

SouthholdLOCAL

Residents, environmental activists condemn 124-unit 'Heritage' condo plan for Cutchogue hamlet



Southhold Planning Board members listen to a presentation given by the attorney for the Heritage at Cutchogue last night. *Photo: Denise Civiletti*

by [Denise Civiletti](#) Jan 12, 2016, 10:36 am

Sewage disposal and water quality impacts took center stage last night during the Southhold Planning Board's first public hearing on the environmental impact statement and site plan for the current iteration of the Heritage at Cutchogue condominium development. The hearing will be continued on Feb. 8.

The project's reliance on 37 traditional septic rings rather than a community sewage treatment plant set off alarms for residents and environmental activists who spoke at last night's hearing on the proposed 124-unit condominium development on a 46-acre site in the hamlet of Cutchogue.

"If there's nothing else we've learned in the past three years, it's that Suffolk County's growing water quality issues are due to our ancient practice of putting our wastewater underground, out of sight and out of mind," said North Fork Environmental Council president Bill Toedter.

“Those traditional septic systems do not reduce nitrogen. Our groundwater and surface waters are becoming more and more polluted. We know that yet we don’t demand anything be done about it. This must change,” he said.

“Nowhere else in the country is this method of dumping wastewater into open pits allowed,” said Glynnis Berry, founder and director of Peconic Green Growth.

The county is slow to catch up with science and its current wastewater regulations, which would allow the use of traditional septic systems “are in fact deficient,” Kevin McAllister of Defend H2O told the planning board. Complying with current regulations is “just not good enough.”



John Wagner, attorney for the Heritage at Cutchogue developer, addresses the planning board last night. *Photo: Denise Civiletti*

The applicant has pledged to work with the county health department to implement advanced wastewater treatment septic systems for the project, according to its attorney, John Wagner. But advanced septic systems have not yet been approved in Suffolk.

“We are in constant dialogue with Suffolk County Department of Health Services about alternative technology systems that may come on line,” Wagner said. “We have consistently indicated our willingness to employ technologies that become available, as feasible.”

“All they’re submitting to you is smoke and mirrors with respect to the health department and that should be unacceptable to this community,” McAllister said.

The Suffolk County Planning Commission on Jan. 6 voted to approve the application and included in its resolution of approval a requirement that the applicant work with the county health department on new advanced septic systems, according to County Legislator Al Krupski, who said he requested that as a condition of the approval.

“But they [the applicant] can only work with what’s available and approved,” Krupski acknowledged.

Toedter last night urged the board as well as everyone in attendance to contact Krupski and the Suffolk County health department “to demand that high-tech nitrogen-removing wastewater treatment must be a part of this project if it is to move forward.”

‘Where’s the nature once it’s been bulldozed?’

He chided the developer for making “ridiculous and unsupportable” statements like the one in the executive summary of the Draft Environmental Impact Statement: “We anticipate that construction of the proposed project would have a positive impact on groundwater quality” and implored the planning board to “call out” the developer making such a claim.

“Developers who make unsupportable claims like this at a time when the whole of Long Island is facing dramatic declines in water quality wonder why they have no credibility with the public,” Toedter said. “But if the board and this town don’t act upon such claims, they too will lose credibility.”

Toedter pointed to the total clearing of the 46-acre site, which will “destroy habitat rather than protect it” for numerous protected species as well as the plan’s replacement of natural habitat with lawn and landscaped areas that would nearly double the development’s 22,500 gallons per day stated water consumption as more evidence of groundwater pollution and future surface water impacts. The developer’s claims in the DEIS that the action will have no negative impacts and that the establishment of a “nature trail” will mitigate the loss of natural habitat are more examples of “ridiculous and unsupportable” statements.

“Where’s the nature once it’s been bulldozed?” he asked.

“We look to you to call out inaccurate and unsupportable positions, to call out an applicant who makes such outrageous statements,” Toedter told board members.

“If you don’t, who will?”

Calculations and surveys questioned

Others questioned the applicant’s calculation of water usage, which determines whether a community sewage treatment plant is required by county regulations. The projected water consumption level for domestic use is 22,500 gallons per day, just below the maximum level of 22,540 GPD. If water consumption exceeded 22,540 GPD, a sewage treatment plant would have been required.

Engineer Pablo Rodriguez told the board that basements in the condo units could be converted to living space and that would increase its sanitary flow calculations to a level above that allowed to be treated by traditional onsite septic systems. He told the board it should limit the size of basement windows to prevent such conversions from being legally undertaken.

Biologist Stephen Tettlebach of Cutchogue, a professor of ecology at Long Island University, told the board he believes the site provides summer roosting and nesting habitat for the northern long-eared bat, which is listed by the federal government as a threatened species and listed by New York State as endangered.

Tettlebach, who said he lives 200 yards from the site, said the developer “has already removed hundreds if not thousands of trees from the site over the last several years” and will “completeley remove all vegetation” there if the development is approved.

He urged the board to ask the U.S. Fish and Wildlife Service to make a determination if the northern long-eared bat is there.

He also urged the board to ask the state DEC to survey the site in springtime to determine if there are seasonal wetlands there. Tettlebach said the call of spring peepers can be heard from the site every spring.

“They are amphibians. They require water to lay eggs. That means there has to be water on the site. There must be wetlands or seasonal wetlands there.” The DEIS says there is no standing water on the site, Tettlebach said, but the developers surveyed the site in October. “It should be surveyed in spring, he said, and should be done by an impartial entity such as DEC.”



Cutchogue resident Benja Schwartz, longtime vocal opponent of the Heritage at Cutchogue proposal. *Photo: Denise Civiletti*

‘There’s too much going on’

About 60 people turned out for last night’s combined hearing on the site plan and DEIS. All but one member of the public who spoke either opposed the plan or voiced grave concerns about its potential impacts to the environment and quality of life in the tiny North Fork hamlet.

Cutchogue resident Benja Schwartz, a longtime vocal opponent of high-density development on the site, told the board it cannot resume review or approve the application based on a scoping document prepared five years ago. The scoping document is adopted by the reviewing agency to set forth the parameters of the environmental impact statement that must be prepared for a project determined to have significant potential environmental impacts.

“This project will change the character of Cutchogue hamlet, Southold Town and the North Fork,” Schwartz said. “Developing a massive group of luxury condominiums will fundamentally change this place.”

The site, located at the corner of Griffing Street and School House Lane, has been the subject of a number of high-density development applications since the town board changed its zoning in 1983 from residential-agricultural to multiple-residence. The zoning was changed again in 1989 to the current hamlet density zoning use district; the HD zoning has undergone significant changes twice since its adoption.

The current applicant has been attempting to gain development approvals from the town since 2002. After being stalled by moratoria, followed by a 2009 zoning code change that rendered its prior application “unapprovable,” the applicant sued. The lawsuit was settled in September 2014 with a stipulation that granted the applicant the right to build no more than 130 age-restricted (55+) condo units with a maximum 245,000 square feet of livable floor area on the site and required 50 percent of the site to be set aside as open space. The open space is dispersed throughout the site.

The stipulation “turns this discussion into something that feels like a charade,” Group for the East End president and East Marion resident Bob DeLuca told the board. “It sets the number of units, it says what the septic system will be, it essentially designs the project before you even get to the public hearing,” DeLuca said, “at least that’s what it looks like.”

“I’ve been at this 30 years and I don’t remember many projects where there was a stipulation of settlement overlaid on a SEQRA process. It’s weird,” he said. “I don’t know why they did it. I’m sure they had their reasons and I hope they never do it again.”

DeLuca went on to suggest that the planning board work with the county health department and the developer to make the project something that will have fewer adverse environmental impacts and something that the community can live with.

“As I see it, there’s too many units, too much clearing and habitat destruction, not enough wastewater treatment and too much water consumption,” DeLuca said.

“Tell them, yes, there’s a stip, but we’re still a planning board, we still do SEQRA, there’s still a law and there’s still too many impacts,” he said.

“The developer has come in with a project that they think was what the agreement was. They’re putting their foot forward to get as much as they can. We’re making the argument to you about the natural resources that have defined this place for centuries — that matter to everyone and that you have the difficult responsibility of trying to balance,” DeLuca said.

“I have a feeling this could go down the path of we said what we feel but we’re stuck with what we’re stuck with. Basically this is the plan and out it goes. “I hope that doesn’t happen,” he said.

“Until the final map is approved there’s an opportunity to do your best, an opportunity for us to do our best and an opportunity for them to do their best. I would say over and above everything else — noodle all the details, noodle all the numbers — there’s too much going on and you’ve got to shoot that down,” he urged.

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