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February 20, 2024

VIA Email (planning@huntingtonny.gov)

Town of Huntington Planning Board
Planning and Environment
Town of Huntington
100 Main Street
Huntington New York 11743

Att: Hon. Paul Ehrlich, Chairman and Members of the Planning Board

Re: Vineyard Bay Estates, LLC Application for Subdivision
Premises: 78 Bay Avenue & 211 Vineyard Rd., Halesite, NY
SCTM No. 0400-033.00-01.00-001.000

Dear Chairman Ehrlich and Planning Board Members:

We are writing to advise that this firm has recently been retained by The Nathan Hale Nature Preserve Committee (the “Committee”) to represent it and its members before this Board and all other involved Boards, Commissions, or Departments of the Town in connection with the above-referenced proposed subdivision. The Committee is a (growing) coalition of directly affected adjacent neighbors as well other concerned Town residents. It was formed to address the members’ shared and serious concerns about the subdivision and its deleterious impacts and in order for these concerns to be meaningfully heard and considered by those entrusted with the responsibility of protecting the Town, its residents, and its environment.

As you surely know, the Town (inclusive of this Board), by its own expressly stated policies and Code, has declared its commitment and is duty bound “to protect and safeguard scenic landscapes and the vegetative features of steeply-sloped lands throughout the Town of Huntington,” having formally recognized “that development in hillside areas disrupts the aesthetic and scenic qualities of these sites and adversely impacts surrounding properties by disrupting the surrounding natural vegetation and wildlife habitat, increasing the risk of stormwater runoff, flooding, surface erosion, sudden slope failure and soil movement.” Application of the Steep Slopes Conservation Law is supposed to ameliorate “to the greatest extent possible” the “adverse impacts to adjoining properties and steep slopes” both during development and thereafter, and “to safeguard the lives and welfare of the public.” *See* Town

Code §198-60. However, upon our initial review (which is ongoing as the Committee has, inter alia, engaged the services of expert consultants), it appears that the subdivision, as presently proposed, fails to comport with either the express terms or the spirit and intent of the aforesaid steep slopes law, and likewise fails to comply with the requirements of SEQRA. Among other SEQRA deficiencies, the public hearing on the preliminary subdivision approval can only properly be conducted after this Board has made its determination as to significance (positive/negative declaration). Accordingly, any approval, preliminary or otherwise, would be both premature and improper.

In that regard, on behalf of the Committee, we are respectfully requesting i) that the agenda item concerning this application for this Board’s February 21, 2024 (for a “Resolution”) be tabled and adjourned; ii) that the public hearing be reopened so that the public may comment on the plans, as revised, and in response to any SEQRA determination this Board, as lead agency, may be issuing; and iii) that, pursuant to Open Meetings Law all documents relating to this application be made available on the Town’s website or otherwise provided to the undersigned.

We look forward to having the opportunity to discuss this matter of substantial importance and public interest with you.

Very truly yours,

Perillo Hill LLP

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Encl.

cc: Susan Coleman, Esq., Town Attorney

Edward Gathman, Esq., Attorney to the Planning Board