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CENTRAL PINE BARRENS

JOINT PLANNING AND POLICY COMMISSION

In the Matter of the
Public Hearing on the
DOLORES BLAKE

Quogue Wildlife Refuge
Quogue, New York

May 14, 1997
5:15 p.m.

PUBLIC HEARING

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 DORIS ROTH, ESQ.
9 General Counsel for the Commission

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

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

14 WILLIAM SPITZ
15 State of New York, Representing the
16 Governor's Office

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

18 DONNA PLUNKETT
19 Staff to Commission

20 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. FRELENG: Andy Freleng, Chief
11 Planner for the Town of Southampton,
12 Representing Supervisor Cannuscio.

13 MR. COWEN: I'm Raymond Cowen. I am
14 here representing Governor Pataki.

15 MS. ROTH: Doris Roth, McMillan,
16 Rather, Bennett and Rigano, P.C., General
17 Counsel for the Commission.

18 CHAIRMAN: For the record I will read
19 the public notice that appeared in the local
20 papers:

21 "Notice of Public Hearing

22 "Pursuant to Environmental

23 Conservation Law Article 57-0121(10), notice
24 is hereby given that two public hearings will
25 be held by the Central Pine Barrens Joint

1 Planning and Policy commission on May 14,
2 1997, on the matter of two applications for
3 core preservation area hardship exemptions.

4 The subject of the hearings are:

5 "Applicant 1: Dolores Blake.

6 "Project Description: Applicant
7 requests a hardship exemption to subdivide
8 5.23 acres into three lots containing just
9 under two acres each in an A2 zoning
10 district.

11 "Project Location: West side of
12 William Floyd Parkway, north of New York
13 State Route 25, Ridge, Town of Brookhaven."

14 Is the applicant here wishing to make
15 a presentation to the commission?

16 Will you state your name.

17 MS. BLAKE: Dolores Blake, B-l-a-k-e.

18 I drove up from Philadelphia.

19 I'd like to divide the property so
20 possibly I could interest a builder in purchasing
21 it. I know this doesn't enter into it, but I have
22 personal reasons that I really need to do this. I
23 have a severely disabled son with obsessive
24 compulsive disorder. If I could divide it, I may
25 try to sell the front two and keep the back lot so

1 that I could maybe build something there so I would
2 know that he would be taken care of if something
3 should happen.

4 MR. FRELENG: Where are the three
5 lots that we are talking about?

6 MS. PLUNKETT: I could speak for the
7 Commission.

8 My name is Donna Plunkett, staff
9 member to the Commission.

10 We had a discussion about this. The
11 surveyor showed four lots and this is an existing
12 subdivision that's already built out. The
13 surveyor -- we had a lot of problems with
14 the surveyor, and Mrs. Blake, unfortunately, paid
15 him for this map and he didn't understand that she
16 only wanted the three lots and he made it four
17 lots. Her petition for the application states
18 clearly that she only wanted the three lots and I
19 think she did state that for the record as well.

20 MR. FRELENG: Just so I understand,
21 this whole strip is divided into three parcels.

22 MS. PLUNKETT: Right, that would be
23 the proposal.

24 MS WIPLUSH: What lots is this
25 proposed to be?

1 MS. PLUNKETT: Just a little bit less
2 than two acres and the zoning here is two acre
3 zoning so she would need to go to the Zoning Board
4 of Appeals to get the three lots. But she's coming
5 here first because she knows that if she doesn't
6 get our approval then she can't move forward with
7 any other part of that.

8 MS. WIPLUSH: What are these two lots?

9 MS. PLUNKETT: Those are adjacent
10 lots. She doesn't own them. It's just showing you
11 what is on either side. These two lots were
12 created pursuant to a land division some time prior
13 to the up zoning.

14 MR. COWEN: Do you know where the
15 access for those two lots are? Is it to the
16 north?

17 MS. PLUNKETT: This actually right
18 here is the flag for this lot. This darker line is
19 the property line for Mrs. Blake's property.

20 MR. COWEN: What's the nature of the
21 property?

22 MS. PLUNKETT: The property is
23 completely wooded. It's pine oak and rolling
24 topography. It's not flat. It's just south of the
25 Pines preserve. It's just south of the Pine trail

1 preserve area. However, remember we had that Bobby
2 McEnroe with the Patrick Lane subdivision, and he
3 came in and he got the vested rights. This is
4 all built out. This was built out prior to any of
5 the up zoning. Approximately half acre lots.

6 This is William Floyd Parkway and the
7 property is on the east side. Oh, I'm sorry --

8 CHAIRMAN: I would just like to make
9 a correction to the public notice. The property
10 is located on the east side of William Floyd
11 Parkway.

12 MS. PLUNKETT: The area along the
13 east side of William Floyd Parkway is not heavily
14 developed. There are scattered houses along the
15 road. On the west side of William Floyd you have
16 things like Leisure village and a few other larger
17 developments and just immediately to the rear part
18 of this piece is Hugo Estates. It's a mixture. I
19 can't tell you that it's developed or not
20 developed. You may want to drive out there and
21 take a look. You may want to drive today --

22 MR. FRELENG: Are these parcels
23 improved parcels?

24 MS. PLUNKETT: They are improved.

25 MR. FRELENG: So these parcels to the

1 south are improved?

2 MS. PLUNKETT: That's right.

3 MR. COWEN: To the north?

4 MS. PLUNKETT: Unimproved.

5 Well, he's going to have to go to get
6 a vested rights determination also. He had come in
7 two weeks ago and asked about that and he is
8 pursing the Zoning Board of Appeals right now.

9 MR. COWEN: But we think he may be
10 exempt from our jurisdiction; is that what you are
11 saying?

12 MS. PLUNKETT: Yes.

13 I would just like Mrs. Blake to
14 continue and explain a little bit of the history
15 and why you want the three lots.

16 Continue where you left off.

17 MRS. BLAKE: My late husband bought
18 this property 45 years ago and he died in '66, and
19 I have just been holding it thinking that when I
20 retired it would supplement my income. I have a
21 son with obsessive compulsive disorder and we are
22 heavily in debt, and I thought if I could sell the
23 property it would help me. I'm sorry I'm -- just
24 with the murder -- I've really been very stressed
25 out for the last few days. I don't mean to be

1 emotional.

2 MS. PLUNKETT: As you recall also,
3 since this is an unlisted action with SEQRA we did
4 coordinate -- if you recall Mrs. Blake had -- we
5 had given her the environmental assessment form and
6 she had difficulty in filling that out, and she had
7 difficulty in finding someone who could fill that
8 out for her at the price that she was able to pay,
9 and so it was partially incomplete and we did
10 receive a letter from that -- from her on that, but
11 we did, however, coordinate anyway -- the 30 day
12 coordination deadline is for May 28th. So
13 minimally, as of the June 4th meeting, if you have
14 no comments from these involved agencies, we would
15 have to make a determination at that time. So we
16 are coordinating the SEQRA -- that is the SEQRA
17 status at this time.

18 MR. FRELENG: That's Brookhaven --

19 MS. PLUNKETT: The involved agency?
20 Would be the county because it's County Road 46 and
21 the Health Department and the Town of Brookhaven.
22 Those are the three agencies that are involved.

23 MS. WIPLUSH: Have you spoken to those
24 agencies?

25 MS. PLUNKETT: Yes, that was done

1 already. So that was done already and the deadline
2 for that is May 28th. April 28th the letters were
3 forwarded -- went to Tom Kramer who is the person
4 in Brookhaven who is the contact person for SEQRA.

5 If there is more than one agency
6 within a town they have to forward it within their
7 own town. We can't anticipate -- we don't make
8 the determination of what's going to the zoning
9 Board of Appeals. We wouldn't be able to make that
10 in every case. While it's very clear in this case,
11 there are some cases when it would not be clear.

12 MR. COWEN: Let me see if I can walk
13 through some of the requirements here in the
14 statute -- specifically 570121.10A -- which are the
15 hardship requirements. I am going to do this by
16 asking Donna some questions. I will also ask you
17 some questions.

18 The subject property is bounded on the
19 south by a stream of nine or ten improved
20 properties; is that correct? They all have houses
21 on them?

22 MS. PLUNKETT: That's correct.

23 MR. COWEN: And to the south of that
24 there is another line of developed properties or
25 properties with the ability to be developed?

1 MS. PLUNKETT: That is right.

2 MR. COWEN: And to the north of the
3 subject property is a two lot subdivision that will
4 eventually be developed?

5 MS. PLUNKETT: And to the north of
6 that would be --

7 There are a couple of built out single
8 family lots -- just like one lot -- I don't know
9 whether they have the potential to be
10 subdivided but there are existing houses that are
11 there already.

12 MR. COWEN: And the nature of this
13 subject property is entirely wooded?

14 MS. PLUNKETT: It is, yes.

15 MR. COWEN: Would it be your opinion
16 that this would represent, the subject property
17 would represent in any way a positive or an
18 attribute to be acquired by the state or county, as
19 a connection or link to a trail system or anything
20 like that?

21 MS. PLUNKETT: In this case you do
22 have -- County Road 111 is just to the north --

23 MR. COWEN: So there is an existing
24 link --

25 MS. PLUNKETT: (Continuing) -- which

1 is there already.

2 MR. COWEN: So there's no reason to
3 have a second link through this property.

4 MS. PLUNKETT: No, in terms of the
5 north-south corridor, I don't anticipate that -- I
6 don't anticipate that happening.

7 MR. COWEN: Let me make sure that we
8 cover the east and the west. The westerly boundary
9 is William Floyd Parkway and the easterly
10 boundary -- what would be the parkway over there?

11 MS. PLUNKETT: State park.

12 MR. COWEN: Once again, just slightly
13 to the north there is already a corridor of
14 publicly owned property that provides access to
15 Brookhaven State Park?

16 MS. PLUNKETT: Yes, County Road
17 111 and the pine trail nature preserve. The
18 abandoned County Road 111.

19 MR. COWEN: Ms. Blake, how long have
20 you owned this property?

21 MS. BLAKE: 45 years. I held it that
22 long because I owned property -- I had a house in
23 Northport and I believe Newsday -- when they said
24 they were going to put the bridge over and I
25 thought I had very valuable property. I sold my

1 house just before real estate inflated. I made a
2 large error in judgment.

3 MR. COWEN: I think I tried to show
4 that there is really no other beneficial use of the
5 property as far as being public open space because
6 there is to the east a very large track of open
7 space property that is already publicly owned and
8 there is adequate access to the property right
9 now. From my prospective, I don't see
10 any other beneficial use for this property.

11 CHAIRMAN: Any other questions?

12 MR. COWEN: The nature and size of the
13 lots -- for instance what bounds the property to
14 the south? It is roughly what?

15 MS. PLUNKETT: Those are like about
16 half an acre or three-quarters of an acre. That
17 was done long before the A-5 zoning. This is A-2
18 zoning.

19 MR. COWEN: The two lots that are
20 north are roughly what size?

21 MS. PLUNKETT: Those are going to be
22 conformed to zoning. Those are slightly
23 non-conforming.

24 MR. COWEN: The ones to the south of
25 Patrick Lane are also non-conforming.

1 MS. PLUNKETT: That's right.

2 MR. COWEN: So what's proposed are
3 three lots which appear to be in character with the
4 area.

5 MS. PLUNKETT: Yes. In terms of lot
6 size. Again, minimum relief -- she will have to
7 go to the Zoning Board of Appeals to get three
8 lots.

9 MR. COWEN: But as far as this Board
10 is concerned --

11 MS. PLUNKETT: Yes.

12 CHAIRMAN: Is there anyone else in the
13 audience who wishes to address the Board?

14 MR. OLSEN: Yes, my name is Walter
15 Olsen. I would just like to start by saying I
16 don't know Mrs. Blake. I never met her before. So
17 I have no particular axe to grind on this
18 particular application, but in listening to her
19 situation and the fact that she's owned this
20 property for a great number of years and paid taxes
21 on it with the anticipation of some day using this
22 as a relief valve at a retirement age, I think the
23 commission is going to find themselves with similar
24 cases. I don't think anybody will fault the
25 commission for looking at this on a case by case

1 basis and ruling favorably on a situation such as
2 this. I think we need to look at the human
3 aspects of this and the fact that there are going
4 to be people such as Mrs. Blake who may not have
5 the resources to come in here with a high powered
6 attorney and present to you with all kinds of
7 excuses for why this should be done, and I think
8 legitimately, she deserves to get the value of this
9 property as much as she can, and I would urge the
10 commission to take all that into consideration and
11 give here the relief as you possibly can in this
12 situation.

13 CHAIRMAN: Thank you. Anyone else?

14 MS. ROTH: George, I just want to make
15 it clear for the record, that these records and
16 drawings indicate four lots. The application is
17 for three lots. I just want to make that clear.

18 CHAIRMAN: I bring the public hearing
19 to a close and I will leave the comment period open
20 until June 3rd which is the day before our next
21 meeting which is June 4th. By that time the SEQRA
22 process would have been completed and the
23 commission will be able to act on this application.

24 MRS. BLAKE: Thank you.

25 (WHEREUPON, this hearing was

1 concluded.)

2 * * *

3 CERTIFICATION

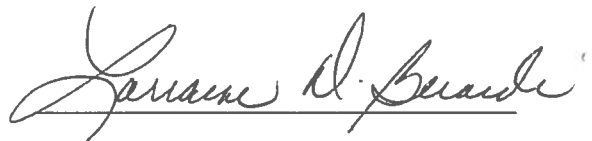
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5 I, LORRAINE D. BERARDI, Court Reporter,
6 do hereby certify that the foregoing minutes were
7 recorded by me and transcribed under my supervision
8 and are a true and correct transcript of the
9 proceedings held on May 14, 1997 at
10 Quogue, New York, in this matter.

11

12 Dated: May 23, 1997

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A handwritten signature in cursive script, reading "Lorraine D. Berardi", is written over a horizontal line.

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LORRAINE D. BERARDI

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