DRAFT ENVIRONMENTAL IMPACT STATEMENT

94 Dune Road Owner LLC.
Proposed Sunset Harbor Condominium/Townhouse Development
94 Dune Road, East Quogue
Town of Southampton, NY

Lead Agency

Town of Southampton Planning Board
116 Hampton Road
Southampton, NY 11968
(631) 287-5735

Prepared By

P.W. Grosser Consulting, Inc.
630 Johnson Avenue, Suite 7
Bohemia, New York 11716
(631) 589-6353

Applicant

94 Dune Road Owner LLC.
P.O. Box 651
East Quogue, NY 11942

September 2024
Revised March 2025

Date by which comments must be submitted: Written comments on the DEIS will continue to be accepted at the offices of the lead agency a minimum of 10 days after the close of the public hearing on July 10, 2025, or until such later date as may be established by the lead agency.

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Project Location:
94 Dune Road
East Quogue, Town Of Southampton, NY
SCTM No.: District 0900, Section 385, Block 1, Lot 37.3

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Date of Submission:	September 2024 Revised March 2025
Date of Acceptance:	May 8, 2025
Date by which comments must be submitted:	A public hearing on the DEIS will be held on July 10, 2025 at 6:00pm in the Town Board Room located at 116 Hampton Road, Southampton, NY 11968. Both verbal and written comments will be accepted at the public hearing. Written comments on the DEIS will continue to be accepted at the offices of the lead agency a minimum of 10 days after the close of the public hearing, or until such later date as may be established by the lead agency and should be sent to Kristin Dougherty, Secretary to the Planning Board, 116 Hampton Road Southampton, NY 11968, email address: kdougherty@southamptontownny.gov.
Availability of Document:	Copies of the DEIS are available for public review at the Department of Land Management Planning Board office, Town Clerk's office, Quogue Library, Westhampton Free Library and Hampton Bays Public Library. The DEIS is also posted on the Town of Southampton Official website at https://www.southamptontownny.gov/.

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EXECUTIVE SUMMARY

INTRODUCTION

This document is a Draft Environmental Impact Statement (DEIS) prepared in accordance with the State Environmental Quality Review Act (SEQRA) and its implementing regulations at 6 NYCRR Part 617 for the action contemplated herein and is based upon the Final Scope issued by the Town of Southampton Planning Board (the "Planning Board"), as lead agency, on December 17, 2020. This DEIS evaluates the potential adverse impacts associated with the proposed action, which consists of 25 multifamily residential units with an on-site swimming pool and cabana.

This DEIS evaluates the following issues, based upon the Final Scope dated December 17, 2020, issued by the Planning Board (see Appendix B of this DEIS):

- Soils and Topography
- Water Resources
- Ecological Resources
- Land Use, Zoning and Plans
- Transportation
- Community Facilities and Services
- Visual/Aesthetic Resources and Community Character
- Human Health

This Executive Summary is designed solely to provide an overview of the proposed action, a brief summary of the potential adverse impacts identified, and mitigation measures proposed as well as alternatives considered. Review of the Executive Summary is not a substitute for the full evaluation of the proposed project performed in Sections 1.0 through 5.0 of this DEIS.

DESCRIPTION OF THE PROPOSED ACTION

The subject property is approximately 9.29± acres (405,082± SF) in size and is located on the north side of Dune Road in the hamlet of East Quogue, Town of Southampton. Of the overall 9.29 acres, the subject property includes underwater lands (2.16± acres), tidal wetlands (3.75± acres), and upland area (3.38± acres). The subject property is designated on the Suffolk County Tax Map (SCTM) as District 900 – Section 385 – Block 1 – Lot 37.3, and the current zoning designation is Residence 80,000 square ft (SF) (R-80) Zoning.

The current use of the property is the Dockers Waterside Restaurant & Marina, which includes a restaurant/bar with office, marina with tennis courts, decks, and parking. The current use continues to operate as a legal, pre-existing, non-conforming use. The proposed action includes a change from one non-conforming use (restaurant/bar with office, marina with tennis courts, decks and parking) to another non-conforming use (multifamily residential – proposed 25 condominium/townhouse units).

The proposed "Sunset Harbor" development includes 25 condominium townhomes with garages that would be oriented towards a proposed internal gravel driveway. The proposed 25 units would be in four (4) buildings, each comprised of both two- and three-bedroom units. Ten units would be located on the west side of the internal roadway and 15 units would be located on the east side of the internal roadway. The unit sizes would range from 1,600± SF (two-bedroom unit) to 2,000± SF (three-bedroom unit), and each would have a two-car garage. The garages would be situated between elevation 7.15 feet (ft) and 7.80 ft and the First Floor Elevations (FFE) would range between 14.55 and 14.65 ft depending on the unit type. The height of each of the four buildings would be 32 ft.

The proposed development would be served by a new sewage treatment plant (STP) and control building to be situated at the southwest portion of the property, and visually buffered with fencing and native plantings. At the northern end of the development are a community swimming pool and cabana, with the existing wood deck, ramp and floating docks providing recreational access to Shinnecock Bay for the community residents.

The overall land area that would be affected by the proposed action or "development site" is approximately 3.38 acres which includes the developable land south of the canal to Dune Road where the 25 condominium/townhomes and infrastructure would be constructed. The total area of land disturbance is 2.92± acres.

Proposed Grading and Drainage Plans

The proposed grading program includes generally maintaining the natural contour of the site but establishing a more uniform development footprint. As indicated on the Proposed Drainage Plan, at the southern property line, the site would be regraded for a uniform elevation of 3.0 ft along the road edge and would maintain the current curb cut/site entrance. Moving north, the site would be regraded to an elevation of 6.0± ft to 8.0± ft throughout the residential development. The STP would be at a top elevation of 12.5± ft above mean sea level (AMSL) and the leaching galleys would be situated at an elevation of approximately 8.0 ft AMSL. The proposed grading plan would require approximately 3,554.51± cubic yards of soil material (fill). Slope stabilization measures include a retaining wall on the west and south sides of the STP area.

All stormwater generated on-site will be accommodated and recharged via leaching galleys and drywells. Leaching galleys and pools with an effective depth of two (2) ft are proposed throughout the site and the system would be designed to accommodate a three-inch rainfall event, in accordance with the Southampton Town Code requirement set forth in §330-183.C(4)(e). All drainage structures for roof runoff would be sited a minimum of 75 ft landward of the tidal wetland boundary. It is noted that pervious/gravel areas are proposed for the internal driveway and parking areas to reduce the area of impervious surfaces on-site.

Proposed Landscaping and Lighting

As part of the proposed action, new buffer areas would be planted with native herbaceous or maritime plants and grasses. These native plantings would result in an increase in 0.91± acre of maritime upland habitats and native landscaping and 0.02± acre of tidal wetlands habitats compared to existing conditions. As a result, the proposed action would have the beneficial impact of increasing habitat availability for the plants, birds, and wildlife that currently utilize these habitats. Additionally, the proposed action would result in an increase in habitat quality at the site as some areas that are dominated by invasive plants would be revegetated with native plants. The expanded wetland buffers and increased upland habitat would have a resultant benefit to wildlife by providing: (1) additional foraging and breeding habitat for coastal wildlife; (2) better travel corridors with native vegetation for wildlife along the margins of the tidal wetlands; and (3) better visual screening of human activity thereby increasing the quality of the nearby wetland habitats for wildlife breeding and foraging.

The proposed lighting design would comply with Chapter 330 Article XXIX of the Town Code. Specifically, all lighting would be fully shielded and directed downwards, all mounted light fixtures would not exceed a maximum height of 12 ft for the illumination point, and all light poles would be sited more than 30 ft from property lines. Additionally, all nonessential outdoor lighting would be programmed to turn off from midnight until dawn, and essential lighting for security purposes would not exceed an illuminance of 0.5 footcandle.

Sanitary Disposal and Water Supply

Upon implementation of the proposed action, the volume of sanitary waste generation would increase. Based on a design flow factor of 300 gpd per unit, the projected sanitary flow is 7,500 gpd for the 25 proposed

residential units. Pursuant to Article 6 of the Suffolk County Sanitary Code (SCSC), the maximum permitted sanitary density on the subject site is 600 gpd/acre. However, only the adjusted gross land area minus wetland and underwater lands can be utilized in determining the allowable density for a parcel, which in this case is the 3.38 acres of upland area. Therefore, the allowable sanitary density flow for the property would be 2,028 gpd (3.38 acres x 600 gpd/acre).

As the proposed action exceeds the maximum permissible flow, a STP is proposed. The proposed STP would be a package unit from Purestream, specifically the Biologically Engineered Single Sludge Treatment (BESST) system. The proposed sanitary design incorporates 30 two-foot depth leaching galleys, which provide 1,590± SF of leaching area, meeting SCDHS requirements. An additional 30 leaching galleys are proposed for 100% expansion area, as required by SCDHS standards.

Water supply is and would continue to be provided by the Suffolk County Water Authority (SCWA) via a 12-inch diameter water main on Dune Road. Consultations were undertaken with the SCWA and in correspondence dated October 12, 2022, the SCWA advised that there is sufficient capacity to serve the proposed development.

Access, Circulation and Parking

The existing singular site access to the subject site, via Dune Road, would be retained as part of the proposed action. The existing driveway apron would be formalized and extend 50± ft north into the subject site. Upon entry into the development, one internal gravel roadway is proposed to be privately held and maintained by the Homeowners Association (HOA). The internal roadway would be 26 ft in width and extend approximately 411± ft north from Dune Road. A 20-foot-wide-by-50-foot-long gravel driveway for emergency service vehicle turnaround would be provided north of Unit #10 on the west side of the proposed development. The configuration of the internal roadway represents design requirements from the Town of Southampton Fire Marshal. Based on the parking requirements set forth in §330-94, the proposed development requires 56 parking stalls. A total of 76 parking stalls, inclusive of garages and driveways, would be provided.

Utilities

Electrical service is provided by PSEG Long Island to the existing operations. Additionally, three (3) 22-kilowatt (KW) liquid propane gas (LPG) generators serve as back-up power for the office and restaurant/bar. The proposed action would continue the use of electricity for energy supply, including heating. LPG generators would be used for the on-site backup power for the proposed STP as well as the pool equipment.

REQUIRED PERMITS AND APPROVALS

Agency	Permit/Approval	Filing/Issuance Date
Town of Southampton Board of Zoning Appeals	Variance to Grant a Certificate of Occupancy for a Change in Nonconforming Use	September 2019
Town of Southampton Planning Board	Site Plan and Wetlands Permit	September 2019
Town of Southampton Building Department	Building Permits and Demolition Permit	Filing after Board approvals
Suffolk County Water Authority	Water Connection/On-Site Improvements	Filing after Board approvals
Suffolk County Department of Health Services	Article–6 - Sanitary Disposal and Water Supply	June 2020
Suffolk County Planning Commission	Referral under SCAC §A14-23(A)(6)	Lead agency filing required
New York State Department of Environmental Conservation	(1) Article 25 Tidal Wetlands Permit, Article 15 (Title 5) Protection of Water Permit, Section 401 Water Quality Certification (2) State Pollutant Discharge Elimination System (SPDES) General Permit for Stormwater Discharge during Construction Activities GP-0-20-001	(1) Permit issued on April 29, 2020 (2) To be filed prior to construction
PSEG Long Island	Electricity – On-Site Improvements	Filing after Board approvals

POTENTIAL IMPACTS OF PROPOSED ACTION

Soils and Topography

The proposed action would result in the disturbance of soils for building foundations, in-ground swimming pool, drainage infrastructure, STP, utility installation, grading, paving, and landscaping. Based upon the preliminary site plan, the total land area to be disturbed is approximately 2.92 acres. The disturbance of soils for construction and regrading activities increases the potential for erosion and sedimentation.

Based on the United States Department of Agriculture (USDA) Natural Resources Conservation Service (NRCS) Web Soil Survey for Suffolk County, New York (USDA WSS), the soils on the overall 9.29-acre subject property are mapped as Fill land, dredged material (Fd), Tidal marsh (Tm), Water (W), and Hooksan-Urban land complex, 0 to 8 percent slopes (HU). The Tm soils and W are mapped to the east and north of the development site and are, therefore, located outside of the proposed development. The Fd soils comprise the majority of the development site. HU soils are limited to the southern boundary of the development site, adjacent to Dune Road. As evaluated in Section 2.1 of this DEIS, the engineering and planning limitations for the mapped soils would be overcome with the importation of fill material and soil mixing.

A Sediment and Erosion Control Plan has been prepared, which includes the erosion and sedimentation controls to be undertaken prior to and during construction. These controls would include, at minimum,

stockpile protection, inlet sediment control devices for storm structure protection, silt fencing, and anti-tracking pads to prevent off-site sediment tracking from construction vehicles. Fugitive dust consists of soil particles that become airborne when disturbed by heavy equipment operation or through wind erosion of exposed soil after groundcover (e.g., lawn, pavement) is removed. As dust mitigation, water would be applied during dry periods. Additionally, all soil stockpiles would be covered.

The proposed grading program includes generally maintaining the natural contour of the site but establishing a more uniform development footprint. At the southern property line, the site would be regraded for a uniform elevation of 3.0 ft AMSL along the road edge and maintaining the current curb cut/site entrance. Moving north, the site would be regraded to an elevation of 6.0± ft to 8.0± ft throughout the residential development. The STP and leaching field would be at approximate top elevations of 12.5± ft AMSL and 8.0± ft AMSL, respectively. It is noted that the proposed leaching system for both the proposed STP and the storm drainage systems would maintain a minimum three-foot and two-foot separation distance, respectively, below the bottom of the structures and groundwater. Based on the proposed grading plan, approximately 3,554.51± cubic yards of fill would be required. Additionally, slope stabilization measures include a retaining wall on the west and south sides of the STP area. Overall, the proposed action would have no significant adverse impacts associated with the proposed grading plan.

Water Resources

This section of the DEIS evaluates groundwater; stormwater runoff and management; wetlands, floodplains and surface waters; as well as the impacts of climate change. A summary of these impact issues is included below.

Groundwater

Suffolk County Sanitary Code

The subject property is within Groundwater Management Zone IV. Pursuant to the regulations contained in Article 6 of the Suffolk County Sanitary Code (SCSC), the maximum permitted sanitary discharge to individual sewerage systems is 600 gpd per acre or 2,028 gpd (3.38 acres x 600 gpd/acre). As the projected sanitary flow for the proposed project is 7,500± gpd, an STP would be constructed.

The proposed STP would be a package unit from Purestream, specifically the BESST system. Treated effluent would discharge into an effluent leaching pool groundwater disposal system. Each leaching galley would have an effective depth of two (2) ft and be placed at top elevation of approximately 8.0 ft. Based on the groundwater monitoring completed by PWGC in February 2022, the groundwater elevation recorded nearest to the proposed location of the STP was 1.55 ft AMSL. As such, there would be approximately 4.45 ft of separation distance from the base of the leaching galleys to groundwater. It is noted that the proposed action would not require dewatering for the placement of the proposed sanitary infrastructure. Adequate space has been allocated for the 100 percent expansion of the leaching pools in accordance with SCDHS requirements. Additionally, in accordance with SCDHS and NYSDEC regulations, groundwater monitoring wells would be installed both upstream and downstream of the effluent disposal system to monitor groundwater impacts as part of the SPDES permit obtained for the STP.

The proposed STP maintains the required setbacks set forth in *Appendix A, Standards for Approval and Construction of Modified Sewage Disposal Systems and Small Community Sewerage Systems* (75-ft setback to property lines and buildings, 50-ft setback to areas of sustainably human use for STPs equipped with an odor control system, and 100-foot setback to surface waters or as set by the NYSDEC or local wetlands permit). Specifically, the proposed STP would maintain a setback of 75.34 ft to areas of sustainably human use (i.e., the nearest residential unit) and a 265± ft setback to surface waters (i.e., tidal wetlands).

Regarding compliance with Article 7 of the SCSC, the subject property is not within a regulated deep recharge area or a water supply sensitive area.

Regarding Article 12 of the SCSC, which regulates the storage and handling of toxic and hazardous materials for the protection of groundwater quality, the proposed action would utilize only small quantities of chemicals (i.e., chlorine or salt) associated with routine pool maintenance, and those chemicals would be stored and handled in accordance with the provisions of Article 12 of the SCSC. If required, an Article 12 permit for pool chemicals would be obtained.

BURBS Analysis (Total Nitrogen Loading)

The total nitrogen loading was evaluated utilizing the BURBS model, which includes wastewater nitrogen as well as impacts from atmospheric deposition, fertilization and runoff from impervious areas. Based upon the BURBS analysis, the projected total nitrogen loading from the proposed development would be 124.15 lbs./yr. This total nitrogen loading represents a concentration of nitrogen of 2.83 mg/L associated with the proposed project. The *208 Study* recommends a limit on groundwater nitrogen concentration of 4 mg/L for properties within Hydrogeologic Zone V. Accordingly, the proposed development would have a total nitrogen concentration lower than the *208 Study* recommendation. Also, based upon the aforementioned analysis, the projected total nitrogen loading would be 61.42 lbs. per year less than loading under existing conditions (185.57 lbs. per year).

Water Supply, Availability and Impacts to Surrounding Wells

The total projected potable water usage is 7,500± gpd and the SCWA has confirmed availability of water supply for the proposed development. The design of the water system would comply with SCDHS and SCWA standards.

Based upon the published Public Water Supply Well Maps, there are no public water supply wells located within a one-mile radius of the subject site. Regarding private wells, there are no private wells within a 500 ft radius of the subject property. Accordingly, the proposed action would not have a significant adverse impact on same.

Stormwater Runoff and Management

The proposed stormwater management plan has been designed to accommodate and recharge all stormwater on-site. Specifically, leaching galleys and drywells are proposed to be divided into six (6) drainage areas and would capture stormwater runoff from all buildings, recreational facilities, parking areas, and internal roadways. The proposed system has been designed for a three (3)-inch rainfall event, pursuant to §330-183.C(4)(e) of the Town Code. All drainage infrastructure would be placed at elevations that allow for no less than two (2) ft of separation distance to groundwater in accordance with the New York State Stormwater Management Design Manual (NYSDEC, 2015). Additionally, the proposed Drainage and Grading Plan and Sediment and Erosion Control Plan have been developed and designed in accordance with Chapter 285 of the Town Code (Stormwater Management and Erosion and Sediment Control).

Wetlands, Floodplains and Surface Waters

Impacts to Wetlands and Compliance with Applicable Regulations

Pursuant to the NYSDEC Tidal Wetlands Map #704-520, Intertidal Marsh (IM) wetlands and Dredge Spoils (DS) comprise the entire northern portion of the subject property across the formerly dug canal. The canal is mapped as the Littoral Zone (LZ). On the subject site, i.e., the landward portion of the subject property between the bulkhead and Dune Road, DS comprises the entirety of the developed area. To the northeast and east of the developed area are IM and High Marsh (HM) areas. Of the 9.29-acre total site area, approximately 3.75 acres are tidal wetlands, and 2.16 acres are underwater lands. The remaining 3.38 acres are considered upland area.

The NYSDEC issued a Tidal Wetlands Permit dated April 29, 2020 for the proposed action (Permit No. 1-4736-00899/00015). However, due to site plan changes during preparation of the DEIS, including an updated wetland delineation in 2022, the project sponsor intends to resubmit the proposed plans for an updated Tidal Wetlands Permit. This DEIS also considers the wetland regulations set forth in Chapter 325 of the Town Code. Based on the analyses included herein, the proposed regulated activities would have no significant adverse impacts to the adjacent tidal wetlands.

Flooding and Compliance with Applicable Regulations

The development site is situated within Zone AE: BFE 12 ft. The lowest habitable building level (i.e., First Floor Elevation[FFE]) would be 14.55 ft or 2.55 ft above the BFE. Additionally, the proposed development has been designed to comply with 44 CFR §60.3(e)(1-9) Flood Plain Management Criteria for Flood-Prone Areas. The proposed action also requires a Town of Southampton floodplain development permit, pursuant to §169-11.A of the Town Code. As evaluated in Section 2.2.2 of this DEIS, the proposed action complies with the applicable sections of §169-17 Residential Structures (Coastal High-Hazard Areas).

Based on published maps, storm surge depths of six (6) ft above ground level during both Category 1 and Category 2 hurricanes could be experienced across only that portion of the subject property below 6.0 ft, including the site entrance and a small portion of the interior driveway until elevations reach over 6.0 ft AMSL under the proposed site conditions. During Category 3 and Category 4 hurricanes, storm surge depths of nine (9) ft above ground level could be experienced across the entirety of the subject property, similar to existing conditions. The proposed FFE of the proposed residential units would range from 14.55-14.65 ft AMSL, which would be 5.5± ft to 8.5± ft above the storm surge projections (i.e., 6-9 ft storm surge). Additionally, the STP would be placed at 12.5 ft AMSL which is 3.5 ft to 6.5 ft above the storm surge projections of 6-9 ft. The proposed garages would be situated at elevations ranging from 7.15 ft and 7.80 ft. According to the architect, the design of the proposed garages would be open-air with slotted walls to allow for wind and floodwaters to enter and exit. The pool equipment and STP control building (FFE 8.95 ft) would be reinforced to minimize damage from storm surge. While the required equalization pump station would be installed below the BFE, it would utilize flood proof hatches and ventilation for flood mitigation and ventilation piping would terminate above the BFE. Additionally, the STP control building would have electrical panels located above the BFE and all other equipment would be protected from flooding. Therefore, the proposed design considers storm surge such that no significant adverse property impacts would occur.

Impact on Surface Waters and Coastal Resources

The proposed action may contribute to water quality improvements within Shinnecock Bay in the vicinity of the proposed development as the individual sanitary system would be removed and stormwater runoff would be managed entirely on-site. As evaluated, the projected total nitrogen loading from the proposed development would be 124.15 lbs./yr. or 61.42 lbs. per year less than loading under existing conditions (185.57 lbs. per year). Review of the Suffolk County Subwatersheds Wastewater Plan maps the subject site within the 0-2-year surface water contributing area to the Shinnecock Bay West subwatershed. The Subwatershed Plan encourages the use of I/A OWTS and STPs for reduced nitrogen loading from future development, and thus, the proposed action is consistent with same.

The subject property is situated within the New York State Coastal Management Zone. An analysis of the proposed action with the policies of the State Coastal Management Program demonstrates compliance therewith. Additionally, the proposed action complies with the policies of the Southampton Town Coastal Resources and Water Protection Plan 2016 as well as the South Shore Estuary Reserve Comprehensive Management Plan.

Impacts from Climate Change

The impacts of sea level rise (SLR) at 12 inches and 24 inches on the subject property were considered. Based on proposed site conditions, SLR of 12 inches would impact the portion of the subject property that is north of the previously dug canal and wetlands to the east, similar to exiting conditions. The impacted areas are depicted with light blue-to-dark blue shading indicating the impacted areas are considered to have low-to-high flooding potential. Based on proposed site conditions, SLR of 24 inches would impact the area north of the previously dug canal, wetlands to the east, the existing site entrance and Dune Road would be impacted, similar to existing conditions. The impacted areas are depicted with light blue-to-dark blue shading indicating the impacted areas are considered to have low-to-high flooding potential. It is noted that, other than the existing site entrance, the development site is not impacted under either SLR scenario.

The impacts of 18 inches of SLR for a 10-year and 100-year storm event were considered. Under existing conditions, the impacts of 18 inches of SLR for a 10-year and 100-year storm event would impact the entirety of the subject property . The proposed action considers 18 inches of SLR with storm inundation from 10-yr or 100-yr events as the site design would include elevating the site and the proposed townhomes would be constructed on piles to minimize impacts from SLR with storm inundation . The existing elevation increases from approximately 2.5 ft to 4.0 ft AMSL at the southern boundary line to an average grade elevation of 6.0 ft AMSL throughout a majority of the site. The proposed grading plan includes establishment of a uniform elevation of 6.0± ft to 8.0± ft AMSL throughout the residential development. The proposed project complies with the FEMA guidelines for development and considers SLR with storm inundation.

Groundwater elevation would be expected to rise with SLR. Under the 2050's medium projection of 16 inches (or 1.3 ft) of SLR under NYSDEC Part 490 regulations, and NYSERDA projections of 18 inches (1.5 ft), groundwater elevation would equally rise resulting in shallower groundwater conditions beneath the development site with a projected decrease between 3.3 ft to 4.46 ft BGS . 2.64± to 2.84± ft BGS at the lowest site elevation measured [5.3 ft AMSL] to 4.2± ft to 4.4± ft BGS at the highest site elevation measured [7.5± ft AMSL].

As evaluated in Section 2.1.2 of this DEIS, the depth to groundwater from the proposed drainage infrastructure under current groundwater conditions would be 3.82± ft to 5.25± ft. With SLR of 16 inches (or 1.3 ft) to 18 inches (1.5 ft), the separation distance would decrease to 2.32 ft-2.52 ft at minimum, and 3.75 ft-3.95 ft at maximum. Accordingly, under future potential SLR conditions, the drainage infrastructure would comply with the minimum two-foot separation distance recommendation. The leaching system for the proposed STP would maintain an approximately 4.45 ft of separation distance from the base of the leaching galleys to groundwater under current conditions. With SLR of 16 inches (or 1.3 ft) to 18 inches (1.5 ft), the separation distance would decrease to 2.95 ft-3.15 ft. As such, the minimum three-foot separation distance required by the SCDHS would be achieved under SLR of 17 inches or less. An 18-inch increase would require modifications to the leaching field.

The impacts of climate change on land loss, marsh migration, social/economic impacts, saltwater intrusion, and bank/bluff failure are also evaluated in Section 2.2.2 of this DEIS.

Ecological Resources

Impacts to Ecological Communities

Upon implementation of the proposed action, developed surfaces would decrease from 2.29± acres to 1.36± acres and natural ecological habitats would increase from 4.84± acres to 5.65± acres. There would be no disturbance to existing vegetated tidal wetland areas and approximately 0.02± acre of additional tidal wetlands would be constructed after the removal of the waterfront restaurant and decks. Upon implementation of the

proposed action, the acreage of natural ecological communities on the site would increase by 0.93± acre to approximately 80% of the site (excluding open water).

Under as-built conditions, the 5.65± acres of natural ecological communities on the site would be comprised of 1.19± acres of maritime shrubland (12.8%), 0.69± acre of maritime dune and grasslands, (7.4%), 1.32± acres of high salt marsh (14.2%), 0.18± acre of salt shrub (1.9%), and 2.18± acres of low salt marsh (23.5%). It should be noted that 1.8± acres of the site's tidal wetlands (including both high and low salt marsh habitats) are located to the north of the dug canal.

The proposed STP area would largely be planted with native grasses and wildflowers (i.e., American beach grass (*Ammophila breviligulata*), little bluestem (*Schizachyrium scoparium*), and seaside goldenrod (*Solidago sempervirens*)) and have been included in the 0.68± acre of maritime dune under the proposed conditions. The limited landscaped areas (such as the narrow margins between proposed driveways and walks) would also be planted with native grasses and wildflowers (totaling 0.12± acre).

The proposed action would establish a 75-ft wetland buffer along the majority of the site. The proposed condominium buildings would be set back a minimum of 75 ft from the tidal wetlands located to the east and northwest of the development. The proposed pool, native landscaping, and gravel driveway on the northern end of the proposed development would be located a minimum of 50 ft from the bulkheaded shoreline. As such, the proposed project would result in increased building setbacks to tidal wetlands from 0 ft under existing conditions (as existing restaurant and deck are adjacent to tidal wetlands in the northeast corner of the site) to approximately 50 to 83 ft upon implementation of the proposed action.

After removal of the existing restaurant, accessory decks, and parking areas, these new buffer areas would be planted with American beach grass (*Ammophila breviligulata*), little bluestem (*Schizachyrium scoparium*), seaside goldenrod (*Solidago sempervirens*), bayberry (*Morella pensylvanica*), beach plum (*Prunus maritima*), switch grass (*Panicum virgatum*), groundsel bush (*Baccharis halimifolia*), and salt hay (*Spartina patens*). The proposed STP would also be planted with native herbaceous plants to provide additional ecological benefits, such as wildlife habitat and elimination of fertilizer and irrigation requirements, compared to turfgrass. These native plantings will result in an increase in 0.91± acre of maritime upland habitats and native landscaping and 0.02± acre of tidal wetlands habitats compared to existing conditions.

The proposed increase in 0.91± acre of maritime upland habitats and 0.02± acre of tidal wetlands compared to existing conditions would result in increased habitat availability for the plants, birds, and wildlife that currently utilize these habitats. In addition, the proposed action would result in an increase in habitat quality at the site as some areas that are dominated by invasive plants, such as Japanese black pine (*Pinus thunbergii*), autumn olive (*Elaeagnus umbellata*), and Japanese knotweed (*Reynoutria japonica*), would be revegetated with the aforementioned native maritime plants. The expanded wetland buffers and increased upland habitat would have a resultant benefit to wildlife by providing: (1) additional foraging and breeding habitat for coastal wildlife; (2) better travel corridors with native vegetation for wildlife along the margins of the tidal wetlands; and (3) better visual screening of human activity thereby increasing the quality of the nearby wetland habitats for wildlife breeding and foraging.

In addition to these wildlife habitat benefits, the increased buffer area would provide other ecological benefits, including increased soil stabilization as well as increased removal of nutrients and pollutants by buffer vegetation. These pollutant and sediment filtration functions would have a resultant benefit to the adjacent tidal wetlands, including the significant low salt marsh, marine back barrier lagoon, and marine eelgrass meadow known to occur proximate to the site.

Impacts on Endangered, Threatened and Rare Species

Based on the NYSDEC Natural Heritage Program, the following threatened and endangered species are noted as occurring at or in the vicinity of the project site: (1) common tern (*Sterna hirundo*), NYS Threatened; (2) least tern (*Sternula antillarum*), NYS Threatened; (3) piping plover (*Charadrius melodus*), NYS Endangered and Federally Threatened; and (4) seabeach amaranth (*Amaranthis pumilis*), NYS and Federally Threatened. Also, black skimmer (*Rynchops niger*) and seaside sparrow (*Ammodramus maritimus*), both species of Special Concern, have been documented within 0.2 mile of the project site.

The protected shorebirds (i.e., piping plover, common and least terns, and black skimmer) are known to nest on open, sparsely vegetated ocean beaches and sandflats between the primary dune and high tide line. The nesting habitat for these protected shorebirds is not located on the site or reaches of Shinnecock Bay shoreline adjacent to the site. Piping plover and least tern nests on the Atlantic Ocean beaches on the opposite side of Dune Road have recently been located more than 1,600 ft to the east of the site but have occurred at closer distances in the past. Conformance with NYSDEC permit conditions for any construction within 1000 ft of shorebird nests will ensure that the proposed action would have no adverse impacts on the nesting piping plovers or least terns. Piping plovers may forage in bayside tidal flats and the terns and skimmers forage for small fish in estuarine and coastal waters; thus, the improved wetland buffers, building setbacks, and sanitary system improvements may result in improvements to wetland habitat and minor indirect benefits to breeding shorebirds in the vicinity of the site. Accordingly, no adverse impacts to these endangered/threatened species, including these protected shorebirds, would result from the proposed action.

Suitable habitat for Seabeach amaranth (*Amaranthus pumilus*) is not present at the site. Regarding impacts to the seaside sparrow (*Ammodramus maritimus*), common loon (*Gavia immer*), pied-billed grebe (*Podilymbus podiceps*), American bittern (*Botarus lentiginosus*), short-eared owl (*Asio flammeus*), northern harrier (*Circus hudsonius*), Cooper's hawk (*Accipiter cooperii*), and sharp-shinned hawk (*Accipiter striatus*), the proposed action would: (1) provide an increase in 0.91± acre of maritime upland habitats and 0.02± acre of tidal wetlands compared to existing conditions; and (2) would increase wetland setbacks from 0 ft under existing conditions to between 50-and-83 ft under proposed conditions. Accordingly, the proposed action would result in increased habitat availability and quality for seaside sparrow, similar wetland-dependent wildlife, and other wildlife that utilize the marshes, dunelands, and grasslands along Dune Road. As a result, no significant adverse impacts to these endangered, threatened, or rare wildlife species would occur due to the proposed action.

The northern long-eared bat (*Myotis septentrionalis*) was listed in 2016 as threatened and in 2023 as endangered by the US Fish and Wildlife Service (USFWS) and the NYSDEC. A known summer occurrence of northern long-eared bat has been documented within 3.0 miles of the site (NYSDEC, 2023). Due to their highly motile nature, northern long-eared bats may utilize the site for foraging habitat in the summer months and migration periods in the spring and autumn. The trees present on the site are largely limited to small coniferous trees, such as Japanese black pine, that are not expected to provide roosting habitat for northern long-eared bat. Due to the absence of forest habitat, hardwood trees, and snags and cavity trees, the site does not provide daytime roosting habitat for northern long-eared bat. The availability of summer habitat is not limiting for northern long-eared bat and loss of summer habitat is not recognized as a threat to the conservation of this species (USFWS, 2016); rather, white-nose syndrome is the primary threat to northern long-eared bat within its summer habitats. While the site is not expected to provide suitable daytime roosting habitat for northern long-eared bat, the NYSDEC recommends that any cutting of trees occur during the winter months (between December 1 and February 28) to avoid a potential take of this protected species. Accordingly, any cutting of trees associated with this project would occur during this timeframe in accordance with NYSDEC recommendations and, accordingly, no adverse impacts to northern long-eared bat populations are expected to result from the proposed action.

Impact on Significant Natural Communities

Several significant natural ecological communities have been documented to occur adjacent and proximate to the site, including low salt marsh, marine back-barrier lagoon, and marine eelgrass meadows. The proposed action would not have significant adverse impacts on these significant ecological resources as, under the proposed conditions: (1) developed surfaces (i.e., buildings and decks, pervious and impervious roads and parking areas, and accessory structures) would decrease from 2.29± acres to 1.36± acres; (2) naturally vegetated areas will increase from 4.84± acres to 5.65± acres (approximately 80% of the site excluding open water) by planting native vegetation in currently developed areas; (3) building setbacks to tidal wetlands would increase from 0 ft (existing conditions) to between 50-and-83 ft (proposed conditions); and (4) nitrogen loading would decrease from 185.57 lbs./year to 124.15 lbs./year. These environmental mitigation measures are expected to reduce nutrient and coliform pollution to the nearby significant ecological communities and surface water resources compared to existing conditions and, accordingly, the proposed action is not expected to have any significant adverse impacts on the significant ecological communities occurring at the site, the Dune Road marshes and Shinnecock Bay.

Land Use, Zoning and Plans

Land Use

Upon implementation of the proposed action, the existing Dockers Waterside Restaurant would be removed, and the site would be redeveloped for multifamily residential use. All units would be market rate and ownership, and the on-site recreational amenities would be resident-only. The applicant would hire a management company prior to the complete turnover to the HOA for the management of the proposed development, including maintenance of the internal driveway and on-site recreational areas. The HOA would be responsible for contracting local service companies for landscaping, snow removal, and other maintenance needs. There would not be an on-site staff or superintendent for the site, but rather the HOA fees would be used for the maintenance of facilities. Homeowners would be responsible for all unit-related maintenance needs.

The conversion of the subject site from commercial to multifamily residential use would result in an increase in permanent population on the site (approximately 60 to 65 persons). While most of the projected residents may be new, a portion of these persons would be expected to be current residents of the Town of Southampton, possibly existing homeowners that desire to downsize or transition to condominium living. Based on 2020 Census data of 69,036 persons in Southampton Town, the additional 60-65 persons would represent a less than one percent increase assuming all residents are new to the Town.

The elimination of a commercial use of this nature within an established residential community will be beneficial to the general neighborhood by reducing the traffic and noise associated with the current restaurant/marina use. The proposed residential use is consistent with the surrounding residential land uses, particularly given there is a condominium development directly across the street from the subject property. Of particular importance is that the existing multifamily residential development situated directly south of the subject site has a density significantly greater than that proposed. Round Dune, Inc. has 76 multifamily residential units on 5.3 acres, which is 14.3 units per acre. In comparison, the proposed 25 units on 3.38± acres of upland area would yield a density of 7.40 units per acre.

Zoning

The proposed application includes a change from one non-conforming use (office, restaurant/bar, marina with tennis courts, decks and parking) to another non-conforming (residential) use (proposed 25 condominium/townhouse units).

As the proposed action includes a change in nonconforming use, the Zoning Board of Appeals (ZBA) is to consider whether such change would be beneficial to the general neighborhood (§330-167B.3). The proposed development includes a multifamily residential use, which exists directly south of the subject property. However, the proposed development is significantly less dense. As indicated above, the Round Dune, Inc. multifamily development has a density of 14.3 units per acre. In comparison, the proposed 25 units would have a density of 7.40 units per acre. The proposed residential use is less intense than the current restaurant/marina use and would reduce the noise and traffic associated with the current use (see Section 3.2 of this DEIS). Additionally, the proposed action is consistent with the Suffolk County Planning Commission's (SCPC) *Smart Communities Through Smart Growth* plan published in March 2000. This plan identifies eight smart growth principles for developing smarter communities, including development on sites that have infrastructure in place (i.e., redevelopment), providing for different housing types (other than single family development), encouraging compact building sizes, and creating attractive communities. The proposed action also includes a revegetation plan that would restore wetland areas, which would have a beneficial ecological impact. Additionally, the proposed project increases the structural and sanitary setbacks to the adjacent tidal wetlands and includes the use of an STP to reduce nitrogen loading to groundwater. The proposed development would reduce the impervious lot coverage in the upland area from 28.13% (i.e., existing 0.95± acre) to 25.94% (i.e., proposed 0.87± acre). Finally, while the viewshed would be visually altered from that of a commercial restaurant with large parking area, to a residential condominium development, the proposed site layout situates the condominium buildings lengthwise, north to south, such that the waterfront views would be limited to the side facades of two buildings and waterfront amenities, including swimming pool and cabana. From Dune Road, the views also encompass the side facades of two buildings, interior drive aisle and plantings, unlike the views of the Round Dune Villas opposite the site which includes an asphalt parking lot along the lot frontage and multi-story circular buildings in the foreground.

Pursuant to Section 330-185.1 of the Zoning Code, the proposed change in the legally existing nonconforming use is subject to the standards set forth in §330-185.1A, which include:

> *(1) The use has been certified by the Chief Building Inspector as a legally preexisting nonconforming use that has not been abandoned;*
> *(2) The proposed use must be: (i) identified on one of the Town Code's Tables of Use Regulations; (ii) more conforming than the current use in terms of community impacts and environmental impacts; and (iii) more in line with the goals of the Town's Comprehensive Plan than the current use; and*
> *(3) The use, scale, and density are consistent with what could be achieved through a related change of zone application or may be exceeded by securing variances from the Zoning Board of Appeals.*

The existing restaurant/bar, office, marina with tennis courts, decks and parking is a legal pre-existing nonconforming use certified by the Chief Building Inspector and was recognized as a pre-existing non-conforming use in the R-80 Zoning District in 2004 by the ZBA (see Sections 1.1 and 1.2 of this DEIS). The proposed action includes a change in use to multifamily development as the applicant seeks to discontinue a use that is seasonal.

As indicated on the Overall Site Plan, the scale and density of the proposed action has been evaluated for consistency with the bulk and dimensional requirements for the MF-44 Zoning District, which permits the development of multifamily housing. This analysis concludes the proposed plan would comply with the bulk and dimensional requirements for multifamily residential development, with exception to the minimum lot area per dwelling unit, maximum lot coverage by main and accessory buildings, and minimum side yard setback. §330-185.1.A(3) permits area variances to be granted by the Zoning Board of Appeals. An analysis of the criteria to be considered when granting area variances, as set forth in §330-166.C., is presented in Section 2.3.2 of this DEIS.

Plans

As part of this DEIS, the following land use and planning documents have been addressed as they relate to the subject property and proposed action:

- Town of Southampton Master Plan (1970)
- Town of Southampton Comprehensive Plan Update Implementation Strategies (1999)
- East Quogue Land Plan Final GEIS (2008)
- Southampton 400+ Sustainability Element (2013)
- Town of Southampton Coastal Resources and Water Protection Plan (2016)
- Community Preservation Project Plan (2021)

Analyses of the proposed action with all of the aforementioned plans are included in Section 2.3.2 of this DEIS.

Transportation

The transportation analyses presented in Section 3.2 of this DEIS are a summary of the "Traffic Impact Study" (TIS) dated June 2024, as prepared by Stonefield Engineering and Design, LLC. The TIS can be found in its entirety in Appendix L of this DEIS.

Study Intersections

Manual turning movement counts were collected at the following study intersections in July 2021:

- Dune Road and Existing Dockers Driveway
- Dune Road and Ponquogue Bridge (CR 32)
- Dune Road and Post Lane
- Dune Road and Beach Lane
- Dune Road and Jessup Lane

Additional manual turning movement counts were collected in July 2023 during the weekday morning, weekday evening, Saturday morning and Saturday evening peak time periods to validate the traffic data collected in 2021. The traffic data was subsequently utilized to evaluate existing traffic conditions and identify the specific hours when traffic activity on the adjacent roadways is at a maximum and could be potentially impacted by the development of the site. Turning movement counts were collected at the following intersections:

- Dune Road and Existing Dockers Driveway
- Dune Road and Ponquogue Bridge (CR 32)

The volumes analyzed during the weekday morning and weekday evening peak hours in 2021 were much lower than was observed in 2023. Therefore, in accordance with industry standard guidelines, the weekday peak hour volumes at all study intersections were grown to reflect the 2023 volumes. The 2021 Saturday morning and Saturday evening peak hour volumes were not adjusted to provide a conservative analysis of the existing condition.

Trip Generation

Trip generation projections for the proposed multifamily residential development were prepared utilizing the ITE's Trip Generation Manual, 11th Edition. Trip generation rates associated with Land Use 215 "Single Family Attached Housing" were cited for the proposed 25-unit residential development. In order to project the trip

generation volumes for the Saturday morning and Saturday evening peak hours, the time-of-day factors for the similar Land Use 210 "Single-Family Detached Housing" were applied to the total daily trip generation volumes for Saturday based on Land Use 215.

As compared to existing conditions, the proposed development would generate five (5) additional total trips during the weekday morning peak hour, 33 fewer total trips during the weekday evening peak hour, 53 fewer total trips during the Saturday morning peak hour, and 111 fewer total trips during the Saturday evening peak hour. Based on Transportation Impact Analysis for Site Development published by ITE, a trip increase of less than 100 vehicle trips would likely not change the level of service of the adjacent roadway system or appreciably increase the volume-to-capacity ratio of an intersection approach. As such, the proposed development is not anticipated to significantly impact the operations of the adjacent roadway network.

2028 Build LOS/Capacity Analysis

A LOS and Volume/Capacity analysis was also conducted for the 2028 Build Condition during the weekday morning, weekday evening, Saturday morning, and Saturday evening peak hours at the study intersections and proposed site driveways. The TIS indicates that the signalized intersections of Dune Road with Jessup Lane and Ponquogue Bridge would operate generally consistent with the 2028 No-Build Condition during all study peak hours. The turning movements at the unsignalized intersections of Dune Road with Beach Lane, Post Lane, and the site driveway are calculated to be generally consistent with the 2028 No Build Condition during all study peak hours.

Site Circulation/Parking Supply

Access would be maintained via one (1) full-movement driveway along Dune Road. The internal driveway would include a two (2)-way, 24-foot-wide drive aisle in the middle portion of the site for site circulation. Parking would be provided by ground level parking garages in each unit and driveway parking space. Regarding the parking requirements for the proposed development, the Town of Southampton requires two (2) parking spaces per two (2)-bedroom unit and 2.5 spaces per three (3)-bedroom or more unit for sites with multiple dwellings. For the proposed multifamily residential development, which consists of 14 two (2)-bedroom units and 11 (3)-bedroom units, this equates to 56 required spaces. The site would provide 76 total parking spaces inclusive of 50 ground level garage parking spaces, 26 driveway parking spaces, and two (2) guest parking spaces, which meets the parking requirement and would be sufficient to support the site. The proposed parking supply of 76 parking spaces meets the parking requirement and would be sufficient to support this project's parking demand.

The parking supply was evaluated with respect to data published within the ITE's Parking Generation, 5th Edition, for Land Use 220 "Multifamily Housing (Low-Rise)" as parking data is not available for the applicable Land Use 215 "Single Family Attached Housing." The 85th percentile parking demand rate during the peak weekday and Saturday periods for Land Use 220 "Multifamily Housing (Low-Rise)" is 1.52 vehicles per dwelling unit and 1.61 vehicles per dwelling unit, respectively. For the residential development with 25 dwelling units, this equates to 38 parking spaces during the peak weekday period and 41 parking spaces during the peak Saturday period. As such, the proposed parking supply of 76 spaces would be sufficient to support the parking demand of the site.

Community Facilities and Services

Projected Tax Generation

Consultations were undertaken with the Southampton Assessor for assessment valuation of the proposed multifamily residential development and post-development tax revenue. To date, a response has not been received. For the purpose of this DEIS, the full value for a multifamily development located at 538 Dune Road,

Westhampton Beach (Baypointe Yacht Club) and the assessed value of the 2022-2023 Town of Southampton tax bill were evaluated for a potential total tax levy for the proposed development. Based on the full value of the Baypointe Yacht Club and the assessed value, as well as the tax rates, from the Southampton tax bill, the total tax levy for the proposed development of 25 units would be approximately $175,771.63.

Impact on Public School Districts

The subject property is located within the East Quogue Union Free School District (UFSD) for elementary education (K-6), and for secondary education (7-12), most students attend the Westhampton Beach UFSD. Upon implementation of the proposed project, the subject property would be redeveloped with multifamily residential use, which would result in a permanent resident population at the subject property with a potential for public school-aged children. Based on the analyses in Section 3.3.2 of this DEIS, there is a potential for 5-to-7 school aged children within the proposed development with no significant adverse impacts to the school districts.

Impact on Police, Fire and Ambulance Services

The subject property is within the service area of the Southampton Police Department and East Quogue Fire District. Based on the analyses in Section 3.3.2 of this DEIS, the proposed development is not expected to generate significant demand for such services. Accordingly, no significant adverse impacts are expected.

Impact on Public Water Supply

Upon implementation of the proposed action, the total water demand would increase to 7,500± gpd. In correspondence dated October 12, 2022, SCWA indicated there is sufficient capacity to service the proposed development.

Impacts on Solid Waste

Based on a factor of 4.9 lbs. per person per day and a projected maximum population of 65 persons, the estimated solid waste generation would be 4.85± tons per month at 100 percent occupancy. The proposed action would include the use of a licensed private carter service for the collection and handling of all solid waste from the proposed development. Solid waste is expected to be picked up from trash receptacles in individual driveways. Recycling would be implemented with separate trash receptacles. During the six (6)-month operational period, it is estimated the existing restaurant and marina generate 70.2 tons of solid waste, which is also handled by a licensed private carter. Accordingly, the proposed action would generate less solid waste than that which is currently generated. Accordingly, the proposed development would not result in significant adverse impacts associated with solid waste generation.

Impacts on Energy Supply

The proposed development would be supplied electricity via the existing PSEG Long Island infrastructure. The existing overhead utility wires along Dune Road would remain and the utility wires extending into the subject property for the proposed development would be buried underground. As part of the site redevelopment, four (4) existing LIPA poles on-site would be removed. Consultations are being undertaken with PSEG Long Island and service availability is expected. Should additional improvements be required for the proposed development, the applicant would undertake same in coordination with PSEG Long Island.

The proposed development would comply with the NYStretch Energy Code 2020 and the 2020 Energy Conservation Construction Code of New York State (ECCCNYS) in accordance with §123-37.A of the Town Code. It is recognized that the Town Code §123-37.B.1.a sets forth energy rating index requirements for new

residential dwellings. Specifically, for new residential dwellings under 4,500 SF of conditioned space, a minimum Energy Rating Index (ERI) of 50 or less is required. Additionally, it is acknowledged that Town Code §123-42 sets forth energy conservation standards for pools. The proposed design would comply with such energy conservation requirements.

Impacts on Parks and Recreational Services

The proposed residential community would be constructed with an on-site inground swimming pool, cabana, and walking path to the waterfront. The existing floating docks would be maintained for use by residents only. It would be expected that residents of the community would also utilize the area beaches and open spaces, similar to other residents along Dune Road. Additionally, residents would have access to the Town-resident only public access points including Dolphin Lane and Triton Lane. Overall, no significant adverse impacts to public recreational resources would be expected.

Visual/Aesthetic Resources and Community Character

Upon implementation of the proposed action, the existing Dockers Waterside Restaurant would be demolished, and the site would be redeveloped as a multifamily residential community. The proposed development layout orients the residential units towards the proposed internal gravel driveway, with a swimming pool and cabana at the northerly extent of the driveway. This recreational area for residents allows for enjoyment of Shinnecock Bay views. Visually, the condominium units would be set back a minimum of 50 ft from Dune Road. The proposed STP would be situated in the southwest portion of the site, set back approximately 130 ft from Dune Road and buffered with vegetation.

The east and west façades would include a row of windows and balcony for each story, thus maximizing views and natural daylighting. The inner condominium units facing the proposed internal driveway would include a set of stairs to access the front door and a two (2)-car garage on the ground level. The outer condominium units would include spiral staircases for access to the rooftop from either the first or second floor balcony. The north and south façades would also include two (2) rows of windows. The south façades would incorporate shading to complement the surrounding on-site plantings. The north façade would include an attached two (2)-story cabana equipped with roof deck, sitting area, bar, swimming pool and gym. As part of the proposed action, all architectural elevations, renderings, building prototypes and designs will be submitted for review by the Board of Architectural Review.

All exterior siding would include a finished cement board, with the majority of the walls to be light gray clapboard and the tower section also to be light gray, large flat panels with minimal joints. The design of the proposed garages would be open-air with slotted walls. Lastly, the southern walls of the condominium units facing Dune Road would be finished with a solid mahogany screen wall over the finished wall. The windows and doors would be made of black extruded aluminum and the guardrails would be constructed of glass, metal and wood. The handrails would be natural, solid mahogany with a silver powder coated metal frame, and the panels would be clear tempered glass. It is noted that the proposed STP control building, as well as the proposed cabana, would both include similar materials as the proposed condominium unit buildings. Specifically, the STP control building would be finished with the same materials and the walls would be clapboard covered with a mahogany screen wall. The cabana would be finished to match the condominium unit buildings and the walls would be light gray with a combination of clapboard and flat panels.

The proposed site lighting has been designed to illuminate the subject property in an efficient manner that would minimize nuisances from light intensity, glare and light trespass. The proposed design complies with the standards set forth in Chapter 330 of the Town Code. A photometric analysis of the proposed lighting indicates there would be no off-site or trespass.

To depict the post-development views of the proposed development, the project architect has prepared renderings from select existing condition photographs at locations to the south and north of the subject site, including: (1) 95 Dune Road – residential land use to the southeast of the site; (2) 101 Dune Road - Round Dune multifamily development to the south of the site; (3) Dune Road fronting the subject site; and (4) waterfront adjacent to the subject site. All renderings are included in Appendix O of this DEIS and the analysis in Section 3.4.2 indicates no significant adverse impacts.

Upon implementation of the proposed action, the subject property would be converted from a restaurant and marina use to a multifamily residential townhouse community, which would be consistent with the residential land uses in the surrounding area as well as the multifamily residential development directly south of the subject property. The viewshed would be visually altered from that of a commercial restaurant with large parking area, to a residential condominium development. However, the visual changes would not adversely impact the character of the area given the project's compatibility with the surrounding residential land uses.

Dune Road is identified as a significant scenic area and scenic road in the area of the subject property. The proposed architectural design includes a variety of materials and colors that would be consistent and complement the character of the surrounding waterfront setting. The proposed site layout situates the condominium buildings lengthwise, north to south, such that the waterfront views would be limited to the side facades of two buildings and waterfront amenities, including swimming pool and cabana. From Dune Road, the views also encompass the side facades of two buildings, interior drive aisle and plantings, unlike the views of the Round Dune Villas opposite the site which includes an asphalt parking lot along the lot frontage and multi-story circular buildings in the foreground. The proposed landscaping plan would increase the area of native habitat and restore wetland areas on the subject property as compared to existing conditions. The proposed development also reduces the area of impervious surfaces and introduces a residential land use that is consistent with the surrounding residential properties. Overall, based on the above, the proposed development would not result in significant adverse impacts to the neighborhood character.

Human Health

As with other properties along Dune Road, the safety and welfare of residents and landowners rely heavily upon public notifications of storm events and/or breaches and required storm evacuation. The established evacuation routes would be followed by residents of the proposed development in the same manner as they are by others residing on Dune Road. The residential development would be insured, as required and necessary, for the protection of its residents and all on-site structures. Finally, as evaluated in the various sections of this DEIS, the proposed design considers all of the relevant standards and guidelines for development in this coastal setting, including, but not limited to the FEMA guidelines for development, to ensure the safety and welfare of all persons and structures. Accordingly, no significant adverse impacts to public health would be expected.

Construction-Related Impacts and Mitigation

The proposed development would be constructed over a duration of 24 months, inclusive of demolition of existing structures, site preparation and construction of the proposed residential community. In accordance with §235-4(A)(2) and (3) of the Town Code, all construction would be limited to the hours of 7:00 am to 7:00 pm on weekdays and 8:00 am to 6:00 pm on Saturdays and Sundays.

Demolition

As indicated on the Demolition Site Plan, the existing one- and two-story restaurant building with tent, deck and awning, tennis court, sanitary system, and water service lines would be removed. The existing ramp, wood deck, and floating docks would remain. According to the project architect, the construction of the proposed action would produce approximately 800 cubic yards worth of debris materials. The debris would be placed in

roll-off containers with 40 cubic yard capacity, which would be stored on-site and removed when filled. 20 roll-off containers are expected to be needed. All C&D debris would be removed from the site in accordance with NYSDEC Part 360. The demolition phase is expected to be approximately 20 days, with a proposed commencement date of October 2026.

Construction

The proposed development is expected to be constructed in one phase and would be constructed over a duration of 24 months, inclusive of demolition of existing structures, site preparation and construction of the proposed residential community. As indicated in the construction schedule prepared by the applicant, the proposed commencement date is October 2026 with project completion in September 2028. In accordance with §235-4(A)(2) and (3) of the Town Code, all construction would be limited to the hours of 7:00 am to 7:00 pm on weekdays and 8:00 am to 6:00 pm on Saturdays and Sundays. All equipment storage/staging would be located on-site in the upland are, as well as all contractor and worker parking.

In 2025, additional geotechnical work was performed, and based on soil properties, it was concluded that timber pile foundation would be required for the proposed residential structures and pool. Vibration monitoring would be performed during construction. As indicated in the 2025 geotechnical investigation report, vibrations during pile installation would likely be perceptible to occupants within off-site neighboring structures and may cause movement of wall-mounted items. A vibration monitoring program during pile installation would detect any vibrations that exceed established thresholds. Vibration exceedances, if detected, would lead to stop of work and immediate adjustments to pile driving energy and/or implementation of vibration mitigation methods.

In accordance with §235-4(A)(2) and (3) of the Town Code, all construction would be limited to the hours of 7:00 am to 7:00 pm on weekdays and 8:00 am to 6:00 pm on Saturdays and Sundays. The nearest area receptors would be the residential development to the south of the development site as the areas to the north, east and west of the subject property are either surface water or open space areas. As the proposed construction would be limited to non-sensitive hours in accordance with the Town Code and would be temporary, no significant adverse impacts are expected.

Truck trip generation associated with site construction has been approximated to assess the short-term impacts of the project. As part of the demolition involved of the existing site features, demolition debris would be generated. As outlined in the construction schedule, demolition of the existing structures is anticipated to occur over a 20-day duration. The subject debris will be placed in receptacles that are stored on-site and will be removed. According to the project architect, the construction of the proposed action would produce approximately 800 cubic yards worth of debris materials. The debris would be placed in roll-off containers with 40 cubic yard capacity, which would be stored on-site and removed when filled. 20 roll-off containers are expected to be needed. Following the completion of demolition activities, the construction is expected to occur over a 679-day duration. As each roll-off container would need to be initially dropped off empty (i.e., one [1] trip entering, one [1] trip exiting) and carted off-site when filled (i.e., one [1] trip entering, one [1] trip exiting), approximately four (4) truck trips are associated with each roll-off container. Therefore, a total of 80 truck trips over the course of the 679-day construction period are expected. On average, this equates to less than one (1) truck trip per day during construction.

As part of construction activities to install the underground utilities, construct the STP and grade the site's roadways, soil movement is anticipated. Based on the Volume Analysis prepared by PWGC, a net fill of approximately 3,550 cubic yards is anticipated. Assuming the fill material is transported to the site in 30-cubic-yard truckloads, approximately 119 truckloads of soil to the site are expected. The soil moving activities are anticipated to occur over a 100-day duration. As each truck delivering fill material to the site would subsequently depart the site, two (2) truck trips are associated with each delivery. Therefore, a total of 238

truck trips over the course of the 100-day soil movement period are expected. On average, this equates to less than three (3) truck trips per day during soil movement activities.

All demolition and soil movement activities are slated to be completed outside of the local peak traffic conditions during the summer season. Based on the Multimodal Transportation Impact Analysis for Site Development published by ITE, a trip increase of fewer than 50 vehicle trips per hour would likely not change the LOS of the adjacent roadway system or appreciably increase the volume-to-capacity ratio of an intersection approach. As such, the construction vehicles associated with the proposed development are not anticipated to significantly impact the operations of the adjacent roadway network.

Trip generation associated with site construction during the summer season has also been approximated to assess the short-term impacts of the project. Based on the analysis, the trips associated with the construction of the proposed development are not anticipated to significantly impact the operations of the adjacent roadway network.

Cumulative Impacts

It is recognized that other pending projects in the vicinity of the project site could result in cumulative impacts. Cumulative impacts, as excerpted from the SEQR Handbook (page 80), are those impacts that occur "…when multiple actions affect the same resource(s). These impacts can occur when the incremental or increased impacts of an action, or actions, are added to other past, present, and reasonably foreseeable future actions. Cumulative impacts can result from a single action or from two or more individually minor but collectively significant actions taking place over time. Cumulative impacts do not have to all be associated with one sponsor or applicant. They may include indirect or secondary impacts, long-term impacts, and synergistic effects." Information regarding other potential developments was requested by PWGC from the Town Planning Department and from Stonefield Engineering. There was no response to the PWGC requests; however, based upon Stonefield's coordination, there are no pending developments that have the potential for cumulative impacts.

PROPOSED MITIGATION MEASURES

Soils and Topography

- Erosion and sedimentation controls will be undertaken prior to and during construction and would include, stockpile protection, minimizing the extent and duration of exposed areas, installation of sediment barriers and sediment traps (silt fencing and hay bales), and the construction and maintenance of a stabilized construction entrance to prevent soil and loose debris from being tracked onto local roads. All erosion and sediment control measures will be routinely inspected and maintained such that no sediment would be transported off-site.

- To minimize fugitive dust emissions, water will be used for the wetting of surfaces during dry periods and all stockpiles will be covered.

- Slope stabilization measures include a retaining wall on the west and south sides of the STP area.

- Clean fill will be imported to the site to establish a more uniform development footprint as well as to provide for filtration around the proposed leaching galleys due to on-site shallow groundwater conditions.

- The proposed structures and pool will be on driven timber pile foundations. If excavations are conducted deeper than the recommended Design Groundwater Elevation (+3.60' NAVD88),

dewatering may be required. If required, all pumped groundwater will be disposed of in accordance with all applicable local, State and federal regulations. Also, approval from the NYSDEC would be obtained.

Water Resources

- The proposed STP will treat sanitary effluent in accordance with NYSDEC SPDES requirements for reduction of nitrogen and suspended solids. Adequate space has also been allocated for the 100% expansion of the treatment plant and leaching pools in accordance with SCDHS requirements. Groundwater monitoring wells will also be installed both upstream and downstream of the effluent disposal system to monitor groundwater quality. Additionally, as required by the SPDES permit, a full-time operator will be present each day to make process adjustments to ensure the performance of the STP is optimized.

- The proposed action includes the installation of a stormwater management system that will accommodate, and recharge stormwater runoff associated with a three-inch rainfall event. All drainage infrastructure for roof runoff will be sited a minimum of 75 ft landward of the tidal wetland boundary.

- The proposed pervious/gravel areas will reduce the area of impervious surfaces on-site and thus, reduce stormwater runoff generation.

- The SWPPP will include a detailed erosion and sediment control plan to manage stormwater generated on-site during construction activities, as well as post-construction stormwater management. Furthermore, the SWPPP will be designed to ensure compliance with the water quality and water quantity requirements of the SPDES GP-0-20-001.

- All erosion and sediment control measures will be routinely inspected and maintained such that no sediment would be transported off-site. The proposed erosion and sedimentation controls will minimize the potential impacts associated with site development and construction activities to ensure proper function.

- The proposed action will create an additional 0.91± acre of maritime upland habitat and 0.02± acre of tidal wetland habitat in currently developed areas and will also establish a 75-ft wetland buffer along the majority of the site.

- The expanded wetland buffers and increased upland habitat will provide for increased soil stabilization as well as increased removal of nutrients and pollutants by buffer vegetation. These pollutant and sediment filtration functions would have a resultant benefit to the adjacent tidal wetlands.

- The proposed native/natural landscaping will eliminate fertilizer and irrigation requirements.

- Nutrient reduction measures include the removal and replacement of the existing conventional sanitary system with an on-site STP. The STP will be located approximately 265 ft landward of tidal wetlands, as compared to the existing sanitary system which is located 75± ft from tidal wetlands. Due to the increased distance to the tidal wetlands and increased nitrogen removal from the STP, the nitrogen contributions to Shinnecock Bay and its wetlands under the proposed conditions is expected to be 124.15 lbs./year and represents an improvement compared to the current nutrient loading (estimated at 185.57 lbs./year).

- The placement of the residential units between FFE 14.55 ft and 14.65 ft would be 2.55 ft to 2.65 ft above the BFE, and the STP at a minimum elevation of 12.50 ft AMSL will mitigate potential impacts from storm inundation. The proposed development will be designed and constructed in compliance with the applicable FEMA guidelines for development and Chapter 169 of the Town Code to ensure the safety and welfare of all persons and structures.

- The equalization pump station will utilize flood proof hatches and ventilation for flood mitigation and ventilation piping would terminate above the BFE. Additionally, the STP control building will have electrical panels located above the BFE and all other equipment will be protected from flooding.

- The proposed design considers FEMA guidelines for development, Chapter 169 of the Town Code (flood damage prevention), and the projections for sea level rise and storm inundation published by the NYSDEC and NYSERDA. Accordingly, by complying with applicable codes and regulations, the proposed project attempts to mitigate the adverse social and economic impacts that would come from property damage, loss or relocation.

Ecological Resources

- The proposed action decreases the area of developed surfaces (i.e., buildings, decks, pervious/impervious roads and parking areas, and accessory structures) from 2.29± acres to 1.36± acres. The proposed action will create an additional 0.91± acre of maritime upland habitat and 0.02± acre of tidal wetland habitat in currently developed areas and will also establish a 75-ft wetland buffer along the majority of the site. New restoration areas will be planted with American beach grass (*Ammophila breviligulata*), little bluestem (*Schizachyrium scoparium*), seaside goldenrod (*Solidago sempervirens*), bayberry (*Morella pensylvanica*), beach plum (*Prunus maritima*), switch grass (*Panicum virgatum*), groundsel bush (*Baccharis halimifolia*), and salt hay (*Spartina patens*), at appropriate elevations, after removal of the existing restaurant, accessory decks, and parking areas.

- Nutrient reduction measures include the removal and replacement of the existing conventional sanitary system with an on-site STP. The STP will be located approximately 265 ft landward of tidal wetlands, as compared to the existing sanitary system which is located 75± ft from tidal wetlands. Due to the increased distance to the tidal wetlands and increased nitrogen removal from the STP, the nitrogen contributions to Shinnecock Bay and its wetlands under the proposed conditions is expected to be 124.15 lbs./year and represents an improvement compared to the current nutrient loading (estimated at 185.57 lbs./year).

- The proposed landscaping, which will consist of native grasses and wildflowers including switch grass (*Panicum virgatum*), little bluestem (*Schizachyrium scoparium*), American beach grass (*Ammophila breviligulata*), and seaside goldenrod (*Solidago sempervirens*) and native woody shrubs, such as bayberry (*Morella pensylvanica*) and beach plum (*Prunus maritima*), will enhance wildlife habitat and will eliminate fertilizer and irrigation requirements.

- The expanded wetland buffers and increased upland habitat will have a resultant benefit to wildlife by providing: (1) additional foraging and breeding habitat for coastal wildlife; (2) better travel corridors with native vegetation for wildlife along the margins of the tidal wetlands; and (3) better visual screening of human activity thereby increasing the quality of the nearby wetland habitats for wildlife breeding and foraging.

- The increased buffer area will provide other ecological benefits, including increased soil stabilization as well as increased removal of nutrients and pollutants by buffer vegetation. These pollutant and sediment filtration functions would have a resultant benefit to the adjacent tidal wetlands, including

the significant low salt marsh, marine back barrier lagoon, and marine eelgrass meadow known to occur proximate to the site.

- The proposed stormwater management system will accommodate stormwater generated from a 3-inch rainfall event over a 24-hour period.

- All tree clearing for the proposed action will occur during the winter months (between December 1 and February 28) in accordance with NYSDEC guidance to avoid potential impacts to the New York State-endangered northern long-eared bat (*Myotis septentrionalis*), as the site is located within 3.0 miles of a known summer occurrence of this species.

- Conformance with NYSDEC permit conditions for any construction within 1000 ft of shorebird nests will ensure that the proposed action will have no adverse impacts on the nesting piping plovers and least terns.

Land Use, Zoning and Plans

- The proposed action will convert a commercial use to a multifamily use that is consistent with the surrounding residential properties in an established, mature community with existing infrastructure and resources in such proximity to recreational areas.

- The proposed architectural design includes a variety of materials and colors that would be consistent and complement the character of the surrounding waterfront setting.

- The proposed project will result in beneficial impacts to the tidal wetlands, with increases in structural and sanitary setbacks, reduction of nitrogen loading, and planting of native wetland and buffer vegetation (including 0.02± acre of wetland restoration, 0.79± acre of maritime upland habitat and 0.12± acre of native plantings adjacent to residential units and driveways).

- The proposed development will reduce the impervious lot coverage in the upland area from 28.13% (i.e., existing 0.95± acre) to 25.94% (i.e., proposed 0.87± acre).

- The proposed development includes the establishment of a native vegetative buffer along the entire site frontage, which will maintain the natural setting along Dune Road.
- In accordance with §216-9(A) of the Town Code, in lieu of providing on-site workforce housing, the applicant will pay a fee for the required number of units.

- All proposed lighting will be dark sky compliant and all proposed lighting fixtures will include a shielded LED luminaire to direct light downwards with no upward glare.

Transportation

Based on the TIS, the proposed development is not expected to result in any significant adverse impacts on the traffic operations of the adjacent roadway network. The site driveways and on-site layout have been designed to provide effective access to and from the subject property. Based on the local characteristics of the site and surrounding area, the parking supply would be sufficient to support this project.

Community Facilities and Services

- Two (2) fire hydrants will be installed on the subject property. As there are no fire hydrants currently at the subject property, this will improve fire suppression efforts on site.

- Access to both the inside and outside of the proposed condominium units as well as mechanical equipment for access to living areas above the first floor will be provided for fire protection and ambulance services.

- The proposed action will include an on-site inground swimming pool, cabana, and walking path to the waterfront for use by residents only.

- Energy conservation measures will be undertaken, including the installation of LED lighting for 100-percent of the proposed development; the proposed development will comply with the NYStretch Energy Code 2020 and the 2020 Energy ECCCNYS; and the proposed development will achieve a minimum Energy Rating Index (ERI) of 50 or less in accordance with §123-37.B.1.a of the Town Code.

Visual/Aesthetic Resources and Community Character

- The proposed landscape plan includes vegetative buffers for perimeter screening to reduce visual impacts from the proposed development.

- All lighting will comply with Chapter 330 Article XXIX of the Town Code and will not result in any off-site impacts. The proposed lighting plan includes 10-ft lamp poles, which would include a shielded LED luminaire to direct all light downwards with no upward glare. All wall-mounted, building fixtures will also be shielded LED luminaires.

- The proposed design includes a variety of material and colors that would be consistent and complement the character of the surrounding waterfront setting.

- The proposed site layout situates the condominium buildings lengthwise, north to south, such that the waterfront views would be limited to the side facades of two buildings and waterfront amenities, including swimming pool and cabana; from Dune Road, the views also encompass the side facades of two buildings, interior drive aisle and plantings.

Human Health

- The established evacuation routes will be followed by residents of the proposed development in the same manner as they are by others residing on Dune Road.

- The residential development will be insured, as required and necessary, for the protection of its residents and all on-site structures.

- The proposed design considers all of the relevant standards and guidelines for development in this coastal setting, including, but not limited to the FEMA guidelines for development, to ensure the safety and welfare of all persons and structures.

ALTERNATIVES

Alternative 1: No-Action Alternative

The No-Action Alternative involves leaving the site as it currently remains, absent the proposed action and the continuation of the site as the Dockers Waterside Restaurant & Marina. The No-Action alternative would not result in any changes to traffic patterns, utilities provided (e.g., water usage), ecological resources, or water resources. There would be no changes to the visual quality of the site, or the character of the community.

However, the No-Action alternative does not meet the objective of the applicant to close the seasonal business on the property and convert to a multifamily residential development similar to that which exists directly south of the subject site. Additionally, the No-Action Alternative does not achieve any of the project-related benefits.

Alternative 2: Develop Per Current Zoning and all Regulatory Controls

This alternative includes the development of the subject site in accordance with the R-80 Zoning District, inclusive of permitted uses, as well as the bulk and dimensional requirements set forth in §330-11. Permitted uses in the R-80 Zoning District include but are not limited to single-family dwellings, and marinas and boatyards lawfully existing prior to adoption of this chapter (§ 330-10, Residence Districts). This alternative includes the development of one single-family residence.

Under the R-80 Zoning District regulations, the maximum density that would be permitted is based on a minimum lot size of 80,000 SF and the wetland area is to be excluded. Therefore, the yield is based on the upland area only. In this case, the amount of upland area is approximately 147,656.6 SF (3.38 acres), which for this alternative, would be one residential lot or dwelling unit.

As explained in Section 1.1 of this DEIS, from 1957 (the year in which zoning was first established in the Town of Southampton) until May 2, 1972, the subject property was located in the "L Beach Business" Zoning District. Permitted uses in "L Beach Business" Zoning District included single family dwellings, hotels and motels, yacht clubs, country clubs, restaurants and marinas. Pursuant to a certificate of occupancy (No. 6231) dated October 22, 1968, a marina was established on the subject property. Thereafter, in 1972, the "L Beach Business" Zoning District became the R-80 Zoning District; however, the vested right to a marina was affirmed. As such, pursuant to §330-10, an expansion of the existing marina could be developed. For comparative purposes, this alternative plan includes one single-family residence and Alternative 5 includes the use of the subject site for a marina with private yacht club.

Alternative 3: Reduced Density Alternative (20 Units)

This alternative includes a reduction in the number of units as that proposed (i.e., 25) to 20 units. As indicated on the Alternate Plan, the 20 units would be in a similar configuration to that proposed and would be the same sizes as those proposed. Specifically, this alternative includes 12 - 1,600±-SF units and 8 - 2,000±-SF units, as compared to 14 and 11, respectively, for the proposed action. Also, a one-story, 1,638± SF clubhouse would be constructed under this alternative.

Alternative 4: Town of Southampton Purchase of Subject Property

This alternative includes the acquisition of the property with the use of CPF funds by the Town of Southampton to acquire the subject property with improvements and the associated business from the applicant. Based on an Appraisal Report prepared by Goodman-Marks Associates, Inc., the property was appraised for its highest and best use. Based on the property location in a residential zone, as well as the current development in the area surrounding the subject property, residential development is the highest and best use for the site. As of November 1, 2022, the market value of the fee simple estate of the subject property is $15,200,000. The value of the tenant business known as Dockers Waterside is $3,750,000. Accordingly, the total valuation of the subject site is $18,950,000. Upon acquisition by the Town of Southampton, the use of the property would be determined by the Town. As it is unknown if the property would be preserved, partially or fully used for public recreational purposes, etc., the post development impacts of this alternative cannot be determined.

Alternative 5: Redevelopment of Property for Private Yacht Club

This alternative would include the redevelopment of the subject property for a private yacht club, which is a special exception use in the R-80 zoning district. The alternate plan for a private yacht club would utilize the existing marina and include implementation of all marina-related improvements approved by the Town in 1968, affirmed in the October 7, 2004 Decision of the ZBA and further affirmed in a Supreme Court decision (Round Dune, Inc. v. Zoning Board of Appeals of the Town of Southampton and 94 Dune Road Holding Corp. a/k/a Dockers Waterside Restaurant and Marina, Index No. 26133/04). Additionally, the existing Dockers restaurant would be renovated and remain in use. Under the R-80 Zoning District regulations, the maximum density that would be permitted is based on a minimum lot size of 80,000 SF and the upland area of approximately 147,656.6 SF (3.38 acres). The yacht club would be developed in this upland area.

1.0 DESCRIPTION OF PROPOSED ACTION

1.1 BACKGROUND AND HISTORY

The subject property is approximately 9.29± acres (405,082± SF) in size[1] and is located on the north side of Dune Road in the hamlet of East Quogue, Town of Southampton. Of the overall 9.29 acres, the subject property includes underwater lands (2.16± acres), tidal wetlands (3.75± acres), and upland area (3.38± acres). It is noted that the original application filed for the proposed development was based upon a survey dated 8/15/2007, which reported the site area as 8.61± acres. An updated survey was performed in December 2022, which corrected the site area as 9.29± acres.[2] Additionally, the tidal wetland boundary was delineated in 2022, which reduced the upland area from 3.43± acres to 3.38± acres.

The subject property extends over 1,600 feet (ft) north of Dune Road into Shinnecock Bay. The majority of the parcel is comprised of tidal wetlands and a previously dug canal connecting the existing marina to Shinnecock Bay. The canal was created by a previous owner in or about 1967 (see Ecological Conditions and Impact Analysis prepared by Land Use Ecological Services, Inc. in Appendix J of this DEIS). The subject property is designated on the Suffolk County Tax Map (SCTM) as District 900 – Section 385 – Block 1 – Lot 37.3 (see Figure 1 [Site Location Map], Figure 2 [Aerial Photograph], and Figure 3 [Tax Map] in Appendix A of this DEIS).

The current use of the property is the Dockers Waterside Restaurant & Marina, which includes a restaurant/bar with office, marina with tennis courts, decks, and parking. The current use continues to operate as a legal, pre-existing, non-conforming use. The current zoning designation is Residence 80,000 square ft (SF) (R-80) Zoning (see Figure 4 [Zoning Map]) and the proposed action includes a change from one non-conforming use (restaurant/bar with office, marina with tennis courts, decks and parking) to another non-conforming use (multifamily residential – proposed 25 condominium/townhouse units) on a portion of the overall subject property.

At the time of the original purchase by 94 Dune Road Holding Corp. and now 94 Dune Road Owner LLC (hereinafter, the "project sponsor" or "applicant"), the subject property was comprised of portions of four separate subdivision lots and was developed with a one-story frame building with second floor office, restaurant/bar, marina with tennis courts, decks and associated parking (pursuant to the Certificate of Occupancy No. C021964 dated April 11, 2003 – see Appendix C of this DEIS). In 2004, the project sponsor applied to the Board of Trustees for permission to remove the existing docks and boat ramp at the site and, in their place, install floating docks with approximately 60 boat slips. Also sought was the construction of a boathouse and marina office with shower and toilet facilities, fueling facilities, a new septic system to service the existing restaurant and office, and additional parking.

In 2004, the Zoning Board of Appeals (ZBA) recognized the pre-existing, non-conforming use in the R-80 Zoning District in response to a challenge of its Decision (by a neighboring property owner – Round Dune, Inc.) that the above-described action was, among other things, subject to a use variance from the ZBA. As excerpted from the October 7, 2004 Decision of the ZBA (see Appendix C of this DEIS):

[1] Based on updated survey dated December 2022.
[2] It is noted that the Suffolk County Tax Map and Assessor bill indicate the area of the subject property as 9.5 acres.

> *…from 1957, the year zoning was first established in the Town of Southampton, until May 2, 1972,* [the subject] *property was located in the "L Beach Business" Zoning District. Permitted uses in* [this] *district included single family dwellings, hotels and motels, yacht clubs, country clubs, restaurants and marinas. In 1968, the then owner obtained a certificate of occupancy, No. 6231, dated October 22, 1968, for a marina. Approximately one month later, the owner received a certificate of occupancy for a '"marina storage building-sail loft (only) [sic] for building #2"* [which was later superseded by a 2004 certificate]. *Thereafter, in 1972, the "L Beach Business" Zoning District became an R-80 Zoning District.*
>
> *In 1993, another predecessor in title, Shorelands lnc., received a decision from this Board in response to its request for an interpretation (and confirmation) of the validity of certificate of occupancy No. 6231. That decision indicated, in pertinent part, that the pre-existing use as a bar/restaurant, marina with tennis courts, parking, and decks was allowed and likewise that the use of the marina was not abandoned, thereby rendering such use permitted as pre-existing, non-conforming. Five years later, in 1998, the current owner of Dockers successfully applied to the ZBA for a variance to add decking for restaurant seating. Finally, in September of 2003, such owner applied to the Trustees for renovation of the marina and dredging of the canal. Concurrent with that application, Dockers requested an opinion from the Building Inspector as to whether the reconfiguration of the slips would require a variance from the ZBA. As previously stated, the Building Inspector, by letter dated March 17, 2004, indicated that no such variance was necessary.*

Ultimately, the ZBA rejected the appeal and in the same Decision, further opined on the history of the site and the continuation of the pre-existing, non-conforming use:

> *…both the owner of Dockers as well as its predecessors in title, have, since 1968 (a period of 36 years) used the entire canal, not merely sections nor areas, as a marina. In fact, we do not think there is any doubt or controversy that the owners of this subject parcel both past and present ever intended to use this canal as anything other than a marina, and Dockers' 36-year certificate of occupancy for a marina is the best evidence of this continuous use. Again, a fact worth repeating, there has never been a certificate of occupancy limiting the number of slips nor the number of vessels allowed within this canal. Thus, this Board declines to deprive Dockers of this "vested right" as recognized by the Building Inspector and will not require that they now "seek permission" to do that which they have a legal right to do.*

It is noted that this continuation of the pre-existing, non-conforming use is evaluated in Section 5.5 of this DEIS as an alternative to the proposed action.

From 2004 to 2014, the project sponsor continued to operate Dockers and the marina with minor improvement projects permitted by the Southampton Town Trustees and the New York State Department of Environmental Conservation (NYSDEC) (see Table 1 below). In 2014, renovations to the marina were proposed and ultimately approved by the Town and the NYSDEC for bulkhead reconstruction; dredging seaward of the bulkhead; creation of a boat basin; construction of new floating docks, 10 jet ski floats and one ramp, 16 boat slips, and kayak racks; and the installation of a portable pump out and a sanitary waste holding tank (see Appendix C of this DEIS).

The aforementioned approval was challenged by Round Dune, Inc. (petitioner). However, the Town's approval was affirmed in a New York Supreme Court decision on March 30, 2014 (Round Dune, Inc. v. Zoning Board of Appeals of the Town of Southampton and 94 Dune Road Holding Corp. a/k/a Dockers Waterside Restaurant and Marina, Index No. 26133/04) (see Appendix C of this DEIS).

A summary of the prior approvals for the subject property follows:

Table 1 – History and Background: Prior Approvals and Permits

Permit ID	Effective Date	Description
U.S. Army Corps of Engineers		
10GP-199215760	10/29/1992	Construct Bulkhead, return, docks, mooring piles
93-09790-L1	Unknown	Maintenance dredge lagoon
NYSDEC		
1-4736-00899/00001, 2, 3	2/18/1993	Bulkhead construction, return, backfill
1-4736-00899/00005, 6, 7	Withdrawn 8/2005	Replace bulkhead, new dredging, construct office, new septic system, new parking
1-4736-00899/00011,12,13,14	10/31/2012	Superstorm Sandy GP – stabilization/reconstruction
1-4736-00899/00008, 9, 10	10/23/2014	Expansion of Marina
Southampton Town Trustees		
1288	4/19/1967	Dredge boat basin 5 ft deep
6351	4/19/1993	Construct bulkhead, return, docks, mooring piles
9607	10/6/2008	Bulkhead (re)construction, dock, tie-off piles
10646	11/4/2013	Permit renewal for one year for bulkhead replacement/reconstruction in-kind, installation of floating docks, tie-off piles, and transient slips
10768 (Amended)	7/14/2014	Amended permit for bulkhead replacement/reconstruction in-kind, installation of floating docks, tie-off piles, and jet ski floats.
Zoning Board of Appeals		
D9380	4/19/1993	Interpretation that pre-existing use as a bar/restaurant, marina with tennis courts, parking, and decks was allowed.
D10251	11/5/1998	Variance for decking for restaurant seating
D011517	10/7/2004	Interpretation that no variance is required for reconfiguration of the slips and additional parking was permitted.

1.2 PROJECT NEED, OBJECTIVES AND BENEFITS

The subject property is located within the R-80 zoning district of the Town of Southampton (see Figure 4) and review of the Southampton Zoning Map illustrates the same R-80 zoning for properties within 1,000 ft of the site. As explained in Section 1.1 of this DEIS, from 1957 (the year in which zoning was first established in the Town of Southampton) until May 2, 1972, the subject property was located in the "L Beach Business" Zoning District. Permitted uses in "L Beach Business" Zoning District included single family dwellings, hotels and motels, yacht clubs, country clubs, restaurants, and marinas. Pursuant to a certificate of occupancy (No. 6231) dated October 22, 1968, a marina was established on the subject property. Thereafter, in 1972, the "L Beach Business" Zoning District became the R-80 Zoning District.

The current use of the property is the Dockers Waterside Restaurant & Marina, which includes a restaurant/bar with office, marina with tennis courts, decks, and parking. The current use continues to operate as a legal, pre-existing, non-conforming use. Accordingly, Article XVI of the Town of Southampton Town Code (hereinafter "Town Code") - Nonconforming Uses, Buildings and Structures – has applied to this site. Pursuant to §330-113, the provisions of Article XVI "…apply to all buildings or structures and all uses of buildings or structures or lots lawfully existing prior to the effective date of this chapter or of subsequent amendments, revisions or reenactments of such chapter, which buildings or structures or uses do not conform to the provisions of said original zoning law or to such revisions or reenactments on their effective dates." All prior maintenance and renovation work at the subject property has been authorized by the Southampton Town Trustees and/or ZBA under §330-115 (Continuance).

Permitted uses in the R-80 Zoning District include, but are not limited to residential uses, including single-family dwellings, planned residential developments and affordable housing density incentives; public parks, community facilities and schools (public or private); and marinas and boatyards lawfully existing prior to adoption of this chapter (§ 330-10, Residence Districts). Under the R-80 Zoning District regulations, the maximum density that would be permitted is based on a minimum lot size of 80,000 SF and the wetland area is to be excluded. Therefore, the yield is based on the upland area only. In this case, the amount of upland area is approximately 147,656.6± SF (3.38 acres), which is equivalent to 1 residential lot, or dwelling unit.

Accordingly, the proposed application includes a change from one non-conforming use (restaurant/bar, office, marina with tennis courts, decks, and parking) to another non-conforming (residential) use (proposed 25 condominium/townhouse units) recognizing that such change is permitted under Town Zoning Code. As excerpted from §330-117, "A nonconforming use shall be changed only to a conforming use, except as provided in §330-167B." The proposed multifamily use is a non-conforming use and, therefore, the ability to change from one non-conforming use to another is subject to the provisions of §330-167(B)(3) of the Town's Zoning Code, as follows:

To grant a certificate of occupancy for a change in a nonconforming use, provided that:

- *The Board of Appeals shall have made a determination that such change will be beneficial to the general neighborhood.*

- *Such change is made subject to such reasonable conditions and safeguards as the Board of Appeals may stipulate.*

The ZBA has set a precedent by granting approval on a similar application for a change of non-conforming use (i.e., change of use from restaurant to condominiums) through a decision for the property owned by Judge Edward Burke that was previous occupied by the Salty Dog and subsequently converted to a condominium development.

There are a number of factors that support the proposed change of use and the 25 units, including:

- The proposed residential use is less intense than the current restaurant/marina use. Clearly, the elimination of a commercial use of this nature within an established residential community will

be beneficial to the general neighborhood by reducing the traffic and noise associated with the current restaurant/marina use. As noted in Section 3.2 of this DEIS, the proposed residential use will have less traffic impact than the current restaurant/marina use.

- The proposed residential use is consistent with the surrounding residential land uses, particularly given there is a condominium development directly across the street from the subject property.

- The proposed density is less than that of the multifamily development directly across the street from the subject property. Round Dune, Inc. has 76 co-ops on 5.3 acres, which is 14.3 units per acre, whereas the proposed development would have 25 condominiums on 3.38 acres, which is 7.4 units per acre. Within the MF-44 Multifamily Residence District, there is a minimum of one unit per 11,000 SF. Pursuant to the code, this would permit a maximum of 13.42 units (13) for the subject property.

- The proposed action is consistent with the Suffolk County Planning Commission's (SCPC) *Smart Communities Through Smart Growth* plan published in March 2000. This plan identifies eight smart growth principles for developing smarter communities, including development on sites that have infrastructure in place (i.e., redevelopment), providing for different housing types (other than single family development), encouraging compact building sizes, and creating attractive communities. Further discussion and consistency with this plan are included in Section 3.1 of this DEIS.

- Tidal wetlands and natural upland communities are present on and in the vicinity of the site. The proposed project has been designed to result in beneficial impacts to the tidal wetlands, with increases in structural and sanitary setbacks, reduction of nitrogen loading, and planting of native wetland and buffer vegetation (including 0.02± acre of wetland restoration, 0.79± acre of maritime upland habitat and 0.12± acre of native plantings adjacent to residential units and driveways).

- As illustrated on the NYSDEC Adjacent Area analysis on the Proposed Landscape Plan (see Sheet C-600 in Appendix D), the proposed development would reduce the impervious lot coverage in the upland area from 28.13% (i.e., existing 0.95± acre) to 25.94% (i.e., proposed 0.87± acre).

- The proposed action would contribute to the Town of Southampton Community Housing Opportunity Fund.

- The proposed action is expected to result in positive direct, indirect, and induced economic benefits during the construction and operation phases, related to construction spending, job generation and the purchasing power represented by the permanent population in the community, as well as in the form of property tax generation.

1.3 PROJECT LOCATION AND SITE CONDITIONS

1.3.1 Project Location

Subject Property

The subject property is approximately 9.29± acres in size, with underwater lands and tidal wetlands of the site extending over 1,600 ft north of Dune Road into Shinnecock Bay. Of the overall 9.29 acres, the subject property includes underwater lands (2.16± acres), tidal wetlands (3.75± acres), and upland area (3.38± acres), as illustrated on the property survey in Appendix D of this DEIS.

The subject property is located in the west bay and on the coastal barrier island which defines the southern boundary of Shinnecock Bay. The proposed project is limited to the landward portion of the site extending from Dune Road to the existing bulkhead, which consists of a land area of approximately 3.38 acres and is hereinafter, referred to as the "development site" or "subject site." This portion of the site is currently improved with a one-and two-story frame building with restaurant/bar and second floor office, decks, marina with floating docks, tennis court, and associated parking. See Figures 2 and 5 in Appendix A of this DEIS.

Tidal wetlands on the subject site are limited to areas to the north and east, which have been delineated by Land Use Ecological Services in December 2022 and mapped on the NYSDEC Tidal Wetlands Map #704-520 (see Figure 6 in Appendix A of this DEIS). Pursuant to the Federal Emergency Management Agency (FEMA) Flood Insurance Rate Map (FIRM), the subject property is located within a Special Flood Hazard Area (SFHA) (see Figure 7 in Appendix A of this DEIS). The northern and eastern boundaries of the portion of the subject property (north of the previously dug canal connecting the existing marina to Shinnecock Bay) are within Zone VE: Base Flood Elevation (BFE) 10 ft. The previously dug canal connecting the existing marina to Shinnecock Bay and the entirety of the subject site is within Zone AE: BFE 12 ft.

As shown on Figure 8 in Appendix A of this DEIS, the eastern portion of the subject site, inclusive of the eastern parking lot and restaurant, are identified on the John H. Chafee Coastal Barrier Resource System (CBRS) Tiana Beach Unit F13 map, dated October 15, 1992. However, pursuant to a Letter of Map Revision (LOMR) Determination Document issued by FEMA effective February 15, 2019, in response to the Superstorm Sandy Remapping Project undertaken by the United States Fish and Wildlife Service (USFWS), as well as final recommendations in the April 2022 USFWS report to the United States Congress the subject site along with various areas along the New York coastline are identified to be removed from the CBRS boundary as the areas were improperly sited (see Appendix I of this DEIS). Additional information regarding the CBRS is included in Section 2.2.

Pursuant to the Sea, Lake, and Overland Surges from Hurricanes (SLOSH) model published by the National Weather Service (NWS), the subject property is susceptible to storm surge greater than six ft following Category 1 and 2 hurricanes and storm surge greater than nine ft following Category 3 and 4 hurricanes (see Figure 9 in Appendix A of this DEIS). Additional information regarding the SLOSH model is included in Section 2.2 of this DEIS.

1.3.2 Surrounding Land Uses and Zoning

Based on the Town of Southampton Land Use Map and field inspection, the current land uses within a 1,000-ft radius of the subject site include residential, open space, and recreational (including private and public beach areas) (see Figure 5 in Appendix A of this DEIS). A general description of the land uses within 1,000-ft of the subject site follows:

- North: To the north of the subject site is Shinnecock Bay, which provides water-related recreational uses. Along the northern shoreline of Shinnecock Bay are residences, the East Quogue Marine Park, and the Pine Neck Sanctuary.

- South: To the south of the subject site is a multifamily residential co-op complex with private access to the beach (Round Dune). The Atlantic Ocean is located beyond. Single-family residential uses are located southeast and southwest of the subject property along Dune Road with private access to the beach. Beyond the 1,000-ft radius is the Dolphin Lane Town & Trustee Access Road public access parking lot (approximately 0.14-miles southeast of the subject site).

- East: To the east of the subject site is Town-owned open space consisting of tidal wetlands along the north side of Dune Road. There are no other developments located along the northern portion of Dune Road within 1,000 ft of the subject site. Further east, beyond the 1,000-ft radius, is a public access point to both Shinnecock Bay and the Atlantic Ocean for use by residents of the Town of Southampton.

- West: To the west of the subject site is Town-owned open space consisting of tidal wetlands along the north side of Dune Road. As indicated above, there are no other developments located along the northern portion of Dune Road within 1,000ft of the subject site.

Based on the Southampton Zoning Map, all properties within 1,000 ft of the subject site are zoned R-80 (see Figure 4 in Appendix A of this DEIS). Overall, as described above, the land uses are generally consistent with the zoning designation.

The Final Scope identified the East Quogue Land Plan Generic Environmental Impact Statement (GEIS) as a document for incorporation in this DEIS as it relates to future land use patterns. It is noted that the East Quogue Land Plan Final GEIS was adopted by the Town of Southampton in November 2008, but the study area does not include the subject property. The study area for the East Quogue Land Plan included the hamlet area bordered to the north by Sunrise Highway, to the south by Shinnecock Bay (including Weesuck and Daves Creeks), to the west by Riverhead-Quogue Road (County Road 104), and the east boundary was generally defined by The Pines subdivision, north of Old Country Road and Landing Lane, south of Montauk Highway. The East Quogue Land Plan Final GEIS does not include any recommended land use plans or rezoning efforts along Dune Road and is, therefore, not relevant to the subject property.

While the Recommended Plan of the East Quogue Land Plan Final GEIS indicates that future land use build-out patterns along Shinnecock Bay should remain predominately residential (low density residential, medium density residential, and multifamily) (see Figure 10 in Appendix A of this DEIS), this area does not include the subject property or any properties along Dune Road. Notwithstanding, the proposed 25

condominium/townhouse units would introduce housing in a similar density and therefore would create balanced residential uses on the mainland and barrier island shores of Shinnecock Bay.

1.4 PROJECT DESIGN AND LAYOUT

1.4.1 Overall Site Layout

As indicated on the Demolition Site Plan (see Sheet C-003 in Appendix D of this DEIS, the existing one- and two-story restaurant building with tent, deck and awning, trailers, refrigerators, tanks and associated appurtenances, tennis court and associated fencing, sanitary system, and water service lines would be removed. Additionally, the existing electrical service lines would be relocated and placed underground, and the Long Island Power Authority (LIPA) utility poles would be removed. The existing curbing on the western portion of the subject property would also be removed. The existing bulkhead, ramp, wood deck, and floating docks would remain.

The proposed "Sunset Harbor" development includes 25 condominium townhomes with garages that would be oriented towards a proposed internal gravel driveway (see the Overall Site Plan in Appendix D of this DEIS). The proposed 25 units would be in four (4) buildings, each comprised of both two- and three-bedroom units (see Floor Plans in Appendix O of this DEIS). Ten units would be located on the west side of the internal roadway and 15 units would be located on the east side of the internal roadway.

The proposed sewage treatment plant (STP) and control building would be situated at the southwest portion of the development, and visually buffered with fencing and native plantings. At the northern end of the development are a community swimming pool and cabana, with the existing wood deck, ramp and floating docks providing recreational access to Shinnecock Bay for the community residents.

The overall land area that would be affected by the proposed action or "development site" is approximately 3.38 acres which includes the developable land south of the canal to Dune Road where the 25 condominium/townhomes and infrastructure would be constructed. The total area of land disturbance is 2.92± acres.

Based on the proposed site development plans, the site coverages would be modified as follows in Table 2 below.

Table 2 – Site Data for Existing and Post-Development Conditions

Land Coverage Type	Existing	Proposed	Change
Developed Area (Impervious & Gravel)	**2.22± acres**	**1.36± acres**	**-0.86± acre**
Impervious Surface (Buildings, Pavement, Decks and Walkways)	*0.95± acre*	*0.87± acre* *Includes 0.74± acre buildings/decks and 0.13± acre of walkways*	*-0.08± acre*
Gravel Driveways and Parking Areas	*1.27± acres*	*0.49± acre*	*-0.78± acre*
Landscaped Areas	**0.07± acre**	**0 acre**	**-0.07± acre**
Meadow/Brushland (Natural/Native Species)	**1.09± acres**	**2.00± acres*** *Includes 0.91± acre of upland habitat restoration and native landscaping	**+0.91± acre**
Wetlands	**3.75± acres**	**3.77± acres*** *Includes 0.02± acre of wetland restoration	**+0.02± acre**
Surface Water (Underwater Lands)	**2.16± acres**	**2.16± acres**	**0**
Total Land Area	9.29± acres	9.29± acres	0

As indicated above, upon implementation of the proposed action, the area of impervious surfaces would slightly decrease by 0.08± acre (from 0.95± acre to 0.87± acre). The area of native/natural vegetation would increase by 0.91± acre (from 1.09± acre to 2.00± acre). The gravel surfaces would decrease in area from 1.27± acres to 0.49± acre and the limited landscape area that currently exists would be removed. The area of wetlands would increase by 0.02± acre due to wetland restoration. There would be no changes to the area of surface waters (underwater lands).

As explained in Section 2.3 of this DEIS, various ecologically significant communities are located on and in the vicinity of the subject property, including tidal wetlands (IM, HM, SM, LZ), maritime dunes, maritime shrubland and marine eelgrass meadow habitats. As explained by the project ecologist (see Ecological Conditions and Impact Analysis in Appendix J of this DEIS), these natural communities provide ecosystem services and habitat for a wide variety of flora and fauna and, therefore, effort must be taken to preserve and protect these resources and restore these habitats where there has been disturbance or degradation. In order to preserve and protect these ecological communities, extensive native plantings are proposed along the shoreline and around the proposed development footprint. As discussed in Sections 1.4.5 and 2.3 of this DEIS (see Sheet C-600 in Appendix D of this DEIS), native wetland and upland buffer habitats would be restored/established as part of this project, including approximately 0.02± acre of native wetland restoration and native buffer of approximately 0.91± acre.

Additionally, the proposed project would have a beneficial impact of increasing the setbacks for structures and the sanitary system when compared with the current developed condition. Further information is provided in Section 1.4.5 of this DEIS.

1.4.2 Proposed Structures, Bulkhead, Existing Docks and Boat Slips

Proposed Townhouse Buildings

The proposed 25 condominium units would be situated within a townhouse development with four (4) buildings, comprised of two-bedroom and three-bedroom units. Ten units would be located on the west side of the internal roadway and 15 units would be located on the east side of the internal roadway. Overall, 14 two-bedroom units and 11 three-bedroom units are proposed.

The unit sizes would range from 1,600± SF (two-bedroom unit) to 2,000± SF (three-bedroom unit), and each would have a two-car garage. The garages would be situated between Elevation 7.15 ft and 7.80 ft and the First Floor Elevations (FFE) would range between 14.55 and 14.65 ft depending on the unit type. The height of each of the four buildings would be 32 ft.

Proposed Control Building for STP

The proposed action also includes the construction of an STP which would be situated in the southwest portion of the proposed development. The proposed STP is designed with a 100% plant expansion area, and 100% leaching pool expansion area. The proposed STP control building is a one-story structure (height: 15 ft) and would be 13.5 ft by 24 ft. As indicated on the Overall Site Plan (see Appendix D of this DEIS), the proposed STP would be situated at Elevation 12.5 and the STP control building at FFE 8.95. Gravel parking would be constructed adjacent to the STP and control building for maintenance vehicle parking at Elevation 8.0 ft.

Proposed Inground Swimming Pool and Cabana

The proposed action includes the construction of a 20-ft by 35-ft inground swimming pool and 12-ft by 20-ft cabana, for resident-use only. A wood deck would be constructed at an elevation of approximately 8.0 ft above mean sea level (AMSL) and serve as the pool seating area.

Existing Docks and Boat Slips

The proposed action does not include any dredging of the adjacent waterfront or modifications to the existing ramp or floating docks. The use of the docks would be restricted to residents of the proposed community.

1.4.3 Grading and Drainage

Grading

Topography varies across the site with the developed upland area having more uniformity in elevation (i.e., relatively flat). Currently, the elevation increases from approximately 2.5 ft to 3.0 ft AMSL at the southern boundary line to an average grade elevation of 6.0 ft AMSL throughout much of the site. At the northern property boundary, elevation decreases to approximately 4.0 ft AMSL at the bulkhead. Along the eastern portion of the site, elevation decreases towards the adjacent tidal wetland to approximately 1.3 ft AMSL. Along the western portion of the site, the rise in elevation from the south to the central portion and the decrease in elevation towards the bulkhead is generally consistent with the site, although there are limited high points with elevations at approximately 8.0 ft AMSL.

The proposed grading program includes generally maintaining the natural contour of the site but establishing a more uniform development footprint. As indicated on the Proposed Drainage Plan (see Sheet C-300 in Appendix D of this DEIS), at the southern property line, the site would be regraded for a uniform elevation of 3.0 ft along the road edge and would maintain the current curb cut/site entrance. Moving north, the site would be regraded to an elevation of 6.0± ft to 8.0± ft throughout the residential development. The STP would be at a top elevation of 12.5± ft AMSL and the leaching galleys would be situated at an elevation of approximately 8.0 ft AMSL. The proposed grading plan would require approximately 3,554.51± cubic yards of soil material (fill). Slope stabilization measures include a retaining wall on the west and south sides of the STP area.

During construction, erosion and sedimentation controls, as well as stormwater management controls, would be undertaken. The proposed development would require a Stormwater Pollution Prevention Plan (SWPPP) in accordance with Chapter 285 of the Town of Southampton Code and the New York State Department of Environmental Conservation (NYSDEC) Stormwater Pollutant Discharge Elimination System (SPDES) General Permit for Construction Activities. Accordingly, a SWPPP would be prepared and filed prior to construction.

Proposed Drainage System

All stormwater generated on-site will be accommodated and recharged via leaching galleys and drywells (see Sheet C-300 in Appendix D of this DEIS). Leaching galleys and pools with an effective depth of two (2) ft are proposed throughout the site and the system would be designed to accommodate a three-inch rainfall event, in accordance with the Southampton Town Code requirement set forth in §330-183.C(4)(e).[3] All drainage structures for roof runoff would be sited a minimum of 75 ft landward of the tidal wetland boundary. It is noted that pervious/gravel areas are proposed for the internal driveway and parking areas to reduce the area of impervious surfaces on-site.

[3] Section 330-183.C(4)(e) requires: "Grading and drainage plans shall be based on a rainstorm retention volume of three inches total, including two inches minimum within leaching structures and one inch in ponding or a combination thereof; drainage calculations, contours and spot grade elevations to be shown."

1.4.4 Sanitary Disposal and Water Supply

Sanitary Disposal

The site is currently served by an individual sanitary system, which would be removed as part of the proposed demolition. Based on the current use (100 seat restaurant with accessory office, 26-slip marina (i.e., 16 boat slips and 10 jet ski floats) and one tennis court) and the SCDHS design flow standards of 10 gallons per day (gpd)/seat (density load), 20 gpd/seat (kitchen load), 10 gpd/slip, and 100 gpd/tennis court, the current sanitary flow is approximately 3,360 gpd.

Upon implementation of the proposed action, the volume of sanitary waste generation would increase. Based on a design flow factor of 300 gpd per unit, the projected sanitary flow is 7,500 gpd for the 25 proposed residential units. Pursuant to Article 6 of the Suffolk County Sanitary Code (SCSC), the maximum permitted sanitary density on the subject site is 600 gpd/acre. However, only the adjusted gross land area minus wetland and underwater lands can be utilized in determining the allowable density for a parcel, which in this case is the 3.38 acres of upland area. Therefore, the allowable sanitary density flow for the property would be 2,028 gpd (3.38 acres x 600 gpd/acre).

As the proposed action exceeds the maximum permissible flow, a sewage treatment plant (STP) is proposed. The proposed STP would be situated at the southwest portion of the site and has been designed in accordance with SCDHS Standards. As further discussed in Section 2.2.2 of this DEIS, the proposed STP would be a package unit from Purestream, specifically the Biologically Engineered Single Sludge Treatment (BESST) system. The proposed sanitary design incorporates 30 two-ft depth leaching galleys, which provide 1,590± SF of leaching area, meeting SCDHS requirements. An additional 30 leaching galleys are proposed for 100% expansion area, as required by SCDHS standards.

Water Supply

Based on the factors and uses described earlier, it is estimated that the current water demand is approximately 3,360 gpd for potable supply. There is no irrigation system on-site. Upon implementation of the proposed action, water demand would increase to approximately 7,500 gpd for potable use. No irrigation is proposed.

The subject property is located within the service area of the Suffolk County Water Authority (SCWA) and on-site water supply is currently provided for the existing land uses. The SCWA maintains one 12-inch diameter water main on Dune Road. Consultations were undertaken with the SCWA and in correspondence dated October 12, 2022, the SCWA advised that there is sufficient capacity to serve the proposed development (see Appendix H of this DEIS).

1.4.5 Wetlands, Plantings, and Lighting

Wetland Restoration/Proposed Planting Plan

Tidal wetlands and natural upland communities are present on and in the vicinity of the site (see Section 2.3 of this DEIS). The proposed project has been designed to result in beneficial impacts to

these tidal wetlands, with increases in structural and sanitary setbacks, reduction of nitrogen loading, and planting of native wetland and buffer vegetation.

The proposed action would establish a 75-ft wetland buffer along the majority of the site. The proposed condominium buildings would be setback a minimum of 75-ft from the tidal wetlands located to the east and northwest of the development. The proposed pool, native landscaping, and gravel driveway on the northern end of the proposed development would be located a minimum of 50-ft from the bulkheaded shoreline. As such, the proposed project would result in increased building setbacks to tidal wetlands from 0 ft under existing conditions (as existing restaurant and deck are adjacent to tidal wetlands in the northeast corner of the site) to between 50 and 83 ft under the proposed conditions.

The STP would be located in the southwest corner of the site, approximately 265 ft landward of tidal wetlands under the proposed conditions, which would replace the existing conventional sanitary system that is located 75 ft from tidal wetlands. The landward relocation of on-site sanitary and increased nitrogen removal efficiency of the proposed STP would have the beneficial impact of reducing nitrogen contributions to Shinnecock Bay and its wetlands (see Sections 2.2 and 2.3 of this DEIS).

After removal of the existing restaurant, accessory decks, and parking areas, new buffer areas would be planted with American beach grass (*Ammophila breviligulata*), little bluestem (*Schizachyrium scoparium*), seaside goldenrod (*Solidago sempervirens*), bayberry (*Morella pensylvanica*), beach plum (*Prunus maritima*), switch grass (*Panicum virgatum*), groundsel bush (*Baccharis halimifolia*), and salt hay (*Spartina patens*). The area of the proposed STP would also be planted with native herbaceous plants to provide additional ecological benefits, such as wildlife habitat and elimination of fertilizer and irrigation requirements, compared to turfgrass. These native plantings would result in an increase in 0.91± acre of maritime upland habitats and native landscaping and 0.02± acre of tidal wetlands habitats compared to existing conditions.

The proposed increase in 0.91± acre of maritime upland habitats and 0.02± acre of tidal wetlands would have the beneficial impact of increased habitat availability for the plants, birds, and wildlife that currently utilize these habitats. Additionally, the proposed action would result in an increase in habitat quality at the site as some areas that are dominated by invasive plants, such as Japanese black pine (*Pinus thunbergii*), autumn olive (*Elaeagnus umbellata*), and Japanese knotweed (*Reynoutria japonica*), would be revegetated with the aforementioned native maritime plants. The expanded wetland buffers and increased upland habitat would have a resultant benefit to wildlife by providing: (1) additional foraging and breeding habitat for coastal wildlife; (2) better travel corridors with native vegetation for wildlife along the margins of the tidal wetlands; and (3) better visual screening of human activity thereby increasing the quality of the nearby wetland habitats for wildlife breeding and foraging.

In addition to these wildlife habitat benefits, the increased buffer area would provide other ecological benefits, including increased soil stabilization as well as increased removal of nutrients and pollutants by buffer vegetation. These pollutant and sediment filtration functions would have a resultant benefit to the adjacent tidal wetlands, including the significant low salt marsh, marine back barrier lagoon, and marine eelgrass meadow known to occur proximate to the site. The proposed development would also utilize local landscape professionals for the maintenance of naturally vegetated areas.

Site Lighting

The proposed residential development would consist of six (6) 10-ft light poles along the internal road and near the proposed STP, and at the pool. Wall-mounted building fixtures adjacent to entry doors and garages are also expected to be installed.

The Town of Southampton regulates outdoor lighting in Chapter 330 Article XXIX of the Town Code and the proposed lighting design would comply all relevant standards. Specifically, all lighting would be fully shielded and directed downwards, all mounted light fixtures would not exceed a maximum height of 12 ft for the illumination point, and all light poles would be sited more than 30 ft from property lines. Additionally, all nonessential outdoor lighting would be programmed to turn off from midnight until dawn, and essential lighting for security purposes would not exceed an illuminance of 0.5 footcandle. Further analysis of the lighting standards is included in Section 3.4.2 of this DEIS.

1.4.6 Vehicle Access, Site Circulation and Parking

The existing singular site access to the subject site, via Dune Road, would be retained as part of the proposed action (see Sheet C-002 in Appendix D of this DEIS). The existing driveway apron would be formalized and extend 50± ft north into the subject site. Upon entry into the development, one internal gravel roadway is proposed to be privately held and maintained by the Homeowners Association (HOA). The internal roadway would be 26 ft in width and extend approximately 411± ft north from Dune Road. A 20-ft-wide-by-50-ft-long gravel driveway for emergency service vehicle turnaround would be provided north of Unit #10 on the west side of the proposed development. The configuration of the internal roadway represents design requirements from the Town of Southampton Fire Marshal.

Based on a trip generation analysis performed by Stonefield Engineering, as compared to existing conditions, the proposed development would generate five (5) additional total trips during the weekday morning peak hour, 33 fewer total trips during the weekday evening peak hour, 53 fewer total trips during the Saturday morning peak hour, and 111 fewer total trips during the Saturday evening peak hour. Based on Transportation Impact Analysis for Site Development published by ITE, a trip increase of less than 100 vehicle trips would likely not change the level of service of the adjacent roadway system or appreciably increase the volume-to-capacity ratio of an intersection approach. As such, the proposed development is not anticipated to significantly impact the operations of the adjacent roadway network.

Based on the parking requirements set forth in §330-94, the proposed development requires 56 parking stalls. As summarized in Table 3 below and illustrated on the Overall Site Plan (see Sheet C-002 in Appendix D of this DEIS), a total of 76 parking stalls, inclusive of garages and driveways, would be provided.

Table 3 – Parking Calculations

	Required	**Provided**
14, Two-Bedroom Units	28	50 Ground Level Garage Parking Stalls 26 Driveway/Guest/STP Site Parking Stalls
11, Three-Bedroom Units	28	
Total Parking	56	76

Further discussion of the transportation impacts is included in Section 3.2 of this DEIS.

1.4.7 Utilities

Currently, electrical service is provided by PSEG Long Island to the existing operations. Additionally, three (3) 22-kilowatt (KW) liquid propane gas (LPG) generators serve as back-up power for the office and restaurant/bar. The proposed action would continue the use of electricity for energy supply, including heating. LPG generators would be used for the on-site backup power for the proposed STP as well as the pool equipment. Further discussion and analysis of the proposed utility connections are included in Section 3.3 of this DEIS.

1.4.8 Recreational Amenities

The proposed residential community would be constructed with an on-site inground swimming pool, cabana, and walking path to the waterfront. The existing floating docks would be maintained for use by residents only.

1.4.9 Solid Waste Management

Currently, the subject site utilizes three (3) eight (8)-yard dumpsters to accommodate solid waste generated by the current operations. The dumpsters are emptied three (3) times a week during the operational months of the office and restaurant/bar (six [6] months) by a private carter.

Based on a factor of 4.9 lbs. per person per day, as published by the U.S. Environmental Protection Agency (EPA),[4] with a projected maximum population of 65 persons (see Section 3.1.2 of this DEIS), the estimated solid waste generation would be 4.85± tons per month, as calculated below.

4.9 lbs./person/day x 65 projected people	= 319± lbs. per day
(319± lbs. per day x 365 days)/12 months	= 9,703± lbs. per month
9,703± lbs. per month/2000 lbs.	= **4.85± tons per month**

The proposed action includes the use of a licensed private carter service for the collection and handling of all solid waste from the proposed development. Solid waste is expected to be picked up from trash receptacles in individual driveways. Recycling would be implemented with separate trash receptacles.

[4] https://www.epa.gov/facts-and-figures-about-materials-waste-and-recycling/national-overview-facts-and-figures-materials

It is anticipated that the 4.85± tons of solid waste per month from the proposed development would not result in a significant impact upon local and regional solid waste management practices.

1.5 CONSTRUCTION AND OPERATIONS

1.5.1 Construction

The proposed development would be constructed over a duration of 24 months, inclusive of demolition of existing structures, site preparation and construction of the proposed residential community and associated recreation structures, parking and STP. In accordance with §235-4(A)(2) and (3) of the Town Code, all construction would be limited to the hours of 7:00 am to 7:00 pm on weekdays and 8:00 am to 6:00 pm on Saturdays and Sundays.

Demolition

As indicated on the Demolition Site Plan (see Sheet C-003 in Appendix D of this DEIS), the existing one- and two-story restaurant building with tent, deck and awning, tennis court, sanitary system, and water service lines would be removed. The existing ramp, wood deck, and floating docks would remain. According to the project architect, the construction of the proposed action would produce approximately 800 cubic yards worth of debris materials. The debris would be placed in roll-off containers with 40 cubic yard capacity, which would be stored on-site and removed when filled. 20 roll-off containers are expected to be needed. All C&D debris would be removed from the site in accordance with NYSDEC Part 360.

The demolition phase is expected to be approximately 20 days, with a proposed commencement date of October 2026.

Construction

The proposed development is expected to be constructed in one phase and would be constructed over a duration of 24 months, inclusive of demolition of existing structures, site preparation and construction of the proposed residential community**.** As indicated in the construction schedule prepared by the applicant (see Appendix E of this DEIS), the proposed commencement date is October 2026 with project completion in September 2028. In accordance with §235-4(A)(2) and (3) of the Town Code, all construction would be limited to the hours of 7:00 am to 7:00 pm on weekdays and 8:00 am to 6:00 pm on Saturdays and Sundays.

Following demolition, site preparation would begin with the installation of utilities and the site would be regraded, as described above in Section 1.4.3. Specifically, the grading program would result in approximately 3,554.51± cubic yards of soil material (fill). Site utilities (including the underground utilities, sewage treatment plant, underground sewage piping and underground site lighting conduits) would be installed throughout the site beginning mid-November 2026 until February 2027. It is noted that any cutting of trees associated with this project would occur between December 2026 and February 2027 in accordance with NYSDEC recommendations to avoid any impacts to northern long-eared bat populations. Also, during this timeframe, rough grading of the internal roadway would be

completed between January 2027 to end of March 2027 with curbing added along the roadways from January 2027 to early March 2027.

Equipment staging and storage is anticipated to be located in the upland area. Construction of the common areas would commence in January 2027 with completion in June 2027. During this same time, construction of the model building, including the exterior and finishes, would be completed. The construction of the remainder of the residential buildings would be broken up into three (3) construction groups which would have staggered and overlapping construction timeframes with each group taking approximately 225 constructions days to complete. In May 2027, Building Construction Group 1, including the exterior and finishes, would commence and is estimated to be completed in early September 2027. In mid-October 2027, Building Construction Group 2, including the exterior and finishes, would commence and is estimated to be completed in April 2028. Finally, in March 2028, Building Construction Group 3, including the exterior and finishes, would commence and is estimated to be completed in August 2028.

Site plantings and landscaping would be installed during various months in 2028 according to the planting type. Specifically, herbaceous marsh plantings would be installed 4/15 to 6/15; trees and shrubs from 4/1 to 5/15 and from 9/15 to 10/30; and seeding from 4/1 to 5/31.

The remainder of the site elements which would include the construction of sidewalks, paving of the roadway and installation of street lighting would be installed beginning in mid-June 2028 until completion in September 2028. Once completed, demobilization would occur in late September 2028 to remove all construction equipment and contractors before project operations.

Based upon the proposed site plan, the total land area to be disturbed is approximately 2.92 acres. A Sediment and Erosion Control Plan has been prepared and is included as Sheet C-500 in Appendix D of this DEIS. The proposed erosion and sedimentation controls to be undertaken prior to and during construction would include, at minimum, stockpile protection, inlet sediment control devices for storm structure protection, silt fencing, and anti-tracking pads to prevent off-site sediment tracking from construction vehicles. All erosion and sediment control measures would be routinely inspected and maintained such that no sediment would be transported off-site. The proposed erosion and sedimentation controls would minimize the potential impacts associated with site development and construction activities. Fugitive dust consists of soil particles that become airborne when disturbed by heavy equipment operation or through wind erosion of exposed soil after groundcover (e.g., lawn, pavement) is removed. As dust mitigation, water would be applied during dry periods. Additionally, all soil stockpiles would be covered. A SWPPP would be prepared and would include a detailed erosion and sediment control plan to manage stormwater generated on-site during construction activities, as well as post-construction stormwater management in accordance with the *New York State Stormwater Management Design Manual* (NYSDEC, 2015) as well as the *New York Standards and Specifications for Erosion and Sediment Control* (NYSDEC, 2016). The SWPPP would also ensure compliance with the NYSDEC SPDES GP-0-20-001.

Truck trip generation associated with site construction has been approximated to assess the short-term impacts of the project. According to the project architect, the construction of the proposed action would produce approximately 800 cubic yards worth of debris materials to be carted off-site in approximately 20, 40-cubic-yard roll-off containers. As each roll-off container would need to be

initially dropped off empty (i.e., one [1] trip entering, one [1] trip exiting) and carted off-site when filled (i.e., one [1] trip entering, one [1] trip exiting), four (4) truck trips are associated with each roll-off container. Therefore, a total of approximately 80 truck trips over the course of the 679-day construction period are expected. On average, this equates to less than one (1) truck trip per day during construction.

As part of construction activities to install the underground utilities, construct the STP and grade the site's roadways, soil movement is anticipated. Based on the Volume Analysis prepared by PWGC, a net fill of approximately 3,550 cubic yards is expected. Assuming the fill material is transported to the site in 30-cubic-yard truckloads, approximately 119 truckloads of soil to the site are expected. As outlined in Tasks 6 through 10 of the construction schedule (see Appendix E of this DEIS), the soil moving activities are anticipated to occur over a 100-day duration. As each truck delivering fill material to the site would subsequently depart the site, two (2) truck trips are associated with each delivery. Therefore, a total of 238 truck trips over the course of the 100-day soil movement period are expected. On average, this equates to less than three (3) truck trips per day during soil movement activities.

Trip generation associated with site construction during the 2027 and 2028 summer seasons has also been approximated to assess the short-term impacts of the project. As part of the summer work to occur, a crew of approximately 30 to 50 workers would be on-site in both 2027 and 2028. It is assumed that each crew member would result in one (1) entering trip in the morning and one (1) exiting trip in the evening. Regarding the summer of 2027, a maximum of 28 material deliveries and 15 equipment deliveries are expected over the course of the three-month period. Assuming each delivery results in one (1) trip entering and one (1) trip exiting, a total of 86 trips for material and equipment deliveries are expected over the 2027 summer season. Regarding the summer of 2028, a maximum of 15 material deliveries and 9 equipment deliveries are anticipated over the course of the three-month period. Assuming each delivery results in one (1) trip entering and one (1) trip exiting, a total of 48 trips for material and equipment deliveries are expected over the 2028 summer season.

The potential construction-related traffic impacts have been evaluated by the traffic engineer, Stonefield Engineering, and are included in Section 3.2 (Transportation) and Section 4.1. (Construction-Related Impacts) of this DEIS.

1.5.2 Operations

Upon implementation of the proposed action, the proposed residential community would function similarly to other multifamily condominium developments. Parcel and mail deliveries would be delivered to individual residential units with building mounted mailboxes adjacent to doorways. Delivery trucks would be able to drop off mail and deliveries similar to other residential properties with temporary roadside parking. Residents requiring moving services in or out of the community would be expected to utilize box trucks. Tractor trailer trucks would also be able to be accommodated throughout the site if needed.

All units would be ownership and the on-site recreational amenities would be resident-only. The applicant would hire a management company prior to the complete turnover to the HOA for the management of the proposed development, including maintenance of the internal driveway and on-site recreational areas. The HOA would be responsible for contracting local service companies for

landscaping, snow removal, and other maintenance needs. There would not be an on-site staff or superintendent for the site, but rather the HOA fees would be used for the maintenance of facilities. Homeowners would be responsible for all unit-related maintenance needs. It is noted that coordination with the Attorney General's office for the HOA has not yet been initiated by the applicant.

1.6 REQUIRED PERMITS AND APPROVALS, INCLUDING SEQRA REVIEW

The proposed application was filed with the ZBA in September 2019 to allow for a change in one non-conforming use (office, restaurant/bar, marina with tennis courts, decks and parking) to another (multifamily residential [condominium/townhouse]). The ZBA conducted the New York State Environmental Quality Review Act (SEQRA) coordinated review process with the involved and interested agencies, during which the Planning Board responded that the proposed action met the criteria to be classified as "Type I" and would be subject to Chapter 157 (Environmental Quality Review) of the Town Code. By resolution dated September 10, 2020, the Planning Board declared lead agency status.

After review of the ZBA application, proposed site development plans, and the Part 1 of the Full Environmental Assessment Form (FEAF) with Project Narrative, the Planning Board prepared the Part 2 FEAF and Part 3 FEAF/Determination of Significance for the proposed application. The Parts 2 and 3/Determination of Significance identified one or more significant adverse impacts that may result from the proposed action and a Positive Declaration was issued by the Planning Board, as lead agency, on September 24, 2020. To ensure that the DEIS will address all significant issues, in accordance with the SEQRA regulations set forth at 6 NYCRR §617.8, formal scoping was undertaken.

A Draft Scope dated October 27, 2020 was filed by the applicant and a public scoping meeting was held on November 12, 2020. A Final Scope dated December 17, 2020 was issued by the Planning Board, which set forth the required content of this DEIS. Upon acceptance of the DEIS by the Planning Board, a Notice of Completion of DEIS would be filed and a public hearing would be scheduled and held. The DEIS would also be posted on the Town of Southampton website and distributed either electronically or by paper copy to the involved agencies. In accordance with §617.9(a), the Planning Board would allow for a public and agency comment period of no less than 30 days from the filing of the Notice of Completion, or no less than 10 days following the public hearing. All comments would be accepted orally at the public hearing and/or in writing with instructions to be included in the Notice of Completion of DEIS.

After the close of the public comment period, a Final Environmental Impact Statement (FEIS) would be prepared to address all relevant and substantive comments on the proposed action. Upon acceptance of the FEIS by the Planning Board, a Notice of Filing of FEIS would be adopted, and the FEIS made available for public and agency review. Pursuant to §617.11(a), a minimum 10-day public consideration period would be provided, and any comments received would be considered by the Planning Board in its Findings Statement. Upon adoption of the Findings Statement, the SEQRA process is complete. Pursuant to §617.11(c), after issuance of the Findings Statement, the decision to approve or disapprove an action may be made.

The proposed action is subject to the several permits and approvals from the agencies stated in the table below. It is noted that all of the agencies listed were included in the coordinated review process.

Table 4 – Required Permits and Approvals

Agency	Permit/Approval	Filing/Issuance Date
Town of Southampton Board of Zoning Appeals	Variance to Grant a Certificate of Occupancy for a Change in Nonconforming Use	September 2019
Town of Southampton Planning Board	Site Plan and Wetlands Permit	September 2019
Town of Southampton Building Department	Building Permits and Demolition Permit	Filing after Board approvals
Suffolk County Water Authority	Water Connection/On-Site Improvements	Filing after Board approvals
Suffolk County Department of Health Services	Article–6 - Sanitary Disposal and Water Supply	June 2020
Suffolk County Planning Commission	Referral under SCAC §A14-23(A)(6)	Lead agency filing required
New York State Department of Environmental Conservation	(3) Article 25 Tidal Wetlands Permit, Article 15 (Title 5) Protection of Water Permit, Section 401 Water Quality Certification (4) State Pollutant Discharge Elimination System (SPDES) General Permit for Stormwater Discharge during Construction Activities GP-0-20-001	(3) Permit issued on April 29, 2020 (4) To be filed prior to construction
PSEG Long Island	Electricity – On-Site Improvements	Filing after Board approvals

2.0 NATURAL ENVIRONMENTAL RESOURCES

2.1 SOILS AND TOPOGRAPHY

2.1.1 Existing Conditions

Soils

Published Data

The Soil Survey of Suffolk County, New York (*Soil Survey*) was published by the United States Department of Agriculture (USDA) Soil Conservation Service in 1975 to identify soil types and assist land users with potential soil limitations. Soils that have similar profiles are grouped into a soil "series" and the series is then broken down into "mapping units," based upon slope, texture, and other characteristics. The USDA Natural Resources Conservation Service (NRCS) now maintains the Web Soil Survey for Suffolk County, New York (USDA WSS).[5]

Based on the USDA WSS (see Figure 11 in Appendix A of this DEIS), the soils on the 9.29-acre subject property are mapped as Fill land, dredged material (Fd), Tidal marsh (Tm), Water (W), and Hooksan-Urban land complex, 0 to 8 percent slopes (HU). The Tm soils and W are mapped to the east and north of the development site and are, therefore, located outside of the proposed development. The Fd soils comprise the majority of the development site. HU soils are limited to the southern boundary of the development site, adjacent to Dune Road. The table below identifies the soil types and the approximate area across the subject property.

Table 5 – Soil Types Mapped On-Site

Symbol	Mapping Unit	Slopes	Approximate % of Site
Fd	Fill land, dredged material	--	57.6±
Tm	Tidal marsh	--	17.3±*
W	Water	--	15.9±*
HU	Hooksan-Urban land complex	0-8%	9.2±

*These soil types are located outside of the area of disturbance for the proposed action.

Relevant excerpts from the *Soil Survey* relating to the soil series and mapping units are presented below:

Fill Land, Dredged Material (Fd)

Fill land, dredged material is made up of areas that have been filled with material from hydraulic or mechanical dredging operations. These operations are used mainly to widen or deepen boat channels in salt water; however, some dredged material has been obtained from new channels cut into tidal marshes. Most of the dredged material is pumped onto tidal marshes. Smaller amounts are placed on

[5] https://websoilsurvey.sc.egov.usda.gov/

beaches and dunes and on nearby mineral soils in a few places. Fill land, dredged material, is not suited to farming. The practice generally is to dike an area by using onsite material. The dredgings are then pumped into the diked area and allowed to settle. Excess water drains back into the bay. After the water drains off, heterogeneous deposits of sand, gravel, and seashells remain. In many places, a dark-gray, silty mud remains. Protective dunes have been built with clean sand and gravel dredgings in some places, and in such places, a few naturally formed dunes are included in mapping. Fill land, dredged material, is not suited to farming. Areas are satisfactory for building sites where the fill is adequate and if the highly compressible organic layers in the tidal marshes are removed prior to filling. Areas where the fill is placed on marshes containing thick organic layers are likely to be unstable and need onsite investigation before building on them. Droughtiness, low fertility, and high salt content severely limit the establishment of lawns and other landscape plantings. Cesspools do not function properly where the ground water is at a shallow depth.

Tidal Marsh (Tm)

Tidal marsh is made up of wet areas that are throughout the county around the borders of calmer embayments and tidal creeks. These level areas are not inundated by daily tide flow, but they are subject to flooding during abnormally high moon or storm tides. The areas range from about 2 to several hundred acres. Tidal marsh has an organic mat on the surface that ranges from a few inches to several ft in thickness. The organic mat overlies pale-gray or white sand. In many places the profile for the marsh is made up of alternating layers of sand and organic material as a result of sand deposited on the organic mat during abnormally high storm tides. They are best suited to use as habitat for certain types of wildlife.

Hooksan-Urban Land Complex (0 to 8 percent slopes)(HU)

The Hooksan series is a very deep, excessively drained soil that is typically found in coastal plain, coastal lowlands, and barrier islands. Rare very brief coastal flooding may occur during major storms and wash over events. Most of these soils are used for ecological services (e.g., mitigation of coastal erosion and flooding), recreation, urban development, beach cottages, and wildlife. Native vegetation consists of beach grasses, poison ivy, beach plum, American holly, red cedar, black cherry, smooth sumac, green briar, and prickly pear cactus. The typical thickness and depth to seasonal high water are greater than 72 inches and the depth to bedrock is typically greater than 60 inches. Rock fragments can be found 0 to 5 percent, by volume throughout the profile, mostly shells. Some pedons may contain individual layers less than 30 centimeters (1 foot) thick with up to 10 percent fragments. The Hooksan soils were previously mapped as Fripp, Udipsamments, Coastal Beach, or Dune land. The Hooksan series was previously classified as siliceous, uncoated Typic Udipsamments.

The USDA WSS provides the potential engineering and planning limitations for the soil types. As noted above, the development site is primarily comprised of Fd and HU soils, with Tidal marsh (Tm) along the eastern property line. The development limitations for the Fd and HU soils are included in the table below.

Table 6 – Soil Engineering and Planning Limitations

Symbol	Mapping Unit	Dwellings and Small Commercial Buildings (No Basements)	Stormwater Management - Infiltration	Septic Absorption Systems	Local Roads and Streets	Lawns and Landscaping
Fd	Fill land, dredged material	Not Rated	Not Rated	Not Rated	Not Rated	Not Rated
HU	Hooksan-Urban land complex, 0-8%	Very Limited [1]	Most Limited [2]	Very Limited [3]	Somewhat Limited [3]	Very Limited [4]

NOTES:
Engineering and Planning Limitations and Ratings:
Not limited - indicates that the soil has features that are very favorable for the specified use. Good performance and very low maintenance can be expected.
Somewhat limited - indicates that the soil has features that are moderately favorable for the specified use. The limitations can be overcome or minimized by special planning, design, or installation. Fair performance and moderate maintenance can be expected.
Very limited - indicates that the soil has one or more features that are unfavorable for the specified use. The limitations generally cannot be overcome without major soil reclamation, special design, or expensive installation procedures. Poor performance and high maintenance can be expected.

Ratings:
Numerical ratings in the table indicate the severity of individual limitations. Ratings range from 0.01 to 1.00. A soil feature that has the greatest negative impact on the use is rated 1.00 and the point at which the soil feature is not a limitation is rated 0.00.
[1] Flooding (1.0)
[2] Excessive Permeability (1.0)
[3] Leaching or Seepage (1.0), Filtering Capacity (1.0), and Flooding (0.4)
[3] Flooding 0.4
[4] Low Exchange Capacity (1.0), Too Sandy (0.5) and Droughty (0.9)

Source: USDA WSS Soils Report

Soil Borings

McDonald Geoscience Borings (2016)

In March 2016, three soil borings were performed on the site by McDonald Geoscience. The soil borings indicated the following profiles:

- Boring B1: Boring B-1 was performed near the southwest corner of the subject site at a ground elevation of 6± ft AMSL. The area drilled below ground elevation included 1.5 ft of mixed sand and loam, underlain generally by pale brown fine sand (poorly rated sand) and water in pale brown fine sand (poorly rated sand) to the extent drilled of 17 ft. Groundwater was encountered at a depth of 4.6± ft below grade surface (BGS).

- Boring B2: Boring B-2 was performed near the central western boundary of the subject site at a ground elevation of 7.5± ft AMSL. The area drilled below ground elevation included one (1) ft of

mixed sand and loam, underlain, generally by pale brown fine sand (poorly rated sand) to 5.7 ft, water in pale brown fine sand (poorly rated sand) to 7 ft, water in brown bog (swamp soil with high organic contents) to 8 ft, and water in pale brown and pale grey fine sand (poorly rated sand) to the extent drilled of 17 ft. Groundwater was encountered at a depth of 5.7± ft BGS.

- Boring B3: Boring B-3 was performed in the center of the subject site at a ground elevation of 7.0± ft AMSL. The area drilled below ground elevation included three (3) ft of mixed sand and loam, underlain, generally by pale brown fine sand (poorly rated sand) and water in pale brown and pale grey fine sand (poorly rated sand) from 5.6 ft to the extent drilled of 17 ft. Groundwater was encountered at a depth of 5.6± ft BGS.

PWGC Limited Subsurface Investigation (2022)

PWGC performed a limited subsurface investigation in January 2022 to investigate the on-site subsurface soil conditions and to evaluate groundwater elevation. Two (2) geotechnical soil borings (B-1 & B-2) were conducted, and three (3) temporary groundwater monitoring wells (MW-1, MW-2 & MW-3) were installed. A data logger was installed for a 1-month period in MW-1 to continuously record groundwater fluctuations from tidal patterns and precipitation. The boring and well locations were coordinated with the site plan to correspond to the locations of the proposed pool, drainage structures and STP. See the boring location plan and the Findings Report in Appendix F of this DEIS.

The borings were conducted using a Geoprobe drill rig equipped with an automatic hammer and split-spoon sampling unit. The drill rig was contracted from Land Air Water Environmental Services (LAWES) based in Center Moriches, New York. Standard Penetration Testing (SPT) was conducted in the geotechnical soil borings per ASTM 1586 with a 2-inch diameter, 2-ft long split spoon sampler. SPT blow counts and soil samples were taken continuously from the surface down to 16 ft BGS.

The borehole and well locations can be found in the attached Boring Location Plan. Field test results and soil descriptions can be found in the attached boring logs and well logs. Soil was classified based on the Unified Soil Classification System (USCS) per ASTM D2488. Boring surface elevations were determined from the site survey.

<u>Findings – Geotechnical Borings</u>

The two (2) geotechnical borings encountered tan and light brown, fine to coarse grained sands with trace amounts of gravel. The tan sands were classified as SP and SW in accordance with USCS. The sands transitioned in color from tan & light brown to grey at approximately 8 ft BGS. See the boring logs and Soil Classification Guide in Appendix F of this DEIS.

The sands were mostly loose in terms of relative density as found from the SPT blow counts. The allowable bearing capacity from borings B-1 and B-2 was found to vary between 0.5 to 1.0 tons per SF at foundation bearing levels.

Findings – Groundwater

Three (3) monitoring wells were installed on-site. MW-1 was located furthest north in the location of the proposed pool. MW-2 and MW-3 were located in the existing parking lot, with MW-3 being near the southwest corner and MW-2 located between MW-1 and MW-3. Depth to water readings were measured in each monitoring well on the installation day. The table below lists the manual depth to water readings measured on January 14, 2022, at 1pm.

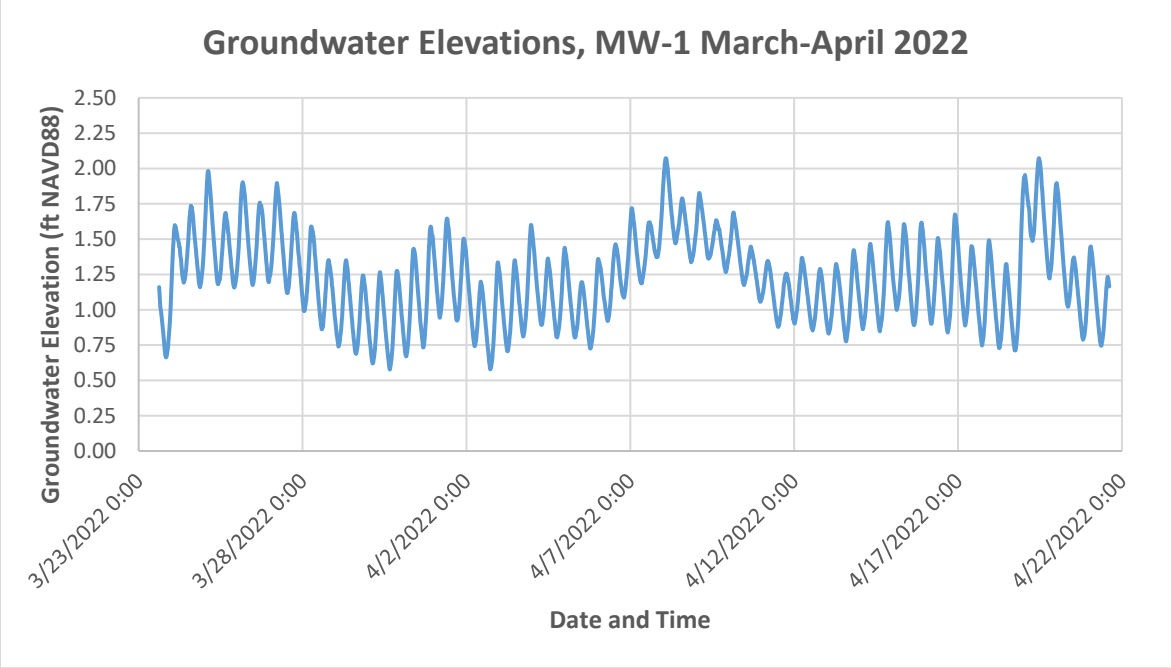
Table 1 - Manual Depth to Water Readings in 2022 and 2025

MW Number	Surface Elevation (ft NAVD88)	Depth to Water Below Existing Grade (ft)	Groundwater Elevation (ft NAVD88)	Date
MW-1	+5.30’	4.23’	+1.07’	1/14/22
MW-1	+5.30’	4.14’	+1.16’	3/23/22
MW-2	+6.00’	5.23’	+0.77’	1/14/22
MW-2	+6.00’	5.22’	+0.78’	2/7/25
MW-3	+6.35	4.80’	+1.55’	1/14/22
MW-3	+6.35’	4.85’	+1.50’	2/7/25

A data logger was installed on March 23, 2022 in MW-1 for a period of 28-days, with an additional water reading conducted on this same day at 2:45 pm. The data logger continuously recorded fluctuations in groundwater levels due to tidal patterns and precipitation. The data logger recorded a high groundwater elevation of El. +2.07 ft NAVD88 on 4/8/2022. Regular, 12-hr tidal patterns caused groundwater to fluctuate by approximately 0.75 ft. See the Well Logs in Appendix F of this DEIS.

As discussed in the following subsection, additional geotechnical work was performed in February 2025 to establish the proper foundations for the proposed structures. During this additional work, readings were taken at MW-2 and MW-3. As indicated in the table above, groundwater elevation was similar to the readings taken in January 2022.

It is noted that the manual water readings are within the range of the USGS-published groundwater data. Specifically, pursuant to the USGS Depth to Water Viewer (2016) and included as Figure 12 in Appendix A of this DEIS, the depth to groundwater across the subject property ranges from a low of 2 ft BGS (at the northwest) to 10 ft BGS (in the northeast). Within the upland area, the USGS data indicated the depth to range from 5 ft BGS at the site access to 10 ft BGS along the western boundary.



PWGC Geotechnical Investigation February 2025

In February 2025, three (3) additional soil borings (soil borings SB003, SB004 and SB005) were performed for the purpose of providing recommendations of the design parameters for foundations and other geotechnical aspects of the proposed construction (see Appendix F of this DEIS). As noted earlier, existing groundwater monitoring wells MW-2 and MW-3 were also read for the purpose of updated elevations, which were found to be similar to those taken in January 2022.

The geotechnical investigation evaluated groundwater elevation (including tidal influence and sea level rise), soil properties, bearing capacity, seismic conditions, and liquefaction potential. Based on the additional work performed, it is recommended that the proposed structures and pool be on driven timber pile foundations. Discussion and recommendations on timber piles are included in Section 6.2 of the Geotechnical Report dated February 2025 (see Appendix F), along with calculations in Appendix C of the report. PWGC recommends using a 12" diameter Class B treated timber pile driven with a minimum embedment length of 32 ft to provide a 15-ton allowable axial capacity or a minimum embedment length of 42 ft to provide 20-ton allowable axial capacity. Recommended embedment lengths take into account the soft organic silts (Stratum 2) encountered at 25'-40' BGS in the northern portion of the project area (Borings SB003 and SB004).

As detailed in Section 4.2 of the Geotechnical Report, groundwater was found in the soil borings and monitoring wells to be between approximate elevations of El +0.77' NAVD88 to El. +2.07' NAVD88. The recommended present Design Groundwater Elevation is El. +2.10' NAVD88 and the future Design Groundwater Elevation is El. +3.60' NAVD88 in 30 years. The present condition is recommended for consideration of construction-phase activities. The future Design Groundwater Elevation of +3.60' NAVD88 is recommended for foundation design elements and consideration of waterproofing.

Topography

Topography varies across the site with the upland area having more uniformity in elevation (i.e., relatively flat) with current development. There are noted low points on the subject property in areas that are not developed and in the adjacent wetland areas to the north and east, as well as along the road frontage at the southern end of the site. Based upon the United States Geological Survey (USGS) Topographic Map, Quogue Quadrangle (see Figure 13 in Appendix A of this DEIS) published December 31, 1969, the subject site is identified as marsh or swamp. However, the subject property was modified with the dredging of the canal in approximately 1967 and was developed at that time.

A topographic survey was prepared by Raynor, Marcks, and Carrington Surveying (see Appendix D of this DEIS). As indicated on the topographic survey, the elevation increases from approximately 2.5 ft to 4.0 ft AMSL at the southern boundary line to an average grade elevation of 6.0 ft AMSL throughout a majority of the site. At the northern property boundary, elevation decreases to approximately 4.0 ft AMSL at the bulkhead. Along the eastern portion of the site, elevation decreases towards the adjacent tidal wetland to approximately 1.3 ft AMSL. Along the western portion of the site, the rise in elevation from the south to the central portion and the decrease in elevation from the central portion to the north towards the bulkhead is generally consistent with the site; however, there are limited high points with elevations at approximately 8.0 ft AMSL. Overall, the subject site is relatively flat with slopes generally less than 10 percent.

2.1.2 Potential Impacts

Soils

The proposed action would result in the disturbance of soils for building foundations, in-ground swimming pool, drainage infrastructure, STP, utility installation, grading, paving, and landscaping. Based upon the preliminary site plan, the total land area to be disturbed is approximately 2.92 acres. The disturbance of soils for construction and regrading activities increases the potential for erosion and sedimentation. As indicated in the NYSDEC's *New York State Standards and Specifications for Erosion and Sediment Control* (July 2016), the erosion potential of a site is determined by five factors: soil erodibility, vegetative cover, topography, climate, and season.

Soil erodibility is dependent on the structure, texture and percentage of organic matter in the soil. Vegetative cover protects soils from the erosive forces of precipitation and runoff or overland flow, as top growth vegetation shields the soil surface from precipitation while the root mass holds soil particles in place. Also, grasses limit the speed of runoff and help to maintain the infiltration capacity of the soil. The establishment and maintenance of vegetation are identified as the most important factors in minimizing erosion during development. Topography, including both slope length and steepness, influences the volume and velocity of surface runoff. Long slopes carry more runoff to the base of the slope, and steep slopes increase runoff velocity. The climate also affects erosion based upon the volume of runoff. Rainfall frequency, intensity and duration have direct influences on the ability for stormwater to infiltrate soils. Finally, seasonal variations in temperature and rainfall affect the erosion potential of soils.

As indicated in Section 2.1.1 of this DEIS, the soil types mapped within the development site are primarily Fd soils, with HU soils along the southern portion. The Fd soils are not rated for planning or engineering limitations as the material can be varied from past development practices. Related to the subject property, the Fd soils are mapped beneath the parking lot and restaurant building, and throughout much of the development site.

The HU soils are deep, excessively drained soils found on the southern portion of the development site. As indicated in Table 6 in Section 2.1.1, the limitations for uses range from somewhat limited to very limited for buildings, local roads, and lawn/landscaping due to flooding potential and sandy layers that result in excessive permeability. This soil type is limited in its extent on the project area. However, as noted below, the proposed redevelopment includes the importation of fill material and soil mixing. Both of these measures would overcome the limitations.

Regarding stormwater management with infiltration practices, the limitations are noted as most limited due to excessive permeability. This limitation would be overcome with fill material and soil mixing. Additionally, the proposed drainage structures would include leaching galleys and drywells with a minimum separation distance of two (2) ft to groundwater.

Finally, regarding the limitations for septic tank absorption fields, the excessive permeability of the HU soils presents limitations for leaching and filtration, and their location presents a flooding limitation. As described in Section 2.2.2 of this DEIS, all sanitary waste would be accommodated by a BESST system. Treated effluent would discharge into an effluent leaching pool groundwater disposal system

consisting of two-ft depth, leaching galleys designed for 100 percent expansion. The proposed top elevation of the STP and leaching galley would be approximately 12.5 ft and 8.0 ft, respectively.

As indicated in Section 2.1.1 of this DEIS, to supplement the published data, soil borings were performed by McDonald Geoscience in 2016 and in 2022, a limited subsurface investigation was conducted by PWGC. The subsurface investigation included three (3) temporary groundwater monitoring wells (MW-1, MW-2, MW-3) and two (2) geotechnical borings (B-1, B-2). In 2025, additional geotechnical work was performed, and based on soil properties, it was concluded that timber pile foundation would be required for the proposed residential structures and pool. The 2025 geotechnical investigation in Appendix F of this DEIS sets forth engineering design parameters and construction considerations for the project architect, at the time detailed construction plans are prepared.

Additionally, based on the groundwater monitoring completed by PWGC in February 2022, as indicated in Section 2.1.1 of this DEIS, the groundwater elevation at the subject property ranges from 0.77± ft AMSL to 1.55± ft AMSL. Additionally, the depth to groundwater was recorded in Borings B1, B2 and B3 as 4.6 ft BGS, 5.76 ft BGS, and 5.67 ft BGS, respectively. The recommended separation distance to groundwater for the proposed drainage infrastructure is two (2) feet with infiltration according to the *New York State Stormwater Management Design Manual* (NYSDEC, 2015). The proposed drainage has been designed to provide a minimum separation distance of 2 ft.

Specifically, the leaching galleys for the proposed residential units would have an effective depth of two (2) ft and placed at top elevation of approximately 5.8 ft AMSL. Based on existing conditions, the groundwater separation from the base of the pools would range from 2.25± ft to 3.03± ft. The leaching galleys for the proposed driveway would also have an effective depth of two (2) ft and placed at top elevations ranging from approximately 7.37 ft AMSL to 8.02 ft AMSL. Based on existing conditions, the groundwater separation would range from 3.82± ft to 5.25± ft.

Regarding the proposed sanitary leaching field, the recommended separation distance to groundwater is three (3) ft according to SCDHS Standards for Approval of Plans and Construction for Sewage Disposal Systems for Other Than Single-Family Residences. Each leaching galley would have an effective depth of two (2) ft and be placed at top elevation of approximately 8.0 ft AMSL. As indicated in Section 2.1.1 of this DEIS, based on the groundwater monitoring completed by PWGC in February 2022, the groundwater elevation recorded nearest to the proposed location of the STP was 1.55 ft AMSL (MW-3). As such, there would be approximately 4.45 ft of separation distance from the base of the leaching galleys to groundwater which is suitable for the placement of the sanitary leaching field with adequate separation distance to groundwater.

Proposed Erosion and Sedimentation Control*s*

During construction activities, there is the potential for erosion and sedimentation with prolonged soil exposure and fugitive dust during dry periods. A Sediment and Erosion Control Plan has been prepared and is included as Sheet C-500 in Appendix D of this DEIS. As indicated on the Sediment and Erosion Control Plan, erosion and sedimentation controls would be undertaken prior to and during construction and would include, at minimum, stockpile protection, inlet sediment control devices for storm structure protection, silt fencing, and anti-tracking pads to prevent off-site sediment tracking

from construction vehicles. Fugitive dust consists of soil particles that become airborne when disturbed by heavy equipment operation or through wind erosion of exposed soil after groundcover (e.g., lawn, pavement) is removed. As dust mitigation, water would be applied during dry periods. Additionally, all soil stockpiles would be covered.

Chapter 123-48 of the Town Code (Fill Composition Certification Required)

The Town of Southampton regulates the composition of fill imported onto a parcel in connection with a building permit application that exceeds 20 cubic yards. Based on the proposed grading plan, approximately 3,554.51± cubic yards of fill would be required. During the building permit application process for the proposed action, all information related to fill quantities and a certification of clean fill will be provided.

Topography

Proposed Grading Program

As indicated in Section 2.1.1 of this DEIS, the elevation increases from approximately 2.5 ft to 4.0 ft AMSL at the southern boundary line to an average grade elevation of 6.0 ft AMSL throughout a majority of the site. At the northern property boundary, elevation decreases to approximately 4.0 ft AMSL at the bulkhead. Along the eastern portion of the site, elevation decreases towards the adjacent tidal wetland to approximately 1.3 ft AMSL. Along the western portion of the site, the rise in elevation from the south to the central portion and the decrease in elevation from the central portion to the north towards the bulkhead is generally consistent with the site; however, there are limited high points with elevations at approximately 8.0 ft AMSL.

The proposed grading program includes generally maintaining the natural contour of the site but establishing a more uniform development footprint. As indicated on the Proposed Drainage Plan (see Sheet C-300 in Appendix D of this DEIS), at the southern property line, the site would be regraded for a uniform elevation of 3.0 ft AMSL along the road edge and maintaining the current curb cut/site entrance. Moving north, the site would be regraded to an elevation of 6.0± ft to 8.0± ft throughout the residential development. The STP and leaching field would be at approximate top elevations of 12.5± ft AMSL and 8.0± ft AMSL, respectively. As part of the grading plan, slope stabilization measures include a retaining wall on the west and south sides of the STP area. It is noted that the proposed leaching system for both the proposed STP and the storm drainage systems would maintain a minimum three-ft and two-ft separation distance, respectively, below the bottom of the structures and groundwater (see Section 2.2, *Water Resources*, below). Based on the proposed grading plan, approximately 3,554.51± cubic yards of fill would be required.

Overall, based on the above, the proposed action would have no significant adverse impacts associated with the proposed grading plan.

2.1.3 Proposed Mitigation

No significant adverse soil impacts are expected to result from the proposed action. Also, the proposed topographic changes would not result in significant adverse impacts. The following measures have been incorporated into the proposed project to avoid or minimize potential impacts:

- Erosion and sedimentation controls will be undertaken prior to and during construction and would include, stockpile protection, minimizing the extent and duration of exposed areas, installation of sediment barriers and sediment traps (silt fencing and hay bales), and the construction and maintenance of a stabilized construction entrance to prevent soil and loose debris from being tracked onto local roads. All erosion and sediment control measures will be routinely inspected and maintained such that no sediment would be transported off-site.

- To minimize fugitive dust emissions, water will be used for the wetting of surfaces during dry periods and all stockpiles will be covered.

- Slope stabilization measures include a retaining wall on the west and south sides of the STP area.

- Clean fill will be imported to the site to establish a more uniform development footprint as well as to provide for filtration around the proposed leaching galleys due to on-site shallow groundwater conditions.

- The proposed structures and pool will be on driven timber pile foundations. If excavations are conducted deeper than the recommended Design Groundwater Elevation (+3.60' NAVD88), dewatering may be required. If required, all pumped groundwater will be disposed of in accordance with all applicable local, State and federal regulations. Also, approval from the NYSDEC would be obtained.

2.2 WATER RESOURCES

2.2.1 Existing Conditions

Groundwater Resources

Regional Geology / Hydrogeology

The hydrogeologic setting of Long Island is well documented and consists of crystalline bedrock composed of schist and gneiss overlain by layers of unconsolidated deposits. Immediately overlying the bedrock is the Raritan Formation, consisting of the Lloyd sand confined by the Raritan Clay Member. The Lloyd sand is an aquifer and consists of discontinuous layers of gravel, sand, sandy and silty clay, and solid clay. The Raritan Clay is a solid and silty clay with few lenses of sand and gravel; abundant lignite and pyrite; and gray, red or white in color.

Above the Raritan Clay lies the Magothy Formation. The Magothy Aquifer consists of layers of fine to coarse sand of moderate to high permeability, with inter-bedded lenses of silt and clay of low permeability resulting in areas of preferential horizontal flow. Therefore, this aquifer generally becomes more confined with depth. The Magothy Aquifer is overlain by the Upper Glacial Aquifer. The Upper Glacial Aquifer is the water table aquifer at this location and is comprised of medium to coarse sand and gravel with occasional thin lenses of fine sand and brown clay. This aquifer extends from the land surface to the top of the Magothy and, therefore, is hydraulically connected to the Magothy Aquifer.

Depth to Groundwater

USGS Published Data

Published groundwater elevation data is maintained by the USGS with the latest data available as of 2016. Pursuant to the USGS Long Island Depth to Water and Hydrologic Conditions Viewer (2016) (hereinafter the "USGS 2016 Groundwater Map") at https://ny.water.usgs.gov/maps/li-dtw/ and included herein as Figure 12 in Appendix A of this DEIS, the depth to groundwater across the subject property ranges from a low of 2 ft (at the northwest) to 10 ft BGS (in the northeast). Within the upland area, the depth ranges from 5 ft at the site access to 10 ft BGS along the western boundary.

Suffolk County Water Level Monitoring Wells

The SCDHS publishes all USGS monitored wells through its online portal at https://gisportal.suffolkcountyny.gov/gis/apps/webappviewer. Review of the GIS portal "Suffolk County Well Monitoring for Water Levels" indicates that the closest USGS monitoring well in the same Groundwater Management Zone (Zone IV) is USGS Well S46532.1. This well is located in a residential neighborhood at the northeast corner of Ponguogue Avenue at Bay Avenue East in Hampton Bays (3.95± miles to the northeast of the subject site).[6] The well has been in use since 1972 and is located at 24 ft AMSL and is 25.5 ±ft BGS. The most recent measurement was taken on April 20, 2021, and groundwater was encountered 19.32± ft BGS.

McDonald Geoscience Borings (2016)

Based on the March 2016 soil borings performed by McDonald Geoscience, groundwater was encountered at 4.6± ft BGS (B-1 at surface elevation 6.0± ft AMSL), 5.6± ft BGS (B-3 at surface elevation 7± ft AMSL, and at 5.7± ft BGS (B-2 at surface elevation of 7.5± ft AMSL) (see Sheets C-200 and C-300 in Appendix D of this DEIS).

PWGC Borings (2022)

As indicated in Section 2.1.1 of this DEIS, three (3) monitoring wells were installed on-site. MW-1 was located furthest north in the location of the proposed pool. MW-2 and MW-3 were located in the existing parking lot, with MW-3 being near the southwest corner and MW-2 located between MW-1

[6] https://groundwaterwatch.usgs.gov/AWLSites.asp?S=405147072305001

and MW-3. Depth to water readings were measured in each monitoring well on the installation day (January 14, 2022, at 1pm) and an additional reading was taken in March 2022 at MW-1.

As indicated in Table 1 in Section 2.1.1 of this DEIS:

MW-1 (January 14, 2022)
Surface Elevation: 5.3 ft AMSL
Depth to Water Below Existing Grade: 4.23 ft
Groundwater Elevation: 1.07 ft AMSL
MW-1 (March 23, 2022)
Surface Elevation: 5.3 ft AMSL
Depth to Water Below Existing Grade: 4.14 ft
Groundwater Elevation: 1.16 ft AMSL

MW-2 (January 14, 2022)
Surface Elevation: 6.0 ft AMSL
Depth to Water Below Existing Grade: 5.23 ft
Groundwater Elevation: 0.77 ft AMSL

MW-3 (January 14, 2022)
Surface Elevation: 6.35 ft AMSL
Depth to Water Below Existing Grade: 4.80 ft
Groundwater Elevation: 1.55 ft AMSL

A data logger was also installed on March 23, 2022 in MW-1 to continuously recorded fluctuations in groundwater levels due to tidal patterns and precipitation for a period of 28-days. The data logger recorded a high groundwater elevation of El. +2.07 ft NAVD88 on 4/8/2022. Regular, 12-hr tidal patterns caused groundwater to fluctuate by approximately 0.75 ft. Copies of the Well Logs are included in Appendix F of this DEIS.

Groundwater Flow Direction

Regarding flow direction, the groundwater table corresponds to the sea level on the north and south shores of Long Island and rises in elevation at the center of the Island. The groundwater high point is referred to as the "groundwater divide." The subject property is situated south of the groundwater divide that exists on the mainland; however, as this site is situated on the barrier island with Shinnecock Bay to the north and the Atlantic Ocean to the south, groundwater flow varies. Based upon Suffolk County's recent groundwater models developed for the Long Island Nitrogen Action Plan (LINAP) (included in Appendix D - Subwatershed Mappings, Score Cards and Planning Criteria of the Suffolk County Subwatershed Wastewater Plan [SWP]), the local groundwater flow direction is projected to be north towards Shinnecock Bay (see Figure 14 in Appendix A of this DEIS).

The Long Island Comprehensive Waste Treatment Management Plan (208 Study)

The Long Island Comprehensive Waste Treatment Management Plan was prepared in 1978 as a management plan for groundwater resources. As the plan was established under Section 208 of the 1972 Federal Water Pollution Control Act Amendments, it is commonly referred to as the "*208 Study*." The *208 Study* divided Long Island into eight hydrogeologic zones and identified best management practices to protect both ground and surface waters.

According to the *208 Study*, the subject property is located in Hydrogeologic Zone V (see Figure 15 in Appendix A of this DEIS). As excerpted from the *208 Study*, Zone V encompasses the southwestern portion of the South Fork and is characterized by shallow flow systems that discharge to streams and marine waters. The *208 Study* included structural, non-structural and non-point source control options for wastewater management for each Hydrogeologic Zone. For Zone V, the relevant highest priority area wide alternatives are as follows:

- *Minimize population density by encouraging large lot development (one dwelling unit/one or more acres), where possible to protect the groundwater from future pollutant loadings.*
- *Control stormwater runoff to minimize the transport of sediments, nutrients, metals, organic chemicals and bacteria to surface and ground waters.*
- *Reduce the use of fertilizers on turf. Promote the use of low-maintenance lawns.*

An analysis of the proposed action with these recommendations is included in Section 2.2.2 of this DEIS.

Special Groundwater Protection Area Plan (SGPA Plan)

There are nine Special Groundwater Protection Areas (SGPA's), which are also considered Critical Environmental Areas (CEAs) on Long Island, including North Hills, Oyster Bay, West Hills/Melville, Oak Brush Plains, South Setauket Woods, Central Suffolk, Southold, South Fork and Hither Hills. The subject property is not located within an SGPA.

Suffolk County Comprehensive Water Resources Management Plan

The Suffolk County Comprehensive Water Resources Management Plan was completed in 2015 to set forth goals and objectives targeted to protect and improve ground and surface water quality based upon updated water quality investigations. The primary areas for improvement identified in the plan are as follows: Nitrogen, VOC's, Pesticides, Pharmaceuticals and Personal Care Products (PCP's) and Potable Supply. The plan outlines a number of recommendations for improving conditions in each of the aforementioned areas. The recommendations are primarily guided towards additional evaluation of groundwater and surface water, development of alternative on-site wastewater treatment options for residential and non-residential properties, educational outreach programs for fertilizer and pesticide reduction and expansion of the potable water supply to communities where public water is not available. While this plan outlines specific goals that are municipally minded, the overall intent of the plan is to reduce the overall levels of contaminants, such as fertilizers, pesticides and nitrogen in

ground and surface waters. An analysis of the proposed action with these recommendations is included in Section 2.2.2 of this DEIS.

Southampton Town Community Preservation Fund Water Quality Improvement Project Plan (WQIPP)

The Southampton Town Community Preservation Fund (CPF) Water Quality Improvement Project Plan (WQIPP) was adopted in 2016 to identify water quality improvement projects eligible for CPF funds. [7] Specifically, the Town uses CPF funds to finance projects that address nitrogen problems and pollutants of concern in high priority areas.

Project selection is contingent upon the needs of the individual watershed impacted by the project. The Town utilizes the following criteria to evaluate water quality improvement projects to receive CPF monies (pages 20-21): source load reductions, mitigation of the loads that are already within the groundwater system, and restoration of coastal and marine habitats. Projects focused on source load reductions include projects that would integrate wastewater denitrification solutions that would help with SCDHS approvals for sanitary systems. Projects that would be considered mitigation of existing nitrogen loads within the groundwater are those that would help accelerate recovery, like permeable reactive barrier, as improvement in groundwater quality takes significant time. Projects that would restore coastal and marine habitats and subsequently improve water quality would focus on proving the area meets all parameters to sustain restoration and that through restoration, no additional adverse impacts to water quality would result.

The CPF WQIPP developed maps for each hamlet and village in the Town to identify priority areas for the implementation of water quality improvement projects based on the following eight criteria (page 22). These priority areas also align with the objectives set forth in the SWP, as discussed earlier in this Section of the DEIS. High priority areas include a combination of the below parameters and are in a 0-to-2-year surface water contributing area. Medium priority areas meet at least one of the criteria and are in a 0-to-10-year surface water contributing area. Areas that meet one of the below criteria are delineated as high or medium priority areas.

1. Locations with no public water (well water);
2. Older communities where many of the homes are likely to have cesspools instead of septic systems;
3. Homes that are built on small lots (less than half-acre);
4. Sites that have shallow depths to groundwater (less than 10 ft);
5. Sites that may be temporarily under threat of flooding or storm surge (FEMA flood zones, SLOSH zones);
6. Soils that may be too porous or too impermeable for proper treatment of wastewater;
7. Areas where groundwater reaches surface water bodies relatively quickly; and
8. Nearby water bodies listed as Total Maximum Daily Load (TMDL) impaired or the site of restoration efforts.

[7] https://www.southamptontownny.gov/DocumentCenter/View/7318/Water-Quality-Improvement-Plan-CPF-Referendum-PDF?bidId=

The subject site is within a FEMA flood zone, is within the SLOSH zone, and is adjacent to a water body listed as a TMDL impaired water body and is within the 0-to-2-year surface water contributing area. Therefore, the subject site is identified on the Town of Southampton CPF Water Quality Improvement Project Plan East Quogue Map as being a high priority area to implement water quality improvement projects utilizing the CPF (see Figure 16 in Appendix A of this DEIS).

The Town implemented the following master process to evaluate all projects for potential funding in each of the hamlets, including East Quogue (pages 23-25): RFP Process, SEQR and permits, rebates and parcel acquisitions, Inter-municipal agreements for data sharing, grants, public/private projects, monitoring, reporting, and reassessment of the CPF WQIPP as the SWP progresses. Through the CPF WQIPP, the Town expects the following to occur (page 104):

- Increased installation of Innovative/Alternative Systems [I/A] or Neighborhood Cluster Systems that actively reduce nitrogen;
- Decreased amount and concentration of nitrogen in waterbodies of Southampton and by extension, Suffolk County;
- Expanded public awareness of the impacts of individual septic systems on collective water quality;
- Increased remediation and restoration projects to meet nitrogen reduction targets – each project would be vetted by a water quality committee and solicited by a competitive RFP process; and
- Increased grant proposals for water quality improvements projects with the CPF revenue provided as a source of matching funds.

The evaluation parameters set forth in the CPF WQIPP indicate the proposed action would be eligible for funding as the subject site is within a high priority area and the proposed STP would help meet the objectives of the CFP WQIPP. An evaluation is presented in Section 2.2.2 of this DEIS.

Sanitary Waste Generation and Disposal

All sanitary waste is accommodated via an individual on-site sewage disposal system. As indicated in Section 2.2.2, the existing system would be removed as part of the proposed development and replaced with an on-site STP. See Section 2.2.2 of this DEIS.

Suffolk County Sanitary Code

Article 6 – Single-Family Residences, Realty Subdivisions, Developments and Other Construction Projects

Article 6 of the Suffolk County Sanitary Code (SCSC) regulates sewage disposal for realty subdivisions, development, and other construction projects for the protection of water resources. To limit nitrogen loading in various groundwater management zones, Article 6 sets forth population density equivalents.

Pursuant to the Article 6 Map, the subject property is located within Groundwater Management Zone IV (see Figure 17 in Appendix A of this DEIS). Pursuant to Article 6, the maximum permitted sanitary

discharge to individual sewerage systems is 600 gpd per acre, and when exceeded, a community sewage system method of disposal is required. Groundwater Management Zone IV has an allowable density sewage flow rate of 600 gallons per day per acre (gpd/acre). According to the SCDHS, only the adjusted gross land area minus wetland and underwater lands can be utilized in determining the allowable density for a parcel, which in this case is the 3.38 acres of upland. Therefore, the allowable sanitary density flow for the property would be 2,028 gpd (3.38 acres x 600 gpd/acre).

Additionally, pursuant to Resolution No. 1643-2020 adopted on October 16, 2020, I/A OWTS are required for new or expanded single-family residences and other construction projects effective on July 1, 2021. The changes also expanded the list of I/A OWTS technologies allowed, modified the separation distance requirements for I/A OWTS and modified the design capacity for modified subsurface sewage disposal systems from 15,000 gpd to 30,000 gpd. The Town Code §123-52 (Building Construction – I/A OWTS) also requires I/A OWTS for new residential projects located within the High Priority Area of the CPF WQIPP. However, the proposed action includes the installation of an on-site STP.

Article 7 – Water Pollution Control

Article 7 of the SCSC is intended "to safeguard all the water resources of the County of Suffolk especially in deep recharge areas and water supply sensitive areas, from discharges of sewage, industrial and other wastes, toxic or hazardous materials and stormwater runoff." The deep recharge areas are identified on the Suffolk County Sanitary Code – Article 7 Groundwater Management Zones & Water Supply Sensitive Areas map (SCDHS, 1999) as Groundwater Management Zones I, II, III and V. The Article 7 map also illustrates portions of Suffolk County as water supply sensitive areas. As defined at §760-703 of the SCSC, a water supply sensitive area includes: "[a] groundwater area separated from a larger regional groundwater system where salty groundwater may occur within the Upper Glacial aquifer, and where deepening of private wells and/or the development of community water supplies may be limited;" "[a]reas in close proximity to existing or identified future public water supply wellfields….[i.e.,] within 1,500-ft upgradient or 500-ft downgradient of public supply wells screened in the Upper Glacial aquifer;" and "[a] limited water budget area…"

Pursuant to the Article 7 map (see Figure 18 in Appendix A of this DEIS), the subject property is not a regulated deep recharge area and is not located in a water supply sensitive area (i.e., the property is not located 1,500-ft upgradient or 500-ft downgradient of a public supply well that screens in the Upper Glacial aquifer).

Article 12 – Toxic and Hazardous Materials Storage and Handling Controls

Article 12 of the SCSC regulates the storage and handling of toxic and hazardous materials for the protection of groundwater quality. There are currently no toxic or hazardous materials stored on-site that are regulated under Article 12. It is noted that there are currently two aboveground 1,000-gallon liquid propane tanks that are used for three (3) 22KW LP generators. LPG storage and tanks are regulated under the local Fire Marshal.

Nitrogen Mass-Balance Calculations for Sanitary Effluent

Allowable Sanitary Density Flow

The allowable flow is that maximum flow that is permitted under Article 6 of the Suffolk County Sanitary Code. As explained later in this section, based on the adjusted gross land area (i.e., site area minus tidal wetland and underwater lands), the allowable sanitary density flow for the property would be 2,028 gpd (3.38 acres x 600 gpd/acre = 2,028 gpd). Under the allowable condition, an I/A OWTS would be installed.

Flow = 2,028 gpd (2,028 gpd/1,000,000 = 0.00203 mgd)
Total Nitrogen Effluent Concentration (TN) = 19 mg/L
Total Nitrogen Effluent Quantity = 19 mg/L * 8.34 *0.002028 mgd = **0.321 lbs./day**

Current Flow

The property is currently improved with a 100-seat restaurant with accessory office, 26-slip marina (i.e., 16 boat slips and 10 jet ski floats) and tennis court, which is utilized for parking. Based on SCDHS design flow standards, the current sanitary flow is approximately 3,360 gpd.

Table 7 – Existing Sanitary Flow Based on SCDHS Density Flow Rates

Use	Seats/Slips/Courts	Density Flow Rates	Sanitary Flow
Restaurant	100	10 gpd/seat (density load) 20 gpd/seat (kitchen load)	1,000 gpd 2,000 gpd
Marina	26	10 gpd/slip	260 gpd
Tennis Court	1	100 gpd/court	100 gpd
		Total	3,360 gpd

Based on the calculated current flow, the total nitrogen is as follows:

Flow = 3,360 gpd (3,360 gpd/1,000,000 = 0.00336 mgd)
Total Nitrogen Effluent Concentration (TN) = 50 mg/L
Total Nitrogen Effluent Quantity = 50mg/L * 8.34 *0.00336 mgd = **1.401 lbs./day**

It is important to note that the current system predates the current regulations that require I/A OWTS for new redevelopment or substantial redevelopment. As such, the total nitrogen from the current flow from the individual on-site system exceeds the allowable flow.

Suffolk County Subwatersheds Wastewater Plan

In July 2020, SCDHS prepared the Suffolk County SWP, as part of the LINAP and to fulfill the recommendations of the Suffolk County Comprehensive Water Resources Management Plan, to address and reduce nitrogen pollution in surface waters and groundwater within Suffolk County. The intent of the SWP is to provide a roadmap for Suffolk County to take meaningful steps to implement

recommendations aimed at reducing nitrogen loading from wastewater resources into the waters of Suffolk County. The SWP found that an estimated 63.6 percent of the nitrogen reaching groundwater in Suffolk County subwatersheds originates from on-site wastewater systems (page 1-4).

The SWP provides nitrogen reduction recommendations through the LINAP, individual estuary programs (e.g., Long Island Sound), and individual Town/Village initiatives. Therefore, SWP is a small part of a larger Suffolk County initiative to reduce nitrogen pollution in County water resources. According to the LINAP models (included in Appendix D - Subwatershed Mappings, Score Cards and Planning Criteria of the SWP), the nearest subwatershed is Shinnecock Bay West, which is located to the adjacent north of the subject property (see Figure 14 in Appendix A of this DEIS). Review of the subwatershed map indicates that the subject property is located within the 0-to-2-year contributing area to Shinnecock Bay West.

BURBS Analysis (Total Nitrogen Loading)

To better understand the impacts of the proposed development on total nitrogen loading to groundwater, a nitrogen model was utilized. The particular model utilized was the BURBS model, developed at Cornell University by Hughes et al. (1985). The BURBS model is a computer simulation program that computes the potential impact of various land uses on groundwater within a community due to nitrogen. Cornell University has developed this model for specific application on Long Island.

To establish a baseline model for existing nitrogen loading to groundwater at the subject site, the existing use of the property was modelled. The parameters utilized in the BURBS model are explained in detail in the BURBS analysis (see Appendix G of this DEIS). The BURBS model takes into consideration not only the wastewater nitrogen, but impacts from atmospheric deposition, fertilization and runoff from impervious areas. Based upon the analysis of the BURBS model (see Appendix G), the projected total nitrogen loading under existing conditions is 185.57 lbs. per year.

Water Supply and Availability

Public Supply Wells and Current Water Demand

The subject site is located within the service area of SCWA (Distribution Area 20) for potable water supply and an on-site connection is established. According to the SCWA Distribution Maps, there is an existing 12-inch main on the portion of Dune Road fronting the subject property. One existing eight (8) -inch water line extension currently serves the subject site from the existing water main along Dune Road. Based upon the Public Water Supply Well Maps published by the SCWA, there are no public water supply wells located within a one-mile radius of the subject site. Based on the current use (100 seat restaurant with accessory office, 26-slip marina (i.e., 16 boat slips and 10 jet ski floats) and one tennis court) and the SCDHS design flow standards of 10 gpd/seat (density load), 20 gpd/seat (kitchen load), 10 gpd/slip, and 100 gpd/tennis court, the current water demand is approximately 3,360 gpd.

Private Wells

SCDHS requires as part of Guidance Memorandum #28, Siting of a Sewage Treatment Plant, that a search for private wells within a 500-ft radius of the subject parcel be conducted. Based upon the 500-ft radius map, 11 properties were identified within this radius of the subject site. The SCWA was consulted to determine whether any site in the 500-ft radius operates a private well. Based on correspondence dated July 17, 2018 (see Appendix H of this DEIS), of the 11 nearby sites, three (3) were identified as not connected to the public water supply. Two (2) properties that are not connected to public water supply are parcels owned by the Town of Southampton and are identified as open space (900-385-1-36.4 and 900-385-1-37.1) and one (1) property is a private residence that SCWA did not have an account on file (900-385-2-9.2) for. Additionally, one (1) property is connected to SCWA only for irrigation (900-385-2-15.2). Below is a list of the 11 properties:

Table 8 – Water Source for Surrounding Properties within 500-foot Radius of Subject Site

#	SCTM No.	Property Use	Public Water Available	Connected to Public Water?
1	900-385-2-15.5	Single-Family Residential	YES	YES
2	900-385-2-15.4	Single-Family Residential	YES	YES
3	900-385-2-15.3	Single-Family Residential	YES	YES
4	900-385-2-15.2	Single-Family Residential	YES	YES
5	900-385-2-14	Multifamily Residential	YES	YES
6	900-385-2-13.1	Single-Family Residential	YES	YES
7	900-385-2-11.1	Single-Family Residential	YES	YES
8	900-385-2-9.2	Single-Family Residential	YES	NO
9	900-385-2-6	Single-Family Residential	YES	YES
10	900-385-1-36.4	Town-Owned Open Sace	YES	NO
11	900-385-1-37.1	Town-Owned Open Sace	YES	NO

Stormwater Runoff/Drainage and Relevant Regulations

Existing Stormwater Management / On-Site Drainage

Based upon the property survey and field inspections, there are no existing storm drains on the subject site. A portion of the on-site stormwater runoff is expected to collect in topographic depressions and infiltrate through existing vegetated and pervious/gravel areas (2.43± acres of the overall site). It is also expected that a portion of the stormwater volume is subject to overland flow off-site.

Based upon the existing coverages, it is projected that the subject property generates approximately 25,319± cubic ft (CF) of stormwater runoff during a three-inch rainfall event (see Table 9 below).

Table 9 – Existing Volume of Stormwater Runoff Generation

Existing Site Coverage			Coefficient	Rainfall	Existing Volume (CF)
	Acres	**Square Foot**		3"	
Impervious	0.95±	41,382±	1.0[1]	0.25	**10,346±**
Gravel Area	1.27±	55,321±	0.9	0.25	**12,447±**
Pervious (Vegetated)	1.16±	50,530±	0.2[2]	0.25	**2,526±**
TOTAL	**3.38±**	**147,233±**			**25,319± CF**

Notes: [1] - Pavement, roof, concrete and other impervious areas
[2] - Landscaped, grassed, natural or other pervious surfaces

See Section 2.2.2 for a discussion of the regulations and standards that apply to the proposed development regarding stormwater management including the requirements of the Town of Southampton.

Chapter 285 of the Town Code (Stormwater Management and Erosion and Sediment Control)

The Town of Southampton regulates stormwater management and discharge associated with land-disturbing activities equal to or greater than one acre, or activities disturbing less than one acre of total land area that is part of a larger common plan of development. Pursuant to §285-3, the "purpose of this article is to establish minimum stormwater management requirements and controls to protect and safeguard the general health, safety, and welfare of the residents of the Town of Southampton and to address the findings of fact and statutory authority in §285-2." The performance standards and design criteria for stormwater management, as set forth in §285-8, are listed below.

A. Technical standards. For the purpose of this chapter, the following documents shall serve as the official guides and specification for stormwater management. Stormwater management practices that are designed and constructed in accordance with these technical documents shall be presumed to meet the standards imposed by this chapter:

(1) The New York State Stormwater Management Design Manual, hereafter referred to as the "Design Manual," in its most recent version (including applicable updates), which serves as the official guide for the design of stormwater management principles, methods and practices.

(2) The New York State Standards and Specifications for Erosion and Sediment Control (Empire State Chapter of the Soil and Water Conservation Society, 2004, most current, hereafter referred to as the "Erosion Control Manual," in its most recent version (including applicable updates), also commonly known as the "Blue Book."

The consistency of the proposed plans with the performance standards and design criteria set forth in Chapter 285 of the Town Code are evaluated in Section 2.2.2 of this DEIS.

New York State Pollutant Discharge Elimination System Permit (SPDES) - General Permit for Stormwater Discharges from Construction Activity

The NYSDEC administers the State of New York's National Pollutant Discharge Elimination System (NPDES)-approved SPDES program with permits issued in accordance with the New York State Environmental Conservation Law (ECL) Article 17, Titles 7, 8 and Article 70. The General Permit for Stormwater Discharges from Construction Activity (GP-0-20-001) applies to the following construction activities:

- *Construction activities involving soil disturbances of one (1) or more acres; including disturbances of less than one acre that are part of a larger common plan of development or sale that will ultimately disturb one or more acres of land; excluding routine maintenance activity that is performed to maintain the original line and grade, hydraulic capacity or original purpose of a facility.*
- *Construction activities involving soil disturbances of less than one (1) acre where the Department has determined that a SPDES permit is required for stormwater discharges based on the potential for contribution to a violation of a water quality standard or for significant contribution of pollutants to surface waters of the State.*
- *Construction activities located in the watershed(s) identified in Appendix D that involve soil disturbances between five thousand (5,000) square ft and one (1) acre of land.*

An owner or operator of a construction activity that is eligible for coverage under this permit must obtain coverage prior to the commencement of construction activity. Projects covered under the SPDES GP-0-20-001 are required to develop and implement a SWPPP that meets criteria set forth by NYSDEC.

Section 2.2.2 of this DEIS evaluates the proposed project's conformity with the New York SPDES GP-0-20-001.

New York State Stormwater Management Design Manual

The *New York State Stormwater Management Design Manual* (2015) (*NYS Stormwater Design Manual*) was prepared to provide standards for stormwater management practices (SMPs), after site-specific conditions are considered, to protect the New York State waters from adverse impacts of urban stormwater runoff. Standard SMPs are structural practices that are acceptable for water quality treatment and meet the performance standards of this manual. Acceptable SMPs for stormwater management and treatment are divided into five broad groups (pages 3-7 and 3-8): (I) stormwater ponds which involves a permanent pool of water or a combination of permanent pool and extended detention to treat stormwater runoff; (II) stormwater wetlands which includes the use of wetlands, shallow marsh area and small permanent pools and extended detention storage to treat stormwater runoff; (III) infiltration practices which involves capturing and temporarily storing stormwater runoff before infiltration to the underlying soils; (IV) filtering practices which involves capturing, temporarily storing stormwater runoff and passing it through a filter bed of treatment media such as sand, organic matter or soil; and (V) open channel practices which involves capturing and treating stormwater within designed dry or wet cells.

As noted above, there is no drainage infrastructure on the subject site. Stormwater collects in topographic depressions and infiltrates on-site pervious areas (i.e., gravel surfaces or vegetation) with an expected off-site flow during heavy rain events. The proposed project's consistency with the *NYS Stormwater Design Manual* is included in Section 2.2.2 of this DEIS.

New York Standards and Specifications for Erosion and Sediment Control, Blue Book

The *New York State Standards and Specifications for Erosion and Sedimentation Control, Blue Book* (November 2016) provides standards and specifications for the selection, design and implementation of erosion and sediment control practices. This manual provides guidance for the development of Erosion and Sediment Control Plans for inclusion in a SWPPP as part of the SPDES General Permit for Stormwater Discharges from Construction Activity (GP-0-20-001, current version). The standards and specifications provide criteria on minimizing erosion and sediment impacts from construction activity involving soil disturbance to protect the waters of the State of New York from sediment loads during runoff events (page 1.1). This manual is divided into four (4) sections with associated standards and specifications: site planning, preparation and management; erosion control (runoff control); erosion control (soil stabilization); and sediment control. The appropriate standards set forth in this manual should be incorporated into all Erosion and Sediment Control Plans.

The proposed project's consistency with the *New York State Standards and Specifications for Erosion and Sedimentation Control, Blue Book* (November 2016) is included in Section 2.2.2 of this DEIS.

Nationwide Urban Runoff Program (NURP Study)

The Long Island Segment of the Nationwide Urban Runoff Program (NURP Study) published in 1982 by the Long Island Regional Planning Board,[8] notes that years of study, including the various 208 studies, have provided empirical evidence that pollutant loading contributed by nonpoint sources is greater than pollutant loading by point sources (page 1). It has been concluded that nonpoint urban runoff is the most significant nonpoint source of stormwater runoff pollution. While these conclusions had been made, there would still be uncertainty regarding the role of urban runoff in contaminant transport. As such, the NURP Study, has attempted to address some critical uncertainties, as follows:

- *the actual proportion of the total pollutant loading that can be attributed to stormwater runoff, given the presence of other point and non-point sources and conditions within the receiving waters;*
- *sources, wash-off/transport mechanisms and receiving water impacts;*
- *the appropriate criteria to be used in determining the existence of a runoff problem; and*
- *the effectiveness and cost of proposed but relatively untried non-structural control measures.*

The findings and conclusions of the *NURP Study* led to a series of recommendations and priorities for implementation regarding stormwater runoff for the protection of groundwater and surface water resources. A list of these recommendations follows.

[8] https://www.suffolkcountyny.gov/Portals/0/formsdocs/planning/Publications/Long%20Island%20Segment%20of%20the%20Nationwide%20Urban%20Runoff%20Program%20(NURP).pdf?ver=2019-03-26-113342-000

Groundwater Recommendations:

- *Consider the use of in-line storage leaching drainage systems, or components thereof, as a substitute for recharge basins in areas, other than parking lots, where maintenance will be assured and where the value of the land for development purposes is greater than the cost of installing and maintaining the underground system. Storage leaching drainage systems should also be considered for use where the installation of recharge basins is not feasible.*
- *Prevent illegal discharges to drainage systems or recharge basins. Such discharges, which often result from improper storage or deliberate dumping or chemicals, must be controlled at the source.*

Surface Water Recommendation:

- *Preclude any additional direct discharge of stormwater runoff into surface waters, using all available means for detention and/or recharge to reduce bacterial loads.*

An analysis of the proposed action with the relevant recommendations of the *NURP Study* is included in Section 2.2.2 of this DEIS.

Wetlands, Floodplains and Surface Waters

Wetlands

Pursuant to the NYSDEC Tidal Wetlands Map #704-520 (see Figure 6 of this DEIS), Intertidal Marsh (IM) wetlands and Dredge Spoils (DS) comprise the entire northern portion of the subject property across the formerly dug canal. The canal is mapped as the Littoral Zone (LZ). On the subject site, i.e., the landward portion of the subject property between the bulkhead and Dune Road, DS comprises the entirety of the developed area. To the northeast and east of the developed area are IM and High Marsh (HM) areas.

Based on the property survey and wetland delineation by Land Use Ecological Services conducted in December 2022, of the 9.29-acre total site area, approximately 3.75 acres are tidal wetlands, and 2.16 acres are underwater lands. The remaining 3.38 acres are considered upland area.

Review of the NYSDEC Freshwater Wetlands Map indicates that there are no freshwater wetlands present on the subject property (see Figure 19 in Appendix A of this DEIS).

Article 25 of the Environmental Conservation Law (ECL) (Tidal Wetlands Act)

Article 25 of the ECL was established to protect and preserve tidal wetlands in the State of New York and the implementing regulations set forth at 6 NYCRR Part 661. Part 661 identifies tidal wetlands as any lands delineated as tidal wetlands on an inventory map and comprised of any of the following classifications: Coastal fresh marsh, Intertidal marsh, Coastal shoals, bars and flats, Littoral Zone, High marsh or salt meadow, and formerly connected tidal wetlands. As discussed above, the subject property contains NYSDEC-mapped Intertidal Marsh (IM), High Marsh (HM), and Littoral Zone (LZ) tidal wetlands.

The NYSDEC maintains jurisdiction under 6 NYCRR Part 661 for all regulated activities that occur within an "Adjacent Area." As defined at §661.4, the "Adjacent Area" is as follows:

> *Adjacent area shall mean any land immediately adjacent to a tidal wetland within whichever of the following limits is closest to the most landward tidal wetland boundary, as such most landward tidal wetlands boundary is shown on an inventory map (see explanatory figures 1-6):*
>
> *(i) 300 ft landward of said most landward boundary of a tidal wetland, provided, however, that within the boundaries of the City of New York this distance shall be 150 ft (see figure 1); or*
>
> *(ii) to the seaward edge of the closest lawfully and presently existing (i.e., as of August 20, 1977), functional and substantial fabricated structure (including, but not limited to, paved streets and highways, railroads, bulkheads and sea walls, and rip-rap walls) which lies generally parallel to said most tidal wetland landward boundary and which is a minimum of 100 ft in length as measured generally parallel to such most landward boundary, but not including individual buildings (see figure 2); or*
>
> *(iii) to the elevation contour of 10 ft above mean sea level, except when such contour crosses the seaward face of a bluff or cliff, or crosses a hill on which the slope equals or exceeds the natural angle of repose of the soil, then to the topographic crest of such bluff, cliff, or hill (see figures 3 and 4). Pending the determination by the commissioner in a particular case, the most recent, as of the effective date of this Part, topographical maps published by the United States geological survey, Department of the Interior, having a scale of 1:24,000, shall be rebuttable presumptive evidence of such 10 foot elevation.*

Based on the above, the NYSDEC's jurisdiction of regulated activities on the subject property are those that occur within 300 ft of the most landward boundary of a tidal wetland. As indicated on the Overall Site Plan (see Sheet C-002 in Appendix D of this DEIS), approximately 147,656 SF (3.38 acres) of the overall 405,082± SF (9.29 acres) lot are within the regulated adjacent area.

The NYSDEC places development restrictions on all regulated activities within the Adjacent Area in §661.6(a), as follows:

> *(1) The minimum setback of all principal buildings and all other structures that are in excess of 100 square ft (other than boardwalks, shoreline promenades, docks, bulkheads, piers, wharves, pilings, dolphins, or boathouses and structures typically located on docks, piers or wharves) shall be 75 ft landward from the most landward edge of any tidal wetland…*
>
> *(2) The minimum setback of any on-site sewage disposal septic tank, cesspool, leach field or seepage pit shall be 100 ft landward from the most landward edge of any tidal wetland.*
>
> *(3) For any on-site sewage disposal cesspool, septic tank, leach field or seepage pit, there shall be a minimum of two ft of soil between the bottom of such pool, tank, field or pit and the seasonal high ground water level, rock, hardpan, or other impermeable materials.*
>
> *(4) Not more than 20 percent of the adjacent area, as such term is defined in this Part, on any lot shall be covered by existing and new structures and other impervious surfaces. Provided, however, this paragraph shall not be deemed to prohibit the coverage of 3,000 square ft or less of adjacent area on any individual lot, lawfully existing on August 20, 1977, by existing and new structures and other impervious surfaces.*

(5) The minimum lot area for any principal building constructed within the area regulated by this Part, which minimum lot area shall include any wetland portion and any adjacent area portion of such lot, shall be as follows:

(i) 20,000 square ft where such principal building will be served by a public or community sewage disposal system; and
(ii) 40,000 square ft where such principal building will not be served by a public or community sewage disposal system.

(6) Notwithstanding the minimum lot size provisions contained in paragraph (5) of this subdivision, the clustering of principal buildings utilized for residential purposes, including multiple family dwellings, shall be permitted at the request of an applicant for a permit under this Part in order to encourage the maintenance of undeveloped areas in or adjoining tidal wetlands. Provided, such clustering procedure shall in no case result in more principal buildings on the area regulated by this Part than would be permitted by the application of the minimum lot size criteria in paragraph (5) of this subdivision.

(7) The minimum setback of all hard surface driveways, roads and parking lots and similar impervious surfaces exceeding 500 square ft in size on the property involved, overhead utility line poles and railroads, shall be 75 ft from any tidal wetland. Provided, within the boundaries of the city of New York the minimum setback required by this paragraph shall be 30 ft. Further provided, this provision shall not be applicable to any portion of a regulated activity that involves a crossing or direct access to a tidal wetland on the subject property.

(8) Any substantial increase in surface water runoff to tidal waters classified SA, as defined in section 701.5 of this Title, or to any other surface waters which are within 1,000 ft of any SA waters and are adjacent or tributary to such SA waters, shall be prevented from directly running into any such waters by the utilization of sufficient runoff control measures, including but not limited to the installation of dry wells, retention basins, filters, open swales or ponds. Any such dry well, retention basin, filter, open swale or pond to be constructed in order to prevent direct surface water runoff to said SA and other surface waters shall be designed and constructed to handle the water runoff produced on the project site by a five-year storm.

On November 17, 2018, a wetland delineation was completed as part of the site plan application package and subsequent NYSDEC Tidal Wetlands Permit application was submitted to NYSDSEC. On April 29, 2020, NYSDEC issued a Tidal Wetlands Permit (Permit No. 1-4736-00899/00015) for the proposed action (see Appendix C of this DEIS).

Chapter 325 of the Town Code (Wetlands)

Chapter 325 of the Town Code (Wetlands) provides regulations for the protection of Town wetlands, defined as follows: "*All lands lying in the area inundated by tidal action and/or peak lunar tides exhibiting salt marsh peat and saline or brackish soils at their undisturbed surface; all estuaries, tidal fresh marshes, salt meadow, tidal flats and littoral zones; and all lands which are dominated by one or more of the following plant species or associations: salt marsh hay (Spartina patens), spike-grass (Distichlis spicata), black grass (Juncus gerardi), saltwater cordgrass (Spartina alerniflora), saltwort (Salsola kali), glasswort (Salicornia spp.), sea lavendar (Limonium carolinanus), salt marsh bulrush or chairmaker's rush (Scirpus spp.), sand spurry (Spergularia marina), groundsel bush (Baccharis halimifolia), high tide bush or marsh elder (Iva frutescens), spikerush (Eleocharis spp.), bent grass*

(Agrotis spp.), sea blite (Suaeda spp.), umbrella sedges (Fimbrisylis spp.), Rose-mallow (Hibiscus moscheutos), narrow-leaf cattail (Typha angustifolia), arrow-grass (Triglochin maritimum), pickerel weed, (Pontederia cordata), blue flag (Iris versicolor), softstem bulrush (Scirpus validus), tussock sedge (Carex stricta) and common reed (Phragmites spp.), provided that such common reed is underlain by bog, peat, hydric or saturated soils or is inundated by tidal waters. Field indicators of wetland hydrology or inundation shall include, among others, visual observation of inundation, visual observation of soil saturation within 24 inches of the soil surface, water marks (e.g., silt or pollen lines), drift lines (e.g., deposits of water-borne debris), sediment deposits (e.g., sediment that settled out of standing water on plant bases or objects on the ground), staining or matting of soils, leaves or vegetation, drainage patterns in wetlands (e.g., braided channels in wetlands, scouring of debris, evidence of sheet flow), and local soil survey data (e.g., typical water table depths, durations, and soil series mapped in the county). Field indicators of bog, peat, hydric or saturated soils shall include characteristic hydric soil profiles, horizons, composition, color, texture, odor, moisture, taxonomy, and/or soil surveys."

Pursuant to §325-6 (Regulated Activities and Areas), any development or land disturbing activities within 200 ft of a wetland boundary is subject to a Wetlands Permit from the Town Conservation Board. As the subject site is within 200 ft of a wetland boundary and activities including erecting, constructing, reconstructing, or enlarging a structure as well as the building, creating, or installation of any cesspool, septic tank, leaching field or other in-ground sewage or other waste disposal or storage system, including any pipe, conduit or other part thereof are proposed, the regulations for development set forth in §325-9 apply. An analysis of the proposed action with the standards set forth in §325-9 is included in Section 2.2.2 of this DEIS.

Mapped Floodplains and Flooding

According to the Federal Emergency Management Agency (FEMA) Flood Insurance Rate Map (FIRM), (FEMA Map Panel ID: 36103C0779H), the entirety of the subject property is within a Special Flood Hazard Area (SFHA) (see Figure 7 in Appendix A of this DEIS). Each SFHA within the subject property includes a BFE. FEMA defines a BFE as, "*the elevation of surface water resulting from a flood that has a one-percent chance of equaling or exceeding that level in any given year.*"[9]

Additionally, the entirety of the subject property is seaward of the Limit of Moderate Wave Action (LiMWA) line, located south of the subject property south of Dune Road. FEMA defines the LiMWA as, "*the inland limit of the Coastal A Zone— the part of the coastal SFHA referenced by building codes and standards where wave heights can be between 1.5 and 3 ft during a base flood event. Past events have shown that waves as small as 1.5 ft can cause foundation failure and structural damage to buildings.*"[10] Areas and structures within the LiMWA are at an increased risk of damage from waves and are encouraged to adhere to more stringent building code requirements.

The overall subject property is mapped as follows:

- The northern and eastern boundaries of the portion of the subject property (north of the previously dug canal connecting the existing marina to Shinnecock Bay) are within Zone VE:

[9] https://www.fema.gov/node/404233
[10] https://www.fema.gov/flood-maps/coastal/insurance-rate-maps

BFE 10 ft. FEMA defines Zone VE as a Coastal High Hazard Area, "*along the coasts that have additional hazards due to wind and wave action of three ft or greater*."[11] These hazards, "*…can cause extensive damage during a base flood event…. To address the added wave hazard, more stringent building practices are required in Zone VE, such as elevating a home on pilings so that waves can pass beneath it, or a prohibition to building on fill, which can be easily washed away by waves. These practices are intended to improve the chance of a home safely weathering a flood event*."[5]

- The central parts of this portion of the subject property are within Zone AE: BFE 10 ft to the northwest and Zone AE: BFE 11 ft to the southeast. The previously dug canal connecting the existing marina to Shinnecock Bay and subject site are within Zone AE: BFE 12 ft. FEMA defines Zone AE as, "*areas that have at least a one-percent-annual-chance of being flooded, but where wave heights are less than three ft*".[5] Although not identified on the FEMA FIRM, FEMA identifies the landward area of the subject property as the Coastal A Zone as it is seaward of the LiMWA and landward of the Zone V and subjected to flooding from a coastal or tidal source.[12]

The eastern portion of the subject site, inclusive of the eastern parking lot and restaurant, is currently within the CBRS Tiana Beach Unit F13 map, dated October 15, 1992 (see Figure 8 in Appendix A of this DEIS). Areas identified within the CBRS areas are not indicated on the printed FEMA FIRM and are managed by the USFWS. These areas are relatively undeveloped coastal barriers and other areas located along the coasts of the Atlantic Ocean, Gulf of Mexico, Great Lakes, U.S. Virgin Islands, and Puerto Rico.[13] However, pursuant to a Letter of Map Revision (LOMR) Determination Document issued by FEMA effective February 15, 2019, in response to the Superstorm Sandy Remapping Project undertaken by the USFWS, the subject property along with various areas along the New York coastline are identified to be removed from the CBRS boundary as the areas were improperly sited (see Appendix I of this DEIS). In April 2022, USFWS submitted the *Report to Congress: John H. Chafee Coastal Barrier Resources System Hurricane Sandy Remapping Project* to the United States Congress. The report outlined final recommended maps for congressional review.[14] The proposed changes to the map will not take effect until the United States Congress adopts the proposed modifications through legislation. The final recommended map submitted to Congress CBRS Unit F13 map is included in Appendix I of this DEIS. Additional information regarding the CBRS areas is included in Section 3.5.1 of this DEIS.

It is noted that a Dune Road resurfacing project was undertaken in 2017 to alleviate roadway flooding. This two-phased project was conducted by the Southampton Town Highway Department from west of the Ponquogue Bridge from Road K to just east of the Quogue Village line.[15] It is noted that during Hurricane Henri in August 2021, with rainfall amounts recorded at 1.66 inches at the Phillips Creek Station (KNYEASTQ7) in East Quogue north of the subject property, there was no flooding along Dune Road. During a site visit conducted by PWGC on August 5, 2021, puddling at low points on the subject

[11] https://www.fema.gov/node/404318
[12] https://www.fema.gov/sites/default/files/documents/fema_technical-bulletin-0_users-guide_1-2021.pdf
[13] https://www.fws.gov/library/collections/official-coastal-barrier-resources-system-maps
[14] https://www.fws.gov/sites/default/files/documents/Appendix-G-NY-Hurricane-Sandy-CBRS-Report-2022.pdf
[15] https://www.southamptontownny.gov/1108/Dune-Road-Resurfacing

site and at the driveway apron were observed as a result of rain earlier in the day. Photographs from the site visit are included in Appendix K of this DEIS.

United States Geological Survey (USGS) Flood Event Viewer – Superstorm Sandy

The USGS collected storm-related data with regards to water levels, storm tide, wave height, and high-water marks from floodwaters at over 224 locations from Maine to Virginia during and after Superstorm Sandy. This data was used to establish a Flood Event Viewer that USGS utilized to track the storm and respond to the most-impacted areas.[16]. One of the monitoring locations, Site Number NYSUF07641, is located approximately 0.25 miles southwest of the subject property at 244 Dune Road in the Village of Quogue. The Flood Event Viewer indicated the high-water mark from floodwaters from Superstorm Sandy at this monitoring location was 6.4 ft AMSL. The accuracy of the data provided is ±0.05 ft. Based upon this data, it is assumed the high-water mark at the subject site also reached approximately 6.4 ft AMSL.

The impact of a similar storm surge for the proposed development is evaluated in Section 2.2.2 of this DEIS.

FEMA Guidelines for Development

Pursuant to 44 CFR §59.1, "development" is defined as, "*any man-made change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations or storage of equipment or materials.*"[17] As discussed above, the subject property is within both Zones AE and VE and is seaward of the LiMWA. However, the subject site is located entirely within Zone AE: BFE 12.

The National Flood Insurance Program (NFIP) requires development within the Coastal A Zone to adhere to the Zone A development requirements. However, the most recent editions of International Building Code and ASCE 24-14 (Flood Resistant Design Construction) require residential development to adhere to Zone VE building construction standards. For development within Zone VE, "*the bottom of the lowest horizontal structural member of the lowest floor of a structure (excluding pilings or columns) must be elevated to or above the BFE."* In New York State, an additional two ft of freeboard above the BFE is required for the development of multifamily residential structures.[18] Therefore, the lowest horizontal structural member for development at the subject property is required to be 14± ft AMSL.

Pursuant to 44 CFR §60.3(e)(1-9) *Flood Plain Management Criteria for Flood-Prone Areas,*[19] the following building standards have been set forth for development within Zone VE:

[16] https://www.usgs.gov/mission-areas/water-resources/science/hurricane-sandy-tracking-water-levels?qt-science_center_objects=0#qt-science_center_objects
[17] https://www.ecfr.gov/current/title-44
[18] https://www.dec.ny.gov/docs/administration_pdf/crraestelevguidelines.pdf
[19] https://www.ecfr.gov/current/title-44

(e) When the Federal Insurance Administrator has provided a notice of final base flood elevations within Zones A1-30 and/or AE on the community's FIRM and, if appropriate, has designated AH zones, AO zones, A99 zones, and A zones on the community's FIRM, and has identified on the community's FIRM coastal high hazard areas by designating Zones V1-30, VE, and/or V, the community shall:

(1) Meet the requirements of paragraphs (c)(1) through (14) of this section

(C1) Require the standards of paragraph (b) of this section within all A1-30 zones, AE zones, A zones, AH zones, and AO zones, on the community's FIRM;

(C2) Require that all new construction and substantial improvements of residential structures within Zones A1-30, AE and AH zones on the community's FIRM have the lowest floor (including basement) elevated to or above the base flood level, unless the community is granted an exception by the Federal Insurance Administrator for the allowance of basements in accordance with § 60.6 (b) or (c);

(C3) Require that all new construction and substantial improvements of non-residential structures within Zones A1-30, AE and AH zones on the community's firm (i) have the lowest floor (including basement) elevated to or above the base flood level or, (ii) together with attendant utility and sanitary facilities, be designed so that below the base flood level the structure is watertight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy;

(C4) Provide that where a non-residential structure is intended to be made watertight below the base flood level, (i) a registered professional engineer or architect shall develop and/or review structural design, specifications, and plans for the construction, and shall certify that the design and methods of construction are in accordance with accepted standards of practice for meeting the applicable provisions of paragraph (c)(3)(ii) or (c)(8)(ii) of this section, and (ii) a record of such certificates which includes the specific elevation (in relation to mean sea level) to which such structures are floodproofed shall be maintained with the official designated by the community under § 59.22(a)(9)(iii);

(C5) Require, for all new construction and substantial improvements, that fully enclosed areas below the lowest floor that are usable solely for parking of vehicles, building access or storage in an area other than a basement and which are subject to flooding shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters. Designs for meeting this requirement must either be certified by a registered professional engineer or architect or meet or exceed the following minimum criteria: A minimum of two openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding shall be provided. The bottom of all openings shall be no higher than one foot above grade. Openings may be equipped with screens, louvers, valves, or other coverings or devices provided that they permit the automatic entry and exit of floodwaters.

(C6) Require that manufactured homes that are placed or substantially improved within Zones A1-30, AH, and AE on the community's FIRM on sites

(i) Outside of a manufactured home park or subdivision,
(ii) In a new manufactured home park or subdivision,
(iii) In an expansion to an existing manufactured home park or subdivision, or
(iv) In an existing manufactured home park or subdivision on which a manufactured home has incurred "substantial damage" as the result of a flood, be elevated on a permanent foundation such that the lowest floor of the manufactured home is elevated to or above the base flood elevation and be securely anchored to an adequately anchored foundation system to resist floatation collapse and lateral movement.

(C7) Require within any AO zone on the community's FIRM that all new construction and substantial improvements of residential structures have the lowest floor (including basement) elevated above the highest adjacent grade at least as high as the depth number specified in ft on the community's FIRM (at least two ft if no depth number is specified);

(C8) Require within any AO zone on the community's FIRM that all new construction and substantial improvements of nonresidential structures (i) have the lowest floor (including basement) elevated above the highest adjacent grade at least as high as the depth number specified in ft on the community's FIRM (at least two ft if no depth number is specified), or (ii) together with attendant utility and sanitary facilities be completely floodproofed to that level to meet the floodproofing standard specified in § 60.3(c)(3)(ii);

(C9) Require within any A99 zones on a community's FIRM the standards of paragraphs (a)(1) through (a)(4)(i) and (b)(5) through (b)(9) of this section;

(C10) Require until a regulatory floodway is designated, that no new construction, substantial improvements, or other development (including fill) shall be permitted within Zones A1-30 and AE on the community's FIRM, unless it is demonstrated that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood more than one foot at any point within the community.

(C11) Require within Zones AH and AO, adequate drainage paths around structures on slopes, to guide floodwaters around and away from proposed structures.

(C12) Require that manufactured homes to be placed or substantially improved on sites in an existing manufactured home park or subdivision within Zones A-1-30, AH, and AE on the community's FIRM that are not subject to the provisions of paragraph (c)(6) of this section be elevated so that either

(i) The lowest floor of the manufactured home is at or above the base flood elevation, or
(ii) The manufactured home chassis is supported by reinforced piers or other foundation elements of at least equivalent strength that are no less than 36 inches in

height above grade and be securely anchored to an adequately anchored foundation system to resist floatation, collapse, and lateral movement.

(C13) Notwithstanding any other provisions of § 60.3, a community may approve certain development in Zones Al-30, AE, and AH, on the community's FIRM which increase the water surface elevation of the base flood by more than one foot, provided that the community first applies for a conditional FIRM revision, fulfills the requirements for such a revision as established under the provisions of § 65.12, and receives the approval of the Federal Insurance Administrator.

(C14) Require that recreational vehicles placed on sites within Zones A1-30, AH, and AE on the community's FIRM either

(i) Be on the site for fewer than 180 consecutive days,
(ii) Be fully licensed and ready for highway use, or
(iii) Meet the permit requirements of paragraph (b)(1) of this section and the elevation and anchoring requirements for "manufactured homes" in paragraph (c)(6) of this section.

A recreational vehicle is ready for highway use if it is on its wheels or jacking system, is attached to the site only by quick disconnect type utilities and security devices, and has no permanently attached additions.

(2) Within Zones V1-30, VE, and V on a community's FIRM, (i) obtain the elevation (in relation to mean sea level) of the bottom of the lowest structural member of the lowest floor (excluding pilings and columns) of all new and substantially improved structures, and whether or not such structures contain a basement, and (ii) maintain a record of all such information with the official designated by the community under §59.22(a)(9)(iii);

(3) Provide that all new construction within Zones V1-30, VE, and V on the community's FIRM is located landward of the reach of mean high tide;

(4) Provide that all new construction and substantial improvements in Zones V1-30 and VE, and also Zone V if base flood elevation data is available, on the community's FIRM, are elevated on pilings and columns so that (i) the bottom of the lowest horizontal structural member of the lowest floor (excluding the pilings or columns) is elevated to or above the base flood level; and (ii) the pile or column foundation and structure attached thereto is anchored to resist flotation, collapse and lateral movement due to the effects of wind and water loads acting simultaneously on all building components. Water loading values used shall be those associated with the base flood. Wind loading values used shall be those required by applicable State or local building standards. A registered professional engineer or architect shall develop or review the structural design, specifications and plans for the construction, and shall certify that the design and methods of construction to be used are in accordance with accepted standards of practice for meeting the provisions of paragraphs (e)(4) (i) and (ii) of this section.

(5) Provide that all new construction and substantial improvements within Zones V1-30, VE, and V on the community's FIRM have the space below the lowest floor either free of obstruction or constructed with non-supporting breakaway walls, open wood lattice-work, or insect screening intended to collapse under wind and water loads without causing collapse, displacement, or other structural damage to the elevated portion of the building or supporting foundation system. For the purposes of this section, a breakaway wall shall have a design safe loading resistance of not less than 10 and no more than 20 pounds per square foot. Use of breakaway walls which exceed a design safe loading resistance of 20 pounds per square foot (either by design or when so required by local or State codes) may be permitted only if a registered professional engineer or architect certifies that the designs proposed meet the following conditions:

(i) Breakaway wall collapse shall result from a water load less than that which would occur during the base flood; and

(ii) The elevated portion of the building and supporting foundation system shall not be subject to collapse, displacement, or other structural damage due to the effects of wind and water loads acting simultaneously on all building components (structural and non-structural). Water loading values used shall be those associated with the base flood. Wind loading values used shall be those required by applicable State or local building standards.

Such enclosed space shall be useable solely for parking of vehicles, building access, or storage.

(6) Prohibit the use of fill for structural support of buildings within Zones V1-30, VE, and V on the community's FIRM;

(7) Prohibit man-made alteration of sand dunes and mangrove stands within Zones V1-30, VE, and V on the community's FIRM which would increase potential flood damage.

(8) Require that manufactured homes placed or substantially improved within Zones V1-30, V, and VE on the community's FIRM on sites

(i) Outside of a manufactured home park or subdivision,
(ii) In a new manufactured home park or subdivision,
(iii) In an expansion to an existing manufactured home park or subdivision, or
(iv) In an existing manufactured home park or subdivision on which a manufactured home has incurred "substantial damage" as the result of a flood, meet the standards of paragraphs (e)(2) through (7) of this section and that manufactured homes placed or substantially improved on other sites in an existing manufactured home park or subdivision within Zones VI-30, V, and VE on the community's FIRM meet the requirements of paragraph (c)(12) of this section.

(9) Require that recreational vehicles placed on sites within Zones V1-30, V, and VE on the community's FIRM either

> *(i) Be on the site for fewer than 180 consecutive days,*
> *(ii) Be fully licensed and ready for highway use, or*
> *(iii) Meet the requirements in paragraphs (b)(1) and (e) (2) through (7) of this section.*

Currently, the applicant carries NFIP Direct flood insurance through FEMA for the existing operations at the subject property (see Appendix N of this DEIS). The current policy term is from July 26, 2023 through July 26, 2024. The proposed action's consistency with 44 CFR §60.3(e)(1-9) is discussed in Section 2.2.2 of this DEIS and eligibility for federally-backed flood insurance is presented in Section 3.5.2 of this DEIS.

Chapter 169 of Town Code (Flood Damage Prevention)

Chapter 169 of the Town Code, Flood Damage Prevention, provides regulations for minimizing the threat of damage to private and public housing and facilities and human life from flooding and erosion within the Town. The purpose of Chapter 169 is,

> *"to promote the public health, safety and general welfare and to minimize public and private losses due to flood conditions in specific areas by provisions designed to: A. Regulate uses which are dangerous to health, safety and property due to water or erosion hazards or which result in damaging increases in erosion or in flood heights or velocities; B. Require that uses vulnerable to floods, including facilities which serve such uses, be protected against flood damage at the time of initial construction; C. Control the alteration of natural floodplains, stream channels and natural protective barriers which are involved in the accommodation of floodwaters; D. Control filling, grading, dredging and other development which may increase erosion or flood damages; E. Regulate the construction of flood barriers which will unnaturally divert floodwaters or which may increase flood hazards to other lands; and F. Qualify for and maintain participation in the National Flood Insurance Program."*

As the subject site is within an identified SFHA of the Town of Southampton, a floodplain development permit is required pursuant to §169-11.A *Floodplain Development Permit Required*. The proposed action's consistency with the applicable sections of §169-17 *Residential Structures (Coastal High-Hazard Areas)* is presented in Section 2.2.2 of this DEIS.

New York State Housing Recovery Program – Buyout and Acquisition Programs

As set forth in the Final Scope dated December 17, 2020, evaluating the consistency of a high-density residential use on a barrier island with the concept of strategic retreat is required. Additionally, a discussion of the New York State buyout program underway following Superstorm Sandy is also required.

The intent of strategic retreat is to remove populations and structures at risk of damage from coastal storms and restore the natural floodplains (page 2).[20] Property acquisitions and buyouts by the government are an example of strategic retreat currently utilized in New York State. Following the

[20] https://scholarship.law.columbia.edu/cgi/viewcontent.cgi?article=1146&context=sabin_climate_change

receipt of funds from Superstorm Sandy, the New York Rising Housing Recovery Program was established as part of the State of New York Action Plan for Community Development Block Grant Program Disaster Recovery (CDBG-DR) for residential property owners living in any of the counties designated as disaster areas following Superstorm Sandy, Hurricane Irene, and Tropical Storm Lee (page 21).[21] Eligible properties are those that were either substantially damaged (damage costs exceeded more than 51-percent of the structure value) or were destroyed during the aforementioned storm events and are within the mapped FEMA floodplain or are not FEMA-compliant (page 26). Additionally, the CDBG-DR program benefits low- and moderate-income areas and is a key criterion of eligibility for either the buyout or acquisition program.

New York State's response to these storms with regards to buyouts and acquisitions is an example of how FEMA's recommendation for strategic retreat is implemented. It is the intent of the program to minimize the risk to human life and property impacted by repeated flooding events. Through the buyout program, the New York State government purchases the properties from the owners, the residential structures are removed, and the parcels are turned into natural coastal buffers such as wetlands, open space, or stormwater management systems. Through the acquisition program, the New York State government buys the properties from the owners and maintains the residence so that the housing stock in the area is not depleted and redevelops a residence in a resilient manner to reduce future storm damage. For both programs, it is the property owner's decision as to whether or not to accept the price offered by the State.

As the subject property is currently used for commercial purposes, acquisition is not available to the property owner.

National Oceanic and Atmospheric Administration (NOAA) Sea, Lake, and Overland Surges from Hurricanes (SLOSH) Zone

The National Weather Service (NWS) developed the Sea, Lake, and Overland Surges from Hurricanes (SLOSH) model to, "*estimate storm surge heights resulting from historical, hypothetical, or predicted hurricanes by taking into account the atmospheric pressure, size, forward speed, and track data…*"[22] Storm surge is defined as, "*an abnormal rise of water generated by a storm, over and above the predicted astronomical tides.*"[23] The model is represented as a grid with individual grid cells. The elevation for each grid cell is the average of the ground surface elevations found within that grid cell. The water surface elevations are determined in the same manner. For each grid cell, an average water surface elevation is found and assigned to that cell. Therefore, the model can take into account the unique location's shoreline to ensure predictions consider the unique configurations, water depths, bridges, roads, levees, or other physical features when determining future storm surge heights. The extent of the storm surge can extend beyond the shoreline and reach inland locations. The model guides emergency management personnel in establishing hurricane storm surge evacuation zones and determining evacuation routes based on previous storms. To best understand the risk posed by a storm, the model is most effective when run in real-time with an approaching storm.

[21] https://stormrecovery.ny.gov/sites/default/files/crp/community/documents/20210729_BuyoutAcquisition_PolicyManual_7.1_Final_0.pdf
[22] https://www.nhc.noaa.gov/surge/slosh.php
[23] https://www.nhc.noaa.gov/surge/

The SLOSH model is anticipated to be within 20±-percent of the peak storm surge event using two models - the Maximum Envelope of Water (MEOW) method and Maximum of the MEOW (MOM) method.[24] Numerous generalizations can be made from the SLOSH models. More intense storms cause higher storm surges with the highest surges occurring to the right of the storm track. The direction of the storm approach will also impact the extent of flooding. Depending on the location, storms traveling in one direction may cause extensive flooding, while a storm with the same magnitude traveling in a different direction may cause minimal flooding. Faster moving storms will have higher surges along the open coast and slow-moving storms will have high surges inside bays and estuaries.

Based on the National Storm Surge Hazard Map[25], the subject property is vulnerable to the following storm surge scenarios should hurricanes rated Category 1 through 4 on the Saffir-Simpson Hurricane Wind Scale be observed (see Figure 9 in Appendix A of this DEIS)[26]:

- Category 1 – greater than six ft above ground
- Category 2 – greater than six ft above ground
- Category 3 – greater than nine ft above ground
- Category 4 – greater than nine ft above ground

The model does not provide SLOSH information for Category 5 storms north of the North Carolina and Virginia border.

Based on the maps, storm surge depths of six (6.0) ft above grade level during both Category 1 and Category 2 hurricanes could be experienced across the entirety of the subject property. During Category 3 and Category 4 hurricanes, storm surge depths of nine (9.0) ft above grade level could be experienced across the entirety of the subject property.

The impact of storm surge on the proposed development is evaluated in Section 2.2.2 of this DEIS.

NOAA and Association of State Floodplain Managers (ASFPM) No Adverse Impacts Approach to Floodplain Management

In 2007, NOAA and Association of State Floodplain Managers (ASFPM) issued framework that addressed the shortcomings of typical local floodplain management programs entitled "No Adverse Impact" (NAI) floodplain management.[27] Specifically, NAI aims to, "*[anticipate] the potential negative effects of any development or flood control action on other people, their property and on the coastal environment itself. Such negative effects could be direct, such as causing shoreline erosion on the adjacent property. Or negative effects could be indirect, such as undermining the economic value of a fishery or*

[24] The MEOW includes the maximum level the water reaches at any point in time, given the hypothetical storm and takes into account the category, forward speed of the storm, initial tide levels, and general track direction. The MOM is a composite of the maximum storm surge height for all hurricanes of a specific category. There is no consideration for forward speed, track direction and landfall location but does consider tide levels.
[25] https://experience.arcgis.com/experience/203f772571cb48b1b8b50fdcc3272e2c
[26] https://www.nhc.noaa.gov/aboutsshws.php
[27] https://s3-us-west-2.amazonaws.com/asfpm-library/FSC/NAI/Coastal_No_Adverse_Impact_Handbook_2007.pdf

altering the filtration capacity of an estuary." NAI assists coastal communities and States in achieving disaster resilience where the environment can withstand a coastal storm impact and readily recover while also contributing to long-term sustainability of the coastal environment. It is the objective of NAI to ensure, "*the action of any community or property owner, public or private, is not allowed to adversely affect coastal resources or the property or rights of others*."[11] This includes, "*avoiding or reducing flood losses…and averting possible legal challenges over causing or aggravating real perceived flood problems."* NAI discourages projects that would:

1. *Pose a threat to public safety;*
2. *Increase flood or storm damage to public or private property; and/or*
3. *Increase the strain on municipal budgets by forcing communities to pay for damages resulting from the project.*

The benefits of integrating NAI into floodplain management decisions include:

1. *Saving money;*
2. *Decreasing litigation;*
3. *Reduce conflicts with property owners;*
4. *Reduce damage to public and private property and loss of life;*
5. *Lower flood insurance rates;*
6. *Increase a community's capacity to bounce back after a storm;*
7. *Clarify a community's land-use objectives;*
8. *Preserve quality of life; and*
9. *No Adverse Impact works for any type of coastline.*

NAI outlines seven building blocks decision-makers can use to implement the principles of NAI: (1) hazard identification and mapping, (2) planning, (3) regulations and development standards, (4) mitigation measures, (5) infrastructure, (6) emergency services, and (7) education and outreach. Each building block is then analyzed using three levels for decision-makers to assess their actions: basic, better, and NAI level. The NAI level provides examples of techniques that ensure the development and potential flood damage reduction measures proposed offer maximum resiliency both for now and in the future. For NAI to be most effective, its applicability not only within the specific coastal zone is important but its application to the watershed as a whole.

The applicability and consideration of this framework for the proposed action is addressed in Section 2.2.2.

<u>*Surface Waters and Coastal Resources*</u>

Shinnecock Bay – Waterbody Classification (6 NYCRR Part 701)

The subject property is located in the western portion of Shinnecock Bay and on the coastal barrier island which defines the southern boundary of Shinnecock Bay. The classification of all waters in New York State are defined at 6 NYCRR Part 701 of the New York State Code. These classifications are broken down into four types of waterbodies (i.e., fresh surface waters, saline [marine] surface waters,

groundwaters, and trout waters). The classifications provide descriptive designations that define the best usage for each type of classified waterbody. General conditions that apply to all water classifications, as defined at 6 NYCRR §701.1, is "the discharge of sewage, industrial waste or other wastes shall not cause impairment of the best usages of the receiving water as specified by the water classifications at the location of discharge and at other locations that may be affected by such discharge." Shinnecock Bay is classified as a saline surface water. Saline (marine) surface waters are classified as follows (6 NYCRR §§ 701.10 through 701.14):

- *Class SA – The best usages of Class SA waters are shellfishing for market purposes, primary and secondary contact recreation and fishing. These waters shall be suitable for fish, shellfish and wildlife propagation and survival.*

- *Class SB – The best usages of Class SB waters are primary and secondary contact recreation and fishing. These waters shall be suitable for fish, shellfish and wildlife propagation and survival.*

- *Class SC – The best usage of Class SC waters is fishing. These waters shall be suitable for fish, shellfish and wildlife propagation and survival. The water quality shall be suitable for primary and secondary contact recreation, although other factors may limit the use for these purposes.*

- *Class I – The best usages of Class I waters are secondary contact recreation and fishing. These waters shall be suitable for fish, shellfish, and wildlife propagation and survival. In addition, the water quality shall be suitable for primary contact recreation, although other factors may limit the use for this purpose.*

- *Class SD – The best usage of Class SD waters is fishing. These waters shall be suitable for fish, shellfish and wildlife survival. In addition, the water quality shall be suitable for primary and secondary contact recreation, although other factors may limit the use for these purposes. This classification may be given to those waters that, because of natural or man-made conditions, cannot meet the requirements for fish propagation.*

According to the NYSDEC Environmental Resource Mapper, Shinnecock Bay is classified as a Class SA saline surface water (see Figure 20 in Appendix A of this DEIS).[28]

Based on the classification of Shinnecock Bay as a Class SA saline surface water and definition provided at 6 NYCRR § 701.10, shellfishing is a permissible activity within Shinnecock Bay. Pursuant to 6 NYCRR Part 41 (*Sanitary Conditions on Shellfish Lands*) of the New York State Code, the canal area north of the subject site is not subject to the seasonal closures of Shinnecock Bay (see Figure 21 in Appendix A of this DEIS). However, it is important to note an oyster reef restoration is located northwest of the subject property and shellfishing is not permitted in that area. Additional information regarding the restoration program is discussed later in this section of the DEIS.

[28] https://www.dec.ny.gov/animals/38801.html

Shinnecock Bay Restoration Program

In response to the decades-long deteriorating aquatic environment of Shinnecock Bay, the Shinnecock Bay Restoration Program (ShiRP) was formed in 2012 between Stony Brook SoMAS and the Institute for Ocean Conservation Science (IOCS) at Stony Brook to "*improve water quality and bring back a thriving ecosystem to Shinnecock Bay with a strong foundation in science and an ongoing monitoring program that informs our efforts… our science-based model for estuary restoration can have positive implications and lessons for other initiatives of its kind…*"[29] Initially, the program was established to run for five years but is still underway.

The goals of the program are:

- *Enhance natural filtration capacity of the ecosystem with bivalves (clams and oysters);*
- *Expand remaining eelgrass beds by deploying millions of seeds;*
- *Understand how harvesting macroalgae can help with nutrient removal;*
- *Monitor the fish and invertebrate populations in the bay to understand change over time;*
- *Evaluate the effectiveness of our restoration strategies through robust monitoring; and*
- *Communicate our goals and progress with stakeholders and the public.*

Currently within Shinnecock Bay there is a depletion of the bivalve population (clams and oysters), harmful algal blooms (HABs), such as brown tide and red tide, threaten fisheries, public health, and the economy have become more frequent due to the depletion of the bivalve population and increase in nitrogen in the water, and there is a declining seagrass and fish population.[30] Brown tide is caused by a dense bloom of *Aureococcus anophagefferens* that occurs when there is high amounts of organic nitrogen in the water and is common in the summer months. Red tide is caused by dinoflagellates called *Cochlodinium polykrikoides and Alexandrium fundyense* which produce a saxitoxin that when accumulated in shellfish causes paralytic shellfish poisoning (PSP) if consumed by humans. In May 2011, the entire Shinnecock Bay was closed to shellfishing due to the high levels of saxitoxins. As a result of the HABs, much of the seagrass and eelgrass beds of Shinnecock Bay have deteriorated and no longer provide the essential habitat for shellfish and finfish nursery habitat. These beds are essential as they generate oxygen, absorb nutrients, bind sediments, and buffer against storms.

The program includes four focus areas for restoration including creating hard clam sanctuaries, oyster reefs, eelgrass, and macroalgae. Based on the map identifying the restoration efforts of ShiRP, the subject property is within an area that focuses on utilizing oysters for water restoration and an oyster reef is located northwest of the subject property (see Figure 22 in Appendix A of this DEIS).[31] In support of the clam sanctuaries, the Town of Southampton Town Trustees created no clamming zones within the clam sanctuaries to allow the clams to reproduce and subsequently filter water, which benefits the health of Shinnecock Bay.[32] Clamming in areas outside of the restoration areas is permissible. Additionally, there are four (4) total oyster reefs in Shinnecock Bay that have been in place since 2018. SoMAS and IOCS chose the strategy of reseeding the eelgrass in existing areas as it was

[29] http://shinnecockbay.org/about/index.html
[30] http://shinnecockbay.org/program/current.html
[31] http://shinnecockbay.org/program/location.html
[32] http://shinnecockbay.org/program/index.html

determined there was a greater chance of survival in extending an existing habitat area. The subject property is within an oyster restoration area and an oyster reef is located northwest of the subject property (see Figure 22 in Appendix A of this DEIS).

Within Shinnecock Bay, the reseeding initiative has resulted in an additional 10 acres of eelgrass habitat in Western Shinnecock Bay, where the subject property is located. To evaluate potential mitigation initiatives for excess nitrogen, harvesting seaweed is conducted to determine which seaweed species capture the most nitrogen in certain months and in certain locations. It is also an objective of this research to determine if seaweed could be converted to organic soil fertilizer to further reduce nitrogen being introduced into Shinnecock Bay. Through the data collected, SoMAS and IOCS understand the impact activities on the land and water are having on the health of the bay and how to direct the restoration.

Since implementation, ShiRP has seen success in the hard clam sanctuaries and growth of hard clams thriving outside of the sanctuaries, oyster reefs are thriving, HABs have improved and there were no PSP closures in Shinnecock Bay in 2019, eelgrass has improved, and the biomass and species diversity within Shinnecock Bay has improved and overall habitats have improved as well.[33]

Draft New York State 2018 Section 303(d) List of Impaired Waters Requiring a TMDL/Other Strategy

Section 303(d) of the Clean Water Act (CWA), "*requires states to identify the subset of state waterbodies where water quality standards are not met and where uses are not supported. The Section 303(d) List includes those waters (and associated pollutants) that do not support uses, and which require development of a Total Maximum Daily Load (TMDL) strategy.*" *The Draft New York State 2018 Section 303(d) List of Impaired Waters Requiring a TMDL/Other Strategy* (hereinafter "303(d) List of Impaired Waters") was issued on June 20, 2018. Shinnecock Bay and Inlet (1701-0033) was added to the 303(d) List of Impaired Waters in 2010 due to nitrogen from on-site water treatment systems and urban runoff entering the waterbody. As a result of these pollutant sources, the development of a TMDL is required.[34]

NYSDOS Significant Coastal Fish and Wildlife Habitat

The subject property is within the Dune Road Marsh New York State Department of State (NYSDOS) Coastal Fish and Wildlife Habitat (see Figure 23 in Appendix A of this DEIS). Pursuant to the Coastal Fish and Wildlife Habitat Assessment Form for Dune Road Marsh, accessed from the NYSDOS website, the habitat is described as follows:

> *"…located on the south shore of Shinnecock Bay, extending approximately six and one-half miles along the Tiana Beach barrier island, west of Shinnecock Inlet. Dune Road Marsh is separated from Tiana Beach by Dune Road which runs along the Dune Road Marsh southern boundary.* [The area is approximately] *1,500 acres* [and] *is comprised primarily of undeveloped salt marshes, tidal mudflats, and dredged material islands. Characteristic communities of this*

[33] http://shinnecockbay.org/program/objectives.html
[34] https://www.dec.ny.gov/docs/water_pdf/section303d2018.pdf

> *estuarine intertidal subsystem include high salt marsh, low salt marsh (a 468-acre coverage) and maritime beach dominated by smooth cordgrass (Spartina alterniflora), salt hay grass (Spartina patens), and common glasswort (Salicornia europea). The Dune Road Marsh habitat contains one of the few remaining examples of unaltered salt marsh, with few human disturbances, on Long Island. Maritime beach is a sparsely vegetated community dominated by beach grass (Ammophila breviligulata). Maritime beach occurs on unstable sand, gravel, or cobble ocean shores above mean high tide, where the shore is modified by storm waves and wind erosion. This community is an important nesting ground for beach nesting shore birds. Shallow open water areas (less than approximately 4 ft deep at mean low water) dominate the aquatic portion of this habitat.*[35]

The Coastal Fish and Wildlife Habitat Assessment Form further discusses that it is uncommon to find an undeveloped coastal wetland ecosystem the size of the Dune Road Marsh in New York State. However, under existing conditions and as indicated on the Coastal Fish and Wildlife Habitat Assessment Form, there are areas east and west of the subject property within the Significant Coastal Fish and Wildlife Habitat area that have been developed with residences, parking lots, as well as the Town of Southampton commercial fishing dock.

New York State Department of Environmental Conservation (NYSDEC) Statewide Seagrass Map

According to the NYSDEC Statewide Seagrass Map (see Figure 24 in Appendix A of this DEIS), seagrass is present on the northern portion of the subject property across the previously dug canal connecting the existing marina to Shinnecock Bay. Additionally, seagrass is present east of the subject site on the Town-owned opened space.

Southampton Town Coastal Resources and Water Protection Plan 2016

As described in the Town of Southampton Coastal Resources and Water Protection Plan (hereinafter "SCRWPP"), Shinnecock Bay is approximately 9,000 acres of open water, mudflats, and salt marshes separated into the east bay and west bay at the Ponquogue Bridge (page 294).[36] Shinnecock Bay is over seven miles from west to east and 2.5 miles from north to south at its widest point. The northern border of Shinnecock Bay is defined by medium-density residential and commercial and private boating uses on the mainland and the southern border is defined by an extensive coastal barrier island that separates Shinnecock Bay from the Atlantic Ocean.

The Town of Southampton considers the estuarine wetlands of Shinnecock Bay one of the Town's most important resources as it supports commercial shellfish grounds, finfish nurseries, and waterfowl wintering areas and contributes to maintaining water quality within Shinnecock Bay (SCRWPP, page 294). The extensive marine life within Shinnecock Bay contributes to its use and desirability for both recreational and commercial fishing, shellfishing, and recreational and commercial boating.

[35] https://dos.ny.gov/system/files/documents/2020/03/dune_road_marsh.pdf
[36] https://www.southamptontownny.gov/DocumentCenter/View/7187/Southampton-Coastal-Resources--Water-Protection-Plan-April-2016-PDF

Through Town Board Resolution #2015-1264, the Town of Southampton adopted the SCRWPP to, "*…reflect and guide how the Town is now managing, and will manage in the future, the use and protection of waters of the Town, the waterfront area, and the associated resources,"* (page 3).[37] The geographic focus of the SCRWPP is, "*primarily the area encompassing the Town's coastal waters, waterfront, and associated coastal resources,"* (page 7) (see Figure 25 in Appendix A of this DEIS). Defining the boundary affords the Town the autonomy to identify where coastal resource use decisions are required to be made. Specifically, the Town chose to include the following criteria to define the boundary (page 9):

1. *All areas likely to be affected by future flooding and coastal storms; and*
2. *Areas within the coastal sub-basin watersheds where the density of development, and the development's proximity to coastal ponds and bays, indicate that the measures to improve water quality may be required that are not necessary for the entire watershed.*

The Town also notes that the boundary line is dynamic as future revisions of the SCRWPP should consider any changes to the floodplains, sea level rise, and storm surge (page 10). As indicated on Figure 25 in Appendix A of this DEIS, the subject property is within the water protection boundary on Shinnecock Bay West.

The concerns of the Town outlined above are organized into 12 policy categories to address the following within the Town: development and land use; historic and cultural resources; scenic resources; flooding, erosion, and sea level rise; water quality; ecosystem and natural resources; air quality; solid waste and hazardous substances and waste; public access and recreation; water-dependent use of living marine resources; agriculture; and energy and mineral resources. It is the intent of these policies to highlight the interconnections between the Town's coastal resources. Said policies and consistency therewith are included in Section 2.2.2 of this DEIS.

Within the SCRWPP, the Town discussed how its reliance on water resources such as drinking water, recreational and commercial opportunities, and environment impact the overall economy and character of the Town. The Town has identified several surface watersheds within the Town that identify the water bodies that runoff contributes to. For the subject property, runoff contributes to the Atlantic Ocean surface watershed (see Figure 25 in Appendix A of this DEIS). The Town anticipates developing projects and prioritizing areas for nitrogen reductions throughout water bodies of the Town.

NYSDOS Coastal Management Program

The New York State Coastal Management Plan (CMP) was approved by the National Oceanic and Atmospheric Administration (NOAA) in 1982.[38] The CMP is administered by the NYSDOS through Executive Article 42 – *Waterfront Revitalization of Coastal Areas and Inland Waterways*, which authorized the State to establish a coastal program, develop coastal policies, define the coastal

[37] https://www.southamptontownny.gov/DocumentCenter/View/7187/Southampton-Coastal-Resources--Water-Protection-Plan-April-2016-PDF
[38] https://dos.ny.gov/state-coastal-management-program

boundaries of New York, and establish State consistency requirements.[39] Additionally, Article 42 establishes the basis for coordination amongst agencies for actions within the coastal area of New York. It is the intent of the CMP to provide "*a framework for federal and State agency decision-making which affects the coastal area. It provides statements of policies to which agencies must adhere and serves as a reference for local government action in the coastal area. Policies promote the beneficial use of coastal resources and prevention of their impairment, and management of major activities substantially affecting coastal resources."*[40]

Based on the defined boundary, the subject property is within 500 ft of the shoreline in a developed coastal location in the Long Island sector adjacent to Shinnecock Bay (see Figure 26 in Appendix A of this DEIS).

For a cohesive coastal management approach to be implemented throughout New York, the CMP outlines 44 coastal policies by which the coastal resources of the state are to be managed. The policies can be categorized into three themes: "*promotion of beneficial use of coastal resources, prevention of their impairment, and management of major activities substantially affecting numerous resources*." These policies are enforceable on State and federal agencies managing resources within the coastal zone of New York.

The CMP also identifies an opportunity for local governments to formulate and adopt more localized coastal resource management plans known as a Local Waterfront Revitalization Program (LWRP). A benefit of the LWRP's is it is approved by NYSDOS, allows the local government to expand upon the State policies for a more localized application, and ensures projects completed within the coastal zone adhere to the LWRP. At this time, the Town of Southampton does not have an approved LWRP, and thus, the NYSDOS-administered CMP applies to the coastal zone boundary of the Town. The proposed action's consistency with the 44 policies is evaluated in Section 2.2.2 of this DEIS.

South Shore Estuary Reserve Comprehensive Management Plan

In 1993, the South Shore Estuary Reserve Act was enacted by the New York State Legislature to protect and manage the South Shore Estuary Reserve (SSER) as an integrated estuary and a regional maritime center.[41] From west to east, the estuary reserve extends 75 miles from the western Nassau County line to the Village of Southampton in Suffolk County. From north to south, the estuary reserve extends from Long Island's south shore bays and the Atlantic Ocean to the adjacent upland areas that drain into them.

As depicted on the South Shore Estuary Reserve Map (see Figure 27 in Appendix A of this DEIS), the subject property is located within the estuary's easternmost bays, specifically Shinnecock Bay. These shallow bays, which support highly productive aquatic habitats, are distinguished by the presence of inlets, strong tidal exchanges between the ocean and the bays and minor inflow of lower salinity water from the Great Peconic Bay through the Shinnecock Canal.

[39] https://www.nysenate.gov/legislation/laws/EXC/A42
[40] https://dos.ny.gov/state-coastal-management-program
[41] https://dos.ny.gov/long-island-south-shore-estuary-reserve-program

The South Shore Estuary Reserve Act called for the creation of the SSER Council and entrusted the Council to prepare and implement a Comprehensive Management Plan (hereinafter, the "SSER Comprehensive Management Plan"). The SSER Comprehensive Management Plan, which was adopted on April 12, 2001, addressed a broad geography and a wide range of issues related to the quality of the SSER's resources. The SSER Comprehensive Management Plan provides recommendations for implementation actions to be taken by federal, state and local government; businesses and academic institutions. These recommendations fall into the following categories:

- Water quality;
- Living resources;
- Public use and enjoyment;
- Expansion of the estuary economy; and
- Education, outreach, and stewardship.

The SSER is 326 square miles of watershed in Nassau and Suffolk counties. The barrier beach along the Atlantic Ocean, the inland barrier islands, the estuary's interconnected bays and tidal tributaries provide highly productive habitats as well as support businesses in New York State. Effective implementation of the SSER Comprehensive Management Plan serves to preserve, protect, and enhance the natural, recreational, economic and educational resources of the estuary reserve.

The following are those recommendations from SSER Comprehensive Management Plan that are relevant to the proposed action:

<u>*Recommendations to Reduce and Control Nonpoint Source Pollution*</u>

- *Adopt best management practices to control drainage, erosion and sedimentation prior to and during construction.*
- *Adopt best management roadway operation and maintenance.*
- *Adopt best management practices to protect wetlands and streams.*
- *Adopt best management practices that reduce the environmental effects of on-site wastewater treatment systems (OWTS).*
- *Ensure compliance with existing State Pollution Discharge Elimination System (SPDES) permits.*

<u>*Recommendations to Enhance Point Source Controls*</u>

- *Determine point and nonpoint source controls to reduce loadings of pathogens, nutrients and toxic substances contributing to water quality problems in the Reserves tributaries and bays.*
- *Ensure compliance with the existing State Pollution Discharge Elimination System (SPDES) permits.*

The subject property's location on Shinnecock Bay was not identified as one of the five maritime centers in the SSER Comprehensive Management Plan. The major maritime center at Shinnecock Canal near the hamlet of Hampton Bays is over five miles northeast of the subject property and the secondary maritime center of Seatuck Cove at Shinnecock Inlet is over four miles east of the subject property.

Climate Change

6 NYCRR Part 490 Regulations

Pursuant to the 2014 Community Risk and Resiliency Act (CRRA), the NYSDEC adopted science-based projections for sea level rise (SLR) in 6 NYCRR Part 490. The intent of Part 490, as excerpted from §490.1 – Purpose, is:

> *"[t]his Part establishes science-based projections of sea-level rise for New York State's tidal coast, including the marine coasts of Nassau, Suffolk and Westchester counties and the five boroughs of New York City, and the main stem of the Hudson River, north from New York City to the federal dam at Troy.*

Additionally, the applicability of this Part, as laid out in §490.2 – Applicability, is such that:

> *"[t]his Part applies to consideration of sea-level rise by the Department, other State agencies, and applicants for relevant permits, approvals, and funding in the context of programs specified in the Community Risk and Resiliency Act."*

The sea level rise projections were based on the 2011 ClimAID Report (ClimAID data) published by the NYSERDA, which took into consideration 16 global climate models that were then synthesized to apply to New York State. Utilizing the ClimAID data allowed for a more realistic assessment of New York State's vulnerability to sea level rise that would otherwise be absent from more global models available.[42]

As set forth in §490.3, there are five confidence levels in the data (i.e., low, low-medium, medium, medium-high, and high):

- *Low projection - The amount of sea-level rise that is consistent with historical rates of sea-level rise and is very likely (the 10th percentile of ClimAID model outputs) to be exceeded by the specified time interval.*
- *Low-Medium projection - The amount of sea-level rise that is likely (the 25th percentile of ClimAID model outputs) to be exceeded by the specified time interval.*
- *Medium projection - The amount of sea-level rise that is about as likely as not (the mean of the 25th and 75th percentiles of ClimAID model outputs) to be exceeded by the specified time interval.*
- *High-Medium projection - The amount of sea-level rise that is unlikely (the 75th percentile of ClimAID model outputs) to be exceeded by the specified time interval.*
- *High projection - The amount of sea-level rise that is associated with high rates of melt of land-based ice and is very unlikely (the 90th percentile of ClimAID model outputs) to be exceeded by the specified time interval.*

Relevant to the Long Island Region, the sea level rise projections are included in the table below.

[42] http://www.nyserda.ny.gov/climaid

Table 10 – 6 NYCRR Part 490 New York State Sea Level Rise Projections: Long Island

	Projection	Low	Low-Medium	**Medium**	High-Medium	High
Time Interval	2020s	2"	4"	**6"**	8"	10"
	2050s	8"	11"	**16"**	21"	30"
	2080s	13"	18"	**29"**	39"	58"
	2100	15"	21"	**34"**	47"	72"

This DEIS considers the medium confidence level projections and a 30-year planning projection, i.e., 16 inches (1.33± ft) by the 2050s.[43]

The potential impacts of SLR on the subject property relies upon the NYSDOS Geographic Information Gateway, which maps SLR at 12-inch intervals, up to 72 inches (see Figure 28 in Appendix A of this DEIS). As this DEIS considers 16 inches of SLR by the 2050s, Figure 28 depicts SLR inundation for two scenarios: (1) SLR at 12 inches; and (2) SLR at 24 inches. The potential inundation from SLR assumes current Mean Higher High Water (MHHW) for the area and "illustrates the scale of potential flooding, not the exact location, and does not account for erosion, subsidence, or future construction. Inundation is shown as it would appear during the highest high tides (excludes wind driven tides) with the sea level rise amount." [44]

As illustrated in Figure 28 (see Appendix A of this DEIS), SLR of 12 inches would impact that portion of the subject property that is north of the previously dug canal and wetlands to the east and is depicted with light blue-to-dark blue shading indicating the impacted areas are considered to have low-to-high flooding potential. SLR of 24 inches would impact the area north of the previously dug canal, wetlands to the east, the existing site entrance and Dune Road would be impacted. The impacted areas are depicted with light blue-to-dark blue shading indicating the impacted areas are considered to have low-to-high flooding potential. It is noted that, other than the existing site entrance, the development site is not impacted under either SLR scenario.

NYSERDA Sea Level Rise with Storm Inundation

NYSERDA has published two ClimAID reports, one in 2011 and a revision in 2014, which detail the temperature, precipitation, extreme events, and sea level rise projections for New York State. The 2014 report utilized the findings of the Coupled Model Intercomparison Project and Phase 5 (CMIP5) climate models included in the Intergovernmental Panel on Climate Change's (IPCC's) Fifth Assessment

[43] The World Meteorological Organization (WMO) indicates that climate is, "*the "average weather"…defined as the measurement of the mean and variability of relevant quantities of certain variables (such as temperature, precipitation or wind) over a period of time….The classical period [to define climate] is 30 years."* https://public.wmo.int

[44] https://new-york-opd-geographic-information-gateway-nysdos.hub.arcgis.com/maps/236eb5757dd948a7afa033c3d0bfbaac/about and https://new-york-opd-geographic-information-gateway-nysdos.hub.arcgis.com/maps/8e7d082d20bb40b0b9b08ac7d49a174c/about

Report.[45] The SLR projections set forth in the 2014 NYSERDA Report are included in the table below. It is noted that these projections are also recognized by the Town in its SCRWPP (page 171).

Table 11 – NYSERDA Sea Level Rise Projections (2014 Report)

Baseline (2000-2004) 0 Inches	**Low Estimate**	**Middle Range**	**High Estimate**
2020s	2 inches	4 to 8 inches	10 inches
2050s	8 inches	11 to 21 inches	30 inches
2080s	13 inches	18 to 39 inches	58 inches
2100	15 inches	21 to 47 inches	72 inches

NYSERDA has also developed a Future Coastal Floodplain Mapper for Lower New York State (hereinafter called "NYSERDA Mapper") to illustrate the existing mapped floodplain and the future potential modifications in SLR scenarios for 12, 18, 24, 36, 48, 60, and 72 inches are impacted under the following storm conditions: 10-, 50-, 100-, and 500-year.[46] When analyzing the potential impact to the subject property, the median scenario of 18 inches for the 2050s was applied.

As indicated earlier in this section of the DEIS, the development site is located entirely within Zone AE: BFE 12. Figure 29 in Appendix A of this DEIS illustrates the projected change in the coastal floodplain for 18 inches of SLR and the impacts associated with a 10-year and 100-year storm event. As illustrated on Figure 29 in Appendix A of this DEIS, under both scenarios, the subject property is impacted.

Groundwater Elevation

With sea level rise, the effects on coastal water tables are also important for consideration. As described by the USGS Freshwater-Saltwater Interactions Along the Atlantic Coast – A Regional Assessment of the Ground-Water Resources Program (2017), the landward and upward movement of sea water into the coastal aquifers will raise groundwater and saltwater will infiltrate the drinking water. Due to the proximity of the subject property to Shinnecock Bay, it is assumed sea level rise would have an equal rise in groundwater elevation (i.e., an 11- to 21-inch rise in sea level would cause an equal 11- to 21-inch rise in groundwater).

As discussed earlier in this section, groundwater elevation would be expected to increase by equal elevation as sea level rise. As evaluated in Section 2.1.1, the depth to groundwater was recorded in 2016 at Borings B1, B2 and B3 as 4.6 ft BGS, 5.7± ft BGS, and 5.6± ft BGS, respectively. In 2022 and 2025, groundwater elevations measured in MW-1, MW-2 and MW-3 ranged from 4.14 ft BGS to 5.23 ft BGS. Under future projected conditions, a 16-to-18-inch rise in sea level could be expected to result in an increase in groundwater elevation by a similar elevation (i.e., 2.64± to 2.84± ft BGS at the lowest site elevation measured [5.3 ft AMSL] to 4.2± ft to 4.4± ft BGS at the highest site elevation measured [7.5± ft AMSL]).

[46] https://services.nyserda.ny.gov/SLR_Viewer/default

The potential impacts on water resources are evaluated in Section 2.2.2 of this DEIS.

2.2.2 Potential Impacts

Groundwater Resources

The Long Island Comprehensive Waste Treatment Management Plan (208 Study)

As indicated in Section 2.2.1 of this DEIS, the subject property is located within Hydrogeologic Zone V. It is noted that the *208 Study* limits groundwater nitrogen to 4 mg/L in Hydrogeologic Zones III, V and VI, whereas the remaining hydrogeologic zones are limited to 6 mg/L. An analysis of the proposed action with the relevant highest priority area wide alternatives for Zone V, as set for in the *208 Study*, follows.

- *Minimize population density by encouraging large lot development (one dwelling unit/one or more acres), where possible to protect the groundwater from future pollutant loadings.*

  The utilization of the proposed STP, with an effluent of 7 mg/L, would result in a nitrogen loading of 0.438 lbs./day which is approximately 0.963 lbs./day less than the existing condition (i.e., 1.401 lbs./day). This difference equates to approximately 351 lbs./year less nitrogen than if the property were to remain in its current condition. Therefore, while the proposed action is of higher density, the nitrogen loading is approximately one third of the nitrogen loading if the property were to remain as-is. The nitrogen loading calculations are provided below within this section of the DEIS.

- *Control stormwater runoff to minimize the transport of sediments, nutrients, metals, organic chemicals and bacteria to surface and ground waters.*

  The proposed development plan includes the installation of a stormwater management system comprised of structural measures (i.e., leaching galleys and drywells) designed to accommodate a three-inch rainfall event (in accordance with §330-183.C(4)(e) of the Town Code). Accordingly, the proposed action complies with this recommendation.

- *Reduce the use of fertilizers on turf. Promote the use of low-maintenance lawns.*

  The proposed landscaping plan consists of native/natural vegetation and fertilizer application is not expected to be required for maintenance. As indicated in Section 2.3.2 of this DEIS, the proposed planting plan includes 0.93± acre of natural ecological communities and native landscaping on the site (0.91± acre of maritime upland habitats and 0.02± acre of tidal wetlands). Accordingly, the proposed action complies with this recommendation.

Overall, based upon the above analyses, the proposed development plans are consistent with the goals and standards set forth in the *208 Study*.

Suffolk County Comprehensive Water Resources Management Plan

The recommendations outlined in the *Suffolk County Comprehensive Water Resources Management Plan* were focused on Nitrogen, VOC's, Pesticides, PCP's and Potable Supply. These recommendations were municipally minded as the recommendations revolved around additional studies, developing new regulations and code changes, public outreach and education and creating a reliable funding stream to fund recommended projects. However, the overall intent of the plan is to reduce the overall levels of contaminants, such as fertilizers, pesticides and nitrogen, in ground and surface waters.

The proposed plan would be consistent with the intent of the *Suffolk County Comprehensive Water Resources Management Plan*, as it incorporates the use of an STP to reduce nitrogen loading from wastewater. The proposed STP would provide treatment to a greater degree than the I/A OWTS systems recommended in the plan. As indicated in the nitrogen loading analysis later in this section of the DEIS, the utilization of the proposed STP (at design flow of 7,500± gpd) would result in a nitrogen loading of approximately 0.438 lbs./day. As such, the utilization of the STP results in a reduction of nitrogen of 0.963 lbs./day or approximately 351 lbs./year of nitrogen over the existing conditions (i.e., 1.401 lbs./day).

With respect to the landscaped areas, as all planted areas would be native/natural, fertilizer application is not expected to be required for maintenance. The proposed development would also utilize local landscape professionals for the maintenance of native plantings.

As indicated in the BURBS analysis later in this section of the DEIS, the proposed development would have a total nitrogen concentration of 2.83 mg/L, which is lower than the 4 mg/L recommended in the *208 Study*.

Based upon the above analyses, the proposed development plans meet the overall intent of the *Suffolk County Comprehensive Water Resources Management Plan*.

Southampton Town Community Preservation Fund Water Quality Improvement Project Plan

As noted in Section 2.2.1 of this DEIS, the proposed action is not eligible for funding under the CPF WQIPP nor was it identified as a project by the Town of Southampton. However, the proposed action aids in meeting the overall objective of the CPF WQIPP to reduce the amount and concentration of nitrogen in waterbodies of Southampton with the proposed STP and the planting of only native/natural vegetation that is not expected to require fertilizer inputs.

Sanitary Waste Generation and Disposal

As noted in Section 2.2.1 of this DEIS, the maximum permitted sanitary flow for the utilization of on-site sanitary systems on the development site is 2,028± gpd (3.38 acres x 600 gpd/acre). The proposed development includes condominium units that would vary between 1,600± SF and 2,000± SF in size. Additionally, the condominium units would not be age restricted or considered to be a Planned Retirement Community (PRC) by the SCDHS standards. According to the design flow factors published in the *SCDHS Standards for Approval of Plans and Construction For Sewage Disposal Systems for Other*

Than Single-Family Residences, the projected sanitary flow for the proposed project is 7,500± gpd (see Table 12 below).

Table 12 – Projected Sanitary Waste Generation

Use	Area (SF)/ Units	Number of Units	Sanitary Flow Rate (Gals./Day/SF)/ (Units)	Sanitary Flow (Gals./Day)
Condominium Unit A	1,600	14	300	4,200
Condominium Unit B	2,000	11	300	3,300
			Total	7,500

Source: Suffolk County Department of Health Services. *Standards for Approval of Plans and Construction for Sewage Disposal Systems for Other Than Single Family Residences*. Table 1, Project Density Loading Rates & Design Sewage Flow Rates. Revised July 21, 2020.

As the proposed action exceeds the maximum permissible flow, a STP is required for the proposed development.

Suffolk County Sanitary Code

Article 6 – Single-Family Residences, Realty Subdivisions, Developments and Other Construction Projects

As indicated in Section 2.2.1 of this DEIS, the subject property is within Groundwater Management Zone IV. Pursuant to the regulations contained in Article 6 of the SCSC, the maximum permitted sanitary discharge to individual sewerage systems is 600 gpd per acre and when exceeded, a community sewage system method of disposal is required. As such, the allowable sanitary density flow for the property would be 2,028 gpd (3.38 acres x 600 gpd/acre). As the projected sanitary flow for the proposed project is 7,500± gpd, an STP is proposed.

The proposed STP would be situated at the southwest corner of the subject property (see Site Development Plans, Sheet C-400 in Appendix D of this DEIS). The STP would be at an approximate top elevation of 12.50± ft AMSL. The proposed leaching galleys would have an effective depth of two (2) ft and be placed at top elevation of approximately 8.0 ft AMSL. The onsite sewage collection system would transport raw sewage via gravity to the proposed influent pump station from each of the units. An eight (8)-inch diameter DR-18 PVC, pressure-rated gravity sewer would convey the sewage to the Influent Pump Station. Raw wastewater would then be pumped to the influent equalization tank via force main. The onsite gravity sewer collection system would consist of six (6) 4-ft diameter precast concrete manholes used at intersections, changes in direction and termination points. The total length of piping for the collection system is approximately 800 linear ft.

The proposed STP would be a package unit from Purestream, specifically the BESST system. The packaged unit is fabricated from 316l grade stainless steel and is provided with integral hatches that cover the entire treatment unit. The treatment unit is typically buried, such that only six to eight inches of the tank are above grade. This prevents any debris and/or stormwater from entering the treatment system.

In addition to the treatment units, a control building would be installed to house the aeration blowers, odor control equipment and the operator's laboratory space. The selected process commonly utilized in Suffolk County and long-term operation of these types of systems have demonstrated that effluent meets the NYSDEC SPDES requirements for reduction of nitrogen and suspended solids. Standby power would be designed and installed such that the STP would continue to operate in the event of a primary power failure.

Treated effluent would discharge into an effluent leaching pool groundwater disposal system. Each leaching galley would have an effective depth of two (2) ft and be placed at top elevation of approximately 8.0 ft. As indicated in Section 2.2.1 of this DEIS, based on the groundwater monitoring completed by PWGC in February 2022, the groundwater elevation recorded nearest to the proposed location of the STP was 1.55 ft AMSL. As such, there would be approximately 4.45 ft of separation distance from the base of the leaching galleys to groundwater. It is noted that the proposed action would not require dewatering for the placement of the proposed sanitary infrastructure. Adequate space has been allocated for the 100 percent expansion of the leaching pools in accordance with SCDHS requirements. Additionally, in accordance with SCDHS and NYSDEC regulations, groundwater monitoring wells would be installed both upstream and downstream of the effluent disposal system to monitor groundwater impacts as part of the SPDES permit obtained for the STP.

As the proposed STP has a design flow of 7,500± gpd, the applicable standards for siting and construction are set forth in *Appendix A, Standards for Approval and Construction of Modified Sewage Disposal Systems and Small Community Sewerage Systems* ("SCDHS Appendix A Standards"). Based on the SCDHS Appendix A Standards, the following setbacks apply: 75-ft setback to property lines and buildings, 50-ft setback to areas of sustainably human use (provided the STP is equipped with an odor control system) and 100-ft setback to surface waters or as set by the NYSDEC or local wetlands permit. The proposed STP would maintain the required setbacks by providing a minimum of 75 ft setback to property lines, setback of 75.34 ft to areas of sustainably human use (i.e., the nearest residential unit) and a 265± ft setback to surface waters (i.e., tidal wetlands).

An STP siting letter was sent to SCDHS on June 23, 2020. In response correspondence dated January 23, 2024 from SCDHS Office of Water Resources (OWR) (see Appendix G of this DEIS), a preliminary siting evaluation checklist was provided with the following recommendations: (1) evaluate the Shinnecock Bay for potential impacts; (2) nitrogen discharge goal to be significantly lower than 10 mg/L and provide nitrogen mass loading calculations to show significant reduction; and (3) provide advance treatment process that consistently reduces the total nitrogen concentration to maximum practical extent. All of these recommendations are considered in the proposed design and this DEIS and discussed later in the subsections entitled Nitrogen Mass-Balance Calculations, BURBS Analysis (Total Nitrogen Loading) and Suffolk County Subwatersheds Wastewater Plan.

An STP Engineering Report has also been prepared by PWGC and is included in Appendix G of this DEIS. As indicated in the STP Engineering Report, the proposed STP would comply with the SCDHS nitrogen limits for discharge to the groundwater and would comply with the effluent limitations included in the SPDES permit. While the STP has been designed to achieve a nitrogen effluent concentration of 10 mg/L at the average and peak hourly flow rates, it will achieve a limit of 7 mg/L given its location and proximity to surface waters.

Article 7 – Water Pollution Control

As indicated in Section 2.2.1 of this DEIS, the subject property is not within a regulated deep recharge area or water supply sensitive area. As such, the proposed action is not subject to the Article 7 restrictions.

Article 12 – Toxic and Hazardous Materials Storage and Handling Controls

Article 12 regulates the storage and handling of toxic and hazardous materials for the protection of groundwater quality. It is expected that the proposed action would utilize only small quantities of chemicals (i.e., chlorine or salt) associated with routine pool maintenance, and those chemicals would be stored and handled in accordance with the provisions of Article 12 of the SCSC. If required, an Article 12 permit for pool chemicals would be obtained.

Nitrogen Mass-Balance Calculations

By utilizing the method outlined in SCDHS Guidance Memo Number 28 – STP Siting, with respect to the calculation of the nitrogen mass balance, the projected mass of nitrogen with an as of right/allowable flow with I/A OWTS, and a STP capable of achieving outputs of 10 mg/L and at 7 mg/L are as follows:

As of Right Development – Allowable Sanitary Flow with I/A OWTS
Area = 3.38 acres
Flow = 2,028 gpd (2,028 gpd/1,000,000 = 0.002028 mgd)
Total Nitrogen Effluent Concentration (TN) = 19 mg/L
Total Nitrogen Effluent Quantity = 19 mg/L * 8.34 *0.002028 mgd =**0.321 lbs./day**

Proposed Development with STP at 10 mg/L
Flow = 7,500 gpd =7,500 gpd/1,000,000 = 0.0075 mgd
Total Nitrogen Effluent Concentration = 10 mg/L
Total Nitrogen Effluent Quantity = 10 mg/L * 8.34 *0.0075 mgd = **0.626 lbs./day**

As indicated in Section 2.2.1 of this DEIS, the total nitrogen effluent quantity, based on the calculated current flow, is 1.401 lbs./day. Thus, based upon the above calculations, the utilization of the STP at 10 mg/L results in a reduction of nitrogen of 0.775 lbs./day or approximately 283 lbs./year of nitrogen over the existing conditions. However, given the location of the development, SCDHS requires that the proposed STP be capable of achieving an effluent nitrogen concentration of 7 mg/L. Accordingly, the calculations of the proposed STP at 7 mg/L as shown below:

Proposed Development with Proposed STP at 7 mg/L
Flow = 7,500 gpd =7,500 gpd/1,000,000 = 0.0075 mgd
Total Nitrogen Effluent Concentration = 7 mg/L
Total Nitrogen Effluent Quantity = 7 mg/L * 8.34 *0.0075 mgd = **0.438 lbs./day**

Based upon the above calculations, the utilization of the proposed STP at 7 mg/L results in a reduction of nitrogen of 0.963 lbs./day or approximately 351 lbs./year of nitrogen over the existing conditions

(i.e., 1.401 lbs./day). This overall reduction of nitrogen is consistent with the SCDHS goals of reducing nitrogen in sensitive areas.

BURBS Analysis (Total Nitrogen Loading)

The total nitrogen loading was evaluated utilizing the BURBS model for the proposed plan and all alternative plans, which are addressed in Section 5.0 of this DEIS. The parameters utilized in the BURBS model are explained in detail in the BURBS analysis (see Appendix G of this DEIS). The BURBS model takes into consideration the wastewater nitrogen as well as impacts from atmospheric deposition, fertilization and runoff from impervious areas.

Since the proposed development would utilize an STP, the amount of nitrogen lost as a gas was increased from the standard level of 0.50 to 0.85 to reflect the reduced nitrogen levels in the treated effluent from the STP as compared to the conventional sanitary system. With respect to the landscaped areas, as all planted areas would contain native/natural vegetation, fertilizer application is not expected to be required for maintenance.

Based upon the BURBS analysis, the total projected nitrogen loading for the proposed development would be 124.15 lbs./yr. This total nitrogen loading represents a concentration of nitrogen of 2.83 mg/L associated with the proposed project. As noted earlier, the *208 Study* recommended a limit on groundwater nitrogen concentration of 4 mg/L for properties within Hydrogeologic Zone V. Accordingly, the proposed development would have a total nitrogen concentration lower than the *208 Study* recommendation. Also, based upon the aforementioned analysis, the projected total nitrogen loading would be 61.42 lbs. per year less than loading under existing conditions (185.57 lbs. per year).

Suffolk County Subwatersheds Wastewater Plan

As described in Section 2.2.1 of this DEIS, the subject property is situated within the 0-2-year groundwater contributing area to the Shinnecock Bay West subwatershed (see Figure 14 in Appendix A of this DEIS). As evaluated in Section 2.3 of this DEIS, the STP would be located approximately 265 ft landward of tidal wetlands and would replace an existing conventional sanitary system that is located 75 ft from tidal wetlands. The greater distance between the proposed STP and the tidal wetlands under the proposed conditions would allow nitrogen from the site's sanitary wastewater to be further reduced via natural means through its longer travel time to Shinnecock Bay. Also, as noted earlier, total nitrogen loading under post-development conditions would decrease from approximately 185.57 lbs./yr.to approximately 124.14 lbs./yr. As the Shinnecock Bay West Subwatershed Plan encourages the use of I/A OWTS and STPs for future development, the proposed action is consistent with the stated goal in this Plan. Also, due to the landward relocation of on-site sanitary and increased nitrogen removal efficiency of the proposed STP, the nitrogen contributions to Shinnecock Bay and its wetlands will be reduced under the proposed action.

In addition to sanitary waste, nutrient pollution also originates from other sources including stormwater discharge, pesticides and fertilizers. The proposed project includes the installation of a stormwater management system to accommodate and recharge stormwater generated within the subject site. Additionally, the proposed landscape materials would include native/natural species that

are suitably adapted to the site conditions such that fertilizer application and pesticides would not be required. Accordingly, based on the above, the proposed development would be consistent with the intent of SWP to reduce nitrogen loading to surface waters.

Public and Private Supply Wells

Public Supply Wells – STP Analysis

Based upon the published Public Water Supply Well Maps, there are no public water supply wells located within a one-mile radius of the subject site. Accordingly, the proposed action would not have a significant adverse impact on same.

Private Wells – On and Nearby Off-Site Wells

In accordance with SCDHS Guidance Memo Number 28 – STP Siting, consultations were undertaken by PWGC with the SCWA to determine whether any site in the 500 ft radius operates a private well. There are a total of 11 properties located within the 500-ft radius of the subject site (see Appendix H of this DEIS). Of the 11 properties, three (3) were identified as not connected to the public water supply (see below); however, two properties are designated open space owned by the Town of Southampton and one property is without any record of service.

1) 900-385-1-36.4 (Town-owned open space)
2) 900-385-1-37.1 (Town-owned open space)
3) 900-385-2-9.2 (Private residence without service record located southwest of subject site)

Based on the information provided, the proposed STP would not have any significant adverse impacts on private wells.

Water Supply and Availability

Proposed Domestic and Fire Water System Demand

As indicated above in this Section of the DEIS, the total projected potable water usage is 7,500± gpd. Based upon a 24-hour use of the property, this equates to an average domestic water flow rate of 5.2 gallons per minute (gpm). Based upon industry standards, the peak domestic water usage demand ranges between two and three times the average flow. Using the average flow of 5.2 gpm, this would equate to a peak flow range of 10.4 to 15.6 gpm. Consultations were undertaken with the SCWA and in correspondence dated June 25, 2020, it was confirmed SCWA remains the purveyor of water to the subject property. Correspondence received on October 12, 2022 indicated SCWA has sufficient capacity to service the proposed development (see Appendix H of this DEIS).

The design of the water system would comply with SCDHS and SCWA standards. The proposed water supply system would consist of an internal water supply loop utilizing eight (8)-inch diameter water mains. The internal loop would be utilized to supply domestic water to each of the condominiums along with supplying the fire hydrants within the proposed development. The proposed loop would connect

to the existing 12-inch diameter water main in the SCWA distribution system located on Dune Road. Each service would be provided with a reduced pressure zone (RPZ) backflow prevention device and the domestic service would be equipped with water meters.

Water for fire protection to the proposed development would be supplied from the same water distribution system that provides potable water. With respect to the fire service demand for the proposed development, PWGC reviewed the 2021 International Fire Code (IFC). According to the 2021 IFC, the fire system demand is determined based upon the type of construction, building size and the presence of an automatic fire sprinkler system.

The proposed buildings would be Type III construction and would be provided with firewalls between units. A fire flow demand of 1,500 gpm was calculated for individual units ranging in size from 1,500± SF to 2,500± SF. The design of the water mains would be capable of handling the water flows and pressure as required by the regulatory agencies. It is noted the unit sizes associated with the proposed action would range from 1,600± SF to 2,000± SF and as such, the fire flow demand would be expected to be less than 1,500 gpm. Also, the SCWA has confirmed water availability for fire prevention purposes (see Appendix H). As part of the proposed project, two (2) fire hydrants would be located throughout the site in accordance with regulatory requirements. The fire hydrants would be owned and maintained by the HOA and testing of the hydrants would be performed in accordance with local fire department regulations.

Stormwater Runoff/Drainage and Relevant Regulations

Proposed Stormwater Management / On-Site Drainage

The proposed action would decrease the total impervious surface area from 0.95± acre to 0.87± acre and, therefore, there would be a resultant decrease in the volume of stormwater runoff generated on the development site (see table below).

Table 13 – Existing and Proposed Volume of Stormwater Runoff Generation

	Existing Site Coverage		Proposed Site Coverage		Coefficient	Rainfall	Existing Volume (CF)	Proposed Volume (CF)
	Acres	**SF**	**Acres**	**SF**		3”		
Impervious	0.95±	41,382±	0.87±	37,897±	1	0.25	**10,346±**	**9,474±**
Gravel Area	1.27±	55,321±	0.49±	21,344±	0.9	0.25	**12,447±**	**4,802±**
Pervious (Vegetated)	1.16±	50,530±	2.00±	87,120±	0.2	0.25	**2,526±**	**4,356±**
TOTAL	**3.38**	**151,162±**	**3.36***	**150,281±**			**25,319± CF**	**18,632± CF**

*0.02 ac of the site, post-development, would be restored to wetland area.

The proposed stormwater management plan has been designed to accommodate and recharge all stormwater on-site. Specifically, leaching galleys and drywells are proposed to be divided into six (6) drainage areas and would capture stormwater runoff from all buildings, recreational facilities, parking

areas, and internal roadways. The proposed system has been designed for a three (3)-inch rainfall event, pursuant to §330-183.C(4)(e) of the Town Code.

As evaluated in Section 2.1.2 of this DEIS, the proposed drainage infrastructure would be placed at elevations that allow for no less than two (2) ft of separation distance to groundwater in accordance with the *New York State Stormwater Management Design Manual* (NYSDEC, 2015). It is noted that the proposed action would not require dewatering for the placement of the proposed drainage infrastructure.

Chapter 285 of the Town Code (Stormwater Management and Erosion and Sediment Control)

The Town of Southampton regulates stormwater management and discharge associated with land-disturbing activities equal to or greater than one acre, or activities disturbing less than one acre of total land area that is part of a larger common plan of development. As noted in Section 2.1.2 of this DEIS, the proposed action would result in approximately 2.92 acres of land disturbance. The performance standards for stormwater management, as set forth in §285-8, and consistency of the proposed plans therewith are evaluated below.

B. Technical standards. For the purpose of this chapter, the following documents shall serve as the official guides and specification for stormwater management. Stormwater management practices that are designed and constructed in accordance with these technical documents shall be presumed to meet the standards imposed by this chapter:

(1) The New York State Stormwater Management Design Manual, hereafter referred to as the "Design Manual," in its most recent version (including applicable updates), which serves as the official guide for the design of stormwater management principles, methods and practices.

(2) The New York State Standards and Specifications for Erosion and Sediment Control (Empire State Chapter of the Soil and Water Conservation Society, 2004, most current, hereafter referred to as the "Erosion Control Manual," in its most recent version (including applicable updates), also commonly known as the "Blue Book."

The proposed Drainage and Grading Plan and Sediment and Control Plan have been developed and designed in accordance with the Town Code, as well as the standards and specifications of the *New York State Stormwater Management Design Manual* (NYSDEC, 2015) (Design Manual) and the *New York Standards and Specifications for Erosion and Sediment Control* (NYSDEC, 2016) (Erosion Control Manual). As discussed below, a SWPPP will also be prepared.

New York State Pollutant Discharge Elimination System Permit (SPDES) - General Permit for Stormwater Discharges from Construction Activity

The SPDES General Permit requires a SWPPP for the proposed development, which is to include a detailed erosion and sediment control plan to manage stormwater generated on-site during

construction activities, as well as for post-construction stormwater management. In accordance with said regulations, a SWPPP would be prepared to ensure compliance with erosion and sediment control practices set forth in the *New York Standards and Specifications for Erosion and Sediment Control*, as well as the water quality and quantity requirements set forth in the *NYS Stormwater Design Manual*.

As indicated earlier, the proposed action includes the following measures: stockpile protection, minimizing the extent and duration of exposed areas, filter fabric and curb drop inlet protection, perimeter swale, installation of sediment barriers and sediment traps (silt fencing and straw bales), temporary tree fencing, and the construction and maintenance of a stabilized construction entrance to prevent soil and loose debris from being tracked onto local roads. As required as part of the GP 0-20-001 permit conditions, the project site will be inspected by a certified SWPPP inspector a minimum of once per week during construction. The inspections will verify the effectiveness and status of the aforementioned measures and identify any measures that need to be maintained, replaced or modified to improve performance. Prior to filing the Notice of Termination, the site will be inspected, and all permanent stormwater systems will be cleaned of accumulated debris, as necessary.

As coverage under the GP 0-20-001 would be obtained, and the aforementioned erosion and sedimentation control measures would be implemented as part of the proposed action, no significant adverse erosion, sedimentation or stormwater impacts are expected from implementation of the proposed action.

New York State Stormwater Management Design Manual

As noted in Section 2.2.1 of this DEIS, the *NYS Stormwater Design Manual* provides structural standards for SMPs that are acceptable for stormwater management and water quality treatment. In accordance with the performance standards and SMPs of this manual, the proposed action would utilize leaching galleys and drywells and pervious areas to capture and temporarily store all stormwater runoff from a three-inch rainfall event on-site before infiltrating to the underlying soils. As demonstrated in this section of the DEIS above, the proposed stormwater management infrastructure would be sized to accommodate a 3-inch storm event. Furthermore, as mentioned above in this section, a SWPPP will be prepared for the proposed action in accordance with the design standards of the *NYS Stormwater Design Manua*l.

New York Standards and Specifications for Erosion and Sediment Control (Blue Book)

As noted in Section 2.2.1 of this DEIS, the *New York State Standards and Specifications for Erosion and Sedimentation Control, Blue Book* (November 2016) provides standards and specifications for erosion and sediment control practices for the development of Erosion and Sediment Control Plans as part of the SPDES General Permit. A Soil Erosion and Sediment Control Plan has been prepared (see Sediment and Erosion Control Site Plan, Sheet C-500 in Appendix D of this DEIS). As part of the proposed SWPPP, the proposed action includes the following erosion and sediment controls:

- Installation of stockpile protection
- Minimizing of the extent and duration of exposed areas
- Installation of filter fabric and curb drop inlet protection for storm structure protection

- Installation of a perimeter swale
- Installation of sediment barriers and sediment traps (silt fencing and straw bales)
- Installation of temporary tree fencing
- Construction and maintenance of a stabilized construction entrance to prevent soil and loose debris from being tracked onto local roads.

All erosion and sediment control measures would be routinely inspected and maintained such that no sediment would be transported off-site. These erosion and sedimentation controls would minimize the potential impacts associated with site development and construction activities to ensure proper function.

Nationwide Urban Runoff Program (NURP Study)

The relevant recommendations from the NURP Study, as it pertains to stormwater runoff for the protection of groundwater and surface water resources, are as follows along with the proposed project's consistency therewith.

Groundwater Recommendations:

- *Consider the use of in-line storage leaching drainage systems, or components thereof, as a substitute for recharge basins in areas, other than parking lots, where maintenance will be assured and where the value of the land for development purposes is greater than the cost of installing and maintaining the underground system. Storage leaching drainage systems should also be considered for use where the installation of recharge basins is not feasible.*

  As noted above, given shallow groundwater conditions, the stormwater management system includes leaching galleys and drywells at two-ft effective depth. The recommended separation distance to groundwater for the proposed drainage infrastructure is two ft with infiltration according to the *New York State Stormwater Management Design Manual* (NYSDEC, 2015). The proposed drainage has been designed to provide a minimum separation distance of 2 ft. As such, the proposed action is consistent with this recommendation.

- *Prevent illegal discharges to drainage systems or recharge basins. Such discharges, which often result from improper storage or deliberate dumping or chemicals, must be controlled at the source.*

  The proposed action would not involve any illegal discharges to the proposed drainage system.

Surface Water Recommendation:

- *Preclude any additional direct discharge of stormwater runoff into surface waters, using all available means for detention and/or recharge to reduce bacterial loads.*

  The proposed drainage plan includes on-site structural methods (i.e., on-site leaching galleys and drywells). Gravel is proposed for the internal driveway and parking areas to reduce

impervious area on the site. There would be no discharge of stormwater to Shinnecock Bay. As such, the proposed action is consistent with this recommendation.

Wetlands, Floodplains and Surface Waters

Wetlands

Article 25 of the Environmental Conservation Law (ECL)(Tidal Wetlands Act)

As discussed in Section 2.2.1, the NYSDEC places development restrictions on all regulated activities within the Adjacent Area in §661.6(a). It is noted that a Tidal Wetlands Permit has already been issued by the NYSDEC and is included in Appendix C of this DEIS. The Tidal Wetlands Permit is dated April 29, 2020, identified as Permit No. 1-4736-00899/00015 and the proposed development will comply with all conditions set forth therein. It is noted that due to site plan changes during preparation of the DEIS, including an updated wetland delineation in 2022, the project sponsor intends to resubmit the proposed plans for an updated Tidal Wetlands Permit.

For the purposes of this DEIS, an analysis of the regulated activities with the NYSDEC standards for the issuance of a permit is included below.

(1) The minimum setback of all principal buildings and all other structures that are in excess of 100 square ft (other than boardwalks, shoreline promenades, docks, bulkheads, piers, wharves, pilings, dolphins, or boathouses and structures typically located on docks, piers or wharves) shall be 75 ft landward from the most landward edge of any tidal wetland…

As shown on the Overall Site Plan (see Sheet C-002 Appendix D of this DEIS), the minimum setback from the tidal wetlands and the nearest primary buildings would be 75 ft. The proposed action would be consistent with this standard.

(2) The minimum setback of any on-site sewage disposal septic tank, cesspool, leach field or seepage pit shall be 100 ft landward from the most landward edge of any tidal wetland.

As discussed in Sections 1.4.5 and 2.3.2 of this DEIS, the existing sanitary setback is 94 ft landward of the tidal wetland. The proposed redevelopment would have a minimum sanitary setback of 175 ft for the system; and 240 ft for the sanitary leaching galleys. Accordingly, the proposed redevelopment results in an increase in wetland sanitary setback of 81 ft. The proposed action would be consistent with this standard.

(3) For any on-site sewage disposal cesspool, septic tank, leach field or seepage pit, there shall be a minimum of two ft of soil between the bottom of such pool, tank, field or pit and the seasonal high ground water level, rock, hardpan, or other impermeable materials.

The proposed STP has been designed in accordance with prevailing SCDHS regulations. The proposed leaching galleys would have an effective depth of two (2) ft and placed at top elevation of approximately 8.0 ft. Based on the groundwater monitoring completed by PWGC in February 2022, the groundwater elevation recorded nearest to the proposed location of the STP was 1.55 ft. Therefore, the separation between the bottom of the leaching galleys and

groundwater would be approximately 4.45 ft BGS. The proposed action would be consistent with this standard.

(4) Not more than 20 percent of the adjacent area, as such term is defined in this Part, on any lot shall be covered by existing and new structures and other impervious surfaces. Provided, however, this paragraph shall not be deemed to prohibit the coverage of 3,000 square ft or less of adjacent area on any individual lot, lawfully existing on August 20, 1977, by existing and new structures and other impervious surfaces.

The proposed impervious areas would be approximately 0.87 acre, which is 0.08 acre less than the existing 0.95± acre of impervious areas. Additionally, all driveways and parking areas would use pervious gravel to reduce impervious surfaces. The proposed action would be consistent with this standard.

(5) The minimum lot area for any principal building constructed within the area regulated by this Part, which minimum lot area shall include any wetland portion and any adjacent area portion of such lot, shall be as follows:

> *(i) 20,000 square ft where such principal building will be served by a public or community sewage disposal system; and*
> *(ii) 40,000 square ft where such principal building will not be served by a public or community sewage disposal system.*

The subject site complies with the minimum lot area requirements and as such, would be consistent with this standard.

(6) Notwithstanding the minimum lot size provisions contained in paragraph (5) of this subdivision, the clustering of principal buildings utilized for residential purposes, including multiple family dwellings, shall be permitted at the request of an applicant for a permit under this Part in order to encourage the maintenance of undeveloped areas in or adjoining tidal wetlands. Provided, such clustering procedure shall in no case result in more principal buildings on the area regulated by this Part than would be permitted by the application of the minimum lot size criteria in paragraph (5) of this subdivision.

The proposed development plan has been reviewed and a Tidal Wetlands Permit has been issued by the NYSDEC (see Appendix C of this DEIS).

(7) The minimum setback of all hard surface driveways, roads and parking lots and similar impervious surfaces exceeding 500 square ft in size on the property involved, overhead utility line poles and railroads, shall be 75 ft from any tidal wetland. Provided, within the boundaries of the city of New York the minimum setback required by this paragraph shall be 30 ft. Further provided, this provision shall not be applicable to any portion of a regulated activity that involves a crossing or direct access to a tidal wetland on the subject property.

Upon implementation of the proposed action, and as indicated on the Overall Site Plan (see Sheet C-002 in Appendix D of this DEIS), impervious surface would decrease from 0.95± acre to 0.87± acre and would include the proposed residential buildings, associated pavement, decks, and walkways. However, the proposed driveways and parking areas would consist of gravel. The proposed action would establish a 75-ft wetland buffer along the majority of the site. The proposed condominium buildings would be set back a minimum of 75 ft from the

tidal wetlands located to the east and northwest of the development. The proposed pool, native landscaping, and gravel driveway on the northern end of the proposed development would be located a minimum of 50 ft from the bulkheaded shoreline. It is noted that the proposed action would result in increased building setbacks to tidal wetlands from 0 ft under existing conditions (as existing restaurant and deck are adjacent to tidal wetlands in the northeast corner of the site) to approximately 50 ft to 83 ft upon implementation of the proposed action. Based on the above, the proposed action would be consistent with this standard.

(8) Any substantial increase in surface water runoff to tidal waters classified SA, as defined in section 701.5 of this Title, or to any other surface waters which are within 1,000 ft of any SA waters and are adjacent or tributary to such SA waters, shall be prevented from directly running into any such waters by the utilization of sufficient runoff control measures, including but not limited to the installation of dry wells, retention basins, filters, open swales or ponds. Any such dry well, retention basin, filter, open swale or pond to be constructed in order to prevent direct surface water runoff to said SA and other surface waters shall be designed and constructed to handle the water runoff produced on the project site by a five-year storm.

As discussed in Section 2.2.1 of this DEIS and earlier in this section of the DEIS, Shinnecock Bay is classified as a Class SA water body and all stormwater generated on-site will be accommodated and recharged via leaching galleys and drywells. The proposed action would not include direct surface water runoff to Shinnecock Bay. As such, the proposed action would be consistent with this standard.

Based on the above, no significant adverse impacts to tidal wetlands would be expected as a result of the proposed action.

Chapter 325 of the Town Code (Wetlands)

As discussed in Section 2.2.1, the Town Board regulates activities that could affect wetland areas. An analysis of the proposed action with the standards for the issuance of a permit, as set forth in §325-9, is included below.

A. Permits shall delineate a specific buffer zone from the wetlands boundary for activities regulated by this chapter. The approving authority shall, where practicable, impose a minimum buffer zone of 100 ft for turf, fertilizers, pesticides, herbicides, fungicides or similar treatments, landscaping or other clearing or disturbance of natural vegetation, 125 ft for structures, and 150 ft for wastewater disposal and/or sanitary systems; provided, however, that where such regulated activities are proposed on developed properties, the minimum buffer zone imposed shall, where practicable, be 75 ft for turf, fertilizers, pesticides, herbicides, fungicides or similar treatments, landscaping or other clearing or disturbance of natural vegetation, and 100 ft for structures; provided further, however, that where such setbacks are imposed landward of the wetland community of a constructed water recharge basin, the minimum buffer zone imposed shall be 25 ft for regulated activities. The approving authority shall impose greater buffer zones only where there is an affirmative showing on the record that the imposition of the minimum

buffer zone would be insufficient, due to site-specific features, to protect and preserve the wetlands.

The proposed project has been designed to result in beneficial impacts to these tidal wetlands, with increases in structural and sanitary setbacks, reduction of nitrogen loading, and planting of native wetland and buffer vegetation.

The existing structural setback to the tidal wetland is 0 ft. The proposed redevelopment would have a minimum structural setback of 50 ft from Mean High Water (MHW) at the bulkhead; and 75 ft from vegetated marshes on the east and west sides of the site. As such, the proposed redevelopment results in an increase in wetland structural setback of 50 ft.

The existing sanitary setback is 94 ft landward of the tidal wetland. The proposed redevelopment would have a minimum sanitary setback of 175 ft for the system; and 240 ft for the sanitary leaching galleys. Accordingly, the proposed redevelopment results in an increase in wetland sanitary setback of 81 ft. In addition, the STP has been designed to reduce nitrogen loading, thereby preserving and protecting the site's tidal wetlands. Therefore, the proposed action would be consistent with this requirement.

B. No wetlands permit shall be issued unless the applicant demonstrates and the approving authority finds that the following standards have been met:
(1) The proposed project is compatible with the purposes and findings listed in §§ 325-1 and 325-2 of this chapter.
(2) The maximum practicable buffer zone, sufficient to protect and preserve the wetland (as required by Subsection A above), has been established for all activities regulated by this chapter.
(3) All reasonable mitigation measures have been taken to ensure that wetlands or their benefits will not be adversely affected.
(4) The proposed project will not diminish any wetland in size or quality, unless the approving authority finds that the proposed activity is water-dependent or requires access to the wetland as a central element of its basic function and will result in the minimum possible alteration or impairment of the wetland or, if the proposed activity is not water-dependent, that there is no practicable alternative.

The proposed redevelopment has been designed to result in beneficial impacts to the tidal wetlands, with increases in structural and sanitary setbacks, reduction of nitrogen loading, and planting of native wetland and buffer vegetation. The removal of existing structures east of the bulkhead would also facilitate restoration of a natural shoreline with approximately 0.02± acre of intertidal and high marsh wetland habitats. Additionally, the natural ecological communities and native plantings on the site would increase by 0.91± acre. Therefore, the proposed action would be consistent with this requirement.

C. The approving authority shall, where practicable, impose an expanded minimum buffer zone of 100 ft for turf, fertilizers, pesticides, fungicides or similar treatments, landscaping or other clearing or disturbance of natural vegetation, 125 ft for structures, and 175 ft for wastewater disposal and/or sanitary systems from wetlands documented as habitat for rare and endangered plants and animals and/or rare ecological communities, as documented by the New York Natural

Heritage Program. Areas that the approving authority may consider for expanded minimum buffers include, but are not limited to, extremely sensitive areas, such as coastal plain ponds and pond shores; coastal plain inland Atlantic white cedar swamps; and breeding habitat for state endangered eastern tiger salamander, northern harrier, least and roseate tens, and osprey.

Correspondence with the New York Natural Heritage Program (NYNHP) dated May 22, 2019 (see Appendix B of the Ecological Conditions and Impact Analysis in Appendix J of this DEIS), indicates the following threatened and endangered species have been documented at the subject property: Common Tern (*Sterna hirundo*) (New York State Threatened), Least Tern (*Sternula antillarum*) New York State Threatened); and Piping Plover (*Charadrius melodus*) (New York State Threatened and Federally Threatened). Additionally, the NYNHP denoted that Black Skimmer (*Rynchops niger*) and Seaside Sparrow (*Ammodramus maritimus*), both species of Special Concern, have been documented within 0.2 miles of the project site. No impacts to these species are anticipated as all proposed work is upland of wetland areas. Therefore, the proposed action would be consistent with this requirement.

D. For projects that do not satisfy the standards enumerated in this section, the approving authority shall consider imposing less than the recommended setbacks if the approving authority finds that the following requirements have been met:

(1) If the approving authority determines that the applicant has demonstrated that there are no practicable alternatives which meet the standards set forth in § 325-9A. Practicable alternatives that meet the standards set forth in § 325-9A are presumed to be available unless the applicant clearly demonstrates otherwise.

(2) The approving authority shall require the applicant to submit information to describe sites and the work both for the proposed location and alternative site locations and configurations sufficient for a determination by the approving authority. The level of detail shall be commensurate with the scope of the project and the practicability of alternatives.

(3) The approving authority shall require the applicant to demonstrate that the proposed work and location would have a less adverse environmental impact than any practicable alternative that meets the standards set forth in § 325-9A in order for it to be approved. Practicable alternatives that meet the standards set forth in § 325-9A are presumed to have less adverse impacts on the wetlands than projects that don't meet such standards, unless the applicant clearly demonstrates otherwise.

(4) The approving authority may consider imposing less than the recommended setbacks if the approving authority determines that the applicant has demonstrated the following:

(a) A buffer zone with an overall average width equivalent to the minimum required buffer zones set forth in § 325-9A, for turf, fertilizers, pesticides, herbicides, fungicides or similar treatments, landscaping or other clearing or disturbance of natural vegetation will provide equivalent protection of the wetland, or that partial relief of the minimum buffer requirements is both reasonable and sufficient to justify a lesser overall average buffer zone for such activities.

(b) The proposed work and location will not impair the capacity of the wetland and buffer to provide essential wildlife habitat characteristics, including, among others, food, shelter, breeding, cover, screening and migratory habitat, as well as essential corridors and connective functions.

(c) The proposed work and location will not impair wetlands and surface water quality by incorporating erosion, sedimentation and runoff controls to minimize nonpoint source pollution.

(d) Mitigating measures shall be implemented that contribute to the protection and enhancement of wetlands and wetland benefits.

(5) If the applicant can meet the criteria enumerated in § 325-9D(1) through (4), then the approving authority may impose less than the recommended setbacks set forth in § 325-9A.

The proposed action complies with the standards for the issuance of a permit. As such, the aforementioned exceptions are not required.

Overall, based on the above analysis, the proposed regulated activities would have no significant adverse impacts to the adjacent tidal wetlands. The proposed project has been designed to result in beneficial impacts to these tidal wetlands, with increases in structural and sanitary setbacks, reduction of nitrogen loading, and planting of native wetland and buffer vegetation.

Mapped Floodplains and Flooding

Floodplains

As discussed in Section 2.2.1, the Dune Road resurfacing project completed in 2017 by the Town of Southampton has alleviated flooding along the road. As indicated in Section 2.2.1 and shown on Figure 7 in Appendix A of this DEIS, the entire development site is within Zone AE: BFE 12 ft. The lowest habitable building level (i.e., First Floor Elevation[FFE]) would be 14.55 ft or 2.55 ft above the BFE. Additionally, the proposed condominiums/townhomes would be constructed in compliance with VE building standards, discussed later in this Section. In the April 2022 report by USFWS submitted to the United States Congress, it was recommended the development site be removed from the CBRS. Therefore, development restrictions within the CBRS would not be applicable. Furthermore, the proposed action would not modify the existing mapped floodplain. Overall, based on the proposed design, no significant adverse impacts associated with flooding are expected.

United States Geological Survey (USGS) Flood Event Viewer – Superstorm Sandy

As discussed in Section 2.2.1 of this DEIS, USGS Site Number NYSUF07641, located approximately 0.25 miles southwest of the subject property, recorded a high-water mark from floodwaters from Superstorm Sandy of 6.4 ft AMSL. Should the proposed development experience similar storm conditions as such storm, it would be expected that floodwaters would not reach the first floor of the proposed units and water would only inundate the garages. Therefore, a storm with the strength of Superstorm Sandy would not impact the proposed action.

FEMA Guidelines for Development

An analysis of proposed action with the relevant development guidelines within Zone VE is included below.

(1) Meet the requirements of paragraphs (c)(1) through (14) of this section;

(C1) Require the standards of paragraph (b) of this section within all A1-30 zones, AE zones, A zones, AH zones, and AO zones, on the community's FIRM;

Paragraph (b) of 44 CFR §60.3 relates to when FEMA has not produced water surface elevation data nor identified a floodway or coastal high hazard area. The FEMA maps for the subject property provides the BFE for the site. As such, this criterion would not be applicable to the proposed action.

(C2) Require that all new construction and substantial improvements of residential structures within Zones A1-30, AE and AH zones on the community's FIRM have the lowest floor (including basement) elevated to or above the base flood level, unless the community is granted an exception by the Federal Insurance Administrator for the allowance of basements in accordance with § 60.6 (b) or (c);

The development site is located within Zone AE: BFE 12. The proposed FFE of the residential units would be 14.55 ft to 14.65 ft depending on the unit type. As such, the proposed design would be consistent with this criterion.

(C3) Require that all new construction and substantial improvements of non-residential structures within Zones A1-30, AE and AH zones on the community's firm (i) have the lowest floor (including basement) elevated to or above the base flood level or, (ii) together with attendant utility and sanitary facilities, be designed so that below the base flood level the structure is watertight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy;

As indicated above, the proposed FFE of the residential units would be 14.55 ft and 14.65 ft or 2.55 ft to 2.65 ft above BFE. The proposed STP would be situated at Elevation 12.5 or 0.50 ft above BFE. The proposed FFE of the STP control building would be 8.95 ft. While the required equalization pump station would be installed below the BFE, it would utilize flood proof hatches and ventilation for flood mitigation and ventilation piping would terminate above the BFE. Additionally, the STP control building would have electrical panels located above the BFE and all other equipment would be protected from flooding. The proposed pool equipment would be anchored. All associated utility infrastructure for electric and natural gas would be designed in accordance with the specifications of the utility providers and would include the relevant requirements associated with flood protection. Based on the above, the proposed action would be consistent with this criterion.

(C4) Provide that where a non-residential structure is intended to be made watertight below the base flood level, (i) a registered professional engineer or architect shall develop and/or review structural design, specifications, and plans for the construction, and shall certify that the design and methods of construction are in accordance with accepted standards of practice for meeting the applicable provisions of paragraph (c)(3)(ii) or (c)(8)(ii) of this

section, and (ii) a record of such certificates which includes the specific elevation (in relation to mean sea level) to which such structures are floodproofed shall be maintained with the official designated by the community under § 59.22(a)(9)(iii);

As indicated above, the proposed FFE of the STP control building would be 8.95 ft. While the equalization pump station would be installed below the BFE, it would utilize flood proof hatches and ventilation for flood mitigation and ventilation piping would terminate above the BFE. The structural design, specifications, and plans for the proposed construction would be fully designed by a registered professional in accordance with the accepted standards of practice. Additionally, all elevation information would be included on the Certificate of Occupancy. Based on the above, the proposed action would be consistent with this criterion.

(C5) Require, for all new construction and substantial improvements, that fully enclosed areas below the lowest floor that are usable solely for parking of vehicles, building access or storage in an area other than a basement and which are subject to flooding shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters. Designs for meeting this requirement must either be certified by a registered professional engineer or architect or meet or exceed the following minimum criteria: A minimum of two openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding shall be provided. The bottom of all openings shall be no higher than one foot above grade. Openings may be equipped with screens, louvers, valves, or other coverings or devices provided that they permit the automatic entry and exit of floodwaters.

The proposed garages would be situated at elevations ranging from 7.15 ft and 7.80 ft. According to the architect, the design of the proposed garages would be open-air with slotted walls to allow for wind and floodwaters to enter and exit. The designs would be prepared by a registered professional. Based on the above, the proposed action would be consistent with this criterion.

(C6) Require that manufactured homes that are placed or substantially improved within Zones A1-30, AH, and AE on the community's FIRM on sites

(i) Outside of a manufactured home park or subdivision,
(ii) In a new manufactured home park or subdivision,
(iii) In an expansion to an existing manufactured home park or subdivision, or
(iv) In an existing manufactured home park or subdivision on which a manufactured home has incurred "substantial damage" as the result of a flood, be elevated on a permanent foundation such that the lowest floor of the manufactured home is elevated to or above the base flood elevation and be securely anchored to an adequately anchored foundation system to resist floatation collapse and lateral movement.

As the proposed development does not include manufactured homes, this criterion would not be relevant to the proposed action.

(C7) Require within any AO zone on the community's FIRM that all new construction and substantial improvements of residential structures have the lowest floor (including basement) elevated above the highest adjacent grade at least as high as the depth number specified in ft on the community's FIRM (at least two ft if no depth number is specified);

As the subject property is not located within an AO Zone, this criterion would not be relevant to the proposed action.

(C8) Require within any AO zone on the community's FIRM that all new construction and substantial improvements of nonresidential structures (i) have the lowest floor (including basement) elevated above the highest adjacent grade at least as high as the depth number specified in ft on the community's FIRM (at least two ft if no depth number is specified), or (ii) together with attendant utility and sanitary facilities be completely floodproofed to that level to meet the floodproofing standard specified in § 60.3(c)(3)(ii);

As the subject property is not located within an AO zone, this criterion would not be relevant to the proposed action.
(C9) Require within any A99 zones on a community's FIRM the standards of paragraphs (a)(1) through (a)(4)(i) and (b)(5) through (b)(9) of this section;

As the subject property is not located within any A99 zones, this criterion would not be relevant to the proposed action.

(C10) Require until a regulatory floodway is designated, that no new construction, substantial improvements, or other development (including fill) shall be permitted within Zones A1-30 and AE on the community's FIRM, unless it is demonstrated that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood more than one foot at any point within the community.

As the subject property is located within a regulatory floodway, this criterion would not be relevant to the proposed action. However, it is noted that the proposed action would not increase the water surface elevation of the base flood by more than one (1) ft.

(C11) Require within Zones AH and AO, adequate drainage paths around structures on slopes, to guide floodwaters around and away from proposed structures.

As the subject property is not located within Zones AH or AO, this criterion would not be relevant to the proposed action.

(C12) Require that manufactured homes to be placed or substantially improved on sites in an existing manufactured home park or subdivision within Zones A-1-30, AH, and AE on the community's FIRM that are not subject to the provisions of paragraph (c)(6) of this section be elevated so that either

(i) The lowest floor of the manufactured home is at or above the base flood elevation, or
(ii) The manufactured home chassis is supported by reinforced piers or other foundation elements of at least equivalent strength that are no less than 36 inches in height above grade and be securely anchored to an adequately anchored foundation system to resist floatation, collapse, and lateral movement.

As the proposed development does not include manufactured homes, this criterion would not be relevant to the proposed action.

(C13) Notwithstanding any other provisions of § 60.3, a community may approve certain development in Zones Al-30, AE, and AH, on the community's FIRM which increase the water surface elevation of the base flood by more than one foot, provided that the community first applies for a conditional FIRM revision, fulfills the requirements for such a revision as established under the provisions of § 65.12, and receives the approval of the Federal Insurance Administrator.

The proposed action would not increase the water surface elevation of the base flood by more than one (1) ft. As such, this criterion would not be relevant to the proposed action.

(C14) Require that recreational vehicles placed on sites within Zones A1-30, AH, and AE on the community's FIRM either
(i) Be on the site for fewer than 180 consecutive days,
(ii) Be fully licensed and ready for highway use, or
(iii) Meet the permit requirements of paragraph (b)(1) of this section and the elevation and anchoring requirements for "manufactured homes" in paragraph (c)(6) of this section.

A recreational vehicle is ready for highway use if it is on its wheels or jacking system, is attached to the site only by quick disconnect type utilities and security devices, and has no permanently attached additions.

Should the HOA permit the storage of recreational vehicles at the proposed development, the storage requirement would be consistent with these criteria. Therefore, the proposed action would be consistent with this building standard.

(2) Within Zones V1-30, VE, and V on a community's FIRM, (i) obtain the elevation (in relation to mean sea level) of the bottom of the lowest structural member of the lowest floor (excluding pilings and columns) of all new and substantially improved structures, and whether or not such structures contain a basement, and (ii) maintain a record of all such information with the official designated by the community under §59.22(a)(9)(iii);

As indicated earlier, the lowest structural member of the lowest floor for the proposed residential units would range between 14.55 ft and 14.65 ft or 2.55 ft to 2.65 ft above BFE. The proposed residential units would be constructed on pilings with first level garages (no

basements are proposed). The proposed STP control building would have a FFE of 8.95 ft but would utilize flood proof hatches and ventilation for flood mitigation. Also, all electrical panels would be located above the BFE. All elevation information would be included on the Certificate of Occupancy.

(3) Provide that all new construction within Zones V1-30, VE, and V on the community's FIRM is located landward of the reach of mean high tide;

As shown on the Proposed Site Plan (see Sheet C-100 in Appendix D of this DEIS), the MHW mark was identified on January 25, 2022. All proposed development is landward of MHW. Specifically, the proposed redevelopment would have a minimum structural setback of 50 ft from MHW at the bulkhead; and 75 ft from vegetated marshes on the east and west sides of the site. The proposed action would be consistent with this requirement.

(4) Provide that all new construction and substantial improvements in Zones V1-30 and VE, and also Zone V if base flood elevation data is available, on the community's FIRM, are elevated on pilings and columns so that (i) the bottom of the lowest horizontal structural member of the lowest floor (excluding the pilings or columns) is elevated to or above the base flood level; and (ii) the pile or column foundation and structure attached thereto is anchored to resist flotation, collapse and lateral movement due to the effects of wind and water loads acting simultaneously on all building components. Water loading values used shall be those associated with the base flood. Wind loading values used shall be those required by applicable State or local building standards. A registered professional engineer or architect shall develop or review the structural design, specifications and plans for the construction, and shall certify that the design and methods of construction to be used are in accordance with accepted standards of practice for meeting the provisions of paragraphs (e)(4) (i) and (ii) of this section.

As indicated above, the lowest horizontal structural member of the lowest floor for the units would range from14.55 ft to14.65 ft AMSL depending on the unit type which would be 2.55± ft to 2.65± ft above the BFE of 12 ft. The units would be constructed on timber pile foundations which would be anchored to resist flotation, collapse or lateral movement. The proposed STP control building would have a FFE of 8.95 ft. While the required equalization pump station would be installed below the BFE, it would utilize flood proof hatches and ventilation for flood mitigation and ventilation piping would terminate above the BFE. Additionally, the STP control building would have electrical panels located above the BFE and all other equipment would be protected from flooding. The proposed STP control building would not utilize piling foundations; however, it would be anchored to resist flotation, collapse or lateral movement. The structural design, specifications, and plans for the proposed construction would be fully designed by a registered professional in accordance with the accepted standards of practice.

(5) Provide that all new construction and substantial improvements within Zones V1-30, VE, and V on the community's FIRM have the space below the lowest floor either free of obstruction or constructed with non-supporting breakaway walls, open wood lattice-work, or insect screening intended to collapse under wind and water loads without causing collapse, displacement, or other structural damage to the elevated portion of the building or supporting foundation system. For the purposes of this section, a breakaway wall shall have a design safe loading resistance of

not less than 10 and no more than 20 pounds per square foot. Use of breakaway walls which exceed a design safe loading resistance of 20 pounds per square foot (either by design or when so required by local or State codes) may be permitted only if a registered professional engineer or architect certifies that the designs proposed meet the following conditions:

(i) Breakaway wall collapse shall result from a water load less than that which would occur during the base flood; and,
(ii) The elevated portion of the building and supporting foundation system shall not be subject to collapse, displacement, or other structural damage due to the effects of wind and water loads acting simultaneously on all building components (structural and non-structural). Water loading values used shall be those associated with the base flood. Wind loading values used shall be those required by applicable State or local building standards.

Such enclosed space shall be useable solely for parking of vehicles, building access, or storage.

The space below the lowest floor for all units would be used for parking vehicles and/or storage only. The proposed garages would be situated between elevations of 7.15 ft and 7.80 ft. According to the architect, the design of the proposed garages would be open-air with slotted walls to allow for wind and floodwaters to enter and exit. The elevated portion of the residential units would be anchored to resist flotation, collapse, lateral movement or other structural damage due to the simultaneous effects of wind and water loads. The designs would be prepared by a registered professional in accordance with the above relevant criteria. Based on the above, the proposed action would be consistent with this criterion.

(6) Prohibit the use of fill for structural support of buildings within Zones V1-30, VE, and V on the community's FIRM;

The proposed action does not propose the use of fill for structural support. As such, the proposed action would be consistent with this requirement.

(9) Require that recreational vehicles placed on sites within Zones V1-30, V, and VE on the community's FIRM either
(i) Be on the site for fewer than 180 consecutive days,
(ii) Be fully licensed and ready for highway use, or
(iii) Meet the requirements in paragraphs (b)(1) and (e) (2) through (7) of this section.

A recreational vehicle is ready for highway use if it is on its wheels or jacking system, is attached to the site only by quick disconnect type utilities and security devices, and has no permanently attached additions.

As indicated above, should the HOA permit the storage of recreational vehicles at the proposed development, the storage requirement would be consistent with these criteria. Therefore, the proposed action would be consistent with this building standard.

Chapter 169 of Town Code (Flood Damage Prevention)

As required by the Final Scope dated December 17, 2020, the proposed action is required to comply with VE building standards. The Town of Southampton outlines construction standards for residential structures in coastal high-hazard areas at §169-17 *Residential Structures (Coastal High-Hazard Areas)*. The proposed action would meet or exceed the following criteria:

> *A. Elevation. New construction and substantial improvements shall be elevated on pilings, columns or shear walls such that the bottom of the lowest horizontal structural member supporting the lowest elevated floor (excluding columns, piles, diagonal bracing attached to the piles or columns, grade beams, pile caps and other members designed to either withstand storm action or break away without imparting damaging loads to the structure) is elevated to or above two ft above base flood elevation so as not to impede the flow of water, as identified in the Flood Insurance Rate Map (FIRM) for the Town of Southampton as established in § 169-6.*

As indicated in the above FEMA Guidelines for Development analysis, the lowest structural member of the lowest floor for the proposed residential units would range between 14.55 ft and 14.65 ft or 2.55 ft to 2.65 ft above BFE. The proposed residential units would be constructed on pilings with first level garages (no basements are proposed). The proposed STP control building would have a FFE of 8.95 ft but would utilize flood proof hatches and ventilation for flood mitigation. Also, all electrical panels would be located above the BFE. Based on the above, the proposed action would be consistent with this building standard.

> *B. Determination of loading forces. Structural design shall consider the effects of wind and water loads acting simultaneously during the base flood on all building components.*
>
> *(1) The structural design shall be adequate to resist water forces that would occur during the base flood. Horizontal water loads considered shall include inertial and drag forces of waves, current drag forces, and impact forces from waterborne storm debris. Dynamic uplift loads shall also be considered if bulkheads, walls, or other natural or man-made flow obstructions could cause wave runup beyond the elevation of the base flood.*
>
> *(2) Buildings shall be designed and constructed to resist the forces due to wind pressure. Wind forces on the superstructure include windward and leeward forces on vertical walls, uplift on the roof, internal forces when openings allow wind to enter the house, and upward force on the underside of the house when it is exposed. In the design, the wind should be assumed to blow potentially from any lateral direction relative to the house.*
>
> *(3) Wind loading values used shall be those required by the Building Code.*

As indicated in the above FEMA Guidelines for Development analysis, the proposed FFE of the residential units would be 14.55 ft and 14.65 ft or 2.55 ft to 2.65 ft above BFE. The proposed residential units would be constructed on pilings with first level garages (no basements are proposed). The proposed STP would be situated at Elevation 12.5 or 0.50 ft above BFE. The proposed STP control building would have a FFE of 8.95 ft but would utilize flood proof hatches and ventilation for flood mitigation. Also, all electrical panels would

be located above the BFE. Based on the above, the proposed action would be consistent with this building standard.

C. Foundation standards.

(1) The pilings or column foundation and structure attached thereto shall be adequately anchored to resist flotation, collapse or lateral movement due to the effects of wind and water pressure acting simultaneously on all building components. Foundations must be designed to transfer safely to the underlying soil all loads due to wind, water, dead load, live load and other loads (including uplift due to wind and water).

(2) Spread footings and fill material shall not be used for structural support of a new building or substantial improvement of an existing structure.

As indicated above, the proposed residential units would be constructed on timber pile foundations with first level garages (no basements are proposed) The piling foundations would be designed in accordance with these criteria and would be anchored to resist flotation, collapse or lateral movement. The proposed STP control building would not utilize piling foundations; however, it would be anchored to resist flotation, collapse or lateral movement. Spread footings and fill material for structural support are not proposed. Therefore, the proposed action would be consistent with this building standard.

D. Pile foundation design.

(1) Pile spacing. The design ratio of pile spacing to pile diameter shall not be less than eight to one for individual piles; however, this would not apply to pile cluster located below the design grade. The maximum center-to-center spacing of wood piles shall not be more than 12 ft on center under load-bearing sills, beams or girders.

(2) Pile embedment. Piles shall have adequate soil penetration (bearing capacity) to resist the combined wave and wind loads (lateral and uplift) associated with the base flood acting simultaneously with typical structure (live and dead) loads and shall include consideration of decreased resistance capacity caused by erosion of soil strata surrounding the piles. The minimum penetration for foundation piles is to an elevation of five ft below mean sea level (msl) datum if the base flood elevation is +10 msl or less or to at least 10 ft below mean sea level if the base flood elevation is greater than +10 msl.

(3) Column action. Pile foundation analysis shall also include consideration of piles in column action from the bottom of the structure to the stable soil elevation of the site. Pilings may be horizontally or diagonally braced to withstand wind and water forces.

(4) The minimum acceptable sizes for timber piles are a top diameter of eight inches for round timber piles and eight inches by eight inches for square timber piles. All wood piles must be treated in accordance with the requirements of AWPA-C3 to minimize decay and damage from fungus.

(5) Reinforced concrete piles shall be cast of concrete having a twenty-eight-day ultimate compressive strength of not less than 5,000 pounds per square inch and shall be reinforced with a minimum of four longitudinal steel bars having a combined area of not less than 1% nor more than 4% of the gross concrete area. Reinforcement for precast piles shall have a complete cover of not less than 1 1/4 inches for No. 6 through

No. 11 bars. Reinforcement for piles cast in the field shall have a concrete cover of not less than two inches.
(6) Pile installation. Piles shall be driven by means of a pile driver or drop hammer, jetted or augured into place.
(7) Bracing. Additional support for piles in the form of bracing may include lateral or diagonal bracing between piles.
(8) When necessary, piles shall be braced at the ground line in both directions by a wood timber grade beam or a reinforced concrete grade beam. These at-grade supports should be securely attached to the piles to provide support even if scoured from beneath.
(9) Diagonal bracing between piles, consisting of two-inch by eight-inch (minimum) members bolted to the piles, shall be limited in location to below the lowest supporting structural member and above the stable soil elevation and aligned in the vertical plane along pile rows perpendicular to the shoreline. Galvanized steel rods (minimum diameter of 1/2 inch) or cable-type bracing is permitted in any plane.
(10) Knee braces, which stiffen both the upper portion of a pile and the beam-to-pile connection, may be used along pile rows perpendicular and parallel to the shoreline. Knee braces shall be two-by-eight lumber bolted to the sides of the pile/beam or four-by-four or larger braces framed into the pile/beam. Bolting shall consist of two five-eighths-inch galvanized steel bolts (each end) for two-by-eight members or one five-eighths-inch lag bolt (each end) for square members. Knee braces shall not extend more than three ft below the elevation of the base flood.

As indicated above, the residential units would be constructed on timber pile foundations. The piling foundations would be designed in accordance with the above criteria by a registered professional. Therefore, the proposed action would be consistent with this building standard.

E. Column foundation design. Masonry piers or poured-in-place concrete piers shall be internally reinforced to resist vertical and lateral loads and shall be connected with a movement-resisting connection to a pile cap or pile shaft.

Detailed construction plans have not yet been developed for the proposed action; however, this requirement is acknowledged.

F. Connectors and fasteners. Galvanized metal connectors, wood connectors or bolts of size and number adequate for the calculated loads must be used to connect adjoining components of a structure. Toenailing as a principal method of connection is not permitted. All metal connectors and fasteners used in exposed locations shall be steel, hot-dipped galvanized after fabrication. Connectors in protected interior locations shall be fabricated from galvanized sheet.

Detailed construction plans have not yet been developed for the proposed action; however, this requirement is acknowledged.

G. Beam to pile connections. The primary floor beams or girders shall span the supports in the direction parallel to the flow of potential floodwater and wave action and shall be fastened to the columns of pilings by bolting, with or without cover plates. Concrete members shall be connected by reinforcement, if cast in place, or, if precast, shall be securely connected by bolting

or welding. If sills, beams or girders are attached to wood piling at a notch, a minimum of two five-eighths-inch galvanized steel bolts or two hot-dipped galvanized straps 3/16 inch by four inches by 18 inches, each bolted with two one-half-inch lag bolts per beam member, shall be used. Notching of pile tops shall be the minimum sufficient to provide ledge support for beam members not to be notched so that the cross section is reduced below 50%.

Detailed construction plans have not yet been developed for the proposed action; however, this requirement is acknowledged.

H. Floor and deck connections.

(1) Wood two-inch by four-inch (minimum) connectors or metal joist anchors shall be used to tie floor joists to floor beams/girders. These should be installed on alternate floor joints, at a minimum. Cross bridging of all floor joists shall be provided. Such cross bridging may be one-inch by three-inch members, placed eight ft on center, maximum, or solid bridging of same depth as joist at same spacing.

(2) Plywood should be used for subflooring and attic flooring to provide good torsional resistance in the horizontal plane of the structure. The plywood should not be less than three-fourths-inch total thickness and should be exterior grade and fastened to beams or joists with 8d annular or spiral-thread galvanized nails. Such fastening shall be supplemented by the application of waterproof industrial adhesive applied to all bearing surfaces.

Detailed construction plans have not yet been developed for the proposed action; however, this requirement is acknowledged.

I. Exterior wall connections. All bottom plates shall have any required breaks under a wall stud or an anchor bolt. Approved anchors will be used to secure rafters or joists and top and bottom plates to studs in exterior and bearing walls to form a continuous tie. Continuous plywood sheathing 15/32 inch or thicker, overlapping the top wall plate and continuing down to the sill, beam, or girder, may be used to provide the continuous tie. If the sheets of plywood are not vertically continuous, then two-by-four nailer blocking shall be provided at all horizontal joints. In lieu of the plywood, galvanized steel rods of 1/2 inch in diameter or galvanized steel straps no less than one inch wide by 1/16 inch thick may be used to connect from the top wall plate to the fill, beam, or girder. Washers with a minimum diameter of three inches shall be used at each end of the one-half-inch-round rods. These anchors shall be installed no more than two ft from each corner and no more than four ft on center.

Detailed construction plans have not yet been developed for the proposed action; however, this requirement is acknowledged.

J. Ceiling joist/rafter connection.

(1) All ceiling joists or rafters shall be installed in such a manner that the joists provide a continuous tie across the rafters. Ceiling joists and rafters shall be securely fastened at their intersections. A metal or wood connector shall be used at alternate ceiling joist/rafter connections to the wall top plate.

(2) Gable roofs shall be additionally stabilized by installing two-by-four blocking on two-foot centers between the rafters at each gable end. Blocking shall be installed a minimum of eight ft toward the house interior from each gable end.

Detailed construction plans have not yet been developed for the proposed action; however, this requirement is acknowledged.

K. Projecting members. All cantilevers and other projecting members must be adequately supported and braced to withstand wind and water uplift forces. Larger overhangs and porches will be permitted if designed or reviewed and certified by a registered professional engineer or architect.

Detailed construction plans have not yet been developed for the proposed action; however, this requirement is acknowledged.

L. Roof sheathing.

(1) Plywood or other wood material, when used as roof sheathing, shall not be less than 15/32 inch in thickness and shall be of exterior sheathing grade or equivalent. All attaching devices for sheathing and roof coverings shall be galvanized or shall be of other suitable corrosion-resistant material.
(2) All corners, gable ends, and roof overhangs exceeding six inches shall be reinforced by the application of waterproof industrial adhesive applied to all bearing surfaces of any plywood sheet used in the sheathing of such corner, gable end, or roof overhang.
(3) In addition, roofs should be sloped as steeply as practicable to reduce uplift pressures, and special care should be used in securing ridges, hips, valleys, eaves, vents, chimneys, and other points of discontinuity in the roofing service.

Detailed construction plans have not yet been developed for the proposed action; however, this requirement is acknowledged.

M. Protection of openings. All exterior glass panels, windows, and doors shall be designed, detailed, and constructed to withstand loads due to the design wind speed of 120 miles per hour, three-second gust. Connections for these elements must be designed to transfer safely the design loads to the supporting structure.

Detailed construction plans have not yet been developed for the proposed action; however, this requirement is acknowledged.

N. Breakaway wall design standards.

(1) The breakaway wall shall have a design safe loading resistance of not less than 10 and not more than 20 pounds per square foot, with the criterion that the safety of the overall structure at the point of all failure be confirmed using established procedures. Grade beams shall be installed in both directions for all piles considered to carry the breakaway wall load. Knee braces are required for front row piles that support breakaway walls.

> *(2) Use of breakaway wall strengths in excess of 20 pounds per square foot shall not be permitted unless a registered professional engineer or architect has developed or reviewed the structural design and specifications for the building foundation and breakaway wall components and certifies that the breakaway walls will fail under water loads less than those that would occur during the base flood and that the elevated portion of the building and supporting foundation system will not be subject to collapse, displacement, or other structural damage due to the effects of wind and water loads acting simultaneously on all building components (structural and nonstructural). Water loading values used shall be those associated with the base flood. Wind loading values shall be those required by the Building Code.*

The proposed action would be designed in accordance with these criteria. Therefore, the proposed action is consistent with this building standard.

Overall, based on the above, the proposed action would comply with all standards for the issuance of a permit.

New York State Housing Recovery Program – Buyout and Acquisition Programs

As discussed in Section 2.2.1 of this DEIS, in order for buyout and acquisition to be considered, CDBG-DR funding made available following a Presidentially-declared disaster is required and residential property would need to be declared either substantially damaged (damage costs exceeded more than 51-percent of the structure value) or destroyed during the event. While it is the intent of CDBG-DR funding to benefit low- and moderate-income areas and is a key criterion of eligibility for either the buyout or acquisition program, should the proposed condominiums be declared either substantially damaged or are destroyed following a declared disaster, buyout and acquisition could be considered. It is not anticipated the proposed development would be eligible for buyout or acquisition as part of this program as the intent of funds is to benefit low-and moderate-income areas. Therefore, this program is not applicable to the proposed action.

NOAA SLOSH Zone

The proposed design considers the subject property's susceptibility to storm surges produced from Category 1 – 4 hurricanes. As discussed in Section 2.2.1, based on the maps (see Figure 9 in Appendix A of this DEIS), storm surge depths of six (6) ft above ground level during both Category 1 and Category 2 hurricanes could be experienced across the entirety of the subject property under existing site conditions. However, based on the proposed site conditions, only that portion of the subject property below 6.0 ft, including the site entrance and a small portion of the interior driveway until elevations reach over 6.0 ft AMSL would be impacted by storm surge in Category 1 or 2 storms. During Category 3 and Category 4 hurricanes, storm surge depths of nine (9) ft above ground level could be experienced across the entirety of the subject property, similar to existing conditions.

The proposed FFE of the proposed residential units would range from 14.55-14.65 ft AMSL, which would be 5.5± ft to 8.5± ft above the storm surge projections (i.e., 6-9 ft storm surge). Additionally, the

STP would be placed at 12.5 ft AMSL which is 3.5 ft to 6.5 ft above the storm surge projections of 6-9 ft. The proposed garages would be situated at elevations ranging from 7.15 ft and 7.80 ft. According to the architect, the design of the proposed garages would be open-air with slotted walls to allow for wind and floodwaters to enter and exit. The pool equipment and STP control building (FFE 8.95 ft) would be reinforced to minimize damage from storm surge. While the required equalization pump station would be installed below the BFE, it would utilize flood proof hatches and ventilation for flood mitigation and ventilation piping would terminate above the BFE. Additionally, the STP control building would have electrical panels located above the BFE and all other equipment would be protected from flooding. Leaching pools for sanitary effluent would be placed at top elevation of 8.0 ft AMSL. Therefore, the proposed design considers storm surge such that no significant adverse property impacts would occur.

In summary, based on the above:

- Category 1 and 2 (storm surge of 6 ft):

  Storm surge would result in flooding at site entrance. No impact to the interior living areas of the residential units and no floodwaters entering the garages. No impact to the STP control building or its components.

- Category 3 and 4 (storm surge of 9 ft):

  Storm surge would result in flooding at site entrance. No impact to the interior living areas of the residential units. The proposed garages, at elevations ranging from 7.15 ft and 7.80 ft, would have floodwaters enter. The garages would be open-air with slotted walls to allow for wind and floodwaters to enter and exit.

  Regarding the STP, the treated effluent would discharge into an effluent leaching pool groundwater disposal system, with each leaching galley having an effective depth of two (2) ft and placed at top elevation of approximately 8.0 ft. In the event of flooding, where the flood waters are above the rim elevation of the leaching pools (i.e., above 8.0 ft), the leaching pools could be saturated with water. This would hinder the ability of water to drain from the process tanks into the leaching pools, and treated effluent waters in the leaching pools could mix with infiltrated flood waters.

NOAA and ASFPM No Adverse Impacts Approach to Floodplain Management

As requested in the Final Scope for the DEIS, the "No Adverse Impact" (NAI) framework was evaluated for consistency with the proposed action. However, the NAI framework did not guide the development of the proposed action and is therefore not applicable. It is important to note the proposed action is not a project that would pose a public threat, increase flood or storm damage to public or private property, nor would additional strain be placed on the Town of Southampton's budget.

Surface Waters and Coastal Resources

Shinnecock Bay – Waterbody Classification (6 NYCRR Part 701)

Shinnecock Bay is classified as a Class SA saline surface water. As discussed in Section 1.4.2, the continued use of the existing docks would be restricted to residents of the proposed community and the boating activity complies with those uses best suited for Class SA and would not alter the classification of Shinnecock Bay.

Nitrogen Loading and Impact to Nearby Surface Waters – BURBS Analysis

As indicated in Section 2.2.1 of this DEIS, the subject site falls within the 0-2-year surface water contributing area to the Shinnecock Bay West subwatershed. The proposed STP would be located closer towards the 2-year boundary. The Subwatershed Plan encourages the use of I/A OWTS and STPs for reduced nitrogen loading from future development, and thus, the proposed action is consistent with same.

Shinnecock Bay Restoration Program

The proposed action would not impact the implementation of the SHiRP. Furthermore, the proposed action would contribute to the success of SHiRP as water quality improvement could be seen in the vicinity of the proposed development as the STP would reduce the nitrogen loading and the stormwater management program and planting of native wetland and buffer vegetation would reduce runoff into Shinnecock Bay.

Draft New York State 2018 Section 303(d) List of Impaired Waters Requiring a TMDL/Other Strategy

The proposed action may contribute to water quality improvements within Shinnecock Bay in the vicinity of the proposed development as the individual sanitary system would be removed and stormwater runoff would be managed entirely on-site. As evaluated earlier in this section, projected total nitrogen loading from the proposed development would be 124.15 lbs./yr. or 61.42 lbs. per year less than loading under existing conditions (185.57 lbs. per year).

NYSDOS Significant Coastal Fish and Wildlife Habitat

The subject property is within the NYSDOS-designated Dune Road Marsh Significant Coastal Fish and Wildlife Habitat. Additionally, as evaluated in Section 2.3 of this DEIS, several significant natural ecological communities have been documented to occur adjacent and proximate to the site, including low salt marsh, marine back-barrier lagoon, and marine eelgrass meadows. These ecological communities are high-quality examples of ecological communities that are uncommon or rare in NYS and are part of the Shinnecock Bay and/or Dune Road Marsh Significant Coastal Fish and Wildlife Habitats designated by the NYSDOS Division of Coastal Resources due to the state-wide significance of the shellfish and finfish resources, submerged aquatic vegetation beds, and waterfowl and wading bird breeding and wintering habitat.

The proposed action would not have significant adverse impacts on these significant ecological resources as, under the proposed conditions: (1) developed surfaces (i.e., buildings and decks, pervious and impervious roads and parking areas, and accessory structures) would decrease from 2.29± acres to 1.36± acres; (2) naturally vegetated areas will increase from 4.84± acres to 5.65± acres (approximately 80% of the site excluding open water) by planting native vegetation in currently developed areas; (3) building setbacks to tidal wetlands would increase from 0 ft (existing conditions) to between 50-and-83 ft (proposed conditions); and (4) nitrogen loading from sanitary wastewater would decrease from 185.57 lbs./year to 124.15 lbs./year due to the replacement of the existing conventional sanitary system (located 75 ft from wetlands) with the STP (to be located 265 ft from wetlands). These environmental mitigation measures are expected to reduce nutrient and coliform pollution to the nearby significant ecological communities and surface water resources compared to existing conditions and, accordingly, the proposed action is not expected to have any significant adverse impacts on the significant ecological communities occurring at the site, the Dune Road marshes and Shinnecock Bay.

New York State Department of Environmental Conservation (NYSDEC) Statewide Seagrass Map

As discussed in Section 2.2.1 of this DEIS, seagrass is present on the northern portion of the subject property across the previously dug canal connecting the existing marina to Shinnecock Bay. Additionally, seagrass is present east of the subject site on the Town-owned opened space. However, the proposed action does not require in-water work and would not inhibit the success of these seagrass areas.

Southampton Town Coastal Resources and Water Protection Plan 2016

As indicated in Section 2.2.1 of this DEIS, the 12 policies of the SCRWPP address the following impact issues: development and land use; historic and cultural resources; scenic resources; flooding, erosion, and sea level rise; water quality; ecosystem and natural resources; air quality; solid waste and hazardous substances and waste; public access and recreation; water-dependent use of living marine resources; agriculture; and energy and mineral resources. It is the intent of these policies to highlight the interconnections between the Town's coastal resources. An analysis of the proposed action with the policies of the SCRWPP is included in the table below.

Table 14 - Southampton Town Coastal Resources and Water Protection Plan 2016

SCRWPP POLICY	ANALYSIS
DEVELOPMENT AND LAND USE POLICIES	
Policy 1 Foster a pattern of development in the Town of Southampton that enhances community character, preserves open space, makes efficient use of infrastructure, makes beneficial use of a coastal location, and minimizes adverse effects of development.	As noted in Section 1.1 and 1.2 of this DEIS, the existing restaurant/bar, office, marina with tennis courts, decks and parking is a legal pre-existing nonconforming use certified by the Chief Building Inspector and was recognized as a pre-existing non-conforming use in the R-80 Zoning District in 2004 by the ZBA. The proposed action includes a change in use to multifamily development as the applicant seeks to discontinue a use that is seasonal. As the proposed action includes a change in nonconforming use, the ZBA is to consider whether such change would be beneficial to the general neighborhood (§330-167B.3). The proposed development includes a multifamily residential use and the same land use exists directly south of the subject property, although a greater density. The Round Dune, Inc. multifamily development has a density of 14.3 units per acre. In comparison, the proposed 25 units would have a density of 7.40 units per acre. Furthermore, the proposed residential use is less intense than the current restaurant/marina use in terms of noise and traffic associated with the current use (see Section 3.2 of this DEIS). The proposed action also includes a revegetation plan that would restore wetland areas, which would have a beneficial ecological impact (see Section 2.3 of this DEIS). Additionally, the proposed project increases the structural and sanitary setbacks to the adjacent tidal wetlands and includes the use of an STP to reduce nitrogen loading to groundwater. Finally, the proposed development would reduce the impervious lot coverage in the upland area from 28.13% (i.e., existing 0.95± acre) to 25.94% (i.e., proposed 0.87± acre). Accordingly, the proposed action would be consistent with this policy.
HISTORIC AND CULTURAL RESOURCES	
Policy 2	

SCRWPP POLICY	ANALYSIS
Preserve historic resources of the waterfront.	The subject property is not within or adjacent to historic or cultural resources of New York State or the Town of Southampton. Therefore, this policy and its supporting policies are not applicable.
SCENIC RESOURCES	
Policy 3 Protect and, where possible, enhance the visual quality of the natural and man-made scenic resources throughout the waterfront area of the Town.	It is recognized that Dune Road runs along the entirety of the barrier island from the Shinnecock Inlet leading westward all the way to Moriches Inlet. The northern side provides an un-interrupted view of Shinnecock Bay with scattering of residences and Town facilities along the southern portion along the ocean. The proposed design considers the roadway, which provides an important scenic resource and sense of place. Upon implementation of the proposed action, the viewshed would be visually altered from that of a commercial restaurant with large parking area, to a residential condominium development. The proposed site layout situates the condominium buildings lengthwise, north to south, such that the waterfront views would be limited to the side facades of two buildings and waterfront amenities, including a swimming pool and cabana (see Rendering 10 in Appendix O and additional analysis in Section 3.4.2). From Dune Road, the views also encompass the side facades of two buildings, interior drive aisle and plantings, unlike the views of the Round Dune Villas opposite the site which includes an asphalt parking lot along the lot frontage and multi-story circular buildings in the foreground (see Rendering 11 in Appendix O and additional analysis in Section 3.4.2). The proposed architectural design includes a variety of materials and colors that would be consistent with and complement the character of the surrounding waterfront setting. The proposed landscaping plan would increase the area of native habitat and restore wetland areas on the subject property as compared to existing conditions. The proposed development also reduces the area of impervious surfaces and introduces a residential land use that is consistent with the surrounding

SCRWPP POLICY	ANALYSIS
	residential properties. Therefore, the proposed action would be consistent with this policy.
FLOODING, EROSION, AND SEA LEVEL RISE	
Policy 4 In the interest of public health, safety and welfare, minimize storm damage to principal structures and infrastructure from flooding, coastal storms, erosion and sea level rise from present and expected future conditions.	The proposed site design considers 18 inches of SLR with storm inundation from 10-yr or 100-yr events (see "Climate Change" subsection later in this section of the DEIS). The condominium townhomes would be developed in an area mapped within Zone AE: BFE 12 ft. The proposed FFE for the condominium townhomes would be 14.55 – 14.65 ft, which is 2.5 ft over BFE. Siting the FFE of the buildings above the BFE would protect structures from future flooding, coastal storms, erosion, and sea level rise. As for access from Dune Road, a resurfacing project was completed along Dune Road in 2017 to alleviate roadway flooding. It is recognized that road closures occur during storm events and the impact on this development would be the same as that to other residential homeowners along Dune Road. Overall, the proposed action is consistent with this policy.
WATER QUALITY	
Policy 5 Protect and improve water quality and supply	The proposed action would contribute to water quality improvement in the vicinity of the proposed development as the STP would reduce the nitrogen loading and the stormwater management program would reduce runoff into Shinnecock Bay. Therefore, the proposed action would be consistent with this policy.
ECOSYSTEM AND NATURAL RESOURCES	
Policy 6 Protect and restore the quality, diversity, and function of the ecosystem.	Upon implementation of the proposed action, the natural ecological communities and native plantings on the site would increase by 0.93± acre to approximately 80% of the site (excluding open water). Therefore, the proposed action would be consistent with this policy.

AIR QUALITY	
Policy 7 Protect and improve air quality in the Southampton waterfront area.	The proposed action would not introduce sources of air emissions that would result in significantly adverse impacts in the Southampton waterfront area. Therefore, this policy and its supporting policies are not applicable.
SOLID WASTE AND HAZARDOUS SUBSTANCES AND WASTE	
Policy 8 Minimize environmental degradation in the coastal area from solid waste and hazardous substances and wastes.	Environmental degradation in coastal areas would not result from solid waste generated by the proposed action or the storage of hazardous materials. Solid waste would be contained in trash receptacles in individual condominium units and any chemicals stored for the proposed pool and STP would be in compliance with Article 12 of the SCSC. Therefore, the proposed action would be consistent with this policy.
PUBLIC ACCESS AND RECREATION	
Policy 9 Provide for public access to, and recreational use of, the waterway, public lands, and public resources of the waterfront area.	It is acknowledged that the proposed application would result in the loss of a restaurant and marina, which provides access to the waterfront. The proposed action includes private residential use and includes waterfront amenities for residents only. This proposed development does not include any public parking or accommodations for public access (i.e., sidewalks from Dune Road). Therefore, this policy and its supporting policies are not applicable.
WATER-DEPENDENT USES AND THE SUSTAINABLE USE OF LIVING MARINE RESOURCES	
Policy 10 Protect water-dependent uses and promote siting of new water-dependent uses in suitable locations, especially the maritime centers at Shinnecock Canal and the Shinnecock Inlet.	The proposed application would not introduce new water-dependent uses. The existing docks would be restricted to residents of the proposed community. Therefore, this policy and its supporting policies are not applicable.
Policy 11 Protect and promote sustainable use of living marine resources.	The proposed action would not impact the protection measures in place for marine resources of Shinnecock Bay. Following implementation, Shinnecock Bay would remain a Class SA water body and shellfishing and fishing activities in the vicinity of the subject property would remain in operation. Therefore, this policy and its supporting policies are not applicable.

AGRICULTURE	
Policy 12 Protect agricultural lands in the Southampton coastal area.	The subject property is not within or adjacent to coastal agricultural lands. Therefore, this policy and its supporting policies are not applicable.
ENERGY AND MINERAL RESOURCES	
Policy 13 Promote appropriate use and development of energy and mineral resource.	The proposed action does not include the development of energy or mineral resources. Therefore, this policy and its supporting policies are not applicable.

NYSDOS Coastal Management Program

As indicated in Section 2.2.1 of this DEIS, the subject property is situated within the State Coastal Management Zone. An analysis of the proposed action with the policies of the State Coastal Management Program is included in the table below.

Table 15 – Consistency Analysis with NYSDOS Coastal Management Program – State Coastal Policies

STATE COASTAL POLICY	ANALYSIS
DEVELOPMENT POLICIES	
Policy 1 Restore, revitalize, and redevelop deteriorated and underutilized waterfront areas for commercial, industrial, cultural, recreational, and other compatible uses.	The proposed action includes the redevelopment of a commercial use to a multifamily residential use. The subject site is not deteriorated or underutilized, though the applicant desires to redevelop a seasonal business to full-time residential use. Use of the waterfront would continue for residents of the proposed development.
Policy 2 Facilitate the siting of water-dependent uses and facilities on or adjacent to coastal waters.	The proposed action is not a water-dependent use; however, residents of the community will significantly benefit from the location of the property on Shinnecock Bay and proximate to area beaches.
Policy 3 Further develop the state's major ports of Albany, Buffalo, New York, Ogdensburg, and Oswego as centers of commerce and industry, and encourage the siting, in these port areas, including those under the jurisdiction of state public authorities, of land use and development which is essential to, or in support of, the waterborne transportation of cargo and people.	This policy is not relevant to the proposed action.

STATE COASTAL POLICY	ANALYSIS
Policy 4 Strengthen the economic base of smaller harbor areas by encouraging the development and enhancement of those traditional uses and activities which have provided such areas with their unique maritime identity.	This policy is not relevant to the proposed action.
Policy 5 Encourage the location of development in areas where public services and facilities essential to such development are adequate.	The subject property is served by public water and utilities (electricity). In correspondence dated October 12, 2022, the water purveyor (SCWA) indicated there is sufficient capacity to service the proposed development. Additionally, community services inclusive of police and fire protection, and ambulance are available (see Section 3.3 of this DEIS). As such, the proposed action would be consistent with this policy.
Policy 6 Expedite permit procedures in order to facilitate the siting of development activities at suitable locations.	This policy is applicable to permitting agencies and not to private applicants.
FISH AND WILDLIFE POLICIES	
Policy 7 Significant coastal fish and wildlife habitats will be protected, preserved, and where practical, restored so as to maintain their viability as habitats.	As noted in Section 2.2.2 of this DEIS, the entirety of the subject property is within the NYSDOS-designated Dune Road Marsh Significant Coastal Fish and Wildlife Habitat. Although the proposed action would occur within the designated habitat, the subject site is already disturbed and developed and would not negatively affect any significant fish or wildlife communities. East and west of the subject property areas are developed within the designated habitat with residential uses. Furthermore, the proposed action would implement a comprehensive stormwater management program to capture and recharge all stormwater on-site such that no runoff would overflow into Shinnecock Bay or onto surrounding Town-owned properties that are held as open space. As such, the proposed action would be consistent with this policy.
Policy 8 Protect fish and wildlife resources in the coastal area from the introduction of hazardous wastes and other pollutants which bio-accumulate in the food chain or which cause significant sublethal or lethal effect on those resources.	There shall be no hazardous wastes stored on-site. All stormwater would be accommodated and recharged on-site. Additionally, all sanitary waste would be handled by an on-site STP capable of nitrogen removal. As indicated in Section 2.2.2 of

STATE COASTAL POLICY	ANALYSIS
	this DEIS, the utilization of the proposed STP at 7 mg/L results in a reduction of nitrogen of 0.963 lbs./day or approximately 351 lbs./year of nitrogen over the existing conditions (i.e., 1.401 lbs./day). As such, the proposed action would be consistent with this policy.
Policy 9 Expand recreational use of fish and wildlife resources in coastal areas by increasing access to existing resources, supplementing existing stocks, and developing new resources.	The proposed development includes a residential use with a recreational component providing access to Shinnecock Bay. The existing floating docks would be available to residents of the community.
Policy 10 Further develop commercial finfish, shellfish, and crustacean resources in the coastal area by encouraging the construction of new, or improvement of existing on-shore commercial fishing facilities, increasing marketing of the state's seafood products, maintaining adequate stocks, and expanding aquaculture facilities.	This policy is not relevant to the proposed action.
FLOODING AND EROSION HAZARDS POLICIES	
Policy 11 Buildings and other structures will be sited in the coastal area so as to minimize damage to property and the endangering of human lives caused by flooding and erosion.	The siting of buildings for flood prevention as well as the erosion control measures have been evaluated in Sections 2.1, 2.2 and 3.5 of this DEIS. As indicated in these analyses, the proposed action includes the restoration of native wetland vegetation and the planting of native vegetation in upland areas, which would stabilize land areas from erosion. Additionally, the proposed development would be designed and constructed in compliance with the applicable FEMA guidelines for development and Chapter 169 of the Town Code to ensure the safety and welfare of all persons and structures. As such, the proposed action would be consistent with this policy.
Policy 12 Activities or development in the coastal area will be undertaken so as to minimize damage to natural resources and property from flooding and erosion by protecting natural protective features including beaches, dunes, barrier islands and bluffs.	The subject property does not contain natural protective features such as beaches, dunes or bluffs. Accordingly, this policy is not relevant to the proposed action.
Policy 13	

STATE COASTAL POLICY	ANALYSIS
The construction or reconstruction of erosion protection structures shall be undertaken only if they have a reasonable probability of controlling erosion for at least thirty years as demonstrated in design and construction standards and/or assured maintenance or replacement programs.	The existing bulkhead was reconstructed in 2014 and would remain.
Policy 14 Activities and development, including the construction or reconstruction of erosion protection structures, shall be undertaken so that there will be no measurable increase in erosion or flooding at the site of such activities or development, or at other locations.	See responses to Policy 11 and 13.
Policy 15 Mining, excavation or dredging in coastal waters shall not significantly interfere with the natural coastal processes which supply beach materials to land adjacent to such waters and shall be undertaken in a manner which will not cause an increase in erosion of such land.	This policy is not relevant to the proposed action.
Policy 16 Public funds shall only be used for erosion protective structures where necessary to protect human life, and new development which requires a location within or adjacent to an erosion hazard area to be able to function, or existing development; and only where the public benefits outweigh the long term monetary and other costs including the potential for increasing erosion and adverse effects on natural protective features.	This policy is not relevant to the proposed action.
Policy 17 Non-structural measures to minimize damage to natural resources and property from flooding and erosion shall be used whenever possible.	The proposed action includes the restoration of native wetland vegetation, and the planting of native vegetation in upland areas, which would stabilize land areas from erosion. As such, the proposed action would be consistent with this policy.
GENERAL POLICY	
Policy 18 To safeguard the vital economic, social and environmental interests of the state and of its citizens, proposed major actions in the coastal area must give full consideration to those interests, and to the safeguards which the state has established to protect valuable coastal resource areas.	The proposed action includes the redevelopment of a commercial use to a multifamily residential use. The proposed action is expected to result in positive direct, indirect and induced economic benefits during the construction and operation phases, related to construction spending, job generation,

STATE COASTAL POLICY	ANALYSIS
	and the purchasing power represented by the permanent population in the community, as well as in the form of property tax generation. Additionally, as evaluated in the various sections of this DEIS, the proposed design considers all of the relevant standards and guidelines for development in this coastal setting, including, but not limited to the FEMA guidelines for development and Chapter 169 of the Town Code.
PUBLIC ACCESS POLICIES	
Policy 19 Protect, maintain, and increase the level and types of access to public water-related recreation resources and facilities.	The subject property is a privately-held parcel that would be converted from a commercial use with public access to a residential condominium complex where access would be restricted to residents only. It is noted that Alternative 4 of this DEIS evaluates Town acquisition of the site for public purposes.
Policy 20 Access to the publicly-owned foreshore and to lands immediately adjacent to the foreshore or the water's edge that are publicly-owned shall be provided and it shall be provided in a manner compatible with adjoining uses.	See response to Policy 19.
RECREATION POLICIES	
Policy 21 Water-dependent and water-enhanced recreation will be encouraged and facilitated, and will be given priority over non-water-related used along the coast.	The proposed action does not include any modifications to the existing ramp or floating docks. The use of the docks would be restricted to residents of the proposed community.
Policy 22 Development, when located adjacent to the shore, will provide for water-related recreation, whenever such use is compatible with reasonably anticipated demand for such activities, and is compatible with the primary purpose of the development.	See response to Policy 21.
HISTORIC AND SCENIC RESOURCES POLICIES	
Policy 23 Protect, enhance and restore structures, districts, areas or sites that are of significance in the history, architecture, archaeology or culture of the state, its communities, or the nation.	This policy is not relevant to the proposed action.
Policy 24	

STATE COASTAL POLICY	ANALYSIS
Prevent impairment of scenic resources of statewide significance.	The subject property does not contain nor is it located near a scenic resource of statewide importance. As such, this policy is not relevant to the proposed action.
Policy 25 Protect, restore or enhance natural and man-made resources which are not identified as being of statewide significance, but which contribute to the overall scenic quality of the coastal area.	Upon implementation of the proposed action, the viewshed would be visually altered from that of a commercial restaurant with large parking area, to a residential condominium development. The proposed architectural design includes a variety of materials and colors that would be consistent with and complement the character of the surrounding waterfront setting. The proposed landscaping plan would increase the area of native habitat and restore wetland areas on the subject property as compared to existing conditions. The proposed development also reduces the area of impervious surfaces and introduces a residential land use that is consistent with the surrounding residential properties. Additionally, the renderings demonstrate that the proposed development would not impede the existing expansive waterfront views from the surrounding residential properties. Therefore, the proposed action would be consistent with this policy.
AGRICULTURAL LANDS POLICY	
Policy 26 Conserve and protect agricultural lands in the state's coastal area.	This policy is not relevant to the proposed action.
ENERGY AND ICE MANAGEMENT POLICIES	
Policy 27 Decisions on the siting and construction of major energy facilities in the coastal area will be based on public energy needs, compatibility of such facilities with the environment, and the facility's need for a shorefront location.	This policy is not relevant to the proposed action.
Policy 28 Ice management practices shall not interfere with the production of hydroelectric power, damage significant fish and wildlife and their habitats, or increase shoreline erosion or flooding.	This policy is not relevant to the proposed action.
Policy 29 Encourage the development of energy resources on the outer continental shelf, in Lake Erie and in other	This policy is not relevant to the proposed action.

STATE COASTAL POLICY	ANALYSIS
water bodies, and ensure the environmental safety of such activities.	
WATER AND AIR RESOURCES POLICIES	
Policy 30 Municipal, industrial, and commercial discharge of pollutants, including, but not limited to, toxic and hazardous substances, into coastal waters will conform to state and national water quality standards.	The proposed action includes a multifamily residential use, and thus, this policy is not relevant.
Policy 31 State coastal area policies and management objectives of approved local waterfront revitalization programs will be considered while reviewing coastal water classifications and while modifying water quality standards; however, those waters already overburdened with contaminants will be recognized as being a development constraint.	This policy is not relevant to the proposed action.
Policy 32 Encourage the use of alternative or innovative sanitary waste systems in small communities where the costs of conventional facilities are unreasonably high, given the size of the existing tax base of these communities.	The proposed action includes the use of an on-site STP, which would achieve greater nitrogen removal than an I/A OWTS.
Policy 33 Best management practices will be used to ensure the control of stormwater runoff and combined sewer overflows draining into coastal waters.	The proposed action includes a stormwater management system that would accommodate and recharge stormwater on-site.
Policy 34 Discharge of waste materials into coastal waters from vessels subject to state jurisdiction will be limited so as to protect significant fish and wildlife habitats, recreational areas and water supply areas.	This policy is not relevant to the proposed action.
Policy 35 Dredging and filling in coastal waters and disposal of dredged material will be undertaken in a manner that meets existing State permit requirements, and protects significant fish and wildlife habitats, scenic resources, natural protective features, important agricultural lands, and wetlands.	This policy is not relevant to the proposed action.
Policy 36 Activities related to the shipment and storage of petroleum and other hazardous materials will be conducted in a manner that will prevent or at least	This policy is not relevant to the proposed action.

STATE COASTAL POLICY	ANALYSIS
minimize spills into coastal waters; all practicable efforts will be undertaken to expedite the cleanup of such discharges; and restitution for damages will be required when these spills occur.	
Policy 37 Best management practices will be utilized to minimize the non-point discharge of excess nutrients, organics and eroded soils into coastal waters.	The proposed drainage plan includes on-site structural methods (i.e., on-site leaching galleys and drywells). Gravel is proposed for the internal driveway and parking areas to reduce impervious area on the site. There would be no discharge of stormwater to Shinnecock Bay.
Policy 38 The quality and quantity of surface water and groundwater supplies will be conserved and protected, particularly where such waters constitute the primary or sole source of water supply.	See response to Policy 38 above. Additionally, as evaluated in Section 2.2 of this DEIS, the proposed action would not have any significant adverse impacts on groundwater or surface waters.
Policy 39 The transport, storage, treatment and disposal of solid wastes, particularly hazardous wastes, within coastal areas will be conducted in such a manner so as to protect groundwater and surface water supplies, significant fish and wildlife habitats, recreation areas, important agricultural land, and scenic resources.	This policy is not relevant to the proposed action.
Policy 40 Effluent discharged from major steam electric generating and industrial facilities into coastal waters will not be unduly injurious to fish and wildlife and shall conform to state water quality standards.	This policy is not relevant to the proposed action.
Policy 41 Land use or development in the coastal area will not cause national or state air quality standards to be violated.	The proposed action would not result in any significant adverse air quality impacts.
Policy 42 Coastal management policies will be considered if the state reclassifies land areas pursuant to the prevention of significant deterioration regulations of the federal clean air act.	This policy is not relevant to the proposed action.
Policy 43 Land use or development in the coastal area must not cause the generation of significant amounts of acid rain precursors: nitrates and sulfates.	The proposed action would not result in the generation of acid rain precursors.
WETLANDS POLICY	

STATE COASTAL POLICY	ANALYSIS
Policy 44 Preserve and protect tidal and freshwater wetlands and preserve the benefits derived from these areas.	As evaluated in Sections 2.2 and 2.3 of this DEIS, the proposed redevelopment has been designed to result in beneficial impacts to NYSDEC tidal wetlands, with increases in structural and sanitary setbacks, reduction of nitrogen loading, and planting of native wetland and buffer vegetation. No change to the in-water structures is proposed with this application. As such, there will be no impacts to littoral zone wetlands or Shinnecock Bay associated with in-water structures or development.

Overall, based on the above analysis, the proposed action is consistent with the State Coastal Management Policies. Accordingly, no significant adverse impacts on coastal resources would be expected.

South Shore Estuary Reserve Comprehensive Management Plan

As indicated in Section 2.2.1 of this DEIS, the subject property is located within the estuary's easternmost bays, specifically Shinnecock Bay (see Figure 27 in Appendix A of this DEIS). A consistency analysis of the proposed action with the relevant recommendations of the SSER Comprehensive Management Plan follows:

- *Adopt best management practices to control drainage, erosion and sedimentation prior to and during construction.*

  The proposed action includes the installation of a stormwater management system that would accommodate, and recharge stormwater runoff associated with a three-inch rainfall event. It is noted that pervious/gravel areas will be installed for the internal driveway and parking areas to reduce the area of impervious surfaces on-site and thus, reduce stormwater runoff generation.

  A SWPPP would be prepared and would include a detailed erosion and sediment control plan to manage stormwater generated on-site during construction activities, as well as post-construction stormwater management in accordance with the *New York State Stormwater Management Design Manual* (NYSDEC, 2015) as well as the *New York Standards and Specifications for Erosion and Sediment Control* (NYSDEC, 2016). All erosion and sediment control measures would be routinely inspected and maintained such that no sediment would be transported off-site. The proposed erosion and sedimentation controls would minimize the potential impacts associated with site development and construction activities to ensure proper function. Based on the above, the proposed action would be consistent with this recommendation.

- *Adopt best management roadway operation and maintenance.*

  The internal gravel driveway is proposed to remain private, thus they would be privately maintained by the community's HOA to ensure the continued operation and functionality. It is expected that the HOA would be in contract with a licensed company for snow removal and proper maintenance.

- *Adopt best management practices to protect wetlands and streams.*

  The proposed action would be designed in accordance with all the standards set forth in Article 25 of the ECL and Chapter 325 of the Town Code (Wetlands), as well as the policies of the SCRWPP and the NYSDOS Coastal Management Program, as evaluated in Section 2.2.2 of this DEIS. Additionally, the proposed STP would be located approximately 265 ft landward of tidal wetlands, as compared to the existing sanitary system which is located 75± ft from tidal wetlands. Due to the increased distance to the tidal wetlands and increased nitrogen removal from the STP, the nitrogen contributions to Shinnecock Bay and its wetlands under the proposed conditions is expected to be 124.15 lbs./year and represents an improvement compared to the current nutrient loading (estimated at 185.57 lbs./year). It is also noted that the proposed action would create an additional 0.91± acre of maritime upland habitat and 0.02± acre of tidal wetland habitat in currently developed areas and would also establish a 75-ft wetland buffer along the majority of the site. As such, the proposed development would be consistent with this recommendation.

- *Adopt best management practices that reduce the environmental effects of on-site wastewater treatment systems (OWTS).*

  The proposed action would include an on-site STP to treat wastewater. The STP would be a package unit that would be buried such that only six to eight inches of the tank are above grade preventing any debris and/or stormwater from entering the treatment system. Additionally, a control building would be installed to house the aeration blowers, odor control equipment and the operator's laboratory space. The selected process and these types of systems have demonstrated that sewage effluent meets the NYSDEC SPDES requirements for reduction of nitrogen and suspended solids. Additionally, the proposed STP would comply with the current SCDHS nitrogen limits for discharge to the groundwater and would comply with the effluent limitations included in the SPDES permit. While the STP has been designed to achieve a nitrogen effluent concentration of 10 mg/L at the average and peak hourly flow rates, it will achieve a limit of 7 mg/L given its location and proximity to surface waters. Furthermore, the STP would be located approximately 265 ft landward of tidal wetlands, as compared to the existing sanitary system which is located 75± ft from tidal wetlands. Due to the increased distance to the tidal wetlands and increased nitrogen removal from the STP, the nitrogen contribution to Shinnecock Bay and its wetlands under the proposed conditions is expected to be 124.15 lbs./year and represents an improvement compared to the current nutrient loading (estimated at 185.57 lbs./year. Based on the above, the proposed action would be consistent with this recommendation.

- *Ensure compliance with existing State Pollution Discharge Elimination System (SPDES) permits.*

  The proposed development would comply with the GP-0-20-001 SPDES permit. As such, the proposed development would be consistent with this recommendation.

- *Determine point and nonpoint source controls to reduce loadings of pathogens, nutrients and toxic substances contributing to water quality problems in the Reserves tributaries and bays.*

  The proposed action includes the installation of an on-site STP, which would meet the NYSDEC SPDES requirements for reduction of nitrogen and suspended solids and would comply with the SCDHS nitrogen limits for discharge to the groundwater. While the proposed STP has been designed to achieve a nitrogen effluent concentration of 10 mg/L at the average and peak hourly flow rates, it will achieve a limit of 7 mg/L given its location and proximity to surface waters. As indicated in the BURBS analysis (see Appendix G of this DEIS), the proposed development would have a total nitrogen concentration of 2.83 mg/L, which is lower than the 4 mg/L recommended in the *208 Study*. Additionally, as the proposed landscaping plan consists of native/natural vegetation, fertilizer application is not expected to be required for maintenance. Lastly, the proposed development plan includes the installation of a stormwater management system comprised of structural measures (i.e., leaching galleys and drywells) that would accommodate and recharge stormwater runoff associated with a three-inch rainfall event.

  A SWPPP would also be prepared and would include a detailed erosion and sediment control plan to manage stormwater generated on-site during construction activities, as well as post-construction stormwater management in accordance with the *New York State Stormwater Management Design Manual* (NYSDEC, 2015) as well as the *New York Standards and Specifications for Erosion and Sediment Control* (NYSDEC, 2016). As such, the proposed development would be consistent with this recommendation.

Chapter 123 of the Town Code (Building Construction)

Chapter 123 (Building Construction) of the Town Code provides standards for building construction. The applicable section of Chapter 123 of the Town Code as it relates to water resources would be Article VI (Swimming Pools). It is acknowledged that there are standards for pool maintenance, energy conservation measures, and mechanical components. As there are no construction plans yet prepared for the proposed action, there are no detailed mechanical plans for the swimming pool. However, it is acknowledged that the swimming pool will be required to comply with Article VI.

Climate Change

6 NYCRR Part 490 Regulations

As indicated in Section 2.2.1 of this DEIS, the impacts of SLR at 12 inches and 24 inches on the subject property and surrounding area are illustrated on Figure 28 in Appendix A of this DEIS. Similar to the existing conditions illustrated, SLR of 12 inches would impact that portion of the subject property that is north of the previously dug canal and wetlands to the east with light blue-to-dark blue shading indicating the impacted areas are considered to have low-to-high flooding potential. Based on

proposed site conditions, SLR of 24 inches would impact the area north of the previously dug canal, wetlands to the east, the existing site entrance and Dune Road would be impacted, similar to existing conditions. The impacted areas are depicted with light blue-to-dark blue shading indicating the impacted areas are considered to have low-to-high flooding potential. It is noted that, other than the site entrance, the development site is not impacted under either SLR scenario.

NYSERDA Sea Level Rise with Storm Inundation

As indicated in Section 2.2.1 of this DEIS, the impacts of 18 inches of SLR for a 10-year and 100-year storm event under existing site conditions would impact the entirety of the subject property (see Figure 29 in Appendix A of this DEIS). The proposed action considers 18 inches of SLR with storm inundation from 10-yr or 100-yr events as the site design would include elevating the site and the proposed townhomes would be constructed on piles to minimize impacts from SLR with storm inundation.

The existing elevation increases from approximately 2.5 ft to 4.0 ft AMSL at the southern boundary line to an average grade elevation of 6.0 ft AMSL throughout a majority of the site. The proposed grading plan includes establishment of a uniform elevation of 6.0± ft to 8.0± ft AMSL throughout the residential development. As indicated earlier, the proposed project complies with the FEMA guidelines for development. The proposed STP would be situated at Elevation 12.5 or 0.50 ft above BFE. The proposed FFE of the STP control building would be 8.95 ft. Treated effluent would discharge into an effluent leaching pool groundwater disposal system. Each leaching galley would have an effective depth of two (2) ft and be placed at top elevation of approximately 8.0 ft. While the required equalization pump station would be installed below the BFE, it would utilize flood proof hatches and ventilation for flood mitigation and ventilation piping would terminate above the BFE. Additionally, the STP control building would have electrical panels located above the BFE and all other equipment would be protected from flooding. The proposed pool equipment would be anchored. All associated utility infrastructure for electric and natural gas would be designed in accordance with the specifications of the utility providers and would include the relevant requirements associated with flood protection.

The proposed residential units would be constructed on pilings with first level garages. Habitable living spaces would be at FFE 14.55-14.65 ft AMSL. The proposed garages would be situated at elevations ranging from 7.15 ft and 7.80 ft AMSL and designed as open-air with slotted walls to allow for wind and floodwaters to enter and exit.

Accordingly, the proposed design considers 18 inches of SLR with storm inundation from 10-yr or 100-yr events.

Groundwater Elevation

As indicated in Section 2.2.1 of this DEIS, groundwater elevation would be expected to rise with SLR. Under the 2050's medium projection of 16 inches (or 1.3 ft) of SLR under NYSDEC Part 490 regulations, and NYSERDA projections of 18 inches (1.5 ft), groundwater elevation would equally rise resulting in shallower groundwater conditions beneath the development site with a projected decrease between

2.64± ft to 2.84± ft BGS at the lowest site elevation measured (5.3 ft AMSL) to 4.2± ft to 4.4± ft BGS at the highest site elevation measured (7.5± ft AMSL).

As evaluated in Section 2.1.2 of this DEIS, the depth to groundwater from the proposed drainage infrastructure under current groundwater conditions would be 3.82± ft to 5.25± ft. With SLR of 16 inches (or 1.3 ft) to 18 inches (1.5 ft), the separation distance would decrease to 2.32 ft-2.52 ft at minimum, and 3.75 ft-3.95 ft at maximum. Accordingly, under future potential SLR conditions, the drainage infrastructure would comply with the minimum two-ft separation distance recommendation.

As evaluated in Section 2.1.2 of this DEIS as well as this section of the DEIS, the leaching system for the proposed STP would maintain an approximately 4.45 ft of separation distance from the base of the leaching galleys to groundwater under current conditions. With SLR of 16 inches (or 1.3 ft) to 18 inches (1.5 ft), the separation distance would decrease to 2.95 ft-3.15 ft. As such, the minimum three-ft separation distance required by the SCDHS would be achieved under SLR of 17 inches or less. An 18-inch increase may require modifications to the leaching field.

Other Potential Impacts from Climate Change

Loss of Land

While the above SLR projections and SLR with storm inundation projections indicate that portions of the subject property and/or the entire subject property could be impacted, the proposed action has incorporated flood mitigation measures to ensure the habitable space of the proposed condominiums as well as the functionality of associated infrastructure and utilities such that the developed area could continue to be utilized for the proposed development. The loss of land which could result from climate change is not expected to impact the proposed development.

Marsh Migration

Marsh migration is the landward migration of marsh areas and tidal wetlands into an adjacent inland habitat in response to changing inundation and salinity regimes.[47] Tidal wetlands and natural upland communities are present on and in the vicinity of the site. It is also noted that the northern portion of the development site is bulkheaded. Additionally, as the site is currently developed, marsh migration as a result of climate change would not be expected to occur within the existing developed portion of the site.

Upon implementation of the proposed action, an additional 0.91± acre of maritime upland habitat and 0.02± acre of tidal wetland habitat in currently developed area would be created and the proposed action would establish a 75-ft wetland buffer along the majority of the site. New restoration areas would be planted with American beach grass (*Ammophila breviligulata*), little bluestem (*Schizachyrium scoparium*), seaside goldenrod (*Solidago sempervirens*), bayberry (*Morella pensylvanica*), beach plum (*Prunus maritima*), switch grass (*Panicum virgatum*), groundsel bush

[47] N. M. Enwright, K. T. Griffith, M. J. Osland, Barriers to and opportunities for landward migration of coastal wetlands with sea-level rise. Front. Ecol. Environ. 14, 307–316 (2016).

(*Baccharis halimifolia*), and salt hay (*Spartina patens*), at appropriate elevations. The existing bulkhead would remain as part of the proposed action. Additionally, as the site is currently developed and would be redeveloped upon implementation of the proposed action, marsh migration as a result of climate change would not be expected to occur within the development site and, therefore, is not expected to impact the proposed development.

Social and Economic Impacts

The impacts of climate change, if not considered in the site and project design, could result in social and economic impacts, including, but not limited to property damage, property loss, and population displacement. The proposed design considers FEMA guidelines for development, Chapter 169 of the Town Code (Flood Damage Prevention), and the projections for sea level rise and storm inundation published by the NYSDEC and NYSERDA. Accordingly, by complying with applicable codes and regulations, the proposed project attempts to mitigate the adverse social and economic impacts that would come from property damage, loss or relocation.

The proposed residential community would maintain the necessary flood insurance to cover costs associated with flood-related damage to infrastructure on-site, and the cost of such insurance would be included in the HOA fees billed to each unit. Also, individual owners could and are likely to hold supplemental policies to cover damages to interior spaces and/or loss of personal property. As such, the expenses related to damage or loss would be borne by the insurance companies and not the Town.

Saltwater Intrusion

The subject property is and will continue to be served by public water from SCWA. There is no proposed withdrawal of groundwater on-site, and thus, the proposed development would not contribute to saltwater intrusion.

Bank and Bluff Failure and Coastal Erosion

The northern portion of the development site is currently bulkheaded and would remain as part of the proposed action. The bulkhead would continue to protect the shoreline of the development area against bank failure and coastal erosion. As such, bank failure and coastal erosion resulting from climate change is not expected to impact the existing site nor the proposed development. The subject property does not contain natural protective features such as bluffs, and thus, bluff failure resulting from climate change would not occur.

2.2.3 Proposed Mitigation

The following measures have been incorporated into the proposed project to avoid or minimize potential adverse impacts to water resources:

- The proposed STP will treat sanitary effluent in accordance with NYSDEC SPDES requirements for reduction of nitrogen and suspended solids. Adequate space has also been allocated for the 100% expansion of the treatment plant and leaching pools in accordance with SCDHS

requirements. Groundwater monitoring wells will also be installed both upstream and downstream of the effluent disposal system to monitor groundwater quality. Additionally, as required by the SPDES permit, a full-time operator will be present each day to make process adjustments to ensure the performance of the STP is optimized.

- The proposed action includes the installation of a stormwater management system that will accommodate, and recharge stormwater runoff associated with a three-inch rainfall event. All drainage infrastructure for roof runoff will be sited a minimum of 75 ft landward of the tidal wetland boundary.

- The proposed pervious/gravel areas will reduce the area of impervious surfaces on-site and thus, reduce stormwater runoff generation.

- The SWPPP will include a detailed erosion and sediment control plan to manage stormwater generated on-site during construction activities, as well as post-construction stormwater management. Furthermore, the SWPPP will be designed to ensure compliance with the water quality and water quantity requirements of the SPDES GP-0-20-001.

- All erosion and sediment control measures will be routinely inspected and maintained such that no sediment would be transported off-site. The proposed erosion and sedimentation controls will minimize the potential impacts associated with site development and construction activities to ensure proper function.

- The proposed action will create an additional 0.91± acre of maritime upland habitat and 0.02± acre of tidal wetland habitat in currently developed areas and will also establish a 75-ft wetland buffer along the majority of the site.

- The expanded wetland buffers and increased upland habitat will provide for increased soil stabilization as well as increased removal of nutrients and pollutants by buffer vegetation. These pollutant and sediment filtration functions would have a resultant benefit to the adjacent tidal wetlands.

- The proposed native/natural landscaping will eliminate fertilizer and irrigation requirements.

- Nutrient reduction measures include the removal and replacement of the existing conventional sanitary system with an on-site STP. The STP will be located approximately 265 ft landward of tidal wetlands, as compared to the existing sanitary system which is located 75± ft from tidal wetlands. Due to the increased distance to the tidal wetlands and increased nitrogen removal from the STP, the nitrogen contributions to Shinnecock Bay and its wetlands under the proposed conditions is expected to be 124.15 lbs./year and represents an improvement compared to the current nutrient loading (estimated at 185.57 lbs./year).

- The placement of the residential units between FFE 14.55 ft and 14.65 ft would be 2.55 ft to 2.65 ft above the BFE, and the STP at a minimum elevation of 12.50 ft AMSL will mitigate potential impacts from storm inundation. The proposed development will be designed and

constructed in compliance with the applicable FEMA guidelines for development and Chapter 169 of the Town Code to ensure the safety and welfare of all persons and structures.

- The equalization pump station will utilize flood proof hatches and ventilation for flood mitigation and ventilation piping would terminate above the BFE. Additionally, the STP control building will have electrical panels located above the BFE and all other equipment will be protected from flooding.

- The proposed design considers FEMA guidelines for development, Chapter 169 of the Town Code (flood damage prevention), and the projections for sea level rise and storm inundation published by the NYSDEC and NYSERDA. Accordingly, by complying with applicable codes and regulations, the proposed project attempts to mitigate the adverse social and economic impacts that would come from property damage, loss or relocation.

2.3 ECOLOGICAL RESOURCES

2.3.1 Existing Conditions

Ecological surveys were conducted at the 9.29-acre site on May 10, 2019, September 17, 2021, October 27, 2022, and November 9, 2023 by William P. Bowman, PhD of Land Use Ecological Services.

Ecological Communities

The 9.29-acre site features approximately 3.3 acres of uplands that were created in the mid-1960s (between 1962 and 1969) dredging of the site's canal and placement of the dredge spoil on tidal marshes (see Figure 1 in the Ecological Conditions and Impact Analysis in Appendix J of this DEIS). These dredge spoil uplands have largely been developed and now contain 36,850± SF of impervious surfaces including the 5,138± SF restaurant/bar with 5,023± SF of paved walks and decks, 26,689±-SF tennis court, and 57,492± SF of stone/dirt parking areas. The boundaries of the existing ecological communities were mapped (see Figure 2 and Appendix A of the Ecological Conditions and Impact Analysis in Appendix J of this DEIS) and calculations of the acreage of each ecological community type and the percentage of the total site area are provided below (as excerpted from Table 1 of the Ecological Conditions and Impact Analysis in Appendix J of this DEIS). Descriptions of the ecological communities observed are provided below along with the most pertinent New York Natural Heritage Program (NYNHP) community descriptions from Edinger et al (2014).

Table 16 - Ecological Communities at 94 Dune Road Site

	Acres	Percent
Developed Surfaces (Roofs, Parking, Gravel Driveway, Walkways and Decks)	2.29	24.7 %
Maritime Shrubland	0.88	9.5 %
Maritime Dune	0.17	1.8 %
Japanese Knotweed Stand	0.04	0.4%
Salt Shrub	0.18	1.9%
High Salt Marsh	1.30	14.0%
Low Salt Marsh	2.18	23.5%
Marsh Panne	0.03	0.3%
Unvegetated Beach	0.06	0.6%
Open Water	2.16	23.3%
Totals	**9.29**	**100.0%**

Maritime Shrubland

Maritime shrubland and maritime dune (described below) habitats have developed on the sandy dredge spoils located at the margins of the site's parking areas. Maritime shrublands represent 0.88 acre or 9.5%, of the site. The following definition of this ecological community is provided by Edinger et al (2014); however, the maritime shrublands present have a high proportion of invasive plants, specifically Japanese black pine (*Pinus thunbergii*), autumn olive (*Elaeagnus umbellata*), and Japanese knotweed (*Reynoutria japonica*), due to the past disturbance history of the site and existing impacts associated with the parking lot.

> *"**Maritime shrubland**: a shrubland community that occurs on dry seaside bluffs and sheltered back dunes that are exposed to onshore winds and salt spray. This community typically occurs as a tall shrubland (2-3 m), but may include areas with shrub canopy from 1 to 5 m tall. The community typically occurs on very gently rolling topography and may include moist shallow depressions. These low areas may imperceptibly grade into shrub swamp if soils are sufficiently wet. Trees are usually sparse or absent (ideally less than 25% cover). Characteristic shrubs and sapling trees include serviceberry (Amelanchier canadensis), bayberry (Myrica pensylvanica), black cherry (Prunus serotina), southern arrowwood (Viburnum dentatum var. venosum), and shining sumac (Rhus copallinum). Other shrubs and stunted trees include beach-plum (Prunus maritima), sand-rose (Rosa rugosa), wild rose (R. virginiana), eastern red cedar (Juniperus virginiana), American holly (Ilex opaca), black oak (Quercus velutina), and sassafras (Sassafras albidum). Small amounts of highbush blueberry (Vaccinium corymbosum), sweet pepperbush (Clethra alnifolia), red maple (Acer rubrum), and black chokeberry (Aronia melanocarpa) are found in moister low areas, often grading to small patches of shrub swamp. Morrow's honeysuckle (Lonicera morrowii) is a common invasive shrub in this community. Characteristic vines include poison ivy (Toxicodendron radicans), Virginia creeper (Parthenocissus quiquefolia), and common greenbrier (Smilax rotundifolia). Oriental bittersweet (Celastrus orbiculatus) and Japanese honeysuckle (Lonicera japonica) are*

common invasive vines in this community. The herb layer is very sparse and may contain a few scatttered grass-leaved goldenrod (Euthamia graminifolia), wild indigo (Baptisia tinctoria), white-topped aster (Sericocarpus asteroides), and little bluestem (Schizachyrium scoparium)."

The maritime shrubland habitat at the site is dominated by Japanese black pine (*Pinus thunbergii*), autumn olive (*Elaeagnus umbellata*), eastern red cedar (*Juniperus virginiana*), and bayberry (*Morella pensylvanica)*. Other common plant species include switch grass (*Panicum virgatum*), black cherry (*Prunus serotina*), Asiatic bittersweet (*Celastrus orbiculatus*), mugwort (*Artemisia vulgar*is), and spotted knapweed (*Centaurea stoebe*). There is a 0.04-acre Japanese knotweed stand located in this community between the restaurant and the tidal wetlands, as shown in Figure 2 of the Ecological Conditions and Impact Analysis in Appendix J of this DEIS. On the east side of the site, plant species such as bayberry (*Morella pensylvanica*), groundsel bush (*Baccharis halimifolia*), and common reed (*Phragmites australis*) become more abundant in the maritime shrubland along the boundary of this community with the adjacent tidal wetlands. Edinger et al (2014) indicates that this ecological community has rarity rankings of G4 and S4 and characterizes maritime shrublands as "apparently secure" both globally and in New York State.

Maritime Dunes

Maritime dune and maritime shrubland (described above) habitats have developed on the sandy dredge spoils located at the margins of the site's parking areas. The maritime dune habitats represent 0.17 acre (1.8%) on the sandy dredge spoils on the western margin of the site and extend onto the adjacent property to the west. These habitats are dominated by beach heather (*Hudsonia tomentosa*), American beach grass (*Ammophila breviligulata*), and reindeer lichen (*Cladonia sp.*) with scattered bayberry (*Morella pensylvanica*), Japanese black pine (*Pinus thunbergii*), and beach plum (*Prunus maritima*). The following definition of this ecological community is provided by Edinger et al (2014):

*"**Maritime dunes:** a community dominated by grasses and low shrubs that occurs on active and stabilized dunes along the Atlantic coast. This community consists of a mosaic of vegetation patches. This mosaic reflects past natural disturbances such as sand deposition, erosion, and dune migration. The composition and structure of the vegetation is variable depending on stability of the dunes, amounts of sand deposition and erosion, and distance from the ocean. Characteristic species of the active dunes, where sand movement is greatest, include beachgrass (Ammophila breviligulata), dusty-miller (Artemisia stelleriana), beach pea (Lathyrus japonicus var. maritimus), sedge (Carex silicea), seaside goldenrod (Solidago sempervirens), and sand-rose (Rosa rugosa). Characteristic species of stabilized dunes include beach heather (Hudsonia tomentosa), bearberry (Arctostaphylos uva-ursi), beachgrass (Ammophila breviligulata), cyperus (Cyperus polystachyos var. macrostachyus), seaside goldenrod, beach pinweed (Lechea maritima), jointweed (Polygonella articulata), common evening-primrose (Oenothera biennis), sand-rose (Rosa rugosa), bayberry (Myrica pensylvanica), beach-plum (Prunus maritima), poison ivy (Toxicodendron radicans), and the lichens (Cladonia submitis and Cetraria arenaria). Shrubs are typically under 1 m tall.*

Edinger et al (2014) indicates that this ecological community has rarity rankings of G4 and S3 and characterizes maritime dunes as "apparently secure" globally and "vulnerable" in New York State, i.e., vulnerable to disappearing from New York (but not currently imperiled) due to rarity or other factors.

Tidal Wetlands

Approximately 3.75 acres of significant, high-quality tidal wetlands comprised predominately of low salt marsh, high salt marsh, and salt scrub communities are located immediately to the east of the restaurant and parking area and to the north of the man-made dug lagoon. There are small unvegetated areas including marsh pannes (totaling 0.03 acre) and unvegetated beaches (totaling 0.06 acre) within and along the margins of the site's marshes (see Figure 2 in the Ecological Conditions and Impact Analysis in Appendix J of this DEIS). The on-site wetlands are part of the 993-acre Dune Road salt marsh complex comprised of undeveloped salt marshes, tidal mudflats, and dredged material island, located on the south shore of Shinnecock Bay and extending from Hampton Beach (in the west) to Shinnecock Inlet. The Dune Road salt marsh complex and Shinnecock Bay have been designated as Significant Coastal Fish and Wildlife Habitats by the NYSDOS Division of Coastal Resources due to the state-wide significance of the shellfish and finfish resources, submerged aquatic vegetation beds, and waterfowl and wading bird breeding and wintering habitat. Tidal wetland communities present on the site include low salt marsh (2.18 acre), high salt marsh (1.30 acres), and salt scrubs (0.18 acre). The following definitions of these ecological communities are provided by Edinger et al (2014):

> *"**Low salt marsh:** a coastal marsh community that occurs in sheltered areas of the seacoast, in a zone extending from mean high tide down to mean sea level or to about 2 m (6 ft) below mean high tide. It is regularly flooded by semidiurnal tides. The mean tidal range of low salt marshes on Long Island is about 80 cm, and they often form in basins with a depth of 1.6 m or greater. The vegetation of the low salt marsh is a nearly monospecific stand of cordgrass (Spartina alterniflora), a coarse grass that grows up to about 3 m (10 ft) tall. Salt marshes with large tidal ranges are often dominated by the tall form of Spartina alterniflora, while those with more restricted tidal ranges will maintain a short form Spartina alterniflora zone and grade into high salt marsh (Niedowski 2000). A few species of marine algae can form dense mats on the surface sediments between the cordgrass stems, including knotted wrack (Ascophyllum nodosum) and rockweed (Fucus vesiculosus); sea lettuce (Ulva spp.) and hollow green weeds (Enteromorpha spp.) can be abundant, especially in early summer. Other plants that are present in very low numbers include glassworts (Salicornia depressa, S. bigelovii), salt marsh sand-spurry (Spergularia marina), and sea blites (Suaeda spp.)."*

> *"**High salt marsh:** a coastal marsh community that occurs in sheltered areas of the seacoast, in a zone extending from mean high tide up to the limit of spring tides. It is periodically flooded by spring tides and flood tides. High salt marsh typically consists of a mosaic of patches that are mostly dominated by a single graminoid species. The dominant species in many large areas are either salt-meadow grass (Spartina patens) or a dwarf form (15 to 30 cm tall) of cordgrass (Spartina alterniflora); also common are large areas dominated by spikegrass (Distichlis spicata), black-grass (Juncus gerardii), and glassworts (Salicornia spp.), or a mixture of salt-meadow grass and cordgrass. Characteristic species of the upper slope of the high marsh (the area that grades into salt shrub) are blackgrass, switchgrass (Panicum virgatum), sea-lavender (Limonium carolinianum), seaside gerardia (Agalinis maritima), and slender perennial saltmarsh aster (Symphyotrichum tenuifolium var. tenuifolium).*

> *"**Salt shrub:** a shrubland community that forms the ecotone between salt marsh and upland vegetation. Salinity levels are generally lower here than in the salt marsh (soil pore salinity ranges*

> *7 ppt to 27 ppt) and thus technically brackish. Salt shrub areas are slightly higher in elevation than the salt marsh. Salt shrub does not usually develop on deep peat. More often, it occurs on a thin (0-10 cm) layer of peat, and soils share characteristics of both estuarine and maritime terrestrial settings. Periodic disturbance associated with storms causes die-back of shrubs. Characteristic shrubs are groundsel-tree (Baccharis halimifolia), saltmarsh-elder (Iva frutescens), and pasture rose (Rosa carolina); salt meadow grass (Spartina patens), black-grass (Juncus gerardii), and switchgrass (Panicum virgatum) are typical herbs. Salt shrub is almost always dominated by Iva frutescens on the marshward edge of the community, often forming a stunted leading edge of the community. Baccharis halimifolia becomes more dominant only in the older, more developed, landward side. The landward side of salt shrub is usually the most diverse. Salt shrub is usually present as a linear feature at the upper edge of a salt marsh marking the limit of the highest spring and storm tides within a given estuarine basin. In areas where the local topography is nearly level an extensive shrubland, or brackish meadow may occur. This community is often invaded by European common reed (Phragmites australis).*

The *Spartina alterniflora*-dominated low salt marshes include various macroalgae such as rockwood (*Fucus sp.*), sea lettuce (*Ulva lactuca* and *Ulva intestinalis*), and graceful red weed (*Graciliaria sp.*). Other plants present in low densities in marsh pannes or the margins of the low salt marsh include glassworts (*Salicornia sp.*), sea-blite (*Suaeda maritima*), and seaside lavender (*Limonium carolinianum*). The low salt marshes on the site and in the Dune Road marsh complex are classified as a significant natural community by the NYNHP as a high-quality example of an ecological community that is uncommon or rare in New York State.

The site's high marshes are dominated by salt hay (*Spartina patens*) and spike grass (*Distichlis spicata*) with occasional sea-blite (*Suaeda maritima*), seaside lavender (*Limonium carolinianum*) and marsh elder (*Iva frutescens*) present on the upper margin of the marsh. The upper margin of the high marsh and the adjacent salt shrub community is dominated by marsh elder (*Iva frutescens*), common reed (*Phragmites australis*), and groundsel bush (*Baccharis halimifolia*).

Edinger et al (2014) indicates that the salt shrub ecological community has rarity rankings of G5 and S4, characterizing this community type as "demonstrably secure" globally and "apparently secure" in New York State. Low salt marsh and high salt marsh communities are characterized as G4 and S4S3, indicating that they are "apparently secure" globally and "vulnerable" in New York State, i.e., vulnerable to disappearing from New York (but not currently imperiled) due to rarity or other factors.

Plants

A plant list for the 94 Dune Road site (included in Table 2 of the Ecological Conditions and Impact Analysis in Appendix J of this DEIS and excerpted below herein as Table 17) was prepared based on ecological surveys completed by William P. Bowman, PhD of Land Use Ecological Services on May 10, 2019, September 17, 2021, October 27, 2022, and November 9, 2023. A total of 79 vascular plant species were observed at the site, including 25 woody plants and 54 herbaceous plants and lichens. The observed plant species are characteristic of tidal wetland communities; stabilized dunes, back dunes, and sandy barrens; and disturbed habitats. No plant species listed as endangered, threatened, or rare in New York State were observed.

Table 17 – Plant Species List for 94 Dune Road Site

Common Name	*Scientific Name*
Trees, Shrubs and Woody Vines	
Groundsel Bush	*Baccharis halimifolia*
Boxwood	*Buxus sempervirens*
Asiatic Bittersweet	*Celastrus orbiculatus*
Russian Olive	*Elaeagnus angustifolia*
Autumn Olive	*Elaeagnus umbellate*
Beach Heather	*Hudsonia tomentosa*
Marsh Elder	*Iva frutescens*
Eastern Red Cedar	*Juniperus virginiana*
Privet	*Ligustrum sp.*
Japanese Honeysuckle	*Lonicera japonica*
Shrub Honeysuckle	*Lonicera sp.*
Bayberry	*Morella pensylvanica*
Virginia Creeper	*Parthenocissus quinquefolia*
Blue Spruce	*Picea pungens*
Japanese Black Pine	*Pinus thunbergii*
Beach Plum	*Prunus maritima*
Black Cherry	*Prunus serotina*
Garden Rose	*Rosa sp.*
Multiflora Rose	*Rosa multiflora*
Rugosa Rose	*Rosa rugosa*
Northern Dewberry	*Rubus flagellaris*
Bittersweet Nightshade	*Solanum dulcamara*
Poison Ivy	*Toxicodendron radicans*
Curly-leaved Yucca	*Yucca filamentosa*
Herbaceous Plants	
Yarrow	*Achillea millefolium*
Common Ragweed	*Ambrosia artemisiifolia*
American Beach Grass	*Ammophila breviligulata*
Pearly Everlasting	*Anaphalis margaritacea*
Broom Sedge	*Andropogon virginiana*
Sweet Vernal Grass	*Anthoxanthum odoratum*
Mugwort	*Artemesia vulgaris*
Downy Chess	*Bromus tectorum*
Hedge Bindweed	*Calystegia sepium*
Shepards Purse	*Capsella bursa-pastoris*
Pennsylvania Sedge	*Carex pensylvanica*
Sand Sedge	*Carex siliacea*
Spotted Knapweed	*Centaurea stoebe*
Chicory	*Cichorium intybus*
Reindeer Lichen	*Cladonia sp.*
Flat Sedge	*Cyperus sp.*

Table 17 – Plant Species List for 94 Dune Road Site

Common Name	***Scientific Name***
Yellow Nut Sedge	*Cyperus esculentus*
Jimsonweed	*Datura stramonium*
Wild Carrot	*Daucus corota*
Fall Witch Grass	*Digitaria cognata*
Crab Grass	*Digitaria sanguinalis*
Spike Grass	*Distichlis spicata*
Purple Love Grass	*Eragrostis spectabilis*
Hyssop-Leaved Thoroughwort	*Eupatorium hyssopifolium*
Cypress Spurge	*Euphorbia cyparissias*
Slender Flat-topped Goldenrod	*Euthamia caroliniana*
Common Flat-topped Goldenrod	*Euthamia graminifolia*
Rough Buttonweed	*Hexasepalum teres*
Canada Hawkweed	*Hieracium canadense*
Hydrangea	*Hydrangea sp.*
Black Grass	*Juncus gerardii*
Secund Rush	*Juncus secundus*
Fountain Grass	*Miscanthus sp.*
Purple Dead Nettle	*Lamium purpureum*
Seaside Lavender	*Limonium carolinianum*
Blue Toadflax	*Nuttallanthus canadensis*
Common Evening Primrose	*Oenthera biennis*
Eastern Prickly Pear	*Opuntia humifusa*
Yellow Sorrel	*Oxalis stricta*
Switch Grass	*Panicum virgatum*
Sickle-leaved Golden Aster	*Pityopsis falcata*
Sheep Sorrel	*Rumex acetosella*
Bitter Dock	*Rumex obtusifolius*
Glasswort	*Salicornia sp.*
Little Bluestem	*Schizachyrium scoparium*
Crown Vetcch	*Securigera varia*
Seaside Goldenrod	*Solidago sempervirens*
Common Sow Thistle	*Sonchus oleraceus*
Smooth Cordgrass	*Spartina alterniflora*
Salt Hay	*Spartina patens*
Sea Blite	*Suaeda maritima*
Common Dandelion	*Taraxacum officinale*
Common Mullein	*Verbascum thapsus*
Cocklebur	*Xanthium strumarium*

Wildlife

The birds, mammals, and herptiles observed or expected to occur on the site (presented in Tables 3-5 in the Ecological Conditions and Impact Analysis in Appendix J of this DEIS and included below as Table 18,

Table 19 and Table 20) are based on field surveys by William P. Bowman, PhD in 2019, 2021, and 2023. The site provides habitats for a wide variety of wildlife species that inhabit maritime upland habitats, tidal wetlands, and developed neighborhoods near the coastline including waterfowl, waterbirds, songbirds, and raptors.

Birds

Approximately 124 bird species are expected to utilize the site and its wetlands and surface waters based on direct observations and the maritime upland, tidal wetland, and estuarine habitats present. Approximately 70% of these birds (i.e., 55 species) may utilize the site for breeding habitat based on confirmed bird breeding activity documented in the 2008 New York Breeding Atlas in the vicinity of Quogue (McGowan and Corwin, 2008). Approximately 42% of these birds (i.e., 53 species) can be found year-round in appropriate habitats on Long Island. Approximately 57% of these birds (i.e., 71 species) are expected to be present at the site are migratory species that utilize the site seasonally such as the summer months only, only during spring and autumn migrations, or as overwintering habitat. Long Island's barrier islands are part of the Atlantic Flyway and provide habitat during migration periods for a wide diversity of bird species including songbirds and woodpeckers, raptors and owls, and waterfowl and shorebirds.

Table 18 – Bird Species Observed/Expected on 94 Dune Road site

Scientific Name	Common Name	Observed[1]/ Expected (O/E)	Breeding Status (Y/N)[2]	Year Round/ Migrant/ Non-Breeding[3]
Accipiter cooperii	Cooper's Hawk	E	N	Y
Accipiter striatus	Sharp-shinned Hawk	E	N	Y
Agelaius phoeniceus	Red-winged Blackbird	O	Y	Y
Ammodramus maritimus	Seaside Sparrow	E	N	Y
Ammodramus savannarum	Grasshopper Sparrow	E	N	M
Ammospiza caudacuta	Saltmarsh Sparrow	E	N	Y
Ammospiza nelsoni	Nelson's Sparrow	E	N	M
Ardea alba	Great Egret	O	N	M
Ardea herodias	Great Blue Heron	O	N	Y
Anas platyrynchos	Mallard	O	Y	Y
Anas rubripes	American Black Duck	O	Y	Y
Arenaria interpres	Ruddy Turnstone	E	N	M
Baeolophus bicolor	Tufted Titmouse	E	N	Y

Table 18 – Bird Species Observed/Expected on 94 Dune Road site

Scientific Name	Common Name	Observed[1]/ Expected (O/E)	Breeding Status (Y/N)[2]	Year Round/ Migrant/ Non-Breeding[3]
Botarus lentiginosus	American Bittern	E	N	Y
Bombycilla cedrorum	Cedar Waxwing	E	Y	Y
Branta bernicla	Brant	E	N	N
Branta canadensis	Canada Goose	O	Y	Y
Bubo virginianus	Great Horned Owl	E	N	Y
Bucephala albeola	Bufflehead	O	N	M
Buteo jamaicensis	Red-tailed Hawk	E	N	Y
Butorides virescens	Green Heron	E	N	M
Calidris alba	Sanderling	O	N	M
Calidris minutilla	Least Sandpiper	E	N	M
Calidris melanotos	Pectoral Sandpiper	E	N	M
Cailidris semipalmatus	Semipalmated Sandpiper	O	N	M
Cardinalis cardinalis	Northern Cardinal	O	Y	Y
Carduelis tristis	American Goldfinch	E	N	Y
Carpodacus mexicanus	House Finch	O	Y	Y
Carpodacus purpureus	Purple Finch	O	N	Y
Catharus fuscescens	Veery	E	N	M
Chaetura pelagica	Chimney Swift	O	N	M
Charadrius vociferus	Killdeer	E	Y	M
Charadrius melodus	Piping Plover	E	N	M
Charadrius semipalmatus	Semipalmated Plover	O	N	M
Circus hudsonius	Northern Harrier	E	N	N
Cistothorus palustris	Marsh Wren	E	N	M
Clangula hyemalis	Long-tailed Duck	E	N	N

Table 18 – Bird Species Observed/Expected on 94 Dune Road site

Scientific Name	Common Name	Observed[1]/ Expected (O/E)	Breeding Status (Y/N)[2]	Year Round/ Migrant/ Non-Breeding[3]
Colaptes auratus	Northern Flicker	E	N	Y
Columba livia	Rock Dove	E	N	Y
Corvus brachyrynchos	American Crow	O	N	Y
Corvus corax	Common Raven	E	N	Y
Corvus ossifragus	Fish Crow	O	N	Y
Cyanocitta cristata	Blue Jay	O	N	Y
Cygnus olor	Mute Swan	O	Y	Y
Dendroica coronata	Yellow-rumped Warbler	O	N	N
Dendroica palmarum	Palm Warbler	E	N	M
Dendroica petechia	Yellow Warbler	E	N	M
Dumetella carolinensis	Gray Catbird	O	Y	Y
Egretta thula	Snowy Egret	O	N	M
Empidonax traillii	Willow Flycatcher	E	Y	M
Falco columbarius	Merlin	E	N	M
Falco sparverius	American Kestrel	E	N	N
Gavia immer	Common Loon	E	N	N
Geothlypis trichas	Common Yellowthroat	O	Y	M
Haematopus palliatus	American Oystercatcher	O	Y	M
Hiruno rustica	Barn Swallow	O	Y	M
Icteria virens	Yellow-breasted Chat	E	N	M
Icterus galbula	Baltimore Oriole	E	N	M
Junco hyemalis	Dark-eyed Junco	E	N	N
Larus argentatus	Herring Gull	O	Y	Y
Larus delawarensis	Ring-billed Gull	O	N	Y
Laus maritimia	Great Black-backed Gull	O	Y	Y
Leucophaeus atricilla	Laughing Gull	E	N	M

Table 18 – Bird Species Observed/Expected on 94 Dune Road site

Scientific Name	Common Name	Observed[1]/ Expected (O/E)	Breeding Status (Y/N)[2]	Year Round/ Migrant/ Non-Breeding[3]
Limnodromous griseus	Short-billed Dowitcher	E	N	M
Lophodytes cucullatus	Hooded Merganser	E	N	Y
Melanerpes carolinus	Red-bellied Woodpecker	O	N	Y
Melospiza georgiana	Swamp Sparrow	E	N	Y
Melospiza lincolnii	Lincolns Sparrow	E	N	M
Melospiza melodia	Song Sparrow	O	Y	Y
Mergus serrator	Red-breasted Merganser	E	N	N
Mimus polyglottos	Northern Mockingbird	O	Y	Y
Molothrus ater	Brown-headed Cowbird	E	Y	Y
Nannopterum auritum	Double-crested Cormorant	O	N	N
Nycticorax nycticorax	Black-crowned Night Heron	E	N	Y
Oxyura jamaicensis	Ruddy Duck	E	N	Y
Pandion haliaetus	Osprey	O	Y	M
Passer domesticus	House Sparrow	E	N	Y
Passerculus sandwichensis	Savannah Sparrow	E	N	Y
Passerella iliaca	Fox Sparrow	E	N	N
Picoides pubescens	Downy Woodpecker	O	N	Y
Picoides villosus	Hairy Woodpecker	E	N	Y
Pipilo erythrophthalmus	Eastern Towhee	E	N	M
Plegadis falcinellus	Glossy Ibis	E	N	M
Pluvialis squatarola	Black-bellied Plover	E	N	M
Poecile atricapillus	Black-capped Chickadee	O	N	Y

Table 18 – Bird Species Observed/Expected on 94 Dune Road site

Scientific Name	Common Name	Observed[1]/ Expected (O/E)	Breeding Status (Y/N)[2]	Year Round/ Migrant/ Non-Breeding[3]
Quiscalus major	Boat-tailed Grackle	E	Y	Y
Quiscalus quiscula	Common Grackle	O	Y	Y
Rallus crepitans	Clapper Rail	E	Y	M
Regulus calendula	Ruby-crowned Kinglet	E	N	N
Regulus satrapa	Golden-crowned Kinglet	O	N	N
Sayornis phoebe	Eastern Phoebe	E	N	M
Setophaga discolor	Prairie Warbler	E	N	M
Setophaga petechia	Yellow Warbler	E	N	M
Setophaga pinus	Pine Warbler	E	N	M
Setophaga ruticilla	American Redstart	E	N	M
Sialia sialis	Eastern Bluebird	O	N	M
Sitta canadensis	Red-Breasted Nuthatch	E	N	Y
Sitta carolinensis	White-breasted Nuthatch	E	N	Y
Spizella passerine	Chipping Sparrow	E	Y	M
Spizella pusilla	Field Sparrow	E	N	Y
Spizelloides arborea	American Tree Sparrow	E	N	N
Sterna dougallii	Roseate Tern	E	N	M
Sterna forsteri	Forster's Tern	E	N	M
Sterna hirundo	Common Tern	O	N	M
Sternula antillarum	Least Tern	O	N	M
Sturnus vulgaris	European Starling	O	Y	Y
Tachycineta bicolor	Tree Swallow	E	Y	M
Thalasseus maximus	Royal Tern	E	N	M
Thyrothorus ludovicianus	Carolina Wren	E	N	Y
Toxostoma rufum	Brown Thrasher	E	N	M

Table 18 – Bird Species Observed/Expected on 94 Dune Road site

Scientific Name	Common Name	Observed[1]/ Expected (O/E)	Breeding Status (Y/N)[2]	Year Round/ Migrant/ Non-Breeding[3]
Tringa flavipes	Lesser Yellowlegs	O	N	M
Tringa melanoleuca	Greater Yellowlegs	E	N	M
Tringa semipalmata	Willet	O	Y	M
Tringa solitaria	Solitary Sandpiper	E	N	M
Troglodytes aedon	House Wren	E	N	M
Troglodytes hiemalis	Winter Wren	E	N	N
Turdus migratorius	American Robin	O	Y	Y
Vermivora pinus	Blue-winged Warbler	E	N	M
Vireo gilvus	Warbling Vireo	E	N	M
Vireo griseus	White-eyed Vireo	E	N	M
Vireo soliatrius	Blue-headed Vireo	E	N	M
Zenaida macroura	Mourning Dove	O	N	Y
Zonotrichia albicollis	White-throated Sparrow	O	N	N

[1]Species Observed During Field Surveys between 2019 and 2023
[2]Based on New York State Breeding Bird Atlas (McGowan and Corwin, 2008); Y = Yes, Breeding is confirmed in local Breeding Bird Atlas Block (Block #7052C); N = No, Breeding is not confirmed to occur in local Breeding Bird Atlas Block.
[3]Y= Species can be found year-round; M= Species can be found in summer months only (for breeding birds) or species can be found during spring or autumn migrations; N= Species are expected to occur only in non-breeding periods.

Mammals

Three (3) mammal species (or scat/sign of these species) were observed at or adjacent to the site including eastern cottontail (*Sylvilagus floridanus)*, *w*hite-tailed deer (*Odocoileus virginianus*), and raccoon (*Procryon lotor*). Table 19 (excerpted from Table 4 in the Ecological Conditions and Impact Analysis in Appendix J of this DEIS) provides a list of all mammal species observed or expected to occur on-site based on habitat preferences (Connor, 1971) and the ecological communities present. All observed or expected mammals are common along the margins of tidal wetlands and in maritime dunes, grasslands, shrublands, and woodlands. The extensive backdunes and tidal marshes in this area are expected to provide habitat for several species of small mammals including meadow vole (*Microtus pennsylvanicus*), short-tailed shrew (*Blarina brevicauda*), and masked shrew (*Sorex cinereus*). Raccoon

signs are abundant at the site due to this species' preference for sheltered shoreline habitats and adaptability to human neighborhoods. Other species that are tolerant of or benefit from residential neighborhoods, such as white-tailed deer and opossum, were observed or are expected to be present. Several bat species are expected to forage over the site's marshes. However, due to the absence of trees, the site does not provide any natural day-time roosting habitat for bat species that roost in trees on Long Island including eastern red bat (*Lasiurus borealis*) and northern long-eared bat (*Myotis septentrionalis*).

Table 19 – Mammal Species Observed or Expected on site[1]

Scientific Name	Common Name
Blarina brevicauda	Short-tailed Shrew
Didelphis virginiana	Virginia Opossum
Eptesicus fuscus	Big Brown Bat
Lasiurus borealis	Eastern Red Bat
Microtus pennsylvanicus	Meadow Vole
Mus musculus	House Mouse
Myotis septentrionalis	Northern Long-eared Bat
Odocoileus virginianus[1]	White-tailed Deer
Ondatra zibethicus	Muskrat
Peromyscus leucopus	White-footed Mouse
Pitymys pinetorum	Pine Mouse
Procyon lotor[1]	Raccoon
Rattus norvegicus	Norway Rat
Sorex cinereus	Masked Shrew
Sylvilagus floridanus[1]	Eastern Cottontail
Vulpes vulpes	Red Fox

[1]Indicates species or sign observed on-site.

Reptiles and Amphibians

Few species of reptiles and amphibians are expected to occur on the site due to the absence of freshwater surface water and wetland habitats. The species that are expected to be present based upon site observations, existing habitat types, and the New York State Herpetological Atlas (NYSDEC, 2009) are listed in the table below (excerpted from Table 5 in the Ecological Conditions and Impact Analysis in Appendix J of this DEIS). The New York State Herpetological Atlas provides known records of reptile and amphibian species from 1990-1998 for each 7.5-minute USGS topographic quadrangle within New York State. The expected reptile and amphibian species listed in the table below are based on the Quogue, NY quadrangle. The common Fowler's toad (*Bufo fowleri*) is found in dry sandy woodlands and barrens (Gibbs et al, 2007). The ubiquitous garter snake (*Thamnophis sirtalis*) can be found in various woodlands, fields, and suburban habitats. The black racer (*Coluber constrictor*) is a large snake of dry upland habitats including open woodlands, shrubby grasslands, dunes, and the edges of marshes (Gibbs et al, 2007). The Eastern hog-nosed snake is a New York State Species of Special Concern that is found in open pine or deciduous forests, old fields and beaches, and in and around marshes (Gibbs et al, 2007; Plummer and Mills 2000). The New York State Herpetological Atlas indicates that eastern hog-nosed snakes are known

to occur in the Quogue quadrangle (NYSDEC, 2009). The sandy maritime upland habitats to the west of the site may provide suitable habitat for this species.

Table 20 – Reptile & Amphibian Species Observed or Expected on site

Scientific Name	Common Name
Bufo fowleri	Fowler's Toad
Coluber constrictor	Northern Black Racer
Heterodon platirhinos	Eastern Hog-Nosed Snake
Thamnophis sirtalis	Common Garter Snake

Endangered, Threatened, and Rare Species

New York Natural Heritage Program (NYNHP) correspondence from May 22, 2019 (see Appendix B of the Ecological Conditions and Impact Analysis in Appendix J of this DEIS) indicates NYNHP records of the following threatened and endangered species occurring at or in the vicinity of the project site: (1) common tern (*Sterna hirundo*), NYS Threatened; (2) least tern (*Sternula antillarum*), NYS Threatened; (3) piping plover (*Charadrius melodus*), NYS Endangered and Federally Threatened; and (4) seabeach amaranth (*Amaranthis pumilis*), NYS and Federally Threatened. Additionally, the NYNHP denoted that black skimmer (*Rynchops niger*) and seaside sparrow (*Ammodramus maritimus*), both species of Special Concern, have been documented within 0.2 miles of the project site. Species of Special Concern are species which are not recognized as endangered or threatened, but for which documented evidence exists relating to their continued welfare in New York State. The Special Concern category exists within NYSDEC rules and regulations, but such designation does not provide any additional regulatory protection.

The protected shorebirds, i.e., piping plover, common and least terns, and black skimmer, nest on open, sparsely vegetated ocean beaches and sandflats between the primary dune and high tide line. The nesting habitat for these protected shorebirds is not present on the site or adjacent shorelines of Shinnecock Bay. Piping plovers forage on beaches, dunes, in ephemeral pools, tidal flats, coastal plain pondshores, and high and low salt marshes (NYNHP, 2023a). Least tern, common tern, and black skimmer forage for small fish in estuarine and coastal waters. Therefore, the site's shoreline, marshes, and nearshore waters provide foraging habitat for these protected shorebirds. The Southampton Town Trustees Threatened and Endangered Species Management and Protection Program have documented piping plover and least tern nesting on Atlantic Ocean beaches between Rogers Beach and Shinnecock Inlet including within approximately 750-1,200 ft of the site. Tiana Beach, the 1.8-mile reach of beach extending from 101 Dune Road (opposite of the site) to the Tiana Beach pavilion, has supported 4-8 pairs of piping plovers and 4-19 least tern pairs annually between 2019 and 2023 (Southampton Town Trustees, 2019, 2020, 2021, 2022, 2023), although shorebird nesting has been located more than 1,600 ft to the east of the site. Hampton Beach, the 3.7-mile reach of beach extending from 101 Dune Road to the Rogers Beach pavilion, has supported 6-11 pairs of piping plovers and 19-41 least tern pairs annually between 2019 and 2023 (Southampton Town Trustees, 2019, 2020, 2021, 2022, 2023), although plover nesting has typically been located more than 1.7 miles to the west of the site. In 2022 and 2023, piping plover nests occurred on the ocean beach approximately 750-1200 ft to the west of the site. Between 2019-2023, all shorebird nesting has been located more than 1,600 ft to the east of the project site. Common tern and black

skimmer have historically used these beaches for nesting but have not been observed since at least 2008 per Southampton Town Trustees reports (Southampton Town Trustees, 2008-2023).

The seaside sparrow (*Ammodramus maritimus*) is a New York State Species of Special Concern that inhabits high and low salt marshes and nests in high marsh edges dominated by marsh elder (*Iva frutescens*) and patches of smooth cordgrass (*Spartina alterniflora*) in the low salt marsh (NYNHP, 2023b). Suitable habitat including nesting habitat for seaside sparrow is present on the eastern side of the site.

The tidal wetlands on and adjacent to the site provide foraging habitat and wintering habitat for various other protected wading birds and waterfowl including common loon (*Gavia immer*), NYS-Special Concern; pied-billed grebe (*Podilymbus podiceps*), NYS-Threatened; and American bittern (*Botarus lentiginosus*), NYS-Special Concern. These species are not confirmed to breed on eastern Long Island. The tidal wetlands and maritime grasslands and barrens along Dune Road between Hampton Beach and Shinnecock Inlet provide foraging habitat during the winter months for short-eared owl (*Asio flammeus*) and northern harrier (*Circus hudsonius*), both New York State-Threatened species. Cooper's hawk (*Accipiter cooperii*) and sharp-shinned hawk (*Accipiter striatus*), both New York State Species of Special Concern, may hunt for songbirds in the upland habitats on and adjacent to the site during any season and migrate along the barrier island during the spring and autumn. The maritime shrublands at the site are not suitable nesting habitat for Cooper's hawks, which prefer to nest in forests with a closed canopy, trees that are more than 30 years old, and have moderate to heavy shrub cover (Liguori, 2003). Sharp-shinned hawks are not documented to nest in Nassau or Suffolk Counties as per McGowan and Corwin (2008).

The northern long-eared bat (*Myotis septentrionalis*) was listed in 2016 as threatened and in 2023 as endangered by the US Fish and Wildlife Service and the NYSDEC. This species was not included in NYNHP correspondence from May 22, 2019 (see Appendix B of the Ecological Conditions and Impact Analysis in Appendix J of this DEIS); however, the NYSDEC EAF Mapper indicated that a known summer occurrence of northern long-eared bat has been documented within 3.0 miles of the site (NYSDEC, 2023). Due to their highly motile nature, northern long-eared bats could utilize the site for foraging habitat in the summer months and migration periods in the spring and autumn. Due to the absence of forest habitat, hardwood trees, and snags and cavity trees, the site does not provide daytime roosting habitat for northern long-eared bats.

Seabeach amaranth (*Amaranthus pumilus*), is a New York State and Federal Threatened plant species that is found on ocean beaches between the foredune and in overwash areas (NYNHP, 2023c). Suitable habitat for this species is not present at the site.

Significant Ecological Communities

NYNHP correspondence from May 22, 2019 (see Appendix B of the Ecological Conditions and Impact Analysis in Appendix J of this DEIS) indicates that the following significant natural communities have been documented at the project site or in its vicinity: (1) low salt marsh; (2) marine back-barrier lagoon; and (3) marine eelgrass meadow. These ecological communities are considered significant by the New York Natural Heritage Program as they are high-quality examples of ecological communities that are uncommon or rare in New York State. The proximity of these significant ecological communities to the

project site is shown in Figure 3 in the Ecological Conditions and Impact Analysis in Appendix J of this DEIS.

Low salt marsh habitats are located immediately adjacent to the site and are part of a large low marsh community (468 acres) within a 993-acre salt marsh complex. Low marshes are located between mean high tide and mean sea level, and therefore are regularly flooded by the semidiurnal tides. This habitat is characteristically dominated by cordgrass (*Spartina alterniflora*), however additional flora that may be present include glassworts (*Salicornia depressa, S. bigelovvi*), salt marsh sand-spurry (*Spergularia marina*), and sea blites (*Suaeda* spp.). Few bird species utilize Low salt Marsh habitat for nesting, including marsh wren (*Cistothorus palustris*), saltmarsh sharp-tailed sparrow (*Ammodramus caudacutus*), red-winged blackbird (*Agelaius phoeniceus*), black-crowned night heron (*Nycticoraz nycticorax*), Canada goose (*Branta canadensis*), American black duck (*Anas rubripes*), and occasionally clapper rail (*Rallus longirostris*) and willet (*Catoptrophorus semipalmatus*) (Niedowski 2000). Many more bird species depend on low salt marsh communities for foraging habitat, including green heron (*Butorides stiatus*), great egret (*Ardea alba*), snowy egret (*Egretta thula*), glossy ibis (*Plegadis falcinellus*), tree swallow (*Tachycineta bicolor*), and various terns (Edinger et al, 2014).

The marine back-barrier lagoon community is located approximately 200 ft to the northeast of the restaurant site and includes the large cove to the east of the low marshes on the site. The open water dug lagoon located to the north of the existing restaurant and marina is not considered part of the marine back-barrier lagoon, as these waters were created by dredging of the salt marshes in the mid-1960s. Back-barrier lagoons are bodies of water with reduced wave action as a result of protection by barrier islands from oceanic forces. The surface waters of Shinnecock Bay serve as a nursery and feeding area for bluefish, winter flounder, summer flounder, scup, weakfish, tomcod, and blue crab. Forage fish species are also abundant including Atlantic silversides, Atlantic menhaden, striped killifish, pipefish, American sandlance, American eel, alewife, blueback herring, Atlantic sturgeon, and sticklebacks. Shinnecock Bay is also inhabited by hard clams, soft clams, bay scallops, and bank mussels. Various marine and estuarine communities can be found within back-barrier lagoons and tidal bays, including marine eelgrass meadows, marine intertidal mudflats, and salt marshes.

Eelgrass meadows are located in Shinnecock Bay approximately 2,200 ft to the north of the restaurant site (NYSDOS and NOAA, 2018). Earlier surveys identified an eelgrass meadow located approximately 1,000 ft to the north of the restaurant site (NYSDOS, 2002). Review of aerial imagery and field investigations in 2021 by Land Use Ecological Services did not locate any eelgrass meadows in surface waters on the site and the portions of the marine back-barrier lagoon closest to the restaurant site. Marine eelgrass meadows are highly productive subtidal aquatic communities which are dominated by eelgrass (*Zostera marina*) found in shallow waters in tidal embayments with salinity ranging between 18 to 30 ppt. Characteristic fauna of eelgrass meadow include fourspine stickleback (*Apeltes quadracus*), mummichogs (*Fundulus heteroclitus*), northern pipefish (*Syngnathus fuscus*), silversides (*Menidia spp*.), naked goby (*Gobiosoma bosci*), menhaden (*Brevoortia tyrannus*) and winter flounder (*Pseudopleuronectes americanus*); mollusks, such as bay scallop (*Aequipecten irradians*), common Atlantic slippershell (*Crepidula fornicata*), and northern quahog (*Mercenaria mercenaria*); and crustaceans, such as spider crab (*Libinia emarginata*), mud crabs (*Panopeus* sp.), lady crab (*Ovalipes ocellatus*), and blue crab (*Callinectes sapidus*). Brant (*Branta bernicla*) and American black duck (*Anas rubripes*) feed on eelgrass.

All of these significant natural communities (low salt marsh, marine back-barrier lagoon, and low salt marsh) are part of the Shinnecock Bay and Dune Road Marsh Significant Coastal Fish and Wildlife Habitats designated by the New York State Department of State Division of Coastal Resources due to the state-wide significance of the shellfish and finfish resources, submerged aquatic vegetation beds, and waterfowl and wading bird breeding and wintering habitat (NYSDOS, 2008a and 2008b).

2.3.2 Potential Impacts

Potential Impacts to Ecological Communities, Plants, and Wildlife

Upon implementation of the proposed action, developed surfaces (i.e., buildings and decks, pervious and impervious roads and parking areas, and accessory structures) would decrease from 2.29± acres to 1.36± acres and natural ecological habitats would increase from 4.84± acres to 5.65± acres (see Table 21 below - excerpted from Table 6 in the Ecological Conditions and Impact Analysis in Appendix J of this DEIS). There would be no disturbance to existing vegetated tidal wetland areas and approximately 0.02± acre of additional tidal wetlands would be constructed after the removal of the waterfront restaurant and decks. Upon implementation of the proposed action, the acreage of natural ecological communities on the site would increase by 0.93± acre to approximately 80% of the site (excluding open water).

Under as-built conditions, the 5.65± acres of natural ecological communities on the site would be comprised of 1.19± acres of maritime shrubland (12.8%), 0.69± acre of maritime dune and grasslands, (7.4%), 1.32± acres of high salt marsh (14.2%), 0.18± acre of salt shrub (1.9%), and 2.18± acres of low salt marsh (23.5%). It should be noted that 1.8± acres of the site's tidal wetlands (including both high and low salt marsh habitats) are located to the north of the dug canal.

The proposed STP area would largely be planted with native grasses and wildflowers (i.e., American beach grass (*Ammophila breviligulata*), little bluestem (*Schizachyrium scoparium*), and seaside goldenrod (*Solidago sempervirens*)) and have been included in the 0.68± acre of maritime dune under the proposed conditions. The limited landscaped areas (such as the narrow margins between proposed driveways and walks) would also be planted with native grasses and wildflowers; these areas are listed as proposed native plantings (totaling 0.12± acre) in the table below.

Table 21 – Proposed Ecological Communities at 94 Dune Road

	Existing (Acres)	Percent of Existing	Proposed (Acres)	Percent of Proposed	Change in Acres
Developed Surfaces *(Roofs, Parking and Driveway, Pool and Decks, Non-Native Landscaping, and Walkways)*	2.29	24.7	1.36	14.6	-0.93
Maritime Shrubland	0.88	9.5	1.19	12.8	+0.31
Maritime Dune	0.17	1.8	0.69	7.4	+0.52
Native Landscaping	0.00	0.0	0.12	1.3	+0.12
Japanese Knotweed Stand	0.04	0.4	0.00	0.0	-0.04
Low Salt Marsh	2.18	23.5	2.18	23.5	0.00
High Salt Marsh	1.30	14.0	1.32	14.2	+0.02
Salt Shrub	0.18	1.9	0.18	1.9	0.00
Marsh Panne	0.03	0.3	0.03	0.3	0.00
Unvegetated Beach	0.06	0.6	0.06	0.6	0.00
Open Water	2.16	23.3	2.16	23.3	0.00
Total Site	**9.29**	**100%**	**9.29**	**100%**	

The proposed action would establish a 75-ft wetland buffer along the majority of the site. The proposed condominium buildings would be set back a minimum of 75 ft from the tidal wetlands located to the east and northwest of the development. The proposed pool, native landscaping, and gravel driveway on the northern end of the proposed development would be located a minimum of 50 ft from the bulkheaded shoreline. As such, the proposed project would result in increased building setbacks to tidal wetlands from 0 ft under existing conditions (as existing restaurant and deck are adjacent to tidal wetlands in the northeast corner of the site) to approximately 50 to 83 ft upon implementation of the proposed action.

After removal of the existing restaurant, accessory decks, and parking areas, these new buffer areas would be planted with American beach grass (*Ammophila breviligulata*), little bluestem (*Schizachyrium scoparium*), seaside goldenrod (*Solidago sempervirens*), bayberry (*Morella pensylvanica*), beach plum (*Prunus maritima*), switch grass (*Panicum virgatum*), groundsel bush (*Baccharis halimifolia*), and salt hay (*Spartina patens*). The proposed STP would also be planted with native herbaceous plants to provide additional ecological benefits, such as wildlife habitat and elimination of fertilizer and irrigation requirements, compared to turfgrass. These native plantings will result in an increase in 0.91± acre of maritime upland habitats and native landscaping and 0.02± acre of tidal wetlands habitats compared to existing conditions.

The proposed increase in 0.91± acre of maritime upland habitats and 0.02± acre of tidal wetlands compared to existing conditions would result in increased habitat availability for the plants, birds, and wildlife that currently utilize these habitats. In addition, the proposed action would result in an increase in habitat quality at the site as some areas that are dominated by invasive plants, such as Japanese black pine (*Pinus thunbergii*), autumn olive (*Elaeagnus umbellata*), and Japanese knotweed (*Reynoutria japonica*), would be revegetated with the aforementioned native maritime plants. The expanded wetland buffers and increased upland habitat would have a resultant benefit to wildlife by providing: (1) additional foraging and breeding habitat for coastal wildlife; (2) better travel corridors with native vegetation for wildlife along the margins of the tidal wetlands; and (3) better visual screening of human activity thereby increasing the quality of the nearby wetland habitats for wildlife breeding and foraging.

In addition to these wildlife habitat benefits, the increased buffer area would provide other ecological benefits, including increased soil stabilization as well as increased removal of nutrients and pollutants by buffer vegetation. These pollutant and sediment filtration functions would have a resultant benefit to the adjacent tidal wetlands, including the significant low salt marsh, marine back barrier lagoon, and marine eelgrass meadow known to occur proximate to the site.

The STP to be located in the southwest corner of the site (approximately 265 ft landward of tidal wetlands) under the proposed conditions would replace an existing conventional sanitary system located 75± ft from tidal wetlands. The existing sanitary system would be removed as part of the proposed demolition. The subject site falls within the 0-2-year surface water contributing area to the Shinnecock Bay West subwatershed. The greater distance between the proposed STP and the tidal wetlands under the proposed conditions would allow nitrogen from the site's sanitary wastewater to be further reduced via natural means through its longer travel time to Shinnecock Bay. As noted, the existing sanitary wastewater generation is approximately 3,360 gpd based upon SCDHS design flow standards of 10 gallons per day (gpd)/seat (density load), 20 gpd/seat (kitchen load), 10 gpd/slip, and 100 gpd/tennis court. Under existing conditions, nitrogen loading is approximately 185.57 lbs. per year (based on the BURBS model). Under the proposed action, the volume of sanitary waste generation would increase to 7,500 gpd (300 gpd per unit) and be handled by an on-site STP. Based on the BURBS model, nitrogen loading under the proposed conditions would be approximately 124.15 lbs. per year. As the Shinnecock Bay West Subwatershed Plan encourages the use of I/A OWTS and STPs for future development (CDM Smith, 2020), the proposed action is consistent with the stated goal in this Plan. Also, due to the landward relocation of on-site sanitary and increased nitrogen removal efficiency of the proposed STP, the nitrogen contributions to Shinnecock Bay and its wetlands will be reduced under the proposed action.

The proposed action also provides stormwater management (both during construction and under future conditions) that would serve to minimize potential for degradation of the adjacent tidal wetlands and water quality through nutrient or sediment pollution due to stormwater runoff. The proposed action includes drainage infrastructure (196 shallow leaching pools and galleys) with capacity to collect and store the stormwater runoff generated by a three (3)-inch rainfall event and infiltrate the runoff into the ground. The proposed development would be constructed under the requirements and specifications of a SWPPP prepared in accordance with the NYSDEC SPDES General Permit No. GP-0-20-001 and Chapter 285 "Stormwater Management and Erosion and Sediment Control" of the Town of Southampton Code.

Under the proposed action, the number of boat slips and jet ski floats (16 and 10, respectively) would be maintained, and thus, the potential environmental impacts associated with recreational boat usage

(including pollutant discharge to surface waters, disturbances to benthic substrate and organisms from propeller wash, and disturbance due to vessel noise and human activity) would be similar to the existing conditions.

Finally, under the proposed action: the area of natural ecological communities and native landscaping on the site would increase by 0.93± acre (0.81± acre of natural habitats and 0.12± acre of native landscaping); stormwater runoff would be managed both during construction and under built conditions; and the nitrogen loading to Shinnecock Bay and its wetlands would decrease compared to existing conditions. Accordingly, the proposed action is not expected to have a significant adverse impact to the terrestrial and wetland communities on the site and in adjacent portions of Shinnecock Bay.

Endangered, Threatened, and Rare Species

Based upon information provided by the NYNHP (see correspondence dated May 22, 2019 in Appendix B of the Ecological Conditions and Impact Analysis in Appendix J of this DEIS), the following threatened and endangered species are noted as occurring at or in the vicinity of the project site: (1) common tern (*Sterna hirundo*), NYS Threatened; (2) least tern (*Sternula antillarum*), NYS Threatened; (3) piping plover (*Charadrius melodus*), NYS Endangered and Federally Threatened; and (4) seabeach amaranth (*Amaranthis pumilis*), NYS and Federally Threatened. Also, the NYNHP indicated that black skimmer (*Rynchops niger*) and seaside sparrow (*Ammodramus maritimus*), both species of Special Concern, have been documented within 0.2 mile of the project site.

The protected shorebirds (i.e., piping plover, common and least terns, and black skimmer) are known to nest on open, sparsely vegetated ocean beaches and sandflats between the primary dune and high tide line. The Southampton Town Trustees Threatened and Endangered Species Management and Protection Program have documented piping plover and least tern nesting annually on Atlantic Ocean beaches between the Rogers Beach Pavilion and Shinnecock Inlet including within 750-1,200 ft of the site. Between 2019-2023, all shorebird nesting has been located more than 1,600 ft to the east of the project site. The NYSDEC typically imposes construction restrictions for projects within 1,000 ft of plover nests to reduce the risk of potential impacts to breeding plovers including 1) restriction of construction to outside of the breeding period (April 1 to August 31) or 2) completing construction under the supervision of a NYSDEC-approved shorebird monitor within the breeding period to ensure no disturbance to breeding birds occurs. Common tern and black skimmer have historically used these beaches for nesting, but have not been observed since at least 2008 pursuant to reports published by the Southampton Town Trustees (Southampton Town Trustees, 2008-2023).

The nesting habitat for these protected shorebirds is not located on the site or reaches of Shinnecock Bay shoreline adjacent to the site. Piping plover and least tern nests on the Atlantic Ocean beaches on the opposite side of Dune Road have recently been located more than 1,600 ft to the east of the site but have occurred at closer distances in the past. Conformance with NYSDEC permit conditions for any construction within 1000 ft of shorebird nests will ensure that the proposed action would have no adverse impacts on the nesting piping plovers or least terns. Piping plovers may forage in bayside tidal flats and the terns and skimmers forage for small fish in estuarine and coastal waters; thus, the improved wetland buffers, building setbacks, and sanitary system improvements may result in improvements to wetland habitat and minor indirect benefits to breeding shorebirds in the vicinity of the site. Accordingly,

no adverse impacts to these endangered/threatened species, including these protected shorebirds, would result from the proposed action.

Seabeach amaranth (*Amaranthus pumilus*), New York State and Federal- Threatened, is found only on ocean beaches between the foredune and in overwash areas (NYNHP, 2023). This species is expected to be restricted to the Atlantic Ocean beaches located on the south side of the barrier island. Suitable habitat for this species is not present at the site; accordingly, no significant adverse impacts to this species would result from the proposed action.

The high-quality tidal wetlands and open maritime dune and grassland habitats located on and adjacent to the site are expected to be used as habitat for several protected wildlife species including seaside sparrow (*Ammodramus maritimus*), common loon (*Gavia immer*), pied-billed grebe (*Podilymbus podiceps*), American bittern (*Botarus lentiginosus*), short-eared owl (*Asio flammeus*), northern harrier (*Circus hudsonius*), Cooper's hawk (*Accipiter cooperii*), and sharp-shinned hawk (*Accipiter striatus*). The proposed action would: (1) provide an increase in 0.91± acre of maritime upland habitats and 0.02± acre of tidal wetlands compared to existing conditions; and (2) would increase wetland setbacks from 0 ft under existing conditions to between 50-and-83 ft under proposed conditions. Accordingly, the proposed action would result in increased habitat availability and quality for seaside sparrow, similar wetland-dependent wildlife, and other wildlife that utilize the marshes, dunelands, and grasslands along Dune Road. As a result, no significant adverse impacts to these endangered, threatened, or rare wildlife species would occur due to the proposed action.

The northern long-eared bat (*Myotis septentrionalis*) was listed in 2016 as threatened and in 2023 as endangered by the US Fish and Wildlife Service (USFWS) and the NYSDEC. A known summer occurrence of northern long-eared bat has been documented within 3.0 miles of the site (NYSDEC, 2023). Due to their highly motile nature, northern long-eared bats may utilize the site for foraging habitat in the summer months and migration periods in the spring and autumn. The trees present on the site are largely limited to small coniferous trees, such as Japanese black pine, that are not expected to provide roosting habitat for northern long-eared bat. Due to the absence of forest habitat, hardwood trees, and snags and cavity trees, the site does not provide daytime roosting habitat for northern long-eared bat. The availability of summer habitat is not limiting for northern long-eared bat and loss of summer habitat is not recognized as a threat to the conservation of this species (USFWS, 2016); rather, white-nose syndrome is the primary threat to northern long-eared bat within its summer habitats. While the site is not expected to provide suitable daytime roosting habitat for northern long-eared bat, the NYSDEC recommends that any cutting of trees occur during the winter months (between December 1 and February 28) to avoid a potential take of this protected species. Accordingly, any cutting of trees associated with this project would occur during this timeframe in accordance with NYSDEC recommendations and, accordingly, no adverse impacts to northern long-eared bat populations are expected to result from the proposed action.

Significant Natural Communities

Several significant natural ecological communities have been documented to occur adjacent and proximate to the site, including low salt marsh, marine back-barrier lagoon, and marine eelgrass meadows (NYNHP, 2019; see Figure 3 and Appendix B of the Ecological Conditions and Impact Analysis in Appendix J of this DEIS). The NYNHP considers these ecological communities to be significant as they

are high-quality examples of ecological communities that are uncommon or rare in NYS. These significant natural communities are part of the Shinnecock Bay and/or Dune Road Marsh Significant Coastal Fish and Wildlife Habitats designated by the NYSDOS Division of Coastal Resources due to the state-wide significance of the shellfish and finfish resources, submerged aquatic vegetation beds, and waterfowl and wading bird breeding and wintering habitat (NYSDOS, 2008a and 2008b).

The proposed action would not have significant adverse impacts on these significant ecological resources as, under the proposed conditions: (1) developed surfaces (i.e., buildings and decks, pervious and impervious roads and parking areas, and accessory structures) would decrease from 2.29± acres to 1.36± acres; (2) naturally vegetated areas will increase from 4.84± acres to 5.65± acres (approximately 80% of the site excluding open water) by planting native vegetation in currently developed areas; (3) building setbacks to tidal wetlands would increase from 0 ft (existing conditions) to between 50-and-83 ft (proposed conditions); and (4) nitrogen loading would decrease from 185.57 lbs./year to 124.15 lbs./year. These environmental mitigation measures are expected to reduce nutrient and coliform pollution to the nearby significant ecological communities and surface water resources compared to existing conditions and, accordingly, the proposed action is not expected to have any significant adverse impacts on the significant ecological communities occurring at the site, the Dune Road marshes and Shinnecock Bay.

2.3.3 Proposed Mitigation

Potential mitigation measures to reduce environmental impacts associated with the proposed action include the following:

- The proposed action decreases the area of developed surfaces (i.e., buildings, decks, pervious/impervious roads and parking areas, and accessory structures) from 2.29± acres to 1.36± acres. The proposed action will create an additional 0.91± acre of maritime upland habitat and 0.02± acre of tidal wetland habitat in currently developed areas and will also establish a 75-ft wetland buffer along the majority of the site. New restoration areas will be planted with American beach grass (*Ammophila breviligulata*), little bluestem (*Schizachyrium scoparium*), seaside goldenrod (*Solidago sempervirens*), bayberry (*Morella pensylvanica*), beach plum (*Prunus maritima*), switch grass (*Panicum virgatum*), groundsel bush (*Baccharis halimifolia*), and salt hay (*Spartina patens*), at appropriate elevations, after removal of the existing restaurant, accessory decks, and parking areas.

- Nutrient reduction measures include the removal and replacement of the existing conventional sanitary system with an on-site STP. The STP will be located approximately 265 ft landward of tidal wetlands, as compared to the existing sanitary system which is located 75± ft from tidal wetlands. Due to the increased distance to the tidal wetlands and increased nitrogen removal from the STP, the nitrogen contributions to Shinnecock Bay and its wetlands under the proposed conditions is expected to be 124.15 lbs./year and represents an improvement compared to the current nutrient loading (estimated at 185.57 lbs./year).

- The proposed landscaping, which will consist of native grasses and wildflowers including switch grass (*Panicum virgatum*), little bluestem (*Schizachyrium scoparium*), American beach grass (*Ammophila breviligulata*), and seaside goldenrod (*Solidago sempervirens*) and native woody shrubs, such as

bayberry (*Morella pensylvanica*) and beach plum (*Prunus maritima*), will enhance wildlife habitat and will eliminate fertilizer and irrigation requirements.

- The expanded wetland buffers and increased upland habitat will have a resultant benefit to wildlife by providing: (1) additional foraging and breeding habitat for coastal wildlife; (2) better travel corridors with native vegetation for wildlife along the margins of the tidal wetlands; and (3) better visual screening of human activity thereby increasing the quality of the nearby wetland habitats for wildlife breeding and foraging.

- The increased buffer area will provide other ecological benefits, including increased soil stabilization as well as increased removal of nutrients and pollutants by buffer vegetation. These pollutant and sediment filtration functions would have a resultant benefit to the adjacent tidal wetlands, including the significant low salt marsh, marine back barrier lagoon, and marine eelgrass meadow known to occur proximate to the site.

- The proposed stormwater management system will accommodate stormwater generated from a 3-inch rainfall event over a 24-hour period.

- All tree clearing for the proposed action will occur during the winter months (between December 1 and February 28) in accordance with NYSDEC guidance to avoid potential impacts to the New York State-endangered northern long-eared bat (*Myotis septentrionalis*), as the site is located within 3.0 miles of a known summer occurrence of this species.

- Conformance with NYSDEC permit conditions for any construction within 1000 ft of shorebird nests will ensure that the proposed action will have no adverse impacts on the nesting piping plovers and least terns.

3.0 HUMAN ENVIRONMENTAL RESOURCES

3.1 LAND USE, ZONING AND PLANS

3.1.1 Existing Conditions

Land Use

To evaluate the existing viewshed of the subject property and the surrounding area, site and area visits were conducted by PWGC in October 2020 and August 2021 with photographs taken on October 1, 2020 and August 5, 2021. Photographs taken during these site visits, with corresponding dates, are included in Appendix K.

Subject Property

The subject property is 9.29± acres and located on the north side of Dune Road in the hamlet of East Quogue. The overall subject property consists of 3.38± acres of upland area, 3.75± acres of tidal wetland area and 2.16± acres of surface water area.

The subject property is currently occupied by the Dockers Waterside Marina & Restaurant. Site access is currently provided via one full-movement driveway on the north side of Dune Road (see Photograph No. 1 in Appendix K of this DEIS). The central portion of the development site includes existing overhead utility wires and a line of vegetation which separates two surface parking areas (see Photograph No. 2 in Appendix K of this DEIS). To the west of the entrance is a stone and dirt surface parking area with three (3) parking aisles to accommodate patrons. This parking area extends from the southern boundary of the development site north to the eating area at the bulkhead (see Photograph Nos. 3 through 8).

To the east of the entrance are tennis courts that have been converted to an overflow surface parking area for patrons (see Photograph Nos. 3 and 4 in Appendix K of this DEIS). The existing development at the subject site is concentrated at the northern landward boundary and consists of an existing one- to two-story frame building with a restaurant/bar on the first floor with an associated awning, tent area and an office on the second floor (see Photograph No. 11 in Appendix K of this DEIS). West of the existing building is a deck with seats and tables along the bulkhead and an eating area with picnic tables for the food truck (see Photograph No. 12 in Appendix K of this DEIS). At the bulkhead are two (2) gangways leading to floating docks. The floating dock used for kayak and paddle board rentals is located at the western terminus of the dock (see Photograph No. 13 in Appendix K of this DEIS). The floating dock used by boaters visiting the restaurant is located at the eastern terminus of the dock (see Photograph No. 14 in Appendix K of this DEIS). North of the bulkhead are 3.75± acres of tidal wetland area (see Photograph No. 15 in Appendix K of this DEIS).

Surrounding Properties

Located on a barrier island with Shinnecock Bay to the north and the Atlantic Ocean to the south, the surrounding area and land uses within 1,000 ft of the subject site can generally be characterized by

residential, open space, and recreational, which includes private and public beach areas (see Figure 5 in Appendix A of this DEIS). It is noted that Dune Road does not provide bike lanes or sidewalks for recreational cyclists or pedestrians. Below is a general description of these land uses with corresponding photographs.

- North: To the north of the subject site is Shinnecock Bay, which provides water-related recreational uses. Along the northern shoreline of Shinnecock Bay are residences, East Quogue Marine Park, and Pine Neck Sanctuary (see Photograph No. 16 in Appendix K of this DEIS).

- South: To the south of the subject site is a multifamily residential co-op complex with private access to the beach (Round Dune) (see Photograph Nos. 18 and 19 in Appendix K of this DEIS). The Atlantic Ocean is located beyond (see Photograph Nos. 20 and 21 in Appendix K of this DEIS). Single-family residential land uses are located southeast and southwest of the subject site along Dune Road with private access to the beach (see Photograph No. 22 in Appendix K of this DEIS). Outside of the 1,000-ft radius is the Dolphin Lane public access parking lot along Dune Road (approximately 0.14-mile southeast of the subject site) (see Photograph Nos. 23 and 24 in Appendix K of this DEIS). This parking lot is only accessible to residents of the Town of Southampton with a parking permit between July 1 and Labor Day.

- East: To the east of the subject site is Town-owned open space consisting of tidal wetlands along the north side of Dune Road (see Photograph Nos. 25 and 26 in Appendix K of this DEIS). There are no other developments located along the northern portion of Dune Road within 1,000 ft of the subject site. Further east outside of the 1,000-ft radius, approximately 0.14-miles from the subject site, is a public access point to both Shinnecock Bay and the Atlantic Ocean for use by residents of the Town of Southampton only (see Photograph Nos. 23 and 24 in Appendix K of this DEIS).

- West: To the west of the subject site is Town-owned open space consisting of tidal wetlands along the north side of Dune Road (see Photograph Nos. 27 through 30 in Appendix K of this DEIS). As indicated above, there are no other developments located along the northern portion of Dune Road within 1,000 ft of the subject site.

Zoning

The subject property is located within the R-80 zoning district of the Town of Southampton and review of the Southampton Zoning Map (see Figure 4 in Appendix A of this DEIS) illustrates the same R-80 zoning for properties within 1,000 ft of the site. As explained in Section 1.1 of this DEIS, from 1957 (the year in which zoning was first established in the Town of Southampton) until May 2, 1972, the subject property was located in the "L Beach Business" Zoning District. Permitted uses in "L Beach Business" Zoning District included single family dwellings, hotels and motels, yacht clubs, country clubs, restaurants and marinas. Pursuant to a certificate of occupancy (No. 6231) dated October 22, 1968, a marina was established on the subject property. Thereafter, in 1972, the "L Beach Business" Zoning District became the R-80 Zoning District.

The current use of the property (restaurant/bar, office, marina with tennis courts, decks and parking) continues to operate as a legal, pre-existing, non-conforming use. Accordingly, Article XVI of the Town

Code - Nonconforming Uses, Buildings and Structures – has applied to this site. Pursuant to §330-113, the provisions of Article XVI "…apply to all buildings or structures and all uses of buildings or structures or lots lawfully existing prior to the effective date of this chapter or of subsequent amendments, revisions or reenactments of such chapter, which buildings or structures or uses do not conform to the provisions of said original zoning law or to such revisions or reenactments on their effective dates." All prior maintenance and renovation work at the subject property has been authorized by the Southampton Town Trustees and/or ZBA under §330-115 (Continuance).

Article XVI also provides for a change in one nonconforming use to another in §330-167B, to wit:

B. With respect to nonconforming uses, buildings, structures and lots:

(1) To grant a permit for the extension of such a nonconforming use on the same lot on which it was located or an increase in the degree of nonconformity of a nonconforming building or structure on the lot occupied by such building or structure, provided that:

(a) In the case of a nonconforming use, such enlargement or extension shall not exceed, in all, 50% of the floor area of such building or structure actually devoted to such nonconforming use on the effective date of this use having first become nonconforming.

(b) All parking and truck loading requirements of §§ 330-92 through 330-101 are complied with.

(c) There shall be no change in the nature or character of such nonconforming use or of such building or structure.

(d) The lot coverage and density shall not be greater than would be permitted by the most restrictive lot coverage and density provisions of this chapter applicable to a permitted use or special exception use of the same nature or character. The term "density" includes, among other things, the number of dwelling units allowed based on the lot area, the number of guest units allowed based on the lot area and the number of uses allowed based on the lot area.

(2) To grant a permit for the reconstruction, structural alteration, restoration or repair of a building or structure used for a nonconforming use, to an extent not to exceed an aggregate 100% of the gross floor area of such building or structure.

(3) To grant a certificate of occupancy for a change in a nonconforming use, provided that:

(a) The Board of Appeals shall have made a determination that such change will be beneficial to the general neighborhood.

(b) Such change is made subject to such reasonable conditions and safeguards as the Board of Appeals may stipulate.

Pursuant to § 330-10, Residence Districts, of the Town Zoning Code, the permitted uses of the R-80 Zoning District include, but are not limited to: residential uses, including single-family dwellings, planned residential developments and affordable housing density incentives; public parks, community facilities and schools (public or private); and marinas and boatyards lawfully existing prior to adoption of this chapter. Accessory uses include but are not limited to private garage or private off-street parking area; private moorings, dock or similar marine structure in a tidal wetland or walkway over the dunes on an ocean beach pursuant to §330-39 et seq.; and private swimming pool.

The bulk and dimensional requirements for the R-80 Zoning District, as set forth in (and excerpted from) §330-11, Residence Districts Table of Dimensional Regulations, Attachment 2, is summarized in the table below.

Table 22 – R-80 Zoning District - Bulk and Dimensional Requirements (§330-11)

Dimension	**Requirement**	**Existing Conditions**
Minimum Lot Area (SF)	80,000 SF	147,656.6± SF
Maximum lot coverage by main and accessory buildings	10 percent	4.59%
Minimum Lot width	175 ft	406.88 ft
Height, Maximum (Ft/Stories) [6]	32 ft / 2 stories	32 ft/2 stories
Yards, principal building, minimum[8] (ft)		
Front Yard	80 ft	333.3± ft
Side Yard, minimum for 1	30 ft	102.2± ft
Side Yard, total for both on interior lot	75 ft	349.7± ft
Rear Yard	100 ft	276.9± ft (nearest rear) 1216.4± ft (rear property line) 37.6± ft (bulkhead)
Yards, accessory buildings[10] and structures, except fences and retaining walls, minimum (ft)		
Distance from street[11]	90 ft	316.8± ft
Distance from side and rear lot lines	30 ft	Rear – 293.6± ft Side – 101.2± ft

Notes:

[2] Where public sewerage is not available, no lot shall be built upon which has insufficient space for a private sanitary waste disposal system, as determined by the town and the Suffolk County Health Department.

[6] Maximum height in any AE or VE Zone as shown on the applicable Flood Insurance Rate Map prepared by the Federal Emergency Management Agency for the Town of Southampton shall not exceed elevation +40 ft NAVD (88) plus required Residential Code of New York State freeboard or the maximum height in ft as shown on this table, whichever is less.

[8] Minimum yards may be modified pursuant to the provisions of § 330-45A or 330-83K.

[10] Minimum yards for a residential storage shed may be modified pursuant to the provisions of § 330-77E.

[11] Unroofed steps, decks, patios and terraces shall not be subject to distance from street regulations.

Relevant Local Planning Documents

As part of this DEIS, the following land use and planning documents are addressed as they relate to the subject property and proposed action:

1. Town of Southampton Master Plan (1970)
2. Town of Southampton Comprehensive Plan Update Implementation Strategies (1999)
3. East Quogue Land Plan Final GEIS (2008)
4. Southampton 400+ Sustainability Element (2013)
5. Town of Southampton Coastal Resources and Water Protection Plan (2016)
6. Community Preservation Project Plan (2021)

Town of Southampton Master Plan (1970)

The Town of Southampton Master Plan (1970) (hereinafter the "1970 Master Plan") outlines long-term planning goals, objectives and recommendations for development within the Town. The 1970 Master Plan provides an inventory of the Town's resources and in-depth analyses of several issues (e.g., physical characteristics, land use, building and environmental conditions, transportation facilities, infrastructure, community facilities, growth trends, etc.) to provide a basis for the various objectives contained therein. The 1970 Master Plan outlines Town-wide planning objectives along with various detailed hamlet Master Plans and neighborhood analyses to address the unique characteristics of the hamlets and neighborhoods within the Town. Furthermore, included in the 1970 Master Plan, is the Barrier Beach and Shinnecock Bay Development Plan element to provide development considerations for the unique environmental qualities of the barrier beach and Shinnecock Bay area of the Town. The objectives and goals of the 1970 Master Plan were superseded by an update adopted in 1999 by the Town, discussed below.

Southampton Tomorrow – Comprehensive Plan Update Implementation Strategies (1999)

The Southampton Tomorrow – Comprehensive Plan Update Implementation Strategies (1999) (hereinafter the "1999 Comprehensive Plan Update") is the most recent adopted revision to the 1970 Master Plan and was prepared as a "…Strategic and Capital Improvements Plan that updated the first Comprehensive Plan completed for the Town in 1970 in the following areas: Natural Resources, Historic Resources, Scenic Resources, Greenways and Open Space, Affordable Housing, Community Facilities, Economic Sectors, Agriculture, Fisheries, Hamlet Business Areas, and Transportation" (page 5). The 1999 Comprehensive Plan Update contains three components: technical reports as a basis for the decisions made therein; plan and implementation strategies providing the visions, goals and recommendations for the Town; and strategic and capital improvements which detail one, three, five, and ten-year implementation strategies of the visions, goals and recommendations. As excerpted, the vision statement of the 1999 Comprehensive Plan Update, is as follows: "The Southampton of the future will protect its valuable natural, historic and scenic resources; enhance public facilities; maintain and diversify the local economy; and provide more travel choices for local residents" (page 37). A description of the various elements of the plan, as they relate to the subject site and proposed action, is included below.

Natural Resources

Natural resources on and in the vicinity of the subject property were reviewed. As depicted on the Biotic Communities Map 4W (see Figure 30 in Appendix A of this DEIS), the subject site is identified as a tidal marsh with maritime grasslands to the west and additional tidal marsh located to the east. NYSDEC-mapped IM, DS, and LZ tidal wetlands also exist along the eastern boundary and southeast portion of the subject property, east of the existing bulkhead. The relevant Vision Goals of the Natural Resources section and consistency of the proposed action therewith, are identified and discussed in Section 3.1.2 of this DEIS.

Scenic Resources

As excerpted from the 1999 Comprehensive Plan Update, the Southampton Tomorrow Scenic Greenways West Half Map 11W and Southampton Scenic Roads West Half Map 12W (see Figures 31 and 32 in Appendix A of this DEIS), identifies the subject property as being within a significant scenic area and along a scenic road corridor. Regarding scenic areas, the 1999 Comprehensive Plan Update identifies four types of scenic areas including: (1) scenic view, (2) scenic landscape, (3) scenic hamlet area, and (4) gateway. The scenic areas on the subject property are designated as scenic views as it is a view across the bays and across wetlands (page 117). Regarding scenic road corridors, the 1999 Comprehensive Plan Update defines a scenic road corridor as,

> *"those roads or portions of roads in Southampton that contain exceptional examples of historic, agricultural, natural and cultural features. The purpose of Scenic Road Corridors is to provide a framework that protects the high quality of scenic characteristics in the Town"* (page 114).

The relevant Vision Goals of the Scenic Resources section and consistency of the proposed action therewith, are identified and discussed in Section 3.1.2 of this DEIS.

Greenways and Open Space

As defined in the 1999 Comprehensive Plan Update, the term greenway "can be used to describe a whole range of protected land areas…A greenway can be linear open space situated along a naturally formed corridor…[or] can extend overland along a railroad right-of-way, a canal, a scenic roadway corridor, or a similar type of route. A greenway can be any natural or landscaped course for pedestrian, equestrian, or bicycle movement. A greenway, however, need not be linear, and includes both the parks, nature preserves, cultural features, or historic sites and the open space connectors which link them together" (page 133). The 1999 Comprehensive Plan Update outlines a comprehensive greenway system, consisting of three distinct categories as follows:

1. *Public Access Greenways - for active and passive recreation and alternative modes of transportation;*
2. *Resource Protection Greenways - wetlands, significant fish and wildlife habitat areas, and existing agricultural lands; and*
3. *Scenic Protection Greenways - historic structures, historic landscapes and natural landscapes.*

The subject property was classified as a Resource Protection Greenway and as an Open Space/Greenbelt Targeted Area on Map 14W in the 1999 Comprehensive Plan Update (see Figure 33 in Appendix A of this DEIS). Within the Resource Protection Greenways, it is important to link significant habitat areas to minimize habitat fragmentation, develop wildlife corridors, and balance the public's desire to access natural areas with resource protection (page 6). The 1999 Comprehensive Plan Update indicates these are the most sensitive resources and warrant the greatest level of protection (page 21). To protect these areas, the Town prioritizes the acquisition of critical lands and or/their development rights. As an Open Space/Greenbelt Area that includes sensitive resources, the subject property would be considered a high priority and be protected. However, it is important to note that based on review of previous Community Preservation Project Plans from 2004, 2010, 2015, and 2021, the subject property was removed from an Open Space/Greenbelt Area (see discussion later in this section of the DEIS).

Affordable Housing

The 1999 Comprehensive Plan Update acknowledges the lack of affordable housing within the Town and provides two reasons for a likely continuation of its shortage: "(1) the Town is likely to remain attractive to the wealthy seasonal and year-round occupants who will continue to bid up values; and (2) preservation of the Town's rural character will make even more of the area appealing to affluent home buyers and renters" (page 34 of the Affordable Housing section). The Town identified four population groups that are especially impacted by the high costs of house: first-time homebuyers, tenants confronting increases in rent, owners in substandard units, and senior citizens and as such, the affordable housing within the Town of Southampton needs to be accommodated in different ways based on the needs of each hamlet (page 37). The relevant Vision Goals of the Affordable Housing section and consistency of the proposed action therewith, are identified and discussed in Section 3.1.2 of this DEIS.

It is noted that since the 1999 Comprehensive Plan Update, the Long Island Workforce Housing Program and implementing regulations in the Town Code have sought to increase the availability of workforce housing (see discussion later in this section of the DEIS). Additionally, in the October 2021, Governor Kathy Hochul increased the Community Preservation Fund tax for residential transactions from 2 percent to 2.5 percent on the South Fork of Long Island, where the Town of Southampton is located. For all residential transactions equal to or greater than $400,000 in the Town of Southampton, the money collected from the Community Preservation Fund tax would be allocated for the provision of affordable housing.

Community Facilities

As indicated in the 1999 Comprehensive Plan Update, the subject property is serviced by the East Quogue Fire District for fire protection and emergency medical services; East Quogue School District for public education; and the Town of Southampton Police Department for police protection services. The 1999 Comprehensive Plan Update identified that Dune Road in East Quogue is outside the 2.5-mile radius from the East Quogue Fire District and recommended that the Quogue or Hampton Bays Fire Department should exchange in covering this area (page 64). Additionally, the 1999 Comprehensive

Plan Update recommended the merging of the East Quogue Fire District and Quogue Fire District to improve both the response time to calls on Dune Road and increase volunteer recruitment (page 64).

Regarding ambulance services, the Plan recommended a central dispatch for the eight (8) individual ambulance corps of the Town and sited at the Town public safety offices to greater inter-office cooperation (page 65). The relevant Vision Goals of the Community Facilities section and consistency of the proposed action therewith, are identified and discussed in Section 3.1.2 of this DEIS.

Economic Development

As identified in the 1999 Comprehensive Plan Update, the Town's primary economic base comes from second-home owners and renters; however, the year-round residential population also provides a consistent basis for the economy (page 203). According to the 1999 Comprehensive Plan Update, "…second-home residents and visitors are drawn to Southampton by the area's recreational and cultural/specialty retail opportunities, rural and natural beauty, prestigious and exclusive reputation, and promise of peace and quiet" (page 203).

Additionally, the 1999 Comprehensive Plan Update notes that second homes are being used more regularly throughout the year rather than seasonally and that many are making the secondary home into a primary residence (page 205). Having more primary residences within the Town improves the Town tax base, but also increases the demand placed on service and retail needs within the Town (page 205). The 1999 Comprehensive Plan Update also identified the presence of pre-existing non-conforming uses throughout the Town in residential districts and that the majority of the non-conforming uses are benign and that they are necessary to the local economy and typically are nuisances to the immediate neighbors (page 224).

The relevant Vision Goals of the Economic Development section and consistency of the proposed action therewith, are identified and discussed in Section 3.1.2 of this DEIS.

Transportation

The subject site is located along Dune Road, which is identified in the 1999 Comprehensive Plan Update as a major collector road (page 360). Along Dune Road, the 1999 Comprehensive Plan Update identified infringement on residential streets and speeding problems as a primary concern. Furthermore, as Dune Road had been identified as a scenic corridor in the 1999 Comprehensive Plan Update, the Town identified Dune Road as a suitable location for a dedicated bike path (page 404). Currently, Dune Road is a two-lane road with no dedicated bike lane.

The relevant Vision Goals of the Transportation section and consistency of the proposed action therewith, are identified and discussed in Section 3.1.2 of this DEIS.

East Quogue Land Plan Final GEIS (2008)

The East Quogue Land Plan Final GEIS was adopted by the Town of Southampton in November 2008; however, the subject property is situated outside the study area. The study area included the hamlet

area bordered to the north by Sunrise Highway, to the south by Shinnecock Bay (including Weesuck and Daves Creeks), to the west by Riverhead-Quogue Road (County Road 104), and the east boundary was generally defined by The Pines subdivision, north of Old Country Road and Landing Lane, south of Montauk Highway. The East Quogue Land Plan Final GEIS does not include any recommended land use plans or rezoning efforts along Dune Road and is, therefore, not relevant to the subject property. The Recommended Plan of the East Quogue Land Plan Final GEIS indicates that future land use build-out patterns along the north side of Shinnecock Bay should remain predominately residential (low density residential, medium density residential, and multifamily).

Southampton 400+ Sustainability Element (2013)

The Southampton 400+ Sustainability Element was adopted by the Town of Southampton in 2013 (hereinafter the "2013 Sustainability Element") as an addendum to the 1999 Comprehensive Plan Update to "sustain the beauty, culture and history that have made [the] Town among the most desirable places to live and vacation" (page 9). [48] The 2013 Sustainability Element integrates sustainability and community resilience guiding principles from the 1999 Comprehensive Plan Update and provides guidance regarding resilience and sustainability within the Town, allows the Town to maintain its local jurisdiction and meet the needs of the community long-term (page 11).

The Town developed the 2013 Sustainability Element as part of the expectation that by the 400th anniversary of Southampton in 2040, the Town can be seen as a healthy and green community using 21st century technology and services. Through the 2013 Sustainability Element, the Town laid out four guiding principles to strengthen its quality of life in the implementation of this plan:

1. Healthy and Resilient Communities and Natural Systems (focuses on balancing human interaction with the natural environment and minimizing reliance on man-made chemicals and fossil fuels)
2. Sustainable Education and Literacy (focuses on the Town's desire to ensure the local government enacts legislation focused on education and secures the improvement and forward progress of education within the Town)
3. Transparency (ensures the Town maintains open communication and public input during the implementation of the Sustainability Element)
4. Triple Bottom Line (ensures each action undertaken in the Sustainability Element is evaluated from an economic, social, and environmental benefit perspective)

An Action Plan was developed under these guiding principles which consists of recommended strategies to address sustainability in 10 focus areas. Each of the 10 focus areas contain recommendations "for pursuing sustainability in all Town operations and municipal activities, as well as promoting sustainable private sector initiatives and lifestyles" (page 12). The 10 focus areas include Education, Water, Economics, Land Use, Transportation/Air Quality, Energy and Carbon, Green Buildings, Waste, Quality of Life and Stewardship.

[48] https://www.southamptontownny.gov/DocumentCenter/View/2260/Southampton-Sustainability-Plan-Final-PDF

The relevant goals and recommendations and consistency of the proposed action therewith, are identified and discussed in Section 3.1.2 of this DEIS.

Town of Southampton Coastal Resources and Water Protection Plan (2016)

As described in Section 2.2.1 of this DEIS, the Town of Southampton adopted the SCRWPP to, "…reflect and guide how the Town is now managing, and will manage in the future, the use and protection of waters of the Town, the waterfront area, and the associated resources," (page 3).[49] The subject property is within the water protection boundary on Shinnecock Bay West (see Figure 25 in Appendix A of this DEIS).

The SCRWPP includes 12 policy categories to ensure development and redevelopment within the Town is supportive of the goals in the 1999 Comprehensive Plan Update and expands upon them to be cognizant of circumstances specific to the uses of the Town's waterfront and coastal resources (page 17). The 12 policy categories include the following:

1. Development and land use,
2. Historic and cultural resources,
3. Scenic resources,
4. Flooding, erosion, and sea level rise,
5. Water quality,
6. Ecosystem and natural resources,
7. Air quality,
8. Solid waste and hazardous substances and waste,
9. Public access and recreation,
10. Water-dependent uses and sustainable use of living marine resources,
11. Agriculture, and
12. Energy and mineral resources.

The policies were formulated following public meetings, interviews, review of existing studies and plans, and discussions within the Town. It is the intent of these policies to highlight the interconnections between the Town's coastal resources so they can be comprehensively managed and not individually addressed. The relevant policies and consistency therewith are identified and discussed in Section 3.1.2 of this DEIS.

Community Preservation Project Plan (2021)

The Community Preservation Project Plan dated 2021, is identified as a key element in "…supporting the adoption and implementation of the Town's Community Preservation Program…As permitted by statute, the Project Plan, once adopted by the Town Board, can only be updated "not less than five years, but in no event until three years after the adoption of the original Plan. The Town of Southampton has chosen to comprehensively update its Project Plan every five (5) years" (pg. 2). The

[49] https://www.southamptontownny.gov/DocumentCenter/View/7187/Southampton-Coastal-Resources--Water-Protection-Plan-April-2016-PDF

purpose of this document serves to "build upon the previous five Plans, as well as new initiatives, including, but not limited to, regulatory techniques, and subdivision, zoning and wetland protection laws, as well as a multitude of private conservation strategies that have been adopted by the Town" (pg. 2).

According to Project Plan map (page 11 of the 2021 Community Preservation Project Plan and included as Figure 34 in Appendix A of this DEIS), the Town-owned land to the east of the subject property (SCTM No. 0900-385-01-37.1) is identified as Open Space/Greenbelt area within the *Shinnecock Bay (Tiana Area)*. The subject property is not designated as being located in any priority area.

As excerpted from pages 24-25 of the 2021 Community Preservation Project Plan, the Shinnecock Bay (Tiana Area):

> *"The lands targeted for protection lie in Hampton Bays and East Quogue, especially the western portion of the stretch of Barrier Island from the Ponquogue Bridge to the eastern boundary of the Village of Quogue.*
>
> *This undeveloped stretch of barrier and marshland edging the Shinnecock Bay is a key component of the South Shore Reserve Estuary system, one of the largest and most valuable estuaries along the Atlantic seaboard. A land of shimmering waters, expansive salt hay meadows and pristine maritime dunes, the area is of paramount importance to birds, especially wintering waterfowl and migratory raptors, songbirds and shorebirds traveling along the Atlantic Flyway. The bayside mudflats, eelgrass beds and spartina marshes are, in particular, recognized as critical, as these habitats serve as major nesting and refueling areas for countless birds. They also are a haven for fin and shellfish and thus are of vital economic importance to the community. Sea turtles have been known to reside in these shallow coastal bays, including several federally endangered and threatened species. The vistas found along here are magnificent and are certainly prized by all who visit or reside in the Southampton area. This stretch of wetlands is also crucial to preserving surface water quality, as these marshlands serve as natural filters for water running through the Shinnecock Bay.*
>
> *Saving what remains of the barrier and bayside marshes has been a top priority of the Town since its 1970 Master Plan. Preservation has also been urged by the Comprehensive Plan Update, the 1997 New York State Open Space Plan and Southampton's 1986-87 and 1995-96 Open Space and Greenbelt Acquisition Plans."*

The consistency therewith is identified and discussed in Section 3.1.2 of this DEIS.

Relevant County, State and Federal Planning Documents

The Final Scope identified the following County, State and Federal planning documents to be addressed in this section of the document:

1. NYSDOS Coastal Management Program
2. NOAA SLOSH Zone

3. FEMA Guidelines for Development
4. New York State Housing Recovery Program – Buyout and Acquisition Programs
5. New York State's Long Island Workforce Housing Act and §216-9 of the Town Code
6. Smart Communities Through Smart Growth, Suffolk County Planning Commission (2000)

It is noted that all of the aforementioned documents were also identified in the Final Scope for inclusion in the Water Resources section of this DEIS. To avoid duplication of information, the following narratives may refer the reader to Section 2.2.1 of this DEIS for a description of the plan, as well as its purpose and intent. An analysis of each plan as it relates to the proposed land use follows in Section 3.1.2 of this DEIS.

NYSDOS Coastal Management Program

The subject property is within the Coastal Zone Boundary of New York State (see Figure 26 in Appendix A of this DEIS). NYSDOS has established 44 coastal policies that promote the beneficial use of coastal resources, prevent their impairment or otherwise address activities that may affect resources within the New York State Coastal Management Zone. A detailed assessment of the proposed action's consistency with the NYS Coastal Policies is included in Section 3.1.2 of this DEIS.

NOAA SLOSH Zone

The NOAA SLOSH model was created to estimate storm surge heights resulting from historical, hypothetical or predicated hurricanes. The model guides emergency management personnel in establishing hurricane storm surge evacuation zones and determining evacuation routes based on previous storms. Based on the National Storm Surge Hazard Map,[50] the subject property is vulnerable to the following storm surge from hurricanes rated Category 1 through 4 on the Saffir-Simpson Hurricane Wind Scale be observed (see Figure 9 in Appendix A of this DEIS)[51]:

- Category 1 – greater than 6 ft above grade
- Category 2 – greater than 6 ft above grade
- Category 3 – greater than 9 ft above grade
- Category 4 – greater than 9 ft above grade

Based on Figure 9, Category 1 and 2 hurricanes could result in storm surge depths of six (6) ft above grade across the entirety of the subject property; and Category 3 and 4 hurricanes could result in storm surge depths of nine (9) ft above grade across the entirety of the subject property.

The proposed action's vulnerability to inundation from coastal storms is evaluated in Section 2.2.2 of this DEIS.

[50] https://experience.arcgis.com/experience/203f772571cb48b1b8b50fdcc3272e2c
[51] https://www.nhc.noaa.gov/aboutsshws.php

FEMA Guidelines for Development

As discussed in Section 2.2.1 of this DEIS, 44 CFR §60.3(e)(1-9), *Flood Plain Management Criteria for Flood-Prone Areas*, provides building standards for development within Zone VE. The proposed action's consistency with 44 CFR §60.3(e)(1-9) is presented in Section 2.2.2 of this DEIS and summarized in Section 3.1.2 of this DEIS.

New York State Housing Recovery Program – Buyout and Acquisition Programs

As presented in Section 2.1.2 of this DEIS, at 44 CFR §206.434(d)(2)(e), FEMA establishes criteria for property acquisition and the preservation of that parcel for open space to minimize future damage through the HMGP. Through the buyout program, the New York State government buys the properties from the owners, the residential structures are removed, and the parcels are turned into natural coastal buffers such as wetlands, open space, or stormwater management systems. Through the acquisition program, the New York State government buys the properties from the owners and maintains the residence so that the housing stock in the area is not depleted and redevelops a residence in a resilient manner to reduce future storm damage. For both programs, it is the property owner's decision as to whether or not to accept the price offered by the State. The applicability of these programs to the proposed development is discussed in Section 2.2.2 of this DEIS and summarized in Section 3.1.2 of this DEIS.

New York State's Long Island Workforce Housing Act and §216-9 of the Town Code

The Long Island Workforce Housing Act was implemented by the New York State Legislature in 2008. As defined under the Act, affordable workforce housing is that which is at or below 130 percent of the median income for the Nassau-Suffolk primary statistical area (the "area median income"), which for 2021 is estimated to be $129,900.[52]

As set forth in Chapter 216-9 (Long Island Workforce Housing Program) of the Town Code:

A. When the Town approves a subdivision plat or site plan for five or more residential units, or a mixed-use development that incorporates five or more residential units, except as otherwise provided in Subsection B of this section, the applicant shall receive a density bonus or other incentive pursuant to a written agreement between the applicant and the Town, and the Town shall require, at the Town's option, that the applicant:
(1) Set aside at least 10% of such units for affordable workforce housing on site; or
(2) Provide other land and construct the required affordable workforce housing units that are not part of the applicant's current subdivision plat or site plan, but which must be provided, on another site within the Town; or
(3) Pay a fee equal to two times the median income for a family of four for the Nassau-Suffolk Primary Metropolitan Statistical Area as defined by the Federal Department of Housing and Urban Development, for each additional unit which results, or would have resulted, from the density bonus, except that when such fee exceeds the appraised value of each lot resulting

[52] https://www.huduser.gov/portal/datasets/il/il2021/2021MedCalc.odn

from such density bonus, then such fee shall be equal to the appraised value of the lot or lots, or the equivalent thereof, for each additional unit created by the density bonus.

(a) Where the Town requires that the applicant either construct affordable units off site or provide a fee in lieu of units as provided in Subsection A(2) and (3) above, the resultant units created pursuant to these options shall be located within the same school district as the applicant's initial development project, subject to compliance with the Town's Comprehensive Plan. The resultant units may be placed outside the same school district as the applicant's initial development project only after authorized by a duly adopted Town Board resolution and subject to compliance with the Town's Comprehensive Plan.

(b) Where the Town requires that the applicant provide a fee in lieu of units as provided in Subsection A(3) above, a duly noticed public hearing shall be held before the Town Board to consider any alternatives to such payment.

(c) All fees collected by the Town as provided in Subsection A(3) above shall, at the sole discretion of the Town, be:

[1] Deposited in a single trust fund under the control of the Town, to be kept in trust and separate and apart from all other monies, for the specific purpose of constructing affordable workforce housing, acquiring land for the purpose of providing affordable workforce housing, or rehabilitating structures for the purpose of providing affordable workforce housing. Unless otherwise prohibited by state law, the Town Board may also utilize such funds for the purpose of working with not-for-profit organizations to provide down payment assistance to eligible homebuyers. Pending expenditures from such trust fund, monies therein may be invested in the manner provided by law. Any interest earned or capital gain realized on the monies so deposited shall accrue to and become part of such trust fund; or

[2] Paid to another local government within Suffolk County pursuant to an intermunicipal agreement, to be kept in trust and separate and apart from all other monies of such other local government, for the specific purpose of constructing affordable workforce housing, acquiring land for the purpose of providing affordable workforce housing, or rehabilitating structures for the purpose of providing affordable workforce housing within such other local government. Pending expenditures from such trust fund, monies therein may be invested in the manner provided by law. Any interest earned or capital gain realized on the monies so deposited shall accrue to and become part of such trust fund; or

[3] Paid into a single trust fund under the control of the Long Island Housing Partnership (LIHP), to be kept in trust and separate and apart from all other monies of such partnership, 50% of which shall be used for the specific purpose of constructing affordable workforce housing, acquiring land for the purpose of providing affordable workforce housing, or rehabilitating structures for the purpose of providing affordable workforce housing within Suffolk County. The remaining 50% of such funds shall be used to provide down-payment assistance to eligible homebuyers who qualify for the existing Employer Assistance Housing Benefit Program administered by LIHP. The down-payment assistance funds shall be secured by a note and mortgage on the property purchased with such funds and shall be fully repaid to the fund by the recipient upon the sale or refinancing of the aforementioned property.

B. In determining which density bonus to utilize, that is, on-site housing, off-site housing, or payment in lieu of, the applicable Town agency, to wit, the Planning Board or the Town Board, shall first consider the recommendation of the Administrator of the Department of Land Management. When making said density bonus recommendation, the Department of Land Management Administrator, in consultation with the Town Attorney and Housing Director, shall ensure compliance with the Town's Comprehensive Plan, as well as applicable density incentives already articulated within the Code, such as the goals and objectives of §330-9. In addition, the value of the resultant units; the true affordability of the resultant units, such as the associated common costs and fees for each unit; and applicant's preference for achieving the 10% density bonus shall also be among the factors considered when making said density bonus recommendation. Where the applicable Town agency chooses to offer a density bonus to an applicant different from that recommended by the Administrator of the Department of Land Management, said action must be achieved by a vote of a majority plus one of the Planning Board, or a majority of the Town Board.

C. The Town shall ensure that all affordable housing units created pursuant to this article remain affordable. Thus, subsequent purchasers of such units shall have at the time of purchase, pursuant to the definition of "affordable workforce housing" herein, an income at or below 130% of the median income for the Nassau-Suffolk Primary Statistical Area as defined by the Federal Department of Housing and Urban Development.

D. Notwithstanding any discrepancies in the income ratios pursuant to §§216-2 and 216-8 herein, the policies and procedures of §216-5 for placing individuals in the units created under this article shall govern.

An analysis of the above provisions of the Town Code is included in Section 3.1.2 of this DEIS.

Smart Communities Through Smart Growth, Suffolk County Planning Commission (2000)

The Suffolk County Planning Commission (SCPC) prepared a report in 2000, *Smart Communities Through Smart Growth,*[53] to address "unsmart growth and sprawl" across Suffolk County by encouraging mixed-use developments and the concentration of resources within developed areas instead of expanding onto undeveloped land. The *Smart Communities Through Smart Growth* identifies eight smart growth principles that can be utilized as tools for developing smarter communities, as shown below.

- Direct development to strengthen existing communities.
- Encourage mixed land uses and mixed-use buildings.
- Encourage Consultation between Communities.
- Take advantage of compact building sizes and create a range of housing opportunities.
- Provide a Variety of Transportation Choices.
- Create Pleasant Environments and Attractive Communities.
- Preserve Open Space and Natural resources.
- Make development decisions predictable, fair and cost effective.

[53] https://www.suffolkcountyny.gov/portals/0/formsdocs/planning/Publications/SG032000r.pdf

It is noted that the concept of smart communities is community-based, thus "smart growth for one area may be different than another area" (page 5). Each community can create and tailor their own smart growth principles to meet the needs of their locality. See Section 3.1.2., below, for the proposed project's consistency with the relevant aforementioned smart growth principles.

3.1.2 Potential Impacts

Land Use

Upon implementation of the proposed action, the existing Dockers Waterside Restaurant would be removed, and the site would be redeveloped for multifamily residential use. The proposed 25 condominium/townhouse units would be developed in four buildings with two residential unit types – two-bedroom or three-bedroom. Of the 25 total units, 14 would be two-bedroom units and 11 would be three-bedroom units. Upon entry to the proposed development from the existing curb cut on Dune Road, a central gravel driveway would extend north to the bulkhead, and an area for vehicle turnarounds would be provided. The proposed driveway would be 26 ft in width and extend approximately 411 ft north of Dune Road. At the northern limit of the proposed community would be the resident recreational area, including an outdoor swimming pool, cabana and access to the existing floating docks.

The residential units would be situated on the east and west sides of the central driveway. Access to the individual resident garages and driveways would be from the central driveway (i.e., no rear access). West of the entrance from Dune Road would be the proposed STP and control building. Two (2) gravel parking stalls are proposed immediately upon entry to the community on the east side of the central driveway.

As shown on the survey and included on Sheet C-002 (see Appendix D of this DEIS), there is a 30-ft right of way (ROW) located at the western boundary of the subject site. The ROW was a private agreement with the seller (Swan Estate) at the time of initial purchase, and its purchase was for reservation of right for personal access to the bulkhead. Upon implementation of the proposed action, the ROW is identified on the proposed plan as being maintained; however, as a privately held reservation of right, it is not contemplated that public access to the bulkhead will be provided from such ROW. The illustrated ROW is not maintained currently, and there is no proposed plan to maintain upon implementation of the proposed residential development project.

All units are proposed as market-rate. In accordance with §216-9(A) of the Town Code, in lieu of providing on-site workforce housing, the applicant is proposing to pay a fee for the required number of units. As discussed in Section 3.1.1 of this DEIS, when five or more residential units are proposed, 10 percent of proposed housing units on site must be set aside for workforce housing or a fee is to be paid. As the proposed action includes 25 housing units, the fee for 2.5 units is proposed.

All units would be ownership and the on-site recreational amenities would be resident-only. The applicant would hire a management company prior to the complete turnover to the HOA for the management of the proposed development, including maintenance of the internal driveway and on-site recreational areas. The HOA would be responsible for contracting local service companies for landscaping, snow removal, and other maintenance needs. There would not be an on-site staff or

superintendent for the site, but rather the HOA fees would be used for the maintenance of facilities. Homeowners would be responsible for all unit-related maintenance needs.

Projected Population

The conversion of the subject site from commercial to multifamily residential use would result in an increase in permanent population on the site. Utilizing the U.S. Census Data,[54] based on estimates published on July 1, 2021 (for data collected 2015-2019), the average household size in the East Quogue CDP is 2.59 persons.[55] Based on the proposed 25 multifamily residential units, a projected 65 persons could be expected. However, as this average household size applies to all housing types, the residential multipliers for multifamily units, published by *Rutgers University, Center for Urban Policy Research (CUPR)*[56] were evaluated for comparative purposes.

The Rutgers Residential Demographic Multipliers (hereinafter "Rutgers CUPR multipliers") are based on census data from 2000. The demographic multipliers show the population associated with different housing categories as well as housing differentiated by housing value, housing size (bedrooms), and housing tenure. Table 23 below indicates the anticipated resident population generation for each type of residential unit proposed using the appropriate factors from the study cited above.

Table 23 – Projected Total Population (Rutgers CURP Multipliers)

Type of Unit	Unit Count	Multiplier	Projected Population
Two-bedroom	14	1.88[(a)]	26.32
Three-bedroom	11	3.00[(b)]	33
TOTAL	**25**	**N/A**	**59.32 (60)**
Notes: (a)5+ Units-Own, 2 BR (All Values), (b)5+ Units-Own, 3 BR (All Values)			

Based on the Rutgers CUPR multipliers, the projected resident population would be 60 persons or five (5) less persons than that projected utilizing the US Census data. Overall, based on the two (2) demographic data sets, the projected population would be estimated between 60 and 65 persons.

It is noted that while most of the projected residents may be new, a portion of these persons would be expected to be current residents of the Town of Southampton, possibly existing homeowners that desire to downsize or transition to condominium living. It is also important to note that based on the

[55] https://data.census.gov/cedsci/table?q=hamlet%20of%20east%20quogue%20new%20york&g=1600000US3680181&tid=ACSST5Y2019.S1101

[56] Burchell, Robert W., David Listokin, William Dolphin Center for Urban Policy Research, Edward J. Bloustein School of Planning and Public Policy; *Residential Demographic Multipliers, Estimates of the Occupants of New Housing (Residents, School-Age Children, Public School-Age Children) by State, Housing Type, Housing Size, and Housing Price*. June 2006.

U.S. Census data for Southampton Town, the population increased by 9,246 persons between April 1, 2010 (59,790 persons) and April 1, 2020 (69,036 persons).[57] Based on the April 2020 estimate of 69,036 persons, the additional 60-65 persons would represent a less than one percent increase assuming all residents are new to the Town.

Proposed Density

The proposed residential use is less intense than the current restaurant/marina use. Clearly, the elimination of a commercial use of this nature within an established residential community will be beneficial to the general neighborhood by reducing the traffic and noise associated with the current restaurant/marina use.

The proposed residential use is consistent with the surrounding residential land uses, particularly given there is a condominium development directly across the street from the subject property. Of particular importance is that the existing multifamily residential development situated directly south of the subject site has a density significantly greater than that proposed. Round Dune, Inc. has 76 multifamily residential units on 5.3 acres, which is 14.3 units per acre. In comparison, the proposed 25 units on 3.38± acres of upland area would yield a density of 7.40 units per acre.

The proposed project has also been designed to result in beneficial impacts to the tidal wetlands, with increases in structural and sanitary setbacks, reduction of nitrogen loading, and planting of native wetland and buffer vegetation (including 0.02± acre of wetland restoration, 0.79± acre of maritime upland habitat and 0.12± acre of native plantings adjacent to residential units and driveways). Furthermore, the proposed development would reduce the impervious lot coverage in the upland area from 28.13% (i.e., existing 0.95± acre) to 25.94% (i.e., proposed 0.87± acre).

Overall, based on the above, the proposed action would not result in any significant adverse land use impacts.

Zoning

The proposed application includes a change from one non-conforming use (office, restaurant/bar, marina with tennis courts, decks and parking) to another non-conforming (residential) use (proposed 25 condominium/townhouse units) on the 9.29-acre subject property. The change is permitted under §330-117, which states: "A nonconforming use shall be changed only to a conforming use, except as provided in § 330-167B." Pursuant to § 330-167B.:

B. With respect to nonconforming uses, buildings, structures and lots:

(1) To grant a permit for the extension of such a nonconforming use on the same lot on which it was located or an increase in the degree of nonconformity of a nonconforming building or structure on the lot occupied by such building or structure, provided that:

[57] https://www.census.gov/quickfacts/southamptontownsuffolkcountynewyork

(a) In the case of a nonconforming use, such enlargement or extension shall not exceed, in all, 50% of the floor area of such building or structure actually devoted to such nonconforming use on the effective date of this use having first become nonconforming.

(b) All parking and truck loading requirements of §§ 330-92 through 330-101 are complied with.

(c) There shall be no change in the nature or character of such nonconforming use or of such building or structure.

(d) The lot coverage and density shall not be greater than would be permitted by the most restrictive lot coverage and density provisions of this chapter applicable to a permitted use or special exception use of the same nature or character. The term "density" includes, among other things, the number of dwelling units allowed based on the lot area, the number of guest units allowed based on the lot area and the number of uses allowed based on the lot area.

(2) To grant a permit for the reconstruction, structural alteration, restoration or repair of a building or structure used for a nonconforming use, to an extent not to exceed an aggregate 100% of the gross floor area of such building or structure.

(3) To grant a certificate of occupancy for a change in a nonconforming use, provided that:

(a) The Board of Appeals shall have made a determination that such change will be beneficial to the general neighborhood.

(b) Such change is made subject to such reasonable conditions and safeguards as the Board of Appeals may stipulate.

As the proposed action includes a change in nonconforming use, the ZBA is to consider whether such change would be beneficial to the general neighborhood (§330-167B.3). The proposed development includes a multifamily residential use, which exists directly south of the subject property. However, the proposed development is significantly less dense. As indicated above, the Round Dune, Inc. multifamily development has a density of 14.3 units per acre. In comparison, the proposed 25 units would have a density of 7.40 units per acre. The proposed residential use is less intense than the current restaurant/marina use and would reduce the noise and traffic associated with the current use (see Section 3.2 of this DEIS). Additionally, the proposed action is consistent with the Suffolk County Planning Commission's (SCPC) *Smart Communities Through Smart Growth* plan published in March 2000. This plan identifies eight smart growth principles for developing smarter communities, including development on sites that have infrastructure in place (i.e., redevelopment), providing for different housing types (other than single family development), encouraging compact building sizes, and creating attractive communities. The proposed action also includes a revegetation plan that would restore wetland areas, which would have a beneficial ecological impact (see Section 2.3 of this DEIS). Additionally, the proposed project increases the structural and sanitary setbacks to the adjacent tidal wetlands and includes the use of an STP to reduce nitrogen loading to groundwater. Finally, the proposed development would reduce the impervious lot coverage in the upland area from 28.13% (i.e., existing 0.95± acre) to 25.94% (i.e., proposed 0.87± acre).

Pursuant to Section 330-185.1 of the Zoning Code, the proposed change in the legally existing nonconforming use is subject to approval of the Zoning Board of Appeals (330-185.1.D) and the standards set forth in §330-185.1A, as excerpted below:

> *(1) The use has been certified by the Chief Building Inspector as a legally preexisting nonconforming use that has not been abandoned;*
> *(2) The proposed use must be: (i) identified on one of the Town Code's Tables of Use Regulations; (ii) more conforming than the current use in terms of community impacts and environmental impacts; and (iii) more in line with the goals of the Town's Comprehensive Plan than the current use; and*
> *(3) The use, scale, and density are consistent with what could be achieved through a related change of zone application, or may be exceeded by securing variances from the Zoning Board of Appeals.*

As noted in Section 1.1 and 1.2 of this DEIS, the existing restaurant/bar, office, marina with tennis courts, decks and parking is a legal pre-existing nonconforming use certified by the Chief Building Inspector and was recognized as a pre-existing non-conforming use in the R-80 Zoning District in 2004 by the ZBA. The proposed action includes a change in use to multifamily development as the applicant seeks to discontinue a use that is seasonal. As indicated on the Overall Site Plan (see Sheet C-002 in Appendix D of this DEIS), the scale and density of the proposed action has been evaluated for consistency with the bulk and dimensional requirements for the MF-44 Zoning District, which permits the development of multifamily housing. It is noted that the minimum lot area per unit is also directly from the MF-44 Multifamily Residence District (i.e., one unit per 11,000 SF; or 13.42 units for the subject property).

Table 24 – MF-44 Zoning District - Bulk and Dimensional Requirements (§330-11)

Dimension	Requirement	Proposed
Minimum Lot Area (SF)	44,000 SF	147,656.6± SF
Minimum Lot Area per dwelling unit (SF)	11,000 SF[4]	5,906± SF*
Maximum lot coverage by main and accessory buildings (percent)	20 percent	21.69± percent*
Minimum Lot width	200 ft	406.88± ft
Height, Maximum (Ft/Stories) [6]	32 ft / 2 stories	32± ft / 2 stories
Yards, principal building, minimum[8] (ft)		
Front Yard	50 ft	57.2± ft
Side Yard, minimum for 1	50 ft	35.07± ft*
Side Yard, total for both on interior lot	100 ft	188.3± ft
Rear Yard	50 ft	340.1± ft (nearest rear) 1252.6± ft (rear property line) 73.1± ft (bulkhead)
Yards, accessory buildings[10] and structures, except fences and retaining walls, minimum (ft)		
Distance from street[11]	60 ft	50.8± ft*
Distance from side and rear lot lines	30 ft	Rear – 335.4± ft Side – 30.3± ft

*Variance required

Notes:

[2] Where public sewerage is not available, no lot shall be built upon which has insufficient space for a private sanitary waste disposal system, as determined by the town and the Suffolk County Health Department.

[4] The effect of this section shall be prospective only, and no lands presently zoned MF-44 shall be affected hereby.

[6] Maximum height in any AE or VE Zone as shown on the applicable Flood Insurance Rate Map prepared by the Federal Emergency Management Agency for the Town of Southampton shall not exceed elevation +40 ft NAVD (88) plus required Residential Code of New York State freeboard or the maximum height in ft as shown on this table, whichever is less.

[8] Minimum yards may be modified pursuant to the provisions of § 330-45A or 330-83K.

[10] Minimum yards for a residential storage shed may be modified pursuant to the provisions of § 330-77E.

[11] Unroofed steps, decks, patios and terraces shall not be subject to distance from street regulations.

As indicated in the table above, the proposed plan would comply with the bulk and dimensional requirements for multifamily residential development, with exception to the minimum lot area per dwelling unit, maximum lot coverage by main and accessory buildings, and minimum side yard setback. Regarding the proposed density, the proposed 25 units would have a density of 7.37 units per acre, which is less than that of the Round Dune, Inc. multifamily development which has a density of 14.3 units per acre. Accordingly, the increased density has been established in this area.

Regarding the maximum lot coverage by main and accessory buildings, while the total building area would increase (from approximately 4.59% to 21.69%), the overall impervious lot coverage would decrease from 28.13% (i.e., existing 0.95± acre) to 25.94% (i.e., proposed 0.87± acre).

Regarding the minimum side yard setback, the proposed development includes a minimum side yard setback of 35.07 ft, with 50 ft required. As indicated in Table 22 in Section 3.1.1 of this DEIS, the existing development has a minimum side yard setback of 102.2 ft.

Proposed Action vs. Permitted Use in R-80 Zoning District

This subsection has been added to the DEIS in response to the comments of the Town, initially issued on January 8, 2025, which included "[g]iven the large gap between what is permitted in the R-80 Zoning District and what is proposed, the impacts on zoning and density need to be stated." Alternative 2 in this DEIS (see Section 5.2 of this DEIS) represents what is permitted, the impacts of same, and differences from that which is proposed. A summary follows.

	Proposed Action	**Alt 2: Develop Per Current Zoning and All Regulatory Controls**
Land Use	25 MF Units	One Residential Unit
Approvals	Change from one non-conforming use to another non-conforming use	Permitted Use
Zoning	R-80*	R-80
Min. Lot Area[58]	44,000 SF /147,656.6± SF	80,000 SF / 147,656.6± SF
Min. Lot Area Per Dwelling Unit	11,000 SF / 5,906± SF**	N/A
Max. lot coverage by main and accessory buildings (percent)	20% / 21.69%**	10% / 10.00%
Projected Permanent Population	60 to 65 persons	3 to 5 persons
Projected School-Aged Children	5 to 7 children	1 to 2 children
Property Taxes	$175,771.63	$ 68,202.56 (representative single-family home)
Total Potable Water Demand	7,500± gpd	300± gpd
Total Irrigation Demand	0 gpd (No System Proposed)	512± gpd
Sanitary Generation/Method	7,500± gpd / STP	300± gpd / I/A OWTS
Total N Leached (lbs./yr.)/ N Concentration (mg/L)	124.15 lbs./yr./ 2.83 mg/L	17.88 lbs./yr./ 0.85 mg/L
Solid Waste	4.85± tons per month	0.37± tons per month
Parking Required/Provided	56/76	4/6
Weekday AM Peak Hour	7 trips	1 trip
Weekday PM Peak Hour	11 trips	1 trip
Sat. Peak Hour	16 trips (AM)/ 14 trips (PM)	1 trip (AM)/ 1 trip (PM)

*Proposed Action evaluated for consistency with the bulk and dimensional requirements for the MF-44 Zoning District, which permits the development of multifamily housing.
**Variance Required

[58] The maximum density that would be permitted excludes the wetland area.

As indicated in the table above, development of the site with one residential unit in comparison to what is proposed would generate less traffic, less property taxes, less school-aged children, less solid waste, and less sanitary waste (and resultant nitrogen loading). Further, the potable demand would be less; however, irrigation demand is expected to be higher as there is no irrigation system associated with the proposed action. It is acknowledged that the proposed change in non-conforming use would result in greater impacts than one single-family residence; however, given the history of the site, its usage and past approvals (see Section 1.1 and 1.2 of this DEIS), the more appropriate comparison is the current use to a private yacht club, a special exception use in the R-80 Zoning District. This use, evaluated as Alternate 5 in this DEIS (see Section 5.5 of this DEIS), would utilize the existing marina and include implementation of all marina-related improvements approved by the Town in 1968, affirmed in the October 7, 2004 Decision of the ZBA and further affirmed in a Supreme Court decision (Round Dune, Inc. v. Zoning Board of Appeals of the Town of Southampton and 94 Dune Road Holding Corp. a/k/a Dockers Waterside Restaurant and Marina, Index No. 26133/04). Additionally, the existing Dockers restaurant would be renovated and remain in use.

As outlined in Table 35, the private yacht club would generate less traffic, less property taxes, less school-aged children, less solid waste, and less sanitary waste (and resultant nitrogen loading). Further, the potable demand would be less and no irrigation demand is expected.

Requested Area Variances

As indicated above, pursuant to Section 330-185.1 of the Zoning Code, the proposed change in the legally existing nonconforming use is subject to approval of the ZBA (330-185.1.D) and the standards set forth in §330-185.1A. As indicated above, area variances would be required for the minimum lot area per dwelling unit, maximum lot coverage by main and accessory buildings, and minimum side yard setback. §330-185.1.A(3) permits area variances to be granted by the ZBA. An analysis of the criteria to be considered when granting area variances, as set forth in §330-166.C. follows:

1) *Whether an undesirable change will be produced in the character of the neighborhood or a detriment to nearby properties will be created by the granting of the area variance.*

   Upon implementation of the proposed action, the subject property would be converted from a restaurant and marina use to a multifamily residential townhouse community, which would be consistent with the residential land uses in the surrounding area as well as the multifamily residential development directly south of the subject property. The viewshed would be visually altered from that of a commercial restaurant with large parking area, to a residential condominium development. However, the visual changes would not adversely impact the character of the area given the project's compatibility with the surrounding residential land uses.

   As indicated in Sections 3.1.1 and 3.4.1 of this DEIS, Dune Road is identified as a significant scenic area and scenic road in the area of the subject property. As evaluated later in this section, the proposed architectural design includes a variety of materials and colors that would be consistent and complement the character of the surrounding waterfront setting. While the viewshed would be visually altered from that of a commercial restaurant with large parking area, to a residential condominium development, the proposed site layout situates the condominium buildings lengthwise, north to south, such that the waterfront views would be

limited to the side facades of two buildings and waterfront amenities, including swimming pool and cabana. From Dune Road, the views also encompass the side facades of two buildings, interior drive aisle and plantings, unlike the views of the Round Dune Villas opposite the site which includes an asphalt parking lot along the lot frontage and multi-story circular buildings in the foreground. The proposed landscaping plan would increase the area of native habitat and restore wetland areas on the subject property as compared to existing conditions. The proposed development also reduces the area of impervious surfaces and introduces a residential land use that is consistent with the surrounding residential properties.

Furthermore, based on the visual renderings of the proposed development from residential properties to the south of the site (95 Dune Road and 101 Dune Road), the proposed development would be visually consistent with the height and density of the multifamily development at 101 Dune Road. Additionally, the renderings demonstrate that the proposed development would not impede the existing expansive waterfront views from the southern properties (95 Dune Road and 101 Dune Road). Overall, based on the above, the proposed development would not result in significant adverse impacts to the neighborhood character.

2) *Whether the benefit sought by the applicant can be achieved by some method feasible for the applicant to pursue, other than an area variance.*

The requested area variances for minimum side yard setback (west side – 35.07 ft) and maximum lot coverage by main and accessory buildings are required to accommodate the proposed development footprint, inclusive of the internal driveway. As indicated above, while the lot coverage would increase (from approximately 4.59% to 21.69%), the overall impervious lot coverage would decrease from 28.13% (i.e., existing 0.95± acre) to 25.94% (i.e., proposed 0.87± acre). Furthermore, as indicated in evaluation of criteria #4, the proposed site and planting plan would have a resultant ecological benefit that would not be achieved absent the action.

3) *Whether the requested area variance is substantial.*

The requested area variances for minimum side yard setback (west side – 35.07 ft) and maximum lot coverage by main and accessory buildings are required to accommodate the proposed development footprint, inclusive of the internal driveway. Regarding the requested side yard setback variance of 14.93 ft (29.9% relaxation), aerial photography indicates that none of the of the surrounding developed properties to the south meet the 50 ft minimum side yard requirement (see figure in Appendix K of this DEIS). In fact, the proposed 35.07 ft minimum side yard setback is greater than many of the setbacks provided on the developed parcels to the south. Furthermore, the property to the west of the subject property is Town-owned open space consisting of tidal wetlands. As such, the proposed development and the requested relaxation of 29.9% of the 50 ft requirement would not impact the adjacent property.

Regarding the maximum lot coverage by main and accessory buildings, the proposed development exceeds the maximum coverage of 20% by 1.69% (i.e., 21.69% is proposed). However, as indicated above, with the proposed site design inclusive of the restoration

plantings, the overall impervious lot coverage would decrease from the existing conditions (from 28.13% [0.95± acre] to 25.94% [0.87± acre]). Furthermore, as indicated in evaluation of criteria #4, the proposed site and planting plan would have a resultant ecological benefit that would not be achieved absent the action. Based on the above, the requested area variances are not substantial.

4) *Whether the proposed variance will have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district.*

Upon implementation of the proposed action, developed surfaces (i.e., buildings and decks, pervious and impervious roads and parking areas, and accessory structures) would decrease from 2.29± acres to 1.36± acres and natural ecological habitats would increase from 4.84± acres to 5.65± acres. There would be no disturbance to existing vegetated tidal wetlands areas and approximately 0.02± acre of additional tidal wetlands would be constructed after the removal of the waterfront restaurant and decks. Upon implementation of the proposed action, the acreage of natural ecological communities on the site would increase by 0.93± acre to approximately 80% of the site (excluding open water).

The proposed action would establish a 75-ft wetland buffer along the majority of the site. The proposed condominium buildings would be set back a minimum of 75 ft from the tidal wetlands located to the east and northwest of the development. The proposed pool, native landscaping, and gravel driveway on the northern end of the proposed development would be located a minimum of 50 ft from the bulkheaded shoreline. As such, the proposed project would result in increased building setbacks to tidal wetlands from 0 ft under existing conditions (as existing restaurant and deck are adjacent to tidal wetlands in the northeast corner of the site) to approximately 50 to 83 ft upon implementation of the proposed action.

As discussed in Section 3.3.2 of this DEIS, the proposed increase in 0.91± acre of maritime upland habitats and 0.02± acre of tidal wetlands compared to existing conditions would result in increased habitat availability for the plants, birds, and wildlife that currently utilize these habitats. In addition, the proposed action would result in an increase in habitat quality at the site as some areas are dominated by invasive plants. The expanded wetland buffers and increased upland habitat would have a resultant benefit to wildlife by providing: (1) additional foraging and breeding habitat for coastal wildlife; (2) better travel corridors with native vegetation for wildlife along the margins of the tidal wetlands; and (3) better visual screening of human activity thereby increasing the quality of the nearby wetland habitats for wildlife breeding and foraging.

In addition to these wildlife habitat benefits, the increased buffer area would provide other ecological benefits, including increased soil stabilization as well as increased removal of nutrients and pollutants by buffer vegetation. These pollutant and sediment filtration functions would have a resultant benefit to the adjacent tidal wetlands, including the significant low salt marsh, marine back barrier lagoon, and marine eelgrass meadow known to occur proximate to the site.

The STP to be located in the southwest corner of the site (approximately 265 ft landward of tidal wetlands) under the proposed conditions would replace an existing conventional sanitary system located 75± ft from tidal wetlands. The existing sanitary system would be removed as part of the proposed demolition. The subject site falls within the 0-2-year surface water contributing area to the Shinnecock Bay West subwatershed. The greater distance between the proposed STP and the tidal wetlands under the proposed conditions would allow nitrogen from the site's sanitary wastewater to be further reduced via natural means through its longer travel time to Shinnecock Bay. Under the proposed action, the volume of sanitary waste generation would increase to 7,500 gpd (300 gpd per unit); however, the proposed STP and development plan reduces nitrogen loading from 185.57 lbs. per year to 124.15 lbs. per year.

Finally, the proposed action includes stormwater management measures (both during construction and under future conditions) that would serve to minimize potential for degradation of the adjacent tidal wetlands and water quality through nutrient or sediment pollution due to stormwater runoff.

5) *Whether the alleged difficulty was self-created, which consideration shall be relevant to the decision of the Board of Appeals but shall not necessarily preclude the granting of the area variance.*

The requested area variances for minimum side yard setback (west side – 35.07 ft) and maximum lot coverage by main and accessory buildings are required to accommodate the proposed development footprint, inclusive of the internal driveway. It should be noted that the proposed project would result in increased building setbacks to tidal wetlands from 0 ft under existing conditions (as existing restaurant and deck are adjacent to tidal wetlands in the northeast corner of the site) to approximately 50 to 83 ft upon implementation of the proposed action. The proposed STP would be located 265± ft landward of tidal wetlands, replacing the existing conventional sanitary system located 75± ft said wetlands.

Consistency with Relevant Local Planning Documents

Southampton Tomorrow – Comprehensive Plan Update Implementation Strategies (1999)

As discussed in Section 3.1.1 of this DEIS, the 1999 Comprehensive Plan Update builds upon the 1970 Master Plan. The 1999 Comprehensive Plan Update includes goals and recommendations to guide future development within the Town. The relevant goals and recommendations of the 1999 Comprehensive Plan Update, and the consistency of the proposed action therewith, are identified and discussed below.

Natural Resources

As discussed in Section 3.1.1 of this DEIS, the subject property is identified as a tidal marsh, as depicted on the Biotic Communities Map 4W of the 1999 Comprehensive Plan Update (see Figure 30 in

Appendix A of this DEIS). The relevant Vision Goals as it relates to the natural resources (i.e., tidal marsh) that exist on the subject property are as follows.

- *Improve the quality of surface and bay waters by reducing nutrient loading, toxins and sedimentation.*

  The proposed action would not have significant adverse impacts on significant natural ecological communities that have been documented to occur adjacent and proximate to the site, including low salt marsh, marine back-barrier lagoon, and marine eelgrass meadows. Under the proposed conditions: (1) developed surfaces (i.e., buildings and decks, pervious and impervious roads and parking areas, and accessory structures) would decrease from 2.29± acres to 1.36± acres; (2) naturally vegetated areas will increase from 4.84± acres to 5.65± acres (approximately 80% of the site excluding open water) by planting native vegetation in currently developed areas; (3) building setbacks to tidal wetlands would increase from 0 ft (existing conditions) to between 50-and-83 ft (proposed conditions); and (4) nitrogen loading from sanitary wastewater would decrease from 185.57 lbs./year to 124.15 lbs./year due to the replacement of the existing conventional sanitary system (located 75 ft from wetlands) with the STP (to be located 265 ft from wetlands). These environmental mitigation measures are expected to reduce nutrient and coliform pollution to the nearby significant ecological communities and surface water resources compared to existing conditions and, accordingly, the proposed action is not expected to have any significant adverse impacts on the significant ecological communities occurring at the site, the Dune Road marshes and Shinnecock Bay.

  Additionally, the proposed increase in 0.91± acre of maritime upland habitats and 0.02± acre of tidal wetlands compared to existing conditions would increase soil stabilization as well as increased removal of nutrients and pollutants by buffer vegetation. These pollutant and sediment filtration functions would have a resultant benefit to the adjacent tidal wetlands, including the significant low salt marsh, marine back barrier lagoon, and marine eelgrass meadow known to occur proximate to the site.

- *Preserve the diversity of Southampton's biotic communities.*

  As indicated in the Ecological Conditions and Impact Analysis (see Appendix J of this DEIS), the proposed action includes an increase in maritime upland habitats and tidal wetlands, which would result in increased habitat availability for the plants, birds, and wildlife that currently utilize these habitats. Additionally, this increase in vegetation would create additional foraging and breeding habitat for coastal wildlife, as well as improved travel corridors for wildlife along the margins of the tidal wetlands. Based on the above, the proposed action is consistent with this goal.

- *Safeguard rare and/or endangered plant and animal species by protecting their habitat areas.*

  As indicated in Section 2.3.2 of this DEIS, NYNHP correspondence dated May 22, 2019 (see Appendix B of the Ecological Conditions and Impact Analysis in Appendix J of this DEIS) indicates the following threatened and endangered species as occurring at or in the vicinity of the project site: (1) common tern (*Sterna hirundo*), NYS Threatened; (2) least tern (*Sternula antillarum*),

NYS Threatened; (3) piping plover (*Charadrius melodus*), NYS Endangered and Federally Threatened; and (4) seabeach amaranth (*Amaranthis pumilis*), NYS and Federally Threatened. Additionally, the NYNHP denoted that black skimmer (*Rynchops niger*) and seaside sparrow (*Ammodramus maritimus*), both species of Special Concern, have been documented within 0.2 mile of the project site.

According to the project ecologist, William P. Bowman, PhD of Land Use Ecological Services, the common tern and black skimmer have not been observed since at least 2008 per Southampton Town Trustees reports (Southampton Town Trustees, 2008-2023). Additionally, suitable habitats for the least tern, piping plover and seabeach amaranth are not located on or adjacent to the site. As such, the proposed action would have no adverse impacts on these species. Piping plovers may forage in bayside tidal flats and the terns and skimmers forage for small fish in estuarine and coastal waters; as a result, the improved wetland buffers, building setbacks, and sanitary system improvements may result in improvements to wetland habitat and minor indirect benefits to breeding shorebirds in the vicinity of the subject property. Regarding the seaside sparrow, the increased vegetative buffers associated with the proposed action would provide increased habitat availability and quality for the seaside sparrow and similar wetland-dependent wildlife (see Ecological Conditions and Impact Analysis in Appendix J of this DEIS). Based on the above, the proposed action is consistent with this goal.

- *Protect and restore the Town's freshwater, tidal and brackish wetlands.*

The proposed action would include 0.02± acre of wetland restoration and 0.91± acre of native plantings. According to the Ecological Conditions and Impact Analysis (see Appendix J of this DEIS), the expanded buffers and increased upland habitat would benefit wildlife by providing better visual screening of human activity, which would increase the quality of the nearby wetland habitats for wildlife breeding and foraging. Additionally, the increased buffer area would provide increased soil stabilization and increased removal of nutrients and pollutants by buffer vegetation. These pollutant and sediment filtration functions would benefit the adjacent tidal wetlands.

Lastly, the stormwater management practices associated with the proposed action (i.e., leaching galleys and drywells) would effectively minimize the potential for degradation of the adjacent tidal wetlands and water quality through nutrient or sediment pollution due to stormwater runoff. Based on the above, the proposed action is consistent with this goal.

Scenic Resources

As discussed in Section 3.1.1 of this DEIS, the subject property is within a significant scenic area and along a scenic road corridor. The relevant Vision Goals as they relate to Dune Road and the proposed development are as follows.

- *Protect those open spaces, vistas, farmlands and scenic areas that define the character of the individual hamlets and Southampton as a whole.*

  Upon implementation of the proposed action, the subject property would be converted from a restaurant and marina use to a multifamily residential townhouse community, which would be consistent with the residential land uses in the surrounding area as well as the multifamily residential development directly south of the subject property. The viewshed would be visually altered from that of a commercial restaurant with large parking area, to a residential condominium development. However, the visual changes would not adversely impact the character of the area given the project's compatibility with the surrounding residential land uses.

  It is recognized that Dune Road is a scenic resource. The northern side provides an un-interrupted view of Shinnecock Bay with scattering of residences and Town facilities along the southern portion along the ocean. The proposed design considers the roadway, which provides an important scenic resource and sense of place.

  Upon implementation of the proposed action, the viewshed would be visually altered from that of a commercial restaurant with large parking area, to a residential condominium development. The proposed site layout situates the condominium buildings lengthwise, north to south, such that the waterfront views would be limited to the side facades of two buildings and waterfront amenities, including swimming pool and cabana (see Rendering 10 in Appendix O and additional analysis in Section 3.4.2). From Dune Road, the views also encompass the side facades of two buildings, interior drive aisle and plantings, unlike the views of the Round Dune Villas opposite the site which includes an asphalt parking lot along the lot frontage and multi-story circular buildings in the foreground (see Rendering 11 in Appendix O and additional analysis in Section 3.4.2).

  As evaluated in Section 3.4.2 of this DEIS, the proposed architectural design includes a variety of materials and colors that would be consistent and complement the character of the surrounding waterfront setting. The proposed landscaping plan would increase the area of native habitat and restore wetland areas on the subject property as compared to existing conditions. The proposed development also reduces the area of impervious surfaces and introduces a residential land use that is consistent with the surrounding residential properties.

- *Establish scenic road corridors Town-wide to guide conservation efforts, capital investment and future development.*

  The proposed development would occur on Dune Road, a scenic road corridor.

- *Identify and preserve scenic vistas from trail heads, scenic roads, ocean frontage and hamlet areas.*

  As indicated above, the proposed development would not be expected to visually impact the Dune Road scenic corridor as the proposed land use and design are consistent with the surrounding properties.

Greenways and Open Space

As noted in Section 3.1.1 of this DEIS, the subject property is designated as an Open Space/Greenbelt Area in the 1999 Comprehensive Plan Update; however, the 2021 Community Preservation Project Plan Update no longer identifies the subject property as within such area. Accordingly, by elimination of this area in the 2021 CPPP Update, this designation is no longer applicable to the subject site (see Figure 34 in Appendix A of this DEIS).

Affordable Housing

The 1999 Comprehensive Plan Update acknowledges a lack of affordable housing within the Town due to high real estate values and a setting that continues to attract affluent second home and year-round occupants. In an effort to increase affordable housing, §216-9 of Zoning Ordinance mandates affordable housing or a payment in-lieu of on-site housing in several zoning districts, inclusive of the R-80, in exchange for a density bonus. As set forth in Section 3.1.1, §216-9 of the Town Code requires that, for five (5) or more residential units, "the applicant shall receive a density bonus or other incentive pursuant to a written agreement between the applicant and the Town, and the Town shall require, at the Town's option, that the applicant:

> (1) Set aside at least 10% of such units for affordable workforce housing on site; or
> (2) Provide other land and construct the required affordable workforce housing units that are not part of the applicant's current subdivision plat or site plan, but which must be provided, on another site within the Town; or
> (3) Pay a fee equal to two times the median income for a family of four for the Nassau-Suffolk Primary Metropolitan Statistical Area as defined by the Federal Department of Housing and Urban Development, for each additional unit which results, or would have resulted, from the density bonus, except that when such fee exceeds the appraised value of each lot resulting from such density bonus, then such fee shall be equal to the appraised value of the lot or lots, or the equivalent thereof, for each additional unit created by the density bonus."

The 1999 Comprehensive Plan Update sets forth the following goals and consistency therewith is discussed.

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- *Increase the amount of homeowner and rental affordable housing in the Town, not only for low-moderate income households, but also for working middle-income households that are priced out of the market.*

  The proposed action includes a payment in lieu of providing on-site housing, in accordance with §216-9 of the Zoning Ordinance.

- *Create affordable housing that is in keeping with the historic, architectural and natural qualities of Southampton, and does not stigmatize affordable housing tenants.*

  The proposed action includes a payment in lieu of providing on-site housing, in accordance with §216-9 of the Zoning Ordinance. Therefore, this goal is not relevant.

Community Facilities

As indicated in Section 3.1.1 of this DEIS, the relevant community facilities that service the subject site include the East Quogue Fire District for fire protection and emergency medical services; East Quogue School District; and the Town of Southampton Police Department for police protection services. The Vision Goals for community facilities are directed towards the Town, notably to "provide community facilities in all parts of the Town, mindful of the large size and rural character of Southampton." It is noted that the subject site is a currently developed parcel that utilizes police, fire and emergency medical services, as needed. Upon implementation of the proposed action, the demand for services would continue for the permanent resident population. Unlike the current use, the proposed residential community could require services from the East Quogue and Westhampton Beach school districts with potential families with school-aged children. Section 3.3 of this DEIS evaluates the potential impacts to such community services providers.

Economic Development

As discussed in Section 3.1.1 of this DEIS, the year-round residential population provides a consistent basis for the economy and recognizes that there is an increase in year-round use of secondary homes. Additionally, the 1999 Comprehensive Plan Update notes that while pre-existing non-conforming uses in residential districts may be a nuisance to the immediate neighbor, they are important and necessary to the local economy. While the proposed action includes the replacement of one non-conforming use with another non-conforming use, the replacement of a seasonal commercial restaurant and marina with year-round residential use would be consistent with the surrounding residential uses and multifamily use situated directly south of the site. The proposed 25 townhomes would introduce a new permanent population to the Town.

The economic development component includes the Vision Goal to "*Protect and enhance the Town's historic, scenic and rural assets and image."* The proposed redevelopment of the subject site from a commercial restaurant to a 25-unit townhouse community maintains the shared residential, recreation and open space that characterizes Dune Road. While the subject property is zoned R-80, the siting of 25 residential condominium townhouses places a permanent population in the community. Additionally, the proposed residential use is consistent with the surrounding land uses.

Finally, as evaluated later in this section of the DEIS, the projected annual tax generation for the proposed development of 25 units would be approximately $175,772 to the Town of Southampton, Suffolk County and New York State. The subject property currently contributes $22,153 in annual taxes. As such, the proposed action would significantly increase tax revenue over existing conditions, creating economic benefits to the Town and its taxing jurisdictions.

Transportation

The subject site is located along Dune Road, which is identified as a major collector road within the Town. Along Dune Road, the 1999 Comprehensive Plan Update identified infringement on residential streets and speeding problems as a primary concern. Furthermore, as Dune Road had been identified as a scenic corridor in the 1999 Comprehensive Plan Update, the Town identified Dune Road as a

suitable location for a dedicated bike path. Currently, Dune Road is a two-lane road with no dedicated bike lane and the proposed action would not introduce a bike lane.

Relevant to the proposed action, there is a Vision Goal related to scenery, "*Improve how residents and visitors perceive the experience of traveling on Southampton's streets, by all forms of transportation."* The proposed development includes the establishment of a native vegetative buffer along the site frontage, which would maintain the natural setting along Dune Road. The structural setback of no less than 50 ft from Dune Road is consistent with the residential setting along Dune Road, with exception to the multifamily residential use directly south of the site (which situates pavement along the site frontage followed by multi-story round buildings). The proposed architectural design includes a variety of materials and colors that would be consistent and complement the character of the surrounding waterfront setting. The proposed landscaping plan would increase the area of native habitat and restore wetland areas on the subject property as compared to existing conditions. The proposed development also reduces the area of impervious surfaces and introduces a residential land use that is consistent with the surrounding residential properties.

East Quogue Land Plan Final GEIS (2008)

As discussed in Section 3.1.1 of this DEIS, the East Quogue Land Plan Final GEIS does not include any recommended land use plans or rezoning efforts along Dune Road and is, therefore, not relevant to the subject property. Notwithstanding, the proposed 25 condominium/townhouse units would introduce housing in a similar density and therefore would create balanced residential uses on the mainland and barrier island shores of Shinnecock Bay.

Southampton 400+ Sustainability Element (2013)

The 2013 Sustainability Element is an adopted addendum to the Town of Southampton Comprehensive Plan and incorporates sustainability planning into the 1999 Comprehensive Plan Update. The focus areas of the Action Plan component of the 2013 Sustainability Element relevant to the proposed multifamily residential development include Water, Land Use, Energy and Carbon, Quality of Life and Stewardship. The relevant goals and recommendations of the Sustainability Element, and consistency therewith, are as follows.

Focus Area: Water

Goal: *Restore and protect the Town's ground and surface waters to ensure their ability to support public health and the maritime, recreational and resort activities that underpin Southampton's way of life and economy.*

Tactic: *Consider creating a septic management plan to reduce nutrient loading in the Town's waters…*

The proposed action incorporates nutrient reduction measures including the removal and replacement of the existing conventional sanitary system with an on-site STP. The STP would be located approximately 265 ft landward of tidal wetlands, as compared to the

existing sanitary system which is located 75± ft from tidal wetlands. Due to the increased distance to the tidal wetlands and increased nitrogen removal from the STP, the nitrogen contributions to Shinnecock Bay and its wetlands under the proposed conditions is expected to be 124.15 lbs./yr. and represents an improvement compared to the current nutrient loading (estimated at 185.57 lbs./yr.). The STP would be a BESST system has demonstrated that effluent meets the NYSDEC SPDES requirements for reduction of nitrogen and suspended solids. Groundwater monitoring wells would also be installed both upstream and downstream of the effluent disposal system to monitor groundwater quality. Based on the above, the proposed action would be consistent with this tactic and overall goal.

Tactic: *Develop low-maintenance landscaping guidelines that include native and low-input vegetation.*

The proposed landscaping would consist of native grasses, shrubs and wildflowers which would eliminate fertilizer and irrigation requirements. Additionally, the proposed action would create an additional 0.91± acre of maritime upland habitat and 0.02± acre of tidal wetland habitat in currently developed areas. As such, the proposed action would be consistent with this tactic and overall goal.

Tactic: *Reduce reliance on the municipal stormwater system by encouraging natural percolation through landscaping, pervious paving, open space protection, limits on vegetation clearing, and on-site retention.*

The proposed action includes the installation of a stormwater management system that would contain, and recharge stormwater runoff associated with a three-inch rainfall event. All stormwater generated on-site would be accommodated and recharged via leaching galleys and drywells. In accordance with the NYSDEC Tidal Wetlands Permit, no drywells for roof runoff would be sited within 75 ft landward of the tidal wetland boundary. It is noted that pervious/gravel areas would be installed for the internal driveway and parking areas to reduce the area of impervious surfaces on-site and thus, reduce stormwater runoff generation. Additionally, the proposed action would create an additional 0.91± acre of maritime upland habitat and 0.02± acre of tidal wetland habitat in currently developed areas. Based on the above, the proposed action would be consistent with this tactic and overall goal.

Tactic: *Create a comprehensive landscape management policy for reducing and/or preventing pesticides and fertilizers from entering ground and surface water bodies.*

The proposed landscaping would consist of native grasses, shrubs and wildflowers which would not require fertilizer. As such, the proposed action would be consistent with this tactic and overall goal.

Focus Area: Land Use

Goal: *Achieve land development and redevelopment that preserves Southampton's rural and maritime heritage, and which reinforces traditional development patterns characterized by the interdependence of compact and walkable village and hamlet centers with surrounding open space and managed landscapes, agricultural uses, and accessible coastal areas.*

Tactic: *Continue to encourage native and non-invasive vegetation landscaping design guidelines…*

The proposed landscaping would consist of native grasses, shrubs and wildflowers which would eliminate fertilizer and irrigation requirements. Additionally, the proposed action would create an additional 0.91± acre of maritime upland habitat and 0.02± acre of tidal wetland habitat in currently developed areas. As such, the proposed action would be consistent with this tactic and overall goal.

Focus Area: Energy and Carbon

Goal: *Become carbon neutral through a combination of conservation, efficiency, and alternative energy sources.*

Tactic: *Support the construction and expansion of, and improvements to all forms of energy supply infrastructure as a means to provide enhanced environmental benefits, greater fuel diversity and consumer choice to all Southampton Town residents.*

PSEG Long Island provides electricity to the existing development. Additionally, three (3) 22-KW LPG generators serve as back-up power for the office and restaurant/bar. The proposed action would continue the use of electricity for energy supply, including heating, via the existing PSEG Long Island infrastructure. LPG generators would be used for the on-site backup power for the proposed STP as well as the pool equipment. As discussed in Section 3.3.2 of this DEIS, residents of the proposed residential units would have the opportunity to choose their electrical provider and help reduce the carbon footprint of the proposed action through the Choice Community Power program. As such, the proposed action would be consistent with this tactic and overall goal.

Tactic: *Support efforts to educate residents about the problems associated with light pollution and the Town regulations that help to curtail it…*

While this tactic relates to education of residents which would be the responsibility of the Town, proposed lighting would be dark sky compliant and all proposed lighting fixtures would include a shielded LED luminaire to direct light downwards with no upward glare. As such, light pollution would be minimized and would not result in any adverse significant impacts.

Focus Area: Quality of Life

Goal: *Provide access for all Town residents to a healthy lifestyle including opportunities for active recreation, locally produced/organic food, safe drinking water, educational and cultural activities, community engagement, and personal fulfillment.*

Tactic: *Encourage and incentivize a variety of affordable housing (both rentals and for sale to include the rehabilitation of existing structures for housing stock), especially in Hamlets where it is most scarce.*

The proposed action includes the redevelopment of a commercial use to a multifamily residential use. All units are proposed as market-rate. In accordance with §216-9(A) of the Town Code, in lieu of providing on-site workforce housing, the applicant is proposing to pay a fee for the required number of units. As discussed in Section 3.1.1 of this DEIS, when five or more residential units are proposed, 10 percent of proposed housing units on site must be set aside for workforce housing or a fee is to be paid. As the proposed action includes 25 housing units, the fee for 2.5 units is proposed. As noted in Section 3.1.1 of this DEIS, in the October 2021, Governor Kathy Hochul increased the Community Preservation Fund tax for residential transactions from 2 percent to 2.5 percent on the South Fork of Long Island, where the Town of Southampton is located. For all residential transactions equal to or greater than $400,000 in the Town of Southampton, the money collected from the Community Preservation Fund tax would be allocated for the provision of affordable housing.

Focus Area: Stewardship

Goal: *Ensure sustainable stewardship of the Town's natural, cultural, historic, and scenic resources, in both public and private ownership.*

Tactic: *Propose a set of regulations to limit the amount of Nitrogen and Phosphorus (nutrients) that are permitted to enter the environment (especially surface waters) for man-made sources and/or actions…*

The proposed action incorporates nutrient reduction measures including the removal and replacement of the existing conventional sanitary system with an on-site STP. The STP would be located approximately 265 ft landward of tidal wetlands, as compared to the existing sanitary system which is located 75± ft from tidal wetlands. Due to the increased distance to the tidal wetlands and increased nitrogen removal from the STP, the nitrogen contributions to Shinnecock Bay and its wetlands under the proposed conditions is expected to be 124.15 lbs./yr. and represents an improvement compared to the current nutrient loading (estimated at 185.57 lbs./yr.). The total nitrogen loading of 124.15 lbs./yr. represents a concentration of nitrogen of 2.83 mg/L associated with the proposed project. As noted in Section 2.2.2 of this DEIS, the 208 Study recommended a limit on groundwater nitrogen concentration of 4 mg/L for properties within Hydrogeologic Zone V. Accordingly, the proposed development would have a total nitrogen concentration lower than the 208 Study recommendation. Additionally, the STP would be a BESST system which has

demonstrated that effluent meets the NYSDEC SPDES requirements for reduction of nitrogen and suspended solids. Groundwater monitoring wells would also be installed both upstream and downstream of the effluent disposal system to monitor groundwater quality. Based on the above, the proposed action would be consistent with this tactic and overall goal.

Tactic: *Continue to focus on Stormawater* [sic] *runoff abatement.*

The proposed action includes the installation of a stormwater management system that would contain, and recharge stormwater runoff associated with a three-inch rainfall event. It is noted that pervious/gravel areas would be installed for the internal driveway and parking areas to reduce the area of impervious surfaces on-site and thus, reduce stormwater runoff generation. Based on the above, the proposed action would be consistent with this tactic and overall goal.

Town of Southampton Coastal Resources and Water Protection Plan (2016)

A summary of the relevant policies of the SCWRPP and the proposed action's consistency therewith is included in Section 2.2.2 of this DEIS.

Community Preservation Project Plan (2021)

As indicated in Section 3.1.1 of this DEIS, the Town-owned land to the east of the subject property (SCTM No. 0900-385-01-37.1) is identified within the Open Space/Greenbelt area, specifically the Shinnecock Bay (Tiana Area). It is noted that the aforementioned parcel is not located within the project site Target Area for the Shinnecock Bay (Tianna Area) Open Space/Greenbelt Area, however it is still identified as a protected area of land. The proposed action would include 0.91± acres of supplemental plantings, which would complement the surrounding waterfront areas. As evaluated in Section 3.4 of this DEIS, the proposed condominium units would not disrupt the scenic views provided by the eastern parcel identified as an Open space/Greenbelt area.

Consistency with Relevant County, State and Federal Planning Documents

NYSDOS Coastal Management Program

A summary of the relevant policies of the CMP and the proposed action's consistency therewith is included in Table 15 in Section 2.2.2 of this DEIS.

NOAA SLOSH Zone

This analysis is presented in Section 2.2.2 of this DEIS.

FEMA Guidelines for Development

As indicated in Section 3.1.1 of this DEIS, 44 CFR §60.3(e)(1-9), Flood Plain Management Criteria for Flood-Prone Areas, provides building standards for development within Zone VE. As evaluated in Section 2.2.2 of this DEIS, the proposed development would comply with the relevant FEMA guidelines.

New York State Housing Recovery Program – Buyout and Acquisition Programs

As discussed in Section 2.2.2 of this DEIS, it is not anticipated the proposed development would be eligible for buyout or acquisition as part of this program as the intent of funds is to benefit low-and moderate-income areas. Therefore, this program is not applicable to the proposed action.

New York State's Long Island Workforce Housing Act and §216-9 of the Town Code

The proposed action would not provide workforce housing nor would housing be built at another location within the Town of Southampton. The applicant would provide payment in lieu of providing on-site housing, in accordance with §216-9(B) of the Town Code. Therefore, the proposed action is consistent with the requirements of the Long Island Workforce Housing Act and §216-9 of the Town Code.

Smart Communities Through Smart Growth

As identified above in Section 3.1.1, the *Smart Communities Through Smart Growth*, published by Suffolk County Planning Commission in March 2000, identifies eight (8) smart growth principles that can be utilized as tools for developing smarter communities. The relevant principles are discussed below in relation to the proposed project.

- *Direct development to strengthen existing communities and sites*.

  This recommendation acknowledges the redevelopment of older areas including commercial, industrial and residential sites so as not to place new service demands on undeveloped pieces of land in unestablished areas. The proposed action would convert a commercial use to a multifamily development in an established, mature community with existing infrastructure and resources. The proposed action is consistent with this recommendation.

- *Take advantage of compact building sizes and create a range of housing opportunities.*

  As the proposed action is a multifamily residential development, it would allow for a higher density of residents to occupy the subject site as compared to single-family residential homes. Of the 25 units, 14 would be two-bedroom units and 11 would be three-bedroom units. Additionally, residents would share on-site resources such as the pool, deck area, marina and the proposed STP would service all residential units. Thus, the proposed development would be consistent with this recommendation.

- *Provide a Variety of Transportation Choices*

  The proposed action includes a multifamily residential development in the coastal area of Southampton. Transportation choices, other than personal vehicles, would include shared ride services (e.g., Uber, Lyft).

- *Create Pleasant Environments and Attractive Communities*

  The proposed action would redevelop a currently commercial use property to a high-end, luxury condominium development. Expansively planted and natural areas, sidewalks and walkways would be created to enhance the community's character. As shown on the Architectural Elevations and Renderings (see Appendix O of this DEIS), the proposed buildings would incorporate a variety of materials that would be consistent and compliment the character of the surrounding residential uses and condominium development directly across the street. As part of the proposed action, all architectural elevations, renderings, building prototypes and designs will be submitted for review by the Board of Architectural Review. Thus, the proposed action would be consistent with this recommendation.

3.1.3 Proposed Mitigation

The proposed development would not be expected to result in any significant adverse impacts to land use and zoning. The following measures have been incorporated into the proposed project to avoid or minimize potential impacts:

- The proposed action will convert a commercial use to a multifamily use that is consistent with the surrounding residential properties in an established, mature community with existing infrastructure and resources in such proximity to recreational areas.

- The proposed architectural design includes a variety of materials and colors that would be consistent and complement the character of the surrounding waterfront setting.

- The proposed project will result in beneficial impacts to the tidal wetlands, with increases in structural and sanitary setbacks, reduction of nitrogen loading, and planting of native wetland and buffer vegetation (including 0.02± acre of wetland restoration, 0.79± acre of maritime upland habitat and 0.12± acre of native plantings adjacent to residential units and driveways).

- The proposed development will reduce the impervious lot coverage in the upland area from 28.13% (i.e., existing 0.95± acre) to 25.94% (i.e., proposed 0.87± acre).

- The proposed development includes the establishment of a native vegetative buffer along the entire site frontage, which will maintain the natural setting along Dune Road.
- In accordance with §216-9(A) of the Town Code, in lieu of providing on-site workforce housing, the applicant will pay a fee for the required number of units.

- All proposed lighting will be dark sky compliant and all proposed lighting fixtures will include a shielded LED luminaire to direct light downwards with no upward glare.

3.2 TRANSPORTATION

The transportation analyses presented in Section 3.2 of this DEIS are a summary of the "Traffic Impact Study" (TIS) dated June 2024, as prepared by Stonefield Engineering and Design, LLC. The TIS can be found in its entirety in Appendix L of this DEIS.

3.2.1 Existing Conditions

Methodology

The TIS has been prepared in accordance with the recommended guidelines and practices outlined by the Institute of Transportation Engineers (ITE) within the *Transportation Impact Analyses for Site Development*. The TIS was prepared in accordance with the Final Scope (see Appendix B of this DEIS) and included the following:

- A detailed field investigation to assess the existing conditions of the adjacent roadway network.
- A data collection effort to identify the existing traffic volumes at the study intersections to serve as a base for the traffic analyses.
- A capacity analysis using the *Highway Capacity Manual,* 6th Edition (HCM) and Synchro 11 Software for all study intersections to assess the existing roadway operations and changes in the levels of service with the proposed development.
- Cumulative analysis with other planned developments.
- Comparative analysis with alternatives (included in Section 5.0 of this DEIS).

Existing Roadway Conditions

The subject property is located along the northerly side of Dune Road in the hamlet of East Quogue, with approximately 410 ft of frontage along Dune Road.

- Dune Road (County Road 89) – Dune Road is classified as an urban minor arterial roadway with a general east-west orientation and is under the jurisdiction of the SCDPW. Along the site frontage, the roadway provides one (1) lane of travel in each direction and has a posted speed limit of 40 mph. Along the site frontage, curb and sidewalk are not provided along either side of the roadway, shoulders are not provided along either side of the roadway, and on-street parking is not permitted along either side of the roadway. Dune Road provides access between Westhampton Beach and Hampton Bays for predominantly residential uses.

- Ponquogue Bridge (County Road 32) – Ponquogue Bridge (County Road 32) is classified as an urban minor arterial roadway with a general north-south orientation and is under the jurisdiction of the SCDPW. The roadway generally provides one (1) lane in each direction and has a posted speed limit of 30 mph. Curb and sidewalk are provided along the easterly side of

the roadway, shoulders are not provided along either side of the roadway, and on-street parking is not permitted along either side of the roadway. Ponquogue Bridge connects Dune Road to Foster Avenue for primarily recreational, residential, and commercial uses.

- Post Lane – Post Lane is classified as a local roadway with a general north-south orientation and is under the jurisdiction of the Village of Quogue. The roadway provides one (1) lane in each direction and has a posted speed limit of 30 mph. Curb, sidewalk, and shoulders are provided along both sides of the roadway and on-street parking is not regulated along either side of the roadway. Post Lane provides connection between Dune Road and Main Street for primarily residential uses.

- Beach Lane – Beach Lane is classified as an urban major collector roadway with a general north-south orientation and is under the jurisdiction of the Village of Westhampton Beach. The roadway generally provides one (1) lane in each direction and has a posted speed limit of 30 mph. Curb, sidewalk, and shoulders are provided along both sides of the roadway and on-street parking is not permitted along the westerly side of the roadway in accordance with posted curbside signage. Beach Lane provides connection between Dune Road and Quogue Street for primarily residential uses.

- Jessup Lane – Jessup Lane is classified as an urban minor arterial roadway with a general north-south orientation and is under the jurisdiction of the Village of Westhampton Beach. The roadway generally provides one (1) lane in each direction and has a posted speed limit of 30 mph. Curb is provided along both sides of the roadway, sidewalk is provided along the westerly side of the roadway, shoulders are generally not provided along either side of the roadway, and on-street parking is not permitted along either side of the roadway. Jessup Lane provides connection between Dune Road and Stevens Lane for predominantly residential uses.

Study Intersections

The following five (5) intersections were evaluated:

1. Dune Road and Existing Dockers Driveway – Access to the subject property is presently provided via one (1) full-movement driveway along Dune Road.

2. Dune Road and Ponquogue Bridge intersect to form a signalized T-intersection. The eastbound approach of Dune Road provides one (1) exclusive left-turn lane and one (1) exclusive through lane. The westbound approach of Dune Road provides one (1) exclusive through lane and one (1) channelized right-turn lane operating under yield control. The southbound approach of Ponquogue Bridge provides one (1) exclusive left-turn lane and one (1) channelized right-turn lane operating under yield control. A crosswalk is provided across the easterly leg of the intersection and pedestrian signals are not provided across any legs of the intersection.
3. Dune Road and Post Lane intersect to form an unsignalized T-intersection with the southbound approach operating under stop control. The eastbound approach of Dune Road provides one (1) shared left turn/through lane and the westbound approach of Dune Road provides one (1) shared through/right-turn lane. The southbound approach of Post Lane

provides one (1) left-turn lane and one (1) right-turn lane separated by a concrete median. Crosswalks and pedestrian signals are not provided across any legs of the intersection.

4. Dune Road and Beach Lane intersect to form an unsignalized four (4)-leg intersection with the northbound and southbound approaches of Beach Lane operating under stop control. It is important to note that the northbound approach of Beach Lane is a full-movement driveway of an asphalt parking lot. The eastbound and westbound approaches of Dune Road provide one (1) shared left-turn/through/right-turn lane. The southbound approach of Beach Lane provides one (1) exclusive left-turn lane and one (1) shared through/right-turn lane. The northbound driveway approach provides one (1) shared left-turn/through/right turn lane. A crosswalk is provided across the westerly leg of the intersection and pedestrian signals are not provided across any legs of the intersection.

5. Dune Road and Jessup Lane intersect to form a signalized T-intersection. The eastbound approach of Dune Road provides one (1) exclusive left-turn lane and one (1) exclusive through lane. The westbound approach of Dune Road provides one (1) exclusive through lane and one (1) channelized right-turn lane operating under yield control. The southbound approach of Jessup Lane provides one (1) exclusive left-turn lane and one (1) exclusive right-turn lane. A crosswalk is provided across the westerly leg of the intersection and pedestrian signals are not provided across any legs of the intersection.

2021 Existing Traffic Volumes

As explained in the TIS, manual turning movement counts were collected during the weekday morning, weekday evening, Saturday morning and Saturday evening peak time periods as established based on review of historic traffic data published by the New York State Department of Transportation (NYSDOT). The traffic data was subsequently utilized to evaluate existing traffic conditions and identify the specific hours when traffic activity on the adjacent roadways is at a maximum and could be potentially impacted by the development of the subject property. Turning movement counts were collected at the study intersections, as outlined above and summarized below:

1. Dune Road and Existing Dockers Driveway
2. Dune Road and Ponquogue Bridge (CR 32)
3. Dune Road and Post Lane
4. Dune Road and Beach Lane
5. Dune Road and Jessup Lane

The manual turning movement counts were conducted on the following dates and during the following times:

- Wednesday, July 21, 2021, from 7:00 a.m. to 9:00 a.m. and from 4:00 p.m. to 6:00 p.m.
- Saturday, July 24, 2021, from 9:00 a.m. to 12:00 p.m. and from 3:00 p.m. to 6:00 p.m.

The study time periods are representative of the peak periods of both the adjacent roadway network and the proposed development. The traffic volume data was collected and analyzed to identify the design peak hour in accordance with HCM and ITE guidelines. Based on the review of the count data,

the weekday morning peak hour occurred from 8:00 a.m. to 9:00 a.m.; the weekday evening peak hour occurred from 4:15 p.m. to 5:15 p.m.; the Saturday morning peak hour occurred from 11:00 a.m. to 12:00 p.m.; and the Saturday evening peak hour occurred from 4:00 p.m. to 5:00 p.m. The Technical Appendix to the TIS contains a summary of the turning movement count data. The 2021 existing weekday morning, weekday evening, Saturday morning, and Saturday evening peak-hour volumes are shown on Figure 2 of the TIS (see Appendix L of this DEIS).

The traffic count program also revealed the existing trip generation of the subject property. Table 25 (as excerpted from Table 1 of the TIS) summarizes the weekday morning, weekday evening, Saturday morning, and Saturday evening peak hour trip generation volumes associated with the existing development.

Table 25 – 2021 Existing Site Trip Generation

	Weekday AM Peak Hour			**Weekday PM Peak Hour**			**Saturday Morning Peak Hour**			**Saturday Evening Peak Hour**		
	Enter	**Exit**	**Total**	**Enter**	**Exit**	**Total**	**Enter**	**Exit**	**Total**	**Enter**	**Exit**	**Total**
Docker's Marina & Restaurant	2	1	3	22	10	32	45	24	69	77	48	125

2021 Existing Adjusted Traffic Volumes

As of the date of the traffic volume counts, the existing traffic volumes currently observed on the roadway network may not be considered typical due to the COVID-19 pandemic. In order to provide an accurate and conservative analysis of the adjacent roadway network, seven (7)-day 24-hour continuous automated traffic recorders (ATRs) collected along Dune Road, 345 ft west of A Road in July 2021 were compared to historical roadway data published by the NYSDOT from 2019. The comparison showed that the traffic volumes from the 2021 turning movement counts were generally greater than the historical counts and therefore no adjustments to the volumes were made. The 2019 NYSDOT volume counts and 2021 counts from the same location are summarized in the Technical Appendix of the TIS. It is important to note that the existing traffic volume counts were conducted during July which represents the peak summer month based on the NYSDOT Seasonal Adjustment Factors for Traffic Count Processing during the weekday and weekend periods. Therefore, seasonal factors have not been applied to the as-counted volumes to account for seasonal fluctuations as the counts represent the peak month of the year. The NYSDOT Seasonal Adjustment Factors for Traffic Count Processing for the weekday and weekend are appended to the TIS.

2023 Existing Traffic Volumes

As indicated in the TIS, additional manual turning movement counts were collected in July 2023 during the weekday morning, weekday evening, Saturday morning and Saturday evening peak time periods to validate the traffic data collected in 2021. The traffic data was subsequently utilized to evaluate existing traffic conditions and identify the specific hours when traffic activity on the adjacent roadways is at a maximum and could be potentially impacted by the development of the site. Turning movement counts were collected at the following intersections:

1. Dune Road and Existing Dockers Driveway
2. Dune Road and Ponquogue Bridge (CR 32)

The manual turning movement counts were conducted on the following dates and during the following times:

- Thursday, July 13, 2023, from 7:00 a.m. to 9:00 a.m. and from 4:00 p.m. to 6:00 p.m.
- Saturday, July 22, 2023, from 9:00 a.m. to 12:00 p.m. and from 3:00 p.m. to 6:00 p.m.

The study time periods are representative of the peak periods of both the adjacent roadway network and the proposed development. It is noted that weather was optimal for beach visits on the days of counts. Therefore, volumes are not anticipated to be impacted based on inclement weather deterring beachgoers. The traffic volume data was collected and analyzed to identify the design peak hour in accordance with HCM and ITE guidelines. Based on the review of the count data the weekday morning peak hour occurred from 7:00 a.m. to 8:00 a.m.; the weekday evening peak hour occurred from 5:00 p.m. to 6:00 p.m.; the Saturday morning peak hour occurred from 10:45 a.m. to 11:45 a.m.; and the Saturday evening peak hour occurred from 3:45 p.m. to 4:45 p.m. The Technical Appendix of the TIS contains a summary of the turning movement count data. The 2023 existing weekday morning, weekday evening, Saturday morning, and Saturday evening peak-hour volumes are shown on Figure 3 in the Technical Appendix of the TIS.

The traffic count program also revealed the existing trip generation of the subject property. Table 26 below (as excerpted from Table 2 of the TIS) summarizes the weekday morning, weekday evening, Saturday morning, and Saturday evening peak hour trip generation volumes associated with the existing development.

Table 26 – 2023 Existing Site Trip Generation

	Weekday AM Peak Hour			**Weekday PM Peak Hour**			**Saturday Morning Peak Hour**			**Saturday Evening Peak Hour**		
	Enter	**Exit**	**Total**	**Enter**	**Exit**	**Total**	**Enter**	**Exit**	**Total**	**Enter**	**Exit**	**Total**
Docker's Marina & Restaurant	2	0	2	32	12	44	35	16	51	57	44	101

2023 Existing Adjusted Traffic Volumes

A comparison of the peak hour volumes at the intersection of Dune Road and Ponquogue Bridge from 2021 and 2023 was conducted to determine if 2021 count data was indicative of the 2023 Existing Condition. Table 27 below (as excerpted from Table 3 of the TIS) compares the peak hour volumes to determine any necessary adjustments to the counts conducted in 2021.

Table 27 – 2021 & 2023 Dune Road and Ponquogue Bridge Volume Comparison

	Weekday Morning Peak Hour	Weekday Evening Peak Hour	Saturday Morning Peak Hour	Saturday Evening Peak Hour
July 2021	261	359	827	1113
July 2023	313	500	827	1027
Percent Difference	+19.9%	+39.3%	0%	-7.7%

As shown in Table 27, the volumes analyzed during the weekday morning and weekday evening peak hours in 2021 were much lower than was observed in 2023. Therefore, in accordance with industry standard guidelines, the weekday peak hour volumes at all study intersections were grown to reflect the 2023 volumes using the rates in Table 27. The 2021 Saturday morning and Saturday evening peak hour volumes were not adjusted to provide a conservative analysis of the existing condition. The 2023 Existing Adjusted weekday morning, weekday evening, Saturday morning, and Saturday evening peak-hour volumes are shown on Figure 4 in the Technical Appendix of the TIS (see Appendix L of this DEIS).

2023 Existing Level of Service/Capacity Analysis

A Level of Service (LOS) and Volume/Capacity analysis was conducted for the 2023 Existing Condition during the weekday morning, weekday evening, Saturday morning, and Saturday evening peak hours at the study intersections and existing site driveway. Under the existing condition, the signalized intersection of Dune Road and Jessup Lane is calculated to operate at overall LOS B during the weekday morning, weekday evening, and Saturday evening peak hours and overall LOS C during the Saturday morning peak hour. The signalized intersection of Dune Road and Ponquogue Bridge is calculated to operate at overall LOS A during the weekday morning peak hour and overall LOS B during the weekday evening, Saturday morning, and Saturday evening peak hours. The turning movements at the unsignalized intersections of Dune Road with Beach Lane, Post Lane, and the site driveway are calculated to operate at acceptable LOS C or better during all study peak hours.

Motor Vehicle Collision Analysis

In order to assess the safety of the study network, the three (3) most recent years of available motor vehicle collision data were obtained from the NYSDOT. The study time period spans from March 31, 2020, to March 31, 2023. Table 4 of the TIS provides a summary of the manner and severity of the motor vehicle collisions reported at and between the study intersections. As shown in Table 4 of the TIS, a total of 25 collisions were reported throughout the 8.3-mile stretch of study network over the 36-month period. This equates to less than one (1) collision every month. It is noted that zero (0) fatalities occurred as a result of the reported motor vehicle collisions in the study network. Additionally, zero (0) vehicle collisions were reported at the intersection of Dune Road and Jessup Lane as well as on the roadway segment between Jessup Lane and Beach Lane.

Table 5 of the TIS provides a breakdown of the reported motor vehicle collisions by year. Based on the data shown, the motor vehicle collision history does not show an increasing trend of increasing by year and is generally consistent throughout the study time period. Note that only portions of 2020 and 2023

are reported as part of the study time period. Collision rates throughout the study network are not anticipated to be adversely impacted by the proposed development.

3.2.2 Potential Impacts

2028 No-Build Condition

Background Growth

The 2023 Existing Condition traffic volume data was grown to a future horizon year of 2028, which is when the proposed residential development is expected to be fully constructed. In accordance with industry guidelines, the existing traffic volumes at the study intersections were increased by 0.5% annually for five (5) years. The 0.5% background growth rate is a conservative growth rate for the study network based on data from the NYSDOT Traffic Data Forecaster. A copy of the results from the Traffic Data Forecaster can be found in the TIS Appendix.

Other Planned Development Projects

To evaluate the future traffic conditions, it is important to consider the potential site-generated traffic of other projects that could influence the traffic volume at the study intersections. Other planned development projects include those that are either in the entitlement process or have recently been approved for building permits in proximity to the proposed development. Written requests for other planned developments for analysis were submitted to the Town of Southampton Planning Department and none were provided. As such, the application of the background growth rate would be adequate to account for background traffic growth.

2028 No-Build Traffic Volumes

The background growth rate was applied to the 2023 Existing Traffic Volumes to calculate the 2028 No-Build Traffic Volumes for the weekday morning, weekday evening, Saturday morning and Saturday evening peak hours. These volumes are summarized in Figure 5 of the TIS (see Appendix L of this DEIS).

2028 No-Build LOS/Capacity Analysis

A LOS and Volume/Capacity analysis was also conducted for the 2028 No-Build Condition during the weekday morning, weekday evening, Saturday morning, and Saturday evening at the study intersections and existing site driveways. The signalized intersections of Dune Road with Jessup Lane and Ponquogue Bridge are calculated to operate generally consistent with the findings of the 2023 Existing Condition during all study peak hours. The turning movements at the unsignalized intersections of Dune Road with Beach Lane, Post Lane, and the site driveway are calculated to be generally consistent with the findings of the 2023 Existing Condition during all study peak hours. See Table A1: Comparative Level of Service (Delay) in the TIS Appendix.

2028 Build Condition

The site-generated traffic volume of the proposed residential development was estimated to identify the potential impacts of the project. For the purpose of this analysis, a complete project "build out" is assumed within five (5) years of the preparation of this study.

Trip Generation

Trip generation projections for the proposed multifamily residential development were prepared utilizing the ITE's Trip Generation Manual, 11th Edition. Trip generation rates associated with Land Use 215 "Single Family Attached Housing" were cited for the proposed 25-unit residential development. In order to project the trip generation volumes for the Saturday morning and Saturday evening peak hours, the time-of-day factors for the similar Land Use 210 "Single-Family Detached Housing" were applied to the total daily trip generation volumes for Saturday based on Land Use 215. Table 28 below (as excerpted from Table 6 of the TIS) provides the weekday morning, weekday evening, Saturday morning, and Saturday evening peak hour trip generation volumes associated with the proposed development.

Table 28 - Projected Trip Generation for Proposed Development

	Weekday Morning Peak Hour			**Weekday Evening Peak Hour**			**Saturday Morning Peak Hour**			**Saturday Evening Peak Hour**		
	Enter	**Exit**	**Total**	**Enter**	**Exit**	**Total**	**Enter**	**Exit**	**Total**	**Enter**	**Exit**	**Total**
Proposed Development	2	5	7	7	4	11	10	6	16	8	6	14

As indicated in Section 3.2.1 of this DEIS, the site currently operates as the Dockers Waterside Marina & Restaurant, which generates traffic to the site. Therefore, it is reasonable to analyze the net increase in vehicular trip generation to quantify the impact of the development. Table 29 (as excerpted from Table 7 of the TIS) shows the net vehicular trip generation of the existing and proposed developments during the weekday morning, weekday evening, Saturday morning, and Saturday evening peak hours.

Table 29 - Net Trip Generation (Existing Condition vs. Proposed Development)

	Weekday AM Peak Hour			**Weekday PM Peak Hour**			**Saturday Morning Peak Hour**			**Saturday Evening Peak Hour**		
	Enter	**Exit**	**Total**	**Enter**	**Exit**	**Total**	**Enter**	**Exit**	**Total**	**Enter**	**Exit**	**Total**
Docker's Marina & Restaurant	2	0	2	32	12	44	45	24	69	77	48	125
Proposed Development	2	5	7	7	4	11	10	6	16	8	6	14
Net Change Post-Development	+0	+5	**+5**	-25	-7	**-33**	-35	-18	**-53**	-69	-42	**-111**

As indicated above, as compared to existing conditions, the proposed development would generate five (5) additional total trips during the weekday morning peak hour, 33 fewer total trips during the weekday evening peak hour, 53 fewer total trips during the Saturday morning peak hour, and 111

fewer total trips during the Saturday evening peak hour. Based on Transportation Impact Analysis for Site Development published by ITE, a trip increase of less than 100 vehicle trips would likely not change the level of service of the adjacent roadway system or appreciably increase the volume-to-capacity ratio of an intersection approach. As such, the proposed development is not anticipated to significantly impact the operations of the adjacent roadway network.

Trip Assignment/Distribution

In order to provide a conservative analysis, the existing site trip generation volumes have been removed at the site driveway. The volumes at the other four (4) study intersections have not been adjusted to account for the existing trip generation to be removed. The Existing Dockers Trip Generation Removed is depicted on Figure 6 of the TIS. The trips generated by the proposed development were distributed according to the existing travel pattern along the adjacent roadways and the access management plan of the subject property. The Site-Generated Traffic Distribution is depicted on Figure 7 of the TIS. The Site-Generated Traffic Volumes are illustrated on Figure 8 of the TIS (see Appendix L of this DEIS).

2028 Build Traffic Volumes

The site-generated trips were added to the 2028 No-Build Traffic Volumes to calculate the 2028 Build Traffic Volumes, which are shown on Figure 9 of the TIS.

2028 Build LOS/Capacity Analysis

A LOS and Volume/Capacity analysis was also conducted for the 2028 Build Condition during the weekday morning, weekday evening, Saturday morning, and Saturday evening peak hours at the study intersections and proposed site driveways. Table A1 of the TIS compares the 2023 Existing, 2028 No-Build, and 2028 Build Conditions Level of Service and delay values.

The signalized intersections of Dune Road with Jessup Lane and Ponquogue Bridge are calculated to operate generally consistent with the 2028 No-Build Condition during all study peak hours. The turning movements at the unsignalized intersections of Dune Road with Beach Lane, Post Lane, and the site driveway are calculated to be generally consistent with the 2028 No-Build Condition during all study peak hours.

Construction Traffic Impacts Associated with Demolition and Soil Movement

Truck trip generation associated with site construction has been approximated to assess the short-term impacts of the project. As part of the demolition involved of the existing site features, demolition debris would be generated. As outlined in Task 5 of the construction schedule (see Appendix E of this DEIS), demolition of the existing structures is anticipated to occur over a 20-day duration. The debris will be placed in roll-off containers with 40-cubic-yard capacity, which would be stored on-site and removed when filled. Approximately 100 truckloads of debris are anticipated as part of the demolition process.

As part of construction activities to install the underground utilities, construct the STP and grade the site's roadways, soil movement is anticipated. Based on the Volume Analysis prepared by PWGC, a net fill of approximately 3,550 cubic yards is expected. Assuming the fill material is transported to the site in 30-cubic-yard truckloads, approximately 119 truckloads of soil to the site are anticipated. As outlined in Tasks 6 through 10 of the construction schedule, the soil moving activities are anticipated to occur over a 100-day duration. As each truck delivering fill material to the site would subsequently depart the site, two (2) truck trips are associated with each delivery. Therefore, a total of 238 truck trips over the course of the 100-day soil movement period are expected. On average, this equates to less than three (3) truck trips per day during soil movement activities.

Based on the Multimodal Transportation Impact Analysis for Site Development published by ITE, a trip increase of fewer than 50 vehicle trips per hour would likely not change the LOS of the adjacent roadway system or appreciably increase the volume-to-capacity ratio of an intersection approach. As such, the construction vehicles associated with the proposed development are not anticipated to significantly impact the operations of the adjacent roadway network.

Construction Traffic Impacts During Summer Season

Trip generation associated with site construction during the summer season has also been approximated to assess the short-term impacts of the project. As outlined in the construction schedule (see Appendix E of this DEIS), construction during the summer of 2027 would include the construction of common areas (Task 12) and finishes to the model unit (Task 15), as well as construction, exteriors, and finishes of Group 1 (Tasks 16-18). As part of this work, a crew of approximately 30 to 50 workers would be on-site. It is assumed that each crew member would result in one (1) entering trip in the morning and one (1) exiting trip in the evening. In addition to trips associated with crew arrival and departure, trips associated with material and equipment deliveries would occur daily. In connection with the aforementioned tasks, a maximum of 28 material deliveries and 15 equipment deliveries are anticipated over the course of the three-month summer season. Assuming each delivery results in one (1) trip entering and one (1) trip exiting, a total of 86 trips for material and equipment deliveries are expected over the summer season.

Additionally, as outlined in the construction schedule (see Appendix E of this DEIS), construction during the summer of 2028 would include construction, exterior and finishes of Group 3 (Tasks 22-24), as well as work to construct sidewalks, complete roadway paving, and install street lighting (Tasks 25-27). As part of this work, a crew of approximately 30 to 50 workers would be on-site. In connection with the aforementioned tasks, a maximum of 15 material deliveries and 9 equipment deliveries are anticipated over the course of the three-month 2028 summer season. Assuming each delivery results in one (1) trip entering and one (1) trip exiting, a total of 48 trips for material and equipment deliveries are anticipated.

Based on the Multimodal Transportation Impact Analysis for Site Development published by ITE, a trip increase of fewer than 50 vehicle trips per hour would likely not change the LOS of the adjacent roadway system or appreciably increase the volume-to-capacity ratio of an intersection approach. Based on the estimates described in this section, it is not anticipated that more than 50 vehicle trips related to construction would be generated in any single hour during the summer seasons of 2027 or

2028. As such, the trips associated with the construction of the proposed development are not anticipated to significantly impact the operations of the adjacent roadway network.

Site Circulation/Parking Supply

Access would be maintained via one (1) full-movement driveway along Dune Road. The internal driveway would include a two (2)-way, 24-ft-wide drive aisle in the middle portion of the site for site circulation. Parking would be provided by ground level parking garages in each unit and driveway parking space. Regarding the parking requirements for the proposed development, the Town of Southampton requires two (2) parking spaces per two (2)-bedroom unit and 2.5 spaces per three (3)-bedroom or more unit for sites with multiple dwellings. For the proposed multifamily residential development, which consists of 14 two (2)-bedroom units and 11 (3)-bedroom units, this equates to 56 required spaces. The site would provide 76 total parking spaces inclusive of 50 ground level garage parking spaces, 26 driveway parking spaces, and two (2) guest parking spaces, which meets the parking requirement and would be sufficient to support the site. The proposed parking supply of 76 parking spaces meets the parking requirement and would be sufficient to support this project's parking demand.

The parking supply was evaluated with respect to data published within the ITE's Parking Generation, 5th Edition, for Land Use 220 "Multifamily Housing (Low-Rise)" as parking data is not available for the applicable Land Use 215 "Single Family Attached Housing." The 85th percentile parking demand rate during the peak weekday and Saturday periods for Land Use 220 "Multifamily Housing (Low-Rise)" is 1.52 vehicles per dwelling unit and 1.61 vehicles per dwelling unit, respectively. For the residential development with 25 dwelling units, this equates to 38 parking spaces during the peak weekday period and 41 parking spaces during the peak Saturday period. As such, the proposed parking supply of 76 spaces would be sufficient to support the parking demand of the site.

Evacuation Routes

The subject property is located in a Category 1 Hurricane Storm Surge Zone, which means there is a high probability of inundation even with mild storm surges. As such, in the event of a hurricane storm surge, an evacuation plan is necessary when sheltering-in-place is deemed unsafe by the authorities. In accordance with Suffolk County evacuation guidelines, two (2) evacuation options are outlined below.

The first option is evacuating to the nearest shelter, which is the Quogue Elementary School located approximately three (3) miles away. This would take approximately six (6) minutes by car and is the option recommended by Suffolk County in their Shelter Locator and Storm Surge Mapping Tool. It is important to note that according to the Shelter Locator and Storm Surge Mapping Tool, Quogue Elementary School is still within a storm surge zone, albeit a Category 4 zone rather than a Category 1 zone. Therefore, in the infrequent event of a Category 4 hurricane making landfall near the area, this shelter would not be a viable option, which would require evacuation to a different location. There are eight (8) other listed shelter facilities, within a seven (7)-mile (20-minute drive) radius of the property, offering plenty of alternative shelter locations within safe evacuating distance.

The second option for residents is to evacuate from the region to a friend's or relative's home in a safe area. Suffolk County details evacuation routes from coastal areas via Sunrise Highway (NYS Route 27) or Flanders Road (NYS Route 24). Sunrise Highway is accessible from the site within a 12-minute drive and Flanders Road is accessible from the site within a 16-minute drive. The Emergency Shelter and Evacuation Center Map and Suffolk County Coastal Evacuation Routes can be found appended to the TIS.

3.2.3 Proposed Mitigation

Based on the TIS, the proposed development is not expected to result in any significant adverse impacts on the traffic operations of the adjacent roadway network. The site driveways and on-site layout have been designed to provide effective access to and from the subject property. Based on the local characteristics of the site and surrounding area, the parking supply would be sufficient to support this project.

3.3 COMMUNITY FACILITIES AND SERVICES

3.3.1 Existing Conditions

Existing Tax Generation

Based on publicly available resources from the Town of Southampton[59], the Consolidated Real Property Tax Bill for December 1, 2022 to November 30, 2023 was obtained for the subject property and is shown in the table below.

[59] https://www.southamptontownny.gov/152/Tax-Receiver

Table 30 – Existing Annual Tax Revenue

			Existing Conditions	
Taxing Jurisdiction	**Levy %**	**Tax Rate (Per $1,000)**	**Property Assessed Value ($)**	**Annual Tax Revenue ($)**
East Quogue School	79.51	10.5611	$1,667,900.00	$17,614.86
East Quogue Library	2.27	0.3019	$1,667,900.00	$503.54
County	1.48	0.1961	$1,667,900.00	$327.08
Suffolk County Community College	0.12	0.0161	$1,667,900.00	$26.85
Town of Southampton – General Fund	2.91	0.3861	$1,667,900.00	$643.98
Highway	2.51	0.3334	$1,667,900.00	$556.08
Police	4.00	0.5315	$1,667,900.00	$886.49
Emergency Dispatch – E911	0.44	0.0584	$1,667,900.00	$97.41
Part-Town Outside of Village	0.50	0.0661	$1,667,900.00	$110.25
Out of County Tuition	0.04	0.0053	$1,667,900.00	$8.84
New York State Real Property Tax Law	0.26	0.0351	$1,667,900.00	$58.54
New York State MTA Tax	0.04	0.0056	$1,667,900.00	$9.34
East Quogue Fire District	5.91	0.7852	$1,667,900.00	$1,309.64
Tiana Coastal Erosion District		--	$1,667,900.00	--
Total:		**N/A**	**N/A**	**$22,152.90**

The subject property is currently developed with a seasonal use waterfront restaurant and contributes $22,152.90 in annual taxes to the Town of Southampton, Suffolk County and New York State. The projected change in tax revenue, upon implementation of the proposed action, was evaluated and is included in Section 3.3.2.

Public School Districts

The subject property is located within the East Quogue Union Free School District (UFSD) for elementary education (K-6), and for secondary education (7-12), most students attend the Westhampton Beach UFSD. As a sending district to Westhampton Beach UFSD, the East Quogue UFSD is required to pay a Non-Resident Tuition for secondary level students, which is calculated by New York State and generated based on audited expenditures, revenues and enrollment figures.[60]. As of 2022, this Non-Resident Tuition is approximately $24,729± (see Tuition Revenue document in Appendix M of this DEIS).

The East Quogue UFSD currently operates one elementary school, East Quogue Elementary School, located at 6 Central Avenue, East Quogue. Secondary level education at the Westhampton UFSD

[60] https://munistat.com/wp-content/uploads/2021/07/WestHamptonBeachUFSDJuly21TANPOS.pdf

includes the Westhampton Beach Middle School, located at 340 Mill Road and the Westhampton Beach High School, located at 49 Lilac Road.

Consultations were undertaken with the East Quogue UFSD and the Westhampton Beach UFSD in correspondence dated July 27, 2021 to advise of the proposed development, the projected number of school-aged children (see Section 3.3.2 of this DEIS) and to request information relative to school district operations (see Appendix M of this DEIS). To date, no response from either District has been received.

Based on publicly available resources from the New York State Education Department (NYSED) for the 2021-2022 school year, the total district enrollment for the East Quogue UFSD is 359 students.[61] According to enrollment data for the past decade, as depicted in the table below, enrollment reached a peak of 440 students in 2014-2015 (highlighted) and has declined over the succeeding seven (7) years.

Table 31 – East Quogue UFSD Enrollment by Year

School Year	Enrollment	Increase/(-)Decrease
2021-2022	359	-25
2020-2021	384	-13
2019-2020	398	-12
2018-2019	410	-2
2017-2018	412	-18
2016-2017	430	-9
2015-2016	439	-1
2014-2015	440	8
2013-2014	432	2
2012-2013	430	--

According to the NYSED, the total per pupil expenditures for the East Quogue UFSD in the 2021-2022 school year is approximately $34,396.[62] As the subject property does not currently contain any residential uses, no PSAC reside at the subject property. Based on existing property tax revenues at the subject property, as indicated in this section of the DEIS above, the subject property currently contributes approximately $17,614.86 to the East Quogue UFSD.

Based on publicly available resources from the NYSED for the 2021-2022 school year, the total district enrollment for the Westhampton UFSD is 1,783 students.[63] According to enrollment data for the past decade, as depicted in the table below, enrollment reached a peak of 1,846 students in 2014-2015 (highlighted) and has since fluctuated over the succeeding seven (7) years with overall enrollment decreasing.

[61] http://www.p12.nysed.gov/mgtserv/propertytax/#Data
[62] https://data.nysed.gov/expenditures.php?year=2019&instid=800000036781
[63] https://data.nysed.gov/profile.php?instid=800000036831

Table 32 – Westhampton UFSD Enrollment by Year

School Year	Enrollment	Increase/(-)Decrease
2021-2022	1,783	-20
2020-2021	1,803	25
2019-2020	1,778	-26
2018-2019	1,804	25
2017-2018	1,779	11
2016-2017	1,768	-21
2015-2016	1,789	-57
2014-2015	1,846	16
2013-2014	1,830	-12
2012-2013	1,842	10

As noted earlier, the Non-Resident Tuition in 2022 was approximately $24,729±. As the subject property does not currently contain any residential uses, no PSAC reside at the subject property.

Police Protection Services

The subject property is located within the service area of the Town of Southampton Police Department (hereinafter "Southampton PD"). The Southampton PD headquarters are located at 110 Old Riverhead Road in Hampton Bays, which is approximately 4.85 miles northeast of the subject property.

Consultations were undertaken with the Southampton PD through correspondence dated July 27, 2021 to advise of the proposed project and to request service-related information (see Appendix M of this DEIS). Pursuant to the response letter dated September 2, 2021, the Southampton PD is currently staffed with 100 full-time police officers, 15 part-time police officers, Bay Constables, Traffic Safety officers, as well as Court Officers. The Southampton PD also has 911 Dispatchers and civilian support personnel.

The Southampton PD serves as a Primary Dispatch location for most fire and emergency medical services (EMS) in the Town. Additionally, other Law Enforcement Agencies that operate in the Southampton PD's jurisdiction dispatch emergencies through coordination with the Southampton PD. The Southampton PD has an Emergency Service Unit, a Counter Terrorist Team, a Marine Unit, a Dive/recovery Unit, Unmanned Aircraft Systems Unit, Detective Division, Community Affairs Unit and a Media Relations Unit. All are appropriately equipped and available throughout the Town. Based on information provided, there were 20 calls to the Southampton PD for service to the subject property from the period of July 2020 to July 2021.

Fire and Ambulance Services

The subject property is located within the service area of the East Quogue Fire District which provides fire protection and ambulance services. The EQFD headquarters is located at 495 Montauk Highway in East Quogue, which is approximately four miles northwest of the subject property. The East Quogue

Fire District has another fire station located at 29 Head of Lots Road in East Quogue, which is approximately 5.9 miles northeast of the subject property.

Consultations were undertaken with the East Quogue Fire District through correspondence dated July 27, 2021 to advise of the proposed project and to request service-related information (see Appendix M of this DEIS). In correspondence dated August 23, 2021, from Lorraine Gregory, the Secretary of the Board of Fire Commissioners for the East Quogue Fire District, the Fire District currently has 62 active fire personnel and 15 volunteer EMS members. In 2020, there were 524 fire/rescue calls (with 388 fire/rescue calls to date for 2021) and 337 ambulance calls. The nearest fire house that services the subject site is located four (4) miles northwest and the estimated response time is five (5) minutes for fire protection services. For ambulance services, the estimated response time to the subject site is between three(3) and five(5) minutes.

Under existing conditions, there are no fire hydrants located on the subject property. As part of the proposed action, two (2) fire hydrants are proposed (see Overall Site Plan, Sheet C-002 in Appendix D of this DEIS). A discussion of the locations of the proposed fire hydrant is discussed below in Section 3.3.2 of this DEIS.

Public Water Supply

The subject property is located within the SCWA Distribution Area 20 for potable water supply. According to information from the *Suffolk County Water Authority 2023 Drinking Water Quality Report* (SCWA 2023 Report), in 2022, the SCWA system served 1.2 million people in 27 Distribution Areas.[64] To meet the water demand of its customers, SCWA pumped 72.2 billion gallons from 593 active wells in 2022. Based on SCDHS design flow factors, the SCWA supplies the existing development with approximately 3,360 gpd. According to the SCWA Distribution Maps, there is a 12-inch main on the portion of Dune Road fronting the subject property and an 8-inch water line extension serves the subject property.

Solid Waste Handling

The existing restaurant and marina are currently served via a private licensed waste carter. Based on information provided by the property owner, the licensed carter services the site three (3) times per week for the operational period of six (6) months. All waste is stored in three (3) eight (8)-yard containers located on-site. During the six (6)-month operational period, it is estimated the existing restaurant and marina generate 70.2 tons of solid waste.

Energy Supply

PSEG Long Island provides electricity to the existing development. The applicant also maintains three (3) 22-kilowatt (KW) LPG generators to supply back-up power to the office and restaurant/bar.

[64] http://s1091480.instanturl.net/dwqr2021/AWQR_51121_FINAL.pdf.

Parks and Recreational Services

The existing floating dock on the subject property serves visitors of the existing marina and offers private paddleboard and kayak rentals, tours and floating yoga. As the subject property is privately owned, the existing marina is not available or accessible to the general public unless scheduled to participate in paddle boarding or kayaking.

Directly north of the subject property is Shinnecock Bay which provides water-related recreational uses. To the south of the subject property along the south side of Dune Road are private residences which do not provide public access to the beach.

There is a public access point to Shinnecock Bay and the beach from Dolphin Lane which is approximately 860 ft east of the subject property. There are two (2) parking lots, one north and one south of Dune Road, that service these public access points. However, these parking areas are only for residents of the Town of Southampton between July 1 and Labor Day. Another public access point to the beach near the subject property is Triton Lane, which is approximately 0.87 miles southeast of the subject property. An excerpt from the *Parks and Recreation Facilities Brochure 2023* identifying Town-owned beach facilities and access, parks (water accessible), parks (waterfront), buildings and Trustee/Town access roads is provided as Figure 35 in Appendix A of this DEIS.

As noted in Section 3.2.1 of this DEIS, Dune Road is an urban minor arterial roadway with a general east to west orientation that is used to access Shinnecock Bay to the north and the beach to the south. The roadway provides one (1) lane of travel in each direction and has a posted speed limit of 40 mph. Along the site frontage, curb and shoulders are not provided along either side of the roadway, and on-street parking is not permitted along either side of the roadway. It is noted that this roadway does not provide bike lanes or sidewalks for recreational cyclists and pedestrians, respectively.

3.3.2 Potential Impacts

Projected Tax Generation

Consultations were undertaken with the Southampton Assessor for assessment valuation of the proposed multifamily residential development and post-development tax revenue (see Appendix N of this DEIS). To date, a response has not been received.

For the purpose of this DEIS, the full value for a multifamily development located at 538 Dune Road, Westhampton Beach (Baypointe Yacht Club) and the assessed value of the 2022-2023 Town of Southampton tax bill were evaluated for a potential total tax levy for the proposed development. The Baypointe Yacht Club includes 10 residential units on 5.2 acres of waterfront property, and based on the property tax bills for 2022-2023, each unit has a full value of $670,072 (see Appendix N for a copy of tax bill for Unit 1). The assessed value based on the 2022-2023 Town of Southampton tax bill is 79 percent of full value. Based on the full value of the Baypointe Yacht Club and the assessed value, as well as the tax rates, from the Southampton tax bill, the total tax levy for the proposed development of 25 units would be approximately $175,771.63.

Public School Districts

Upon implementation of the proposed project, the subject property would be redeveloped with multifamily residential use, which would result in a permanent resident population at the subject property with a potential for public school-aged children. In order to determine the potential number of school-aged children that could be generated, the residential demographic multipliers published by *Rutgers University, Center for Urban Policy Research (CUPR)*[65] and the *Long Island Housing Partnership (LIHP)*[66] were reviewed. The CUPR multipliers are based on census data from 2000 and provide factors for different housing categories as well as housing differentiated by housing value, housing size (bedrooms), and housing tenure. The Multifamily Housing on Long Island study published by LIHP is based on data collected from the number of school-aged children generated from existing multifamily developments in Suffolk County.

Table 33 and Table 34, below, indicate the anticipated PSAC population generation for each type of residential unit proposed using the appropriate factors from the studies cited above.

Table 33 – Projected Public School-Aged Children Generation (Rutgers CUPR Multipliers)

Type of Unit	Unit Count	Multiplier	Projected Number
Two-bedroom	14	0.09[(a)]	1.26
Three-bedroom	11	0.49[(b)]	5.39
TOTAL	**25**	**N/A**	**6.65 (7)**

Notes: [(a)]5+ Units-Own, 2 BR (All Values), [(b)]5+ Units-Own, 3 BR (All Values)

Using the Rutgers multipliers, approximately seven (7) school-aged children could be generated, which would represent approximately 1.95% of the East Quogue UFSD's 2021-2022 school year enrollment (359). The project's PSAC (7 students) would represent approximately 0.39% of the Westhampton Beach UFSD's 2021-2022 school year enrollment (1,783 students). It should be noted that the Rutgers study is from 2000 and it does not account for trends in the last two decades. Demographic changes have occurred in Suffolk County which have created a new housing demand that includes a higher proportion of multifamily units.[67] The demographic multipliers from 2000 are likely overstating the number of PSAC generated for the proposed multifamily residential development.

[65] Burchell, Robert W., David Listokin, William Dolphin Center for Urban Policy Research, Edward J. Bloustein School of Planning and Public Policy; *Residential Demographic Multipliers, Estimates of the Occupants of New Housing (Residents, School-Age Children, Public School-Age Children) by State, Housing Type, Housing Size, and Housing Price*. June 2006.
[66] Kamer, Pearl M, Ph.D., *Multifamily Housing on Long Island: Impact on Number of School-Age Children and School District Finances.* 2009.

[67] Suffolk County Department of Economic Development and Planning. *Framework for the Future – Suffolk County Comprehensive Master Plan 2035*.
https://www.suffolkcountyny.gov/portals/0/formsdocs/planning/CompPlan/Comp%20Master%20Plan%202035/ADASuffolkCounty_MasterPlanFINAL_07282015.pdf

Table 34 – Projected Public School-Aged Children Generation (LIHP Multipliers)

Type of Unit	Unit Count	Multiplier[(a)]	Projected Number
Two-bedroom	14	0.18	2.52
Three-bedroom	11	0.18	1.98
TOTAL	**25**	**N/A**	**4.5 (5)**

Note: [(a)]Ratio for multifamily housing complexes studied in Suffolk County

Using the LIHP multipliers, the project's PSAC (5 students) would represent approximately 1.39% of the East Quogue UFSD's 2021-2022 school year enrollment (359 students). The project's PSAC (5 students) would represent approximately 0.28% of the Westhampton Beach UFSD's 2021-2022 school year enrollment (1,783 students).

As indicated in Section 3.3.1 of this DEIS, the total per pupil expenditures for the East Quogue UFSD is approximately $34,396. If the proposed development were to generate five (5) to seven (7) elementary age school children, the District expenditure would increase by $171,980± to $240,770±. If the school-aged children are of secondary level, the Non-Resident Tuition that would be paid by the East Quogue UFSD to the Westhampton Beach UFSD would be $123,645± to $173,103± (based on the 2022 rate of $24,729±).

Based upon: (1) the current tax levy percentage of 81.78 for the East Quogue School; (2) an estimated full value of $670,072 per unit (using Baypointe Yacht Club in the absence of information from the Southampton Assessor – see discussion in *Projected Tax Generation* above); and (3) a total assessed value of $529,356.88± per unit (based on the 2022-2023 Southampton tax bill), the estimated tax revenue from all 25 units to the East Quogue School would be approximately $143,760.09± per year. Accordingly, the total cost to the District for a potential 5-to-7 school aged children would slightly exceed the revenue from the proposed multifamily development. However, residential land uses generally do not cover the per pupil expenditure rate of a school district. Also, this proposed development is expected to be occupied by empty nesters, older and/or retired persons that do not have children attending the public schools.

As indicated in Section 3.3.1 of this DEIS, consultations were undertaken with the East Quogue UFSD and the Westhampton Beach UFSD in correspondence dated July 27, 2021 to advise of the proposed development and the projected number of school-aged children (see Appendix M of this DEIS). To date, no response from either District has been received.

Based on the above analyses, the proposed development is not expected to result in any significant adverse impacts to either of the school districts.

Police Protection Services

The subject property is in the service area of the Southampton PD for police protection. As described in Section 3.3.1 of this DEIS, consultations were undertaken with the Southampton PD. In response correspondence, the Southampton PD advised that they responded to 20 calls from the subject

property between July 2020 and July 2021. There were service availability concerns related to the proposed development.

As indicated in Section 3.1.2 of this DEIS, the proposed development is projected to generate approximately 60-65 persons. Based on planning standards contained in the *Urban Land Institute (ULI) Development Impact Assessment Handbook* (1994), two police officers and 0.6 police vehicle are required per 1,000 individuals. Based on these factors, the projected maximum of 65 persons would generate a demand for 0.13± and 0.04± additional police personnel and vehicle, respectively. Thus, it is expected that the proposed development would have a minimal impact on the Southampton PD.

Furthermore, based on the current tax levy of 4.00 percent and an assessed value of $529,356.88± per unit, the proposed development would generate approximately $7,033.83± in tax revenue to the Southampton PD.

Fire and Ambulance Services

Based on planning standards contained in the *ULI Development Impact Assessment Handbook* (1994), it is estimated that 1.65 fire personnel per 1,000 individuals is required to serve a new population. Based on these factors, the projected maximum of 65 persons would generate a demand for 0.11± additional fire personnel. Based on the *ULI Development Impact Assessment Handbook* it is estimated that one EMS vehicle and 4.1 EMS personnel per 30,000 individuals would be required to serve a new population. Based on these factors, the projected maximum of 65 persons would generate a demand for 0.002± and 0.009± additional EMS vehicle and personnel, respectively.

The subject property is in the service area of the East Quogue Fire District for fire protection and ambulance services. As noted in Section 3.3.1 of this DEIS, consultations were undertaken with the East Quogue Fire District, and a letter response was received on August 23, 2021 from the Secretary of the Board of Fire Commissioners, Lorraine Gregory (see Appendix M of this DEIS). For ambulance services, the letter indicated that the nearest hospitals are Peconic Bay Medical Center in Riverhead and Stony Brook Southampton Hospital in Hampton Bays. The Board of Fire Commissioners also requested clear access both outside and inside of the proposed buildings, as well as mechanical equipment for access to living areas above the first floor. The proposed action would include clear access through individual driveways and separate entryways. Additionally, all mechanical equipment would be placed on the first floor (exclusive of the garage). As such, the proposed development would comply with these requests.

As shown on the Overall Site Plan (see Sheet C-002 in Appendix D of this DEIS), the proposed development would include two fire hydrants. One fire hydrant would be located in the northern portion of the subject site near the pool deck, and another would be located in the southern portion of the subject site between Unit #1 and the STP area.

Furthermore, based on the current tax levy of 5.91 percent and an assessed value of $529,356.88± per unit, the proposed development would generate approximately $10,391.28± in tax revenue to the East Quogue Fire District.

Public Water Supply

Upon implementation of the proposed action, the total water demand would increase to 7,500± gpd. Consultations were undertaken with SCWA regarding the increase in water demand for the proposed development. In correspondence dated October 12, 2022, SCWA indicated there is sufficient capacity to service the proposed development (see Appendix H of this DEIS).

Solid Waste Handling

Based on a factor of 4.9 lbs. per person per day (as indicated in Section 1.4.9 of this DEIS), with a projected maximum population of 65 persons, the estimated solid waste generation would be 4.85± tons per month at 100 percent occupancy, as demonstrated below.

4.9 lbs./person/day x 65 projected people	= 319± lbs. per day
(319± lbs. per day x 365 days)/12 months	= 9,703± lbs. per month
9,703± lbs. per month/2000 lbs.	= **4.85± tons per month**

The proposed action would include the use of a licensed private carter service for the collection and handling of all solid waste from the proposed development. Solid waste is expected to be picked up from trash receptacles in individual driveways. Recycling would be implemented with separate trash receptacles.

As evaluated in Section 3.3.1 of this DEIS, during the six (6)-month operational period, it is estimated the existing restaurant and marina generate 70.2 tons of solid waste, which is also handled by a licensed private carter. Accordingly, the proposed action would generate less solid waste than that which is currently generated (i.e., 29.1 tons in six months vs. the existing 70.2 tons in six months). Accordingly, the proposed development would not result in significant adverse impacts associated with solid waste generation.

Energy Supply

The proposed development would be supplied electricity via the existing PSEG Long Island infrastructure. The existing overhead utility wires along Dune Road would remain and the utility wires extending into the subject property for the proposed development would be buried underground. As part of the site redevelopment, four (4) existing LIPA poles on-site would be removed. Consultations are being undertaken with PSEG Long Island and service availability is expected. Should additional improvements be required for the proposed development, the applicant would undertake same in coordination with PSEG Long Island.

It is noted the Suffolk County Energy and Climate Action Office has initiated a County-wide initiative called Community Choice Aggregation (CCA).[68] This initiative is an energy procurement strategy which allows local communities to choose their electricity provider through a competitive bid process on behalf of the municipality's residents and small businesses. By purchasing electricity for the entire

[68] https://www.suffolkcountyny.gov/Departments/Economic-Development-and-Planning/Business-Development-and-Communications/Energy-and-Climate-Action

Town, lower electricity rates can be negotiated, and savings can enable the Town to switch to 100 percent clean and renewable energy for less than the current electrical rates.

The Town of Southampton created a CCA program called Choice Community Power which provides residents and small business owners the option to pay for cleaner renewable energy rather than receive their electricity from the grid.[69] As outlined in the 2013 Sustainability Element, the Town currently has a goal of 100 percent renewable for electricity by 2025.[70] Residents of the proposed residential units will therefore have the opportunity to choose their electrical provider and help reduce the carbon footprint of the proposed action.

With regard to lighting, all proposed lamp poles would be sited more than 30 ft from the side and rear property lines, in accordance with §330-346.D of the Town Code. Additionally, the proposed wall-mounted fixtures would comply with the permissible mounting height, all proposed lighting would be dark sky compliant and all proposed lighting fixtures would include a shielded LED luminaire to direct light downwards with no upward glare. As such, light pollution would be minimized and would not result in any adverse significant impacts.

The proposed development would comply with the NYStretch Energy Code 2020 and the 2020 Energy Conservation Construction Code of New York State (ECCCNYS) in accordance with §123-37.A of the Town Code. It is recognized that the Town Code §123-37.B.1.a sets forth energy rating index requirements for new residential dwellings. Specifically, for new residential dwellings under 4,500 SF of conditioned space, a minimum Energy Rating Index (ERI) of 50 or less is required. Additionally, it is acknowledged that Town Code §123-42 sets forth energy conservation standards for pools. The proposed design would comply with such energy conservation requirements.

Parks and Recreational Services

The proposed residential community would be constructed with an on-site inground swimming pool, cabana, and walking path to the waterfront. The existing floating docks would be maintained for use by residents only. It would be expected that residents of the community would also utilize the area beaches and open spaces, similar to other residents along Dune Road. Additionally, residents would have access to the Town-resident only public access points including Dolphin Lane and Triton Lane. Overall, no significant adverse impacts to public recreational resources would be expected.

3.3.3 Proposed Mitigation

The proposed development would not be expected to result in any significant adverse impacts to community facilities and services. The proposed action has incorporated the following measures that effectively mitigate any potential adverse impacts:

- Two (2) fire hydrants will be installed on the subject property. As there are no fire hydrants currently at the subject property, this will improve fire suppression efforts on site.

[69] https://www.southamptontownny.gov/1406/Community-Choice-Aggregation-CCA
[70] https://www.southamptontownny.gov/DocumentCenter/View/20421/Printout-27105-1052-M55196

- Access to both the inside and outside of the proposed condominium units as well as mechanical equipment for access to living areas above the first floor will be provided for fire protection and ambulance services.

- The proposed action will include an on-site inground swimming pool, cabana, and walking path to the waterfront for use by residents only.

- Energy conservation measures will be undertaken, including the installation of LED lighting for 100-percent of the proposed development; the proposed development will comply with the NYStretch Energy Code 2020 and the 2020 Energy ECCCNYS; and the proposed development will achieve a minimum Energy Rating Index (ERI) of 50 or less in accordance with §123-37.B.1.a of the Town Code.

3.4 VISUAL/AESTHETIC RESOURCES AND COMMUNITY CHARACTER

3.4.1 Existing Conditions

Aesthetic Resources

To evaluate the existing viewshed of the subject property and the surrounding area, site and area visits were conducted by PWGC in October 2020 and August 2021. Photographs taken during these site visits, with corresponding dates, are included in Appendix K of this DEIS.

Under existing conditions, the subject site is developed with a seasonal commercial restaurant and marina, setback approximately 340 ft north of Dune Road on Shinnecock Bay (see Photograph Nos. 1 through 15 in Appendix K of this DEIS). Existing, publicly accessible views of the subject property exist along the Dune Road frontage and from Sunset Avenue to the north of the subject property. Views from Dune Road are partially obstructed with existing vegetation along the site frontage (see Photograph Nos. 1 and 2 in Appendix K of this DEIS). From the southern terminus of Sunset Avenue to the north, located approximately one mile north of the subject property on the mainland (see Photograph No. 17 in Appendix K of this DEIS), the shoreline of Shinnecock Bay is visible and dominated by large open space areas and residential uses along Dune Road.

The surrounding area can generally be described as a coastal mixed-use neighborhood with open space, recreation and residential uses (see Photograph Nos. 16, 18 through 30 in Appendix K of this DEIS). The streetscape along Dune Road includes views of overhead utility wires and dense vegetation with intermittent views of single-family residences on the south side of Dune Road and unobstructed views of Shinnecock Bay with low coastal vegetation on the north side of Dune Road (see Photograph Nos. 19, 22, 26 and 28 through 30 in Appendix K of this DEIS).

Community Character

As discussed in Section 3.1.1 and illustrated on Figure 5 in Appendix A of this DEIS, the land uses within a 1,000-ft radius include Town-owned open space, surface water bodies (i.e., Shinnecock Bay and the Atlantic Ocean), single-family residences as well as multifamily residences of variable heights along

Dune Road. The zoning is also consistent with the existing land uses (see Figure 4 in Appendix A of this DEIS). Based upon the land uses and zoning designations within a 1,000-ft radius of the subject property, the character of the community is representative of a suburban coastal neighborhood with residences (i.e., single-family and multifamily) to the north and south of Dune Road, interspersed with beach areas and surface water bodies, public access/parking areas to the south, and open space.

Dune Road, on which the subject property fronts, is designated as a scenic road corridor in the 1999 Comprehensive Plan Update, which is defined as "those roads or portions of roads in Southampton that contain exceptional examples of historic, agricultural, natural and cultural features. The purpose of Scenic Road Corridors is to provide a framework that protects the high quality of scenic characteristics in the Town" (page 114). The 1999 Comprehensive Plan Update identifies four types of scenic areas: (1) scenic view, (2) scenic landscape, (3) scenic hamlet area and (4) gateway. The views of Shinnecock Bay and associated wetland areas from Dune Road would designate the scenic areas of the subject property as scenic views.

3.4.2 Potential Impacts

Aesthetic Resources

Overall Site Layout

Upon implementation of the proposed action, the existing Dockers Waterside Restaurant would be demolished, and the site would be redeveloped as a multifamily residential community. The proposed development layout orients the residential units towards the proposed internal gravel driveway, with a swimming pool and cabana at the northerly extent of the driveway. This recreational area for residents allows for enjoyment of Shinnecock Bay views. Visually, the condominium units would be set back a minimum of 50 ft from Dune Road. The proposed STP would be situated in the southwest portion of the site, set back approximately 130 ft from Dune Road and buffered with vegetation.

Redevelopment of this site includes the establishment of native wetland buffers around the development footprint, resulting in an increase of 0.91± acre of native habitat. The minimum buffer width proposed is 50 ft on the north (bulkheaded) side of the site; and 75 ft on the east and west sides of the site. Buffer areas would be planted with native vegetation, as illustrated on the Landscape Plan (see Sheet C-600 in Appendix D of this DEIS). The removal of existing structures east of the bulkhead would also facilitate restoration of a natural shoreline with 0.02± acre of intertidal and high marsh wetland habitats. As noted on the Landscape Plan (see Sheet C-600 in Appendix D of this DEIS), the following species are proposed for planting: smooth cordgrass (*Spartina altemiflora*) (2± ft at full maturity), switchgrass (*Panicum virgatum*) (2± ft at full maturity), seaside goldenrod (*Solidago sempervirens*) (3± ft at full maturity), american beach grass (*Ammophila breviligulata*) (3± ft at full maturity), salt hay (*Spartina patens*) (5± ft at full maturity), beach plum (*Prunus maritima*) (6± ft at full maturity), marsh elder (*Iva frutescens*) (6± ft at full maturity), bayberry (*Morella pensylvanica*) (12± ft at full maturity) and groundsel bush (*Baccharis halimifolia*) (15± ft at full maturity).

Proposed Architectural Design

As indicated on the floor plans and building elevations prepared by the project architect, Shawn F. Leonard, P.C. (see Appendix O of this DEIS), the proposed architectural design includes four (4) townhouse style buildings, each 32 ft in height with modern, coastal-style façades. The unit sizes would range from 1,600± SF (two-bedroom unit) to 2,000± SF (three-bedroom unit), and each would have a two-car garage. The garages would be situated from 7.15 ft and 7.80 ft AMSL and the FFE would range from 14.55 ft AMSL or 14.65 ft AMSL, depending on the unit type.

The east and west façades would include a row of windows and balcony for each story, thus maximizing views and natural daylighting. The inner condominium units facing the proposed internal driveway would include a set of stairs to access the front door and a two (2)-car garage on the ground level. The outer condominium units would include spiral staircases for access to the rooftop from either the first or second floor balcony (see Sheet R1 in Appendix O of this DEIS). The north and south façades would also include two (2) rows of windows. The south façades would incorporate shading to complement the surrounding on-site plantings. The north façade would include an attached two (2)-story cabana equipped with roof deck, sitting area, bar, swimming pool and gym (see Sheets A2 and A3 in Appendix O of this DEIS). As part of the proposed action, all architectural elevations, renderings, building prototypes and designs will be submitted for review by the Board of Architectural Review.

According to the project architect, all of the siding would include a finished cement board, with the majority of the walls to be light gray clapboard and the tower section also to be light gray, large flat panels with minimal joints. The design of the proposed garages would be open-air with slotted walls. Lastly, the southern walls of the condominium units facing Dune Road would be finished with a solid mahogany screen wall over the finished wall. The windows and doors would be made of black extruded aluminum and the guardrails would be constructed of glass, metal and wood. The handrails would be natural, solid mahogany with a silver powder coated metal frame, and the panels would be clear tempered glass. It is noted that the proposed STP control building, as well as the proposed cabana, would both include similar materials as the proposed condominium unit buildings. Specifically, the STP control building would be finished with the same materials and the walls would be clapboard covered with a mahogany screen wall. The cabana would be finished to match the condominium unit buildings and the walls would be light gray with a combination of clapboard and flat panels.

Proposed Outdoor Lighting

As indicated on the proposed Lighting Plan (see Sheet LT-100 in Appendix D of this DEIS), the proposed site lighting would include six (6) exterior pole-mounted light fixtures at 10± ft in height and would be equipped with housing shields to direct light downward. The light poles would be installed along the perimeter of the parking areas and internal driveway, as well as near the proposed STP and proposed pool area. Additionally, shielded wall-mounted fixtures are expected to be installed at entryways and garages of the individual condominium units. The proposed site lighting has been designed to illuminate the subject property in an efficient manner that would minimize nuisances from light intensity, glare and light trespass. A photometric analysis of the proposed lighting was performed (see Sheet LT-100 in Appendix D) and indicates there would be no off-site or trespass. An analysis of the specific standards set forth in Chapter 330 of the Town Code is included below.

Compliance with Chapter 330 Article XXIX (Outdoor Lighting)

The Town of Southampton regulates outdoor lighting in Chapter 330 Article XXIX of the Town Code. The general standards for all outdoor lighting standards are set forth at §330-345 and ensures there would be no nuisance lighting, excessive lighting and energy consumption, glare, light trespass, unnecessary skyglow, unnecessary detriment to species in natural communities proximate to lighting locations, and no interference with pedestrian or vehicular travel on streets, roadways and highways. Specific standards for residential lighting are set forth in §330-346 (*Residential Lighting Standards*) of the Town Code and lighting plans are subject to approval by the Town Planning Board. The relevant standards of Chapter 330 Article XXIX of the Town Code and the proposed action's consistency therewith follows.

§330-346. Residential lighting standards.

A. Nuisance prevention. Outdoor lighting on residential properties shall be designed and installed so that all light which is emitted by any outdoor light fixture shall not shine on or illuminate any neighboring property. No outdoor lighting shall be maintained or operated in such a manner so as to be nuisance lighting, as defined in §330-341.

As illustrated on the proposed Lighting Plan (see Sheet LT-100 in Appendix D of this DEIS), there would be no off-site or trespass lighting. All lamp poles as well as all wall-mounted, building fixtures would include a shielded LED luminaire to direct all light downwards with no upward glare. As such, the proposed action would be consistent with this standard.

B. Shielding. All outdoor lighting fixtures shall be fully shielded and aimed straight downward, with the following exceptions:
(1) Outdoor lighting fixtures with total light output of 900 lumens or less (60 watts incandescent or less) are exempt from the shielding and aiming requirement above.
(2) Unshielded outdoor lighting fixtures operated by motion sensors are permitted, provided that:
(a) The fixture is set to go on only when activated and to go off within five minutes after activation has ceased; and
(b) The sensor shall not be triggered by activity off the property; and
(c) The output per fixture does not exceed 1,800 lumens (100 watts incandescent).
(3) Unshielded floodlights not exceeding 1,800 lumens per fixture (100 watts incandescent) are permitted, provided they are aimed no higher than 45° and do not cause nuisance lighting, as defined in §330-341.
(4) Driveway lighting. Unshielded fixtures installed in or on a pillar or post at the foot of a driveway may not exceed 250 lumens (25 watts incandescent) per pillar/post.

The proposed exterior site lighting would consist of six (6) pole-mounted light fixtures and equipped with housing shields to direct light downward. As such, the proposed action would be consistent with this provision of the Town Code.

C. Mounting height.
(1) The mounting height of a fixture attached to any structure shall not exceed 12 ft from the lowest light-emitting point on the fixture to the area to be lit directly below the fixture, except for fully recessed soffit lighting that otherwise complies with this article.
(2) The mounting height of any freestanding light fixture shall not exceed 10 ft and, when located in side and/or rear yards, shall meet the setback requirements of Subsection D below, unless otherwise authorized by the Town.

The proposed exterior site lighting would consist of six (6) pole-mounted light fixtures at 10 ft in height and equipped with housing shields to direct light downward. These would be installed along the perimeter of the parking areas and internal driveway, as well as near the proposed STP and proposed pool area. Additionally, all proposed lamp poles would be sited more than 30 ft from the side and rear property lines, in accordance with §330-346.D of the Town Code. The proposed wall-mounted fixtures would comply with the permissible mounting height. It is also noted that all proposed lighting would be dark sky compliant. As such, the proposed action would be consistent with this provision of the Town Code.

D. Setback. The setback for freestanding light fixtures from closest side and/or rear yard property lines shall be greater than or equal to three times the mounting height.

As the mounting height for the proposed lamp poles would be 10 ft, the setback requirement for such poles would be a minimum of 30 ft. All proposed lamp poles would be sited more than 30 ft from the side and rear property lines (see Sheet LT-100 in Appendix D of this DEIS). As such, the proposed action would be consistent with this provision of the Town Code.

E. Hours of operation. Automated shutoff controls for outdoor lighting are encouraged to conserve energy, to extinguish lighting that is not needed for safety, and to alleviate nuisance lighting.
(1) Nonessential outdoor lighting shall not remain on continuously from 12:00 midnight until dawn.
(2) Essential outdoor lighting sufficient for security purposes may be in operation continuously from 12:00 midnight until dawn, provided that illumination on the ground or on any vertical surface is not greater than 0.5 footcandle.

In accordance with this standard, all nonessential outdoor lighting would be programmed to turn off from midnight until dawn. All essential lighting for security purposes would remain on during nighttime hours but would not be illuminated greater than 0.5 footcandle.

F. No light fixture on a residential property (other than sports lighting) shall have a total light output exceeding 2,600 lumens (150 watts incandescent).

As indicated on the proposed Lighting Plan (see Sheet LT-100 in Appendix D of this DEIS), all lighting fixtures would be 100 watts and installed perpendicular to the poles. All proposed lighting fixtures would include a shielded LED luminaire to direct all light downwards with no upward glare. As such, the proposed action would be consistent with this provision of the Town Code.

Proposed Planting Plan

The proposed planting plan includes native plantings to compliment the coastal environment. New buffer areas would be planted with American beach grass (*Ammophila breviligulata*), little bluestem (*Schizachyrium scoparium*), seaside goldenrod (*Solidago sempervirens*), bayberry (*Morella pensylvanica*), beach plum (*Prunus maritima*), switch grass (*Panicum virgatum*), groundsel bush (*Baccharis halimifolia*), and salt hay (*Spartina patens*). The proposed sanitary treatment plant will also be planted with native herbaceous plants to provide additional ecological benefits, such as wildlife habitat and elimination of fertilizer and irrigation requirements, compared to turfgrass. These native plantings will result in an increase in 0.91± acre of maritime upland habitats and native landscaping and 0.02± acre of tidal wetlands habitats compared to existing conditions.

The proposed increase in 0.91± acre of maritime upland habitats and 0.02± acre of tidal wetlands compared to existing conditions would result in increased habitat availability for the plants, birds, and wildlife that currently utilize these habitats. In addition, the proposed action would result in an increase in habitat quality at the site as some areas that are dominated by invasive plants, such as Japanese black pine (*Pinus thunbergii*), autumn olive (*Elaeagnus umbellata*), Japanese knotweed (*Reynoutria japonica*), would be re-vegetated with the aforementioned native maritime plants. The expanded wetland buffers and increased upland habitat would have a resultant benefit to wildlife by providing: (1) additional foraging and breeding habitat for coastal wildlife; (2) better travel corridors with native vegetation for wildlife along the margins of the tidal wetlands; and (3) better visual screening of human activity thereby increasing the quality of the nearby wetland habitats for wildlife breeding and foraging.

Proposed Signage

The proposed signage would include a mounted wood sign similar to the existing Dockers Waterside sign. The proposed sign would include the development name, "Sunset Harbor" and address (see Rendering 11 in Appendix O of this DEIS). A single shielded light for illumination would also be installed. The proposed sign would comply with the design guidelines set forth in §330-210.1 of the Town Code.

Post-Development Viewshed

To depict the post-development views of the proposed development, the project architect has prepared renderings from select existing condition photographs at locations to the south and north of the subject site, including: (1) 95 Dune Road – residential land use to the southeast of the site; (2) 101 Dune Road - Round Dune multifamily development to the south of the site; (3) Dune Road fronting the subject site; and (4) waterfront adjacent to the subject site. All renderings are included in Appendix O of this DEIS and a description follows.

Renderings 1 – 3: Views of the Proposed Development from 95 Dune Road

Renderings 1 through 3 illustrate elevated views of the subject property and proposed development from 95 Dune Road, looking northwest and north. As illustrated on the renderings, the proposed

development would be visible from the elevated viewpoint. As shown on Renderings 1 and 2, the proposed development would be visually consistent with the height and density of the multifamily development at 101 Dune Road. Additionally, the renderings demonstrate that the proposed development would not impede the existing expansive waterfront views from 95 Dune Road.

Renderings 4 – 9: Views of the Proposed Development from 101 Dune Road

Renderings 4 through 9 illustrate elevated views of the subject property and proposed development from the multifamily residential buildings at 101 Dune Road (Round Dune), looking north, northeast and northwest. As illustrated, the proposed building setback from Dune Road as well as the proposed plantings along the south side would effectively soften views from 101 Dune Road. Of importance, the proposed development would not impede the waterfront views from 101 Dune Road.

Rendering 10 – Waterfront View of the Proposed Development Facing South

Rendering 10 illustrates the elevated waterfront view of the subject property and proposed development. As illustrated, the waterfront views would include the side facades of two condominium buildings, the existing floating docks to remain in Shinnecock Bay, on-site plantings and proposed cabana and associated pool deck area. The rendered development demonstrates that the proposed use would be visually compatible with the surrounding residential use.

Rendering 11 – Street-Level View of the Proposed Development Facing North

Rendering 11 illustrates the street-level view of the subject property and proposed development from Dune Road. As depicted on Rendering 11, signage for the proposed development would be visible from the roadway and is similar to the existing Dockers Waterside sign. The proposed condominiums, plantings, gravel driveway, and STP control building would be visible to passersby. The existing distant water views from this direct north viewpoint would be largely obstructed by the proposed development.

Community Character

Upon implementation of the proposed action, the subject property would be converted from a restaurant and marina use to a multifamily residential townhouse community, which would be consistent with the residential land uses in the surrounding area as well as the multifamily residential development directly south of the subject property. The viewshed would be visually altered from that of a commercial restaurant with large parking area, to a residential condominium development. However, the visual changes would not adversely impact the character of the area given the project's compatibility with the surrounding residential land uses.

As indicated in Sections 2.2.2, 3.1.1 and 3.4.1 of this DEIS, Dune Road is identified as a significant scenic area and scenic road in the area of the subject property. The northern side provides an un-interrupted view of Shinnecock Bay with scattering of residences and Town facilities along the southern portion along the ocean. The proposed design considers the roadway, which provides an important scenic resource and sense of place.

Upon implementation of the proposed action, the viewshed would be visually altered from that of a commercial restaurant with large parking area, to a residential condominium development. The proposed site layout situates the condominium buildings lengthwise, north to south, such that the waterfront views would be limited to the side facades of two buildings and waterfront amenities, including swimming pool and cabana (see Rendering 10 in Appendix O and additional analysis above). From Dune Road, the views also encompass the side facades of two buildings, interior drive aisle and plantings, unlike the views of the Round Dune Villas opposite the site which includes an asphalt parking lot along the lot frontage and multi-story circular buildings in the foreground (see Rendering 11 in Appendix O and additional analysis above). As evaluated earlier in this section, the proposed architectural design includes a variety of materials and colors that would be consistent and complement the character of the surrounding waterfront setting. The proposed landscaping plan would increase the area of native habitat and restore wetland areas on the subject property as compared to existing conditions. The proposed development also reduces the area of impervious surfaces and introduces a residential land use that is consistent with the surrounding residential properties.

Overall, based on the above, the proposed development would not result in significant adverse impacts to the neighborhood character.

3.4.3 Proposed Mitigation

No significant adverse impacts to aesthetics and community character would be expected from the proposed action, and thus, mitigation is not required. A summary of the measures included in the proposed project that effectively minimize or eliminate any potential adverse impacts follows:

- The proposed landscape plan includes vegetative buffers for perimeter screening to reduce visual impacts from the proposed development.

- All lighting will comply with Chapter 330 Article XXIX of the Town Code and will not result in any off-site impacts. The proposed lighting plan includes 10-ft lamp poles, which would include a shielded LED luminaire to direct all light downwards with no upward glare. All wall-mounted, building fixtures will also be shielded LED luminaires.

- The proposed design includes a variety of material and colors that would be consistent and complement the character of the surrounding waterfront setting.

- The proposed site layout situates the condominium buildings lengthwise, north to south, such that the waterfront views would be limited to the side facades of two buildings and waterfront amenities, including swimming pool and cabana; from Dune Road, the views also encompass the side facades of two buildings, interior drive aisle and plantings.

3.5 PUBLIC HEALTH

3.5.1 Existing Conditions

Flooding Potential

As noted in Section 2.2.1, the coastal location of the subject property makes it susceptible to coastal flooding from storm events and localized flooding from rain events. During a site visit conducted by PWGC on August 5, 2021, puddling at low points on the subject site and at the driveway apron were observed as a result of rain earlier in the day. With regards to the conditions on Dune Road, no ponding was observed. It is important to note a resurfacing project was completed along Dune Road in 2017 to alleviate roadway flooding.

The entirety of the subject property is within a FEMA SFHA. However, the subject site where the existing commercial restaurant with marina are located is within Zone AE: BFE 12 ft (see Figure 7 in Appendix A of this DEIS). Additionally, the NOAA SLOSH modeling and National Storm Surge Hazard Map indicate the subject property is subject to storm surge from the following hurricane conditions on the Saffir-Simpson Scale: Category 1 and Category 2 hurricanes could generate storm surge greater than six ft above ground and Category 3 and 4 hurricanes could generate storm surge greater than nine ft above ground (see Figure 9 in Appendix A of this DEIS). Based on the data gathered by the USGS following Superstorm Sandy and shown on the UGS Flood Event View for Superstorm Sandy, the monitoring location 0.25 miles southwest of the subject property had a high-water mark of 6.4 ft AMSL.

Town of Southampton EVAC Zones

The Town of Southampton has created an interactive EVAC Zones Locator Tool to assist residents in determining their evacuation zones in the event of a hurricane requiring evacuation.[71] The zones were determined utilizing the SLOSH model projections for the Town of Southampton. The subject property is located within the evacuation zone for both Category 1 and Category 2 hurricanes (see Figure 36 in Appendix A of this DEIS). As indicated in Section 2.2.1, Category 1 and 2 hurricanes can include storm surge where water is greater than six (6) ft above ground. The evacuation routes from the subject property are discussed in Section 3.5.2 of this DEIS.

US Fish and Wildlife Services Coastal Barrier Resources System (CBRS)

The John H. Chafee CBRS was established through the Coastal Barrier Resources Act (CBRA) of 1982, "*to minimize the loss of human life, wasteful expenditure of federal revenues, and the damage to fish, wildlife, and other natural resources associated with the coastal barriers… by restricting future federal expenditures and financial assistance which have the effect of encouraging development of coastal barriers…*" These areas are relatively undeveloped coastal barriers and other areas located along the coasts of the Atlantic Ocean and Gulf of Mexico. The Coastal Barrier Improvement Act (CBIA) of 1990 reauthorized the CBRA to include the Florida Keys, Great Lakes, U.S. Virgin Islands, and Puerto Rico and the inclusion of a new coastal barrier known as "Otherwise Protected Areas (OPAs)".[72]

[71] https://www.southamptontownny.gov/223/EVAC-Zones-Locator-Tool
[72] https://www.fws.gov/node/263837

There are two types of units within the CBRS – Systems Units (SUs) and OPAs.[73] An SU includes areas that were predominately undeveloped when designated as part of the CBRS and include mostly privately-owned areas and areas held for conservation and/or recreation opportunities. Boundaries for SUs typically follow geomorphic, development, or cultural features. New federal expenditures and financial assistance are not permitted within SUs nor is the issuance of federally backed flood insurance policies. Federal expenditures and financial assistance from the federal government is permitted in OPAs; however, the issuance of federally backed flood insurance policies is not permitted.

It is important to note, however, that the CBRA does not prohibit private, state or local funds from being spent within the CBRS.

As indicated in Section 2.2.1 of this DEIS, the eastern portion of the subject property, inclusive of the eastern parking lot and restaurant, is within CBRS Tiana Beach Unit F13 map, dated October 15, 1992 (see Figure 8 in Appendix A of this DEIS). This figure indicates the CBRS SU in which the subject property is located was established October 18, 1982 and the flood insurance exclusion date for a portion of the subject property is October 1, 1983. However, the subject property has been proposed for removal from the CBRS following the submission of the final report to the United States Congress in April 2022. The report outlined final recommended maps for congressional review and subsequent passing of legislation to formally change the maps. The USFWS submitted the final report to the United States Congress in April 2022 outlining final recommended maps for congressional review and subsequent passing of legislation to formally change the maps. The official amendment is pending. The proposed action's impact within the CBRS is discussed in Section 3.5.2 of this DEIS.

National Flood Insurance Program

Pursuant to 44 CFR §59.2(a) Description of Program, "*The National Flood Insurance Act of 1968 was enacted by title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448, August 1, 1968) to provide previously unavailable flood insurance protection to property owners in flood-prone areas.*"[74] The NFIP is managed by FEMA and underwritten by insurance companies. There are approximately 23,000 communities that participate in the NFIP, including the Town of Southampton.[75],[76]

In order to quality for flood insurance, a participating community is required to complete the following:

> *(b) To qualify for the sale of federally-subsidized flood insurance a community must adopt and submit to the Federal Insurance Administrator. as part of its application, flood plain management regulations, satisfying at a minimum the criteria set forth at part 60 of this subchapter, designed to reduce or avoid future flood, mudslide (i.e., mudflow) or flood-related erosion damages. These regulations must include effective enforcement provisions.*

[73] https://www.fws.gov/node/263837
[74] https://www.ecfr.gov
[75] https://www.fema.gov/flood-insurance
[76] https://www.fema.gov/cis/NY.pdf

As discussed in Section 2.2.1 of this DEIS, the Town of Southampton adopted Chapter 169, *Flood Damage Prevention*, to minimize the threat and potential damage to the Town from flooding and erosion. Specifically, the Town included in the *Statement of Purpose* at §169-2(F) that the purpose of the ordinance is also to "qualify for and maintain participation in the National Flood Insurance Program."[77] At §169-10, the Town appointed the Town Building Inspector as the local floodplain administrator responsible for implementing the Town's NFIP program and ensuring permits and approvals granted area in accordance with the Town's floodplain ordinance.

Pursuant to the October 2022 *NFIP Flood Insurance Manual*, flood insurance may not be available to properties within the CBRS.[78] However, as discussed in Section 2.2.1 the subject property is insured through FEMA under the NFIP (see Appendix N of this DEIS) because the subject property is recommended for removal from the boundary of the CBRS pursuant to a LOMR issued by FEMA on February 15, 2019 and the April 2022 report submitted to the United States Congress by USFWS. The sign-off is still pending.

The proposed action's eligibility for flood insurance pursuant to the NFIP is discussed in Section 3.5.2 of this DEIS.

FIMP Proactive Breach Response Area

The Fire Island Inlet to Montauk Point, New York Combined Beach Erosion Control and Hurricane Protection Project (FIMP) is a 50-year $1.5 billion initiative by the United States Army Corps of Engineers (USACOE) to have an economically viable and environmentally conscientious plan that addresses the coastal storm risk management required to reduce risks while balancing local, state, and federal government needs. Additionally, it is the intent of the projects developed to result in no net loss of habitat or sediment.[79] The FIMP covers efforts related to beach erosion control and hurricane protection for five reaches along Long Island's Atlantic Ocean coast. Funding for the project was appropriated as part of The Disaster Relief Appropriations Act of 2013 following Superstorm Sandy.[80].

The planning objectives of FIMP are:

- *Reduce tidal flooding on the mainland and barrier islands and attendant loss of life, property, and economic activity;*
- *Reduce damages to structures due to beach and bluff erosion in critical areas;*
- *Reestablish the natural coastal processes and utilize coastal process measures to reduce storm damages and provide resilience to the system; and*

[77] https://ecode360.com/8695509
[78] https://www.fema.gov/sites/default/files/documents/fema_nfip-flood-insurance-full-manual_102022.pdf
[79] https://www.nan.usace.army.mil/Portals/37/FIMP%20Final%20GRR%20Main%20Report%202020-09_SIGNATURE%20INSERTED_Updated_Cover_Page.pdf
[80] https://www.nan.usace.army.mil/Media/Fact-Sheets/Fact-Sheet-Article-View/Article/2407147/fact-sheet-fire-island-to-montauk-point-ny/

- *Ensure that any plans on lands within the Fire Island National Seashore is compatible with the goals and objects of the Fire Island National Seashore and is mutually acceptable to the Secretary of the Army and Secretary of the Interior* (page viii).[81]

The recommended plan includes the following key components:

- *Inlet sand bypassing;*
- *Mainland nonstructural measures;*
- *Breach response on barrier islands (proactive, reactive, conditional, and wilderness);*
- *Beach and dune fill on shorefront;*
- *Groin modifications;*
- *Coastal process features;*
- *Adaptive management; and*
- *Integration of local land use regulations and management* (pages 117-119).

FIMP estimated that without the implementation of the proposed projects, annual damages within the project area could reach over $206 mil (page 86).[82]

As discussed in the SCRWPP, specifically within the Town of Southampton FIMP would result in 30 years of beach renourishment and modification and protection of the Westhampton groin field, breach contingency plan to rapidly close breaches, and beach renourishment west of Shinnecock Inlet (page 56).[83]

The subject property is located within Project Reach Shinnecock Bay in Design Sub-Reach SB-1B – Sedge Island (page 125). This reach is approximately 10,200 ft in length and is included as part of the Shinnecock Inlet bypassing placement and the proactive breach response within FIMP. The proactive breach response is, "…an action that is triggered when the level of project performance at the shoreline falls below the condition under with the four percent flood would be capable of breaching the barrier island" (page118). The recommended berm for the proactive breach response is 9.5± ft high and 90 ft wide with a 13-ft dune (page 125). As outlined in *Appendix A5 – Triggers for Proactive Breach Response* in FIMP, the barrier island width ranges from 700 to 2,000 ft and the beaches are largely robust and the risk of breaching is relatively low (page 12).

The subject property is located within the project area known as FIMP Contract 3. Specifically, FIMP Contract 3 includes offshore dredging and sand placement along the ocean shoreline and offshore channel at Tiana Beach as part of a proactive breach response, which would include an approximate fill volume of 1,500,000 cy. Additionally, Contract 3 includes two (2) Coastal Process Features (CPFs #11 & #12).[84] "CPFs add height or width to the coastal system through sediment placement designed

[81] https://www.nan.usace.army.mil/Portals/37/FIMP%20Final%20GRR%20Main%20Report%202020-09_SIGNATURE%20INSERTED_Updated_Cover_Page.pdf

[83] https://www.southamptontownny.gov/DocumentCenter/View/7187/Southampton-Coastal-Resources--Water-Protection-Plan-April-2016-PDF

[84] https://govtribe.com/file/government-file/20230109-fimp-ct3-sba-dot-pdf

to mimic the coastal process of sediment overwash and ensure no net loss of sand" (page 115).[85] CPF #11 is located at 11 Dune Road, which is approximately 1.05 miles east of the subject property, and would include fill placement within the offshore channel and along the shoreline as well as groin removal. CPF #12 is located at Tiana Bayside Park, approximately 1.85 miles east of the subject property, and would include bayside fill placement along the channel and shoreline as well as the burial of existing gabions. The anticipated construction start date for FIMP Contract 3 is in the end of summer/fall of 2025.[86]

3.5.2 Potential Impacts

Town of Southampton EVAC Zones

As indicated in Section 3.2.2 of this DEIS and within the TIS, in accordance with Suffolk County evacuation guidelines, there are two evacuation options for the subject property (see Figure 36 in Appendix A of this DEIS).

1. The first option is evacuating to the nearest shelter, which is the Quogue Elementary School located approximately three (3) miles away. This would take approximately six (6) minutes by car and is the option recommended by Suffolk County in their Shelter Locator and Storm Surge Mapping Tool. It is important to note that according to the Shelter Locator and Storm Surge Mapping Tool, Quogue Elementary School is still within a storm surge zone, albeit a Category 4 zone rather than a Category 1 zone. Therefore, in the infrequent event of a Category 4 hurricane making landfall near the area, this shelter would not be a viable option, which would require evacuation to a different location. There are eight (8) other listed shelter facilities, within a seven (7)-mile (20-minute drive) radius of the property, offering plenty of alternative shelter locations within safe evacuating distance.

2. The second option for residents is to evacuate from the region to a friend's or relative's home in a safe area. Suffolk County details evacuation routes from coastal areas via Sunrise Highway (NYS Route 27) or Flanders Road (NYS Route 24). Sunrise Highway is accessible from the site within a 12-minute drive and Flanders Road is accessible from the site within a 16-minute drive. The Emergency Shelter and Evacuation Center Map and Suffolk County Coastal Evacuation Routes can be found appended to the TIS.

These evacuation options would be communicated to residents of the proposed community for safe travel from the site.

US Fish and Wildlife Services Coastal Barrier Resources System (CBRS)

Pursuant to the April 2022 report submitted to the United States Congress by USFWS and the LOMR issued by FEMA on February 15, 2019, the subject property is proposed for removal from the CBRS

[85] https://www.nan.usace.army.mil/Portals/37/FIMP_Final_GRR_Main_Report_2020-09_SIGNATURE INSERTED_Updated_Cover_Page.pdf
[86] https://southamptontownny.gov/faq.aspx?TID=77

boundary (see Appendix I of this DEIS) and is pending congressional adoption of legislation approving the modification of the existing CBRS map.

National Flood Insurance Program

As discussed in Section 3.5.1 of this DEIS, in April 2022, USFWS submitted the *Report to Congress: John H. Chafee Coastal Barrier Resources System Hurricane Sandy Remapping Project* to the United States Congress outlining final recommendations modifying the CBRS maps for congressional review and subsequent adoption of modifications through legislations. Within this report, as well as the a LOMR issued by FEMA on February 15, 2019, the subject property is recommended for removal from the boundary of the CBRS and as such, the subject property is insured through FEMA under the NFIP (see Appendix N of this DEIS). The residential development would be insured, as required and necessary, for the protection of its residents and all on-site structures.

FIMP Proactive Breach Response Area

As discussed in Section 3.5.1 of this DEIS, the subject property is located within the project area of FIMP Contract 3, which supports coastal storm risk management and erosion control and has an anticipated start date in the summer/fall of 2025.[87] The subject property would benefit from the implementation of FIMP Contract 3 as it provides erosion risk reduction via berm fill to the ocean shoreline, augments coastal resiliency with restoration of the barrier island and enhances the overall barrier island and natural system coastal processes.[88] The proposed action would not impede the success of FIMP Contract 3.

Proposed STP

As evaluated in Section 2.2.2 of this DEIS, the proposed STP would be situated at Elevation 12.5, which is consistent with FEMA guidelines for development and Chapter 169 of the Town Code. Additionally, the proposed STP would be designed in accordance with SCDHS regulations. While the required equalization pump station would be installed below the BFE, it would utilize flood proof hatches and ventilation for flood mitigation and ventilation piping would terminate above the BFE. Additionally, the STP control building would have electrical panels located above the BFE and all other equipment would be protected from flooding.

The treated effluent would discharge into an effluent leaching pool groundwater disposal system, with each leaching galley having an effective depth of two (2) ft and placed at top elevation of approximately 8.0 ft. In the event of flooding, where the flood waters are above the rim elevation of the leaching pools (i.e., above 8.0 ft), the leaching pools could be saturated with water. This would hinder the ability of water to drain from the process tanks into the leaching pools, and treated effluent waters in the leaching pools could mix with infiltrated flood waters.

It is noted that the importation of fill for the placement of the STP, STP control building and leaching galleys, and proposed elevation of all components, considers the elevation of Dune Road and the

[87] https://southamptontownny.gov/faq.aspx?TID=77
[88] https://govtribe.com/file/government-file/20230109-fimp-ct3-sba-dot-pdf

surrounding properties, as well as the elevation of on-site improvements. Additionally, the proposed design considers the SCDHS regulations. It is possible to further elevate all components of the STP should this be desired by the Town of Southampton.

Conclusion

As with other properties along Dune Road, the safety and welfare of residents and landowners rely heavily upon public notifications of storm events and/or breaches and required storm evacuation. The established evacuation routes would be followed by residents of the proposed development in the same manner as they are by others residing on Dune Road. The residential development would be insured, as required and necessary, for the protection of its residents and all on-site structures. Finally, as evaluated in the various sections of this DEIS, the proposed design considers all of the relevant standards and guidelines for development in this coastal setting, including, but not limited to the FEMA guidelines for development, to ensure the safety and welfare of all persons and structures. Accordingly, no significant adverse impacts to public health would be expected.

3.5.3 Proposed Mitigation

- The established evacuation routes will be followed by residents of the proposed development in the same manner as they are by others residing on Dune Road.

- The residential development will be insured, as required and necessary, for the protection of its residents and all on-site structures.

- The proposed design considers all of the relevant standards and guidelines for development in this coastal setting, including, but not limited to the FEMA guidelines for development, to ensure the safety and welfare of all persons and structures.

4.0 OTHER REQUIRED SECTIONS

4.1 CONSTRUCTION-RELATED IMPACTS AND MITIGATION MEASURES

4.1.1 Proposed Demolition and Construction Schedule

The proposed development would be constructed over a duration of 24 months, inclusive of demolition of existing structures, site preparation and construction of the proposed residential community. In accordance with §235-4(A)(2) and (3) of the Town Code, all construction would be limited to the hours of 7:00 am to 7:00 pm on weekdays and 8:00 am to 6:00 pm on Saturdays and Sundays.

Demolition

As indicated on the Demolition Site Plan (see Sheet C-003 in Appendix D of this DEIS), the existing one- and two-story restaurant building with tent, deck and awning, tennis court, sanitary system, and water service lines would be removed. The existing ramp, wood deck, and floating docks would remain. According to the project architect, the construction of the proposed action would produce approximately 800 cubic yards worth of debris materials. The debris would be placed in roll-off containers with 40 cubic yard capacity, which would be stored on-site and removed when filled. 20 roll-off containers are expected to be needed. All C&D debris would be removed from the site in accordance with NYSDEC Part 360.

The demolition phase is expected to be approximately 20 days, with a proposed commencement date of October 2026.

Construction

The proposed development is expected to be constructed in one phase and would be constructed over a duration of 24 months, inclusive of demolition of existing structures, site preparation and construction of the proposed residential community**.** As indicated in the construction schedule prepared by the applicant (see Appendix E of this DEIS), the proposed commencement date is October 2026 with project completion in September 2028. In accordance with §235-4(A)(2) and (3) of the Town Code, all construction would be limited to the hours of 7:00 am to 7:00 pm on weekdays and 8:00 am to 6:00 pm on Saturdays and Sundays.

Following demolition, site preparation would begin with the installation of utilities and the site would be regraded, as described in Section 1.4.3. Specifically, the grading program would result in approximately 3,554.51± cubic yards of soil material (fill). Site utilities (including the underground utilities, STP, underground sewage piping and underground site lighting conduits) would be installed throughout the site beginning mid-November 2026 until March 2027. Also, during this timeframe, rough grading of the internal roadway would be constructed between January 2027 to end of March 2027 with curbing added along the roadways from January 2027 to early March 2027.

Construction of the common areas would commence in January 2027 with completion in June 2027. During this same time, construction of the model building, including the exterior and finishes, would be completed. The construction of the remainder of the residential buildings would be broken up into three (3) construction groups which would have staggered and overlapping construction timeframes with each group taking approximately 225 constructions days to complete. In May 2027, Building Construction Group 1, including the exterior and finishes, would commence and is estimated to be completed in mid-November 2027. In mid-October 2027, Building Construction Group 2, including the exterior and finishes, would commence and is estimated to be completed in April 2028. Finally, in March 2028, Building Construction Group 3, including the exterior and finishes, would commence and is estimated to be completed in August 2028.

The remainder of the site elements which would include the construction of sidewalks, paving of the roadway and installation of street lighting would be installed beginning in mid-June 2028 until completion in September 2028. Once completed, demobilization would occur in late September 2028 to remove all construction equipment and contractors before project operations.

4.1.2 Proposed Building Foundations and Related Recommendations during Construction

In 2025, additional geotechnical work was performed, and based on soil properties, it was concluded that timber pile foundation would be required for the proposed residential structures and pool. The 2025 geotechnical investigation in Appendix F of this DEIS sets forth engineering design parameters and construction considerations for the project architect, at the time detailed construction plans are prepared. Included would be the performance of vibration monitoring during construction.

As indicated in the 2025 geotechnical investigation report, vibrations during pile installation would likely be perceptible to occupants within off-site neighboring structures and may cause movement of wall-mounted items. A vibration monitoring program during pile installation would detect any vibrations that exceed established thresholds. Vibration exceedances, if detected, would lead to stop of work and immediate adjustments to pile driving energy and/or implementation of vibration mitigation methods.

4.1.3 On-Site Construction Staging and Parking Areas

All equipment storage/staging would be located on-site in the upland are, as well as all contractor and worker parking.

4.1.4 Erosion and Sedimentation Controls

Based upon the proposed site plan, the total land area to be disturbed is approximately 2.92 acres. A Sediment and Erosion Control Plan has been prepared and is included as Sheet C-500 in Appendix D of this DEIS. The proposed erosion and sedimentation controls to be undertaken prior to and during construction would include, at minimum, stockpile protection, inlet sediment control devices for storm structure protection, silt fencing, and anti-tracking pads to prevent off-site sediment tracking from construction vehicles. All erosion and sediment control measures would be routinely inspected and maintained such that no sediment would be transported off-site. The proposed erosion and sedimentation controls would minimize the potential impacts associated with site development and construction activities to ensure proper function. Fugitive dust consists

of soil particles that become airborne when disturbed by heavy equipment operation or through wind erosion of exposed soil after groundcover (e.g., lawn, pavement) is removed. As dust mitigation, water would be applied during dry periods. Additionally, all soil stockpiles would be covered. A SWPPP would be prepared and would include a detailed erosion and sediment control plan to manage stormwater generated on-site during construction activities, as well as post-construction stormwater management in accordance with the *New York State Stormwater Management Design Manual* (NYSDEC, 2015) as well as the *New York Standards and Specifications for Erosion and Sediment Control* (NYSDEC, 2016). The SWPPP would also ensure compliance with the NYSDEC SPDES GP-0-20-001.

4.1.5 Construction Noise and Proposed Mitigation

In accordance with §235-4(A)(2) and (3) of the Town Code, all construction would be limited to the hours of 7:00 am to 7:00 pm on weekdays and 8:00 am to 6:00 pm on Saturdays and Sundays. The nearest area receptors would be the residential development to the south of the development site as the areas to the north, east and west of the subject property are either surface water or open space areas. As the proposed construction would be limited to non-sensitive hours in accordance with the Town Code and would be temporary, no significant adverse impacts are expected.

4.1.6 Construction Traffic and Proposed Mitigation

As analyzed in Section 3.2.2 of this DEIS, truck trip generation associated with site construction has been approximated to assess the short-term impacts of the project. As part of the demolition involved of the existing site features, demolition debris would be generated. As outlined in Task 5 of the construction schedule, demolition of the existing structures is anticipated to occur over a 20-day duration. The subject debris will be placed in receptacles that are stored on-site and will be removed. According to the project architect, the construction of the proposed action would produce approximately 800 cubic yards worth of debris materials. The debris would be placed in roll-off containers with 40 cubic yard capacity, which would be stored on-site and removed when filled. 20 roll-off containers are expected to be needed. Following the completion of demolition activities, the construction is expected to occur over a 679-day duration (start of Task 6 to finish of Task 27 on the Construction Schedule). As each roll-off container would need to be initially dropped off empty (i.e., one [1] trip entering, one [1] trip exiting) and carted off-site when filled (i.e., one [1] trip entering, one [1] trip exiting), approximately four (4) truck trips are associated with each roll-off container. Therefore, a total of 80 truck trips over the course of the 679-day construction period are expected. On average, this equates to less than one (1) truck trip per day during construction.

As part of construction activities to install the underground utilities, construct the STP and grade the site's roadways, soil movement is anticipated. Based on the Volume Analysis prepared by PWGC, a net fill of approximately 3,550 cubic yards is anticipated. Assuming the fill material is transported to the site in 30-cubic-yard truckloads, approximately 119 truckloads of soil to the site are expected. As outlined in Tasks 6 through 10 of the construction schedule (see Appendix E of this DEIS), the soil moving activities are anticipated to occur over a 100-day duration. As each truck delivering fill material to the site would subsequently depart the site, two (2) truck trips are associated with each delivery. Therefore, a total of 238 truck trips over the course of the 100-day soil movement period are expected. On average, this equates to less than three (3) truck trips per day during soil movement activities.

As shown in the construction schedule in Appendix E, all demolition and soil movement activities are slated to be completed outside of the local peak traffic conditions during the summer season. Based on the Multimodal Transportation Impact Analysis for Site Development published by ITE, a trip increase of fewer than 50 vehicle trips per hour would likely not change the LOS of the adjacent roadway system or appreciably increase the volume-to-capacity ratio of an intersection approach. As such, the construction vehicles associated with the proposed development are not anticipated to significantly impact the operations of the adjacent roadway network.

Construction Traffic Impacts During Summer Season

Trip generation associated with site construction during the summer season has also been approximated to assess the short-term impacts of the project. As outlined in the construction schedule (see Appendix E of this DEIS), construction during the summer of 2027 would include activities to finalize the construction of common areas (Task 12) and the model unit (Task 15) as well construction, exteriors, and finishes of Group 1 (Tasks 16-18). As part of this work, a crew of approximately 30 to 50 workers would be on-site. It is assumed that each crew member would result in one (1) entering trip in the morning and one (1) exiting trip in the evening. In addition to trips associated with crew arrival and departure, trips associated with material and equipment deliveries would occur daily. In connection with the aforementioned tasks, a maximum of 28 material deliveries and 15 equipment deliveries are expected over the course of the three-month 2027 summer season. Assuming each delivery results in one (1) trip entering and one (1) trip exiting, a total of 86 trips for material and equipment deliveries are expected over the summer season.

Similarly, as outlined in the construction schedule (see Appendix E of this DEIS), construction during the summer of 2028 would include activities to construct Group 3 and complete exteriors and finishes (Tasks 22-24) as well as work to construct sidewalks, complete roadway paving, and install street lighting (Tasks 25-27). As part of this work, a crew of approximately 30 to 50 workers would be on-site. In connection with the aforementioned tasks, a maximum of 15 material deliveries and 9 equipment deliveries are expected over the course of the three-month 2028 summer season. Assuming each delivery results in one (1) trip entering and one (1) trip exiting, a total of 48 trips for material and equipment deliveries are expected over the summer season.

As indicated above in this section of the DEIS, based on the Multimodal Transportation Impact Analysis for Site Development published by ITE, a trip increase of fewer than 50 vehicle trips per hour would likely not change the LOS of the adjacent roadway system or appreciably increase the volume-to-capacity ratio of an intersection approach. Based on the estimates described in this section, it is not anticipated that more than 50 vehicle trips related to construction would be generated in any single hour during the summer seasons of 2027 or 2028. As such, the trips associated with the construction of the proposed development are not anticipated to significantly impact the operations of the adjacent roadway network.

4.2 CUMULATIVE IMPACTS

It is recognized that other pending projects in the vicinity of the project site could result in cumulative impacts. Cumulative impacts, as excerpted from the SEQR Handbook (page 80), are those impacts that occur "…when multiple actions affect the same resource(s). These impacts can occur when the incremental or increased impacts of an action, or actions, are added to other past, present, and reasonably foreseeable future actions. Cumulative impacts can result from a single action or from two or more individually minor but collectively

significant actions taking place over time. Cumulative impacts do not have to all be associated with one sponsor or applicant. They may include indirect or secondary impacts, long-term impacts, and synergistic effects."

Information regarding other potential developments was requested by PWGC from the Town Planning Department (see correspondence dated July 16, 2021 and January 11, 2022 in Appendix P of this DEIS) and from Stonefield Engineering in October 2023 (see TIS in Appendix L of this DEIS). There was no response to the PWGC requests; however, based upon Stonefield's coordination, there are no pending developments that have the potential for cumulative impacts.

4.3 UNAVOIDABLE ADVERSE EFFECTS

The short-term impacts would occur during the proposed construction activities; however, these impacts would be temporary and cease upon completion of the construction phase of the project. These impacts would include:

- Construction-related impacts would result in a temporary increase in noise levels; however, construction would be undertaken in accordance with the regulations set forth by the Town.
- Fugitive dust may be generated during dry periods; however, watering methods will be used to mitigate fugitive dust to the maximum extent practicable.
- Construction-related traffic would result in a temporary increase in construction vehicles on the surrounding roadways.

Upon implementation of the proposed action, long-term adverse impacts that cannot be fully mitigated would occur. These impacts would include:

- The proposed action would increase the density of development and introduce a new long-term/permanent population to the subject property that would rely upon Town resources and services.
- Water usage for potable supply would increase for the proposed development; however, the SCWA has indicated service is already provided to the existing restaurant/bar and there is an availability of service to meet the projected demand.
- Sanitary waste generation would be increased from the proposed change of use; however, the proposed STP would comply with all regulatory standards and the proposed system is designed to protect groundwater resources by discharging effluent that meets Long Island drinking water nitrogen standards.
- It is recognized that Dune Road is a scenic resource, and the northern side provides an un-interrupted view of Shinnecock Bay with scattering of residences and Town facilities along the southern portion along the ocean. Upon implementation of the proposed action, the viewshed would be visually altered from that of a commercial restaurant with large parking area, to a residential condominium development.
- The proposed design considers FEMA guidelines for development, Chapter 169 of the Town Code (flood damage prevention), and the projections for sea level rise and storm inundation published by the NYSDEC and NYSERDA. Accordingly, by complying with applicable codes and regulations, the proposed project attempts to mitigate the adverse social and economic impacts that would come from property damage, loss or relocation. Notwithstanding same, due to the coastal nature of the project,

flooding impacts during major storm events may occur. It is important to note that the proposed residential community would maintain the necessary flood insurance to cover costs associated with flood-related damage to infrastructure on-site, and the cost of such insurance would be included in the HOA fees billed to each unit. Also, individual owners could and are likely to hold supplemental policies to cover damages to interior spaces and/or loss of personal property. As such, the expenses related to damage or loss would be borne by the insurance companies and not the Town.

4.4 IRRETRIEVABLE AND IRREVERSIBLE COMMITMENT OF RESOURCES

For any development or new land use, there is a certain commitment of resources (natural and human or man-made) for consumption, conversion or made unavailable for further use as a result of the development and/or use. The construction and operation of the proposed development would require a commitment of natural and human resources, as follows:

- Building and construction-related materials would be committed to achieving the proposed development, including wood, steel, concrete, and topsoil.
- The operation of construction equipment and post-development operations would require electricity, water resources and fossil fuels.
- Water demand would increase by approximately 4,020± gpd for the proposed development; however, the SCWA has confirmed the availability of water supply.

4.5 EFFECTS ON THE USE AND CONSERVATION OF ENERGY RESOURCES

Currently, electrical service is provided to the restaurant/bar by PSEG Long Island. Additionally, three (3) 22-kilowatt (KW) LPG generators serve as back-up power for the office and restaurant/bar. The proposed action would continue the use of electricity for energy supply, including heating. LPG would be used for the on-site power generator for the proposed STP and the pool equipment. The proposed development of the multifamily residential use would increase the overall demand for electricity.

As indicated in Section 3.3.2 of this DEIS, the Suffolk County Energy and Climate Action Office has initiated a County-wide initiative called Community Choice Aggregation (CCA).[89] This initiative is an energy procurement strategy which allows local communities to choose their electricity provider through a competitive bid process on behalf of the municipality's residents and small businesses. By purchasing electricity for the entire Town, lower electricity rates can be negotiated, and savings can enable the Town to switch to 100 percent clean and renewable energy for less than the current electrical rates.

The Town of Southampton created a CCA program called Choice Community Power which provides residents and small business owners the option to pay for cleaner renewable energy rather than receive their electricity from the grid.[90] As outlined in the 2013 Sustainability Element, the Town currently has a goal of 100 percent renewable for electricity by 2025.[91] Residents of the proposed residential units will therefore have the opportunity to choose their electrical provider and help reduce the carbon footprint of the proposed action.

[89] https://www.suffolkcountyny.gov/Departments/Economic-Development-and-Planning/Business-Development-and-Communications/Energy-and-Climate-Action
[90] https://www.southamptontownny.gov/1406/Community-Choice-Aggregation-CCA
[91] https://www.southamptontownny.gov/DocumentCenter/View/20421/Printout-27105-1052-M55196

As indicated in Section 3.3.2 of this DEIS, the Town Code §123-37.B.1.A (Energy Conservation Requirements) sets forth energy rating index requirements for new residential dwellings. Specifically, for new residential dwellings under 4,500 SF of conditioned space, a minimum Energy Rating Index (ERI) of 50 or less is required. Additionally, Town Code §123-42 sets forth energy conservation standards for pools. The proposed design would comply with such energy conservation requirements.

4.6 GROWTH-INDUCING IMPACTS

Growth-inducing aspects can be generally described as long-term secondary effects of a development, which are either directly or indirectly related to the project. The direct growth-inducement aspects of a project would include the attraction of a significant increase in population to the area due to the creation of jobs, new institutions (e.g., universities, hospitals) or support facilities (e.g., major retail stores). Indirect growth-inducement aspects are those that increase the development potential of an area.

The proposed action would result in a potential increase of 60 to 65 persons in the Town population. Of the additional 60 to 65 persons, there could potentially be an increase in school-aged children (5 to 7). However, a portion of these children may already be enrolled in the public school district. Additionally, as indicated in Section 3.3.2 of this DEIS, this proposed development is expected to be occupied by empty nesters, older and/or retired persons that have elected to downsize from single-family homes to condominiums. Some of the new owners may be new to the Town of Southampton, while a portion of these persons could be expected to be current residents and possibly existing homeowners that desire to transition to condominium living.

The proposed development would also increase the demand for services by the local providers, inclusive of the public school district, police, fire and ambulance services; however, the proposed development would generate annual tax revenue to support these services, as indicated in Section 3.3.2 of this DEIS and summarized below:

- East Quogue School: $17,614.86 (existing) / $143,760.09± (projected post-development)
- Southampton Police Department: $886.49 (existing)/$7,033.83± (projected post-development)
- East Quogue Fire District: $1,309.64 (existing) / $10,391.28± (projected post-development)

It is not expected that the proposed development would adversely impact any of the aforementioned service providers. Based on the above, the proposed action is not likely to induce additional growth in the hamlet of East Quogue or the Town of Southampton.

5.0 ALTERNATIVES AND THEIR IMPACTS

Pursuant to §617.9(b)(5)(v) of the implementing regulations of SEQRA, a DEIS is to include a range of reasonable alternatives to the proposed action that are feasible, considering the objectives and capabilities of the project sponsor. The Final Scope dated December 17, 2020 requires the following alternatives to be evaluated:

- Alternative 1: No-Action Alternative
- Alternative 2: Develop Per Current Zoning and all Regulatory Controls
- Alternative 3: Reduced Density Alternative (20 Units)
- Alternative 4: Town of Southampton Purchase of Subject Property
- Alternative 5: Redevelopment of Property for Private Yacht Club

The following sections evaluate each of the aforementioned alternatives to the proposed action. The table below provides a comparative analysis of the project site and project-related details for the proposed action and all of the alternatives.

Table 35 – Comparative Analysis of Proposed Plan and Alternatives

	Proposed Action	**Alt 1: No-Action**	**Alt 2: Develop Per Current Zoning and All Regulatory Controls**	**Alt 3: Reduced Density Alternative**	**Alt 4: Town Acquisition of Property**	**Alt 5: Redevelopment of Property for Private Yacht Club**
Land Use	25 MF Units	Restaurant/bar with office, marina with tennis courts, decks and parking	One Residential Unit	20 MF Units	Open Space/Municipal	Yacht Club with 24 Slips
Approvals	Change from one non-conforming use to another non-conforming use[92]	None - Site Remains As Is w/ Legal Pre-Existing Non-Conforming Use[93]	Permitted Use	Change from one non-conforming use to another non-conforming use (see Footnote 1)	Town Board Authorization of CPF Funds	Change from one non-conforming use to another non-conforming use (see Footnote 1)
Zoning	R-80*	R-80	R-80	R-80*	R-80	R-80
	Proposed Action and Alternative Plan 3 (Reduced Density) evaluated for consistency with the bulk and dimensional requirements for the MF-44 Zoning District, which permits the development of multifamily housing.					
Zoning - Minimum Lot Area (Required/Provided)						
Min. Lot Area[94]	44,000 SF /147,656.6± SF	80,000 SF / 147,656.6± SF	80,000 SF / 147,656.6± SF	44,000 SF / 147,656.6± SF		80,000 SF / 147,656.6± SF
Min. Lot Area Per Dwelling Unit	11,000 SF / 5,906± SF**			11,000 SF / 7,361± SF**		
Zoning - Lot Coverage (Required/Provided)						
Max. lot coverage by main and accessory buildings (percent)	20% / 21.69%**	10% / 4.59%	10% / 10.00%	20% / 18.95 %		10% / 11.87 %**
Zoning - Minimum Requirements (Required/Provided)						
Lot width	200 ft / 406.88± ft	175 ft / 406.88± ft	175 ft / 406.88± ft	200 ft / 406.88± ft		175 ft / 406.88± ft
Front yard	50 ft / 57.22± ft	80 ft / 333.3± ft	80 ft / 187.7± ft	50 ft / 57.2± ft		80 ft / 214.3± ft
Side yard	50 ft / 35.07± ft**	30 ft / 102.2± ft	30 ft / 65.6± ft	50 ft / 35.1± ft**		30 ft / 30.7± ft
Both side yards	100 ft / 188.3± ft	75 ft / 349.7± ft	75 ft / 275.2± ft	100 ft / 187.9± ft		75 ft / 222.8± ft
Rear yard	50 ft / 340.1± ft (nearest rear) 1252.6± ft (rear property line) 73.1± ft (bulkhead)	100 ft / 276.9± ft (nearest rear) 1216.4± ft (rear property line) 37.6± ft (bulkhead)	100 ft / 453.6± ft (nearest rear) 1370.7± ft (rear property line) 189.8± ft (bulkhead)	50 ft /345.6± ft (nearest rear) 1260.2± ft (rear property line) 81.2± ft (bulkhead)		100 ft / 384.3± ft (nearest rear) 1299.6± ft (rear property line) 121.2± ft (bulkhead)
Maximum Height	32 ft - 2 stories / 32 ft - 2 stories	32 ft - 2 stories / 32 ft – 2 stories	32 ft - 2 stories / 32 ft – 2 stories	32 ft - 2 stories / 32 ft - 2 stories		32 ft - 2 stories / 32 ft – 2 stories
Zoning - Accessory Setbacks (Required/Provided)						
Distance from side and rear lot lines	Rear – 30 ft / 335.4± ft Side – 30 ft/ 30.3± ft	Rear – 30 ft / 293.6± ft Side – 30 ft/ 101.2± ft	Rear – 30 ft / 415.3± ft Side – 30 ft/ 64.6± ft	Rear – 20 ft / 324.4± ft Side – 20 ft/ 30.3± ft		Rear – 30 ft / 276.1± ft Side – 30 ft/ 102.2± ft

[92] Pursuant to §330-117, "A nonconforming use shall be changed only to a conforming use, except as provided in §330-167B." Pursuant to §330-167(B)(3) of the Town's Zoning Code, "To grant a certificate of occupancy for a change in a nonconforming use, provided that: [1] The Board of Appeals shall have made a determination that such change will be beneficial to the general neighborhood. [2] Such change is made subject to such reasonable conditions and safeguards as the Board of Appeals may stipulate.

[93] The current use continues to operate as a legal, pre-existing, non-conforming use. Accordingly, Article XVI of the Town Code - Nonconforming Uses, Buildings and Structures – has applied to this site. Pursuant to §330-113, the provisions of Article XVI "…apply to all buildings or structures and all uses of buildings or structures or lots lawfully existing prior to the effective date of this chapter or of subsequent amendments, revisions or reenactments of such chapter, which buildings or structures or uses do not conform to the provisions of said original zoning law or to such revisions or reenactments on their effective dates." All prior maintenance and renovation work at the subject property have been authorized by the Southampton Town Trustees and/or ZBA under §330-115 (Continuance).

[94] The maximum density that would be permitted excludes the wetland area.

	Proposed Action	**Alt 1: No-Action**	**Alt 2: Develop Per Current Zoning and All Regulatory Controls**	**Alt 3: Reduced Density Alternative**	**Alt 4: Town Acquisition of Property**	**Alt 5: Redevelopment of Property for Private Yacht Club**
Distance from street	60 ft / 50.8± ft**	90 ft / 316.8± ft	90 ft / 302.5± ft	60 ft / 130.0± ft		90 ft / 124.7± ft
Site and Utilization Data						
Total Acreage	9.29± acres (405,081.6± SF)	9.29± acres (405,081.6± SF)	9.29± acres (405,081.6± SF)	9.29± acres (405,081.6± SF)		9.29± acres (405,081.6± SF)
Upland Area	3.38± acres (147,656.6± SF)	3.38± acres (147,656.6± SF)	3.38± acres (147,656.6± SF)	3.38± acres (147,656.6± SF)		3.38± acres (147,656.6± SF)
Area of Disturbance	2.92± acres (127,268.4± SF)	2.32± acres (101,263.3± SF)	2.39± acres (104,404.6± SF)	2.91± acres (126,900.7± SF)		3.06± acres (133,154.97± SF)
Impervious Surfaces (Upland area)	25.94% (0.87± acre)	28.13 % (0.95± acre)	10.01 % (0.34± acre)	19.47 % (0.66± acre)		23.38 % (0.79± acre)
Gravel (upland area)	14.54 % (0.49± acre)	37.47 % (1.27± acre)	4.81% (0.16± acre)	16.76 % (0.566± acre)		22.22 % (0.75± acre)
Vegetated / Non-Wetland Area	2.00± acres (91,040.40± SF) (native plantings)	1.09± acres (51,400.80± SF)	1.86± acres (125,167.69± SF)	2.16± acres (94,161.80± SF) (native plantings)		1.85± acres (80,600.36± SF) (native plantings)
Landscaped Areas	0	0.07± acre (3,213.50± SF)	1.01± acres (43,995.60± SF)	0		0
Wetland Area, Incl. Restoration	3.75± acres (163,190.94± SF) 0.02± acre wetland rest. (900± SF)	3.75 acres± (163,190.94± SF)	3.75 acres± (163,190.94± SF)	3.75± acres (163,190.94± SF)		3.75± acres (163,190.94± SF)
Surface Water	2.16± acres	2.16± acres	2.16± acres	2.16± acres		2.16± acres
Projected Permanent Population	60 to 65 persons	0	3 to 5 persons	49 to 52 persons	0	0
Projected School-Aged Children	5 to 7 children	0	1 to 2 children	4 to 6 children	0	0
Property Taxes	$175,771.63	$22,152.90	$ 68,202.56 (representative single-family home)	$140,617.30	0	To Be Determined by Assessor
Total Potable Water Demand	7,500± gpd	3,360± gpd	300± gpd	6,000± gpd	0	6,919.91± gpd
Total Irrigation Demand	0 gpd (No System Proposed)	0 gpd (No System Exists)	512± gpd	0 gpd (Assumes No System Installed)	0	0 gpd (Assumes No System Installed)
Sanitary Generation/Method	7,500± gpd / STP	3,360± gpd / Conventional	300± gpd / I/A OWTS	6,000± gpd / STP	0	6,919.91± gpd/STP
Total N Leached (lbs./yr.)/ N Concentration (mg/L)	124.15 lbs./yr./ 2.83 mg/L	185.57 lbs./yr./ 5.39 mg/L	17.88 lbs./yr./ 0.85 mg/L	100.52 lbs./yr./ 2.59 mg/L		116.32 lbs./yr./ 2.72 mg/L
Solid Waste	4.85± tons per month	Three eight-yard dumpsters emptied 3X/week during operational months (6 months) by a private carter.	0.37± tons per month	3.88± tons per month	0	3.24± tons per month
Traffic and Parking						
Parking Required/Provided	56/76	57/127 gravel parking spaces and 83 tennis court parking	4/6	63/64	0	104/66**
Weekday AM Peak Hour	7 trips	2 trips	1 trip	5 trips	0	2 trips
Weekday PM Peak Hour	11 trips	44 trips	1 trip	8 trips	0	5 trips
Sat. Peak Hour	16 trips (AM)/ 14 trips (PM)	69 trips (AM)/ 125 trips (PM)	1 trip (AM)/ 1 trip (PM)	13 trips (AM)/ 11 trips (PM)	0	5 trips

**Variance required

5.1 ALTERNATIVE 1: NO-ACTION ALTERNATIVE

The No-Action Alternative involves leaving the site as it currently remains, absent the proposed action and the continuation of the site as the Dockers Waterside Restaurant & Marina. The No-Action alternative would not result in any changes to traffic patterns, utilities provided (e.g., water usage), ecological resources, or water resources. There would be no changes to the visual quality of the site, or the character of the community. However, the No-Action alternative does not meet the objective of the applicant to close the seasonal business on the property and convert to a multifamily residential development similar to that which exists directly south of the subject site. Additionally, the No-Action Alternative does not achieve any of the project-related benefits.

5.2 ALTERNATIVE 2: DEVELOP PER CURRENT ZONING AND ALL REGULATORY CONTROLS

This alternative includes the development of the subject site in accordance with the R-80 Zoning District, inclusive of permitted uses, as well as the bulk and dimensional requirements set forth in §330-11. Permitted uses in the R-80 Zoning District include but are not limited to single-family dwellings, and marinas and boatyards lawfully existing prior to adoption of this chapter (§ 330-10, Residence Districts). This alternative includes the development of one single-family residence.

Under the R-80 Zoning District regulations, the maximum density that would be permitted is based on a minimum lot size of 80,000 SF and the wetland area is to be excluded. Therefore, the yield is based on the upland area only. In this case, the amount of upland area is approximately 147,656.6 SF (3.38 acres), which for this alternative, would be one residential lot or dwelling unit.

As explained in Section 1.1 of this DEIS, from 1957 (the year in which zoning was first established in the Town of Southampton) until May 2, 1972, the subject property was located in the "L Beach Business" Zoning District. Permitted uses in "L Beach Business" Zoning District included single family dwellings, hotels and motels, yacht clubs, country clubs, restaurants and marinas. Pursuant to a certificate of occupancy (No. 6231) dated October 22, 1968, a marina was established on the subject property. Thereafter, in 1972, the "L Beach Business" Zoning District became the R-80 Zoning District; however, the vested right to a marina was affirmed. As such, pursuant to §330-10**,** an expansion of the existing marina could be developed. For comparative purposes, this alternative plan includes one single-family residence and Alternative 5 includes the use of the subject site for a marina with private yacht club.

It is important to note that while this alternative includes one single-family residence, pursuant to the Final Scope, the real estate valuation of the site is $18,950.000 (see Section 5.4 of this DEIS). As such, this is not a feasible alternative for the applicant.

5.2.1 Soils and Topography

As this alternative would include a single-family residence with related appurtenances (including swimming pool), the area of disturbance would be less than that of the proposed action. Based on site data, the area of disturbance is expected to be approximately 2.39 acres vs. the proposed 2.92± acres. As the development would be limited to the upland area, similar to that proposed, the potential impacts and mitigation required to achieve a level building foundation and suitable depth to groundwater for utilities would be similar.

5.2.2 Water Resources

Groundwater Resources

The development of one single family residence would result in less sanitary waste being generated and less potable water than that of the proposed action. Based on the SCDHS design flow factor of 300 gpd per residence, the sanitary waste generation and potable water demand would be expected to be 300 gpd. It would be expected that a residential homeowner would elect for irrigation supply and landscape areas that require some maintenance with fertilizers and supplemental watering. Specifically, the projected irrigation demand would be approximately 512± gpd.

This alternate plan would result in nitrogen loading to groundwater from the on-site sanitary system as well as landscaped areas. Pursuant to Article 6 of the SCSC, the new residential development would include the installation of an I/A OWTS. Based on the site design (see Sheet ALT2 in Appendix Q of this DEIS), it is anticipated that select areas would be landscaped. Based on the BURBS analysis, this alternative would have a significantly smaller amount of total nitrogen leached to groundwater than the proposed development due to its reduced areas of impervious surfaces (i.e., 0.34± acre vs 0.87± acre proposed) and subsequently the amount of wastewater and impervious runoff produced. Specifically, this alternative would leach approximately 17.88 lbs./yr. of nitrogen as compared to 124.15 lbs./yr. associated with the proposed action. The concentration of nitrogen under this alternative would be 0.85 mg/L, which is 1.98 mg/L lower than the proposed action (i.e., 2.83 mg/L). Overall, nitrogen loading from both Alternative 2 and the proposed action would be below the 4 mg/L recommended in the *208 Study* and the 5.39 mg/L under existing conditions.

Based on the above, this alternative design would also comply with the relevant planning documents evaluated in the Groundwater Resources subsection in Section 2.2.2 of this DEIS.

Stormwater Runoff/Drainage and Relevant Regulations

As this alternative includes less impervious areas than the proposed action, it would also include a smaller volume of stormwater runoff generated on the development site. Drainage methods would be expected to include drywells and drainage swales, designed in accordance with Town regulations. Additionally, proper erosion and sedimentation controls in accordance with the Town Code and NYSDEC regulations would be implemented. As such, there would be no significant adverse impacts associated with stormwater or drainage expected from the As-of-Right Development plan.

Wetlands, Floodplains and Surface Waters

Regarding the impact to wetlands and surface waters, any development on the subject site would be subject to NYSDEC and Town regulations to avoid any adverse impact to such resources. The As-of-Right Development plan would also be consistent with all floodplain development standards evaluated in Section 2.2.2 of this DEIS, including the FEMA Guidelines for Development and Chapter 169 of the Town Code (Flood Damage Prevention). Any necessary mitigation measures would be incorporated to minimize or eliminate potential impacts. Accordingly, no significant adverse impacts would be expected from this alternative.

Climate Change

As indicated in Section 2.2.2 of this DEIS, the development site is located entirely within Zone AE: BFE 12. The single-family house associated with this alternative design would be built either at or above the BFE. Additionally, the drainage infrastructure associated with this design would maintain a minimum two-ft separation distance from the base of the drywells to groundwater. The separation would be large enough to account for the 2050's medium projection of 16 inches (or 1.3 ft) of sea level rise under NYSDEC Part 490 regulations, as well as the NYSERDA projections of 18 inches or 1.5 ft by 2050s.

Overall, no significant adverse impacts to water resources would be expected from a residential home.

5.2.3 Ecological Resources

As indicated in the Ecological Conditions and Impact Analysis (see Appendix J of this DEIS), Alternative 2 provides similar benefits to ecological communities, wildlife, endangered/threatened species, and significant ecological communities as the proposed action. Both the proposed action and Alternative 2 would remove the existing restaurant and parking areas and provide approximately 50 to 75 ft of vegetated buffer to the wetlands. Alternative 2 includes less impervious coverage than the proposed action (i.e., 15,391± SF of coverage versus 37,897± SF proposed) and increased landscaping and native vegetation. Accordingly, Alternative 2 would likely provide additional environmental benefits compared to the proposed action, including additional wildlife habitats associated with greater native vegetation area and reduced stormwater generation due to the reduced development footprint and impervious surface area. However, this alternative would include fertilizer-dependent turf lawn and landscaping. As such, the native plants associated with the proposed action landscaping would minimize potential fertilizer-related nutrient contributions to wetlands and surface waters. Under this alternative design, less sanitary wastewater would be generated due to the reduced residential density (one single-family residence versus 25 condominium units) and, accordingly, would result in less potential nutrient and coliform pollution to nearby surface waters and wetlands. Lastly, the as-of-right development design includes approximately one (1) to two (2) boats and one (1) to two (2) jet skis as compared to the 16 boat slips and 10 jet ski floats associated with the proposed action. As a result, the environmental impacts associated with recreational boat usage, including pollutant discharge to surface waters and disturbance due to vessel noise and human activity, would be expected to be less than the proposed action.

5.2.4 Land Use, Zoning and Plans

This alternative plan includes a permitted use in the R-80 Zoning District and a design that is fully compliant with the bulk and dimensional regulations. As indicated on Sheet ALT2 in Appendix Q of this DEIS, it is assumed the existing bulkhead and floating dock would remain. Given the value of the property, it is logical to conclude that this residential development would be a luxury property and likely a second homeowner that would use the property on a seasonal basis. The waterfront activities would be solely for the residential homeowner. The single-family home associated with this alternative design would be a less intense use as compared to the proposed action and would be consistent with the surrounding residences.

Alternative 2 may result in a permanent residential population on the subject property. Utilizing the U.S. Census Data for average household size in the East Quogue CDP (2.59 persons),[95] this alternative could result in an increase of three (3) persons. Using the Rutgers CUPR multiplier for total persons (4.52 for Single-Family Detached, 5 BR), an estimated future population of five (5) persons could be expected for the single-family dwelling.[96] Overall, a potential increase in population of three (3) to five (5) persons would not result in any significant impacts. However, it is noted that a single-family residence in this location would likely be a seasonal second home, and thus, no permanent population would be expected.

The single-family home would be two (2) stories and approximately 32 ft in height, which is the same height as the proposed condominiums. This alternative design includes less impervious area than that proposed (i.e., 0.34± acre vs 0.87± acre proposed) and less gravel area (i.e., 0.16± acre vs 0.49± proposed). However, the as-of-right development includes greater vegetated and landscaped areas (i.e., 2.87± acres vs 2.00± acres proposed). Additionally, the front and side yard setbacks would both be larger than that proposed (i.e., 57.2± ft and 35.07± ft, respectively, vs 187.7± ft and 65.6.2± ft, respectively) and would not require area variances as such.

While this alternative would be different to the proposed action in terms of overall design and layout, it would have a similar residential use, and thus would be generally consistent with the relevant planning documents evaluated in Section 3.1.2 of this DEIS. Additionally, as the alternate use includes a permitted use in the R-80 Zoning District and complies with the required setbacks, no significant adverse land use impacts are expected.

5.2.5 Transportation

Based on the TIS (see Appendix L of this DEIS), as trip projections for this alternative would be lower than the trip projections prepared for the Build condition and as the trip routings would be identical to the Build condition, the LOS results for the Build condition are considered more conservative. Therefore, additional LOS analyses have not been prepared.

Pursuant to the Town of Southampton off-street parking space requirements for residential uses set forth in §330-94 of the Town Code, the required parking for this alternative is four (4) parking spaces and the layout includes six (6) parking spaces. Accordingly, the alternate plan would comply with the parking requirements.

5.2.6 Community Facilities and Services

Projected Tax Generation

Based on publicly available resources from the Town of Southampton,[97] the Consolidated Real Property Tax Bill for December 1, 2022 to November 30, 2023 was obtained for a representative single-family home on Dune Road to evaluate the post-development tax levy for the single-family residential dwelling associated with the

[95] https://data.census.gov/table?q=hamlet+of+east+quogue+new+york&g=160XX00US3680181&tid=ACSST5Y2019.S1101

[96] Burchell, Robert W., David Listokin, William Dolphin Center for Urban Policy Research, Edward J. Bloustein School of Planning and Public Policy; *Residential Demographic Multipliers, Estimates of the Occupants of New Housing (Residents, School-Age Children, Public School-Age Children) by State, Housing Type, Housing Size, and Housing Price*. June 2006.

[97] https://www.southamptontownny.gov/152/Tax-Receiver

Alternative 2 design (see Appendix Q of this DEIS). The representative home is located at 93 Dune Road, East Quogue (SCTM No. 385.-2-15.3), has an assessed value of $5,135,000 and contributed $68,202.56 to the hamlet of East Quogue, Town of Southampton, Suffolk County and New York State for the 2022-2023 fiscal year. It can be expected that a single-family dwelling on the subject property would contribute a similar value.

Public School Districts

As indicated above in Section 5.2.4 of this DEIS, Alternative 2, if occupied by a full-time homeowner, may result in a permanent resident population of three (3) to five (5) persons (including PSAC). Based on the Rutgers CUPR multiplier for Single-Family Detached, 5 BR all values (1.23), Alternative 2 would generate one (1) to two (2) PSAC.

As indicated above in this section of the DEIS, a 2022-2023 tax bill was obtained for a representative single-family home located at 93 Dune Road. This representative home contributed $54,231.26 to the East Quogue UFSD for the 2022-2023 fiscal year. It can be expected that a single-family dwelling on the subject property would contribute a similar value. Thus, the projected tax revenue would fund the costs associated with 1.58 students for the East Quogue UFSD (i.e., $54,231.26/$34,396) or 2.19 students (i.e., $54,231.26/$24,729) for the Westhampton Beach UFSD based on the per pupil expenditure. As such, the projected addition of one (1) to two (2) PSAC resulting from this alternative plan, which is less than the proposed action (seven [7] PSAC), is not expected to adversely impact capacity within either school district. However, a single-family residence in this location would likely be a seasonal second home; therefore, no PSAC would likely be generated; thus, the tax levy from the residential use would be revenue to the East Quogue UFSD.

Police Protection Services

The development of one single family residence on the subject property would not be expected to have adverse impacts on the Southampton PD. For comparative purposes to the proposed action, based on planning standards contained in the *Urban Land Institute (ULI) Development Impact Assessment Handbook* (1994), two (2) police officers and 0.6 police vehicle are required per 1,000 individuals. Based on these factors, the projected maximum of five (5) persons would generate a demand for 0.01± and 0.003± additional police personnel and vehicles, respectively. Thus, the potential impact on the Southampton PD associated with Alternative 2 would be less than the proposed action, which would generate a demand for 0.13± and 0.04± additional police personnel and vehicles, respectively (based on the projected population of 65 persons).

Furthermore, based on the tax bill for the representative single-family home indicated in this section of the DEIS above, this alternative development would generate approximately $2,729 in tax revenue to the Southampton PD (see Appendix Q of this DEIS), as compared to $7,0334± for the proposed action.

Fire and Ambulance Services

As indicated in Section 3.3.2 of this DEIS, based on planning standards contained in the *ULI Development Impact Assessment Handbook* (1994), it is estimated that 1.65 fire personnel per 1,000 individuals is required to serve a new population. Based on these factors, the projected maximum of five (5) persons would generate a demand for 0.008± additional fire personnel. Based on the *ULI Development Impact Assessment Handbook* it is estimated that one (1) EMS vehicle and 4.1 EMS personnel per 30,000 individuals would be required to serve a new population. Based on these factors, the projected maximum of five (5) persons would generate a demand for

0.0002± and 0.0007± additional EMS vehicle and personnel, respectively. Accordingly, the potential impact on fire protection and ambulance services associated with Alternative 2 would be expected to be less than the proposed action, which would generate a demand for 0.002± and 0.009± additional EMS vehicle and personnel, respectively (based on the projected population of 65 persons).

Water Supply

The total water demand for this alternative design would be approximately 300 gpd, as compared to 7,500± gpd for the proposed action. As indicated in Section 3.3.1 of this DEIS, consultations were undertaken with SCWA regarding the increase in water demand for the proposed action and in correspondence dated October 12, 2022, SCWA indicated there is sufficient capacity to service the proposed development (see Appendix H of this DEIS). As the water demand for this alternative would be less than the proposed action, there would be sufficient capacity within the SCWA for Alternative 2 as well.

Solid Waste Handling

Based on a factor of 4.9 lbs. per person per day (as indicated in Section 1.4.8 of this DEIS), with a projected maximum population of five (5) person (as indicated in Section 5.2.4 of this DEIS) associated with this alternative design, the estimated solid waste generation would be 0.37± ton per month at 100 percent occupancy, as demonstrated below.

4.9 lbs./person/day x 5 projected people	= 24.5± lbs. per day
(24.5± lbs. per day x 365 days)/12 months	= 745± lbs. per month
745± lbs. per month/2000 lbs.	= **0.37 ± ton per month**

Similar to the proposed action, this alternative design would include the use of a licensed private carter service for the collection and handling of all solid waste. Solid waste is expected to be picked up from trash receptacles in individual driveways and recycling would be implemented with separate trash receptacles.

It is anticipated that the solid waste generated from this alternative would not result in a significant impact upon local and regional solid waste management practices. Alternative 2 would generate less solid waste compared to the proposed action (i.e., 4.85± tons per month).

Energy Supply

A single-family residential home would be expected to use electricity for energy supply, including heating. Renewable energy sources, i.e., solar, may also be used on-site. Overall, there would be no significant adverse impacts on energy supply.

Parks and Recreational Services

Similar to the proposed action, it would be expected that the occupants of the single-family dwelling would utilize the area beaches and open spaces, similar to other residents along Dune Road. Additionally, residents would have access to the Town-resident only public access points including Dolphin Lane and Triton Lane.

5.2.7 Visual/Aesthetic Resources and Community Character

The development of one single family residence with associated appurtenances would be visually compatible with surrounding land uses. No significant adverse visual impacts or alteration of community character would result from this alternative plan.

5.2.8 Public Health

As with other properties along Dune Road, the safety and welfare of residents and landowners rely heavily upon public notifications of storm events and/or breaches and required storm evacuation. The established evacuation routes would be followed by the residential landowner of this site in the same manner as they are by others residing on Dune Road. The residential development would be insured, as required and necessary, for the protection of its residents and all on-site structures. Finally, this alternative would be required to comply with relevant standards and guidelines for development in this coastal setting, including, but not limited to the FEMA guidelines for development, to ensure the safety and welfare of all persons and structures. Accordingly, no significant adverse impacts to public health would be expected.

5.3 ALTERNATIVE 3: REDUCED DENSITY ALTERNATIVE (20 UNITS)

This alternative includes a reduction in the number of units as that proposed (i.e., 25) to 20 units. As indicated on the Alternate Plan 3 (see Sheet ALT3 Appendix Q of this DEIS), the 20 units would be in a similar configuration to that proposed and would be the same sizes as those proposed. Specifically, this alternative includes 12 - 1,600±-SF units and 8 - 2,000±-SF units, as compared to 14 and 11, respectively, for the proposed action. Also, a one-story, 1,638± SF clubhouse would be constructed under this alternative.

5.3.1 Soils and Topography

This alternative plan would require a similar area of disturbance and regrading as the proposed action for building foundations, drainage infrastructure, STP and paving. Specifically, as illustrated on Sheet ALT3 in Appendix Q of this DEIS, the total land area to be disturbed would be 2.91± acres, as compared to 2.92± acres for the proposed action. The retaining wall included as part of the proposed design is assumed to be required for this alternative as well. Overall, the potential impacts of this plan and mitigation measures to be undertaken would be similar to that of the proposed action.

5.3.2 Water Resources

Groundwater Resources

According to the design flow factors published in the *SCDHS Standards for Approval of Plans and Construction For Sewage Disposal Systems for Other Than Single-Family Residences*, the projected sanitary flow for this alternative design would be 6,000± gpd, which is 1,500 gpd less than the proposed action due to its reduced density. As the maximum permitted sanitary flow for the utilization of on-site sanitary systems on the subject property is 2,034± gpd, an STP would be required for Alternative 3, which would be situated in the southwest corner of the subject property and would maintain the required setbacks based on the SCDHS standards contained in Appendix A of the SCDHS construction standards in similar fashion to the proposed action.

Similar to the proposed action, the STP in this alternative would be a package unit from Purestream, BESST system, fabricated from 316l grade stainless steel and provided with integral hatches that cover the entire treatment unit. A control building would be installed to house the aeration blowers and odor control equipment. Standby power would be designed and installed such that the STP would continue to operate in the event of a primary power failure.

Nitrogen Mass-Balance Calculations

As indicated in Section 2.2.2 of this DEIS, the projected mass of nitrogen with an allowable sanitary flow with I/A OWTS would be 0.321 lbs./day. For Alternative 3 (i.e., projected sanitary flow of 6,000 gpd), the projected mass of nitrogen with an STP capable of achieving outputs of 10 mg/L and 7 mg/L, using the method outlined in SCDHS Guidance Memo Number 28 – STP Siting, are as follows:

Development with STP at 10 mg/L
Flow = 6,000 gpd =6,000 gpd/1,000,000 = 0.006 mgd
Total Nitrogen Effluent Concentration = 10 mg/L
Total Nitrogen Effluent Quantity = 10 mg/L * 8.34 *0.006 mgd = **0.5004 lbs./day**

Based on the above calculations, the utilization of the STP with an effluent concentration of 10 mg/L at this alternative design's projected sanitary flow results in a total nitrogen effluent quantity of 0.5004 lbs./day. This represents a reduction of 0.325 lbs./day as compared to the proposed action (i.e., 0.626 mg/L) utilizing an STP with the same effluent concentration.

Development with STP at 7 mg/L
Flow = 6,000 gpd =6,000 gpd/1,000,000 = 0.006 mgd
Total Nitrogen Effluent Concentration = 7 mg/L
Total Nitrogen Effluent Quantity = 7 mg/L * 8.34 *0.006 mgd = **0.3503 lbs./day**

Based on the above calculations, the utilization of the STP with an effluent concentration of 7 mg/L at this alternative design's projected sanitary flow results in a total nitrogen effluent quantity of 0.3503 lbs./day. This represents a reduction of 0.088 lbs./day as compared to the proposed action (i.e., 0.438 lbs./day) utilizing an STP with the same effluent concentration.

The overall reduction of nitrogen associated with this alternative design would be consistent with the SCDHS goals of reducing nitrogen in sensitive areas.

BURBS Analysis (Total Nitrogen Loading)

As this alternative includes the same land use with a reduced density, the amount of nitrogen leached to groundwater would be slightly less than the proposed action. Based on the BURBS analysis (see Appendix G of this DEIS), the total nitrogen leached from Alternative 3 would be 100.52 lbs./yr., which is 23.63 lbs./yr. less than the proposed development. The concentration of nitrogen under this alternative would be 2.59 mg/L, as compared to 2.83 mg/L for the proposed action, which are both below the 4 mg/L recommended in the *208 Study*.

Stormwater Runoff/Drainage and Relevant Regulations

This alternative includes less impervious areas compared to the proposed action (i.e., 0.66± acre vs 0.87± acre proposed) and thus would include a smaller volume of stormwater runoff generated on the development site. Regarding stormwater management, this alternate plan would be developed with a drainage system similar to that which is proposed (i.e., leaching galleys and drywells). All stormwater would be accommodated and recharged on-site in accordance with the Town Code. Also, during construction, proper erosion and sedimentation controls in accordance with the Town Code as well as NYSDEC regulations would be implemented. As such, there would be no significant adverse impacts associated with stormwater or drainage expected from this alternate plan.

Wetlands, Floodplains and Surface Waters

As this alternative design includes a similar site layout, drainage and grading, it would comply with all the standards set forth in Article 25 of the ECL and Chapter 325 of the Town Code (Wetlands), as well as the FEMA Guidelines for development, Chapter 169 of the Town Code (Flood Damage Prevention). and the policies of the SCRWPP and the NYSDOS Coastal Management Program, as evaluated in Section 2.2.2 of this DEIS.

Climate Change

The development site is located entirely within Zone AE: BFE 12. The condominium units associated with this alternative design would be built either at or above the BFE to comply with the FEMA Guidelines for Development. Additionally, the drainage infrastructure associated with this design would maintain a minimum two-ft separation distance from the base of the leaching galleys to groundwater. With SLR of 16 inches (or 1.3 ft) to 18 inches (1.5 ft), the separation distance would decrease to 2.95 ft-3.15 ft. As such, the minimum three-ft separation distance required by the SCDHS would be achieved under SLR of 17 inches or less. An 18-inch increase may require modifications to the leaching field.

5.3.3 Ecological Resources

As indicated in the Ecological Conditions and Impact Analysis (see Appendix J of this DEIS), Alternative 3 would provide similar benefits to ecological communities, wildlife and endangered/threatened species as compared to the proposed action. Specifically, the reduced density alternative and the proposed action both provide approximately 50 to 75 ft of vegetated buffers to the wetlands and both replace the existing conventional sanitary system with an on-site STP. Additionally, the STP would be set back further from the wetlands compared to existing conditions in both scenarios. The area of native buffer restoration and native landscaping are expected to be slightly greater under Alternative Plan 3 compared to the proposed action. As such, the habitat benefits to ecological communities, wildlife, endangered/threatened species, and significant ecological communities are expected to be slightly greater than the proposed action.

Under Alternative 3, the reduced residential density (i.e., 20 units versus 25 units) would result in smaller amounts of sanitary wastewater and potential nutrient and coliform pollution to nearby surface waters and wetlands as compared to the proposed action. Additionally, this alternative includes a similar number of private boat slips and jet ski floats (16 slips and 10 floats) as the proposed action. Accordingly, the environmental impacts associated with recreational boat usage, pollutant discharge to surface waters, and disturbance due to vessel noise and human activity, would be similar to the proposed action.

5.3.4 Land Use, Zoning and Plans

This alternative plan includes a multifamily residential condominium/townhouse development with 20 units rather than the 25 units proposed, and a clubhouse rather the cabana included in the proposed plan. The clubhouse would be a one-story structure with an outdoor swimming pool.

This alternative would require two (2) of the same area variances as the proposed action (i.e., minimum lot area per dwelling unit and minimum side yard setback). Regarding density, Alternative 3 would have a density of 5.92 units per acre, which is less than that of the proposed action (i.e., 7.37 units per acre), as well as Round Dune, Inc. multifamily development, which has a density of 14.3 units per acre. As evaluated in Section 3.1.2 of this DEIS, requested area variance for minimum side yard setback is required to accommodate the proposed development footprint, inclusive of the internal driveway. Aerial photography indicates that none of the of the surrounding developed properties to the south meet the 50 ft minimum side yard requirement (see figure in Appendix K of this DEIS). In fact, the 35.1 ft minimum side yard setback associated with the Reduced Density Alternative would be greater than many of the setbacks provided on the developed parcels to the south. As such, this alternative and the requested relaxation of 29.9% of the 50 ft requirement would not impact the adjacent property.

Additionally, according to the project ecologist, the area of native buffer restoration and native landscaping are expected to be slightly greater under Alternative 3 compared to the proposed action. As such, the habitat benefits to ecological communities, wildlife, endangered/threatened species, and significant ecological communities may also be slightly greater than the proposed action (see Ecological Conditions and Impact Analysis in Appendix J of this DEIS).

Based on the average household size in the East Quogue CDP (2.59 persons) according to the U.S. Census Data,[98] a projected 52 persons could reside in the 20 condominium units associated with this alternative design. Using the Rutgers CUPR multiplier for total population (1.88 persons per two-bedroom and 3.00 persons per three-bedroom), the projected resident population would be 49 persons, or three (3) less than that projected utilizing the U.S. Census data.[99] Overall, based on the two (2) demographic data sets, the projected population would be estimated at 49 to 52 persons, which is less than that of the proposed action (i.e., 60 to 65 persons).

The 20 condominiums would be the same height as the 25 proposed (i.e., 32 ft). This alternative design includes a slightly less impervious area than that proposed (i.e., 0.66± acre vs 0.87± acre proposed) and slightly more gravel area (i.e., 0.57± acre vs 0.49± proposed). However, the reduced density development includes greater vegetated areas (i.e., 2.16± acres vs 2.00± acres proposed). Additionally, the front and side yard setbacks would be the same as the proposed action (i.e., 57.2± ft and 35.07± ft, respectively).

As this alternative would be similar to the proposed action in terms of overall design as well as intended use, it would also be consistent with the relevant planning documents evaluated in Section 3.1.2 of this DEIS.

[98] https://data.census.gov/table?q=hamlet+of+east+quogue+new+york&g=160XX00US3680181&tid=ACSST5Y2019.S1101

[99] Burchell, Robert W., David Listokin, William Dolphin Center for Urban Policy Research, Edward J. Bloustein School of Planning and Public Policy; *Residential Demographic Multipliers, Estimates of the Occupants of New Housing (Residents, School-Age Children, Public School-Age Children) by State, Housing Type, Housing Size, and Housing Price*. June 2006.

5.3.5 Transportation

Based on the TIS (see Appendix L of this DEIS), as trip projections for this alternative would be lower than the trip projections prepared for the Build condition due to its reduced density and as the trip routings would be identical to the Build condition, the LOS results for the Build condition are considered more conservative. Therefore, additional LOS analyses have not been prepared.

Pursuant to the Town of Southampton off-street parking space requirements for residential uses set forth in §330-94 of the Town Code, the required parking for this alternative is 44 parking spaces and the layout includes 64 parking spaces. Accordingly, the reduced density alternative would provide the required parking.

5.3.6 Community Facilities and Services

Projected Tax Generation

Based on the analysis presented in Section 3.3 of this DEIS, this alternative plan with 20 units would be expected to generate approximately $140,617± in annual taxes (based on Baypointe Yacht Club and the 2022-2023 Town of Southampton tax bill).

Public School Districts

The reduced density alternative would potentially generate four (4) PSAC based on the CUPR multipliers (0.09 persons per two-bedroom and 0.49 persons per three-bedroom) or six (6) PSAC (0.18 person per two-bedroom and 0.18 person per three-bedroom) based on the LIHP multipliers.

As indicated in Section 3.3.1 of this DEIS, the 2021-2022 school year total per pupil expenditure for the East Quogue UFSD is approximately $34,396. As such, the total per pupil expenditures for four (4) to six (6) elementary age school children would range from $137,584± to $206,376±. If the school-aged children are of secondary level, the Non-Resident Tuition that would be paid by the East Quogue UFSD to the Westhampton Beach UFSD would be $98,916± to $148,374± (based on the 2022 rate of $24,729±) (see Appendix M of this DEIS). Based on the current tax levy percentage and total projected taxes, the reduced density alternative would contribute approximately $115,008.08 to the East Quogue UFSD. As such, similar to the proposed action and residential land uses in general, the reduced density alternative would increase District expenditures. However, as noted in Section 3.3.2 of this DEIS, the proposed development is not anticipated to be occupied by families. Rather, it is fully expected that the residential owners would be empty nesters, older and/or retired persons with no school-aged children.

Police Protection Services

As indicated in Section 5.3.4 of this DEIS, this alternative would generate approximately 49 to 52 persons. Based on planning standards contained in the *Urban Land Institute (ULI) Development Impact Assessment Handbook* (1994), two (2) police officers and 0.6 police vehicle are required per 1,000 individuals. Based on these factors, the projected maximum of 52 persons would generate a demand for 0.104± and 0.031± additional police personnel and vehicle, respectively. Thus, the potential impact on the Southampton PD associated with Alternative 3 would be less than the proposed action, which would generate a demand for 0.13± and 0.04± additional police personnel and vehicle, respectively (based on the projected population of 65 persons).

Furthermore, based on the current tax levy of 4.00 percent and a total tax levy of $140,617.30± for the reduced density alternative of 20 units, approximately $5,627.06 in tax revenue would be generated to the Southampton PD.

Fire and Ambulance Services

As indicated in Section 3.3.2 of this DEIS, based on planning standards contained in the *ULI Development Impact Assessment Handbook* (1994), it is estimated that 1.65 fire personnel per 1,000 individuals is required to serve a new population. Based on these factors, the projected maximum of 52 persons would generate a demand for 0.086± additional fire personnel. Based on the *ULI Development Impact Assessment Handbook* it is estimated that one (1) EMS vehicle and 4.1 EMS personnel per 30,000 individuals would be required to serve a new population. Based on these factors, the projected maximum of 52 persons would generate a demand for 0.0017± and 0.0071± additional EMS vehicle and personnel, respectively. Accordingly, the potential impact on the East Quogue Fire District associated with Alternative 3 would be expected to be less than the proposed action, which would generate a demand for 0.002± and 0.009± additional EMS vehicle and personnel, respectively (based on the projected population of 65 persons).

Furthermore, based on the current tax levy of 5.91 percent and a total tax levy of $140,617.30± for the reduced density alternative of 20 units, approximately $8,313± in tax revenue to the East Quogue Fire District would be generated.

Water Supply

The total water demand for this alternative design would be approximately 6,000 gpd, as compared to 7,500± gpd for the proposed action. As indicated in Section 3.3.1 of this DEIS, consultations were undertaken with SCWA regarding the increase in water demand for the proposed action and in correspondence dated October 12, 2022, SCWA indicated there is sufficient capacity to service the proposed development (see Appendix H of this DEIS). As the water demand for this alternative would be less than the proposed action, there would be sufficient capacity within the SCWA for Alternative 3 as well.

Solid Waste Handling

Based on a factor of 4.9 lbs. per person per day (as indicated in Section 1.4.8 of this DEIS), with a projected maximum population of 52 persons (as indicated in Section 5.3.4 of this DEIS) associated with this alternative design, the estimated solid waste generation would be 3.88± tons per month at 100 percent occupancy, as demonstrated below.

4.9 lbs./person/day x 52 projected people	= 255± lbs. per day
(255± lbs. per day x 365 days)/12 months	= 7,750± lbs. per month
7,750± lbs. per month/2000 lbs.	= **3.88 ± tons per month**

Similar to the proposed action, this alternative design would include the use of a licensed private carter service for the collection and handling of all solid waste. Solid waste is expected to be picked up from trash receptacles in individual driveways and recycling would be implemented with separate trash receptacles.

It is anticipated that the solid waste generated from this alternative would not result in a significant impact upon local and regional solid waste management practices. Alternative 3 would generate less solid waste compared to the proposed action, which would be 4.85± tons per month.

Energy Supply

This alternative would be supplied electricity via the existing PSEG Long Island infrastructure similar to the proposed action. Additionally, although there would be five (5) less condominium units than the proposed development, the energy demand would likely be similar as this alternative also includes a clubhouse. Lastly, this alternative design would comply with the energy conservation requirements set forth in Chapter 123 of the Town Code.

Parks and Recreational Services

As this alternative would include the same land use as the proposed action (i.e., multifamily residential community), the residents would be expected to utilize similar parks and recreational services as the proposed action.

5.3.7 Visual/Aesthetic Resources and Community Character

This alternative plan includes a multifamily residential condominium/townhouse development with 20 units rather than the 25 units proposed, and a clubhouse rather the cabana included in the proposed plan. The post-development views of Alternative 3 have been rendered by the project architect (see Appendix Q of this DEIS) from 95 Dune Road, 101 Dune Road, from Dune Road at the property entrance, as well as from the waterfront. As depicted on the renderings, the residential units would be visible from 95 and 101 Dune Road, and the overall site layout of Alternative 3 would be similar to the proposed action. From the waterfront, the clubhouse would be the dominant visual feature and its architectural style would complement the residential units and surrounding residential properties. From Dune Road, the residential units would be the main focal point, with the clubhouse further north in the background. The materials associated with this alternative would be the same as the proposed action.

5.3.8 Public Health

As with other properties along Dune Road, the safety and welfare of residents and landowners rely heavily upon public notifications of storm events and/or breaches and required storm evacuation. The established evacuation routes would be followed by the residential landowner of this site in the same manner as they are by others residing on Dune Road. The residential development would be insured, as required and necessary, for the protection of its residents and all on-site structures. Finally, this alternative would be required to comply with relevant standards and guidelines for development in this coastal setting, including, but not limited to the FEMA guidelines for development, to ensure the safety and welfare of all persons and structures. Accordingly, no significant adverse impacts to public health would be expected.

5.4 ALTERNATIVE 4: TOWN OF SOUTHAMPTON PURCHASE OF SUBJECT PROPERTY

This alternative includes the acquisition of the property with the use of CPF funds by the Town of Southampton to acquire the subject property with improvements and the associated business from the applicant. Based on an Appraisal Report prepared by Goodman-Marks Associates, Inc. (see Appendix Q of this DEIS), the property was appraised for its highest and best use. Based on the property location in a residential zone, as well as the current development in the area surrounding the subject property, residential development is the highest and best use for the site. As of November 1, 2022, the market value of the fee simple estate of the subject property is $15,200,000. The value of the tenant business known as Dockers Waterside is $3,750,000 (see Appendix Q of this DEIS). Accordingly, the total valuation of the subject site is $18,950,000.

Upon acquisition by the Town of Southampton, the use of the property would be determined by the Town. As it is unknown if the property would be preserved, partially or fully used for public recreational purposes, etc., the post development impacts of this alternative cannot be determined.

5.5 ALTERNATIVE 5: REDEVELOPMENT OF PROPERTY FOR PRIVATE YACHT CLUB

This alternative would include the redevelopment of the subject property for a private yacht club, which is a special exception use in the R-80 zoning district. The alternate plan for a private yacht club would utilize the existing marina and include implementation of all marina-related improvements approved by the Town in 1968, affirmed in the October 7, 2004 Decision of the ZBA and further affirmed in a Supreme Court decision (Round Dune, Inc. v. Zoning Board of Appeals of the Town of Southampton and 94 Dune Road Holding Corp. a/k/a Dockers Waterside Restaurant and Marina, Index No. 26133/04). Additionally, the existing Dockers restaurant would be renovated and remain in use.

Under the R-80 Zoning District regulations, the maximum density that would be permitted is based on a minimum lot size of 80,000 SF and the upland area of approximately 147,656.6 SF (3.38 acres). The yacht club would be developed in this upland area.

5.5.1 Soils and Topography

This alternative plan would include a slightly smaller area of disturbance and regrading than that of the proposed action for building foundations, drainage infrastructure, STP and paving. Specifically, as illustrated on Sheet ALT5 in Appendix Q of this DEIS, the total land area to be disturbed would be 2.60± acres, as compared to 2.92± acres for the proposed action. The retaining wall included as part of the proposed design is assumed to be required for this alternative as well. Overall, the potential impacts of this plan and mitigation measures to be undertaken would be similar to that of the proposed action.

5.5.2 Water Resources

Groundwater Resources

The Alternative 5 design would include the utilization of an on-site STP, which would be situated in the southwest portion of the subject property. Based on SCDHS design flow factors, the projected sanitary discharge from this alternative would be approximately 6,919.91 gpd (see Table 36 below), which is 580.09±

gpd less than the proposed action (7,500 gpd). Similar to the proposed action, the Alternative 5 STP would be a package unit from Purestream, BESST system, designed and constructed in accordance with Article 6 and would also meet the Article 6 - Appendix A, *Standards for Approval and Construction of Modified Sewage Disposal Systems and Small Community Sewerage Systems* ("Appendix A STP Standards").

Table 36 – Total STP Flow for Alternative 5

Building use	Area (SF)	Seats	Required sanitary load (gpd per seat/SF/ unit)	Sanitary flow (gpd)	Required kitchen load (gpd per seat/SF)	Kitchen flow (gpd)	Hydraulic flow (gpd)
Bar tavern		15.00	10	150.00	5	75	225.00
Bar (outdoor)		9.00	5	45.00	2.5	22.5	67.50
Catering hall		102.00	5.00	510.00	2.5	255	765.00
Outside patio dining		48	5	240.00	10	480	720.00
Restaurant (>16 seats)		155	10	1,550.00	20	3100	4,650.00
Non-medical office	3,527		0.06	211.61			211.61
Marina		24	10.00	240.00	FOOD SERVICE		240.00
Storage	270		0.04	10.81			10.81
Recreation (tennis)		2	15.00	30.00			30.00
			Total sanitary flow:	**2,987.41**	**Total kitchen flow:**	**3,932.50**	**Total: 6,919.91± gpd**

Regarding total nitrogen loading, the total nitrogen from this alternative would be 116.32 lbs./yr., which is 7.83 lbs./yr. less than the proposed development. The concentration of nitrogen under this alternative would be 2.72 mg/L, as compared to 2.83 mg/L for the proposed action, which are both below the 4 mg/L recommended in the *208 Study*.

Stormwater Runoff/Drainage and Relevant Regulations

Regarding drainage, this alternative plan includes similar methods to that proposed (leaching galleys and drywells); however, as this plan includes a reduced impervious surface area (i.e., 0.08± ac less than what is proposed), the volume of stormwater generation would be less. All stormwater would be accommodated and recharged on-site in accordance with the Town Code. Also, during construction, proper erosion and sedimentation controls in accordance with the Town Code as well as NYSDEC regulations would be implemented. As such, there would be no significant adverse impacts associated with stormwater or drainage expected from this alternate plan.

Wetlands, Floodplains and Surface Waters

Under this alternative design, the building setback from the tidal wetlands would be the same under existing conditions (i.e., 0 ft) as the restaurant would remain in use, which would not comply with the NYSDEC or Chapter 325 of the Town Code (Wetlands). However, the yacht club plan would comply with the wetland sanitary setback and the STP would be similar to that proposed and designed in accordance with SCDHS regulations.

It is noted that this alternative would require dredging of the previously dug canal connecting the existing marina to Shinnecock Bay to ensure the water body remains safe for the navigation of the larger yachts. This would require consultations with and a permit from the USACOE.

Regarding floodplains, the yacht club, as well as its associated STP and STP control building, would be placed at or above the BFE. It is also assumed this design would incorporate the same flood mitigation for the STP control building as the proposed action, which is discussed in Section 2.2.2 of this DEIS. Furthermore, the pool equipment for Alternative 5 would be anchored. All associated utility infrastructure for electric and natural gas would be designed in accordance with the specifications of the utility providers and would include the relevant requirements associated with flood protection, similar to the proposed action. The yacht club alternative would also be consistent with all standards in Chapter 169 of the Town Code (Flood Damage Prevention).

Regarding surface waters, this alternative would not adversely impact Shinnecock Bay and would be consistent with all policies of the SCRWPP, as well as the NYSDOS Coastal Management Program, which are evaluated in Section 2.2.2 of this DEIS.

Climate Change

As indicated above in this section of the DEIS, the development site is located entirely within Zone AE: BFE 12, and the yacht club, with associated sanitary structures, would be built at or above the BFE to comply with the FEMA Guidelines for Development. Additionally, the drainage infrastructure associated with this design would maintain a minimum two-ft separation distance from the base of the leaching galleys to groundwater. The separation would be large enough to account for the 2050's medium projection of 16 inches (or 1.3 ft) of sea level rise under NYSDEC Part 490 regulations, as well as the NYSERDA projections of 18 inches or 1.5 ft by 2050s.

5.5.3 Ecological Resources

As indicated in the Ecological Conditions and Impact Analysis (see Appendix J of this DEIS), this alternative would include a smaller setback to the wetlands as compared to the proposed action as the existing restaurant building would be maintained and renovated in the northeast corner of the site. The gravel parking area, restaurant and tennis court all located on the eastern portion of the subject property would be approximately 5 ft, 22 ft and 26 ft, respectively, from the nearest tidal wetland. The proposed action would include wetland setbacks varying from approximately 50 ft to 75 ft on the eastern side of the site. This alternative would not include the same environmental benefits to ecological communities, wildlife, endangered/threatened species, and significant ecological communities as compared to the proposed action. Specifically, the proposed action increases the natural ecological habitats by a larger amount, increases habitat quality by replacing developed

areas and areas dominated by invasive plant species with native coastal vegetation and has larger wetland setbacks compared to this alternative design.

Alternative 5 would result in a larger area of in-water structures as compared to the proposed action. Specifically, this alternative design would include the construction of 3,656± SF of docks to provide 24 boat slips as compared to 1,874± SF associated with the 16 boat slips and 10 jet ski floats to remain upon implementation of the proposed action. As the yacht club would include more boat slips than the proposed action, the potential for environmental impacts associated with recreational boat usage to the nearshore waters of the man-made dug canal and Shinnecock Bay would also be greater. Such environmental impacts would include pollutant discharge to surface waters, benthic disturbance, and disturbance due to vessel noise and human activity.

5.5.4 Land Use, Zoning and Plans

This alternative includes the use of the property as a marina and private yacht club. The marina would include 24 boat slips, consistent with the prior approval of the Town.

As shown on Sheet ALT5 in Appendix Q of this DEIS, the STP and control building would be located to the west of the entrance in a similar manner to the proposed action. The majority of parking for the yacht club (i.e., 55 parking stalls) would be on the east side of the access driveway, with approximately 11 more spots on the west side of the entrance. As part of the alternative 5 design, the existing 30-ft restaurant and tennis court would both be renovated and remain in use. The tennis court would be relocated further north on the site to accommodate parking. Further, this alternative has slightly different site coverages than the proposed action: 2.56±% less impervious coverage (i.e., from 25.94±% for the proposed action to 23.38±%), 0.15± acre less of overall landscaping coverage (i.e., from 2.00± acres for the proposed action to 1.85± acres) and 0.26± acre more of gravel area (i.e., from 0.49± acre for the proposed action to 0.75± acre).

It is noteworthy that there is only one (1) marina within two (2) miles of the site (i.e., Aldrich Boat Yard & Marina – 27 Weesuck Ave, East Quogue; 1.80 miles northwest of subject property).[100] Other marinas that are greater than three (3) miles from the site include Ponquogue Marina (86 Foster Avenue, Hampton Bays; 3.65 miles northeast of subject property), Village Marina - Westhampton Beach (1 Library Avenue, Westhampton Beach; 4.05 miles west of subject property), Ocean Resort at Bath and Tennis (231 Dune Road, Westhampton Beach; 4.49 miles southwest of subject property), and Oakland's Restaurant and Marina (365 Dune Road, Hampton Bays; 4.68 miles northeast of subject property).

According to the project ecologist, the environmental benefits to ecological communities, wildlife, endangered/threatened species, and significant ecological communities of the proposed action described in Section 2.3.2 of this DEIS would not be realized under this alternative. Specifically, 1) increasing natural ecological habitats by 0.81 acres (0.79 acres of maritime upland habitats and 0.02 acres of tidal wetlands) to a total of 5.65 acres; 2) increasing habitat quality by replacing developed areas and areas dominated by invasive plant species with native coastal vegetation; 3) and increasing the wetland setbacks from 0 ft under existing

[100] https://www.waterwayguide.com/directory/marina/new-york/east-quogue

conditions to between 50 and 83 ft upon implementation of the proposed action (see Ecological Conditions and Impact Analysis in Appendix J of this DEIS).

The yacht club is a special exception use in the R-80 Zoning District and would comply with the bulk and dimensional requirements, apart from maximum lot coverage by main and accessory buildings. The requested area variance is required to accommodate the development footprint, inclusive of parking.

As this alternative is consistent with the R-80 Zoning District, it would be consistent with the 1999 Comprehensive Plan Update. Of importance, the 1999 Comprehensive Plan Update recognizes the value of marinas to the Town's economy. In the Economic Development component of the plan, a noted goal is to "*Strengthen the ability of the marine industry, including marinas, to survive and locate in the Town."* This alternative plan is consistent with this goal. Additionally, the yacht club alternative would be consistent with all other relevant planning documents evaluated in Section 3.1.3 of this DEIS.

5.5.5 Transportation

As indicated in the TIS (see Appendix L of this DEIS), trip generation projections are expected to vary under Alternative 5 as compared to the proposed action. As such, trip generation projections were prepared using ITE's *Trip Generation Manual, 11th Edition* and trip generation rates associated with Land Use 420 "Marina" were cited for the private yacht club with 24 berths. It is noted that ITE defines Land Use 420 "Marina" as "a public or private facility that provides docks and berths for boats and may include limited retail and restaurant space." Therefore, Land Use 420 is applicable for the described Alternative 5.

Table 37 below (as excerpted from Table 8 of the TIS) provides the weekday morning, weekday evening, and Saturday peak hour trip generation comparison associated with this alternative. It is noted that last mile facilities utilize vans for local deliveries, which are considered passenger vehicles.

Table 37 – Projected Trip Generation – Private Yacht Club

	Weekday Morning Peak Hour			**Weekday Evening Peak Hour**			**Saturday Peak Hour**		
	Enter	**Exit**	**Total**	**Enter**	**Exit**	**Total**	**Enter**	**Exit**	**Total**
Alternative 5	1	1	2	3	2	5	2	3	5

As shown above, the alternative development would generate two (2) trips during the weekday morning peak hour, five (5) trips during the weekday evening peak hour, and five (5) trips during the Saturday peak hour. As trip projections for the private yacht club development would be lower than the trip projections prepared for the Build condition, which considers 25 dwelling units, and as the trip routings would be identical to the Build condition, the LOS results for the Build condition are considered more conservative. Therefore, additional LOS analyses have not been prepared.

Regarding parking, pursuant to §330-94 of the Town Code, the required parking for this alternative is 104 parking spaces and the layout includes 66 parking spaces. Accordingly, a parking variance would be required.

5.5.6 Community Facilities and Services

Projected Tax Generation

The projected tax revenues would be based upon the assessment of the use from the Town Assessor. A request was made to the Assessor from the project attorney and a response is pending.

Public School Districts

As this alternative design would include a private yacht club, no PSAC would be generated by a permanent population.

Police Protection Services

The yacht club associated with this alternative design would not be expected to result in an undue demand for police protection services. Additionally, the yacht club alternative would generate tax revenue for the Southampton PD. Overall, Alternative 5 would not be expected to adversely impact the Southampton PD.

Fire and Ambulance Services

This alternative would not be expected to result in an undue demand for fire protection and ambulance services. Additionally, this alternative would generate tax revenue to the East Quogue Fire District. Overall, Alternative 5 would not be expected to adversely impact the East Quogue Fire District.

Water Supply

The total water demand for this alternative design would be approximately 6,919.91 gpd, as compared to 7,500± gpd for the proposed action. As indicated in Section 3.3.1 of this DEIS, consultations were undertaken with SCWA regarding the increase in water demand for the proposed action and in correspondence dated October 12, 2022, SCWA indicated there is sufficient capacity to service the proposed development (see Appendix H of this DEIS). As the water demand for this alternative would be less than the proposed action, there would be sufficient capacity within the SCWA for Alternative 5 as well.

Solid Waste Handling

The estimated solid waste generated for Alternative 5 was calculated below utilizing two (2) solid waste generation rates as presented in Table 3.4 of *Environmental Health and Safety for Municipal Infrastructure, Land Use and Planning, and Industry.*[101] The sources of waste, as well as the units, were determined utilizing the SCDHS design flow factors associated with this alternative design (see Table 36 in Section 5.5.2 of this DEIS) during operations. Specifically, it is assumed that Alternative 5 would include a total of 355 seats associated with the restaurant, outdoor dining patio, bar, catering hall, marina and recreational uses. Additionally, Alternative 5 would include an approximately 3,527-SF office building.

[101] Nemerow, N.L., Agardy, F.J., Sullivan, P. & Salvato, J.A. *Environmental Engineering, Sixth Edition. Environmental Health and Safety for Municipal Infrastructure, Land Use and Planning, and Industry.* 2009.

Source of Waste: Day use facility, resort (0.50 lbs./capita/day)

0.5 lbs./capita/day x 355 seats	= 177.5± lbs. per day
(177.5± lbs. x 365 days)/12 months	= 5,399 ± lbs. per month
5,399± lbs. per month/2000 lbs.	= **2.70± tons per month**

Source of Waste: Commercial building, office (1.0 lb./100 SF/day)

1.0 lb./100 SF/day x 3,527 SF	= 35.27± lbs. per day
(35.27± lbs. x 365 days)/12 months	= 1,073 ± lbs. per month
1,073± lbs. per month/2000 lbs.	= **0.54± tons per month**

TOTAL = 3.24± tons per month

Based on the above, the estimated solid waste generation would be 3.24± tons per month. Similar to the proposed action, this alternative design would include the use of a licensed private carter service for the collection and handling of all solid waste, and recycling would be implemented with separate trash receptacles.

It is anticipated that the solid waste generated from this alternative would not result in a significant impact upon local and regional solid waste management practices. Additionally, the estimated solid waste generation is conservative in that the private yacht club would not be expected to be fully operational in the winter months (i.e., marina-related activities) and thus would be expected to generate less solid waste than projected. Overall, Alternative 5 would generate less solid waste compared to the proposed action, which would be 4.85± tons per month.

Energy Supply

This alternative would be supplied electricity via the existing PSEG Long Island infrastructure in a manner similar to the proposed action. Additionally, this alternative design would comply with the energy conservation requirements set forth in Chapter 123 of the Town Code.

Parks and Recreational Services

This alternative plan would provide a recreational use on the subject property for boat/yacht owners. Accordingly, there would be no impact on the Town resources.

5.5.7 Visual/Aesthetic Resources and Community Character

The development of a private yacht club, with an expanded marina and clubhouse on the subject property would introduce a water-dependent land use that would complement the surrounding residential land use and the waterfront setting. The post development views of this alternative have been rendered by the project architect (see Appendix Q of this DEIS) from 95 Dune Road, 101 Dune Road, from Dune Road at the property entrance, as well as from the waterfront. As illustrated on the renderings, the yacht club would be visible from 95 and 101 Dune Road, although the expansive waterfront views would not be adversely impacted. From the entrance on Dune Road as well as from the waterfront, the clubhouse would be the visual focal point. The architectural style of the clubhouse would complement the surrounding land uses without any significant adverse impact to the neighborhood character.

5.5.8 Public Health

As with other properties along Dune Road, the safety and welfare of residents and landowners rely heavily upon public notifications of storm events and/or breaches and required storm evacuation. The established evacuation routes would be followed by occupants of this site in the same manner as they are by others residing on Dune Road. The development would be insured, as required and necessary, for the protection of its occupants and all on-site structures. Finally, this alternative would be required to comply with relevant standards and guidelines for development in this coastal setting, including, but not limited to the FEMA guidelines for development, to ensure the safety and welfare of all persons and structures. Accordingly, no significant adverse impacts to public health would be expected.

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