

CENTRAL PINE BARRENS

**COPY**<sup>1</sup>

JOINT PLANNING AND POLICY COMMISSION

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In the Matter of the

Public Hearing on the

HAROLD SCREVEN

-----X  
Southaven County Park  
Yaphank, New York

July 18, 2001  
4:00 p.m.

PUBLIC HEARING

ACCURATE COURT REPORTING  
6 Frances Lane  
Port Jefferson, NY 11777  
631-331-3753

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

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GEORGE PROIOS,  
Acting Chairmen  
County of Suffolk

JAMES RIGANO, ESQ.  
General Counsel for the Commission

BARBARA WIPLUSH,  
Representing John J. La Valle,  
Town of Brookhaven

JEFF MURPHREE, Representing  
Vincent Cannuscio  
Town of Southampton

RAY COWEN,  
State of New York  
Representing the Governor's Office

JOEY MACLELLAN, Representing  
Robert Kozakiewicz

A L S O P R E S E N T :

JUDY JAKOBSEN,  
Staff to Commission

MR. PROIOS: Good evening my name is George Proios, Acting Chair of the Commission, acting on behalf of Robert J. Gaffney, the Assistant Suffolk County Executive. I would ask that the Chairmen would identify themselves and who they represent, beginning at my far right, Jim.

MR. RIGANO: James P. Rigano,  
R--I--G--A--N--O, Counsel to the Commission.

MS. WIPLUSH: Barbara Wiplush  
representing John J. La Valle, for  
the Town of Brookhaven.

MR. MURPHREE: Jeff Murphree,  
representing Vincent Cannuscio,  
C--A--N--N--U--S--C--I--O,  
Town of Southampton.

MR. COWEN: Ray Cowen, representing Governor Pataki.

MR. MACLELLAN:  
Joey MacLellan, rep  
Robert Kozakiewicz.

MS. JAKOBSEN: Judy Jakobsen,  
J--A--K--O--B--S--E--N, representing  
Commission Staff.

MR. PROIOS: Let me read into the record the notice to the public hearing.

Pursuant to the Environmental Conservation Law Article 57-0121, Paragraph Ten. Notice is hereby given that a public hearing will be held by the Central Pine Barrens Joint Planning and Policy Commission on July 18, 2001 on the matter of an application for a core preservation area hardship exemption. The project is requesting relief from the clearing standards.

The applicant is

Katherine Forster-Screven. The project is the construction of a single family home with sanitary system on 3.4 acre site, zoned A-5 residence.

It is located on the north side of  
North Street, west of Wading River Road,  
Manorville, of Brookhaven. The Suffolk County  
tax map number is 200-460-1-6.1 and 6.2.

MS. JAKOBSEN: I have some staff exhibits to admit.

(The above-referred to Staff  
Exhibits were marked as 1 through 7, for

2 identification, as of this date.)

3 MS. JAKOBSEN: The first Staff  
4 Exhibit, 1, is with a cover sheet.

5 Staff Exhibit 2 is the survey of property  
6 situated at Manorville, Town of Brookhaven.

7 Survey certified to: Katherine Forster-Screven  
8 dated July 17, 2000 prepared by Ernest Jung,  
9 Professional Land Surveyor. Survey was  
10 provided by applicant as part of core hardship  
11 permit submittal.

12 Staff Exhibit 3 is a 1999 aerial photo  
13 showing subject property -- outlined in red.

14 Photo produced using a Geographic Information  
15 System Program entitled Arc View 3.2. Aerial  
16 photo obtained from project involving a  
17 consortium of municipal agencies, and also a  
18 part of the Suffolk County Police  
19 E-911 Project. Photo not ortho-rectified and  
20 property lines drawn on this photo are not  
21 necessarily to scale.

22 Staff Exhibit 4 is the staff report dated  
23 7/18/01, which I handed out to you.

24 Staff Exhibits Numbers 5 through 7 are  
25 photo prints taken at the site, on

2 June 20, 2001, by Commission staff using an  
3 Olympus Model 2020 Digital Camera. The photos  
4 were processed using Olympus Camedia Master  
5 Version 1.2 software. The photos show the  
6 existing wooded site.

7 I just had a couple of comments. The  
8 project's located on a road that also has  
9 other single family houses. It's actually  
10 property. This property is located adjacent  
11 to the Hidden Pond Stables. According to the  
12 applicant, the two lots have been merged and a  
13 new tax map number is supposed to be assigned.  
14 The rear lot being developed and parcel 6.2 is  
15 on the pending road. The front is on the  
16 exemption list waiting to be signed by the  
17 Governor. This is a SEQRA action with  
18 unconditional review and the applicants are  
19 here.

20 MR. PROIOS: It was going to be  
21 landlocked. I don't see an access.

22 MS. JAKOBSEN: Both these lots have been  
23 merged.

24 MR. PROIOS: Is that at the bottom to  
25 become a merge hardship?

2 MS. JAKOBSEN: It was to merge those  
3 parcels. It has not been assigned a new  
4 number, and the applicant can see it further.  
5 They are going to build that house on the  
6 parcel on that with one road.

7 H A R O L D S C R E V E N, a witnesses herein, after  
8 having been duly sworn by a Notary Public of  
9 the State of New York, upon being examined,  
10 testified as follows:

11 MR. PROIOS: Would the applicant wish to  
12 address the Commission and, if you would like  
13 I will identify them for you. Can you state  
14 your name and address.

15 MR. SCREVEN: My name is Harold Screven.  
16 My address is 65 La Bonne Vie Drive,  
17 Patchogue, New York 11772.

18 MR. PROIOS: Have a seat.

19 MR. SCREVEN: The two lots in question  
20 have been merged into one lot. Lot 6.1 and  
21 6.2 of the County Map 200-460-1 indicated that  
22 it is lot 6.3. It has not been filed with the  
23 Riverhead Court. What we want to do is build  
24 one house there, and only one house facing  
25 North Street. We had this application going

2 for three years now, and we couldn't make a  
3 break-through on this. The Planning  
4 Department said it was split and now that we  
5 have the land put together under one main, our  
6 intention is to build one house, and not two,  
7 and that is what we had here to get an  
8 approval for the permit to build.

9 MR. PROIOS: Any questions?

10 MR. COWEN: I just asked Jim to  
11 facilitate the hearing to ask a few pertinent  
12 questions.

13 MR. MACLELLAN: May I see the Exhibits of  
14 Staff?

15 MR. RIGANO: Mr. Screven, was your property on  
16 North Street?

17 MR. SCREVEN: Yes, sir.

18 MR. RIGANO: Approximately how much  
19 clearing of woodland would have to occur to  
20 build the house.

21 MR. SCREVEN: I think we are allowed  
22 one-third because of the acreage, that  
23 determines how much we can clear. We are not  
24 clearing much; just around the house.

25 MR. RIGANO: Approximately how much would

2 the clearing be, as to the fractions of the  
3 acreage, that you would have to clear for your  
4 house.

5 MR. SCREVEN: I think we have it on the  
6 E.A.F., that we made just recently, and I hope  
7 I have the E.A.F. with me.

8 Approximately, I would say an approximate  
9 would be, maybe a hundred by a hundred, or a  
10 minimum of seventy-five by seventy-five,  
11 minimum.

12 MR. RIGANO: Is that the area that is to  
13 be cleared of all woodland, at the present  
14 time.

15 MR. SCREVEN: It's all woodland, yes, sir.

16 MR. RIGANO: And the total size of the  
17 parcel is how many acres --

18 MR. SCREVEN: The total of the parcel is  
19 3.480 acres. Approximately, three-and-a-half  
20 acres. It's 15,610 feet, that's one of the  
21 parcels, that's the whole area -- 15,610 feet.

22 MR. COWEN: Square feet?

23 MR. SCREVEN: Square feet, I'm sorry,  
24 sir.

25 MR. RIGANO: And just to go back, sir, to

2 the clearing of the area is seventy-five by  
3 seventy-five or a hundred by a hundred?

4 MR. SCREVEN: I think approximately a  
5 hundred by hundred on that. The area across  
6 the front is 374 feet -- across the front;  
7 that's what it is if you look at the map --  
8 the survey -- and then along the side of it,  
9 it is 73 x 673, so we are going to clear only  
10 a small area. I have some clearance on it as  
11 to cut off. That is what we just needed, was  
12 a clearing around the house, approximately --  
13 about a hundred by a hundred

14 MR. RIGANO: Is that in the E.A.F?

15 MR. SCREVEN: I think it is in the E.A.F.,  
16 if you have the E.A.F. here, there is a  
17 precise amount that we are allowed to cut. I  
18 don't have the copy of it, of course. Oh,  
19 here it is. Nope. No, it doesn't give the  
20 amount we are allowed to cut off. The first  
21 E.A.F. we had done in the year 2000 was an  
22 estimate of how much we can cut.

23 MR. RIGANO: You said earlier on that you  
24 were allowed to clear one-third of the  
25 woodland?

MR. SCREVEN: That was on one acre. Now that we have two and a half acres we merged the land, I think it may be a little bit more than that.

MR. RIGANO: Where did you receive that information from?

MR. SCREVEN: That's from the surveyor.

MR. RIGANO: Do you have a copy of that plan with you.

MR. SCREVEN: It says, in the one I can find, the first E.A.F., how much we can take down. Naturally, we won't take down that much more than is required. I can't say we are thinking we are going to clear more than what is necessary for the floorprint of the building. We won't do anything more than what is allowable. The land is a nice piece of land. All we need is an approximate of a hundred by a hundred.

MR. RIGANO: Are there homes adjacent to the area of property?

MR. SCREVEN: Yes. Since 1943, it was --  
in deed -- handed down to the children by  
Jason Forster. There is the horse farm on one

2 side of us, and there is 37 acres; Two acres  
3 that our brother has on the side. A woman  
4 across the street has a couple of acres.  
5 There are houses around us and across the  
6 street.

7 MR. RIGANO: Do you have any decking, or  
8 pool, or whatever else you can put in the  
9 yards?

10 MR. SCREVEN: Yes, I think that would  
11 cover it -- a hundred by a hundred. The first  
12 E.A.F. I made, I think someone has it here, I  
13 think it shows how much we can by law. We  
14 won't take any more trees than by law. The  
15 builder won't do that.

16 MR. PROIOS: Jim, did you have any other  
17 questions?

18 MR. RIGANO: Yes, just let me take a  
19 look at something.

20 MR. RIGANO: When did you obtain the property?

21 MR. SCREVEN: The property was obtained  
22 by my wife's mother, originally in 1943, then  
23 this property was obtained by my wife. Okay,  
24 the first two acres were obtained in 1996.  
25 She bought it off her sister. The mother

2 deeded the property to her sister, and then  
3 Katherine bought the property from her sister,  
4 and then tried to build on the property  
5 because the land is not legally split because  
6 in the back there was a 1.615 acre lot, and  
7 Katherine had the first two.

8 What happened is, when the mother died, in  
9 the estate, the back property was through  
10 Katherine, so, now, we have the front property  
11 and the back property merged together -- lots  
12 6.1 and 6.2 -- if you can see that. Having  
13 merged the lots together, we are looking to  
14 build a house. It was a small house on that  
15 property, so my wife and I can be together.

16 MR. RIGANO: Did your wife live with you  
17 before then?

18 MR. SCREVEN: We are living apart, .  
19 actually, because she is taking care of her  
20 brother that lives next door.

21 MR. RIGANO: Did she purchase the parcels?

22 MR. SCREVEN: The first parcel was lot  
23 6.2, and then after that she had a will, or  
24 through the estate, which was deeded. The  
25 other was back then with the parcel and that

was just recently. It was just in March.

MR. RIGANO: That was in the will of her mother?

MR. SCREVEN: Yes, sir, and we have a copy of that from my lawyer.

MS. JAKOBSEN: Mr. Screven, when making this application, was it because that parcel was on the lot 6.2, or because they were going to move through this process and build the home?

MR. SCREVEN (No Response).

MR. RIGANO: He is going through the application process, in case something happens with the pending legislation. If it doesn't go through, then he can still hopefully go forward with his home.

MS. WIPLUSH: But, he is merging 6.1 and 6.2.

MR. SCREVEN: It's 6.3, and it's filed with the Tax Department with the tax people over in Brookhaven.

MR. RIGANO: And was the waste water handled from a cesspool?

25 MR. SCREVEN: We have a water main that

2 has two pipes, which is not an environmental  
3 impact.

4 MR. RIGANO: Okay, I have no further  
5 questions.

6 MR. PROIOS: Anybody else have any  
7 further questions?

8 MR. COWEN: Just to clarify, the property had  
9 been there in 1963?

10 MR. SCREVEN: Yes, we had the paper work  
11 on that, we have a chain title, and that was  
12 the chain that was --

13 MR. RIGANO: You're under oath, I believe  
14 you.

15 MR. SCREVEN: I'm sorry.

16 MR. RIGANO: We don't need to see the  
17 paper work.

18 MR. COWEN: I don't have anything further.

19 MR. PROIOS: Anything else?

20 MR. AMPER: I would like to ask a few  
21 questions. My name is Richard Amper,  
22 A--M--P--E--R. I am an Executive Director of  
23 the Pine Barrens Society. The Society is  
24 familiar with this application, knows the  
25 property, and has been assured that the family

2                   wishes to clear the minimum number of trees,  
3                   that is, to build the house, and has no  
4                   objection of the approval of this hardship  
5                   application, and did not object to its being  
6                   included on the Road Fund Exemption list.

7                   MR. PROIOS: Thank you. Anyone else?

8                   MR. OLSON: My name is Richard Olson, and  
9                   I have been familiar with this application for  
10                  some time. Mr. Screven discussed it with me  
11                  several times by telephone. I think they are  
12                  given a hardship here, given the hardship --  
13                  that is, way back and in fact, they are  
14                  willing to clear only the minimum amount to  
15                  construct the house. This points to the fact  
16                  this is an application that should be granted,  
17                  particularly in light of the fact that it is  
18                  also a parcel on the road front application,  
19                  that is approved by both houses, and is to be  
20                  signed by the Governor.

21                  MR. PROIOS: Thank you. Anyone else?

22                  (WHEREUPON, there was no response.)

23                  MR. PROIOS: If not, I would like to close  
24                  the public hearing.

25                  Anyone wish to make a motion at this time?

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2 (No Response.)

3 (WHEREUPON, this hearing was

4 concluded.)

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## 2           E X H I B I T S :

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4           STAFF EXHIBIT 1 - COVER SHEET (page 5)

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6           STAFF EXHIBIT 2 - PROPERTY SURVEY (page 5)

7

8           STAFF EXHIBIT 3 - 1999 AERIAL PHOTO (page 5)

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10          STAFF EXHIBIT 4 - 7/18/01 STAFF REPORT (page 5)

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12          STAFF EXHIBIT 5 - 6/20/01 PHOTO PRINT (page 5)

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14          STAFF EXHIBIT 6 - 6/20/01 PHOTO PRINT (page 5)

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16          STAFF EXHIBIT 7 - 6/20/01 PHOTO PRINT (page 5)

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2                   C E R T I F I C A T E :  
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4                   STATE OF NEW YORK      )

5                   :SS.:

6                   COUNTY OF SUFFOLK      )

7  
8                   I, STEPHANIE J. HORNER, a Notary Public for  
9                   and within the State of New York, do hereby  
10                  certify:11                  That the witness whose examination is  
12                  hereinbefore set forth was duly sworn and that  
13                  such examination is a true record of the  
14                  testimony given by that witness.15                  I further certify that I am not related to  
16                  any of the parties to this action by blood or  
17                  by marriage and that I am in no way interested  
18                  in the outcome of this matter.19                  IN WITNESS WHEREOF, I have hereunto set my  
20                  hand this 18th day of July, 2001.21  
22                    
23                  STEPHANIE J. HORNER24  
25

E R R A T A      S H E E T

**SIGNATURE**

Subscribed and sworn to  
before me this \_\_\_\_\_ day of  
\_\_\_\_\_, 2000.

**NOTARY PUBLIC**