



Commission Meeting Summary (FINAL)
for Wednesday, April 4, 2001 (Approved 4/25/01)
Commission Office,
3525 Sunrise Highway, 2nd Floor, Great River, NY
2:00 pm

Commission members present: Mr. Proios (for Suffolk County), Mr. MacLellan (for Riverhead), Mr. Murphree (for Southampton) and Mr. Cowen (for New York State).

! Joseph Gazza / Westhampton (Southampton) / credit appeal: decision (*public hearing held 3/14; decision deadline is 4/4*)
Summary: Mr. Rizzo summarized this Credit appeal, explaining that Mr. Gazza is appealing his original allocation of 0.18 Credit for a 1.15 acre parcel. The parcel, 900-241-1-32, is adjacent to both the unbuilt North Service Road of the Sunrise Highway, and the unpaved dirt road known as Middle Line Highway, which runs eastbound from Speonk Riverhead Road into the pine barrens region west of the intersection of County Roads 31 and 104. The public hearing was held on 3/14/01, and today is the decision deadline for the Credit appeal.

An extensive discussion followed regarding the developability of the parcel, under both the Southampton Town code and the Suffolk County Health Department regulations; whether the parcels adjacency to either or both of the two roadways - one a dirt road and the other an unbuilt service road shown on the tax maps - was significant enough to affect the parcel's credit allocation; the distance from Speonk Riverhead Road along the dirt road to the parcel, which was measured on a map as being approximately two miles; the ability of a vehicle to physically travel on the dirt road to reach the parcel; Mr. Gazza's assertion that he did, in fact, drive to the parcel in a vehicle; the discrepancy in the parcel's area between the tax maps and the parcel's survey; the width of the parcel and the effect of that width on the developability of the parcel, including, for example, the ability of a development on the parcel to meet the side yard and setback distances in the Town code; the necessity for any special permits from the Town in order to develop the parcel; whether Mr. Gazza can demonstrate that such a special permit is obtainable; and the applicability of the Commission's prior decision on the Alberto and Sipala credit appeal to the current appeal, and the differences between those two appeals.

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Mr. Gazza stated that the parcel fronts on Middle Line Highway; that there is no overlap with another parcel; that the parcel has clean title with title insurance; that the County would have purchased it if it could; that the parcel was split by Sunrise Highway; and that he has driven on the dirt road. Further discussion then followed regarding access to Middle Line Highway; the width of the parcel, which was estimated at approximately 32 feet; and the date of the deed, which is 1987. Mr. Cowen noted that the Sipala and Alberto appeal was different in that some of the several parcels owned by those appellants had road frontage on a public road and others were a short distance from such a road.

A motion was then made by Mr. Proios and seconded by Mr. Cowen to award a total of 1.00 Pine Barrens Credit to Mr. Gazza for this parcel, with the Commission's determination based upon information presented at the 3/14/01 hearing. The Commission's determination is based upon the following findings: (1) The parcel has motor vehicle access by a dirt road that is currently in place, and a proposed service road on the north side of Sunrise Highway would access the property. (2) The construction of a single family house on this parcel would be in compliance with Article 6 of the Suffolk County Sanitary Code since the parcel is more than one acre in size. (3) The Town of Southampton may issue an approval for the construction of a single family dwelling on the parcel based upon the possible issuance of necessary variances or other Town requirements. The motion was approved by a 4-0 vote.