



DEFOREST WILLIAMS ESTATE
Cold Spring Harbor, Town of Huntington, New York

**ENVIRONMENTAL ASSESSMENT FORM (EAF) SUPPLEMENT
RESPONSE TO COLD SPRING HARBOR CIVIC ASSOCIATION COMMENTS**

Prepared for: The Estate of Priscilla DeForest
Williams & Doug Williams
c/o Anthony Guardino
Farrell Fritz, PC
1320 RexCorp Plaza
Uniondale, New York 11565-1320

For Submission to: Town of Huntington Department of
Planning and Environment
100 Main Street
Huntington, NY 11743
(631) 351-3196

Prepared by: Nelson, Pope & Voorhis, LLC
572 Walt Whitman Road
Melville, NY 11747
Contact: Carrie O'Farrell, AICP
(631) 427-5665

Date: September 16, 2011

1.0 INTRODUCTION

This document is a Supplement to the Expanded Environmental Assessment Form (EAF) Part I report dated May 2010 and revised March 2011, and is specifically directed toward responding to comments provided by the Cold Spring Harbor Civic Association (hereafter “CSHCA”) dated September 7, 2011. Each concern identified by the CSHCA has been addressed in detail herein. It is noted that in response to the comments received, the proposed limit of clearing, grading and ground disturbance on the Preliminary Map has been revised to further limit potential disturbances of steep slope areas of the property (see **Attachment 1**). The subdivision plan which is the subject of this Supplement is dated September 15, 2011 and represents the current mitigated plan. This Supplement will provide updated information relative to this plan to assist the Planning Board as lead agency in reaching a determination of significance on the proposed DeForest Williams Estate subdivision project.

2.0 RESPONSE TO COMMENTS

Appendix A contains a copy of the written comments received by the Lead Agency from the CSHCA. Each comment has been delineated and numbered sequentially. The numbering system includes a letter code that indicates the source of the comment, followed by a number that is assigned to each consecutive comment from that source. Because a number of the comments are similar to, closely related to and/or duplicate other comments, these related comments have been grouped together, followed by a response. The comments have also been organized by topic. Each subsection established by topic below addresses the groups of comments. The comment numbers to which the response refers are listed in each subsection so that the reader may refer back to the appendix to review the comments in their original form.

Each response provides the information necessary for the Lead Agency (the Town of Huntington Planning Board) and other involved agencies to make informed decisions on the specific impacts of the project. Specific items identified in the CSHCA comment letter are responded to on a point-by-point basis by topic below:

2.1 Yield Map

Comments HB-1, LL-1 and LL-10:

These comments contest the validity of the Yield Map and its conformance to New York State Law Section 278 because the map does not provide lots for the three structures proposed to remain, including the historic residence, and depicts the proposed roadway within areas of 25% slopes. A comment requests that information be supplied to demonstrate how the roadway shown on the yield map could be constructed within the right-of-way.

Response:

According to NYS Town Law §278, “The purpose of a cluster development shall be to enable and encourage flexibility of design and development of lands in such a manner as to preserve the scenic qualities of open lands”. When reviewing cluster development, Planning Boards have

discretion to modify applicable zoning requirements in order to provide an alternative method for the layout, configuration and design of lots, infrastructure, parkland, etc.

Construction and associated grading activities for construction of internal roadways need not be confined entirely within the right-of-way, and suggestions that it need be are disingenuous. Grading activities for infrastructure may extend into individual lots in order to provide a consistent grading platform from roadway to residential structure, and is customarily performed this way on any subdivision with internal roadway system(s), and such plans have previously been approved by the Town of Huntington Planning Board. The yield map prepared by Nelson & Pope determined the maximum number of lots permitted within the R-80 Residential zoning district based upon area, dimensional, and other zoning requirements within said district, and is accurate.

The particular location of existing structures on properties may not adversely affect as-of-right yield analyses, and the cluster design not only provides an excellent example of its use to preserve scenic open space, but also provides a mechanism for the estate to voluntarily preserve the existing structures on oversized lots.

This application of the cluster concept is not required pursuant to NYS Town Law §278, but is a positive result of its proper implementation. The Planner retained by the Civic Association states that “the yield map does not conform to the standards of New York State Town Law Section 278”, but failed to realize that said Law provides standards for clustering of lots or units, not initial yield analyses. Subsection 3(b) therein simply notes that the number of building lots shall in no case exceed number which could be permitted, *in the Planning Board’s judgment*, if the land were subdivided into lots conforming to the minimum lot size and density requirements of the zoning ordinance. The subdivision application conforms to the requirements, and the intent, of NYS Town Law §278.

However, in order to further demonstrate that an accurate determination of yield has been established, an alternate 15 lot yield study has been prepared that depicts existing structures remaining completely within the bounds of individual lots. Further analyses also resulted in an additional alternate study, which yielded 16 fully conforming lots as well as the required parkland, roadway, and recharge basin dedications. Copies of both alternate yield study plans are provided as **Attachment 2**.

2.2. Disturbance of Steep Slopes & Soil Limitations

2.2.1 Disturbance of Steep Slopes

Comments HB-2, LL-2, LL-4, WB-5, WB-6 WB-8, RW-2, RW-4:

These comments assert that the Expanded EAF report does not evaluate the slopes contained on the proposed lots and urge for preservation of steep slopes to the maximum extent practicable. Comments express concern that the proposed limits of clearing indicated on the Preliminary Map will permit disturbance of slopes greater than 20% on Lots 5-10 and indicate that because information with respect to the extent of grading, fill and impervious surfaces for the individual

lots has not been supplied, the impacts due to proposed development activities can not be properly evaluated. The comments note concern that disturbances on areas of steep slope will result in destabilization of existing mature trees and may result in significant erosion and flooding problems for adjacent properties.

Response:

Section 2.1 of the Expanded EAF report provides significant detail regarding the extent of steep slopes present on the property; how the proposed Preliminary Plan has incorporated significant design elements to ensure avoidance of the vast majority of steeply sloped land areas on the property through: 1) the use of cluster design to locate development in the areas of slopes less than 10 percent; 2) proposed parkland dedication areas and a 50 foot conservation buffer in the areas of steep slopes on the property to be protected through dedication and deed restrictions; 3) an established limit of clearing line to further limit disturbance on the individual lots; and 4) retention of the existing structures on Lots 13-15, including no disturbance to significant steep slope areas contained on these lots. Additionally, to address concerns regarding potential disturbances of steep slopes in the rear of the individual lots, the proposed limits of clearing has been revised on the Preliminary Map (see **Attachment 1**) to further minimize disturbance to steep slope areas.

Section 2.1 of the Expanded EAF outlines detailed mitigation measures to be used during construction to minimize potential for erosion and off site impacts. As discussed in Section 2.1.3 of the Expanded EAF report, development of the subject property will be subject to Chapter 170 of the Town Code and the New York State Department of Environmental Conservation (NYSDEC) General Permit for Stormwater Discharges from Construction Activities requirements (“NYSDEC Stormwater Permit”). Pursuant to these requirements, a detailed Erosion Control Plan is required to provide for phasing of site disturbance, stabilization for disturbed areas, temporary means for stormwater containment during construction and erosion and dust controls. In accordance with Chapter 170 of the Town Code and the NYSDEC Stormwater Permit, inspections of the installed erosion controls are required to be conducted every seven (7) calendar days and within twenty-four (24) hours of any storm event producing 0.5 inches of precipitation or more throughout the construction period to ensure erosion controls are installed and properly maintained.

The proposed development includes a drainage system for runoff containment on the site (including a proposed recharge basin designed to far exceed the Town’s requirements for a 9-inch design storm) such that no additional stormwater overflow will occur to neighboring properties and stormwater both from the subdivision improvements and from the future individual lots will be contained on the site. Additionally, Chapter 170 of the Town Code and the NYSDEC Stormwater Permit require that a Stormwater Pollution Prevention Plan be prepared, which includes modeling of the proposed drainage system in order to demonstrate that the system is adequately designed to ensure no net increase in stormwater discharges from the property. Therefore future development of both the individual lots and the subdivision improvements must be designed to properly contain stormwater on site, including any disturbances to steep slope areas within the individual lots.

In view of the above, it is clearly demonstrated that the proposed Preliminary Map has been designed to minimize potential impacts to steep slope areas. The subdivision plan clearly depicts the protected areas and the expected building envelope areas. It is not possible to anticipate the exact location and configuration of homes, driveways, yards, accessory structures and possible use of retaining walls at this stage of review, nor is it appropriate or necessary. The proposed project is clustered to ensure that the most sensitive areas of the site are protected, and building envelopes and limits of clearing are shown to demonstrate that each of the lots has adequate area for construction of a dwelling and accessory deck, driveway, etc. This combined with the regulatory requirements for erosion and stormwater control provides a sufficient basis for analysis, and that analysis has concluded that no significant adverse impacts to groundwater or surface water resources are expected.

2.2.2 Soil Limitations

Comment LL-3:

This comment notes that four of the five soil types found on the subject property are expected to pose severe limitation on development of on-site sanitary systems, construction of roads, lawn and landscaping. The comment asserts that no mitigation has been provided to address soil limitations on the property.

Response:

Section 2.2 of the Expanded EAF report clearly describes the soil types and limitations of the same, as well as discusses mitigation measures to address potential soil constraints. As discussed in Section 2.2.2 and 2.2.3 of the Expanded EAF report, soil limitations are addressed through avoidance of steep slope areas and through proper engineering and design techniques, including use of a detailed, engineered Erosion Control Plan which will establish limits of clearing and grading, suitable grades and slopes and proper drainage conveyance and retention, as well as appropriate sanitary system design based on specific soil conditions (which must be reviewed and approved for proper percolation by Suffolk County Department of Health Services).

2.3 Ecological Resources

Comments HB-3, HB-6, LL-4, LL-5, WB-1 through WB-4, RW-1, RW-3, RW-5 and RW-6:

These comments note that a single ecological inspection in March is inadequate for proper identification of plant and wildlife species, and question the coastal oak-heath classification of described in the Expanded EAF. One comment notes the presence of rare coastal oak-laurel forest within one mile of the property (within Cold Spring Harbor State Park) and requests that any chestnut oak-mountain laurel stands on the property be identified. The comments further note that the property contains mature woodland that should be mapped and the number and size of mature trees to be cleared should be evaluated.

Response:

As indicated in the letter by William Bowman, it is noted that additional field inspections are warranted to more completely characterize the ecology of the subject site. Additional field

inspections were, in fact, conducted in July, August and September of 2011, and a revised vegetation species list is provided in **Appendix B**. During the site inspections, it was noted that a variety of oaks, pignut hickory and red maple were the predominant canopy species within the forest areas, while the understory was dominated by saplings, maple leaf viburnum and burning bush. As a result of these site inspections, it was determined that Coastal Oak Hickory forest is the most appropriate classification of the ecological community found on the subject site. Coastal Oak Hickory forest is defined by **Edinger (2002)** as “*a hardwood forest with oaks (Quercus spp.) and hickories (Carya spp.) codominant that occurs in dry well-drained, loamy sand of knolls, upper slopes, or south-facing slopes of glacial moraines of the Atlantic Coastal Plain. The forest is usually codominated by two or more species of oaks, usually white oak (Q. alba), black oak (Quercus velutina) and chestnut oak (Q. montana). Scarlet oak (Quercus coccinea) is also a common associate. Mixed with the oaks, usually at moderate densities, are one or more of the following hickories: pignut (Carya glabra), mockernut (C. tomentosa), and sweet pignut (C. ovalis). These hickories can range from nearly pure stands to as little as about 25% cover. There is typically a subcanopy stratum of small trees and tall shrubs including flowering dogwood (Cornus florida) and highbush blueberry (Vaccinium corymbosum). The shrublayer and groundlayer flora may be diverse. Common low shrubs include maple-leaf viburnum (Viburnum acerifolium), blueberries (Vaccinium angustifolium, V. pallidum) and huckleberry (Gaylussacia baccata). Characteristic groundlayer herbs are Swan's sedge (Carex swanii), panic grass (Panicum dichotomum), poverty grass (Danthonia spicata), cow-wheat (Melampyrum lineare), spotted wintergreen (Chimaphila maculata), rattlesnake weed (Hieracium venosum), white wood aster (Aster divaricatus), false Solomon's seal (Smilacina racemosa), Pennsylvania sedge (Carex pensylvanica), and white goldenrod (Solidago bicolor). Characteristic animals include eastern towhee (Pipilo erythrophthalmus), vireos (Vireo spp.), woodpeckers, and white-tailed deer (Odocoileus virginianus). Two or more topoedaphic variants are possible.*”

As described in Section 2.4.1 of the Expanded EAF report, Coastal Oak-Laurel forest is not an appropriate classification for the vegetation found on the subject site, in contrast to the positive classification of this forest type suggested by the commenter. **Edinger (2002)** defines Coastal Oak-Laurel forest as:

a large patch low diversity hardwood forest with broadleaf canopy and evergreen subcanopy that typically occurs on dry well drained, sandy and gravelly soils of morainal hills of the Atlantic Coastal Plain. This forest is similar to the chestnut oak forest of the Appalachian Mountains; it is distinguished by lower abundance of chestnut oak (Quercus montana) and absence of red oak (Quercus rubra), probably correlated with the difference between the sand and gravel of glacial moraines versus the bedrock of mountains. The dominant tree is typically scarlet oak (Quercus coccinea). Common associates are white oak (Q. alba), black oak (Q. velutina), and chestnut oak. The shrub layer is well-developed typically with a tall, often nearly continuous cover of the evergreen heath, mountain laurel (Kalmia latifolia). Other characteristic shrubs include black huckleberry (Gaylussacia baccata) and blueberry (Vaccinium pallidum). The herbaceous layer is very sparse; characteristic species are bracken fern (Pteridium aquilinum), wintergreen (Gaultheria procumbens), and Pennsylvania sedge (Carex pensylvanica). Characteristic animals include white-tailed deer (Odocoileus virginianus). This forest is often associated with coastal oak-heath forest forming a forest complex on morainal hills.

Although a few individual mountain laurels exist within the forested area, a “nearly continuous cover of the evergreen heath, mountain laurel” is not present within the forested area on the subject property. It is important to note that a few occurrences of a particular species within a forest does not constitute the definition of an entire ecological community. Rather, occurrences of species within a community are important to note to provide the most complete characterization of a community possible, but it is the predominant species located within each layer of the forest that provides the overall community classification. As such, Coastal Oak-Hickory forest remains the most appropriate classification for the forested areas located on the subject property.

With respect to the presence of mature woodland on the subject property, Section 2.4.2 of the Expanded EAF report states that upon approval of the Preliminary Subdivision, trees which are greater than 8” in diameter will be mapped within the proposed clearing area and within a 20 foot buffer surrounding the proposed clearing area. Trees of significant size which can be retained during the clearing process will be noted on the subdivision map and marked in the field to ensure their retention. Trees within the steeper slope areas of the property include mature, high quality forests, and as described in the Expanded EAF report, the vast majority of these areas are proposed to remain undisturbed. On the contrary, forested areas within much of the flatter portions of the subject property (where development is proposed) were previously disturbed farmland (as evidenced by historic aerial photographs, included in **Appendix C**) and are significantly impacted by the presence of invasive species. In particular, portions of the previously disturbed areas were comprised of a monoculture of burning bush, a recognized invasive species known to degrade the quality of ecological habitats. As the majority of the steep slope areas are to be preserved, the higher quality forested areas on the subject site will also be preserved.

Appendix B contains a list of the additional wildlife observed on the subject property during subsequent field investigations. Given the size of the property and the apprehensive nature of wildlife in the presence of humans, it is important to note that this list does not provide all species present on the subject property. Although a variety of birds utilize the subject property, not all species will utilize the site for breeding purposes. As avian species are highly mobile, the removal of a portion of the Coastal Oak-Hickory forest on the subject site will minimally impact avian species, particularly in consideration of the 27.11 acres (64.52% of the overall site) of Coastal Oak-Hickory forest proposed to remain on the subject property.

The comments with respect to ecological resources do not change the conclusions that much of the area proposed for development has been historically cleared and disturbed, and currently is subject to significant impact by growth of invasive plant species. The significant mature forested areas of the property are retained through clustering and avoidance of steep slope areas (a total of 22.10 acres of slopes to be avoided; 52.59% of the site) and therefore will continue to support the habitat and species that inhabit the site and area.

2.4 Analysis of Nitrogen Concentrations in Groundwater

Comments HB-4 and WB-7:

These comments request that the assumptions used in the Simulation of Nitrogen in Recharge (SONIR) model for estimated nitrogen loading be further explained and assert that there are potential impacts to groundwater from the proposed project which are not evaluated due to some of the hydrologic assumptions of that model.

Response:

As background, this comment indicates that the site is located in Groundwater Management Zone (GMZ) VIII and that Cold Spring Harbor is a Significant Coastal Fish and Wildlife Habitat as designated by the New York State Department of State (NYS DOS). The comment further states that several lots have clearing and grading within 800 feet of Cold Spring Harbor and are even closer to NYS DEC regulated freshwater wetlands. All if this information is contained in the March 2011 Expanded EAF (Sections 2.3 and 2.4) and was used as the basis for analysis of potential impacts; however, it is important to note that the project conforms to the density requirements of the Suffolk County Department of Health Services (SCDHS) for GMZ VIII (and is actually significantly below density as will be described below). Further the NYSDOS designation of Cold Spring Harbor as a Significant Coastal Fish and Wildlife Habitat does not confer any regulatory authority with respect to the proposed upland development at DeForest Williams Estates. Finally, the jurisdiction area for NYS DEC designated tidal wetlands ends at Shore Drive, therefore the site is not regulated by Article 25 of the New York State Environmental Conservation Law (NYSECL) and the jurisdiction area for freshwater wetlands (under Article 24 of the NYSECL) is 100 feet, therefore no freshwater wetlands permits are required.

The comment asserts that there may be a potential adverse impact to groundwater due to the analysis presented in Section 2.3 and specifically the use of the Simulation of Nitrogen in Recharge (SONIR) model and some of the hydrologic assumptions of that model. This logic is flawed and does not consider the purpose of the SONIR model or other analyses included in the Expanded EAF with respect to groundwater, surface water and ecological resource impacts.

The SONIR model simulates the concentration of nitrogen in recharge based on average hydrologic conditions for a given water year. The model is not intended to perform microscale analysis of the quantity of runoff from all given areas of the site with respect to slopes. The model does provide evapotranspiration values based on soil types and land cover and runoff values for average Long Island conditions. It is beyond the scope of the model to micro-analyze the degree to which runoff may occur based on slope analysis of specific portions of the property. However, several important points should be considered with respect to the model and hydrologic information supplied, as well as findings with respect to potential groundwater and surface water impacts, noted as follows:

- The SONIR model is referenced in terms of its purpose and value in projecting the concentration of nitrogen in recharge, as well as all hydrologic and environmental engineering values used in the model, in a user manual that is included as Appendix B-1

of the March 2011 Expanded EAF. The model is based on accepted methodologies pioneered by the Cornell Water Resources Institute that remain valid for the purpose of estimating the concentration of nitrogen in recharge.

- Under normal precipitation events, it is expected that the natural areas of the site will recharge or evapotranspire precipitation and runoff will be minimized. The soils are permeable based on soil borings on the site, and the forest cover will enhance evapotranspiration. Further, there is no evidence of significant sheet runoff or gully erosion on the site as evidenced by field inspections.
- The model uses average conditions which are appropriate for this type of analysis. For example, the model uses long-term average precipitation values in the range of 42 to 45 inches per year. Higher rainfall water years are not considered even though dilution (and runoff as well) could be higher for a specific water year. Under the simulated average conditions, the referenced values for evapotranspiration and runoff are appropriate.
- The SONIR model considers not only nitrogen impacts from sanitary wastewater, but also application of fertilizer, therefore, impacts from lawn areas are considered in the model. The development areas are surrounded by the significant forested areas retained in the dedication and buffer areas. Nutrients in runoff will be filtered and/or recharged such that groundwater and surface water impacts are not expected; that is the purpose of providing buffers from surface water areas as embodied in Articles 24 and 25 of the NYSECL and their regulations.
- The comment also ignores additional analyses presented in the Expanded EAF that pertain to potential groundwater and surface water impacts. First, the project is significantly below the density allowed by SCDHS under the Suffolk County Sanitary Code (SCSC) Article 6, which allows 20,000 SF lots in GMZ VIII. The proposed project is based on a yield of 80,000 SF lots. The allowable for the site is described in Section 2.3.2 to be over 25,000 gallons per day (gpd), yet the project will generate only 4,500 gpd of sanitary flow indicating that the project is 5.5 times more protective of groundwater resources than Article 6 would require, or is only 18% of the full allowable flow for the property. Consequently, no groundwater impacts are expected, and the analysis in the Expanded EAF remain valid.
- The project was evaluated in terms of potential surface water and runoff impacts in Section 2.3.2 of the Expanded EAF. The document references the Nationwide Urban Runoff Protection (NURP) report which identifies potential impact of runoff with respect to various land uses and presents best management practices for stormwater management. The project is a low-density residential development that conforms with best management practices for this type of development and ensures adequate containment and recharge of stormwater on-site.
- Furthermore, as detailed in Section 2.3.2 of the Expanded EAF, the project will be in compliance with Chapter 170 of the Town Code and the NYSDEC State Pollutant Discharge Elimination System (SPDES) General Permit for Stormwater Discharges from

Construction Activity (GP-0-10-001) requirements, and will include extensive erosion control requirements. The conformance with the Town Code and NYSDEC SPDES GP-10-01 requirements will include stormwater control, erosion control and pollution prevention measures.

The comment jumps to several conclusions that are not supported by the facts presented in the March 2011 Expanded EAF. One such unsupported conclusory statement is that: “*Surface runoff from residential structures and lawns would transport nutrients and sediments into the adjacent forested areas and, potentially downslope residential properties and wetlands [sic]. This would certainly be considered a significant adverse environmental impact.*” There is no evidence that would lead to this conclusion given the 800 or more foot setback between developed areas and Cold Spring Harbor, the lack of any jurisdiction with respect to tidal and freshwater wetlands, the low density of development with respect to sanitary flow, the containment of stormwater on-site, the avoidance of the vast majority of steep slope areas on the property and the extensive natural buffers that will be retained between the developed areas and the nearest surface waters or wetlands. Another such conclusory statement is reiterated as follows: “*if the applicant is proposing construction of residential structure [sic], accessory structures (including retaining walls), and lawn surfaces on the upper portions of the sites’ steep slopes, this would also constitute a significant adverse environmental impact and the potential location of the structures and retaining walls should be presented so that the environmental impacts can be evaluated*”. In view of the above, this assertion is also unsupported. In addition, the subdivision plan clearly depicts the protected areas and the expected building envelope areas. It is not possible to anticipate the exact location of homes, driveways, yards, accessory structures and possible use of retaining walls at this stage of review, nor is it appropriate or necessary. The proposed project is clustered to ensure that the most sensitive areas of the site are protected, and building envelopes are shown in the general areas where development is anticipated. This provides a sufficient basis for analysis, and that analysis has concluded that no significant adverse impacts to groundwater or surface water resources are expected.

2.5 Cultural Resources

Comments HB -5, LL-7, JM-1 through JM-3:

These comments assert that the Phase I A/B Cultural Resources Report contained in the Expanded EAF report is incomplete and inadequate in identification of historic and prehistoric features on the property and do not meet minimum state and local standards with respect to defining the area of potential effect (APE), providing historical information for the APE, and questions the results of field testing.

Response:

The purpose of a Phase IA/B Cultural Resources Report (CRA) is to determine whether a project parcels has a high, medium, or low potential for either prehistoric or historic remains. The Phase IA is not generally interpretive. In-depth research is not typically conducted until the Phase II or Phase III stage. The Phase I A determined that there was a higher than average potential for both prehistoric and historic remains given the presence of the historic homes and other known prehistoric sites in the vicinity of the property; thus requiring the Phase IB field testing. The

reviewer asserts that the report lacks information in how the APE was defined (conservatively identified as 19 acres associated with the proposed Lots 1-12 involving physical disturbance) or may impact other adjacent areas. As documented throughout the Expanded EAF report, the potential areas of disturbance have been clearly identified (accounting for access routes and staging areas) and no disturbance or physical changes are proposed for the lots containing the historic residence and barn (Lots 14 and 15) or Lot 13. The APE is correctly defined. The commenter's assertions that the Phase IA is missing "essential" historic and prehistoric information is inaccurate and irrelevant, and does not change the conclusion that the site has a high potential for either prehistoric or historic remains thereby warranting a Phase IB.

With respect to the Phase IB report, the commenter asserts that positive shovel tests were not investigated. This assertion is completely inaccurate and unwarranted. The Phase IB was conducted using methods at or above State standards. The commenter incorrectly asserts that shovel test pits were not installed to sub-soil; however the commenter incorrectly interpreted soil identifiers in the report as grey loamy sand, rather than gravelly loamy sand (as cited in the ST notes and within the CRA report). All shovel test pits were accurately completed to reach sub-soil. Field work was completed in March 2010 as described and accurately mapped on the property survey in the Phase IB report, therefore the test locations are identifiable and completed in accordance with State requirements. Tracker Archaeology Services, Inc. has prepared over 700 archaeological impact reports which have undergone NYS Historic Preservation Office (SHPO) review and approval using the same methods and report outline as the Phase I A/B included in the Expanded EAF report. SHPO is the appropriate agency to provide professional and independent review of cultural resource concerns in the state, and is the agency that issues the state standards on archaeology. The Phase IA/B report conforms to NYS standard for archeology and has been submitted to SHPO for review.

2.6 Water Services

Comment LL-6:

This comment requests information regarding how the existing water supply system on site will be abandoned and information regarding the water source for the existing cistern (which is observed to be leaking on a year round basis).

Response:

Section 1.4 of the Expanded EAF indicates that the existing system of water mains which currently extends through the subject property serves the existing structures on the subject property and two off-site single family residences located to the south of the subject property (40 Shore Road and 36 Spring Street). As it is intended that the existing water distribution lines would be abandoned, the Applicant's engineer (Nelson & Pope) contacted the Suffolk County Water Authority (SCWA) regarding the proposed abandonment of the existing distribution system on the property and requested that SCWA investigate the possibility of connecting 40 Shore Road and 36 Spring Street to an existing SCWA main and verify that these two lots are currently still connected via the existing distribution system located on the subject property (see Appendix D of the Expanded EAF).

SCWA has investigated the on-site distribution system and has verified that the on-site distribution system is currently connected to the SCWA distribution system (see SCWA correspondence, **Appendix D**). SCWA performed a test shut down of the on-site distribution system at the connection valve to the SCWA system to verify the homes both on-site and off-site that may be connected to the subject property's water distribution system. The SCWA test shut down revealed that numbers 40, 44 and 45 Walnut Tree Lane and numbers 40, 44 and 50 Shore Road were affected by the shut down (and therefore these homes are connected to the water distribution system on the subject property). Additionally, the SCWA was unable to verify a connection to 36 Spring Street (the home does not have a metered connection to SCWA). Therefore, SCWA has indicated that all the properties listed above will require relocation of their water service connections to the SCWA main. The SCWA correspondence notes that relocation of the water main connections to the SCWA main will not result in reduced water pressure to these dwellings, as the homes will be connecting to a larger diameter main (see SCWA correspondence, **Appendix D**). The connection of these properties will occur prior to the abandonment of the on-site distribution system; therefore the removal of the on-site system will not negatively impact water service to these homes.

It is noted that SCWA's inspection of property visually noted that the valve connecting the existing cistern located on the property to the distribution system on-site was in the "off" position (therefore, this tank is not actively storing water for the distribution system). The leaking water observed from the cistern is likely the result of water leaking at the shut of valve due to the age and condition of the packing along the stem of the shut off valve. Once all properties are properly connected to the SCWA distribution system, the connection of the on-site distribution system, including the on-site cistern, to the SCWA distribution system will be properly eliminated under the auspices of SCWA and the on-site distribution system and cistern will be removed as part of the subdivision construction activities.

2.7 Conformance with the Town Comprehensive Plan and Positive Declaration

Comments HB-7, LL-8 and LL-10:

These comments assert that a positive declaration is warranted and that the proposed subdivision is not consistent with the Town's Comprehensive Plan with respect to the goal to "protect Huntington's small-town suburban character; preserve its rich heritage of historic resources; maintain and enhance its aesthetic character and identity; and practice responsible environmental stewardship."

Response:

A Town's comprehensive plan is comprised of accepted planning documents and studies as well as the official zoning map and record of decisions. Section 3.1.1 of the Expanded EAF addresses the existing zoning and land use plans pertaining to the site and Section 3.1.2 addresses the conformance of the proposed project with the existing site zoning and land use plans. The comment asserts that the proposed DeForest Williams Estates subdivision is not consistent with the Comprehensive Plan Vision Statement objective which states: "Protect Huntington's small-town suburban character; preserve its rich heritage of historic resources; maintain and enhance its aesthetic character and identity; and practice responsible environmental stewardship." The

comment references reports of other experts hired to oppose the project with respect to cultural resources and ecological resources as a basis for non-conformance with the Comprehensive Plan. Comments contained in other hired expert reports are addressed on a point-by-point basis herein; however, none of the comments change the essential conclusions with respect to potential environmental impacts of the project or the conformance of the project with the Town's Comprehensive Plan, as specifically noted below:

- The proposed project is a cluster development that conforms to the existing R-80 zoning of the site and therefore conforms to the Town's Comprehensive Plan that includes the official zoning map and record of decisions. Town land use review uses clustering to preserve significant resources on parcels proposed for development. The project is consistent with a yield of one unit per 80,000 square feet (SF) which is low density development, and retains existing historic structures on newly created lots while placing any new development on the flatter, less sensitive portions of the property. Therefore, the proposed cluster subdivision advances the Town's objectives to protect Huntington's small-town suburban character; preserve its rich heritage of historic resources; and practice responsible environmental stewardship through preservation of open space and sensitive environmental areas.
- The Cultural Resources Assessment Stage I A/B included as Appendix F-1 in the March 2011 Expanded EAF fully addresses cultural resources with respect to the subject site and is presented in a format found acceptable by the New York State Office of Parks, Recreation and Historic Preservation (OPRHP) for this and numerous other reports.
- The proposed project preserves the Town's rich heritage of historic resources by retaining all significant historic structures on the site through a cluster map that places these structures on newly created lots (lots 14 and 15) and retains all existing vegetation surrounding these structures on the new lots.
- The proposed project advances the Town's objective to practice responsible environmental stewardship by retaining existing significant steep slope areas on the property (including acreage around existing structures on lots 13-15) and ensures retention of additional open space through Parkland Dedication (4.20 acres), Additional Parkland Dedication (8.64 acres), Conservation Buffer Areas (3.58 acres), a clearing and disturbance limit that has been expanded by an additional 1.67 acres within the lots to remain uncleared for this Supplement to the EEAF, and other open space that may be retained when final lot development is determined through building permit review. In all, approximately 16.42 acres or 39 percent of the site is assured to be retained in open space, plus an additional 3.30 acres of area within the lots which will not be cleared as indicated by the revised clearing line illustrated in **Attachment 1**.
- The Expanded EAF (March 2011) addresses the ecological resources of the site based on inspections conducted during winter months, and supplemented herein through additional inventory information. The comments with respect to ecological resources do not change the conclusions that many areas of the site have been historically cleared and disturbed, and the current site is subject to significant impact by growth of invasive plant species.

Nevertheless, the significant forested areas of the property are retained through clustering and avoidance of steep slope areas (a total of 22.10 acres of slopes avoided; 52.59% of the site) and therefore will continue to support the habitat and species that inhabit the site and area.

Consequently, the assertion that a positive declaration is warranted is without merit as each of these items have been addressed in detail in the submissions, and all have been mitigated to the maximum extent practicable by the proposed Preliminary Subdivision Map. With respect to conformance with the Town's Comprehensive Plan, the proposed clustered subdivision plan is consistent with the overall comprehensive plan of the Town, conforms with zoning, and conforms with clustering policies of the Town to protect cultural, scenic, aesthetic and environmental resources for proper land management and environmental stewardship.

2.8 Alternatives

Comment LL-9:

This comment asserts that a DEIS must include an evaluation of alternatives and requests that an alternative which includes partial acquisition of the property should be presented.

Response:

The State Environmental Quality Review Act (SEQRA) requires that reasonable alternatives are evaluated as part of an Environmental Impact Statement (EIS). An EIS has not been required for the subject application. Alternatives have been considered through refinement of the subdivision plan by Town Planning staff and Planning Board review over the two years. The subdivision plan has evolved to the current plan, which is currently presented in **Attachment 1**, and which mitigates and minimizes environmental impacts as discussed herein. To date, a formal offer to purchase the property or a portion of the property has not been presented to the applicant. Therefore, the current subdivision plan provides for cluster development based on the allowable yield of the property, consistent with Town Law §278, while preserving the historic and critical environmental resources of the property. Development and evaluation of further subdivision plan alternatives is not warranted at this time.

3.0 CONCLUSION

Sufficient information is available for the Planning Board to render a Determination of Significance for the project. The CSHCA comment letter raises concern with respect to the yield map, cultural resource issues, disturbance of steep slopes and potential for erosion and flooding, disturbance of mature vegetation, as well as other impacts; however, each of these items have been addressed in detail in the submissions, and all have been mitigated to the maximum extent practicable by the proposed Preliminary Subdivision Map; as required by SEQRA. Cultural resources and disturbance of natural vegetation issues are addressed through the preservation of the existing historic dwellings on large lots, the proposed "cluster" configuration of the proposed building lots and through preservation of 16.42 acres or 39% of the property as preserved park dedications and a 50' conservation buffer. No disturbance is proposed on Lots 13-15 (which

contain the historic structures), and the limit of clearing line has been revised to further reduce disturbances to the steep slope portions of the property. In total, the proposed project would limit disturbance to 12.97 acres (30.87%) of the property, including over 95% of the steep slope areas of the site. Erosion is minimized through a detailed grading plan that establishes slopes of less than 1:3 coupled with construction methods including use of NYSDEC recommended erosion controls, proper grading techniques and ground cover stabilization, all which must be outlined in a detailed Erosion Control Plan and Stormwater Pollution Prevention Plan that is reviewed by Town Engineering and must be approved by the Planning Board. Flooding is addressed through proper runoff containment on the site (including a proposed recharge basin designed to far exceed the Town's requirements for a 9-inch design storm) such that no additional stormwater overflow will occur to neighboring properties and stormwater both from the subdivision improvements and from the future individual lots will be contained on the site.

None of the issues raised by the CSHCA are considered to identify significant adverse impacts associated with the project, particularly in view of the refinement of the proposed project subdivision plan which has resulted in a mitigated project design that minimizes adverse environmental impacts to the maximum extent practicable. The project conforms to zoning, provides preservation of more than half the property through clustering and open space preservation, protects the unique historic and natural features of the site, and retains substantial open space at no cost to the public. As a result, it is respectfully submitted that the Planning Board consider issuance of a Negative Declaration for the proposed mitigated project.

APPENDICES

APPENDIX A

WRITTEN COMMENTS TO EAF

Cold Spring Harbor Civic Association (CSHCA)

HERBERT M. BALIN
PARTNER
DIRECT DIAL 516.296.7018
hbalin@certilmanbalin.com

September 7, 2011

VIA FEDERAL EXPRESS
Hon. Paul Mandelik, Chairman
and Members of the Planning Board
Town of Huntington
100 Main Street
Huntington, NY 11743

**RE: DEFOREST WILLIAMS ESTATE – APPLICATION FOR
SUBDIVISION AND CLUSTERING PURSUANT TO SECTION 278 OF
THE TOWN LAW**

Dear Chairman Mandelik and Board Members:

As you know, we have been retained to represent the Cold Spring Harbor Civic Association (“CSHCA”). On our client’s behalf, we hereby request that the Board adopt a Resolution of Positive Declaration in regard to SEQRA in regard to the above-referenced Application.

CSHCA has retained various experts to review the Expanded Environmental Assessment Form (“EEAF”) submitted in support of the above-referenced Application. We are delivering to you herewith copies of the *curriculum vitae* of those experts together with their reports and would like to call your attention to specific portions thereof as follows:

A. Planner, Lisa Liquori.

Ms. Liquori highlights in her findings that the yield map does not comply with Section 278 of the New York State Town Law (“Town Law”), i.e., historic residences that are proposed to remain straddle Lots 11 and 12. She further points out that land in the proposed roadway (Mowbray Lane North Extension) requires additional land area which would affect the lot size of one of the lots shown on the yield map.

HB-1
Sec. 2.1

Town Law Section 277 charges the Planning Board to require that the land shown on any proposed plan can be used safely “without danger to health...drainage or other menace to neighboring properties.” The report indicates that the EAF does not analyze the slopes in a way to assure that there will be no detrimental effect to any of the existing homes at the bottom of these high slopes.

HB-2
Sec. 2.2.1

Hon. Paul Mandelik, Chairman
and Members of the Planning Board
Page 2

B. Land Use, William Bowman.

Of interest in Mr. Bowman's report is his finding that the EAF inaccurately characterizes the ecological conditions present on a majority of the site. He further points out that the EEAF fails to adequately designate the features of the forest, including high quality, mature forest stands and fails to adequately characterize the ecological resources on this 42 acre parcel. He also points out that a single field inspection is inadequate for assessing the wild life community and herbaceous plant species. Mr. Bowman's report further indicates that without knowing the proposed residential structures to be erected and the methodology to prevent surface run-off, from these upper steep slopes, it is impossible to judge what, if any, significant adverse environmental impact it would have on the surrounding land.

HB-3
Sec. 2.3

HB-4
Sec. 2.4

C. Archeologist, Jo-Ann McLean.

Ms. McLean analyzes the archeological investigations conducted by Tracker Archaeology Services. She points to numerous deficiencies and cites that the report does not address past and present land uses, soil description, USDA soil map, any discussion regarding expectations for depth of cultural deposits, the lack of background on Robert DeForest, the relationship, age, historic association and documentation of the cabin...cistern...hedge garden, the significance and proposed mitigation of the Victorian period garden and the fact that the Area of Potential Effect ("APE") is part of the Shore Road Historic District. Her conclusion sets forth many missing factors which result in an improper evaluation of the environmental impact of this application.

HB-5
Sec. 2.5

D. Horticulturist, Richard Weir III.

Mr. Weir's comments are quite significant, including his concerns about soil erosion, the failure to list significant native trees and an overall plan to prevent destruction of some of these most rare and undisturbed trees.

HB-6
Sec. 2.3

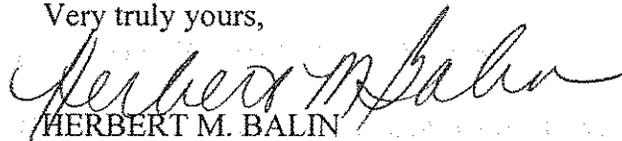
Hon. Paul Mandelik, Chairman
and Members of the Planning Board
Page 3

CONCLUSION

Based on the reports attached and the deficiencies in the EEAF enumerated therein, we respectfully request that this Board adopt a Resolution of Positive Declaration under SEQRA requiring the preparation of a Draft Environmental Impact Statement ("DEIS"). We further request that the Board schedule a Public Scoping Session for the DEIS

HB-7
Sec. 2.7

Very truly yours,



HERBERT M. BALIN

HMB/lm

cc: Deputy Town Attorney
Town Clerk
Anthony Guardino, Esq.
Anthony Aloisio, Director of Planning & Environment

Lisa Liquori, AICP
Fine Arts & Sciences, LLC
P.O. Box 398
East Hampton, NY 11937
Lis.liquori@gmail.com
917.656.8363

September 7, 2011

Chairman Paul Mandelik and the Planning Board
Huntington Planning Board

RE: Preliminary Map of Deforest Williams Estate and Environmental Assessment

Dear Chairman Mandelik and Members of the Board

I have been retained by the Cold Spring Harbor Civic Association to review the Deforest Williams Estate Preliminary Subdivision and Environmental Review and offer the following for your review and consideration. As indicated by my attached CV, I served as the East Hampton Town Planning Director for 15 years prior to founding the planning and environmental consulting firm, Fine Arts & Sciences, LLC ten years ago.

Overview

The 42 acre parcel of land, zoned R-80, is partially within the Town's Cold Spring Harbor Historic District and the Shore Road Historic District. The single family residence and barn located within the southwestern portion of the property are located within these historic districts and are proposed to be preserved. Another residential building within the central portion of the property is also proposed to remain.

The proposal is for a 15 lot cluster subdivision, with three of the lots proposed to contain the existing residences and structures and the remaining 12 lots available for new residential development.

No determination of significance pursuant to SEQRA has been made by the Planning Board, the lead agency. The Planning Board is accepting comments on the yield map, the cluster map, the environmental analysis and the SEQRA determination.

Yield Map

As stated in the overview section, the site is currently improved with an historic residence and historic barn in the southwestern section of the property, identified as 90NR01844 National Register of Historic Places and contained within the Town of Huntington's Cold

LL-1
Sec. 2.1

Spring Harbor and Shore Road Historic Districts. Although these structures, together with another residence on the property are proposed to remain in their existing location, they do not conform to the minimum zoning requirements on the yield map. The historic residence is proposed to straddle lot lines 11 and 12, not permitted by zoning, and the associated historic structures do not meet the minimum side yard setbacks in lots 10 and 11. The residence proposed to remain in the central portion of the site does not meet zoning standards as it is located wholly outside lot lines, and instead lies within the cul-de-sac for Mowbray Court.

LL-1
Sec. 2.21

It has been estimated that 61% of the site contains slopes greater than 10%. While it may be the practice of the Huntington Planning Board to allow lots within a yield map to contain steep slopes, especially with lots in the R-80 zone, the roadway design, cut and fill must be confined to the 50 foot right-of-way. The proposed roadway, Mowbray Lane North Extension, traverses areas of 25% slopes, which may require additional land area outside the right-of-way to accommodate the cut and fill to design this roadway.

In sum, the yield map does not conform to zoning with respect to the historic and other structures proposed to remain. Although the roadway traverses slopes greater than 25% in places, cut and fill diagrams depicting how the roadway can be constructed within the right-of-way have not been supplied. The yield map does not conform to the standards of New York State Law Section 278.

Environmental Review-

The 42 acre site is replete with unique and unusual natural, historic and cultural features. The required identification, analysis, avoidance and mitigation pursuant to the provisions of SEQRA have not been conducted as more thoroughly discussed below.

Slopes-

As indicted in the yield section of this report, approximately 61% of the site contains slopes greater than 10% and is classified as a Hillside Area by the Huntington Town Code. Figure 2-2 of the applicant's submission depicts these slopes. However, neither the expanded EAF nor the attachments provide an analysis of these significant slopes in relation to the proposed lots in the preliminary map. It is critical that this analysis be conducted at this time in order to determine whether the development of these lots will have an adverse impact on not just the steep slopes, but the significant trees growing on these slopes and the erosion control this vegetation provides. Further, without this analysis, size of building envelopes cannot be determined. Mitigation for development on these steep slopes is not just to seek permits pursuant to Section 198-64 of the Huntington Town Code as stated in the expanded EAF, but to avoid these slopes as much as practicable. Without an evaluation of the slopes contained within the lots before the map proceeds to preliminary approval, avoidance of steep slopes to the maximum extent practicable cannot be accomplished.

LL-2
Sec. 2.2.1

Soils-

According to the expanded EAF, four of the five soil types found on the property are expected to pose severe limitations on development in respect to on-site sewage disposal, local roads and streets, lawns and landscaping. While a soils map is included in the expanded EAF, there is no comparison or analysis of these restricted soils with respect to the proposed lots nor is there any mitigation proposed to address the severe limitations.

LL-3
Sec. 2.2.2

Vegetation, Wildlife, Flooding and Erosion-

As indicated in the reports prepared by William P. Bowman, PhD of Land Use Ecological Services and Richard Weir, III of Horticultural Solutions, the vegetation identification contains major inaccuracies and is largely incomplete. The proposed preliminary map may have adverse impacts on the large stand of native woodland, which has not been properly identified, mapped or avoided. Further, by destabilizing the wooded slopes, the subdivision could result in severe flooding and erosion problems to neighboring properties. Similarly, the wildlife identification in the expanded EAF relied upon one field visit in March. A more thorough field analysis must be conducted for this rather spectacular site to properly identify and mitigate the potential adverse impacts resulting from the proposed subdivision.

LL-4
Sec. 2.2.1 &
Sec. 2.3

LL-5
Sec. 2.3

Drinking water –

According to the expanded EAF, the on-site private water systems will be replaced by Suffolk County Water Authority piping and water supply. No information has been provided as to how and whether the existing private water pipes will be removed, replaced and/or abandoned. This is a particular concern as the site contains what has been characterized as an abandoned cistern from which water flows on a year-round basis regardless of rainfall occurrences. No documentation as to the actual source of the water flowing from this “cistern” has been provided as part of this subdivision review process and no information as to how the existing water lines will be removed has been provided.

LL-6
Sec. 2.6

Historic and pre-historic resources –

As indicated in the Jo-Ann McLean report, the identification of the historic and pre-historic features is incomplete and inadequate to meet minimum state and local standards. It is missing essential information, it does not address some of the essential historic features, such as the extant garden, and it does not address the impacts or propose mitigation.

LL-7
Sec. 2.5

Comprehensive Plan-

The Vision Statement with respect to Community Character as articulated in the Huntington Comprehensive Plan states: “Protect Huntington’s small town suburban character; preserve its rich heritage of historic resources; maintain and enhance its aesthetic character and identity; and practice environmental stewardship. As noted above and in the Jo-Ann McLean report, the analysis for the Deforest Williams subdivision has

LL-8
Sec. 2.7

neither identified nor preserved the rich heritage of historic resources on-site. As indicated in the William P. Bowman report, the forest type has not been properly identified; the large trees have not been located and the impacts to this unique feature have not been identified or mitigated. In sum, the preliminary plan does not comply with the Vision Statement articulated in the Comprehensive Plan.

LL-8
Sec. 2.7

One of the strategic initiatives identified to help achieve the Vision Statement articulated in the Comprehensive Plan as a priority action by town government pertains to Development Quality. Accordingly, the Initiative States: "Raise the bar on development quality and sustainability through standards tailored to retain and complement the unique identity of the Town's diverse neighborhoods, villages, and commercial areas, while addressing environmental, traffic and other impacts." As pointed out in this report, the Deforest subdivision does not meet standard yield requirements nor does it properly identify the unique natural, cultural and historic characteristics. As one of the last remaining subdividable parcels of land in the area, this application fails to "raise the bar" on development quality.

Alternatives-

One of the key provisions of SEQRA and an environmental impact statement is the alternatives section. A DEIS must include a description and evaluation of the range of reasonable alternatives to the action. In addition to alternatives which could better mitigate the adverse environmental impacts, an alternative which includes a partial acquisition would be helpful to present, considering the discussions and the history of development of this parcel. The expanded EAF does not provide these essential alternatives analysis, as would be required in an environmental impact statement.

LL-9
Sec. 2.8

Summary-

In summary, the Deforest Williams preliminary cluster map is not based on an acceptable yield map. The environmental analysis is deficient and inaccurate. A positive declaration pursuant to SEQRA should be filed and an environmental impact statement should be required.

LL-10
Sec. 2.1 & 2.7

If there are any questions on this matter, please do not hesitate to contact me.

Lisa M. Liquori, A.I.C.P.
PO Box 398
East Hampton, NY 11937
E-mail: Lis.Liquori@gmail.com
(917)656-8363

EDUCATION

New School for Social Research, New York, N.Y.
Mediation and Conflict Resolution Certificate, 1987
University of Pennsylvania Graduate School of Fine Arts
Master of Regional Planning, May 1980
State University of New York at Binghamton, Harpur College
Bachelor of Arts, Environmental Studies, June 1978

PROFESSIONAL EXPERIENCE

President and Co-founder **April 2001- present**
Fine Arts & Sciences, LLC

- **Develops project, plans and implementation strategies for:** Affordable Housing; Downtown Business Areas; Coastal and Waterfront Management; Drinking Water Resources; Environmental Protection and Outreach; Farmland Protection and Agricultural Promotion; Flooding and Erosion; Historic and Pre-Historic Resources; Museum and Exhibit Development; Natural Resource Restoration; Open Space Acquisition; Parkland Enhancement; Stormwater Runoff; Scenic Resources; Sustainability Planning; and Visioning.
- **Forges partnerships to develop plans and leverage financial resources** between government agencies and non-profit organizations. Partnerships and working relationships have been developed with numerous jurisdictions within Nassau County, Suffolk County, individual Long Island municipalities, multiple New York State agencies, County Health Departments, US Environmental Protection Agency, NYSDOT and community leaders.
- **Prepares planning and environmental reports and provides expert testimony, affidavits and technical advice before federal, state and local courts and jurisdictions.**
- **Obtains foundation and grant funding to implement programs and projects.**

Land Use



REVIEW OF EXPANDED EAF REPORT PREPARED BY NELSON POPE & VOORHIS FOR THE DEFOREST WILLIAMS ESTATE RE-SUBDIVISION

Prepared by:
William P. Bowman, PhD
Land Use Ecological Services

Prepared for:
The Cold Spring Harbor Civic Association

September 5, 2011

Summary:

The expanded EAF submitted by the applicant inadequately assesses the ecological, soil, and water (both groundwater and surface waters) resources found at the subject property and the potential impacts to these resources resulting from the proposed action. Accordingly, the applicant's claim that the proposed action will not result in any significant adverse impacts cannot be substantiated.

Ecological Resources:

The expanded EAF states that 89.86% of the subject property consists of coastal oak-heath forest and Figure 2-5 of the EAF indicates that this forest type occurs throughout the steep slopes on the western portion of the property and the flat areas located on top of the steep slopes. A field inspection by William Bowman, PhD (Land Use Ecological Services) on August 19, 2011 indicated that the forests on the subject property are not coastal oak-heath forests. Coastal oak-heath forests are generally dominated by two or more species of oak, such as scarlet oak, (*Quercus coccinea*), white oak (*Quercus alba*) or black oak (*Quercus velutina*), and, most importantly, feature a well-developed and continuous understory layer of lowbush blueberry (*Vaccinium pallidum* and *Vaccinium angustifolium*) and black huckleberry (*Gaylussacia baccata*). The expanded EAF states that "blueberry is the predominant understory species". However, this is not the case and lowbush blueberry was not observed to be the dominant understory shrub species during the field inspection. Accordingly, the expanded EAF has inaccurately characterized the ecological community present at the large majority of the site.

WB-1
Sec. 2.3

The expanded EAF indicates that its assessment of the subject property's natural resources was based on a single field inspection in March 2010 and lists only 24 plant species from this inspection. Of the 24 plant species listed by the applicant, nine species (38%) were invasive plants. This is completely inadequate to accurately characterize the ecological resources a 42.0 acre property known to feature high-quality, mature forest stands. Furthermore, the expanded EAF fails to acknowledge that these mature forests contain very large specimen trees, particularly chestnut oak (*Quercus prinus*) and black

WB-2
Sec. 2.3

oak (*Quercus velutina*), or mention the diameter of the trees that will be cleared on the upper slopes and flat portions of the subject property. The expanded EAF does indicate that trees greater than 8" in diameter will be mapped upon Preliminary Subdivision approval. However, the expanded EAF does not indicate that the location of these large trees shall be identified for preservation within the proposed subdivision. Due to the important habitat and erosion prevention benefits of these large trees and the failure of the applicant to provide an assessment of the large trees that will be preserved and cleared, it is not possible to conclude that no significant adverse environmental impacts will result from the proposed action.

The expanded EAF also indicates that mossycup oak (*Quercus macrocarpa*) was observed in the subject property. Long Island is not within the native range of mossycup oak; therefore, it is highly unlikely that this species was observed on the subject property. This misidentification indicates that a more thorough botanical inventory of the subject property must be completed to assess the ecological impacts of the proposed action.

WB-3
Sec. 2.3

The New York Natural Heritage Program indicates that a significant ecological community, coastal oak-laurel forests, is known to occur within 1 mile of the subject property. Coastal oak-laurel forest is rare in New York State (S3 designation) and is known to occur at only 21-100 locations throughout New York State. In light of the inaccurate identification of the forests on the subject property as coastal oak-heath forests, the applicant must provide further justification for its conclusion that no stands of coastal oak-laurel forest exist on the subject property. New York Natural Heritage indicates that the oak-laurel forests at the Cold Spring Harbor State Park consist of a chestnut oak (*Quercus prinus*) canopy and mountain laurel (*Kalmia latifolia*) understory. The applicant indicates that chestnut oak is one of the dominant tree species on the slopes of the subject property. Therefore, the applicant must identify any chestnut oak-mountain laurel stands on the subject property and must justify its conclusion that there are no coastal oak-laurel stands on the property by providing a detailed description of the differences in forest composition and structure between the subject property and the known coastal oak-laurel forest at Cold Spring Harbor State Park.

The single field inspection performed in March is also inadequate for assessing the wildlife community and herbaceous plant species present at the subject property. As a result, the expanded EAF lists only two herbaceous weeds (wild onion and garlic mustard) and 8 bird species. For example, the expanded EAF does not list any neotropical migrant songbirds as species that were observed on the subject property. This is clearly not the case, as the mature forests located on the property would be expected to provide breeding and stop-over habitat for migratory songbirds. Considering the large size and high quality of the site's forests, it would be necessary to conduct field inspections on multiple dates throughout the growing season in order to accurately assess the botanical and wildlife resources on the subject property. The expanded EAF does state that the 79 bird species listed on the New York State Breeding Bird Atlas for the 25 km² census block surrounding the subject property are likely to be found on the subject property. However, the applicant provides no assessment of the number and size of native trees that will be cleared on the subject property and the area of high quality, mature mixed hardwood forest that will be lost from the proposed action and the significance of the potential impacts of these habitat losses to migratory and breeding birds.

WB-4
Sec. 2.3

As described above, the expanded EAF provides an inaccurate assessment of the ecological community present on the subject property and an incomplete inventory of the plant (tree, shrub, and herbaceous plant) and wildlife species present on the subject property. Furthermore, the expanded EAF does not provide an assessment of the number of trees that will be cleared for the proposed action, the size of the

trees that will be cleared, and the acreage of mature forest along the upper slopes that will be cleared. Without this information, it is not possible to properly assess the environmental impacts of the proposed action and it is certainly not possible to conclude that the proposed action shall have no significant adverse impacts.

Erosion:

The proposed action has the potential to result in significant adverse impacts to the adjacent forests, private properties located downslope of the subject property, and nearby freshwater wetlands through the generation of stormwater during construction and the erosion and transport of sediments to these adjacent areas. In addition, removal of forest trees from the upper slopes of the site's hills and potential conversion of this forested area to lawn may result in increased surface runoff to downslope forests and residential properties. The site plan indicates that the proposed limit of clearing and ground disturbance will not be located at or above the top of the steep slopes on Lots 5-10. Instead, on these lots, the proposed clearing limits shall allow for clearing, grading, and construction on slopes greater than 20% and with a vertical drop of between 20-30 feet between the level portion of the building lots and the proposed clearing limits. Soil exposure associated with the proposed clearing, grading, and construction on these steep slopes could result in erosion, transport, and deposition of large plumes of stormwater and sediments in the adjacent forest area which would degrade the habitat quality of these forests.

WB-5
Sec. 2.2.1

The applicant indicates that a Stormwater Pollution Control Plan (SWPPP) and Erosion and Sediment Control Plan (ESCP) will need to be developed for the proposed action. However, at this time, the applicant has not indicated the erosion and sediment control protection measures that will be utilized and, therefore, it is not possible to conclude that these protection measures will be sufficient to prevent the loss of sediment from the disturbed steep slopes and transport to the adjacent forests and residential properties. In addition, the applicant provides no information on the number and size of trees that will be cleared on these steep slope (as stated previously), the area of impervious and pervious surfaces proposed for these slopes, the post-construction grades on these slopes, the quantity of fill may be needed for construction on these slopes, and the size of retaining walls that may be necessary to build structures in these steep slopes areas. Without this information, the applicant's conclusion that no significant adverse impacts shall result from the proposed action cannot be supported.

WB-6
Sec. 2.2.1

Coastal and Groundwater Resources:

The subject property is located entirely within contributing watershed of Cold Spring Harbor and is within Groundwater Management Zone VIII. Cold Spring Harbor is listed as a Significant Coastal Fish and Wildlife Habitat by the New York State Department of State-Division of Coastal Resources. Several of the proposed building lots (Lots 5-8) have clearing and grading limits that are within 800 feet of the tidal surface waters of Cold Spring Harbor and are even closer to the NYSDEC-regulated freshwater wetland H-3. Considering the importance of maintaining the quality of Long Island's groundwater and coastal surface waters, the applicant is correct to estimate the expected nitrogen loading to groundwater and surface water resources.

WB-7
Sec. 2.4

The applicant has indicated that a large fraction of the subject property (25.4 acres or 60.5%) shall remain naturally vegetated in the proposed parkland dedication and 50-ft conservation buffers. This large area of preserved land appears to adequately compensate for the nitrogen production from sanitary systems and lawn fertilization on the proposed residential lots. Accordingly, the estimated nitrogen concentration of water infiltrated into the ground and recharged to groundwater calculated by the applicant is 2.63 mg/L which is substantially below the NYSDEC standard of 10 mg/L. Therefore, the



- applicant concludes that no adverse environmental impacts shall occur to groundwater and surface water resources.

The applicant has estimated the expected nitrogen loading concentration under the proposed action through the use of a quantitative model of nitrogen and water recharge (SONIR). As described below, the calculations of the SONIR model include important assumptions that must be justified in order to validate the conclusion that no adverse environmental impacts from nitrogen loading are expected. The SONIR model assumes evapotranspiration, recharge/infiltration, and runoff coefficients of 0.57, 0.41, and 0.02, respectively, for lawn surfaces and 0.57, 0.43, and 0.01 for natural (i.e. forest) surfaces. These runoff coefficients seem low and the applicant must both justify the use of these coefficients and explain the applicability of the cited reference for these coefficients (Peterson, 1987) for estimating runoff on residential subdivision sites. The SONIR model does not include variation in evapotranspiration, recharge/infiltration, and runoff coefficients with topographic slope and therefore assumes that the entire site is uniformly flat. It seems reasonable that substantially more runoff and less infiltration would be expected on the steep slopes present at the subject property relative to the flat areas; however, SONIR does not account for this variation.

The assumptions in the SONIR model described above pertain to the calculation of the expected water infiltration/recharge under proposed conditions rather than the expected nitrogen production through sanitary systems, fertilizer application, and pet waste. However, in order to derive the calculated nitrogen concentration in recharge, the model divides the expected nitrogen production (549.9 lbs) by the expected groundwater recharge volume (95,031,612 liters). Therefore, underestimating the surface runoff at the site will result in an overestimate of the volume of water infiltrated/recharged into the ground. This overestimate of recharge volume would serve to “dilute” the expected nitrogen production by the proposed action. Therefore, the applicant must justify the recharge/infiltration and runoff coefficients utilized by the SONIR model. If revision of these coefficients is necessary, the nitrogen loading concentration must be re-calculated to confirm compliance with the 10 mg/L NYSDEC water quality standard. In addition, the nitrogen concentration of surface runoff should also be estimated and natural resources which may be adversely impacted by this surface runoff should be identified.

As described above, the applicant’s SONIR model assumes that nearly no runoff water will be generated on the subject property under proposed conditions. This could be attainable through the use of drainage structures constructed to collect stormwater runoff from proposed road surfaces, residential impervious surfaces (roofs, driveways, patios, etc), and lawn surfaces *if* all proposed development were located landward of the top of the site’s steep slopes. However, on some portions of Lots 5 and 7-9, the proposed limit of clearing and grading is 50 ft to more than 100 feet (horizontal distance) downhill from the top the slope with a vertical drop of 20 to 30 ft. It seems implausible that nearly no surface runoff would be generated by the potential construction of residential structures, accessory structures, or lawn areas on these steep slopes areas. Surface runoff from residential structures and lawns would transport nutrients and sediments into the adjacent forested areas and, potentially, downslope residential properties and wetlands. This would certainly be considered a significant adverse environmental impact. The only way to prevent surface runoff from these upper steep slopes areas (other than avoiding clearing and construction on them) would be through substantial regrading and filling of these upper slopes and the construction of extensive retaining walls and drainage systems. If the applicant is proposing construction of residential structure, accessory structures (including retaining walls), and lawn surfaces on the upper portions of the site’s steep slopes, this also would constitute a significant adverse environmental impact and the potential location of the structures and retaining walls should be presented so that the environmental impacts can be evaluated.

REVIEW OF REPORT:

**PHASE IA AND PHASE IB ARCHAEOLOGICAL INVESTIGATION
CONDUCTED BY TRACKER ARCHAEOLOGY SERVICES, INC. FOR
THE DEFOREST WILLIAMS ESTATE RE-SUBDIVISION,
COLD SPRING HARBOR, TOWN OF HUNTINGTON, SUFFOLK COUNTY,
NEW YORK**

Reviewed by: [Faint signature]

Reviewed by: [Faint signature]

Reviewed by: [Faint signature]

Reviewed by: [Faint signature]

Prepared by:
Jo-Ann McLean, Inc. Archaeological Consultants
Jo-Ann McLean, M.A., R.P.A.
Principal Investigator

Prepared for:
The Cold Spring Harbor Civic Association

AUGUST 2011

TABLE OF CONTENTS

	PAGE
1.0 INTRODUCTION	3
1.1 Review of Report	3
2.0 ASSESSMENT OF ARCHAEOLOGICAL INVESTIGATIONS	3
2.1 Phase IA Documentary Study	3
2.2 Phase IB Field Work	4
3.0 CONCLUSIONS	6
References	8

1.0 INTRODUCTION

1.1 Review of Report

The purpose of this report is to review the Phase IA and Phase IB Archaeological Investigations conducted by Tracker Archaeological Services for the DeForest Williams Estate re-subdivision Cold Spring Harbor, in order to establish whether this report appropriately addresses the known and potential cultural resources associated with this site. This review assesses each Phase of work separately and offers an opinion regarding the adequacy with which the report meets New York State Standards for that phase of work.

2.0 ASSESSMENT OF ARCHAEOLOGICAL INVESTIGATIONS

2.1 Phase IA Documentary Study

New York State Standards clearly define the guidelines for Phase IA projects (NYS 2005). Mr. Cammisa adequately addresses some of these standards including maps and figures, project map, and project photographs; however his report overlooks other critical guidelines. These are itemized and discussed below.

1. *"Project description: Concise discussion of the undertaking, including all associated impacts. This discussion is especially important when the Area of Potential Effect (APE) is different than the project boundaries...As defined in 36 CRF Section 800.16(d) the Area of Potential Effect means the geographic area or areas within which an undertaking may directly or indirectly cause alterations in the character or use of historic properties, if any such properties exist. Therefore an APE definition needs to consider any areas of direct construction impact as well as access roads, staging areas, utility lines or any other areas that the construction contractor may have access to in association with a project. It is also important to consider indirect effects which may occur including increased access, increased erosion, increased runoff, deposition etc to adjacent areas. While it may not be possible to test areas not under the ownership of the applicant, the potential impact to such areas needs to be considered if the potential for archaeological sites is present"* (New York State Historic Preservation Office:1 2005).

2. "Background Research:

- a. Research must be focused on the project area
- b. Do not include General historic and prehistoric contexts.
- c. The following items are required:
 1. Past and present land uses and current conditions illustrated with project photographs
 2. Soils description
 3. USDA Soils Map.

4. Discussion regarding expectations for depth of cultural deposits.

5. Sites within a one mile radius in a chart

6. Historic Maps. Please provide a concise overview of settlement pattern trends.

7. Other relevant background information. (NYOPRHP 2;2005)

3. Sensitivity Assessment

a. Prehistoric – this discussion must focus on the site types likely to be identified given the landform(s), environmental setting and the types of sites within one mile.

b. Historic – this discussion must be based on historic map research, regional histories and other relevant historical documents. (NYSOPRHP 3;2005)

Stage IA projects are devised, therefore, to establish whether a proposed parcel may contain any potentially significant cultural resources. The literature search should determine what these potential resources are and where they are likely be located within APE. Such information should be the guide for determining if archaeological field testing, Phase IB, is necessary and how the testing strategy should be designed. Tracker's Phase IA report ignores several critical benchmarks in making this determination.

First, regarding guidelines for Item 1 above, **Project Description**: the Tracker report does no more than mention that the 19 acres to be tested are part of a larger 42 acre parcel. The report lacks any discussion of the balance of the parcel or how the Area of Potential Effect (the entire parcel targeted for testing and surrounding adjacent areas...see above) will be impacted by the development of the 19 acres or how this particular development will alter the historic character of the adjacent land. He addresses neither how run off or access will affect adjacent lands. Since Mr. Cammisa clearly states (2010;3) a high potential for prehistoric sites both on and/or adjacent to the 19 acre testing zone, discussion of the exact locations relative to the APE, as well as the stratigraphic, temporal and cultural associations of the sites should be explored; they are not. Staging areas should also be addressed in his report since; archaeological sites existing outside the 19 acre testing zone could be damaged by heavy equipment during construction processes.

JM-1
Sec. 2.5

Second, regarding guidelines for item 2 above, **Background Research - Prehistoric Research**: the Tracker report appropriately provides a chart naming nearby prehistoric sites and their distance to the project site. It does not, however, indicate in which direction they are located nor does it provide any discussion of these sites. This information is critical in establishing the potential for possible prehistoric sites, site types and their possible locations within the APE.

Regarding **Historic Sites**; the Tracker report provides information of a very general kind (the kind specifically excluded by the guidelines) and no specific historically relevant background regarding the project site itself. The exclusion of essential information, especially

- ✓ the lack of background on Robert DeForest
- ✓ lack of note of the Grosvenor Atterbury designed National Register associated house "Wawapek", located within the APE
- ✓ the relationship, age, historic associations and documentation of the "cabin,... cistern... and hedge garden..."(Cammissa 2010;6) to the APE
- ✓ the significance and proposed mitigation of the Victorian period gardens
- ✓ and the fact that the APE is part of the Shore Road Historic District...

is indefensible. In fact the Tracker Historic site file search chart includes only the mention of a Grist Mill almost a mile distance from the APE. Further he does not address past and present land uses for the APE. His discussion of the historic maps makes no attempt at placing the location of the 19th century structures he notes (2010;4) within the APE, nor their historic associations. Neither does he establish any strategy for locating sub-surface remains associated with these structures in the field with the exception of a walkover.

Third, regarding guidelines for Item 3 above, **Sensitivity Assessment**; the Tracker report merely reiterates the findings presented in charts previously presented without discussion. Such an approach suggests that no further research was conducted which would "focus on discussion of the site types given the landforms, environmental setting and the types of sites" (NYOPRHP 2005;2) for prehistoric sites, nor does it provide any of discussion of "historic relevance" for this particular APE (NYSOPRHP 2005;2).

2.2 Phase IB Field Work

Phase IB Field Investigation Guidelines are clearly defined by New York State (2005;3)

A. Date of Testing, conditions and description of crew (e.g. project director crew chief, field tech, etc) NYSOPRHP;3)

None of these items were present in Tracker report.

B. A complete description of the field methodology that includes a discussion of project impacts. (NYSOPRHP)

Not evident in Tracker report.

C. Subsurface Shovel Testing (NYSOPRHP 3) should follow the NYAC Standards; when an artifact is discovered in an isolated shovel test context a minimum of eight additional test must be excavated adjacent to it.

The Tracker testing strategy followed the NYAC interval guidelines; however, positive shovel tests do not appear to have been further investigated. The report suggests that "closer interval testing was used nearer the early

JM-2

Sec. 2.5

twentieth century house and the prehistoric sites to the south" (Cammisa 2010;8), however, no previous mention of these "prehistoric sites to the south", nor specific identification of the 20th century house is provided. There is no discussion of the details of the results of these tests.

Also, importantly, according to the report, Tracker shovel tests extended to a depth of an average 10-20 cm. into what he characterizes as the B Horizon (2010; 5), revealing a grey loamy sand identified as sub-soil. Grey loamy sand is not typically sub-soil on Long Island especially on the north shore which is often stony loam and gravel, sometimes with a clay base. Shovel testing to sub-soil generally eliminates the possibility of missing more deeply buried deposits and features which can be missed with shallow testing. No datum or GPS coordinates were provided for field identification of shovel test locations indicated on the mapped grid; shovel test locations (reported to be an average of 16 inches in diameter and at +/- minus 50 foot intervals or closer) were not discernable during a walkover of the site in August 2011.

3.0 CONCLUSIONS

The Documentary Phase IA/IB research provided in the Tracker report is incomplete. It does not meet key elementary standards established in the New York State Standards for Cultural Resource Management:

- ✓ It is missing essential historical information regarding land use, ownership and significant associations important to local and regional history for the APE; and relating to shovel testing strategy.
- ✓ The report does not address issues regarding the integrity of the environmental setting of the APE. It does not ask how the proposed development will adversely impact the historic nature of the APE and the Shore Road Historic District, the Atterbury house and gardens, and it does not recommend mitigation alternatives. Please see National Register Section 106; Bulletins 15 and 16 for discussions of adverse visual effect.
- ✓ It does not address, at all, the historic nature of the extant garden features within the APE. Both NYSOPRHP and the Town of Huntington express serious concern regarding mitigation of these features in letters dated October 2010 and November 2010 (Appendix F-2-Nelson and Pope 2010)
- ✓ It does not address the pre-historic sites, noted in the chart, within the text of the report, thus providing no information as to how they might relate spatially, temporally, and culturally to the APE.
- ✓ It does not discuss how construction activities might impact intact pre-contact or historic period sub-surface sites adjacent to or in the vicinity of the proposed project.
- ✓ Regarding field work, it is remarkable that a parcel subject to historic use since the nineteenth century; with an "higher than average potential for the recovery of historic aboriginal sites or Euro-American remains" (Cammisa 2010;5); with adjacent (or on-

site) pre-contact or historic Native American sites, and historically, several known structures, produced 10 unrelated finds of glass, and historic ceramics...no sheet scatter and no features within the 266 shovel tests on which Tracker reports. Further, an additionally puzzling claim comes from a neighbor who reports seeing prehistoric lithics, in the form of projectile points/flakes within the Area of Potential Effect (p.c. anonymous).

Finally, it is important to note that the application process subjects the proposed cluster map (Nelson and Pope; EAF Preliminary Map 2011) to possible reconfiguration. Such reconfiguration is likely to impact additional areas of the APE not tested for archaeological resources by Tracker. Additional testing must be conducted prior to any determination of impact.

JM-3
Sec. 2.5

In sum the Tracker report does not appear to meet the New York State Office of Parks Recreation and Historic Preservation threshold for adequate cultural resource management of the significant historic and prehistoric cultural resources residing within and around the Area of Potential Effect at the DeForest Williams estate, and/or the mitigation of potential impact to such resources.

References

Cammisa, Alfred G, Felicia Cammisa, Alexander Padilla

2010 Cultural Resources Assessment, Phase IA/B. Reports of Investigations; Phase I Archaeological Investigations for the DeForest Williams Estate re-subdivision Cold Spring Harbor, Towns of Huntington Suffolk County, New York.

Nelson, Pope & Voorhes, LLC

2011 Expanded Environmental Assessment form (EAF) DeForest Williams Estates, Town of Huntington, SCTM Numbers 0400-016-2-13.4 & 13.5 0400-016-08-8 Hamlet of Cold Spring Harbor, Town of Huntington, Suffolk County, New York. NP&V Project No. 95018 May 2010 Revised March 2011.

NYAC

1994/02

New York Archaeological Council. Standards for Cultural Resources Investigations and the Curation of Archaeological Collections in New York State. Adopted by the New York State Office of Parks, Recreation and Historic Preservation

Personal Communication

2011 Anonymous resident of the Shore Road Historic District.

JO-ANN MC LEAN
916 FLANDERS ROAD
WHITE SWAN COVE
FLANDERS, NY 11901

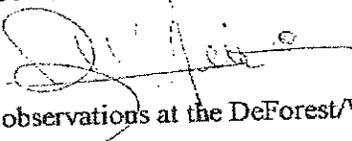
PROFESSIONAL AFFILIATIONS and CHAIRMANSHIPS:

Projects Committee Member, The Peconic Land Trust
Register of Professional Archaeologists (PRA)
*Chairperson: New York State Archaeology Week -New York Archaeological Council
(NYAC) sponsored by the New York State Museum; 1994, 1995, 1996.
Society for American Archaeology; (SAA)
Society for Historic Archaeology (SHA)
American Association of Museums



RICHARD WEIR, III
Horticulture Solutions

174 Cove Road • Oyster Bay, New York • 11771
(516) 922-1956 • rw38@cornell.edu

To: The Cold Spring Harbor Civic Association 5 September 2011
From: Richard Weir, III 
Re: Ecological and plant observations at the DeForest/Williams property

On the morning of Wednesday July 6th, I made a site visit to the DeForest/Williams property in Cold Spring Harbor and compiled a list of noteworthy trees and other fauna on property slated for cluster development. Observations also included impact on the total plant community once land manipulation commences.

As a life-long resident of the North Shore and a local Cornell Cooperative Extension educator for 30+ years dealing with horticultural and environmental issues, I feel reasonably qualified to provide written commentary of what I observed during my visit as well as that following my review of the 55-page EAF report dated 5/10 (revised 3/11).

The DeForest/Williams site is extremely special, having been untouched for generations, and could be severely impacted very easily and forever! Difficult it would be to find groves of native trees so mature and healthy, that are functioning both aesthetically and importantly as slope stabilizers, anywhere on this part of Long Island. Many similar areas existed, as I can remember, few unfortunately remain. Here, there is still one at DeForest/Williams!

RW-1
Sec. 2.3

Before commenting on the 55-page Nelson, Pope & Voohris EAF report, allow me to make a few statements from my observations on 6 July. Though parts of the upper portion of the 42-acre property are flat and somewhat easily-developable; other parts within the building envelope are extremely steep and within natural ravines.

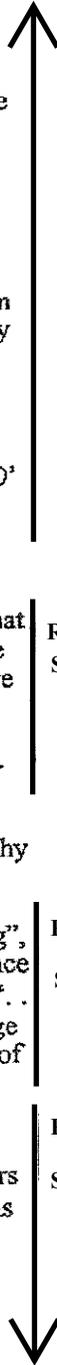
The native trees within this latter area are very significant, both for their size and good health. (They've been growing there for years, undisturbed in any way!) Before enumerating on the species, I feel it important to convey my concern regarding land and ecology and geology of these wooded slopes and beyond to the adjacent Cold Spring Harbor watershed. It is these long-surviving plants and accompanying organic "litter" (undisturbed leaf mulch) that are the determining factors in curtailing erosion on these

RW-2
Sec. 2.2.1

steep slopes and any sedimentation beyond. Open these areas up by the mechanical removal of vegetation and/or the eventual tree decline/death that will occur due to earth disturbance and soil erosion to the immediate area as well as the properties below will be substantial! From the proposed property boundaries as noted on the plan from which I 'tried' to work (Using only the old dirt roadway and carriage trail as a guide was very difficult!), many of the clustered houses will seem to be positioned not so much in the flat, open area of each parcel, but equally into the densely-wooded sloped areas beyond. In these cases, it will mean scraping-off the soil in the flat areas to extend and level-out, to within some degree, the sloped area. This is where the ecology is going to run into serious trouble (as mentioned earlier)! A perfect case-in-point is the recent tropical storm Irene and what happened at a construction site that abuts the DeForest/Williams property that's proposed for development. Construction at the above site and with the same very steep slopes below (even with hay bales, silt fencing, etc. in place) became a torrent of water because of the lack of vegetation. Such a serious example can occur when topography is altered and vegetation removed for the forested area on the slope and below, as well as for those in residence at the base at 72 Shore Road. Gullies nearly 800' long and yards in width are not going to revegetate and the resulting wash-out of sediment into landscaped yards, cellars, and the Harbor is inexcusable.

I will now provide some documentation with regard to the EAF report prepared for the Priscilla Williams estate by Nelson, Pope & Voochris (NP&V). Firstly with regard to what it lacks, and then to where there are discrepancies. For all 55 pages of it, I can't imagine that there is no discussion/listing of significant native trees over 8" dia. This should have included all of the following: identification, location on plan, size, condition, to-be-saved, intended-for-removal. It should have been, or needs to be, included on any preliminary plan that would be provided to all concerned before any discussion, follow-up reporting, and judgments can be made.

As stated earlier and now noted in the EAF report -- Slope Analysis Page 2_1 Topography 17+ Acres (41%+ of the property) -- Very Steep (slopes 25%+) 6 A (14% of the property) -- Steep Slope (slopes of 16-25%) This is over 1/2 of the entire property that is extremely vulnerable! Even with "clustering", portions of this area will be impacted during construction especially due to land clearance and grading as well as compaction. Then on Page 2_2 Anticipated Impacts, is stated "... some clearing and grading will be required in portions of several lots where slopes range from 16 to greater than 25%". Could this possibly comply with the spirit and the letter of the TOH ordinances? It is certain to lead to significant vegetative destruction. Further on to Page 2_18 (2.4 Ecology) for Coastal Oak-Heath Forest (89%+ of the property) is predominantly black and chestnut oak, and there is no Heath. These predominant species, I would question. Although they are present, there are many others in the native genus Quercus that I would call just as predominant on this specific site, as are large numbers of hickory species (Carya), dogwood (Cornus florida), birch (Betula lenta) and tulip poplar (Liriodendron tulipifera).



RW-3
Sec. 2.3

RW-4
Sec. 2.2.1

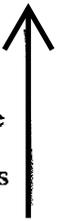
RW-5
Sec. 2.3

It further goes on to say (Page 2_20) that the shrub layer over a large part of the sloped/treed area is well developed. I find to the contrary (other than a few massed clusters of *Kalmia* and *Rhododendron maximum*), very little development of any of these named understory species, esp. that of *Vaccinium* and *Gaylussacia*. Thus, a little more contradiction; making me question the existing vegetation and specific plant communities as presented by the applicant's consultants.

I will just briefly touch on those trees -- all significant, that I observed on my site visit of the 11th of July. Although the upper, open plateau area has a few rather special exotic trees of note -- *Metasequoia glyptostroboides* (Dawn Redwood), *Cladrastis lutea* (Yellowwood), *Fagus sylvatica* (European Copper Beech), it is the significant and numerous natives in the sloped areas that are the most noteworthy and important. They are as follows: *Quercus alba* (White Oak), *Q. coccinea* (Scarlet Oak), *Q. palustris* (Pin Oak), *Q. prinus* (Chesnut Oak), *Q. velutina* (Black Oak). In addition to the native oaks are other substantial (and healthy) native trees: *Betula lenta* (Sweet Birch), *Carya cordiformis* (Bitternut Hickory), *C. glabra* (Pignut Hickory), *Liriodendron tulipifera* (Tulip Tree), and *Sassafras albidum*.

Additional cover of the densely-wooded sloped areas is provided in a few clusters by Mountain Laurel (*Kalmia latifolia*) and Rosebay Rhododendron (*R. maximum*). Furthermore, one of the more endangered native woodland ephemerals, the Striped Wintergreen (*Chimaphila maculata*) was currently in full flower within the dense stand of trees by the main house. I'm surprised that there was no mention of this by the applicant's agents.

In summary, I have found the 42-acre site to contain an amazing amalgam of large, healthy native oaks and other specimen trees that live here on Long Island. The potential negative impacts to these trees (and much of the surrounding of the site and beyond) must be indentified in the applicant's environmental analysis. Analyicital review and the accompanying mitigation is a requirement of State and Town environmental laws.



RW-6
Sec.2.3

APPENDIX B
SPECIES LIST

Species List

VEGETATION

Trees

Common Name	Scientific Name
norway maple	<i>Acer platanoides</i>
red maple	<i>Acer rubrum</i>
yellow birch	<i>Betula allegheniensis</i>
pignut hickory	<i>Carya ovalis</i>
mockernut hickory	<i>Carya tomentosa</i>
kousa dogwood	<i>Cornus kousa</i>
beechnut	<i>Fagus gradifolia</i>
American holly	<i>Ilex opaca</i>
butternut	<i>Juglans cinerea</i>
black walnut	<i>Juglans nigra</i>
red cedar	<i>Juniperus virginiana</i>
princess tree	<i>Paulownia tomentosa</i>
white pine	<i>Pinus strobus</i>
black cherry	<i>Prunus serotina</i>
white oak	<i>Quercus alba</i>
chestnut oak	<i>Quercus prinus</i>
red oak	<i>Quercus rubra</i>
black oak	<i>Quercus velutina</i>
weeping willow	<i>Salix babylonica</i>
sassafras	<i>Sassafras albidum</i>

WILDLIFE

Birds

Common Name	Scientific Name
great horned owl	<i>Bubo virginianus</i>
red tailed hawk	<i>Buteo jamaicensis</i>
cardinal	<i>Cardinalis cardinalis</i>
blue jay	<i>Cyanocitta cristata</i>
catbird	<i>Dumetella carolinensis</i>
mocking bird	<i>Mimus polyglottos</i>
black capped chickadee	<i>Parus atricapillus</i>
tufted titmouse	<i>Parus bicolor</i>
hairy woodpecker	<i>Picoides villosus</i>
eastern towhee	<i>Pipilo erythrophthalmus</i>
robin	<i>Turdus migratorius</i>
mourning dove	<i>Zenaidura macroura</i>

Mammals

Common Name	Scientific Name
squirrel	<i>Sciurus carolinensis</i>

Shrubs and Vines

Common Name	Scientific Name
Oriental bittersweet	<i>Celastrus orbiculatus</i>
burning bush	<i>Euonymus alatus</i>
English ivy	<i>Hedera helix</i>
inkberry	<i>Ilex glabra</i>
mountain laurel	<i>Kalmia latifolia</i>
spice bush	<i>Lindera benzoin</i>
Japanese honeysuckle	<i>Lonicera japonica</i>
virginia creeper	<i>Parthenocissus quinquefolia</i>
mile-a-minute	<i>Polygonum perfoliatum</i>
rhododendron	<i>Rhododendron spp.</i>
winged sumac	<i>Rhus copallinum</i>
sumac	<i>Rhus typhina</i>
multiflora rose	<i>Rosa multiflora</i>
wineberry	<i>Rubus phoenicolasius</i>
green briar	<i>Smilax rotundifolia</i>
nightshade	<i>Solanum dulcamara</i>
yew	<i>Taxus floridana</i>
poison ivy	<i>Toxicodendron radicans</i>
maple-leaf viburnum	<i>Viburnum acerifolium</i>
hobble bush	<i>Viburnum lantanoides</i>
grape	<i>Vitis spp.</i>

Groundcovers

Common Name	Scientific Name
garlic mustard	<i>Alliaria petiolata</i>
wild onion	<i>Allium stellatum</i>
mugwort	<i>Artemisia vulgaris</i>
path rush	<i>Carex pennsylvanica</i>
wild basil	<i>Clinopodium vulgare</i>
asiatic dayflower	<i>Commelina communis</i>
white wood aster	<i>Eurybia divaricata</i>
jewelweed	<i>Impatiens capensis</i>
juniper	<i>Juniperus spp.</i>
pokeweed	<i>Phytolacca americana</i>
common plantain	<i>Plantago major</i>
Japanese knotweed	<i>Polygonum cuspidatum</i>
smart weed	<i>Polygonum pensylvanicum</i>
jumpseed/Virginia knotweed	<i>Polygonum virginianum</i>
brambles	<i>Rubus spp.</i>
bitter dock	<i>Rumex obtusifolius</i>
rough-stemmed goldenrod	<i>Solidago rugosa</i>
creeping myrtle	<i>Vinca minor</i>

APPENDIX C

HISTORICAL AERIALS

1938



1947



**APPENDIX C
HISTORIC
AERIAL PHOTOGRAPHS**

Source: USDA, 1938; Suffolk County 1947
Scale: 1" = 400'



**DeForest Williams
Estate**

**Expanded EAF
Supplement**

1953



1962



**APPENDIX C
HISTORIC
AERIAL PHOTOGRAPHS**

Source: EDR, 1953; Suffolk County 1962
Scale: 1" = 400'



**DeForest Williams
Estate**

**Expanded EAF
Supplement**

1974



1984



**APPENDIX C
HISTORIC
AERIAL PHOTOGRAPHS**

Source: EDR, 1974; Suffolk County 1984
Scale: 1" = 400'



**DeForest Williams
Estate**

**Expanded EAF
Supplement**

1994



2004



**APPENDIX C
HISTORIC
AERIAL PHOTOGRAPHS**

**DeForest Williams
Estate**

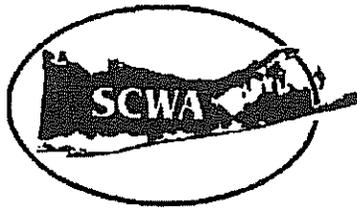
Source: EDR, 1994; NYSGIS Orthoimagery Program, 2004
Scale: 1" = 400'



**Expanded EAF
Supplement**

APPENDIX D

SUFFOLK COUNTY WATER AUTHORITY (SCWA) CORRESPONDENCE



SUFFOLK COUNTY WATER AUTHORITY

Timothy J. Kilcommons, P.E.
Director of Distribution

4060 Sunrise Highway, Oakdale, New York 11769
(631) 563-0351
Fax: (631) 589-5273

September 15, 2011

Nelson & Pope
572 Walt Whitman Road
Melville, NY 11747
Attn: Jim Milliken

Re: DeForest Estate, Cold Spring Harbor, NY

Dear Jim:

In response to the questions of both your firm and Mr. Weinstein of 40 Shore Road, Cold Spring Harbor, I performed a site investigation, met with the caretaker of the estate (Mr. Dwyer), and performed a test shutdown at the SCWA-owned valve located on the eastern end of SCWA's water main running easterly from Shore Road and terminating just north of the caretaker's home (48 Walnut Tree Hill?) which is noted as Lot 13 on your drawing, and as having been built in 1955 on the hand-drawn drawing referred to by Mr. Weinstein.

In shutting this valve, the estate's distribution system was shut off. While a water tower, as noted by Mr. Weinstein (and a hydropneumatic tank), were once part of this estate system, the water tower is no longer present, and I was able to visually verify that the hydropneumatic tank is no longer connected to the system.

The following homes were affected by the shutdown: the caretaker's home, numbers 40, 44, and 45 Walnut Tree Lane, and numbers 40,44, and 50 Shore Rd. We were unable to verify a connection to 36 Spring Street, but that home does not have a metered connection to SCWA. It is entirely possible that this home continues to be fed from the estate's system and they simply have never before been identified by SCWA. If they were fed from the Estate system, their service would have to be relocated to Spring Street. Further, it was noted that an irrigation line for 50 Shore Rd is supplied by a 3" main as part of the estate system.

With the exception of the caretaker's home, which is on SCWA's water main just east of the valve we used for the shutdown, all of the other homes listed will require relocation of their services to SCWA water main. You or your client can contact me with any questions or to meet on site, or contact our New Service Manager, lcetta@scwa.com to inquire about tap fees for the affected services. Note that as these homes are already served by SCWA's distribution system

(with the possible exception of #36 Spring St), that the concerns of pressure changes due to elevation head are unfounded. In fact, absent other changes, since SCWA's water main on Shore and Spring Roads are of a larger diameter than the estate piping, more flow should be available to the Weinsteins.

Sincerely,



Timothy J. Kilcommons, P.E.
Director of Distribution

Cc: D. Weinstein
S. Robin, Town of Huntington

ATTACHMENT 1

PRELIMINARY MAPS

ATTACHMENT 2

YIELD MAPS