

Propose more mailings, financial disclosure with land-use applications

By DAVID AMBRO

Smithtown Councilman Thomas McCarthy has proposed that legislation be drafted to require additional disclosure and notification requirements for land use applications in the Town of Smithtown.

Councilman McCarthy proposes that land use applicants be required to provide more detailed financial disclosure information than is presently required. Presently, applicants for zone change applications are required to provide detailed financial disclosure statements for both the applicant and, if it is a different party, the land owner. That same level of disclosure is not presently required of any other land use applications.

Under the McCarthy proposal applicants for variances and special exceptions to the Board of Zoning Appeals, applicants for subdivisions to the Planning Board and applicants for site plans to the Town Board will have to provide a financial disclosure statement for both the applicant and the property owner with the application.

"When people look at any application they should know who they are dealing with, not just ghost corporations," Mr. McCarthy said during an interview in his office Monday, February 8. "That would be open and transparent government. No one can be hiding behind a corporation of a LLP [limited liability partnership]."

The financial disclosure statements presently mandated for a zone change applications require that the names and addresses of the officers and/or shareholders of a corporate applicant or land owner must be disclosed. Additional information about the corporation and its relationship with the town is also required.

During a discussion of the proposal at the Town Board work session

a land use application. Presently the Town code requires that the subject property be posted with a sign and that the applicant mail a notice of the public hearing to residents living within 200 feet of the site. "The bottom line is that we are in the past. Two hundred feet is ancient. Two hundred feet may encompass only a few houses," Mr. McCarthy said. "It's not fair to the neighborhood as a whole not to know what is going on in their neighborhoods."

Mr. McCarthy said he intends to propose legislation that will increase the notification by certified mail to 500 feet and add a requirement for notification by general mail to 1,000 feet. "And 1,000 feet might not even be enough," he said during an interview in his office Monday.

He said he has been watching zoning board meetings on the DVD disks and he sees people constantly complaining at meetings that they have not received adequate notice. Mr. DeRubeis said that if the distance is increased to 1,000 feet people who live 1,100 feet away will still come and complain.

Mr. DeRubeis said state law requires notice in the form of advertising, posting of the property or a mailing and that the town requires all three. He said the notice already costs hundreds of dollars and in some cases it is for a minor application. He said additional mailing will add to the cost and in some cases may be a hardship on the applicant.

Presently the applicant must submit a list of the property owners within 200 feet and the certified mail stubs in order for the public hearing to commence. Mr. McCarthy said that in addition to legislation that the 200 feet threshold be increased to 500 feet he is also considering legislation to require that a wider area of the community around a land use application also be notified by direct mail.

Tuesday, Supervisor Patrick Vecchio said that the idea behind land use decisions is that they are supposed to be based on what is the best planning for the town. "It shouldn't be decided based on the land being owned by John Gotti, Jr.," he said.

Town Planning Director Frank DeRubeis said he will provide the town board with a list of the varying disclosure requirements for the various land use applications. He agreed with Mr. McCarthy's pursuit of disclosure but said that at any standard information can still be hidden by corporations.

After some discussion Supervisor Vecchio instructed Mr. DeRubeis to meet with Town Attorney Yvonne Leiffrig to discuss Mr. McCarthy's concerns.

In addition to financial disclosure, Mr. McCarthy said the town should require more extensive notification of a public hearing to residents in the community around a site subject of