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CENTRAL PINE BARRENS

JOINT PLANNING AND POLICY COMMISSION

----- :
: In the Matter of the Appeal of :
: :
: JOSEPH ZACHARY GAZZA :
: :
: pursuant to Section 6.7.3.4 allocating :
: appellant 0.11 Pine Barrens Credits in :
: a Letter of Interpretation dated :
: December 10, 2001 for SCTM #900-241-1- :
: 12; allocating appellant 0.16 Pine :
: Barrens Credits in a Letter of :
: Interpretation dated December 10, 2001 :
: for SCTM #900-241-1-16; and allocating :
: appellant 0.30 Pine Barrens Credits in :
: a Letter of Interpretation dated :
: December 10, 2001 for SCTM #900-241-1- :
: 23. :
: :
: ----- :

HEARING in the above-captioned matter, held
on the 10th day of April, 2002 at 3:00 P.M., at
Southaven County Park, Southaven Avenue, Yaphank, New
York, pursuant to Section 6.7.3.3 of the Central Pine
Barrens Comprehensive Land Use Plan, Notice of Hearing,
and before Frank F. Feicco, C.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: GEORGE PROIOS, Acting Chairman

6
7 ROBERT KOZAKIEWICZ, Member
8 Supervisor, Town of Riverhead
9 BY: JOEY MAC LELLAN

10 PATRICK HEANEY, Member
11 Supervisor, Town of Southampton
12 BY: JEFF V. MURPHREE, AICP

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

17 RAY E. COWEN, P.E.,
18 Regional Director, Region 1
19 NYS Dept. of Environmental Conservation
20 Representing GEORGE PATAKI, Governor

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

24 MARK H. RIZZO, Environmetnal Analyst

25 WILLIAM H. SPITZ, Chief, Water Supply Office

26 JOSEPH ZACHARY GAZZA, Appellant
27 P. O. Box 969
28 5 Ogden Lane
29 Quogue, New York 11959
30 BY: JOSEPH GAZZA, Father of Appellant

31 oOo

1 [THE HEARING WAS CALLED TO ORDER BY THE
2 ACTING CHAIRMAN, GEORGE PROIOS, AT 3:00
3 P.M.]
4

5 MR. PROIOS: I'd like to call this hearing to
6 order. My name is George Proios, Acting
7 Chairman for the Central Pine Barrens
8 Commission. I'm acting on behalf of Robert
9 J. Gaffney, Suffolk County Executive, who
10 is the Chairman of the Commission.

11 I'll let the other members of the
12 Commission represent themselves, who they
13 represent, beginning with my left here.

14 MR. MURPHREE: Jeff Murphree; Town of
15 Southampton.

16 MR. COWEN: Ray Cowen, representing Governor
17 Pataki.

18 MR. RIZZO: I'm Mark Rizzo, Environmental
19 Analyst.

20 MR. RIGANO: James Rigano, counsel to the
21 Commission.

22 MR. MAC LELLAN: Joey MacLellan, representing the
23 Supervisor of Riverhead.

24 MS. PRUSINOWSKI: Brenda Prusinowski, representing
25 Town of Brookhaven's Supervisor.

1 MS. COMPITELLO: Jean Compitello, representing
2 Brookhaven's Supervisor, John J. LaValle,
3 but Brenda will be the voting member today.

4 MR. PROIOS: For the record, I'll read the
5 public notice that was published regarding
6 this appeal, formally Pine Barrens Credit
7 Interpretation.

8 "Please take notice that a
9 hearing on the Letter of Interpretation
10 Appeals of Joseph Zachary Gazza has been
11 scheduled for April 10, 2002, at three
12 o'clock p.m., at Southaven County Park,
13 Suffolk County Park Police headquarters,
14 Southaven Avenue, Yaphank, New York.

15 "Said appeals are made pursuant
16 to Section 6.7.3.3 of the Central Pine
17 Barrens Comprehensive Land Use Plan, the
18 Plan. The Central Pine Barrens Joint
19 Planning and Policy Commission will be
20 holding the appeal hearing pursuant to
21 Section 6.7.3.4 of the Plan.

22 "The appellant was allocated 0.11
23 Pine Barrens Credits, PBC's, in Letters of
24 Interpretation dated December 10, 2001 for
25 Suffolk County Tax Map Parcel Number, SCTM

1 #900-241-1-12.

2 "Appellant was allocated 0.16
3 PBC's in a Letter of Interpretation dated
4 December 10, 2001 for SCTM #900-241-1-16.

5 "Appellant was allocated 1.30
6 PBC's in a Letter of Interpretation dated
7 December 10, 2001 for SCTM #900-241-1-23.

8 "All parcels are located north of
9 Sunrise Highway, NYS Route 27, and west of
10 Summit Boulevard, Town of Southampton.

11 "Any persons who wish to comment
12 on the appeals are invited to attend the
13 hearing."

14 All right. First I will ask
15 staff if they have anything to present to
16 the Commission?

17 MR. RIZZO: Yes, I do. I have a couple of
18 items marked for the record.

19 You also have a packet in front
20 of you. I'll go through that real quickly.
21 If you have any questions, stop me along
22 the way.

23 The first item we'll mark is the
24 cover sheet for this appeal hearing.

25 The second item to mark is the

1 Letter of Interpretation dated December 10,
2 2001 for Tax Map Parcel 900-241-1-12,
3 allocating 0.11 credits for that parcel.

4 The third item I'd like to mark
5 is the Letter of Interpretation dated
6 December 10, 2001 for Tax Map Parcel 900-
7 241-1-16 for 0.16 credits.

8 The fourth item to be marked is
9 the Letter of Interpretation dated December
10 10, 2001, Tax Parcel 900-241-1-23 in the
11 amount of 0.30 credits.

12 The fifth item that I'll be
13 marking is the Staff Report with the
14 original issue date of November 8, 1999,
15 dated November 16, 2001 for the three tax
16 parcels indicating geographical location,
17 topography and other items about the
18 parcels. The parcels are zoned Country
19 Residence, two hundred and five acres
20 originally, as per the Town of Southampton.

21 The sixth item I have to be
22 marked is the Suffolk County Tax Map for
23 Southampton Town, Section 241 with the
24 three parcels shaded in black.

25 Anybody have any questions?

1 MR. COWEN: The three parcels is three
2 because of that one little thing, and the
3 other two?
4 MR. RIZZO: Yes. The County owns that
5 parcel. The seventh item to be marked is
6 an overview of the parcels outlined in red
7 showing Sunrise Highway with the individual
8 lot numbers inserted for each parcel. This
9 appears to be an old filed map area of the
10 Town of Southampton. This map was produced
11 using our ArcView 3.2 Geographic
12 Information System.

13 Anybody have any questions on
14 this? [NO RESPONSE]

15 The final item, Item Number 8, is
16 also a map produced, using ArcView's
17 Version 3.2 with the parcels overlaid, an
18 aerial view. This is a 2001 aerial from
19 the United States Office of Technology
20 Aerial Program, showing the Gazza parcels
21 outlined in red. The parcels appear to be
22 vacant and wooded.

23 Anybody have any questions? [NO
24 RESPONSE]

25 I just want to point out that

1 these parcels are owned by Joseph Zachary
2 Gazza, Mr. Gazza's son. I believe, he's
3 appearing for, pursuant to an attorney --
4 Power of Attorney.

5 MR. PROIOS: Did you want these entered now?

6 MR. RIZZO: Yes. We already entered them.

7 I'll take care of it.

8 [WHEREUPON COVER SHEET, THREE LETTERS OF
9 INTERPRETATION, STAFF REPORT DATED NOVEMBER
10 16, 2001, TAX MAP FOR SECTION 241, MAP OF
11 SUBJECT PARCEL AND AREA AND AERIAL PHOTO OF
12 SUBJECT PARCELS WERE MARKED COMMISSION'S
13 EXHIBITS 1 THROUGH 8 IN EVIDENCE,
14 RESPECTIVELY.]

15 MS. PRUSINOWSKI: Do we have a smaller scale map
16 which might indicate how the roads are in
17 the development?

18 MR. GAZZA: Yes, we do. [INDICATING]

19 MR. PROIOS: Mr. Gazza, do you want to speak?

20 MR. GAZZA: Yes. I'm appearing on behalf of
21 my son, Joseph Zachary Gazza, who is the
22 owner of three parcels which Mr. Rizzo
23 mentioned.

24 I'd like to start by producing
25 Document 1, which is a certified copy of

1 the deed to Joseph Zachary Gazza. I'm
2 going to also call my exhibits by number,
3 Appellant 1, which indicates the three
4 parcels exist on an old filed subdivision
5 map which gives the map number, lot
6 numbers, and the tax map numbers for
7 identification.

8 Parcel 1, 2 and 3 are also shown
9 on the Suffolk County Tax maps. I have
10 outlined them in pink. That might be a
11 little clearer than Mark's map, but it's
12 the same map.

13 I also brought with me today the
14 zoning map of the Town of Southampton.
15 I'll call this -- jumping to Exhibit 8, but
16 -- I'm sorry, it's been passed out already
17 -- the zoning map, sorry. Exhibit 3, the
18 zoning map indicates that the parcels are
19 in the CR-200, five acre residential zone
20 in the Town of Southampton, and I have the
21 parcels zoned and colored in in pink on
22 both the map and the index.

23 I also brought with me a copy of
24 the filed subdivision map I obtained from
25 the Suffolk County Clerk, and I have

1 indicated the parcels in pink again. This
2 is the map on file. It indicates that it
3 was filed on April 1, 1908.

4 I would like to start by saying
5 that when my son purchased these properties
6 back in August of 19 -- well, 2001, that my
7 first attempt was to sell the land on his
8 behalf to both the New York State DEC and
9 Suffolk County, Department of Real Estate,
10 and I'll give you a letter, Number 5,
11 indicating that offer. I presented the
12 lands, as I said -- they're in the core
13 area. If there's interest in acquiring the
14 fee title to the property, before I begin
15 with the Pine Barrens Program, as far as
16 converting to development rights, I offered
17 them, but there's been no response either
18 from the State or the County. So, I did try
19 to sell the lands before I started with the
20 process of converting to development
21 rights.

22 Now, my appeal for a little bump-
23 up in credits is focused first on the
24 general rule which appears at Page 87 of
25 the Pine Barrens Plan. I've made a copy of

1 it. Section 6.3.1.1.9, General Rules state
2 that "Land," such as the land before you,
3 "that's in a CR-200, or two hundred
4 thousand square foot per lot zone, should
5 be granted .16 Pine Barrens Credits per
6 acre."

7 That is the general rule, and
8 that's what appears on Page 87 of your
9 book, and it's my Exhibit Number --
10 Appellant 6.

11 Of course, when we get to
12 Southampton, there appears to be an
13 exception to the rule set forth at the top
14 of Page 100 of the Pine Barrens Plan. It's
15 my Exhibit Number 7, Appellant's 7, and
16 that -- the site on that would be 6.4.4.1,
17 and this section, specific rules for
18 Southampton, addresses property that
19 appears on filed subdivision maps where
20 infrastructure has already been provided
21 for on the map. Streets, connections, to
22 other roads, parkland, entrances,
23 subdivision maps, and when you have that
24 infrastructure already plotted for the
25 subdivision map, you know, no longer do you

1 have to take out that factor that's in the
2 General Rule that you lose for credits.

3 I believe that at our last
4 meeting, I had an example, where if you had
5 a one hundred acre described parcel, it
6 would yield sixteen credits, but if you had
7 the same one hundred acre parcel chopped up
8 into lots on the subdivided map, you'd only
9 get eleven credits; the difference being
10 that the roads were not counted for.

11 That's why the exception appears in the
12 Pine Barrens Plan to give owners on
13 subdivided maps, such as my son, a bump-up,
14 very small bump-up, but a bump-up in credit
15 allocation, and that bump-up is defined in
16 the Southampton Code, Appellant's Exhibit
17 8.

18 Southampton was way ahead of the
19 Pine Barrens Commission in figuring out how
20 to stop developers from using their small
21 parcels in the five acre zone by making
22 them get only fractions of development
23 rights for their parcels, and making
24 developers put two hundred thousand square
25 feet of land together for one building

1 right in the five acre zone.

2 So, with this rule in place, and
3 with the Pine Barrens Act referring to this
4 rule at the top of Page 100 of the Plan, we
5 have a new formula that we use for
6 properties such as my son's, and the new
7 formula would be, you would take the area
8 of the lot in question -- that would be the
9 enumerator -- the denominator would be the
10 area required for the minimum lot size in
11 the zone where the lot is located. In this
12 case, it would be two hundred thousand, two
13 hundred thousand square foot zoning, and
14 that fraction gets you your Pine Barrens
15 credit allocation, and by doing the math I
16 arrived at a figure of .15 Pine Barrens
17 Credits for Tax Lot 12; .21 Pine Barrens
18 Credits for Tax Lot 16, and .42 Pine
19 Barrens Credit for Tax Lot 23, or a total
20 of .78 of a Pine Barrens Credit for all
21 three parcels.

22 The three parcels taken together
23 amount to 3.58 acres. So, I'm still not
24 getting for my son even one credit, but it
25 is a bump-up from the .58 that was

1 initially offered by the Commission, and I
2 would respectfully request that the
3 Commission grant that bump-up of .21 --
4 twenty-one hundreds of a credit in
5 accordance with the Code, which I cited
6 earlier, and which you now have a copy of.

7 [WHEREUPON CERTIFIED COPY OF DEED, SUFFOLK
8 COUNTY TAX MAP, ZONING MAP - SOUTHAMPTON,
9 RECEIPT DATED APRIL 10, 2002, LETTER DATED
10 AUGUST 17, 2001, GENERAL RULE, SOUTHAMPTON
11 RULE AND CODE OF SOUTHAMPTON WERE MARKED
12 APPELLANT'S EXHIBITS 1 THROUGH 8 IN
13 EVIDENCE, RESPECTIVELY.]

14 If there are any questions about
15 that, I am here to try to explain them.

16 MR. PROIOS: Any questions?

17 MR. MURPHREE: No.

18 MR. PROIOS: You agree with his math?

19 MR. MURPHREE: I agree with the math, but the
20 question is not so much the math; the
21 question is the methodology on the math,
22 the application of the math. I'm not going
23 to give a nay or yea to that right now.
24 That is for a determination by the Board.

25 MR. COWEN: Let me ask you a question, Mark.

1 When we had Mr. Gazza before us
2 last time, we made a decision about how to
3 apply this specific circumstance.

4 Have you formed a calculation
5 based on the Board's earlier decision?

6 MR. RIZZO: Your new calculation would be the
7 changing of the factor from .6 to .20,
8 which you multiply, which we're giving him
9 on his first parcel, instead of .21 that he
10 asked for, or point --

11 MR. GAZZA: [INTERPOSING] On Tax Lot 12, I
12 asked for .115.

13 MR. RIZZO: Parcel Number 16, he asked for
14 .28. Our calculation would be .20. We're
15 not giving him a double bump-up, only one
16 bump-up.

17 MR. COWEN: So, what does your total
18 calculation add up to for a credit?

19 MR. RIZZO: There --

20 MR. MURPHREE: [INTERPOSING] That's an
21 engineering letter.

22 MR. COWEN: This is logical. Tell me what
23 you want and I'll do it.

24 MR. GAZZA: Could anybody do math with a
25 pencil? You have to follow this.

1 MR. MURPHREE: How old is Zachary, by the way?
2 MR. GAZZA: Twenty-one.
3 MR. RIZZO: Parcel Number 2, which is a 6.9
4 acre piece --
5 MS. PRUSINOWSKI: [INTERPOSING] Okay.
6 MR. RIZZO: [CONTINUING] -- we would do .68,
7 multiplied by 2.0, equals 0.138, and with a
8 rounding formula, it would be 0.14 credits.
9 Parcel Number 16 is a .96 acre
10 parcel. .20 gives us 0.192, making it 0.2
11 credits.
12 Parcel Number 23 is a 1.84
13 parcel, multiplied by 1.280, which gives us
14 0.368; .3 credits.
15 The total he would get under our
16 formula applied last month would be .71
17 credits.
18 MR. GAZZA: I would just like an explanation,
19 how you got to .20. Is this a formula that
20 was arrived at -- because it doesn't meet
21 with my interpretation of the Code.
22 MR. RIZZO: Because the original development
23 factor was eighty percent. There was a
24 twenty percent reduction for
25 infrastructure.

1 MR. GAZZA: You gave 1.6 per acre; that
2 included --

3 MR. RIZZO: [INTERPOSING] A deduction --

4 MR. GAZZA: [CONTINUING] -- twenty percent?
5 But the Code at the top of Page
6 100 talks about referring to the
7 Southampton Code. If I can refer to my
8 exhibit, Number 7, is that -- 7 or 8? Is
9 that the Southampton Code? Yes, this is
10 it. Okay.

11 I'd like to know if the Pine
12 Barrens at the top of Page 100 keys into
13 the Southampton Code, because if it does --

14 MS. PRUSINOWSKI: [INTERPOSING] What's Page 100 of
15 yours?

16 MR. GAZZA: Of the Code book.

17 MR. MURPHREE: You're talking about the Landings
18 Plan.

19 MR. COWEN: Let me explain. I'll explain
20 what the difference here is, okay?

21 Joe, you are using two hundred
22 thousand square feet instead of five acres.

23 MR. GAZZA: Correct.

24 MR. COWEN: We use five acres. The Code, or
25 the references that you make to the table,

1 for instance on Page 87 --

2 MR. GAZZA: [INTERPOSING] Right?

3 MR. COWEN; [CONTINUING] -- the reference

4 there is one dwelling unit for two hundred

5 thousand square feet. That just tells you

6 what the zoning category is. It does not

7 tell you how to calculate the credits. The

8 credits are calculated based upon a real

9 surveyor's acre, which is forty-three

10 thousand five hundred sixty square feet.

11 So, in this case, you happen to own, you

12 know, whatever the addition, .69, .68 .14

13 acres are, that's how many acres you own,

14 and the yield factor straight up, without

15 any deductions for infrastructure is .2

16 That's how we arrive at our number. We're

17 using the number of two hundred thousand

18 square feet.

19 MR. GAZZA: Okay.

20 MR. COWEN: We clarified that on our last

21 ruling. So, that's the difference.

22 MR. RIZZO: And they've always ruled like

23 that in the past.

24 MR. RIGANO: Additionally, I think what

25 Mr. Gazza is citing, the Town of

1 Southamton had a chance to review this
2 briefly, but it appears to be related to
3 the Town's Transfer Development Rights
4 Program, which is a completely different
5 program from the Commission's program.

6 MR. MURPHREE: Jim, could I see that? [HANDING]

7 MR. GAZZA: Under the Town's program --
8 there's a formula that's in our Code Book
9 -- Town of Southamton, and the formula is
10 based on zoning, and when I read the Plan,
11 top of Page 100, it states that this Plan
12 coincides with the Town's existing old
13 filed map regulations. Those are the
14 words, and I then looked up the old filed
15 map regulations, made a copy, which you
16 have, and I related the two, to come up
17 with an exact formula.

18 Since I couldn't find the .2
19 allocation Mr. Cowen is referring to
20 anywhere in the Plan book, I went to a
21 Southamton Code book which specifically
22 addresses how to compute the -- a credit,
23 and I used that formula which has been used
24 in Southamton since the inception of the
25 old filed map rules.

1 So, I guess my question is does
2 the Pine Barrens Plan, when they refer to
3 Southampton Code, does it use Southampton
4 Code rules as they state in the Plan, or
5 are they going to come up with .2 which I
6 can't find anywhere, and if anyone can find
7 that somewhere in this Code book, I might
8 be able to be swayed, but I couldn't find
9 the .2 anywhere.

10 MR. COWEN: There's a reference in here
11 somewhere to an eighty percent or twenty
12 percent reduction for infrastructure across
13 the Board on unflattened, raw land,
14 somewhere in here. I don't know exactly
15 where that is.

16 Jim, are you saying that the
17 paragraph on Page 100 that Mr. Gazza is
18 referring to does not pertain to the
19 Central Pine Barrens Credit Program?

20 MR. RIGANO: No, no. I am just saying that
21 Exhibit 8 -- that is the Town's TDR
22 Program, and it has a different formula for
23 calculating credits.

24 MR. COWEN; Right.

25 MR. RIGANO: And I'm reviewing Page 100 now to

1 try to understand Mr. Gazza's argument.

2 MR. COWEN: Well, Mr. Gazza, your argument,
3 basically, is that you're being penalized
4 because we're taking infrastructure
5 percentages off of your credit total when,
6 in fact, if you look at the subdivision
7 map, your property is abutting a road
8 already which, it may be a paper street,
9 but in fact, it exists, and you don't have
10 to reduce your acreage to build a road,
11 because the road is already there.

12 MR. GAZZA: We agree on that.

13 MR. COWEN: You're looking for a full credit
14 for infrastructure and what I'm explaining
15 to you is that across the Board, the
16 Commission in this plan used a certain
17 statement of twenty percent reduction for
18 infrastructure.

19 To take that away from, you know,
20 to credit you for that, that gets you
21 instead of a .16 allocation, it gives you a
22 .20 allocation. That's where that comes
23 from, the four hundredths comes from that.

24 MR. GAZZA: Okay. Well, the problem that I
25 have is that the plan refers to the

1 Southampton Code, which uses a different
2 formula.

3 MR. COWEN: But the Southampton Code is not
4 relevant to the Central Pine Barrens Credit
5 Program, as far as calculation.

6 MR. RIGANO: I believe what's intended by the
7 language on Page 100 in the Plan is simply
8 a recognition that the Town, the Town Code
9 method of calculating credits would result
10 in a slightly higher number than under the
11 Pine Barrens allocation formula.

12 MR. GAZZA: And we agree that it does result
13 in a slightly higher number.

14 MR. COWEN: Well, it does, but not as high a
15 number that you're looking for, and we went
16 through it the last time you were here, as
17 you recall -- or you may not have been here
18 when we read the approval -- have you read
19 the approval that we issued last time?

20 MR. GAZZA: I haven't received it yet,
21 Mr. Cowen.

22 MR. COWEN: All right, sorry. The same exact
23 issue was discussed in our deliberation
24 over your last application, and when you
25 get that approval, you will find that the

1 formula that we applied is exactly the same
2 as I'm talking about here today.

3 MR. GAZZA: Two-tenths?

4 MR. COWEN: Yes.

5 MR. GAZZA: Makes it simpler and easier, but
6 I'd like to see where it says I get two-
7 tenths and not twenty-one hundredths or
8 twenty-two hundredths, just to put my mind
9 at ease, because I'm so used to dealing
10 with the Southampton plan where I get the
11 twenty-two hundredths under the Code.

12 MR. COWEN: Put that out of your mind because
13 you're not before them today; you're before
14 the Pine Barrens today.

15 MR. GAZZA: I would, but on Page 100 the Town
16 keys Southampton. That's why I'm here.

17 MR. COWEN: The only thing Page 100 does is
18 take official notice of the fact that there
19 are filed maps out there with paper streets
20 already on them, and it would be unfair to
21 take a double Dutching for someone that
22 owns a lot in that area. That is all it
23 does, as far as I'm concerned, and it's
24 fair.

25 MS. PRUSINOWSKI: It doesn't say twenty-two

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hundredths.

MR. GAZZA: It doesn't mention anything. It refers to Southampton Code. That's why I brought the Code, it talks about the formula used in Southampton, which is --
[INDICATING]

MS. PRUSINOWSKI: [INTERPOSING] Yes, I saw that.

MR. RIGANO: This Code, this is Mr. Gazza's -- may I show this to her?

MR. GAZZA: Of course. [WHEREUPON CODE BOOK WAS SHOWN TO MS. PRUSINOWSKI.]

Has anybody seen the .2 somewhere in the book that I can refer to?

MR. COWEN: Let's go off the record for a second.

[DISCUSSION OFF THE RECORD]

MR. COWEN: Back on the record.

We've had a discussion off the record about where Mr. Gazza might look in the plan to find the .2 factor to use when applying his formula to calculate credits on land in Southampton that already has been the subject of a filed subdivision map, and it is my opinion that he's not going to find that explicitly in the plan.

1 In fact, on Page 100 the language
2 only suggests that there is an increase in
3 credit due for such circumstances, where
4 infrastructure has already been planned for
5 in the subdivision.

6 It does not give you a specific
7 reference as to what the increase should
8 be. However, knowing what the factor was
9 that we subtracted out for infrastructure,
10 which was a twenty percent penalty, if we
11 take away the twenty percent penalty, then
12 the allocation number becomes 2.0 instead
13 of 1.6, and that is what the Commission has
14 determined, that it will apply in all such
15 future allocation corrections in a two
16 hundred thousand square foot area. The
17 number changes in other zoning categories.

18 MR. GAZZA: Thanks. That's all.

19 MR. PROIOS: Anyone else have any questions?
20 Talking about a difference of .7?

21 MR. MURPHREE: Yes, .71.

22 MR. GAZZA: Started at .7, going up to .71.

23 MR. PROIOS: And your calculation of .780 --

24 MR. MURPHREE: [INTERPOSING] Six. .06.

25 MR. GAZZA: Seven percent.

1 MR. MURPHREE: Right, right.

2 MR. GAZZA: That's the formula as Mr. Cowen
3 explained it, and that's going to be
4 applied to everyone else, and I guess we'll
5 have to live with that.

6 MR. PROIOS: Any other questions by the
7 members? [NO RESPONSE]

8 If not, does anybody wish to
9 address this Commission on this appeal?
10 Mr. Morris?

11 MR. MORRIS: How come there was no follow-up
12 with the acquisition that Mr. Gazza
13 initially says he proposed?

14 MR. PROIOS: I'm afraid I can't answer that.

15 MR. GAZZA: I might respond by saying that I
16 know there hasn't been funds available from
17 the county of Suffolk. I have spoken with
18 Peter Bellia (sic) almost on a monthly
19 basis. I talked to him at the Department
20 of Real Estate Acquisition Unit. I think
21 his last indication was that there was
22 three or four hundred thousand in the
23 account for acquiring these small parcels.

24 I have spoken with Janet Smith of
25 the New York State DEC and she said that

1 they were waiting for funds to become
2 available prior to taking any action on any
3 acquisitions.

4 MR. COWEN: That's not exactly the State's
5 position, but it's really too complicated
6 to address the person's question in this
7 kind of forum, quite frankly.

8 MR. PROIOS: And I can only add that with this
9 new County quarter percent program that
10 went into effect a year ago last December,
11 that there has not been any authorizing
12 resolution by any legislator that allows
13 the real Estate Department to go out and
14 acquire these small parcels as there was
15 before.

16 There was a small parcel program
17 when it existed; then that ended, and a new
18 one took effect. There was no companion
19 resolution authorizing real estate to
20 acquire these small parcels.

21 There can be, but someone has to
22 introduce a specific resolution on a
23 parcel-by-parcel basis to do that.

24 If there are no other questions
25 or comments, I will close the public

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hearing.

Does anyone care to --

MR. COWEN: [INTERPOSING] I'd offer a Resolution that awards Mr. Gazza with an increase in his allocation of credits for these three parcels from .57 credits to .78 -- I'm sorry -- .71 total. Sorry. You almost got me there.

MR. GAZZA: I wasn't going to say anything.

[LAUGHTER]

MR. MURPHREE: Second.

MR. PROIOS: All those in favor signal by saying aye.

[WHEREUPON VOTING MEMBERS ALL SAID AYE.]

MR. PROIOS: Any opposed? [NO RESPONSE]

We're closed.

[WHEREUPON THIS HEARING WAS CONCLUDED AT 4:00 P.M.]

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COMMISSION'S EXHIBITS MARKED IN EVIDENCE:

Exhibit 1:	Cover Sheet	Page 8
Exhibit 2:	Letter of Interpretation, 12/10/01	Page 8
Exhibit 3:	Letter of Interpretation, 12/10/01	Page 8
Exhibit 4:	Letter of Interpretation, 12/10/01	Page 8
Exhibit 5:	Letter of Interpretation, 11/16/01	Page 8
Exhibit 6:	SCTM for Section 241	Page 8
Exhibit 7:	ArcView Map	Page 8
Exhibit 8:	Aerial photo	Page 8

APPELLANT'S EXHIBITS MARKED IN EVIDENCE

Exhibit 1:	Certified copy of deed	Page 14
Exhibit 2:	Suffolk County Tax Map	Page 14
Exhibit 3:	Zoning Map - Southampton	Page 14
Exhibit 4:	Receipt dated 4/10/02	Page 14
Exhibit 5:	Letter dated 8/17/01	Page 14
Exhibit 6:	General Rule	Page 14
Exhibit 7:	Southampton Rule	Page 14
Exhibit 8:	Code of Southampton	Page 14

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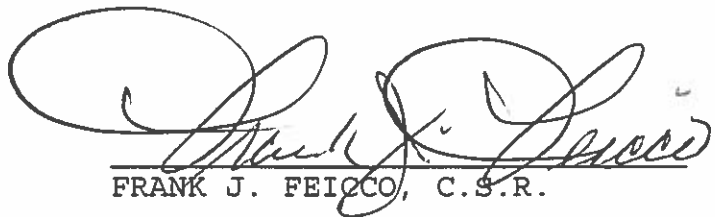
CERTIFICATION

STATE OF NEW YORK)
)
COUNTY OF SUFFOLK)

I, FRANK J. FEICCO, C.S.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 Z. GAZZA, held on April 10, 2002, as
reported by me and transcribed under my direction.

IN WITNESS WHEREOF, I have hereunto set my
hand this 4th day of May, 2002.


FRANK J. FEICCO, C.S.R.

