



PHILIP RAMOS  
Member of Assembly  
6<sup>th</sup> Assembly District

THE ASSEMBLY  
STATE OF NEW YORK  
ALBANY

CHAIR  
Committee on Veterans' Affairs  
Subcommittee on  
Volunteer Emergency Services

MEMBER  
Committee on Aging  
Committee on Economic Development  
Committee on Education  
Committee on Housing  
Subcommittee on  
Students with Special Needs  
Black, Puerto Rican, Hispanic &  
Asian Legislative Caucus

June 23, 2011

RoAnn M. Destito  
Commissioner of Office of General Services  
Corning Tower, 41<sup>st</sup> Floor, Empire State Plaza  
Albany, NY 12242

Re: §7 of Chapter 635 of the Laws of 1987

Dear Commissioner Destito:

In 1987, Governor Mario Cuomo signed into law legislation establishing the Oak Brush Plain State Preserve on Long Island (Ch. 635 of the Laws of 1987). The purpose of this law is to preserve and protect the last vestiges of a transitional forest between the historical grassy plains of central Nassau County and the pine barrens of central Suffolk County.

While Chapter 635 of the Laws of 1987 has been in effect for almost 24 years, the Office of General Services (OGS) under prior administrations, to my knowledge, has only once implemented the provisions of §7 of that law, which requires the commissioner of OGS to transfer land previously comprising the Pilgrim State Hospital to the Oak Brush Plain State Preserve if such lands are not necessary for use by the hospital and if native foliage could reasonably be reestablished on such lands.

The provisions of §7 of Chapter 635 regarding the reestablishment of native foliage were not only central to the law's original purpose, but were intended to be the primary vehicle to ensure that surplus hospital land could be transferred to the preserve in future years without additional legislative action. Notwithstanding the clear direction of §7 of this law, a 118-acre parcel is now being earmarked as a possible site for the New York State Department of Transportation to construct a large commercial multi-modal project known as the Long Island Truck & Rail Inter Modal (LITRIM) facility.

The plain language of §7, however, requires the OGS commissioner to transfer lands of Pilgrim Hospital to the preserve if such lands are not necessary for use by the hospital and where native foliage may reasonably be reestablished. Furthermore, these provisions do not allow for the reestablishment of native foliage to be weighed against other alternative uses of the land; restoration of the habitat is the only consideration that should be taken.

According to a 2008 memo from the Department of Environmental Conservation to Governor Paterson's counsel, a substantial majority of the property at issue is forested. Furthermore, I am in accordance with a 2008 letter from the Office of Mental Health to Governor Paterson's counsel that maintained that the land preserve envisioned by Chapter 635 of 1987 is a much preferable alternative to the proposed LITRIM facility in Brentwood, which would exacerbate existing traffic congestion problems, increase noise and air pollution, and also potentially disrupt patients in buildings at nearby Pilgrim Psychiatric Center.

Therefore, I ask you, as commissioner of OGS, to commence the transfer of lands formerly comprising the Pilgrim State Hospital to the Oak Brush Plain State Preserve so that foliage may be reestablished pursuant to the requirements of Chapter 635 of the Laws of 1987.

I look forward to working with your office to complete this transfer, which the local community strongly, actively supports.

Thank you for your attention to this matter.

Sincerely,



Phil Ramos  
Member of Assembly

cc: Commissioner Joe Martens  
Department of Environmental Conservation