



Commission Meeting of October 19, 2005
Quogue Wildlife Refuge Nature Center
Old Country Road, Quogue, NY

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

Final

**Resolution on the Compatible Growth Area Hardship
Application of Metz Farms**

Property located at 216 South Street, west of Dayton Avenue, Manorville, NY
Town of Brookhaven
Tax Map Number: 200-558-4-6

Peter A. Scully
Chair

Phillip J. Cardinale
Member

Patrick A. Heaney
Member

John Jay LaValle
Member

Steve A. Levy
Member

Whereas, Matthew Metz owns the above referenced parcel containing 21.45 acres of area which is zoned A Residential 2, and

Whereas, the parcel contains a mix of successional old field vegetation, a developed area containing a single family residence and mature forest areas, and

Whereas, John Kennedy of W& K Farms, being duly authorized by Mr. Metz, submitted a Compatible Growth Area hardship permit application to the Commission on April 13, 2005 to clear the entire 21.45 acre parcel for agricultural use due to the determination of the Town of Brookhaven that the proposed clearing would exceed the clearing permitted, 35%, and fertilizer dependent vegetation limit, 15%, for the parcel, and

Whereas, Mr. Kennedy submitted as part of his application aerials which showed that an approximately 10 acre portion of the site was historically used for agricultural purposes, which area has subsequently reverted to successional old field vegetation, and

Whereas, a public hearing was held on June 15, 2005 during which both Mr. Metz and Mr. Kennedy made appearances and a transcript was made available to the Commissioners thereafter, and

Whereas, during the hearing Mr. Metz stated that he has owned the subject property since 1997, that he owns and controls the Sparrow Sand Mine located to the south of the subject parcel and the subject parcel serves as a buffer to the sand mine and is legally single and separate from the sand mine, and

Whereas, Mr. Metz stated that he would enter into a long term lease with Mr. Kennedy if the application was approved, and

Whereas, the Commission performed an coordinated environmental review of the project pursuant to the New York State Environmental Quality Review Act, ("SEQRA"), and

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

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

Whereas, the Commission has considered all materials submitted in connection with the application including the transcript of the public hearing, now therefore, be it

Resolved, that the applicant has demonstrated that the hardship is unique to the project since it is already developed with a residence and barns and the demonstrated past use of a portion of the parcel for agricultural purposes, and the relief granted will not alter the essential character of the community that has farmland to the north and elsewhere in proximity to the property, and that the applicant has demonstrated that in order to alleviate a hardship it is necessary to waive strict compliance with the Plan and Article 57 to allow the project as described below, to be implemented, and be it further

Resolved, the Commission grants a hardship exemption to permit the agricultural use on those portions of the parcels which are depicted as lightly wooded and grass field and also a small portion of the wooded area on the Survey for Metz Described Property, Manorville, Town of Brookhaven, Suffolk County, New York, Suffolk County Tax Number Dist. 200 Sect. 558 Block 04 Lot 06 as prepared by John Schnurr, Professional Land Surveyor, PLLC with a revision date of April 8, 2005, for a total acreage to be used for agricultural purposes not to exceed 10 acres, and be it further

Resolved, best management practices for agriculture activities as stated in the most recent version of *Agricultural Management Practices Catalogue for Nonpoint Source Pollution Prevention and Water Quality Protection in New York State* shall be implemented at the site to minimize impacts to groundwater from farming practices, and be it further

Resolved, the existing residence and barns are not to be removed as a result of this project, and be it further

Resolved, the hardship exemption granted herein permits the agricultural use of a portion of the parcel. If the agricultural use is abandoned, the areas cleared pursuant to this hardship exemption shall be permitted to revert to native vegetation, and be it further,

Resolved, prior to undertaking any agricultural activities on the parcel, including but not limited to, preparatory activities for such use, a copy of this resolution shall be filed with the Suffolk County Clerk and such resolution shall be deemed a covenant on the future use of the property and proof of recording provided to the Commission, and be it further

Resolved, the applicant must obtain any required state and local permits,

Resolved, the granting of this hardship exemption is consistent with the purposes and provisions of Article 57-0121.(4)(d) and (6)(g) which states:

"4. The land use plan with respect to the compatible growth areas shall be designed to:

(d) encourage appropriate patterns of compatible residential, commercial, agricultural, and industrial development in order to accommodate regional growth influences in an orderly way while protecting the Pine Barrens environment from the

*individual and cumulative adverse impacts thereof;
(e) accommodate a portion of development redirected from the preservation area.
Such development may be redirected across municipal boundaries; and... ”*

“6. The land use plan shall provide for, address and include but not be limited to the following:

(g) Identification of land suitable for agricultural use and necessary and appropriate strategies to protect land capable of agricultural production.”

and will therefore not result in a substantial impairment of the resources of the Central Pine Barrens.

Resolved, pursuant to SEQRA, the Commission hereby determines that the proposal constitutes a Type 1 action, and the approval of the hardship exemption as set forth herein will not have a significant adverse impact on the environment as defined pursuant to SEQRA for the reasons set forth in the Negative Declaration accompanying this action.

Motion on SEQRA Determination and Project Approval

Made by: Mr. Turner Seconded by: Mr. Kent

Vote: Yes: 5

No: 0

