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Commission Meeting of May 21, 2003
Quogue Wildlife Refuge, Quogue, NY
Present: Mr. Prios (for Suffolk County), Ms. Compitello (for Brookhaven),
Mr. Murphree (for Southampton), Mr. Roseman (for Riverhead)

**Resolution on the Core Preservation Area Hardship
Application of Baiata/Miller/Beneficial Design Corp.**

Property located on the east side of Raynor Rd., north side of the L.I.R.R. tracks,
Manorville, Town of Brookhaven.
Taxmap #: 200 - 410 - 2 - 2

Whereas, on December 4, 2002, Baiata/Miller/Beneficial Design Corp. filed with the Commission, a request for a core preservation area hardship exemption to construct one 24 ft. x 50 ft. single family dwelling with an on-site sanitary system, on a .25 acre parcel as shown on a plot plan drawn by Hawkins, Webb, & Jaeger Assoc., dated Sept. 9, 2002, and date-stamped received by the Commission on November 20; and

Whereas, a public hearing on the application was held by the Commission on February 19, 2003 and a transcript was thereafter made available to the Commission; 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 review; and

Whereas, the Commission has considered all materials submitted in connection with the application; and now therefore be it

Resolved, pursuant to the New York State Environmental Quality Review Act ("SEQRA"), the Commission hereby determines that the application is an Unlisted Action; and be it further

Resolved, that the Commission hereby determines that the proposed action will not have a significant impact on the environment pursuant to SEQRA; and be it further

Resolved, that the Commission hereby determines that the application meets all of the requirements for extraordinary hardship pursuant to New York State Environmental Conservation Law 57-0121 (10)(a) and (c); and be it further

Resolved, that this approval is the minimum relief necessary to relieve the extraordinary hardship; and be it further

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

1. The use and development of the property shall be limited to one single family residence only. Customary accessory uses, signs, and accessory structures shall be limited to those that are permitted in the Town of

Brookhaven A Residence 1 zoning district.

2. All vehicular access and all utility services shall be via Raynor Road only. Any existing vehicular access and/or utilities that may run to the subject parcel through the abutting Suffolk County Nature Preserve Land shall be abandoned and removed prior to the issuance of a Building Permit.
3. The single family dwelling and any accessory structures shall be situated on the lot so that the natural and historic character of the area is protected and existing street trees and vegetation are preserved to the maximum extent feasible.
4. The architecture of the single family dwelling and the site design shall be cognizant of the potential creation of a historic district.
5. The Commission recommends that any requirements for curbs, sidewalks, or pavement widening along Raynor Rd. be waived by the Town of Brookhaven. If a sidewalk is required, it shall meander around any existing healthy street trees to be preserved and shall be separated from the edge of Raynor Rd. by a tree lawn at least 4 feet wide. The tree lawn shall be planted with 3" to 3 ½ " caliper Scarlet Oak trees so that there is a street tree approximately every 40 feet along the Raynor Rd. frontage.
6. Lighting shall be as per recommendations for residential property published by the International Dark Sky Organization, unless the Town of Brookhaven has adopted a light pollution ordinance before the building permit is issued, in which case the latter shall apply.
7. Prior to the issuance of a Certificate of Occupancy, the easterly and southerly property lines shall be densely planted with an mix of 4-5 ft. Eastern Redcedar trees, 4-5 ft. White Pine trees, and 2-3 ft. Inkberry bushes planted 4 - 6 ft. O.C., or alternates as approved by the Commission.
8. Before a building permit is issued, a restrictive covenant shall be filed in the Office of the Suffolk County Clerk for Conditions No. 1, 2, and 3.

Record of Motions:

SEQRA Determination (Neg. Dec.):

Motion by: Mr. Proios
Seconded by : Mr. Murphree
Yea Votes: 3
Nay Votes: 0
Abstention: 1 (Ms. Compitello)

Decision (Approval):

Motion by: Mr. Proios
Seconded by : Mr. Murphree
Yea Votes: 3
Nay Votes: 0
Abstention: 1 (Ms. Compitello)