

To: The East Hampton Town Planning Board

From: Jaine Mehring

FOR THE PUBLIC RECORD

Re: Comments In the Matter of: Wainscott Commercial Center, *30 Montauk Highway, Wainscott. (SCTM#300-192-02-066.2, 6.3,6.4, 6.5, 6.6, 6.7)*

Date: March 13, 2023

Dear Chairman Kramer and Members of the East Hampton Town Planning Board:

I am writing to you about the application pending before you regarding the planned industrial and commercial development application formally known as “The Wainscott Commercial Center.”

I ask that this letter be read and considered in conjunction with (a) a letter I submitted to the record dated February 9 that followed up on the spoken comments I delivered at the February 8 Public hearing, as well as (b) with the letter I submitted to the Zoning Board of Appeals in relation to the public hearing held before them on February 7 to consider the need for a “Planned Industrial Park” Special Permit. For convenience, I have attached both in Appendix 1 and 2 of this letter, respectively.

In addition, in Appendix 3, I have attached my resume which is meant to highlight my 30 years of professional analytical and investments experience and expertise to substantiate my ability to render legitimate analysis and credible judgement about the particular elements of the proposed action and contents of the sections of the DEIS I address.

Though clearly, I am not a planning professional or land use attorney, I believe I am known to this community as someone who has done focused and in-depth study to build some meaningful understanding of our Town Code. In addition, I serve on the Town’s Litter Action Committee, Energy & Sustainability Committee, Amagansett Advisory Committee, and most recently have become the Vice Chair of the LVIS Landmarks Committee. I do not write or speak here formally in this public process as a member of those committees or representing their interests; however, as an individual citizen, I suggest that my underlying knowledge derived from serving on these committees adds to my ability to offer comments that could be considered “substantive” under SEQRA guidelines.

As I understand the SEQRA process, once the Public Portion has concluded on March 13, the Planning Board will be required to make several decisions:

- Is the accepted DEIS sufficient to lead to the FEIS?
- Has the applicant proven true need for the proposed action?

- Has the applicant demonstrated that the action will generate meaningful benefits not only to himself, but also to the town, residents, and community?
- Has the applicant established a legitimate reasonable basis to support their assertions that *no* significant adverse impacts are anticipated related to their proposed action, short or long term?
- Has applicant proven that the action is the alternative that minimizes/avoids environmental impacts to the maximum extent practicable?
- Has the applicant demonstrated fully and legitimately that the action is compatible with the vision, goals, and objectives of the East Hampton Town Comprehensive Plan as well as that the purposes and standards of Chapter 255 and Chapter 220?

All in, per SEQRA, it would take a “yes” to all of these to get to the Final Environmental Impact Statement (FEIS), to get to a “positive findings” statement, and to render an “approval” decision on the subdivision plat. However, if, after consideration of the DEIS or FEIS, the public need and benefit cannot be shown to outweigh the adverse environmental impacts of a project, then the Board must disapprove the action.

The Applicant asserts in the DEIS that they anticipate *no* significant adverse impacts related to their proposed action, short or long term (*i.e.*, neither from the subdivision plan and through to/after full build out) for any or all of the 11 officially scoped areas/categories.

All in, in my studied opinion, the fourth version of the DEIS dated Nov 29, 2022, in its individual elements and in total, is inadequate/insufficient and at times inaccurate, and does not support or provide a reasonable or substantive basis for their no-adverse-impact assertions. Moreover, it appears that that their stated conclusions are made with disregard of many of the needs of and challenges faced by our community. Through my own analysis and relying on several experts who have offered public comments, I conclude that the adverse impacts created by this action on several of the 11 scoped areas are likely to be substantially more severe than asserted by the applicant.

After watching the related Planning Board meetings over the last several years and based on my in-depth study and analysis of the DEIS, I have identified a dozen reasons why the DEIS as created by the applicant and deemed “complete” by this board on Dec 14, 2022 lacks the credible, disciplined, legitimate analysis to support their assertions and conclusions of need, benefits, minimization of adverse environmental impacts, and compatibility with our codified standards.

I spoke as a citizen at the Public Hearing in this matter held on February 8, 2023, and on February 9, I submitted a letter to the record underlying those specific comments. Given the time constraints imposed on members of the public at the public hearing, those spoken comments and that related letter related focused primarily on two specific deficiencies in the DEIS:

1. That the applicant's DEIS fails to establish either a legitimate need for or true benefits (to anyone other than the applicant and a narrow handful of special interests) from this proposed development:

- a. Their supply/demand discussion of CI lots/capacity is deeply flawed and vastly incomplete, providing no real analysis to establish a reasonable basis
- b. Having studied the "Economic Market Analysis" in Section 1.1.3 and Appendices B, C, C1 and C2, I conclude that no legitimate economic model is established in the DEIS by the applicant or their consultants.

2. The crucial "alternatives" analysis is incomplete, (specifically the "Alternatives" narrative in Section 5 and supplemented with Appendix J) inaccurate, and at times misleading.

- a. The assessment of each of the five alternatives provided are mostly superficial, often based on hearsay, individual conjecture and some manipulation of the data.
- b. The set of alternatives is incomplete and improperly scoped

In this letter dated March 13, I reiterate and will expand upon the more abbreviated discussions I provided in my timed verbal comments and letter of Feb 9, providing some additional depth to support of my conclusions.

In addition, in this letter, I identify several other material deficiencies in the DEIS and the proposed subdivision plat, as well as other likely adverse impacts related to the subdivision plan as scoped by and submitted by the applicant to the Planning Board for consideration. In particular, I note the following issues:

1. The development as proposed by the applicant, or anything even close to it, is completely incompatible with both (a) the overall goals and objectives of the EH Town Comprehensive Plan (including the Wainscott Hamlet Study/Plan that has been adopted into it), and (b) the stated Purposes of Chapter 255: Zoning Code. The applicant on numerous occasions in the DEIS states the contrary; however, their assertions and assumptions are mostly unsupported and based on deficient and incomplete discussion/analysis.
2. The development as proposed by the applicant, or anything even close to it, is incompatible with the Town's affordable housing imperatives and does not reflect the priorities established in the Community Housing Plan completed by the Town in 2022 and adopted into the Comprehensive Plan earlier this year. In my reasoned opinion, it is quite likely that the proposed action will create adverse impacts to the community by exacerbating the affordable and workforce housing crisis and adding meaningfully to the affordable housing deficit. The proposed development across the entirety of the 70 acres does not deliver any meaningful affordable community housing capacity/benefits to East Hampton, yet it might require 100s of employees who likely earn wages too low

to be able to live in or around East Hampton. The DEIS is completely deficient in any substantive discussion or analysis of this issue.

3. The development as proposed by the applicant, or anything even close to it, appears to be Incompatible with EH Town's 2021 Declaration of Climate Emergency as well as the 2015 Climate Action Plan, which was adopted into the Comprehensive Plan in 2017. The DEIS is severely deficient in its discussion/analysis of climate change, climate impacts and the carbon footprint of the development or that of the specific markets it will serve primarily.
4. The Wastewater Treatment plan discussion in the DEIS is incomplete in several ways and appears to underestimate important potential adverse impacts. The following elements of the application appear problematic:
 - a. The risk to the I/A systems only 2ft above groundwater in a steadily rising groundwater world.
 - b. This statement on page 252 "*Although an increase in building coverage would be permitted under this alternative, the creation of a community wastewater treatment system and maintenance thereof at the subject property would be overly burdensome on the Applicant.*" remains unexplained—what are the additional burdens? Those should be explained. And any potential benefits offsets should be fully articulated.
 - c. Also missing from the discussion is the reduction of nitrogen and phosphorous achieved by an STP vs I/As, and also the STP's ability to handle and treat other types of waste streams created by industrial, service commercial and commercial applications.
 - d. That the cement and masonry plants will not upgrade their septic systems should not be viewed as acceptable.

The applicant's conclusion, based on the assessment of their consultant, that "the septic water discharge from the WCC is not anticipated to result in significant adverse impact to ground water or to Georgica Pond" is quite questionable as it is "drawn from a series of false assumptions and flawed calculations" per Dr. Gobler's comments to the record in this matter. It would seem that there remains significant risk of adverse impact to water quality, especially to Georgica Pond, from the 50-lot subdivision and the likely intensity and type of the C/I uses envisioned, as well as the recorded presence of PFAS found in test wells on the site. All in, I believe that issues of wastewater treatment and water quality were cogently and fully addressed numerous times during the public hearing and via the written comments submitted by experts including Friends of Georgica Pond, Dr. Gobler and Surfrider, among others. So, I will not recreate their expert work, but will state my concerns by reference to their letters that have already been submitted to the file.

5. The DEIS does not provide full and credible assessment about all forms of pollutions including: air pollution, pollution/contamination from toxins and chemicals used as part of the operations that could possibly leak or spill on site, as well as ultimate levels of

noise pollution and light pollution. In addition, the DEIS does not address likely increased levels of litter in the surrounding areas that will be created by the type of traffic going into and out of the site. As a member of the EH Town Litter Action Committee, it has become clear to me that construction- and trade-related traffic is one of, if not the biggest, generator of litter along our roadways.

6. The development as proposed by the applicant and its core intent will benefit only a slice of the community: wealthy second-home owners, tourists, the construction trades and real estate ecosystem. While these groups are contributors to East Hampton economy, still the stated purpose and focus of the proposed action strikes me as too concentrated, exclusionary, and elite. Not only is the action not scoped to meet the needs and priorities of our year-round resident population or those of modest means, it might actually be detrimental to this core part of our population across an array of outcomes. As I understand it, SEQRA requires that the applicant establish analytically that the chosen action will yield “meaningful and substantial benefits” and that such benefits accrue broadly across the community, not just fill the pockets of a few with a hope that they trickle down to the rest.
7. The action as presented by the applicant appears to violate the most basic standards of good planning. Though the applicant asserts: *“More specifically, the proposed project will advance the planning goals of the Town of East Hampton as established through the existing zoning of the property and recommendations in hamlet and business district studies summarized in this document,”* nowhere does the DEIS adequately support or substantiate this claim. Moreover, the extraordinarily long range and “hypothetical” nature of the development (the applicant has claimed repeatedly that they have “no idea” what uses will actually be developed on the site when) appears to be in conflict with Chapter 220 especially:
 - 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
 - <https://ecode360.com/8163399>
8. The proposed action creates a tremendous amount of risk to the community and the health, safety and well-being of residents. As stated in the point above, there is an

unacceptable lack of clarity about what (uses, scale, coverages etc.) will actually be developed and when over years on the site, and the complete lack of “guardrails” and covenants (with the exception of excluding a handful of uses) and mitigation presented in the current application is problematic.

9. Traffic: The likely severe adverse impact to traffic alone created by this proposed action could be a basis for disapproval of this subdivision. Perhaps most importantly, the traffic study was done in 2017, and is now too outdated to be sufficient basis for the applicant’s conclusions in the DEIS. As with the issue of water quality, I believe potential or likely traffic adverse impacts have been referenced in-depth and intelligently by many members of the public during this hearing/comment process. So, I will not repeat it all here, but I will reference as substantiation of my opinion, the letter submitted to the record by expert traffic engineer Frank Pearson, Director of Transportation, GPI/Greeman-Pederson, Inc.

In the following body of this letter, I will address some of these in more depth.

Item 1: The applicant has failed to establish in the DEIS either a legitimate need/demand for or true benefits to the community from this proposed development. Moreover, no legitimate economic model is established in the DEIS to justify the action. In my view, the “Benefits of the Proposed Project and Need” section (beginning on DEIS page 10), and the “Commercial/Industrial Market Analysis” (Appendices B-C2) contain deficiencies that render them incomplete, inadequate, and inaccurate, and therefore cannot constitute basis for Board “positive findings” or approval decisions

Based on my experience and expertise as a top-ranked financial, industry, and investment analyst over three decades, I assert that both of these foundational parts of the DEIS are deeply flawed: they do not provide the requisite analytics to comport with even the most minimum standards of reasonable basis to support their assertions and conclusions. These core sections are so deficient that in my opinion the Planning Board will not be able to establish positive findings, and therefore the action must be disapproved.

While it is logical as a starting point to identify existing constraints in supply and suggest that there is need for some additional C/I capacity/development in town to support existing local businesses and resident needs, there is nothing provided in the DEIS that legitimately supports/establishes a true need for a C/I subdivision of the scope, intensity and scale of the proposed action—70 acres and 50 lots—existing in Wainscott or East Hampton.

The applicant’s repeated assertions about need/demand for the proposed subdivision and development is completely unsupported by any credible analytics: the applicant’s assertions – indeed nearly the entirety of their claims – rely primarily on (a) anecdotal and qualitative observations from two narrowly-focused, interested real estate agents, as well as (b)

extrapolation from some recent but idiosyncratic and unsustainable pandemic-related conditions, and (c) a supply analysis that is flawed and deficient. Most shocking and concerning is that the applicant and their consultants provide no legitimate quantitative support or proper economic modelling that would comport with basic standards of reasonable basis.

As an example, as justification for the proposed action, the applicant provides the following generalities and grand sweeping statements:

“This Commercial/Industrial Market Analysis serves to assist in identifying and quantifying the demand for current and future small commercial services, wholesale and warehouse businesses within the Town, and provides recommendations as to the most demanded and most suitable uses for the proposed subdivision.” (Page 27)

“As economic stability returns following the coronavirus pandemic of 2020-21, the proposed project is expected to contribute to the long-term economic health of the community. More specifically, the proposed project will advance the planning goals of the Town of East Hampton as established through the existing zoning of the property and recommendations in hamlet and business district studies summarized in this document. This proposed project is expected to create strong economic activity in the Central Business District, and assist in the pre- and post-pandemic recovery. Consumer activity will ripple through the local community, bolstering economic growth in the Wainscott community and the Central Business District, and will contribute beneficial fiscal and economic impacts throughout the Town of East Hampton and the greater east end, Suffolk County, and the Long Island region as a whole. (Exhibit C-2, page 1)

This second paragraph reads as somewhat incoherent, and the six or so assertions contained in this passage remain totally unsubstantiated across the entirety of the DEIS; several are plainly inaccurate. (As someone who trained and supervised well over a hundred junior and senior investment analysts over the years, I will tell you that a passage such as this would be declared insufficient by supervisors and lawyers as not rising to a reasonable basis standard to support conclusions and investment opinions.)

The entire crux of Applicant’s justification of needs for and benefits of the action seems to be simply that the absolute number of empty CI parcels in EH is “small,” ergo, there must be a huge demand for their 50-lot/70-acre industrial and commercial development. That is reductive and inappropriately circular reasoning, one that cannot be viewed as sufficient to provide justification for the scope and scale of the proposed action, let alone one with as many potential adverse impacts.

Looking first at some of their assertions about demand and supply, I have identified a number of problems in their assessment.

- The applicant bases some of their key assumptions and assertions about population/market growth and certain types of economic activity on extrapolation into the future from a small set of idiosyncratic “one-off” conditions related to pandemic. That view from 2020 is

already outdated and cannot/should not be used as the basis for projecting future growth or need. For example, consider these couple passages from the DEIS:

“In fact, with the increase in year-round east end residents, as well as the significant rise in e-commerce and local deliveries, the demand for commercial/industrial space has actually been even greater since the pandemic began.” (Page 12)

“However, it is important to note that these data do not account for the effect of the coronavirus pandemic and the large population increase that has been witnessed in the local east end housing market, data from which has not yet been published. The growth in the number of households indicates that additional commercial/industrial uses can likely be supported; as growth continues over the coming years, demand will increase further.” (Page 14)

It is reasonable if not likely that the above-trend growth in population seen across the East End during the worst parts of the pandemic and captured in the 2020 census was skewed by the fact that census takers were out canvassing, and individuals were filling out their census forms, during the pandemic when many people were here, having fled NYC and other metropolitan locations and declared/considered themselves as full-time residents, rather than short-term visitors riding out the pandemic in their second homes or rentals. It is not legitimate to assume that the most recent rate of above-average growth of population or households was anything more than a “blip” or that it will be sustained into the future at the same pace.

Most clearly, to all of us who do live here full-time, during this 2022/2023 fall/winter it has become clear that the pandemic population bubble has burst, and many who claimed to –or thought they would-- live here permanently year-round have left. I believe recent school enrollment declines support this.

Moreover, we have some qualitative evidence of the developing trend that local residents are moving away from the area because of lack of affordability and significant changes to rural character and quality of life, and an ability to cash out on their own properties to big money investors and speculative developers. This element should be considered, quantified and factored into any long-term estimate of population or household growth.

- In terms of the calculation of supply, we see that the applicant excludes/disqualifies all currently developed C/I zoned as well as all currently developed NB, CS and CB properties from their supply analysis.

“Currently, there are 262 parcels zoned Commercial Industrial (CI) in the Town of East Hampton....Of those 262 CI zoned parcels, 236 or 90.07%. are improved and currently used for C/I purposes, leaving only 26 of 9.92% of the CI parcels vacant and available for future CI uses. “ Updated Executive Summary, C-1 Page 2.

“It was determined that there are a total of 357 properties within the Town are zoned NB, CS and CB. Of the 357 NB, CS and CB zoned parcels, a total of 26 parcels were identified as vacant that could be developed with commercial/industrial uses that are similarly proposed at the subject property, based on review of the Suffolk County Geographic Information System (GIS), aerial imagery and Google Earth street view. All 26 parcels were zoned either NB or CB. The remaining parcels are developed and are not considered to be available for development.” (Page 13)

On the surface, this might strike someone as sensible at first, but I would contend that it is flawed for the following reason: developed parcels have the potential to be redeveloped to new or different uses. In fact, we are seeing a significant wave of new ownership and redevelopment of existing residential and commercial businesses taking place across East Hampton. If many of the uses the applicants propose to develop on the WCC site are actually in such demand and are so valuable, then market dynamics would suggest that currently developed parcels would/could likely be redeveloped to these more economically attractive uses/needs to meet those wants and demands.

- To be an accurate and adequate discussion of the need for additional C/I parcels, let alone supporting another 70 acres/or 50 lots, then the two parts of the supply and demand equation must match. However, the Applicant violates a basic standard of supply/demand analysis – they’ve **mismatched** the market area that they say defines C/I and other business-zoned supply and the market area they claim represents demand. They look only at the number of the C/I and other commercial parcels confined within the borders of East Hampton. However, they define the demand market as the area extending from the Shinnecock Canal to the tip of Montauk and to northern points of the South Fork. This means that the entire supply inventory must be redone to include all available C/I and other commercial parcels across that same larger geographic demand area. And since they use a “30-minute reasonable drive time standard” to scope the demand market, it means they need to include Calverton and Riverhead in the C/I supply analysis, including the many dozens of acres and multimillions of square feet of C/I supply planned and in process of being developed there.

“a 30-minute drive-time radius served as a starting point for the target market area boundary, and is indicative of serving the needs of households and businesses in Wainscott and within the surrounding communities. This boundary, as determined using a function within the ESRI GIS based program,¹ extended to the west to Hampton Bays, to the east to the Amagansett area, and north into Sag Harbor and parts of Shelter Island. ... Local knowledge of the area, coupled with feedback from local realtors knowledgeable of the east end commercial/industrial real estate market, resulted in the boundary being modified, adjusting the westernmost boundary to the Shinnecock Canal since communities west of the canal tend to be part of a different market area.² Further, the easternmost boundary was shifted to include all of Montauk since there are very few industrial uses that far east, and consumers would most certainly travel west to

*Wainscott to get what they may need.³ Lastly, the northern boundary was revised to exclude Shelter Island since the ferry poses transportation limitations. As such, and for the purpose of this analysis, the target market area for commercial/industrial use at the subject property was identified as shown in **Figure 1.** “*

- The second major **mismatch** flaw in the supply/demand appendix is the misalignment of time periods. Applicant calculates C/I supply only as it exists today in East Hampton, yet they tell you their project will be developed over years or decades. So, to be legitimate, the calculation of supply must include C/I and other commercial zoned land that is realistically possible to become developable over the next years and decades. And that should include the 100+ acres of sand/gravel mine off of Springs Fireplace Road as well as possibly Sand Land in Noyac (depending on zoning) and others.
- Looking at the rest of the so-called C/I Market analysis, as written, it appears to be based on qualitative, unsubstantiated anecdotes and mostly hearsay. The DEIS reveals via footnotes that applicant’s assertions in the DEIS of severe industrial and commercial land shortage and immense need reflects merely one conversation back on Dec 21, 2020 with two real estate brokers who said that there is unmet demand and a “waiting list” for C/I space. Said “waiting list” document does not appear in any of the 2000+ pages of the DEIS.

Appendix C-1, C/I Market Analysis, per NPV dated March 12, 2021, via a series of footnotes on page 12, reveals that the entirety of the applicant’s assertions about demand/need for and shortage of C/I parcels is based on a single conversation with two real estate brokers as follows:

¹²Interview with Hal Zwick, Licensed Real Estate Salesperson with Compass, December 21, 2020.

¹³Interview with Lee Minetree, Licensed Associate Real Estate Broker with Saunders, December 21, 2020

¹⁴Interview with Hal Zwick, Licensed Real Estate Salesperson with Compass, December 21, 2020.

¹⁵Interview with Lee Minetree, Licensed Associate Real Estate Broker with Saunders, December 21, 2020.

¹⁶Interview with Hal Zwick, Licensed Real Estate Salesperson with Compass, December 21, 2020.

¹⁷Interview with Lee Minetree, Licensed Associate Real Estate Broker with Saunders, December 21, 2020.

¹⁸Interview with Lee Minetree, Licensed Associate Real Estate Broker with Saunders, December 21, 2020.

Though I am not saying that the input of real estate brokers should be completely excluded from the discussion, as they do have important understanding of the market, I do assert that one should be cautious in relying solely upon them as they can have a rather narrow point of view and might view things through a lens of self-interest or promotion that would not align with SEQRA standards.

- More importantly, these sections of the DEIS relating to market demand and need are wholly deficient because they do not include any actual economic modelling – e.g. numbers and math-- supporting their assertions of needs and benefits. A valid

economic model must be primarily quantitative in nature and provide proper rationale for any assumptions made, rather than just the type of vague qualitative or anecdotal speculation we see repeatedly in the DEIS.

It should include a robust quantitative analysis of historical trends as well as a series of detailed short, intermediate and longer term projections. Required are dozens of data items and elements including but not limited to the following – none of which are currently provided by the applicant in the DEIS:

- An analysis (historical and projected) of population and demographic statistics and trends, including data related to both full-time residents, seasonal/part time population including “second-homeowners,” seasonal and short-term home renters, as well as tourists. Occupancy statistics should be “days-in-residence” adjusted.
- An analysis (historical and projected) of local construction-related statistics and trends, including, number of new homes, redevelopments expansions, house sizes/occupancy, etc
- An analysis (historical and projected) of the resort, hospitality and food service sectors across the defined market areas.
- A model of build-out of 48 additional parcels at WCC site over the next 5-10+ years, including a few different likely/possible scenarios
- A model of potential sales/revenue generation at the site over the next 5-10+ years.
- Estimates of operating margins and ROIs over the near and longer term.
- Estimates/projections of “primary” and “secondary growth effects” as defined in Section 4.3 of the DEIS: *“Growth-inducing effects cause or promote additional development, either directly from new development itself (i.e., “primary” effect) or indirectly as a result of increases in local population, market demands, new or renewed interest in an area due to growth or perceived potential for growth in that community (i.e., “secondary” effect).*
- Detailed near- and longer-term projected consumption of resources by the WCC such as water, electricity and fossil fuels as well as the consumption of and burden created on all municipal resources.
- Detailed employment analysis: e.g. valid estimates how many people will need to be employed on the site from construction phase through to full build out; types of jobs, likely mix of earnings levels (e.g minimum wage, skilled workers etc.), etc.
- Scenario analyses: Importantly, the applicant’s stated goal is to support and fuel the construction industry and related trades. Even though there are times when development and building in the Hamptons can be somewhat less volatile than it is other markets, overall construction is a truly cyclical industry. Therefore, to provide a legitimate basis for assumptions made in the DEIS, applicant also needs to produce a thorough, expected-value multi-scenario analysis.
- Multiple scenario cost-benefit analyses

- “Opportunity cost” analyses
 - Detailed projections of tax revenues to be generated and how they will relate to increased costs and burdens to the Town created by the development, see next item.
- To that last bullet point, the applicant makes repeated claims that their subdivision and development will generate substantial tax revenue benefits to the Town. For example:

“In addition, future uses at the subject property will provide tax revenues that will support local taxing districts and area services and infrastructure.” (Page 229)

“It is expected that the Proposed Action will create demand for, and lead to the extension of community facilities and expansion of services in the surrounding area. The cost to meet this increased demand will be offset by increased property tax revenues and user fees that would be generated from site-specific developments on what is now a large predominantly vacant site and the developer’s installation of on-site facilities and connections.” (Page 230)

However, these and similar claims are never substantiated with analysis in the DEIS. Moreover, our East Hampton Town Comprehensive Plan was clear in its statement on page 1 that *“Many studies document the fact that most development burdens the community with more expenses than the taxes it generates.”* And *“Bear in mind that approximately 58.5% of each tax bill in the East Hampton School District covers non-school expenses associated with County, Fire Districts, Town and other services.”*

And, more recently, in 2022, even with unprecedented amounts of new development and redevelopment over the last 5-10 years yielding significant increases in property taxes collected here in East Hampton, the Town budget came within just \$2,000 of needing to break through the 2% annual property tax increase cap.

Therefore, to be legitimate and reliable, an economic model must address this cost /benefit analysis to the Town by sizing these revenue streams vs the additional costs and burdens possibly or likely created by the action.

Item 2: The Many Deficiencies in the “Alternatives” Discussion in the DEIS: Turning now to the “Alternatives” section in the DEIS: this is one the most essential elements required under SEQRA. It’s the core to support a finding that “the action chosen is the one that minimizes environmental impacts to the maximum extent practicable” and that it is the alternative where any adverse impacts are outweighed by “meaningful and substantial” benefits.

But for each of the five alternatives presented, applicant has failed to provide legitimate analytical support, and their narratives are problematic. Taking them one by one:

1. Per the SEQRA Handbook “The No-Action Alternative provides a basis from which to identify, characterize and assess future conditions and possible impacts and benefits that are likely to result in the reasonably foreseeable future in the absence of any new projects, land use(s), site disturbances, and construction or other activities. However, the “no-action” alternative discussed in the DEIS does not comport with the standard defined by SEQRA and perverts the intent of the standard. The “no action” provided in the DEIS is actually an “alternative development” action: it compares the current proposed action against a full build-out on the current 6 parcels.

It’s not possible that “no action” creates more adverse effects than the current action. Yet, In Table 5.2, the applicant tries to make us believe that it will generate greater adverse impacts of nearly 70% increase in structures and impervious surfaces, a 41% increase in wastewater effluent and a 50% increase in required parking spaces. This strains credulity. Finally, the applicant does not take into account that a true no-action plan could possibly benefit both the applicant and a larger swath of members of the community. For example, if rather than developing the land themselves, the Town or other municipal and/or conservation entities might buy the land from the applicant at appraised value, the applicant would benefit and realize value in the short run, and citizens could benefit by other types of multi-use diversified development as well as open space and regeneration of natural resources on the site.

2. The “Suffolk Cement Relocation Alternative” is not really an instructive standalone alternative --the relocation is just simply a part of the Hamlet alternative or a possible mitigation effort. Also, when considering the alternatives to move the existing cement and the masonry/tile facilities, the applicant’s assertion that they must stay where they are rather than being moved is not fully substantiated. All in this so-called “alternative” provides no relevance to the Planning Board’s decision-making process.
3. The “Sewage Treatment Plant” alternative, which considers construction of a single sewage treatment plant for all 50 lots at the subject property as presented is also flawed and inaccurate. The purpose of this scoped alternative is to compare “apples-to-apples” with the proposed action: how will a sewage treatment plant reduce nitrogen and phosphorous and treat other potentially dangerous effluent compared to individual I/As **for the same** 17% buildout as currently scoped in the proposed action.

Instead, we are given sort of a scare tactic where applicant threatens that if they have to build an STP, then they will double the intensity of the build out. They write: *“this alternative would allow an increase in total building coverage as an STP would be constructed on Lot 21. Specifically, all uses could double their total building coverage under this alternative from 17 percent to 34 percent as an STP would be constructed to accommodate all sanitary wastewater generated by such uses.”* (page 248) This is not a legitimate, good faith analysis, and Table 5.4 comparing the various outcomes of the two “alternatives” reads as such.

We also consider this statement on page 252 *“Although an increase in building coverage would be permitted under this alternative, the creation of a community wastewater treatment system and maintenance thereof at the subject property would be overly burdensome on the Applicant.”* However, that assertion remains unexplained—what are these additional burdens? Moreover, the applicant does not address any potential benefits to the broader community, such as analyzing if the STP could also serve and treat wastewater streams of the surrounding/contiguous existing commercial and industrial development in and around the Wainscott business district. Wouldn’t that potentially create meaningful improvement to water quality overall and in Georgica Pond, while also creating an additional stream of revenues for the applicant?

Also missing from this alternative discussion are two other likely benefits of the STP alternative: (a) the significant reduction of nitrogen and phosphorous achieved by an STP vs individual I/A’s, and (b) an STP’s ability to handle and treat other types of waste streams created by Industrial, service commercial and commercial applications that cannot be effectively addressed by I/As.

4. The “Open Space” alternative is flawed and inadequate. Open space subdivisions (per Chapter 193) generally provide for between 25% and 50% of the area protected as open space. Instead, what the applicant gives us here is merely taking the 10% buffer area required of any subdivision and consolidates it into one 7-acre parcel. In this alternative they indicate a total of 38 lots of various sizes to be developed. (Page 242)

In addition, on page 253 this statement by the applicant is unclear *“It should be noted that all vegetation along the eastern and western property boundaries would be removed to accommodate the 7± acre open space parcel. Therefore, vegetated buffers would not be provided along the entire eastern and western property boundaries.”* Why would that happen? Especially given that developed lots within open space subdivisions are generally subject to important clearing restrictions, meaning that this alternative might bring a lot of revegetation and that would have meaningful benefits to the community and our ecosystems and sustainability.

All in, as presented in the DEIS, the applicant’s version of an “open space” alternative is simply not a legitimate. Preservation of only 10% of total area seems inadequate when compared to the purpose of a true “open space subdivision” as stated in Chapter 193

<https://ecode360.com/8163251#8163251> A, B D, H & I especially

And here again, we see in Table 5.5 on page 255/256 the applicant asserts that an “open space” alternative intensifies certain adverse conditions/impacts such as degree of development and impervious surfaces, barely changes the water resources statistics, and balloons solid waste/garbage generation by nearly 50%, and also makes the claim on page 256 that *“As such, the total disturbance of soils and site topography would be greater under the Open Space Alternative.”*

Again, all in, I question how this can in any way be viewed as good faith, legitimate, reasonable “alternative” analysis in line with SEQRA standards?

5. And finally, fifth, the “Hamlet Plan” Alternative. At the public hearing, and in written comments to the record, many people have discussed and dealt with the deficiencies of the proposed action relative to the Wainscott Hamlet plan as adopted into the Town’s Comprehensive plan. So, I will not reiterate in depth. But in short, I believe that this is the most inadequate and inaccurate of the five alternative analyses. First, applicant has not included much of anything that is actually in the real Hamlet Plan adopted into the Town Comprehensive Plan. Moreover, they do not provide substantive discussion of the relative community-wide benefits related to the type of uses scoped in the Hamlet Plan.

The Hamlet alternative needs to have done two main things to be legitimate and complete and serve as a basis for decision making. First: accurately reflect and incorporate in depth what is in the Hamlet Plan rather than some reconstituted plat “inspired” by one image in the plan. Second, it should have provided an analysis of their own (not the Town’s) development of the land in this way and how the types of uses envisioned in the Hamlet plan will compare in adverse impacts and benefits to them and to the community compared with the existing proposed action.

Instead, we are given an altered version of the plat and a set of demands for final site plan approval and issued building permits before they will provide the Town an option to buy some of the land. Their take on the Hamlet plan feels more like a cynical hostage taking than a good faith analysis

<http://ny-easthamptontown.civicplus.com/DocumentCenter/View/1411/Plan-for-Wainscott-PDF>

<http://ehamptonny.gov/DocumentCenter/View/10884/Wainscott-Hamlet-Study-Presentation?bidId=>

Item 3: Incompatibility of the Action with The Comprehensive Plan Goals and Objective, and the Stated Purposes of EH Town Zoning Code:

In the DEIS, the applicant makes numerous assertions that the action proposed comports and aligns with the East Hampton goals and objectives. However, none of those claims are adequately supported or substantiated by analysis presented in the DEIS.

To the contrary, the subdivision and the intended uses and buildout, as proposed by the applicant, or anything even close to it, are completely incompatible with both (a) the overall goals and objectives of the EH Town Comprehensive Plan (including the Wainscott Hamlet Study/Plan that has been adopted into it), and (b) the stated Purposes of Chapter 255: Zoning Code. We review these in depth here below.

- The proposed action as scoped, or anywhere close to it, is incompatible with the “The Vision Statement” and “The Goals and Objectives” of The East Hampton Town Comprehensive Plan, Vision Statement on page 7 and Goals and Objectives on page 8, especially Goals 1, 2, 3, 4, 5, 7, 8, 9 & 11. Below here we recount each goal and assess the proposed action in relation to them.

<http://ehamptonny.gov/DocumentCenter/View/1319/2005-Town-Comprehensive-Plan-PDF>

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.*

An intense and dense 70 acre/50 lot industrial and commercial development, potentially including large warehouses and distribution centers, does not in any way comport with rural or semi-rural qualities; it is more suburban or urban in nature. It will crush the historical character of Wainscott.

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, noise and energy consumption.*

An intense and dense 70 acre/50 lot industrial and commercial development, potentially including large warehouses and distribution centers, and for the purpose of driving/accelerating additional development, undermines all of the elements specified here that our Town should take “forceful measures to protect and restore.”

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

An intense and dense 70 acre/50 lot industrial and commercial development, potentially including large warehouses and distribution centers, and for the purpose of driving/accelerating additional development is fully incompatible with this goal.”

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.*

As per our discussion in Item 4 below, the action will not only not provide these types of housing opportunities anywhere on its 70 acres, but it might exacerbate the Town’s affordable housing crisis. The DEIS does not address affordable, community or workforce housing in any material way

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

The applicant states over and over again in the DEIS that the purpose of the action is to serve and benefit the affluent second-home community and the transient tourists, rather than the year-round population. Environmental impacts of C & I uses will be increased, rather than be reduced, as a result of this action.

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

Goal Seven: *Protect historic buildings, hamlets, neighborhoods, landscapes and scenic vistas 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 reliance on the automobile. Encourage investment in alternative transportation - including sidewalks, bikeways, rail, buses, shuttles, and "shared" cars - while maintaining the existing scale and character of community.*

The action as currently scoped not only will not help achieve this goal, but it might further undermine it. In particular, traditional vehicular, both automobile and truck, traffic likely will increase significantly as a result of this action.

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

The action as currently scoped runs counter to this goal in several material ways.

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

The action as currently scoped provides none of these facilities and does not satisfy any of these needs

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

The action as currently scoped does not do anything to implement the overall Comprehensive Plan or any of the additional plans, such as the Wainscott Hamlet plan, that have been incorporated into it over the last several years.

- Nothing in the DEIS adequately substantiates any claim that the proposed action is consistent with and embodies the important intent and purpose of our zoning code. In contrast, we make the case that as scoped, or anywhere close to it, is incompatible with most of EH Town Zoning Code Chapter 255-1-11 Purposes, especially A. Orderly Growth; B. Protection of Neighborhoods. C. Proper Use of Land; D. Affordable Housing; E. Preservation; F&G. Water Recharge and Clean Water; H. Safety & Health; I. Prevention of Overcrowding; J. Property Values; and L. Aesthetic Attributes as presented in full here below <https://ecode360.com/10413764#10413764>

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.*

See above re Comprehensive Plan compartment. Moreover, the proposed action is of a scope and scale that might not fit the definition of “orderly growth” and is scoped to drive further overdevelopment across town rather than “orderly growth”

- **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.*

The proposed action will have a severe negative impact on the surrounding residential neighborhoods and is antithetical to the established character of Wainscott Hamlet and the well-being of local residents. Values of private property in the surrounding areas could be hurt/compromised by being in proximity to a 70 acre industrial park potentially operating most of the day and evening. (The WCC could have a similar impact that property values in the area that the airport has on surrounding private 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.*

Just because the 70 acres of the WCC are currently zoned C/I does not necessarily mean that the types of uses proposed by the applicant are “most appropriate” in the context of Town/Hamlet imperatives, priorities and “public interest.” There are likely other alternative uses of that land that might very well be superior and value creating to the Town and the public. The applicant has not established analytically that the proposed subdivision and the proposed uses are indeed “*the most demanded and most suitable uses.*”

- **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.*

The proposed action is wholly incompatible with this Purpose. Please see section below regarding incompatibility of the proposed action with Affordable Housing priorities and needs in East Hampton

- **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.*
- **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.*

With respect to Purposes F & G, the site of the proposed action lies within a Water Protection District and in very close proximity to/contiguous to water recharge areas. Please see expert commentary entered into the record related to potential adverse impacts of the proposed action on surface and ground waters and Georgica Pond.

- **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.*

The proposed action as scoped is incompatible with this stated Purpose

- **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.*

The proposed action as scoped in size, scale and intensity of development, as well as in its stated purpose to support and drive more construction and more tourism across the Town, is incompatible with this code Purpose element.

- **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.*

Though the proposed action will bring a lot of commercial and industrial-related intensity of activity (potentially day and night) to the site and the surroundings, that does not mean it will bring “vitality” to the commercial center of Wainscott. The Wainscott Hamlet plan prioritizes creating a more vital and walkable/accessible and enjoyable commercial center, but given that the WCC forecloses the path to realizing the Hamlet Plan, it is incompatible with this stated Purpose of the code.

- ***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.***

The proposed action is incompatible/contrary to this code Purpose.

Item 4: Impact on Affordable Housing:

In the 2022 ‘STATE OF THE TOWN’ Address, East Hampton Town Supervisor Peter Van Scoyoc referred to the lack of housing affordability as a “serious and immediate threat to the well-being and sustainability of the community,” something that was reiterated when the Town established it’s All Hands of Housing initiative early last year.

<https://ehamptonny.gov/DocumentCenter/View/11340/All-Hands-on-Housing-press-release-final>

Moreover, it is important to note that in 2022 the Town created a detailed “Community Housing Fund Project Plan” and adopted it into the EH Town Comprehensive Plan in January 2023.

<http://ehamptonny.gov/DocumentCenter/View/16515/Community-Housing-Fund-Plan-January-19-2023>

Among many, one critical gap I identify in the applicant’s market/economic analysis included in the DEIS relates directly to the Town’s affordable housing imperative.

The applicant repeatedly touts the possible benefit of “job creation” from the development of the WCC. For example they assert:

“It is anticipated that the Proposed Action will contribute to an increase in activity from the new customer base arising from development. New employment opportunities will be created as a result of proposed construction which will include building trade jobs for road, drainage, sanitary, utilities, building construction and landscape installations. “

“Future uses at the subject property and any new support services in the area could potentially attract future employees to the area. However, Suffolk Cement and Southampton Masonry will remain at the subject property, and it is anticipated that some existing commercial service, wholesale and warehouse businesses in the area (or on Long Island in general) would relocate to the site. Employment opportunities are a benefit of the project.” (Page 229)

“There will not be an introduction of a permanent population at the subject property as a result of the Proposed Action, as future uses will be commercial or industrial consistent with zoning. It is possible that future commercial service, wholesale and warehouse businesses at the subject property, depending on future market conditions, may create opportunities for the establishment of additional support services and essential goods in the area, such as home construction companies, real estate businesses, site maintenance and other types of businesses.” (Page 228)

Yet, totally absent from the DEIS is the critical study of if and how this project will impact East Hampton’s already severe 2000-unit affordable housing deficit.

The WCC development as currently scoped, not only does not include the beneficial development of any economically accessible (affordable, workforce, community) housing units, but I believe it could likely to add significantly to the Town’s affordable housing deficit. Therefore, the proposed action appears incompatible with the Housing Plan incorporated in the Comprehensive Plan, may create very adverse impact to our town, full time residents, economy and undermine the health and safety and wellbeing of the community.

We know (it is well documented in the press and transcripts of Town Board meetings etc.) that existing businesses and employers, including the Town itself, are having great difficulty attracting, hiring and retaining employees and staff, including critical services workers (e.g. teachers, health professionals, first responders etc) in large part because of affordability issues and absence of workforce housing. Therefore, a need for a hundred or potentially hundreds of employees created by the WCC could compete intensely with existing businesses for staff and undermine the health of our local economy.

Moreover, we know that the very type of aggressive second-home development the proposed action is focused on fueling is a key reason why affordable housing inventory for full-time residents/worker continues to be obliterated.

To be complete, the DEIS must estimate how many individual employees (across all shifts) will be required for not just the subdivision construction phases, but for the uses on all 50 lots. From where will they be sourced and where will they live? They must also tell us the expected range of wages related to those uses to be earned by these employees so that Board and the public can understand and assess how many of these incremental workers will actually be able to afford to live in/around East Hampton paying market rate for housing, in order to derive an assessment of potential adverse impacts relative to community affordable housing.

Item 5: Climate and Energy Sustainability: In 2017, the Town of East Hampton adopted its 2015 Climate Action Plan (<https://ehamptonny.gov/DocumentCenter/View/1740/Final-Climate-Action-Plan-October-2015-PDF>) into the Town Comprehensive Plan via the following resolution <https://ehamptonny.gov/DocumentCenter/View/3162/Adopt-Town-of-East-Hampton-Climate-Action-Plan-into-the-Town-Comprehensive-Plan-RES-2017-283-PDF>

With a focus on reducing green house gas (GHG) emissions the plan notes: “As a Town, East Hampton government has direct control of the policies that impact community emissions, including zoning authority/control over land use. This level of authority allows the Town to pursue emissions reductions for the built environment...” (page 6) and to “Consider energy and greenhouse gas emission impacts when making zoning decisions or establishing new zoning regulations”

In addition, in 2021 East Hampton Town Adopted a declaration of Climate Emergency <http://ehamptonny.gov/DocumentCenter/View/8018/Climate-Emergency-Declaration-Adopted?bidId=> which it summarized as follows “In 2021, the Town declared that a climate and ecological emergency exists and resolved to make climate mitigation and the elimination of greenhouse gas emissions a guiding principle and objective of all municipal operations and decisions.”

The following language is included in this East Hampton Climate Emergency declaration:

“Whereas, the Town’s climate action plan is only a start in a much larger effort to eliminate East Hampton’s greenhouse gas emissions and build a sustainable community; and

“Whereas, the approval of a climate emergency declaration is a critical step toward raising community awareness, support and commitment to reach the Town’s goals of meeting the equivalent of 100 percent of annual, economy-wide energy consumption, such as electricity, heating, and transportation with renewable energy sources by the year 2030;

“Whereas, East Hampton should act as a global leader by escalating its efforts to convert to an ecologically, socially, and economically regenerative local economy at emergency speed, as well as advocating for local regional, national, and international efforts necessary to reverse global warming and the ecological crisis;

“Resolved, that by declaring this emergency the Town Board is committing to make climate, mitigation and the elimination of greenhouse gas emissions a guiding principle and objective of all municipal operations, all policy and purchasing decisions, all planning and zoning decisions, all aspects of town business for the foreseeable future;

“Resolved, that the Natural Resources Department and Energy Sustainability Committee update the Climate Action Plan annually to guide the Town and the community in its implementation, toward the goal of meeting 100 percent of annual, economy-wide energy consumption with renewable energy sources by the year 2030” thereby vastly reducing the Town’s greenhouse gas emissions, and accelerating adaptation and resilience strategies in preparation for intensifying local climate impacts and ensuring a just transition for residents.”

This is one of the most important set of mandates, objectives and principles of the Town and it has been adopted into the Town's Comprehensive Plan; therefore, it is essential that any decision to approve this action be made squarely in the context of climate impact.

However, the DEIS is so very incomplete on this topic, that one cannot not legitimately conclude there are no adverse climate/environmental impacts from the proposed action . Quite the opposite: it appears that this action will generate severe adverse climate impact and is inconsistent with the purpose and guidelines of the plan.

First with respect to what is contained in the DEIS, The Section **4.4 Energy Use, Conservation, and Climate Change begins on page 230**

The DEIS makes oblique/passing reference to its understanding of the Towns priority *"to promote sustainable energy and reduce energy consumption to mitigate the impacts of climate change"* (page 232). In this section the applicant proceeds to make the case that *"based on the 2001 Building Energy Data Book, that "Warehouse and Storage" buildings generate 94.3 thousand Btu per SF per year, less than "Office" buildings generate 211.7 thousand Btu per SF per year, "Service" buildings generate 151.6 thousand Btu per SF per year and other uses generate 318.8 thousand Btu per SF per year."*

But the document also states: *"However, exact square footages and total energy demand cannot be definitively determined at this time due to the expected incremental development of site plans within the CI subdivision over time."* (page 230)—so the consumption of energy and impact on climate is unknown and cannot be definitively claimed to have no adverse impact on the environment of the Town or its climate goals and commitments. Nor does the applicant provide insight to define how much of their energy needs will continue to be supplied by fossil fuels rather than renewable energy.

The section of the DEIS "Climate change 4.4.2" begins page 233. It is very brief, taking up just about 2 of the 2000 pages in the document; most of what is contained therein is of a very general "boilerplate" rather "generic" content and quality. Although on page 234, the applicant lists a series of 14 bullet points outlining "conservation measures will be incorporated into the design of the proposed project and future uses at the subject property," they tell us that most of those conservation measures meet the more basic minimum required building standards related to energy consumption, several reflect rain gardens and low-mow plants, and many of the measures are qualified/hedged with "when practicable."

- Though the applicant boasts repeatedly about its industrial raingardens to help reduce the large amount of runoff that will be generated by the intensity and density of the proposed development, the fact is that as part of the proposed action, virtually none of the land will be regenerated with native vegetation or trees (such as oaks) and meadows. Moreover, what meadows have been regenerating, the 30+ acres classified as "successional old field" since the completion of mining activities on the site, will be excavated.

- Though there is discussion that structures built on the property will include solar panels to supply a yet undetermined portion of the site's energy needs, none of the site will be dedicated to the broader production of renewable energy for the community, nor is any of it to be dedicated to/deployed for any of a legitimate array of sustainability or resilience opportunities/purposes.

However, looking beyond these various details, it is most important to understand the entire purpose of the proposed action, as stated again and again in the DEIS, is inherently antithetical to climate crisis mitigation and sustainability. Much of the purpose of the entire project is geared to servicing the construction industry and promoting more and ongoing growth of building and consumption. All in, the Wainscott Commercial Center is scoped and purposed to drive continued and even accelerated overdevelopment and overconsumption along the lines of current building and development trends we've witnessed over the last 5-10 years in East Hampton, much of which can be deemed to be environmentally damaging or even profligate. As such, the proposed action is incompatible with the Town's Climate Emergency declaration and the 2015 Climate Action Plan adopted into the Comprehensive plan.

Based on the stated sole purpose of the action as well as **TABLE 3-3 POTENTIAL RANGE OF LAND USES** beginning on page 129-131 and repeated in tables in the appendix, it would appear that the carbon footprint of the proposed action is likely to be very large. At this point, no conclusion to the contrary can be established legitimately: The DEIS is deficient because it did not provide a true and rigorous/thoughtful analysis of the carbon footprint and impact on climate of the proposed action. Moreover, it is also deficient because in the DEIS the applicant should have had to consider and assess a legitimate "green" development alternative.

Viewed through the crucial lens of climate, energy efficiency, GHG reduction, sustainability and resilience, the proposed development seems wholly "backward looking," when the best and most appropriate and productive use of most or all of these acres should be "forward looking."

In my view, this is not about denying an owners' property rights or a profit motive or the development of necessary and beneficial commercial and service businesses. Instead, as the enduring standards of "good planning" guides us, this development should be about a forward-looking, rather than their backward-looking, vision for East Hampton. A vision that protects and regenerates a large portion of that land, that is in step with and addresses the most critical imperatives of the Town, and also deploys a part of this 70 acres for 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, including year-round residents that live and work here full time, rather than the narrow and elite slice that is the applicant's focus: developers, builders, transient tourists and the wealthy "second homeowners." This is a once-in-a-lifetime opportunity to do something wonderful rather than wasteful.

Thank you for your consideration of my comments. Sincerely, Jaine Mehring.

APPENDIX 1: Letter to the Public Record Dated February 9, 2023 Related to the Public Hearing Comments:

FOR THE PUBLIC RECORD

In the Matter of: Wainscott Commercial Center, *30 Montauk Highway, Wainscott. (SCTM#300-192-02-066.2, 6.3,6.4, 6.5, 6.6, 6.7)*

Public Hearing, February 8, 2023

Comments Serving as the Basis For Timed Spoken Remarks

From: Jaine Mehring

Good Afternoon Chairman Kramer and Members of the East Hampton Town Planning Board:

As I understand the SEQRA process, once the Public Portion concludes on March 13, the Planning Board will be required to make several decisions:

- Is the accepted DEIS sufficient to lead to the FEIS?
- Has the applicant proven true need for the proposed action?
- Has the applicant demonstrated that the action will generate meaningful benefits not only to himself, but also to the town, residents, and community?
- Has the applicant established a legitimate reasonable basis to support their assertions that *no* significant adverse impacts are anticipated related to their proposed action, short or long term?
- Has applicant proven that the action is the alternative that minimizes/avoids environmental impacts to the maximum extent practicable?
- Has the applicant demonstrated fully and legitimately that the action is compatible with the vision, goals, and objectives of the East Hampton Town Comprehensive Plan as well as that the purposes and standards of Chapter 255 and Chapter 220?

All in, per SEQRA, It would take a “yes” to all of these to get to the FEIS, to get to a “positive findings” statement, and to render an “approval” decision on the subdivision plat. However, if, after consideration of an FEIS, the public need and benefit cannot be shown to outweigh the adverse environmental impacts of a project, then the Board must disapprove the action.

After watching the related Planning Board meetings over the last several years, and based on my in-depth study and analysis of the DEIS, in the days ahead I will submit to the written record a letter identifying a dozen reasons why the DEIS as created by the applicant and deemed “complete” by this board lacks the credible, disciplined, legitimate analysis to support their assertions and

conclusions of need, benefits, minimization of adverse environmental impacts, and compatibility with our codified standards.

Here today at the public hearing, the timing constraints imposed limit the public's ability to speak in the depth commensurate with the voluminous DEIS and the most consequential -- even existential -- nature of the application. Therefore, I will focus only on two DEIS elements: first the "Economic Market Analysis" in Section 1.1.3 and Appendices B, C, C1 and C2, and second, the "Alternatives" narrative in Section 5 and supplemented with Appendix J.

I will submit my CV to the record to support my credentials. Given my experience and expertise as a top-ranked financial, industry, and investment analyst over three decades, I assert that both of these foundational parts of the DEIS are deeply flawed: they do not provide the requisite analytics to comport with even the most minimum standards of reasonable basis to support their assertions and conclusions. These core sections are so deficient that the Planning Board will not be able to establish positive findings and therefore the action must be disapproved.

The entire crux of Applicant's justification of needs for and benefits of the action seems to be simply that the absolute number of empty CI parcels in EH is "small," ergo, there must be a huge demand for their 50-lot/70-acre industrial and commercial development. That is reductive and inappropriately circular reasoning, one that cannot be viewed as sufficient to provide justification for the scope and scale of the proposed action, let alone one with as many potential adverse impacts.

In my view, the "Benefits of the Proposed Project and Need" section (beginning on DEIS page 10), and the "Commercial/Industrial Market Analysis" (Appendices B-C2) contain deficiencies that render them inadequate and inaccurate, and therefore cannot constitute basis for Board "positive findings" or approval decisions. Among the problems I identify:

--The Applicant violates a basic standard of supply/demand analysis -- they've **mismatched** the market area that they say defines C/I and other business-zoned supply and the market area they claim represents demand. They look only at the number of the C/I and other commercial parcels confined within the borders of East Hampton. However, they define the demand market as the area extending from the Shinnecock Canal to the tip of Montauk and to northern points of the South Fork. This means that the entire supply inventory must be redone to include all available C/I and other commercial parcels across that same larger geographic demand area. And since they use a "reasonable drive time standard" to scope the demand market, it means they need to include Calverton and Riverhead in the C/I supply analysis, including the many dozens of acres and multimillions of square feet of C/I supply planned and in process of being developed there.

--The second major **mismatch** flaw in the supply/demand appendix is the misalignment of time periods. Applicant calculates C/I supply only as it exists today in East Hampton, yet they tell you their project will be developed over years or decades. So, to be legitimate, the calculation of supply must include C/I and other commercial zoned land that is realistically possible to

become developable over the next years and decades. And that should include the 100+ acres of sand/gravel mine off of Springs Fireplace Road as well as Sand Land in Noyac and possibly others.

--Looking at the rest of the so-called C/I Market analysis, as written, it appears to be based on qualitative, unsubstantiated anecdotes and mostly hearsay. The DEIS reveals via footnotes that their assertion of severe industrial and commercial land shortage and immense need reflects only one conversation back on Dec 21, 2020 with two real estate brokers who said that there is unmet demand and a "waiting list" for C/I space. Said "waiting list" document does not appear in any of the 2000+ pages of the DEIS.

More importantly, this section is wholly deficient because it does not include any actual quantitative, economic modelling – e.g. numbers and math-- supporting their assertions of needs and benefits. In my letter to follow, I will delineate what a valid economic model must include, such as quantitative analysis of historical trends as well as long range projections. Required are dozens of data items like projected population and demographic statistics, sales and operating margins, property and sales tax revenue generation, ROIs, estimates of "secondary growth effects," projected consumption of resources such as water, electricity and fossil fuels, employment statistics, additional "burdens" on town infrastructure and resources, creation and cost of secondary growth effects, etc. Importantly, because applicant's stated goal is to support and fuel the construction industry and related trades – a truly cyclical industry – they also need to produce a thorough expected-value multi-scenario analysis.

Among many, one essential gap I identify in their market/economic analysis relates to the Town's affordable housing imperative. The application touts the possible benefit of "job creation." Yet, totally absent from the DEIS is the critical study of if and how this project will impact East Hampton's already severe 2000-unit affordable housing deficit. Applicant must estimate how many employees will be required for not just the subdivision construction phases, but for the uses on all 50 lots. They must also tell us the expected range of wages related to those uses to be earned by these employees so that Board and the public can understand and assess how many workers will actually be able to afford to live in/around East Hampton paying market rate for housing, in order to derive an assessment of potential adverse impacts relative to community affordable housing.

Turning now to the "Alternatives" section in the DEIS: this is one the most essential elements required under SEQRA. It's the core to support a finding that "the action chosen is the one that minimizes environmental impacts to the maximum extent practicable" and that it is the alternative where adverse impacts are outweighed by "meaningful and substantial" benefits.

But for each of the five alternatives presented, applicant has failed to provide legitimate analytical support, and their narratives are problematic. Taking them one by one:

1. The "no-action" alternative does not comport with the standard defined by SEQRA. The "no action" provided in the DES is actually an "alternative development" action: it compares the

current proposed action against a full build-out on the current 6 parcels. It's not possible that "no action" creates more adverse effects than the current action. Yet, In Table 5.2, the applicant tries to make us believe that it will generate greater adverse impacts of nearly 70% increase in structures and impervious surfaces, a 41% increase in wastewater effluent and a 50% increase in required parking spaces. This strains credulity.

2. The "Suffolk Cement Relocation Alternative" is not really an instructive standalone alternative --the relocation is just simply a part of the Hamlet alternative or a possible mitigation effort. This alternative provides no relevance to the decision-making process.
3. The "Sewage Treatment Plant" alternative as presented is also flawed and inaccurate. The purpose of this scoped alternative is to compare "apples-to-apples" with the proposed action: how will a sewage treatment plant reduce nitrogen and phosphorous and treat other potentially dangerous effluent compared to individual I/As **for the same** 17% buildout as currently scoped in the proposed action. Instead, we are given sort of a scare tactic where applicant threatens that if they have to build an STP, then they will double the intensity of the build out—this is not a legitimate, good faith analysis, and Table 5.4 reads as such.
4. The "Open Space" alternative is flawed and inadequate. Open space subdivisions generally provide for between 25% and 50% of the area protected as open space. Instead, what the applicant gives us here is merely taking the 10% buffer area required of any subdivision and consolidates it into one 7-acre parcel. This is simply not a legitimate alternative. And here again, we see in Table 5.5 the applicant asserts that an "open space" alternative intensifies certain adverse conditions/impacts such as degree of development and impervious surfaces, barely changes the water resources statistics, and balloons solid waste/garbage generation by nearly 50%. Again, I ask how can this be viewed as good faith, legitimate, reasonable analysis?
5. And finally, fifth, the "Hamlet Plan" Alternative. I imagine today a lot of other people will likely deal with the deficiencies of the proposed action relative to the Hamlet plan. So, in short, I believe that this is the most inadequate and inaccurate of the five alternative analyses. First, applicant has not included much of anything that is actually in the real Hamlet Plan adopted into the Town Comprehensive Plan. Moreover, they do not provide substantive discussion of the relative community-wide benefits related to the type of uses scoped in the Hamlet Plan.

The Hamlet alternative needs to have done two main things to be legitimate and complete and serve as a basis for decision making. First: accurately reflect and incorporate in depth what is in the Hamlet Plan rather than some reconstituted plat "inspired" by one image in the plan. Second, it should have provided an analysis of their own (not the Town's) development of the land in this way and how the types of uses envisioned in the Hamlet plan will compare in adverse impacts and benefits to them and to the community compared with the existing proposed action.

Instead, we are given an altered version of the plat and a set of demands for final site plan approval and issued building permits before they will provide the Town an option to buy some of the land. Their take on the Hamlet plan feels more like a cynical hostage taking than a good faith analysis

Finally, beyond these two core sections of the DEIS, I assert that overall the action as currently scoped, or anything even close to it, is **incompatible** with the following EH Town Code sections:

- Chapter 255-1-11 Purposes, especially A. Orderly Growth; B. Protection of Neighborhoods. C. Proper Use of Land; D. Affordable Housing; E. Preservation; F&G. Water Recharge and Clean Water; H. Safety & Health; I. Prevention of Overcrowding; J. Property Values; and L. Aesthetic Attributes.
<https://ecode360.com/10413764#10413764>

- Chapter 220 especially:
 - 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
 - <https://ecode360.com/8163399>

- The proposed action as scoped, or anywhere close to it, is incompatible with the “The Vision Statement” and “The Goals and Objectives” of The East Hampton Town Comprehensive Plan, Vision Statement on page 7 and Goals and Objectives on page 8, especially Goals 1, 2, 3, 4, 5, 7, 8, 9 & 11.
<http://ehamptonny.gov/DocumentCenter/View/1319/2005-Town-Comprehensive-Plan-PDF>

- The proposed action as scoped, or anywhere close to it, is incompatible with the Town’s current and forward-looking imperatives, especially those that have been outlined in: the Climate Emergency Declaration and Climate Action Plan, the Wainscott Hamlet Plan, The East Hampton Town Affordable Housing Plan, and even potentially the Coastal Assessment and Resiliency Plan, all of which have been adopted into the Town Comprehensive Plan over the last few years.

All in, based on the current DEIS, I respectfully suggest that the Board cannot establish “positive findings” and ask that you render a “disapproval” decision.

In my view, this is not about denying an owners’ property rights or a profit motive or the development of necessary and beneficial commercial and service businesses. Instead, as the enduring standards of “good planning” guides us, this development should be about a forward-looking, rather than their backward-looking, vision for East Hampton. A vision that protects and regenerates a large portion of that land, and also deploys a part of this 70 acres for 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, including year-round residents that live and work here full time, rather than the narrow and elite slice that is the applicant’s focus: developers, builders, transient tourists and the wealthy “second homeowners.” This is a once-in-a-lifetime opportunity to do something wonderful rather than wasteful.

Thank you for your attention and consideration of my statement.

APPENDIX 2: LETTER DATED FEBRUARY 7, 2023 TO THE ZONING BOARD OF APPEALS REGARDING THE PUBLIC HEARING RE: PLANNED INDUSTRIAL PARK SPECIAL PERMIT

To: Members of the East Hampton Zoning Board of Appeals
From: Jaine Mehring
Date: February 7, 2023
Re: Wainscott Commercial Center, *30 Montauk Highway, Wainscott. (SCTM#300-192-02-066.2, 6.3,6.4, 6.5, 6.6, 6.7)*

Dear Chairman Dalene and Members of the Zoning Board of Appeals:

I am writing to you regarding the following public hearing before you scheduled for February 7, 2023:

East Hampton Planning Board: 30 Montauk Highway, Wainscott. (SCTM#300-192-02-066.2, 6.3,6.4, 6.5, 6.6, 6.7)

TIME: 6:30:00 PM **APPLICANT:** East Hampton Planning Board

SIZE/LOCATION: 70.51 acres, 30 Montauk Highway, Wainscott, N/A, Wainscott
(SCTM#300-192-02-066.2, 6.3,6.4, 6.5, 6.6, 6.7)

DESCRIPTION: Pursuant to Town Code §255-8-30A (3) the Planning Board seeks an interpretation as to whether a Special permit is required for a Planned Industrial Park for the Wainscott Commercial Center Preliminary Subdivision application.

RELIEF SOUGHT: An interpretation of the Town Code pursuant to section 255-8-30 A (3) in order to determine if the proposed project requires the granting of a special permit for a Planned Industrial Park.

ZONING DISTRICT: CI- Commercial Industrial Zone X Flood Zone

As background, I have been following very closely the proposed Wainscott Commercial Center Application (WCC) for 15 months, I have watched the related Planning Board meetings about the DEIS over the last few years, and I have read the entirety of the lengthy and detailed (2000+ pages) DEIS twice in total. I will be participating in the Public Hearing covering the DEIS and the proposed subdivision plat taking place on February 8, 2023.

I, of course, understand your jurisdiction in this matter per 255-8-30-A (3) "Interpretations. Applications brought directly to the Board of Appeals by any local agency for interpretations of provisions of this chapter."

I was at the Planning Board meeting on December 14, 2022 when the members voted to seek interpretation from the Building Inspector regarding the need for a Planned Industrial Park Special Permit for the WCC, which they characterized as a "matter of ambiguity."

I am also aware that following that meeting, in December, the Building Inspector declined the referral from the PB, without explanation, and recommended the Planning Board instead seek interpretation directly from the ZBA.

Though the referral was based on what the Planning Board termed an “ambiguity,” it is not clear to me what is unclear or doubtful in this specific matter.

Based on a reading of relevant code sections, the 70 acres in play have been for a very long time and continue to be industrial land, otherwise known as land zoned for and used for industrial purposes. The proposed planned subdivision and projected development align with all the basic elements of the definition of “Planned Industrial Park” under 255-1-20, and many future industrial uses are clearly described for development across the site.

All in, I hope this board will find in the affirmative that a Special Permit for a Planned Industrial Park is necessary for this matter prior to approval of the subdivision.

More specifically, as a basis of my opinion, I cite the following.

- The definition of a “Planned Industrial Park” per “Definitions” 255-1-20

<https://ecode360.com/10414088#10414088>

PLANNED INDUSTRIAL PARK

A development of industrial land involving the subdivision of a large lot into five or more lots, each of which is at least 20,000 square feet in area.

The proposed actions in the matter clearly fit this definition:

- First, the existing site itself is “industrial land” as it has been used solely for industrial uses (primarily mining) for many decades, specific industrial uses (cement and masonry plants) have also existed for a long time and will continue on the site.
- Second, the proposed action is a subdivision of large lots of that industrial land, into “five or more lots, each of which is at least 20,000 square feet in area.” Specifically, the 70.5 acre site is proposed to be subdivided into a total of 50 lots, each of which will be 40,000 sq feet or more in size and will be developed.
- Third, the applicant makes clear that a material number of industrial uses are envisioned to be developed across the subdivision as delineated by Commercial Industrial uses table as defined in Attachment 3 <https://ecode360.com/attachment/EA0658/EA0658-255c%20Use%20Table%20-%20Commercial.pdf> The proposed set of potential uses for the 50 parcels in the planned subdivision provided in Table 3.3 of the DEIS, indicate a meaningful (more than five) uses that are categorized specifically as “Industrial” in the use table Exhibit 3 of Chapter 255.
- Fourth, the subdivision itself is being developed prior to the establishment of each of the specific lot-by-lot uses.

At the December 14, 2022 Planning Board meeting where the board again discussed the potential need for the PIP Special Permit, the applicant's chief counsel/VP of Development Mr. Eagan, objected strenuously to the need for this permit, asserting an array of issues, including

1. That the code is ambiguous about what industrial land is
2. He said that at this stage, there is no "development"
3. He claimed that they have absolutely no idea what type of uses will be developed on any of the lots in the subdivision
4. That this is a "meritless" claim.
5. That if a PIP special permit was relevant and "necessary" it would have been raised at some point earlier in the DEIS application review process that started in 2018.
6. That the Planning Board doesn't need to decide about this now
7. That there is no precedent for this PIP SP
8. That the "origin" of this request is "problematic"

Addressing each of these as follows:

1. **The code does establish a meaning for "industrial" land** as C-I and vice versa:

- a. Chapter 185-1 Definitions defines "Industrial District" clearly:

INDUSTRIAL DISTRICT

The Commercial-Industrial District (CI) as defined in § 255-2-10 of this Code.

<https://ecode360.com/9230795?highlight=industrial&searchId=35761587597857203#9230784>

This tells us that "Industrial" is not distinct from "Commercial-Industrial," but that the two terms are used interchangeably.

- b. In my reading of it, code establishes that Industrial land is land that is zoned Commercial – Industrial. In 255-2-10 (C), of the six different commercial districts established, the district called "Commercial-Industrial" is the only one that contains the term "Industrial." C-I is the only industrial land in town. The "dash" between the two words indicates a clear relationship between the two words "Industrial" and "Commercial." Commercial-Industrial is the only district that can contain industrial land and industrial uses.
<https://ecode360.com/10414304#10414304>

- c. 255 Attachment 5 makes the distinction that Commercial is split into two distinct categories "Commercial Industrial" and "Commercial Service."
<https://ecode360.com/attachment/EA0658/EA0658-255e%20Business%20Commercial%20Industrial%20-%20Dimensional%20Regs.pdf>

2. Contrary to applicant’s claim, the proposed subdivision action does indeed include development.

a. To this, I cite the definition of Development in 255-1-20:

DEVELOPMENT

Any man-made change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, paving, excavation or drilling operations or storage of equipment or materials.^[14]

b. Moreover, “Structure” is also defined clearly in 255-1-20 as

STRUCTURE

Anything, including any building, which is constructed or erected on or under the ground or the water or upon another structure or building, including driveways, walkways, decks, patios (whether or not constructed of brick and sand), parking areas (whether or not surfaced or improved), fences, gates, pillars, walls, berms, tennis courts, swimming pools, sewage disposal and drainage devices, bulkheads, jetties, docks, piers and any other improvement, fabrication, impervious surface or other construction, whether or not intended to be temporary, seasonal or permanent.

The subdivision as proposed and as made clear on the submitted plat and discussed repeatedly in the DEIS will include development, including 6.7 acres of paved roads, excavation and grading, location/installation of storm drains, locating of underground utilities and the continuation of structures housing cement and masonry operations.

3. The applicant’s claims that they have absolutely “no idea” what type of uses will be developed on any of the lots in the subdivision is misleading.

In his statements to the Planning Board arguing against the need for a Planned Industrial Park Special Permit, applicant’s counsel and VP of Development repeatedly asserts that any ideas about what uses might be developed on any of the 50 parcels is nothing more than wild speculation or purely “hypothetical” at best. At the December 14, 2022 Planning Board meeting where the possible need for the PIP SP was discussed again by the Board, he promulgated this objection, saying “how can I apply for a permit for uses that I am not proposing?” ... “I can’t fill out the permit application because there is nothing to say on it...I’m not proposing anything—the applicant is not doing anything.” ... “If I handed you an application it would be blank, without any substance on it.” He also stated: “We are not proposing any industrial uses on this parcel” and “We are not proposing any structures that could be used for any industrial purposes” -- both of these assertions are deeply misleading. See Dec 14, 2022 Planning Board Meeting: especially minutes 31-37

<http://vod.ltveh.org>

Repeated across thousands of pages, the DEIS describes a clear type and set of uses proposed for the 50 lots, all of which are stated to align with their singular and defined purpose “to support to the Town’s dominant and expanding construction, tourism, and second homeowner’s driven economy.” While the DEIS caveats that what uses/operations ultimately occupy each lot will develop over years and may change with market conditions, the DEIS never characterizes the proposed uses as purely pie-in-the-sky” hypothetical or “nothing.”

First of all, appearing first on pages 129-131 of the DEIS, and repeated multiple times in the document is **TABLE 3-3: POTENTIAL RANGE OF LAND USES**

And in Table 3.3, the applicant has specified a particular type of use for each and every one of the 50 subdivision lots. This table serves as the core basis of many parts of the SEQRA-required analysis and discussion in the DEIS, including the calculations of traffic, wastewater effluent, water quality impacts, solid waste streams, and assessment of the all-important “alternatives” analysis required under SEQRA.

It is clear that the definitions of “hypothetical” and “potential” are distinct and represent tangible differences in the likelihood of something being actualized. Below in the last section of this letter starting on page 7, I provide several examples of how in the DEIS the applicant repeatedly characterizes these 50 lot-by-lot uses . All in, you do not see a characterization of hypothetical, pure speculation or “nothingness” in the DEIS. Instead uses are described with much more possibility or likelihood, including: “will be similar,” “likely,” “potential uses,” “a reasonable range of uses,” “it is expected that a majority of future uses...will consist of...” “recommended uses,” “most demanded and most suitable,” “uses with the highest likely success rate,” and uses “recommended to be targeted.”

The series of excerpts I included at the end of this letter, illustrate that the applicant says that uses to be developed at the WCC will likely be very similar to other “Industrial” uses nearby. For example, this part of the applicant’s narrative on page 128-129 of the DEIS warrants a close reading (emphasis mine as follows): *“in consideration of the existing mixed land use pattern of the area, the industrial uses north of the subject property and the commercial uses to the south of the subject site along Montauk Highway, future commercial or industrial businesses are expected to be consistent with the use and character of the land use pattern of the area. Specifically, future commercial/industrial uses will be similar to industrial uses at the Wainscott Industrial Center along Industrial Road, several commercial/industrial uses along Industrial Road northwest of the subject property (i.e., Twin Fork Moving and Storage and the Welding and Steel Yard) and various commercial and industrial uses along Montauk Highway south and southwest of the subject property (e.g., Home Sweet Home Moving & Storage*

*Co., Wainscott Hardware and East Hampton Plumbing & Heating Supply), as further illustrated in **Table 3-3.***

4. **The claim that the possible need for a Planned Industrial Park Special Permit came up out of nowhere, suddenly, and too late in the process is not accurate.** Moreover, I do not believe that the timing of when it was raised is relevant to the requested interpretation from the ZBA. The applicant claims that if a PIP SP was “necessary,” it would have been/should have been raised much earlier in the application review process that started in 2018.

First, as to the facts as I understand them, one member (Randy Parsons) of the Planning Board did indeed raise the issue in the Fall of 2021, well over a year ago and about midway through the ongoing DEIS review process. I believe at the time they were only on version 2 of the four versions of the DEIS that were submitted by the applicant, and the Board was very far from declaring the DEIS “complete.” That certainly doesn’t sound like the sudden, last-minute, nefarious attempt to derail the application that the applicant’s counsel has tried to make it out to be.

I have not seen anything in the code that appears to limit when an issue can be raised by a Board member over the course of ongoing reviews of an application prior to approval or disapproval. As I understand it, members of Boards have discretion to raise issues, concerns, questions for discussion and consideration at any time during reviews.

Indeed, the application has been pending and discussed multiple times at planning board meetings since the “Pos Dec” in 2018; however, the Planning Department and Planning Board’s time since then has been devoted entirely to the EAF, the scoping of the DEIS, the review of the multi-thousand pages of the drafts including technical studies and for the 11 scoped areas, and until December 2022, not about ultimate decision making or permitting details. So is it any wonder that while Planning Board and Department were drinking from the DEIS firehose, that the PIP SP need wasn’t top of mind the whole time? In fact, Vice Chair Ian Calder-Piedmonte at the Dec 14, 2022 meeting acknowledged the legitimacy of raising the need for PIP special permit and even indicated clearly that he himself should have paid more attention to it over the prior year.

5. **This is not a “meritless claim.”** Given what I’ve discussed in points 1-4, this cannot/should not be dismissed or characterized as “meritless”—all Planning Board members have agreed publicly there is merit to considering the code-based need for this special permit.
6. **The Special Permit decision should be dealt with and decided at this stage of the process and prior to any approval/disapproval decision.** As I understand it, Chap 255-V is clear that Special Permits need to be obtained prior to the issuance of building permits or the creation or commencement of any work, so that the Board can apply the

general and specific Special Permit “standards and safeguards” to the scope, layout, design, and infrastructure. 255-5-40 General Standards for Special Permit <https://ecode360.com/10415225#10414872> and for Planned Industrial Park under 255-5-50 <https://ecode360.com/10415225#10415225>

7. **Though applicant invokes the issue of “precedent” and that PIP SPs were not declared as needed for some other subdivisions, that should not be the basis to justify denying that one is needed for this development.** I cannot opine in depth on the details about prior decisions over the many decades leading up to today, nor can I provide legitimate analysis of how the WCC compares in depth to those prior subdivision approvals. However, I also cannot say that those decisions are relevant to or should be relied upon to decide in this case.

But one thing we do know is that the WCC is an unprecedented action/subdivision – as the applicant refers to it repeatedly, it will be “the largest industrial/commercial subdivision ever on the Southfork.” And it is not just incrementally bigger, but it dwarfs everything else by a factor of at least 2X+ and generally more than that. This application is not “simple” – it is not just a bunch of lines on a piece of paper. Any prior decision that might have failed to follow codified requirements -- either inadvertently or for some other reason -- should not be used to justify ignoring or dismissing a need/requirement for it now. Possible flawed decisions in the past cannot be used to perpetuate future potentially flawed decisions.

8. **The disparaging accusations by applicant’s attorney that the Planning Board Member who was first to raise the PIP SP is somehow “conflicted” or acting out of some kind of corrupt intent are inappropriate and must be dismissed from consideration.** I won’t repeat all the spurious and defaming characterizations the applicant’s attorney levelled at Member Parsons during the Dec 14, 2022 Planning Board meeting and used to attempt to coerce the Board into abandoning the discussion about the need for the PIP Special Permit. But I will say, that such behavior does not comport with protocols and expected decorum at East Hampton Town boards.

Sincerely,
Jaime Mehring

Excerpts from the “accepted” DEIS dated November 29, 2022 as referenced above in point 3 (all highlights and emphasis mine)

<http://ehamptonny.gov/DocumentCenter/View/15576/Adopted-Draft-Environmental-Impact-Statement-DEIS-November-292022>

“Land uses at the subject property **will** eventually change from mostly vacant land to commercial/industrial lots developed in conformance with zoning, as lots are developed over

time and based on market conditions. However, in consideration of the existing mixed land use pattern of the area, the industrial uses north of the subject property and the commercial uses to the south of the subject site along Montauk Highway, future commercial or **industrial businesses are expected to be** consistent with the use and character of the land use pattern of the area. Specifically, future commercial/industrial **uses will be similar to industrial uses at the Wainscott Industrial Center** along Industrial Road, **several commercial/industrial uses** along Industrial Road northwest of the subject property (i.e., Twin Fork Moving and Storage and the Welding and Steel Yard) and various commercial and **industrial uses along Montauk Highway** south and southwest of the subject property (e.g., Home Sweet Home Moving & Storage Co., Wainscott Hardware and East Hampton Plumbing & Heating Supply), as further illustrated in **Table 3-3**. Page 128-129

“Based on these recommended industries, as well as the recommendations provided in Chapter 7 of the Commercial/Industrial Market Analysis, **a reasonable range of uses** for full buildout of the subject property was prepared in the form of a Use Matrix (see **Appendix A-8**). **Table 3-3** below provides a summary of the Use Matrix including **the potential use**, associated lot number, lot size, and building coverage based on Suffolk County sanitary waste generation requirements for I/A OWTS/Low Nitrogen Sanitary Systems.” Page 129

“Therefore, **it is expected that the majority of the future uses** at the subject property will consist of small service commercial, **wholesale and warehouse business (e.g., lumber and building products, storage yards and building supplies distributions)** similar to the uses contemplated in the table above.” Page 131

“It is anticipated that the majority of future development will consist of service commercial, **wholesale and warehouse business (e.g., lumber and building products, storage yards and building supplies distributions)**, which are permitted uses in the CI zone.” Page 134

“The proposed subdivision and future commercial/**industrial uses will be compatible with industrial uses** north of the subject property along Industrial Road.” Page 168.

“A set of recommendations were developed based on an analysis of the target market area,¹ local and regional trends in the commercial/industrial market, local demographics, the effect of the coronavirus pandemic on the local economy, interviews with local real estate brokers that are knowledgeable of the local market, and an analysis of the current supply of space in the market. The types of goods and services, industrial/commercial and service businesses and supporting industries **that are most demanded and believed to be most suitable for the proposed subdivision** included:

- Storage facilities
- Indoor and outdoor storage space for contractors and trades-people
- Self-storage (for short-term residential use)
- Storage and warehouse space for various types of delivery services
- General warehouse and distribution center space

- Storage for local businesses and restaurants
- Storage space for personal collections, including such items as exotic cars and wine
- General flex space for small businesses and service-based commercial businesses
- Artist spaces and shop space
- Custom workshop space
- Fitness/exercise studios
- Food production/manufacturing space
- Wholesale and retail food and beverage space
- Automotive parts, accessories and tire stores

The Market Analysis determined that these **recommended uses have the highest likely success rate**, and/or provide critical supporting uses for the tourist-based economy.” Page 12-13

“Based on this Market Analysis, **a reasonable range of potential uses was created for the proposed subdivision**,” page 13

“Section 7.0 recommends the types of goods and services, **industrial-related businesses** and supporting industries **that are most demanded and believed to be most suitable for the proposed subdivision**. These include storage facilities, indoor and outdoor storage space for contractors and trades-people, self-storage (for short-term residential use), storage and warehouse space for various types of delivery services, general warehouse and distribution center space, storage for local businesses and restaurants, storage space for personal collections including such items as exotic cars and wine, general flex space for small businesses and service-based commercial businesses, artist spaces and shop space, custom workshop space, fitness/exercise studios, food production/manufacturing space, wholesale and retail food and beverage space, automotive parts, accessories and tire stores, and municipal parking area for the proximate Central Business District.

“These recommended uses **have the highest likely success rate**, and/or provide critical supporting uses for the tourist-based economy, and **therefore it is recommended that they be targeted** for recruitment and retention efforts.” Exhibit C page 28

APPENDIX 3: Resume

JAINE I MEHRING

Current East Hampton Citizen Activity

Member: Amagansett Citizens Advisory Committee, East Hampton Town Energy & Sustainability Committee, East Hampton Town Litter Action Committee; Vice-Chair, Ladies Village Improvement Society Landmarks Committee

BUILD.IN.KIND/East Hampton, Founder

2022-Present

East Hampton

Citizens' engagement/action group founded with the objective to restore balance to development and land use across the Town of East Hampton. We are working to promote principles of "good planning," rebuild a "stewardship" mindset, and weave a "land ethic" into Town zoning code to ensure our built environment reflects critical natural resource, energy, sustainability, coastal resilience, affordability, rural/historical character, and quality of life imperatives. Through education, analysis, and advocacy, B.I.K./EH is building constructive dialogue across key constituencies by bringing together thoughtful, creative, forward-looking, concerned citizens working for two important objectives: (a) to engage and advise our Town boards, committees, and departments as well as residents and visitors about the need for change; and (b) to evolve and amend the Town zoning code.

Bloomberg LP

New York

2018-2019

Head of Global People Data & Analytics and Consultant

Leading the team responsible for Firm-wide creation and implementation of human capital related reporting and analytics, with a mandate to: shift the output and product up the value scale from response, one-off reporting to proactive, integrated analytics and business building insights; establish the foundation for evidence-based decision making about employees; and instill analytical proficiency as a core competency among the HR professionals worldwide. Responsibilities and accomplishments within the year include:

- Leading the design, development, and implementation from scratch of the major multiyear build of the Bloomberg HR Business Intelligence initiative, spanning Workforce Management, Talent Acquisition, Talent Management, Learning & Leadership, and Diversity & Inclusion.
- Focusing on data governance, with emphasis on identifying and remediating current/future state gaps.
- Project management and core consulting member of working groups driving transformation of Leadership Development, Employee Career Mobility, Performance Assessment, and Employee/ Candidate Surveys.
- Enhancing team productivity and effectiveness through coaching and up-skilling individual team members, implementing Agile methods, as well as design of systematic tracking of significant daily flow of ad-hoc organizational requests for data and analytics.
- Inspiring productive collaboration among individual team members and between the team and our key HR partners and business stakeholders.
- Optimizing the integration of HR systems, technology, processes, and people data.

EQUELLIGENCE Consulting, Founder, Consultant and Coach

2013-Present

New York & East Hampton

Focused on building innovative, inclusive, value generating organizations through intelligent execution of financial capital and human capital management, in order to drive lasting credibility with employees and stakeholders. With EQUELLIGENCE, combining my unique experience set and areas of expertise, I deliver edge across a range of

organization and employee needs. I have created several specialized practices that develop some of the most in-demand skills and are fundamental to realizing diverse companies:

- **Hiring Effectiveness:** proprietary methodologies for structured evaluation and selection of top talent, including in-depth, evidence-based interviewing and robust hiring decision making frameworks; enhanced on-boarding for success; and ongoing hiring performance analytics, feedback, and manager accountability protocols.
- **Thoughtful Analytics:** designing and implementing creative programs for capture, analysis, and reporting of people data and information integrated with relevant business metrics to inform human judgement and manager decision making, improve tactical and strategic management and ensure that all employee-related decisions and processes are disciplined and objective.
- **HR Strategy:** Innovating, renovating, and implementing proactive, empowered, efficient and effective HR operating models that benefit the organization AND the employees by fusing human capital expertise with business intelligences, understanding of complexity and thoughtful analytics.
- **Emotional Intelligence:** Delivering effective and enjoyable bespoke EI development programs tailored to the unique needs of organizations and individuals, not just to senior managers, but across the entire range of employees.

Citadel, LLC

2009-2011

New York & Chicago

Managing Director, Director of Research, Citadel Securities; Global Head of Human Capital Management

Management of the Human Capital practice for Citadel worldwide, with overall responsibility for HR, ER, Recruiting and Compensation. In addition to CHRO role, I was asked to take on interim full-time responsibilities for Equity Research Analysis after departure of senior executive, and in April 2011 became permanent DOR to focus full time on business building for Citadel Securities.

- Built from scratch team of analysts focused on alpha generating, high impact ideas, differentiated proprietary fundamental insights and value-added client impact.
- Within six months, hired and launched 9 senior industry analysts with coverage of 120 stocks, publication of 600 research reports and stock picking performance consistently outperforming market benchmarks by 1000 basis points.

Lehman Brothers Inc./Barclays Capital

2006-2009

New York

Managing Director, Global Head of Equities and Prime Services Human Capital Management

Management of the Human Resources practice with responsibility for nearly 3000 employees (\$1+ billion compensation pool) globally across the Equities and Prime Services Divisions, reporting to Global Head of Equities and Global Head of Human Resources with a mandate to transform HR into an essential strategic, analytical, proactive business partner.

Primary Responsibilities:

Management of team of 30 HR Business Partner, Generalist and HRIS professionals across Americas, Europe and Asia * Ownership, design, implementation and management of the key human capital processes including: compensation, recruiting (lateral and campus), hiring, retention, ER, diversity, performance management, mobility and promotion * COO related functions including business planning, project management and budgeting in coordination with corporate functions of finance, legal, compliance, strategy, administration and expense management * Training, talent management/development, coaching and conflict resolution * Strategic partner with HR specialist functions * Internal communications * "One Firm" culture building * Member of Global Equities Executive Committee, Global Management Committee, & Senior Human Resources Committee

Key Accomplishments:

- Fused commercial, producer and strategic experience with HR best practices to create processes more relevant to and effective with business.
- Crafted people and business analytics and integrated them into each Human Capital process, leading the business to be far more engaged in HR objectives and vice versa, driving more objective, effective and transparent decision making, enhancing reaction time and more proactive problem identification, solving and prevention.

- Originated, built and managed global \$1billion compensation pool multifactor allocation model incorporating absolute/relative growth, return on capital and real value creation metrics as well as performance relative to objectives across the 32 separate business units in Equities and Prime Services around the world. Executive Committee members embraced and relied upon this tool for key year-end decision making
- Developed and evolved HR team's capabilities to become integrated and indispensable partners recognized for proactivity as well as responsiveness.
- Redesigned and put in place function performance scorecards and new bonus decision HR oversight/analytics process, resulting in improved manager decision making and true pay-for-performance discipline.
- Created/instituted new hiring practices and headcount management analysis, improving recruiting effectiveness and human capital investment decisions.
- Re-crafted performance assessment and advancement framework/processes, enhancing feedback and professional development among managers/employees and reducing voluntary/regretted turnover across all regions and products.
- Lead diversity efforts resulting in win by Equities Division of firm-wide annual D&I award two years in a row and developed inclusion strategies that served as prototypes for other Divisions.
- Attained trusted advisor and coach status with senior executives as well as individual employees.
- Recognized for effective leadership through ongoing extenuating, unprecedented events leading up to and through the Lehman bankruptcy and subsequent year-long restructuring and integration with Barclays.

Citigroup Global Markets, Equity Research Division

1993-2005

New York

February 2003-September 2005: Managing Director, Deputy Director of Research—Financial Services, Healthcare & Consumer: Management of 110 individuals, including 35 senior analysts covering 40% of the S&P500 with a mandate to improve the credibility and quality of research, transform the investment process and culture, drive commerciality while pre-empting conflicts, and enhance alpha generation

Primary Responsibilities:

Direct supervision of analyst product content/quality and recommendations; core member Equity Research Oversight Committee * Development and implementation of entirely new research minimum standards/best practices * Recruiting, retention, development of senior/junior personnel * Management of complex individual and HR issues * Performance reviews, compensation and budget process and resource allocation * Development and implementation of policies/procedures consistent with firm and regulatory standards and supervision of analyst involvement in capital formation activities * Strategic reviews and agenda setting for research business model and interaction with key internal constituencies and external institutional clients * Coordination of cross-industry and global content

Key Accomplishments:

- Provided leadership to analyst teams, achieving continuous, absolute and relative improvement in all key performance metrics including client commission vote, stock picking accuracy and research quality/proactivity.
- Recruited, developed, launched entirely new healthcare research team, generating 85% increase in coverage and material increase in institutional market share.
- Redesigned and implemented new rating system, resulting in stronger investment discipline & stock picking accuracy.
- Created and implemented entirely new analyst performance "scorecard" effectively linking performance, department objectives and compensation.
- Maintained zero turnover among best performing/highest potential analysts.
- Designed and executed new associate-to-analyst promotion program, yielding ten successful new analyst launches and improved associate morale.
- Redesigned and managed on-campus business school recruiting efforts and summer associate program, leading to improved candidate quality and higher yield.
- Built and maintained strong diversity mix among direct reports, exceeding peers and corporate goals.
- Lead global working groups in recruiting, research product "voice and style" and pay-for-performance, creating tangible policy and process changes.
- Founding member of editorial board of *Portfolio Strategist* and *Global Portfolio Strategist*, driving increased usage among key clients.

1997-February 2003: Managing Director, Senior Equity Analyst, Food Manufacturers sector

- Companies covered included: Kraft, Kellogg, Keebler, General Mills, Hershey, Ralston Purina, Ralcorp, Hormel, IBP, ConAgra, Sara Lee, Campbell Soup, Heinz.
- Consistently top-tier ranked in *Institutional Investor* poll and in *Greenwich Associates* survey.
- Consistently ranked in Top 5 (highest 2/95) in biannual internal Institutional Sales poll and Top 10 (highest 7/95) in quarterly client commission votes.
- Record setting seven "Call of the Month" and "Report of the Month" awards.
- Recognized by all key constituencies as money making, proactive, idea generator.

1993-1997, Managing Director, Senior Equity Analyst, Specialty Chemicals sector

- Consistently ranked *Institutional Investor* poll and top-tier placement in *Greenwich Associates* survey.

Prudential Securities, Inc., Equity Research Division: *Vice President, Senior Analyst, Specialty Chemicals:* Ranked *Institutional Investor* poll first year of coverage and ongoing

Sanford C. Bernstein & Co., Equity Research Division: *Equity Analysis & Research Associate,* Beverage, Tobacco & Restaurant sectors

Merrill Lynch, Equity Research, *Research Assistant*

Neuberger Berman, Equity Research, *Receptionist and Research/PM Assistant Analyst*

Education

Johnson Graduate School of Management, Cornell University

Masters of Business Administration, Concentration in Finance

Yale University

Bachelor of Arts, English Literature

