



**Commission Meeting of May 16, 2007
Brookhaven Town Hall, Farmingville, NY**

Present: Mr. Scully (New York State), Ms. Carrie Meek Gallagher (Suffolk County), Mr. Turner (Brookhaven), Mr. Cardinale (Riverhead)

**Resolution on the Compatible Growth Area Hardship Application
Request of Rocky Point Union Free School District c/o Freudenthal & Elkowitz
Consulting Group, Inc.**

Property located at 82 & 90 Rocky Point-Yaphank Road, on the west side of Rocky Point-Yaphank Road, south of NYS Route 25A, Rocky Point, Town of Brookhaven -- Tax Map #: 0200-124.00-01.00-001.000 & 002.000

Whereas, on January 31, 2007 **Freudenthal & Elkowitz Consulting Group, Inc.**, on behalf of the **Rocky Point Union Free School District (“the District”)** filed a request for a determination of jurisdiction for the development of a 1,500 square foot maintenance building with a sanitary system within an existing lawn area, clearing of an approximately 1 acre wooded area for parking and site security reasons in front of the Frank J. Carasiti Elementary School, and interior maintenance and improvement projects within the high school and elementary school, and

Peter A. Scully
Chair

Phillip J. Cardinale
Member

Brian X. Foley
Member

Patrick A. Heaney
Member

Steve A. Levy
Member

Whereas, the Commission at its meeting on March 21, 2007 determined the proposed construction of the 1,500 square foot maintenance building and the removal of the wooded area for parking is development and a Compatible Growth Area hardship application would be required since the District is proposing new, additional clearing on a site that is already over-cleared due to development activities that predate the 1993 Long Island Pine Barrens Act, and

Whereas, on April 5, 2007, Freudenthal & Elkowitz Consulting Group, Inc., on behalf of Rocky Point Union Free School District filed an application with the Commission requesting a Compatible Growth Area Hardship Permit, and

Whereas, the subject 47.6 acre property is zoned A-1 residential and is currently 91.2% cleared and the Central Pine Barrens Comprehensive Land Use Plan Standard 5.3.6.1: Vegetation Clearance Limit for property zoned A-1 residential is 53%, thus the property is over cleared and requires a Compatible Growth Area hardship permit since the applicant intends to remove additional natural vegetation, and

Whereas, a public hearing on the application was held by the Commission on April 18, 2007 with any interested party being given an opportunity to be heard; and

Whereas, the applicant stated during the public hearing that the requested clearing for additional parking in front of the Frank J. Carasiti Elementary School was to obviate a parking shortage that occurs on a short-term, intermittent basis, and the applicant further stated that the parking could be relieved by parking in adjacent school parking areas, and

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Whereas, the applicant failed to demonstrate that the additional parking could not be provided elsewhere on site where the removal of wooded areas or other natural vegetation would not be required, and

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Whereas, the applicant's contention that the wooded area in front of the elementary school needs to be cleared for security reasons is belied by the school's location adjacent and partly surrounded by a 5,000+ acre wooded nature preserve to the west and south, and

Whereas, the Commission has considered all relevant materials on file regarding the subject property including the public hearing transcript, the Compatible Growth Area application and a revised site plan SP-1, prepared by John A. Grillo –Architect PC, dated April 2, 2007,

Now therefore be it

Resolved, that the proposal to construct of the 1,500 square foot maintenance building with a sanitary system and the removal of the 1 acre wooded area to construct a parking area is an Unlisted Action subject to the State Environmental Quality Review Act (SEQRA), and be it further

Resolved, that the Commission, pursuant to SEQR Part 617.6(b)(4) hereby determines that the construction of the maintenance building will not have a significant environmental impact and issues a determination of non-significance, and be it further

Resolved, that the Commission has considered that criteria for issuance of a Compatible Growth Area hardship permit pursuant to ECL Article 57-0121(9) and Town Law 267-b, and be it further

Resolved, that the request for permission to construct the 1,500 sf maintenance building and associated sanitary system is hereby granted because it conforms to the standards for development in the Compatible Growth Area contained in Chapter 5 of the Central Pine Barrens Comprehensive Land Use Plan, and be it further

Resolved, the Commission hereby determines that the applicant has failed to substantiate the hardship contended to be caused by the Plan's clearing restriction since the parking problem at the Frank J. Carasiti Elementary School is intermittent in nature and due to the availability of parking on adjacent school property, and therefore the Commission denies the request to clear for additional parking, and be it further

Resolved, that the interior maintenance and improvement projects do not constitute "development" and therefore do not require approval of the Commission, and be it further

Resolved, a copy of this resolution shall be filed with the Office of the Suffolk County Clerk as a covenant on the future use of the property, with proof of filing to be returned to the Commission within 60 days of final approval from the State Education Board and prior to construction.

Record of Motion - Decision (Approval):

Motion by: Mr. Turner
Seconded by: Mr. Scully

Yea Votes: 4
Nay Votes: 0