



Commission Meeting of September 20, 2006

Riverhead Town Hall, Riverhead, NY

Present: Mr. Scully (New York State), Mr. Isles (Suffolk County), Mr. Turner (Brookhaven), Mr. Shea (for Southampton), Mr. Cardinale (Riverhead)

Resolution on the Core Preservation Area Jurisdiction Determination

Application of David Bruhns

Property located on the east side of Sally Lane (#75), Ridge, Town of Brookhaven

Tax Map #: 0200-383.00-01.00-012.000

Whereas, on May 9, 2006, **David Bruhns c/o Sandra Savage** filed a Core Preservation Area Extraordinary Hardship Permit for the total removal, expansion and replacement of a single family dwelling on a two acre parcel along with partial clearing of the parcel; and

Whereas, the filing of an application was in response to the staff letter dated January 31, 2006 that indicated possible abandonment of the structure and the need to file a Core Preservation Area Extraordinary Hardship Permit application; and

Whereas, the subject parcel is zoned Residential A-1 District and improved with a now dilapidated single family home that was built prior to July 13, 1993 but is no longer occupied; and

Whereas, a public hearing on the request was held by the Commission on July 16, 2006 with any interested party being given an opportunity to be heard; and

Whereas, after the August 16, 2006 public meeting the Commission reserved decision and requested staff to review prior non-development determinations for similar proposals within the Core Preservation Area; and

Whereas, the Commission has subsequently considered materials on file relevant to the request, including eight prior similar non-development determinations within the Core Preservation Area along with the submitted site plan and digital photographs; and

Whereas, the proposal, as a Type II action pursuant to Part 617.5(C)(9), is not subject to the New York State Environmental Quality Review Act; now therefore be it

Resolved, that the Commission hereby determines that the abandonment provision of New York State Environmental Conservation Law Article 57-0107(13)(e) does not apply to this improved residential parcel within an established residential zone; and be it further

Resolved, that the proposal is determined to be consistent with the goals and objectives of NYS ECL Article 57 and the Plan; and be it further

Resolved, that, subject to local zoning and land use regulations, the proposed removal, expansion and replacement of a single family home is deemed non-development pursuant to Article 57-0107(13)(iii) of the Environmental Conservation Law and a Core Preservation Area Extraordinary Hardship Permit is not required.

Record of Motion:

Determination of Non-jurisdiction:

Motion by: Mr. Shea

Yea Votes: Unanimous

Seconded by: Mr. Isles

Nay Votes: None

Peter A. Scully
Chair

Phillip J. Cardinale
Member

Brian X. Foley
Member

Patrick A. Heaney
Member

Steve A. Levy
Member

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