

COURT OVERTURNS DEVELOPMENT APPROVAL IN PINE BARRENS Brookhaven Town Plan Near Shooting Range is Annulled

Environmentalists Win Fifth Straight Lawsuit Against Pine Barrens Commission

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A State Supreme Court Justice has overturned approval for construction of a building in the Core Preservation Area of the Long Island Pine Barrens. The proposed project was advanced by the Town of Brookhaven and approved by the New York State Pine Barrens Commission.

The February 20 decision by State Supreme Court Justice Thomas Loughlin declared the approval "null and void," ruling that the Commission had failed to take the "hard look" at the project's environmental impacts before granting a "hardship exemption," last July for a Firefighters Museum Building on Brookhaven-owned land next to the Long Island Shooting Range where previous illegal development has been discovered.

The Court also questioned whether Brookhaven was even entitled to obtain an exemption from the state law that prohibits development in the Pine Barrens Core. The Pine Barrens sit atop the Island's largest and purest drinking water supply and boast the greatest diversity of plants and animals anywhere in New York State.

Justice Loughlin said the Court "is compelled to express its concern as to whether there is substantial evidence to support the Commission's findings, particularly with regard to the proposed action at the Museum Complex and parking lot, that the Town (of Brookhaven) demonstrated extraordinary hardship, compelling public need or whether the hardship waiver was the minimum relief necessary to relieve the extraordinary hardship."

The Long Island Pine Barrens Society brought the lawsuit amid a deepening controversy over development at the adjacent Long Island Shooting Range. A political friend of the town has been charged with illegal sand mining, clear-cutting 20 acres and construction without approval on town-owned land in Ridge. The Society feared that continued development at the park would undermine Pine Barrens protection and set a dangerous precedent by allowing government to develop there, when private individuals cannot. "Brookhaven thinks it can do anything it wants in the Pine Barrens when it is charged with protecting this ecosystem," said Pine Barrens Society Executive Richard Amper. "We've told them repeatedly that they cannot systematically break the law," he added, "and the Court is telling them, too."

Justice Loughlin shared the Society' s dismay that the proposed development was for a Firefighters Museum. "This Court is not unmindful of the vital role the volunteer fireman plays in the community. Nevertheless, this public service must be balanced against the mandate of the law of this state requiring the preservation of the Long Island Pine Barrens." Judge Loughlin annulled the project' s approval and ordered a new environmental review.

This is the fifth consecutive court victory for the Society against the Pine Barrens Commission, a five-member state panel which is comprised of the Supervisors of Brookhaven, Riverhead and Southampton, the Suffolk County Executive and a representative of the Governor. Each time, the suits challenged approvals of illegal development in the Pine Barrens in Brookhaven Town. "Brookhaven is not only breaking the law, but is allowing others to do so," Amper said. "Defense of these lawsuits has cost taxpayers more than \$100,000," he added, "Supervisor LaValle personally proposed this development even when we told him it wasn' t legal. When is he going to stop breaking the law and wasting the taxpayers money? The public supports Pine Barrens protection -- when is Supervisor LaValle going to start behaving like a public servant?"

The Society has proposed a meeting with Commission officials to discuss a suitable location for the Firefighters Museum.