



December 2, 2025

Town of Huntington Planning Board  
Town of Huntington  
100 Main Street  
Huntington New York 11743

Re: Vineyard Bay Estates, LLC Application for Subdivision  
Parcels: 78 Bay Avenue & 211 Vineyard Rd., Halesite, NY  
SCTM No. 0400-033.00-01.00-002.000

Dear Members of the Planning Board:

As you may recall, this office represents the Nathan Hale Nature Preserve Committee (comprised of immediately adjacent neighbors and other concerned residents) in connection with the above application as well as in the related litigation. We see that the Applicant's request for a waiver of final public hearing is on the Board's agenda as a discussion item for the meeting scheduled for tomorrow, December 3, 2025. On behalf of our clients, we object to the request being taken up at this time and, to the extent it is entertained, request that the Board deny the waiver.

The Board's briefing sheet refers to an SWPPP having been received and approved by the engineering department. We now understand that the SWPPP was submitted in September 2025; i.e., six months *after* preliminary approval, nine months *after* the public hearing, and eleven months *after* the Board's erroneous negative declaration (premised, in violation of controlling law, upon the assumed efficacy of promised mitigation measures, including those related to stormwater drainage). This continues a pattern of backwards analysis that, among other things, has had the effect of excluding material elements of the application from public view and depriving the public from the ability to participate in the process. To our knowledge, neither the SWPPP nor any record of engineering department review or approval of same has ever been posted to the website.<sup>1</sup> Compliance with legal requirements and sound planning and development

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<sup>1</sup> We also note that the Applicant still has not complied with the directive to provide scale elevation drawings and renderings of *this* proposed project (instead submitting only photographs of existing conditions at an altogether *other* location). As a result, the Board remains without any information or basis to assess the structural integrity or the visual aesthetic impact of the project's conceptual 200' long retaining wall crossing three contiguous plots along Vineyard Road.

protocols are not, or at least ought not be, a matter of retrofitting an application to achieve a predetermined result.

The waiver request appears to have been made some eight (8) months ago. The litigation arising out of the Board's SEQRA determination and preliminary approval is *sub judice*. There is no need to act on that waiver request at this time. But, if the Board feels compelled to do so, then for the reasons stated herein and in light of the significant issues raised in the litigation, there should absolutely be a public hearing on final approval and the request for waiver should be denied.

Thank you for your consideration.

Very truly yours,

Perillo Hill LLP

/s/ *Timothy Hill*  
Timothy Hill

cc: E. Gathman, Esq.  
M. McCarthy, Esq.  
D. Napolitano, Esq.