

**Draft Scope for the
Draft Environmental Impact Statement
NIGEL CURTIS REVETMENT AND WALKWAY EXTENSION APPLICATION
TOWN OF EAST HAMPTON, NEW YORK
November 12, 2019**

1.0 INTRODUCTION

This document is the Draft Scope for the Draft Environmental Impact Statement (DEIS) in connection with the proposed action "*Nigel Curtis Revetment and Walkway Extension*." The Scoping process will be completed in conformance with the standards and procedures set forth in 6 NYCRR Part 617, State Environmental Quality Review (SEQRA), specifically, §617.8 Scoping. This Draft Scope includes identification of the subject site and a brief description of the proposed project as well as the proposed content and extent and quality of information to be included in DEIS. The DEIS will include a Description of the Proposed Action, Existing Environmental Conditions, Anticipated Environmental Impacts, and other required sections including Mitigation Measures and reasonable Alternatives to the proposed action including the No Action Alternative.

The information to be included in the DEIS is responsive to the Positive Declaration issued for the proposed project and is intended to provide the framework and information to allow Zoning Board of Appeals as lead agency to take a "hard look" at potential adverse environmental impacts from the project and to provide information to enable the Board to issue an informed decision. The SEQRA process also provides a forum for public input and interagency review to ensure that issues and concerns are addressed through an organized process leading to the completion of a Final EIS (which responds to substantive comments on the DEIS) and issuance of a Statement of Findings based on the EIS record. Once the Findings are adopted, the Zoning Board of Appeals will be in a position to render a decision on the Natural Resource Special Permit and Variance application.

2.0 SITE LOCATION AND DESCRIPTION OF THE PROPOSED PROJECT

2.1 Location

The subject site is 21,009 square feet to the bluff crest, as defined by the Town of East Hampton, and 23,848 sq. ft. to the tie line as shown on the Saskas Survey, dated last revised December 13, 2017. The property location is 393 Cranberry Hole Road, Amagansett, and more particularly described on the Suffolk County Tax Map as SCTM# 300-128-1-28.2. It is directly adjacent to Gardiners Bay.

2.2 Background

A NRSP application for the sand bag revetment was originally submitted to the ZBA in February 2017. In September 2017 a building permit was issued for the sand bag revetment pursuant to Section 255-4-29 E&F of the Town Code. The sand bag revetment was installed in January 2018. A permit for the geo-cube revetment was issued by the New York State Department of Environmental Conservation (NYS DEC) in February 2017.

Section 255-4-29 E&F limits the maximum length of an emergency authorization to nine months and requires provisions for the removal of the structure and the completion of restoration prior to the expiration of the authorization. The geo-cubes as applied in this application consist of 3'x3'x3'

geotextile sand bags, each weighing approximately 1,500 pounds, stacked and tied together to function as a seawall.

The Town of East Hampton Zoning Board of Appeals received a formal application, dated received January 29, 2018, requesting a Natural Resource Special Permit and a variance to allow a coastal erosion structure to remain where the new installation of a new coastal erosion control structure is prohibited.

The proposed project is an Unlisted Action pursuant to the State Environmental Quality Review, and the regulating provisions of 6 NYCRR, Part 617. The application was originally undergoing an un-coordinated review. Based on the ZBA's discussions, the ZBA believes that the proposed action may result in one or more potentially large or significant adverse impacts, and believes a positive declaration is appropriate with regards to the proposed action. Pursuant to a Resolution dated October 30, 2018 the Zoning Board set forth its desire to coordinate review as **required** pursuant to 6 NYCRR Part 671 and on November 14, 2018 the ZBA assumed Lead Agency in review of this project.

The Board determined that a Positive Declaration should be made because they found that the proposed action may result in one or more potentially large or significant adverse **impacts** and an environmental impact statement (EIS) is required. The potentially significant adverse environmental impacts are in part due to the project being contrary to local regulations, plans and studies, and because alternative measures for erosion control were not fully explored. All of the potential adverse impacts identified in the Resolution "to assume lead agency and issue positive declaration for the purpose of SEQRA review" intended to be addressed in the DEIS through environmental analysis of the proposed project. The following subsection provides a more detailed description of the proposed project.

2.3 Project Description

The proposed project is to allow an approximately 185 linear foot geocube (sand bag) revetment and a 5'x10' pedestrian walkway extension to remain on a parcel of land containing barrier dunes, beaches, dune land, and beach vegetation. A Natural Resources Special Permit (NRSP) pursuant to Section 255-4-20 and a variance from Section 255-3-85 (Coastal Erosion Overlay District Regulations) of the East Hampton Town Code is requested to allow a coastal erosion control structure to remain where the installation of new coastal erosion control structures is **prohibited**.

The property is zoned A-Residence where the minimum lot area for any newly created lot is 40,000 square feet. The subject parcel is pre-existing and non-conforming with respect to lot area. It is further situated in Coast Erosion Overlay District Zone 2 and within FEMA's FIRM zone AE, elevation 9' and VE (Velocity), elevation 12'. The subject premises are improved with a residence originally constructed pursuant to a 1979 building permit. The residence was characterized by the most recent Certificate of Occupancy (1997) as 1,728 sq. ft. one-story with 595 sq. ft. decking, a 570 sq. ft. lower level and 480 sq. ft. carport. In May 2016 a building permit was issued to permit the construction of 2,381 sq. ft. of lower level, ground and main level alterations in addition to the in-place replacement of 1,256 sq. ft. of decking.

3.0 POTENTIALLY SIGNIFICANT ADVERSE IMPACTS

The following is a description of the potential significant adverse impacts as identified by the Zoning Board of Appeals in their Resolution to Assume Lead Agency -and Issue Positive Declaration for the Purpose of SEQRA Review, filed with the Town Clerk on August 1, 2019.

1. Proposed revetment is believed to be contrary to the Town Code, Local Waterfront Revitalization Plan, Peconic Estuary Program and the New York State Coastal Erosion Management Regulations;
2. The property has not attempted a coastal restoration project as defined by the Town Code;
3. The use of sand bag erosion control structures is considered a temporary, emergency measure pursuant to Section 255-4-29 of the Town Code and the applicant agreed that the bags were to be removed after six months with the possible extension of three additional months;
4. Alternative, sustainable solutions to the threat of erosion have not been property explored, and;
5. This property is located on Cranberry Hole Road which, when combined with Bendigo Road, consists of approximately 7,000 linear feet of Napeague Bay shoreline that is predominantly free of any erosion control structures.

4.0 PROPOSED FORMAT AND CONTENT OF DEIS

The proposed content of the DEIS is provided in outline form below, with a general description of the content of each section of the document.

COVER SHEET

TABLE OF CONTENTS

EXECUTIVE SUMMARY (a brief narrative statement outlining the: project description, significant beneficial and adverse environmental impacts, mitigation measures proposed, alternatives considered; issues of controversy (if any); and matters to be decided, including a listing of each permit or approval required from every involved agency as defined by SEQRA).

1.0 DESCRIPTION OF PROPOSED ACTION

1.1 Introduction (Provide the purpose of the Draft EIS and the general content of such documents, and introduce the project to the reader.)

1.2 Application History (Provide information on project site history; identify past history of decisions and settlements applicable to the site; provide summary of procedures, actions since the application was filed.)

1.3 Project Benefits (Provide discussion of the benefits to accrue from the project; evaluate the proposed project in terms of Town goals as expressed in the zoning of sites; discuss applicant's goals in pursuing the project.)

1.4 Project Location (Using appropriate text, mapping, and/or tables, describe locations of the project site, in terms of roadway access and adjacent/nearby land uses; provide listing of zones, districts, services, etc.)

1.5 Existing Site Development (Describe current development conditions on the subject property.)

1.6 Project Description

1.6.1 Overall Revetment Design (Brief description of the project's layout; identify existing structures that will remain; and buffers/setbacks provided.)

1.6.2 Conformance to Zoning and other Development Regulations (Discuss conformance to applicable requirements of Town Code and Chapter 255 Zoning.)

1.7 Permits and Approvals Required (Brief discussion of the SEQRA process and review stages, required permits, reviews and approvals for the project; list of expected permits/involved agencies for the project.)

2.0 In-depth Analysis of Potentially Significant Adverse Impacts.

Identify potentially significant adverse impacts highlighted in the Resolution to Assume Lead Agency and Issue Positive Declaration for the Purpose of SEQRA Review, filed with the Town Clerk on August 1, 2019.

2.1 Land Use Plan/Zoning Regulations

Existing Conditions. Using appropriate text, mapping and photographs, describe the physical location of the parcel as it relates to the surrounding land uses and zoning districts. Discuss the general area of Cranberry Hole Road, which when combined with Bendigo Road, consists of approximately 7,000 linear feet of Napeague Bay shoreline that is predominately free of any erosion control structures.

Identify existing regulations relating to the use of Sandbag coastal erosion structures as a temporary, emergency measure:

- Coastal Erosions Overlay District Zone 2 regulations
- Natural Resources Special Permit Jurisdiction Regulations
- Local Waterfront Revitalization Plan.

Discuss in further detail the Smith Fish Meal Factory site and ownership of the beach.

Anticipated Impacts.

- Impacts of surrounding existing conditions as it relates to the subject parcel.
- Shoreline Modeling Analysis performed to determine existing sediment transport conditions and possible future shoreline positions.
- Impacts of the use of sand bags as a permanent solution relating to these regulations

Proposed Mitigation.

- Ways to improve upon existing conditions that would potentially deem the use of sandbag erosion control structures at the subject premises as unnecessary.

- Discussion of coastal restoration project as a viable alternative to proposed revetment.

2.2 Community Character

Existing Conditions: Using appropriate text, mapping and photographs, describe the visual community character of the area for observers along roadways and from other public vantage points.

Anticipated Impacts: Using appropriate text, mapping and/or tables, discuss change in visual character of the site from the local area; describe changes in views from the adjacent residential properties, and public vantage points including roadways and from Napeague Bay; consider buffers, retention of vegetation, and screening as well as general landscaping.

Proposed Mitigation: Discuss how vegetation will be retained to the maximum extent practicable on the subject site to provide vegetative screening, natural buffers, and maintain rural character and natural areas. Buffers and screening will be augmented with the proposed landscaping where practicable.

2.3 Environmental Characteristics/Critical Environmental Area (CEA)/Natural Resources

Existing Conditions- Using appropriate text, mapping and photographs, describe how the subject parcel is identified as a Critical Environmental Area (CEA) within the Peconic Estuary.

Anticipated Impacts: Discuss how the use of sandbag erosion control structures relates to the CEA and identify impacts that would be considered contrary to the intention of this highly sensitive environmental area.

Proposed Mitigation: Discuss ways to improve upon existing conditions that would potentially deem the use of sandbag erosion control structures at the subject premises as unnecessary.

2.4 Surface and Subsurface Soils/Erosion, Flooding, Drainage Impacts

Existing Conditions: Using appropriate text, mapping and photographs, describe, describe subsurface geologic conditions; describe surface soils found on site based on the Suffolk County Soil Survey; discuss characteristics including range of slopes and limitations or constraints of each soil type which may have an effect on the projects;; FEMA Flood Zone Identification.

Anticipated Impacts: Using appropriate text, mapping and/or tables, describe how the use of sandbag erosion control structures will impact existing soil conditions, including beach erosion rates. Discuss sustainability of sandbag erosion control structures with respect to surface and sub-surface soil conditions.

Using appropriate text, mapping and/or tables, describe how the removing the sand bag erosions control structures will impact existing soil conditions, including beach erosion rates and the projected impacts on the existing structures on the subject parcel.

Proposed Mitigation: Identify Erosion control measures that would be beneficial to supplement the sandbag erosion control structures to make this solution more sustainable and have lessen any potential impacts of erosion to the surrounding area.

3.0 OTHER IMPACTS EVALUATED

3.1 Cumulative Impacts (Describe other pending or approved projects in vicinity; determine potential for impacts due to implementation of current or proposed project in combination with others in the neighborhood and discuss/analyze impacts.

3.2 Adverse Impacts That Cannot Be Avoided Provide brief listing of those adverse environmental impacts described/discussed previously which are anticipated to occur, which cannot be completely mitigated.)

4.0 ALTERNATIVES

4.1 No Action Alternative (*Alternative where the site remains in its current condition.*)

4.2 Sand Replenishment (*Alternative where clean sand is routinely deposited seaward of the residence to protect it from wave action and erosion.*)