



CENTRAL
PINE
BARRENS
JOINT
PLANNING
&
POLICY
COMMISSION

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Member

Ray E. Cowen
Member

Vincent G. Villella
Member

**Session of August 5, 1998
Commission Office
Great River, New York**

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

Resolution on the Letters of Interpretation Appeals of Doris Fichter (the Appellant) for Suffolk County Tax Map Parcel #200-382-2-17, 18 and 19

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, Letters of Interpretation, dated March 30, 1998 by the Pine Barrens Credit Clearinghouse allocating, in total 1.00 Pine Barrens Credit to the above referenced tax map parcels; and

WHEREAS, the representative of the Appellant, Dominic Nicolazzi, by letter dated June 6, 1998, pursuant to the Plan, appealed to the Central Pine Barrens Joint Planning and Policy Commission (the "Commission") the original allocation of 1.00 Pine Barrens Credit in total to the above referenced parcels seeking instead the allocation of one (1.00) Pine Barrens Credit per each of the above referenced tax map parcels stating,

- "1. Lots 17, 18, and 19 are single and separate lots (checker boarded fronting of Crystal Brook Road (paper))
2. Old Orchard Road is a fully improved road with city water. This road is improved right to lot 19 and to Crystal Brook Hollow Road (paper).
3. If Crystal Brook Road were to be improved, lots which front on Sally Lane would also have frontage on Crystal Brook Road, thus creating the potential for several additional building lots.
4. Development of the above referenced lots is feasible as is the improvement of Crystal Brook Road."

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 Letters of Interpretation were issued; and

WHEREAS, the Commission, at its June 24, 1998, meeting requested that the Appellant's representative provide documentation concerning the reason why the Appellant missed the thirty (30) day time period for appeals; and

WHEREAS, the Appellant's representative by letter dated June 29, 1998

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explained why the thirty (30) day time period for appeals expired stating, "Doris Fichter recently contracted with me and authorized me to act as her representative. She is a widow with medical problems; she also cares for a family member who is not well;" and

WHEREAS, the Commission at its July 15, 1998 meeting accepted the appeals despite being filed after the thirty (30) day time period for appeals; and

WHEREAS, the Commission at its July 15, 1998 meeting discussed Appellant's representative's assertion that the above referenced tax map parcels were "single and separate" parcels under Brookhaven Town criteria, requesting that the Appellant's representative provide continuation searches of single and separate searches performed in 1989 by Citation Abstract Co., Inc. for the above referenced tax map parcels; and

WHEREAS, applicant provided on July 30, 1998 the continuation searches requested by the Commission; and

WHEREAS, the continuation searches of the 1989 searches indicated no change in status of the above referenced tax map parcels; and

WHEREAS, the Commission considered the merits of the appeal at its August 5, 1998 meeting, together with a review of prior Pine Barrens Credit appeals; now therefore be it

RESOLVED, that the Letters of Interpretation appeal seeking 1.00 Pine Barrens Credits for each of the above referenced parcels is granted for the following reasons:

1. The parcels' proximity to an improved public road.
2. The parcels' proximity to utilities.

Record of Motion:

Made by:

Mr. Cowen

Seconded by:

Mr. Shea

Yea Votes:

Unanimous