

The “Pit Primer”

Background “Briefer” Document re: Proposed Wainscott Commercial Center Development

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I’ve done a fair amount of basic research on the proposed Commercial/Industrial (CI) development proposed in East Hampton as part of my broader initiative regarding development trends and the impacts of “overdevelopment” in East Hampton. Here is some background “briefer” information for anyone wanting to come up to speed on **the pending application to develop the 70 acres in Wainscott, north of Rt 27 and directly across the road from the top of Georgica Pond, into a 50-lot Commercial/Industrial subdivision.**

This project is formally called the “Wainscott Commercial Center” (WCC), and it is also known locally and colloquially as “The Sand Pit” development. Note: given that this entire area was a sand/gravel mine (now decommissioned), virtually the entire area is already cleared of all vegetation. There are some wooded areas at the boundaries and there are established residential areas directly on the East and West side of the Pit. **The entire property is currently zoned by the Town as CI (Commercial & Industrial).** The property runs from the north side of Route 27 up to the LIRR tracks and is bounded on the west by Wainscott Northwest Road and Hedges Lane to the east,

It’s worth a visit to stand at the site and take it all in and understand the magnitude. If you are driving by, some of the “landmarks” right in front of The Pit are Serena & Lily, The Speedway gas station, and the Animal Hospital. I think the best views can be had by pulling over on the side of Wainscott NW Road midway up and standing on the edge looking over it.

For a bit of perspective re: size, Bridgehampton Commons is roughly 30 acres (compared with this 70 acres), but that is commercial/retail, not CI. Also, for reference, there are some CI development buildings just north of the Sand Pit along Industrial Road on the south side of the Airport.

For starters, if you are interested, here is the letter I wrote to *the East Hampton Star* on December 1, 2021 flagging this topic last year—it has a bit of “dramatic flourish” in it, but it is indeed factual. [file:///Users/jainemehring/Documents/Get Grounded.pdf](file:///Users/jainemehring/Documents/Get%20Grounded.pdf)

Because the application pending at this point is for an approval to subdivide, that is **the jurisdiction of the East Hampton Town Planning Board**, and they are referred to as the “lead agency” in this matter. A **“positive declaration” under SEQRA** was made back in 2018, requiring the full review process.

(For anyone wanting a solid understanding of SEQRA and the related SEQR processes, here is the link to the wonderful presentation Jeremy Samuelson recently gave at the EHTB work session on March 15, 2022. This

YouTube <https://www.youtube.com/watch?v=Fl83ISgfanA> The SEQRA content begins about the 19-minute mark of the video. Here is the link to his presentation deck. <http://ehamptonny.gov/DocumentCenter/View/11967/SEQRA-Process-Presentation>)

The primary “working” document, which is the responsibility of the applicants to prepare, and serves as the basis for all discussion and review by the Planning Board and the source of information for the public, is **the Draft Environmental Impact Statement (DEIS)**. There have already been a few versions of the DEIS submitted. The first one was dated July 2020, which was declared incomplete, and the second one that was the last reviewed was dated August 30, 2021. (See links here below.)

Links Re: Wainscott Commercial Center Documents and DEIS:

Wainscott Commercial Center (WCC, otherwise referred to across Town as the “Sand Pit” development)

Planning Board Link to the Important Documents:

<http://ehamptonny.gov/675/Wainscott-Commercial-Center>

Here is link specifically to second version, dated the August 30, 2021, DEIS (Draft Environmental Impact Statement): this is the core document submitted by the applicants that has been in front of and under review by the East Hampton Planning Board (note there are links to prior versions in the link above, and a version of the Aug 30th document that specifically notes changes from one version to the next):

<http://ehamptonny.gov/DocumentCenter/View/9551/Revised-Draft-Environmental-Impact-Statement-DEIS-August-30-2021>

Toward the end of 2021, after extensive review and input from the Planning Department, Planning Board, and experts and consultants, **the Planning Board voted unanimously that the DEIS was still “incomplete”** on several matters, including impact to groundwater, traffic impact and analysis of other use alternatives for some or all of the site. In such cases, the applicants have the opportunity to revise the DEIS to attempt to satisfy the identified gaps and resubmit. We believe the applicants had been targeting first quarter 2022 for resubmission, but they were quoted in a news article as needing more time (<https://www.27east.com/east-hampton-press/wainscott-lobbies-other-hamlets-to-speak-up-in-opposition-to-70-acre-commercial-development-1912234/>).

The applicant has now submitted the amended third version of the DEIS dated May 18, 2022. This revised document will be discussed again before the Planning Board, we believe beginning at the June 22, 2022 meeting. Here is the link to this newest version:

<http://ehamptonny.gov/DocumentCenter/View/13096/Revised-Draft-Environmental-Impact-Statement-DEIS-May-18-2022>

A few notes about this new document:

- It is not particularly “user friendly’ to navigate
- The document is very large (hundreds and hundreds of pages) and as such, it takes long to open or sometimes fails to open.
- They’ve reversed the order in this version from the prior: all the addendum’s and exhibits and technical information is up front and then the DEIS text itself doesn’t start until after scrolling down through hundreds of pages.
- The entire several hundred pages upfront are all exhibits and appendices and those pages are not numbered.
- Sadly, the table of contents does not have active links to page numbers that allows for easy navigation or to jump directly to and find specific sections you want to read.
- While there are words and passages that are highlighted in blue and and some in red, from what I can tell preliminarily, the new version is not fully transparent about what has changed, been altered, added or deleted compared to the last version. In just some basic preliminary skimming, I also came across some typos and inaccuracies.
- The applicants “envisioned” hypothetical uses lot by lot, similar to prior versions of this, is presented on pages 126-128 of this DEIS version.
- As per the instructions from the Planning Board in its Dec 2021 “ non-acceptance” letter, the applicant needed to expand their analysis and discussion of “Alternatives” to their currently proposed action. That section begins on page 230, and they address 5 “alternatives”.

Their conclusion/tone: they are claiming/painting the picture that each of the first four alternatives would result in a more negative/severe/greater impact along several variables, such as total coverage, traffic, effluent, water usage, and even a skew to heavier industrial uses, than their current proposed action (50 lot subdivision). That analysis might be characterized as rather self serving and even coercive.

The fifth of the five alternatives they present is related to the Wainscott Hamlet Study, and that begins on page 250.

If and when the Planning Board votes to declare the DEIS complete, then this should make its way to public hearings in front of the Planning Board about whether or not this 50-lot

subdivision should be approved. But we do not yet have full visibility about timing/how that would work and all the steps that come after.

In this part of the process, the Planning Board's jurisdiction involves primarily if they will approve the subdivision of the total 70 acres into the 50 parcels as proposed by applicants. As part of that, they might opine to some degree about their views about the scope and scale of the project. However, **there is no lot-by-lot discussion about who or what would be sited on each of the 50 parcels**, except that the current existing cement plant and the tile plant will remain on their current sites on two of those 50 lots.

If the subdivision is approved, then as we understand it, the Planning Board would later review and vote on the actual Site Plan. Again, the steps and timing of that are not yet clear to us, but we will be digging in to learn more about how that would work.

The two applicants John Tintle (owner of the property) and David Eagan (his counsel and development partner) represented and discussed the subdivision plan in depth before the Planning Board in four lengthy consecutive sessions in the fourth quarter of 2012. That, combined with the DEIS, will give anyone interested the briefing on their objectives, what type of uses they prefer and propose, and what their perspective is on the project. Here are the links for sessions for anyone who wants to watch.

Links to the last four Planning Board Review Sessions re: WCC:

Session 4: December 1, 2021

Link to watch: <http://75.ltveh.org/CablecastPublicSite/show/10812?channel=2>

Session Starts at the beginning of the meeting

Session 3: November 17, 2021

<http://75.ltveh.org/CablecastPublicSite/show/10767?channel=2>

Session for WCC starts at 1:16:45 time into the video

Session 2: November 3, 2021:

<http://75.ltveh.org/CablecastPublicSite/show/10716?channel=2>

Session for WCC starts at the beginning of the meeting

Session 1: October 27, 2021:

<http://75.ltveh.org/CablecastPublicSite/show/10690?channel=2>

Session for WCC starts at the 7min 30 second mark

One of the biggest challenges in the pending review process is that beyond the basic subdivision, **the applicant's proposed site plan buildout is actually hypothetical**. Currently, they state their primary objective for the site is to be developed solely in support of/service to the second home construction as well as tourism industries, including warehousing, indoor and

outdoor storage, lumber yards, truck parking, fuel storage, distribution, supply yards and some manufacturing.

Once subdivided, graded, and prepared with roads and utilities, each of the lots on this private development will be developed one by one, depending on owner's desires, tenants' interests and economic conditions, over several or many years. As part of the hypothetical site plan, **the applicant right now is estimating individual lot building coverage will average 17 percent, equating to 376,000 square feet of structures and 40 acres of impervious surfaces at buildout** (They've proposed higher percentages at other times in the process.)

However, **without perpetual restrictive covenants around size and usage**, in contrast to that 17 percent, town commercial-industrial zoning permits building coverage up to 50 percent and lot coverage of 75 percent. (See Town Code Dimension and Usage Tables in two links below). So, in reality (depending in part how waste streams will be treated on site), **we could very well see density and intensity of use far greater than the applicant's current estimates.**

And because **full buildout might take a decade**, East Hampton citizens will have to live through and around a perpetual construction zone, and will also have to live with significant uncertainty and risk from this project for many years to come in an area of East Hampton which is already in dire need of smart, forward looking, multi-use re-envisioning

EH Code 255: Dimensional Table for Commercial Use Zones (See column for CI) <https://ecode360.com/attachment/EA0658/EA0658-255e%20Business%20Commercial%20Industrial%20-%20Dimensional%20Regs.pdf>

EH Town Code 255: Permitted, Special Permitted and Prohibited Uses by Zoning District. (See column "CI" under "Commercial) Districts" Section: <https://ecode360.com/attachment/EA0658/EA0658-255c%20Use%20Table%20-%20Commercial.pdf>

The applicants, thus far, have **completely dismissed incorporating any elements of the Wainscott Hamlet Plan** into their development objectives. Also, they have declared definitively **they do not want any affordable housing or recreational facilities** on the site. They have told the Town they would consider selling off some of the acreage/parcels to the Town for other uses, including retail or other types of lighter commercial small business uses or open space.

In the past, the Town has said it has considered buying one acre at the north of the site potentially to add a LIRR Wainscott stop; and CPF has wanted to secure some easements also to the North for passage of the long-planned East Hampton bike path.

Note: **anyone is free to advocate** to the East Hampton Town Board, perhaps during any "public portion" comments section of EHTB meetings or by letter, that the **Town should move to acquire some** of the Sand Pit acreage to put to other uses. In the newest DEIS, the applicants have indicated that they would be willing to give the Town Board an "exclusive" 5-year option

to purchase up to 20 of the 70 acres for purposes such as open space, affordable housing, parking etc. and that the price of that acquisition would be negotiated based on market value. If the Town acquires any of this, whether it uses CPF or general funds would depend on the proposed usages.

There has been no discussion at this point publicly about sale price per acre and we have not seen any valuation/appraisal studies of the property or anything about potential revenue generation of any of the lots. The Town Board publicly remains mum on their intentions and we are not sure if they are or are not negotiating behind the scenes.

Bottom-line, this is **not just a Wainscott-only issue**. The scope and scale of this proposed development will impact much of East Hampton. Therefore, my goal has been to ensure that EH citizens are educated on the facts of matter, the potential impacts, and the alternatives, and I urge individual concerned citizens from across all Hamlets (both full time and part time residents) to engage fully and assertively in the process.

This is **A LOT** of information in the videos and documents linked above: for anyone who doesn't want to slog through it but has questions I've watched and read it all, so I can try to fill you in if you want to reach out to me. Also, as you already know, Carolyn Logan Gluck, the Chairperson of the Wainscott CAC, and Sara Davison, the director of Friends of Georgica Pond, are extremely knowledgeable and engaged on this topic. Finally, I will be tracking developments related to the WCC on my website www.buildinkind.com.