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Session of March 29, 2000
Riverhead Town Hall
Riverhead, New York

Resolution on the Letter of Interpretation Appeal of John Andersen ("the Appellant") for Suffolk County Tax Map Parcel #'s 200-511-1-15 and 200-511-1-16

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 October 25, 1999, by the Pine Barrens Credit Clearinghouse allocating 0.10 Pine Barrens Credits to SCTM # 200-511-1-15 and 1.00 Pine Barrens Credits to SCTM # 200-511-1-16; and

WHEREAS, the Appellant appealed the allocation of 0.10 Pine Barrens Credits for SCTM # 200-511-1-15 by a letter dated November 18, 1999 seeking 1.00 Pine Barrens Credits; and

WHEREAS, a public hearing was held by the Central Pine Barrens Joint Planning and Policy Commission ("the Commission") on February 16, 2000 and continued on March 29, 2000. Appellant appeared, and testified at the public hearing; and

WHEREAS, the Commission considered the merits of the Appellant's appeal as contained in the hearing transcript, exhibits, and staff report; Now therefore be it

RESOLVED, that the Staff Report for the Andersen appeal is hereby adopted and the appeal is denied for the following reasons:

1. The Clearinghouse determined the Letter of Interpretation allocation for the above referenced parcels according to the Central Pine Barrens Comprehensive Land Use Plan (*Plan*) Volume 1 adopted June 28, 1995. §6.3.1.1.9 of the *Plan* dictates the development yield factors and computation for residentially zoned property. If zoning allows one (1) dwelling unit per two hundred thousand (200,000) square feet, the development yield factor is 0.16 Pine Barrens Credit per acre. Appellant's property is zoned one (1) dwelling unit per two hundred thousand (200,000) square feet. § 6.7.6.6 of the *Plan* states "The Pine Barrens Credit Clearinghouse *may* elect to allocate one (1) full Pine Barrens Credit for a parcel of land consisting of at least 4,000 square feet with frontage on an existing improved road." (emphasis added) SCTM # 200-511-1-16, consisting of 0.60 acres was granted 1.00 Pine Barrens Credits due to its road frontage. Appellant's parcels do not conform to current zoning allowed by the Town of Brookhaven, which requires five acres for a single family dwelling.



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Session of March 29, 2000
Andersen Credit Appeal (Resolution)
Page Two

2. It is staff's view that Appellant's parcels would not conform with the provisions of Article 6 of the Suffolk County Sanitary Code for residential development.
3. No evidence was presented by the appellant to establish that the parcels are unique in any manner, so as to warrant an increase in the allocation..
4. A case that previously came before the Clearinghouse for appeal in February of 1996 was that of Expressway 60 Patent and Bernard Meyer. In that case there were 44 different tax parcels that were zoned by Brookhaven Town A Residence 5 zoning. A Residence 5 zoning is equivalent to one (1) dwelling unit per two hundred thousand (200,000) square feet. The total land area of the parcels was approximately 20 acres. The parcels were similar to Appellant's in that some were roadfront and some were interior lots. However, the lots differ due to fact that the Expressway 60 Patent/Bernard Meyer parcels had the ability to be used for economically sustainable development because of the number of acres. A second case that came before the Commission for appeal in February of 1997 was that of Martha Barkus etc. In that case there were 54 different tax parcels that were also zoned by Brookhaven Town A Residence 5 zoning. The total land area of the parcels was approximately 24 acres. The parcels were similar to Appellant's in that some were roadfront and some were interior lots. However, the lots differ due to fact that the Barkus parcels had the ability to be used for economically sustainable development because of the number of acres. The Expressway 60 Patent/Bernard Meyer and Barkus differ significantly from the Andersen appeal because of the relative size of the parcels involved.

Record of Motion:

Made by:

Mr. Girandola

Seconded by:

Mr. Cowen

Yea Votes:

Mr. Cowen

Mr. Girandola

Mr. Kozakiewicz

Mr. Murphree

Nay Votes:

None

Abstentions:

Mr. Proios

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