

CENTRAL PINE BARRENS
JOINT PLANNING AND POLICY COMMISSION
PUBLIC HEARING
COMMISSION OFFICE, GREAT RIVER
SEPTEMBER 26, 2001

PRESENT:

GEORGE PROIOS - Acting Chairman

BRENDA PRUSINOWSKI - Member

RICHARD HANLEY - Member

JEFF MURPHREE - Member

WILLIAM SPITZ - Member

RAY CORWIN - Member

JAMES RIGANO
Counsel

JUDY JACOBSEN
Commission Staff

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.

MR. CORWIN: Ray Corwin, Commission Staff.

MS. JACOBSEN: Judy Jacobsen, Commission Staff.

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

The first applicant is Anna Marie and Alexander Czarnecki, in care of Robert Pino. The project files a request for a core preservation area hardship permit to construct a 70 foot by 35 foot single family home with sanitary system on a .92 acre site, zoned A-5 Residence. It's located on the north side of North Street, west of Wading River Road, Manorville, in the Town of Brookhaven; tax map number, 200-460-1-9.

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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.

9 The last exhibit is staff exhibit
10 five, with an issue date of 9/26/01. That's
11 all I have.

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 R O B E R T P I N O,

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,

1
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.

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They live out of state.

MR. PROIOS: Will you be living there?

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

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

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

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

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

MR. PROIOS: Any other questions?

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

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

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

MR. PINO: Yes.

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

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

MR. PINO: Yeah. We're going to have minimum side and back yards. Basically, the Planning Board won't allow you anymore than that anyway, as far as clearance.

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

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

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

MR. PINO: Off North Street. Approximately, 70 feet off North Street.

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

MR. PINO: Off of North Street. We would just clear a driveway coming in, and 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?

8 MR. PINO: Since, approximately,
9 1956. He couldn't give me an exact date.
10 He said sometime in 1956.

11 MR. RIGANO: I'd like to ask you some
12 questions regarding the criteria involving a
13 core area hardship permit. And if you could
14 answer the questions, it would be helpful.

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?

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

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

MR. PINO: No. If anything, it would possibly decrease. It would be a break. I don't see an increase at all.

MR. RIGANO: How would sewage be handled?

MR. PINO: Sewage would be sent to the Suffolk County Health Department cesspool system.

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

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

MR. RIGANO: I don't have anything

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further.

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

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

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

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

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

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

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there.

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

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

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

MR. PINO: No.

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MS. PRUSINOWSKI: Any foundation?

MR. PINO: Nothing.

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

MR. SPTIZ: Correct me if I'm wrong. The two lots to the west are both one hundred percent wood, both similarly sized. Perhaps the one difference on this one is it's more surrounded by development than the one we approved a short time ago.

MR. PROIOS: Yes.

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

MR. PROIOS: I think we approved it.

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

MS. PRUSINOWSKI: That was eliminated, subsequently.

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

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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?

14 MR. MURPHREE: I'll make the motion
15 with the conditions that they build along
16 with the clearing limitation, just as
17 proposed.

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. PRUSINOWSKI: I'll second.

25 MR. PROIOS: All those in favor say

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aye.

MR. HANLEY: Aye.

MR. MURPHREE: Aye.

MR. RIGANO: Aye.

MS. PRUSINOWSKI: Aye.

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

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Czarnecki
I N D E X

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E X H I B I T S

<u>STAFF EXHIBIT</u>	<u>DESCRIPTION</u>	<u>PAGE</u>
1	Cover sheet	4
2	Aerial photo	4
3	Photo prints	4
4	Staff report	4

C E R T I F I C A T E

I, BETHANNE MENNONNA, a Notary Public
within and for the State of New York do hereby
certify that the foregoing is a true and accurate
transcript of the proceedings as taken
stenographically by myself at the time and place
aforementioned.

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


BETHANNE MENNONNA