

Despite lawsuit, St. James church will hold annual fair

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An annual St. James church fair will be held next week, despite a lawsuit filed against the Town of Smithtown and Diocese of Rockville Centre by a couple who lives across the street and is seeking to force the fair to move.

Kathleen and Richard Caldarola filed the lawsuit in January against St. Philip and James Roman Catholic Church after years of trying to get the five-day carnival, which attracts thousands of people, to move to another location.

The town has filed a motion to dismiss, which is pending.

The lawsuit cites traffic and noise problems with the carnival. It also cites what it calls the church's lack of concern for its residential neighborhood over the years - including overflowing Dumpsters at the church's school, no visual buffers there such as shrubs or trees, and an outside megaphone system that loudly plays taped music three times a day. The church has a pre-K through grade 8 school on the premises.

"A number of the items are long-standing issues that have evolved over the years into a situation that my family no longer finds tolerable," Richard Caldarola said at last week's town board meeting. His wife and two adult daughters also spoke.

Caldarola said he had to raise his lawn and add retaining barriers to stop rain water from the church's parking lot from coming across the street and flooding their lawn. The street in front of their house has collapsed because of the same drainage problems and heavy volume of cars and school buses, Kathleen Caldarola said.

Calls to the parish were not returned. Diocese of Rockville Centre spokesman Sean Dolan said he can't comment on litigation but said the carnival is an important fundraiser. "The carnival has been going on for years and . . . is overwhelmingly well-received," he said. "It's a key source of income in very difficult times."

The carnival will be held June 10-14. Last year, the town put in place rules regarding setup times, and mandated that the parish have a fire marshal on site at its expense.

Town attorney Yvonne Liefbrig said she would not comment on pending litigation.

Other neighbors also have complained at past town board meetings. One recently said portable toilets were knocked over last year and caused a stench.

The Caldarolas have lived in their home for 32 years, predating the carnival.