

Original

THE STATE OF NEW YORK
NYS CENTRAL PINE BARRENS COMMISSION

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In the Matter of:

Credit Appeal for Joseph Frederick Gazza

Suffolk County, New York

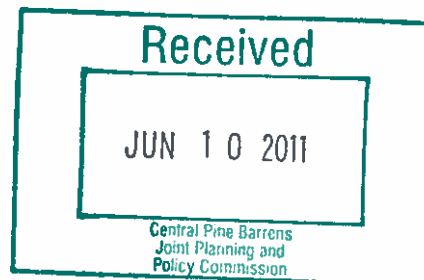
Suffolk County Tax Map Number
900-311-1-27.1 (Formerly Lot 27)
Westhampton, Town of Southampton

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Riverhead Town Hall
200 Howell Avenue
Riverhead, New York 11901

Wednesday,
May 18, 2011

The above entitled matter came on for hearing at 3:00 p.m.



ARTI Recording

Telephone: 212.349.9692
Facsimile: 212.557.2152

One Penn Plaza
Suite 4715
New York, NY 10119



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

CENTRAL PINE BARRENS JOINT PLANNING AND POLICY
COMMISSION

PETER SCULLY, CHAIRMAN

JOHN TURNER, Representative of Brookhaven Town Supervisor
BRENDA PRUSINOWSKI, Representative of Town of Brookhaven
Supervisor

ANN THRONE HOLST, Member

SEAN WALTER, Member

DAN MCCORMICK

MARK LESKO, Member

SARAH LANSDALE

ALSO PRESENT:

JOHN MILAZZO, Pine Barren Commission Attorney

JOHN PAVACIS, CPBC Director

JULY JACOBSEN, Staff

JERRY TVERDZY, Staff

CAROL SHORE, CLERK



Telephone: 212.349.9692
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I N D E X

| EXHIBITS | DESCRIPTION | PAGE |
|----------|---|------|
| STAFF A | Copy of Land Use Plan | 5 |
| B | Resolution 12/20/2006 | 5 |
| C | Aerials | 5 |
| D | Photos | 5 |
| E | Chronology of Parcel | 5 |
| F | Quit Claim Deed | 5 |
| G | Certificate of abandonment | 5 |
| H | Permanent Easement | 5 |
| I | Letter of Interpretation | 5 |
| J | Tax Bill | 5 |
| K | Subscriber Map Album | 5 |
| GAZZA 1 | Copy of Tax Map | 12 |
| 2 | Photos | 13 |
| 3 | Tax Map (Retained by Applicant) (Not Appended to transcript) | 15 |



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P R O C E E D I N G S

1
2 CHAIRMAN SKULLY: I would like to call this
3 hearing to order. I will read from the notice of the
4 public hearing and the court reporter can incorporate
5 the written version in the transcript.

6 The Central Pine Barrens Joint Planning and
7 Policy Commission will hold a public hearing on May 18,
8 2011 at 3:00 p.m. at Riverhead Town Hall, 200 Howell
9 Avenue, Riverhead, New York on the Letter of
10 Interpretation Appeal for Joseph Frederick Gazza for
11 Suffolk County Tax Map parcel number 900-311-1-27.1
12 (formerly Lot 2).

13 Said appeal is made pursuant to Section
14 6.7.3.3 of the Central Pine Barrens Comprehensive Land
15 Use Plan, dated 1995. The Central Pine Barrens Joint
16 Planning and Policy Commission will be holding the
17 appeal hearing pursuant to Section 6.7.3.4 of the plan.
18 The appellant is appealing the allocation of 0.10 Pine
19 Barrens Credits stated in the Letter of Interpretation
20 dated March 15, 2011 for this parcel and is seeking
21 instead one (1) Pine Barrens Credit based on Section
22 6.7.6.6 of the Plan. The parcel is located on the west
23 side of CR 31, north of Stewart Avenue, Westhampton
24 Beach in the Town of Southampton.

25 I ask the Commission representatives to put



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1 their names on the record.

2 MR. WALTER: Sean Walter, member, present.

3 MS. LANSDALE: Sarah Lansdale.

4 MR. LESKO: Mark Lesko.

5 MR. SKULLY: Peter Skully, representing the
6 Governor of the State of New York.

7 We'll hear first from staff.

8 MS. JACOBSEN: Good afternoon. I have one
9 correction on the hearing notice actually the parcel is
10 located south of Stewart Avenue.

11 I want to start by providing a brief
12 overview of the appeal materials that are contained in
13 the exhibits and also introduce some of them as I go
14 along.

15 I have provided the stenographer with a
16 copy of the hearing notice and exhibits for her to enter
17 into the record and this is Staff Exhibits A through K
18 that are going to be entered into the public record.

19 (Staff Exhibits A-K were so marked and
20 received in evidence)

21 MS. JACOBSEN: As stated in the public.
22 hearing notice, Mr. Joseph Frederick Gazza is appealing
23 the pine credit allocation he received for a parcel he
24 owns that is identified by Suffolk County tax map number
25 900-311-1-27.1, which was formerly lot 27.

1 Based on the Commissioner's Comprehensive
2 Land Use Plan Section 6.7.6.6 issuance of a full Pine
3 Barrens Credit for certain road front parcels which is
4 included in Exhibit A, and states the Pine Barrens
5 Credit Clearing House may elect to allocate one full
6 Pine Barrens Credit for a parcel of land consisting of
7 at least 4000 square feet with frontage on an existing
8 and approved road.

9 I have included as a Staff Exhibit B a
10 Commission resolution passed by the Commission on
11 December 20, 2006 that states basically the
12 Comprehensive Land Use Plan adoption date of June 28,
13 1995 is to be used as the date in which a parcel must
14 have existed in order to be eligible for a Pine Barrens
15 Credit allocation. A copy of this resolution, as I
16 mentioned, is Staff Exhibit B and I will explain in a
17 few moments why this may pertain to this credit appeal.

18 The subject parcel is in the core
19 preservation area on the west side County Route 31
20 opposite Gabreski Airport; south of Stewart Avenue and
21 it is the parcel adjacent to the south side of the
22 Suffolk Boces parcel as shown on the aerials outlined in
23 blue, part of Staff Exhibit C.

24 The subject parcel does not front of CR 31
25 as shown on Staff Exhibit C. A portion of the Suffolk

1 Boces parcel lies between the subject parcel and County
2 Route 31 as shown on the aerials.

3 The physical characteristics of the parcel
4 can be seen in photos D point one and D point two; that
5 is included as Staff Exhibit D. The parcel is in the
6 light industrial -40 Zoning District.

7 Mr. Gazza purchased this parcel through a
8 quick claim deed from Hope Wilcezwski on August 24,
9 2004. A copy of the deed is included as Staff Exhibit F.

10 As indicated in the chronology compiled by
11 Commission staff and included as Staff Exhibit E Mr.
12 Gazza submitted a number of letter of interpretation
13 applications since August 30, 2004 for the subject
14 parcel.

15 He also submitted correspondence that
16 inquired about abandoned roads to increase the parcel
17 size and whether he could receive one full pine bar
18 credit based on the Commission's plan section 6.7.6
19 which is in Staff Exhibit A.

20 The parcel size in 2004 with 3,125 square
21 feet and received a letter of interpretation for point
22 one Pine Barrens credits. That is the minimal allocation
23 a parcel can receive. I am sorry I lost my place. The
24 letter of interpretation for point one Pine Barrens
25 credit is included as Staff Exhibit I.

1 Then on April 25, 2006, along with Mr. Celi
2 that owns the parcel to the south of the subject parcel,
3 he abandoned the roads as indicated in the certificate
4 of abandonment included as Staff Exhibit G. Mr. Celi
5 granted Mr. Gazza a permanent easement across the front
6 of his parcel along C R 31 as indicated in Staff Exhibit
7 H, that was recorded with the Suffolk County Clerk's
8 office on April 27, 2006. These included maps that are
9 also provided in Staff Exhibit H indicating the easement
10 area.

11 Mr. Gazza then applied for a letter of
12 interpretation on July 14, 2006, where the parcel size
13 was now 4,125 square feet due to the abandonment of
14 roads. Staff Exhibit I contain the copies of LOIs Mr.
15 Gazza received on this subject parcel since 2006
16 including a recent renewal LOI for point one Pine
17 Barrens credits based on the 4,124 square foot parcel.

18 The letters of interpretation are only
19 valid for a year and that's why they tend to need
20 renewals over time if they don't move forward in the
21 credit process.

22 Mr. Gazza was also inquiring as to whether
23 he could obtain a full credit for his parcel based on
24 meeting the minimal parcel size requirement of over
25 4,000 square feet and having access to C R 31, County

1 Road 31, through the easement granted by Mr. Celi. The
2 acres are included as Staff Exhibit J.

3 Now referring back to Staff Exhibit B it
4 should be noted the Commission passed a resolution
5 December 20, 2006. It states basically the comprehensive
6 commercial land use date of June 28, 1995 is to be used
7 as the date in terms of how we look at the parcel status
8 in order to consider the size of this parcel that is
9 eligible to receive Pine Barrens credit allocation.

10 The Commission may want to consider if this
11 applies to the subject parcel in this matter. This
12 resolution was passed due to concern that other
13 applicants in the program could potentially continually
14 subdivide parcels and, therefore, keep getting point one
15 minimum allocations and, therefore, benefiting more from
16 the program or in terms of changing the size or
17 increasing the size of the parcel in terms of trying to
18 get more allocation.

19 Finally Staff Exhibit K, is copies of the
20 tax map pages from the 2010 tax map book for the Town of
21 Southampton. The subject parcel does not have direct
22 frontage on C R 31 to the portion of the Suffolk Boces
23 property outlined in red that lies between County Route
24 31 and the subject parcel which is actually part of
25 Boces driveway as shown in the photos identified as

1 Staff Exhibit D.

2 CHAIRMAN SKULLY: Questions for staff? I
3 want to boil this down and make sure I understand
4 clearly. The credit clearing house Board has looked at
5 this parcel and determined that it's entitled to point
6 one credits because it doesn't have road frontage. That
7 is what this boils down to. So the applicant is
8 appealing that determination. I guess we'll hear from
9 Mr. Gazza as to why he believes he qualifies for a full
10 credit as opposed to point one.

11 MR. MILAZZO: One other thing. Judy referred
12 to in the Staff exhibits as Exhibit D. I want to put on
13 the record who took those photos and when they were
14 taken. Jerry?

15 Jerry did you take the photos in Exhibit D?

16 MR. TVERDZY: Yes, I did.

17 MR. MILAZZO: When did you take them?

18 MR. TVERDAZY: I took them on Thursday,
19 May 12th.

20 MR. MILAZZO: Were you at the site?

21 MR. TVERDZY: Yes, I was at the site.

22 MR. MILAZZO: During your site inspection
23 could you go from C R 31 to Mr. Gazza's parcel without
24 crossing another lot?

25 MR. TVERDZY: No. You have to go through the

1 Celi property or to Boces driveway in order to get to
2 the parcel.

3 MR. MILAZZO: Okay. Thank you.

4 CHAIRMAN SKULLY: Any questions for staff?
5 For staff? If not the appellant is here. Always good
6 to see you.

7 MR. GAZZA: Thank you, Mr. Chairman. Joseph
8 Frederick Gazza, 5 Ogden Lane, Quogue, New York. I am
9 the owner of the parcel the subject of this hearing;
10 having acquired same back on August the 2nd, 2004.

11 Judy's report was quite thorough which took
12 away most of the information I was going to provide to
13 the Board but I would like to expand on the fact that it
14 increased in size, just for clarification, and I see
15 that's a point and I would like the Board to know I used
16 that special machine that lawyers use to make property
17 bigger, probably only lawyers know about this machine
18 but it is called the abandonment of street process under
19 the real property tax law. It's nothing that special but
20 in my deed, looking at the deed which is a part of your
21 record, it does state that the property that I purchased
22 includes, "together with all rights, title and interest
23 on the party of the first part into the streets and
24 roads abutting the above described premises." So in my
25 deed I obtained the street which was a paper street



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1 adjoining my premises. So I went through the abandonment
2 process and stretched the property legally to over 4,000
3 square feet which is the magic number under Section
4 6.7.6.6. Of the code. But, the issue of being road front
5 is still at issue. I cannot dispute that there is maybe
6 five feet of land, if that, between my property and the
7 street. There's a question whether it's owned by Boces
8 or Suffolk County, and I was at the Suffolk County Real
9 Property Tax Service Agency this morning and I spoke
10 with Janet, one of the ladies there, and she said that
11 the issue was the placement of County Road 31. They
12 weren't the right, I forget what she called it, center
13 somethings, to exactly place it but she said she thinks
14 that is where it is and even though it is not exact but
15 it doesn't look like I front on a road. There's this
16 little gap of land.

17 I have a copy of the tax map which I'll
18 pass out to board members. I only made three copies but
19 maybe you can pass them down.

20 (Gazza Exhibit No. 1 was so marked and
21 received in evidence.)

22 MR. MILAZZO: It is also Exhibit I.

23 MR. GAZZA: I have it highlighted in pink.

24 MR. MILAZZO: We don't use pink. We use red
25 and --

1 MR. GAZZA: You use that stretching machine
2 to make extra land.

3 MR. MILAZZO: That's the red one.

4 MR. GAZZA: We have a situation where the
5 property is so close to the county road that it looks
6 like it's on the county road. You access the property on
7 the county road. You just drive off the county road and
8 you are on the property.

9 The Town of Southampton Deputy Highway
10 Superintendent made inspection of the property and he
11 thought it was on the road. He said this must be a
12 technicality because he says it looks like it's on the
13 road to me.

14 At the time he did the inspection I took
15 some photographs of the property myself. I only have one
16 photo mounted with Mr. Milazzo's permission I will
17 present this to the Board.

18 (Gazza Exhibit No. 2 was so marked and
19 received in evidence.)

20 MR. MILAZZO: This is similar to the photo
21 in Exhibit D because they are taking pictures of the
22 same thing.

23 It maybe a little bit different because it
24 is from two different prospective.

25 MR. GAZZA: I used the special attorney

1 camera to make it look closer to the road.

2 MR. SKULLY: And may I say for an attorney
3 you are not a bad photographer.

4 MR. GAZZA: Thank you, Mr. Chairman.

5 Does the property front directly on the
6 county road, I can't say that it does. Is it close?
7 It's about as close as you can get without being on the
8 road. To anchor in the access issue I did obtain from
9 Mr. Celi who's the property owner to the south, a
10 permanent easement, sort of like making a U turn towards
11 the front of his property over that five foot strip, if
12 you want to call it that, to get out to the road. That
13 easement, I believe is one of your exhibits -- -

14 MR. MILLER: Yes, it is, it is Exhibit H.

15 MR. GAZZA: I won't provide the Board with a
16 copy of it. So I have direct access to the county road.
17 My property is accessible to the county road. It's
18 actually -- between my property and the county road is
19 the road shoulder a portion of which is paved; Boces
20 School even has paved it.

21 I have tried to find examples of this type
22 of situation where someone -- it is a question whether
23 they actually front on a road, and there is one of these
24 little funny triangular shaped pieces and I came up with
25 only one and it was on the Southern State Parkway. This

1 isn't one of your records is it? No. I'll present to
2 the Board a copy of the tax map, I only have one.

3 MR. MILAZZO: That will be Gazza 3.

4 (Gazza Exhibit No. 3 was so marked and.
5 received in evidence.)

6 MR. MILAZZO: What town is it in?

7 MR. GAZZA: Town of Babylon.

8 MR. MILAZZO: That is not part of the Pine
9 Barrens.

10 MR. GAZZA: It has nothing to do with that
11 it has to do with accessing a road from private property
12 and it shows that all roads are not just two parallel
13 lines that make up a road. In some instances like the
14 Southern State Parkway, the road has a rather jagged
15 edge a result of takings when the State would put a road
16 through private property; they would pick up lots which
17 is very similar to the situation we have here. It looks
18 like the person that put that map together maybe worked
19 on my map because they look almost identical on the tax
20 maps.

21 Whether my property is entitled to a credit
22 as opposed to a 10th of a credit, the important words in
23 the code are "may". "This Board "may" decide to increase
24 the allocation up to a credit." It's in your discretion.

25 I wanted to present to the Board the fact

1 this property is in an industrial zone, it is across the
2 street from the Gabreski Airport, the area that is being
3 developed by Reckler (ph) as we speak in the process. It
4 could be a very important parcel if the County obtained
5 title to this parcel, because the Reckler project is
6 going to involve sewage treatment; they have a sewage
7 treatment plant on the county airport. That sewage
8 treatment plant may serve West Hampton Beach some day
9 which is in desperate need of sewage treatment, the
10 Village.

11 I understand there will be necessity for
12 pumping stations along the way to give that sewage flow
13 in order to go up hill and give a boost to get to the
14 sewage treatment system. If the Commission exercised the
15 "may" and gave me the credit, I would deed the property
16 to Suffolk County. They could install along that road
17 shoulder, underneath the vegetated grassy area a pumping
18 system of some kind, if necessary, to pump that sewage
19 flow; this could be an integral spot for that. So if I
20 was given a credit or put the conservation easement on
21 it I would deed the land to the County. I am not going
22 to hold the title, sell it to anyone else as a bonus.

23 Additionally, I would like to compromise,
24 if necessary, and take a half a credit for the property.
25 It's so close, I am offering that on a table as a

1 compromise. A 10th of a credit is not going to do it for
2 me. The prices of credits have tumbled; they're not at a
3 hundred thousand any more; maybe there at 50,000 now in
4 the Town of Southampton. The time and effort that I
5 have devoted to acquisition and surveying and abandoning
6 and everything for this property, a 10th of a credit is
7 not enough to, not enough to motivate me to participate.

8 I'll compromise at a half of credit and
9 you'll still get the title; I can't offer you more than
10 that.

11 CHAIRMAN SKULLY: Thank you, Mr. Gazza. So
12 market conditions are a factor in that this is isn't
13 working for; if the credits were still going for
14 \$100,000 you probably wouldn't be before us today.

15 MR. GAZZA: I might.

16 MR. MCCORMICK: What's the smallest distance
17 in linear footage from the core of your property to
18 County Road 31?

19 MR. GAZZA: It could be from 10 feet to
20 zero feet; I am not certain. The maximum is 10 and
21 depending upon the placement of the County Road 31,
22 could be zero.

23 MR. MCCORMICK: Well, is it zero or not?

24 MR. MILAZZO: He already said it is not
25 zero.

1 MR. GAZZA: They are showing it as 10 on the
2 tax maps.

3 MR. MILAZZO: You know there is the piece in
4 between?

5 MR. MCCORMICK: I understand.

6 MR. MILAZZO: Mr. Tverdzy, is on Commission
7 staff.

8 MR. MCCORMICK: Who owns the space between
9 the County Road 31 line and your property? Who owns
10 that?

11 MR. MILAZZO: Boces.

12 MR. GAZZA: Boces is to the north and
13 Suffolk County -- there's two triangles there. Suffolk
14 County is the southerly triangle and Boces is the
15 northerly, I won't call it a triangle, but just north of
16 the triangle.

17 MR. MCCORMICK: Are you landlocked or do you
18 have an easement for access to the roadway?

19 MR. GAZZA: I have never been landlocked
20 because I am a lot on a filed subdivision map that
21 fronts on a street which runs, if you look at your map,
22 if one can see this area over here, that's a street; a
23 street on the file map. So I have never been landlocked.
24 I have an access easement because I have done some
25 abandonments for Mr. Celi. The photos show clearly

1 everything thinks it's right on the road because it's so
2 close.

3 MR. MILAZZO: Aren't you landlocked now
4 because your abandonment?

5 MR. GAZZA: I have access from Celi.

6 MR. MILAZZO: But you don't access to the
7 road; whatever benefit you had of being on the old file
8 lot is gone because of your abandonment of the roads.

9 MR. GAZZA: I retained rights based on the
10 easement from Celi.

11 MR. MILAZZO: But the only access you have
12 is through the Celi easement not through the old file --

13 MR. GAZZA: I did the Celi abandonment, we
14 felt it would be more appropriate to abandon the road
15 and exchange easements rather than use the road as an
16 existing old file map paper stream.

17 MR. MILAZZO: I understand that but the
18 important point is you do not have access of old file
19 roads anymore but you effectively but for the Celi
20 easement you made this parcel landlocked.

21 MR. GAZZA: It is not landlocked; never been
22 landlocked. The road adjacent to Celi was also abandoned
23 --

24 MR. MILAZZO: How do you drive your car
25 from your lot over an old file road?

1 MR. GAZZA: I drive my car over to County
2 Road 39 --

3 MR. MILAZZO: No, I understand that. That's
4 not the question. The question was how do you use an old
5 file map road to get to your parcel?

6 MR. GAZZA: There is no longer an old file
7 map road. The State has abandoned --

8 MR. MILAZZO: You had access to the old file
9 map road, is that not correct?

10 MR. GAZZA: I did.

11 MR. MILAZZO: You did. But you don't --

12 MR. GAZZA: I changed it to an easement and
13 abandoned the old file map road.

14 MR. MILAZZO: Okay. That was the question.

15 MS. THRONEHOLST: Mr. Gazza, perhaps I am
16 being obtuse, but I heard you say if you were granted a
17 credit you would then donate the parcel to the County.
18 What would you do with that credit? Where does the
19 credit go? If it is going with the parcel for use by
20 the County what's the point?

21 MR. GAZZA: The County could put a vault
22 underneath the soil, surface soil, either for pumping,
23 it is just an idea.

24 MS. THRONEHOLST: Isn't that a double dip?

25 MR. MILAZZO: I am not sure the easement

1 would be.

2 MR. WALTER: I was an engineer with the
3 National Guard that brought the sewage plant. I am going
4 to say to you that your uphill. In other words you know
5 what flows downhill, so you would never pump from this
6 location to the sewage treatment plant and you would
7 never pump from the Village to the sewage treatment
8 plant.

9 In fact, I can't imagine a circumstance
10 where they would put a pump station, forced pump lift
11 station in that location. Do you have any proof the
12 County has any interest in that?

13 MR. GAZZA: I spoke to officials of West
14 Hampton Beach Village and they talked about the fact
15 that there is a need for sewage treatment in the
16 Village; that's why they don't have any more restaurant
17 and nobody can expand; the Village is having economic --

18 MR. WALTER: But you are in the wrong
19 location to bring it to the sewage treatment plant.

20 MR. GAZZA: I was told the Village would be
21 pumping the sewage north along County Road 31 to access
22 the County.

23 MR. WALTER: That's the plant that is at the
24 south end of the air base?

25 MR. GAZZA: I was told it was going to go

1 north to Stewart Avenue and turn in to the east.

2 CHAIRMAN SKULLY: Strange that we digress.

3 MR. WALTER: My question was why would the
4 County want this?

5 MS. THRONEHOLST: And I ask again where
6 would the credit go if you donated this piece to the
7 County?

8 MR. GAZZA: The credit comes to me. I'll
9 retain it.

10 MS. THRONEHOLST: And donate the parcel.

11 MR. GAZZA: The residual fee title to the
12 County.

13 CHAIRMAN SKULLY: Other questions for Mr.
14 Gazza? Anything else Staff wants to put on the record?
15 Anyone else wish to you heard? Mr. Amper.

16 Whereupon,

17 RICHARD AMPER,

18 after having been first duly sworn, was examined and
19 testified as follows:

20 MR. AMPER: Richard Amper, Executive
21 Director of the Long Island Pine Barrens Society. Pine
22 Barrens Society supports the Pine Barrens Credit
23 Clearing House's identification of the proper credit
24 application in the Gazza application.

25 CHAIRMAN SKULLY: Anybody else wish to be

1 heard? Any further questions of the Staff? If not I
2 suggest we close the hearing and take the matter under
3 advisement for a later decision. Thank you, Mr. Gazza.

4 MR. GAZZA: Thank you for your time.

5 (Time Noted: 3:32 p.m.)
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C E R T I F I C A T I O N

I, Marie DiMarco, a Shorthand Reporter and notary public, within and for the State of New York, do hereby certify:

That said transcript is a true record of the proceedings set forth herein.

I further certify that I am not related to any of the parties to this action by blood or marriage, and that I am in no way interested in the outcome of this matter.

IN WITNESS WHEREOF, I have hereunto set my hand this 7th day of June, 2011.


Marie DiMarco



THE STATE OF NEW YORK
NYS CENTRAL PINE BARRENS COMMISSION

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In the Matter of:

Credit Appeal for Joseph Frederick Gazza

Suffolk County, New York

Suffolk County Tax Map Number
900-311-1-27.1 (Formerly Lot 27)
Westhampton, Town of Southampton

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

CENTRAL PINE BARRENS JOINT PLANNING AND POLICY
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PETER SCULLY, CHAIRMAN

JOHN TURNER, Representative of Brookhaven Town Supervisor
BRENDA PRUSINOWSKI, Representative of Town of Brookhaven
Supervisor

ANN THRONE HOLST, Member

SEAN WALTER, Member

DAN MCCORMICK

MARK LESKO, Member

SARAH LANSDALE

ALSO PRESENT:

JOHN MILAZZO, Pine Barren Commission Attorney

JOHN PAVACIS, CPBC Director

JULY JACOBSEN, Staff

JERRY TVERDZY, Staff

CAROL SHORE, CLERK

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I N D E X

| EXHIBITS | DESCRIPTION | PAGE |
|----------|---|------|
| STAFF A | Copy of Land Use Plan | 5 |
| B | Resolution 12/20/2006 | 5 |
| C | Aerials | 5 |
| D | Photos | 5 |
| E | Chronology of Parcel | 5 |
| F | Quit Claim Deed | 5 |
| G | Certificate of abandonment | 5 |
| H | Permanent Easement | 5 |
| I | Letter of Interpretation | 5 |
| J | Tax Bill | 5 |
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| GAZZA 1 | Copy of Tax Map | 12 |
| 2 | Photos | 13 |
| 3 | Tax Map (Retained by Applicant) (Not Appended to transcript) | 15 |

1 P R O C E E D I N G S

2 CHAIRMAN SKULLY: I would like to call this
3 hearing to order. I will read from the notice of the
4 public hearing and the court reporter can incorporate
5 the written version in the transcript.

6 The Central Pine Barrens Joint Planning and
7 Policy Commission will hold a public hearing on May 18,
8 2011 at 3:00 p.m. at Riverhead Town Hall, 200 Howell
9 Avenue, Riverhead, New York on the Letter of
10 Interpretation Appeal for Joseph Frederick Gazza for
11 Suffolk County Tax Map parcel number 900-311-1-27.1
12 (formerly Lot 2).

13 Said appeal is made pursuant to Section
14 6.7.3.3 of the Central Pine Barrens Comprehensive Land
15 Use Plan, dated 1995. The Central Pine Barrens Joint
16 Planning and Policy Commission will be holding the
17 appeal hearing pursuant to Section 6.7.3.4 of the plan.
18 The appellant is appealing the allocation of 0.10 Pine
19 Barrens Credits stated in the Letter of Interpretation
20 dated March 15, 2011 for this parcel and is seeking
21 instead one (1) Pine Barrens Credit based on Section
22 6.7.6.6 of the Plan. The parcel is located on the west
23 side of CR 31, north of Stewart Avenue, Westhampton
24 Beach in the Town of Southampton.

25 I ask the Commission representatives to put

1 their names on the record.

2 MR. WALTER: Sean Walter, member, present.

3 MS. LANSDALE: Sarah Lansdale.

4 MR. LESKO: Mark Lesko.

5 MR. SKULLY: Peter Skully, representing the
6 Governor of the State of New York.

7 We'll hear first from staff.

8 MS. JACOBSEN: Good afternoon. I have one
9 correction on the hearing notice actually the parcel is
10 located south of Stewart Avenue.

11 I want to start by providing a brief
12 overview of the appeal materials that are contained in
13 the exhibits and also introduce some of them as I go
14 along.

15 I have provided the stenographer with a
16 copy of the hearing notice and exhibits for her to enter
17 into the record and this is Staff Exhibits A through K
18 that are going to be entered into the public record.

19 (Staff Exhibits A-K were so marked and
20 received in evidence)

21 MS. JACOBSEN: As stated in the public.
22 hearing notice, Mr. Joseph Frederick Gazza is appealing
23 the pine credit allocation he received for a parcel he
24 owns that is identified by Suffolk County tax map number
25 900-311-1-27.1, which was formerly lot 27.

1 Based on the Commissioner's Comprehensive
2 Land Use Plan Section 6.7.6.6 issuance of a full Pine
3 Barrens Credit for certain road front parcels which is
4 included in Exhibit A, and states the Pine Barrens
5 Credit Clearing House may elect to allocate one full
6 Pine Barrens Credit for a parcel of land consisting of
7 at least 4000 square feet with frontage on an existing
8 and approved road.

9 I have included as a Staff Exhibit B a
10 Commission resolution passed by the Commission on
11 December 20, 2006 that states basically the
12 Comprehensive Land Use Plan adoption date of June 28,
13 1995 is to be used as the date in which a parcel must
14 have existed in order to be eligible for a Pine Barrens
15 Credit allocation. A copy of this resolution, as I
16 mentioned, is Staff Exhibit B and I will explain in a
17 few moments why this may pertain to this credit appeal.

18 The subject parcel is in the core
19 preservation area on the west side County Route 31
20 opposite Gabreski Airport; south of Stewart Avenue and
21 it is the parcel adjacent to the south side of the
22 Suffolk Boces parcel as shown on the aerials outlined in
23 blue, part of Staff Exhibit C.

24 The subject parcel does not front of CR 31
25 as shown on Staff Exhibit C. A portion of the Suffolk

1 Boces parcel lies between the subject parcel and County
2 Route 31 as shown on the aerials.

3 The physical characteristics of the parcel
4 can be seen in photos D point one and D point two; that
5 is included as Staff Exhibit D. The parcel is in the
6 light industrial -40 Zoning District.

7 Mr. Gazza purchased this parcel through a
8 quick claim deed from Hope Wilcezwski on August 24,
9 2004. A copy of the deed is included as Staff Exhibit F.

10 As indicated in the chronology compiled by
11 Commission staff and included as Staff Exhibit E Mr.
12 Gazza submitted a number of letter of interpretation
13 applications since August 30, 2004 for the subject
14 parcel.

15 He also submitted correspondence that
16 inquired about abandoned roads to increase the parcel
17 size and whether he could receive one full pine bar
18 credit based on the Commission's plan section 6.7.6
19 which is in Staff Exhibit A.

20 The parcel size in 2004 with 3,125 square
21 feet and received a letter of interpretation for point
22 one Pine Barrens credits. That is the minimal allocation
23 a parcel can receive. I am sorry I lost my place. The
24 letter of interpretation for point one Pine Barrens
25 credit is included as Staff Exhibit I.



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1 Then on April 25, 2006, along with Mr. Celi
2 that owns the parcel to the south of the subject parcel,
3 he abandoned the roads as indicated in the certificate
4 of abandonment included as Staff Exhibit G. Mr. Celi
5 granted Mr. Gazza a permanent easement across the front
6 of his parcel along C R 31 as indicated in Staff Exhibit
7 H, that was recorded with the Suffolk County Clerk's
8 office on April 27, 2006. These included maps that are
9 also provided in Staff Exhibit H indicating the easement
10 area.

11 Mr. Gazza then applied for a letter of
12 interpretation on July 14, 2006, where the parcel size
13 was now 4,125 square feet due to the abandonment of
14 roads. Staff Exhibit I contain the copies of LOIs Mr.
15 Gazza received on this subject parcel since 2006
16 including a recent renewal LOI for point one Pine
17 Barrens credits based on the 4,124 square foot parcel.

18 The letters of interpretation are only
19 valid for a year and that's why they tend to need
20 renewals over time if they don't move forward in the
21 credit process.

22 Mr. Gazza was also inquiring as to whether
23 he could obtain a full credit for his parcel based on
24 meeting the minimal parcel size requirement of over
25 4,000 square feet and having access to C R 31, County

1 Road 31, through the easement granted by Mr. Celi. The
2 acres are included as Staff Exhibit J.

3 Now referring back to Staff Exhibit B it
4 should be noted the Commission passed a resolution
5 December 20, 2006. It states basically the comprehensive
6 commercial land use date of June 28, 1995 is to be used
7 as the date in terms of how we look at the parcel status
8 in order to consider the size of this parcel that is
9 eligible to receive Pine Barrens credit allocation.

10 The Commission may want to consider if this
11 applies to the subject parcel in this matter. This
12 resolution was passed due to concern that other
13 applicants in the program could potentially continually
14 subdivide parcels and, therefore, keep getting point one
15 minimum allocations and, therefore, benefiting more from
16 the program or in terms of changing the size or
17 increasing the size of the parcel in terms of trying to
18 get more allocation.

19 Finally Staff Exhibit K, is copies of the
20 tax map pages from the 2010 tax map book for the Town of
21 Southampton. The subject parcel does not have direct
22 frontage on C R 31 to the portion of the Suffolk Boces
23 property outlined in red that lies between County Route
24 31 and the subject parcel which is actually part of
25 Boces driveway as shown in the photos identified as

1 Staff Exhibit D.

2 CHAIRMAN SKULLY: Questions for staff? I
3 want to boil this down and make sure I understand
4 clearly. The credit clearing house Board has looked at
5 this parcel and determined that it's entitled to point
6 one credits because it doesn't have road frontage. That
7 is what this boils down to. So the applicant is
8 appealing that determination. I guess we'll hear from
9 Mr. Gazza as to why he believes he qualifies for a full
10 credit as opposed to point one.

11 MR. MILAZZO: One other thing. Judy referred
12 to in the Staff exhibits as Exhibit D. I want to put on
13 the record who took those photos and when they were
14 taken. Jerry?

15 Jerry did you take the photos in Exhibit D?

16 MR. TVERDZY: Yes, I did.

17 MR. MILAZZO: When did you take them?

18 MR. TVERDAZY: I took them on Thursday,
19 May 12th.

20 MR. MILAZZO: Were you at the site?

21 MR. TVERDZY: Yes, I was at the site.

22 MR. MILAZZO: During your site inspection
23 could you go from C R 31 to Mr. Gazza's parcel without
24 crossing another lot?

25 MR. TVERDZY: No. You have to go through the

1 Celi property or to Boces driveway in order to get to
2 the parcel.

3 MR. MILAZZO: Okay. Thank you.

4 CHAIRMAN SKULLY: Any questions for staff?
5 For staff? If not the appellant is here. Always good
6 to see you.

7 MR. GAZZA: Thank you, Mr. Chairman. Joseph
8 Frederick Gazza, 5 Ogden Lane, Quogue, New York. I am
9 the owner of the parcel the subject of this hearing;
10 having acquired same back on August the 2nd, 2004.

11 Judy's report was quite thorough which took
12 away most of the information I was going to provide to
13 the Board but I would like to expand on the fact that it
14 increased in size, just for clarification, and I see
15 that's a point and I would like the Board to know I used
16 that special machine that lawyers use to make property
17 bigger, probably only lawyers know about this machine
18 but it is called the abandonment of street process under
19 the real property tax law. It's nothing that special but
20 in my deed, looking at the deed which is a part of your
21 record, it does state that the property that I purchased
22 includes, "together with all rights, title and interest
23 on the party of the first part into the streets and
24 roads abutting the above described premises." So in my
25 deed I obtained the street which was a paper street

1 adjoining my premises. So I went through the abandonment
2 process and stretched the property legally to over 4,000
3 square feet which is the magic number under Section
4 6.7.6.6. Of the code. But, the issue of being road front
5 is still at issue. I cannot dispute that there is maybe
6 five feet of land, if that, between my property and the
7 street. There's a question whether it's owned by Boces
8 or Suffolk County, and I was at the Suffolk County Real
9 Property Tax Service Agency this morning and I spoke
10 with Janet, one of the ladies there, and she said that
11 the issue was the placement of County Road 31. They
12 weren't the right, I forget what she called it, center
13 somethings, to exactly place it but she said she thinks
14 that is where it is and even though it is not exact but
15 it doesn't look like I front on a road. There's this
16 little gap of land.

17 I have a copy of the tax map which I'll
18 pass out to board members. I only made three copies but
19 maybe you can pass them down.

20 (Gazza Exhibit No. 1 was so marked and
21 received in evidence.)

22 MR. MILAZZO: It is also Exhibit I.

23 MR. GAZZA: I have it highlighted in pink.

24 MR. MILAZZO: We don't use pink. We use red
25 and --

1 MR. GAZZA: You use that stretching machine
2 to make extra land.

3 MR. MILAZZO: That's the red one.

4 MR. GAZZA: We have a situation where the
5 property is so close to the county road that it looks
6 like it's on the county road. You access the property on
7 the county road. You just drive off the county road and
8 you are on the property.

9 The Town of Southampton Deputy Highway
10 Superintendent made inspection of the property and he
11 thought it was on the road. He said this must be a
12 technicality because he says it looks like it's on the
13 road to me.

14 At the time he did the inspection I took
15 some photographs of the property myself. I only have one
16 photo mounted with Mr. Milazzo's permission I will
17 present this to the Board.

18 (Gazza Exhibit No. 2 was so marked and
19 received in evidence.)

20 MR. MILAZZO: This is similar to the photo
21 in Exhibit D because they are taking pictures of the
22 same thing.

23 It maybe a little bit different because it
24 is from two different prospective.

25 MR. GAZZA: I used the special attorney

1 camera to make it look closer to the road.

2 MR. SKULLY: And may I say for an attorney
3 you are not a bad photographer.

4 MR. GAZZA: Thank you, Mr. Chairman.

5 Does the property front directly on the
6 county road, I can't say that it does. Is it close?
7 It's about as close as you can get without being on the
8 road. To anchor in the access issue I did obtain from
9 Mr. Celi who's the property owner to the south, a
10 permanent easement, sort of like making a U turn towards
11 the front of his property over that five foot strip, if
12 you want to call it that, to get out to the road. That
13 easement, I believe is one of your exhibits -- -

14 MR. MILLER: Yes, it is, it is Exhibit H.

15 MR. GAZZA: I won't provide the Board with a
16 copy of it. So I have direct access to the county road.
17 My property is accessible to the county road. It's
18 actually -- between my property and the county road is
19 the road shoulder a portion of which is paved; Boces
20 School even has paved it.

21 I have tried to find examples of this type
22 of situation where someone -- it is a question whether
23 they actually front on a road, and there is one of these
24 little funny triangular shaped pieces and I came up with
25 only one and it was on the Southern State Parkway. This

1 isn't one of your records is it? No. I'll present to
2 the Board a copy of the tax map, I only have one.

3 MR. MILAZZO: That will be Gazza 3.

4 (Gazza Exhibit No. 3 was so marked and.
5 received in evidence.)

6 MR. MILAZZO: What town is it in?

7 MR. GAZZA: Town of Babylon.

8 MR. MILAZZO: That is not part of the Pine
9 Barrens.

10 MR. GAZZA: It has nothing to do with that
11 it has to do with accessing a road from private property
12 and it shows that all roads are not just two parallel
13 lines that make up a road. In some instances like the
14 Southern State Parkway, the road has a rather jagged
15 edge a result of takings when the State would put a road
16 through private property; they would pick up lots which
17 is very similar to the situation we have here. It looks
18 like the person that put that map together maybe worked
19 on my map because they look almost identical on the tax
20 maps.

21 Whether my property is entitled to a credit
22 as opposed to a 10th of a credit, the important words in
23 the code are "may". "This Board "may" decide to increase
24 the allocation up to a credit." It's in your discretion.

25 I wanted to present to the Board the fact

1 this property is in an industrial zone, it is across the
2 street from the Gabreski Airport, the area that is being
3 developed by Reckler (ph) as we speak in the process. It
4 could be a very important parcel if the County obtained
5 title to this parcel, because the Reckler project is
6 going to involve sewage treatment; they have a sewage
7 treatment plant on the county airport. That sewage
8 treatment plant may serve West Hampton Beach some day
9 which is in desperate need of sewage treatment, the
10 Village.

11 I understand there will be necessity for
12 pumping stations along the way to give that sewage flow
13 in order to go up hill and give a boost to get to the
14 sewage treatment system. If the Commission exercised the
15 "may" and gave me the credit, I would deed the property
16 to Suffolk County. They could install along that road
17 shoulder, underneath the vegetated grassy area a pumping
18 system of some kind, if necessary, to pump that sewage
19 flow; this could be an integral spot for that. So if I
20 was given a credit or put the conservation easement on
21 it I would deed the land to the County. I am not going
22 to hold the title, sell it to anyone else as a bonus.

23 Additionally, I would like to compromise,
24 if necessary, and take a half a credit for the property.
25 It's so close, I am offering that on a table as a

1 compromise. A 10th of a credit is not going to do it for
2 me. The prices of credits have tumbled; they're not at a
3 hundred thousand any more; maybe there at 50,000 now in
4 the Town of Southampton. The time and effort that I
5 have devoted to acquisition and surveying and abandoning
6 and everything for this property, a 10th of a credit is
7 not enough to, not enough to motivate me to participate.

8 I'll compromise at a half of credit and
9 you'll still get the title; I can't offer you more than
10 that.

11 CHAIRMAN SKULLY: Thank you, Mr. Gazza. So
12 market conditions are a factor in that this is isn't
13 working for; if the credits were still going for
14 \$100,000 you probably wouldn't be before us today.

15 MR. GAZZA: I might.

16 MR. MCCORMICK: What's the smallest distance
17 in linear footage from the core of your property to
18 County Road 31?

19 MR. GAZZA: It could be from 10 feet to
20 zero feet; I am not certain. The maximum is 10 and
21 depending upon the placement of the County Road 31,
22 could be zero.

23 MR. MCCORMICK: Well, is it zero or not?

24 MR. MILAZZO: He already said it is not
25 zero.

1 MR. GAZZA: They are showing it as 10 on the
2 tax maps.

3 MR. MILAZZO: You know there is the piece in
4 between?

5 MR. MCCORMICK: I understand.

6 MR. MILAZZO: Mr. Tverdzy, is on Commission
7 staff.

8 MR. MCCORMICK: Who owns the space between
9 the County Road 31 line and your property? Who owns
10 that?

11 MR. MILAZZO: Boces.

12 MR. GAZZA: Boces is to the north and
13 Suffolk County -- there's two triangles there. Suffolk
14 County is the southerly triangle and Boces is the
15 northerly, I won't call it a triangle, but just north of
16 the triangle.

17 MR. MCCORMICK: Are you landlocked or do you
18 have an easement for access to the roadway?

19 MR. GAZZA: I have never been landlocked
20 because I am a lot on a filed subdivision map that
21 fronts on a street which runs, if you look at your map,
22 if one can see this area over here, that's a street; a
23 street on the file map. So I have never been landlocked.
24 I have an access easement because I have done some
25 abandonments for Mr. Celi. The photos show clearly

1 everything thinks it's right on the road because it's so
2 close.

3 MR. MILAZZO: Aren't you landlocked now
4 because your abandonment?

5 MR. GAZZA: I have access from Celi.

6 MR. MILAZZO: But you don't access to the
7 road; whatever benefit you had of being on the old file
8 lot is gone because of your abandonment of the roads.

9 MR. GAZZA: I retained rights based on the
10 easement from Celi.

11 MR. MILAZZO: But the only access you have
12 is through the Celi easement not through the old file --

13 MR. GAZZA: I did the Celi abandonment, we
14 felt it would be more appropriate to abandon the road
15 and exchange easements rather than use the road as an
16 existing old file map paper stream.

17 MR. MILAZZO: I understand that but the
18 important point is you do not have access of old file
19 roads anymore but you effectively but for the Celi
20 easement you made this parcel landlocked.

21 MR. GAZZA: It is not landlocked; never been
22 landlocked. The road adjacent to Celi was also abandoned
23 --

24 MR. MILAZZO: How do you drive your car
25 from your lot over an old file road?

1 MR. GAZZA: I drive my car over to County
2 Road 39 --

3 MR. MILAZZO: No, I understand that. That's
4 not the question. The question was how do you use an old
5 file map road to get to your parcel?

6 MR. GAZZA: There is no longer an old file
7 map road. The State has abandoned --

8 MR. MILAZZO: You had access to the old file
9 map road, is that not correct?

10 MR. GAZZA: I did.

11 MR. MILAZZO: You did. But you don't --

12 MR. GAZZA: I changed it to an easement and
13 abandoned the old file map road.

14 MR. MILAZZO: Okay. That was the question.

15 MS. THRONEHOLST: Mr. Gazza, perhaps I am
16 being obtuse, but I heard you say if you were granted a
17 credit you would then donate the parcel to the County.
18 What would you do with that credit? Where does the
19 credit go? If it is going with the parcel for use by
20 the County what's the point?

21 MR. GAZZA: The County could put a vault
22 underneath the soil, surface soil, either for pumping,
23 it is just an idea.

24 MS. THRONEHOLST: Isn't that a double dip?

25 MR. MILAZZO: I am not sure the easement



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1 would be.

2 MR. WALTER: I was an engineer with the
3 National Guard that brought the sewage plant. I am going
4 to say to you that your uphill. In other words you know
5 what flows downhill, so you would never pump from this
6 location to the sewage treatment plant and you would
7 never pump from the Village to the sewage treatment
8 plant.

9 In fact, I can't imagine a circumstance
10 where they would put a pump station, forced pump lift
11 station in that location. Do you have any proof the
12 County has any interest in that?

13 MR. GAZZA: I spoke to officials of West
14 Hampton Beach Village and they talked about the fact
15 that there is a need for sewage treatment in the
16 Village; that's why they don't have any more restaurant
17 and nobody can expand; the Village is having economic --

18 MR. WALTER: But you are in the wrong
19 location to bring it to the sewage treatment plant.

20 MR. GAZZA: I was told the Village would be
21 pumping the sewage north along County Road 31 to access
22 the County.

23 MR. WALTER: That's the plant that is at the
24 south end of the air base?

25 MR. GAZZA: I was told it was going to go

1 north to Stewart Avenue and turn in to the east.

2 CHAIRMAN SKULLY: Strange that we digress.

3 MR. WALTER: My question was why would the
4 County want this?

5 MS. THRONEHOLST: And I ask again where
6 would the credit go if you donated this piece to the
7 County?

8 MR. GAZZA: The credit comes to me. I'll
9 retain it.

10 MS. THRONEHOLST: And donate the parcel.

11 MR. GAZZA: The residual fee title to the
12 County.

13 CHAIRMAN SKULLY: Other questions for Mr.
14 Gazza? Anything else Staff wants to put on the record?
15 Anyone else wish to you heard? Mr. Amper.

16 Whereupon,

17 RICHARD AMPER,

18 after having been first duly sworn, was examined and
19 testified as follows:

20 MR. AMPER: Richard Amper, Executive
21 Director of the Long Island Pine Barrens Society. Pine
22 Barrens Society supports the Pine Barrens Credit
23 Clearing House's identification of the proper credit
24 application in the Gazza application.

25 CHAIRMAN SKULLY: Anybody else wish to be

1 heard? Any further questions of the Staff? If not I
2 suggest we close the hearing and take the matter under
3 advisement for a later decision. Thank you, Mr. Gazza.

4 MR. GAZZA: Thank you for your time.

5 (Time Noted: 3:32 p.m.)
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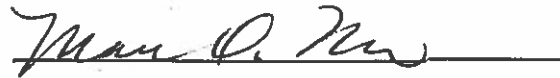
C E R T I F I C A T I O N

I, Marie DiMarco, a Shorthand Reporter and notary public, within and for the State of New York, do hereby certify:

That said transcript is a true record of the proceedings set forth herein.

I further certify that I am not related to any of the parties to this action by blood or marriage, and that I am in no way interested in the outcome of this matter.

IN WITNESS WHEREOF, I have hereunto set my hand this 7th day of June, 2011.



Marie DiMarco



THE STATE OF NEW YORK
NYS CENTRAL PINE BARRENS COMMISSION

-----X
In the Matter of:

Credit Appeal for Joseph Frederick Gazza

Suffolk County, New York

Suffolk County Tax Map Number
900-311-1-27.1 (Formerly Lot 27)
Westhampton, Town of Southampton

Riverhead Town Hall
200 Howell Avenue
Riverhead, New York 11901

Wednesday,
May 18, 2011

The above entitled matter came on for hearing at 3:00 p.m.



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Suite 4715
New York, NY 10119



Staff A-12

Notice of Public Hearing
Letter of Interpretation Credit Allocation Appeal
Joseph Frederick Gazza
SCTM No. 900-311-1-27.1(formerly Lot 27)

The Central Pine Barrens Joint Planning and Policy Commission will hold a public hearing on May 18, 2011 at 3:00 pm at Riverhead Town Hall, 200 Howell Avenue, Riverhead, NY., on the Letter of Interpretation Appeal for Joseph Frederick Gazza for Suffolk County Tax Map parcel Number 900-311-1-27.1(formerly Lot 27). Said appeal is made pursuant to Section 6.7.3.3 of the Central Pine Barrens Comprehensive Land Use Plan, dated 1995 (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 is appealing the allocation of 0.10 Pine Barrens Credits stated in the Letter of Interpretation dated March 15, 2011 for this parcel and is seeking instead one (1) Pine Barrens Credit based on Section 6.7.6.6 of the Plan. The parcel is located on the west side of CR 31, north of Stewart Avenue, Westhampton Beach in the Town of Southampton.

Any persons who wish to comment on the appeal are invited to attend the hearing. The file for this matter is available for review by appointment at the Commission's Office located at 3525 Sunrise Highway, 2nd Floor, Great River, NY 11739. If you should have any questions, please contact the Commission's office at 631-224-2604.

Public Hearing for SCTM# 900-311-1-27.1 (formerly Lot 27)
May 18, 2011

Staff Exhibits

- A. Central Pine Barrens Comprehensive Land Use Plan Section 6.7.6.6 Issuance of a full Pine Barrens Credit for Certain Roadfront Parcels.
- B. Central Pine Barrens Joint Planning and Policy Commission's resolution dated 12/20/2006 that the Central Pine Barrens Comprehensive Land Use Plan adoption date of June 28, 1995 is to be used as the date on which a parcel must have existed in order to be eligible for a Pine Barrens Credit allocation.
- C. Two 2007aerials depicting subject parcel outlined in blue.
- D. Photos (D.1 and D.2) taken by Commission staff during site visit on 5/12/2011 depicting the subject site and the Suffolk BOCES driveway in front of the subject parcel, and adjacent Suffolk BOCES building.
- E. Chronology of parcel identified by SCTM # 900-311-1-27.1 and applications made by Joseph Frederick Gazza to the Pine Barrens Credit Program.
- F. Quit Claim Deed dated 8/2/2004 between Hope Wilczewski to Joseph Frederick Gazza, filed in the Suffolk County Clerk's Office on 8/6/2004 (sale of parcel SCTM# 900-311-1-27).
- G. Certificate of abandonment 15739# ABS. No., filed 4/25/2006 for Celi Electrical Lighting, Inc and Joseph Frederick Gazza. Indicating roads to be abandoned related to SCTM#s 900-311-1-8.7 owned by Cell Electric, Inc, 900-311-1-27 owned by Joseph Frederick Gazza and maps and approval by William Masterson, Jr, Superintendent of Highways for the Abandonment of Mapped Property within the Town of Southampton, County of Suffolk, State of New York, dated 3/13/2006.
- H. Permanent easement granted by Celi Electrical Lighting, Inc to Joseph Frederick Gazza, recorded in the Suffolk County Clerk's Office on 4/27/2006 for land that was abandoned in Certificate No. 5638, filed in the Suffolk County Clerk's Office on 4/25/2006, abstract no. 15739.
- I. Letter of Interpretation for SCTM# 900-311-1-27 dated 8/30/2004 for .10 PBC, 3,125 sf parcel in Light Industrial 40 District (LI-40), Letter of Interpretation for SCTM# 900-311-1-27 for .10 PBC, dated 7/14/2006, parcel size 4,125 sf in Light Industrial 40 District (LI-40), Renewal Letter of Interpretation for SCTM# 900-311-1-27.1 (formerly Lot 27) for .10 PBC, dated 3/15/2011, parcel size .09 acres in Light Industrial 40 District (LI-40).
- J. Town of Southampton Consolidated Real Property Tax Bill for December 1, 2005 – November 30, 2006, SCTM 900-311-1-27, Property size - 0.07 acres and Town of Southampton Consolidated Real Property Tax Bill for December 1, 2010 – November 30, 2011, SCTM 900-311-1-27.1, Property size – 0.09 acres.
- K. Town of Southampton 0900, Subscriber Map Album, Suffolk County, New York, Steve Levy, County Executive, Copyright 2010, Section No. 310 Property Map (regular scale and enlarged version) showing portion of parcel owned by Suffolk BOCES that fronts on CR 31 and lies between CR 31 (circled in red) and the subject parcel 900-311-1-27.1, and Section No. 311 Property Map (regular scale and enlarged version) showing the portion of the Suffolk BOCES parcel (outlined in red) in relation to the subject parcel.



A



Staff Exhibit A

6.7.6.6 Issuance of a full Pine Barrens Credit for certain roadfront parcels

The Pine Barrens Credit Clearinghouse may elect to allocate one (1) full Pine Barrens Credit for a parcel of land consisting of at least 4,000 square feet with frontage on an existing improved road.



B

Mr. Amper of the LI Pine Barrens Society stated that no one is being penalized yet, and that the Commission is handling this application as it ought to. Mr. Cramer then stated that his client wants to move ahead, and is only here because the Town sent him here.

Pine Barrens Credit Program

Plan interpretation: reference tax map year to be used for Credit allocations; recommendation to use 6/28/1995 Plan adoption date

Summary: *Mr. Milazzo explained that there is a need for the Commission to establish a specific historical reference date on which the Credit Program would rely in order to identify precisely which parcels of land are eligible for an allocation of Pine Barrens Credits. Specifically, only parcels which existed on that date would be eligible for Credit allocation.*

He then described two current situations (see attached description) which have arisen before the Commission staff and the Clearinghouse for the issuance of Letters of Interpretation (LOIs) in which the question arises as to what point in time a parcel must have existed in order to receive Credits. He explained that it is the staff recommendation that the date of the 1995 Plan adoption be used, which is June 28, 1995 as the basis for LOIs, and that this is the same date upon which zoning is determined when issuing LOIs. A motion was then made by Mr. Scully and seconded by Ms. Prusinowski to accept this recommendation and to establish the Plan adoption date of June 28, 1995 as the date on which a parcel must have existed in order to be eligible for a Pine Barrens Credit allocation. The motion was approved by a 5-0 vote.

Compatible Growth Area (CGA)

Developmental Disabilities Institute (DDI) Residence / Yaphank (200-579-2-55) / CGA hardship: status (hearing held 11/15/06; decision deadline is 2/15/07)

Morais Residence / Yaphank (200-611-1-p/o 4) / CGA hardship: status (hearing held 11/15/06; decision deadline is 2/15/07)

Summary: *Mr. Kevin Gray representing DDI stated that he is present to answer any questions which the Commission might have for him. There were no questions.*

Land Use, Stewardship, and Compliance & Enforcement

Plan update: summary of Advisory Committee meetings of 12/6, 12/12

Summary: *Mr. Corwin summarized the 12/6/06 working session and the 12/12 regular meeting of the Advisory Committee, both of which focused upon the Plan update. He explained that the Committee is focusing upon Chapters 4 and 5 of Volume 1 of the Plan.*

He described the Committee's deliberations on the jurisdiction of the Commission over development and land use in Chapter 4, Review Procedures and Jurisdiction, including questions of both procedure and substance. Topics addressed include, in part, determination of an application's completeness, acquisition of additional materials after review by the staff, definition of a "project site", and quantitative thresholds for identifying Developments of Regional Significance.

With respect to Chapter 5, Standards and Guidelines for Land Use, the Committee has focused upon reviewing both new materials and the reorganization and relocation of existing items. Topics of particular attention have included, in part, both the existing vegetation clearance standard and the new, complementary open space standard; the





61



62



63



C





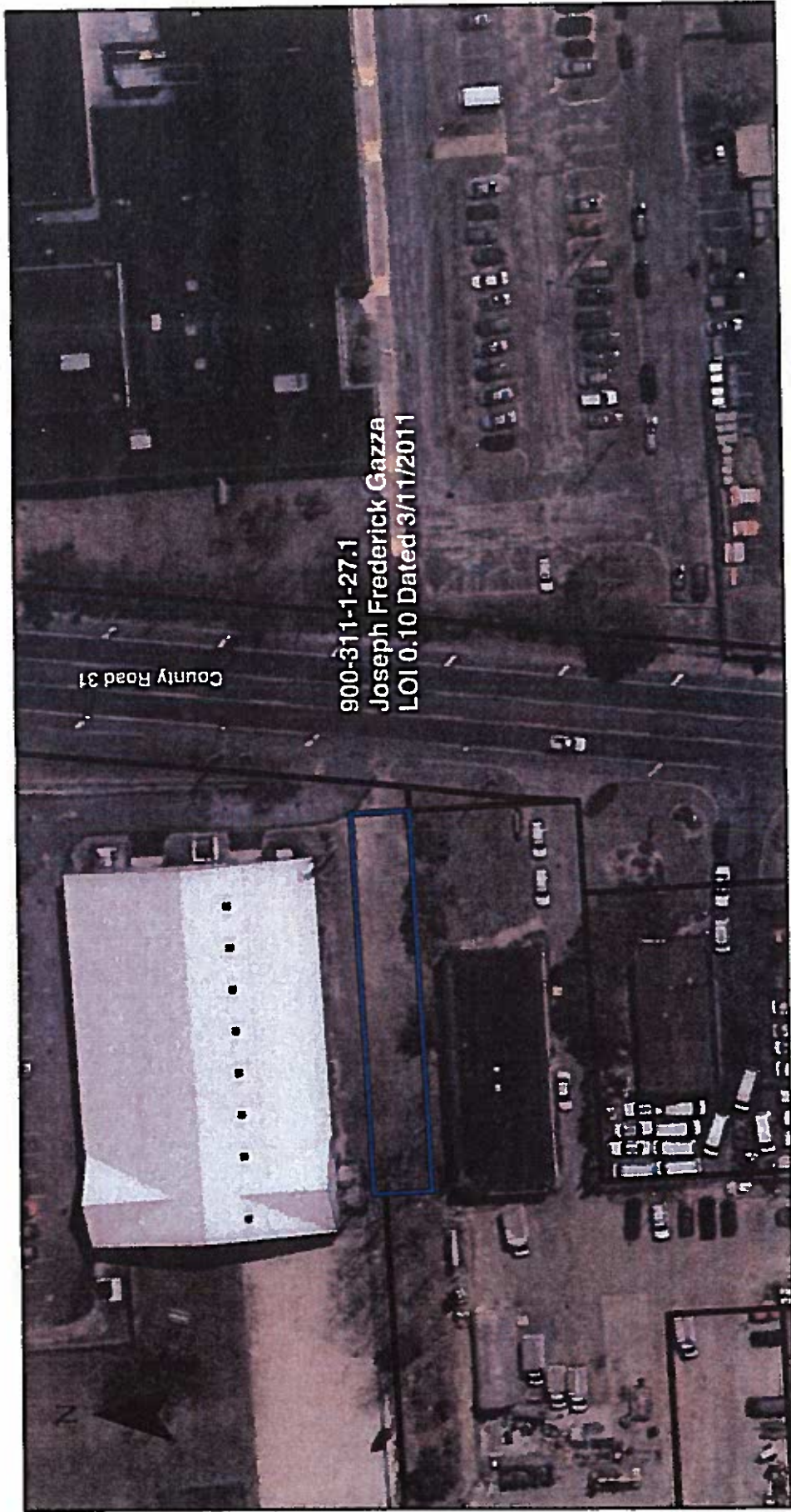
Note: This map is intended for general reference only and is not to be used for surveying, legal interpretation of jurisdictional boundaries, or other precise purposes. Information shown on this map has not been verified and contains defects, errors, and/or omissions.

Spring 2007 Digital Orthoimagery, NYS Digital Ortho Imagery Program, NYSOCSCIC
Suffolk County Real Property Tax Service Agency GIS BaseMap COPYRIGHT, County of Suffolk, NY

Prepared by Commission Staff (JT) on May 18, 2011

Joseph Frederick Gazza
Credit Appeal Hearing for
SC TM# 900-311-1-27.1
Held May 18, 2011





900-311-1-27.1
Joseph Frederick Gazza
LOI 0.10 Dated 3/11/2011

Note: This map is intended for general reference only and is not to be used for surveying, legal interpretation of jurisdictional boundaries, or other precise purposes. Information shown on this map has not been verified and contains defects, errors, and/or omissions.

Spring 2007 Digital Orthoimagery, NYS Digital Ortho Imagery Program, NYSOCSTIC

Suffolk County Real Property Tax Service Agency GIS Basemap COPYRIGHT, County of Suffolk, NY

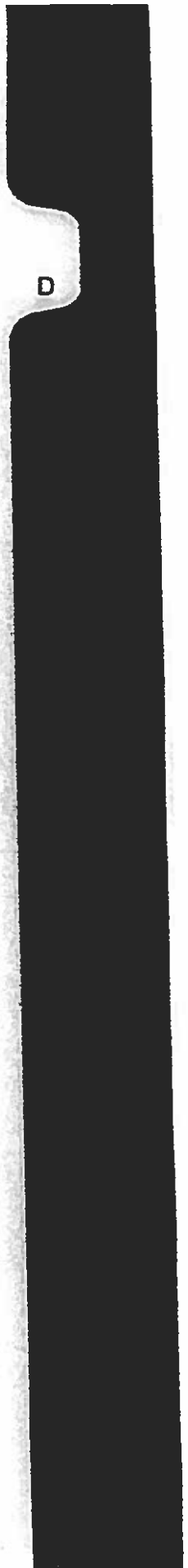
Prepared by Commission Staff (JT) on May 18, 2011

Joseph Frederick Gazza
Credit Appeal Hearing for
SCTM# 900-311-1-27.1
Held May 18, 2011





D







D1. View from 31rd with adjacent BOCES exit driveway. Dated 5/12/2011.



D2. Close-up view on SCTM# 900-311-1-27.1 parcel. Dated 5/12/2011



E



Staff Exhibit E

Chronology

900-311-1-27.1 (formerly Lot 27)

LI-40 Zoning

| Date | Event | Lot# | Acreage |
|-----------|---|------|----------|
| 8/2/2004 | Quitclaim Deed – Hope Wilczewski sold parcel to Joseph Gazza Recorded SC Clerk 8/6/2006 | 27 | .07 |
| 8/6/2004 | Letter from Joseph Gazza to PB Commission (Deed and Maps attached) asking about allocation if abandoned portion of New York Avenue | 27 | 25X125ft |
| 8/13/2004 | LOI Application - Joseph Gazza | 27 | .07 |
| 8/30/2004 | LOI Application - Joseph Gazza, .10 PBC allocated | 27 | 3,125 sf |
| 8/26/2006 | Letter from Joseph Gazza to PB Commission Staff (Jakobsen) formally abandoned road, suggests 1 PBC should be allocated based on Section 6.7.6.6 of the CLUP | 27 | 4,125 sf |
| 4/25/2006 | Certificate of Abandonment (filed w/SC Clerk) ABS# 15739, Filed April 25 2006 | 27 | 25X165ft |
| 7/12/2006 | LOI Application - Joseph Gazza, .10 PBC allocated | 27 | 4,125 sf |
| 3/11/2011 | Renewal LOI Application - Joseph Gazza, .10 PBC allocated | 27.1 | .09 |



F



Staff Exhibit F

RECORDED
2004 Aug 06 03:10:05 PM
Edward P. Romaine
CLERK OF
SUFFOLK COUNTY
L 000012335
P 308
DT# 04-01063

| | | |
|----------------------------|---------------------------|---------------------------|
| TORRENS | | |
| Serial # _____ | | |
| Certificate # _____ | | |
| Prior Ctf. # _____ | | |
| Deed / Mortgage Instrument | Deed / Mortgage Tax Stamp | Recording / Filing Stamps |

| | | | |
|-------------------|------------------------|--|-------|
| 3 | | FEES | |
| Page / Filing Fee | <u>24</u> | Mortgage Amt. | _____ |
| Handling | 5.00 | 1. Basic Tax | _____ |
| TP-584 | <u>5</u> | 2. Additional Tax | _____ |
| Notation | _____ | Sub Total | _____ |
| EA-52 17 (County) | <u>5</u> | Spec./Assit. | _____ |
| EA-5217 (State) | <u>50</u> | or | _____ |
| R.P.T.S.A. | <u>30</u> | Spec. /Add. | _____ |
| Comm. of Ed. | 5.00 | TOT. MTG. TAX | _____ |
| Affidavit | _____ | Dual Town _____ Dual County _____ | |
| Certified Copy | <u>10</u> | Held for Appointment _____ | |
| NYS Surcharge | 15.00 | <u>Transfer Tax</u> <u>4</u> | |
| Other | _____ | Mansion Tax _____ | |
| | Sub Total <u>39</u> | The property covered by this mortgage is or will be improved by a one or two family dwelling only. | |
| | | YES _____ or NO _____ | |
| | Sub Total <u>110</u> | If NO, see appropriate tax clause on page # _____ of this instrument. | |
| | Grand Total <u>149</u> | <u>08-02-04</u> | |



| | | | | | | |
|---|-------|---------|-------|-----|--------------------------------------|-----------------------------|
| 4 | Dist. | Section | Block | Lot | 5 | Community Preservation Fund |
| Real Property Tax Service Agency Verification | | | | | Consideration Amount \$ <u>1,000</u> | |
| 04033237 0900 31100 0100 027000 | | | | | CPF Tax Due \$ <u>0</u> | |
| | | | | | Improved _____ | |
| | | | | | Vacant Land <u>X</u> | |

| | |
|---|---|
| 6 | Satisfactions/Discharges/Releases List Property Owners Mailing Address RECORD & RETURN TO: |
| JOSEPH FREDERICK GAZZA POB 969 Quogue New York 11959 | |

| | |
|----------------|---------------------------|
| 7 | Title Company Information |
| Co. Name _____ | |
| Title # _____ | |

8 Suffolk County Recording & Endorsement Page

This page forms part of the attached DEED made by: _____
(SPECIFY TYPE OF INSTRUMENT)

The premises herein is situated in _____
SUFFOLK COUNTY, NEW YORK.

In the Township of Southampton
In the _____
HAMLET of WESTHAMPTON

Hope WILCZEWSKI
TO
JOSEPH FREDERICK GAZZA

BOXES 6 THRU 8 MUST BE TYPED OR PRINTED IN BLACK INK ONLY PRIOR TO RECORDING OR FILING.



Quitclaim Deed

THIS INDENTURE, made the 2nd day of August in the year Two Thousand Four

BETWEEN Hope Wilczewski, individually and as Executrix pursuant to paragraph second of the last will and testament of Stanley J. Wilczewski (deceased), residing at 162 Iron Gate Circle, Port Orange, Florida 32129

party of the first part, and

Joseph Frederick Garza residing at 5 Ogden Lane, Quogue, New York 11959

party of the second part,

WITNESSETH, that the party of the first part, in consideration of One Thousand Dollars consideration paid by the party of the second part, does hereby grant and release unto the party of the second part, the heirs or successors and assigns of the party of the second part forever,

ALL that certain plot, piece or parcel of land, with the buildings and improvements thereon erected, situate, lying and being in the Town of Southampton, County of Suffolk and State of New York, known and designated as and by Lot Number 80 as shown on a certain map entitled: "Map of Highland Park, situated at Westhampton, N.Y., surveyed by J.S. Raynor-Surveyor, May, 1912, and filed in the office of the Clerk of the County of Suffolk on June 5th, 1912, as Map No. 507. SCTM No. 0900-311-01-027

Being a portion of the same premises conveyed to Stanley J. Wilczewski by United States of America via Deed dated 10/24/1946, Recorded 1/30/1947 at Liber 2672 page 588. The said Stanley J. Wilczewski having died on 12/15/1985, a resident of United States in the Town of Daytona Beach, County of Volusia, State of Florida, leaving last will and testament dated 9/30/1974. This will was proved, probate petition filed 3/18/1992 in the office of the Surrogate of the County of Volusia. Pursuant to Paragraph 2nd of said will all rest and residus of my late husband's estate was devised absolutely and forever to me, Hope Wilczewski, the party of the first part herein. Copies of probate attached hereto.

TOGETHER with all right, title and interest, if any, of the party of the first part of, in and to any streets and roads abutting the above-described premises to the center lines thereof; TOGETHER with the appurtenances and all the estate and rights of the party of the first part in and to said premises; TO HAVE AND TO HOLD the premises herein granted unto the party of the second part, the heirs or successors and assigns of the party of the second part forever.

AND the party of the first part, in compliance with Section 13 of the Lien Law, covenants that the party of the first part will receive the consideration for this conveyance and will hold the right to receive such consideration as a trust fund to be applied first for the purpose of paying the cost of the improvement and will apply the same first to the payment of the cost of the improvement before using any part of the total of the same for any other purpose.

The word "party" shall be construed as if it read "parties" whenever the sense of this indenture so requires.

IN WITNESS WHEREOF, the party of the first part has duly executed this deed the day and year first above written.

IN PRESENCE OF:

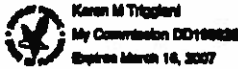
X Hope Wilczewski
Hope Wilczewski

STATE OF FLORIDA

ss:

COUNTY OF VOLUSIA

On the 2nd day of August in the year 2004 before me, the undersigned, personally appeared Hope Wilczewski, personally known to me or proved to me on the basis of satisfactory evidence to be the individual whose name is subscribed to the within instrument and acknowledged to me that he executed the same in his capacity, and that by his signature on the instrument, the individual, or the person upon behalf of which the individual acted, executed the instrument.



Karen M Triggiani
Notary
KAREN M TRIGGIANI
03-16-07





G



Staff Exhibit G

CERTIFICATE OF ABANDONMENT

APR 25 2006

@ 4:00 P.M.

Judith A. Pascale

CLERK OF SUFFOLK COUNTY

Pursuant to Subdivision 3 of Section 335 of the Real Property Law,

Celi Electrical Lighting, Inc, with its principal place of business at 211 Riverhead Road, Westhampton Beach, New York 11978, and Joseph Frederick Gazza residing at 5 Ogden Lane, Quogue, New York 11959 for the purpose of abandoning and canceling the subdivision of the certain tracts of land owned by them, and hereinafter described, pursuant to the provisions, Subdivision 3 of Section 335 of the Real Property Law of the State of New York, do hereby certify:

FIRST: That Two certain maps subdividing such tract of land and other land situate in the Town of Southampton, County of Suffolk and State of New York, into lots, plots, blocks or sites entitled and named as:

"Map of Highland Park" filed in the office of the Clerk of the County of Suffolk on June 5, 1912 as map No. 507.

AND

"Map of Beachmont Park" Section 4 filed in the office of the Clerk of the County of Suffolk on November 13, 1909 as map No. 437.

SECOND: That more than twenty (20) years have elapsed since the filing of said maps.

THIRD: That the tract of land owned by the undersigned, the subdivision of which is to be abandoned and cancelled is situate in the Town of Southampton, County of Suffolk and State of New York, and is known and described as shown on attached "Schedule A" in yellow and pink and being further described as follows:

Adjoining SCTM# 0900-311-01-008.007 on the East

Lands of Celi Electrical Lighting, Inc. to be abandoned:

That portion of New York Avenue adjoining Lots 77-79 Incl. as shown on a certain map entitled, "Map of Highland Park, situated at Westhampton, New York, Property of William Pollen, surveyed by J.S. Raynor, surveyor, May, 1912," and filed in the office of the Clerk of the County of Suffolk on June 5, 1912 as Map No. 507, highlighted in yellow on "Schedule A."

AND

Adjoining SCTM# 0900-311-01-008.007 on the North West

Lands of Celi Electrical Lighting, Inc. to be abandoned:

The Southerly half of Baltimore Avenue bounded on the North by the former North half of Baltimore Avenue now owned by BOCES School L. 7893 p. 465, 469; East by part of Lots 79 and 80, Map of Highland Park, No. 507, West by the Easterly side of Hampton Boulevard and South by Lands of Celi Electrical Lighting, Inc.. And that portion of Hampton Boulevard bounded on the North by a former portion of Hampton Boulevard, now lands of BOCES School L. 7893 p. 465, 469; South by Lands of Celi Electrical Lighting, Inc.; East by the westerly side of Baltimore Avenue; West by Lands of Gertrude Martens; both highlighted in yellow on "Schedule A."

AND

SCTM# 0900-311-01-027 & adjoining on the East

Lands of Joseph Frederick Gazza to be abandoned:

Lot 80 as shown on a certain map entitled: "Map of Highland Park, situated at Westhampton, N.Y., surveyed by J.S. Raynor-Surveyor, May, 1912, and filed in the office of the Clerk of the County of Suffolk on June 5th, 1912, as Map No. 507, and that portion of New York Avenue adjoining Lot 80 as shown as shown on a certain map entitled: Map of Highland Park, situated at Westhampton, N.Y., surveyed by J.S. Raynor-Surveyor, May, 1912, and filed in the office of the Clerk of the County of Suffolk on June 5th, 1912, as Map No. 507, both highlighted in Pink on "Schedule A."

15739#ABS. No.

FILED APR 25 2006



FOURTH: That the herein before streets described in paragraph third above, are entirely within the bounds of the tract of land owned by the undersigned and the said streets are neither open, not a public highway, not necessary for the use of owners, occupants, or any other persons having an interest in any part of the balance of the said subdivision of lands, shown on said map.

FIFTH: That the said Celi Electrical Lighting, Inc. and Joseph Frederick Gazza, are the owners of the lots and streets or portions thereof being abandoned mentioned in paragraph Third hereof and the said streets are hereby abandoned and cancelled; and effective with the due approval and recording hereof, shall no longer exist.

SIXTH: Endorsed hereon is the approval of the sole Assessor of said Town of Southampton.

SEVENTH: That submitted herewith is an abstract of the Title of the said tract of land to be abandoned, covering a period of at least twenty (20) years last past, and a certificate to the effect that there are no unpaid tax liens against the said lands, to be approved by the Clerk of the County of Suffolk at the time of the recording thereof.

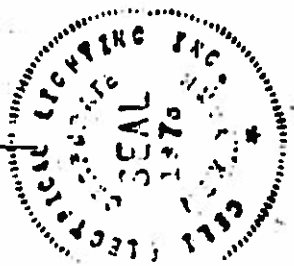
EIGHTH: That the Title to the land beneath the portion of streets hereby abandoned shall remain with the owner of lots adjoining thereto.

In Witness whereof, this Certificate is made and executed at Southampton, New York on the 20th day of April, 2006.

Celi Electrical Lighting, Inc.

By: Gregory Celi
Gregory Celi

Joseph Frederick Gazza
Joseph Frederick Gazza



STATE OF NEW YORK
COUNTY OF SUFFOLK

In the 20th day of April in the year 2006 before me, the undersigned, personally appeared Gregory Celi, personally known to me or proved to me on the basis of satisfactory evidence to be the individual whose name is subscribed to the within instrument and acknowledged to me that he executed the same in his capacity, and that by his signature on the instrument, the individual, or the person upon behalf of which the individual acted, executed the instrument.

STATE OF NEW YORK
COUNTY OF SUFFOLK

Briana J. Seltenreich
Notary

BRIANA J SELTENREICH
Notary Public, State of New York
No. 01SE8128498
Qualified in Suffolk County
Commission Expires June 27, 2009

In the 20th day of April in the year 2006 before me, the undersigned, personally appeared Joseph Frederick Gazza, personally known to me or proved to me on the basis of satisfactory evidence to be the individual whose name is subscribed to the within instrument and acknowledged to me that he executed the same in his capacity, and that by his signature on the instrument, the individual, or the person upon behalf of which the individual acted, executed the instrument.

Briana J. Seltenreich
Notary

BRIANA J SELTENREICH
Notary Public, State of New York
No. 01SE8128498
Qualified in Suffolk County
Commission Expires June 27, 2009

proved

Brenda Noa
Brenda Noa, sole Assessor of the Town of Southampton



COUNTY OF SUFFOLK

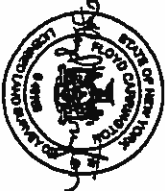
HAMPTON BLVD.

BALTIMORE AVENUE (IMPROVED)

RIVERHEAD ROAD
COUNTY ROUTE 2 66' WIDE

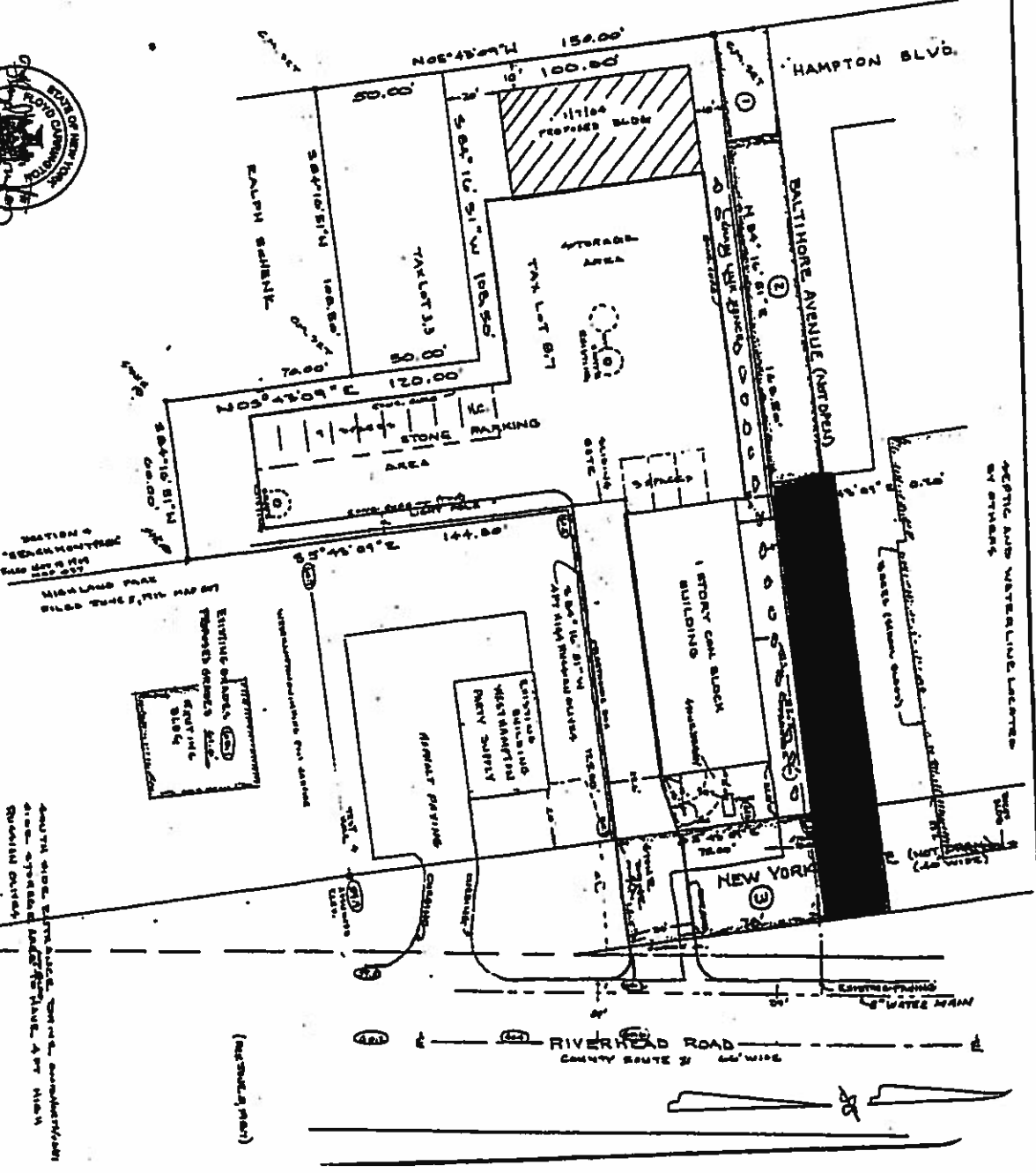
NOTICE TO THE TAXPAYER: This map is prepared for the purpose of showing the location of the property for which a tax is levied. It is not intended to show the exact location of the property or to show the boundaries of the property. The map is prepared from the best available information and is subject to change without notice. The taxpayer is advised that the map is not a substitute for a survey or a deed. The taxpayer is advised that the map is not a substitute for a deed. The taxpayer is advised that the map is not a substitute for a deed.

| TAX MAP | 1990 |
|----------|------|
| DISTRICT | 0110 |
| SECTION | 011 |
| BLOCK | 013 |

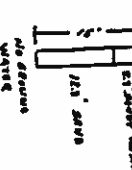


CERTIFICATE OF THE BOARD OF SUPERVISORS

MAP OF PROPERTY
TAX LOT 3.5 - GREENE CREEK
TAX LOT B7 - CELL ELECTRICAL LIGHTING, INC.
SITUATE
WEST HAMPTON
TOWN OF SOUTHAMPTON - SUFFOLK COUNTY, N.Y.
SURVEYED: DEC. 21, 1981 - SCALE: 1" = 30'
APPROVED: [Signature]

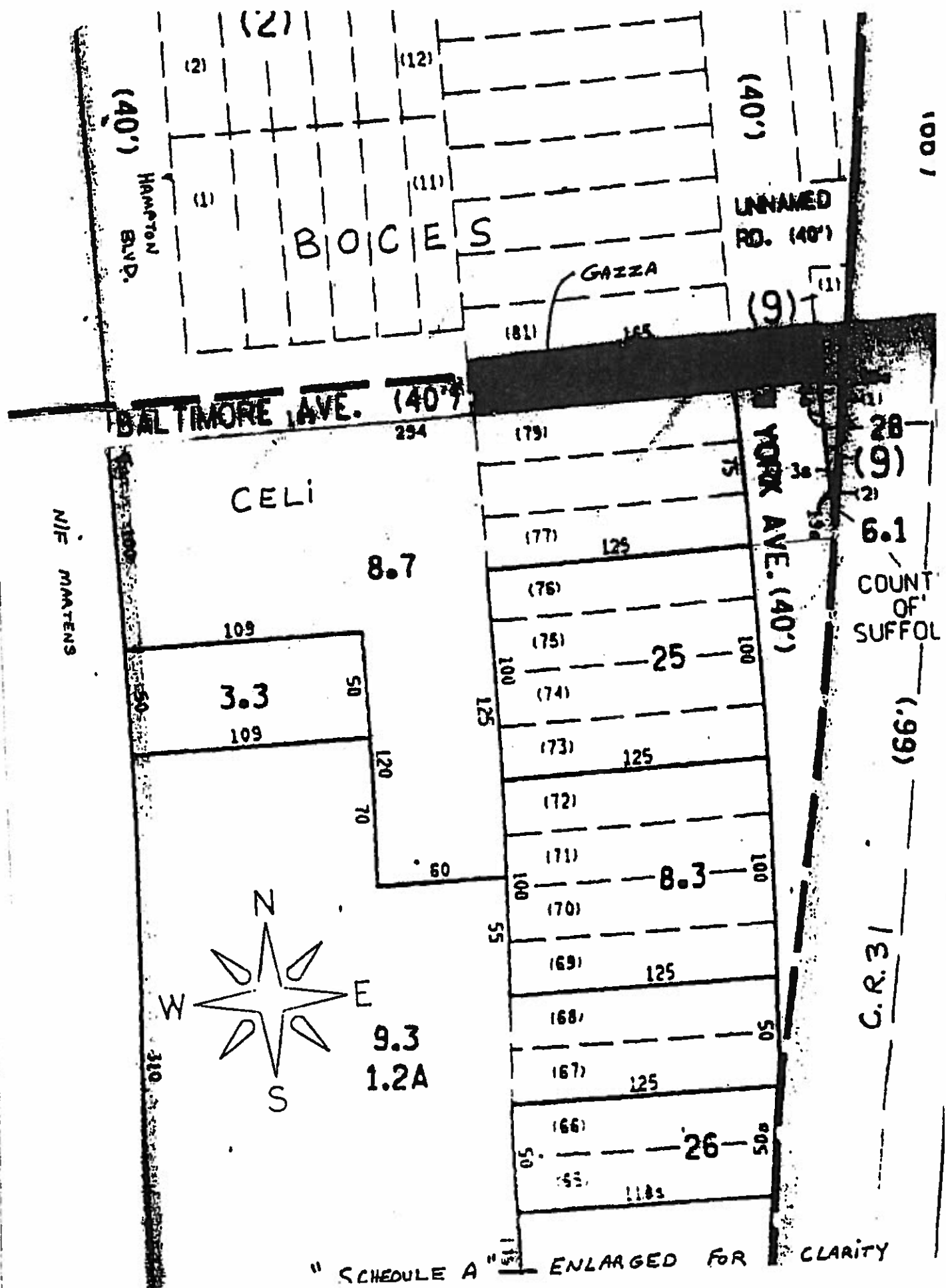


TEST HOLE



NOTE: THE LOCATION OF THE PROPERTY IS SHOWN ON THIS MAP. THE EXACT LOCATION OF THE PROPERTY IS NOT SHOWN ON THIS MAP. THE EXACT LOCATION OF THE PROPERTY IS NOT SHOWN ON THIS MAP.





" SCHEDULE A " ENLARGED FOR CLARITY

COUNT OF SUFFOL

(.99)

C.R. 31

100

28

(9)

6.1

COUNT OF SUFFOL

(.99)

C.R. 31



H

RECORPER
 2006 Apr 27 09:29:15 AM
 Judith A. Pascale
 CLERK OF
 SUFFOLK COUNTY
 L 000012447
 P 321
 DT# 05-36319

S
 C Staff Exhibit H

| | | | |
|--------------------|----------------------------|---------------------------|---------------------------|
| Prior Cif. # _____ | Deed / Mortgage Instrument | Deed / Mortgage Tax Stamp | Recording / Filing Stamps |
|--------------------|----------------------------|---------------------------|---------------------------|

| | | | |
|-------------------|-------------|---|-------|
| 3 | | FEES | |
| Page / Filing Fee | <u>6</u> | Mortgage Amt. | _____ |
| Handling | <u>5.00</u> | 1. Basic Tax | _____ |
| TP-584 | _____ | 2. Additional Tax | _____ |
| Notation | _____ | Sub Total | _____ |
| EA-52 17 (County) | _____ | Spec./Assit. | _____ |
| EA-5217 (State) | _____ | or | _____ |
| R.P.T.S.A. | <u>30</u> | Spec. /Add. | _____ |
| Comm. of Ed. | <u>5.00</u> | TOT. MTG. TAX | _____ |
| Affidavit | _____ | Dual Town _____ Dual County _____ | |
| Certified Copy | <u>5</u> | Held for Appointment | _____ |
| Reg. Copy | <u>15</u> | Transfer Tax | _____ |
| Other | _____ | Mansion Tax | _____ |
| | Sub Total | The property covered by this mortgage is or will be improved by a one or two family dwelling only. YES _____ or NO _____ | |
| | Grand Total | If NO, see appropriate tax clause on page # _____ of this instrument. | |
| | | <u>71.00</u> | |



| | | | | |
|---|----------|---------|------------------------|-----|
| 4 | District | Section | Block | Lot |
| | | | 0900 31100 0100 008007 | |
| Real Property Tax Service Agency Verification | | | | |
| | | | | |

| | |
|----------------------------------|---|
| 5 | Community Preservation Fund |
| Consideration Amount \$ <u>0</u> | |
| CPF Tax Due \$ <u>0</u> | |
| | Improved _____ |
| | Vacant Land <input checked="" type="checkbox"/> |
| | TD <u>09</u> |
| | TD _____ |

| | |
|--|---|
| 6 | Satisfactions/Discharges/Releases List Property Owners Mailing Address RECORD & RETURN TO: |
| Joseph Gazza POB 969 - 5 Ogden Lane Quogue, New York 11959 | |

| | |
|----------------|---------------------------|
| 7 | Title Company Information |
| Co. Name _____ | |
| Title # _____ | |

8 **Suffolk County Recording & Endorsement Page**

This page forms part of the attached Permanent Easement made by: _____
 (SPECIFY TYPE OF INSTRUMENT)

Celi Electrical Lighting, Inc.
Joseph Fredrick Gazza

The premises herein is situated in SUFFOLK COUNTY, NEW YORK.
 In the Township of Southampton
 In the HAMLET of Westhampton

BOXES 6 THRU 8 MUST BE TYPED OR PRINTED IN BLACK INK ONLY PRIOR TO RECORDING OR FILING.
 (over)



PERMANENT EASEMENT

THIS INDENTURE, made the 20 day of April in the year Two Thousand Six BETWEEN

Celi Electrical Lighting, Inc., A Corporation Formed in New York State, 211 Riverhead Road Westhampton Beach, New York 11978

party of the first part, and

Joseph Frederick Gazza 5 Ogden Lane, P.O. Box 969 Quogue, New York 11959

party of the second part,

WITNESSETH, that the party of the first part, in consideration of Ten Dollars and other good and valuable consideration paid by the party of the second part, does hereby grant and release unto the party of the second part, the heirs or successors and assigns of the party of the second part forever,

All that certain plot, piece or parcel of land, situate, lying and being in the Town of Southampton, County of Suffolk and State of New York as described below, which said land was a part of an abandonment proceeding Certificate No. 5638 filed in the office of the Suffolk County Clerk on 4/8/2006, abstract no. 15739.

A permanent easement for legal access purposes over that portion of the land that lies beneath the former private road New York Avenue as appears on the subdivision map of "Highland Park" filed in the office of the Suffolk County Clerk on 6-5-1912 File No. 507 that lies adjoining Lots 77, 78 & 79. Said portion of New York Avenue is being abandoned simultaneously with the grant of this easement.

It is the purpose of the granting of this easement to allow the party of the second part his heirs, successors and assigns a legal means of access to public roadways for his Lot 80 on Map of Highland Park No. 507 or that land beneath the designated Lot 80 as same is being abandoned simultaneously with the grant of this easement.

This easement shall only be appurtenant to the land beneath Lot 80 and that portion of New York Avenue being abandoned adjoining Lot 80 and the owner of same may relinquish and terminate this easement at any time by recordable instrument.

This Easement is given with unanimous consent in writing of all shareholders of Celi Electric Lighting, Inc., IN WITNESS WHEREOF, the party of the first part has duly executed this Permanent Easement the day and year first above written.

IN PRESENCE OF:

Celi Electrical Lighting, Inc. By: Gregory Celi, - President [Signature] [Circular Notary Seal: CELI ELECTRICAL LIGHTING, INC. SEAL 1-1875]

STATE OF NEW YORK) ss. COUNTY OF SUFFOLK)

On the 20 day of April in the year 2006 before me, the undersigned, personally came Gregory Celi, to me known, who, being by me duly sworn, did depose and say that he resides at 62 Old Depot road, Quogue, New York 11959; that he is the President of Celi Electrical Lighting, Inc., the corporation described in and which executed the foregoing instrument; that he knows the seal of said corporation; that the seal affixed to said instrument is such corporate seal; that it was so affixed by order of the board of directors of said corporation, and that he signed his name thereto by like order.

[Signature] Notary

BRIANA J SELTENREICH Notary Public, State of New York No. 018E8128408 Qualified in Suffolk County Commission Expires June 27, 2008





PINE BARRENS CREDIT CLEARINGHOUSE

James T.B. Tripp, Esq., Chairman
Andrew P. Freleng, AICP, Vice Chairman
Richard W. Hanley, Member
Mitchell H. Pally, Esq., Member
Herbert Phillips, Member

Staff Exhibit I

LETTER OF INTERPRETATION

Re: Suffolk County Tax Map Number: 900-311-1-27

Applicant: Joseph Frederick Gazza

Date: August 30, 2004

Findings of Fact

The applicant applied for a Letter of Interpretation for the above-referenced 3,125 sq. ft. parcel, as per tax map. The parcel is in the Town of Southampton. It was in the CR 200 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. According to Section 6.4.4.1 of the *Plan* In sending areas, found to be on an old file map, within the CR 200 District of the Town of Southampton, the number of Pine Barrens Credits allocated is equal to the parcel's size in sq. ft. divided by the zoning class ($10,000/200,000=0.02$). 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. 0.10 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*.

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://www.pb.state.ny.us>



PINE BARRENS CREDIT CLEARINGHOUSE

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

LETTER OF INTERPRETATION

Re: Suffolk County Tax Map Number: 900-311-1-27
Applicant: Joseph Frederick Gazza

FILE COPY

Date: July 14, 2006

Findings of Fact

The applicant applied for a Letter of Interpretation for the above-referenced 4125 sf parcel. The parcel is in the Town of Southampton. It was in the LI-40 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 LI-40 District of the Town of Southampton, the number of Pine Barrens Credits allocated is equal to the parcel's size in acres multiplied by 1.0. Based upon this allocation formula, .094 Pine Barrens Credits may be allocated to this parcel. Allocations are increased to the hundredth of a credit, therefore this parcel would receive .10 Pine Barrens Credits. 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 .10.

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.

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>

PINE BARRENS CREDIT CLEARINGHOUSE

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

LETTER OF INTERPRETATION (RENEWAL)

Re: Suffolk County Tax Map Number: 900-311-1-27.1

Applicant: Joseph Frederick Gazza

Date: March 15, 2011

Findings of Fact

The applicant applied for a Letter of Interpretation for the above-referenced .09 acre parcel. The parcel is in the Town of Southampton. It was in the LI40 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 LI40 District of the Town of Southampton, the number of Pine Barrens Credits allocated is equal to the parcel's size in acres multiplied by 1.0. Based upon this allocation formula, .09 Pine Barrens Credits may be allocated to this parcel. Allocations are increased to the hundredth of a credit, therefore this parcel would receive .10. 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*.

The total number of Pine Barrens Credits allocated for this parcel is .10

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.

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>



OFFICE LOCATION:
16 HAMPTON ROAD
SOUTHAMPTON, NY 11968-4998

TOWN OF SOUTHAMPTON
CONSOLIDATED REAL PROPERTY TAX BILL
DECEMBER 1, 2010 - NOVEMBER 30, 2011 - TAXES BECOME A LIEN DECEMBER 1, 2010

OFFICE HOURS & PHONE
MON-FRI 8:30 AM TO 4:00 PM
631-702-2470 FAX: 631-287-5732

| | | | | | | | | |
|---|---|-------------------|---------------|---------------|--------|---|--------------------------|----------------------------|
| OFFICE LOCATION: 16 HAMPTON ROAD SOUTHAMPTON, NY 11968-4998 | SUFFOLK COUNTY TAX MAP NUMBER 473602 | SECTION 311000 | BLOCK 0001 | LOT 027001 | SUFFIX | IF THE WORD "ABANDONED" IS PRINTED HERE SEE COUNTY TREASURER'S NOTICE ON REVERSE SIDE | ITEM NUMBER 808982.01 | BILL NUMBER 2010 511481 |
|---|---|-------------------|---------------|---------------|--------|---|--------------------------|----------------------------|

| PROPERTY DESCRIPTION | EXEMPTION DESCRIPTION | TAX RATE | TOTAL TAX VALUE | TOTAL TAX AMOUNT |
|--|-----------------------|----------|-----------------|------------------|
| TF#5638 for lot80 Map 507 Section Blk Lot abandoned | Non Exempt | 7.7726 | 700 | 5.44 |

| PROPERTY LOCATION | PROPERTY SIZE | PROPERTY TYPE | TOWN AID | SCHOOL AID | SCHOOL CODE | LAND ASSESSMENT | TOTAL ASSESSMENT |
|-------------------|---------------|--------------------------|------------|------------|-------------|-----------------|------------------|
| Scrub Property | 0.090a | Other Rural Vacant Lands | 11,714,223 | 2,091,312 | 693 | 700 | 700 |

| | | | |
|--|------------------|----------------|-----------------|
| Joseph Frederick Gazza PO Box 969 Quogue, NY 11959 | TAX SERVICE CODE | TAX PAYER CODE | MORTGAGE NUMBER |
| | | 008000028 | |
| OWNER AS OF TAXABLE STATUS DATE ON MARCH 1, 2010 | | | |
| Joseph Frederick Gazza | | | |

2009-2010 TAX PAYMENT INFORMATION **NOTICE OF ASSESSED VALUE**

| | | | |
|-------------------|--------|-------------------|------|
| TAX LEVIED | 73.898 | FOR SCHOOL | 8.02 |
|-------------------|--------|-------------------|------|

| | | | |
|-------------------|-------|-------------------|------|
| TAX LEVIED | 2.761 | FOR COUNTY | 0.15 |
|-------------------|-------|-------------------|------|

| | | | |
|-------------------|--------|-----------------|------|
| TAX LEVIED | 17.274 | FOR TOWN | 0.94 |
|-------------------|--------|-----------------|------|

| | | | |
|-------------------|-------|------------------|------|
| TAX LEVIED | 6.061 | FOR OTHER | 0.33 |
|-------------------|-------|------------------|------|

| | | |
|-------------------|--------------------|--------------|
| FIRST HALF | SECOND HALF | TOTAL |
| | | 5.44 |

SEE REVERSE SIDE FOR PAYMENT INFORMATION PAY IN FULL OR BY INSTALLMENTS



OFFICE LOCATION:
18 HAMPTON ROAD
SOUTHAMPTON, NY 11988-4998

**TOWN OF SOUTHAMPTON
CONSOLIDATED REAL PROPERTY TAX BILL**

DECEMBER 1, 2005 - NOVEMBER 30, 2006 - TAXES BECOME A LIEN DECEMBER 1, 2005

631-283-8514 FAX: 631-287-5732

| SUFFOLK COUNTY TAX MAP NUMBER | | | | IF THE WORD "ARREARS" IS PRINTED HERE SEE COUNTY TREASURER'S NOTICE ON REVERSE SIDE | | ITEM NUMBER | BILL NUMBER | | |
|-------------------------------|-----------|------------------------|-------|---|------------|-------------|-----------------|------------------|------------------|
| GIS CODE | SO CODE | SECTION | BLOCK | LGT | SUFFIX | | | | |
| 73689 | 473602 | 111000 | 0001 | 027000 | | 308982.00 | 2005 393565 | | |
| PROPERTY DESCRIPTION | | | | EXEMPTION DESCRIPTION | | TAX RATE | TOTAL TAX VALUE | TOTAL TAX AMOUNT | |
| Lsland Park Map 507 | | | | Non Exempt | | 8.842 | 16,800 | 148.56 | |
| PROPERTY LOCATION | | PROPERTY SIZE | | TOWN AID | | SCHOOL AID | SCHOOL CODE | LAND ASSESSMENT | TOTAL ASSESSMENT |
| Club Property | | 0.070a | | 8,343,500 | | 1,457,613 | 693 | 16,800 | 16,800 |
| PROPERTY CODE | ROLL SECT | PROPERTY TYPE | | TOWN AID | SCHOOL AID | SCHOOL CODE | LAND ASSESSMENT | TOTAL ASSESSMENT | |
| 1 | - | Other Rural Vacant Lnd | | 8,343,500 | 1,457,613 | 693 | 16,800 | 16,800 | |

Joseph F Gazza
PO Box 969
Quogue, NY 11959

TAX SERVICE CODE: 008000028
TAX PAYER CODE: 008000028
MORTGAGE NUMBER:
OWNER AS OF TAXABLE STATUS DATE ON MARCH 1, 2005
Joseph Frederick Gazza

2004-2005 TAX PAYMENT INFORMATION

NOTICE OF ASSESSED VALUE

| | | | |
|------------|--------|------------|--------|
| TAX LEVIED | 70.29% | FOR SCHOOL | 104.43 |
| TAX LEVIED | 1.02% | FOR COUNTY | 1.51 |
| TAX LEVIED | 20.75% | FOR TOWN | 30.83 |
| TAX LEVIED | 7.94% | FOR OTHER | 11.79 |





3

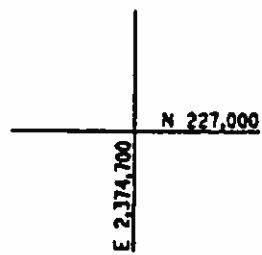
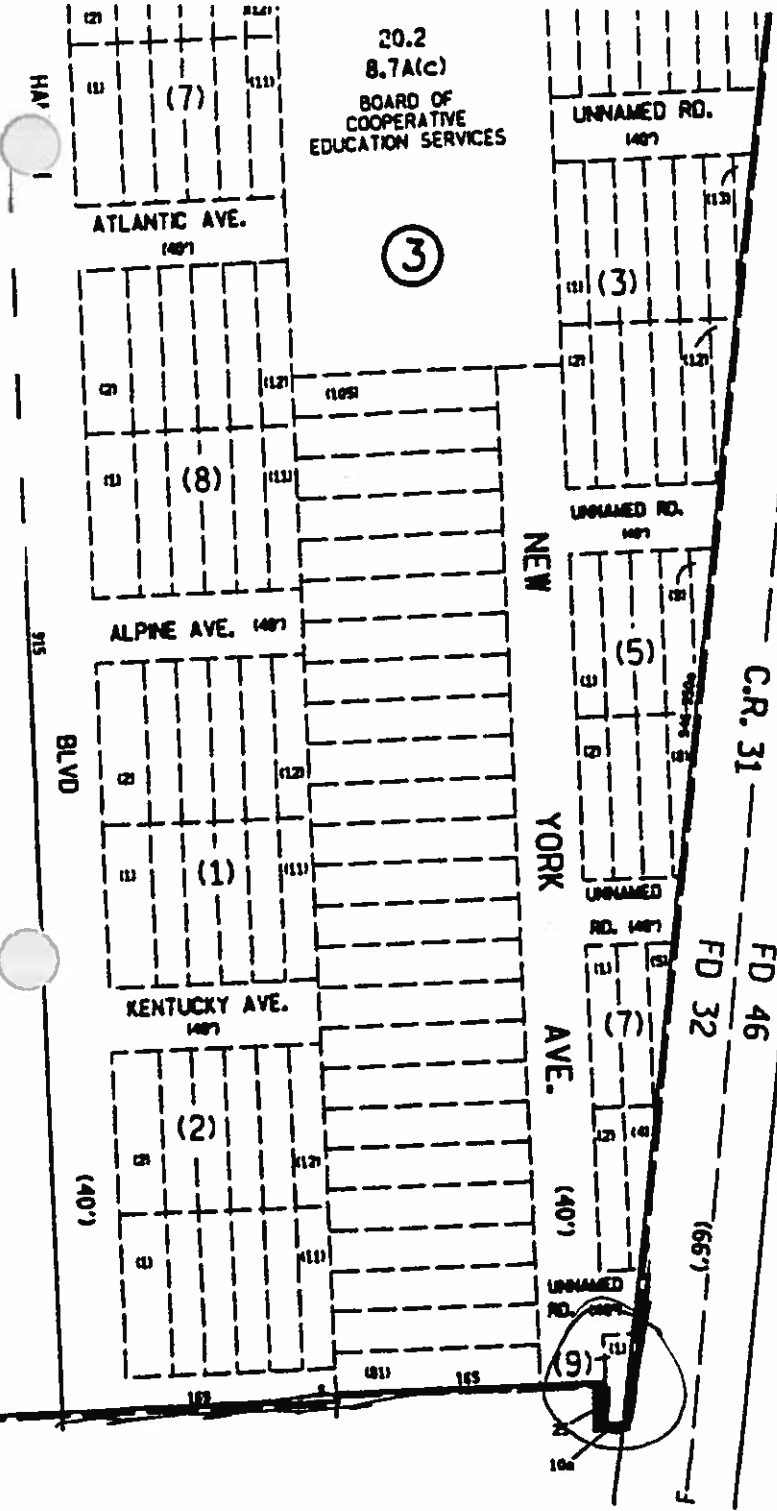


K



20.2
8.7A(c)
BOARD OF
COOPERATIVE
EDUCATION SERVICES

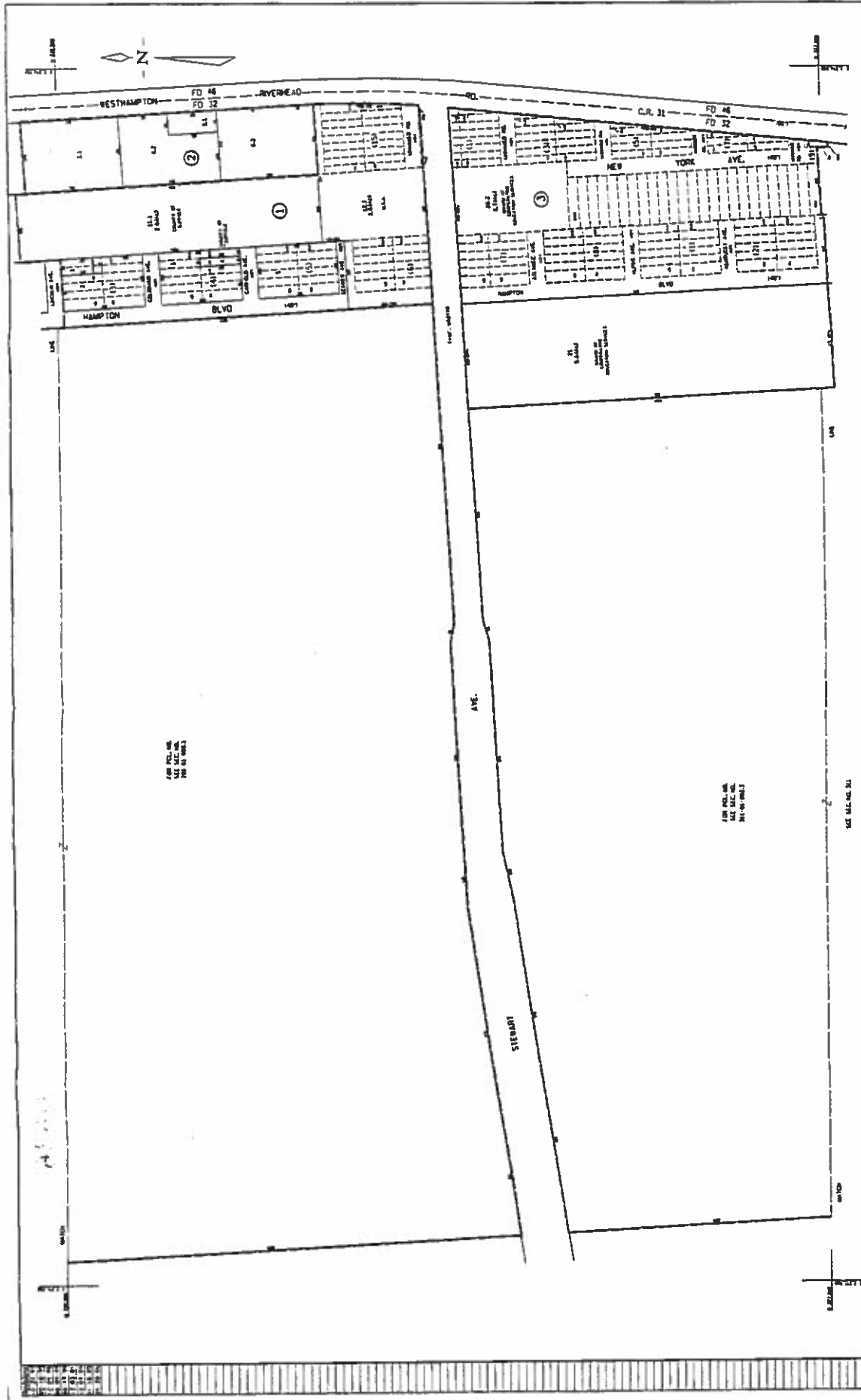
Staff Exhibit K



| | | | | | |
|-----|-----|-----|-------------|-------------|--------------|
| KEY | 286 | 312 | TOWN OF | SOUTHAMPTON | SECTION NO |
| | 284 | | VILLAGE OF | | 310 |
| | 309 | | DISTRICT NO | 0900 | PROPERTY MAP |
| | 310 | | | | 2010 |
| | 311 | | | | |

CONVERSION DATE: Jan. 02, 1987

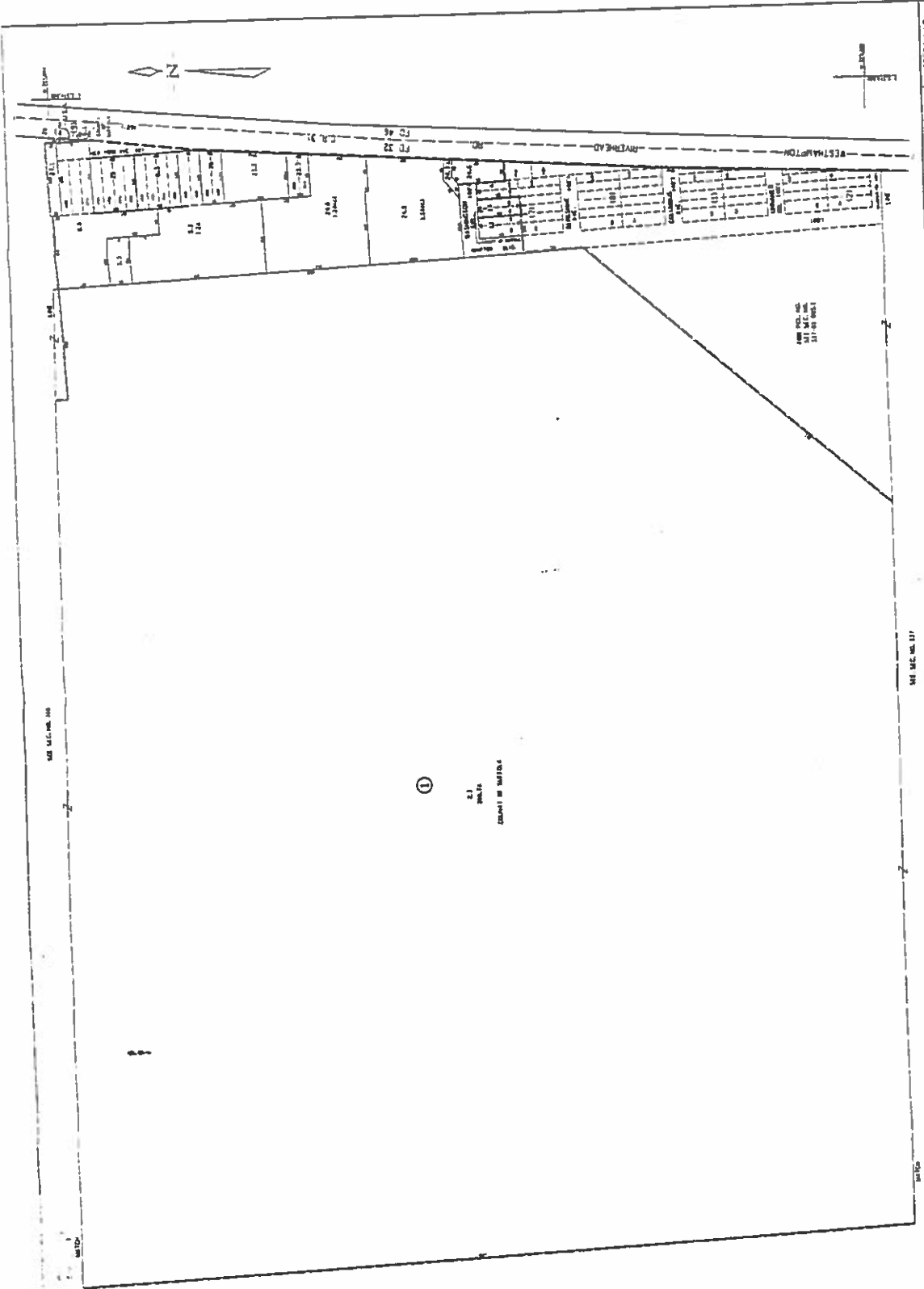




| | | | |
|--|--|------|--|
| SECTION NO | | 310 | |
| PROPERTY MAP | | 0980 | |
| COUNTY OF SUFFOLK Real Property Tax Service Agency County Office Building, 100 State St., Boston, MA 02109 TEL: 617-552-2200 FAX: 617-552-2201 | | | |
| NOTICE This map is a preliminary map of the real property in the County of Suffolk, Massachusetts, for the year 1980. It is subject to change without notice. | | | |
| PROPERTY TAXES The property taxes for the year 1980 are shown on this map. The taxes are based on the assessed value of the property as of 12/31/79. | | | |
| ASSESSMENT The assessed value of the property is shown on this map. The assessed value is based on the market value of the property as of 12/31/79. | | | |
| EXEMPTIONS The exemptions from property taxes are shown on this map. The exemptions are based on the type of property and the owner's status. | | | |
| ADDITIONAL INFORMATION The additional information is shown on this map. The additional information includes the name of the owner, the date of the deed, and the name of the recording office. | | | |







SEC. 17

SEC. 17

SEC. 17

①
2.1
DIMS.
CORNER IN SECTION

SEC. 17

SE. 17.17.17
311
PROPERTY MAP

SOUTHAMPTON
0990



COUNTY OF SUFFOLK
Real Property Tax Service Agency
County Clerk of Suffolk County, Virginia

NOTICE
The Department of the County Clerk of Suffolk County, Virginia, is hereby notified that the following property is located in the County of Suffolk, Virginia, and is subject to the provisions of the Code of Virginia, Chapter 17.1-17.17, regarding the assessment of real property taxes.

| Lot | Block | Section | Assessed Value | Market Value | Exemption Code |
|-----|-------|---------|----------------|--------------|----------------|
| 1 | 1 | 17 | 100.00 | 100.00 | 1 |
| 2 | 1 | 17 | 200.00 | 200.00 | 1 |
| 3 | 1 | 17 | 300.00 | 300.00 | 1 |

| Block | Section | Assessed Value | Market Value | Exemption Code |
|-------|---------|----------------|--------------|----------------|
| 1 | 17 | 100.00 | 100.00 | 1 |
| 2 | 17 | 200.00 | 200.00 | 1 |
| 3 | 17 | 300.00 | 300.00 | 1 |

| Block | Section | Assessed Value | Market Value | Exemption Code |
|-------|---------|----------------|--------------|----------------|
| 1 | 17 | 100.00 | 100.00 | 1 |
| 2 | 17 | 200.00 | 200.00 | 1 |
| 3 | 17 | 300.00 | 300.00 | 1 |

311
PROPERTY MAP

SEC. 17



SUBSCRIBER MAP ALBUM
COPYRIGHT 2010

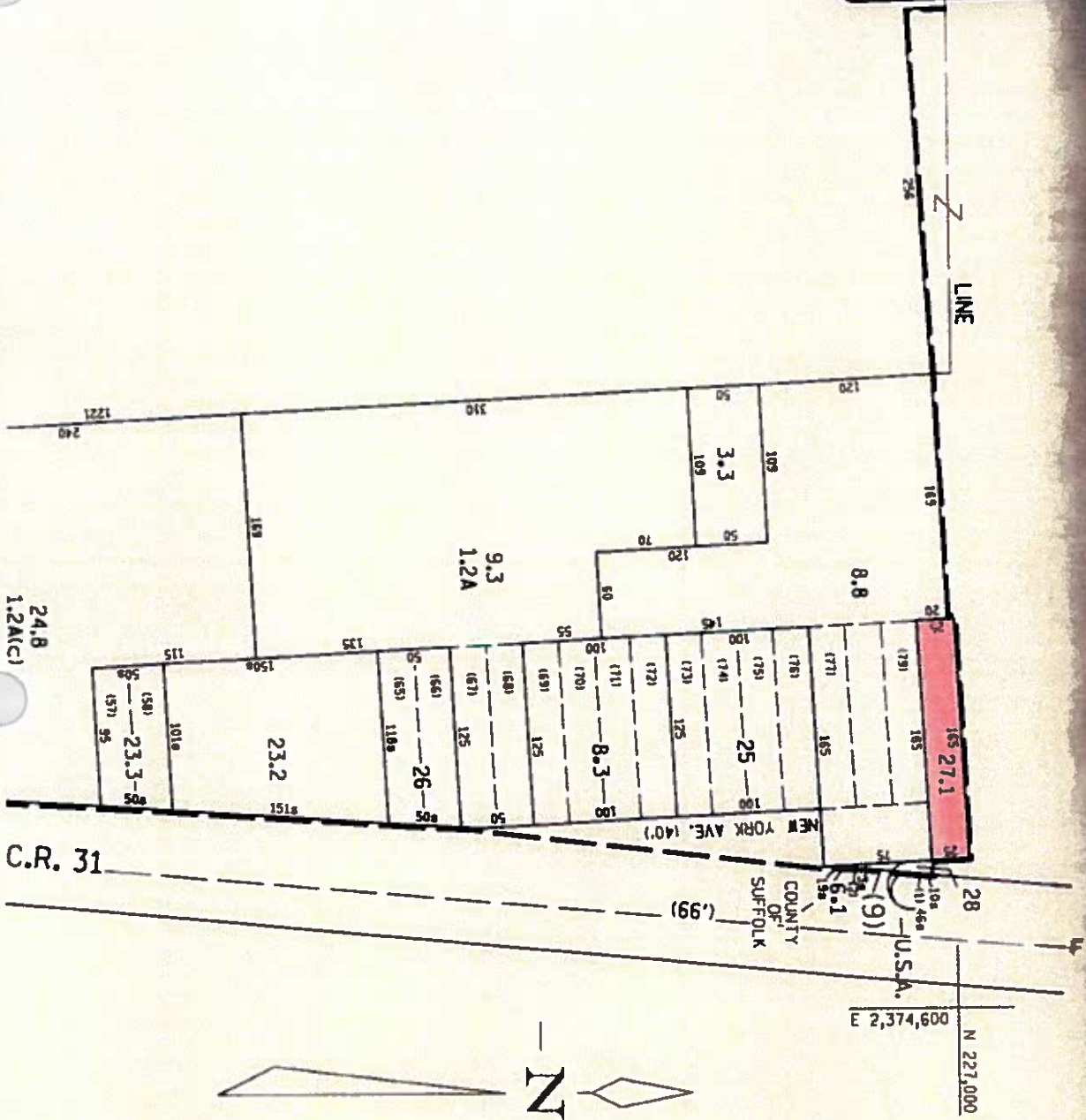
REAL PROPERTY TAX SERVICE AGENCY
300 CENTER DRIVE
RIVERHEAD, NEW YORK 11901
631-852-1550

TOWN OF
SOUTHAMPTON
0900



STEVE LEVY
COUNTY EXECUTIVE

EXHIBIT
1
2







GAZZA PARCEL



JOSEPH FREDERICK GAZZA
ATTORNEY-AT-LAW
P.O. BOX 969 5 OGDEN LANE
QUOGUE, NEW YORK 11959
(631) 653-5766



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1

