



**Commission Meeting of June 20, 2007
Brookhaven Town Hall, Farmingville, NY**

Present: Mr. Scully (for New York State), Ms. Carrie Meek Gallagher (for Suffolk County), Mr. Bartunek (for Riverhead), Ms. Prusinowski (for Brookhaven) and Mr. Shea (for Southampton)

**Resolution on the Red Creek Vistas 13 lot Subdivision
Compatible Growth Area Critical Resource Area Application**

**Property located on the west side of Red Creek Road and the north side of
Old Squires Road, Hampton Bays - Town of Southampton
Tax Map# 0900-173.00-02.00-008.001**

Peter A. Scully
Chair

Philip J. Cardinale
Member

Brian X. Foley
Member

Patrick A. Heaney
Member

Steve A. Levy
Member

Whereas, on November 28, 2006, James F. Baird & John F. Baird, c/o Inter-Science Research Associates, Inc. filed with the Commission an application for development known as Red Creek Vistas that is located within a Critical Resource Area (CRA), identified in Chapter 4.5.4.1 of the Central Pine Barrens Comprehensive Land Use Plan ("the Plan") in Figure 4-1 as Red Creek Site 3 West of Red Creek Road and in Figure 4-5 as S5; and

Whereas, the project involves the construction of a 13 lot subdivision on a 40.5 acre parcel, zoned CR-120 (1 residence per 3 acres) that is currently partially developed with one dwelling, and

Whereas, the subject parcel is designated a CRA pursuant to the Plan because it is part of the corridor for the proposed Paumanok Path segment heading towards Squire Pond; and

Whereas, the application was reviewed by staff and considered incomplete, therefore additional information was requested from the applicant; and

Whereas, the applicant submitted additional information on February 5, 2007 and the application was deemed complete on February 21, 2007, with a public hearing scheduled for March 21, 2007; and

Whereas, a public hearing was held on the Compatible Growth Area-CRA application on March 21, 2007, and the applicant submitted a revised plan entitled "Timothy Kaywood – Red Creek Vistas Cluster Plan II with slope easements" (not a survey), dated March 15, 2007, last revised March 21, 2007; and

Whereas, during the Commission's hearing on this project, Mr. John Bennett, the applicant's attorney, testified that the common open space shall be deeded to the Town of Southampton and conservation easements shall be placed on the sloped areas; and

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Whereas, during the course of the public hearing any interested party was given an opportunity to be heard and transcripts were thereafter made available to the Commission; and

Whereas, pursuant to Article 8 of the New York State Environmental Quality Review Act (“SEQRA”), the Town of Southampton Planning Board serving as lead agency classified the project as an unlisted action and conducted a coordinated review; and

Whereas, the Town of Southampton Planning Board in its capacity as Lead Agency issued a Determination of Non-Significance (Negative Declaration) for the project, on September 21, 2006; and

Whereas, the Commission has considered all materials submitted in connection with the application;

Now therefore be it

Resolved, the Commission determines that the applicant has demonstrated compliance with the standards and guidelines set forth in Volume 1, Chapter 5 of the Central Pine Barrens Comprehensive Land Use Plan (“the CLUP”), and the protection for the Critical Resource Area by incorporating the existing onsite trail, envisioned to become part of the Paumanok Path, within the open space area to be dedicated to the Town; and be it further

Resolved, that the Commission determines that the application and accompanying information, as submitted, does not require a Compatible Growth Area hardship exemption pursuant to New York State Environmental Conservation Law Article 57-0121(10), because it meets the CLUP’s Standards and Guidelines for development; and be it further

Resolved, that the application for a Compatible Growth Area Critical Resource Area Application is hereby approved subject to all of the following conditions:

CONDITIONS OF APPROVAL

1. The owner must satisfy the requirements as outlined in the Town of Southampton Planning Board Conditional Preliminary Approval, dated April 19, 2007 prior to a building permit being issued.
2. A copy of the final stamped approved subdivision map must be provided to the Commission prior to a building permit being issued.
3. The final subdivision map shall indicate the following requirements as a covenant on the property
 - a. 15% limit on fertilizer dependent vegetation
 - b. 30% overall clearing limit for the subdivision that includes existing clearing and the proposed Red Creek Road realignment. Clearing in violation of the Long Island Pine Barrens Act will be subject to the penalty provisions of NYS ECL Article 57-0136.
 - c. Open Space area is dedicated to the Town of Southampton
 - d. The common open space shall be established and dedicated to the Town of Southampton through the filing of a covenant and deed with the Suffolk County Clerk’s Office.

- e. Sloped areas within the lots as indicated on this map are to be preserved in their natural state through the filing a covenant with the Suffolk County Clerk's Office to establish a slope easement.
4. The property owner must notify the Commission one week prior to the commencement of the construction of roads and drainage.
5. Prior to a building permit being issued, the applicant must provide copies of the approval letters or letters of non-jurisdiction for
 - a. Suffolk County Department Health Services -SCDHS Article 6 requirements
 - b. Town wetland permit
6. A copy of this resolution and the required covenants to satisfy Commission requirements must be filed with the County Clerk's Office and proof of recording provided to the Commission prior to Town of Southampton Planning Board subdivision map signature.

Record of Motion:

Decision (Approval):

Motion by: Mr. Shea

Seconded by: Ms. Prusinowski

Yea Votes: 5

Nay Votes: 0