



## Commission Meeting of July 19, 2006

### Quogue Wildlife Refuge, Quogue, NY

Present: Mr. Scully (New York State), Mr. Deering (Suffolk County),  
Mr. Turner (Brookhaven), Mr. Shea (Southampton), Mr. Hanley (Riverhead)

#### Resolution on the Clarification of Non-Development Provision - Article 57-0107(13)(xiii)

#### Request of Central Pine Barrens Commission staff

**Whereas**, the Non-Development Provision of Article 57-0107(13)(xiii) reads – “in the compatible growth area, land divisions and subdivisions in the compatible growth area consisting of five or fewer residential lots which conform to the lot area requirement of the existing zoning district for the subject parcel”, and

Peter A. Scully  
*Chair*

Phillip J. Cardinale  
*Member*

Brian X. Foley  
*Member*

Patrick A. Heaney  
*Member*

Steve A. Levy  
*Member*

**Whereas**, due to recent trends in the type of local municipality coordination review requests and the nature of subdivision activity proposed within the Compatible Growth Area, the Commission wishes to clarify the application of this non-development provision in two separate situations; and

**Whereas**, first, the Commission wishes to clarify that the “lot area requirement” be applied based on the actual square footage of the proposed lot(s) and not the other area requirements (e.g. lot width, setback and height) of the local zoning code; and

**Whereas**, second, the Commission wishes to clarify that this non-development provision, as a whole, may be applied to any parcel once and cannot be applied to any resulting parcels that are capable of further subdivision; now, therefore, be it

**Resolved**, that the Commission hereby clarifies that Article 57-0107(13)(xiii) only regulates the lot area requirement as indicated by the square footage required within the applicable zoning district and does not include any other area variances associated with the subdivision, and be it further

**Resolved**, that the Commission further clarifies that Article 57-0107(13)(xiii), as a whole, shall be applied to any compliant parcel once and shall not be applied to parcels that are capable of further subdivision which result from this land division or subdivision, and be it further

**Resolved**, that the Commission, as an Agency, pursuant to SEQR Part 617.5(c)(31) hereby determines that this action is a Type II and no further review is required.

#### Record of Motion - Decision (Approval):

Motion by:	Mr. Turner	Yea Votes:	Unanimous
Seconded by:	Mr. Hanley	Nay Votes:	None

P.O. Box 587  
3525 Sunrise Highway  
2<sup>nd</sup> Floor  
Great River, NY  
11739-0587

Phone (631) 224-2604  
Fax (631) 224-7653  
www.pb.state.ny.us