



**Commission Meeting of March 16, 2005
Brookhaven Town Hall, Farmingville, NY**

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

**Resolution on the Julia Estates at Manorville
Compatible Growth Area Hardship Application**

**Wading River Rd/Jerusalem Hollow Rd, Manorville - Town of Brookhaven
Tax Map# 200-676-2-12 &-13:**

Whereas, on October 28, 2004, Pinehaven Custom Homes, through their representative, Mr. Thomas Cramer of Cramer Consulting Group, filed with the Commission an application for relief from the vegetation clearing standard contained in the Central Pine Barrens Comprehensive Land Use Plan, seeking an increase in clearing from 8.8% to 35.9%, which would exceed the Plan's 35% clearing standard; and

Peter A. Scully
Chair

Whereas, a public hearing was held on the Compatible Growth Area application on February 16, 2005 and a transcript was thereafter made available to the Commission; and

Phillip J. Cardinale
Member

Whereas, the applicant supplemented their application with information requested by the Commission during the public hearing by letter dated March 15, 2005; and

Patrick A. Heaney
Member

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 determines that the applicants have demonstrated how the clearing standard contained in the Plan precludes them from realizing a reasonable return; and be it further

Resolved, that the Commission determines the alleged hardship is unique to the parcel. Adjacent and surrounding parcels have not been impacted by the same factors including illegal ATV trespass, and a defunct sand mining operation, which have contributed to areas of vegetative clearing calculated as part of the subject application; and be it further

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Resolved, that the Commission determines that the alleged hardship is not self-created. The application would be in compliance with the Plan's clearing requirements if illegal ATV traffic had not contributed to the on-site vegetative clearing; and be it further

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Resolved, that the Commission determines that the application and accompanying information, as submitted, does 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

Resolved, that the application for a Compatible Growth Area hardship exemption 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.

Record of Motion:

SEQRA Determination (Neg. Dec.):

Motion by: Mr. Turner

Seconded by: Ms. Lewis

Yea Votes: 5

Nay Votes: 0

Decision (Approval):

Motion by: Mr. Scully

Seconded by: Mr. Shea

Yea Votes: 5

Nay Votes: 0

CONDITIONS OF APPROVAL

Julia Estate at Manorville – SCTM# 200-678-2-12 &-13

1. The buffer areas within each proposed lot, as illustrated in Exhibit 4 of the February 16, 2005 hearing record entitled “Tree Clearing Plan of Julia Estates at Manorville,” shall be included as part of the area designated “Area to be Dedicated to the Town of Brookhaven” on said exhibit, excluding the 40’ buffer areas within Lots 1 and 7 which front Jerusalem Hollow Road.
2. The applicant shall pursue a narrower design for the proposed cul-de-sac with the Town of Brookhaven Highways Department in order to further reduce clearing of natural vegetation on-site.
3. The applicant shall pursue a smaller design for the proposed recharge basin in order to further reduce clearing of natural vegetation on-site.
4. The applicant shall revegetate all areas of the subject property currently delineated as “bare earth” on Exhibit 4 of the February 16, 2005 hearing record entitled “Tree Clearing Plan of Julia Estates at Manorville,” except within the area denoted by the “MAX. CLEARING OF NAT. VEG.” Boundary in Lots 1-7. Revegetation shall use native plant species, including those listed in Figure 5-2 in the Commission’s Comprehensive Land Use Plan.