

## Appendix III: Minutes of Town Board Hearings on Serenity Estates

### Public Hearing for the Serenity Estates Change of Zone Petition from Residential (CR-40) to Residential Planned Development District (RPDD) for a 60 Unit Senior Citizen Condominium Complex in the Hamlet of Speonk

**Status** Closed  
**Orgin Document** [2009-1510](#)  
**Target Meeting** 11/9/2010 1:00:00 PM

#### Meeting History

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#### **Feb 9, 2010 1:00 PM Town Board Regular Town Board Meeting**

1. Wayne Bruyn, Esq. of O'Shea, Marcinuck & Bruyn appeared on behalf of the applicant, Serenity Estates LLC. He discussed the DEIS and general timeline. He stated his client purchased the 15.2 acre property which is approximately 1,200 ft. south of Old Country Road in Speonk in the CR-40 zoning district. The property was formerly a feather factory. He further discussed the environmental audit performed by Cashin Associates. He also discussed the Town imposed moratorium and the Eastport / Speonk / Remsenburg Area Study which was adopted in 2004. He stated that the Planning Board granted preliminary subdivision approval for a 13 lot subdivision. He further discussed the Planning Board's recommendation for the PDD; 1) senior housing; 2) mixed use commercial / medical; and 3) light industrial. He further discussed the DEIS and potential public benefits, environmental concerns including the plume identified by the Health Department affecting groundwater with heavy metal and soil vapor issues.
2. Nicholas Vero, Architect discussed the site plan for 60 units of senior housing. He also discussed the location in reference to the Village Square and Railroad station.
3. Town Planning & Development Admin. Jeff Murphree spoke and stated that the project has been discussed for a very long period of time. He also discussed the Eastport/ Speonk / Remsenburg Area Study and the numerous discussions with residents. He also discussed the Planning Board approval of a 13 lot subdivision with 25% open space (3.8 acres). He further the discussed the DEIS and the plume in the area which is being studied by the NYSDEC and the SCDHS. He also entered a letter from Kimblery Shaw of the Suffolk County Dept. of Health Office of Ecology. He also discussed the cromaglass sewage system which must be redesigned. He further discussed the concerns of the Planning Board re: the plume and the impact on the residents. He stated that the Village Square and Railroad station and not a walkable distance from the subdivision. He recommended a 6 week adjournment of the public hearing.
4. Councilman Nuzzi had questions re: the as of right density and cromaglass sewage system.
5. Jeff Murphree stated as of right it was 13 units.
6. Arlene Schroeder of the Disability Advisory Committee discussed universal accessibility in affordable housing units including; width of doorways, no bathtubs, no steps in front or back.
7. Supervisor Throne-Holst stated that affordable housing must be ADA compliant.
8. Andrea Spilka of the Speonk Remsenburg Association and the SH Town Civic Coalition, discussed the plume and the impacts to the school district. She spoke in opposition to the legislation.
9. Jen Hartnagle of the Group for the East End discussed the proposed density and the plume. She stated the DEIS is outdated (from 2002) and inaccurate. She also discussed the density - fourfold increase also and the several development applications over this plume. She also discussed public water and vapor barrier design. She stated there must be a reduction in density.
10. Hank Beck of the CAC-West stated that Bob Mozer his co-chair is a certified hydrologist and believes that the plume is a major concern. He also discussed possible asbestos contamination from the building that was demolished. He also discussed the school district, taxes and entered a letter into the record.
11. Martha Weller of Speonk spoke in opposition to the legislation due to the plume. She also stated that there were no community benefits and also the need to look at updated area studies.
12. Albert Leutwyler of Eastport discussed the DEIS and senior development and non-age restricted

housing's impact on the school district and taxes. He stated that the school district is already overburdened.

13. Bridget Fleming, Candidate for Town Council, discussed the senior housing and community benefit of 12 affordable units. She also discussed that it was not a walkable distance from the hamlet center. She further discussed the plume and the very serious environmental concerns.

14. Eve Houlihan discussed environmental concerns and the purpose of a PDD.

**RESULT:**           **ADJOURNED [UNANIMOUS]**

*Next: 3/23/2010 6:00 PM*

**MOVER:**           Anna Throne-Holst, Supervisor

**SECONDER:**     James Malone, Councilman

**AYES:**            Anna Throne-Holst, Nancy Graboski, James Malone, Chris Nuzzi

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### **Mar 23, 2010 6:00 PM      Town Board      Regular Town Board Meeting**

1. Wayne Bruyn, Esq. of O'Shea Marcincuck & Bruyn, appeared on behalf of the applicant. He stated that senior housing was recommended by the hamlet center study. He also discussed the NYS DEC comments re: the Speonk solvent plume and certain chemicals that exceed groundwater standards. He also discussed public water, soil vapor barriers and that nearby subdivisions have been approved in the area. He asked that the Town Board provide guidance on the proposed use or an alternative use of the property.

2. Asst. Town Planning & Develop. Dir. Freda Eisenberg discussed the FEIS and SEQRA requirements and meeting the requirements of the Health Department. She further discussed the possibility of asbestos being present at the site of the old feather factory. She further discussed alternatives to keeping the public hearing open.

3. Jennifer Hartnagle of the Group for the East End discussed the PDD legislation. She stated that the community benefits are not unique on this project and do not justify a four-fold increase in density. She also stated that there was no participation in the TDR program. She also discussed the contamination of the Speonk solvent plume and the need for the vapor barrier system to be monitored. She also referred to the letter from the Speonk-Remsenburg Civic Association and the member who is a hydrogeologist.

4. Suzanne Collins, member of the Remsenburg-Speonk Civic Association discussed the six page document they submitted into the record. She stated that member Richard Baldwin was a resident hydrogeologist. She stated that the DEIS does not provide sufficient information. She also discussed asbestos at the site of the former feather factory. She further discussed overcrowding at the ESM school district and the Speonk solvent plume.

5. Hank Beck, co-chair of the CAC-West stated that he met with the applicant Mr. Bernstein. He discussed PDDs, public benefits and would like to work with Mr. Bernstein on the project.

6. Andrea Spilka of the SH Town Civic Coalition spoke in opposition to the application. She stated there was no public benefit and also discussed the Speonk toxic plume, overcrowding at the ESM school district and the increase in density to sixty (60) units.

7. Mary Jean Green congratulated Councilwoman Bridget Fleming on her election. She spoke in opposition to the application. She further discussed the toxic plume, asbestos and other chemicals present at the site.

8. Wayne Bruyn, Esq., attorney for the applicant stated that it was a senior housing project and would have a different impact on the school district. He suggested keeping the hearing open to continue the dialogue with the community.

9. Freda Eisenberg stated that the comments from the Town Planning Board are expected by this Thursday. She further discussed the SEQRA process and keeping the public hearing open.

10. Bob DeLuca, Pres. of the Group for the East End discussed the SEQRA process and the FEIS vs. a supplemental environmental impact statement.

11. Councilwoman Graboski inquired as to any interested or involved agencies comments on the project.

12. Town Clerk Sundy Schermeyer stated that she had not received any reports from the Suffolk County Planning Commission or the Town Planning Board as of this date.

13. Wayne Bruyn suggested a 45 day adjournment of the public hearing.

**RESULT:**           **ADJOURNED [UNANIMOUS]**

*Next: 5/11/2010 1:00 PM*

**MOVER:**           Anna Throne-Holst, Supervisor

**SECONDER:** James Malone, Councilman

**AYES:** Anna Throne-Holst, James Malone, Nancy Graboski, Bridget Fleming, Chris Nuzzi

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**May 11, 2010 1:00 PM Town Board Regular Town Board Meeting**

1. Wayne Bruyn, Esq. appeared on behalf of the applicant Serenity Estates. He stated that he wished to adjourn the public hearing to the first meeting in July.
2. Councilwoman Fleming inquired as to contact with the community.
3. Mr. Bruyn stated they are working with the community through the Dept. of Land Management.
4. Town Planning & Develop. Admin. Jeff Murphree stated that DLM staff received the 5/5 letter from the applicant. He stated that DLM staff had the following recommendations; 1) the scope from Cashin should be forwarded to the Suffolk County Dept. of Health Services and also to the DEC; 2) that the scope should be forwarded to all interested agencies; 3) that the Town should hire a local person for independent review and analysis. He further stated that the plume was an important issue re: land uses in the area.
5. Joel Peterson, Vice Pres. of the Speonk-Remsenburg Civic Association discussed the hamlet studies and three (3) experts volunteering their time. He stated that they look forward to meeting with Mr. Bernstein.
6. Councilwoman Fleming inquired as to any community benefits that the civic association would envision.
7. Mr. Peterson stated a pool.
8. Bob DeLuca of Group for the East End stated the initial proposal does not meet the PDD criteria and the applicant should meet with the community.
9. Councilwoman Fleming inquired as to any community benefits.
10. Bob DeLuca stated charrettes would be needed for a list of community benefits.

**RESULT:** **ADJOURNED [UNANIMOUS]**

*Next: 7/13/2010 1:00 PM*

**MOVER:** Anna Throne-Holst, Supervisor

**SECONDER:** Bridget Fleming, Councilwoman

**AYES:** Anna Throne-Holst, James Malone, Nancy Graboski, Bridget Fleming, Chris Nuzzi

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**Jul 13, 2010 1:00 PM Town Board Regular Town Board Meeting**

1. Wayne Bruyn, Esq. of O'Shea, Marcincuk & Bruyn, attorneys for the applicant discussed two (2) issues; 1) comments re: environmental concerns of the groundwater plume and the former feather factory; and 2) alternate uses for the property and reaching out to the community for direction.
2. Greg Green of Cashin Associates discussed the 15 acre parcel. He discussed the environmental concerns re: the former feather factory and obtaining the latest information concerning the groundwater plume. He also discussed the preliminary work plan which was sent to the SCDHS and the NYSDEC. He stated there were six (6) tasks involved; 1) reviewing the public record; 2) conducting a site search with NYSDEC and SCDHS re: the groundwater plume. He stated that the NYSDEC is issuing a report on the plume; 3) collection and analysis of soil samples near the surface and three feet below; 4) test pit excavation in sump areas; 5) the digging of six holes 15 ft. deep and the taking of soil samples for asbestos; and 6) visual inspection by SCDHS and investigation.
3. Town Attorney Michael Sordi discussed the Phase II Environmental Impact Statement.
4. Greg Green of Cashin Associates discussed the plume management and vapor barrier system.
5. Councilwoman Fleming discussed the plume.
6. Councilman Malone discussed boring and testing at depths of 3 ft., 15 ft. and 25 ft.
7. Greg Green stated that the plume was at 85 ft.
8. Wayne Bruyn suggested a 30-day adjournment of the public hearing.
9. Town Planning & Development Admin. Jeff Murphree stated he was not in support of charrettes. He stated the burden was on the applicant not the Town.
10. Councilwoman Fleming discussed SEQRA and closing the public hearing.
11. Jeff Murphree discussed closing the public hearing and the FEIS.
12. George Lynch of Quiogue spoke at the request of the CAC-West. He stated there were no community benefits for the project; i.e. no park or affordable housing.
13. Andrea Spilka, Pres. of the SH Town Civic Coalition stated that the environmental review should

be completed and the traffic study needs to be updated. She also felt there was no public benefit to the community.

14. Councilwoman Fleming discussed closing the public hearing.

15. Barry Bernstein, the applicant discussed the benefits to the community such as creating jobs and helping businesses in the area. He suggested keeping the public hearing open for 30 days. He also discussed the toxic plume and soil vapor barriers.

16. Councilman Malone suggested adjourning the hearing for 30 days to review all the information.

**RESULT:**           **ADJOURNED [4 TO 1]**

*Next: 8/10/2010 1:00 PM*

**MOVER:**           James Malone, Councilman

**SECONDER:**      Nancy Graboski, Councilwoman

**AYES:**            Anna Throne-Holst, James Malone, Nancy Graboski, Chris Nuzzi

**NAYS:**            Bridget Fleming

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### **Aug 10, 2010 1:00 PM      Town Board      Regular Town Board Meeting**

1. Wayne Bruyn, Esq. of O'Shea, Marcincuk and Bruyn, LLP submitted a letter into the record requesting an adjournment of the hearing to 11/9/10. He further stated that his client met with the Speonk-Remsenburg Association. He also stated that there was a lack of consensus re: alternative uses for the property.

2. Councilwoman Fleming discussed density issues.

3. Wayne Bruyn discussed the plume and the recommendations of the Health Department. He further stated it was their goal to obtain consensus from the community and the Town.

4. George Lynch of Quiogue spoke on behalf of the CAC-West. He stated that member Bob Mozer is a hydrogeologist and is reviewing the information. He further stated that there is no public benefit to the community.

5. Andrea Spilka spoke on behalf of the Speonk-Remsenburg Association. She stated that they met with Barry Bernstein, the applicant. She further stated that they are not in favor of a large residential development and the traffic study is old and the area has additional development.

6. Councilwoman Graboski inquired as to what the community is looking for.

7. Andrea Spilka stated that the community is looking for mixed use; i.e. medical facility offices. She also discussed vapor barriers for the plume.

8. Town Clerk Sundy Schermeyer read a letter into the record from Barry Bernstein, the applicant.

9. Jennifer Hartnagle from the Group for the East End stated that the community was not supportive of the project. She also stated that it does not conform to the PDD legislation. She further discussed Pine Barrens credits and the TDR program.

10. Councilwoman Fleming discussed the increase in density.

**RESULT:**           **ADJOURNED [4 TO 1]**

*Next: 11/9/2010 1:00 PM*

**MOVER:**           Anna Throne-Holst, Supervisor

**SECONDER:**      James Malone, Councilman

**AYES:**            Anna Throne-Holst, James Malone, Nancy Graboski, Chris Nuzzi

**NAYS:**            Bridget Fleming

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### **Nov 9, 2010 1:00 PM      Town Board      Regular Town Board Meeting**

Public Hearing No. 1 was closed with a 14-day written comment period.

1. Barry Bernstein, Esq., the applicant, submitted an amended plan into the record. He stated that the original plan called for 60 condominiums. He further stated that he met with the Speonk-Remsenburg Association and the CAC-West and they felt the density was too high. He stated that the revised plan would reduce the number of condos to 36. He further discussed the second major change in the plan would be from senior housing to non-age restricted housing. He stated the third

major change would be the size of the recreation building would be reduced from 10,000 square feet to 5,000 square feet. He also discussed the introduction of a 10,000 square ft. medical center into the concept plan. He also discussed 25% - 40% open space and the Speonk Solvent Plume. He stated that there would be soil vapor barriers and access to public water. He discussed community benefits such as the medical center and \$250,000 cash-in-lieu-of to be designated for certain projects in the community.

2. Councilwoman Graboski inquired as to the 25%-40% of protected open space and any easements.
3. Barry Bernstein stated the area was a buffer area and not dedicated open space.
4. Councilwoman Fleming stated it was public space and not preserved space.
5. Barry Bernstein discussed the 2% transfer tax.
6. Councilwoman Graboski discussed the recent Code amendments re: community benefits.
7. Barry Bernstein stated that the cash contribution was to be used outside of the project.
8. Supervisor Throne-Holst inquired as to how the \$250,000 figure was arrived at.
9. Barry Bernstein stated it was calculated at \$7,000 per unit and to create something meaningful to the community.
10. Councilwoman Graboski discussed the cash-in-lieu of payment, community benefits and PDDs.
11. Councilwoman Fleming discussed the proposed medical office and community benefits.
12. Barry Bernstein discussed the medical offices would be rented out at market rates.
13. Councilwoman Fleming stated that the medical offices would be fee based offices. She also discussed boundaries and the toxic plume.
14. Barry Bernstein discussed the boundaries and the toxic plume.
15. Town Planning and Development Admin. Jeff Murphree stated that the applicant had met with the community on numerous occasions. He stated this was a unique property. He discussed the LI-40 zoning and positive declaration under SEQRA. He stated that the DLM Staff recommended closing the hearing with a 10-day written comment period.
16. George Lynch of Quiogue spoke on behalf of the CAC-West and read an e-mail into the record. He further stated that were not substantial community benefits associated with this project.
17. Supervisor Throne-Holst suggested closing the public hearing.

**RESULT:           CLOSED [UNANIMOUS]**

**MOVER:**           Anna Throne-Holst, Supervisor

**SECONDER:**       Bridget Fleming, Councilwoman

**AYES:**            Anna Throne-Holst, James Malone, Nancy Graboski, Bridget Fleming, Chris Nuzzi