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Member

Vincent G. Villella
Member

**Session of June 24, 1998
Quogue Wildlife Refuge
Quogue, 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 Letter of Interpretation Appeal of Carmen and Mytch Pope (the Appellants) for Suffolk County Tax Map Parcel 200-382-2-9

WHEREAS, pursuant to the Pine Barrens Credit Program contained in the Central Pine Barrens Comprehensive Land Use Plan (the "Plan"), the Appellants by their representative, Mr. Dominic Nicolazzi, applied for, and were issued, a Letter of Interpretation, dated May 14, 1998 by the Pine Barrens Credit Clearinghouse allocating 1.91 Pine Barrens Credits to the above referenced tax map parcel; and

WHEREAS, the Appellants, have appealed the allocation of 1.91 Pine Barrens Credits by a letter dated June 6, 1998; and

WHEREAS, the allocation of 1.91 PBCs was based on the area of the parcel as demonstrated by a survey dated December 16, 1986 depicting the site area to be 2.3864 acres; and

WHEREAS, the assessed acreage of the site is 2.5 acres; and

WHEREAS, Mr. Nicolazzi provided oral testimony to the Commission on June 24, 1998; and

WHEREAS, by the letter and by the oral testimony of the Mr. Nicolazzi, the Appellants sought the allocation of two (2) Pine Barrens Credits to the tax map parcel, alleging that the parcel is assessed as a 2.5 acre parcel and that Appellants have been paying taxes as if the parcel contained 2.5 acres of area, and that the parcel fronts on a section of road that has been improved to "within 50 feet" of the parcel; and

WHEREAS, the Commission considered the merits of the appeal at its June 24, 1998 meeting, together with a review of prior Pine Barrens Credit appeals; now therefore be it

RESOLVED, that the Letters of Interpretation appeal for the above referenced parcel is granted for the following reasons:

1. The parcel has been assessed as a 2.50 acre parcel;
2. The Commission retains discretion to modify the allocation factor in reviewing PBC appeals;

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3. The Commission determines that the Appellants circumstances warrant revising the allocation of Pine Barrens Credits to 2.00 PBCs.

Record of Motion:

Made by:

Mr. Girandola

Seconded by:

Mr. Cowen

Yea Votes:

Unanimous