

**Pine Barrens Credit Appeal
of Joseph Landow**

Contents:

- 10/23/96 Commission resolution denying appeal
- 11/13/96 Commission resolution reaffirming denial for parcel 31 following submittal of additional info.

Central Pine Barrens Joint Planning and Policy Commission

Robert J. Gaffney, *Chair*
Felix J. Grucci, Jr., *Vice Chair*
Vincent Cannuscio, *Member*
Ray E. Cowen, *Member*
James R. Stark, *Member*

P.O. Box 587
3525 Sunrise Highway, 2nd Floor
Great River, New York 11739-0587
516-563-0385 / Fax 516-277-4097

Session of October 23, 1996

Riverhead Town Hall

Present: Mr. Cowen, Mr. Proios (for Commissioner Gaffney), Ms. Filmanski (for Commissioner Stark), Mr. Freleng (for Commissioner Cannuscio), Mr. Girandola (for Commissioner Grucci),.

Resolution on the Letter of Interpretation Appeal of Joseph Landow for Suffolk County Tax Map Parcels 900-172-1-50, 900-235-1-88, and 900-333-2-31

Whereas, the Central Pine Barrens Comprehensive Land Use Plan (the "Plan) contains a transferrable development rights program, the Pine Barrens Credit Program; and

Whereas, the first step in applying for Pine Barrens Credits is to obtain from the Pine Barrens Credit Clearinghouse a Letter of Interpretation; and

Whereas, Joseph Landow was the applicant or the applicant's designated representative who applied for and was issued three Letters of Interpretation for 0.90, 0.10 and 0.38 Pine Barrens Credits respectively on April 29, 1996 for the above referenced parcels; and

Whereas, the applicant filed an appeal of the Pine Barrens Credit allocation with the Commission pursuant to Section 6.7.3.3 of the Plan; and

Whereas, applicant submitted a letter stating the grounds of his appeal; and

Whereas, the Commission placed the matter on its meeting agenda for October 2, 1996 and so notified the applicant; and

Whereas, the applicant did personally appear and addressed the Commission during its October 2, 1996 meeting and subsequently spoke with Commission staff by telephone during the Commission's October 23, 1996 meeting; and

Whereas, the Commission has considered the merits of the applicant's arguments; now therefore be it,

Resolved, that the Letter of Interpretation appeal on parcel 200-235-1-88 is denied for the following reasons:

1. The Clearinghouse's allocation of 0.10 Pine Barrens Credits to this parcel is correct.
2. On the basis of the information provided by the applicant, no unique or additional features of the parcel which warrant revising the allocations have been identified; and be it further,

Resolved, that the Letter of Interpretation appeal on parcel 900-333-2-31 is denied without prejudice with leave for the applicant to provide documentation to support his assertion that he arranged to

obtain access to this landlocked parcel; and be it further,

Resolved, that the Letter of Interpretation appeal on parcel 900-172-1-50 is denied and Letter of Interpretation allocation reduced to 0 Pine Barrens Credits. This parcel is neither in the Core Preservation Area nor an identified Compatible Growth Area sending area and therefore Pine Barrens Credits can not be allocated to the parcel and furthermore the Letter of Interpretation issued to said parcel on April 29, 1996 is hereby rescinded and rendered null and void.

Record of Motion:

Motion by Mr. Cowen

Seconded By Ms. Filmanski

Yea Votes:

Unanimous

Central Pine Barrens Joint Planning and Policy Commission

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Session of November 13, 1996 Brookhaven Town Office Complex

Present: Mr. Cowen, Mr. Proios (for Commissioner Gaffney), Ms. Filmanski (for Commissioner Stark), Mr. Freleng (for Commissioner Cannuscio), Mr. Girandola (for Commissioner Grucci).

Resolution on the Letter of Interpretation Appeal of Joseph Landow for Suffolk County Tax Map Parcel 900-333-2-31

Whereas, pursuant to the Pine Barrens Credit Program contained in the Central Pine Barrens Comprehensive Land Use Plan, the applicant applied for and was issued a Letter of Interpretation in the amount of 0.38 Pine Barrens Credits on April 29, 1996 for tax map parcel 900-333-2-31; and

Whereas, the applicant appealed the allocation and the Commission considered the merits of the appeal at its October 2, 1996 and October 23, 1996 meetings; and

Whereas, the Commission denied the appeal without prejudice during its October 23, 1996 meeting with leave for the applicant to provide support for his assertion that he had arranged to obtain access to this landlocked parcel; and

Whereas, applicant submitted the affidavit of Joseph G. Nemeth, Jr., dated November 6, 1996, which describes the “informal non-binding understanding” between the two for access to the applicant’s parcel; and

Whereas, the affidavit states that the “implementation of this proposal [was held] in abeyance” pending other matters and was not reduced to a legally binding agreement; and

Whereas, the Commission considered the merits of the applicant’s submission and the Nemeth affidavit during its November 13, 1996 meeting; now therefore be it,

Resolved, that the Letter of Interpretation appeal on tax map parcel 900-333-2-31 is denied on the grounds that the Nemeth affidavit does not provide any new information to support the appeal for an additional credit allocation, and in particular does not demonstrate that a legally enforceable agreement was in effect between Mr. Landow and Mr. Nemeth for access to this parcel.

Record of Motion:

Motion by Mr. Cowen

Seconded By Ms. Filmanski

Yea Votes:

Unanimous