

Developer sues Suffolk for \$15M

BY RICK BRAND

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The developer of the proposed Heartland Town Square in Brentwood has filed a \$15 million lawsuit, seeking to force Suffolk County to connect the massive 9,000-unit project to the Southwest Sewer District.

The lawsuit, filed Feb. 6 in State Supreme Court in Riverhead, comes after the county legislature's public works committee failed in a 4-3 vote in September to discharge without recommendation a bill to permit the hookup of the megaproject.

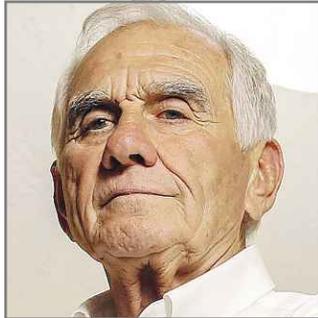
Developer Jerry Wolkoff's suit argues the committee action was "illegal and improper" and "in excess of the committee's jurisdiction and authority." The suit says the public works commissioner has the power to negotiate the agreement that "he deems appropriate," and argues that county agencies should proceed with negotiations for a hookup that "is not subject to the review or approval of the county legislature."

In addition, the suit seeks compensatory damages of no less than \$15 million because of delays and damage to Wolkoff's commercial reputation. County Attorney Dennis Brown declined to comment on the suit.

"Obviously, we have a role in the process," said Presiding Officer DuWayne Gregory (D-Copiapue), but he said it was the first time he could recall the legislature balking at approving a sewer connection. Gregory said he has not reviewed the lawsuit, and could not say whether the legislature needs an attorney to defend itself.

Heartland, which planners have called a project of regional significance, includes the residential units, along with 3.4 million square feet of office space and 1 million square feet of retail space on 452 acres that once were part of the Pilgrim State Psychiatric Center.

During legislative deliberations, some unions opposed the development because there was no labor agreement in the project. Others said



Heartland's Jerry Wolkoff

Wolkoff should build his own sewage plant so the treated water can recharge the aquifer.

"This project is for empty nesters and millennials . . . It's a shame they are holding it up," Wolkoff said.

Environmental studies show sewerage is the best option, Wolkoff said, because the Southwest Sewer District has capacity. He also said he can't build a sewer plant because the project is near the sensitive oak brush plain.

The tabled resolution would have allowed Heartland to pay a one-time connection fee of \$15 per gallon on the first 1.6 million gallons of daily sewage flow, and the current rate of \$30 a gallon on the remaining flow.

Wolkoff also said Heartland, when complete in 30 years, will use 1.6 million gallons in daily treatment capacity, rather than the 2.5 million gallons health officials project because he intends to use low-flow technology. "It won't be anywhere close to what they anticipate," he said.

Wolkoff has applied to reduce the \$15-per-gallon fee to \$7.50, based on a law authorizing discounts for mixed-use projects of at least 10 acres with 15 percent affordable housing.

He received conceptual approval in 2004 from the county before it raised sewer rates.

The suit set a March 5 date for Suffolk to respond in court.

On Monday, Wolkoff also appeared before the county's six-member sewer agency, seeking a one-year extension to get approval for a potential hookup, which was approved. Legis. Al Krupski (D-Cutchogue), public works committee chairman, abstained in light of the pending lawsuit.

NEWSDAY / JOHN PARASKEVAS

ISLANDIA. Poor visibility along the Long Island Expressway at Exit 58.



Wintry glaze puts LI motorists in peril

BY CRAIG SCHNEIDER AND ROBERT BRODSKY

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A slushy mix of snow on Long Island Tuesday led to hazardous road conditions, school closures, flight cancellations by the hundreds, and a likely messy Wednesday morning commute.

After sunset, temperatures had risen just above freezing but heavy rain was expected to continue overnight, with a possible dusting of additional flurries early Wednesday, said Melissa Di Spigna, a National Weather Service meteorologist in Upton. Wednesday is expected to be mostly cloudy, with a high near 44.

While the snow totals were relatively tepid — topping out at 3.4 inches in Mattituck — the storm's effect was far-reaching.

"It's not a big snow maker but the big story with this storm will be the impact," said News 12 Long Island meteorologist Pat Cavlin.

As snow turned to freezing rain early Tuesday afternoon, roadways became slick, leaving an icy glaze on road sur-



BARRY SLOAN

HUNTINGTON. Chris Mitchell, owner of Mitchells, shovels a small accumulation of snow outside his store on Main Street.

faces, said Tim Morrin, another meteorologist with the weather service's Upton headquarters.

Suffolk police responded to 233 traffic crashes between 8 a.m. and 5:30 p.m., abnormally high for a typical day, while Nassau police reported "tons" of accidents across the county but declined to say how many.

State Police Maj. David Candelaria said troopers responded to more than 50 vehicle accidents and disabled vehicles during the snowstorm.

"It's very, very treacherous out there," Candelaria said at a news conference in Farmingdale.

Despite the conditions, stalwart Long Islanders ventured

out for errands or work.

"C'mon, we're New Yorkers," said Pat Trost, 63, of North Babylon, as she headed out to buy a gift. "It's not so bad."

As soon as Noah Palmer stepped off the bus, the snow and cold wind started its assault. The chill made its way into his lungs and stung his bare hands.

That was just the beginning, as the Freeport maintenance worker knew he had a good half-hour walk down Route 110 to make it to his job in Farmingdale.

"It's something I have to do," said Palmer, 42, who has no car.

A few flakes and slippery streets didn't keep contractors