TOWN OF EAST HAMPTON
300 Pantigo Place – Suite 105
East Hampton, New York 11937-2684

Planning Department
JoAnne Pahwul, AICP
Director

Telephone (631) 324-2178
Fax (631) 324-1476

October 14, 2020

**TO:** Planning Board

**FROM:** Eric Schantz
Senior Planner E.S.

**RE:** Wainscott Commercial Center - Preliminary Subdivision
SCTM# 300-192-2-6.2 to 6.7

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**Last Review Date:** January 8, 2019

**Items and Date Received**: 07/28/20 Applicant submission; Cover letter re: Thirteen (13) hard copies (binders), and one flash drive containing, the Draft Environmental Impact Statement dated July 16, 2020 in support of the Application (the "DEIS") Table of Contents; Figures; Figure 1-1 Location Map; Figure 1-2 Aerial Map; Figure 2-1 Topographic Map; Figure 2-2 Monitoring Well Locations; Figure 2-3 Soil Map, Figure 2-4 Soil Borings; Figure 2-5 NYSDEC Wetlands Map; Figure 2-6 FEMA Flood Map; Figure 2-7 Critical Environmental Areas; Figure 2-8 Water Table Contours; Figure 2-9 Habitat Map; Figure 3-1 Existing Land Use; Figure 3-2 Zoning Map; Figure 3-3 Community Service School Districts; Figure 3-4 Community Services Police Districts; Appendix A-1 Positive Declaration Environmental Assessment Form Parts II and III; Appendix A-2 Subdivision Plat Plans (C-101 dated November 14, 2019), (C-102 dated November 14, 2019), (C-103 dated November 14, 2019), (C-104 dated November 14, 2019), (C-105 dated November 14, 2019), (C-106 dated December 2017), (C-107 November 14, 2019); Appendix A-3 Final Scope; Appendix A-5 Typical Plot plans (C-101 dated April 2019;Appendix B: Study of Parcels zoned Commercial Industrial (CI) within the Town of East Hampton prepared by Wainscott Commercial Center September 15, 2017; Appendix C Wainscott Water Supply District Map draft as of May 8, 2018;Appendix D-1 Soil Boring Logs East Coast Geoservices; Appendix D-2 Alpha Hydrogeology Investigation; Tables: Table 1: Survey Elevation – Sept 14, 2018 Wainscott Commercial Center Suffolk County, NY; Table 2: Ground Water Elevation Measurements- 2018 Wainscott Commercial Center Suffolk County, NY; Table 3: 2018 Laboratory Results; Table 4: Ground Water Elevation Measurements 1999-2001; Table 5: 1999 & 2000 Laboratory Results; Table 5: 1999 & 2000 Laboratory Results; Table 5: 1999 & 2000 Laboratory Results; Table 5: 1999 & 2000 Laboratory Results; Tables 1999 & 2000 Laboratory Results; Figures: Figure 1 Site Location Map; Figure 2 Combined WCC Monitoring Wells from 1999 and 2018 Investigations; Figure 3 Historic Wells

With Water Table Elevation Contour Map from 12/16/1999; Figure 4 Historic Wells with Water Table Elevation Contour Map from 3/22/2000;Figure 5 Water Table Contour Map 6/26/2018 Data; Figure 6 Water Table Contour Map 9/20/2018 Data; Figure 7 Regional Water Table Map; Figure 8 PFAS Concentrations 6/26/2018; Figure 9 PFOA and PFOS Concentrations 6/26/2018; Figure 10 Historic Wells With Iron and Manganese Concentrations on 12/21/1999; Figure 11 Iron and Manganese Concentration 6/26/2018;Appendices Appendix A Geologic Logs MW-1 through MW-7;Appendix D Topographic and Well Survey Map of Wainscott Commercial Center by Fox Land Surveying September 14, 2018; Appendix E NYSDEC and SCDHS Letters Regarding PFC Investigation in East Hampton; Appendix D-3 Alpha Environmental Assessment-Figure 1: Site Location Map; Figure 2: Areas of Environmental Interest; Figure 3 Wainscott Commercial Center Monitoring Well Hydrographs June 2018 through December 2018; Figure 4 Soil Boring Location December 2018;Figure 6 Regional Water Table Map Showing Upgradient Recharge Zone and Down Gradient Area for WCC; Figure 7: Regional Water Table Map with Areas of Concern for PFOA and PFOS; Plates: Plate 1 – Water Table Contour Map 12/7/2018 Data prepared by Fox Land Survey dated September 14, 2018; Plate 2 – Depth to Ground water Below the Land Surface (Unsaturated Thickness 12/7/2018 Data); Appendices; Appendix A List of Uses and Tenants at Wainscott Commercial Center; Appendix E-1 Sonir Manual ;Appendix E-2 Sonir Wainscott Existing Conditions; Appendix E-3 Sonir Wainscott Proposed Project; Appendix F-1 NPV Qualifications; Appendix F-2 Breeding Bird Atlas; Appendix F-3 New York State Natural Heritage Program Correspondence; Appendix G Community Service Correspondences; Appendix H Traffic Impact study Dunn Engineering Associates, P.C. June 2020; Review of Town's Wainscott Hamlet Report; Roadway Modification; Additional Considerations; Accidents Recording; Public Transportation; Hamlet Recommendations; Concept Plan: Concrete and Masonry Supply yards (Sheet C-101 dated May 2019); Alternate 3 – Reduced Density / Open Space Plan (Sheet ALT. 5.2 dated May 2019), Alternate 4 – Hamlet Plan (Sheet ALT. 5.3 dated May 2019); Appendix J Existing Conditions Photographs 1-18.

**Background Information** Preliminary Subdivision application has been made to subdivide a roughly 70 acre parcel into 50 lots with most lots ~1 acre in size and the southernmost lots (#21 & #22) to be ~4.5 acres in size and contain an existing ready-mix concrete plant and to be ~6.5 acres in size and contain an existing masonry and tile supply yard, respectively. The property is identified as 100% cleared and has been used for various commercial/industrial activities for many decades. It largely consists of a fallow, reclaimed sand pit, with existing industrial activities in its southern portions.

The property consists of multiple independent tax map parcels, all zoned CI: Commercial Industrial. It is situated in Wainscott and is surrounded by an assortment of commercial, industrial, and residential uses.

**Issues for Discussion:**

**Draft Environmental Impact Statement (DEIS)**
The applicants have submitted a Draft Environmental Impact Statement (DEIS). Due to the large size of the document, the Planning Department has broken down its comments below by section of the DEIS.

The Board should also note that the Traffic Impact Study (TIS) and hydrology, soil and groundwater information have been reviewed by the consulting firms of L.K. McLean Associates, P.C and FPM Group, respectively. Their specific comments will be submitted under separate correspondence to the Planning Board. Based on review of those materials, the Planning Department recommends that the Applicant be asked to respond to the comments and recommendations of the Town's consultants.

The Board should read the comments of the Planning Department and the consultants and determine what additional information is required at this time.

**1.0 Description of the Proposed Project**

**1.1.3 Benefits of the Proposed Project and Need**

The DEIS references the Study of Parcels Zoned Commercial Industrial within the Town of East Hampton (Appendix B). It is stated that: "Based on this analysis, it is apparent that few undeveloped CI zoned parcels remain in the Town for future small commercial service, wholesale and warehouse businesses...subdivision of the property into 50 CI lots would accommodate the current and future needs of the Town by creating small undeveloped CI zoned parcels for existing and additional service commercial, wholesale and warehouse businesses." The DEIS does not establish a need for the 50 commercial lots proposed by the Applicant. Unless and until that need exists, the claimed potential benefits of the project will remain hypothetical and the lands involved will remain underdeveloped.

While it is noted that the Study states that there are 29 vacant CI-zoned parcels remaining in Town, the Planning Department questions that this definitively proves that the "subdivision of the property into 50 CI lots would accommodate the current and future needs of the Town."

However, no economic analysis proving the need for an additional 50 lots, as designed in the proposed subdivision, has been referenced or provided. The Town's Hamlet Business District Plan of May 2017 prepared by RKG Associates, Inc. makes mention of the importance of the construction trades to the economy of the Town but makes no such claims that additional lots or CI-zoning are required, let alone provide a figure. The DEIS does not provide a separate economic analysis. This information should be required if the DEIS is going to determine that an additional 50 CI lots are needed.

The Study assumes the future development potential of CI-zoned lots and the allowable uses, and intensity of uses therein, is limited to development of vacant lots. This would appear to be an inaccurate method of determining the existing development potential for commercial/industrial uses. For example, the "sand pit" property off of Springs – Fireplace Road is not counted as potential future development. More than 70 acres of this property is zoned CI. Although this property is technically developed, it is not so to within a fraction of what would otherwise be allowable under current zoning. The redevelopment potential of this property as well as those which could also be subdivided, should be provided.

The aforementioned statement addresses the current and future needs of the Town by creating small undeveloped CI zoned parcels for existing and additional service commercial, wholesale and warehouse businesses. It should be noted though:

- Service commercial is also an allowable use in the NB: Neighborhood Business, CB: Central Business, and CS: Commercial Service Zoning Districts

- Wholesale business including lumber and building products is also an allowable use in the NB: Neighborhood Business, CB: Central Business, and WF: Waterfront Zoning Districts

- Warehouse, storage yards or building supplies distribution is also an allowable use in the CS: Commercial Service Zoning District

Therefore, future development of properties for these uses is not restricted to vacant CI: Commercial Industrial zoned lots. The DEIS should account for the full development potential for these uses throughout the Town if this is to be identified as a reason that the proposed 50 lot subdivision is necessary to fulfill a community need.

Recommendation: The Applicant should be asked to provide an economic analysis of the need for commercial sites in the Town that takes into account the availability of not only CI-zoned properties but also of other commercially-zoned properties in the Town where similar uses may be developed. This analysis should additionally compare the need for more commercial sites against the need for other types of development (mixed-use, multi-family, single-family) contemplated by the Hamlet Plan for the properties involved in the project.

## 2.0 Natural Environmental Resources

### 2.1.2 Potential Impacts – Topography

On pages 23 – 24 the potential impacts of various issues including storm water run-off as a result of final grades are addressed. It is stated that:

- "…the individual site development concept is to have 6,000 sq. ft. (or larger) surface bio-retention areas for storm water treatment and open space to the rear of each individual site."

- "Final Grading and Drainage Plans and Erosion and Sedimentation Control Plans will be prepared as part of the site plan application process."

These statements imply that these issues will be addressed as part of the individual site plan applications for each lot as opposed to in a comprehensive manner for the subdivision as a whole. Section 220-1.05 G requires that adequate drainage facilities are required subdivision improvements. Calculations and provisions for recharge basins or other such areas for storm water retention must be provided at this time.

As noted above, a final grading plan has not been provided. This information is required at this time in order to determine the potential impacts of the proposed subdivision. Pursuant to section 220-1.05 G 1 (i): "a minimum finished grade of 10 feet above mean sea level in the United States Coast and geodetic survey datum shall be required of all locations within a subdivision." The plan will also need to demonstrate that the required minimum 2' vertical separation to groundwater for sanitary system leaching pools can be obtained on each proposed lot. The grading plan should include calculations regarding the amount of fill, its composition and source location required to be brought to the site and an analysis of the type and number of trucks (including trips) required.

Additionally, a landscaping plan should be provided in order to demonstrate that the site will be replanted in a manner suitable to the surrounding natural environment, as per section 220-1.05 I (8) of the Town Code:

*"(8) Clearing, landscaping plan. Whenever the proposed improvement requires substantial clearing, filling or grading, the Planning Board shall require a landscaping plan showing that the site will be replanted in a manner suitable to the surrounding natural environment. Such plan shall require a bond or other security to assure compliance."*

## 2.3 Water Resources

### 2.3.1 Existing Conditions – Surface Water and Drainage

The summary of surface water resources does not include a small freshwater wetland on SCTM#300-192-2-16. This information should be included and the verified boundaries of the wetland should be added to the plans. The distance to the nearest wetland is also incorrectly stated on Pages 175 and 184.

### 2.3.2 Potential Impacts – Surface Water and Drainage

The DEIS inadequately assesses the potential post-construction impacts of stormwater discharges from the project and provides insufficient details regarding proposed measures to mitigate against those impacts.

While the DEIS discusses in some detail the measures that the Applicant will employ during construction to address stormwater discharges, an analysis of the potential post-construction stormwater discharges is not provided in the DEIS or any of the reports provided by the Applicant. The DEIS defers specific measures for the management and treatment of stormwater discharges from future development to a site-by-site future analysis. This approach does not provide the Planning Board the basic information it needs in order to fulfill its SEQRA responsibilities. A detailed analysis of the reasonably estimated quality and quantity of post-construction stormwater discharges, along with an evaluation of management and treatment measures to ensure that discharges of stormwater into groundwater and receiving surface waters, particularly into Georgica Pond, will meet applicable meet water quality standards and not degrade that resource, is necessary in order for the Planning Board to assess the significance of stormwater discharge impacts on the environment from the project.

As further support for this information need, NYSDEC General Permit requirements include providing engineering plans for stormwater for an industrial subdivision. The General Permit requirements do not allow an applicant to design a stormwater control system that just addresses infrastructure. The Applicant must also design control features for construction and post-construction for any part of the development that is part of the common plan of development. This includes the lots within the subdivision. Accordingly, for purposes of the Planning Board's SEQRA review, additional information about post-construction stormwater discharges, and their management and treatment, is required.

Recommendation: The Applicant should be asked to provide an analysis of the potential quality and quantity of post-construction stormwater discharges associated with the project, along with a detailed evaluation of management and treatment measures to ensure that discharges of stormwater into groundwater and receiving surface waters, particularly into Georgica Pond, will comply with applicable water quality standards and not contribute to degradation of that resource.

## 3.0 Human Environmental Resources

### 3.1.2 Land Use, Zoning & Plans –Potential Impacts

The DEIS does not consider the potential impacts of a reasonable range of allowable uses under existing zoning for the project. Instead, the Applicant states:

"Actual uses to occupy the site will be based on demand and market conditions."

The mixture of potential uses for the proposed lots may have widely varying impacts allowed by existing zoning. Taking this into account, the DEIS should provide a rationale for and consider a reasonable range of potential uses based on existing zoning. Analysis of the potential environmental impacts should be based on that mixture of potential uses through the full build-out of the project. The identification of a reasonable mixture of potential uses should follow, in part, from the analysis of the need for more commercial lots in the Town as discussed above.

The DEIS does propose, as a mitigation measure, to prohibit certain uses from the project. Page 94 of the DEIS outlines a number of individual uses which the applicants propose to prohibit through a filed covenant. These include:

- Air Terminal
- Animal Husbandry
- Boatyard
- Filling Station
- Riding Academy
- Dry Cleaning or Laundry
- Exterminator
- Fish Processing Facility
- Recycling or Scrap Yard
- Sand Mining and Excavation

No explanation is given as to why these particular uses were chosen other than to identify them as "intensive" uses. The prohibition of these uses is identified as a mitigation measure from potential adverse impacts associated with land use at the subject property.

As part of its analysis of the potential uses for the project, the Applicant should identify what impacts the prohibition of these uses is mitigating (e.g. parking, sanitary flow, water usage, hazardous chemicals) and should compare those characteristics to other allowable uses in the CI: Commercial Industrial Zoning District so as to determine the impact of this proposed mitigation. It should also be explained why these specific uses were chosen and others, such as "major car wash", "exercise studio" and "repair garage" for example, which could potentially generate high water usage, traffic and/or hazardous chemicals, were not included. If the Applicant intends that such uses may be part of the project, then they and their potential impacts should be considered as part of the mixture of uses evaluated by the DEIS.

Further in this section, on Page 98, the DEIS estimates the likely building and total lot coverage on the proposed lots. The building coverage that would result on the majority of the lots (41 of 50) is estimated to be 18.75%. Although it is unlikely that a site plan would allow for the maximum allowable building coverage in the CI: Commercial Industrial Zoning District, which is 50%, it is noted that site plans have recently been approved for sites with over 40% building coverage. Unless the Applicant is proposing to restrict building and lot coverage to a certain percentage as a mitigation measure, the

estimated building and total lot coverage should reflect the mixture of potential uses in order to determine the potential impacts of the proposed subdivision.

Recommendation: The Applicant should be asked to identify and provide a rationale for a reasonable range of potential uses for the full build-out of the project and more explanation for why certain uses are proposed to be prohibited while others are not. The analysis of the project's potential environmental impacts in the DEIS should be based on that mixture of uses and should include consideration of the reasonably-estimated building and lot coverage associated with those uses.

### 3.3.2 Potential Impacts – Water Supply

On Page 127 the DEIS states that the Suffolk County Water Authority (SCWA) was contacted with regard to anticipated water usage. On Page 128 it states: "Additionally, SCWA indicated that as the buildout of the site will occur over a number of years and possibly decades, it is "difficult to fully analyze prospective issues as they relate to water supply"." However, the SCWA letter referenced (dated October 10, 2019) states "as you indicated in your letter, build out of the site will occur over a number of years and possible decades therefore peak water demand on a yearly basis cannot be estimated at this time."

The SCWA's letter seems to indicate that a peak estimate cannot be provided as the applicants have not provided an estimation of the number and types of uses that would be anticipated as part of a comprehensive review of the subdivision or another such comprehensive estimation of anticipated water usage. The SCWA, as an involved agency, should be provided additional information and the estimated peak water usage for the entire subdivision upon complete build-out should be provided in order to determine if there would be any adverse impacts upon water supply in the area. It should also be noted that in other parts of the DEIS, estimated potable domestic water demand is 16,016 GPD (e.g. Page 127)

Recommendation: As part of the analysis of the potential environmental impacts from a reasonable range of potential uses associated with the project's full build-out, the Applicant should be asked to obtain confirmation from the SCWA that sufficient capacity will exist or is anticipated to be available to serve the project's water supply needs based on that mixture of uses and their estimated water demands.

### 3.3.2 Potential Impacts – Wastewater Treatment and Disposal

As noted in the DEIS in various sections, the subject site is within the watershed of Georgica Pond, an impaired water. This is largely the result of excessive nitrogen causing algal and bacterial blooms.

The DEIS states that "…the exact sanitary waste generation cannot be determined at this time." It is stated that the potential sanitary waste to be generated at full build out is

roughly 16,016 GPD based on using the Suffolk County Department of Health Services (SCDHS) generated flow factor of 0.04 GPD/sq. ft. for general industrial space and 0.06 GPD/sq. ft. for non-medical office space. However, there is no breakdown of how many lots were anticipated to generate flow at each rate. No range of potential quantities of generated sanitary flow based upon various uses has been provided. Additionally, as these generated flow rates are determined based on square footage, the range of potential flow rates should account not only for a range of uses but also for a range of building sizes. It is impossible to determine the potential generated wastewater flow without this information.

The DEIS states that all of the proposed lots will be provided with individual low nitrogen sanitary systems that will be required to meet SCDHS standards. No information comparing the efficacy of nitrogen reduction between individual systems and a sewage treatment plant for the whole subdivision has been provided. This information should be required to determine how to most effectively mitigate any potential adverse impacts from generated sanitary flow.

No information pertaining to anticipated types of hazardous chemicals or their storage and disposal has been provided. The DEIS states in numerous areas that one of the most common uses on the created lots would be service commercial. This use category includes roofers, painters, pool companies, etc. who often use hazardous chemicals in their trade. Hazardous chemicals can often be poured down drains and end up in a sanitary system or poured onto the ground directly. The potential impacts of such activities should be considered.

Recommendation: The Applicant should be asked to provide an analysis of the potential wastewater impacts from the project based on the reasonably-anticipated mixture of uses identified. This analysis should include consideration of a sewage treatment plant to serve the entire subdivision and should provide a comparison of the environmental impacts of a community system with those of individual systems based on the potential mixture of uses for the project. Additionally, this analysis should take into account the potential combined impacts of stormwater and wastewater discharges from the project and discuss treatment measures necessary in order to ensure compliance with applicable water quality and to avoid degradation of Georgica Pond attributable to groundwater discharges from the site.

### 3.4.2 – Potential Impacts – Traffic

Reference is made to the October 9, 2020 comments from the Town's traffic consultant for consideration by the Planning Board and in particular, the recommendation of coordinated dialogue between the Applicant, the Town and the NYS Department of Transportation concerning mitigation measures for traffic impacts.

On Page 154 the DEIS states that the un-signalized intersections along Montauk Highway will have levels of service that would be deemed failing under both the build and no build

conditions. It also notes on this page the estimated number of vehicular trips at various peak hours.

The Site Trip Generation Analysis of the Traffic Impact Study (Page 25) uses the land use definition "Industrial Park" to calculate estimated generated vehicular trips. The DEIS states that the trip generation rates for Industrial Park are based on manufacturing, service, and warehouse uses, resulting in 13% of the trips generated by trucks. However, manufacturing and warehouse uses are not typical for East Hampton's economy. The most common use of CI zoned lots is for service commercial uses that include such uses as construction, landscaping, and pool contractors, all of which generate substantial truck traffic and two waves of traffic in the AM and PM as workers report in the morning and leave in the afternoon. The Traffic analysis should take this into consideration.

Estimated trip generation for this use is based upon the size of a principal building. The Traffic Impact Study assumes that the majority of the lots will have a building coverage of 18.75%. Although it is true that the maximum allowable building coverage in the CI: Commercial Industrial Zoning District (50%) is unlikely to occur on any of the lots due to generated sanitary flow, parking needs, etc. it is quite common to have buildings which would exceed this percentage. For example, the Planning Board recently approved a warehouse building of over 40% building coverage. The Traffic Impact Study should be revised to provide a range of estimated generated vehicular trips based upon varying percentages of building coverage so that the range of potential impacts on Montauk Highway and other adjacent roadways and intersections can be determined.

It should be further noted that two-story buildings are permitted in the CI: Commercial Industrial Zoning District. Therefore, building coverage is not the sole determinant of the amount of gross floor area that could be attributed to a use on a particular lot. Each lot would be allowed 2 separate uses as a matter of right. Affordable accessory apartments are allowed by special permit. For all of these reasons, estimates for building coverages over 18.75% are warranted and necessary to determine the scope of the potential adverse impact from generated traffic.

Recommendation: The Applicant should be asked to respond to the comments provided by the Town's traffic consultant and a coordinated dialogue with the NYS Department of Transportation should be initiated concerning mitigation measures from traffic impacts associated with the project. The Applicant should also compare the estimated traffic impacts in the DEIS Trip Generation Manual published by the Institute of Transportation Engineers with the impacts associated with the mixture of potential uses identified for full build-out of the project and provide an analysis of any greater or substantially different impacts associated with the mixture of uses.

## 4.0 Other Environmental Impacts

## 4.1 Unavoidable Adverse Environmental Impacts

The DEIS states that "…irrigation will be minimized by utilization of rain gardens and low mow fescue with no fertilizer dependent vegetation." It is assumed that this relates to the individual lots. No mechanism to ensure this, such as a covenant, has been identified. Additionally, rain gardens need to be designed based upon generated storm water run-off individual to each lot making a covenant or other such condition difficult to enforce in the future. For example, will design standards such as square footage, depth, materials, etc. be established and could they actually be feasible on every lot?

Although both issues are noted above, on Page 154 – 155 the increases in generated sanitary flow and storm water run-off are noted as unavoidable adverse environmental impacts. Again, in this section, it is stated that both issues will be dealt on a lot-by-lot basis as development happens and no consideration to comprehensive subdivision improvements such as recharge basins or a sewage treatment system have been offered as alternatives.

### 4.4.1 Energy Use, Conservation and Climate Change – Energy Use and Conservation

The DEIS states that "…future development at the subject property will:

- To the extent practicable, utilize reflective roofing for all proposed buildings to reduce heat absorption and conserve energy;
- To the extent practicable, future building exteriors will be constructed using recycled content and integral insulation for increased energy efficiency"

Recommendation: The Applicant should be asked to clarify how this would be enforced and to what extent if it is to be considered as a mitigation element of the subdivision.

### 5.0 Alternatives

The proposed subdivision layout includes reserved areas around the periphery of the site as opposed to one block of open space. It has been past practice of the Planning Board to require that reserved areas not be broken up into various small pieces but rather to be in one contiguous block. More broadly, the alternatives should take into account setback and other restrictions of existing zoning for the site.

Pursuant to the adopted final scope, it has been identified that the proposed project "may result in the loss of future recreational resources". Among these would be a portion of the South Fork Bikeway which calls for a bike lane to be established along the northern portions of this property. This plan has been in place since it was adopted into the Comprehensive Plan.

Recommendation: The proposed subdivision as well as the alternatives offered in the DEIS should include this important potential future recreational, and transportation resource by providing a minimum 20' wide right-of-way parallel to the Long Island Railroad right-of-way. The Applicant should be asked to provide updated alternative

plans that include this important resource and that take into account setbacks and other restrictions in existing zoning for the site.

### 5.2 Alternative 1: No Action Alternative

The DEIS defines the no action alternative: "The No Action Alternative assumes that the subject property would continue to remain six tax map lots…and approximately 56 acres of the roughly 70.51 acres site would remain in its existing condition as a predominantly vacant and underutilized as a former sand mine…There would be no new clearing, ground or site disturbance, no construction and no other activities on the property in the immediate future."

In the case of the subject application, the "action" under SEQRA is the subdivision of the property. The applicants not undertaking the action, the subdivision, does not preclude them from further developing the property as six individual lots provided applicable zoning and other regulations are met.

Recommendation: The DEIS should be revised to identify the development potential of the property as six individual tax map parcels.

### 5.3 Alternative 2: Suffolk Cement Relocation Alternative

As noted in the DEIS this alternative is similar to the proposed subdivision. Additionally, there is nothing in the proposed subdivision design that would preclude the relocation of Suffolk Cement onto either a single lot or, if needed, across two lots that could be merged. As such, this does not truly represent an alternative subdivision design.

The advantages and disadvantages section does not make any mention of the potential impacts to the residential properties to the east associated with relocating Suffolk Cement closer to these lots. A full discussion of the scope of the potential adverse impacts from this alternative including dust, noise, etc. should be provided.

### 5.4 Alternative 3: Open Space Alternative

#### 5.4.3 Ecology

On Page 176 and 180, a disadvantage of the Open Space Alternative is stated to be that existing pitch pine/oak forest will be lost, presumably due to the fact that the reserved areas proposed around the periphery of the site under the proposed subdivision layout would no longer exist. However, this assumes that the Planning Board would not require that these areas be preserved either through the establishment of building envelopes, scenic easements or other means. Section 220-1.05 I directs the Planning Board to do just this:

*"(4) Natural vegetation. Trees and natural vegetation shall be preserved and integrated with proposed improvements wherever possible."*

These areas also contain steep slopes which the Planning Board would also require not be included as buildable area (section 220-1.06 H (2) (e)) and be preserved as per section 220-1.05 I (3) of the Town Code.

*"(3) Topographic features. Destruction of significant topographic features shall not be permitted"*

This should not be identified as a disadvantage of the Open Space Alternative. This is also identified as a disadvantage of the Hamlet Plan Alternative (below) and should not be.

Recommendation: This alternative and the Hamlet Plan Alternatives should be revised to provide for the retention of the existing pitch pine/oak forest on the site.

### 5.4.7 Conclusions

With regard to the Open Space Alternative, the DEIS states: "Additionally, it is uncertain if the Town would purchase the Suffolk Cement parcel. Therefore, this parcel could remain vacant and underutilized if not purchased by the Town…" Although it is true that the parcel could remain vacant and underutilized, it could also be developed like any other industrial lot. The DEIS should note this fact.

### 5.5 Alternative 4: Hamlet Plan Alternative

As the name suggests, the Hamlet Plan Alternative is an attempt to offer an alternative subdivision layout which is comparable to the development concept described and illustrated in the Hamlet Study for Wainscott. This plan includes a 10% reserved area (7 acres) as required by the Town Code, the potential relocation of Suffolk Cement to create a 4.25 acre parcel for possible Town acquisition and a 14 acre parcel which is identified as "to be acquired by Town for park".

Although this layout mirrors some of the details of the concept plan provided in the Hamlet Study it is missing numerous key elements. Specifically, there are no areas of mixed use, or single or multi-family housing. Although it is noted that the current zoning does not allow for housing, a zone change is a possible remedy for this. Assuming that such a zoning change occurred, an alternative which is more in keeping with the vision of the concept plan included in the Hamlet Study for Wainscott should be included and considered in the DEIS.

Additionally, although this alternative provides a possible train station, as identified in the Hamlet Study concept, the station has been illustrated in the northeastern corner of the property as opposed to the northwestern corner. This should be amended as locating the train station in the northeastern corner, which would place it close to an area at the intersection of Hedges Lane and Daniel's Hole Road which contains a train trestle and a sharp curve both of which limit sight distance.

The DEIS identifies that under this alternative, a 14 acre parcel will be set aside for potential purchase by the Town. It is stated that: "…if the Town is unable or unwilling to purchase this land, the parcels depicted in these alternatives would remain vacant and underutilized." Although it is true that the parcel could remain vacant and underutilized, it could also be developed like any other lot under existing zoning that allows for mixed and/or residential uses or sold to a developer. The same potential exists for the other lands identified in the Hamlet Plan for public use. The DEIS should note this fact and consider the potential advantages and disadvantages of these alternative scenarios.

**"Conceptual Framework: Gravel Pit" concept sketch from Page 26 of the Wainscott Hamlet Report**

**Recommendation:** The Applicant should be asked to provide and consider the advantages and disadvantages of an alternative that is consistent with the Town's vision of the Hamlet Plan as providing a mixture of commercial, residential and industrial uses on the site, based on an assumption of amended zoning that would allow those uses. The DEIS should take into account alternative scenarios for the potential public vs private development of the lands identified in the Hamlet Plan for public purposes.

**Planning Department Conclusion**
The Board should consider all of the aforementioned items which have been identified by the Planning Department as elements of the DEIS that make it incomplete at this time. The Board should also consider the comments offered by the consulting firms and determine if the elements identified in their reports are also required to be addressed before a public hearing for the DEIS can be scheduled.

In numerous sections, the DEIS references that certain issues such as final grades, generated sanitary flow, drainage control, etc. will be addressed on a lot-by-lot basis as each is developed. Under such a course of review, it would be impossible for the Planning Board as lead agency or any of the involved agencies to assess the potential for adverse impacts as a result of the proposed subdivision. This fact is reflected in many of the recommended changes/additions to the DEIS outlined in this memorandum. The DEIS needs to be amended in the specific ways outlined above and as outlined by the Board's consultants but the general issue is that a complete and comprehensive review of the proposed project has not been provided at this time.

As per section 220-1.05 E of the Town Code:

*"Integrated plan. At the time of the initial application, all projected improvements to the site shall be disclosed and considered so that an integrated plan of future improvements is developed.*

ES

**Planning Board Consensus**

*Should the additions and changes to the DEIS as outlined above be submitted?*

Additional comments: _____

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*Should the additions and changes to the DEIS outlined by FPM Group be submitted?*

Additional comments: _____

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*Should the additions and changes to the DEIS outlined by L.K McLean & Associates, P.C. be submitted?*

Additional comments: _____

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*Are there any additional additions or changes to the DEIS that the Planning Board requires at this time?*

Additional comments: _____

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L.K. McLEAN ASSOCIATES, P.C.

437 South Country Road, Brookhaven NY 11719
(631) 286-8668/fax (631) 286-6314

MEMO TO: Samuel Kramer, Planning Board Chairman

FROM: Raymond DiBiase, PE, PTOE, PTP, L.K. Mc Lean Associates

DATE: October 9, 2020

RE: Traffic Impact Study, Wainscott Commercial Center
LKMA Project 20100

As requested, we have reviewed the Traffic Impact Study Appendix of the DEIS for the above noted project. The June 2020 Traffic Impact Study (TIS) was prepared by Dunn Engineering Associates.

We have the following comments. All of these comments should be forwarded to the applicant for responses.

1. Given the size of the proposed development; the various alternative scenarios that were assessed; the assumptions that were made in developing analyses which led to the identification of mitigation measures; and the proposed sharing of the implementation mitigation measures among the applicant, the State and the Town; these comments should be considered as our initial comments on the Traffic Impact Study (TIS). We suggest that a dialogue be established between the aforementioned parties to discuss these comments and refine them, and expand them as the review process proceeds and more detail is developed for the traffic impacts and proposed mitigation.
2. In accordance with SEQRA, the applicant is responsible for mitigating **all** of the effects caused by the additional traffic generated by the proposed project.
3. Reference is made to the improvements proposed along the NY 27/Montauk Highway Wainscott Hamlet Study prepared by Dodson & Flinker, Fine Arts and Sciences, and L.K. McLean Associates (LKMA) and finalized in 2018. In particular, roundabouts were proposed at two of the intersections studied in the Hamlet Study, firstly due to the fact that the NY State Department of Transportation (NYSDOT) requires that roundabouts be assessed as the first option to improve intersection capacity and safety, prior to the assessment of traffic signal installation. Secondly, in accordance with the Transportation Element of the Town's Comprehensive Plan, which was re-adopted in 2005 with only minor revisions from the Town Transportation Plan prepared by LKMA in 1997, "in an attempt to preserve the rural character of the Town, the public mandate is to **avoid** the following roadway improvements:
    - Addition of travel lanes on existing roads
    - Construction of "bypass" roads to congested routes
    - **Installation of traffic signals**
    - Encouragement of the use of existing "bypass" roads

4. The traffic count data was collected on a summer Thursday, and from the data it was concluded that 40% of the traffic to the site would originate from the east and west, and 20% from the north. As there are numerous summer and "shoulder season" weekends, and with peak traffic days being Friday and Monday, confirmation of that conclusion based on historical count data on those days should be provided.

5. The Trip Generation rates used in the study were the higher of the rates published in the 9th and 10th Edition of the Institute of Transportation Engineers' Trip Generation Manual. While the weekday rates in the 9th Edition were higher, and were utilized to be conservative, the Saturday rate in the 9th Edition was also used. However, since the Saturday rate in the 10th Edition is 25% higher than that in the 9th Edition, the rates in the 10th Edition should be used to compute generated trips on Saturday.

6. We have some comments on the intersection capacity analyses:

    - Full print-outs rather than the one-page summaries should be provided to enable review of full input and output data.

    - Peak hour factors and truck percentages were calculated using traffic count data collected in August 2017, yet default values of 0.92 and 3%, respectively, appear to be used in all analyses for all intersections. Actual peak hour factors by approach should be used in the analyses, and truck percentages, particularly those for the Build Conditions, should be reviewed.

    - On Page 48, the conflict between two following groups of statements needs to be addressed:

        - "Under the 2021 No Build conditions, the level of service for the Montauk Highway left-turns remains at levels of service A and B for these two intersections and all time periods. During the weekday morning and evening peak periods as well as Saturday peak periods the side street approaches will also continue to operate at level of Service C at Georgica Drive and D at Old Montauk Highway, as under existing conditions"

        - "Overall it must be recognized that the unsignalized operations along Montauk Highway are at or near failure under existing conditions..."

    Any comparison of Level of Service results must include a comparison of the corresponding delay values (in seconds per vehicle) for the critical vehicular movement.

7. Regarding the proposed accesses to the site:

    - It is noted that at the northwest site access to Wainscott Northwest Road, trucks exiting the site would be prohibited from turning left. Unless there is a physical means of preventing this movement, it can be considered likely that some truck drivers would disregard signs prohibiting that turn, and would proceed south onto a primarily residential segment of Wainscott Northwest Road. Similarly, truckers entering the site from NY 27 via northbound Wainscott Road who desire to drive to northwest areas of the site could use the same road segment.

- It is noted that the proposed northeast access to Daniel's Hole Road would be shifted south to a point near a horizontal curve on that roadway (and away from the narrow LIRR overpass to the north), utilizing other lands of the applicant, to improve sight distance. It appears that to achieve that objective the access roadway would bisect Hedges Lane, another primarily residential roadway, thus attracting additional traffic on that roadway which the community would undoubtedly object to.
- The realignment of the west end of Old Montauk Highway at its intersection with NY 27, to facilitate access to the site by the extension of Georgica Drive, places Old Montauk Highway only about 50 feet from NY 27. Queued vehicles on Georgica Drive would likely restrict the ability to make left turns from Old Montauk Highway.
- The conversion of Bathgate Road to one-way westbound traffic flow would require patrons from the north, who are destined for the office/retail establishments on the north side of NY 27 between Wainscott Northwest Road and Georgica Drive, to make a left turn onto eastbound Montauk Highway, and a subsequent left turn, to access that area. Conversion of Bathgate Road to one-way traffic flow was not a recommendation of the Hamlet Study.

8. Traffic conditions during construction, including truck volumes, should be discussed in the TIS.
9. Given the size of the development, the relocation or establishment of Suffolk Transit bus stops within the site should be addressed with Suffolk Transit.
10. Regarding the traffic accident analysis, an accident summary including daylight (e.g. day, night, dawn/dusk) and pavement condition (dry, wet, snow/ice) should be provided.
11. As noted in Comment 1 above, we strongly recommend that these comments be shared with NYSDOT to ensure coordination with its comments, and to expedite project review.

RD:rd

c.c. JoAnne Pahwul, Planning Director
Eric Schantz
Thomas Crouch

**FPM** group Engineering and Environmental Science

An Olgoonik Company

CORPORATE HEADQUARTERS
640 Johnson Avenue
Suite 101
Bohemia, NY 11716
631-737-6200
Fax 631-737-2410

**VIA EMAIL**

October 13, 2020

Mr. Samuel Kramer
Planning Board Chairman
Town of East Hampton
Planning Department
300 Pantigo Place, Suite 103
East Hampton, NY 11937

Re: **Evaluation of Hydrology Issues**
**Draft Environmental Impact Statement for Wainscott Commercial Center**
**Preliminary Subdivision, Wainscott, NY, July 2020**
**FPM File No. 158-20-78**

Dear Chairman Kramer:

As requested, FPM Group (FPM) has reviewed the relevant portions of the provided Draft Environmental Impact Statement (DEIS) for the above-referenced Wainscott Commercial Center Preliminary Subdivision (WCCPS) with the objective of evaluating hydrology issues that may be presented by the proposed project. Our review focused primarily on issues concerning water supply, wastewater management, and potential contamination in the project area; this report identifies certain issues that do not appear to have been fully addressed in the DEIS.

This report has been prepared for use by the Town of East Hampton (Town) and includes comments and recommendations intended to assist the Town in further responding to the applicant and developing project requirements for the WCCPD. Some of the comments were provided in response to specific requests for information from the Town. Our significant comments and recommendations are noted in **bold type** for clarity.

**Water Supply Needs**

The contemplated uses of the WCCPS were reviewed with respect to water supply needs. Based on the DEIS, we understand that the proposed project includes subdivision of the 70.51-acre property to enable development of 50 commercial/industrial (C/I) parcels, including the continued operation of an existing redi-mix concrete plant and an existing masonry and tile supply yard. The applicant has indicated that uses are expected to include "small service commercial, wholesale and warehouse business" (page 94), but that actual uses will ultimately be determined by demand and market conditions. The applicant noted that some allowed or special permitted C/I uses would not be permitted under the proposed project in that "a covenant will be voluntarily offered and filed by the Applicant to not allow the following uses" (page 94), including Air Terminal, Animal Husbandry, Boat Yard, Filling Station, Riding Academy, Dry Cleaning or Laundry, Exterminator, Fish Processing Facility, Recycling and Scrap Yard, and Sand Mining and Excavation. This covenant would still allow for some potential water-intensive uses including, but not limited to, agriculture, fish markets, mariculture, and wholesale bakeries. **We recommend that the applicant further define the C/I uses that are contemplated under this project so that a**

**more detailed evaluation of potential water supply needs and resultant sanitary waste discharges can be performed.**

We understand that the Applicant contacted the Suffolk County Water Authority (SCWA) to obtain confirmation of public water availability for the project, but did not receive such confirmation (pgs. 127-128). The absence of this confirmation was apparently the result of the contemplated development of the property over "a number of years and possibly decades" (pg. 128), resulting in the SCWA having difficulty in "fully analyzing prospective issues as they relate to water supply". Nevertheless, the DEIS concludes (pg. 128) that the subdivision and future development are not anticipated to result in significant adverse impacts with respect to water supply. Based on the information provided, such a conclusion cannot be reached without more information regarding the anticipated water use of the project and the availability of public water from the SCWA. **Once the potential uses of the property are more defined and the anticipated water supply needs of the property when fully developed are estimated, the Applicant should obtain confirmation from the SCWA that there is sufficient existing or planned water supply infrastructure and capacity to provide public water to the project when fully developed.**

**Wastewater Management**

Wastewater management for the proposed WCCPS will include an onsite sanitary waste disposal system for each of the 50 lots. Construction of a single sewage treatment plant (STP) to service the entire property is not proposed as the anticipated buildout of WCCPS may occur "over several years if not decades". **A single STP should be considered for the proposed development as an STP typically results in greater nitrogen removal than individual onsite systems.** To accommodate the anticipated changes in flow rate during development, the STP could be planned to be constructed to initially accommodate lower flow rates with the potential for expansion as the development's occupancy increases.

The proposed individual onsite systems will reportedly include Low Nitrogen Sanitary Systems in conformance with Town requirements and Suffolk County Innovative and Alternative Onsite Water Treatment Systems (I/A OWTS) Sanitary Code requirements. Stormwater management is proposed to include rain gardens for each individual parcel and storm drains with associated leaching pools for the interior WCCPS roadways. Plot plans for typical parcels in the WCCPS were included in Appendix A-5 of the DEIS and generally indicate that the sanitary systems, including a septic tank and associated leaching pools, will be located beneath the parking area at the front of each lot and stormwater will be directed to the proposed rain gardens at the rear of each lot via grading of pavement or directed discharge of stormwater infrastructure. **No infrastructure was depicted for typical components of the proposed I/A OWTSs, which is inconsistent with the text in the DEIS. Furthermore, the applicant should indicate if the proposed redevelopment will include uses with discharges that will require obtaining a SPDES permit.**

As noted in the Alpha Geoscience 2018 Hydrogeology Investigation of the property (Appendix D-2 of the DEIS), the water table at the WCCPS is documented to range from as shallow as 2 feet below grade in the central (SG-1) and southwestern portions (MW-1) of the property to as deep as 15 feet below grade in the southeast portion. It should be noted that a minimum two-foot separation from the seasonal high water table to the base of leaching structures is required per Suffolk County Sanitary Code; however, **we recommend a greater separation to further reduce nitrogen impacts to groundwater due to the property's upgradient proximity the Georgica Pond, an impaired water body. A minimum four-foot separation should be considered.** Although the DEIS contemplates using existing onsite soil piles to regrade portions of the property, which is anticipated to raise the grade somewhat in the interior, no import of fill is

contemplated and there does not appear to be any analysis of how the required minimum separation will be achieved for either the sanitary waste disposal systems or the stormwater management systems. **We recommend that a more detailed analysis be provided for both the stormwater management systems for the roadways and sanitary waste management for a typical interior parcel (including using a representative I/A OWTS placed beneath a parking area) so that designs for these systems can be evaluated to ensure compatibility with the actual site conditions.**

FPM reviewed the onsite soils information presented in the DEIS, including Section 2.2 and boring logs from East Coast Geoservices, LLC (Appendix D-1) and Alpha Geoscience's 2018 Hydrogeology Investigation (Appendix D-2). FPM also reviewed the limited onsite soil information presented in the New York State Department of Environmental Conservation (NYSDEC) 2020 Site Characterization report for the Wainscott Sand and Gravel Site. This review was conducted to assess potential issues relative to onsite wastewater management. We note that boring logs were listed as Appendix F to Alpha Geoscience's 2018 Environmental Assessment for the WCCPS, but were not included with the copy of this report in Appendix D-3 of the DEIS. **This omission should be corrected.**

Section 2.2 of the DEIS noted that Carver and Plymouth type soils are mapped in the northern portion of the WCCPS and gravel pit and cut and fill land are mapped in the central and southern portions of the WCCPS, as described in the Soil Survey of Suffolk County. However, based on our review of 1978 and 1984 aerial photographs of the property (Suffolk County GIS viewer - https://gis3.suffolkcountyny.gov/gisviewer/) we note that sand and gravel pit areas extended to the northern portion of the property at these times and, based upon the presence of standing water, appear to have included sand and gravel mining below the water table, resulting in removal of the former natural soils in these areas. Only the northern, eastern and western-most perimeter areas appear to have been undisturbed by former sand and gravel mining activities. **We recommend that Section 2.2 of the DEIS be revised to more accurately depict the types of soils that are actually present throughout the project site; this analysis should include an assessment of the lateral and vertical extent of the former mined areas that have now been reclaimed with fill.**

A review of soil boring information presented in the reports for the several investigations conducted at the WCCPS indicates that the onsite soils consist mostly of fine to coarse sand with lesser amounts of silt and gravel. Fill materials that include brick, concrete, and/or wood chips were also noted in several borings. **As fine sand was noted as a main soil component in the majority of the soil borings, and more silty soil is present towards the north end of the property, we recommend that percolation tests be conducted in several representative areas of the property to provide site-specific information needed to properly design sanitary wastewater and stormwater management facilities for the WCCPS.**

An FPM Professional Engineer (PE) reviewed the estimated design flow information provided in the DEIS (page 17) and noted that the calculation for population density equivalent for construction projects other than single-family residences located within Groundwater Management Zones (GMZ) III, V and VI is incorrect as per SCDHS *Standards for Approval of Plans and Construction for Sewage Disposal systems for other than Single Family Residences* (September 2017). **The design flow is calculated by multiplying the property size (70.51 acres) by 300 gallons per day (gpd)/acre for projects in GMZ III, V and VI, which equals 21,153 gpd, not the 528,832.5 gpd design flow stated in the DEIS. The full buildout flow reported in the DEIS (page 17), including the current onsite uses, is calculated to be 16,016 gpd. Therefore, using the corrected design flow information the proposed flow for the**

**proposed development is approximately 76% of the allowable flow, not 3.02% referenced in the DEIS.**

We also note that the Applicant calculated the full buildout wastewater flow using a hydraulic load factor of 0.04 gpd per square foot for general industrial uses (this includes up to 15% of related office space). However, the contemplated uses of the property include commercial uses as well as industrial uses. The Applicant notes (pg. 17) that a hydraulic load factor of 0.06 gpd per square foot is applicable for non-medical office space, such as the existing office space above the existing Southampton Masonry showroom. **We recommend that a hydraulic load factor that is more representative of the overall anticipated uses of the property be used to calculate the full buildout flow.**

Nitrogen in recharge was evaluated for the proposed development using SONIR nitrogen mass-balance model, the process and results of which were documented in the DEIS. Two model runs were made – one for the existing condition of the property and one for the proposed use of the property. In reviewing the input parameters for the model, it was noted that acreages for each type of use described in the DEIS (Table 3-3, page 95) were different than the values utilized in the SONIR model runs for both the existing condition and the proposed WCCPS. Examples of some of these differences for the proposed WCCPS include: paved, building areas or other impervious area - 47 acres in Table 3.3 vs. 30 acres in the model, forested area - 7.6 acres in Table 3.3 vs. 9.2 acres in the model, non-vegetated area – 3.8 acres in Table 3.3 vs. 31.11 acres in the model. These parameters are crucial for the correct calculations of nitrogen in recharge. We also noted that the input for the amount of nitrogen in water supply was assumed to be 2.00 milligrams per liter (mg/l). However, the DEIS notes (pg. 46) that the average concentration of nitrate in public water supplied to the project area is 3.68 mg/l. This value also affects the calculated value of nitrogen in recharge. **We recommend that the parameters used in both SONIR model runs be revised to accurately reflect the information presented in the DEIS and that the model be re-run so that nitrogen in recharge from both the current condition and the proposed project can be properly evaluated.**

We note that the proposed use of the property will include providing public water to each of the parcels, with resultant onsite recharge of that water after use as sanitary waste, irrigation water, and/or commercial/industrial process water. In the DEIS we did not find an assessment of the potential effect on the water table of increasing the net recharge to the property. One might expect that some mounding of the water table may occur due to this increased recharge, which may have a negative effect on the functioning of sanitary waste disposal systems or other discharge infrastructure, particularly in areas of the property where the water table is shallow. Such mounding may also affect the direction of groundwater flow in the areas where mounds are present, which can affect the migration of contaminants that may be present in the groundwater, as discussed below. **We recommend that the DEIS include an assessment of potential groundwater mounding from increased recharge associated with the project, including an assessment of potential impacts on onsite sanitary and stormwater systems and the existing groundwater flow pattern.**

**Soil and Groundwater Quality**

Several investigations have been performed at the WCCPS to evaluate groundwater and soil conditions, including a Hydrogeologic Investigation (November 2018) and an Environmental Assessment (January 2019) by Alpha Geoscience (AG), and a Site Characterization conducted by HDR under contract to the NYSDEC (July 2020). Information from these investigations was presented in the DEIS or obtained directly from the reports and was further reviewed by FPM to evaluate potential soil and groundwater quality concerns associated with the proposed project.

Hydrogeologic Investigation

The hydrogeologic investigation conducted by AG included installation of seven wells with associated soil borings around the perimeter of the WCCPS. A summary of sampling data from prior investigations conducted in 1999 and 2000 was also provided in the report. Groundwater was noted to flow to the southeast toward Georgica Pond. The 1999 investigation included testing of groundwater samples for volatile organic compounds (VOCs), metals, and general chemistry parameters, with select wells also tested for semivolatile organic compounds (SVOCs), pesticides and herbicides. Two metals, iron and manganese, were noted at concentrations in excess of NYSDEC Class GA Ambient Water Quality Standards (Standards) for groundwater. These metals are commonly elevated in Long Island groundwater and do not appear to present a concern for the proposed project.

The 2018 investigation included sampling of each perimeter well and a centrally-located well (former OMW-1A/MW-8) for per- and polyfluoroalkyl substances (PFAS), 1,4-dioxane, metals, hexavalent chromium, nitrite, nitrate, sulfite and chloride. Elevated detections of iron and/or manganese in excess of Standards were noted in wells MW-2, MW-7 and MW-8. Sodium was noted above its Standard in upgradient perimeter wells MW-4 and MW-5, which may be associated with the use of road salt in the upgradient vicinity of the property. Several PFAS compounds were detected at concentrations in excess of the current (January 2020) NYSDEC PFAS guidance, including PFOS, PFOA, PFHxS, and/or PFNA; these detections were noted in wells situated upgradient, downgradient, and within an onsite area in the northern part of the property that had reportedly been used for fire fighter training.

Environmental Assessment

An environmental assessment was conducted by AG to assess soil quality at the property; the scope of work was developed based upon the Hydrogeologic Investigation findings, past uses of the property, and the reported firefighting training activities. Water level data from the existing monitoring well network were also collected to further evaluate the direction of groundwater flow. Soil borings were performed in areas of interest, including three soil borings in the reported firefighting training area in the northern portion of the property, three soil borings in the southern area of the property where a furniture and diesel repair shop formerly operated, and thirteen soil borings situated in the interior and along the perimeter of the property. **We note that soil boring logs and laboratory data that were included in the original report were not included in the version of the report in the DEIS and, therefore, could not be reviewed. This information should be provided for review.**

Shallow soil samples from just below grade to up to 1.5 feet below grade were retained from each boring and analyzed for select metals; several metals were detected, however, no exceedances of the NYSDEC Part 375 Soil Cleanup Objectives (SCOs) for unrestricted use were noted. Soil samples from the area of the diesel and furniture repair shop were retained for analysis of VOCs and SVOCs at depths ranging from 4 to 6 feet at SB-17 to 6 to 8 feet at SB-19. No evidence of impacts (visual, odors, or photoionization detector responses) were noted on the soils from these borings and no VOCs or SVOCs were detected in the samples. These findings do not suggest potential impacts from metals, VOCs, or SVOCs in the areas tested.

Three shallow samples (SB-1 through SB-3) were retained from 0 to 6 inches below grade in the area of reported firefighting training activities and analyzed for PFAS compounds. PFAS compounds were detected in all the samples, including perfluorotridecanoic acid (PFTrDA) at a maximum of 3.8 micrograms per kilogram (ug/kg) in SB-1 and perfluoroundecanoic acid (PFUnA),

at a maximum of 8.1 ug/kg in SB-1. Although the NYSDEC presently provides no SCOs for these compounds, we note that current NYSDEC PFAS guidance for environmental sites stipulates that soil to be imported to a site and that contains PFAS compounds above 1 ug/kg is to be tested using a leaching procedure to determine if PFAS is likely to leach into groundwater. **Based on the detected levels of PFAS in soil in the reported former firefighting area, we conclude that PFAS impacts are present in soil in this area. We also conclude that the levels of PFAS are sufficiently elevated that it is possible that PFAS can leach into groundwater from the affected soil. The potential for leaching of PFAS from these soils has not been tested.**

Site Characterization

HDR, under contract to the NYSDEC, conducted a Site Characterization of the subject property, which had been identified by the NYSDEC as "P" (Proposed) site for the New York State Registry of Inactive Hazardous Waste Disposal sites. The property was referenced as the Wainscott Sand & Gravel site, and was investigated to assess if there was a potential concern for contamination resulting from hazardous waste disposal. While the investigation included testing for several types of contaminants, the main focus of the investigation was on PFAS contamination that had been detected in nearby groundwater by the Suffolk County Department of Health Services (SCDHS). The investigation included performing soil borings, collection of surface and shallow soil samples, collection of stockpiled materials samples, and collection of groundwater from temporary sampling points and existing monitoring wells.

Soil borings were performed to a maximum depth of 20 feet below grade at multiple locations and surface (0 to 2.4 inches), shallow (0.5 to 2 feet below grade), and deep (1 to 3 feet below the water table) samples were collected. Surface and shallow samples were analyzed for metals, VOCs, SVOCs, pesticides, herbicides, PCBs, PFAS, and 1,4-dioxane. Deep soil samples were analyzed for PFAS. VOCs, SVOCs, pesticides, herbicides, PCBs, 1,4-dioxane, and/or metals were detected in several of the soil borings at concentrations above the NYSDEC SCOs for unrestricted use, but below the NYSDEC SCOs for commercial use; **these detections do not present a concern for the proposed use of the property.** Several PFAS compounds were detected in each of the samples, including PFOS at 1.05 µg/kg in boring GS5 (central portion of the site) at 7 to 8 feet below grade. As noted above, while there are no NYSDEC SCOs established for PFAS compounds, current NYSDEC PFAS guidance for environmental sites stipulates that soil to be imported to a site and that contains PFAS compounds above 1 ug/kg is to be tested using a leaching procedure to determine if PFAS is likely to leach into groundwater. **These results suggest that PFAS impacts are present in soil in one area in the central portion of the site at a level that may result in PFAS leaching to groundwater.**

During the Site Characterization surface and shallow soil sampling was conducted 23 additional locations across the site, with four locations analyzed for the full list of NYSDEC parameters and the remaining 19 locations analyzed for PFAS only. Many of these surface and shallow soil sampling locations were focused on an area in the northern portion of the site where firefighting training had been reported. Similar results were obtained from the surface soil samples as for the soil boring samples, with none of the VOC, SVOC, pesticide, herbicide, PCB, 1,4-dioxane, or metals detections exceeding the NYSDEC SCOs for commercial use. However, PFAS compounds were detected in all of the samples, with two PFAS compounds (PFOS and/or PFUnA) detected in excess of 1 ug/kg at multiple locations (S2, S3, S4, S5, S6, S7, and S9) in the reported firefighting training area. Of interest, at nearly all of these locations the elevated PFAS detections were noted in both the surface and shallow samples, suggesting that downward migration of PFAS from historic fire-fighting training operations has occurred through the soil. **These results suggest that PFAS impacts are present in soil in the reported firefighting**

**training area in the northern portion of the site at levels that may result in PFAS leaching to groundwater.**

Composite and grab soil sampling were conducted at 12 soil piles at the property, with testing conducted in a similar manner as for the other soil samples. These results indicate that all of the detections were below the NYSDEC SCOs for commercial use. Although several PFAS compounds were detected, the detections were at low concentrations, with no detections exceeding 1 ug/kg. **These results indicate that the constituents in the soil piles do not present a concern for the proposed use of the property.**

Groundwater sampling was conducted at 10 temporary locations across the site, with the samples collected from multiple depths at each location and analyzed for metals, VOCs, SVOCs, pesticides, herbicides, PCBs, PFAS and 1,4-dioxane. No VOCs, SVOCs, PCBs, pesticides, herbicides or 1,4-dioxane were detected. Iron, manganese, sodium, and/or thallium were detected in one or more samples above NYSDEC Standards. Iron and manganese are commonly elevated in Long Island groundwater and do not appear to present a concern. Sodium was noted at elevated concentrations in the southern portion of the site and may be related to road de-icing. Thallium was not detected in upgradient samples and was found only in centrally-located samples; these detections may be related to historic site operations. PFAS compounds, primarily PFOS and PFOA, were noted at each sampling location, with concentrations noted to be more elevated in upgradient sample locations GW-9 and GW-1, and lower concentrations noted in central and downgradient sampling locations. **These results suggest that PFAS compounds are migrating onto the site from an upgradient offsite source. However, we also note that the GW-1 location is in the reported fire training area where the use of firefighting foam is suspected and elevated levels of PFAS compounds were detected in soil samples. Elevated levels of several PFAS compounds were detected in the shallow groundwater sample at this location, which suggests that some of the PFAS impacts may result from an onsite source in this area.**

Groundwater sampling was also conducted at eight existing monitoring wells located around the perimeter of the site. Four of these samples were tested for metals, VOCs, SVOCs, pesticides, herbicides, PCBs, PFAS and 1,4-dioxane, and all of the samples were tested for PFAS. No VOCs, SVOCs, PCBs, pesticides, herbicides or 1,4-dioxane were detected above the NYSDEC Standards. Sodium was noted at concentrations above its Standard in three wells along the site's western boundary; these detections may be associated with road de-icing on Wainscott Northwest Road, which is nearby. PFAS compounds were noted at each sampling location, with concentrations noted to be more elevated in upgradient wells MW-3, MW-5 and MW-6. We note that the most elevated concentrations were noted in well MW-6, which is in proximity to the reported fire training area where the use of firefighting foam is suspected. **These results are generally consistent with the temporary groundwater sample location results and suggest that PFAS compounds are migrating onto the site from an upgradient offsite source. However, the results from the vicinity of the reported fire training area, where the use of firefighting foam is suspected and where elevated levels of PFAS compounds were detected in soil, also suggest that some PFAS impacts to groundwater may result from the PFAS in the soil in this area.**

Based on the results of the Site Characterization, the NYSDEC reclassified the Wainscott Sand & Gravel site to "N" (No further action at this time), indicating that the contamination that may be present on the site is not sufficient to warrant listing the site on the NYSDEC Registry of Inactive Hazardous Waste Disposal sites. This determination does not mean that no contamination is present on the site. We note that the groundwater results indicate that PFAS impacts are present in groundwater beneath the site at levels that present a concern if the groundwater should be used as a source of water supply. The Applicant has reported that the parcels will be provided

with public water. However, there is no indication in the DEIS that the use of groundwater beneath the property will be prohibited as a source of drinking water, irrigation water, or process water. **We recommend that a prohibition of groundwater use including, but not limited to, drinking water, irrigation, open loop geothermal systems, or other uses where the extraction and/or injection of water be implemented for this property as a condition of redevelopment.**

As discussed above, elevated levels of PFAS compounds have been detected in multiple surface and shallow soil samples from an area at the property where firefighting foam may have been used for fire training. The groundwater results suggest that some of the PFAS impacts to groundwater in this area may have originated onsite. **We recommend that all soil containing PFAS compounds in excess of 1 ug/kg be remediated so as to remove this potential source of PFAS impacts to groundwater.**

If you have any questions, please do not hesitate to call me us at (631) 737-6200.

Very truly yours,

Ben T. Cancemi, PG
Senior Hydrogeologist
Department Manager

Stephanie O. Davis, P.G.

Stephanie O. Davis, PG
Senior Project Manager
Vice President

BTC/SOD:btc

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