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CENTRAL PINE BARRENS

JOINT PLANNING AND POLICY COMMISSION

In the Matter of the
Public Hearing on the
of
RITA KRISTIANSEN

Medford, New York

March 6, 1996
5:30 p.m.

PUBLIC HEARING

1₁ A P P E A R A N C E S :

2₂ GEORGE PROIOS
Chairman
3₃ County of Suffolk

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

6₆ BRENDA FILMANSKI
Town of Riverhead
7₇ Alternate for Deputy Town Supervisor

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

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

11₁ JOHN GIRANDOLA
12₂ Representing Town of Brookhaven
Planning Division

13₃ RAY COWEN
14₄ State of New York
Representing the Governor's Office

15₅ JOHN GIRANDOLA
16₆ Town of Brookhaven
Planning Division

17₇ RAYMOND CORWIN, Executive Director of Central Pine
18₈ Barrens Joint Planning and Policy Commission

19₉ A L S O P R E S E N T :

20₀ DONNA PLUNKETT
21₁ Staff to Commission

22₂ LORRAINE TREZZA

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2 CHAIRMAN: I would like to reconvene
3 the Kristiansen core hardship application which
4 originally began on February 21, 1996. At that
5 time, if you recall, we had requested some
6 documentation indicating that the property was, in
7 fact, single and separate and that there was a
8 review performed by the Town that it was single and
9 separate ownership. We have in front of us a
10 document dated February 26th, 1996 signed by Glen
11 Pisano from the Town of Brookhaven. It indicates
12 that they reviewed the parcel. I will just read
13 the appropriate last sentence. It says, it was
14 determined by our law department the subject
15 property has been held in single and separate
16 ownership since July 17, 1989 to the present.

17 MS. ROTH: Let's mark that as Exhibit
18 A.

19 (WHEREUPON, the above-referred to
20 document, was marked as Exhibit A, as of this
21 date.)

22 THE CHAIRMAN: Is the applicant or his
23 representative here?

24 MR. FOX: Bob Fox.

25 MR. WILKINSON: Al Wilkinson.

1 MR. FOX: I have a question regarding
2 that title search that goes back to single and
3 separate -- not that it makes any difference but in
4 the actual document it states something to the
5 effect that which agrees with the tax lot
6 designation that it was single and separate prior
7 to that -- it has something to do with rezoning.
8 Can anybody shed any light on that as far as maybe
9 it goes back prior to '89? There was a rezoning in
10 the area at that time. Did that necessarily change
11 the ownership?

12 MS. PLUNKETT: No, the single and
13 separate status is related to when the up-zoning
14 occurred. So that is a Town issue. You need to
15 speak to the Town if you have a question about
16 that.

17 MR. FOX: I'm not sure. I don't think
18 it makes a difference.

19 THE CHAIRMAN: It's not relevant to the
20 commission. We just need to know whether it's
21 single and separate prior to June of 1993. That is
22 all our concern was.

23 MR. WILKINSON: We have a hardship
24 application statement that I will read.

25 Due to the surrounding physical

1 features and configuration of the applicant's
2 property, a refusal of this wavier to construct a
3 single family dwelling would result in an
4 extraordinary hardship. The property measures
5 approximately 130 feet deep by 100 feet wide. The
6 boundaries of the property lie along the Peconic
7 River to the north and South River Road to the
8 south which are natural physical boundaries that
9 restrict construction of any kind. The parcel has
10 no reasonable use other than for the
11 construction of a single family dwelling. Single
12 family houses already exist in the area to the west
13 and south west. The creation of this parcel fully
14 intended to accommodate a single family dwelling.
15 That intent has never changed.

16 If a waiver is not granted, the
17 applicant will suffer an economic hardship in the
18 amount of approximately \$75,000 (approximate
19 value). The relief of hardship will far outweigh
20 the benefit derived by preserving this lot as part
21 of the Core Preservation Area.

22 The granting of the permit will not be
23 detrimental or injurious to other properties in the
24 area. Construction of the proposed single family
25 dwelling will coincide with other single family

1 dwellings on South River Road. The structure will
2 in no way impair the resources of the Core
3 Preservation Area. The immense parcel directly to
4 the east is designated as Parkland, making the
5 applicant's parcel unique to the area in that it
6 would be the last structure before the Parkland
7 begins. The general spirit and intent of Article 8
8 of the Pine Barrens Statute will therefore be
9 maintained. The vegetation on this parcel is
10 similar to that found along the riverfront to the
11 west and differs drastically from the Parkland to
12 the east, which consists mostly of pines.

13 This parcel has been held in single
14 and separate ownership since 7/17/89. The
15 applicant intends to abide by all other zoning and
16 setback requirements as outlined by the
17 municipalities and/or regulatory agencies involved.
18 Since any proposed use of this parcel will be
19 significantly restrained by the Scenic and Wild
20 Rivers Act, New York State DEC freshwater wetlands
21 regulations, and the town zoning requirements, the
22 granting of this waiver will not allow complete or
23 unrestrained use.

24 The only other thing I can say about
25 this is -- we have a tax map here and on the tax

1 map the lots, according to the map, are clearly
2 divided into parcels which are for the intent of
3 the construction of houses and they are the last
4 lot before the parkland actually begins. If you
5 look at the map, it just seems to us that the line
6 should have been drawn to not include his property.
7 Just by looking at the tax map it appears that the
8 intent was to build a dwelling there.

9 MS. FILMANSKI: What is the present
10 use of the parcel?

11 MR. WILKINSON: Right now I believe he
12 parks his cars there which was not his original
13 intent when he purchased the property.

14 MS. PLUNKETT: There is a structure on
15 the parcel.

16 MR. WILKINSON: That's correct. You
17 could say that was his use, but not his intended
18 use of the parcel.

19 MR. SPITZ: Does the map that you have
20 given us, Exhibit 1, show the existing structure on
21 the property?

22 MR. FOX: Yes, it does.

23 MR. SPITZ: Are they labeled? Is
24 there any way for me to ascertain which is in
25 existence and which is not?

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MR. FOX: The ones that are proposed are marked proposed. The existing ones are marked family dwelling or whatever it is.

MR. SPITZ: It would appear then that there is a 22 by 24 foot two-car garage on the property at this time and in addition to that there is a 20 by 14 concrete slab on the property at this time. There is an existing dry well to be removed?

MR. FOX: The slabs are supposed to come out. It could very well be. I can't answer that question.

MS. FILMANSKI: It says below it proposed dry well.

MR. SPITZ: My next question is then what is the use of that existing dry well. Does it service, for instance, the residential structure situated to the west?

MR. FOX: That very well proposed -- to be removed -- label the slab. It is labeled twice.

MR. SPITZ: The fill area is not labeled proposed. Is that a fill area today or is that a proposed regrading?

MR. FOX: I have to assume that that is proposed fill.

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MR. SPITZ: Proposed fill?

MR. FOX; Yes.

MR. SPITZ; And a proposed retaining wall?

MR. WILKINSON: Yes.

MR. SPITZ: Around the entire front yard of the proposed development?

MR. FOX: Well, to contain the septic system, yes.

THE CHAIRMAN: Do you know whether or not that existing structure is sufficient to constitute the existing building?

MS. ROTH: Well, the use is non-development.

MR. COWEN: Do you have a DEC permit for this project?

MR. FOX: No, I don't believe so. I think they are very close to the base. They are waiting for an answer.

MR. COWEN: Who is they?

MR. FOX: The DEC is waiting for input from the Pine Barrens.

MR. COWEN: Is there a river permit and a wetlands permit?

MR. FOX: Yes.

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MR. COWEN: What size is the adjacent lot?

MR. FOX: Very similar according to the tax map.

MR. WILKINSON: Which lot?

MS. PLUNKETT: The one that they live on.

MR. WILKINSON: According to the tax map that is approximately 85 by 150.

MR. COWEN: 85 feet of frontage on the road?

MR. WILKINSON: That's correct.

MR. SPITZ: This does not have health department approval at this time; that will be subsequent to the action here?

MR. FOX: That is correct.

MS. ROTH: Is the ownership of the adjacent lot the same on the date as the ownership of this lot?

MR. WILKINSON: The one in question is in his wife's name. The lot to the west is in his name.

MR. COWEN: What stage are you in in the Town of Brookhaven?

MR. WILKINSON: We are near the end

1 actually. It's pending the Pine Barrens decision.
2 We have been dealing with them on other issues and
3 being this organization came into being, they put
4 that on hold until this decision was made.

5 MR. COWEN: Can you describe the range
6 of permits or special approval that you need from
7 the Town of Brookhaven? What are they?

8 MR. WILKINSON: I believe they are --
9 it's a wetland and waterways permit application
10 that we submitted and that is currently being
11 looked at right now.

12 MR. COWEN: There is no variance
13 required from zoning or anything like that?

14 MR. WILKINSON: As far as the Town of
15 Brookhaven, I don't believe so. That would
16 probably have to come from the DEC.

17 MR. GIRANDOLA: Aren't these below the
18 zoning requirements?

19 MR. WILKINSON: Right now we weren't up
20 to that point right now.

21 MS. PLUNKETT: They got their own
22 separate from the town.

23 MR. GIRANDOLA: single and separate?

24 MS. PLUNKETT: I handed it out at the
25 beginning of the meeting.

1 MR. SPITZ: On that issue though the
2 applicant's statement that it's been single and
3 separate since 1989 and the Fidelity National Title
4 Search shows 1947 --

5 MR. WILKINSON: That was up-zoned in
6 '89 from I believe from A2 residential to A10
7 residential.

8 MS. PLUNKETT: They only have to prove
9 for the Town the single and separate status up to
10 the last rezoning.

11 MR. SPITZ: So both statements are
12 correct?

13 MS. PLUNKETT: Yes.

14 MR. SPITZ: Thank you.

15 MR. COWEN: Do you know if this is in
16 the scenic or recreational part of the Peconic
17 River? Are you familiar with that?

18 MR. FOX: I don't know.

19 MS. PLUNKETT: Yes, it is.

20 THE CHAIRMAN: The two car garage is up
21 already?

22 MR. SPITZ: And actually I think there
23 is also the subject of an initial inquiry a long
24 time ago from the applicant concerning whether they
25 would come under our jurisdiction, given that there

1 was a slab on the property and a garage at that
2 point.

3 THE CHAIRMAN: Any other questions?

4 MR. COWEN: Do you know what the
5 storage use of that slab was?

6 MR. FOX: I have no idea. I used to
7 live across the river in '89. The garage was up
8 then. I don't recall seeing the slab. I couldn't
9 tell you.

10 MR. COWEN: So there never was a
11 structure on the slab?

12 MR. FOX: I think someone said it was
13 a dog pen.

14 THE CHAIRMAN: Any further questions?

15 (WHEREUPON, there was no response.)

16 THE CHAIRMAN: Is there anyone from the
17 public who wishes to address this application?

18 (WHEREUPON, there was no response.)

19 THE CHAIRMAN: If not, I will close the
20 public hearing and leave the comment period open
21 until the close of business on March 19th which is
22 the day before our next meeting. At that time the
23 commission will make a decision.

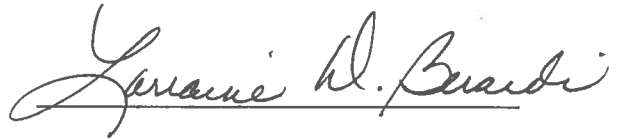
24 (WHEREUPON, this hearing was concluded
25 at 5:45 p.m.)

* * *

CERTIFICATION

I, LORRAINE D. BERARDI, Court Reporter,
do hereby certify that the foregoing is a true and
correct transcript of the proceedings held
March 6, 1996 at Medford, New York, in this
matter.

Dated: March 18, 1996



LORRAINE D. BERARDI