



**Commission Meeting of May 19, 2010
Brookhaven Town Hall, Farmingville, NY**

Present: Mr. Scully (for New York State), Ms. Meek Gallagher (for Suffolk County), Mr. Lesko (for Brookhaven), Mr. Walters (for Riverhead), and Mr. Shea (for Southampton)

**Resolution on Joseph Zachary Gazza (revised)
SCTM#: 900-331-3-21.1 (formerly Lot 21)
Located on the east side of Summit Blvd.
Westhampton Beach, Town of Southampton**

Whereas, Joseph Zachary Gazza owns a parcel of land located at 118 Summit Boulevard in Westhampton Beach in the Core Preservation Area of the Town of Southampton and designated as Suffolk County Tax Map Number 900-331-3-21.1 ("Lot 21.1").

Whereas, Lot 21.1 is in the Town's CR-200 Residence zoning district (Country Residence 200,000 square feet zoning district, 1 residence per 5 acres) and contains 1.93 acres of area for which Mr. Gazza submitted a Letter of Interpretation application on October 29, 2009.

Whereas, on January 11, 2010, the Clearinghouse issued a Letter of Interpretation for Lot 21.1 that allocated in total 0.39 Pine Barrens Credits.

Whereas, on February 1, 2010, Mr. Gazza submitted a letter to the Commission appealing the Clearinghouse's allocation for Lot 21.1 based on Section 6.7.6.6 of the Commission's Comprehensive Land Use Management Plan that states "*[t]he 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.*"

Whereas, Mr. Gazza stated in his appeal letter that: "*[b]ased on your Commission's allocation of 1.0 PBCs to SCTM Nos. 900-331-3-28 (106 Summit Blvd.) and 900-331-3-32 (94 Summit Blvd.)... and the Commission's denial of appeal for the allocation of 1.0 PBC on SCTM No. 900-280-2-82 (No # Summit Blvd)..., it is apparent that your Commission considers the southerly portion of Summit Blvd. to be an existing improved road (as per §6.7.6.6), but not the northerly portion.*"

Whereas, on April 16, 2010, two Commission staff members performed a field inspection of Lot 21.1 and Summit Boulevard during which inspection they noted that Summit Boulevard is predominately gravel from its southern end which is just north of the intersection of the Long Island Railroad track and Old Country Road until a large sandy dirt area to the north of Lot 21.1.

Whereas, during the field inspection, Commission staff noted a single

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family residence and a horse corral in the Compatible Growth Area just to the south of Lot 21.1 on the west side of Summit Boulevard and that there is no further residential development on Summit Boulevard to the north of the single family residence.

Whereas, on April 20, 2010, Commission staff performed a second field inspection of Summit Boulevard and the area directly adjacent to Lot 21.1.

Whereas, the Commission held a hearing on the Gazza appeal on April 21, 2010 at which Commission Staff marked 12 exhibits into the record.

Whereas, during the hearing, a Commission Staff member testified to the condition of the road and the road's width she observed during the April 16th and April 20th field inspections. She testified that while travelling north on Summit Boulevard, the gravel road significantly narrowed south of the southerly boundary of Lot 21.1 to a single car width from being prior to that point at least two car widths wide. She also testified that the width of Summit Boulevard did not change as she headed north on the road to the large sandy dirt area. She further stated that north of the large sandy dirt area Summit Boulevard is a very narrow, sandy, dirt path.

Whereas, Commission staff introduced as an exhibit photographs (Exhibit L) taken during the April 16th field inspection that showed Summit Boulevard directly in front of the parcel and showed the vacant land that immediately surrounds the parcel.

Whereas, Commission staff introduced two aerials (Exhibits B and C, respectively) that showed the location of Lot 21.1, the parcels south of Lot 21.1 that received an increase in Pine Barren Credit allocation based on being "on an existing improved road", and the parcel north of Lot 21.1 that was denied an increase in Pine Barrens Credit allocation since the Commission did not determine this parcel to be "on an existing improved road."

Whereas, the Town of Southampton Commission's representative stated that the Town neither owns nor maintains Summit Boulevard north of Old Country Road.

Whereas, Mr. Gazza testified that he improved portions of the Summit Boulevard "400, [or] 500" feet south of the subject to comply with Southampton Town specifications but has not similarly improved Summit Boulevard in the area directly adjacent to the subject parcel.

Whereas, a transcript of the Hearing containing the Commission's exhibits was made available to the Commission members and their designated representatives.

Whereas, the subject action is an unlisted action pursuant to the NYS Environmental Quality Review Act.

Whereas, Commission staff prepared a short Environmental Assessment Form for unlisted actions and performed an uncoordinated SEQRA review, pursuant to NYCRR Part 617, now therefore be it

Resolved, that the Commission finds that Summit Boulevard directly adjacent to Lot 21.1, specifically, the portion of Summit Boulevard on which Lot 21.1 fronts, is significantly narrower than the southerly portions of Summit Boulevard, and be it further,

Resolved, that the Commission finds that Summit Boulevard directly adjacent to Lot 21.1, specifically, the portion on which Lot 21.1 fronts, has not been improved to the Town of Southampton's specifications, and be it further

Resolved, that the Commission finds that the Town of Southampton neither owns nor maintains Summit Boulevard directly adjacent to Lot 21.1, specifically, the portion on which Lot 21.1 fronts, and be it further

Resolved, that the Commission finds that Summit Boulevard directly adjacent to Lot 21.1, specifically, the portion on which Lot 21.1 fronts, is not an existing improved road for purposes of Section 6.7.6.6, and be it further,

Resolved, that the Commission finds that Lot 21.1 is not entitled to receive an increase in allocation to one (1) full Pine Barrens Credit based on the assertion that the parcel fronts on an existing improved road pursuant to Section 6.7.6.6, and be it further

Resolved, that Mr. Gazza has not identified any other unique features of the parcels which warrant the revision of its Pine Barrens Credit allocation contained in the parcel's February 1, 2010 Letter of Interpretation, and be it further,

Resolved, the Commission finds that this determination will not result in any significant adverse environmental impact because it will not change the existing condition in any manner and that the preparation of Environmental Impact Statement is not required for the action.

Motion by: Mr. Shea
Seconded: Mr. Scully

Vote:

Yes: 5
No: 0