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Legislator Martinez Speaks Out Against the Scrap Metal Facility at the Islip Zoning Board of Appeals

On September 1, 2015, Legislator Monica R. Martinez submitted a declaration to the Islip Zoning Board of Appeals requesting disapproval to the relief in variance for Kings and Queens Transload, LLC. The company has requested a relief of variance from 500' to 383' to allow a scrap metal facility to exist within a residential neighborhood in Brentwood.

Legislator Martinez's declaration:

Good evening members of the Zoning Board of Appeals:

As Legislator of the 9th District, inclusive of Brentwood, Central Islip and North Bay Shore, I exhort the Board of Appeals to deny Kings and Queens, LLC, the right to operate a scrap metal facility in Brentwood.

As you are aware, Kings and Queens is seeking a relief from the 500' (feet) requirement in accordance to Town of Islip zoning law to a proposed distance of only 338', a violation of its own law. Not only will they be in violation of Islip's zoning law but the company was never required to submit substantial traffic and/or environmental impact studies but "estimated" impacts by the Town when considering the subject property.

This proposed scrap metal facility is not desired by the community. Residents were given an option of a scrap metal facility or a garbage transfer site. Why have either? The residents have spoken out against the facility on several occasions and it seems as if their concerns have fallen on deaf ears. You have that opportunity to hear them today and it is my hope that you deny this request on behalf of the residents we represent.

The roads in and around Emjay are in awful condition due to the truck traffic they already experience. Yes, Emjay was recently paved, but what about the other streets? The streets used by 18 wheeler trucks entering the residential areas. Many trees have died due to fumes emitted from trucks. Our children have the highest asthma rate and are hospitalized more often than others due to the emission of hazardous fumes.

Why should residents be subjected to more truck traffic and more hazardous fumes? Haven't they endured enough?

As you may know, Kings and Queens has requested the recommendation from the Suffolk County Planning Commission as to the relief of variance. The Planning Commission's recommendations, made public last Friday, convey a dissent to the relief in variance. The staff's recommendations were a "disapproval" based on the following information:

Sufficient information has not been submitted to demonstrate compliance with applicable area variance criteria particularly as it relates to 'whether an undesirable change will be produced in the character of the neighborhood, or a detriment to nearby properties will be created by the granting of the area variance'.

The following two points were their rationale:

1. Section 68-356 G of the Town of Islip Zoning Law indicates that scrap metal processing facilities are permitted by special permit "provided that no such...scrap metal processing facility is located within 500 feet of any residential use or zone..." It does not appear that the petition can meet the above special permit standard as the south east corner of the subject property is approximately 338 feet from the residential zone to the east. To grant the variance would have an altering effect on the land use pattern in this community. Approval of the diminished distance in accordance with the Code requirements for this type of 'special permit' use would tend to substantially undermine the effectiveness of the intention of the zoning ordinance to maintain sufficient distance between incompatible uses and would tend to establish a precedent for further such uses within close proximity to residential uses and zones.
2. The Suffolk County Planning Commission is unable to substantiate the comparative traffic analysis without the benefit of any source, multipliers used or traffic study prepared regarding this petition. Such information is necessary in order to determine the impact on local residential streets as well as, intersections with Crooked Hill Road (CR 13) and Wicks Avenue (CR 7).

I hope you take into consideration the Suffolk County Planning Commission's recommendations as well as my testimony and those present here today. The subject property will be located in an area which has been defined as an "economically distressed" and "minority area" within Suffolk County. This is pursuant to Resolution # 102-2006 which requires the commission to "take into account the potential of any project to have a disproportionately high and adverse health and/or environmental impact on a minority distressed community."

This proposed facility will have exactly that, "an adverse health and environmental impact" on our community. Our community cannot continue enduring environmental injustices. It is my optimism that you take everything into consideration and make the right decision for our residents, especially for our children.

Thank you for your time.