



**CENTRAL
PINE
BARRENS**

**JOINT
PLANNING
&
POLICY
COMMISSION**

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Member

Session of September 16, 1998

Southaven County Park

Southaven, New York

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

Resolution on the Letter of Interpretation Appeal of Erik Skaalerud (the Appellant) for Suffolk County Tax Map Parcel 200-270-2-12

WHEREAS, pursuant to the Pine Barrens Credit Program contained in the Central Pine Barrens Comprehensive Land Use Plan (the "Plan"), the Appellant applied for, and was issued, a Letter of Interpretation, dated March 30, 1998 by the Pine Barrens Credit Clearinghouse allocating 0.10 Pine Barrens Credits to the above referenced 0.50 acre tax map parcel located within the A Residence 5 zoning district; and

WHEREAS, the Appellant, by its representative, Dominic Nicolazzi appealed the allocation of 0.10 Pine Barrens Credits by a letter dated August 22, 1998; and

WHEREAS, said letter stated the owner of the parcel "expressed a strong interest in filing a conservation easement [on the parcel] however felt he was entitled to one full credit. [Mr. Nicolazzi] visited this island and observed that it [is] very well vegetated (sic) with lots of bird and animal life; although not an expert [he] felt this parcel was an important piece to conserve."

WHEREAS, the Section 6.7.3.3 of the Plan states that a recipient of a Letter of Interpretation has "thirty (30) days from the date of the Letter of Interpretation to appeal the allocation to the Commission in writing" and the Appellant's appeal was received after thirty (30) days from the date the Letter of Interpretation were issued; and

WHEREAS, Mr. Nicolazzi appeared before the Commission on August 26, 1998 requesting that the Commission consider the appeal seeking one full Pine Barrens Credit given the alleged unique features of the parcel, including being an island within the Peconic River with an easement of ingress and egress between the Peconic River's edge and South River Road an improved road while acknowledging in his August 22, 1998 letter that the "window for appeal has lapsed;" and

WHEREAS, the Commission on August 26, 1998 decided to hear the appeal and requested Mr. Nicolazzi provide additional information on the parcel including the easement; and

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Resolution for Erik Skaalerud's Letter of Interpretation Appeal
Session of September 16, 1998
Page Two

WHEREAS, Mr. Nicolazzi stated at the September 16, 1998 meeting that the parcel was purchased in 1965 by the appellant with the easement for ingress and egress of record; and

WHEREAS, the Commission considered the merits of the appeal at its September 16, 1998 meeting, together with a review of prior Pine Barrens Credit appeals; now therefore be it

RESOLVED, that the Letter of Interpretation appeal for the above referenced parcel is granted based on the uniqueness of the parcel as an island within the Peconic River surrounded by a peninsula owned by the State of New York;

Record of Motion:

Made by:

Mr. Cowen

Seconded by:

Mr. Proios

Yea Votes:

Unanimous