



Commission Meeting of April 20 , 2005
Riverhead Town Hall,
200 Howell Ave., Riverhead, NY

Present: Mr. Scully (for New York State), Mr. Shea(for Southampton),
Ms. Lewis(for Riverhead), Ms. Prusinowski (for Brookhaven)

**Resolution on the Core Preservation Area Hardship
Application of MTK Enterprises**

Property located on the south side of Middle Country Road
(NYS Route 25), 118 ft west of Red Maple Road, Ridge
Town of Brookhaven

Tax Map Number 200-351-1-10

Peter A. Scully
Chair

Philip J. Cardinale
Member

Patrick A. Heaney
Member

John Jay LaValle
Member

Steve A. Levy
Member

Whereas, MTK Enterprises, Inc., submitted a Core Preservation Area hardship to the Central Pine Barrens Joint Planning and Policy Commission for an exemption to construct a 7,271 square foot building for use as a daycare facility on a vacant 64,806 square foot parcel located on the south side of Middle Country Road in Ridge on October 21, 2004, and,

Whereas, the Core Preservation Area in the vicinity of the parcel is defined as proceeding “. . . thence northward, westward, and southward along the easterly, northerly, and westerly boundaries of the NYS Middle Island State Game Farm and Environmental Education Center to NYS Route 25; thence westward along the southerly side of NYS Route 25, excluding all parcels abutting that road which are developed as of June 1, 1993, to Giant Oak Road . . .,” and, Article 57 of the Environmental Conservation Law requires the prohibition or redirection of new development from the Core Preservation Area, and

Whereas, applicant’s parcel is within the Core Preservation Area because it was not developed as of June 1, 1993 and applicant’s proposal constitutes development which is to be prohibited or redirected from the Core Preservation Area unless the Commission waives strict compliance pursuant to a finding that the waiver is necessary to alleviate a hardship, and

Whereas, the parcel is zoned both J-2 Business and A-1 Residential, is located within a commercial center on the south side of State Route 25, is bordered on the south by existing residential development, on the east by an existing United States Post Office and on the west by a Taco Bell and Suffolk Oxygen, and existing commercial development on the north side of Route 25, and

Whereas, if the parcel was entirely residentially zoned it would have been a candidate for inclusion on the road front exemption list in Chapter 9 of the Plan, and

Whereas, MTK had applied to the Town of Brookhaven for permission to construct a daycare facility on the parcel and received approval from the Brookhaven Zoning Board of Appeals, and

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Whereas, after receiving Zoning Board of Appeals approval, the applicant applied to the Town of Brookhaven. The Town's planning staff coordinated an environmental review with the Commission. Upon receipt and review, the Commission informed both the Town and the applicant that the parcel is in the Core Preservation Area. Thereafter, the Town required the Applicant to apply to Commission for approval for the daycare facility, and

Whereas, a public hearing on the Core Preservation Area hardship request was held by the Commission on December 15, 2004 and,

Whereas, the applicant requested and the Commission granted an extension of the decision deadline from February 18, 2005 until March 16, 2005 to allow the completion of a Phase 1 archaeological survey required by the New State Office of Parks, Recreation and Historic Preservation, and a second decision deadline extension was agreed to by the applicant and the Commission to extend the decision deadline to April 20, 2005, to allow the Commission further time to deliberate and consider all materials submitted, and

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

Whereas, the archaeological survey has been completed and no further archaeological work is necessary, and

Whereas, included with the application were letters of support for the project from the Ridge Civic Association, 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, pursuant to SEQRA, the Commission hereby determines that the proposal constitutes an unlisted action, and the grant of the application will not have a significant adverse impact on the environment as defined pursuant to SEQRA and issues a negative declaration on the project, 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 and allow the construction of a 7,271 square foot building to be used as a daycare facility due to the unique circumstances of the parcel and relate to and arise out of the characteristics of the subject parcel rather than the personal situation of the applicant. Applicant's undeveloped parcel is located within a commercial center on Route 25 and is surrounded by improved parcels, and be it further,

Resolved, the exemption granted is the project depicted on the site plan entitled "Ridge Center Situated at Ridge, SCTM 0200-351-01-010, Town of Brookhaven, Suffolk County, New York" prepared by Kenneth H. Beckman, L.S, for North American Realty Group, with a revision date of November 19, 2003 subject to the following conditions:

- there shall be no change in the use of the building which results in any environmental impacts, including, but not limited to, additional parking requirements, the generation of industrial waste or additional sanitary waste, or additional clearing, without first receiving approval of the Commission, and
- all landscape plants identified on the site plan shall be native plant species, and
- all of the areas depicted on the survey as wooded are to remain natural and not be disturbed, and
- a covenant shall be recorded with the Suffolk County Clerk stating that the parcel is subject to the conditions contained in this resolution which makes this resolution a part of such covenant, and

and be it further,

Resolved, the granting of this exemption will not be materially detrimental or injurious to other property or improvements in the areas, increase the danger of fire, endanger public safety or result in a substantial impairment of the resources of the Core Preservation Area, is not inconsistent with the purposes, objectives or general spirit and intent of Article 57.

Record of Motion for SEQRA and Project Decision:

Motion by: Ms. Lewis

Seconded by: Mr. Shea

Vote: 4 yea

0 nay