



LONG ISLAND
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August 19, 2020

Re: Lewis Road PRD

The Honorable Carrie Meek Gallagher
Chairperson
New York State Pine Barrens Commission
624 Old Riverhead Road
Westhampton Beach, NY 11978

Dear Chairperson Gallagher & Commissioners:

In addition to our comments submitted at the public hearing on February 19, 2020, and after reviewing the developer's several sets of response papers, we would like to submit the following comments to the record.

Our Background

The Long Island Pine Barrens Society was created in 1977 and has been an active champion of Pine Barrens preservation ever since. We have been attending meetings of the Central Pine Barrens Commission since its inception. The Society works actively in the community and throughout Long Island to advocate for the preservation of Long Island's open space and the protection of our underground drinking water supply and surface waters. Our leadership has been essential in the creation of the Pine Barrens Protection Act, Drinking Water Protection Program, Environmental Protection Fund, Community Preservation Fund, Long Island Nitrogen Action Plan, Suffolk County Subwatersheds Plan and countless other important pieces of environmental legislation. We also represent thousands of members across the metropolitan region, who are concerned about the future of Long Island's environment and the Pine Barrens in particular.

We have been following the Discovery Land Company proposal since 2013 and have testified before the numerous different government bodies that this project has come before. We have

consulted with scientists, planning experts, lawyers, local elected officials, and even scientists that have studied other Discovery Land Company projects across the world.

Compatible Growth Area

The applicant, Discovery Land Company, and its proponents like to point to the fact that this project is in the Compatible Growth Area (CGA) of the Pine Barrens and that the development will not take place in the Core Preservation Area. However, this project is still proposed for the Pine Barrens and even its placement in the CGA requires strict environmental review and adherence to the standards and guidelines of the Comprehensive Land Use Plan (CLUP). The Commission's sole purpose is to add an extra layer of review over projects in the Pine Barrens, as their impacts go far beyond the town level and instead, have a regional impact.

Environmental Review

We have serious concerns about the applicant's and the Town of Southampton's clear violation of the New York State Environmental Quality Review Act (SEQRA). The Southampton Town Planning Board never coordinated review of the Lewis Road PRD proposal as required by SEQRA, nor did it ever establish a lead agency, or adopt a determination of significance. Moreover, the Southampton Town Planning Board did not have the legal authority to approve the proposed project.

The applicant has come before you and argued that the original Hills Planned Development District (PDD) application was not denied because the PDD legislation required a super-majority approval. They argue that the project was not denied, it just didn't move forward – it had a majority approval, but not the required super-majority approval. There is no such thing as a non-denial denial. The Hills project was filed for under the PDD legislation. The PDD law that required a super-majority approval by the Board was approved by a majority of voters, at referendum, in 2001. The applicant knew when they submitted their application and during the SEQRA review process, that a super-majority approval was required. When The Hills proposal failed to gain Town Board approval, the project ceased to exist as an open or active application.

The applicant immediately filed a \$100-million lawsuit against the Town of Southampton, because of this denial. In fact, in the opening paragraph of their Verified Complaint filed with the courts, they state, "This litigation challenges the unlawful and unconstitutional denial of DLV "Project" Quogue's proposed seasonal golf resort development (the "Project") by the Town Board of the Board" Town of Southampton (the "Town Board")."

When the applicant sues for \$100-million, they acknowledge that The Hills project was denied. When they come before the Commission asking for approval, they claim The Hills simply "failed to be approved."

The Lewis Road PRD is a completely new project and the Town Board no longer has any approval authority over the subject or any PRD subdivision proposal. As a result, the Planning Board had an obligation to reestablish Lead Agency for the current project, and then conduct a thorough SEQRA review, but it failed to do so.

Since SEQRA was never conducted at the Town level, the Commission is unable to review the project and must deny the application.

We encourage the Commissioners to please review the papers supplied by Group for the East End, to seek further clarification on this matter.

More Changes, New Project

The developer has continued to argue that the Lewis Road PRD is the same as the previously proposed and denied project, The Hills. In December 2019, the developer submitted the Lewis Road PRD project to the Commission for review. This project was an entirely new project than what was reviewed by the Town Board and during the SEQRA process. Most notably, the Lewis Road PRD was missing many of the nitrogen mitigation measures included in the original PDD Hills application. These mitigation measures were deemed essential in order to curtail (not eliminate) the nitrogen pollution that would be produced by this project.

Now, once again, the developer has come through with yet another rendition of the Lewis Road PRD, as proposed by their July 1, 2020 submission. Changes include: the addition of the Tipperman property, the placement of the wellfield within the Critical Resource Region of the Pine Barrens, the development of a new mining plan, the removal of roads, and shifting the development southward (closer to nearby homes and waterbodies). These are vast changes that require an extensive environmental review. New nitrogen analysis and dispersion models must be done. The placement of development within the Critical Resource Area requires an additional, expansive review. These are significant changes that were never analyzed during the SEQRA process, nor by the Southampton Town Planning Board.

To sum it up: The map and plan before you today is not the same plan that was originally supplied at the time of application in December 2019. The map and plan before you is not the same as what was reviewed by and preliminarily approved by the Southampton Town Planning Board. The plan that the Town Planning Board reviewed was not the same plan that was reviewed via the SEQRA process and was ultimately denied by the Town.

Each time this applicant comes before the Commission, they submit changes. Even at the February 2019 hearing, they submitted changes to their mining plan *the day of the hearing*.

How many times will we allow this developer to keep changing their project without a thorough review of said changes? The project keeps changing with each board that they present to. This

entire review process has become “Let’s make a deal,” rather than a review based on sound environmental planning.

New Wellfield Location

The latest rendition of the Lewis Road PRD places the wellfield within the Critical Resource Area. The Henrys Hollow Critical Resource Area protects the habitat for the rare and endangered Coastal Buckmoth. The applicant references a 2009 study of the Buckmoth population in the area (appendix M-7 of the DEIS) – this is inadequate. The landscape has dramatically changed within the last 11 years. Habitat fragmentation and climate change have greatly altered our landscape and such, the population for this endangered species has likely changed a lot over the years. This new wellfield location is placing extensive development into an otherwise undisturbed area. It is also placing development into an area that is deemed essential to protect the habitat of an endangered species. This cannot be allowed.

Fragmentation of Open Space & Clustering

Alternatives

There are other alternative uses of the site, allowable under current zoning that would avoid fragmentation of open space and cluster the development further. Since the SEQRA review for the Lewis Road PRD project was not performed by the Town of Southampton Planning Board, we were unable to submit an alternative project for their review – a process that is provided for by SEQRA. However, Group for the East End did create a “Reduced Impact Alternative” that should be considered as a viable alternative by the Commission.

The Reduced Impact Alternative was prepared by Lisa Liquori on behalf of Group for the East End. Lisa Liquori is an environmental planner with over 35 years of experience and served as East Hampton’s Planning Director for over 15 years. The Reduced Impact Alternative is a resort-style development, with equestrian facilities, rather than a golf course, and is consistent with other properties that Discovery Land Company owns and operates. Discovery Land Company operates other properties with equestrian facilities.

The Reduced Impact Alternative would have a far less environmental impact than the Lewis Road PRD. A comparison between the Reduced Impact Alternative and the Hills PDD is included below:

Comparison of Impacts: Discover Land Company PDD vs. Conceptual Reduced Impact Alternative

Impacts	Discovery PDD		Reduced Impact Alternative		Comparison: Reduced Impact Alternative vs. Discovery PDD
	Acres	% of Site	Acres	% of Site	
Site Development Total Area	166.86	28.23	23.53	4	86% less developed area
Cleared Areas	166.86	28.23	45	7.61	74% less clearing
Fertilized Turf	88.53	15%	0	0	100% less fertilized turf
Preserved Contiguous Open Space	276	48%	546	92	100% more preserved contiguous open space
Preserved Open Space incl. fragmented areas	424	72%	546	92	29% more open space incl. fragmented areas
		Units		Units	
Water Usage-	53,810,179	gallons per year	11,961,650	gallons per year	78% less water usage
Sewage Flow - bldgs. only	41,814	gallons per day	31,770	gallons per day	25% less sewage flow from buildings
Design flow including turf	65,214	gallons per day	31,770	gallons per day	51% less overall wastewater flow
Nitrogen loading					
Turf	655.1	pounds/ year	0	pounds/year	100% less nitrogen loading from turf
Sewage from buildings	Variable by computation model				72 % to 88% less nitrogen loading buildings
Residences total number	118	residences	88	residences	25% fewer residences
Total size of residences	435,800	square ft.	532,800	square ft.	22% greater combined sf of residences
Traffic wkdy PM/Sat peak	103/125	trips per hour	23/31.5	trips per hour	78% to 75% less peak hour traffic

And as you can see, in the images included on the next page, it clusters the development on site, to the fullest extent possible:



The Comprehensive Land Use Plan requires that development projects maximize the use of clustering and prevent unfragmented open space by supporting preservation of natural vegetation in large unbroken blocks. The Lewis Road PRD fails to cluster the development and severely fragments open space. The Commission has the right to demand alternative uses of the site that meet the standards of the CLUP. Alternative designs with a tighter cluster are available and should be considered.

Golf Course Design

According to *Golf Week* magazine, the rough area of a golf course takes up about 60% of the total space of a course. The average area needed for the rough areas is 66.8 acres. According to the Hills PDD Master Plan, the developer states that rough areas for their course are 36.76 acres. This rough design is about one-third to one-half smaller than Sebonack Golf Club and Golf at the Bridge, two similar courses in the area.

In addition, it appears that there is only one tee box per hole. This is extremely unusual. Golf courses today have 3-5 tee boxes per hole (to accommodate different types of players, such as women and seniors). Discovery Land Company’s Bakers Bay property has four tees per hole.

There is no clear quantifiable delineation between the golf area, existing cleared area “to be revegetated,” existing natural area, and the non-fertilized sand, natural and revegetated areas within the golf course. Here’s just a snippet of the site plan:



How are these delineations even remotely enforceable? These little narrow delineations that were created by the developer in order to meet the clearing standard are not realistic. This is something that looks like it works on paper, but is not realistic for real life application. This project was designed by a computer model to meet compliance, but it is simply not realistic or enforceable.

There are also other golf design questions that remain unanswered. On the site plan, the developer states that there are “natural and revegetated areas.” What will these areas be revegetated with? They have made the distinction between natural and revegetated. Will areas be re-vegetated with grass instead of native plants? The developer has also stated that there will be paths made through the woods for the golf course and that this will not require clearing. This seems unlikely and should be examined closer. Will these paths require paving? It is extremely unlikely that clearing will not need to take place. If you take a look at Discovery Land Company’s other sites, their golf cart pathways are fully cleared and paved.



1 Silo Ridge - Amenia, New York



2 Troubadour - Nashville, Tennessee

The applicant has likely narrowed the size of the fairways and rough in their submitted site design, in order to minimize clearing and limit the amount of fertilizer-dependent vegetation. However, it is suspected that the course, as currently proposed, is unplayable. We are worried that if approved, under construction, the fairways and roughs will be expanded to meet the acreage of standard golf courses. Any increase in the size of fairways and roughs will increase the amount of land cleared and the amount of fertilizer-dependent vegetation on site.

Unfortunately, Discovery Land Company has a history of not sticking with their original plans. Dr. James M. Cervino, a marine scientist from New York City who has traveled to the Bahamas and completed independent studies of the water and a reef situated near Discovery Land's Bakers Bay Golf and Ocean Club in the Bahamas, presented his findings to the public in East Quogue in 2016. That development, on which ground was broken nearly a decade ago, currently features 125 homes, 240 buildable estate lots, and an 18-hole golf course on 585 acres located on the island of Great Guana Cay.

When interviewed, Dr. Cervino said he believes, based on his research, that nitrogen and phosphorous from Discovery Land's golf course down there has damaged a nearby reef. "They managed to destroy a 1,000-year-old reef in the matter of two years," Dr. Cervino said.

He added that his findings have been backed up by other scientists, including Dr. Thomas Goreau, president of Global Coral Reef Alliance, a nonprofit dedicated to growing, protecting and managing coral reef, and Brian Lapointe, principal investigator and research professor at Florida Atlantic University.

Dr. Cervino added that he and his colleagues decided to speak out on Long Island because they believe that Discovery Land, which is proposing a similar-type development in East Quogue, is again making promises that it cannot keep, and that its development could further threaten our already-impaired water supply.

Nitrogen Impacts

Mitigation & Alternatives

The Lewis Road PRD project will *not* have a net-negative nitrogen load, as the developer claims. While the Lewis Road PRD has a similar footprint to the Hills PDD, it is very different in many ways, especially with respect to water quality impact mitigation.

The Lewis Road PRD project lacks the full benefit of an extensive nitrogen mitigation package that was included in the Hills PDD. The Southampton Town Board's science consultant, Dr. Christopher Gobler, argued that these nitrogen mitigation efforts were necessary to limit the potential harm from the proposal's anticipated nutrient loading to the surrounding environment.

The chart below is from Dr. Gobler’s 2017 report (which we submitted to the Commission at the 2/19/20 hearing) analyzes the potential nitrogen impacts of the project and the Hills’ proposed mitigation efforts.

	Existing	Hill PDD	As of right, maximum	As of right, lower	Comment
DEIS	1,210	4,128	3,455	1,738	Reported in March
Fertilizer cap	1,210	3,371	3,455	1,738	2 lbs/1000 sq. ft. cap on applied fertilizer
Hills STP	1,210	3,041	3,455	1,738	STP for the PDD treating to 10 mg/L
School STP	1,210	2,706	3,455	1,738	STP for the school treating to 10 mg/L
Community septic upgrades	1,210	2,322	3,455	1,738	Using new technologies that treat to 19 mg/L
33 acres with 30 homes	1,210	2,322	4,278	2,122	Build out of 30 homes on 33 acres
Pine Barrens Credits, 30 homes	1,210	2,322	5,130	2,484	30 additional units via purchase of Pine Barrens credits
FINAL	1,210	2,322	5,130	2,484	Total yields

The only nitrogen mitigation effort that appears to remain in the revised Lewis Road PRD application, before The Commission, is the on-site Sewage Treatment Plant (STP). As you can see, the other mitigation efforts were included to bring the expected nitrogen loading down to 2,322 pounds of nitrogen per year. *This is not a negative number.* Without the other mitigation measures in place, this project will likely result in the addition of 3,800 lbs. of nitrogen to the environment, each year.

Something else can be ascertained from these calculations by Dr. Gobler. The “As of Right, Lower” column in the above chart, represents the “Reduced Impact Alternative” (RIA) design presented by Group for the East End, as mentioned in this report above. Dr. Gobler shows the calculations for the RIA, without the addition of any of the nitrogen mitigation measures proposed by Discovery. If you apply any of the nitrogen mitigation measures to the RIA, you produce a site design with a far lower environmental impact.

If you added a sewage treatment plant to the RIA, you get a nitrogen loading of 1,408 lbs. of nitrogen per year. If you add a fertilizer cap to the RIA design, you get a nitrogen loading of 651 lbs. of nitrogen per year. If you add a sewage treatment plant at the local school, you get a nitrogen loading of 316 lbs. of nitrogen per year. It goes down from there. As you can see, when you apply Discovery’s proposed nitrogen mitigation measures to the alternative design, you get a much lower nitrogen impact. The Reduced Impact Alternative design can be expected to have a far lower environmental impact than the Lewis Road PRD.

Discovery has continuously dodged the tough questions about the important differences between The Hills MUPDD and the Lewis Road PRD, mainly because they are incorrectly asserting that it is the same project. They have not addressed how the absence of nearly all of these nitrogen mitigation measures, impacts their potential nitrogen loading calculations. In fact, in response to our comments on this important subject, the developer writes the following in response, “Analyses conducted during the SEQRA review conducted by the Town Planning Board and by the Commission Staff for the Lewis Road PRD application establish that the project complies to the requirements of CLUP Guidelines 5.3.3.1.1 and 5.3.3.1.3.”

This does not answer the question. The Commission must ask (1) if all of the necessary nitrogen mitigation measures that were included in the Hills MUPDD are included in the Lewis Road PRD. And (2) if they are not, how will their nitrogen calculations change?

Suffolk County Department of Health Services

It is important for the Pine Barrens Commission to inquire with the Suffolk County Department of Health Services about the status of Discovery’s applications for its sewage treatment plant, compliance with Article 6 and protection of public and private supply wells. The applicant has only stated that “approvals are to be expected.” This is not good enough. As the potential for nitrogen pollution is of great concern, the Commission must seek guidance from a regulatory authority to assure that the applicant’s wastewater management plans are feasible and accurate.

Fertigation

Fertigation & Nitrogen

Fertigation cannot responsibly be included in nitrogen mitigation calculations. While fertigation holds promise, its exact benefits cannot be quantified and therefore, have no place being included in final nitrogen loading measurements.

Here’s what Dr. Chris Gobler has to say about the use of fertigation in nitrogen loading estimates, “A planned use of fertigation on the proposed golf course could reduce net nitrogen loading for the PDD further, although uncertainties and unknowns prohibit such reductions from currently being quantified.” Please note that Dr. Gobler was chosen by the Town of Southampton to provide his expert opinion on this matter, during the SEQRA process for the Hills PDD.

Fertigation & Legacy Contaminants

The applicant plans on drawing nitrogen-laden groundwater from nearby contaminated wellfields and using that to irrigate and fertilizer their greens. However, there needs to be further groundwater testing done to ensure that there are no other legacy contaminants in the groundwater that the developer would pull up and spread around.

In fact, the Suffolk County Planning Commission, listed this concern as a condition in their staff report, “The Petitioner, with the Suffolk County Department of Health Services, shall address potential legacy agricultural chemicals other than nitrogen in any fertilizer management program associated with fertigation.” There very well may be pesticides in the groundwater and soils, that have been long been banned for use due to the public health threat they pose.

There are several other contaminated sites in the area, many of which have become Superfund Sites. This is a serious concern. The Commission must require further testing for legacy contaminants.

Pesticides

The Commission must evaluate the impact of the potential use of pesticides on site on the Pine Barrens ecosystem and especially our groundwater and surface waters. During the SEQRA review process for the Hills PDD, we solicited the scientific input of Dr. Arthur Goldberg. Dr. Goldberg is a year round resident of Southampton Town and holds a PhD in Organic Chemistry with an emphasis in Pharmacology. He has taught chemistry at LIU for over thirty years. Dr. Goldberg determined that ten pesticides were documented as highly toxic out of the 42 pesticides proposed to be used by Discovery Land Company. Three of the pesticides proposed for use are known carcinogens. And four of the pesticides are highly toxic to aquatic organisms. The Commission must consider the impact that these toxic pesticides will have on both the health of the environment and the residents of Suffolk County, who rely on our sole source drinking water aquifer.

Ponds

The Comprehensive Land Use Plan states that ponds can only be created to accommodate stormwater runoff. While the applicant states that the two 10 feet deep ponds will be developed for irrigation purposes, they have not provided evidence to substantiate this claim. It is more likely that these ponds will be created for aesthetic and recreational purposes. The applicant plans to build a 500 square-foot “Pond House” that will “store recreational items including kayaks, life jackets and with a restroom.” It appears that these ponds are solely for recreational purposes and therefore, are not permitted under the law.

Stormwater Runoff & Erosion

The applicant plans to grade and create 63 drainage reserves areas. The CLUP requires that natural swales and depressions to be used for stormwater runoff where feasible instead of excavating recharge basins. The developer has not substantiated their claim that the use of natural swales and depressions is not feasible and they have not received an approved Stormwater Pollution Prevention Plan (SWPPP) by the NYSDEC. In addition, the applicant has not provided a plan to control stormwater pollution and soil erosion during and after the construction phase. Absent a completed SWPPP, the applicant fails to comply with the CLUP.

Wetlands

The development (including golf tees, the sewage treatment plant, and wellfield) has shifted southward, closer to nearby waterbodies. Therefore, the study of the development's proximity and potential impacts to nearby waterbodies must be reevaluated. Previous determinations that the development site was not close enough to impact nearby waterbodies are now invalid. A new evaluation must be completed in order for the Commission to ascertain the potential impact that this development will have on nearby waterbodies.

Climate Change

In looking at the long-term effects of this project on the environment, climate change needs to be accounted for. First, nitrogen pollution impacts our salt marshes. Excess nitrogen that enters our waterways severely weakens our salt marshes that serve as an important buffer from storm surge. An increase in development and nitrogen loading will most certainly decimate whatever natural buffer exists along the Weesuck Creek corridor. With an increase in the frequency and magnitude of large storms, along with degraded shorelines, we can expect significant coastal flooding in the future.

In addition, if we do not control our nitrogen loading now, we can expect climate change to create a situation where remediation will be too late. According to a recent study in *Science* journal, shows that the northeast can expect a 71% increase in precipitation. Because of that increase in precipitation, we will also see an increase in eutrophication or nitrogen pollution. On Long Island, the more it rains, the more runoff there will be and the stronger groundwater flow will be. Just accounting for climate change alone, we should expect to have to remediate nitrogen 33% or more. That is to remediate existing nitrogen pollution by 33%. New development and increased nitrogen pollution, will only stand to degrade our drinking and surface waters further.

As of January 2020, SEQRA now requires that Environmental Impact Statements include climate change assessments. The Commission must demand that the Lewis Road PRD proposal go through a comprehensive environmental review, including a climate change assessment, as provided by SEQRA.

Development Amenities

This Project is the Subject of Pending Litigation

The applicant has argued that its 18-hole professional golf course should be considered a recreational amenity to their 130 home development project. This amenity would be in addition to thousands of square feet of other recreational amenities, like pools, recreational 10 foot deep ponds, tennis courts, basketball courts, baseball field, fitness center, and more. The Planned Residential Development ordinance falls under the Town's Open Space Law (§247). The Open Space Law was designed to *prevent* large-scale development like the Lewis Road project.

One could argue that this is not a development project with a recreational amenity, but instead, a country club, which is not allowable under zoning.

We have joined Group for the East End, the East Quogue Civic Association, Assemblyman Fred Thiele and local homeowners, in two lawsuits that challenge the preliminary approval of this project by the Zoning Board of Appeals and Southampton Town Planning Board and the clear violation of the Town's Open Space Law. We argue that the Zoning Board has exceeded its authority and re-zoned the property under the guise of an interpretation. The 130 home development and the 18-hole golf course are two primary uses of the property. The golf course is not an accessory use. While these suits play out in the courts, this project has moved on to the Commission.

The Pine Barrens Commission has this very same question before them – Does the Town's Open Space Law provide for this type of resort-style development? Does it belong in the Pine Barrens? The Commission's answer and response to these questions will permanently set a precedent for other projects proposed in the future. If an 18-hole golf course can be considered a recreational amenity, what else can?

Specific Questions Regarding Amenities

The applicant states that the changing room/showers/restroom facilities are 12,000 SF. Is this common for other residential golf course communities? One would think that most homeowners and their guests would shower and change at home.

The applicant has still failed to specifically outline what a "owner" will be. They state that "owners" and their guests will be able to play the golf course. The term owner needs to be outlined specifically so that the Commission can ascertain what the overall impact of the development will be. Discovery Land Company has a nearby property in Westhampton called "Dune Deck." Will owners of "lodging memberships" at Dune Deck be permitted to play on this nearby East Quogue golf course? The developer has continuously dodged this question, as its answer has the potential to impact their nitrogen calculations and make most of their application moot.

In addition, the Commission should look into the potential impacts of the artificial turf that the developer is planning to use on its ball fields. Artificial turf is a petroleum-based product. Most artificial grass is created using SBR rubber from recycled tires. Many of the chemicals found in artificial turf have been determined to be toxic and potentially even carcinogenic. The Commission should assess the environmental impact of the use of artificial turf within the Pine Barrens.

Mining

The applicant states in their 7/1/20 response papers that “the proposed project plan will be revised to balance the site in terms of cut and fill, such that no off-site excavation of soil is necessary.” Why is this not outlined for the Commission today? An excavation plan must be outlined and provided to the Commission before they can make a determination about how large of an impact will occur from their disruption of soils. Will the sand mine right next door be considered as part of the development site and be utilized as part of their excavation plan?

The grading and excavation plan must be finalized, in order for the Commission to assess whether or not this project conforms to the standards and guidelines of the CLUP. We cannot wait for even more proposed future changes.

Traffic

The Hills project was a Development of Regional Significance because of impacts identified in a traffic study analyzing summer and fall peak traffic. Another traffic study was prepared in May 2018, for the Lewis Road PRD, which was collected in March of 2018 over the course of a single month. There was also no traffic counter placed at the busy intersection in and out of the East Coast Sand Mine. The new traffic study was not taken during the busy summer and fall peak periods and therefore, is not an accurate depiction of the potential impacts that this project will have on localized traffic. Without an accurate traffic study, the Commission is unable to ascertain if this project will be a Development of Regional Significance (DRS). There are separate standards for DRS projects that the applicant will need to abide by. A longer traffic study, taken during peak times, must be provided.

Higher traffic levels in the area both alter community character and provide an evacuation hazard during a wildfire emergency.

Placement of Roadways

The applicant plans to develop 17.31 acres of roads and driveways on slopes 10% grade or greater. The CLUP requires that developments avoid this to the fullest extent possible. The applicant has not provided any evidence why it is not possible to avoid this, and therefore does not comply with the CLUP.

Community Character

This project will completely disrupt the community character and the integrity of the Pine Barrens. The development site will be seen from roadways, from local trails, and from neighbors. The revised site plan has placed golf tees directly behind neighboring homes on Spinney Road. The Sewage Treatment Plant will be 300 yards away from nearby homes. Construction will completely disrupt neighbors’ everyday life for years during construction – there will be terrible noise and air pollution.

This project is not consistent with other development in the area. It is not consistent with the type of development that should be placed within the Compatible Growth Area of the Pine Barrens nor the Critical Resource Area.

Unanswered Questions

As you can see from the supplied Draft Staff report, the applicant has still failed to supply the Commission with the relevant information they need to evaluate this project. Many questions still remain.

It is not unlike the developer to withhold information from the Commission. The Commission sent ten letters to the Town and the applicant requesting more information about the project during the review by the Town Board and the Town Planning Board – all remained unanswered. The Town did not have the benefit of full input from the Pine Barrens Commission, because the Commission staff could not properly review the project based on the information they had.

During this review process, the applicant has either failed to answer most of the Commission's questions or answered with circular reasoning. Commissioners must ask themselves why that is.

The Developer is Playing a Game

Discovery Land Company Chairman and CEO, Mike Meldman, was featured in CSQ Magazine recently, talking about how he develops the "world's most exclusive private clubs and resort communities." His key to success when starting out was purchasing up unentitled land rather than the more expensive entitled land. The very first property that he bought "had every environmental constraint you could think of," and ultimately took Meldman 18 years to build 28 homes on those 300 acres. Meldman found that experience to be extremely valuable as he "learned how to develop through every possible environmental roadblock." Meldman also brags that he has a "PhD in development."

Meldman continues on to talk about how he would win over the volunteers on planning committees who would be deciding the fate of his projects.

Discovery Land Company's business model is to build slow-moving, time-consuming residential developments. This is exactly what we are seeing in East Quogue. This review process has been carrying on for over a decade.

Long Island's environment and our public health is not a game of chess. Long Island has the most contaminated water in the state. Long Island has some of the highest concentrations of nitrogen in our groundwater, in the country. The fate of the water supply is not a game. The public health of 1.8 million Long Islanders is not something we should be placing bets on.

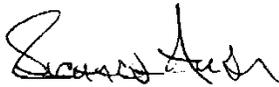
In Conclusion

The review of this project, one of the biggest and most consequential to ever come before the Commission, will set a powerful precedent for other projects that are projects that are proposed for sensitive areas of the Pine Barrens in the future.

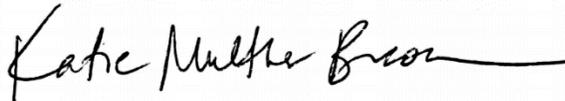
As Commissioners your job, as provided by Section 57-0121 is as follows: To protect, preserve and enhance the functional integrity of the Pine Barrens ecosystem and the significant natural resources, including plant and animal populations and communities; To protect the quality of surface water and groundwater; To discourage piecemeal and scattered development; To promote active and passive recreational and environmental educational uses that are consistent with the land use plan; and to accommodate development, in a manner consistent with the long term integrity of the Pine Barrens ecosystem and to ensure that the pattern of development is compact, efficient and orderly.

We urge you to please protect the integrity of the Pine Barrens and the Pine Barrens Act and vote down this project, once and for all.

Submitted By:



Richard Amper
Executive Director
Long Island Pine Barrens Society



Katie Muether Brown
Deputy Director
Long Island Pine Barrens Society