

TOWN OF SOUTHAMPTON

Department of Land Management
Town Conservation Board
116 HAMPTON ROAD
SOUTHAMPTON, NY 11968



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June 13, 2018

Dennis Finnerty, Chairman
Southampton Town Planning Board
Town Hall
116 Hampton Road
Southampton, NY 11968

Re: Sag Harbor Impound Yard, Site Plan
1310 Bridgehampton Sag Harbor Turnpike, Sag Harbor
SCTM#: 900-40-1-3.1

Dear Mr. Finnerty:

The Conservation Board has reviewed the above-referenced application and has the following comments:

1. The current plans, which call for construction of a 4,800 square foot vehicle impound area within the Long Pond Greenbelt, pose an array of threats to one of the last great "wilderness areas" in Southampton Town. Possible risks to environmental health and drinking water are of particular concern.
2. Critical to long term conservation of these lands is an acknowledgement of the uniqueness of this natural resource. Not only is the Long Pond Greenbelt renowned for its pristine coastal plain ponds, wetlands and woodlands, but it also contains one of the highest concentrations of rare and endangered species in the state. Additionally, the area has been designated a critical environmental area (CEA) by the County of Suffolk, due to its significance as a sole source aquifer and importance to public health.
3. The Greenbelt has likewise received federal and state recognition, as both the US Fish and Wildlife Service and New York State Department of State have classified the area as significant fish and wildlife habitat.
4. Additionally, the property is located within the Aquifer Protection Overlay District (APOD). Accordingly, it's critical that the extent of existing lot clearing be surveyed, in order to ascertain whether or not the town's site disturbance restrictions are currently being met.
5. The proposed construction is located greater than 200 feet from any town regulated wetlands. Therefore, a wetlands permit is not required pursuant to Chapter 325 (Wetlands) of the Town Code, for any of the activities, which are currently being planned.
6. Although the proposed activities are outside of the Town's wetland permitting jurisdiction, the construction would occur less than 1,000 feet from a State designated endangered tiger salamander (*Ambystoma tigrinum*) breeding pond.

7. The applicant needs to contact the New York State Department of Environmental Conservation (NYSDEC), in order to determine whether an Incidental Take Permit is required.
8. In order to minimize impacts to tiger salamanders, the New York State Natural Heritage Program recommends that 100% of the woodlands within 535 feet of the pond be preserved. As such, the debris south and southeast of the proposed parking area needs to be removed, followed by allowance for natural recovery and vegetative succession, in order to minimize impacts to salamanders, consistent with this standard.
9. In the event that the project plans are approved, the site plan needs to be revised to substitute the asphalt parking with gravel parking, to lessen potential adverse impacts to herptiles related to prolonged heat exposure, as well as to minimize runoff and allow for immediate on-site infiltration and recharge. If subsurface drainage structures are required, drainage chambers or trench drains should be required rather than conventional catch basins, as the latter structures may entrap salamanders and other herptiles.
10. If conventional subsurface catchment basins are required, curbs need to be installed around the basins, in accordance with the "*Guidance for Land Cover Set Asides for Conservation of the Eastern Tiger Salamander and Suggested Methods to Avoid, Minimize, and Mitigate Impacts*" prepared by the NYSDEC (see attached copy).
11. In contrast, the proposed parking lot curbs need to be eliminated. If curbing is required, mountable curbs need to be utilized around the perimeter of the parking area, in order to allow for safe passage of salamanders and other wildlife.
12. To protect ground and surface waters, a collection tank system needs be installed beneath the impound area for the catchment and containment of vehicle fluids and runoff.
13. Based upon review of the 2018 aerial photographs, some of the existing clearing and disturbance encroaches onto County owned open space. Any debris located on the county property needs to be removed, followed by restoration of the area through allowance for natural recovery and vegetative succession.
14. As stated in Item 1 above, the applicant is proposing a six (6) foot fence topped with barbed wire. Pursuant to Section 330-109 (Fences) of the Town Code, fences in excess of six (6) feet are prohibited on residentially zoned property. As the subject premises is zoned CR120 and CR200, the proposed fence will likely require a variance from the Zoning Board of Appeals.
15. There is an active hiking trail to the south, which is an offshoot from the famed Paumanok Path, from which the proposed fence line would be viewed. Consequently, the Board recommends that barbed wire not be installed, in order to minimize visual impacts to public open space. In the event that the use of barbed wire is deemed essential, vegetative screening should be required.
16. Presently, the applicant is not proposing to install any facility lighting. However, in the event that limited security lighting is needed, the lighting source needs to be dark-sky compliant to lessen aesthetic impacts, as well as to minimize interference with wildlife, inclusive of rare and endangered species.
17. The Long Pond Greenbelt is a priceless natural legacy that needs to be passed on unimpaired to future generations. To that end, notwithstanding the above recommendations, the practicality of relocating the intended municipal use to an alternative less environmentally sensitive location needs to be fully explored.

The Conservation Board can provide further guidance upon receipt of revised plans.



Harry S. Ludlow
Chairman

HSL:MS

cc: Martin Shea, Chief Environmental Analyst
Clare Shea, Principal Planner

Attachment: Guidance for Land Cover Set Asides for Conservation of the Eastern Tiger Salamander and Suggested Methods to Avoid, Minimize, and Mitigate Impacts



Joe Martens
Commissioner

Guidance for Land Cover Set Asides for Conservation of the Eastern Tiger Salamander And Suggested Methods to Avoid, Minimize, and Mitigate Impacts

In the discharge of its authority and responsibility to protect and conserve endangered species under ECL Article 11-0535 and associated regulations 6 NYCRR § 182.6, and as a general matter, DEC urges developers to minimize adverse impacts to tiger salamanders by conforming with both of the following when designing projects that would occur on lands within 1,000 feet of known tiger salamander breeding ponds (measurements should be taken from average water level based on water marks, rack lines and vegetation):

- a) Preserving 100% of the existing upland forest habitat within 535 feet of the breeding pond.
- b) Preserving a minimum of 50% of the adjacent upland area within 1,000 feet of breeding ponds in contiguous blocks of suitable habitat, while allowing for the preservation of wooded corridors which provide connections to adjacent tiger salamander upland habitats. The exact configuration of this habitat is subject to the particular site history and habitat features of a project site.

In general, the habitat closest to the wetland is given a higher priority, with a secondary priority being the preservation of intact corridors of habitat that will allow animals to move off of the subject parcel to other suitable habitat if they choose to do so. Where possible, development is encouraged within existing disturbed areas. The preferred habitat of the salamanders is mature oak-pine woodlands. In general, the preserved area should contain as much oak pine woodland as possible, with development occurring on existing footprints of previous buildings, parking areas, roadways or tilled fields. Therefore, the optimal layout for any particular site can vary depending on site specific features such as historic land use, habitat coverage, and adjacent land cover. In addition, preserved areas should remain undisturbed with no grading, excavation, clearing or similar physical activity allowed except as noted below. DEC may request that additional measures be undertaken to protect preserved upland areas including installation of fencing, signage, supplemental plantings of native woody species, and closure of existing pathways that currently provide access to such preserved areas.

Additional requirements:

Roadways: For all newly constructed roadways within 1,000 feet of known tiger ponds, at least one culvert suitable for the passage of migrating tiger salamanders must be placed under the roadway for every 100 feet of roadway within 1,000 feet of known breeding ponds. All curbing installed within 1000 feet must have a minimum height of 8" above grade on the side facing out from the roadbed to prevent tiger salamanders from inadvertently crossing the road and being killed. This curbing should also be sloped (1:3) on the side facing in from the roadbed to allow

salamanders the ability to exit the road back to their natural habitat. Another approved curb design is also called Cape Cod Curbing (see Figure 1). Curbing must also be placed around leaching pools, catch basins and similar storm water drainage structures to prevent inadvertent entry of tiger salamanders into these structures.

Pools: All pools within 1,000 feet of tiger salamander breeding ponds must be surrounded by a steeply-sided curb of no less than 8" above grade and which also extends well below the surface.

Other Created Bodies of Surface Water (e.g. recharge or decorative ponds, etc.): All other created (man-made) bodies of surface water within 1,000 feet of tiger salamander breeding ponds must be surrounded by a steeply-sided curb of no less than 4" above grade and which also extends well below the surface.

Window wells: All window wells must be constructed so that either the lip of the well is a minimum of 4" above grade or else a steeply-sided curb of no less than 4" above grade is constructed around the area enclosing the window well.

Lighting: New lighting shall be directed away from Tiger Salamander ponds and should be of a spectrum that does not interfere with the biological activity of this species.

Public Water Supply Wells and Other Groundwater Wells: New groundwater wells for potable water supply, irrigation, firefighting and other purposes should be placed at a distance sufficient from any tiger salamander breeding pond so as to ensure that operation of the well does not result in significant adverse drawdown of surface water levels in the pond.

Use of the preserved area for drainage: The breeding pond must not be utilized as a catch basin for drainage. However, water may be directed into the preserved area as long as the area receiving water does not drain into the breeding pond, the area of upland habitat will not be significantly impacted or altered (e.g. covered with rip-rap), the area of upland habitat receiving storm water is sufficiently small in size so as not to represent a significant percentage of upland tiger salamander habitat and significant quantities of sediment are not introduced into the area.

Mosquito Control and Pesticides: No application of larvicides containing Methoprene shall be made to tiger salamander breeding ponds. No predatory fish such as Gambusia or other finfish may be introduced into Tiger Salamander breeding ponds. Applications of other pesticides or implementation of other mosquito control techniques may require DEC approval.

Management of Preserved Upland Habitat Areas: Appropriate and adequate management plans will be developed and implemented for the management of upland tiger salamander habitat areas preserved as a result of this policy. Said management plans will identify the owner of the preserved area and procedures undertaken to protect and preserve the area. Such measures may include but shall not be limited to frequent patrols of the preserved area; closing of access points to motorized vehicles including cars, trucks, ATVs, motorbikes as well as horses and mountain bikes; restrictive covenants; maintenance and preservation of existing vegetation; planting of supplemental vegetation in denuded areas; fencing; etc.