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2 BLUEWATER DEVELOPMENT COMPATIBLE GROWTH AREA
3 HARDSHIP WAIVER APPLICATION
4
5 REPRESENTED BY CHARLES THOMAS
6 1 Independence Hill, Farmingville, New York 11738
7 ----- x
8
9 October 18, 2017
10 2:59 p.m.
11
12 PRESENT:
13 CARRIE MEEK GALLAGHER, Chairwoman
14 SEAN WALTER, Member
15 KYLE COLLINS, Member
16 EDWARD P. ROMAINÉ, Member
17 BRENDA PRUSINOWSKI, Member
18 JOHN MILAZZO, Commission Staff
19 CAROL SHOLL, Commission Staff
20 JOHN PAVACIC, Commission Staff
21 DORIAN DALE, Commission Staff
22 JULIE HARGRAVE, Commission Staff
23 *****
24
25

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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. ROMAINÉ: Would the existing dwelling
25 remain?

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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

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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 recourses 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. ROMAINÉ: 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. ROMAINÉ: 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

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1 PUBLIC HEARING
2 border.
3 MR. WALTER: It's a nonconforming use as a
4 single family residence. It's the only house,
5 not this house, but I think there's only one
6 residential house where somebody is living on
7 Edwards. I mean, it's surrounded by --
8 MR. ROMAINE: This is the golf course.
9 MR. WALTER: This is surrounded by -- this
10 needs to go as a single family residence
11 because it's surrounded by two bus barns, if
12 you will, Hampton Jitney and Riverhead Bus.
13 Years ago when you used to drive past here,
14 there was just this blue haze of diesel that
15 would go across the parking lot because it was
16 a student bus yard before it was TS Haulers.
17 This is a tremendous improvement to the area
18 over here of around the farmhouse.
19 MS. HARGRAVE: You can see the pictures in
20 the house and the adjacent grassy area. I am
21 not even sure if it's occupied.
22 MR. WALTER: I don't think it's been
23 occupied in years.
24 MR. ROMAINE: Does the staff have a
25 recommendation?

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1 PUBLIC HEARING
2 MS. HARGRAVE: Yeah, we have the applicant
3 here and we will have the hearing, but we had
4 some questions on page six of the staff report
5 about the area that they will be replanting
6 that will be protected. Will the project
7 conform to the 15 percent fertilizer and
8 vegetation standard? If the applicant has
9 explored alternatives and the maintenance, if
10 they can inform you on the -- if that grassy
11 area has been mowed regularly, it appears it
12 probably has, it hasn't grown into a forest --
13 MR. ROMAINE: I'd like to have the
14 applicant sworn in and make a statement at this
15 time.
16 (whereupon, Mr. Thomas was sworn in at
17 this time.)
18 MR. THOMAS: Good afternoon. My name is
19 Chuck Thomas. I am here for the applicant,
20 Mike Owen. This is 313 Edwards Avenue. This
21 lot, just the brief history. This lot was
22 created a by a minor subdivision in 1986. This
23 was part of the original Edwards family farm on
24 Edwards Avenue. It was actively farmed. I
25 have a survey from Joe Ingegno (phonetic) that

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1 PUBLIC HEARING
2 he did in 1992 and I can show you all that.
3 That clearly shows the edge of the farm field
4 as being cultivated and then the house along
5 it. You can see that.
6 MR. WALTER: Make that part of the record.
7 MR. THOMAS: This is done in 1992.
8 Cultivated farm field, house and lawn
9 (phonetic). Exhibit 1 for the applicant. I am
10 not going to -- Julie kind of went through a
11 lot of stuff that I was going to propose and
12 talk about. This lot, the grass area was mowed
13 up until two years ago. It was done on a
14 biweekly basis so it was a maintained lawn.
15 Two years ago he decided, "I am going to cut
16 the grass around the house, why do everything
17 else?" It didn't matter to cut another 30,000
18 square feet of lawn. Two years ago was the
19 last time the lawn was cut. We are aware of
20 the fertilizer dependent vegetation, that is in
21 our site plan, that is also going to be
22 coordinated and reviewed with the Town of
23 Riverhead. We fully intend to do that. We are
24 willing to protect the natural vegetation that
25 we propose. This is a nonconforming lot. This

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2 lot, by my count and Nathan Corwin who is the
3 surveyor who updated the survey. His eight
4 mature trees that were with this lot prior to
5 us -- prior to the house being built, the house
6 was built in 1942 and that's according to the
7 Riverhead tax records. Out of the eight trees
8 major trees that exist, we are only looking to
9 remove one and this is the tree (indicating).
10 MR. ROMAINE: Looks like it might remove
11 itself.
12 MR. THOMAS: This is the tree that we are
13 looking to remove. We are proposing to remove
14 two Japanese Maples and a privet hedge that
15 were planted at some point, but they are not
16 native to the community. This is the only
17 major tree that we are proposing to remove. We
18 are looking to take a nonconforming lot and
19 bring it into conformance. We will not have to
20 disturb the soils, they are not native, this is
21 planted lawn, this was a cultivated farm field
22 that was brought back to a residential use as
23 grass, lawn.
24 We are looking to bring a nonconforming
25 lot into conformity, we are willing to do

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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

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1 PUBLIC HEARING
2 industrial C?
3 MR. ROMAIN: 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. ROMAIN: 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

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2 however it's treated?
3 MR. THOMAS: 14,000 square 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. ROMAIN: 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

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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

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1 PUBLIC HEARING
2 for?
3 MR. THOMAS: He paid 365 for it.
4 MR. WALTER: That's not worth it in that
5 area. What were you marketing it for?
6 MR. THOMAS: 365.
7 MR. WALTER: I don't want to testify but
8 that was not worth 365 as a single-family
9 residence.
10 MR. THOMAS: The question is: Is this
11 unique? It is unique, this is the clearest
12 definition of an infill lot. It is surrounded
13 by walls of fences to the north, to the west,
14 it's an asphalt Highway of barns and bus
15 parking, and to the south we have a pretty
16 heavy use property. Just looking at the
17 pictures, you can see the entire site is
18 cleared and used for an industrial type use and
19 a little further to the south, you have the
20 Hampton Jitney property. In that sense, it is
21 not a stand alone piece within an undeveloped
22 area, it is very small 40,000 square foot lot
23 surrounded by intense uses.
24 MS. PRUSINOWSKI: What's on the piece
25 directly south?

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1 PUBLIC HEARING
2 MR. THOMAS: Directly south, I am not
3 exactly sure what is there.
4 MS. HARGRAVE: It looks like a landscaping
5 business.
6 MR. THOMAS: It looks like a landscaping
7 business. It's heavily developed and you can
8 see by the photographs and I have a Google map.
9 MR. WALTER: It's an issue for code
10 enforcement is what it is.
11 MR. THOMAS: I am not sheer to shed light
12 on other people's property, that's not my job.
13 This is -- I am going to just submit this.
14 This is Google Maps photograph. Can I show
15 this to Brenda and I will give it back to you?
16 MR. WALTER: So that's where the
17 chiropractor is?
18 MR. THOMAS: That's further down. The
19 request for variance, if granted, will not
20 alter the essence of character of the
21 neighborhood just based on everything that we
22 talked about. The bus barn is such an intense
23 use, like I said, it basically borders two
24 sides and then to the south we have that
25 industrial use that we just spoke about. This

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2 would be consistent, the difference is the end
3 game is we are going bring a lot into
4 conformance. Is the alleged hardship
5 self-created? That's an interesting one, since
6 the lot was cleared and actively farmed, if the
7 lawn was maintained and mowed, you know, the
8 hardship was created back in the early 1900's,
9 way before any of us thought about the pine
10 barrens so it's not self-created, we are
11 looking to bring something into compliance.
12 MS. MEEK GALLAGHER: Any member of the
13 public who wishes to comment on this?
14 (No verbal response given.)
15 MS. MEEK GALLAGHER: Okay. Any other
16 questions or comments from members?
17 (No verbal response given.)
18 MS. MEEK GALLAGHER: So we should close
19 the public hearing.
20 MR. ROMAINE: Motion to close the public
21 hearing.
22 MR. MILAZZO: Do you want us to leave the
23 record open?
24 MR. ROMAINE: No.
25 MS. MEEK GALLAGHER: Motion to close the

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1 PUBLIC HEARING
2 public hearing?
3 MR. WALTER: Second.
4 MS. MEEK GALLAGHER: All in favor?
5 (Chorus of ayes.)
6 MS. MEEK GALLAGHER: Any abstentions?
7 (No verbal response given.)
8 MS. MEEK GALLAGHER: Public hearing is
9 closed.
10 (Time Noted: 3:21 p.m.)
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1 C E R T I F I C A T E

2

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.

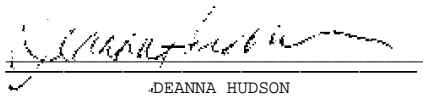
9 I further certify that I am not related to
10 any of the parties to this action by blood or
11 marriage, and that I am in no way interested in the
12 outcome of this matter.

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DEANNA HUDSON

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