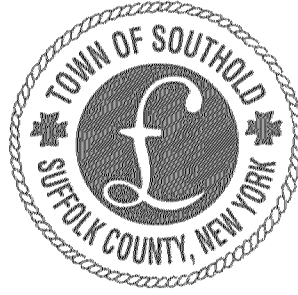


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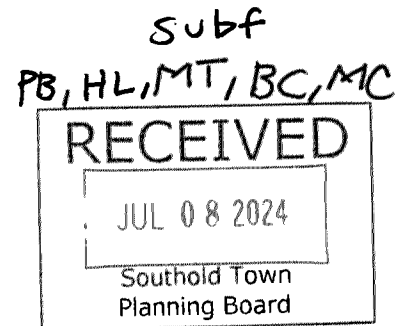
**LOCAL WATERFRONT REVITALIZATION PROGRAM
TOWN OF SOUTHOLD**

To: James H. Rich III, Chair
Town of Southold Planning Board

From: Mark Terry, AICP
Assistant Town Planning Director
LWRP Coordinator

Date: July 8, 2024

Re: LWRP Coastal Consistency Review for Strong's Yacht Center
SCTM 1000-106.-6-10 & 13.4



The proposed action includes the construction of two, one-story buildings of 52,500 SF and 49,000 SF to provide indoor winter storage of larger yachts, up to 86 feet in length, with associated improvements including gravel-based driveways and parking areas, water supply, sewage disposal, site grading, and drainage, landscaping, and lighting. Also proposed is the removal of a pool and patio.

The Strong's Yacht Center is situated on a 32.96±-acre parcel located south of Old Mill Road and on the west side of Mattituck Creek on lands zoned M-II (approximately 16.46 acres) and R-80 (approximately 16.5 acres). Prior to its purchase by Strong's in April 2017, the subject site was known as the Mattituck Inlet Marina and Shipyard which existed as a full-service marina, maintenance, repair and storage operation for over 60 years. As illustrated on the proposed site development plans prepared by Young & Young, the subject property is currently comprised of 40 boat slips with associated ramps and fueling and developed with eight buildings to support the operation of the marina, as well as the sale, maintenance, dockage and storage of boats. The eight existing buildings include the following:

- Building 1: One-story residence (1,610 SQ. FT.)
- Building 2: Two-story office (2,702 SQ. FT.)
- Building 3: One-story storage (17,320 SQ. FT.)
- Building 4: One-story storage (169 SQ. FT.)
- Building 5: One-story storage (341 SQ. FT.)
- Building 6: One-story storage (10,766 SQ. FT.)
- Building 7: One-story storage (15,076 SQ. FT.)
- Building 8: One-story storage (22,425 SQ. FT.)

The two proposed buildings would become Building 9 (49,000 SQ. FT.) and Building 10 (52,500 SQ. FT.). Upon implementation of the proposed action, the total gross floor area of all buildings would increase from 69,245 SQ. FT. to 171,929 SQ. FT.

The proposed action has been reviewed to Chapter 268, Waterfront Consistency Review of the Town of Southold Town Code and the Local Waterfront Revitalization Program (LWRP) Policy Standards. Based upon the information provided in the submitted documents, as well as the records available to us, it is my recommendation that the proposed action is **INCONSISTENT** with LWRP policy standards and, therefore, is inconsistent with the LWRP.

Policy 1 Foster a pattern of development in the Town of Southold that enhances community character, preserves open space, makes efficient use of infrastructure, makes beneficial use of a coastal location, and minimizes adverse effects of development.

Based upon the information provided in the file documents, the removal of trees, adverse impacts to habitats, and significant impact on the quality of life of residents and visitors in the region resulting from noise, vibration, and disruption of daily activities long in duration, the proposed action cannot meet this policy. The proposed action does not “*foster a pattern of development in the Town of Southold that enhances community character, preserves open space, and minimizes adverse effects of development.*”

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 (FEIS).

Policy 2 Preserve historic resources of the Town of Southold.

The applicant has not proved that policy “*2.1 Maximize preservation and retention of historic resources*” has been met and that potential adverse impacts of new development on nearby historic resources have been avoided to the greatest extent practicable.

Policy 3 Enhance visual quality and protect scenic resources throughout the Town of Southold.

The visual quality of the landscape is a major contributor to the community character of the Town of Southold. The Town includes different landforms, a variety of upland and shoreline vegetation, a complex land and water interface, well-defined harbors, and historic hamlets. In addition to the many highly scenic natural resources found throughout the Sound, the variety of cultural elements in the landscape and the interplay of the built and natural environments, especially along the waterfront, are of particular importance to the visual quality of the Town (LWRP).

The analysis provided relies 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.

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 narrative 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 narrative of no visual impact that cannot be relied upon (FEIS).

As indicated in the FEIS and Findings, the proposed project will result in the physical loss (Forest, Northern Long-Eared Bat (Federally Endangered) habitat, and other bat and wildlife species)), degradation (trees and soils), and functional loss of ecological components (Reduction of Contiguous Woodland and other Habitat Assemblages: Mill Road Preserve.), and does not meet "*Policy 6 Protect and restore the quality and function of the Town of Southold's ecosystem*".

1. *Physical loss of ecological components*
Physical loss is often the most obvious natural resource impairment to identify. It usually results from discrete actions, such as filling or excavating a wetland or clearing an upland forest community prior to development.

The proposed project will destroy a forest community habitat. The LWRP defines habitat destruction as the loss of fish or wildlife use through direct physical alteration, disturbance, or pollution of a designated area or through the indirect effects of these actions on a designated area. Habitat destruction may be indicated by changes in vegetation, substrate, or hydrology, or by increases in runoff, erosion, sedimentation or pollutants.

The physical impacts, edge effects to adjacent ecosystems, and construction noise may potentially disrupt or destroy the surrounding ecosystems.

2. *Degradation of ecological components*
Degradation occurs as an adverse change in ecological quality, either as a direct loss originating within the resource area or as an indirect loss originating from nearby activities. Degradation usually occurs over a more extended period of time than physical loss and may be indicated by increased siltation, changes in community composition, or evidence of pollution.

Degradation of habitat direct loss originating within the resource area (Parcel) or as an indirect loss originating from nearby activities would occur from removing the forest, habitat assemblages, and documented species, including those with protected status living on the parcel and in the adjacent Mill Road Preserve.

3. *Functional loss of ecological components*
Functional loss can be indicated by a decrease in abundance of fish or wildlife, often resulting from a behavioral or physiological avoidance response. Behavioral avoidance can be due to disruptive uses that do not necessarily result in physical changes, but may be related to introduction of recreational activities or predators. Timing of activities can often be critical in determining whether a functional loss is likely to occur. Functional loss can also be manifested in physical terms, such as changes in hydrology.

The adverse impacts from removing the forest, habitat assemblages, and documented species, including those with protected status living on the parcel and in the adjacent Mill Road Preserve, are expected. A functional loss would occur.

6.4 Protect vulnerable fish, wildlife, and plant species, and rare ecological communities.

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 proposed project would result in physical loss of wildlife habitat and species. The sub policy *Protect vulnerable fish and wildlife species* is not met. The proposal fails to protect *habitat of listed species identified through field surveys or other methods during all stages of their life cycles*. As indicated in the FEIS, 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 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. Further:

- 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 proposed project does not meet sub policy *10.4 Minimize adverse impacts of new and expanding water-dependent uses and provide for their safe operation*.

B. Avoid development of new water-dependent uses at sites that are located outside of the traditional concentrations of water-dependent uses or at sites that exhibit important natural resource values or where the proposed use will cause significant adverse effects on community character, surrounding land and water uses, or scenic quality.

The proposed project can potentially cause significant adverse effects on community character, surrounding land and water uses, and scenic quality.

Please contact me at (631) 765-1938 if you have any questions regarding the above.