

Core Boundary Clarifications to Date

Updated through 11/3/04.

All of the statutory excerpts from the Core Preservation Area boundary are contained within NY ECL Article 57-0107(13). To date, the following Core boundary clarifications (i.e., interpretations of the statutory language) have been made:

Date	Name	Geographic Area
10/23/96	Lanow Credit Allocation Appeal	Hubbard County Park and Red Creek, Southampton Town.
12/4/96	South Rocky Point Acres Residential Development	NYS Route 25A Bypass, Rocky Point, Brookhaven Town.
5/14/97	Garsten, Block and Molinoff Residential Development	South end of Camp Wauwepex, Ridge - Wading River, Riverhead Town.
11/13/01	Ficken and Treudler Letter of Interpretation Credit Allocation	Vicinity of SC Pine Trail Nature Preserve, Ridge, Brookhaven Town.
11/13/01	Rau Letter of Interpretation Credit Allocation	Vicinity of Sally Lane and CR 46, Ridge, Brookhaven Town.
12/17/03	New Age Builders Residential Development	Vicinity of Maple Avenue and Pleasure Drive, Flanders, Southampton Town.
8/18/04	Gabreski Airport Map	Westhampton, Southampton Town.
11/3/04	New Age Builders Residential Development	Vicinity of Maple Avenue and Pleasure Drive, Flanders, Southampton Town.

10/23/96: Landow Credit Allocation Appeal

Overview:

The issue here arose in the Pine Barrens Credit Program, and was whether the subject parcel, 900-172-1-50, which is on the west side of the intersection of two Southampton Town roads in the Red Creek area, and is otherwise surrounded by Suffolk County Parkland (Hubbard Park) parcels, was in the Core. The answer to that hinged upon whether a Southampton Town park parcel on the east side of the roads' intersection, was itself in the Core. If it was, then so would this parcel; if not, then this parcel is in the CGA. The status of the Town parcel, in turn, hinged upon whether the phrase "contiguous or adjacent" in the statutory boundary description below had the legal effect of crossing the roads to encircle the Town parcel, or whether the roads interrupted the "contiguous or adjacent" delineation. The Commission determined that the roads did interrupt that delineation, and that the Town parcel and the private parcel at issue here, were both in the CGA.

Portion of Core boundary definition involved:

"... thence generally northwestward and westward along the southwesterly boundary of NYS Route 24 to the easternmost extent along NYS Route 24 of the Suffolk County Parkland known as Flanders or Hubbard County Park; thence generally northward, westward, and southward along the easterly, northerly, and westerly boundaries of Flanders or Hubbard County Park, including all adjacent or contiguous undeveloped Town of Southampton parks, preserves, open space areas, or reserved areas, to NYS Route 24; ..."

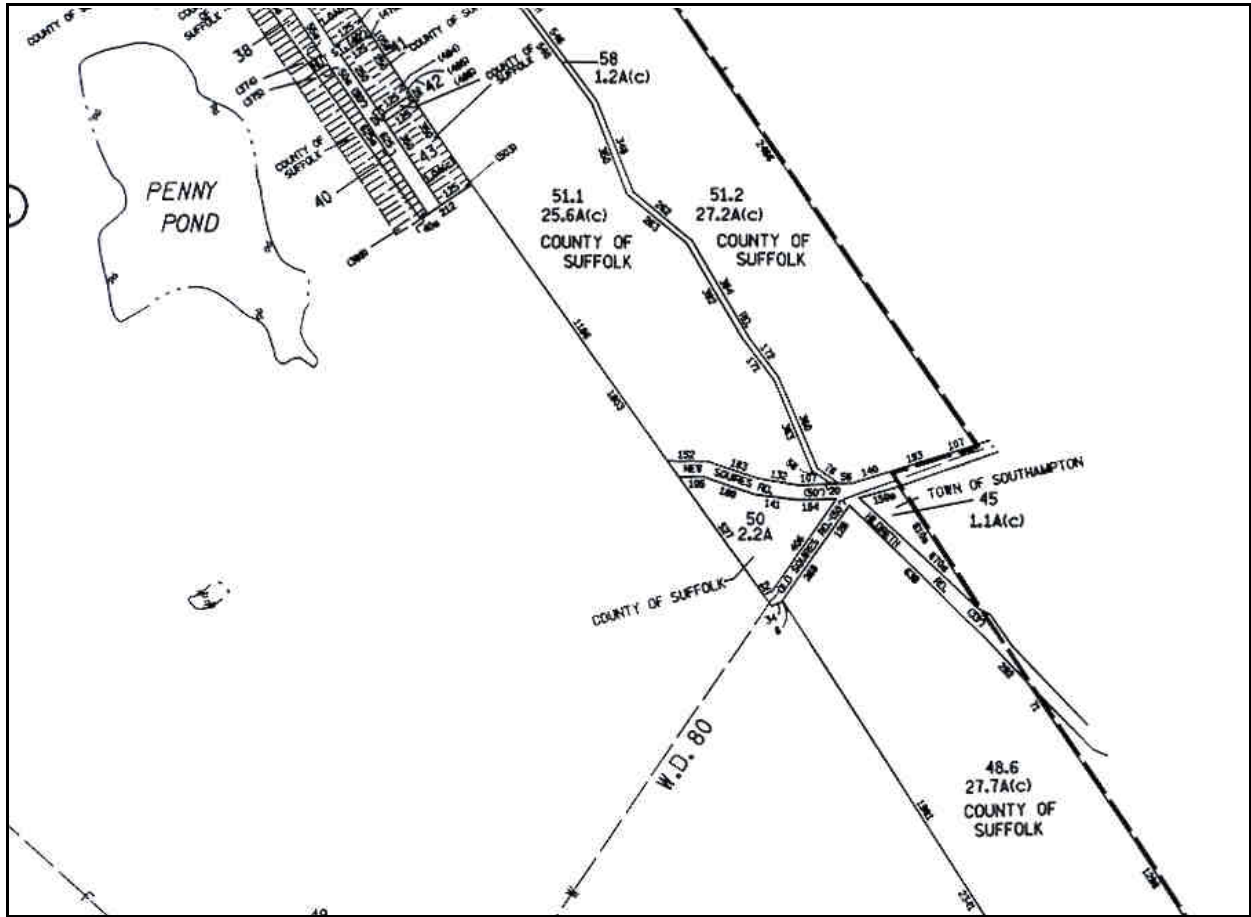
Commission meeting minutes excerpt from 10/23/96:

"Landow / misc areas - three parcels: credit appeals decisions (*11/5 decision date*)

Summary:

...

A motion was then made by Mr. Cowen and seconded by Ms. Filmanski (1) to deny, without prejudice, the credit allocation appeals of Mr. Landow for the tax map parcels numbered 900-235-1-88 and 900-333-2-31, unless further written evidence can be provided showing a substantive basis for an increase in the credit allocations, and (2) to find that the Red Creek / Southampton Town parcel owned by Mr. Landow and numbered as 900-172-1-50 is not within the Core Preservation Area as defined by ECL Article 57 and that the credit allocation for that parcel is hereby adjusted to 0 Pine Barrens Credits, and to further note that this parcel is within the Compatible Growth Area of Southampton Town, and is therefore eligible for development permitted in that area pursuant to the Town Code. The motion was approved by the Commission by a 5-0 vote."



The Landow parcel "50" (shown here in this later map as Suffolk County property)

12/4/96: South Rocky Point Acres Residential Development

Overview:

The subject parcels - 200-78-11-2.1, 2.2, 2.3 - comprised the project site for a development proposal that was forwarded to the Commission by the SC Health Department for a determination of whether the Commission had jurisdiction over it. The parcels' status (see map) with respect to the Core boundary depended upon whether the statutory Core boundary's northbound traversal of the eastern side of the NYS DEC's Rocky Point property - which includes "adjacent or contiguous" Brookhaven Town parcels - should return to the easterly side of the DEC parcel after encircling the Brookhaven parcel - which itself happens to touch on Route 25A, where the current segment terminates - or should terminate as soon as it hits Route 25A. That decision, in turn, determines whether the subject parcels and several others shown on the map - are in the Core or not. The Commission determined that the boundary should return to the DEC's easterly boundary first, then follow that DEC boundary back northbound up to Route 25A.

Portion of Core boundary definition involved:

"... Thence generally northward along the easterly boundary of the NYS Rocky Point land, including all adjacent or contiguous undeveloped Town of Brookhaven parks, preserves open space areas, or reserved areas, to NYS Route 25A; thence westward along the southerly side of NYS Route 25A, excluding those parcels abutting that road which are developed as of June 1, 1993, and those lands identified for the reroute of Route 25A by the NYS Department of Transportation, to the northeastern corner of the parcel identified as District 200, Section 102, Block 3, Lot 1.4; ..."

Commission meeting minutes excerpt from 12/4/96:

"South Rocky Point Acres / Rocky Pt: SC Health referral; discussion (*from 10/23*)

Summary: Ms. Plunkett summarized this previously discussed referral from the Suffolk County Department of Health Services for a 14.48 acre site south of the old route of NYS Route 25A in Rocky Point, Brookhaven Town. The site now includes property on both sides of the new route of NYS Route 25A, which is south of the old location. The Health Department asked whether the project, a 9 lot subdivision now split by the roadway realignment, requires approval from the Commission.

At the 10/23/96 Commission meeting, the issue was raised as to what portion, if any, of this project site was in the core area. She distributed the attached memorandum regarding these issues, and the discussion focused upon the delineation of the core boundary in this area contained within the pine barrens law.

A motion was made by Mr. Cowen and seconded by Mr. Freleng to clarify the Core Preservation

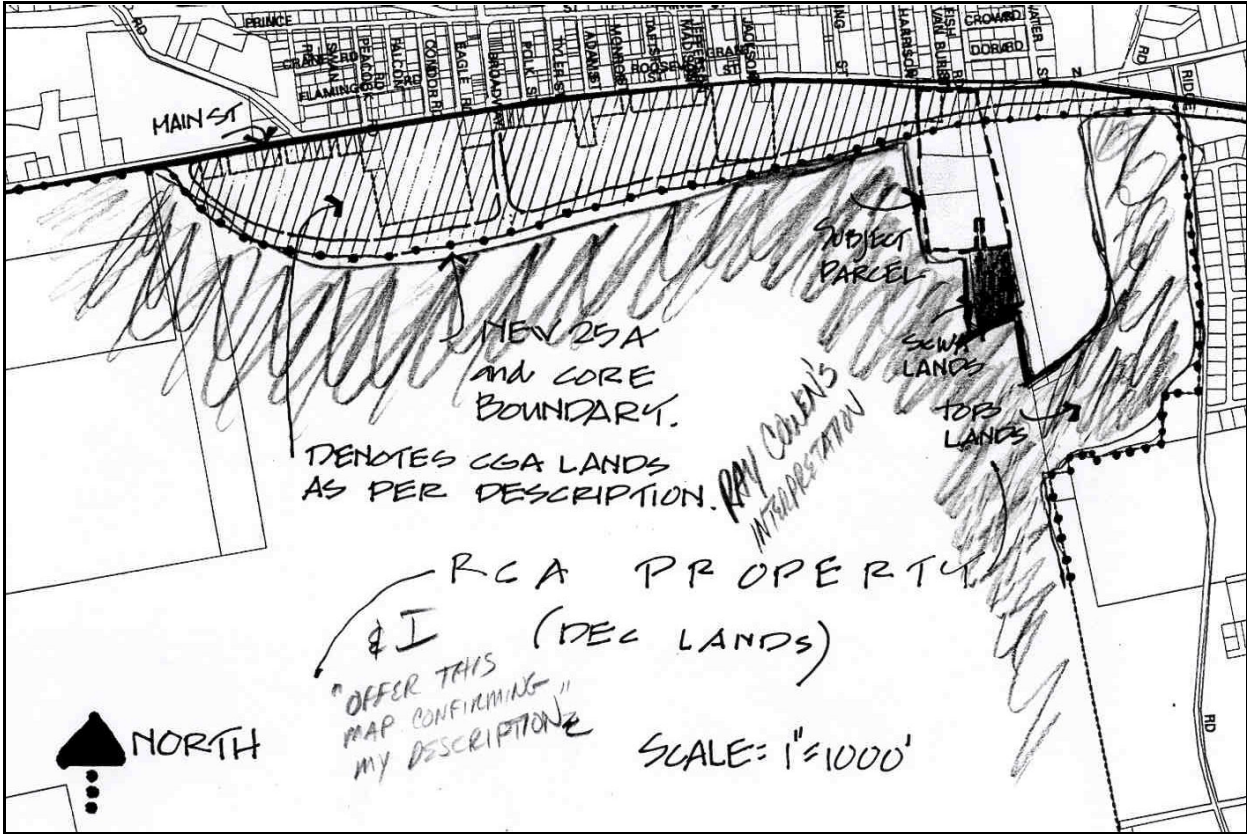
Area boundary, delineated in the NY Environmental Conservation Law Article 57, in the vicinity of the northeastern corner of the NYS Rocky Point Natural Resources Management Area and in the vicinity of NYS Route 25A as follows:

(1) that the wording in the core boundary delineation referring to "Thence generally northward along the easterly boundary of the NYS Rocky Point land, including all adjacent or contiguous undeveloped Town of Brookhaven parks, preserves open space areas, or reserved areas, to NYS Route 25A;" is meant to include those Brookhaven Town lands and then return to the easterly boundary of the NYS Rocky Point Natural Resource Management Area, and,

(2) that the northerly boundary of the Core Preservation Area proceeding westbound in this area is meant to follow the southern boundary of the NYS Department of Transportation right of way for the newly realigned roadway now known as NYS Route 25A, and

(3) that the attached hand-annotated map shows this clarification, and

(4) that the staff is authorized to amend the maps of the Commission to reflect this interpretation, subject to the availability of the necessary base maps from the NYS Department of Transportation."



The hand annotated map referenced in the Commission's 12/4/96 resolution.

5/14/97: Garsten, Block and Molinoff Residential Development

Overview:

The tax map number for the subject property - 600-96-1-14 - was listed in the 1993 law as being part of the Core area and being part of Camp Wauwepex. However, the subject parcel was not part of Camp Wauwepex, despite that passage in the law. The Commission determined that the subject parcel is not within the Core area.

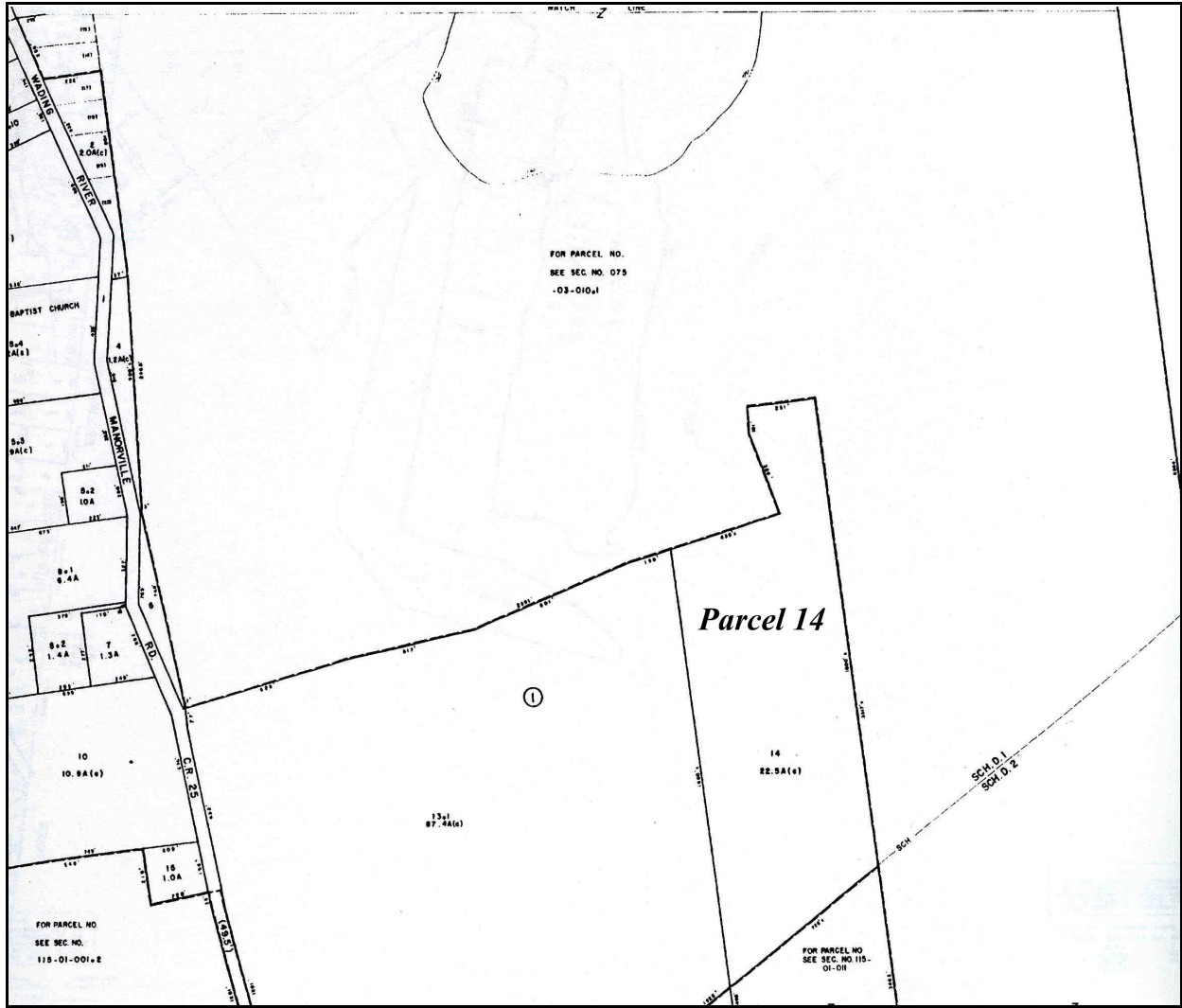
Portion of Core boundary definition involved:

“... thence along a straight line to the northerly side of NYS Route 25 to a point occupied by the southeasternmost corner of the parcel assemblage comprised of District 600, Section 75, Block 3, Lot 10.1, and District 600, Section 96, Block 1, Lot 14, and otherwise known as Camp Wauwepex; thence northward, westward, and generally southward along the easterly, northerly, and generally westerly boundaries of the Camp Wauwepex assemblage to NYS Route 25; ...”

Commission meeting minutes excerpt from 5/14/97:

“Garsten, Block and Molinoff / Calverton-Wading River: parcel classification and discussion Summary: Mr. Peter Danowski, an attorney representing the owners of a Calverton-Wading River area pine barrens parcel (Suffolk County Tax Map 600-96-1-14), spoke about the classification of that parcel under the pine barrens law. The attached documents showing the history of applications and project reviews were distributed and discussed. Mr. Danowski stated that he believes that the language of NY Environmental Conservation Law (ECL) Article 57 which describes the core area boundary should be interpreted as excluding that parcel, since the statute refers to the parcels which it names by tax number as being Camp Wauwepex. He asserted that, although the above tax number appears in the statute, it is not, and was not, part of the Camp Wauwepex property.

A discussion ensued regarding the language of the statute and its possible interpretation. A motion was then made by Mr. Cowen and seconded by Ms. Filmanski that the definition of the Core Preservation Area NY ECL 57 is to be interpreted as including the lands known as Camp Wauwepex, and to not include Suffolk County Tax Map Parcel 600-96-1-14. The motion was approved by a 5-0 vote.”



Excerpt from 1994 tax map showing Garsten, Block and Molinoff parcel "14"

11/13/01: Ficken and Treudler Letter of Interpretation Credit Allocation

Overview:

The owners of parcels 200-327-4-38, 48, 49, and 51 applied to the Pine Barrens Credit program for Letters of Interpretation. These parcels are all adjacent to the Suffolk County Pine Trail Nature Preserve (SC PTNP), which is itself in the Core area, and are south of NYS Route 25 in Ridge. This segment of the SC PTNP runs in a curvilinear direction southeast from NYS Route 25, and there is a 100 foot Core buffer adjacent to it which encompasses parts of all adjacent parcels which were undeveloped as of 6/1/93 (which includes these). Thus, these parcels are all split by a curvilinear line that is 100 feet parallel to the SC PTNP boundary. Commission staff used the ArcView software to compute the line and the Core area of these parcels, Commission counsel's decision was to accept the ArcView plot of the boundary for the purpose of determining area and allocating credits.

Portions of Core boundary definition involved:

There are two Core boundary segments involved. The first applies to parcel 38, which is on the southwest side of the SC Pine Trail Nature Preserve:

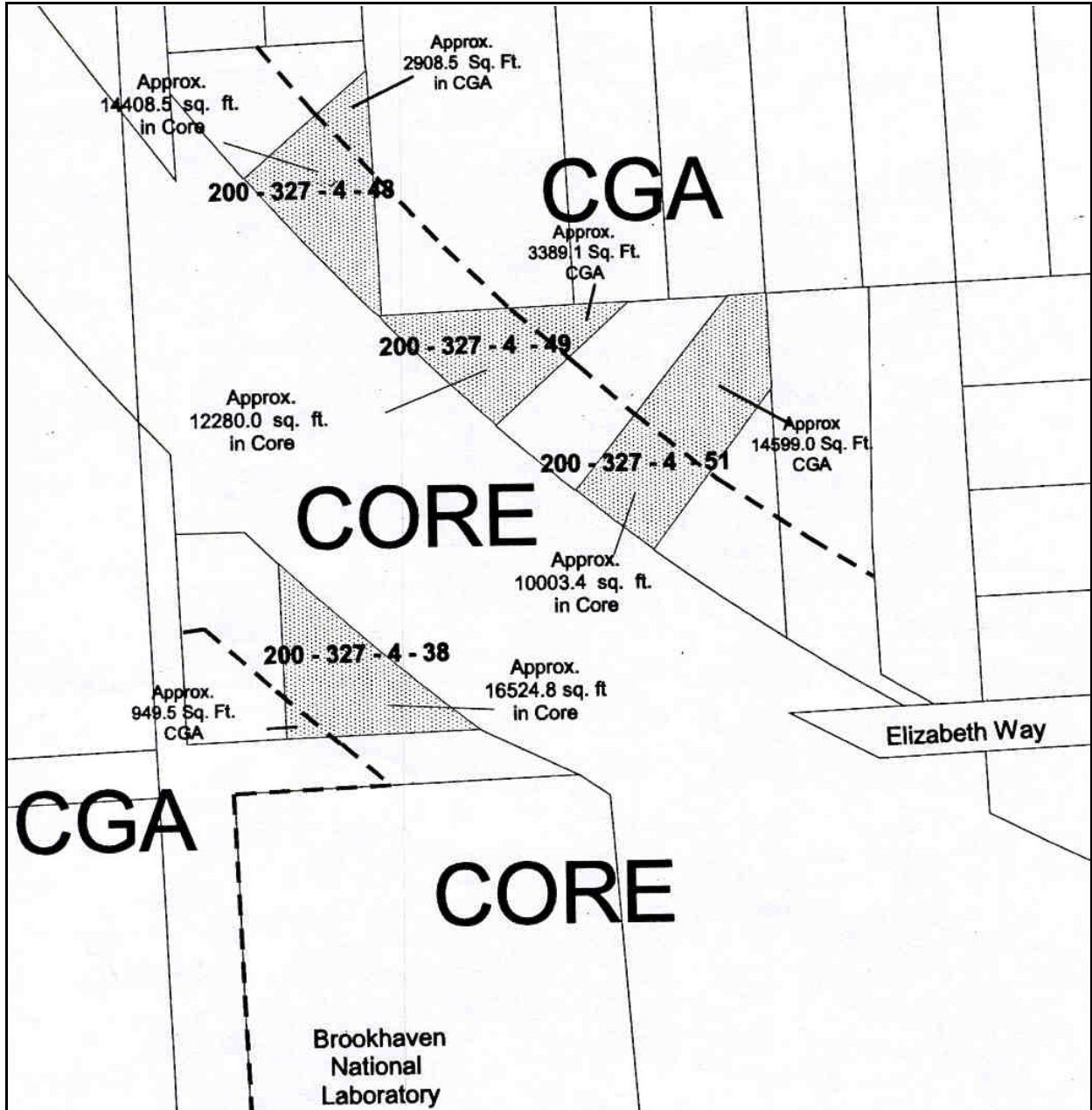
“... thence eastward along the southerly boundary of NYS Route 25 to the Suffolk County Pine Trail Nature Preserve; thence southward along the westerly boundary of the Suffolk County Pine Trail Nature Preserve where the Preserve is adjacent to developed parcels, or along a line parallel to, and 100 (one hundred) feet west of, the Preserve where the Preserve is adjacent to parcels which are undeveloped as of June 1, 1993, to the northern boundary of the United States land known as Brookhaven National Laboratory; ...”

The second applies to the other three parcels, which are on the northeast side of the SC Pine Trail Nature Preserve:

“... thence southeastward along the easterly side of the Suffolk County Pine Trail Nature Preserve where the Preserve is adjacent to developed parcels, or along a line parallel to, and 100 (one hundred) feet east of, the Preserve where the Preserve is adjacent to parcels which are undeveloped as of June 1, 1993, to the Long Island Lighting Company high voltage transmission lines; ...”

Commission meeting minutes excerpt:

None.



The Ficken and Treudler parcels in relation to the SC Pine Trail Nature Preserve.

11/13/01: Rau Letter of Interpretation Credit Allocation

Overview:

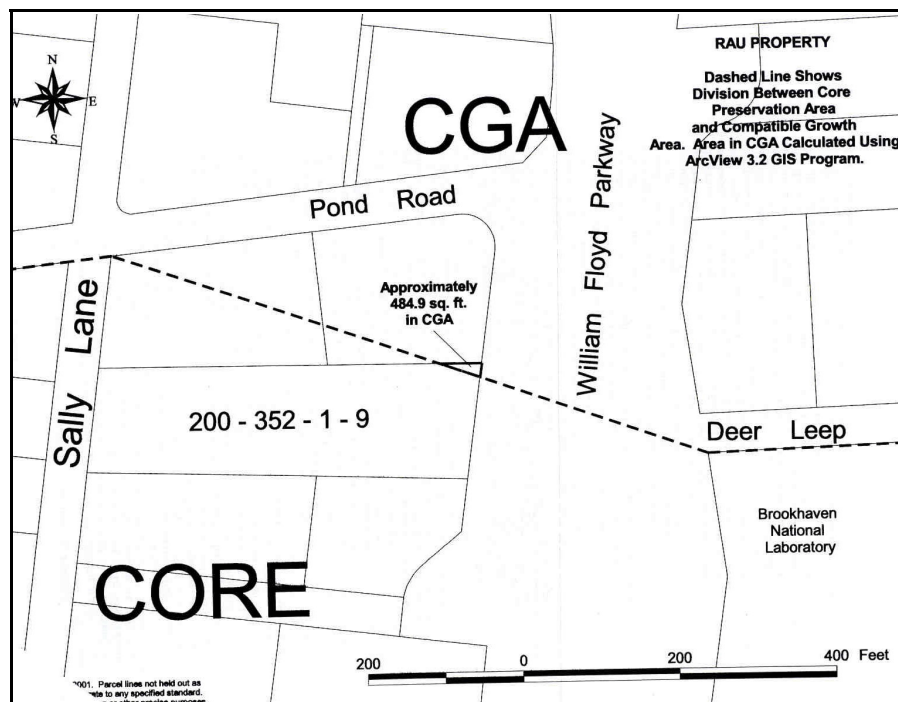
The owner of parcel 200-352-1-9 applied to the Pine Barrens Credit program for a Letter of Interpretation. This parcel is on the east side of Sally Lane in Ridge, and stretches eastward to the west side of William Floyd Parkway (County Road 46). It is also located south of, but not adjacent to, Pond Road. The parcel is split by the Core / CGA boundary, with a very small part of the northeast corner of the parcel in the CGA. This parcel is one of several on the west side of William Floyd Parkway that is split by a generally “east to west” segment of the Core boundary. Commission staff used the ArcView software to compute the line and the Core area of this parcel, Commission counsel’s decision was to accept the ArcView plot of the boundary for the purpose of determining area and allocating credits.

Portion of Core boundary definition involved:

“... thence generally westward along the northerly boundary of Brookhaven National Laboratory to County Route 46 (William Floyd Parkway); thence generally northwestward on a straight line to the intersection of Sally Lane and Pond Lane; thence westward along the southerly side of Pond Lane to Ruth Lane; ...”

Commission meeting minutes excerpt:

None.



12/17/03: New Age Builders Residential Development

Overview:

The Commission adopted the survey of the Core / CGA boundary on this parcel - 900-167-2-35 - as part of its resolution determining what the Commission's jurisdiction was over the proposed New Age Builders Residential Land Division. This parcel is one of several (the others not being part of the New Age project) that lie on the west side of Pleasure Drive, south of Flanders Road (NYS Route 24), that are spilt into both CGA and Core parts by a "northeast to southwest" trending boundary segment in the statutory Core description. This resolution by the Commission addressed only the boundary location on this one parcel on Maple Avenue.

Portion of Core boundary definition involved:

"... thence westward along the southerly boundary of NYS Route 24 to Pleasure Drive; thence southward along the easterly boundary of Pleasure Drive a distance of 2000 (two thousand) feet, excluding all parcels abutting that road which are developed as of June 1, 1993; thence generally westward along a straight line to the southernmost extent of the NYS David Sarnoff Preserve along the westerly boundaries of the parcels on the westerly side of Brookhaven Avenue; ..."

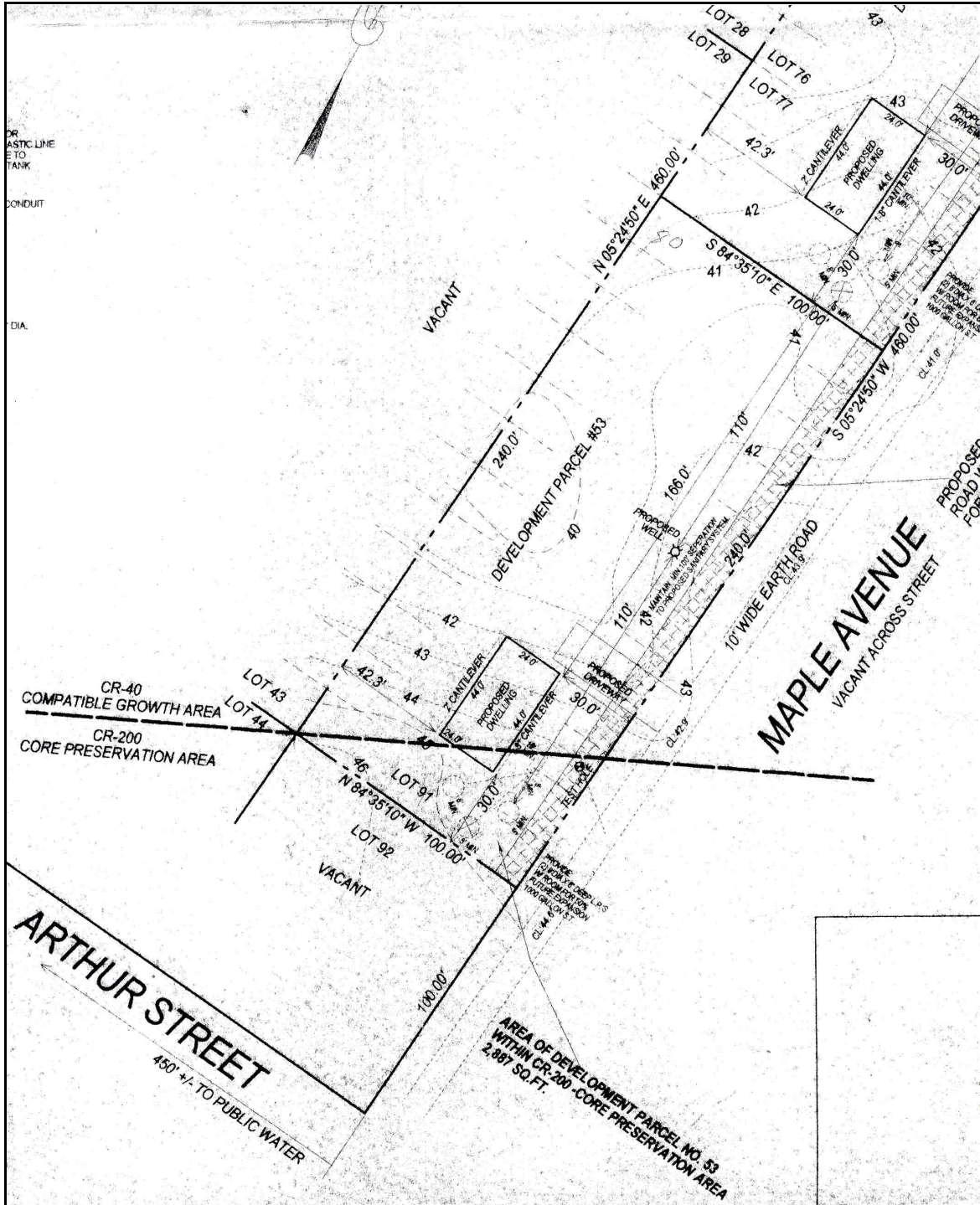
Commission meeting minutes excerpt from 12/17/03:

"New Age Builders / Flanders (Southampton; 900-167-2-35) / residential land division: jurisdiction

Summary: Ms. Jakobsen explained that the Commission has received an inquiry regarding this parcel on Maple Avenue in Flanders, Southampton Town. Specifically, the inquiry addresses the question of the location of the Core area boundary line on this parcel, and the relationship of the proposed development to the Core line. The parcel is primarily within the CGA. She noted that this parcel is part of the Riverhead Estates map which the Commission saw previously under a recent Gazza application, and which was replatted by Southampton Town in 1988.

Mr. William Segal, the president of New Age Builders, the project sponsor, was present today and spoke about the proposed development, the two lots involved, the Core boundary line's placement by a surveyor, and the fact that the Southampton Town Planning staff has requested the Commission's review of this project.

After a brief discussion, a motion was made by Mr. Murphree and seconded by Mr. Scully to determine that the proposed construction does not require a permit from the Commission, provided that all construction and development occur within the CGA portion of the site and outside of the Core area as defined on the survey, and provided that all of the CGA standards are met. The motion was approved by a 5-0 vote."



Portion of survey showing New Age Builders parcel 900-167-2-35

8/18/04: Gabreski Airport

Overview:

At its 12/17/03 meeting, the Commission discussed the need for a boundary interpretation of the Core definition as it affects Gabreski Airport (900-312-1-4.2 plus others). This arose in the context of several independent activities which had occurred, or were proposed, for the Airport property. Suffolk County Planning and Commission staff worked on the draft boundary interpretation map, and at the 8/18/04 Commission meeting, the Commission formally approved a map for that purpose.

Portion of Core boundary definition involved:

“... thence eastward along the northerly boundary of the Long Island Rail Road tracks to County Route 31 (Old Riverhead Road); thence northward along the westerly boundary of County Route 31 to that point opposite the point along the easterly side of County Route 31 (north of the Stewart Avenue intersection) at which the undeveloped portion (as of June 1, 1993) of the Suffolk County Airport (Gabreski Airport) occurs; thence generally northward, eastward and southward around the westerly, northerly and easterly boundaries of the undeveloped portion (as of June 1, 1993) of the airport property (excluding from the Core Preservation Area those portions of the airport property which are occupied by the runways, their associated maintenance areas, and those areas identified for future use in the Suffolk County Airport Master Plan approved by the County Legislature) to the Long Island Rail Road tracks (including in the Core Preservation Area those portions of the airport property which are adjacent to the Quogue Wildlife Refuge's westerly boundary and which are in their natural state); ...”

Commission meeting minutes excerpt from 12/17/03:

“Gabreski Airport / Westhampton (Southampton; 900-312-1-4.2 and others) / recent activities and clearing: staff counsel opinion (*from 11/19/03*)

Summary: Mr. Milazzo stated that there are two issues before the Commission: whether the activity previously discussed by the Commission is subject to ECL Article 57, and where the line lies on the ground between the Core and the CGA on the County airport property.

With respect to the first question, Mr. Milazzo stated that the Commission may find that the Commission does have jurisdiction, that there is no automatic preemption from the pine barrens law for these actions, and that the Commission has the ability to examine these activities and apply the pine barrens law.

With respect to the second question, he noted that the answer to the question of the Core - CGA line's location is tied into the 1990 Suffolk County Master Plan for Gabreski, since the state statute refers to it in defining the Core line. He noted that Mr. Bagg of the Suffolk County Planning Department is looking at that issue now. Mr. Milazzo recommended that the line

delineation be completed first, then use that information to look at the recent clearing activities.”

Commission meeting minutes excerpt from 8/18/04:

“Gabreski Airport / Westhampton (900-312-1-4.2) / boundary interpretation: draft map interpreting statutory boundary; review; possible approval (*from 12/17/03*)

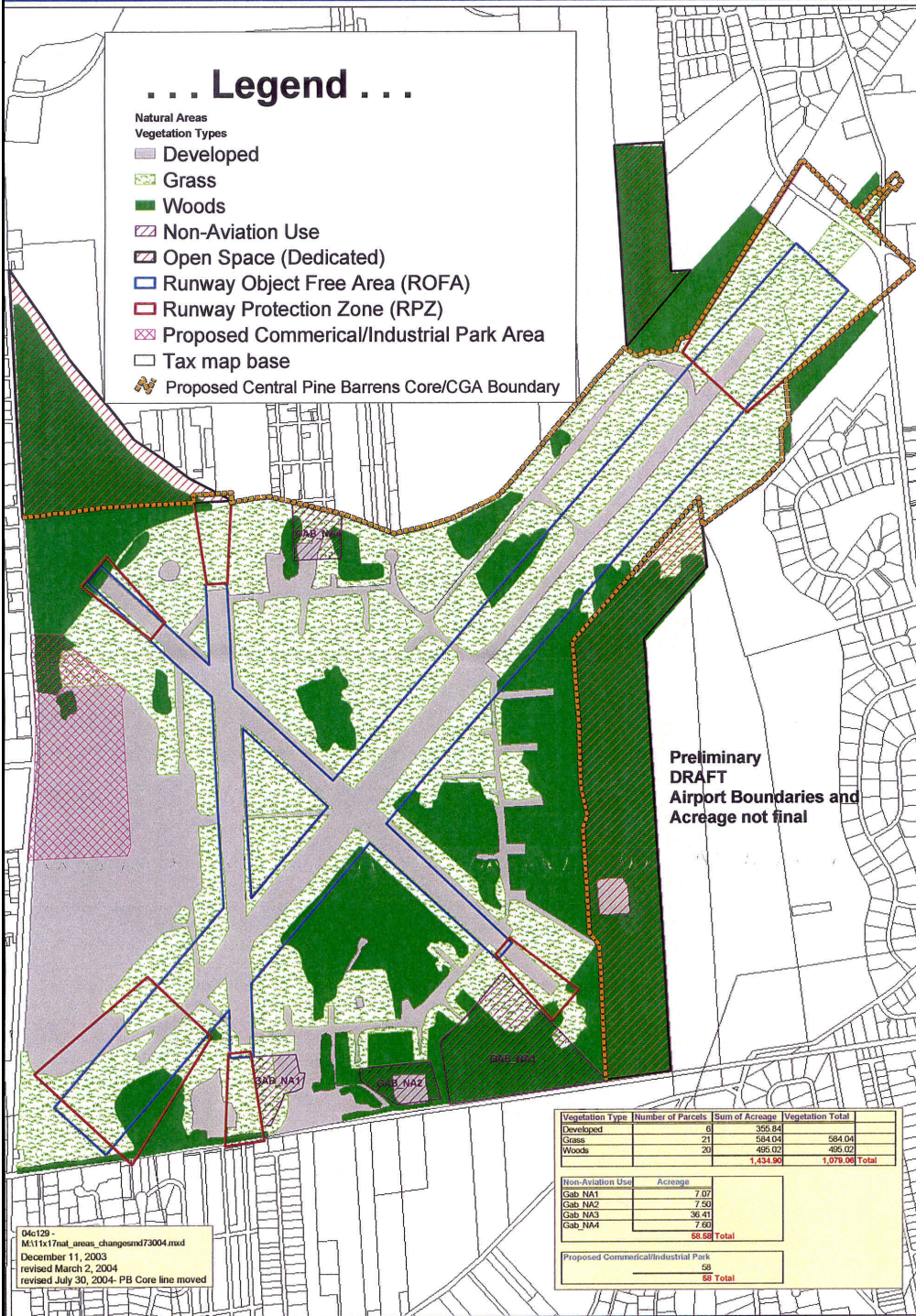
Summary: Mr. James Bagg of the SC Planning Department was present for this discussion, and he distributed and discussed the attached draft map of a proposed Core area boundary interpretation for the portion of the boundary which lies in the vicinity of the County’s Gabreski Airport in Westhampton. He described the content and level of detail present in the 1990 County Airport Master Plan, to which the ECL 57 Core boundary delineation makes reference. He described those areas of the Airport which the Master Plan has designated for various purposes, including, in part, general aviation and airport use, open space, and buildings, and the manner in which the proposed boundary map accommodates those specifications from the Master Plan.

A brief discussion ensued regarding various aspects of the 1990 Master Plan, the current vegetation on the Airport property, the extreme northwest corner of the Airport property, and the portion of the Airport property adjacent to the Quogue Wildlife Refuge. A motion was then made by Mr. Thompson and seconded by Mr. Hoffman to approve the attached map as an official interpretation of the Core and CGA boundary in the vicinity of the Airport. The motion was approved by a 5-0 vote.”

Francis S. Gabreski Airport

... Legend ...

- Natural Areas
Vegetation Types
- Developed
 - Grass
 - Woods
 - Non-Aviation Use
 - Open Space (Dedicated)
 - Runway Object Free Area (ROFA)
 - Runway Protection Zone (RPZ)
 - Proposed Commerical/Industrial Park Area
 - Tax map base
 - Proposed Central Pine Barrens Core/CGA Boundary



Preliminary
DRAFT
Airport Boundaries and
Acreage not final

Vegetation Type	Number of Parcels	Sum of Acreage	Vegetation Total
Developed	6	355.84	
Grass	21	584.04	584.04
Woods	25	498.02	498.02
		1,434.90	1,078.06 Total

Non-Aviation Use	Acreage
Gab NA1	7.07
Gab NA2	7.50
Gab NA3	36.41
Gab NA4	7.60
	58.58 Total

Proposed Commerical/Industrial Park	Acreage
	58 Total

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December 11, 2003
revised March 2, 2004
revised July 30, 2004- PB Core line moved

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SUFFOLK COUNTY DEPARTMENT OF
PLANNING
SUFFOLK COUNTY, NEW YORK

AIRPORT NATURAL AREAS
Town of Southampton
Suffolk County, New York

Gabreski Airport map approved by Commission on 8/18/04

11/3/04: New Age Builders Residential Development

Overview:

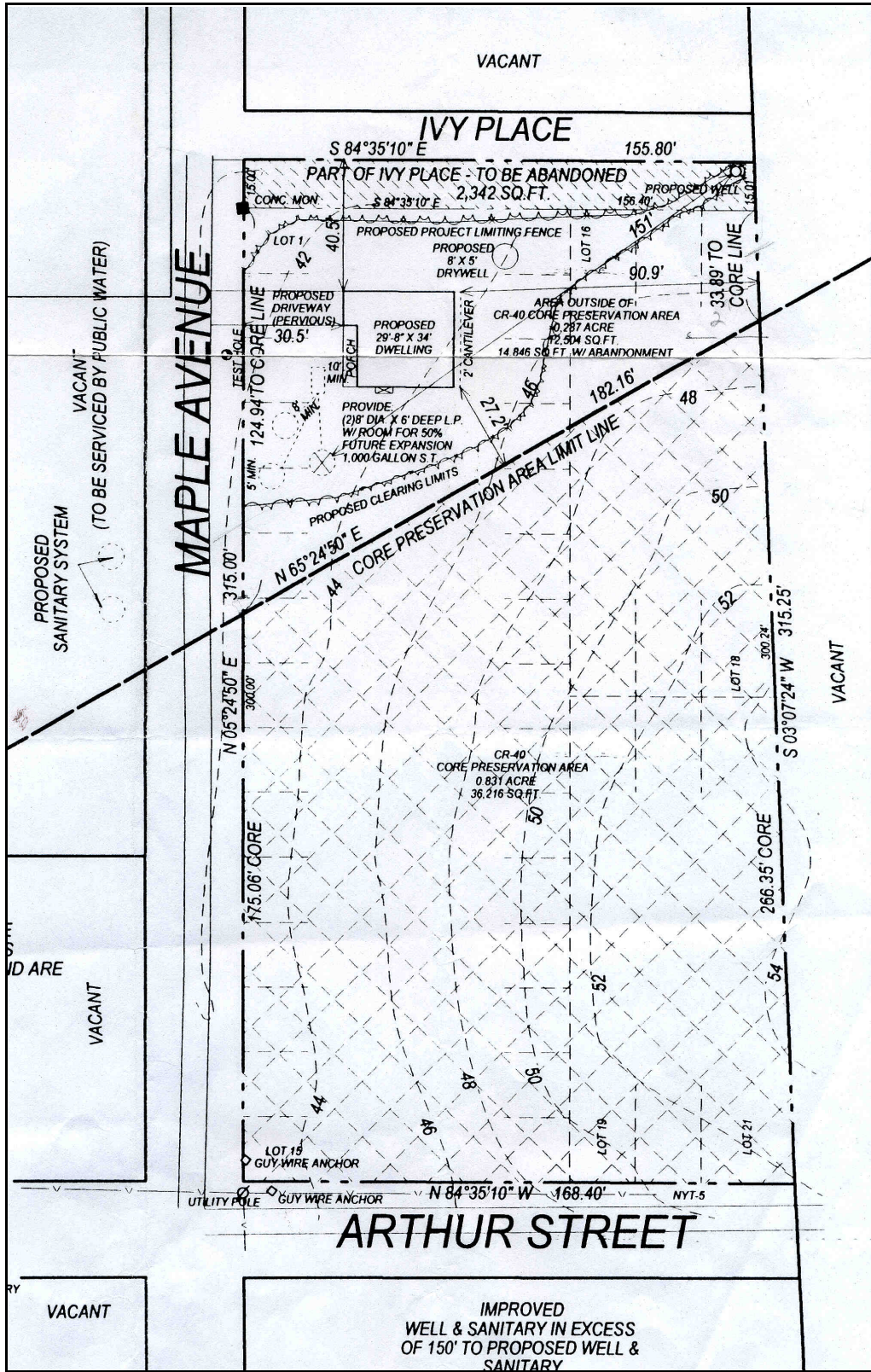
Based upon the Commission's 12/17/03 jurisdictional determination for a nearby parcel (see New Age Builders parcel 900-167-2-35 summary) and the submission of a survey, the Commission staff issued an analogous determination for this parcel, 900-167-3-4. This parcel is one of several (the others not being part of the New Age project) that lie on the west side of Pleasure Drive, south of Flanders Road (NYS Route 24), that are spilt into both CGA and Core parts by a "northeast to southwest" trending boundary segment in the statutory Core description.

Portion of Core boundary definition involved:

"... thence westward along the southerly boundary of NYS Route 24 to Pleasure Drive; thence southward along the easterly boundary of Pleasure Drive a distance of 2000 (two thousand) feet, excluding all parcels abutting that road which are developed as of June 1, 1993; thence generally westward along a straight line to the southernmost extent of the NYS David Sarnoff Preserve along the westerly boundaries of the parcels on the westerly side of Brookhaven Avenue; ..."

Commission meeting minutes excerpt:

None.



Portion of survey showing New Age Builders parcel 900-167-3-4