

**Final Generic Environmental Impact Statement  
For the  
Draft 2004 Town of East Hampton Comprehensive Plan  
and Proposed Zoning Map**

**Proposed Action:** Adoption of the 2004 Town of East Hampton Comprehensive Plan and Proposed Zoning Map

**Location:** Town of East Hampton, Suffolk County, New York

**Lead Agency:** East Hampton Town Board  
159 Pantigo Road  
East Hampton, New York 11937

**Contact Person:** Marguerite Wolffsohn, Planning Director  
300 Pantigo Place, Suite 105  
East Hampton, New York 11937  
(631) 324-2178

**Prepared by:** Lisa Liquori, Fine Arts & Sciences LLC President, Irene Nagle, AICP, Marguerite Wolffsohn, Planning Director, Ronn Pirelli, Cartographer, Robert Pease, Data Base Manager, Michael Volk, Student Intern, and Gail Ficeto, Comprehensive Plan Assistant.

**Final GEIS Acceptance Date:** April 14<sup>th</sup>, 2005

## **FGEIS**

### **Section I. Summary**

This Final Generic Environmental Impact Statement (FGEIS) for the Draft 2004 Town of East Hampton Comprehensive Plan and Proposed Zoning Map incorporates by reference the Draft Generic Environmental Impact Statement (DGEIS) prepared in September 2004 and accepted by the East Hampton Town Board on September 28, 2004, as corrected in accordance with the revisions identified in Section III. of this FGEIS.

### DGEIS

The DGEIS reviewed the potential environmental impacts resulting from the adoption of the 2004 Town of East Hampton Comprehensive Plan (Comprehensive Plan) and proposed Zoning Map (together, the “Proposed Action”). The 2004 Comprehensive Plan is the first complete overhaul of the Town Comprehensive Plan since 1984. It serves to analyze existing and projected conditions and incorporates and evaluates new data, statistics, studies, regulations and conditions to determine whether the community has adequate tools to protect what it deems is important. The recommendations contained in the Comprehensive Plan are guided by a Vision Statement for the Future and a Statement of Goals that were adopted by the Town Board in February 2004.

The DGEIS, which is intended to be reviewed in tandem with the Comprehensive Plan document and the proposed Zoning Map, contains in section 4.0 a description of the components of the Comprehensive Plan, lists in brief form 92 Town-wide recommendations contained in the Comprehensive Plan document, and incorporates by reference the descriptive sections of the Comprehensive Plan Document. The existing environmental conditions, as well as housing affordability data extrapolated from the 2000 Census, are documented within the Comprehensive Plan and form the basis for the proposed rezonings and other recommendations contained in the Comprehensive Plan.

The DGEIS examines in detail only those recommendations of the Comprehensive Plan that have the potential for adverse environmental impacts. Those recommendations, and an analysis of their potential environmental impacts and proposed mitigation measures, are included in section 6.0 of the DGEIS. As specific regulations have not been prepared for all of the proposals analyzed, the analysis of impacts is necessarily limited in scope. Further environmental review will be necessary to evaluate site specific impacts, as well as potential impacts related to specific provisions of regulations proposed in accordance with the Comprehensive Plan’s recommendations. Alternatives to the Proposed Action are described and analyzed in section 7.0 of the DGEIS.

A Notice of Completion of the DGEIS was filed on September 28 2004, and published in the Environmental Notice Bulletin. Public hearings were held on November 4, 2005 on the Draft 2004 Town of East Hampton Comprehensive Plan and the Draft GEIS, at which time hearings were also held on the interrelated items of the proposed revised Zoning Map, the creation of a new Residence A-10 zoning district, and proposed revisions of the

Limited Business Overlay District regulations. The record remained open for written comment until November 15, 2004. The Comment Period on the DGEIS ended on January 21, 2005.

### FGEIS Organization

Section I. of this FGEIS contains a summary of the FGEIS and includes an executive summary of the DGEIS, which is incorporated by reference.

Section II. of this FGEIS contains the Town Board's response to substantive comments on the Draft East Hampton Comprehensive Plan, including the proposed rezoning of particular parcels, and the accompanying Draft Generic Environmental Impact Statement (DGEIS). All comments, both written and delivered orally at the November 4, 2004 public hearing, have been reviewed by the Town Board members. Appendix A of this document contains a copy of the full transcript of the November 4, 2004 East Hampton Town Board Public Hearing, preceded by a numbered list of the speakers in the order in which the person spoke. Appendix B of this document contains a copy of the written correspondence received, preceded by a numbered index of correspondence.

In order to prepare the Lead Agency's response to the Substantive Comments, the Town Board collectively reviewed the comments and formulated draft responses during public work sessions conducted on 1/26/05, 2/1/05, 2/3/05, 2/8/05, 2/10/05 3/15/05, 4/5/05 and 4/12/05. Fine Arts and Sciences, LLC, a consultant to the Town Board; along with subcontractor Irene Nagle, AICP; Marguerite Wolffsohn, East Hampton Planning Director; Ron Pirelli, Cartographer; Robert Pease, Data Base Manager; Michael Volk, Student Intern; and Comprehensive Plan Assistant Gail Ficeto assisted the Town Board with the organization, summary, and draft responses to the comments.

Section II. A. of this FGEIS includes comments and responses organized according to topic. The topics are divided into the following 19 categories, presented in alphabetical order: Affordable Housing; Business Districts and Commercial Uses; CI to Residential Zoning; Dark Skies Legislation; Density Reduction, Density Redistribution and TDR's; Draft Generic Environmental Impact Statement, and SEQRA Compliance; Existing Land Use; General Comments on Plan; Miscellaneous Comments; Montauk; North Main Street; Potential Residential Build-out; Public Hearing and Public Input; Recreation and Infrastructure; Residential Upzoning; Springs; Transportation and Airport; Wainscott; Water Resources. The comments pertaining the zoning of particular parcels of land are organized by the following five hamlets and list Suffolk County Tax Map numbers: Amagansett, East Hampton, Montauk, Springs, Wainscott. Often, several different persons or groups expressed similar concerns in their comments. Consequently, the concern is summarized and the parties expressing the concern is referenced in parentheses, identified by a number in the case of written correspondence, or by a number preceded by PH, which refers to the order in which the person spoke at the public hearing. In most cases where an individual at the public hearing read from a submitted letter and did not make any additional substantive comments not already contained in the

letter, only the letter number was cited, rather than both the letter and public hearing comment.

Section II. B. of the FGEIS identifies all comments on specific parcels and organizes these comments by hamlet and tax map number. As both the public hearing transcript and copies of the written correspondence are contained within this document, the concerns expressed regarding the zoning of particular parcels have been referenced to these letters or public hearing speaker(s).

Section II. C. of the FGEIS describes the Town Board's discussion of the issue of exemptions from the proposed new zoning of parcels which have been under review for site plan or subdivision approval, or are in the process of negotiated acquisition or a preservation plan. A brief description of the term upzoning as well as a response to legal arguments is also provided in this section.

Section III. of the FGEIS identifies various minor revisions that have been made to the DGEIS.

Section IV. of the FGEIS identifies the types of projects that will require further environmental review pursuant to SEQRA.

Section V. of the FEIS contains appendices A and B, which include, respectively, the November 4, 2004 public hearing transcript and a numbered list of all speakers; and copies of all written correspondence along with a numbered list of all written correspondence.

#### Anticipated Modifications to Comprehensive Plan

Based on comments received during the public hearing and during the public comment period on the DGEIS, the consideration of these substantive comments by the Town Board and discussion at public work sessions that were conducted subsequent to the public hearings, the Town Board anticipates making various revisions to the Comprehensive Plan. They include:

1. Revision of the wording of recommendation # 7 on page 88 of Draft Plan pertaining to Park Preserves, as discussed in comment #2 in subsection 9. "Miscellaneous Comments" in Section II. A. of FGEIS.
2. Revisions to build-out modifications as noted in response to comment #2 in subsection 12. "Potential Residential Build-out" in Section II. A. of FGEIS.
3. Changes to Land Use Maps as noted in response to comment #1 in subsection 7. "Existing Land Use" in Section II. A. of the FGEIS.

4. Clarification of wording of criteria for acquisition and rezoning on page 99 as noted in response to comment #1 in subsection 6. “Draft Generic Environmental Impact Statement, and SEQRA Compliance” in Section II. A. of the FGEIS.
5. Clarification and identification of which Comprehensive Plan subsections, previously prepared and adopted, will remain in effect and which will be superceded; clarification of references used to prepare Plan and DGEIS as noted in response to comment #23 in subsection 6. “Draft Generic Environmental Impact Statement and SEQRA Compliance” in Section II. A. of the FGEIS.
6. Addition of executive summaries of previously adopted plans which will remain in effect.
7. Modifications, corrections, and/or revisions to Town-wide rezoning and acquisition recommendations per hamlet narrative, tables and maps in accordance with any changes to the zoning recommendations resulting from consideration of substantive comments on the Comprehensive Plan and DGEIS.
8. Correction of typographical errors and other minor clarifications.

## Section II. Lead Agency's Response to Substantive Comments

### A. Comments and Responses by Topic

#### (1) Affordable Housing

**1. Comment:** There were many comments regarding the affordable housing proposals in the Comprehensive Plan. Some expressed the opinion that, given the high expense of land in the town, there will never be enough affordable housing to satisfy everybody, since truly affordable housing conflicts with basic laws of economics. (83) Some questioned how many units of affordable housing were estimated to be needed, expressed concern with the long waiting lists, that the need was greater than the supply, and the future need could not be met through current housing measures. (69, PH 57) Some residents were concerned that a large proportion of non-residents are on the waiting lists for affordable housing in Town, and suggested that public service workers be given priority for units. (156, PH5) People expressed the need for a variety of housing for the migrant population, the elderly and the middle class. (17, 31) Many residents also expressed concern that more affordable housing overlay zones have been eliminated than have been made up for, (PH 23, PH 41, PH 61, PH 71, 31) and that the residential upzonings should be linked to, or should occur after, plans are in place to meet the affordable housing need. Some expressed concern that some of the proposed locations of AHO districts were unrealistic. (PH22, 188, PH 38, PH 68, 17, 55)

**Response:** Page 45 of the Draft 2004 Plan presents the estimates of affordable housing need in East Hampton, based on a variety of indicators. It is estimated that there are 1,300 renters who live or work in East Hampton who need affordable housing. The plan includes proposals for new affordable housing overlay districts Townwide.

Since the 1980s, the Town of East Hampton has made available through sale of lots, sale of new houses and rehabilitated houses, 166 single-family homes to low and moderate income households, and 199 affordable rental units, 87 of which are for seniors.

Affordable Housing Overlay zones are proposed to be removed from areas where the land is either no longer available for affordable housing development, or is inappropriate for such development due to natural features. New areas proposed to have Affordable Housing Overlays are the 4-acre vacant former Stern's property on Montauk Highway, in East Hampton; a 6.5-acre parcel on the south side of Montauk Highway east of Atlantic Avenue owned by the Lutheran Church, and a 6-acre vacant parcel located on the north side of Montauk Highway in the Central Business-zoned area to the east of Montauk Highway's intersection with Abrahams Landing Road, both located in Amagansett; and the Little Flower Church property located between Montauk Highway, South Etna Street and South Essex Street in Montauk. These areas are proposed to be designated at the same time that the proposed upzonings would be affected.

It is true that the placement of an AHO district on private property does not guarantee construction of the housing; however, there are no easements or features of the properties

so designated that would preclude development of affordable housing in the future, by the present or a future owner, so these locations are considered viable options.

In addition to the Affordable Housing Overlay District, the Affordable Housing component of the Draft Comprehensive Plan sets forth on pages 50 -59 fourteen implementation techniques including proposals for new legislation and programs as well as expansion of existing programs

It is noted that while areas of proposed upzoning will reduce the intensity of residential development in those areas, areas located in Affordable Housing Overlay districts can be developed more densely, using the Suffolk County Health Department's TDR provisions, allowing up to five units per acre density for unsewered projects, and up to eight units per acre for developments with on-site sewage treatment facilities.

Legally, the Town has an obligation to allow non-residents to apply for affordable housing within the Town. The need for affordable housing is a regional need, not just limited to East Hampton. However, the Town is permitted to give priority to current residents of East Hampton. Accordingly, the practice of the Town Board and the Town Office of Housing and Community development has been and will continue to be, to give preference to people who live or work in the Town of East Hampton.

**2. Comment:** Some residents expressed the opinion that the Town should concentrate on buying large parcels for clustered housing development, rather than individual house lots, or existing houses, noting that the high cost of individual house lots made their purchase by the Town unrealistic. (PH 22, 188, 31, PH 30, PH 57)

**Response:** Over approximately the past 24 years the Town has developed several successful affordable home ownership programs including Olympic Heights, Camp Hero Estates, Whalebone Woods, Whalebone Woods North, Accabonac Woods, and Maidstone Homes.

The Draft 2004 Plan proposes to continue the technique of purchasing individual lots and sites for affordable housing, although there are limitations to these techniques. It is noted that there are fifteen proposed affordable housing techniques set forth in the Draft Plan, which include acquiring large parcels for clustered attached housing. The Town Board designated Housing Authority and several non-profit organizations have already developed 199 affordable attached rental units in East Hampton. Currently, the Town Board and Housing Authority are developing a new 26 unit rental apartment project adjacent to the Town Senior Center. Facilitating the development of apartments over stores and apartments within single family residences rather than development of individual house lots is also recommended.

The recently adopted East Hampton Town Community Housing Opportunity Fund Implementation Plan will fund both the acquisition of large parcels for attached rental dwellings and the acquisition of individual house lots. It is noted that, by a Local Law

adopted by the Town Board, the Town Board can consider the needs of any segment of the population for whom the market is failing when providing housing opportunities.

**3. Comment:** Apartments over stores should be used to address middle class housing. The Plan's proposal for apartments over stores using the transfer of development rights needs to consider the need for septic systems serving the apartments, and the limited space for such systems. The plan should address the need for a public sewer, which would protect groundwater and make apartments more attainable. (17)

**Response:** The Draft Plan specifically identifies the existing barriers to developing apartments over stores and recommends code changes and development of a TDR program acceptable to the Suffolk County Department of Health Services as solutions. The solutions offered include a plan to treat the septic waste in a manner acceptable to the Suffolk County Department of Health Services. The limited area available for sewage disposal in the hamlet areas is acknowledged. The feasibility and impacts associated with the development of public sewerage treatment plants are factors to be considered in the recommended hamlet center studies and the Montauk Harbor Study.

**4. Comment:** The sand pit in Wainscott, which is currently active, may be the only opportunity for affordable housing in Wainscott, because the only two affordable housing overlay districts in Wainscott map are being deleted. (PH 20, PH 22, 188, 101)

**Response:** The two Affordable Housing Overlay Districts in Wainscott were proposed to be removed because the lands within these zones were no longer available for affordable housing purposes. Wainscott recommendation #11 states that as part of a plan for the future re-use of the sandpit property, a limited number of moderate income housing units could be accommodated, along with a variety of commercial uses and recreational uses.

It should be noted that in the past, the Town Board has created affordable housing in areas not initially zoned with an Affordable Housing Overlay District. The Town Board, the Town Office of Housing and Community Development and the Town Housing Authority will continue to seek additional opportunities for affordable housing and affordable housing districts.

**5. Comment:** Many residents expressed concern that market forces have been pricing the middle class out of East Hampton, and that the proposed residential upzonings will exacerbate the problem, eliminating the last affordable lots in Town. (17, 31, 48, 56, 101, 166, PH 13, PH 23, PH 30, PH 41, PH 57, PH 64)

**Response:** Research conducted as part of the existing conditions section for the housing report indicates that right now, there is a significant mismatch between the median income and the median home price in East Hampton. As shown in Table 6 of the Draft 2004 Plan, median family income Town-wide was \$60,743, as reported in the 2000 Census, and median household income was only \$52,201. Based on sale data gathered by the Suffolk Research Service, the median sales price for a home in East Hampton for first two months of 2004 was \$630,000. Even assuming a modest rise in median income

over the four years since the Census was taken, there is still a sizeable gap. According to Fannie Mae guidelines, a home is considered affordable if the purchase price is no more than 2.5 times the buyer's annual household income. A household is considered "cost-burdened" if more than 30% of the income is spent on housing costs. While the housing/income mismatch is particularly accentuated in East Hampton due to its resort appeal, the situation is symptomatic of the broader region. Long Island Index 2004, published by the Rauch Foundation, reports that housing prices on Long Island are more than twice as high as the national average, but comparable to other suburban counties in the New York Metropolitan area. Also, the ratio of home price to median family income is 4.0 in Suffolk and 4.5 in Nassau. This report also notes that "currently, the region is exporting its most valuable product – its talented young people – due to high housing costs, lack of exciting job opportunities and lack of creative, livable communities for young people."

The proposed upzoning will not make affordable lots unaffordable. It will reduce the number of additional house lots that are unrestricted as to ownership or affordability, for the purpose of preserving the existing character and natural resources of the Town, reducing the potential impacts associated with increased residential development, such as overcrowded roadways, loss of open space, and degradation of natural resources, and preserving the characteristics of East Hampton that make it a "livable community."

While carving out a few lots from a family homestead may solve the short term housing needs for a family, this will not guarantee affordable housing for future generations of that same family, or for other local residents, since such lots would have no restrictions placed on them as to future ownership or affordability. As is evidenced by the sale price of ½ acre-lots in East Hampton Town, smaller lots do not translate to affordability.

Housing developed under the Town's affordable housing regulations will have covenants attached that will ensure that they stay affordable and are occupied by year-round residents. The siting of such developments, in accordance with the existing criteria in the Town zoning regulations for the siting of AHO districts, will be in areas that can accommodate the additional density needed to make an affordable housing development economically viable.

It is acknowledged that there is an economic class of residents in East Hampton that have household incomes that would disqualify them from the low or moderate income brackets, but that have incomes that would prevent their purchase of a median priced home in East Hampton. The Town Community Housing Plan acknowledges this problem by defining, as needing town housing assistance, any person who the free market fails to provide housing. While the Affordable Housing Plan in the Draft Comprehensive Plan prioritizes the most needy residents who have the least housing options, the Town Housing and Community Development Office continues to examine all problems in the housing market including the one identified above. Housing opportunities for all segments of the population for whom the market is failing is provided through the programs funded by the Town's Community Housing Opportunity Fund. The Draft Plan

provides the updated data and statistics necessary to address this and other housing problems.

**6. Comment:** The Ross School's ability to provide affordable housing for its employees would appear fully consistent with Goal Four of the Draft Plan. (209)

**Response:** Under the Town's existing regulations, clustered or attached housing units can be developed in the A-5 zoning district. The rezoning will not impede the school's ability to provide employee housing on the land rezoned from CI to A-5.

**7. Comment:** A few individuals urged the Town Board to adopt Affordable Housing Inclusionary Legislation. (188, PH 57).

**Response:** As stated on page 56 of the Draft 2004 Plan:

“Currently, a bill which has passed the New York State Assembly and is likely to be adopted, will mandate on a subdivision or site plan of five or more lots that 10% of the lots be set aside for the provision of affordable housing and further provides for density bonuses to developers to accomplish this goal. It also allows for under certain circumstances payments into a trust fund in lieu of the provision of affordable housing. Once the final version is adopted, the Town should develop guidelines on how this program will be implemented.

As East Hampton approaches buildout, the number of subdivisions involving 5 or more lots has already substantially declined. The Town should conduct additional legal research to determine whether payments into a trust fund for affordable housing, or an affordable housing impact fee, could be imposed on all subdivisions regardless of size.”

The Town will not necessarily wait for adoption by the State of such legislation to implement its own inclusionary housing regulations.

**8. Comment:** The proposal to conditionally allow homeowners to develop affordable accessory apartments in single-family dwellings is a good way to invisibly increase density and also may provide retired residents with some added income to a fixed pension. (PH 69) How many units do we need of legal accessory apartments? (55)

**Response:** The 2004 Draft Plan, as described on pages 54 and 55, proposes to encourage the development of legal accessory apartments in residences (which are already permitted under the Town's zoning regulations), by streamlining the process of review, changing the restriction on the age of the house, providing financial assistance to homeowners, and increasing code enforcement efforts to discourage the creation of such units illegally. To ensure that the development of such accessory units is limited to what can be supported by local schools and public services, an overall town growth management plan will be developed, in consultation with local school districts, as discussed on page 55 of the 2004 Draft Plan.

**9. Comment:** We oppose additional CPF taxation on new buyers of real estate, even to fund affordable housing. Either the existing CPF tax should be used partially for affordable housing or a new tax on all property owners should be created. (55) Other residents expressed support of the proposed ½ percent transfer tax. (PH 22, PH 68).

**Response:** Town-wide recommendation 24 on page 89 of the 2004 Draft Plan proposes to lobby for state legislation to create a ½ percent real estate transfer tax to fund affordable housing in conformance with the Town Housing Plan. The Town Board will consider all comments on this proposal.

## **Section II. A. (2) Business Districts and Commercial Uses**

**1. Comment:** Recommendation #28 is a sensible proposal designed to help local small businesses. Allowing multiple offices as a single use will accommodate smaller businesses that can share space in one building, and it does not increase the amount of parking or traffic needed, since that is linked to floor area, not uses. Allowing multiple rather than single use offices will not result in larger building. (208) Town-wide recommendation #28 would in effect create multiple office complexes in one building in LBO districts. Offices, unlike semi-public facilities and medical buildings, are not necessary facilities nor are they traditionally in residential areas. Recommendation #28 applied to LBO could result in a proliferation of offices on both sides of the highway east of the commercial center of Amagansett, which will contribute to sprawl and exacerbate traffic problems. (4) Multiple offices as one use should be encouraged in central business and neighborhood business zones, where they belong. (PH 51, PH 68, PH 71)

**Response:** The Town Board is considering further limitations on the uses and the development of sites within the Limited Business Overlay District and will consider all views before reaching a decision on #28 of the Town-wide recommendations.

**2. Comment:** The Town should hire a planner who will explain how to get the population to use their hamlet centers to serve as the center of their daily life, which will decrease reliance on cars and relieve traffic problems. There should be mixed uses in the hamlets (17, 101)

**Response:** The recommendation to encourage apartments over stores by implementing a TDR program, as described in the Draft 2004 Plan, promotes mixed use downtown areas, encouraging walking and non-reliance on cars. In addition, #s 33, 35 and 36 of the Town-wide recommendations direct that plans be developed for downtown Montauk, Wainscott hamlet center, and the Springs business areas to address various issues, among which are pedestrian access and traffic circulation.

**3. Comment:** Commercial property has been all but eradicated in this Comprehensive Plan. (109) (156) There is currently a lack of commercial industrial land in Town. (PH 55) If sufficient commercially-zoned areas are not provided in Town, people will be forced to commute to jobs elsewhere, which will exacerbate traffic problems. No commercial land should be rezoned to residential because office spaces are needed for professionals such as doctors, lawyers and architects. (17) How many vacant commercial lots remain, and how will the needs for different types of work space be addressed over the next 20 years. (55) The plan should allow for more areas allowing mixed use residences, providing an apartment and a professional office, since many professionals cannot afford to rent a storefront on Main Street. (17,31) The plan should include more neighborhood business zoning for areas in the Northwest Woods and Springs in order to relieve pressure on the Village which provides goods and services, particularly that of the Post Office, for all residents of this area. Responsible stewardship of the land should include provision of a small hamlet center in an area of Town that has clearly demonstrated the population to support it. A small convenience store would diminish car

trips to and congestion in the Village, and related pollution, which would benefit the environment. Zoning for commercial and public service uses should be distributed appropriately throughout the hamlets so that each community may begin to share this burden. (187) The Plan does not provide commercial opportunity in Northwest and Springs. The basic goods and services that Town residents need are not met by businesses in the Village. People are forced to travel to other areas for basic goods and services. (69)

**Response:** Number 39 of the Town-wide recommendations directs the Town to conduct an evaluation of East Hampton's ability, desire and potential locations to meet future commercial needs. Three options are outlined for possible action. Future build-out projections will inform the development of such plans. Since the Town's zoning will affect future build-out, population density and infrastructure needs, the Board first needs to make a decision on whether to adopt some, all or none of the proposed zoning changes before proceeding to the other tasks identified in the Comprehensive Plan.

Implementation of recommendation #28 can help meet the need for additional office space. (For a discussion of the environmental basis for the proposed rezoning of CI land to residential, see response to comments; Section II. A. (3), CI to Residential Zoning)

**4. Comment:** Commercial Businesses should not be expanded east or west of the Amagansett Central Business District. We do not need more stores, and this will result in commercial sprawl. If it is later demonstrated that Amagansett needs more commercial development, the farmland north of the business district should be considered for development, rather than along the highway, to preserve the hamlet's rural charm. (40) If Amagansett needs to grow, a good idea would be to develop the land north of the parking lot with a large, clock tower building that would serve business and community gathering needs, while adding architectural presence to the hamlet. (168)

**Response:** Page 92 of the Draft 2004 Plan, in outlining the recommendations for a commercial needs study and consensus, notes that two sites in Amagansett could accommodate some commercial development if deemed necessary in the future: the land to the north of the municipal parking lot and/or the land to the east of the IGA shopping center.

**5. Comment:** In regard to Town-wide Recommendation 26, non-conforming business uses, it may make sense to allow non-conforming businesses in commercial districts to modernize, update and improve, but this is not appropriate in residential zones. The underlying principle of zoning is the gradual phase-out of non-conforming uses in residential zones and if businesses are allowed to update and improve it cuts into the very heart of zoning. (36)

**Response:** So noted. Non-conforming commercial uses in residential zones will not be encouraged to expand. However, as stated in recommendation #26, the zoning of nonconforming businesses should be evaluated town-wide in order to allow these uses to modernize/update/improve without allowing use changes or large expansions.

**6. Comment:** Regarding Recommendation 33, Downtown Montauk Plan, it may be a good idea for the town to commission an independent study of the new generation of sewage treatment plants to address such matters as the sizing of plants for specific facilities so as to prevent unbridled development; controlling the quality of effluent discharged and odor; the operation of plants without chlorine; the removal of nitrogen; the cost of such plants and possibilities of seasonal operation. References in the Plan to proposed sewage treatment plants in Montauk should be rethought. (36, PH 38)

**Response:** The recommendation is to develop a plan to address the unique needs of Downtown Montauk and includes giving consideration to allowing or establishing sewerage treatment plants. Sizing, quality of effluent including chlorine and other chemicals used in the treatment process, removal of nitrogen, cost of construction and maintenance and functionality on a seasonal basis would all need to be considered. A similar recommendation is offered for the Harbor Dock Area.

**7. Comment:** It is not realistic to encourage farming and fishing industries, because East Hampton has permanently changed. Those industries will not economically sustain East Hampton. The Plan does not indicate how new businesses can be encouraged, where they will set up and where the capital will come from. (PH 65)

**Response:** While East Hampton has changed significantly since agriculture and fishing were the primary industries, Montauk is the largest commercial fishing port in New York State in terms of landed fish and number of vessels. All of East Hampton's farmland is part of Suffolk County's Agricultural economy, ranked first in New York State and among the top ten in the Country. Moreover, the preservation of the Town's clean waters, farmland, open space resources, also articulated goals of the plan, form the foundation for the resort, second home and tourism industries in addition to the farmland and fishing industries in East Hampton.

In addition to encouraging the farming and fishing industries, the plan recognizes that the construction industry is important to the economy of East Hampton and recommends an additional land area be devoted to this use in an area historically used for industry although currently zoned for residential use; recommends a change to the code to allow for more offices to provide space for the management, professional, service, sales, the largest clean industry in East Hampton; development of an additional business overlay district to facilitate the growing plant nursery industry; the development of additional studies to help evaluate East Hampton's ability and desire to meet future commercial need; additional measures to help encourage local businesses. The Plan also provides affordable housing initiatives to help meet the housing needs for seasonal and year round employees.

**8. Comment:** Further business development in Amagansett is not needed at this time. Increasing commercially-zoned areas at this time will only serve to make it more difficult for current businesses to survive while putting a further strain on our infrastructure, traffic, septic systems, etc. (PH 68)

**Response:** Amagansett contains the single largest vacant tract of central business zoned land in the entire Town, and if developed according to zoning, could result in the largest new commercially developed site in the entire town. The plan recommends rezoning this land to A Residence with a Limited Business Overlay District to reduce the amount of new commercial development.

## **Section II. A. (3) CI to Residential Zoning**

**1. Comment:** Lands currently used by the Ross School are zoned CI. There has been no evidence that the activities of the Ross School have had any deleterious effects on the natural resources to justify the proposed change to A5. The plan's working assumption is that the CI zone carries greater risk than A-5 but the proposition has not been studied, let alone demonstrated. (209)

Why are we encouraging more houses over the aquifer? Houses are not regulated as to what they can spray on their lawns and trees. Commercial facilities are regulated with regard to toxic and hazardous materials through the planning process and state and county regulations. (101) (PH 20)

The Suffolk County Department of Health Services has always recognized that year round residential uses generally produce more septic discharge than "non-wet" businesses. (116)

**Response:** Schools are permitted by special permit in the A-5 residence district as in the CI zone, so the Ross School will not be rendered non-conforming by the proposed rezoning.

The link between land use and groundwater contamination has been documented in numerous studies reviewed and referenced in the Draft 2004 Town of East Hampton Comprehensive Plan and Draft Generic Environmental Impact Statement. As indicated below, commercial and industrial land uses present a greater threat to ground and drinking water quality than residential land uses.

While several categories of groundwater contaminants have been identified as presenting significant threats to public health concerns, contamination from organic chemicals poses the greatest overall threat to groundwater quality in Suffolk County and the Southampton Pine Barrens. [Dvirka and Bartilucci Suffolk County Comprehensive Water Resources Management Plan (SCCWRMP); Hughs and Porter Land Use and Groundwater Quality in the Pine Barrens of Southampton]. It should be noted that the physical characteristics of the Pine Barrens in East Hampton are similar to the Pine Barrens in Southampton.

Organic chemical contamination can result from residential, commercial or industrial uses. While synthetic organic chemical contamination of shallow groundwater occurs throughout Suffolk County, it is most prevalent in industrial areas and densely populated residential areas (Dvirka and Bartilucci SCCWRMP). The compounds detected most commonly are volatile organic compounds (VOCs) including solvents, degreasers and petroleum products.

Potential groundwater contamination based on land use was assessed in the recently completed Long Island Source Water Assessment Program (LISWAP). Accordingly, unsewered commercial and industrial land uses represent a high potential for groundwater contamination from VOCs compared to a low potential for all residential

land use. Unsewered industrial and commercial land uses represent a medium potential for groundwater contamination from nitrates compared to a low potential for low density residential land use. Two other categories of groundwater contamination, pesticides and microbials, were ranked the same for industrial, commercial and low density residential land uses.

Several studies acknowledge that comprehensive resource management and pollution programs have been implemented at the federal, state, county and local levels which minimize the release of contaminants to groundwater (LISWAP, SCCWRMP). The Draft Plan contains the recommendation to revise the list of permitted and specially permitted uses and the standards for operation so as to reduce potential impacts (Recommendation # 27). All of these measures help to reduce potential contamination from CI uses. However, the high susceptibility rating for volatile organic compound contamination from industrial and commercial land uses indicates that VOCs are likely to be present on the site of commercial or industrial land uses and if released into the ground, have the potential to travel through the aquifer (LISWAP). Accidental leaks and spills have caused a significant amount of groundwater contamination in Suffolk County.

For these reasons, several studies have recommended that new industrial and commercial operations, which involve handling or storage of organic chemicals, not be located in critical recharge areas (Koppelman et al The Long Island Comprehensive Special Groundwater Protection Area Plan; Hughs and Porter Land Use and Groundwater in the Pine Barrens of Suffolk County). Many of the uses which are permitted by the East Hampton Zoning Code in the commercial industrial zone involve the use, handling or storage of organic chemicals.

The statement that “The Suffolk County Department of Health Services has always recognized that year round residences generally produce more septic discharge than “non-wet” businesses” is not supported by Health Department regulations, policy or position. The Suffolk County Department of Health Services estimates septic discharge from “non-wet” businesses based on size of the facility and the particular use.

**2. Comment:** In regard to the “irregular lines” of the Water Recharge Areas in Wainscott, I refer to the nearly 90 degree turns in the boundary lines near the Railroad Tracks in Wainscott and by Hardscrabble Light. This results in land closer to Georgica Pond’s Drainage Area and Land’s tainted by Long Lane’s agricultural runoff, being included unnecessarily in the Water Recharge Area. (185, 127)

**Response:** From the description offered, the “Water Recharge Area” referred to as inaccurate corresponds to the New York State designated Special Groundwater Protection Area. This boundary was based on extensive research and study commissioned by the New York State Legislature. This boundary was established by the New York State Legislature, not the Town of East Hampton nor the Draft Comprehensive Plan.

**3. Comment:** Why would the Town, through the rezoning from CI to residential, encourage the creation of more residential lots adjacent to the airport when the Town has recently commenced a study on noise impacts from the airport? (116) (209) (PH 20)

**Response:** Given the nature of aircraft, airflight patterns, and wind direction, noise complaints and concerns are not limited to the area adjacent to the airport, currently zoned for CI. Existing East Hampton and Southampton residents have voiced concern over unacceptable noise levels emanating from aircraft and the airport. Since it is unreasonable to expect or require all the existing affected residences to relocate, the Town Board has taken the position that reducing existing noise levels associated with the airport is desirable and has commissioned a study.

**4. Comment:** Rezoning CI to A-5 residential use, while preferable to the current situation, may not be enough to protect this centrally located parcel in the priority drinking water area of Wainscott. It is recommended that the district be A-10. Similarly, land presently designated A-2 in this area should be zoned A-10. (200)

**Response:** The zoning for specific parcels is addressed together (refer to Wainscott parcel specific comments).

## **Section II. A. (4) Dark Skies Legislation**

**1. Comment:** The Concerned Citizens of Montauk, Inc. wholeheartedly endorses recommendation 20, Dark Skies. The technology is available, practical experience with Dark Sky requirements is available, it cuts energy costs and helps both the environment and our quality of life. (36)

We are sorry that the Dark Sky Legislation that was part of the Koppelman plan was not updated and included (2, PH 6)

The Town should propose stronger measures to protect the Town's nocturnal environment. Most of the good recommendations have been left out that were made by the Energy, Utilities and Communication Subcommittee. (85)

The recommendations regarding lighting restrictions present in previous drafts of the plan should be included in the latest 2004 Draft Plan. (131, PH 14)

The Comprehensive Plan should acknowledge the impacts of night lighting to the nocturnal environment and nighttime scenic views, and should develop outdoor night lighting legislation. (85A)

The Comprehensive Plan should have retained the recommendation of the Horne Rose plan for the Town to conduct retrofits of municipal lighting. This is important since an ordinance will not apply to the Town's actions. The Town's unshielded sports lighting needs to be changed. (85A)

East Hampton could benefit by passing the same ordinance that was passed for the City of San Francisco, requiring that their own buildings conform to Green Building principals, to meet the criteria of the Leadership in Energy and Environmental Design (LEED).(85A)

**Response:** Recommendation #20 states: "Develop and adopt dark sky legislation appropriate for East Hampton." The Town Board, together with the Planning Department and the Town Attorneys Office is currently preparing draft legislation, which will be subject to public hearing and review.

Recommendation # 91 is to "Explore the provisions for a "green building code" in New York State and evaluate with the Chief Building Inspector whether to develop such a code for East Hampton." For many reasons, it is not appropriate to adopt the same legislation as adopted in San Francisco.

All of the recommendations from the Energy, Utilities and Communications subcommittee were reviewed and many are incorporated into recommendations 74 through 79.

## **Section II. A. (5) Density Reduction, Density Redistribution and TDRs**

**1. Comment:** It's not the number of people that is at the heart of the problem. Density needs to be controlled, but the problem has more to do with the form and quality of future development. Adaptive reuse should be used in concentrating density in the hamlets above and within the existing built environment. Creative planning and zoning should be used to allow the hamlets to provide a greater concentration of mixed uses, with housing for seniors and the community work force, and a self-sufficient environment that encourages walking rather than reliance on the automobile. Redistribution of density to the hamlet centers will allow for greater preservation of open space and protection of groundwater. The creation of new settlements should be developed as part of the comprehensive plan. (PH 49, PH 34, PH 35, 5, 31) More housing centers should be developed. (156) Walkable communities reduce vehicular traffic congestion, but walkable communities require increased density because there is a limit to how far people can walk.(46)

The community reacted forcefully against intensifying development near the villages and hamlet centers. The plan is designed to preserve the unique environment and quality of life for all its residents. (PH 58) The character of each of the hamlets should be preserved. (PH 40) The Comprehensive Plan Oversight Committee examined the major thrust of the Horne Rose document and was not convinced that hamlet growth represented the best avenue for development. (PH 61) If the people do not want a hamlet where the outside planner wants it, then it's not good planning. (57)

**Response:** As per the polls taken in the early part of the comp plan process, the creation of new hamlets or substantially increasing the density of the existing hamlets were overwhelmingly opposed by the Town residents, although these proposals were made in the Horne Rose plan. As a result of public input, the 2004 Draft Plan does not include proposals for the creation of new hamlets or for substantially increasing the density of existing hamlets, although limited additions to density, such as the development of apartments over stores facilitated by a TDR program, is proposed. The small scale increase in residential density in the hamlets, achieved through modest additions to existing buildings, will work towards achieving a mixed use downtown area, while respecting the small scale character of the hamlet centers.

**2. Comment:** Our infrastructure is already overstressed. Each additional housing unit adds significantly to the strain on the Town's infrastructure and reduces the desirability of our community as a place to live. It devalues existing homes and lands. (83) We've known for ages that every house that's built costs the taxpayers' money. We're willing to pay taxes for good things but not for what deteriorates the quality of life here, such as traffic, crowding, noise, and pollution. (53)

**Response:** The proposed rezonings, if adopted, will affect an estimated decrease in potential Town-wide buildout of 1,487 units. Each residential unit is projected to generate approximately 100 gallons per day of sewerage waste. Once the new Zoning Map is adopted, subject to whatever modifications may result from consideration of the public

comments, studies to determine infrastructure needs will be undertaken. Rezoning to reduce build-out will help to reduce pollution to groundwater by reducing the amount of sewerage waste discharge.

**3. Comment:** A provision of the Town's recommendation to allow the transfer of development rights (TDR) to allow apartments over stores suggest that applicants will no longer be required to get a determination from the Suffolk County Health Department. Who then decides whether sewage disposal will have an adverse impact on surface waters? What agency will make determinations as to sewage disposal when TDR's are involved and does the Town Planning Board, ZBA and Planning Department have sufficient expertise to make such determinations?(36)

**Response:** Suffolk County Health Department approval will still be needed for the upgraded septic system to accommodate the additional housing units. An explanation of the provisions of the Suffolk County Health Department's standards for the transfer of development rights is found on pages 53 – 54 of the Draft 2004 Plan, and further details are included on page A-16 of the DGEIS.

**4. Comment:** If we take away the ability to have more people, more residences and more businesses we take away the ability to grow financially, culturally and demographically. I support growth the infrastructure can handle, and this can be achieved by slowing down the current pace significantly and ascertaining that all needed resources exist prior to expansion. (17)

**Response:** The upzoning proposed, in addition to providing protection to natural and cultural resources, may serve to slow the current pace of growth in Town, and will decrease the potential residential build-out. The proposed placement of Affordable Housing Overlay districts and other components of the Affordable Housing Plan allows for denser residential development that is guaranteed to provide affordable housing to year-round residents. The hamlet studies, recreation and transportation studies which are recommended as part of the Comprehensive Plan will allow the Town to focus on recreation, transportation and commercial needs of the Town, and introduce zoning for additional commercial development if necessary.

**5. Comment:** In regard to Transfer of Development Rights, it is recommended that the TDR should be as localized as possible. Also, land that is preserved should not be allowed to be used for TDRs. This would increase net density from where we are today. (56)

**Response:** Requirements for a TDR program acceptable to the Suffolk County Health Department include that transfers of density occur within the same Groundwater Management Zone, and within close proximity to each other; the area from which density is transferred from should be designated open space (which does not include farmland); and all parcels to transfer density must be single and separate tax map lots on the 1981 Suffolk County tax map, and must be buildable under present Town zoning. Parcels that are substandard may be considered for partial credit on a proportional basis, but will

need to be considered on a case by case basis. Only land that has been preserved since the end of 2004 will be considered for TDR's.

## **Section II. A. (6) Draft Generic Environmental Impact Statement, and SEQRA Compliance**

**1. Comment:** The Draft Plan states on page 99 that “no comprehensive evaluation” of groundwater resources was performed in connection with the Draft Comprehensive Plan. This establishes that the Town has not fulfilled its statutory obligation to take a “hard look” at the justification for and effects of its proposed actions under the New York State Environmental Quality Review Act. (126)

**Response:** The above comment quotes a statement from page 99 of the Draft Plan out of context of the rest of the paragraph, making it appear to indicate that the proposed rezonings were not based on a comprehensive analysis of the Town’s groundwater resources, when in fact they were. The statement on page 99 of the Draft Plan referred to the fact that, in the past, various areas in Town were upzoned since the 1984 Comprehensive Plan, but a comprehensive evaluation of all parcels in Town that should be protected from intense development due to groundwater resources had not been undertaken; the 2004 Draft Plan remedied this. The 2004 Draft Plan, on page 99, states,

“Whereas some of the additional data, research and studies conducted since the 1984 Plan was completed have been adopted as official amendments to the EH Comprehensive Plan and have been used as the basis for subsequent rezonings, no comprehensive evaluation has been undertaken. The five criteria used in this Comprehensive Plan Update to evaluate every parcel of land in East Hampton Town for acquisition and rezoning recommendations in order to protect groundwater resources are:

- Land within the NYS designated Special Groundwater Protection Area (SGPA)
- Land within the EH town designated Water Recharge Overlay (WROD)
- Land within the five foot groundwater contour in mainland EH and 4 foot contour in Montauk
- Land within close proximity to or contributing to existing or planned Suffolk County Water Authority well fields
- Land covering existing high quality groundwater located within or adjacent to a large block of existing protected open space.”

Thus, the 2004 Draft Plan undertakes a comprehensive look at the land in East Hampton that it is necessary to protect from intense development, based upon the above hydrologic features. The text in the final Plan will be clarified to describe this process.

**2. Comment:** The Draft Generic Environmental Impact Statement for the 2004 Town of East Hampton Comprehensive Plan is deficient in many respects and does not afford the lead agency or interested parties sufficient information to satisfy the ‘hard look’ requirements of SEQRA. (209, 68) There is no factual investigation of the impacts of the upzoning other than a generic label that it will reduce density. (15)

**Response:** The 2004 Draft Comprehensive Plan itself takes a hard look at the community's natural resources and land use problems to provide a basis for the proposed zoning, as well as other plan recommendations. The environmental conditions that have provided the rationale for the proposed rezoning are clearly documented in the Plan itself. The text on pages A-10 - A-12 of the DGEIS describes the basis for the proposed recommendations regarding acquisition and/or rezoning. The Comprehensive Plan text, which is incorporated by reference in the DGEIS, provides a detailed explanation of the reason for each proposal.

**3. Comment:** The DGEIS was developed without meaningful public input and contains only unsupported conclusions. (15) No formal opportunity was provided to the residents and property owners of the Town to help shape the Plan's content. The open involvement of the citizenry that marked the Town's two recent plans was totally absent. Even the public hearing on the Draft Plan diluted public input by the simultaneous hearing on 5 separate proposals at one time. This forced public focus to the plight of individual land owners and away from the Comprehensive Plan and the future of the Community (209, 68)

**Response:** The process used to develop this plan has incorporated a tremendous amount of public input. Page 2 of the Draft 2004 Town of East Hampton Comprehensive Plan and Draft Generic Environmental Impact Statement provides a brief overview of the process used to develop the plan. As indicated,

“The *2004 Town of East Hampton Comprehensive Plan* is the product of a 4 year effort involving two administrations of the Town Board, several planning consultants, the Town Planning Department, the Town Department of Natural Resources, the Town Office of Housing and Community Development, the Town Attorney's Office and special counsel, 17 Comprehensive Plan Subcommittees, numerous business, civic, citizen, professional and environmental organizations and the community at large. The extensive effort to obtain community input was done to prevent an “ivory tower” approach by consultant planners which can be insensitive to the needs of the community.

Numerous studies, reports and data have been incorporated into this report. In particular this report has built upon, developed and refined the concepts set forth in the 2002 Comprehensive Plan Recommendations of Dr. Lee E. Koppelman and the July 2003 Horne Rose LLC, Joel Russell & Lee Weintrab report, A Comprehensive Plan from 2003-2020 for the Town of East Hampton. During the summer of 2000, Dr. Koppelman developed and mailed a detailed survey questionnaire, including 112 questions to all the property owners and renters in East Hampton (more than 13,000). The overwhelming public response to these surveys indicated that the highest priority among all the issues in East Hampton was protecting East Hampton's water supply and the quality of the environment. This citizen input was important for the development of the Plan. In addition, seventeen citizen subcommittees were formed covering a wide spectrum of issues

including: Agriculture, Business, Economic Development, Fishing, Environment, Historic Preservation, Recreation, Arts and Culture, Education, Families/Youth, Healthcare, Housing, Seniors, Emergency Services, Energy/Utilities/Communication, Transportation, and Villages and Hamlets. The reports, recommendations, meeting minutes and suggestions from these 17 Subcommittees, (convened between 2000 and 2002), were also heavily relied upon.

In January 2004, the East Hampton Town Board established a Vision Statement and eleven goals which guided the development of this Plan. The Vision Statement and Goals established by the Town Board were a refinement of the ones developed by Horne Rose after numerous public workshops and public hearings conducted in 2003. Updates on the second Tuesday of each month in 2004 have been conducted by the Town Board during public work sessions.”

The two earlier Town Plans referenced in the above-noted comment are the 2002 Comprehensive Plan Recommendations of Dr. Lee Koppelman and the July 2003 Horne Rose LLC, Joel Russell & Lee Weintraub report, A Comprehensive Plan from 2003-2020 for the Town of East Hampton. These reports and the public process involved in their preparation are not stand alone Town Plans but have been incorporated into the Draft 2004 Town of East Hampton Comprehensive Plan.

There have been extensive efforts made to obtain public comments not only during the 4 year effort to prepare the Plan, but also to obtain comments on the 2004 Draft Plan itself. Two separate town-wide mailings, dated Sept. 1, 2004 and Oct. 1, 2004 were made by the Town Board to every resident and property owner inviting comment on the Plan; the Plan and DGEIS were posted on the Town of East Hampton website; the local newspapers carried several detailed articles covering sections of the Plan as they were presented throughout 2004; the Local TV station broadcast presentations of each of the sections of the Plan as they were presented in 2004; legal adds were placed in the newspaper of record to announce the public hearings. Additional efforts were undertaken to notify property owners of the proposed zone changes.

The Plan and the other 4 proposals scheduled for simultaneous hearings were interrelated rather than unrelated activities. Conducting simultaneous hearings on these related activities, if feasible, is encouraged according to 6NYCRR Part 617, Section 617.3(h) of the SEQR regulations. The combined hearings helped to avoid duplication and delay of the proceedings and allowed citizens to be heard together on the inter-related series of actions proposed.

Conducting combined hearings fostered public input. There was extensive public comment received both in writing and during the public hearings: 78 speakers during the over 8 hours of public hearings on November 4, 2004, and over 214 pieces of written correspondence and e-mails.

Furthermore, by resolution dated Dec. 3, 2004 the East Hampton Town Board, as Lead Agency, extended the public comment period on the Draft GEIS until January 21, 2005.

The transcript of the Public Hearing and all written correspondence is included as part of the FGEIS document. The Lead Agency has prepared a response to substantive comments, also included in the FGEIS, in accordance with the requirements of 6 NYCRR Part 617, section 617.9 (b) (8). All comments on the DGEIS and the Comprehensive Plan will be considered prior to any action being taken by the Lead Agency.

**4. Comment:** The opportunities that the New York State Environmental Quality Review Act (SEQRA) provides for public participation in the scoping of a DGEIS, the analytical examination of potential impacts and consideration of meaningful alternatives have all been circumscribed by the process and are, in effect, simply missing.(209, 68)

**Response:** According to Section 6 NYCRR Part 617.8 (a), scoping is not required. Although scoping is not required and was not conducted by the East Hampton Town Board, the primary goals of scoping have been met. The primary goals of scoping, according to Section 6 NYCRR Part 617.8 (a), are to “focus the EIS on potentially significant adverse impacts and to eliminate consideration of those impacts that are irrelevant or nonsignificant.”

The aspects of the Plan which could increase the intensity of development and could potentially have a harmful impact on the environment have been identified and evaluated in the DGEIS.

Similarly, the impacts anticipated from measures which would protect and enhance the Town’s environment are not considered in the Draft GEIS. The Comprehensive Plan itself elaborates on how the proposed rezonings to less intensive development helps to protect the natural and cultural environment including the Town’s: ground and drinking water supplies; wetlands and surface waters; Federal, State and Locally Designated Significant Habitats; Other important Natural Features including the Town’s 7 special site types and Gardiner’s Island; Historic and Archaeological Resources; Scenic Resources; Farmland; Community Character; and Transportation and Congestion.

The East Hampton Town Board is the Lead Agency, and the only involved agency in the project. As Lead Agency, the Town Board hired Fred Thiele and Lisa Liquori on Jan. 2, 2004 to help with the preparation of a Generic Environmental Impact Statement as well as the completion of the draft Comprehensive Plan. Subsequently, in the August 10, 2004 Town Board public work session, the Town Board discussed the outline for the GEIS and the alternatives to be described and analyzed.

**5. Comment:** SEQRA requires that the “whole action” be evaluated. The 2004 Comprehensive Plan makes various non-specific recommendations regarding amendments to the Town Code for, as example, transfer of development rights for affordable housing purposes. In addition, non-specific rezoning suggestions are made for

zoning land in the Dock area and Downtown Montauk area for a proposed Seasonal Employee Housing Overlay district. However, these recommendations are not specifically evaluated. It is not appropriate to evaluate only some of the proposed changes. To do so is improper segmentation, as it does not allow for a comprehensive environmental review of the overall impacts of the implementation of the 2004 Plan and associated changes to the Town Code. (209, 68)

**Response:** The provisions of the existing Suffolk County Health Department Transfer of Development Rights (TDR) program is described in detail on page 53 of the 2004 Draft Comprehensive Plan, and the proposed description and locations of Seasonal Employee Housing Overlay Districts are located on pages 50 – 52 and on Maps A and B of the Draft Plan. A discussion of the potential impacts and mitigation measures for the proposed Seasonal Employees Housing Overlay District and the TDR program for apartments over stores proposal are found on pages A-15 and A-16 of the DGEIS, respectively. The level of detail for these evaluations is consistent with the level of detail contained in the description of the programs and future zoning provisions. After the specific legislation and programs are developed to implement the Seasonal Housing Overlay District and the TDR program, additional SEQR review will be conducted by the Town to further evaluate potential environmental impacts associated with the specifics set forth.

It is noted that the SEQRA regulations clearly provide for, in subsection 617.10 “Generic Environmental Impact Statements,” the ability to require additional environmental review in the future for specific significant impacts, such as site specific impacts, that were not adequately addressed or analyzed in the generic EIS. “Generic EISs and their findings should set forth specific conditions or criteria under which future actions will be undertaken or approved, including requirements for any subsequent SEQR compliance.” Further site-specific environmental review is expected to supplement the studies contained in a Generic EIS, and is not considered segmentation. It is noted on page A-1 of the DGEIS that the GEIS is not intended to serve as the SEQR approval for any specific development project or class of projects, and all such future actions will be subject to site-specific review pursuant to SEQRA.

**6. Comment:** The GEIS is brief. (PH 12, PH 16, PH17) The proposed 2004 Plan purports to provide a guide for land use development in the Town for future years. However, while the aforesaid proposed 2004 Plan claims to set goals for the land use of 74.3 square miles of the Town, the associated DGEIS provides only eight pages of alleged impact analyses. (74A) Although if adopted and implemented, the 2004 Plan will affect thousands of acres of property, the DGEIS consists of only 24 pages, contains unsupported conclusory statements and contains no environmental analyses. The statement that “Implementation of the Plan is not expected to have any unavoidable adverse environmental impacts,” is not supported and not true. The proposed rezonings and changes in potential use and density will unquestionably impact traffic, demographics, community character, and nitrogen loading. The DGEIS does not contain analyses of these impacts. The concept of cumulative impact is completely disregarded in the DGEIS. The Conclusion in the DGEIS that the proposed zoning amendments will

not result in any adverse environmental impacts is invalid, and such underlying assumption compromises the purposes of a DGEIS, which is to assess the environmental impacts of an entire program or plan. (209, 68, 74A)

**Response:** According to 6NYCRR Part 617.10(a) "Generic EISs may be broader, and more general than site or project specific EISs...:" Given the very definition and nature of a GEIS, it is not unreasonable that such a report would be fewer pages than a site specific EIS. However, many of the analyses typically found in a DEIS are provided in the Draft Plan itself, which is incorporated by reference into the DGEIS and is physically bound to the DGEIS. The Draft Plan includes all of the information normally found in an EIS, including existing conditions data pertaining to geography and environment, history, demographics, land use, and residential build-out under existing conditions, existing affordable housing programs and the estimated affordable housing need, as well as the scientific studies on which many of the residential rezoning and land acquisition recommendations were based. Maps 6 and 7 in the Draft Plan depict the East Hampton Groundwater Protection Zones as defined by the 4 foot and 5 foot groundwater contour boundaries, the New York State-designated Special Groundwater Protection Area, and the Town's Water Recharge Overlay District. The plan also included a detailed analysis of how the proposed rezonings would affect residential build-out in each hamlet. For each of the specific recommendations for the hamlets contained in the Draft Plan, a detailed explanation is provided describing the reason behind the proposal and the goal to which it is related. The DGEIS did not re-iterate all of this data, but incorporated it by reference, and confined itself to an analysis of the proposals in the Plan that had the potential for adverse environmental impacts.

The statement, "Implementation of the Plan is not expected to have any unavoidable adverse environmental impacts," is supported by the discussion in section 6.0 of the GEIS. The proposed residential upzoning would have the effect of alleviating or reducing potential negative impacts on traffic, community character, and nitrogen loading and is so stated in section 6.0. of the DGEIS. Pages 107-111 of the Draft Plan incorporated by reference into the DGEIS also provides documentation supporting how the rezonings help to reduce potential adverse impacts.

Proposals that had the potential for adverse impacts, including proposed residential to commercial zoning, a Plant Nursery Overlay District, and various proposed affordable housing implementation techniques that could alter density, were specifically examined.

Comments made at the public hearing on November 4, 2004 and in writing questioned the value of rezoning CI land to residential, questioning whether CI was, in fact, potentially more harmful to the environment than residential zoning. This issue is addressed in the response to Comment #14 below.

In terms of the potential impacts that the residential upzoning may have on demographics, the concern that the middle economic class would be "priced out" of East Hampton as a result of the residential upzoning was a concern voiced by many at the public hearing and in writing during the comment period. These comments are

summarized and the Lead Agency's response is provided under Section II. A. (1), the "Affordable Housing" and Section II. A. (15) "Residential Upzoning" subheadings of the FGEIS. All comments will be considered by the Lead Agency before action on the Comprehensive Plan and proposed zoning is taken.

In terms of cumulative impacts analysis, the whole thrust of the comprehensive plan and proposed rezoning is to affect positive cumulative effects by lessening the overall intensity of development to protect community character, groundwater resources and other natural features, and to continue to provide for the Town's affordable housing needs. The analyses of residential buildout under the existing zoning as compared to buildout under the proposed rezoning demonstrates the cumulative effect of the proposed rezoning.

It is further noted that, by the very nature of a generic environmental impact statement, impact analysis is restricted to a generic review. Therefore, the site-specific analysis of impacts associated with, for example, the construction of seasonal employee housing within the proposed Seasonal Employees Housing Overlay District, would occur as part of the required environmental review for the specific development project.

**7. Comment:** The 2004 Plan's proposed residential rezonings would result in environmental impacts, and these impacts are neither identified nor evaluated in the DGEIS. The proposed amendments to the Town Code, which are designed to alter development patterns and density, will, by such design alter patterns of existing population concentration, distribution or growth and existing community or neighborhood character. (209, 68)

**Response:** The proposed residential rezonings and land acquisitions are not designed to alter patterns of existing development patterns, density, patterns of existing population concentration or existing community or neighborhood character. Rather, the proposed amendments are intended to preserve community character and prevent changes from traditional development patterns (e.g., prevent sprawl between hamlet centers). The proposed residential rezonings are designed to preserve the Town's rural character. Pages 107 through 109 of the 2004 Draft Plan, which is incorporated in the DGEIS by reference, describes the beneficial impacts of land acquisition and upzoning.

**8. Comment:** It is essential that the DGEIS identify the locations and uses of such parcels proposed to be rezoned, as well as the effects of the zoning changes and zoning amendments on such parcels. No analysis is presented as to how the proposed zoning changes for the parcels will conform to the existing character of the neighborhoods in which they are situate. (209, 68)

**Response:** The existing land use for each of the hamlets is shown on Maps 1 – 5, and existing and proposed zoning in each of the hamlets is shown on Maps 8 -14 in the Draft Comprehensive Plan. Tables 25 – 29 of the Draft Comprehensive Plan list each parcel proposed for rezoning by tax map parcel, street address, current zoning and proposed zoning. These maps and tables are incorporated in the DGEIS by reference.

The reasons supporting the various proposed zoning changes, and a discussion of how such changes would affect residential build-out in each hamlet, are found on pages 112 through 172 of the Comprehensive Plan; this was not re-iterated in the GEIS, but incorporated by reference. In all cases where residential upzonings are proposed, the effect will be to minimize changes to existing land use and character of the neighborhood by reducing the potential for new residential lots, reducing the total amount of sewerage waste associated with residential future residential development, reducing the potential clearing associated with lot and house development, reducing the potential traffic, and reducing the potential impacts on schools, recreational facilities and other infrastructure, that is associated with new residential construction.

**9. Comment:** No meaningful data on existing build-out are presented. (209) (68)

**Response:** It is noted that build-out analysis per hamlet has been revised, and is included in Section II a (12) “Potential Residential Build-out” of the FGEIS.

**10. Comment:** The DGEIS does not evaluate the land area that is currently developable that will not be developable upon adoption and implementation of the Draft Plan, does not provide specific information regarding density, locations of density under the existing condition and upon adoption and implementation of the 2004 Plan, by area, and does not provide estimates of natural area that would be altered under the existing condition and upon adoption and implementation of the 2004 Plan. (209) (68)

**Response:** None of the proposed zoning changes will sterilize any of the properties. Table 5 in the 2004 Draft Plan identifies housing and population density by school district based on 2000 census data. The locations of proposed new Affordable Housing Overlay Zones are noted in the GEIS (Page A-18), and although these areas, if developed with affordable housing, would be denser than surrounding properties, the overall potential density would not increase Town-wide due to the proposed residential upzonings. Furthermore, although the locations of the proposed affordable housing overlay districts were determined to meet the five criteria contained in the existing AHO district regulations for the citing of AHO district overlays, any proposed development within the overlay would be subject to site-specific environmental review pursuant to SEQRA. The overall reduction in residential density Town-wide will result in less disturbance of natural area than would occur under existing zoning.

**11. Comment:** The DGEIS provides no information regarding parcels that may become non-conforming as a result of the adoption and implementation of the 2004 Plan. (209) (68) The proposed zoning will create more preexisting nonconforming businesses. (PH 26)

**Response:** A recent 2004 zoning amendment has linked building setbacks to lot size rather than zoning district and a similar proposal is being considered for lot coverage. Therefore, the proposed residential upzoning would not render nonconforming lots that are substandard in regard to size. Other lots that may become non-conforming as a result

of proposed rezonings from commercial to residential districts have been described in detail in the text of the Draft Plan under the recommendations per Hamlet section (Pp. 112- 183). The intent of the commercial to residential rezoning, also described in the Draft Plan, is to prevent the development of uses potentially harmful to the groundwater (as in CI to residential) to prevent commercial sprawl between hamlets, and/or prevent business uses from encroaching into residential areas.

**12. Comment:** Although the DGEIS touts the benefits to groundwater that would result from adoption and implementation of the 2004 Plan, no information is presented as to water use, sanitary generation, acres of fertilizer-dependent vegetation, nitrogen loading, or the like under the existing condition (i.e., baseline condition) or upon implementation of the 2004 Plan. (209) (68)

**Response:** Numerous studies and standards cited in the Draft Plan rely on groundwater models which relate average water use, sanitary generation, acres of fertilizer-dependent vegetation, and nitrogen loading on a per house lot basis. If implemented, the 2004 Comprehensive Plan will reduce the potential number of house lots, thereby reducing all of the above impacts compared to the no-action alternative.

**13. Comment:** The 2004 Plan includes measures to protect and promote agricultural uses. However, no analysis is provided regarding the impacts associated therewith, and there is no mention of the widely known, recent studies conducted by the Suffolk County Department of Health Services, which document the detrimental effects that agricultural uses have on groundwater, and clearly demonstrate, based upon scientific data and analyses, that residential uses at densities of one unit per acre, as well as golf course uses, contribute far less nitrogen to groundwater than agricultural uses. However, the DGEIS asserts that the implementation of the 2004 Plan, which includes the promotion of agricultural uses, would result in the protection of groundwater. (209) (68)

**Response:** Continuously, since amendment in 1982, the East Hampton Comprehensive Plan has set forth as part of its goals and objectives the preservation of agricultural land and the agricultural economy. Over the past 20 plus years, the Town Board has implemented numerous measures to help meet this goal including: the purchase the development rights from farmland pursuant to several public bond referenda; adoption of mandatory cluster provisions for the subdivision of properties containing agricultural soils; adoption of an Agricultural Overlay zoning district; adoption of Right to Farm Legislation; and encouraging enrollment in State Agricultural Districts.

The Draft 2004 Comprehensive Plan continues to support the existing goal of protecting and promoting agriculture, and encourages the continuation of the existing implementation measures. Potential impacts resulting from the adoption of the goal and the measures to protect agriculture were evaluated prior to their initial adoption in the early 1980's.

In the intervening years since the goal and measures to protect agriculture were adopted in East Hampton, studies conducted by the Suffolk County Department of Health

Services have indicated that potential nitrogen loading from agricultural practices can be a concern to groundwater quality. To help address this concern, recommendation # 43 of the Town-wide Recommendations to Meet the Goals on page 93 of the Draft Plan states: “Recommend all farmers develop management plans to reduce soil erosion, surface water runoff and pollution from fertilizers and pesticides.”

In addition, potential nitrogen loading from agricultural practices is addressed in the Draft Plan with the recommendation to rezone farmland to A5 Residence. As explained on pp 109-111 of the Draft 2004 Plan, reducing the residential zoning classification is necessary in order to meet the Suffolk County Health Department Article 6 Standards designed to protect groundwater aquifers from nitrogen degradation, while continuing to preserve prime farmland through the Town of East Hampton’s existing mandatory clustering provisions.

The Draft 2004 Plan continues to endorse the previously established goals regarding farmland preservation while encouraging environmentally sensitive methods of operation and recommending measures to protect the groundwater from potential nitrogen contamination.

**14. Comment:** No data is presented to document the conclusion that the proposed rezoning of commercial property to residential use and the rezonings to effectuate the reduction of residential density would protect and enhance groundwater quality. (209) (68)

**Response:** The link between land use and groundwater contamination has been documented in numerous studies reviewed and referenced in the Draft 2004 Town of East Hampton Comprehensive Plan and Draft Generic Environmental Impact Statement. As indicated below, commercial and industrial land uses present a greater threat to ground and drinking water quality than residential land uses.

While several categories of groundwater contaminants have been identified as presenting significant threats to public health concerns, contamination from organic chemicals poses the greatest overall threat to groundwater quality in Suffolk County and the Southampton Pine Barrens. [Dvirka and Bartilucci Suffolk County Comprehensive Water Resources Management Plan (SCCWRMP); Hughs and Porter Land Use and Groundwater Quality in the Pine Barrens of Southampton]. It should be noted that the physical characteristics of the Pine Barrens in East Hampton are similar to the Pine Barrens in Southampton.

Organic chemical contamination can result from residential, commercial or industrial uses. While synthetic organic chemical contamination of shallow groundwater occurs throughout Suffolk County, it is most prevalent in industrial areas and densely populated residential areas (Dvirka and Bartilucci SCCWRMP). The compounds detected most commonly are volatile organic compounds (VOCs) including solvents, degreasers and petroleum products.

Potential groundwater contamination based on land use was assessed in the recently completed Long Island Source Water Assessment Program (LISWAP). Accordingly, unsewered commercial and industrial land uses represent a high potential for groundwater contamination from VOCs compared to a low potential for all residential land use. Unsewered industrial and commercial land uses represent a medium potential for groundwater contamination from nitrates compared to a low potential for low density residential land use. Two other categories of groundwater contamination, pesticides and microbials, were ranked the same for industrial, commercial and low density residential land uses.

Several studies acknowledge that comprehensive resource management and pollution programs have been implemented at the federal, state, county and local levels which minimize the release of contaminants to groundwater (LISWAP, SCCWRMP). However, the high susceptibility rating for volatile organic compound contamination from industrial and commercial land uses indicates that VOCs are likely to be present on the site of commercial or industrial land uses and if released into the ground, have the potential to travel through the aquifer (LISWAP). Accidental leaks and spills have caused a significant amount of groundwater contamination in Suffolk County.

For these reasons, several studies have recommended that new industrial and commercial operations, which involve handling or storage of organic chemicals, not be located in critical recharge areas (Koppelman et al The Long Island Comprehensive Special Groundwater Protection Area Plan; Hughs and Porter Land Use and Groundwater in the Pine Barrens of Southampton). Many of the uses which are permitted by the East Hampton Zoning Code in the commercial industrial zone involve the use, handling or storage of organic chemicals.

Similarly, the link between increased groundwater contamination and residential density has been documented in numerous studies reviewed and referenced in the Draft Comprehensive Plan and Draft Generic Environmental Impact Statement. The 1978 Long Island Comprehensive Groundwater Management Plan and other studies indicate that one acre density residential zoning is needed in order to prevent exceeding the nitrate/nitrogen drinking water standard. This report and subsequent referenced studies have also raised the concern about organic contamination resulting from development, with evidence showing a link between varying densities of residential development and the presence of organic contamination (Long Island Special Groundwater Protection Area Plan). The Hughs and Porter Land Use and Groundwater in the Pine Barrens of Southampton recommends limiting residential development to one house per 5 acres as a prudent first step toward preventing organic contamination. (It is noted that this report states that rezoning to one house per five acres alone would not guarantee that organic contamination would be contained within acceptable levels. The 2003 Long Island Source Water Assessment Summary Report found potential groundwater contamination from microbials also increases as residential density increases.

**15. Comment:** The DGEIS does not include any data regarding existing groundwater conditions, conditions associated with particular land uses, or analyses of future groundwater conditions associated with the implementation of the 2004 Plan. (209) (68)

**Response:** The executive summary and 42 recommendations of the East Hampton Water Resources Management Plan, which appears on page 76 – 86 of the Draft 2004 Plan and is incorporated by reference in the DGEIS, includes a description of existing groundwater conditions, the impacts of certain uses on groundwater, and recommendations to maintain and improve groundwater quality in the Town.

**16. Comment:** The 2004 Plan, if adopted and implemented, would result in changes to development potential and would, over time, result in changes to property tax revenues, school taxes, and property values. Such impacts are relevant to the proposed action, and information regarding these impacts is essential if the Lead Agency is to comply with the intent of SEQRA. Without an objective and meaningful analysis of the tax revenue and economic impacts of the adoption and implementation of the 2004 Plan, the Lead Agency cannot comply with the requirements of SEQRA. (209) (68)

**Response:** Fiscal impact analysis is outside the scope of SEQRA. The SEQRA regulations state, in subsection 617.1 (c) “The basic purpose of SEQR is to incorporate the consideration of environmental factors into the existing planning, review and decision-making processes of state, regional and local government agencies at the earliest possible time.” While subsection 617.1 (d) acknowledges that the SEQRA regulations are not intended to disregard social and economic considerations in determining public policy, as these may be considered public benefits, it clearly distinguishes “environmental” from “social and economic” factors. Section 617.2 defines environment as “the physical conditions that will be affected by a proposed action, including land, air, water, minerals, flora, fauna, noise, resources of agricultural, archaeological, historic or aesthetic significance, existing patterns of population concentration, distribution or growth, existing or neighborhood character, and human health.” This definition clearly excludes economic factors. While a fiscal impact analysis may be included in an EIS to demonstrate the economic benefits of a particular action in an effort to show a public benefit as mitigation of adverse environmental impacts, the SEQRA regulations clearly do not require the evaluation of fiscal impacts as part of a review of environmental impacts.

The absence of a SEQRA mandate to perform a fiscal impact analysis does not, however, preclude the Town Board from requesting and using such data as an aid in its decision-making process.

**17. Comment:** The DGEIS contains no analysis of the impact of the proposed action on community facilities and services and on traffic generation. Without information on existing conditions, density, use and tax revenue changes that would result from implementation of the 2004 Plan, these impacts cannot be evaluated. (209) (68)

**Response:** The decrease in potential residential buildout that would result from the plan would result in less, not more, of a strain on community facilities and transportation systems and infrastructure. Existing conditions related to community facilities and transportation systems were included in earlier drafts of the Comprehensive Plan and are incorporated into the Draft Plan by reference. It is noted on page A-11 of the DGEIS that a decision should be reached regarding the proposed rezoning prior to determining the future need for community services and infrastructure, since the zoning would affect future buildout. As stated on pages A-11 – A-12, “It is anticipated that further planning and evaluation of the Town’s community and infrastructure needs will be conducted immediately following the adoption of the 2004 Town of East Hampton Comprehensive Plan and Zoning Map. Subjects to be addressed include Transportation, Recreation, Infrastructure, Commercial Needs, Hamlet Studies and other topics identified in the Recommendations to Meet the Goals Section of this Plan. This further work may be considered Phase II of the Town of East Hampton Comprehensive Plan.”

**18. Comment:** The DGEIS contains no information regarding the character of the affected communities under the existing conditions or upon implementation of the proposed action. (209) (68)

**Response:** The existing conditions section of the Draft 2004 Plan (pages 7-35) discusses demographics and land use both Town-wide and on a per hamlet basis. In addition, the introduction to each section of hamlet-specific recommendations provides a description of the key features of the hamlet. Areas that are proposed to be rezoned to a different use are described in regards to existing development and physical features of the land, and the reasons for the proposed rezonings are set forth. Many of the proposed rezonings are intended specifically to preserve community character.

**19. Comment:** As no objective analysis of impacts is presented, the DGEIS does not identify any mitigation measures. (209) (68)

**Response:** The specific proposals that were identified as having the potential for adverse environmental impacts are discussed on pages A-13- A-19 of the DGEIS. These proposals include: residentially-zoned areas proposed for commercial rezoning; the creation of a Plant Nursery Overlay District; various affordable housing strategies, including, among others, the creation of a Seasonal Employees Housing Overlay District, development of incentives for the creation of apartments over stores, development of incentives for the creation/legalization of affordable apartments in residences, and the creation of four new Affordable Housing Overlay District locations. The potential adverse impacts and mitigation measures for each are discussed. As noted in the DGEIS, site specific impacts of proposed developments within designated AHO districts would be subject to site-specific environmental review.

**20. Comment:** The SEQR regulations require that the EIS contain a description and evaluation of the range of reasonable alternatives to the action that are feasible. The DGEIS contains only a superficial discussion of the mandated “no-action” alternative. (209) (68)

**Response:** The qualitative description of the no-action alternative is included on pages A-19 – A-21 and identifies the key benefits and positive impacts that would not be realized should the comprehensive Plan not be enacted. The analysis of this alternative will be expanded to include the revised projected residential build-out numbers with and without proposed residential upzoning.

**21. Comment:** The “Density Redistribution Alternative” emphasizes the Draft Plan’s singular focus on housing density to the exclusion of the other required elements of a proper Comprehensive Plan. It provides no analysis of impacts under this alternative. (209) (68) The Alternatives should be fleshed out in greater detail. (PH17)

**Response:** It is noted that the “Density Redistribution Alternative” examines the impacts of distributing density from areas to be preserved to hamlet areas, without any reduction in overall residential build-out. Under this alternative, it was examined whether the goals articulated in the plan could be met without proposed changes to residential zoning. It is noted that while the first phase of the Comprehensive Plan implementation includes the proposed rezonings (including the establishment of four new Affordable Housing Overlay Districts) the Draft 2004 Comprehensive Plan contains an Affordable Housing study that details existing conditions, describes existing programs to be retained and expanded, and details proposed implementation techniques including a TDR program, accessory apartments, tax incentives, seasonal employee overlay districts, among other techniques; an Urban Renewal Map study that includes analysis of the existing program, analysis of build-out within urban renewal maps, road and infrastructure development within these maps, and nine detailed recommendations for properties in urban renewal maps; a Water Resources Management Plan containing 42 separate recommendations; 37 specific recommendations for Amagansett, 63 for East Hampton, 35 for Montauk, 40 for Springs, 16 for Wainscott, and 92 Town-wide recommendations that, in addition to providing for residential upzonings, cover issues ranging from the creation and revision of business overlay districts to the development of apartments over stores, to acquisition of land, protection of historic resources, to the development of special downtown area plans.

The description of this alternative in the DGEIS is supplemented with revised build-out data with and without proposed rezoning (under this alternative, potential density would be transferred but not reduced.):

After the November 4, 2004 public hearing, further analysis was conducted, which considered private property large lot easements and other factors which are likely to reduce potential build-out. This further refinement of the build-out analysis indicates that residential build-out would be reduced by 1,487 units as a result of the rezoning proposal, as summarized on the following page:

<b>Hamlet</b>	Number of parcels for which Residential build-out is affected	Reduction in Potential house lots	Increase in Residential build-out	Net decrease in Residential build-out
Wainscott	38	79 (27 parcels)	33 ( 5 parcels)	46
East Hampton	156	504 (145 parcels)	17 (11 parcels)	487
Amagansett	75	240 ( 73 parcels)	6 (2 parcels)	234
Springs	82	543 (82 parcels)	0	543
Montauk	77	180	3	177
Town-wide	428	1,546	59	1,487

### Potential Adverse Impacts of Density Redistribution Proposal

Without proposed residential upzoning to reduce build-out, the estimated 6,000 potential new residential units that could be developed under existing zoning would be transferred to the hamlet centers of Wainscott, Springs, Amagansett and Montauk. The creation of concentrated residential development in these hamlet centers is inconsistent with the character and historic integrity of these hamlet areas.

The scarcity of vacant land within the hamlet centers would make the addition of extensive sewage disposal systems and public water infrastructure difficult and costly if all the development were located in the hamlet centers.

Concentrating all new development, with no reduction in potential density, in the hamlet centers could result in adverse impacts due to increased traffic on the main arterial roadway.

While innovative and useful in some geographical contexts, primarily in large, previously undeveloped areas poised for growth, this alternative is not appropriate for the Town of East Hampton when considering the Town's existing land use, historic resources, development patterns and road systems.

However, a smaller scale density redistribution plan is recommended in the Plan. A Transfer of Development Rights system is recommended to encourage the transfer of density from Town-acquired open space to hamlet centers in the form of apartments over stores and to other appropriate locations for affordable housing developments. This smaller scale redistribution plan would not significantly alter the scale and historic character of the hamlets.

**22. Comment:** The statement that the Town Board will consider other reasonable alternatives to the individual recommendations of the Plan is not an alternative as defined by the SEQRA regulations. (209) (68)

**Response:** The statement that “Changes, modifications or alternatives to the individual recommendations made in the 2004 Town of East Hampton Comprehensive Plan may be made,” remains a valid statement.

**23. Comment:** It is unclear whether the list of studies on pages A-23 to A-24 of the DGEIS is intended to be part of the DGEIS or the Plan. It is not clear whether any of the referenced reports were considered in the writing of the DGEIS. (209) (68)

**Response:** Pages A-23 of the DGEIS lists all the Studies which have been adopted and currently serve as the Town of East Hampton Plan. All of these plans have been reviewed in the preparation of the Draft Comprehensive Plan and are listed as references. As indicated, the following four plans which have previously been adopted by the Town of East Hampton are intended to remain in effect as part of the new revised plan: Historic Preservation Report, Town of East Hampton, Phase One and Phase Two; Town of East Hampton Comprehensive Plan Transportation Element; Town of East Hampton Draft Local Waterfront Revitalization Plan; Town of East Hampton Community Preservation Project Plan. The remaining 17 studies are recommended to be superseded for one or more of the following reasons:

- they provide data which has now been updated by the new Plan
- the recommendations have been implemented
- the recommendations are contained within this new updated plan
- the recommendations are no longer valid due to changed circumstances

The Draft 2004 Plan itself was incorporated by reference into the DGEIS. As the Draft Plan reviewed and relied on 143 references, so did the DGEIS. The DGEIS and Plan will be corrected to clarify this matter.

## **Section II. A. (7) Existing Land Use**

**1. Comment:** The current land use maps in the plan are inaccurate and skew the facts to benefit the illusion of incremental non-biased zoning. (184) (185) (PH 19)

**Response:** The Existing Land Use Maps contained in the Draft Plan were based on an effort commenced by the Suffolk County Planning Department for the National Peconic Estuary Program in 1995 and subsequently updated by the East Hampton Planning Department. These maps utilize 13 major land use categories established by the Suffolk County Planning Department to classify the land use in the entire Peconic Estuary area. The NYS Division of Equalization and Assessment property type classifications have been keyed to the 13 land use classifications as well. Only one land use is depicted for every parcel, even though more than one land use may exist. For example, all of Gardiner's Island is depicted on the Existing Land Use Map as residential land use when in fact, most of the island is vacant land.

In addition to updating these land use maps, corrections to errors are made from time to time.

Each comment suggesting errors in the existing land use map has been examined and is described below:

**A. Comment:** Catholic cemetery on Cedar Street is inaccurately shown on the existing Land Use Map as Recreational Open Space. (184, 185)

**Response:** The recreational open space land use classification, established by the Suffolk County Planning Department and used for the Town of East Hampton Land Use Map as well as the Land Use Maps for the Peconic Estuary includes cemeteries.

**B. Comment:** The former Bull Path dump- it's stretching it to classify this land as recreational open space. (184, 185)

**Response:** This land is classified consistently with other former brush dumps, which function currently as open space.

**C. Comment:** D.L. Talmage residence and commercial road construction business at Cedar Street is erroneously classified as agricultural land. (184, 185)

**Response:** According to the Building Inspector's records, the principal use of the property is for a paving and driveway business. The existing land use map will be corrected to depict SCTM #s 159-1-16 and 17 as an industrial use.

**D. Comment:** William Bennett's Commercial Use on Cedar Street is erroneously classified as vacant land. (184, 185)

**Response:** This parcel, SCTM # 135-2-11.2, is the site of a pending residential subwaiver application. There are no mining or commercial activities occurring on the property at this time. It is consistent to classify this land as vacant rather than commercial even though the property was formerly mined, given the existing land use.

**E. Comment:** School Barns on Cedar Street are erroneously classified as institutional land use. (184, 185)

**Response:** All of these buildings, part of the East Hampton High School property are properly classified as institutional land use.

**F. Comment:** Tom McGuire's shop on Hands Creek Rd. is erroneously classified as residential land use. (184, 185)

**Response:** This property, believed to be SCTM # 159-2-16, does not have a certificate of occupancy. The property appears to be improved with a house and is being assessed by the Town Assessor's Office as a single family residence.

**G. Comment:** Talmage sandpit on Middle Highway is erroneously depicted as vacant land. (184, 185)

**Response:** Recent research conducted by the Planning Department reveals that this site, identified as SCTM 146-5-11 is a legally pre-existing sand pit. The Existing Land Use Map will be changed to depict SCTM # 146-5-11 as industrial land.

**H. Comment:** Long House Reserve is erroneously classified as residential land use. (184, 185)

**Response:** The approvals for development for this property on file in the town of East Hampton are for a single family residence. (184, 185)

**I. Comment:** The Red Moon Ranch on Cedar Street Apartments is erroneously classified. (184, 185)

**Response:** The Existing Land Use Map depicts this area as Low Density Residential Land Use, which includes one, two and three family residences developed at a density less than or equal to 1 dwelling unit per acre. This property, believed to correspond to SCTM # 159-2-6.1 was the product of the 10A Ranch Subdivision developed in conformance with the A Residence, 1 acre density standards. The Existing Land Use Map is correct.

**J. Comment:** The Recharge Sumps on Long Lane, within Hampton Water's, and along Rte. 114 are erroneously classified as Recreation and Open Space. (184, 185)

**Response:** While these recharge basins act to help control flooding, they look and function similarly to open space containing a sloped terrain. The Recreation Open Space classification contains other publicly owned land which is not used for active recreation but functions as open space.

**K. Comment:** The Current Land Use Map is inaccurate for the cluster subdivisions opposite Stephen Hands Path Recreational Field and Treescape. (184, 185)

**Response:** The Existing Land Use Map for these two cluster subdivisions depicts as Recreation Open Space the recreational and open space common lands associated with these developments. The residential units themselves are depicted as high density residential units, or greater than or equal to 5 units per acre according to the definitions in the land use classification code. As condominium units, the residences occupy virtually the entire lot area allotted to each unit and therefore, the density exceed 5 units per acre, or high density residential. The Existing Land Use Map is correct for these cluster subdivisions.

**L. Comment:** Parcel 36 in the Old Orchard Subdivision, SCTM # 142-1-11.36 is erroneously shown as agricultural land use but there is a house on the lot and there is no agriculture occurring on this lot. (184, 185)

**Response:** The Existing Land Use will be changed to low density residential to reflect the fact that there is a single family dwelling on SCTM # 142-1-11.36.

**M. Comment:** The 2.2 acre parcel in Wainscott identified as SCTM # 192-3-28.3 is erroneously depicted as residential land use but it is vacant. (184, 185)

**Response:** The Existing Land Use Map will be corrected to depict SCTM # 192-3-28.3 as a vacant lot.

**N. Comment:** To the southwest of Cozy Cabins, there are three developed parcels. The Plan lists this as one parcel undeveloped. (37)

**Response:** The Existing Land Use Map depicts one vacant lot to the south of the Cozy Cabins and residentially improved land to the west and southwest. The land use in this area has been checked and verified as accurately depicted on the Existing Land Use Map.

Five additional corrections to the Existing Land Use Map will be made as a result of recent Planning Department research.

SCTM # 161-1-27.4 on the corner of Middle Highway and Oak View Highway in the East Hampton Planning Area will be changed from Agriculture to vacant land.

SCTM # 193-3-12.35 fronting along Buckskill Rd. in the East Hampton Planning Area will be changed from residential to recreation open space.

SCTM # 189-5-10.6 south of Further Lane in Amagansett will be changed from Residential to Agricultural Land Use.

SCTM # 150-2-1 fronting along Fresh Pond Rd. in Amagansett and containing sand mining operations will be changed from vacant to industrial use.

SCTM # 127-1-19 fronting along Fresh Pond Rd. in Amagansett contains an active sand mining operation and will be changed from vacant to industrial use.

In sum, 9 changes to the Existing Land Use Maps will be made. Since the Existing Land Use Maps classify the land use of over 26,000 parcels of land, it is not anticipated that these 9 changes to the Existing Land Use Maps will invalidate or “skew” the entire Plan. However, the corrections to the Existing Land Use maps will be considered by the Lead Agency prior to making any zoning changes to the specific parcels affected or land in the nearby area.

**2. Comment:** Do the Town-wide land use figures in Table 8, which depict residential acreage in comparison to other land uses, reflect Village ratios as well? Is there a ratio of residential to commercial zoning generally considered to be acceptable? (69)

**Response:** The areas of the incorporated Villages of East Hampton and Sag Harbor are not included in the acreages shown on this table. It only includes the Town’s land area. There are numerous planning standards offering guidance on the topic of acres of land needed to meet neighborhood, community and regional shopping needs compared to population and numbers of families. Planning Design Criteria by Lee Koppleman and Joseph De Chiara offers some standards on this topic. Although Dr. Koppelman contributed to the preparation of this Comprehensive Plan, the guidelines in his own book were not strictly evaluated for several reasons. General standards do not account for the large seasonal population increase and therefore do not apply easily to East Hampton. Other geographic and economic factors specific to East Hampton render general standards less than applicable.

Moreover, a Comprehensive Plan is an expression of policy encompassing community intentions and aspirations. Regarding future commercial development, the Draft Plan recommends the Town develop a community consensus regarding the need for and locations for new commercial development in East Hampton.

**3. Comment:** The Plan does not include a lot by lot assessment of the Town, which would be more supportive of the plan. (69)

**Response:** The Plan does include a lot by lot assessment of land use and proposed zoning. Extensive research was conducted, as noted above, to determine existing land use Town-wide as well as within each hamlet, and the percentage of land devoted to various uses (see Tables 8 – 14).

## **Section II. A. (8) General Comments on the Plan**

**1. Comment:** The Town Board should not reject all the accumulated wisdom of the Koppelman Study and the Horne Rose Plan. (181)

**Response:** The Draft 2004 Comprehensive Plan has relied on the background studies, including the results of the resident polls and committee reports, undertaken as part of the two above-referenced plans and incorporates them by reference. Updated information on demographics, land use, income, housing units and housing conditions were included in the 2004 Draft Plan using the latest available information. The public input on the previous drafts of the Comprehensive Plan, in addition to the public comments on them, have all been considered in formulating the specific recommendations of the Draft 2004 Plan.

**2. Comment:** We need to think beyond 20 years so that planners in 2024 will have a plan in place that allows for progressive ideas and solutions to be expanded upon.(5) The plan should focus on the needs of the current population rather than project 20 years into the future (17)

**Response:** The 2004 Draft Plan assesses current conditions, identifies positive features that should be preserved, pressing needs that must be met, and proposes a plan of action to achieve the eleven articulated Goals. The proposed revised zoning map is the first step proposed to meet those goals.

**3. Comment:** The Comprehensive Plan Committee of the East End Section of the American Institute of Architects seeks the opportunity to help identify and rectify contradictions in the plan, and prioritize plan objectives. AIA has come up with workable solutions we want to share. (46) (PH 37) (PH 35) (PH 49)

**Response:** The Town Board welcomes the comments of the AIA CPC and has responded to comments on specific aspects of the plan in the appropriate sections of this FGEIS document. It is noted that certain recommendations of the AIA appear in the recommendations of the Plan, such as the use of TDRs to facilitate apartments over stores in the downtown areas of the hamlets, which will work towards the creation of mixed use downtown areas, and the encouragement of pedestrian activity. The Town Board encourages the continued involvement of members of the AIA in the process of implementing the recommendations of the Comprehensive Plan, which includes the development of hamlet-specific plans.

**4. Comment:** Despite the ambitious and lofty goals and vision statements attached to the plan, the actual “plan” appears to embrace a singular goal and vision – a less dense town. There are no other concrete plans to provide for actions directed toward achieving any other goal in the plan, nor does the plan contemplate addressing the critical elements suggested by the New York State Town Law section 263 and 272-a. The plan only recommends studies to deal with the real issues facing residents of the Town, such as affordable housing, commercial developments and infrastructure needs. (15) The

elimination of commercial land and the creation of larger building lots are at odds with the plan's stated goals. (PH 23) (PH 30) The Comprehensive Plan fails to include all of the elements listed in New York Town Law pertaining to comprehensive plans. (209)

**Response:** The proposed residential upzonings are only the first step in implementing the recommendations contained in the 2004 Town of East Hampton Comprehensive Plan, and it is noted that concurrent with the proposed upzonings are four new locations for Affordable Housing Overlay Zones. The purposes for the proposed residential upzonings are for a variety of reasons, including protection of groundwater resources, agricultural resources, and scenic and historic resources. These upzonings also result in an overall decrease in potential residential buildout. Regarding the other elements that a Comprehensive Plan may (but is not required to) contain, as per New York Town Law, the Draft Plan includes an Affordable Housing study that details existing conditions, describes existing programs to be retained and expanded, and details proposed implementation techniques including a TDR program, accessory apartments, tax incentives, seasonal employee overlay districts, among other techniques; an Urban Renewal Map study that includes analysis of the existing program, analysis of build-out within urban renewal maps, road and infrastructure development within these maps, and nine detailed recommendations for properties in urban renewal maps; a Water Resources Management Plan containing 42 separate recommendations; 37 specific recommendations for Amagansett, 63 for East Hampton, 35 for Montauk, 40 for Springs, 16 for Wainscott, and 92 Town-wide recommendations that, in addition to providing for residential upzonings, cover issues ranging from the creation and revision of business overlay districts, to the development of apartments over stores, the acquisition of land, the protection of historic resources, the development of special downtown area plans, the development of harbor management plans etc.

**5. Comment:** The Vision of where this plan will take the Town is missing. The Horne Rose plan should be adopted instead, with the knowledge that adopting the plan doesn't obligate the Board to implement it. The upzoning portion of the plan is the root of the problem. The plan is politically motivated. (88)

**Response:** The Vision Statement and 11 Goals are found on pages 5 and 6 of the Draft 2004 Plan. The 93 Town-wide recommendations, and the recommendations for each of the hamlets of Wainscott, East Hampton, Amagansett, Springs, and Montauk, are each identified as to their relation to one of the 11 goals. (See Section II. A. (15) Residential Upzoning, Section II. A. (13) Public Hearing and Public Input, and Section II. A. (6) Draft Generic Environmental Impact Statement and SEQRA Compliance). The Vision Statement and Goals reflect the extensive public input during the plan development including a town wide survey developed and compiled by Dr. Koppelman in the early part of this comprehensive plan development.

**6. Comment:** There does not seem to be an active concern for commerce, workforce housing, community facilities, recreation or transportation in the plan. (101) (PH 5) (PH 20) (PH 37)

**Response:** Regarding commerce, recommendation 39 of the “Town-wide Recommendations to Meet the Goals” describes on pages 91 and 92 of the Draft 2004 Plan the three potential courses of action related to the issue of commercial land and commercial needs. Thirteen additional recommendations are offered, (numbers 26 through 38) which pertain to meeting commercial needs in a manner consistent with the environmental and cultural resources of East Hampton. Regarding workforce housing, a detailed proposal outlining the need for and feasibility of creating a Seasonal Employees Housing Overlay District, basic provisions of such legislation, and appropriate locations to place such overlays are discussed on Pages 50 – 52. Goal 10 and recommendations 80 through 91 pertain to community facilities and recreation. Recommendation #85 proposes an immediate Town-wide review of sites available for recreational needs, and the development of a new overlay district to encourage privately-owned recreational facilities to remain by enabling their controlled expansion. Recommendation # 86 calls for the adoption and implementation of a Town-wide recreation plan. Recommendations #59 – 73 on pages 94 and 95 of the Draft 2004 Plan relate to transportation; #60 recommends implementation of the Town of East Hampton Comprehensive Plan Transportation Element prepared in 1997.

**7. Comment:** We strongly urge inclusion of the Local Waterfront Revitalization Plan in the Comprehensive Plan. (PH 6) (2)

**Response:** The Town’s Draft Local Waterfront Revitalization Plan, prepared in 1999, was previously adopted and remains in effect as part of the Town’s Comprehensive Plan. Recommendation # 6 specifically recommends the implementation of the LWRP including the recommended coastal legislation, harbor management plans, natural hazard plans, etc.

**8. Comment:** The forthcoming recommendations regarding coverage and accidental merges incidental to the proposed upzoning should be incorporated into the draft plan so that the impacts can be analyzed comprehensively. (101)

**Response:** The Town Board conducted a public hearing in December relating coverage regulations to lot size rather than zoning. If adopted, these regulations would apply Town wide, regardless of proposed upzonings, similar to the recently adopted regulations relating setbacks to lot size. There are no forthcoming recommendations regarding accidental mergers

**9. Comment:** The first 7 points in the notice expressed retrogression and stagnation, and make the last point more difficult to achieve. If the proposed agenda had been adopted 25 years ago, East Hampton would not be the thriving resort community it is today, on which the majority of local jobs depend. And had it been adopted 35 years ago we would have remained a community of farms, and far fewer would be here to enjoy it. (204) The planners did not make the tough decisions based on their expertise, but instead deferred to the NIMBY attitudes of most of the committees. The planners should change the goals and implement a meaningful plan. (PH 5)

**Response:** The goals of the Plan were established by the Town Board after extensive public input including a town wide survey.

This plan reinforces the commitment the Town made in the 1984 Comprehensive Plan and in prior plans to protect and enhance the environment while providing affordable housing. East Hampton's resort economy has been thriving since the 1984 plan and between 1990 and 2000, East Hampton was the fastest growing Town in Suffolk County.

**10. Comment:** The two most important goals of the plan are slowing the loss of quality of life and preventing commercial sprawl along our highways. (107)

**Response:** All 11 goals of the Comprehensive Plan have equal weight.

**11. Comment:** The plan is an excellent blueprint for the future development of East Hampton. A great strength of the plan is the solid foundation of goals and recommendation for the future development of the Town. (114) In general, the plan serves preservation, serves conservation, tradition and history. It's balanced in considering affordable housing and water resources. (PH 29) The plan will maintain rural character, protect water, reduce density, preserve open space and farmland, and control the rate of commercial development while working toward affordable housing needs. (PH 68)

**Response:** Comment noted

**12. Comment:** We urge you to approve the upzonings and prevent expansion of commercial sprawl along Montauk Highway. (99)

**Response:** Preventing commercial sprawl along Montauk Highway is part of the criteria considered in formulating and adopting zoning recommendations.

**13. Comment:** This Plan addresses the top priorities identified by the taxpayers in polls conducted by Dr. Koppelman, of which groundwater protection scored highest. (53)

**Response:** We agree.

**14. Comment:** East Hampton is one of the few remaining places that people can come to for a deep connection with nature and the sea as well as the historical sentiments of the past. Not to do our best to preserve this treasure would be a terrible waste of a long-time investment. The draft plan goes a long way towards building on the investments already made in preserving our extraordinary landscape and communities. (PH 71)

**Response:** We agree.

## **Section II. A. (9) Miscellaneous Comments**

**1. Comment:** The Town needs to consider how best to maintain and restore natural areas as sustainable, diverse and native. East Hampton Town should create an Environmental Stewardship Trust fund using proceeds from the Community Preservation Fund (CPF) in order to permanently fund the needed management of properties protected by the CPF, and should hire both a CPF Land Steward for daily maintenance of Town lands and a Town staff member to oversee the management of the CPF acquisitions and stewardship. (186)

**Response:** The Town of East Hampton already employs Nature Preserve staff and has an active Nature Preserve Committee. The staff and committee develop management plans for town protected open space, manage town protected open space and help to prioritize future CPF purchases with the Town Board. Regarding establishing a Stewardship Trust Fund using CPF funds, the Town Board will re-evaluate this recommendation at a future date, once the sunset date of the CPF is established.

**2. Comment:** Dedication of County parks to Preserve status should be done on a case by case basis. (149)

**Response:** Recommendation #7 should be clarified to state that the Town should recommend New York State and Suffolk County designate their environmentally sensitive park and open space holdings within East Hampton Town into Park Preserve Status.

**3. Comment:** Map 5 should indicate County Ownership as open space of parcel 0300-026-01-004-001.

**Response:** Map 5 depicts land use not ownership as of May 2004. SCTM # 26-1-4.1 is listed as vacant land use, although it is now owned by Suffolk County. Land use maps prepared by the Planning Department reflecting 2005 land use have mapped this land as parkland use.

**4. Comment:** Environmentally sensitive and energy efficient design and building techniques and materials should be encouraged through Town education and efforts that would also stress the importance of eco-friendly landscaping. (PH 6) (2)

**Response:** Comment noted. This corresponds in part to Town-wide recommendation 11 “Continue to develop citizen education and incentive programs to address environmental issues directly related to home ownership.”

**5. Comment:** Boating is a big industry but the discussion of Three Mile Harbor does not discuss boating, which requires dredging of the harbor. Where are the spoils to go? (156)

**Response:** A detailed inventory and analysis of dredging including alternative dredge spoil options is provided in the Town of East Hampton Local Waterfront Revitalization

Plan, a component of the existing Town of East Hampton Comprehensive Plan proposed to remain in effect.

**6. Comment:** We should in the long run move the dump to Wainscott near the railroad tracks, which would reduce the number of large trucks through the Town and the Village and would perhaps allow the dump material to be moved out of town by rail.

**Response:** No new dumps are permitted to be created on Long Island.

## **Section II. A. (10) Montauk**

**1. Comment:** The East Lake Association of Montauk, Inc. requests that its comments be contained as part of a supplemental and or Final Generic Environmental Impact Statement. (201)

**Response:** All comments, including those made on behalf of East Lake Drive Association, will be included as part of the Final Generic Environmental Impact Statement.

**2. Comment:** Lake Montauk Waterfront and East Lake Drive Environs should be designated as a Critical Environmental Area under the Local and State Environmental Quality Review Act. (201)

**Response:** As indicated in the Draft Plan, Montauk Harbor, including Lake Montauk has exceptional and unique characteristics. Lake Montauk is a high quality estuary with statewide significance, supporting significant populations of fish and wildlife, many with commercial, recreational and educational value. Montauk Harbor is the largest commercial fishing port in the state, with respect to landings and number of vessels. Montauk Harbor, in its entirety, is currently designated as a Critical Environmental Area pursuant to the provisions of the State Environmental Quality Review Act.

The East Lake Drive Environs are qualitatively distinct from Montauk Harbor and Lake. This upland area does not support the fish and wildlife species which help to make Montauk Lake and Harbor unique and exceptional. The upland area has been extensively disturbed by commercial, residential and marine development. The geographic area possessing the unique characteristics is the Harbor itself and not the disturbed uplands along East Lake Drive. It is therefore not recommended that the East Lake Drive Environs be designated as a Critical Environmental Area pursuant to the provisions of SEQR.

**3. Comment:** The Comp Plan and DGEIS should address the non-conforming uses and lots existing at East Lake Dr. and other areas of Montauk and the commercially zoned sites along East Lake Drive in particular. Specific limitations need to be adopted to curtail the build-out and redevelopment of pre-existing commercial Lots on East Lake Drive and other areas of the Township. No recommendations are made to limit the expansion of commercially zoned lots along East Lake Drive (and Montauk generally) and no zone changes are offered for East Lake Drive despite its environmental sensitivity. (201)

**Response:** The criteria used to evaluate every parcel of land in town for potential rezoning were set forth on Pp. 98-110 of the Draft Plan. Land within or affecting US Fish and Wildlife significant ecological complexes, NYS Significant Coastal Fish and Wildlife Habitat and other criteria pertaining to Lake Montauk were identified and included as criteria to evaluate land for rezoning. However, given the extensive development and disturbance of land along East Lake Drive, no opportunities for

rezoning were identified or recommended. Approximately 13% or approximately 2,000 linear feet of the approximately 15,000 linear feet of frontage of land along the west side (water side) of East Lake Drive is zoned for commercial uses. The commercially zoned land is within a region historically used for marine and tourist support industry related businesses, is adjacent to the northern portion of the Lake having the greatest flushing rates, is not adjacent to the NYS Significant Habitat portion of Lake Montauk and is generally disturbed. Prior to the establishment of any new uses or the expansion of any existing uses, site plan approval including SEQR evaluation and review from the East Hampton Planning Board. Architectural Review Board approval and Suffolk County Health Department approval is required. In addition special permit standards must be met for many of the uses allowed within these commercial zones. New or expanded development for all the lots between East Lake Drive and Montauk Harbor must also meet the Harbor Protection Overlay District regulations which set forth regulations to help protect the surface waters pertaining to stormwater runoff controls, septic system placement, clearing, swimming pool installation and maintenance and fuel storage tank installation.

No new non-conforming uses will be permitted to be established along East Lake Drive. Non-conforming uses which already exist in this area are prohibited from expanding or enlarging.

Other recommendations in the Draft Plan which pertain to East Lake Drive, Lake Montauk and commercial development in general in Montauk include: Recommendations #s 6, 14, 26, 32, 33, 39, 49, 51, 52 of the Town-wide recommendations to meet the goals; and recommendations 30, 31, 32, 33, 34 and 35 of the Montauk specific recommendations.

**4. Comment:** We strenuously object to rezoning the Lido Motel and similar properties on S. Euclid to living space for seasonal workers. The downtown village of Montauk should be as attractive to tourists as we all can make it. The eyesores can be eliminated and keep up with changing times to maintain the character of a village, in the most spectacular setting on earth. (136)

**Response:** One of the goals of the proposed Seasonal Employees Overlay District is to encourage the rebuilding of deteriorated motels, some of which are currently being used to house seasonal employees, thus eliminating existing eyesores while more appropriately meeting the housing needs of seasonal workers. For a detailed description of the proposed overlay district, see pages 50-52 of the Draft 2004 Plan. It is further noted that the placement of a property within the Seasonal Employee Housing Overlay District does not mandate that a property be used for seasonal housing; rather, it gives property owners an alternative to existing zoning regulations to redevelop their property. Any facility zoned with a Seasonal Employee Overlay District can remain as a tourist facility.

**5. Comment:** Regarding recommendation 87, Beaches: this recommendation proposes no change and ignores the problems of Montauk. (PH 5) As East Hampton Village continues to limit access to its beaches, Montauk is flooded, especially at Ditch Plains,

with residents of other hamlets and Montauk residents can't find parking places at their traditional beaches. (36)

**Response:** Whereas Ditch Plains is an extremely popular beach, Kirk Park Beach parking lot, also in Montauk rarely fills up. The Town is also building a comfort station at Nick's Beach in downtown Montauk which allows all of the guests and residents of downtown Montauk to walk to the beaches. All East Hampton residents are allowed to use all Town beaches. Recommendation # 87 addresses the upkeep and improvement of beaches. Furthermore, the future infrastructure needs assessment and implementation will help to determine future parking needs at town beaches.

**6. Comment:** Regarding recommendation 46, Montauk Inlet: the Town should consider conducting an environmental study prior to implementing this recommendation. Dredging to 15 feet is a 25% increase in water that can flow into the harbor. That could prove beneficial to flush Lake Montauk, and/or it could be disastrous in the case of a serious storm surge. The inlet at its narrowest point (Gosman's across to the sand bar point) is now at least twice as wide as it was in the last major hurricane in 1954 when water levels rose above the height of most docks. (36) Expansion dredging of Lake Montauk inlet from 12 to 15 feet would allow much larger boats, would spur competitive dredging by marina owners, and could lead to additional extensive dredging by the Army Corps of Engineers. (74) Lake Montauk should be dredged from 12 to 15 feet and deposit the fill material on the beaches west of Montauk harbor. Storm water that erodes our beaches should be stopped. (173) (PH 2) The Town Board should enact sand conservation legislation requiring that any dredge material be deposited immediately down drift of the dredge area. Also, the Town Board should continue funding for permanent sand bypass system at Montauk Harbor, and should fund and support a local sand bypass system regarding movement of sand from Gin Beach to eroded beaches West of Montauk Harbor. (173) (PH 2)

**Response:** The adopted LWRP Plan recommends sand by-passing for Montauk Harbor. Dredging of Lake Montauk is subject to federal jurisdiction and a current study. The Town of East Hampton has supported and has contributed a small amount of funding towards this study. The Town will continue to support the study and implementation which includes sand by-passing at the inlet.

**7. Comment:** The Town Board should adopt legislation making it easier for waterfront owners to install and repair erosion control structures in high erosion areas. (173)

**Response:** The Town Board is developing legislation regarding the installation and repair of erosion control structures town wide. The legislation will make it easier for waterfront owners in certain high erosion coastal areas including Soundview Drive with existing hard structures and minimal natural protection to rebuild and repair their existing coastal structures. The Town Board should adopt the CEHA and LWRP coastal regulations.

**8. Comment:** Prior to identifying any properties to be turned into seasonal worker housing, a study should first be done to determine how many hotels have already turned

into year-round seasonal housing, how many are available to become seasonal housing and how much actual housing is needed and what type. Montauk does not want to become the bedroom community for the Town's seasonal workers. (PH 38)

**Response:** There are no reliable numbers regarding the amount of seasonal worker housing required. The best sources of information regarding the numbers of seasonal workers are the businesses that employ them. Montauk has the largest number of motel rooms of any community in Suffolk County. Some of the older, less desirable motels have been purchased by restaurant and resort business owners to house their seasonal employees. Given the condition and intended change of use from motel to seasonal housing, some owners have asked the Town if they could tear down these structures and build new seasonal housing from scratch. The Seasonal Employees Overlay District is a proposal to allow for the conversion of a limited number of existing motels in limited locations, to provide for seasonal housing for Montauk businesses. This will not allow or facilitate Montauk to become the bedroom community for the Town's seasonal workers.

It is further noted that the SEHO is not proposed for vacant land, but for land that is already improved with high density motel units. The SEHO will allow conversion of some of these units without increasing the numbers of existing units or the existing capacity of facilities in Montauk.

Some of the areas recommended for SEHO designation are already providing seasonal housing in Montauk; others are currently owned by large businesses. The property owners and businesses themselves will decide whether to redevelop their property for seasonal housing based on their existing needs. The land proposed for the overlay districts do not cover areas large enough to encourage employees from outside the area to move to Montauk. Montauk businesses have a large seasonal component and the proposed SEHO is designed to provide seasonal housing solutions for this area having a high seasonal housing demand. The proposal is designed to help Montauk and Montauk businesses.

**9. Comment:** The Plan should distinguish between the hamlets. It should recognize Montauk's emphasis on tourism, the large number of hotels there, and the need there for short season employee needs. (PH 63)

**Response:** The Plan provides a narrative description distinguishing each of the hamlets. The Plan for Montauk, commencing on P. 172 recognizes the large number of existing motel units and the need to meet the housing demand of Montauk's seasonal employees.

## **Section II. A. (11) North Main Street**

**1. Comment:** The North Main Street area should be included in the recommended detailed hamlet study areas. (189) The Town needs to invest money in the underground power, lighting and traffic calming on North Main Street, not just superficial beautification measures. Due to heavy truck traffic serving industrial areas on Spring Fireplace Road, a traffic calming device in the overgrown town land at the triangle park is important. (73)

**Response:** While the Draft Plan does not call for a “hamlet study”, recommendation # 34 is to “Revise the zoning along North Main Street to limit future commercial growth as described in the hamlet specific zoning recommendations; develop and implement a North Main Street Beautification project together with the Village of East Hampton (as described in East Hampton recommendation # 50); review and implement acceptable traffic design, pedestrian streetscape and other recommendations.”

**2. Comment:** The proposed North Main Street rezoning of some properties from CB to A with LBO will be beneficial as it will ease traffic on North Main and prevent dramatic commercial development that would squeeze out residents and damage the livability of the area. Rezoning Empire gas station to NB is good – the business needs to be less intensive – currently has doubtfully legal uses. North Main cannot support large commercial uses. The proposed zoning will protect the character and historic resources of the North Main Street Area. (179) Support the Draft 2004 Comprehensive Plan particularly as it limits development in the North Main Street area. (35)(94) The Empire Gas Station should not be given a Certificate of Occupancy for any use which extends into public areas and infringe on other taxpayers’ rights. (73)

**Response:** These comments support the Comprehensive Plan and the direction the Board is inclined to follow. It should be noted however, that the Certificate of Occupancy issues for the Empire Gas station is not a matter for the Town Board or the Comprehensive Plan.

**3. Comment:** In regard to East Hampton recommendation #47, senior housing will draw as much traffic as a commercial enterprise and will further urbanize the area. (72) Design of any proposed senior housing on North Main Street is very important. (73)

**Response:** The recommendation is to acquire undeveloped sites along North Main Street for redevelopment with a limited number of units for seniors. According to the ITE Trip Generation 7<sup>th</sup> edition, apartments, condos and townhouses all are estimated to have fewer vehicle trips per day than a single family home; single family homes are projected to have 2.5 times as many vehicle trips per day compared to detached senior housing; and retail stores and other commercial uses permitted and specially permitted in East Hampton’s business zones can have 10 times as many vehicle trips per day compared with each single family home. In sum, senior housing is generally a low traffic generator compared to other residential and commercial uses. Further, recommendation # 47 states that “rather than increase overall density in this area, the senior developments

should be balanced with the reduced density resulting from acquisitions in and around the area.

We agree that the design of any proposed senior housing on North Main Street is very important.

**4. Comment:** In regard to East Hampton recommendation #48, acquire the house and property only if it will be preserved – it is the only green space in the area and should not be further developed. (72) In regard to recommendation 48, publicly acquire the lot and use it for affordable housing.

**Response:** As per the North Main Street Corridor Study, the purpose of acquiring this property would be to preserve a historically significant property as the centerpiece of the North Main Street neighborhood, serving as both a park and cultural resource. Development of this property with a small number of senior units would have preservation of these qualities of the property as a goal.

**5. Comment:** Adding second stories to buildings or constructing new buildings in this area for the purpose of creating apartments over stores will only add to congestion and parking problems. (72)

**Response:** Issues such as parking and traffic will be part of a site-specific environmental review for any new construction proposed on North Main Street. Further, as stated in #3 (previous page) apartments are projected to have fewer vehicle trips than single family residential uses and most commercial uses.

## **Section II. A. (12) Potential Residential Build-Out**

**1. Comment:** Regarding the assessment of future build-out in the plan, one comment noted that although meticulously researched in the plan, it is impossible to ever reach an exact number regarding potential build-out. (PH 16) There were several comments and questions raised about the accuracy of potential residential build-out numbers under existing and proposed zoning. Requests were made for the provision of a comparison of buildable lots under current zoning and under the proposed rezonings, taking into consideration not only residential to residential upzonings, but also considering proposed commercial to residential rezonings. (55, 101, 117, PH 8, PH 23, PH 5)

**Response:** Although Page 35 of this report states: “Early in 2004, the Town Board agreed that the effort needed to calculate a completely updated, well-documented build-out number would not be worth the time and expense to conduct at this time,” four build-out computations and analyses of existing zoning were conducted as part of the comprehensive plan update process (described on pages 35-40 in the September 28, 2004 Draft Town of East Hampton Comprehensive Plan). This represents an extensive analysis of potential build-out, particularly considering that all build-out projections are, by their very nature, intended to be used only as estimates of reasonable expectations, not finite numbers or actual forecasts.

Limitations of each of the build-out computations have been analyzed and explained by several planning consultants, including Dr. Koppelman, Horne Rose LLC and Fine Arts & Sciences. Accepted planning methods used to compute build-out have been conducted by separate planning agencies and have been analyzed.

The plan’s estimated potential of 6,000 new residences in the town under current zoning, did not take into account large lot easements.

### Build-out Reductions Under Proposed Rezoning

There are approximately 25 vacant residential lots within one UR map proposed for rezoning from B Residence to CI, and therefore the number of residential lots available for development would be reduced by 25 as a result of this specific rezoning proposal.

While reduction in the total residential build-out of the Town is a stated goal within the Comprehensive Plan, the detailed criteria and explanations for rezonings set forth in the Plan have been made to protect and reduce impacts to the natural and cultural features in the Town and within each hamlet, or, as in the case noted above, to prevent future residential development in areas more suited to commercial uses.

The September 28, 2004 Draft Plan provides a comparison between the number of housing units currently allowed by zoning compared to the number of units allowed under the proposed rezoning. However, some of the parcels proposed to be rezoned have already been preserved through public acquisitions or other means. By subtracting out parcels already preserved, implementation of the zoning recommendations could reduce

future potential build-out town-wide by 1,621 new residential units, as reported during the November 4, 2004 Public Hearing.

After the public hearing, further analysis was conducted, which considered private property large lot easements and other factors which are likely to reduce potential build-out. This further refinement of the build-out analysis indicates that residential build-out would be reduced by 1,487 units as a result of the rezoning proposal, as summarized below:

<b>Hamlet</b>	Number of parcels for which Residential build-out is affected	Reduction in Potential house lots	Increase in Residential build-out	Net decrease in Residential build-out
Wainscott	38	79 (27 parcels)	33 (5 parcels)	46
East Hampton	156	504 (145 parcels)	17 (11 parcels)	487
Amagansett	75	240 (73 parcels)	6 (2 parcels)	234
Springs	82	543 (82 parcels)	0	543
Montauk	77	180	3	177
<b>Town-wide</b>	<b>428</b>	<b>1,546</b>	<b>59</b>	<b>1,487</b>

**2. Comment:** Rezoning from commercial industrial to low density residential is contrary to the “reduce the total build-out of the Town” goal. (101)

**Response:** Commercial Industrial zoned land contributes zero to the residential buildout, while rezoning to low density residential will increase the potential build-out in this particular portion of the Town. However, Goal 3 is not merely to reduce residential build-out, but to reduce residential build-out in order to protect the Town’s natural and cultural resources. In locations where reducing residential build-out helps to protect the natural and cultural environment, the Plan offers recommendations accordingly. However, commercial industrial zoning presents potential threats to the Town’s largest volume of high quality drinking water and is recommended to be rezoned to provide protection to this critical resource. This is not a conflict with Goal 3. Similarly, recommendations in the Plan to provide affordable housing opportunities may increase rather than decrease residential density in certain locations of the Town. By incorporating all 11 goals, the Plan provides for an overall Town-wide decrease in residential build-out although certain locations will be encouraged to have a higher residential density to meet affordable housing needs.

**Section II. A. (13) Public Hearing and Public Input.**

**1. Comment:** The Comprehensive Plan is an intelligent and practical response to what the community has said they want East Hampton to be. A high return rate on a questionnaire sent out early in the planning process indicates that four interrelated issues were found to be most important to the Town residents: Preserve rural character, preserve the quality of the environment, protect underground water supply, and reduce potential density. (83)

**Response:** So noted

**2. Comment:** I am especially pleased with the involvement of so many private citizens in the development of this plan. In many places the results of many hours of lay advisory committee recommendations have been incorporated into this document. There is grassroots freshness to the plan that we can all be proud of. (114)

**Response:** So noted

**3. Comment:** The current Town Board should be commended for promoting the dialogue that is currently taking place between members of the Town Board and the citizens who are being adversely affected by the proposed rezonings. (116)

**Response:** So noted

**4. Comment:** The combined hearing format coupled with the time limits imposed on speakers made reasonable comment on any one of the proposals impossible. There was a lack of public input on the plan. (15) Residents are more concerned about talking about the effect of the upzoning on their lots, and don't have time to comment on the comprehensive plan because they're limited to a five minute speech. (PH 65)

**Response:** Time limits were imposed to ensure that everyone who attended the hearing had an opportunity to speak. Attendees were permitted to speak again after all others had an opportunity to speak. In addition, the record remained open for written comment until November 15, 2004 with the time period to comment on the Draft Generic Environmental Impact Statement extended to January 21, 2005. Over 214 pieces of written correspondence were received. Pertaining to the opportunity for public input, see response to Comment # 3 in section II A (6); Draft Generic Environmental Impact Statement and SEQRA Compliance. Town Board members have listened to and spoken with the public on an on-going basis.

## **Section II. A. (14) Recreation and Infrastructure**

**1. Comment:** Instead of 5 acre residential zoning, the Town should purchase long term leases for playing fields. The plan should provide for active recreational facilities, not just conservation. (17) (156)

**Response:** The proposed residential upzonings to five acre density is not intended as a measure to provide recreational facilities. The Town will pursue the development of recreational facilities, in accordance with recreation plan, and this may include the long term lease of land for such facilities. The Town Board is considering the development of a Recreational Overlay District that could be placed in appropriate locations on residentially zoned and other land.

**2. Comment:** A recreational overlay district should be developed. (116) The WCAC endorses the proposal to create a Major Recreational Overlay District to guide future expansion of the East Hampton Indoor Tennis. (200)

**Response:** As noted above, the Town Board is considering the development of legislation to provide for this.

**3. Comment:** Goal 10 of the Draft 2004 Plan, which refers to provision of adequate facilities and land for public use and programs, is directly related to the Ross School. However, the Draft 2004 plan completely ignored the existence of the Ross School. We are at a loss to find any specific guidance on how the Town will achieve its remaining goals except as a corollary to reductions in residential density or through future studies which are not funded or scheduled. (209)

**Response:** The Ross school properties were treated consistently with other schools and properties Town-wide. Recommendations 80 through 91 of the “Town-Wide Recommendations to Meet the Goals” relate specifically to Goal 10.

As noted in the DGEIS, establishing a revised zoning map is a necessary prerequisite to determining revised potential build-out and the need for community services and infrastructure, and notes that further planning and evaluation of the town’s community service and infrastructure needs will be conducted immediately following the adoption of the 2004 Draft Plan and zoning map.

**4. Comment:** There is a need for an East Hampton facility for 24-hour medical emergencies. There is limited commercial land in which to construct an emergency medical facility in Town. Scattered parcels of residential land on the fringes of commercial land should be downzoned to provide for community needs. (17) The Town must look at emergency service needs and ensure that property is available for future needs, in new locations such as Northwest Woods. (156)

**Response:** Currently, hospitals, medical arts buildings and clinics are classified as semipublic facilities and are special permit uses town wide in all residential and

commercial zoning districts, except for the Resort zone. The need for public facilities will be examined, and appropriate locations for such facilities will be identified as part of a study of community service and infrastructure needs, to occur in the second phase of the Comprehensive Plan implementation.

**5. Comment:** The plan does not address current or future infrastructure requirements. When will public water be brought to Springs? Water at the Springs School is reported to have toxins that exceed the potable standard. (17) If all summer residents in Springs became year-round residents, there isn't the infrastructure to support the population. (69)

**Response:** The first two recommendations of the Water Resources Management Plan section of the Draft Comprehensive Plan set forth pre-requisites and guidance prior to extending public water mains to Springs and to other areas in town. The Town Board will consider infrastructure needs, including public water extensions, after adopting the land use and zoning plans.

**6. Comment:** There is a 10 week waiting period to add a new phone line to an existing residence because Verizon did not plan for the expansion of its network to serve East Hampton's growth. Where will we have land zoned for Verizon to expand its service? (17)

**Response:** The zoning classification of land does not affect the ability of Verizon to expand its telephone infrastructure. Furthermore, communications services, such as Verizon are defined in the Town Code as a public utility, a specially permitted land use in all zoning districts in the Town. Recommendation # 77 encourages the design, installation and maintenance of infrastructure such as fiber optics, internet, cable tv, telephone lines, in an environmentally and aesthetically compatible manner.

**7. Comment:** The Plan does not implement all the goals. More emphasis should be placed on goal 10. The upzoning will result in less land available for housing, government uses, churches, cemeteries, recreation, and commercial uses. (PH 5) (156)

**Response:** The Plan provides 11 recommendations to implement goal ten. Residential upzoning does not result in less land available for government, churches and cemeteries as these uses are permitted or specially permitted in all residential zoning districts. Recommendation # 85 calls for the creation of a new overlay district to encourage privately owned recreational facilities. Regarding land available for commercial development, the Plan recommends developing a commercial needs study and consensus and sets forth 3 potential courses of action for the Board to follow.

**8. Comment:** The present plan only calls for the upgrading of present beach areas. Now that there is limited use of the Village pavilion, perhaps the Town should build their own at Napeague. (156)

**Response:** Comment noted. Town-wide recommendation #85 proposes an immediate town-wide review of sites available for recreational needs, and recommendation #86 calls for the adoption and implementation of a Town-wide recreation plan.

## **Section II. A. (15) Residential Upzoning**

**1. Comment:** Criteria such as within the WRO, SGPA or 5' Groundwater contour are too general to be used as justifications for rezoning as they apply to most parcels town wide. (PH 3)

**Response:** As depicted on Maps 6 and 7 in the Draft Plan, the SGPA, the 5 foot groundwater contour boundary and the Water Recharge Overlay District do not cover the entire town.

The SGPA covers approximately 35% of the total town land area. This includes the Hither Hills SGPA, having its entire acreage in public ownership and virtually protected from a groundwater point of view.

The 5 foot groundwater contour generally does not exist in any privately owned land within Montauk, which occupies 28% of the total town land area and has an estimated summer population of 30,846 people. The area of land overlying the 4 foot groundwater contour in Montauk together with the area overlying of the 5 foot groundwater contour in East Hampton covers approximately 51% of the total land area.

The Town of East Hampton designated Water Recharge Overlay District overlies approximately 21% of the total town land area.

Regardless of the extent of these boundaries, several New York State, Suffolk County Water Authority and Town studies and reports document the importance of protecting these designated areas including but not limited to: the 1992 Long Island Special Groundwater Protection Area Plan, the 1997 Master Water Supply Plan for the Town of East Hampton, and the 2004 East Hampton Town Water Resources Management Plan.

**2. Comment:** Why upzone properties that are in single and separate ownership and are already substandard in size, and then link setbacks to lot size? (15) Upzoning is proposed in areas where many properties are already protected by deed restrictions or other measures. (PH 12, PH 19, PH 23, PH 31, PH 43)

**Response:** Broad areas were examined when formulating rezoning proposals and were based on a variety of factors, such as the presence of natural resources, including underlying hydrologic features, existing open space patterns, and scenic resources. The proposed rezoning reflects the appropriate density for a particular area. In areas where a large portion of the properties are already limited in density due to covenants or easements, it is appropriate for the zoning to reflect the density of the area, while ensuring that additional potential development is in keeping with this density. Sometimes, a limited number of properties with a particular zoning district may already be developed at a higher density than is proscribed by the zoning district; however, this would not alter the importance of ensuring that future development in the area occurs at the proper density.

Existing land use and ownership patterns established over 300 years in East Hampton have created small lots within areas of predominantly large lots, some having environmentally sensitive characteristics. A recent zoning amendment has linked building setbacks to lot size rather than zoning district and a similar proposal is being considered for lot coverage as a simple means to avoid unnecessary problems that rezoning could create while also helping to solve some existing setback problems. -

**3. Comment:** Upzoning the remaining large tracts of land in Town will burden the local families that planned to use this land for the future housing needs of their families. Affordable residential property has been eliminated by this plan. It will be impossible for young people to buy a house and start a family. Even under current conditions it's extremely difficult for town employees, teachers, etc. to enjoy a middle class standard of living. The character of the Town will change and volunteerism will diminish if the plan is enacted. If we only upzone and do not downzone simultaneously, it will be politically impossible to take care of the future needs of our community later. (10, 17, 18, 101, 109, PH 20)

The Plan itself is quite contradictory. The selective upzoning of a variety of parcels throughout the Town are not supportive of many of the Plan's intended goals and may frustrate the Town's efforts to achieve those goals. (15, PH 30)

**Response:** The establishment of new affordable housing overlays is, in effect, controlled downzoning for the purpose of providing affordable housing opportunities. It is further noted that a smaller lot size alone does not translate to affordability. The Draft Plan includes a special section devoted to affordable housing and includes 14 implementation measures in addition to affordable housing overlay districts to help meet these needs. (See Section II. A. (1) Affordable Housing in this document.) The Town of East Hampton affordable housing programs facilitating home ownership gives a preference to: emergency service workers including volunteer firemen, veterans, school teachers and people who work in the East Hampton school district, employees for the Town and Village of East Hampton, employees in the health care profession. All affordable housing programs in East Hampton Town, including rental programs give a preference to people who live or work in East Hampton.

**4. Comment:** Upzoning will not lead to the realization of the eleven goals. Upzoning presented in plan will only benefit a few design professionals at the expense of the community as a whole. (48)

**Response:** The proposed upzoning is only the first step in implementing the proposed Comprehensive Plan. It is not intended as the only means of implementing the goals of the plan. It is noted that the proposed amended zoning map also includes four proposed new Affordable Housing Overlay districts, which provide for increased density affordable housing in selected areas. Many of the other studies recommended in the plan, such as transportation, hamlet center studies, business needs study and a recreation study, will benefit from a better knowledge of what the Town's ultimate potential residential build-

out will be. This can be determined once the amended zoning is in place, whatever decision the Town Board reaches in regard to the proposed rezonings.

**5. Comment:** The plan boldly suggests one of the only measures available for density reduction, which is to rezone remaining lands in the area to a larger minimum lot size. It is acknowledged that the protection of the Town's single-source aquifer is of great concern, but the plan should also consider the need for new neighborhood business zones. (187)

**Response:** Recommendation #39 of the Town-wide "Recommendations to Meet the Goals" recommends conducting a commercial needs study with three potential courses of action for the Board to follow to meet commercial needs. There are 13 additional recommendations in the Plan pertaining to meeting the commercial needs of the Town in a manner consistent with the natural and cultural features.

**6. Comment:** Upzoning, while reducing density and therefore protecting water quality, drives up the cost of land, and land is the most unaffordable part of affordable housing. If the Town upzones to the great extent proposed, the Town needs to at least plan for a fair amount of downzoning or introduce some creative zoning, or there needs to be a much more aggressive affordable housing program. Some ¼ acre, ½ acre and 1 acre land should remain available for house lots. Upzoning will lead to economic segregation of the population and more dependence on cars unless we have downzoning that makes places denser. (PH 49, 5, 46, 17, 51, PH 30)

**Response:** The Plan encourages the creation of additional affordable housing developments through the placement of affordable housing overlay zones. This, in effect, is "downzoning" since it will allow for greater density in these overlays as an incentive to the creation of affordable housing. By limiting denser development to affordable housing overlays, the Town can ensure, through the use of covenants that the housing stays affordable and remains available to year-round residents. The Town Board has recognized the need for creative zoning initiatives to address, among other issues, the affordable housing need. The Comprehensive Plan proposes the creation of legislation for a new Seasonal Employees Housing Overlay, (pages 50-52, with maps) to be placed initially in areas of Montauk currently containing motels, which is designed to address the unique housing needs of seasonal employees. A total of fifteen affordable housing techniques are offered in the Affordable Housing Section of the Plan (Pages 50-59) and two additional recommendations are offered in the general recommendations section of the Plan. As noted previously, under current market conditions, smaller house lots, unless containing covenants restricting them for affordable use, will not be affordable to those making the median income in East Hampton.

It should also be noted that the Plan includes a special intensive study devoted solely to Urban Renewal Maps. As described in this section of the Plan, these Maps contain 889 existing and potential vacant residential lots which are all generally in the ½ acre or smaller lot size category. Except for some highly constrained land in Montauk, most of the lots within the Urban Renewal Maps will be unaffected by the proposed rezonings.

Additional 1/4 acre, 1/2 acre and 1 acre vacant lots are scattered throughout the Town and will be unaffected by proposed rezonings.

**7. Comment:** The upzoning part of the Comprehensive Plan is outdated and is similar to the 1984 plan, which resulted in suburban development and destroyed most of the rural setting that was left. It invites mansions with suburban lawns soaking up pesticides, elimination of farmland. (5, 14, 2, 101, 181) Upzoning to five-acre residential will provide for unaffordable mansions on five-acre lots. (PH 12) The proposed zoning is suburban and will encourage sprawl, large houses, lots of guests and tons of traffic. (101, 17, 18, 19, 31)

**Response:** The proposed 5-acre zone is a measure of density, not house lot size, and proposed subdivisions would be required to comply with East Hampton Town's cluster zoning requirements in areas with sensitive environmental features or in agricultural overlay districts. These requirements will ensure the preservation of open space in future subdivisions. Existing town wide clearing restrictions and more stringent regulations in the Water Recharge Overlay District and the Harbor Protection Overlay District limit new areas of lawn or cultivated shrubs requiring fertilization, pesticide and herbicide applications. The clustering of house lots minimizes the amount of paving associated for roads, and does not result in the sprawling development that might result in areas zoned five-acre without the cluster provision or clearing restrictions . It also keeps infrastructure costs, which are eventually passed on to the taxpayer, to a minimum. Clustered subdivisions have resulted in the preservation of several thousand acres of farmland, wetlands and open spaces and have become the standard method of development for almost all major subdivisions of land. In terms of traffic, the overall density reduction achieved by the proposed upzoning would mean less potential traffic increases. According to the I.T.E., there are an estimated 10 new auto trips per day for every house.

**8. Comment:** How many properties in the Town that are subject to the agricultural overlay restriction of 70 percent preservation, and are proposed to be rezoned to A-5 residence, are not already preserved? (9)

**Response:** The number of properties proposed for rezoning to A-5 that are located within the Agricultural Overlay District can be ascertained by examining the listing of properties proposed for rezoning, which are organized by hamlet area and are located on Tables 25 – 29. It is noted that the proposed rezonings did not take into account what properties were already preserved by large lot easements or other restrictions, but looked at broad development patterns, hydrologic features, farmland resources, and other natural features.

**9. Comment:** I hope the Town Board doesn't retreat from the new upzoning recommendations. These will protect nature, which gives East Hampton its special beauty and character and is precious in its own right. (38)

**Response:** The Town Board has reviewed every parcel proposed for rezoning as well as the comments received and will examine a multitude of issues before deciding on the recommendations.

**10. Comment:** The Draft Comprehensive Plan meet the goals of reducing the intensity of development around the Village, and the proposals are reinforced by recently adopted zoning changes in the Village that reduces potential residential density through upzoning. (59)

**Response:** The Comprehensive Plan offers several reasons for rezoning in addition to the reduction of intensity of development.

**11. Comment:** As a good steward of the land, rezoning residential areas to protect the water table is a primary factor in providing potable water for the residents. (187)

**Response:** Protecting ground and drinking water resources is one of the numerous reasons offered in the Comprehensive Plan to rezone land.

**12. Comment:** The most important single element of the Draft 2004 Plan is the proposed rezoning, as the reduction in build-out is the single most important way to accomplish not only the goals outlined but the sustainable quality of the Town for the years to come. (213) The Comprehensive Plan and rezonings will protect the overall rural character and scenic beauty of the Town, including the Town's prime agricultural land. (214).

**Response:** The Town Board has not prioritized the components of the Comprehensive Plan. The Affordable Housing Plan and many other elements of the Comprehensive Plan are just as important as the protection of rural character, scenic beauty and prime agricultural land.

**13. Comment:** The Town Board should not accomplish the preservation of resources at the expense of taking private property without compensation. (41)

**Response:** The Town Board is empowered to determine appropriate zoning for land in the Town.

## **Section II. A. (16) Springs**

**1. Comment:** The vacant lots in urban renewal maps account for the bulk of the developable land in Springs, and will have the most impact on the hamlet's overall residential density, affecting infrastructure and natural resources. The Board should move forward with strategies to limit future development in the Urban Renewal Maps. (20).

**Response:** The Board commissioned a special section of the Comprehensive Plan Update to focus on the Urban Renewal Maps. The UR section of the Plan identifies methods to protect natural and cultural features and to reduce ultimate density. The Board will move forward to implement this section as well as the other recommendations in the Plan. The Board will also continue its existing policy of evaluating small lots for acquisitions in Urban Renewal Maps and other areas.

**2. Comment:** Pocket parks are especially needed in Springs because the hamlet has the largest density and population of young people. Areas for active recreation are needed. Having safe places for biking is important. (PH 78)

**Response:** So noted. Recommendation 85 of the town-wide recommendations proposes an immediate Town-wide review of sites available for recreational needs. Recommendation 86 calls for the implementation of a Town-wide recreation plan, including a plan for neighborhood parks.

## **Section II. A. (17) Transportation and Airport**

**1. Comment:** The WCAC requests that the Town seek to have the DOT reduce the speed limit on Route 27 in Wainscott, the gateway to East Hampton, for safety reasons. (200)

**Response:** As stated in #69 of the Town-wide recommendations, more stringent enforcement of speed limits should be encouraged, a review of areas of high accident incidents should be undertaken, and modifications to signage and regulations to improve safety should be undertaken. The portion of Route 27 at the entrance to East Hampton in Wainscott will be one of the areas reviewed.

**2. Comment:** The plan hardly suggests any realistic solutions to our traffic and transportation problems. (5) No effective initiatives for public transportation have been offered. (46) (PH 20) (PH 63) More emphasis should be placed on updating the transportation segment of the Comprehensive Plan. (149) Perform a real traffic study and implement its findings. (17)

**Response:** The previously adopted 1997 Town of East Hampton Comprehensive Plan Transportation Element, prepared by McLean Associates, remains in effect. Number 60 of the Town-wide recommendations to meet the goals is to implement the recommendations of this plan. However, once the Town has made a decision on the proposed new zoning and a better understanding of the Town's population at build-out is discerned, expansion of the Town's public transportation program and other proposals regarding transportation can be developed in a more informed manner.

Furthermore, since "public transportation" is currently provided by other agencies and private companies such as the Hampton Jitney, recommendation # 61 urges coordination with these other agencies and transportation providers to facilitate improved transportation service, broadened and expanded service, interconnectivity with other modes of transportation and use of alternative means of technology such as light rail shuttle service.

Transportation is a regional problem and will be evaluated in the regional perspective.

**3. Comment:** The recommendations of the McLean study regarding improvements at East Hampton Airport as itemized in the 1994 Airport Layout Plan should be amended since the 1994 airport Layout Master Plan has been thrown out by the Court. References to airport improvements in the 2004 Comprehensive Plan should be amended to reflect this condition and be replaced by the recommendations and improvements detailed in the document of record, which is the 1989 Airport Master Plan. (187)

**Response:** As part of the FGEIS document, corrections to and/or clarifications of information contained in the Draft 2004 Comprehensive Plan and DGEIS will be provided. Number 72 of the Town-wide recommendations contained in the Draft 2004 Plan directs the Town to develop an updated Airport Master Plan acceptable to both

aviation interest and the local community with an emphasis on safety and noise abatement.

**4. Comment:** Settlement pattern and transportation should be planned and designed together. Ideas to be considered include turning the LIRR into an electrified light rail system with more stations, and frequent service, coordinated loop buses. Such an initiative would be the basis for new hamlet centers. (183) We should consider using the existing train tracks for light rail service. (17)

**Response:** Number 61 of the town-wide recommendations in the Draft 2004 Plan directs the Town to consider light rail shuttle service as one of the means to improve public transportation; number 71 recommends evaluating proposals to develop a shuttle train service on the South Fork combined with the existing train service and/or to create a park and ride train facility in East Hampton Town.

**5. Comment:** Rezoning airport property from CI to Parks and Conservation will make it difficult to keep the area clear and cause safety problems for the airport's major runway. (113) (PH 10)

**Response:** The proposed Parks and Conservation zoning classification on a portion of the airport land would not preclude maintaining clear zones or the cutting of trees to keep a clear path for the runway.

**6. Comment:** The Transportation Subcommittee and the Koppelman Study recommended an intermodal transportation hub at the airport. This concept is absent from this plan as proposed although mention is made in Goal Eight of the Plan to combine transportation facilities by hamlet and create an assessment of these needs individually. (187) The intermodal transportation center at the airport was not clearly evident in the plan.(69) The Town should study the creation of a regional transportation depot at the airport where the train and large trucks would drop off materials to be rerouted in small trucks to final destinations. (73) In regard to the suggestion for a transportation hub at the airport, the WCAC believes that the local road network is inadequate to support the burden that would be imposed on it. (200) The Plan should have more extensively developed the idea of a transportation hub and public transportation for seniors. Right now, seniors are limited to one day for shopping. The plan should outline ways to make public transportation available to more people and more useful so that people will actually ride the buses. (PH 63)

**Response:** Recommendation # 71 is to: "Evaluate proposals to develop combined transportation facilities within each hamlet; to develop shuttle train service on the South Fork combined with the existing train service; and/or to create a park and ride train facility in East Hampton Town." While this does not specifically identify a town wide transportation hub at the airport, the Wainscott combined transportation facility could be located at the airport. Recommendation # 73 calls for the exploration of the utilization of railroad lines for delivering of freight. Recommendation # 68 is to "Evaluate the feasibility and expense of expanding the Town Transportation Program to include

weekends and evening service for those who cannot use other forms of transportation.” To make public transportation available to more people and more useful, recommendation #61 calls for improved public transportation service, broadened and expanded service, interconnectivity with other modes of transportation and use of alternative means of transportation.

**7. Comment:** The Village and Town administrators have jointly petitioned the MTA for reconstruction of the railroad trestles at Stephen Hands Path and North Main Street to provide truck routes around the Village. These routes should be designated in the Comprehensive Plan. (187) Since the McLean study makes recommendations for lowering the roadbed at 4 trestle sites in Town, why does the plan call for a study of the trestles when the mitigation measures have already been proposed? (69)

**Response:** Recommendation # 65 calling for the study of the Stephen Hands Path Railway trestle and other railway trestles to help better disperse truck traffic throughout the Town is supportive of and underscores the need for the MTA study. These studies should help better disperse truck traffic throughout the town and village. While improvements in vertical clearances of roadways beneath the LIRR are called for in the McLean report, a study of the existing conditions and possible mitigation would need to precede any implementation.

**8. Comment:** Limits on ferry service should not fully exclude consideration of future waterborne transportation opportunities that may be compatible with local planning objectives. (149) The Plan does not go far enough to ensure that there will be no automobile ferries in East Hampton. The Town is posed with a very real threat in regard to ferries. (PH 63)

**Response:** The Plan supports the existing Town Code provisions which prohibit vehicular ferry terminals and sets forth special permit standards for passenger ferry terminals in certain zoning districts. Water taxis and other future waterborne transportation opportunities are not precluded.

**9. Comment:** The airport property should not be encumbered with zoning that is inconsistent with the intended use of the property. It would be inconsistent to take any action regarding rezoning the airport property until a new updated Airport Layout Plan is completed and approved by the Federal Aviation Administration New York Airports District Office. (FAA) (PH10) (PH 9)

**Response:** (Town Board to review this comment with parcel specific zoning proposals)

**10. Comment:** Bicycle paths along the LIRR would be a way to enable people to move around town safely on their bicycles. (73)

**Response:** Recommendation #63 of the Plan is to: “Continue to implement the South Fork Bike Path Plan in the vicinity of the railroad tracks with emphasis on local priorities”.

## **Section II. A. (18) Wainscott**

**1. Comment:** A plan to develop affordable housing and commercial buildings in the sand pit in Wainscott may conflict with the need to protect the groundwater and the surface waters of Georgica Pond. (PH 63)

**Response:** Protecting the surface waters, local fishing industry and biodiversity within Georgica Pond, also identified as eligible for inclusion in the East Hampton Scenic Area of Statewide Significance is a general recommendation for Wainscott. Any plan to develop affordable housing and commercial buildings in the sand pit or anywhere in East Hampton will have preservation of the special qualities of Georgica Pond as a goal.

**2. Comment:** In regard to Wainscott recommendations 12 and 13, WCAC recommends the construction of senior housing in Wainscott's Central Business District. (200)

**Response:** Recommendation #12 is to delete from the zoning map the two existing Affordable Housing Districts because the land is no longer available for affordable housing. These two districts could have been developed for affordable housing for families as well as seniors. Recommendation # 13 is to encourage and facilitate the construction of apartments over stores in the Central Business District. While seniors could live in these facilities, 2<sup>nd</sup> story apartments are not generally targeted for seniors. Senior housing will be considered as well as other types of affordable housing for Wainscott and each of the hamlets.

**3. Comment:** In regard to Wainscott Recommendation #10, the WCAC is opposed since relocating the Post Office may entail its enlargement which would cause greater traffic congestion. (200)

**Response:** Recommendation #10 is to conduct a Wainscott Hamlet Study to help improve the appearance and functionality of the Business District. Some of the design and land use issues which recommendation #10 lists to be addressed include: a plan to bury the power lines; a coordinated parking and highway access plan to limit curb cuts onto Montauk Highway and to incorporate the changed traffic patterns resulting from the new traffic light; a plan to consider options to relocate the Post Office to the north side of the highway; a plan to coordinate the existing business area with the potential new uses at the reclaimed sand pit.

**4. Comment:** The WCAC is concerned about the preservation of agricultural lands south of the highway. While A-2 to A-5 rezoning will help, the Town should develop mechanisms that encourage agricultural use of agricultural lands. (200)

**Response:** Rezoning the farmland is only one of the tools offered to protect farmland in Wainscott and town wide. Acquisition of development rights and fee title to farmland has been and should continue to be a high priority for preservation in East Hampton. Town wide recommendation #1 is to continue to acquire the environmentally and culturally sensitive parcels of land identified in the Town of East Hampton Community

Preservation Project Plan. Recommendation #40 is to encourage local land trusts to continue to protect and maintain farmland in East Hampton. To further encourage farming, recommendation #41 is to encourage farmers and farmland owners to enroll in property tax reduction programs.

**5. Comment:** The WCAC wishes to take steps to protect, perhaps through acquisition, the scenic vistas along Main Street in Wainscott. Hedge-blocking views should be discouraged. In addition, the historically-significant Wainscott chapel should be preserved on a permanent basis. (200)

**Response:** Goal 7 is to “Protect historic buildings, hamlets, neighborhoods, landscapes and scenic vistas from incompatible development. Prevent further loss of the Town’s cultural and archaeological resources.” Several recommendations are made to help implement this goal town wide, including along Main Street Wainscott. Phase Two of the Historic Preservation Report, Town of East Hampton, a previously adopted amendment to the Comprehensive Plan which will remain in effect with the adoption of this updated comprehensive plan contains a recommendation that Wainscott Main Street be designated as a Town historic district.

## **Section II. A. (19) Water Resources**

**1. Comment:** Instead of buying up all the land over the aquifer, why not address public water for the entire town and public sewage treatment for the hamlet centers in a true effort to maximize the quality of the water being recharged. (17)

**Response:** Extending public water mains throughout the Town and providing sewerage treatment for the hamlet centers does not maximize the quality of water being recharged. Since all land uses impact groundwater to some extent, East Hampton policy reflects the position that it is more prudent to prevent contamination by limiting development overlying groundwater resources than to clean-up any subsequent contamination. The first two recommendations of the Water Resources Management Plan section of the Draft Comprehensive Plan set forth pre-requisites and guidance prior to extending public water mains to Springs and to other areas in town.

**2. Comment:** There is little or no empirical data to support a conclusion that an upzoning from A3 to A5 will have any appreciable effect on water quality or the attenuation of pollutants. In addition, the creation of a multi-hamlet priority drinking water area as a rationale for upzoning is completely self-serving and entirely conclusory. The presence of the property within a Special Groundwater Protection Area (SGPA) is not a persuasive basis in support of upzoning. As the Town Board members may be aware, virtually the entire Town of East Hampton is located within that SGPA. (20 A)

Current zoning exceeds Suffolk County Health Department one-acre standards and therefore provides adequate protection to the area (13 B)

**Response:** As depicted on Maps 6 and 7 in the Draft Plan, the SGPA, the 5 foot groundwater contour boundary and the Water Recharge Overlay District do not cover the entire town.

The SGPA covers approximately 35% of the total town land area. This includes the Hither Hills SGPA, having its entire acreage in public ownership and virtually protected from a groundwater point of view.

The 5 foot groundwater contour generally does not exist under any privately owned land in Montauk. Montauk occupies 28% of the total town land area and has an estimated summer population of 30,846 people. The area of land overlying the 4 foot groundwater contour in Montauk together with the area overlying of the 5 foot groundwater contour in East Hampton covers approximately 51% of the total land area.

The Town of East Hampton designated Water Recharge Overlay District overlies approximately 21% of the total town land area. These three designations have overlapping but not identical boundaries.

Regardless of the extent of these boundaries, several New York State, Suffolk County Water Authority and Town studies and reports document the importance of protecting

these designated areas including but not limited to: the 1992 Long Island Special Groundwater Protection Area Plan, the 1997 Master Water Supply Plan for the Town of East Hampton, and the 2002 Town of East Hampton Comprehensive Plan Recommendations of Dr. Lee E. Koppelman and the 2004 East Hampton Town Water Resources Management Plan. These boundaries correspond to land areas overlying the largest volume of groundwater supply. The boundary covering the largest area, the 5 foot groundwater contour, is the primary groundwater recharge area within which the existing Suffolk County Water Authority wells are located and within which future water-supply development should take place.

For a variety of reasons, the Town of East Hampton has a long, consistent history of adopting zoning and other measures to assure maximum protection of high quality groundwater resources, which exceed the one acre minimum lot size standards established by the County Health Department. Compared to other Suffolk County Towns to the west, East Hampton has a much smaller volume of potable groundwater resources, as indicated by the groundwater contour levels. Further, whereas all of Long Island has been federally designated as a sole source aquifer, the three main aquifers that exist beneath all of Nassau and Suffolk Counties are not all available for drinking water purposes in East Hampton: The Lloyd aquifer contains only salt water in East Hampton and the Magothy contains salt water in Montauk, Napeague and some areas of “mainland” East Hampton. Only the Upper Glacial aquifer contains fresh water throughout the town and, as the uppermost aquifer, is the most susceptible to contamination. All of Montauk has been designated as an “insular groundwater area”.

Since all land uses impact groundwater to some extent, East Hampton policy also reflects the position that is more prudent to prevent contamination by limiting development overlying groundwater resources than to cleanup any subsequent contamination. This position and five acre zoning is consistent with the Long Island Special Groundwater Protection Area Plan (P. 5-14) which states:

“Since there may never be enough verifiable scientific data to support a finding that a certain type of residential land use will result in a contravention of a certain organic standard, is more prudent to utilize the approach taken in formulating the SGPA Plan. It is known that as density increases, or as land use changes from residential to commercial and/or industrial uses, the likelihood of introducing organic compounds increases; it is more likely that contamination will reach the water supply. Based on that general principle and a number of other planning concepts, including the quality of life, transportation issues, and keeping significant open areas vacant, the plan recommends five acre zoning for the area throughout the nine SGPA’s.”

While protecting all of the town’s drinking water resources is an important goal of the Town, the protection of groundwater resources in certain special areas such as the Multi-Hamlet Priority Drinking Water Protection areas merit special attention. As explained in the Draft Plan pages 143-144, this land is within the NYS Special Groundwater Protection Area, is within the EH Water Recharge Overlay District, is within the five-foot groundwater contour boundary, contains and contributes recharge to the proposed Red Dirt Road SCWA well field and is covering high quality groundwater within an area

containing a large block of protected open space. Due to its central location to the Town's large population areas, the Stony Hill region and well field is of critical importance for the drinking water quality for a large number of town residents. Designating this area as a multi-hamlet priority drinking water protection area is based on natural factors combined with the development pattern of the town.

**3. Comment:** Publicly-owned land in the important recharge area of Wainscott should have stronger protective measures than just zoning as Parks and Conservation. We suggest the creation of a Public Authority or Trust whose sole purpose is to preserve publicly held land in the priority drinking water protection area. (200)

**Response:** To help provide greater protection than zoning affords to publicly owned lands in Wainscott and town wide, #7 of the Recommendations to Meet the Goals will be clarified to state that the Town should recommend New York State and Suffolk County designate their environmentally sensitive park and open space holdings within the Town of East Hampton into Park Preserve Status. This would limit alteration to the natural character of these lands and will remain in place regardless of future zoning considerations. Town Nature preserves is a similar designation and has been applied to numerous town owned parcels having environmental sensitivity.

It should be further noted that town, county and state lands acquired with park funds can only be used for park purposes.

**4. Comment:** In the Town-wide Recommendations for Urban Renewal Maps on page 70 of the 2004 Draft Plan, #3 outlines the provisions for subdivisions within Groundwater Management Zone V. All land within this area should be treated the same way. Exceptions shouldn't be made for affordable housing. (152)(212)

**Response:** The recommendations of the 2004 Draft Plan seek to achieve an overall benefit, balancing the measures taken for the protection of groundwater with the pressing need for affordable housing.

**5. Comment:** The updated groundwater protection list will ensure safe and plentiful drinking water for future generations. (186)

**Response:** As per recommendation #37 of the Water Resources Management Plan, a revised list of permitted and specially permitted uses and standards for commercial industrial zones within the Special Groundwater Protection Area and the Water Recharge Overlay District will be developed and adopted.

**6. Comment:** We would like to see the clearing restrictions of the Harbor Protection Overlay district extended to include the entire watershed of all the harbors. We would like to see other HPOD restrictions expanded similarly to fully realize the purpose of HPOD. We are also in favor of the Town pursuing the use of zoning powers to control the use of pesticides and other chemicals harmful to waters.(2)

**Response:** As per recommendation #5 of the Water Resources Management Plan, an evaluation of the potential benefits and constraints derived from expanding the HPOD restrictions will be undertaken. In addition, clearing restrictions were adopted in 2004 for all residential properties, excluding farmland, town wide.

The issue of regulating pesticides and other chemicals harmful to waters appears to be an area pre-empted from local regulation.

**7. Comment:** Efforts to protect groundwater quality should include a consideration of wastewater treatment, which is not mentioned in the plan. (46)

**Response:** Recommendation #3 of the Water Resources Management Plan (page 82 of the Draft Plan) specifically recommends allowing for sequential batch sewerage treatment for higher density affordable housing projects, if needed. Montauk Recommendations #32 and #33 (pages 182-183 of the Draft Plan) discuss the need to examine the issue of sewage treatment plants in densely developed Montauk dock area and in downtown Montauk.

**8. Comment:** Domestic wells in the high density areas of Springs along Gardiners Avenue and Fort Pond Boulevard are particularly susceptible to pollution from on-site sewage systems. The Comprehensive Plan should address this issue in its final version or as an addendum in the near future. (50) The getting of potable water in East Hampton is thrust upon the homeowner; the local government should be responsible for providing the highest quality drinking water to its citizens. (96)

**Response:** Recommendation #1 of the Water Resources Management Plan (page 82 of the Draft Plan) is to prepare an environmental impact statement to evaluate the proposal to extend public water mains throughout the Springs.

**9. Comment:** To protect water quality, no recharge should be allowed unless the chemical analysis of the water to be recharged is shown to be equivalent or better than the aquifer that receives it. Mini sewer districts should collect the water for reprocessing. (#57)

**Response:** The creation of sewer districts are proposed to be studied for areas of Montauk and will be considered as a part of affordable housing developments, as noted in the Plan.

**10. Comment:** Recommendation #42 of the Water Management Plan treats the allowance of the SCWA to pump water from Amagansett and East Hampton to Montauk much too lightly. It is time that the Town did an EIS in order to judge how much of this chemically treated water of the SCWA should be imported for use. (145)

**Response:** The Town conducted an EIS before allowing the Suffolk County Water Authority to install pipeline across Napeague to supply water to Montauk from Amagansett and mainland East Hampton. One of the mitigation measures of that EIS

was to limit to 20 million gallons per year the volume of water pumped to Montauk from Amagansett and mainland East Hampton and to require the SCWA to submit monitoring reports regarding the volume of water pumped. Over the past 2 years, this limit has been exceeded. The Town Board will take steps to review and enforce the EIS mitigation measures with the SCWA. If substantial changes to the conditions of the EIS cannot be avoided, the Town Board will require a new EIS to be prepared. One of the issues to be addressed in future SEQR review is the impact to Montauk's ground and surface water quality and quantity from the importation of public water from Amagansett and mainland East Hampton.

**11. Comment:** The primary reason for making the many changes in plans in East Hampton is water. But according to the information in the plan, water is not and never will be a problem. The report says that even with complete buildout, use may rise to 11 million gallons per day, which is less than half of the safe yield. (156)

**Response:** Although quantity of water is not identified as problem Town-wide, water quality remains a concern and that is what is sought to be protected by many of the proposed residential upzonings, and by the 42 recommendations of the Water Resources Management Plan.

**12. Comment:** Although we agree with all of the recommendations of the Water Resources Management Plan, #s 4, 8, 10, 30, 31, 33, 35, 38, 39, 40 and 41 stand out as particularly important. (South Fork Groundwater Task Force, filed after #56) (PH 15)

**Response:** So noted.

**13. Comment:** The Stony Hill region is of critical importance due to its central location to the Town's largest population areas, including the hamlet of Springs. Springs has been overlooked, we have felt, by the Town for so long. It's a tremendous relief to hear that the highest level of protection, acquisition, is recommended for all the vacant parcels within this area. Portions of the LeRoy estate need to be purchased immediately to protect the Stony Hill aquifer. (PH 73)

**Response:** While the highest level of protection is recommended for all the vacant parcels in this area, purchase of particular parcels of land is dependent on a multitude of factors. As a result, immediate purchase of portions of the LeRoy estate or any other parcels of land cannot be guaranteed.

## Section II. Lead Agency's Response to Substantive Comments

### B. Parcel Specific Response to Comments by hamlet and tax map number

#### Amagansett

##### Ground and Drinking Water Resources

1. Opposition to rezoning from A2 to A5 Residence Land north of Stony Hill Rd. and also identified as SCTM # 125-2-5.1, 5.3, 5.4.

**Reasons for opposition:** 10/15/04 letter from Frederick L. Barnes (letter # 11).

**Reasons for support:** 11/4/04 public hearing comments from Alexander Peters on behalf of Amagansett Springs Aquifer Protection (ASAP).

**Response:** Reasons for rezoning this land are set forth on page 144 recommendation #3 in the Draft 2004 Town of East Hampton Comprehensive Plan. In addition, property owners registering an objection will retain the three existing residential lots regardless of the rezoning proposal.

2. Support for rezoning from A2 to A5 Residence land north of Stony Hill Rd. also identified as SCTM # 125-2-5.2.

**Reasons for support:** 10/20/04 letter from Peter D. and Angela L. Barnes (letter #12); 11/4/04 public hearing comments from Alexander Peters on behalf of ASAP.

**Response:** Reasons for rezoning this land are set forth on page 144 recommendation #3 in the Draft 2004 Town of East Hampton Comprehensive Plan.

3. Opposition to rezoning from A3 to A5 Residence portion of existing golf course between Stony Hill Rd., Accabonac Highway, Abrahams Path also identified as SCTM # 149-3-1.1 & 1.2.

**Reasons for opposition:** 11/15/04 letter from John MacLachlan, MacLachlan & Eagan LLP - B&C Golf Course (letter # 125).

**Reasons for support:** Alexander Peters comments at 11/4/04 hearing on behalf of ASAP.

**Response:** Reasons for rezoning this land are set forth on page 144 recommendation #4 in the Draft 2004 Town of East Hampton Comprehensive Plan. In addition, this area is part of the low density, core, and high priority groundwater protection area referred to as Stony Hill. A5 Residence zoning is consistent with the development in this area.

It is further noted that although subject site is improved with a golf course and is operating as a membership club, rezoning as proposed will not render this use non-conforming. Membership golf clubs are classified as special permit uses in all residential zoning districts.

4. Opposition to rezoning from A3 to A5 Residence the parcel identified as SCTM # 125-3-2.1 along the south side of Stony Hill Rd.

**Reasons for opposition:** 11/12/04 letter from John Halsey, Peconic Land Trust (letter # 157).

**Response:** Reasons for rezoning this land are set forth on page 144 recommendation # 4 in the Draft 2004 Town of East Hampton Comprehensive Plan. In addition, this area is part of the low density, core, and high priority groundwater protection area referred to as Stony Hill. A5 Residence zoning is consistent with the development in this area. The proposed rezoning is also consistent with the private conservation measures already implemented as described in the letter of opposition.

5. Opposition to rezoning from A2 to A5 Residence the land identified as SCTM # 127-1-18.4 & 16.2 generally west of Cross Highway to Devon and south of Fresh Pond Rd.

**Reasons for opposition:** 10/26/04 letter from Gabriele Viereck-Brouillaud (letter # 199).

**Response:** Reasons for rezoning this land are set forth on page 145 recommendation #5 in the Draft Town of East Hampton Comprehensive Plan. Additional reasons for rezoning land having the characteristics found on this site are provided in Section II. A. (19) in this document, Water Resources.

Further research, public hearing comments, and a correction to the Existing Land Use Map have revealed that this area contains substantially disturbed land including two mining sites. These factors diminish but do not eliminate the value of this land for protecting groundwater resources and forest habitats. This land is also physically separated from the low density core, high priority, groundwater protection area referred to as Stony Hill, by land zoned and developed with A2 Residence housing.

After evaluating the existing conditions, land use, location of the site in relation to the core groundwater protection area, rezoning to A3 Residence will be considered.

6. Opposition to rezoning from A2 to A5 Residence the parcel identified as SCTM # 127-1-15 between Fresh Pond Rd. & Cross Highway to Devon.

**Reasons for opposition:** 11/15/04 letter from Land Planning Services LTD., Laurie Wiltshire - Sears Property Fresh Pond Rd (letter # 104); with attached letters dated 5/20/04 & 1/20/04 (letters 105 & 106); 11/4/04 public hearing testimony from Laurie Wiltshire.

**Response:** Reasons for rezoning this land are set forth on page 145 recommendation #5 in the Draft Town of East Hampton Comprehensive Plan. Additional reasons for rezoning land having the characteristics found on this site are provided in Section II. A. (19) in this document, Water Resources.

Subject 10.3 acre parcel of land is also part of a larger approximately 60 acre block of land capable of further subdivision containing characteristics worthy of protection and is across the street from a 23.3 acre protected open space parcel of land owned by the Town of East Hampton.

Further research, public hearing comments, and a correction to the Existing Land Use Map have revealed that this area contains substantially disturbed land including two mining sites. These factors diminish but do not eliminate the value of this land for

protecting groundwater resources and forest habitats. This land is also physically separated from the low density core, high priority, groundwater protection area referred to as Stony Hill, by land zoned and developed with A2 Residence housing.

After evaluating the existing conditions, land use, location of the site in relation to the core groundwater protection area, rezoning to A3 Residence will be considered.

7. Opposition to rezoning from A2 to A5 Residence the land identified as SCTM # 150-2-1 generally west of Cross Highway to Devon and south of Fresh Pond Rd.

**Reasons for opposition:** 11/15/04 letter from David E. Eagan MacLachlan & Eagan LLP - Bistran Marl Pit - Various Bistran Family Entities letter (letter # 122).

**Response:** Reasons for rezoning this land are set forth on page 145 recommendation #5 in the Draft Town of East Hampton Comprehensive Plan. Additional reasons for rezoning land having the characteristics found on this site are provided in Section II. A. (19) in this document, Water Resources.

Further research, public hearing comments, and a correction to the Existing Land Use Map have revealed that this site is a legally pre-existing mining site, one of two in the area. These factors diminish but do not eliminate the value of this land for protecting groundwater resources and forest habitats. This land is also physically separated from the low density core, high priority, groundwater protection area referred to as Stony Hill, by land zoned and developed with A2 Residence housing.

After evaluating the existing conditions, land use, location of the site in relation to the core groundwater protection area, rezoning to A3 Residence will be considered.

8. Opposition to rezoning from A2 to A5 Residence the land identified as SCTM # 150-2-2 generally west of Cross Highway to Devon and south of Fresh Pond Rd.

**Reasons:** 11/15/04 fax from Richard Pleasants (letter # 160) Note: The comments received by the Town did not include all the pages. Several efforts have been conducted by Town of East Hampton employees, by telephone and e-mail to contact Richard Pleasants, but a full statement has not been received. A neighboring property owner has informed the Town that Mr. Pleasants objected to the proposed rezoning.

**Response:** Reasons for rezoning this property are set forth on page 145 recommendation #5 in the Draft 2004 Town of East Hampton Comprehensive Plan. Additional reasons for rezoning land having the characteristics found on this site are provided in the Water resources section of the Lead Agency Response to Public comments portion of this document.

Further research, public hearing comments, and a correction to the Existing Land Use Map have revealed that this area contains substantially disturbed land including two mining sites. These factors diminish but do not eliminate the value of this land for protecting groundwater resources and forest habitats. This land is also physically separated from the low density core, high priority, groundwater protection area referred to as Stony Hill, by land zoned and developed with A2 Residence housing.

After evaluating the existing conditions, land use, location of the site in relation to the core groundwater protection area, rezoning to A3 Residence will be considered.

9. Opposition to rezoning from A and A2 to A5 Residence the land identified as SCTM # 150-5-4.1, 5,6 & 11 generally between the railroad tracks and Abrahams Landing Road.

**Reasons for opposition:** 11/15/04 letter from David E. Eagan, MacLachlan & Eagan LLP, Peter Bistran Family Homestead - Bistran Family Entities (letter # 122).

**Response:** Reasons for rezoning this land are set forth on page 145 recommendation #6 in the Draft 2004 Town of East Hampton Comprehensive Plan. Additional reasons for rezoning land having the characteristics found on this site are provided in the Section II. A. (19) in this document, Water Resources.

The vegetation covering most of these properties is considered Old Field Vegetation, regardless of the fact that a portion of the land is mowed. Preserving Old Field Vegetation and working with private land owners to develop management plans to protect old fields are additional recommendations of the Comprehensive Plan. Further research has revealed that some of this land contains prime agricultural soils, also underscoring the justification for rezoning this land.

Additional evaluation and public hearing comments have revealed that while this block does contain important ground and drinking water characteristics, this block is physically separated from the low density core, high priority, groundwater protection area referred to as Stony Hill. The parcel is bordered by the railroad tracks and one and two acre development.

After evaluating the existing conditions, land use, location of the site in relation to the core groundwater protection area, rezoning to A3 Residence will be considered.

10. Opposition to rezoning from A2 to A5 Residence the parcel identified as SCTM # 149-4-12, occupied by Stony Hill Stables.

**Reasons for opposition:** 11/4/04 public hearing comments from Ms. Hotchkiss, owner of stables.

**Response:** Reasons for rezoning this land are set forth on page 145 recommendation # 7. Additional reasons for rezoning land having the characteristics found on this site are provided in Section II. A. (19) in this document, Water Resources.

Further evaluation and public hearing comments have revealed that while this block does contain important ground and drinking water characteristics, it is south of and separate from the low density core, high priority, groundwater protection area referred to as Stony Hill. Unlike the large blocks of farmland to the east and the core groundwater recharge area to the north, this area is contained within a more densely developed block of land and abuts the railroad tracks.

After evaluating the existing conditions, land use, location of the site in relation to the core groundwater protection and farmland areas, rezoning this parcel together with

the block of land described in recommendation #7 page 145, to A3 Residence will be considered.

### **Fresh Pond Estuary**

11. Opposition to rezoning from A3 to A5 Residence the land identified as SCTM # 127-1-5 along the south side of Fresh Pond Rd.

**Reasons for opposition:** 11/15/04 letter from William Esseks (letter # 65) and 11/13/04 letter from Joel Nelson (letter # 66).

**Response:** Reasons for rezoning this land are set forth on page 150 recommendations # 21 in the Draft 2004 Town of East Hampton Comprehensive Plan. Further, subject parcel is across the street from the Town owned and protected 116 acre Fresh Pond park property and is adjacent to the north of additional protected lands. Although the site is adjacent to a property containing Devon's Fancy cottages, a large block of protected open space and low density residential land generally characterizes the area.

### **Duneland/Beach**

12. Opposition to rezoning from A to A5 Residence the vacant portion of the Lazy Point Trustee holdings not leased to homeowners.

**Reasons for opposition:** 11/3/04 letter from the Trustees of the Freeholders and Commonalty of the Town of East Hampton, LI, NY (letter # 192).

**Response:** Reasons for rezoning this land are set forth on pages 147-148 recommendation #15 in the Draft 2004 Town of East Hampton Comprehensive Plan. In addition, rezoning to A5 Residence is consistent with the reasons set forth in the aforementioned Trustees letter to keep this environmentally fragile land in as natural state as possible.

13. Opposition to rezoning from A3 to A5 Residence the parcel identified as SCTM # 152-1-11.1 between Bendigo Rd., Cranberry Hole Rd. and Napeague Bay.

**Reasons for opposition:** 11/15/04 letter from John A. MacLachlan, MacLachlan & Eagan – 185 Cranberry Hole Rd (letter # 123).

**Response:** Reasons for rezoning this land are set forth on page 148 recommendations # 17 in the Draft 2004 Town of East Hampton Comprehensive Plan. Furthermore, rezoning this area as proposed can help to reduce the clearing, grading, excavation, ditching, paving, filling and construction associated with additional residential development. Rezoning as proposed can also help to reduce the potential contamination and pollution to the on-site wetlands and the natural environment. Reducing the number of potential residential lots through rezoning also provides the flexibility needed to design and develop the land in accordance with open space preservation. In addition, the maximum number of houses permitted in the A3 and A5 Residence zones is the same. There is no basis to the claim that future houses on 3 lots would be smaller than future houses on 2 lots. The claim that the parcel identified as SCTM # 128-1-6 is excluded from the proposed rezoning is not correct, as it is proposed to be rezoned from A to A3 Residence. That parcel and the adjoining 3 parcels are not vacant and have different characteristics compared to subject site.

## **Historic**

14. Opposition to rezoning from A3 to A5 Residence the land identified as SCTM #s 151-2-3 & 4 along the east side of Cross Highway.

**Reasons for opposition:** 11/15/04 letter from John A. MacLachlan, MacLachlan & Eagan - 58 Cross Highway Amagansett & 30 Cross Highway (letter # 124)

**Response:** Reasons for rezoning this land are set forth on page 154 recommendations # 32 in the Draft 2004 Town of East Hampton Comprehensive Plan. Additional reasons for rezoning land having the characteristics found on this site are provided in Sections II. A. (6), (12), (15) & (19) in this document corresponding to: Draft Generic Environmental Impact Statement, and SEQRA Compliance, Potential Residential Build-out, Residential Upzoning, and Water Resources.

Furthermore, while rezoning alone may not protect the historic structures on-site, rezoning to reduce the total number of potential lots on these properties will help to preserve the landscape and historic setting associated with the Devon Colony, an area deemed eligible for Town Historic Designation. It is further noted that whereas one of these properties is 90 feet above sea level, it is still part of the contributing watershed of Napeague Harbor and the Peconic Estuary.

## **Agriculture**

15. Opposition to rezoning from A2 to A5 Residence the farmland north of Montauk Highway in the vicinity of the Amagansett Business District also identified as SCTM #s 171-2-11.2 & 1.2, 171-1-1,2,2.2, 19, 23.1, 24.

**Reasons for opposition:** 11/15/04 letter from David E. Eagan, MacLachlan & Eagan LLP; Bistran Family Entities (letter # 122) - Farmland north of Amagansett Business District.

**Response:** Reasons for rezoning this land are set forth on page 146 recommendation # 10 and page 153 recommendation # 29 in the Draft 2004 Town of East Hampton Comprehensive Plan. Further evaluation and public hearing comments have revealed that it is prudent to conduct the Commercial Community Needs Study and Consensus (page 91 recommendation # 39 in Draft 2004 Town of East Hampton Comprehensive Plan) before addressing the zoning for this land since this land may be recommended for a different zoning classification as a result of the study.

Further research has also revealed that compliance with the Town's mandatory farmland cluster ordinance and the maximum yield standards of the existing Suffolk County Sanitary Code Article 6 regulations is not problematic for this block of land under existing zoning since the land is served by or adjacent to public water and is contained within Groundwater Management Zone 1V.

After evaluating the recommendations for future study to cover this area and the results of further research regarding compliance with Suffolk County Sanitary Code Article 6 regulations, retaining the existing zoning will be considered for this site and area.

16. Opposition to rezoning from A2 to A5 Residence and from Central Business to A5 Residence the parcel of land identified as SCTM # 171-1-3.1 fronting on Main Street.

**Reasons for opposition:** 10/28/04 letter from Russell S. Stein (letter # 182).

**Response:** Reasons for rezoning this land are set forth on page 146 recommendation # 10 and page 153 recommendation # 29 in the Draft 2004 Town of East Hampton Comprehensive Plan. The portion of this property currently zoned for Central Business is erroneously depicted on the proposed rezoning map as proposed for rezoning to A5 Residence, whereas rezoning is not proposed for this portion of the property.

Further evaluation and public hearing comments have revealed that it is prudent to conduct the Commercial Community Needs Study and Consensus (page 91 recommendation # 39 in Draft 2004 Town of East Hampton Comprehensive Plan) before addressing the zoning for this land since this land may be recommended for a different zoning classification as a result of the study.

Further research has also revealed that compliance with the Town's mandatory farmland cluster ordinance and the maximum yield standards of the existing Suffolk County Sanitary Code Article 6 regulations is not problematic for this block of land under existing zoning since the land is served by or adjacent to public water and is contained within Groundwater Management Zone 1V.

After evaluating the recommendations for future study to cover this area and the results of further research regarding compliance with Suffolk County Sanitary Code Article 6 regulations retaining the existing zoning will be considered for this site and area.

17. Opposition to rezoning from A2 to A5 Residence the Amagansett Farmer's Market parcels identified as SCTM #s 172-1-7, 8.

**Reasons for opposition:** 11/15/04 letter from Land Planning Services LTD Laurie Wiltshire - Amagansett Farmer's Market (letter # 100); 11/4/04 public hearing comments from, Laurie Wiltshire and Gabrielle Brady; 11/10 letter from Joan Tulp (letter # 193); concerns about Amagansett Farmer's Market in 11/14/04 letter from Gloria Rubino (letter # 169).

**Response:** Reasons for rezoning this land are set forth on page 146 recommendation # 10 and page 153 recommendation # 29 in the Draft 2004 Town of East Hampton Comprehensive Plan.

Further evaluation and public hearing comments have revealed that it is prudent to conduct the Commercial Community Needs Study and Consensus (page 91 recommendation # 39 in Draft 2004 Town of East Hampton Comprehensive Plan) before addressing the zoning for this land since this land may be recommended for a different zoning classification as a result of the study.

Further research has also revealed that compliance with the Town's mandatory farmland cluster ordinance and the maximum yield standards of the existing Suffolk County Sanitary Code Article 6 regulations is not problematic for this block of land under existing zoning since the land is served by or adjacent to public water and is contained within Groundwater Management Zone 1V.

After evaluating the recommendations for future study to cover this area and the results of further research regarding compliance with Suffolk County Sanitary Code Article 6 regulations retaining the existing zoning will be considered for this area and site.

18. Opposition to rezoning from A3 to A5 the parcels identified as SCTM # 149-3-3.1 fronting on Abrahams Path and 149-3-10 fronting on Town Lane.

**Reasons for opposition:** 1/17/05 letter from Jeffery Bragman (letter #20 A)

**Response:** Reasons for rezoning this land are set forth on page 144 recommendation # 3 and this land also meets the location and natural characteristics of the block of land set forth on page 146 recommendation # 10 in the Draft 2004 Town of East Hampton Comprehensive Plan (the description of the area pertaining to recommendation # 10 will be augmented to indicate existing zoning is A2 and A3).

Additional reasons for rezoning land having the characteristics found on this site are provided in Section II. A. (19) of this document, Water Resources.

Subject parcels are both part of the low density core, high priority, groundwater protection area referred to as Stony Hill and the low density block of core farmland area referred to in the Agricultural Land Study as Amagansett north. A5 Residence zoning is consistent with the existing land use in the area.

### **Montauk Highway Corridor**

19. Comments regarding proposal to eliminate from LBO on the lot on west side of Handy Lane identified as SCTM # 170-3-1.

**Reasons for opposition:** 11/11/04 letter from Maureen Goldberg (letter # 81); 11/9/04 letter from Abby Jane Brody (letter # 27); 11/14/04 letter from John R. & June Lester (letter # 110); 11/11/04 letter from Maura Lester (letter # 111); 11/4/04 public hearing comments from Maureen Goldberg, Jack Lester, Amagansett Citizens Committee reps.

**Reasons for support:** 1/6/05 letter from Lee Davis (Letter 41 A)

**Response:** Reasons for eliminating the Limited Business Overlay District for these and other parcels of land along Montauk Highway are set forth on page 151 recommendation # 25 in the Draft 2004 Town of East Hampton Comprehensive Plan. Further research and public hearing comments reveal the Limited Business Overlay District meets an important need in the community and this particular parcel contains the quintessential characteristics defining the Limited Business Overlay District. This parcel is located in close proximity to a heavily traveled section of Montauk Highway, lacks sufficient depth needed to screen road noise and fumes and is already improved with an appropriate, low intensity LBO development. To address the

concern that there has been development within Limited Business Overlay Districts which do not appear residential in character, modifications to the regulations pertaining to Limited Business Overlay Districts are being considered.

After evaluating the existing conditions, land use, location and insufficient depth of this property from Montauk Highway, retaining the existing Limited Business Overlay District zoning will be considered for this site.

20. Opposition to eliminating from LBO the land to the east of Handy Lane identified as SCTM # 170-3-17.

**Reasons for opposition:** 11/4/04 & 9/22/04 letters from Peter Garnham (letters 77 & 78); Public hearing comments from Peter Garnham and other Amagansett Citizens Committee Representatives

**Response:** Although this parcel was given notice that the existing LBO district was proposed to be eliminated for the reasons set forth on page 151 recommendation #10 in the Draft 2004 Town of East Hampton Comprehensive Plan, current zoning maps do not depict LBO zoning covering existing parcel. Fine Arts & Sciences LLC and the Town Board believe the existing zoning map is erroneous and should depict subject parcel as zoned for B Residence with an Limited Business Overlay District.

Further research and public hearing comments reveal the Limited Business Overlay District meets an important need in the community and this particular parcel contains the quintessential characteristics defining the Limited Business Overlay District. This parcel is located in close proximity to a heavily traveled section of Montauk Highway, lacks sufficient depth needed to screen road noise and fumes and located between an existing Neighborhood Business zone, improved with eateries and retail shops and a Limited Business Overlay District. To address the concern that there has been some development within Limited Business Overlay Districts which does not appear residential in character, modifications to the regulations pertaining to Limited Business Overlay Districts are being considered.

After evaluating the existing conditions, land use, location and insufficient depth of this property from Montauk Highway, correcting the zoning map to reinstate the Limited Business Overlay District zoning will be considered after conducting a new public hearing.

21. Comments regarding proposal to eliminate the LBO zoning designation for the property identified as SCTM # 172-5-3 fronting on Montauk Highway to the west of Indian Wells Highway, Amagansett.

**Reasons for objection:** Public hearing comments and 11/5/04 letter from Pat O'Connell (letter # 151); 11/10/04 letter from Lyda Sue Cunningham (letter # 40); 11/4/04 letter from Amagansett Citizens Committee (letter #4); 11/4/04 public hearing comments from Jean Frankel.

**Reasons for support:** 1/6/05 letter from Lee Davis (letter 41 A).

**Response:** Reasons for rezoning this land are set forth on page 151 recommendation # 25 in the Draft 2004 Town of East Hampton Comprehensive Plan. This parcel is

improved with a single family residence, with an ample setback from Montauk Highway. Compared to the lots on either side of Handy Lane with a depth of approximately 150 feet, subject lot has a depth of approximately 340 to 400 feet, which provides opportunity for screening and buffering from Montauk Highway. The parcel is bordered by residential land use and a church to the east and residential land use to the south. The flag lot to the west is also improved with a single family residence although to the west of this flag lot there is a pre-existing non-conforming bank. Eliminating the LBO designation for this predominantly residential area will help to prevent commercial sprawl from expanding into this portion of Montauk Highway.

22. Support for eliminating LBO from property along Montauk Highway not recommended for elimination in the Draft 2004 Town of East Hampton Comprehensive Plan identified as SCTM # 173-1-8.

**Reasons for support:** 11/4/04 public hearing testimony from Elaine Jones and petitions previously submitted to the Town Board.

**Response:** Subject parcel is 8,700 sq. ft. or approximately one fifth of an acre in size, contains a 150 foot setback from Montauk Highway and is bordered to the north and west by Neighborhood Business zoning and a repair garage use. The size and configuration is insufficient to provide adequate screening for a residence on this parcel from the adjacent business use and from Montauk Highway. Retaining the LBO designation for this parcel is consistent with retaining the LBO designation for the parcels on either side of Handy Lane as described above (response number 19 & 20). It is further noted that the Planning Board granted site plan approval for an office use for this property in October 2004. However, screening the business use of this property from the established residential uses and zoning to the east is difficult due to the small size of this property. The appropriate zoning for this parcel will be revisited in the near future after further study.

23. Comments regarding the recommendation to classify office as one use regardless of the number of individual offices permitted within the Limited Business Overlay District.

**Reasons for objection:** 11/10/04 letter from Lyda Sue Cunningham (letter # 40); Amagansett Citizens Committee Letter (letter #4); 11/4/04 public hearing comments from Jean Frankel, public hearing comments from Sylvia Overby.

**Reasons for support:** 11/15/05 letter from Richard E. Whalen.

**Response:** Reasons for the proposal to classify office as one use regardless of the number of individual offices are set forth on page 90 recommendation # 28 in the Draft Town of East Hampton Comprehensive Plan. To further address the concerns raised, modifications to the regulations pertaining to Limited Business Overlay Districts are being considered.

24. Opposition to rezoning from A to A5 Residence the farmland along the north side of Montauk Highway to the west on Bunker Hill Rd. also identified as SCTM # 178-3-1.1

**Reasons for opposition:** 11/4/04 and 11/15/04 letters from Ronnie Hill, rhl Land Planning Services (letters 164 & 165); 11/4/04 public hearing testimony from Richard Principi.

**Response:** Reasons for rezoning this land are set forth on page 152 recommendation # 27 in the Draft 2004 Town of East Hampton Comprehensive Plan. Further research and public hearing comments have revealed that this land is an isolated, non-contiguous parcel of farmland. This land is located between Montauk Highway and the railroad tracks, within a more heavily developed section of the Town compared to the large blocks of farmland proposed for rezoning to A5 Residence.

Minimizing the new curb cuts, turning movements and development along Montauk Highway can be achieved by rezoning to A3 rather than A5 Residence.

After evaluating the existing location, surrounding land use, and lack of contiguity to other farmland, rezoning this land to A3 Residence will be considered.

25. Opposition to rezoning from A to A2 Residence the block of land along the north side of Montauk Highway, east of Bunker Hill Rd. also identified as SCTM #: 173-1-20.1; 173-1-20.8; 173-1-20.7; 173-1-26.1; 173-1-18.1.

**Reasons for opposition:** Public comments.

**Response:** Reasons for rezoning this land are set forth on pages 152 and 153 recommendation #28 in the Draft 2004 Town of East Hampton Comprehensive Plan. Further research and public comments have revealed that the following 3 parcels of land within this block of land are not large enough to subdivide under existing zoning: 173-1-18.1; 173-1-20.7; 173-1-20.8. The parcel identified as SCTM # 173-1-26.1 is covered by a large lot easement prohibiting further subdivision. The only remaining parcel within this block of land with the potential to subdivide identified as SCTM # 173-1-20.1, contains 3 legally pre-existing residences. Rezoning will not affect this pre-existing density. The property owner will need to obtain variances from the ZBA to subdivide this property according to the existing usage. Maintaining the existing zoning will not increase the residential development potential in the area.

After evaluating the extent of existing development and the lack of potential to increase residential development in the area, retaining the existing zoning will be considered for this block of land.

### **Amagansett Central Business**

26. Opposition to rezoning from CB to A / LBO the 6 acre lot along Montauk Highway identified as SCTM # 172-2-33.1

**Reasons for opposition:** 11/4/04 and 11/15/04 letters from Ronnie Hill, rhl Land Planning Services (letters 164 and 165); 11/4/04 public hearing comments from Richard Principi.

**Response:** Reasons for rezoning this land are set forth on pages 153 & 154 recommendation # 30 in the Draft 2004 Town of East Hampton Comprehensive Plan. Further research and public hearing comments have revealed that the property owners intend to develop this property, in part, with a Riding Academy to complement the

development of the adjacent residentially zoned land to the east. A Riding Academy is a special permit use in residential zones and the limited business zone proposed zoning for this property. Rezoning to A Residence with a Limited Business Overlay would also allow for a multitude of community facility uses but would prohibit the development of retail and other intensive commercial uses for the reasons set forth in the Plan.

27. Opposition to rezoning from CB to A / LBO the lot along Montauk Highway occupied with V & V Auto, also identified as SCTM # 172-2-33.1.

**Reasons for opposition:** 11/8/04 letter from Victor DiPietro (letter # 47).

**Response:** Reasons for rezoning this land are set forth on pages 150-151 recommendation # 30 in the Draft 2004 Town of East Hampton Comprehensive Plan. Further evaluation and public hearing comments have revealed that the subject property containing an automobile service station and car wash on an approximately ½ acre parcel of land is fully developed. As there are a limited number of gas stations and no other car washes in East Hampton Town, this parcel is likely to remain in its current use well into the foreseeable future. The existing land use has not been identified as a problem or the reason for rezoning. Large unacceptable impacts have been identified with the potential development of the adjacent, vacant 6 acre parcel under existing zoning. Subject parcel is different from the adjacent parcel in terms of existing land use, size and potential threat from development. Rezoning the V& V site would make the existing use non-conforming while providing no discernable community benefits.

After evaluating the existing land use, the size of the parcel and limited potential threat from redevelopment, retaining the existing zoning for this parcel of land will be considered.

### **Urban Renewal Areas**

28. Opposition to rezoning from B to A Residence the parcel identified as SCTM 168-4-2 generally between Oak Lane and Schellinger Rd.

**Reasons for opposition:** 11/12/04 letter from Catherine Bush (letter # 30).

**Response:** Reasons for rezoning this land are set forth on pages 150-151 recommendation # 23 in the Draft 2004 Town of East Hampton Comprehensive Plan. A Residence zoning and development surrounds the area between Oak View Lane and Abrahams Path. Rezoning will be consistent with the character of the neighborhood.

## **East Hampton**

### **Ground and Drinking Water Resources**

1. Objection to rezoning from A3 to A5 Residence the parcel identified as SCTM# 156-5-16, 36 acres located between Rte. 114 and Two Hole of Water Rd.

**Reasons for objection:** Nov. 15, 2004 letter regarding Prand Corp. from William Esseks, Esseks Hefter & Angel (letter # 68)

**Response:** Reasons for rezoning this parcel are set forth on page 122 recommendation #2 in the Draft 2004 Town of East Hampton Comprehensive Plan. Response to the SEQR compliance issues raised in the letter of objection are provided in Section II. A. (6) of this document, Draft Generic Environmental Impact Statement, and SEQRA Compliance.

2. Objection to rezoning from A to A5 Residence the parcels identified as SCTM# 193-3-4.1 & 5, 184-3-9.1 & 6 located between Buckskill Road and the RR tracks and north of the rail road tracks.

**Reasons for objection:** Nov. 4, 2004 letter from Pat J. Trunzo III (letter # 191) and public hearing comments from Pat Trunzo.

**Response:** Reasons for rezoning this block of land are set forth on page 124 recommendations # 8 & #9 in the Draft 2004 Town of East Hampton Comprehensive Plan. Recommendation # 8 erroneously states this land is part of the Town Water Recharge Overlay District, which will be corrected in the final plan.

Further research and public hearing comments have revealed that although this area contains characteristics important for protecting groundwater resources, it is not part of the priority drinking water area for East Hampton located to the north and west. Groundwater beneath this land may in fact be flowing to the south and west, towards Georgica Pond, rather than the deep groundwater recharge areas. However, protecting Georgica Pond, a locally significant habitat is an additional reason not initially identified in the Draft Plan which supports rezoning this land from A Residence. This land is physically separated from the low density core groundwater protection area and the low density farmland area in East Hampton Town by extensively developed ½ acre and 1 acre lots. Some of the parcels in this block have been extensively cleared of vegetation for tennis club use. Many of the parcels are bordered by the railroad tracks.

These factors diminish but do not eliminate the value of this land for protecting the groundwater resources of the Town. As stated in the Draft Plan, this area is within the New York State Groundwater Protection Area and the 5 foot groundwater contour boundary. Several New York State and Suffolk County Water Authority studies and reports document the importance of protecting these areas. Page 5-14 of the SGPA acknowledges that: “The water beneath these areas may not necessarily find its way into a glacial or magothy well located downgradient. However, to the extent that it is possible to prevent or minimize contaminant entry into the water supply from these points, current and future wells could be assured a quality of water that would meet drinking water standards.” For a variety of reasons, the Long Island Special

Groundwater Protection Area Plan recommends five acre zoning throughout the SGPAs. Further explanation supporting the rezoning of land containing the characteristics found on-site is described in Section II. A. (19) of this document, Water Resources.

After evaluating the existing land use, surrounding development and proximity to the core drinking water preservation area, rezoning this land to A3 Residence will be considered.

We note that although SCTM # 193-3-4.1 is part of this block of land depicted on the proposed zoning map for rezoning from A to A5 Residence, our records indicate proper notice of this rezoning was not made. Rezoning this parcel from A to A3 Residence is recommended to be considered after a new public hearing with proper notice has been conducted.

3. Objection to rezoning from A to A5 Residence the parcel identified as SCTM # 193-2-9.1 (13.0 acres) located along Green Hollow Road.

**Reasons for objection:** Nov. 4, 2004 letter from Phelan Wolf, MacLachlan & Eagan – Re: letter from John Tittle (letter # 129); Nov. 2, 2004 letter from John Tittle (letter # 130); Nov. 15, 2004 letter from John A. MacLachlan, MacLachlan & Eagan LLP; Re: letter for Arcadis G & M Inc. (letter # 126); Nov. 15, 2004 letter from Douglas A. Smolensky C.P.G., Arcadis Re: Tittle (letter # 127).

**Response:** Reasons for rezoning this block of land are set forth on page 124 recommendations # 8 in the Draft 2004 Town of East Hampton Comprehensive Plan. Recommendation # 8 erroneously states this land is part of the Town Water Recharge Overlay District, which will be corrected in the final plan.

Further research and public hearing comments have revealed that although this area contains characteristics important for protecting groundwater resources, it is not part of the priority drinking water area for East Hampton located to the north and west. Groundwater beneath this land may in fact be flowing to the south and west, towards Georgica Pond, rather than the deep groundwater recharge areas. However, protecting Georgica Pond, a locally significant habitat is an additional reason not initially identified in the Draft Plan which supports rezoning this land from A Residence. This land is physically separated from the low density core groundwater protection area and the low density farmland area in East Hampton Town by extensively developed ½ acre and 1 acre lots. Some of the parcels in this block have been extensively cleared of vegetation for tennis club use. Many of the parcels are bordered by the railroad tracks.

These factors diminish but do not eliminate the value of this land for protecting the groundwater resources of the Town. As stated in the Draft Plan, this area is within the New York State Groundwater Protection Area and the 5 foot groundwater contour boundary. Several New York State and Suffolk County Water Authority studies and reports document the importance of protecting these areas. Page 5-14 of the SGPA acknowledges that: “The water beneath these areas may not necessarily find its way

into a glacial or magothy well located downgradient. However, to the extent that it is possible to prevent or minimize contaminant entry into the water supply from these points, current and future wells could be assured a quality of water that would meet drinking water standards.” For a variety of reasons, the Long Island Special Groundwater Protection Area Plan recommends five acre zoning throughout the SGPAs. Further explanations supporting the rezoning of land containing the characteristics found on-site are described in Section II. A. (19) in this document, Water Resources.

After evaluating the existing land use, surrounding development, proximity to the core drinking water preservation area, rezoning to A3 Residence will be considered.

4. Support for rezoning of SCTM # 193-3-11.1 located between Green Hollow and Bucksill Roads.

**Reasons for support:** letter from Brad K. Schwartz, Zarin & Steimetz written on behalf of Match Sunna (letter # 214).

**Response:** Reasons for rezoning this block of land are set forth on page 124 recommendations # 8 in the Draft 2004 Town of East Hampton Comprehensive Plan. Recommendation # 8 erroneously states this land is part of the Town Water Recharge Overlay District, which will be corrected in the final plan.

Further research and public hearing comments have revealed that although this area contains characteristics important for protecting groundwater resources, it is not part of the priority drinking water area for East Hampton located to the north and west. Groundwater beneath this land may in fact be flowing to the south and west, towards Georgica Pond, rather than the deep groundwater recharge areas. However, protecting Georgica Pond, a locally significant habitat is an additional reason not initially identified in the Draft Plan which supports rezoning this land from A Residence. This land is physically separated from the low density core groundwater protection area and the low density farmland area in East Hampton Town by extensively developed ½ acre and 1 acre lots. Some of the parcels in this block have been extensively cleared of vegetation for tennis club use. Many of the parcels are bordered by the railroad tracks.

These factors diminish but do not eliminate the value of this land for protecting the groundwater resources of the Town. As stated in the Draft Plan, this area is within the New York State Groundwater Protection Area and the 5 foot groundwater contour boundary. Several New York State and Suffolk County Water Authority studies and reports document the importance of protecting these areas. Page 5-14 of the SGPA acknowledges that: “The water beneath these areas may not necessarily find its way into a glacial or magothy well located downgradient. However, to the extent that it is possible to prevent or minimize contaminant entry into the water supply from these points, current and future wells could be assured a quality of water that would meet drinking water standards.” For a variety of reasons, the Long Island Special Groundwater Protection Area Plan recommends five acre zoning throughout the

SGPAs. Further explanations supporting the rezoning of land containing the characteristics found on-site are described in Section II. A. (19) in this document, the Water Resources.

After evaluating the existing land use, surrounding development and proximity to the core drinking water preservation area, rezoning to A3 Residence will be considered for this block of land.

5. Opposition to rezoning from A to A5 Residence the parcel identified as SCTM # 184-3-11, Green Hollow Tennis Club located between Buckskill Rd., the railroad tracks, and Green Hollow Rd.

**Reasons for opposition:** Nov. 10, 2004 Letter from Jeffrey Bragman (letter # 22)

**Response:** Reasons for rezoning this block of land are set forth on page 124 recommendations # 8 in the Draft 2004 Town of East Hampton Comprehensive Plan. Recommendation # 8 erroneously states this land is part of the Town Water Recharge Overlay District, which will be corrected in the final plan.

Further research and public hearing comments have revealed that although this area contains characteristics important for protecting groundwater resources, it is not part of the priority drinking water area for East Hampton located to the north and west. Groundwater beneath this land may in fact be flowing to the south and west, towards Georgica Pond, rather than the deep groundwater recharge areas. However, protecting Georgica Pond, a locally significant habitat is an additional reason not initially identified in the Draft Plan which supports rezoning this land from A Residence. This land is physically separated from the low density core groundwater protection area and the low density farmland area in East Hampton Town by extensively developed ½ acre and 1 acre lots. Subject parcel has been extensively cleared of vegetation for tennis club use and is bordered by the railroad tracks.

These factors diminish but do not eliminate the value of this land for protecting the groundwater resources of the Town. As stated in the Draft Plan, this area is within the New York State Groundwater Protection Area and the 5 foot groundwater contour boundary. Several New York State and Suffolk County Water Authority studies and reports document the importance of protecting these areas. Page 5-14 of the SGPA acknowledges that: “The water beneath these areas may not necessarily find its way into a glacial or magothy well located downgradient. However, to the extent that it is possible to prevent or minimize contaminant entry into the water supply from these points, current and future wells could be assured a quality of water that would meet drinking water standards.” For a variety of reasons, the Long Island Special Groundwater Protection Area Plan recommends five acre zoning throughout the SGPAs. Further explanations supporting the rezoning of land containing the characteristics found on-site are described in Section II. A. (19) in this document, Water Resources.

It is further noted that although subject parcel is operating as tennis club, rezoning this property as proposed will not make this use non-conforming. A tennis club is a special permit use in all single family residence districts.

After evaluating the existing land use, surrounding development and proximity to the core drinking water preservation area, rezoning to A3 Residence will be considered.

6. Opposition to rezoning from A to A5 Residence the parcel identified as SCTM # 184-1-6, East Hampton Racquet Club located on Buckskill Rd.

**Reasons for opposition:** Nov. 1, 2004 letter from Richard E. Whalen (letter # 205); Oct. 27, 2004 letter from John A. MacLachlan, MacLachlan & Eagan LLP (letter # 116).

**Response:** Reasons for rezoning this parcel are set forth on page 124 recommendation #9 in the Draft 2004 Town of East Hampton Comprehensive Plan. Contrary to the assertion in one of the letters of opposition, the parcel is contained within the SGPA.

Further research and public hearing comments have revealed that although this area contains characteristics important for protecting groundwater resources, it is not part of the priority drinking water area for East Hampton located to the north and west. Groundwater beneath this land may in fact be flowing to the south and west, towards Georgica Pond, rather than the deep groundwater recharge areas. However, protecting Georgica Pond, a locally significant habitat is an additional reason not initially identified in the Draft Plan which supports rezoning this land from A Residence. This land is physically separated from the low density core groundwater protection area and the low density farmland area in East Hampton Town by extensively developed ½ acre and 1 acre lots. Subject parcel has been extensively cleared of vegetation for tennis club use and is bordered by the railroad tracks and commercial industrial zoning and land use to the south.

These factors diminish but do not eliminate the value of this land for protecting the groundwater resources of the Town. As stated in the Draft Plan, this area is within the New York State Groundwater Protection Area, the East Hampton Water Recharge Overlay District and the 5 foot groundwater contour boundary. Several New York State, Suffolk County Water Authority and Town studies and reports document the importance of protecting these areas. Page 5-14 of the SGPA acknowledges that: “The water beneath these areas may not necessarily find its way into a glacial or magothy well located downgradient. However, to the extent that it is possible to prevent or minimize contaminant entry into the water supply from these points, current and future wells could be assured a quality of water that would meet drinking water standards.” For a variety of reasons, the Long Island Special Groundwater Protection Area Plan recommends five acre zoning throughout the SGPAs. Further explanations supporting the rezoning of land containing the characteristics found on-site are described in Section II. A. (19) in this document, Water Resources.

It is further noted that although a tennis club is a special permit use in all single family residence districts, subject parcel is operating as a pre-existing non-conforming tennis club due to the number and setbacks of the of the tennis courts. However, rezoning this property as proposed will not render the existing use non-conforming or increase the degree of non-conformity.

After evaluating the existing land use, surrounding development and proximity to the core drinking water preservation area, rezoning to A3 Residence will be considered for this block of land.

7. Opposition to rezoning from A2 to A5 Residence the parcel identified as SCTM # 142-1-11.36, located along Old Orchard Lane.

**Reasons for opposition:** Letter dated Nov. 8, 2004 from John Talmage (letter # 184) and public hearing testimony from John Talmage.

**Response:** Reasons for rezoning this land are set forth on page 127 recommendation #23 in the Draft 2004 Town of East Hampton Comprehensive Plan. A correction to the Existing Land Use Map will be made to depict this parcel as Residential Use. The description of the area to be rezoned will be augmented to reflect the corrected land use and to state that some of the land in this area, proposed for rezoning to A5 is currently zoned for A2 Residence. The Maps and Charts within the Draft Plan correctly state current and proposed zoning accurately.

Further research and public hearing comments have revealed that subject parcel is restricted by deed to one residential lot which can never be divided. Rezoning to A5 Residence is consistent with the existing deed restrictions.

8. Question about impact of rezoning parcel identified as SCTM # 159-2-6.4 located along Cedar Street.

**Reason:** Letter dated 10/27/04 from David Schwartz (letter # 175).

**Response:** Reasons for rezoning this land are set forth on page 127 recommendation #23 in the Draft Town of East Hampton Comprehensive Plan. The description of the area to be rezoned will be augmented to reflect the corrected land use (described in #7 above) and to state that some of the land in this area, proposed for rezoning to A5 is currently zoned for A2 Residence. The Maps and Charts within the Draft Plan correctly state current and proposed zoning accurately.

Further research has revealed that subject parcel is a reserved area, permanently prohibiting residential development, and will not be affected by the proposed rezoning.

9. Opposition to reasoning from A to A5 Residence the land identified as SCTM# 142-2-1 located along the east side of Middle Highway.

**Reasons for opposition:** Nov. 4, 2004 letter from Bill Essex, Essex, Hefter & Angel; Re: Gail Haft property (letter # 64).

**Response:** Reasons for rezoning this land are set forth on page 124 recommendation # 11. Additional reasons for rezoning this land are set forth in Section II. A. (19) in this document, Water Resources.

Regarding surrounding land use, while Whalebone Woods and a mobile home park are in the vicinity, subject property is immediately adjacent to the east of vacant and improved single family four and five acre parcels of land extending to Hands Creek Rd. and Oak View Highway. Large blocks of land on the south side of Oak View Highway and on the west side of Hands Creek Rd. are also characterized by low density development and are similarly proposed for rezoning to A5 Residence. Unlike the severely disturbed, largely denuded blocks of land to the east of Middle Highway being considered for rezoning to A3 Residence, subject parcel consists of undisturbed woodland.

10. Opposition to rezoning from A to A5 Residence and removing AHO the parcel identified as 161-1-27.4

**Reasons for opposition:** Letter from Ronald Webb dated 11/2/04 (letter #203) and comments at 11/4/04 public hearing from Ronald Web and others generally opposing reducing the number of AHO's.

**Response:** Reasons for rezoning this block of land are set forth on page 125 recommendation # 12 in the Draft 2004 Town of East Hampton Comprehensive Plan. Further research and public hearing comments have revealed that while this property contains characteristics important for protecting East Hampton's groundwater supplies, the land has been severely disturbed, has been largely cleared of vegetation and shares a common boundary with a legally pre-existing industrial land use.

After evaluating the existing characteristics and the adjoining land use, rezoning this land to A3 Residence will be considered.

Reasons for removing the existing Affordable Housing Overlay District are set forth on page 140 recommendation # 60 in the Draft 2004 Town of East Hampton Comprehensive Plan. Public hearing comments have revealed that the property owner is interested in developing the site for affordable housing and there is strong community support for additional Affordable Housing Overlay Districts.

Further research, as described above has revealed that subject property is already severely disturbed and therefore provides less than the highest qualities for groundwater protection. According to the Draft 2004 Town of East Hampton Comprehensive Plan, development within Affordable Housing Overlay Districts will likely incorporate residential density credits from nearby preserved land in order to meet the Suffolk County Health Department requirements. Therefore although development of this site could be as high as 5 or 8 units per acre, residential development in the area will not exceed the number of units allowed by zoning. After evaluating both the need for affordable housing and the desire to protect groundwater protection areas, retaining the Affordable Housing Overlay District will be considered.

11. Opposition to rezoning from A to A5 Residence the parcel identified as SCTM # 146-5-11.

**Reasons for opposition:** 11/4/04 letter (letter # 184) and public hearing comments from John Talmage.

**Response:** Reasons for rezoning this block of land are set forth on page 125 recommendation # 12 in the Draft 2004 Town of East Hampton Comprehensive Plan. Further research and public hearing comments have revealed that while this property contains characteristics important for protecting East Hampton's groundwater supplies, it is currently occupied by a legally pre-existing sand pit and is largely disturbed and denuded. These characteristics reduce but do not diminish the value of the property for protecting groundwater. Further reasons for rezoning land with characteristics found on-site are set forth in Section II. A. (19) in this document, Water Resources.

After evaluating the existing land use and conditions, rezoning to A3 Residence will be considered.

12. Opposition to rezoning from A to A5 Residence the parcel improved with the Island Tennis Club and identified as SCTM# 167-2-16.3 & 167-2-15.

**Reasons for opposition:** Letter from Jeffrey Bragman, P.C. Re: the Island Tennis Club (letter # 24)

**Response:** Reasons for rezoning this property are set forth on page 124 recommendation # 10 in the Draft 2004 Town of East Hampton Comprehensive Plan. Further research and public hearing comments have revealed that whereas all of this land contains characteristics important for protecting the Town's groundwater resources, these parcels contain extensively cleared and disturbed land including a tennis club. Other property in the area including the Town Youth Park and Town baseball field have also been extensively cleared and physically separate subject property from the low density core block of high priority watershed lands to the north and east.

These factors diminish but do not eliminate the value of this land for protecting the groundwater resources of the Town. As stated in the Draft Plan, this area is within the New York State Groundwater Protection Area and the 5 foot groundwater contour boundary. Several New York State and Suffolk County Water Authority studies and reports document the importance of protecting these areas. Page 5-14 of the SGPA acknowledges that: "The water beneath these areas may not necessarily find its way into a glacial or magothy well located downgradient. However, to the extent that it is possible to prevent or minimize contaminant entry into the water supply from these points, current and future wells could be assured a quality of water that would meet drinking water standards." For a variety of reasons, the Long Island Special Groundwater Protection Area Plan recommends five acre zoning throughout the SGPAs. Further explanations supporting the rezoning of land containing the characteristics found on-site are described in Section II.A. (19) in this document, Water Resources.

It is further noted that although subject parcel is operating as a tennis club, rezoning this property as proposed will not make this use non-conforming. A tennis club is a special permit use in all single family residence districts.

After evaluating the existing conditions and the characteristics of this land, rezoning to A3 Residence will be considered.

13. Opposition to rezoning from A to A5 Residence the portion of the existing golf course located between Springs Fireplace Road, Abrahams Path and Accabonac Highway also identified as SCTM # 149-1-2.1.

**Reasons for opposition:** Nov. 15, 2004 Letter from John MacLachlan, MacLachlan & Eagan LLP; Re: B&C Golf Course (letter # 125).

**Response:** Reasons for rezoning this land are set forth on page 128 recommendation #25 in the Draft 2004 Town of East Hampton Comprehensive Plan. Further review of this site and consideration of public hearing comments has revealed that this property is near an industrial area and is adjacent to the former Town landfill.

These factors diminish but do not eliminate the value of this land for protecting the groundwater resources of the Town. As stated in the Draft Plan, this area is within the 5 foot groundwater contour boundary and is part of the contributing area to the proposed Red Dirt Rd. SCWA well field site. Before deciding to install a public well field at the Red Dirt Rd. site, Suffolk County Water Authority has conducted an evaluation of any potential groundwater contamination from the nearby former Town landfill and existing recycling center. Further explanations supporting the rezoning of land containing the characteristics found on-site are set forth in Section II. A. (19) in this document, Water Resources.

It is further noted that although subject site is improved with a golf course and is operating as a membership club, rezoning as proposed will not render this use non-conforming. Membership golf clubs are classified as special permit uses in all residential zoning districts.

After evaluating the character of the area, rezoning this parcel to A3 Residence will be considered.

14. Opposition to rezoning from A3 to A5 Residence the land identified as SCTM# 91-1-7.3 with flag lot frontage on Hands Creek Road, just north of Blueberry Knolls Lane.

**Reasons for opposition:** 10/29/04 letter from Adam R. Horowitz (letter # 92).

**Response:** Reasons for rezoning this land are set forth on page 123 recommendation # 7 in the Draft 2004 Town of East Hampton Comprehensive Plan. It is further noted that subject parcel is covered with a filed Large Lot Easement, which prohibits further subdivision, regardless of zoning classifications.

15. Opposition to rezoning from A to A2 Residence the land in the vicinity of Lily Hill cemetery also identified as SCTM # 164-2-23,24,25, 26, and 165-5-10.1

**Reasons for opposition:** 10/19/04 letter from Harold Dominy (letter # 51).

**Response:** Reasons for rezoning this land are set forth on page 127 recommendation # 21 in the Draft 2004 Town of East Hampton Comprehensive Plan. Response to the comment raised that the proposed rezoning will eliminate affordable lots in Town is provided in Section II. A. (1) in this document, Affordable Housing.

16. Opposition to rezoning from Commercial Industrial (CI) to A Residence the parcel of land adjacent to the Maple Lane/Spring Close Highway SCWA well field also identified as SCTM # 165-5-14.3.

**Reasons for opposition:** Public comments.

**Response:** Reasons for rezoning this land are set forth on pages 126-127 recommendation #20 in the Draft 2004 Town of East Hampton Comprehensive Plan. Further research and public comments have revealed that this 1.1 acre parcel is already improved with a small repair shop, likely to meet the definition of a service commercial use. Retaining the existing zoning keeps the anticipated minor expansion of this business under the review of the Suffolk County Health Department and the Town Planning Board, both of whom will require groundwater protection measures.

After evaluating the existing size of this parcel, the existing land use and the existing regulations applying to future expansions, retaining the existing zoning will be considered.

Rezoning subject site to Commercial Service (CS) is recommended for future consideration. Commercial Service zoning will further mitigate potential impacts to ground and drinking water supplies by limiting the potential re-use of this site to the less intensive uses permitted in the CS zone compared to the CI zone.

### **Agriculture**

17. Opposition to rezoning from A2 to A5 Residence the parcel identified as SCTM # 189-3-5 located abutting a property with frontage along Cross Highway in the Village of East Hampton.

**Reasons for opposition:** Letter dated Nov. 3, 2004 from Richard Whalen- Proposed Up-zoning – Property of Harold M. Wit (letter # 206); Nov. 11, 2004 letter from Harold M. Wit (letter # 211).

**Response:** Reasons for rezoning this parcel of land are set forth in on page 130 recommendation # 33 in the Draft 2004 Town of East Hampton Comprehensive Plan. Subject parcel is contiguous to a 44 acre block of land covered by a permanent easement prohibiting future residential development, regardless of the zoning classification. Subject parcel is also part of a larger block of farmland, both north and south of Further Lane capable of further subdivision under existing zoning. It is appropriate for the zoning to reflect the low density development potential of this area, even though a limited number of properties within this area are smaller than the minimum lot size in the proposed A5 Residence zone.

18. Opposition to rezoning from A2 to A5 Residence the land south of Further Lane identified as SCTM # 189-6-12 (now 12.1, 12.5, 12.4)

**Reasons for opposition:** 11/11/04 letter from John Halsey, Peconic Land Trust (letter # 157).

**Response:** Reasons for rezoning this land are set forth on pages 145 & 146 recommendation # 9 in the Draft 2004 Town of East Hampton Comprehensive Plan. Further research and public comments have revealed that subject property received final subdivision approval from the East Hampton Planning Board in 1997 to create 3 building lots on 14.54 acres of land in the A2 Residence zone. Although the Suffolk County Tax Map book reflects a subdivided parcel and some easements have been filed, the conditions of the final subdivision map were not met in the requisite time period and the map has expired. While it is not the intent to punish this or any property owner who has already filed conservation easements, it is unclear whether rezoning as proposed will actually reduce the number of building lots that could be obtained on this property.

19. Opposition to rezoning from A2 to A5 Residence the parcel identified as SCTM # 159-1-10.1 the parcel known as the Iacono Farm along Long Lane.

**Reasons for opposition:** Letter dated Nov. 2, 2004 from Daniel Voorhees, Dayton & Voorhees (letter # 44).

**Response:** Reasons for rezoning this land are set forth on pages 129-130 recommendation # 32 in the Draft 2004 Town of East Hampton Comprehensive Plan. In addition, the existing farm buildings do not detract but contribute to the cultural and scenic significance of the area.

20. Opposition to rezoning from A2 to A5 Residence the parcel identified as 185-1-2.5 with frontage on Long Lane opposite the EH High School.

**Reasons for opposition:** Letter dated Nov. 8, 2004 from John Talmage (letter # 185) and public hearing testimony from John Talmage.

**Response:** Reasons for rezoning this land are set forth on pages 129-130 recommendation # 32 in the Draft 2004 Town of East Hampton Comprehensive Plan. Further, while rezoning will not affect the setbacks or build-out potential of subject lot, it will help to recognize that this parcel is part of the largest block of farmland remaining in East Hampton Town.

21. Dispute existing land use as classifying the parcels identified as SCTM #s 159-1-16 & 17 as agriculture.

**Reasons for opposition:** 11/4/04 public hearing comments and letter from John Talmage (letters 185 & 186).

**Response:** Reasons for rezoning this land are set forth on pages 129-130 recommendation # 32 in the Draft 2004 Town of East Hampton Comprehensive Plan. While the Existing Land Use Map will be corrected to depict this land as industrial use, the property has been zoned for residential use since the inception of zoning in East Hampton Town in 1957. The soils on these properties are rated by the US Department of Agriculture Soil Conservation Service as prime farmland. This land is part of the largest block of farmland remaining in East Hampton.

22. Opposition to rezoning from A to A5 Residence property identified as Round Swamp Farm (SCTM#s 146-3-5, 9.1,10, 11).

**Reasons for opposition:** 11/4/04 letter from Carolyn Snyder and Albert Lester, Round Swamp Farm (letter # 166); 11/12/04 letter from Suzanne Cannon (letter # 31); Carolyn Snyder 11/4/04 public hearing comments and general comments from others.

**Response:** Reasons for rezoning this land are set forth on page 131 recommendation # 20 in the Draft 2004 Town of East Hampton Comprehensive Plan. Further research has revealed that whereas this land meets the Farmland of Statewide Significance criteria and contributes to East Hampton's agricultural land base, it has not been ranked as prime agricultural soils, the best land for raising crops in the State of New York. The Town has a long history of commitment to preserving prime farm soils and the Town's cluster ordinance establishes minimum open space requirements for prime farmland subdivisions. As these properties do not contain prime agricultural soils, rezoning to A5 is not necessary to bring the Town's farmland cluster ordinance into compliance with the maximum residential yield standards of the Suffolk County Health Department, as erroneously stated in the explanation for rezoning.

After evaluating the existing characteristics of this block of land together with the existing Town and County regulations, rezoning to A3 Residence will be considered.

23. Opposition to rezoning from A to A5 Residence the property identified as SCTM # 143-1-3.1 also identified as 220 Three Mile Harbor Road.

**Reasons for opposition:** 11/15/04 Letter from David Eagan, MacLachlan & Eagan LLP. - 220 Three Mile Harbor Rd (letter # 118).

**Response:** Reasons for rezoning this land are set forth on page 131 recommendation # 20 in the Draft 2004 Town of East Hampton Comprehensive Plan. Further research has revealed that whereas this land meets the Farmland of Statewide Significance criteria and contributes to East Hampton's agricultural land base, it has not been ranked as prime agricultural soils, the best land for raising crops in the State of New York. The Town has a long history of commitment to preserving prime farm soils and the Town's cluster ordinance establishes minimum open space requirements for prime farmland subdivisions. As these properties do not contain prime agricultural soils, rezoning to A5 is not necessary to bring the Town's farmland cluster ordinance into compliance with the maximum residential yield standards of the Suffolk County Health Department, as erroneously stated in the explanation for rezoning.

After evaluating the existing characteristics of this block of land together with the existing Town and County regulations, rezoning to A3 Residence will be considered.

24. Opposition to rezoning from A to A5 Residence the property identified as SCTM # 188-1-3 located to the west of Town Hall and bordering property fronting on Montauk Highway in the Village of East Hampton.

**Reasons for opposition:** Nov. 15, 2004 letter from David Eagan, MacLachlan & Eagan regarding Bistran Family Entities (letter # 122).

**Response:** Explanation- Reasons for rezoning this land are set forth on page 132 recommendation #38 in the Draft 2004 Town of East Hampton Comprehensive Plan. Further research, public hearing comments and discussions with Village of East Hampton officials have revealed that this parcel is one of the gateways to the Village of East Hampton from the east and to the Town of East Hampton from the west. The portion of this property contained within the Village of East Hampton is currently zoned for ½ acre residential land use. This gateway location combined with the split jurisdiction between the Village and Town comprises unique planning circumstances for this parcel. While preservation of the key views and features on this site are important to both jurisdictions, preservation involving multiple jurisdictions is complex.

In order to allow the additional time needed to develop a protection plan between the Village and the Town, consideration will be given to retaining the existing zoning for this parcel.

The Comprehensive Plan for this parcel should continue to reflect the need to protect this property for the reasons set forth above and for the reasons set forth in the Draft Comprehensive Plan, referenced above. However, the parcel is an isolated parcel of farmland; does not contain all prime soils; has the tendency to flood with regularity; and is located between Town Hall, the railroad tracks and ½ acre residential development.

After evaluating the existing conditions, features, location and the surrounding land use, rezoning to A3 Residence should be considered after reasonable time has passed to allow for the development of a protection plan.

25. Opposition to rezoning from CI to A Residence the parcel identified as SCTM# 185-2-50 located east of Rte. 114 and south of the LIRR tracks.

**Reasons for opposition:** Nov. 4, 2004 & Oct. 15 2004 letters from Anthony Tohill P.C; Re: John Diamond (letters # 6 &7).

**Response:** Reasons for rezoning this parcel are set forth on pages 132 -133 recommendation # 39 in the Draft 2004 Town of East Hampton Comprehensive Plan. In addition, while the Soil Survey may indicate that more than 80% of the Village of East Hampton contains soils ranked as prime soils, less than 10% of the land area in the Village remains vacant or available for agriculture. While removal of the topsoil some 50 years ago may have diminished the quality of this farmland, it is still ranked as the best soils in the State of New York for agriculture by the United States Department of Agriculture Soil Conservation Service. The property is currently being farmed. Rezoning to A Residence will also reduce traffic generating uses possible on the site, even compared to most of the uses for which the property owner has offered to restrict future development of the site.

26. Opposition to rezoning land on Springs Close Highway south of railroad tracks from A to A5 Residence also identified as SCTM # 166-4-3.1, 3.2

**Reasons for opposition:** Letter dated 9/27/04 from John Bistran Jr. (letter # 19); 11/10/04 letter from Frank Bistran and family (letter # 18); 9/23/04 letter from Lucille and Lawrence A. Baldwin (letter # 10); other general letters of opposition and general comments at public hearing.

**Response:** Reasons for rezoning this land are set forth on pages 131 and 132 recommendation # 37 in the Draft 2004 Town of East Hampton Comprehensive Plan. Further research and public hearing comments have revealed that whereas this land has important farmland and groundwater characteristics, it does not contain prime agricultural soils and is not part of a core groundwater resource protection area. As these properties do not contain prime agricultural soils, rezoning to A5 is not necessary to bring the Town's farmland cluster ordinance into compliance with the maximum residential yield standards of the Suffolk County Health Department. In contrast to the properties to the south and east proposed for rezoning to A5 Residence, subject properties are not wooded and do provide the same high quality ecological value. Subject properties do not have frontage on Montauk Highway and their development will not contribute additional traffic and turning movements directly onto the Town's major highway.

After evaluating the existing characteristics of this block of land together with the existing Town and County regulations, rezoning to A3 Residence will be considered.

### **Three Mile Harbor**

27. Opposition to rezoning from A2 to P&C the portion of SCTM# 74-05-30.1 which was not acquired (Duke property) located along the shoreline of Three Mile Harbor.

**Reasons for opposition:** Letter dated 10/27/04 from Jeffrey Bragman, P.C (letter # 21).

**Response:** Only the publicly owned land is intended for rezoning to Parks and Conservation. The proposed zoning map and Table 26 will be corrected accordingly.

28. Opposition to rezoning from A to A5 Residence SCTM # 123-6-13.

**Reasons for opposition:** Nov. 15, 2004 letter from David Eagan, MacLachlan & Eagan LLP; Re: Bistran Family Entities (letter # 122).

**Response:** This parcel was mistakenly identified for rezoning on Table 26. It is occupied in part by an asphalt plant and heavy industrial uses. No zoning change is proposed for this land at this time and Table 26 will be corrected accordingly.

### **North Main Street**

29. Comments on proposal to rezone parcel on Willow Lane identified as 163-7-25 from CB to A Residence.

**Reasons for opposition:** 10/24/04 letter from Judith Jobin and Daniel Leary (letter #95)

**Other comments regarding Willow Lane rezonings and North Main Street generally:** 11/14/04 letter from Eileen Javers (letter # 94); 11/14/04 letter from Terence Conaty (letter # 35)

**Response:** Reasons for rezoning this land are set forth on page 134 recommendation #42 and a general description of the conditions on North Main Street are provided on

page 133 in the Draft 2004 Town of East Hampton Comprehensive Plan. In addition, numerous properties with frontage or access along North Main Street have been similarly proposed for rezoning from Central Business to less intensive zoning classifications. The Comprehensive Plan and zoning recommendations will help to alleviate traffic and overcrowding in the North Main Street area, providing benefits to both the residents in the area and the community as a whole.

In addition, the only public access to subject parcel is via the 16 foot wide private street, Willow Lane, shared by five improved residential lots. This narrow roadway will be problematic for commercial development permitted in the Central Business zone and for the continued shared access with the 4 other residences. Further problems are anticipated due to the location of Willow Lane at the intersection of North Main Street opposite Cedar Street also the location of the East Hampton Fire House.

30. Opposition to rezoning from CB to A w/ LBO property identified as SCTM # 163-3-14 and 163-3-15.

**Reasons for opposition:** 11/4/04 letter from Bill Esseks; Re: Caroline G. and Joseph Martuscello property (letter # 61).

**Response:** Reasons for rezoning these parcels are set forth on page 134 recommendation # 44 and a general description of the conditions on North Main Street is provided on page 133 in the Draft 2004 Town of East Hampton Comprehensive Plan. Further research has revealed that these parcels have potential for a large number and/or intensity of commercial development, representing a large potential for high traffic generating uses and overcrowding. Instead, the Limited Business Overlay District designation proposed will allow some low intensity business development on the road frontage portions of these lots located between two existing gas stations.

31. Support of rezoning from CB to A w/ LBO property identified as SCTM # 163-7-4.

**Reasons for support:** Nov. 4, 2004 letter from Jeffrey Slomin and Fiona Moore (letter # 179).

**Response:** Reasons for rezoning this land are set forth on page 134 recommendation #44 and a general description of North Main Street is provided on page 133 in the Draft 2004 Town of East Hampton Comprehensive Plan.

32. Opposition to rezoning from CB to NB or any commercial zone the parcel identified as SCTM # 163-7-19.

**Reasons for objection:** Nov. 7, 2004 letter from Angela M. Flynn (letter # 72).

**Response:** Reasons for rezoning this land are set forth on pages 133 and 134 and a general description of North Main Street is provided on page 133 in the Draft 2004 Town of East Hampton Comprehensive Plan. It is further noted that limiting rather than eliminating all future commercial development is recommended in the Comprehensive Plan. North Main Street is one of a handful of existing hamlet centers in East Hampton Town.

33. Opposition to rezoning property known as the Village Lane subdivision also identified as SCTM # 187-1-20.

**Reasons for opposition:** 9/24/04 & 10/28/04 letters from Chris Kelley, Twomey Latham Shea & Kelley, LLP (letters 197 & 198); 11/8/04 letter from Richard Lupoletti (letter # 114); 11/15/04 letter from East Hampton Town Planning Board (letter # 189).

**Response:** Reasons for rezoning this land are set forth on pages 134 and 135 recommendation # 46 in the Draft 2004 Town of East Hampton Comprehensive Plan. Further research, public comments and comments from other Town agencies reveal that the existing zoning is consistent with the character of the neighborhood, which is already extensively built-out with ½ acre residential development. The Planning Board has worked with the property owner to develop a subdivision map which satisfies Planning Board standards, property owner needs and the extensive input provided by the neighbors to the site. This is the only parcel of land in the entire Town for which the East Hampton Planning Board offered specific recommendations, which support the current zoning. This subdivision map does not propose any new accesses onto North Main Street, a concern raised in the rezoning narrative. In order to comply with the Article 6 Suffolk County Health Department Standards, development of this land cannot exceed one residential unit per acre, regardless of the zoning classification.

After evaluating the existing character of the neighborhood, the existing Suffolk County Health Department regulations and the balance between the often competing desires of the Planning Board, neighbors to a proposed development site and the property owner, retaining the existing zoning will be considered.

### **Montauk Highway**

34. Comments on Plant Nursery Overlay District

**Comments from:** 11/4/04 letter from Steve Latham, Twomey Latham Shea & Kelley (letter # 195); 11/10/04 letter from Lyda Sue Cunningham (letter # 40) 11/4/04 letter from Amagansett Citizens Committee (letter # 4).

**Response:** A general description of a proposed Plant Nursery Overlay District is provided on page 137 recommendation # 52 and page 90 recommendation #30 in the Draft 2004 Town of East Hampton Comprehensive Plan. However, no specific implementing legislation has been prepared. The details of the proposed Plant Nursery Overlay District will be subject to further evaluation and public hearings. All of these comments will be considered.

35. Opposition to placing a Limited Business Overlay District on the parcel identified as SCTM # 189-3-22 located on the south side of Montauk Highway, formerly occupied by Stern's.

**Reasons for opposition:** 11/4/04 letter from East Hampton Citizens Advisory Group (letter # 56).

**Response:** Reasons for rezoning this land are set forth on page 136 recommendation #51 in the Draft 2004 Town of East Hampton Comprehensive Plan. While rezoning to A Residence with an Affordable Housing Overlay District and a Limited Business

Overlay District will limit the future development of the site with high traffic generating Neighborhood Business uses, any type of business development of this site may be problematic. Future consideration should be given to considering whether any business use is appropriate for this site.

36. Opposition to rezoning from Commercial Industrial to A5 Residence the property containing Town Hall also identified as SCTM # 188-1-4.

**Reasons for opposition:** Further consideration by Town Board

**Response:** Reasons for rezoning this land are set forth on page 138 recommendation # 54 in the Draft 2004 Town of East Hampton Comprehensive Plan. Further discussion has revealed that the Town Board is currently expanding municipal development of this property making it unlikely that Town Hall will relocate or that future redevelopment of the site will occur in the foreseeable future.

After evaluating the existing use of the site, retaining the existing zoning will be considered.

## **Montauk**

### **Montauk Shores Condominium**

1. Opposition to rezoning from Resort to B Residence the Montauk Shores Condominium (SCTM # 32.01 all parcels)

**Reasons for opposition:** 10/16/04 & 10/26/04 Montauk Shores Condominium letters from Larry Greenbaum (letters 143 & 144); 10/31/04 e-mail from Ed McGuire (letter # 146); 10/12/04 e-mail from Charles Hasenohr (letter # 87); 10/26/04 e-mail from James Graham (letter # 84); 9/10, 9/23, 10/12, 10/29, 11/15 letters from James Greenbaum (letters 138, 139, 140, 141 & 142); 9/17/04 letter from Hugh Herbert (letter # 137); 11/4/04 public hearing comments from Hugh Herbert and James Greenbaum.

**Response:** The Montauk Shores Condominium Mobile Home Park site is unique in East Hampton Town and possibly in all of New York State. None of the existing zoning classifications in East Hampton Town precisely correspond to the existing use of the site. Rezoning from Resort to B Residence was proposed in the Draft Plan to: eliminate the requirement for site plan approval for small alterations including decks and sheds; and to permit a slightly greater building coverage for sheds, decks and replacement mobile homes without the need for a variance. Rezoning to B Residence would also require additional changes to the existing zoning code to permit the mobile home park to be a permitted use. Rather than rezone to B Residence, the Town Board is considering addressing these issues through the creation of Mobile Home legislation, which better addresses the specific needs of this unique site. Retaining the existing Resort zoning coupled with adding new Mobile Home legislation pertaining to this site will be considered.

### **Moorlands**

2. Opposition to rezoning from A5 to A10 the properties identified as SCTM # 33-3-4 and 32-6-1.2 located between the Atlantic Ocean and Montauk Point State Blvd.

**Reasons for opposition:** 11/3/04 letter from William Esseks, Esseks, Hefter & Angel - Cavett properties (letter # 62).

**Response:** Reasons for rezoning this parcel of land are set forth on page 180 recommendation # 25 in the Draft 2004 Town of East Hampton Comprehensive Plan.

3. Opposition to rezoning from A5 to A10 the property identified as 22-1-7 (190 Old Montauk Highway)

**Reasons for opposition:** 11/15/04 e-mail from Eric Salzman (letter # 172).

**Response:** Reasons for rezoning this property are set forth on page 180 recommendation #25 in the Draft 2004 Town of East Hampton Comprehensive Plan.

4. Opposition to rezoning from A2 to A10 the property identified as SCTM # 21-2-3.3, 3.4 & 3.5, also known as Deep Hollow Ranch.

**Reasons for opposition:** 11/15/04 letter from Richard Hammer, Biondo & Hammer LLP - Property of East Hampton Livestock Corporation (letter # 14); 11/15/04 letter from Diane & Rusty Leaver Deep Hollow Ranch (letter # 45).

**Response:** Reasons for rezoning the Deep Hollow Ranch properties are set forth on page 180 recommendation # 25 in the Draft 2004 Town of East Hampton

Comprehensive Plan. Further research and public hearing comments have revealed that SCTM #s 21-2-3.4 & 3.5 having a combined acreage of approximately 4 acres, had been part of a larger approximately 21.7 acre parcel of land in the early 1980s. Approximately 82% or 17.8 acres of this overall parcel of land are now permanently preserved. Negotiations for the preservation of this land through the sale of development rights to the Town of East Hampton relied on the assumption that the remaining acreage, constituting these properties, would be eligible for a two lot subdivision. Rezoning to A10 Residence would prohibit a two lot subdivision.

Furthermore, whereas the reasons articulated in recommendation #25 for rezoning this overall area is to protect the valuable land, water and wildlife habitats associated with the unique Moorlands site type, this particular property is characterized as farmland and open pasture, not Moorlands.

After evaluating the preservation efforts already implemented and the absence of Moorlands, retaining the existing zoning will be considered for SCTM # 21-2-3.4 & 5.

5. Recommend rezoning from A3 to P&C rather than A10 Residence the property identified as SCTM # 67-4-34 between the Atlantic Ocean and Old Montauk Highway, also known as a Benson Reservation Beach.

**Reasons for recommendation:** 10/8/04 letter from Montauk Beach Property Owners Association (letter 136A).

**Response:** Reasons for rezoning this land are set forth on page 180 recommendation # 26 in the Draft 2004 Town of East Hampton Comprehensive Plan. While this property has natural characteristics worthy of Parks and Conservation zoning, additional legal research must be conducted and a new public hearing must be conducted by the Town Board prior to rezoning this land to Parks and Conservation. In the interim, rezoning to A-10 Residence for the reasons set forth in the Plan will be considered.

#### **Lake Montauk**

6. Opposition to rezoning from Resort to A5 Residence the property identified as SCYM # 6-4-7 along the west side of Star Island.

**Reasons for opposition:** 11/4/04 letter from William Esseks, Esseks, Hefter & Angel - Montauk Yacht Club (letter # 67) and public hearing comments from William Esseks

**Response:** Reasons for rezoning this land are set forth on page 177 recommendation #12 of the Draft 2004 Town of East Hampton Comprehensive Plan.

Additional reasons to rezone this land to A5 Residence are that the New York State Office of Parks, Recreation and Historic Preservation (OPRHP) have deemed this property eligible for listing on the National Register of Historic Places. Rezoning to A5 Residence will help reduce density of development allowed on this site and may allow for the intact preservation and avoidance of these sensitive features.

Rezoning this land to A5 Residence is consistent with existing land use on Star Island. Approximately 51% of the land area of Star Island is currently vacant or improved with very low density residential use.

It has been asserted that since development of this site will include a sewerage treatment plan available to all property owner using premises on Star Island, the existing zoning and proposed development will result in a substantial improvement to the ecology of Lake Montauk. Although the property owner has agreed to construct this sewerage treatment plant as part of the development of this site, allowing additional resort development is not a pre-requisite for the Town or another agency, authority or property owner to construct and operate a functioning sewerage treatment plant for the area. The Draft Montauk Dock Area Plan commissioned by the Town Board in 2002 recommends development and implementation of a wastewater treatment system for the entire area, including Star Island, regardless of additional development on subject parcel of land.

7. Opposition to rezoning from B to A2 Residence the parcel identified as SCTM # 19-10-9 & P/10.

**Reasons for opposition:** 11/15/04 letter from Richard Hammer, Hammer & Biondo LLP - property of Salvatore & Dana Termini (letter # 16).

**Response:** The reasons for rezoning this land as proposed are set forth on page 176 recommendation #9 in the Draft 2004 Town of East Hampton Comprehensive Plan. Additionally, rezoning to A2 Residence is consistent with the surrounding land use pattern which includes a 29.4 acre Town owned preserved property to the east and a 2.8 acre Town preserved property to the north, both proposed for rezoning to Parks and Conservation and a large block of low density and vacant land to the northwest, also proposed for rezoning to A2 Residence.

It should be noted that by resolution adopted on December 16, 2004, the Town Board corrected to Urban Renewal Map for this area which had erroneously merged these two lots.

#### **Fort Pond**

8. Opposition to rezoning from A to A3 Residence the property identified as SCTM # 48-2-4.5 located on Second House Rd. adjacent to the Loop.

**Reasons for opposition:** 11/8/04 letter from Marshall Oakes Crowley Jr. (letter # 39).

**Response:** The reasons for rezoning this land as proposed are set forth on page 179 recommendation # 21 in the Draft 2004 Town of East Hampton Comprehensive Plan. As stated, “while extensive shoreline development has reduced the quality of Fort Pond, it remains an important breeding and feeding area for a number of NYS Special Concern species including the spotted turtle, osprey and least bittern.” The Town has further demonstrated its commitment to protecting and preserving Fort Pond by acquiring land along the perimeter of Fort Pond and land immediately contiguous to subject parcel.

## **Ground and Drinking Water Resources**

9. Opposition to rezoning from A to A3 Residence the parcel identified as SCTM # 67-1-8 on the south side of Montauk Point State Blvd. near the Edison Dr. SCWA well field.

**Reasons for opposition:** 11/11/04 letter from Gregory Pryor (letter # 162).

**Response:** Reasons for rezoning this land are set forth on page 174 recommendation # 2 in the Draft 2004 Town of East Hampton Comprehensive Plan. Further research and public hearing comments have revealed that 3 of the parcels in this block, SCTM #s 67-1-12.12; 12.13; 12.14 have already been dedicated as scenic reserve or recreation areas, and will be unaffected by the rezoning proposal. Another parcel SCTM # 67-1-7 already contains 1 house and is unlikely to meet subdivision requirements under existing zoning. SCTM # 67-1-8 is the only parcel in this area which could be subdivided according to current zoning. The owner is currently pursuing subdivision approval to divide this lot into 3 lots, which protect the steep slopes and other sensitive environmental features. Examining the full build-out potential in this area proposed for rezoning reveals only 2 additional residential lots can be created according to existing zoning.

After evaluating the preservation efforts already implemented and the negligible amount of additional build-out permitted under existing zoning, retaining the existing zoning for this block of land will be considered.

10. Opposition to rezoning from A2 to A3 Residence the parcel identified as SCTM # 48-3-22.10 located between Montauk Point State Blvd. and Upland Rd.

**Reasons for opposition:** 11/14/04 letter from Joseph & Marie Frisone; A-Bissel Holdings Inc. (letter # 75).

**Response:** Reasons for rezoning this land as proposed are set forth on pages 174 and 175 recommendation #3 in the Draft 2004 Town of East Hampton Comprehensive Plan.

## **Affordable Housing**

11. Opposition to rezoning from Central Business to A Residence Affordable Housing Overlay the parcel identified as SCTM # 49-4-1 located on the south side of Montauk Highway, in the eastern section of the existing central business district.

**Reasons for opposition:** 11/4/04 public hearing comments from Lisa Greci.

**Response:** Reasons for rezoning this property are set forth on page 181 recommendation # 29 in the Draft 2004 Town of East Hampton Comprehensive Plan. The site is located between existing intense development within Montauk's largest business district and less densely developed institutional and residential uses to the east. Further evaluation and public comments have revealed that this site could accommodate business development consistent with the uses permitted and specially permitted in the Central Business zone while helping to meet affordable housing needs. The Affordable Housing Overlay provides a good option for future development and is consistent with Central Business District zoning as well.

Further review has revealed that since subject site is located between the existing intense development within Montauk's largest business district and less densely developed institutional and residential uses to the east, this site could serve as a transition zone between these two distinct areas. The Neighborhood Business Zone requires larger building setbacks and reduced coverage compared to the existing Central Business Zone. Consideration of rezoning this site from Central Business to Neighborhood Business will be made in the future.

### **Corrections**

12. The Parcel identified as SCTM # 32-1-3.11 is erroneously recommended for rezoning from Residence B to P&C. This parcel is privately owned with a single family residence. Table 29 and the Proposed Zoning Maps will be corrected to delete the recommendation for any zoning change for this parcel.

### **Questions**

13. 11/8/04 letter written by Lexa Tuma DiSiroto (letter # 194) asking whether her property, identified as SCTM # 28-2-10.3 is proposed for rezoning.

**Response:** This property is not proposed for rezoning on the parcel specific listing of zoning changes. The Proposed Zoning Map will be corrected accordingly.

14. 11/10/04 letter from Claudia Maas (letter # 115) asking why property identified as SCTM # 19-1-5, containing 1.6 acres is proposed to be rezoned from B to A2 since it cannot be subdivided.

**Response:** Rezoning will have little or no effect on this property but will better reflect current land use in the area.

## **Springs**

### **Accabonac Harbor, Agriculture and/or Important Woodlands**

1. Opposition to rezoning from A2 to A5 Residence the property identified as SCTM # 103-1-6 located along the north side of Neck Path.

**Reasons for opposition:** 10/24/04 letter from Rodney & Catherine Lederer-Plaskett (letter # 108)

**Response:** Reasons for rezoning this land are set forth on page 163 recommendation #13 in the Draft 2004 Town of East Hampton Comprehensive Plan. Further commitment to protecting the groundwater resources and habitat value of this area has been demonstrated through the recent Town acquisition of the adjacent parcel (SCTM # 103-1-5). In addition to protecting the resources in the area, this acquisition helps to permanently maintain the low density development pattern in the area, also supported by a rezoning to A5 Residence.

2. Opposition to rezoning from A to A5 Residence the land identified as SCTM # 63-4-8.8 in the vicinity of Old Stone Highway and Springs Fireplace Rd.

**Reasons for opposition:** 10/15/04 letter from George Walbridge Surveyors, P.C.; Thomas and Anna Collins (letter # 79).

**Response:** Reasons for rezoning this land are set forth on pages 161-162 recommendation # 9 in the Draft 2004 Town of East Hampton Comprehensive Plan. Further research and public hearing comments have revealed that this particular block of land has been created as a result of a multi-phased subdivision process which has received approval from the East Hampton Planning Board. In accordance with the 1992 subdivision involving this parcel of land, the property owners divided 42 acres into 13 lots approximately one acre in size, two agricultural reserved areas having a combined area of 9.3 acres, and one 18 acre lot reserved for future subdivision into no more than 5 residential lots. By filing this subdivision map, the property owner voluntarily reduced the potential residential build-out from 36 to 18 lots and set aside reserved area based on the entire acreage. The reserved area provides permanent protection to the on-site farmland. A good argument has been made that the property owner has a legal entitlement to a five lot yield for this remaining acreage which could not be obtained if the property is rezoned to A5 Residence, but could be obtained if the property is rezoned to A3 Residence.

After evaluating the agricultural easements filed and the voluntary reduction in potential residential build-out already implemented for this property, rezoning to A3 Residence will be considered.

3. Opposition to rezoning from A to A5 Residence the properties identified as SCTM #s 63-4-3 & 63-4-5 in the vicinity of Old Stone Highway and Springs Fireplace Rd.

**Reasons for opposition:** 11/7/05 letter from Cleon E. Dodge (letter # 49)

**Response:** Reasons for rezoning this land are set forth on pages 161-162 recommendation #9 in the Draft 2004 Town of East Hampton Comprehensive Plan. The specific reasons for rezoning the adjoining Collins parcel to A3 Residence rather than A5 Residence do not apply to this parcel. On a regional basis, protection of the

land in this block is critical for the water quality and ecology of Accabonac Harbor as well as the other reasons set forth in the Plan.

4. Opposition to rezoning from A to A5 the parcel identified as SCTM # 80-5-4.9 located along the west side of Springs Fireplace Rd. opposite Parsons Close.  
**Reasons for opposition:** 11/15/04 & 11/4/04 letters from David Eagan, MacLachlan Eagan LLP - 661 Springs Fireplace Rd (letters # 120 & 121).  
**Response:** Reasons for rezoning this land are set forth on pages 162-163 recommendation #12 in the Draft 2004 Town of East Hampton Comprehensive Plan. In addition, the fact that most of the land in Springs has already been divided into small suburban and urban lot sizes makes protection of the few remaining blocks of undivided land, including this parcel, all the more critical. These areas contribute greatly to the area's biological diversity by supporting species that would otherwise be absent from such a densely developed residential area. For example, this parcel contains the NYS protected Pink Lady Slipper plant. While the Planning Board will attempt to protect a block of land containing this protected plant species in the subdivision review process, there is no state, federal or town legislation which specifically provides protection to this state protected plant. Reducing the amount of development through rezoning as proposed can help protect the species diversity on-site and within the nearby wetlands.

Further research has revealed that portions of the site contain intact deposits of historic features eligible for listing on the National Register of Historic Places. While the Planning Board can attempt to protect these intact historic features by requiring an open space subdivision, reducing the amount of development as proposed by rezoning, will provide the flexibility needed to design a subdivision map which can preserve both the historic and unique natural features

Furthermore, this parcel has not been singled out for rezoning to A5 Residence in Springs. Also proposed for rezoning to A5 Residence are several other blocks of vacant and underdeveloped blocks of land along Springs Fireplace Rd., Red Dirt Rd., Old Stone Highway, Accabonac Rd., Three Mile Harbor Rd., Louse Point Rd. and several other locations. The proposed A5 Residence zone is a measure of density, not house lot size. Proposed subdivisions will be required to comply with East Hampton's cluster zoning requirements, which will result in lot sizes considerably smaller than 5 acres.

There are other parcels in the surrounding area and between subject parcel and Accabonac Harbor which have been developed at higher densities than proposed for subject parcel. However, nitrogen loading from **new** residential development is a major concern to the Peconic Estuary and Accabonac Harbor. Rezoning to low density residential has been proposed throughout the estuary in East Hampton to reduce future nitrogen loading from development of vacant and underdeveloped land.

5. Opposition to rezoning the parcel identified as SCTM # 80-7-43 located along Accabonac Rd. to the south of Green River Cemetery.

**Reasons for objection:** 11/4/04 public hearing comments from Donald Ferris  
**Response:** Reasons for rezoning this property are set forth on page 162 recommendation #11 in the Draft 2004 Town of East Hampton Comprehensive Plan.

There are other parcels in the surrounding area and between subject parcel and Accabonac Harbor which have been developed at higher densities than proposed for subject parcel. However, nitrogen loading from new residential development is a major concern to the Peconic Estuary and Accabonac Harbor. Rezoning to low density residential has been proposed throughout the estuary to reduce future nitrogen loading from development of vacant and underdeveloped land.

Further response to the comments objecting to the rezoning is that land cleared prior to the enactment of the clearing restrictions adopted by the Town Board in 2004 is permitted to be maintained in the existing cleared state. Therefore, the Old Field Site Type on this and other parcels of land, recognized as important for protecting East Hampton's natural resources can continue to be maintained.

6. Opposition to rezoning the parcel identified as SCTM # 62-7-2.1 located along the east side of Springs Fireplace Rd. and Fort Pond Blvd.

**Reasons for objection:** 11/15/04 letter from Richard Hammer, Biondo & Hammer LLP - property of Richard Hammer (letter # 15)

**Response:** Reasons for rezoning this land are set forth on page 161 recommendation # 7. Further, recommendations for rezonings are based on a set of criteria established to help protect the natural and cultural environment of East Hampton. These criteria have been applied on a regional basis throughout the Town where land is available for development, regardless of property size. Due to the existing land use and ownership pattern in East Hampton, some parcels of land too small for subdivision which meet the criteria for rezoning are located within blocks of land still available for development. The potentially adverse impacts resulting from rezoning a parcel of land which is too small for subdivision, but which is located within a larger block of land having subdivision potential, has been minimized by a recent Town Board amendment to the zoning code regulating building setbacks and coverage according to lot size rather than zoning district.

7. Opposition to rezoning from B to A2 Residence the parcels identified as SCTM # 95-3-8, 9.1, 9.2, 11, 10; 96-3-1.

**Reasons for objection:** 11/15/04 letter from Land Planning Services LTD-Laurie Wiltshire – DeKooning Property (letter # 102).

**Response:** Reasons for rezoning this land are set forth on page 163 recommendation #14 in the Draft 2004 Town of East Hampton Comprehensive Plan. In addition, the historic importance of the DeKooning house, studio and historic setting within this block of land further underscore the reasons for rezoning.

8. Opposition to rezoning from A to A2 Residence the parcel identified as SCTM # 83-4-19.2 located between Louse Point Rd. and Gardiners Bay.

**Reasons for objection:** 11/11/04 letter from Land Planning Services LTD. - Laurie Wiltshire - Paul Richards property (letter # 103); 11/4/04 public hearing comments from Laurie Wiltshire.

**Response:** Reasons for rezoning this land are set forth on pages 163 and 164 recommendation #15 in the Draft 2004 Town of East Hampton Comprehensive Plan.

9. Opposition to rezoning from A3 to A5 the property identified as SCTM # 63-1-6 located along the west side of Springs Fireplace Rd. and generally south of Hog Creek Rd.

**Reasons for objection:** 11/13/04 letter from Zachary Cohen (letter # 33) 10/26/04 letter from Richard Whalen - Hempstead Pasture, Zachary Cohen & Pamela Bicket (letter # 207); 11/4/04 public hearing comments from Richard Whalen and Zachary Cohen.

**Response:** Reasons for rezoning this land are set forth on page 164 recommendation #17 in the Draft 2004 Town of East Hampton Comprehensive Plan.

10. Objection to rezoning from A3 to A5 Residence the property identified as SCTM# 39-11-11.1

**Reasons for objection:** 11/ 4/04 public hearing testimony from Peter Robins, 90 Hog Creek Rd.

**Response:** Reasons for rezoning this land are set forth on page 164 recommendation #17 in the Draft 2004 Town of East Hampton Comprehensive Plan.

11. Objection to rezoning from A3 to A5 Residence the property identified as SCTM # 63-2-9.1 located on the west side of Springs Fireplace Rd.

**Reasons for objection:** 11/10/04 letter from Debra Gates Miller (letter # 134).

**Response:** Reasons for rezoning this land are set forth on page 164 recommendation # 17 in the Draft 2004 Town of East Hampton Comprehensive Plan. The future potential lot line modification between adjoining family owned parcels would require a variance from the Zoning Board of Appeals.

### **Gardiner's Bay**

12. Opposition to rezoning from A to A5 Residence the land identified as SCTM # 24-1-52.3 generally located between Fireplace Rd., Gardiner's Bay and Old Fireplace Rd.

**Reasons for opposition:** 11/4/04 letter from Edward Reale, Twomey, Latham Shea & Kelley - Mary Bayes Ryan (letter # 196), 11/12/04 letter from John Halsey, Peconic Land Trust (letter # 157); 11/4/04 public hearing testimony from Edward Reale.

**Response:** Reasons for rezoning this land are set forth on page 165 recommendation #19 in the Draft 2004 Town of East Hampton Comprehensive Plan.

Further research and public hearing comments revealed that in 1996 the property owner voluntarily filed a conservation easement over this land which reduced the potential residential build-out density from 12 to 4. This easement reduces potential

residential development and permanently protects the natural and cultural features identified as worthy of preservation on the property.

After evaluating the conservation easement already filed, rezoning the property to A3 Residence will be considered.

13. Opposition to rezoning from A to A5 Residence the land identified as SCTM #s 24-7-41.2, 41.3, 41.4 also known as Salter's Cottages.

**Reasons for opposition:** 9/30/04 & 11/8/04 letters from Richard Salter (letters 170 & 171) and 11/4/04 public hearing testimony from Richard Salter.

**Response:** Reasons for rezoning this property are set forth on page 165 recommendation # 20 in the Draft 2004 Town of East Hampton Comprehensive Plan. Further research and public hearing comments have revealed that rather than subdivide this property into the 16 lots permitted by zoning in 1988, the property owner voluntarily filed large lot and scenic easements over a portion of the property thereby greatly reducing the overall potential build-out on that section of the property. These easements greatly reduce the potential residential development of the property and help to protect the sensitive natural and cultural features on-site.

After evaluating the easements already filed, rezoning the property to A3 Residence will be considered.

14. Opposition to rezoning from A to A2 residence the property identified as SCTM # 24-7-4.4 located at 1244 Fireplace Rd.

**Reasons for opposition:** 10//28/04 letter from Nelda Brickner (letter # 26); 11/15/04 letter from Thomas Osborne, Osborne & McGowan, PC (letters 153 & 154).

**Response:** Reasons for rezoning this property are set forth on page 165 recommendation #21 in the Draft 2004 Town of East Hampton Comprehensive Plan. In addition, this land is adjacent to an approximately 19 acre block of land proposed for rezoning to A3 Residence (refer to Parcel specific comment # 12 above) and some acreage of A2 Residence zoning and development across Fireplace Rd. to the southwest. Although large areas of Springs have already been divided into smaller lots, subject area is characterized as a block of large lot, low density residential development. Rezoning as proposed is consistent with the pattern of development in the area.

### **Three Mile Harbor**

15. Opposition to rezoning from A2 to A3 the parcel identified as SCTM # 93-1-7 between Three Mile Harbor and Three Mile Harbor Rd. just south of its intersection with Copeces Lane.

**Reasons for opposition:** 11/15/04 letter from William Esseks, Esseks, Hefter & Angel - Re: Robert I. Toussie (letter # 68).

**Response:** Reasons for rezoning this land are set forth on page 166 recommendation #25 in the Draft 2004 Town of East Hampton Comprehensive Plan. Response to the additional concerns raised in the letter of objection is addressed in Section II. A. (6)

in this document, Draft Generic Environmental Impact Statement, and SEQRA Compliance.

16. Opposition to rezoning from A2 to A3 Residence a portion of the parcel identified as SCTM # 93-1-8.

**Reasons for opposition:** Letters dated Oct. 3, 2004, Oct. 26, 2004 & March 15, 2005 from Peter Mendelman, VP Seacoast Enterprises Associates, Inc (letters # 132, 133, & 133A).

**Response:** Reasons for rezoning this land are set forth on page 166 recommendation # 25 in the Draft 2004 Town of East Hampton Comprehensive Plan. In addition, the fact that most of this land contains wetlands and is already covered by a scenic easement underscores the reasons for the rezoning as proposed. While dividing one parcel of land between two distinct zoning districts is generally avoided in East Hampton, subject parcel is already divided between two distinct zoning districts for good reasons. Rezoning, as proposed, is consistent with the goals and recommendations set forth in the Comprehensive Plan.

17. Opposition to rezoning from A2 to A3 Residence the property identified as SCTM # 93-4-23 located between Copeces Lane & Springs Fireplace Rd.

**Reasons for opposition:** 10/18/04 letter from Kenneth W. Austin (letter # 8), 3/14/05 letter from Richard Hammer (letter #13A).

**Response:** Reasons for rezoning this land are set forth on page 166 recommendation # 24 in the Draft 2004 Town of East Hampton Comprehensive Plan. Further research and public hearing comments have revealed that the current subdivision map pending before the East Hampton Planning Board has undergone extensive revisions and expense after receiving Town Board exemption in 2002 from the development moratorium in effect at that time. The subdivision map now proposes to preserve a significant amount of open space within a densely developed portion of the Town. Examining build-out in this block of land proposed for rezoning to A3 Residence east of Three Mile Harbor Rd. reveals only 3 additional residential lots can be created under existing zoning, including pending subdivision application.

After evaluating the preservation efforts already underway, the history of this particular application and the negligible amount of increased residential build-out potential comparing existing zoning to proposed zoning, retaining the existing zoning will be considered.

18. Opposition to rescinding Simko & Birnbaum Lot Line Modification along the east side of Three Mile Harbor Rd. also identified as SCTM #s 93-4-28, 31, & 34.

**Reasons for opposition:** 1/21/05 letter from Phelan Wolf, MacLachlan & Eagan LLP; Re: Simko & Birnbaum Lot Line Modification (letter # 130A)

**Response:** Reasons for rezoning this property are set forth on page 166 recommendation #24.

19. Opposition to rezoning from A to A2 Residence the property identified as SCTM # 94-2-1 located on the east side of Three Mile Harbor Rd.

**Reasons for opposition:** 11/4/04 & 11/12/04 letters from Herbert Hirsch (letters 90 & 91); 11/4/04 public hearing testimony from Herbert Hirsch.

**Response:** Reasons for rezoning this property are set forth on page 167 recommendation # 30 in the Draft 2004 Town of East Hampton Comprehensive Plan. Further research and public hearing comments have revealed that of the 3 properties proposed for rezoning within this block of land, only one, SCTM # 94-2-1, has the potential for subdivision under the current zoning. This parcel contains a 19<sup>th</sup> century historic house, referred to as the John Dart House, recommended by the Town's Historic Preservation Consultant for preservation. Although the existing historic house is not protected by any local state or federal regulations, the property owner has agreed to preserve this house as part of a residential subdivision proposed to create two additional residential lots.

After evaluating the negligible amount of additional residential development permitted under existing zoning and the historic preservation benefits which could be derived from a subdivision of the land, retaining the existing zoning for this block of land will be considered.

20. Opposition to rezoning from A to A2 the parcel identified as SCTM # 75-1-30 located between Three Mile Harbor and Three Mile Harbor Rd. and just to the south of Duck Creek Marina.

**Reasons for opposition:** 11/11/04 letter from Mrs. Stephanie Siegel (letter # 177)

**Response:** Reasons for rezoning this property are set forth on pages 166 and 167 recommendation # 26. It is further noted that the existing zoning listed in the Notice of Use District (Zoning) Map Amendment and Public Hearing Pursuant to Local Law 41 of 2004 is correct.

21. Opposition to rezoning from B to A Residence the parcel identified as SCTM # 75-3-2 located on the north side of Woodbine Drive.

**Reasons for opposition:** 11/12/04 letter from Toni Somerstein (180).

**Response:** Reasons for rezoning this land are set forth on page 168 recommendation #33 in the Draft 2004 Town of East Hampton Comprehensive Plan. In addition, whereas large blocks of land in Springs have already been divided into ½ acre lot sizes, subject block of land is characterized by one acre lots consistent with the provisions of A Residence zoning.

22. Opposition to rezoning Shagwong Marina identified as SCTM # 77-5-5-1.3 from WF to A2 Residence.

**Reasons for opposition:** 11/15/04 letter from John MacLachlan, MacLachlan & Eagan - Shagwong Marina and Adjoining Properties (letter # 128).

**Response:** The Proposed Zoning Map for Springs does not depict a proposed zone change nor is one intended for this parcel. Table 28 in the Comprehensive Plan will be corrected accordingly.

23. Opposition to rezoning from A to A2 the land adjacent to Shagwong Marina identified as SCTM # 77-5-1.4 & 1.5

**Reasons for opposition:** 11/15/04 letter from John MacLachlan, MacLachlan & Eagan - Shagwong Marina and Adjoining Properties (letter # 128).

**Response:** Reasons for rezoning this land are set forth on Page 167 recommendation # 28 in the Draft 2004 Town of East Hampton Comprehensive Plan. Table 28 in the Comprehensive Plan will be corrected to list the existing zoning as A Residence.

24. Opposition to rezoning Gardiner's Island from A5 to A10 Residence.

**Reasons for opposition:** Communication from attorneys for property owners and trust

**Response:** Reasons for rezoning this land are set forth on pages 168-169 recommendation # 35 in the Draft 2004 Town of East Hampton Comprehensive Plan. As noted in these pages, rezoning alone does not provide adequate protection to this unique resource, but instead, a conservation and management plan for Gardiners Island should be developed. Such a plan has been developed and submitted to the Town Board for consideration. A Town Board public hearing to consider accepting the easements set forth in this conservation plan has been scheduled for April 14, 2005. The Town Board will consider that a signed conservation easement from the property owner for preservation of this unique resource may be appropriate to exempt this land from rezoning at this time. However, the Comprehensive Plan should continue to carry the recommendation to rezone this land to A10 Residence.

**Wainscott  
Agriculture**

1. Objection to proposal to rezone from A2 to A5 Residence (Agricultural Overlay District to remain unchanged) the parcel identified as SCTM# 200-3-46, consisting of 6.841 acres located on the east side of Beach Lane, one lot north of the Atlantic Ocean.

**Reasons for objection:** Nov. 3, 2004 letter from William J. Fleming (letter # 71).

**Response:** Reasons for rezoning this land are set forth on page 115 recommendation # 5 in the Draft 2004 Town of East Hampton Comprehensive Plan. In addition, this somewhat isolated parcel of farmland, 1 lot north of the Atlantic Ocean, was identified as part of the critical mass of agricultural soils worthy of preservation since the Agricultural Land Study was adopted as part of the Town of East Hampton Comprehensive Plan in 1982. This parcel was similarly surrounded by residential land use in 1982 as it is now. Whereas mandatory clustering and A2 Residence zoning were effective some 20 years ago to help protect his critical agricultural land base, new information, data and regulations, as described in the above referenced sections in the Comprehensive Plan support A5 Residence zoning at this time.

2. Comments on proposal to rezone from A2 to A5 Residence (Agricultural Overlay District to remain unchanged) the parcel identified as SCTM# 200-1-4.6, consisting of 21 acres located at the northeast corner of Main Street and Town Line Rd.

**Reasons for objection:** Sept. 22, 2004 letter from Daniel Voorhees of Dayton & Voorhees (letter #43).

**Reasons for support:** Nov. 9, 2004 letter from Jeffrey Bragman (letter # 23) with attached letter from Gary DePersia, broker at Allan M. Schneider (letter # 3).

**Response:** Reasons for rezoning this land are set forth on page 115 recommendation #5 in the Draft 2004 Town of East Hampton Comprehensive Plan. Further research and public hearing comments have revealed that the pending subdivision map currently before the East Hampton Planning Board proposes to significantly reduce residential development permitted under existing zoning and to preserve 74% of the farmland, a higher percentage than required by the Town Open Space Preservation Ordinance. This reduced density open space plan will also comply with the density requirements set forth in the Article 6 Suffolk County Department of Health Standards. The pending map will help protect the sweeping farmland views while also helping to protect the existing working farm, which also contributes to the scenic quality of the area.

After evaluating the preservation measures proposed in the pending subdivision map, rezoning to A3 Residence for this parcel of land will be considered.

3. Opposition to deleting the Agricultural Overlay District, rezoning from A2 to Parks and Conservation and support for rezoning to A5 Residence the parcel located on the west side of Beach Lane and also identified as SCTM # 200-2-21.

**Reasons:** Nov. 11, 2004 letter from Seymour M. Ingraham (letter # 93).

**Response:** Reasons for deleting the Agricultural Overlay District from subject parcels are set forth on page 118 recommendation # 15 in the Draft 2004 Town of East

Hampton Comprehensive Plan. The parcel is not proposed for rezoning from A2 to A5 Residence or Parks and Conservation in the Draft Plan. Further review and public hearing comments have revealed that although the parcel is not currently farmed, maintaining the Agricultural Overlay District will assure future development is subject to Architectural Review Board approval and will be consistent with the agricultural landscape of the area.

After evaluating the agricultural use in the area and the location of subject parcel within a large block of farmland, retaining the existing Agricultural Overlay District will be considered.

4. Objection to proposal to rezone from A2 to A5 the parcel identified as SCTM # 200-3-38 located on Beach Lane.

**Reasons for objection:** Nov. 15, 2004 letter from David Eagan of MacLachlan & Eagan LLP - 39 Beach Lane (letter # 119); Nov. 11, 2004 letter from Andy Babinski (letter # 9) and Nov. 3, 2004 letter from William Fleming regarding SCTM # 200-3-46 and surrounding properties (letter # 71).

**Response:** Reasons for rezoning this land are set forth on page 115 recommendation # 5 in the Draft 2004 Town of East Hampton Comprehensive Plan. The recommendation for A5 Residence zoning for this land reflects a variety of factors including the presence of prime farmland, underlying hydrologic features and regulations of the Suffolk County Health Department, existing open space patterns and scenic resources. The large amount of preserved farmland in this area helps to support the recommendation for rezoning to A5 Residence.

#### **Commercial Hamlet Center**

5. Comments on the proposal to rezone from Commercial Industrial to Central Business the parcel identified as SCTM# 197-2-17 located at 340 Montauk Highway, one lot to the east of Georgica Drive.

**Reasons for objection:** Oct. 31, 2004 letter from Bruce H. Bromberg (letter # 28) and 10/28/04 letter from Mark Davis, DVM (letter # 42).

**Reasons for support:** 11/15/04 letter from Wainscott CAC (letter # 200)

**Response:** Reasons for this rezoning proposal are set forth on page 117 recommendation # 9 in the Draft 2004 Town of East Hampton Comprehensive Plan. Recommendation #10 on page 117 recommends conducting a Wainscott Hamlet Study to include this land area. Further review and public hearing comments have revealed that the proposed rezoning would render the existing land use and most of the existing business and residential properties in this block non-conforming. Rather than render numerous lots non-conforming, it is reasonable and prudent to revisit the issue of zoning for this area after completing the Wainscott Hamlet study.

After evaluating the existing land uses in the area and the recommendation for a hamlet study for the area, retaining the existing zoning for this block of land will be considered until such time as the Wainscott Hamlet Study has been completed.

### **Montauk Highway**

6. Objection and support for proposal to rezone from A to A2 the property identified as 197-3-7.1 occupied by Cozy Cabins

**Reasons for objection:** Nov. 12, 2004 letter from Jason S. and Mathew S. Vishnick (letter # 37) and Nov. 12, 2004 letter from Eric Bregman of Gilmartin and Bregman (letter # 80)

**Reasons for support:** 11/15/04 letter from Wainscott CAC (letter # 200).

**Response:** Reasons for rezoning this land are set forth on pages 116-117 recommendation #8 in the Draft 2004 Town of East Hampton Comprehensive Plan. In addition, the Cozy Cabins property has been classified as a pre-existing non-conforming use for over 30 years. The proposed rezoning will not affect this non-conforming status. Contrary to what was asserted in one of the letters of objection, neither the 2002 Town of East Hampton Comprehensive Plan Recommendations of Dr. Lee E. Koppelman nor the 2003 A Comprehensive Plan from 2003 – 2020 for the Town of East Hampton prepared by Horne Rose et. al, recommended this site be zoned for business use. The number of parcels in Wainscott and the entire Town for which residential build-out may be affected by the rezoning proposal recommended in the Draft Plan is addressed Section II. A. (12) of this document, Potential Residential Build-out. Reasons for rezoning broad areas which contain properties already developed at higher density than proscribed by the proposed zoning district are addressed in Section II. A. (15) of this document, Residential Upzoning. Errors in the existing land use map have been addressed in Section II. A. (7) of this document, Existing Land Use.

### **Ground and Drinking Water Resources and Pine Barrens Recommendations**

7. Objection to proposal to rezone from Commercial Industrial to A5 Residence the parcel identified as SCTM# 181-1-5.1, located at 175 Daniels Hole Road, occupied by East Hampton Indoor Tennis.

**Reasons for objection:** Sept. 15, 2004 letter from Scott Rubenstein (letter #58); Oct. 27, 2004 letter from John A. MacLachlan of MacLachlan & Eagan LLP - 175 Daniels Hole Rd. (letter # 116); Nov. 15, 2004 Comp Plan And Upzonings letter from Laurie Bernhardt Wilshire, LPS, Nov. 15, 2004 (letter # 101) March 9, 2004 Tennis letter from LPS (letter 102A); 11/15/05 letter from WCAC (letter # 200) and public hearing comments from Scott Rubenstein and others.

**Response:** Reasons for rezoning this land are set forth on pages 114-115 recommendation # 4 in the Draft 2004 Town of East Hampton Comprehensive Plan. As further described in Sections II. A.( 3) & (19) of this document, CI to Residential Zoning and Water Resources, commercial and industrial land uses present a greater threat to ground and drinking water quality than residential land uses. Several studies have recommended that new industrial and commercial operations, which involve the handling or storage of organic chemicals, not be located in critical recharge areas. Many of the uses which are permitted by the East Hampton Zoning Code in the commercial industrial zone involve the use, handling or storage of organic chemicals. Subject site is located within the highest priority drinking water protection area in the entire Town.

Section II. A.(3) of this document, CI to Residential Zoning, provides a response to the concern raised about noise affecting land near the airport and the appropriateness of rezoning land in this area from CI to residential. Section II. A. (8) of this document, General Comments on the Plan provides a response to the concern raised, that the plan does not provide for commerce, workforce housing, community facilities, recreation and transportation. Section II. A. (12) in this document, Potential Residential Build-out provides a response to the concern that rezoning from CI to residential is contrary to the “reduce the total build-out of the Town goal”. Section II. A. (14) of this document, Recreation and Infrastructure provides a response to the concern about the plan providing for recreational facilities.

Finally, in response to the concern about the rezoning rendering this property non-conforming, recommendation #85 on page 97 in the Draft 2004 Town of East Hampton Comprehensive Plan sets forth a proposal to develop a new overlay district to encourage privately owned recreational facilities to remain in residential and other districts and to enable their controlled expansion. The Board has commenced discussions to develop such a district and is considering subject site for such an overlay district.

8. Comments on proposal to rezone from Commercial Industrial to Parks and Conservation the parcel identified as SCTM# 181-1-4.2 located along Daniel’s Hole Rd. and owned by the Town of East Hampton.

**Reasons for Objection:** Nov. 3, 2004 letter from Phillip Brito FAA (letter # 70), Nov. 8, 2004 letter from Pingree W. Louchheim (letter # 113) and public hearing comments from Tom Lavinio, Bruno Schrek and others

**Reasons for support:** Nov. 5, 2004 letter from Edward Porco, President, EH Trails Preservation Society (letter # 190), 11/15/04 letter from Wainscott Citizens Advisory Committee (letter #200).

**Response:** Reasons for this rezoning proposal are set forth on page 114 recommendation # 2 in the Draft 2004 Town of East Hampton Comprehensive Plan. The proposed Parks and Conservation zoning classification would not preclude maintaining clearing zones or the cutting of trees to keep a clear path for the runway. In addition, the Town Board is currently preparing an update to the existing Airport Master Plan, which includes this land.

After evaluating that subject land is part of another on-going study and the FAA has objected to rezoning at this time, retaining the existing zoning of this land until such a time as the revised Airport Master Plan has been completed will be considered. The Comprehensive Plan should continue to document the importance of this property for groundwater, unique habitat and trails purposes and urge its preservation, consistent with the need to maintain the existing airport clear zones.

9. Objection to proposal to rezone from Commercial Industrial to A5 Residence the parcels identified as SCTM # 181.1-1-1, 2, 3,4,5,6 located within the Goodfriend Park Condominium along Goodfriend Drive.

**Reasons for objection:** 11/15/04 letter from Daniel Ruzow & William Esseks, Whiteman Osterman & Hanna, LLP (letter # 209).

**Response:** Table 25 listing the parcels proposed for rezoning in Wainscott erroneously includes these parcels, which will be corrected. Reasons for excluding this land from rezoning are set forth on pages 114-115 recommendation #4 in the Draft 2004 Town of East Hampton Comprehensive Plan. The Proposed Zoning Map for Wainscott correctly depicts these parcels as excluded from the proposed rezonings.

10. Objection to proposal to rezone from A2 to A5 Residence the parcel identified as SCTM# 133-1-7 located between Route 114 and Six Pole Highway.

**Reasons for objection:** 10/27/04 letter from Eleanor O. Ratsep (letter # 163); 11/15/04 letter from Thomas Osborne, Osborne & McGowan, PC (letter # 155); and 11/4/04 public hearing comments from Eleanor Ratsep.

**Reasons for support:** 11/15/04 letter from Wainscott Citizen Advisory Letter (letter # 200).

**Response:** Reasons for this rezoning proposal are set forth on pages 114-115 recommendation # 4 in the Draft 2004 Town of East Hampton Comprehensive Plan. Further research and public hearing comments have revealed that except for subject parcel of land, the block of land within which this parcel is situated is largely subdivided and built-out. This block of land is adjacent to more densely developed land within the Village of Sag Harbor and provides a transition between the low density zoning and development in the Town and the higher density development within the Village.

After evaluating the negligible amount of additional development permitted under existing zoning, the existing land use, the proximity of this block of land to higher density development, retaining the existing zoning for this block of land will be considered.

11. Objection to proposal to rezone from A2 to A5 Residence the parcel identified as 133-1-4 located between Route 114 and Six Pole Highway

**Reasons for objection:** 11/12/04 letter from Danna G. Miller (letter # 135).

**Reasons for support:** 11/15/04 Wainscott Citizen Advisory Letter (letter # 200).

**Response:** Reasons for this rezoning proposal are set forth on pages 114-115 recommendation # 4 in the Draft 2004 Town of East Hampton Comprehensive Plan. Further research and public hearing comments have revealed that except for one parcel of land, the block of land within which this parcel is situated is largely subdivided and built-out. This block of land is adjacent to more densely developed land within the Village of Sag Harbor and provides a transition between the low density zoning and development in the Town and the higher density development within the Village.

After evaluating the negligible amount of additional development permitted under existing zoning, the existing land use, the proximity of this block of land to higher

density development, retaining the existing zoning for this block of land will be considered

12. Objection to proposal to rezone from Commercial Industrial to A5 Residence the parcel identified as SCTM# 192-3-2 located on Wolf's Hole Road.

**Reasons for objection:** 11/4/04 letter from William W. Esseks of Esseks, Hefter & Angel, D. L. Talmage (letter # 63); 2 appraisals submitted by Mary Jane Asato; Nov. 4 & 8, 2004 letters from John F. Talmage (letters # 184, 185); hearing comments from Bill Essex, John Talmage, Laurie Wiltshire, Steve Talmage, Mary Jane Asato.

**Reasons for support:** 11/15/04 letter from Wainscott Citizen Advisory Letter (letter # 200).

**Response:** Reasons for rezoning this land are set forth on pages 114- 115 recommendation # 4 in the Draft 2004 Town of East Hampton Comprehensive Plan. In addition, while this land is bordered by the railroad tracks, it is bordered on its three other sides by approximately 1,000 acres of permanently preserved open space. To the south of the railroad tracks, the parcel is bordered by low density residential use and zoning. The response to comment #2 in Section II. A. (12) in this document, Potential Residential Build-out, addresses the concern raised that rezoning from commercial industrial to low density residential is contrary to the "reduce the total build-out of the Town" goal. The response to comments in Section II. A. (3) in this document, CI to Residential Zoning, addresses the concerns about rezoning land from CI to residential in the proximity of the airport and encouraging more houses over the aquifer.

13. Objection to proposal to rezone 156-1-9.2, 181-1-7 from CI to A5 Residential (associated with New and future campus of Ross School)

**Reasons for Objection:** Nov. 15, 2004 letter from Daniel Ruzow, Whiteman Osterman & Hanna, LLP and William Esseks (letter # 209), oral comments from Laurie Wilshire, LPS at Nov. 4, 2004 Public Hearing.

**Reasons for support:** Wainscott Citizen Advisory Letter (letter # 200) - suggested 10 acre zoning for this area.

**Response:** Reasons for rezoning this land are set forth on pages 114- 115 recommendation # 4 in the Draft 2004 Town of East Hampton Comprehensive Plan. The discussion and evaluation of the Ross School and Institute was treated consistently with the same level of detail as all the other schools, cultural centers and institutes in East Hampton. Many other schools both private and public are also recommended in the Draft Plan to be rezoned to A5 Residence.

Responses to the objections raised regarding the rezoning of this property are provided in Sections II. A. (1), (2), (3), (6), (12) (14) and (19) of this document corresponding to: Affordable Housing; Business Districts and Commercial Uses; CI to Residential Zoning; Draft Generic Environmental Impact Statement, and SEQRA Compliance; Potential Residential Build-out; Recreation and Infrastructure; and Water Resources.

Schools, museums, colleges, universities and similar uses are special permit uses in both the CI and the A5 Residence District. Therefore, the proposed rezoning will not render the use of the property non-conforming.

14. Objection to proposal to rezone from A2 to A5 the 2.2 acre parcel identified as SCTM # 192-3-28.03, having flagstrip access to Daniel's Hole Rd.

**Reasons for objection:** Nov. 8, 2004 letter from John F. Talmage (letter # 185) and 11/4/04 public hearing comments from John Talmage.

**Response:** Reasons for rezoning this land are set forth on page 114 recommendation #3 in the Draft 2004 Town of East Hampton Comprehensive Plan. The Existing Land Use Map will be corrected to depict this lot as vacant rather than residential land use. Although subject parcel is smaller than the minimum lot size in the A5 Residence zone, it is part of a larger block of land, described in the above referenced section of the Draft Plan containing important groundwater and drinking water resources. Rezoning will have little or no effect on the building potential of subject lot.

15. Objection to proposal to rezone from A2 to A5 Residence the 8.2 acre parcel identified as SCTM # 192-3-25.

**Reasons for objection:** 11/3/05 letter from Richard Hammer, Biondo & Hammer, LLP (letter # 13B).

**Response:** Reasons for rezoning this land are set forth on page 114 recommendation #3 in the Draft 2004 Town of East Hampton Comprehensive Plan. Further responses to the concerns raised regarding the rezoning of this property are provided in Section II. A. (19) in this document, Water Resources.

## **Section II. Lead Agency Response to Substantive Comments**

### **C. Legal Arguments, Zoning Terminology, Parcel Specific Exemptions**

This Final Generic Environmental Impact Statement does not provide responses to the legal arguments raised in written and oral comments.

This document uses the term “upzoning” as generally accepted in East Hampton Town and other areas. Accordingly, upzoning means rezoning from one classification to another with a higher number or requiring a larger lot area such as rezoning from A Residence to A3 Residence or B Residence to A2 Residence.

Numerous written and oral comments have been submitted regarding the fairness of rezoning parcels of land which are currently under review or have received approval from the East Hampton Planning Board (letters 8, 13B, 13C, 67, 79, 90, 102A, 103, 104, 105, 105, 108, 114, 120, 121, 130A, 189, 197, 198, 207 and public hearing comments). Parcels of land which have obtained final conditional subdivision approval from the East Hampton Planning Board but have not been filed are not exempt from rezonings as a matter of law. However, parcels of land which have obtained subdivision or subwaiver approval have undergone extensive review from the Planning Board, Planning Department, other agencies and the public. Extensive time and expense is required for the preparation, review and approval of surveys, site plans, applications and legal documents (sometimes including dedications of land) required to obtain Planning Board approval. With few exceptions described in the Draft GEIS, the proposed rezonings are generally more protective of the natural and cultural environment compared to the existing zoning. After evaluating the time and expense required to obtain Planning Board subdivision or subwaiver approval with the extra level of protection obtained, the Town Board will consider exempting from meeting the provisions of rezoning the parcels of land which have received Planning Board subdivision or subwaiver approval for the period of time specified in the resolution of approval for meeting the conditions, but in no case longer than one year.

A similar argument has been made for site plan approvals. Unlike full subdivision or subwaiver approvals, site plans are often conditioned upon obtaining Health Department and other agency approval. Site plan applications which have met conditions for obtaining a building permit have met a similar level of review as subdivisions and subwaivers which have received conditional approval. The Town Board will consider exempting from the provisions of rezoning site plans at a comparable level of review as subdivisions and subwaivers.

Numerous parcels of land have been listed for preservation in the Town of East Hampton Community Preservation Project Plan, the Critical Land Protection Plan of the Peconic Estuary Plan and other documents. Whereas inclusion within an adopted plan for preservation and negotiations for preservation are not reasons for exemption from the proposed rezonings, the Town Board will consider a signed contract or an authorizing

resolution subsequent to a public hearing between the property owner and the Town for permanent preservation as a reason for exempting from the provisions of rezoning.

### **Section III. Revisions to Draft Environmental Impact Statement**

The DGEIS is hereby revised as follows:

1. On page A-18, the recommendation regarding affordable housing overlay districts identifies as a proposed site the 9.5-acre Town Hall property on Montauk Highway in East Hampton. Although discussed as a possible site during the Comprehensive Plan process, this was not a recommendation contained in the Draft 2004 Comprehensive Plan, and the reference to this site in this paragraph of the DGEIS was in error. In addition, the discussion of impacts and mitigation at the bottom of this page states that six new affordable Housing Overlay districts will be created; the number is actually four.
2. The list of studies and reports either incorporated or considered in the Comprehensive Plan, that are listed on pages A-23 and A-24 and referenced on page A-1, will more appropriately be referenced and summarized where needed in the revised Comprehensive Plan document.
3. On page A-12 of the DGEIS, the last sentence of the last paragraph in section 4.0 makes reference to Section 5.0 of the DGEIS, when the correct reference is 6.0.

#### **Section IV. Applicability of Generic Environmental Impact Statement**

The Generic Environmental Impact Statement, in both Draft and Final versions, is intended to meet the requirements of 6 NYCRR Part 617, State Environmental Quality Review (SEQR) for the adoption of the 2004 Town of East Hampton Comprehensive Plan and proposed Zoning Map. Impacts of future individual actions designed to accomplish the Vision and meet the Goals of the Comprehensive Plan may require no or limited SEQR review, in accordance with section 617.10 of SEQR, provided the actions are in conformance with the thresholds or conditions identified in the adopted Final GEIS. However, the GEIS is not intended to serve as the SEQR approval for any specific development project or class of projects.

The specific zoning recommendations, including the placement of Affordable Housing Overlay Districts, and the recommendations for acquisition of specific parcels contained in the Comprehensive Plan, were evaluated in the GEIS and will not require further SEQR review.

All future ordinances and local laws intended to implement the recommendations of the Comprehensive Plan will require further SEQR review, since the details of such ordinances or local laws have not yet been formulated and reviewed in the GEIS.

In addition, all site specific impacts of future development projects, including affordable housing developments in designated AHO districts, will be subject to site-specific review pursuant to SEQR.