

Bonner: Court Decision on Tall Grass A Victory For Families in Our Community

posted on 10/20/2009 5:00:16 PM

SHOREHAM, NY - Brookhaven Town Councilwoman Jane Bonner today called a decision by the New York State Supreme Court that the Tall Grass development project cannot proceed "a great day in Brookhaven and a victory for the families in our community."

In a decision of October 8, 2009 New York State Supreme Court Justice Melvyn Tannenbaum confirmed that the Tall Grass PDD development project cannot proceed, because the developers failed to obtain a change of zone from A1-Residential to Planned Development District (PDD). Justice Tannenbaum ruled that the Article 78 proceeding commenced by a citizens group, Citizens for Sound Development, was "moot," meaning the lawsuit raised legal questions that no longer needed to be decided by the court. The Judge found that "[b]y Resolution dated February 26, 2009 the Town Board denied [the developers'] request for an extension, rendering the zoning change approval 'null and void and of no further force or effect'." In October of 2007 the project received only conditional approval for a change of zone; the developers never obtained a final zone change from Brookhaven.

Community leaders found the project too big and dense for the area and worried about threats to drinking water quality and the tax impact, particularly to the school district taxpayers.

"I'm thrilled that that the court agreed with us that that when the Town Board declined to give the developers a third extension of time, the project could not proceed, and under Town Law, the developers' conditional zone change was nullified," said Councilwoman Bonner. "Ultimately, it was the developers' own failure to meet the conditions or requirements necessary for the zone change to occur that closed the book on this. I'm relieved that the Court agreed this project died in February, and the citizens who were continuing this legal battle and Town of Brookhaven taxpayers can avoid further expense."

Christine Zukowski, an attorney and Shoreham resident who opposed the project expressed her gratitude to Councilwoman Bonner and the Town Board for their vote in February. Zukowski said "The Board finally forced the developers to play by the rules, and when the developer didn't timely meet the conditions, they lost their opportunity to ever do so. The property has always been carried on the tax roles as A1 Residential; they failed to meet the requirements to change it."

"Councilwoman Bonner brought the concerns of her constituents both to the Brookhaven Town Board and the New York State Pine Barrens Commission, fighting effectively on both fronts. That's part of why our group strongly supports her," said Richard Amper, Chairman of the Long Island Environmental Voters Forum.

Division of Public Information * Office of the Town Council

One Independence Hill • Farmingville • NY 11738 • Phone (631) 451-6595 • Fax (631) 451-6258