



**CENTRAL
PINE
BARRENS**
JOINT
PLANNING
&
POLICY
COMMISSION

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Member

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Member

Commission Meeting of March 17, 2004

Southaven County Park, Park Police and Pine Barrens Center, Yaphank, NY

Present: Mr. Scully (for New York State), Mr. Deering (for Suffolk County), Mr. Hoffman (for Brookhaven), Mr. Murphree (for Southampton), and Mr. Hanley (for Riverhead)

Resolution on the Letter of Interpretation Appeals for Donna Ferrara and Robert Gregory

**Property located on Old Westhampton Road, east side of Wildwood Lake
Town of Southampton**

Tax Map Numbers 900-181-8-1, 2, 3, 6, 7, 8, 9, 10, 13, 14, 15, 16, 21, and 22

Whereas, Donna Ferrara and Robert Gregory own, individually and collectively, fourteen parcels of land in the Core Preservation Area in the Town of Southampton and by their attorney, Herbert M. Balin, applied for Letters of Interpretation for the parcels, and

Whereas, on October 14, 2003, fourteen Letters of Interpretation each for 1.00 Pine Barrens Credit were issued to the Applicants based on the erroneous conclusion that each parcel had 4,000 square feet or greater of area and fronted on an existing improved road and thus qualified for an allocation of 1.00 Pine Barrens Credit pursuant to Section 6.7.6.6 of the Central Pine Barrens Comprehensive Land Use Plan, and

Whereas, upon discovery of the erroneous conclusion, the Clearinghouse on December 4, 2003 issued fourteen new Letters of Interpretation totaling 1.54 Pine Barrens Credits to the Applicants for the parcels based upon the fact that none of the parcels contained 4,000 square feet of area, and

Whereas, on December 16, 2003, Mr. Balin filed with the Commission an appeal of the allocations contained in the December 4, 2003 Letters of Interpretation, and

Whereas, the Commission at its January 2004 meeting scheduled a public hearing on the appeal for February 18, 2004, and

Whereas, at the February 18, 2004 public hearing, Mr. Balin submitted a petition, a Memorandum of Law, a letter from an appraiser and oral testimony in support of his clients' request for an increased allocation of Pine Barrens Credits based on the arguments that the parcels were single and separate and buildable under the Southampton Town Code, that the parcel's value was greater than the value of the Pine Barrens Credits and that if the total square footage owned by the applicants was divided by 4,000 the parcels would be eligible for approximately 9.0 Pine Barrens Credits, and

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Whereas, a transcript of the hearing was thereafter made available to the Commission, and

Whereas, the Commission has considered all materials submitted in connection with the appeal, and

Whereas, the Commission considered the merits of the appeal including the unique features of the parcels and the equity issues involved at its February 14, 2004 meeting and a review of prior Pine Barrens Credit appeals; now, therefore, be it

Resolved, the Commission finds that it retains the right to revoke Letters of Interpretation that are issued in error, and be it further

Resolved, that the alleged single and separate status of parcel, in and of itself, does not mandate the allocation of 1.00 Pine Barrens Credit for the parcel, and be it further

Resolved, the Commission finds that the parcels are unique for the following reasons: all of the parcels are described property located in the R-10 zoning district of the Town of Southampton; twelve of the parcels front on an existing improved road in a residential area not on major roads; eight of the subject parcels are located on Wildwood Lake; five of the parcels abut a large New York State conservation area; the parcels are located in a developed area and are in proximity to parcels on the Core Roadfront Residential Parcel Exemption List pursuant to Environmental Conservation Law §57-107(13); there is a potential the Applicants could develop 4 to 5 homes on the subject lots due to their configuration and such development would not change the essential character of the area; and there is no significant economic impediments to development because existing infrastructure, such as public water mains, electric lines and telephone lines are present in the immediate vicinity of the parcels, and be it further

Resolved, that the Commission, based on the unique features of the parcels hereby grants the appeal to the extent that a total of 5.00 Pine Barrens Credits are allocated to the parcels as a group.

Record of Motion:

Motion by Mr. Deering
Seconded by Mr. Hanley

Vote:

Ayes: 5, Nays: 0