

# Church site plan isn't adding up

Planning Board enters June 10 hearing with uncertainty about size, excavation

By David Ambro

Given the discrepancies and ambiguities regarding site plan information, Head of the Harbor Planning Board member Sally Lynch is asking if the June 10 public hearing related to the construction of a church on the historic 4.6-acre Timothy House property at 481 North Country Road (Route 25A) in St. James be delayed until vital information related to the project is clarified.

The Monastery of the Glorious Ascension, Inc. is proposing to build a church on the site, which has restrictive covenants imposed by a former owner, Barbara Van Liew, prohibiting development. Under the threat of litigation, the Head of the Harbor Village Board of Trustees voted March 13, 2024, to approve a special use permit to build the church. Seven neighboring property owners filed a lawsuit April 12, 2024, to challenge the decision. In a 17-page decision April 2, 2025, State Supreme Court Judge Maureen Liccione dismissed the lawsuit and ruled in favor of the Monastery.

After the deadline passed without an appeal being filed, the Head of the Harbor Planning Board held a preliminary meeting May 13 to discuss the site plan for the construction of the church. At the meeting, Planning Board members engaged in a sometimes contentious discussion with Monastery attorney Joseph Buzzell, of the Melville law firm Buzzell, Blanda and Visconti, LLP, about the amount of excavation and the total height of the building to the top of the Eastern Orthodox cross on the cupola.

The 47.5-foot height depicted on the site plan exceeds the 40-foot limit allowed in the village code. And, while Mr. Buzzell first told the board there would be no excavation, he later suggested there would be some level of excavation. An environmental assessment form (EAF) for the project submitted by the Monastery to the Village says there will be 3,100 cubic yards of earth excavated.

As to the size of the church, in her decision Judge Liccione

described the project as a 2,000-square-foot chapel. In court testimony during oral arguments before Judge Liccione, Mr. Buzzell described the project as “a small church, 97 seats. It’s like 1,100 square feet.” When Judge Liccione pushed for more specificity, Mr. Buzzell suggested that the 3,000 square feet includes the basement and the 982-square-foot wrap-around porch with a roof over it.

According to the site plan at the May 13 Planning Board meeting, however, the footprint of the building will be 4,323 square feet, which includes a 3,341-square-foot building (81.7 feet by 49.6 feet) and a 982-square-foot wrap-around porch. In its legal notice for the June 10 public hearing, the village describes the project as a 3,341 square foot worship building.

In an email Monday, June 2 to Planning Board Chairman Harlan Fischer, Ms. Lynch raised concerns about the unresolved questions regarding the dimensions of the proposed building and the amount of excavation. “Given the history of this application and its supercharged nature, I think it will be critical to make sure that the record is accurate, so that any action taken by the Planning Board is based on solid fact and legally defensible,” Ms. Lynch writes. “I am not sure how the Planning Board could approve a site plan that is not consistent with a plan presented under sworn testimony to the court, a submission that a judge relied on to make an official decision.”

In her email, Ms. Lynch notes that Mr. Buzzell told the planning board May 13 that any material excavated would remain on the site. “It seems like a very large amount of material (I have experience in this area) to be stored on four acres and it would be good to know how much material is to be excavated, where it would be situated on the property and what would they use it for,” says the Lynch email.

As for the size of the building, Ms. Lynch notes the discrepancy between the 2,000 square feet mentioned in court testimony and cited in the judge’s decision, the 3,341 square foot building, (Continued on page 17)



**CROSSROADS:** At a rally Saturday, May 31 to push for the reconstruction of Harbor Road from Stony Brook to Head of the Harbor Village and the restoration of the Mills Pond, Ward Melville Heritage Organization Chief Executive Officer Gloria Rocchio (left) waits to speak while she is the target of protesters (right) and criticized by Brookhaven Town Supervisor Dan Panico (below).

-David Ambro photos

## Making waves at Harbor Rd.

Residents rally for road work, restoring pond

By David Ambro

A rally, featuring a public display of the bureaucratic finger-pointing that has unfolded over the past nine months, was held Saturday, May 31, at the washed-out ruins of Harbor Road, which connects Head of the Harbor Village in Smithtown with Stony Brook Village in Brookhaven.

A section of Harbor Road that has been maintained by the Town of Brookhaven was washed out by the catastrophic rainstorm August 18/19, 2024, which caused the historic Stony Brook Mills Pond to wash out down Mills Creek and into Stony Brook Harbor. Left behind was a mudflat in place of the picturesque water body that had been home to a variety of shorebirds and wildlife, and the private Mill Creek Road was washed out, shutting off access to seven homes.

On the west side of the washout is the historic Stony Brook Grist Mill and dam, which is owned by the Ward Melville Heritage Organization, which weathered the August storm without damage. On the east side of the washout is the wreckage of a Stony Brook home destroyed by the washout.

After the storm, the Ward Melville Heritage Association, with the assistance of the Town of Smithtown, built a temporary road to Emmitt Drive for Mills Creek Road residents and the Ward Melville Heritage Association undertook the reconstruction of Mills Creek



Road. Now, though, residents of both Stony Brook and Head of the Harbor want Harbor Road reconstructed, and they are frustrated by the stalemate that has developed between Brookhaven, the Ward Melville Heritage Organization, and Head of the Harbor that has delayed the project. The May 31 rally drew hundreds of people, the signs they carried attesting to the level of anger they brought.

“Gloria, What the Duck,” said one sign referencing Ward Melville Heritage Organization President Gloria Rocchio.

“Please Give A Dam,” said another.

“Stop Ducking the Problem,” said another.

During the rally, a debate broke out. The Federal Emergency Management Agency (FEMA) will provide 75% matching funds for the road reconstruction, but neither the Ward Melville Heritage Association nor the Town of Brookhaven will sign the FEMA application because neither claims they own the road.

(Continued on page 10)

# Debate breaks out at Harbor Rd. rally

## Brookhaven, Ward Melville Heritage Org. in standoff over ownership dispute

(Continued from page 2)

Head of the Harbor Deputy Mayor Lisa Davidson set the debate in motion when she said the Ward Melville Heritage Organization had a title report done, and Ms. Rocchio claims it is inconclusive about who the property owners are, Ward Melville or Brookhaven. Ms. Davidson said to set the record straight, Ms. Rocchio should release the title report.

Ms. Davidson asked Ms. Rocchio where her concern for the community had gone. “Instead of a pond, we have a mud pit, instead of a proper street, emergency vehicles have to navigate a circuitous route on carriage paths to get to the east side of Head of the Harbor Village,” Ms. Davidson said during her opening remarks to start the rally. “That is a health and safety hazard, and that health and safety hazard is a direct result of both Brookhaven Town and Ward Melville putting title reports before residents. At every meeting, at every press conference, all we hear about are title reports.”

Brookhaven has a title that shows Ward Melville owns the road, and Ward Melville has a title report which says the ownership is inconclusive. “Are we seriously supposed to wait another ten months while this finger-pointing continues?” she asked.

Ms. Davidson said the road continues to erode and repeated her concern about emergency vehicle access. “This situation is completely absurd, which is why we organized this rally because we the people are pissed. We are not happy,” she said.

In addition to Ward Melville and Brookhaven, Ms. Davidson also called out Governor Kathy Hochul, who visited the site of the road washout the day after the storm and promised to help get the road rebuilt, but has since disappeared. “Governor, now is the time to keep your word. We need you and we need your leadership because unfortunately, here in Stony Brook, people are more concerned about title reports than residents,” Ms. Davidson said. “Unfortunately, leadership in Stony Brook is more concerned about being right than doing the right thing. Stop ducking the problem and start acting like the leaders of this community and restore this damn road.”

During an interview before the rally, Ms. Davidson shared her thoughts about the stalemate. “From my perspective, the powers that be are more interested in being right than doing the right thing,” she said. “Everyone is pointing fingers, and they are digging in their heels—they are right and to heck with the residents.”

She said village officials have received an extraordinary amount of feedback from residents who are fed up. “We have been really patient and understanding, and now we are just disgusted,” she said. “If nothing else, the rally gives residents a chance to express their frustration.”

Ms. Rocchio and Ward Melville Heritage Organization Board Chairman Dr. Richard Rugen both spoke at the rally and defended the

organization. Ms. Rocchio, who lives on Main Street in Stony Brook just a few homes north of where the road washed out, provided an overview of the night of the storm, her view of the ownership dispute, the historic significance of the mill and that it was undamaged, and the importance to the community of rebuilding Harbor Road.

During his remarks, Dr. Rugen said that during a press conference on the eve of the rally, Brookhaven Supervisor Dan Panico said several things he said or implied are misleading at best and false at worst. He said the supervisor was wrong about some ownership claims he made. He said, too, that the dam was not destroyed and it was an earthen embankment that was washed out, which is not part of the dam. “The spillway and the dam, and thank goodness the gristmill, are still totally intact,” he said.

He said a county title report said Harbor Road is public. “We cannot fathom why the Town of Brookhaven is taking this position,” Dr. Rugen said. “The Town of Brookhaven has been maintaining this road for decades. I used to sleigh ride there. I lived four houses down and we’d sleigh ride until the Town of Brookhaven came and plowed and sanded it.”

He said a public road is the responsibility of the municipality, and from the day after the storm in August to late December, there was no indication from the Town of Brookhaven that it did not own the road. “The sudden change of tune caught our organization off guard,” he said, and denied that Ward Melville Organization owns Harbor Road.

Brookhaven Town Supervisor Daniel Panico and Councilman Jonathan Kornreich also spoke. Mr. Panico said he was not intending to attend the rally, opting instead to go to his son’s swimming meet, but that he was watching the rally on FaceTime online and decided to change plans to attend the rally to set the record straight. He said the Town of Brookhaven did a title search and that it does not own the road, therefore, it is prohibited from signing off on the FEMA application and prohibited by law from expanding public funds on the road reconstruction project.

“I understand the frustration. There is no finger-pointing and ownership is the issue,” he said, adding that he has been in office for 16 years and has been through the FEMA process many times.

“For anyone to downplay the title report does not understand the issue,” he said. “I’ve heard a lot of conjecture here today, and I’m as frustrated as you are because this project is 75% reimbursable. No one is going to be out a lot of money.”

He said Brookhaven has a title report that proved conclusively who owns the property, who owns the dam, who owns the road, which Councilman Kornreich held up on poster boards, which have been made public. Mr. Panico said Suffolk County is willing to front the money, and the Town of Brookhaven is ready to undertake the

reconstruction project, but that the ownership obligation rests with the Ward Melville Heritage Organization and that it has to accept responsibility.

“I’m not here to cast aspersions or point fingers. I’m telling you that as a community, we can get this job done. Ownership matters, and the titled ownership matters as well,” he said. “Ladies and gentlemen, I wish I owned this. You know why? It would have been on its way to being done already, and any money I outlaid would have been reimbursed by the state and federal government,” he said.

He suggested that time is of the essence because the pond is going to be greened over, and environmentalists are going to oppose the restoration of the pond. But, he said, the Ward Melville Organization has to sign the FEMA application.

Head of the Harbor Village Mayor Michael Utevsky and Trustee Judith Ogden, the village highway commissioner, spoke at the rally. So did County Legislator Steven Englebright (D-East Setauket) and Assemblywoman Rebecca Kassay (D-East Setauket), a native of St. James. They spoke about the county possibly brokering a collaborative agreement between the parties that will allow the FEMA application to be submitted and the work to get underway.

During an interview before the rally, County Legislator Englebright said it is important to get the road rebuilt. He said nothing has happened since the storm, and that is a problem. He said they need a single applicant for the FEMA money, and they have to hurry because FEMA is being savaged at the federal level. “Before that completely disappears, there needs to be a coming together to occur,” he said.

The problem, he said, is that the washed-out road is the boundary between two townships, an incorporated village, the Ward Melville Heritage Organization, and it drains into state property, five entities, four of them government. He said the county wants to help resolve the situation but lacks the ownership necessary to sign the FEMA application.

As to the frustration of the residents, Mr. Englebright said all of the parties

involved have been earnest and sincere, but the hesitance is based on the advice of various attorneys cautioning everyone that they may become liable if they sign the FEMA application. He said it is bad advice that has led to the stalemate.

“I came to the rally today because this is a cry for help and that’s something that I, as an elected official, need to heed and need to listen to,” Mr. Englebright said. “I’m here to listen, and I have some ideas about ways the county can help. But the coming together that these good citizens have enabled here today is hopefully something that will continue amongst the elected officials.”

During his remarks, Mayor Utevsky said efforts to reconstruct Harbor Road had been stymied by a needless ownership dispute between Brookhaven and Ward Melville Heritage Organization. The Mayor said he has reviewed two title reports, the deeds, studied New York State Highway Law, and based on his review of the documents and the law, both parties can legitimately claim ownership of Harbor Road. “There is no reason for this deadlock,” he said. He said County Executive Ed Romaine has offered to front the money in advance of FEMA reimbursement, and there are highway departments at the town and county level that can get the job done.

“Rational people should be able to sit down together and work out a framework for moving forward, sharing the work, sharing the unfunded costs, and allocating the risks,” he said. “As village mayor, I would be willing to participate.”

Mayor Utevsky said he hopes that the rally and the 1,000 names on a petition are enough to spur the parties to move forward collaboratively to get the work done. “Let’s get on with it,” he said.

Residents who live on the pond and in the nearby community spoke at the rally and shared stories about their frustration and the condition it has been left in since the storm. As the rally drew to a close, Ms. Rocchio, in response to the request by Ms. Davison and others, will release the Ward Melville title report.

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