

2.0 RESPONSES TO COMMENTS

2.1 INTRODUCTION

Chapter 2 of this Final Generic Environmental Impact Statement (FGEIS) provides responses to substantive comments compiled by the Lead Agency, the Southampton Town Board, during the SEQR public review process for the adoption of the proposed draft Hampton Bays Corridor Strategic Plan, last revised January 2010,¹ and Cumulative Impact of Build-Out Study dated November 2010. Commentary relating to the Hampton Bays Corridor Strategic Plan and DGEIS and Cumulative Impact of Buildout includes:

- verbal comments presented at the February 8, 2011, March 8, 2011, and March 22, 2011 public hearings; and
- written comments submitted by the public and involved and interested agencies including correspondences submitted during the designated written comment period beginning December 28, 2010, when the DGEIS was deemed adequate for public review by the Town Board, through April 21, 2011—a period of 30 days after the close of the final public hearing.

In total, 31 separate written correspondences were received. These written correspondences are provided in their entirety in Appendices 1 through 31 of this FGEIS. In addition, a total of 11 individuals other than Town Board members and staff provided verbal commentary during the joint public hearings for the Plan and Cumulative Impact of Buildout Study and DGEIS. These statements were recorded and video taped by the Town of Southampton during the three public hearings and are available for review on the Town's website. Public hearing minutes are provided in Appendices 32 through 34. Appendices 35-37 are miscellaneous appendices including Town and State laws and LIPA's energy delivery plans.

¹ The cover of the document assembled by the Town reads "*Revised: July 2010*" the header in the body of the document reads "revised 1/10."

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This FGEIS addresses “substantive” comments in accordance with the content requirements of 6 NYCRR 617.9(b)(8) of SEQR. FGEISs do not attempt to address comments that do not have relevance to the identification and evaluation of environmental or land use impacts and the development of suitable mitigation measures which are essential to the decision-making process for the proposed action, or comments that concur with or object to the proposed action without elaboration. Such comments are, nevertheless, incorporated into the public record and are duly considered by the Lead Agency prior to its final decision on the proposed action.

To avoid unnecessary repetition, several broad comment categories or topic headings were created so that related comments could be grouped appropriately; although many comments could fall under more than one topic. Subject topics are:

- Development Density/Population/Growth
- Parks and Open Space
- Planned Development Districts
- Zoning/Rezoning/Variances/Code Enforcement
- Transient Lodging Conversions
- Groundwater/Drinking Water
- Surface Waters, Wetlands, and Watersheds
- Ecology
- Wastewater and Stormwater
- Nitrogen/Pollutants
- Central Pine Barrens
- Aquifer Protection Overlay District
- School and Public Library Impacts
- Traffic and Transportation/Good Ground Road Extension
- Parking
- Utilities and Non-Transportation Infrastructure
- Energy
- Cultural Resources
- Economy
- Community Character/Aesthetics
- Modified Alternative
- Miscellaneous

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Table 1
Written Correspondences and Public Hearings

Appendix No.	Date	Commentator	Written Correspondence or Hearing
1	5/27/08	Scott Carlin	Written Correspondence
2	12/3/09	Scott Carlin	Written Correspondence
3	2/1/10	Eve Houlihan	Written Correspondence
4	2/5/10	Scott Carlin	Written Correspondence
5	5/2/10	Eve Houlihan	Written Correspondence
6	5/3/10	Scott Carlin	Written Correspondence
7	5/3/10	Richard Casabianca	Written Correspondence
8	11/5/10	Hampton Bays Civic Association	Written Correspondence
9	11/18/10	Hampton Bays Citizens Advisory Committee	Written Correspondence
10	2/7/11	Bonnie Doyle	Written/read 2/8/11 hearing
11	2/7/11	J. Ruggieri	Written Correspondence
12	2/8/11	Housing Characteristic Flyer	Written Correspondence
13	2/26/11	Jack Capone	Written Correspondence
14	3/1/11	Scott Carlin	Written Correspondence
15	3/8/11	Bridgid Coughlin	Written Correspondence
16	3/8/11	Mary Jean Green	Written Correspondence
17	3/8/11	Eve Houlihan	Written Correspondence
18	3/10/11	Eve Houlihan	Written Correspondence
19	3/17/11	New York State Department of Transportation	Written Correspondence
20	3/18/11	Nelson/Pope/Voorhis, received 3/19/11	Written Correspondence
21	3/18/11	Central Pine Barrens JPPC	Written Correspondence
22	3/18/11	Hampton Bays Beautification Association, Inc.	Written Correspondence
23	3/18/11	Hampton Bays Water District, 3/21/11	Written Correspondence
24	3/29/11	Mary Jean Green	Written Correspondence
25	4/1/11	Elizabeth Scheurer	Written email
26	4/18/11	Hampton Bays Civic Association, received 4/21/11	Written Correspondence
27	4/20/11	Hampton Bays UFSD, received 4/21/11	Written Correspondence
28	4/21/11	Eve Houlihan	Written Correspondence
29	4/21/11	Citizens for Hampton Bays-Petitions against Good Ground Road Extension	Written Correspondence
30	7/09	Hampton Bays Visioning Statement	Written Correspondence
31	3/29/11	Elizabeth Scheurer	Written Correspondence
		Public Hearings	
32	2/8/11	Several	Public Hearing
33	3/8/11	Several	Public Hearing
34	3/22/11	Several	Public Hearing
		Miscellaneous	
35	NA	Town Code Accessory Apartment Regulations	
36	NA	NYS Law Article 42 LWRP	
37	NA	LIPA: Energy Delivery Plans for Long Island	

Revisions, amendments, and additional strategies for impact avoidance or mitigation are underlined. Additional mitigation strategies, revisions or updates to the DGEIS are underlined. These additional mitigation strategies will be included in an updated Table of Recommendations to be attached to the Findings Statement.

2.2 RESPONSE TO WRITTEN COMMENTS ON THE DGEIS RECEIVED THROUGH THE FINAL COMMENT PERIOD ENDING APRIL 21, 2011 AND VERBAL COMMENTS RECEIVED AT PUBLIC HEARINGS HELD FEBRUARY 8, 2011, MARCH 8, 2011, AND MARCH 22, 2011.

2.2.1 DEVELOPMENT DENSITY/POPULATION/GROWTH

COMMENT: While Part IV.3-4 of the DGEIS outlines Open Space Preservation as the only logical means to offset density increases, this is NOT clearly stated or reaffirmed under the related MITIGATION Summary featured in Part IV.3-5 and 6. In short: the crux of the matter -- DENSITY Moderation -- is not comprehensively addressed.

RESPONSE: The Plan and DGEIS address the preservation of open space and woodlands and reductions in density in a variety of ways.

- The proposed plan rezones many lots from Highway Business (HB) to Hamlet Office (HO)/Hamlet Commercial (HC) and in so doing reduces potential commercial density on these properties as compared to the no-action build-out scenario, though a very limited number of apartments could be created. The HO/HC zoning does this by reducing the maximum permissible building coverage and thus maximum permissible building size (gross floor area) from 30 percent coverage at two stories to 20 percent coverage at two stories which reduces the maximum potential gross floor area by one-third. Maximum pervious surface coverage in the HO/HC is 60 percent as compared to the HB zone where there is no maximum coverage restriction. The overall scale of buildings would also be reduced since

the maximum height in the HO/HC district is 32 feet and the maximum in the HB district is 35 feet. Sign size and height are also reduced in the HO/HC district.

- The DGEIS indicates that suitable TDRs, payment in lieu of development rights from sensitive environmental areas earmarked for open space acquisitions, and/or substantial public benefits, as permitted by NYS Town Law 261-b and required by the Town Code, must be provided to offset increased density if PDDs are to be allowed.
- The Plan’s Transition Overlay Zone (TOZ) calls for the retention of wooded buffers along the frontages of properties along the eastern and western ends of the corridor study to maintain aesthetic qualities, rural character and open space.
- The Plan and DGEIS provide continued support of the implementation of the Town’s existing Community Preservation Plan and targets new vacant and environmentally sensitive parcels of land not previously on the list including small vacant buildable lots;
- The Plan and/or DGEIS also call for:
 - creation of new parks and green spaces, including the Plan’s recommended “Post Office Plaza” and “Cinema Square”, as well as the retention of Good Ground Green and the Tiana Commons property as passive/natural open spaces rather than as residential receiving area districts (RRADs) as previously existed, which could have allowed a significant increase in as-of-right density;
 - wetlands buffers to protect key surface waters and wetlands as applicable;
 - use of clustering and conservation easements and covenants and restrictions for preserving land on environmentally sensitive land;
 - affirms that existing Aquifer Protection Overlay District (APOD) regulations that require the preservation of a minimum of 50 percent of each commercial and multi-family residential development as well as a proportion of future residential subdivisions depending on lot size be implemented, including for any possible future PDDs that may be proposed;
 - recommends the reduction of density in transient lodging conversions; and
 - a requirement that future SEQR reviews be conducted for planned actions in the hamlet rather than them falling under the umbrella of the current DGEIS.

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PDDs such as Canoe Place Inn, could bring additional density beyond what is currently permitted. These rezonings are allowed subject to considered by the Town Board on an application by application basis pursuant to Article XXVI, Planned Development District, of the Southampton Town Code, in exchange for public benefits including protection of open space to mitigate density issues.

In order to retain existing undisturbed open space and potentially reduce future density in the Hamlet, the Town-owned land adjacent to the east of Munns Pond was found to be best suited for passive rather than active recreational purposes. This recommendation can be included in the final list of recommendations.

COMMENT: Renewed hydrologic analysis (by both the Water District and other experts) of the original 1970 Town Master Plan would also seem relevant. The section of the Plan dealing with Residential Land Use had recommended a community-wide maximum population density goal not to exceed 1.2 persons per gross buildable acre of land in the unincorporated area of the Town (well exceeded by now within Hampton Bays). That goal was based upon anticipated per capita water consumption.

RESPONSE: The 1970 Master Plan anticipated a community-wide population density of 1.2 per persons per acre for the unincorporated areas of the Town as a whole. It was not a specific recommendation for any one area but a finding of future potential for the entire area. Many strategies toward meeting this recommendation have been implemented. Much has transpired to address and mitigate density impacts and has been learned since the adoption of the 1970 Master Plan, including new technologies, new public awareness, new scientific understanding, and engineering and planning techniques and practices, to name a few. The Town as a result of the 1970 plan “upzoned” numerous properties in Hampton Bays, including the implementation of large lot zoning in the Central Pine Barrens Overlay District and Aquifer Protection Overlay District and upzoning of land in the residential heart of the community to lot sizes larger than the already subdivided lots, some of which may still be held singly and separately. Also, numerous studies, including but not limited to the LI 208 study; LI Special Ground Water Protection Area

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(SGPA) study; development of hydrologic zones by the Suffolk County Department of Health; revisions to the Suffolk County Sanitary Code, including 2008 amendments; requirements for SPDES stormwater and wastewater effluent discharge permits, adoption of the Central Pine Barrens plan, and creation of the Town's Aquifer Protection Overlay District (APOD) and Central Pine Barrens Overlay District, have been established to protect groundwater resources. Other actions taken to address density and groundwater in the State, County and/or Hampton Bays since 1970 include the enactment of SEQR; adoption of the Town's Community Preservation Project Plan; and expansive Town, State, and County open space preservation acquisitions north of Montauk Highway and along the barrier island. The Corridor Study, GEIS and FGEIS contain many recommendations to further address density and groundwater concerns.

Recommendations to address density from future motel conversions, identification of additional target land acquisitions and recommended use of transferred development rights cited by the Hampton Bays Corridor Plan and DGEIS will assist in addressing development density and potential groundwater impacts. The motel conversion study is considering minimum unit sizes, compliance with health department density requirements, and prohibitions of conversions in Highway Business zones. Recent acquisitions of the Tiana Commons and Good Ground Park properties, both of which are very large and were former residential receiving area districts (RRADs), have also served to reduce potential density in the Hamlet.

The Suffolk County Department of Health Services is primarily responsible for ensuring the public health in regard to wastewater disposal practices and provides margins of safety to ensure the same. While an intensive hydrologic study of the Hamlet is beyond the scope of a generic environmental impact assessment, the Hampton Bays Water District has indicated that the available water supply is sufficient to serve the community at buildout.

The Town has revised its PDD law by resolution 2011-567 on May 10, 2011 and resolution 2011-610 on May 24, 2011 to detail key issues of community concern. Any future PDD will be evaluated individually and proposed densities decreased if necessary based on the zone change/SEQR review process. The zone change/SEQR review process will be used to identify

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the appropriate development density, strategies for protecting the environment and public health, and required community benefits.

The DGEIS has numerous mitigations including requiring TDRs or payment in lieu of development rights earmarked for open space at sufficient levels to offset increased density, APOD clearing restrictions/open space preservation and limits on fertilizer dependent vegetation, retention of wooded buffers, adherence to pine barrens standards, referral of plans to the pine barrens commission, use of innovative sewage disposal systems such as new and improved “Besst” and “Nitrex” systems that remove nitrate and other pollutants, a requirement that nitrogen concentrations from system effluent do not exceed the federal, state and local drinking water standards and are lowered even further to address surface water quality issues, and that total maximum daily nitrate loadings do not exceed the loading that would be expected if property was permitted as-of-right on any PDD site.

Water conservation efforts including public education, use of modern fixtures and sprinklers, and planting of native vegetation for landscaping are effective techniques for reducing per capita water consumption. A public education mitigation strategy that addresses the protection of groundwater resources and an investigation into possible funding sources for addressing existing substandard septic systems on developed lots can be initiated. The Town is currently moving forward with a proposal to create a new Chapter 177 establishing a “Septic System Rebate and Incentive Program” which would provide, on a limited basis, reimbursement for upgrades to substandard sanitary systems. In addition, the Town has recently drafted a Sustainability Component to the Comprehensive Plan which outlines numerous practices and policies that will promote water conservation and improve surface and groundwater quality.

COMMENT: There is disproportionate density in Hampton Bays. We want to further reduce density. Hampton Bays is too dense. We need to put something in the plan to address density.

RESPONSE: See previous response. Most density in the hamlet was established long ago when most of the Hamlet was subdivided into small lots. In an effort to assure that additional density

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was not compromising public health, on April 22, 2008, the Southampton Town Board adopted resolution 2008-689, amending sections 330-57, 330-59, 330-60, and 330-61 (Article XII Special Old Filed Map Overlay District) to balance the protection of natural resources and land development density and individual property rights. It eliminated the full residential development right for nonconforming lots in the Special Old Filed Map Overlay District having a lot area of less than 10,000 square feet. A special permit procedure was added for lots between 8,000 and 10,000 square feet if proof could be provided that public health and safety will not be compromised. The Town has also acquired land within the Hamlet including two relatively recent purchases of large properties (Good Ground Park property and the Tiana Commons property).

COMMENT: The DGEIS provides recommendations not mandates. While continuing to attempt to argue the rationale for PDDs, the DGEIS does not directly address non-compliance with previously pronounced Comprehensive Plan directives or action items, specifically those dealing with Hampton Bays' density.

RESPONSE: The DGEIS provides impact avoidance and mitigation strategies to reduce the impacts of implementation of the proposed Plan, which has been designed to have an overall positive effect. The DGEIS, in conjunction with existing and proposed plans and laws, also strives to prevent or reduce potential impacts from buildout under current zoning. In regard to the application submitted for the Tiana Commons PDD, the property has now been acquired by the Town and will not be developed. This acquisition will preserve open space and protect the nearby wellfield. The Town recently conducted further analyses and revisions to the Town's PDD law to address community concerns. Many enacted, adopted, implemented, and proposed measures have been taken to reduce Hampton Bays' future density to the extent practicable, since most of it was subdivided and developed many years ago.

Since density is a measure of the ratio of population, residential units, and/or nonresidential floor space per unit area (e.g., square mile), the density of Hampton Bays that was not already subdivided in 1970 has been reduced dramatically through rezonings and substantial land

acquisitions over conceivable buildout under pre-1970 conditions. While PDDs typically result in denser development, the DGEIS states several times that additional incentivized density must be offset by preservation of open space and/or substantial community benefits to ensure the requisite “substantial community benefits and amenities” required by the Town Code and to prevent dramatic overall density increases.

HO/HC rezonings recommended by the Plan will reduce overall building density in the corridor by reducing total lot coverage standards over HB zoning. The DGEIS also indicates that density in PDDs must be offset by preservation of open space or payment in lieu of open space to preserve land. The Hampton Bays School District still has 4.81 Pine Barrens credits that must be transferred to suitable locations in order for the environmentally sensitive lands to be preserved.

COMMENT: Providing incentives for developers to preserve residentially-zoned land, promoting the hamlet as a vacation or second-home community, or improving the commercial and industrial centers are all feasible approaches to controlling density, provided they contribute to preserving the hamlet identity that appeals to so many Hampton Bays residents. The school district supports initiatives that preserve a landowner’s as-of-right privileges, ease the taxpayer burden, and mitigate density growth within the schools.

RESPONSE: The comment is acknowledged. The Plan and DGEIS attempt to address such issues while striking a balance between competing interests. Recent actions by the Town including land acquisitions which reduce the number of school-aged children in the school district in the future and places less strain on schools and other facilities promote the above objectives.

2.2.2 PARKS AND OPEN SPACE

COMMENT: Also missing from the Mitigation section is the self-evident imperative to maximize and augment Open Space preservation through Community Preservation Fund (“CPF”) and other funding mechanisms. The Hutton Corridor Draft Study and the DGEIS in

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Part II.4-9 and 10 delineate several properties along Montauk Highway (eastern leg and western leg) plus waterfront/other parcels, the bulk of which had also been identified in my April 18, 2006 letter to the Town Board as targets for preservation. One parcel identified in 2006, and also referenced by Mr. Brusseau of Cashin at the Jan. 27, 2010 workshop session as a priority for preservation: a large (ca. 38-acre) property located west of / adjacent to the existing Jackson Avenue complex) --- is not included in the DGEIS recap or Mitigation section. But again, each of these proposed and appropriate targets for preservation need to be clearly listed under MITIGATION. It is axiomatic that the best antidote to inordinate density is enhanced Open Space Preservation.

RESPONSE: The DGEIS mentions the use of Community Preservation Fund (CPF) monies for preservation in other sections (e.g., Section 4cii). There are various mechanisms for preserving or protecting open space as previously mentioned. These include fee title acquisition, clustering and preservation through the recording of easements and covenants and restrictions, clearing restrictions, woodland and wetland buffer requirements, donations of land, bargain sale acquisitions, etc. The CPF program is a separate program that will continue to be implemented until it “sunssets” whether the Hampton Bays Corridor Plan is adopted or not.

The properties that have been identified for preservation by the Plan and DGEIS, including lots that were recommended by members of the Ad Hoc Committee, are listed in the DGEIS. The large tract of land adjacent to the Jackson Avenue complex (which consists of two parcels and is actually over 67 acres) is a good site for preservation as it is located within a designated pine barrens Critical Resource Area, is adjacent to large tracts of protected open space and wildlife habitat, is one of the few large tracts of meaningful open space left in the community, contains a wetland and extensive woodlands and recharge area, and provides a wooded buffer along SR 24 that maintains a rural gateway into the community. Acquisition of property depends on having a willing seller, reaching an agreement on price, having available funds, the priority of the acquisition as compared to others throughout the Town, and other factors. The Mitigation matrices to be provided in the Findings Statement will be amended to include a list of all the lots within Hampton Bays that were identified as preservation target sites.

COMMENT: Two lots located adjacent to the west of the Town's closed landfill are important properties to preserve. They have been on the Town's CPF list for years without action to date. These properties should be acquired.

RESPONSE: See previous response. The properties mentioned above (SCTM Nos. 900-173-1-1.3 and 900-205-1-1.3) are, in fact, not on the Town's April 2005 Community Preservation Project Plan's target acquisition list. The DGEIS indicates that these lots are environmentally sensitive as they are contiguous to large tracts of open space, are located within a designated Central Pine Barrens Critical Resource Area, are located between the old landfill and a major roadway (SR 24), thereby providing a wooded buffer and scenic gateway into Hampton Bays, and provide ecological and groundwater protection benefits. It is also noted that a portion of one, if not both of these properties contain a small freshwater wetland. The two parcels can be considered for listing on the Town's target acquisition list. Since there are State and County owned lands and a history of interest for preserving these lands in the area, it is possible that a joint venture for their purchase may be possible in the future or that they may consider acquiring the property on their own. As previously noted, acquisition of any property on the target acquisition list is contingent upon a number of factors, including but not necessarily limited to the priority of the acquisition, availability of funds, and a willingness by the owner to sell the property for an agreed upon price.

COMMENT: Several comments address the issue of the need to preserve open space or use TDRs if PDDs are used.

RESPONSE: The DGEIS supports these recommendations many times over by indicating that Pine Barrens credits or payment-in-lieu of development rights dedicated to open space, in conjunction with other substantial community benefits or amenities be applied to offset impacts associated with any increase in density. The DGEIS indicates that appropriate TDRs, open space, and benefits or amenities will be determined at the outset of the PDD process, to justify any additional density.

COMMENT: Given the fact that Hampton Bays already houses the large complex known as “Red Creek Park” with numerous recreational and sports opportunities, plus the newly acquired “Squiretown Park” which hosts various other Town-wide activities, it is essential that the 9.8 acre parcel adjacent to Munn’s County Park be restricted to ONLY Open Space purposes. It serves as a much needed scenic relief component along that stretch of developed Montauk Highway and, given its proximity to a County Park and CPF funding, demands pure preservation.

Additionally, during the January 27 workshop session, Mr. Brusseau clearly recommended against any development as an active park. Simultaneously, Mr. Brusseau recommended and supported the preservation of the large tract west of Jackson Avenue.

Page IV.5-12 states that a 10-acre parcel adjacent to Munn’s Pond and vacant property located at the northeast corner of Montauk Highway and Bittersweet Extension should be preserved for passive recreation not active recreation. These properties should be preserved for passive recreation.

RESPONSE: The land near Munn’s Pond is contiguous with a County wildlife reserve, including a freshwater pond and wetlands. It is also identified as a Central Pine Barrens Critical Natural Resource Area and is within an environmentally sensitive location that warrants protection. The land owned by the Town adjacent to Munns Pond is ideally suited for undeveloped open space to help protect area sensitive environmental resources rather than for active recreation. The DGEIS already indicates this recommendation in the text but will be included in the final list of identified mitigations.

The land adjacent to Bittersweet Extension has been acquired by the Town. The category under which the property was classified in the Community Preservation Project Plan is “Village Greens, Parks and Recreation.” See previous comment regarding land near Jackson Avenue.

COMMENT: Henceforth property bought with Community Preservation Fund (CPF) money should be completely preserved.

RESPONSE: The CPF properties are regulated by Article 1, Section 140 of the Town Code. Section 140-6 specifically addresses the management of acquired lands and their uses.

§ 140-6 Management of Acquired Lands

A. Lands acquired under this chapter shall be administered and managed in a manner which:

(1) Allows public use and enjoyment in a manner compatible with the natural, scenic, historic, and open space character of such lands;

(2) Preserves the native biological diversity of such lands;

(3) With regard to open spaces, limits improvements to enhancing access for passive use of such lands, such as nature trails, boardwalks, bicycle paths and peripheral parking areas, provided that such improvements do not degrade the ecological value of the land or threaten essential wildlife habitat; and

(4) Preserves cultural property consistent with accepted standards for historic preservation.

B. The Town may enter into agreements with corporations, organized under the Not-For-Profit Corporations Law, engaged in land trust activities to manage lands, including less than fee interests acquired by the fund.

C. Any such agreement shall contain a provision that such corporation shall keep the lands accessible to the public unless such corporation shall demonstrate to the satisfaction of the Town that public accessibility would be detrimental to the lands or any natural features associated therewith.

COMMENT: The County Park at the inlet is a total disgrace.

RESPONSE: The specific issues of concern surrounding the park are not indicated in the comment. The Park is owned by the County and maintenance falls under its jurisdiction. The commentator should call or write to the Suffolk County Department of Parks, Recreation and Conservation and inform them of any specific concerns.

2.2.3 PLANNED DEVELOPMENT DISTRICTS

COMMENT: Part IV.4-7 of the DGEIS: Further references the “Anticipated Impacts to Groundwater” and specifically cites the “Tiana Commons” proposal as proximate to one of two water supply wellfields in the area which serve the Hampton Bays Water District (i.e., one east of Bellows Pond Road). It further highlights that the Town’s APOD has been officially designated as a critical environmental area. Each CEA was created to protect important groundwater resources, in tandem with other factors such as woodlands, open space, etc.

RESPONSE: According to the Hampton Bays Water District, the HBWD has five wellfields, not two. Two of the wellfields are located in the Corridor Study Area – one near the Tiana Commons site. The Tiana Commons property has been acquired by the Town for open space and will not be developed.

In order to further protect groundwater resources, a comparative assessment of maximum nitrate removal capabilities of available wastewater removal technologies will be provided in any required Environmental Impact Statements to ensure that the best technology approvable by the Suffolk County Department of Health Services for removing nitrogen is used, and that a nitrogen budget is prepared as part of any Environmental Impact Statement that demonstrates that the total daily nitrogen loading from fertilizer and sanitary disposal using an advanced treatment system is no greater than the total daily as-of-right loading of fertilizers and sanitary disposal using conventional septic systems. The overall goal, however, should be to reduce nitrate loading to the maximum extent possible.

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As a matter of standard procedure, future development proposals in the Central Pine Barrens areas will be referred to the Central Pine Barrens Joint Planning and Policy Commission and assessed to ensure that potential impacts are avoided or properly mitigated.

COMMENT: Part IV.4-9 of the DGEIS references the “junkyard” parcel which is part of the “Tiana Commons” proposal stating that “...the proposed project will remove, restore and revegetate the existing junkyard in the western parcel for use as a public park...” Such a site would require a comprehensive Phase 1A Environmental Assessment review, which looks at soil and groundwater --- particularly essential in light of proximity to the wellfield. The feasibility of any public park remains questionable.

RESPONSE: The DGEIS addressed all of the above issues and offered the same conclusions and mitigation strategies. The Town has since purchased the Tiana Commons property as open space. Prior to closing on the purchase, Phase I and Phase II Environmental Assessments were performed by Eastern Environmental. Soil was removed at the junkyard site and replaced with new top soil. A new fence was erected and the disturbed area is slated for replanting with meadow grasses. The wooded portion of the property will remain wooded.

COMMENT: PDD reform is needed. We need to determine benefits.

RESPONSE: Amendments to the PDD law were passed by the Town Board on May 10, 2011 and July 26, 2011 establishing submission requirements for applications and addressing the need to determine Community Benefits. A draft list of potential community benefits has been created for each hamlet based on benefits requested in previous studies and adopted updates to the Comprehensive Plan.

COMMENT: The proposed plan should provide more guidance for development at the Tiana Commons property. The plan does not provide guidance in terms of land use, density, or design. What benefits would be sought? Neither the Plan, nor the DGEIS evaluate the existing PDD application for the site, nor do they explicitly recommend uses for the PDD.

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RESPONSE: The Tiana Commons site has since been acquired by the Town and dedicated as open space.

COMMENT: The recommendations provided in the Plan and DGEIS for the Tiana Commons property do not appear to be economically viable and as a result can not be implemented to achieve recommended zoning or other public benefits.

RESPONSE: The Tiana Commons site has since been acquired by the Town and dedicated as open space.

COMMENT: The Plan recognizes that the current R40 portion of the Tiana Commons property is not compatible with the surrounding uses-and recommends rezoning to Mixed Use PDD (see figure on page 59).

RESPONSE: The Tiana Commons site has since been acquired by the Town and dedicated as open space.

COMMENT: Not only will the as-of-right development on the Tiana Commons property not result in compatible land uses (single-family housing in the rear of the property), such development will not allow construction of an access road from Macy's to Bellows Pond Road as it would be incompatible to link single-family residential community with a commercial center and by-pass road; nor will it allow for the conversion of the junk yard to a park for local residents.

RESPONSE: The Tiana Commons site has since been acquired by the Town for dedication as open space.

COMMENT: There is no evidence of surplus availability of affordable housing in the GEIS (11.3-5). The median sales price of housing in 2008 was \$455,000.

RESPONSE: The last adopted Affordable Housing project in the Town (as of March of 2012) was Sandy Hollow Cove. Affordable housing was defined in that project as units with sales prices of \$160,000, \$210,000, and \$240,000. The fact that the median sales price in Hampton Bays is lower than other areas of the Town does not eliminate the need for affordable housing.

COMMENT: The Plan and DGEIS imply that any additional density be tied to retirement of development rights off site (at Tiana Commons); however, there is no mention of how density equivalence factors will be generated, discussed or analyzed.

It is noted that single family homes have greater impact than multifamily (in terms of sanitary density, school-aged children generation and other impacts related to population growth).

RESPONSE: The Tiana Commons site has since been acquired by the Town and is dedicated as open space.

All PDD applications are required to include a yield map in order to determine potential yield as well as a plan that shows proposed density. Site and project-specific planning and environmental reviews, and opportunities for public and applicant input, provide the means for determining appropriate development densities, development rights transfers, and community benefits. Transfers of Development Rights are addressed in detail in Chapter 244. Article XXVI of the Southampton Zoning Code outlines the standards and procedures for PDDs.

Section 330-221, “Transfer of development rights; Pine Barrens credit program,” discusses the allocation for sending parcels and what each pine barrens credit equal in terms of development on a receiving site. Section 330-221 states that one residential development right or Pine Barrens credit is permitted for each single-family dwelling permitted on a sending parcel, based upon the development yield established by multiplying the gross lot area of the sending parcel (in acres) by the applicable development yield factor, which depends on its zoning at the time the pine barrens plan was adopted (June 28, 1995). The table below provides the credit allocation for sending parcels.

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Table 2

Zoning District	Minimum Lot Area of Zone (Square Feet)	Development Yield Factor
CR-200	200,000	0.16
CR-120, R-120	120,000	0.27
CR-80, R-80	80,000	0.40
CR-60, R-60	60,000	0.60
CR-40, R-40	40,000	0.80
R-20	20,000	1.60
R-15	15,000	2.00
R-10	10,000	2.70

One nonresidential development right or Pine Barrens credit is allocated for each one acre of gross lot area of the parcel as currently zoned. Fractional allocation of a Pine Barrens credit is rounded to the nearest 1/100 (or 0.01) of a Pine Barren credit.

The comment regarding the comparison of potential impacts between multifamily residences and single-family residences is an oversimplification. Differences in impacts between single-family and multifamily residences depend upon various factors, including but not necessarily limited to:

- the size of the multifamily units and number of bedrooms versus the size and number of bedrooms in single-family dwellings;
- unit tenure (owner-occupied versus renter occupied);
- occupancy age restrictions that may be imposed (i.e., restricted to senior citizens);
- purchase or rental value of dwellings/units;
- the number of multifamily units in a structure; and
- mitigation techniques to be implemented.

Most important in comparing and assessing the potential impacts of multifamily versus single-family residences is an assessment of the *total* number of multifamily units proposed versus the *total* as-of-right single-family residences permitted so that the *total* impact on the school district, roadways, and sewage loading can be determined. This is important as multifamily developments

tend to have much greater housing density than single-family detached residential developments. Under some development scenarios (i.e., comparing development of a property for multifamily versus subdivision of same property into single-family lots), the construction of multi-family residences instead of single-family residences will have a greater impact in terms of the number of vehicle trips generated, number of school-aged children generated, and total sewage loading, for example.

COMMENT: The Plan suggests needed public benefits, commensurate with zoning incentives granted and provides a list of these benefits. The Plan should recognize other locally important public benefits that may be appropriate in connection with PDDs.

RESPONSE: First and foremost at a proposed PDD site would be the transfer of available Pine Barrens credits to the property. Other benefits will be required as indicated in §§ 330-244 and 330-245. As part of recent PDD law review, the Town will be drafting a list of potential community benefits for each hamlet based on benefits requested in previous studies and adopted updates to the Comprehensive Plan.

COMMENT: The removal of the junk yard use on the Tiana Commons site is mentioned as the junk yard has a Certificate of Occupancy to operate under that use – this nonconforming use will remain without a PDD.

RESPONSE: The property has been acquired by the Town and is now vacant. Phase I and Phase II Environmental Assessments were conducted at the junkyard site to evaluate environmental conditions, soil was removed and replaced with clean topsoil, and the site will be revegetated as a meadow.

COMMENT: The Plan suggests site layout and design concepts for the Tiana Commons property, including incorporating a cross access between Stop & Shop and Bellows Pond Road and a north-south connection to Montauk Highway. The Plan should acknowledge the manner in

which this can be accomplished is through a compatible and economically viable use of the property.

RESPONSE: The Town has acquired the Tiana Commons property and dedicated it as open space therefore a PDD will not be developed on the site and no cross access connections or roadways will be constructed.

COMMENT: The as-of-right buildout on the Tiana Commons property which would include the construction of 13 to 25 homes and 61,400 SF of business use and will not allow for cross access roadway to Bellows Pond Road or removal of the junk yard use and will potentially have a greater impact on the environment and community. A connector road between Stop & Shop and the site to Bellows Pond Road would not be compatible with single-family development.

Alternatively, the Tiana Commons PDD, designed with Town input results in many public benefits as follows:

- a. Provides cross access road connecting Bellows Pond Road;
- b. Removes the junk yard;
- c. Creates a public park on the junk yard property with walking trail and playground for the surrounding community to use;
- d. Provides workforce housing similar to live-work units recommended in the Plan;
- e. Provides a mix of multifamily units, including some senior units – all units are of a size and type that generate few school age children;
- f. Provides a “Main Street” development style (walkable, convenience shopping for locals, affordable rental apartments above stores);
- g. Provides tax ratable uses and does not have a negative impact on the Hampton Bays School District – at the time of the application, a \$500,000 surplus in tax generation was predicted
- h. Removes potential for 61,400 SF of HB and 13 to 25 single-family homes.

RESPONSE: The Town has acquired the Tiana Commons property and therefore the PDD discussed above will not be developed on the site.

COMMENT: There is no provision to allow for grandfathering of previously submitted PDD projects. The Plan, DGEIS and any changes to the PDD local law should recognize the time and resources expended on pending PDDs.

RESPONSE: See earlier responses regarding amendments to the PDD law. The Town has created a list of Open PDDs, project name, type, existing zoning, property size, date and status of any public hearings. There is an additional column for Pre-submission work session date/status. The PDD applications that predated this requirement are listed as predating the requirement.

COMMENT: In regard to Tiana Commons, the exchange of PBC or TDR at a one to one basis provides no incentive to pursue anything other than what is permitted under the existing zoning.

RESPONSE: The Town has acquired the Tiana Commons property. A PDD rezoning and development will not occur on the site. The Town's PDD law allows PDDs to be established as receiving sites and locations where density bonuses can be permitted subject to review when substantial community benefits and amenities are provided. As of 2011, a total of 4.81 pine credits still remained in the Hampton Bays school district. Approving density bonuses without the preservation of the remaining core preservation areas would increase overall density. It is important that increases in density beyond as-of-right development be offset in conjunction with any other substantial community benefits and amenities.

COMMENT: The DGEIS recognizes that the Tiana Commons site is a RRAD, that there is the potential for up to 4.81 PBCs in the school district, and if no residential development is to be permitted, the Town will need to rethink how it will comply with Pine Barrens regulations (i.e., where will a new receiving district be located?).

RESPONSE: The Tiana Commons property was acquired by the Town for dedication as open space. The Town may:

- seek to absorb the credits on the existing undeveloped 16.3-acre R-20 zone RRAD located off of Old Riverhead Road in the Hampton Bays School District, across from Red Creek Park, which was granted preliminary subdivision approval for an as-of-right 27-lot subdivision in 2009, but to date has remained inactive;
- establish one or more new RRADs to accept the remaining pine barrens credits; or
- acquire the remaining development rights, and/or come to agreement with current PDD applicants in the school district, to purchase the credits in exchange for increased density or make a payment in lieu of rights for the Town to purchase the credits. The current Canoe Place Inn DEIS includes a proposal for payment to the Town for the purchase of open space in partial fulfillment of PDD Pine Barrens credits/community benefit requirements. The Town can dedicate these funds toward the purchase of the remaining Pine Barrens credits.

COMMENT: A speaker at the hearing mentioned that the Tiana Commons property is in a Critical Resource Area. The Tiana Commons site is not in a Critical Resource Area.

RESPONSE: “Critical Resource Area” is a term used by the Central Pine Barrens Commission for specific designated environmentally important and sensitive properties located in the Central Pine Barrens. The speaker who indicated that the Tiana Commons site is in a Critical Resource Area misspoke. It appears that the speaker’s intent was to indicate that this property is located within a designated Town of Southampton “Critical Area”, pursuant to §157-10, “Critical areas,” of the Southampton Town Code, due to the property’s location within the Town’s Aquifer Protection Overlay District and the Central Pine Barrens. Classification by the Town as a “Critical Area” means that “...the potential impact of any Type I or Unlisted Action on the environmental characteristics of [a Critical Area] is a relevant area of environmental concern and must be evaluated in a determination of significance prepared pursuant to Section 617.7 of

[SEQR]” (SEQR Part 617.14(g)(4)). The commentor followed up with a letter correcting the error and the property has since been acquired by the Town for open space.

COMMENT: The Town should acquire the Tiana Commons property.

RESPONSE: The Town has acquired the Tiana Commons property.

COMMENT: Why wasn't the property owner of the Tiana Commons property asked to participate in the planning process?

RESPONSE: The Planning process for the updated Hampton Bays Corridor Strategic Plan was initiated in 2006 and all interested parties were invited to the charrettes. Our records indicate that Tiana Commons' representatives did attend. The planning process has been public since that date. The Town has since acquired the property.

COMMENT: How can Tiana Commons become a PDD when it is so close to public wells and is within the Town's Aquifer Protection Overlay District and Central Pine Barrens Overlay District critical areas.

RESPONSE: The Town has acquired the Tiana Commons property; therefore the site will not be developed as a PDD. The Town Code allows any property owner to submit an application for a PDD. All PDDs must undergo site plan review, are classified as Type I actions under § 330-244 G. of the Town Code, and are therefore subject to the standards and requirements of SEQR. An environmental impact statement and complete set of site plans would have been required for any future PDD at the site. The applicant would have had to demonstrate to the Town Board's satisfaction that the ultimate design and impact avoidance and mitigation strategies were such that the public health, safety and general welfare are protected. If it had been determined that a proposed PDD would not have been protective of the public health, safety and general welfare of the community, the application would not have been approved.

COMMENT: Tiana Commons will drag business away from the downtown area.

RESPONSE: The Town has acquired the Tiana Commons property as open space; therefore there will be no competition between the downtown area the Tiana Commons property.

COMMENT: Cross access at the Tiana Commons property would not be a benefit if its part of the project and affordable housing already exists.

RESPONSE: The Town has acquired the Tiana Commons property; therefore the PDD application is no longer pending. The issue of availability of Affordable Housing was addressed previously in this document.

COMMENT: The main purpose of Planned Development Districts is not to optimize development flexibility, but to preserve natural resources, first and foremost.

RESPONSE: The purpose of Article XXVI, “Planned Development District,” is as outlined in § 330-240 B. of the Town Code:

“The purpose of this planned development district (PDD) legislation is to facilitate increased flexibility to achieve more desirable development through the use of more creative and imaginative design of residential, mixed use, commercial and industrial areas than is presently achievable under conventional land use techniques and zoning regulations and to preserve, adapt and improve existing open space, land uses and communities, consistent with the recommendations of the Town’s Comprehensive Plan.”

Section 330-240 C. of the Southampton Town Code further states that: “[a] planned development district may be established as a receiving site for development rights or Pine Barrens credits pursuant to applicable transfer of development right portions of [Chapter 330, Article XXVI of the Southampton Town Code] and § 261-b, [“Incentive zoning; definitions, purpose, conditions, procedures,”] of the Town Law of the State of New York. Section 330-

240 D. of the Southampton Town Code states that “[a] planned development district may be established as a method of providing incentives or bonuses for development providing substantial community benefits or amenities...”

COMMENT: Planned Development Districts are intended to provide incentives to the development community to achieve public benefits and flexibility in land use and density.

RESPONSE: See previous response. The intention of PDDs are as stated in § 330-240 B. of the Town Code.

COMMENT: While the PDD legislation is undergoing favorable changes, the power still remains with the Town Board to approve or deny the request, making this a political issue not one where density and quality of life are paramount.

RESPONSE: The Tiana Commons property was acquired by the Town. The Town Board has made strides to work with the community on the issue of PDDs and will continue to do so. Density and quality of life issues will be major considerations of future PDD reviews.

2.2.4 ZONING/REZONING/VARIANCES

COMMENT: HO/HC zone changes in Hampton Bays must eliminate the residential component or remain Highway Business. Rule of thumb must be: No net residential increases in hamlets or areas where there are more than 500 persons per square mile.

RESPONSE: The DGEIS indicates that only a very small number of dwelling units could possibly be constructed on HO/HC properties (if the property owners chose to do so) and these units, along with any other use onsite, must comply with current SCDHS standards and requirements. The densely developed portion of the Hamlet was subdivided many years ago and the Town has no mechanism to further reduce density on existing developed nonconforming lots.

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Numerous actions have been undertaken under the current project and previous state, county, and town actions over the past 40 years to reduce development density in the hamlet.

COMMENT: The ZBA should stop its liberal granting of variances. The ZBA is too lenient. The Town should develop a set of procedures to address these concerns and mandate training procedures for ZBA members. The Town can set annual reporting requirements for the ZBA so that communities know the percentages of the ZBA's variances granted in each hamlet each year. ZBA variances for larger homes and accessory apartments must be density-specific.

RESPONSE: The ZBA is a separate quasi-judicial branch of local government with unique powers. It provides a venue for appeals over certain executive and administrative decisions and relief from demonstrated hardships created by local zoning regulations and is guided by principles outlined in the Town Code and NYS Town Law. Powers are purposely separate from those of executive functions (i.e., the Town Board) though planning staff can provide input. The Town of Southampton Zoning Board of Appeals was established pursuant to Chapter 330, Article I of the Southampton Town Code. The Board's responsibilities are advising on the Zoning Code as provided in Section 330-163; and processing applications for, and holding hearings on requests for variances from provisions of Zoning Code of the Town of Southampton. All members of the Zoning Board of Appeals are required to meet the training and continuing education requirements set forth in Chapter 62, Article I of the Town Code. Citizens may address issues of concerns at ZBA hearings or through written correspondence to the ZBA.

COMMENT: What about illegal housing issues? Code enforcement is not proactive and they have limited staff.

RESPONSE: The Town Board has expended extraordinary efforts to take a proactive stance to update and enforce the provisions of the Town Code. The Southampton Town Investigations and Enforcement Unit works along side the Southampton Town Police to ensure that health and safety issues are addressed everywhere.

COMMENT: There should be no increase in density over as-of-right zoning requirements.

RESPONSE: The Plan and Cumulative Impact of Buildout study do not recommend development density beyond as-of-right zoning requirements. In fact, the rezonings that are recommended will have the effect of reducing overall density. In regard to those who have opted to apply for a PDD under Article XXVI, “Planned Development District” of the Southampton Town Code, which can result in an increase in site density, the DGEIS indicates that such additional density must be offset by three possible means: redeeming pine barrens credits, remitting a payment to be applied to future open space purchases, and providing other community benefits, with the preservation of open space being a priority. The Town has updated its PDD law several times including, most recently, in February of 2011, to address public concerns. The adoption of amendments is always preceded by public hearings. Section 330-245 I. (5) of the Southampton Code states that in cases where there are unredeemed Pine Barrens Credits in a school district, priority will be given to PBC redemption as all or part of the required community benefit.

Sections 330-221 B. (9), “Transfer of development rights: Pine Barrens credit program” and 233.1 (H) Residential Receiving District: Development standards permits the use of sending sites that are outside of a school district when there is a majority plus one vote and there is no significant adverse impact in the receiving school district. Ensuring that any transferred development rights that are used in the hamlet come from inside (rather than outside) the Hampton Bays school district, thereby, ensuring preservation in the district, will help to maintain density neutrality in Hampton Bays.

The Town recently purchased the site of the proposed Tiana Commons PDD thereby reducing overall buildout development density in the Hamlet.

Any future PDD applications or other major planning and zoning actions will be subject to the SEQR process and potential impacts of future site plans and zone changes on existing facilities,

including the schools, and community character and other resources will be further reviewed based on the specific proposed plans and site conditions as part of each assessment.

COMMENT: There are lots in west Tiana/west Hampton Bays area that are two acres but are zoned for one acre and can be subdivided so they should be upzoned.

RESPONSE: There are a few widely scattered undeveloped lots in the entire R40 zoned area in western Tiana/western Hampton Bays area that are 2 acres or larger that aren't owned by the Town. A couple contain wetlands thereby reducing future development potential and one of the larger properties on the water, in Rampasture, is on the Town's target land acquisitions list. Subdivision of this property would be subject to Town and NYSDEC wetlands regulations including possible conservation easements and/or restrictive covenants. The property is 9.7 acres, is zoned R-40 and would likely yield 6 or 7 residential lots depending on the extent of wetlands.

COMMENT: Resort Waterfront Business should be kept at the canal. The modified alternative reviewed the possibility of maintaining the RWB along the canal instead of promoting a PDD as shown in the Corridor Plan. The canal's focus should be as a local destination without losing that area's rural character." Keeping this area RWB does not preclude the possibility for a PDD at the site in the future.

RESPONSE: The DGEIS explored this option and found that the primary difference between this zoning and a PDD is that a future PDD would likely involve additional density over as-of-right buildout (in exchange for the purchase of development rights or some substantial community benefit), the use or mix of uses could be different from what is currently allowed, and the dimensional standards could be different. The proposed Corridor Plan and DGEIS identify the need for development along the canal to undergo coordinated review that applies design standards that maximize waterfront character, protect environmental resources, and promote positive economic conditions. RWB zoning with an overlay district is one way to achieve a lower density waterfront character as discussed in the modified alternative. Retaining the RWB zoning and applying a canal overlay district does not preclude anyone from requesting

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PDD approval and recently an application and plans were submitted for the Canoe Place Inn site and the canal property where “Tiderunners” is. The Town Board will evaluate the PDD application, consider its environmental and land development impacts, the types of benefits, amenities, and design elements the development offers, the objectives of the canal study and Town PDD Law, as well as all applicant and community comments, and assess this PDD application’s overall value to the community and conformity to smart growth principles. Any PDDs proposed at the canal will need to be consistent with the intent of the canal study.

COMMENT: The newspaper mentioned there has been some talk about reducing the maximum permitted size of buildings in the Highway Business zone from 15,000 square feet to 10,000 square feet. Why hasn’t this been discussed in the context of the Hampton Bays study?

RESPONSE: According to § 330-105 K. of the Southampton Town Code, the current maximum gross floor area per building or building complex in the Highway Business Zoning District is 15,000 square feet, except for possible special exception approvals for:

- churches, places of worship or religious instruction, parish houses, rectories, seminaries, or convents;
- public libraries or museums; and
- fire stations, municipal offices, or any other governmental building of similar character.

Informal discussions had taken place but the maximum building size has not been reduced. Highway Business zoning is throughout Southampton Town and not just in Hampton Bays. Changes would require hearings for the entire Town as this would have to be vetted through the public process should the Town Board choose to sponsor such an initiative. The Hampton Bays Corridor Plan recommends rezonings including Highway Business to HO/HC, which, based on dimensional zoning requirements, would reduce the scale of buildings by reducing the minimum lot size, percent building coverage, and maximum building size on these lots, while maintaining the same number of stories (two) with a slightly lower height restriction (32 feet in the HO/HC as opposed to 35 feet in the HB district).

2.2.5 TRANSIENT LODGING CONVERSIONS

COMMENT: The Town Board must be prepared to finalize the Motel-Condo Conversion Study before this GEIS is considered complete since HB contains the largest number of such potential projects and this study is included in the Scoping Document.

RESPONSE: A draft of the motel study was presented to the Town Board in a work session on March 2, 2012. The motel study is a town-wide project and will make recommendations and suggest mitigations for all of Southampton. This study is independent of the study reviewed in this DGEIS and any recommendations made in the Motel Study will be addressed appropriately and independently. Among the possible implementation strategies for the Motel Study is to rezone some motel properties and prohibiting new residences in nonresidential zones such as Highway Business (HB) and Shopping Center Business (SCB) zones.

2.2.6 GROUNDWATER/DRINKING WATER

COMMENT: Groundwater is dependent on a sole-source aquifer system. Current Usage should be reconfirmed, but reportedly an estimated 5 Trillion gallons per year is recharged into the aquifer network. (The Magothy is some 600 to 700 feet down). To properly provide water, in the future the HB Water District will ultimately require a new 16" water main, which could incorporate simultaneous burying of unsightly over-head lines (a long expressed community desire).

The entire subject of Groundwater quality and availability requires further elaboration and analysis, bolstered by accompanying scientific data demonstrating: (a) actual re-charge rates; (b) containment of contamination from effluent discharge, pesticides, fertilizers and the like; (c) stress on infrastructure and the taxbase (there are now 10 or 11 public / active wells within the Hampton Bays Water District). Part II.5-14 lists 10 public wells as operational; Part II.6-7 lists the number at 11. Clarification needed.

RESPONSE: The Hampton Bays Water District (HBWD) was contacted by phone and by letter and current usage data was obtained along with other pertinent information. This information was supported by annual literature published by the water district. The HBWD confirmed in its correspondences with CA that an ample supply of water is available to serve the community at buildout.

The Plan recommends that the HBWD be authorized to develop a long-term capital improvements plan to address water demand for future buildout conditions. Previous correspondence with the HBWD indicated that under worst case buildout conditions it is possible that a 16-inch water main would be needed along Montauk Highway. The Hampton Bays Water District's Chief Water Plant Operator, by letter dated March 21, 2011, indicated that "[t]aking into consideration upgrades that the Town Board has approved for the next few years, this should be sufficient to satisfy your water expansion needs." The burial of utility lines if an upgraded main is ever needed in the Montauk Highway right-of-way is recommended by the Plan.

Costs of such infrastructure are paid by rate payers of the district based on water consumption. Developers and future business owners and residents would be required to pay their fair share of infrastructure costs and consumption rates.

The most up-to-date information from the HBWD indicates there are 11 wells in the district not 10. The depth of the freshwater groundwater lense includes both the Magothy and the Upper glacial aquifers.

The work that was performed for this study is consistent with the intent of the final scoping document which indicated a "General Groundwater Quantity" review would be provided. The Generic EIS was developed using available data. The United States Geological Survey (USGS), New York State Department of Environmental Conservation, and Suffolk County Department of Health Services conduct more in-depth scientific groundwater studies and data collection from time to time to monitor groundwater conditions. No information was found to support the notion that the hamlet has an insufficient water supply.

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The recharge rate methodology applied in the DGEIS is considered an appropriate method for approximating annual recharge from precipitation in the Hamlet and is appropriate for a generic EIS. The purpose of the estimate was merely to demonstrate the magnitude of the average annual recharge in the community from precipitation. The Hampton Bays census designated place is 12 square miles in area. Assuming an average of 48 inches of rainfall per year in Suffolk County, NY, as indicated by the most recent available annual precipitation records compiled by Brookhaven National Laboratory for Suffolk County over several decades and that approximately 50 percent of total rainfall (i.e., 24 inches) that is recharged annually, as indicated by previous USGS studies, a total annual recharge in the hamlet of over 5 billion gallons (not trillion) is expected per year in Hampton Bays (Nemickas, Bronius and Koszalka, Edward J., 1982; Krulik, Richard K., 1986; Peterson, Davis S., 1987; and Cassella, 2009). In 2009, the water district withdrew just 771 million gallons of water from the aquifer. The amount of annual recharge coupled with the volume of fresh water that is available in the Upper glacial and Magothy aquifers (which is many, many times greater than annual recharge) is enormous.

As noted above, this volume represents only the water that is recharged from precipitation and does not include the existing enormous volume that is already contained within the 600- to 700-foot deep aquifer system and the fact that nearly all of what is withdrawn by the community is recharged. Unlike communities with sewers that discharge treated wastewater offshore, all water that is withdrawn, excluding a portion of irrigation water for lawns during the summer that evaporates, upon application or is taken up by plants, is ultimately recharged. Although some fresh groundwater in the system is lost to the ocean, bays, and sound through underflow, the enormous stores of fresh groundwater in the aquifers that are several hundreds of feet thick, as indicated by past USGS studies, including existing groundwater, recharged precipitation and recycled water, is sufficient to supply current and anticipated water needs in the Hamlet. Further, there are no golf courses or agricultural or industrial uses in the area that would use inordinate volumes of irrigation or process water that could be partially lost from the system.

The local aquifers are composed primarily of sand and gravel which is the best geologic media for groundwater storage and withdrawal (Unlike places such as Montauk which have limited

supply and a significant proportion of clay lenses and/or fine silty soils; locations with tightly compacted strata; or locations with shallow depth to bedrock that limit water availability and withdrawal). There are currently just 11 wells within the Hamlet's 12 square miles from which the HBWD withdraws groundwater yet there are uncountable locations and depths from which water could be drawn.

Preservation of the Central Pine Barrens Core Preservation Area, thereby eliminating potentially extensive development, past rezonings, land acquisitions, and the institution of standards and regulations in Compatible Growth Areas and the Town's Aquifer Protection Overlay District has helped to provide the Hampton Bays community with a clean and plentiful source of groundwater. According to the Hampton Bays Water District's 2009 Drinking Water Quality report, the district tests its water for over 135 separate parameters and does so numerous times per year. The HBWD indicates that water quality in the aquifer is good to excellent, although localized areas of contamination do exist. For example, a plume of gasoline from a leaking underground gasoline storage tank affected groundwater west of the Macy's shopping center, down groundwater gradient of the HBWD wellfield in that area. The state has monitored the plume and has required pump-and-treat operations to rectify this issue. This contamination does not threaten any public wellfields. The HBWD treats the water it withdraws as a precaution and to improve its general quality.

The Town's Aquifer Protection Overlay District (APOD) and Central Pine Barrens Plan restrictions include requirements for the use of native vegetation and limits on clearing or placing more than 15 percent of land into fertilizer dependent vegetation (e.g., grass). These regulations help to protect the quality and quantity of groundwater in the aquifer.

The Town no longer landfills garbage within Hampton Bays or its entire geographic jurisdiction. Instead it ships solid waste outside its borders for disposal. Disposal outside of the Town helps to protect and preserve groundwater.

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The Plan does not call for heavy industrial uses or other uses that handle dangerous materials that may have a higher potential for causing groundwater issues.

The Plan recommends the use of modified subsurface sewage disposal systems and preservation of open space through the transfer of development rights in instances where a PDD or other dense development might occur to reduce nitrogen loading. Newly approved systems are reported to have the potential to reduce nitrogen discharge levels to just 2 to 3 milligrams per liter. Any EIS for a development that requires an advanced sewage treatment facility must compare and contrast the available permissible disposal technologies and a nutrient budget must be prepared to assess potential nitrogen loading relative to possible as-of-right loading. The preservation of open space and use of TDRs to reduce or offset overall wastewater loading recommended by the Plan and included as impact mitigation in the DGEIS will also be beneficial. The DGEIS also indicates that a Phase I environmental assessment and cleanup of the junkyard portion of the Tiana Commons site is necessary if the project was to be approved and the land developed or preserved as parkland. The Town has since purchased the Tiana Commons property for dedication as open space. Prior to acquisition, Phase I and Phase II environmental assessments were required. Soils from the junkyard site have been removed and replaced with clean topsoil. The disturbed ground will be further restored by revegetating the site. The remediation of this site and acquisition of the land further advances the goal of groundwater protection in the area.

In regard to fertilizers and pesticides, there are currently no active agricultural enterprises or golf courses in the corridor study area or Hamlet that might use significant volumes of these materials. Most commercial enterprises along the corridor have very little land to fertilize or apply pesticides to. Pesticide and fertilizer use would primarily occur, therefore, on residential properties, the vast majority of which are already developed. Pesticide and fertilizer controls on homeowners are very difficult to enforce. Public education is the best approach. The Town's Stormwater Management division has a public education program to address this issue and the Town's recently completed Sustainability Element ("Southampton 400+") to the Comprehensive Plan also advocates for education on this topic. Providing additional emphasis on this program to

ensure that the necessary information and materials relating to fertilizer and pesticide applications, including using safer natural/organic products, avoiding or limiting applications, applying various safety precautions, implementing best management practices, etc. and septic system maintenance would be beneficial.

The DGEIS indicates that the use of native vegetation and xeriscaping that reduces or eliminates the need for such materials will help to reduce potential impacts. Public water conservation education is currently handled by the Hampton Bays Water District. In addition, the Town can disseminate or make educational materials addressing water conservation available to the public as recommended in the Sustainability Element. Conservation efforts that can be considered include installing or retrofitting plumbing fixtures with flow restrictors, repairing plumbing leaks homes and businesses, installing water conservation fixtures and appliances, modifying automatic lawn sprinklers to include rain sensors, placing limitations on landscaping that may require watering by using native or low water demanding vegetation (xeriscaping), watering only during evenings or early mornings, and maintaining a daily awareness of water conservation and personal water consumption habits.

COMMENT: What rules and regulations are currently in place for Accessory Apartments and what, if any, monitoring/oversight has been implemented on both existing Accessory Apartments and already executed Motel/Condo Conversions. What are the prevailing Town practices? Relate to 1999 Comprehensive Plan Update references on pages 164 and 165 suggesting that accessory units in accessory structures should be tied to the purchase of Pine Barrens credits and agricultural land transfer of Development Rights (TDR) credits; and there should be a minimum of one and a half times the required lot area.

RESPONSE: The Comprehensive Plan Update does indicate that accessory units in accessory structures (e.g., garage, pool house or guest house) should be tied to the purchase of Pine Barrens Credits or the transfer of agricultural land development rights (TDR) and that there should be a minimum of one and a half times the required lot area. The Comprehensive Plan also states that the standard for one accessory unit per store be deleted; particularly as it works against

concentrating more development in the hamlet centers. It further states that transferred development rights could be used, if more than one unit is proposed. (This recommendation follows the paragraph that the above commentor cited). Current practices require compliance with all Town of Southampton Health Code regulations and all Suffolk County Department of Health regulations. In many cases, the Town's regulations are more stringent than those of the County.) Article IIA of the Southampton Code outlines extensive standards, regulations, and procedures relative to accessory apartments. Appendix 34 contains a copy of Article IIA, "Accessory Apartments". The Town is also currently preparing a plan to further address motel conversions.

COMMENT: You have to now dig deeper to get water out of the ground.

RESPONSE: Substantiating evidence to the claim about having to dig deeper to get water out of the ground was not provided. However, according to the Hampton Bays Water District, the above statement is inaccurate.

The entire Water District is equipped with water mains. Approximately 98 percent of the district is served by the district's potable water supply. The remaining individuals have never connected and still rely on existing private wells. The Water District did not have knowledge of new private wells being installed in recent years. The district recently installed a new well and is unaware of any decline in groundwater levels.

Groundwater levels do fluctuate both seasonally and year-to-year, due to changes in temperature and precipitation patterns. This fluctuation is typically minimal and may be on the order of a few feet. Depth to groundwater also varies from place to place depending on surface topography/elevations. As previously indicated, the Water District has a sufficient supply of groundwater to serve the community now and at buildout under existing and proposed zoning.

Hampton Bays Water District issues an annual water supply report. The source of water for the District is groundwater pumped from 11 active wells located throughout the community that are

drilled into the Glacial and Magothy aquifers beneath Long Island. It should also be noted that the District maintains electrical generators at many of its well sites in order to continuously provide water to the community, even during emergency situations such as power outages. The household and commercial establishments serviced by the Hampton Bays Water District during 2009 were 6,353. The total amount of water withdrawn from the aquifer in 2009 was 771 million gallons (note: the hamlet receives an estimated 5 billion gallons in precipitation and the aquifer has many, many times that volume in storage), of which approximately 96 percent was billed directly to consumers. The pumpage for 2009 was approximately 18 percent lower than the pumpage for 2008. This can be attributed to the wet and cool weather during the summer of 2009.

COMMENT: No building condos, townhouses, or apartments at the canal; our drinking water will become polluted and the canal will become one big cesspool.

RESPONSE: In regard, to the nearby Canoe Place Inn site or any potential future development, the Town will assess possible impacts of any future or pending applications and will ensure that any future development will not result in significant adverse effects on groundwater or surface waters. If a project proposal can not be constructed without resulting in a significant impact, it will be denied or be modified to correct the deficiencies. The DGEIS and this FGEIS contain numerous mitigations for protecting groundwater and surface waters.

2.2.7 SURFACE WATERS, WETLANDS, AND WATERSHEDS

COMMENT: The Town needs to better protect marine resources in Hampton Bays.

RESPONSE: The DGEIS and this FGEIS identify a number of approaches to protecting marine resources, including but not limited to focused drainage studies, stormwater improvements, including the use of green infrastructure, maintenance of existing stormwater infrastructure, elimination of point stormwater discharges, clearing restrictions, preservation of land as open space, maintenance of naturally vegetated wetland buffers through conservation easements

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and/or covenants and restrictions, reduction of lot coverage and less stormwater runoff on HO/HC sites, protection of vegetation near Munns Pond/Upper Tiana Bay, use of a wide variety of erosion and sedimentation controls for development near wetlands and surface waters, consideration of the use of pervious pavement, grassed parking, and/or landbanked parking along the canal should development occur, use of more effective and efficient wastewater treatment systems on PDD sites, public education regarding the application of fertilizers and pesticides, and education regarding existing no-discharge zones and the availability of vessel pumpout facilities in and around Shinnecock Bay and Great Peconic Bay.

This FGEIS recognizes that Hampton Bays' Smiths Creek, Wells Creek, and Penny Pond are classified by NYSDEC as "impaired" due to inputs of runoff that have resulted in closures to shellfishing.

The Town's Engineering Division implements the NYSDEC's Stormwater Pollution Discharge Elimination System (SPDES) requirements. The Engineering Division can be asked to also focus its efforts on the south shore of the mainland to address stormwater inputs that could be affecting these creeks. The Engineering Division can inspect stormwater infrastructure near Hampton Bays' shorelines and ensure that those that are not functioning correctly are cleaned, repaired and properly maintained. The Engineering Division can evaluate any existing direct point outfall discharges to open waters and determine the best approach to rectifying these potential pollutant sources, including recharging stormwater into the ground using best available technologies, or possible natural treatment solutions such as using grassed/vegetated swales and other best management practices.

The Town has had an inter-municipal non-point source control program in place since the 1993 Town of Southampton Clean Water Bond Act. Hundreds of road systems have been addressed, both within the Town and the Villages, through the installation of road drainage and other non-structural corrective measures. Funding is provided through the Town Bond Act, NYS Clean Water/Clean Air Bond Act, and annual town drainage appropriations. The Town could request

that the Engineering Division provide additional focus on nonpoint runoff issues near Smith's Creek, Well's Creek and Penny Pond.

It should also be noted that creeks are commonly affected by poor flushing (stagnant water) and increased bacteria that originate from natural sources such as wastes from waterfowl. Anthropogenic impacts such as illegal vessel discharges, domesticated pet waste disposal, and/or sewage disposal through antiquated or failing septic systems and cesspools in close proximity to the creeks may be other sources of bacteria.

The DGEIS states that new direct point discharges of stormwater into Hampton Bays' surface waters must be prohibited. The DGEIS identifies land near Tiana Bay that should be placed on the Town's target acquisition list and emphasizes that certain properties near Tiana Bay that are already on the list, are important to protect. The DGEIS also provides such mitigations as not clearing vegetation around Munn's Pond to open views from the street as suggested in the plan, strict conformance to current Town wetlands setback and buffer standards, utilization of a series of possible erosion and sedimentation controls during site disturbance, and restrictions on clearing and fertilizer dependent vegetation in APO and PBO districts. The DGEIS indicates the need to locate or cluster new development away from wetlands and water bodies to the maximum extent practicable and that conservation easements be required near wetlands to ensure that encroachment will not occur. The DGEIS calls for the use of advanced sewage treatment facilities for any PDDs that adequately treat biological oxygen demand, suspended solids, and nitrogen to ensure that nitrogen loadings are reduced to no more than 10 mg/L and are no greater than what would be expected by an as-of-right development using standard septic systems, but are lowered to the maximum extent possible with available innovative systems. Reducing nitrate concentrations further near water bodies by using more recent state-of-the-art treatment systems can be investigated further and may prove helpful in addressing surface water concerns. The DGEIS discusses the use of pervious pavement, land-banked and/or grassed parking, restrictions on fertilizer use, use of native plantings that don't require fertilization, and setbacks for wastewater facilities near the canal.

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The State has a long standing vessel no-discharge requirement in the Peconic Estuary and pumpout facilities are available. The State established a no discharge zone for the Shinnecock Bay, including Tiana Bay in recent years and pumpout facilities are available along the bay shore to service boats. The Town's LWRP which was being developed at the time this FGEIS was being prepared will address additional marine environmental issues and is perhaps a better mechanism for furtherer addressing coastal issues throughout the Town.

This FGEIS recognizes that antiquated, malfunctioning, poorly sited, poorly designed and inappropriately located existing septic systems/cesspools on both substandard lots and those near the shoreline may be contributing to water quality degradation, particularly near the Hamlet's south bay shore creeks. The Town should investigate the availability of funding to develop a program to address these potential sources of contamination and seek to have these systems expanded, upgraded, and/or relocated, and properly maintained. The Town is currently moving forward with a proposal to create Chapter 177 which would establish a 'Septic System Rebate and Incentive Program' that would provide, on a limited basis, reimbursement for upgrades to substandard sanitary systems.

The Town can also disseminate, or otherwise make available, public educational materials to residents that address the potential effects of septic systems, the need for periodic maintenance, effects of fertilizer and pesticide use, effects of dumping waste materials into storm drains and illicit pipe connections to drains, need for using indigenous or well-adapted plantings for landscaping to reduce watering requirements, and proper disposal of motor oil, household hazardous waste, and pet waste to help protect marine resources.

COMMENT: The Town should consider a waterfront protection overlay district like East Hampton's. A coastal overlay district should be created.

RESPONSE: The DGEIS currently provides several mitigation strategies to protect waterbodies. A coastal or waterfront district could help in protecting the Town's waters. The Town has extensive shoreline and coastal issues exist throughout the Town. The best approach to

waterfront overlay district formation is through the Local Waterfront Revitalization Program (LWRP)/Waterfront Protection Plan effort currently underway. The concept of a waterfront overlay district has been passed on to the consultant hired to complete the LWRP project. New York State Law Article 42 provided in Appendix 35 sets forth provisions for LWRPs.

An application has been submitted for the creation of the Canoe Place Inn Canal & Eastern Properties Maritime Planned Development District (MPDD). The flexibility provided by PDDs and requirements for community benefits and environmental reviews provides the means to incorporate waterfront protection techniques related to the development at the Shinnecock Canal.

COMMENT: The DGEIS should emphasize that Hampton Bays is located within a critical watershed that sits on a sand spit, surrounded by water and must be protected. The ground can't absorb an unlimited population without dire results. How is land use affecting Hampton Bays' waters? The DGEIS should note that shellfishing, fishing and tourism are important to our economy, so we need to protect waters.

RESPONSE: According to the NYSDEC, some of Hampton Bays' waters (Smith Creek, Wells Creek, and Penny Pond) have compromised water quality. Degraded water quality has led to the closure of shellfishing in areas along the south shore of the mainland. There is no information as to whether the source of the compromised water quality is from natural processes (e.g., waterfowl), anthropogenic sources (e.g., septic systems, boat discharge, pet waste), or a combination of both, but the NYSDEC 305b report suggests the prime delivery mechanism of the contamination is stormwater runoff and the pollutant of concern is pathogens. The state has since adopted a vessel no discharge zone in Shinnecock Bay to help address this issue.

This FGEIS recognizes that Hampton Bays is a coastal community surrounded by water, that land and water uses can affect water quality, and that the protection of the community's water resources is essential to the local economy since the fishing, shellfishing, and tourism industries rely on clean water.

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The Town has identified and mapped all discharges within the South Shore Estuary Reserve and Peconic Estuary. Priority action areas have been identified based on analysis of water quality data, land use, topography, natural resources, the DEC's Priority Waterbody List, DEC Water Quality Classifications, shellfish and fin fisheries, and a likelihood of success priority assigned by the Stormwater Abatement Committee and public meetings.

The Town can request that the Engineering Division focus on identifying and rectifying stormwater issues at the south shore creeks and investigate the availability of funding for addressing failing, antiquated, inadequately sited, sized and designed septic systems. The Town is currently moving forward with a proposal to create a new Chapter 177 which would establish a "Septic System Rebate and Incentive Program" that would provide, on a limited basis, reimbursement for upgrades to substandard sanitary systems.

Ongoing Town public educational efforts can include information regarding the protection of its waters, which may include topics such as septic system maintenance, fertilizer and pesticide use, vessel no discharge zones, and control of pet wastes. Public outreach techniques might include but not be limited to mailings, distribution of brochures and flyers, making materials available at Town Hall and at local libraries, posted information on the Town website, informational meetings, and the like.

See also previous response.

COMMENT: The Town should consider a Watershed Overlay District that encompasses the entire land mass of Hampton Bays. Section 4.B.iv discusses the density permitted by Suffolk County but those are for human health and not marine health. The Peconic Bay Keeper, for example, believes that communities like Hampton Bays need more stringent nitrogen regulations to protect local bays.

RESPONSE: The LWRP/Waterfront Protection Plan will address these issues. See above responses.

COMMENT: The Town’s beaches face erosion issues. The DEGIS should also plan for sea level rise.

RESPONSE: The Town has an extensive coastline. It is most efficient for issues associated with sea level rise and coastal erosion to be considered on a town-wide basis. The best tool for addressing coastal erosion and adaptation to sea level rise is through the LWRP process and site plan and subdivision review. See above references to LWRP.

2.2.8 ECOLOGY

COMMENT: Instead of an ecological analysis of Hampton Bays the DGEIS outlines “responsible” strategies for accommodating future growth and uses a variety of strategies to postpone addressing local environmental concerns.

RESPONSE: As required by 6 NYCRR Part 617 (SEQR), the DGEIS identifies impact avoidance and mitigation strategies that avoid or alleviate potential impacts of implementing the Hampton Bays Corridor Strategic Plan and future residual as-of-right buildout in the hamlet. The DGEIS team identified ecological resources in the community as part of the process and considered potential impacts from implementing the plan and reaching buildout. The DGEIS and Plan identify a number of strategies to protect wetlands, open space, and other ecological resources, including techniques that can be implemented immediately or as future development occurs. Moreover, many existing regulations and programs are helpful to this end including federal, state and local wetlands regulations, state and federal endangered species laws, and site and project specific SEQR reviews. Strategies mentioned in the Plan and DGEIS to protect ecology, include but are not necessarily limited to, open space preservation (including both the CPF target list land plus other properties identified during the assessment); clustering of future development to avoid sensitive features or retain blocks of woodland intact or to be unified with existing open space; complying with the Town’s stringent wetlands setbacks and buffers; use of conservation easements; protection of sensitive pine barrens areas through the purchase of transferred development rights; adherence to limits on clearing and the amount of vegetation

permitted to be fertilizer dependent vegetation (e.g., lawns) in the APOD and CPBOD; requiring vegetated buffers in the transition overlay district, requiring lower lot coverage and landscaping by rezoning lots from HB to HO/HC; creation and implementation of a tree protection ordinance; various water quality/water habitat protection strategies (e.g., stormwater projects, erosion and sedimentation controls, native vegetation restoration, prohibitions against direct point stormwater discharges to water bodies, and new no vessel discharge requirements of the State). This FGEIS also recognizes the need for increased public education regarding the use and disposal of hazardous materials, pet waste disposal, and septic system maintenance; requirements for submission of nitrogen budgets for PDDs at the SEQR stage; use of the best advanced sewage treatment systems for future dense developments; use of native plantings for landscaping; and that a waterfront or coastal zone protection overlay district is best considered as part of the Town's LWRP/Waterfront Protection Plan.

2.2.9 WASTEWATER AND STORMWATER

COMMENT: How are County Sanitary Code regulations enforced?

RESPONSE: Suffolk County has regulations and standards to protect the public health that are promulgated in the Suffolk County Sanitary Code. Sections of the Code relating to wastewater disposal were recently amended. The Suffolk County Department of Health Services reviews applications for new systems for consistency with these laws. If a project proposal does not meet their standards and it can't be shown that the sanitary system will be protective of the public's health, the application is denied and the developer must redesign its proposal or demonstrate adequate protection and be granted a variance from the Health Department's Board of Review. Also, large systems, including advanced wastewater treatment systems, require a State Pollution Discharge Elimination System permit. Effluent quality is periodically tested and if for some reason the results of the testing do not meet the permit standard, SCDHS action is taken to resolve the problem. There is also a requirement for a licensed operator for all advanced treatment systems.

COMMENT: A recent Pinelands study indicated that Chromaglass systems are not working to the levels they should. You have to have 3.2 acres for a single-family house to control nitrogen (Pine barrens plan 12.4.2.7 states that 1 dwelling on 40,000 sf in Zone III will yield about 4 ppm of total nitrogen, and says that 1 dwelling on 20,000 sf Zone IV will yield about 6 ppm, 1 unit per 2 acres is estimated to be 2.5 mg.

RESPONSE: The Suffolk County Department of Health Services is the agency responsible for approving and regulating the siting, design, installation, and operation of wastewater disposal systems. SCDHS indicates that a SPDES permit is required for all advanced sewage treatment facilities. The SPDES permit for these systems addresses biological oxygen demand (BOD) < 30 mg/l; suspended solids (SS) < 30 mg/l, and total nitrogen (nitrate, nitrite, and organic and ammonia nitrogen (Total Kjeldahal Nitrogen or TKN)) 10 mg/L or less (which is the drinking water standard for nitrate alone). Water quality monitoring is required every month from the NYSDEC through a discharge monitoring report and the SCDHS requires quarterly monitoring reports. These agencies have staff with the specific expertise, training, and experience to review analytical results established by federal, state, and county laws. If there is ever a problem meeting the standard, the operator is required to repair or upgrade the system. Regardless of test results the County requires a system diagnostics inspection every 6 months. In addition to sequencing batch reactors (SBRs), the SCDHS has recently approved two other alternative on-site sewage treatment facilities, including Nitrex and BESST systems. Recent reports indicate that the Nitrex systems can achieve discharge concentrations of 2 to 3 milligrams per liter of nitrogen. Reducing concentrations to 2 to 3 mg/l of nitrogen would not only provide greater protection to public health, but would also address environmental quality issues.

Nitrogen concentrations that are lower than the health standards (10 mg/l) can still affect coastal surface waters by promoting a condition known as cultural eutrophication (excess nutrients) which under extreme circumstances, can lead to hypoxic or anoxic conditions (low or no oxygen in the water). Existing failing, substandard ad/or poorly site septic systems, on small lots and application of fertilizers on lots near coastal waters are likely contributors, while wildlife and pets can contribute to nitrogen loading and eutrophication (particularly in tidal waters) as well.

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Stormwater can sometimes contain higher concentrations of nitrogen. Phosphorus, rather than nitrogen, is the nutrient primarily responsible for this phenomenon in freshwater systems.

When a development requires the installation of an advanced wastewater treatment facility and an Environmental Impact Statement is required by the Town, the developer can compare and contrast all available SCDHS approvable system designs to identify the system that will reduce pollutant loading impacts to the maximum extent practicable.

The Town can disseminate or make available to the public educational materials that address potential nitrogen contributions from existing house lots; investigate potential or additional funding sources to inspect and address existing substandard septic systems and cesspools on lots in coastal areas that may need to be upgraded, expanded, relocated, repaired, and/or maintained; and focus stormwater remediation efforts at the creeks along the south shore of the mainland where water quality impacts currently exist.

COMMENT: The Town should review and introduce into the record the DVD of the Wastewater Management Forum held in the Suffolk County Legislative Building on January 31, 2011. It should be seriously referenced in the HB FGEIS as a prototype for immediate upgrading of our septic waste disposal systems.

RESPONSE: Representatives from the Town attended the forum and subsequent presentations have been made before the Town Board, including presentations at the Town Board work session of April 15, 2011. In addition, staff and elected officials attended the AIA Peconic all-day presentation on New Solution for Community Wastewater Treatment, 2011 Topic for the Future of the East End on April 6, 2011. Also, The Town has worked to establish a coalition for the East End to address New Solutions for Community Wastewater Treatment.

COMMENT: It should be specifically noted in the DGEIS that the Chromaglass sewage disposal on-site systems are unacceptable for removing nitrogen contamination from wastewater and shall not be used.

RESPONSE: SCDHS has jurisdictional authority over the approval of wastewater treatment systems. The Chromaglass system is a SCDHS approved system for Suffolk County. SCDHS does, however, permit other advanced wastewater treatment systems that may be more effective. SCDHS bases its wastewater permits on the performance standards of individual systems which are periodically monitored by the State and County. The total nitrogen loading (nitrate, nitrite, and organic and ammonia nitrogen (Total Kjeldahal Nitrogen or TKN)) must be 10 mg/l or less.

The Town can require developers that propose to use advanced sewage treatment systems to show, during the environmental impact review process, that the SCDHS approvable system they propose, is the most appropriate system for reducing total daily pollutant loading. The Town can also require, as part of any environmental impact review process, that developers demonstrate that total daily nitrogen loading of any density incentive projects, is the same or less than total daily nitrogen loading of an as-of-right project using conventional septic systems. As-of-right in this instance excludes any allowable RRAD density since additional RRAD density requires the sterilization of land to moderate overall development density and sewage loading.

COMMENT: Allowing the transfer of sewage credits is not a good policy because credits are sometimes transferred from land that is already preserved.

RESPONSE: The Suffolk County Department of Health Services is the agency authorized and responsible for approving the transfer of sewage credits. Walter Hillman, Chief Engineer of the SCDHS Wastewater Division indicated, in a telephone conversation with CA that the SCDHS requires that all wastewater credits be taken from buildable lots. Once wastewater credits are removed, the lots are then preserved with a conservation easement. Wastewater credits can not be transferred from a property that has already been preserved i.e., has a filed conservation easement eliminating future development.

In regard to the transfer of Pine Barrens credits, the Central Pine Barrens Comprehensive Land Use Plan also requires, a conservation easement prohibiting future development of the sending property be filed when development rights are removed. The Pine Barrens Comprehensive Land Use Plan contains the following specific restrictions:

“6.3.3 Limitations on allocation

The following limitations shall apply to the allocation of Pine Barrens Credits:

6.3.3.1 No allocation shall be made for any property owned or held by a public agency, municipal corporation or governmental subdivision, including property held by reason of tax default.

6.3.3.2 No allocation shall be made for any property for which the development rights have previously been fully used, or allocated for use, under this Plan or any other program.

6.3.3.3 No allocation shall be made for any property owned or held for the purpose of land protection, preservation or conservation.

6.3.3.4 Partially improved parcels shall receive a decreased allocation based upon the extent of improvement. Furthermore, there shall be a proportional decrease in allocation based upon the receipt of all discretionary permits for improvement of a parcel. The Pine Barrens Credit allocation for a parcel of land shall be reduced by one (1) Pine Barrens Credit for each existing single family unit on the parcel or equivalent as such equivalent is described in the document entitled *Standards for Approval of Plans and Construction for Sewage Disposal Systems for Other Than Single Family Residences*, approved by the Suffolk County Department of Health Services, Division of Environmental Quality, on June 15, 1982, revised March 5, 1984 and as implemented prior to February 5, 1988, as amended from time to time (hereinafter referred to as the “Suffolk County Health Department Standards”).”

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In addition, to the above, the Southampton Town Code § 330-221 B., “Transfer of development rights: Pine Barrens Program,” subparts (5) and (6) state that:

No development rights or Pine Barrens credits shall be allocated for property owned or held by a public agency, municipal corporation or governmental subdivision, including property held by reason of tax default.

And,

No development rights or Pine Barrens credits shall be allocated for property for which the development rights have previously been used, or allocated for use, under this chapter, nor for lands which are encumbered by an easement, covenant or other deed restriction for the purpose of land protection, preservation or conservation.

Residential Receiving Area Districts were created as part of the Central Pine Barrens Comprehensive Land Use Plan, of which the Town is a signatory. RRADs were created to specifically receive sewage credits/pine barrens credits as-of-right in accordance with the pine barrens plan. For any transfer of credits, the credits must first be obtained from an undeveloped site. The development rights on that site are then extinguished through the filing of a conservation easement to achieve density neutrality.

COMMENT: There should be strict adherence to groundwater management zones and no transfers of sewage credits.

RESPONSE: The particular program mentioned above is a County developed and administered program which was prepared based on the Long Island Comprehensive Waste Treatment Management Plan, Long Island Groundwater Management Plan, and other efforts that culminated in the establishment of groundwater management zones. The Suffolk County Department of Health Services has specific expertise and jurisdiction over septic system approvals and any transfers must meet their requirements and approvals. Article 6 of the Suffolk County Sanitary Code and its supplement “Transfer of Development Rights Standards” address groundwater management zones and transfers of development rights or credits to meet on-site septic requirements. Suffolk County’s Draft Comprehensive Water Resources Management Plan

is further investigating issues associated with transfers of development rights and requirements for advanced treatment facilities based on lot size. Strict conformance to the current County Code and groundwater management zones allows for the transfer of credits subject to established standards and restrictions, including but not limited to the sterilization of environmentally sensitive land to offset overall density. As such, the transfer of credits is not inconsistent with groundwater management zone standards or the studies and laws in existence. It is designed to protect land that should be preserved while allowing increased development density where it is more appropriate, and providing just compensation to persons who wish to relinquish their development rights for monetary compensation or as a land preservation donation.

Any such transfers also have to be reviewed against applicable local zoning standards. The County requires that it be demonstrated that any such transfers of “sewage credits” comply with a Town approved land management plan reviewed for conformance with SEQRA, including measures to limit nitrogen loading to groundwaters through fertilizer restrictions. See also previous response.

COMMENT: Sewage treatment systems need to be monitored to ensure that they operate properly. The only way to ensure our groundwater is actually protected is to monitor the effluent from these systems and provide authority to someone who is qualified to set standards and review analytical results. It is critical to lay the foundation in identifying a jurisdiction having authority that shall set standards for a program to monitor the performance of septic system treatment.

RESPONSE: Before an advanced wastewater treatment system can be operated, it must first be issued a SPDES permit to monitor effluent quality. The permit requires operators to comply with specific effluent standards. NYSDEC effluent monitoring is required on a monthly basis and SCDHS monitoring is required on a quarterly basis. The system must be operated by a licensed operator who is available 24 hours a day 7 days a week. A diagnostic test must occur at a minimum of every six months unless the system for some reason did not meet its standards. If a system does not meet the standards, the operator is directed to immediately rectify the problem.

COMMENT: It must be stated in the FGEIS that until SCDHS upgrades their septic system standards, the requirements in over-populated areas of the Town must be density specific. i.e. — on-site sewage treatment and strict oversight for all new and renovated homes — new development and redevelopment.

RESPONSE: The SCDHS updated its “Standards for the Approval of Plans and Construction for Sewage Disposal Systems for Other Than Single-Family Residences” again in 2008. Recent concern regarding the potential for pollution from sanitary systems may prompt additional consideration by the SCDHS. Currently, SCHDS requires that all new development comply with its current standards and specifications. The Plan and DGEIS do not call for the relaxation of any of the existing density standards and indicates that wastewater systems that are more efficient should be used.

The primary concern regarding potential impacts of wastewater disposal on area resources appears to be not so much new development which must comply with current standards determined by the health department to protect public safety, as well as complying with current zoning and environmental laws, but the numerous previously developed properties that were constructed prior to modern standards relating to minimum lot size and system design, system siting, separation distance between the system’s discharge point and the water table, and installation. The Town is in the process of creating a “Septic System Rebate and Incentive Program” and can continue to investigate the availability of funds and other means to address existing antiquated, poorly designed, sited, and maintained systems.

COMMENT: The study does not address the effects of septic flows.

RESPONSE: The primary concern surrounding septic flows is more likely to be existing septic systems and cesspools on numerous small pre-existing lots that were subject to either no regulation or now outdated regulations; particularly those located near surface waters or wetlands, and those with antiquated or poorly sited, constructed, and/or maintained systems. Old systems on larger lots in coastal areas can also affect water quality if the systems are located near

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wetlands or surface waters and they are not properly maintained, are poorly sited, are not properly designed, are in disrepair, or have inadequate separation distance between effluent discharge points and the groundwater table. Future development (with the possible exception of existing single and separately owned lots since the time they became nonconforming) will occur primarily on larger lots. These new developments are subject to the contemporary standards and specifications of the Suffolk County Department of Health Services, including, in some instances, requirements for advanced on-site treatment systems. The Town can seek to address what may be a more important concern relating to threats to groundwater and surface waters from sewage – the numerous *existing* septic systems and cesspools on substandard lots, especially near the waterfront. The Town can investigate the availability of funding for related costs. The Town is currently moving forward with a proposal to create a Chapter 177 establishing a “Septic System Rebate and Incentive Program” which would provide, on a limited basis, reimbursement for upgrades to substandard sanitary systems.

The LWRP/Waterfront Protection Plan can provide an avenue of further investigation into this issue as it provides direct focus on waterfront issues throughout the Town. See above answer regarding the Town Board and the New Solutions for Community Wastewater Treatment. See previous response.

COMMENT: Each Town Board Member should be familiar with the Waste Water Management Forum Facts of 1-31-11.

RESPONSE: The Town Board has held work sessions and received educational materials on these topics. Members have also attended forums and all-day institutes. Capital projects have also been approved to address these issues.

COMMENT: What is the impact to groundwater resources from stormwater diversion projects? Monitoring is necessary to determine if pollutants are concentrating. Does the capture of runoff contribute to a rise in the groundwater level? Does the increasing groundwater level adversely impact existing residential septic systems?

RESPONSE: Most rainfall either percolates into and through the soil, is taken up by plants, or evaporates; although some rainfall near surface waters may drain into these resources via point or nonpoint runoff. When development occurs and impervious surfaces such as parking lots and buildings are constructed, the stormwater must be properly dealt with to prevent flooding. Capturing and allowing this stormwater to recharge into the ground “onsite”, therefore is generally consistent with what would happen if the property was undisturbed (i.e., stormwater would infiltrate into the ground). Capturing stormwater onsite or in close proximity to where it falls and directing it to collection systems where it is recharged into the ground also helps to prevent it from gathering pollutants if it had otherwise flowed down streets and across parking lots to open water. The preferred method of handling stormwater is to collect it, temporarily hold it, and recharge it into the ground on-site, rather than directly discharging to open waters via a point discharge or as sheet runoff. Capturing, holding and recharging stormwater allows pollutants to settle out of suspension, provides filtration when the stormwater percolates through the soil, and allows for micoroganism uptake of many contaminants. Bioretention systems or vegetated swales can also provide for plant uptake of contaminants. Direct discharge to open water does not provide any pre-discharge pollutant attenuation. Moreover, catch basins and other stormwater features can be periodically cleaned by removing the accumulated sediment and properly disposing of this material. Stormwater can contain any pollutant that it may encounter and carry as it flows along the ground and impervious surfaces, as well as some minor constituents that settle out from the atmosphere. Typical stormwater pollutants are well documented. The Hampton Bays Water District is required to routinely monitor its wells for such pollutants. If stormwater systems are properly sited, distributed, and designed, there should be no impact to septic systems or significant concerns relating to groundwater levels. Site plan reviews and Town capital improvement planning involves consideration of infrastructure siting, distribution, design, capacity, and other similar issues.

Stormwater infrastructure must be located so as not to interfere with critical infrastructure such as wellfields and sanitary systems. Town Engineering reviews consider the siting of drainage infrastructure. Bioretention/vegetated swales, vegetated buffers and open space areas (i.e. green

infrastructure) and innovative structural devices have and can be considered as options for optimizing stormwater pollutant attenuation.

2.2.10 NITROGEN/POLLUTANTS

COMMENT: What about nitrogen and pharmaceutical impacts to groundwater, nitrogen impacts to surface waters.

RESPONSE: Nitrogen loading to groundwater and surface waters from any future development can be addressed in several ways as outlined in the DGEIS and this FGEIS, including:

- adherence to clearing restrictions and limits on the area of fertilizer dependent vegetation allowed in the APOD and near surface waters;
- requirements for wetlands and surface waterbody setbacks and naturally vegetated buffers;
- Prohibition of point discharges of stormwater to wetlands or surface waters;
- stormwater investigations and possible improvements as discussed in the DGEIS that focus on the creeks along the south shore of the mainland of Hampton Bays that have been compromised by pathogens and possibly nitrogen;
- recommendations that future developments landscape with native or suitably adapted plants that won't require the application of fertilizers;
- investigation into the possibility of relocating, expanding, and upgrading septic systems and cesspools on small lots, especially those located near surface waters;
- increased public education regarding the effects of pesticides and fertilizers, maintenance of septic systems, proper disposal of pet wastes, and requirements within the vessel "no discharge zones" and availability of pumpout facilities;
- strict penalties should be imposed for infractions of Peconic Estuary and Shinnecock Bay no-discharge zones; and
- requesting that large developments that require the preparation of an EIS: 1) prepare a nitrogen budget to ensure that total daily nitrogen loading, including that from fertilizer use and wastewater disposal is equal to or less than the total daily as-of-right development

loading using conventional septic systems, and 2) that applicants required to prepare EISs evaluate, compare, and contrast available wastewater treatment technologies so that the most effective SCDHS approved wastewater treatment systems for removing nitrogen are used.

The presence of pharmaceuticals in water has become more of an issue in the US in recent years. When discovered, concentrations are usually very low (parts per trillion) and are most prevalent near medical facilities, nursing homes, feedlots, or facilities that manufacture these substances. Most development in Hampton Bays is located south and down-groundwater gradient of the community's wells. Water from the Water District is tested for pharmaceuticals. Monitoring results indicate that there is currently no problem with pharmaceuticals. One approach for reducing concentrations of pharmaceuticals in groundwater is proper disposal of unused and expired drugs. Instead of flushing unused and expired drugs down the toilet, drugs should be returned under "take back" programs. Take back programs are in their infancy and there are few medication drop-off locations at the current time (i.e., Suffolk County Police precincts). In addition, the Suffolk County Legislature passed a law in 2011 requiring hospitals, nursing homes, hospice facilities and other long-term treatment centers to develop plans for the proper disposal of unused and expired medicines, which should help reduce the introduction of pharmaceuticals, regionally.

The Town can include recommendations for proper disposal of pharmaceuticals in future public education campaigns and/or request that the HBWD address this issue with its customers. The Water District has raised this issue with the residents. In addition, the Bay Keeper has made presentations before the Town Board.

2.2.11 CENTRAL PINE BARRENS

COMMENT: The "Tiana Commons" PDD has existing restrictions previously elaborated in my May 27, 2009 Handout. In summary, the site is located in the Pine Barrens Compatible Growth Area of the Pine Barrens (a designation which precludes PDD development, unless it meets Pine

Barrens Commission review). Note: a mega-project in the Flanders area was recently rejected by that Commission as environmentally unsound.

RESPONSE: The Tiana Commons site has been acquired by the Town eliminating the possibility for a PDD on the property. Developments occurring in the Central Pine Barrens are routinely referred to the Commission as part of the Town's standard application review policy requirements. The Commission can and will reject a plan that does not meet its standards.

COMMENT: Clarify the number of Pine Barrens credits that presently exist in Hampton Bays, their market value at this time, and their ultimate fate. How many credits have been preserved in Hampton Bays? PDDs should not be permitted if sufficient Pine Barrens credits are not available to support the additional density.

RESPONSE: The Town has determined that a total of 4.81 Pine Barrens credits are available in the Hampton Bays School District. The Town has other mechanisms for preserving land as part of community benefits, including requirements for payment in lieu of Pine Barrens credits to be used in the acquisition of Pine Barrens credits and open space in the Hampton Bays School District. The Pine Barrens Commission has indicated that during 2011 the average PBC was \$85,000 in the Brookhaven/Riverhead/Southampton Pine Barrens. PBCs, can however, range in price depending on various factors such as location and economic conditions. The range of price for PBCs in the three-town area in 2011 ranged between \$32,000 and \$105,000. Just three credits were acquired in the Town of Southampton during that year. These credits had an average price of \$65,000. The price may be lower during the 2011 time period due to the economic downturn and decline in real estate values but more recent national real estate trends (2013) suggest that prices may be beginning to rebound.

COMMENT: In regard to the Tiana Commons PDD proposal, the Town Code indicates that no Planned Development District shall be located within the Central Pine Barrens unless it adheres to the Commission's review pursuant to § 4.5.4.1 of the Central Pine Barrens Comprehensive Land Use Plan. Shouldn't that be the first step in the process?

RESPONSE: The Town has acquired the Tiana Commons property. Pursuant to standard Town operating procedures, applications and Environmental Impact Statements are referred to the Commission once the application, site plan, and environmental impact statement review commences.

COMMENT: The Town's responsibility under SEQR is to demonstrate that the Plan is not substantially inconsistent with the Long Island Pine Barrens Protection Act and is in compliance with the Central Pine Barrens Comprehensive Land Use Plan (CLUP). The Town must assess the potential impacts resulting from the implementation of the Plan. One of the most important aspects of concern is maintaining the one to one ratio receiving capacity to sending credit ratio as per Section 6.5.2.1 of the CLUP. One remaining RRAD has been identified in the Hamlet. This site is the location of a proposed Mixed Use Planned Development District known as Tiana Commons. If the site is developed without PBC redemption or if it is acquired or preserved by the Town or some other entity in the future, the Town would need to identify and designate new RRAD acreage in the hamlet to absorb the remaining credits. It is strongly recommended that the Town require the redemption of PBCs in any development project that is proposed on the hamlet's last remaining RRAD if it involves an increase in land use density or intensity other than that to which the owner is entitled under current zoning.

RESPONSE: The proposed Plan is substantially consistent with the Long Island Pine Barrens Protection Act and is in compliance with the Central Pine Barrens Comprehensive Land Use Plan. The DGEIS makes clear that any density beyond as-of-right density must be off-set by purchased Pine Barrens credits or payment in lieu of the actual credits so that the Town may acquire Pine Barrens credits and/or other public benefits, as required by the PDD law. The preferred approach is to protect land within the Pine Barrens core preservation area.

It is the responsibility of the Town to ensure that the existing available 4.81 Pine Barrens credits in the school district be used, and the corresponding sensitive environmental lands preserved and protected and their owners compensated for their restricted development potential. The Town

will ensure that any development in the Central Pine Barrens area will comply with the CLUP and any applications for development will be forwarded to the CPBJPPC as required.

The Tiana Commons property RRAD is also on the Town's Community Preservation Project Plan's target acquisitions list and has since been bought by the Town for dedication as open space. Nevertheless, there still remains one 16.3-acre undeveloped R-20 RRAD, located off of Old Riverhead Road, in the Hampton Bays School District. A subdivision application was filed for an as-of-right 27-lot residential subdivision on that property and preliminary subdivision approval was granted in 2009. As a result of this approval, it had appeared during the course of the planning and GEIS process that the subdivision would not involve the redemption of pine barrens credits or payment for acquisition of rights for increased density; however, there has been no further action on the application since 2009 and the property still remains a viable location for the redemption of Pine Barrens Credits or payments in lieu of credits for increased density.

In addition, the Town is currently processing a PDD application ("Canoe Place Inn, Canal & Eastern Properties Maritime Planned Development District") located in Hampton Bays for which the developer is offering to submit a fee for the purchase of open space which could be dedicated to the acquisition of Pine Barrens credits from the school district. Another option is for the Town to establish a new RRAD, perhaps along the proposed New North Main Street to ensure the creation of "Main Street" densities.

COMMENT: The Plan identifies a number of lots that are recommended to be rezoned. Any rezoning must comply with the Central Pine Barrens Comprehensive Land Use Plan, as per the Environmental Conservation Law § 57-0123(3)(a) which states, "no application for development within the Central Pine Barrens area shall be approved by any municipality or county or agency thereof or the commission, and no state approval, certificate license, consent, permit or financial assistance for construction of any structure or the disturbance of any land within such area shall be granted, unless such approval or grant conforms to the provisions of such land use plan."

RESPONSE: The Town has and will continue to ensure that any zoning changes are consistent with the Central Pine Barrens Comprehensive Land Use Plan. Zoning changes and PDDs are also subject to SEQR and must be evaluated for potential environmental impacts. These project and site specific assessments can be beneficial in avoiding and mitigating impacts further.

2.2.12 AQUIFER PROTECTION OVERLAY DISTRICT

COMMENT: The site in question [Tiana Commons] is designated / located within the Aquifer Protection Overlay District (“APOD”). That designation carries with it clearance restrictions --- i.e., maximum 50% of the property can be cleared. The previously proposed site plan does not appear to comport with that clearance proscription.

RESPONSE: The Tiana Commons property has been acquired by the Town and the PDD application in question is therefore void. Planning and environmental reviews for future development applications in the APOD will involve the assessment of impacts and compliance with existing regulations.

2.2.13 SCHOOL AND PUBLIC LIBRARY IMPACTS

COMMENT: The DGEIS projected full build out as 2000-5000 new residents with 550 new single family homes. The buildout includes 200 potential accessory apartments. If 50% of single family homes had two school age children and 200 apartments yield 150 children, the new student increase figure would be 700.

RESPONSE: The buildout figures offered in the DGEIS are over time and represent a maximum (extreme case) potential at full buildout. The study suggested 260-290 new students. The Hampton Bays Unified School District letter of 4/21/11 estimates an annual increase of 1.5 to 2.5 percent annually, mirroring increases over the last four years. The School District attributes these increases to four factors:

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1. “The opening of the new Hampton Bays Middle School is an attractive alternative for Hampton Bays residents who traditionally sent their children to private or parochial programs. A dedicated middle-level program provides developmentally appropriate experiences for students in Grades 5-8.
2. The economic downturn created in some families a necessity to remove their children from private and parochial programs due to the financial burdens of tuition.
3. More affordable housing in Hampton Bays remains an incentive for families seeking work to move to the community.
4. Increase in school performance, quality, and academic rigor make the Hampton Bays community marketable for people looking to rent or purchase a home.”

The Town has acquired the Tiana Commons property. The proposal for the Tiana Commons PDD proposed the development of 92 multi-family dwelling units, including 72 condominiums and 20 apartments. The acquisition of the property will significantly reduce the number of school-aged children projected to enter the system in the future.

COMMENT: The DGEIS must include a forecast of how much additional parking is needed to provide us access to library resources.

RESPONSE: With input from library administrator, the DGEIS indicates that library parking is sufficient for the next 10 years. An overflow agreement has been reportedly secured with St. Rosalie Church with bus services to the library. Bicycle, pedestrian, and bus or shuttle service to the library are excellent alternatives to the automobile that are also available that can reduce parking demand. Taxi and drop off and pick-up by a friend or relative is another reasonable alternative. The Plan, DGEIS and FGEIS promote these alternative transportation and access approaches and the facilities needed to support them. Other options can also be explored in the future should the need arise.

2.2.14 TRAFFIC/TRANSPORTATION/GOOD GROUND ROAD EXTENSION

COMMENT: Why is the Good Ground Road Extension needed? The Plan does not discuss the purpose. Several individuals have expressed their opposition to the Good Ground Road extension citing that it is a road to nowhere, that it is not necessary as congestion is not that bad, that the road would divert traffic away from the downtown, that the road would necessitate a new traffic signal on Good Ground Road, and would only worsen traffic. Traffic was less after the improvements to Sunrise Highway, so why would Good Ground Road Extension be needed?

RESPONSE: The Town duly recognizes the pros and cons of the possible construction of a Good Ground Road Extension, as well as the mixed support and objections from the community regarding the recommendation's implementation, including a petition signed by residents. It is not the intention of the Plan or DGEIS to require that the Good Ground Road Extension be constructed. It is, however, the intention of the Plan and DGEIS to recognize, in the spirit of long-term planning and public safety, that the Good Ground Road Extension, if warranted in the future due to any reduced levels of road service, is a possible means of mitigating traffic congestion from residual as-of-right growth in the hamlet and region.

Reasons why the Good Ground Road Extension has been considered a possibility through the years include:

- It would alleviate future congestion due to normal as-of-right background growth in and around the hamlet, particularly between SR 24 (Riverhead-Hampton Bays Road) to Ponquogue Avenue that may cause some people, now and in the future, to avoid the hamlet business district all together, and instead take Sunrise Highway to patronize CR 39 businesses.
- The extension would promote pedestrian and bicycle activity by providing alternative vehicle access as well as sidewalks and bike lanes. Smart Growth advocates such as the U.S Green Building Council recognize that the greater the number of intersections in a Main Street

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business district, the greater the connectivity, accessibility, walkability, bikeability, and vitality of that business district;

- It would not deter individuals who are in the hamlet from shopping, dining or seeking area services but would provide an alternate route for those who were not currently seeking to patronize those businesses;
- It would lead directly to the rear (south side) of the village business district where ample underutilized parking is available along Good Ground Road;
- It would provide direct automobile, bicycle, and pedestrian access to the train station;
- It would provide enhanced direct access to the Hampton Bays Hamlet Center (King Kullen shopping center);
- It would provide more direct access and egress to and from residential areas south of Montauk Highway;
- It would provide more direct access to the south shore beaches;
- It would help facilitate police and ambulance personnel to more quickly and efficiently access different points in the community (e.g., police from barracks, south along SR 24, along Good Ground Extension to residential areas to the south and ambulance first responders to locations west and northwest);
- It would provide an alternative route if there is an accident or fire along Montauk Highway, fire trucks are entering or departing the station, or if it is otherwise blocked and traffic is backed up;
- It could provide an alternative emergency coastal evacuation route from residential areas south of Montauk Highway to SR 24 in the event of a natural disaster such as hurricane, severe coastal flooding, etc.;
- There is a nearby available state recharge basin that may be able to be used to reduce stormwater drainage expenses associated with road construction;
- Funding to finance the road may be available as it would provide direct access to the train station;
- The road itself would not promote growth since there is no undeveloped land that doesn't already have frontage on a road along what would be its right-of-way. Property with frontage along any future road includes at least partially developed property, preserved land,

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and a railroad track. It is possible that one of the restaurants that fronts on Montauk Highway could be provided with rear access if the extension was constructed;

- It would require no more than a 40 to 50 foot-wide swath along the railroad tracks and most of the possible right-of-way area running north/south is already cleared;
- The woodlands in this area consists of common pitch-pine-oak forest with no rare threatened or endangered species and is not in any special overlay designations such as the APOD or Central Pine Barrens);
- Opportunities could exist for revegetation/restoration of existing cleared land with native or well adapted plantings where the diner currently stands if it was to ever close;
- Opportunities would exist to plant street trees that could one day provide tree-lined street with canopy over the road; and
- Opportunities for enhanced beautification at its intersection with Montauk Highway and SR 24 could, with proper planning, could create a grand entrance or gateway to the community.

COMMENT: The extension of Good Ground Road had initially been pursued in response to escalating traffic congestion within the downtown corridor principally the result of the vehicular “trade parade” diverting from Sunrise Highway CR 39. However, with the now permanent construction of a second eastbound lane on CR 39, eastbound traffic on Montauk Highway, as well as that on parallel roads such as Good Ground Road and Fanning Avenue, was dramatically alleviated indicating that motorists no longer needed to divert from or circumvent Sunrise Highway. That change was already noted in 2006 and has been memorialized in the still extant Hutton Draft Study. It is therefore alarming to see this “proposal” continue to be promoted as if a “fait accompli.” The “extension” is essentially a “road leading to nowhere” which would entail massive tree destruction / clear cutting (definitely not environmentally desirable for the Hamlet).

RESPONSE: See previous response. It is not anticipated that massive tree destruction would be required to create one traffic lane and one sidewalk in each direction along the railroad tracks. As indicated in a previous response, most of the right-of-way running north/south is already cleared. If the road was determined to be necessary in the future, the diner was to close, the required land was acquired, and the road was constructed, street trees could be planted to enhance the existing

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wooded appearance and ultimately create a corridor of trees augmented by remaining woods. If the extension was needed in the future, it is expected that there would be an opportunity to create an improved gateway with enhanced beautification, including plantings and restoration of disturbed areas with native vegetation at the CR80/SR 24 intersection. The restoration of currently disturbed areas with native vegetation or landscape plantings could significantly offset vegetation disturbance.

Environmental review indicates that the woodland along the railroad tracks consists primarily of common pine barrens species (i.e., a pitch pine-oak forest) and not located in the Central Pine Barrens or Aquifer Protection Overlay District. No rare or endangered species were identified during the field investigation of that area. Any future construction would require, at a minimum, the preparation of an Environmental Assessment Form or supplemental environmental impact statement to further assess potential site and project specific impacts.

COMMENT: The proposed Good Ground Road Extension is something that the Hampton Bays Civic Association feels is premature. Yet the report makes no note of community concerns regarding this road expansion project.

RESPONSE: See two previous responses. The Town does not have plans to construct a road at this location at this time. The Hampton Bays Corridor Strategic Plan provides the concept as a contingency for the future mitigation of residual as-of-right development in and around Hampton Bays. There still remain properties in the Hampton Bays community that are undeveloped. The property owners of those lots have a right to develop their property under existing zoning, unless the Town or some other governmental or private not-for-profit land trust or environmental protection agency acquires them. The Hampton Bays Corridor Strategic Plan and DGEIS must plan for future as-of-right development both in Hampton Bays and the area by identifying possible means to mitigate possible traffic impacts.

COMMENT: The Good Ground Road Extension would induce growth.

RESPONSE: The Town and its consultants do not anticipate growth beyond the maximum buildout scenario even if the Good Ground Road Extension was constructed. The buildout analysis identified every vacant and underdeveloped property in the Hamlet and projected maximum buildout in accordance with Town zoning. The extension would not provide access to any landlocked developable or further developable property that does not already have frontage on an existing street.

COMMENT: There needs to be an emphasis on traffic calming measures for the corridor whether that be lowering speed limits, bike lanes, more not less on-street parking, additional pedestrian walkways, signage, flashing lights anticipating hotspots or increased police presence. Speed limits should be 25 mph like it is on Hill Street. The experience of the area will never alter for the better unless it's a place signaled worthy to linger in versus simply pass through. Perhaps another study would justify the reduction of speed limits or the County legislator could take up the matter on study. This study simply needs to make a note of it.

RESPONSE: Signage and speed limits are evaluated through the Public Transportation and Traffic Safety Director, who has attended multiple meetings related to this DGEIS. The following information on signage is based on a review of relevant Town Board resolutions and other materials from 2005 to present:

- In two locations, the Town Board authorized a change from an existing Yield sign to a Stop sign.
- At one four-way intersection, the Town Board authorized the addition of two stop signs to the two stop signs already there, creating a 'four-way Stop' intersection.
- At another four-way intersection, the Town Board authorized the installation of two stop signs on the side streets to the primary road as part of the redesign/reconstruction of the intersection.
- There is one additional Town Board resolution authorizing the installation of two stop signs in the area off of Old North Highway. The resolution title says Hampton Bays, but the traffic law designation put it within the Shinnecock Hills section of the code.

With regard to traffic signals:

- The King Kullen Center PDD approval required the installation of a traffic signal at the Ponquogue/Good Ground/King Kullen access drive intersection; this PDD approval also required the installation of a traffic signal on CR 80/Montauk Highway at its intersection with the eastern King Kullen Center access driveway.
- The Stop & Shop PDD approval required the installation of a traffic signal at the S&S (western) access road intersection with CR 80/Montauk Highway.
- Finally, at the request of the Town, the State conducted an evaluation and installed a traffic signal at the intersection of SR 24/Flanders Rd. and Bellows Pond Rd.

The Corridor Plan includes recommendations for both off road bike paths and on-street bike lanes, additional pedestrian walkways (e.g., around the canal), extended sidewalks along Montauk Highway, bus and pedestrian amenities, including benches, pocket parks, and bus shelters. Recommendations for enhanced shuttle and train service could also help to ease traffic and promote walkability. Additional on- and off-street parking could be provided along the proposed New North Main Street to promote the Main Street District ambiance. The Plan recommends a new Transitional Overlay District, that among other things, promotes the use of cross access agreements that improve access to adjacent sites via interior circulation, and controls the number of new curb cuts that are needed. The Plan also discusses the need for a cross access between the cinema property and adjacent businesses. The Plan also envisions the use of cross access agreements, shared parking, and walkways between Main Street and New North Main Street. Town police presence is under review by the Police Department and is heavily dependent on funding and area needs.

COMMENT: It is impossible to say enough about how much I do not like the idea of removing on-street parking on the north side of Main Street and/or creating a turn lane at the south end of Squiretown Road.

RESPONSE: Decisions about on-street parking and turn lanes are made based on public safety, as well as flow issues. Such improvements would only be made if it became necessary.

COMMENT: The Springville/Montauk intersection and the stretch from there to SR 24 needs another look. Its two lanes west make left turns into or out of any address on the north treacherous. (I know this from unpleasant recent personal experience.) It should be configured the same way Ponquogue at Montauk Highway is (right lane turns right, other lane is for straight ahead or left onto one lane only). Striping to create a wider safer median/turn lane is necessary. Also in that locale, the situation at southern Atrium entrance/exit could stand another look. Observation and belief is that that is a particularly dangerous spot to make a left into or out of.

RESPONSE: Decisions about public and traffic safety are made with available traffic accident and other available data. The above recommendation has been forwarded to the Public Transportation and Traffic Safety Director.

COMMENT: Hampton Bays needs safe streets and sidewalks.

RESPONSE: The Plan promotes new pedestrian and bicycle facilities, including recommendations for extending sidewalks along at least one side of Montauk Highway from Jones Road to Peconic Road. The Plan also discusses new bike paths along the railroad tracks, bike lanes in streets and bike and pedestrian paths around the canal. Bike lanes can also be considered along major routes outside the Corridor Study Area such as along Ponquogue Avenue to the beach and into the Red Creek area. The Plan and DGEIS, including recommendations and mitigations involving rezonings, pocket parks, and pedestrian and bicycle amenities are supportive of a walkable and bikeable community.

COMMENT: Highway Business promotes less traffic than residential development.

RESPONSE: The number of vehicle trips generated by a land use during its peak hour depends on the specific type of land use and its size. There are many land uses that are permitted in a Highway Business zoning district and each has a different trip generation rate. For example according to the Institute of Transportation Engineers' "Trip Generation" manual, a 4,800 square foot building housing a standard restaurant (a permitted use in the HB district) would generate an

estimated 44 trips during the p.m. peak hour of the generator. However, that same 4,800 square foot building, if it contained (4) 1,200 square foot apartments, would generate just 3 trips during the p.m. peak hour of the generator. Further, a 4,800 square foot single-tenant office building (a permitted use in the HB district) would generate an estimated 9 trips during its a.m. peak hour; whereas the same 4,800 square foot building containing four 1,200 square foot apartments would generate just 3 trips during the a.m. peak hour. Major developments that are reviewed under SEQR typically require a traffic assessment and trip generation estimates of the actual uses, sizes, and densities proposed.

COMMENT: We don't want roads widened in Hampton Bays. If roads are widened, the Town will have to use eminent domain and all the Transition Overlay Zone (TOZ) buffers would be lost.

RESPONSE: The Plan and DGEIS do not recommend or require any road widening. Some restriping in the existing paved portion of Montauk Highway on the west end of the Hamlet might occur to provide bike lanes.

COMMENT: In regard to Good Ground Road Extension: traffic engineers tend to recommend roads because that's what they do. They pick up more business that way. A traffic light at the intersection of the railroad, Good Ground Road and Springville Road would only cause more congestion. What we need are more bike lanes.

RESPONSE: Currently there are occasional bottlenecks at the intersection of Montauk Highway and Springville Road which is exacerbated by southbound traffic on Springville Road that stops to make a left hand turn into the cinema property, but is often restricted from doing so due to queuing in the northbound lane of Springville Road. If the Good Ground Road Extension was developed in the future it would help address this problem. If the Good Ground Road Extension was ever constructed and a traffic light installed, it would have to be properly timed to prevent backup. The plan has a number of recommendations for facilitating the use of bikes including on and off-street bike lanes/ways.

COMMENT: The local town road, Good Ground Road, is not a Federal-Aid eligible town road. If there are any plans to use federal funds to construct or improve any portion of Good Ground Road, the Town would need to have the route added. As Good Ground Road provides access to the Long Island Railroad Station, it is possible that this route could be added as a National Highway System Intermodal Connector. This extension would provide an improved access to Hampton Bays Train Station from NY27 and NY24.

RESPONSE: The comment is acknowledged. The Town will investigate the potential for Federal aid if it decides to go forward with the Good Ground Road extension in the future.

COMMENT: The town board must strike from the HB GEIS the recommendation for Good Ground Road Extension since it is counter-productive to the goals and aspirations of this study.

RESPONSE: See previous responses. The Town is not recommending extension of Good Ground Road at this time but the concept has transportation validity. It is understood that there is strong community opposition but the plan recommends that the option of Good Ground Road be maintained and that in the event that land becomes available, the Town could consider acquisition of this land in case there is future need and desire for the extension.

COMMENT: I would rather see lower speed limits than traffic lights.

RESPONSE: Speed limits and traffic lights are the purview of the Public Transportation and Traffic Safety Director. See previous comments.

COMMENT: Various layers of government have installed a number of new traffic lights in recent years. The DGEIS should document this increase in installed stop signs and traffic lights in Part II: existing Conditions.

RESPONSE: The DGEIS identifies the locations of existing traffic signals in the Hamlet. Draft Generic Environmental Impacts Statements and the Final Scoping Document for the assessment

do not require a history of when improvements were installed. The description of the eight intersections required to be addressed in the DGEIS indicate whether or not the intersection is signalized or not. The Public Transportation and Traffic Safety Director has pulled all files since 2005 to determine how many new and replacement signs and signals have been installed. Information is provided in a previous response.

COMMENT: The DGEIS should recommend improvements to traffic flow.

RESPONSE: The DGEIS and Plan include a number of possible improvements to traffic flow including roundabouts, enhanced bus amenities, the Good Ground Road Extension, New North Main Street and associated pedestrian ways, general cross access agreements with adjoining developments, limitations on curb cuts, enhanced train and shuttle service, bus amenities, extended sidewalks, and an increased bicycle and pedestrian friendly environment. Rezoning from HB to HO/HC would be expected to reduce trip generation.

COMMENT: Hampton Bays also needs improvements in public transit services. It makes no sense that residents can not ride a bus from Hampton Bays to Westhampton Beach, for example. Higher density within the corridor will add additional transportation congestion to the corridor and the plan provides no expansion in public transportation – so the recommendations will accommodate traditional patterns of growth, not smart growth.

RESPONSE: The recommendation by the Plan to rezone numerous properties from HB to HO/HC will actually have the effect of reducing total building density/gross floor area in the corridor as will preservation of targeted land and recent Town land acquisitions of the Good Ground Park and Tiana Commons properties. The DGEIS states many times that any PDDs that are considered must include an appropriate number of pine barrens credits and/or payment for open space in conjunction with public benefits to offset any increase in development density. The Town will be required to weigh and balance any increases in density and/or changes in permissible use with public benefits to ensure a proper balance or applications may be denied.

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Credits and payment for open space should preserve nearly 5 acres of designated pine barrens areas and Community Preservation Project Plan and Corridor Plan target acquisition sites.

The Plan discusses many approaches to addressing congestion from remaining as-of-right development potential and regional growth, including new stand alone bike paths, on-road bike lanes, sidewalk extensions, a walkway/bikeway along the canal, pedestrian, bicycle, and bus passenger amenities, and enhanced rail services and shuttle service. The Plan discusses a new North Main Street and possibility for Good Ground Road Extension to further create an enhanced grid street system with greater connectivity, accessibility, and walkability. See also previous response relating to mass transit.

COMMENT: Various traffic analyses relating to the expansion/extension/reconfiguration of Montauk Highway have yielded contradictory conclusions. None of the referenced “reconfiguration” scenarios clearly define the length and span of roadway envisioned for such widening, nor degree of encroachment onto existing, developed properties.

RESPONSE: The Plan and DGEIS do not recommend road widening. Proposed changes to roads, extensions and intersections might only be applicable if there is demand from growth due to increased building and density along Montauk Highway. Mitigation measures as part of applications may make further road changes unnecessary. These issues will be addressed and resolved under the SEQR requirements for future applications.

COMMENT: Sidewalks along Montauk Highway from Jones Road to the Canal are a disgrace.

RESPONSE: The proposed Plan recommends that sidewalks be extended along at least one side of Montauk Highway from Jones Road to Peconic Road. By Resolution 14463, on February 28, 2012, the Town Board approved a bond authorization in the amount of \$100,000 for the Construction and Reconstruction of sidewalks in the Town.

COMMENT: The roadway from the Bridge to the inlet is also a disgrace. I realize that some of it floods often, but it should at least have some maintenance.

RESPONSE: On February 28, 2012, by Resolution 14457, the Town Board passed a Bond Authorization in the amount of \$3,500,000 for the reconstruction of various roads in the Town.

COMMENT: The NYSDOT Highway Design Manual (HDM), which is available at NYSDOT.gov, should be the design guide for roadway improvements considered in the DGEIS. It is also important to determine roadway classification as currently detailed in the Urban Functional Classification Maps for the NY Metro Urban Area. This is necessary to ensure that design features meet NYS and nationally accepted standards, (if federal funding is sought to construct any part of the many roadway improvements contemplated in the DGEIS).

RESPONSE: The comment is acknowledged. The Town will use the NYSDOT Highway Design Manual as the design guide for roadway improvements should road improvements mentioned in the DGEIS be constructed. The Town will seek federal funding if available and will design the roads in accordance with necessary requirements.

COMMENT: Proposed improvements on CR80 describe substandard features for a code 16 Minor Arterial Highway in accordance with the HDM 2.7.2.2.

RESPONSE: Any future design improvements will meet all currently accepted standards for Urban Arterials as detailed in HDM 2.7.2.2.

COMMENT: Please refer to the Functional Classification Maps for the New York Metro Urban Area. Several County Roads (CR80, CR39B, CR39, CR62 and CR32) and NY24 are Federal-Aid and/or Federal-Aid eligible roads.

RESPONSE: The comment is acknowledged.

COMMENT: Any proposed improvements of NY24/CR80, NY27/Canal Road, NY27/CR39A and Newtown Road would require NYSDOT review and approval, regardless of the funding source.

RESPONSE: The comment is acknowledged. Any future plans for proposed improvements to NY24/CR80, NY27/Canal Road, NY27/CR39A and Newtown Road will be referred to the NYSDOT for review and approval, regardless of the funding source.

COMMENT: Modifications to the NY27 ramps to NY24 may require an Interchange Modification Report, in accordance with the NYSDOT HDM, irrespective of funding source. In addition to NYSDOT approval, Federal Highway Administration approval may also be warranted for this type of modification request.

RESPONSE: The comment is acknowledged. The proposed Plan does not recommend and will not require modification to the NY27 ramps to NY24.

COMMENT: The Safe Routes to School potential for funding mentioned in the DGEIS would also need to be designed in accordance with HDM and NYSDOT Standard Details.

RESPONSE: The comment is acknowledged.

COMMENT: No to the Tiana Commons. Our traffic is already too congested.

RESPONSE: The Tiana Commons property has been acquired by the Town and dedicated for open space and therefore will not generate any additional traffic. Acquisition of the property will reduce traffic levels below projected values.

2.2.15 PARKING

COMMENT: We need more parking in the downtown.

RESPONSE: The Plan recommends that additional shared parking be provided along New North Main Street. Parallel parking could also be provided along the street to provide convenience and a Main Street ambiance. Substantial available and underutilized parallel parking also exists along Good Ground Road. This parking provides convenient parking not only to the train station, but to the Main Street Business District as well. The Plan and DGEIS promote a walkable, bicycle friendly community, and enhanced bus shuttle and train service.

2.2.16 UTILITIES AND NON-TRANSPORTATION INFRASTRUCTURE

COMMENT: Increased services and utilities will be required. Do we need a power plant? Substation? Where will electrical facilities be located?

RESPONSE: Delivery of power is the responsibility of the Long Island Power Authority, a non-profit municipal electric provider, which owns the retail electric transmission and distribution system (T&D) on Long Island and provides electric service to more than 1.1 million customers in Nassau and Suffolk counties and the Rockaway Peninsula in Queens. LIPA is the second largest municipal electric utility in the nation in terms of electric revenue, third largest in terms of customers served, and the seventh largest in terms of electricity delivered. In 2008, LIPA outperformed all other overhead electric utilities in New York State for reduced frequency of service interruptions, and ranked second for shortest duration of service interruptions. LIPA does not provide natural gas service or own any on-island generating assets. In 2008, LIPA declared the Hampton Bays Middle School the first LEED (Leadership in Energy and Environmental Design) certified school on Long Island due to its energy efficiency and environmental qualities. The school earned a \$300,000 rebate.

Appendix 36 contains a letter prepared by Michael Hervey, Chief Operating Officer for LIPA. The letter outlines the company's commitment and plans for reducing energy consumption through energy efficiency, using renewable resources, acquiring off-island resources, and updating its Master Energy Plan to meet the electrical demands of a growing population on Long Island.

COMMENT: Will Hampton Bays need new water storage tanks? Will it need larger or more water distribution lines?

RESPONSE: A review of the Hampton Bays Water District Map shows water mains throughout the hamlet with the exception of the upper Red Creek area where mains are currently proposed. The Town Board, in Resolution 14479, on February 28, 2012, noted that prior to the proposed repaving of Springville Road, the Hampton Bays Water District intends to extend the existing 12 inch water main on Springville Road from Ponquogue Road to its intersection with Shore Road, further extending west along Shore Road to Tiana Road north to Montauk Highway, the total length of the water main will measure 12,700 feet.

Previous communications with the Hampton Bays Water District's Chief Water Plant Operator indicated that the only additional infrastructure that might be needed in the future, if full estimated buildout is reached, is an upgrade to a 16-inch water main in the Montauk Highway right-of-way. The Hampton Bays Water District's Chief Water Plant Operator, by letter dated March 21, 2011, indicated that "[t]aking into consideration upgrades that the Town Board has approved for the next few years, this should be sufficient to satisfy your water expansion needs."

COMMENT: In recent years, local growth has forced the Water Supply District to significantly expand its water supply system. What were the cost impacts to the water supply? What additional infrastructure will be needed? What infrastructure improvements have been recently constructed? The Plan and DGEIS do not discuss the chlorination of water.

RESPONSE: Information from the Hampton Bays Water District indicates that two major improvements have been constructed recently. One includes the installation of a new well and the installation of a new storage tank at the Bellows Road site. The tank and well cost one million dollars each. The Water District was recently awarded a million dollars as part of a class action suit against gasoline companies as the contaminant MTBE has been found in groundwater in some areas of Long Island. The Hampton Bays Water District had detected the contaminant

in water in a trace amount years ago, but it has not been a recurring problem and has not compromised the water supply.

Based on previous correspondence with the HBWD, the only possible improvements that will be needed, aside from routine infrastructure maintenance, if the Hamlet reaches the maximum projected buildout, is the installation of a 16-inch water main along the Montauk Highway right-of-way. Recent correspondence from the Hampton Bays Water District indicated that “[t]aking into consideration upgrades that the Town Board has approved for the next few years, this should be sufficient to satisfy your water expansion needs.”

The DGEIS indicates that if future replacement of the main in Montauk Highway is required, that it be coordinated with the burial of overhead utilities to reduce costs and improve the visual appearance of the business district. The DGEIS calls for the preparation of a capital improvements plan for any possible future improvements.

The Water District like all other water districts in the County is required to chlorinate its drinking water as a precaution. Chlorination helps to ensure that the water continues to be free of pathogens, even though raw water quality is described as “good to excellent”.

Water conservation efforts can also be initiated to reduce excessive water use and reduce any strain on the Water District’s facilities. Possibilities include on-site recycling of stormwater for landscape irrigation, use of native vegetation with low irrigation demands, use of drip irrigation where irrigation is necessary, and requesting that new nonresidential and multifamily developments use low-flow fixtures. Public education on water conservation is currently conducted by the HBWD. It is anticipated that as homes and businesses are upgraded, more efficient water conservative fixtures and irrigation systems that are available today will be installed to replace older less efficient ones.

The Hampton Bays Water District 2010 Drinking Water Report addresses Water Conservation Measures. In 2010, the Hampton Bays Water District continued to implement a water

conservation program to minimize any unnecessary water use. The pumpage for 2010 was approximately 25 percent higher than the pumpage for 2009. This can be attributed to the hot and dry weather during the summer of 2010. (Please note that the pumpage for 2009 was 18 percent lower than the pumpage for 2008. This can be attributed to the wet and cool weather during the summer of 2009).

COMMENT: Chief Water Plant Operator for the Hampton Bays Water District indicates in his March 21, 2011 letter. “I have reviewed the GEIS. Taking into consideration upgrades that the Town Board has approved for the next three years, this would be sufficient to satisfy your water expansion needs.”

RESPONSE: The comment is acknowledged. It should be noted that previous correspondence with the Chief Water Plan Operator indicated that a 16-inch water main might be necessary in the future along Montauk Highway should the Hamlet ever reach the maximum possible buildout potential. The Town Board, in Resolution 14479, on February 28, 2012, noted that prior to the proposed re-paving of Springville Road, the Hampton Bays Water District intends to extend the existing 12 inch water main on Springville Road from Ponquogue Road to its intersection with Shore Road, further extending west along Shore Road to Tiana Road north to Montauk Highway, the total length of the water main will be 12,700 feet.

2.2.17 ENERGY

COMMENT: Can we use the DGEIS to explore creative ways to reduce local energy usage? Can we develop creative incentives so that our community can better address rising costs of fuel, including winter heating costs? It seems a bit absurd to develop an EIS without addressing the primary issue of the day.

RESPONSE: Broad energy conservation issues should be considered on a Town-wide basis. It should be noted, however, that the plan and DGEIS do address a number of energy related issues, including mitigations such as the construction of bikeways, striping of new on-road bike

lanes, creating a more pedestrian friendly community, including a walkable business district, extension of sidewalks and development of pedestrian access and walkways around Shinnecock Canal and between New North Main Street and Main Street, installing new or improved pedestrian amenities (benches, etc.), enhancing bus stop facilities, and promoting the use of local shuttle services and enhanced rail service. The DGEIS also indicates that consideration be given to creating a hamlet off-shoot of the Town's Sustainability Committee to pursue and facilitate energy conservation on the local level to include:

- Energy audits for homes and small businesses;
- Water conservation audits;
- Weatherization training;
- Light-bulb swap-outs;
- Implementation of expanded recycling and/or composting programs for yard and food wastes;
- Development and installation of living (i.e., vegetated) and/or white roofs;
- Renewable energy siting assessments – e.g., solar access, placement of shade trees;
- Community gardens/local food production/Hampton Bays CSA;
- Public education and outreach.

Also the DGEIS indicates that the Town can utilize the site plan and design review processes to promote energy conserving designs including:

- Maximizing the daylighting of buildings to reduce indoor lighting demands;
- The use of deciduous shade trees to moderate climate and air conditioning demands in the summer, improving the pedestrian environment and potentially reducing air conditioning needs.

In order to further address energy and environmental conservation issues, the Town could consider developing a green building/green community ordinance or rating system, similar to Green Building Council's Leadership in Energy and Environmental Design (LEED) rating

systems. The ordinance could be tailored toward Town needs and area conditions with possible incentives for participation.

Over time, the Town could also consider transforming its vehicle fleet to use alternative fuel sources.

2.2.18 CULTURAL RESOURCES

COMMENT: On historic districts: In Sept. 2009 the Landmarks Board commented to the Town Board re: the Canoe Place Inn: “We also recommend the ongoing HB Corridor Study include an overlay district/designation for the historically significant Shinnecock Canal Area inclusive of the Inn and its site.” The Clerk has a copy of the minutes on file.

Also, Barbara Moeller’s Phase I (or was it II?) would indicate where a historical area for Good Ground (Main St./corridor area) should be. Best boundaries today at least from ‘church to church.’ St. Rosalie’s to Methodist, minimally. Taking in area west to Diner probably not a bad idea.

RESPONSE: In order for the Town Board to consider the establishment of a historic district, a proposed district must meet the requirements for designation outlined in the Southampton Town Zoning Code, Article XXVIII, “Landmarks and Historic Districts and Heritage Resource Areas” which states:

“The Town Board may designate a group of properties as an historic district after a public hearing in accordance with this article if it:

- (a) Contains properties which meet one or more of the criteria for designation of a landmark; and
- (b) By reason of possessing such qualities, it constitutes a distinct section of the Town of Southampton; and
- (c) Receives a petition indicating the consent of a minimum of 20% of the

property owners within the area to be designated.”

COMMENT: Re Canoe Place Inn: if structurally sound, rehabilitation is recommended in light of its exceptional historical significance. If deemed structurally unsound, the Town should seek and pursue a “Façade” Easement for the purpose of maintaining historic character and/or incorporate that into a new structure.

RESPONSE: These and other possible mitigations to protect any historic resources and character of the Canoe Place Inn and property are already included in the DGEIS, including:

- Considering designating the site as a local historic landmark;
- adaptive reuse of the existing structure if it has the structural integrity for continued long-term use;
- rehabilitation of the structure in conformance with the U.S. Interior standards for rehabilitation;
- conducting an archaeological assessment of the site to determine whether new construction and site disturbance would adversely affect any such resources;
- retaining an historic architecture expert and/or archaeologist on-site during any demolition and site work;
- recording the history of the site with pictures and text and filing these with the local landmarks commission and historical society;
- displaying historic features on-site; and
- displaying information on a special website.

The DGEIS states that the above options should be considered as part of any environmental and site plan reviews for the CPI property.

COMMENT: Archaeological resources need to be protected. Several such sites include: the area surrounding the Canal; Fort Lookout; head of Tiana Bay (Munn’s Pond) and the area proximate to the Ponquogue Bridge.

RESPONSE: The DGEIS addresses this comment. The areas mentioned are considered archaeologically sensitive areas (not sites) by the NYS Office of Parks, Recreation and Historic Preservation (NYS OPRHP). The sensitive areas do not mean that every lot or any lot within these areas (one-half mile radius or one-half mile square around an archaeological site) contains archaeological resources or has any historical or archaeological significance—only that there is the potential, based on either past discoveries within the area, a known record of historic activities or because the land is situated in locations that theoretically may have supported Native American activity (e.g., prime waterfront areas where food could have been harvested, known portaging areas, possible settlement areas, etc.).

The DGEIS indicates that individual properties in archaeologically sensitive locations where development or other site disturbance is proposed must be considered for archaeological review. This review typically includes Phase IA, and if necessary, as determined by the Phase IA, Phase IB archaeological assessments that are conducted by qualified professionals with possible follow up phases if resources are identified. In some instances where an action does not involve subsurface disturbance, significant disturbance to the soils has already occurred, or on sites where it can be demonstrated that the area consists completely of “recent” fill or dredge spoil, an archaeological assessment might not be warranted on all or portions of the site. Areas to remain completely undisturbed typically do not require subsurface testing.

COMMENT: The lots abutting the Shinnecock Canal should continue to receive attention from the Town so that this set of critical natural and cultural resources can be developed in a manner that enhances the region and preserves the area’s sense of history.

RESPONSE: The DGEIS identifies numerous impact mitigations regarding future development near the canal and techniques to preserve and protect the Canoe Place Inn and associated cultural resources.

The DGEIS discusses the establishment of a maritime heritage park on Town-owned land on the west side of the canal, and a bicycle and pedestrian walkway around the canal. It also discusses

maintaining the RWB zoning on property fronting on the canal with an overlay district to address stormwater, wastewater, use of native vegetation, restrictions on fertilizer and pesticide use, shared access and parking, restrictions on direct stormwater discharges, siting of buildings and limiting building heights to preserve views of the canal, use of pervious, paved, and/or grassed parking areas, and coordinated maritime architectural designs and character. A PDD as shown in the plan could have similar effect, though development density could be greater and the mix of uses permitted different than the as-of-right Resort Waterfront Business zoning.

The Plan also recommends the erection of a statue in the center of the proposed roundabout at the Montauk Highway/North Shore Road intersection that commemorates the location where the Shinnecock Indians are known to have once portaged canoes between Shinnecock Bay and the Peconic Estuary.

See previous “Cultural Resources” response in this FGEIS for strategies for mitigating impacts to the Canoe Place Inn and property.

COMMENT: Demolish the CPI. It is a real eyesore at the canal.

RESPONSE: The ultimate disposition of the Canoe Place Inn is still under consideration but an application was recently submitted to the Town for a rezoning of the site and two nearby properties to a Maritime Planned Development District. The proposal for the sites includes: rehabilitation of the CPI building to create an inn containing 20 units, 350-seat catering facility, restaurant with 20-seat bar and 120 outdoor seats, rehabilitation of five existing cottages, 40 townhouses, a clubhouse, private marina, and Nitrex sewage treatment facility on a total of 12.8 acres. The Town will work with the property owner/developer, public, and other entities as applicable to ensure that the aesthetic quality of any restoration and/or development will be an improvement over current conditions.

2.2.19 ECONOMY/POVERTY

COMMENT: How will the recommendations address local issues of poverty? What resources will the Town commit to address economic and cultural needs?

RESPONSE: The Town currently provides the following services to senior citizens:

- Senior Centers and Home Delivered Meals
- Adult Day Care Program
- Vial of Life Program
- Blood Pressure Screening
- Caregivers Support Groups
- Adult Children of Aging Parents Support Group
- Grandparents Raising Children Group
- Are You Okay?
- Senior Shuttle
- Expanded In Home Services for the Elderly Program (EISEP)
- Helping Hands Program
- Senior Citizen Clubs
- Residential Repair Program

Also, on February 28, 2012, by Resolution 2012-292, the Town Board updated the membership to the Industrial and Commercial Incentive Board and appointed two members to represent Hampton Bays, one from the Hampton Bays School District and one from the Hampton Bays Chamber of Commerce, thereby providing a renewed effort in reaching a balance between local government initiatives and the business community.

The plan strives to provide a balanced approach of environmental protection and limited smart development that will provide business opportunities, jobs, homes and an economically vibrant downtown.

2.2.20 COMMUNITY CHARACTER/AESTHETICS

COMMENT: Part III.1-13 emphasizes the need to respect the “legend” of the place. Part IV.3-7 correctly references “demolition and redevelopment of the Canoe Place Inn at the height and density proposed in the existing application as affecting community character and setting precedent for taller and denser development or redevelopment in the community.” However, Part IV.3-8 draws the conclusion that “...no significant adverse impacts to visual resources and community character are anticipated by the implementation of the proposed Corridor Plan.”

My comment: The subject of impact on community character requires significantly broadened evaluation. While Part IV.3-9 under Mitigation references the need to be sensitive to the historic and archaeological resources within the Hamlet, it fails to refocus on points made in Part IV.3-7 --- which are also clearly linked to the subject of Mitigation (not only for this proposal but others).

RESPONSE: Currently, neither the CPI building nor the property are designated as federal, state, or local landmarks and are not within any designated historic districts, though it is understood that that the site and existing building have long, interesting and important histories.

An application was recently submitted to the Town for a rezoning of the site and two nearby properties to a Maritime Planned Development District and is currently under review. The proposal for the sites includes: rehabilitation of the CPI building to create an inn containing 20 units, 350-seat catering facility, restaurant with 20-seat bar and 120 outdoor seats, rehabilitation of five existing cottages, 40 townhouses, a clubhouse, private marina, and Nitrex sewage treatment facility on a total of 12.8 acres.

The EIS currently under review by the Town for the CPI PDD application includes Phase I and Phase II archaeological assessment reports, correspondences from the New York State Office of Parks, Recreation and Historic Preservation’s Historic Preservation Field Services Bureau, and other historical resource discussions that will be assessed during the application review process.

The Hampton Bays DGEIS identified numerous mitigations for protecting historical resources on the CPI property, including historic resource preservation mitigations and maximum building height restrictions. More specifically the DGEIS discusses the following approaches:

- Seeking local landmark designation;
- Adaptively reusing the building subject to a structural integrity inspection;
- Applying Secretary of Interior's standards for treatment of historic structures;
- Filing of a façade easement;
- Considering in-place, in-kind reconstruction with possible use of existing historic elements/features if structural integrity is poor;
- Providing an historic preservation specialist or archaeologist onsite to oversee work;
- Ensuring that if new (additional) structures are built on the site that they are architecturally compatible with the structure and use of similar materials, but not so compatible that it gives a false sense of history;
- Requiring any EISs to investigate historic preservation alternatives;
- Recording and filing information with The Town Landmarks Board, Historical Society, Local library, etc.;
- Ensuring that building heights are not increased to a point that an impact to community character would occur or an adverse precedent is established.

Following these recommendations, which are developed as part of a generic environmental review, we anticipate there will be significant impact mitigation, although additional site and project specific investigations, including a project specific SEQRA (EIS) review, building inspections by a qualified professional(s), and inventories and assessments of historic resources are warranted to determine the best course of action, and available mitigations or preservation strategies.

COMMENT: The creation of a Business Improvement District might be a way of raising funds for area beautification. We have made a request to the Town to paint the antique lampposts as they have become very rusted. We would appreciate it if a section regarding maintenance to items such as these could be included in the report.

RESPONSE: The Town Board has designated that the Parks and Recreation Department will assist with grounds maintenance.

2.2.21 MODIFIED ALTERNATIVE

COMMENT: It is not clear why the Modified Alternative did not receive more attention in the report. It seems to argue for less intense development which should be beneficial to the community.

RESPONSE: Mitigations from the DGEIS stemming from the Modified Alternative include keeping RWB zoning on the east side of the canal and developing an overlay district instead of recommending a PDD, which could reduce future density around the canal, and requirements that sufficient TDRs or payment in lieu of TDRs be provided for the purchase of open space should other property owners at other locations seek PDD development. It should be noted that changing the zoning recommendation of the Plan from PDD to RWB with a Canal Overlay District, would not preclude the property owner(s) from applying for a PDD now or in the future. Moreover, PDDs provide incentives that make private sector redevelopment economically viable in exchange for meeting community goals. They can provide a variety of community benefits including the preservation of open space in target areas, and an opportunity to achieve the waterfront themes, elements, and amenities that the Town would like to see along the canal.

The relative benefits and impacts of the proposed Maritime PDD as compared to an existing zoning or other zoning scenario can be thoroughly explored through the PDD process. It should be noted that the modified alternative also included the scenario that the Tiana Commons property would be developed as a PDD. The property has since been purchased by the Town and there will be no PDD on the site.

2.2.22 MISCELLANEOUS

COMMENT: The 2008 Hamlet Visioning Document prepared by the Hampton Bays Civic Association is a real, valid and insightful contribution by the citizens of Hampton Bays and is not to be demeaned by any arbitrary criticism or exclusion. More of this document should be incorporated into the plan.

RESPONSE: The 2008 Hamlet Visioning Document prepared by the Hampton Bays Civic Association will be appended to the FGEIS.

COMMENT: It is to be specifically recommended that unless the mitigations mentioned in this document are immediately enacted, further implementation of the Corridor Study will be disastrous. I had posed the question to Freda and she passed it on to Mr. Brusseau of Cashin Associates. Who replied in essentially the same words as found in the DGEIS. When I asked for more clarification, my request was ignored by both Freda and Mr. Brusseau. I can only guess who ordered such unprofessional behavior. I am submitting those emails for the record.

RESPONSE: Cashin Associates responded to the first email question which was forwarded to its offices by the Town. However, a review of Ms. Green's written submission to the Town Board containing her second email indicates that she had incorrectly entered Cashin Associate's email address, and therefore the follow-up question was never received.

SEQR requires that all relevant substantive comments received during the DGEIS review period be addressed in writing in the form of an FGEIS so that all parties can review and consider the questions and responses and they can be considered individually and collectively. As a courtesy, CA replied to the original question posed by Ms. Green as follows:

The DGEIS sections prepared by Cashin Associates primarily address the environmental impacts of implementing the Corridor Plan and the available mitigations to address them. The Town, and in some instances, Cashin, has augmented these with reviews and

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mitigation strategies to address the wider community buildout (e.g. hotel conversions, broader groundwater issues, etc.), based on analyses and public input. The mitigations set forth in the DGEIS should be implemented as the Plan is implemented and development, redevelopment, and any new infrastructure or projects are put into place. Any recommended modifications to zoning maps or existing laws should be implemented soon after the SEQR findings statement and final plan are adopted so that the zoning map and code are consistent with the comprehensive plan.

The DGEIS also discusses various appropriate environmental protection devices that are currently in place to protect the environment and their influence on ensuring that potential impacts from future growth and implementation of the plan are mitigated to the maximum extent practicable (e.g., wetlands laws, pine barrens standards, health department requirements, use of CPF funds to acquire any available properties if possible, etc.). Some of the DGEIS discussions also focus on the actual environmental benefits of the Hutton Plan and buildout analysis mitigations which were specifically crafted to avoid or mitigate future environmental impacts. As the name indicates, the DGEIS is generic. Additional site and project specific investigations can be conducted and additional mitigations and impact avoidance techniques put into place, as necessary, as individual projects are reviewed in the future (e.g., future EISs for any PDDs that may be proposed). It is our belief that based on the environmental benefits of the corridor plan, existing environmental and public health laws, and other mitigations listed in the DGEIS that significant impacts will not result from the implementation of the Plan.

In follow up to the request for clarification, it is our contention that based on the environmental benefits of the corridor plan, compliance with existing environmental and public health laws and institution of the avoidance strategies and impact mitigations identified in the Plan, DGEIS and FGEIS after adoption of the plan, significant adverse environmental impacts will not result. However, the level of potential impact is ultimately determined during the Findings Statement phase of the process after all materials and public and agency comments have been reviewed.

COMMENT: The Town should allocate a budget for hiring an impartial facilitator so it can more effectively address communication breakdowns during community driven planning processes.

RESPONSE: There are Town Board members and staff members assigned to each community/ and or hamlet. Communication issues should be addressed directly with that responsible Town Board member and his/her staff.

COMMENT: Town representatives have indicated that the proposed Plan would not have the full force of law, but it is my understanding that the Town's Comprehensive Plan has the full force of law. I would like clarification.

RESPONSE: The Town's 1999 Comprehensive Plan Update, as well as the subject plan, which may be considered an element of the Town's Comprehensive Plan Update once revised to reflect any necessary modifications identified by the SEQR Findings Statement and duly adopted by the Town Board, has the force of law in that the Town can not act in contravention to it. In regard to zoning recommendations, the New York State zoning enabling act requires that a Town's zoning code be undertaken in accordance with a well considered plan or comprehensive plan. The Town Zoning Code and Zoning Map must be consistent with any zoning recommendations of the adopted plan.

COMMENT: The west side of the Shinnecock Canal could stand some sprucing up. I wish the Beautification Society would get involved.

RESPONSE: The Beautification Association is chaired by Susan von Freddi and can be reached by contacting: Hampton Bays Beautification Association, PO Box 682, Hampton Bays, NY 11946.

COMMENT: The Final Scoping Document indicated that there would be a comprehensive assessment of the cumulative impacts of buildout and I don't believe that has been done.

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RESPONSE: The assessment of the cumulative impacts of buildout provided in the DGEIS are consistent with the Final Scoping Document and intended scope of Generic Environmental Impact Statements required by 6 NYCRR Part 617 (SEQR). By definition, Generic Environmental Impact Statements are broader and more general than site specific Environmental Impact Statements.

The study area was 12 square miles containing thousands of tax lots. The Plan, Study and DGEIS process lasted approximately 6 years. The GEIS process, alone, included multiple steering committee meetings, and three public hearings that were duly advertised. Each public meeting was followed by a written comment period that provided individuals who wanted to submit written comments to do so. The Town developed and analyzed 34 separate GIS maps, each containing several important aspects of land use, zoning, physical and environmental conditions, cultural characteristics, and essential infrastructure. Several field investigations were conducted and numerous existing plans, studies, laws, standards, and maps were reviewed. The DGEIS examined the numerous Corridor Plan and Cumulative Impact of Buildout action items under more than 30 environmental, transportation, land use, and infrastructure topics. Multiple recommendations and mitigations have been created as part of the effort. The Town reached out to 20 agencies for input and has considered 31 written correspondences. The process has met and far exceeded SEQR content and public participation process requirements.

COMMENT: There are a number of statements in the DGEIS that state that no significant environmental impact is anticipated by the implementation of the corridor plan. Does the GEIS only address the corridor plan or does it also address the cumulative impact of buildout?

RESPONSE: The DGEIS addresses potential impacts from both the proposed Corridor Plan and the Cumulative Impact of Buildout Study. The approach of combining the evaluation of the impacts of the Hampton Bays Corridor Strategic Plan (with its own separate study area and SEQR requirements) and the Cumulative Impact of Buildout Study (which was to look at cumulative impacts of future development throughout the Hamlet) was an unorthodox approach in terms of the SEQR process. Original drafts of the DGEIS included statements specifically

targeting the Corridor Plan, because in order to address the SEQR requirements for the Corridor Plan itself so that it could be adopted as a stand alone document if necessary, there was a need to preliminarily consider its specific impacts and mitigations. These notations were not removed. Ultimate findings relating to impacts and mitigations of the Corridor Plan and Cumulative GEIS process are to be outlined in the SEQR Findings Statement, after consideration of all comments and materials.

COMMENT: Each Town Board member should read the HB FGEIS personally and thoroughly in order to issue a valid “Finding Statement”, rather than depend on Jefferson Murphree’s personal input. Each town board member should read, completely and thoroughly, the HB Visioning Document and attach it as an addendum to the final document.

RESPONSE: All members of the Town Board will be supplied copies of the FGEIS, which includes a copy of the Hampton Bays Visioning Document.

COMMENT: Each Town Board member should be prepared to promptly enact a town wide law regarding clear cutting, pervious surfaces in commercial areas as well as chemical pesticide and fertilizer application prohibition.

RESPONSE: The Town has a recommended tree policy and addresses APOD/CPBOD clearing restrictions. An additional mitigation is to provide public educational information addressing fertilizer and pesticide use. The Hampton Bays Water District has also sent out written recommendations in their annual Water District reports.

COMMENT: An important rationale for this DGEIS is that many residents feel that rapid growth within Hampton Bays is degrading the local quality of life. The DGEIS and the accompanying Corridor Strategic Plan fail to convey this sense of concern and urgency.

RESPONSE: See the Corridor Strategic Plan. Among the top priority items was to “Preserve Character of Hampton Bays/Small Town Feel.” Issues addressed included: Vibrant Community,

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Historic Community, Seaside Community, and Sustainable Community. The DGEIS addressed the concerns and urgency. The Executive Summary ES-1: augments the recommendations of the Corridor Strategic Plan with Strategies addressing hamlet concerns for moving the Corridor Strategic Plan toward environmental and economic stability. ES-1 A.: The purpose of the subject action (adoption of the Hampton Bays Corridor Strategic Plan) is to provide a community based strategy for guiding growth and for controlling and mitigating the potential effects of present and future growth, etc.