clerk of the Town of Southampton on the November 2009 DEIS

Appendix V: The Cashin Associates document, **Surface and Subsurface Soil Sampling, Soil Vapor Sampling, Groundwater Sampling, and Test Pit Excavations, and Laboratory Analytical Results and Chains of Custody** dated July, 2010.

Appendix VI: Modification to Draft EIS submitted by the applicant on November 9, 2010, the date the hearing on the November 2009 DEIS was closed

Appendix VII: Comparison Table of Existing Plan submitted with DEIS in November 2009 and Revised Plan submitted with DEIS on November 9, 2010, the date the hearing on the November 2009 DEIS was closed

Appendix VIII: Planning Board Preliminary Approval Serenity Estates 13-lot subdivision application

Appendix IX: Planning Board Check list for Major Activities on Serenity Estates 13-lot subdivision application