



Town of Brookhaven, New York

5/27/2021 2:00:00 PM

Resolution Agenda

Title: Amending the Resolution of Adoption Granting the Application of Peconic Environmental Services Corp., for a Town Board Special Permit for Transfer Station and Town Board Waivers of Special Permit Criteria on Property Located on Peconic Avenue in Medford, New York

Department: Law Department

Permissive Referendum: No

Sponsors: Neil Foley, Councilman

SEQRA Required: No

Financial Impact

No financial impact.

Reason

To amend the Resolution of Adoption, adopted on February 25, 2021, amended on March 3, 2021.

Body

WHEREAS, on or about September 29, 2020, Peconic Environmental Services Corp., and Gershow Recycling Corporation submitted an application to the Town of Brookhaven for a Town Board Special Permit to Operate a Transfer Station in the L Industrial 2 zoning district and Town Board Waivers of Special Permit Criteria, on property located on Peconic Avenue in Medford, New York, known as Suffolk County tax map number 0200-73600-0200-00800; and

WHEREAS, on February 11, 2021, a public hearing was held on the application of Peconic Environmental Services Corp., for a Town Board Special Permit for Transfer Station and Town Board Waivers of Special Permit Criteria; and

WHEREAS, by Resolution of Adoption, adopted on February 25, 2021, amended March 3, 2021, the Town Board of the Town of Brookhaven approved the application subject to the following Conditions:

1. The applicant must submit proof, to the satisfaction of the Town Attorney's Office, that the covenants and restrictions, approved as to form and substance, referenced below, have been filed with the Suffolk County Clerk's Office.
2. All materials shall be stored, handled, unleaded, loaded and/or transferred indoors on an impervious floor surface, including the storage of containers containing recyclable or other materials.
3. All toxic and hazardous materials shall be prohibited.
4. Transfer stations shall be permitted only for the purpose of transferring and sorting construction and demolition debris from collection vehicles to other transportation units for movement to a solid waste management facility or for movement to a purchaser of recycled

materials.

5. No vehicles waiting to load or unload shall park on public highways.

; and

WHEREAS, on or about March 29, 2021, Peconic Environmental Services Corp., and Gershow Recycling Corporation commenced an Article 78 proceeding in the New York State Supreme Court, County of Suffolk, Index Number 605368/2021, entitled “Peconic Environmental Services Corp. and Gershow Recycling Corporation, Petitioners, against Town Board of the Town of Brookhaven, Respondent.” challenging the Town Board’s imposition of Condition numbers 2 through 5; and

WHEREAS, the Town Attorney currently represents the Town Board of the Town of Brookhaven in the instant action; and

WHEREAS, Peconic Environmental Services Corp., Gershow Recycling Corporation and the Town of Brookhaven have agreed to settle all matters arising out of the Article 78 proceeding as follows:

1. Condition numbers 2 through 5, as contained in the Resolution of Adoption, adopted by the Town Board on February 25, 2021, amended March 3, 2021, are hereby repealed in their entirety; and

2. The following Condition shall be included in the Resolution of Adoption, adopted by the Town Board on February 25, 2021, amended March 3, 2021:

“2. The applicant shall comply with all applicable Town Code provisions, with the exception of any variances or waivers as may be approved.”

NOW, THEREFORE, BE IT RESOLVED, by the Town Board of the Town of Brookhaven that Condition numbers 2 through 5, as contained in the Resolution of Adoption, adopted by the Town Board on February 25, 2021, amended March 3, 2021, are hereby repealed in their entirety; and be it further

RESOLVED, that the following Condition shall be included in the Resolution of Adoption, adopted by the Town Board on February 25, 2021, amended March 3, 2021:

“2. The applicant shall comply with all applicable Town Code provisions, with the exception of any variances or waivers as may be approved.”

; and be it further

RESOLVED, that the remainder of the Resolution of Adoption, adopted by the Town Board on February 25, 2021, amended March 3, 2021, shall remain in full force and effect.

Check back soon after the meeting to view the final disposition of the resolution

MOTION TO:

MOTION BY: None
SECOND BY: None
AYES: None
NOES: None
