



February 20, 2020

TESTIMONY OF THE LONG ISLAND BUILDERS INSTITUTE BEFORE THE CENTRAL PINE BARRENS COMMISSION REGARDING THE LEWIS ROAD SUBDIVISION

Section 57-0103 of the Environmental Conservation Law of the State of New York says, “It is further in the public interest to establish a commission made up of the Governor’s appointee, the County Executive of Suffolk County and the Supervisors of the towns of Brookhaven, Riverhead and Southampton to prepare, oversee and participate in the implementation of a comprehensive land use plan for the Central Pine Barrens area to guide development there in a manner suitable to the needs for the preservation of the core preservation area and development in the compatible growth area.”

Section 57-0105 declares that “ The Legislature further finds that a portion of a system known as the Central Pine Barrens area requires the preparation and implementation of a state supported regional comprehensive land use plan that will provide for the preservation of the core preservation area, protection of the Central Pine Barrens area and for the designation of the compatible growth areas to accommodate appropriate patterns of development and regional growth with recognition of the rights of private land owners and the purpose of preservation of the core area.”

The project being discussed today in this public hearing, the Lewis Road Planned Residential Development is in the Compatible Growth area as designated by the New York State Legislature, not in the core preservation area. The Lewis Road property, which is in the Compatible Growth area could have been included within the Core Preservation area when the original Central Pine Barrens map was created in 1993 but it was not included, it was put in the Compatible Growth area. It could have been moved to the Core Preservation area when the Pine Barrens statute was amended in 1995, in 1996, in 1998, in 2001, in 2003, in 2004, in 2005, in 2006, in 2012, 2013, in 2014, in 2016 and in 2019, but it was not moved from the Compatible Growth area to the Core Preservation area, in 13 separate legislative changes the property included for development in the proposed Lewis Road subdivision could have been moved from the Compatible Growth area to the Core Preservation area but in each and every situation the New York State legislature did not do so. I repeat, in 13 separate chapter amendments, while other lands in the region were being added to the Core Preservation area, the lands included for development in the proposed Lewis Road subdivision before this body today was not moved from the Compatible Growth area to the Core Preservation area. It would have been easy to do so at any time over the past 27 years, but it was never done. This clearly shows that the intent of the New York State Legislature that these areas are to be developed because they are in the Compatible growth area.

Second, the land included within the Lewis Road subdivision and how it is developed is solely within the jurisdiction of the Town of Southampton and their governing bodies. The Town of Southampton can decide whether to build homes or to build a golf course or to do both. The sole jurisdiction of the Central Pine Barrens Commission in this situation is to determine whether the development proposed meets the objective standards of the Pine Barrens Land Use Plan. The objective standards, not the subjective standards. Under the authority granted to you under Article 57 of the Environmental Conservation Law, once a determination is made that the

proposed development in the Compatible Growth area meets these objective standards, this body must provide for the project to move forward, under the zoning in place by the Town of Southampton.

The analysis provided by the Central Pine barrens Commission is part of the process for the development of this property, but it must follow the law of the State of New York, and the zoning authority of the Town of Southampton. It is the legislative intent of New York State that this property is located within the Compatible Growth area and not the Core Preservation area, and as such can be developed in accordance with the objective standards of the Compatible Growth Area Land Use Plan.

Mitchell H. Pally
Chief Executive Officer