

PUBLIC HEARING  
BLUEWATER DEVELOPMENT CGA

October 18, 2017

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<p>1 ----- x 2 BLUEWATER DEVELOPMENT COMPATIBLE GROWTH AREA 3 HARSHIP WAIVER APPLICATION 4 5 REPRESENTED BY CHARLES THOMAS 6 1 Independence Hill, Farmingville, New York 11738 7 ----- x 8 October 18, 2017 9 2:59 p.m. 10 11 PRESENT: 12 CARRIE MEEK GALLAGHER, Chairwoman 13 SEAN WALTER, Member 14 KYLE COLLINS, Member 15 EDWARD P. ROMAINE, Member 16 BRENDA PRUSINOWSKI, Member 17 JOHN MILAZZO, Commission Staff 18 CAROL SHOLL, Commission Staff 19 JOHN PAVACIC, Commission Staff 20 DORIAN DALE, Commission Staff 21 JULIE HARGRAVE, Commission Staff 22 ***** 23 24 25</p>	<p>Page 1</p>	<p>1 PUBLIC HEARING 2 MS. HARGRAVE: No, the house would be 3 demolished, it appears the entire site would be 4 dropped under this project. There would be 5 landscaping of some of the side yards back to 6 be replanted, but it's, you know, about one 7 acre. It's a small site and the proposal is to 8 construct a building for commercial and office 9 in warehouse use. It's 7500 square feet so 10 one-story concrete building and a parking lot 11 for ten vehicles. There's a site plan in the 12 exhibits, and again, this site has a dwelling 13 on it and there are some trees and a lawn 14 around the house and then the area beyond the 15 immediate area of the house is a grassy area 16 that -- it is not clear when it was mowed last. 17 It's not forested but it's not a landscaped 18 lawn so maybe we can get a little more 19 information about that. 20 It's a similar cover type to the Riverhead 21 bus storage facility where they needed to 22 develop this grassy area. It contains some 23 native plants but also poison ivy and other 24 overgrown habitat. So this appears to be an 25 unlisted action and the commissioner did not</p>	<p>Page 3</p>
<p>1 PUBLIC HEARING 2 MS. MEEK GALLAGHER: Notice of public 3 hearing. The name of the project is Bluewater 4 Development Compatible Growth Area Hardship 5 Waiver Application. Applicant: Michael Owen. 6 The Applicant Representative: Charles Thomas. 7 The Project Site Location: 313 Edwards Avenue, 8 Calverton in Riverhead. 9 MS. HARGRAVE: Thank you. You should have 10 the staff report and exhibits before you. I 11 will just go through them briefly to explain 12 the project and then the applicant is here 13 also. This is called Bluewater Development. 14 It's on the west side of Edwards Avenue in 15 Calverton and you saw another site that it is 16 adjacent to another site that hardship was 17 approved a couple of years ago for the 18 Riverhead bus facility, so you may be familiar 19 with this area. So Exhibit A is the staff 20 report and, again, this is about a 40,000 square 21 foot site. It's in industrial C Zoning 22 District. It has an existing dwelling on it. 23 It is about 896 square feet. 24 MR. ROMAINE: Would the existing dwelling 25 remain?</p>	<p>Page 2</p>	<p>1 PUBLIC HEARING 2 coordinate the application. It does require 3 Town of Riverhead permits as well. There don't 4 appear to be any historical resources on the 5 site that were of concern to the State 6 Historical Office. So you can see in Exhibit 7 B, as an aerial of what the site looks like, 8 it's this blue box that you can see in 1994 9 about when the Pine Barrens Act was passed in 10 '93. It may have contained some what of a farm 11 or at some point, appears to be, then there's a 12 picture of the site from 2016, so you can see 13 there's a house and a small lawn area and 14 beyond that it's a grassy field. 15 MR. ROMAINE: Is it close to the line of 16 demarcation between the compatible growth and 17 the noncompatible growth? 18 MS. HARGRAVE: It's actually on the border 19 of the pine barrens, the compatible growth 20 area, it's not even in the pine barrens. So on 21 this side, west side of Edwards is in CGA and 22 across the street is not at all. 23 MR. ROMAINE: Nor is it north of there? 24 MS. HARGRAVE: There's only one site to 25 the north and that's the bus depot, that's the</p>	<p>Page 4</p>

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<p>1            PUBLIC HEARING</p> <p>2 border.</p> <p>3    MR. WALTER: It's a nonconforming use as a</p> <p>4 single family residence. It's the only house,</p> <p>5 not this house, but I think there's only one</p> <p>6 residential house where somebody is living on</p> <p>7 Edwards. I mean, it's surrounded by --</p> <p>8    MR. ROMAINE: This is the golf course.</p> <p>9    MR. WALTER: This is surrounded by -- this</p> <p>10 needs to go as a single family residence</p> <p>11 because it's surrounded by two bus barns, if</p> <p>12 you will, Hampton Jitney and Riverhead Bus.</p> <p>13 Years ago when you used to drive past here,</p> <p>14 there was just this blue haze of diesel that</p> <p>15 would go across the parking lot because it was</p> <p>16 a student bus yard before it was TS Haulers.</p> <p>17 This is a tremendous improvement to the area</p> <p>18 over here of around the farmhouse.</p> <p>19    MS. HARGRAVE: You can see the pictures in</p> <p>20 the house and the adjacent grassy area. I am</p> <p>21 not even sure if it's occupied.</p> <p>22    MR. WALTER: I don't think it's been</p> <p>23 occupied in years.</p> <p>24    MR. ROMAINE: Does the staff have a</p> <p>25 recommendation?</p>	Page 5	Page 7
<p>1            PUBLIC HEARING</p> <p>2    MS. HARGRAVE: Yeah, we have the applicant</p> <p>3 here and we will have the hearing, but we had</p> <p>4 some questions on page six of the staff report</p> <p>5 about the area that they will be replanting</p> <p>6 that will be protected. Will the project</p> <p>7 conform to the 15 percent fertilizer and</p> <p>8 vegetation standard? If the applicant has</p> <p>9 explored alternatives and the maintenance, if</p> <p>10 they can inform you on the -- if that grassy</p> <p>11 area has been mowed regularly, it appears it</p> <p>12 probably has, it hasn't grown into a forest --</p> <p>13    MR. ROMAINE: I'd like to have the</p> <p>14 applicant sworn in and make a statement at this</p> <p>15 time.</p> <p>16    (whereupon, Mr. Thomas was sworn in at</p> <p>17 this time.)</p> <p>18    MR. THOMAS: Good afternoon. My name is</p> <p>19 Chuck Thomas. I am here for the applicant,</p> <p>20 Mike Owen. This is 313 Edwards Avenue. This</p> <p>21 lot, just the brief history. This lot was</p> <p>22 created a by a minor subdivision in 1986. This</p> <p>23 was part of the original Edwards family farm on</p> <p>24 Edwards Avenue. It was actively farmed. I</p> <p>25 have a survey from Joe Ingegno (phonetic) that</p>	Page 6	Page 8

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<p style="text-align: right;">Page 9</p> <p>1        PUBLIC HEARING 2 whatever we need to do to protect that area 3 from being developed. We are going to follow 4 the standards, your standards and the Riverhead 5 Town standards for the vegetation and that, you 6 know, the idea is to kind of create open space 7 that's continuous. This lot is fenced in on 8 three sides, we are bordered on the north and 9 west by the Riverhead bus barn. I attached 10 photographs of that. There is a chain-linked 11 fence off of that and to the south, we have 12 residence with another barn situation being 13 used as commercial use and they have a white 14 stockade fence. To the east we have Edwards 15 Avenue, across the street there is a sod farm. 16 So I think this is a good candidate to bring a 17 lot that's out of conformance into basics 18 conformance and it's going to live it's own 19 little environment within these fences but it 20 is what it is. 21        MS. PRUSINOWSKI: Is the lot conformed or 22 is it the use that's not conforming? 23        MR. THOMAS: This is industrial C 24 conforming. 25        MS. BENMORITS: Is the lot conformed to</p>	<p style="text-align: right;">Page 11</p> <p>1        PUBLIC HEARING 2 however it's treated? 3        MR. THOMAS: 14,000 scare feet which would 4 be the 35 percent. 5        MS. BENMORITS: Is that a contiguous area 6 because it kind of looks like it is around the 7 site. 8        MR. THOMAS: It goes around the site, it 9 goes around the outside of the border. 10        MR. COLLINS: How much is it? 11        MR. THOMAS: 7500 square feet. 12        MR. ROMAINE: Is there a resolution lead 13 here at this time? 14        MR. MILAZZO: I think -- so there's a 15 couple -- 16        MR. WALTER: The town law criteria -- 17        MR. MILAZZO: Before you get there, the 18 question for the commission is we are treating 19 this as a clearing issue, is that what I am 20 hearing? It needs to go through the criteria. 21        MR. WALTER: Is it a clearing issue 22 because it was precleared? 23        MR. MILAZZO: Is it what the bus had? 24        MR. WALTER: Yes. 25        MR. MILAZZO: And the bus had to make a</p>
<p style="text-align: right;">Page 10</p> <p>1        PUBLIC HEARING 2 industrial C? 3        MR. ROMAINE: It's a residential use 4 instead of an industrial related use. 5        MR. WALTER: What vegetation are you 6 proposing? I mean, my thought would be native 7 grassland only because the DEC has made such a 8 big deal about native grassland, whatever that 9 is. 10        MR. THOMAS: We would be happy with native 11 grassland, obviously the financial difference 12 between a developed landscape plan, which we 13 worked with the Town of Riverhead on, that 14 would be up to the recommendation, if native 15 grasslands would be appropriate, then obviously 16 we -- 17        MR. WALTER: All I know is the DEC just 18 loves native grassland. 19        MR. ROMAINE: It would be cheaper than 20 landscaping. 21        MR. WALTER: Of course. The town may not 22 like it. 23        MR. THOMAS: They may not. 24        MS. PRUSINOWSKI: How large of an area are 25 you talking about that would be landscaped or</p>	<p style="text-align: right;">Page 12</p> <p>1        PUBLIC HEARING 2 hardship? 3        MR. COLLINS: Because the testimony is it 4 wasn't mowed in the last two years. 5        MR. MILAZZO: So that's where the 6 threat -- that's the threshold issue and then 7 if the commission -- so I suggest the applicant 8 go through the standards and show why there's a 9 hardship. He needs to make that presentation 10 to the commission and then the record can be 11 closed. Those are -- he has that in his hand. 12        MR. THOMAS: So reasonable return, the 13 property was put up for sale, it was for sale 14 for three years prior to. We made an app 15 application to the Town of Riverhead back in 16 2009. We started the process, the economy 17 slowed down, and then we decided that we are 18 going to sell it as a house. He could not even 19 come close to recouping the money that he 20 purchased the property for, and up until two 21 years ago, we stopped mowing the lawn, 22 unfortunately. It was actively marketed. We 23 could not entertain it. 24        MR. WALTER: Do you know what they paid 25 for it verse what they were trying to sell it</p>

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1        PUBLIC HEARING	1        PUBLIC HEARING
2 for?	2 would be consistent, the difference is the end
3        MR. THOMAS: He paid 365 for it.	3 game is we are going bring a lot into
4        MR. WALTER: That's not worth it in that	4 conformance. Is the alleged hardship
5 area. What were you marketing it for?	5 self-created? That's an interesting one, since
6        MR. THOMAS: 365.	6 the lot was cleared and actively farmed, if the
7        MR. WALTER: I don't want to testify but	7 lawn was maintained and mowed, you know, the
8 that was not worth 365 as a single-family	8 hardship was created back in the early 1900's,
9 residence.	9 way before any of us thought about the pine
10        MR. THOMAS: The question is: Is this	10 barrens so it's not self-created, we are
11 unique? It is unique, this is the clearest	11 looking to bring something into compliance.
12 definition of an infill lot. It is surrounded	12        MS. MEEK GALLAGHER: Any member of the
13 by walls of fences to the north, to the west,	13 public who wishes to comment on this?
14 it's an asphalt Highway of barns and bus	14        (No verbal response given.)
15 parking, and to the south we have a pretty	15        MS. MEEK GALLAGHER: Okay. Any other
16 heavy use property. Just looking at the	16 questions or comments from members?
17 pictures, you can see the entire site is	17        (No verbal response given.)
18 cleared and used for an industrial type use and	18        MS. MEEK GALLAGHER: So we should close
19 a little further to the south, you have the	19 the public hearing.
20 Hampton Jitney property. In that sense, it is	20        MR. ROMAINE: Motion to close the public
21 not a stand alone piece within an undeveloped	21 hearing.
22 area, it is very small 40,000 square foot lot	22        MR. MILAZZO: Do you want us to leave the
23 surrounded by intense uses.	23 record open?
24        MS. PRUSINOWSKI: What's on the piece	24        MR. ROMAINE: No.
25 directly south?	25        MS. MEEK GALLAGHER: Motion to close the
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1        PUBLIC HEARING	1        PUBLIC HEARING
2        MR. THOMAS: Directly south, I am not	2 public hearing?
3 exactly sure what is there.	3        MR. WALTER: Second.
4        MS. HARGRAVE: It looks like a landscaping	4        MS. MEEK GALLAGHER: All in favor?
5 business.	5        (Chorus of ayes.)
6        MR. THOMAS: It looks like a landscaping	6        MS. MEEK GALLAGHER: Any abstentions?
7 business. It's heavily developed and you can	7        (No verbal response given.)
8 see by the photographs and I have a Google map.	8        MS. MEEK GALLAGHER: Public hearing is
9        MR. WALTER: It's an issue for code	9 closed.
10 enforcement is what it is.	10        (Time Noted: 3:21 p.m.)
11        MR. THOMAS: I am not sheer to shed light	11
12 on other people's property, that's not my job.	12
13        This is -- I am going to just submit this.	13
14        This is Google Maps photograph. Can I show	14
15 this to Brenda and I will give it back to you?	15
16        MR. WALTER: So that's where the	16
17 chiropractor is?	17
18        MR. THOMAS: That's further down. The	18
19 request for variance, if granted, will not	19
20 alter the essence of character of the	20
21 neighborhood just based on everything that we	21
22 talked about. The bus barn is such an intense	22
23 use, like I said, it basically borders two	23
24 sides and then to the south we have that	24
25 industrial use that we just spoke about. This	25

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1 C E R T I F I C A T E

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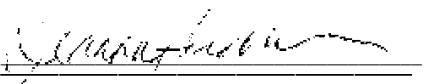
3 I, DEANNA HUDSON, a shorthand reporter and  
4 Notary Public within and for the State of New York,  
5 do hereby certify:

6 That the within statement is a true and  
7 accurate record of the stenographic notes taken by  
8 me.

9 I further certify that I am not related to  
10 any of the parties to this action by blood or  
11 marriage, and that I am in no way interested in the  
12 outcome of this matter.

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16 ✓ DEANNA HUDSON

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