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January 12, 2026

President Glenn Goldsmith &
Members of the Trustees
Town of Southold
P.O. Box 1179
Southold, NY 11971

Re: Wetland Permit: Philip Loria (SCTM# 1000-117-7-31)

Dear President Goldsmith and Members of the Trustees,

On behalf of Group for the East End, please accept the following comments and recommendations regarding the Wetland Permit application of Philip Loria to construct a new two-story house on a 6,962 square-foot lot adjacent to Cutchogue Harbor. The subject parcel is exceptionally non-conforming, and the construction of a large home that required substantial area variances from the Zoning Board of Appeals for setbacks and a waiver from the Suffolk County Department of Health Services (SCDHS) for septic system location exemplifies an intensification of use of the property, which will result in environmental and community character-related impacts.

It should also be noted for the record that although other houses of similar size may have been constructed on non-conforming lots, the Board of Trustees is under no obligation to continue approving applications on this basis if it can demonstrate a lack of conformity with its own regulations and identify changing circumstances that require a break with past precedent to address evolving community needs.

For these reasons, elaborated below, we recommend that the Board of Trustees deny the application.

Parcel Located in and Adjacent to Critical Environmental Areas

The subject property is located within a “critical environmental area” known as *Peconic Bay and Environs* and adjacent to the “critical environmental area” known as *Cutchogue Harbor Wetlands*, which is designated by both the Town of Southold (Town Code Chapter 275-2) and the New York State Department of Environmental Conservation (effective February 10, 1988). These areas are identified as such for their “significant coastal fish and wildlife habitat.”

The *Town of Southold Comprehensive Plan 2020* includes the following:

Objective 3.4 Protect and Restore New York State Department of Environmental Conservation Critical Environmental Areas (p. 30).

Protecting the nature of the place you love



Residential Construction in Flood Zones

It should be noted that the Suffolk County Planning Commission Guidebook recommends that no new residential structures should be constructed in FEMA flood zones. As the subject property is both within the Flood Zones VE and AE, the proposal is inconsistent with County guidelines. Additionally, due to the devastating impacts of Superstorm Sandy, Suffolk County's Superstorm Sandy Review Task Force also recommended discouraging any new residential development within floodplains.

Suffolk County Planning Commission Guidebook (December 2023)

Policy A.2. "All non-water dependent or related residential, commercial, and industrial buildings, to the greatest extent possible, should be located out of the current FEMA flood zones" (p. 148)

and

Policy B.5 "Avoid to the greatest extent possible, no new structures in a 100-500 year flood zone (p. 150).

Superstorm Sandy Review Task Force Report (October 2019)

Recommendation 1) ..." local municipalities should discourage further development in floodplains, marsh migration pathways and other areas that put people in harm's way and exacerbate flooding problems" (p. 61).

The setback reliefs sought under Town Code Chapter 275-3 D. are substantial, with the house proposed at a mere 31 feet from surface water, and a septic system located 54 feet from surface water. These structures are proposed directly in harm's way and will be impacted to some degree by the nature of their location within these flood zones.

Sanitary Wastewater Systems Located Near Shore Areas

According to the Peconic Estuary Program, "nitrogen pollution has become recognized as one of the greatest threats to the Peconic Estuary (p.53). The subject application requires a variance to locate the system

The SCDHS noted that the proposed sanitary wastewater system required a waiver to locate the system 54.7 feet from surface waters, where 75 feet is required. Moreover, according to the SCDHS Board of Review Memo (October 19, 2023),

"10. Groundwater was encountered at 5.0 feet below grade at elevation 7 feet. The PSD (pressurized shallow drain field) will be located 3 feet above groundwater elevation" (p. 2).

It is critical that the Board of Trustees understand the impacts of both changes in groundwater elevation as a result of sea-level rise, as well as the impact of storm surge from storm events on the sanitary wastewater system. It's not a question of if, but when the subject application's system will become inundated or fail due to these circumstances and negatively impact surface and groundwater quality.

Conclusion

The proposed structure and its associated infrastructure requirements represent a substantial degree of non-conformity, which will ultimately impact the environment, including water quality. Virtually every *minimum* setback requirement within Town Code Chapter 275-3 cannot be met. It is incumbent upon the Board of Trustees to render a decision that accurately reflects the very high and negative potential for environmental impacts associated with climate-related increases in groundwater elevations, storm surge, long-term wastewater generation, runoff, and future planning precedent.

We recognize the challenge of taking bold action, but in our decades of work on the conservation of the region's natural resources, such actions are often the only viable solution to a "cancer" of complacency that keeps repeating the same design and development mistakes and hoping for a better outcome. We urge the Trustees to use the power of their office to stand up for the town's precious and irreplaceable coastal resources and set a new standard that meets the critical planning and environmental goals of the town's comprehensive plan.

Ultimately, the town must stop approving projects that are vastly out of conformance with its own duly adopted planning goals, land use regulations, and coastal consistency standards, and supported by our understanding of the demonstrable human and economic risks of climate change. To avoid this substantial pitfall, land use boards must carefully make a rational case for the changed circumstances (such as the increasing prevalence and intensity of storms), and evolving community needs (as can be readily found in the goals of the town's 2020 comprehensive plan update) that support a defensible project denial. Once a new and fact-based precedent is established, all the town's land use boards will have a far greater opportunity to make their decisions based on the current state of the town's environmental and community needs.

Thank you for taking the time to review our recommendations. Please reach out at your convenience should you have any questions or comments. I can be reached at bob@thegroup.org

Sincerely,

Robert S. DeLuca

Robert S. DeLuca
President