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In the Matter of an Application by

John Migliore for Additional Pine

Barrens credits.

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3233 Route 112

Medford, New York

September 22, 1999

4:10 P.m.

Public Hearing in the above-captioned matter, held the 22nd day of September, 1999, at 4:10 p.m., at Brookhaven Town Offices Building, held at the above-mentioned time and place before Donna L. Spratt, a Notary Public of the State of New York.

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A P P E A R A N C E S:

GEORGE PRIOIS, Acting Chairman, representing  
Robert Gaffney, Suffolk County  
Executive

BARBARA WIPLUSH, representing Supervisor  
Felix Grucci, Town of Brookhaven

ROY DRAGOTTA, representing Robert Gaffney,  
Suffolk County Executive

VINCENT CANNUSCIO, Town Supervisor, Town of  
Southampton

RAY COWEN, representing Governor Pataki

JAMES RIGANO, ESQ., Counsel to the Pine  
Barrens Commission

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MR. PROIOS: I'll like to call this hearing to order. My name is George Proios. I'm the chairman of the Pine Barrens Joint Planning and Policy Commission acting on behalf of the County Executive, Robert Gaffney, the Commission chairman. I'll let the other members introduce themselves.

MR. CANNUSCIO: Vincent Cannuscio, Supervisor, Town Southampton.

MR. COWEN: Ray Cowen, representing Governor Pataki.

MS. WIPLUSH: Barbara Wiplush, representing Supervisor Felix Grucci.

MR. DRAGOTTA: Roy Dragotta representing the County Executive.

MR. RIGANO: James Rigano, counsel to the Pine Barrens Commission.

MR. PROIOS: Let me read the notice regarding this application which is before us.

There was a letter of interpretation appeal by Mr. John Migliore scheduled for

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2 September 22, 1999 at 4:00 p.m. at the  
3 Brookhaven Town Offices Building Number 4.  
4 Said appeals are made pursuant to Section  
5 6.7.3.3 of the Central Pine Barrens  
6 Comprehensive Land Use Plan (the Plan)  
7 pursuant to Section 6.7.3.4 of the Plan.  
8 John Migliore was allocated 4.00 pine  
9 Barrens Credit in a Letter of Interpretation  
10 dated December 10, 1998. The appeal  
11 involves the allocation by the clearing  
12 house of four credits for three separate  
13 parcels; tax map parcel number 200-454-1-8,  
14 four credits for tax map parcel number  
15 200-480-3-1 and four credits for tax map  
16 parcel 200-480-3-2. All of those parcels  
17 are located to the south of the New York  
18 State Route 25 on the east side of East  
19 Barlett Road just south of the intersection  
20 with West Bartlett Road.

21 At this point, I would like to ask if  
22 the applicant is here and wishes to make a  
23 presentation to the Commission regarding  
24 your appeal.

25 MR. NICOLASI: Yes, we would. I'm

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Dominick Nicolasi.

I believe Mr. Rizzo wanted to say something, and Mr. John Migliore.

MR. PROIOS: Mark, you want to start off.

MR. RIZZO: My name is Mark Rizzo. I'm a Commission staff member. I'm going to be presenting some information. The first two items I would want to present and have them marked for evidence is the two Suffolk County tax maps, 354 for the Town of Brookhaven and 480 for the Town of Brookhaven.

(Tax map 354 was marked as Exhibit 1 in evidence; 9-22-99, D.S.)

(Tax map 480 was marked as Exhibit 2 in evidence; 9-22-99, D.S.)

I would like to present these to you. The darkened gray portions represent the three parcels in today's appeal hearing. One is here and one and two over here (indicating).

The next three items I want to enter are the actual letters of interpretation of

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Mr. Migliore on December 10, 1998 for the three tax map numbers; 200-454-1-8, 200-480-3-1 and 200-480-3-1.

(Tax map 200-454-1-8 was marked as Exhibit 3 in evidence; 9-22-99, D.S.)

(Tax map 200-408-3-1 was marked as Exhibit 4 in evidence; 9-22-99, D.S.)

(Tax map 200-480-3-1 was marked as Exhibit 5 in evidence; 9-22-99, D.S.)

The next item to enter is the staff report. The original issue date was April 22nd of 1996. Its renewal was December 7, 1998. I'll mark that as Exhibit 6.

(Staff report was marked as Exhibit 6 in evidence; 9-22-99, D.S.)

The final two items I have to enter are aerial photos with tax parcels overlaid. The first is map -- both maps were created using a geographic system program called Ark View 3.1. The aerial photos come from the Suffolk County E911 project and are from 1996. The first map shows the parcels in the area in a blue outline. Mr. Migliore's three parcels are

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outlined in a yellow or beige color just to  
give you an idea of what is in the area.

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(Aerial photo was marked as Exhibit 7  
in evidence; 9-22-99, D.S.)

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(Aerial photo was marked as Exhibit 8  
in evidence; 9-22-99, D.S.)

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This final aerial photo is the same  
aerial photo with the tax map numbers  
printed on each parcel.

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(Aerial photo was marked as Exhibit 8  
in evidence; 9-22-99, D.S.)

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That's all I have right now. Does  
anybody have any questions?

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MR. COWEN: I think we should move  
on to the presentation.

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MR. NICOLASI: The only additional  
piece that I would like to add as an exhibit  
is the yield map. This is the same site of  
that we were in front of the Commission  
before on behalf of the Migliore's for a  
hardship application that we were denied.  
What we are now requesting is an appeal of  
our letter of interpretation originally  
granting 12 credits and we are now seeking

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14 credits.

We have a yield map here showing 14 lots, each of at least 40,000 square feet with a 52 foot road. I think we only need 50 foot. We have an excess of about 22,000 square feet over and above the 140,000 square foot lots, if you calculated the excess of each lot and the 52 foot road.

The basis of this appeal is on the fact that we have the road frontage on East Barlett in very close proximity. Obviously the one lot is on a paved road and the proximity of it on the East Barlett Road shows that there's very little additional road improvements. There's utilities right on East Bartlett and then the road for our site.

I would also like to point out that in 1998 I was in front of this Commission with an appeal for Doris Victor. That was a similar situation in that she had 1.5 acres, and the original letter of interpretation used the 80 percent multiplier to give her,, I believe it was 1.1 credits in the same



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situation. One of her lots was on East Orchard Road in Ridge and the other two lots were in close proximity to East Orchard Road, the utilities, and the location was then changed to three credits; one for each lot there as well.

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I know that in the past the Commission has been sensitive to this 80 percent multiplier based on unique and different situations, and the Migliore's originally had planned on building one home and then having 11 Pine Barrens credits subdivisions -- one credit for their home -- and were turned down for that hardship with the original plan. The revised plan now would be putting conservation easements on the entire 15 acres and we are seeking 14 Pine Barrens credits. We would be willing to sign that easement with the County Clerk's office should they be granted 14 credits.

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MS. WIPLUSH: This yield map that you have is based on the existing zoning?

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MR. NICOLASI: A1 zoning, 40,000

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square foot.

MS. WIPLUSH: Has that been zoned all the while that the applicant's owned the property?

MR. NICOLASI: He has owned the property for ten years and has paid the taxes for ten years.

MR. MIGLIORE: More than ten.

MR. NICOLASI: If it were anything other than A1. It may have been less than A1 but never more than A1. I know the area, and I've researched it. It could have been at one time 1,000 square foot at one point.

MR. PROIOS: Does anyone have any questions?

MR. COWEN: I think one of the criteria that we use in reviewing these hardship -- wrong hearing -- reviewing these petitions for review of a Pine Barrens credit allocation has been the submission of a yield, map and this appears to me to be a reasonable yield map showing 14 lots. I'm prepared to offer a resolution approving this.

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MS. WIPLUSH: I'd second that.

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MR. PROIOS: Any other questions or  
comments from members of the Commission?

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Are there any members of the audience  
that wish to address the Commission  
regarding this application for or against?  
If not, I'll bring the public hearing to a  
close.

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At this time I will ask whether the  
Commission wishes to offer a motion.

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MR. COWEN: I was out of order  
there.

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MS. WIPLUSH: I offer a resolution  
that the Commission approve the granting of  
the two additional Pine Barrens credits for  
the applicant.

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MR. CANNUSCIO: I second that.

MR. PRIOIS: Any further  
discussion? All those in favor say, aye.

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MR. DRAGOTTA: Yes.

MR. COWEN: Yes.

MR. PROIOS: Yes.

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Anyone opposed? Motion carries.

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Thank you.

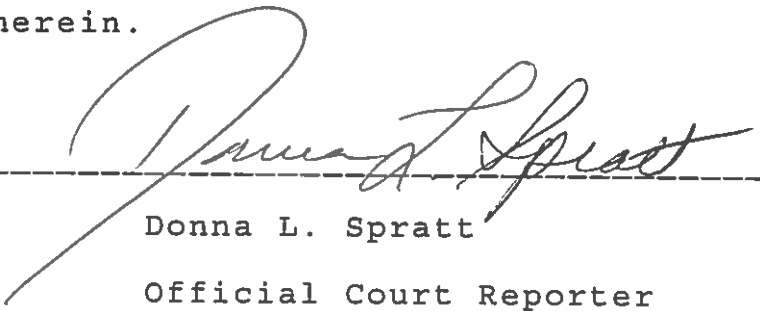
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(At approximately 4:25 p.m., this matter came to a close.)

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

I, Donna L. Spratt an Official Court Reporter, do hereby certify the within to be an accurate transcription of the stenographic notes taken herein.

  
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Donna L. Spratt  
Official Court Reporter