

CENTRAL PINE BARRENS
JOINT PLANNING AND POLICY COMMISSION

In the Matter of the
Public Hearing on
EVAN GOLDSTEIN

Brookhaven Town Offices
Medford, New York

August 6, 1997
5:00 p.m.

PUBLIC HEARING

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

2 ROY S. DRAGOTTA
3 Acting Chairman
4 County of Suffolk

5 WILLIAM SPITZ
6 State of New York
7 Representing the Ray Cowin, representing the
8 Governor's Office

9 BRENDA FILMANSKI
10 Town of Riverhead
11 Alternate for Deputy Town Supervisor

12 JAMES RIGANO, ESQ.
13 General Counsel for the Commission

14 JOHN GIRANDOLA
15 Town of Brookhaven
16 Planning Division

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

18 DONNA PLUNKETT
19 Staff to Commission

20 RAYMOND CORWIN, executive Director of Central Pine
21 Barrens Join Planning and Policy Commission

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1 CHAIRMAN: I'd like to call the
2 meeting of the Central Pine Barrens Joint Planning and
3 Policy Commission to order. This is a public hearing
4 pursuant to the Environmental Conservation Law, Article
5 57-0121, subsection 10.

6 Notice is hereby given that a public
7 hearing will be held by Central Pine Barrens
8 Joint Planning and Policy Commission on August 6, 1997
9 on the matter of an application for core preservation
10 area hardship exemption. The subject of the hearing
11 is Evan Goldstein.

12 Project Description: Construction of a single family
13 residence and associated septic system on a lot
14 containing 75,714 square feet in an A5 (five acre)
15 residence zone.

16 Project Location: North side of County Road 111 just
17 west of its intersection with Hot Water Street,
18 Manorville, Town of Brookhaven.

19 Suffolk County Tax Map Number: 200-510-1-11

20 I will introduce myself. I'm Roy
21 Dragotta. I'm acting chairman on behalf of County
22 Executive Robert Gaffney, Chairman of the Commission.

23 I will ask each of you to introduce
24 yourselves.

25 MR. DUFFY: Robert Duffy, Town Planning

1 Developer and Administrator, Town of Southampton,
2 representing Mr. Canuscio, Supervisor of the Town of
3 Southampton.

4 MR. GIRANDOLA: John Girandola
5 representing the Supervisor for Brookhaven,
6 Felix Grucci.

7 MS. FILMANSKI: Brenda Filmanski,
8 representing Riverhead Town Supervisor, James R. Stark.

9 MR. SPITZ: I'm Bill Spitz. I'm
10 sitting in on behalf of Ray Cowen, representing the
11 Governor of the State of New York.

12 CHAIRMAN: Mr. Goldstein, are you ready
13 to make your application?

14 MR. GOLDSTEIN: Yeah, I'm a little
15 unclear of what I'm -- other than plead my case that I
16 would like to be able to get a building permit on this
17 piece of property that I own in the Pine Barrens. When
18 I bought the property in 1986 or '87, the property came
19 with a building permit, approved site plan and curb
20 cuts, permits, and all of a sudden I found that the
21 rules were changed and I have a totally useless piece of
22 property, and that really is why I'm here. I want to --

23 MS. FILMANSKI: Describe the site
24 and its location.

25 MR. GOLDSTEIN: I have a survey

1 here. It's an acre and three-quarters with about three
2 hundred some odd feet of frontage on County Road 111,
3 324.15 feet on 111. It's an acre and three-quarters.
4 On the intersection of County Road Route 111 and Hot
5 Water Street --

6 MS. FILMANSKI: Is the site wooded,
7 all or in part?

8 MR. GOLDSTEIN: No, actually it's
9 pretty much a field. Very little, you know, just some
10 scrub pines but very little. Mostly mowed since I have
11 owned it. We used to have pumpkins and stuff out there.

12 If anybody would like to take a look
13 at this.

14 MS. PLUNKETT: We have it there.
15 Thank you.

16 MR. GIRANDOLA: Donna, who owns the
17 surrounding land?

18 MS. PLUNKETT: The property, as Mr.
19 Goldstein state, is on the north side of County Road
20 Route 111. I will just point to -- it's very difficult
21 from this location -- but the County owns most of the
22 land to the north and to the east of the subject parcel.
23 To the immediate west of the parcel is a vacant
24 privately owned parcel. To the immediate west of that
25 is a town owned parcel which I believe was probably

1 pursuant to some subdivision. And so next to -- sort of
2 southeast of it is the parcel owned by the Suffolk
3 County Water Authority where there's currently under
4 construction a three million gallon sand pipe. Of
5 course on the south side of County Road 111 is
6 compatible growth area. You have a mixture of publicly
7 owned land as well as some existing subdivisions.

8 MS. FILMANSKI: This parcel is not on
9 the core residential exemption of Brookhaven; is that
10 correct?

11 MS. PLUNKETT: No, it is not.

12 Just for your information also, the
13 applicant, as he stated, did receive a couple of permits
14 back in the '80s after he purchased the parcel and when
15 he first approached us we had consulted with counsel to
16 see if he was exempt under the statute due to previous
17 approval, however the statute does not address previous
18 approval on a single family lot. It only addresses
19 approval on subdivision site plans. So at that time,
20 the application under inquiry was turned into an
21 application for hardship exemption. Mr. Goldstein was
22 made aware of the hardship criteria and a hearing was
23 scheduled. Of course, Mr. Goldstein had requested it be
24 adjourned until the hearing of this date due to a
25 personal situation.

1 MS. FILMANSKI: What is the zoning of
2 that property?

3 MS. PLUNKETT: A5.

4 MS. FILMANSKI: What does A5 permit in
5 addition to the single family residential use, if
6 anything?

7 MS. PLUNKETT: Things generally for a
8 school or church or accessory use. I'm not familiar
9 with the full list of the permitted uses.

10 MR. GIRANDOLA: Ray, isn't this parcel
11 very close to where we had discussions about possibly
12 putting the County railings?

13 MR. CORWIN: Yes, the parcel -- well,
14 the parcel wouldn't be affected on Hot Water Street, but
15 immediately east of the southeast corner of this parcel,
16 the county right of way goes into Hot Water Street. We
17 talked about berms. Away from Mr. Goldstein's property
18 and away from any access for that to get on to that
19 property from Route 111.

20 MR. GIRANDOLA: But it would be
21 running in front on his property. When we initially
22 talked about --

23 MR. CORWIN: Part of the design of the
24 parking area was to keep it off the road. There is a
25 short run, maybe a hundred feet, where it goes over 111

1 and the county right of way starts. We would certainly
2 keep the parking areas away from this property.

3 MR. GIRANDOLA: There was a
4 discussion about doing the guardrail and bringing it in
5 front of this property to sort of guarantee that nobody
6 would go from driving in through the County.

7 MR. CORWIN; I think some of the
8 discussions may have been people proposing to --
9 initially they didn't realize that it wasn't county
10 land.

11 MR. GIRANDOLA: so my question to you
12 -- I know you have a proposed driveway in here and
13 whatever -- if this commission was of the opinion to
14 grant you the hardship and if they put on any condition
15 basically saying that your access driveway be located
16 let's say in the easterly hundred feet of your property
17 along County Road Route 111, would you have a problem?

18 MR. GOLDSTEIN: Well --

19 MR. GIRANDOLA: In other words, all
20 I'm saying -- there are proposals to do something up
21 here on Hot Water Street. There were concerns as far as
22 people bypassing this gate across Hot Water Street.
23 They were thinking possibly of putting a guardrail up
24 along the frontage of your property to a point. So what
25 I'm saying is would you have any objection if we

1 restricted let's say your proposed driveway to the
2 westerly -- let's say a hundred feet of the property?

3 MR. GOLDSTEIN: Not at all.

4 MR. CORWIN: What we're trying to --

5 MR. GOLDSTEIN: I see exactly. Sure.
6 It's also going to keep people off my property. I don't
7 have a problem with that at all.

8 MS. FILMANSKI: I think we have to get
9 on the record from Mr. Goldstein why this would be the
10 minimum relief necessary on this particular parcel.

11 MR. GOLDSTEIN: I'm not sure I
12 understand.

13 MS. FILMANSKI: The other permitted
14 uses, as I understand it, are churches, schools, limited
15 to that or buildings of that nature. Is the property in
16 its present state of any use to you?

17 MR. GOLDSTEIN: The present state?
18 Not at all. If I can't build on this, then it's of no
19 use to me.

20 MS. FILMANSKI: Perhaps you could --
21 well --

22 MR. GIRANDOLA: Basically, the
23 property is too small for a University, a golf course
24 -- I'm just throwing out what is required under the
25 zoning code.

1 MR. GOLDSTEIN: The only use that I
2 could use it for is a one family house.

3 MR. GIRANDOLA: Single family
4 residence; right?

5 MR. GOLDSTEIN: Yes, that's all I'm
6 interested in, permission to do that much.

7 CHAIRMAN: Anything further? That's
8 it?

9 MR. GIRANDOLA: Just to make the
10 Commission aware, we also own this property right across
11 on the southside of County Road 111.

12 MS. PLUNKETT: The Town of Brookhaven
13 does?

14 MR. GIRANDOLA: Yes.

15 MR. SPITZ: Where's the Water
16 Authority's well fields?

17 MS. PLUNKETT: This one?

18 MR. SPITZ: Do you know where on that
19 parcel the Water Authority is putting their wells?

20 MS. PLUNKETT: Right around in here
21 (indicating)

22 CHAIRMAN: It doesn't look like
23 there's anybody in the audience that wishes to address
24 the Commission on your application so I will declare the
25 hearing closed except I will keep the comment portion

1 open until August 26th.

2 MS. PLUNKETT: that's the day before
3 the next meeting.

4 MR. GOLDSTEIN: At that time you will
5 render a decision?

6 MS. PLUNKETT: August 27th, possibly a
7 decision. I will give you a call to let you know.

8 CHAIRMAN: Thank you very much.

9 (WHEREUPON, this hearing was concluded
10 at 5:10 p.m.)

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12 CERTIFICATION

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14 I, LORRAINE D. BERARDI, Court Reporter,
15 do hereby certify that the foregoing minutes were
16 recorded by me and transcribed under my supervision
17 and are a true and correct transcript of the
18 proceedings held on August 6, 1997 at
19 Medford, New York, in this matter.

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21 Dated: August 7, 1997

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LORRAINE D. BERARDI

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