

1 CENTRAL PINE BARRENS JOINT PLANNING
2 AND POLICY COMMISSION

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5 Public Hearing in the Matter of

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7 An Appeal to a Letter of
8 Interpretation of Geraldine Bastable

9 SCTM # 200-563-1-22

10 -----x

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3525 Sunrise Highway
Great River, New York

13

February 3, 1999
4:07 P.M.

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P R E S E N T :

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GEORGE PROIOS, Chairman

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DORIS ROTH, ESQ.

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RAY E. COWEN

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VINCENT VILLELLA

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BARBARA WHIPLUSH

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DONNA PLUNKETT

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JEFF MURPHREE

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ACCURATE COURT REPORTING SERVICE
6 Frances Lane
Port Jefferson, New York 11777
(516) 331-3753

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MR. PROIOS: I would like to call the public hearing to order.

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We have two hearings. I am going to do the Credit Appeal first.

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My name is George Proios. I'm acting chairman for the commission representing Robert Gaffney, who is the actual chairman of the Central Pine Barrens Joint Planning and Policy Commission. I will let the other members of the commission introduce themselves. Starting to my right --

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MR. VILLELLA: Vinnie Villella, Supervisor of the town of Riverhead.

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MR. MURPHREE: Jeff Murphree, Chief Planner, Town of Southampton.

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MR. COWEN: Ray Cowen, representing Governor Pataki.

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MS. WHIPLUSH: Barbara Whiplush, representing Supervisor Felix Grucci.

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MR. PROIOS: The first notice is an appeal to a Letter of Interpretation of Geraldine Bastable, made by a representative, Dominic Nicolazzi, and

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2 has been scheduled for February 3rd,
3 1999, at 4:00 p.m. at the Commission
4 Office, which is located at 3525
5 Sunrise Highway, in Great River. Said
6 appeal is made pursuant to Section
7 6.7.3.3 of the Central Pine Barrens
8 Comprehensive Land Use Plan. The
9 Central Pine Barrens Joint Planning and
10 Policy Commission will be holding the
11 appeal hearing pursuant to Section
12 6.7.3.4 of the Plan. The appellant was
13 allocated 0.10 Pine Barrens credits in
14 a Letter of Interpretation dated
15 December 10, 1998, for Suffolk County
16 Tax Map Parcel No. 200-563-1-22. The
17 parcel is located to the northwest of
18 County Road 51.

19 First I will ask, whether or not
20 commission staff wishes to approve
21 presentation.

22 MR. MILAZZO: I will give just a
23 few points.

24 My name is John Milazzo.

25 This parcel is located at .09

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2 acres, I believe. It is located to the
3 northwest of County Road 51. 51 is
4 here (Indicating), and this is Route
5 111 (Indicating). The parcel is, I
6 believe, at 1 dot next to the white
7 square determined by the glade. We
8 have aerials of the area. The first
9 aerial we have, the parcel is
10 highlighted in pink. The surrounding
11 parcels are outlined in red. You can
12 see on the map that CR51 which is
13 highlighted in blue and also CR111
14 which is in yellow.

15 MS. ROTH: Mr. Milazzo, could
16 you please mark that as an exhibit.

17 (Whereupon, the above-referred
18 to aerial map was marked as Exhibit 1,
19 as of this date.)

20 MS. ROTH: Could you please
21 identify for the record what that is.

22 MR. MILAZZO: Exhibit 1 is a map
23 printed on 2/2/99, SCTM #200-563-1-22,
24 subject parcels.

25 Exhibit 2 is a Pine Barrens

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2 Credit Letter of Interpretation
3 application, staff report, issue date
4 11/20/98, for Tax Map # 200-563-1-22.

5 (Whereupon, the above-referred
6 to document was marked as Exhibit 2, as
7 of this date.)

8 MR. MILAZZO: The next exhibit
9 is another map printed on 2/2/99, it
10 just shows the subject parcel and the
11 state owned lands in the vicinity, the
12 immediate vicinity of the subject
13 parcel. The subject parcel, again, is
14 in pink and the state owned lands are
15 in green. The maps were all prepared
16 by Mark Rizzo.

17 (Whereupon, the above-referred
18 to document was marked as Exhibit 3, as
19 of this date.)

20 MR. MILAZZO: I would like to
21 mark as Exhibit 4, another map that
22 just shows the parcel printed on
23 2/2/99. It has the subject parcel with
24 no other parcel lines showing the
25 vegetation in the area.

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2 (Whereupon, the above-referred
3 to document was marked as Exhibit 4, as
4 of this date.)

5 MR. MILAZZO: Mark, correct me
6 if I am wrong, but all of these maps
7 are the same scale.

8 MR. RIZZO: Yes.

9 MR. MILAZZO: That is my
10 presentation on the parcel, where it's
11 located in size and what it is like
12 based on areas.

13 MR. NICOLAZZI: Good afternoon,
14 ladies and gentlemen, my name is
15 Dominic Nicolazzi, for Geraldine
16 Bastable, who is a senior from Utica,
17 New York, who is running a home for
18 incapacitated adults out of her house.

19 The only other thing I plan on
20 using is the Suffolk County Tax Map
21 which is Map 563 -- other than what
22 John has.

23 (Whereupon, the above-referred
24 to document was marked as Exhibit 5, as
25 of this date.)

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MR. NICOLAZZI: As John said, this is .04 acres in a nature preserve and I think it is the last of one or two or three parcels that are not owned by the state, and I visited this site and just a little to the west is a clearing with two structures, maybe barn-type structures, and then it's County Road 111. I think County Road 111 is the dividing line for compatible growth in that area and there's about a 50 acre industrial site and then a 50 acre clearing site just to the west of that. Mrs. Bastable's parcel is back within 50 feet of County Road 51 and is on a paper street, approximately 300 feet from County Road 51. Just to the west, again, of the industrial site is a home development, horse farm, to the west of that, and again, just immediately around her property is a nature preserve. I think the key element is that the property is back

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2 within 50 feet of County Road 51. She
3 was allocated one-tenth of Pine Barrens
4 credits and we are seeking one full
5 credit. I'm making this appeal based
6 on, one, she's in the nature preserve
7 and is one of the last of the parcels
8 in the nature preserve. Her close
9 proximity to County Road 51, both the
10 rear of the property and the paper
11 street, approximately 300 feet from
12 County Road 51. She is also very close
13 to the compatible growth and industrial
14 site and this is the area contiguous to
15 this County Road 111 and a 50 or 60
16 acre clearance.

17 If there are any questions -- if
18 I could answer them --

19 MR. PROIOS: The property does
20 not face 51 -- there's another state
21 holding surrounding --

22 MR. NICOLAZZI: That's correct.

23 MR. PROIOS: So there would be
24 no way of having access to the state
25 property to 51, other than using the

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paper street.

MR. NICOLAZZI: That's correct.

MS. ROTH: How did you calculate the 50 foot?

MR. NICOLAZZI: Just estimating --

MS. ROTH: Based on the scale?

MR. NICOLAZZI: Yes.

MS. ROTH: Could staff take a look at that, that 50 feet?

MR. MILAZZO: Yes, Mark has a -- commission staff, Mark Rizzo -- do you have any idea, Mark, what the distance is?

MR. RIZZO: Approximately 115 feet from the southeast corner of the parcel, to 51.

MR. MILAZZO: How do you determine that?

MR. RIZZO: Using a computer program, Art View, and measuring that distance.

MR. COWEN: But there's no right-of-way there.

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MR. RIZZO: No right-of-way,
just straight distance.

MR. MURPHREE: To get legal
access, you have to get permission from
the state.

MR. COWEN: The only access that
they have would be along the paper
street.

MR. NICOLAZZI: It was an
element that proximity to the road and
also the fact that it's in the nature
preserve and it's one of the last few
parcels, and I thought it was
significant -- if you go to the site,
to the west, you will see that there is
a tremendous, tremendous, tree clearing
and piles of trees are still there --
just to the east of County Road 111,
and the industrial facility. So I
think there seems to be a whole lot
going on if you visit that area. And
then there's this little enclave of a
nature preserve.

MR. PROIOS: I'm not clear --

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the industrial stuff is on the south side --

MR. NICOLAZZI: It's on the east side of 111, just to the --

MR. PROIOS: The point I was trying to make is that --

MR. MILAZZO: Can you identify it on this map?

MR. NICOLAZZI: This is 51, this is 111 (Indicating).

MR. MILAZZO: So it's on the southwest corner of 51 and 111?

MR. NICOLAZZI: I'm sorry --

MR. PROIOS: That hasn't been compatible growth area. 111 is the boundary line. So we are talking about a parcel in the core, and everything on the southerly portion of 111 is in the compatible growth area. That's why there will be more intensive activity on the south side of 111.

MR. NICOLAZZI: North of Sunrise --

MR. MILAZZO: North of Sunrise,

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on the southwest corner --

MR. NICOLAZZI: I guess if you visit the site you will be able to see more of the contrast between the nature preserve and the industrial site. In my view, as you are approaching that, it seems important to preserve this nature preserve.

MS. ROTH: Do we have an estimate of the distance along the potential access which is that paper road? Since there's no potential access to the nature preserve, what is the distance along the paper road to get to 51?

MS. PLUNKETT: It looks like one inch is approximately 500 feet and that would be a little bit less than an inch, so I would say it's a little less than 500 feet according to that, which is a visual review of the scale on the map.

MR. COWEN: About 380 feet.

MS. ROTH: Thank you.

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MR. PROIOS: Are there any other questions for the commission?

MR. MURPHREE: Are these also private lots along the paper street?

MR. RIZZO: Anything other than the green is a private lot. So only the green are state owned lands.

MR. NICOLAZZI: There would be one other lot at 200 feet in from County Road 51 along the paper street.

MR. PROIOS: Aside from the fact that this is one of the four or five remaining vacant parcels left in the state preserve, is there any reason why the commission needs to alter the use for calculating credits?

MR. NICOLAZZI: Again, the close proximity to the County Road 51, both a paper street and it is near the back portion. As you see, there is no direct access to that from County Road 51 because it's state land and the -- I felt that it's in close proximity to this enormous clearing at the

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2 industrial plant which is significant,
3 but it is, again, on the other side of
4 County Road 111.

5 MR. PROIOS: Any further
6 questions?

7 (Whereupon, there was no
8 response.)

9 MR. PROIOS: Anyone from the
10 public wish to address this
11 application?

12 (Whereupon, there was no
13 response.)

14 MR. PROIOS: I will close this
15 public portion of this hearing.

16 Is there a motion at this time?

17 MS. WHIPLUSH: I second the
18 motion.

19 MR. COWEN: I would like to make
20 a motion -- I see no reason or any
21 distinguishing characteristics of this
22 property to change the designation from
23 that given to it by the clearinghouse.
24 So leave it as is.

25 MR. PROIOS: Is there a second

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to that?

MS. WHIPLUSH: I second it.

MR. PROIOS: Any discussion?

(Whereupon, there was no response.)

MR. PROIOS: Anyone have any other concerns?

(Whereupon, there was no response.)

MR. PROIOS: All those in favor of the motion, please signify by saying "Aye."

(Whereupon, all members responded in the affirmative.)

MR. PROIOS: Opposed?

(Whereupon, there was no response.)

(Whereupon, this hearing was concluded.)

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

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5 I, LORRAINE BERARDI, a Shorthand Reporter and
6 Notary Public herein, hereby certifies that the
7 foregoing is a true and accurate record of the
8 minutes reported thereof on February 3, 1999.

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10 
11 LORRAINE BERARDI