

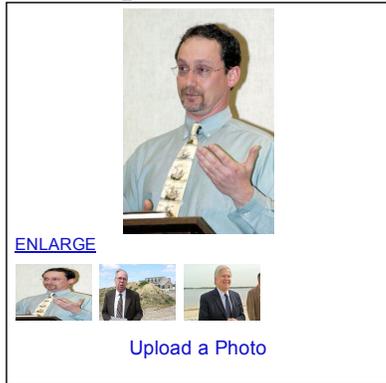
## Environmentalists Demand Repeal Of PDD Law In Southampton Town

**UPDATED** Oct 7, 2015 3:19 PM

By [Amanda Bernocco](#)

A growing group that already includes 30 environmentalists and community leaders, including State Assemblyman Fred Thiele Jr., is demanding that the Southampton Town Board repeal the municipality's planned development district legislation, charging that the system is broken, allowing would-be developers to bypass proper planning and ignore zoning.

Those now calling for the revocation of the PDD legislation—a group that also includes Long Island Pine Barrens Executive Director Richard Amper and Group for the East End



President Robert DeLuca—said this week that they were prompted to action by the Town Board's willingness to continue to entertain an application that seeks permission to construct a golf resort community on several hundred acres of environmentally sensitive land in East Quogue.

Though they all oppose that particular project, dubbed The Hills at Southampton, Mr. Thiele, Mr. Amper and Mr. DeLuca agreed that the bigger issue is with the continued widespread abuse and manipulation of the PDD legislation itself—a pattern that they fear will continue unless the board eliminates the law entirely.

"I don't mean this in a criminal way, but it's zoning for sale," Mr. Thiele said about the PDD legislation, explaining that he decided to get involved because The Hills project, if approved, would have a regional impact, most prominently in the form of water pollution that extends beyond the boundaries of the hamlet of East Quogue.

On Tuesday, Town Supervisor Anna Throne-Holst said she has no intention of repealing the legislation—or of supporting a one-year moratorium on PDD applications that has been pitched by this year's Democratic Town Board candidates—explaining that the legislation, though not perfect, remains a valuable planning tool that allows the town to have greater control of development.

She said she has already been working on plans to update the legislation, which was last modified in 2011 under her guidance, so that the town can retain more control when it comes to future applications.

"If PDDs are done right ... and the checks and balances are there, I think they have a role to play," Ms. Throne-Holst said.

She also dismissed the suggestion that the Town Board has never rejected a PDD, pointing out that it kicked back the first two incarnations of the Sandy Hollow PDD that was ultimately approved by the Town Board in June 2014, allowing the construction of 28 below-market rental apartments on 2.6 acres in Tuckahoe. Prior to that, she added, the board killed another PDD, called Serenity Estates, that sought to construct 60 condominiums on 15 acres in Speonk near contamination known as the Speonk solvent plume, a large swath of polluted groundwater.

Most recently, the board approved the Canoe Place Inn PDD, an ambitious project that calls for the construction of 37 townhouses on 4.5 acres on the east side of the Shinnecock Canal in Hampton Bays and also permits the redevelopment of the old inn on the western side of the canal. In addition to restoring the building and opening a 25-room inn, the developers are adding a cluster of guest cottages and opening a 300-seat catering hall. In that instance, the supervisor noted, the Town Board rejected earlier proposals, eventually negotiating a deal that guarantees public access along the eastern side of the canal and other public benefits to the Hampton Bays community.

But opponents contend that, especially with The Hills project that's proposed by Arizona-based Discovery Land Company, the developers are continuing to wrestle more control from the town in the process, dictating what qualifies as a community benefit rather than being told by town officials—who they said should be leading the discussion—what a specific community needs.

Pointing to the East Quogue project, which seeks permission to construct 118 homes—

95 single-family homes, 13 clubhouse cabins and 10 clubhouse condominium units—and an 18-hole golf course, Mr. DeLuca said that some of the proposed community benefits are absurd. He and others contend that promised tax revenue—The Hills is expected to generate some \$4.4 million in annual tax revenue for the East Quogue School District—and \$500,000 in earmarked funds for various school improvements do not qualify as benefits because they have absolutely nothing to do with proper planning. The developer has also promised to build a new playground for the elementary school.

“The planning should be done first,” Mr. DeLuca said. “You can’t just make it up as you go along.”

Last month, interim East Quogue Superintendent Robert Long signed a letter stating that he acknowledges the proposed benefits that the development would have on his school district. However, he stressed that the letter was not meant to be an indication of the district’s support for the project.

Mr. Thiele said he is worried that other financially strapped school districts could find themselves in similar situations, signing documents that could be construed as indirect support, if the PDD legislation is not tossed.

“I’m involved with the East Quogue School District,” Mr. Thiele said. “They are having financial issues. They are very vulnerable. It’s not a position they should be in.”

According to the application, the developer intends to concentrate construction on approximately 180 acres near Spinney Road in East Quogue, leaving the remaining 400 acres as open space. The developer is also pitching its project as a nitrogen-neutral one, pointing to its plans to install high-end septic systems to service the homes; the developer has also agreed to set aside money for groundwater remediation projects in East Quogue.

Under the current PDD legislation, which was last modified in 2011, developers seeking this special change of zoning must offer some sort of community benefit. Presently, the town does not specifically detail what those benefits should be, deferring in most instances to the would-be developers who, in turn, reach out to the community. But Mr. Amper and Mr. DeLuca note that most residents are not qualified planners, so they are not in a position to conclude what is truly needed in a community or whether those proposed benefits are truly that.

Ms. Throne-Holst this week acknowledged those concerns and admitted that the process could be improved, again stressing that board members are already looking to modify the legislation.

“I’m troubled with a couple of things,” she said. “Especially the community benefit part of this. I think what we’re seeing here is the developer driving the bus instead of the town.”

Still, she does not support ditching the special zoning all together, explaining that it is the Town Board’s job to stay current and that means occasionally revisiting and updating legislation. All PDDs are approved by the Town Board, and four out of five members must sign off.

“I think this process needs to be changed,” Ms. Throne-Holst said. “We have a responsibility as elected legislators to stay current.”

PDD legislation opponents said they intend to continue their push for the outright repeal of the PDD law, with Mr. Amper stating that such action could be accomplished if one of the Town Board members introduces a simple resolution. It remained unclear, as of earlier this week, if they have a willing partner.

Town Councilwoman Christine Scalera said while she does not think the law needs to be repealed, she believes that the Town Board needs to be having more conversations with the public regarding PDDs in general—and not just about The Hills application.

“If there is a desire to have a conversation, I have no objection to having a conversation,” Ms. Scalera said. “It always seems to happen through a particular project, but it should be discussed on its own merit.”

The other council members—Stan Glinka, Brad Bender and Bridget Fleming—said Tuesday that they had not yet been contacted by the environmentalists.

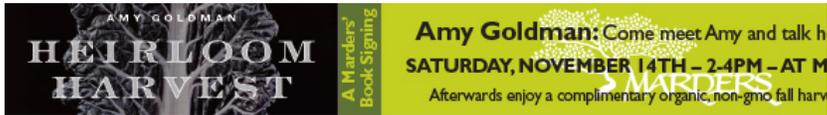
“Nobody has approached me about it,” Mr. Glinka said. “I heard about it this week and I welcome anyone who wants to talk about it to come in—that is what I’m here for. You can always do some tweaking, so it is a good idea to take a look at the legislation to see if there is anything that can be improved upon, but it all depends on the project.”

Ms. Fleming and Mr. Bender offered similar responses.

Although he supports the campaign to kill the PDD law entirely, Mr. Thiele stressed that not all PDDs are bad, pointing to the Canoe Place Inn project as one that offers some public benefits though not everyone is pleased with the final product.

The problem with the legislation, he continued, is that "bad" projects, like The Hills, can continue to gain traction because Town Board members never stop them in their tracks, making outright rejection a more difficult option once a developer has invested months, or even years, along with hundreds of thousands of dollars in the application process.

"You can have a good project, but I think 'The Hills' is a bad project," Mr. Thiele said. "You don't know what is going to land in your community, and it shouldn't be that way."



27EAST.COM QUICK LINKS

Hamptons News

- Southampton News
- East Hampton News
- Schools
- Politics
- Police Report

Hamptons Real Estate

- Property Sales
- Rentals
- Search
- Market Trends

Hamptons Classified

- Help Wanted
- Yard Sales



(View a sample issue)