



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

Commission Meeting of June 15, 2011

Riverhead Town Hall, Riverhead, NY

Present: Mr. Scully (for New York State), Ms. Landsdale (for Suffolk County),
Mr. Walter (for Riverhead Town), Ms. Throne-Holst (for Southampton Town), and Mr.
Lesko (for Brookhaven Town)

Final Resolution on Joseph Frederick Gazza

SCTM#: 900-311-1-27.1 (formerly Lot 27)

**Located west of County Road 31, south of Stewart Avenue
Westhampton Beach, Town of Southampton**

Whereas, Joseph Frederick Gazza owns a parcel of land located on the
Map of Highland Park in the Core Preservation Area in Westhampton in the
Town of Southampton identified on the Suffolk County Tax Map as parcel
number 900-311-1-27.001 (the “Parcel”), and

Peter A. Scully
Chair

Mark Lesko
Member

Steve A. Levy
Member

Whereas, Mr. Gazza purchased the Parcel from Hope Wilczewski by deed
dated August 4, 2004 which was recorded in the Suffolk County Clerk’s Office
on August 6, 2004 with the notation that the amount of consideration for the
Parcel was \$1,000, and

Anna E. Throne-Holst
Member

Sean M. Walter
Member

Whereas, to the west of the Parcel and between the Parcel and County
Road 31 are lands owned by Suffolk County Board of Cooperative Education
Services (“BOCES”) and the United States of America, to the north of the Parcel
is land owned by BOCES and to the south of the Parcel is land owned by Celi
Electric Lighting Inc. (“Celi”), and

Whereas, Mr. Gazza applied for and received a Letter of Interpretation
dated August 30, 2004, from the Pine Barrens Credit Clearinghouse allocating
0.10 Pine Barrens Credits to the Parcel pursuant to Section 6.7.6.7 of the Central
Pine Barrens Comprehensive Land Use Plan (the CLUP”), and

Whereas, on April 25, 2006, Mr. Gazza and Celi filed a Certificate of
Abandonment to abandon the easterly half of New York Avenue as shown on the
Map of Highland Park, the mapped but not improved roadbed, adjacent to the
south side of the Parcel and the Celi parcel (the “Abandonment”), and

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Whereas, the Abandonment increased the size of the Parcel by 1,000
square feet to 4,125 square feet in area, and

Whereas, on April 26, 2006 Celi granted Mr. Gazza a permanent easement
for “legal access purposes” over the Celi parcel to allow Mr. Gazza a “legal
means of access to public roadways” for the Parcel because of the simultaneous
abandonment of the westerly half of New York Avenue by Mr. Gazza and Celi
(the “Easement”), and

Whereas, a second Letter of Interpretation was issued for 0.10 Pine Barrens Credits on July 14, 2006 and renewed on March 15, 2011, and

Whereas, by letter dated March 17, 2011, Mr. Gazza appealed the Pine Barrens Credit Allocation contained in the March 15, 2011 Letter of Interpretation requesting the allocation of 1.0 Pine Barren Credit for the Parcel alleging that the Parcel had frontage on County Road 31 and thus should receive an allocation pursuant to Section 6.7.6.6 of the CLUP, and

Whereas, on May 12, 2011, a Commission staff member performed a field inspection of the Parcel, the BOCES parcel and the Celi Electric parcel, and

Whereas, the Commission held a hearing on May 18, 2011 to consider Mr. Gazza's appeal, and during the hearing, Commission staff marked 11 exhibits into the Hearing Record and Mr. Gazza introduced 3 exhibits, and

Whereas, during the Hearing Mr. Gazza conceded that the Parcel did not have frontage on County Road 31 by stating "I cannot dispute that there is maybe five feet of land, if that, between the [Parcel] and the street." (Hearing Record at 12) and

Whereas, during the Hearing, Mr. Gazza stated "[s]o I went through the abandonment process and stretched the property legally to over 4,000 square feet which is the magic number" under the CLUP, (Hearing Record at 12) and

Whereas, during the Hearing Mr. Gazza also stated "[d]oes the [Parcel] front directly on the county road, I can't say that it does. Is it close? It's about as close as you can get without being on the road." (Hearing at 14), and Mr. Gazza conceded that the Parcel no longer had access to New York Avenue as shown on the Map of Highland Park due to the Abandonment, (Hearing at 20), and

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, the above recitals are incorporated herein and made a part hereof, and be it further

Resolved, that the Commission finds that the Parcel does not have frontage on County Road 31, and be it further

Resolved that the Commission finds that between the Parcel and County Road 31 are lands owned by the United States of America and BOCES, and be it further

Resolved, that the Commission finds that access to the Parcel is pursuant to the Easement

and across the Celi Parcel, and be it further

Resolved, that the Commission finds that with the filing of the Abandonment, the Parcel relinquished its ability to cross over New York Avenue to gain access to an existing improved road, and absent the Easement has no right of access to an improved road, and be it further

Resolved, the Commission finds that the denial of Mr. Gazza's appeal is consistent with its prior Pine Barren Credit appeal decisions of Nicholson (October 2, 1996), Andersen (March 29, 2000), Gazza Parcel 71 (December 11, 2002) and Ringhoff (June 18, 2008 and August 19, 2009). In each of the prior decisions, the Commission held that a parcel's mere proximity to an existing improved road, including potential access to an existing improved road via an unimproved old filed map paper street, does not automatically entitle a parcel to the allocation of 1.0 pursuant to CLUP Section 6.7.7.7, 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 March 15, 2011 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, and be it further

Resolved, the Commission hereby denies Mr. Gazza's request to increase the allocation for the Parcel for the foregoing reasons.

Motion by: Mr. Scully

Seconded: Ms. Throne-Holst

Vote:

Yes: 5

No: 0