

Session of September 6, 1995

Riverhead Town Hall

Present: Ms. Filmanski (for Riverhead), Mr. Proios and Mr. Dragotta (for Suffolk County), Ms. Wiplush (for Brookhaven), Mr Cowen (for New York State) Mr. Duffy (for Southampton).

Resolution on the Compatible Growth Area

Application of Bagatelle Nursery

N/S Head of the Neck Road, west of Chateau Drive, Manorville, Town of Brookhaven

SCTM# 200-593-1-1.2

Whereas, Head of the Neck Estates, through their agent Mark Lyon, filed with the Commission an application for a major subdivision of 150 acres into 70 single family lots ranging from one to three acres in size and,

Whereas, pursuant to the New York Environmental Conservation Law Section 57-0121(9), applicant has obtained all necessary local and state approvals prior to petitioning the Commission, and,

Whereas, on September 26, 1994 and October 5, 1994 respectively, the Town of Brookhaven Planning Board, pursuant to Article 8 of the New York Environmental Conservation Law ("SEQRA"), declared itself Lead Agency, issued a Determination of Non-Significance and issued a conditional approval, and ,

Whereas, a public hearing on the compatible growth area application was held by the Commission on April 26, 1995, and a transcript was thereafter made available to the Commission, and,

Whereas, pursuant to a staff report issued May 19, 1995 the Commission considered the application at its meeting on May 24, 1995, and,

Whereas, pursuant to a revised staff report and site grading analysis illustrating non-conformance with the standard prohibiting construction on slopes in excess of 15%, issued on June 7, 1995, the Commission advised the applicant to submit a revised map or make an application for hardship, and,

Whereas, at the Commission meeting of August 9, 1995 the applicant requested an extension of the time in which the Commission must make a decision in order to submit a request for hardship, and,

Whereas, on August 10, 1995 the applicant submitted a request for a hardship exemption from the slope standard and a hearing pursuant to ECL 57-01021 (9), and,

Whereas, a public hearing on the compatible growth area hardship application was held by the Commission on August 23, 1995 and a transcript was thereafter made available to the Commission, and

Whereas, in order to mitigate the effects of building on slopes in excess of 15%, the applicant has agreed to restore effected areas with native plantings and erosion control fabric pursuant to mitigation plans prepared by Ken Beckman, L.S. entitled "Re-vegetation and grading plan" last revised September 8, 1995, now therefore be it

Resolved , that the Commission has considered all materials submitted in connection with said hardship application as well as the criteria for a use variance pursuant to Section 267-b of New York State Town Law, now be it further

Resolved that the application is granted subject to the following conditions:

1. Mitigation of areas disturbed by construction on steep slopes to be planted with the following native plants with the size and spacing requirements shown below:
Arctostaphylos uva-ursi Bearberry 6" pots/1 plant per square foot
Ilex glabra Inkberry 1 gal. pots/3' on center
Myrica pensylvanica Bayberry 1 gal. pots/3' on center
2. Existing vegetation to remain shall be clearly marked with flagging prior to any construction. Any additional

disturbed areas are to be restored with native plants as noted above.

3. Areas to be affected by the construction on slopes in excess of 15% are to have erosion control fabric in addition to the above noted plantings.

Record of Motion:

Motion by Ms. Wiplush
Seconded by Mr. Cowen

Yea Votes:

Unanimous