

Flashback to the sixties

River Club seeks OK to build out 1968 subdivision

By Tim Gannon

RIVERHEAD—A new Zoning Board of Appeals member was appointed Monday, and will immediately be cast into the fire tonight, Thursday, as the ZBA hears six cases involving the controversial River Club property off Riverside Drive.

The River Club owners are asking the ZBA to decide if an undeveloped 159-lot subdivision approved in 1968, called Riverview Estates, is still valid. The town building department last year sent the applicants a letter proclaiming it is not, and that decision is being challenged.

Town officials have argued for years that the 1968 subdivision approval is no longer valid because the property owners failed to make any improvements on it. The property has been upzoned twice from the 8,000-square-foot minimum lot size allowed in 1968 to a quarter-acre minimum to the two-acre minimum lot size required under new zoning adopted last year pursuant to the town's comprehensive land use plan.

"According to the law, a filed map enjoys protection from an upzoning for a three-year period," said town planning director Rick Hanley in a 2003 interview, citing New York State Town Law section 265a. "If that map is not vested, if improvements have

not been made, it loses its grandfathered status after three years."

But Peter Danowski, the attorney for the applicant, claims this rule doesn't apply if the lots are under different ownership, as the River Club lots are. He says that regardless of the zoning, the property owner is entitled to one home per lot.

The Town Board on Monday appointed Brenda Prusinowski to fill one of the two ZBA vacancies created by the recent resignation of ZBA members Bruce Stuke and Joseph Fox.

The appointment had to be made prior to Thursday's meeting because ZBA chairman Martin Keller is expected to miss that meeting and the board would not be able to hold a meeting with fewer than three members present.

Ms. Prusinowski has been a deputy commissioner of planning, environment and development in Brookhaven Town since 1999 and was a planner in Riverhead Town from 1989 to 1998. The Town Board has yet to decide on a person to fill the fifth ZBA seat.

The meeting tonight, Jan. 27, fea-

tures six hearings on a total of 14 parcels within the 55-acre River Club property. The parcels all have road frontages on Riverside Drive and are along both the north and south side of the road.

A special permit application for a 222-unit condominium project with 40 boat slips was submitted for the property in 2000, and it met with community opposition. Neighbors at the time also called for the town to acquire the property for preservation.

In June 2003 the Town Board announced plans to purchase the property for \$6.5 million from the current owners of the property, who were then in contract to buy the land themselves. But the purchase also met with opposition, as critics charged that the price was much higher than the

county's reported appraised value of the property, which was \$3.5 million.

The Suffolk County district attorney subsequently subpoenaed the town's River Club files, but the DA never took any action afterward.

The current property owners took title to the 55 acres for about \$2.45

million in December 2003. Title to the parcels, as it had been in the past, is held in the names of several different entities and groups of individuals. This strategy is called "checker boarding" and is designed to prevent single and separate parcels from merging by operation of law after an upzoning, which effectively voids a previous subdivision granted under old zoning laws.

Thus the application before the ZBA is actually six applications, since each of the parcels are held under separate ownership. The six applicants, all limited liability corporations, are named Peconic Property I, Peconic Holdings I, River Resort, Waterfront Property, BB Peconic and River Property Holdings.

The applications ask the ZBA "to review the decision of the chief building inspector denying issuance of building permits upon the grounds that the approved subdivision known as Map of Riverview Estates was not perfected in accordance with town law and therefore is not a legally recognized subdivision."

Failing recognition of the subdivision, the ZBA application seeks variances to allow the houses, Mr. Danowski said.

'If that map is not vested ... it loses its grandfathered status after three years.'

—Rick Hanley