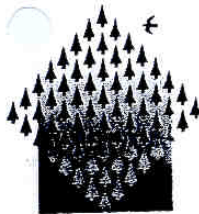


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Session of October 25, 2000 Pine Barrens Center Southaven County Park Yaphank, New York

Present: Mr. Cowen (for New York State), Mr. Dragotta (for Suffolk County), Mr. Girandola (for Brookhaven Town), and Mr. Shea (for Southampton Town)

Resolution on the Letter of Interpretation Appeals of Joseph Alberto, Richard Sipala, John Sipala ("the Appellants") for Suffolk County Tax Map Parcel #'s 200-562-3-3, 200-562-3-4, 200-562-3-5, 200-562-3-6, 200-562-3-14, and 200-562-3-17

WHEREAS, pursuant to the Pine Barrens Credit Program contained in the Central Pine Barrens Comprehensive Land Use Plan (the "Plan"), the Appellants applied for and were issued Letters of Interpretation, dated December 15, 1999, by the Pine Barrens Credit Clearinghouse allocating 0.75 Pine Barrens Credits to the above referenced six parcels; and

WHEREAS, the Appellants owned 3.52 acres that are the subject of this appeal; and

WHEREAS, pursuant to Section 6.7.3.3 of the Plan, the Appellants appealed to the Central Pine Barrens Joint Planning and Policy Commission ("the Commission") the allocation by a letter received May 17, 2000 seeking an extension of the time frame for filing an appeal and requesting the allocation of 1.00 Pine Barrens Credit per parcel; and

WHEREAS, the Commission on May 31, 2000 granted the extension to the time frame set forth in Section 6.7.3.3 of the Plan for considering the appeal and scheduled a public hearing on the appeal for June 21, 2000; and

WHEREAS the Commission received correspondence from the Appellants on June 12, 2000 asking for a change in the date that the public hearing was scheduled; and

WHEREAS the Commission granted a date change at its June 21, 2000 meeting and the public hearing was rescheduled for August 23, 2000; and

WHEREAS, at the public hearing, Appellants and their representative, Dominic Nicolazzi appeared and testified citing several prior appeal decisions to support Appellants' claim that requested relief was consistent with several prior decisions in which the Commission increased the Pine Barrens Credit allocation to a parcel; that the parcels are held in single and separate ownership; and that the development of the parcels would be outside the purview of the Suffolk County Department of Health Services; and

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WHEREAS, the Appellants through their representative provided documents related to the parcels status as to single and separate ownership, and submitted a yield map showing twenty (20) 20,000 +/- square foot parcels; and

WHEREAS, the Commission reviewed its prior decisions and found them inapposite to the Appellants appeal and further finds that the Appellants would be considered developers as that term is defined in the Suffolk County Sanitary Code and that the yield map submitted by the Appellants would not be approved, and thus no automatic exemption from the Code's provisions would apply to the development of the parcels; and

Now therefore be it

Resolved, that the Appellants have not demonstrated that the parcels are single and separate as defined in the Town of Brookhaven Code; and be it further;

Resolved, that development of the parcels would be subject to the provisions of the Suffolk County Sanitary Code and absent the provision of community waste disposal system and community drinking water system would require a minimum of 40,000 square foot lots, be it further;

Resolved the Appellants total holdings can be economically developed with roadways and infrastructure on a 40,000 square foot parcel basis and be it further;

Resolved that the appellants owned 3.52 acres and therefore based upon the information presented to the Commission and the Suffolk County Sanitary Code requirement noted above, their PBC allocation should be increased for the subject parcels from 0.75 to 3.52 Pine Barrens Credits.

Record of Motion:

Made by:

Mr. Cowen

Seconded by:

Mr. Shea

Yea Votes:

Unanimous