



DRAFT SCOPING DOCUMENT

for the preparation of the

DRAFT ENVIRONMENTAL IMPACT STATEMENT

Proposed Action: Roo Roo Property LLC Revetment

Project Location: 114 Bay View Avenue, Amagansett, New York

SEORA Classification: Unlisted

Lead Agency: Zoning Board of Appeals
Town of East Hampton
300 Pantigo Place, Suite 105
East Hampton, New York 11937

Applicant/Sponsor: Roo Roo Property, LLC
c/o Tarbet & Lester, PLLC
132 North Main Street, 1st Floor
East Hampton, New York 11937

Date Submitted: November 8, 2019

1.0 Introduction

Pursuant to a resolution filed on September 26, 2019, the Zoning Board of Appeals of the Town of East Hampton (ZBA), as Lead Agency, adopted a Positive Declaration, thus requiring the development of an Environmental Impact Statement.

This draft scoping document sets forth the proposed content of the Draft Environmental Impact Statement (DEIS) that the applicant will prepare. The DEIS will present analysis of any potentially significant adverse and beneficial environmental impacts of the Proposed Action, as well as mitigation measures and reasonable alternatives.

2.0 Site Location and Description of Proposed Action

The property is located at 114 Bay View Avenue, in the hamlet of Amagansett in the Town of East Hampton, County of Suffolk, and State of New York. The property is identified on the Suffolk County Tax Map as parcel number 0300-084.00-01.00-007.001. The property fronts on Napeague Bay.

The Proposed Action is the maintenance of an approximately 110 linear foot geocube (sandbag) revetment until the application to remove the existing residence and construct a new one further landward is complete. §255-4-29 of the East Hampton Town Code limits the duration of revetments constructed pursuant to emergency building permits to nine (9) months.

Permits and approvals required are indicated in the table below:

Agency	Permit	Date Issued	Date Expires
New York State Department of Environmental Conservation (NYSDEC)	Article 25 Tidal Wetlands	7/10/2018	7/9/2023
NYSDEC	Excavation & Fill in	7/10/2018	7/9/2023

	Navigable Waters (Article 15, Title 5)		
NYSDEC	Water Quality Certification (Section 401)	7/10/2018	7/9/2023
NYSDEC	Article 24 Freshwater Wetlands	7/10/2018	7/9/2023
Town of East Hampton Zoning Board of Appeals (ZBA)	Natural Resources Special Permit		
ZBA	Variance from §255-3- 85 of East Hampton Town Code		
Town of East Hampton Building Department	Building Permit	7/18/2019	4/18/2019

An application was submitted to the Zoning Board of Appeals of the Town of East Hampton for a Natural Resources Special Permit (NRSP) pursuant to §255-4-20 of the East Hampton Town Code and a variance from §255-3-85 (Coastal Erosion Overlay District regulations) of the Town Code, to permit an existing coastal erosion control structure to remain where the installation of a new coastal erosion control structure is prohibited, and the maximum permitted duration for an emergency temporary erosion control structure is nine months.

A building permit was issued to the applicant on July 18, 2018 pursuant to §255-4-29(E) & (F) of the Town Code for an approximately 110 linear foot geocube (sandbag) revetment. §255-4-29 limits the maximum length of any such emergency authorization to nine (9) months.

The applicant is in the process of preparing an application to remove the existing residence and construct a new residence as far landward as practicable on the property, in order to minimize the risk to the residence of coastal erosion. The applicant is thus seeking permission for the existing emergency erosion control structure to remain until the application process to construct the new residence is complete.

3.0 State Environmental Quality Review (SEQR) Process / Status

The Proposed Action is an Unlisted Action pursuant to the State Environmental Quality Review Act (SEQRA) and the implementing regulations contained in 6 NYCRR Part 617. The involved agencies are the Zoning Board of Appeals of the Town of East Hampton ("ZBA"), the East Hampton Town Trustees, and the New York State Department of Environmental Conservation. The Suffolk County Planning Commission is an interested agency. The application was initially undergoing an uncoordinated review. On July 26, 2019, the Zoning Board of Appeals adopted a resolution setting forth its desire to coordinate review pursuant to 6 NYCRR Part 617. On August 1, 2019, the ZBA requested Lead Agency for this application. Having received no objections from involved agencies, the ZBA declared itself Lead Agency and adopted a Positive Declaration pursuant to a resolution filed on September 25, 2019.

Part II of the Full Environmental Assessment, prepared by the Lead Agency, identified the following potentially significant adverse impacts, which will be analyzed in the DEIS:

- Compatibility with adopted land use plans and zoning regulations
- Impact on Character of Community or Neighborhood
- Impact on Aesthetic Resources
- Impact on Natural Resources (e.g. wetlands, waterbodies, groundwater, air quality, flora and fauna)
- Impact on Potential for Erosion, Flooding, and Drainage
- Impact on Environmental Resources or Human Health

The Draft Environmental Impact Statement (DEIS) will be prepared in accordance with Article 8 of the New York Environmental Conservation Law, the State Environmental Quality Review Act (SEQRA) and the implementing regulations contained in 6 NYCRR Part 617. This scoping document outlines the issues to be studied and analyzed as part of the preparation of this DEIS.

4.0 Content of the Draft Environmental Impact Statement (DEIS)

§ 617.9(b) of the SEQR implementing regulations outlines the minimum content that should be included in a DEIS. The minimum subject areas expected to be included in the DEIS for this project are as follows:

4.1 Cover Sheet and Table of Contents

The cover sheet and table of contents will be prepared pursuant to the requirements set forth in §617.9(b) of the SEQR regulations. A listing of the name, address, and responsibilities of any consultants involved will also be included.

4.2 Executive Summary

The executive summary will provide a brief summary of the Draft Environmental Impact Statement, including significant beneficial and adverse impacts, proposed mitigation measures, project alternatives considered, and a list of involved agencies and all required permits and approvals.

4.3 Introduction

The introduction will provide a summary of the proposed project, including:

- Project location and setting;
- Detailed project description (including site layout and design; context of the site to the surrounding areas; planting and revegetation; site access during construction, etc.);
- Purpose and objectives of the proposed project;
- Public need and benefits of the proposed project; and
- SEQR process and chronology.

4.4 Existing Conditions of the Project Site

This section will present detailed information on the existing conditions of the project site in order to provide for a sufficient understanding of the potential impacts of the Proposed Action and how they may affect the environment, such as:

- General geologic and topographic setting of the project site (soils, depth of water table, etc.);
- Wetlands, bluff crest, and mean high water delineations;
- Existing environmental conditions of the site (existing structures, cleared areas, etc.);
- Existing terrestrial and aquatic ecology, including any endangered, threatened, or special concern species;
- Existing surface and ground water resources;
- Existing mapped floodway and floodplain boundaries;
- Existing means of site drainage and stormwater management;
- Existing land uses on the project site and in the vicinity of the project site;
- Existing zoning and other land use regulations on the project site and in the vicinity of the project site;
- Existing visual setting of the project site; and
- Existing neighborhood character and setting.

4.5 Assessment of Potential Significant Adverse Environmental Impacts

This section will provide a detailed discussion of the known and anticipated adverse environmental impacts of this project and the severity of the impact. This section will address any specific concerns and potential impacts that may be raised during scoping.

4.5.1 Compatibility with adopted land use plans and zoning regulations

The applicability of and compatibility with the following regulations and plans will be explored and analyzed:

- East Hampton Town Code
- Local Waterfront Revitalization Plan
- Peconic Estuary Program
- New York State Coastal Erosion Management Regulations

4.5.2 Impact on Character of Community or Neighborhood

The existing character of the community and neighborhood will be explored and documented. The uses of nearby properties and the potential impact of the Proposed Action thereupon will be analyzed.

4.5.3 Impact on Aesthetic Resources

Detailed information regarding the design and appearance of the revetment will be provided. Views from neighboring properties and public spaces will be considered and potential aesthetic impacts will be analyzed.

4.5.4 Impact on Natural Resources (e.g. wetlands, waterbodies, groundwater, air quality, flora and fauna)

The wetlands, bluffs, natural vegetation and other natural features of significance on the property will be identified and documented. The potential impact of the Proposed Action on each feature will be explored and analyzed.

4.5.5 Impact on Potential for Erosion, Flooding, and Drainage

Impact on erosion will be assessed via erosion rate studies and impacts on different nearby properties depending on the types of erosion control structures with which each property is equipped. Existing drainage and stormwater protection facilities on the property will be identified and future options to reduce the impact of potential flooding on the property and within the surrounding area will be analyzed.

4.5.6 Impact on Environmental Resources or Human Health

If potential concerns regarding impact on environmental resources or human health are not adequately addressed in the subsections above, this subsection will analyze any remaining or additional concerns raised during the scoping process.

4.6 Proposed Mitigation Measures

This section will address practical mitigation measures that would lessen the impact of any potential significant adverse environmental impacts addressed in Section 4.5 hereof. Mitigation measures to reduce any potential impacts will be provided to the extent practicable.

4.7 Project Alternatives

SEQRA mandates that environmental impact statements analyze a "range of reasonable alternatives," including the No Action alternative, to a proposed action that are feasible, considering the objectives and capabilities of the project sponsor (6 NYCRR Part 617.9(5)(v)). This section will provide a description and analysis of each impact issue (as listed in Section 4.5 above) created by each alternative, as well as a comparison to the impacts of the Proposed Action.

- **No Action Alternative:**
An evaluation of the potential adverse and beneficial impacts that would result in the reasonable, foreseeable future if the Proposed Action was not undertaken
- **Alternate Design- Permanent Erosion Control Structure:**
An evaluation of the potential adverse and beneficial impacts that would result from the implementation of a permanent, hard rock revetment structure as a means of coastal erosion prevention on the property

- Any other feasible alternative coastal erosion control designs that may be identified during the scoping process will be evaluated for potential adverse and beneficial impacts.

4.8 Unavoidable Adverse Impacts

Any significant adverse environmental impacts identified in the DEIS that cannot be mitigated will be designated as unavoidable environmental impacts and summarized in this section, with reasons provided as to why they cannot be mitigated.

4.9 Additional Impact Evaluations:

The DEIS will include analyses of additional potential effects of the Proposed Action on:

- Irreversible and Irretrievable Commitment of Resources - Identification of the use of any resources that would be irreversibly and irretrievably committed for the development of the Proposed Action.
- Growth Inducing and Cumulative Impacts - The impacts of the Proposed Action will be considered in relation to other projects that have been or could be proposed in the vicinity of the project site.

4.10 Concerns/Impacts Determined to be Irrelevant or Insignificant

This section will contain a brief description of prominent issues that were considered in the review of the environmental assessment form or raised during scoping, or both, and determined to be neither relevant nor environmentally significant or that have been adequately addressed in a prior environmental review. These issues will not be analyzed in the DEIS.

4.11 Information to be Included in the Appendix of the DEIS

Items that will be included as Appendices to the DEIS include:

- All SEQRA documentation, including a copy of the EAF, Positive Declaration and DEIS Final Scoping Document
- All official correspondence related to issues discussed in the DEIS
- All technical reports in their entirety