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THE STATE OF NEW YORK: COUNTY OF SUFFOLK  
PINE BARRENS COMMISSION

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In the Matter of

JOSEPH I. MITACCHIONE TRUST  
c/o CRAMER CONSULTING GROUP.

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Town Hall  
Medford, New York

June 18, 2003  
3:40 P.M.

Taken by: Donna L. Spratt  
Court Reporter

**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            JOHN J. LA VALLE, Member

8                    Supervisor, Town of Brookhaven

9                    BY:    BRENDA A. PRUSINOWSKI

10                    JEAN COMPITELLO

11  
12            PATRICK HEANEY, Member

13                    Supervisor, Town of Southampton

14                    BY:    MARTIN SHEA

15  
16            ROBERT KOZAKIEWICZ, Member

17                    Supervisor Town of Riverhead

18                    BY:    RICK HANLEY

19  
20            Ed Randolph, Staff to Commission21  
22            MC MILLAN, RATHER, BENNETT & RIGANO

23                    Attorneys for Commission

24                    BY:    JAMES P. Rigano, Esq.

25

1 MR. PROIOS: I would like to call  
2 this public hearing to order. This is a  
3 hearing on a credit appeal. My name is  
4 George Proios. I'm Acting Chairman of  
5 the Commission, acting on behalf of  
6 Robert J. Gaffney, Suffolk County  
7 Executive, who is Chairman of the  
8 Commission, and I will ask the other  
9 members of the Commission to identify  
10 themselves and who they represent.

11 MS. COMPITELLO: Jean Compitello,  
12 representing John J. LaValle, Town of  
13 Brookhaven.

14 MS. PRUSINOWSKI: Brenda  
15 Prusinowski, representing Brookhaven  
16 Town Supervisor John J. LaValle.

17 MR. SHEA: Martin Shea,  
18 representing Southampton Town  
19 Supervisor, Patrick Heaney.

20 MR. MILAZZO: John Milazzo, staff  
21 attorney.

22 MR. RIGANO: James Rigano, Counsel  
23 to the Commission.

24 MR. HANEY: Rick Haney,  
25 representing Riverhead Town Supervisor,

1 Robert Kozakiewicz.

2 MR. PROIOS: For the record, I'd  
3 introduce the hearing notice pertaining  
4 to this application. The applicant  
5 owner is Joseph I. Mitacchione Trust,  
6 care of Cramer Consulting Group, Post  
7 Office Box 5535, Miller Place, New York.  
8 It is located at Suffolk County tax map  
9 number 200-204-4-22, located on the east  
10 side of William Floyd Parkway, 880 feet  
11 south of Patrick Lane, in Ridge, Town of  
12 Brookhaven. It is zoned A-2  
13 residential. The applicant asks for an  
14 appeal of a Letter of Interpretation for  
15 the project parcel of 2.01 credits that  
16 was issued by the clearing house on  
17 April 9, 2003.

18 Would staff care to make a  
19 presentation?

20 MR. RANDOLPH: This applicant has  
21 come before you for a hardship for a  
22 possible subdivision of this property,  
23 and at that meeting they had been told  
24 by the Commission that possibly they may  
25 want to look into maybe getting --

1           pursuing a credit appeal. Maybe they  
2           could go ahead and make an argument that  
3           they should be given more credits rather  
4           than having the property subdivided, and  
5           they've also had discussions with  
6           certain municipal agencies about the  
7           property being purchased, and they're  
8           also in the process of giving us  
9           extensions on the hardship application  
10          which they brought before us regarding  
11          the subdivision.

12                 They aren't here today. I've been  
13           in contact with them both by letter and  
14           phone. I left a message and got no  
15           return call. I assume, I don't know, if  
16           they have a legitimate argument or any  
17           evidence that their allocation should be  
18           increased from -- the 2.01 credits  
19           should be increased but today is the  
20           deadline to make a decision and since  
21           they're not here to grant us an  
22           extension on this particular situation  
23           regarding this parcel, the Commission  
24           would have to make a decision as to  
25           whether they think it should be granted

1 more than 2.01 credits.

2 One of the reasons it was granted  
3 that allocation is because it is in A-2  
4 and just a touch over five acres so  
5 according to the formula.

6 MS. PRUSINOWSKI: Can you explain  
7 the calculation to us?

8 MR. RANDOLPH: It is 0.60. I have  
9 to get the actual -- 0.40 per acre. It  
10 is a road front. If it was less than an  
11 acre, it would automatically get a  
12 credit, it being on the road front. Any  
13 road front parcel automatically gets  
14 bumped up to a credit, and if it was an  
15 isolated parcel, say a quarter of an  
16 acre, it would be just put through the  
17 regular mathematical -- you would use  
18 the regular mathematical equation but  
19 being on a road front, you're getting at  
20 least a credit and it is only five acres  
21 in A-2 area, A-2 residential area. It's  
22 only subject to getting 2.01 credits.

23 MR. PROIOS: If it was developed,  
24 they would have only two building plots  
25 allowed.

1 MR. RANDOLPH: Exactly. That's  
2 one thing that they're trying to get is  
3 two building plots with their other  
4 application which has been postponed.

5 MR. PROIOS: And a tenth of a  
6 credit for the other fraction that's  
7 over the four acres?

8 MR. RANDOLPH: Yes.

9 MR. RIGANO: There is a deadline  
10 for what?

11 MR. RANDOLPH: For the appeal of  
12 the LOI because you guys meet on a  
13 monthly basis. The public hearing was  
14 set last meeting so today it would, I  
15 believe, expire. The 27th of this month  
16 would be the last day you could decide  
17 and you won't meet prior to that.

18 MR. RIGANO: The letter of  
19 interpretation expired?

20 MR. RANDOLPH: In a 60 day time  
21 frame.

22 MR. HANLEY: Is there a default  
23 judgment?

24 MR. RANDOLPH: No.

25 MR. RIGANO: It just expires.

1 MR. SHEA: What is the basis for  
2 requesting a larger allocation if they  
3 would only get two units if it was  
4 subdivided?

5 MR. RANDOLPH: The applicant is  
6 not here today and the Commission had  
7 asked them to look at other  
8 possibilities, and I stated at the last  
9 hearing for the hardship they were  
10 granted 2.01 and right now on the market  
11 that is a considerable amount of money.

12 The applicants have complained  
13 that may not be enough to make the  
14 property owners happy and that the  
15 Commission then went ahead and told them  
16 let's look into it and probably -- I  
17 know there were a couple of  
18 municipalities looking into maybe  
19 purchasing the property.

20 So there are a few things going on  
21 simultaneously regarding the parcel, and  
22 I think the applicant hasn't shown up to  
23 make an argument because they haven't  
24 come up with an idea about how they  
25 would get a legitimate credit increase



1 on the property.

2 MR. SHEA: The applicant is aware  
3 of the deadline for making a decision on  
4 their application?

5 MR. RANDOLPH: Yes.

6 MR. MILAZZO: You informed him of  
7 the hearing? You mailed it to him?

8 MR. RANDOLPH: Yes, and I made a  
9 phone call.

10 MR. RIGANO: What is the deadline  
11 on their request for a hardship permit?

12 MR. RANDOLPH: They have extended  
13 it. We pushed it to August. They said  
14 within the next couple of months, as  
15 long as the Commission thinks they're  
16 going to need to decide on whether the  
17 property would -- after doing research  
18 there were various members --

19 MR. RIGANO: The one that says  
20 Mittacchione property, does that look  
21 like the five acres?

22 MR. RANDOLPH: Yes.

23 MR. RIGANO: The only thing I can  
24 think of in terms of their argument is  
25 that three other parcels in the

1 neighborhood look like they're smaller  
2 than -- I guess, this tells you.

3 MS. PRUSINOWSKI: If you're  
4 looking at the top of that page, that's  
5 an old subdivision map.

6 MR. SHEA: That would be  
7 preexisting.

8 MR. RIGANO: Before the five acre  
9 zoning.

10 MS. PRUSINOWSKI: Yes.

11 MR. PROIOS: Any other comments?  
12 Is there anyone from the audience  
13 wishing to address the Commission on  
14 this matter?

15 If not, I'm going to close the  
16 public hearing. Thank you.

17 ( TIME NOTED: 3:50 P.M.)

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CERTIFICATION

I, DONNA L. SPRATT, a Notary  
Public in and for the State of New  
York, do hereby certify:

THAT the foregoing is a true and  
accurate transcript of my stenographic  
notes.

IN WITNESS WHEREOF, I have  
hereunto set my hand this 21st day of  
June 2003

  
DONNA L. SPRATT

