

Central Pine Barrens Joint Planning and Policy Commission

Robert J. Gaffney, *Chairman*
John LaMura, *Vice Chairman*
Richard Blowes, *Member*
Ray E. Cowen, *Member*
James R. Stark, *Member*

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Session of November 8, 1995 Brookhaven Town Offices

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

Resolution on Clancy Street Food Court Core Preservation Area Hardship Property located southeast corner of the Long Island Expressway Service Road and County Road 111, Manorville, Town of Brookhaven SCTM # 200-462-2-5

Whereas, on May 25, 1995, David Kepner, through his attorney, Philip Sanderman, submitted a core boundary change request to construct a 5,915 square foot fast food or other restaurant on a 1.17 acre parcel in Manorville, and,

Whereas, on August 17, 1995, pursuant to the New York State Environmental Quality Review Act ("SEQRA") Part 617.6, the Commission coordinated lead agency review, and,

Whereas, on August 23, 1995, a public hearing on the core boundary change request was held by the Commission and a transcript was thereafter made available to the Commission, and,

Whereas, on September 20, 1995, pursuant to the New York State Environmental Quality Review Act ("SEQRA") Part 617.6 the Commission designated itself lead agency and accepted an extension from the applicant on the time in which the Commission has to make a SEQRA determination until October 11, 1995, and,

Whereas, on October 11, 1995, the Commission accepted an extension of time in which the Commission must make a SEQRA determination and decide the core boundary change request in order that the applicant may seek a Core Preservation Area hardship exemption for the same proposal, and,

Whereas, on October 13, 1995, David Kepner, through his attorney, Philip Sanderman submitted an application for a Core Preservation Area hardship exemption for all uses permitted in the Town of Brookhaven J-2 zoning district, except dry cleaners, laundries, public garages and automobile body shops on 1.17 acres, and,

Whereas, on October 25, 1995, a public hearing on the Core Preservation Area hardship exemption was held by the Commission and a transcript was thereafter made available to the Commission, and,

Whereas, the Commission has considered all materials submitted in connection with the core boundary change request and the Core Preservation Area hardship exemption, now, therefore, be it

Resolved, that the Commission hereby makes a determination of non-significance pursuant to Environmental Conservation Law Article 8 and be it further

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

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

1. The use of the premises is limited to the retail sale of food and food services and/or the sale at retail of dry goods.
2. The physical development of the site shall be in accordance with the Commission's Standards for Land Use as set forth in Chapter 5 of the Plan and the FGEIS for projects located in the Compatible Growth Area.
3. The height of any detached ground signs shall not exceed the height of the detached ground sign found at the gasoline filling station at the southwest corner of the intersection of County Road 111 and the Long Island Expressway Service Road.

Record of Motion:

Motion by Mr. Cowen
Seconded by Mr. Duffy

Yea Votes:

Unanimous