

Minutes of the meeting of the Village of Lawrence, the Village of Woodsburgh and Town of Hempstead Town and Village Boards for the purpose of a (joint) Public Hearing which was held on Tuesday, June 23, 2020, at 7:00 p.m., at Hempstead Town Hall , 1 Washington Street, Hempstead, New York 11501, as well as via Virtual Go To Meeting webinar (teleconference) - live streamed so that all members of the public who wish to listen, observe and comment (regarding the Public Hearing) will be able to do so at the appropriate time. In addition, the meeting was held in compliance with Executive Orders issued by Governor Cuomo.

Town of Hempstead Supervisor Donald X. Clavin, Jr. called the meeting of the Town of Hempstead, the Village of Lawrence and the Village of Woodsburgh regarding the "Coastal Conservation District – Woodmere Club" (joint) Public Hearing to order at 7:00 p.m. He welcomed everyone to the meeting

Roll was called:

For the Town of Hempstead:

Those members present were: Supervisor Donald X. Clavin, Jr.
Councilman Bruce A. Blakeman
Councilman Chris Carini
Councilman Anthony P. D'Esposito
Councilman Dennis Dunne, Sr.
Councilman Thomas E. Muscarella
Town Clerk Kate Murray
Chief of Staff Joseph Nocella
Chief Deputy Town Attorney Charles S. Kovit
Counsel to the Town Board, Richard Regina
(Who also acted as Moderator)

Absent were: Councilwoman Dorothy L. Goosby

For the Village of Lawrence:

Those members present were: Mayor Alex H. Edelman
Trustee Daniel J. Goldstein
Trustee Uri Kaufman (who left the meeting
at 7:48 p.m.)
Trustee Syma F. Diamond

Also present were: Ronald Goldman, Village Administrator
Gerry Castro, Deputy Village Clerk
Village Attorney, Andrew Preston, Esq.
Alison Cohen, Secretary to the BOT

Absent were: Deputy Mayor Michael A. Fragin

For the Village of Woodsburgh:

Those members present were: Mayor Lee Israel
Deputy Mayor Jake Harman
Trustee Carl Cayne
Trustee Alan Hirmes
Trustee Barry Platnick
Village Clerk Michelle Blandino
Village Attorney Brian Stolar, Esq.
Kathryn J. Eiseman, Nelson, Pope & Voorhis

Notice of the Meeting and Public Hearing having been given, published in the Nassau Herald, posted throughout the Village of Lawrence (in seven – 7 locations) and posted on the Village website, the public had access to the meeting with many who did participate.

PLEDGE OF ALLEGIANCE

Supervisor Clavin asked Councilman Blakeman to lead the assemblage in the Pledge of Allegiance to our flag.

PUBLIC HEARING

Town Clerk Kate Murray called the below item on the calendar:

Village of Lawrence Mayor Alex H. Edelman asked Village Attorney Andrew Preston to call the below item on the Village of Lawrence (VOL) calendar:

Village of Woodsburgh Mayor Lee Israel called (in conjunction and collaboration with the Village of Lawrence and the Town of Hempstead) the below item (Local Law WDS 2003) on the calendar:

Regarding proposed Amendment of the Building Zone Ordinance to add a new section 212-13.1 for the creation of a new zoning district to be entitled the "Coastal Conservation District – Woodmere Club"; June 23, 2020 at the Town of Hempstead Town Hall, at 7:00 p.m.

Supervisor Clavin requested that the residents appreciate the efforts that all of the municipalities have put together to conduct this hearing today. He went on and thanked the Mayors and Trustees of each respective jurisdiction for helping and working with the Town to move this forward. Supervisor Clavin went on to say that this is an important hearing that had to be held and it's a credit to all the municipalities working together as well as the social distancing policies we've all had to enforce, and with (our consultant) Cameron Engineering, who will be making their representation.

Councilman Blakeman thanked Supervisor Clavin and his colleagues on the Town Board for hosting this historic joint meeting between the Town of Hempstead, the Village of Lawrence and the Village of Woodsburgh. He stated that it's been a collaborative effort and "we have this very large tract of land is very important to the community". There are certain environmental and conservation issues and traffic issues, flood zone issues and a number of other issues that will be addressed tonight. Councilman Blakeman added that at the conclusion of the hearing he is hopeful that we will all come to a mutual conclusion that will benefit all the residents in the area.

Councilman D'Esposito thanked Supervisor Clavin and his colleagues on the Town Board for making tonight possible. He went on to thank his coworkers at the Town of Hempstead (particularly the IT Department) "for making this collaborative effort possible; having us all under one roof". He added that this really has been a joint effort between the Town of Hempstead, the Village of Lawrence and the Village of Woodsburgh; and this is a perfect example of good government at work. "We're here to preserve our community's character; preserve our environmental resources, and work for the best interests of the Five Towns." Once again, all were thanked.

Village of Lawrence Mayor Alex H. Edelman thanked everyone as well and reiterated Councilman D'Esposito's eloquent statements.

Village of Woodsburgh Mayor Lee Israel stated that a copy of the law being considered tonight has been made available for review and download on the Village website since mid-May; as well as e-mailed, posted and published. He stated that tonight's Public Hearing is being held in accordance with the Governor's Executive Orders. Mayor Israel stated that to date the Village has received comments from over 400 people and added that tonight any interested person may also state their comment. Mayor Israel noted that the number of comments, while impressive, is secondary to the substance of what has been written. He noted that many of those comments are consistent with the findings, goals and objectives contained in the Village's comprehensive plan and the purpose for which this Board is considering the proposed Coastal Conservation District.

He wished to stress that this proposed local law is not a standalone action. "Firstly, the Board recognizes its need to serve as environmental stewards; to protect the Village and its residents and to ensure a future despite environmental and climate pressures. However, this is not something that we can do alone. Along the coast we may share geographical borders with other municipalities, but our problems and concerns, as well as our obligations to protect our environment, our community and to preserve our continued sustainability, are regional. If we bind ourselves by the lines on a map we will restrict our ability to govern. Our future will be tied by those map lines. The environment does not care about our municipal boundaries. Climate change and sea level rise are not bound by borders. Our shared resources know no municipal boundary limits. So why should our decision to protect and preserve our resources be limited based on borders? So for this very reason we are not acting alone. We are acting in collaborative fashion with the Town of Hempstead and the Village of Lawrence and I am proud to call Hempstead and Lawrence our partners in this endeavor. I believe it is evident to all of us as partners, that comprehensive and regional action is required. Were we to segment our thinking on our own individual concepts, our efforts, vision and interests affecting our region our residents and our community, and our future and our way of life would be wasted. We have a shared burden and a shared responsibility. My Board and I commend the Town leaders and the Village of Lawrence's. Your foresight and passion allow all of us to rightfully and admirably serve our respective positions as environmental stewards. I previously stated that the local law does not stand alone. There are two primary reasons. The second reason is that the Village Board and I have recognized for some time now that the original zoning laws, which previously have been static and unresponsive to change, did not contemplate 2020 and beyond. They do not consider impacts from sea level rise or climate change; phrases that had no meaning when these laws were created. My administration, several years ago, began to adopt steps that must be taken to address potential environmental impacts, resource impacts, and flooding, storm and climate change impacts. We engaged a planning and environmental consultant to review potential impacts relating to portions of the Woodmere Club property. We engaged another consultant to review potential build-out of the Village and the consequences of that build-out. We authorized the preparation of a comprehensive plan. After nearly a year of study and analysis, and significant public input, we accepted and adopted a comprehensive plan in December. We agreed to work with the Town of Hempstead and the Village of Lawrence on addressing zoning issues across our boundaries, which ultimately resulted in the proposed prospective Coastal Conservation District. We have moved forward on various goals, objectives and visions contained in the vision plan. Among those is the proposed local law. Our consultant is presently working on several modifications to our local laws to address other sensitive coastal properties using a cluster form of development to provide proper protections from environmental impact. So this proposed local law is far from a stand-alone action, but rather one of many that the Village has already put into action and is continuing to work on. We cannot stop until we are all comfortable knowing that we have done everything possible to preserve Woodsburgh, which we hold so dear. As we sit here in our respective clusters tonight, for health and safety reasons, we gather together to speak and achieve an appropriate balance; a balance between development

and the health and the safety of the Village, Village residents and similarly impacted regions. Our goal is to implement a zoning plan that preserves our humanity and protects us from the ravages of over-development. We certainly recognize this is a delicate balance, however, it is our obligation to serve the people in our Village and act in a manner consistent with the visions, goals and objectives of our community as outlined in our comprehensive plan and also recognize the rights of property owners. It is for those considerations that we have composed the Coastal Conservation District and we appreciate comments already submitted and we look forward to additional input from interested parties tonight. Thank you very much for your time.

Supervisor Clavin thanked Mayor Israel and turned the meeting over to Kevin McAndrew of Cameron Engineering.

Cameron Engineering Presentation - TOH – COASTAL CONSERVATION DISTRICT – WOODMERE CLUB (CC-WC) – PRESENTATION JUNE 23, 2020

Kevin McAndrew, Partner with Cameron Engineering Associates, 177 Crossways Park Drive, Woodbury, NY, started the presentation. He introduced Cameron Engineering Associates as the Engineering & Planning Consultants for the Town associated with the proposed Coastal Conservation District -Woodmere Club zoning initiative. Also with Mr. McAndrew this evening is David Tepper, Lead Environmental Planner from Cameron Engineering Associates.

He prefaced their presentation to emphasize that this hearing and presentation is NOT a hearing on the owners' development plan (the Willow View Estates subdivision application). Their presentation for this Public Hearing is associated with a proposed zoning initiative that will supersede the owners' development plan (attached hereto as Exhibit "A").

He shared his screen at this point in proceeding with their Powerpoint presentation. On behalf of the Town, Cameron Engineering in coordination with the Village of Lawrence and the Village of Woodsburgh, the Village's planning consultant, Nelson, Pope & Voorhis (NP&V), has prepared a comprehensive environmental and planning report for the Woodmere Club property. Mr. McAndrew referred to the Expanded Environmental Assessment report as the Expanded Environmental Assessment in his presentation. The Expanded Environmental Assessment, dated May 2020 is posted on the Town's website. He narrated a series of slides which covered:

- A brief background and introduction of the proposed Coastal Conservation District – Woodmere Club (CCD-WC) zoning initiative
- A snapshot of existing conditions and the significant vulnerability of the Woodmere Club property under the Town's existing zoning

- And an overview of the proposed zoning including the key mitigating environmental measures and benefits associated with the Coastal Conservation District – Woodmere Club (CCD-WC)

INTRODUCTION & BACKGROUND

In the months of November and December 2019 and January 2020, an Inter-municipal Cooperative Agreement was adopted by the Town of Hempstead, the Village of Lawrence and the Village of Woodsburgh. This agreement facilitated a highly coordinated planning study which guided the formulation of the proposed Coastal Conservation District (CCD) Woodmere Club (WC) zoning code.

The Inter-municipal Cooperative Agreement recognizes the regional significance of the Woodmere Club property, including its unique environmental attributes, its natural mitigating functions and its contribution to local community character.

The Woodmere Club is approximately 118 acres with approximately 55 acres in the unincorporated area of the Town of Hempstead, approximately 23 acres in the Village of Lawrence and approximately 40 acres in the Village of Woodsburgh. The boundary of the property and municipal jurisdictions were shown on the aerial photo slide.

With the Woodmere Club spanning three municipal jurisdictions, the coordinated and collaborative approach to the zoning regulation of this property provided the opportunity for the most meaningful proposal with the underlying purpose and intent of:

To regulate development in this environmentally sensitive coastal area, allowing for the enhanced preservation and protection of the Town's and neighboring Villages' environmental, coastal, open space and cultural resources. He went on to explain the slides in more detail.

In summation, Mr. McAndrew stated:

- Proposed CCD-WC will better align the Town's zoning regulations with existing state and federal environmental principles.
- Proposed CCD-WC recognizes the unique environmental conditions that affect the Woodmere Club property.
- Proposed CCD-WC provides measures to reduce and mitigate significant potential adverse impacts.
- Proposed CC-WC as been designed in a coordinated manner with the Villages of Lawrence and Woodsburgh to preserve community character.

The color plan rendering Mr. McAndrew showed on the slide was a representative build-out under the proposed Coastal Conservation District -Woodmere Club. In the rendering the open space sub-district is depicted with a 9-hole golf course layout with 59 single family lots (41- in the Town and 18 in the Villages of Lawrence and Woodsburgh). The clubhouse and amenities are shown as they exist today.

- Proposed CC-WC is a more sustainable residential zoning district that will provide for contextual single-family development that is far more responsive to environmental, ecological, cultural, and physical conditions.

Mr. McAndrew concluded his presentation.

Village of Lawrence Mayor Alex Edelman, Village of Woodsburgh Lee Israel, Councilman Bruce A. Blakeman and Town of Hempstead Supervisor Donald X. Clavin, Jr. thanked Cameron Engineering (and Mr. McAndrew) and Nelson, Pope & Voorhis (NP&V) for their outstanding, eloquent and comprehensive presentation which highlights some of the very important issues involving this property; as well as their comprehensive and detailed analysis.

Christian Browne, Esq., from the firm of Sahn Ward Coschignano, PLLC, attorney for the property owners of the Woodmere Club thanked Chief Deputy Town Attorney Charles S. Kovit and Town Counsel Richard Regina for arranging his ability to easily make his comments tonight, and read a statement into the record, attached hereto as Exhibit "B", declaring the owners' opposition of the Coastal Conservation District – Woodmere Club zoning, and promising extensive and prohibitive litigation.

Town of Hempstead Chief Deputy Attorney Charles S. Kovit, Esq. responded to some of the contentions that were made by Mr. Browne, the attorney for the Woodmere Club property owners. He assured the Village and Town Boards that tonight's hearing is being conducted strictly in accordance with applicable provisions of the New York State Town and Village law. Mr. Kovit went on to say, "Secondly, it is true and it is indicated very well by Mr. Browne's remarks that there is a threat ongoing during the progress of this hearing to bring legal action. Based on those remarks, it is his advice to the Town Board and he believes that the Village attorneys will feel the same; that we will be vigilant and very circumspect in making sure that the hearing of this matter does not in any way devolve into a debate as to the merits of such an action. That would be completely improper, in improper form and there will come a day if they carry through with their threats, for us to establish our legal position, which I believe is absolutely correct, defensible and of course at the end of the day if it is adopted, in the best interests of the people who are most involved." Supervisor Clavin thanked Chief Deputy Attorney Kovit.

Hearing no questions or comments from the Villages of Woodsburgh and Lawrence, Supervisor Clavin stated that it was now time to proceed with the public participation portion of tonight's hearing.

Moderator for the Town of Hempstead Richard Regina explained that each and every participant who wishes to speak/comment, will have three (3) minutes to do so, and thereafter could then keep watching the live stream on the Town of Hempstead's website. All in the queue were given ample opportunity to speak for the three (3) allotted minutes (all comments are available for review in tonight's transcription). After the last comment, Mr. Regina addressed the TOH, VOW and VOL stating that all in the queue

who wished to comment were all given a chance to speak; everyone's name has been called (more than once) and the public comment portion of the hearing/webinar is now concluded.

Supervisor Clavin noted, for the record, that the Town of Hempstead has received hundreds of comments from the community. He went on to say that they were not going to be read aloud, but that they would be part of the public record, and the portions pertaining to the Villages were also forwarded for their records. Supervisor Clavin thanked all of the participants, residents, the Town Board members as well as their partners in the Villages of Lawrence and Woodsburgh, Cameron Engineering for this entire process.

Councilman Anthony P. D'Esposito moved to close the public hearing, with the public comment portion of the record to remain open until Wednesday, June 24th at 4:00 p.m., and decision be reserved. Councilman Bruce A. Blakeman thanked the Villages of Woodsburgh and Lawrence for their participation, their "able Counsel" Charles Kovit and Richard Regina, the Town's IT Department noting that this was truly historic. He also thanked the people who took the time to participate in this hearing and seconded the motion of Councilman Anthony D'Esposito. Town Clerk Kate Murray called the roll and the vote was unanimous to close the public hearing.

The Village of Woodsburgh moved to close the public hearing (with the public comment portion of the record to remain open until) subject to any public comments received until Thursday, June 25th at 5:00 p.m. Deputy Mayor Jake Harman moved to close the public hearing. Trustee Carl Cayne seconded the motion. Village Clerk Michelle Blandino called the roll and the vote was unanimous to close the public hearing.

The Village of Lawrence moved to close the public hearing (with the public comment portion of the record to remain open until) subject to any public comments received until Thursday, June 25th at 4:00 p.m., and the decision to be reserved. Mayor Alex H. Edelman moved to close the public hearing. Trustee Syma Diamond seconded the motion. The roll was called and the vote was unanimous to close the public hearing; the motion carried.

Once again Supervisor Clavin thanked all of the Mayors and Boards, the Town's IT Department (their entire work force) for this monumental accomplishment/feat.

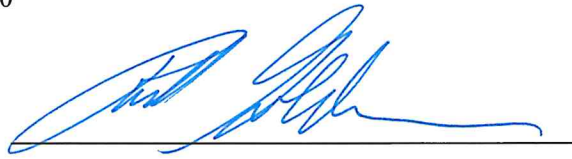
The Town of Hempstead moved and unanimously approved adjourning the meeting.

On motion by Mayor Edelman, seconded by Trustee Goldstein and unanimously approved, the Board adjourned tonight's meeting at 8:33 p.m.

The Village of Woodsburgh (Trustee Alan Hirmes moved and Trustee Carl Cayne seconded) unanimously approved adjourning the meeting at 8:33 p.m.

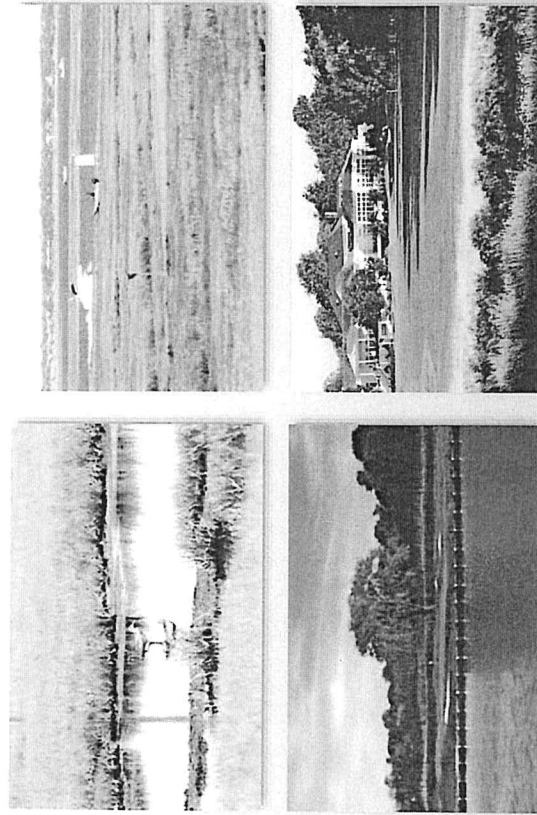
This is to certify that I, Ronald Goldman, read the preceding minutes, and they are in all respects a full and correct record of such proceedings.

Incorporated Village of Lawrence, June 23, 2020

A handwritten signature in blue ink, appearing to read 'Ronald Goldman', is written over a horizontal line.

Ronald Goldman, Administrator
Clerk/Treasurer

EXHIBIT A



**PROPOSED COASTAL
CONSERVATION DISTRICT –
WOODMERE CLUB (WC)**

JUNE 2020

Introduction & Background

Intermunicipal Cooperative Agreement (Adopted December/January 2020)

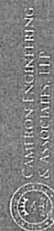
- Town of Hempstead
- Village of Lawrence
- Village of Woodburgh

Purpose and Intent:

Regulate development in this environmentally sensitive coastal area, allowing for the enhanced preservation and protection of the Town's and neighboring Villages' environmental, coastal, open space and cultural resources.



TOWN OF HEMPSTEAD
PROPOSED COASTAL CONSERVATION DISTRICT – WOODMERE CLUB



Environmental Vulnerabilities with Existing Zoning

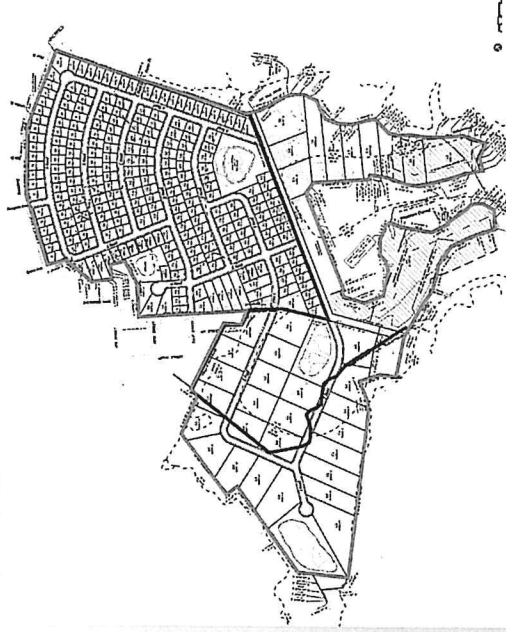
Summary of Potential Significant Adverse Impacts:

- Floodplain Impacts (i.e., compensatory storage requirements, use of fill)
- Stormwater runoff impacts from increase in impervious cover
- Loss of open space
- Reduction of natural habitat areas
- Traffic increases on local road network
- Visual Impacts
- Community Character

Source: Nassau County Planning Commission,
<https://www.nassaucountynv.gov/2856/Planning-Department>, Accessed Feb. 2020

EEA Calculated Development Yields (Existing Town and Village Zoning)

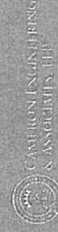
	Total Acres	40,000 sf Lots	6,000 sf Lots	Total Lots
Woodmere Club (TOH)	55.0	0	244	244
Woodmere Club (Villages)	63.4	41	0	41
Total	118.4	41	244	285



Proposed Willow View Estates Subdivision Plan (Utilizes Existing Zoning)



TOWN OF HEMPSTEAD
 PROPOSED COASTAL CONSERVATION DISTRICT – WOODMERE CLUB

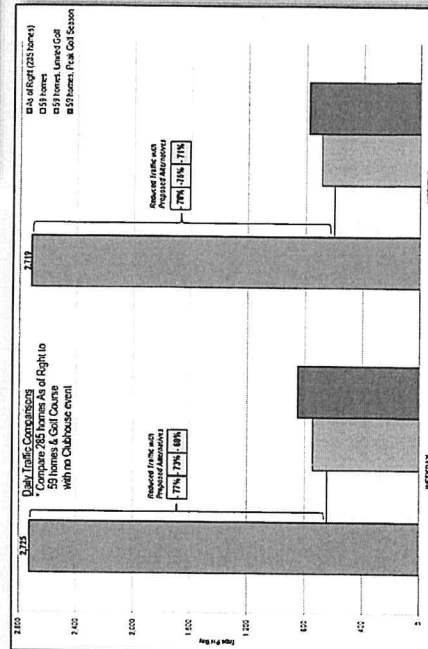


Environmental Issues Justifying the Coastal Conservation District



Potential Environmental Impacts (Existing Zoning)

- Tidal Wetlands
- Storm Surge and Flooding
- Climate Change/Sea Level Rise
- Ecology
- Cultural Resources
- Traffic
- Community Character
- Loss of Open Space
- Visual Resources



Proposed Coastal Conservation District – Woodmere Club

Open Space/Recreation Sub-District:

- Preserves 70%/83.3 acres of the property as open space (either as a 9-hole golf course or passive parkland).
- Restricts tree removals and use of earthen fill.

Single-Family Residential Sub-District

- Estimated total yield of 59 luxury homes in a conservation cluster layout.
- Allows home sizes compatible with one-acre lots.

Clubhouse-Hospitality Sub-District

- Designed to preserve the existing clubhouse of the former Woodmere Club and its associated hospitality services. (NOTE: Sub-District located entirely within the Village of Woodsburgh).



Proposed Zoning Map – Coastal Conservation District



TOWN OF HEMPSTEAD

PROPOSED COASTAL CONSERVATION DISTRICT – WOODMERE CLUB



Proposed Coastal Conservation District – Woodmere Club

➤ **Minimum Lot Area**

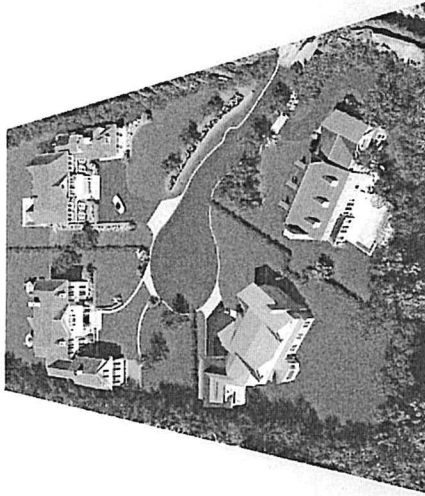
Town of Hempstead: 12,500 sf

Villages of Lawrence & Woodsburgh: 15,000 sf

➤ **Bulk Regulations**

Maximum Building Area
(Town of Hempstead)
30% for 12,500 sf lots

Maximum Building Area
(Villages of Lawrence & Woodsburgh)
37% for 15,000 sf lots



Oblique Precedent Photo of
Conservation Subdivision
Development

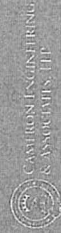


Precedent Photo of Conservation Subdivision Development



TOWN OF HEMPSTEAD

PROPOSED COASTAL CONSERVATION DISTRICT – WOODMERE CLUB



Proposed Coastal Conservation District – Woodmere Club

- Proposed CC-WC District will better align the Town's zoning regulations with existing state and federal environmental principles.
- Proposed CC-WC District recognizes the unique environmental conditions that affect the Woodmere Club.
- Proposed CC-WC District provides measures to reduce and mitigate significant potential adverse impacts.
- Proposed CC-WC District has been designed in a coordinated manner with the Villages of Lawrence and Woodsburgh to preserve community character.
- Proposed CC-WC District is a more sustainable residential zoning district that will provide for contextual single-family development that is far more responsive to environmental, ecological, cultural, and physical conditions.



Representative Subdivision Layout Under Proposed Zoning



TOWN OF HEMPSTEAD
PROPOSED COASTAL CONSERVATION DISTRICT – WOODMERE CLUB



EXHIBIT B

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CHRISTIAN BROWNE
Member
cbrowne@swc-law.com

June 23, 2020

Members of the Town Board
of the Town of Hempstead
1 Washington Street
Hempstead, New York 11501

Members of the Board of Trustees
of the Incorporated Village of Lawrence
196 Central Avenue
Lawrence, NY 11559

Members of the Board of Trustees of the
Incorporated Village of Woodsburgh
30 Piermont Avenue
Hewlett, NY 11557

Re: Coastal Conservation District – Woodmere Club

To the Members of The Boards:

This law firm represents the owners of the Woodmere Club, the only property that will be affected by the adoption of the proposed ordinances that are before these combined boards at this public hearing.

When each municipality introduced its respective version of the ordinance, I sent correspondence to the Town and the two Villages on the owners' behalf informing the Town Board and the Boards of Trustees that the owners oppose the proposed rezoning – which would make any development of the property virtually impossible – and explaining the basis for the opposition. I respectfully request that the boards assembled here this evening mark my correspondence to each of them: to Hempstead, dated May 20, 2020; to Woodsburgh, dated June 3, 2020; and to Lawrence, dated May 21, 2020; into the record, and make those letters part of the record of this proceeding.

NEW YORK CITY OFFICE • THE CHRYSLER BUILDING • 405 LEXINGTON AVE. 26TH FL., NEW YORK, NY 10174 TELEPHONE (212) 829-4375
SUFFOLK OFFICE • 1300 VETERANS MEMORIAL HIGHWAY, SUITE 100, HAUPPAUGE, NY 11788 TELEPHONE (631) 203-4900
West Properties, L
SYOSSET OFFICE • 116 JACKSON AVENUE, SYOSSET, NY 11791 TELEPHONE (516) 921-1000

SAHN WARD COSCHIGNANO, PLLC
Members of the Town Board
of the Town of Hempstead

Members of the Board of Trustees
of the Incorporated Village of Lawrence

Members of the Board of Trustees
of the Incorporated Village of Woodburgh

June 23, 2020
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The proposed ordinances are an attack on the owners' fundamental property rights and are replete with other legal flaws, both substantive and procedural. If the boards vote to adopt the ordinances, the owners will have no choice but to challenge vigorously in court the enforcement of the ordinances, and they will seek damages against the villages and the town as warranted by law. To be clear, the entire process related to the ordinances, including the environmental analysis on which the boards rely, constitutes an improper and illegal action against my clients' property rights.

I also note that the adoption of these proposed ordinances comes in the midst of a two-year long environmental and subdivision approval review process led by the Nassau County Planning Commission. As part of that process, the owners have prepared and filed an exhaustive environmental report on the proposed subdivision plan. The town and the villages are, by law, part of the environmental review process. Yet the boards are proceeding with the adoption of the proposed ordinances instead of participating in the process that the law provides for subdivision review.

It is unfortunate that the municipalities have chosen their present course, but it is not too late abandon these draconian ordinances and, instead, take a more reasoned approach to the development of the Woodmere Club that respects the rights of all stakeholders. In fact, the public should know that, contrary to what they may have heard from various elected officials, from the time that the owners acquired the Club, they have sought dialogue with village and town officials, hoping to craft collaboratively a plan for the future of the Club. But these efforts were uniformly rebuffed.

The owners have repeatedly - publicly in the press, on the record at public meetings and in other forums - expressed their willingness and desire to meet and work reasonably with public officials. But not a single member of the Town Board has met with the owners or taken the time to review a series of alternate plans, all produced at the owners' expense, for the development of the Club, despite both public and private invitations to do so.

Weiss Properties-I

SAHN WARD COSCHIGNANO, PLLC
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The only meeting that took place at the Town occurred last year, when we met with the former supervisor and her staff, along with representatives of the Five Towns Civic Association. We presented the former supervisor and the leadership of the civic association with a potential development plan for review. That plan was also the subject of local newspaper stories. However, following the meeting, we received no comments and, with the change in administration at the Town, all efforts at dialogue on the part of the Town ceased. To be clear: Councilmen D'Esposito and Blakeman have refused to meet with the owners of the Club or their representatives.

The owners made similar overtures to the villages. Mayor Edelman of Lawrence promised, on the record, that he would meet with the owners before Lawrence took any action related to the Club. No such meeting ever occurred. Mayor Edeleman, and Mayor Israel of Woodburgh, have simply refused to meet with us despite repeated efforts on the part of the owners to schedule such a meeting. While the owners have repeatedly invited village trustees to participate in discussions and to comment upon possible development plans, no trustee has ever accepted that invitation.

Worse still, various elected officials have claimed that, because the Town and the Villages expect to be sued for their actions related to the Club, they are unable to enter into any discussions with my clients to explore reasonable development options. But that is simply not the case. Cases frequently settle during litigation as a result of discussion between the parties. Settlement discussions may never be used to prejudice the position of any party in the litigation. I wish to state for the record that my clients have always been ready, willing and able to enter into such discussions, and to treat any such discussions as privileged so that they cannot be used in any court proceeding against the Town or the Villages. We will meet at any time that is convenient for Town and Village officials and, of course, with the understanding that all such discussions are confidential settlement communications.

In summary, the adoption of these ordinances will not benefit the owners of the Club or the public. It will leave my clients no choice but to seek assistance from the courts. Litigation over this matter will undoubtedly cost the Town and the Villages millions of dollars in legal fees and expenses. If the boards adopt the ordinances and the courts strike them down, as we believe they will, we expect that taxpayers in the Town and the Villages will see a dramatic increase in property taxes, as the owners will seek damages against the Town in an amount exceeding \$140

Weiss Properties-I

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million; against Woodsburgh, in an amount exceeding \$40 million; and against Lawrence, in an amount exceeding \$25 million, along with recovery of the owners' significant legal fees and costs.

The adoption of these ordinances, therefore, would be equivalent to a \$200 million gamble with taxpayer money. The ordinances are unlawful and we believe they will be annulled in court on substantive and procedural grounds. There is a better way forward. We urge the Town and the Villages to reject these proposed ordinances and to pursue instead a constructive and good faith effort that can result in a development plan for the Club that will benefit all the stakeholders: the Town, the Villages, their residents, and the owners of the Club.

Sincerely,


Christian Browne

CB:cn