



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

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Member

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Member

**Session of March 8, 2000
Brookhaven Town Offices
Medford, New York**

Resolution on the Letter of Interpretation Appeals of Joseph Gazza ("the Appellant") for Suffolk County Tax Map Parcel #'s 900-239-2-6, 900-239-2-7, and 900-241-1-32

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 November 24, 1999, and January 11, 2000 by the Pine Barrens Credit Clearinghouse allocating 0.85 Pine Barrens Credits to the above referenced tax map parcels; and

WHEREAS, the Appellant appealed the allocation of 0.85 Pine Barrens Credits by a letter dated January 21, 2000 to the Central Pine Barrens Joint Planning and Policy Commission seeking 1.00 Pine Barrens Credits for each of the above referenced parcels; and

WHEREAS, a public hearing was held on February 16, 2000. Appellant appeared, testified, and submitted an exhibit for the record; and

WHEREAS Appellant provided the Commission with additional documents received on February 22, 2000 concerning said appeal; and

WHEREAS a staff report for the Gazza Pine Barrens Credit Appeal was adopted by the Commission on March 8, 2000; and

WHEREAS, the Commission considered the merits of the Appellant's as contained in the hearing transcript, exhibits, and staff report at the March 8, 2000 Commission meeting; Now therefore be it

RESOLVED, that the appeal for the above referenced parcels is denied for the following reasons:

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1. § 6.7.6.6 of the Central Pine Barrens Comprehensive Land Use Plan Volume 1 (*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) On previous occasions the Pine Barrens Credit Clearinghouse has interpreted § 6.7.6.6 of the *Plan* not to apply to limited access highways such as Sunrise Highway (New York State Route 27) and the Long Island Expressway (Interstate 495). On November 28, 1995 the Pine Barrens Credit Clearinghouse issued two Letters of Interpretation for parcels owned by Mr. & Mrs. Edward Trombetta. (SCTM #'s

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900-241-1-17 and 900-241-1-19) The Trombetta parcels have road frontage on Sunrise Highway and the Clearinghouse did not increase the Letter of Interpretation allocations under §6.7.6.6 of the *Plan*.

2. No evidence was submitted to establish that New York State plans to open a service road for Sunrise Highway in the area of the subject parcels in the near future.

Record of Motion:

Made by:

Mr. Murphree

Seconded by:

Mr. MacLellan

Yea Votes:

Mr. Cowen

Mr. Girandola

Mr. MacLellan

Mr. Murphree

Mr. Proios

Nay Votes:

None