

Town of Smithtown  
99 West Main Street  
Smithtown, NY 11787

To: The Honorable Patrick Vecchio, Supervisor  
And Members of the Town Board

May 10, 2007

Re: Proposed Amendment to Chapter 322 and  
Zone Change Petition # 2003-04  
Society of St. Johnland

Dear Supervisor Vecchio and Town Council Members,

It is our belief that the proposed amendment to Chapter 322 (Zoning Ordinance) of the Town Code will have a substantial adverse impact on the community. The potential impact includes changes in the community character, including but not limited to bulk and mass of buildings, widening, curbing and grading of Sunken Meadow Road and Old Dock Road; town services such as our volunteer fire and ems departments, and hospital services; traffic, especially in and around the KP Schools, particularly RJO and the Middle School; wear and tear on our roads, especially Old Dock Road; ecology, such as loss of habitat for birds, mammals, reptiles, amphibians, etc.; additional ground water pollution from fertilizers., pesticides, deicing salts, motor vehicle oil, brake fluids, coolants, etc.; and solid waste, we can anticipate, tons per day.

The amendment to Chapter 322 has the potential for great impact on our community. As Mr. DeRubies stated in a letter to this Board, dated October 21, 2005, a CCRC generates more parking, traffic, wastewater, solid waste, etc than an ALF. It is noted that a CCRC usually has hundreds of dwellings and the ultimate number of CCRC's could be as high as 3 in our area.

Sewage is a very significant problem regarding this proposed amendment. There is no potential for any new users with regard to the county's plant in Kings Park until such time as the plant is upgraded, since it was ordered that no new nitrogen be released into the Long Island Sound. This can be verified by contacting the SCDPW. Adding more sewage to the KP Plant is significant in that it may worsen pollution in the Sound, if upgraded, more growth related impacts may be fostered and/or St. Johnland will have to use an on site plant. This would have further consequences, such as tightly condensed units or cutting down the number of units. As is known, sewage plants take up considerable area, and a 200 foot buffer has been required by the town in the past.

It seems clear that the Town believes that an EIS is required for this ordinance text amendment, as well the map amendment and the special exception. Of paramount importance with respect to the EIS is that potential impacts be identified, and alternatives considered. These alternatives include, but are not limited to, "do nothing", scaled down version of the project and an alternative location. The applicant, St. Johnland in this instance, may feel that an alternative location is not applicable because they do not own alternative locations, it must, however be kept in

mind that amendments of the zoning map and text are NOT applications for permits. They are changes in the LAW and choosing proper locations for land uses for the benefit of the town, not the applicant, is critical.

The proposed amendment will have a substantial impact on the community and any EIS done regarding the proposed amendment must be done by the town and all of the potential consequences must be considered, many of which are listed above.

Finally, attached, please find, pursuant to Article 16, § 265 of the Town Law of the State of New York, a petition by property owners who protest the zone change petition of St. Johnland (#2007-04) which seeks a change of zone from R-43 (single family residential) to RC (Retirement Community).

Respectfully Submitted,

Linda Henninger  
Kings Park Neighbors' Association, President

**CC: Smithtown Planning Department**  
Department of Environment and Waterways