

1 CENTRAL PINE BARRENS JOINT PLANNING
2 AND POLICY COMMISSION

3 -----X

4 In the Matter of the,

5

6 LETTER OF INTERPRETATION APPEAL

7

8 RE: JOSEPH F. GAZZA

9

10 -----X

11 South Haven Park
12 Yaphank, New York

13

14 February 18, 2004

15 3:15 P.M.

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19 Taken by: Donna L. Spratt,

20 Court Reporter

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ORIGINAL

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

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STEVEN LEVY, Member

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Suffolk County Executive

5

BY: Michael Deering

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PETER SCULLY, Member

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Representing GEORGE PATAKI

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JOHN J. LA VALLE, Member

9

Supervisor, Town of Brookhaven

10

BY: GEORGE HOFFMAN

11

PATRICK HEANEY, Member

12

Supervisor, Town of Southampton

13

BY: JEFFERSON MURPHREE

14

PHIL CARDINALE, Member

15

Supervisor Town of Riverhead

16

BY: JILL LEWIS

17

18

Ed Randolph, Staff to Commission

19

20

MC MILLAN, RATHER, BENNETT & RIGANO

21

Attorneys for Commission

22

BY: JOHN MILAZZO, Esq.

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1 MR. SCULLY: We'll move on to the
2 next public hearing. Letter of
3 Interpretation by Joseph Gazza, Five
4 Ogden Lane, Quogue, New York. Applicant
5 requests an increase of Pine Barrens
6 credits from 0.37 three 1.0 Pine Barrens
7 credits. I have the legal notice in my
8 hand, and I would ask once again for the
9 record that the Commissioners present
10 identify themselves and who they
11 represent.

12 MS. LEWIS: Jill Lewis for
13 Supervisor Cardinale, Town of Riverhead.

14 MR. HOFFMAN: George Hoffman for
15 Supervisor John LaValle.

16 MR. DEERING: Michael Deering for
17 Steve Levy.

18 MR. SCULLY: Peter Scully for
19 Governor George Pataki.

20 MR. MURPHREE: Jeff Murphree, Town
21 of Southampton, representing Supervisor
22 Heaney.

23 MR. RANDOLPH: Ed Randolph,
24 Commission staff.

25 MR. MILAZZO: John Milazzo.

1 MR. RANDOLPH: This one is a
2 little more straight forward. This
3 involves also a parcel that Mr. Gazza,
4 the applicant, states that is on a hard
5 road. Yet he was only granted -- an
6 improved road in the Town of
7 Southampton, but was only granted 0.37
8 of a credit which would not allow him to
9 take advantage of the fact that the
10 parcel is on a hard road.

11 There were pictures taken by staff
12 of the road which the subject parcel
13 fronts on which is Summit Boulevard
14 which some may think is a fire break or
15 pathway through the woods, but there
16 were some parts that are improved.

17 As you can see here -- I believe
18 you have these pictures in your packet
19 -- that the road in that particular
20 portion of it is improved and is
21 maintained by the Town of Southampton,
22 and Mr. Gazza is here before you to
23 state his case.

24 This parcel is in excess of 4,000
25 square feet so it would be eligible for

1 the full credit for being a road front
2 parcel.

3 Mr. Gazza.

4 MR. GAZZA: Good afternoon.

5 Joseph Fred Gazza, Five Ogden Lane,
6 Quogue. I'm appearing before you this
7 afternoon on behalf of my son who is the
8 actual owner, Joseph Zachary Gazza.

9 Zach has this parcel in mind to
10 build on but I told him it was in the
11 core and that he would have to look in a
12 different direction, and I guess what
13 started his mind for entertaining a
14 building on this parcel was the fact
15 that the code book which I have
16 instructed him to study and read and
17 learn does provide that this particular
18 lot is exempt from the core for building
19 purposes for a single family dwelling.

20 I did bring along the section of
21 the Code and I've highlighted the
22 particular tax lot parcel showing that
23 the parcel should be exempt and should
24 support a single family dwelling.

25 However, it has been brought to my

1 attention by staff counsel and by a
2 several of the Commission's staff
3 members that --

4 MR. MILAZZO: Do you want to put
5 that in the record?

6 MR. GAZZA: Yes, please. If we
7 could get one credit we would forego the
8 avenue of attempting to build on this
9 property, even though it states in this
10 Pine Barrens plan book that the parcel
11 is on the list of receiving parcels that
12 are capable of being developed, so we're
13 going to forego that but we can't settle
14 for only a third of a credit.

15 It is almost two acres of land.
16 It is not only on an improved road which
17 is the criteria established by Section
18 6.7.6.6 of your Code, but it is
19 surrounded by other developed uses. If
20 we look at the aerial photograph that
21 staff had provided, you'll notice that
22 the subject parcel is outlined in blue.

23 Summit Boulevard which you have
24 photos of which is a gravel road with
25 blue stone covering to the north of the

1 parcel, and to the northwest of the
2 parcel there's a horse stabling
3 facility. They have a well, they have
4 barns. They board horses there.

5 A little bit further to the west
6 is the Town of Southampton highway
7 storage facility. They have a storage
8 barn, they have a recycling center, they
9 have the police firing range. Just a
10 little bit to the east of the property
11 is the West Hampton mining aggregates,
12 the application that you were just
13 discussing before I appeared this
14 afternoon. It's a sand pit. That's now
15 the site of a Transit Mix Company.

16 The character of the area is
17 developed. The parcel fronts on an
18 improved road. The parcel is
19 substantial in size. I think to request
20 the bump-up to one credit is not an
21 unreasonable request under the
22 circumstances of this case. To protect
23 the parcel, put the conservation
24 easement on it to forego pursuing the
25 possibility of building on the parcel,

1 put that aside we're going to agree to
2 accept one credit and put the matter to
3 rest.

4 That concludes my presentation.
5 If you have questions, I'm available.

6 MR. SCULLY: Thank you. Questions
7 from any of the Commissioners?

8 Let me ask staff what can you tell
9 us about this area generally; the land
10 surrounding the subject parcel and how
11 that land is either protected or not
12 protected?

13 MR. RANDOLPH: To be honest, I've
14 taken this over from another staff
15 member and I've just analyzed this
16 recently. I know there is a horse farm
17 here, but he may be able to let you
18 know.

19 MR. MURPHREE: He owns those two
20 lots right here (indicating)?

21 MR. GAZZA: On the west side of
22 Summit Boulevard is compatible growth
23 area under the plan.

24 MR. SCULLY: This is the core
25 boundary; Summit?

1 MR. GAZZA: Yes. On the east side
2 is core. On the west side is compatible
3 growth. At present directly across the
4 street from the subject premises of this
5 appeal today, I have an application
6 pending with Southampton and County of
7 Suffolk to build a single family
8 dwelling. It is in the compatible
9 growth. I'm going through processes. I
10 did bring along proof of that
11 application to show.

12 MR. SCULLY: That won't be
13 necessary.

14 You own the parcel to the west?

15 MR. GAZZA: This entire block to
16 the west here is three parcels. My son
17 owns all three of those. We've combined
18 them into one parcel for improvement
19 with one proposed single family
20 dwelling.

21 MR. SCULLY: If you know, can you
22 tell us what you do know about the
23 parcels further south on either side of
24 Summit?

25 MR. GAZZA: Yes. If you go a

1 little bit further south, you'll see
2 there is two homes on either side.
3 One's on the compatible growth side, one
4 is on the core side. Also there is
5 electricity that services those two
6 homes.

7 MR. SCULLY: I'm talking about do
8 you know who owns these? Are these in
9 your control?

10 MR. GAZZA: No, these are not in
11 my control. They're owned by other
12 parties.

13 MR. SCULLY: Staff, do you know if
14 they're otherwise protected?

15 MR. RANDOLPH: The parcels just
16 south of his.

17 MS. LONGO: South are owned by
18 Donald Metcalf. He is the one that also
19 owns the horse barns up further north.
20 I did, I was the staff member who was
21 handling this prior to Ed.

22 I did call the Town of
23 Southampton. They told me they do
24 maintain their road, there is a
25 residence on that road. It is

1 improved. It is not asphalt, but it is
2 gravel, stone. Like I said before, on
3 the west side there is all compatible
4 growth and on the east side is all core
5 property.

6 There are -- that is one and a
7 couple of other ones that are listed in
8 the Southampton receiving parcel list,
9 but we've determined that that was
10 inaccurate so I don't think that's an
11 issue.

12 MR. RANDOLPH: But it is, however,
13 road front and, therefore, entitled to a
14 credit.

15 MR. MURPHREE: You have this
16 driveway cutting through your property
17 going to some sort of use to the south.

18 MR. GAZZA: That is the fire break
19 when the wild fires took place. That
20 has been opened up by bulldozers. You
21 could see the change, the vegetation
22 that was the actual fire break line.

23 MS. LONGO: That you said you
24 would close off?

25 MR. GAZZA: Yes. The property had

1 debris on it which has all been
2 removed. There was dumping that took
3 place. Everything has been cleaned up
4 and put in pristine condition.

5 MR. SCULLY: Any further questions
6 for Mr. Gazza?

7 (No response).

8 Is there a recommendation from
9 staff?

10 MR. RANDOLPH: Staff would
11 recommend giving him a full credit
12 considering the road is improved and is
13 maintained by the Town and over an acre
14 in size.

15 MR. SCULLY: Any further
16 discussion?

17 MR. NICOLAZZI: Dominick
18 Nicolazzi. I have no interest in this
19 personally, but why is the applicant in
20 front of the Commission for a credit
21 appeal? Wasn't he issued one credit
22 from the start?

23 MR. RANDOLPH: Because it was
24 assumed that, I guess, first it was a
25 road that was merely a fire break as

1 opposed to a drivable, navigable road.

2 MR. SCULLY: The improved road
3 criteria threshold was not applied.

4 Any further discussion? If not --

5 MS. PRUSINOWSKI: How far off of
6 South Country?

7 MR. GAZZA: North of Old Country.

8 MS. PRUSINOWSKI: By approximately
9 how far?

10 MR. GAZZA: I'll tell you in a
11 moment. This is the permit application
12 for my lot across the street. There is
13 an indication on that.

14 MR. SCULLY: Any further comments
15 from the public? Questions?

16 MS. PRUSINOWSKI: I'm just trying
17 to locate it.

18 MR. SCULLY: If there are no
19 comments or questions, is there a
20 motion?

21 MR. DEERING: I make a motion to
22 grant the one Pine Barrens credit.

23 MR. MILAZZO: Based on an existing
24 improved road.

25 MR. DEERING: Based on the

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criteria within the plan.

MR. MURPHREE: As outlined by staff.

MR. MILAZZO: Not that it appears on the receiving list.

MR. RANDOLPH: One condition, that he will close the fire break.

MR. CORWIN: Can I ask a clarification question? For the future, are we deeming that road, fire break, semi-improved path through the woods as a road for purposes of any future applications that come up that might be on or adjacent to that?

MR. SCULLY: I think we would have to.

MR. CORWIN: We're setting a precedent?

MR. DEERING: Maybe not for the part that the fire break --

MR. CORWIN: We need to know that if the next owner says --

MR. MURPHREE: For this portion of it, we don't know for further north how far it goes.

1 MR. CORWIN: We're saying from
2 this property south is considered an
3 improved road, not opining about the
4 northerly portion.

5 MR. MURPHREE: Because the north
6 we don't know.

7 MR. RANDOLPH: I think it has to
8 be a case by case basis because you
9 don't really know.

10 MS. CARTER: Does this require a
11 280 A approval from the Town?

12 MR. GAZZA: It goes under old
13 filed map regulations of the Town of
14 Southampton, and they have their own
15 road review commission. In connection
16 with the parcel cross the street that we
17 have an application to develop right
18 now, there will be some improvements
19 necessary to Summit Boulevard.

20 MR. MURPHREE: Have you been to
21 the road review committee?

22 MR. GAZZA: No. I'm at the town
23 planning board level right now. I've
24 had the public hearing.

25 MR. SCULLY: Is that pertinent to

1 what we need to do?

2 MS. CARTER: It might be.

3 MR. MILAZZO: The property to the
4 north, is it a home? There is a home
5 there?

6 MR. GAZZA: Horse farm, stables
7 and well.

8 MR. MILAZZO: Electric power?

9 MR. GAZZA: To the north there is a
10 well. There's barns, there is horses,
11 there's --

12 MR. MURPHREE: Electricity?

13 MR. GAZZA: I don't recall.

14 MR. MILAZZO: How do they operate
15 the well?

16 MR. MURPHREE: How can you have a
17 pump if you don't have electricity to
18 it?

19 MR. GAZZA: I think my survey
20 shows a well.

21 MR. GAZZA: This is a horse farm.
22 They have a well (indicating).

23 MR. SCULLY: No further
24 discussion? Are you satisfied on the
25 280 A question?

1 MS. CARTER: I was just asking as
2 a consideration. I think it is
3 something that should be considered.

4 MR. FREELENG: Andy Freeleng,
5 Vice-chair Pine Barrens Credit Clearing
6 House. I wonder if he could clear
7 something up.

8 Did you say this was a receiving
9 site? I thought I heard you say that.

10 MR. GAZZA: I said it was a
11 Southampton receiving area parcel
12 designated in the Code book.

13 MR. FREELENG: This is also a
14 hardship application in the core?

15 MR. SCULLY: No. A Letter of
16 Interpretation.

17 MR. CORWIN: It is an error to the
18 plan that the staff discovered when this
19 came in.

20 MR. FREELENG: We have receiving
21 area parcels in the core?

22 MR. CORWIN: That's correct.

23 MR. RANDOLPH: It straddles the
24 line. On the west side is the CGA, so
25 they made an error.

1 MR. GAZZA: Everyone thinks it is
2 an error except me.

3 MR. RANDOLPH: You can't be
4 sending and receiving simultaneously.

5 MR. CORWIN: The Commission
6 established a principle that you don't
7 receive in the core. We've been over
8 this.

9 MR. FREELENG: That is what I
10 didn't understand. This was a receiving
11 site, he had an application before the
12 Commission.

13 MR. SCULLY: Any further
14 questions?

15 (No response).

16 There is a motion on the table.

17 MR. HOFFMAN: Seconded.

18 MR. SCULLY: Anything further? If
19 not, all in favor?

20 (All voted in the affirmative).

21 Opposed?

22 (No response).

23 None.

24 MR. GAZZA: Thank you for your
25 consideration. Have a good day.

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MR. SCULLY: That concludes the
public hearing.

(TIME NOTED: 3:35 P.M.)

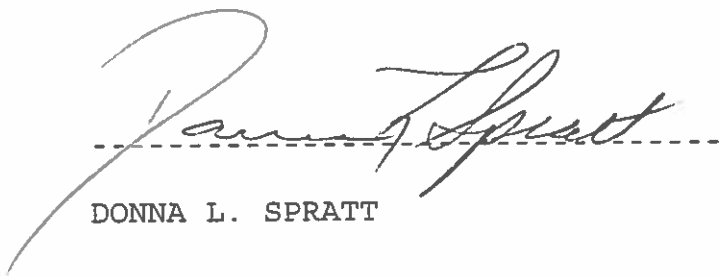
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CERTIFICATION

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 26th day of
February 2004


DONNA L. SPRATT

