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## CENTRAL PINE BARRENS

## JOINT PLANNING AND POLICY COMMISSION

4 PUBLIC HEARING

5 COMMISSION OFFICE, GREAT RIVER

6 SEPTEMBER 26, 2001

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10 PRESENT:

11 GEORGE PROIOS - Acting Chairman

12 BRENDA PRUSINOWSKI - Member

13 RICHARD HANLEY - Member

14 JEFF MURPHREE - Member

15 WILLIAM SPITZ - Member

16 RAY CORWIN - Member

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18 **Counsel**

29 JUDY GROSSBER  
Commission Staff  
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21 BethAnne Mennonna  
Court Reporter

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2 MR. PROIOS: I'd like to call the  
3 public hearing to order. My name is George  
4 Proios. I'm acting Chairman on behalf of  
5 Robert J. Gaffney, the Suffolk County  
6 Executive, who is Chairman of the  
7 Commission.

8 I would like the other members of the  
9 Commission to introduce themselves, starting  
10 to the far right.

11 MS. PRUSINOWSKI: Brenda Prusinowski,  
12 I represent the Brookhaven Town Supervisor,  
13 John J. Lavalle.

14 MR. HANLEY: Richard Hanley, acting  
15 on behalf of Robert F. Kozakiewicz, the  
16 Planning Director of the Town of Riverhead.

17 MR. MURPHREE: Jeff Murphree,  
18 Assistant Town Planning and Development  
19 Director, Town of Southampton, representing  
20 Town Supervisor, Vincent Cannuscio.

21 MR. SPTIZ: William Spitz, on behalf  
22 of Ray E. Cowen. Ray Cowen represents the  
23 Governor on the Commission.

24 MR. RIGANO: James Rigano, counsel to  
25 the Commission.

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2 MR. CORWIN: Ray Corwin, Commission  
3 Staff.

4 MS. JACOBSEN: Judy Jacobson,  
5 Commission Staff.

6 MR. PROIOS: For the record, I'll  
7 read the public notice published with  
8 respect to this hearing. "Pursuant to the  
9 Environmental Conservation Law Article  
10 57-0121(10), notice is hereby given that two  
11 public hearings will be held by the Central  
12 Pine Barrens Joint Planning and Policy  
13 Commission on September 26, 2001 on the  
14 matter of the following applications for a  
15 core preservation area hardship exemption.

2                   Would the staff care to make a  
3                   presentation to the Commission first?

4                   MS. JACOBSEN: I have a few staff  
5                   exhibits to submit.

6                   Please mark these.

7                   (The above-mentioned documents were  
8                   marked as Staff Exhibits 1 through 4 for  
9                   identification.)

10                  The first staff Exhibit 1 is the  
11                  cover sheet.

12                  The second staff exhibit is the 1999  
13                  aerial photo showing the subject parcel  
14                  (outlined in red) which is in front of  
15                  George. It's a photo produced using a  
16                  Geographic Information system program  
17                  entitled ArcView 3.2. the aerial photo was  
18                  obtained from a project involving a  
19                  consortium of municipal agencies and also a  
20                  part of the Suffolk County Police E-911  
21                  project. The photo is not ortho-rectified  
22                  and property lines drawn on this photo are  
23                  not necessarily to scale.

24                  Exhibits three and four are photo  
25                  prints, which are also on the table, that

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2 were taken at the site during a visit by  
3 staff on September 21, 2001. The photos  
4 were taken using an Olympus model 2020  
5 digital camera. The photos were processed  
6 using Olympus Camedia Master Version 1.2  
7 software. The photos show existing wooded  
8 site.

12 MR. PROIOS: Thank you. Would the  
13 representative care to sit at the table and  
14 provide other information that you have.

15 Introduce yourself, for the record.

16 MR. PINO: Robert Pino, representing  
17 Anna Marie and Alexander Czarnecki.

18 ROBERT PINO,

19 having been first duly sworn by a  
20 Notary Public of the State of New York,  
21 was examined and testified as follows:

22 MR. PROIOS: Go ahead.

23 MR. PINO: I'm applying for a core  
24 preservation hardship permit for this piece  
25 of property. It's .92 of an acre. It's,

2 right now, surrounded by, to the northeast  
3 and west, by existing single family  
4 dwellings.

5 We're proposing to put a single  
6 family dwelling on the property with a  
7 minimum of clearing, which would be set  
8 forth by the Planning Department, which I  
9 believe is 22 percent of the property.  
10 We're going to put in a single driveway,  
11 approximately, 12 foot wide. The project  
12 should take, approximately, five months.

13 The sanitary system and Suffolk County Water  
14 Authority main.

15 The property has been owned by the  
16 same people since, approximately 1956, and  
17 they're selling it as part of their  
18 retirement.

19 MS. PRUSINOWSKI: Are you the owner?  
20 MR. PINO: No. I'm representing the  
21 owner.

22 MS. PRUSINOWSKI: Who are the  
23 Czarnecki's?

24 MR. PINO: They're the owners of the  
25 property. Right now they're out of state.

2 They live out of state.

3 MR. PROIOS: Will you be living there?

4 MR. PINO: No. Build it and sell it.

5 MR. PROIOS: Did you go through the  
6 actual provisions that the law described  
7 hardship and those issues?

8 MR. PINO: Yeah. I went through it,  
9 the best I've understood them. I've never  
10 done this before, so. I went through it. I  
11 wrote in here pretty much what I believed,  
12 to try to meet the hardship. I don't know  
13 what else to -- I've never --

14 MR. MURPHREE: What's the variance  
15 needed for?

16 MR. PINO: The variance should be  
17 single and separate. It's been single and  
18 separate, since 1956. It's A-5 zoning, but  
19 it was owned before the zoning was changed.

20 MR. PROIOS: Any other questions?

21 MR. RIGANO: You said under the town  
22 requirements you could only clear 22  
23 percent?

24 MR. PINO: I believe 22 percent. By  
25 the Planning Board.

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2 MR. RIGANO: It's a .92 parcel?

3 MR. PINO: Yes.

4 MR. RIGANO: 22 percent of .92 is  
5 about a fifth of an acre. Two zero acres.

6                           Would that be sufficient? You could  
7                           build a house on that?

12 It's either between 22 or 25 percent.  
13 I'm not a hundred percent sure.

14 MS. PRUSINOWSKI: I figure -- I  
15 believe it's 20 percent, Jim.

16 MR. RIGANO: Where would the house be  
17 located on North Street?

18 MR. PINO: Off North street.

19 Approximately. 70 feet off North Street.

20 MR. RIGANO: So you would expect to  
21 clear about 20 percent of the part of the  
22 parcel on North Street.

23 MR. PINO: Off of North Street. We  
24 would just clear a driveway coming in, and  
25 there would be an area around where the

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2 house would be, the front of the house and  
3 the side. And along the side would be left  
4 wooded. It would be conforming to the other  
5 houses in the neighborhood.

6 MR. RIGANO: The property has been  
7 owned by the current owner for how long?

15 How does this property differ from  
16 the surrounding properties in the immediate  
17 vicinity? You said something that the other  
18 properties were developed.

19 MR. PINO: The property surrounding  
20 it to the north, east and west each have a  
21 single family dwelling on it, right now.  
22 And the property, two properties to the  
23 west, was just granted permission to build  
24 by the Pine Barrens Association.

25 MR. RIGANO: Which property is that?

2 MR. PINO: If you would look, going  
3 down North Street, there's a single family  
4 house. The one to the west.

5 MR. RIGANO: Do you envision that if a  
6 permit were granted that it would increase  
7 the danger of fire in the area?

11 MR. RIGANO: How would sewage be  
12 handled?

16 MR. RIGANO: Would it be possible to  
17 build this house with less clearing than the  
18 20 or 22 percent that you've mentioned?

19 MR. PINO: It may be. I don't know.  
20 I don't think so, honestly. We wouldn't be  
21 able to, you know, operate a machine in to  
22 dig the hole for a foundation, having  
23 cleared at least a little bit more around  
24 the house.

25 MR. RIGANO: I don't have anything

2 further.

3 MR. PROIOS: Does this meet the  
4 criteria for the parcel by the Commission?

5 MS. PRUSINOWSKI: Yes. By my  
6 recollection, this was placed on the new  
7 core exemption list. But I would have to  
8 check that tomorrow.

9 MR. PROIOS: Any further questions by  
10 the Commission? If not, are there any  
11 members of the public wishing to address the  
12 Commission on this application?

13 MR. OLSEN: Yes. My name is Walter  
14 Olsen, President of the Civil Property  
15 Rights Associates.

16 I'd just like to comment that it  
17 seems pretty clear that if this property  
18 isn't on the new exempted list, it probably  
19 should have been, where it is surrounded by  
20 other development.

21 So, I think it makes good sense. It  
22 doesn't offer anything in the way of  
23 preservation value. I think it makes good  
24 sense to allow the developer to go forward;  
25 particularly where the infrastructure is

2 there.

3 The other comment I would have is  
4 that -- the suggestion that maybe less  
5 clearing could be done, I don't think is a  
6 good one, because when you consider only 20  
7 percent clearing on that lot. I think  
8 you're going to create somewhat of a fire  
9 hazard if the vegetation in that area is too  
10 close to the building. For fire reasons, I  
11 think, if anything, that clearing limit  
12 should probably be increased.

13 One suggestion I would have, as far  
14 as the clearing limit, I don't see why they  
15 wouldn't be allowed the same clearing limits  
16 as a one acre lot, since it is pre-existing;  
17 rather than having them meet the  
18 requirements of a five acre zone. So, I  
19 would suggest that 20 percent is a bare  
20 minimum. And I would urge the commission to  
21 approve it.

22 MS. PRUSINOWSKI: Were there any  
23 other structures, that you're aware of, on  
24 this site in the past?

25 MR. PINO: No.

2 MS. PRUSINOWSKI: Any foundation?

3 MR. PINO: Nothing.

4 MR. PROIOS: Any other comments from  
5 the public? If not, I'll close the public  
6 portion of the hearing and ask the  
7 Commission if they would like to take action  
8 on this today or wait until our next  
9 meeting?

10 MR. SPTIZ: Correct me if I'm wrong.

11 The two lots to the west are both one  
12 hundred percent wood, both similarly sized.  
13 Perhaps the one difference on this one is  
14 it's more surrounded by development than the  
15 one we approved a short time ago.

16 MR. PROIOS: Yes.

17 MR. MURPHREE: Do we have the  
18 condition for the other house?

19 MR. PROIOS: I think we approved it.

20 MR. MURPHREE: I believe there are  
21 clearing limitations on there.

22 MS. PRUSINOWSKI: That was  
23 eliminated, subsequently.

24 MR. MURPHREE: I have no problems  
25 taking action on it.

2 MR. SPTIZ: I would also note, for  
3 the record, I believe the applicant said it  
4 would front on a portion of the parcel -- be  
5 constructed on a portion of the parcel that  
6 fronts North Street. And in so doing, that  
7 would put a portion of the property as far  
8 away from the wild river corridor. And,  
9 therefore, that would be a favorable  
10 condition to building and any approval we  
11 might grant today.

12 MR. PROIOS: Would someone like to  
13 make a motion?

18 MS. PRUSINOWSKI: Per Town of  
19 Brookhaven standards.

20 MR. PROIOS: Per Town of Brookhaven  
21 standards

22 MS. PRUSINOWSKI: Will anyone second  
23 the motion?

24 MS. BRUSINOWSKI: till second

25 MR. PROTOS: All those in favor say aye.

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aye.

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MR. HANLEY: Aye.

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MR. MURPHREE: Aye.

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MR. RIGANO: Aye.

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MS. PRUSINOWSKI: Aye.

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MR. PROIOS: Anyone opposed? No one  
opposed. Motion carries. Thank you.

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6	STAFF		
	<u>EXHIBIT</u>	<u>DESCRIPTION</u>	<u>PAGE</u>
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8	2	Aerial photo	4
9	3	Photo prints	4
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5                   I, BETHANNE MENNONNA, a Notary Public  
6       within and for the State of New York do hereby  
7       certify that the foregoing is a true and accurate  
8       transcript of the proceedings as taken  
9       stenographically by myself at the time and place  
10      aforementioned.

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IN WITNESS WHEREOF I have hereunto set  
my hand this 16th day of October, 2001.

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BETHANNE MENNONNA

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