

Watermill parking plan needs public hearing

By DAVID AMBRO

Former Smithtown Town Attorney John Zollo insists that a public hearing is not required in order to lift a covenant and restriction on parking at the Watermill on Route 347 and Terry Road in Smithtown.

Town of Smithtown officials disagree, and insist that if the Watermill applies to lift the parking restriction there must be a public hearing, a disagreement aired publicly at the Smithtown Town Board meeting February 9.

During the work session portion of last week's town board meeting Smithtown Supervisor Patrick Vecchio said that he keeps getting letters from Mr. Zollo related to the parking issue in which he says that a public hearing is not necessary to lift a covenant and restriction on the Watermill property.

Mr. Vecchio asked Town Planning Director Frank DeRubeis for an explanation.

According to Mr. DeRubeis the issue dates back to 1984, when the Watermill applied for a zone change to expand its parking lot. The town intended to issue a positive declaration under the State Environmental Quality Review (SEQRA), which would have required a lengthy and expensive environmental impact statement. According to Mr. DeRubeis negotiations ensued to avoid the SEQRA positive declaration, at which time the two parties agreed that the parking would be limited for use by the Watermill catering facility. Now, the Watermill seeks to use the parking for a hotel it plans to build on an adjacent site in the rear of the property, according to Mr. DeRubeis.

When Mr. Zollo filed the application

for the new Watermill hotel, it included use of the parking that was restricted for the catering facility. Mr. DeRubeis said that by state law the only way to lift a condition of a zone change is to have a public hearing, and that Mr. Zollo was so informed when he came in years ago with the Watermill Hotel application, which is now in limbo as a result of the parking and sewage issues.

Mr. DeRubeis said that about a year ago Mr. Zollo tried to get the hotel application moving again and attempted to have the parking restriction lifted, and he was referred to the Department of Environment and Waterways (DEW) since the parking restriction involves a zone change condition.

At last week's town board meeting DEW Director Russell Barnett told the town board that the proposal to lift

the parking restriction is part of the hotel requirement, therefore, under SEQRA it must all be considered as one application. In other words, the town board cannot first consider lifting the parking restriction and then later consider the hotel plan. Mr. Barnett said that the site is in a high groundwater area and across the street from a polluted former gasoline station which is being cleaned up, which will trigger a positive declaration under SEQRA and the need for a public hearing.

Town Attorney Yvonne Liefbrig agreed with Mr. DeRubeis and Mr. Barnett that a public hearing is necessary to lift the covenant and restriction on the parking.

"Why not notify the applicant of this?" Mr. Vecchio asked.

"We did, and they chose to go to the town board," Mr. DeRubeis replied.