

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

---

Robert J. Gaffney, *Chairman*  
John LaMura, *Vice Chairman*  
Ray E. Cowen, *Member*  
James R. Stark, *Member*  
Fred W. Thiele, Jr., *Member*

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

**Session of January 13, 1995**  
Riverhead Town Hall

**Present:** Mr. Gaffney, Mr. Proios and Mr. Dragotta (for Suffolk County), Mr. Cowen (for New York State), Mr. Janoski and Ms. Filmanski (for Riverhead), Mr. LaMura, Mr. Garcia, Ms. Swick and Ms. Wiplush (for Brookhaven), Mr. Thiele (for Southampton).

**Resolution on the Core Preservation Area Hardship  
Application of Manor Pines**

**Property located S/E Corner Halsey Manor and Mill Road, Manorville, Town of Brookhaven  
SCTM# 200-412-01-01**

**WHEREAS**, an application has been submitted by Kenneth J. Tedaldi and John Blaney for a core preservation area hardship pursuant to ECL § 57-0121(10); and

**WHEREAS**, the proposed development consists of 15 single family dwellings on a 15.9 acre parcel which was previously part of a larger 73.2 acre parcel owned by the applicants; and

**WHEREAS**, the applicants have conveyed approximately 57 acres of the 73.2 acre parcel to the Town of Brookhaven in order to preserve this land in its present state; and

**WHEREAS**, the Commission has adopted a Findings Statement pursuant to SEQRA which sets forth in greater detail the history of the 73.2 acre parcel and the SEQRA process undertaken by the Town of Brookhaven Planning Board as lead agency; and

**WHEREAS**, the Commission has held a public hearing on the application and has duly considered all of the testimony and documents submitted, the SEQRA material, and the criteria for a hardship permit contained in ECL § 57-0121(10);

**NOW THEREFORE**, be it

**RESOLVED** that the Commission hereby grants the application based on the findings set forth below:

1. The subject 15.9 acre parcel has no beneficial use id used as permitted by Art. 57. This lack of beneficial use is due to the unique circumstances peculiar to the subject property which are set forth in greater detail in the Commission's Findings Statement. These circumstances do not effect any other property in the immediate vicinity, and they arise out of the characteristics of the property.
2. The shape of the subject parcel, i.e. the 15.9 acres retained by the applicants after the conveyance of approximately 57 acres to the Town of Brookhaven, will cause an extraordinary hardship if the provisions of Art. 57 are literally enforced. The subject parcel is small to be used as a preserve or hunting ground.
3. The preservation of the 57 contiguous acres, which is an intimate aspect of the proposed development, will further the goals and purposes of Art. 57.

4. There will be no significant impact to groundwater as a result of the construction of 15 homes on a 15.9 acre parcel.
5. The clearing and fertilizer restrictions imposed by the Brookhaven Planning Board will reduce impacts on local habitat.
6. The granting of the permit will not be materially detrimental or injurious to other property or improvements in the area in which the subject property is located, will not endanger public safety nor result in substantial impairment of the resources of the core preservation area;
7. The waiver will not be inconsistent with the purposes, objectives or the general spirit and intent of Article 57; and
8. The waiver is the minimum relief necessary to relieve the extraordinary hardship.

**Record of Motion:**

Motion by Mr. LaMura

Seconded by Mr. Thiele

**Yea Votes:**

Mr. Gaffney

Mr. Cowen

Mr. Janoski

Mr. Thiele

Mr. LaMura

## STATE ENVIRONMENTAL QUALITY REVIEW

### FINDINGS STATEMENT

Pursuant to Article 8 of the New York Environmental Conservation Law and 6 NYCRR Part 617, the Central Pine Barrens Joint Planning and Policy Commission, as an involved agency, makes the following findings.

#### Name of Action:

Application of Kenneth J. Tedaldi and John Blaney for a 15 Lot Subdivision, known as Manor Pines, in Manorville, Town of Brookhaven.

#### Description of Action:

Application for a hardship exemption permit pursuant to Environmental Conservation Law § 57-0121(10) to develop a 15.9 acre parcel located in the Core Preservation Area of the Central Pine Barrens. The proposed subdivision consists of 15 lots with frontage on existing public roads. The lots range in size from 43,000 square feet to 64,784 square feet. The site is zoned A-5 Residence (5-acre). Private wells and individual conventional sanitary systems will be employed on each building lot.

#### Location:

East side of Halsey Manor Road, beginning approximately 306 feet north of Long Island Expressway right of way, extending approximately 1363 feet north to Mill Road, and running along the south side of Mill Road approximately 606 feet. Ten of the lots will have access from Halsey Manor Road, and five will have access from Mill Road.

**Agency Jurisdiction:**

Environmental Conservation Law § 57-0121(10).

**Date Final EIS Filed:**

June 19, 1989, by the Brookhaven Planning Board acting as lead agency.

**Background:**

In 1986 the applicants acquired title to a 73.2 acre parcel, including the subject 15.9 acres, for \$369,255. At that time the property was zoned Residence 2 (2 acre). An application was submitted to the Brookhaven Planning Board for a 33 lot subdivision. The Planning Board, as lead agency, issued a positive determination pursuant to the New York State Environmental Quality Review Act ("SEQRA") and an environmental impact statement ("EIS") was prepared. The EIS was accepted by the Planning Board and a Findings Statement approving a 33 lot subdivision on the 73.2 acre parcel was issued by the Planning Board on June 19, 1989. In February of 1990 the Planning Board approved a cluster development under New York Town Law Section 281. Then, in May of 1990, the Brookhaven Town Board rezoned the 73.2 acre parcel from 2 acre to 5 acre zoning. Thereafter the owners commenced legal proceedings against both the Town Board and the Planning Board. A settlement of both proceedings was approved by the Town Board on May 14, 1993. The settlement required, among other things, that the owners preserve 57 of the 73.2 acres by conveying them to the Town of Brookhaven, leaving

the applicants with 15.9 acres located along Halsey Manor Road and Mill Road. These 15.9 acres were to be subdivided into 15 residential lots. In addition, the owners were required to dedicate a strip of road frontage along Halsey Manor Road and Mill Road to the Town of Brookhaven in order to permit the future widening of these roads. Since the project was substantially reduced from the development described in the final EIS and the Findings Statement, no further SEQRA review was required by the lead agency. On June 7, 1993, the Brookhaven Planning Board granted final land division approval for 15 lots subject to the conditions listed below:

1. Covenants required:

- A. No further subdivision of lots.
- B. Clearing of natural vegetation shall not exceed 36% for all lots (1 through 15).
- C. No more than 15% of each lot shall be placed in fertilizer dependent vegetation.
- D. Each lot shall be developed in accordance with the requirements of the "B-1" Residential zoning classification for setbacks, except for front yard setback which will be 75 feet. Additionally, each lot will be a minimum of 40,000 square feet.
- E. A 50 foot wide natural and undisturbed front yard buffer comprised of existing vegetation will be required for lots 1 through 11, 14 and 15 excepting driveways for vehicular

ingress and egress, as further defined, and utilities. Said buffer shall be exclusive of road widening dedications.

- F. A 16 foot wide asphalt paved common driveway will be required for lots 2 through 9.
  - G. A 16 foot asphalt paved common driveway with drainage for lots 11 through 14.
  - H. No vehicular ingress or egress to Mill Road for lots 11 and 14. All access shall be from common driveway.
  - I. All common driveways will provide "T" turn arounds for each lot to eliminate the need to back out of a driveway.
  - J. Houses to be setback [sic] a minimum of 75 feet.
2. Clearing plan will be required for each lot at time of application for building permits. Proposed clearing should be delineated on each lot with surveyor flagging tape prior to commencement of any clearing or construction activity.
3. A 5 foot road widening on Mill Road and Halsey Manor Road to be deeded to Town.
4. 57.113 acres of open space parcel to be deeded to the Town.
5. None of the lots shown on the approved land division may be sold, developed or constructed

upon until all conditions of the approval have been met.

6. All covenants and buffers should appear on all surveys for individual building permits.

All of the foregoing occurred prior to the adoption of the Long Island Pine Barrens Protection Act of 1993, which became affective on July 14, 1993.

### Facts and Conclusions in the EIS

#### Relied Upon to Support the Decision:

The Central Pine Barrens Commission is primarily concerned with the protection, preservation and management of the Central Pine Barrens as such area is defined in Article 57 of the Environmental Conservation Law. The State Legislature, in the legislation creating the Central Pine Barrens, has found that the Central Pine Barrens is of critical importance because it overlies a large source of pure groundwater. Furthermore, in accordance with the Long Island Pine Barrens Protection Act, the impact of the proposed action on the integrity of the local ecology is of great importance to the Central Pine Barrens Commission. In its review of the proposed action the Central Pine Barrens Commission has focused primarily on those potential impacts which are closely related to the Central Pine Barrens, i.e., vegetation, wildlife and groundwater. The following facts and conclusions are based in large part on portions of the Findings Statement adopted by the Brookhaven Town Planning Board

on June 19, 1989 and on the EIS. It is noteworthy that the Findings Statement is based upon the originally proposed subdivision of 33 clustered one-acre lots on 73.2 acres, whereas the project has since been reduced to 15 lots on 15.9 of the 73.2 acres, each with frontage on an existing road. Thus the impacts described in the EIS have been significantly reduced by the downsizing of the development proposed and by the preservation of the 57 acres which have been conveyed to the Town of Brookhaven.

### Vegetation and Wildlife

The cluster plan calls for the preservation of contiguous open space on the southern portion of the site. The FEIS maintains that more than 50% of the site will be preserved. In addition, clearing limitations within the individual lots will result in the preservation of 75% of the site's natural vegetation.

The project has been designed to match adjacent open space of an approved subdivision known as Jensen Property. Manor Pines will result in a significant natural buffer along the Long Island Expressway contiguous to the open space of Jensen Property. The environmental benefits of such a system are delineated below:

1. The proposed layout will provide a significant wildlife corridor to permit the movement of resident wildlife throughout the area.
2. The large buffer area will provide natural visual screening of the Long Island Expressway. This is in keeping with the desire to preserve the scenic



character of this portion of the Town of Brookhaven.

3. Preservation of 35.381 acres [original proposal] of open space will provide wildlife habitat for resident wildlife species. In addition, preservation of this land will provide for natural recharge of groundwater over the same area.
4. A significant portion of Pine Barrens will be protected in its natural state. This land will remain natural and undisturbed into the future.
5. The proposed plan maintains the rural character of the Manorville area.

The revised and reduced proposal ensured the preservation of 57 acres by the conveyance of this property to the Town of Brookhaven. By limiting development to the lots with frontage on an existing road, the 57 acres will be protected from illegal dumping and trespassing.

#### Groundwater

Impacts to groundwater are expected to occur from sanitary waste disposal and fertilizers. The originally proposed plan (33 lots) is estimated to result in the recharge of 1.7 to 3.0 mg/l of nitrogen. Based on this estimate, there is a 99% probability that the average nitrogen concentration will not exceed the NYS Drinking Water Standard of 10 mg/l. Therefore, no adverse impacts to groundwater are anticipated.

The reduction in the scale of development from the 33 lots considered in the EIS to 15 lots now proposed will reduce even further any anticipated impacts to groundwater.

**Additional Finding**

The proposal considered in the EIS and the Findings Statement was based upon 2 acre zoning and consisted of 33 lots on 73.2 acres. The present proposal includes the preservation of 57 of the 73.2 and the development of 15 lots clustered along the open roads. Thus the Commission finds that the proposed development will not have a significant impact on groundwater in the area due to the preservation of 57 acres.

CERTIFICATION OF FINDINGS TO APPROVE

Having considered the Draft and Final EIS, and having considered the preceding written facts and conclusions relied upon to meet the requirements of 6 NYCRR 617.9, this Statement of Findings certifies that:

1. The requirements of 6 NYCRR Part 617 have been met;
2. Consistent with the social, economic and other essential considerations from among the reasonable alternatives thereto, the action approved is one which minimizes or avoids adverse environmental effects to the maximum extent practicable; including the effects disclosed in the environmental impact statement, and
3. Consistent with social, economic and other essential considerations, to the maximum extent practicable, adverse environmental effects revealed in the environmental impact statement process will be minimized or avoided by incorporating as conditions to the decision those mitigative measures which were identified as practicable.

CENTRAL PINE BARRENS JOINT PLANNING AND POLICY COMMISSION

  
Signature of responsible official

Robert J. Gaffney

Name of responsible official

Chairman, Central Pine Barrens Joint Planning and Policy Commission

Title of responsible official

1/13/95  
Date