

1                   CENTRAL PINE BARRENS

2                   JOINT PLANNING AND POLICY COMMISSION

3                   - - - - - :  
4                   In the Matter of the Application of :  
5                   HAMPTON HILLS GOLF AND COUNTRY CLUB :  
6                   : :  
7                   for a core hardship exemption to :  
8                   construct 4,507 square foot tensioned :  
9                   fabric structure on existing tennis :  
10                  court, a six foot wide, 160' long :  
11                  asphalt cart path and a 30' x 40' :  
12                  asphalt pad on portion of a 209 acre :  
13                  site in a CR-200 Zoning District. :  
14                  : :  
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HEARING in the above-captioned matter, held  
on the 9th day of June, 1999 at 4:30 P.M., at the  
Brookhaven Town Offices, Building 4, 3233 Route 112,  
Medford, New York, pursuant to Notice of Hearing,  
and before Judi Gallop, a Notary Public of the State  
of New York.

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261 WOODBURY ROAD, HUNTINGTON, N. Y. 11743

421-2255

692-7383

## 1 A P P E A R A N C E S:

2 ROBERT J. GAFFNEY, Chairman  
3 Suffolk County Executive  
4 BY: GEORGE PROIOS AND ROY DRAGOTTA5 FELIX J. GRUCCI, JR., Vice Chairman  
6 Supervisor, Town of Brookhaven  
7 BY: BARBARA WIPLUSH8 VINCENT CANNUSCIO, Member  
9 Supervisor, Town of Southampton  
10 BY: MARTY SHEA11 VINCENT VILLELLA, Member  
12 Supervisor, Town of Riverhead13 RAY E. COWEN, P.E., Member  
14 DEC Regional Director  
15 Representing George Pataki, Governor

16 DONNA PLUNKETT, Staff to Commission

17 DORIS E. ROTH, ESQ.  
18 Attorney for Commission19 WILLIAM H. SPITZ, Chief  
20 Water Supply Office, NYSDEC

21 MARK H. RIZZO, Environmental Analyst

22 RICHARD VAN DE KIEFT, representing Applicant

23 WALTER OLSEN, Civil Property Rights Associates

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1 [THE HEARING WAS CALLED TO ORDER BY THE  
2 ACTING CHAIRMAN, GEORGE PROIOS, AT 4:30  
3 P.M.]

4

5 MR. PROIOS: Do we have the second applicant  
6 here?

7 I like to call the second public  
8 hearing to order. For the record, let me  
9 read the public notice concerning this  
10 application.

11 "Pursuant to the Environmental  
12 Conservation Law, Article 57-0121(10)  
13 notice is hereby given that a public  
14 hearing will be held by the Central Pine  
15 Barrens Joint Planning and Policy  
16 Commission on June 9, 1999 on the matter of  
17 an application for core preservation area  
18 hardship exemption.

19 "Applicant: Hampton Hills Golf  
20 and Country Club."

21 It is for the "construction of a  
22 four thousand five hundred seven square  
23 foot tensioned fabric structure on an  
24 existing tennis court, a six foot wide, one  
25 hundred sixty foot long asphalt cart path

1 and a thirty foot by forty foot asphalt pad  
2 on a portion of a two hundred nine acre  
3 site in a CR-200 Zoning District."

4 The project is located "on the  
5 south side of Center Drive, County Road 51,  
6 approximately 2.25 miles south of its  
7 intersection with Riverhead-Moriches Drive,  
8 known as County Road 63, Northampton,"  
9 located in the Town of Southampton.

10 Is the applicant or the  
11 representative of the applicant here who  
12 would like to make a presentation to the  
13 Commission?

14 MS. PLUNKETT: Before the applicant speaks, I  
15 would like to refresh your memory. At a  
16 previous meeting, you had the matter on for  
17 determination of jurisdiction. You do not  
18 have the application proper. I would like  
19 to pass that out now. This is not an  
20 application. These are materials that the  
21 applicant submitted with regard to the  
22 proposal that you have before you and the  
23 written material, and he's going to  
24 summarize what is before you. He's going  
25 to summarize what is in the packet so that

1 will be part of the application.

2 MR. VAN DE KIEFT: Richard Van de Kieft. I work for  
3 the firm of John J. Raynor in Watermill,  
4 New York, and we represent the applicant  
5 who owns the Hampton Hills Golf and Country  
6 Club in what is sometimes called Hamlet of  
7 Riverhead in the Town of Southampton, also  
8 possibly known as Northampton.

9 As Donna mentioned to you, that  
10 was on your agenda last time, which was on  
11 discussion for nondeveloped, which was not  
12 a successful discussion, and therefore, you  
13 asked me at that particular meeting if we  
14 could have a hardship application in seven  
15 days.

16 It was delivered to you in, I  
17 think, about four. That is what is before  
18 you today.

19 I would also remind you that the  
20 Commission, a number of years ago, already  
21 granted a hardship application for the  
22 project, which included an enlargement of  
23 the clubhouse, separate building for the  
24 pro shop and storage, an alteration of an  
25 existing parking area.

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That work was approved by the  
Town of Southampton and is currently  
underway, much to their chagrin, but it is  
underway.

However you determine it is up to you. We do have an application in front of the Planning Board of the Town of Southampton for the proposed work you see on the site plan before you, which includes the following, we think, very minor, simple items, being the placement of a tent-type structure on an existing asphalt tennis court, which is to be used for cart storage; the installation of a forty foot by forty foot, which is only twelve hundred square foot asphalt staging pad for the use of golfers with the golf carts being brought to them, and the pavement of a connecting driveway or path, I should say. It's existing dirt now. It would be paved six foot wide, which would lead from the tennis court to the staging pad.

In actuality, the only new construction on the ground is the tent on a tennis court, a pathway leading to it is

1 only six feet wide in an already cleared  
2 area, and the staging pad in an already  
3 cleared area.

4 So, we're not proposing nor do we  
5 require any permission to clear any  
6 existing Pine Barrens' vegetation.

7 On the other hand, anything that  
8 was to be restored with respect to Pine  
9 Barrens' vegetation is still part of our  
10 original application to you and the  
11 applicants fully intend to do that.

12 I think it's easy to understand  
13 the hardship involved here in that this is  
14 an existing golf course on an over two  
15 hundred acre site in the core area, which  
16 has already had permission to do certain  
17 things by this Commission, and now these  
18 minor items are being brought up because  
19 they need this center storage area.

20 We don't believe it invades the  
21 Pine Barrens' core area at all. This is a  
22 substantial use in the middle of the core  
23 area. It's not asking to establish this  
24 substantial use. This established use  
25 already exists and has for many, many

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1                   years, long before any of the laws and  
2                   regulations that we have before us today  
3                   were in effect.

4                   If I probably say too much more,  
5                   I'm going to put my foot in my mouth, so I  
6                   then stand to answer any questions that you  
7                   may have.

8                   MR. SHEA:                   I think with regard to your  
9                   procedural question, I think it's easiest  
10                   to handle it as a new application, rather  
11                   than a modification of a prior hardship  
12                   application that was approved for the  
13                   clubhouse application.

14                   The Town Board is considering  
15                   this project and has deemed this project on  
16                   their own to be consistent with the  
17                   hardship criteria found in the Act, and  
18                   does not have any significant concerns  
19                   relative to environmental impact.

20                   As Richard indicated, the  
21                   structure would be built within the  
22                   confines of an existing tennis court at the  
23                   clubhouse facility. All of the staging  
24                   areas, all the access areas, would be in  
25                   existing disturbed areas, so the Town of

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421-2288

402-7382

1 Southampton is not concerned about adverse  
2 environmental impacts, and finds this  
3 project to be consistent with the hardship  
4 criteria and feels that a hardship  
5 exemption should be granted for this  
6 application.

7 MR. COWEN: Is this a Type II Action?

8 MS. PLUNKETT: This is unlisted, so the Town  
9 already did a negative declaration.

10 MS. ROTH: Did the Town coordinate with the  
11 SEORA Review for the application?

12 MS. PLUNKETT: No, they did not.

13 MS. ROTH: So then you would be required to  
14 make your own determination?

15 MR. COWEN: I think the applicant has made an  
16 adequate case here for the hardship  
17 exemption. Procedurally, do we tidy up  
18 SEQRA here? Do we do this all in one  
19 thing?

20 MS. ROTH: Yes.

21 MR. COWEN: I would like to propose a neg  
22 dec, which I will do pursuant to the State  
23 Environmental Quality Review Act.

24 MR. PROIOS: I have a question with respect to  
25 the conservation easement already filed on

3 MS. PLUNKETT: I don't know what you mean. Be  
4 more detailed, George.

5 MR. DRAGOTTA: When you acquired the property in  
6 Hampton Hills, you took a conservation  
7 easement on the golf course area. The  
8 question is, does this in any way conform  
9 to the restrictions that we set forth?

10 MR. SPITZ: Who is the "we"? The Town, not  
11 the Commissioner.

12 MR. PROIOS. The Town of Southampton.

13 MR. VILLELLA: The Town paid fifteen million,  
14 right?

15 MS. PLUNKETT: I don't think that has any impact  
16 on the conservation easement. If he would  
17 like to look at your own document and see  
18 if it conforms, I have no way of seeing if  
19 it conforms. You would have to do that  
20 yourselves.

21 MR. COWEN: How do I amend it to stay  
22 consistent with that? The resolution will  
23 read that we --

24 MR. PROIOS: [INTERPOSING] We haven't  
25 finished the hearing, too.

1 MR. SPITZ: We can do it on the record.

2 MR. PROIOS: I was going to see if there was

3 anyone else that wanted to speak.

4 MR. COWEN: I thought that was sort of

5 intuitive. That's okay. Go ahead.

6 MR. PROIOS: I don't want to be presumptuous.

7 MR. VILLELLA: Go through the formalities.

8 MR. PROIOS: Anyone in the audience wishing to

9 address the Commission on this application?

10 Okay. Hearing no one, does

11 anyone on the Commission want to offer a

12 resolution?

13 MR. COWEN: I don't know.

14 MR. OLSEN: He changed his mind.

15 MR. COWEN: I have to do this all over again.

16 That I offer a resolution that we declare

17 it a negative declaration pursuant to the

18 State Environmental Quality Review Act and

19 that we do a resolution approving this

20 hardship based upon the submission made at

21 this hearing, and that it be contingent

22 upon conformance to a conservation easement

23 that was apparently purchased by the County

24 of Suffolk some time ago.

25 MR. PROIOS: Is there a second on the motion?

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1 MR. SHEA: Second.  
2 MR. PROIOS: Any other discussion?  
3 MS. PLUNKETT: Are you going to provide that  
4 conformance? I have no way of doing that.  
5 MR. PROIOS: Yes, since Roy wrote it.  
6 MS. ROTH: Can you report that at the next  
7 meeting so everyone will know whether it  
8 needs that?  
9 MR. PROIOS: Any further discussion?  
10 If not, all in favor of the  
11 motion signify by saying aye.  
12 Opposed?  
13 Let the record signify it was a  
14 unanimous decision in support, and this  
15 hearing is closed.  
16 [WHEREUPON THIS HEARING WAS CONCLUDED AT  
17 4:35 P.M.]  
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## CERTIFICATION

I, JUDI GALLOP, a Notary Public in and for

the State of New York, do hereby certify:

THAT this is a true and accurate record of

the Hearing held before the Central Pine Barrens Joint Planning and Policy Commission, in the matter of HAMPTON HILLS GOLF AND COUNTRY CLUB, held on the 9th day of June, 1999, as reported by me and transcribed under my direction.

IN WITNESS WHEREOF, I have hereunto set my  
hand this 25th day of June, 1999.

Judi Gallop  
JUDI GALLOP