

## Central Pine Barrens Joint Planning and Policy Commission

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

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### Session of April 1, 1998 Southaven County Park

**Present:** Mr. Cowen (for New York State), Mr. Girandola (for Commissioner Grucci), Mr. Proios (for Commissioner Gaffney), Mr. Shea (for Commissioner Cannuscio), and Mr. Villella (for the Town of Riverhead).

#### **Resolution of the Letter of Interpretation Appeal of Walton-Hampton Bays Associates-1, LLC for Suffolk County Tax Map Parcel #900-204-1-3**

**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**, Walton-Hampton Bays Associates-1, LLC (the "Appellant") applied for and was issued a Letter of Interpretation allocating 13.86 Pine Barrens Credits on December 23, 1997 for the above referenced parcel; and

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

**Whereas**, a principal of Walton-Hampton Bays Associates-1, LLC and its attorney appeared before the Commission on March 11, 1998; and

**Whereas**, the Appellant, by its attorney, sought the allocation of 44 additional Pine Barrens Credits on the basis of the ability to create 44 lots with at least 4,000 square feet of area fronting on an existing road as depicted in the "Yield Map" prepared by Nelson & Pope, LLP dated 9/97 and relying on former Section 6.7.7.6 (renumbered to 6.7.6.6) of the Plan; and

**Whereas**, the Appellant, by its attorney, sought to retain the ability to reappear before the Commission seeking an additional allocation of Pine Barrens Credits in addition to the requested 44 at some indeterminate time in the future if the Appellant so desired; and

**Whereas**, the Commission considered the merits of the Appellant's arguments during its March 11, 1998 and April 1, 1998 meetings discussing, among other things, Section 6.3 of the Plan which states that Pine Barrens Credits are allocated to separately assessed tax parcels and the Clearinghouse's allocation of 13.86 Pine Barrens Credits to the parcel; now therefore be it,

**Resolved**, that the Letter of Interpretation appeal on Suffolk County Tax Map parcel #900-204-1-3 is denied on for the following reasons:

1. The allocation of the Pine Barrens Credit Clearinghouse is correct.
2. Pursuant to the Plan at Section 6.3 a parcel of land for purposes of allocating Pine Barrens Credits is a separately assessed tax lot. Appellant is the owner of a single tax lot identified as Suffolk County Tax Map parcel #900-204-1-13. Appellant's reliance on Section 6.7.6.6 of the Plan, which permits the allocation of one Pine Barrens Credit for a parcel (tax lot) consisting of at least 4,000 square feet on an improved road, is misplaced. That section is limited to existing tax lots.
3. On the basis of the information provided by the appellant, no unique or additional features relating to the parcel have been identified which might warrant revising the allocation of the Pine Barrens Credit Clearinghouse.

Record of Motion:  
Made by: Mr. Shea  
Seconded by: Mr. Villella

Yea Votes:  
Unanimous