



NOTICE OF VIOLATION

January 23, 2019

Michelle and David Fink
Fink's Country Farm, Inc.
6242 Middle Country Road
Manorville, NY 11949

Joan Shwonik
5338 Route 25A
Calverton, NY 11933

Therese Southworth
P.O. Box 534
Stony Brook, NY 11790
&
357 Randall Road
Ridge, NY 11961

Carrie Meek Gallagher
Chairwoman

Steven Bellone
Member

Edward P. Romaine
Member

Laura Jens-Smith
Member

Jay H. Schneiderman
Member

**RE: Alleged Violation of Covenants and Conditions
Shwonik/Guyder Farm (Finks Country Farm, Inc.)
Compatible Growth Area Hardship Waiver Application
SCTM # 600-115-1-9**

Dear Ms. Fink, Mr. Fink, Ms. Shwonik and Ms. Southworth:

As you know, on June 21, 2017 the Central Pine Barrens Joint Planning and Policy Commission (hereinafter the "Commission") approved a Compatible Growth Area Hardship Waiver to allow clearing for agricultural use on the property located at the northeast corner of Wading River Road and New York State Route 25, identified on the Suffolk County Tax Map as parcel # 600-115-1-9 (hereinafter "the Property"). The Commission's resolution approving this Hardship contained the following condition #2:

"2. 10% of the Project Site, on the east side of the Project Site, as shown on the survey prepared by Young and Young last dated January 27, 2017 shall remain in its existing natural state."

This requirement was also contained in paragraph a of the Declaration of Covenants and Restrictions for the Property recorded in the Office of the Suffolk County Clerk on January 23, 2018 where it is stated that:

624 Old Riverhead Road
Westhampton Beach, NY
11978

Phone (631) 288-1079
Fax (631) 288-1367
www.pb.state.ny.us

“a. The Hardship Waiver is approved solely to utilize the Property for agricultural uses, as defined by New York State Agriculture and Markets Law. The agricultural use is permitted to continue in perpetuity on 90% of the Property and 10% of the Property shall remain in its existing natural state.”

A copy of the June 21, 2017 Commission resolution and January 23, 2018 Declaration of Covenants and Restrictions is enclosed for your review. In addition, enclosed please find an aerial photographic map, submitted as part of the hardship application for this matter, which depicts the easterly buffer as area “D.”

Recently, the Commission was apprised that these conditions and covenants may have been violated and that a portion of the buffer on the east side of the Property that was to have remained natural and undisturbed may have allegedly been cleared and disturbed. Based on a recent survey, it appears that this clearing and disturbance occurred in the southern portion of the aforementioned east side buffer, resulting in total clearing of approximately 95%, instead of 90%, and a remaining natural buffer area of approximately 5%, instead of the required 10%.

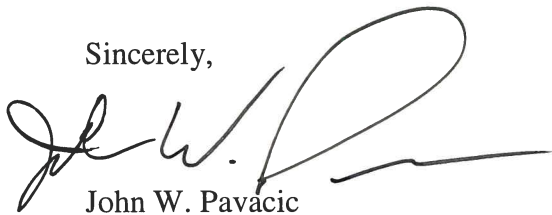
Accordingly, it appears that a violation may exist on the Property, which may be punishable by the penalties set forth in §57-0136 of Article 57 of the New York State Environmental Conservation Law. As a result, the Commission shall seek remedies to address this violation, which would include restoration of the cleared and disturbed natural buffer.

Therefore, please take appropriate action to ensure that no further clearing or disturbance to the buffer occurs and that no other actions are undertaken that may constitute additional violations.

You are hereby requested to contact the Commission office immediately by calling (631) 288-1079 or by e-mailing director@pb.state.ny.us to arrange an on-site meeting on the Property with Commission staff to discuss the alleged violation and proposed remedies.

Thank you for your cooperation.

Sincerely,

A handwritten signature in black ink, appearing to read 'John W. Pavacic', with a large, stylized loop at the end.

John W. Pavacic
Executive Director

Encl.