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CENTRAL PINE BARRENS

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JOINT PLANNING AND POLICY COMMISSION

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In the Matter of the

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Public Hearing on the

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TIMOTHY PAWSON for Property of IVY GAFFGA

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

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December 9, 1998
4:00 P.M.

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PUBLIC HEARING

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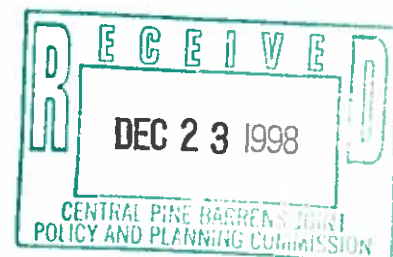
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1 A P P E A R A N C E S :

2 GEORGE PROIOS
3 Chairman
4 County of Suffolk

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

8 ROY DRAGOTTA, ESQ.
9 General Counsel for the Commission

10 JOHN GIRANDOLA, Representing Supervisor Grucci,
11 Town of Brookhaven

12 BARBARA WIPLUSH, Representing Supervisor Felix
13 Grucci, Town of Brookhaven.

14 JEFF MURPHY, Representing Southampton Supervisor,
15 Vincent Cannuscio.

16 BRENDA FILMANSKI, Representing Riverhead Town
17 Supervisor, Vincent Villella.

18 RAY CORWIN, Director of the Central Pine Barrens
19 Commission.

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

21 DONNA PLUNKETT
22 Staff to Commission

23 LORRAINE TREZZA

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

3 My name is George Proios. I'm acting
4 chairman on behalf of the County Executive, Robert
5 Gaffney, chairman of the commission. I will ask
6 each of the members to introduce themselves.

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 confirm 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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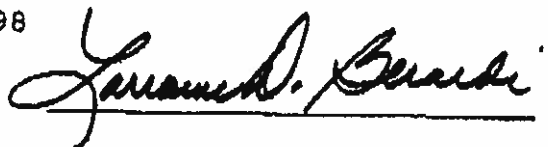
10 CERTIFICATION

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.

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17 Dated: December 21, 1998

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LORRAINE D. BERARDI

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