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CENTRAL PINE BARRENS

JOINT PLANNING AND POLICY COMMISSION

----- :
: In the Matter of the Interpretation :
Appeal of :
: :
FRANK HARMER :
: :
Requesting 0.88 Pine Barrens Credits :
instead of the allocated 0.10 Pine :
Barrens Credits in each Letter of :
Interpretation; total of 0.20 Pine :
Barrens Credits. :
----- :

HEARING in the above-captioned matter, held
on the 14th day of March, 2001 at 3:00 P.M., at
Riverhead Town Hall, 220 Howell Avenue, Riverhead,
New York, pursuant to Section 6.7.3.4 of the Plan,
Notice of Hearing, and before Sheila Pariser, R.P.R.,
a Notary Public of the State of New York.

ORIGINAL

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

RAY E. COWEN, P.E., Member, DEC Regional Director
and WILLIAM H. SPITZ
Representing George Pataki, Governor

JOHN J. LA VALLE, Member
Supervisor, Town of Brookhaven
BY: BARBARA WHIPLUSH

ROBERT KOZAKIEWICZ, Member
Supervisor, Town of Riverhead
BY: JOEY MAC LELLAN

VINCENT CANNUSCIO, Member
Supervisor, Town of Southampton
BY: JEFFERSON MURPHREE

RAY CORWIN, Executive Director of Commission

DONNA PLUNKETT, Staff to Commission

MARK H. RIZZO, Environmental Analyst

MC MILLAN & RIGANO, ESQS.
Attorneys for Commission
BY: JAMES RIGANO, ESQ.

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1 [THE HEARING WAS CALLED TO ORDER BY RAY E.
2 COWEN, P.E., AT 3:05 P.M.]
3

4 MR. COWEN:

Let's come back to order, please.

5 At this point, on the agenda we have two
6 public hearings to conduct, and I am going
7 to open the hearing by reading the Notice
8 of the Hearing.

9 One is for a Letter of
10 Interpretation -- I guess they both are --
11 "Please take notice that hearings will be
12 held concerning credit allocations given in
13 Letters of Interpretation for Frank Harmer
14 and Joseph Gazza. The hearings have been
15 scheduled for March 14, 2001 at three p.m.
16 at Riverhead Town Hall, which is located at
17 220 Howell Avenue, Riverhead, New York.
18 Credit Appeals are made pursuant to Section
19 6.7.3.3 of the Central Pine Barrens
20 Comprehensive Land Use Plan. The Central
21 Pine Barrens Joint Planning and Policy
22 Commission will be holding the appeal
23 hearings pursuant to Section 6.7.3.4 of the
24 Plan.

25 "The appellant, Frank Harmer, was

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1 allocated a total of 0.20 Pine Barrens
2 Credits in two Letters of Interpretation.
3 The Letters were issued for Suffolk County
4 Tax Map Numbers 2000-356-4-4.002 and 200-
5 413-2-2. The parcels are located south of
6 the Long Island Expressway, (Interstate
7 495), and east of Halsey Manor Road.

8 "Any persons who wish to comment
9 on the appeals are invited to attend the
10 hearings. If you should have any
11 questions, please contact the Commission
12 Office at (631)-563-0352."

13 Present today for the hearing --
14 I am going to ask the Commission members to
15 introduce themselves.

16 My name is Ray Cowen. I
17 represent Governor Pataki.

18 MR. MAC LELLAN: Joey MacLellan. I represent
19 Riverhead Supervisor Robert Kozakiewicz.

20 MR. MURPHREE: Jeff Murphree, representing
21 Vincent Cannuscio, Supervisor of the Town
22 of Southampton.

23 MS. WHIPLUSH: Barbara Whiplush, representing
24 Supervisor John J. LaValle, Town of
25 Brookhaven.

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1 MR. RIGANO: James Rigano, Counsel to the
2 Commission.

3 MR. COWEN: We are going to begin with the
4 Harmer application for a credit appeal.

5 It is my understanding Mr. Harmer
6 resides in California and was unable to be
7 here today. Mark Rizzo is going to present
8 the material.

9 MR. RIZZO: The first set of materials I will
10 present are exhibits to the Commission, and
11 I have handed those out to you. I will go
12 through them one by one and we will mark
13 them as evidence.

14 The first is Commission Exhibit
15 Number 1, which is the Central Pine Barrens
16 Staff Report for the Pine Barrens Credit
17 Appeal of Mr. Harmer prepared March 9,
18 2001. There is application data
19 information on the Staff Report showing
20 that each parcel received a tenth of a
21 credit each in their allocation.

22 The appeal was received January
23 26, 2001. The public hearing is today,
24 March 14, 2001. The decision deadline for
25 this appeal is March 27, 2001 which is

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1 prior to our next meeting, so you will have
2 to make your decision today.

3 Other information is the
4 appellant is requesting a new allocation of
5 .88 Pine Barrens Credits for both parcels
6 total, and I will give you additional
7 information in his papers in a moment.

8 The parcel zoning is A-Residence
9 10 Zoning. It is a minimum lot area of
10 four hundred thousand square feet as
11 determined by the Town of Brookhaven. The
12 acreage is in question.

13 The acreage that the Commission
14 has to assess are .36 acres for both
15 parcels. Mr. Harmer believes that lot
16 Number 2 should be 0.40 and Lot 4.2 should
17 be 0.48 acres, and he bases that on the
18 Suffolk County Real Property Tax Map.

19 Just to note the development
20 yield factor for it is .08 Pine Barrens
21 Credits. To move on to the next --

22 MR. COWEN: [INTERPOSING] A question on the
23 point about the acreage. Tell me what you
24 use to base your acreage on.

25 MR. RIZZO: We have a computer data base

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261 WOODBURY ROAD, HUNTINGTON, N. Y. 11743

431-2298

482-7387

1 provided by the Tax Assessor.

2 MR. COWEN: Why isn't that number on the tax
3 map?

4 MR. RIZZO: For a number of different
5 reasons.

6 MR. COWEN: Did you verify the fact that the
7 tax map shows the number Mr. Harmer is
8 alleging?

9 MR. RIZZO: Yes. I will show you that in a
10 moment.

11 [WHEREUPON PINE BARRENS STAFF REPORT WAS
12 MARKED COMMISSION EXHIBIT 1 IN EVIDENCE.]

13 MR. RIZZO: Commission's Exhibit Number 2, a
14 Letter of Interpretation for Suffolk County
15 Tax Map Number 200-356-4-4.002 dated
16 January 4, 2001, showing the allocation of
17 .10 credits.

18 [WHEREUPON LETTER OF INTERPRETATION DATED
19 JANUARY 4, 2001 WAS MARKED COMMISSION
20 EXHIBIT 2 IN EVIDENCE.]

21 MR. RIZZO: Commission's Exhibit Number 3 is
22 the Letter of Interpretation for Suffolk
23 County Tax Map Number 200-413-2-2 dated
24 January 4, 2001 in the amount of 0.10 Pine
25 Barrens Credits.

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1 MR. COWEN: Which is a minimum parcel.

2 MR. RIZZO: Which is a minimum parcel.

3 [WHEREUPON LETTER OF INTERPRETATION DATED
4 JANUARY 4, 2001 WAS MARKED COMMISSION
5 EXHIBIT 3 IN EVIDENCE.]

6 MR. RIZZO: Number 4, Commission's Exhibit,
7 is a letter that Staff Member Ann Carter
8 sent to the Town of Brookhaven Planning
9 Commissioner, John Girandola, who verified
10 the zoning of the two parcels.

11 [WHEREUPON LETTER DATED NOVEMBER 21, 2000
12 WAS MARKED COMMISSION EXHIBIT 4 IN
13 EVIDENCE.]

14 MR. RIZZO: The next item, Commission's
15 Exhibit Number 5, is a letter dated
16 December 11, 2000 in response to Ms.
17 Carter's letter by Mr. Girandola from the
18 Town of Brookhaven, verifying that the two
19 parcels had been zoned A-10 Residential
20 since July 17, 1989.

21 [WHEREUPON LETTER DATED DECEMBER 11, 2000
22 WAS MARKED COMMISSION EXHIBIT 5 IN
23 EVIDENCE.]

24 MR. RIZZO: The next exhibit I have is
25 Commission's Exhibit Number 6, which is an

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1 aerial photo map produced with the
2 Geographic Information Program, Arc View
3 Version 3.1. It's the July 3, 1999 flyover
4 of Suffolk County by different agencies
5 including Suffolk County Police, Suffolk
6 County Water Authority and Planning.

7 On this map you will see the two
8 subject parcels in a red outline. Other
9 tax map parcels are in a bluish outline,
10 and the LIE is northwest on the map,
11 Interstate 495.

12 MR. COWEN: This map indicates these are
13 interior parcels with no currently improved
14 roadways in the vicinity; is that correct?

15 MR. RIZZO: That is correct, and there is one
16 further map where I will show that in a
17 moment. It is a better picture of the
18 area.

19 [WHEREUPON AREA PHOTO MAP WAS MARKED
20 COMMISSION EXHIBIT 6 IN EVIDENCE.]

21 MR. RIZZO: The next exhibit, Commission's
22 Exhibit Number 7, is a close-up aerial
23 photo of the two parcels, again showing
24 that the land is vacant and tree covered.

25 [WHEREUPON CLOSE-UP AERIAL PHOTO WAS MARKED

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1 COMMISSION EXHIBIT 7 IN EVIDENCE.]

2 MR. RIZZO:

3 Commission's Exhibit Number 8 is
4 another map that shows the ownership in the
5 area, and the brownish color or rust color
6 is New York State owned land. The greenish
7 color is Suffolk County owned land. The
8 two red parcels are the subject parcels in
9 question today. The gray parcels are
10 private ownership parcels and the yellow
11 lines are the paper streets in the area.
12 It appears to be landlocked by virtue of
13 the paper streets running into the LIE
14 right-of-way, and then going to the south
15 into the Suffolk County land, so it appears
16 that these parcels are landlocked.

17 [WHEREUPON COLORED MAP WAS MARKED

18 COMMISSION EXHIBIT 8 IN EVIDENCE.]

19 MR. RIZZO:

20 Any questions on the aerial
21 photos or Arc View Maps?

22 [NO RESPONSE]

23 The next exhibit, which is
24 Commission's Exhibit Number 9, is the
25 Suffolk County Real Property Tax Service
Agency, Section Number 356.

The lower portion of the map

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1 shows a black star with an arrow pointing
2 to the parcel in question, Parcel Number
3 4.2, and you will notice that the
4 dimensions for that are one hundred forty
5 by one hundred fifty.

6 MR. COWEN: Maybe you can see it.

7 [WHEREUPON SUFFOLK COUNTY MAP, SECTION 356,
8 WAS MARKED COMMISSION EXHIBIT 9 IN
9 EVIDENCE.]

10 MR. RIZZO: Then our final exhibit, Number
11 10, is the Suffolk County Real Property Tax
12 Map for the Town of Brookhaven for Section
13 Number 413, and you will notice a star on
14 the top with an arrow pointing to Lot
15 Number 2, which is the subject parcels, and
16 the dimensions cited are one hundred
17 twenty-five by one hundred forty.

18 [WHEREUPON SUFFOLK COUNTY MAP, SECTION 413,
19 WAS MARKED COMMISSION EXHIBIT 10 IN
20 EVIDENCE.]

21 MR. RIZZO: That's all the Commission's
22 exhibits that I have. Are there any
23 questions on the Commission's exhibits?

24 MR. COWEN: Does Mr. Harmer have exhibits,
25 too?

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1 MR. RIZZO: Yes. We will move on to the
2 appellant's exhibits. Mr. Harmer could not
3 be here. He lives in California. I will
4 present the letters that he sent in for his
5 case.

6 The first letter is a letter
7 dated January 20, 2001. You have that in
8 front of you. It is a letter requesting
9 the Pine Barrens Credit Appeal. I will
10 give you time to read that letter.

11 [WHEREUPON LETTER DATED JANUARY 20, 2001
12 WAS MARKED APPELLANT'S EXHIBIT A IN
13 EVIDENCE.]

14 MR. RIZZO: The next letter, Appellant's
15 Exhibit B, is a letter dated February 21,
16 2001.

17 [WHEREUPON LETTER DATED FEBRUARY 21, 2001
18 WAS MARKED APPELLANT'S EXHIBIT B IN
19 EVIDENCE.]

20 MR. RIZZO: Mr. Harmer, on his original
21 appeal, he asked for -- he had a contention
22 on the acreage and he also had a contention
23 on the zoning category. He thought the
24 zoning category was five acre zoning when,
25 in fact, it is ten acre zoning and he

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1 amended that appeal with an amendment to
2 his first letter, and the Commission views
3 the acres to be .36.

4 Mr. Harmer feels the correct size
5 is .48 acres for Parcel 4.2 and Parcel
6 Number 2 is .48 acres on the two lots.

7 Number three, using the formula,
8 there is a mathematical error, .88 times
9 the acreage equals .70.

10 You will find Appellant's Exhibit
11 C, which is a letter dated February 21,
12 2001, received by the Commission on March
13 7, 2001, that corrects that mistake.
14 Otherwise, the letter is the same.

15 [WHEREUPON LETTER FEBRUARY 21, 2001 WITH
16 CORRECTION WAS MARKED APPELLANT'S EXHIBIT C
17 IN EVIDENCE.]

18 MR. COWEN: So, in fact, the difference
19 between the acreage is of little note?

20 MR. RIZZO: It wouldn't matter because it is
21 eight-tenths. It wouldn't matter even if he
22 had a full acre.

23 MS. WHIPLUSH: Also, what he does, the applicant
24 appears to have combined two lots that do
25 not merge. They are separated by another

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1 parcel in between the two lots. So there
2 is no merger of the two lots in order to
3 have a larger acreage, and therefore,
4 allocate additional credits based on the
5 acreage.

6 MR. COWEN: The fact is no matter how you
7 look at this, even if he did merge the lot,
8 it wouldn't make any difference because it
9 is still less than the minimum that we
10 would award anyway, is that correct?

11 MR. RIZZO: That's correct.

12 MR. COWEN: Any other presentation?

13 MR. RIZZO: That's all I have.

14 MR. COWEN: Does anyone have any questions?

15 If not, I entertain a motion to
16 close this hearing -- sorry. Any public
17 comments?

18 MR. OLSEN: My name is Walter Olsen;
19 President of the Civil Property Rights
20 Association, Inc.

21 Just a general statement that I
22 made before, but I want to have it on the
23 record.

24 As I said to you in the past, the
25 reason you are wrestling with this and you

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1 are unable to do any more for this
2 gentleman is because the formula that you
3 are using is abysmal. The value you are
4 giving people for their credit on their
5 property is minimal, it is practically
6 nothing, and you need to change that
7 formula and you need to encourage these
8 people through a better formula to
9 surrender their development rights to these
10 properties and get the job done.

11 It is a little ironic to me that
12 in light of the fact that just a few
13 minutes ago you gave away twelve acres to
14 be cleared by LILCO, and here you are
15 worried about less than an acre that this
16 guy would like to have the right to do
17 something with and which you can give him a
18 little bit more money to make him a little
19 bit happier with the outcome, and you have
20 given LIPA probably hundreds of thousands
21 of dollars -- KeySpan -- in savings in
22 allowing them to do the project that they
23 want to do.

24 It just appears that the big guy
25 gets what he wants and the little guy gets

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nothing. This guy in California, he can
ill afford to be here to fight this battle,
and he can't even represent himself.

I urge you again to make changes
in what you are doing to get the job done
and be fair to these people.

MR. COWEN: Any other public comments?

If not, I will entertain a
motion.

MS. WHIPLUSH: I recommend that the Credit
Appeal Application for additional credits
be denied because it does not meet the
formula and the acreage of the property
that is zoned A-10, and it is also
landlocked, and the parcels do not merge.

MR. COWEN: Is there a second?

MR. MURPHREE: Second.

MR. COWEN: There is a motion and a second to
deny the appeal.

All those in favor?

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

MR. COWEN: This hearing is closed.

[WHEREUPON THIS HEARING WAS CLOSED AT 3:25
P.M.]

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COMMISSION EXHIBITS MARKED IN EVIDENCE

Exhibit 1:	Pine Barrens Staff Report	Page 7
Exhibit 2:	Letter of Interpretation, 1/4/01	Page 7
Exhibit 3:	Letter of Interpretation, 1/4/01	Page 8
Exhibit 4:	Letter dated 11/21/2000	Page 8
Exhibit 5:	Letter dated 12/11/2000	Page 8
Exhibit 6:	Area Photo Map	Page 9
Exhibit 7:	Close-up aerial photo	Page 9
Exhibit 8:	Colored Map	Page 10
Exhibit 9:	Suffolk County Map, Section 356	Page 11
Exhibit 10:	Suffolk County Map, Section 413	Page 11

APPELLANT'S EXHIBITS MARKED FOR IDENTIFICATION

Exhibit A:	Letter dated 1/20/01	Page 12
Exhibit B:	Letter dated 2/21/01	Page 12
Exhibit C:	Letter dated 2/21/01	Page 13

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**CENTRAL PINE BARRENS JOINT PLANNING AND POLICY COMMISSION
STAFF REPORT
PINE BARRENS CREDIT APPEAL**

Prepared: March 9, 2001 by Commission Staff

APPLICATION DATA: Letters of Interpretation issued 1/4/01 (0.10 PBCs Each Parcel)
Appeal Received 1/26/01
Public Hearing 3/14/01
**DECISION DEADLINE 3/27/01 (DATE IS PRIOR TO NEXT
COMMISSION MEETING)**

APPELLANT: Frank Harmer

TAX MAP #'s: 900-356-4-4.002 and 900-413-2-2

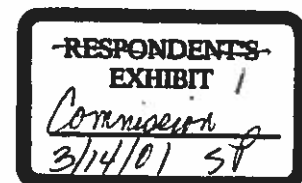
APPELLANT'S REQUEST: Allocated 0.10 Pine Barrens Credits in each Letter of Interpretation; Total of 0.20 PBCs. Requesting 0.88 PBCs

PARCEL ZONING: A Residence 10 (Minimum Lot Area 400,000 square feet) As per Town of Brookhaven.

ACREAGE: Lot 2 = 0.36, Lot 4.2 = 0.36 Acres both as per tax assessor database. Appellant states acreage should be for Lot 2= 0.40 and Lot 4.2=0.48 Acres as per Suffolk County Real Property Tax Maps.

DEVELOPMENT YIELD FACTOR: 0.08

LAND USE: Vacant Land



FILE COPY

PINE BARRENS CREDIT CLEARINGHOUSE

JAMES T.B. TRIPP, ESQ., CHAIRMAN
ANDREW P. FRELENG, AICP, VICE CHAIRMAN
VINCENT J. CANNUSCIO, MEMBER
RICHARD W. HANLEY, MEMBER
MITCHELL H. PALLY, ESQ., MEMBER

LETTER OF INTERPRETATION

Re: Suffolk County Tax Map Number: 200-356-4-4.002

Applicant: Frank C. Harmer

Date: January 4, 2001

Findings of Fact

The applicant applied for a Letter of Interpretation for the above-referenced 0.36 acre parcel. The parcel is in the Town of Brookhaven. It was in the A Residence 10 District at the adoption of the *Central Pine Barrens Comprehensive Land Use Plan* (the "Plan") on June 28, 1995.

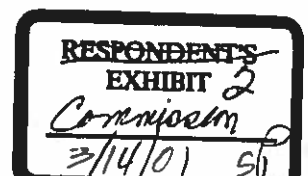
Conclusions

The *Plan* grants to every parcel of land in a sending area a use right, known as Pine Barrens Credits, that may be used to seek development density or intensity increases on lands identified as receiving areas within the same township.

The *Plan* establishes the formula for allocating Pine Barrens Credits. In sending areas within the A Residence 10 District of the Town of Brookhaven, the number of Pine Barrens Credits allocated is equal to the parcel's size in acres multiplied by 0.08. Based upon this allocation formula, 0.029 Pine Barrens Credits may be allocated to this parcel. There are no known conditions on the parcel which reduce the allocation of Pine Barrens Credits pursuant to Section 6.3.3 of the *Plan*. This allocation qualifies for the application of Section 6.7.6.7 of the *Plan* permitting the allocation of no fewer than 0.10 Pine Barrens Credits per parcel.

The total number of Pine Barrens Credits allocated for this parcel is 0.10.

P.O. BOX 587, 3525 SUNRISE HIGHWAY, 2ND FLOOR, GREAT RIVER, NEW YORK 11739-0587
631-224-2604 / FAX 631-224-7653
<http://pb.state.ny.us>



Letter of Interpretation for SCTM # 200-356-4-4.002

January 4, 2001

Page Two

This Letter of Interpretation expires in one year from the above date. In order to obtain a Pine Barrens Credit Certificate you must complete the Pine Barrens Credit Certificate Application and follow the instructions contained in the Pine Barrens Credit Handbook.

If there is a mortgage or other lien on this parcel, the applicant will have to make an arrangement with the lender or other party holding the lien before the Clearinghouse can issue a Pine Barrens Credit Certificate for this tax map parcel.

Appealing your Allocation

Any person who is aggrieved by this determination may appeal the allocation within thirty (30) days of the date of this letter by giving notice, in writing, to the Central Pine Barrens Joint Planning and Policy Commission. The Commission address is P.O. Box 587, 3525 Sunrise Highway, 2nd Floor, Great River, New York 11739-0587. Included with this notice shall be the name and address of the person requesting reconsideration and the reasons supporting the appeal as well as the number of Pine Barrens Credits requested. The Commission shall consider and decide the appeal within sixty (60) days of receipt of an appeal and will schedule a public hearing on the appeal.

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PINE BARRENS CREDIT CLEARINGHOUSE

JAMES T.B. TRIPP, ESQ., CHAIRMAN
ANDREW P. FRELENG, AICP, VICE CHAIRMAN
VINCENT J. CANNUSCIO, MEMBER
RICHARD W. HANLEY, MEMBER
MITCHELL H. PALLY, ESQ., MEMBER

LETTER OF INTERPRETATION

Re: Suffolk County Tax Map Number: 200-413-2-2

Applicant: Frank C. Harmer

Date: January 4, 2001

Findings of Fact

The applicant applied for a Letter of Interpretation for the above-referenced 0.36 acre parcel. The parcel is in the Town of Brookhaven. It was in the A Residence 10 District at the adoption of the *Central Pine Barrens Comprehensive Land Use Plan* (the "Plan") on June 28, 1995.

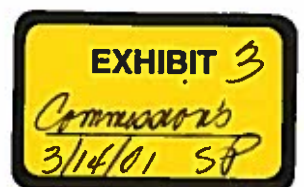
Conclusions

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The *Plan* establishes the formula for allocating Pine Barrens Credits. In sending areas within the A Residence 10 District of the Town of Brookhaven, the number of Pine Barrens Credits allocated is equal to the parcel's size in acres multiplied by 0.08. Based upon this allocation formula, 0.029 Pine Barrens Credits may be allocated to this parcel. There are no known conditions on the parcel which reduce the allocation of Pine Barrens Credits pursuant to Section 6.3.3 of the *Plan*. This allocation qualifies for the application of Section 6.7.6.7 of the *Plan* permitting the allocation of no fewer than 0.10 Pine Barrens Credits per parcel.

The total number of Pine Barrens Credits allocated for this parcel is 0.10.

P.O. BOX 587, 3525 SUNRISE HIGHWAY, 2ND FLOOR, GREAT RIVER, NEW YORK 11739-0587
631-224-2604 / FAX 631-224-7653
<http://pb.state.ny.us>



Letter of Interpretation for SCTM # 200-413-2-2
January 4, 2001
Page Two

This Letter of Interpretation expires in one year from the above date. In order to obtain a Pine Barrens Credit Certificate you must complete the Pine Barrens Credit Certificate Application and follow the instructions contained in the Pine Barrens Credit Handbook.

If there is a mortgage or other lien on this parcel, the applicant will have to make an arrangement with the lender or other party holding the lien before the Clearinghouse can issue a Pine Barrens Credit Certificate for this tax map parcel.

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FILE COPY

PINE BARRENS CREDIT CLEARINGHOUSE

JAMES T.B. TRIPP, ESQ., *CHAIRMAN*
ANDREW P. FRELENG, AICP, *VICE CHAIRMAN*
VINCENT J. CANNUSCIO, *MEMBER*
RICHARD W. HANLEY, *MEMBER*
MITCHELL H. PALLY, ESQ., *MEMBER*

Mr. John Girandola, Commissioner
Department of Planning, Environment, and Development
3233 Route 112
Town of Brookhaven
Medford, NY 11763

November 21, 2000

Dear Mr. Girandola:

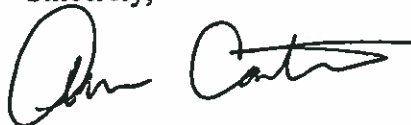
Please provide this office with the zoning district designation in effect on June 28, 1995 for the following parcels:

200 - 356 - 4 - 4.2
200 - 413 - 2 - 2

This information will be used by the Credit Clearinghouse in the calculation of Pine Barrens Credit allocations.

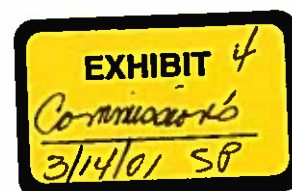
Thank you for your assistance.

Sincerely,



Ann Carter
Environmental Analyst

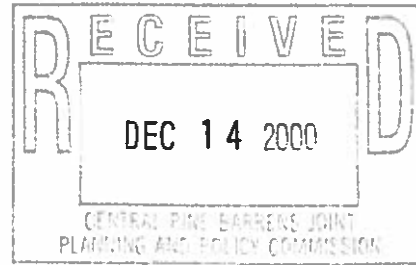
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631-224-2604 / FAX 631-224-7653
<http://pb.state.ny.us>





Town of
Brookhaven
Long Island

Felix J. Grucci, Jr., Supervisor



December 11, 2000

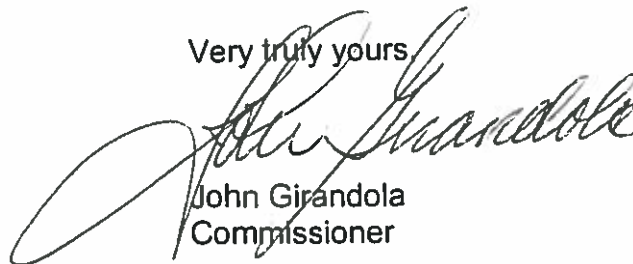
Ann Carter
Pine Barrens Credit Clearinghouse
P.O. Box 587
3525 Sunrise Highway
Great River, New York 11739

Dear Ann:

Pursuant to your November 21, 2000 correspondence, please be advised the following parcels SCTM No. 0200-356-4-4.2 and 0200-413-2-2 have been zoned A-10 residential as of July 17, 1989.

If you have any questions, please do not hesitate to contact me.

Very truly yours,



John Girandola
Commissioner

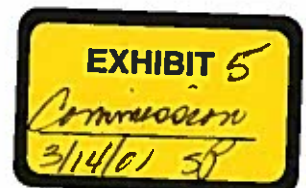
JG:jz

Department of Planning, Environment and Development
John Girandola, Commissioner

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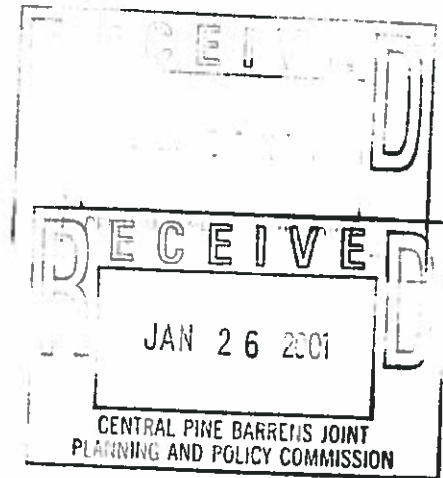
5

1/20/2001

Frank Harmer
429 49th St
Oakland CA 94609
510.597.0812

Central Pine Barrens Joint Planning and Policy Commission
P.O. Box 587, 3525 Sunrise Highway, 2nd Floor
Great River, New York 11739-0587

RE: Suffolk County Tax Map Number: 200-413-2-2 & 200-356-4-4.002



Dear Commissioner:

I am writing to appeal my allocation of Pine Barren Credit. I have acquired two parcels in Brookhaven. The parcels are in the target core. I as of yet have not been to the area to inspect the property. According to the information sent to me by Mark Rizzo and the Pine Barrens Web site, I am reluctant to have an interest in the 0.10 assessment per parcel.

In Mark's letters the Findings of Fact sections are incorrect. He has found each parcel to be .36 of an acre. The lot dimensions of each are the same, 140ft. x 150ft. = 21,000sq.ft. x 2 lots = 42000 sq. ft. An acre as we all know is a standard measure of 43,560sq. Ft. The correct acre size is .48 acres x 2 = .96 acres. If it is common practice to round acreage size, I request that my parcels total size be rounded up 4% to a full acre, rather than rounded down 24%. In the conclusion portion of Mark's letter the formula must then be recalculated.

After reading your web site concerning Pending and Recent Credit Allocation Appeals as of 10/26/00 I found posted the record of the decision of allocation for the Joseph Alberto and Richard and John Sipala properties. I can tell by the Tax Map # that the discussed property is very close to mine. In your ruling you revised the .75 allocation to one full PBC. I am also asking for a similar ruling of one acre for one PBC.

In conclusion I realize that area is a pristine place of natural beauty one that I commend you on preserving. I am a builder and have investigated the requirements stipulated for the construction of a home on my properties. I also realize that construction in the area is limited to a 5-acre minimum parcel, due to the ground water rules and regulations. Even though there are two homes in the area. I realize that in the future new technologies will be developed to remedy this situation, as it will become an ever-increasing problem in all areas with similar ground water tables. After reviewing the sales price of PBC's in the Brookhaven area I calculate that .01 PBC is worth some where in the neighborhood of \$4,000. I know that in the bad part of Oakland a .01 acre lot sells for \$70,000 within a week. I ask that you hear my complaint and revise it to one full PBC or do you have any buildable parcels that we could trade for somewhere outside the Core Area? Thank you in advance for your consideration.

Sincerely Yours,

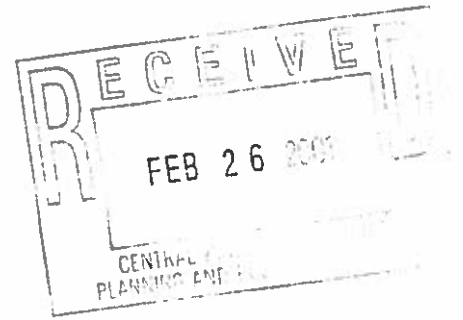
A handwritten signature in black ink, appearing to read 'Frank Harmer', written over a faint, larger version of the same signature.

Frank Harmer



2/21/2001

Frank Harmer
429 49th ST.
Oakland CA 94609
510.597.0812
Frnk7@cs.com



Central Pine Barrens Joint Planning and Policy Commission
P.O. Box 587, 3525 Sunrise Highway, 2nd Floor
Great River, New York 11739-0587

RE: Suffolk County Tax Map Number: 200-413-2-2 & 200-356-4-4.002 Amendment to Appeal

Dear Commissioner;

I am writing to amend my original appeal. With special thanks to Mark Rizzo for a speedy reply to all of my questions, and his professional approach to resolving discrepancies.

1. On parcel size we are both 1/2 right. 4.2's dimensions are 140 x150, .48 acres. On parcel 2-2 the dimensions are 140 x 125, .40 acres. Totaling .88 acres.
2. On the 5-acre zoning (my info was ascertained over the telephone) the true zoning is 10 acres.
3. Using the formula as described in The Plan .88 acres x .08 = 0.70 PBC.

In conclusion I change my original request for appealing the acre size. Since the size has been established shy of the one acre. My amended appeal is for .88 PBC, and therefor no longer sight the Pending and Recent Credit Allocation Appeal as of 10/26/00, Joseph Alberto and Richard and John Sipala as stated in my 1/20/01 letter. However I am asking for an allowance of a full 0.88 PBC. Thank you in advance for your consideration and my humble apology for having some of my original facts incorrect.

Sincerely Yours

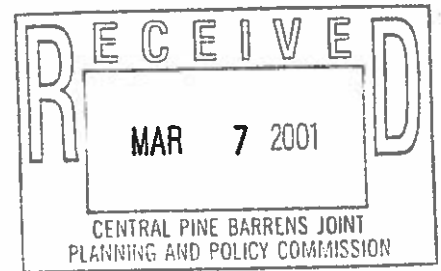
A handwritten signature in cursive script that reads "Frank Harmer".

Frank Harmer



2/21/2001

Frank Harmer
429 49th ST.
Oakland CA 94609
510.397.0812
Fmk7@cs.com



Central Pine Barrens Joint Planning and Policy Commission
P.O. Box 587, 3525 Sunrise Highway, 2nd Floor
Great River, New York 11729-0587

RE: Suffolk County Tax Map Number: 200-413-2-2 & 200-356-4-4.002 Amendment to Appeal

Dear Commissioner;

I am writing to amend my original appeal. With special thanks to Mark Rizzo for a speedy reply to all of my questions, and his professional approach to resolving discrepancies.

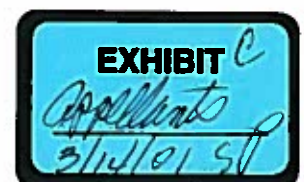
1. On parcel size we are both 1/2 right. 4.2's dimensions are 140 x 150, .48 acres. On parcel 2-2 the dimensions are 140 x 125, .40 acres. Totaling .88 acres.
2. On the 5-acre zoning (my info was ascertained over the telephone) the true zoning is 10 acres.
3. Using the formula as described in The Plan .88 acres x .08 = 0.070 PBC.

In conclusion I change my original request for appealing the acre size. Since the size has been established shy of the one acre. My amended appeal is for .88 PBC, and therefor no longer sight the Pending and Recent Credit Allocation Appeal as of 10/26/00, Joseph Alberto and Richard and John Sipala as stated in my 1/20/01 letter. However I am asking for an allowance of a full 0.88 PBC. Thank you in advance for your consideration and my humble apology for having some of my original facts incorrect.

Sincerely Yours



Frank Harmer



SCTM #'S 200-356-4-4.002 & 200-413-2-2

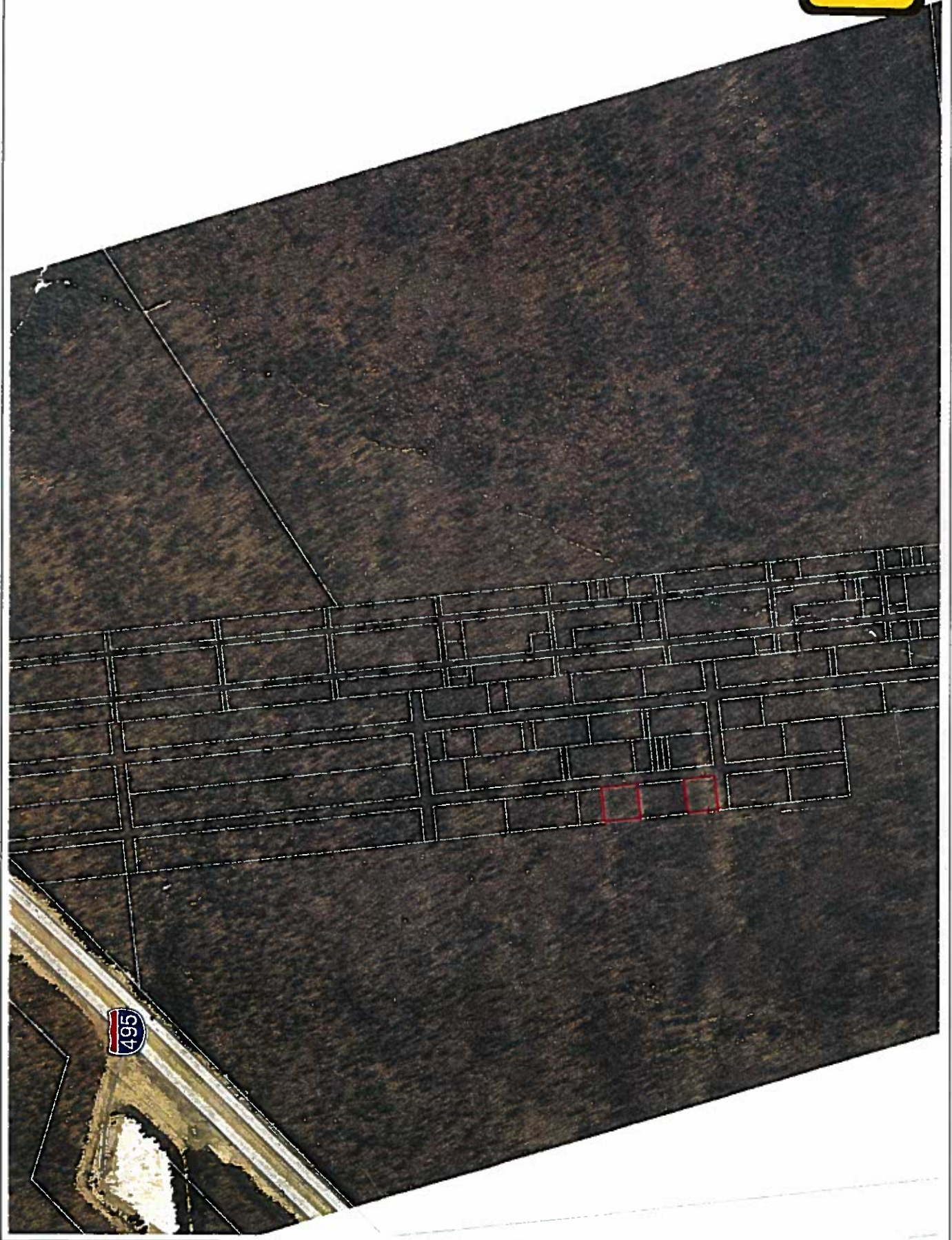


EXHIBIT 6
Cameron
3/14/01 SD

Subject Parcels
Parcels: (Shaded)

0.05 0 0.05 0.1 Miles



Map printed 3/9/01, by Mark H. Rizzo
CPBJPPC

SCTM #'S 200-356-4-4.002 & 200-413-2-2

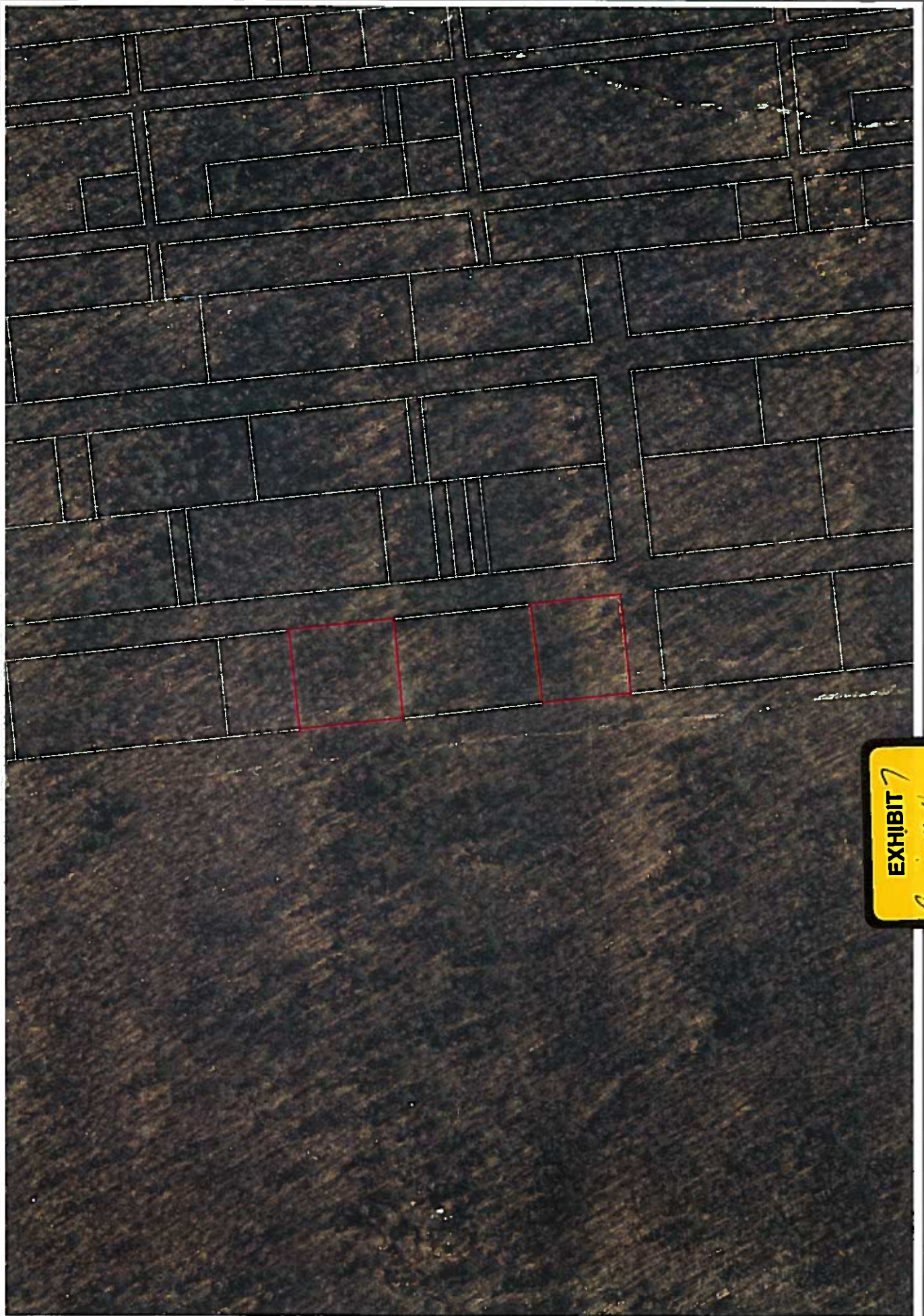

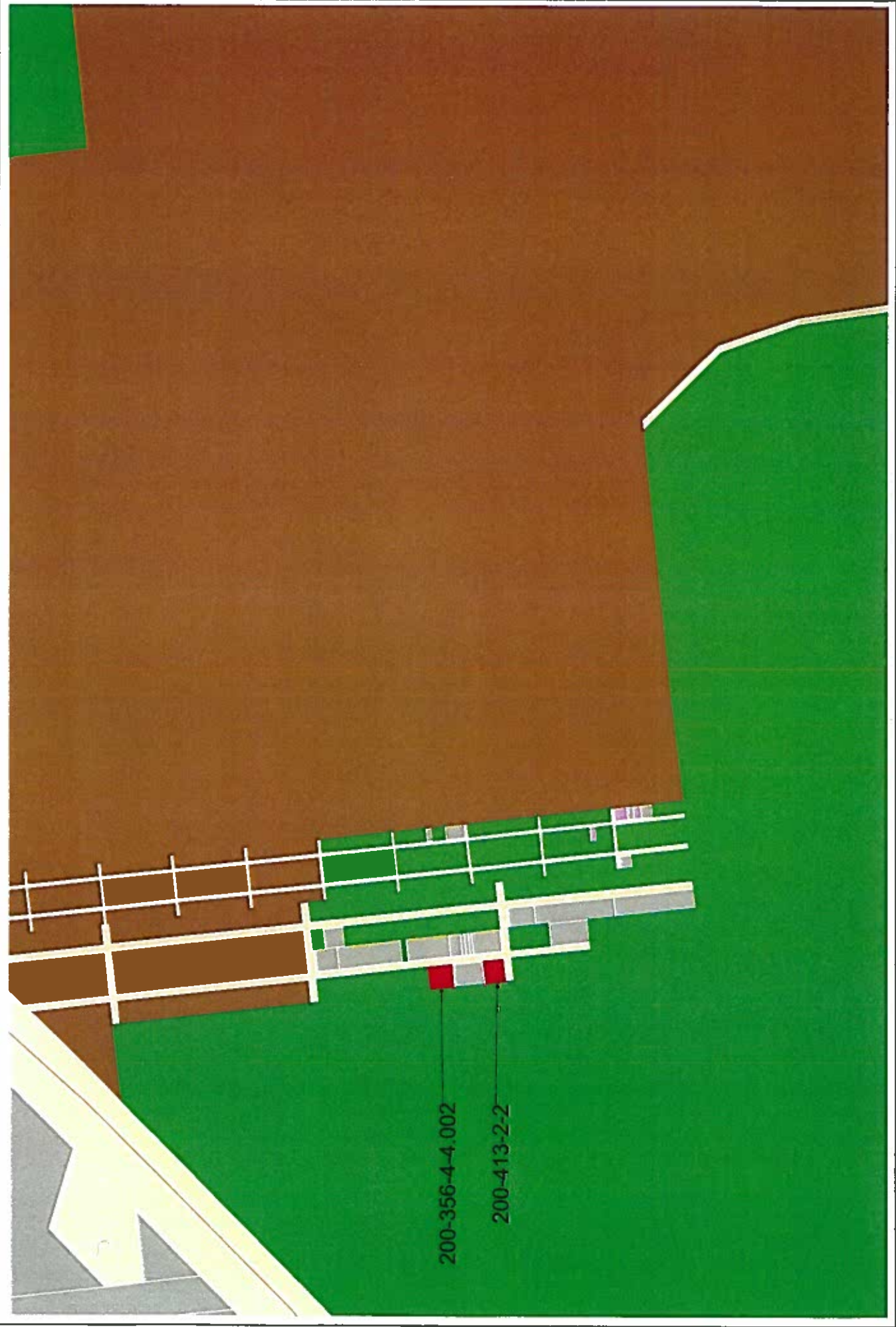


EXHIBIT 7
Carroll
3/14/01 SD

Map printed 3/9/01, by Mark H. Rizzo
CPBJPPC

 Subject Parcel
Parcel: (Prothonotary)

SCTM #'s 200-356-4-4002 & 200-413-2-2



- Subject Parcels
- Suffolk County Land
- Parcels with PBC Conservation Easements
- New York State Land
- LIE (I-495)
- Parcels: (Brookhaven)

EXHIBIT 8
Commissioner
 3/14/01 SAH



Map printed 3/12/01, by Mark H. Rizzo
 CPBJPPC

REVISIONS
2-01-96
0-13-96

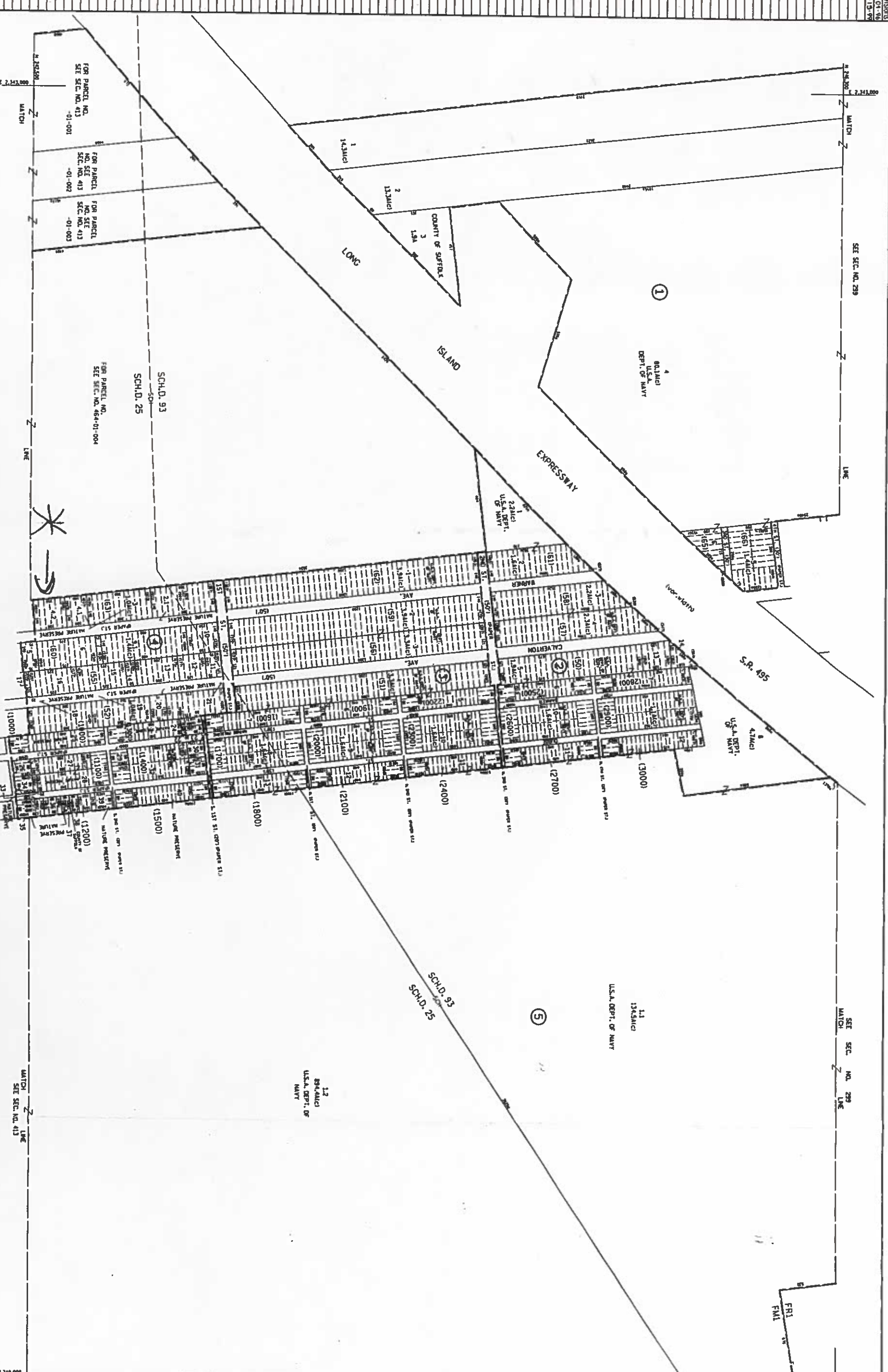
SEE SEC. NO. 299

LINE

MATCH
SEE SEC. NO. 299
LINE

SEE SEC. NO. 358

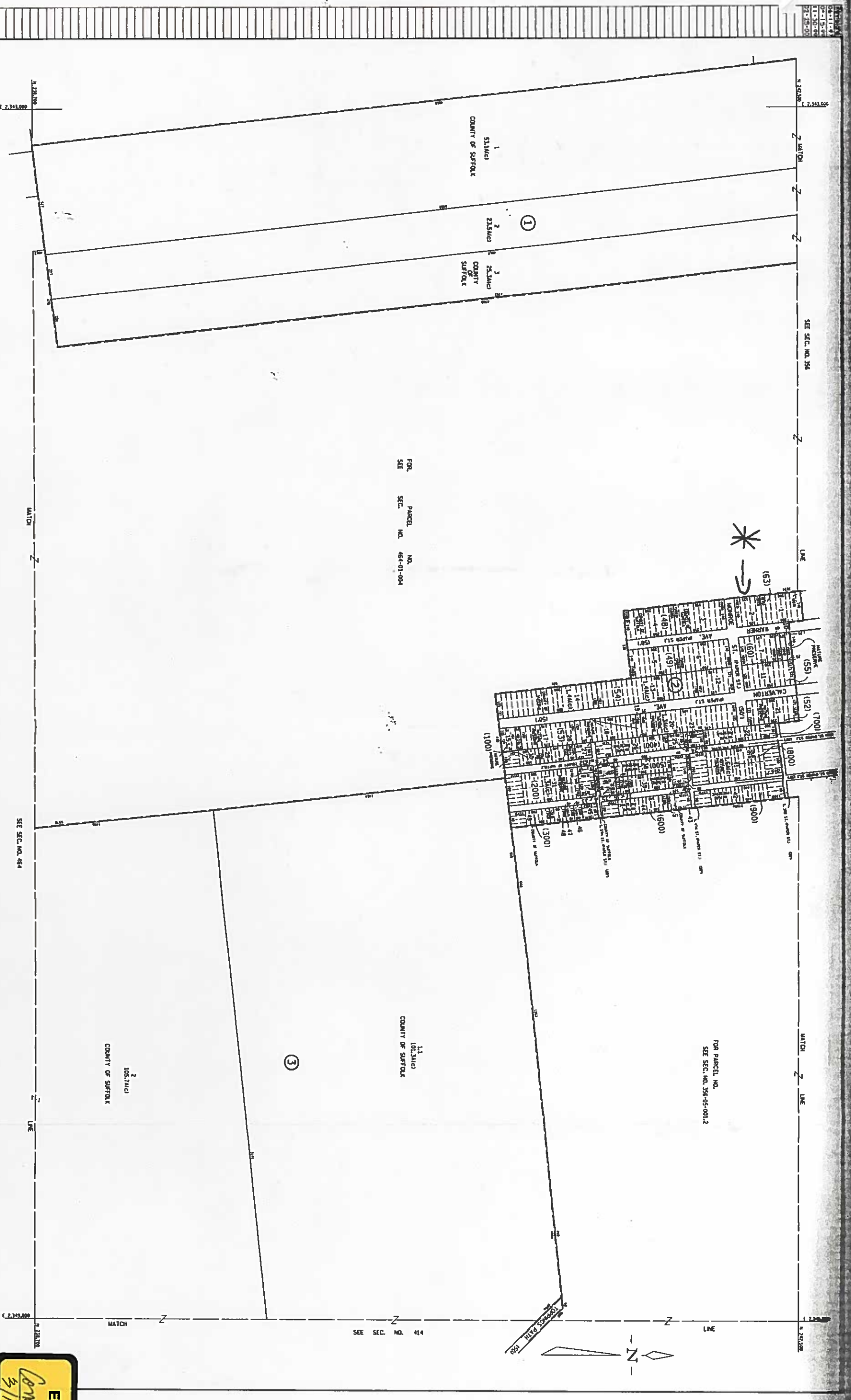
EXHIBIT
Amman
3/10/01



MATCH

MATCH
SEE SEC. NO. 413
LINE

PROPERTY OF THE TOWN		TOWN OF BROOKHAVEN	
Redevelopment Authority	299	Section	356
Land Development	304	Block	
Other	309		
SECTION NO. 356			



Property of all the Owners (Common Law) Subdivision Lot No. Street / Area Parcel No.	Subdivision Lot No. (21) 121 A(1) or 121A 121 A(1)	Lot Area 23	Section No. 413	District No. 0200	Property Map No. 413
Subdivision Lot No. (21) 121 A(1) or 121A 121 A(1)	Lot Area 23	Section No. 413	District No. 0200	Property Map No. 413	Section No. 413
Subdivision Lot No. (21) 121 A(1) or 121A 121 A(1)	Lot Area 23	Section No. 413	District No. 0200	Property Map No. 413	Section No. 413

EXHIBIT 10
 Commission
 3/14/01 SD