



Saint James - Head of the Harbor
NEIGHBORHOOD PRESERVATION COALITION

Protecting the Character of Our Community

P.O. Box 83

Saint James, N.Y. 11780

stjameshohnpc.org

facebook.com/saveflowerfield

FOR IMMEDIATE RELEASE

OCTOBER 21, 2024

Contact:

Joseph Bollhofer

(516) 314-4650

Judy Ogden

(516) 523-6720

- **LEGAL BATTLE OVER GYRODYNE MEGA DEVELOPMENT IS CONTINUING, INCLUDING APPEAL OF COURT DECISION**
- **APPLICANT'S ENVIRONMENTAL REVIEW DID NOT CONSIDER EXTREME WEATHER AND FLOOD DAMAGE**
- **NEW YORK STATE DEC IS WORKING TO ACQUIRE FAIRGROUNDS TO PRESERVE AS OPEN SPACE**

"A recent court decision finding that the environmental review of the proposed Gyrodyne development plan met the minimum requirements of the law will not end the legal battle over the controversial development," said members of the Saint James Head of the Harbor Neighborhood Preservation Coalition that, along with the Village of Head of the Harbor and local property owners, filed a lawsuit challenging the environmental review. The legal maneuvering comes while the New York State Department of Environmental Conservation is finalizing appraisals to acquire undeveloped portions of the property for preservation as open space.

"The fight to make sure that this important parcel is preserved as open space is far from over," said Judy Ogden, a Village of Head of the Harbor Trustee and spokesperson for the Coalition. "The recent court decision over the site plan review will be appealed, and the project has not received any of the required approvals from the Suffolk County Department of Health Services or from the Suffolk County Sewer Agency. More importantly, the New York State Department of Environmental Conservation has made clear that preservation of Flowerfield Fairgrounds is a top priority, and is continuing its efforts to acquire the property."

The Gyrodyne site is located in a bucolic rural setting, near several farm properties that are among the last remaining agricultural lands in western Suffolk County. Fully one third of the site is located in the Mills Pond National Historic District established by the federal government in 1973. Gyrodyne's subdivision application envisions a massive development plan that includes a multi-story 125-room hotel, 175,000 square feet of office space, a 4,000 square-foot meeting room, 250 assisted living units, a 7-acre sewage treatment plant, and parking for more than 2,500 vehicles. The hotel and assisted living facilities proposed by Gyrodyne are not permissible

“as of right” uses under the light industrial provisions of the Town zoning code, but instead would require special exception approvals from the Smithtown Town Board. In addition, the Town of Smithtown’s new Comprehensive Plan, unanimously approved by the Town Board early this year, recommends that assisted living facilities should only be allowed in a newly proposed zoning category designed for that purpose, not near residential areas, and that mixed-use projects like the Gyrodyne plan should be targeted for downtown business districts and away from highway corridors.

“On the basis of sound planning considerations alone, the Town has authority to reject the Gyrodyne mega development, since it is completely inconsistent with the Town’s new Comprehensive Plan,” said Ogden. “This project would essentially suffocate Saint James and Head of the Harbor with obscene traffic volumes while also devastating water quality in Stony Brook Harbor.”

In 2021, the Coalition expressed support for a proposal that the entire site should become a park, but said if that was not possible, it would support a Compromise Plan, under which the undeveloped 48-acre portion known as Flowerfield Fairgrounds would become open space, with some limited development allowed on the portion of the site that is already occupied by buildings and parking lots. Local elected officials, including former Brookhaven Town Supervisor and now Suffolk County Executive Edward P. Romaine, County Legislators Steven Englebright and Rob Trotta, Brookhaven Councilman Jonathan Kornreich and Head of the Harbor Mayor Michael Utevsky along with the Village Board have all opposed Gyrodyne’s subdivision plan and expressed strong support for the preservation of the site.

The Coalition made clear that if the Smithtown Planning Board approved the Gyrodyne subdivision, it would challenge the approval in court. After the Planning Board approved the subdivision on March 30, 2022, the Coalition, Village of Head of the Harbor and 23 nearby property owners filed suit, arguing that the environmental review of the project was flawed.

“The recent court decision found that the environmental review met the minimum requirements of the law,” said Joseph Bollhofer. “It is clear that the review process was not thorough, did not seriously consider comments from the public and was skewed to favor the developer. As important, the review clearly did not consider severe weather events like the 10-inch rainfall in August that caused so much damage to areas around the Gyrodyne site.” On August 19th, a 10-inch rainfall sent tens of millions of gallons of stormwater into the Route 25A corridor, bursting the Harbor Road dam at Stony Brook Mill Pond and forcing the closure of Route 25A adjacent to the Gyrodyne site for three days.

“The flooding that occurred on August 19th was devastating, but it would have been much worse,” said Bollhofer. “Because of the topography, stormwater from the site flows east, where it travels down Route 25A and into the Stony Brook Mill Pond. Even with most of the property undeveloped, flooding was so severe that the dam at Stony Brook Mill Pond blew out. Additionally, after this storm, Route 25A between Stony Brook and Saint James was closed and impassable for three days wreaking havoc on local roads. If Gyrodyne’s proposed development had been in place at the time of the storm, impacts would have been much more severe, and experts tell us that

it is likely that the historic Stony Brook Grist Mill (which miraculously survived the recent storm), would have been destroyed altogether.”

“Based on the failure of the environmental review to consider such weather events,” Bollhofer said, “the Coalition will challenge the recent court decision. In addition to challenging the decision on the merits, the group will move for reconsideration of the recent decision based on new and additional information regarding the increasing frequency of severe weather events.”

“The community’s robust financial support for the ongoing litigation is a sign of the strong support of efforts by the Coalition and local elected officials to ensure that Flowerfield Fairgrounds is preserved for future generations to enjoy, to prevent a traffic nightmare and to prevent contamination of Stony Brook Harbor that would result if the mega development moves forward,” said Ogden. “The Coalition looks forward to working with the State DEC and County Executive Romaine to finalize the acquisition of Flowerfield Fairgrounds for preservation as open space.”

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