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CENTRAL PINE BARRENS

JOINT PLANNING AND POLICY COMMISSION

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In the Matter of the Public Hearing :  
on the Pine Barrens Credit Letter of :  
Interpretation appeal of John Andersen, :  
SCTM# 200-511-1-15 and 200-511-16 :  
 :  
----- :

HEARING in the above-captioned matter held  
on the 29th day of March, 2000, at 4:10 P.M.,  
at Riverhead Town Hall, Town Board Meeting Room,  
210 Howell Avenue, Riverhead, New York, pursuant  
to Notice of Hearing, and before Ana Dutra Grande,  
a Notary Public of the State of New York.

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APPEARANCES:

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

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

MARTY SHEA, Member  
Town of Southampton

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

ROBERT KOZAKIEWICZ, Member  
Town of Riverhead

DORIS ROTH, ESQ.  
Attorney for Commission

ALSO PRESENT:

MARK H. RIZZO  
Environmental Analyst

JOHN ANDERSEN, Applicant

1  
2 (THE HEARING WAS CALLED TO ORDER BY THE  
3 CHAIRMAN, GEORGE PROIOS, AT 4:10 P.M.)  
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5 THE CHAIRMAN: I'd like to call this public  
6 hearing back to order.

7 My name is George Proios,  
8 Acting Chair of the Commission, acting on  
9 behalf of Suffolk County Executive Robert  
10 Gaffney, who is the Commission Chairman.

11 Once again I'll ask the  
12 Commission members to introduce themselves  
13 and who they represent starting from my far  
14 right.

15 MR. GIRANDOLA: John Girandola representing  
16 Supervisor Felix Grucci, Town of  
17 Brookhaven.

18 MS. WIPLUSH: Barbara Wiplush representing  
19 Felix Grucci, Supervisor, Town of  
20 Brookhaven.

21 MR. SHEA: Marty Shea representing  
22 Supervisor Vincent Cannuscio of the Town of  
23 Southampton.

24 MR. COWEN: Ray Cowen representing Governor  
25 Pataki.

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2 MR. KOZAKIEWICZ: Robert Kozakiewicz representing  
3 Town of Riverhead.

4 MS. ROTH: Doris Roth, Commission Counsel.

5 THE CHAIRMAN: And again, just for public  
6 notice, this is a continuation of an appeal  
7 from the credit Clearinghouse by Mr.  
8 Andersen that took place on February 16,  
9 2000, and we kept the hearing open in order  
10 to accept additional information.

11 At this time I think staff wants  
12 to present a couple of items for the  
13 record.

14 MR. RIZZO: Mark Rizzo. I'm just going to  
15 present two more items for identification  
16 as exhibits. Actually, they're going to be  
17 Exhibit Numbers 8 and 9 on the  
18 continuation.

19 The first is a staff report from  
20 the Letter of Interpretations appeal of  
21 Expressway 60 Patent and Bernard Meyer from  
22 February 28, 1996.

23 And the second is a staff report  
24 from the Letter of Interpretation appeal of  
25 Martha Barkus and additional appellants

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from February 18, 1997.

They're just two staff reports from cases that had similar circumstances where there were parcels on roadfront and interior parcels.

(STAFF REPORTS WERE MARKED COMMISSION'S EXHIBITS 8 AND 9 IN EVIDENCE.)

MS. ROTH: Could you give a copy to them?

MR. RIZZO: Yes.

MR. GIRANDOLA: One copy is all you have?

MR. RIZZO: Yes. As I was saying, they show a similar circumstance where there is a roadfront parcel and interior parcel behind, but they do not match the same circumstances in Mr. Andersen's case because they both deal with over twenty acres of lands, whereas Mr. Andersen's two parcels are less than one acre.

And those are the only two items I have to mark as exhibits right now.

THE CHAIRMAN: And both those cases, were they owned by one applicant also?

MR. RIZZO: It was a realty subdivision. It was multiple owners, both the same

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corporation.

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MS. ROTH: They had checkerboard title.

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Single and separate was an issue in those

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prior appeals, but it's not an issue in

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this particular appeal.

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MR. GIRANDOLA: So both parcels are less than an

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acre?

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MR. RIZZO: Together, yes.

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MR. ANDERSEN: Together. It's 1.1, I think.

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MR. RIZZO: I'm sorry, yes. He is absolutely

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right, 1.1 acre. I apologize for that.

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One is a half acre, one is .6 acres.

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THE CHAIRMAN: Mr. Andersen just needs to

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identify himself for the Stenographer.

16

MR. ANDERSEN: John Andersen; 23 Andersen Court,

17

Westerly, Rhode Island 02891.

18

MR. GIRANDOLA: What do you get for the second

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parcel, the first one that fronts on County

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Road?

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MR. RIZZO: He got a tenth of a credit on the

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parcel number fifteen, which is the

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interior parcel.

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I'll enter one more exhibit for

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the record. I think it's Number 10. This

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is a staff report prepared for this appeal. I'll mark it for the address and appeal dated March 28, 2000. It is a draft staff report. And we'll give you staff's recommendation.

(STAFF REPORT WAS MARKED COMMISSION'S EXHIBIT 10 IN EVIDENCE.)

THE CHAIRMAN: I guess the question we had the last time was whether or not the second parcel had any access to the front, so that would be construed to have no front. So now you're saying that they do not?

MR. RIZZO: I don't think we established that in the first case.

THE CHAIRMAN: That they're both back to back, but one is on roadfront?

MR. RIZZO: One is on roadfront.

THE CHAIRMAN: And does the second one have access by virtue of the owner owning it, to grant the right of way to the second parcel?

MR. RIZZO: In the first hearing the Brookhaven Town attorney said that under Town Code I believe that would merge if Mr.

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Andersen was to apply for a building permit. That's on the record.

MR. GIRANDOLA:                Would have to prove single and separate ownership with a title search as far as that. Also I think, I'm looking at the record, I wasn't at the meeting, Mrs. Eaderesto basically said that if the lots had been approved or are approved, he would probably have to build a road to get to it or else come to the ZBA for some sort of flag lot concept or whatever.

THE CHAIRMAN:                 Mr. Andersen, is there anything you want to add to this?

MR. ANDERSEN:                 Nothing. Except that I'm just hoping that you see that if I had known previously I could have checkerboarded the lot, like she was just saying. I didn't even know I was being rezoned and now all of a sudden it's one piece of property rather than two.

I've been paying taxes on the two pieces of property since 1956 and now all of a sudden it's one piece of property.

THE CHAIRMAN:                 You still have two separate tax

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parcel bills?

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MR. ANDERSEN: Yes.

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MR. GIRANDOLA: That doesn't bear on it. What

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bears on it -- in all probability you have

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two deeds and they're both in the same

7

name. They have merged under the Town's

8

Code.

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MR. ANDERSEN: You guys merged it, I didn't.

10

MR. GIRANDOLA: Under the Town Code it's merged.

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In order to split it, you'd have to go for

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a variance or whatever.

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MR. ANDERSEN: If I knew this was coming, I

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could have put one in my wife's name and

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one in my name.

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MR. GIRANDOLA: It's always been in the Code,

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sir.

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MR. ANDERSEN: Oh.

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MR. GIRANDOLA: My understanding is you have one

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lot fronting on County Road 111, the other

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lot is behind it, so the lot behind it is

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not a roadfront parcel.

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MR. RIZZO: Correct, it was not.

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MR. GIRANDOLA: All I want to know.

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MR. RIZZO: It was not increased.

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THE CHAIRMAN: The Commissioner might have questions of Mr. Andersen.

MR. COWEN: No.

MR. KOZAKIEWICZ: The lot that's to the rear, as far as the Brookhaven Code is concerned it's deemed merged. What would be the actual application to unmerge it?

MR. GIRANDOLA: Split variance.

MR. KOZAKIEWICZ: Would there be any other applications necessary to any other Boards within the Township?

MR. GIRANDOLA: For the split?

MR. KOZAKIEWICZ: Right.

MR. GIRANDOLA: No. It would just be ZBA. The Health Department will get involved after that.

MR. KOZAKIEWICZ: I'm saying within the Brookhaven structure itself, within the Township, are there standards for when a split division comes before the ZBA?

MR. GIRANDOLA: Actually, there is. We have a small lot ordinance depending on the size of the parcel. He may even need a special permit, which has tighter criteria because

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you have to meet the criteria of the special permit in order to apply for the permit.

If you don't meet the criteria, you're out of the ballpark.

MR. KOZAKIEWICZ: Okay. In this case you're not sure if the special permit --

MR. GIRANDOLA: (INTERPOSING) I don't have the survey as far as that. But either way, it's an action by the ZBA at this point. But the parcels, you know, forgetting the issue of single and separate, if you look at the two parcels, one is not a roadfront parcel. I think the Clearinghouse took that into account when it gave its determination.

THE CHAIRMAN: Anyone else have any questions?

(NO RESPONSE.)

THE CHAIRMAN: I need to ask if any members of the public wish to address some of this issue?

Mr. Olsen?

MR. OLSEN: Walter Olsen. I'll just make a brief comment.

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2 I can't help but notice that we  
3 have a classic example here of a property  
4 owner, as I stated at the last meeting, who  
5 was not maybe as astute as some other  
6 property owners might have been, and when  
7 the change in zone took place, didn't have  
8 the foresight to checkerboard the  
9 properties as other people might have  
10 done.

11 And the other thing that's a  
12 little alarming to me and, of course, this  
13 has gone on for some time, is the practice  
14 of all of the towns out here of never  
15 notifying a property owner when this  
16 exists, particularly if that property owner  
17 is out of state.

18 And when they do a zoning change  
19 like that, it's my feeling that in order to  
20 cover it up they never send a combined tax  
21 bill showing that property owner that now  
22 he only has one parcel of land. They lead  
23 him to believe for many years that he has  
24 two parcels of land and then he comes to a  
25 situation like this and finds out that he's

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been duped. And that is very unfair.

As unfair as that is, I think that you have an opportunity here today to unravel some of that and adjust your allocation as far as Pine Barrens credits to reflect something that's more toward fairness. That's what we're all about here, that's what your Board is all about here I would think is fairness, besides a cut and dry formula that you use.

And it's very clear to me and very clear to many other people that this problem does exist, not in just Mr. Andersen's case, but in many cases where these parcels merged and the property owner never knew it. To this day there are thousands of property owners out there that are paying all these little separate tax bills thinking they have all these little separate tax parcels that are individual and that simply isn't true.

I think that you have a chance to remedy some of that here and I think that Mr. Andersen would very much appreciate

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that if you did.

Thank you very much.

THE CHAIRMAN: Any other comments?

(NO RESPONSE.)

THE CHAIRMAN: I'll call this hearing to a close.

(WHEREUPON THIS HEARING WAS CONCLUDED AT 4:20 P.M.)

oOo

EXHIBITS

Commission's Exhibit 8	Staff report	Page 3
Commission's Exhibit 9	Staff report	Page 3
Commission's Exhibit 10	Staff report	Page 5

