



**Commission Meeting of February 16, 2005
Brookhaven Town Hall, Farmingville, NY**

Present: Mr. Scully (for New York State), Mr. Deering (for Suffolk County), Ms. Lewis (for Riverhead), Mr. Turner and Ms. Prusinowski (for Brookhaven)

**Resolution on the Vincent & Judy Dragone
Compatible Growth Area Hardship Application
186 Silas Carter Road, Manorville - Town of Brookhaven
Tax Map#: 200-590-3-28.2**

Whereas, on October 18, 2004, Vincent and Judy Dragone, through their representative, Mr. Thomas Cramer of Cramer Consulting Group, filed with the Commission an application for relief from the vegetation clearing standard contained in the Central Pine Barrens Comprehensive Land Use Plan, seeking an increase in clearing from 33.8% to 46.08%, which would exceed the Plan's 35% clearing standard; and

Peter A. Scully
Chair

Whereas, the parcel was one of four created in a minor subdivision approved by the Town of Brookhaven Zoning Board of Appeals on May 3, 2000. The four parcels range in area from 48,112 s.f. to 56,100 s.f. and are located in the A Residence 2 District of the Town of Brookhaven which requires a minimum of 80,000 square feet (s.f.) of area. All four parcels were purchased by the applicants in April 2002; and

Phillip J. Cardinale
Member

Patrick A. Heaney
Member

John Jay LaValle
Member

Whereas, applicants constructed or caused to be constructed an approximately 4,500 s.f. single family residence on the parcel containing 54,264 s.f. and revegetated the parcel resulting in 33.8% of the parcel being currently cleared; and

Steve A. Levy
Member

Whereas, a public hearing was held on the Compatible Growth Area application on December 15, 2004 and a transcript was thereafter made available to the Commission; and

Whereas, the applicant supplemented their application with information requested by the Commission during the public hearing by letter dated February 1, 2005; and

Whereas, pursuant to the New York State Environmental Quality Review Act and regulations promulgated thereunder ("SEQRA"), the Commission conducted an uncoordinated review of the application as an unlisted action; and

Whereas, the Commission has considered all materials submitted in connection with the application; and

Whereas, the Town of Brookhaven, through its representatives, recused itself from participating in any of the proceedings concerning the subject application; now therefore be it

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Resolved, that the Commission determines that the applicants have not demonstrated how the clearing standard contained in the Plan precludes them from realizing a reasonable return when considering, among other factors, the

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improvements already made to the parcel; and be it further

Resolved, that the Commission determines the alleged hardship is not unique to the parcel due to the fact that the three other lots within the four-lot subdivision are also undersized; and be it further

Resolved, that the Commission determines that the alleged hardship is self-created. Applicants purchased four non-conforming parcels subject to its existing A Residence 2 zoning and the 35% clearing standard. Applicants improved one of the parcels in conformance with the standard; and be it further

Resolved, that the Commission determines that the application and accompanying information, as submitted, does not meet the criteria for a Compatible Growth hardship exemption pursuant to New York State Environmental Conservation Law Article 57-0121(10); and be it further

Resolved, that the application for a Compatible Growth Area hardship exemption is hereby denied; 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.

Record of Motion:

SEQRA Determination (Neg. Dec.) and Decision (Denial):

Motion by: Ms. Lewis
Seconded by: Mr. Deering
Yea Votes: 3
Nay Votes: 0
Abstentions: 1 (Town of Brookhaven)