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CENTRAL PINE BARRENS

JOINT PLANNING AND POLICY COMMISSION

-----X

In the Matter of the Public Hearing of:

The appellant Robert Weinstein was allocated 4.56 Pine Barrens Credits in a Letter of Interpretation dated December 16, 1999 for Suffolk County Tax Map Parcel #200-562-3-1. The parcel is located to the south of the Long Island Expressway Interstate 495 and to the northeast of County Road 111.

-----X

Brookhaven Town Offices
3233 Route 112
Medford, New York

February 16, 2000
3:00 p.m.

PUBLIC HEARING

ACCURATE COURT REPORTING
6 Frances Lane
Port Jefferson, New York 11777
631-331-3753

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

GEORGE PROIOS

Chairman
County of Suffolk

RAY COWAN

State of New York
Representing the Governor's OfficeRAYMOND CORWIN, Executive Director Central Pine
Barrens Joint Planning and Policy
Commission

DORIS ROTH, ESQ.

General Counsel for the Commission

MARTIN E. SHEA

Chief Environmental Analyst

WILLIAM SPITZ,

State of New York

JOEY MAC LELLAN

Executive Assistant

ANNETTE EADERESTO, ESQ.

Town Attorney, representing Felix Grucci

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

MARK H. RIZZO

Environmental Analyst

DONNA PLUNKETT

Staff to Commission

LORRAINE TREZZA

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MR. PROIOS: This is our second
appeals hearing.

For the record I will read the
Notice.

"Please take notice that two
hearings will be held concerning the
credit allocations given in Letters of
Interpretation for Robert Weinstein and
Joseph Gazza. The hearings have been
scheduled for February 16, 2000 at 3:00
p.m., at the Brookhaven Town Offices,
which is located at 3233 New York State
Route 112, Medford, New York. Said
appeals are made pursuant to Section
6.7.3.3 of the Central Pine Barrens
Comprehensive Land Use Plan (the Plan).
The Central Pine Barrens Joint Planning
and Policy Commission will be holding
the appeals hearing pursuant to Section
6.7.3.4 of the Plan.

"The appellant Robert Weinstein
was allocated 4.56 Pine Barrens Credits
in a Letter of Interpretation dated
December 16, 1999 for Suffolk County Tax

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Map Parcel #200-562-3-1. The parcel is located to the south of the Long Island Expressway Interstate 495 and to the northeast of County Road 111.

Do you have any pertinent documents to be marked?

MR. RIZZO: Yes, I do.

I would like to mark as exhibits, the first exhibit will be the staff report for this parcel.

(WHEREUPON, the above-referred to document, staff report, was marked as Commission's Exhibit 1, as of this date.)

MR. RIZZO: That exhibit will show that the acreage of the parcel is 28.5 acres. The zoning is Brookhaven Town A residence zoning, five acre zoning.

I will enter my next exhibit, which is the letter of interpretation for this parcel dated December 16, 1999.

(WHEREUPON, the above-referred to document, Letter of Interpretation, was marked as Commission's Exhibit 2, for identification, as of this date.)

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MR. RIZZO: The parcel is allocated 4.56 Pine Barrens credits according to the allocation formula.

The next item I will enter as an exhibit is the Suffolk County Tax Map, Brookhaven Town, tax map section number 562. The parcel in question is noted by a black or grey streak in the middle of the parcel.

(WHEREUPON, the above-referred to document, tax map, was marked as Commission's Exhibit 3, for identification, as of this date.)

MR. RIZZO: I would like to mark as Exhibits 4 and 5, are maps created by using the geographic information systems programs, Art View, version 3.1. The first map will show the subject parcel and the parcels in the vicinity. The parcel is outlined in orange or reddish color.

The second map will show an aerial map that was taken via the Suffolk County enhanced 911 project from 1996. The surrounding parcels are overlaid and the subject parcel is in the yellow color,

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outlined yellow color.

(WHEREUPON, the above-referred to documents, map, was marked as Commission's Exhibit 4 for identification, as of this date.)

(WHEREUPON, the above-referred to document, aerial map, was marked as Commission's Exhibit 5, for identification, as of this date.)

MR. RIZZO: The final exhibit is the actual letter of interpretation, appeal letter of Mr. Robert Weinstein, dated January 6, 2000.

(WHEREUPON, the above-referred to document, letter of appeal, dated January 6, 2000, was marked as Commission's Exhibit 6 for identification, as of this date.)

MR. RIZZO: I just want to state that the applicant is in the State of Florida. He contacted me and he did say he was going to send a packet of information that I was to give to the Commission on his behalf.

As of 12 p.m., it was not received in our offices and that is the only

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information that the Commission Staff has.

MS. ROTH: Please note, for the record, the applicant is not here.

MR. PROIOS: What is the time frame for which we have to give our decision?

MR. RIZZO: Should be by March 10th, I believe you have to give a decision.

MR. PROIOS: The next meeting is March 8th?

MR. RIZZO: It would be after your next meeting.

MR. COWAN: Mark, did you have any conversation with the applicant about him preparing the yield map?

MR. RIZZO: Yes, I did.

MR. COWAN: What did he say?

MR. RIZZO: He did not indicate whether he would send a yield map. He did indicate that he would send the appraisal records and that letter that he wrote and other supporting documents why he thinks he should get a greater allocation of Pine Barrens credits.

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MR. PROIOS: As far as you were able to determine there's been no filed subdivision maps that would have produced additional lots along Route 111.

MR. RIZZO: We are not aware of any subdivision map. We are looking at the Suffolk County real property tax services map, it does not indicate the subdivisions of those parcels.

MR. PROIOS: Do you have any idea as to how long he's owned the property?

MR. RIZZO: I believe I do.

I have a deed dated November 24, with the liber 7950, page 115, from Jacwin Forms, Inc. to Mr. Jack Weinstein, with 37 and a half percent interest, Mr. Lee Weinstein and his wife with 37 and a half percent interest and Mr. Robert Weinstein, his son, with a 25 percent interest.

If you want to take a look at that.

I guess we can mark that as the next exhibit.

(WHEREUPON, the above-referred to

1

2 document, deed, was marked as Commission's
3 Exhibit 7, for identification, as of this
4 date.)

5 MR. COWAN: Mark, the applicant
6 has requested something in the order of 16 to
7 18 credits and the fact of the matter is that
8 our formula of point 16 that we use for five
9 acre zoning is point 16 rather than point 2,
10 just to allow for infrastructure roads and
11 sump and things like that, but the maximum
12 that you could ever possibly have for this
13 property would be a point 2 factor for five
14 acre zoning which would come out to be 5.7
15 credits total. I mean that's if someone came
16 in with a yield map that showed sufficient
17 five acre lots with no infrastructure the
18 maximum on this property would be 5.7 credits.

19 Mark, did you get any indication
20 that the applicant might have a filed
21 subdivision map or something like that?

22 MR. RIZZO: I did not get that
23 indication. We did ask him if he had a yield
24 map. He did not indicate yes or no. I said
25 it was up to the Board in their decision.

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That's when he advised it was in the packet of the information that still has not arrived.

MR. PROIOS: I'll give him the benefit of the doubt. I think it fits within our time frame having a meeting on the 8th. Hold this open until that time in hope that he gets the additional information. We'll have to hold it over and render our decision at the next meeting.

MR. RIZZO: I will contact him tomorrow. I was in contact with him yesterday via phone and left a message on an answering machine.

MR. PROIOS: Does anyone wish to address the Commission on this matter before I close it?

(WHEREUPON, there was no response.)

MR. PROIOS: If not --

MR. CORWIN: Aren't you leaving it open?

CHAIRMAN: We'll keep it open until the next meeting.

MR. CORWIN: March 8th.

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(WHEREUPON, this meeting was
concluded.)

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E X H I B I T S

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C E R T I F I C A T E

I, LORRAINE D. BERARDI, certify that the foregoing transcript of the proceedings in the Central Pine Barrens Hearing, County of Suffolk, was prepared by me and is a true and accurate record of the proceedings, to the best of my ability.



LORRAINE D. BERARDI

Dated: February 29, 2000