



Commission Meeting of October 15, 2003
Brookhaven Town Hall

Present: Mr. Murphree (for Southampton), Mr. Proios (for Suffolk County), Ms. Prusinowski (for Brookhaven), Mr. Scully (for New York State) contour

Resolution on the Penatello Land Division Compatible Growth Area Hardship Application
North side of Country Road, east of Cedarhurst Avenue, Medford
Town of Brookhaven
Tax Map#: 200-606-3-11

Robert J. Gaffney
Chair

Patrick A. Heaney
Member

Robert F. Kozakiewicz
Member

John Jay LaValle
Member

Peter A. Scully
Member

Whereas, on July 11, 2003, Thomas Swanson, through his representative, Larry Davis esq. of Davis & Prager, P.C., filed with the Commission an application seeking relief from vegetative clearing and open space fragmentation standards; and

Whereas, the applicant requests a subdivision of a 3.2 acre parcel in the Compatible Growth Area into three lots, together with the construction of two new single family dwellings on the two resulting lots (1.03 and 1.11 acres, respectively); and

Whereas, a public hearing was held on the Compatible Growth Area application on September 24 and continued on October 15, 2003; and

Whereas, the subject property is located in the Town of Brookhaven in an A-1 zoning district, with approximately 60% of the property cleared prior to the Pine Barrens Act as a result of from equine-related uses; and

Whereas, pursuant to the New York State Environmental Quality Review Act and regulations promulgated thereunder (“SEQRA”), the Commission determined the application to be an Unlisted Action and conducted an uncoordinated environmental review and completed Part II EAF; and

Whereas, the proposed project has received necessary approvals from all other town and county agencies, and now therefore be it,

Resolved, that the Commission hereby determines the application, as submitted does meet the requirement for extraordinary hardship pursuant to New York State Environmental Conservation Law 57-0121(10)(a) and (c) and be it

Resolved, that the application for a Compatible Growth Area hardship exemption is approved subject to the following conditions:

- # The proposed single-family residence which will be constructed on the newly created lot two shall be sited on the portion of the parcel that has already been cleared;

P.O. Box 587
3525 Sunrise Highway
2nd Floor
Great River, NY
11719-0587

Phone (631) 224-2604
Fax (631) 224-7653
www.pb.state.ny.us

New clearing shall only occur in relation to the construction of a driveway along the vegetated westside of the property to provide access to newly created parcels; and be it

Further Resolved, the Commission, having considered the facts and conclusions disclosed in the Part II EAF regarding the potential environmental impacts of the proposed action, hereby determines that the proposed action will not have a significant adverse impact on the environment as set forth in the “Negative Declaration” annexed hereto.

Record of Motion:

Motion by Mr. Murphee

Seconded by Mr. Scully

Votes: 4-0