

CENTRAL PINE BARRENS

In the Matter of the
Public Hearing on the
JOSEPH GAZZA

3523 Sunrise Highway
Great River, New York

July 9, 1996
1:20 p.m.

PUBLIC HEARING

B E F O R E :

JAMES TRIPP, Chairman

ALLAN GRECCO, Vice Chairman

ANDREW P. FRELENG

MITCHELL PALLY



A L S O P R E S E N T :

JAMES RIGANO, ESQ.

JOHN MILAZZO, ESQ.

DONNA PLUNKETT

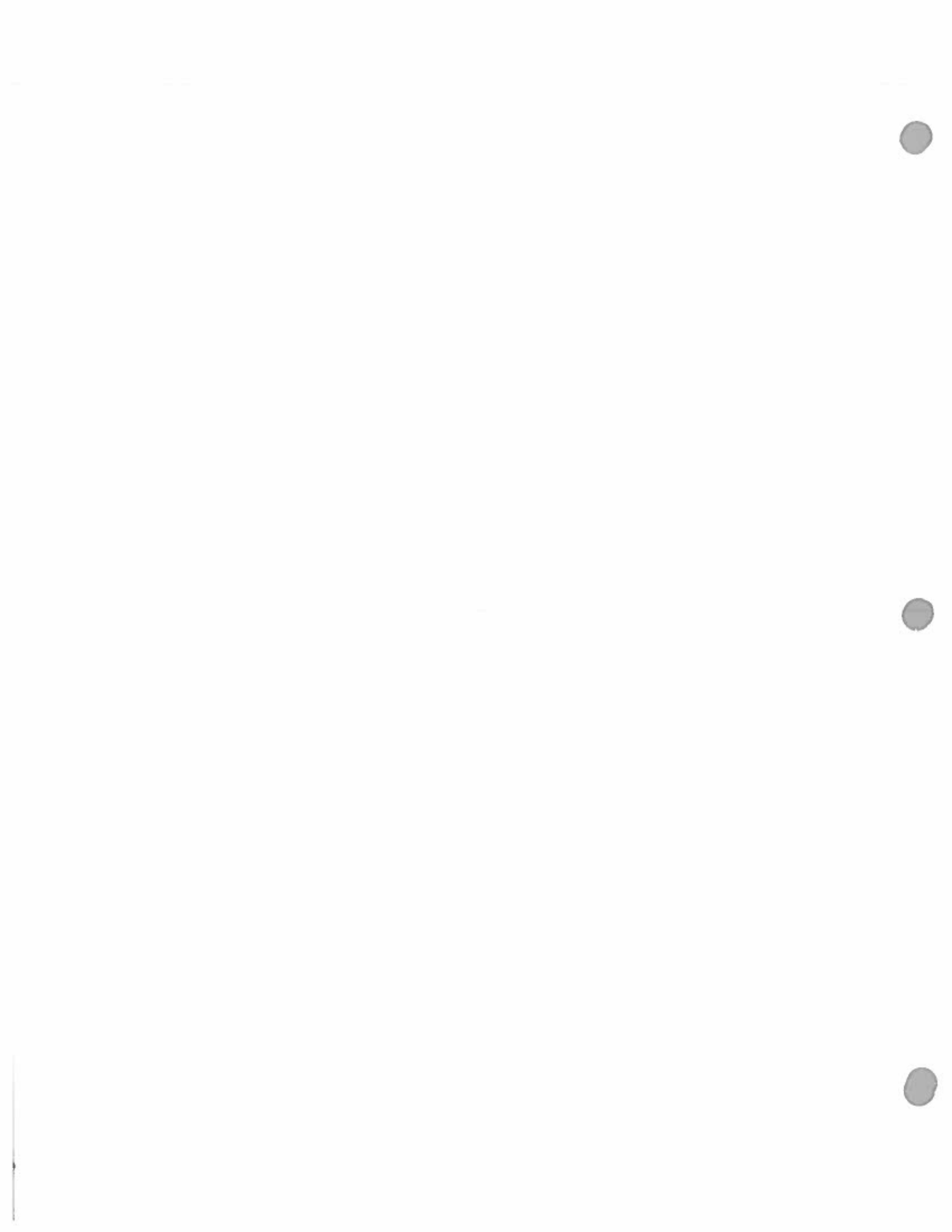
LORRAINE TREZZA



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2 MR. GAZZA: I'd like to pick up on Mr.
3 Pally's question of only a few months ago. He asked
4 counsel, "Where are we with the program? What are the
5 rights?" Maybe, if I just outline for a minute where I
6 am, you can get a feeling of how the process is effecting
7 me.

8 I'm an owner of 224 acres of Core Pine
9 Barrens land. I've been attempting to use my land for
10 five to six years. First, at the Town level. Now, at
11 the Pine Barrens Commission Level. I have photocopies
12 here of your overall Core Map. And I highlighted, in
13 pink and yellow, my Core lands. To help me work from it,
14 to get an idea of where I'm at, I highlighted my property
15 through the process with the Pine Barrens Joint Policy
16 and Planning Commission.

17 I've been before them four or five
18 times. I am unable to build on one Core parcel. They
19 would not allow me to build houses. After those denials,
20 the Policy Commission directed me to come before your
21 Board. They said, "Mr. Gazza, you're barking up the
22 wrong tree trying to build on Core area. Your remedy is
23 to get the development rights, to use the rights
24 elsewhere. To sell them in the market or sell them to
25 the Commission."

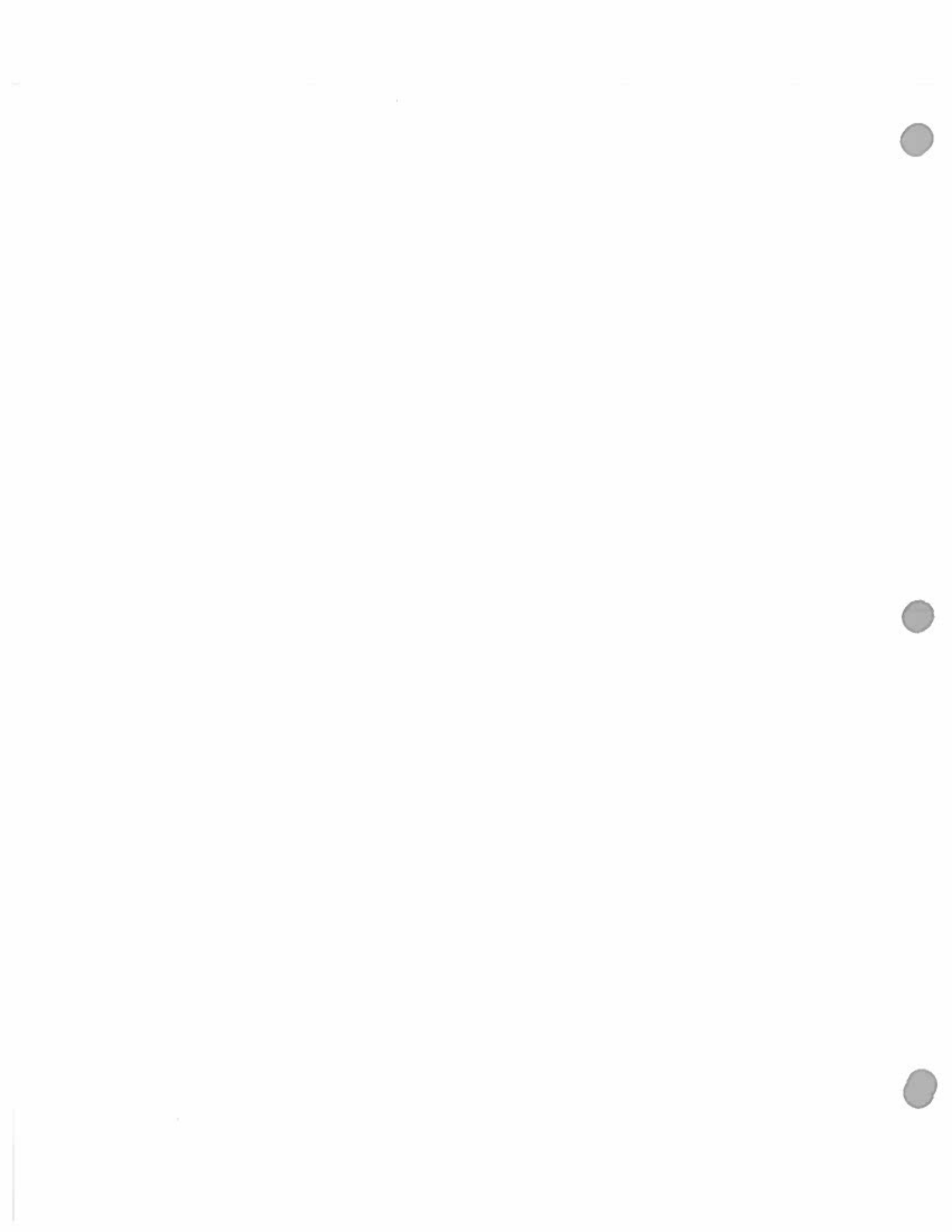


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2 I believe it was in February of this
3 past year that I submitted to this Commission, a list of
4 twenty parcels that I owned in the Core. I wanted to
5 find out what the rights were because I've been before
6 the other Commission and they directed me to come before
7 you. We had several meetings. We got to know each other
8 a little bit. Out of the twenty parcels, as of this
9 date, I accepted seven of your terms. Seven out of
10 twenty we're not in disagreement on.

11 THE CHAIRMAN: It's progress.

12 MR. GAZZA: I studied the code. I
13 know what the legalities are as to what credit you can
14 give for a parcel. I recognize your hands are tied on
15 the seven of the twenty, there is a couple of parcels
16 that you can't do anything on, and that we can't handle
17 right now.

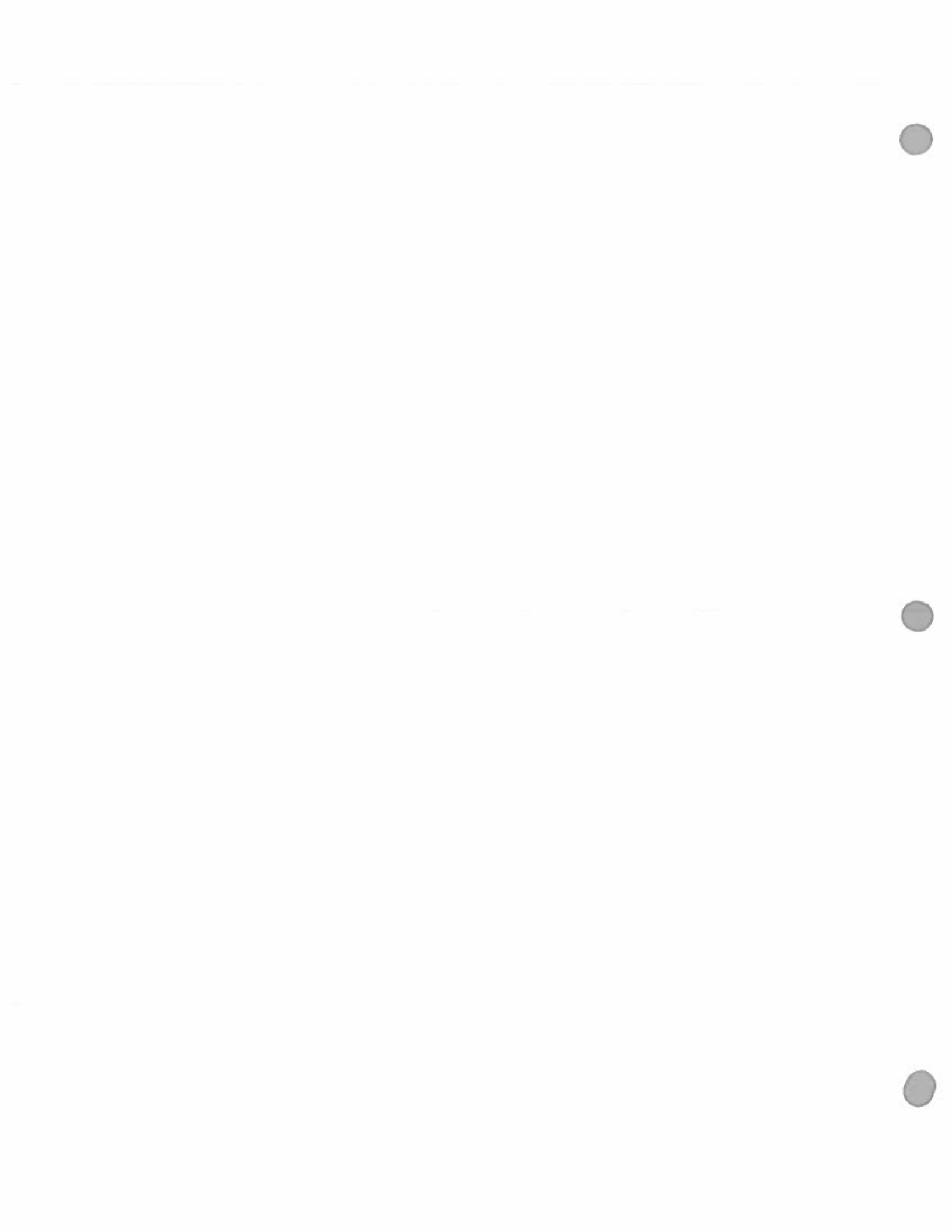
18 I have a survey. I'm a little unsure,
19 but the Tax Map is out of place on the map. It is off
20 from where it should be. That it is in the process of
21 being corrected. And until it is corrected, I understand
22 that you can't work on that. It leaves us with eleven
23 parcels to wrestle with. Out of the eleven, I studied it
24 to the point where it is like a domino effect. Depending
25 on what you say on one, will effect all the others. I



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2 will focus on one in today's discussion, because your
3 decision on that involves single and separate status; the
4 Health Department has approved its size; its not being on
5 a paved road, but being on a dirt road; and depending on
6 how your Commission deals with the application, will have
7 an effect on all the others.

8 I would like to conclude, I called --
9 I have contacted some of the parties on the list who are
10 interested in obtaining credit. And interested in making
11 me an offer. Two of the people are real estate brokers.
12 They're in the business of marketing credit to make a
13 commission. They're not even buyers.

14 Mr. Campo, who expressed himself to be
15 a buyer, we had several conversations with him and his
16 son. He says there may be \$4,000 per credit if I have
17 the certificate in my hand. He wasn't interested in
18 dealing with me until I had that. He wasn't interested
19 in this survey or the title or anything. When I get the
20 certificate, that's when we would talk about the
21 potential sale. I haven't sold any. No one is banging
22 on my door to buy them from me. That is why I would like
23 to possibly sell my credit to the Commission. I
24 understand you may have money available. And try to come
25 to grips with a number. And if we can make a number,



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2 maybe I can be the willing seller and maybe you can get
3 some credit in the bank. That depends on how much credit
4 you give me and how much you will pay. That is, what a
5 reasonable businessman should be able to recover.

6 If we talk about the Core parcel to
7 set the tone, we get that over with and we'll get up --
8 we'll save that for last. We have a parcel, I'll point
9 it out on my map. It is shown in pink with the yellow
10 arrow pointing to it. I don't know if all members --

11 MR. RIGANO: Is that Sunrise Highway?

12 MR. GAZZA: Suffolk County Airport in
13 Westhampton. I have a parcel 1.33 acres. It is Tax
14 Block 1 Lot 28. It is a parcel that measures 200 feet
15 wide by 290 feet long. It fronts on a paper street and
16 it is in the middle of the woods, so to speak.

17 MR. PALLY: What is the yellow?

18 MR. GAZZA: I'll just point to it.
19 This yellow stripe shows where it is a 1.33 acre parcel.
20 The yellow is the next topic.

21 MR. FRELENG: Is that exact amount in
22 the June 17th submission? Is that what you are referring
23 to?

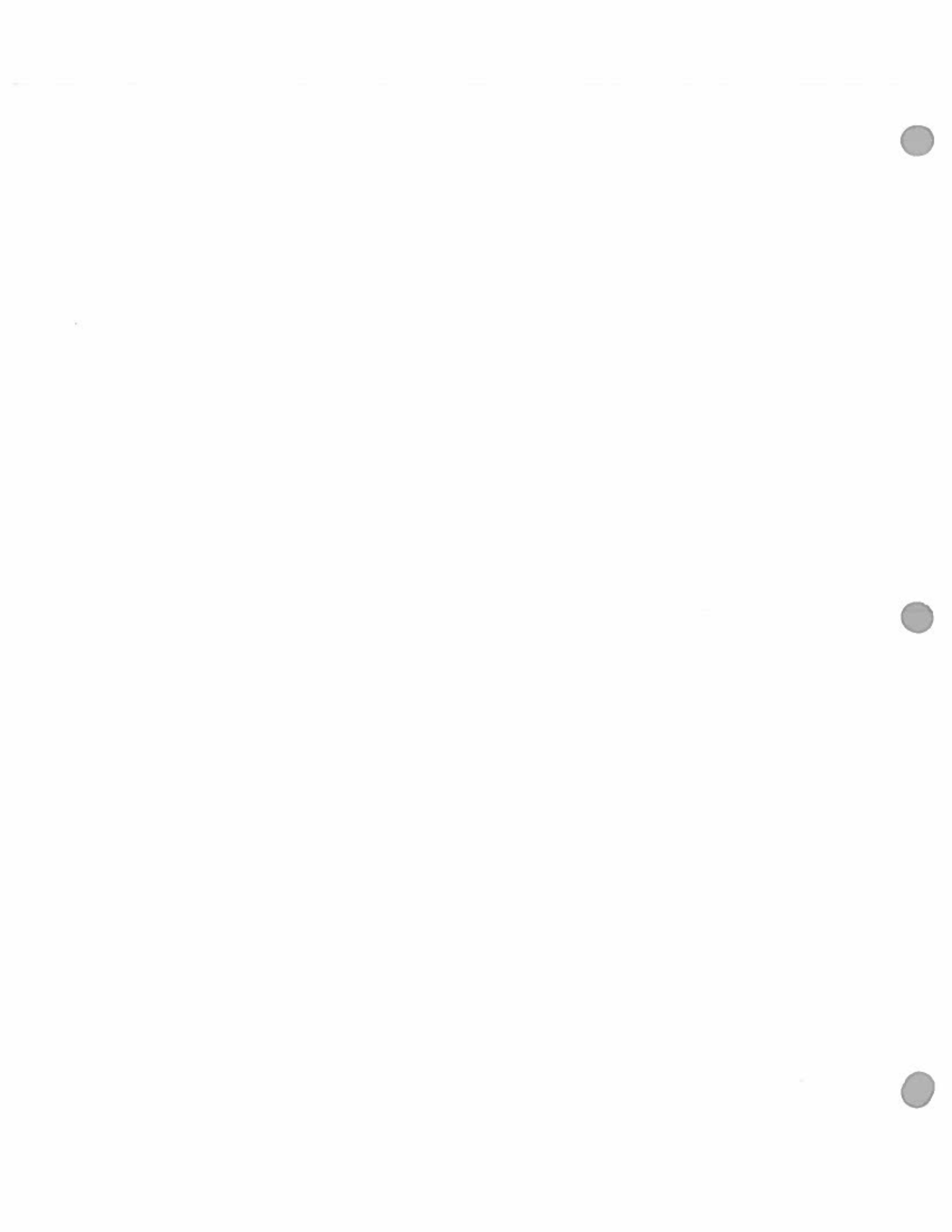
24 MR. GAZZA: That is correct. The
25 amount of property on the correct Tax Map. And it shows



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2 the parcel 200 by 290. Which is 58,000 square feet of
3 area. Now, I am familiar with the Health Department
4 regulations pertaining to setback from wells to septic
5 systems. And a parcel of this size is clearly no problem
6 in placing two fixtures on this property at the latest
7 requirements to comply with code. There is no dwelling
8 or improvement, probably within a thousand feet of the
9 property. There is nothing to affect this property
10 location of the sanitary system or its wells.

11 It has virgin land all around it. The
12 next open road is shown at Summit Boulevard which is a
13 dirt road. Summit Boulevard starts at Old Country Road
14 in Westhampton and it travels Wildwood Lake. It actually
15 cuts through Sunrise Highway. There is a little gate
16 motorcycles use. It is a dirt road. There are no
17 utilities. It's passable, I've driven on it myself. It
18 is not a paved road. I know you talk about paved roads,
19 but we have a parcel that is of sufficient size that the
20 single and separate abstract has been provided.

21 So, we know it is a single and
22 separate parcel. And being a single and separate parcel,
23 it has certain rights under zoning. I obtained the Town
24 of Southampton's Zoning Code that addresses rights on
25 single and separate parcels, and the grandfather



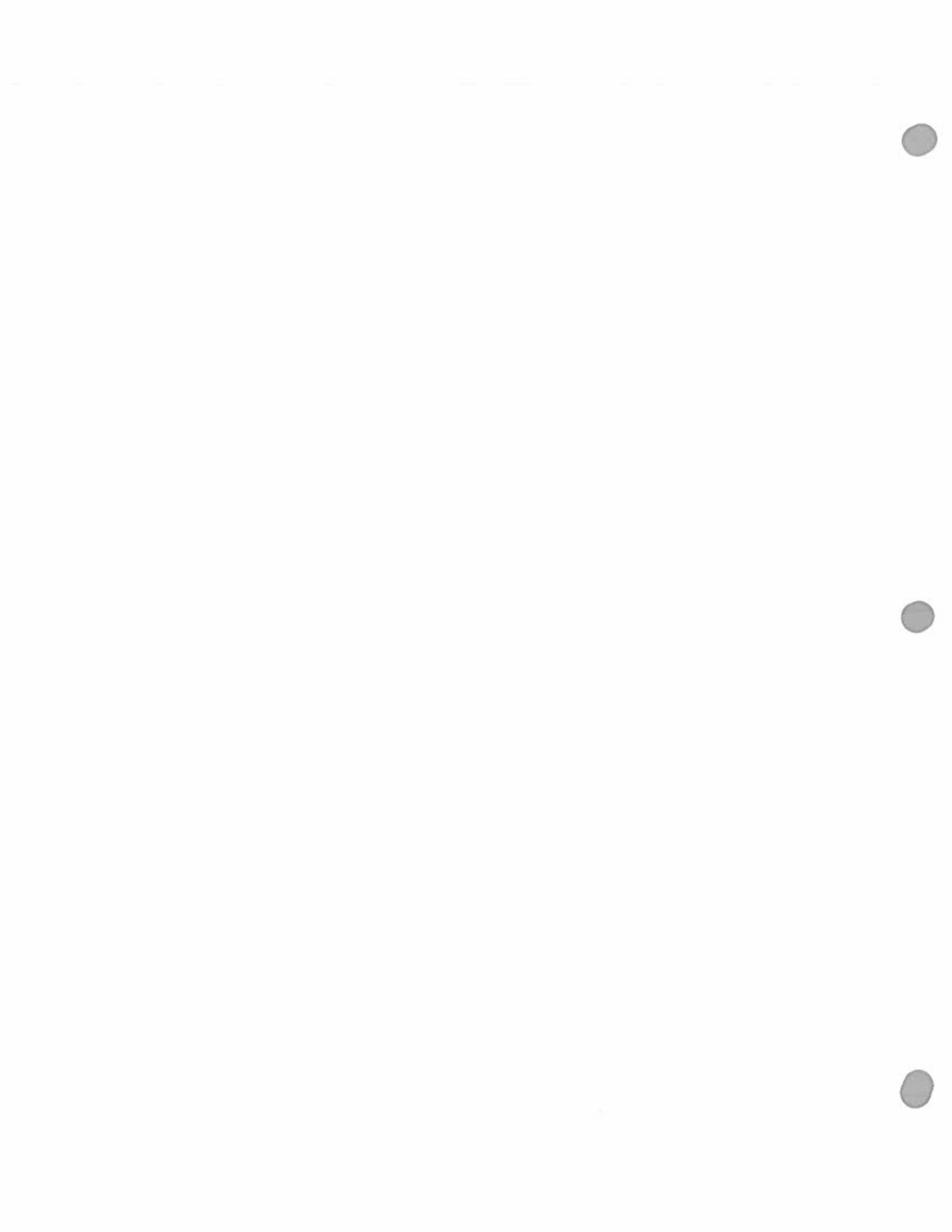
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2 provision, so to speak, of those parcels for building
3 purposes. Now, there are other provisions of the code
4 which further regulate development of parcels such as
5 this. As variances would require, in order to go through
6 the process of the Town of Southampton requirements, to
7 obtain a building permit you file locally unless you are
8 on an approved road.

9 I want to just show where the
10 provisions are in the law to go, through to attempt to
11 build on property such as this, with single family
12 dwellings, which is a permitted use in this area. The
13 C.R. residential has issued the parcel is entitled to one
14 credit. And the Commission ordinarily allocated .24 of a
15 credit. That is the crux of the issue here. If we can
16 get over the quarter of a credit hurdle, that may be some
17 indication that I can follow.

18 I submit the abstract of title, a
19 document that shows you the size of the Health
20 Department's setback, and the check of the area. And
21 maybe the Commission can allocate one credit for the
22 Summit parcel and maybe get closer to being in agreement
23 on those parcels.

24 MR. GRECCO: I have a question.

25 You say in your search that your



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2 adjoining property is Hawthorne Street, on the east
3 Kentwood Avenue and on the south is Linden Street. Now,
4 these lots are on an old filed map and these are paper
5 streets, right?

6 MR. GAZZA: Correct.

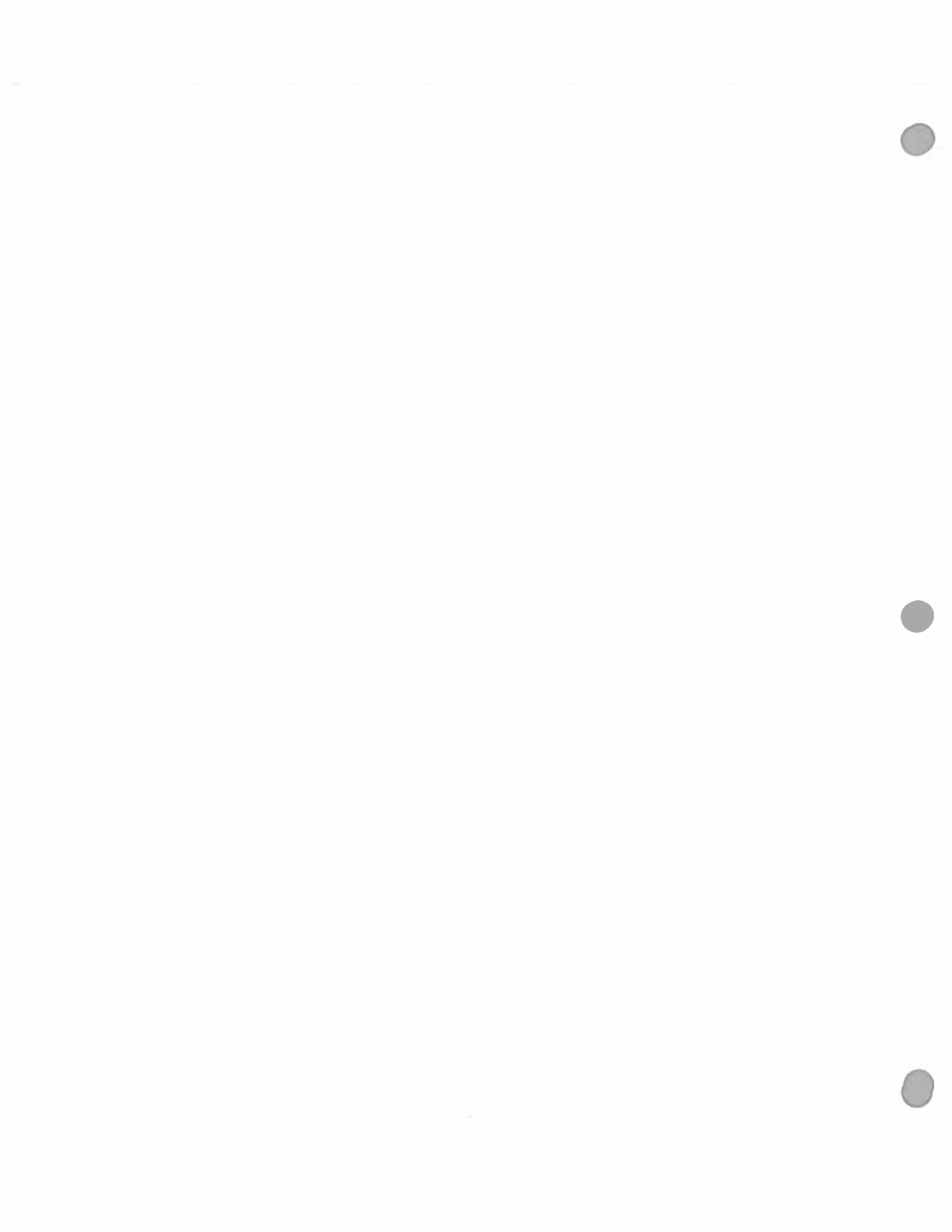
7 MR. GRECCO: Now, do you own any other
8 property on either adjoining block? If you own the
9 center line and own the other blocks, you would be, then,
10 not single and separate. Right? You follow what I am
11 saying?

12 MR. GAZZA: I do.

13 MR. GRECCO: If you own the center line
14 on the street of both blocks, you would be adjoining
15 yourself. I'm just asking you, on any of the sections,
16 do you have -- I'm not asking you to run a search.

17 MR. GAZZA: I don't own the other
18 blocks. I shaded in pink what I own. The isolated
19 parcel over here. The single and separate status is
20 preserved by the street unless the streets are abandoned.
21 I do not own parcels on adjoining blocks. Only the
22 single and separate parcel.

23 MR. GRECCO: Is that true for all your
24 searches? I don't want you to run a search on the
25 adjoining streets. They're not abandoned?



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MR. GAZZA: Not on the parcel that is single and separate.

MR. GRECCO: So, what you are saying, so we are clear on this, this lot on the filed map with the paper streets, you never participated in the abandonment of those streets. You don't own anything around it in the other blocks?

MR. GAZZA: That's correct.

MR. GRECCO: You answered my question, thank you.

MR. PALLY: How far is it from Summit Boulevard?

MR. GAZZA: 800 feet. The blocks -- each lot is 20 by 100. So, I believe, a full block -- if I could look at the map, I could tell you right away. 800 feet.

MR. PALLY: 800 hundred feet?

MR. GAZZA: 800 feet off Summit Boulevard.

MR. MILAZZO: Summit is a dirt road?

MR. GAZZA: Summit is a dirt road. It would be 800 feet to the west of Summit Boulevard.

THE CHAIRMAN: Well, as I indicated to you, I don't know whether you will get your final

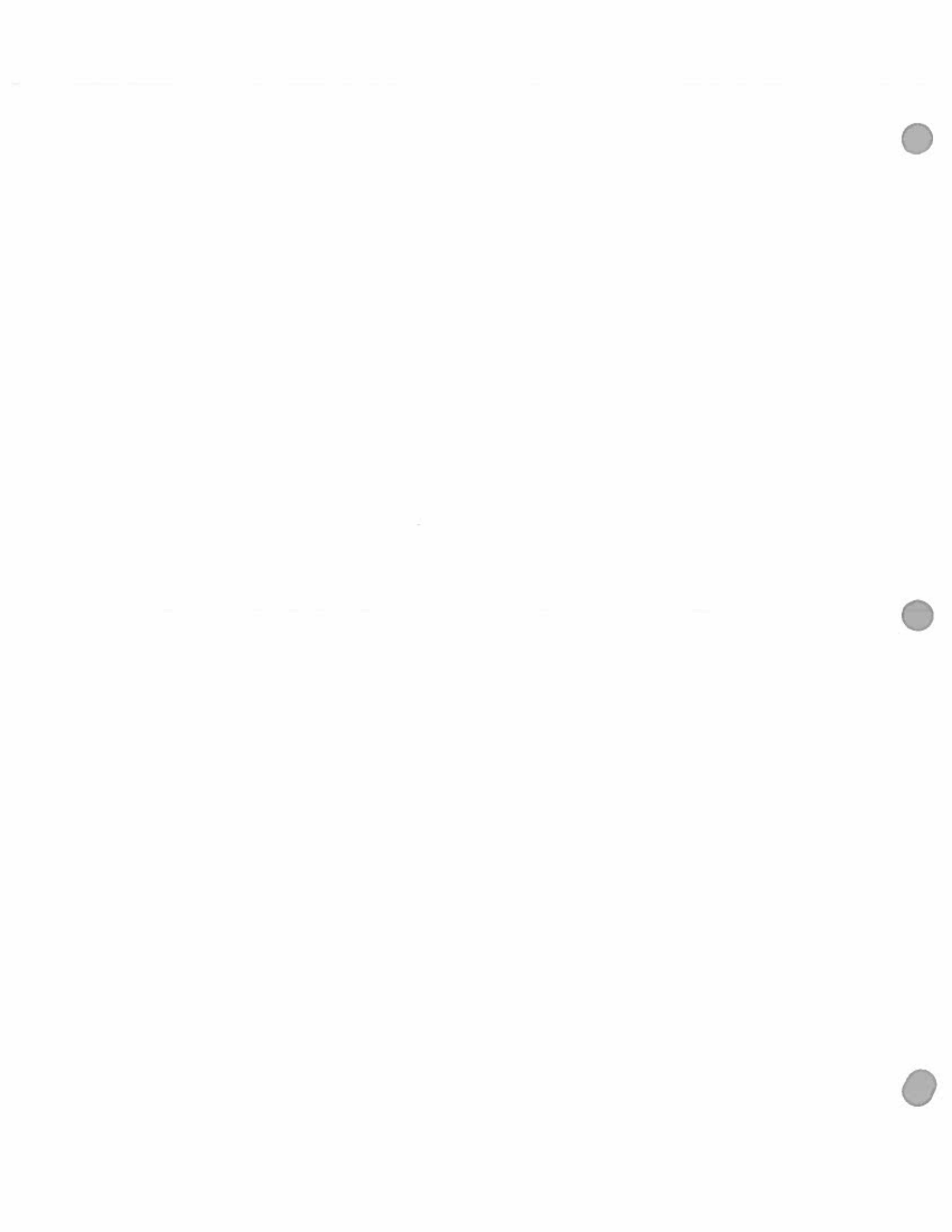


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2 decision on this today. At the joint meeting we had with
3 the Commission, they were not going to issue credits for
4 all single and separate lots. That decision was really
5 made by the Commission. We asked the question were there
6 circumstances to change the policy. But, the policy was
7 decided and was debated at various meetings including by
8 the Commissioner. And the decision was made that the
9 allocation would not be based -- that each single and
10 separate right lots would not get the full credit. But,
11 the plan did recognize that the parcels along existing
12 roads, had development value to it. That your parcel did
13 not. And, therefore, as seen today, pretty much as a
14 matter of its size, its size as opposed to those parcels
15 along an existing road, final allocation is based on the
16 zoning.

17 In the case of this one parcel, this
18 is my reaction to it: It is certainly a long distance
19 from any existing road as the plan defines an approved
20 road. It is your lot for all intended purposes. It is
21 difficult to develop and it just doesn't seem to have any
22 basis for increasing the allocation.

23 MR. GAZZA: I recognize the principle.

24 THE CHAIRMAN: The principle is that
25 just because it is single and separate, and of a large



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2 enough size to accommodate Article 6, we would award full
3 credit. I just don't think that it is appropriate to do
4 that.

5 MR. GAZZA: When you're talking about
6 tiny parcels, I agree with you. I agreed to seven of
7 your determinations because they were minuscule parcels.
8 When dealing with 1.33 acres, it is a substantial size to
9 comply with the Health Department. We have a parcel
10 here, it is an acre and-a-third. That is a lot of land.
11 If the Commission is going to take that position, that
12 it's only worth a quarter, that's your decision. That is
13 what I will go by. I made my appeal on this one, because
14 of its size and shape. It could accommodate the Health
15 Department requirements.

16 I know that the Commission has given
17 credits to smaller parcels that are on a paved road.
18 But, this is a larger parcel that is off a road. I
19 thought there was leeway, that you might have and I'm
20 just attempting to give it my best shot before your
21 Commission.

22 I certainly don't have adjoining
23 parcels. That's the only parcel that I have on this map
24 here. If the Committee disagrees with this one, there
25 may be no hope with the others. If I'm a failure with

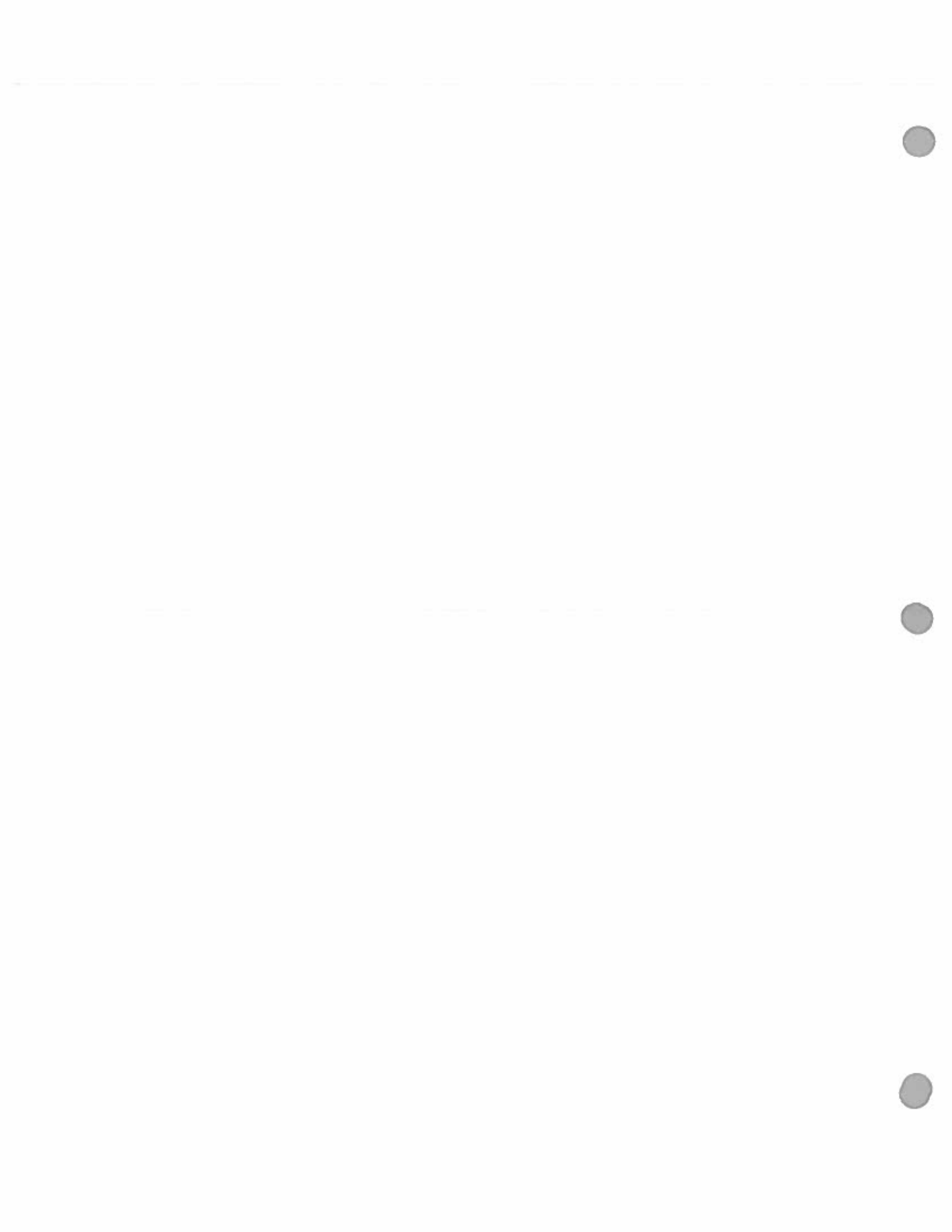


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2 this one, I know there is no hope for me from the
3 Development Rights Pine Barrens credit point of view. If
4 the Committee agrees that the credit is five or four or
5 five -- I think \$400 and we have a credit and my credit
6 is worth \$800, this parcel, this acre and-a-third. And I
7 devoted time and then my time is worth \$20 an hour. And
8 I won't make any money on the land.

9 The ball is going to be in your court
10 to let me know what the acre and-a-third is worth. And
11 the Joint Policy and Planning Commission sent me to you.
12 They said this is my remedy. "You make an appeal, you
13 obtain your credit, you market your credit, so you're not
14 at a loss for the property rights or the property value."
15 And that's what I'm attempting to do. I'm trying to work
16 within the system. To be made whole. A quarter of a
17 credit doesn't make me whole.

18 MR. GRECCO: My other question about
19 this particular parcel, why don't we talk about the
20 other?

21 MR. GAZZA: The other parcel? There
22 are four of them. We can do them all at once. This
23 will recaption on the history of the property. It is
24 shown by the fatter of the yellow area. It is a parcel
25 of almost ten acres. It refers to this as a sufficient



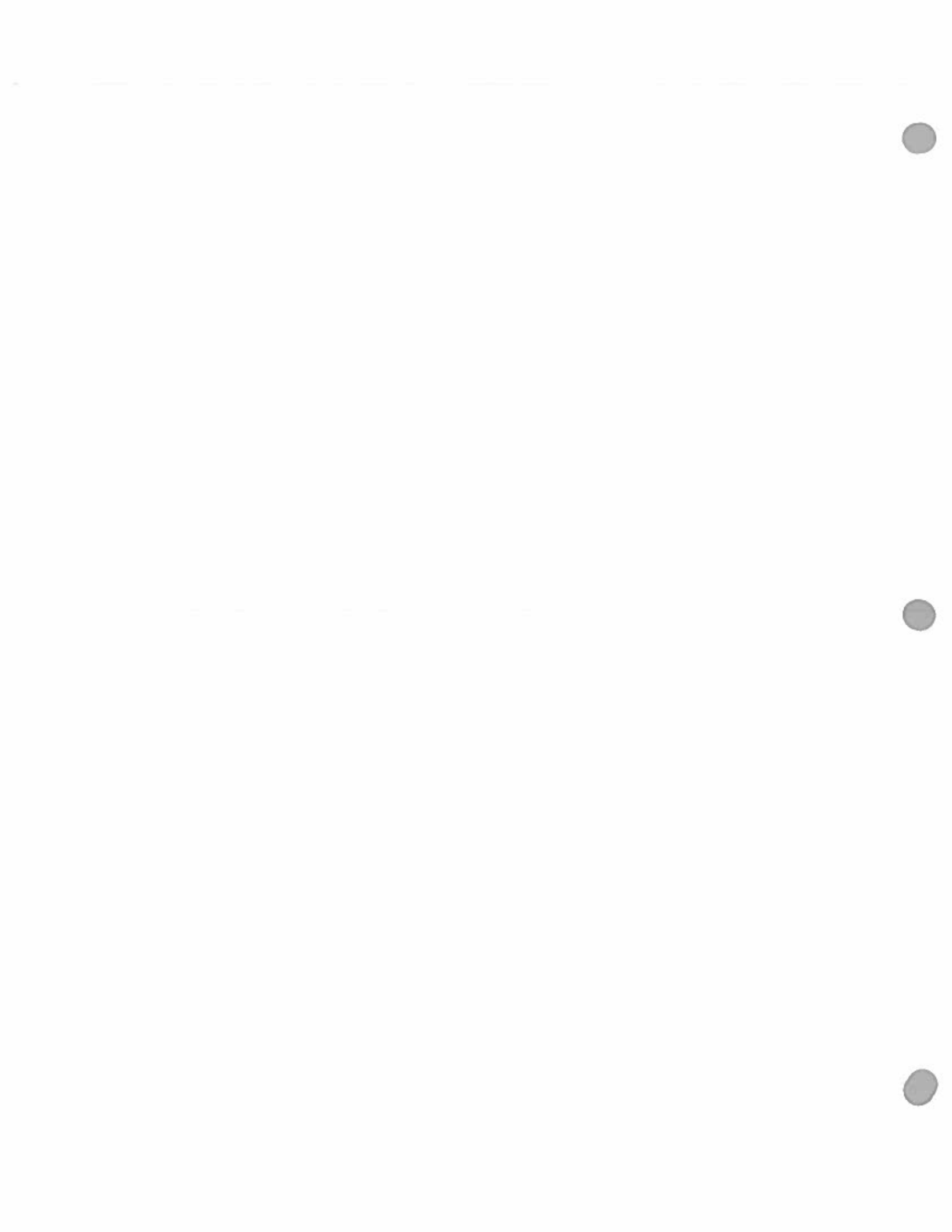
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parcel. We added them all together. I have to explain to you why we are going to look at all four together. Just for a moment, if you add up those four parcels, you have nine plus acres. Almost ten acres on this old filed map that I purchased in 1989. Something like that.

In 1989, the property was subject to the Southampton Town Planning Department. They started review of the property. And they put me through their redevelopment plan. Whenever one has a lot on an old subdivision map, the Town, even though the map was filed, it was approved when they filed it with the County Clerk, the Town of Southampton said, "We want to restudy these maps. We want to redesign these maps. We want those maps up to correct standards." So, I started with the Town of Southampton and I started with the old filed map lot which were on two existing paved roads. All utilities: public water, telephone, cable TV, two paved roads. The Planning Board Commission's review of the application, the Planning staff, and the Chief Planner at the time, prepared a redevelopment plan for my ten acres. This parcel over here on that redevelopment map.

MR. GRECCO: Is it a sketch map? Is this an official map?

MR. GAZZA: That is what the Town



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2 provided.

3 MR. GRECCO: It is a sketch map.

4 MR. FRELENG: If I could just say, a
5 number of sketch maps were prepared. This one happens to
6 be the one he is hanging onto. The plan has not accepted
7 any particular map. This was a sketch map in discussion
8 at the time.

9 MR. GAZZA: Based on that sketch map
10 and the discussions between the Planning Board staff, it
11 called for a redesign of seven single and separate lots.
12 Seven parcels on this old filed map that I obtained.
13 Seven blocks and a half-a-block.

14 MR. GRECCO: This piece here?

15 MR. GAZZA: Right. And the Planning
16 Board said they have been redesigned in accordance with
17 our plan. This street which separates these seven pieces
18 are to be eliminated. It is a formal process where they
19 get an eraser and literally take out the street, file it
20 with the County Clerk, pay a small fee and eliminate the
21 street as though it never existed. It becomes taxable
22 property on the tax maps. They clean up the map, so to
23 speak, so that it looks like what they consider to be
24 described property which is shown here. There are the
25 four lots, as described property, the adjoining program.



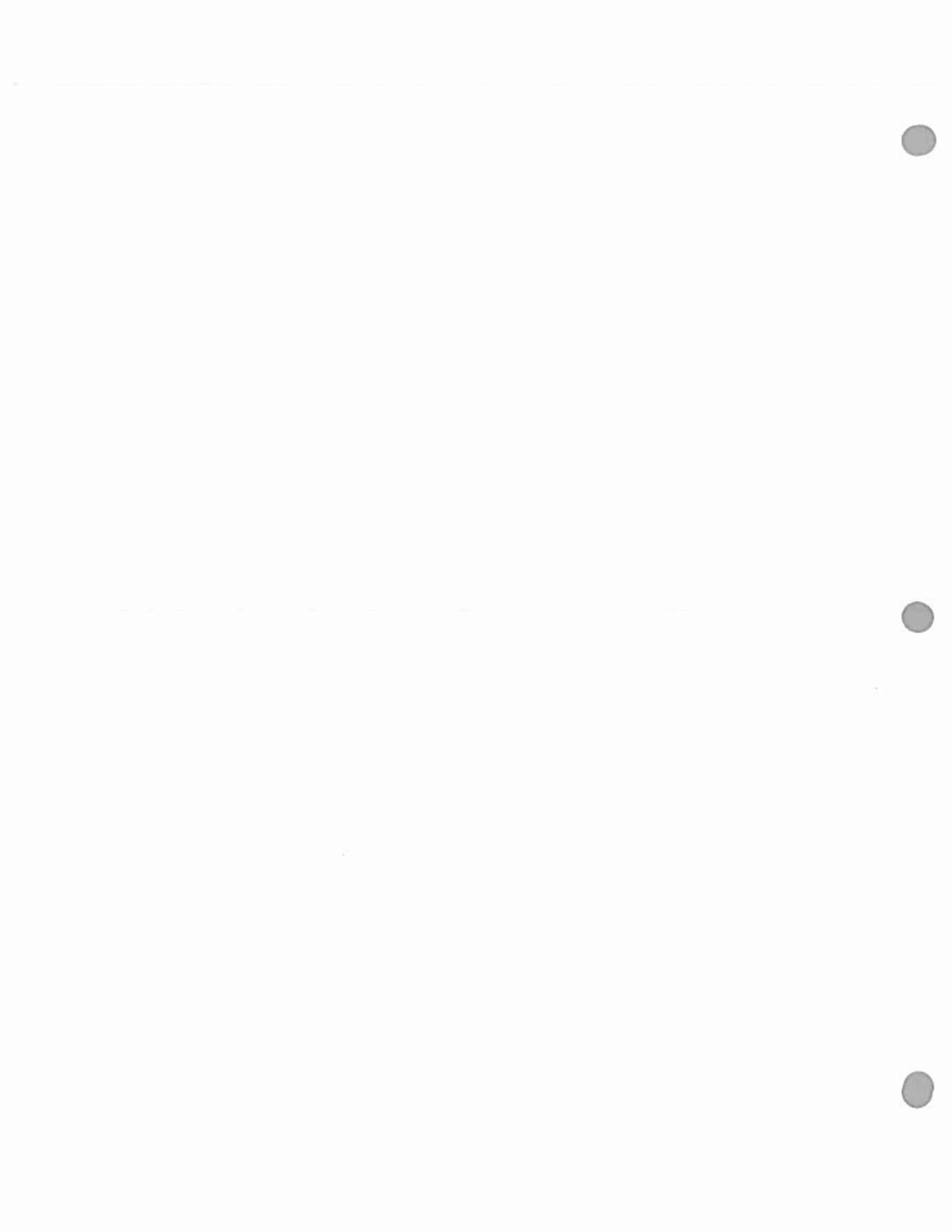
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2 You can see the little lot with a street. The Planning
3 Board said, "We don't want that, we want something like
4 this. We want four larger parcels."

5 The extra two acres would comply with
6 the setback that the Health Department is looking for and
7 will not have an adverse effect. The Planning Board went
8 on further with the review and said, "Mr. Gazza, you are
9 aware that the five acres are in a residential zone. And
10 we have separate requirements for developing parcels in
11 the area." That called for a transfer of development
12 rights. You refer to PBC, they call them TDR. And the
13 Planning Board said, "You will have to go and file other
14 plans for the Core area." These parcels were examined by
15 the Town. "We will review this parcel. After we
16 reviewed them, we'll transfer the rights from these other
17 parcels to these four parcels which will build him up to
18 the number of five acres, 200,000 square feet. So, that
19 you will be able to proceed to get the building permit."

20 MR. GRECCO: Were the other parcels,
21 under the Town program, also in our Core?

22 MR. GAZZA: Yes, I believe they were.
23 Those parcels that I purchased in the Core transferred
24 over here.

25 THE CHAIRMAN: Then the transfer would



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then allow you to develop those four parcels?

MR. GAZZA: That is one, I went through a number of steps.

THE CHAIRMAN: Would you build four units on the area?

MR. GAZZA: Correct. I approached the very end of the process, but then in comes the Pine Barrens Commission and Planning Board, at the time put the brakes on the map. And they said, "Mr. Gazza, we are reading this process through. You paid your fees --" I believe the fee was \$500 in '89 -- "our hands are now tied because you are in the area of the Pine Barrens."

I made an application to the Joint Policy and Planning Commission and I presented hardship criteria. I explained the history. I asked them for a variance on the six interpretation to allow for dwellings on this property. And the end result of that hearing, hearings, there were several of them. The application was denied. They all thought I had gone a considerable distance with the Town. It was not sufficient for them to grant approval to this and they said that my remedy was to appear before your Board. To obtain PBC, to use those PBC's elsewhere or convert them to dollars.

MR. GRECCO: You closed on these other



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parcels?

MR. GAZZA: Yes. Transferred their rights.

MR. GRECCO: Yet, the Town did not give you approval for those lots?

MR. GAZZA: They were approving that.

MR. GRECCO: You have not gotten approval from them on those lots?

MR. GAZZA: No.

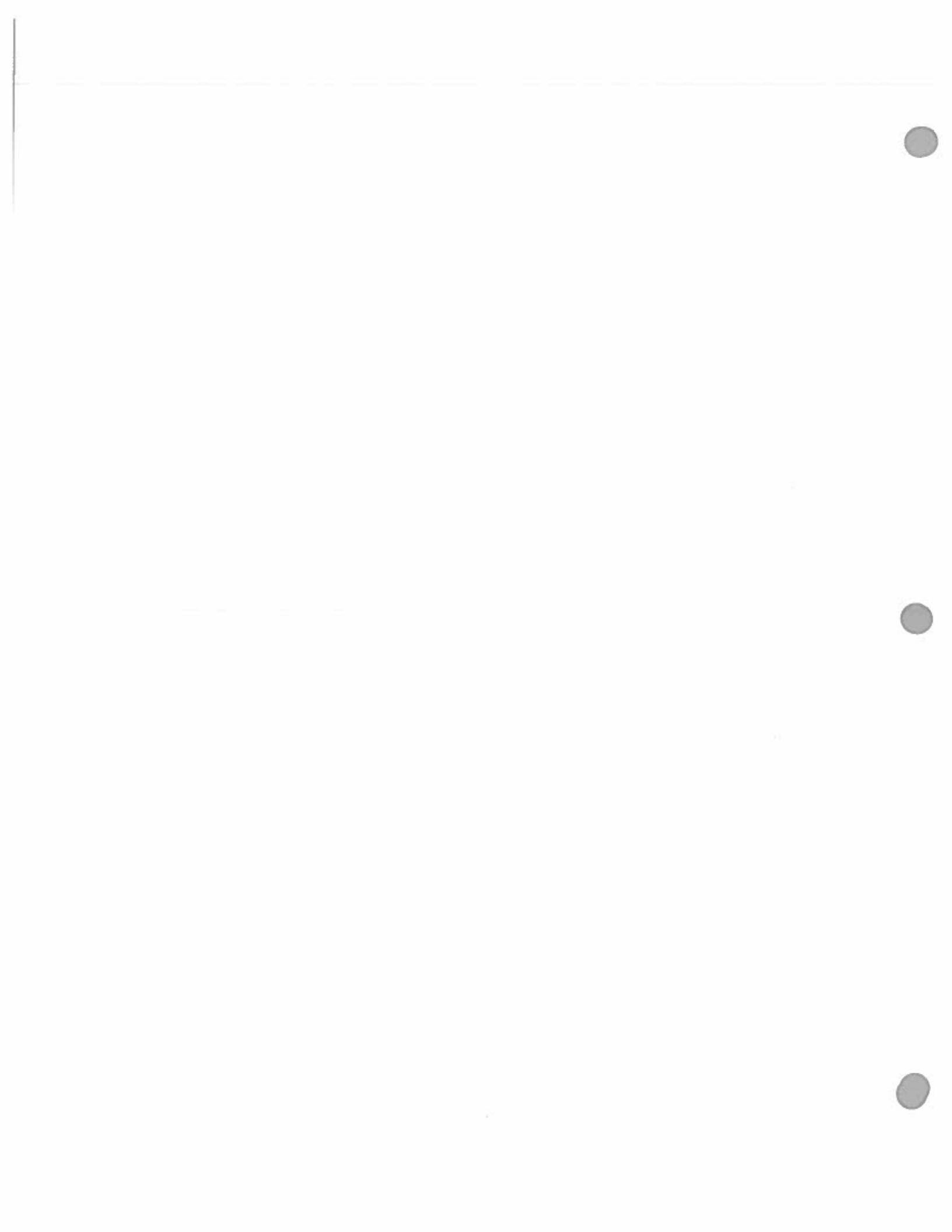
MR. GRECCO: What is the instrument upon which you transferred the development rights?

MR. GAZZA: The Town of Southampton has their own TDR document they refer to. It is legal in form, it is recorded and signed. This document would take the rights off, you can see the back lot, there is a parcel included in the Preservation Area.

MR. GRECCO: What's the -- you're a lawyer, what's the consideration for your arguing, "I will purchase these properties. I will not build on these properties." What is your consideration for them that they would give you approval on these rights?

MR. GAZZA: They transferred the rights as part of the approval process.

MR. GRECCO: If you did not transfer



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2 the rights, they would never have given you approval on
3 this.

4 MR. GAZZA: This is a form of covenant
5 that you lift all development rights off. They float for
6 a short time until they sit down on another piece of
7 property. In this case, they floated and they sat down
8 over here. With Planning Board's consent, this title to
9 the parcel, with the with the rights off, was then deeded
10 to the Town and the Nature Conservancy. Together they
11 compose the different pieces. The Nature Conservancy
12 Holding wanted some parcels. I gave the fee title after
13 the rights were lifted, some to the Town, some to the
14 Nature Conservancy.

15 MR. GRECCO: So, what you're saying is
16 if there was never a Pine Barrens Core created, then
17 these four parcels, you would have a right to build on
18 them?

19 MR. GAZZA: Correct.

20 MR. GRECCO: Is that the sole reason
21 why they did not give an approval on it. Because of the
22 Commission. This all took place before the Pine Barrens
23 came about?

24 MR. GAZZA: Yes, the transfers. The
25 transfers took place before the Act.



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2 MR. GRECCO: You have a certain study
3 which refers to the Pine Barrens?

4 MR. GAZZA: And that study included
5 all the Pine Barrens' land for the time period. This
6 particular area was excluded from the study area. And
7 then it was re-included. It went back and forth. The
8 Planning Board had reviewed, stopped, reviewed again. It
9 was a process that was going on for six to seven years.

10 I have refreshed my recollection. I
11 have been in the process of trying to get these lots.
12 Now, the Commission, your Commission reviewed the
13 property three or four times. And you determined that
14 the road front pieces, as you do with your other
15 applications, should be entitled to one Pine Barren
16 credit.

17 MR. PALLY: It's number one on the
18 list, 2.1 acres.

19 MR. GAZZA: You did not transfer the
20 development rights to it, because it was a complicated
21 issue. I don't know what else to do with that. How to
22 handle that. Let's talk about that in a moment.

23 The first parcel, the 2.0 acres, 17.9,
24 you allocated .36, a little over a third of a credit.

25 MR. RIGANO: Wildwood is a paper



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street?

MR. GAZZA: Yes. The next one, south lot 17.10, you allocated .38 of a credit.

17.11 you allocated .47 of a credit.

MR. PALLY: Would I be correct in saying that if none of this happened, you would have gotten approval to build these four houses? Wildwood would have been an advantage point for all four houses?

MR. GAZZA: Yes, the Town wanted to see this as an access road. That's the development concept. They had included not only my parcel on the old subdivision map, there was a cluster effect that would be along in the north section of this map. With its limited road intrusion into the wooded area. And the southerly portion of this map, the entire southerly portion of the subdivision map is going to be preserved.

MR. PALLY: You went to Route 51?

MR. GAZZA: Right. And the access point is in Wildwood Road and there would be lots on the north side of the road. The development would be up to the top of the map.

MR. PALLY: And the rest of it would be preserved?

MR. GAZZA: Certainly.



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MR. GRECCO: Where are the other lots?

MR. GAZZA: The 33 parcel is in this area here.

MR. GRECCO: They came up off the other map?

MR. GAZZA: Separate parcels.

MR. GRECCO: What's the 33 square footage for?

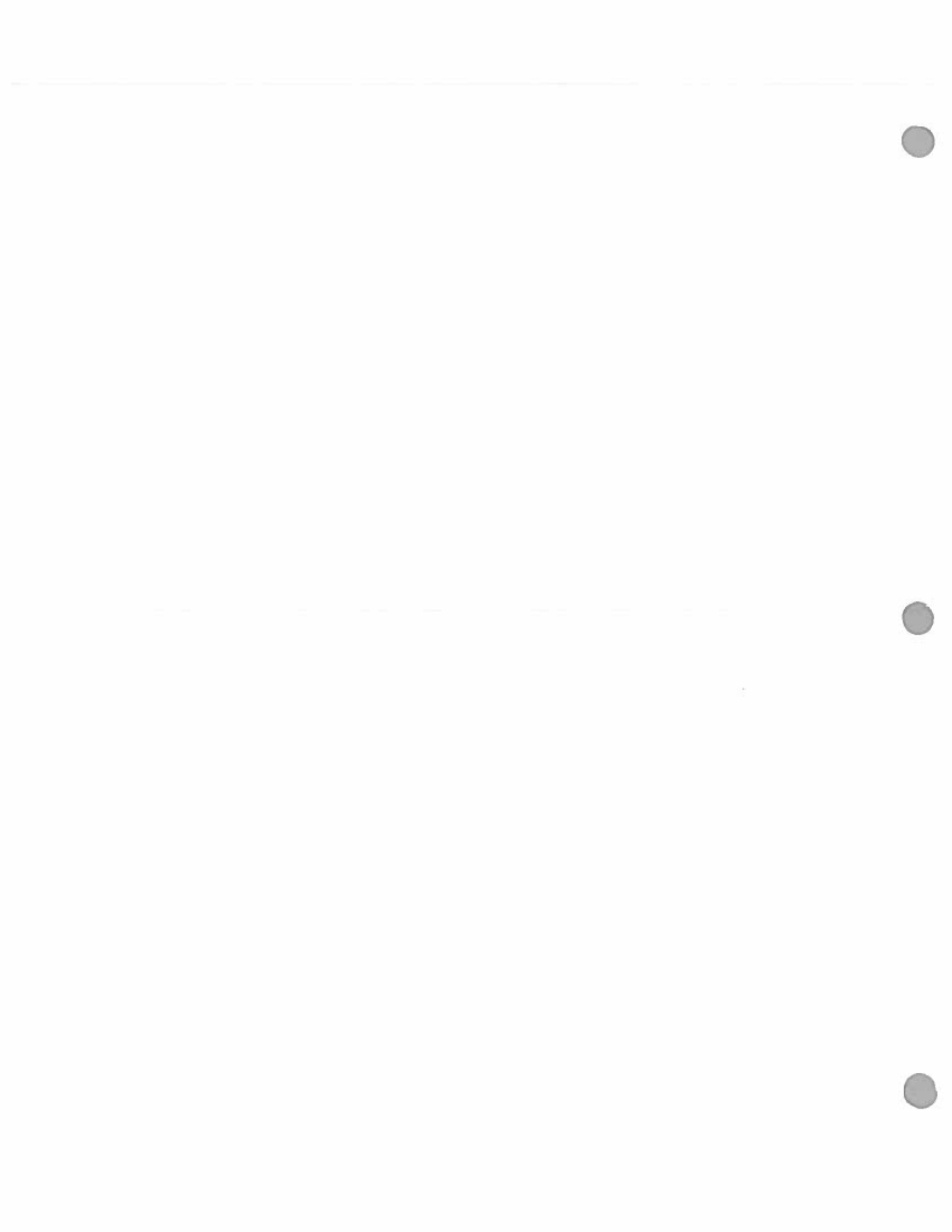
MR. GAZZA: I had to get enough acres to bring up each lot up to 200,000 square feet. So, when the Planning Board wanted 200,000 in consideration to get an approval, I went out over the course of two years, to buy the parcels. Went through a number of closings. I tracked people down. I obviously tried to buy the least expensive lots that I could, that were in the Core. I did my homework. I took a lot of steps.

THE CHAIRMAN: The 33 parcel, is that where the six, six seven 8,000 came from?

MR. GAZZA: The size of the 33 parcel -- you have the ten acres, it's 24 acres -- 225.34 acres in total. I created four single and separate parcels. Some in my wife's name, some in my name.

MR. GRECCO: Four filed lots?

MR. GAZZA: Four single and separate



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2 parcels, right.

3 MR. GRECCO: Is that what you're
4 requesting?

5 MR. GAZZA: I'm requesting one right
6 for each parcel and I'm requesting that the Board reach a
7 determination on the TDR for the rights that were
8 transferred in addition to the four credits for this.

9 MR. GRECCO: Let me ask you this:
10 Isn't it the inclusion of the TDR which enabled you to
11 get four lots?

12 MR. GAZZA: Yes.

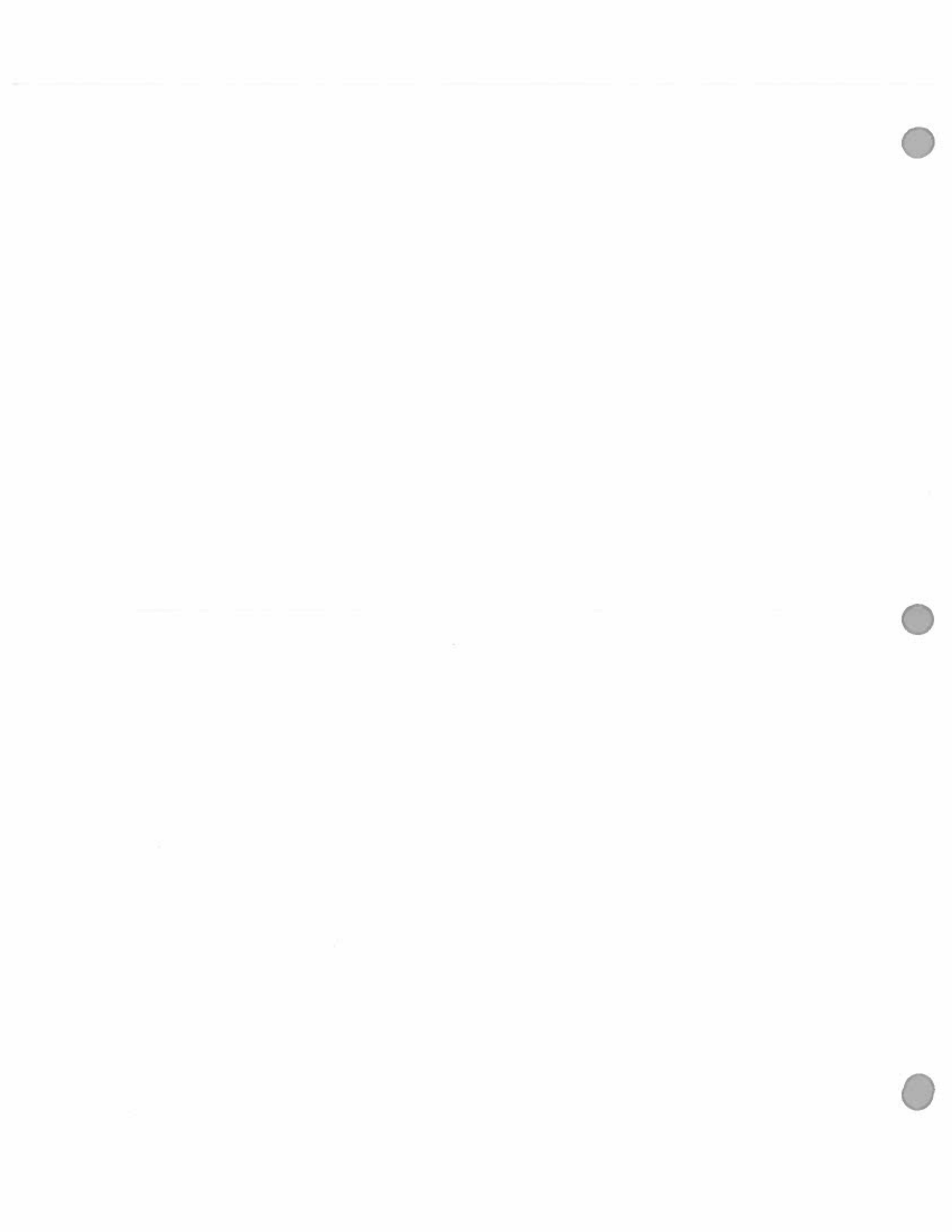
13 MR. GRECCO: So, what don't -- what
14 are you trying to get? The inclusion of the TDR's
15 enabled you to have your four lots.

16 MR. GAZZA: Correct.

17 MR. GRECCO: So you're looking for
18 four credits that the TDR had been considered as I
19 understand -- let's assume you never put these TDR's in.
20 Now, you have a parcel of road frontage and you have
21 issues of single and separate parcels, you're not going
22 to get your credits without the TDR.

23 THE CHAIRMAN: His four credits do not
24 equal building units in terms of building value.

25 MR. GRECCO: Had there been no Core,



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you would have had your building lot.

MR. GAZZA: Right. That's because the TDR -- Southampton Town regulations, we're going to give you four mini estates without the preserved land and then you will be able to recoup your investment. And the value of the property through the development land, in our opinion, is proper use and the best idea for the land.

MR. GRECCO: So, why are you entitled to more than one credit per parcel?

MR. GAZZA: I'm asking for one credit per parcel. I'm asking you to recognize this 33 parcel I gave up, in addition to the one credit per parcel for the seven or four, depending on how you want to look at it. The parcels that comprise the ten acres.

MR. GRECCO: With the 33 parcel, you try to get four lots?

MR. GAZZA: Building lots.

THE CHAIRMAN: Mr. Gazza, if you were able to build four units on the four lots with the four credits we're willing to give you, why shouldn't that be the end? Your response is that if the fact that the four parcels on which four parcels that have a lot of value and the value is exceeded by a significant property value



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which exceeds four credits.

MR. GAZZA: Certainly. If everyone would like to get a pencil and follow --

MR. PALLY: I read it.

MR. GAZZA: I have \$150,000 of my money in the property going back five years ago.

THE CHAIRMAN: You said \$45,000 on the 33 parcel.

MR. GAZZA: An excess of \$150,000. The expense of the documents and the hearings and the realty taxes, I have formulated my computations at home. I keep books and records. That \$150,000 invested in what amounts to 25.34 acres. That's a little less than \$6,000 an acre. That's not a lot of money. \$6,000 an acre is not a lot of money for the Remsenberg School District, in the woods, with preserve land around it.

That I had expectations of obtaining four lots. Now, I'm trying to figure out if I'm going to be made whole on this project. I didn't over invest because at \$6,000 an acre you have to agree that that's not a lot of money to spend, that's capable of four mini estate lots.

If you study the County acquisitions over the last -- going back to 1989, I provided a copy of

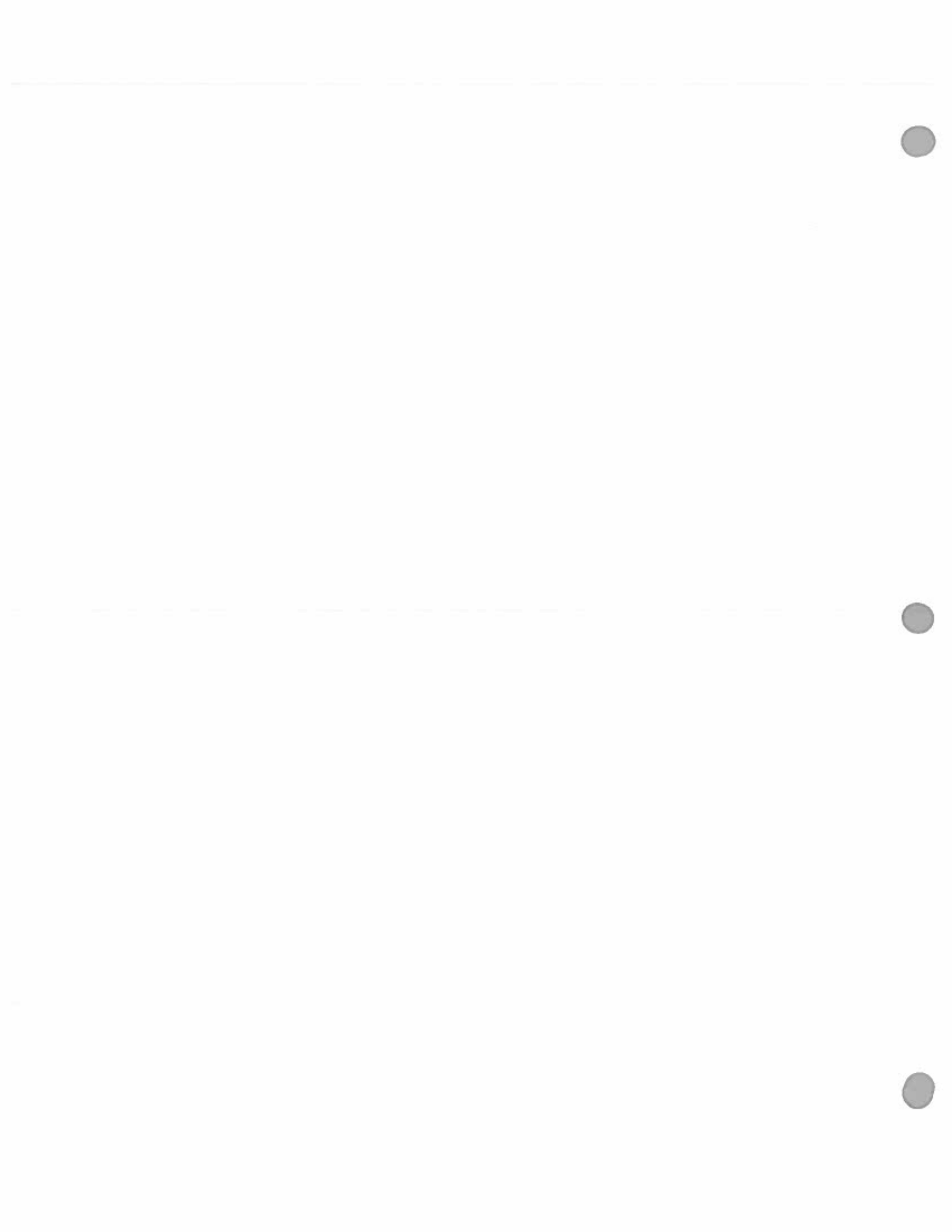


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2 that, this would be for 1989. There are older parcels
3 which the parcel was different. We are now in an
4 administration that has been acquiring property because
5 the parcel has gone down since the late 80's. Many
6 things influence the area, the Commission being one of
7 them.

8 MR. GRECCO: With or without the
9 Commission the parcel was going down. If we can go eight
10 per acre, being 225 acres, I'm still \$5,000 under the
11 mark.

12 THE CHAIRMAN: My question is a
13 variation of -- I see what you requested. That you want
14 one credit per parcel plus the TDR's we have four. I
15 told you last time how we -- what type of calculations we
16 made. And looking at this you haven't requested
17 anything. So, if you want to request something, you may
18 do so. And you're writing and tell us the basis for
19 doing it. I told you the basis for the calculations in
20 this case that transferred to acreage. The transferred
21 square footage could entitle 2.8 credits.

22 MR. GAZZA: I have requested that in
23 the closing paragraph of my letter. I have tried to look
24 at this in a different light. I tried to turn the tables
25 and work backwards. And I presented to you that 25 acres



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2 of land that I have \$150,000 in. 6,000 an acre. It's
3 below what the appraisers have determined the property is
4 worth. The area, even with lower figures. Let's work
5 backwards in order to get the recoupment of any
6 investments. My \$150,000. I can't get to four lots
7 because the Policy and Planning Commission told me no
8 lots.

9 MR. PALLY: What's the number?

10 MR. GAZZA: Well, any number of
11 credits that you determine --

12 MR. PALLY: No, no, no. You tell me
13 what is the number you are wrestling with. Don't make me
14 do that.

15 MR. GAZZA: At \$5,4000 a credit, which
16 is the figure that has been --

17 THE CHAIRMAN: Now, that's 80 percent
18 of the low end of the value that the clearinghouse might
19 offer. What they pay for a credit.

20 MR. GAZZA: The market has offered
21 me --

22 MR. MILAZZO: 5,600.

23 MR. GAZZA: Remember, I'm going to
24 come back to one and I'm going to ask you to purchase my
25 credit at 150,000. I'm going to make an attempt to be



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2 made whole here. That's why I'm before you. If 5,600 a
3 credit is \$150,000 --

4 MR. GRECCO: We're not giving credits
5 based on your investment.

6 MR. MILAZZO: 26.

7 MR. GAZZA: 26.

8 MR. GRECCO: For the four plus the 33.
9 You can't do anything with the 33 anyway.

10 THE CHAIRMAN: Let me ask you this, we
11 now have a number that you're looking for.

12 MR. PALLY: 30 credits.

13 MR. GAZZA: I want to be made whole.

14 MR. RIGANO: All the acres in the
15 purchase in the Southampton TDR program, are they all in
16 the Core area?

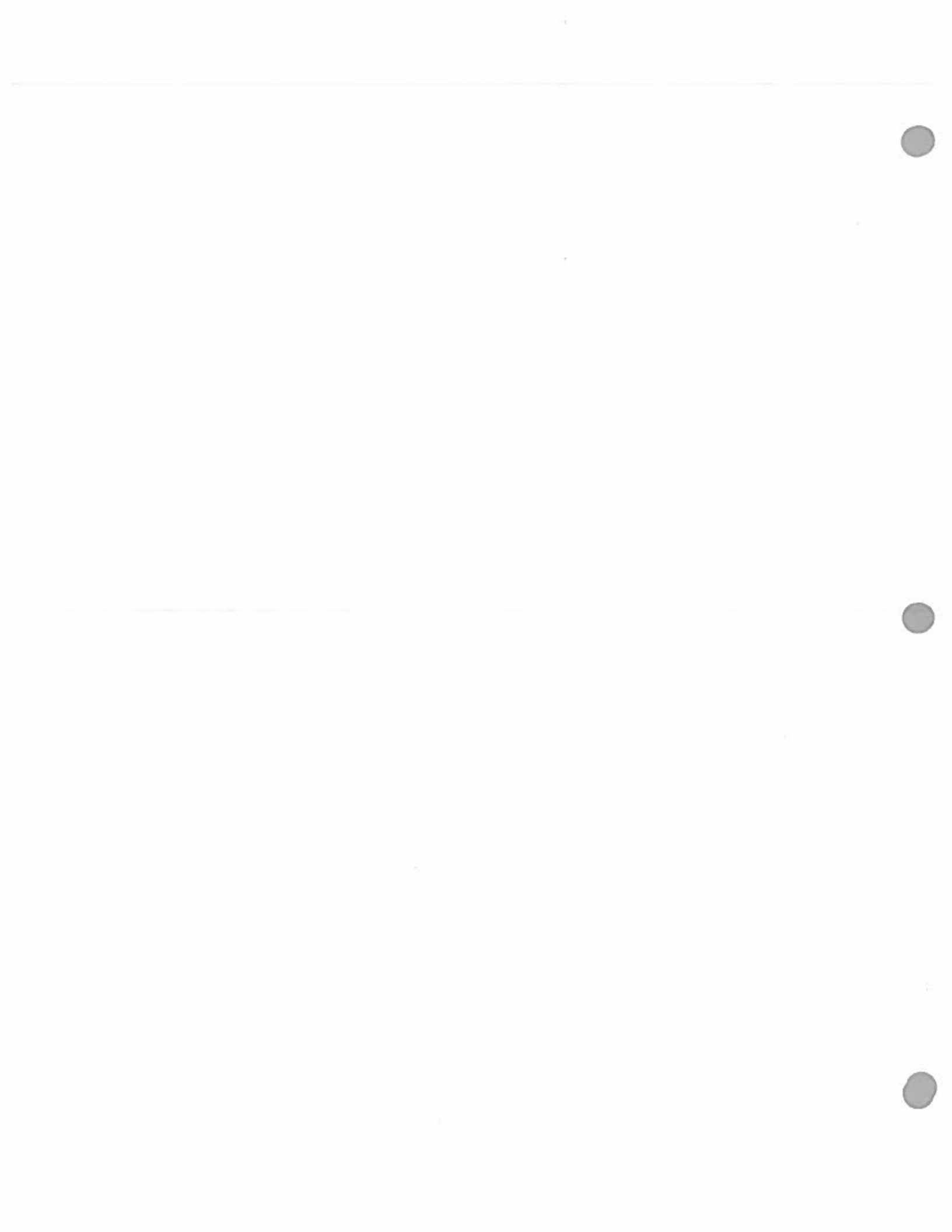
17 MR. GAZZA: Yes.

18 THE CHAIRMAN: He doesn't own them.

19 MR. PALLY: You conveyed them to the
20 Town and the Conservancy, but did you get consideration?

21 MR. GRECCO: Seven, at the time, added
22 onto the 4,000 square feet. What he got was four
23 building lots and five acres.

24 MR. RIGANO: Coming back to my
25 question, are those lots in the Core Area?



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MR. GAZZA: Yes.

MR. RIGANO: Were they all privately owned? What did you get from Southampton that said you could build on these four lots? Did you get any documentation?

MR. GAZZA: The documentation? I got a sketch map.

MR. FRELENG: I just wanted to add it was a sketch map in progress, it was never adopted.

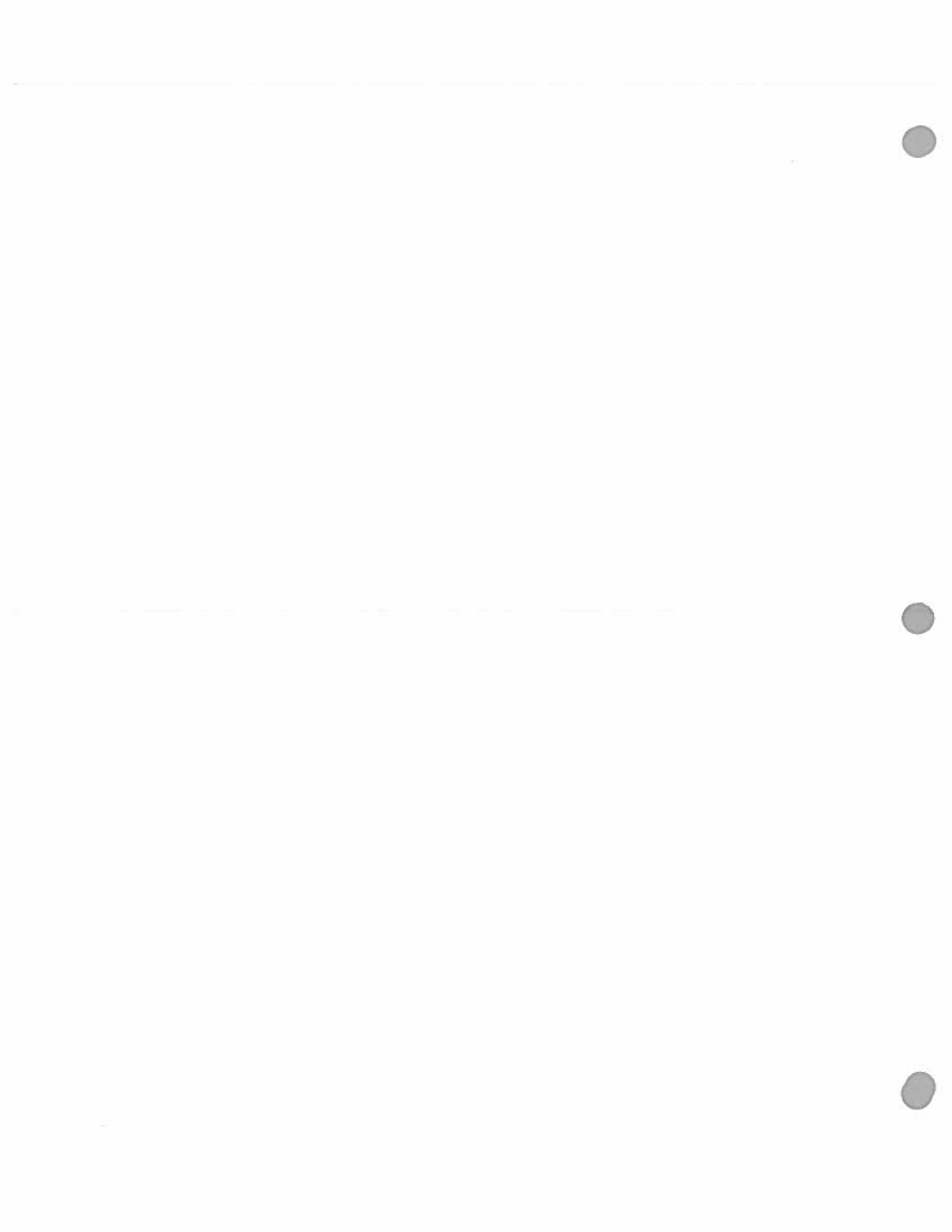
MR. GAZZA: It was not a final map, but it's a map I worked from. I realize to transfer the four development rights over the 33 parcel was explained. In fact, that the development right, if you will, could be banked on until such time as the development map was approved. So the map in there, either here or elsewhere, at this time this sketch map was drawn, there is no conclusion where the development rights would be used.

MR. GRECCO: Can the development rights be used on another parcel?

MR. GAZZA: If one added the square feet, there's less acreage than the CRT hundred thousand.

MR. GRECCO: So, you could move the development rights somewhere else?

MR. FRELENG: That is correct. Under



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2 the filed map in the Town of Southampton, which there is
3 no preclusion to that, over the development rights
4 elsewhere.

5 MR. GRECCO: So, with the conservation
6 easement and the consideration were to be given to the
7 TDR, that would be required?

8 MR. FRELENG: I believe that's
9 correct.

10 MR. GRECCO: You have the ability to
11 use them elsewhere?

12 MR. GAZZA: No, I don't because I have
13 no place to use them.

14 MR. GRECCO: Are they sellable?

15 MR. FRELENG: I don't think there is a
16 preclusion that you couldn't sell them. There is no
17 direct language that you can't sell a TDR.

18 THE CHAIRMAN: You don't have any
19 other place?

20 MR. GAZZA: The Town regulations,
21 before the Pine Barrens Commission came along, provided
22 at the time of the transfer within the same school
23 district to other old filed maps. Now Andy and I have
24 reviewed in the school district, something like 98
25 percent are now in the Core Area. So, they're very, very



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2 limited amounts of land that I can possibly use and I
3 don't happen to own that land anyway. That one parcel
4 that I do own, which has 224 acres, I have one place that
5 has a little potential for use. It's between the Suffolk
6 County Westhampton Raceway and the Town land transfer.
7 This particular -- it's about 10 acres. I already
8 brought in 30 or 40 acres of the rights to stack on the
9 parcel, already from the other transfers that were in the
10 Town. It's so chock full of rights that I can't even use
11 it. That's the only piece I have.

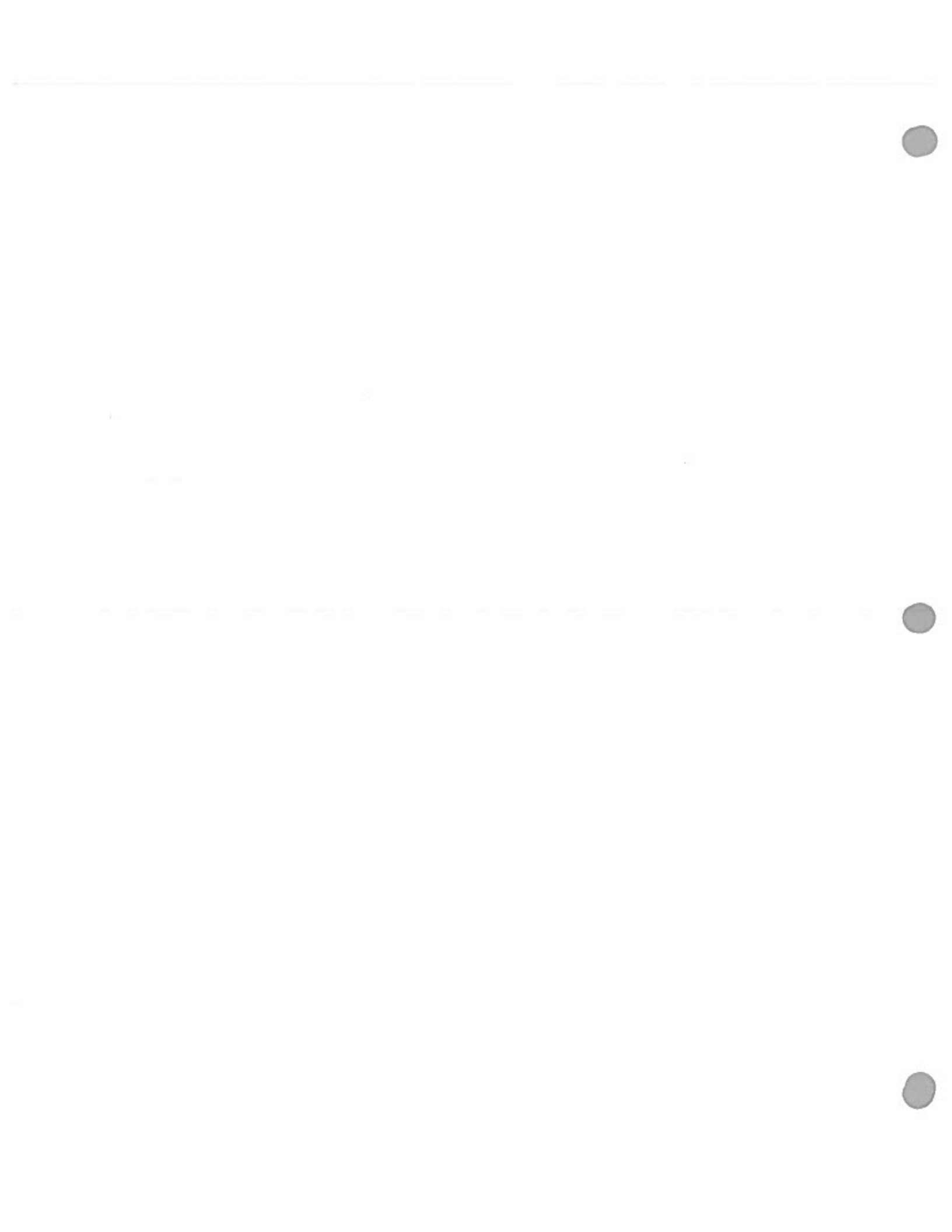
12 MR. GRECCO: Let me ask, had you not
13 gotten these 33 parcels and the TDR's on this property
14 were the four lot subdivisions are, what could you have
15 done with the property?

16 MR. GAZZA: Probably two lots. Five
17 acres and ten acres of land. And create another two
18 lots. Looking back, that is probably the easier
19 solution. \$100,000 gone because I didn't have to buy the
20 33 parcel.

21 MR. GRECCO: So you spend 100,000 to
22 get the lot.

23 MR. PALLY: To get two more lots.

24 MR. RIGANO: How many acres did you
25 buy?



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MR. GAZZA: Fifteen acres.

MR. RIGANO: Fifteen? What year was this, approximately?

MR. GAZZA: 1990. It took me a couple of years to go through the closings.

THE CHAIRMAN: So, you bought them at \$3,000?

MR. GAZZA: I stole them. I bought them from people who were frustrated by the taxes.

MR. RIGANO: Does this relate to the first separate search?

MR. GAZZA: They're held because it's depending upon this decision on that 1.33 acre parcel. That single right, then you should look at the parcel that I gave up for the property.

MR. FRELENG: I have to stop you right there. That was way before the fact. Now there are no longer single and separate right lots in your possession.

MR. GRECCO: You can't give us the conservation easement?

MR. GAZZA: I don't have -- I'm going to show you something so that -- you can use this to come up with a formula that will make me make the \$150,000.

THE CHAIRMAN: I think we know about



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2 the facts. Is there anything else that needs to be
3 addressed on the remaining question? I mean, you
4 presented us with information today. Are we obliged to
5 decide this today?

6 MR. MILAZZO: I think you want to get
7 an extension from Mr. Gazza to make a decision at the
8 next meeting.

9 MR. OLSEN: Is this a public hearing?

10 MR. RIGANO: Yes.

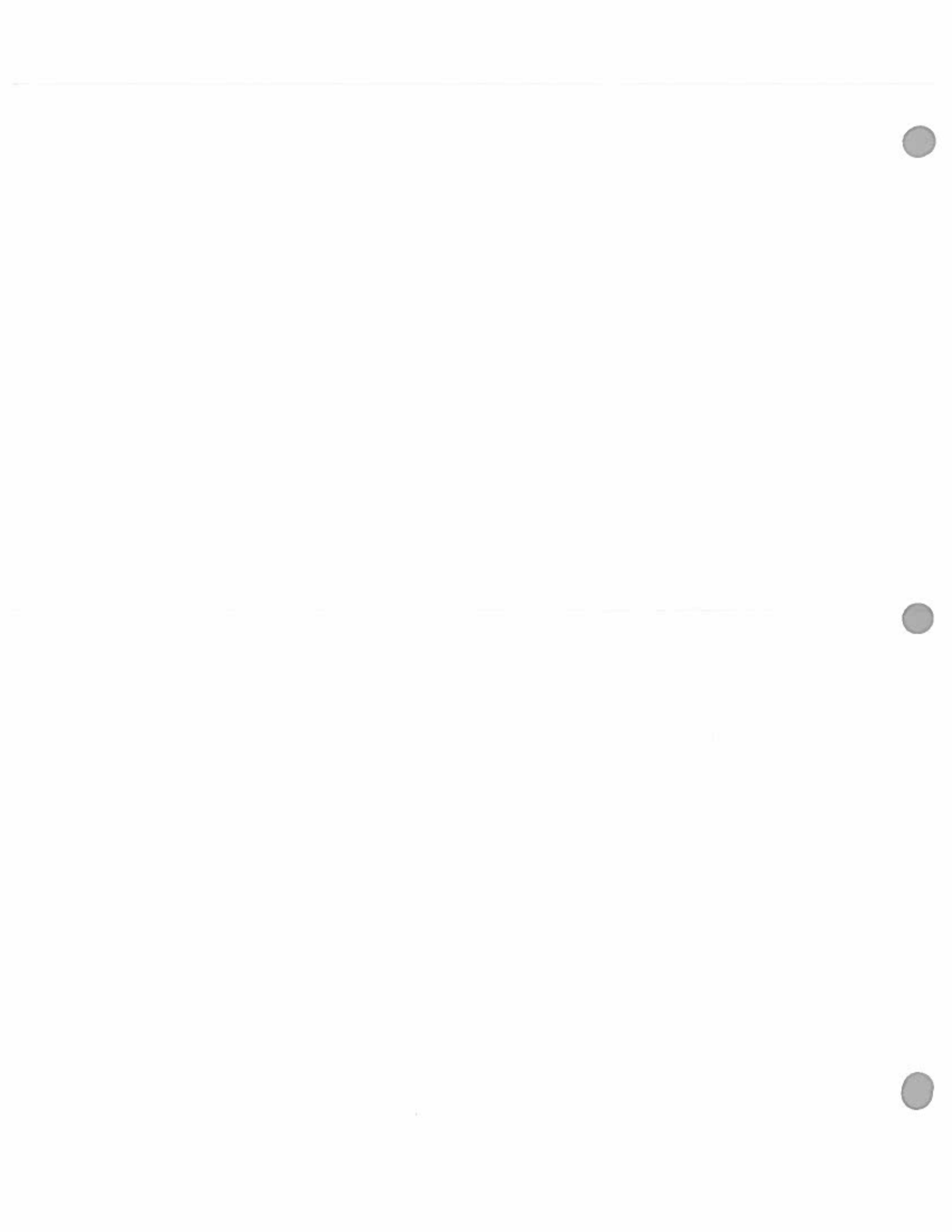
11 MR. OLSEN: May I make a statement?

12 THE CHAIRMAN: Is there anything else
13 that we need to address?

14 Okay, go ahead.

15 MR. OLSEN: For the record, my name is
16 Walter Olsen.

17 I didn't come here today intending to
18 ever say anything at the hearing. But, watching what
19 transpired, I think I'm obligated to. What I am urging
20 this body to do is to give serious consideration to what
21 Mr. Gazza has presented to you. Because it's obvious to
22 me, and obvious to everybody else, that you're looking at
23 a person here who spent a great deal of time and expense
24 with the Town doing everything he possibly could do to
25 comply and get reasonable use out of his property. It



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2 was expressed that this wasn't going to be an opportunity
3 for people to make a windfall on property that they paid
4 nothing for and were going to realize a great profit on.

5 This is a case here, you can see what
6 Mr. Gazza is asking for. He is asking to make him whole
7 again. He's not looking for a profit. He's looking to
8 get what he put into it. A consideration for the time he
9 put into it and, believe me, I know about time when it
10 comes to Southampton Town. I can sympathize with what
11 Mr. Gazza is saying. If he were to bill you for his
12 time, you couldn't afford it.

13 I urge you to make him whole,
14 particularly in light of the first parcel of 1.33 acres
15 where he can meet all the Health Department requirements.
16 And he could conceivably extend that road if he wanted to
17 develop the parcel if it were not Pine Barrens. It is
18 not a way undersized lot.

19 I think he is deserving of that. At
20 least on the other four parcels, I think that his request
21 to be made whole is a legitimate one and any way that you
22 can work out some allocation. As he was trying to do
23 with a number of credits that equal the value. I think
24 that you need to do that and if you don't, you're going
25 to set yourselves as being unfair. And this can be a



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2 very good case to show that you're not acting in good
3 faith and not looking to make property owners whole. So,
4 I think you need to work out a formula for the four
5 parcels that shows good faith that returns him to being
6 whole.

7 Again, I think that's what the whole
8 program is about, there are no windfalls and no wipeouts.
9 I think Mr. Gazza is looking at a wipeout unless he is
10 able to recoup his investment on this property. I think
11 he has reasonable expectations of his return on this. I
12 think he took every step as the years went on.

13 I further think the Town of
14 Southampton took advantage on the time frame to drag him
15 along at whatever slow pace in order to get legislation
16 in place. So he would be dead in the water.

17 I urge you to make the application to
18 show a fair return on his property.

19 MR. DITTMER: My name is Henry
20 Dittmer. I am vice president of C.P.R. Association.

21 First, on the single and separate
22 issue before you, you will be deciding whether or not to
23 give full credit to a single and separate share parcel.
24 If you don't, C.P.R. will consider that taking that is
25 with no just compensation. Now just compensation is part



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2 of the Fifth Amendment of the United States Constitution.
3 If you don't want this to be a land grab, you have got to
4 make people whole. In fact, Mr. Gaffney and many elected
5 officials have taken an oath to uphold the U.S.
6 Constitution. And if you're going to be taking people's
7 land, you have got to pay fair market value that is
8 required. That is a requirement of the United States
9 Constitution and I think that the decision is a very
10 important one for the Board. And I think it should be
11 thought through very carefully because the whole program
12 could fail on account of this.

13 THE CHAIRMAN: We've got to get --

14 MR. SEIGEL: I'd like to make a
15 statement also. Charles Seigel, landowner.

16 I just was reading the New York State
17 case Section 5015 of the Conservation Law. It says that
18 property rights of owners are to be protected. And I
19 take part of Mr. Dittmer's statement that from the State
20 it should be addressed because it's legally required in
21 the law. Not just the comprehensive language.

22 THE CHAIRMAN: We need to set a date
23 for the next meeting. We can do it now or later.

24 MR. GAZZA: I would consent to a
25 reasonable extension for a determination to be made by



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the clearinghouse.

MR. RIGANO: Maybe a specific date could be eliminated.

MR. GAZZA: Also, to have made a part of the record, the application that Mr. Gazza to commission June 16th, 1996 with attachments which have various single and separate pertaining to the property. The subject of the application.

MR. RIGANO: Are the maps you are referring to part of that?

MR. GAZZA: The maps I referred to are part of that which are already marked.

THE CHAIRMAN: Which are already marked. We should do this within 30 days. July 30th, 3:00 p.m.

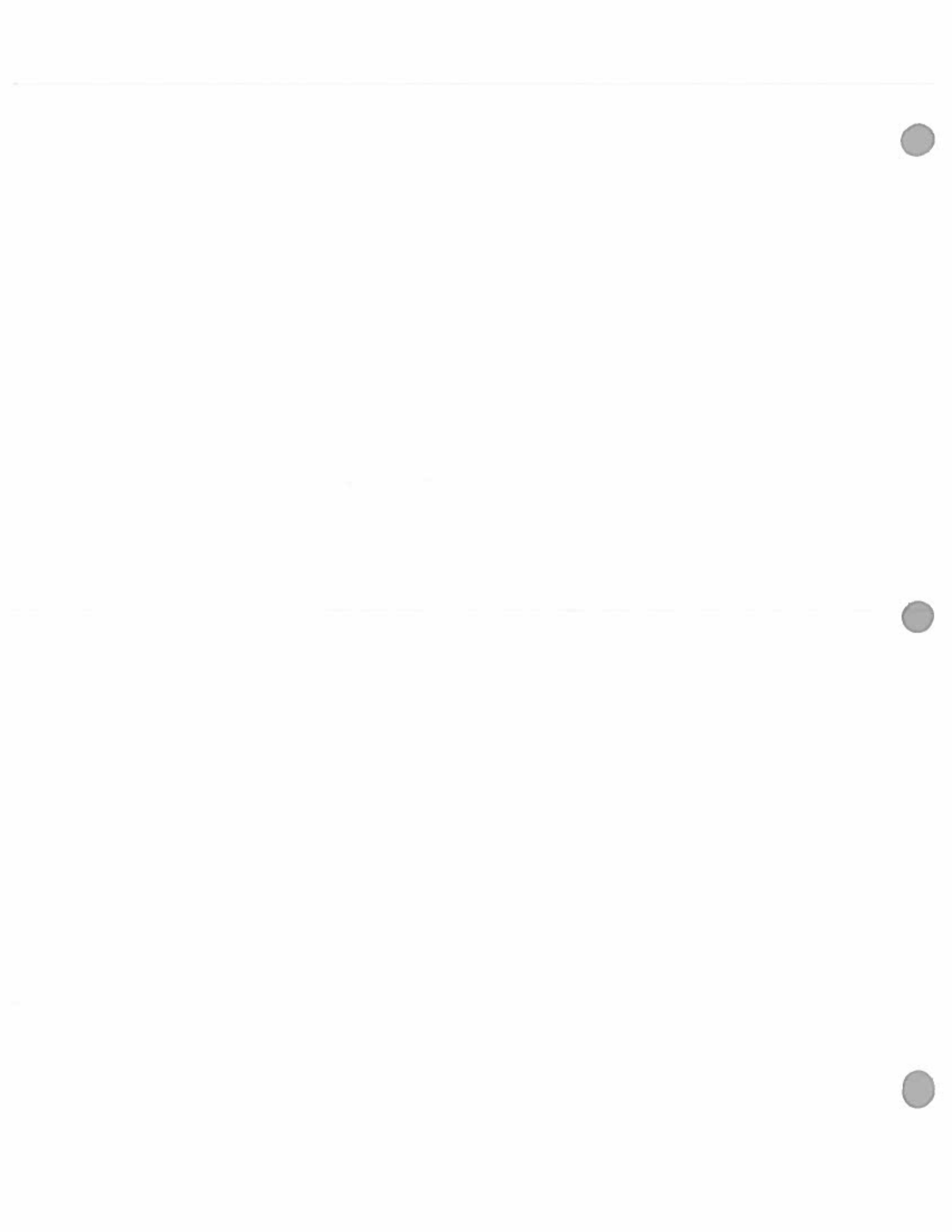
MR. RIGANO: Mr. Gazza, do you agree to extension to July 31st?

MR. GAZZA: At 3:00 p.m. at the Oakdale?

THE CHAIRMAN: Yes.

(Whereupon, the hearing was concluded at 2:30 p.m.)

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C E R T I F I C A T I O N

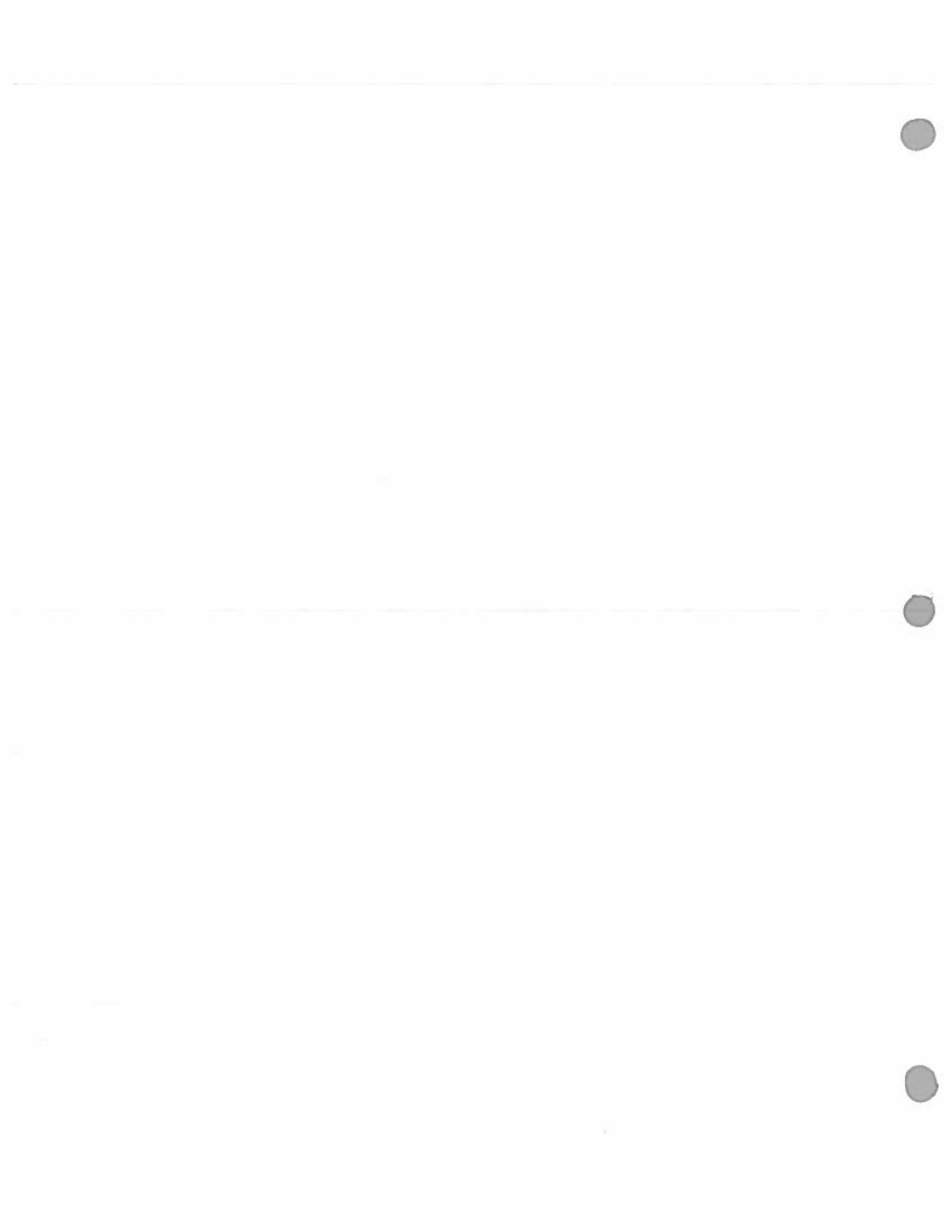
I, BARBARA D. SCHULTZ, a Notary Public
in and for the State of New York, do hereby certify:

THAT the foregoing is a true and
accurate transcript of my stenographic notes.

IN WITNESS WHEREOF, I have hereunto
set my hand this 2nd day of July, 1996.



BARBARA D. SCHULTZ



PINE BARRENS CREDIT CLEARINGHOUSE

JAMES T.B. TRIPP, ESQ., CHAIRMAN
ALLAN D. GRECCO, ESQ., VICE CHAIRMAN
ANDREW P. FRELENG, A.I.C.P., MEMBER
JOHN F. HANLEY, MEMBER
MITCHELL H. PALLY, ESQ., MEMBER

Credit Appeal Decision

September 30, 1996

Tax Map Parcels: 900-212-1-17.8, 17.9, 17.10, 17.11 and 900-215.2-1-28
Applicant: Joseph Frederick Gazza

The applicant owns or represents the owners (members of his immediate family) of five parcels in the Town of Southampton which, collectively, are the subject of this appeal. Parcel (900-215-2.1-1-28) is located in an old filed map known as Vanderbilt Park which is southeast of the Hampton Hills Golf Course and west of the unimproved Summit Boulevard (the "Vanderbilt parcel"). The remaining four parcels (900-212-1-17.8, 17.9, 17.10, 17.11, (the "College parcels")) are located on or off of County Road 51 near the Suffolk County Community College.

A. Vanderbilt parcel

The Pine Barrens Credit Clearinghouse, in accordance with the *Central Pine Barrens Comprehensive Land Use Plan* (the *Plan*), issued a Letter of Interpretation of 0.24 Pine Barrens Credits for this parcel. Applicant argues that the parcel should receive an allocation of 1.0 Pine Barrens Credits (PBC) on the following grounds: (1) the parcel is "single and separate" under the Town of Southampton Code and (2) the parcel conforms to Article 6 of the Suffolk County Sanitary Code requirement that a parcel in Groundwater Management Zone III, absent provision of a community water and sewage system have at least one acre of area. This argument overlooks the cost associated with developing a single parcel which, by the applicant's own admission, is "in the middle of the woods." (July 9, 1996 hearing transcript at 6). The parcel is on the western end of a paper road which intersects the unimproved Summit Boulevard at a point approximately 5,000 feet north of the intersection of Summit Boulevard and Sunrise Highway. However, there is no access from Sunrise Highway to Summit Boulevard. The lot is 800 feet west of Summit Boulevard. The applicant supplied the Clearinghouse a single and separate search he performed for the parcel.

The New York Court of Appeals in *Khan v. Zoning Board of Appeals of the Village of Irvington* (639 N.Y.S. 2d 302, 87, N.Y. 2d 344 (1996)) stated that a single and separate clause contained in a zoning ordinance does not exempt a parcel so defined from other ordinances implemented for resource protection purposes. In *Khan*, the Village had adopted resource protection regulations to protect environmentally sensitive areas. The Village also had a single and separate provision in its zoning ordinance. The applicant owned two parcels which satisfied the single and separate requirements of the zoning code. However, application of the resource protection regulations prohibited development of the applicant's parcel. The applicant claimed that the parcel's single and separate status under the zoning code made it a buildable lot despite the resource protection regulations. The court rejected this argument. Rather it suggested that the applicant's remedy was to utilize the local provisions for seeking a variance from the resource protection provisions.

Even if the applicant can establish that his lot is single and separate under the applicable sections of the Town's zoning code, under the holding of *Khan* no special rights are created for purposes of the Long Island Pine Barrens Protection Act of 1993. In considering Letters of Interpretation appeals, the Clearinghouse considers the unique features of a parcel. Among a parcel's unique features is the development potential of a parcel, its proximity to an improved road and its compliance with Article 6. While the Vanderbilt parcel may comply with Article 6, its extreme remoteness leads to the conclusion that the initial allocation is correct. Therefore the appeal of the allocation for the Vanderbilt parcel is denied.

B. College Parcels

The College parcels have a long and unique history. Applicant or members of his family owned seven old filed map parcels which were reconfigured into the four present parcels of 2+ acres each. However, the combined area of the seven parcels did not conform to zoning requirements. Under the Town Old Filed Map Overlay District Ordinance (Article XI, Town of Southampton Code), which is separate and distinct from the PBC program, applicant transferred Town residential development rights to the seven parcels in order to satisfy zoning area requirements. This ordinance allows certain old filed map parcels that did not conform to present zoning area requirements to receive Town residential development rights from other old filed map parcels. In order to comply with zoning area requirements, the total of the transferred Town residential development rights and the area of a parcel must equal the applicable zoning area requirement. It appears that the applicant is the only person to have used this Town program.

Applicant transferred the Town residential development rights, consisting of 678,140 square feet from 33 parcels in the Core Preservation Area to the seven old filed map parcels. The Town Planning Board approved these transfers by two declarations between the Town of Southampton and the applicant dated December 10, 1992. The declarations did not specify how many Town residential developments were allocated to each of the seven parcels; rather it granted the Town residential development rights to the parcels in total. Applicant then conveyed the 33 parcels to The Nature Conservancy. By transferring the square footage to the seven old filed map parcels, the resultant area was greater than the minimum required by the applicable zoning ordinances. It appears that in December of 1993 the applicant, by recorded deeds, reconfigured the seven old filed map parcels into the four College parcels. In February of 1996 applicant applied for Letters of Interpretation for the College parcels.

In its four Letters of Interpretation issued in April, 1996, the Clearinghouse allocated 1 Pine Barrens Credit to parcel 900-212-1-17.8 due to its location on an existing improved road, 0.36 Pine Barrens Credits to parcel 900-212-1-17.9, 0.38 Pine Barrens Credits to parcel 900-212-1-17.10 and 0.47 Pine Barrens Credit to parcel 900-212-1-17.11, for a total of 2.21 Pine Barrens Credits to the College parcels. This allocation was silent with respect to the Town Residential Development Rights stored on the College parcels. The applicant appealed these allocations and in his State Environmental Quality Review Act documents requested 24+ PBCs for the College parcels and the 33 parcels he sterilized and subsequently conveyed to The Nature Conservancy. The Clearinghouse will base its determination of this appeal on three grounds: an allocation to the parcels, an allocation to the Town residential development rights and an allocation to the 33 conveyances.

Applying the principles enunciated by the Clearinghouse in its July 9, 1996 appeal decision to the present facts yields an allocation of 3.4 PBCs for the College parcels. This allocation recognizes that, while three (3) of the College parcels are not immediately adjacent to an existing road, they are adjacent to a parcel

which is immediately adjacent to an existing improved road and which is owned or controlled by the same person or a member of his family. For this reason, the Clearinghouse believes, notwithstanding all other applicable provisions, that the development of the College parcels would be economically sustainable. In addition, the parcels as presently configured meet Article 6's requirement that a buildable parcel consists of at least 40,000 square feet absent the provision of a community water system or sewage system in Groundwater Management Zone III. For the foregoing reasons, the allocation of 1.21 PBCs to the three interior College parcels is increased to 2.4 PBCs or 0.8 PBC per lot.

In correspondence from Nancy Graboski, the Chairwoman of the Planning Board, the Planning Board supported the concept of allocating Pine Barrens credits for the Town residential development rights. The Chairwoman wrote that, "the Planning Board requests, that in the interest of providing the greatest flexibility to the property owner in this singular situation, the Clearinghouse issue Pine Barrens Credits for the Town [Residential] Development Rights on this parcel." (Graboski, Advisory Report 5/14/96). Town residential development rights may be converted to PBCs by determining the number of units permitted by zoning which are stored on the College parcels as Town residential development rights. Dividing 678,140 square feet by 200,000 yields 3.39 or 3.4 units stored on the four parcels. Allocating one (1) PBC per unit results in an allocation of 3.4 PBCs to the Town residential development rights. Allocation of PBCs to Town residential development rights is expressly conditioned on the applicant retiring the Town residential development rights. Absent such proof, PBC Certificates will not be issued for the Town residential development rights. Subject to this condition, the allocation to the College parcels is increased by 3.4 PBCs.

Lastly, the Clearinghouse has determined to allocate 6.6 Pine Barrens Credits for the conveyance of the 33 parcels to The Nature Conservancy or a per conveyance allocation of 0.20 PBCs per parcel. This allocation recognizes that conveyance of these parcels is consistent with the goals of the Long Island Pine Barrens Protection Act of 1993 to preserve and protect the ecological functions of the Core Preservation Area Property. The Clearinghouse wishes to reiterate, however, that the conveyance of fee ownership of property is not a prerequisite to participation in the Pine Barrens Credit Program, nor in general does the transfer of fee ownership automatically modify the Plan's allocation formula or procedure. This allocation scheme recognizes the unique and singular circumstances of the College parcels.

This allocation is expressly conditioned on the applicant retiring the Town residential development rights pursuant to Town procedures and submitting proof of the same to the Clearinghouse.

Revised Allocation to College Parcels

Parcel	Parcel Allocation	Town Residential Development Allocation	Conveyance Allocation	Total Allocation
900-212-1-17.8	1.0 PBCs	0.85 PBCs	1.65 PBCs	3.5 PBCs
900-212-1-17.9	0.8 PBCs	0.85 PBCs	1.65 PBCs	3.3 PBCs
900-212-1-17.10	0.8 PBCs	0.85 PBCs	1.65 PBCs	3.3 PBCs
900-212-1-17.11	0.8 PBCs	0.85 PBCs	1.65 PBCs	3.3 PBCs
TOTAL				13.4 PBCs

**State Environmental Quality Review Act
NEGATIVE DECLARATION
Notice of Determination of Non-Significance
September 30, 1996**

This notice is issued pursuant to Part 617 of 6 New York Code Rules and Regulations implementing regulations pertaining to Article 8 (State Environmental Quality Review Act) of the Environmental Conservation Law.

The Pine Barrens Credit Clearinghouse, as lead agency, has determined that the proposed action described below will not have a significant effect on the environment and a Draft Environmental Impact Statement need not be prepared.

LEAD AGENCY: The Pine Barrens Credit Clearinghouse
P.O. Box 587
3525 Sunrise Highway, 2nd Floor
Great River, New York 11739

TITLE OF ACTION: Appeal of Joseph Gazza on Pine Barrens Credit Allocation contained in 5 Letters of Interpretation issued to Joseph Gazza and Irene Gazza on March 11, 1996 and April 2, 1996.

APPLICANT: Joseph Gazza

SEQRA STATUS: Unlisted Action

LOCATION: 1 Parcel east of Summit Boulevard and 4 parcels south of County Route 51

SUFFOLK COUNTY TAX #: 900-215.2-1-28; 900-212-1-17.8, 17.9, 17.10, and 17.11

DESCRIPTION OF ACTION:

The applicant is appealing the allocations contained in the above referenced Letters of Interpretation. The Pine Barrens Credit Clearinghouse allocated to 0.24 Pine Barrens Credits to parcel 900-215.2-1-28 and 2.21 Pine Barrens Credits to parcels 900-212-1-17.8, 17.9, 17.10, and 17.11. Pursuant to Section 6.7.3.4 of the Central Pine Barrens Comprehensive Land Use Plan (the "Plan"), the applicant appealed this allocation. Applicant sought to have one (1) full Pine Barrens Credit allocated to parcel 900-215.2-1-28. Applicant sought 24 Pine Barrens Credits for parcels 900-212-1-17.8, 17.9, 17.10, and 17.11. Pursuant to two Town of Southampton Planning Board Resolutions applicant stored 678,140/200,000 Town residential development rights on these parcels under the Town of Southampton Old Filed Map Overlay District ordinance (Article XI, Town of Southampton Code). These Town residential development rights were created by filing documents with the County Clerk which sterilized 33 parcels, which had in total 678,140 square feet of area, or 15.57 acres. The area of the 33 parcels was transferred to seven old filed map parcels which were later reconfigured into parcels 900-212-1-17.8, 17.9, 17.10, and 17.11. The applicant subsequently conveyed to The Nature Conservancy the fee title to the 33 parcels. Applicant's appeal was heard at a public hearing on April 23, 1996, and continued on July 9, 1996. The Clearinghouse is proposing to increase the allocation for parcels 900-212-1-17.8, 17.9, 17.10, and 17.11 to 13.4 Pine Barrens Credits.

This allocation is expressly conditioned on the applicant retiring the Southampton Town residential development rights pursuant to Southampton Town procedures and submitting proof of the same to the Clearinghouse. The allocation for parcel 900-215.2-1-28 was not changed.

REASONS SUPPORTING THIS DETERMINATION:

The review of the Long Environmental Assessment Form, Article 6 of the Suffolk County Sanitary Code, the criteria in Part 617.7 of the regulations implementing ECL Article 8 and Article 57, the Long Island Pine Barrens Protection Act of 1993 reveals that the subject parcels are within the Core Preservation Area of the Central Pine Barrens. The Act required the preparation of a comprehensive land use plan for the Central Pine Barrens. A component of the Plan is the Pine Barrens Credit Program, a transferrable development rights program. The Plan and its SEQRA documents were adopted by the Central Pine Barrens Joint Planning and Policy Commission in June, 1995.

The Supplemental Generic Environmental Impact Statement analyzed the cumulative environmental impact of transferring 770 Pine Barrens Credits from the portion of the Core Preservation Area in the Town of Southampton to non-Core areas in the Town. However, due to State of New York and County of Suffolk land acquisitions which have occurred subsequent to that analysis the number of potential Pine Barrens Credits has decreased from 770. For example, the State acquired 216 acres of "Omnia" property subsequent to the ratification of the Plan. This property could have generated approximately 35 Pine Barrens Credits. Those credits were included in 770 Pine Barrens Credits analyzed in the Plan and its related documents. However, pursuant to the allocation provisions of the Plan, Pine Barrens Credits can not be allocated to this now State owned land. Thus the increased allocation from the originally allocated 2.21 to 13.4 Pine Barrens Credits for parcels 900-212-1-17.8, 17.9, 17.10, and 17.11 is still well within the parameters analyzed under the Plan's SEQRA process. Therefore the potential environmental impacts associated with the recommended allocation are within the scope of the impacts previously analyzed.

In addition, under Article 6 analysis, this allocation is a significant reduction in the amount of sanitary flow to be associated with these parcels. Article 6 would permit 300 gallons of sanitary flow per day per acre. This is the amount of sewage associated with one Pine Barrens Credit. Without violating Article 6 and notwithstanding state or local ordinance, the applicant could have generated roughly 7,670 gallons per day of sanitary flow given his control of 25 acres of land. However under the revised allocation only 4,020 gallons per day of sanitary flow can be generated upon redemption of the 13.4 Pine Barrens Credits. This allocation is a net reduction in the sanitary flow associated with the parcels as compared with that permitted under Article 6.

CONTACT PERSON: Raymond P. Corwin, Executive Director, Central Pine Barrens
Joint Planning and Policy Commission

COPIES OF THIS NOTICE SENT TO: Central Pine Barrens Commission Members
Dennis Moran, Suffolk County Department of Health
Services
Joseph Gazza, Esq.

