TOWN LAW

Where Were the Planners?

Jeffrey Bragman slams absence of teamwork

By JOANNE PILGRIM

Jeffrey Bragman, a zoning and planning attorney since the 1980s, was asked recently to elaborate on his views about East Hampton Town's proposed music-entertainment legislation and his concerns, more generally, about town policy, and planning and zoning regulation.

Over the years, Mr. Bragman has served as the attorney for the town's planning board, zoning board, architectural review board, and contractor's license review board, and has represented the town in Appellate Court as well. He began his career as an assistant district attorney and has been a counsel to other municipalities as well, including Southampton Town and North Haven Village.

"Good planning is good business," Mr. Bragman said. "Businesses thrive because of environmental protection. But businesses have no right to run their business at the expense and pain of neighbors, and government has a responsibility to make businesses act like responsible neighbors."

Mr. Bragman expressed concerns about the way the current administration has pursued legislative changes, without, he said, relying on the expertise of town planners.

"This town board seems to have an aversion to allowing the planning process to function," Mr. Bragman said, although "they've got a team that's skilled in zoning."

Asked to comment this week on the lawyer's assertions, Councilwoman Theresa Quigley, the board's liaison to planning, did not respond, nor did Supervisor Bill Wilkinson or other board members.

"What they don't understand is that good planning provides a structure for good legislation. If you're doing the job right, your planning director should be sitting at the hearing [on proposed legislation]," Mr. Bragman said, noting that Marguerite Wolffsohn, the town planning director, was absent from a recent hearing on the music-permit idea, developed by Ms. Quigley.

"The idea that a planning director's job is to salute the town board is wrong. There's a fundamental misconception that public servants and employees must agree with those in power. You're looking for people to give you their professional opinion. Town employees are not there to salute. They're there to do their job without fear or favor, and that includes the public or their superiors," said Mr. Bragman.

In addition, he said, "What [the town board] is missing is that the public input, and the methodical process that you go through for environmental review, makes your legislation better. These guys live in fear of the public, and our process is designed to bring them in."

"Running the town like you're a corporate executive is a disaster waiting to happen, and it's happening," Mr. Bragman said. "This is a government. We're subject to regulations," including a requirement, under the State Environmental Quality Review Act, that proposed legislation be routed to the planning department for comment, he said.

In regard to the music-permit proposal, crafted to address neighbors' complaints about popular restaurants where crowds gather outdoors, Mr. Bragman contested "this idea that they came up with that there's no rule prohibiting a restaurant owner from gathering 500 people and serving them drinks."

Ms. Quigley, who drafted the entertainment-permit law, has repeatedly said that her proposed legislation is a way for the town to enforce outdoor occupancy limits, where none currently exist.

However, Mr. Bragman said, the town code defines specific property uses such as a bar or tavern, or a restaurant. He said that one cannot morph into another.

He called it "Orwellian, that they could call that proposal a response to complaints."

The music-permit legislation, he said, should have undergone environmental review and have included the participation of the town planning staff.

"These guys blazed through every environmental checkpoint," Mr. Bragman said of the town board majority. "This is not a mystery; we're a team." He called the board's approach "the complete rejection of teamwork."