

Appendix G-3
Town Planning Consultant Review of the DEIS

AKRF

May 15, 2017



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Memorandum

To: Kyle P. Collins, AICP, Town Planning & Development Administrator
From: Robert White, AICP, AKRF, Inc.
Date: May 15, 2017
Re: The Hills at Southampton DEIS review
cc: Janice Scherer, Assistant Town Planning Director

A. INTRODUCTION

As requested, AKRF has reviewed the Draft Environmental Impact Statement (DEIS) for the Hills at Southampton Mixed-Use Planned Development District (MUPDD) and provides with this memorandum an analysis of the information provided in the DEIS so that the applicant may respond to these comments in the Final Environmental Impact Statement (FEIS). In this analysis you will notice that there are several places where it is noted that the FEIS should elaborate on specific discussions of significant impacts, alternatives, and mitigation measures. This is in addition to what may be necessary in the FEIS to respond to public and agency comments that were provided DEIS during the DEIS review period. The State Environmental Quality Review Act (SEQRA) handbook provides for this review, as follows:

“A draft EIS that is adequate to be accepted for public review should describe the proposed action, alternatives to the action, and various means of mitigating impacts of the action. The draft EIS should identify and discuss all significant environmental issues related to the action; however, the draft EIS will not necessarily provide a final resolution of any issues. Since one of the major purposes of a draft EIS is to give the public an opportunity to comment on the environmental issues raised, as well as the possible alternatives and mitigation offered to address those issues, settling on a resolution of one or more issues prior to public review would actually be counter to the intent of SEQRA. Alternatively, as long as the draft EIS contains an accurate description of the proposed action, plus reasonably supported discussions of significant impacts, alternatives, and mitigation measures requested by the lead agency, the lead agency may choose to release that draft EIS for public review, even though the lead agency believes that the draft EIS still contains deficiencies. Additionally, the lead agency should repeat its criticisms of the draft EIS as written comments during the public review and comment period. This process will allow the disagreement concerning EIS content to be resolved via the lead agency’s responses to comments in the final EIS.”

As you are aware, throughout the public hearing process there has been significant public testimony both in favor and opposition to the above-referenced proposal. It is the intent of this memorandum to continue

the dialogue of the significant issues related to this proposal and find where mitigation and alternatives can be provided as part of this EIS review process. The applicant will provide a written response and where appropriate, incorporate project changes and present additional alternatives within a draft FEIS submitted to the Town Board for their consideration as the Lead Agent. The FEIS accepted as complete by the Town Board will inform their Findings Statement, in order to arrive at a decision related to approving or denying the application.

B. COMMENTS ON THE DEIS

Chapter 1: Project Description

Section 1.2 Project Overview Public Benefits

1. There is an extensive description of the potential community benefits that are proposed to be provided by the project (e.g., see DEIS pages 1-2 through 1-4 and Table 1-7). However, these public benefits were provided as of the date of the DEIS release for public review (October 2016). Have there been any changes or modifications in these proposed benefits since the release of the DEIS, based either on additional outreach during this time or developed in response to comments on the DEIS? At a minimum the FEIS will need to address what, if any, changes in these benefits are necessary based on the comments that were submitted as part of the DEIS review. All benefits should also be reviewed to confirm that they are community benefits as that term is defined in §261-b of New York State Town Law (i.e. is funding college scholarships a community benefit?)

G-3.1
Sec. 1.3.1

Also, have the comments raised during the review period brought forth any issues related to the legal mechanism for seasonally restricting housing occupancy in the project?

Section 1.3.5 Use of Pine Barren Credits

2. The proposed project does not include the use of any Pine Barrens Credits. The DEIS states on page 1-14 that the residential yield is as-of-right for the subject properties and there is no regulatory need to provide for the use of Pine Barrens Credits. However, the golf course use and associated facilities are the features of the subject project that necessitate the subject PDD application, and therefore one way to address this use that is not permitted in the underlying CR-200 zoning district would be the transfer of development rights including Pine Barren Credits. The FEIS therefore needs to analyze the use of Pine Credits to address the subject golf course use. The DEIS also states that as of April 1, 2015 there were no credits in the East Quogue Union Free School District that are available for purchase. Not only shall the FEIS complete a updated review of the CPB Credit Registry, it shall also include an analysis of the existing privately owned lands within the CORE of the Pine Barrens that could generate Pine Barrens Credits in the East Quogue School District, and adjacent school districts so as to determine the potential sending sites.

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Sec. 1.3.2

Further, the FEIS shall compare the applicable elements, including but not limited to the proposed homes and clubhouse, of the project to the MUPDD requirements (specifically those bolded below) found in §330-246 B (2) (b) that states:

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Sec. 3.2.13

*The resultant yield of an MUPDD shall be the sum of the receiving parcel yield plus the density obtained from the transfer of development rights or PBCs from any sending parcels as set forth in this chapter. Each development right or Pine Barrens credit shall be equivalent to a sewage flow rate of 300 gallons per acre per day as described in the Suffolk County Department of Health Services standards and/or **up to a two-percent increase in building coverage, floor area, height or building mass. However, there shall not be an overall increase in building coverage, floor area, height or building mass greater than 10% over the requirements of the underlying zone (i.e., where 30% is the maximum coverage in the underlying zone, a maximum of 40% may be permitted).***

Section 1.3.8 Long Island Workforce Housing Law

3. The proposed project would be generating a substantial number of workforce jobs estimated at up to 125 jobs during construction and 155 during operation, of which about 102 are direct (at the site) with 52 additional indirect jobs (offsite), presumably the majority of which would be from Eastern Long Island. It is a mandatory requirement to comply with the Long Island Workforce Housing Law. Therefore, the FEIS must include the final proposal of the Applicant with respect to providing affordable housing in terms of how many units are required, and out of the options discussed from Chapter 216 of the Town Code, what the monetary sum for option 4 would be based on the HUD calculation.

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Sec. 1.3.3

Section 1.6.1 Overall Site Layout, Components and Structures

4. The FEIS needs to be clear as to why the proposed parking garage needs to be below grade and requires substantial grading (see page 1-49 of the DEIS). In addition, a conceptual grading plan with cross sections should be provided showing the existing and proposed topography at this location, the depth of the excavation, and the volume of material to be removed. Will the proposed parking garage be designed to prevent infiltration or flooding?

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Sec. 1.6.3

5. In general, the FEIS needs to explain in greater detail why so much earth moving/cut and fill is needed for the project and what other grading alternatives may be considered by the Town Board that will comparatively minimize clearing and grading impacts to the greatest extent practicable. The DEIS indicates that after grading activities are completed, there will be an excess of between 200,000-350,000 cubic yards (CY) of soil. It further indicates that any impacts related to the soil removal would be temporary, yet the DEIS does not detail exactly what impacts result from this degree of grading. As provided for the in adopted scope, all such impacts must be addressed in detail with a mitigative solution specified. Such impacts must be considered at this phase and not at the time of site plan review.

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Sec. 1.6.4

Section 1.6.2 Clearing and Grading and Drainage Systems

a. Fertigation System

6. The DEIS description of the liner systems proposed at the golf greens and the associated treatment system begins on page 1-56. The FEIS needs to clearly state the capture rates of the proposed liner systems at each of the greens and the assumption used in the modeling analysis. Also are there alternative technologies/measures to the liner system? What happens when the liner breaks down? Describe the protocol for determining the remaining useful life of the liner once it is installed and address how repairs to the liner occur.

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Sec. 1.6.5

7. The proposed the proposed project will also be including a fertigation system as part of the proposed golf course (see page 1-66). The FEIS should include additional details on the proposed location, design, implementation, and operational features of a fertigation system and expand on the benefits it may provide with respect to local groundwater quality (see also the discussion below). How specific is the siting of these wells with respect to achieving these benefits? What monitoring requirements are needed to confirm that the benefits are being realized?

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Sec. 1.6.6

b. Wastewater Treatment System

8. The DEIS description of the proposed wastewater treatment system begins on page 1-64 where the individual septic systems are described as an interim wastewater treatment system. Substantial concerns were raised during the DEIS review about groundwater and surface water impacts from the proposed project related to wastewater disposal. The FEIS must describe the benefits and constraints to providing SCDHS-approved innovative/alternative onsite treatment systems for the homes vs. a standard wastewater treatment facility. What would be the sewage treatment plant design, operation, and maintenance details and the flows that are necessary to sustain a sewage treatment plant given that the proposed project is expected to have limited residential occupancy? What would be the flow rates over the course of a year and how will the system remain functional since this will only be a seasonal resort? What are the operational requirements of the sewage treatment plant? Can a sewage treatment plant be designed to also handle nearby septic

G-3.9
Sec. 1.6.7



systems and reduce overall nitrogen impacts on groundwater? If so, what would be the flow rates in that scenario and the related impacts on groundwater?

Landscaping

9. The DEIS briefly describes the proposed landscaping (page 1-65) with a preliminary plant list provided in Volume III. The FEIS should elaborate more on the types of plantings that are proposed and the species that are native to Southampton that will reduce maintenance and watering.

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Sec. 1.6.8

Groundwater Monitoring and Protection Measures

10. A summary description of the proposed groundwater monitoring and protection measures is provided on pages 1-68 through 1-70 (the draft monitoring plans are provided in greater detail in Appendices J and K). The FEIS should summarize these measures in the context of the project's proposed phasing and include any additional details that have been developed as it relates to the groundwater quality monitoring requirements and their implementation. It should also include a summary of any intended enforcement mechanisms and penalties if the management restrictions are compromised or exceeded and the overall groundwater protection system is not operating properly (i.e. can a letter of credit be issued as it relates to the groundwater monitoring, reporting and management). The FEIS should also include the maintenance needs of the proposed groundwater protection systems (e.g., periodic replacement of liners).

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Sec. 1.7.2

1.7 Construction Process and Operations

11. The FEIS needs to include any additional information related to the use of the East Coast Mine site for the disposal of excavated soil and the method of transport. What is happening with East Coast Mine and what is their role in the project? What are the limitations and requirements of the current DEC regulatory permit for the sand mine site? It was thought that this permit was expiring. As stated on page 1-83 of the DEIS, the feasibility of an internal haul road is being considered to transport soil from the project site to the East Coast Mine. What are the limitations and requirements of the current DEC regulatory permit for the sand mine site and is this permissible under the current permit?

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Sec. 1.7.3

12. Additional text should be provided to describe the soil management activities on the project site during construction. Will there be any mixing of soils or materials on-site? If so, where would that be done on the site?

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Sec. 1.7.4

Chapter 2: Natural Environmental Resources

13. The DEIS contains a description of the potential impacts of the proposed project with respect to groundwater and surface water resources (see pages 2-42 through 2-62). The FEIS should address and update, as needed, the water resources analysis provided in the DEIS on pages 2-42 through 2-62 to reflect the comments raised above with respect to the analyses of potential impacts on groundwater and surface water resources. The FEIS needs to explain the results of the workshops that were held on the proposed project with respect to groundwater impacts on February 1 and March 17, 2017 (see attached minutes) and provide any supplemental analyses as it pertains to the groundwater and surface water impact analyses that were provided in the DEIS, particularly with respect to the fertigation proposal and the modeling of impacts. This analysis was based on the SONIR model. Since the DEIS release, there was additional review and coordination to address the potential for groundwater impacts with the Stony Brook University School of Marine and Atmospheric Sciences and the potential for use of the Long Island Nitrogen Action Plan (LINAP) model. Based on this coordination, additional updates to the nitrogen budget analyses as presented in the DEIS (for both the fertilizer applications and the operation of the sewage treatment plant), and the resulting analyses as to the impacts on groundwater and surface waters may need to be provided in the FEIS.

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Sec. 2.2.6

Chapter 3: Human Resources

3.2 Land Use, Zoning and Plans

14. The FEIS should a summary statement of how the proposed project is consistent with the Central Pine Barrens Plan. Table 3-8 is extensive and a summary statement of compliance needs to be provided with the FEIS. | G-3.15
Sec. 3.2.14
- 3.3 Community Facilities and Services (Fiscal Analysis)*
15. A description of the proposed project and the tax generation allocation is provided beginning on page 3-64. It should be confirmed whether the site is also within a Town of Southampton Park District and, if so, is there a park district tax to be applied to the project? | G-3.16
Sec. 3.3.2
16. The question has been raised by several commenters on the DEIS as to the restriction on school age students; is it legal, valid, and enforceable? Can it be challenged at a later date and invalidated? | G-3.17
Sec. 1.3.4
- Chapter 4.1: Construction**
17. The FEIS should include a graphic depicting the proposed construction program that is described on page 1-83. Given the large volumes of employee and construction vehicles that are anticipated, this graphic should show where the employee truck parking and construction staging areas would be provided on the site and the principal vehicle routes, particularly the truck routes, soil management locations, operational offices, controlled entries, etc. | G-3.18
Sec. 1.7.5
18. See the above comments on Chapter 1: Project Description related to construction, excavation, and fill and use of the East Coast Sand Mine site and include more detailed discussions related to the means of soil transport associated with the proposed project. This information shall be provided as part of the FEIS. | G-3.19
Sec. 1.6.9
- Chapter 5.0: Alternatives**
19. Land use restrictions under the as-of-right alternative (Alternative 2) should be clearly stated in the FEIS in the comparison of alternatives. | G-3.20
Sec. 5.2.1
20. The FEIS needs to explain how the pollutant loading rates under the proposed project match up with each alternative. It is not explained why the nitrogen loading rates substantially decline with the proposed action (see Page 5-2). Also, footnote number 3 to Table 5-1 should further explain the assumptions made regarding advanced wastewater treatment systems with the proposed project that were used to calculate this reduction. | G-3.21
Sec. 5.2.2
21. The FEIS should include for the purposes of comparison any additional potentially feasible alternatives for the site that were raised during the public comment period. This may include an alternative design with less site grading, a sewage treatment system that allows for local connections and the removal of on-site systems currently used on nearby properties including the elementary school, and the minimal amount of land disturbance and grading needed to build a golf course. | G-3.22
Sec. 5.5
- Miscellaneous comments**
22. How would a Mixed Use PDD law for this project be structured? Provide a draft for review to determine what parameters or conditions would be included to ensure that all of the impacts are mitigated and public benefits achieved. | G-3.23
Sec. 1.8
23. How will public access be provided for within the open space areas? Indicate on a map where public access may be provided within the open space, include any existing local and regional trail networks, and how the access will be maintained. | G-3.24
Sec. 1.6.10
24. The plan indicates a manned gatehouse at the entrance to subject project. Provide alternatives as this is not typical to developments in the area. | G-3.25
Sec. 1.6.11

25. The golf course is considered a use that contributes nitrogen to groundwater and as such, it has a population density allocation associated with the use and is considered in the yield calculation to determine compliance with Suffolk County Department of Health Services requirement pursuant to the subject Ground Water Management Zone. Based on the accepted methodology described within the SCDHS General Guidance Memorandum #17 dated May 13, 2002, the FEIS must fully describe the Health Department nitrogen standards for golf course density and how it applies to this project. In addition, based on the applicable groundwater management zone and the Pine Barrens Comprehensive Land Use Plan, the FEIS must indicate the amount of Pine Barrens credits or Development Rights that would be required to achieve the applicable golf course density and, in the absence of available credits, how this may be achieved.

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Sec. 1.3.5

26. As mentioned during the DEIS public hearings, the FEIS should address the potential impacts of increased flight traffic in the area that will land at Gabreski airport as a result of this action.

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Sec. 3.1.2