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CENTRAL PINE BARRENS
JOINT PLANNING and POLICY COMMISSION

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In the Matter of the

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Public Hearing on the

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APPLICATIONS FOR CORE PRESERVATION

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AREA HARSHIP PERMITS AND

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COMPATIBLE GROWTH AREA APPLICATIONS

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3233 Route 112
Coram, New York

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October 26, 1994
7:00 P.M.

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PUBLIC HEARING

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ORIGINAL

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2 A P P E A R A N C E S :

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4 RAY COWEN, Chairperson, State of New York,
5 Representing the Governor's Office

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7 ROY DRAGOTTA, County of Suffolk

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9 CAROL SWICK, Town of Brookhaven, Alternate for
10 Supervisor LaMura

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12 BRENDA FILMANSKI, Town of Riverhead, Alternate
13 for Supervisor Janoski

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15 LINDA RILEY, Town of Southampton, Alternate for
16 Supervisor Thiele

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18 RAYMOND CORWIN, Executive Director of Central Pine
19 Barrens Joint Planning and Policy Commission

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22 ALSO PRESENT:

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24 Doris E. Roth, General Counsel for
25 the Commission

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20 Lorraine Trezza, Administrative
21 Assistant, Central Pine Barrens Joint
Planning and Policy Commission

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MR. COWEN: All right, ladies and gentlemen. Good evening. My name is Ray Cowen. I'm on the Joint Planning and Policy Commission. With us tonight we have Roy Dragotta representing Suffolk County Executive, Carole Swick representing the Town of Brookhaven, Brenda Filmanski representing the Town of Riverhead, Linda Riley representing the Town of Southampton, and I represent the Governor's Office. We have an ambitious docket, so we should get started. I think we have six people to hear from tonight, and, even, if we go half an hour apiece, we will be here after 10 o'clock. I ask that both presentations and comments be as explicit and to the point as possible.

(Continued on page 4.)

2 MR. COWEN: We will begin with the American
3 Physical Society. This is a core hardship
4 hearing for a proposed expansion of an existing
5 office structure on a five acre site along the
6 west side of William Floyd Parkway, south of New
7 York State Route 25, in Ridge.

25 First of all, Mr. Chairman, I request the

1
2 verified application that we submitted for this
3 hearing tonight for the hardship exemption
4 permit and also the full environmental
5 assessment form that we filed pursuant to the
6 State Environmental Quality Review Act, that
7 they be incorporated into the record and be made
8 part of the record.

9 MR. COWEN: Yes.

10 MR. ALLEN: Thank you. These are all our
11 exhibits, and I hope if you don't have time now,
12 which you obviously don't, that you will take
13 time after the hearing or tomorrow or whatever
14 so you can familiarize yourself. I have tried
15 to get exhibits that are graphic representations
16 of our case. I also have here, if you want
17 tonight, an illuminated magnifying glass that
18 makes it easier to see. On some of these areals
19 you can see trees and things like that. Our
20 application, like most, it starts out with
21 things that look like the usual legal stuff,
22 with descriptions and locations and whatnot, but
23 actually there are a number of important facts
24 in that it's not just the ordinary. Some of the
25 things I do want to point out; let me first say

that I'm pointing to the areal photograph, a
forty inch by forty inch square made by
Lockwood, Kessler, and Bartlett, and this is on
a scale of one inch equals 200 feet. The one on
the left is a magnification of this area, which
includes the subject property, and this is a
magnification scale of one inch equals 100 feet.
Now, the subject property, this is the building
I'm pointing out, you can see the black square,
white square, and probably some of the parking
area, and also this little sign says "previously
disturbed area." These photos were taken on
March 12, 1992. The ones that they took in '94
aren't out yet. They do the entire island every
two years. You can see that the applicant's
property is located directly on the William
Floyd Parkway, which is a major north/south
artery, and down here is Longwood Road, if you
are familiar with it, over here, this is a
portion on the right-hand side, about two-thirds
of this picture is taken up by just a portion of
the Brookhaven National Laboratory facilities
across the street from us. Most of the rest of
the area in here has not been developed. At the

1
2 top here, where it says "Project Isabell," and
3 it's also shown on the DEC map there, the
4 Project Isabell was built in the early 1980's,
5 and now it's called "Project RHIC." This is in
6 connection with particle acceleration physics,
7 and I hasten to point out this is not the
8 collider that Newsday wrote their editorial
9 about in this morning's Newsday. That's one
10 that Congress was financing in Texas and they
11 discontinued.

12 The property also is sitting precisely on
13 the boundary, this side of the street is the
14 Core Preservation Area and this side is
15 Compatible Growth Area, the highway being the
16 divider, and we are precisely on the dividing
17 line on the core side of the boundary. Also,
18 the property is in the Town of Brookhaven L3
19 Industrial Park Zone. This is not a residential
20 case, as I assume the majority of the cases
21 before the Board are.

22 Now I'm pointing at the one inch equals 100
23 foot scale, I have outlined the actual property
24 line in white. I have two things, if you can
25 see, one is the tax map, the Suffolk County,

2 Town of Brookhaven Tax Map of Section 459,
3 showing block one and we are lot number 1.4. It
4 actually says "American Physical Society." You
5 see we have this unusual shape, and that has
6 been laid out on here so you can see. Here the
7 building is large. You can see it. In red we
8 have outlined, up here where I am pointing, the
9 area where the building extension would be
10 erected, if permitted by this Board and, of
11 course, by other agencies that have jurisdiction
12 on this. Over here, where I am pointing, the
13 red lines indicate the additional parking area,
14 and beyond that, in this picture, you can see
15 the previously disturbed area, which included
16 most of our plot, still exists even after
17 decades you can tell where it once was. This
18 picture I am holding, this exhibit rather,
19 entitled, "twenty acres of previously disturbed
20 land including the original APS site," these are
21 two areal photos taken by hand in 1987, '88
22 winter period and shows the previously disturbed
23 area very clearly, this being taken five years
24 earlier than that. This goes back more than
25 fifty years. Fifty years would only take us

back to World War II. People who are old-timers in Ridge have told people in the American Physical Society, when they inquired, that this was farm area back between World War I and World War II. People had farm animals and things like that on it. I also want to show you, as far as location goes, this you recognize is the map prepared officially of the Pine Barrens by the Suffolk County Real Property Tax Service Agency. What I have done here, because I'm trying to put everything at the beginning into perspective, quite frankly, I have, if you can see it, a pin with this red pennant on it so you can locate it, and that is sticking into a whole which is our property, our five acre parcel. That little pin head is as large on this scale as our five acres, and the little pin prick in the paper is the size of what we are adding. You can see, this is representing five acres. This red outline here is the whole building. You can also see very clearly on the 100 scale photograph where the trees are growing and the existing lawn. The existing lawns that we have were laid out to make the plot more landscaped

2 and decorated on the previously disturbed area.

3 So a significant thing is, which I have put
4 in our application, that while the building, a
5 14,000 square foot extension, the building and a
6 15 foot wide clearing strip for a fire breaker
7 around the outside, would occupy less than half
8 an acre, about .43 of an acre. The area that we
9 would be clearing for the building and the
10 clearing around it, would be less than .25 of an
11 acres. I want to stress this. I want to start
12 out so we understand. I read in Newsday today
13 cases that involve 800 acres, 4,000 acres. I'm
14 seeing these numbers. This all, including the
15 parking, isn't one acre. We don't mean it
16 doesn't deserve the utmost of inspection by the
17 Pine Barrens Commission, but, again, I want to
18 put it in we are small. Our operation is big,
19 but the matter that we are applying for is
20 small. I also have mentioned that at prior
21 informal sessions with the Board, that over here
22 between our property line and what would be the
23 extended parking field, under the Town of
24 Brookhaven Code, we would actually need 200
25 parking places. We originally showed a site

1 plan. There is one schematic conceptual site
2 plan attached to each of the applications that
3 were filed, and this is an enlargement of that.
4 Originally, we showed the parking slots in here.
5 However, when we had a preliminary conference
6 with the Planning Board, the Planning Director
7 and his associates told us that, since we are
8 not going to use 200 parking slots right away,
9 if all we needed was 155 or so, then that's all
10 we should deal with and, to use their phrase,
11 "and bank it," meaning reserve it for the future
12 as we need it for additional employees over a
13 period of time. It would probably take four or
14 five years before we needed to build more
15 parking places that would exceed 150 employees.
16

17 One of the other things, speaking of this
18 little area where the trees are that we would
19 have to clear, on the site plan we drew this
20 line which relates to exactly what you see in
21 the photograph, and we show that on the lower
22 side we labeled it "lawn" and on the other side
23 we labeled it "trees," the fact is, this is not
24 solid trees. There are plenty of areas in there
25 that are clear of almost any vegetation. Where

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2 I'm running the pointer up it says, "trees,"
3 "trees," "trees," and around here, all of this
4 would be over an acre and a quarter or acre and
5 a half, all of these trees will remain. I'm
6 pointing here to this exhibit, which in the
7 center has the enlarged conceptual site plan,
8 and it is surrounded by ten numbered panorama
9 pictures, which many of you have seen right on
10 the ground. This is self-explanatory. Every
11 picture has a caption, and on the plan, we have
12 letters A, B, C, and so forth and it's telling
13 you in each one, in photo one, for example, it
14 says, "area of proposed addition, view along the
15 line between the lawn and trees looking from A
16 to B," which is this area. So you can look at
17 this at your leisure and examine them all, and
18 even without being there, you will get a view.

19 See here, on the old fields that were long
20 ago disturbed, in places there is brush. Some
21 places trees are growing back up, but that's not
22 in our part of it. I'm talking about here, in
23 the adjoining area. I hope you will take the
24 time to look here and see. The parking is going
25 to go on this grass that we planted, that

corresponds with this area in here. In these photographs, you are looking out Research Road. You can see the cars. That's the only place there is any view traveling on the William Floyd Parkway.

MR. COWEN: Is it your desire to enter these exhibits on the record at some point?

MR. ALLEN: Yes. I thought we could do that at the end. This would be Exhibit 1, pointing to the 200 foot scale; this would be Exhibit 2, pointing to the 100 foot scale; this would be Exhibit 3, that's the small board containing the two photographs that were taken in '87 and '88; I would call Exhibit 4 the board containing in the center the enlarged site plan surrounded by the panorama photographs; Exhibit 5 is the survey re-dated May 7, 1994 by Teas, Barrett, Lanzisera, and Frink.

Also, I do want to stress, under the who, what, where, when, which, I have a number of paragraphs telling you about the American Physical Society, particularly the Editorial Department. One that I do want to stress is that we are a nonprofit, tax exempt, educational

2 and scientific organization. It was
3 incorporated in 1899. It's dedicated in the
4 formal charter to the advancement and diffusion
5 of the knowledge of physics. There are 43,000
6 scientist members, and, if any of you feel
7 generous, a contribution to the APS is
8 deductible on your income tax return.

9 What we are not, we are not in the real
10 estate development business, even though we are
11 applying here tonight for permission to develop
12 our building. We are doing it because we have
13 no other choice. We either have to enlarge this
14 building or go to some other larger place, which
15 I mentioned in there.

16 The fact is that the American Physical
17 Society wants to remain in this location, in
18 this building. They bought that property in
19 1979, and they have, as you can see from photo
20 number one, they have a very close relationship
21 with the hundreds of physicists and engineers
22 who are the research scientists across the
23 street at the Brookhaven National Lab.
24 Originally, after World War II, when the
25 government transformed Camp Upton into the

2 Brookhaven National Lab, the American Physical
3 Society Editorial Department was located in a
4 building on the grounds of the Brookhaven
5 National Lab, but over a period of time, by
6 1978, 1979, both the Brookhaven Lab and the APS
7 had expanded, so the APS needed more space. The
8 federal lab didn't have any to give them, so
9 they located at the closest property where they
10 could erect their own building and still be in
11 touch. This is important to us, to remain here.
12 There are other federal laboratories, very
13 famous ones, there are numerous ones. About
14 3,500 people work in the Brookhaven National
15 Lab. We are mostly interested in about 225 top
16 research scientists. Our editors, who are
17 themselves PhD's, they have to remain in contact
18 with scientists who are knowledgeable about
19 what's being researched in the field of physics
20 and it's way out now, very way out. So our
21 editors are treated as guest scientists at
22 Brookhaven Lab. They can go over and discuss,
23 because when submissions are made of scientific
24 manuscripts, it's the job of the editorial
25 office first to have a peer review, which is

1 something that involves loads of outside people
2 in the field to decide whether or not they
3 should be published. We don't want to be
4 involved in a scam or anything like that. Our
5 journals, we have some samples here, I hope you
6 will skim through them, the two most famous are
7 Physical Review Letters and The Physical Review.
8 A few weeks ago or couple of months ago, I
9 submitted an article about the discovery of the
10 quark, the smallest particular known, and the
11 significance. When I sent it to Ray Corwin, it
12 said right in it, and those men are undoubtedly
13 going to be among the future winners of the
14 Nobel Prize, it said they could not give the
15 full details to the New York Times and the
16 papers that were interviewing them with this
17 amazing discovery, this is smaller than the atom
18 or electrons and so forth, this, they said, they
19 are rushing to the American Physical Society to
20 be published in The Physical Review. The Times
21 called it the most preeminent journal of its
22 kind in the world. That was just a few months
23 ago. It's similar to like what you hear news
24 about medical discoveries in the New England

Journal of Medicine or AMA Journal of Medicine.

You feel confident when you hear this that somebody has actually reviewed this thoroughly before it is published. So their degree of excellence has been established over almost a century now. It is important.

8 We want to stay. We have a hundred people
9 who work there, men and women. They are very
10 good jobs. They are well paying jobs. They are
11 virtually all home owners in the immediate area
12 of Brookhaven, Southampton, and Riverhead
13 Townships. If we have to move, and that's not
14 something said in a threat, they have to keep up
15 with the work, they can't postpone it while they
16 decide maybe we will, maybe we won't. They want
17 to go ahead, if possible, keep everyone here,
18 but if they did, they would have to move with
19 the American Physical Society, which moved its
20 headquarters to be closer to Washington D.C.
21 about a year and a half ago. They are in
22 College Park, Maryland in a place called The
23 American Institute of Physics. They have a 24
24 acre campus and they can accommodate it, but it
25 would not be as good as being here at Ridge. It

would certainly be hurtful to the economies of
the families who are working for us there.

Now, this leads up to the unique hardship that we have here. First of all, we are applying for our Pine Barrens hardship exemption before we apply, say, to the Town of Brookhaven for site plan review or the Suffolk County Board of Health for the sanitary review or things like that. Those would normally be done first and it would take a year or longer. You have to apply to the DEC, and these are lengthy interruptions, and then to come here and find out you have been denied would be a waste of all that time and expense. What we are doing, since you have these restricted time limits, we decide it would be more sensible to start by seeking your approval and then we can commence, if we do get the approval, with the ordinary building permit processes in Suffolk County. As I say, if we are denied, if you don't feel we are worthy, then we are going to have to move to another location. Our delima is, in order to stay here, we have to keep up with our increasing publishing obligation to the science world. It

2 has become an obligation. We can't just
3 withdraw and say we won't get next week's issue
4 out or anything like that. Also, they have to
5 maintain the excellence that their publications
6 are known for. The general prohibition of the
7 language of the Core Preservation Area is
8 prohibiting them from doing what they feel is
9 necessary. Simply grandfathering the APS
10 Editorial Office into maintaining the present
11 building and continue at the present inadequate
12 level of use of our property would be
13 insufficient for that purpose, to keep the
14 editorial operation at Ridge. So without
15 permission to exercise our previous right,
16 previous to the enactment of the Central Pine
17 Barrens Law, the previous right we had to
18 enlarge our building to meet our needs, this
19 property will no longer have any beneficial use
20 to us. I say that now from a legal standpoint,
21 because that's the exact language used in
22 Paragraph A of Subdivision 10 in the second
23 sentence where it refers to "an applicant will
24 be deemed to have established the existence of
25 extraordinary hardship only if it demonstrates,

2 based on specific facts, that the subject
3 property does not have any beneficial use if
4 used for its present use or developed as
5 authorized by the provisions of this Article."
6 That goes on and I'll go on, but I just want to
7 underscore that legal point.

8 Now, in addition, and going on in the
9 requirements, the standards, of Paragraph A, our
10 hardship, we feel, is unique to this property,
11 and does not apply to other properties in the
12 vicinity. One of the reasons I bring that up is
13 I'm sure you might be confronted with some other
14 property owners of vacant land around here who
15 might come down and say if you gave it to the
16 American Physical Society how about letting us
17 put up a building here. Our circumstances are
18 unique and could not be a precedent for anyone
19 within a quarter mile radius of our property.
20 On this side it's all owned by the federal
21 government. So I guess, you're not concerned
22 about that. Now, these circumstances include
23 something I already pointed out. We are located
24 on previously disturbed land. That land having
25 been stripped long ago before us, we don't even

1 know what predecessor did it. As you can see,
2 even with the passage of decades, it's still
3 identifiable. One the convenient things was for
4 them to erect the building on already cleared
5 land back in '79. Our parcel is substantially
6 disturbed. Whatever picture of pristine
7 wilderness comes to mind when one hears the term
8 Core Preservation Area does not apply to it. We
9 have built this building. We have these drives,
10 roads, parking areas, driveways. We have
11 underground infrastructure. I'm now showing you
12 Exhibit 5, which is a survey of our property
13 executed by Teas, Barrett, Lanzisera, and Frink,
14 and it's been updated on May 7, 1993, and as a
15 matter of fact, it was updated for inspection by
16 the Suffolk County Health Services Department.
17 It shows on the survey the infrastructure, these
18 tanks, septic tanks that are dry wells or
19 receptacles to receive surface water and things
20 like that. So we are a substantially disturbed
21 property. Even though we are in the Core
22 Preservation Area, in my opinion, in the
23 Society's opinion, they should be given
24 recognition of the fact that they are not like

2 this area that you see on the maps which is
3 solid trees and things that are of value to the
4 future of the Pine Barrens. In addition, I want
5 to point out that we are the only developed
6 property in a quarter mile radius from this
7 building, even to this house over there, it's a
8 little over 1,300 feet from here to that new
9 house that was erected in the last couple of
10 years, that would be a quarter of a mile. All
11 of the area is vacant, and nobody that is on the
12 map now could come in and claim that they are in
13 the same situation that the American Physical
14 Society is in.

15 I'm pointing these unique circumstances out
16 to you to go on with the Paragraph A, it says,
17 "this inability to have a beneficial use results
18 from unique circumstances peculiar to the
19 subject property which," and then it has what I
20 call "little i," "do not apply to or effect
21 other property in the immediate vicinity," and
22 then "little double i," "relate to or arise out
23 of the characteristics of the subject property
24 or," and there is little triple i, "are not the
25 result of any action or inaction by the

1
2 applicant or the owner or his predecessors after
3 June 1, 1993." I submit that our facts
4 demonstrate that we have met the test of these
5 hardship standards set forth. We still have
6 Paragraph B of Subdivision 10, which is not
7 applicable to us. That's the one that is
8 compelling public need. Then there is Paragraph
9 C, which I'll come to after I finish my remarks
10 about the environment.

11 We have already, as I mentioned, submitted
12 our environmental assessment form, and we
13 believe that this project will have no
14 significant effect on the environment. I have
15 already pointed out to you, and I won't go into
16 it, the fact that, as far as tree removal, it's
17 a very small area. The quarter of an acre and
18 the rest of the project is all on previously
19 disturbed, cleared land. When I say "previously
20 disturbed," I mean by someone many decades ago.
21 Also, our environmental consultant has advised
22 us that he found no threatened or endangered
23 species using our site, and this extremely
24 minimal vegetation loss will have no impact on
25 their habitat.

I want to call to your attention, I have
three parts that deal with underground water;
the water that we draw out is fresh water
supply, the waste that we discharge into the
ground, and the surface water which has to be
drained off when it rains. This is a society of
scientists. They were concerned. Some of the
members had met with the biologists at the DEC
who stressed the idea of not drawing water out
from our property and drawing water away from
the Peconic River and would not draw water from
the aquifer, which you are trying to protect in
the Pine Barrens. We have paid \$138,500 to the
Suffolk County Water Authority to bring a
12-inch water main from here, Longwood Road,
along the William Floyd Parkway and bring it to
the APS building. They are not sharing this
cost with anybody, like a real estate developer
would if he was going to sell lots along there.
Total cost, when hooked to the building and
replaced, come to \$161,000. I noticed tonight,
when I was at the APS building in Ridge, that
the Water Authority has already dropped off a
huge back hoe, which would indicate they are

2 going to start the work any day and probably
3 within a week or two it will be all over. They
4 are very fast, even though they have to install
5 a mile of underground pipe. I'm assuming that
6 even before a decision is rendered, the water
7 main will be in and that the resulting water
8 conservation benefit to the Pine Barrens aquifer
9 should be appreciable over the coming year.
10 Just apply that this year we would draw 650,000
11 gallons and we won't be anymore. So much for
12 the water supply drawn out of the ground.

Now, the American Physical Society's use of this site does not and will not increase the ground water contamination. The activities are just editorial and clerical. Those of you who have gone through the building have seen that and the septic disposal system, which is approved, only receives discharge from our restrooms for the employees. We have no dishwasher, we have no clothes washer to discharge chemical washing compounds into the underground. There is no discharge of any type of hazardous materials. Developer chemicals used in photocopy machines are removed by the

certified carter.

Thirdly, on the water drainage of surface water. Almost our entire five acres is practically flat. There are a few areas with a slight slope. That slope is less than five degrees, so none of the water runs off our site onto neighboring areas. We have sandy, well-drained soil types and the depth is 29 feet from our surface to the underground water table. In addition, we have what engineers consider to be a very low rate of water consumption and discharge. The formula that they use for designing systems is based on 25 gallons per day, in an office building like this, per person, whereas, the formula for a one-family house in the same area is based on 75 gallons a day. I'm not talking so much about what we are drinking, but what is being discharged into the ground. Also, the area that's draining our parking field and the roof of the building, which has to be channelled into dry wells, all that natural we don't have to resolve that specifically tonight because, if you approve, we are going to have to have everything pertaining

2 to the drainage and waste water approved by the
3 Suffolk County Health Department and other
4 agencies. So much for that. It brings me
5 really to the end of this aspect.

6 I want to go back to Paragraph A. There is
7 one thing I want to bring out. We do comply
8 with Paragraph C, i, ii, and iii. The granting
9 of our permit would not be materially
10 detrimental or injurious to the property or
11 improvements in the area, would not increase the
12 danger of fire and endanger public safety or
13 result in substantial impairment of the
14 resources of the Core Preservation Area.

15 Now, the next is one I do want to specify.
16 The waiver is not inconsistent with the
17 purposes, objectives, or general spirit and
18 intent of Article 57, and the waiver is the
19 minimum relief necessary to relieve our
20 extraordinary hardship. That part I'm reading
21 from, "iii," goes on to say, "including the
22 granting of residential development rights to
23 other lands in Compatible Growth Area." That is
24 not applicable in our case because we are not
25 residential property. So that's not a factor

2 that has to be concerned at all and that
3 completes it. Thank you very much for your
4 patience. I know I have gone over my 30
5 minutes, but do you have any questions?

6 MR. COWEN: Indicate for the record that
7 Carole Swick came in to represent the Town of
8 Brookhaven earlier on in Mr. Allen's
9 presentation. Thank you for that comprehensive
10 presentation. Are there any other questions?

11 Let me ask you one question briefly, would
12 you describe for us the efforts that the Society
13 has undertaken inside the building to compact
14 yourself into the smaller space.

15 MR. ALLEN: I have Cindy Rice, and she can
16 answer that.

17 MS. RICE: We have gone through a number of
18 remodeling efforts aimed at maximizing the space
19 we have. We have eliminated hallways, we have
20 cut down the size of the conference rooms, we
21 have consolidated storage that use to be in 42
22 filing cabinets out in the open areas of our
23 building, we have installed these movable files
24 that you create the aisle by moving a bank of
25 files. That eliminated these 42 cabinets from

2 the floor, therefore, we were able to bring in
3 more people. We have continued to do this over
4 the past two or three years. When the building
5 was constructed, there were, I think the term is
6 "dog houses," raised electrical outlets in the
7 floor. We found those inhibited the use of
8 panel systems, and we eliminated all of those
9 so, again, we could maximize, in six by seven
10 areas, the clerical staff that supports the
11 editorial effort.

12 MR. COWEN: Any other questions or
13 statements from the floor.

14 MR. AMPER: I'm Richard Amper of the Long
15 Island Pine Barrens Society. First, two
16 clarifications for the record, American Physical
17 Society is not, as we usually perceive it, real
18 estate developers but that is exactly what they
19 are doing here tonight. We had suggested early
20 on that they might want to expand upward not
21 outward, but they indicated they have structural
22 problems with that but they have also indicate
23 that the expansion they are now recommending
24 will provide for further vertical expansion in
25 the future. I think that may well be a

2 requirement of the Commission because we would
3 love to see the American Physical Society stay
4 here and grow, and, if they do, I don't want
5 them to need to come back with the need to
6 expand beyond the perimeter of the footprint
7 they are proposing.

8 They suggest they have a very close
9 relationship with Brookhaven National
10 Laboratory. It would be wonderful if it was
11 even closer, at least proximately. The fact is
12 that they are already established there and they
13 are trying to do a very efficient job. We want
14 to commend the American Physical Society for
15 being responsive to the intent of the Pine
16 Barrens Law, and that is to understand what
17 other people in the scientific community are
18 trying to do and being reflective of that.

19 There has been an undue focus on trees.
20 The Pine Barrens Society and other environmental
21 people and certainly the people who designed the
22 Pine Barrens Protection Act were not really
23 concerned about tree clearing but some of the
24 other environmental impacts, and the Commission
25 will need to consider all of those. The tree

2 clearing is minimal and not a source of concern
3 to the Pine Barrens Society, among other groups.
4 If the chairman will reinforce my memory, this
5 is within the Wild Scenic Recreational Rivers
6 Act.

7 MR. COWEN: Yes, it is.

8 MR. AMPER: It is important that the
9 Commission understands that the purpose of the
10 Pine Barrens Protection Act is to go beyond, in
11 many cases, the protection afforded by the
12 actual administration of the Wild Scenic
13 Recreational Rivers Act, and we want to make
14 certain that we are all sensitive to that. The
15 chairman has indicated that this property falls
16 within the Wild Scenic Recreational Rivers Act,
17 and I would want to invite the Commission to
18 understand that act, as administered, has not
19 been fully protective of the Pine Barrens and,
20 especially, the rivers portion of the Pine
21 Barrens, and so the Commission is charged with
22 providing additional protections and that ought
23 to be considered.

24 Procedurally, we understand the pragmatic
25 desire on the part of the American Physical

2 Society to address the Commission first, but
3 there are great disservices done to the
4 Commission and its purposes and great benefits
5 to be derived from allowing a town to consider a
6 formal application and consider all of the
7 implications prior to action by the Commission.
8 We are not calling for that at this point, but
9 we don't want to establish a precedent which
10 encourages applicants to come to the Commission
11 prior to the usual procedures and beneficial
12 procedures of the towns.

2 unique application to be applied to the
3 implications of that larger project. So we
4 would simply ask the Commission to reinforce the
5 two standards, no beneficial use for
6 environmental purposes and the uniqueness of
7 this, in that it does not apply elsewhere
8 relative to the other assertions of the
9 applicant. Otherwise, we would take no
10 exception to the application.

11 MR. ALLEN: Can I respond? One of them is
12 important, but I want to slip in one. We have
13 been asked how long this enlarged building would
14 be adequate. Now, while it's hard to predict
15 into the future with accuracy, at the present
16 rate of growth that we have, the enlarged
17 building should be adequate for ten or more
18 years after it's erected, and that wouldn't be
19 for a year or two down the pike. The only thing
20 is, during that period of time, we would
21 undoubtedly come to a point where we would add
22 the parking spaces on the area that's being
23 reserved for it. In line with that, if we did
24 come to a point in the future where it was
25 necessary to build on, this is with respect to

2 Mr. Amper's suggestion, we agree that we will, I
3 think the best way to put it is that in case
4 more interior space becomes necessary in the
5 future, we will have the extension designed and
6 built so that in case we need more space, a
7 second story could be built on top of this
8 addition. This part would become two-story.
9 Whatever structural things an architect or
10 mechanical engineer would require, and, of
11 course, the Town, we would install in the
12 beginning so that if it became necessary years
13 down, we could build up on that. Mr. Amper did
14 raise that with me a week or two ago, and I
15 agree with him. You could put that in your
16 decision so, if years from now it becomes
17 necessary, we can show we are in compliance with
18 that.

19 MR. COWEN: Mr. Allen, when I made the site
20 inspection, I was under the impression, perhaps
21 wrong, that when you have your build-out, if
22 you're granted the approval do this, your
23 parking will be saturated at that point, when
24 you build the entire number of the parking
25 spaces; is that right?

2 MR. ALLEN: You mean when we build out?

3 MR. COWEN: When you are fully occupied,
4 you will have no more parking space available
5 and no more land on which to construct parking
6 spaces?

7 MR. ALLEN: Not without some approval from
8 the Town of Brookhaven and going through this
9 again. You would have to approve taking down
10 the area we are preserving now.

11 MR. COWEN: You are getting into the buffer
12 zone, so what I'm suggesting is that the parking
13 may be the factor. I think it is well taken
14 that you provide for vertical expansion.

15 MR. AMPER: Is it the Commission's position
16 that the expansion of that parking would not
17 require further review by the Commission or that
18 it would?

19 MR. COWEN: Under the current plan I think
20 it would.

21 MR. AMPER: They have been extraordinarily
22 responsive to the environmental concerns.

23 MR. SCHWANK: Edwin M. Schwank, Executive
24 Director of the Long Island Builder's Institute,
25 which institute was also instrumental in the

passage of this legislation. We support this application wholeheartedly, and we support most of Mr. Amper's remarks. Thank you.

MR. COWEN: Any other statements from the floor?

MR. ALLEN: If you want, I brought this map, which is a copy of the extreme western end of the Peconic River corridor filed back in 1990. We can label it. It's not of consequence to tonight's hearing, but do you want to have it marked? Our property is way down here.

MR. CORWIN: I think we will decline. Thank you for the offer.

MR. COWEN: We will declare that part of the hearing over. Thank you, Mr. Allen. We will hold the record open on this part of the hearing until November 4th, Friday, close of business for any further comments at which point the hearing record will be declared closed.

(Continued on page 37.)