

**FINAL ENVIRONMENTAL IMPACT STATEMENT
FOR
“STRONG’S YACHT CENTER – PROPOSED BOAT STORAGE BUILDINGS”
5780 WEST MILL ROAD – HAMLET OF MATTITUCK
TOWN OF SOUTHOLD, SUFFOLK COUNTY, NEW YORK**

PROJECT LOCATION: 32.96-acre parcel
5780 West Mill Road
Hamlet of Mattituck, Town of Southold
Suffolk County, New York
SCTM Nos: 1000-106-6-10 and 13.4

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DATE OF PREPARATION: May 2024

AVAILABILITY OF DOCUMENT: This document is a Final Environmental Impact Statement (“FEIS”). This FEIS incorporates the Draft Environmental Impact Statement by reference. Copies of this FEIS are available for public review at the Town of Southold Planning Department, Town Hall Annex, 54375 State Route 25, Southold, NY, 11971, as well as at the Southold Library (53705 Main

Road, Southold, NY), Mattituck-Laurel Library (13900 Main Road, Cutchogue, NY). The FIES is also available online at <https://southoldtownny.gov/>.

DATE OF FILING:

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- Appendix A Annotated Public Comments
- Appendix B Revised 2022 DEIS and Appendices

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SECTION 1.0 INTRODUCTION

Description of the Proposed Action

The proposed project would be undertaken at the existing Strong's Yacht Center (SYC) property, which is currently comprised of boat slips with associated ramps and fueling and developed with seven (7) buildings, including one residence and six (6) buildings to support the operation of the marina, sales, maintenance, dockage, and storage of boats. The existing marina includes approximately 45 boat slips and two lift wells with travel lifts capable of hauling 50-ton and 85-ton vessels. The marina currently accommodates boats and yachts ranging from 18- to- 133± feet in length. In the winter months, SYC provides both indoor and outdoor storage for 96 boats and 40 yachts. SYC also hosts the Cornell Cooperative Extension (CCE) Floating Upwelling Systems (FLUPSY) in dockside areas that are used for shellfish harvesting.

The proposed action includes the construction of two, one-story buildings of 52,500 SF and 49,000 SF for the purpose of providing indoor winter storage of larger yachts, up to 86 feet in length. Each building would be constructed with radiant heating for the purpose of climate-controlled (heated) space.

Purpose of the FEIS

This document is a Final Environmental Impact Statement ("FEIS") prepared in response to comments received by the Town of Southold Planning Board on the Draft Environmental Impact Statement ("DEIS") for the proposed Strong's Yacht Center Proposed Boat Storage Buildings, dated December 2021, revised November 2022, which was accepted as complete and adequate for public review by the Town Board on March 13, 2023 (the "revised 2022 DEIS"). The comments include those that were made at the public hearings of May 15 and June 5, 2023, and other written comments received during the comment period from the public and from the Town of Southold Planning Board's staff and consultants.

The purpose of this FEIS is for the Lead Agency to evaluate and respond to the substantive public comments (both written and verbal) made on the DEIS. SEQRA allows an applicant to modify a project in response to public comment on the DEIS as long as any potential environmental impacts of those modifications are described and analyzed in the FEIS. The Applicant has not modified any aspects of the Proposed Action. Therefore, the Lead Agency's evaluations and responses to comments provided within this FEIS are based on the information provided in the DEIS.

The transcripts of the public hearings and the written comments received are all included in the Appendix A – Public Comments of this FEIS. The Town of Southold Planning Board has received electronic mails ("e-mails") and correspondence either in general support or general opposition to the proposed action that did not raise any substantive issues. Although no substantive comments were raised in these communications, these e-mails and letters are included in Appendix A – Public Comment of this FEIS. Appendix B – DEIS & Appendices contains the revised 2022 DEIS that is the subject of these comments and all the appendices associated.

This FEIS includes two sections -- Section 1.0, of which this is a part, is the introduction to the document, which describes the purpose of the FEIS as well as what is included in the document. Section 2.0 includes a response to all the written correspondence received by the Town of Southold and all the comments made at the public hearings of May 15 and June 5, 2023. As the number of comments received exceeds eighteen hundred, and many of the comments received overlap with or reiterate one another, the comments in Section 2.0 have been grouped by subject matter and responded to collectively.

As the Lead Agency, the Planning Board has reviewed and assessed the information provided in the DEIS and the comments received on the DEIS. The conclusions presented in the FEIS represent the Lead Agency's assessment of the significant environmental impacts that will result from the implementation of the Proposed Action. More specifically, the FEIS highlights the impacts that have been identified in the DEIS and that are not able to be avoided or minimized to the maximum extent practicable, and cannot be mitigated to the maximum extent practicable, including construction traffic and the noise and traffic impacts it will induce. These impacts are addressed in detail in Section 3.10 Construction, Section 3.3 Transportation, and Section 3.7 Noise of the FEIS.

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SECTION 2.0 COMMENTS AND RESPONSES

General Comments

Comment 4.0-10; 4.0-11; 6.0-20; 6.0-26; 6.0-27; 6.0-29; 6.0-29; 6.0-30. General comments on the inadequacies and deficiencies of the DEIS.

Comment 6.0-31 One recurring and troublesome issue with the DEIS is its loose and sometimes interchangeable references to areas on the property, such as "site," "project site," and "construction site." The most immediate result of unclear definitions is they cause confusion over measurements. Just one example is in assessing the percentage of trees to be removed or remaining/planted-the DEIS should specify whether such numbers refer to the whole property, the project site, or the area of excavation. By counting trees that would remain in the portion of the site not zoned for the proposed project, where such a project should not proceed, it obscures the 100% removal of trees in the actual excavation zone and confuses the reader as to what percentage might remain in the designated "project area." A proposed haul road in the area outside the construction zone further complicates a reviewer's ability to gauge impacts. The FEIS should clearly label the areas of the property where the project work would be undertaken and use those same place names in the narrative so adverse impacts can be properly evaluated.

Response: Comment noted.

1.1 Project Location

Comment 1.1-1; 2.2-27. Furthermore, the Suffolk County Planning Commission staff report explained that, unlike boat slips at marinas, the storage of boats is not a water dependent use, it is merely a water related use, which need not be located at or near at location Strong's proposes: "The proposed use on site is consistent with water related uses though not water dependent due to the fact that boat storage can be accomplished inland."

Response: The Applicant has represented that the goal of the Project is to provide heated indoor storage for boats that would be too large to move to the Site by road and therefore the storage buildings must be close to the water to allow for the boats to be delivered to the Site for storage by water.

Comment 1.1-2. The required removal of a forested, natural coastal feature, including nearly 135,000 cubic yards of sand, to provide space-where otherwise there is none-along the waterfront for over two acres of non-water-dependent, boat storage warehouses is testament that the site is wrong for this type of development. The immediate area of the proposed project is important ecologically and recreationally, as well as for maritime heritage; its immediate surroundings are protected, maintained, or recognized by federal, state, regional, and local authorities: • In its Stewardship Initiative, the US EPA's Long Island Sound Study lists Mattituck Creek as an

Inaugural Stewardship Site2 for its ecological and recreational significance.

- The US Fish and Wildlife Service lists Mattituck Inlet as a Significant Coastal Habitat. 3
- The project site lies immediately south and west of New York State-owned tidal wetlands.
- The project site adjoins the state-designated Mattituck Inlet Wetlands and Beaches Significant Coastal Fish and Wildlife Habitat, which is incorporated into Southold's Local Waterfront Revitalization Program (LWRP).

- The project site is contiguous with Mill Road Preserve, owned by the Town of Southold.

Response: The disturbance and development proposed as a part of this Application would create significant impacts to the Site and the surrounding area related to aforementioned ecological and recreational value. The DEIS has studied these impacts but there are flaws in the methodology of that analysis, and flaws in the conclusions found in the analysis. There are multiple faunae not included in the analysis or miscategorized in their protected status. The analysis underrepresents the impacts of the edge effects to the remaining forest as a result of the project, including the adjacent Town-owned natural preserve. The Noise impacts to the adjacent properties are underrepresented and assumptions are made about the use of the adjacent natural preserve that diminish the noise impacts identified. These flaws are addressed in more detail in Section 2.4 Ecology and Section 3.5 Open Space of the FEIS.

Comment 1.1-3. A smaller issue but nonetheless problematic: There is lack of clarity as to ownership of Parcel 1000-106.-6-10 which is part of the Project parcel. This parcel is not listed on the Town of Southold assessment roll.

Response: This is the small parcel (0.08 acres or 3,485 sq. ft.) along the water east of the office building for this marina. The parcel is not listed on the assessment roll because there isn't a clear title to the property.

1.2 Project Description

Comments 1.2-1; 1.2-11. The DEIS does not discuss the modifications made to the existing haul out slip at the southern end of the property to accommodate larger boats as these modifications were under a wetlands permit applied for on July 16, 2020 and granted by the Board of Trustees despite objections made by the Southold Planning Board that portions of the proposed work were connected to the whole action that the Planning Board was serving as lead agency for and that the approval of this work would constitute segmentation of the SEQR review process.

Response: This work was conducted under the jurisdiction of the Southold Town Trustees. That independent elected board reviewed and approved it as a separate action from the one being analyzed here.

Comment 6.0-1; 6.0-2; 6.0-3; 6.0-4; 6.0-5; 6.0-6; 6.0-7; 6.0-8; 6.0-9; 6.0-10; 6.0-11. There is a lack of information in the DEIS on the proposed lighting.

Response: The DEIS states that the proposed lighting will comply with the Town lighting code requirements but does not include sufficient information to demonstrate that the Proposed Action would not have a significant impact as a result of lighting, particularly as it relates to impacts associated with community character, aesthetics, and ecology. The submitted plans do not include existing lighting levels to evaluate the cumulative impacts of the Proposed Action or information on how the proposed lights would operate.

Due to there being other large adverse impacts that are neither avoided nor minimized nor mitigated to the maximum extent practicable, the lead agency does not need definitive answers on this topic. See Sections 3.3, 3.7, and 3.10 of the FEIS for detailed discussions of the construction-related unmitigated impacts of the Proposed Action.

Comment 6.0-12; 6.0-13; 6.0-14; 6.0-15; 6.0-16; 6.0-17; 6.0-23. There is conflicting and confusing information in the DEIS regarding the project schedule.

Response: There are several inconsistencies in the project construction schedule as described in the DEIS and its appendices and errors in the DEIS and appendices methodology and analysis. These errors and inconsistencies are described in greater detail in Section 3.3 Transportation of the FEIS and could further exacerbate the project schedule. This is of concern as many of the impacts of the Proposed Action are associated with the construction and relate to the time of year in which those impacts would occur. The ambiguity of the project construction schedule, and how it relates to other impacts identified in the FEIS, makes the determination of no significant impacts difficult.

Due to there being other large adverse impacts that are neither avoided nor minimized nor mitigated to the maximum extent practicable, the lead agency does not need definitive answers on this topic. See Sections 3.3, 3.7, and 3.10 of the FEIS for detailed discussions of the construction-related unmitigated impacts of the Proposed Action.

Comment 1.2-2; 1.2-9; 4.0-39; 5.0-68. There is no discussion in the DEIS of phased construction plan in which the excavation, retaining wall, pad, and first building are all completed, and the second building is constructed at a later date. This is something the Applicant has stated before the Planning Board is a possibility depending on bank financing, interest rates, the cost of construction materials, and the occupancy of the first building.

Response: A phased construction plan in which the excavation, retaining wall, and building pad are all completed for the anticipated two buildings and the second building is not constructed with the first was not included in the DEIS as it was not described as an alternative analysis required in the scope. However, as the Applicant has represented, the scenario described in that alternative is not uncommon in large construction projects due to changes in financing. Should this occur, the

impacts would largely be the same with some differences in the visual impacts and fewer benefits to the various tax jurisdictions that would benefit from the Application.

Comment 1.2-3. Was a green/living roof for the buildings proposed or discussed?

Response: A green/living roof is not discussed in the DEIS as it was not required for analysis in the scope.

Comment 1.2-4; 6.0-36. At the time of Site Plan referral to the Suffolk County Planning Commission a full environmental quality review of the proposal shall be included that has further information pertaining to channel depths at the mouth and course of Mattituck Creek particularly in the offshore location creek-ward of the shoreline of Strong's Yacht Center.

Response: Comment noted.

Comment 1.2-5. There is inadequate information regarding the typical type and size of boats to be serviced by the "yacht center" as a result of the proposed new boat storage buildings. Future referral material to the Suffolk County Planning Commission with respect to the Suffolk County Administrative Code Article XIV Section A1 4- 25 shall include facts as to the maximum beam, draft, weight and length of watercraft that will be serviced at the marina after completion of the proposed boat storage buildings.

Response: Comment noted.

Comments 6.0-24; 6.0-25. The April 1, 2020, Suffolk County Planning Commission meeting summary contains requests for further information. It states that "Staff deem the referral to be incomplete and noted that the referral will not be reviewed until certain information is submitted through the offices of the municipal referring agency." Further information requested included "channel depths at the mouth and course of Mattituck Creek particularly in the off shore location creek-ward of the shoreline of Strong's Yacht Center," "the typical type and size of boats to be serviced by the 'yacht center' as a result of the proposed new storage buildings" "the necessity to excavate soils at the subject location" , "an explanation of the need for the proposed elevation of the floor of the boat storage buildings," and "clarification on Town of Southold protection of wetland regulations with respect to issues of soil erosion and sedimentation from clearance, grading, excavation or other disturbance of steeply sloped soils to be held by retaining walls on adjacent areas to tidal wetlands." On April 2, 2020, the Suffolk County Planning Commission officially requested this further information in a letter to Elizabeth Neville, Southold Town Clerk. The letter is on the Southold Town Planning Department's website in the Subject File and is attached here. The information requested essentially mirrors that of the meeting summary dated

April 1, 2020, and requests: (a) channel depths at the mouth and course of Mattituck Creek particularly in the off shore location creek-ward of the shoreline of Strong's yacht center; (b) information regarding the typical type and size of boats to be serviced by the yacht center including maximum beam, draft, weight, and length, (c) the necessity to excavate soils at the subject location, and (d) further clarification of the Town of Southold wetland protection regulations. The Town does not appear to have provided the information to the Suffolk County Planning Commission for over three years.

Response: Comment noted. The initial referral to the County Planning Commission was prior to the DEIS being completed, which contains the information they require. The Southold Town Planning Board will complete the application to the Suffolk County Planning Commission once this document has been filed in the Environmental Notice Bulletin of the NY Department of Environmental Conservation.

Comment 1.2-6. There is inadequate information regarding the necessity to excavate soils at the subject location of the proposed action. Referral material to the Suffolk County Planning Commission with respect to the Suffolk County Administrative Code Article XIV Section A1 4-25 shall include an explanation of the need for the proposed elevation of the floor of the boat storage buildings.

Response: Comment noted.

Comment 1.2-7. The DEIS doesn't describe the Project timetable accurately or consistently.

Response: There are multiple issues in the DEIS as it relates to the proposed project timetable. There are inconsistencies in the timetable that are presented in various sections and how those align with the anticipated impacts. There are also errors in the methodology of the estimations made that would suggest the construction phases would take longer than presented in the DEIS, further conflicting the presented timetable. These issues will be addressed in further detail later in the FEIS, in Section Section 3.3 Transportation.

Comment 1.2-8. The DEIS states on page xxv that "the addition of stationary emission sources is not proposed." Elsewhere it specifies that the storage buildings would be heated by propane, a source of greenhouse gas emissions.

Response: The Application proposes to heat the two storage buildings using radiant floor heating fueled by liquid propane gas supplied by four 2,000-gallon tanks stored on Site. The heating system proposed would constitute a stationary emissions source. The DEIS does not discuss how often these tanks must be refilled. Due to there being other large adverse impacts that are neither avoided

nor minimized nor mitigated to the maximum extent practicable, the lead agency does not need definitive answers on this topic. See Sections 3.3, 3.7, and 3.10 of the FEIS for detailed discussions of the construction-related unmitigated impacts of the Proposed Action.

Comment 1.2-10. Adequately describe the property and the landscape, including its relevant elements, such as existing structures, plant communities, wildlife, adjoining properties/resources.

Response: The existing conditions and various elements of the Proposed Action are described in the DEIS. There are concerns that the descriptions of the surrounding flora and fauna on and adjacent to the Site are not complete and these concerns are discussed in greater detail in Section 2.2.4 Ecology of this FEIS.

Comments 1.2-12; 1.2-13. The DEIS has not discussed, as required by the scope, other modifications such as additional docks. Based on the dimensions of the available docks, there are concerns with the availability of a sufficient number of docks to accommodate the sizes of boats proposed to be stored in the proposed storage buildings. With the number of docks available to accommodate larger boats being limited, there are concerns regarding operations, scheduling, and in-water storage of boats delivered for storage as they are removed from the water and placed indoors.

Response: The DEIS does not present a detailed plan or schedule for the removal of the boats from the water. The DEIS states that the arrival and departure of the boats from the facility will be controlled by facility staff and that they expect approximately one or two boats per day but do not discuss how many days a week this is expected, over what timeline, how this will affect existing operations, what would occur in the event of a rush at the end of a given season, or the potential bottle neck of having only two haul out slips. Due to there being other large adverse impacts that are neither avoided nor minimized nor mitigated to the maximum extent practicable, the lead agency does not need definitive answers on this topic. See Sections 3.3, 3.7, and 3.10 of the FEIS for detailed discussions of the construction-related unmitigated impacts of the Proposed Action.

Comment 2.2-25; 1.3-16. The Suffolk County Planning Commission report noted that boat storage is not a water dependent use, rather it is a water-related use because it can be and often is achieved inland (so long as the inland site is at a grade and location capable of receiving boat transportation). While portions of the applicant's site are in a maritime area, this comment letter, and others, have frequently mentioned the incongruity of the MII district extending up a steep hill to an area that is at 50+ feet AMSL. The DEIS says, " The proposed action would expand in line with the existing scale of development on the subject property." DEIS p. 181. That is patently untrue. All of the previous development of the site occurred on or near the waterfront without having to undertake a massive excavation on 4.59 acres of land. Moreover, the proposed structures are significantly larger than the other structures on the subject property.

Response: The Applicant has represented that the goal of the Project is to provide heated indoor storage for boats that would be too large to move to the Site by road and therefore the storage buildings must be close to the water to allow for the boats to be delivered to the Site for storage by water.

Comment 4.0-2. The need for additional studies, revisions, and supplementation is apparent. The DEIS lacks many different studies that are essential to conducting a proper SEQRA review. Additionally, the analysis in the DEIS is inadequate. Too many crucial elements are missing and, as discussed in the sections above, the DEIS cherry-picks information and does not take a hard look at the impacts of the proposed project. The Planning Board, as lead agency, is responsible for the FEIS and these inadequacies must be addressed.

Response: The DEIS lacks certain studies and information.

Due to there being other large adverse impacts that are neither avoided nor minimized nor mitigated to the maximum extent practicable, the lead agency does not need definitive answers on this topic. See Sections 3.3, 3.7, and 3.10 of the FEIS for detailed discussions of the construction-related unmitigated impacts of the Proposed Action.

1.3 Objectives and Benefits

Comments 1.3-1; 1.3-2; 1.3-3; 1.3-4; 1.3-5; 1.3-6; 1.3-9; 1.3-12; 1.3-14; 1.3-15; 1.3-21; 1.3-25; 1.3-26; 1.3-27; 1.3-28; 1.3-29; 1.3-30; 1.3-31; 1.3-32; 1.3-40; 1.3-43; 6.0-22; 6.0-45; 6.0-67; 6.0-70; 6.0-69. The stated purpose of the project in the DEIS, to provide climate-controlled storage space, is not essential for maintaining electrical systems of boats and the DEIS fails to present a case for market demand beyond the assertions and desires of the Applicant.

Response: Comments noted.

Comments 1.3-7; 1.3-8; 1.3-10; 1.3-11; 1.3-13; 1.3-17; 1.3-18; 1.3-19; 1.3-20; 1.3-22; 1.3-23; 1.3-24; 1.3-35; 1.3-40; 6.0-18; 6.0-19; 6.0-51; 6.0-52; 6.0-53; 6.0-65; 6.0-68. The Proposed Action will not benefit the community. The taxes and increases to employment are overstated or overrepresented in the DEIS. The Applicant will benefit by catering to the owners of multimillion dollar yachts who will largely be people from outside the community.

Response: The DEIS lacks sufficient detail on jobs estimated to be created, and there are methodological errors in the Marina Economic Impact Calculator (MEIC) used to estimate the economic benefits of the Proposed Action. There are flaws in the MEIC, including the overestimation of existing jobs, the lack of clarity between full-time and part-time and all year or

seasonal workers, and the inherent difference in business revenue between SYC and the marinas used to create the economic multipliers in the MEIC.

Due to there being other large adverse impacts that are neither avoided nor minimized nor mitigated to the maximum extent practicable, the lead agency does not need definitive answers on this topic. See Sections 3.3, 3.7, and 3.10 of the FEIS for detailed discussions of the construction-related unmitigated impacts of the Proposed Action.

Comments 1.3-41; 1.3-42 were deemed to not be substantive or outside of the scope of the DEIS.

1.4 Construction and Operation

Comments 1.4-1; 1.4-5; 1.4-6. The length of construction time and the number of construction trips have been underestimated and the impacts of both will be higher than what is presented in the DEIS.

Response: There are inherent flaws in the way the number of construction trips have been estimated and disclosed. This is addressed in more detail in Section 3.3 Transportation and in 3.10 Construction of the FEIS.

Comment 1.4-2. Showing leadership in the environmental area, we suggest that the Town affirmatively require that the new roof be equipped with solar panels, to eliminate the need for large propane storage tanks that neighbors are concerned could potentially explode or fuel a fire.

Response: This alternative was not studied in the DEIS as it was not required in the Scoping Document.

Comment 1.4-3. Furthermore, the project introduces risks such as accidents and construction collapses, including the potential collapse of the hillside during construction.

Response: The DEIS does not adequately address the risk of, or the contingency plans for structure or hillside collapse during construction. To demonstrate that all impacts have been mitigated to the greatest extent practicable, this information would be necessary. Additional discussion in greater detail is located in Section 2.1 Soils and Section 3.10 Construction of the FEIS.

Comments 1.4-7; 1.4-8; 1.4-9. The DEIS over states the benefits of jobs anticipated to be created by the Proposed Action and is vague on the details of what these jobs would be, if they would be full time or part time, if they would be seasonal, or if they would replace existing jobs.

Response: The DEIS states on page 15 that the Proposed Action is anticipated to create 11 additional full-time jobs with a range of responsibilities and salaries. The DEIS lacks sufficient detail on jobs estimated to be created and there are methodological errors, including but not limited to the Marina Economic Impact Calculator (MEIC) used to estimate the economic benefits of the Proposed Action. There are flaws in the MEIC, including the overestimation of existing jobs, the lack of clarity between full-time and part-time and all year or seasonal workers, and the inherent difference in business revenue between SYC and the marinas used to create the economic multipliers in the MEIC. Due to there being other large adverse impacts that are neither avoided nor minimized nor mitigated to the maximum extent practicable, the lead agency does not need definitive answers on this topic. See Sections 3.3, 3.7, and 3.10 of the FEIS for detailed discussions of the construction-related unmitigated impacts of the Proposed Action.

Comment 1.4-10. Where will the boats be put in & out of the water? Where will the boats be fueled for storing?

Response: Section 1.4.2 Operations of the DEIS does not provide specific answers to these questions. The DEIS does state that there are no modifications proposed to the existing haul out slips or the existing buildings and operations.

Comment 1.4-11. Adequately describe the project and how it will be constructed.

Response: The project description and construction are discussed in the DEIS and the corresponding FEIS Sections 1.2 and 1.4, respectively.

Comment 1.4-12. Accurately describe the adverse environmental impacts of the project, during and post construction. Consider direct impacts (such as removals), secondary impacts (reasonably foreseen results from direct impacts), and cumulative impacts.

Response: The project construction related impacts are discussed throughout the DEIS in sections related to soils (2.1) ecology (2.4) transportation (3.3) noise (3.7) among others. The conclusions of the analysis presented in the DEIS on the significance of the construction related impacts and inherent flaws in the methodology supporting the analysis presented in the DEIS suggest the impacts identified do not reflect the full severity of the impacts. This is addressed in more detail in Section 3.10 Construction of the FEIS.

Comment 1.4-17. The DEIS states that the SYC's 85-ton boat lift cannot go up slopes. Perhaps this is true but should be verified. A larger boat lift than 85-ton capacity may be able to go up slopes.

Response: Comment noted.

Comment 1.4-4 was deemed to not be substantive or outside of the scope of the DEIS.

1.5 Permit and Approval

Comment 1.5-1; 1.5-2; 1.5-3; 2.1-40; 2.1-43; 6.0-46; 6.0-57. Improper Extraction of Resources: Concerns have been raised regarding the potential exploitation of valuable sand resources. The removal of the hillside could yield substantial profits from the sale of sand (the DEIS states that 63 percent of the material has been identified as quality sand).

Response: The correspondence to the NYSDEC from the Applicant dated April 19, 2021 (DEIS Appendix I) requests confirmation from the NYSDEC that a mining permit is not required for the proposed excavation and removal of approximately 124,921 cubic yards of material. There is no response from the NYSDEC included in the DEIS and this has not been confirmed by the NYSDEC. According to the NYSDEC website, excavation or grading operations which are conducted solely in aid of on-site construction or farming are to be exempt from the need for a Mined-Land Reclamation Permit. However, without the correspondence from the NYSDEC it cannot be confirmed that any portion of the sand removal does not require a permit. The normal requirement for this permit is anything over 750 cubic yards. The DEIS proposes approximately 135,000 cubic yards of material to be removed from the Site. Due to there being other large adverse impacts that are neither avoided nor minimized nor mitigated to the maximum extent practicable, the lead agency does not need definitive answers on this topic. See Sections 3.3, 3.7, and 3.10 of the FEIS for detailed discussions of the construction-related unmitigated impacts of the Proposed Action.

Comment 1.5-4. Despite what the DEIS states, the New York State Office of Parks, Recreation and Historic Preservation has requested a Construction Protection Plan for the Old Mill Inn and the historic Water Tower on West Mill Road which has not been submitted to the OPRHP for review and comment or been asked to review how the construction truck route could impact historic structures.

Response: The most recent correspondence from the OPRHP, dated April 2022 (DEIS Appendix T), states that the OPRHP has concerns regarding potential impacts to historic architectural resources as a result of vibrations from construction vehicles and that the OPRHP recommends the preparation and implementation of a Construction Protection Plan. There is no indication that

the Construction Protection Plan, included in the vibration report (DEIS Appendix R), was reviewed or approved by OPRHP. Without the review of the OPRHP, the concerns and potential impacts of the vibration are outstanding, and the conclusions presented in the DEIS cannot be considered by the Planning Board as part of the hard look during the SEQRA process.

Due to there being other large adverse impacts that are neither avoided nor minimized nor mitigated to the maximum extent practicable, the lead agency does not need definitive answers on this topic. See Sections 3.3, 3.7, and 3.10 of the FEIS for detailed discussions of the construction-related unmitigated impacts of the Proposed Action.

Comments 1.5-5; 1.5-17. The DEIS states that "the proposed action has also been reviewed and approved through the issuance of a Tidal Wetlands Permit from the NYSDEC." DEIS p. 176. However, SEQRA prohibits responsible agencies like DEC from issuing a tidal wetlands permit (or any other discretionary permit) unless and until the lead agency (the Town of Southold Planning Board) has completed a FEIS and DEC has issued its SEQRA findings statement.

Response: The Tidal Wetland Permit included in the DEIS Appendix I is dated January 31, 2020. If the work described under the "Authorized Activity" section is included in the Proposed Action, then the issuance of the Tidal Wetlands Permit by NYSDEC was premature and can only be granted after the SEQRA review of the Project has been concluded.

Comment 2.2-19. The proposed project is inconsistent with the purposes and permitted uses set forth in Town Code, Chapter 290, Article XIII regarding the MII district and is prohibited under Town Code § 280- 111(H) because it would store more than 20,000 gallons of petroleum.

Response: The intent of the zoning district is for the Southold Town Board or Southold Zoning Board of Appeals to answer. The question of whether or not this violates Town Code § 280-111(H) because it would store more than 20,000 gallons of petroleum would need further evaluation.

Due to there being other large adverse impacts that are neither avoided nor minimized nor mitigated to the maximum extent practicable, the lead agency does not need definitive answers on this topic. See Sections 3.3, 3.7, and 3.10 of the FEIS for detailed discussions of the construction-related unmitigated impacts of the Proposed Action.

Comment 4.1-1. Suffolk County Planning Commission Jurisdiction over this application [under the County Admin. Code] is triggered by the project sites proximity to Mattituck Creek. It rises to a regionally significant project by Commission definition as it is located in one of the five East End towns and proposes the construction of more than 50,000 square feet of gross floor area.

Response: The Planning Board has referred this application to the Suffolk County Planning Commission and received preliminary comments. The application will be referred back to the Suffolk County Planning Commission upon completion of the Lead Agency's Findings Statement.

Comment 1.5-11 Finally, it is noted that Ms. Sedgwick's letter is address to Charles Vandrei at NYSDEC but concludes with the statement that "Should you be unable to meet this condition, consultation with our office will resume." Given that NYSDEC has no control over, and no way of ascertaining if, the project's proponents will be able to comply with the condition, this sentence is confusing and needs clarification.

Response: Comment noted.

Comment 6.0-72 It does not appear as if the Riverhead Town government, or Aquebogue, Riverhead or Calverton civic associations, or the general population were made sufficiently aware of this project; they should be allowed to voice their concerns.

Response: Comment noted.

Comments 1.5-6; 1.5-7; 1.5-8; 1.5-9; 1.5-10; 1.5-12; 1.5-13; 1.5-14; 1.5-15; 1.5-16; 1.5-23; 1.5-24 were deemed to not be substantive and outside of the scope of the DEIS.

2.1 Soils

Comment 2.1-1; 2.1-9. The existing surface elevation of the area containing Tm soils is approximately 11 feet. The finished floor elevation of proposed Storage Building No.2 is 10 feet. This raises a number of questions: Will excavated Tm soils be treated differently from other soil types during excavation? Will excavation of Tm soils below the 10 ft elevation be necessary because of their severe engineering limitations? If so, to what depth? Will excavated Tm soils below 10 feet be replaced with fill suitable for construction? No discussion of the significance of Tm soils is included in the DEIS or the geotechnical report prepared for the Project (DEIS Appendix H).

Response: The DEIS states that "There are also severe engineering limitations associated with the development of streets or parking lots due to high water for Tm (Tidal marsh) soils. However, as explained in Section 2.2.1 and indicated in Appendix H, depth to groundwater encountered ranged

between 45.5 feet bgs and 31.5 feet bgs and would not be encountered during excavation. Therefore, this limitation would be overcome.” (DEIS pg. 319). This explanation is unsatisfactory and does not take into account specific recommendations made in the geotechnical report.

Boring sample B11, B10, and B8 from the geotechnical report (DEIS Appendix H) are located in an area mapped as Tm and the description provided in the geotechnical memo matches the description of Tm soils provided in the DEIS. As stated on page 4 of the PWGC Geotechnical Memo dated August 3, 2021, “PWGC recommends close study of the south footprint of Boat Storage Building No. 2 as the borings the completed in this area, B-8, B10 and B-11, indicated loose soil deposits that may require improvement for foundation bearing.”. These boring locations are along the southern edge of Building No. 2 and in an area identified in the PWGC Geotechnical Memo as “Potential Dredge Spoils.” This “Potential Dredge Spoils” area extends north further into Building No. 2 but there are no boring samples in this area. It is not explained in the PWGC Geotechnical Memo how this area was defined. Without additional boring samples, it cannot be determined whether or not there is the need for more excavation to provide the improvement required for foundation bearing as described in the PWGC Geotechnical Memo. This would further increase the impacts associated with the removal of excavated material described in the DEIS and, as is described in the 3.3 Transportation Section of the FEIS, these impacts are already both severe and understated. With the information provided, the full extent of adverse impacts associated with what is labeled as Tm soils as a result of the Proposed Action cannot be determined.

Due to there being other large adverse impacts that are neither avoided nor minimized nor mitigated to the maximum extent practicable, the lead agency does not need definitive answers on this topic. See Sections 3.3, 3.7, and 3.10 of the FEIS for detailed discussions of the construction-related unmitigated impacts of the Proposed Action.

Comments 2.1-2; 2.1-3; 2.1-4; 2.1-5; 2.1-6; 2.1-7; 2.1-8; 2.1-10; 2.1-11; 2.1-12; 2.1-13; 2.1-14; 2.1-22; 2.1-50. Errors in or inconsistencies between the DEIS soil analysis and the Geotechnical Report (DEIS appendix H), particularly relating to the locations and descriptions of ‘Fd’ (filled land, dredged material) in the DEIS and the “Potential Dredged Spoils” or “Stratum 3” in the geotechnical report and with the inconsistent descriptor “potential” when describing dredged spoil from boring samples in the geotechnical report. The composition of Stratum 3 as described in the geotechnical report and the DEIS state that they are not suitable for foundation building and their location is identified in the geotechnical report as overlapping with the location of both proposed buildings and portions of the proposed retaining wall.

Response: There are several discrepancies and deficiencies in the DEIS analysis and geotechnical report regarding Fd soils and soils labeled “Potential Dredged Spoils” or “Stratum 3.” This is of particular concern because all these classifications have engineering limitations and are shown to be where the storage buildings are proposed to be located. There is not enough information

provided and the information provided is often contradicted or not explained. The geotechnical report identifies large areas that overlap or are immediately surrounding the “Construction Excavation Area” as “Potential Dredged Spoil” but does not offer an explanation for how those boundaries were determined. There are significant deficiencies in the data based on the lack of boring sample locations within both of the areas labeled “Potential Dredged Spoil” and in the center of the “Construction Excavation Area.” The DEIS presents the narrative that the Army Corps of Engineers (ACOE) have a history of depositing dredged materials on the Site between 1962 and 1984. The evidence for this narrative appears to ignore contradictory evidence. The Batten and Kraus report cited in the DEIS states that the disposal area for the dredged material for the six dredge operations before 1937 are not know and that the 9 dredging operations between 1937 and 2004 were deposited on the beach east of east jetty. A 1985 report entitled ‘Analysis Of Dredging and Spoil Disposal Activity Conducted By Suffolk County – Historical Perspective and A Look To The Future’ discussed dredging activities in the Mattituck Creek in 1955 by Suffolk County and states that some dredging in the 1950’s and 1960 utilized upland disposal sites, but does not provide a location, and that all dredging other than the West Harbor project used dredged spoil for beach nourishment. A land survey dated 1957 provided by the public shows the area in question labeled as “Sand Filled” and information presented by public comment claim the area was filled intentionally by a former owner.

A letter from Tim Lloyd of the NYS Department of Parks, Recreation, and Historic Preservation dated December 3, 2021, agrees that the PWGC geotechnical memo does not present definitive evidence of fill in the southern portion of the “Area of Potential Effect.” The DEIS and the geotechnical report do not address that the top layer of Stratum 3 is found at a varying depth of four to eight feet below ground surface and that soils found above are identified as Carver and Plymouth sands with slopes varying from 15-35%. These soils comprise approximately 30% of the Site and if they are naturally occurring, what is found below them would not be dredged material. If they are not naturally occurring, it would suggest the dredged material was covered. The origin of the material has implications beyond the engineering restraints of the materials regarding the possible need for remediation or treatment of the soils. Chemical testing of areas that the DEIS presents as dredged material was not included. Mitigation for the excavation, treatment, or removal of these soils is not provided and measures to do so would further increase the impacts associated with the removal of excavated material described in the DEIS and, as is described in the 3.3 Transportation Section of the FEIS, these impacts are already both severe and understated. Without this information, the full extent of significant environmental impacts associated with soils classified as Fd, “Potential Dredged Spoil”, or “Stratum 3” cannot be determined.

Due to there being other large adverse impacts that are neither avoided nor minimized nor mitigated to the maximum extent practicable, the lead agency does not need definitive answers on this topic. See Sections 3.3, 3.7, and 3.10 of the FEIS for detailed discussions of the construction-related unmitigated impacts of the Proposed Action.

Comment 2.1-15; 2.1-16. Discrepancies in Information. The boundary between the Phase 1 and Phase 2 Excavation Areas as, shown on DEIS Appendix A Figure 6, is not consistent with the location of the boundary as shown on Site Development Plans (Appendix C, Excavation Phasing Plan). Figure 6 in Appendix A includes a table indicating the total acreage and percentage of each soil type in the AOI (Area of Interest). However, the AOI used to calculate these figures is the entire tax parcel on which the Project will be located—not the area that will be directly affected by construction activities (the “Project Area” as defined in the DEIS) which will be confined almost entirely to the portion of the parcel zoned M-II. The AOI as defined in Figure 6 includes the entire portion of the parcel zoned R-80 as well as the M-II portion. The figures in the table included on Figure 6 are therefore inaccurate and misleading as they do not reflect the actual Project Area.

Response: The comment recognizes the lack of clarity, the discrepancies in, and the omissions of information regarding soils provided in the DEIS. The issues raised in these comments are not the only examples of this and are interrelated with other issues addressed in this chapter of the FEIS. The issues are widespread and include, but are not limited to, the location and depth of boring samples, the depiction of the boundary between Phase 1 and Phase 2 of the excavation, the proposed slopes of exposed banks during excavation, the presence and location of dredged material, and the way that the percentages have been used regarding soils across the entire site instead of the Project Area. These discrepancies, flaws, and omissions invalidate the analysis provided. The extent of significant impacts regarding soil, excavation, and slope stabilization cannot be fully determined from the information provided in the DEIS and supporting documentation.

Due to there being other large adverse impacts that are neither avoided nor minimized nor mitigated to the maximum extent practicable, the lead agency does not need definitive answers on this topic. See Sections 3.3, 3.7, and 3.10 of the FEIS for detailed discussions of the construction-related unmitigated impacts of the Proposed Action.

Comment 2.1-17; 2.1-18; 2.1-19; 2.1-20; 2.1-21; 2.1-23; 2.1-24; 2.1-25; 2.1-26; 2.1-27; 2.1-29; 2.1-38; 2.1-45; 2.1-46; 2.1-47; 2.1-48; 2.1-49; 2.1-50. The DEIS has not adequately addressed slope stability concerns. Discrepancies, omissions, or flaws in the DEIS and supporting documentation suggest that the analysis regarding slope stabilization during excavation and construction of the retaining wall are insufficient and that there could be larger risks than the DEIS presents.

Response: The DEIS has not demonstrated that the adverse impacts from construction related to the stabilization of the excavated slope will be mitigated. The DEIS states that “prior to the instillation of the permanent retaining wall system, the soil cut is recommended to be sloped on

1.5:1 (Horizontal: Vertical) slope” (DEIS pg. 37). The DEIS also states that this 34-degree angle cut is recommended by OSHA. However, the OSHA recommendation specifies excavations less than 20 feet deep which would not apply to the Proposed Action. The DEIS does not address this. The OSHA recommendations for excavations greater than 20 feet is that the slope shall be designed by a registered professional engineer. The PWGC Geotechnical Memo (DEIS Appendix H) recommends 34-degree angle or shallower to prevent stability issues. The Landscape Plan (DEIS Appendix C) prepared by the project engineer includes a slope stabilization detail showing erosion control blankets and a 2:1 slope or a 27-degree angle which is shallower than what is presented in the DEIS. The Landscaping Plan (DEIS Appendix C) shows in the plans the approximate distance of 40 feet from the top of the wall to the bottom in both horizontal and vertical distance which would be an approximate slope of 1:1 or an angle of 45 degrees. This is considerably steeper than the slope conditions during construction in the DEIS. The DEIS also states that that “Bank slopes would not exceed 1 on 3” (DEIS pg. 285). This would be a slope of 3:1 or an 18-degree slope, considerably shallower than the 34 degrees which is described elsewhere in the DEIS. Should the slope be more shallow than the 34 degrees described in the DEIS, construction activities would be closer to the residence at 5106 Mill Road than they are described to be throughout the DEIS and the area of disturbance would be larger than it is described to be in the DEIS and the excavated material would be greater and this would further increase the impacts associated with the removal of excavated material described in the DEIS and, as is described in the 3.3 Transportation Section of the FEIS, these impacts are already both severe and understated. Shallower slopes during construction would also require backfill to accommodate the slope of the proposed retaining wall, and these construction activities are not discussed in the DEIS. Should the slope be steeper than the 34 degrees described in the DEIS, there may be a heightened risk of slope collapse, as described in the PWGC Geotechnical Memo.

Combined with this is the omission of boring samples in the center of the “Construction Excavation Area” and the discrepancies in the boundaries between Phase 1 and Phase 2 of the excavation, both discussed above. The slope stability concerns and the omission of boring samples in the center of the “Construction Excavation Area” and the discrepancies in the borders between Phase 1 and Phase 2 of the excavation are exacerbated by the location of the haul road during Phase 1 of excavation and the stress of heavy machinery and associated vibrations on unvegetated slopes of uncertain steepness made up of soils of uncertain load bearing quality. The DEIS does not address the management of slopes during the excavation phases or the timing between excavation phases when slopes would be exposed. To determine that all impacts have been avoided or minimized or mitigated to the maximum extent practicable, more information about slope stabilization would be necessary.

Due to there being other large adverse impacts that are neither avoided nor minimized nor mitigated to the maximum extent practicable, the lead agency does not need definitive answers on this topic. See Sections 3.3, 3.7, and 3.10 of the FEIS for detailed discussions of the construction-related unmitigated impacts of the Proposed Action.

Comment 2.1-28; 6.0-40. The DEIS states that "[o]nce [the Evergreen Macro Gravity Retaining Wall System is] in place and backfilled, seeding and use by bird species will promote growth in the trays that are built into the wall to create a "green" wall over a period of two-to-three years." Please be specific as to how the design will prevent erosion and sedimentation of adjacent tidal wetlands and surface waters or the creation of dust if it will take birds 2 to 3 years to fully seed the area and establish sufficient growth? Please indicate why the wall is not going to be fully seeded, planted and stabilized immediately after construction?

Response: The Landscape Plan (DEIS Appendix C) shows small sections of the retaining wall shelves labeled "Retaining Wall Shelf – West and Retaining Wall Shelf North" as being planted with small bushes and grasses. It is not explained why the majority of the retaining wall shelves are proposed to be "filled with topsoil to allow for seeding by wildlife" or how this process would not be susceptible to the proliferation of invasive species and issues of erosion and sedimentation of the adjacent wetlands and surface waters. These areas should be planted and maintained in a similar manner to Retaining Wall Shelf – West and Retaining Wall Shelf North to stabilize the area immediately after construction.

Comment 2.1-30; 2.1-31; 2.1-32; 2.1-33; 2.1-34; 2.1-35; 2.1-36; 2.1-37; 2.1-39; 2.1-44. As per the Suffolk County Planning Commission recommendations, the proposed excavation and removal of material is excessive and should not be permitted. There is not enough information provided with respect to soil erosion and sedimentation from clearance, grading, excavation, and other disturbances on adjacent surface waters and tidal wetlands.

Response: There is not enough information with respect to soil erosion and sedimentation from clearance, grading, excavation, and other disturbances on adjacent surface waters and tidal wetlands. The DEIS presents ambiguity regarding the slope of the cut during the excavation phases. This is discussed in greater detail earlier in this section of the FEIS. The ambiguity of the slope cut includes the soil erosion control measures presented during the excavation phases. This, combined with the inaccuracies of the project schedule regarding the maximum haul truck loading weight used to calculate trips, described in greater detail in Section 3.3 Transportation of the FEIS, presents concerns with cut with uncertain slopes being left exposed to the elements for uncertain lengths of time adjacent to surface waters and tidal wetlands.

Due to there being other large adverse impacts that are neither avoided nor minimized nor mitigated to the maximum extent practicable, the lead agency does not need definitive answers on this topic. See Sections 3.3, 3.7, and 3.10 of the FEIS for detailed discussions of the construction-related unmitigated impacts of the Proposed Action.

Comment 2.1-41. Everybody in that area will be better off. One of the things that should be implemented on the site would be a stone rip-rap base at the exit and entrance to the site, which essentially just shakes the wheels of the vehicle and gets all the sand from entering the roadway before it leaves the site. I have seen it in the construction industry. Just about any large job where they do dewatering. Dewatering on the site, not underground, but watering and keeping the dust down. These guys should be required to have a water truck on site. If they are not able to handle it with their own water and irrigation, it should be required as a condition of any approvals.

Response: Section 2.1.3 of the DEIS (DEIS pg. 41) describes the proposed mitigation measures related to soil and states “To minimize fugitive dust emissions, the following measures will be undertaken: watering down access ways, stockpiles, and material prior to loading; limit on-site vehicular speeds to 5 mph; soil stockpiles would be covered; all trucks carting loose material and construction debris would be covered; and a six-foot fence with filter fabric would be installed around the northern and western portions of the Construction Excavation Area.” The Site Development Plans (DEIS Appendix C) provide details for a rip-rap base at the construction site entrances and exits but does not show proposed locations.

2.2 Water

Comment 2.2-1; 2.2-2; 2.2-3; 2.2-4; 2.2-49; 2.2-49; 2.2-56; 2.2-57; 1.3-33; 1.3-36; 1.3-38; 1.3-39. The inconsistencies and omissions in the supporting documentation regarding correspondence and status with the SCDHS and the SCWA undermine the reliability of the analysis as it is presented in the DEIS.

Response: The DEIS does not accurately represent the status of correspondence with the Suffolk County Department of Health Services (SCDHS) or the Suffolk County Water Authority (SCWA). The most recent correspondence with the SCDHS (Appendix J of the DEIS), dated January 26, 2022, includes a “Notice of Non-Conformance” and a request for additional information. The DEIS states that consultations with the SCDHS are ongoing and that the Application has requested a variance from design flow standards.

The only correspondence with the SCWA included in the DEIS (Appendix K) is a response letter from the SCWA (it does not include the Applicant’s request letter), dated October 20, 2017, and only confirms that a water main extension of approximately 765 feet would be required in order to serve the property. It does not, as the DEIS states, discuss the viability of adjacent landowners to connect to the water main extension. It does list surrounding tax parcels and identify if water service is available, if more information would be needed to determine if water service is available, and if those parcels are connected. Neither the SCWA correspondence letter nor the DEIS analyzes the viability of connecting those parcels as a result of the Proposed Action.

A water main extension to the Site has since been completed.

Due to there being other large adverse impacts that are neither avoided nor minimized nor mitigated to the maximum extent practicable, the lead agency does not need definitive answers on this topic. See Sections 3.3, 3.7, and 3.10 of the FEIS for detailed discussions of the construction-related unmitigated impacts of the Proposed Action.

Comment 2.2-5; 2.2-6; 2.2-47. The DEIS states that "based on SCDHS design flow factors of 0.00 gpd/SF for boat storage and 0.06 gpd/SF for non-storage (bathrooms), potable water usage for post development conditions would increase by 18 gpd from 1,058 gpd to 1,076 gpd." As previously noted, the projections of 18 gpd seems quite low considering there would be 11 new employees and an increased number of patrons utilizing the business's services and both proposed warehouses include bathrooms. NPV reviewed Suffolk County Department of Health Services' (SCDHS) "Project Density Loading Rates & Design Sewage Flow Rates" and found there is no flow factor provided for boat storage uses. How was the 18 gpd estimated? Additional information is requested to determine the most appropriate multiplier to provide the best real world sewage flow and water demand estimates:

- Each proposed warehouse will include a 19' x 8' (152 SF) bathroom and two new sanitary systems are proposed, while one existing sanitary system will be abandoned. Therefore, the required capacity to serve both existing and future employees must be demonstrated.
- How many employees currently work at SVC? Are the existing employees full-time, part-time or mixed?
- What types of jobs will the 11 new employees fill? (e.g., boat storage and maintenance, office, or other roles?)
- Are the new employees full-time, part-time or mixed?
- Which building(s), or work areas will the 11 new employees be assigned to? Will they all be involved with the new yacht storage operations?
- Indicate whether office space or any other dedicated space will be included in the proposed buildings.
- Indicate the square footage of any other dedicated spaces in the proposed buildings.
- Will the existing or proposed restrooms be open to the public/patrons (i.e., yacht owners and their friends and families) or is bathroom use strictly for employees?

Response: The DEIS has not adequately justified the proposed 18 gpd estimate. The requested information has not been clearly identified in the DEIS and the most recent correspondence with the SCDHS (DEIS Appendix J), dated January 26, 2022, includes a Notice of Non-Conformance and a request for additional information. The DEIS states that consultations with the SCDHS are ongoing and that the Application has requested a variance from design flow standards. Based on the information provided in the DEIS, it is not clear if there is an accurate assessment of the proposed water usage.

Due to there being other large adverse impacts that are neither avoided nor minimized nor mitigated to the maximum extent practicable, the lead agency does not need definitive answers on this topic. See Sections 3.3, 3.7, and 3.10 of the FEIS for detailed discussions of the construction-related unmitigated impacts of the Proposed Action.

Comment 2.2-7; 2.2-8; 2.2-9; 2.2-10; 4.0-3. There is missing information regarding the modeling of water usage, ground water flow, and the impacts of excavation and sea level rise on ground water to determine if there is a significant environmental impact associated with water as a result of Proposed Action.

Response: The DEIS has missing information related to the modeling of water usage, ground water flow, and the impacts of excavation and sea level rise on ground water. The DEIS does not provide peak water demand projection in gallons per day for existing and proposed flow that would include projected sanitary flow and water required for boat washing, landscaping and all other site operations with water demands. The ground water model used predicts a ground water travel time of four to four and a half years from the western boundary of the excavation area to the Mattituck Creek based on a particle's expected curvilinear path from 40 feet below the water table to the creek. It is not clear how this depth and path was determined. Based on the Suffolk County time of groundwater travel map, the Town engineering consultant estimates that a travel time of two to three years is more likely and that the time would be less where the proposed sanitary systems and drainage systems are proposed. The Town's consultant also estimates that any contaminants released that are lighter than water would reach the creek much sooner than the estimated two to three years. There is also not sufficient analysis on how the proposed excavation and projected sea level rise would impact nearby wells or how the seasonality of the water use on Site and peak water demand would impact nearby wells.

Due to there being other large adverse impacts that are neither avoided nor minimized nor mitigated to the maximum extent practicable, the lead agency does not need definitive answers on this topic. See Sections 3.3, 3.7, and 3.10 of the FEIS for detailed discussions of the construction-related unmitigated impacts of the Proposed Action.

Comment 2.2-11; 2.2-13; 2.2-14; 2.2-15; 2.2-16; 2.2-17; 2.2-18; 2.2-20; 2.2-21; 2.2-24; 2.2-26; 2.2-29; 2.2-30; 2.2-33; 2.2-34; 2.2-36; 2.2-37; 2.2-38; 2.2-39; 2.2-40; 2.2-41; 2.2-44; 2.2-45; 2.2-46; 2.2-48; 2.2-50; 2.2-51; 2.2-52; 2.2-54; 2.2-55; 3.9-106. Insufficient analysis on the impacts to ground water quality and the quality of water in Mattituck Inlet as a result of forest destruction, excavation, and the increased intensity of maritime industrial use of the water and water adjacent areas.

Response: The DEIS has overrepresented the benefits of the mitigation measures proposed and underrepresented the value lost in the analysis provided on impacts and mitigation measures for lost forest areas and the value of water storage, water infiltration, and water filtration, excavation and the associated impacts to the water table and soil erosion, and the increased intensity of maritime industrial use of the water and water adjacent areas. The ground water model used predicts a ground water travel time of four to four and a half years from the western boundary of the excavation area to the Mattituck Creek based on a particle's expected curvilinear path from 40 feet below the water table to the creek. It is not clear how this depth and path was determined. Based on the Suffolk County time of groundwater travel map, the Town engineering consultant estimates that a travel time of two to three years is more likely and that the time would be less where the proposed sanitary systems and drainage systems are proposed. There is also not sufficient analysis on how the proposed excavation and projected sea level rise would impact nearby wells or how the seasonality of the water use on Site and peak water demand would impact nearby wells. The DEIS does not provide peak water demand projection in gallons per day for existing and proposed flow that would include projected sanitary flow and water required for boat washing, landscaping and all other site operations with water demands. The DEIS presents a water main extension as a part of the Proposed Action as both a benefit and a mitigation measure. However, our records show that the water main extension was completed as a separate action. The DEIS has not fully considered the existing conditions with the water main extension as part of those existing conditions.

Due to there being other large adverse impacts that are neither avoided nor minimized nor mitigated to the maximum extent practicable, the lead agency does not need definitive answers on this topic. See Sections 3.3, 3.7, and 3.10 of the FEIS for detailed discussions of the construction-related unmitigated impacts of the Proposed Action.

Comment 2.2-31; 2.2-32. Page viii of the DEIS seems to compare Mattituck Creek water quality to Long Island Sound as a whole, including deeper waters. A comparable assessment would be to consider water quality of embayments of Long Island Sound. This section states water quality is good, but then goes on to note Suffolk County Department of Health data show the water quality is relatively poor. The FEIS should address this discrepancy. The FEIS should discuss how progress toward the goal of reduction of Mattituck Creek's nitrogen load, presented in the Suffolk County Sub-watersheds Wastewater Plan, could be achieved if this project were to be approved. Table 9-1 in the plan (p. 9-16) shows only 34% achievable reduction through onsite wastewater management.

Response: Comment noted.

Comment 2.2-35; 2.2-43; 1.3-37; 6.0-32. I/A OWTS systems that will soon not meet regulatory requirements due to sea level rise will need monitoring and upgrades and the DEIS does not discuss a plan for this. Also, an I/A OWTS system is a requirement and should not be considered mitigation measures or a project benefit.

Response: The DEIS states that as of County Resolution No. 702-2020 adopted on October 16, 2020, Innovative and Alternate On-Site Wastewater Treatment Systems (I/A OWTS) are required for new or expanded single family residences and new 'other construction' projects. As a result, the installation of I/A OWTS is a requirement for the Proposed Action. The DEIS states that ground water separation requirements for sanitary leaching fields is three feet. The sea level rise projects used in the DEIS for 2050 are 16 inches or 1.33 feet which would result in the proposed system being out of compliance. The DEIS states that the estimated lifespan for the proposed system is 30 years and that the system would need to be replaced or upgraded by that time. The DEIS does not provide the sea level rise estimates that would demonstrate when the proposed I/A OWTS system is put out of compliance. However, it appears that the system would not be in compliance sooner than 30 years. The DEIS does not discuss monitoring or enforcement for situations where the I/A OWTS system is put out of ground water separation requirement compliance sooner than anticipated and, as a result, may result in pollution to ground water quality and water quality in the Mattituck Inlet.

Comment 2.2-53. The DEIS states that "Article 6 of the SCSC limits the maximum permitted sanitary discharge to on-site sewerage systems to 600 gallons per day per acre (gpd/acre). " However, the site plan shows a 700 gallon I/ A system proposed. This discrepancy should be addressed. Additionally, the DEIS states that the anticipated increase in sanitary flow for this project is 18 gpd. It is unclear why such a large system is now needed and why it is being installed closer to two of the residential homes. The new system, if really needed, should be an in-kind replacement of the existing system or in close proximity to it.

Response: The DEIS states that the Proposed Action includes the retirement of an existing sanitary system and the creation of two, new 600 gallon I/A OWTS. The site plans submitted with the DEIS (Appendix C) show one 500-gallon OWTS between the two new, proposed buildings and one 700-gallon OWTS adjacent to the existing Building 3 (Site Development Plans sheets 4 & 5). These are labeled "New Sanitary System 1 & 2" respectively. On sheet 6 of the Site Development Plans, the "New Sanitary System 1" is shown to be a 600-gallon system and the "New Sanitary System 2" is shown to be a 700-gallon system. Upgrades to I/A OWTS systems are required as a part of the application per County Resolution No. 702-2020. The capacity of the systems is determined in part by the proposed sanitary flow projected for the Project. The DEIS proposes a sanitary flow of 18 gpd for the two storage buildings. This number has been questioned by the SCDHS and the Planning Board consultants and has not been justified by the applicant, as is discussed in other comments in this section of the FEIS.

Comment 2.2-28. Boating maintenance activities are tightly associated with a strong recreation community on Long Island Sound. They are necessary for safe and functioning vessels for people to respectfully enjoy the waterbody. These activities, however, can introduce pollutants to surface- and groundwater, leading to serious environmental degradation. The FEIS should describe hazardous material disposal and pollution response reporting to necessary authorities, such as the local fire department and the New York State Department of Environmental Conservation Region 1 spill response team.

Response: The DEIS states that no changes are proposed to chemical storage volumes are anticipated as part of the Proposed Action despite the addition of 88 yachts, all of which would be larger than the boats currently stored on the Site. The DEIS also states that repair, maintenance, fueling, washing, and detailing of boats would occur in the same manner as they currently do on Site. It is not clear if these activities will occur in the same locations on the Site as they do currently or if these activities are currently conducted on the Site and that they will occur in the same ways but inside the proposed buildings, as other elements of the DEIS would suggest.

Comment 3.9-107. The significant jump in numbers could create a scenario where there is no longer compliance with NDZ sewage management standards. The federal vessel sewage No-Discharge Zone designation is based on an adequate number of pump out facilities for the estimated boating activity. A thorough review of boating activity and NDZ compliance is warranted. Regulations aside, water quality will be degraded without an adequate number of pump out facilities servicing Mattituck Creek.

Response: The DEIS states that as the Site currently operates a pump-out vessel and that all customers will be obligated to comply with the State and Federal discharge and exhaust standards and No Discharge Zones. The DEIS goes on to note that there would be no associated impacts to the waters of Mattituck Harbor and Mattituck Inlet. This is insufficient information to demonstrate that there will be no significant impacts to Mattituck Harbor and Mattituck Inlet. There is no information provided in the DEIS on existing pump out capabilities or capacity and how that would be impacted by the Proposed Action. There is no information provided in the DEIS on contingencies for accidental or unauthorized dumping of sewage. Without the noted information, it cannot be determined that the Proposed Action will not exceed current capacities, therefore resulting in impacts the surrounding waters.

Due to there being other large adverse impacts that are neither avoided nor minimized nor mitigated to the maximum extent practicable, the lead agency does not need definitive answers on this topic. See Sections 3.3, 3.7, and 3.10 of the FEIS for detailed discussions of the construction-related unmitigated impacts of the Proposed Action.

Comments 2.2-12; 2.2-42 were deemed to not be substantive or outside of the scope of the DEIS.

2.3 Flooding and Climate

Comment 2.3-1; 2.3-5; 2.3-6; 2.3-7; 2.3-8; 2.3-9; 2.3-23; 2.3-34; 2.3-41; 2.3-44; 2.3-52; 2.3-53; 2.3-56; 2.3-63; 2.3-69. The methodology used to model sea level rise and other effects of climate change are flawed and do not accurately represent conservative estimates for future conditions.

Response: The methodology used in the evaluation of flooding impacts and impacts associated with climate change and sea level rise use moderate sea level rise estimates and is overly selective in the choice of historic precipitation data . In particular,

-Historical rain data has been chosen at distant locations (New York, LaGuardia) and for specific years which suggests that precipitation rates are declining when the opposite is true when using more spatially and temporally pertinent data. Attention is given to a decrease in annual precipitation from 2017 to 2020 when a look at a wider range of years would show an increase in annual precipitation.

-The storm surge modeling does not take into account the significant excavation and topographical changes proposed to the Site.

-The sea level rise estimates used in the DEIS are 16 inches by 250 and are the moderate estimates and far lower than others introduced in the DEIS that could be used in comparison like 21 inches by 250 (high medium) or 30 inches by 2050 (high).

Comment 2.3-2; 2.3-3; 2.3-4; 2.3-10; 2.3-11; 2.3-12; 2.3-13; 2.3-14; 2.3-15; 2.3-16; 2.3-21; 2.3-22; 2.3-24; 2.3-25; 2.3-26; 2.3-27; 2.3-28; 2.3-29; 2.3-30; 2.3-31; 2.3-32; 2.3-33; 2.3-35; 2.3-36; 2.3-37; 2.3-38; 2.3-39; 2.3-40; 2.3-42; 2.3-43; 2.3-51; 2.3-54; 2.3-55; 2.3-58; 2.3-61; 2.3-62; 2.3-64; 2.3-65; 2.3-66; 3.9-110. The analysis of how the proposed site changes would be impacted by sea level rise and climate change is flawed, does not adequately consider potential impacts, or underestimates the impacts.

Response: The analysis of how the Proposed Action would be impacted by flooding and climate changes relies on flawed modeling that does not incorporate the topographical changes proposed. Additionally, the analysis lacks multiple considerations including how flooding and storm surge could impact not only the proposed buildings, but the overall site that would be modified by the proposed excavation and additional equipment proposed to accompany the proposed storage buildings. The Suffolk County Planning Department made preliminary comments recommending that the development of this area be allowed only if there were no excavation and raised concerns regarding flooding induced by the excavation. The cutting and excavation proposed would create flooding concerns by excavating a natural and forested bluff and creating a bowl approximately

10 feet AMSL susceptible to storm surges. This is antithetical to the intentions of coastal resiliency and flood protections.

Comment 2.3-17; 2.3-45; 2.3-46; 2.3-47; 2.3-48; 2.3-49; 2.3-59; 2.3-60; 2.3-67; 3.9-50; 2.1-42; 2.1-43; 2.4-132; 2.4-265. Insufficient analysis and discussion of how the proposed action could contribute to flooding or in other ways be antithetical to climate change adaptation and resiliency strategies and insufficient, unspecific, or illegitimate mitigation measures proposed.

Response: The cutting and excavation proposed here would replace a resilient natural bluff well rooted by mature forest and reduce the existing elevation by approximately 40 feet, creating a bowl at approximately 10 feet AMSL that would be susceptible to storm surges. This has the potential to create flooding concerns and is antithetical to the intentions of coastal resiliency and flood protections.

Comments 2.3-18; 2.3-19; 2.3-20; 2.3-46; 2.3-50; 2.3-57; 2.3-68 were deemed to not be substantive or outside the scope of the DEIS.

2.4 Ecology

Comment 2.4-6; 2.4-7; 2.4-8; 2.4-16; 2.4-18; 2.4-19; 2.4-20; 2.4-21; 2.4-22; 2.4-23; 2.4-24; 2.4-25; 2.4-26; 2.4-27; 2.4-28; 2.4-29; 2.4-50; 2.4-51; 2.4-52; 2.4-64; 2.4-71; 2.4-72; 2.4-73; 2.4-77; 2.4-78; 2.4-79; 2.4-80; 2.4-81; 2.4-82; 2.4-83; 2.4-84; 2.4-85; 2.4-86; 2.4-87; 2.4-88; 2.4-89; 2.4-90; 2.4-91; 2.4-92; 2.4-93; 2.4-94; 2.4-95; 2.4-96; 2.4-97; 2.4-98; 2.4-99; 2.4-100; 2.4-101; 2.4-102; 2.4-103; 2.4-104; 2.4-106; 2.4-10; 2.4-108; 2.4-109; 2.4-110; 2.4-111; 2.4-112; 2.4-113; 2.4-114; 2.4-115; 2.4-116; 2.4-117; 2.4-118; 2.4-124; 2.4-126; 2.4-134; 2.4-143; 2.4-145; 2.4-147; 2.4-148; 2.4-153; 2.4-158; 2.4-164; 2.4-166; 2.4-167; 2.4-168; 2.4-169; 2.4-176; 2.4-177; 2.4-178; 2.4-179; 2.4-181; 2.4-182; 2.4-183; 2.4-185; 2.4-186; 2.4-187; 2.4-188; 2.4-198; 2.4-199; 2.4-200; 2.4-201; 2.4-202; 2.4-203; 2.4-204; 2.4-205; 2.4-210; 2.4-211; 2.4-212; 2.4-214; 2.4-219; 2.4-227; 2.4-228; 2.4-229; 2.4-230; 2.4-236; 2.4-237; 2.4-239; 2.4-258; 2.4-278; 2.4-287; 2.4-288; 2.4-289; 2.4-290; 2.4-292; 2.4-308; 2.4-314; 2.4-319; 2.4-321; 2.4-328; 2.4-337; 2.4-340; 2.4-341; 2.4-342; 2.4-343; 2.4-346; 2.4-347; 2.4-348; 2.4-351; 2.4-355; 2.4-356; 2.4-361; 4.0-9. Flawed methodology in the calculation and estimation of anticipated impacts and in the synthesis between chapters of the DEIS and with its supporting documentation. Flora and fauna were not included or considered in the DEIS, and the evidence is presented for their presence on the Site.

Response: There appear to be several major deficiencies in the methodology presented for the ecological impacts analysis conducted in the DEIS that would suggest that the impacts associated

with the project would be more significant than they are presented to be in the conclusions of the DEIS. These deficiencies include:

-Fauna with protected status documented to be on or adjacent to the Project Site that were not accurately described in protected status or not sufficiently included in the analysis, or both; specifically, the Piping Plover, the Eastern Box Turtle, the Northern Long Eared Bat, and the Bald Eagle.

-The Piping Plover, classified as an endangered species by the NYSDEC, has documented nesting habitat closer to the Project Site than it is described in the DEIS. The DEIS does not include discussion of the Piping Plover's use of the Mattituck Creek as foraging habitat and what impacts could result from the construction and operations of the Proposed Action to the species.

-The protected status of the Northern Long Eared Bat (NLEB) has been heightened from "threatened" to "endangered" by the United States Fish and Wildlife Service since the drafting of the DEIS. The only consideration that this species is given in the DEIS is a tree clearing window. No bat surveys were performed to determine if NLEBs are present on the Project Site or within the immediate area. The removal of 634 trees from the Site may result in the destruction of habitat and the degradation of adjacent habitat from edge effects is of a heightened concern considering the change in status. The destruction or degradation of habitat displaces the species in question and puts pressure on the habitat they migrate to, if that habitat is available.

-The DEIS does not discuss the Bald Eagle population that has been documented in the adjacent areas. Additionally, the DEIS does not address the Peregrine Falcon, the Nighthawk, the Common Loon, the Horned Lark, or the Osprey, all species listed under the New York State status of Special Concern.

-The analysis does not discuss the impact that the forest edge effect would have on the habitat of documented species with protected status living in the adjacent Mill Road Preserve.

-The analysis underrepresents the diversity of birds, bats, and insects living on or adjacent to the Project Site and the impacts that the Proposed Action would have on those populations.

-Supporting documentation lacking in detail, quality, or with inconsistencies between the data and how the data is used and presented in the DEIS.

-The decibel numbers referenced in the Ecological Conditions and Impact Analysis report (DEIS Appendix N) do not match the decibel numbers in the Acoustic Report (DEIS Appendix R).

Due to there being other large adverse impacts that are neither avoided nor minimized nor mitigated to the maximum extent practicable, the lead agency does not need definitive answers on this topic. See Sections 3.3, 3.7, and 3.10 of the FEIS for detailed discussions of the construction-related unmitigated impacts of the Proposed Action.

Comment 2.4-1; 2.4-2; 2.4-3; 2.4-4; 2.4-5; 2.4-17; 2.4-30; 2.4-31; 2.4-32; 2.4-33; 2.4-34; 2.4-35; 2.4-36; 2.4-37; 2.4-38; 2.4-39; 2.4-40; 2.4-41; 2.4-42; 2.4-43; 2.4-44; 2.4-45; 2.4-46; 2.4-47; 2.4-48; 2.4-49; 2.4-53; 2.4-54; 2.4-55; 2.4-56; 2.4-57; 2.4-58; 2.4-59; 2.4-60; 2.4-61; 2.4-62; 2.4-63; 2.4-65; 2.4-66; 2.4-67; 2.4-68; 2.4-69; 2.4-70; 2.4-74; 2.4-75; 2.4-76; 2.4-119; 2.4-120; 2.4-121; 2.4-122; 2.4-123; 2.4-125; 2.4-127; 2.4-128; 2.4-129; 2.4-130; 2.4-131; 2.4-133; 2.4-142; 2.4-143; 2.4-144; 2.4-150; 2.4-152; 2.4-155; 2.4-156; 2.4-157; 2.4-159; 2.4-160; 2.4-161; 2.4-162; 2.4-163; 2.4-165; 2.4-170; 2.4-171; 2.4-172; 2.4-173; 2.4-174; 2.4-175; 2.4-180; 2.4-184; 2.4-189; 2.4-190; 2.4-191; 2.4-192; 2.4-194; 2.4-195; 2.4-196; 2.4-197; 2.4-213; 2.4-215; 2.4-216; 2.4-218; 2.4-220; 2.4-221; 2.4-223; 2.4-225; 2.4-226; 2.4-231; 2.4-232; 2.4-233; 2.4-235; 2.4-238; 2.4-241; 2.4-245; 2.4-246; 2.4-247; 2.4-248; 2.4-251; 2.4-252; 2.4-253; 2.4-254; 2.4-255; 2.4-256; 2.4-259; 2.4-260; 2.4-261; 2.4-262; 2.4-264; 2.4-266; 2.4-268; 2.4-269; 2.4-270; 2.4-272; 2.4-273; 2.4-274; 2.4-276; 2.4-277; 2.4-279; 2.4-280; 2.4-282; 2.4-283; 2.4-284; 2.4-285; 2.4-286; 2.4-294; 2.4-295; 2.4-297; 2.4-298; 2.4-299; 2.4-301; 2.4-302; 2.4-303; 2.4-304; 2.4-305; 2.4-306; 2.4-309; 2.4-310; 2.4-311; 2.4-312; 2.4-313; 2.4-315; 2.4-316; 2.4-317; 2.4-325; 2.4-326; 2.4-327; 2.4-330; 2.4-335; 2.4-336; 2.4-338; 2.4-339; 2.4-344; 2.4-349; 2.4-350; 2.4-357; 2.4-358; 2.4-362; 2.4-363; 2.4-364; 2.4-365; 2.4-367; 2.4-369; 2.4-370; 2.4-371; 2.4-372; 2.4-374; 2.4-375; 2.4-376; 2.4-378; 2.4-380; 2.4-382. Analysis is flawed, does not adequately consider potential impacts, or underestimates the impacts.

Response: The analysis presented in the DEIS does not fully consider the impacts of the Proposed Action on the ecology of the Project Site and adjacent area and does not accurately describe the ecological value of what would be disrupted or destroyed as a result of the Proposed Development. While the DEIS presents the conclusion that the impacts are minor and that the area to be disturbed and its surroundings has a history of development, this conclusion is unsubstantiated. The area at the water's edge has a history of maritime use and the upland areas have been wooded with small-scale low density residential development or publicly owned parkland and nature preserve. The Proposed Action represents a significantly higher impact to the local ecology than any other development in the wooded uplands for the last 60+ years. The physical impacts, edge effects to adjacent ecosystems, and noise of construction may potentially disrupt or destroy the surrounding ecosystems. Without a bat survey to evaluate the presence of the endangered species on or adjacent to the Site, the full impacts to endangered species cannot be determined.

Due to there being other large adverse impacts that are neither avoided nor minimized nor mitigated to the maximum extent practicable, the lead agency does not need definitive answers on this topic. See Sections 3.3, 3.7, and 3.10 of the FEIS for detailed discussions of the construction-related unmitigated impacts of the Proposed Action.

Comment 2.4-9; 2.4-10; 2.4-11; 2.4-12; 2.4-13; 2.4-14; 2.4-15; 2.4-105; 2.4-137; 2.4-140; 2.4-151; 2.4-206; 2.4-207; 2.4-208; 2.4-209; 2.4-234; 2.4-242; 2.4-249; 2.4-250; 2.4-257; 2.4-263;

2.4-267; 2.4-271; 2.4-275; 2.4-281; 2.4-291; 2.4-293; 2.4-296; 2.4-300; 2.4-302; 2.4-304; 2.4-307; 2.4-318; 2.4-320; 2.4-329; 2.4-331; 2.4-332; 2.4-333; 2.4-334; 2.4-352; 2.4-353; 2.4-354; 2.4-359; 2.4-360; 2.4-366; 2.4-368; 2.4-373; 2.4-377; 2.4-379; 2.4-381; 6.0-34. Insufficient or unspecific mitigation measures proposed.

Response: The DEIS has presented insufficient mitigation measures for the ecological impacts associated with the Proposal. The landscaping and replanting mitigation measures mostly consist of minor evergreen screening and slope stabilization for the proposed retaining wall. This does not mitigate the ecological impacts of 600 mature oak and beech tree forest cleared across multiple acres which would disrupt and degrade the ecological value and function of the adjacent areas including the Mill Road Preserve.

Comments 2.4-136; 2.4-138; 2.4-141; 2.4- 149; 2.4-154; 2.4-193; 2.4-217; 2.4-222; 2.4-224; 2.4-240; 2.4-322; 2.4-323; 2.4-324; 6.0-33 are deemed to not be substantive or outside the scope of the DEIS.

3.1 Plans

Comment 2.4-139; 2.4-243; 2.4-244; 3.1-1; 3.1-2; 3.1-4; 3.1-5; 3.1-6; 3.1-7; 3.1-8; 3.1-9; 3.1-10; 3.1-11; 3.1-12; 3.1-13; 3.1-14; 3.1-15; 3.1-16; 3.1-; 3.1-17; 3.1-18; 3.1-19; 3.1-20; 3.1-21; 3.1-22; 3.1-64; 3.1-65; 3.1-66; 3.1-69; 3.1-73; 3.1-77; 3.1-93; 3.1-94; 3.1-95; 3.1-96; 3.1-97; 3.1-98; 3.1-99; 3.1-100; 3.1-101; 3.1-102; 3.1-103; 3.1-104; 3.1-105; 3.1-106; 3.1-107; 3.1-108; 3.1-109; 3.1-110; 3.1-111; 3.1-112; 3.1-113; 3.1-114; 3.1-115; 3.1-116; 3.1-117; 3.1-118; 3.1-119; 3.1-120; 3.1-121; 3.1-122; 3.1-125; 3.1-132; 3.1-133; 3.1-134; 3.1-138; 3.1-150; 3.1-151; 3.1-152; 3.1-153; 3.1-154; 3.1-158; 3.1-166; 3.1-167; 3.1-168; 3.1-169; 3.6-1; 3.6-2; 3.9-60; 3.9-61; 3.9-62; 1.5-18; 1.5-19; 1.5-20; 2.2-22; 2.2-23; 3.11-110. The preferred alternative is inconsistent with the Comprehensive Plan.

Response: The DEIS has misinterpreted core tenets of the Comprehensive Plan in its analysis. The preferred alternative presented in the DEIS is largely inconsistent with the recommendations of the Town Comprehensive Plan as is demonstrated more specifically in the following:

Land Use and Zoning Goal 5: Protect Town Character

As discussed in more detail in Section 3.5 Community Character of the FEIS, the analysis of impacts to community character in the DEIS relies upon the narrative that the existing nature of the Site is that of a maritime use and that the Proposed Action will continue to be a maritime use. This ignores the fact that the area in which the development is proposed is currently 40 feet higher in elevation with a mature hardwood forest across over 4.3 acres, a successional hardwood forest over an acre, and associated successional shrublands. The community character impact of the Proposed Action is not the maintenance of an existing maritime aesthetic, but the destruction and

excavation of a natural forested area and its replacement with over 100,000 square feet of industrial maritime warehouse. The community character impact of the Proposed Action is the expansion of the existing maritime use and the potential impacts that would have on adjacent uses, namely, the open space and outdoor recreational uses of the Mill Road Preserve and the Mattituck Creek and the low-density residential uses in the surrounding area.

Land Use and Zoning Goal 6: Protect Natural Resources and Environment

The analysis of this goal of the comprehensive plan in the DEIS relies upon the mitigation measures proposed including the extension of the watermain and the associated reduction of use of well water on Site, and the upgraded septic systems. However, the watermain extension has already been complete as a separate action and the I/A OWTS septic systems are required by County Resolution No. 702-2020. The mitigation measures proposed for the 634 trees to be removed is the proposed landscaping plan that features a monoculture of 95 pitch pine trees, largely for screening purposes, and another 40 trees of staghorn, sumac, and shadbush. The DEIS also proposes the contribution of 50 native 1-inch caliper trees to the Town of Southold. These mitigation measures are not sufficient and do not protect the natural resources and environment of the Town, and instead attempt to mitigate the damages caused by the Proposed Action.

Land Use and Zoning Goal 7: Economic Prosperity

There are flaws in the MEIC, which is the foundation of the job creation analysis in the DEIS, including the overestimation of existing jobs, the lack of clarity between full-time and part-time and all year or seasonal workers, and the inherent difference in business revenue between SYC and the marinas used to create the economic multipliers in the MEIC. These flaws undermine the assertions in the DEIS regarding the economic benefits of the Proposed Action.

Community Character Goal 2: Protect Cultural Resources

The discussion of this goal in the DEIS stresses the existing maritime character of the Site. However, as discussed in more detail in Section 3.5 Community Character of the FEIS, the analysis of impacts to community character in the DEIS relies upon the narrative that the existing nature of the Site is that of a maritime use and that the Proposed Action will continue to be a maritime use. This ignores the fact that the area in which the development is proposed is currently 40 feet higher in elevation with a mature hardwood forest across over 4.3 acres, a successional hardwood forest over an acre, and associated successional shrublands. The community character impact of the Proposed Action is not the maintenance of an existing maritime aesthetic, but the destruction and excavation of a natural forested area and its replacement with over 100,000 square feet of industrial maritime warehouse. The community character impact of the Proposed Action is the expansion of the existing maritime use and the potential impacts that would have on adjacent uses, namely, the open space and outdoor recreational uses of the Mill Road Preserve and the Mattituck Creek and the low-density residential uses in the surrounding area. Additionally, as discussed in detail in Section 3.11 Archeology of the FEIS, the issues in the analysis of potential impacts to historic structures, including the flaws and omissions in the catalog of historic structures to be impacted, the errors in the Historic Resources Survey and how it relies upon a flawed visual impact analysis

and did not reflect the findings of the Vibration and Acoustic Reports, means that it cannot be concluded that the Proposed Project would not have an impact on Cultural Resources.

Community Character Goal 3: Preserve Quality of Life in Residential Neighborhoods

Impacts to the quality of life would largely but not exclusively be associated with traffic during construction. As discussed in greater detail in Section 3.10 Construction, the impacts to quality of life as a result of construction would be greater than are presented in the DEIS and would not be adequately mitigated.

Community Character Goal 4: Protect Natural Heritage

The analysis of natural heritage relies heavily on the expansion in kind of the existing maritime development of the Site but does not address the significant change in the intensity of the use. The Proposed Project is designed to accommodate 88 large yachts which cannot be stored in the existing buildings on the Site. This is not an expansion in kind as presented in the DEIS but specifically designed to expand the kinds of maritime uses on the site. In this case, 88 large boats which are larger than what would otherwise be in the Mattituck Creek. The analysis of natural heritage goes on to discuss the protection and restoration of ecological quality in the Town, which the Proposed Action is not consistent with.

Community Character Goal 5: Protect Unique Character of Individual Hamlets

The analysis of this goal goes on to discuss the existing maritime use of the Site as being maintained and enhanced. As discussed in more detail in Section 3.5 Community Character of the FEIS, the analysis of impacts to community character in the DEIS relies upon the narrative that the existing nature of the Site is that of a maritime use and that the Proposed Action will continue to be a maritime use. This ignores the fact that the area in which the development is proposed is currently 40 feet higher in elevation with a mature hardwood forest across over 4.3 acres, a successional hardwood forest over an acre, and associated successional shrublands. The community character impact of the Proposed Action is not the maintenance of an existing maritime aesthetic, but the destruction and excavation of a natural forested area and its replacement with over 100,000 square feet of industrial maritime warehouse. The community character impact of the Proposed Action is the expansion of the existing maritime use and the potential impacts that would have on adjacent uses, namely, the open space and outdoor recreational uses of the Mill Road Preserve and the Mattituck Creek and the low-density residential uses in the surrounding area.

Natural Resources and the Environment – Water Resources Goal 1: Conserve Water Quality

The extension of the water main is presented in the DEIS as a part of the Proposed Action as both a benefit and a mitigation measure, but it has already been completed as a separate action. The proposed action has the potential to impact ground water quality through excavation and introduction of new contaminants and the increase in use intensity would increase the water use on Site.

Natural Resources and the Environment – Water Resources Goal 3: Protect Water Quality

The extension of the water main is presented in the DEIS as a part of the Proposed Action as both a benefit and a mitigation measure, but it has already been completed as a separate action. The proposed action has the potential to impact ground water quality through excavation and introduction of new contaminants and the increase in use intensity would increase the water use on Site.

Natural Resources and the Environment – Land Resources Goal 1: Protect Soils and Geologic Features

The DEIS states that the Proposed Action would correct existing slope failures that are the result of previous dredged spoil placements. The DEIS has not presented compelling evidence that the Site has hosted the placement of dredge spoil deposits. Additionally, the Proposed Action includes the excavation and removal of 135,000 cubic yards of cut material. There are concerns regarding the slope stability during the excavation because of the ambiguity of the proposed slope angle during excavation and the structure of the soils to be removed. This does not constitute the protection of soils and geologic features.

Natural Resources and the Environment – Land Resources Goal 2: Protect Upland Habitat and Trees

The Proposed Action is not in line with this goal of the comprehensive plan. The Action includes the clearing of 5.51 acres of upland habitat and the cutting of 634 mature trees. The mitigation measures proposed for this are not sufficient.

Natural Resources and the Environment – Land Resources Goal 3: Protect Fish and Wildlife

The Proposed Action is not in line with this goal of the comprehensive plan. The Action includes the clearing of 5.51 acres of upland habitat and the cutting of 634 mature trees. All of this area would be habitat for wildlife and the edge effects created by the clearing would affect even more habitat, some of which is on a Town owned nature preserve. The mitigation measures proposed for this are not sufficient.

Natural Resources and the Environment – Land Resources Goal 7: Adapt to the Effects of Climate Change and Rising Sea Levels

The removal of a maturely vegetated coastal bluff is antithetical to the intentions of coastal resiliency. The Proposed Action would remove this bluff and excavate the area, creating a bowl that would be susceptible to storm surge.

Natural Resources and the Environment – Land Resources Goal 10: Reduce Light Pollution

The DEIS states that as the Proposed Action will conform with the Town Lighting Code it will reduce light pollution. The introduction of new buildings with outdoor lighting will not reduce light pollution.

Comment 3.1-23; 3.1-24; 3.1-25; 3.1-26; 3.1-27; 3.1-28; 3.1-29; 3.1-30; 3.1-31; 3.1-32; 3.1-33; 3.1-34; 3.1-35; 3.1-36; 3.1-37; 3.1-38; 3.1-39; 3.1-40; 3.1-41; 3.1-42; 3.1-43; 3.1-44; 3.1-45; 3.1-46; 3.1-47; 3.1-48; 3.1-49; 3.1-50; 3.1-61; 3.1-62; 3.1-63; 3.1-70; 3.1-74; 3.1-75; 3.1-76; 3.1-126; 3.1-127; 3.1-128; 3.1-129; 3.1-130; 3.1-131; 3.1-155; 1.5-25; 3.11-110; 1.3-34. The preferred alternative is inconsistent with the Local Waterfront Revitalization Plan (LWRP).

Response: The analysis of the Proposed Action's compliance with the LWRP in the DEIS has ignored or misinterpreted core tenants of the LWRP. The Preferred Alternative presented in the DEIS is largely inconsistent with the recommendations of the LWRP because, due to topographical issues, the area of the Site proposed for development should not be considered 'water adjacent' as it does not provide direct access to the water without significant alteration and disturbance. The LWRP does support continued maritime use of coastal areas but not at the expense of natural resources, coastal resiliency, and public enjoyment of coastal areas, all of which may be threatened or compromised by the Proposed Action.

Comment 3.1-3; 3.1-7; 3.1-51; 3.1-52; 3.1-60; 3.1-79; 3.1-89; 3.1-140; 3.1-141; 3.1-144; 3.1-145; 3.1-146; 3.1-161. Improper zoning of the Project Area and comments that reflect on the Project Area as not being water adjacent and not providing direct water access as a result of its topography.

Response: The Planning Board agrees that the issue of the construction area requiring extensive excavation in order to serve as 'water adjacent' or to provide the area with direct water access poses significant impacts in a number of areas discussed throughout the FEIS, however, the parcel zoning presented in the DEIS is accurate and the Proposed Action is consistent with the MII zoning.

Comment 3.1-53; 3.1-54; 3.1-55; 3.1-56; 3.1-57; 3.1-58; 3.1-59; 3.1-67; 3.1-68; 3.1-71; 3.1-72; 3.1-80; 3.1-81; 3.1-82; 3.1-83; 3.1-84; 3.1-85; 3.1-86; 3.1-87; 3.1-88; 3.1-90; 3.1-91; 3.1-92; 3.1-123; 3.1-124; 3.1-139; 3.1-142; 3.1-143; 3.1-148; 3.1-149; 3.1-156; 3.1-159; 3.1-162; 3.1-163. Improper, inaccurate, or incomplete information and analysis of the zoning and building codes or necessary permits.

Response: Comment noted.

Due to there being other large adverse impacts that are neither avoided nor minimized nor mitigated to the maximum extent practicable, the lead agency does not need definitive answers on this topic. See Sections 3.3, 3.7, and 3.10 of the FEIS for detailed discussions of the construction-related unmitigated impacts of the Proposed Action.

A thorough review of zoning, building codes and necessary permits will be conducted prior to any approval by the Planning Board.

Comment 6.0-28. The proposed project is inconsistent with the hamlet-specific goals and objectives.

Response: Comment noted.

Comment 3.1-78; 3.1-147; 3.1-157; 3.1-160; 3.1-164; 3.1-165; 6.0-37 were deemed to be not substantive or outside the scope of the DEIS.

3.2 Human Health

Comments 3.2-2; 2.3-3; 2.3-4; 2.3-5; 3.2-1; 2.3-6; 2.3-7; 2.3-8; 2.3-9; 2.3-10; 2.3-11; 2.3-12; 2.3-13; 2.3-14; 2.3-15; 2.3-16; 2.3-17; 2.3-18; 2.3-19; 4.0-15; 4.0-16. Flawed methodology in the calculation and estimation of anticipated impacts to human health, inconsistencies between chapters of the DEIS or between the DEIS and its supporting documentation, and insufficient analysis of the impacts presenting vague, underestimated, or downplayed impacts.

Response: The DEIS states that no changes are proposed or anticipated to chemical storage volumes as part of the Proposed Action despite the addition of 88 yachts, all of which would be larger than the boats currently stored on the Site and would be serviced the same way the existing boats on the Site are serviced. The DEIS states that repair, maintenance, fueling, washing, and detailing of boats would occur for the proposed 88 yachts in the same manner as the existing inventory of boats currently are. The DEIS does not make clear if these activities will occur in the same locations on the Site as they do currently or if these activities are currently conducted on the Site and that they will occur in the same ways but inside the proposed buildings, as other elements of the DEIS would suggest. The DEIS states that the Proposed Action would not require the modification of current quantities of antifouling paint stored on-site as painting would not be offered to customers storing yachts in the proposed buildings, but the DEIS does not make this statement regarding Gelcoat refinishing services or other maintenance activities. The DEIS does not provide sufficient information on the existing operations regarding the storage and use of chemicals on Site and how the Proposed 88 yachts would be integrated into these operations.

Due to there being other large adverse impacts that are neither avoided nor minimized nor mitigated to the maximum extent practicable, the lead agency does not need definitive answers on this topic. See Sections 3.3, 3.7, and 3.10 of the FEIS for detailed discussions of the construction-related unmitigated impacts of the Proposed Action.

3.3 Transportation

Comment 3.3-1, 3.3-2, 3.3-3, 3.3-4, 3.3-5, 3.3-6, 3.3-7, 3.3-8, 3.3-9, 3.3-10, 3.3-11, 3.3-12, 3.3-20, 3.3-21, 3.3-22, 3.3-34, 3.3-35, 3.3-36, 3.3-37, 3.3-38, 3.3-39, 3.3-40, 3.3-41, 3.3-42, 3.3-43, 3.3-44, 3.3-45, 3.3-46, 3.3-47, 3.3-48, 3.3-49, 3.3-50, 3.3-51, 3.3-52, 3.3-53, 3.3-54, 3.3-55, 3.3-56, 3.3-57, 3.3-58, 3.3-59, 3.3-60, 3.3-61, 3.3-62, 3.3-63, 3.3-64, 3.3-65, 3.3-66, 3.3-67, 3.3-68, 3.3-69, 3.3-70, 3.3-71, 3.3-72, 3.3-73, 3.3-74, 3.3-77, 3.3-78, 3.3-79, 3.3-80, 3.3-81, 3.3-119, 3.3-141, 3.3-142, 3.3-143, 3.3-146, 3.3-147, 3.3-148, 3.3-149, 3.3-150, 3.3-151, 3.3-152, 3.3-153, 3.3-154, 3.3-160, 3.3-161, 3.3-162, 3.3-164, 3.3-165, 3.3-168, 3.3-171, 3.3-172, 3.3-174, 3.3-177, 3.3-180, 3.3-181, 3.3-182, 3.3-183, 3.3-184, 3.3-186, 3.3-188, 3.3-190, 3.3-191, 3.3-193, 3.3-194, 3.3-195, 3.3-196, 3.3-198, 3.3-199, 3.3-200, 3.3-202, 3.3-203, 3.3-204, 3.3-210, 3.3-211, 3.3-212, 3.3-213, 3.3-214, 3.3-215, 3.3-216, 3.3-217, 3.3-219, 3.3-220, 3.3-221, 3.3-222, 3.3-223, 3.3-224, 3.3-228, 3.3-230, 3.3-231, 3.3-233, 3.3-234, 3.3-235, 3.3-237, 3.3-238, 3.3-240, 3.3-241, 3.3-242, 3.3-243, 3.3-244, 3.3-245, 3.3-247, 3.3-248; 4.0-4; 4.0-5. There are errors in the methodology of the traffic impact analysis that result in the inaccurate and underestimated impact of traffic as a result of the Proposed Action.

Response: The review of the Traffic Impact Study (DEIS Appendix O) revealed that the study was deficient or incorrect in its analysis as follows: incorrect count terminology, an overestimation of sand hauling truck capacity, not accounting for vegetation clearing truck trips, undercounting the number of concrete delivery truck trips needed, incorrect and insufficient data regarding the existing vehicle counts classification, and not accounting for weather and project related delays.

The DEIS presents that the Proposed Action will require the excavation of approximately 135,000 cubic yards of material to be removed from the Site by trucks carrying 30 cubic yards each. The DEIS presents that this would equate to 4,500 truckloads, 40 truckloads a day each weekday with an average of 4 truckloads an hour. Each truckload is two truck trips, meaning 80 truck trips a day and an average of 8 truck trips an hour, as each truckload would require a truck trip to the Site and a truck trip leaving the Site.

The DEIS and the Traffic Impact Study (DEIS Appendix O) states that the construction truck traffic will not exceed weight limits established by State law and will comply with New York State Vehicle and Traffic law regarding the size of vehicles and the permissible weight of vehicles. However, the maximum allowable gross vehicle weight (MGVW) for trucks traveling most interstate highways in New York is 80,000 pounds and the DEIS states that the weight of the haul trucks proposed for construction is 32,500 pounds and the Gross Vehicle Weight of the vehicles is anticipated to be 107,000 pounds and there is no mention in the DEIS to the need for Divisible Load Overweight Permit obtained from the NYSDOT.

Regardless of the need for Divisible Load Overweight Permit from the NYSDOT, if the maximum weight of the haul trucks is assumed to be 107,000 pounds as stated in the DEIS, the weight of the trucks themselves is 32,500 pounds as stated in the DEIS, then the 30 cubic yards of material would need to weigh less than 74,500 pounds, or no more than 2,483 pounds per cubic yard.

Table 6 in the GWPC August 3, 2021 geotechnical report (DEIS Appendix H) states that Stratum 1 (Reddish-Brown Fine Sand) will account for approximately 43,851 cubic yards excavated material and Stratum 2 (Tan Medium Sand) will account for approximately 84,852 cubic yards of excavated material. Together, these two strata represent 96 percent of the excavated material to be removed from the Site. Table 1 in the same document provides information on the weight of the sands found at the Project site. According to Table 1 in the Project's geotechnical report, Stratum 1 sands from the Project Area weigh 110 pounds per cubic foot or 2,970 pounds per cubic yard, and Stratum 2 sands weigh 115 pounds per cubic foot, or 3,105 pounds per cubic yard. Both would exceed the maximum of 2,483 pounds per cubic yard needed to keep a truck carrying 30 cubic yards below the maximum weight of 107,000 pounds as stated in the DEIS.

The result of this deficient or incorrect information results in the underestimating of the heavy truck traffic impact of the Proposed Action on the structure of the local roadways and bridges, safety for other vehicles on the road, traffic congestion, noise and vibrations, pollution levels and quality of life of the community.

Due to the excavation required for the Project, the proposed construction traffic represents a large adverse impact that cannot be mitigated as represented in the DEIS. DEIS Alternative 7 describes the Alternative Material Mitigation Plan. This Alternative reduces the amount of cut material to be removed from the Site by 10%. Specifically, this plan would reduce the projected material to be removed by 13,500 cubic yards from 135,000 cubic yards to 121,500 cubic yards. Alternative 7 achieves this by spreading 13,500 cubic yards of cut material within an 8.6 acre area of Successional Shrubland at depths of approximately 12 inches. The existing ground and shrub vegetation would be cleared and removed, and the material would be placed throughout the area, avoiding 155 mature trees. While this Alternative would reduce the amount of soil removed from the site, it would increase impacts to ecology and increase the project's area of disturbance. The construction excavation traffic related impacts of removing 121,500 cubic yards of material, 90% of the levels identified in the DEIS preferred alternative, would still constitute a significant environmental impact that cannot be mitigated to the greatest extent practicable.

Alternative 2 in the DEIS describes an Alternate Material Removal Plan which investigated the feasibility of using barge transport to remove the material removed from the Site during the construction excavation to minimize the impacts from construction truck traffic. The DEIS states that the depths of the Mattituck Inlet are not adequate for the types of barges required for material removal making the removal of excavated material from the Site by barge non-viable as an option to minimize construction traffic.

Construction traffic would have an impact on traffic along the haul truck route, noise and vibration at the Site and along the haul truck route, and these impacts would also affect the community character, the public use of open spaces, and quality of life. The DEIS presents the excavation would require 4,500 truckloads, resulting in 9,000 truck trips, 80 truck trips a day, at an average rate of 8 truck trips per hour. This would continue for ten hours a day, five days a week, for at least 22 weeks. As detailed in Alternative 2 and Alternative 7, the most these impacts could be minimized would be by 10% , but at the cost of increasing ecological impacts and increasing the

area of disturbance by 8.6 acres. And the Mattituck Inlet does not have the depth to accommodate the barges required to remove the material, so that truck traffic impacts from the excavation phase cannot be mitigated by removing the material by barge. The nature and duration of the traffic and noise generated by the proposed excavation represents a large adverse impact that cannot be mitigated. There are multiple reasons or errors in the DEIS that suggest that the number of truck trips for the excavation would be greater than the numbers presented in the DEIS, but further investigation is not required because the numbers presented in the DEIS represent a large adverse impact that cannot be avoided or minimized to the greatest extent practicable, and is not able to be mitigated to the maximum extent practicable.

Comment 3.3-13, 3.3-14, 3.3-15, 3.3-16, 3.3-17, 3.3-18, 3.3-19, 3.3-23, 3.3-24, 3.3-25, 3.3-26, 3.3-27, 3.3-28, 3.3-29, 3.3-30, 3.3-31, 3.3-32, 3.3-33, 3.3-75, 3.3-76, 3.3-82, 3.3-83, 3.3-84, 3.3-85, 3.3-86, 3.3-87, 3.3-88, 3.3-89, 3.3-90, 3.3-91, 3.3-92, 3.3-93, 3.3-94, 3.3-95, 3.3-96, 3.3-97, 3.3-98, 3.3-99, 3.3-100, 3.3-101, 3.3-102, 3.3-103, 3.3-104, 3.3-105, 3.3-106, 3.3-107, 3.3-108, 3.3-109, 3.3-110, 3.3-111, 3.3-112, 3.3-113, 3.3-114, 3.3-115, 3.3-116, 3.3-117, 3.3-118, 3.3-120, 3.3-121, 3.3-122, 3.3-123, 3.3-124, 3.3-144, 3.3-145, 3.3-155, 3.3-156, 3.3-157, 3.3-158, 3.3-159, 3.3-170, 3.3-173, 3.3-175, 3.3-189, 3.3-192, 3.3-205, 3.3-206, 3.3-207, 3.3-208, 3.3-218, 3.3-225, 3.3-226, 3.3-227, 3.3-236, 3.3-239, 3.3-246. Flaws in the methodology of traffic impact analysis with respect to existing and proposed conditions.

Response: The deficient, vague or missing analysis with respect to existing and projected accident data, available sight distances, existing roadway features such as available width, presence or lack of sidewalks, turning radii, geometrical configuration and capacity, miscellaneous discrepancies, school buses data such as counts, hour of operations, pick-up and drop-off locations and number of students, all lead to underestimating the impacts of the Proposed Development on safety and poor mitigation solutions and incorrect conclusions.

Further, the DEIS does not adequately present nor estimate the impacts of any of the phases (pre-construction, construction, build conditions) of the Proposed Action on the vehicle traffic volumes, bicycle, pedestrian and school children safety, local and neighboring roads, historic sites and structures, the existing vessel traffic and the inlet's ecosystem. The mitigation proposed for the limited identified impacts are inadequate and based on flawed methodologies and data.

Comment 3.3-125, 3.3-126, 3.3-127, 3.3-128, 3.3-129, 3.3-130, 3.3-131, 3.3-132, 3.3-133, 3.3-134, 3.3-135, 3.3-136, 3.3-137, 3.3-138, 3.3-139, 3.3-140, 3.3-167, 3.3-201, 3.3-209; 6.0-47; 6.0-55. Flaws in the impact analysis concerning marine traffic.

Response: The DEIS contains deficient, vague or missing analysis with respect to impacts to the marine traffic including motorized and unmotorized vessels, kayakers, paddleboarders, and impact to marshes from boat wakes make a determination of no significant impacts with respect to them impossible. The DEIS acknowledges that the increase in boat traffic and the increase in

boat sizes on the Mattituck Creek will have adverse impacts as a result of vessel wakes but does not categorize or analyze these impacts. These vessel wakes would impact the erosion of the shores, the wetlands, and be felt by recreational members of the public on kayaks, paddle boards, or other smaller craft. The DEIS addresses these impacts by describing the area as a “no wake zone” and describing the authorities responsible for enforcing no wake zones. The DEIS does not describe the difference in wake sizes from existing marine traffic to the sizes of the 88 yachts proposed to utilize the Proposed Action, or the difference in wake regularity on erosion and wetlands as a result of increased traffic. The DEIS proposes no mitigation measures for the impacts that are alluded to but not described in detail as a result of vessel wake. The DEIS is deficient in several ways regarding marine traffic impacts.

Due to there being other large adverse impacts that are neither avoided nor minimized nor mitigated to the maximum extent practicable, the lead agency does not need definitive answers on this topic. See Sections 3.3, 3.7, and 3.10 of the FEIS for detailed discussions of the construction-related unmitigated impacts of the Proposed Action.

Comments 3.3-163, 3.3-166, 3.3-169, 3.3-176, 3.3-178, 3.3-179, 3.3-185, 3.3-187, 3.3-229, 3.3-232 were deemed to be not substantive or outside the scope of the DEIS.

3.4 Aesthetics

Comments 3.4-1; 3.4-2; 3.4-3; 3.4-4; 3.4-5; 3.4-6; 3.4-7; 3.4-8; 3.4-9; 3.4-10; 3.4-11; 3.4-12; 3.4-13; 3.4-14; 3.4-15; 3.4-16; 3.4-17; 3.4-19; 3.4-20; 3.4-21; 3.4-25; 3.4-26; 3.4-33; 3.4-35; 3.4-38; 3.4-42; 3.4-44; 3.4-48; 3.4-49; 3.4-50; 3.4-52; 3.4-53; 3.4-55; 3.4-56; 3.4-58; 3.4-59; 6.0-54. Flawed methodology in the calculation and estimation of anticipated impacts or inconsistencies between chapters of the DEIS or between the DEIS and its supporting documentation, including the lack of a defined Zone of Visual Influence (ZVI) as required by the scope, and the lack of visual simulations of the proposed buildings that correspond with the viewpoints presented.

Response: The methodology for the visual impact analysis is inherently flawed and any conclusions of non-impact based upon this methodology cannot be relied upon. The scope requires the defining of a Zone of Visual Influence (ZVI) which should include a viewshed mapping analysis to determine the area within the existing viewshed of the Development Area, at which point viewpoint and photosimulation locations could be determined. The DEIS describes the methodology for determining the existing viewshed as a series of five site visits from September 2020 to June 2021 with photographs being taken on each site visit. This would suggest that the locations for the viewpoint locations were determined on those site visits and that the methodology does not include any viewshed analysis and that there is no real definition of the ZVI. The visual impact analysis presents both viewpoint photographs and

photosimulations, but the photosimulations provided for the visual impact analysis do not appear to correspond with any of the locations of the viewpoint photographs taken which undermines any visual impact conclusions derived from them. The visual impact analysis presented in the DEIS does not satisfy the scope as it does not define a ZVI. This undermines not only the visual impact analysis but other studies in the DEIS that rely on the visual impact analysis like the discussion in the DEIS regarding community character and impacts to historic structures.

Due to there being other large adverse impacts that are neither avoided nor minimized nor mitigated to the maximum extent practicable, the lead agency does not need definitive answers on this topic. See Sections 3.3, 3.7, and 3.10 of the FEIS for detailed discussions of the construction-related unmitigated impacts of the Proposed Action.

Comments 3.4-18; 3.4-24; 3.4-27; 3.4-28; 3.4-30; 3.4-31; 3.4-32; 3.4-34; 3.4-36; 3.4-37; 3.4-39; 3.4-40; 3.4-41; 3.4-43; 3.4-46; 3.4-47; 3.4-51; 3.4-57; 6.0-64. Analysis is either flawed, vague, or underestimates the impacts.

Response: The analysis and conclusions of the visual impacts rely upon the narrative that the visual nature of the Site is that of a maritime use and that the Proposed Action will continue to have the visual nature of a maritime use. This ignores the fact that the area in which the development is proposed is currently 40 feet higher in elevation with a mature hardwood forest across over 4.3 acres, a successional hardwood forest over an acre, and associated successional shrublands. The visual impact of the Proposed Action is not the maintenance of an existing maritime aesthetic, but the destruction of an elevated natural forested aesthetic and its replacement with over 100,000 square feet of industrial maritime warehouse. This is a narrative that is easy to overlook with the lack of a defined ZVI, viewshed analysis, and existing viewpoint photographs with corresponding proposed condition photo simulations. The DEIS visual impact analysis fails to deliver what was required in the scoping document and instead presents an unsubstantiated and dubious narrative of no visual impact that cannot be relied upon.

Due to there being other large adverse impacts that are neither avoided nor minimized nor mitigated to the maximum extent practicable, the lead agency does not need definitive answers on this topic. See Sections 3.3, 3.7, and 3.10 of the FEIS for detailed discussions of the construction-related unmitigated impacts of the Proposed Action.

Comment 3.4-22; 3.4-23; 3.4-45. Insufficient, unspecific, or erroneous mitigation measures proposed.

Response: The visual impact methodology and analysis to determine anticipated impact is insufficient.

Due to there being other large adverse impacts that are neither avoided nor minimized nor mitigated to the maximum extent practicable, the lead agency does not need definitive answers on this topic. See Sections 3.3, 3.7, and 3.10 of the FEIS for detailed discussions of the construction-related unmitigated impacts of the Proposed Action.

Comment 3.4-29; 3.4-54. Suggested alternatives with mounding of hill to meet building or modification of site layout.

Response: Some comments suggested alternatives to the Proposed Action that would diminish potential visual impacts like the rearranging of the proposed buildings or the mounding of the proposed buildings into the hillside. However, these alternatives fall outside the scope of the environmental impact review.

3.5 Community Character

Comments 3.5-2; 3.5-3; 3.5-4; 3.5-6; 3.5-7; 3.5-8; 3.5-9; 3.5-10; 3.5-11; 3.5-13; 3.5-14; 3.5-15; 3.5-17; 3.5-18; 3.5-19; 3.5-20; 3.5-21; 3.5-22; 3.5-23; 3.5-25; 3.5-26; 3.5-27; 6.0-44; 6.0-48; 6.0-71. The methodology and analysis are flawed, vague, and underestimates the impacts of the Proposed Action, particularly the construction of the Proposed Action, to community character.

Response: The analysis and conclusions of the impacts to community character rely upon the narrative that the existing nature of the Site is that of a maritime use and that the Proposed Action will continue to be a maritime use. This ignores the fact that the area in which the development is proposed is currently 40 feet higher in elevation with a mature, hardwood forest across over 4.3 acres, a successional hardwood forest over an acre, and associated successional shrublands. The community character impact of the Proposed Action is not the maintenance of an existing maritime aesthetic, but the destruction and excavation of a natural forested area and its replacement with over 100,000 square feet of industrial maritime warehouse. The community character impact of the Proposed Action is the expansion of the existing maritime use and the potential impacts that would have on adjacent uses, namely, the open space and outdoor recreational uses of the Mill Road Preserve and the Mattituck Creek and the low-density residential uses in the surrounding area. The DEIS analysis does not meaningfully address the potential impacts to community character that could be associated with the construction of the Proposed Action, the increase in boats using the Mattituck Creek, the increase in the size of boats using the Mattituck Creek, or the expansion of the maritime use of the Site. Additionally, the methodological errors in the visual impact analysis, geotechnical analysis, and vibration impact analysis (discussed in more detail in Section 2.1 Soils and Section 3.3 Transportation and Section 3.7 Noise of the FEIS) all relate to impacts on community character, and those errors cumulatively underestimate the impacts of the

Proposed Action on community character. The impacts due to construction are discussed in more detail in Section 3.10.

Comments 3.5-1; 3.5-5; 3.5-12; 3.5-16; 3.5-24; 6.0-21 were deemed to be outside the scope of the DEIS.

3.6 Open Space

Comments 3.6-3; 3.6-4; 3.6-5; 1.5-22. The analysis of impacts to open spaces is flawed, vague, and underestimates the impacts.

Response: The DEIS presents that there would be no significant impacts to open spaces; however, this conclusion relies upon a narrative supported by unsubstantiated assumptions. The DEIS states that the open spaces surrounding the Site will have higher usage in the warmer months of the year but does not present any information to support the claim, does not give any information or consideration to what degree the usage would diminish in the colder months, and uses this assumption as the basis to disregard six months of potential use of surrounding open space in the DEIS analysis. Additionally, errors and inconsistencies in the proposed construction schedule contradicts the statements made in the DEIS narrative regarding time of year for the proposed excavation. The DEIS also uses the temporary nature of the construction to excuse all impacts associated with construction on the surrounding open spaces without referencing any information on the magnitude of the impacts that could be anticipated on the surrounding open spaces as a result of construction. The DEIS also dismisses the potential impacts of operations on the use of surrounding open spaces, providing no discussion on the potential impacts to open space that could be induced as a result of increasing the number and size of boats using the Mattituck Creek to access the Site. The analysis of the potential impacts to open spaces relies on the data and analysis provided in other sections of the DEIS (Noise, Visual Impacts, Ecology, Traffic), all of which have inherent flaws in their methodology and analysis and cannot be relied upon to determine the potential impacts to open spaces.

Due to there being other large adverse impacts that are neither avoided nor minimized nor mitigated to the maximum extent practicable, the lead agency does not need definitive answers on this topic. See Sections 3.3, 3.7, and 3.10 of the FEIS for detailed discussions of the construction-related unmitigated impacts of the Proposed Action.

3.7 Noise

Comment 3.7-1; 3.7-12; 3.7-32; 3.7-53; 3.7-61; 3.7-97; 3.7-99; 3.7-120. Changes in data from the original and revised Acoustic Report are not discussed and there are inconsistencies in the data presented in the DEIS and supporting appendices.

Response: A revised Acoustic Report was included in Appendix R of the Revised DEIS. However, the narrative portion of the DEIS makes no mention of the revised report and was not updated or revised to reflect the changes in underlying data. In addition, the analysis in the DEIS presents outdated data, demonstrating that it has not been modified with the updated information. Out of the eighteen (18) tables in the Acoustic Report that show the data on sound levels, fifteen (15) of those tables contain changes that show increases in noise levels. These changes were not addressed in the DEIS and the analysis and conclusions regarding noise levels and impacts were not updated.

Due to there being other large adverse impacts that are neither avoided nor minimized nor mitigated to the maximum extent practicable, the lead agency does not need definitive answers on this topic. See Sections 3.3, 3.7, and 3.10 of the FEIS for detailed discussions of the construction-related unmitigated impacts of the Proposed Action. See Response below for additional discussion on noise impacts.

Comments 3.7-2; 3.7-3; 3.7-4; 3.7-5; 3.7-6; 3.7-7; 3.7-8; 3.7-9; 3.7-10; 3.7-11; 3.7-15; 3.7-16; 3.7-17; 3.7-18; 3.7-19; 3.7-21; 3.7-71; 3.7-72; 3.7-73; 3.7-74; 3.7-75; 3.7-76; 3.7-77; 3.7-80; 3.7-81; 3.7-86; 3.7-94; 3.7-98; 3.7-100; 3.7-107; 3.7-111; 3.7-121; 1.4-14; 1.4-15. Flawed methodology in the collection of ambient noise levels, the modeling of receptor locations and vibration impacts, the use of NYSDOT Noise Impact criteria, and the use of other standards, equations, multipliers, and estimates.

Response: There are multiple flaws in the methodology presented for the noise and vibration impact analysis regarding improperly used standards, equations, multipliers, and estimates that culminate in the underestimating of impacts that could make the conclusions of the analysis dubious. Of particular concern are the following:

-The receptor locations chosen for analysis appear to be both insufficient in number and chosen in location making the baseline ambient noise data collected unsatisfactory for the purposes of analysis.

-The failure to categorize the Mill Road Preserve as an Activity Category A Location as it is lands on which serenity and quiet are of extraordinary significance and serve an important public need and where the preservation of those qualities is essential if the area is to continue to serve its intended purpose.

-The failure to adequately collect ambient noise data under existing conditions both at the Site and along the construction truck route makes it impossible to adequately analyze the potential noise impacts.

-The construction timeframe and noise data collection timeframe do not match in terms of seasonality making the comparison of ambient noise collected and anticipated impacts inconsistent.

- The acoustic report does not account for all construction equipment proposed to be used making the potential impacts identified appear less than what would likely occur.

The numerous flaws in methodology put into doubt the adequacy and validity of any analysis on noise related impacts presented in the DEIS.

Additionally, as discussed in greater detail in Section 3.3 Transportation and Section 3.10 Construction of the FEIS, the proposed construction traffic represents a large adverse impact that cannot be minimized or mitigated as the DEIS represents that the excavation is required for the Project and the excavated material to be removed from the site can only be reduced by 10% at the cost of greater ecological impacts and the Mattituck Inlet is insufficient to remove the material by barge. Construction traffic would have an impact on traffic along the haul truck route, noise and vibration at the Site and along the haul truck route, and these impacts would also affect the community character, the public use of open spaces, and quality of life. The DEIS states the excavation would require 4,500 truckloads, resulting in 9,000 truck trips, 80 truck trips a day, at an average rate of 8 truck trips per hour. This would continue for ten hours a day, five days a week, at least 22 weeks. The nature and duration of the traffic and noise generated by the proposed excavation represents a large adverse impact that cannot be mitigated. There are multiple reasons or errors in the DEIS that suggest that the number of truck trips for the excavation would be greater than the numbers presented in the DEIS, but further investigation is not required because the numbers presented in the DEIS represent a large adverse impact that is not able to be avoided or minimized or mitigated to the maximum extent practicable.

Comments 3.7-13; 3.7-14; 3.7-20; 3.7-22; 3.7-23; 3.7-24; 3.7-25; 3.7-26; 3.7-27; 3.7-28; 3.7-29; 3.7-31; 3.7-45; 3.7-46; 3.7-47; 3.7-48; 3.7-49; 3.7-50; 3.7-51; 3.7-54; 3.7-55; 3.7-56; 3.7-57; 3.7-58; 3.7-59; 3.7-60; 3.7-62; 3.7-63; 3.7-65; 3.7-67; 3.7-70; 3.7-78; 3.7-79; 3.7-82; 3.7-83; 3.7-84; 3.7-85; 3.7-87; 3.7-95; 3.7-97; 3.7-98; 3.7-101; 3.7-102; 3.7-103; 3.7-104; 3.7-106; 3.7-108; 3.7-110; 3.7-112; 3.7-113; 3.7-115; 3.7-116; 3.7-118; 3.7-119; 3.7-122; 3.7-123; 3.7-125; 3.7-126; 1.4-13; 6.0-35. Analysis is either flawed or underestimates the impacts, including the impacts to the quality of life of residents, the use and enjoyment of the Town-owned nature preserve, and the local fauna as a result of noise and vibration.

Response: The flaws in methodology call into question the analysis of noise related impacts in the DEIS, the analysis itself shows flawed reasoning and logic that results in unreliable presentations of impacts associated with noise. Specifically, the following flaws are noted:

-The DEIS does not address the significance of the impacts to the five residences identified that would be subjected to noise levels that exceed the NYSDOT recommended levels (NYSDOT criteria for Road Noise Levels).

-There is no substantial discussion of how the noise levels would impact local wildlife.

-The DEIS does not completely address the significance of the impacts identified to the Mill Road Preserve and the public use and enjoyment of it.

-The DEIS does not address the unmitigated large adverse impact associated with the noise of the construction truck traffic along the truck route as a result of the cumulative effect of the nature and duration of the noise. As discussed in more detail in Section 3.3 Transportation and 3.10 Construction of the FEIS, the construction traffic is underrepresented in the DEIS and the duration of construction traffic and the noise it would generate would be of a longer duration than what is presented in the DEIS. This impact is not mitigated as the excavation and construction proposed is required for the Proposed Action. The impact can only be minimized by reducing the material to be removed from the Site by 10% and this would incur additional ecological impacts and increase the area of disturbance of the Project. The impact cannot be mitigated using barges to remove the excavated material as the DEIS states the Mattituck Inlet is not suitable for the navigation of the barges needed to remove the material.

The gaps in the analysis of the identified impacts within the DEIS result in the conclusion that there are impacts that have not been identified or mitigated pertaining to noise and that the impacts identified will be more significant than they are reported to be in the DEIS and that they cannot be sufficiently mitigated to the maximum extent practicable.

Comments 3.7-30; 3.7-33; 3.7-34; 3.7-35; 3.7-36; 3.7-37; 3.7-38; 3.7-39; 3.7-40; 3.7-41; 3.7-42; 3.7-43; 3.7-44; 3.7-52; 3.7-64; 3.7-68; 3.7-69; 3.7-88; 3.7-89; 3.7-90; 3.7-91; 3.7-92; 3.7-93; 3.7-96; 3.7-127; 3.1-135; 3.1-136; 3.1-137; 1.4-16; 6.0-40. Insufficient, unspecific, or erroneous mitigation measures proposed.

Response: The mitigation measures proposed for the noise impacts identified in the DEIS lack specificity, particularly related to self-monitoring and the enforceability. The monitoring program proposed appears to delay intervention until overly redundant evidence is identified to demonstrate that construction activities are the cause for the exceedance of thresholds but neglects the significance of those thresholds having been exceeded. There does not appear to be any contingency for modification to operations should exceedance of those thresholds be found to be consistently the fault of construction activities.

Comment 3.7-105; 3.7-109; 3.7-144; 3.7-117; 3.7-114; 3.7-124 were found to be not substantive or outside the scope of the DEIS.

3.8 Air Quality

Comments 3.8-1; 3.8-2; 3.8-3; 3.8-4; 3.8-5; 3.8-6; 3.8-7; 3.8-8; 3.8-9; 3.8-10; 3.8-11; 3.8-15; 3.8-17; 3.8-20; 3.8-22; 3.8-25; 3.8-26; 3.8-27; 3.8-12; 3.8-13; 3.8-14; 3.8-18; 3.8-19; 3.8-21; 3.8-

23; 3.8-28; 3.8-29; 3.8-16. Flawed methodology and analysis in the calculation and estimation of anticipated impacts regarding air quality and insufficient mitigation measures proposed.

Response: The air quality impact analysis presented in the DEIS does not provide the detail required to verify the conclusions it presents. The analysis in the DEIS also makes assumptions on trip length and does not accurately classify the haul truck vehicle type. This, among other errors like the misclassification of vehicle classes and the underestimation of the number of vehicle trips, are inherent flaws that undermine the conclusions of the analysis and suggest that the impacts would be greater than they are represented to be.

Due to there being other large adverse impacts that are neither avoided nor minimized nor mitigated to the maximum extent practicable, the lead agency does not need definitive answers on this topic. See Sections 3.3, 3.7, and 3.10 of the FEIS for detailed discussions of the construction-related unmitigated impacts of the Proposed Action.

Comment 6.0-66. At the May 15, 2023, public hearing on the referenced project, I submitted extensive comments critical of the project's DEIS, including its discussion of air quality impacts. Those comments did not address the issue of environmental justice. Although environmental justice was not specifically called out in the DEIS scope as a potential issue, it still needs to be addressed. As discussed in greater detail below, portions of the Project's haul-truck route pass through Potential Environmental Justice Areas (EJAs) (Figure 1, attached) and a Disadvantaged Community Area (DCA) in the Town of Riverhead. Diesel emissions from the Project's thousands of haul truck trips through Riverhead will impact air quality. This could create related health issues that may potentially contribute to area residents being exposed to a disproportionate level of adverse environmental impacts.

Response: Comment noted.

Comment 3.8-24 was deemed to be outside the scope of the DEIS.

3.9 Socio-Economic

Comments 3.9-2; 3.9-4; 3.9-7; 3.9-8; 3.9-12; 3.9-13; 3.9-14; 3.9-15; 3.9-17; 3.9-28; 3.9-30; 3.9-34; 3.9-53; 3.9-67; 3.9-73; 3.9-74; 3.9-79; 3.9-82; 3.9-84; 3.9-85; 3.9-86; 3.9-89; 3.9-91; 3.9-92; 3.9-129; 3.9-138; 3.9-139; 3.9-140; 3.9-141; 3.9-144; 3.9-146. There is flawed methodology in the calculation and estimation of anticipated impacts/benefits and inconsistencies between chapters of the DEIS and between the DEIS and its supporting documentation. There is also a lack of evidence and supporting documentation.

Response: The methodologies to evaluate socio-economic impacts in the DEIS are flawed and result in the overestimation of tax and economic benefit from the Proposed Action. The analysis also results in the overestimation of the abilities for emergency response scenarios for fire at the Site.

Tax revenue to the Town of Southold is overvalued and no evidence is presented to suggest that the Proposed Action would increase boat sales and increase sales tax or that new sales would be located in New York State. There are flaws in the MEIC, including the overestimation of existing jobs, the lack of clarity between full-time and part-time and all year or seasonal workers, and the inherent difference in business revenue between SYC and the marinas used to create the economic multipliers in the MEIC, diminish the validity of the estimated impacts.

There is insufficient information provided to demonstrate that the Proposed Action would not put strain on existing emergency services. The plans do not show an unobstructed aerial fire apparatus access road and there is no confirmation from the correspondence from the Fire Marshal that the lack of an aerial fire apparatus access road was deemed suitable. The DEIS does not address if a sprinkler system is proposed as required in the comment made by the Fire Marshal. The DEIS does not discuss compliance with Chapter 36 (Marinas) of the New York State Fire code or the NFPA 303 (Fire Protection Standards for Marinas and Boatyards).

Due to there being other large adverse impacts that are neither avoided nor minimized nor mitigated to the maximum extent practicable, the lead agency does not need definitive answers on this topic. See Sections 3.3, 3.7, and 3.10 of the FEIS for detailed discussions of the construction-related unmitigated impacts of the Proposed Action.

Comments 3.9-1; 3.9-3; 3.9-5; 3.9-6; 3.9-9; 3.9-10; 3.9-11; 3.9-16; 3.9-18; 3.9-19; 3.9-20; 3.9-24; 3.9-25; 3.9-31; 3.9-32; 3.9-35; 3.9-36; 3.9-37; 3.9-38; 3.9-39; 3.9-40; 3.9-41; 3.9-51; 3.9-54; 3.9-57; 3.9-59; 3.9-65; 3.9-66; 3.9-75; 3.9-77; 3.9-78; 3.9-80; 3.9-81; 3.9-83; 3.9-90; 3.9-93; 3.9-94; 3.9-97; 3.9-101; 3.9-112; 3.9-114; 3.9-115; 3.9-116; 3.9-119; 3.9-122; 3.9-123; 3.9-125; 3.9-127; 3.9-128; 3.9-130; 3.9-132; 3.9-136; 3.9-137; 3.9-143; 3.9-145; 1.3-7; 4.0-12; 4.0-13; 6.0-38; 6.0-59. The analysis regarding socio-economic impacts is flawed, vague, underestimates the impacts or overestimates benefits.

Response: The DEIS analysis of socio-economic impacts overvalues the benefits of estimated sales tax revenue and employment in the Town and understates the impacts to emergencies services and risk of fire as a result of the Proposed Action. The DEIS states that the increase in property taxes would be estimated at \$59,450 based on the 2020-2021 tax rate, but also that the property would be eligible for the 485-b Business Investment Exemption which has a sliding scale over 10 years. The DEIS does not provide further detail for what this would mean for the additional tax revenues to the Town as a result of the Project. The DEIS states that the Proposed Project would increase sales tax revenue from the Site further supporting the Town's economy. However, the Town of Southold does not receive any direct benefit from sales tax revenues. As discussed in the

following comment and response, the DEIS does not demonstrate adequate compliance with fire safety requirements stipulated by the Fire Marshal.

Due to there being other large adverse impacts that are neither avoided nor minimized nor mitigated to the maximum extent practicable, the lead agency does not need definitive answers on this topic. See Sections 3.3, 3.7, and 3.10 of the FEIS for detailed discussions of the construction-related unmitigated impacts of the Proposed Action.

Comments 3.9-21; 3.9-22; 3.9-23; 3.9-26; 3.9-27; 3.9-29; 3.9-33; 3.9-87; 3.9-88; 3.9-103; 3.9-113; 3.9-134; 3.9-142; 4.0-14. Insufficient, unspecific, and illegitimate mitigation measures proposed.

Response: The mitigation measures proposed are insufficient, particularly in regard to fire safety. The proposed hydrant is not close enough to the proposed buildings. NFPA 113 Chapter 18 ((Fire Department Access and Water Supply), Section 18.5.3 states that, “Fire hydrants shall be provided for buildings other than detached one- and two-family dwellings in accordance with both of the following: (1) The maximum distance to a fire hydrant from the closest point on the building shall not exceed 400 ft (122 m). (2) The maximum distance between fire hydrants shall not exceed 500 ft (152 m)”. The proposed hydrant will be located approximately 800 feet from the nearest part of proposed Storage Building No. 1, and farther from proposed Storage Building No. 2.

The most recent correspondence from the Suffolk County Department of Health Services, dated June 16, 2022 (DEIS Appendix J), states that information submitted by the Applicant “do not show fire separated from domestic service.” The SCHDS also recommended “the installation of an additional fire hydrant at the end of the line.”

The Site Plans do not show sufficient fire access around the proposed buildings per the Mattituck Fire Marshal response comments, dated June 2021 (DEIS Appendix P). The DEIS does not address the need for fire apparatus to park outside of the collapse zones of buildings and does not address the need for a proposed sprinkler system in the proposed buildings. The DEIS states that the haul road would be retained as an emergency access road but does not address the insufficient width of the haul road to serve as a fire department access road.

Due to there being other large adverse impacts that are neither avoided nor minimized nor mitigated to the maximum extent practicable, the lead agency does not need definitive answers on this topic. See Sections 3.3, 3.7, and 3.10 of the FEIS for detailed discussions of the construction-related unmitigated impacts of the Proposed Action.

Comments 3.9-42; 3.9-43; 3.9-44; 3.9-45; 3.9-46; 3.9-47; 3.9-48; 3.9-49; 3.9-52; 3.9-55; 3.9-56; 3.9-58; 3.9-63; 3.9-64; 3.9-68; 3.9-69; 3.9-70; 3.9-71; 3.9-72; 3.9-76; 3.9-95; 3.9-96; 3.9-98; 3.9-

99; 3.9-100; 3.9-102; 3.9-104; 3.9-105; 3.9-109; 3.9-111; 3.9-117; 3.9-118; 3.9-120; 3.9-121; 3.9-124; 3.9-126; 3.9-131; 3.9-133; 3.9-135 were deemed to be outside the scope of the DEIS.

3.10 Construction

Comments 3.10-1; 3.10-2; 3.10-3; 3.10-4; 3.10-5. Construction related impacts including noise, dust, vibration, truck traffic, and excavation and clearing would create significant impacts on the local environment and resident quality of life and these impacts are not accurately described, adequately analyzed, and insufficiently mitigated.

Response: As discussed in other sections of the FEIS (see Section 3.3 Transportation & Section 3.7 Noise), the DEIS has not accurately identified the full extent of potential impacts associated with construction of the Proposed Action but has presented large adverse impacts that cannot be minimized or mitigated and the errors and omissions in the DEIS suggest that these impacts would be greater than are presented to be in the DEIS.

The review of the Traffic Impact Study (DEIS Appendix O) revealed that the study was both deficient and incorrect in its analysis regarding construction traffic. These include incorrect count terminology, an overestimation of sand hauling truck capacity, not accounting for vegetation clearing truck trips, undercounting the number of concrete delivery truck trips needed, incorrect and insufficient data regarding the existing vehicle counts classification, and not accounting for weather and project related delays.

These deficiencies and errors result in an underestimate of the heavy truck traffic impact of the Proposed Action on the structure of the local roads, traffic congestion, noise and vibrations, pollution levels and quality of life of the community. In turn there are incorrect conclusions and insufficient mitigation offered.

There are multiple flaws in the methodology presented for the noise and vibration impact analysis (DEIS Appendix R) regarding improperly used standards, equations, multipliers, and estimates culminate in the underestimating of impacts that cast doubt on the conclusions of the analysis.

The analysis itself shows flawed reasoning and logic that results in unreliable presentations of impacts associated with noise. The DEIS does not address the significance of the impacts to the five residences identified that would be subjected to noise levels that exceed the NYSDOT recommended levels (NYSDOT criteria for Road Noise Levels). There is no substantial discussion of how the noise levels would impact local wildlife. The DEIS does not fully address the significance of the impacts identified to the Mill Road Preserve and the public use and enjoyment of it. The DEIS dismisses the impacts of construction noise as temporary and does not consider the nature and duration of the noise associated with construction, particularly the excavation and truck route of the excavation haul trucks. The DEIS states the excavation would require removal of approximately 135,000 cubic yards of material in 4,500 truckloads, resulting in 9,000 truck trips, 80 truck trips a day, at an average rate of 8 truck trips per hour. This would continue for ten

hours a day, five days a week, at least 22 weeks. Alternative 7 in the DEIS evaluates the minimization of the excavated material to be removed by spreading some of the excavated material on an 8.6 acre area of the Site. While this would reduce the excavated material to be removed from the site by 10% , it would result in additional ecological impacts and increase the area of disturbance for the Project. Also, a 10% reduction would not be considered minimizing to the greatest extent practicable as the majority of truck trips would still need to occur; a significant adverse impact that cannot be mitigated. Alternative 2 in the DEIS evaluates the feasibility of mitigating the excavation truck traffic by removing the excavated material by barge but concludes that the Mattituck Inlet is not suitable for the barges required to remove the material and that this mitigation strategy is not viable. The nature and duration of the traffic and noise generated by the proposed excavation represents a large adverse impact that cannot be mitigated.

There are multiple reasons or errors in the DEIS that suggest that the number of truck trips for the excavation would be greater than the numbers presented in the DEIS and would extend the proposed construction timeline and increase the duration and therefore the severity of the impacts of construction. This is described in greater detail in Section 3.3 Transportation of the FEIS. However, further investigation is not required because the numbers presented in the DEIS represent a large adverse impact that is not able to be mitigated.

The gaps and errors in the analysis within the DEIS result in the conclusion that the impacts identified will be even more significant than they are reported to be. The errors in the Traffic Impact Study related to construction traffic impacts, the errors in the Acoustic Report, the errors in the presentation of the noise and vibration associated with construction on the flora, fauna and adjacent properties, results in an analysis of the impacts which then results in an inaccurate presentation of required mitigation measures. These deficiencies have implications on other elements of the DEIS, like the analysis of impacts on community character, open spaces, and historical resources, which rely upon these flawed studies. It is clear that even if it was accepted that the truck trips as described in the DEIS are accurate, that the impacts cannot be avoided, cannot be minimized without additional environmental impacts, and are not and cannot be mitigated to the greatest extent practicable since the excavation and trucking of the excavated soil is a necessary part of this project and cannot be accomplished by barge. Add to that the evidence that there would be even more trucks than presented in the DEIS, and it is clear that the impacts from noise and construction activity represent a large adverse impact that cannot be mitigated.

3.11 Archeology

Comments 3.11-1; 3.11-2; 3.11-3; 3.11-4; 3.11-5; 3.11-6; 3.11-133 3.11-7; 3.11-8; 3.11-9; 3.11-10; 3.11-11; 3.11-12; 3.11-13; 3.11-14; 3.11-15; 3.11-16; 3.11-17; 3.11-18 3.11-19; 3.11-20; 3.11-122; 3.11-133. Flawed methodology and analysis in the calculation and estimation of anticipated impacts/benefits or inconsistencies between chapters of the DEIS or between the DEIS and its supporting documentation regarding archeological impacts.

Response: There are inherent flaws in the methodology of the archeological impact analysis provided in the DEIS. Areas excluded from the Phase 1B investigations as a result of flawed environmental data and land use history. Evidence provided by the public shows that the former inlet that once entered the site, connecting to the Mattituck, was larger than is presented in the DEIS and filled earlier than is presented in the DEIS. The DEIS also states that this inlet was filled by the ACOE, and that dredged material is found surrounding the area. However, this assertion is contradicted by evidence presented by the public and not supported by the evidence cited in the DEIS. The Phase 1A report states that the PWGC geotechnical memo clearly identifies dredged material, however, the geotechnical memo identifies Stratum 3 as possible or potential dredged material and states that it is believed to be dredged because it was found where dredged material was suspected of being. It is not stated why the area was suspected to have dredged material. A letter from Tim Lloyd of the NYS Department of Parks, Recreation, and Historic Preservation dated December 3, 2021, agrees that the PWGC geotechnical memo does not present definitive evidence of fill in the southern portion of the “Area of Potential Effect”. Despite this lack of definitive knowledge on the status of the material as dredge spoil, the conclusion that it was dredge spoil was used to justify the exclusion of large areas of the Project Site from subsurface testing. However, no explanation is provided for why the presence of dredged material would overwrite the significance of archeological remains that could be present below the dredged material. The Phase 1A Report (DEIS Appendix T) concludes on page 14 that the areas identified should be included in a Phase 1B investigation (excluding areas identified previously as being the location of suspected dredged material) and that if NYSHPO accepts this recommendation, the Phase 1B work plan will be submitted to NYSHPO for approval. The Phase 1B work was conducted without prior approval by NYSHPO and in their December 3, 2021, letter requested a supplemental Phase 1B investigation be conducted with 7.5-meter-interval shovel tests in the southern portion of the APE. The Supplemental Phase 1B Archeological Assessment, dated January 7, 2022, was submitted to NYSHPO for review and in their January 24, 2022, letter NYSHPO confirms that no archaeological sites were identified in the report and that no additional archeological investigation is needed. The Supplemental Phase 1B Archeological Assessment, dated January 7, 2022, shows the test locations in Figure 6 there is a large area in the center of the Construction Excavation Area that is devoid of test locations. This area is also largely neglected by the PWGC Geotechnical Report boring locations. Additionally, test locations from the Supplemental Phase 1B Archeological Assessment, dated January 7, 2022, in the area of the former inlet where borings B-9, B-10, and B-11 from the geotechnical report identified Stratum 3 are labeled as having “fill/dredge” but does not qualify if the material is fill or dredge and these test locations were not dug deeply enough to encounter Stratum 3 as identified in the geotechnical report. This is a significant deficiency in the Supplemental Phase 1B Archeological Assessment when compared with the PWGC geotechnical memo. The Supplemental Phase 1B Archeological Assessment, dated January 7, 2022, states that artifacts were found at ten of the test locations, that an average of one to two artifacts was found at each of these ten locations, and that the study found that density to be low, and did not retain the artifacts for analysis. The report does not address the fact that these ten locations were clustered in a relatively small area in the southwest corner of the Construction Excavation Area, and that

they were found adjacent to the area devoid of test sites and that the cluster has the potential to be larger. Given the localization of the artifacts found, additional investigation should have been conducted to better understand the significance of the artifacts found and the artifacts found should have been retained.

Due to there being other large adverse impacts that are neither avoided nor minimized nor mitigated to the maximum extent practicable, the lead agency does not need definitive answers on this topic. See Sections 3.3, 3.7, and 3.10 of the FEIS for detailed discussions of the construction-related unmitigated impacts of the Proposed Action.

Comments 3.11-21; 3.11-22; 3.11-23; 3.11-24; 3.11-25; 3.11-26; 3.11-27; 3.11-28; 3.11-29; 3.11-30; 3.11-31; 3.11-32; 3.11-33; 3.11-34; 3.11-35; 3.11-36; 3.11-37; 3.11-38; 3.11-39; 3.11-40; 3.11-41; 3.11-42; 3.11-43; 3.11-44; 3.11-45; 3.11-46; 3.11-47; 3.11-48; 3.11-49; 3.11-50; 3.11-51; 3.11-52; 3.11-53; 3.11-54; 3.11-55; 3.11-56; 3.11-57; 3.11-58; 3.11-59; 3.11-60; 3.11-61; 3.11-80; 3.11-81; 3.11-111; 3.11-112; 3.11-131; 3.11-132. Flawed methodology and analysis in the Historic Resources Survey, dated July 2021 (DEIS Appendix T) in its discussion and estimation of anticipated impacts. Also, there are inconsistencies between chapters of the DEIS and its supporting documentation regarding impacts to cultural resources and historic structures.

Response: The Historic Resources Survey (HRS), dated July 2021 (DEIS Appendix T) was not updated to reflect new information from the Vibration Report, dated November 3, 2022 (DEIS Appendix R) and the Supplemental Data Appendix of the Traffic Impact Study, dated October 2022 (DEIS Appendix O). The DEIS references the vibration report and discusses potential vibration related impacts to historic structures but as previously mentioned, the Historic Resources Survey, dated July 2021 (DEIS Appendix T) was not updated to reflect new information from the Vibration Report, dated November 3, 2022 (DEIS Appendix R) and the Supplemental Data Appendix of the Traffic Impact Study, dated October 2022 (DEIS Appendix O) and there is nothing to suggest that this discussion in the DEIS was informed by the author of the HRS. For example, subsequent to the preparation of the HRS but prior to the preparation of the Vibration Report, the Mattituck Creek Tide Mill (Old Mill Restaurant) (NYOPRHP USN 10310.000348) was upgraded from “undetermined” to “eligible” for the State and National Registers of Historic Places on October 14, 2021. This is referenced in the DEIS but not the HRS.

Further, the deficiencies in the Historic Resources Survey, dated July 2021 (DEIS Appendix T) undermine the comments received by NYSHPO which relied upon the information provided in the HRS. The Historic Resources Survey should have used the Proposed Action’s defined Zone of Visual Influence (ZVI) to determine the study area of the Historic Resources Survey, but a ZVI was never defined as a part of the visual impact analysis which is discussed further in Section 3.4 of the FEIS. This error is compounded because the visual impact assessment for the project relies upon the HRS to identify structures that contribute to community character. The photographs included in the HRS show the structures themselves and provide no views of the

Project Site from the structures considered. The Historic Resources Survey does not address the construction route or buildings that would be visually impacted but are not immediately adjacent to the Project Site. The HRS makes no reference to correspondence with the Southold Historic Preservation Commission or the Southold Town Historian. The HRS does not consider any building less than 50 years in age. The HRS does not make adequate use of historic cartography. The HRS inappropriately excludes properties like 4900 West Mill Road, 80 and 100 East Mill Road, 200 and 220 East Mill Road, 880 West Mill Road, 750 East Mill Road and many others from elements of analysis based on faulty or absent logic. The HRS analysis incorrectly describes impacts to historic structures from noise, air quality, vibration, and to the viewshed as “indirect”. The HRS diminishes potential visual impacts inappropriately and does not accurately discuss potential visual impacts to historic properties. The HRS includes inaccurate or incomplete information and analysis regarding the three properties specified in the DEIS scope. The area of potential impact is poorly defined in the HRS, and it utilizes inherently flawed methodology. The conclusions of the HRS are based on an inaccurate “Area of Potential Effect” that only includes abutting parcels and focuses on ‘direct impacts’ that inappropriately exclude the direct impacts associated with visual, noise, and vibration impacts.

Due to there being other large adverse impacts that are neither avoided nor minimized nor mitigated to the maximum extent practicable, the lead agency does not need definitive answers on this topic. See Sections 3.3, 3.7, and 3.10 of the FEIS for detailed discussions of the construction-related unmitigated impacts of the Proposed Action.

Comments 3.11-62; 3.11-63; 3.11-64; 3.11-65; 3.11-66; 3.11-67; 3.11-68; 3.11-69; 3.11-70; 3.11-71; 3.11-72; 3.11-73; 3.11-74; 3.11-75; 3.11-76; 3.11-77; 3.11-78; 3.11-79; 3.11-119; 3.11-120; 3.11-124; 3.11-125; 3.11-126; 3.11-127; 3.11-128; 3.11-129; 3.11-130. The DEIS fails to identify all historic properties which could be impacted by the construction traffic of the Proposed Action.

Response: The DEIS scope required a discussion of effects of excavation and vibration from machinery, heavy equipment and trucks on structures surrounding the site. The Historic Resources Survey (HRS) dated July 2021 (DEIS Appendix T) inaccurately refers to impacts offsite as indirect. The vibration impacts associated with construction activities are direct impacts whether those impacts are incurred on or off site. In correspondence from NYSHPO dated April 8, 2022, concerns were raised regarding impacts from construction traffic to historic structures and NYSHPO recommended the preparation and implementation of a Construction Protection Plan for two structures identified as Mattituck Creek Tide Mill/Old Mill Restaurant and the Water Tower and Building located at 5775 and 3380 West Mill Road, respectively. A Construction Protection Plan was submitted with the DEIS in the Acoustic and Vibration Report (Appendix R). It identifies 32 Potential, Eligible, and Listed historic structures along the truck route and their distances to the roadway. There has been no submission to NYSHPO regarding the proposed truck route associated with the proposed excavation or the newly identified historic

structures located along that route and no survey done along the truck route to identify historic buildings not reflected in the CRIS online mapper database. Additionally, there are deficiencies in the methodology and analysis conducted regarding the identification of historic structures along the proposed truck route. The methodology for identification of historic structures along the truck route exclusively used the CRIS online GIS generated maps, but no attempt was made to contact the local historic boards along the construction truck route, and there was no survey conducted to identify potential historic properties not included in the CRIS online mapper. There is no mention of the Sound Avenue Historic Corridor in the Town of Riverhead. Of the 32 properties identified in the Acoustic and Vibration Report (Appendix R), only 6 are discussed in the HRS (DEIS Appendix T) which was never updated to reflect the new information identified in the Acoustic and Vibration Report. The remaining 26 properties were never analyzed for historic significance. Beyond the obvious and potential properties and districts omitted due to flaws in the methodology, there are numerous errors in the list of properties and their setbacks from roadways provided in the Acoustic and Vibration Report (Appendix R) suggesting that the setbacks were estimated using the online mapper and not from field investigation and study. This is of particular concern because vibration impacts and their mitigation are directly related to distance from the source of vibration.

Due to there being other large adverse impacts that are neither avoided nor minimized nor mitigated to the maximum extent practicable, the lead agency does not need definitive answers on this topic. See Sections 3.3, 3.7, and 3.10 of the FEIS for detailed discussions of the construction-related unmitigated impacts of the Proposed Action.

Comments 3.11-82; 3.11-83; 3.11-84; 3.11-85; 3.11-86; 3.11-87; 3.11-88; 3.11-89; 3.11-90; 3.11-91; 3.11-92; 3.11-93; 3.11-94; 3.11-95; 3.11-96; 3.11-97; 3.11-115; 3.11-118; 3.11-123; 6.0-42. The DEIS has not properly or adequately assessed potential vibration impacts to historic properties.

Response: The Vibration Report dated November 3, 2022 (DEIS Appendix R), states that there is no predicted impact to any nearby structures from truck traffic. But, in the same paragraph, it states that the worst-case scenario is there is potential impact from truck traffic to the historic Water Tower and Building located at 3380 West Mill Road and that the methodologies used equations designed for the United States at large and do not take into account Long Island's unique soil structure. The report uses the FTA guideline of 0.12 in/sec as a damage threshold which the FTA attributes to buildings extremely susceptible to vibration damage but does not compare this to any alternatives that could be more applicable to either Long Island or to historic structures specifically. Standards for historic structures from other sources are as low as 0.8 in/sec. Later in the same report, it states that no frequency analyzer and accelerometer measurements were collected at the Water Tower and Building to be able to collect readings along the unimpeded path through the soil to best determine the existing conditions but it does

not explain why this is the case or how that would impact the findings regarding this historic structure. The NHDOT standards cited by the DEIS also provide a construction vibration assessment table that is not utilized by the DEIS. The Vibration Report and the DEIS also make assumptions about the historic structures beyond the areas where ambient vibration levels were taken which are unfounded and ignore existing conditions and potential impacts. Additionally, as stated earlier in this section of the FEIS, there are errors and inaccuracies with the data collected on historic structures along the proposed truck route. The Vibration report has also made modifications to the equations used in the calculation of vibration impacts based on the unique qualities of Long Island soils but has not accounted for the change in these qualities when soils are frozen. There are additional flaws in the methodology of the Vibration report, like the referenced PPV and the lack of ambient vibration collected along the truck route and the time ambient vibration was collected, that reduce the estimations for potential impacts associated with truck traffic that suggest that the impacts associated with vibration from construction traffic will be greater than what is presented in the DEIS and the impacts to historic structures will be greater than is presented in the DEIS.

Due to there being other large adverse impacts that are neither avoided nor minimized nor mitigated to the maximum extent practicable, the lead agency does not need definitive answers on this topic. See Sections 3.3, 3.7, and 3.10 of the FEIS for detailed discussions of the construction-related unmitigated impacts of the Proposed Action.

Comments 3.11-98; 3.11-99; 3.11-100; 3.11-101; 3.11-102. The DEIS does not properly address the potential impacts to historic structures as a result of noise.

Response: The Historic Resources Survey dated July 2021 (DEIS Appendix T) was not updated to reflect the proposed truck route or the findings of the original Acoustic Report from November 30, 2021, or the revised Acoustic Report, dated November 29, 2022 (DEIS Appendix R). Additionally, as discussed earlier in this section of the FEIS, there are errors in the analysis of historic structures along the proposed truck route. Due to these omissions, the full extent of impacts to historic structures as a result of noise is not known.

Due to there being other large adverse impacts that are neither avoided nor minimized nor mitigated to the maximum extent practicable, the lead agency does not need definitive answers on this topic. See Sections 3.3, 3.7, and 3.10 of the FEIS for detailed discussions of the construction-related unmitigated impacts of the Proposed Action.

Comments 3.11-103; 3.11-104; 2.11-105; 3.11-106; 3.11-107; 3.11-108; 3.11-109; 3.11-113; 3.11-114; 3.11-116; 3.11-117; 3.11-121. The mitigation measures proposed for impacts to historic structures are insufficient.

Response: The mitigation measures proposed for impacts to historic structures are insufficient. The measures proposed are not comprehensive and the Construction Protection Plan included in the Vibration Report (DEIS Appendix R) lacks real protection of historic structures and lacks specific contingencies for monitoring, enforcement, and modification of construction to prevent further impact.

4.0 Other Required Sections

Comments 4.0-6; 4.0-7; 4.0-8. The DEIS has not adequately addressed an analyzed the growth inducing aspects of the Proposed Action.

Response: The DEIS does not address the potential growth inducing impacts of the haul road.

Due to there being other large adverse impacts that are neither avoided nor minimized nor mitigated to the maximum extent practicable, the lead agency does not need definitive answers on this topic. See Sections 3.3, 3.7, and 3.10 of the FEIS for detailed discussions of the construction-related unmitigated impacts of the Proposed Action.

Comment 4.0-18. Adequately describe loss of irretrievable resources.

Response: This is addressed in section 4.3 of the DEIS.

Comments 4.0-10; 4.0-11; 6.0-20; 6.0-26; 6.0-27; 6.0-29; 6.0-29; 6.0-30; 6.0-40; 6.0-41; 6.0-49; 6.0-61; 6.0-63. General comments on the inadequacies and deficiencies of the DEIS.

Response: Due to there being large adverse impacts that are neither avoided nor minimized nor mitigated to the maximum extent practicable, the lead agency does not need definitive answers on the topics where information is deficient. See Sections 3.3, 3.7, and 3.10 of the FEIS for detailed discussions of the construction-related unmitigated impacts of the Proposed Action.

Comments 6.0-33; 6.0-37; 6.0-50; 6.0-58; 6.0-60; 6.0-62 were deemed to not be substantive.

5.0 Alternatives

Comments 5.0-1; 5.0-2; 5.0-3; 5.0-4; 5.0-5; 5.0-14; 5.0-15; 5.0-16; 5.0-17; 5.0-18; 5.0-19; 5.0-20; 5.0-21; 5.0-22; 5.0-23; 5.0-24; 5.0-25; 5.0-26; 5.0-27; 5.0-34; 5.0-53; 5.0-62; 5.0-6. There is insufficient information provided in the DEIS and the supporting documentation to adequately analyze and meaningfully consider Alternative 2, which features the use of barges to remove excavated material from the site along Mattituck Creek and on-site processing.

Response: The information provided in the DEIS regarding Alternative 2 is insufficient to consider it a viable alternative.

Comments 5.0-50; 5.0-52; 5.0-60; 5.0-21; 5.0-8; 5.0-9; 5.0-10; 5.0-31; 5.0-63; 5.0-11; 5.0-12; 5.0-13; 5.0-59; 5.0-62; 5.0-7; 5.0-56; 5.0-58; 5.0-64; 5.0-57; 5.0-67; 6.0-56. Many Alternatives lack sufficient detail to adequately evaluate them.

Response: The information provided in the DEIS regarding the alternatives section is insufficient to consider the presented alternatives as viable.

Comments 5.0-28; 5.0-30; 5.0-49; 5.0-39; 5.0-38; 5.0-37; 5.0-36; 5.0-61; 5.0-65; 5.0-66. Comments suggesting the modification of alternatives or presenting out of scope alternatives.

Response: Modifications of alternatives or the suggestion of alternatives not included in the scope fall outside of the scope of the DEIS and are not considered in the DEIS.

Comments 5.0-54; 5.0-55. Missing analysis from the alternatives section including discussion of alternative sites owned by the Applicant.

Response: The analysis of alternative sites owned by the Applicant is not sufficient to deem it inappropriate or unfeasible as the DEIS represents it to be.

Comments 5.0-33; 5.0-40; 5.0-41; 5.0-42; 5.0-47; 5.0-48. Suggestions to choose Alternative 1 No Action.

Response: Comment noted.

Comments 5.0-43; 5.0-44; 5.0-45; 5.0-46. Suggestions to use Alternative 6 Existing Buildings and the reconfiguration of the Site to accommodate increased boat storage and sizes using the already developed portions of the Site, or the development of the residentially zoned portion of the Site which hosts previously disturbed areas where the ecological impact would be less than that of the proposed.

Response: Comment noted.

Comments 5.0-35; 5.0-29; 5.0-51; 2.4-135; 2.4-146. The Town should explore an alternative in which the property is subdivided, and the upland area is acquired by the Town to expand the adjacent nature preserve.

Response: Comment noted.

Comments 5.0-69 was deemed outside the scope of the DEIS.

DRAFT