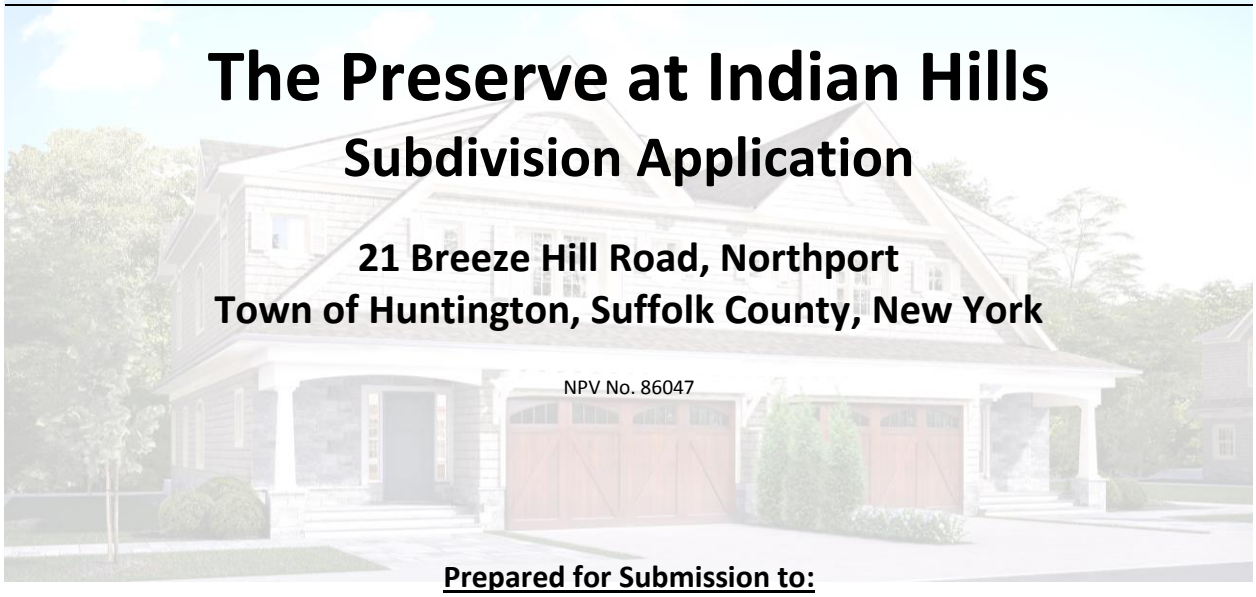
FINAL ENVIRONMENTAL IMPACT STATEMENT (FEIS)



The Preserve at Indian Hills

Subdivision Application

21 Breeze Hill Road, Northport
Town of Huntington, Suffolk County, New York

NPV No. 86047

Prepared for Submission to:

Town of Huntington
Planning Board
100 Main Street
Huntington, NY 11743
(631) 351-3196

Prepared by:

NELSON POPE VOORHIS
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August 6, 2020
Revised December 11, 2020

FINAL ENVIRONMENTAL IMPACT STATEMENT (FEIS)

The Preserve at Indian Hills
Subdivision Application

21 Breeze Hill Road, Northport
Town of Huntington, Suffolk County, New York

Applicant:

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For Submission to:

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This document, together with the Draft EIS (DEIS) concerning this proposal, represents the FEIS for the project. Copies are available for public review and comment at the office of the Lead Agency. Comments on the FEIS should be submitted to the Lead Agency listed above by _____to be included in the public record and considered in the Findings Statement.

Date FEIS Accepted: _____

TABLE OF CONTENTS

I-1 Technical Response to Geotechnical Review, PS&S, *November 18, 2019*
I-2 Communication with Eric Star, NYSDEC, *March 23, 2020*, re: CEHA line
I-3 Correspondence between AECOM and Dynamic Earth
I-4 Slope Stability Evaluation, Dynamic Earth, LLC, *August 3, 2020*
I-5 Third-Party Review of Subsurface Information, Haley & Aldrich of New York, *August 4, 2020*
I-6 AECOM Memo, *September 16, 2020*
I-7 Response to AECOM Memo of September 16, 2020, Dynamic Earth, *October 30, 2020*

J Water Resources-Related Documents
J-1 SONIR Computer Model Results
J-2 SCWA Water Availability Letter, *March 15, 2019*

K ZBA Decision History Documents
L National Grid Letter of Availability
M Requested Map and Figure Corrections
N Revised Appendix G, Golf Course Environmental Management Plan
O Limited Phase II ESA, Pond & Groundwater Quality, NPV, LLC *February 20, 2019*
P Correspondence Related to Groundwater Quality Test Results, Well S-11518, SCDHS
Q Private Golf Course Moratorium
R Cultural Resources-Related Documents
R-1 Phase IB Archaeological Addendum Survey, Tracker Archaeological Services, *May 2020*
R-2 NYSOPRHP letter, *October 4, 2019*
R-3 Phase II Archaeological Addendum Survey, Site D, Tracker Archaeological Services, *October 2020*
S Suffolk County Planning Department Staff Report, *March 12, 2020*

ATTACHMENTS

A Revised Project Plans, Sheets C-102 through C-115, C-122, C-126, LP-101, LI-101, C-504, C-505,and TB-101 through TB-105
B Updated Yield Map
C Earthwork Report and Plan
D Shoreline Map
E Revised Alternatives Plans

In a pouch at the back of this document:
Overall Plan, N&P, LLP, *revised February 2020*

SECTION 1.0

INTRODUCTION

1.0 INTRODUCTION

1.1 Purpose of this Document

This document is the Final Environmental Impact Statement (Final EIS) for a proposed subdivision of land for a senior residential community known as "The Preserve at Indian Hills." This document responds to comments on the Draft EIS for The Preserve at Indian Hills which was accepted by the Town of Huntington Planning Board and was the subject of a public hearing on September 18, 2019, with extended comment period for public/agency input.

The proposed project will result in the preservation and retention of the existing recreational golf course use on the site (the existing Indian Hills Country Club (IHCC) a prominent north shore golf course established in 1961) through the integration of a residential use. The subject site is 154.56 acres in size, and is comprised of two (2) tax parcels on the north side of Breeze Hill Road and five (5) tax parcels and p/o Lot 022.000 on the south side of Breeze Hill Road, in the hamlet of Fort Salonga, Town of Huntington.

This Final EIS addresses all substantive comments made on the Draft Environmental Impact Statement (Draft EIS) during the public hearing and subsequent comment period. Those comments are summarized and responded to in Section 2.0 of the Final EIS, "Comments and Responses." Updates and responses to comments including graphics and plan updates since the preparation of the Draft EIS are provided in this Final EIS, as necessary, in response to these comments.

As described below, a Draft EIS was prepared for a proposed clustered subdivision of 99 lots (one lot for each of the 98 proposed residences, and one (1) lot for the clubhouse/fitness center). The 98 units were to be located in 49 duplex buildings, sited in three (3) areas of the site where there is existing road access, and clustered to preserve open space pursuant to New York State Town Law, Section 278 and Town Code §198-114 Cluster Development. This project is revised in this Final EIS and the density has been reduced by twelve (12) units to a total of 86 senior residences, in order to address comments on the Draft EIS.

The Draft EIS was submitted to the Town Planning Board on April 17, 2019 and subject to review and comment by Town planning staff. The Draft EIS was then revised by The Preserve at Indian Hills (hereafter the "Applicant") and re-submitted to the Town on July 23, 2019, and subject to a second review, which determined that the document was deemed acceptable for public and agency review (see **Appendices A-1 through A-3**) and a public hearing before the Town Planning Board on September 18, 2019. Subsequently, and in response to comments received from the Town and the public, the project plan on which the Draft EIS was prepared (hereafter, "the *Prior Plan*") has been revised by the Applicant. This Final EIS provides an updated project description to present this revised plan (hereafter, the *"Revised Plan"*). The Revised Plan itself addresses many comments that were made on the Draft EIS and the Prior Plan. It is noteworthy that the density of the project has been reduced from 98 units to 86

units, and other significant design changes have been made to address public/agency comments on the Draft EIS and minimize impacts.

Section 1.3.1 includes a list of all plan changes, and the impacts (compared to those of the Prior Plan as presented in the Draft EIS) are discussed in **Section 1.4**. In this way, the lead agency has the necessary information to determine the potential impacts of the Revised Plan and ensure that the comments on the Draft EIS and Prior Plan are addressed. The Town Planning Board may consider the Revised Plan when issuing a Findings Statement and decision on the subdivision application.

This document is part of the official record under the New York State Environmental Quality Review Act (SEQRA) process outlined in Title 6 of the New York Code of Rules and Regulations (6 NYCRR) Part 617, with statutory authority and enabling legislation under Article 8 of the NYS Environmental Conservation Law. The Huntington Town Planning Board is the Lead Agency for the project, as the application that triggered the SEQRA process is under the jurisdiction of that Board.

The Draft EIS was made available to the public online and in hard copy at Town Hall. A public hearing notice was also duly published in a local newspaper in accordance with Town and SEQRA requirements. As indicated above, the public hearing for the Draft EIS was held at Town Hall on September 18, 2019. All persons in attendance were welcome to provide verbal and/or written comments or questions. The Town recorded all comments at the hearing and a transcript of the meeting was generated. The public comment period initially remained open through October 18, 2019, or a period of 30 days after the hearing date, in compliance with the minimum 10-day period requirement of SEQRA, so that anyone wishing to submit written comments would have ample opportunity to do so. Based on the level of public interest expressed to the lead agency at and following the public hearing, the lead agency extended the public comment period until November 4, 2019, to ensure that the public had adequate time to formulate, prepare and submit its written comments. The public review period for the Draft EIS, from the filing of the Notice of Completion to the close of the extended written comment period on November 4, 2019, totaled 73 days and from the Notice of Acceptance published in the ENB, totaled 61 days, therefore exceeding the minimum 30-day requirement of SEQRA.

As required by SEQRA, this document addresses all substantive comments provided by the public and agencies during the hearing and comment period. Also as provided for in SEQRA, this Final EIS incorporates by reference the Draft EIS, so that the combination of these two documents constitutes the entire EIS for the Proposed Action. The Draft and Final EIS's for the Proposed Action are available for public review at the Town of Huntington Town Hall, 100 Main Street, Huntington, New York., and online at the Town's official website: *http://www.huntingtonny.gov/indian-hills-deis-july2019/ and https://huntingtonny.gov/indian-hilles-final-eis.*

Preparation and submission of this Final EIS represents the penultimate step in the SEQRA process and provides the foundation for the Lead Agency to prepare its SEQRA Findings Statement. The Final EIS identifies and addresses all substantive written comments received from the public and involved and interested agencies during the designated public comment period, as well as all substantive verbal comments entered into the record at the September 18, 2019 public hearing.

The Final EIS also specifically provides the public and involved and interested agencies with:

- descriptive information about the proposal under review;
- documentation of the SEQRA process and the current action's consistency with that process;
- a summary of written and verbal comments received during the designated public review and comment period;
- the source and manner of delivery of each comment (i.e., verbal comments during the hearing, letter);
- responses to all substantive comments received during the designated public review stage;
- any necessary corrections, amendments or modifications to the Draft EIS;
- analyses of the Action's potential environmental effects; and
- any additional strategies and techniques identified for mitigating impacts that may have not been previously identified.

Once the Final EIS is accepted by the Planning Board, a minimum 10-day public/agency Final EIS consideration period must be provided before the Findings Statement is prepared and a final decision can be rendered in this matter. Both the Draft EIS and Final EIS have been prepared in accordance with the standards and requirements of SEQRA and its implementing regulations set forth in 6 NYCRR Part 617.

Once the minimum 10-day Final EIS review period is closed, the Lead Agency and other involved agencies each will proceed with the preparation of a Findings Statement. A Findings Statement is a written document which outlines the SEQRA process, certifies that all SEQRA procedures and requirements for decision making have been met, and identifies the social and economic, as well as environmental considerations that have been weighed in rendering a decision to approve or disapprove the Proposed Action. The Findings Statement also outlines identified impacts, required mitigation techniques and strategies, and discusses the alternatives considered. SEQRA § 617.11(b) requires that the Lead Agency issue its final decision in the matter within 30 calendar days of the filing of the Final EIS.

1.2 Organization of this Document

Comments on the Draft EIS were provided verbally during the September 18, 2019 public hearing, and in written form during and after the ensuing public comment period. **Appendix B** contains the transcript of the September 18, 2019 public hearing. **Appendix C** contains the written comments received by the Lead Agency from the general public either at the hearing or

within the designated public comment period after the hearing (30 days, but extended by the lead agency to November 4, 2019). **Appendix D** contains a set of comments prepared by WBL and Associates, LLC and presented during the public hearing. **Appendix E** contains the written agency comments on the Draft EIS, **Appendix F** presents the comments provided by the Town's geotechnical consultant (AECOM) on pertinent aspects of the Draft EIS. **Appendix G** contains a copy of an on-line petition entitled: Protect the Crab Meadow Watershed, signed by local, and county, Town residents, as well as by non-residents of the Town, **Appendix H** contains each individual copy of the same form letter signed and submitted by various members of the general public, and **Appendix I** contains several additional letters between the Town and the Applicant's geotechnical consultant's in response to the AECOM letter included in **Appendix F**. **Appendices J through S** and **Attachments A through E** contain materials in support of the responses presented herein and will be referenced in appropriate sections of this Final EIS.

As required by SEQRA, only those comments that are "substantive" merit a response. Comments that are directed toward the content, scope, subject matter, information, data, tables, figures, analyses, rationale, conclusions, procedures or other substantive aspects of the Draft EIS or the documents comprising the Proposed Action are considered "substantive" and are responded to. General statements of opposition or support are not considered to be substantive and are therefore not addressed herein. **Section 2.0** of this document presents all of the substantive written and verbal comments on the Draft EIS that were received from the beginning until close of the public comment period (September 4, 2019 through November 4, 2019) and provides a response to each comment.

Each substantive comment in each of the above-described appendices has been identified and numbered sequentially. This numbering system includes a letter code that indicates the appendix in which the comment is located, followed by a number that is assigned to each comment within that appendix (e.g., C-5, D-3, etc.). Also provided is the subsection within Section 2.0 where the response is found. In this way, a reciprocal relationship is created between the comments and the responses: the comment can be located (if one wishes to match the response to the comment that generated it), or if one is reviewing the comments (and wishes to match it against its response). The comment numbers to which the response refers are listed in each subsection of Section 2, so that the reader may refer to the appropriate appendix to review the comment in its original form.

Based on the Applicant's review of all of the public and agency reviews received, there is a total of 946 separate comments, many of which are redundant and able to be grouped under a comment summary. **Appendix B** contains comments B-1 through B-155, **Appendix C** contains comments C-1 through C-514, **Appendix D** contains comments D-1 through D-18, **Appendix E** contains comments E-1 through E-248; **Appendix F** contains comments F-1 through F-5; **Appendix G** contains comment G-1; and **Appendix H** contains comments H-1 through H-5.

Each response provides the information necessary for the Lead Agency (the Huntington Town Planning Board) and other involved agencies to make informed decisions on the specific

impacts of the project. This document fulfills the obligation of the Lead Agency in completing a Final EIS based on 6 NYCRR Part 617.9 (b)(8).

1.3 Description of Revised Project Plan

1.3.1 Description of Plan Revisions

This sub-section specifies the changes to the plan for the project. The revised **Overall Plan** is included in a pouch at the back of this document. As indicated above, the SEQRA process anticipates that changes to the project may occur in response to comments and community input as the review process proceeds, or as updated information on site design, building configuration and architecture, and/or related evolutionary changes in the project are made. Based upon the full range of inputs gathered, the Applicant has modified the plan provided in the Draft EIS in order to be responsive to key comments and concerns.

The stated goal of the Applicant and the intent of the Town's Comprehensive Land Use Plan is to create a project that will be successful and an asset to the community. This goal reflects the nature of the changes that have occurred to the proposed project since the Draft EIS was accepted. The basic concept of the Revised Plan remains the same as that of the Prior Plan. Specifically, The Preserve at Indian Hills is a comprehensively-planned senior residential community, integrated into the existing Indian Hills Country Club to retain this historic golf course with updated clubhouse facilities, all served by Innovative/Alternative Onsite Wastewater Treatment System (I/A OWTS) sanitary treatment technology and designed to minimize the impact on the environment. Changes between the Prior Plan and the Revised Plan are noted as follows:

- The entrance road and residential units previously connected to Makamah Road have been eliminated and the retention basin moved east so it falls outside of the 100-foot wetland setback and east of a high point on the Makamah parcel such that no impact to the Makamah Nature Preserve and associated wetlands will occur.
- All units have been removed from the areas with 10% slopes, within 500 feet of the County land associated with Makamah Preserve.
- The units in proximity to wetlands being considered for designation by NYSDEC south of Breeze Hill Road have been eliminated or moved east, such that there is no activity/disturbance within 100 feet of wetlands in this area.
- The access road to the proposed units on the south side of Breeze Hill Road will enter from Breeze Hill Road in generally the same location as the existing access road. The site access will be improved to a perpendicular intersection of safe width and radii and will run south curving into the site past the east side of the existing Indian Hills Club House and then south and west to the proposed units. The existing private driveway from Breeze Hill Road is not for general use by the residents of The Preserve at Indian Hills but will be available for emergency access only as labeled on project plans. This access will be restricted by signage and notification of residents through the HOA offering plan, subject to penalty.

- The site grading has been revised to reduce the amount of material being moved between the north parcel and the south parcel from 116,000 CY to 56,000 CY or a reduction of 60,000 CY. This results in a substantial reduction in soil truck movement in the area of the proposed project.
- Areas for "fill placement" on the golf course are now indicated on the plans so that the site will have a balanced earthwork and no material will be exported from the golf course.
- These changes include a reduction in the number of units from 98 to 86 or 12 less units than the Prior Plan that was studied in the Draft EIS. The proposed project with a yield of 86 units plus a clubhouse, is less that the updated allowable Town yield based on 98 lots, and is below the updated Suffolk County Department of Health Services (SCDHS) yield of 183.85 units as will be discussed further in this Final EIS.

Some of the changes made as listed above were made to address the areas of concern to the Suffolk County Planning Commission (SCPC) staff involving potential erosion to the Makamah Preserve and visual character changes along Makamah Road. It is noted that the other area within 500 feet of County land is off of Fresh Pond Road. This area is of less concern to SCPC staff as the area is already disturbed and part of the golf course, the slopes are less steep, erosion and stormwater controls will be provided and landscaping will be added in this area. The reduction of residential units from 98 to 86 will materially reduce impacts on area resources including but not limited to land, steep slopes, water, traffic, air and wetlands. A comparison of the changes in surface cover types between the Prior Plan and Revised Plan is provided in **Table 1-1**.

1.3.2 Grading and Drainage

Clearing and Grading

All units have been removed from the areas with 10% slopes, within 500 feet of the County land associated with Makamah Preserve. The entrance road and residential units connected to Makamah Road have been eliminated and the retention basin moved east so it falls outside of the 100 foot wetland setback and east of a high point on the parcel so that no impact will occur toward the west.

The site grading has been revised to reduce the amount of material being moved between the north parcel and the south parcel from 116,000 CY to 56,000 CY or a reduction of 60,000 CY (see Grading Plans, Sheets C-105 through C-114, in the Final EIS, **Attachment A**). Therefore, the amount of earthwork (i.e., the volumes of soil to be cut and the amount to be retained elsewhere within the property as fill; commonly, "cut and fill") will be substantially less than that of the Prior Plan. This reduction also addresses public concerns regarding visual, noise and traffic impacts that would have resulted from off-site removal of material. Areas for "fill placement" on the golf course are now indicated on the plans so that the site will have a balanced earthwork and no material will be exported from the site. Tiered retaining walls (see Grading Plans Sheets C-111 and C-112, **Attachment A**) and screening vegetation will continue to be used in the southwest part of the site to maximize the separation from the nearest receptors and grading to shield receptors to the north, south and east, as proposed.

TABLE 1-1
SITE AND PROJECT CHARACTERISTICS
Prior Plan (per Draft EIS) & Revised Plan (per Final EIS)

Parameter	Prior Plan	Revised Plan
Use	Residential & Recreational	
Yield	98 Senior units, golf course & clubhouse	86 Senior units, golf course & clubhouse
Wastewater Treatment System	I/A OWTS	
Open Space (acres) [1]	141.07	139.61
Total Fertilized (acres)	32.77	31.70
Parameter	**Prior Plan**	**Revised Plan**
Coverages (acres)**:**	---	---
Buildings	5.11	4.60
Paved/Impervious Surfaces	8.38	10.35
Non-Golf Landscape (*unfertilized*)	0.24	0.24
Golf Play Surfaces:	95.23	95.23
Greens (fertilized)	*2.35*	*2.35*
Fairways (fertilized)	*20.62*	*20.62*
Tees (fertilized)	*1.09*	*1.09*
Rough (mowed)	*64.89*	*64.89*
Between fairways (mowed, with trees	*6.28*	*6.28*
Lawn Around Residence *(fertilized*)	8.71	7.64
Lawn Around Residence *(unfertilized)*	4.82	4.36
Unvegetated	1.09	1.09
Ponds/Recharge Basin	9.75	9.75
Wetland Vegetation	0.50	0.50
Beach	4.26	4.26
Coastal Oak Vegetation	6.29	6.29
Successional Southern Hardwoods	7.69	7.76
Maritime Bluff	2.49	2.49
Total Site Acreage	**154.56**	
Trip Generation (vph)**:** [2]	---	---
Weekday AM Peak Hour	51	47
Weekday PM Peak Hour	59	54
Saturday Midday Peak Hour	23	20
Water Resources:	---	---
Residential Use (gpd)	29,400	25,800
Clubhouse & Maint. Bldg.	3,950	3,950
Irrigation (gpd)	63,848 (priv. well) + 10,341 (domestic)	63,848 (priv. well) + 9,070 domestic
Total Water Use (gpd)	107,538 [3]	102,668
Recharge Volume (MGY)	140.63	141.02 [4]
Nitrate Concentration (mg/l)	1.95	1.76 [4]

Parameter	Prior Plan	Revised Plan
Nitrate Load (lbs) [4]	2,289.99	2,066.91
Miscellaneous:	---	---
Total Residents (capita) [5]	147	129
School-Age Children (capita) [6]	0	0
Tax Revenues ($/year) [7]	1,774,129	1,410,170
School Tax Revenues ($/year) [8]	1,137,512	902,661
Solid Waste (lbs/day) [9]	780	684.5

Notes for **Table 1-1**:

(1) Town Code §198-2. Definitions: "A portion of land where buildings and roadways are prohibited. Open space shall include natural areas, agricultural fields, parks, playgrounds, athletic fields, and landscaped areas such as lawns and buffer strips."
(2) As: trips generated by senior residences/trips generated by senior residences plus golf course trips (see Draft EIS Appendix M).
(3) Based on actual usage for golf course irrigation, as reported to NYSDEC: 63,848 gpd plus projected domestic use.
(4) Based on SONIR model output provided in Draft EIS Appendices I-1 through I-3 and **Final EIS Appendix J-1**.
(5) Assuming 1.5 capita/senior unit.
(6) Since the proposed project is age-restricted, it is not anticipated that it will generate any school-aged children.
(7) Assuming tax data as provided by Town Tax Assessor's Office for the 2018-2019 tax year.
(8) Based on fiscal analysis included in Draft EIS Section 3.3.2.
(9) Assuming 3.5 lbs/day/capita/senior unit, 0.013 lbs/SF/day for clubhouse, and 5 lbs/day/capita for subdivision units.

Abbreviations for **Table 1-1**:
vph (vehicles/hour); gpd (gallons/day); MGY (million gallons/year); mg/l (milligrams/liter)

Remaining areas of the site are similar in terms of clearing and grading. All limits of clearing are depicted on the project plans, and existing and proposed topographic contours are illustrated.

Drainage

The design of the drainage system for the Revised Plan is similar to that of the Prior Plan, except that in addition to utilizing groups of leaching pools, the eastern part of the Makamah Road parcel is being used only for drainage, and there will be no disturbance west of the high point in the central part of the property where the land slopes west toward Makamah Road and the Makamah Nature Preserve across the street to the west. This improved drainage system will combine stormwater retention to a single basin on the Makamah Road parcel having a larger capacity of 55,500 cubic feet (CF) of volume compared to the previous two (2) smaller basins in the east side of this parcel totaling 28,700 CF shown in the Prior Plan.

The drainage design capacity remains the same as was proposed in the Draft EIS. The pond system continues to provide nine (9) inches of storage in the central part of the site which will eliminate the overflow to Fresh Pond that currently occurs on a routine basis. This remains a major water quality improvement feature of the proposed project.

1.3.3 Driveways and Site Access

The January 2019 traffic study conducted was based on a total of 98 residential units, however, the proposed project has been reduced to 86 residential units (a reduction of 12 units). Hence

the results of the traffic analyses are conservative. The roadways and intersections studied will operate at better levels of service (LOS) as compared to the results contained in the Traffic Study.

The entrance road and residential units connected to Makamah Road have been eliminated. The access road to the proposed units on the south side of Breeze Hill Road will enter from Breeze Hill Road just east of the existing Indian Hills Club House and run south past the club house and then west to the proposed units. The existing private road from Breeze Hill Road will be utilized as an emergency access only as labeled on the Revised Plans and controlled through signage and the HOA offering plan.

The site access at Breeze Hill Road will be upgraded to a perpendicular intersection with proper width and turning radii. This is an improved condition over current conditions due to the existing acute angle driveway for access to the clubhouse from Breeze Hill Road.

Elimination of the Makamah Road entrance will also result in improved distribution of traffic as a result of the Breeze Hill Road access for residential units south of Breeze Hill Road. With the revised access at this location, traffic will be more evenly distributed east and west from the access point, which will reduce the number of trips at the Makamah Road/Route 25A intersection as compared to the Prior Plan.

The available sight distance for vehicles making left turns out of the revised access drive onto Breeze Hill Road will be in conformance with and greater than the American Association of State Highway & Transportation Officials (AASHTO) recommended values. However, the sight distance for vehicles making right turns out of the driveway is limited by the curvature of the road. In order to improve the sight distance limitation, installation of STOP signs on all the three approaches of the intersection (ALL-WAY STOP control) requiring all vehicles to stop at the intersection before proceeding, will eliminate the sight distance limitations. This further improves the condition at this access point.

Overall, the changes to the proposed project are a significant improvement in terms of site access, reduced vehicle trips and distribution of traffic. The reduction of twelve (12) units will reduce impact to area roads, and conditions for access to the clubhouse and safety on Breeze Hill Road is an improvement as compared to current conditions.

1.3.4 Utilities

Sanitary Wastewater

As discussed in Section 1.6.5 of the Draft EIS, the previously proposed project with 98 units would have significantly less sanitary wastewater than what is permissible under Article 6 of the Suffolk County Sanitary Code. The Revised Plan will further reduce this flow by 12 units or 3,600 gpd (12 units x 300 gpd/unit = 3,600 gpd). Using the allowable flow per unit of 300 gpd and applying SCDHS's "*General Guidance Memorandum #17, Agricultural and Golf Course*

Density" factor for reducing developable area[1], the total allowable sanitary flow for the project site was calculated as follows: 198.72 units x 300 gpd/unit = 59,616 gpd.

With the revised **Overall Plan**, fertilized area was reduced from 32.77 acres to 31.7 acres, and the conformance with Guidance Memo #17 is recalculated as follows:

(154.56 total site – 10.25 water/wetlands – 31.7 fertilized area) x 0.75 factor x 2.178 density = 183.95 units

Using the allowable flow per unit of 300 gpd, the total allowable sanitary flow for the project site is: 183.95 units x 300 gpd/unit = 55,185 gpd.

Based upon SCDHS design flow factors, the 86 townhomes are expected to generate 25,800 gallons per day (gpd) based upon 300 gpd/unit. The clubhouse (200 catering seats @ 7.5 gpd; 50 indoor seats @ 30 gpd; and 50 outdoor seats @ 15 gpd) is expected to generate 3,750 gpd. No flow is assigned to the fitness center as it will be used exclusively for the residents who are accounted for as part of the residential unit calculations. The maintenance building has a design flow of 200 gpd. This results in a total design flow of 29,750 gpd which is well below the allowable flow of 55,185 gpd for the property.

The Applicant plans to use I/A OWTS installations for the new 86 townhomes and clubhouse in order to reduce nitrogen load associated with site use. The existing maintenance facility will not change and will retain its current conventional sanitary system. The golf course is demonstrated to have a very low fertilization rate and will be managed under a Golf Course Environmental Management Plan to ensure that nitrogen load and concentration of nitrogen in recharge are minimized (see Draft EIS Section 2.3.2).

Water Supply

Potable water is provided in the area by the Suffolk County Water Authority (SCWA) using an existing distribution system that includes large transmission and supply mains to serve existing uses in the area. The Preserve at Indian Hills will be served via these existing mains which currently serve the properties.

The Preserve at Indian Hills water supply system designs will be determined during the Subdivision review process; however, the previous and existing water use on the properties, coupled with the extensive water supply distribution system in the area, ensure that sufficient potable water supply is available. The Applicant has submitted a letter to the SCWA to confirm that the district has sufficient capacity to adequately supply the Preserve at Indian Hills Property (see **Appendix J-2**).

[1] Recreational turf is considered to be developable.

Similar to wastewater generation, there will a proportional reduction in domestic water usage due to 12 less residential units (25,800 gpd versus 29,400 gpd). As indicated in **Table 1-1** above, this results in a total domestic design flow of 38,820 gpd including residential fertilized landscape irrigation versus a previous total domestic flow of 43,691 gpd.

The golf course is irrigated using an existing on-site water supply well. The well is permitted by NYSDEC under the New York well permit program (Permit # W-4813) and is identified as S-114017. The well is permitted to be pumped at a rate of up to 35 million gallons per year. As indicated in Section 2.0 of the Draft EIS, the average pumpage from the years 2005 through 2016 was 21,979,962 gallons based on annual data submitted to the NYSDEC.

Solid Waste Handling and Disposal

Solid waste will be reduced by 95 lbs/day from 780 lbs/day to 685 lbs/day as a result of 12 less residential units.

1.3.5 Residential Site Landscaping and Lighting

Generally, landscaped areas will be interspersed throughout the properties in order to provide an attractive landscape environment. Street trees will be present along all internal roads/parking areas, shrub and groundcover landscaping will be provided in and around parking and lawn areas, foundation plantings will be installed, and other landscape clusters and groundcover areas will be established. Native and near-native species will be used to the extent practicable in the site landscaping, and no invasive species will be utilized. For estimation purposes, the areas of fertilizer-dependent landscaping are assumed to be irrigated and fertilized.

There will be slightly less fertilized residential landscaping and therefore an associated reduction in irrigation of approximately 1,271 gpd less than the Prior Plan of 10,341 gpd. The Revised Plan will include a total of 7.64 acres of residential fertilized landscaping on the property. Although there will be an increase of 4.40 acres in unfertilized residential landscaping, the demand for irrigation is little or none.

Full and detailed Landscape and Tree Protection Plans will be contained in the Subdivision Application Plans, to be prepared and submitted for The Preserve at Indian Hills. These plans will be subject to review by the Town's Planning Department, along with Town Planning Board approval prior to implementation.

All lighting will be designed to be "dark sky" compliant and will be shielded to prevent fugitive light from extending onto adjacent properties and to ensure that no impacts on the suburban character of the area from sky glow will occur. By use of full cut-off, "dark sky" compliant fixtures, the potential for adverse impacts to the visibility of the night sky for site residents, as well as impacts to the neighboring residential properties, will be minimized.

1.4 Comparative Impact Analysis

The following sections provide a comparison of the Prior Plan with the Proposed Plan for environmental resource categories that correspond to the DEIS. **Table 1-1** quantifies many of these impact categories for both the Prior Plan and the Proposed Plan.

1.4.1 Topography

Similar to the Prior Plan, grading with the Revised Plan will generally occur in limited areas of the site specific to three residential development areas and drainage improvements that will benefit the overall golf course stormwater management systems.

Revisions to the plan include the following significant positive impacts:

- All units have been removed from the areas with 10% slopes, within 500 feet of the County land associated with Makamah Preserve.
- The site grading has been revised to reduce the amount of material being moved between the north parcel and the south parcel from 116,000 CY to 56,000 CY or a reduction of 60,000 CY.
- Areas for "fill placement" on the golf course are now indicated on the plans so that the site will have a balanced earthwork and no material will be exported from the golf course.

These changes to topography help re-direct water away from sensitive resources such as wetlands and neighboring properties. The balance of cut and fill, and reduction of off-site trucking is a benefit of the Revised Plan. Development remains well south of the CEHA line, and potential topographic impacts have been reduced as a result of the project revisions.

1.4.2 Surface and Subsurface Soils

Standard construction practices will be implemented, including erosion and sedimentation controls, sequencing construction activities to limit disturbances, and off-site management of soils in accordance with applicable regulations. Activities will be implemented in accordance with a Stormwater Pollution Prevention Plan (SWPPP). Project changes continue to ensure that soil impacts are minimal.

1.4.3 Water Resources

Adherence to Town drainage and SWPPP requirements, with a SWPPP filed with NYSDEC, will provide sufficient mitigation to eliminate potential impacts related to surface waters associated with Long Island Sound, Fresh Pond and the Makamah Nature Preserve. The project incorporates post-construction stormwater management, which will control the quality and quantity of runoff. In accordance with NYSDEC requirements, the rate of runoff from the site will not exceed existing conditions.

The amount of water used by the Revised Plan for domestic use (38,820 gpd) will be less than that of the Prior Plan (43,691 gpd), as a result of the proposed reduction of twelve (12) residential units and fertilized lawn around the residences. The same I/A OWTS installations will be used for the Revised Plan, and similar stormwater systems are proposed for the Revised Plan, consistent with the Prior Plan. However, with fewer residential units, the Revised Plan will contribute less nitrogen to groundwater than the Prior Plan. Thus, impacts to groundwater quality will be reduced for the Revised Plan.

Also, the Revised Plan would maintain the same total area of natural ponds, man-made ponds and recharge basin, slightly decrease the area of unfertilized residential landscaping, and maintain the same acreage of wetland vegetation, and cause a small increase in impervious surfaces than the Prior Plan, so that the Revised Plan will recharge slightly more water to the Upper Glacial Aquifer than the Prior Plan.

The drainage design capacity remains the same as was proposed in the Draft EIS. The pond system continues to provide nine (9) inches of storage in the central part of the site which will eliminate the overflow to Fresh Pond that currently occurs on a routine basis. This remains a major water quality improvement feature of the proposed project.

1.4.4 Air Resources

The Prior Plan and the Revised Plan propose developments that will not result in any significant impacts on air quality (Draft EIS Section 2.4 and Final EIS **Section 2.4** Comments and Responses). The reduction of twelve (12) residential units will further reduce emissions from that of the Prior Plan.

1.4.5 Ecological Resources

The Revised Plan would result in a coverage of 7.76 acres of Successional Southern Hardwoods, while the Prior Plan would result in a coverage of 7.69 acres, a 0.07 acre difference. In response to NYSDEC input after the Draft EIS was adopted, no tree clearing shall occur between March 1st and November 30th to avoid impacting roosting bats.

All designated wetlands will be retained on the site. The Revised Plan will have no impact to wetlands associated with the Makamah Nature Preserve, or wetlands south of Breeze Hill Road pending NYSDEC designation as a result of changes to the Revised Plan. On-site wetlands on the northwest part of the site will be protected by situating development more than 100 feet from the wetland boundary, such that no NYSDEC permit is needed. Wetlands associated with Fresh Pond are across Fresh Pond Road from the project site, and will be protected by using existing disturbed areas of the golf course, ensuring proper drainage containment, and providing supplemental buffer restoration and plantings. Ecological impacts are reduced based on the Revised Plan, as compared to the Prior Plan, particularly as regards wetlands west of

Makamah Road, and south of Breeze Hill Road, which are no longer within jurisdiction of the Revised Plan.

As with the Prior Plan, the Revised Plan provides for retention of the golf course as an active recreational area that will continue to allow use by wildlife that currently occupy the site.

1.4.6 Land Use, Zoning and Plans

Land Use

The Revised Plan continues to provide for the conservation and preservation of open space and the support of private recreational use in conformance with the Town of Huntington Horizons 2020 Comprehensive Plan Update (pg. 3-8) including the rehabilitation of the clubhouse in a similar use and configuration as its historic conditions.

As per the Prior Plan, the proposed homes will fully comply with the Town Building Height requirement of the R-40 Residence District zone, but the remaining area and bulk requirements reflect modified requirements. . With the Revised Plan, the building footprints have been further reduced to be less than 7 percent of the area of the site. In addition, the Clubhouse continues to comply with the permitted coverages specified in the 2003 Settlement and Release Agreement. Such structures are typical of residential-recreational development, and will be subject to Planning Board approval pursuant to Town of Huntington, Chapter A202 Subdivision and Site Plan Regulations.

Rehabilitation of the clubhouse building and parking will be in a similar orientation as the current conditions. The proposed clubhouse has been designed to maintain a 10,247 SF building footprint as shown in the Existing Footprint and Calculations, prepared by George H. Suddell, Architect, Sheet EX-1, dated revised 2/19/19 provided in the Draft EIS Appendix F. Rehabilitation and the continued public use of the clubhouse building is a major public benefit that has been identified as being important to the community. The existing character of the property will be retained through maintaining the existing buildings on the site, and the value to the community will be enhanced through rehabilitation of the buildings and public accessibility.

The primary land use effect of both the Prior Plan and the Revised Plan, involves the retention of the golf course and open space. This allows many of the adjacent properties to retain existing views and proximity to a recreational use. The 55 and over community of townhomes will not be competitive with the existing housing stock, also of benefit to nearby single-family homeowners. Over 55 communities also do not significantly increase traffic in an area, do not add students to the public-school system, and contribute to the real estate tax base.

The basic land use associated with the proposed project remains the same as what was studied in Section 3.3.3 of the Draft EIS. There are reduced impacts from a reduction of twelve (12) units, with less units on the south part of the site, and no units on the Makamah Road parcel.

Zoning

The Revised Plan further reduces the density of the proposed project Population density depends on both dwelling unit density and household size. Given a certain dwelling unit density, the population density will be lower with small households. The combination of the proposed senior development with 1.5 persons per household, 12 less units; less vehicle trip ends; less wastewater and solid waste generation will result in a decrease in land use intensity on the site when compared with the Prior Plan.

The Revised Plan and the Prior Plan involve the same basic subdivision components, as well as the same level of conformance to applicable Town zoning requirements for this district. The **Overall Plan** reflects the project's proposed modifications to the Town's R-40 zoning district requirements.

Land and Water Use Plans

As the Revised Plan and the Prior Plan are not significantly different in terms of use and yield, it is expected that their levels of conformance to the recommendations and/or goals of the following land use plans evaluated in the Draft EIS are the same as well:

- Horizons 2020: Huntington Comprehensive Plan Update (December 2008)
- Private Golf Course Moratorium Proposed Planning Options Report (January 2009)
- Environmental Open Space and Park Fund Program (EOSPA)
- Town of Huntington Open Space Index (1974)
- Draft Crab Meadow Watershed Hydrology Study and Stewardship Plan, June 2015, Prepared by GEI Consultants, Inc.
- 2015 (Revised) Suffolk County Comprehensive Water Resource Management Plan
- LIS Comprehensive Conservation and Management Plan (CCMP)
- North Shore Embayment Watershed Management Plan (NSEWMP) (2007)

The Draft EIS, Section 3.1.1 describes the different types of applicable land studies and policies in the study area. The Draft EIS included all the studies that would likely apply to the project, including state, regional, and local legislation, policies, and regulations for land use and shoreline planning. Although each study was based upon a unique category (local policies, open space, watershed), overall the goals and policies generally encourage locating, designing, and screening projects to ensure compatibility with the surrounding land use pattern. The proposed use fulfils the goals of the various Land Use Plans referenced in Section 3.1.1; the project will retain the existing golf course and this is facilitated by providing limited residential use on the site based on the underlying zoning.

The Draft EIS examined potential changes in land use and if the project could have an adverse land use impact if it were inconsistent with planning goals and policies. These generally relate to coordination, applying sustainability principles in siting decisions and intent to ensure impacts are adequately mitigated. Also, a number of public comments were received on the topic of whether the proposed project would affect property values. Although the effect of the

project on property values is an economic rather than an environmental issue as defined by SEQRA, the issue was addressed in the Draft EIS and the project was found to not impact property values. The Revised Plan further supports this finding by reducing yield, particularly in areas south of Breeze Hill Road.

1.4.7 Community Character

The Revised Plan includes a number of design changes for the Subject Property that were made in response to public comments that concern aesthetic-related aspects of the Prior Plan. These changes include a revised grading plan (so that there is less cut and fill and associated traffic, noise and dust are decreased), a reduced yield and reduced building count (to reduce the intensity and density of use), and the entrance road and residential units connected to Makamah Road have been eliminated. Together, these revisions will significantly reduce the potential for adverse impacts on the visual appearance of the subject property and on the character of the area south of Breeze Hill Road, particularly in the area of Makamah Road.

1.4.8 Community Services

The Prior Plan would potentially require an increase in community services (school, police, fire etc., as discussed in the Draft EIS Section 3.3 and the Final EIS **Section 2.15** Community Services and Demography). The Revised Plan with 12 less residential units will reduce the projected increase in population from 147 to 129 persons (using Rutgers University, Center for Urban Policy Research Residential Demographic Multipliers). Thus, any required increase is reduced by about 8%; and would be more than mitigated by the tax revenue accruing to Suffolk County and the Town of Huntington (see discussion in the Final EIS **Section 2.15** Community Services and Demography).

1.4.9 Transportation

The Revised Plan will generate fewer vehicle trips during peak traffic hours than the Prior Plan because of the elimination of 12 residential units on the parcel south of Breeze Hill Road. The TIS indicated that the Prior Plan would not adversely impact local traffic conditions; therefore, it is expected that the Revised Plan would likewise have a smaller potential for such an impact. In addition, the TIS had indicated that no roadway mitigation would be necessary for the Prior Plan, so that the Revised Plan would also not require such mitigation.

Overall, the changes to the proposed project are a significant improvement in terms of site access, reduced vehicle trips and distribution of traffic. The reduction of twelve (12) units will reduce impact to area roads, and conditions for access to the clubhouse and safety on Breeze Hill Road will be improved as compared to current conditions.

1.4.10 Human Health

Based on the Golf Course Environmental Management Plan (see Draft EIS, Appendix G) , which will be implemented on an ongoing basis following subdivision approval, no adverse human health impacts are anticipated. In addition, the Indian Hills Country Club has completed Phase I and II Environmental Site Assessments, and all recognized environmental conditions that have been identified through this process have been fully addressed and a sign-off letter has been received from SCDHS. As a result, no adverse human health impacts are anticipated with respect to past operations with either the Prior Plan or the Revised Plan.

1.4.11 Cultural Resources

Archaeological resources have been evaluated in areas of the site subject to clearing/grading through further study in disturbance areas based on the Revised Plan. Examination of these areas finds that the site does exhibit archaeological sensitivity; however, as discussed in Response, **Section 2.18**, the recommended field testing described in Phase II in the area of Site D will be undertaken prior to construction activities in this area, to ensure that no significant archaeological resources are impacted by the proposed project.

1.4.12 Construction Related Impacts

Similar to the discussion and analysis of potential construction-related impacts associated with the Prior Plan (see Draft EIS Section 4.1), the Revised Plan is likewise expected to result in temporary and intermittent inconvenience within areas adjoining construction activity on the site. Prior analysis identified short-term construction impacts may cause some temporary inconvenience, but proper site construction management and normal vehicle precautions as well as the temporary nature of the work to be completed will minimize these impacts. Site construction activities will conform with Town hours of operation and noise requirements. The Revised plan eliminates the access to Makamah Road, which reduces land disturbance and grading, and eliminates such activities from this area of the site. The Revised Plan will also balance the site in terms of cut-fill and will reduce off-site trucking of soils. As a result, the Revised Plan will have less construction impact than the Prior Plan.

1.4.13 Cumulative Impacts

The Towns of Huntington and Smithtown were contacted to obtain information on other planned projects in the nearby area. At the time of the Draft EIS, there were no significant planned projects in the vicinity of the proposed project provided in either the Town of Huntington or the Town of Smithtown. No cumulative impacts were identified in the Draft EIS and this remains valid for the Final EIS. Further, there is no substantial change from that of the Prior Plan, except that the Revised Plan does reduce project density by twelve (12) units which further reduces potential impacts.

1.4.14 Adverse Impacts that Cannot be Avoided

For the Draft EIS, the site's conditions were characterized and the potential impacts to those conditions were assessed. In the same manner as for the Prior Plan, some impacts may exist with respect to the Revised Plan for which no mitigation is available. All significant adverse impacts resulting from the development of the Proposed Site will be mitigated to the maximum extent practicable. The proposed development will have certain short term and long-term adverse impacts, as would any development on the site. These impacts will be minimized where possible, but this section acknowledges those adverse impacts that may still occur, as follows:

- Compared to the existing condition, re-grading for the Revised Plan will permanently alter the topography of the Subject Property. Although paved and impervious surface will increase with the Revised Plan (due primarily to relocation of the access drive on Breeze Hill Road), cut and fill operations will be reduced.
- Despite the planned mitigation measures (such as soil wetting, etc.), temporary increases in the potential for fugitive dust during the construction period may still occur for both the Prior and revised Plans.
- Temporary increases in construction traffic and noise during the construction period are anticipated to decrease with the Revised Plan compared to the Prior Plan.
- Compared to the existing condition, the Prior Plan would increase the nitrogen load recharged over the overall site, from 773.98 lbs. at the present time, to 2,289.99 lbs. The Revised Plan would reduce the increase in the nitrogen load to 2,066.24 lbs.
- The Prior Plan would remove a total of 16.70 acres of natural vegetation (combination of Coastal Oak and Successional Southern Hardwood vegetation) on the overall site, while the Revised Plan would remove 16.63 acres of these vegetation types, representing an increase in the resource as compared to that of the Prior Plan.
- Both the Prior Plan and the Revised Plan will increase vehicle trips generated on the sites and on area roadways over existing conditions. However, because the yield of units is less in the Revised Plan than the Prior Plan, the amount of the increased trips is less for the Revised Plan. Thus, the potential for impact on local roadways and intersections would be less as well.
- Both the Prior Plan and the Revised Plan will increase total water consumption on the project properties, to 107,538 gpd for the Prior Plan (of which wastewater generation is 29,400 gpd), and to 102,668 gpd for the Revised Plan (of which 25,800 gpd is sanitary wastewater).
- Both the Prior Plan and the Revised Plan will increase the intensity of land use on the site (over current site conditions), though the Revised Plan will produce a lesser increase, due to its lower density as compared to the Prior Plan.
- Both the Prior and Revised Plan will increase the total amount of solid wastes generated on the project sites, though the Revised Plan will produce a lesser increase, due to its lower density.
- It is expected that the Prior Plan and the Revised Plan will increase the potential need for emergency services of the Suffolk County Police Department and the Northport Fire District, though the Revised Plan would generate less offsetting tax allocations to these services than the Prior Plan.
- The Prior Plan and the Revised Plan will increase demand on energy services of PSE&G and National Grid, though the Revised Plan would have a relatively lower demand on these services than the Prior Plan (98 vs. 86 homes).

The Prior Plan and the Revised Plan will increase demand on natural gas requiring an extension of a gas main into the area. This main, once installed, will not only enable the Applicant to obtain service to the proposed development but will increase the potential for homes in the surrounding neighborhood to connect to natural gas. This will help support conversions from heating oil to cleaner natural gas reducing CO2 and local emissions. Emissions such as NOx, SOx, and particulate matter directly impact local air quality and are measured as local pollutants while CO2 emissions are a global climate pollutant.

There is no substantial change from that of the Prior Plan, except that the Revised Plan does reduce project density by twelve (12) units which further reduces potential impacts.

1.4.15 Irreversible and Irretrievable Commitment of Resources

This subsection is intended to identify those natural and human resources that will be consumed, converted or made unavailable for future use as a result of the Revised Plan. Like the Prior Plan, the Revised Plan will result in irreversible and irretrievable commitment of resources, as follows:

- Material used for construction on the site, including but not limited to: wood, asphalt, concrete, fiberglass, steel, aluminum, etc.
- 16.63 acres of natural vegetation on the overall site.
- Energy used in the construction, operation and maintenance of this project, including fossil fuels (i.e., natural gas).
- Potable water to be consumed on a daily basis, for the operation of the Revised Plan, totaling an estimated 102,668 gpd, of which 25,810 gpd represents domestic consumption.

However, the impact of this commitment of resources is not anticipated to be significant, as the magnitude of these losses is not substantial. Further, there is no substantial change from that of the Prior Plan, except that the Revised Plan does reduce project density by twelve (12) units which further reduces potential impacts.

1.4.16 Growth-Inducing Aspects

The growth-inducing aspects of the Prior Plan were defined and discussed in Section 4.5 of the Draft EIS. In that document, it was determined that the Prior Plan was not expected to result in significant growth-induced impacts, though the project will increase taxes generated by the site, resulting in a rise in revenues distributed to each taxing jurisdiction.

It should be noted that the Revised Plan is similar to the Prior Plan, so that its growth-inducing aspects would be similar as well. The following discusses these aspects of the Revised Plan.

- The proposed project is complementary to the prevailing uses in the area, but would not represent a major increase in population

- The creation of 86 senior residential units is not expected to create a significant increase in the demand for additional commercial or institutional resources within the Town of Huntington or the surrounding area.
- The proposed project will utilize individual on-site advanced sanitary systems to accommodate sanitary waste generated by the future residences, such that the proposed action would not require or result in the expansion of any existing, or creation of any new sewer district.
- With regard to traffic growth, no off-site roadway expansion will be required. Thus, the proposed action will not create the need for any changes to the roadway infrastructure in the vicinity of the site. Since new roadway infrastructure will not be required, growth inducement is not expected to result.
- Since the proposed project is age-restricted to residents 55 years and older, no school-aged children will be generated. Although compared to the Prior Plan, school tax revenues will decrease from 1.1 million/yr. to 902,661/yr.; with the Revised Plan, this net revenue could ease the district's need to tap into additional fund balances, reduce their financial burden, and could also help alleviate an increased burden on other taxpayers throughout the district. Therefore, no expansion of public educational facilities would be expected.
- It is not anticipated that the proposed project would have a significant adverse impact on the patrol responsibilities of the SCPD for security/safety purposes. While the potential need for police services to the site would be increased by the addition of residences, this increase would not in itself be a significant added burden on patrol activities, as this use does not generate much potential need for response.

1.4.17 Effects on the Use and Conservation of Energy Resources

The proposed project will contain a number of sustainable and energy-efficient measures in the design and construction of these structures. Site drainage and treatment of runoff will be significantly better than the existing conditions and meet and/or exceed the applicable Town requirements for new construction.

At the clubhouse, the existing building has, due to its age, no energy- or water-savings measures installed. Energy saving measures will be installed (i.e. improved insulating materials) to reduce both heating and cooling energy use. An entirely new, energy-efficient heating and cooling system will be provided and all new plumbing fixtures will be low-flow, dual flush and water-efficient. All new appliances and equipment will meet Energy Star requirements, where such equipment is available.

The individual units will be designed to meet Energy Star requirements, including highly insulated building envelopes, high-efficiency heating and cooling equipment and low-flow dual-flush plumbing fixtures. The Town Board may consider LEED or equivalent certification or additional sustainability features or energy standards to be built into the design as part of the local law.

1.4.18 Summary and Conclusion

Based on the comparative impact analysis above, the Revised Plan will mitigate potential adverse impacts to the site and area's natural and human resources to a higher degree than

would occur for the Prior Plan. The Revised Plan addresses a number of Town and community concerns related to aesthetics and character, transfer of cut and fill material, traffic and wetland protection, while satisfying the goals, capabilities and fiscal motivations of the Applicant. The most substantial changes are elimination of potential impact to wetlands associated with the Makamah Nature Preserve and wetlands pending NYSDEC designation south of Breeze Hill Road, and the reduction in the number of units, whereby the Revised Plan reduces project density by twelve (12) units which further reduces potential impacts as compared with the Prior Plan.

SECTION 2.0

COMMENTS AND RESPONSES

2.0 COMMENTS AND RESPONSES

Comments on the Draft EIS have been grouped in terms of similar comments, categorized in terms of topic, and summarized or excerpted for the purpose of providing a response, as described in **Section 1.0**. The comments received by the Lead Agency, Town of Huntington Planning Board are sorted in a manner similar to that employed in the Draft EIS and are presented below. It is noted that the lead agency provided guidance on the substantive comments made verbally during the public hearing, and documented in the hearing transcript (see **Appendix B**).

2.1 Property Value

Comment numbers B-7, B-12, B-18, B-22, B-41, B-63, B-73, B-77, B-92, B-94, B-102, B-109, B-119, B-154, C-16, C-47, C-50, C-71, C-90, C-92, C-107, C-112, C-151, C-179, C-185, C-234, C-238, C-240, C-299, C-316, C-431, D-9, & H-5:
These comments express concerns related to adverse impacts on the value of the private residences abutting and in proximity to the proposed project.

Response:
As discussed on page 114 in the SEQRA Handbook, Fourth Edition 2020:

> *Purely economic arguments have been disallowed by the courts as a basis for agency conclusions when concluding a SEQR review by developing Findings. Therefore, potential effects that a proposed project may have in drawing customers and profits away from established enterprises (commonly known as "competitive impacts"), possible reduction of property values in a community, or potential economic disadvantage caused by competition or speculative economic loss, are not environmental factors*.

In the interest of full analysis, the Applicant provided a real estate appraisal report by Cushman & Wakefield in Appendix O of the Draft EIS. The findings of that report are based on a commonsense approach and remain valid. The proposed "cluster" development of the site will maintain the golf course, which benefits residents surrounding the golf course as well as those that interact with the area as pedestrian or motorists , and this in turn reduces the level of neighborhood change, thus maintaining property values in the area. The fact that the golf course remains as a result of the "cluster" type community, maintains the prestige of the area close to it, positively affecting values beyond those homes that enjoy views of the golf course. The "as-of-right" development of the site with single-family homes would eliminate the golf course, and the views of all the properties adjacent to it, which would be detrimental to the value of all of those homes. Further, the addition of more homes on 1-acre parcels would be direct competition to the existing homes, resulting in lower values for those existing homes. There is a common sense element to real estate implications - keep the golf course and the views, eliminate competition from more similar homes - property values are maintained. The "cluster" development is more positive for area property values than the "as-of-right" development. Less

homes would be affected by the proposed cluster development than development under current zoning where the golf course is eliminated completely.

Appraisal reports, unsigned and without evidence of the appraiser's qualifications or the data to arrive at the conclusion were submitted during the public comment period purporting to a reduction in property values. Appraisal reports that are not signed are not professional or valid. Statements regarding verbal "appraisals" and comparable sales must be substantiated. The appraisals prepared by Thomas Dibiasi (see comment C-92 and attachments) rely on the statement the 'proposed homes will not be adhering to the one-acre zoning.' This opinion conflicts with the Town of Huntington Planning Board's record on the proposed application (see Draft EIS Appendix E). A Yield Map was submitted and approved by the Town Planning Board at their regular meeting of July 26, 2017, depicting 98 building lots on 151.08 acres in full compliance with the R-40 Residence District zoning requirements. An updated Yield Map is contained herein (see **Attachment B)** that responds to comments on the Draft EIS i and supports 98 lots. The current development is for 86 senior residences, and thus is less than "as-of-right" in terms of density, and fully conforms to all manners of yield determination.

In general, buyers of townhomes do not consider houses, and vice versa. The proposed cluster development would not be direct competition to the existing homes, while the "as-of-right" development would be.

As considered in the Cushman & Wakefield report (see Draft EIS Appendix O), the existing values of homes in the area were considered, in context and individually, with both the proposed cluster and the "as-of-right" development. As indicated in that report, existing homes in the community will be minimally affected by the proposed cluster development. The majority of the homes in the area would be more negatively affected by the loss of the golf course and the development of single-family homes under existing zoning.

Other aspects concerning potential impacts to existing homes in the area involve construction, lighting and potential noise. Each of these would occur regardless of the type of development on the property, and all such development must conform to applicable provisions of Town Code. Impacts to property values from construction activities will be temporary, and are limited under the "cluster" style development of the site as compared to residential use of the entire site for individual single-family homes. The use of duplex-style units decreases the number of buildings constructed on the property, and buildings are grouped in three separate areas while maintaining most of the site as recreational open space. Potential impacts to property values from noise and light, as discussed in the Draft EIS Section 3.2 will be typical of a residential neighborhood, whether the development has clustered or detached housing and ultimately must conform to Town Code requirements.

The only lighting currently proposed by this residential subdivision is street lighting. Based on the size of the property, locations of the streets and streetlights, the height of street light fixtures, the planting of street trees, and the retention of trees and vegetated buffers, impacts to adjacent

properties from excessive illumination from street lights, are not anticipated. Outdoor lighting for future homes is expected to include typical porch and rear yard patio lighting. The proposed street lighting fixtures will be equipped with solid/opaque hoods to prevent light from being cast upwards and causing sky glow. As required by §143-6, of Town Code, there will be no projection of lighting off site from the common lighting on the project site. As noted, residential character lighting will occur with any development scenario, and must conform with "dark sky" lighting provisions per code.

The ambient noise environment is characteristic of the surrounding land uses, including area roadways such as Breeze Hill and Fresh Pond Roads. The nearest receptors include residential properties west, east and south of the subject property. It is expected that noise from vehicles on existing adjacent roadways will continue to be the dominant source of background noise at the site and in the surrounding area. The only significant sources of noise which may be audible to nearby residents related to the residential use of the property under the proposed development are on-site traffic from the development, property maintenance activities, use and other human activities associated with the proposed residential use of the property. Traffic on-site will have low volumes characteristic of a senior community and vehicles will travel at low speeds due to the residential nature of the subdivision, and therefore, is not expected to result in a significant increase in ambient noise levels. Other post-development noise will be typical of a residential neighborhood and consistent with what currently exists in the area; thus no significant noise-related impacts are expected.

In regard to potential impacts to property values due to decreased views, a photographic study of the subject property for visual assessment purposes is contained in the Draft EIS Appendix M. The appendix includes existing as well as proposed conditions for nine (9) view locations. These locations were selected consistent with the Final Scope, to reflect the existing visual character of visually accessible portions of the subject site.

Based on the photographs and visual assessment in the Draft EIS Section 3.2 it may be concluded that the property in its present condition does not currently offer unique or significant visual resources to the community with the exception of the existing golf course and generally vegetated condition. The proposed project will introduce residential development to three (3) areas of the site, in order to retain the existing golf course and cluster residential use in areas that are advantageous from the standpoint of access and minimized impact to golf operations. Landscaping, setbacks and attractive architecture will tend to minimize visual impact and change to area conditions. The central portion of the site will remain a golf course, resulting in little impact to surrounding views. Areas of development will be located on lower slopes in the northwest quadrant and slightly higher slopes in the southwest and southeast quadrants than the surrounding area. Sloping topography and vegetation will significantly limit views deep into the Project Site. Views of the proposed buildings will largely be obstructed by expanses of site vegetation along the property's perimeter. All views will be designed to maintain a buffer to surrounding land uses.

2.2 Existing Site Development, Conditions and Operations

Comment numbers B-13, B-14, B-15, C-48, C-62, C-63, C-64, C-65, C-66, C-167, C-261, & C-2880: *These comments express concerns related to the current use, condition, and operations on the project site, and of the golf course maintenance activities in particular.*

Response:

Indian Hills Country Club Operations

The Indian Hills Country Club is an ongoing operation that has existed on the site since 1961. The golf course requires ongoing maintenance which has been occurring over the past 59 years. There is a maintenance area in the northeast part of the existing golf course that houses the equipment and daily personnel that carry out maintenance activities. Contractors are employed when necessary for groundskeeping activities that are not able to be done by on-site personnel, such as tree maintenance. This is typical of golf course operations, and is an ongoing condition that would occur with or without the proposed project.

Neighbors have periodically brought activities on the golf course to the attention of Town officials. The course is subject to significant oversight as a result. The Draft EIS provides background regarding activities of concern relating to material placed on the ground at the maintenance area and material from on-site maintenance which has been placed in the east-central part of the golf course. With regard to the maintenance area, in early 2017, the Applicant completed the cleanup of a large pile of dead trees left over from Superstorm Sandy. IHCC reports that the previous owner left this material on the property adjacent to the maintenance facility and neighboring properties on Claymore Drive. The Applicant removed this material and once the storm debris was removed, topsoil was placed and graded and a damaged fence bordering a neighbor's property was repaired to prepare for the planting of evergreens along the property line. The Final Scope anticipated that these areas would be further assessed in the Draft EIS.

In February 2019, surface soil samples were collected from the backfilled parking area in the maintenance yard as well as the organic material dumping area in the east-central portion of the golf course. Although the NYSDEC, SCDHS, SCPD and the Town of Huntington all investigated the complaint associated with the parking area fill, no citation was ever issued or violation reported by any of the involved regulating agencies. Regardless, the Applicant removed the fill and samples were collected by trained and qualified personnel of NP&V. Samples were subject to cooler storage for transport and proper chain-of-custody and other protocols as outlined in the Phase II ESA reports included in Draft EIS, Appendices I-2 through I-4.

Review of the analytical results for this area did not detect the presence of any semi-volatile organic compounds or herbicides in any of the samples collected. Several pesticides, PCBs and metals were detected in all or some of the samples collected but at concentrations below their respective Part 375 soil cleanup objectives (SCOs) for the protection of groundwater. Finally, the

only volatile organic compound detected consisted of acetone and was only found in samples parking area sample PA-2 and dumping area sample DA-1 at concentrations of 74.2 micrograms per liter (ug/l) and 76.5 ug/l, respectively. These concentrations slightly exceeded the Part 375 SCO for the protection of groundwater of 50 ug/l established for acetone. However, acetone is an extremely volatile organic compound with a relatively short-half life in nature. Based on the low levels found in the samples collected and its high volatility, the concentrations detected are not expected to present a significant impact to the subject property. A copy of this letter report, dated February 19, 2019, is provided in the Draft EIS, Appendix I-5.

Site remediation activities were performed to address the issues discovered during the Limited Phase II ESA (see Draft EIS Appendix I-2). All remediation activities were coordinated with the Suffolk County Department of Health Services (SCDHS) to ensure that appropriate methods and procedures are utilized to ensure that all impacted materials are removed in compliance with their requirements and standards. Remediation was completed on the clubhouse kitchen sanitary system in February and March of 2017. A 'no further action' letter was issued by SCDHS and is included in the Draft EIS, Appendix I-6. Removed soils were transported by a licensed waste hauler to an appropriate facility for disposal. Given this oversight, no significant adverse impacts are anticipated with respect to soils due to past site uses or existing contamination conditions.

The issue of "segmentation" has been raised with respect to Indian Hills Country Club. SEQRA Part 617.2(ah), defines segmentation as the division of the environmental review of an action so that various activities or stages are addressed as though they were independent, unrelated activities needing individual determinations of significance. Except in special circumstances, considering only a part, or segment, of an overall action is contrary to the intent of SEQR. When trying to determine if segmentation is occurring, agencies should consider a number of factors as outlined below. If the answer to one or more of these questions is yes, an agency should be concerned that segmentation is taking place.

- Purpose: Is there a common purpose or goal for each segment?
- Time: Is there a common reason for each segment being completed at or about the same time?
- Location: Is there a common geographic location involved?
- Impacts: Do any of the activities being considered for segmentation share a common impact that may, if the activities are reviewed as one project, result in a potentially significant adverse impact, even if the impacts of single activities are not necessarily significant by themselves.
- Ownership: Are the different segments under the same or common ownership or control?
- Common Plan: Is a given segment a component of an identifiable overall plan? Will the initial phase direct the development of subsequent phases or will it preclude or limit the consideration of alternatives in subsequent phases?
- Utility: Can any of the interrelated phases of various projects be considered functionally dependent on each other?
- Inducement: Does the approval of one phase or segment commit the agency to approve other phases?

Indian Hills Country Club has been engaged in a variety of maintenance activities on the golf course for approximately 59 years. As part of the Applicant's continuing efforts to upgrade and improve the long-neglected greens, bunkers and portions of fairways on the golf course, many of these features are undergoing a reconstruction program that commenced at the end of the 2016 season. The effort involves digging, creating piles of soil and regrading upon completion. The work also involves tree trimming, maintenance and removal for safety and golf course maintenance improvement purposes. All of the tree work has been done under permits granted by the Town of Huntington who have performed inspections before, during and after tree work is performed.[1] All inspections have confirmed compliance with permitted work. Such maintenance is not related to the pending residential community application before the Planning Board, and the Planning Board would not review the ongoing maintenance activity. As a result, the ongoing work on the golf course does not constitute segmentation.

Comment E-193
This comment requests descriptions of the existing residences at 40 and 42 Makamah Road, as per ZBA decisions #2093 and # 21875, which indicate that there are eight (8) residential dwelling units within six (6) existing structures.

Response:
Information contained on Town of Huntington Property Card Site Histories for these two ZBA decisions are included in **Appendix K**. The proposed project plan has been changed such that there will be no new residential units placed on this portion of the property.

2.3 Project Description and Design

Comment numbers B-5, B-8, B-16, B-17, B-20, B-28, B-35, B-38, B-44, B-55, B-56, B-57, B-61, B-65, B-74, B-75, B-76, B-79, B-80, B-82, B-85, B-90, B-91, B-103, B-106, B-118, B-127, B-147, C-40, C-42, C-81, C-82, C-84, C-91, C-108 through C-111, C-149, C-150, C-171, C-182, C-197, C-203, C-242, C-243, C-253, C-258, C-265, C-279, C-289, C-293 through C-297, C-301, C-306, C-310, C-312, C-313, C-314, C-420 through C-430, C-432 through C-440, C-446, C-448, C-493 through C-500, C-513, C-514, D-11, E-8 through E-11, E-32, E-33, E-34,E-35, E-44, E-49, E-50, E-52, E-53, E-55, E-59, E-60, E-178, E-179, E-188, E-189,E-200, E-238, E-240, E-241, E-242 ,& E-243:
These comments request additional information on the design and layout of the proposed project, its anticipated operations, and its utility services and roadways. More specifically, the comments request further information and evaluation regarding the following: the use of clustering; yield and site design; maintenance operations; project sponsor goals and community planning;

[1] In accordance with Huntington Town Code, Chapter 186, Tree Preservation and Protection, it shall be unlawful for any person or business entity to cause, permit or allow the removal, destruction, or substantial alteration of any Landmark Tree, Large Tree, Medium Tree or more than three (3) Small Trees or Woodland, within a one (1) year period, without first obtaining a permit from the Department of Planning and Environment. Any other removal or pruning of trees that may have occurred would have resulted pursuant to Town Code §186-4(B), Exemptions, including those activities involving an application under review by the Town.

community services and demographics; project access road, traffic and parking; site lighting; design and use of the clubhouse; sanitary system design; water quality mitigation; development in the area of the CEHA boundary; stormwater management; and, natural gas availability. Each of these items are responded to in subsections below.

Response:
The proposed action involves a clustered subdivision of a 154.56-acre golf course property zoned R-40 (minimum one acre) Residence District to provide for the conservation and preservation of open space and the support of private recreational use in conformance with the Town of Huntington Horizons 2020 Comprehensive Plan Update (pg. 3-8). Updated information follows.

Proposed Project Update

Project plans have evolved during the SEQRA process. The proposed project is revised for this Final EIS as described in detail in **Section 1.3**. The proposed project has been reduced from 98 to 86 senior residences that remain distributed within three areas of the site in order to maintain the existing golf course. The property will be subdivided into 89 lots, with 36 units in the northwest, 14 units in the northeast and 36 units in the south, situated in the same general areas of the site as the project addressed in the Draft EIS. Major changes involve reduction of density, elimination of access from Makamah Road such that the units south of Breeze Hill Road will take their access through an improved clubhouse access driveway, and removal of units from proximity to wetlands pending designation by NYSDEC south of Breeze Hill Road. The clubhouse will remain on the lot west of the improved access. Handicapped parking spaces will meet the number and design required, marked and/or striped and be located closest to building entrances. Plans have been revised and added pursuant to Town, involved agency and public comments and are referenced in **Section 1.0** of this Final EIS. A comparative analysis of the Revised Plan and the Prior Plan is provided in **Section 1.4**.

Clustering as Related to Proposed Project and Other Noted Projects

Cluster provisions establish a mechanism to preserve open space such as golf courses from the pressure to subdivide and construct tract housing developments (a.k.a. suburban sprawl). According to the National Golf Foundation, in the past decade golf course closures far outweighed new openings and owners are pursuing sustainable alternatives, a concern and concept shared by the Applicant.[2] The proposed cluster development advances the spirit and intent of preserving open space consistent with the Town Comprehensive Plan Update Strategy A.8.2. for encouraging voluntary open space dedications through conservation subdivisions and Environmental Resources and Open Space Policy A.1. In addition to the benefit the project will provide to community open space, the improved capture and recharge of stormwater runoff alone will result in a significant positive impact for protecting water quality in the area as discussed in Section 2 and the Environmental Management Plan in Appendix G of the Draft EIS. To accomplish this, setbacks will be modified. For example, proposed side-yard setbacks would total 8 feet, where in a conventional R-40 subdivision, a total of 50 feet is required. Similarly,

[2] https://www.ngf.org/

rear yard setbacks are proposed to be modified from 50 to 10 feet. The retention of natural vegetation for buffering and screening, and landscaping of lots will promote aesthetic benefits.

There have been comparisons made with the greater setbacks associated with other zoning districts such as the R-PUD The Greens at Half Hollow Planned Unit Development District ***(Town Code § 198-21.2)*** and the proposed project. It should be noted that the Greens at Half Hollow project involved a Town Board rezoning of a 382–acre parcel that increased the density several-fold than would have otherwise been permitted. The proposed project does not involve a rezoning. The proposed project involves Subdivision and a Special Permit from the Zoning Board of Appeals pursuant to Town Code §108-109. A Special Permit is a type of use generally found to be harmonious with the as-of-right uses. A rezoning is a proposed use not permitted as-of-right which requires Huntington Town Board approval. Comparisons have also been made to The Hamlet Golf and Country Club located in Commack (the "Hamlet") regarding 'counting the clubhouse equivalent to 40 housing units' for calculating density. Again, the Hamlet was a discretionary determination before the Town Board and is not comparable to the Preserve at Indian Hills. The Hamlet and other golf course projects in the Town each have their own potential impacts that must be reviewed. '*Not every conceivable alternative or mitigation measure needs to be considered*' [3]. The plan reduces the impact on the environment in a fundamentally conservative approach that considers all of the sensitive features of the site and area which is recognized in the proposed cluster design.

<u>Town Code, Yield Conformity, Planning Review and Neighbor Expectations</u>

The proposed project will fully comply with the Town Building Height requirement of the R-40 Residence District zone, but the remaining area and bulk requirements reflect modified requirements to preserve open space. After calculating the average slope of hillside areas on the site pursuant to Town Code, Article X Steep Slope Conservation Law and setting aside (subtracting) land for freshwater wetlands, streets and stormwater recharge areas, the density for the Project remains low density in the Town's classification system. The updated Yield Map (see **Attachment B**) that responds to comments on the Draft EIS is provided and supports 98 lots. The current development is for 86 senior residences, and thus is less than "as-of-right" in terms of density, and fully conforms to all manners of yield determination.

The comment expresses concerns regarding neighbors' expectations that when they bought their properties, any new adjacent development would be restricted to one home per acre. Pursuant to New York State Town Law, Section 278 and Town of Huntington, Chapter A202 Subdivision and Site Plan Regulations, Section 4.7, a cluster designation is applicable in all residential zoning districts. The proposed project will comply with the Town of Huntington, Chapter A202, Subdivision and Site Plan Regulations, adopted by the Town Board on May 6, 2014. As stated in Section 1 of the regulations:

[3] Coalition Against Lincoln West v. City of New York, 94 AD2d 483 (1st Dept 1983); Matter of Envtl. Def. Fund v. Flacke, 96 AD2d 862 (2nd Dept 1983).

> *These Regulations are established in accordance with the written Town of Huntington Comprehensive Plan and updates (1965, 1993 and 2008), the Horizons 2020 Huntington Comprehensive Plan Update, as well as all of the land-use and zoning policies established by the various boards of the Town, and the Town Code. The purpose of these Regulations is to provide for the orderly growth and coordinated development and redevelopment of the Town of Huntington and to assure the health, safety and welfare of the general public. These Regulations are designed to consider and afford adequate facilities for vehicular movement, pedestrian access, drainage, storm water run-off, and environmental and energy efficient design features for new and restorative developments.*

The above referenced regulations and Town Code have been promulgated to guide the Town's planners regarding site development for ensuring the health, safety and welfare of the community. Site plan review and approval will address details including, but not limited to maintenance yard parking, buffers, fencing, lighting, stormwater, drainage, noise, materials storage, equipment operations and dumpster locations. Standards have been designed and codified for such facilities:

> *Evaluation of potential impacts upon community or neighborhood character is often difficult to define by quantitative measures. Courts have supported reliance upon a municipality's comprehensive plan and zoning as expressions of the community's desired future state or character.*[4]

The proposed strategic placement of the housing units is designed to preserve existing open space of the golf course which is primarily located within the interior of the site and to utilize points of access that would minimize impacts to sensitive features including community character; the Crab Meadow Watershed; the Makamah Nature Preserve, Fresh Pond, the bluff and CEHA area, slopes and wetlands. Each application before the Planning Board is considered on a case to case basis relative to the unique setting and environmental characteristics of the property.

<u>Private Maintenance/Operations</u>

As the Preserve at Indian Hills is contemplated to be a private, age-restricted community, there is no intention to dedicate roadways or park facilities to the Town of Huntington. The proposed interior roadways will be privately owned and maintained by the Homeowners Association. This ensures that there are no additional maintenance costs to be borne by the Town. The majority of the property will be used for recreational open space by maintaining the existing golf club. The limited residential development on the site will have access to common clubhouse facilities and will benefit from the ability to maintain membership in the Indian Hills Golf Club. Hence, it is expected that there will be no burden on Town recreational facilities, or a need to provide additional recreational facilities for the expected residents of The Preserve at Indian Hills. Since the residential development is age-restricted, many owners are expected to reside elsewhere

[4] The SEQRA Handbook, Fourth Edition 2020, page 84.

during winter months, further reducing the burden on Town services. A total of 95.23 acres of the property (61.5% of the site) will be devoted to the golf course, a recreational open space that will be preserved in perpetuity by the conservation easement applied to this acreage when its yield is transferred to the overall site.

Goals of the Project Sponsor and Community Planning

The goal of the project sponsor is to create a profit on investment through development of a conforming land use plan that serves community needs and conforms with community plans. Not coincidently, the goals of the Town and Applicant result in similar benefits in terms of recreational open space preservation, sound planning principles and effective resource management. These goals are not in conflict or mutually exclusive, but are rather in harmony.

University studies have found green spaces such as residential golf course developments encourage more active lifestyles; cultivate a general sense of wellbeing, and not only maintain but can improve surrounding natural resources.[5] There is a vested interest by the developer in sustaining the environment. As established in **Section 2.1** above, certain aspects of the project are beyond the scope of SEQRA, including: the Applicant's purchase price of the property, selling price of the proposed units, property values, competition or speculative economic loss. Nevertheless, the cluster development, as proposed, would have minimal or temporary impact on properties in the area. In the long term, it is expected that homes adjacent to the project will command higher prices over other lots in the neighborhood. Conversely, if the existing golf course property declines, that could negatively impact adjacent property values.

According to the Town of Huntington Horizons 2020, Comprehensive Plan Update (pg. 5-2), "…most new higher-density housing in Huntington is designed for senior citizens or small households, housing types that do not usually attract residents with school age children. However, it has been asserted that some of this new development is generating more school age children than initially projected." The proposed project fills an important gap by providing alternative, low density, senior housing. Builders often require more units or increased density to cover the costs of constructing affordable senior housing. The provision of affordable housing in the Town of Huntington is provided in Town Code, Article IV, rezoning of property, where the land has been the subject of an Applicant-initiated zone change which has resulted in an increase in the lot yield or density allowance. The proposed site plan does not involve a rezoning or a request for an increase in density. To ensure that the proposed project will be in compliance with the Town Code definition of senior housing[6], as a condition of the site plan, all units shall be subject to covenants and restrictions that run with the land, and restrict the sale, resale and rental of such units in accordance with said requirements.

[5] https://rpts.tamu.edu/the-proximate-principle-impact-of-parks-on-property-value/

[6] Independent dwelling units requiring that at least one (1) owner is fifty-five (55) years of age or older and he or she occupies the dwelling unit.

Community Service and Demographic Considerations

The development is proposed for residents age 55 and above. As a result, the project will not generate any school-age children. The project supports the senior population, while enhancing and retaining the recreational use in conformance with the recommendations of the Town of Huntington Comprehensive Plan Update. As discussed further in **Section 2.15**, according to the National Association of Home Builders and MetLife Mature Market, the average household size among multi-family housing units (which include the proposed townhouses) aged 55 years and older is 1.5 persons. This compares to an average household size of 2.1 persons among single-family detached housing units aged 55 years and older. In addition, 55 and over communities do not significantly increase traffic in an area, do not add students to the public-school system, and contribute to the real estate tax base.

Project Road, Parking and Traffic

The right of way and pavement width for the existing private roadway to Breeze Hill Road would remain 30 feet, and would continue to meet Town Fire Code standards and to provide safe access to and within the site. It will not be offered to the Town for dedication. Where portions of this existing private roadway width are less than 30 feet (e.g. between the Berg and Jerome properties, SCTM #'s 0400-15-01-18 & 0400-15-01-20, respectively) it will be improved to meet the minimum paved width and drainage requirements pursuant to Town of Huntington, Chapter A202, Subdivision Regulations and Site Plan Regulations, adopted by the Town Board on May 6, 2014. A private right of way is an easement, which is the right to use part of another's property in a particular way even though they do not own it. Any issue with rights of access for the project, shall be lawfully settled for insuring safe access in conformance with Town Subdivision and Site Plan Regulations. Access will continue to be provided from Breeze Hill Road to existing residences (Federico, Berg and Bubaris), and the driveway from Breeze Hill Road will not be used for general access for the Preserve at Indian Hills but will be available for emergency access only. As noted in **Section 1.3**, this access and will be restricted by signage and notification of residents through the HOA offering plan, subject to penalty.

Interior roads will conform to Town design requirements, and all grading associated with roads and other development components will be stabilized at a slope not steeper than one (1) vertical on three (3) horizontal per Section 6.1.3.2 Stabilization of Slopes of the Town Subdivision and Site Plan Regulations. It should be noted that the Suffolk County Planning Commission (SCPC) Guidebook standard of 1,000 feet relative to the maximum length of cul-de-sacs was removed in the latest 2012 version of the guidebook. Created in consultation with experts and local stakeholders, the first bullet listed in the SCPC Specific Design Policies (pg. 23) is to: Encourage flexibility of design in order to promote a mixture of uses in order to minimize traffic, encourage pedestrian activity and create a sense of place. The proposed project meets these goals by providing redevelopment of an existing recreational resource with clustered senior housing as an alternative to continued sprawl (first bullet on top of pg. 18). Although trips per household for senior housing is expected to be about half that expected for the ITE figure for similar development with no age restrictions, the proposed project has accounted for guest parking with the provision of two car garages, double wide driveways and off-street parking.

There was an expectation in the Final Scope, adopted in November 2018 for improvements to the intersection of Makamah Road and NYS Route 25A. However, after careful review as provided in the most recent and relevant January 2019 Traffic Impact Study (the "Study") included in Appendix Q-1 in the Draft EIS, the data did not support such improvements. Earlier plans and proposals are superseded by this study. All the intersections studied are projected to continue to operate at No Build Level-of-Service (LOS) during the weekday AM, PM and Saturday midday peak hours with the construction of the proposed senior housing development with minimal increase in delay with the exception of Fort Salonga Road (NYS 25A) at Makamah Road during the PM peak period where the southbound stop-controlled approach is anticipated to change from LOS C to LOS D with an increase in delay of only 3.2 seconds. The intersection capacity and LOS analyses were based on the procedures and guidelines presented in the 2010 Highway Capacity Manual, published by the Transportation Research Board.

Subdivision Lighting Design

Lighting is proposed pursuant to Town subdivision street lighting requirements and residential home lighting will be provided for safety and security, typical of a residential subdivision. Based on the size of the property, locations of the streets and streetlights, the height of street light fixtures, the planting of street trees, and the retention of trees and vegetated buffers, impacts to adjacent properties from excessive illumination from street lights, are not anticipated. The proposed street lighting fixtures will be equipped with solid/opaque hoods to prevent light from being cast upwards and causing sky glow. As required by §143-6, of Town Code, there will be no projection of lighting off-site from the common lighting on the project site. (Please also see **Section 2.1**.)

Clubhouse Design and Use

As shown in the Floor Plans the new clubhouse will be in conformance with the Agreement and Release, dated April 14, 2003 between the Town of Huntington, the Indian Hills Country Club and the Fort Salonga Property Owners Association, Inc., as the existing footprint will not be expanded by more than 30% or have a height higher than the present building. Section 1.7 of the Draft EIS details clubhouse operations related to the new facility. The new clubhouse will provide improved facilities for the existing membership. The primary purpose of the new clubhouse is to improve the flow and movement of guests and staff. As stated in the Draft EIS (pages 1-1 & 1-16), the existing golf pro-shop building will be retained, renovated and repurposed as a community fitness center for the residents of the subdivision. With this renovation, if required, an application will be made for amendment of the previously issued Special Use Permit under Town Code Section § 198-109 and § 198-110 (C) (5). No new "community room" is proposed nor any large catering hall that would intrude on the surrounding community. The clubhouse is anticipated to be two-story building with a lower level, which will provide an on-site amenity for the exclusive use of the homeowners, members and their guests.

The use and activities will be consistent with the Town Zoning Code and the Special Use Permit pursuant to §198-110 and the previously mentioned Agreement and Release. The Clubhouse Floor Plans provided in Appendix F of the Draft EIS detail the future uses within the new

clubhouse facility. The scaled floor plan in Appendix F of the Draft EIS (1/8" = 1') shows the catering/banquet room with facilities to accommodate a similar number of guests as currently provided or up to 200 people as supported by the industry standard of eight square feet per person and as established by regulatory agencies for protecting public health, welfare and safety. Design and management of food service areas shall comply with New York State Department of Health's Bureau of Community Environmental Health and Food Protection and will be subject to local inspection and food service requirements of the Suffolk County Department of Health Services (SCDHS).

Existing and proposed clubhouse traffic, sight distance along adjoining roadways, parking and noise conditions were accounted for in the impact analyses of the Draft EIS. The trip generation estimates for the proposed development were prepared utilizing data within the Institute of Transportation Engineers' (ITE) publication, *Trip Generation, Tenth Edition*.[7] This publication sets forth trip generation data obtained by traffic counts conducted at sites throughout the country. It was determined that the potential increase in the conditions generated by the new clubhouse would be minimal. Concern regarding noise from these guests and their vehicles will be mitigated with conformance to required setbacks and noise prohibitions under Town Code. The most basic noise management measure is traditional zoning that separates uses. The distance between the proposed clubhouse parking area and existing homes (the closest points between potential clubhouse noise and receptors) will exceed 100 feet. In addition, the Town of Huntington has numerous ordinances and enforcement practices that apply to intrusive noise. These are summarized in Town Code § 141.

Sanitary System Design

Sanitary waste will be treated in four (4) sanitary system zones for the townhomes/clubhouse, two (2) north and two (2) south of Breeze Hill Road. Each sanitary system zone will consist of multiple treatment units. Ejector pumps will convey sanitary wastewater to multiple Fugi Clean CEN 21, SCDHS approved Innovative/Alternative Onsite Wastewater Treatment System (I/A OWTS) treatment units which will treat sanitary waste to below 19 milligrams/liter (mg/l) in conformance with SCDHS discharge limitations. Each system will discharge to a leaching pool field situated in suitable soils to effectively recharge treated effluent. The clubhouse system will include the fitness center. The clubhouse which includes the fitness center has been accounted for in wastewater calculations. As a dry operation for resident use only, no additional domestic water or sanitary wastewater load need be allocated for the proposed fitness center.

The sanitary wastewater handling will be subject to SCDHS review and approval, oversight of installation and monitoring of the effectiveness of systems. The Applicant commits to the use of I/A OWTS as outlined above, and will obtain the necessary SCDHS approvals for this installation. No significant impacts to groundwater quality are expected based on evaluation of the proposed

[7] As shown in the Draft EIS, Table 3-7, the three locations of proposed senior housing development are projected to generate 51 trips (16 entering and 35 exiting) during the weekday AM peak hour, 59 trips (35 entering and 24 exiting) during the weekday PM peak hour and 23 trips (10 entering and 13 exiting) during the Saturday midday peak hour.

use, stormwater and sanitary waste systems; however, further analysis of the water balance and nitrogen is provided in response to comments in succeeding sections of this document.

Per SCDHS requirements, I/A OWTS installations consider power supply and contingencies. Should a power failure occur, the I/A OWTS systems are designed to process sewage via gravity flow. For those occasions that there are power failures at the pump stations, portable, low impact (noise & emissions), Town Code compliant, skid mounted generators will be utilized to assure that sewage can be transmitted to the treatment systems.

There is also evidence that I/A OWTS are effective at addressing emerging contaminants as reported at Suffolk County's September 17, 2019, Turning the Tide Conference presented at Stony Brook University Center of Excellence. An emerging contaminant is a chemical or material that poses a potential, perceived or real threat to human health or the environment. Specific federal drinking water standards have not been established for emerging contaminants. I/A OWTS installation on the subject property is considered advantageous as compared with conventional systems for both nitrogen removal and potential benefits in addressing emerging contaminants.

Water Quality Mitigation

Comments regarding water quality mitigation were provided in the Draft EIS. Sanitary wastewater handling is regulated by SCDHS. The Applicant must conform with Article 6 of the Suffolk County Sanitary Code which regulates density of development in terms of ensuring that the design flow of a project does not exceed the allowable sanitary flow for a property, or if it does, that wastewater treatment is provided. The design flow of the property is less than one-half the allowable flow for the site; therefore, the project conforms with Article 6 (see Final EIS Section 1.3.4). Technically, mitigation related to the sanitary system is not required as the proposed project would conform with applicable SCDHS density requirements with conventional sanitary systems. However, the applicant will install I/A OWTS technology to treat sanitary wastewater to less than 19 mg/l.

Nitrogen in recharge is of concern with respect to groundwater quality and use of groundwater for water supply, as well as subsurface out flow of groundwater containing nitrogen, to surface water. The Long Island Sound Study seeks to reduce nitrogen in recharge to reduce impact on surface water bodies, particularly related to algae blooms caused by excess nutrients which leads to oxygen depletion (hypoxia). The Applicant is sensitive to the need to design projects that reduce nitrogen load to groundwater and surface water, and therefore has committed to installation of nitrogen removal systems. The Applicant has also prepared a Golf Course Environmental Management Plan (EMP) to document and improve golf course operations for water quality protection. The golf course is an ongoing operation that has existed on the site since 1961. The preparation of the Golf Course EMP is a feature of this project that would not otherwise be required, and therefore, provides water quality benefit in relation to the proposed project. These measures could be considered mitigation, but are inherent features in the project, offered by the Applicant to assist with water quality protection.

Per the SEQRA Handbook, "*A discussion of feasible mitigation measures which could address specific identified impacts is a fundamental component of every EIS. The mitigation discussion can allow a project sponsor to offer constructive ways to reduce one or more identified environmental impacts associated with the proposed action. Mitigation may include measures offered voluntarily by the project sponsor. It is important that any mitigation offers should be practical, preventative, remedial, or compensatory procedures that the sponsor can actually accomplish."*[8] All of the mitigation measures proposed, including the I/A OWTS the Golf Course EMP are practical procedures that the Applicant will accomplish. As noted in the SEQRA Handbook, "*When mitigation measures are made part of the enforceable standards within an agency's final approval, that agency creates a means to ensure that environmental impacts will be reduced to the maximum extent practicable, as SEQR requires."*[9]

There are also existing standards that apply to the project for eliminating or adequately mitigating all identified significant adverse environmental impacts. Enforceable standards exist for the wetlands within and adjoining the subject site. The developer is mandated to design the proposed project so that disturbance is beyond the 100 foot limit of NYSDEC jurisdiction, or obtain a NYSDEC wetlands permit before proceeding with any work including in the area of the proposed amendment to Wetland N-8 as outlined in NYSDEC correspondence date 8/14/2017. The Applicant will adhere to these requirements.

Similarly, a Stormwater Pollution Prevention Plan (SWPPP) is required for stormwater management in terms of erosion control measures and pre- and post- project conditions with respect to stormwater. The stormwater system design for the project will improve stormwater conditions as compared with current conditions which allows perched water seepage and overland flow of stormwater that enters on-site ponds, to overflow from the site to a ditch system that discharges to Fresh Pond. This will be eliminated as a result of the proposed project.

CEHA Area and Geotechnical Engineering Design

Pursuant to the Final Scope, Section 4.0., Subsection 2.1[10] and to ensure that slopes on the north part of the property remain stable and are considered as part of the proposed development of the site, the Applicant retained a professional geotechnical engineering firm to study this area and provide recommendations related to placement of buildings in relation to the Coastal Erosion Hazard Area line. This report, dated January 14, 2019 and revised April 15, 2019 as well as the text of the original Geotechnical Engineering Services Report, dated July 25, 2008, for Phase I of the Bluff Area Stability Evaluation prepared by PS&S, and supporting information provided by

[8] The SEQRA Handbook, Fourth Edition 2020, pg 121. How should mitigation relate to impacts identified in the EIS?
[9] The SEQRA Handbook, Fourth Edition 2020, Section C38. How should mitigation relate to impacts identified in the EIS?
[10] The Final Scope specifically states: *Describe and update findings of the Engineering Report on Bluff Erosion Indian Hills Golf Course by Nelson and Pope dated December 1990 and amended January 1991, include updated bluff erosion control report.* This is accomplished through updated geotechnical engineering reports referenced herein.

Dynamic Earth, LLC[11] in a letter dated July 8, 2019, are included in the Draft EIS as Appendix H-1, H-2 and H-3 respectively. The revised 1991 Nelson & Pope engineering report dates back 29 years and while useful for background, has been superseded by subsequent evaluations referenced herein. Engineering report findings are summarized in the Draft EIS. These reports each build on prior information and do not conflict but rather advance the understanding of site conditions. The evolution of analysis of site geotechnical conditions provides information pertinent to current design.

Review of the Draft EIS by the Town's consultant, AECOM, resulted in several supplemental letters that are included in this Final EIS. Further evaluation has been completed in response to the Town consultant review, and is included in **Appendix I-7** as will be referenced in the appropriate section of this Final EIS below. This information will be referenced specifically in relation to Surface, Subsurface Soils and Erosion Potential, **Section 2.7**, of this Final EIS.

Stormwater Management

The developed area will be served by a comprehensive stormwater drainage system comprised of roadside catch basins, subsurface leaching pools, a recharge basin and new and existing ponds to gather, store and recharge all runoff generated on the site within the site. As indicated in Existing Conditions, Section 2.3 of the Draft EIS (page 2-24), "Precipitation falling on the subject property is either recharged directly into the ground, evaporated, absorbed by plant life, captured by stormwater infrastructure, runs off to flatter and/or more pervious ground where it infiltrates the soil, or runs off to the network of ponds within the golf course where it evaporates, recharges or is transported off-site." However, as indicated in Anticipated Impacts, Draft EIS Section 2.3.2 (pg. 2-37), "All stormwater runoff generated on developed surfaces will be retained on-site and recharged to groundwater through the existing and proposed pond network, a proposed recharge basin, depressions, a system of catch basins and leaching pools, individual roof drains and pervious vegetated/landscaped groundcover that allows for direct filtration." The stormwater pond system will also be used for irrigation of the golf course, a practice which does not presently occur as golf course irrigation is provided solely from an on-site well that feeds the irrigation system. As a result of diverting stormwater to the site's ponds for storage and irrigating the golf course, groundwater is conserved. Water recycling also further reduces any potential for overflow of stormwater to Fresh Pond.

As noted previously, a benefit of the project is the control of surface water that currently overflows from the site to Fresh Pond via the existing pond system overflow to a ditch on the west side of Fresh Pond Road, which runs north, then east to outflow to Fresh Pond. This existing condition will be remedied as a result of the proposed project, by increasing drainage capacity on the site to applicable design storm requirements, and by reuse of stormwater for irrigation. The stormwater design will obtain all necessary Town engineering reviews pursuant to site plan/subdivision review requirements and Section 6.1.2.4 of the Town Subdivision and Site Plan

[11] Dynamic Earth, LLC included Marc Dyer, P.E., a former employee of PS&S who previously worked on the Indian Hills site reports with PS&S.

Regulations[12]. In conformance with these regulations, drainage requirements will be reviewed and approved based on sound engineering and/or planning practices and principles. Similarly, pursuant to Article 24 of the NYS ECL for freshwater wetlands, permits from the NYSDEC will be obtained for construction activities within the jurisdictional limits (100 feet from the delineated freshwater wetland boundary). There is no activity proposed on site within the jurisdictional limits of Article 25, tidal wetlands).

Precautions will be taken to ensure sediment will not be transported off-site by stormwater runoff both during and post construction. In accordance with the NYSDEC SPDES Phase II Program and Chapter 170, Article II of the Town of Huntington Code, a SWPPP will be prepared for the development of the property, including a detailed erosion and sediment control plan to manage stormwater generated on-site during construction activities, and for post-construction stormwater management. The SWPPP will ensure compliance with water quality and quantity requirements pursuant to the 2010 NYS Stormwater Management Design Manual ("Design Manual"), Chapter 170 of the Town of Huntington Code and NYSDEC requirements. The SWPPP is required to be submitted to the Town, and approved for filing with NYSDEC prior to start of construction. The project plan has evolved through the Draft EIS process, and is pending Preliminary Subdivision approval. As a result, it is premature to submit a SWPPP prior to the completion of SEQRA and establishing the plan on which the SWPPP will be based. The estimate of the construction period of 18-24 month or 30 months as suggested by the Applicant at a public meeting is largely dependent on the final site plan. Ultimately, construction will be based on market conditions at the time of an approved plan. For the purpose of this Final EIS, as noted at the public meeting, the anticipated construction period may range from 18-30 months.

Natural Gas Availability

The Applicant has been advised that National Grid can provide the 22.54 DTH of natural gas service to the previously proposed 98-condo unit site (see **Appendix L**). This commitment is valid through January 9th, 2021.

Comments E-6, E-7, E-28, E-29, E-30, E-31, E-36, E-37, E-38, E-39, E-40, E-41, E-42, E-43, E-45, E-46, E-48, E-51, E-54, E-58, E-61, E-62, E-63, E-162, E-163, E-164, E-165, E-166, E-167, E-168, E-169, E-170, E-171, E-172, E-173, E-174, E-175, E-176, E-177, E-181, E-182, E-183, E-184, E-185, E-186, E-187, E-191, E-192, E-194, E-195, E-196, E-197, E-198, E-199, E-201 through E213, E-225, E-226, E-227, E-239

These comments note minor inconsistencies and/or errors in the text of the Draft EIS that are to be corrected.

[12] **6.1.2.4** BROOKS, DITCHES, STREAMS
When encountered on proposed sites or subdivisions, natural brooks, ditches or streams shall be preserved and protected from any deterioration or impairment and the proposed construction shall not interfere with or impede the natural course that these waterways travel. Prior to performing any construction activities in the vicinity of brooks, ditches, or streams, the Applicant may be required to obtain necessary permits from any agencies having jurisdiction over such waterways.

Response:
Comments acknowledged. Updated information includes corrections where applicable.

Comment D-11
"The No Action should discuss implementation of the Integrated Turf Health Management (ITHM) system. This is, if there is currently an impact to the groundwater and surface waters in and around the Indian Hills Golf Course at present, this ITHM system should be implemented now and whether or not an additional use is added to the property.

The above considerations also would require halting any further considerations of the Site Plan application or its withdrawal altogether at present. That is, the above process issues may materially affect the layout of any future project. They may actually change the proposed action, densities and layouts. As such, it is premature to consider any Site Plan application. Subdivision and Site Plan applications are not required to be considered simultaneously; they can be, and often are, considered consecutively."

Response:
The Indian Hills Golf Club has existed on-site since 1961. The course is managed in conformance with current industry standards, by a trained golf course superintendent. The golf course uses Integrated Pest Management (IPM) techniques, and manages turf with minimal use of golf course-related fertilizers and pesticides.

If there were no proposed residential project, the golf course would continue to operate as it has for 59 years. There would be no oversight other than the management of the golf course as it is currently, and the operation of the golf course by a trained golf course superintendent.

One documented area of concern is the overflow from the golf course at the base of the pond system, which runs to a ditch that runs north and under Fresh Pond Road, to Fresh Pond. Absent the proposed project, this would continue as there is no means to modify this situation. The proposed project (both the Prior Plan and the Revised Plan) will expand drainage systems on the site for the proposed development. This addresses stormwater management for the areas of proposed development as well as the existing golf course. The updated stormwater system for the areas including the ponds is based on a 9-inch storm, to ensure that no overflow from the pond system will occur based on the design requirements. This is a major benefit of the project that would not otherwise occur.

The site plan for the clubhouse is part of the Draft and Final EIS and is assessed in detail as part of the overall proposed project. This ensures that unwarranted segmentation of aspects of the project does not occur. Since the clubhouse is part of the EIS and is considered throughout the documentation in terms of its potential impact on the environment, it is integrated into site design allowing the review to proceed. It is anticipated that following the SEQRA process for the overall project, a full site plan application will be made to the Planning Board for the clubhouse. This will be reviewed in the context of the Statement of Findings for consistency with the EIS

record and appropriate SEQRA and site plan considerations will be made at that time, based on the site plan and the Findings.

The proposed project provides a Golf Course Environmental Management Plan, which is an added benefit of the proposed subdivision, as no such plan currently exists. Water resource impacts are minimized to the maximum extent practicable as a result of the continuation of an existing golf course updated for sound management practices, in combination with a subdivision that uses I/A OWTS installations for wastewater and related inherent design and mitigation techniques for impact reduction.

Comment E-8
"The proposal would contain 98 units (99 lots)."

Response:
The proposal has been revised from 98 units to 86 units.

Comment E-11, E-49, E-50, E-53 & E-55
These comments seek specific information on the use of public water supplied by the SCWA for irrigation and sanitary purposes.

Response:
Residential irrigation will be provided by the SCWA. The design flow calculation for domestic water demand and wastewater generation has been adjusted accordingly (see Section, 1, Table 1-1). No additional flow has been allocated for the proposed fitness center in conformance with SCDHS design flow criteria, as discussed above.

Comment E-12
"The Tree Preservation Plan (Draft EIS Appendix B-4) does not depict trees that are to be removed or are to remain or include a chart containing this information. Revise the plan to include this information."

Response:
The Tree Preservation Plan (Draft EIS, Appendix B-4) was submitted with the Draft EIS, and will be updated and submitted once the final configuration of site design is complete and pursuant to Chapter A202 Subdivision and Site Plan Regulations.

Comment E-34
"Address if the outfall pipe on the east side of the property, that currently directs runoff from the site onto Fresh Pond Road, would be removed."

Response:
The proposed project (both the Prior Plan and the Revised Plan) will expand drainage systems on the site for the proposed development. This addresses stormwater management for the areas

of proposed development as well as the existing golf course. The updated stormwater system for the areas including the ponds is based on a 9-inch storm, to ensure that no overflow from the pond system will occur based on the design requirements. The outfall on the east side of the property will remain in case of the need for overflow from extreme storm events that exceed the 9-inch storage capacity of the drainage system.

Comment E-35 & E-70
These comments request specific information on the tiered retaining walls proposed and whether and how this design conforms to Town standards.

Response:
As shown on Sheets C-504 & C-505 provided in **Attachment A**, the overall height of tiered and non-tiered retaining walls will conform with Town requirements, pursuant to Town Code §198-2. The retaining walls are part of the subdivision plan and are subject to review by the Town. Any walls in excess of 4-feet will be designed by a licensed professional engineer and reviewed by the Town. Any such walls will be certified by the project engineer and inspected by the Town. Pursuant to Town requirements, retaining walls will not be considered a tiered wall when the horizontal distance between any two (2) walls is greater than or equal to ten (10) times the height of the taller of the two (2) walls, or when the combined height of the walls does not exceed eight (8) feet with a minimum horizontal distance of twenty (20) feet between any two walls. The load from the upper wall cannot influence the stability of the lower wall as determined by the Director. In no event shall the final grade between two walls be greater than a one (1) on three (3).

Based on preliminary review, sections of the retaining walls in the northeast and northwest portions of the North Parcel, and along the right-of-way in the South Parcel (as depicted on the **Grading Plans)** do not comply with Town Code Section 198-65.1, and will require relief from the Town ZBA.

Comment E-44
"Provide additional information describing the proposed clubhouse including the Gross Floor Area (GFA) of each level and its compliance with Town Height, Area and Bulk Regulations."

Response:
The updated clubhouse is detailed in Section 1.0 of the Draft EIS. As indicated in Section 1.1 of the Draft EIS: "The new clubhouse is in conformance with the Agreement and Release dated April 14, 2003 between the: Town of Huntington, IHCC, Inc.; and, the Fort Salonga Property Owners Association, Inc., a copy of which is provided in Appendix A." (referencing Appendix A of the Draft EIS.) As specified in Section 5. a) iv) c) of the agreement, "Any expansion, renovation or rebuilding or new building shall not have a height higher than the present building height at its peak, excluding antennae or other weather vanes or similar apparatus." Also, on Page 1-4 in Section 1.1 of the Draft EIS, the following is stated with regard to the clubhouse: "The clubhouse, which is a recreational amenity for the use of residents, members and guests, is included on the Clubhouse Alignment Plan, Sheet 5 of 43 and is located within the required minimum side, front

and rear yard depth under Town Zoning Code Section 198-110 (C)(5)(i) (100 feet from all exterior lot lines of the property). A 10,247 SF (footprint) clubhouse and associated parking area are illustrated on the Overall Plan, Sheet 1 of 43." As noted in Section 1.6.2 of the Draft EIS, "The proposed clubhouse has been designed to maintain the existing 10,247 SF building footprint as shown in the Existing Footprint and Calculations, prepared by George H. Suddell, Architect, Sheet EX-1, dated revised 2/19/19 provided in Appendix F." (referencing Appendix F of the Draft EIS.) The proposed clubhouse is extensively discussed throughout the Draft EIS, in terms of design, operation and potential impacts. Detailed information on the Gross Floor Area of each level of the proposed clubhouse and its compliance with Town Height, Area and Bulk Regulations shall be submitted following subdivision approval and in connection with a Site Plan Application as required by the Town.

Comment E-52
"Provide an estimate of the anticipated decrease in use of well water based on the proposed reuse of pond water for irrigation."

Response:
The stormwater pond system will work in combination with the existing well to provide irrigation water for the golf course. The decrease in well withdrawal is dependent on the amount of precipitation captured as stormwater in the pond system and available for irrigation. Also, there is a relationship between precipitation and the need for irrigation, such that during high precipitation periods, less irrigation is needed. The pond system is also subject to evaporation, which depends on temperature. As a result, it is not possible to provide an accurate estimate of the anticipated decrease in use of well water based on the proposed reuse of pond water for irrigation. Overall, there will be a decrease in the well pumpage due to these factors.

Comment E-59 & 60
These comments request information related to potential need for additional parking for maintenance staff increase, and potential increased size/frequency of events held at the proposed clubhouse.

Response:
As stated in Section 1.6.4 of the Draft EIS, "Parking for the golf course clubhouse and community golf pro shop buildings will consist of 146 stalls, where 145 spaces are required." (see Sheet C-104 of the revised Project for parking calculations). Section 1.7 of the Draft EIS details the operational aspects of the facilities based on the proposed project. The clubhouse is to serve the existing membership with improved facilities as well as the clubhouse employees, and is not expected to substantially change employee count or member use of the facility. Golf course maintenance employees will continue to park their private vehicles in the maintenance area. As a result, the proposed 146 stall parking area is sufficient and the proposed parking conforms with Town requirements.

Comments E-178 & E-240
"The addition of the 3.44 acre parcel which was granted relief from the ZBA to maintain two (2) dwellings on one lot. An increase to lot yield is not automatic. Remove "…, thus increasing the yield further." The yield map should be revised to include the 3.44 acre parcel.)"

Response:
In response to this comment, the Yield Map has been revised as requested by the Town (see **Attachment B**). This Yield Map supports the proposed project density, and is one (1) lot less than the Yield Map submitted with the Draft EIS. This supersedes the prior statement regarding the yield of the 3.44 acre parcel, as this now shown on the Yield Map as one lot and a Drainage Reserve Area.

Comment E-179
This comment seeks clarification on the percentage of the site to remain open space.

Response:
Changes between the Prior Plan and the Revised Plan, as indicated in **Table 1-1**, have resulted in a slight decrease in Open Space from 141.07 acres 139.61 acres (91.27% of the project site to 90.33%). This represents a di minimis change from the plan that was submitted with the Draft EIS.

Comment E-180
This comment requests the preparation of an Open Space figure that indicates the percentage of the site to remain as open space in perpetuity.

Response:
In response to this comment, an "Open Space Plan" figure has been prepared and included in this document (all revised figures are included in **Appendix M**). This figure illustrates the limited areas of proposed development and the retention of the golf course as the primary features of the proposed development. As noted, Open Space is 90.33% of the site.

Comment E-188 through E-190
These comments request information on Town ZBA decisions relevant to the golf course and two sites already residentially-developed.

Response:
It is acknowledged that, as specified by Town Code Section 198-109(I), the Town ZBA retains jurisdiction over the project, as it had previously granted a Special Permit for the golf course on the site.

Materials in support of previous Zoning Board of Appeals decisions with respect to the golf course (ZBA Application Numbers 2923, 11835 and 15018) are provided in **Appendix K**. The following summarizes these decisions.

Parameter	ZBA Appl. #2923	ZBA Appl. #11835	ZBA Appl. #15018
Date	August 11, 1961	May 8, 1986	June 22, 1995
Applicant Name & Address	Fred Jurgens, Town Line Rd, Northport	Indian Hills Country Club, Inc. Breeze Hill Rd, Fort Salonga; Charles Jurgens, 14 Mariners Ln, Northport	IHCC, INC., d/b/a Indian Hills Country Club, 21 Breeze Hill Rd, Northport
Relief Requested	To operate a golf course in a Residence B Zone	Request outside storage of fertilizer materials.	Request Special Use Permit to legalize seven (7) additional structures; additions to clubhouse and pro-shop and to erect new storage building.
Relief Granted or Denied	Relief Granted	Relief Granted	Relief Granted
Conditions (if applicable)	Off street parking shall be provided for 200 cars.	Screening in the form of evergreens is used to cut-off visibility of the storage units by those occupying parcels in the neighborhood.	1. The applicant must comply with each condition of the Negative Declaration issued under SEQRA. 2. Landscaping shall be installed and maintained around the proposed storage building in a manner approved by the Planning Department; 3. A block wall or other such similar enclosure must be constructed and maintained around the dumpster, the placement of which we note has been agreed to by the club and the most affected neighbor. 4. The sleeping area above the club/restaurant must be removed forthwith. Virtually no provision for such quarters is contained in the Town Code and the argument that same is non-conforming is unavailing. Once this residential structure was converted to a club facility its prior use was a residence was terminated in the eyes of zoning law. 5. ZBA #11835 dated May 8, 1986, is rescinded in toto. Said appeal permitted six (6) storage units on site. That approval is now extinguished and each such container must be removed forthwith. 6. The existing clubhouse, dining room and kitchen facilities are legalized in all respects. Such uses are specifically contemplated by the Town Code (§198-110 (C) (5) (c)) and the evidence at the hearing clearly demonstrated that they have existed at this site for decades without impairing the character or value of the area. We further find from the Town

			records that these to avoid future debate, we specifically permit them in their present state.
Location	s/s of Breeze Hill Rd., e/o Makamah Rd.	s/s of Breeze Hill Rd., e/o Makamah Rd.	n/w/c (#21) Breeze Hill Road and Fresh Pond Rd, Northport
SC Tax Map Nos.	---	---	0400-014-001 & 002, 0400-105-02-011 & 012

Comment E-200

"Discuss the existing dumpster locations, proposed dumpster locations, proposed route through Lot 99 for garbage/recycling trucks, and discuss all alternative dumpster locations/routes within Lot 99."

Response:

The existing dumpsters are located at the extreme east edge of the parking lot approximately 200 feet south, southeast of the existing clubhouse. Town of Huntington Chapter A202, Subdivision and Site Plan Regulations, Section 5.2.2.2.11 indicate that:

> The location of equipment for the storage of solid waste and cardboard and can and bottle recyclables is to be shown on the site plan. The waste storage and recyclable storage areas shall not utilize areas designated as parking stalls or aisles, and shall have appropriate enclosures. The enclosures shall not be placed within a front yard or street side yard and shall be strategically placed in locations on the subject property that will not interfere with site ingress/egress driveways, aisles, parking stalls, loading spaces, or vehicular circulation.

Similarly, proposed routes for garbage/recycling trucks shall be designed with consideration of the locally oriented residential character of adjoining areas.

The revised project plan Sheet C-104 (see **Attachment A)** includes the Clubhouse Alignment site plan, which details the location of the dumpster enclosure in conformance with the regulations. The route will use the main site access is an improved driveway configuration over the current acute angle driveway that accesses the site. Refuse trucks will enter the site from Breeze Hill Road, travel south and into the new clubhouse parking area to access the dumpster at the south end of the parking lot. All driveways, aisles, radii and related aspects of design will permit access for refuse trucks.

Comment E-238

"Revise Figure 2-4 NYS DEC Wetlands Map in accordance with the NYS DEC letter dated October 16, 2019 indicating the proposed map amendments of freshwater wetland n-8."

Response:

Figure 2-4 NYS DEC Wetlands Map has been revised as requested indicating the proposed amendment to freshwater wetland N-8 (see Final EIS **Appendix M** which includes all revised figures).

Comment E-241
"Prepare a figure entitled 'HOA/GCA Land Area Map' that does not include existing structures or topography but includes the following: HOA and GCA lot ownership in two distinct colors; proposed lots with dimensions; proposed lot numbers with lot areas in square feet and acreages; proposed clubhouse, fitness center and parking; existing wetlands with proposed wetland boundaries."

Response:
As requested by the Town, a figure has been prepared entitled HOA/GCA Land Area Map and included in **Appendix M**.

Comment E-242
"Prepare a chart that specifies the purpose and amount of proposed cut and/or fill. Add the chart to the Cut-Fill Plan- North Parcel (Sheet C-001) and Cut-Fill Plan- South Parcel (Sheet C-002) included in the back of Volume I and included as an Appendix in Volume II. The cut and fill analysis will be required with the Application for Removal of Excess Material in order to determine the fee, if any."

Response:
In response to this comment, an Earthwork Plan, entitled Cut-Fill Report is provided in **Attachment C** of this Final EIS. This plan illustrates the location and amounts of proposed cut and fill and corresponds to the revised earthwork plan included in **Attachment C.**

Comment E-243
This comment notes that, in Draft EIS Appendix 6 (IHCC Emergency Response Plan for Fire), several emergency telephone contact numbers are missing. If these numbers are not available at this time, 'To Be Determined' should be inserted.

Response:
In response to this comment, Appendix G in the Golf Course Environmental Management Plan has been revised to address the telephone numbers in the Emergency Response Plan for Fire (see Final EIS **Appendix N**.)

2.4 Construction Schedule and Operations

Comment numbers B-66, B-134, B-135, B-136, B-137, B-142, C-30, C-31, C-32, C-33, C-88, C-173, C-178, C-453, C-454, C-458, C-462, C-464, & C-465
These comments express concerns related to the schedule and duration of the construction process and construction-related traffic and associated noise, vibration, odors, dust and wildlife impacts.

Response:

Construction Comparison

Any development of the subject property will involve construction activities. The property yield is 98 lots. If built as a single-family subdivision, development would occur throughout the site, more linear footage of road would be required, and up to 98 homes could be constructed.

The project involves development that will occur in three (3) areas of the site, at a yield of 86 residences, however, only 43 residential buildings will be constructed. This lessens the burden of construction on any one area, and reduces the length of roads to be constructed and the number of separate buildings to be built.

Construction Erosion Control

The Applicant will adhere to all SWPPP requirements for construction and erosion control, and will comply with Town Code requirements pertaining to noise and construction controls. Construction methodology, hours of operation and construction management are outlined in the Draft EIS, Sections 1.7 and 4.1, and will be implemented at the time of construction. In addition, pursuant to Town of Huntington Subdivision and Site Plan Regulations, Section 7.1.4*: The Applicant shall prepare and submit to the Town Engineer a detailed schedule of operations for the construction of the proposed subdivision, indicating milestone dates for installation of drainage, curbing and pavement" and "The Town Engineer and the Applicant shall together review the Schedule of Operations prior to the start of construction to insure the orderly progress of the work."* The applicant will adhere to these requirements. It is noted that construction activities are temporary and intermittent during the overall construction period.

Construction Oversight

After the Final Maps are filed with the Suffolk County Clerk's office, the Applicant must schedule a pre-construction meeting with the Department of Engineering Services[13], which representatives from the Department of Planning and Environment, and Applicant's builders shall attend. A primary objective of this meeting is to ensure as little inconvenience, impact and delay as possible to the community. The regulations state: "*Failure on the part of an Applicant to effect completion of his bonded improvements, in the orderly and timely manner as indicated in his approved progress schedule, shall be deemed to be cause for the denial of requests for additional building permits and/or certificates of occupancy"*[14]. At every step of the permitting and construction process the Applicant must consider how to mitigate the effect of construction traffic and construction activities on the neighborhood.

Construction Access

Only three (3) access points will be utilized during construction: Mystic Lane, Breeze Hill Road and Fresh Pond Road. The property is large enough to provide staging areas; worker parking on-

[13] Town of Huntington Subdivision and Site Plan Regulations, **Section 7.1.1(2)**
[14] Town of Huntington Subdivision and Site Plan Regulations, **Section 7.1.2(2)**

site and as much as practicable, the internal transfer of cut and fill material for limiting operational impacts on the community.

Construction and Potential Vibration

Concern was expressed about potential vibration damage to nearby homes from tiered retaining wall construction. Impacts typically relate to close proximity between construction and homes, and misuse of construction equipment.[15] Proposed walls will be of segmental block with geo-grid construction, typical of residential retaining wall installations. Such retaining walls do not involve vibratory hammer, blasting or use of a pile driver for installation, and as a result, there is no potential for excessive vibration, or use of heavy equipment activity for construction.

Pursuant to Town Code and Subdivision and Site Plan Regulations [16] a "structure" shall include retaining walls more than four (4) feet in height; designed by a NYS Licensed Professional Engineer; reviewed by the Town; not to be installed closer than ten (10) feet to a side or rear lot line (within the R-40 Residence District) and installed by insured contractors. Retaining walls will be designed by a licensed professional engineer of Nelson & Pope, on behalf of the Applicant, and all retaining walls meeting these specifications will need to be certified by the engineer and inspected by the Town.

It is noted that sections of the retaining walls in the northeast and northwest portions of the North Parcel, and along the ROW in the South Parcel (as depicted on the **Grading Plans, Attachment A**) do not comply with Town Code Section 198-65.1, and will require relief from the Town ZBA.

The materials and method of installation of the walls, coupled with the construction oversight provided by the Town, ensure that vibration impacts will not occur as a result of retaining wall installation. Additionally, no dewatering is proposed for retaining wall or building construction.

Construction Schedule

The construction schedule will be based on market conditions at the time of an approved plan. For the purpose of this Final EIS, the anticipated construction period will range from 18-30 months as stated in the Draft EIS. The Mystic Road units and units south of Breeze Hill road will be constructed first, followed by the units off of Fresh Pond Road. Construction related noise, erosion control, fugitive dust and vehicle/truck activity will be managed in conformance with Town Code requirements and Town construction oversight as noted above.

Wildlife Related Construction Management

Construction will consider ensuring that trees are removed during the December 1st through February 28th period for protection of the Northern Long-Eared Bat, a Threatened Species in New York State. Potential displacement of wildlife may occur; however, other species are common

[15] https://vibrationdamage.com/index.htm
[16] Town Code §198-2 & 59 and Town of Huntington Subdivision and Site Plan Regulations, Section 6.1.3.1

and no rare, threatened or endangered species are expected to be displaced. There are ample undisturbed parts of the property remaining for wildlife to continue to inhabit the site. The Draft EIS addresses any such impacts related to construction.

Construction Grading, Cut and Fill

The proposed grading plan will result in a balanced site. As a result, no material will need to be exported from the property. **Attachment C** provides the earthwork plan and cut-fill analysis that establishes the basis for construction of the site. As noted, the Mystic Road units and units south of Breeze Hill road will be constructed first. This area results in the generation of cut material which will be placed on the golf course in Areas A and B. Any excess material will be moved via Fresh Pond Road, Breeze Hill Road, Makamah Road and Mystic Lane. Ponds and recharge area excavation will then be performed, with cut material to be moved to the northwest area using the same route, and the area south of Breeze Hill Road using the re-aligned clubhouse access. Construction of project components will follow soil removal and placement. Soil movement will involve daily excavation, transport and soil placement over an approximate 12-month period. This activity will occur primarily during morning hours, 5-days per week. This construction activity is temporary and will observe applicable Town requirements for construction activity, noise and safety. Truck traffic commonly traverses Town roads which can accommodate this activity.

The above sub-section and the analyses provided in Attachment C discuss construction related to grading, cut and fill. The Draft EIS Section 1.7 discusses overall construction schedule and operations, and Section 2.1.2 discusses potential impacts of excavated soil transport within the site during this process. The Draft EIS states the following with respect to mitigation of potential impacts:

> During grading operations, truck traffic to and from the site will be routed to each individual development area using the same access roads that will be used for driveways to the three (3) development areas. Trucks waiting to load or unload will be routed and parked within the site in proximity to the grading area, to minimize the amount of truck movements, thereby minimizing the potential to raise dust.

Overall Construction

Construction impacts are expected to be less with the proposed project as compared with use of the property under current zoning. A conventional subdivision would distribute construction throughout the site, would involve construction of more roads, more recharge facilities, and more individual buildings. A conventional subdivision would also involve a longer period for overall construction and sale of units.

The Draft EIS addresses construction impacts in Section 4.1. All construction will result in temporary and intermittent inconvenience within areas adjoining construction activity on the site. Proper site construction management and normal vehicle precautions as well as the temporary nature of the work to be completed will minimize these impacts. Site construction

activities will conform with Town hours of operation and noise requirements. The Revised Plan will balance the site in terms of cut-fill and will reduce off-site trucking of soils.

Potential construction impacts with respect to noise, wildlife displacement, erosion, fugitive dust and vehicle/truck activity even of a short duration have been assessed and mitigation is proposed to address such impacts. Town oversight, conformance with Town Code and site construction management measures will be in place to minimize construction related impacts.

Comment E-56
"Clarify if the sanitary system for the pro shop will require abandonment."

Response:
The sanitary system for the existing pro shop/proposed fitness center will require abandonment in conformance with SCDHS guidance. The fitness center will be connected to the new I/A OWTS for the clubhouse to ensure treatment of wastewater.

Comment E-57
This comments requests that the applicant discuss the likelihood that a weekend work permit will be requested.

Response
It is expected that construction activity/hours will conform to the intent outlined in the Draft EIS. As indicated in Section 1.7, page 1-24 of the Draft EIS: "Construction activities are limited to Monday through Friday between the hours of 7:00 am and 6:00 pm to conform to Chapter 141-4, "Noise disturbances enumerated," of the Town Code." A weekend work permit will only be requested for the purposes of reducing temporary construction impacts for the benefit of the surrounding community.

2.5 Cumulative Development

Comment numbers D-6, E-223 & E-224:
"Finally, Section 4.2 Cumulative Impacts in the Draft EIS is incomplete. It is focused entirely on the potential cumulative impacts of other subdivisions on traffic volumes.

However, if the above project is approved, it can set a precedent for other golf courses (e.g., the Crescent Club, Huntington Country Club, and the Town's own golf courses.) and private or public recreational uses (e.g., tennis clubs, yacht clubs, etc.). Thus, what would be the expected impact of at least those golf course properties following suit with The Preserve at Indian Hills, as it effectively doubles the density of use upon the lands it currently occupies?"

Response:
Cumulative Impacts are defined in the SEQRA Handbook as *impacts which "occur when multiple actions affect the same resource(s). These impacts can occur when the incremental or increased*

impacts of an action, or actions, are added to other past, present and reasonably foreseeable future actions. Cumulative impacts can result from a single action or from two or more individually minor but collectively significant actions taking place over a period of time. Cumulative impacts do not have to all be associated with one sponsor or Applicant."[17] The cumulative impact analysis in this Draft EIS focuses on whether the impacts are caused by other past, present, or reasonably foreseeable future projects. The analysis in the Draft EIS is appropriate based on the intent of cumulative impacts in SEQRA and is consistent with the Final Scope.

The geographic scope for an analysis of cumulative impacts typically covers the area within one mile of a proposed Project site. Land uses greater than one mile from a subject site are highly unlikely to be perceived as interacting with the proposed Project in a cumulative way as they would not be directly impacted by the construction or long-term operation.

Cumulative impacts are different than "precedent," which was not included in the Final Scope. Nevertheless, review of other decisions involving golf and residential development in the Town of Huntington, shows evidence of two forms of precedent that have already been established with respect to golf courses and residential use. From a land use standpoint, precedent has already been set in the Town of Huntington with mixed golf and residential developments such as the Hamlet Golf & Country Club in Commack (a.k.a. Hamlet) and the Greens at Half Hollow (a.k.a. Greens) in Melville. It is the Applicant's intention to maintain the existing golf course facility, as an accessory use to the residential development and in the spirit of recreational open space, as has been previously granted by the Town.

It is noted that the Hamlet and Greens are both located more than a mile from the proposed Project. As no other reasonably foreseeable future golf course development projects are proposed or planned that would considerably affect density or resources in the area, the Project's incremental adverse effect would not be considered cumulatively significant.

From a policy standpoint, the Town seeks to encourage retention of golf as an important recreational use in the Town. Land use plans are addressed in the Draft EIS, Section 3.1, and include reference to retaining Indian Hills Country Club and retaining recreational uses and recreational open space in the Town. The proposed project is consistent with these goals, and is consistent with the precedent established in land use policy of the Town, which would allow clustering to preserve recreational open space, and would promote this form of development rather than the full development of the site for single-family homes.

Comment E-223 & E-224
These comments request that the Brittany Estates and Roberg Estates projects be considered in the Cumulative Impact Assessment.

[17] The SEQRA Handbook, Fourth Edition 2020, pg 80.

Response:
All cumulative impacts required in the Final Scope are addressed in the Draft EIS for The Preserve at Indian Hills. Roberg Estates was not identified in the Final Scope, and information related to such a project is not available. For informational purposes, Brittany Estates is an approved 13 lot subdivision located south of NYS Route 25A in Northport. The development is currently under construction.

2.6 Topography and Open Space

Comment numbers C-83, C-93, C-452, C-492, & H-1
These comments express concerns related to impacts to the topographic character of the site from re-grading, and on the validity of considering the golf course as open space as well as turf management.

Response:
Topography
Section 1.0 provides a detailed description of the Revised Plan. A number of key elements of the revised plan are important in reducing potential impacts to site topography. These are listed as follows:

- The entrance road and residential units previously connected to Makamah Road have been eliminated and the retention basin moved east so it falls outside of the 100-foot wetland setback and east of a high point on the Makamah parcel such that no impact to the Makamah Nature Preserve and associated wetlands will occur.
- All units have been removed from the areas with 10% slopes, within 500 feet of the County land associated with Makamah Preserve.
- The site grading has been revised to reduce the amount of material being moved between the north parcel and the south parcel from 116,000 CY to 56,000 CY or a reduction of 60,000 CY. This results in a substantial reduction in soil truck movement in the area of the proposed project.
- Areas for "fill placement" on the golf course are now indicated on the plans so that the site will have a balanced earthwork and no material will be exported from the golf course.

As a result, the potential impacts on site topography are reduced, especially through the removal of the access road to/from Makamah Road, and removal of residential units from that part of the site. The movement of soil is within the boundaries of the property; however, it will require access to Town roads to achieve the soil movement associated with the Revised Plan as discussed in **Section 2.4**.

Open Space
As discussed in the 2018 Town of Huntington EOSPA Fund and Land Conservation 20-Year Progress Report (Page 28 of 38):

> "Sometimes the Town Board, Planning Board and/or Zoning Board of Appeals require lands to be held as protected private passive or recreational open space as mitigation during the planning process and

application review. Whether this involves rezoning requirements, clustered subdivisions (where the conforming yield for a property is concentrated on a component of a site), or conservation buffers, the resulting open space preservation can be substantial. In these cases, management for the affected properties vests with the private owner. In the eighteen years since the Environmental Open Space and Park Fund (EOSPA) Program began, over 150 acres have been conserved as privately-held open space. Examples of some of these projects include: private recreation and common areas (The Greens at Half Hollow golf course; Beechwood at Half Hollow Hills; The Legends at Half Hollow, and The Villages at Huntington) and conservation areas (Old Orchard Woods, Huntington Harbor Estates, and Dalton Meadows)."

The Town Board-appointed volunteer EOSPA Committee administers the program that is detailed in Section 21 of the Town Code. Criteria developed by the EOSPA Committee and adopted by the Town Board are used to determine priority projects for recommendation. Although a site is nominated or the Committee identifies a site that is potentially important to the Town protected lands inventory, acquisition procedures require a potentially willing seller.

The golf course will be substantially maintained in its present configuration to provide for the conservation and preservation of open space and the support of private recreational use in conformance with the Horizons 2020: Huntington Comprehensive Plan Update, codified in Town Code §198-114 Cluster Development [Amended 2-10-2015 by L.L. No. 16-2015]. More specifically, Town Zoning Code defines Open Space as follows (§198-2): "A portion of land where buildings and roadways are prohibited. Open space shall include natural areas, agricultural fields, parks, playgrounds, athletic fields, and landscaped areas such as lawns and buffer strips." In addition to parks, recreational lands include public and private golf courses. As required, the calculated acreage of proposed open space excludes buildings and roadways. See **Sections 2.3 Project Description and Design** and **2.14 Community Character** in this Final EIS for additional information and explanation on how cluster development and protected private recreational space meets the Town's definition of open space. The proposed cluster development for preserving open space will result in the proposed homes being framed and screened from the neighboring community by the existing golf course, trees, and the clubhouse consistent with the first mitigation measure outlined in the Fourth Edition 2020 SEQRA Handbook.[18]

Turf Management

Additionally, the Indian Hills Country Club Golf Course Environmental Management Plan (EMP) provided in Appendix G of the Draft EIS identifies golf course management and operational procedures to minimize or avoid potential adverse environmental impacts from the golf course, its amenities and future development plans. The analysis of impact potential of nitrogen leaching and runoff affirms previous university research projects that have addressed nitrogen leaching and runoff generated by fertilizer applications on turfgrass. During the late 1990s golf course superintendents from Long Island's Suffolk County volunteered their resources to the USEPA, SCDHS, NYSDEC and local environmental groups to develop a nutritional program applicable to

[18] The SEQRA Handbook, Fourth Edition 2020, pg 121: "Modifying project footprint, such as clustering of structures, to reduce the area impacted and preserve open space."

Long Island golf courses located within the Peconic Estuary watershed. The program, called the "East End Nitrogen Reduction Program for Golf Courses" has specifically targeted a reduction of nitrogen limited to 2.0 mg/l, is still active and administered by Cornell Cooperative Extension. Turf management and operations at Indian Hills comply with the ***Best Management Practices for New York State Golf Courses*** (NYSBMP) initiative, record keeping and assessment tools. This approach provides additional monitoring and record keeping of turf management practices in accordance with NYSBMP recommendations. The Indian Hills golf course is expected to yield a maximum nitrogen discharge of <2.0 mg/l, well below the 10 mg/l standard set for public health protection.

2.7 Surface and Subsurface Soils and Erosion

Comment numbers B-81, B-100, B-114, B-129, C-27, C-28, C-29, C-54, C-60, C-95, C-175, C-196, C-201, C-214, C-215, C-216, C-217, C-227, C-244, C-246, C-250, C-254, C-264, C-273, C-281, C-377 through C-391, C-399 through C-412, C-455, E-1, E-64 through E-77, E-79 through E-83, E-133, E-134, F-1, F-2, F-3, F-4, & F-5:
These comments express concerns related to soil disturbance within the site as well as to the steep slopes on the bluff overlooking Long Island Sound, particularly as related to established erosion/earth movements/slumping of this slope. Comments regarding the site as related to the CEHA line, revetment movement and erosion were expressed. In addition, issues were raised regarding the soil quality investigations conducted at the property which assessed the impacts related to the quality of soils imported and present on the subject property as well as sampling methodology.

Response:
Responses to these comments pertaining to surface and subsurface soils and erosion are provided below, followed by additional responses to additional specific comments. Overall, the project has been designed to avoid impacts to the slope and additional information is provided herein, in support of the finding that no significant adverse impacts to surface and subsurface soils or erosion are anticipated.

<u>CEHA Line and Yield Documentation</u>
"The Coastal Erosion Hazard Areas Law (Environmental Conservation Law Article 34) empowers NYSDEC to identify and map coastal erosion hazard areas and to adopt regulations (6 NYCRR Part 505) to control certain activities and development in those areas. Natural protective features (beaches, dunes and bluffs) within coastal erosion hazard areas provide buffering and protection to shorelands from erosion by absorbing the wave energy of open water. Dunes and bluffs are especially effective against storm-induced high water."[19] To ensure protection of these resources, both yield and project maps avoid the Coastal Erosion Hazard Area (CEHA) portion of the site. A Yield Map was submitted and approved by the Town Planning Board at their regular meeting of July 26, 2017, depicting 99 lots on 151.08 acres in full compliance with the R-40

[19] https://www.dec.ny.gov/lands/28923.html

Residence District zoning requirements. The 99-lot yield was supported by a steep slope analysis prepared to Town specifications and approved by the Planning Board for yield purposes; a residential yield of 0.64 units/acre plus the clubhouse, was proposed. The Yield Map is updated and included with this Final EIS (see **Attachment B**). The updated Yield Map depicts 97 lots plus a clubhouse lot. The current proposed yield is 86 lots, or 0.57 units/acre plus the clubhouse.

The yield will also be in conformance with SCDHS yield requirements under Article 6 of the Suffolk County Sanitary Code (SCSC) and General Guidance Memorandum #17 for Agricultural and Golf Course (see **Final EIS; Section 1.3.4**). In addition to conforming to density requirements, the Yield Map accounts for all environmental and historical factors.

Revetment Movement

A figure (Shoreline Map) is included in **Attachment D** of this Final EIS in order to depict changes at the ends of the revetment; this figure shows the same area of the revetment in 2001 (before installation), in 2004 (just after installation) and in 2016 (which is the most recent NYS orthoimagery on which the CEHA line can be clearly overlaid). The revetment has moved towards Long Island Sound since installation. This has caused changes in the soil behind the revetment. As described in the Draft EIS, Section 2.1 and 2.2, the land movement on the subject site is north of the CEHA line. There is a 'fault' whereby, north of the fault line, the land is slumping. This slumping causes a northward movement that causes the land mass to encroach into Long Island Sound. This is evidenced in the movement of the revetment as depicted in the figure. The encroached land mass is then subject to erosional forces associated with the tidal waters of Long Island Sound. The revetment has decreased the impact of these erosional forces in the localized area of the revetment.

Geotechnical Engineering/Erosion

Historical information of the area, including fault lines, clay layers, the existing revetment, erosion north and south of the CEHA and ground movements has been well documented in such reports as the August 2006 Town of Huntington, Long Island, New York Beach Erosion Study Report as well as many other investigations reviewed and considered for the project in the Geotechnical Phase I Report, provided in Appendix H-1 of the Draft EIS. As indicated by NYSDEC, 'building coastal erosion protective structures, either by private or public funds, are extremely costly projects. These structures often are only partially effective over time and may increase the erosion potential to adjacent or nearby properties. Coastal erosion's threat to life and property can be minimized by regulation of land use, development, new construction or placement of structures, and by controlling construction of coastal erosion protection structures in coastal areas designated as coastal erosion hazard areas." [20] The erosion history of the site has been considered in the design of the proposed plan.

A professional geotechnical engineering company was retained by the Applicant to study the site's northerly area and provide recommendations related to placement of buildings in relation

[20] https://www.dec.ny.gov/lands/28923.html

to the CEHA line for ensuring that buildings and site improvements are positioned such that they will not cause destabilization of the slope. This report, dated January 14, 2019 and revised April 15, 2019 as well as the text of the original PS&S Geotechnical Engineering Services Report, dated July 25, 2008, for Phase I of the Bluff Area Stability Evaluation, and supporting information provided by Dynamic Earth, LLC in a letter dated July 8, 2019 are included as the Draft EIS Appendix H-1, H-2 and H-3 respectively.

As summarized in the Section 2.1.2 of the Draft EIS, historical rates of erosion, stability of the revetment and repairs were considered and discussed in the PS&S reports and further explained in Appendix H-3. The 2008 PS&S report reviewed topographic surveys dated 2000, 2002, 2003, and 2008 and documented surficial movements at 16 monitoring points throughout the subject area. A comparison of the topographic surveys indicated that the ground surface within the landslide impacted area (north of the CEHA line) generally moved downward and laterally northward toward Long Island Sound. The 2008 topography also indicated that the rip-rap revetment wall (beach shoreline erosion protection) reportedly constructed in 2002 had moved up to about 17 feet farther north (outward) than where it was originally constructed. The monitoring points were surveyed eight times from March 24, 2008 through July 8, 2008 which indicated total movements ranging from about 4.5 inches to 7.4 inches within the landslide impacted area (north of the CEHA line), but relatively negligible movement outside the impacted area (south of the CEHA line).

It is clear based on PS&S reports, that land movement was occurring in parts of the site. These areas were studied at that time on behalf of a prior owner of the property, with the intent of understanding the unstable areas of the property, to examine potential measures to stabilize land movement in areas of the golf course. The prior PS&S reports were not prepared for the purpose of evaluating the proposed development area. Photographs submitted as part of the public comments showing erosion south of the CEHA (C-28) are in unstable areas of the subject site, where erosion continues. All slumping has been north of the CEHA line or in areas where no development is proposed. The area where development is proposed, is south of an area of the CEHA line that has remained stable. Communication between Charles J. Voorhis, CEP, AICP and Eric Star, NYSDEC on March 23, 2020, confirms that the CEHA line on the subject site has not been updated since the Article 34 maps dated December 5, 1988 (see **Appendix I-2**). The CEHA line was plotted on the site survey, and the crest of the slope north of the development area off of Mystic Lane was delineated in the field by C. Voorhis, NPV on August 29, 2018 and plotted on project plans. The 2018 delineation matched the transfer of the CEHA line from the 1988 NYSDEC maps. Over the 30-year period since the maps were issued, the CEHA line remained stable in the area north of the proposed development, near Mystic Lane. Field conditions in this area also support the finding that the slope is stable. Tree growth in the area north of the crest of the slope is mature, and there is no visible 'scarp' indicating active erosion.

Based on the reports by PS&S and Dynamic Earth included in the Draft EIS, provided there are no activities that raise grades within the 120-foot buffer zone and further that there are no drainage changes that increase water infiltration within the 120-foot buffer zone, no adverse impact on

slope stability or potential increased bluff erosion is expected.[21] The Draft EIS included the recommendations of geotechnical/engineering documentation, and plans were designed with the intent of achieving this setback and the parameters for development.

Additional information on slope stability was requested in review of the Draft EIS. There were general requests as part of the public comments to undertake additional studies and analysis related to the project's surcharge load, surface water and groundwater to the natural erosional processes. Additional technical/engineering correspondence occurred after completion of the Draft EIS as summarized herein. The Town of Huntington Engineering Services retained AECOM to review Appendix H of the Draft EIS, and based on that review, the consultant provided a letter dated October 23, 2019. This was responded to by Dynamic Earth, LLC, in a letter dated, November 11, 2019. AECOM provided further comments in a letter dated March 24, 2020. AECOM requested additional support for the assumptions used in modeling the stability of the northwest part of the subject site, and the appropriate setback for proposed development. Correspondence between AECOM and Dynamic Earth are included in **Appendix I-3.**

The Applicant engaged Dynamic Earth to perform additional analysis in response to comments by AECOM. The Applicant also retained the environmental and engineering consulting firm Haley & Aldrich (H&A) of Burlington, MA, to collaborate in response to the March 23, 2020 letter from the Town consultant. Based on this collaboration, additional soil borings were completed with 1 boring south of the CEHA line, and 2 borings north of the CEHA line north of the proposed development area. These borings were logged for soil properties, water characteristics, and laboratory testing to use for slope stability evaluation and modeling. In addition, twelve (12) monitoring stations were established both north and south of the CEHA line north of the proposed development area. These stations were monitoring for horizontal and vertical movement over the course of a period of several months. This information confirms the lack of movement in areas south of the CEHA line and north of the development area. Soil tests and revised modeling were completed by Dynamic Earth, and the findings of the documentation are supported by H&A. The findings support the originally proposed setback of 120-feet for structures and in fact support a lesser setback. The surcharge load of the proposed development south of 120-feet has been evaluated and found to be within a suitable factor of safety, leading to the conclusion that the proposed development of units off of Mystic Lane as depicted on project plans, will not destabilize the bluff/slope to the north which is associated with the Coastal Erosion Hazard Area. The updated Dynamic Earth letter report is provided in **Appendix I-4** of this Final EIS. The findings of the revised analysis support and expand upon the conclusions contained in the Draft EIS by evaluating the grading plan as proposed and basing the analysis on further geotechnical data. The results of the evaluation are summarized below as excerpted from the full letter report which is provided in **Appendix I-4**:

[21] Further analysis in response to Town DEIS comments is provided in a revised Dynamic Earth report included in **Appendix I-4**. This report is based on additional geotechnical information and evaluated the grading plan. The report resulted in confirmation that the grading program will not impact slope stability as is described further in the text.

Dynamic Earth's evaluation of the existing slope included observing ground movements via a surface monitoring program, performance review of an existing structure located near the coastal erosion zone, and a slope stability analysis using classical limit equilibrium methods. The results of the evaluation are summarized below:

- Ground movement observed within the existing landslide area continued to generally shift in a northward direction toward the Long Island Sound. However, both horizontal (north-south) and vertical movements outside this area shifted a maximum of 0.12 inches which is within the reported measurement accuracy of the survey equipment.
- Review of the performance of a nearby structure, located within 36 feet of the coastal erosion zone, indicates that it has not experienced any shifting or cracking of the foundation walls since its completion circa November 2017.
- The results of the slope stability analysis indicate that the factors of safety estimated for hypothetical failure planes that extend beyond the 120-foot development setback requirement and into the proposed development exceed 1.5. Additionally, the calculated factors of safety for hypothetical failure planes at approximately 100 feet for the existing escarpment also exceed 1.5.
- Estimated factors of safety under seismic loading conditions exceed 1.1 and even exceeded 1.3.

In conclusion, the results of Dynamic's slope stability evaluation (as outlined above) indicate that maintaining the 120-foot setback requirement for the proposed development will not adversely affect the factor of safety of the existing slope.

The supporting letter from H&A is included in **Appendix I-5**. This letter titled "Third Party Review of Subsurface Information" and dated August 4, 2020, documents the collaborative efforts of the two (2) geotechnical firms, and the agreement of these firms on the conclusions regarding slope stability and lack of impact of the proposed project on the slope. A summary of the H&A findings is provided below, and the full letter report is provided in **Appendix I-5**.

Slope Stability Assessment

Dynamic Earth, LLC performed slope stability analyses to assess the factor of safety of the slope near the Coastal Erosion Hazard Line under various conditions to evaluate the 120 ft setback of the property from the Coastal Erosion Hazard Line. The computer software Soilworks, by Midas, was used to perform the evaluation.

The slope stability assessment revealed factors of safety less than 1.0 for the current slope condition; consistent with the optical survey measurements collected within the Coastal Erosion Hazard Line. The potential or forced slip surfaces generated behind the 120 ft setback from the Coastal Erosion Hazard Line have factors of safety greater than 1.5. The slope stability assessment revealed factors of safety of 1.5 or greater when modeled with the proposed building surcharge, site grade raises, and a 120 ft setback from the Coastal Erosion Hazard Line. For reference, a factor of safety of 1.0 is considered to be a state of pending instability. A factor of safety less than 1.0 is an indicator that the slope would begin to slide (failure state).

Summary and Closing
Based on our review of the reports provided, the geotechnical recommendations are consistent with the current practice in the New York State area and thus the performance of the building will be as required for the intended use.

The findings are consistent with prior analyses and conclusions and in fact support a lesser structure setback than what is proposed. The Revised Plan design is consistent with the findings of both geotechnical engineering consultants retained by the Applicant. AECOM reviewed the revised Dynamic Earth report dated August 3, 2020 **(Appendix I-6)**, and provided a comment letter on September 16, 2020, which is responded to in a letter from Dynamic Earth dated October 30, 2020 **(Appendix I-7)**. The AECOM letter provided two substantive comments; comments and responses are provided below:

COMMENT: "Considering the new data provided, we now conclude that 120 feet may be enough of a buffer *provided the hydrology and shoreline conditions outside the Coastal Erosion Hazard Line do not change.* A possible new scarp is visible on recent Google Earth imagery between borings TB-1 and TB-2 as shown on Figure 2 where the golf cart path is damaged. Continued survey deformation monitoring at the golf course is recommended."

RESPONSE: Dynamic Earth's evaluation confirms that the 120 feet buffer is sufficient so that the proposed construction does not adversely impact the factor of safety for the existing slope, and we concur that the hydrology and shoreline conditions outside the Coastal Erosion Hazard Line should be maintained in their present condition. It is our understanding that drainage and grading plans have been developed to divert water into the stormwater drainage system away from the existing slope to prevent adverse impacts. The referenced possible new scarp was not observed during our field exploration and is not a feature that affects the conclusions of our analysis. We concur with AECOM's recommendation for continued survey deformation monitoring at the golf course, as this is good engineering practice

COMMENT: "We remain concerned that a 30-feet high retaining wall is being constructed near the northwest portion of the site within the buffer zone (see Figure 3). Several housing units may face damage in the future. Subdivision approval plans prior to ground-breaking should include detailed slope stability and drainage calculations to be submitted for review to the Town of Huntington."

RESPONSE: While Dynamic is not involved with the design of these retaining walls, it is our understanding that these walls are being designed by a licensed engineer and that details regarding their design (including internal and global stability and drainage calculations) will be submitted during the permitting/approval process with the Town of Huntington.

Based on the analyses and correspondence summarized herein, the matter of geotechnical engineer and erosion has been addressed to conclusion.

<u>Soil Quality Evaluations</u>
Comments on the Draft EIS suggested that not all soil boring logs were included in the Draft EIS which were necessary in order to accurately assess subsurface soil conditions at the subject

property. All available soil boring logs were included for review and are located in Appendix B-1 of the Draft EIS as drawings TB-103 through TB-105.

Comments on the Draft EIS were made regarding the assessment of the quality of soils present on the subject property and their potential impact on human health as well as sampling methodology. All environmental quality investigations prepared as part of the Draft EIS were conducted in accordance with the scope as approved by the lead agency and have adequately provided a comprehensive assessment of the areas of concern. As a result, further investigation is not justified since the quality of groundwater and surface waters have been adequately assessed as required in the Final Scope for the Draft EIS.

All sampling protocols were conducted in accordance with USEPA accepted sampling procedures for hazardous waste streams (Municipal Research Laboratory, 1980, Sampling and Sampling Procedures for Hazardous Material Waste Streams, USEPA, Cincinnati, Ohio EPA- 600\280-018) and ASTM Material Sampling Procedures. All samples were collected by or under the auspices of USEPA trained personnel having completed the course Sampling of Hazardous Materials, offered by the Office of Emergency and Remedial Response. Separate QA/QC measures were implemented for each of the instruments used in the Sampling and Analysis Program. Sampling instruments included a stainless steel hand auger and sample vessels.

Prior to arrival on the site and between sample locations, the probes sections were decontaminated by washing with a detergent (alconox/liquinox) and potable water solution with distilled water rinse. Samples were collected from the upper six inches of soil and placed into vessels consistent with the analytical parameters. After acquisition, samples were preserved in the field. All containerized samples were refrigerated to 4° C during transport.

A sample represents physical evidence; therefore, an essential part of liability reduction is the proper control of gathered evidence. To establish proper control, sample identification was executed by use of a sample tag, logbook and manifest. In addition, due to the evidential nature of samples, possession was traceable from the time the samples were collected until they were received by the testing laboratory. When transferring custody, the individuals relinquishing and receiving signed, dated and noted the time on the Chain-of-Custody Form.

At the laboratory, a designated sample custodian accepted custody of the shipped samples and verified that the information on the sample tags matched that on the Chain-of-Custody records. Pertinent information as to shipment, pick-up, courier, etc. was entered in the "remarks" section. The custodian then entered the sample tag data into a bound logbook which was arranged by project code and station number. The laboratory custodian used the sample tag number or assigned a unique laboratory number to each sample tag and assured that all samples were transferred to the proper analyst or stored in the appropriate source area. The custodian distributed samples to the appropriate analysts. Laboratory personnel were responsible for the care and custody of samples from the time they were received until the sample was exhausted or returned to the custodian. All identifying data sheets and laboratory records were retained as

part of the permanent site record. Samples received by the laboratory were retained until after analysis and quality assurance checks were completed.

Part 375 Protection of Groundwater soil cleanup objectives are the standards commonly used when evaluating what actions may be required when evaluating the impact to surface and sub-surface soil quality. The Unrestricted Use soil cleanup objectives are utilized when a property seeks a use without imposed environmental easement or other land use controls. For the purpose of the investigation conducted the Protection of Groundwater standards are adequate for evaluating the environmental impact to the subject property.

With regard to soil quality specifically, fill material imported to and deposited in the northeast portion of the property (the area of the golf maintenance facility) has been sampled and analytical results revealed that none of the analyzed compounds were found to exceed their respective Part 375 soil cleanup objectives for the protection of groundwater. The only exception consisted of the volatile organic compound acetone which exceeded its respective objective. Acetone is an extremely volatile organic compound with a relatively short-half life in nature. The presence of acetone at the level detected is not expected to present a significant impact to the subject property or surrounding area.

Based on these results there is no basis justifying the removal of these soils from the subject property. However, in recognition that the surrounding area consists of single-family homes the results were compared to the Part 375 Residential Use Soil Cleanup Objectives which can be applied to the neighboring land use. Review of the results found that all of the compounds detected were below their respective soil cleanup objectives for Residential Use. Based on these results no further investigation or material removal as requested in public comments is necessary.

Detailed responses to the comments on Surface and Subsurface Soils & Erosion are presented as follows:

Comment E-70
"Retaining walls are described as ranging in height from 4 feet to 8 feet. Include a description of the overall height of walls based on the Town definition of a tiered retaining wall (§198-2). (2-4 & 2-5)"

Response:
See response to E-35 in **Section 2.3** above.

Comment E-71
"Provide a brief explanation of what the 65,000 CY difference between the 225,000 CY of cut and 160,000 CY of fill will be used for on-site."

Response:
Cut and fill is the process of moving earth from one location to another to establish suitable grades for proposed development. **Section 2.4** above provides an explanation of the updated cut-fill analysis, Revised Plan grading, and the purpose of the soil movement on the site.

Comments E-72, E-73 & E-133
These comments request clarification in regard to the section of the Town Code whereunder the need for a Mined Land Permit is required, the need for such a permit, and slope stability within the CEHA boundary.

Response:
No Mined Land Permit is needed for the proposed development as the project involves grading pursuant to a Town approved subdivision plan and material will not be removed from the site. Slope stability in and around the CEHA boundary addressed in **Section 2.7** above.

Comment E-77
"Clarify that the applicant would complete topographic surveying and surface monitoring on a quarterly basis (including additional surface monitoring points) as recommended by Dynamic Earth, and that the monitoring results would be submitted to the Town for review."

Response:
The Applicant has established twelve (12) monitoring stations for horizontal/vertical movement and completed weekly monitoring for a period of four-weeks in May 2020. No soil movement has been documented south of the CEHA line. Monitoring stations have been established and quarterly monitoring is intended to continue to confirm lack of movement over time as previously recommended by Dynamic Earth.

2.8 Water Resources - Groundwater

Comment numbers B-67, B-149, C-2, C-7, C-9, C-18, C-39, C-58:
These comments express concerns related to impacts to the groundwater supply from applications of golf course-related fertilizers, pesticides, etc.., and from recharge of treated sanitary wastewater from the project. Comments include questions regarding irrigation water elevations, subsoil suitability, well pumping, water quality, I/A OWTS use, Article 6 compliance, and potential impact on private wells.

Response:
Water Resources including groundwater, water supply, golf course operation, wastewater management and stormwater are addressed in detail in Section 2.3 of the Draft EIS. As noted in Section 1.4.3, the Revised Plan included in this Final EIS reduces water resource impacts as a result of the reduction of twelve (12) residential units. Responses to these comments pertaining to water resources and groundwater are provided below, followed by additional responses to additional specific comments. Overall, it is noted that the proposed project is consistent with

SCDHS density requirements, and has been assessed in detail with respect to water quality impacts, with no significant adverse impacts identified, particularly in view of the reduced density plan which is included in this Final EIS. Comments and questions are addressed herein.

Water Resource Overview

The amount of water used by the Revised Plan for domestic use (38,820 gpd) will be less than that of the Prior Plan (43,691 gpd), as a result of the proposed reduction of twelve (12) residential units and fertilized lawn around the residences. The proposed project will have significantly less sanitary wastewater than what is permissible under Article 6 of the SCSC and the flow is further reduced by the reduction of units. The Applicant will install Innovative/Alternative Onsite Treatment Systems for the 86 homes and the existing clubhouse in order to reduce nitrogen load associated with site use. As a result, the same I/A OWTS sanitary systems will be used for either the Revised or Prior Plan, and similar stormwater systems are proposed in either the Revised or Prior Plan. However, with fewer residential units, the Revised Plan will contribute less nitrogen to groundwater than the Prior Plan. Thus, impacts to groundwater quality will be reduced in the Revised Plan.

The Indian Hills Golf Club has existed on-site since 1961. The course is managed in conformance with current industry standards, by a trained golf course superintendent. The golf course uses Integrated Pest Management (IPM) techniques, and manages turf with minimal use of golf course-related fertilizers and pesticides. The proposed project provides a Golf Course Environmental Management Plan, which is an added benefit of the proposed subdivision, as no such plan currently exists. Water resource impacts are minimized to the maximum extent practicable as a result of the continuation of an existing golf course updated for sound management practices, in combination with a subdivision that uses I/A OWTS installations for wastewater and related inherent design and mitigation techniques for impact reduction.

Water Elevations

The U.S. Geological Survey (USGS) Web Site entitled: *Long Island Groundwater System Potential Hazards* provides documentation on the impact of flooding in the form of a continually rising water table. As noted on the USGS web page: *"The groundwater table rises and falls because of increases and decreases in recharge or discharges (pumping wells). Average total precipitation (and temperature) has been above normal on Long Island from 2004-2010 based on data provided by National Oceanic and atmospheric administration (NOAA) National Climatic Data Center (NCDC). The above normal precipitation has brought the groundwater levels to near record highs in some parts of Long Island. The impacts of a rising water table may include an increase in the potential for subsurface structure flooding (subway tunnels, basements) or on-site septic system failure. In 2010, the depth to the water table was estimated to show areas that have the potential for groundwater flooding (figure 32). An interactive mapping tool allows the user to select a location and retrieve the estimated depth to water at that location."* Utilizing the suggested interactive mapping tool shows an estimated depth to water below land surface for the development area, in feet of 11 to 125. Consistent with Section 2.2 of the Draft EIS:

Groundwater was encountered in eight of the soil borings with all but three being representative of perched conditions due to low permeability clay and silty clay units that underlie portions of the site. The first boring which was found to intersect the underlying water table and was located in the eastern end of the site near fairway #3. Groundwater was encountered in this area at a depth of approximately twenty-five feet below ground surface (bgs). The remaining two (2) soil borings that encountered groundwater were located in the southwest corner of the property at 40-42 Makamah Road. Groundwater was encountered in this area at depths ranging from eighteen to nineteen feet bgs. (see Sheets TB-101 through TB-105**, Attachment A**).

Subsoil Suitability

Limitations related to high water table are addressed through engineering design as depicted on the site plan. The residential homesite areas are situated well above groundwater levels and based on an extensive test boring program, suitable soils have been located for drainage and sanitary effluent leaching. Drainage detention areas are placed at downslope, low elevation areas so that gravity will allow stormwater to flow through the pick-up and conveyance systems to these detention areas. The water table in these areas has been documented and any leaching detention areas have been designed to be above water table elevations. The existing man-made ponds will be enlarged to increase drainage storage capacity to improve the retention of stormwater on-site and reduce off-site overflow that currently occurs. The pond system is located in a valley on the site that trends from northwest to southeast. Underlying clay and stormwater provide the water source for these ponds. The easternmost pond is nearest the existing water table elevation; however, the enlarged pond will remain above the water table. No significant adverse impacts are expected with respect to high water table conditions based on the design parameters that have been used in engineering the site plan. Details related to the drainage system, stormwater and water resource impacts are discussed further in Section 2.3.3 of the DEIS. It has been determined that the proposed expansion of the on-site ponds will not require a NYSDEC MLRL Permit as indicated in an email from Robert Yager, NYSDEC, dated 6/21/19, a copy of which is provided in the Draft EIS, Appendix K-2.

Irrigation Pumping

Concerns were expressed regarding the proposed reduction in irrigation well pumping resulting from the use of the pond and stormwater for irrigation. The irrigation well on the subject property is not utilized on a continuous basis. The irrigation pump feeds an on-demand irrigation system at present. Pumping only occurs during periods of irrigation and is limited during the non-growing season and does not occur during winter months. During periods of high precipitation, the well pump is not used or is used less. It is during these times that local/regional groundwater levels are elevated, particularly during the spring season when there is more precipitation. As a result, the on-site irrigation pump would not have any effect of lowering water levels during these periods. In addition, the intermittent nature of the pumping is such that it does not create continuous drawdown. The well pump will remain in operation to be used to supplement pond water as necessary, and as a result, will still continue to be pumped on an intermittent basis during dry periods when there is less stormwater and more evaporation from the ponds. Based on these conditions, it is expected there will not be a significant change in the pattern of pumping.

Given the intermittent pumping and greater use during dry periods, a reduction in overall pumping from the irrigation well is not expected to cause a change in groundwater elevations or create any adverse impacts to surrounding properties related to changes in groundwater flow or elevations.

Water Quality

Suffolk County Department of Health Services released the Revised Draft Subwatersheds Wastewater Plan (SWP) in August 2019.[22] The SWP is a science-based plan for transitioning away from reliance on conventional cesspools and septic systems, which are the primary source of nitrogen pollution that has resulted in elevated nitrogen in groundwater and surface waters.

Suffolk County has also approved an amendment to the SCSC adding Article 19, which gives the Department the authority to promulgate procedures, protocols and standards for the use of I/A OWTS technology for residential wastewater treatment. Article 19 authorizes the first major change to residential wastewater treatment technology since 1973, when rules changed to require a septic tank in addition to a leaching pool. When properly designed, sited, installed, managed, and maintained, I/A OWTS provide a cost-effective and environmentally sound alternative to sewers in portions of Suffolk County that are outside of sewered areas or where treatment is not required, thereby significantly reducing nitrogen in wastewater. The proposed project, which includes the Golf Course Environmental Management Plan (GCEMP) provided in the Draft EIS (Appendix G), is consistent with Suffolk County's plans for reducing nitrogen and protecting groundwater/surface water resources. In addition to utilizing the latest treatment technologies, the Applicant will implement the GCEMP program as a management tool to minimize fertilizer and herbicide use. No such controls are currently in place; however, the golf course is managed by a trained superintendent, consistent with best management practice. These measures are feasible and enforceable as conditions by the Town through SEQRA and the subdivision approval process.

Comments note that not all I/A OWTS installations function for maximum nitrogen removal. The Applicant has specified the use of the Fuji Clean CEN 21 Series system for the proposed project, an approved system by SCDHS. Based on the most current annual report available for 2018, the average nitrogen concentration for 20 Fugi Clean CEN systems based on 91 samples was 11.2 mg/l,[23] which is 7.8 mg/l less than the effluent limitation of 19 mg/l total nitrogen. As a result, concerns regarding test systems where discrete nitrogen samples exceeded 19 mg/l was determined not to be representative of the proposed I/A OWTS treatment process.

[22] https://suffolkcountyny.gov/Portals/0/formsdocs/planning/CEQ/2019/Appendix%20B%20-%20Revised%20Draft%20SWP%20August%202019.pdf?ver=2019-08-16-144910-250

[23] https://reclaimourwater.info/Portals/60/docs/2018_Performance_Evaluation_of_IAOWTS_Appendices_11-18-2019.pdf

Pursuant to Guidance Memorandum #34, SCDHS believes that using an average is the best method of evaluating a technology because it is a true indication of how well a technology will protect the environment.[24]

> *In recent years, very low levels of pharmaceuticals and personal care products (PPCPs), also sometimes referred to as pharmaceutically-active compounds (PhACs) or organic wastewater contaminants (OWC), have been detected in the environment. An emerging contaminant is a chemical or material that poses a potential, perceived or real threat to human health or the environment. There is typically scarce information available on how often and at what concentrations these contaminants may be present in our environment, and little is generally known about potential health risks that emerging contaminants may pose. Specific federal drinking water standards have not been established for emerging contaminants.*[25]

Studies have shown that certain types of I/A OWTS treatment processes and leaching structures have the ability to reduce bacteria, viruses, and contaminants of emerging concern such as certain types of compounds/chemicals found in pharmaceuticals and personal care products that may be present in wastewater regardless if the system serves a young family or for a 55 and over community. The proposed 55 and over community will generate similar wastewater volumes as use under a conventional subdivision, but has the added benefit of installation of I/A OWTS technology. As a result, the proposed project has less water quality impact from wastewater than a conventional subdivision.

The proposed project will involve four (4) wastewater treatment areas, associated with the three (3) residential development areas and the clubhouse. This contrasts with 98 individual conventional sanitary systems associated with a conventional subdivision. I/A OWTS installations involve annual operation and maintenance practices as dictated by SCDHS. The Applicant will be required to have a yearly maintenance contract to insure proper operation and efficiencies. In contrast, septic tank/cesspool system problems involve infrequent maintenance and a failure to pump out the sludge solids when required by individual homeowners. As the sludge depth increases, the effective liquid volume and detention time decrease. As this occurs, treatment efficiency falls off, and more solids escape through the system outlet thus entering leaching pools. The required maintenance and enhanced treatment associated with the I/A OWTS installations is a benefit of the proposed project as compared with conventional systems which would be used for a conventional subdivision.

High nitrate concentrations are a common concern among many public water suppliers, including the Suffolk County Water Authority, the largest supplier of water to residents in Suffolk County. Typically, the concentration of nitrate in groundwater is related to land use, where the greatest concentrations are observed in agricultural regions.[26] However, SCWA's drinking water quality

[24] http://neiwpcc.org/wp-content/uploads/2019/04/Jobin_Suffolk-Countys-IA-OWTS-Performance.pdf
[25] https://www.reclaimourwater.info/TheSubwatershedsWastewaterPlan.aspx
[26]https://www.usgs.gov/centers/ny-water/science/trends-nitrate-concentrations-public-water-supply-wells-suffolk-county-new?qt-science_center_objects=0#qt-science_center_objects

continues to meet all state and federal regulations and generally does not receive extensive treatment. Reversing the trend of degraded water quality will depend on the use of the new I/A OWTS being advanced by Suffolk County and proposed by the Applicant.[27]

The Draft EIS included a complete assessment of potential impacts to groundwater which could occur as a result of the proposed project. Impact assessment included the overall nitrogen budget (including fertilizer nitrogen, wastewater nitrogen and other sources); a detailed description of the watershed in Section 2.1 of the Draft EIS; nitrogen budget modeling in Section 2.3 as well as a pesticide assessment, surface water and stormwater impact assessment. The nitrogen budget and other analyses presented in the Draft EIS are supported by the references provided in that document. Updated information pertaining to the reduction of twelve (12) units is provided in Section 1.0 of this Final EIS, and this density reduction decreases water quality impacts as compared with the Prior Plan.

Article 6 Compliance

The project site is located in Groundwater Management Zone VIII as defined by SCDHS. Based on the requirements of Article 6 of the SCSC, allowable sanitary flow on a site that is subject to subdivision is based on the 20,000 SF Yield Map, with the number of lots multiplied by 300 gpd per unit. In lieu of a 20,000 SF Yield Map, SCDHS provides a formula for determining allowable flow.

The design flow is based on the sanitary wastewater generated by the proposed use. It is noted that the proposed project involves a golf course. General Guidance Memo #17 is used for allocating density for parcels where agriculture, or golf courses or other recreational turf are proposed or allowed. Under *"General Guidance Memorandum #17, Agricultural and Golf Course Density,"* only land that is not used for recreational turf is considered to be developable. This is due to the nitrogen load from fertilization and as a result, the developable area is reduced by the number of acres used as recreational turf. As stated in the memo:

> In determining allowable density, the General Guidance Memorandum #17 provides examples including:
>
> - For golf courses, density for accessory uses such as clubhouse or restaurant, may be derived from those areas not actually used for play such as parking, area of buildings and area of any wooded portions of the parcel that are not part of the golf course.

Based upon SCDHS design flow factors, the townhome development is expected to generate 25,800 gallons per day (gpd) based upon 300 gpd/unit. The clubhouse (200 catering seats @ 7.5 gpd; 50 indoor seats @ 30 gpd; 50 outdoor seats @ 15 gpd) is expected to generate 3,750 gpd. The maintenance building has a design flow of 200 gpd. Since the fitness center will be limited to residents of the community only, no additional flow is allocated to this use. This results in a total design flow of 29,750 gpd.

[27] https://reclaimourwater.info/SepticImprovementProgram.aspx

The design flow calculations have been prepared based on the combined wastewater flow and additional flow allocated to golf course use. The proposed project is significantly below the allowable flow provided for under SCSC Article 6 (25,435 gpd less than the allowable flow of 55,185 gpd).

The proposed project will have significantly less sanitary wastewater than what is permissible under Article 6 of the SCSC. Nevertheless, the Applicant plans to use I/A OWTS systems for the new townhomes and clubhouse in order to reduce nitrogen load associated with site use. The existing maintenance facility will not change and will retain its current conventional sanitary system. The golf course is demonstrated to have a very low fertilization rate and will be managed under a Golf Course Environmental Management Plan to ensure that nitrogen load and concentration of nitrogen in recharge are minimized.

As indicated, the proposed project separates the uses that are not part of the golf course and the proposed project is in full conformance with General Guidance Memo #17.

Private Supply Wells

Concern has also been raised as to the impact of golf course operations on private supply wells in the vicinity of the subject property and specifically notes a SCDHS private well survey conducted in the early 2000s. The referenced survey of residential wells in the neighborhood surrounding the IHCC golf course is nearly 20 years old. It is noted that the golf course is an existing, historically established use dating back to 1961. The ongoing operations of the golf course are not changing, other than to be improved as a result of the proposed residential use of the site and the proposed Golf Course Environmental Management Plan which is included as Appendix G of the Draft EIS. From a SEQRA perspective, the golf course will remain and is not the subject of the Draft EIS/Final EIS, other than to document golf management practice and further improvements in golf course operations.

The golf course came under new ownership in 2016, and the course is maintained by a certified golf course superintendent with training and extensive experience in managing the golf course in an environmentally responsible manner. Many changes in golf course management have occurred over the past 20 years, and the understanding of golf courses and their limited impact on the environment has also advanced during this time period. The Golf Course Environmental Management Plan (Appendix G of the Draft EIS), includes documentation on improvements in golf course management throughout Suffolk County over time, and outlines current Suffolk County fertilization laws, existing turf management practices, potential impacts of these practices, proper safety at the course, Integrated Pest Management methods employed and qualifications of the preparer. It is apparent from this documentation, that the existing and proposed golf course management has advanced significantly since the early 2000s.

The area surrounding Indian Hills Country Club includes accessible public water supply distribution provided by the Suffolk County Water Authority. The 2018 distribution system published by SCWA is provided below **(Inset 1)**. There are 12”, 8” and 6” water mains within all

existing roads in the areas surrounding IHCC. Homeowners in the area are either currently connected, or have the ability to connect to public water subject to the procedures established by SCWA.

Potential impact on groundwater is extensively examined in the Draft EIS, Section 2.3 Water Resources. No significant adverse impacts were identified as a result of the proposed project, therefore, no adverse impact on private wells would be expected. As noted, golf course operations will be improved and the proposed project will conform with all applicable SCDHS project density limits under Article 6 and Guidance Memo 17, as well as discharge limitations for I/A OWTS installation. As a result, this comment is thoroughly addressed through information in the Draft EIS and this response.

The proposed project has been reduced in density by 12 units, or 3,600 gpd less wastewater flow. The project remains well below the allowable flow for the subject property as provided for under Article 6 of the SCSC. The nitrogen budget has been updated to account for the reduced wastewater and has a lower concentration of nitrogen in recharge (1.78 mg/l as compared with 1.95 mg/l and a lower nitrogen load (2,066.24 lbs/year as compared with 2,289.99 lbs/year). The golf course is an existing condition which will be improved as a result of the Golf Course Management Plan and limited use of fertilizer and pesticides. The proposed project has been assessed in terms of water resource impacts and no adverse impacts have been identified. Given these findings, and the availability of public water in the area of the site, no impact on private wells is expected.

Inset 1: 2018 SCWA Distribution Map

Comment numbers C-59, C-140, C-161, C-317-323, C-338-341 & E-99 through E107:
These comments raise questions with respect to project design flow, I/A OWTS performance and nitrogen related water quality impacts.

<u>Revised Plan Design Flow Nitrogen Contribution</u>

Existing nitrogen on the golf course is accounted for in several ways. First, SCDHS *"General Guidance Memorandum #17, Agricultural and Golf Course Density"* accounts for golf course nitrogen by including golf course land area in the density calculation of allowable flow for the golf course. This would ensure that application of fertilizer and any stormwater runoff generated by the golf course which may contain nitrogen are accounted for. Second, the SONIR model provides a nitrogen budget for the golf course that accounts for total nitrogen based on an assessment of all sources of nitrogen originating on the overall property. The nitrogen budget includes wastewater, fertilization, pet waste and atmospheric deposition and presents the results in concentration and load. The nitrogen budget also accounts for existing nitrogen used on the golf course and nitrogen in stormwater runoff as a result of the source nitrogen in fertilizer. Each of these methods are described below:

1. As noted in SCDHS "General Guidance Memorandum #17, Agricultural and Golf Course Density," it is recognized that there are special considerations for residential developments where residential use is combined with recreational turf, as is case with The Preserve at Indian Hills. These considerations recognize that such use results in nitrogen load from turf maintenance as well as wastewater. Since Article 6 density requirements are designed to limit nitrogen from equivalent residential use based on 20,000 SF lots in GMZ VIII, SCDHS established a means to account for golf course use by subtracting the acreage devoted to such use from the total site area. As noted in Section 1.3.4 of this Final EIS the allowable flow based on the guidance in Memorandum #17 is 55,185 gpd. The proposed project density has been decreased from 98 units to 86 units, therefore, the design flow of the Revised Plan has been reduced to 29,750 gpd from 33,350 gpd for the Prior Plan. The design flow of 29,750 gpd is 25,435 gpd less than the allowable flow of 55,185 gpd for the property. As a result, the proposed development density and continued use of the subject property is permitted under the provisions of Article 6 and Memorandum #17.

2. The SONIR model is used to predict concentration of nitrogen in recharge and total nitrogen load of all of the sources of nitrogen. The proposed project has been reduced in density by 12 units, or 3,600 gpd less wastewater flow. The project remains well below the allowable flow for the subject property as provided for under Article 6 of the SCSC. The nitrogen budget has been updated to account for the reduced wastewater and has a lower concentration of nitrogen in recharge (1.78 mg/l as compared with 1.95 mg/l and a lower nitrogen load (2,066.24 lbs/year as compared with 2,289.99 lbs/year).

The proposed project meets all requirements with respect to density and conformance with Article 6 of the SCSC, and has a low concentration of nitrogen in recharge (less than 2 mg/l).[28] The nitrogen load has been reduced as compared with the Prior Plan and is less than the nitrogen load for the full development of the site as a standard subdivision. As a result, the proposed project complies with all applicable metrics for assessment of potential groundwater and water resources impacts. Based on these assessments, no significant adverse water quality impacts are expected with respect to project density, continued use of the golf course or overall nitrogen impacts to groundwater or surface water.

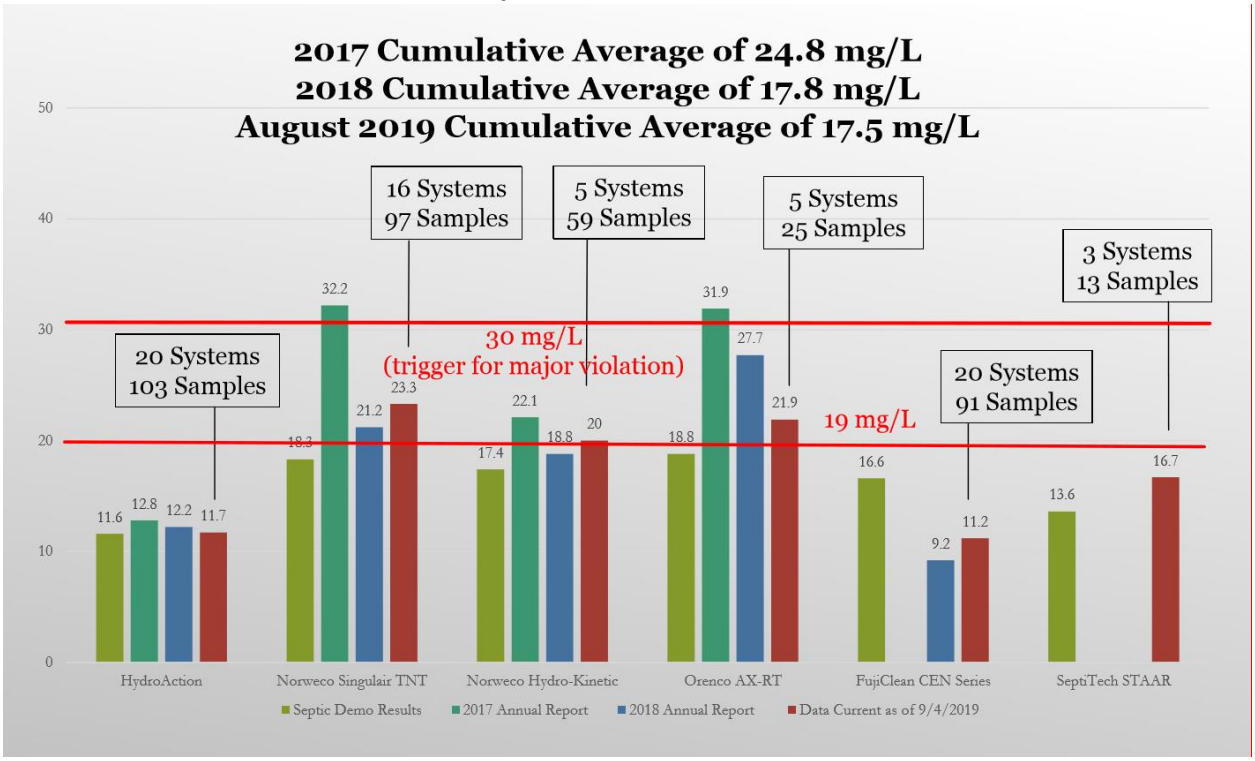
I/A OWTS Nitrogen Contribution

With regard to the sanitary disposal contribution to nitrogen in recharge, the discharge limitation for I/A OTWS installations is 19 mg/l. System performance has been steadily improving over the past 3 years based on available monitoring data from 2017-2019.[29] The graphic below **(Inset 2)** illustrates the performance of several common systems over this period. It is noted that the August 2019 cumulative average was 17.5 mg/l, which is less than 19 mg/l. It is further noted that HydroAction, Fuji and SeptiTech STAAR systems have tested consistently below 19 mg/l based on monitoring data from 2017 through August 2019. Norweco and Orenco systems have been improving. It is expected that all I/A OWTS will continue to improve in performance and SCDHS will continue to monitor systems to ensure compliance with discharge limitations.

[28] It is noted that in the more stringently controlled Central Pine Barrens, a Development of Regional Significance (e.g., 300 or more residential units), is required to be less than 2.5 mg/l to protect surface water in the vicinity of ponds and wetlands. See https://pb.state.ny.us/assets/1/6/CLUP_Vol_1_11-21-2012wamend.pdf

[29] https://www.reclaimourwater.info/Portals/60/docs/Manufacturers%20Provisional%20Sampling.pdf

Inset 2: Reclaim Our Water Website I/A OWTS Performance Data



Source: Reclaim Our Water website;
https://www.reclaimourwater.info/Portals/60/docs/Manufacturers%20Provisional%20Sampling.pdf

The Applicant has specified the use of the Fuji Clean CEN 21 Series system for the proposed project, an approved system by SCDHS. Based on the most current annual report available for 2018, the average nitrogen concentration for 20 Fugi Clean CEN systems based on 91 samples was 11.2 mg/l,[30] which is 7.8 mg/l less than the effluent limitation of 19 mg/l total nitrogen. It is not appropriate to use a value greater than 19 mg/l which would anticipate non-compliance with discharge limitations, particularly since the selected system is performing better than the discharge limitation and the technology and performance is constantly improving. A value lower than 19 mg/l for nitrogen load modeling could be used since the selected system is producing results well below the discharge limitation; however, the discharge limitation of 19 mg/l was used to provide a conservative analysis. I/A systems are able to be sized and used to treat residential and commercial sanitary wastewater from multiple units and facilities. Commercial/multifamily residential systems are approved for use by SCDHS and follow the same permitting as residential systems. The Applicant will follow all SCDHS procedures to obtain permits to install multiple I/A systems to ensure treatment within the limitations of these systems/approvals for the design flow of residential and clubhouse facilities.

[30] https://reclaimourwater.info/Portals/60/docs/2018_Performance_Evaluation_of_IAOWTS_Appendices_11-18-2019.pdf

Comment numbers C-321-337:
Comments were raised related to discrepancies or deficiencies in the environmental quality investigations conducted at the subject property. Comments requested further information regarding onsite testing, pesticide detections in local wells, Indian Hills Country Club well testing, pesticides used on the golf course, phosphorus detections, analytical laboratory reporting, and specific chemicals including emerging contaminants, 1,4-dioxane, PFAS and MTBE testing.

Scope of On-Site Investigations
On-site investigations presented in the Draft EIS were based on appropriate levels of analysis to describe the existing environmental conditions of the subject site consistent with SEQRA. Comments seek to expand the level of analysis beyond what is appropriate to characterize the environmental conditions of the site for the purpose of impact assessment.

It is noted that the Indian Hills Country Club is an existing, historically established use dating back to 1961. The ongoing operations of the golf course are not changing. The golf course will remain and continue as it has for 59 years. Minor adjustments will be made in limited areas to accommodate the 3 proposed residential use areas. The other change is that operations will be improved as a result of the proposed Golf Course Environmental Management Plan which is included as Appendix G of the Draft EIS. From a SEQRA perspective, the golf course will remain and is not the subject of the Draft EIS/Final EIS, other than to document golf management practice and further improvements in golf course operations.

The Draft EIS included extensive information on the environmental quality of the site, determined through on-site investigations. These investigations were consistent with the Final Scope and followed a logical sequence based on preparation of a Phase I Environmental Site Assessment (ESA), intended to identify recognized environmental conditions that may warrant further assessment. Further assessment reflected in comments requesting exhaustive chemical testing of all known contaminants is not warranted.

Description of On-site Investigations
Based on the recommendations of the Phase I ESA report, a Limited Phase II ESA (dated August 31, 2015; see Draft EIS Appendix I-2) and a Pesticide Report (dated November 6, 2015; see Draft EIS Appendix I-3) was conducted on the property to address specific issues raised in the Phase I ESA including pesticides. Soil samples were collected from nine (9) locations on the subject property at five (5) depths, 0-3, 3-6, 6-12, 12-18 and 18-24 inches. Initially, four (4) of the 0-3 inch samples were analyzed for the presence of pesticides and metals and five (5) of the 0-3 inch samples were analyzed for the presence of arsenic only. The laboratory analysis revealed that none of the pesticides or metals exceeded their regulatory guidance values. The protocol used to direct this investigation was based upon the guidance offered by the New York State Department of Health Bureau of Toxic Substance Assessment to the local health department in particular, with general consideration of sampling and analysis protocol as documented in USEPA Soil Screening Guidance - Soil Screening Levels as imposed by SCDHS.

Data and findings from NYSDEC and Suffolk County Department of Health Services Pesticide Management studies were examined as part of the NP&V Phase I ESA for the site (e.g. see pg. 21 of Phase I, Draft EIS Appendix I-1). As indicated, the SCDHS conducted an eighteen (18) month long study of the impact pesticides have had on the groundwater (Water Quality Monitoring Program to Detect Pesticide Contamination in Groundwaters of Nassau and Suffolk Counties, NY, Final report for the NYSDEC Water Quality Monitoring Program, June 1999). As noted in the Phase I ESA: "The study obtained water quality information from across the full geographic area of both counties in order to identify if any pesticides and metabolites had leached into the groundwater. The data from the wells in Nassau County and the five (5) western Towns of Suffolk show that only 1.5 and 2.0%, respectively, exceeded the pesticide related drinking water MCL and 15.4% of the wells in the five (5) eastern Suffolk Towns exceeded the MCL. Private wells in the five (5) eastern towns are at the highest risk of pesticides contamination. Based on the maps provided in the appendix of the SCDHS report the subject property is not located in the vicinity of any public water supply wells with pesticide detections. Susceptibility to pesticides is rated as low to medium throughout most of the County, except on the North Fork, where community supply wells are highly or very highly susceptible to pesticide contamination due to agricultural land uses."

Supplemental on-site sediment and water sampling was completed per the Final Scope. Surface water and pond sediment quality was determined by collection of sediment and surface water samples. Samples were collected from each of the five on-site ponds as well as from two locations within Fresh Pond on October 29, 2018. All of the samples were analyzed for the presence of volatile and semi-volatile organic compounds as well as pesticides, herbicides, PCBs and metals. In addition, the samples were also analyzed for general chemistry parameters which include total nitrogen, nitrate, nitrite, total Kjeldahl nitrogen, total phosphorus, total coliform and fecal coliform. The sediment analytical results were compared to the New York State Department of Environmental Conservations (NYSDEC) Part 375 recommended soil cleanup objectives (SCO) for the protection of groundwater and ecological resources.

Review of the analytical results for the sediment samples collected from the five (5) ponds located within the golf course did not reveal the presence of any volatile organic compounds, semi-volatile organic compounds, herbicides or PCBs in any of the samples collected. Several pesticides were detected in all of the golf course pond sediments but only the detection of 4,4-DDD in Pond 2; 4,4-DDE in Ponds 3 & 4 and dieldrin in Pond 4 were found to exceed their Part 375 recommended soil cleanup objectives (SCOs) for the protection of ecological resources. None of the pesticides detected were found to exceed their respective Part 375 SCOs for the protection of groundwater. Several metals were also detected in the golf course pond sediments but only chromium was found to exceed its Part 375 Recommended Cleanup Objective (RCO) for the protection of ecological resources and/or the protection of groundwater. Chromium was found to exceed its Part 375 RCO for the protection of ecological resources in all of the golf course pond sediment samples but only exceeded its Part 375 RCO for the protection of groundwater in the sediment samples collected from Ponds 4 & 5. Of the general chemistry parameters analyzed only phosphorus was detected and was found to be present in all of the golf course pond

sediment samples at concentrations ranging from 453 to 1,060 milligrams per kilogram (mg/kg). No part 375 RCO has been established for phosphorus for either the protection of ecological resources or groundwater.

Review of the analytical results for the sediments collected from the two (2) locations within Fresh Pond did not reveal the presence of any semi-volatile organic compounds, herbicides or PCBs in any of the samples collected. Acetone was the only volatile organic compound detected in the Fresh Pond sediment samples at concentrations of 50 ug/l and 121 ug/l. These concentrations are below acetones Part 375 SCO established for the protection of ecological resources but above the Part 375 SCO established for the protection of groundwater. Several pesticides were detected in both of the Fresh Pond sediment samples but none were found to exceed their respective Part 375 SCOs for the protection of groundwater. However, the detections of 4,4-DDD and 4,4-DDE in sample Fresh Pond 2 were found to exceed their respective Part 375 SCOs for the protection of ecological resources. Several metals were also detected in both of the sediment samples collected from Fresh Pond but only chromium was found to exceed its Part 375 RCO for the protection of ecological resources and/or the protection of groundwater. Chromium was found to exceed its Part 375 RCO for the protection of ecological resources in both of the Fresh Pond sediment samples but these detections were below the Part 375 SCO for the protection of groundwater established for chromium. Of the general chemistry parameters analyzed only phosphorus was detected and was found to be present in both of the Fresh Pond sediment samples at concentrations of 65.1 to 302 mg/kg. No part 375 RCO has been established for phosphorus for either the protection of ecological resources or groundwater. It should be also be noted that review of the analytical results revealed that Total Nitrogen, Nitrates, Nitrites and Total Kjeldahl Nitrogen were not detected in any of the sediment and surface water samples collected for Fresh Pond. Based on these results it can be concluded that the existing use of the property is not contributing nitrogen in stormwater runoff deposited in these surface water resources. In addition, any source of nitrogen contributed to stormwater runoff (i.e. fertilization) following development of the proposed project is not expected to exceed what is presently generated at the subject property.

Review of the analytical results for the groundwater sample collected from the golf course irrigation well did not reveal the presence of any volatile organic compounds, semi-volatile organic compounds, pesticides, herbicides or PCBs. Several metals were detected but all were below their respective TOGS 1.1.1 standards or guidance values for class GA groundwater. With regard to the general chemistry analysis total nitrogen, nitrate, total coliform and fecal coliform were all detected in the irrigation well sample. Of these compounds only nitrate has an established TOGS 1.1.1 standard of 10 mg/l and the sample detected nitrate at a concentration of 7.08 mg/l.

Section 1.7 of the Draft EIS references the Indian Hill Golf Course Environmental Management Plan which was prepared to address the storage and use of pesticides, herbicides and other chemicals for maintenance of the golf course. The plan also identifies the golf course management and operational procedures to minimize or avoid potential adverse environmental

impacts from the golf course, its amenities and future development plans. The golf course is an existing and on-going operation; however, going forward, the course will be managed under this plan to ensure continuing proper use and handling of materials used at the facility.

In addition, Section 3.5.2 of the Draft EIS is provided in response to the Town of Huntington's concern for adequate protection of the environment. Related to this, and as a component to the Club's Golf Course Environmental Management Plan, turf management will continue to meet or exceed the Best Management Practices for New York State Golf Courses (NYSBMP). The BMP was developed with Cornell University, New York State's golf course superintendents, the NYSDEC and other stakeholders. It is a State standard for turf management practices, designed to protect natural resources, with an emphasis on water quality. The BMP is a decision-making tool with tools for post decision monitoring and record keeping, conducted to evaluate and adjust applied turf management strategies. The course operations and any modifications caused by the proposed residential development will meet the BMP principals and additional healthy turf management strategies. Indian Hills currently exemplifies environmental stewardship, and coexists with adjoining residential land uses without negative impacts to the environment.

Finally, in keeping with the intent of the Draft Crab Meadow Watershed Management Plan the Golf Course Environmental Management Plan will result in the implementation of best management practices associated with fertilization and maintenance for minimized nitrogen and other application and maximum nutrient uptake by turf.

Site Testing Comments/Responses

In reference to Table 2-5 of the Draft EIS, which summarizes the results for samples collected from the on-site irrigation well, it was stated that total phosphorus concentrations of 2.04 mg/l were reported in August of 2016 and exceeded the NYSDEC TOGS 1.1.1 standard of 0.02 mg/l which is an exceedance of 100 times the standard.

It should be noted that the NYSDEC TOGS 1.1.1 groundwater standard referenced in the comment is for water classes A, A-S, AA, AA-S which has been established for the protection of surface waters as a source of drinking water and not for groundwater sources of drinking water. Review of the NYSDEC TOGS 1.1.1 standards reveal that a class GA groundwater standard has not been established for phosphorus. In addition, it should be noted that during a more recent sampling event conducted in 2018 the irrigation well was sampled and analyzed for phosphorus. Results of this sampling event did not detect the presence of phosphorus in the groundwater sample collected and corresponds with phosphorus analytical results for an irrigation groundwater sample collected in May of 2016.

A comment was also made regarding the results of semi-volatile analysis provided in Table 2-3 of the Draft EIS which stated "non-detect" in contradiction with the concentrations reported in the analytical data sheets. Review of the analytical datasheets and Table 2-3 revealed that Benzyl Alcohol was misidentified as a volatile organic compound and the semi-volatile organic compound 4-Nitrophenol which was detected in the sample collected from Pond-2 at a

concentration of 14.9 ug/l was inadvertently omitted in the table. The table and report have been revised to correct this omission and a revised table is provided in **Appendix O**. No regulatory standard has been established for either compound, and, as a result, the detections reported do not represent an adverse impact to the environment. The report was further reviewed and no other omissions were identified. Based on this review and revisions sufficient information is available for the public to perform an appropriate review regarding the current conditions and potential impact of the proposed project.

In addition, a comment was also made that only analytical datasheets for the results of the irrigation well sample were provided from the laboratory (Long Island Analytical) and a chain of custody for TestAmerica was included but not their datasheets. It was requested that the analytical datasheets for TestAmerica be included. Long Island Analytical does not have the capability to analyze samples for Dioxin and as a result subcontracts the analysis to an outside laboratory. For convenience, Long Island Analytical reports the results on their own laboratory analytical datasheets and provides a qualifier note in the results indicating that the parameter was analyzed by a subcontracted laboratory. Copies of the TestAmerica Laboratories analytical data sheets are included in **Appendix O**.

An additional comment referenced the exclusion of dioxin from the analytical datasheets, table and text. Draft reporting analytical datasheets were included in the report and were provided by Long Island Analytical prior to their receipt of the results for Dioxin from TestAmerica. The report was prepared after receipt of the of the final results from Long Island Analytical Laboratories and Dioxin was not detected in any of the samples collected as part of the investigation. If Dioxin was detected it would have been included with the pesticides/herbicides results. Only compounds that were detected are included in the summary table. Copies of the TestAmerica analytical datasheets are included in **Appendix O**.

Concerns were also raised regarding the reported detection limit for 1,4-dioxane in the February, 2019 Limited Phase II ESA Pond and Groundwater Quality Report. The detection limit was reported as 100 ug/l and that the current NYSDOH drinking water standard is 50 ug/l and is proposed to be reduced to 1 ug/l. The laboratory analytical datasheets have been revised and reported with a lower detection limit of 17.5 ug/l which is below the current NYSDOH drinking water standard of 50 ug/l (see **Appendix O**). An explanation which justifies the accuracy of the revision has been provided by the laboratory and is included below.

> "All instrumentation has a limit of quantitation (LOQ) and a calculated minimum detection limit (MDL). The LOQ is usually the lowest point on the calibration curve for the instrument and is deemed 99.9% accurate. The default reporting limit is the LOQ which is what was reported by the laboratory originally. When more sensitive limits are required, the laboratory is able to report to the statistically calculated MDL which is 99.5% accurate. There is a 0.4% degree of increased uncertainty; however that is only due to the fact that rounding up or down on such a sensitive scale can more drastically affect the report. 99.5% accurate data is still valid.

> Whenever a lab reports to the MDL, the analysts re-quantify the data in order to remove low level peaks in the chromatogram (this is called "noise") in order to ensure no false positive readings are recorded. Three Q-ions for the compound are verified to ensure whether or not the compound is present. The molecular weights of these compounds are verified against the National Institute of Standards and Technology (NIST) library. Only after all of these QA/QC procedures are completed can the LOQ be lowered to the MDL and the results reported."

It should be recognized that the water samples collected consisted of surface water retrieved from the ponds on the golf course property as well as from Fresh Pond which are not sources of drinking water. In addition, analysis of samples collected from the on-site ponds and Fresh Pond have not revealed the presence of 1,4-dioxane in any of the sediments or surface water.

Emerging Contaminants

Concerns were also raised regarding PFAS compounds. PFOS, PFOA and other PFAS related compounds, are synthetic materials that were introduced in the 1940s and 50s. These are persistent chemicals that are resistant to grease, oil, water and heat and have been used in a wide range of products including textile waterproofing, stain repellent fabrics and carpeting, cleaning products, paints, cookware, paper goods, food packaging/processing and fire-fighting foam.[31] Manufacture of PFAS, PFOA and PFOS related chemicals in the U.S. has decrease dramatically since 2006 as a result of the USEPA sponsored PFOA Stewardship Program which sought to phase out the manufacture, use and emission of these compounds. PFAS compounds are no longer manufactured in the U.S., but may enter the country in consumer products.

Exposure to PFAS chemicals may occur through food consumption, particularly where soil/water used to grow food was contaminated, as well as food packing and food processing that may use PFAS. Exposure may come from commercially-treated products such as textiles, carpet or cookware. Drinking water contamination has been reported as localized and associated with industrial facilities where PFAS was made or used in manufacture, as well as areas where PFAS was used for fire control.[32]

Given the widespread use of products containing these chemicals, the time period in which products have been in use, and their persistence, these chemicals are being identified more frequently. The subject site is not near industrial facilities, and use of any such chemicals at the site would not be expected to be to a greater degree than homeowner use of products or packaging, though at a lower scale given the past and current use of the site. Similarly, as regards the proposed project, limited homeowner use of products or packaging may occur, though at a lower rate than in the past due to controls which began in 2006.

As a result, the existing and proposed use of the subject property is not expected to engage in any activity which would result in the use or release of these compounds. The proposed development will be consistent with surrounding residential property uses and would not be

[31] https://www.fda.gov/food/chemicals/and-polyfluoroalkyl-substances-pfas
[32] https://www.epa.gov/pfas/basic-information-pfas

expected to create a significant discharge of these compounds above that which would be expected from other surrounding properties. As a result, additional testing of groundwater at the property is not warranted.

Also with regard to PFOS and PFAS, reference was made to a USGS study that indicated that PFAS compounds were detected in the groundwater of monitoring wells surrounding leaching fields of three different decentralized wastewater treatment plants and may be a point source of PFAS to groundwater. As noted previously, the proposed use of the subject property is not expected to engage in an activity which would result in any significant discharge to the environment of either PFAS or PFOS. Review of the reference finds that decentralized wastewater treatment plants "may" be a point source of PFAS to groundwater and is not conclusive in this regard. The proposed project will utilize SCDHS approved systems and will conform with all SCDHS requirements for installation and operation of wastewater treatment systems.

In addition, studies have shown that certain types of I/A OWTS treatment processes and leaching structures have the ability to reduce bacteria, viruses, and contaminants of emerging concern such as certain types of compounds/chemicals found in pharmaceuticals and personal care products that are present in wastewater regardless if the system serves a young family or for a 55 and over community as noted in recent conference material referenced previously, and the Suffolk County Comprehensive Water Resources Management Plan, Chapter 8.

SCDHS On-Site Monitoring

Several comments were related to groundwater quality results obtained from sampling events conducted by the SCDHS at a well located on the subject property identified as S-11518. A request in writing was submitted to SCDHS Office Water Resources for access to this information and a response was received in a letter dated January 30, 2020 (see **Appendix P**). As indicated in their letter an approximate date of 2/27/2020 was provided to either grant or deny the request. Two follow-up calls were made to SCDHS on 3/5/2020 and 3/16/2020. A response to the FOIL request was received on 5/22/2020; however, it was not responsive in providing the requested information (see **Appendix P**). On each occasion SCDHS indicated the request was "in process" and it is recognized that time frames are not always met. In this instance where information responsive to the request has not been provided, and the procedures outlined by SCDHS FOIL requests were properly followed, the law allows a requester to consider that a request has been denied if it has not been decided within the time limits.

Comment D-15

"To evaluate the nitrogen levels of the project when developed, the applicant has used the SONIR model to develop total expected nitrogen loads. The SONIR model is a useful tool for predicting nitrogen loadings. However, the outputs rely entirely on the inputs and many of these are assumptions. The predicted nitrogen loads are then divided by the project acreages to provide an "average," mass-balanced nitrogen level in mg/l[12]. Further, the inputs from the various alternatives have been frequently altered from scenario to scenario to favor the outcome the applicant desires (i.e., the preferred, dual use alternative has the lowest future nitrogen loadings).

Thus we would urge the reviewers to alter these inputs as suggested below to provide a true "apples to apples" comparison of future nitrogen loading impacts.

The DEIS SONIR analysis in Appendix J-3 shows an existing condition level of 0.76 mg/l. This level clearly understates the existing loading of nitrogen on the subject property where the irrigation well and Suffolk County well #115816 show levels of 7 and 5 (plus) mg/l, respectively. The Alternative 2 SONIR analysis, a standard subdivision with no golf course (which the applicant does not favor), shows a more realistic 5.63 mg/l result. Further, DEIS Table 5-1 shows an expected SONIR-predicted nitrogen level of 1.95 mg/l for the proposed project, including both the golf course and residential housing layered on top of that use. This is only one third of the nitrogen levels found in groundwater in the existing condition, with only one use- the existing Indian Hills golf course- - on the property and is only one third of the nitrogen levels predicted of a "standard" subdivision.

In brief, the SONIR nitrogen loading model needs to be calibrated against existing known/measured nitrogen levels and then input factors should be "equalized" between these alternatives to accurately predict future nitrogen levels and allow for their comparison to determine (i) the least impactful alternative and (ii) mitigating measures for same as required by SEQRA per 6 NYCRR Part 617. The calibrated future nitrogen loading should then be modeled for dispersion using a detailed map of the local aquifer developed from information in the wells and many borings conducted on site to-date (and/or adding more borings as necessary).

The reason for this discrepancy between the known existing condition and the DEIS Modeling results lies in the inputs to the SONIR model in the DEIS. For example, the applicant is using a leaching rate for applied nitrogen in fertilizers of 10 percent. The Suffolk County Draft Subwatershed Plan of August 2019 uses 20 percent leaching for golf courses. This one change will approximately double the SONIR nitrogen loading result provided in the DEIS. The SONIR analysis has been used in several other development analyses on Long Island. In the Manhasset Crest project, the SONIR analysis used a 15% (50% higher) nitrogen leaching rate. The Hills proposed development in East Quogue had numerous reviewers suggest that the best-supported leaching rate for a golf course (and residential uses under the same management) as 20% (The Hills at Southampton, September 2017, FEIS, Appendix J and following commentaries/reviews by Dr. Gobler, etc.). The Current SONIR analysis in the DEIS increases the leaching rate from 10% for the Proposed project to 30% for the as-of-right residential development (i.e., it <u>triples</u> the rate of nitrogen loading).

The SONIR analysis also alters the number of occupants among several of the alternatives, with the lowest number in the preferred alternative and since the residential nitrogen loading is 10 pounds per person per year, this again dramatically changes the comparative impacts among the alternatives. For example the preferred alternative assigns a population of 1.5 person per dwelling. The US Census Bureau has calculated an average of 2.89 persons per dwelling in the demographic unit which includes Fort Salonga. The DEIS SONIR analysis effectively doubles the

loading from the applicant's preferred alternative to the as-of-right residential development by doubling the predicted population[13].

The predicted fertilized acreage for the various alternatives also significantly varies. The preferred alternative estimates 32.77 acres of both golf course and residential uses. This seems substantially underestimated. In roughing-out the acreage which will remain open for the golf course and residences and by subtracting for the proposed ponds (approximately 15 acres for irrigation and other reasons) a more accurate acreage can be obtained. After making this adjustment, the fertilized acreage would increase from 32.77 to 56 to 65 acres. Again, this would approximately double the fertilization load of the preferred alternative. Also, the as-of-right residential development assumes extensive clearing of each lot and predicts 96 acres of fertilized land (approximately three times the preferred alternative which includes a continued golf course use- a use which routinely has a lot of open, fertilized land).

Irrigation rates vary between the alternatives and are twice that recommended in the Suffolk County Subwatersheds Wastewater Plan GEIS, August 2019; this would effectively dilute the predicted nitrogen concentration of the project.

In regard to sanitary systems, the DEIS makes a number of assumptions which vary (favorably to the applicant) between the alternatives. First, it assumes that residences in a standard subdivision will have conventional sanitary disposal systems and the proposed action will have Innovate [sic] and Alternative systems as defined by the Suffolk County Department of Health Services. The nitrogen discharge assigned to the two systems is 50 mg/l for the conventional sanitary disposal systems and 19 mg/l for the Innovate [sic] and Alternative systems. The former value is correct (see attached tables) but the average measured performance by the Suffolk County Department of Health Services is 31.4 mg/l for the latter. Also, in any event, both the applicant's preferred, proposed action and the as-of-right residential subdivision should both be assumed to have the Innovate [sic] and Alternative systems so as not to "favor" one verses the other. Also, the Suffolk County Subwatersheds Wastewater Plan GEIS, August 2019 recommended/assumed the use of Innovate [sic] and Alternative systems by residential development in the Smithtown Bay Subwatersheds.

The use of Innovate [sic] and Alternative systems for residential sanitary waste disposal has been used only for single family, detached dwellings until very recently. Thus, the use of these systems for residential sanitary waste disposal at multi-unit (family), attached dwellings is very new and no data as to their effectiveness has been published. The Scoping document for the DEIS (November 13, 2018) in Section 1.6.5 requires, "Specifications of the Innovative and Alternative Onsite Wastewater Treatment Systems (I/A OWTS), including sizes and locations of systems…" be provided. The DEIS does not include these designs and specifications or how they relate to this specific use and siting. These data are complex and (among other requirements cited herein) will require reissuance of a DEIS and not progressing to an FEIS at this stage in the project review.

WBL and Associates, LLC personnel reviewed the above (and other) SONIR inputs in the DEIS and conducted a series of adjusted calculations. The results are summarized in Table 1 below. Detailed tables showing these comparisons and the resultant nitrogen loadings are shown in Appendix A.

Table 1- SONIR Nitrogen Modeling Comparisons	
Existing Condition (Applicant)	*0.76 mg/l* Nitrogen (single use, golf course)*
Existing Condition (Revised)	*4.5 mg/l* Nitrogen (*verses 5-7.5 mg/l monitored)*
Proposed Action (Applicant)	*1.95 mg/l Nitrogen (dual use golf course & residential)*
Proposed Action (Revised)	*4.8-7.7 mg/l Nitrogen (dual use golf course & residential)*
As-of-Right, Residential (Applicant)	*4.8 mg/l Nitrogen (single use, golf course)*
As-of-Right, Residential (Revised)	*3.3-3.4 mg/l Nitrogen (dual use golf course & residential)*

There are a number of other input factors which are adjusted by the applicant to favor the preferred alternative. These have resulted in substantial differences between the alternatives in the area of nitrogen loading and its impact on groundwater and, ultimately, local surface waters. We urge both Planning Board (or, more properly the Zoning Board) and the Town staff to look closely at the inputs and resultant outputs of the SONIR modeling in order to (1) more accurately predict the groundwater – stormwater impacts of the project (with its proposed, two simultaneous uses on one property) (2) to make an "apples to apples" comparison and (3) to make an informed decision based equalized comparisons between the proposed action and the alternatives. "

Response:
Modeling provided in the DEIS is accurate and is supported with references and data. There is no intention to misrepresent the project or alternatives in the DEIS analyses. The comments above question data used in establishing the nitrogen budget for the proposed project and alternatives, but in doing so, demonstrate a lack of understanding of the model, mass-balance methods, the applicable references, the applicable regulations and the proper metrics for determining a potential impact to groundwater. The above comments on the SONIR model are speculative and unsupported, and do not comport with standard industry practice as outlined herein.

<u>Prediction of Existing/Proposed Nitrogen Concentrations in Recharge</u>
The calculations in the model predict the concentration of nitrogen in recharge and nitrogen load contributed by a site and the proposed development. The project's nitrogen contribution is determined separately from the existing conditions in the aquifer, which are documented in Section 2.3.1 of the DEIS. The existing concentration of nitrogen in the underlying aquifer may be attributable to a variety of upgradient factors and influences not related to a study site.

Specifically, surrounding property uses, surrounding development density, surrounding sewage treatment disposal methods, seasonal variations (i.e. precipitation rates, evapotranspiration rates, irrigation rates, etc.), variations in atmospheric nitrogen and variations in water supply nitrogen all contribute to the overall nitrogen concentration in groundwater. The purpose of the model is to predict the nitrogen contributed to the underlying aquifer by the proposed project and not the actual concentration of nitrogen present within the underlying aquifer.

The SONIR model establishes the nitrogen budget based on existing conditions. Nitrogen load is determined based on nitrogen source information related to the existing site conditions. All potential sources of nitrogen are accounted for and data, information and references are provided in the SONIR Model Users Guide that explain this information. As noted in the comment, the SONIR model is a useful tool in predicting nitrogen loadings. More importantly, the SONIR model is useful in comparing nitrogen load and concentration related to a proposed project and alternatives.

In terms of calibrating the model to existing groundwater nitrogen, the name SONIR stands for "Simulation of Nitrogen in Recharge." Exactly as stated, the model predicts nitrogen in recharge, not nitrogen in groundwater. Nevertheless, the predicted concentration in recharge is not inconsistent with expected results based on simulated land use and actual land use as will be described herein.

Existing nitrogen concentrations in groundwater were determined in the Draft EIS and presented in Tables 2-6 and 2-7. These concentrations range from 5-7 mg/l. The Draft EIS indicated the following with respect to these concentrations:

> Nitrogen is elevated above ambient conditions at the location of the irrigation well. Based on the anticipated direction of groundwater flow **(Figure 2-6)**, the contributing area to this well includes only a small part of the golf course and areas of residential development upgradient of the subject site. Residential use on lots of less than 1 acre may result in nitrogen in the range of 5-7 mg/l. Nitrogen present in the aquifer in the vicinity of the subject site is expected to be due to sanitary wastewater and use of fertilizer on turfed land within the watershed area, and is not expected to be a direct reflection of the golf course given the limited area of the golf course upgradient of the well, and the residential density of land use in the upgradient watershed area.

The comment specifically notes that "*The Alternative 2 SONIR analysis, a standard subdivision with no golf course (which the applicant does not favor), shows a more realistic 5.63 mg/l result.*" The density of residential use in the area is more characteristic of this alternative, which explains the nitrogen concentrations in excess of 5 mg/l. Conversely, golf courses operated in conformance with contemporary practices in Suffolk County and throughout the golf industry result in lower nitrogen concentrations in the underlying aquifer. With respect to expected golf course related nitrogen in groundwater, Page 16 of the Golf Course Environmental Management Plan (see Draft EIS, Appendix G), indicates that properly operated golf courses seek to limit the long-term average nitrogen concentration in groundwater to less than 2 mg/l. The golf course is currently operated by a trained golf course superintendent, and the course currently observes

nitrogen limiting practices. It is noted that the concentration of nitrogen in recharge includes lands south of Breeze Hill Road that are occupied by the clubhouse, driving range, vacant land and several small homes. As a result, the overall nitrogen concentration in recharge is lower than the 2 mg/l target. The predicted concentration is 0.76 mg/l which is less than 2 mg/l in conformance with this program. Page 18-19 of the GCEMP provide further evidence of successful golf course operations to achieve less than 2.0 mg/l nitrogen in groundwater, as follows:

> Methods to estimate nitrogen loading were developed by the USEPA, USGA, Peconic Estuary Program stakeholders and Eastern Long Island golf course superintendents in a program called the "East End Nitrogen Reduction Program for Golf Courses." This program has been in place for more than a decade, has specifically targeted a reduction of golf course generated nitrogen limited to 2.0 mg/L, is still active and administered by Cornell Cooperative Extension. Cornell calculates the nitrogen loading from participating golf courses by using the quantity (expressed in pounds) of applied nitrogen to the area of fertilized as well as unfertilized land within the entire golf property boundaries (expressed in square feet or acres). Therefore, when nitrogen applications are measured as a mass per unit of area the potential of nitrogen loading from properly managed turf it is expected to be much less than managed turf in areas of Suffolk County.
>
> The results from nearly 15-years of groundwater monitoring studies at the Bridge in Bridgehampton, NY and 10-years of monitoring at Sebonack Golf Club in Southampton, NY has provided a sound history of baseline results on nitrogen and pesticide fate generated at Long Island golf courses. The Bridge was requested to monitor groundwater as a post construction condition of its approval. The facility has nine (9) groundwater monitoring wells and one (1) background groundwater well. The wells are used for water sampling and analyses to determine the course's nutrient and pesticide concentration impact to local groundwater. Lysimeters are also used as collection points and as early warning sample locations. The long term average goal for nitrate in groundwater is limited to 2.0 mg/L. To achieve these goals the Bridge is limited to a total nitrogen fertilizer application rate of 3000 pounds per year or the equivalent of 0.9 lbs. N/1000 SF (based on total property land area).
>
> The Bridge's groundwater monitoring program includes analyses for pesticides. The 2011 technical review found the, "the overall quality of the groundwater has not been significantly affected by the golf course pest management operations at the Bridge golf course."[33] The report also evaluated the course's use of bio-fungicides and recommended evaluation of additional fungicides rated as "Low Risk" by the USEPA. The 2013 report resulted in the same conclusion of the Bridge having no impact to groundwater (Petrovic).
>
> Similar water monitoring programs conducted at Sebonack Golf Club indicate local water quality was not significantly impacted by the golf course operations (Petrovic 2014).

It is also noted that the estimate of existing nitrogen in recharge of 0.76 mg/l is based on actual nitrogen application rates, sanitary flow of the existing uses and atmospheric deposition and other minor sources, and is fully referenced in terms of data input/output (see Draft EIS

[33] Petrovic & Cambareri, Technical Review of Test Results and Implementation of the Groundwater Monitoring Protocol the Bridge Golf Course, Southampton, NY Part 1 and Review of Protocols Modification Proposals and Recommendations Part 2, April 18, 2011.

Appendices J-2 and J-3). As a result, the results are considered representative of existing conditions related to the contribution of nitrogen from the land at present as presented in the Draft EIS. Likewise, the concentration of nitrogen in recharge for the proposed project of 1.95 mg/l is based on the total project acreage, much of which will remain vacant, the addition of 98 homes based on the Prior Plan, and the use of I/A OWTS wastewater treatment technology. The results of the analysis are presented in Appendices J-2 and J-4 of the DEIS, and are considered representative of expected conditions.

The inputs used for the SONIR model are based on supporting studies and references that are presented in the SONIR Model Users Guide that is provided in Appendix J-2 of the Draft EIS. As noted, the proposed project density has been decreased from 98 units to 86 units. The SONIR model is updated for the Revised Plan as part of this Final EIS. Based on the SONIR model run for the Revised Plan, the concentration of nitrogen in recharge decreases from 1.95 mg/l for the Prior Plan to 1.78 mg/l for the Revised Plan. Similarly, the nitrogen load decreases from 2,289.99 pounds per year (lbs/yr) to 2,066.24 lbs/yr.

Alternatives Analysis

The Draft EIS includes a characterization of water resource existing conditions and an analysis of potential impacts of the proposed project. The Draft EIS includes referenced sources and analyses and is consistent with the Final Scope. Alternatives to be examined are also based on the Final Scope. The Draft EIS provides Table 5-1 in Section 5.0 of the document, which lists the parameters related to each of the alternatives and explains the derivation and sources of the data in the table. The alternatives analyses rely on this information and are useful in assessing comparative impacts. Alternatives are not "altered from scenario to scenario to favor the outcome the applicant desires," particularly given the explanation of each alternative as compared to the proposed project.

Data Used in the Model

The comments state that *"…reason for this discrepancy between the known existing condition and the DEIS Modeling results lies in the inputs to the SONIR model…,"* theorizing that the discrepancy is because of the leaching rate. This comment is speculative and unsupported. A 10% leaching rate was used to be consistent with extensive literature for managed golf courses as presented in the SONIR Model User's Guide. LINAP and the Draft Suffolk County Subwatershed Plan are regional studies that do not consider the specific site, golf course management, application rates and turf conditions that apply to the Indian Hills Golf Club. The proposed golf course currently uses low fertilizer application rates, and will continue to be operated under a Golf Course Environmental Management Plan. The intent of proper golf course management is to ensure that plants utilize nitrogen applied as fertilizer and remain healthy in order to reduce recharge (or loss) of nitrogen. References from Long Island and Cape Code published by experts find that a 10% leaching rate is well-justified, and in practice, lower leaching rates are realized. It is important to note that the residential portion of the project will be maintained by the golf course maintenance staff under the same GCEMP such that turf will be managed to maximize nitrogen uptake and minimize nitrogen in recharge.

These managed turf conditions are contrasted with a residential subdivision that is not subject to turf management. As recognized in the Draft Suffolk County Subwatershed Plan (p. 2-35), turf on residential parcels "…is not as robust and typically does not have the benefit of management by turf professionals as are typically hired to manage golf course turf." As a result, the leaching rate assigned by LINAP and used in the Draft Suffolk County Subwatershed Plan is appropriate and was used in the SONIR model. The Manhasset Crest SONIR model runs referenced in the comment predated the LINAP assumptions that are currently used for single family residential use and the use was not subject to a GCEMP.

The SONIR model provides several input methods to determine nitrogen from single family homes (at 10 lbs/person/day) based population, and based on wastewater flow as would be the case for commercial use and treated wastewater. The model runs use the correct method to determine wastewater nitrogen as explained in the User's Guide. For single family use, the population is based on the Fort Salonga Census Designated Place, which is 2.89 persons/unit. The proposed project population of 1.5 persons per unit is appropriate given the senior citizen population that will reside at the community. Population is used for determination of the wastewater nitrogen contribution for single family development, and is a factor in determining pet waste population, consistent with LINAP assumptions. The appropriate data input/output is provided for in the model runs with regard to population.

The reviewer comments on the fertilized acreage within the development and golf course. The suggested revisions are speculative and not supported with the level of information available and provided for the proposed project. The quantity of fertilized area, and all coverages are based on the site plan and therefore, no adjustments are warranted.

The comment provides speculation on irrigation rates; however, it should be noted that the irrigation rates used are based on actual pumpage numbers. Therefore, no adjustment to irrigation rates are warranted.

The comment questions the concentration of nitrogen used between the single family home alternative and the proposed project. Although a sanitary system nitrogen concentration of 50 mg/l was used for single family use, the Reclaim our Water website uses a higher number for standard sanitary systems of 65 mg/l. As a result, the analysis of the existing zoning alternative is lower than it would be if this referenced source were used, and therefore is conservative. The existing zoning alternative would not require an I/A OWTS under current regulations, therefore, conventional systems were appropriately used in the model. The concentration of nitrogen for the proposed project used in the model is 19 mg/l, which is the discharge limitation for an I/A OWTS installation. As noted in prior responses, the specific system that is proposed achieves a lower average concentration, therefore, the data used for this input is also conservative with respect to the proposed project. Consequently, no model input assumptions are warranted based on this comment.

The proposed project has consistently indicated that I/A OWTS installations will be used, and that the selected system will be one that is recognized by SCDHS. The project proposes to use the Fuji Clean CEN 21 Series system. This system is recognized by SCDHS and the latest data shows that this system is performing at 7.8 mg/l less than the 19 mg/l discharge limitation.

The reviewer has prepared Table 1 as part of the comments; however, this table is not an actual nitrogen budget model, but is provided as an effort to modify the assumptions used in the SONIR model. As noted above, the modified assumptions are not supported by references. The SONIR model is updated for this FEIS to indicate that the concentration of nitrogen in recharge decreases from 1.95 mg/l for the Prior Plan to 1.78 mg/l for the Revised Plan. Similarly, the nitrogen load decreases from 2,289.99 pounds per year (lbs/yr) to 2,066.24 lbs/yr. The SONIR model runs included in the DEIS are accurate and appropriate for the intended development comparisons and no adjustments are warranted other than to update the model for the reduced density and revised project plans.

Groundwater Modeling

Comments included a request for a groundwater dispersion analysis to assess groundwater conditions at the subject property. Preparation of a dispersion analysis is not consistent with standard practice for this type of analysis. SCDHS does not require this form of analysis and such a model was not part of Final Scope for the DEIS. There is no metric with which to compare the results of such a model given that the method for determining compliance with density is based on SCDHS General Guidance Memorandum #17 and Article 6 of the SCSC. For further analysis, the SONIR model provides a nitrogen budget for the golf course that accounts for total nitrogen based on an assessment of all sources of nitrogen originating on the overall property. The nitrogen budget includes wastewater, fertilization, pet waste and atmospheric deposition and presents the results in “concentration” and “load.” This can then be compared with other alternatives using the same method, in order to determine relative impacts of various scenarios. These two methods of analysis are described above and are reiterated herein:

1. As noted in SCDHS “General Guidance Memorandum #17, Agricultural and Golf Course Density,” it is recognized that there are special considerations for residential developments where residential use is combined with recreational turf, as is the case with The Preserve at Indian Hills. These considerations recognize that such use results in nitrogen load from turf maintenance as well as wastewater. Since Article 6 density requirements are designed to limit nitrogen from equivalent residential use based on 20,000 SF lots in GMZ VIII, SCDHS established a means to account for golf course use by subtracting the acreage devoted to such use from the total site area. As noted in Section 1.3.4 of this Final EIS the allowable flow based on the guidance in Memorandum #17 is 55,185 gpd. The proposed project density has been decreased from 98 units to 86 units, therefore, the design flow for the Revised Plan has been reduced to 29,750 gpd from 33,350 gpd for the Prior Plan. The design flow of 29,750 gpd is 25,435 gpd less than the allowable flow of 55,185 gpd for the property. As a result, the proposed development density and continued use of the subject property is permitted under the provisions of Article 6 and Memorandum #17.

2. The SONIR model is used to predict concentration of nitrogen in recharge and total nitrogen load of all of sources of nitrogen. The proposed project has been reduced in density by 12 units, or 3,600 gpd less wastewater flow. The project remains well below the allowable flow for the subject property as provided for under Article 6 of the SCSC. The nitrogen budget has been updated to account for the reduced wastewater and has a lower concentration of nitrogen in recharge (1.78 mg/l as compared with 1.95 mg/l and a lower nitrogen load (2,066.24 lbs/year as compared with 2,289.99 lbs/year).

The proposed project meets all requirements with respect to density and conformance with Article 6 of the SCSC, and has a low concentration of nitrogen in recharge (less than 2 mg/l). The primary environmental concern related to wastewater is the nitrogen load to the Long Island Sound estuary, and a dispersion analysis would not provide this information. The nitrogen load has been reduced as compared with the Prior Plan and is less than the nitrogen load for the full development of the site as a standard subdivision. In fact, the values noted above of 1.78 mg/l and 2,066.24 lbs/year of nitrogen are compared to the other alternatives in the table below:

Alternative 2: Detached Standard Subdivision, No Golf Course	**Alternative 3:** Detached Cluster Subdivision, No Golf Course	**Alternative 4:** Attached Cluster Subdivision with Golf Course, No Makamah Road Access	**Alternative 5:** Attached Cluster Subdivision with Golf Course, Layout A	**Alternative 6:** Attached Cluster Subdivision with Golf Course, Layout B
Residential	Residential	Residential & Recreational	Residential & Recreational	Residential & Recreational
98 units & clubhouse	98 units & clubhouse	98 units & private golf course	98 units & private golf course	98 units & private golf course
5.63	4.08	3.50	3.28	3.57
5,315.71	4,035.26	3,800.91	3,558.55	3,838.58

Based on the comparison, the proposed project has the lowest concentration of nitrogen and nitrogen load of all of the alternatives analyzed in the DEIS. This information is critical for decision-making by the lead agency and involved agencies, and would not be provided through a dispersion analysis.

Dispersion modeling, which is normally used in air quality and other types of analyses not related to clustered subdivisions or groundwater nitrogen loading analysis, was not scoped for project analysis and would not provide useful information for a clustered subdivision seeking to preserve recreational open space. All wastewater discharge will use I/A OWTS installations that discharge nitrogen at a concentration of less than 19 mg/l as compared to 50-65 mg/l for conventional systems in a subdivision under existing zoning. Aquifer conditions would therefore show higher nitrogen concentration areas proximate to wastewater discharges associated with clustered residential areas and lower concentration areas within the golf course area and away from clustered residential use. This is intuitive and modeling would not add useful information to the decision-making process. Conformance with Article 6 and ensuring the lowest nitrogen load are the critical factors regarding the proposed project and potential impact on groundwater and downgradient surface water. Given these factors, further groundwater modeling is not appropriate for assessment of the proposed project, is not needed to reach valid conclusions,

and would not add useful information to the decision-making process as there is no applicable metric for comparison. The proposed project has been evaluated based on standard methods for such analyses, and has been compared with appropriate regulatory and environmental assessment parameters.

The proposed project complies with all applicable metrics for assessment of potential groundwater and water resources impacts. Based on these assessments, no significant adverse water quality impacts are expected with respect to project density, continued use of the golf course or overall nitrogen impacts to groundwater or surface water.

Monitoring

Monitoring of well water will continue to determine nitrogen concentration in the withdrawal well as well as nitrogen within irrigation ponds. This is critical to ensuring proper irrigation nitrogen and chemistry of on-site ponds. The golf course is an existing recreational use that has existed on the site since 1961. The golf course will remain and continue as it has for 59 years. The ongoing operations of the golf course are not changing other than to be improved. Minor adjustments will be made in limited areas to accommodate the 3 proposed residential use areas. The golf course operations will be improved as a result of the proposed Golf Course Environmental Management Plan which is included as Appendix G of the Draft EIS. From a SEQRA perspective, the golf course will remain and is not the subject of the Draft EIS/Final EIS, other than to document golf management practice and further improvements in golf course operations.

2.9 Water Resources - Surface Water

Comment numbers B-31, B-42, B-88, B-116, B-139, B-143, B-148, B-152, C-142, C-181, C-236, C-272, C-342 through C-376, D-4, D-5, D-13 D-16, & E-85 through E-97

These comments express concerns related to impacts to surface water resources of Long Island Sound and Fresh Pond from applications of fertilizers and pesticides, etc. on the golf course, as well as from recharge of treated sanitary effluent on-site.

Response:

See **Section 2.8** of this Final EIS which fully addresses potential groundwater impacts related to fertilizer, pesticides and wastewater associated with the proposed project. Given the lack of groundwater impacts to the aquifer which discharges to surface water via subsurface outflow, these concerns have been addressed and no adverse impacts were identified.

One documented area of concern with respect to surface water, is the overflow from the golf course at the base of the pond system which runs to a ditch that runs north and under Fresh Pond Road, to Fresh Pond. Absent the proposed project, this would continue as there is no means to modify this situation. The proposed project (both the Prior Plan and the Revised Plan) will expand drainage systems on the site for the proposed development. This addresses stormwater management for the areas of proposed development as well as the existing golf course. The

updated stormwater system for the areas including the ponds is based on a 9-inch storm, to ensure that no overflow from the pond system will occur based on the design requirements. This is a major surface water quality benefit of the project that would not otherwise occur.

Consistency with The Draft Crab Meadow Watershed Hydrology and Stewardship Plan (CMW); the Suffolk County North Shore Embayment Watershed Management Plan, and the Long Island Sound Comprehensive Conservation and Management Plan are reviewed in the land use sections, specifically Sections 3.1.1 and 3.1.2 of the Draft EIS. These reviews address potential surface water impacts as related to these plans and no significant adverse impacts of the project were identified.

As discussed in Draft EIS Section 3.1.2, the draft CMW Management Plan specifically identifies the Indian Hills Country Club site in several places within the document, noted as follows:

- Residents expressed concerns about further development in the watershed. Sites of particular interest identified for preserving open space include the Indian Hills golf course.
- Runoff controls to protect Fresh Pond. Fresh pond collects drainage from Indian Hills Golf Course and residential areas to the west and discharges through a narrow tidal outlet directly into Long Island Sound. This area was visited immediately following a significant rainfall event (e.g., 8"+ in 24 hours) on August 13, 2014, and found to be one of the worst flooding locations within the CMW.
- Significant slumping is noted within the coastal area at Indian Hills golf course, possibly due to springs.
- Indian Hills golf course beach access is intersected by stone groins, which makes beach access difficult.

The plan is not adopted at present; however, review of these draft comments in relation to the proposed project is provided for informational purposes. Preservation of the Indian Hills Country Club is laudable and is accommodated as part of the development, consistent with this recommendation. The Applicant seeks to retain the golf course, and residential use is proposed to allow the golf course to remain. Limited residential use, below what the property would yield under current zoning, is proposed as a cluster development in three (3) areas of the site to disperse the new use and retain the golf course. Natural resources including wetlands, the shoreline/bluff area and other vegetated areas are being retained. The proposed project will facilitate increased retention of stormwater on the site to reduce/eliminate the pond overflow that travels to Fresh Pond, also consistent with the draft CMW Management Plan. The land slumping associated with the shorefront and bluff areas of the property have been documented for more than 100 years. Underlying clay appears to promote this slumping and a Coastal Erosion Hazard Area boundary has been designated on the site due to these conditions. No new activity is proposed within this CEHA area and new improvements will be setback sufficiently from the active terrain area to not affect stability. As a result, the bluff slumping condition will remain an ongoing condition that will not change as a result of the project. Similarly, beach access conditions will not change as a result of the project as there is no plan to remove the stone groins. It is important to note that the proposed project retains the golf course, and substantially reduces

the nitrogen load in the Crab Meadow watershed, below what would occur if the property were developed under current zoning (see Draft EIS Section 5.0). The proposed project also includes a Golf Course Environmental Management Plan to implement BMPs associated with fertilization and maintenance for minimized nitrogen and other application and maximum nutrient uptake by turf (see Draft EIS Appendix G). Based on this information, the proposed project is in keeping with the intent of the CMW Management Plan. As noted, this plan is under review, and not adopted by the Town Board at present.

See Final EIS **Section 2.8** above for a discussion on the consistency of the proposed Project with the Suffolk County Revised Draft Subwatershed Wastewater Plan (SWP), August 2019 and concerns regarding proposed sewage treatment and potential nitrogen pollution to Fresh Pond. The Applicant is incorporating significant mitigation for protecting both groundwater and surface water consistent with the development of a countywide wastewater upgrade strategy for transitioning away from reliance on conventional cesspools and septic systems, which are the primary source of nitrogen pollution in surface waters. In some instances, force mains will be required to convey wastewater from a lower to a higher elevation. Force main installation is simple because of shallower pipeline trenches and reduced quantity of earthwork. Installation of force mains is not dependent on site specific topographic conditions and is not impacted by available terrain slope, which typically limits gravity wastewater conveyance. Force mains are very reliable when they are properly designed and maintained. In general, force main reliability and useful life are comparable to that of gravity sewer lines.

Construction and operation of the proposed project is not anticipated to have a significant adverse impact on drainage on or in the vicinity of the subject property. To the contrary, the increase in stormwater storage is a significant benefit in terms of eliminating the existing outflow off the site to Fresh Pond. There is concern that based upon an interactive mapping tool provided by the U.S. Geological Survey "above normal precipitation has brought the groundwater levels to near record highs in some parts of Long Island" and for the potential for subsurface structure flooding at the project site. This tool utilizing data from 2006-2016 allows a user to retrieve the estimated depth to water at that location (https://ny.water.usgs.gov/maps/li-dtw/). Results primarily show the potential for groundwater flooding immediately west, east and north of the project site (Long Island Sound) and not where buildings are proposed. Cut and fill activities in proximity to where groundwater was encountered are not anticipated to pose significant adverse impacts due to careful attention to following construction plans (area of Test Hole SB-12) or grading is no longer proposed (area of Test Holes B-23 & B-25).

For drainage design, the ponds will be expanded, lined to retain water, will be maintained at a minimum water level, and will provide increased stormwater capacity in the "freeboard" or area above the minimum water level, up to a maximum elevation water level. The full stormwater system, which is designed for a nine (9) inch storm event consistent with Town requirements, includes the stormwater pickup and conveyance system, a recharge basin, and the enlarged ponds. These improvements provide a stormwater management improvement on the site and are discussed in more detail in the Draft EIS Section 2.3.

In addition, water quality is typical of golf course water features with some elevated nutrient and bacteria concentrations, and limited organic compounds and metals. The intent of this project is to improve pond water quality and curtail/eliminate overflow from the site which currently overflows to Fresh Pond. This will ensure that water quality of the ponds is improved through stormwater storage and a Golf Course Environmental Management Plan, and elimination of the pond overflow. As a result, no adverse on-site surface water impacts are expected, and off-site impacts which currently occur will be reduced and/or eliminated as a result of the expanded drainage storage on-site, and the Golf Course Environmental Management Plan.

2.10 Ecological Resources

Comment numbers B-27, B-78, C-3, C-17, C-53, C-170, C-172, C-204, C-225, C-271, C-280, C-282, C-291, C-302, C-308, C-447, C-459, C-460, C-461, E-2, E-3, E-4, E-5, E-12, E-13, E-78, E-84, E-108 through E-118, & H-3

These comments express concerns related to impacts to ecological resources of the site and in the vicinity, particularly of displacement of animal life and impacts to protected plant and animal species, and wetland mapping. General ecological impacts are addressed below, followed by responses to more specific ecological impacts.

Response:

Overall, it is noted that the most ecologically sensitive parts of the site are being preserved, particularly in consideration of the reduced density plan that is provided in this Final EIS. The proposed project will retain the natural wetlands in the northwest part of the site, as well as a 100 foot buffer. The Makamah Preserve wetlands will be preserved through the re-design of the project, such that no disturbance will take place west of the ridge on the Makamah parcel, ensuring that no disturbance occurs within 100 feet of the wetlands west of Makamah Road, and further ensuring no erosion related impacts toward Makamah Road. Likewise, all disturbance has been removed from within 100 feet of the wetlands south of Breeze Hill Road and east of the private driveway just east of Makamah Road, thus ensuring no impact to these wetlands that are pending designation by NYSDEC. The Fresh Pond Road wetlands are in areas of existing golf course disturbance, and the proposed development area is placed in these existing golf course areas. Drainage containment, erosion control and re-establishment of buffer plantings will ensure no adverse impacts to this wetlands area. NYSDEC wetlands permits will be obtained for all activity subject to their jurisdiction. In addition, substantial additional areas of existing vegetation throughout the golf course will be retained as a result of the cluster design. It is further noted that the updated site drainage system that eliminates the overflow from the golf course pond system to Fresh Pond based on Town drainage containment requirements, is a significant benefit to the aquatic ecological resources of Fresh Pond. Overall ecological impacts are eliminated or reduced as a result of the project plan and these design changes. Responses to the above comments pertaining to ecological resources are provided below, followed by additional responses to additional specific comments.

The Applicant has designed the proposed project to achieve the highest and best use of the property based on the Horizons 2020 Comprehensive Plan Update, adjacent land uses and residential market trends. The project will increase housing opportunities in the Town by diversifying the housing stock in the area, with minimal impact to ecological resources. The impacts to the ecological resources of a site are generally a direct result of clearing of natural vegetation, increase in human activity and associated wildlife stressors, and the resulting loss and fragmentation of wildlife habitat. The majority of the subject site is currently mowed with the exception of approximately 43.02 acres of natural area and 13.08 acres of mainly unvegetated areas which include the ponds, cart paths, golf bunkers and buildings. The changes in habitat quantities for the overall property listed in Table 2-16 of the Draft EIS will be substantially lessened with the revised reduced density plan including any stressors to wildlife on the project site or nearby properties. Similarly, wastewater and nitrogen will also be reduced below levels that already previously conformed to SCDHS density standards, with subsequent benefits to water resources and aquatic habitats.

The subject site is for the most part, the location of an existing golf course and existing developed lands. It is also noted that the majority of the proposed development, specifically the development in the northwest part of the site, will occur in areas which were previously cleared and now consist of Successional Southern Hardwood forest which is of less ecological value as it is currently impacted by the predominance of invasive species found within this habitat.[34] Development has been carefully planned to protect the on-site wetlands and a 100-foot buffer area, and to situate development in existing cleared and/or previously disturbed areas.

A question was raised regarding the wetlands mapping and the delineation of wetlands on the subject site. The intent and purpose of the NYSDEC freshwater wetlands maps are described as follows: [35]

> *"The NYS Article 24 Freshwater Wetland maps show the approximate location of the wetland boundary. Wetlands are mapped using a variety of information sources, such as various types and seasons of aerial photography, soil surveys, elevational data, other wetlands inventories, and field verification. The wetlands are shown on 1:24,000 scale maps along with roads, streams and waterbodies, and other features. Because of the scale of the map and aerial photography used to produce the wetland boundaries, an on-site field delineation is often necessary to determine the actual location of the wetland on the ground."*

Wetland applications require that wetlands boundaries be delineated in the field at a specific site, and included on permit plans for review by NYSDEC staff. NPV has been conducting wetland delineations for various government acceptance for more than 20 years. Permitting agencies require delineation of wetlands based on the definitions contained in their jurisdictional and permitting regulations. Understanding agency requirements is key to performing accurate field

[34] See Draft EIS, Sections 2.5.1 and 2.5.2 and Appendix N-2 which describe prior site disturbance based on historic aerial photographs.
[35] http://www.dec.ny.gov/lands/5124.html

delineation of wetlands. For example, NYSDEC uses wetland indicator species, and the Army Corps of Engineers uses the 3-parameter approach using soils, hydrology and hydrophytic vegetation. The on-site and off-site wetlands have been delineated using the applicable NYSDEC definition of wetlands. Wetlands are mapped on project plans, and used as a basis for project design and permitting.

In response to comments received from the Town and the public, the project plan on which the Draft EIS was prepared ("the *Prior Plan*") has been revised by the Applicant and the disturbance off of Makamah Road that was previously proposed will not occur. Existing vegetation previously shown for removal in this area will be retained and over 300 feet of buffer will be maintained from the regulated wetland, thus protecting the wetlands adjacent buffer area, wildlife habitat, community character, visual privacy and noise barriers to nearby homes. It is noted that the proposed project has been revised to show no disturbance within NYSDEC wetlands jurisdiction in the area of Makamah Preserve and the proposed additions to wetland N-8, as requested for such an alternative in the comment letter from Susan Ackerman, Regional Permit Administrator, dated 10/16/2019. The development section on the west side of Fresh Pond Road is subject to NYSDEC freshwater wetlands permitting; however, disturbance will occur in previously disturbed areas associated with the golf course and extensive planting of buffer vegetation within the disturbance area will occur. The widening of Fresh Pond Road and associated grading will also be subject to Article 24 wetland permitting. Stormwater will be contained on-site in this area, where under current conditions, sheet runoff from this slope is not controlled. In addition, drainage improvements to the on-site pond system that currently overflows to Fresh Pond will occur thus removing this overflow based on Town drainage containment requirements, which will result in beneficial improvements to the aquatic habitat of Fresh Pond.

Other comments involving minor revisions to Draft EIS Figure 2-4 NYSDEC Wetlands Map and the addition of the parcel immediately adjacent to Makamah Road (SCTM # 0400-015.00-01.00-003.003) to Draft EIS Figure 2-8 Habitat Map have been addressed and included in Final EIS **Appendix M**.

Given the existing golf course habitat, retention of the 100-foot regulated wetland adjacent area, and retention of other woodlands and naturalized areas on the site, it is not expected that significant wildlife displacement will occur. As noted in the Draft EIS (see Draft EIS, Section 2.5.2, page 2-70), some adjacent lands may experience an increase in the abundance of some wildlife populations due to displacement of individuals by the construction phase of the proposed project. Mobile species such as birds and large mammals such as fox and deer would be expected to find suitable habitat both on and off-site where larger areas of natural open space currently remain. Ultimately, competition with both conspecifics and other species already utilizing the resources of the surrounding lands would be expected to result in a net decrease in population size for most species. While a significant portion of the existing habitat will remain, site specific populations may decrease from the loss of interior woodland habitat/fragmentation of large contiguous areas which certain species prefer. It is anticipated that species that prefer edge habitat will be prevalent within the proposed development. Disturbance will be minimized to

the maximum extent practicable, including delineating tree-clearing limits at the site prior to construction in order to avoid inadvertent clearing. No endangered species were encountered during inspections of the property; however, NYSDEC has determined that the site appears to provide potential habitat for the Northern-long eared bats (*Myotis septentrionalis*). According to the NYNHP program website[36], these bats are associated with mature interior forests and tend to avoid woodlands with significant edge habitat. As the Coastal Oak hickory area has been highly diminished as a result of the historic clearing of the site and contains a large percentage of edge habitat for the patch size, the presence of Northern-long Eared Bat in the subject property is lessened. Consistent with NYSDEC policy for protection of this species, no tree clearing will occur between March 1st and November 30th to avoid impacting roosting bats.

Other comments related to the presence of deer and turtles on the site. Assessment and management of deer would require coordination with NYSDEC. Deer control typically requires approaching deer management at a community level. That means making decisions as a community rather than as individuals and taking actions at a large enough geographic scale that they will affect deer throughout the community. NYSDEC has created a Community Deer Management Handbook (PDF, 3 MB) to help guide communities through the process of evaluating options for addressing deer-related impacts and developing a management plan. Impacts to potential turtle habitat on the east side of Makamah Road has been mitigated with the elimination of the previously proposed access road and reduction in residential units in the area.

Comments regarding climate change and resulting environmental changes were provided. As discussed in the Draft EIS, Section 3.1.3, the project is expected to have minimal impacts on climate change, and no mitigation was proposed. Expected sea-level rise will exacerbate current flooding issues throughout the Town of Huntington. Future floodplains may be expected to be adjusted upward by FEMA in future re-mappings in the coming decades, to account for the anticipated increases in rainfall and sea-level rise.

The high site elevations, with proposed housing development, roads, and utilities well above floodplains, protect the proposed homes from potential flooding due to increased storms and sea level rise. The Makamah Road entrance has been removed, thus removing all development from the area proximate to the Makamah Nature Preserve. The north access to the site off Mystic Lane is not near any floodplains. Along Long Island Sound, the current 100 year flood height is 17 feet, and the proposed housing at the northern portion of the development is set at over 70 feet in elevation. With an expected sea level rise, the areas proposed for housing development will remain well above future flood heights of Long Island Sound. Proposed grading, site disturbance and construction are all set entirely behind the New York State Coastal Erosion Hazard Area line established by the NYSDEC , well south of the top of the bluff above the Long Island Sound. Aerial photography of the shoreline from June 2018 shows a stable, riprap

[36] New York Natural Heritage Program. 2017. Online Conservation Guide for *Myotis septentrionalis*. Available from: http://www.acris.nynhp.org/guide.php?id=7407. Accessed March 6th, 2018.

revetment extending approximately 1200 feet along the existing shoreline, where the existing golf course extends to the water, providing further protection. The State has not made any predictions at this time how higher water levels in Long Island Sound may affect erosion rates or the position of the CEHA line, but this particular site provides a large margin of safety with all construction and disturbance well outside of erosion hazard areas. As demonstrated through detailed geotechnical engineering (see **Section 2.7** of this Final EIS) , the area south of the CEHA line is stable, and any shoreline erosion impacts associated with sea-level rise would impact the unstable land areas north of the CEHA line.

On June 9, 2015, the Town of Huntington adopted a ***Climate Action Plan***. This plan serves as a formal roadmap to improve energy efficiency, reduce greenhouse gas emissions, and to mitigate and adapt to the negative effects of climate change. Consistent with Section 3.6, Land Management of the Plan, the Proposed Action reduces environmental impacts by meeting human needs while sustaining ecosystem services and livelihoods.

Comments pertaining to this section note bathing beaches as an important resource. This is supported by Suffolk County whose website states the following with regard to beaches: *"Bathing beaches in Suffolk County are an important and unique resource, providing abundant recreational opportunities to residents and visitors alike. The recreational and scenic value of the more than 190 beaches in the county, including those located on the Atlantic Ocean, Long Island Sound, and on various bays, harbors, and lakes, represent a vital economic asset to the county. However, while the majority of these beaches are pollution free and provide a safe and healthy recreational environment for their patrons, some are subject to influences that can adversely affect water quality and potentially expose bathers to contaminants. For the most part these influences include stormwater discharges and resident populations of waterfowl. In certain areas, effects from boats, area septic systems and limited tidal flushing, may also be factors".*[37]

The proposed project is not expected to adversely impact any bathing beaches proximate to the subject site. The proposal will result in the installation of a new drainage system for new development and existing golf course conditions that will retain stormwater based on Town engineering design criteria. The interior pond system which overflows to Fresh Pond will be controlled based on a 9-inch design storm (including catch basins, leaching pools, recharge basins and detention areas, and expanded ponds). This will effectively capture all runoff from the site based on the design storm and will substantially increase the amount of on-site stormwater retention storage over what currently exists.

Comments were provided regarding the potential need for a NYSDEC Mined Land Reclamation (MLR) law permit. It has been determined that the proposed expansion of the on-site ponds will not require an MLR law permit from NYSDEC as indicated in an email from Robert Yager, NYSDEC, dated 6/21/19, a copy of which is provided in the Draft EIS, Appendix K-2. In order to require an

[37] https://www.suffolkcountyny.gov/Departments/Health-Services/Environmental-Quality/Ecology/Beach-Monitoring-Program/AdvisoriesClosures

MLR permit, the activity engaged in must constitute "mining" as defined in the first part of ECL 23-2705(8). The definition of mining/excavation activity must entail "the removal of [excavated] materials through sale or exchange, or for commercial, industrial or municipal use." For this project, all excavated material generated on-site will be retained on-site, and therefore, no MLR permit is required from NYSDEC.

Comments pertaining to ecological impacts from sanitary effluent are addressed under groundwater and surface water impact discussions noted in **Sections 2.8** and **2.9** above. The potential effect from sanitary wastewater from the proposed project will be significantly less than what is permissible under Article 6 of the SCSC, and the proposed project will have less nitrogen impact on groundwater and downgradient surface water than any other alternative studied, including as-of-right subdivision of the property.

Detailed Responses to the comments on Ecological Resources are presented as follows:

Comments E-78, E-84, E-108, E-109, E-110, E-111, E-112, E-113, E-114, E-115, E-116 & E-118
These comments reference minor inconsistencies in the Ecological Resources sub-section of the Draft EIS and its associated vegetation and wildlife materials as related to rare plants and species protection laws, and suggests a change in the seed mix for groundcovers.

Response:
The letter "r" in Draft EIS Table 2-12 indicates rare plants protected under New York State Environmental Conservation Law section 9-1503. Part (f) which reads as follows: "It is a violation for any person, anywhere in the state to pick, pluck, sever, remove, damage by the application of herbicides or defoliants, or carry away, without the consent of the owner, any protected plant. Each protected plant so picked, plucked, severed, removed, damaged or carried away shall constitute a separate violation."

The current status of species and the species status assessments developed in support of the State Wildlife Action Plan is provided at: http://www.dec.ny.gov/animals/7494.html including Northern Long-Eared Bat. Bat protection will be achieved by observing the applicable clearing window. Consistent with NYSDEC policy for protection of this species, no tree clearing will occur between March 1st and November 30th to avoid impacting roosting bats.

It is important to specify the correct seed mix to achieve the purpose of naturalized meadow growth for habitat and soil stabilization. The seed mix for groundcover as specified on project plans is considered appropriate and will be reviewed by the Town of Huntington as part of the landscape plan review of the subdivision and site plan.

Comment E-117
"Address the potential for relocating the exploitably vulnerable species of vegetation identified on-site (American holly, Northern bayberry and cinnamon fern) and any other exploitably vulnerable or other New York State listed species of vegetation identified during development."

Response:
It is noted that the majority of the proposed development, specifically the development in the northwest part of the site, will occur in areas which were previously cleared and now consist of Successional Southern Hardwood forest which is of less ecological value as it is currently impacted by the predominance of invasive species found within this habitat.[38] Other more minor areas of disturbance of existing vegetation will occur based on the Revised Plan. There is no requirement in the NYSECL to protect or relocate said species. Given the limited impact areas and lack of legal protection, it is impractical to relocate any of these species which may be encountered.

2.11 Land Use

Comment numbers B-3, B-4, B-108, B-111, B-130, B-145, C-4, C-8, C-11, C-15, C-57, C-67, C-85, C-98, C-99, C-137, C-233, C-252, C-398, E-119 through E-129, E-218, & E-219
These comments express concerns related to the suitability of the type and density of land use represented by the proposed project in relation to that of its surroundings.

Response:
Development resulting from a proposed action may alter the character of a neighborhood if it introduces new land uses, is completely inconsistent with land use policy or other public plans for the area, changes land use character, or generates significant land use changes. An extensive evaluation was conducted in the Draft EIS Section 3.2 on potential impacts to Community Character from the Proposed Action. Overall, the visual character of the site will change from that of a membership club with golf course grounds, to a mix of residential use and a golf club. The residential use is consistent with other residential uses in the area, and the golf course use will remain as part of the existing fabric of the community.

<u>Operations</u>
The impacts to the intensity of seasonal golf use of the property will not significantly change. Under current conditions, the peak season is April through October, when members/guests use the club. The off-season is November through March, with January, February and March being the months of minimal usage of the club. This pattern of seasonal use is expected to remain. The club will include a limit on membership, which does not currently exist. Section 1.7 of the Draft EIS details the operational aspects of the facilities based on the proposed project. The clubhouse is to serve the existing membership with improved facilities, and is not expected to substantially change employee or member use of the facility. No increase in events is expected. An upgraded clubhouse does not translate into an increase in the intensity of use.

[38] See Draft EIS, Sections 2.5.1 and 2.5.2 and Appendix N-2 which describe prior site disturbance based on historic aerial photographs.

Visual Character

The development plan is intended to modernize and enhance the Country Club site, which was first developed in 1961, while complementing and enhancing the existing, classic architecture of the clubhouse. The community will be designed to protect the character and quality of the surrounding neighborhood, while offering a new and innovative architectural design for senior housing. The Draft EIS, Appendix M contains a series of photographs of existing conditions and photo simulations to show the potential changes in views from adjacent residential properties and public vantage points including roadways, Town owned properties, County owned properties, private open space and from the Long Island Sound as required by the Final Scope.

Land Use and Land Use Plans

The Draft EIS includes extensive information with respect to impacts to the physical environmental setting of the proposed project. Local zoning and adopted land use plans will ensure that the land use of the community is protected. The Applicant will be required to comply with the zoning laws of the Town Huntington and what the Planning Board, as lead agency deems to be the significant characteristics (positive or negative) of the community. As indicated in the Draft EIS, Section 3.1 the proposed residential project is consistent with the zoning laws of where the subject property is located (R-40) and the cluster design to facilitate continued use of private golf courses as expressed in numerous land use studies of the area, most importantly, the Town's Comprehensive Plan Update. The Comprehensive Plan classifies the Town's remaining open space resources into five categories, one of which is recreational open space. The Plan states that the continued operation of day camps, golf courses and riding schools should be encouraged, and they should be considered key priorities for acquisition by the Town should their continued use be threatened. The proposed open space subdivision allows development of the townhomes while preserving the recreational and open space uses of the golf course. As a result, the proposed project will conform to the recommendations of the Comprehensive Plan Update.

Pursuant to Town Code § 198-118(B) Authority of the Planning Board. *"In accordance with Town Law § 276 the Planning Board shall be authorized to approve, with or without conditions, preliminary and final plats showing lots, blocks or sites with or without streets or highways, within the Town of Huntington exclusive of its incorporated villages."*

And, pursuant to Town Code § 198-114 Cluster developments. *"Simultaneously with the approval of any plat upon which the Planning Board is empowered to act pursuant to § 276 of the Town Law, such Board may make any reasonable modification of the zoning regulations applicable to the land so platted as authorized by § 278 of the Town Law and as specified in this article. Any such modification of the zoning regulations shall be made to provide an alternative permitted method for the layout, configuration and design of lots, buildings and structures, roads, utility lines and other infrastructure, parks and landscaping in order to preserve the natural and scenic qualities of open space including historic landmarks and sites. Unless otherwise specified in this article, any modification of the zoning regulations made by the Planning Board in connection with plat approval shall be limited to size of lot, minimum yard dimensions, location of buildings,*

location and extent of parking and loading areas and provision of public recreation areas, including parks and playgrounds, or public school sites."

The foregoing statutory responsibilities of the Planning Board serve to demonstrate its authority in this matter and its charge under Chapter A202 Subdivision and Site Plan Regulations *"…to provide for the orderly growth and coordinated development and redevelopment of the Town of Huntington and to assure the health, safety and welfare of the general public."* The Regulations purpose statement concludes with the following: *"It shall be the Planning Board's responsibility to preserve as much open space as is possible, and protect the quality of life for all of the residents of the Town, by insuring that any layout, design and construction be compatible in appearance and in proportion in terms of size, massing and architecture, with existing, surrounding development, to include environmental protection and environmentally sensitive lands."* Consistent with these regulations and quality of life issues, the proposed redevelopment plan, revised in response to public and agency comments results in a complementary residential use of the site and preservation of the golf course.

Yield Conformity

The proposed project was established on a Yield Map showing lots conforming to the minimum lot size and density requirements of the applicable zoning ordinance as well as all environmental and historical factors. Area and density requirements include conformance with minimum lot width and frontage[39].

Design Improvements

The number, location and means of access to the Townhomes proposed on the south side of Breeze Hill Road have been revised with the current plan to maximize the preservation of natural and scenic qualities of open space. These units will not be landlocked nor exceed the number of lots permitted on the approved Yield Map for the R-40 zoning. Proposed yard dimensions, location of buildings, extent of parking, etc. are all a result of proposed modifications pursuant to Town Code § 198-114 Cluster developments, as discussed above.

Open Space Index and Other Plans Conformity

The proposed project is consistent with the applicable recommendations of the Town Open Space Index through retention of golf course recreational open space and protection of constrained areas of the site such as beaches and bluffs, wetlands and buffers. The project is also consistent with applicable recommendations of the Suffolk County Comprehensive Water Resources Management Plan update by reducing residential density and conforming with SCDHS Guidance Memo 17 and Article 6 of the SCSC.

[39] **LOT FRONTAGE**
The distance along which the boundary of a lot and a street line are coincident (where the property line and the public right-of-way meet). Lot frontage for corner lots shall be measured from the point of intersection of the lot lines abutting such streets or the projection of such lot lines to a point of intersection in appropriate cases.
[Amended 10-15-2002 by L.L. No. 54-2002; 12-4-2007 by L.L. No. 41-2007]

It should be noted that "purpose" is a goal or objective to be achieved. As discussed in the SEQRA Handbook, Fourth Edition 2020, the purpose of many public actions relating to laws and regulations may be for protecting public health or safety or enhancing general welfare. The purpose of most private project sponsors is to gain profit from development activity on their private property that is subject to taxation. The proposed project has been designed to achieve the highest and best use of the property based on the Horizons 2020 Comprehensive Plan Update. Six Key Initiatives have been identified to organize and direct action by the Town to achieve the Vision Statement provided in the Executive Summary of the Comprehensive Plan. These initiatives as outlined on pgs. v & vi are:

Traffic Circulation
Work with state and county agencies to **retrofit the road network** with state-of-the-art signalization and other targeted improvements to enhance operational efficiency and **reduce traffic congestion**.

Open Space Preservation
Continue to expand the network of permanently **reserved open space** and improve the protection of sensitive environmental resources, such as groundwater supply.

Housing
Alleviate substandard housing conditions, while promoting a more **diverse housing stock** affordable to all income groups.

Development Quality
"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.

Sustainable Huntington
Mobilize a community-wide initiative to achieve a more **sustainable future** for the Town of Huntington, through measures that conserve energy, reduce carbon emissions, and promote a healthy environment.

The proposed project achieves all of the residential initiatives including:

- Reduces the increase in traffic congestion by providing multiple points of development and access.
- Expands the network of permanently reserved open space by maintaining the golf course and bluff area and improving the protection of water resources with the use of innovative and advanced wastewater treatment and reduced stormwater runoff.
- Promotes diverse, high-quality senior housing opportunities in the area.
- Complements the unique identity of the neighborhood by providing well-designed senior duplex townhomes suitably transitional and compatible with adjacent development while maintaining and improving the existing golf course, country club and open space.
- Achieves a more sustainable future by clustering development and conserving open space and all its inherent benefits.

Any question of whether the proposed golf course is considered open space is best summarized by the following statement from the Town of Huntington EOSPA Fund and Land Conservation Progress Report, 1998-2018:

> *"Sometimes the Town Board, Planning Board and/or Zoning Board of Appeals require lands to be held as protected private passive or recreational open space as mitigation during the planning process and application review. Whether this involves rezoning requirements, clustered subdivisions (where the conforming yield for a property is concentrated on a component of a site), or conservation buffers, the resulting open space reservation can be substantial. In these cases management for the affected properties vests with the private owner. In the eighteen years since the EOSPA Program began, over 150 acres have been conserved as privately-held open space. Examples of some of these projects include: private recreation and common areas (The Greens at Half Hollow golf course; Beechwood at Half Hollow Hills; The Legends at Half Hollow, and The Villages at Huntington) and conservation areas (Old Orchard Woods, Huntington Harbor Estates, and Dalton Meadows)."*

Demographic conditions and trends in Huntington provide background and perspective on the issues addressed in the Comprehensive Plan Update (Page 1-6): "*The Town's population is getting older — median age increased from 30 years in 1960 to 39 years in 2000. Persons 65 years of age and over increased by 25% between 1990 and 2000. The "Baby Boom" generation (born between 1946 and 1964) represented approximately 33% of Huntington's population in 2000. All members of this generation will be senior citizens (over 65 years of age) by 2030*". This trend was strategic in the planning and location of the proposed project. Although, locating senior housing close to resources is beneficial, a primary consideration of the proposed project was to protect the character of the neighborhood and established land use patterns by allowing residents to "age in place". A diverse population incorporating all age groups is essential to having a healthy, sustainable and appealing quality of neighborhood.

<u>Lighting</u>

The only lighting currently proposed by this residential subdivision is street lighting. As part of the improvements, the Applicant must install street lighting pursuant to Town of Huntington, ***Chapter A202, Subdivision and Site Plan Regulations, Section 4.3 General Requirements for Subdivision Design***. Light glare must be controlled in conformance with ***Chapter 143 (Outdoor Lighting)*** Town of Huntington Code. To ensure compliance a site lighting plan (or photometric plan) is required showing the location of the fixtures, height of stanchions, intensity of the light at the ground surface and type of fixture for the property. Based on these requirements; the size of the property, locations of the streets and street lights, the height of street light fixtures, the planting of street trees, and the retention of trees and vegetated buffers, impacts to adjacent properties from excessive illumination from street lights, are not anticipated.

Outdoor lighting for future homes is expected to include typical porch and rear yard patio lighting. The proposed street lighting fixtures will be equipped with solid/opaque hoods to prevent light from being cast upwards and causing sky glow. As required by § 143-6, of Town Code, there will be no projection of lighting off site from the common lighting on the project site.

Noise

The ambient noise environment is characteristic of the surrounding land uses, including area roadways such as Breeze Hill and Fresh Pond Roads. The closest receptors include residential properties west, east and south of the subject property. It is expected that noise from vehicles on adjacent roadways will continue to be the dominant source of background noise at the site and in the surrounding area. The only significant sources of noise which may be audible to nearby residents related to the residential use of the property under the proposed development are on-site traffic from the development, property maintenance activities, use and other human activities associated with the proposed residential use of the property. Traffic on-site will be insignificant with vehicles traveling at low speeds due to the residential nature of the subdivision, and therefore, is not expected to result in a significant increase in ambient noise levels. Other post-development noise will be typical of a residential neighborhood and consistent with what currently exists in the area, thus, no significant noise-related impacts are expected.

Detailed Responses to the comments on Land Use are presented as follows:

Comments E-119, E-120, E-121, E-123, E-125, E-126, E-127 & E-219
These comments note several minor inconsistencies in the Land Use, Zoning, and Land Use Plans sub-section of the Draft EIS with respect to the component tax lots, the number of lots proposed, the implications of the site's inclusion in the Town's Open Space Index, and the zoning classification sought for of the proposed project.

Response:
These comments are addressed in revised project plans included with this Final EIS. Please see response to comments above as related to the Town Open Space Index and zoning conformity.

Comments E-122 & E-124
These comments note minor errors in Figures 3-1 and 3-3 of the Draft EIS.

Response:
These comments are addressed with other figure change comments as referenced in **Section 2.24** below.

Comment E-218
This comment requests a figure that details the "…more than 91% open space…" on the site.

Response:
As requested by the Town, an Open Space Plan figure has been prepared and included in this Final EIS **Appendix M**.

2.12 Zoning

Comment numbers B-43, B-53, B-69, B-70, B-71, B-72, B-131, B-151, C-6, C-10, C-14, C-19, C-46, C-68, C-72, C-97, C-101, C-105, C-154, C-180, C-187, C-237, C-239, C-241, C-257, C-277, C-278, C-300, C-304, C-307, C-315, C-413 through C-419, D-1, D-2, D-7, D-8, D-17, E-14, E-46, E-130 through E-132, & E-214 through E-217
These comments raise concerns that the proposed project should not be considered absent a change of zone application for it, under the site's existing zoning district.

Response:
General comments related to zoning are addressed below, followed by more specific responses to specific comments.

Yield Established
At their regular meeting dated July 26, 2017, the Huntington Town Planning Board approved the Yield Map submitted on July 18, 2017 depicting ninety-nine (99) lots (see Draft EIS, Appendix E, correspondence dated August 2, 2017 from Robert Riekert, Deputy Director). This Yield Map does not account for the additional 3.44-scre parcel added after the approval from which no additional density is realized (SCTM # 0400-014-04-3.2).

Cluster Subdivision Conformity
An alternative to a standard subdivision is cluster development (Pursuant to New York State Town Law, Section 278 and Town of Huntington, Chapter A202 Subdivision and Site Plan Regulations, Section 4.7. A cluster designation is applicable in all residential zoning districts.

> *"Cluster development" refers to the modifications of the applicable zoning regulations to provide an alternative permitted method of development on a particular parcel of land in accordance with an approved yield map. In no case shall the number of building lots or dwelling units exceed the number that could be permitted, in the Planning Board's judgment, if the land were subdivided into lots conforming to the applicable zoning ordinance or local law.*
>
> *The purpose of a cluster designation is to enable and encourage flexibility of design and development of land in such a manner as to promote the most appropriate use of land, to facilitate the adequate and economical use of streets and utilities, and to preserve the natural and scenic qualities of open lands. There shall be a measurable qualitative or quantitative public benefit associated with any cluster development as determined by the Planning Board or its designee.*
>
> *If the Applicant chooses to pursue a cluster development, their licensed professional shall first prepare a Yield Map for review by the Planning Board. The Yield Map shall show lots conforming to the minimum lot size and density requirements of the applicable zoning ordinance as well as all environmental and historical factors (see Section 4.9.3.2). The yield of the proposed development should be determined at the earliest possible date.*
>
> *Once the Planning Board has approved the yield, the Applicant shall prepare a Cluster Map depicting no more lots than those depicted on the approved Yield Map. However, the Cluster Map shall show*

clustered lots or dwelling units, and shall depict a Table of Modifications that provides the zoning modifications required to produce the established yield. The Cluster Map must clearly depict the most adequate and economical use of streets and utilities, and depict the preservation of the natural and scenic qualities of open lands in perpetuity.

The cluster subdivision process is often the community's best method to ensure that new developments are properly designed. A cluster subdivision must comply with existing local zoning and regulations, including showing roads, topography, drainage, and all proposed facilities at a suitable scale and in such detail as may be required. This provides the community with the best knowledge of the developer's intent. As previously discussed above in **Sections 2.3 Project Description and Design and 2.11 Land Use,** the statutory responsibilities of the Planning Board serve to demonstrate its authority in this matter.

R-40 Zoning District Conformity

The proposed use for senior housing is permitted in the R-40 zoning district (see Town Code §198-2 Definitions and word usage for single-family dwelling). The reason senior housing is not specifically listed under R-40 zoning is likely due to the fact that the demand for such housing has increased so dramatically in the last few years as a result of an increasing number of residents seeking alternative housing and senior communities. While age is not a protected class under the Fair Housing Act, the law does prevent discrimination based on familial status. In this case, familial status refers to households which include pregnant women or children under the age of 18. However, the Housing for Older Persons Act of 1995 (HOPA) provides exemptions to familial status if a community meets either of the following conditions[40]:

1. All of the occupants of the community are over the age of 62.
2. At least 80 percent of the occupied units include at least one resident who is verified to be over the age of 55, and the community follows a policy that demonstrates an intent to provide housing for those aged 55 or older.

Comprehensive Plan Conformity

The demand for senior residential housing is documented and encouraged as noted in Section 9.2 of the Town Comprehensive Plan Update (pg. 9-6):

"Huntington's predominantly single-family housing stock is not well suited to the needs of a demographically changing population that includes an increasing proportion of seniors, empty nesters, singles, and other non-traditional households…which does not impact schools and as noted serves a growing population within the Town"

Another strategy of the Town Comprehensive Plan Update is clustering (i.e. Strategy A.1.5: Require/encourage alternative site design standards to better preserve natural areas on a tract). Pursuant to Policy A.1, these strategies 'strengthen protection of sensitive environmental resources by applying best management practices through Huntington's development

[40] https://www.55places.com/blog/yes-age-restricted-communities-are-legal

regulations'. The Applicant has been proactive in using these strategies in the design and refinement of the proposed project for protecting open space and environmental resources.

The golf course will be substantially maintained in its present configuration to provide for the conservation and preservation of open space and the support of private recreational use in conformance with the Town Comprehensive Plan Update, codified in Town Code §198-114 Cluster Development [Amended 2-10-2015 by L.L. No. 16-2015]. The retention of the golf course with the addition of senior residential units allows this recreational open space feature to remain in the community. Also simply known as a "golf course community," a type of residential housing development built around a golf course. No new commercial development is proposed, and no relief of the zoning code is being requested. New York's highest court has recognized the preservation of open space and recreational areas as legitimate planning interests supporting municipal land use decisions favoring such golf course communities[41].

A strategy of the TOH Horizons 2020 Comprehensive Update (A.1.5) is to "Require/encourage alternative site design standards (e.g., conservation subdivisions and lot averaging techniques) to better preserve natural areas on a tract. Conservation subdivisions are a form of residential development that reduces lot sizes so as to set aside a substantial amount of the property as permanently protected open space. The Proposed Action may be considered a Conservation Subdivision due the large contiguous areas of open space that will result.

Alternative Zoning Impractical

The suggestion to apply the Greens at Half Hollow Planned Unit Development District (R-PUD) is impractical. As indicated in Town Code § 198-21.2 the purpose and intent of the R-PUD was specific to the location of approximately three hundred eighty-two (382) acres formerly owned by the State of New York.

Design Intent as Related to Zoning

It is the intention of the Applicant to build a development whose focus is the retention of recreational open space to preserve the environmental integrity of the property while adding a taxable use to supplement the existing golf course and improve the financial viability of the overall site use. The objectives of the project sponsor include the desire to produce a profitable economic return on a substantial financial investment, which would result from a senior residential community that addresses a need the Applicant believes is unmet in the area. The project would establish a well-planned senior residential community that is complementary to surrounding land uses, consistent with Town and County land management goals, provides fiscal and secondary economic benefits, and is compatible with the surrounding community. The Applicant is seeking to provide a use that will conform to existing zoning, while at the same time, avoid or mitigate environmental impacts to the maximum extent practicable.

[41] Bonnie Briar Syndicate, Inc. v Town of Mamaroneck,94N.Y.2d96(N.Y. 1999).

The proposed project proposes attached units of a similar total size as homes in the area. This offers significant benefits for open space conservation as compared to individual single-family homes. The residential design concept utilizes clustering of attached units to achieve flexibility and creativity in the design, in a manner where the overall density of the development is less than what is normally allowed in the district. The purpose achieved is better protection of recreational, natural and scenic resources than would be provided by a conventional subdivision plan.

Alternatives Requested

As indicated in the Draft EIS Section 5.0, Alternative 2: As-of-Right Subdivision assumes that the project site is developed under its existing R-40 zoning with a 99-lot subdivision that conforms to all applicable zoning and planning requirements and standards, including the Steep Slope Ordinance and providing area for parkland dedication. The 18-hole golf course is not considered in the Yield Map since it involves the As-of-Right use permitted by Town Code as the principal and primary use for the subject property.

The comment calling for a maximum of 10 units or the assessment of the clubhouse as the equivalent of up to 40 units are not credible or substantive comments in view of the approved site yield and conformance of the project with the zoning laws and Comprehensive Plan of the Town of Huntington. To be credible, a comment should identify a different source of credible research which, if used in the analysis, could result in a different finding, or points out a specific flaw in the analysis. SEQR is both a procedural and a substantive law. In addition to establishing environmental review procedures, the law mandates that agencies act on the substantive and/or credible information produced by the environmental review. The Huntington Town Planning Board approved the Yield Map submitted on July 18, 2017 depicting ninety-nine (99) lots). This fact vacates the premise of these comments. No details (source, reference or documents) were provided in support of the purported assessment of the clubhouse as the equivalent of up to 40 units. This requirement for substantive and/or credible information applies to any other request for a reduction in yield.

Public Input/Involvement through SEQR/Zoning/Land Use Process

An important aspect of SEQR is its public participation component. There are opportunities for outreach and public participation throughout the environmental impact statement process. For the proposed project, these have included:

- coordination with involved and interested agencies;
- public input to scoping on the scope of the EIS, which on August 16, 2018, the Town of Huntington released the draft scope for a public review and comment period, which ended Monday, September 17, 2018. During the public comment period on the Draft Scope, residents were encouraged to suggest any additional information pertinent to the project;
- the required 30-day minimum public comment period on the Draft Environmental Impact Statement (Draft EIS); and
- public hearings, if the lead agency chooses to hold one or more hearings. The Town of Huntington published the Draft EIS after the Planning Board, at its August 21, 2019 meeting, scheduled a

public hearing on the document for its Wednesday, September 18, 2019 meeting, also setting the public review and comment period to end Friday, October 18, 2019. The resolution accepting the Draft EIS for public review was originally set to end the public review period on October 2, but was extended by 16 days to end on October 18, 2019, then further extended to November 4, 2019. New York State Environmental Quality Review Act (SEQRA) requires the public hearing to be set at least 15 days after the Draft EIS is accepted; the full public review and comment period must be set to end at least 30 days after acceptance.

These opportunities increase" the likelihood that the project will be consistent with community values."[42] The fair and balanced review conducted by the Town has allowed the public and other agencies to provide input into the zoning and land use review process, consistent with zoning laws and Town procedures.

Detailed Responses to the comments on Zoning are presented as follows:

Comments D-1 & D-7
These comments question the requested yield of the proposed project on the subject site, and suggest that the proposed project would result in a "double-dip" of its proposed yield. The comment also questions the use of the term "redevelopment" as related to the proposed project.

Response:
The project yield is fully established, and the basis for the proposed land use has been established through the application materials, the Draft EIS, and responses provided in this Final EIS. The project conforms with yield for the property and the zoning laws of the Town through application for a Cluster Subdivision.

The proposed project is properly referred to as a redevelopment project. *Redevelopment* is defined in the NYS Stormwater Management Design Manual as the "Reconstruction or modification to any existing, previously developed land such as residential, commercial, industrial, institutional or road/highway, which involves soil disturbance." Further "Redevelopment of previously developed sites is encouraged from a watershed protection standpoint because it often provides an opportunity to conserve natural resources in less impacted areas by targeting development to areas with existing services and infrastructure. At the same time, redevelopment provides an opportunity to correct existing problems and reduce pollutant discharges from older developed areas that were constructed without effective stormwater pollution controls."[43] The proposed project is a "redevelopment" and this redevelopment proposes the introduction of limited residential use in three (3) areas of the site, with infrastructure improvements for the existing golf course including upgrades in drainage containment. As a result, the proposed project is properly referred to as redevelopment, and this redevelopment will improve stormwater retention on the site to reduce off-site impacts related to stormwater overflow to Fresh Pond.

[42] SEQRA Handbook, Fourth Edition 2020, pg 4
[43] https://www.dec.ny.gov/docs/water_pdf/swdm2010chptr9.pdf

Comments D-8 & D-17
These comments question the legitimacy of the Town Planning Board as lead agency for the project under both Town law and SEQRA, as it should be under the jurisdiction of the Town Zoning Board of Appeals.

Response:
The application is for a cluster subdivision and site plan. The Planning Board is the appropriate lead agency for the project as it is the agency with a pending application and the broadest review powers related to the pending application. The Planning Board completed a coordinated review and assumed lead agency in accordance with SEQRA, 6NYCRR Part 617. The jurisdiction of the Planning Board and Zoning Board of Appeals is provided in the Town's comments requesting the following revisions to the Draft EIS (prepared 12/5/2019 by Colleen Walsh, Senior Planner):

- "This prior application [sic: change of zone application] was withdrawn and followed by the submission of the current application to the Town Planning Board for a clustered subdivision. A separate site plan application will be prepared for submission to the Town Planning Board for concurrent review with the subdivision application. The site plan will encompass all Golf Course Association land, including but not limited to the clubhouse, fitness center and golf course maintenance buildings."
- "The subdivision complies with the standards, spirit and intent of New York State Town Law, Section 278 through clustered subdivision design. In addition, conformance with the Town Subdivision and Site Plan Regulations is necessary to ensure a well-planned compatible residential development, and to demonstrate consistency with the comprehensive long range land management goals and overall community vision for the site and area, as embodied by the Horizons 2020: Huntington Town Comprehensive Plan Update."
- "The existing Special Use Permit issued by the Zoning Board of Appeals authorizes the establishment of a golf course in a residence district…"

Comments E-130, E-132, E-214 through E-216
These comments request clarification of the project's conformance to setback requirements of the Town's R-OSC district, whether the proposed units can properly be located both north and south of Breeze Hill Road, and note several minor insistencies in the Land Use Plans sub-section of the Draft EIS.

Response:
The Town's R-OSC district does not apply to the proposed project. Units can be properly located both north and south of Breeze Hill Road through the cluster subdivision design. The Land Use Plans subsection reflects the summary of plans for the purpose of the Draft EIS which was accepted by the Town as complete for public review. All substantive comments are addressed in this Final EIS, including specific comments on Land Use Plans. The comment is acknowledged and addressed.

Comment E-131
"The proposals would result in the construction of a total of 50 units on the North Parcel (126.14 acres) and a total of 49 units on the South Parcel (28.42 acres). The North and South parcels are separated by Breeze Hill Road. Discuss whether or not the separation of the parcels by the right-of-way has any impact on the amount of units that can be placed on each parcel."

Response:
The proposed project has been revised to reduce the number of units south of Breeze Hill Road by twelve (12) units. This is a significant decrease in the number of units in this specific area of the property. The separation of parcels by the right-of-way has no impact on the number of units that can be placed on each parcel. The Cluster Subdivision allows units to be strategically placed to retain recreational open space and natural resources, which involves retaining the golf course, placing all development south of the CEHA line, and retaining wetlands and wetland buffer areas. No land use impact is anticipated with the placement of the number of units proposed north and south of Breeze Hill Road.

Comment E-217
"Indicate the source of the referenced report, 'Private Golf Course Moratorium Proposed Planning Options Report (January 2009)."

Response:
The Private Golf Course Moratorium Proposed Planning Options Report (January 2009) was prepared for the Huntington Town Board by the Department of Planning and Environment. Its purpose is to provide a proposed policy framework from which to protect existing private golf courses and encourage their retention as income-producing recreational open space properties in the Town of Huntington. (see **Appendix Q**).

2.13 Land Use Plans

Comment numbers B-2, B-89, B-110, B-113, C-55, C-56, C-96, C-104, C-113, C-114, C-116, C-117, C-119, C-121, C-127, C-130, C-134, C-141, C-145, C-158, C-193, C-205, C-206, C-207, C-208, C-209, C-210, C-211, C-245, C-259, C-451, C-501 through C-512, E-98 & H-2
These comments express concerns related to whether and how the proposed project conforms to the applicable recommendations of the various land use plans pertinent to the site, particularly of the Draft Crab Meadow Watershed Hydrology Study and Stewardship Plan.

Response:
Multiple land use plans were reviewed to establish the planning documents that guide the use of the subject site. Land use plans are dynamic documents that guide but do not control site use. Site use is established through the applicable Zoning Map and Zoning Code provisions that determine density and form of development. The subject site is zoned R-40 which allows single family residential use and clustering options as provided for in the Zoning Code as presented in relevant sections of the Draft EIS and this Final EIS. The Zoning Map and Code are part of the

overall comprehensive plan of the Town. Other documents reviewed in the Draft EIS include the following:

- Horizons 2020: Huntington Comprehensive Plan Update (December 2008)
- Environmental Open Space and Park Fund Program (EOSPA)
- Draft Crab Meadow Watershed Hydrology Study and Stewardship Plan, June 2015, by GEI Consultants, Inc.
- 2015 (Revised) Suffolk County Comprehensive Water Resource Management Plan
- LIS Comprehensive Conservation and Management Plan (CCMP)
- North Shore Embayment Watershed Management Plan (NSEWMP) (2007)

These plans were discussed and detailed in Section 3.0 of the Draft EIS and included an analysis for consistency in terms of their goals, strategies and recommendations. In every instance, the proposed low density (R-40 cluster) project was determined to be consistent with various plan recommendations pertaining to land use, protection of environmental resources, housing opportunities, community character, community facilities, economic development and transportation. Consistency with the individual strategies and the Generalized Future Land Use map in the Comprehensive Plan Update is explained in Section 3.1 of the Draft EIS.

It is noted that Page 7-16 of the 1993 Town of Huntington Comprehensive Plan, makes reference to the Indian Hills Golf Course being nominated in the 1986 Suffolk County Open Space Program (SCOSP) for acquisition; however, no further action was taken on the matter. More significantly is the following statement on the preceding page (Page 7-15) in the 1993 Plan:

> "There are a number of other methods by which the Town may secure parkland. Section 198-114 of Town Code offers a partial solution by authorizing the Planning Board to modify subdivisions in order to provide open space among other amenities. The town's greatest opportunity to preserve its remaining special assets appears to lie in a combination of dedication as required by the Planning Board's Subdivision Regulations and Site Improvement Specifications and the aforementioned Section 198-114 of the Town Code in tandem with covenanted deed restrictions and possibly tax incentives on private lands."

This recommendation is essentially restated on Page 3-6 in the Horizons 2020: Huntington Comprehensive Plan Update, including the Applicant's proposal for a conservation easement. The continuing R-40 zoning of the site through many years and many Town plans, and the ability of the Town to provide flexibility for development to retain site character and protect natural resources through cluster provisions, ensure the consistency of the proposed project with Town land use plans.

Additional insight is provided into the open space nomination process, to further the understanding of Town land use plans and implementation. Any individual or organization may nominate a property for consideration by the Environmental Open Space and Park (EOSPA) Committee. The Committee has a simple nomination form that is available on the Town website or upon request. The submission of a nomination form initiates field review by the EOSPA

Committee. The EOSPA Committee has received numerous nomination forms to date, including several made by property owners. The EOSPA Committee has reviewed over 200 sites including those nominated by individuals and organizations, properties included in the 1998 OASIS Study prepared by the Town Department of Planning and Environment (which formed the basis for the 1998 EOSPA referendum), and properties identified by the Committee members.

The Town EOSPA Program is based on fair market negotiation with willing sellers only. The Town of Huntington EOSPA Fund and Land Conservation Progress Report, 1998-2018 does not identify the subject site. Several of the projects that proceeded into development resulted in a component being reserved or planned (if approval has not yet been received) as either public or private open space.

As indicated in the Draft EIS, the Draft Crab Meadow Watershed Hydrology Study and Stewardship Plan, dated June 2015, is not complete or currently adopted by the Town Board. The Town's plan for 2019 was to complete the work with the consultant and community and finalize the study and stewardship plan initiated in 2014. In addition, the adoption of comprehensive plans, zoning amendments, and other land use regulations are also subject to environmental review. Notwithstanding this draft status and the uncertainty of when the document and environmental review may be finalized (as discussed in Section 3.1.2 of the Draft EIS), the proposed project is in keeping with the intent of the Crab Meadow Watershed (CMW) Management Plan. Consistent with the Draft CMW Hydrology Study and Stewardship Plan, the proposed project will:

- Preserve Indian Hills Golf Course (and zoning);
- Preserve open space;
- Protect wetlands and bluff area from slumping in compliance with required setbacks and buffers (no development is proposed in designated adjacent wetlands area or in the Coastal Erosion Hazard Area);
- Facilitate increased retention of stormwater on the site to reduce/eliminate the pond overflow that travels to Fresh Pond; and
- Provide water quality improvements with the use of proposed advanced and innovative sewage treatment systems and a Golf Course Environmental Management Plan.

General statements in the Study that "the CMW area is essentially built out to its zoned density" must be considered in the context of the entire document including its mitigative measures, Town of Huntington Zoning Code, SEQRA and how density rights may differ from development rights. Any such reference in either an adopted or unadopted land use plan would not alter the development potential of a site that conforms with zoning, unless or until that zoning is changed or a site is acquired. As a result, the general statement noted above has no bearing on the proposed project or development potential of the subject site.

The proposed project has followed all applicable steps of the Town subdivision review process, including SEQRA. As discussed above in **Section 2.12 Zoning**, the Town of Huntington published the Draft EIS after the Planning Board, at its August 21, 2019 meeting, scheduled a public hearing

on the document for its Wednesday, September 18, 2019 meeting, also setting the public review and comment period to end on Friday, October 18, 2019. The resolution accepting the Draft EIS for public review was originally set to end the public review period on October 2; but was later extended by 16 days to end on October 18, 2019, then further extended to November 4, 2019. SEQRA requires the public hearing to be set at least 15 days after the Draft EIS is accepted; the full public review and comment period must be set to end at least 30 days after acceptance. This has been determined as more than a reasonable period to review the Draft EIS. The regulations provide abundant support and tools regarding the Planning Board's authority in this matter and for basing judgments on how to manage the SEQRA process by choosing a reasonable approach, as discussed above in S**ections 2.3 Project Description and Design, 2.11 Land Use and 2.12 Zoning**.

2.14 Community Character

Comment numbers B-6, B-9, B-11, B-33, B-40, B-62, B-64, B-84, B-86, B-93, B-97, B-138, B-141, C-43, C-44, C-45, C-49, C-70, C-78, C-79, C-87, C-89, C-94, C-102, C-106, C-235, C-262, C-283, C-290, C-298, C-456, E-15, E-16, E-135 through E-140, E-220, & H-4
These comments express concerns related to impacts to the aesthetic/visual character of the community, particularly to its abutting residents, from inadequate depths of perimeter buffering, grading, and from the siting of the residential structures along the periphery of the site rather than in its interior.

Response:
The aesthetic/visual character of the subject site is best maintained through retention of the Indian Hills Country Club which has existed on the site and been part of the character of the community since 1961. Limited development on the site is essential to ensure the financial stability of the golf course and continuance of this use. Strategic development locations were determined to retain the golf course, place development south of the CEHA line, place development away from wetland areas, and retain the most significant natural resources on the site. Proposed residential buildings are duplex units that are comparable in size to single-family residential homes in terms of size, mass and height, and these structures are placed in locations no nearer to surrounding properties than if a non-clustered subdivision conforming to zoning were constructed. In many areas there is no change in community character, specifically where roadside views of the golf course will remain, or abutting homes will continue to lie adjacent to the golf course. Other areas will retain sufficient setbacks and buffers to conform with zoning and continue the residential and recreational open space character of the community. It is noted that the development density has been reduced by twelve (12) units, and the reduction occurs on the south part of the site, south of Breeze Hill Road. Potential community character impacts are also improved over the Prior Plan by removal of the Makamah Road access such that all access to the site south of Breeze Hill Road is through the existing realigned country club entrance. The comment is incorrect in stating that residential structures are sited along the periphery of the site, as many structures are on the interior of the site, and only a limited number of structures are near property boundaries. It is further noted that if structures were placed on the interior of

the site as suggested, that the golf course would not be able to be retained, and the impact on community character, visual and aesthetic resources would be greater than that of the proposed project.

Additional information as related to this general comment and the land use review and approval process that The Preserve at Indian Hills has been subject to, is provided herein. Further information pertaining to current and proposed operations, potential noise, site views and related community character analyses are summarized below.

The subdivision complies with the standards, spirit and intent of the Town's R-40 Residential zoning district through clustered subdivision design. It is the intention of the Applicant to build a development whose focus is the retention of recreational open space to preserve the character of the property, while providing quality homes for seniors and ensuring the financial viability of the golf course. The project also promotes sustainability regarding shoreline issues such as slumping and maintaining coastal aesthetics by eliminating development in the Coastal Erosion Hazard Area.

The proposed subdivision includes 139.61 acres of open space to be reserved as open space and recreational open space in perpetuity (90.33% of the site see **Table 1-1)**, through measures provided for in § 278 of Town Law and as specified in Town Code § 198-114. Changes between the Prior Plan and the Revised Plan, as indicated in **Table 1-1**, have resulted in a di minimis decrease in Open Space from 91.27% to 90.33%. Town Zoning Code defines Open Space as follows (§198-2): "A portion of land where buildings and roadways are prohibited. Open space shall include natural areas, agricultural fields, parks, playgrounds, athletic fields, and landscaped areas such as lawns and buffer strips." Using this definition and subtracting the coverages for buildings and paved surfaces (14.95 acres) from the total area of the site of 154.56 acres, this results in 139.61 acres of open space, comprising 90.33% of the site.

As indicated in the Draft EIS, Section 1.6.2, Conformance to Zoning and Other Development Regulations, it is the Applicant's intention to maintain the existing golf course facility, as an accessory to the residential development in the spirit of retaining recreational open space, as has been previously granted by the town for both the Hamlet Golf & Country Club in Commack, and the Greens at Half Hollow (Greens of Melville portion) in Melville. The golf course exists at the subject property in accordance with a Special Use Permit previously issued by the ZBA. During the course of review, the matter will be referred to the ZBA or an application may be made for amendment of the previously issued Special Use Permit under Town Code Section § 198-109 and § 198-110 (C) (5). The proposed project complies with the maximum building height of two stories and 35 feet, but the remaining height, area and bulk requirements are modified under the proposed cluster design. In particular, Chapter 198, Article IX Height, Area and Bulk Regulations, § 198-14, R-40 Residence District and § 198-114, Cluster Development of the Town Code shall apply. The latter includes the following specific requirements:

Simultaneously with the approval of any plat upon which the Planning Board is empowered to act pursuant to § 276 of the Town Law, such Board may make any reasonable modification of the zoning regulations applicable to the land so platted as authorized by § 278 of the Town Law and as specified in this article. Any such modification of the zoning regulations shall be made to provide an alternative permitted method for the layout, configuration and design of lots, buildings and structures, roads, utility lines and other infrastructure, parks and landscaping in order to preserve the natural and scenic qualities of open space including historic landmarks and sites. Unless otherwise specified in this article, any modification of the zoning regulations made by the Planning Board in connection with plat approval shall be limited to size of lot, minimum yard dimensions, location of buildings, location and extent of parking and loading areas and provision of public recreation areas, including parks and playgrounds, or public school sites.

The building footprints have been determined to be less than 8 percent of the area of the site, resulting in an average of 4,400 SF per building. The community building (clubhouse) is located within the 100-foot minimum yard depth under Town Zoning Code Section 198-110 (C)(5)(i).

In regard to potential noise impacts, pursuant to Town Code § 141-1 Legislative Intent:

The Town Board of the Town of Huntington in the exercise of its enforcement powers, hereby declares its intent to minimize to the fullest extent possible unreasonably loud and disturbing noises that are prolonged, unusual, or unnatural in their time, place, and operation. Unreasonable noise is detrimental to the life, health, safety and welfare of Town residents; interferes with the quiet use and enjoyment of land; and disturbs the peace, comfort, and good order of neighboring areas and the community-at-large.

Further pursuant to Town Code § 141-2 Noise Disturbance Prohibited:
No person or business entity shall make, continue, allow, permit, cause or maintain any noise disturbance by any means within the Town of Huntington.

Town Code § 141-3 defines Noise Disturbance as:

A. Any noise, which endangers or injures the safety or health of humans or animals or annoys or disturbs a reasonable person of normal sensitivities or endangers or injures personal or real property.
B. The noise from any prohibited act that disturbs two (2) or more residents who are in general agreement as to the times and durations of the noise and who reside in separate residences, including apartments and condominiums, located across a property line (boundary) from the property on which the source of noise is generated, shall be prima facie evidence of the existence of a noise disturbance.

The clubhouse will continue to operate essentially as it does currently, with the added benefit of a limit on membership which does not currently exist. Any noise generated from events at the clubhouse, including any outdoor seating, would be consistent with current practice, and further, would be limited by virtue of the Town's strict Noise Code. In addition, such events are temporary and the number of guests, including vendors and staff permitted will be limited by the maximum allowable attendance. Noise impact is more a function of sound levels and distance between a source and a receptor. Landscape screening and vegetation does not effectively block

sound levels as compared with distance/separation, and/or more substantial barriers. Event planning shows that all sound devices and apparatus are located within the clubhouse, such that noise is not directed to occupied, off-site receptor locations. In addition, all vehicles would park within prescribed parking spaces which are centrally located within the subject site and comparable to current conditions. Proposed events would continue to take place within an area that has been subject to vehicle use and other recreation since the 1960s. Based upon past use of the clubhouse for events, there is no substantial evidence before the Planning Board that the project may have a significant effect on noise. As documented in the Draft EIS, the number and size of events are not expected to change significantly as compared with current conditions.

The Draft EIS, Appendix M contains a series of photographs of existing conditions and photo simulations to show the potential changes in views from adjacent residential properties and public vantage points including roadways, Town owned properties, County owned properties, private open space and from the Long Island Sound as required by the Final Scope. Simulated views depict the proposed units and their architecture, based upon proposed elevations. It is noted that the majority of the proposed development will occur in areas which were previously cleared for landscaping and now consist of Successional Southern Hardwood forest, which is of less ecological value as it is currently impacted by the predominance of invasive species found within this habitat. In addition, the project has been modified to save more of the trees with the elimination of access road and units off Makamah Road. The project site is generally surrounded by residential development and, therefore, will become an integral part of the larger existing community. A residential use that is characteristic and common in the neighborhood will be introduced to the site, consistent with surrounding area conditions. Although elements of the visual landscape will change (topography, vegetation, buildings), the overall quality that contributes to the character of the whole landscape will be maintained. The proposed attached cluster achieves a balance between growth and preservation of open space in a suburban setting. The additional land, which would normally be allocated to individual lots across the entire subdivision, becomes protected as common space, protecting bluffs, wetlands and recreational space. The proposed residences will be setback a minimum of 50 feet from adjacent land to the east, west and south. All homes will comply with R-40 district's 35-foot building height standard and contain no more than 2 stories. The distance from viewpoints and retention of vegetative screening where practicable, will reduce the visual dominance and massing of the new uses, but overall, the use is consistent with neighborhood character. Extensive areas of the site are not proposed for building or alteration and will be retained consistent with current conditions.

Detailed responses to more specific comments on Community Character are presented as follows:

Comments E-135 through E-138, E-220
These comments note several minor inconsistencies in the Community Character sub-section of the Draft EIS.

Response:
Comments acknowledged. The identified items are minor and do not change the essential analysis or findings.

Comment E-140
"Address whether the installation of additional buffers would mitigate potential visual impacts (Appendix L- View 3, View 4 and View 7)."

Response:
As indicated in the general response to comments at the beginning of this section (Section 2.14), no significant adverse visual impacts are anticipated as a result of the proposed project. Landscape buffers are proposed in the vicinity of the clubhouse, and retention and supplementation of vegetation is proposed as part of the landscape plan. Additional landscape buffer installation can be considered during the subdivision and site plan review process; however, is not necessary to mitigate potential visual impacts.

2.15 Community Services and Demography

Comment numbers B-104, B-105, B-107, B-146, B-150, C-69, C-198, C-251, C-255, C-276, C-311, C-441, C-442, C-443, C-463, C-468, C-491, E-141 through E-145, E-221, & E-222
These comments express concerns related to impacts to the ability of the various community service providers (e.g., fire department, school district) to adequately serve the site and proposed project, as well as concerns regarding the demographic assumptions (number of persons per household) made in preparing these analyses.

Response:
The Draft EIS provides a detailed assessment of community services including contact with community service providers. Demographic information is contained in the Draft EIS, and sources and analysis methods are referenced therein. No significant adverse impacts were identified at the time of preparation of the Draft EIS. Since the completion of the Draft EIS, the project has been modified to reduce the density by twelve (12) units. This would tend to reduce potential impacts to community service providers and would also reduce population/demographic projections by this amount. **Table 1-1** in **Section 1.0** of this Final EIS quantifies the reduction in density derived impacts. These factors demonstrate that impacts have been assessed and no adverse impacts are anticipated with respect to community services and demographics. Additional supporting information is provided herein.

Many seniors want the option to stay close to their communities and their families as their needs change, but many have been unable to do so because of a lack of accessible housing options.[44] While age-restricted communities must be in compliance with both state and federal laws, there are exemptions which let them legally limit the age of their residents.

[44] https://www.dos.ny.gov/LG/publications/SeniorHousingRegulations.pdf

Comments regarding household population (referenced in C-69, C-441 and C-468) are not specific to multifamily or senior housing units. The larger number of persons per household (2.1) reflect those residing within single-family detached housing units, which tend to have a significantly larger number of persons per household.[45] According to the National Association of Home Builders and MetLife Mature Market, the average household size among multi-family housing units (which include the proposed townhouses) aged 55 years and older is 1.5 persons. This compares to an average household size of 2.1 persons among single-family detached housing units aged 55 years and older – the same statistic as was shared in the comments.

With respect to the number of residents per dwelling unit specific to the alternative development scenarios, the Draft EIS assumes residential demographic multipliers published by Rutgers University, Center for Urban Policy Research. Such multipliers are specific to various geographic regions, housing types, bedroom sizes, and price-points, and are a widely accepted as a standard and often conservative means of projecting total population and school-aged children for the land use and planning approvals process. For the alternative development scenarios, the Draft EIS assumes residential demographic multipliers specific to single-family detached housing units with five bedrooms – the likely type of housing unit that would be constructed on the subject property if the proposed project were not approved. This unit type is projected to have an average of 4.43 persons per unit, which includes 1.51 school-aged children (between the ages of 5-17 years old). It is important to note that the referenced Census data of an average household size of 2.89 in Fort Salonga (as seen in C-69, C-441 and C-468) is not specific to newly-constructed single-family, five-bedroom housing units, and as such, the average household population of 2.89 is much lower than what is reported by Rutgers University and what would be expected in new homes of the size and type that would be constructed on the site under this alternative.

It is not possible to project where the occupants of the proposed project would originate from. While some may come from the immediate Fort Salonga community, others may move from other parts of Suffolk County, Long Island, New York State, or even elsewhere in the nation/world. Likewise, it is not practicable to determine exactly what type of home is being vacated by the new purchasers. Those occupying a new senior community may be downsizing, or may just be seeking less maintenance, security and companionship, or the overall lifestyle offered by a senior community. Homes that are being vacated could include apartments, non age-restricted condominiums and small to large single family homes. As a result, the occupancy of those homes that are vacated may include singles, seniors, young professionals and small to large families.

The Draft EIS estimated that the proposed project would have generated substantial annual tax revenue totaling over $1.7 million to all taxing jurisdictions. Annual tax revenue specific to the school district was estimated to be over $1.1 million, without incurring additional costs associated with educating additional school-aged children residing within the proposed project.

[45] National Association of Home Builders and MetLife Mature Market Institute, "Housing Trends Update for the 55+ Market: New Insights from the American Housing Survey," January 2011.

The revised **Overall Plan** indicates a yield reduced to 86 units, so that the revised project would likewise generate a reduced amount of taxes ($1.4 million), of which an estimated $903,000 would be allocated to the local school district. This "net revenue" will assist the financial condition of the school district and would offset any expenditures associated with any new school-aged children moving into vacated homes should this occur.

As indicated in the Draft EIS Section 3.3.2, the proposed project is not expected to have a significant adverse impact on the Northport Fire Department (NFD). The project would incrementally increase the potential need for fire protection and ambulance services, though this increased potential need would not in itself be a significant added burden on the department. This is due to the project's adherence to the NYS Fire Code in construction, and the anticipated use of fire-resistant building materials and smoke/fire alarms and detectors. A request for confirmation that NFD is able to provide service for the project was sent in a letter dated September 4, 2018. Although no response was received, earlier correspondence from the NFD, email undated (see Draft EIS Appendix P) did not indicate any issues for serving the previously proposed change of zone project. Further, the Traffic Impact Study (TIS) prepared for the project by Nelson & Pope, dated January 2019 and provided in the Draft EIS, Appendix Q-1 concluded that local roads including Fort Salonga Road (NYS Route 25A) would continue to operate with minimal increase in delay with the proposed development. The ability of emergency vehicles to access the site relative to road width or length should not be a concern as shown in other similarly modified subdivision projects approved by the Town. Seniors to occupy the site are expected to be relatively active, potentially golf oriented, and over 55 years of age (including many in the 55-70 age bracket of active adults). Considering the overall demographic area and that some seniors may come from within the community, a minimal increase in the senior population and resulting potential impact on community services is anticipated.

Pursuant to Town Code Chapter 74, the creation of affordable housing is required whenever rezoning of property results in an increase in the lot yield or density allowance of land, and when development in commercial areas provide a new opportunity for the addition of affordable housing. The proposed project involves a subdivision of land not associated with a prior rezoning. In addition, the project proposes a yield less than the density allowance. Approval of the proposed project, therefore, is not contingent on Town Code Chapter 74. However, the proposed project will achieve the highest and best use of the property based on the Horizons 2020 Comprehensive Plan Update, adjacent land uses and residential market trends.

This Final EIS (**Section 1.0, Table 1-1)** provides updated water consumption data for domestic use, residential landscaping and golf course irrigation. As indicated, water for residential landscaping will be provided by the Suffolk County Water Authority.

PSEG and National Grid are the local providers of electricity and natural gas, respectively, in the vicinity of the site. Correspondence from the PSEG and National Grid (letters dated September 19, 2018 and February 12, 2019, respectively, see Draft EIS, Appendix P) indicate that electric and natural gas service can be provided for the proposed project. National Grid's May 2019

moratorium on gas service was lifted in November 2019.[46] The law requires utilities to provide gas service without unreasonable qualifications or lengthy delay when sufficient gas supply exists.

The undated correspondence from Chief Brad Wine included with the Community Service Related Correspondence (Appendix P) in the Draft EIS was received as an email from the Northport Fire Department on April 15, 2019.

Detailed responses to specific comments on Community Services and Demography are presented as follows:

Comments E-141 & 142
These comments seek clarification on the amount of water used daily by the project, and whether irrigation demand will be addressed by an on-site well or from the public water supply, and if so, where that usage is provided in the above-requested values.

Response:
Daily total water consumption has been revised to 102,668 gpd and includes domestic/residential water use, clubhouse water use and irrigation (see this Final EIS, **Section 1.0, Table 1-1** for details).

Comments E-143, E-221 & E-222
These comments note that the presence of the Town's David Brickmaker Preserve in the vicinity, that Town Code Section A202, Schedule D applies, and that Town Code requires parkland dedication or payment of a fee.

Response:
Comments acknowledged.

2.16 Transportation - Traffic and Roadways

Comment numbers B-10, B-29, B-39, B-58, B-59, B-60, B-83, B-115, B-128, C-12, C-13, C-41, C-52, C-73, C-80, C-86, C-100, C-155, C-174, C-183, C-186, C-202, C-218, C-221, C-267, C-269, C-275, C-284, C-285, C-303, C-305, C-309, C-444, C-457, C-481 through C-490 , E-17, E-146, & E-244 through E-248
These comments express concerns related to traffic impacts in the study area from anticipated increases in traffic from the proposed project.

Response:
The following Response was prepared by NYS-Licensed professional traffic engineers of Nelson + Pope, the firm that prepared the TIS contained in the Draft EIS.

[46] https://www.nationalgridus.com/News/2019/11/-National-Grid-to-Lift-Natural-Gas-Moratorium-Immediately-for-Customers-in-Brooklyn,-Queens-and-Long-Island/

Nelson & Pope investigated the potential traffic impacts associated with the proposed application for the senior housing units to be situated on the existing Indian Hills Country Club property, which is located primarily on the north side of Breeze Hill Road between Makamah Road and Fresh Pond Road in Fort Salonga, Town of Huntington, Suffolk County, New York. The traffic study conducted was based on a total of 98 residential units, however, the proposed project has been reduced to 86 residential units (a reduction of 12 units). Hence the results of the traffic analyses are conservative. The roadways and intersections studied will operate at better levels of service (LOS) as compared to the results contained in the Traffic Impact Study provided in the Draft EIS, Appendix Q-1

Based on the results of the Traffic Impact Study it is the professional opinion of Nelson & Pope that, constructing the proposed senior housing development on the Indian Hills Country Club property will not result in any adverse traffic impacts in the study area.

In response to the comments related to the traffic study the following response is provided:

- A review of data collected at the intersection of Fort Salonga Road at Fresh Pond Road/Bread and Cheese Hollow Road in 2016 and 2018 shows that over the 2-year period the traffic volumes only increased by 0.14% per year. Based on the Average Annual Growth Rate for Vehicle-Miles Travel (VMT) developed by the New York Metropolitan Transportation Council (NYMTC), the average annual growth rate for Suffolk County is 0.44% per year. However, in the traffic study conducted for the proposed project a conservative annual growth factor of 1.0% per year was utilized. Therefore, the traffic volumes used in the traffic study are very conservative and will account for any potential seasonal fluctuation of traffic volumes in the study area.
- We recognize that the Automatic Traffic Recorder (ATR) installed on Route 25A westbound was disconnected during the data collection period (September 13 to September 26, 2018) as commented. However, the ATR was reinstalled to collect more data from October 6 to October 13, 2018. Enough ATR data was collected outside holiday time periods (Yom Kippur, etc). It should be noted that, the ATR data was only collected to supplement the turning movement counts and the dates of the turning movement counts utilized to conduct the traffic analyses (Thursday September 13, 2018 and Saturday September 15, 2018) did not fall on any holidays. Therefore, the traffic data utilized for the traffic study should be acceptable.
- The trip generation estimates for the proposed development were prepared utilizing industry wide acceptable data within the Institute of Transportation Engineers' (ITE) publication, *Trip Generation, Tenth Edition*. This publication sets forth trip generation data obtained by traffic counts conducted at sites throughout the country. The Land Use Code within the ITE trip generation manual corresponding to the proposed use is Land Use Code # 251, Senior Housing Detached. A clubhouse currently exists on the site and will remain. Hence clubhouse traffic conditions are accounted for in the existing condition analyses. The traffic generated by the proposed 86 units during the late-night hours is very minimal and will not add to any traffic that is generated by the clubhouse at that time. All future residents of the Preserve at Indian Hills will be entitled to social membership of the clubhouse and grounds in perpetuity. This will result in a vested interest in their community and in their neighbors.
- Based on the review of the accident data for the sections of roadways and intersections in the vicinity of the site, a total of 15 accidents occurred at or in the vicinity of the study intersections during a three year period analyzed, averaging 5 accidents per year in the entire study area. Most of the accidents resulted in property damage (66%). The location with the greatest number of accidents is the intersection of Fort Salonga Road (25A) and Makamah Road with a total of 9

accidents over the three-year period (average of 3 accidents per year). The proposed project will increase the traffic volumes at this intersection by no more than 1.5% which translates to no increase in accidents at this location and the entire study area due to the proposed project.

- Site Access and Sight distance analyses- As depicted on the site plan prepared by Nelson & Pope, the proposed project will be comprised of three different locations within the Indian Hills Country Club property and will be located on different quadrants of the site. Access to the proposed senior housing development on the northwest quadrant will be provided via an easterly extension of Mystic Lane referred to as Arnie's Court. Access to the northeast quadrant will be provided via a newly constructed access driveway which will extend in a westerly direction from Fresh Pond Road approximately 1,250 feet north of Breeze Hill Road referred to as Jack's Court. Access to the southwest quadrant will be provided via the Club House access on Breeze Hill Road referred to as Indian Hill Drive.
- Field sight distance measurements were performed on Breeze Hill Road at the location of the proposed access roadway (Indian Hills Drive) and on Fresh Pond Road at the location of the proposed access to determine the sight distance available based on the posted speeds limits on Breeze Hill Road and Fresh Pond Road. The field sight distances were measured according to the standards contained in the reference, A Policy on Geometric Design of Highways and Streets published in 2011 by the American Association of State Highway and Transportation Officials (AASHTO). It should be noted that AASHTO provides recommended practices that one strives to meet but is not law.

The available sight distance was recorded and compared with the recommendations contained in AASHTO. The following **Table 2-1** presents a summary of the sight distance data.

TABLE 2-1
SIGHT DISTANCE MEASUREMENTS

Roadway	Speed Limit	Recommended by AASHTO Sight Distance (FT)		Field recorded Sight Distance (FT)	
		Left turn	Right Turn	Left turn	Right turn
Breeze Hill Road at Site Driveway	30 mph	335	290	400+	130
Fresh Pond Road at Site Driveway	30 mph	335	290	225	500+

- As can be seen from the table above upon construction of the proposed access on Breeze Hill Road the available sight distance will exceed the AASHTO recommended values for vehicles making left turns out of the driveway. However, the sight distance for vehicles making right turns out of the driveway is limited by the curvature of the road. In order to improve the sight distance limitation, we recommend the installation of STOP signs on all the three approaches of the intersection (ALL-WAY STOP control) requiring all vehicles to stop at the intersection before proceeding. This type of control will eliminate the sight distance limitations. The installation of

STOP signs on all the three approaches to the intersection will improve safety for Golf Carts crossing Breeze Hill Road since all vehicles including Golf Carts will be required to stop before crossing the intersection.

- With the construction of the proposed access on Fresh Pond Road the available sight distance will exceed the AASHTO recommended values for vehicles making right turns out of the driveway. However, the sight distance for vehicles making left turns out of the driveway is limited by the curvature of the road. However, it should be noted that the residents of the 14 units that will be using this driveway should not have any need to drive north on Fresh Pond Road eliminating the need for sight lines for vehicles making left turns out of the driveway.
- Capacity analyses were conducted at the study intersections for the No Build and Build conditions. Based on the results of the analyses, all the intersections studied are projected to continue to operate at No Build LOS during the weekday AM, PM and Saturday midday peak hours with the construction of the proposed senior housing development with minimal increase in delay. Based on the results, it is the professional opinion of Nelson & Pope that, constructing the proposed senior housing development on the Indian Hills Country Club property will not result in any adverse traffic impacts in the study area.
- The intersection of Hayes Hill Road and Makamah Road is an existing Town intersection and the proposed project will not add any significant traffic volumes on Hayes Hill Road that will necessitate a sight distance analysis.

Comment E-244:
"The applicant shall revise the site plans as follows:

- *Angled accessible parking spaces must have access aisles located on the passenger side of the parking spaces.*
- *On Fresh Pond Court, the proposed dead end sign at the end of the court shall be removed. At the proposed stop sign location on Fresh Pond Court, a dead end sign (W14-1A) and street name (D3-1) shall be located on the top of the sign assembly.*
- *On Makamah Path, the proposed dead end sign at the end of the court shall be removed. In the vicinity of the proposed stop sign location of Makamah Path and Indian Hills Drive, a dead end sign (W14-1) shall be installed. In addition, a street name sign (D3-1) shall be installed on the top of the stop sign assembly.*
- *At Breeze Hill Road and Indian Hills Drive, a street name sign (D3-1) shall be installed on the top of the stop sign assembly on Indian Hills Drive.*
- *Regarding the marked pedestrian crosswalk along Breeze Hill Road near Indian Hills Drive, in addition to the signage at the crosswalk include advanced crosswalk signage (MUTCD W11-2 & W-16-9P) in both directions along Breeze Hill Road. "*

Response:
Sheets C-102, C-103, C-104, C-113, and C-114 (see **Attachment A**) have been revised accordingly.

Comment E-245
"*Provide an all-way stop warrant analysis for the proposed all-way stop at Breeze Hill Road and the Golf Club House driveway*."

Response:
The criteria outlined in the MUTCD for installing an all-way stop was reviewed and compared to data collected at the intersection of Breeze Hill Road and golf course clubhouse driveway. The MUTCD states that an all-way stop should be considered when the traffic volumes of intersecting roadways are approximately equal. The following **Table 2-2** represents the traffic volumes at the three (3) approaches to the intersection after the construction of the project.

TABLE 2-2
TRAFFIC VOLUMES (BREEZE HILL ROAD AT GOLF CLUB HOUSE ACCESS)

Time Period	Approaches	Traffic Volumes
Weekday AM Peak Hour	EB Breeze Hill Road	33
	WB Breeze Hill Road	18
	NB Golf Club House Access	20
Weekday PM Peak Hour	EB Breeze Hill Road	23
	WB Breeze Hill Road	42
	NB Golf Club House Access	18
Saturday Midday Peak Hour	EB Breeze Hill Road	37
	WB Breeze Hill Road	46
	NB Golf Club House Access	33

From the review of the traffic volumes, the approach volumes to the intersection are comparable in the AM and Saturday midday peak hours. Therefore, the traffic on the study roadways may satisfy the minimum volume warrants stated in the MUTCD for the installation of an all-way stop. It should also be noted that a significant number of golf carts crosses Breeze Hill Road through the crosswalk just west of the golf clubhouse access. The all-way Stop control will help slow down traffic on Breeze Hill Road to allow the golf carts to safely cross Breeze Hill Road.

Comment E-246
"An intersection capacity analysis evaluating existing, no-build and proposed future anticipated traffic conditions during typical weekday AM and PM and Saturday peak periods at all site access points including the proposed clubhouse. The analysis shall also consider the appropriateness of installing traffic control devices and/or turning restrictions at the intersections."

Response:
Nelson & Pope investigated the potential traffic impacts associated with the proposed application for the senior housing units to be situated on the existing Indian Hills Country Club property, which is located primarily on the north side of Breeze Hill Road between Makamah Road and Fresh Pond Road in Fort Salonga, Town of Huntington, Suffolk County, New York. Traffic Analyses were conducted for all the study intersections including the site access points. The following **Table 2-3** summarizes the results of the capacity analyses at the site access points.

TABLE 2-3
LEVEL OF SERVICE SUMMARY – SITE ACCESS

			AM Peak Hour		PM Peak Hour		Sat Peak Hour	
Site Access points	**Approach**	**Movement**	**Delay**	**LOS**	**Delay**	**LOS**	**Delay**	**LOS**
Makamah Rd at Makamah Beach Rd/Mystic Ln	EB	LTR	8.5	A	8.5	A	8.7	A
	WB	LTR	9.2	A	9.4	A	9.6	A
	NB	LTR	1.6	A	2.7	A	3.3	A
	SB	LTR	0.0	A	1.5	A	0.0	A
Breeze Hill Rd at Country Club Access	EB	TR	7.1	A	7.0	A	7.0	A
	WB	LT	7.2	A	7.1	A	7.4	A
	NB	LR	6.8	A	6.8	A	7.2	A
Fresh Pond Rd at Northeast Site Access	EB	LR	8.5	A	8.4	A	8.5	A
	NB	LT	0.8	A	0.8	A	0.2	A

Notes: LOS = Level of Service, Delay = seconds/vehicle

From the review of the capacity analyses results, the site access points will operate at levels of service (LOS) A during all the analyzed peak periods.

Comment E-247
"A sight distance analysis that considers the vertical and horizontal alignment of the following roadway segments:

- *The extension of Mystic Lane*
- *Mystic Ridge*
- *Fresh Pond Court*
- *Makamah Path*
- *Indian Hills Drive*

This analysis shall also consider the appropriateness of installing curve and/or speed advisory warning signs and pruning any existing vegetation that exists within the right-of-way along the subject roadways and may obstruct sight lines for motorists that would travel along them as well as home owners that are pulling into or out of their driveways."

Response:
Three (3) of the five (5) roadways listed above are new internal roadways that will be constructed as part of the project. These three (3) internal roadways will be designed and constructed to provided adequate sight lines. To improve sight lines, where necessary, the design and construction of the roadways will consider vertical and horizontal alignments and the appropriateness of installing curve and or speed warning signs and pruning any existing vegetation that exists within the right-of-way along these roadways. Sight distance analyses for the remaining two (2) roadways will be provided as part of the **Response to Comment E-248** below.

Comment E-248
"The following intersections shall be designed to ensure that intersection sight distance meets current standards:

- *Mystic Lane at Mystic Ridge*
- *Fresh Pond Road at Fresh Pond Court*
- *Makamah Path at Indian Hills Drive"*

Response:
Similar to the **Response to Comment E-247** above, Mystic Lane at Mystic Ridge and Makamah Path at Indian Hills Drive are internal roads and they will be designed and constructed to provide adequate sight lines.

Field sight distance measurements were performed on Breeze Hill Road at the location of the proposed access roadway (Indian Hills Drive) and on Fresh Pond Road at the location of the proposed access (Fresh Pond Court) to determine the sight distance available based on the town posted speed limit of 30 mph on Breeze Hills Road and Fresh Pond Road. Both Breeze Hill Road and Fresh Pond Road are posted with a 25 mph advisory speed limits in the vicinity of the site access points due to the horizontal and vertical alignment of the roadways. Therefore, the use of the advisory speed limit is more appropriate in the determination of the available sight distance. The field sight distances were measured according to the standards contained in the reference, A Policy on Geometric Design of Highways and Streets published in 2011 by the American Association of State Highway and Transportation Officials (AASHTO). It should be noted that AASHTO provides recommended practices that one strives to meet but is not law.

The available sight distance was recorded and compared with the recommendations contained in AASHTO based on both the town speed limit and the advisory speed limit. The following **Tables 2-4 and 2-5** present summaries of the sight distance data.

TABLE 2-4
SIGHT DISTANCE MEASUREMENTS BASED ON POSTED SPEED LIMIT

Roadway	Town Speed Limit	Recommended by AASHTO Sight Distance (FT)		Field recorded Sight Distance (FT)	
		Left turn	Right Turn	Left turn	Right turn
Breeze Hill Road at Site Driveway	30 mph	335	290	400+	130
Fresh Pond Road at Site Driveway	30 mph	335	290	225	500+

TABLE 2-5
SIGHT DISTANCE MEASUREMENTS BASED ON ADVISORY SPEED LIMIT

Roadway	Advisory Speed Limit	Recommended by AASHTO Sight Distance (FT)		Field recorded Sight Distance (FT)	
		Left turn	Right Turn	Left turn	Right turn
Breeze Hill Road at Site Driveway	25 mph	280	240	400+	130
Fresh Pond Road at Site Driveway	25 mph	280	240	225	500+

As can be seen from **Tables 2-4 and 2-5** above, upon construction of the proposed access on Breeze Hill Road the available sight distance will exceed the AASHTO recommended values for vehicles making left turns out of the driveway. However, the sight distance for vehicles making right turns out of the driveway is limited by the curvature of the road. In order to improve the sight distance limitation, we recommend the installation of curve and or speed warning signs (reduce advisory speed limit to 20 mph), hidden driveway signs etc. The installation of STOP signs on all the three approaches of the intersection (ALL-WAY STOP control) requiring all vehicles to stop at the intersection before proceeding should also be considered. This type of control will eliminate the sight distance limitations. The installation of STOP signs on all the three approaches to the intersection will improve safety for Golf Carts crossing Breeze Hill Road since all vehicles including Golf Carts will be required to stop before crossing the intersection. The All-Way Stop Control criteria presented in the response to comment 1 show that the intersection will meet the criteria for both the weekday AM and Saturday midday peak hours.

With the construction of the proposed access on Fresh Pond Road the available sight distance will exceed the AASHTO recommended values for vehicles making right turns out of the driveway. However, the sight distance for vehicles making left turns out of the driveway is limited by the curvature of the road and the brush on the eastside of Fresh Pond Road. Pruning of the vegetation along the eastside of Fresh Pond Road in the vicinity of the curve will increase the available sight distance for left turning vehicles from 225 feet to at least 300 feet. With the pruning of the vegetation, the available sight lines will meet the AASHTO recommended values based on the advisory speed limit. It should also be noted that the residents of the 14 units that will be using this driveway should not have any need to drive to the north.

2.17 Transportation - Pedestrian Safety

Comment numbers B-30, B-87, B-153, C-51, C-75, C-76, C-77, C-103, C-219, C-220, C-247, C-268, C-270, C-286, & C-287

These comments express concerns related to pedestrian safety in the vicinity from anticipated increases in traffic from the proposed project as well as during its construction period.

Response:

The following Response was prepared by NYS-Licensed professional traffic engineers of Nelson + Pope, the firm that prepared the TIS contained in the Draft EIS.

- Based on the review of the accident data for the sections of roadways and intersections in the vicinity of the site, no pedestrian accidents occurred at or in the vicinity of the study intersections during a three-year period analyzed. The proposed project will increase the traffic volumes at the two busiest intersections (Fort Salonga Road at Makamah Road and Fort Salonga Road at Fresh Pond Road/Bread and Cheese Hollow Road) by no more than 3.5% during each peak hour. The low traffic volumes resulting from the proposed project should not result in any additional pedestrian safety issues.

- It should be noted that, in New York State, many of the same laws that apply to a driver of a vehicle apply to pedestrians using the roadways. Pedestrians must obey all traffic signals, signs and pavement markings. Keeping pedestrians safe is an important public health issue that the NYS Department of Health is addressing with educational materials for both pedestrians and drivers. Everyone needs to know and follow the rules of the road to make sure that pedestrians can travel safely.

2.18 Cultural Resources

Comment numbers C-152, C-189, C-190, C-222, C-223, C-224, C-480, E-18, & E-147

These comments note that past discoveries of cultural resources have been reported the site and in the immediate area, that should be brought to the attention of the proper authorities.

Response:

The Draft EIS included extensive documentation of cultural resources in Appendix R of the document. These included cultural resource assessments from October 2015 (Draft EIS Appendix R-1), and October 2018 (Draft EIS Appendix R-2, March 2019 (Phase II Addendum; Draft EIS Appendix R-3). This documentation led to the following finding from the NYS Office of Parks, Recreation and Historic Preservation (OPRHP) as stated in a letter dated June 24, 2019 (Appendix R-4):

> Based upon this review, it is the opinion of OPRHP that no properties, including archaeological and/or historic resources, listed in or eligible for the New York State and National Registers of Historic Places will be impacted by this project.

Since the OPRHP sign-off, the project design has been updated and additional areas that were not previously tested will have ground disturbance. As a result, an additional Phase IB archaeological survey addendum was completed. **Appendix R-1** of this Final EIS includes the results of the additional testing. The introduction of the study and its findings are provided herein.

> Between March 15 and 26, 2020, TRACKER Archaeology, Inc. conducted a second Phase IB addendum archaeological survey for the Indian Hills Development at the Indian Hills Golf Course Fort Salonga, Town of Huntington, Suffolk County, New York.
>
> The purpose of the survey was to provide physical evidence for the presence or absence of archaeological sites on the project area. In 2015 (Cammisa with Padilla), a Phase IA and IB was conducted on about 15 acres in 3 separate areas on the golf course. A prehistoric site was encountered at 1 area (Site A) in the northwest corner of the 2015 project area. Phase II intensive testing was then conducted. No further work had then been recommended. At that time, 240 shovel tests were conducted at 50 foot intervals. An additional 84 shovel tests were excavated at 25 and 12.5 foot intervals and 1 meter intervals.
>
> In 2018, Tracker Archaeology conducted an Addendum Phase IB for additional proposed development on the golf club. At that time, 2 addition new sites, Sites B & C, were encountered as well as an extension to site A (initially encountered in 2015), plus isolated finds. A Phase II was subsequently conducted at this time at the Site A extension, and Sites B and C. Artifacts encountered during the Addendum Phase I & II included Site A ext.: 42 flakes & 1 biface; Site B: 53 flakes, 1 chert Late Archaic point, 3 cores (1 of which was also a biface, 3 more bifaces, and a Utilized Flake, and 1 FCR; biface, bifaces; Site C: 84 flakes, 2 bifaces & 1 drill. All 3 sites were not NRE sites. (Cammisa with Padilla, 2018 & 2019).
>
> The current project area consists of additional proposed envelopment on about 34 acres in including greens, tees, & fairways, ponds, sand traps, steep slopes, paved walking paths and parking areas, etc. A portion of the project area also lies adjacent to the previously recorded Site B prehistoric site (see Cammisa 2019).

The Phase IB addendum testing results in the following conclusion as excerpted from the full report contained in **Appendix R-1**:

> The field testing included the initial excavation of 261 ST's. No historic sites were encountered. However, two small prehistoric sites were identified at 2 separate locations, labeled as Indian Hills Site B (2020 extension), & Site D. A portion of Site B was previously recorded in 2018 and the current finds consist of an extended site parameter (see Cammisa with Padilla 2018).
>
> The purpose of the Phase I archaeological survey is to establish the presence or absence of archaeological sites. If the site is to be impacted by proposed construction or other activities, Phase II intensive testing of any archaeological site is them specified by the regulations of the New York State Historic Preservation Office and the National Advisory Council on Historic preservation. Phase II investigation methods should interpret the archaeological sites and determine if it is eligible for the nomination to State or National Registers of Historic Places.

If the prehistoric Indian Hills Site(s) B (2020 extension) and Site D can not be avoided during development then we would recommend Phase II intensive testing on the prehistoric sites prior to proposed impacts due to development related ground breaking or construction. Impacts could include proposed buildings, structures, grading, tree plantings, etc. Phase II investigations would interpret the site and supply information needed to make this determination and would include:

1) Site integrity, including the depth and extent of undisturbed soil horizons and the presence or absence of cultural features, and the degree of natural and/or human disturbances to those features.
2) Cultural components/affiliations and time range present.
3) Vertical and horizontal distribution of archaeological remains (spatial boundaries and stratigraphic levels).
4) Site interpretation, including any uniqueness/significance, in a local or regional context, must be demonstrated.

In addition, since numerous affidavits were reported to NYSHPO about native American human remains coming from the bluff tops of Indian Hills Country Club, a Burial Survey is recommended for any bluffs, high hills, including Green 6 on the current project area, now or in the future.

The Applicant is ready to discuss the parameters and timing of a Burial Survey with the Town, which would be limited to those portions of the bluffs and/or high hills in the northern portion of the site that would or may be disturbed by the proposed project.

Comparison of the Phase IB Addendum (specifically Site B and D), to the proposed development plan, grading plans and Earthwork Plan finds that Site B is within areas of soil placement or fill, and therefore potential subsurface cultural resources in this area will not be disturbed. As a result, no further work is warranted in this area. Site D does involve ground disturbance for access to the Fresh Pond Road development area, and also involves a small area for grading of the expanded drainage/irrigation pond. No ground disturbance will be allowed in this area until OPRHP sign-off is received.

It is noted that OPRHP issued the letter dated October 4, 2019 contained in **Appendix R-2** of this Final EIS. The letter notes certain culturally sensitive areas of the property, referred to as New York State Museum's (NYSM) NYSM 707, in the vicinity of the 5th and 6th holes. No ground disturbance associated with the Preserve at Indian Hills is proposed to occur in or near this area under the **Overall Plan**, so that it is expected that no disturbance to NYSM 707 will occur. As a result, no further action is required with respect to this area in connection with this Final EIS.

Appendix R-3 contains the Phase II archaeological investigation for the area noted above as Site D. The following are taken from that document.

INTRODUCTION

Between September 15 and 17, 2020, TRACKER Archaeology, Inc. conducted a Phase II intensive survey at Site D for the proposed additional improvements at the Indian Hills Golf Course in Fort Salonga, Town of Huntington, Suffolk County, New York.

Previous work on the golf course property included a Phase IA documentary study and IB archaeological survey conducted in 2015. The Phase IB encountered a small prehistoric site (10304.001236).

Recommendations were made to conduct a Phase II intensive testing of the Indian Hills Site if avoidance was not an option (see *Cammisa 2015*). That Phase II was also conducted in 2015.

In 2018, additional Phase I investigations were conducted due to additional development plans.

The 2018 Addendum Phase IB encountered isolated finds across an additional 32 acres of proposed development on the golf course. In addition, another 3 prehistoric sites, Indian Hills Site A (extended), Site B (10304.001237), & Site C (10304.001238) were encountered. Indian Hills Site A is actually adjacent to the 2015 site and considered part of the same site (10304.001236). A Phase II was conducted at Sites A (extended), Site B, and site C (*Cammisa with Padilla 2018 & 2019*).

A 2020 Addendum Archaeological Phase IB Survey was initiated in response to additional proposed areas of development earlier this year. Two additional areas of prehistoric activity were reported. Site B (extended) was encountered next to previously reported Site B, extending the site parameters there. This area at Site B extended is currently proposed to be filled for development and therefore no Phase II was conducted there. Also, Site D was encountered along Fresh Pond Road (*Cammisa with Padilla 2020*).

This report documents the Phase II conducted at Site D.

SUMMARY AND RECOMMENDATIONS

Indian Hills Site D appears to represent a Mid-Late Woodland seasonal camp based on 5 Levanna Points and 8 fire cracked rock. Other than the associated cooking, heating, and light from the FCR, the occupants here were focused on hunting, butchering, hide processing and lithic tool making. The TU's conducted here however, showed signs of grading such as different soils from TU to TU and/or mottling of subsoil with topsoil. This is likely due from grading along the hill (moraine) for the golf course which included tees, sand traps, and fairway, and perhaps modifying slope, as well as modifications from the adjacent road (Fresh Meadow Road).

A site is eligible for nomination to the National Register of Historic Places if it meets one or more of the following criteria (as set forth in 9 NYCRR 427 and 428 or CRF 800):

A) Associated with events that have made a significant contribution to the broad patterns of our history;

B) Associated with the lives of persons significant in our past;

C) Embodies the distinctive characteristics of a type, period, or method of construction, or represents a significant and distinguishable entity whose components may lack individual distinctions; or

D) Has yielded, or may be likely to yield, information important in prehistory or history.

In our opinion, the Indian Hills Site D does not have research value that would make it eligible for the historic registers for the following reason:

Although the site produced high to moderate amount of artifacts which included single component period diagnostic points, a variety of tools, and FCR, they were encountered in heavily graded soils. Those soils appeared to have come from the adjacent terrain. This may include the cobble soils from the adjacent hilltop to the dark gray soils along the road near the wetlands. The subsoils was also often graded into the topsoil and the topsoil included some sparse modern trash.

No further work is therefore recommended.

2.19 Construction

Comment numbers C-144, E-148, & E-149
These comments express concerns related to the control of refuse and noise disturbance on weekends from construction. "Town regulations allow for an applicant to request permission to work on weekends. Discuss if a weekend work permit is likely to be requested."

Response:
Impacts related to construction may include: noise, erosion, dust and vehicle/truck activity. Construction impacts are short-term, intermittent in nature, and largely contained on site, and would cease when construction was completed. Section 1.7 in the Draft EIS provides a full description of the control measures to be implemented during construction to control these potential impacts. These sections are excerpted and included below in response to this comment:

<u>Construction Noise Control</u>
Daytime noise levels would increase in the vicinity of the project site during the construction phase of the project. During the construction period, trucks and other heavy equipment working within the Project Site as well as conveying equipment and materials to the location, will generate noise in excess of the ambient noise levels. The effect of this noise generation will be attenuated as one moves away from the source of the noise through a combination of factors, including distance, intervening topography and vegetation. Noise levels will be higher during initial site grading and road construction and more limited during home construction. The noise impacts will be temporary in nature and intermittent depending on the construction stage. Construction activities are limited to Monday through Friday between the hours of 7:00 am and 6:00 pm to conform to Chapter 141-4, "Noise disturbances enumerated," of the Town Code.

Construction Erosion Control

To minimize sediment and debris transported off-site by stormwater runoff and the impact to local water quality, erosion and sedimentation controls will be provided during project construction activities. Coverage under the NYSDEC General Permit for Stormwater Discharges from Construction Activities (GP-0-15-002, or General Permit) will be obtained prior to the initiation of construction activities. Prior to filing for any coverage, the NYSDEC requires that a SWPPP be prepared, including a detailed erosion and sediment control plan, to manage stormwater generated on-site during construction activities, and for post-construction stormwater management. A SWPPP will be prepared to ensure compliance with water quality and quantity requirements pursuant to NYSDEC Technical Guidance and the General Permit requirements. In addition, an erosion control plan incorporating the NYSDEC Technical Guidance manual, and use of erosion and sedimentation control measures such as silt fencing, storm drain inlet protection, turf reinforcement mat, and good housekeeping procedures will be utilized.

Construction Dust Control

Large trucks and project site excavation have the potential to create fugitive emissions during the construction phase of the project. Dust control measures including use of watering trucks, limited the areas of disturbance undergoing grading activities, and temporary seeding, mulching and stabilization practices will reduce the potential for fugitive dust generation at the site. Additional best management practices that will be included in the SWPPP include covering of all trucks transporting soils and ensuring control of exhaust emissions from construction vehicles through documented maintenance of the vehicles' air pollution controls. The drainage system and revegetation of the site will further provide permanent stormwater controls once construction is completed. Development of the property is not anticipated to significantly increase erosion/sedimentation or stormwater impacts, as a result of proper site grading procedures, erosion controls, and drainage system design.

Construction Vehicle/Truck Control

Truck trips to and from the site will occur as a result of construction activities associated with site preparation, earthwork, road construction, clubhouse construction and construction of residential units. These trips are primarily associated with delivery of equipment and materials. Truck trips may vary depending on the stage of construction, number of homes being constructed and overlapping construction activities, availability of materials and other factors. Truck trips may also involve many deliveries in one day, and then no deliveries for a time period until more material is needed. An example would be delivery of forms for concrete setup which could involve multiple deliveries in a day, and then no deliveries until concrete is ready to be poured or forms are ready to be removed. Over the course of a day, if the worst-case scenario involves simultaneous construction of roads, clubhouse and residential units (which could occur at times during the construction schedule), estimates can be provided of the average number of trucks per day for construction of various components of the project as well as worker vehicles.

From a conservative standpoint, simultaneous construction of roads, the clubhouse and residential units could occur. Trucks would primarily include delivery box trucks, flatbed trucks, and trailers with equipment with less potential for 18-wheelers to access the site. All roads that access the have some residential development that may experience temporary truck activity associated with the development of the site. It is noted that whether developed as proposed or developed in conformance with zoning, truck activity is inevitable. It is further noted that all of the roads surrounding the site receive truck traffic from homesite construction, renovations, garbage trucks, delivery trucks, and

moving vans (18-wheelers). An approximation of truck activity would anticipate that road construction could generate on the order of 3 truckloads per day (6 trips); clubhouse construction may generate 4 truckloads per day (8 trips) and residential construction may generate 2 truckloads per day per unit, with 10 units under construction at one time (40 trips); this would total 54 truck trips per day, if all of these activities are under construction at one time. Measurements of road widths of access roads are as follows: Makamah Road is 20 feet wide exclusive of striped shoulders with a double yellow strip in the middle (10' lanes); Fresh Pond Road is 16 feet in width, no striping and minimal shoulders (8' lanes) and Breeze Hill Road is 25 feet wide with no striping. Given the three development locations with the least number of units to be placed along Breeze Hill Road, it is noted that Makamah Road will be used more for access to the south part of the development and the Mystic Lane area. This logically distributes truck traffic in a manner that favors the wider road that is in excellent condition, specifically Makamah Road to Mystic Lane. Comparing development of the site as proposed with development under current zoning provides additional insight into relative truck activity. The proposed project will construct duplex units such that for 98 units, only 49 buildings will be built, or less than half the number that would be built if developed with the full yield of single-family homes. The clubhouse involves additional activity; however, a single-family residential use could also include a clubhouse. Truck access is temporary during the construction period, intermittent due to delivery schedules, dispersed due to road configuration, and not excessive given the estimates provided above. Truck materials and equipment deliveries are also intermittent and not likely to coincide with peak traffic on the roadways. As a result of these factors, significant adverse impacts due to truck activity are not expected.

All of the access roads are in good condition as noted above, and capable of truck delivery activity. All truck activity associated with development will conform in all respects with Town roadway requirements in regard to vehicle, weight, speed, roadway sweeping, bonding for road repair and other applicable Town requirements. This can be incorporated into subdivision conditions of approval to ensure that road conditions are maintained.

*With respect to construction worker traffic, such activity will be associated with smaller vehicles and therefore less impact that is more typical of residential street traffic. Since some workers will carpool to/from the site in personal vehicles or arrive/depart via large groups in commercial vehicles, it is reasonable to assume vehicle occupancy of more than one worker per vehicle. The applicant will encourage, promote and facilitate car-pooling through construction contracts and construction management during this phase of the project. The trip generation for the proposed project is determined to be: 51 AM peak hour trips, 59 peak hour trips and 23 Saturday midday peak hour trips (see **Section 3.4.2**). It is expected that construction workers will arrive earlier than the AM peak hour and depart earlier than the PM peak hour based on standard construction practice. Given the earlier hours arriving at and leaving the site and the variability of construction worker activity, as well as the sites location with respect to NYS Route 25A and two Town roads that access the site from the east and west, specifically, Fresh Pond Road to the east and Makamah Road to the west, worker vehicle trips are not expected to exceed the trip generation associated with the proposed project. Based on traffic analysis (see **Section 3.4.2**), no significant adverse traffic impacts are expected based on-site generated traffic and therefore, it is not expected that construction worker traffic will impact area roads.*

It is expected that general refuse will be generated during the construction period. Refuse may include paper, empty containers, etc. Trash receptacles will be conveniently located on-site, and rapid and effective collection of site wastes will be completed to prevent waste from lying

around, being blown around by wind, or transported off-site. It is not expected that there would be any adverse environmental impacts from the storage, handling and transportation of workforce wastes through the implementation of waste management practices at the site as required by Town Code, Article V Rubbish and Garbage and § 170-28 Requirements, as described in the pollution prevention measures of the project's Stormwater Pollution Prevention Plan (SWPPP).

Town regulations allow for an Applicant to request permission to work on weekends. It is unlikely if a weekend work permit will be requested for outdoor construction. However, permits for construction of buildings on Saturdays between the hours of 9:00 a.m. and 5:00 p.m. may be issued at the discretion of the Director of Engineering, or the Director's designee, upon consideration of the following factors: character of the area, urgency of the work to be performed, nature of the construction, and whether the work will be performed indoors or outdoors. Such factors as well as the number of Saturdays requested to perform authorized work shall be set forth on the application. Applications submitted for permits authorizing the construction or repairing of buildings on a Saturday shall be accompanied by the fees set forth in Town Code Chapter 87-23(H).

2.20 Alternatives

Comment numbers B-19, B-36, B-45 through B-52, C-20 through C-26, C-74, C-292, C-449, C-466, C-467, C-469 through C-479, D-10, E-19 through E-27, E-150 through E-161, & E-228 through E-237

These comments address the descriptions, discussions, and analyses of the various alternative development scenarios contained in the Draft EIS.

General Response:

There were a number of comments addressing the conformance of the conceptual plans prepared for and evaluated in the Draft EIS with the general descriptions of Alternatives 2 through 6 that were specified in the Final Scoping document for the Draft EIS. These comments concern two parcels of land, and whether either is included or not included in either the proposed project or the alternative scenarios. These parcels are:

- tax lot 3.3, approximately 3.48 acres, wherein the access to Makamah Road was located; and
- tax lot 22, wherein a 0.57 acre portion of the private access roadway to Breeze Hill Road is located.

During the time that the Final Scope was being prepared, tax lot 3.3 was in the process of being purchased by the Applicant. The intent was to explore direct access to Makamah Road. As a result, when the Final Scope was adopted by the Town in late 2018, the 3.48-acre Makamah Road parcel was included in the proposed project as described in that document. However, with respect to the alternatives, the Final Scope recognized that this parcel may or may not have been appropriate to include as part of each scenario, and so did not assume that this access would be included for all alternatives. Inclusion of the 0.57-acre parcel was handled similarly. The Final

Scope referred to these parcels as "*acquisition of additional adjoining land.*" In this way, the Alternatives had some flexibility to determine whether either, both, or neither of these parcels would be explored, included in each alternative. Consequently, the acreage of the alternatives could vary, and the conceptual plans were prepared accordingly.

At the time the Final Scope was adopted, the project site was assumed to be 154.56 acres in size, and included the 3.48 and 0.57 acre properties; the Draft EIS was prepared for this acreage. However, as noted above, Alternatives 2 through 6 were prepared either with or without either or both of these properties, as follows:

Alternative 2 – without either; 151.08 acres
Alternative 3 – without the 3.48-acre piece, with the 0.57 acre piece; 151.65 acres
Alternative 4 – without either; 151.08 acres
Alternative 5 – without the 3.48-acre piece, with the 0.57 acre piece; 151.65 acres
Alternative 6 – without either; 151.08 acres

It is noted that the purpose of the alternative analysis required by SEQRA is to investigate the range of reasonable and feasible alternative development scenarios for the site. Given the scenarios specified by the Final Scope, the acreage of the site in Alternatives 2 through 6 would necessarily vary by either including or not including either of the two above-identified properties in the alternatives. This would provide for the range of development scenarios and impact analyses sought by SEQRA. The Response to Comments C-22, E-24, E-25, & E-150 (below*)* is a more detailed description of the Alternatives in the Draft EIS. The alternatives plans (revised only to indicate the CEHA and setback limits, and to confirm the acreage of each) are contained in **Attachment E** of this Final EIS.

As of July 2021, Suffolk County will require that all new construction include the installation of I/A OWTS to treat and recharge sanitary wastewater. It is noteworthy that an I/A OWTS is relatively expensive to install compared to that of a simple septic system. As a result, an I/A OWTS is cost effective when serving multiple residences in close proximity to each other, so that the cost of its installation can be distributed among multiple units. The proposed project will utilize four (4) such systems, one for each of the three groupings of residences, and one for the clubhouse. However, use of I/A OWTS for Alternatives 2 or 3 would not be expected, as these two scenarios assume detached homes on individual lots (Alternative 2), or duplex units distributed throughout the site (Alternative 3). The plans for Alternatives 4, 5 and 6 assume duplex units arrayed in groupings over the site, so that use of I/A OWTS could be cost-effective for these scenarios. In such a case, this design consideration would result in water quality protection similar to that of the proposed project as compared to that of Alternatives 2 or 3.

Detailed Responses to the comments on alternatives are presented as follows.

Comments B-19, B-45, C-20, E-230, & E-233
These comments note the preference of the community for an alternative where 55+ housing is developed, or for the No Action or Public Acquisition scenarios to occur, and for minor revisions to the plans for Alternatives 3 and 5 to conform to the requirements for these scenarios as per the Final Scope.

Response:
The Draft EIS outlines the various alternatives and assesses the potential impact to resources of these alternatives as well as comparison to the proposed project. The project has evolved as a result of the SEQRA process such that the Prior Plan has been revised. Both the Prior Plan and the Revised Plan involve senior housing for persons 55+ years of age. The Revised Plan eliminates access to Makamah Road, and neither plan sought to use the Breeze Hill Road access driveway through the wetlands, although this is examined as an alternative. The Revised Plan reduces the project density by twelve (12) units, and these units are removed from the area south of Breeze Hill Road. The access to the remaining units south of Breeze Hill Road is through the existing clubhouse access which will be improved and re-aligned. Overall, the project is improved as a result of the alternatives analysis, and is very consistent with the preference expressed in these comments.

Comment B-36
"And I want to really address some of the comments by the golfers, that the golf course members. I'm a golf course member also. I love the golf course. As far as I know the whole community loves the golf course. Those that are opposed to this and those that support it. We just don't know why the only two alternatives we have are fully development golf course or ram these condos town homes down our throat in our backyard. Why is there no reasonable alternative? Why is there no reasonable alternatives?

As far as I know, SEQRA requires reasonable alternatives. So fully developing the property is not a reasonable alternative. Why are we not exploring other alternatives like placing some of these in the center? All advantages that the developer touts for this development will still be advantages no matter where the townhouses are placed and will have the added advantage of not destroying 14 acres of wooded area.

So I just ask the Board to require reasonable alternatives in the SEQRA before it's approved. Thank you."

Response:
The Draft EIS includes "reasonable alternatives" as defined in the Final Scope. Alternatives must be reasonable and in keeping with the goals of the project sponsor. It must be remembered that the alternatives evaluated in the Draft EIS were designed, like the proposed project, to minimize disruption of the golf course layout. In order to achieve this goal, Alternatives 2 through 6 were

prepared using the same general design strategy as the proposed project, by developing the residences in clusters of units (insofar as possible, given the requirements stated in the Final Scope) rather than in one large area devoted exclusively to the residential use, and locating the clusters near the site borders. Additional benefits of this design strategy include a reduction in the regraded acreage, avoidance of steep slope disturbance, and reduction of the volume of excavated soil.

As noted in the preceding comment/response, the project has been redesigned to modify many project elements based on comments received on the Draft EIS. The resulting design with twelve (12) less units, and other design features, is presented in this Final EIS as a mitigated plan for consideration by the Planning Board.

Comments B-46, C-21, C-466, & D-10
These comments request inclusion of a reduced density alternative in the Draft EIS.

Response:
The Final Scope for the proposed project, which was prepared and adopted by the Town Planning Board (as lead agency under SEQRA), includes a listing and brief description of each of the alternative scenarios to be included and analyzed in the Draft EIS. It is noteworthy that a "reduced yield alternative" was not specified in the Final Scope and so the Applicant did not provide such a scenario in the Draft EIS. It is also noteworthy that Alternatives 2, 3 and 4 specifically were to assume the site's yield under its existing zoning and as shown in the Yield Map (99 lots), which match that of the proposed project, and that no restrictions or recommendations were specified in relation to the yields to be assumed for either Alternatives 5 or 6. It is noted that the Revised Plan results in a reduction of twelve (12) units, and therefore effectively becomes a reduced density plan as requested in this comment. Finally, no mention was made for any alternative regarding age-restrictions for the occupants; however, the Prior Plan and the Revised Plan both are for the senior community, aged 55 and older.

Comments C-22, E-24, E-25, & E-150
These comments inquire as to why a senior housing option was not included as the housing type in any of the alternatives.

Response:
This was completed as part of the Draft EIS. The project site is zoned R-40, therefore, any alternative would involve residential housing. The alternatives provided a number of non-senior alternatives. The following is a description of the residence types, layouts and site acreages as evaluated in the Draft EIS for Alternatives 2 through 6:

- Alternative 2 - Standard 99-lot subdivision plan involving development over the entire property, detached homes on individual lots; not age-restricted; does not include private access roadway (0.57 acres), does not include Makamah Road access (3.48 acres), site is 151.08 acres.

- Alternative 3 - Clustered-lot subdivision plan involving development over the entire property, detached homes on clustered lots; not age-restricted; includes private access roadway (0.57 acres), does not include Makamah Road access (3.48 acres), site is 151.65 acres.
- Alternative 4 - Clustered duplex townhouses involving development which retains the golf course, not age-restricted; does not include private access roadway (0.57 acres), does not include Makamah Road access (3.48 acres), site is 151.08 acres.
- Alternative 5 - Clustered duplex townhouses involving development which retains the golf course, with a layout that provides the greatest setback of proposed units from surrounding residences; not age-restricted; includes private access roadway (0.57 acres), does not include Makamah Road access (3.48 acres), site is 151.65 acres.
- Alternative 6 - Clustered duplex townhouses involving development which retains the golf course, with a layout that provides the greatest preservation of existing slopes and natural areas, redistributes units towards disturbed areas and provides an increased separation from sensitive environmental areas; not age-restricted; does not include private access roadway (0.57 acres), does not include Makamah Road access (3.48 acres), site is 151.08 acres.

Comments B-47 & C-23
These comments question the estimated number of school-age children in the case of a non-age restricted development.
Response:
For the Draft EIS, the Applicant used more unit-specific demographic multipliers for resident and school-age resident populations, rather than the broader multipliers of the US Census, which tend to combine the various housing types of the census tract(s) that comprise Fort Salonga. Please also see Final EIS Section 2.15 which provides a full explanation of the demographic information presented in the Draft EIS.

Comments B-48, C-24, C-471, E-23, E-151, & E-159
These comments question the use of and legal access to the existing private roadway off Breeze Hill Road, particularly considering its narrow width and potential impact to freshwater wetland N-8, and the anticipated increase in its 100-foot jurisdictional limit.

Response:
The proposed project has been revised to not use the referenced existing driveway off of Breeze Hill Road for site access. The plan has also been revised to remove all development from within 100 feet of freshwater wetlands, and wetlands pending designation, south of Breeze Hill Road.

It is noted that the existing private roadway is only approximately 24 feet in width, which does not meet Town design standards. It is first necessary to point out that, since this is a privately-owned roadway, it is not subject to Town jurisdiction and so is not required to meet Town standards for roadway design. For each scenario evaluated, it is expected that development would involve improvements to this roadway sufficient to meet applicable Town requirements for roadway width, curbing, lighting, etc.

With respect to the pending potential for re-mapping NYSDEC Wetland N-8, and the associated expansion of its 100-foot regulatory buffer zone, it is noted that the re-mapping has not been performed as of yet. Any new development proposed within that new setback would require review and permitting under NYSDEC Interim Policy. However, the private roadway is an existing feature, and if it were within the new setback area, it would not require permitting.

Comments B-49, C-25, C-473, E-21, E-22, & E-160
These comments question the siting of units in Alternative 5 in proximity to the CEHA boundary, and the assumed use of septic systems in the alternatives in lieu of the I/A OWTS systems of the proposed project.

Response:
Use of conventional sanitary systems for the 98 detached single-family residences assumed for the subdivisions in Alternatives 2 and 3 is a reasonable and feasible method of handling wastewater as "enhanced septic systems" are not required. Furthermore, given the cost of enhanced systems, and the lack of a definitive requirement, it is logical to consider alternatives that would not include such installations. In these alternatives, use of conventional septic tank/leaching pool systems would be approvable under the applicable requirements of the SCDHS and Article 6 of the SCSC, ensuring that groundwater quality would be properly protected, at a lower cost to the developer.

For Alternatives 3, 4, 5 and 6, however, use of enhanced septic systems could be feasible, as the duplex nature of the structures would enable each grouping of units to be served by a single system. In this way, fewer systems would be needed, and the costs of such systems would be shared by the several homeowners. Additionally, the quality of groundwater and surface waters would be protected at a higher level than otherwise, as the effluent would contain a lower concentration of nitrogen.

However, the SONIR model results for the conventional septic systems indicate that these would perform well and would conform to applicable requirements under SCSC Article 6, thus ensuring that groundwater quality is properly protected. In such a case, the added cost of enhanced septic systems in Alternatives 3, 4, 5 & 6 would not be justified.

With respect to the proximity of development in Alternative 5 to the bluff area (in the Coastal Erosion Hazard Area [CEHA]), it is acknowledged that the northernmost twenty (20) units are nearer to the CEHA limit than other alternatives. It should be noted that the purpose of the various alternatives plan is to show a concept for development for the purpose of environmental assessment and impact comparison against the proposed project plan. This assessment for Alternative 5 shows that an increased setback from the CEHA line is advisable, as shown by the proposed project and by the Mitigated Plan prepared for this Final EIS. It is noteworthy that the cited 120-foot line is not a regulation; research in this matter conducted for this document indicates that the 120-foot setback is a recommendation, and based on the findings in **Appendix I-4**, a closer setback is supported by geotechnical engineering documentation. The Draft EIS

provides a full range of alternatives consistent with the Final Scope and this information is provided for evaluation through the SEQRA process and assists the lead agency and involved agencies with the decision-making process.

Comments B-50, B-51, B-52, C-26 & C-474

"To focus on Alternative 2 and the single family homes this will be quite an environmental and economic challenge for the developer. Indian Hills Country Club (IHCC) was on the market for years before it was sold for $13.5 million or less than $94,000 per acre (which is dramatically under market value). The developer has further reduced his yield by conceding that no building should take place within 120 feet of the bluff (and shows 20.72 acres of Parkland dedication by the coast). Wetlands, slopes, runoff and drainage issues plus infrastructure requirements will further reduce the buildable number. This area was estimated to yield 70 units from a 2009 Report. The costs of building larger single family homes would likely drive up the price significantly. To summarize - 98 single family homes is not a realistic alternative. If it were, then it would have already been built."

Response:

The use and yield of each alternative were outlined in the Final Scope which, for Alternative 2, were to *"…assume a standard subdivision involving development per existing zoning and the yield map* [emphasis added] *for the proposed project, with removal of the golf course…"* The Draft EIS is consistent with this specified scope. The yield was established for the Draft EIS, and an updated yield analysis for this Final EIS simply reduces the previously approved yield by 1 lot. It is noted that the Makamah Road parcel remains part of the overall parcel holdings, and no yield has been taken for this parcel. As a result, the yield studied in Alternative 2 is realistic. Any prior yield numbers are not supported by the level of detailed analysis that was completed for the Preserve at Indian Hills property. It is speculative to state that a subdivision is not feasible because it has not already been built. The determination on whether to subdivide a property or not, is at the discretion of the property owner and may be driven by many factors. A single family subdivision is a reasonable alternative to be examined, and is feasible in terms of zoning conformity and economic viability.

Comment C-74

"Population and traffic estimates for the present and alternative plans cannot be supported.

The estimate of 1.5 persons per unit is contradicted by the National Builders Assn. for the 50+ housing council whose data indicates this figure is only true for heads of households aged 85+ likewise avg. household size in Fort Salonga is only 2.89 according to the U.S. census and not the 4.43 stated in the DEIS.

Thus the traffic section should be revised using realistic data."

Response:
Refer to Response to Comments B-47 & C-23 above with respect to the population estimates generated for the alternatives. With respect to trip generation, professional traffic engineering practice uses the number and type of residence in determining the vehicle trip generation estimates used in traffic impact analysis; the population of the site is not considered in this regard. The Draft EIS and Traffic Impact Study provide properly referenced information using supporting documents that are standard industry practice.

Comments C-292 & E-19
"NYSDEC correspondence from October 16, 2019 requests an alternative "in which no disturbance is proposed within the NYSDEC wetlands jurisdiction" and where "a setback of more than 100 feet" from NYSDEC wetlands is provided. Address this request."

Response:
The Final Scoping document did not include an alternative wherein no disturbance is proposed within the 100-foot freshwater wetland buffer area, but did ask that the Applicant address NYSDEC recommendations. The conceptual plan for Alternative 2 in the Draft EIS shows that there is sufficient room in each of the nine (9) lots within the 100-foot buffer for wetland N-13 for development to avoid encroaching into that wetland jurisdictional buffer. For the lots along the west side of Fresh Pond Road opposite Fresh Pond, and for the recharge basin adjacent to amended wetland N-8, these would encroach into the corresponding 100-foot jurisdictional areas, so that NYSDEC permits or re-design to avoid such encroachments would be required. For Draft EIS Alternatives 3 through 6, the clustered development design enables the complete avoidance of any encroachment into the wetland buffer. It is noted that the proposed project has been updated to address NYSDEC correspondence, and NYSDEC is a separate permitting agency that will ultimately issue their own permits and or determinations of no-jurisdiction.

Comment C-449
This comment questions the impacts on groundwater from development under the 98-lot yield of the site with the golf course, as opposed to development as a conventional subdivision under R-40 zoning, and the economic feasibility of Alternative 2.

Response:
The proposed project has been designed to conform to the requirements of the site's existing R-40 zoning district, as well as to all other applicable Town requirements regarding lot sizes, use of clustering, steep slope avoidance, retention of the existing Special Use permit (for the golf course), and drainage system engineering. The proposed yield of 98 lots represents the site's full yield under the R-40 district.

The proposed project is a cluster subdivision design (allowed under Town Code, and specifically encouraged as a way to both retain natural resources and simultaneously enable a landowner to realize the full potential yield of the site). The cluster concept provides the flexibility to reduce lot sizes, enabling much of the site to remain undisturbed (in this case, with a combination of

natural vegetation in the site's perimeter, between holes within the golf course, and the vegetated playing surfaces of the golf course).

For a conventional subdivision design (Alternative 2), each lot would be served by its own conventional sanitary system, and would conform with Article 6 of the SCSC and all SCDHS requirements related to a realty subdivision. As noted above, enhanced septic systems would not be required for this alternative, therefore, the information related to Alternative 2 contained in the Draft EIS is complete for the purpose of SEQRA and consideration of alternatives for the decision-making process.

Comment C-467
"According to the DEIS it says "Alternatives should represent reasonable and feasible land use… that would achieve the applicants objectives and remain within the applicant's capabilities." It seems one of the applicants objectives of the proposed development is to provide 55+ housing to an area where the developer feels this is lacking. Why would all of the alternatives (2-6) then not show housing for 55+?

In the R-40 zoning it does not show senior housing as a permitted use. This may be the reason for not including 55+ housing in the Alternatives. Another reason for not showing 55+ housing for these Alternatives is to emphasize the financial burden to the school district. We believe this is misleading (see Section III. Misleading Figures)."

Response:
Assuming the types of the residences suggested for the alternatives by the Final Scope, the Applicant's experience is that Alternatives 2 through 6 would be appropriate for families (i.e., not age-restricted), regardless of whether the golf course would be retained or not.

Town Zoning Code, Section 198-14 (R-40 Residence) would not be expected to specifically identify senior housing as a permitted use in that district. Regulating the ages of the residents within the R-40 district is neither the intent nor the goal of the Town Zoning Code; rather, the Code is intended to regulate the type, form and layout of development within each zoning district in the Town. Therefore, as long as the proposed project (and the alternatives evaluated) conform to the requirements for use and layout, the Applicant's intent to establish clustered residences on the subject site that are designed and marketed to a specific age group is entirely appropriate and in conformance with the Town Zoning Code. Additionally, pursuant to NYS Town Law Section 278, and Town of Huntington, Chapter A202 Subdivision and Site Plan Regulations, Section 4.7, a cluster design is allowable in all residential zoning districts.

Comment C-469
"In the Alternatives there are five different numbers referenced in terms of acreage.

- *Alternatives 1 and 7 are 145.32 acres. (No acquisition of Roberg property.)*
- *Alternative 2 is 152.20 acres.*

- *Alternative 3 is 152.77 acres*
- *Alternative 4 and 6 are 151.08 acres.*
- *Alternative 5 is 151.65 acres.*

The proposed project is 154.56 acres. We are confused where these small variations are coming from."

Response:
The variations in property sizes for the proposed project and alternatives are described in the Draft EIS. The conceptual plans for Alternatives 2, 3, 4 and 6 correctly reflect the site acreage for these scenarios, and so have not been revised. The conceptual plan for Alternative 5 has been corrected to reflect a site acreage of 151.65 acres, to reflect the assumed inclusion of the 0.57-acre piece for access.

Comment C-470
"What would the clubhouse be for in Alternatives 2 and 3? In Table 5-1 it lists the use as "Residential." How will the clubhouse be used strictly for residential purposes? What assurances would be in place to show they wouldn't have mixed use of the property (both residential and recreational/commercial)?"

Response:
For Alternatives 2 and 3, the golf course would be closed, but the clubhouse would be retained, renovated and re-used by the site's residents as a private community center. Alternatives 4, 5 and 6 would retain the golf course, so these scenarios would continue to utilize this facility as a clubhouse for golfers. The Draft EIS contains accurate information pertaining to these alternative scenarios.

Comment C-472
"What is considered "activity"?

On page 5-9 it states "The two freshwater wetlands and the golf course water hazards would remain undisturbed. Like the proposed project, freshwater wetland permits would be required from the NYSDEC for any activity within 100 feet of designated freshwater wetlands." What is considered activity?

If there is truck traffic, construction workers, runoff, etc. is that considered activity? How will this be monitored to ensure the freshwater wetlands are protected?"

Response:
The term "activity" when referring to impact to a freshwater wetland within the NYSDEC's 100-foot freshwater wetland jurisdictional limit refers to disturbance to the ground or vegetation within jurisdiction and may include, but not be limited to, clearing, grading, paving, building construction, utility trenching, worker parking, or altering drainage patterns. During

construction, the construction manager will be responsible to ensure that no disturbance occurs within regulated areas, and/or permit conditions are complied with. Additionally, the terms of the SWPPP (to be reviewed and approved by the Town and issued by the NYSDEC) will further ensure that each regulated wetland is properly protected.

Comment C-475
"For this to be a feasible alternative there should be a price associated with the sale of development rights. In order for the town to acquire the land the developer would need to be willing to sell. The developer has not shown this to be a true alternative.

However, this alternative should be strongly considered. Based on the Town of Huntington's 1993 Comprehensive Plan, this property was listed as one of the seventeen properties that should be acquired.

In addition, in the Suffolk County North Shore Embayments Watershed Management Plan, February 2007 Nelson & Pope suggested Indian Hills Country Club be acquired by the town as well."

Response:
As noted above, the roster of alternatives to be evaluated in the Draft EIS were specified by the lead agency in its Final Scope. It is noted that neither the Town nor any other legitimate entity has offered to buy the subject site from the Applicant, so that no such transaction is under consideration. Any such transaction would require a "willing buyer" and a "willing seller." As there are no negotiations being conducted by a municipal entity toward a transaction, this potential alternative is not realistic. At this point the Applicant is processing a land use application for use in conformance with zoning, and as a result, sale of the property for acquisition of the property by a public entity is not under consideration.

Comments C-476, E-232, E-235, & E-237
"Remove the statement "There would be no need for Parkland dedication as the golf course would remain." The applicant may retain the golf course as proposed open space on the subject site; however, that does not change the requirement for dedication of parkland. If the applicant cannot provide parkland on site or the Planning Board is not willing to accept a parkland dedication, Huntington Town Code requires a "Recreation Fee in Lieu of Parkland". Refer to Town Code, Chapter A202, Schedule D."

Response:
For Alternatives 4, 5 and 6, the golf course would be retained as open space, but additional land would have to be set aside for parkland, or a Recreation Fee be paid in lieu of such a dedication as required by Town Code Chapter A202, Schedule D.

Comment C-477
"In all Alternatives "in perpetuity" should be added. When we are preserving open space we need to make sure it will be forever. Clarifying this point will prevent confusion in the future. In doing so the Planning Board should also be satisfied that provisions are also made to deal with possible future events such as the financial failure of either the Golf Club, the proposed development or both."

Response:
The pending application seeks to establish residential development on the subject site through a Town of Huntington Planning Board subdivision process which will include a preliminary and final plan to be filed in conformance with all applicable processing requirements. The Planning Board will determine the appropriate mechanism for preservation of recreational open space on the property.

Comment C-478
"On page 5-17 it says "The property has no known or suspected cultural resources (whether prehistoric or historic; see Section 3.6); as a result, no impacts to such resources could occur."

This is untrue. There are several affidavits and statements showing the presence of bones on the Indian Hills Country Club property. Please see Appendix A {associated with Comment C-478]. Tim Lloyd, an archeologist with the Office of Parks, Recreation and Historical Preservation (OPRHP) has reviewed the affidavits and statements and finds them to be credible."

Response:
All areas of the site that are subject to development associated with this subdivision and site plan will first be subject to appropriate subsurface investigation prior to disturbance, and that such investigations will be subject to SHPO review and approval. Please also refer to **Section 2.18** of this Final EIS for additional information regarding cultural resources.

Comment C-479
"Please note there are typos in the document. As an example on pages 5-8, 5-9 and 5-17 they reference "Frost Pond Road" instead of "Fresh Pond Road. On page 5-12 it references "steel slopes" instead of "steep slopes"."

Response:
Inadvertent typographical errors do not change the essential information presented in the Draft EIS. These and several additional typographical errors and misspellings in Draft EIS Section 5.0 are acknowledged and are considered to be corrected.

Comment E-20
"The paragraph discussing flooding states that the site "displays substantial grade changes sufficient to rapidly convey runoff downslope and off-site." Revise this statement as runoff will not be directed off-site."

Response:
This sentence in the Executive Summary, Comparison of Impacts sub-section of the Draft EIS has been revised to read as follows:

> The subject site is not subject to significant potential for flooding, as it is elevated well above sea level and displays substantial grade changes sufficient to rapidly convey runoff downslope and into the site's drainage system.

Comment E-26
"Alternative 3 would not result in the continuation of the golf course operation."

Response:
Comment acknowledged. The existing golf course operation would remain on-site for the proposed project and Alternatives 1, 4, 5, 6 and 7.

Comment E-27
"The conclusion indicates that Alternative 2 would result in higher peak hour trip generation (ES-20) which seems to conflict with the statement on the prior page (ES-19) that states "Alternative 2 would generate fewer trips than for all peak hours evaluated."

Response:
As confirmed in Draft EIS Table 5-1, Alternative 3 would generate fewer vehicle trips than Alternatives 2, 4, 5 and 6 for all peak hours evaluated, and Alternatives 1 and 7 would generate the fewest peak hour trips.

Comments E-152 & E-153
These comments note the proximity of the CEHA boundary to some of the units in Alternatives 4 and 5, and question whether such units would be feasible.

Response:
It is acknowledged that some of the residences in northernmost portions of Alternatives 4, 5 & 6 are relatively close to the bluff area (in the CEHA), and lie within the 120-foot recommended setback distance from the CEHA boundary. As noted in the Response to Comments B-49, C-25, C-473, E-21, E-22, & E-160 above, the purpose of the alternative analyses is to show a concept for development as a basis for environmental assessment and impact comparison in relation to the proposed project plan. This assessment for Alternatives 4, 5 & 6 shows that an increased setback from the CEHA line would be advisable, as shown by the proposed project and reflected in the Prior Plan that was the subject of the Draft EIS and the Revised Plan that is the subject of this Final EIS.

Comments E-154 & E-236
These comments seek revision of the plan for Alternative 6 to be more in conformance to its requested design as per the Final Scope.

Response:
The conceptual plan for Alternative 6 shows the greatest amount of steep slope and natural area preservation that can practicably be achieved, given the site layout constraints and development goals of the Applicant, which include: retaining a reasonable yield in conformance with the approved yield plan; minimizing alterations of the golf course layout; keeping the units in groupings within the site based on available areas for development; reducing the length of utility connections; avoiding encroachment into the 100-foot freshwater wetland setback; reducing encroachment insofar as practicable into the 120-foot CEHA recommended setback (it is acknowledged that Units 1 through 6 will be wholly or partially within this setback boundary)[47]; reducing cleared/graded areas; and proximity of roadway access connections.

In a DEIS, SEQRA requires a range of reasonable alternatives to a proposed action as a basis for an analysis of relative impacts and mitigation measures. In its selection of alternatives, SEQRA requires that the applicant's needs, capabilities and limitations be considered, to limit the range of alternatives to those that represent scenarios that could reasonably achieve the applicant's development goals while also achieving the lead agency's goal to minimize impacts. As stated in the SEQRA Handbook:

> The goal of analyzing alternatives in an EIS is to investigate means to avoid or reduce one or more identified potentially adverse environmental impacts. [6 NYCRR Part] 617 further requires that the alternatives discussion includes a range of reasonable alternatives that are feasible considering the objectives and capabilities of the project sponsor. Section 617.9(b)(5)(v) further requires that the alternatives discussion includes a range of reasonable alternatives that are feasible considering the objectives and capabilities of the project sponsor.[48]

Thus, Alternative 6 balances the above-described site constraints and provides a reasonable alternative scenario for examination in the Draft EIS in conformance with the Final Scope and SEQRA.

Comment E-155
"NYSDEC correspondence from October 16, 2019 requests an alternative "in which no disturbance is proposed within the NYSDEC wetlands jurisdiction" and where "a setback of more than 100 feet" from NYSDEC wetlands is provided. Address this request."

Response:
An alternative *"in which no disturbance is proposed within the NYSDEC wetlands jurisdiction"* and where *"a setback of more than 100 feet from the NYSDEC wetlands is provided"* was not specified in the Final Scope, on which the Draft EIS was prepared. The Final Scope did state, for Alternative 6, a scenario showing *"…increased separation from sensitive environmental areas per NYSDEC recommendations."* In response, the plans for the proposed project and for Alternative 6 have

[47] If this alternative were to be pursued (not intended), additional analysis or re-design would be needed.
[48] The SEQRA Handbook, Fourth Edition 2020, page 117.

been revised to maximize separations from freshwater wetlands and the CEHA limit. However, in some instances, total avoidance of such encroachments cannot practicably be achieved, so that appropriate non-jurisdiction determinations and/or NYSDEC permits would need to be obtained for any regulated activity within jurisdiction areas of the site.

Comment E-156
"The plans for all alternatives should include all wetland boundaries and the 100 foot wetland setback, including the proposed amendment to NYSDEC wetland N-8, and the minimum 120 foot buffer from the CEHA "

Response:
The conceptual plans for Alternatives 2 through 6 have been revised to include the boundary of the CEHA, a 120-foot recommended setback from the CEHA boundary, and the 100-foot setback from the boundary of the two on-site areas designated N-13.

With respect to the expanded Wetland N-8 and its associated re-mapping into the area east of the private road to Breeze Hill Road, purported expansion to the east of the private road to Breeze Hill Road (and the implications associated expansion of its 100-foot regulatory buffer zone), it is noted that the re-mapping has not been performed as yet. Any new development proposed within that new setback would require review and permitting under NYSDEC Interim Policy. However, the private roadway is an existing feature, and if it were within the new setback area, it would not require permitting.

Comment E-157
"The proposed alternatives should take into consideration that Town Subdivision and Site Plan Regulations limit cul-de-sac length to no greater than 900 feet."

Response:
The Overall Plan for the proposed project and the conceptual plans for Alternatives 2 through 6 were designed to, among other characteristics, minimize the use of cul de sacs that exceed the 900-foot Town Subdivision and Site Plan design guideline. However, it is noted that this 900-foot limit is a Town guideline, and not a standard that may not be exceeded. The Town reviews all site plan applications for conformance with the established design standards and, in cases where non-conformance is determined, the appropriate plans would be subject to revision or appropriate relief if necessary.

Comment E-158
"According to the plan for Alternative 6, Makamah Road access would not be included in this scenario."

Response:
The first sentence in the Draft EIS Section 5.6 is revised to read as follows:

This alternative would retain the golf course, with re-development with a cluster subdivision plan over the entire property and under the existing R-40 zoning.

Comment E-161
"According to the description of Alternative 2, the internal roadways would be maintained by a Homeowners Association (5-6) not resulting in the dedication of any roadways to the Town."

Response:
The internal roadways of Alternative 2 would not be offered for dedication to the Town for maintenance, so that, like the proposed project and Alternatives 3, 4, 5 and 6, would remain in private ownership, to be maintained privately by the HOA established to maintain the site. As a result, Alternative 2 would not impact the road maintenance responsibilities of the Town, by incrementally increasing the amount of roadway that would be maintained.

Comments E-228 & E-229
These comments seek clarification on the design of Alternative 2.

Response:
Alternative 2 was prepared per the intent of the Final Scope filed on November 13, 2018. The Draft EIS with this alternative was accepted as complete by the lead agency. The conceptual plan for Alternative 2 does not show the same site acreage and boundaries as the Overall Plan for the proposed project as described and evaluated in the Draft EIS; however, it includes the basic design elements per the Final Scope. Alternative 2 does not include the 3.48 acres of the Makamah Road access, or the 0.57-acre private roadway piece (but would utilize this property as an emergency access). The information presented in the Draft EIS for this alternative addresses the Final Scope and provides the lead agency and involved agencies with sufficient information for comparison of alternatives and the proposed project to be used in the decision-making process.

Comment E-231
"Proposed Alternative 3 contradicts this direction by proposing the "…acquisition of land to access the private road to Breeze Hill Road, and acquisition of the private road…"

Response:
Alternative 3 was prepared per the intent of the Final Scope filed on November 13, 2018. The Draft EIS with this alternative was accepted as complete by the lead agency. The conceptual plan for Alternative 3 does not include the 3.48 acres of the Makamah Road access, but does include the 0.57 acre piece that contains a part of the private roadway. However, Alternative 3 does include the basic design elements per the Final Scope. The information presented in the Draft EIS for this alternative addresses the Final Scope and provides the lead agency and involved agencies with sufficient information for comparison of alternatives and the proposed project to be used in the decision-making process.

Comment E-234
"Proposed Alternative 5 fails to provide the greatest setback. The South Parcel contains 46 proposed units within close proximity to existing residences located on Breeze Hill Road, Green Knoll Court and Brian Court. The existing road names, Green Knoll Court and Brian Court, should be labeled on the plan. 4, 6 and 10 Breeze Hill Road are adjacent to the subject property. Green Knoll Court is located less than 200 feet from the subject property. Brian Court is located less than 300 feet from the subject property. Refer to existing residences located at 14-17, 17A-21 and 23 Green Knoll Court and 5, 5A, 7 and 9 Brian Court."

Response:
The revised conceptual plan for Alternative 5 for this Final EIS shows the greatest separation between the residences and the nearest neighboring residences that could practicably be achieved, given the site layout constraints and development goals of the Applicant which include: retaining a reasonable yield in conformance with the approved yield plan; minimizing alterations of the golf course layout; keeping the units in groupings within the site based on available areas for development; reducing the length of utility connections; minimizing encroachments into the 100-foot wetland setbacks from Fresh Pond and amended Wetland N-8; minimizing encroaching into the recommended 120-foot CEHA setback; reducing cleared/graded areas; and proximity of roadway access connections. However, in some instances, total avoidance of such encroachments cannot practicably be achieved, so that appropriate non-jurisdiction determinations and/or NYSDEC permits would need to be obtained for any regulated activity within jurisdiction areas of the site. T

Alternative 5 was prepared per the intent of the Final Scope filed on November 13, 2018. The Draft EIS with this alternative was accepted as complete by the lead agency. As noted above, SEQRA requires a range of reasonable alternatives to a proposed action as a basis for an analysis of relative impacts and mitigation measures. Alternative 5 does include the basic design elements per the Final Scope. The information presented in the Draft EIS for this alternative addresses the Final Scope and provides the lead agency and involved agencies with sufficient information for comparison of alternatives and the proposed project to be used in the decision-making process.

2.21 General Comments in Support of the Project

Comment numbers B-21, B-23 through B-26, B-54, B-68, B-96, B-98, B-99, B-122 through B-126, B-132, B-133, B-144, C-1, C-34, C-35, C-61, C-148, C-163, C-164, C-165, C-168, C-176, C-177, C-191, C-194, C-199, C-200, & C-260
These comments express support for the proposed project.

Response:
These comments provide general support for the proposed project, and note that the proposed design is consistent with regulations and use plans, and protects and benefits the environment.

2.22 General Comments in Opposition to the Project

Comment numbers B-32, B-34, B-37, B-95, B-101, B-112, B-117, B-120, B-121, B-140, B-155, C-5, C-36, C-37, C-38, C-135, C-136, C-138, C-139, C-143, C-146, C-147, C-153, C-156, C-159, C-160, C-162, C-169, C-184, C-188, C-195, C-213, C-228, C-229, C-249, C-266, & C-274
These comments express general opposition to the proposed project for general reasons. Specific comments on detailed aspects of the project are addressed in other appropriate sections of this document.

Response:
It is noted that the proposed project has been revised to address comments on the Draft EIS. The Revised Plan is different than the Prior Plan, and this is in response to specific comments related to the proposed project in the Draft EIS.

The proposed use facilitates retention of the golf course and is considered to be more in keeping with Town goals for retention of recreational and open space resources and conformance with elements of land use plans for use of clustering and diversified housing options, as compared with development of the site under current zoning which would involve subdivision at the approved yield and development of individual homes on individual lots with no retention of the golf course. The proposed project includes duplex housing, such that only 43 structures (previously 49) will be built, and the existing clubhouse will be replaced by a new clubhouse.

Based upon comments received during review of the Draft EIS and Condition 2 of the Suffolk County Planning Commission (SCPC) referral letter dated, November 4, 2019, the subdivision plans for the project have been revised to address comments related to the Prior Plan. Revisions include:

- The entrance road and residential units connected to Makamah Road have been eliminated and the retention basin moved east so it falls outside the 100' wetland setback.
- The units south of Breeze Hill Road in proximity to Wetland N-8, whose boundary i currently under consideration for amendment by NYSDEC, have been eliminated or moved to the east, such that there would be no activity/disturbance within 100 feet of the proposed amended wetland limit. This measure addresses prior comments of NYSDEC.
- The access road to the proposed units on the south side of Breeze Hill Road will enter from Breeze Hill Road just east of the existing Indian Hills Club House and run south past the club house and then west to the proposed units. The existing private road from Breeze Hill Road will be utilized as an emergency access only as labeled on the revised plans. There will be a sign on the driveway through the property to the west side of Breeze Hill Road to indicate that the driveway will be used for "Emergency Access".
- Though site constraints necessitate that some residential development will occur on areas of slopes 10% or greater, all units have been removed from the areas with 10% slopes that are within 500 feet of the County's Makamah Preserve.

- The Makamah Road parcel is being used for drainage and there will be no disturbance west of the high point in the central part of the property where the land slopes west toward Makamah Road and the Makamah Preserve across the street to the west.
- The residential lots have all been located within areas of less than ten (10%) percent slopes.
- The site grading has been revised to reduce the amount of material being moved between the north and south parcels from 116,000 cubic yards (CY) to 56,000 cubic yards, a reduction of 60,000 CY.
- Areas for "fill placement" on the golf course are now indicated on the plans so that the site will have a balanced earthwork and no material will be exported from the golf course.

The above changes reduce the number of units from 98 to 86 for a loss of twelve (12) proposed units. The result is a decrease in residential yield from 0.64 units per acre to 0.56 units per acre, almost half the density permitted by the area's one (1) acre zoning. The Revised Plan is substantially different than the Prior Plan and addresses comments on the Draft EIS and the prior resolution of the Suffolk County Planning Commission. The SCPC reconsidered the prior resolution provided as a comment/referral to the Town Planning Board, and issued a revised resolution recommending approval of the proposed project based on the Revised Plan, with no conditions. The SCPC resolutions are included in **Appendix S** of this Final EIS. The reconsideration of the proposed project by SCPC indicates the substantial nature of the changes in the proposed project between the Prior Plan and the Revised Plan.

2.23 Comments Requesting a Delay

Comment numbers B-1, C-115, C-118, C-120, C-122, C-123, C-124, C-125, C-126, C-128, C-129, C-131, C-132, C-133, C-157, C-166, C-212, C-226, C-230, C-232, C-248, & C-256
These comments request that the period for public review of the Draft EIS be extended for reasons including its substantial and detailed analyses, and to await completion of the Draft Crab Meadow Watershed Hydrology Study and Stewardship Plan as well as additional investigations related to groundwater quality, elevations and flow direction.

Response:
SEQRA time frames serve as a guide to project sponsors, agencies and the courts on what is a reasonable period of time for a step to occur. Agencies should make every effort to stay within the time periods in keeping with the statutory mandate that the terms and requirements of SEQRA be carried out with minimum procedural and administrative delay.

The minimum public review period is 30 days, calculated from filing of the Notice of Completion. There is no maximum length of time for the public comment period on an accepted draft EIS. Particularly for complex or large actions, a lead agency may reasonably extend the comment period beyond the minimum required 30 days. Such extended comment periods commonly range between 30 and 60 days.

Typically, the SEQRA requirement considering the Draft EIS and the Preliminary Subdivision hearing occur together as one public hearing. In this case, the process has been extended, having

two public hearings on separate days – the public hearing on the Draft EIS was held on September 18 with the public comment period ending November 4, and the Preliminary Subdivision public hearing on November 20 – expanding the opportunity for public participation.

The resolution accepting the Draft EIS for public review was originally set to end the public review period on October 2, but was extended by 16 days to end on October 18, 2019. At its October 10, 2019 Special Meeting the Town of Huntington Planning Board voted to extend the public comment period from October 18 to November 4, 2019, scheduled a public hearing on the Preliminary Subdivision for November 20, 2019 and hired an outside consultant to assist the Planning Board and staff on environmental review. In addition to the public comment period on the Draft EIS and the Preliminary Subdivision public hearing, there will be an additional Final Subdivision hearing.

These time frames are intended to allow reasonable notice to the public that the hearing is to be held, while not unreasonably delaying the lead agency's completion of the Final EIS. Review should result in timely decision-making. Similarly, to await completion of the Draft Crab Meadow Watershed Hydrology Study and Stewardship Plan, which has not been adopted, [49] or provide additional investigations related to groundwater, elevations and flow direction which are not currently available (as discussed in Section 2.8) are not reasonable to cause delay pursuant to SEQRA. It should be noted that an EIS is neither a "perfect" or exhaustive document[50]. The degree of detail should reflect the complexity of the action and the magnitude and importance of likely impacts.

The Draft EIS provides substantial information related to the Prior Plan, site conditions and potential impacts, as well as alternatives and mitigation. This Final EIS provides information on the Revised Plan, which reduces project density by twelve (12) units and revises project design to address and mitigate environmental resource comments. The Final EIS provides a thorough response to all substantive comments raised in an extended hearing/comment period. Information contained in these documents provides the appropriate level of review based on the nature of the proposed project and the guidance provided in SEQRA regulations.

2.24 Responses to Comments on Figures

Comment Numbers E-4, E-74, E-92, E-108, E-122, E-124, E-238 & E-241.
These comments note a number of suggested additions, deletions and corrections to the Draft EIS figures.

[49] Maps and information related to the project have been available on the Crab Meadow Watershed website at: www.huntingtonny.gov/crab-meadow-watershed, since October 2014 with the study reported to have started in June 2015
[50] SEQRA Handbook, Section D2, Review of the Draft EIS, pg. 137

Response:
Figures in **Appendix M** of this Final EIS, which correspond to Figures 1-2, 1-3, 2-1, 2-2, 2-3, 2-4, 2-5, 2-6, 2-7, 2-8, 3-1, 3-2, 3-3, 3-4, 3-5, 3-6, 3-7 and Photo Location Key of the Draft EIS have been updated to reflect the final Project layout and Town requested revisions. In addition, figures have been added, as requested, including an Open Space Plan, HOA/GCA Land Area Map and Shoreline Map. In response to Comment E-74, it is hereby noted that: *"The FEMA Flood Map is Figure 2-7."*