

CENTRAL PINE BARRENS

JOINT PLANNING AND POLICY COMMISSION

- - - - - :
In the Matter of the Application of :
:
RICHARD SIPALA, JOSEPH ALBERTO and :
JOHN SIPALA :
:
Concerning credit allocations given in :
Letters of Interpretation for Suffolk :
County Tax Map Numbers 200-562-3-3, 4, :
5,6,14 and 17. :
- - - - - :

HEARING in the above-captioned matter, held
on the 23rd day of August, 2000 at 4:20 P.M., at the
Brookhaven Town Offices, Building 4, 3233 Route 112,
Medford, New York, pursuant to Notice of Hearing, and
before Sheila Pariser, R.P.R., a Notary Public of the
State of New York.

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421.2225

407.7383

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

ROBERT J. GAFFNEY, Chairman
Suffolk County Executive
BY: GEORGE PROIOS, Acting Chairman

FELIX J. GRUCCI, JR., Vice Chairman
Supervisor, Town of Brookhaven
BY: JOHN GIRANDOLA

VINCENT CANNUSCIO, Member
Supervisor, Town of Southampton
BY: MARTY SHEA

ROBERT KOZAKIEWICZ, Member
Supervisor, Town of Riverhead
BY: JOEY MAC LELLAN

RAY E. COWEN, P.E., Member
DEC Regional Director
Representing George Pataki, Governor

MARK A. RIZZO, Staff to Commission

DOMINIC NICOLAZZI, ESQ.
Attorney for Applicants

JOSEPH ALBERTO, Applicant
JOHN SIPALA, Applicant

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1 [THE HEARING WAS CALLED TO ORDER BY THE
2 ACTING CHAIRMAN, GEORGE PROIOS, AT 4:20
3 P.M.]
4

5 MR. PROIOS: I would like to call our second
6 hearing to order.

7 Again, for the record, my name is
8 George Proios, Acting Chairman, acting on
9 behalf of Robert Gaffney, who is the
10 Commission Chairperson, and I will ask the
11 other members of the Commission to
12 represent themselves and tell us who they
13 are representing.

14 MR. SHEA: Marty Shea, representing
15 Supervisor Vincent Cannuscio of the Town of
16 Southampton.

17 MR. GIRANDOLA: I am John Girandola, representing
18 Felix Grucci, Supervisor of the Town of
19 Brookhaven.

20 MR. MAC LELLAN: Joey MacLellan, representing
21 Supervisor Bob Kozakiewicz of the Town of
22 Riverhead.

23 MR. COWEN: Ray Cowen, representing Governor
24 Pataki.

25 MR. PROIOS: For the record, this is a hearing

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1 for Richard Sipala, Joseph Alberto and John
2 Sipala. The hearing has been scheduled for
3 August 23, 2000 at four p.m. at the
4 Brookhaven Town Offices, located at 3233
5 Route 112, Medford, New York.

6 "Said appeals are made pursuant
7 to Section 6.7.3.3 of the Central Pine
8 Barrens Comprehensive Land use Plan, (The
9 Plan). The Central Pine Barrens Joint
10 Planning and Policy Commission will be
11 holding the Appeals Hearing pursuant to
12 Section 6.7.3.4 of the Plan.

13 "The appellants, Richard Sipala,
14 Joseph Alberto, John Sipala were allocated
15 a total of 0.75 Pine Barrens Credits in six
16 Letters of Interpretation. The letters
17 were issued for Suffolk County Tax Map
18 Numbers 200-562-3-3, 4, 5, 6, 14 and 17.
19 The parcels are located north of County
20 Road 111 and west of Toppings Path."

21 Is there a member of the
22 Commission Staff that wants to make a
23 presentation before the Commission?

24 MR. RIZZO:

25 Yes, I do. I want to offer a
packet of exhibits. The cover sheet will

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1 show the order as I go through each item.

2 The second item on the list is a
3 GIS Map produced using Arc View Version
4 3.1, shows parcels being considered in the
5 appeal and other area parcels. Tax parcel
6 lot numbers are shown on each parcel.

7 Do you all have the packets? It
8 shows the subject parcels that are part of
9 the LOI appeal in the yellowish color. The
10 other applicant parcels that the applicant
11 had put LOI applications for are in brown,
12 where he was issued one credit each, and
13 the green colored parcels that are owned by
14 the County of Suffolk. This map was
15 produced in 3.1 of the GIS Mapping Program.
16 The numbers are the actual tax maps and lot
17 numbers.

18 This is Section 552 of Brookhaven
19 Township, Lot Number 3.

20 The next map is the same map just
21 without the lot numbers and the color,
22 again, the yellow color is LOI parcels that
23 are being appealed today. The rust
24 color/orange color are the other
25 applicants' LOI parcels, and the green

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1 color is the Suffolk County owned parcels
2 in the area.

3 The next map is the aerial
4 photograph of the area. Again, the
5 yellowish outlined parcels are parcels that
6 are being appealed today. The magenta
7 colored parcels are the parcels that have
8 one credit each on of the LOI's, and the
9 green outlined parcels are parcels owned by
10 the County of Suffolk.

11 The whitish, north and south of
12 the subject parcels, are the tax parcels in
13 the area.

14 This is an aerial photograph from
15 the 1999 Suffolk County Aerial Flyover. It
16 was done by a consortium of Suffolk County
17 agencies, including the Suffolk County
18 Planning Department, the Suffolk County
19 Water Authority, the Suffolk County Police
20 Department and other agencies.

21 MR. PROIOS: The northeast parcels, or a lot
22 of them, look like farms.

23 MR. RIZZO: When you say northeast, what do
24 you mean?

25 MR. PROIOS: [INDICATING]

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1 MR. RIZZO: Oh, this is an active area.

2 Moving on toward the next
3 exhibit, which is Number 5 on our list, the
4 actual letter of appeal submitted by the
5 applicant dated May 16, 2000. You have
6 seen this letter before. If you have not
7 received this letter before, I will let
8 you, for a moment, read it.

9 MR. COWEN: Can you point out the roads that
10 are referenced in that area?

11 MR. RIZZO: Either old filed map numbers.

12 MR. GIRANDOLA: I don't think he is talking about
13 improved roads. I think he is just talking
14 about map roads.

15 MR. RIZZO: When you are finished with that
16 paper, we will move over to Number 6 on my
17 list, which is a letter dated June 12, 2000
18 from the appellants asking for a
19 postponement to today's date for the
20 hearing. That is just there as a
21 formality.

22 Our next item is Number 7, which
23 is the Pine Barrens Credit Letter of
24 Interpretation Application Staff Report
25 dated December 1, 1999. The parcels in

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1 question are Parcels 3, 4, 5 and 6, 14 and
2 17. They total 3.225 acres and they are
3 allocated .75 credits total allocation.
4 The zoning for the parcel is a Residence 5,
5 five acre residential zoning.

6 Does anyone have any questions on
7 the staff report?

8 MR. PROIOS: Obviously, that zoning was
9 changed. That is the zoning it was when it
10 was first purchased.

11 MR. RIZZO: I believe it was first purchased
12 in the 1960's.

13 MR. SIPALA: 1966.

14 MR. MAC LELLAN: My question is what the credits
15 were and what the acreage is.

16 MR. RIZZO: 3.52 acres and .75 Pine Barrens
17 Credits.

18 MR. SHEA: The Interpretation Application
19 indicates 6.3 acres.

20 MR. RIZZO: We are only concerned right now
21 with Lots Numbers 3, 4, 5, 6, 14 and 17.
22 That's all that is being appealed today.
23 The other lots were allocated one full
24 credit for road frontage.

25 Let's move on to Item Number 8,

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1 which is the Suffolk County Tax Map for
2 Brookhaven Section 562. The subject
3 parcels we are concerned about are to the
4 northeast of Halsey Manor Road, County
5 Route 111. They are indicated here and
6 here in Exhibit Number 3. [INDICATING]

7 It is on the GIS Map already. It
8 is on the overview.

9 I will move on.

10 MR. PROIOS: Are each of these small
11 individual lots single and separate?

12 MR. RIZZO: I do not have information on
13 whether it is single and separate. That
14 would be something that the Town of
15 Brookhaven would have to provide me.

16 MR. PROIOS: Would that have a bearing on the
17 credit application?

18 MR. RIZZO: No, the credit application is
19 acreage represented by the yield factor.

20 The remaining items Numbered 9
21 through 14 are the actual Letters of
22 Interpretation for each of the parcels.
23 They are double-sided papers indicating the
24 Application's Tax Map Number 200-562-3-3.

25 The allocation was .18 credits,

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1 1.58 acres divided by .16, which is the
2 yield factor for the zoning.

3 Parcel Number 4 received a tenth
4 of a credit. It was .32 acres. It
5 received a minimum allocation, which is a
6 tenth of a credit.

7 Parcel Number 5 received .17
8 credits. It was a 1.05 acre parcel.

9 Parcel Number 6 was a .40 acre
10 parcel. It received a minimum allocation
11 of a tenth of a credit.

12 Parcel 14 was a .088 hundredths
13 of an acre. They received a tenth of a
14 credit allocation, .10, and the final
15 parcel was .52 acres, and it received a
16 tenth of a credit minimum allocation.

17 Does anyone have any questions on
18 what I have gone over?

19 MR. PROIOS: Do you happen to know roughly
20 what the size of the parcels are that you
21 had outlined in yellow on the aerial
22 photograph?

23 MR. RIZZO: Yes.

24 MR. PROIOS: It appears that it is larger than
25 three acres.

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1 MR. RIZZO: Parcel Number 3, Lot Number 3, is
2 1.15 acres. The Lot Number 4 is .32 acres.
3 Lot Number 5 is 1.05 acres, Lot Number 6 is
4 .4 acres, Lot Number 9 -- I'm sorry -- Lot
5 Number 14 is .08 acres and Lot Number 17 is
6 .52 acres. It is over in the corner.
7 That's a total of 3.52 acres.

8 MR. PROIOS: Thank you. Any other questions
9 of Mark?

10 MR. COWEN: Refresh my memory on the detail
11 on the old filed maps. Who purports to own
12 the paper rights-of-way?

13 MS. PLUNKETT: You own to the center line of the
14 road.

15 MR. GIRANDOLA: They have rights to the center
16 line of the road. On the old filed maps we
17 basically take dedication to the roads upon
18 the improvement of the road. A rule of
19 thumb, basically is road frontage.

20 MR. PROIOS: Is the applicant or the
21 representative here to make a presentation?

22 MR. NICOLAZZI: Yes. My name is Dominic
23 Nicolazzi. I am representing Joe Alberto
24 and John Sipala.

25 There was a third owner, Richard

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1 Sipala, John's dad, who passed away in
2 July.

3 We are not making a hardship
4 application at this time. We are making a
5 credit appeal application, although I feel
6 it would be a very good application for a
7 hardship in that it is a very feasible
8 configuration for development.

9 This is an old filed map, and I
10 spoke to the Board of Health in the past
11 and as in this map, the Board of Health
12 exempts these lots because it is an old
13 filed map.

14 I am fairly sure that these lots
15 are single and separate just by virtue of
16 their configuration, or at least there is
17 some question on Lots 5 and 17, but they
18 are not contiguous with one another. There
19 are the paper streets dividing them.

20 I believe you thought that these
21 were lots, the configuration of the paper
22 streets, the lots in white.

23 MR. COWEN:

24 The map shows a paper street,
25 but I was curious as to where the
actual property line was, and apparently

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1 the property lines do touch each other
2 amongst all these lots.

3 MR. NICOLAZZI: No, they do not. I think they
4 are separated by the paper streets.

5 MR. COWEN: If it was dedicated; but right
6 now, it is not.

7 MR. NICOLAZZI: The ownership -- the only way
8 they would have ownership and that would
9 apply is if they made application to the
10 center line of the street for ownership of
11 those lots. I believe that's the way that
12 has gone in the past.

13 MR. COWEN: Let me ask a simple question. If
14 somebody went out and did a survey tomorrow
15 morning --

16 MR. GIRANDOLA: [INTERPOSING] The title report
17 that would probably cover these maps is
18 basically that they front on such and such
19 streets. They would give a description of
20 the properties, and it normally comes out
21 and says they have legal rights to the
22 center line of the road.

23 MS. PLUNKETT: Although the property line
24 doesn't show that.

25 MR. GIRANDOLA: Not for building or whatever.

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1 MS. PLUNKETT: If they wanted to abandon the
2 road, if they owned both sides, they can
3 take the road away and their lot could be
4 bigger. Their lot lines would then be
5 rearranged at that time if they did the
6 abandonment.

7 MR. COWEN: By what device do we say these
8 are distinct lots, especially 17 and 5?

9 MR. NICOLAZZI: On 17 and 5, there is a question,
10 but there is a portion that is contiguous
11 on those roads. The others I think are
12 single and separate.

13 MR. GIRANDOLA: Wait a minute. One can't assume
14 it is single and separate unless you have
15 already prepared a title report for single
16 and separate.

17 Number 2, they are not exempt
18 from the Health Department. Are these lots
19 shown on the Suffolk County Tax map?

20 MR. NICOLAZZI: They are.

21 MR. GIRANDOLA: The old filed map still has to
22 conform to the current regulations.

23 MR. NICOLAZZI: The lot is predominantly shown as
24 shown in the aerial photo, and this lot
25 differs and is not like Jacquinn Nurseries,

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1 which was in front of this Board for a
2 credit appeal, which is just to the north,
3 in that that was one tax lot without paper
4 streets, was not an old filed map and it is
5 not like -- by the way, that was Tax Map
6 Number 200-562, Lot 3, Block 1.

7 It is not like John Anderson's
8 lot, two lots designated as 200.511, Block
9 1, Lots 15 and 16, which were also to the
10 north, in that his lots were not in this
11 type of configuration, not easily developed
12 and were not single and separate.

13 However, in my opinion, this
14 application is similar to Doris Fichter's
15 Lots 300-382 Block 2, Lots 3, 17, 18 and
16 19, and that was the case where Ms. Fichter
17 had one lot road frontage and three lots
18 behind that that were originally allocated
19 fractional credits.

20 They were on a paper street, and
21 the Commission saw fit to give Ms. Fichter
22 one credit for each of these lots on a
23 paper street. They can easily be
24 developed, and she has one lot with road
25 frontage.

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1 This is also similar to Pope's
2 Application 300-282-2-8. Ms. Pope had a
3 lot that was on a paper street that was
4 within three hundred and fifty feet of a
5 paved road that the Commission granted her
6 application for full credit.

7 Also, Bob Walcomb's Application
8 200-529-3-35. Mr. Walcomb was originally
9 allocated a tenth of a credit as he was
10 about four hundred feet from a paved road
11 and a paper road, and the Commission saw
12 fit to allocate Mr. Walcomb's application
13 one full credit.

14 Mr. Alberto has six lots that
15 were allocated six credits and six lots
16 that have been allocated .75 credits in
17 total. At this time, there is a total of
18 twelve lots.

19 MR. COWEN: Can you tell us, if you know, the
20 distance from -- the closest distance from
21 County Route 111 to the furthest lot which
22 appears to be Lot Number 4? How far is
23 that distance either along the north-south
24 paper street or the east-west paper street?

25 MR. NICOLAZZI: Mr. Girandola, would it be

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1 correct the paper street would be roughly
2 fifty feet?

3 MR. GIRANDOLA:

4 Some of them are forty feet. The
5 way this is laid out in the GIS, it appears
6 to be the ones running east and west are
7 fifty feet and the ones running north and
8 south are forty feet. I am not clear,
9 going back to Ray's original question, who
10 actually, in the title report, would show
11 who owns those paper streets. Those paper
12 streets are filed right-of-ways. They are
13 paper streets. You can't put a structure
14 on them or build on them or anything like
15 that.

16 The lots that front of them have
17 rights to them. If the old filed map -- on
18 old filed maps, all we have done is,
19 through the Law Department, we have taken
20 dedication on some of the maps that aren't
21 built just by the inferring because it is
22 an old filed map, there is a dedication.
23 Some old maps say the roads are to be
24 dedicated, and we take them to the town and
25 we take them.

If you look at the tax map, there

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1 is no longer roads on the tax map. The
2 owners have rights to the center of the
3 road.

4 MR. PROIOS:

Exactly, and in the absence of
5 having a listed owner, and the fact that
6 this is somewhat of an improved parcel in
7 that you have continuous nursery operations
8 transversing the entire parcel, including
9 and going across the basic street, I dare
10 to say that's more than seven years, in
11 which case even if there was an owner in
12 adverse possession, they would have a right
13 -- you can make an argument that it is part
14 of a single parcel.

15 MR. NICOLAZZI:

In my opinion, either scenario,
16 in my opinion, works for the benefit of the
17 applicant is that if this is one contiguous
18 parcel, then they should get an allocation
19 based on all of the allocations to the
20 road.

21 If it is not and if the roads are
22 designated either way, I feel they are in a
23 strong position to ask the Commission for a
24 reallocation.

25 MR. COWEN:

Except, be careful, because you

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1 sit right now with six credits, right?

2 MR. NICOLAZZI: 6.75, sir.

3 MR. COWEN: All right, 6.75. And in a minute
4 I am going to ask what criteria was used to
5 come up with the credits. If you take the
6 entire parcel, you may end up with less
7 than six credits.

8 MR. NICOLAZZI: Some of them would work out
9 differently because this is surrounded --
10 this would still be a road frontage parcel.
11 I am not sure how that would play out
12 either, but I understand what you are
13 saying.

14 MR. GIRANDOLA: Mark, let me ask you one
15 question.

16 If then -- forget about the old
17 filed map. Say it was an individual parcel
18 and theoretically you could take everything
19 that the applicant owns and it would be one
20 parcel.

21 MR. RIZZO: One parcel.

22 MR. GIRANDOLA: Even the parcels that got the
23 full credit. How would the Clearing House
24 handle such a parcel? Would they say that
25 entire parcel has frontage and the entire

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1 acreage?

2 MR. RIZZO; The frontage only applies if the

3 original allocation is one credit, gets

4 bumped up to one credit.

5 MR. GIRANDOLA: I have a twenty-five acre parcel

6 I am saying, full twenty-five acre. No

7 roads, nothing. I own the entire parcel,

8 and I come in for a Pine Barren Letter of

9 Interpretation, and I front on County Road

10 111, 25.8.

11 MR. RIZZO: Times the zoning factor, .16, and

12 if there is any structures. Let's say it's

13 vacant land.

14 MR. GIRANDOLA: In other words, you would give

15 the same rate to the entire parcel?

16 MR. COWEN: If you do that here, he is going

17 to end up with a lot less than 6.75

18 credits. What's the aggregate acreage

19 here?

20 MR. NICOLAZZI: I asked Mark that, and I don't

21 think he was able to calculate the

22 aggregate acreage.

23 MR. GIRANDOLA: He is saying 6.83 acres.

24 MR. COWEN: Maybe you have sixteen,

25 seventeen, eighteen acres total. You are

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1 looking at what, three credits? That ain't
2 going to work out.

3 MR. GIRANDOLA: You have to go through the math,
4 yes; no question.

5 MR. PROIOS: Can I ask a question on Parcel
6 Number 10? Was that issued the full
7 credit?

8 MR. RIZZO: Yes. The brownish parcels are
9 all one credit parcels.

10 MR. COWEN: Let me ask a question at the risk
11 of not wanting to know the answer.

12 Mark, how did -- what was the
13 rationale for issuing credits on every one
14 of those brown parcels?

15 MR. GIRANDOLA: You have the wrong map. You are
16 better off with the purple map.

17 MR. NICOLAZZI: That has road frontage.

18 MR. COWEN: What was the rationale for each
19 one of those individual separate parcels?

20 MR. RIZZO: Because of the tax map they are,
21 and we do it by tax map parcel --

22 MR. NICOLAZZI: [INTERPOSING] Also, I would like
23 to indicate that I don't think the theory
24 of adverse possession would apply because I
25 think the County has recently closed on one

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1 or two or three of the lots in green.

2 MS. PLUNKETT: They already have. That's why
3 they are green.

4 MR. NICOLAZZI: I am saying that would have to be
5 seven years. They just closed on them.
6 They just took title. I don't think
7 adverse possession would apply in terms of
8 those lots.

9 MR. PROIOS: I was relating to the fact if
10 they were all under single an separate
11 ownership, the owner could provide legal
12 access to them.

13 MS. PLUNKETT: It is just road frontage on
14 improved lots. The real lots don't have
15 that. They all have legal access.

16 MR. NICOLAZZI: Essentially, Mr Cowen undermines
17 my entire appeal if you go in that
18 direction.

19 MR. COWEN: That's right.

20 MR. NICOLAZZI: But that is not always the
21 direction I want to go in. If I can speak
22 for him, that's a general question. To say
23 that my applicant has made an attempt to
24 own all the road, and to abandon the road
25 and have adverse possession of the entire

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1 piece, all of that is somewhat far-fetched.

2 MR. COWEN: Except he is farming the whole

3 piece as if he owns it.

4 MR. NICOLAZZI: This middle area is wooded.

5 MR. RIZZO: Part of the area is going to be a

6 little off. It is going to be shifted, the

7 lines.

8 MR. COWEN: It is pretty clear to me, if you

9 look at the back, and there are rows of

10 trees that are planted and they go right

11 across wherever you want to put those

12 rights-of-way.

13 MR. NICOLAZZI: I think he puts spaces between

14 the trees right where the roads are.

15 MR. ALBERTO: I was very careful.

16 MR. COWEN: It seems to me if our criteria,

17 and I frankly don't remember, our entire

18 criteria is if we had been able to issue

19 credit on the brown or purple parcels

20 because they are road frontage, they show

21 up as a separate tax map, if that's our

22 criteria, then what we have applied to

23 people in the past who have interior lots

24 is whether to not it is feasible, and there

25 is a conceivable way they can get access to

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1 those interior lots.

2 It says here that it is not
3 unreasonable to expect that this gentleman
4 could build a road because at the most, it
5 is only five hundred feet back to the most
6 deep lot that he has.

7 So, it seems to me -- but I do
8 have one other question for you before I
9 say anything more.

10 On the purple lots, have there
11 been conservation easements filed?

12 MR. NICOLAZZI: No.

13 MR. RIZZO: They have applied for Pine
14 Barrens credits, and we were going through
15 this appeal first.

16 MR. COWEN: You have given them a LOI first?

17 MR. RIZZO: The LOI they have.

18 MR. COWEN: What would be the intention upon
19 filing for a conservation easement with
20 respect to the language of that easement?
21 Would you be settling for the boilerplate
22 easement, or would you be filing for a
23 special easement?

24 MR. NICOLAZZI: I think my clients have the
25 intention of continuing to farm. We would

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1 be willing to say we would put a
2 conservation easement on the entire area,
3 on the six parcels that we are appealing
4 today, we would put conservation easements
5 on the whole twelve parcels.

6 MR. COWEN: Well, you have to.

7 MS. PLUNKETT: The question is what do you have
8 in the language of the easement?

9 MR. NICOLAZZI: We would be happy to continue
10 with no further clearing of the existing
11 vegetation, but I think my client would
12 like to continue his farming.

13 MR. COWEN: Have we ever done a residual use?

14 MR. RIZZO: Well, the boilerplate easement
15 has it that you can continue farming.

16 MR. GIRANDOLA: As long as there would be no
17 further clearing

18 MR. RIZZO; For agricultural purposes, there
19 being no further alteration of the
20 landscape.

21 MR. PROIOS: The next question. What would be
22 the actual number you are looking for? The
23 existing zoning, the previous zoning -- the
24 existing zoning and the Health Department
25 requirements, which is one acre?

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1 MR. COWEN: You have already issued six
2 credits on the parcel.

3 MR. NICOLAZZI: We are asking that all lots be
4 treated as road frontage, and it would be
5 road credit for each lot. I know that this
6 Commission is not interested in hardship,
7 per se, but if my clients were to develop
8 this parcel, they would have twelve parcels
9 with an average price of one hundred
10 thousand dollars per lot, and they are now
11 selling for forty thousand dollars per lot
12 assuming the Commission is gracious enough
13 to issue the twelve credits.

14 MS. PLUNKETT: You may want to look at some
15 other cases we have. These lots are all in
16 the exact same ownership, and in previous
17 applications, these are not recognized as
18 exempt because there was the same owner as
19 this with the same lots. That would be the
20 condition that would be applied for those
21 lots.

22 I think I would want the
23 Commission to look at that case because it
24 is not necessarily exempt from Article VI
25 in this case.

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1 MR. COWEN: But we did issue six credits
2 already.

3 MS. PLUNKETT: We are talking about issuing the
4 one additional.

5 MR. COWEN: Let me make one other statement
6 here about what we have done in the past.
7 I know we had a circumstance awhile ago
8 where a person applied to us for an appeal
9 such as what you are doing, and I believe
10 we established that when you are doing
11 that, we are able to rule in either
12 direction on that appeal and include other
13 properties that were a subject of the
14 original application in that appeal
15 relooked at, so to speak.

16 I don't know whether you realize
17 that in appealing, but I think you have put
18 on the table this whole parcel, not just
19 the .75 credits that you have asked us to
20 look at. I think when we look at it, we
21 may look at the whole thing. That may or
22 may not be in your favor. It may have been
23 in your favor when we issued the six
24 credits.

25 MR. NICOLAZZI: When you do allocations, when

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1 there is allocations on road frontage, it
2 is immaterial whether they are road
3 frontage, exempt from the Board of Health.
4 If they have road frontage, they get one
5 full credit.

6 MR. COWEN: So, you make a distinction
7 between road frontage and interior parcels?

8 MS. PLUNKETT: Yes, there is a couple of cases.
9 I think you are thinking about one appeal
10 where there was the ability to extend the
11 road.

12 I think you have to look at that
13 application, and you have to look at one
14 and the same ownership. We just ask you to
15 reserve decision until we look into it.

16 MR. COWEN: I don't plan on making a decision
17 today. I guess I would ask -- never mind,
18 this doesn't have to be on the record.

19 MR. PROIOS: Any more questions for the
20 applicant?

21 Anybody from the public wish to
22 address the Commission on this application?

23 MR. MAC LELLAN: How many credits are you looking
24 for?

25 MR. NICOLAZZI: Twelve.

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1 MR. RIZZO: Six right now.

2 MR. NICOLAZZI: I'm sorry, sir.

3 MR. GIRANDOLA: Have you been approached by the

4 County to sell this property to them?

5 MR. NICOLAZZI: Gentlemen?

6 MR. ALBERTO: No.

7 MR. PROIOS: Any other questions?

8 If not, I bring this hearing to a

9 close.

10 [WHEREUPON THIS HEARING WAS CONCLUDED AT

11 5:07 P.M.]

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CERTIFICATION

STATE OF NEW YORK)
)
COUNTY OF SUFFOLK)

I, SHEILA PARISER, R.P.R., a Notary Public in
and for the State of New York, do hereby certify:

THAT this is a true and accurate record of
the Hearing held before the Central Pine Barrens
Joint Planning and Policy Commission, in the matter
of RICHARD SIPALA, JOSEPH ALBERTO, JOHN SIPALA, held
on August 23, 2000, as recorded by me and transcribed
under my direction.

IN WITNESS WHEREOF, I have hereunto set my
hand this 30th day of August, 2000.


SHEILA PARISER, R.P.R.

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