



Commission Meeting of January 18, 2006
Brookhaven Town Hall
1 Independence Hill
Farmingville, NY

Present: Peter Scully (for NYS), (Janet Longo (for Suffolk County), John Turner (for Brookhaven), Chris Kent (for Riverhead), Marty Shea (for Southampton)

FINAL
Resolution on the Compatible Growth Area Hardship
Application of Hamptons Club at Eastport

Property located on the South side of CR 111, west of the intersection of Sunrise Hwy (Rte 27) and east of East Moriches - Riverhead Road (CR 51), Eastport, Town of Brookhaven

Peter A. Scully
Chair

Brian X. Foley
Member

Phillip J. Cardinale
Member

Patrick A. Heaney
Member

Steve A. Levy
Member

Whereas, Robert Antounucci of CASCO I, LLC, C/O Nelson, Pope & Voorhis submitted a Compatible Growth Area Hardship application on September 20, 2005 to the Central Pine Barrens Joint Planning and Policy Commission ("the Commission") that requests relief from the 53% clearing limit to construct 64 residential homes with individual septic systems, that will be clustered on the western portion of a 76.44 acre site, zoned A-1 residential, and

Whereas, the lots will range in size from 14,700 sf to 41,744 sf and the development will include a recreation building, pool, tennis courts, a tot lot, dog run, lawn/grassy areas for games, and a system of walking trails, in addition to planned surface water features that will occupy 5.9 acres to serve aesthetic and stormwater drainage purpose,

Whereas, the project could not meet the clearing standard since the site was cleared and used for farming prior the 1993 Long Island Pine Barrens Protection Act, and

Whereas, the Town of Brookhaven Planning Board performed coordinated environmental review of the project pursuant to the New York State Environmental Quality Review Act, ("SEQRA"), and was established as lead agency, and

Whereas, the parcel is located in an area designated as a high quality scenic resource as listed in the scenic resource inventory in Chapter 8.5.9 in the Central Pine Barrens Comprehensive Land Use Plan, Volume 2.

Whereas, the applicant has worked closely with Town of Brookhaven staff to cluster down the project to the western half of the site, that retains a large unfragmented area to remain as open space and also retains an important viewshed corridor along Sunrise Highway through to CR 111(Wading River Manorville Road), and

Whereas, the Commission held a public hearing on the project on November 16, 2005 and a transcript was made available to Commission members thereafter, and

Whereas, the Commission has considered all materials submitted in connection with the application including the transcript of the public hearing, and

Whereas, the Town of Brookhaven Planning Board ("the Planning Board") determined the project to be an unlisted action pursuant to SEQRA that will not have a significant adverse impact on the environment, and

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Whereas, the Planning Board adopted a Negative Declaration for the Preliminary Cluster Subdivision and Road Improvement Hamptons Club At Eastport on January 9, 2006,

Now therefore be it 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, the project as depicted on the **Preliminary Cluster Map With Footprints For the Hamptons Club At Eastport**, prepared by Nelson & Pope, revised 11/22/05, retains a 32 acre contiguous open space area and important viewshed corridor from Sunrise Highway through to CR 111 that would not have occurred if it was developed primarily within the cultivated field portion of the site to retain the woods on both the eastern and western portion of the site, and be it further

Resolved, that the applicant has demonstrated that the hardship is unique to the project, since it contains a cultivated field that significantly fragments the wooded areas on the eastern and western portion of the site, that does not apply to a substantial portion of the community surrounding the project, and be further

Resolved, the vegetation of the aforementioned farm field will be maintained as a successional field that will provide important habitat for various avian and insect species, and be it further

Resolved, there is an existing 240 unit residential development project (Eastport Senior Living aka Bristal Estates) immediately adjacent to the west side of this site and there are agricultural areas to the northeast of the site and in the general vicinity, therefore 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, and be it further

Resolved, the application is approved as depicted on the **Preliminary Cluster Map With Footprints For the Hamptons Club At Eastport**, prepared by Nelson & Pope, revised on 11/22/05, subject to the following conditions:

1. The easement area in the rear yards along the western portion of the project is not a Commission requirement, and may be retained or eliminated by the Town.
2. The buffer area along CR 111 is to be planted with large native nursery stock (3" caliber or larger) to adequately screen the project from CR 111.
3. Grading should be performed in a manner to retain natural vegetation where possible during construction.
4. A complete set of site plans shall be submitted to the Commission for review and approval prior to initiation of construction.
5. Landscaping shall incorporate native plants and the landscape plans shall limit fertilizer dependent vegetation to 15% of the project site area. This must be provided to the Commission prior to construction.
6. An educational signage system shall be installed near the pond system area and along the trails and open space area to explain the purpose and importance of these habitat areas to remain natural.

7. The Town shall require a conservation easement on the open space area that requires the applicant or successors to allow the cultivated field portion of the open space to succeed and be managed as successional old field as defined by Eddinger, 2002.
8. No fencing shall be installed along Sunrise Way in order to retain connectivity of the residential development and the open space.
9. The applicant shall implement a contaminated soil management plan as per the draft guidance document prepared by the Suffolk County Department of Health Services Division Of Environmental Quality, "Procedures for Subdivisions, Developments, or Other Construction Projects With Potentially Contaminated Soils" (Draft dated 04/24/03) that is acceptable to the Town to ensure adequate protection of the residents and the environment from prior onsite use of chemicals associated with the agricultural use of the site. A final copy of this plan shall be submitted to the Commission.
10. A copy of this resolution shall be filed with the Suffolk County Clerk and such resolution shall be deemed a covenant on the future use of the property and proof of recording must be provided to the Commission.

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 Approval

Made by: J Turner Seconded by: M. Shea

Vote: Yes 4

No 1