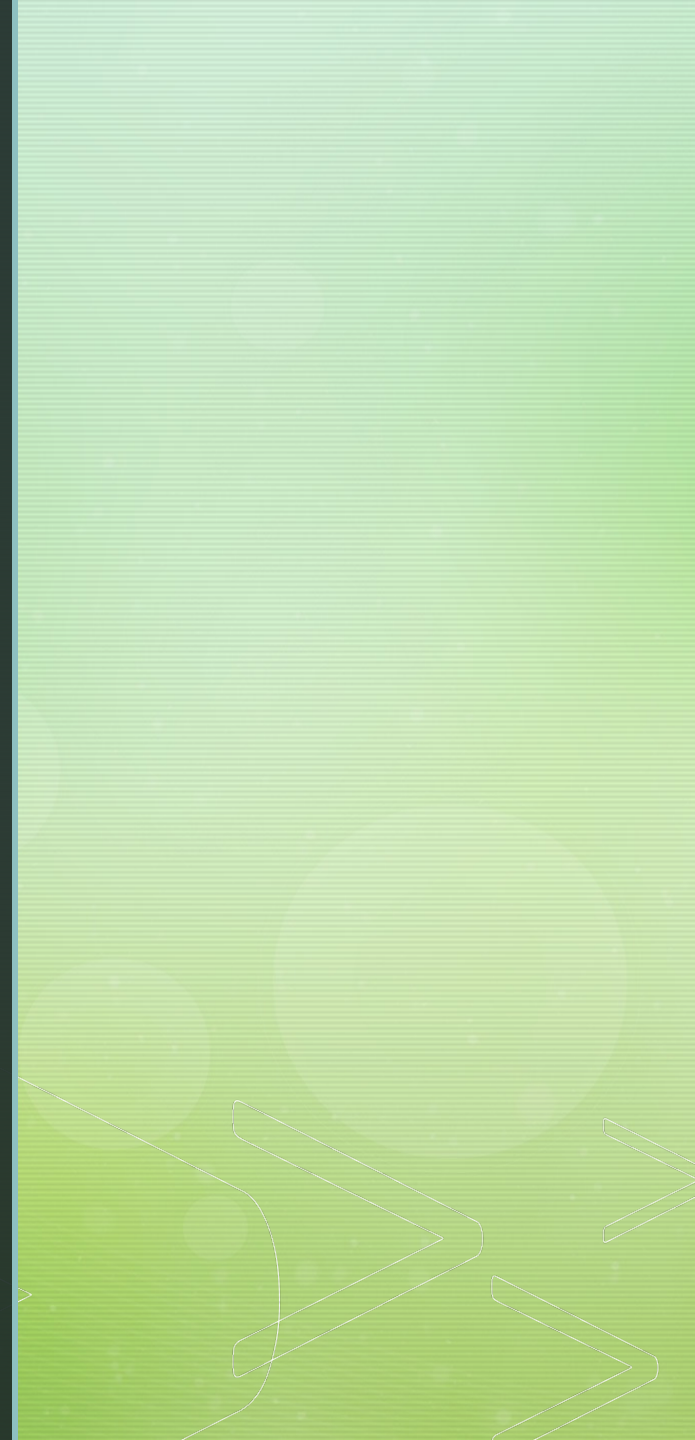


Build.In.Kind/East Hampton

January 2023



# Wainscott Commercial Center Project Primer & Public Hearing Participation Guide



# Build.In.Kind/East Hampton Background

- Founded January 2022; two years pre-work
- Purpose: To restore balance to land use and development— residential and commercial – in the Town of East Hampton, ensuring what is built is:
  - Consistent with the long-standing purposes and intent of Town code
  - Compatible with the goals and objectives of the Town Comprehensive Plan
  - Aligns with forward-looking Town imperatives: climate emergency, water quality, natural resources, coastal resiliency and affordable housing
  - Sustains/enhances natural resources, community/rural character and quality of life for residents
- All-in current: 800 followers and growing
- Website: <https://www.buildinkind.com/> Instagram: @build.in.kind\_easthampton

# Why is Overdevelopment a Problem?

- Loss of economically accessible community housing; adding density for no productive use
- Environmentally profligate: ballooning carbon footprints start to finish
- Overconsumption of materials, resources, services; highly extractive
- Pressure on Town infrastructure
- Property tax revenues not keeping up with needs
- Destruction of natural resources, natural features, woodlands, ecosystems
- Terrible landscaping practices
- Water quality degradation and displacement of groundwater
- Anathema to coastal resiliency and sustainability priorities
- Obliteration of view sheds and sense of place; rapid transformation of neighborhood character and scale

Build.In.Kind/East Hampton Key Action Item

# The Wainscott Commercial Center



# Wainscott Commercial Center (WCC) Site Basics

- Project: formally the “Wainscott Commercial Center (WCC); Colloquially aka “The Pit.”
- Size and Location: 70.5 acres in Wainscott, starting just north of 27. Boundaries: Wainscott NW Rd (West) & Hedges Lane (East); LIRR (North)
- Distance from Georgica Pond: 200 yards. Contiguous residential neighborhoods east & west sides.
- Use History: Sand and gravel mine for decades; decommissioned July 1998.
- Site includes: currently operating Suffolk Cement Plant and Southampton Masonry/Tile supply yard, both to remain in place.
- Nearly fully cleared. Pit depression ranges 12 to 18 ft below perimeter/street level
- Town Zoning: Commercial/Industrial (C/I); currently largest C/I zone in town (but Bistrian sand mine off S-F Rd nearly double -- will likely/ultimately be redeveloped)
- Current Ownership: John Tintle (inherited years ago); Counsel/VP Development: David Eagan

## WCC Scale & Purpose

- Per Applicant: “the largest commercial subdivision and development on Long Island’s South Fork”
- Applicant’s stated purpose: to serve and expand the Town’s “dominant construction industry,” tourism” and “wealthy second homeowner” driven economy



# Wainscott Commercial Center: Geographic Orientation & Visualization

Source next 5 slides: [Friends of Georgica Pond](#)



# SITE AND CONTEXT



WAINSCOTT WOODS

27

27

27

EAST HAMPTON

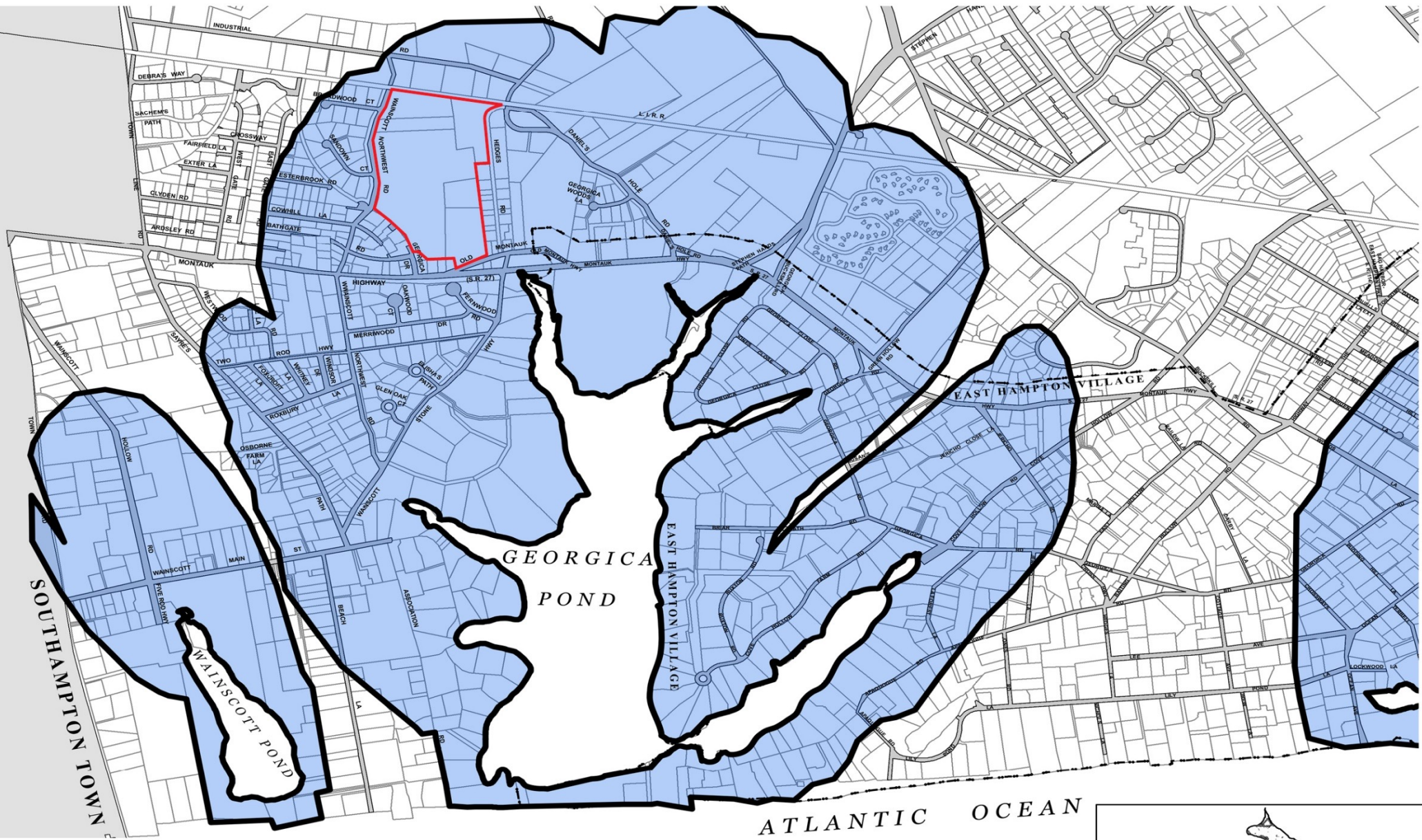
WAINSCOTT

GEORGICA NECK

GEORGICA  
POND

ATLANTIC OCEAN





Prepared By  
**THE TOWN OF EAST HAMPTON**  
Suffolk County, New York  
Dept. of Information Technology

Basemaps: 2013 NYS Digital Ortho Photography  
Suffolk County Real Property Tax Service  
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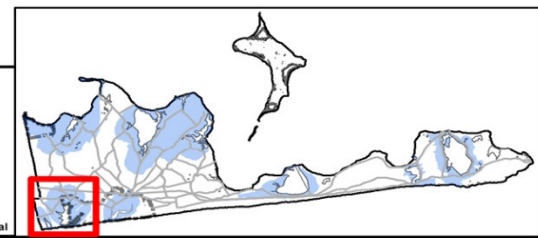
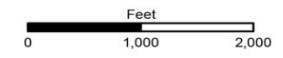
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## TOWN OF EAST HAMPTON

### Water Protection District

### Zone 8

Revision Date: March 22, 2021





50 COMMERCIAL-INDUSTRIAL LOTS

MTA Long Island Rail Road

WAINSCOTT WOODS

27

TALMAGE CREEK

1,000 FEET



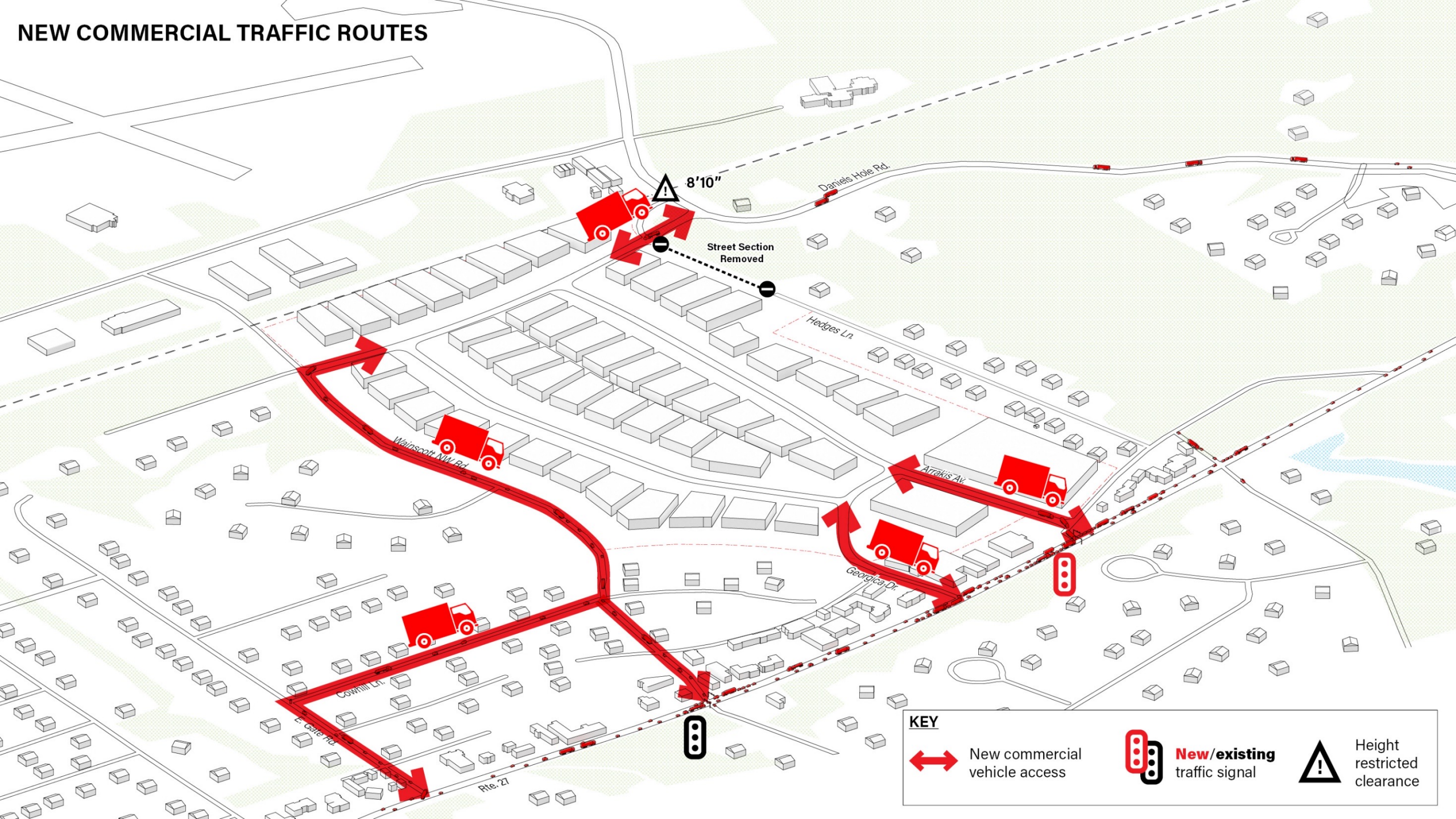


AERIAL VIEW





# NEW COMMERCIAL TRAFFIC ROUTES





# WCC Application Basics

- Applicant's intent to redevelop site for Industrial/Commercial uses dates back to 2009. Several application versions.
- 2017: Current application submitted to subdivide 70 acres into 50 C/I lots, including: 42 @ 40k sq ft; 6 range 40k+ to 80k; and 2 @ approx. 4 and 6 acres.
- 2018: "positive declaration" under State Environmental Quality Review Act **SEQRA** requiring full review process. Lead Agency--EH Town Planning Board. Special permit for a Planned Industrial Park use possibly required (going before ZBA Feb 7).
- Multi-year/multi-decade ongoing construction: subdivision initial phase: grading, building internal roadways, installation of basic utilities to site; then lot by lot development for industrial and commercial purposes. Lot combinations for bigger/more intense uses possible.

## WCC Application Basics (cont)

- 2020-2022: creation/review of the Draft Environmental Impact Statement (DEIS). 4 versions submitted: 3 declared incomplete. Deficiencies resolved in 4<sup>th</sup> version dated Nov 29, 2022 [LINK HERE](#)
- Dec 14, 2022: DEIS, as well as subdivision plat as drawn, was declared “complete” --6:1 vote by Planning Board members.
- “Completion” does NOT equal “Approval”
  - DEIS Complete: means only that topics required to be addressed per scoping have in some way been “adequately addressed.”
  - “Acceptance” of plat not equal to “Approval”: means only that it contains the basic required elements for review per Town code (Chapter 220).
- “Completion” moves the process to next stage: public comment and public hearing.



# WCC Application Basics (cont)

- Essential to consult EH Town Code Use Table (Chapter 255 Attachment 3) for all the possible uses on C/I lots “as of right” or by special permits: [LINK HERE](#).
- Permitted hypothetical/possible/likely uses include: warehouses, distribution and storage yards, carpentry shops, filling stations, plumbing/heating supply, workshops, major car wash, garages (repair, storage), motor vehicle sales/car lots, office parks, printing, film production, repair shops, taxi companies, wholesale lumber and building product yards, distribution centers, dry cleaning/laundry, fuel storage tanks, multiple industrial complex, laboratories, paving/construction material manufacturing, planned industrial park, scrap yards, recycling centers, truck terminals, truck waste transfer stations.
- Applicant estimating individual lot building coverage at 17%, equating to 364,000 sq ft of structures and 40 acres of impervious surfaces at buildout.
- C/I zoning allows building coverage max 50% & total coverage max 75% on each lot & building height 35 ft, so scope/intensity/density of buildout potentially much greater.
- Applicant rejects most effective Sewage Treatment Plant; individual I/A systems only. 2ft only separation to groundwater

## Project Creates Uncertainty and Risk for Community

- Applicant narrative cannot be relied upon as accurate representation of outcome of what is built, how site is used and the full intensity and impact of the development
- Hypothetical...Potential...Possible
- Lots to be developed one by one over years or decades
- Currently, no “guardrails” or covenants
- No detailed/substantiated economic model at this point; benefits unclear
- Continuous construction zone, continual consumption of Town resources
- Essential for understanding: Visit the Springs-Fireplace C/I Corridor

# WCC: The Public Process Ahead

- “Complete” kicked off Public Comment/Public Hearing period. Public comment period officially opened right after “complete” vote.
- Actually, two public hearings in one: DEIS and subdivision plat.
- Planning Board hopes to receive “substantive comments” from public relevant to DEIS contents: questions, concerns about what’s included, and what should be included that isn’t addressed.
- Substantive/Productive comments go beyond “I don’t like it” or “I do like it.”

## WCC: Public Process Ahead (cont)

- Public Hearing: Feb 8 at LTV Studios, 75 Industrial Road, Wainscott. Two-part hearing: afternoon session 3:00-5:30pm & evening session begins 6:30.
- Broadcast live via: LTV on Channel 22, live streamed via their website and YouTube. [Link here](#)
- In-person public participation optimal; speaking via dial-in live during hearing effective too.
- Written comments can be submitted in lieu of speaking, but both are recommended. Written record remains open 20 days past hearing: will close on Feb 28.
- Hearing timing seems accelerated; puts public participation at disadvantage (Feb vacations, absence of part time residents); short time frame to prepare for such a big project/hundreds of pages of DEIS
- PB has up to 120 days post Dec 14 to complete process



# Public Process: Written Comment Submission & Speaking

- Written comments accepted anytime from now up to closing of the record on Feb 28.
- Deliver to Planning Board office by mail or by hand delivery
  - 300 Pantigo Place, Suite 103, East Hampton, NY 11937
- Salutation To: Members of the East Hampton Town Planning Board. Re: Wainscott Commercial Center Public Hearing
- Email to East Hampton Planning Board Secretary: Jodi Walker [JWalker@EHamptonNY.Gov](mailto:JWalker@EHamptonNY.Gov) and then hand/mail deliver to PB
- Deliver to Planning Board office by mail or by hand delivery
  - 300 Pantigo Place, Suite 103, East Hampton, NY 11937
- Speaking: prepare comments in advance. likely a 3 min time limit on each comment. Practice & time yourself in advance. (Note: we're advocating to Board 3 min is insufficient.) You can summarize/highlight a longer letter.



# Many Areas to Address Include:

- Wainscott Hamlet Plan/Commercial district rationalization/improvement
- Environmental Issues: pollution, consumption of resources, no sustainability uses planned, no regeneration
- Water Quality and waste treatment; ground water, Georgica Pond
- Traffic and Town Infrastructure; Resources consumption
- Quality of Life impact; Open Space
- Impact on surrounding residential areas
- Community Character impact
- Supply/Demand for C/I lots and uses
- Analysis of Economic Model and Economic Benefits to the Town/community
- Planned/Envisioned Uses and Alternative Uses
- Affordable Housing Deficit to be created
- Subdivision Elements: project design/site layout

## What Are Considered "Substantive" Public Comments?

The DEIS scope -- 11 areas studied for potential adverse impacts:

1. Land
2. Surface water
3. Groundwater
4. Open space and recreation
5. Critical Environmental Areas
6. Human Health
7. Transportation/Traffic
8. Energy/Resources
9. Noise, Odor and Light
10. Consistency with community plans
11. Consistency with community character

# “Substantive” Public Comments (cont)

The Applicant concludes in DEIS that *no* significant adverse impacts are anticipated from the proposed action, short or long term (*i.e.*, after full build out) for majority of the 11 categories.

Public Comments should focus on the accuracy and adequacy of the Applicant's DEIS Analysis and Assertions/Conclusions. (gaps, errors, misstatements, potential revisions, alternatives)

- Should applicant's conclusion(s) be rejected as incorrect and why?
- Is the proposed action more likely/anticipated to cause significant adverse impact to any of 11 areas/resources and why?
- Is the applicant's analysis flawed or incomplete? Why?
- Are the studies conducted inadequate to support the analysis and conclusions in the DEIS? How?
- What additional study is required to reach a reasoned determination on any key issue?
- Are there additional or more appropriate studies/sources to augment the deficient discussions?

## “Substantive” Public Comment (cont)

- Mitigation: Public comment may propose need for additional mitigation measures: the applicant’s proposed mitigation measures are inadequate; other mitigation measures are feasible and appropriate.
- Alternatives: (4 alternatives + “no action” alternative): Public comments may question whether the comparison of the alternatives is sufficient and accurate and/or whether there are additional reasonable alternatives that would serve the project purpose & better benefit community while reducing adverse environmental impacts. Is the action chosen the one that minimizes or avoids environmental impacts to the maximum extent practicable?
- Purpose, Public Need and Benefits, including “social” and economic considerations. (This is different from the stated purpose). Public comment may address the sufficiency and validity of the applicant’s Commercial/Industrial Market Analysis and question whether meaningful benefits of the action to the public/community have been established. Do the benefits exceed the potential adverse environmental impacts?
- Preliminary Subdivision Plan: Public comment may provide opinions about the 50 lots related to the Town Code’s design standards, policies, and other requirements for subdivisions, as set forth in [Chapter 220.](#)



# “Substantive” Public Comments (cont)

## Subdivision-related code

- 220-1.05 E: 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.”
- 220-1.05 F: Health, safety and general welfare. The health, safety and general welfare of the people of the Town of East Hampton shall be assured by considering standards and appropriate specifications which are in accordance with the goals and objectives of the Comprehensive Plan, the Town Code, laws, rules and regulations of coordinating agencies
- 220-1.03 C: Accumulating scientific evidence has shown the necessity of integrated planning to protect the health, safety and welfare of the people of the Town of East Hampton and to conserve the town's unique environmental features for the enjoyment of future generations

Public comment may address the need for revision/reduction to the proposed plat in the context to these, as well as any incompatibility with any part of Comprehensive Plan or Purposes of the Zoning Code ([Chapter 255](#))



# EH Zoning Code: Purposes

## East Hampton Town Code Purposes

### Town of East Hampton, NY

Enter search term...

Town of East Hampton, NY / Land Use / Zoning  
Article I General Provisions

#### § 255-1-11 Purposes.

This chapter is adopted for the purpose of promoting the health, safety and general welfare of the people of the Town of East Hampton by regulating the uses of lots and lands and the dimensions, locations and uses of buildings and structures throughout the Town, exclusive of the Incorporated Villages of East Hampton and Sag Harbor therein, in order to achieve the following related specific objectives:

- A. Orderly growth: to guide and regulate the orderly growth, development and redevelopment of the Town in accordance with a Comprehensive Plan and the long-range objectives, principles and goals set forth therein as beneficial to the interests of the people.
- B. Protection of neighborhoods: to protect the established character of neighborhoods, especially residential neighborhoods, the social and economic well-being of residents and the value of private and public property.
- C. Proper use of land: to promote, in the public interest, the utilization of land for the purposes for which it is the most appropriate and to protect and responsibly promote public access to and usage of publicly owned lands and waters.

#### § 255-1-11 Purposes.

- G. Clean water: to protect and promote the fisheries and resort industries of the Town by perpetuating and, where necessary, restoring a healthful biological and chemical balance throughout the Town's waters, including its bays, harbors, wetlands, estuaries, ponds, streams, kettleholes and other bogs, natural drainage channels and watercourses, as well as in the adjacent sounds and ocean.
- H. Safety and health: to secure safety from fire, panic, flood, storm and other dangers, to provide adequate light, air and convenience of access for all properties, to avoid the creation of nuisances and other conditions impinging upon the quiet enjoyment and use of property and to prevent environmental pollution and degradation of whatever kind.
- I. Prevention of overcrowding: to prevent the overcrowding of land or buildings, to avoid the undue and unnecessary concentration of population and to lessen and where possible, to prevent traffic congestion on the public streets and highways.

#### § 255-1-11 Purposes.

- D. Affordable housing: to provide for affordable housing of the type and in the locations where the same will be most beneficial to those Town residents of low and moderate income who wish to continue to live and work in East Hampton, but who find that escalating real estate values make it difficult or impossible for them to do so.
- E. Preservation: to promote in the public interest the preservation of prime agricultural land, productive wetlands, protective barrier dunes and beaches, unique vegetation, important animal habitats and other natural resources and man-made features of historical, environmental or cultural significance to the community.
- F. Water recharge: to secure through the regulation of land use in morainal water recharge areas and by other means the maximum recharge of the Town's fresh groundwater reservoir and thereby to assure a permanently adequate supply of wholesome and pure water for use by the human community as well as a continuing natural balance and integrity of existing ecosystems in the Town.

#### § 255-1-11 Purposes.

- J. Property values: to conserve the value of buildings, to promote the economic vitality of established commercial centers and to enhance the value of land generally throughout the Town.
- K. Expedited review: to streamline, integrate, coordinate and, to the extent practicable, expedite local governmental review of development and land use proposals without compromising the thoroughness or quality of such review.
- L. Aesthetic attributes: to perpetuate and enhance areas of natural beauty, to retain outstanding water views and other open vistas available to residents and visitors and to perpetuate generally those aesthetic attributes and amenities which not only please the eye, but which together are the essence of the nationally recognized character of the Town.
- M. (Reserved)<sup>[1]</sup>  
<sup>[1]</sup> Editor's Note: Former Subsection M, regarding personal wireless service facilities, as amended, was repealed 9-15-2022 by L.L. No. 24-2022.

# EH Town Comprehensive Plan: [Link](#)

## A COMPREHENSIVE PLAN FOR THE TOWN OF

## EAST HAMPTON

### VISION STATEMENT

*The Vision Statement for East Hampton articulates the overall image of what the community would like to be in the future.*

East Hampton is defined by the unique character of its hamlets, villages and countryside. East Hampton's beaches are rated among the world's best. The land supports one of the highest concentrations of rare and endangered species in New York State. The farmland is rated the best in the state. The Nature Conservancy has designated the area as one of the "Last Great Places" in the Western Hemisphere. The woodlands are diverse and beautiful where they are undisturbed. The harbors and bays are among the cleanest in the state. The Town is rich in historic and cultural resources. Development has not obliterated the traditional and scenic characteristics once covering all of Long Island.

The Town treasures and is committed to sustaining this rich array of natural and cultural resources, authentic sense of place, rural character, and the people who make it unique. East Hampton is and will continue to be a "green" community, a leader in protecting the environment, saving energy and preserving open space.

Future development should be harmonious with the existing character of the community.

Residents and visitors should have the option to use alternative transportation (train, shuttle, walk, bike, etc.) as an alternative to their cars for daily needs.

A diverse population should continue to have opportunities to engage in a variety of livelihoods ranging from traditional agriculture and fishing to clean technology and service industries.

The seasonal economy of second homeowners and visitors, based largely on the preservation of natural and rich cultural resources, helps support a vibrant, diverse year-round community and should be encouraged to continue.

Although real estate continues to become very expensive, the Town's affordable housing programs strive to enable long-time residents to retire and year-round employees to live here.

East Hampton is and should continue to be a wonderful place to live, work, raise a family, and enjoy life and connect with the natural environment.

### GOALS

**Goal One:** Maintain, and restore where necessary, East Hampton's rural and semi-rural character and the unique qualities of each of East Hampton's historic communities.

**Goal Two:** Take forceful measures to protect and restore the environment, particularly groundwater. Reduce impacts of human habitation on ground water, surface water, wetlands, dunes, biodiversity, ecosystems, scenic resources, air quality, the night sky, and energy consumption.

**Goal Three:** Reduce the total build-out of the Town to protect the natural and cultural features identified in goals one and two.

**Goal Four:** Provide housing opportunities to help meet the needs of current year-round residents, their family members and senior citizens, seasonal employees, public employees, emergency services volunteers, and other local workers.

**Goal Five:** Encourage local businesses to serve the needs of the year-round population and reduce the environmental impacts of commercial and industrial uses.

**Goal Six:** Encourage and retain traditional local resource based fishing and agricultural industries that practice environmentally sensitive methods of operation.

**Goal Seven:** Protect historic buildings, hamlets, neighborhoods, landscapes and sites from incompatible development. Prevent further loss of the Town's cultural and archaeological resources.

**Goal Eight:** Coordinate with regional agencies, organizations and systems to reduce dependence on the automobile. Encourage investment in alternative transportation - including sidewalks, bikeways, rail, buses, shuttles, and "shared" cars - while maintaining the scale and character of community.

**Goal Nine:** Develop road, wastewater treatment, water, and power infrastructure with goals one through three, needed to reduce public health, safety and environmental impacts.

**Goal Ten:** Provide adequate facilities, land and programs for schools, town office, other functions, day care, senior care, families, and other educational, cultural, recreational and health care needs.

**Goal Eleven:** Commit to implementing the Comprehensive Plan.

# What Not To Say

At the Public Hearing or in Letters to the Record:

- Don't ask the Town buy the land (that is a valid suggestion BUT to be made entirely separately to the Town Board directly)
- Don't ask that the Town rezone the 70 acres away from C/I (That horse left the barn years ago)



# What Happens After Public Hearing?

- Post hearing and public record/comment period close (within 120 days of opening) Planning Department will review and analyze all comments and prepare report for Planning Board to consider for their set of findings.
- Based on the analysis, Planning Board will decide if Draft EIS is ready to be deemed Final EIS. Board has a “directory”/not mandatory provision” of 45 days from end of public hearing to decide “Final” or if substantive issues/other circumstances raised by public require more attention.
- Planning Board prepares the FEIS including DEIS, any necessary revisions and/or supplemental EIS if necessary and responses to all “substantive” public comments.
- Post issuance of FEIS, public has 10-30 days to review/consider it. Planning Board has 30 days from FEIS filing to issue its formal “SEQRA Findings Statement” and make decision re plat, i.e. approve or disapprove the physical subdivision.
- Three possible decisions: (1) approve subdivision as submitted; (2) approve subdivision with required modification, mitigation and conditions; or (3) disapprove the subdivision.



# Planning Board Approval or Disapproval

- Approval: After consideration of the final EIS, the action chosen is the one that minimizes/avoids environmental impacts to the maximum extent practicable. For an action that can be approved, Planning Board must articulate balancing of adverse environmental impacts against meaningful and substantial needs for and benefits of the action.
- Disapproval: After consideration of the final EIS, the public need and benefit cannot be shown to outweigh the environmental/relevant impacts of a project.

# Why Public Participation is Critical

- Existential for Wainscott; Extraordinary ramifications for all East Hampton and points west
- Extreme scope/scale of development; Lack of guardrails/need for covenants, balance and restraint
- Intense Effects of the development on surroundings: all pollutions (noise, light, visual, air, water), roads/traffic, quality of life/community character, surrounding property values
- Forecloses best path to Hamlet Plan realization and priorities
- "Cements" and perpetuates overdevelopment
- Lack of tangible benefits (e.g, economic, quality of life) to residents or community sustainability
- Opportunity Costs: better, economically sound, environmentally positive, productive, value enhancing, forward looking, and character sustaining multi-use alternatives to benefit broader range of the community.
- Public participation at a disadvantage in February
- "As we see again and again, educated, organized, consistent, persistent, inspired citizen engagement is the one thing that can really make a difference in situations like these."

# Conclusion

- *“This is not about fighting against things, such as owners’ property rights or a profit motive or the development of commercial and service businesses. Instead, this is about standing up and fighting FOR something: Consider that this is a once-in-a-lifetime opportunity to deploy a considerable part of this 70 acres to a multi-use outcome that better balances ownership rights and stewardship responsibilities in order to benefit and build value for a full range of community stakeholders.”*
- Build In Kind/East Hampton WCC Resource Page: [Link Here](#)