

LONG ISLAND **TOWNS**

Environmental groups sue Huntington Town, seek to overturn Melville development plan



Maxess Road, looking south, in Melville. The area would be part of Huntington Town's proposed Melville Town Center overlay district that would include retail, commercial and housing development. Credit: Newsday/Steve Pfost

By Deborah S. Morrisdeborah.morris@newsday.com[dsvmorris](https://www.newsday.com/dsvmorris) Updated May 27, 2025

Share

A second lawsuit seeking to overturn the approval of the Melville Town Center Overlay District, which could bring up to 1,500 apartments to the hamlet, has been filed against the Town of Huntington.

Southold-based-Long Island Oyster Growers Association and Babylon-based Open Water Enterprises LLC have named the town, the town board and the town's Department of Planning and Environmental Review in the lawsuit filed in State Supreme Court last month.

The Article 78 lawsuit alleges the resolution approving the overlay district in December was adopted in violation of the State Environmental Quality Review Act and did not consider negative environmental impacts.

The suit also says the ruling was made beyond the town board's legal authority and was approved "in violation of lawful procedure, affected by an error of law, arbitrary, capricious and was the unlawful product of an abuse of discretion by the Town."

Article 78 lawsuits are used to challenge state and local government decisions.

Huntington Town Supervisor Ed Smyth said the town does not comment on pending litigation.

According to the lawsuit, the Long Island Oyster Growers Association is a voice for and promotes Long Island's aquaculture industry and represents "the social, economic, environmental, and political interests of Long Island's shellfish and seaweed growers."

Open Water Enterprises LLC "grows oysters and clams and sells them to various markets in Suffolk, Nassau and Queens County and several other areas in the United States," the lawsuit said.

Sixto Portilla, chief operations manager for Open Water Enterprises, said in a news release that the town's plan would connect new buildings to the Southwest Sewer District, which sends treated sewage into the waters south of Fire Island, ultimately contributing to contamination of Long Island's aquifer. He said the approved plan would be devastating to shellfish populations in the Great South Bay, upset the bay's ecosystem and threaten the livelihood of those who use the bay.

"Changing zoning is a big deal," Portilla said in an interview. "The town board is supposed to protect those codes and we must hold them accountable."

He said Open Water Enterprises does business in the Town of Huntington.

Plaintiff Eric Koepele, president of the growers association and a Town of Huntington resident, could not be reached for comment.

On Dec. 10, the Huntington Town Board voted to create the Melville Town Center Overlay District, which will allow for a walkable downtown in Melville south of the Long Island Expressway, Newsday previously reported.

According to the lawsuit, the town did not adequately address the impact of the town center project "on groundwater, surface waters, plants and animals in the coastal estuaries (e.g., shellfish)" in an environmental assessment form prepared by the town's planning department.

The lawsuit alleges the environmental assessment should have identified in detail "the impacts on groundwater, surface waters and the coastal estuaries."

The lawsuit goes on to say that ultimately, the environmental assessment "failed to consider the potential for short-term, long-term and cumulative impacts."

On April 3, two Melville residents sued the town in an Article 78 lawsuit also seeking to overturn the approval of the Melville Town Overlay District. The suit alleges that a comprehensive environmental study of the property was not conducted before the plan was approved, Newsday previously reported.



By Deborah S. Morris

deborah.morris@newsday.com [dsvmorris](#)

Deborah Morris is a native Long Islander and covers the town of Huntington.