

Commission Meeting of February 18, 1998

Brookhaven Town Offices

Present: Mr. Cowen (for New York State) Mr. Villella (for Riverhead), Mr. Proios (for Suffolk County),

Mr. Girandola and Ms. Wiplush (for Brookhaven).

Resolution on the Compatible Growth Area

Hardship Application of Wendy's Restaurant at Miller Place

South side of NYS Route 25A, east of Miller Place Road, Miller Place, Town of Brookhaven

SCTM# 200-119-4-1.1

Whereas, on November 18, 1997, Wendy's Restaurant, through their agent Nelson, Pope and Voorhis filed with the Commission an application for the construction of a 90 seat fast food restaurant, parking for 47 cars and associated infrastructure on a 1.5 acre portion of a partially developed 4.5 acre site where the applicant cannot meet the 65% clearing standard and,

Whereas, on November 21, 1997, pursuant to the New York State Environmental Quality Review Act ("SEQRA") Part 617.6, the Commission determined that the application is an Unlisted action and coordinated lead agency review and,

Whereas, a public hearing on the compatible growth area application was held by the Commission on December 17, 1997 and a transcript was thereafter made available to the Commission; and,

Whereas, the Commission has considered both applications and related documents, including the SEQRA materials, now therefore be it

Resolved, that the Commission hereby withdraws its coordinated review and proceeds with an uncoordinated review pursuant to SEQRA, and

Resolved, that the Commission hereby makes a determination of non-significance pursuant to SEQRA, and

Resolved that the application, as shown on the alignment plan prepared by Nelson, Pope and Voorhis, last revised December 31, 1997 and the landscape plan prepared by Nelson, Pope and Voorhis, last revised January 26, 1998 is granted, subject to the following condition:

- a recommendation be referred to the Town of Brookhaven for the preparation of a covenant to be held by the property owner for lands that are subject to restoration to ensure implementation and monitoring of vegetative restoration for a period of three years from the date of installation.

Record of Motion:

Motion by: Mr. Cowen

Seconded by: Mr. Villella

Yea Votes: Three

Abstention: One