



Saint James - Head of the Harbor  
NEIGHBORHOOD PRESERVATION COALITION

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## **FOR IMMEDIATE RELEASE**

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#### **LEGAL CHALLENGE BEGINS TO BLOCK GYRODYNE MEGA DEVELOPMENT PLAN Village, Coalition and 23 Nearby Property Owners File Petition In State Supreme Court Lawsuit Charges Defective Environmental Review Did Not Consider Significant Impacts Work Continues to Advance Compromise Plan to Preserve Flowerfield Fairgrounds**

Charging that the environmental review of the project did not comply with State law, the Village of Head of the Harbor, the Saint James – Head of the Harbor Neighborhood Preservation Coalition and 23 nearby property owners will file a legal challenge on April 26th to overturn the March 30th preliminary approval of the controversial Gyrodyne subdivision application.

“It is unfortunate that this legal action is necessary, but the community has made clear for over a year that if the Smithtown Planning Board were to move forward to approve Gyrodyne’s massive plan based on a defective environmental review, we would have no choice but to challenge their actions in court,” said Judith Ogden, Head of the Harbor Village Trustee and spokesperson for the Coalition. “We will demand an environmental review that meets the requirements of State law, while continuing our work towards the Compromise Plan, a common sense solution to the Gyrodyne problem that is in the best interest of both the company and the community.”

The petitioners are represented by E. Christopher Murray of the firm Ruskin Moscou Faltischek, P.C. Mr. Murray stated that the “environmental review undertaken by the Planning Board fell far short of what is required by law.” Murray added “such basic items as how the proposed development will affect the character of the immediate area was not reviewed even though such review is required by law.”

Gyrodyne’s controversial plan to build a three-story hotel, 250 assisted living housing units, 175,000 square feet of office space and parking for over 2,000 cars on the former Flowerfield site, with much of the development proposed in the area designated by the federal government in 1973 as the Mills Pond National Historic District has been the subject of fierce opposition from local residents, the Village of Head of the Harbor, the Town of Brookhaven, and elected officials who argue that the plan would completely overwhelm several two-lane roads that border the site, permanently alter the rural character of Mills Pond National Historic District, and pollute Stony Brook Harbor.

For more than a year, opponents have charged that the environmental impacts of changes Gyrodyne made to its original plan after the initial environmental review was completed have not been evaluated and require the preparation of a Supplemental Environmental Impact Statement (SEIS). The changes, made without public notice, include 30 additional housing units, 45,000 additional square feet of office space, and a 4,000 square foot, 133 seat multi-purpose room, according to documents available on the Town website.

“These changes are significant and require the preparation of a Supplemental Environmental Impact Statement,” said Judith Ogden, Head of the Harbor Village Trustee and spokesperson for the Saint James – Head of the Harbor Neighborhood Preservation Coalition. “We have made clear for more than a year that we would challenge a decision not to require an SEIS because state law requires that the environmental impact of the 30 additional housing units and 45,000 square feet of office space be subject to environmental review. The need is even greater in this instance because Gyrodyne’s development proposal is in direct conflict with the Town’s Draft Comprehensive Plan.”

In affidavits filed in support of the litigation, experts retained by the Coalition cited “glaring deficiencies” in the existing environmental review of the project, including a failure to consider the cumulative impacts that development of the Gyrodyne site and other properties in the immediate area, and a failure to adequately review the traffic impacts the Gyrodyne plan would cause. In 2010, a traffic expert hired by Gyrodyne testified under oath that the site should not be developed for commercial uses because the traffic would completely overwhelm the two-lane roads that border the site.

The suit over the environmental review is the latest development in an ongoing controversy over the future use of the property. Village of Head of the Harbor Trustees have pointed out repeatedly that Gyrodyne’s massive proposal is in direct conflict with key recommendations contained in the Town’s new Draft Comprehensive Plan, and have urged the Town Board to change the zoning on the Gyrodyne property back to residential.

Village of Head of the Harbor Mayor Douglas Dahlgard has called for the entire Gyrodyne site to be preserved as a park. In February, local elected officials, including Suffolk County Legislators Rob Trotta and Kara Hahn, Assemblyman Steve Englebright and Brookhaven Supervisor Ed Romaine expressed support for a Compromise Plan proposed by the Coalition that would cluster development on portions of the site that are already occupied by buildings and parking lots while preserving the 40-acre Flowerfield Fairgrounds as open space. Support has grown quickly for the Compromise Plan, which the Coalition has argued would avoid years of litigation.

“The beauty of the Compromise Plan is that it would require relatively minor changes to Gyrodyne’s subdivision proposal but would address many of the community’s most serious concerns, avoiding the possibility of costly litigation that could tie the property up for years,” said Ogden. “While this lawsuit is necessary to ensure an environmental review that complies with the law, a solution to the Gyrodyne problem is in sight. The Coalition looks forward to working with the Town of Smithtown, the Village of Head of the Harbor, and Gyrodyne to finalize the details of the Compromise Plan that the community can support.”

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