

FILE COPY

Central Pine Barrens  
Joint Planning and Policy Commission

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James R. Stark, *Member*

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Session of November 19, 1997  
Riverhead Town Hall

**Present:** Mr. Dragotta (for Suffolk County), Ms. Wiplush (for Brookhaven), Ms. Filmanski (for Riverhead), and Mr. Shea (for Southampton).

**Resolution on the Letters of Interpretation Appeal of Anthony and Lucille Cavalli ("the Appellants") for Suffolk County Tax Map Parcels 200-460-2-4.1, 4.2, 4.3, and 4.4**

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 four (4) Letters of Interpretation, dated April 7, 1997, by the Pine Barrens Credit Clearinghouse allocating 21.83 Pine Barrens Credits to the above referenced tax map parcels; and

WHEREAS, this allocation was based upon the erroneous conclusion that the parcels were located in an area zoned Horse Farm District; and

WHEREAS, upon discovery of the erroneous classification, the Pine Barrens Credit Clearinghouse, by resolution dated November 5, 1997, revoked and rescinded the April 7, 1997 Letters of Interpretation and issued new Letters of Interpretation, dated November 13, 1997, allocating 3.16 Pine Barrens Credits to the parcels, based upon the correct zoning classification of A Residence 5 District and the applicable provisions of the Plan; and

WHEREAS, the Appellants have appealed the allocation of 3.16 Pine Barrens Credits by submitting a Petition, dated November 17, 1997 and providing oral testimony to the Commission on November 19, 1997; and

WHEREAS, the Petition and the Appellant's oral testimony highlighted the unique circumstances of the Appellants, the parcels' unique features and the reliance of the Appellants on the allocation contained within the April 7, 1997 Letters of Interpretation; and

WHEREAS, the parcels, collectively consisting of 19.03 acres, are improved with a single family residence, each has frontage on an open, improved road, and they are used as a horse farm; and

WHEREAS, the Commission considered the merits of the appeal at is November 19, 1997

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meeting, together with a review of prior Pine Barrens Credit appeals; now therefore be it

RESOLVED, that based upon the unique circumstances of this matter, including but not limited to the reliance of the Appellants on the April 7, 1997 Letters of Interpretation, and upon a balancing of the equities, the Commission hereby grants the appeal to the extent that a total of 18.03 Pine Barrens Credits is allocated to the above referenced parcels; and be it further

RESOLVED, that this resolution replaces the Letters of Interpretation issued by the Pine Barrens Credit Clearinghouse, dated November 13, 1997.

**Record of Motion:**

**Made by:**

Ms. Wiplush

**Seconded by:**

Ms. Filmanski

**Yea Votes:**

Unanimous