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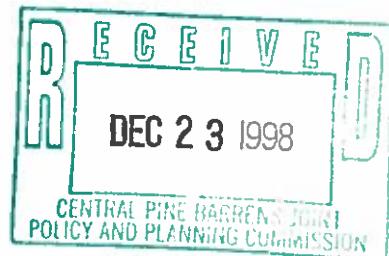
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## 2 CENTRAL PINE BARRENS

## 3 JOINT PLANNING AND POLICY COMMISSION

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6 In the Matter of the  
7 Public Hearing on the

8 TIMOTHY PAWSON for Property of IVY GAFFGA

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Suffolk County Historical Society  
300 West Main street  
Riverhead, New York

12

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December 9, 1998  
4:00 P.M.

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15

PUBLIC HEARING

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1      A P P E A R A N C E S :

2            GEORGE PROIOS  
3                    Chairman  
3                    County of Suffolk

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

6            ROY DRAGOTTA, ESQ.  
7                    General Counsel for the Commission

7            JOHN GIRANDOLA, Representing Supervisor Grucci,  
8                    Town of Brookhaven

9            BARBARA WIPLUSH, Representing Supervisor Felix  
10                    Grucci, Town of Brookhaven.

10            JEFF MURPHY, Representing Southampton Supervisor,  
11                    Vincent Cannuscio.

12            BRENDA FILMANSKI, Representing Riverhead Town  
13                    Supervisor, Vincent Villella.

13            RAY CORWIN, Director of the Central Pine Barrens  
14                    Commission.

15      A L S O      P R E S E N T :

16            DONNA PLUNKETT  
17                    Staff to Commission

18            LORRAINE TREZZA

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1 CHAIRMAN: I'd like to call the public  
2 meeting to order.

7 MS. WIPLUSH: I am Barbara Wiplush  
8 representing Supervisor Felix Grucci, Town of  
9 Brookhaven.

10 MR. GIRANDOLA: John Girandola  
11 representing Supervisor Felix Grucci, Town of  
12 Brookhaven.

13 MR. MURPHREE: Jeff Murphree,  
14 Representing the Town of Southampton.

15 MS. FILMANSKI: Brenda Filmanski  
16 representing the Riverhead Town Supervisor.

17 MR. COWEN: I'm Raymond Cowen. I am  
18 here representing Governor Pataki.

19 MR. RIGANO: James Rigano, Counsel for  
20 the Commission.

21 CHAIRMAN: For the record I will read  
22 the public notice that appeared in the local  
23 papers describing the action we are about to review  
24 pursuant to Environmental Conservation Law Article  
25 57-0121(10), notice is hereby given that a public

1 hearing will be held by the Central Pine Barrens  
2 Joint Planning and Policy Commission on December 9,  
3 1998, on the matter of an application for  
4 a core preservation area hardship exemption.

5 The Applicant is Timothy Pawson for  
6 property of Ivy Gaffga.

7 The project entails the construction of  
8 a 1,500 square foot single family home and  
9 associated infrastructure on a 2.34 acre lot in an  
10 A5 zoned district.

11 The project is located on the south  
12 side of North Street, east of Ryerson Road,  
13 Manorville, Town of Brookhaven.

14 Is the applicant or a representative of  
15 the applicant here to make a presentation to the  
16 commission?

17 MR. PAWSON: My name is Tim Pawson,  
18 address is Hockey Road, Mastic Beach, New York.  
19 I'm filing an application for an exemption to the  
20 Pine Barrens Act as to extraordinary hardship  
21 based on the unique characteristics of such  
22 property. As I said I would like to build a single  
23 family dwelling, possibly fifteen hundred square  
24 feet, just clear enough property just for such  
25 house and driveway. The unique characteristics

1           that I speak of are on the north side of the  
2           property. The property which is approximately 340  
3           feet long, borders North Street. On the west side  
4           of the property there is another single family  
5           dwelling which is followed westward by another  
6           three or four houses. On the southern most side  
7           of the property which is approximately 220 feet,  
8           the property borders the Long Island Railroad.

9           On the west side of the property, the  
10          property which is about 500 feet also borders Means  
11          Road. Therefore, the property itself is basically  
12          a corner lot bordered by streets on two sides,  
13          railroad on another side and a single family  
14          dwelling on the last remaining side. The piece of  
15          property itself, basically it has an area that is  
16          already built up, a community zone and houses on  
17          North Street, three or four to the west. Across  
18          the street there are probably four or five houses  
19          that also run westward. It's not like the piece of  
20          property is a small piece in a large chunk of the  
21          Pine Barrens that we are asking to build on.

22           Also about 500 feet southwest across  
23          the railroad tracks is also a restaurant-bar known  
24          as Maples, so the area isn't real undisturbed as it  
25          is basically built up and already a community

1                   established. So by us asking to build, poses no  
2                   more threat of a fire any more than exists now.  
3                   It is these characteristics that we feel that --  
4                   should allow us to build under the current  
5                   provisions. The land serves no beneficial use. It  
6                   is not a piece in a large block. It is basically  
7                   blocked in by the road and railroad, and basically  
8                   we should be given permission based on those  
9                   factors.

10                   THE CHAIRMAN: Thank you.

11                   Donna, would this parcel qualify under  
12                   the road front exemption list that we have  
13                   prepared?

14                   MS. PLUNKETT: The parcel was not  
15                   selected by the Town of Brookhaven as a candidate  
16                   for the road front exemption list. If you recall,  
17                   that list was created by the Town and was not added  
18                   to the Town of Brookhaven list.

19                   THE CHAIRMAN: Would it have  
20                   qualified?

21                   MS. PLUNKETT: I really don't know what  
22                   the Town's criteria was so -- it's similar to other  
23                   parcels that they had put on the list, I could say  
24                   that.

25                   MR. PAWSON: I also have pictures if

1                   you would like to see the road and things like  
2                   that.

3                   MS. FILMANSKI: Yes, could we see  
4                   that?

5                   (WHEREUPON, the applicant handed  
6                   photographs to the members of the commission.)

7                   MR. GIRANDOLA: North Street is  
8                   improved; correct?

9                   MS. PLUNKETT: Yes.

10                  MR. GIRANDOLA: And the other street on  
11                  the west is improved?

12                  MR. PAWSON: Yes.

13                  MS. PLUNKETT: Yes.

14                  MR. PAWSON: That's North Street here  
15                  (indicating). These are the railroad tracks. This  
16                  is also part of Means where the utilities are based  
17                  on the property.

18                  MR. GIRANDOLA: What you're calling  
19                  Means Road is actually --

20                  MR. PAWSON: Raynor, excuse me. It  
21                  used to be a thoroughfare that went straight  
22                  across, but they made it a dead end and now the  
23                  road -- Raynor comes across.

24                  MR. GIRANDOLA: Right.

25                  THE CHAIRMAN: Who has title to this

1 property?

2 VOICE: We do.

3 MR. GIRANDOLA: How long have you had  
4 it?

5 MS. PLUNKETT: Please state your name.

6 MS. SUNDERLAND: It's my mother's  
7 estate.

8 My name is Ivy Lee Sunderland  
9 (phonetic). My maiden name is Gaffga, G-a-f-f-g-a.

10 THE CHAIRMAN: When did you acquire  
11 that?

12 MS. SUNDERLAND: My mother passed away  
13 on October -- when she died? I have no idea. My  
14 attorney has all those papers. We are trying to  
15 settle this.

16 MR. GIRANDOLA: Have you started a  
17 process as far as going to the Town?

18 MR. PAWSON: No, I figured this is the  
19 first step and I would wait for approval here  
20 before going further.

21 VOICE: She's had it for quite a few  
22 years now.

23 MR. GIRANDOLA: Just so you are aware,  
24 your parcel does not conform to the code, A-5  
25 zoning. You are going to have to go to have to go

1 through what they call a single and separate  
2 process. You are going to have to be able to prove  
3 that it's not --

4 VOICE: I believe that's already --

5 MR. GIRANDOLA: You will need a  
6 variance.

7 VOICE: I believe it's already single  
8 and separate.

9 MR. GIRANDOLA: It's a very confusing  
10 process. It's got to be looked at. There's a  
11 title search that has to be done. I just wanted  
12 to know if you ever started the process.

13 THE CHAIRMAN: Any other members of  
14 the commission have any questions?

15 MR. CORWIN: Is this proximate to some  
16 other parcel, I think Morgan perhaps?

17 MR. GIRANDOLA: yes.

18 MR. CORWIN: And we've granted  
19 hardships on those if it's my recollection?

20 MS. PLUNKETT: Yes, two parcels across  
21 the street. Each is about seven acres and those  
22 received hardships approximately two years ago.

23 THE CHAIRMAN: any other questions?

24 (WHEREUPON, there was no response.)

25 THE CHAIRMAN: Any other members of the

1 public wish to address the Commission on this  
2 application?

3 (WHEREUPON, there was no response.)

4 THE CHAIRMAN: If not, then I will  
5 close the public hearing. I will leave the comment  
6 period open until -- the next time the commission  
7 is scheduled to meet is on January 13th. So I  
8 will leave the comment period open till the close  
9 of the 12th in case there is any additional  
10 information you wish to submit, and the commission  
11 can act on it on the 13th.

12 MR. COWEN: Is there any reason why we  
13 couldn't do it today? Is there anything  
14 outstanding that we need to discover?

15 MR. GIRANDOLA: Don't we usually have a  
16 comment period?

17 MR. COWEN: Not always.

18 THE CHAIRMAN: It's up to the  
19 commission members.

20 I will withdraw my comment. Would  
21 anyone like to make a motion?

22 MR. COWEN: Have you asked the public  
23 if there were any comments?

24 THE CHAIRMAN: Yes.

25 MR. COWEN: Hearing none, I guess I

1                   will offer one.

2                   I think the applicant's letter  
3                   adequately addresses the hardship criteria and I  
4                   would further observe that the applicant is -- I  
5                   want to take special note that the applicant is, in  
6                   fact, a contract-vendee or something along those  
7                   lines and that the actual owner of the property is  
8                   here present today, supporting the application, so  
9                   that there is no issue of self-created hardship  
10                  here. The property has been in the family for  
11                  sometime prior to the act and on those grounds I  
12                  offer that we approve the hardship, subject to we  
13                  will have to discuss -- subject to, I guess, what  
14                  the Town of Brookhaven will impose --

15                  MR. GIRANDOLA: Well, it's subject to  
16                  approval by the Town of Brookhaven.

17                  MR. COWEN: Subject to the approval  
18                  and --

19                  MR. GIRANDOLA: Overall. It's not an  
20                  issue of clearing. It's a buildable lot and it's  
21                  single and separate, and if it's not, it has to go  
22                  through a variance procedure, so it's actually  
23                  subject to --

24                  MS. PLUNKETT: If I could just offer  
25                  for you, I just had to review all your hardships

1 for another matter. What you have done -- we write  
2 that in a letter when we give resolutions, but we  
3 do not make that a condition because obviously that  
4 is not our -- what you have offered is a clearing  
5 restriction of some sort, and that is usually  
6 consistent with what the CGA standard is for that  
7 lot size. So we have never written a resolution  
8 that is subject to all the Town approval. You  
9 could do it now. I'm just telling you it was not  
10 done before.

11 MR. GIRANDOLA: The individual should  
12 know that approval by this commission does not  
13 relieve them of the obligation of still going  
14 before the Town agency or even the County agency to  
15 get approvals -- and state -- that is not -- this  
16 approval does not give you the ultimate right to  
17 build.

18 MS. PLUNKETT: We write that in a cover  
19 letter. We usually say all other applicable state  
20 and local laws and we don't know whether WSR is  
21 involved --

22 MR. COWEN: Just let me add to the  
23 motion to make sure it's clear that the language --

24 MS. FILMANSKI: Yes, but Ray, you're  
25 eliminating the requirement that it conform with

1 all Town regulations or --

2 MR. COWEN: What I'm going to say is  
3 that the granting of this permit of the commission  
4 does not relieve the applicant of the burden of  
5 obtaining other maybe state and local permits as  
6 well.

7 MR. GIRANDOLA: That's fine.

8 MR. COWEN: Specifically as to the  
9 clearing on this lot, if the other approvals are  
10 granted on the Town level, then the clearing will  
11 be subject to the Town's requirements.

12 MR. GIRANDOLA: Well this is Core.  
13 You're really the Commission -- you don't want to  
14 address the clearing?

15 MR. COWEN: No.

16 MS. PLUNKETT: But you have made those  
17 conditions before.

18 MR. COWEN: I know that. In this case  
19 I think it would be just as easy --

20 THE CHAIRMAN: Is there a second to  
21 that motion?

22 MS. FILMANSKI: I'll second.

23 THE CHAIRMAN: Any other comments?

24 (WHEREUPON, there was no response.)

25 THE CHAIRMAN: All those in favor of

1 the motion say aye.

2 (All members responded in the  
3 affirmative.)

4 THE CHAIRMAN: All those opposed?

5 (WHEREUPON, there was no response.)

6 THE CHAIRMAN: Motion carried.

7 (WHEREUPON, this hearing was concluded  
8 at 4:23 p.m.)

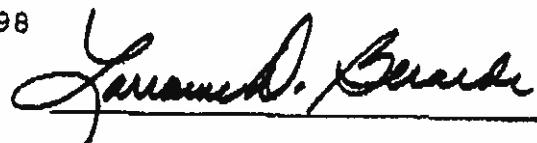
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10 CERTIFICATION

11 I, LORRAINE D. BERARDI, Court Reporter,  
12 do hereby certify that the foregoing is a true and  
13 correct transcript of the proceedings  
14 held December 9, 1998, at Riverhead, New York, in  
15 this matter.

16

17 Dated: December 21, 1998



18  
19 LORRAINE D. BERARDI

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