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CENTRAL PINE BARRENS

JOINT PLANNING AND POLICY COMMISSION

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:
In the Matter of a Letter of :
Interpretation appeals of :
:
JOSEPH ZACHARY GAZZA :
:
pursuant to Section 6.7.3.3 of the :
Central Pine Barrens Comprehensive Land :
Use Plan regarding Tax Map Numbers :
900-167-2-8, 900-167-2-9, 900-213-1-71, :
900-240-1-34 and 900-327-2-2, :
requesting greater allocation of Pine :
Barrens Credits for each of these :
parcels. :
:
----- :

HEARING in the above-captioned matter, held
on the 11th day of December, 2002 at 4:30 P.M., at
the Commission Office, 3525 Sunrise Highway, 2nd
Floor, Great River, New York, pursuant to Notice of
Hearing and before Sheila Pariser, R.P.R., a Notary
Public of the State of New York.

ORIGINAL

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

2
3 ROBERT J. GAFFNEY, Chairman
4 Suffolk County Executive
5 BY: JENNIFER KOHN

6
7 RAY E. COWEN, P.E., Acting Chair
8 DEC Regional Director
9 Representing GEORGE PATAKI

10
11 JOHN J. LA VALLE, Member
12 Supervisor, Town of Brookhaven
13 BY: BRENDA A. PRUSINOWSKI, AICP and
14 JEAN COMPITELLO

15
16 PATRICK HEANEY, Member
17 Supervisor, Town of Southampton
18 BY: JEFFERSON MURPHREE

19
20 ROBERT KOZAKIEWICZ, Member
21 Supervisor, Town of Riverhead
22 BY: JOEY MAC LELLAN

23
24 EDWARD RANDOLPH, Staff to Commission

25 MC MILLAN, RATHER, BENNETT & RIGANO, P.C.
 Attorneys for Commission
 BY: JAMES P. RIGANO, ESQ.

 WILLIAM SPITZ, Staff to Commission

 ANN CARTER, Staff to Commission

 o0o

1 [THE HEARING WAS CALLED TO ORDER BY THE
2 ACTING CHAIRMAN, RAY E. COWEN, AT 4:30
3 P.M.]
4

5 MR. COWEN: I am just going to begin by
6 reading the notice. This is a notice of a
7 Letter of Interpretation Appeals hearing.

8 "Please take notice that a
9 hearing on the Letter of Interpretation
10 appeals by Joseph Zachary Gazza has been
11 scheduled for December 11, 2002 at three-
12 thirty p.m. at Riverhead Town Hall,
13 Riverhead, New York. Said appeals are made
14 pursuant to Section 6.7.3.3 of the Central
15 Pine Barrens Comprehensive Land Use Plan,
16 (the Plan).

17 "The Central Pine Barrens Joint
18 Planning and Policy Commission will be
19 holding the appeal hearing pursuant to
20 Section 6.7.3.4 of the Plan. The appellant
21 was allocated Pine Barrens Credits, (PBC's)
22 in Letters of Interpretation for the
23 following Suffolk County Tax Map Parcel
24 Numbers:

25 "900-167-2-8, 900-167-2-9, 900-

1 213-1-71, 900-240-1-34 and 900-327-2-2.

2 The appellant is requesting a greater
3 allocation of Pine Barrens Credits, (PBC's)
4 for each of these parcels.

5 "All parcels are located in the
6 Town of Southampton. Any persons who wish
7 to comment on the appeals are invited to
8 attend the hearing."

9 We are going to hear from Ed
10 Randolph, who is going to give us a Staff
11 Report on this issue.

12 First, we will introduce
13 ourselves. My name is Ray Cowen. I
14 represent Governor Pataki on the
15 Commission.

16 To my right.

17 MS. COMPITELLO: Jean Compitello, representing
18 Supervisor John J. LaValle, Brookhaven.

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

22 MS. PRUSINOWSKI: Brenda Prusinowski, representing
23 Brookhaven Town Supervisor, John J.
24 LaValle.

25 MS. KOHN: Jenny Kohn, representing Suffolk

1 County Executive, Robert Gaffney.

2 MR. RIGANO: James Rigano, counsel.

3 MR. MURPHREE: Jeff Murphree, representing
4 Supervisor Patrick Heaney, Town of
5 Southampton.

6 MR. COWEN: I might add, I am acting in an
7 acting capacity today as Chairman of the
8 Commission. Ed?

9 MR. RANDOLPH: As you will see in Exhibit 2 --
10 the notice is Exhibit 1.

11 [WHEREUPON NOTICE OF HEARING WAS MARKED
12 COMMISSION'S EXHIBIT 1 IN EVIDENCE.]

13 MR. RANDOLPH: Exhibit 1 is a listing of all the
14 parcels involved here. The first two, 167-
15 2-8 and 9, you will see in the aerials I
16 just handed to you. You will see one
17 larger view of the area here on one, and
18 that's Exhibit Number 8, and then a closer
19 view of the two parcels in Exhibit 9.

20 As you see there, the two parcels
21 sit next to each other, and if you also
22 look through the packet of literature I
23 handed to you, you will see on the second
24 page the actual request from Mr. Gazza
25 stating that these two parcels are in a

1 largely, what he calls, a largely
2 residentially developed area, as well as on
3 an improved road.

4 Then, if you read a little
5 further on this, on the third and fourth
6 pages, you will see where he depicts a home
7 being built two parcels away from his, as
8 well as a letter from the Town of
9 Southampton Highway Department and a
10 private engineering firm stating that this
11 particular road, Flanders Boulevard, that
12 this property sits on, is maintained by the
13 Town and is being planned to be improved in
14 the near future.

15 MS. PRUSINOWSKI: Where does it say in the near
16 future?

17 MR. RANDOLPH: It says it in here if you read
18 the letter.

19 MS. PRUSINOWSKI: The letter is dated 1991.

20 MR. RANDOLPH: I am just stating what Mr. Gazza
21 has given to me. He has given me these
22 documents with his appeal request.

23 MR. COWEN: You are saying that his parcel,
24 the frontage of his parcel is on Flanders
25 Boulevard or is Flanders Boulevard the one

1 to the east that is improved already where
2 all of these houses sit? I am unclear on
3 that.

4 MR. RANDOLPH: If you look at the map here, two
5 pages prior to that it actually is crossed
6 off here, but the home he is referencing as
7 well in his first page of this request,
8 states that this home is being built on
9 Flanders Boulevard, and the home is on an
10 improved road, and I personally drove down
11 that area of the road, and I was unable to
12 make it any further than the home that he
13 has colored on there that says Number 75 on
14 it.

15 MR. COWEN: Can I stop you right there? I
16 want to catch -- make sure I understand
17 what we are talking about.

18 Which two lots, tax lots are we
19 talking about right now?

20 MR. RANDOLPH: We are talking about the two that
21 are highlighted in yellow on the map that
22 Mr. Gazza has marked up here.

23 MR. COWEN: Do you have an aerial photograph?

24 MR. RANDOLPH: Those two are depicted in the
25 aerials I just handed to you. I do not

1 have that one highlighted, the one that he
2 is stating that the home is being built
3 currently on.

4 MR. COWEN: Just a question of orientation.

5 MR. RANDOLPH: Like I have said, I have handed
6 out two aerials. One is a larger view of
7 the aerial, and the other one is a closer
8 view. The parcel that he is stating as
9 being built is north. So, if you hold it
10 where you can read the actual map numbers,
11 the direction north would be straight up.

12 MR. COWEN: Sorry, Ed. It doesn't matter.
13 Both maps show two houses located north and
14 east of Mr. Gazza's parcel.

15 Without an obvious point of
16 access, how do they get to those houses
17 over there?

18 MR. RANDOLPH: That's the road adjacent to
19 Flanders Boulevard, which is more improved
20 than Flanders Boulevard.

21 MR. COWEN: Can you show us on the map where
22 the access is?

23 MR. RANDOLPH: If you come down this road here,
24 I believe that is Oak Avenue, that's Arthur
25 Street. You would take Arthur Street off

1 of Oak Avenue, and that would gain you
2 access to those homes there.

3 MR. COWEN: Is that a dirt road?

4 MR. RANDOLPH: That's a dirt road as well. I
5 didn't necessarily venture down to that
6 area here. I don't know how this road is
7 improved.

8 MR. COWEN: In your package, you have a
9 letter from the Superintendent of Highways
10 from October 4th. Is the content of that
11 letter applicable to those houses, the one
12 to the east and Mr. Gazza's?

13 MR. RANDOLPH: This is Flanders Boulevard here.
14 This is the road he is referring to in the
15 letter from the Town. [INDICATING]

16 The Town letters refers to
17 Flanders Boulevard.

18 MS. PRUSINOWSKI: Is that a private road, Flanders
19 Boulevard? Do you have any knowledge of
20 that?

21 MS. COMPITELLO: He says it is not entirely owned
22 by the Town, but the Town maintains
23 services.

24 MR. RANDOLPH: In certain seasons, the Town
25 maintains parts of it.

1 MR. COWEN: There seems to be a structure on
2 a lot -- well, it is hard to tell if it is
3 adjacent to Mr. Gazza's lot, but there
4 seems to be a structure on the lot just to
5 the north of Mr. Gazza's. Is that an
6 actual structure in there?

7 MR. RANDOLPH: That I couldn't determine. I
8 don't know if it was broken down.

9 MS. COMPITELLO: Are you talking about this little
10 thing here? [INDICATING]

11 MR. COWEN: Yes.

12 MR. RANDOLPH: I couldn't even get down that
13 part of the road with a vehicle. I wasn't
14 able to make it to that point. I am just
15 trying to prove the point that it was an
16 improved road, it wasn't improved enough to
17 drive a vehicle down.

18 MR. MURPHREE: We can ask Mr. Masterson when the
19 road was improved. I think he was alluding
20 to, in his letter, on private roads, as a
21 matter of policy if called upon, they will
22 provide those services.

23 MR. MAC LELLAN: Such as plowing.

24 MR. RANDOLPH: Snow or debris, tree limbs,
25 etcetera.

1 MR. COWEN: Why don't we go back to the
2 access? The access for the two homes that
3 are to the east of Mr. Gazza, you indicated
4 on the map where you think that access is.
5 Do we know if those are Town-owned roads at
6 this point?

7 MR. RANDOLPH: That I do not know. I would
8 imagine they are probably privately owned
9 if this here is privately owned as well.

10 MR. COWEN: The crux of Mr. Gazza's argument
11 is that he is on or in close proximity to a
12 "improved road."

13 MR. RANDOLPH: Yes.

14 MR. COWEN: He is looking for a full
15 allocation of the one credit?

16 MR. RANDOLPH: Yes.

17 MR. COWEN: What was his allocation?

18 MR. RANDOLPH: .23 on Lot Number 8, and then .6
19 on Lot Number 9.

20 MR. COWEN: The Commission in the past --

21 MS. COMPITELLO: [INTERPOSING] I am still trying
22 to get my direction. This is Flanders over
23 here?

24 MR. RANDOLPH: Yes.

25 MR. COWEN: The Commission in the past, as I

1 recall -- and correct me if I am wrong --
2 but I don't know if we have held someone to
3 a strict standard of having to have an
4 improved road abutting their property. I
5 think we applied the standard if there was
6 an improved road within a reasonable
7 distance so that a development of the road
8 would not be cost-prohibitive, I think we
9 have granted access.

10 MR. RANDOLPH: I think it says partial --

11 MR. COWEN: [INTERPOSING] I am speaking not
12 necessarily to the way the words are
13 written, but the way we have interpreted
14 the words "with our approval." I guess I
15 am asking you in your capacity, which I
16 realize is relatively short here in this
17 particular position, or maybe Mr. Spitz can
18 answer, I believe we have in the past
19 granted extra credit for parcels that were
20 near unimproved roads, haven't we?

21 MR. SPITZ: The most generous example was the
22 parcel that Mr. Gazza had east of County
23 Road -- Speonk-Riverhead Road, Middle
24 Island Highway, which was close to a mile,
25 something like that. I don't remember that

1 it was a full credit, though.

2 MS. PRUSINOWSKI: As I recall, it was a fractional
3 credit.

4 MR. SPITZ: It was increased, but not the
5 full credit.

6 MS. PRUSINOWSKI: He gave a computation in
7 association with the argument on that.

8 MR. SPITZ: Yes.

9 MR. RIGANO: Wasn't that a driveable dirt
10 road?

11 MR. SPITZ: That was the crux of the argument
12 at the hearing. We got into a discussion
13 as to what type of vehicle you would be
14 driving.

15 MR. RIGANO: If there was not an improved road
16 that the Commission has required within a
17 reasonable proximity, given the cost of
18 putting in a road not only from a
19 structural point, but also some sort of
20 electrical access to the improved road
21 through easement or property ownership,
22 more importantly.

23 MR. MURPHREE: On the other one, I think he had
24 been before us.

25 MS. PRUSINOWSKI: The question that I had for you,

1 Jeff, what would be necessary in terms of
2 Town approval for him to build on this
3 parcel?

4 MR. MURPHREE: It would have to be wide enough
5 to get an emergency vehicle down. He had
6 said he couldn't get a car down, much less
7 an emergency vehicle.

8 MS. COMPITELLO: You were traveling this road, and
9 this one you can drive down, but when you
10 get to this point, you couldn't drive down?
11 [INDICATING]

12 MR. RANDOLPH: Right.

13 MR. COWEN: It seems to me that one of the
14 first issues we need to find out is who
15 owns the roadway. If he doesn't have
16 access, legal access to the roadways, then
17 you have got no argument here whatsoever.

18 MS. PRUSINOWSKI: I believe that was the major
19 issue on the last credit appeal. His
20 argument being, being penalized twice by
21 using the calculation within the plan. We
22 need to be assured that that same argument
23 applies here.

24 MR. COWEN: You can't have it both ways
25 basically.

1 MS. PRUSINOWSKI: Yes.

2 MR. COWEN: If we don't know, then we need to
3 get back to him to find out who owns those
4 rights of way and what legal instrument
5 does he possess that gives him access over
6 those rights of way. That's the first
7 thing.

8 Secondly, just out of curiosity,
9 when you were there, Ed, did you notice
10 that utilities were installed to service
11 these two homes east of Mr. Gazza, electric
12 lines and that sort of thing?

13 MR. RANDOLPH: This parcel to the east over
14 here, I didn't necessarily, like I said, I
15 didn't go down to that road, but I would
16 imagine so if they are there that there is
17 some sort of utility service provided.

18 MR. COWEN: I think an element of this appeal
19 is whether or not these are legal lots, for
20 that matter, with the Town of Southampton.
21 Is there a way to ascertain that?

22 MR. MURPHREE: It looks like it is part of an
23 old filed map, and the question of whether
24 or not the old filed map has been owned by
25 the Town for development.

1 MR. COWEN: Would you be the appropriate
2 authority to research that issue, or should
3 we ask Mr. Gazza to provide that?

4 MR. MURPHREE: Mr. Gazza should provide that.

5 MR. COWEN: That's what he has to demonstrate
6 to us.

7 MS. CARTER: At which time the Town would
8 describe the improvements.

9 MR. COWEN: We have had two people speak that
10 have not been identified.

11 MS. CARTER: Ann Carter, Commission Staff.

12 MR. SPITZ: I am Bill Spitz. I am Staff to
13 Ray Cowen.

14 Traditionally, once we decided we
15 were going to look at the possibility of
16 treating them more like road front lots, we
17 start looking at whether or not they are
18 reasonable developable as single-family
19 home lots.

20 It occurs to me that these two
21 are abutting lots, and therefore might not
22 be single and separate, and I don't know
23 whether that is or is not an issue. But if
24 this were an issue, under the same
25 ownership if they are now joined, all the

1 other discussions aside, they are, for all
2 intents and purposes, one lot and we need
3 to consider that as the utilities and
4 roadways. The essence of the conversations
5 we have already had on the record are would
6 this be a location where one could
7 economically develop a single-family
8 residence or, two, are they situated close
9 enough to utilities and rights-of-ways and
10 access roads to allow that to happen.

11 Going back to the issue of single
12 and separate, it is not impossible that
13 these lots were prior to the current
14 ownership part of lots abutting them that
15 now have homes on them, and at some point
16 in time, prior to the current ownership,
17 they have been joined because of the single
18 and separate situation.

19 I believe a title search has to
20 be done on these. We have done this in the
21 past if the argument is made they are to be
22 developable as two separate lots, they
23 cannot have been married one to the other
24 or to the other parcels surrounding, one of
25 which at least has a residence on it.

1 MR. RIGANO:

2 A further consideration for the
3 Commission is that these several questions
4 have been raised, all of which are
5 questions of the applicant who has chosen
6 not to attend this hearing today, and given
7 that, at least my reaction is he has the
8 burden of proof that he is entitled to
9 these credits, and has not provided that
10 information, and is not here to provide
11 that information, that the Commission can
12 act to deny the request, and if the
13 applicant so chooses, he can reapply and
14 the Commission could consider the question
15 as to whether to have a further hearing on
16 this issue.

16 MS. COMPITELLO:

17 It looks like the appeal was
18 filed by Joseph Zachary Gazza.

18 MR. RANDOLPH:

19 It is his son, and he is actually
20 representing him as his attorney.

21 This one in particular, these two
22 parcels are owned by Mr. Joseph Gazza, and
23 the other ones that I am about to bring up
24 to you are also owned by his son, Joseph
25 Zachary Gazza, and Mr. Frederick Gazza is
representing his son as well.

1 MR. COWEN: Before we perhaps rule on this
2 one today, let's hear the rest of the
3 information on the next parcels.

4 Before you do that, let me
5 clarify something.

6 Would these apply for separately
7 or as a block in one application?

8 MR. RANDOLPH: The Letters of Interpretation,
9 themselves, were all separate. They were
10 over the course of a couple of months'
11 time.

12 MR. COWEN; So 8 and 9 were separate
13 applications?

14 MR. RANDOLPH: These two particular parcels, no.
15 These -- they were separate applications,
16 but they were both submitted on the same
17 day I believe.

18 MS. COMPITELLO: You mean 148 and 149?

19 MR. RANDOLPH: Yes, they are separate
20 applications, but they were handed to me at
21 the same time.

22 MR. COWEN: I think it might be appropriate
23 then at this time to get the sense of the
24 Commission on what we would like to do with
25 these.

1 Do you want to have a discussion
2 about whether you want to act on these
3 today?

4 MR. SPITZ: It seems to me, and just
5 paraphrasing Jim's remarks, the Commission
6 Staff and its clearinghouse acted
7 appropriately in terms of interpreting the
8 plan and allocating credits in accordance
9 with the plans, and there are other things
10 that need to be considered, and those
11 things are not submitted by the applicant,
12 and based on that, we should deny the
13 application.

14 MS. PRUSINOWSKI: I would like to point out in
15 Mr. Gazza's handwritten letter dated
16 10/5/02, he states that the reason for the
17 appeal is that the subject parcel -- I'm
18 sorry. I am on a different parcel. Never
19 mind. Scratch that.

20 MR. RANDOLPH: Those are the ones that follow.

21 MR. COWEN: So, the only statement by the
22 applicant is, in fact, our October 3rd
23 letter with respect to Lots 8 and 9?

24 MR. RANDOLPH: Exactly in terms of those two
25 lots, and further on in the packet he

1 states his argument.

2 MR. COWEN: I would entertain a motion if
3 someone cares to make it.

4 MR. MURPHREE: Motion to deny the application of
5 Joseph Gazza for Lots 8 and 9 based on the
6 reasons set forth herein.

7 MR. COWEN: I think we should at least ask
8 who owns the rights-of-way in the old filed
9 map.

10 MR. SPITZ: I am suggesting, as you make your
11 motion, that you simply state that the
12 applicant has failed to set forth any
13 information that would call into question
14 the application of the plan utilized by
15 staff in allocating credits to these
16 parcels.

17 That being the case, the original
18 allocation remains in place.

19 MR. MURPHREE: That's my motion as amended.

20 MR. COWEN: Do I have a second?

21 MR. MAC LELLAN: Yes.

22 MR. COWEN: Any further discussion?

23 All those in favor?

24 [WHEREUPON THE MOTION MADE AND SECONDED WAS
25 VOTED ON AND CARRIED.]

1 MR. COWEN: Let the record show it was
2 unanimous. Application is denied.

3 Mr. Randolph will now proceed
4 with the next tax lot, which is?

5 MR. RANDOLPH: 900-213-1-71. That's Exhibit 4.
6 It is a handwritten letter from Mr. Gazza,
7 and his request to appeal the .10
8 allocation, and would request a full
9 credit, full Pine Barrens Credit, for the
10 subject lot, and I will hand out the
11 aerials.

12 The subject lot is seen there in
13 the center of the page, and it is just to
14 the northwest of County Road 51, and if you
15 read his appeal, you will see his argument,
16 and he states that he has access to an
17 improved public road.

18 Suffolk County Community College
19 is adjacent to Mr. Gazza's parcel on the
20 other side of County Road 51.

21 If you travel down a little
22 further south to the southeast, then you
23 would come up to the Suffolk County
24 Community College Campus.

25 MS. PRUSINOWSKI: This is part of the campus, the

1 sign you can see on this aerial which, in
2 effect, is now signalized?

3 MR. MURPHREE: I haven't been down there in
4 three years.

5 MS. PRUSINOWSKI: It is quite a surprise, yes.

6 MR. MURPHREE: I can't imagine you can get a
7 single family access directly onto 51. Has
8 Mr. Gazza provided anything saying that he
9 can get access onto the road?

10 MS. PRUSINOWSKI: There seems to be a map or paper
11 street immediately adjacent to the parcel
12 in question, and I would raise the same or
13 similar questions as we did in the last, as
14 far as his ability to use this or the
15 ownership, etcetera.

16 MR. COWEN: We don't know who owns the right-
17 of-way, and we don't know whether it is a
18 legal plot.

19 MR. MURPHREE: And he has to prove that he can
20 get adequate access.

21 MR. COWEN: The aerial shows the lot does not
22 have frontage on County Road 51. Whether
23 the County will allow him access is a moot
24 point because he does not have access
25 through County Road 51.

1 MS. PRUSINOWSKI: I think that ties into the prior
2 questions that we have as far as the nature
3 of this old filed map.

4 MR. MAC LELLAN: We have no information explaining
5 it.

6 MR. RANDOLPH: I have no information. Do we
7 need a motion?

8 MR. COWEN: Let me just note that Mr. Gazza
9 admits in his letter that he is twenty feet
10 away from County Road 51.

11 MS. PRUSINOWSKI: It would appear that that twenty
12 feet is not on the side of the mapped road.

13 MR. RANDOLPH: As he stated in his argument
14 here, he does actually own Parcel Number
15 72, which abuts his other parcel there.

16 MS. PRUSINOWSKI: He does own that?

17 MR. RANDOLPH: Yes, he does own that. I'm
18 sorry, he does own that parcel that fronts
19 on 51.

20 I guess his argument would be the
21 fact that it is twenty feet away, but I
22 guess he would have access to physically
23 walk across his own property.

24 MR. COWEN: Has Mr. Gazza ever filed any sort
25 of request with the clearinghouse with

1 respect to-- I don't know the number of
2 that lot. What's the number?

3 MR. RANDOLPH: That's Number 72, and he has
4 gotten a full credit I believe for that
5 parcel, which is on roadfront, now that I
6 am refreshing my memory on that. He has
7 gotten a full credit for that particular
8 parcel because it sits on County Road 51.

9 MR. COWEN: That parcel has been sterilized
10 at this point, and no construction can take
11 place on there, including the access road?

12 MR. RANDOLPH: Yes.

13 MR. MAC LELLAN: And then he is twenty feet from
14 the road, and would not be able to access
15 the road?

16 MR. COWEN: The issue stands then as stated
17 earlier, there is no apparent access to a
18 public road, and we are not sure of the
19 status of that lot as to its legality.

20 I note the applicant is still not
21 here to present any further information on
22 this. I would entertain a motion at this
23 time on this application.

24 MR. MAC LELLAN: So move. We are moving to deny.

25 MR. MURPHREE: Second.

1 MR. COWEN: I have a motion and a second. Is
2 there any further discussion?

3 All those in favor?

4 [WHEREUPON THE MOTION MADE AND SECONDED WAS
5 VOTED ON AND CARRIED UNANIMOUSLY.]

6 MR. COWEN: Mr. Randolph, what's the next
7 one?

8 MR. RANDOLPH: The next parcel is Exhibit Number
9 5, Mr. Gazza's appeal, and it is requesting
10 an allocation increase from .18 Pine
11 Barrens Credit to a full Pine Barrens
12 Credit on the parcel I am about to hand you
13 the aerial on right now.

14 This is Lot 900-240-1-34. It
15 sits on Summit Boulevard.

16 This road I did not attempt to
17 drive down because I could not find access
18 and was not about to try.

19 MS. KOHN: What is this lot?

20 MR. RANDOLPH: That's a dirt road, just a
21 cleared area.

22 Continuing on the aerial, it is
23 the closer shot of the parcel, you will see
24 the parcel lines there, but they are
25 actually inconsistent with the actual

1 ground. They are off a little bit, and the
2 lines are shifted a little bit to the east.

3 Summit Boulevard is actually the
4 narrower dirt path you see there.

5 MR. COWEN: Where is the ownership of that
6 road?

7 MR. RANDOLPH: The ownership of Summit
8 Boulevard, I don't know.

9 MR. RIGANO: Nobody here has driven Summit
10 Boulevard, nor have you?

11 MR. RANDOLPH: No.

12 MR. RIGANO: We have no knowledge or
13 information before the Commission that
14 Summit Boulevard is accessible or is to be
15 used as access to the property.

16 MR. MURPHREE: I can tell you it would not be a
17 public road because it would have to meet
18 Town standards in order to be under Town
19 ownership.

20 MR. COWEN: Again, I note the applicant is
21 not present to clarify these issues in
22 front of the Commission. I would entertain
23 a motion.

24 MR. MAC LELLAN: Motion to deny.

25 MR. MURPHREE: Second.

1 MR. COWEN: Any further discussion?
2 All those in favor?
3 [WHEREUPON THE MOTION MADE AND SECONDED WAS
4 VOTED ON AND CARRIED UNANIMOUSLY.]
5 MR. COWEN: Unanimous.
6 Mr. Randolph, the last lot.
7 MR. RANDOLPH: The last one, on Exhibit Number
8 6, you will see is an appeal request from
9 Mr. Gazza stating that he would like Parcel
10 Number 900-327-2-2 increased from the
11 allocation of .10 to 1 whole Pine Barrens
12 Credit, and I will distribute the aerial of
13 the area.
14 MS. PRUSINOWSKI: Do you have any idea what he
15 means when he writes in parentheses, after
16 the Tax Map Number .2998 acres, Paul Harry?
17 Does someone else own this?
18 MR. COWEN: I really don't know what he is
19 alluding to. If you look on the back of
20 the appeal request, you will see a little
21 map depicting some homes and other things
22 that are located in the area that Mr. Gazza
23 has gone ahead and furnished us with. You
24 will see those on the aerials, themselves.
25 MR. RANDOLPH: Yes, this particular road I have

1 driven down, this road here, access to this
2 road here. This is the road I was able to
3 drive down, and I was not able to get
4 anywhere near this parcel here.

5 [INDICATING]

6 I drove down Fifth, and I was not
7 able to gain access in any way.

8 You have to cross the gentleman's
9 property to the west of Mr. Gazza's parcel
10 to get onto his parcel.

11 MR. COWEN: The road that you drove down, is
12 that a public road, do you know?

13 MR. RANDOLPH: Fifth Avenue I think is partly
14 private and partly publicly owned.

15 MR. COWEN: It is not clear from the tax map
16 what the access would be to Mr. Gazza's
17 lot?

18 MR. RANDOLPH: No, there is no clear access to
19 his lot whatsoever.

20 MR. COWEN: If there ever was, it seems to
21 have been dissolved by the present
22 ownership here.

23 MS. PRUSINOWSKI: He may be on an adjacent old
24 filed map, separate and distinct from the
25 one on which Fifth Avenue sits.

1 MR. RANDOLPH: I guess the question here is is
2 it an improved road.

3 MS. PRUSINOWSKI: Fifth Avenue is improved to an
4 extent.

5 MR. RANDOLPH: Yes, but then comes the question
6 is it on it or is it near, or how do you
7 want to determine it?

8 MR. SPITZ: The discussion we are having
9 about Fifth Avenue and how it relates to
10 his parcel which seems to be one hundred
11 eighty feet from Fifth Avenue, which may be
12 improved, he has no access to Fifth Avenue.

13 MS. PRUSINOWSKI: And the parcel may be part of a
14 different old filed map than that with the
15 Fifth Avenue access.

16 MR. COWEN: I note that we have problems
17 again with this application, and there
18 appears to be no access to this property.
19 It seems to be a landlocked parcel.

20 Having looked through the
21 audience, I don't see the applicant
22 present. Do I hear a motion on this issue?

23 MR. MAC LELLAN: Motion to deny.

24 MR. COWEN: Second?

25 MS. KOHN: I second it.

1 MR. RANDOLPH: What was the basis?

2 MR. COWEN: There is no access to this
3 parcel. We have a motion and a second.

4 Any further discussion?

5 All those in favor?

6 [WHEREUPON THE MOTION MADE AND SECONDED WAS
7 VOTED ON AND CARRIED UNANIMOUSLY.]

8 MR. COWEN: I didn't ask the public for
9 comments because there is no public present
10 at this hearing this evening, and at this
11 point I am going to close the hearings. I
12 think our business is finished on those
13 issues, and we are going to return to the
14 open meeting.

15 [WHEREUPON THIS HEARING WAS CLOSED AT 5:30
16 P.M.]

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25COMMISSION'S EXHIBITS

Exhibit 1:	Notice	Page 5
Exhibit 2:	Lot #900-167-2-8	Page 5
Exhibit 3:	Lot #900-167-2-9	Page 5
Exhibit 4:	Lot #900-213-1-71	Page 22
Exhibit 5:	Lot #900-240-1-34	Page 26
Exhibit 6:	Lot #900-327-2-2	Page 28

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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 JOSEPH ZACHARY GAZZA, held on December 22, 2000,
and transcribed under my direction.

IN WITNESS WHEREOF, I have hereunto set my
hand this 7th day of January, 2003.



SHEILA PARISER, R.P.R.

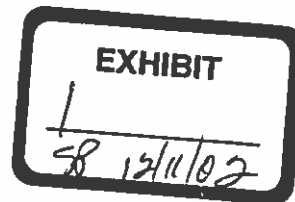
Notice of Letter of Interpretation Appeals

Please take notice that a hearing on the Letter of Interpretation appeals of Joseph Zachary Gazza has been scheduled for December 11, 2002 at 3:30 p.m. at Riverhead Town Hall -Riverhead, 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 appeal hearing pursuant to Section 6.7.3.4 of the Plan. The appellant was allocated Pine Barrens Credits ("PBCs") in Letters of Interpretation for the following Suffolk County Tax Map Parcel Numbers: 900-167-2-8 , 900-167-2-9, 900-213-1-71, 900-240-1-34, 900-327-2-2. The appellant is requesting a greater allocation of Pine Barrens Credits "(PBCs)" for each of these parcels.

All parcels are located in the Town of Southampton. Any persons who wish to comment on the appeals are invited to attend the hearing.

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EX- 1 ps



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