

ISLANDIA

'Confident' in casino suit, mayor says

Residents' lawyer stresses effects of zoning law change

BY RACHELLE BLIDNER
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Islandia Village Mayor Allan Dorman said he is "confident" a judge will dismiss a lawsuit in the latest legal battle over the casino at Jake's 58 hotel.

The lawsuit, filed by four Islandia residents against the village and casino owner Delaware North, is seeking to shut down the video lottery casino and overturn a law that allows gambling facilities.

Dorman discussed the lawsuit in a village board work session last Tuesday. A judge in August ruled to dismiss a couple of causes of action filed by the plaintiffs.

"We're pretty confident that's going to be dismissed," he said of the suit after incorrectly stating that four of five actions were dismissed.

Anton Borovina, the plaintiffs' Melville-based attorney, said Dorman was "dead wrong" about the judge's ruling and that, "if I were them, I would not be confident it will be dismissed."

The casino has been involved in a legal battle since before it opened in February 2017 as the first video lottery casino on Long Island.

Opponents sued in 2016 over the village board's approval that year of a special use permit allowing the casino operation. A state Supreme Court judge sided with the plaintiffs in September 2017, ruling the board acted improperly in granting the permit. An appeal of that decision is pending.

Two months later, the board approved a code change to allow "hotel/gaming" facilities in office and zoning districts. The move effectively legalized the Jake's 58 casino, opponents said.

Plaintiffs — Jennifer Tomasino, Kevin Montano, Kevin Meyer and Apryl L. Meyer — sued over the code change in state Supreme Court in Riverhead by the end of 2017. The lawsuit contends the village board illegally used spot zoning, among other allegations.

"They bargained away to the highest bidder their zoning powers," Borovina said of the village board, adding that the plaintiffs have suffered from increased criminal and police activity near the casino.

Village Attorney Joseph Prokop did not return a request for comment.

The case was moved to U.S. Bankruptcy Court Eastern District of New York because Suffolk OTB, which operates the video lottery casino, declared bankruptcy, intervened in the case and is now a defendant. Attorneys for the OTB declined to comment on the pending litigation.

Judge Carla E. Craig ruled on Aug. 2 to dismiss plaintiffs' action seeking to nullify the casino's certificate of occupancy and to get a permanent injunction against the casino's operation. The injunction claim was allowed back into the lawsuit after the plaintiffs re-pleaded, Borovina said.

The judge has reserved decision on dismissing as cause of action that the village should have held a referendum on the law.

Village building inspector Gerald Peters also was dropped as a defendant.

Delaware North attorneys did not respond to requests for comment Thursday.

Delaware North, which is based in Buffalo, agreed in August 2016 to pay \$47 million to the village in tax relief payments over 20 years. The company also paid the village \$2.5 million in 2017, including \$1.53 million for a new ballfield. The money allowed the village to reduce property taxes by 25 percent in 2017, officials said in a newsletter.



Hope LaBorne tees off at Holbrook Country Club on Thursday as her friends look on from new carts.

ISLIP TOWN

Golfers getting new carts

Golfers in Islip Town are getting new rides.

Officials are replacing all 170 golf carts at the town's three municipal courses: Brentwood and Holbrook country clubs, and Gull Haven Golf Club.

"These are new, clean and comfortable golf carts," Town Supervisor Angie Carpenter said in a statement. "The fall is a picturesque time for golfing in the Town of Islip, and these new carts will further enhance the golfer's experience at any

one of the Town's three beautiful golf courses."

The Islip Town Board approved financing the \$448,000, four-year lease with Yamaha Finance Corp. on Aug. 21. Fairway Golf Cart Corp. of Medford will sell the carts to the town and service them after winning an earlier bid, according to the resolution.

The carts are the newest model of the gas-powered carts that have been at the courses for the past four years, officials said.

The old carts are in "fairly good shape" but have "dings," said Bill Leposa, head golf professional at Holbrook Country Club. The new carts are "a little quieter" and have nooks specifically for cellphones and GPS devices.

The new carts are in use in Holbrook. Golf courses in Brentwood and Gull Haven in Central Islip will get the carts this month, officials said. They cost \$18 per person per day.

— RACHELLE BLIDNER

CRIME&courts

MONTAUK

Police: Motorist drags officer, then is charged with DWI

A Sag Harbor man was charged with assault and drunken driving Saturday after police said he tried to evade an officer, dragging him with his car in the process.

Andrew Hellman, 36, and a group of others appeared intoxicated when officers saw them climb into a 2001 GMC car in the parking lot of a 7-Eleven convenience store on Montauk Highway in Montauk around 4:45 a.m. Saturday, according to a news release from the East Hampton Police Department.

Officers approached the vehicle to interview Hellman.

"Hellman put the vehicle in drive as the officer was attempting to prevent him from doing so, resulting in the officer being dragged several feet as the driver

sped off," according to the release. "The officer was thrown from the vehicle as the vehicle continued at an unsafe speed."

Hellman kept going west and then lost control of the car, which overturned west of the 7-Eleven on Montauk Highway, the release said.

The officer sustained minor injuries, Sgt. Dan Roman said. The release said he was treated at Southampton Hospital.

Police arrested Hellman and charged him with driving while intoxicated, second-degree reckless endangerment and criminal possession of a controlled substance in the third, fourth and seventh degrees.

Hellman was arraigned Sunday in East Hampton Town Justice Court, where he pleaded not guilty, Roman said. Bail was set at \$7,500 cash or \$15,000 bond.

— JESSE COBURN

ELMONT

Cops: 2nd man in synagogue burglary arrested, charged

A second Queens man has been arrested in connection with the August burglary of an Elmont synagogue, Nassau police said.

Jeenley Luxey, 22, of St. Albans, faces charges of third-degree burglary and third-degree mischief. He was to be arraigned Sunday at First District Court in Hempstead, police said.

On Aug. 4, police said, Luxey and Annsito Valeus, 23, also of St. Albans, broke into the Elmont Jewish Center, damaging security cameras and wiring and an air conditioning unit. The damage was over \$1,000, police said.

Valeus appeared Tuesday in First District Court in Hempstead to face the same charges as Luxey. He has retained a private lawyer. It was unclear if Valeus posted bail.

— DEON J. HAMPTON