

GOLF COURSE APPROVAL REVERSED
Appeals Courts says Riverhead Town Ignored Environmental Law.
"Traditional Links" resort future uncertain: Damages being explored

For Immediate Release:

A State Appeals Court has overturned the Riverhead Town Board's February 2000 approval of the Traditional Links mega-golf resort in Baiting Hollow. The unanimous ruling reverses a lower court decision by Supreme Court Justice Gerard in November 2000 and leaves the future of the sprawling farmland and bluff project uncertain.

The court ruled that the Town Board considered only the environmental impacts from the golf course even though farmer-turned-developer William Talmage and his Manhattan partner Kenneth Bakst proposed to build up to 333 houses in conjunction with the course. The decision in part stated, "The Town Board was obligated to consider the environmental concerns raised by the entire project at the time of the re-zoning application, and its failure to do so violated" State environmental law. The court also ruled that the Town violated the State Environmental Quality Review Act by failing to consider preservation of the property, which was the number one target for acquisition under the Suffolk County Greenways Program. The Town also was cited for failure to consider "mitigation measures" by refusing to explore a purely organic system for maintaining the golf course. The Court concluded, "Indeed, although for the purpose of the golf course alone the developer proposed to cut down nearly half of a large woodland area, the respondents have flatly denied that the project will have any adverse impact and insist that no mitigation measures of any sort are required. Under the circumstances, the Town Board failed to take a 'hard look' at the proposed project," as required by law.

Ignoring the recommendations of the Town Planning Board and the Suffolk County Planning Commission, the Riverhead Town Board approved the golf resort and residential complex on February 1, 2000 despite unprecedented testimony by environmental and civic leaders across the State of the environmental significance of the Grandifolia Sandhills, as the Baiting Hollow site is called. Experts testified that the site contains a globally rare community of Dwarf American Beech on a large ancient dune system. The Maritime Beech community as it is called is one of three known in the world. State and County officials had offered to pay the property owners to preserve the land. But, Riverhead Town official balked declaring the property environmentally insignificant. "The appeals court has ruled that the Town did not merely do a favor for a friend when it approved Traditional Links; it broke the law," said Richard Amper, Executive Director of the Long Island Pine Barrens Society, which brought the legal challenge along with the North Fork Environmental Council and several Riverhead residents. In a letter to Riverhead Town Supervisor Robert Kozakiewicz, Amper said, "We have already begun the process of evaluating the damage done to this environmental treasure and are seeking estimates of the cost of restoring the site if indeed that is possible." State law provides for the restoration of property damaged by a project, which has been improperly approved. Amper also called for "wholesale changes in the way Riverhead reviews major development projects" and called for the removal of Riverhead Planning Director Richard Hanley -- the staff member who oversaw the review.

Riverhead issued clearing permits for the site immediately after the project's approval, and the site has been heavily denuded by golf course construction. "This is a terrible tragedy and one that citizens warned Riverhead about when they railroaded the project through," Amper concluded, "We must minimize further damage and reform Riverhead's development review process so that this never happens again."

The decision dated January 14 and obtained yesterday was written by acting Principal Justice David S. Ritter and was joined by Appellate Court Justices Myriam J. Altman, Nancy E. Smith and Thomas A. Adams. Appellate Court Justice Gail Prudenti recused herself from the case during oral arguments December 3, 2001.