



Protecting the nature of the place you love

December 6, 2020

Donald Wilcenski, Chairman  
Southold Town Planning Board  
54375 Main Road  
Southold, NY 11971

**RE: DEIS Comments - The Orchards Subdivision - 13.3 Acres at 2595  
Orchard Street, Orient**

Dear Chairman Wilcenski:

On behalf of Group for the East End, I offer the following comments and recommendations regarding the Draft Environmental Impact Statement (DEIS) for “The Orchards” proposed subdivision.

**Summary Statement:**

The Town’s recently adopted *Southold Town Comprehensive Plan* could not be clearer in its vision and goals to protect town character, its environment and aesthetic so that, “Southold retains much of its small-town charm” (Goal Five: Protect the Town Character). In order to truly fulfill this vision and achieve these goals for Southold’s future, every development proposal should be met with the highest level of scrutiny and the willingness to collaboratively arrive at appropriate mitigation measures to create the best possible development outcome.

Given this, we find the DEIS to be inadequate in a number of key sections pertaining to character and water resources and call on the Planning Board to ensure that both the shared visions and goals of the Town are met and that the full extent and provisions provided within SEQRA be utilized to arrive at the best possible development proposal that minimizes potential permanent impact.

**Impacts to Water Resources:**

With regard to wastewater, the DEIS summarizes that the impacts to ground and surface water quality are negligible based on the the fact that the subdivision map could provide a density of thirteen homes when only five are proposed. This reasoning completely disregards the actual impact of wastewater on water quality by relying on a circumstance of what could have been. This logic is detrimental and should be addressed within the DEIS by requiring an analysis of the actual impacts the proposed five homes will impart on water resources.

It is notable that the Town of Southold, in its Positive Declaration (July 2015), specifically called out impacts of proposed sanitary systems on nearby surface waters of the greater Peconic Estuary systems, which continues to experience the deleterious

effects of excess nitrogen loading emanating from standard, single-family sanitary systems. The DEIS is inadequate in addressing these impacts.

### **Recommendations:**

In light of these continuing circumstances and the shared, critical importance of protecting and preserving the region's water resources, the DEIS should be amended to incorporate a comparative analysis of the impacts of the use of the proposed standard sanitary systems for the five homes versus the use of I/A OWTS. As a point of mitigation, the DEIS explore the required use of these systems.

It's important to note that on October 6, 2020, Suffolk County passed legislation modifying its Sanitary Code to require the incorporation of the alternative systems for all new construction throughout the County. The County's regulations take effect in July of 2021, but should be required for any new construction that could potentially impact water resources now.

This recommendation is bolstered by the Town of Southold's recently adopted, *Southold Town Comprehensive Plan* recommendations:

*Bullet 5 - "Require the use of I/A OWTS or future technologies to achieve the highest level of effluent treatment in new construction projects" (page 15).*

It would be irresponsible to omit this consideration from the DEIS given the the above-mentioned circumstances.

### **House Size and Scale**

The DEIS uses the term "modest" when discussing the proposed home's size and scale. However, "modest" is a relative term. The DEIS does not provide analysis of the size and scale of homes in the adjacent areas to determine what "modest" might consist of and how the size of the proposed homes could have a negative impact on community character, aesthetic and the preservation of viewsheds. Additionally, the DEIS makes zero mention of the Orient community's desire to maintain such character. These desires are explicitly called out in adopted Town studies and community-driven endeavors. The DEIS should address how the proposed home size and scale conform to the following statements.

*The Southold Town Comprehensive Plan* (one of the Orient community's main goals)

*F. Ensure future residential development in the hamlet is in keeping with and at a scale consistent with the hamlet's character. This goal can be met, in part, through the implementation of this chapter's Goal 2, which contains a subsection on updating regulations for Residential Uses including home sizes (Page 41).*

It is important to note that the Orient community strongly favors the protection of community character through the use of limitations on building sizes. *The Orient Plan Propositions* (May 2020), noted,

*"No construction shall be permitted that would result in overall housing size (usable square footage) that is out of scale with the existing housing in the immediate neighborhood; this provision shall be in addition to zoning requirements, including lot coverage, setback, height and other limitations."*

**Recommendations:**

The DEIS should provide an analysis of area home sizes and scales. As a form of mitigation, to ensure that the proposed homes do not create negative impact on community character, the DEIS should discuss a required covenant that specifies maximum allowable home sizes of a certain scale.

**Conclusion:**

We believe strongly that the DEIS did not fully achieve a level of analysis that provided an honest assessment regarding the impacts of the proposal and therefore, is deficient in providing mitigation measures that would help to create the best possible development outcome for this property. We urge the Planning Board to heavily weigh the Town's Comprehensive Plan and the Orient community's strong desire to protect its character and environment and to require the recommended mitigation measures.

Thank you for taking the time to review our comments. Should you have any questions or concerns, please feel free to reach me at your convenience. I can be reached at [jhartnagel@eastendenvironment.org](mailto:jhartnagel@eastendenvironment.org).

Sincerely,



Jenn Hartnagel  
Senior Environmental Advocate