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Court upholds town's zoning for Islip Pines development

By: David Winzelberg | January 29, 2016 | 1 Comment

A year and a half after a lawsuit sought to stop a long-planned \$300 million mixed-use project in Holbrook, a state Supreme Court judge has dismissed the challenge.

The Article 78 suit filed against the Islip Town Board and developer Serota Properties by the Peconic Baykeeper nonprofit group in July 2014 complained that the mixed-use project proposed for 136 acres would have a detrimental effect on water quality. In a written statement announcing its lawsuit, the group had lamented that Islip's elected representatives were "once again" catering to the development community by creating a new zoning district for the vacant property at the northeast side of where Veterans Memorial Highway merges with Sunrise Highway.

The petitioners in the lawsuit claimed that the project was "inconsistent with the town's comprehensive plans" and that it failed to "take a hard look at potential impacts to existing downtown commercial centers" and didn't properly address projected traffic impacts.

However, state Supreme Court Justice Joseph Pastorella ruled Jan. 13 that the developer's final environmental impact statement showed that the project was in keeping with Islip's 2009 Comprehensive Sunrise Highway Corridor study and that the petitioners failed to demonstrate a clear conflict with the town's plan.

The judge further noted that the FEIS for Islip Pines "conducted various studies and analyses concluding that the project would not adversely affect retail concentrations in the area." Pastorella also said the developer's environmental impact statement included a full traffic impact study and proposed six roadway modifications or improvements to mitigate traffic concerns.

The Islip Town Board voted 4-0 in March 2014 to approve the zoning change that will allow Serota to build the mixed-use development. The project is slated to have 350 residences, 1 million square feet of industrial/office space, 340,000 square feet of retail space, a hotel, multiscreen movie theater, multiple athletic fields and tennis courts, a community center, a 12.7-acre "great lawn" with an outdoor stage, and a 30,000-square-foot, open-air marketplace to hold farmers' markets and other events.

The developers of the new business/residential/recreational community promise to bring 1,600 construction jobs and about 3,000 permanent jobs. Currently paying \$450,000 a year in property taxes, Islip Pines will generate up to \$8.5 million in property tax revenue, with about \$5.7 million of that headed to the Sachem School District.

Attorney Bram Weber, of the Weber Law Group in Melville, who represented the developer, said the judge made the right decision and praised the town for its stringent vetting of the project.

"This is a perfect example of when a town puts an applicant through a multi-year environmental review process and works with the community and the applicant to improve the plan," Weber said. "That's a case where a challenge to that process should fail."

Islip town officials agreed.

"The town endeavored to secure all necessary input and approvals before moving forward," Islip Spokeswoman Caroline Smith said in an emailed statement. "The town is pleased that the court upheld the process and procedures which this project underwent."

An Article 78 proceeding serves as a uniform device to challenge the activities of an administrative agency in court. It is often used to reverse municipal zoning and land-use decisions.

Dan Gulizio, executive director for Peconic Baykeeper, did not respond to requests for comment. It's unclear if the group will appeal the court's decision.

For the developer, the next step will be filing for site plan approval, which Weber said should come in the first half of this year.

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ONE COMMENT



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January 30, 2016 at 1:59 am

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