

**A.B. Richards Site Plan Decision - CGA
200-576-1-2.2**

5/11/94 - Commission approved application.

6/8/94 - Commission adopted a written decision and findings of fact.

Excerpts from minutes of these two meetings, plus the written decision, follow.

**Central Pine Barrens
Joint Planning and Policy Commission**

Robert J. Gaffney, *Chairman*
John LaMura, *Vice Chairman*
Ulric S. Haynes, *Member*
Joseph F. Janoski, *Member*
Fred W. Thiele, Jr., *Member*

P.O. Box 587
3525 Sunrise Highway, 2nd Floor
Great River, New York 11739-0587

Commission Meeting Summary (DRAFT) - May 11, 1994
Riverhead County Center

Present: Mr. Proios (for Commissioner Gaffney), Ms. Wiplush (for Commissioner LaMura), Commissioner Thiele, Ms. Filmanski (for Commissioner Janoski), Mr. Dragotta (County Attorney's office), Mr. Corwin (director), Ms. Trezza (administrator), Ms. Roth (counsel), plus additional attendees on attached sign-in sheet.

The meeting commenced at approximately 2:30 pm, chaired by Mr. Proios.

1. Compatible Growth Area

- A.B. Richards: application decision

Summary: The proposed use meets the Interim Goals and Standards. Staff recommendation is for approval. Mr. Proios' concerns expressed in his letter of 2/28/94 were discussed, and the imposition of covenants and restrictions as part of a Commission approval was consequently decided upon. A motion was made by Commissioner Thiele, and seconded by Ms. Filmanski, to approve the application on the condition that the applicant file a restrictive covenant with the County of Suffolk and the Town of Brookhaven requiring that any change in use of the site be brought to the Commission in the future as a new application, and, furthermore, to approve, reaffirm and adopt the Town's negative declaration of 12/6/93. The motion passed unanimously.

Commission Meeting Summary - June 8, 1994

Riverhead County Center

Present: Mr. Proios (for Commissioner Gaffney), Ms. Wiplush (for Commissioner LaMura), Commissioner Thiele, Ms. Filmanski (for Commissioner Janoski), Mr. Dragotta (County Attorney's office), Commissioner Haynes, Mr. Corwin (director), Ms. Trezza (administrator), Ms. Roth (counsel), plus additional attendees on attached sign-in sheet.

The meeting commenced at approximately 2:40 p.m., chaired by Mr. Proios.

1. Compatible Growth Area

- A.B. Richards: adoption of written decision and findings of facts

A motion was made by Commissioner Thiele and seconded by Ms. Filmanski to adopt the written decision and findings fact. The motion was carried.

**DECISION AND FINDINGS OF FACT
COMPATIBLE GROWTH AREA DEVELOPMENT APPLICATION**

Applicant: A.B. Richards

Property Location: N. Dunton Avenue
Medford, Town of Brookhaven

Description of Proposed Development:

The applicant wishes to use a vacant lot as a storage yard for empty trailers and containers.

Date of Public Hearing Before the Commission: February 2, 1994

**Decision of the Central Pine Barrens
Joint Planning and Policy Commission:**

By resolution dated May 11, 1994, the Central Pine Barrens Joint Planning and Policy Commission voted to grant the application, subject to certain conditions, based on the findings of fact set forth herein.

Findings of Fact:

The subject property consists of approximately one acre and is located in an L-1 Industrial district in the Town of Brookhaven. The property is vacant and no building is proposed in this application.

By decision dated December 6, 1993, the Brookhaven Town Planning Board issued a negative declaration pursuant to the New York State Environmental Quality Review Act ("SEQRA") and approved the site plan as proposed, subject to review by this Commission.

An application was submitted to the Commission for development pursuant to Environmental Conservation Law Section 57-0121(9). The proposed development was reviewed under the Interim Goals and Standards adopted by the Commission for development in the Compatible Growth Area.

Based upon the testimony and material in the record, the Commission finds that the proposed development satisfies all the criteria set forth in the Interim Goals and Standards. The following items are pertinent to this finding:

1. The proposal will not exceed the 6 ppm nitrogen loading factor;
2. There are no wetlands or surface waters within the subject parcel;
3. No rare or endangered species nor unique natural habitats have been reported or identified within the project area;

4. The proposed site clearance of 58.9% is below the maximum clearance permitted. The Town of Brookhaven Planning Board has required the revegetation of certain areas previously cleared;
5. There are no slopes in excess of 15%;
6. All of the stormwater runoff generated on the site will be recharged on the site, utilizing a leaching pool drainage system.

The proposed use is permitted in the L-1 Industrial Zoning District of the Town of Brookhaven, as are all lawful uses which are not expressly prohibited in the Brookhaven Code. In order to assure that any change in use to another permitted use under the Brookhaven Code will also be consistent with the Interim Goals and Standards and the Comprehensive Land Use Plan required by Article 57 of the Environmental Conservation Law, the approval is subject to the filing of a Declaration of Covenants and Restrictions with the Suffolk County Clerk to require the written approval from the Commission prior to any change in use from that described in this application.

The application is granted, subject to the conditions stated above.

Dated: June 8, 1994

WHEREAS, the Central Pine Barrens Joint Planning and Policy Commission (the Commission) has been created by Article 57 of the New York Environmental Conservation Law (Article 57); and

WHEREAS, the Commission, pursuant to Article 57, has promulgated interim goals and standards for development in the Compatible Growth Area prior to the adoption of the Comprehensive Land Use Plan; and

WHEREAS, the Declarant has applied to the Commission for approval to use the premises as a storage yard; and

WHEREAS, the Commission wishes to ensure that any future change in use of the premises will be consistent with the Interim Goals and Standards and the Comprehensive Land Use Plan; and

WHEREAS, the Commission, by resolution dated May 11, 1994, granted the application subject to certain conditions; and

WHEREAS, the Declarant agrees to accept the conditions imposed by the Commission by the filing of this Declaration of Covenants and Restrictions;

NOW THEREFORE, the Declarant does hereby, for its own benefit, and in consideration of the foregoing, impose the following restrictions upon the premises: