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**Session of July 15, 1998
Brookhaven Town Hall
Medford, New York**

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

Resolution on the Letters of Interpretation Appeal of Heatherwood Communities, LLC (the "Appellant") for Suffolk County Tax Map Parcels 200-299-3-12 and 200-357-1-1.001

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 two (2) Letters of Interpretation, both dated March 30, 1998, by the Pine Barrens Credit Clearinghouse allocating 7.17 Pine Barrens Credits, in total, to the above referenced tax map parcels; and

WHEREAS, the principals of the Appellant, Stanley L. Neisloss, and Donald G. Partrick, by letter dated April 27, 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 Credits to Suffolk County Tax Map parcel 200-299-3-12 seeking the allocation of 10.00 Pine Barrens Credits stating "[i]n our opinion the value of this property, is \$150,000.00. Based upon a current value of \$15,000.00 per Pine Barrens Credit, it follows that we would be entitled to 10 Pine Barrens Credits;" and

WHEREAS, the principals of the Appellant, Stanley L. Neisloss, and Donald G. Partrick, by letter dated April 27, 1998 appealed pursuant to the Plan to the Commission the original allocation of 6.17 Pine Barrens Credits to Suffolk County Tax Map parcel 200-357-1-1.001 seeking the allocation of 120.00 Pine Barrens Credits stating "[i]n our opinion the value of this property, under the current zoning classification, is \$1,800,000.00. Based upon a current value of \$15,000.00 per Pine Barrens Credit, it follows that we would be entitled to 120 Pine Barrens Credits;" and

WHEREAS, the Commission at its May 13, 1998 meeting scheduled a discussion of the Letters of Interpretation appeals for June 3, 1998 and informed the principals of Appellant by letter dated May 21, 1998; and

WHEREAS, the Appellant's attorney, David A. Sloane by letter dated May 27, 1998 requested an adjournment of the June 3, 1998 discussion due to a scheduling conflict; and

WHEREAS, the Commission accepted the Appellant's request for an adjournment at its June 3, 1998 meeting and scheduled a discussion of the

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Letters of Interpretation appeals for its June 24, 1998 meeting and so informed Appellant's attorney by letter dated June 15, 1998; and

WHEREAS, Appellant's attorney by letter dated June 18, 1998 requested an additional adjournment of the Letters of Interpretation discussion based on the fact that "the appraiser my client wishes to obtain, Jerry Veitch, has been retained by the County to appraise the same parcel. It is, accordingly, obvious that I will have to retain another appraiser, and I will not have the necessary information by June 24, 1998;" and

WHEREAS, the Appellant's attorney supplemented his June 18, 1998 letter by letter dated June 23, 1998 requesting an extension on the discussion until July 15, 1998; and

WHEREAS, the Commission at its June 24, 1998 meeting accepted the request for an extension to its July 15, 1998 meeting by letter dated July 6, 1998 that informed the Appellants' attorney that appraisal information "is not determinative of a Letter of Interpretation appeal, but a factor the Commission may consider in deciding Letter of Interpretation appeals;" and

WHEREAS, neither the principals of the Appellant nor the Appellant's attorney appeared at the Commission's July 15, 1998 meeting to further discuss the merits of Appellants' Letters of Interpretation appeals; now therefore be it

RESOLVED, that the Letters of Interpretation appeals for the above referenced parcels are denied for the following reason: Appellant has not provided any relevant information to form a basis for any additional allocation.

Record of Motion:

Made by:

Mr. Cowen

Seconded by:

Mr. Shea

Yea Votes:

Unanimous