



Peter A. Scully
Chair

Philip J. Cardinale
Member

Patrick A. Heaney
Member

John Jay LaValle
Member

Steve A. Levy
Member

Commission Meeting of May 18, 2005

Riverhead Town Hall,

200 Howell Ave., Riverhead, NY

Present: Mr. Scully (for NYS), Mr. Turner (for Brookhaven), Mr. Shea (for Southampton), Ms. Longo (for Suffolk County)

Final(revised)

Resolution on the Compatible Growth Area Hardship Application of Longwood Public Library

Property located at 800 Middle Country Road, southwest corner of Middle Country Road(SR 25) and Yaphank-Middle Island Road, Middle Island Town of Brookhaven

Tax Map Numbers: 200-402-1-24.9, 200-403-1-3&4

Whereas, the Board of Trustees of the Longwood Public Library c/o Theresa Elkowitz of Freudenthal & Elkowitz, submitted a NYSDEC Freshwater Wetlands application to the New York State Department of Environmental Conservation (NYSDEC) for a project that involves clearing in excess of the standards contained within the Central Pine Barrens Comprehensive Land Use Plan, the expansion and improvement of the existing parking area (increasing the parking area from 101 to 150 stalls), and the installation of a storm water management system and other drainage improvements, adjacent to the onsite recharge basin which evolved into a NYSDEC regulated Freshwater wetland, and

Whereas, the proposed improvements also include the removal and installation of curbs, sidewalks, pavement, lighting, landscaping and fencing, and

Whereas, the NYS DEC sent to the Commission a copy of the NYS DEC Freshwater Wetlands permit application dated April 9, 2003 (received by Commission on June 16, 2004) for the Commission to review for consistency with the standards for development in the Compatible Growth Area, and

Whereas, Commission staff required additional information to review the project which resulted in correspondence received by the Commission on November 18, 2004, from Freudenthal & Elkowitz, on behalf of the Library that requested a determination of jurisdiction from the Commission, and

Whereas, at the Commission meeting on of January 19, 2005 a presentation was made by Ms. Elkowitz on the proposed project to determine Commission jurisdiction, and

Whereas, on February 16, 2005, Jonathan Heidelberger, Esq., of Ingerman Smith, LLP and Ms. Elkowitz, both representing the Library made an additional presentation to the Commission establishing that the Library is a public corporation and arguing that the construction activities proposed by Longwood did not constitute development as defined in Article 57 of the Environmental Conservation Law because they constituted "improvements [to be] undertaken for the health, safety or welfare of the public," and

Whereas, the Commission at its meeting on February 16, 2005 determined the

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proposed project constituted development pursuant to NYS ECL Article 57 and therefore required a Compatible Growth Area hardship permit, and

Whereas, Ms. Elkowitz, on March 9, 2005, submitted a Compatible Growth Area hardship application to the Commission for the aforementioned project since it could not meet the clearing standards due to pre-existing clearing, and

Whereas, the existing library and adjoining parking area were constructed in 1987-1988 on a 3.31 acre parcel (Parcel 1), and subsequent adjacent parcels were purchased in 1993, 2001 and 2002 that included an abandoned road bed area and a parcel with a residence that was removed, and

Whereas, the project site contains parcels zoned J-2 business (3.08 acres), J-4 business (0.36 acres), A-1 residential (0.34 acres) and A-5 residential (0.76 acres), and

Whereas, the Commission held a public hearing on the project on April 20, 2005 and a transcript was made available to Commission members thereafter, and

Whereas, the Commission performed an uncoordinated environmental review of the project pursuant to the New York State Environmental Quality Review Act, ("SEQRA"), and

Whereas, the Commission has considered all materials submitted in connection with the application including the transcript of the public hearing, now therefore, be it

Resolved, that the project is not a public improvement [to be] undertaken for the health, safety or welfare of the public that is consistent with the goals and objectives of Article 57, and be it further,

Resolved, that Article 57 provides that no application for development shall be approved by any municipality or agency thereof unless such approval or grant conforms to Article 57 and the Plan and absent a hardship exemption granted by the Commission the project does not conform, and be it further,

Resolved, pursuant to SEQRA, the Commission hereby determines that the proposal constitutes an unlisted action, and the grant of a hardship exemption will not have a significant adverse impact on the environment as defined pursuant to SEQRA and therefore issues a negative declaration on the project, and be it further,

Resolved, that the applicant has demonstrated that the hardship is unique to the project due to its use as a public library, the manner in which the parcels were acquired and the abandonment of the old road bed and the hardship does not apply to a substantial portion of the community surrounding the project and the relief granted will not alter the essential character of the community, and be it further,

Resolved, the applicant has demonstrated that in order to alleviate a hardship it is necessary to waive strict compliance with the Plan and Article 57 to allow the

project as previously described, to be constructed, in order to promote public safety, enhance handicap accessibility, and improve and maintain the quality of the freshwater wetland that comprises the recharge basin, adjacent to the parking area and be it further

Resolved, the project improvements will occur within existing paved areas and within the disturbed areas adjacent to the existing parking lot, that will result in an incremental increase of clearing of 0.197 acres of vegetation, and be it further

Resolved, applicant has agreed to revegetate with native species the abandoned road area, and disturbed areas adjacent to the parking lot, and be it further

Resolved, the application is approved as depicted in the site plan prepared by Barrett, Bonacci & Van Weele, PC, entitled Longwood Public Library, Middle Island, with a revision date of November 15, 2004, subject to the following condition:

The applicant, as agreed to at the public hearing, shall revegetate with native vegetation the disturbed road bed areas and areas outside of the denitrification field. A final copy of the as-built site plans that include the revegetated areas shall be provided to the Commission within 6 months of project completion, and shall insure an 85 % survival rate for the revegetated areas over a 2 year period, be it further,

Resolved, the granting of this hardship exemption is consistent with the purposes and provisions of Article 57 and will not result in a substantial impairment of the resources of the Central Pine Barrens.

Motion on SEQRA Determination and Project Approval

Made by: Mr. Turner Seconded by: Mr. Shea

Vote: Yes 4

No 0