



Commission Meeting of July 20, 2005

Brookhaven Town Hall, Farmingville, NY

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

Resolution on the Rosko Farms, Inc. 8-lot Subdivision

Compatible Growth Area Critical Resource Area Application

955' north of Montauk Highway, East Quogue - Town of Southampton

Tax Map# 900-215-1-92:

(Note: This was amended as noted below by Commission resolution of 7/16/08.)

Whereas, on September 16, 2004, Rosko Farms, Inc., through their representative, Inter-Science Research Associates, Inc., filed with the Commission an application for development within a Critical Resource Area as defined in Chapter 4.5.4.1 of the Central Pine Barrens Comprehensive Land Use Plan, specifically on a parcel in the Henry's Hollow Region, East Quogue, NY; and

Peter A. Scully
Chair

Whereas, a public hearing was held on the Compatible Growth Area application on December 15, 2004, January 19, 2005 and May 18, 2005 and transcripts were thereafter made available to the Commission; and

Phillip J. Cardinale
Member

Patrick A. Heaney
Member

Whereas, the applicant supplemented their application with information requested by the Commission at each public hearing including a rare species inventory, detailed steep slope analysis and revised site plan; and

John Jay LaValle
Member

Whereas, pursuant to the New York State Environmental Quality Review Act and regulations promulgated thereunder ("SEQRA"), the Commission conducted an uncoordinated review of the application as an unlisted action; and

Steve A. Levy
Member

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

Resolved, that the Commission determined that the applicant has demonstrated compliance with the standards and guidelines set forth in Volume 1, Chapter 5 of the Comprehensive Land Use Plan, and the protection for the critical resource feature(s) designated in the Plan; and be it further

Resolved, that the Commission determines that the application and accompanying information, as submitted, does not need meet the criteria for a Compatible Growth hardship exemption pursuant to New York State Environmental Conservation Law Article 57-0121(10); and be it further

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

Resolved, that the application for a Compatible Growth Area Critical Resource Area Application is hereby approved subject to the attached conditions; and be it further

Resolved, that the Commission hereby determines that the proposed action will not have a significant impact on the environment pursuant to SEQRA.

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Record of Motion:

SEQRA Determination (Neg. Dec.):

Motion by: Mr. Shea
Seconded by: Mr. Kent
Yea Votes: 5
Nay Votes: 0

Decision (Approval):

Motion by: Mr. Shea
Seconded by: Mr. Kent
Yea Votes: 5
Nay Votes: 0

CONDITIONS OF APPROVAL

Rosko Farms 8-Lot Subdivision – SCTM# 900-215-1-92

1. Erosion control measures shall be implemented specifically at areas of the project site designated as having 10-15% slopes, and 15% or greater as illustrated by the “Slope Analysis Plan for Rosko Farms, Inc.” (Squires, Holden, Weisenbacher & Smith, 2005). “Erosion Control Notes,” listed as part of the “Slope Analysis Plan,” shall be considered incorporated verbatim for the purpose of this condition.
2. The amount of vegetative clearing shall be kept to a minimum during the construction of Malloy Dr., Candace Dr. and Clara Dr. extensions. Any clearing which occurs outside the 50’ ROW shall be revegetated to predisturbance conditions using native pine barrens plant species, consistent with **Chapter 5, Figure 5-2: Planting recommendations** of the Comprehensive Land Use Plan.

(Note: Condition 3 was modified by Commission resolution of 7/16/08 attached below.)

3. The area located within each lot (Lots 1-8) outside of the boundary illustrating the “PROP CLEARING LIMIT,” per the “Proposed Conceptual Site Development Plan for Subdivision Map of Rosko Farms, Inc.” (Squires, Holden, Weisenbacher & Smith, June 10, 2005) shall be protected by conservation easement.
4. Residential landscaping shall use native plantings, consistent with Section 5.3.3.6.3 of the Comprehensive Land Use Plan.
5. The areas designated as “Open Space #1” and “Open Space #2” shall be dedicated to the Town of Southampton.
6. Other mitigation measures may be applied to minimize environmental impacts caused by the project. Specifically, disturbance of scrub oaks species should be avoided.



**Commission Meeting of July 16, 2008
Brookhaven Town Hall, Farmingville, NY**

Present: Mr. Scully (New York State), Ms. Meek-Gallagher (Suffolk County),
Ms. Prusinowski (Brookhaven); Mr. Turner (Brookhaven),
Mr. Hanley (Town of Riverhead), Mr. Shea (Southampton)

**Adopted Resolution to Amend Condition # 3 of Approval
Subdivision Map of Rosko Farms, Inc.
Compatible Growth Area Critical Resource Area Hardship Application**

Whereas, by resolution dated July 20, 2005, the Commission approved an eight-lot subdivision with 26.883 acres of open space on a 56.740 acre parcel, in the CR-120 and CR-200 Zoning Districts, in a Critical Resource Area and the Compatible Growth Area of the Central Pine Barrens, in the hamlet of East Quogue, Town of Southampton (SCTM No. 900-215-1-92); and

Peter A. Scully
Chair

Phillip J. Cardinale
Member

Brian X. Foley
Member

Linda A. Kabot
Member

Steve A. Levy
Member

Whereas, by letter dated June 10, 2008, the applicant requested clarification of Condition of Approval #3, which stated, "*The area located within each lot (Lots 1-8) outside of the boundary illustrating the "PROP CLEARING LIMIT," per the "Proposed Conceptual Site Development Plan for Subdivision Map of Rosko Farms, Inc." (Squires, Holden, Weisenbacher & Smith, June 10, 2005) shall be protected by conservation easement;*" and to remove the building envelopes shown on said plan on Lots 1 through 4 to allow flexibility in placement of building envelopes, while maintaining the same allowable clearing limits;

Whereas, Lots 5 through 8 are encumbered by areas of steep slope topography; said slopes have been identified and will be protected through the filing of conservation easements; no changes are proposed to Lots 5 through 8; and

Whereas, Lots 1 through 4 are not encumbered by steep slopes, and the areas of natural vegetation to remain on Lots 1 through 4 will be protected by the filing of a Declaration of Covenants and Restrictions, prior to signature of the final plat by the Town of Southampton.

Now therefore be it

Resolved, the Commission hereby amends Condition #3 of its July 20, 2005 resolution by substituting for the requirement that a Conservation Easement be filed on Lots 1 through 4, a requirement that a Declaration of Covenants and Restrictions be filed on Lots 1 through 4 to implement the clearing and fertilization restrictions as set forth in the resolution; be it further

Resolved, the Declaration of Covenants and Restrictions on Lots 1 through 4 and the Conservation Easement on Lots 5 through 8 shall be granted to the Commission or Southampton Town, subject to third party enforcement rights to the non-receiving entity; and be it further

Resolved, copies of the referenced legal documents shall be reviewed and approved by the Commission, prior to filing with the Suffolk County Clerk, and copies of the final signed subdivision plat and legal documents shall be forwarded to the Commission after recording.

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Record of Motion

Motion by: M. Shea
Seconded by: J. Turner
Yea Votes: 5
Nay Votes: 0