

CENTRAL PINE BARRENS  
JOINT PLANNING AND POLICY COMMISSION

In the Matter of the

## Public Hearing on the

of

RITA KRISTIANSEN

Quogue Wildlife Center  
Quogue, New York

February 21, 1996  
5:30 p.m.

## PUBLIC HEARING

## APPPEARANCES:

GEORGE PROIOS  
Chairman  
County of Suffolk

WILLIAM SPITZ  
State of New York  
Representing the Governor's Office

BRENDA FILMANSKI  
Town of Riverhead  
Alternate for Deputy Town Supervisor

DORIS ROTH  
General Counsel for the Commission  
Alternate for Deputy Town Supervisor

ANDREW P. FRELENG, Chief Planner, Department of  
Land Management, Planning Division

JOHN GIRANDOLA  
Representing Town of Brookhaven, Supervisor  
Felix Grucci

ALSO PRESENT:

DONNA PLUNKETT  
Staff to Commission

LORRAINE TREZZA

THE CHAIRMAN: Our second hearing is also one that was adjourned from February 7th.

For the record, I will read  
the public notice that appeared in the local papers  
regarding this hearing:

"Pursuant to the Environmental Conservation Law Article 57-0121 subsections (9) and (10), notice is hereby given that two public hearings will be held by the Central Pine Barrens Joint Planning and Policy Commission on February 21st, 1996."

MS. PLUNKETT: Off the record.

(Discussion held off the record.)

THE CHAIRMAN: This is in the name of Rita Kristiansen and the project was the construction of a single family dwelling and associated sanitary system on .25 acres in an A10 residentially zoned district, located on the north side of South River Road approximately 800 feet east of Forge Road, Calverton, Town of Brookhaven.

Is the applicant here. Would you like to make a presentation.

MS. LACHEMMEYER: Connie Lachemeyer.

MR. FOX: Bob Fox.

THE CHAIRMAN: Please speak up.

1 MR. FOX: Certainly. The project  
2 description as you mentioned before was to  
3 construct a single family dwelling and associate  
4 sanitary system with retaining walls and wood deck  
5 on a .25 acre parcel. Hopefully we can answer any  
6 questions.

7 MS. FILMANSKI: Do you have a map for  
8 the proposed description of this project?

9 MS. LACHEMMEYER: I wasn't aware that  
10 I had to bring one. I have an original and a  
11 photocopy.

12 It's a pre-existing non-conforming lot  
13 that the owner has held in single and separate  
14 ownership since 1947.

15 MS. FILMANSKI: Could you describe the  
16 neighboring properties.

17 MS. LACHEMMEYER: There's a vacant  
18 lot.

19 MS. ROTH: For the record, we are  
20 looking at a survey prepared by --

21 MS. LACHEMMEYER: Rampart Surveying --

22 MS. ROTH: Survey dated July 8th,  
23 1988, last revised August 30, 1995.

24 THE CHAIRMAN: The property directly to  
25 the west, is that developed?

1 MS. LACHEMMEYER: No. There is a  
2 single family dwelling there right now that the  
3 Kristiansens live in.

4 MR. SPITZ: Where?

5 MR. FOX: To the west.

6 MS. LACHEMMEYER: To the east is  
7 vacant property owned by the county.

8 THE CHAIRMAN: It fronts on the Peconic  
9 River?

10 MR. FOX: Yes.

11 THE CHAIRMAN: Do you have a permit  
12 from the DEC?

13 MS. LACHEMMEYER: Not yet. The DEC is  
14 waiting for the Town of Brookhaven because they are  
15 the agency -- the Town of Brookhaven is waiting for  
16 us to settle this.

17 MR. GIRANDOLA: Is it before the Town  
18 as far as the wetlands permit?

19 MS. LACHEMMEYER: Yes. The layout  
20 comes about from various meetings with the Town and  
21 the DEC.

22 MS. FILMANSKI: What permits do you  
23 have?

24 MS. LACHEMMEYER: We don't have any  
25 right now. We are close.

1 MR. SPITZ: The DEC is waiting for a  
2 wetlands permit or a regular permit?

3 MS. LACHEMMEYER: Both.

4 MS. FILMANSKI: As a result of the  
5 variance?

6 MS. LACHEMMEYER: yes.

7 THE CHAIRMAN: Are there any other  
8 questions?

11 MS. PLUNKETT: Well, we don't usually  
12 require that, but we can. In the application that  
13 you received --

14 THE CHAIRMAN: If it's not single and  
15 separate and it's detached it doesn't conform.

16 MS. PLUNKETT: But when the Town deals  
17 with that it's part of the building permit. In  
18 other words, they check single and separate. And  
19 if they require a variance under the Town building  
20 code then they would have to get another variance  
21 from the ZBA. Correct, John?

22 MR. GIRANDOLA: I have got a question.  
23 Who verified the zoning on this property? You are  
24 saying it's A10.

25 MS. LACHEMMEYER: I'm going to guess

1 the surveyor did.

2  
3 MR. GIRANDOLA: The question I've got  
4 is that the only parcels that I know of that are  
5 A10 are public lands. So I'm not sure that this  
parcel is really zoned A10.

6 MS. LACHEMMEYER: Okay.

7 MR. GIRANDOLA: The county property I  
8 would say definitely. Then the question is what is  
9 the -- the title is in Rita Kristiansen?

10 MS. LACHEMMEYER: Yes.

11 MR. GIRANDOLA: The parcel next door  
12 is in?

13 MS. LACHEMMEYER: Kenneth Kristiansen.  
14 And I believe they provided a title search.

15 MS. PLUNKETT: No.

16 MS. LACHEMMEYER: The Town of  
17 Brookhaven, they had requested it. If they have  
18 it, I will certainly provide it.

19 MR. GIRANDOLA: They stated it's  
20 single and separate?

21 MS. PLUNKETT: On our ownership map it  
22 shows it as a public parcel.

23 MS. LACHEMMEYER: I have a copy.

24 MS. PLUNKETT: If you have an extra  
25 copy or you can fax it to us tomorrow.

1 THE CHAIRMAN: That was included on the  
2 parcel --

3 MR. GIRANDOLA: Same thing as far as  
4 Seltzer; the same area.

5 MS. PLUNKETT: It is a much smaller  
6 lot though.

7 MS. FILMANSKI: What is the topography  
8 of this lot?

9 MR. FOX: It's very flat. It doesn't  
10 rise much about the river; six to eight feet.

11 MR. GIRANDOLA: It tapers down.

12 MR. FRELENG: Is there a development  
13 pattern in the area? To the west there is approved  
14 lots and to the east --

15 MS. PLUNKETT: The lot is here  
16 (indicating). The shaded is all public. If you  
17 want to look at the larger map I can show you.  
18 It's going to be a little difficult to see it.  
19 It's actually in here (indicating).

20 MS. ROTH: Could you tell us the map  
21 you are referring to, Donna?

22 MS. PLUNKETT: This is the public  
23 lands map of the Central Pine Barrens. This parcel  
24 is right adjacent to a lot of green area although  
25 it looks on the east side -- to the west of it is

1 still vacant, privately owned. Right in the  
2 middle.

3 MS. FILMANSKI: It's vacant?

4 MS. PLUNKETT: Yes.

5 MS. FILMANSKI: Are the subdivisions  
6 typically small lots such as we are looking at with  
7 this application?

8 MS. PLUNKETT: Well, it's mostly  
9 described property in this area. You are not  
10 going to find too many subdivisions. All of the  
11 lots along the river, from what we have been seeing  
12 to date, are described parcels that were created  
13 obviously way before zoning.

14 MS. FILMANSKI: With similar size  
15 characteristics of the subject application?

16 MS. PLUNKETT: Yes, I would say under  
17 zoning and then less than an acre or right around  
18 an acre or so.

19 MS. FILMANSKI: What is the size?

20 THE CHAIRMAN: Quarter acre.

21 Any other questions?

22 MS. FILMANSKI: There is a hardship  
23 application; correct?

24 MR. GIRANDOLA: What is the hardship?

25 MR. FOX: I think the hardship is they

1 owned the property for 50 years and they have paid  
2 taxes on it wishing to construct something so they  
3 would get the value from it.

4 MS. ROTH: Would this property be of  
5 any beneficial use if you used it in conformity  
6 with Article 57?

7 MR. FOX: To me, no. To the  
8 applicant, I doubt it very much. I don't see where  
9 we would be able to use it for anything along those  
10 lines. I think the question there is what she was  
11 pointing out -- it's right on the border of what is  
12 residential and what would be part of open space.

13 MR. SPITZ: Are there any dwellings  
14 across the street?

15 MR. FOX: To be honest, I can't answer  
16 that.

17 MS. LACHEMMEYER: I'm not sure.

18 THE CHAIRMAN: Any other questions?

19 MS. FILMANSKI: Is the dwelling  
20 supposed to be constructed by the applicant or is  
21 it an attempt to obtain a waiver for the purpose of  
22 selling the property?

23 MS. LACHEMMEYER: He is thinking about  
24 putting up a modular home on the property.

25 MR. SPITZ: Do you know how many

1 square feet of floor area?

2 MS. LACHEMMEYER: I believe we have  
3 that here. Under 1200 square feet.

4 MR. SPITZ: Would you consider that to  
5 be the minimum this land owner would require to  
6 alleviate the hardship which you plan to have?

7 MS. LACHEMMEYER: I know that the  
8 maximum allowed by the Town of Brookhaven is 1600  
9 square feet. He is under that and it is a minimum  
10 sized dwelling.

11 MS. ROTH: There is a minimum square  
12 footage required on a single family dwelling under  
13 Brookhaven.

14 MR. GIRANDOLA: Under the code, a  
15 thousand square feet. However, with the single and  
16 separate lots we have small lots with this which  
17 allows them to go down to 800 square feet depending  
18 on certain frontages.

19 MS. PLUNKETT: This was 1120.

20 MS. ROTH: One story.

21 MS. PLUNKETT: 1120 without the  
22 garage.

23 MS. LACHEMMEYER: The garage is  
24 existing.

25 MS. ROTH: It's existing?

1 MS. PLUNKETT: No, there's a building  
2 existing over here (indicating).

3 MR. FOX: No, the garage is there.

4 There was a building permit from 1970.

5 MS. PLUNKETT: Well, we went back and  
6 forth with Al before he even made his application,  
7 and it's a little confusing that Al is not here  
8 because we have been dealing with him all along,  
9 but he came before us before he even made the  
10 application and told us that there was a building  
11 over here back at that time and we went back --

12 MR. FRELENG: The concrete slab area?

13 MS. PLUNKETT: The original concrete  
14 slab area -- before he even made an application --  
15 to determine whether he would need to make an  
16 application and there was no mention of any garage  
17 being on the property.

18 MS. LACHEMMEYER: I'm sorry for  
19 whatever information he did or didn't give you.

20 MS. PLUNKETT: I don't know that that  
21 has any bearing on the --

22 MS. ROTH: Are you saying that this  
23 garage as shown here as a two car garage on the  
24 drawing is existing?

25 MR. FOX: That's correct.



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1 MS. LACHEMMEYER: And the concrete  
2 slab was a dog pen.

3 MR. SPITZ: So there is currently a  
4 two car garage on the property? I'm assuming it is  
5 there being used.

6 MS. LACHEMMEYER: Mr. Kristiansen  
7 parks his car there.

8 MR. SPITZ: So he does have some  
9 beneficial use of this property at this time?

10 MS. LACHEMMEYER: He parks his cars  
11 there, yes. This other house does not have a  
12 garage.

13 MR. FRELENG: The approval that you  
14 referred to in the 1970's that you say before was  
15 for --

16 MS. LACHEMMEYER: A house and a  
17 garage.

18 MS. PLUNKETT: But that has expired  
19 before our date so --

20 MR. FRELENG: That approval expired?

21 MS. PLUNKETT: Yes, that expired and  
22 that's why there was no--

23 MR. FRELENG: So the two car garage as  
24 constructed, the approval expired?

25 MS. PLUNKETT: I believe so, yes.

1 MR. GIRANDOLA: Do you have  
2 documentation showing that the two car garage  
3 exists?

4 MS. LACHEMMEYER: I have a copy of a  
5 photographs that it is there.

6 MR. FOX: To answer your question, I  
7 can't prove as to when it was constructed. That  
8 would be up to the applicant.

12 MS. ROTH: Maybe the assessor's report  
13 would show it and you could trace it back.

14 MR. GIRANDOLA: If that was the  
15 situation, he may not even have to be here.

16 MS. FILMANSKI: That's correct. We  
17 were all under the assumption that there is a slab  
18 on this property and that's why --

19 MR. GIRANDOLA: It could have been  
20 used as a house. I don't know. We need more  
21 information is all I am saying. Do you have an old  
22 C.O. Did he just build it? Do you have a C.O. for  
23 the garage?

24 MR. FOX: I understand the question.  
25 I just can't answer it.

1 MS. ROTH: I think we need to adjourn  
2 this.

3 MR. SPITZ: Before we do that, should  
4 we give a little direction as to why we are doing  
5 this?

6 MS. ROTH: Yes. Do you want to do  
7 that?

8 MR. SPITZ: Within the statute there  
9 is a non-development definition related to  
10 expanding upon an existing residential use, that  
11 you should review and please come back to us with  
12 some description of how that relates to the  
13 situation we have just become aware of; the  
14 existing garage.

15 In addition, under the hardship  
16 provisions there is a requirement that you make  
17 some statement as to whether or not the owner of  
18 the property has a beneficial use. You were asked  
19 about that this evening by counsel.

20 MR. FOX: I think the question was a  
21 little different.

22 MR. SPITZ: And the garage that we  
23 have found existing on the property would be of  
24 beneficial use to someone. We would like to go a  
25 little bit further in establishing that. If you

1 could be prepared to address those two concerns  
2 that we have when we re-open the hearing, we would  
3 be delighted to hear about it.

4 MR. GIRANDOLA: I think we want to see  
5 the determination for the single and separate.

6 MR. SPITZ: That apparently already  
7 exists. It's just a matter of --

8 MR. GIRANDOLA: Well, the title search  
9 has been approved by the Town. But you haven't  
10 gone before the building department.

11 MS. LACHEMMEYER: No.

12 MR. GIRANDOLA: Have you submitted the  
13 title search to the law department?

14 MS. LACHEMMEYER: I have submitted it  
15 to Glen Pisano. I don't know if he forwarded it  
16 to the law department. As a matter of fact yes,  
17 Christine Huff (phonetic). She sent it back to  
18 Glen Pisano.

19 MR. GIRANDOLA: We need that  
20 documentation.

21 MS. ROTH: I think it would be helpful  
22 if you look at the statute itself, Article 57  
23 Section 0121 subdivision 10, as to hardship  
24 criteria because it's the applicant's burden to  
25 show the commission that it meets those criteria

1 and is entitled to a hardship permit.

2 MS. PLUNKETT: This information was  
3 faxed to the land use company previously. So you  
4 might have this in your office already. I have  
5 faxed that portion of the statute to Al Wilkinson.

6 MR. FOX: The question I have is  
7 regarding let's say for argument's sake it's  
8 approved since 1971 -- at that point I'm trying to  
9 understand what happens then. You stated something  
10 to the effect that you wouldn't have to be here. I  
11 lost you at that point.

12 MR. GIRANDOLA: Well, based upon what  
13 you submitted as far as your documentation, you may  
14 be exempted -- it's grandfathered, let's put it  
15 that way.

16 MS. PLUNKETT: I had explained it to  
17 Al when I asked him to provide us with the  
18 information regarding the permit, what was on the  
19 site, and the survey he submitted only included the  
20 concrete slab and had nothing to do with the garage  
21 and that's when we came before the commission at a  
22 special meeting and discussed it and counsel made a  
23 determination at that time, based on the  
24 information you submitted, that it wasn't exempt  
25 but it may well be. So it's important that that

1 information is proper.

2 THE CHAIRMAN: We will continue the  
3 hearing and resume it on March 6th at 5:00 p.m.

4 MS. PLUNKETT: SEQUA is being done at  
5 the town level under the wetlands permit.

6 MS. ROTH; Did they coordinate it with  
7 you?

8 MS. PLUNKETT: Not to date but it was  
9 stated that --

10 MS. ROTH: Have you received anything  
11 definite?

12 MS. LACHEMMEYER: We were told by Glen  
13 that he could not issue anything definite until we  
14 get this issue resolved.

15 MR. GIRANDOLA: It's still open.

16 MS. PLUNKETT: We do not have a  
17 coordination letter from the Town yet.

18 THE CHAIRMAN: Has the staff contacted  
19 the Town to ask if they would be given a response  
20 immediately.

21 MS. PLUNKETT: This is probably going  
22 to be a type two action now.

23 THE CHAIRMAN: Motion to adjourn the  
24 hearing to March 6th.

25 MS. FILMANSKI: Motion.

1 CHAIRMAN: Second?

2 MR. FRELENG: Second.

3 CHAIRMAN: All those in favor say

4 aye.

5 (All members said aye.)

6 CHAIRMAN: Opposed?

7 (No opposition.)

8 CHAIRMAN: Motion carried.

9 (WHEREUPON, this hearing was

10 concluded.)

11 \* \* \*

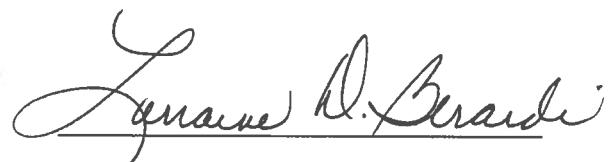
12 CERTIFICATION

13

14 I, LORRAINE D. BERARDI, Court Reporter,  
15 do hereby certify that the foregoing is a true and  
16 correct transcript of the proceedings held  
17 February 21, 1996, at Quogue, New York, in this  
18 matter.

19

20 Dated: March 9, 1996



21 LORRAINE D. BERARDI

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