

Commission Meeting of December 16, 2020

Via Zoom

Commission members present: Ms. Yvette M. Aguiar (for Town of Riverhead), Mr. Edward P. Romaine (for the Town of Brookhaven), Mr. Jay Schneiderman (for the Town of Southampton), Mr. Dorian Dale (for Suffolk County)

**Adopted Declaration of Non-Jurisdiction regarding
Island Water Park project, Hamlet of Calverton, Town of Riverhead,
EPCAL-Compatible Growth Area property, SCTM #600-135-1-7.34**

WHEREAS, Enterprise Park at Calverton, Town of Riverhead (hereinafter “EPCAL”) is the site of the former Naval Weapons Industrial Reserve Plant which was owned by the U.S. Navy and leased to the Grumman Corporation; and

WHEREAS, in 1998, pursuant to Public Law 103-c337, §2833, the U.S. Navy transferred the 2,900-acre EPCAL site to the Town of Riverhead CDA for no consideration conditioned on the Town's use of the property for economic redevelopment to offset the economic distress caused to the region when the Grumman Corporation ceased operations at the site; and

WHEREAS, the Long Island Pine Barrens Protection Act (the "Act") was enacted in 1993 to bolster the 1990 Long Island Pine Barrens Maritime Reserve Act which is codified in Article 57 of the Environmental Conservation Law ("ECL"); and

WHEREAS, the Act created a Central Pine Barrens Joint Planning and Policy Commission comprising the Suffolk County Executive, the supervisors of the Towns of Brookhaven, Riverhead and Southampton, and a member appointed by the governor of the State of New York; and charged the Commission with the responsibility of planning, managing and overseeing land use within the Central Pine Barrens area of the Long Island Pine Barrens Maritime Reserve. ECL §57-0119; and

WHEREAS, in furtherance of that responsibility, the Act mandated that the Commission draft a comprehensive land use plan and generic environmental impact statement for the Central Pine Barrens area designed to preserve the ecology and ensure the high quality of groundwater within the area, and to balance public and private interests in development and in protection of the ecology consistent with the objectives of the land use plan. ECL §57-0121; and

WHEREAS, the comprehensive land use plan (the "CLUP") was adopted in June of 1995 after having been duly unanimously ratified by the town boards of the Towns of Brookhaven, Riverhead, and Southampton and signed by the town supervisors, the county executive and the governor; and

WHEREAS, the CLUP unanimously adopted by the Commission pursuant to the Act specifically addressed the development of the EPCAL property in furtherance of the congressional mandate; and

WHEREAS, CLUP Section 9.2, entitled "Calverton redevelopment policy," provides as follows:

Pursuant to Public Law 103-c337, Section 2833, the Secretary of the Navy is authorized to convey to the Town of Riverhead Community Development Agency a 2,900 acre tract of real property at Calverton, more particularly described as the Calverton Naval Weapons Industrial Reserve Plant, subject to the condition that the real property is used for the economic redevelopment of the site and that the redevelopment authority be comprised of entities having an interest in the land use of the region.

The Pine Barrens Protection Act, Section 57-0107(13)(i), provides that public improvements undertaken for the public welfare do not constitute development within the meaning of the law.

Based upon the above referenced Public Law, *all economic development activity upon the lands of the Calverton Naval Weapons Industrial Reserve Plant conveyed by the Secretary of the Navy is considered a public improvement pursuant to Section 57-0107(13)(i) of the Pine Barrens Protection Act and therefore does not constitute 'development' within the meaning of all sections of the Pine Barrens Protection Act* [emphasis supplied]. Further, Public Law 103-c337 contemplates the development of a Comprehensive Master Plan and attending Generic Environmental Impact Statement to guide the location and intensity of economic development activity on the site; such plan and GEIS to be adopted prior to the conveyance of the property to the Town; and

WHEREAS, the Town of Riverhead amended its Comprehensive Master Plan with the approval of the Suffolk County Planning Commission, prepared the attendant Generic Impact Statement, adopted a Pine Barrens Overlay District, amended its zoning code, and designated the entire EPCAL site as an *urban renewal area* pursuant to Article 15 of the General Municipal Law; and

WHEREAS, the Island Water Park project is economic development and is physically located at EPCAL within the *Calverton redevelopment policy area* (CLUP 9.2).

Now be it,

RESOLVED, the Commission declares that the Island Water Park project is economic development and is physically located at EPCAL within the *Calverton redevelopment policy area* (CLUP 9.2); and be it further

RESOLVED, the Commission further declares that pursuant to CLUP section 9.2, the Island Water Park project, as economic development, is considered a "public improvement" pursuant to ECL 57-0107(13)(i) of the Pine Barrens Protection Act and therefore **does not** constitute "development" within the meaning of all sections of the Pine Barrens Act; and be it further

RESOLVED, the Commission further declares that since the Island Water Park project, as economic development, is considered a "public improvement" and therefore does not constitute "development" within the meaning of all sections of the Pine Barrens Act, the Commission lacks jurisdiction to review the Island Water Park project, as economic development; and be it further

RESOLVED, the Commission directs Commission staff to immediately forward a copy of this resolution to the attention of the owner and/or representatives of Island Water Park.

Record of Resolution:

Motion by: Ms. Aguiar

Seconded by: Mr. Romaine

In Favor: 4

Opposed: 0

Abstention: 0