



Commission Meeting of December 19, 2007

Brookhaven Town Hall, Farmingville, NY

Present: Mr. Scully (for New York State), Ms. Carrie Meek Gallagher (for Suffolk County), Mr. McDaniel (for Riverhead), Ms. Prusinowski (for Brookhaven) and Mr. Shea (for Southampton)

**Resolution on the Letter of Interpretation Appeal
of Steve Papell**

Whereas, Steve Papell owns a 1.94 acre parcel (84,507 square feet) with the Suffolk County Tax Map number 200-456-1-7.1 that is located in Middle Island in the Town of Brookhaven and is within the Core Preservation Area of the Central Pine Barrens as defined by Article 57 of the New York State Environmental Conservation Law (the “Property”), and

Peter A. Scully
Chair

Philip J. Cardinale
Member

Brian X. Foley
Member

Patrick A. Heaney
Member

Steve A. Levy
Member

Whereas, the Property is located within the Town of Brookhaven’s A-5 zoning district (1 residence per 200,000 square feet) and is developed with a single family residence, garage and shed, and

Whereas, on March 14, 2006, the Pine Barrens Credit Clearinghouse adopted via resolution a policy that partially developed parcels in the Core Preservation Area would not be eligible to receive a Pine Barrens Credit allocation unless the parcel was at least two times the minimum lot size required by the zoning district where it is located, and

Whereas, on August 13, 2007, Mr. Papell submitted a Letter of Interpretation application to the Central Pine Barrens Credit Clearinghouse (the “Clearinghouse”), and

Whereas, a Letter of Interpretation dated September 4, 2007 allocated zero (0) Pine Barrens Credits to the Property based on the Clearinghouse’s March 14, 2006 resolution, the parcel’s size and the improvements thereon, and

Whereas, Mr. Papell appealed the Letter of Interpretation by letter dated September 20, 2007 seeking an allocation of two (2) Pine Barrens Credits for the Property in exchange for his commitment to remove the Property’s improvements, and

Whereas, the Commission scheduled a public hearing on the appeal for November 21, 2007 at Brookhaven Town Hall, and informed Mr. Papell of the same, and

Whereas, Mr. Papell informed staff he would not attend the hearing, did not have any additional information in support of his appeal to submit to the Commission, and requested staff read into the hearing record his appeal letter,

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and

Whereas, at the November 21, 2007 public hearing, Mr. Papell's letter was read into the record and staff provided Exhibits A1 through A5 to the Commission, and

Whereas, the Commission has considered the materials submitted by Mr. Papell, the materials submitted by staff and has reviewed the Letter of Interpretation appeal decisions,

Now therefore be it

Resolved, the Commission upholds the Clearinghouse's March 14, 2006 policy and be it further,

Resolved, on the basis of the information submitted by Mr. Papell, the staff exhibits and upon review appeal decisions no evidence in the record demonstrate any unique features which warrant the allocation of Pine Barrens Credits to the Property, and be it further,

Resolved, in the event of the Property's features are modified in the future, Mr. Papell may resubmit a new Letter of Interpretation application for the Property, and be it further,

Resolved, the Papell appeal is hereby denied and the Clearinghouse's determination that no Pine Barrens Credits be allocated to the Property upheld.

Record of vote:5:0

Motion by: Ms. Prusinowski

Second by: Mr. Scully

Ayes: 5

Nays: 0

Abstentions: 0