

Certified Copy

**In the Matter Of:**

**CENTRAL PINE BARRENS**

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**JOINT PLANING AND POLICY COMMISSION**

*July 16, 2014*

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CENTRAL PINE BARRENS

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JOINT PLANING AND POLICY COMMISSION

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340 Smith Road Hill  
Shirley, New York, 11967

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July 16, 2014  
3:00 p.m.

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BEFORE: PETER SCULLY, Chair

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1 A P P E A R A N C E S :

2 JOHN W. PAVACIC, Executive Director  
3 Central Pine Barrens

4 JANET LONGO, Member

5 SEAN WALTER, Member

6 DAN McCORMICK, ESQ.  
7 Attorney, Town of Riverhead

8 JOHN MILAZZO, ESQ.  
9 Attorney, Town of Riverhead

10 MARTY SHEA,  
11 Town of South Hampton

12 JUDITH E. JAKOBSEN,  
13 Policy and Planning Manager  
14 Central Pine Barrens

15 JULIE HARGRAVE,  
16 Senior Environmental Planner  
17 Central Pine Barrens

18 BRENDA PRUSINOWSKI,  
19 Representing Brookhaven Town Supervisor Edward  
20 Romaine

21 SARAH LANDSDALE, Representing Suffolk County  
22 Executive for Supervisor Steven Bellone

23 ANDREW FRELENG, Chief Planner

24

25

1 CHAIRMAN SCULLY: I ask the board, I ask  
2 the Commission's representatives' designees to  
3 identify themselves for the record, please.

4 MR. FRELENG: Andy Freleng, County of  
5 Suffolk, Economic Development and Planning.

6 MS. LONGO: Janet Longo, from Suffolk  
7 County.

8 MS. PRUSINOWSKI: Brenda Prusinowski,  
9 representing Brookhaven Town Supervisor Edward  
10 Romaine.

11 MS. LANDSDALE: Sarah Landsdale,  
12 representing Suffolk County Executive Steve  
13 Bellone.

14 MR. WALTER: Sean Walter, member.

15 MR. SHEA: Marty Shea, representing  
16 South Hampton Town Supervisor Anna Throne-Holst.

17 CHAIRMAN SCULLY: Peter Scully,  
18 representing the Governor of the State of New York.

19 We will turn first to staff.

20 MS. HARGRAVE: Thank you.

21 This application is, the project site  
22 is, the gross area is 0.014 acres and it's on the  
23 east side of Bellows Pond Road in Hampton Bays,  
24 just north of Montauk Highway.

25 The exhibits you have before you, I will

1 just read them for the record:

2 A is the draft staff report.

3 B is a copy of the tax map covering the  
4 project site.

5 C is an areal photograph, 2013 areal of  
6 the project site.

7 D is an overview of the location of the  
8 site in relation to the core, which is further  
9 north and to the west.

10 E is the pictures of the project site  
11 taken in May and July of this year.

12 F shows the site plan, the proposed site  
13 plan for the church and the parking lot.

14 G is a copy of the DEC Natural Heritage  
15 Program Report for the project site.

16 H is the applicant's explanation of  
17 conformance with the standards of Land Plan.

18 I -- I am sorry, that was H. I is the  
19 applicant's hardship potential.

20 So just to briefly go through the staff  
21 report again, this applicant seeks relief from the  
22 clearing standard. The site is cleared currently  
23 to approximately a limit of about 65 percent, which  
24 is the limit for the site. It's in the highway  
25 business so the zoning district is -- just to the

1        north is a residential zone but this site is  
2        commercially zoned and already is developed with a  
3        church. This would be to demolish that building,  
4        that structure and build a new church, 4,970 square  
5        feet and 66 parking spaces.

6                However, the applicant is here and they  
7        will explain -- they have been discussing with the  
8        town some opportunities they may have to reduce  
9        their parking to comply with the clearing limit.  
10        They may not need your relief after all, but are  
11        going to be working on the plan with the town to  
12        try to reduce the amount of parking they need  
13        because many of their parishioners do not have  
14        vehicles so they are bussed in and they don't need  
15        that much parking that would be required under the  
16        code, which is a very conservative amount of  
17        parking.

18               So we will hear from them and the secret  
19        action is unlisted and no recorded review occurred.  
20        We heard from the SHPO and they said no cultural  
21        resources were accepted on the site.

22               To the north of the site is generally  
23        developed with residential leases and to the south  
24        is the commercial corridor of Montauk Highway.

25               The site, like I said, is developed with

1 a church now and mostly is heavily cleared already.  
2 So there are trees randomly disbursed on the site,  
3 mostly on the edge, so that's generally where the  
4 new building would be constructed, with some  
5 parking in the rear and on the south side.

6 MS. PRUSINOWSKI: What is the current  
7 site plan?

8 MS. HARGRAVE: We don't have an existing  
9 survey. We can ask for that. It's close to the  
10 limit, but not just at the limit as far as we  
11 understand. We may be able to do a little bit more  
12 clearing and reach the clearing limit and not  
13 exceed that. If they can do that, if five years  
14 from now they need -- they find that it does not  
15 work for them anymore, if the parish grows, they  
16 may come back at that time, but they may be able to  
17 reduce their limits now to meet the standards.

18 They do need and they will purchase a  
19 primary residence credit to allow for more flow on  
20 the site up to 600 gallons a day, so that they  
21 understand the Health Department will need to  
22 redeem the credit.

23 That is it.

24 CHAIRMAN SCULLY: Questions for Julie?  
25 (No response.)

1                   If not, is there a representative of the  
2 applicant here?

3                   MR. ZAHN: Yes.

4                   CHAIRMAN SCULLY: Please identity  
5 yourself and be sworn in.

6                   MR. ZAHN: Sure.

7                   COURT REPORTER: Please state and spell  
8 your name for the record.

9                   MR. ZAHN: Jeff Z A H N.

10                  Whereupon,

11                  JEFFERY ZAHN,  
12 after having been first duly sworn by the Court  
13 Reporter, was examined and testified as follows:

14                  MR. ZAHN: Yesterday, Martin from Port  
15 St. Lucy had a conversation with Martin Shea  
16 regarding the town's request for the limit of  
17 clearing, and it was brought to our attention that  
18 the town would be acceptable of reducing the amount  
19 of parking allowed for the site, which makes a  
20 little bit of a difference on what we are here for,  
21 seeking a variance of the clearing house.

22                  If they are acceptable to reducing the  
23 amount of parking, we haven't even looked at the  
24 actual parking numbers, just really quickly, if we  
25 reduced it to the 65 percent limit, where this

1 basically dashed line is, we are just about 40 cars  
2 instead of the 80 cars, Martin said that Claire was  
3 working -- she was able to shoehorn in another  
4 eight or nine cars in there, which would bring it  
5 closer to 50. If that's the case, we don't have a  
6 problem with that. It's just something that we did  
7 not really have a chance to take a look at.

8 CHAIRMAN SCULLY: Anything else that  
9 you wanted to add?

10 MR. ZAHN: No.

11 CHAIRMAN SCULLY: Questions?

12 MR. SHEA: Just for clarification for  
13 the Commission: The project is going to require a  
14 variance from the town's Zoning Board of Appeals  
15 for reduction of the required side yard for the new  
16 building. Any reduction in the parking will also  
17 necessitate a CEA variance, which could be part of  
18 the same application.

19 The Planning Board has indicated that  
20 they would be supportive of reducing the parking  
21 requirement down to 50 or less parking spaces and  
22 would provide an advisory report to the Zoning  
23 Board of Appeals in support of that reduction. As  
24 indicated, one of the reasons that the Planning  
25 Board would support that belief is because much of

1 the congregation doesn't have a personal vehicle.

2 There are no issues right now with the  
3 current church. There is no overcrowding or issues  
4 with respect to parking on the street. The  
5 congregation provides transportation by busses for  
6 it's parishioners. No violations have been issued  
7 to the current church, so there are no issues right  
8 now.

9 The Planning Board is also seeking  
10 project modification in order to adhere to the Pine  
11 Barrens' clearance standard. We need to do some  
12 additional work with the applicant in terms of  
13 configuring the parking spaces for now. It does  
14 appear that the project could be modified to adhere  
15 to the maximum amount of clearance standards, which  
16 is 65 percent, and provide close to 50 parking  
17 spaces.

18 CHAIRMAN SCULLY: Let me summarize this:  
19 So the project is going to require relief from the  
20 Board of Zoning Appeals for a side yard and what  
21 you are suggesting is since they need to go to the  
22 Zoning Board anyway, the relief from the parking  
23 requirements can be provided at the same time.

24 MR. SHEA: Yes.

25 CHAIRMAN SCULLY: Does that leave the

1 applicant with the parking application?

2 MR. MILAZZO: From what I hear, the  
3 application may undergo revision at the town level  
4 to be in compliance with the Commission's  
5 standards. At that point, we wouldn't need to get  
6 relief from anybody that we have been seeking. So  
7 my recommendation would probably be to hold the  
8 hearing open until the determination, and to see  
9 how that negotiation works out with the town. If  
10 they need relief, we could then reopen the hearing  
11 and they could make their case at that point,  
12 because the Commission's practice has not been to  
13 give advisory opinions, which is what they have  
14 been doing in this case because and they don't need  
15 an application really.

16 CHAIRMAN SCULLY: That does not present  
17 any concerns about the statutory relief time frame?

18 MR. MILAZZO: I would ask that the  
19 applicant give an extension to, Julie, what is the  
20 date at this point?

21 MS. HARGRAVE: September 17th.

22 MR. MILAZZO: I would suggest that you  
23 push the date out to November. Would that be  
24 enough time?

25 MR. SHEA: Yes.

1                   MR. MILAZZO: If the applicant would  
2 give us an extension through November, we could ask  
3 to rehear it in October.

4                   CHAIRMAN SCULLY: So what that means,  
5 Mr. Zahn, is that the applicant would have to agree  
6 to extend our sitting time frame to November to  
7 allow the town to process it. Would that be  
8 acceptable?

9                   MR. ZAHN: Yes.

10                  MR. SHEA: Yes.

11                  MR. ZAHN: It makes perfect sense.

12                  MR. MILAZZO: A resolution, I guess,  
13 would be in order to accept the extension and hold  
14 the hearing open, and don't forget we have to do  
15 the other hearing on the other matter, which is to  
16 open, close and adjourn.

17                  MR. SHEA: I will make a motion to  
18 accept the essential agreement and hold the hearing  
19 open.

20                  MR. WALTER: Second.

21                  CHAIRMAN SCULLY: Anybody opposed?

22                  (Motion carries.)

23                  MR. MILAZZO: Part of that also is to  
24 accept the highway extension deadline.

25                  CHAIRMAN SCULLY: Good luck with the

1 project. Maybe we will see you back here, maybe we  
2 won't. Have a good day.

3 We had another hearing scheduled for  
4 3:00. We were earlier advised it was not going to  
5 take place. Nevertheless, we need to memorialize  
6 that.

7 MR. MILAZZO: We will provide the  
8 stenographer the public notice to enter into the  
9 record, so we don't have to have to read it.

10 CHAIRMAN SCULLY: So for the record,  
11 the applicant has requested postponement to --

12 MR. MILAZZO: Through September.

13 CHAIRMAN SCULLY: The hearing will not  
14 be held today.

15 Pursuant to the New York State  
16 Environment Conservation Law Article 57-021(10) and  
17 the Central Pine Barrens Comprehensive Land Use  
18 Plan, notice is hereby given that the Central Pine  
19 Barrens Joint Planning and Policy Commission will  
20 hold a public hearing on Wednesday, July 16, 2014,  
21 on the matter of a Core Preservation Area  
22 Extraordinary Hardship Waiver.

23 Name of Project: Armand Gustive LLC  
24 Core Preservation Area Hardship Waiver Application.

25 Applicant/Owner: Peter Baron.

Applicant's Agent: Richard Scheyer,  
Attorney at Law.

Project Site Location: First Street, west side of Wading River Road (Schultz Road), North Street, Manorville, Town of Brookhaven.

Project Site Suffolk County Tax Map #:  
200-460-1-10.

Project Description: The proposal consists of the development of a single-family residence and individual septic system on a 6,000 square foot undeveloped, wooded project site in the A5 Residence Zoning District. The proposal is a Type II Action pursuant to the State Environmental Quality Review Act.

The hearing will be held at 3:00 p.m.,  
July 16, 2014, at Wertheim National Wildlife  
Refuge, 340 Smith Road, Shirley, New York 11967. A  
copy of the application is available for  
examination during regular business hours between  
8:30 a.m. and 5:00 p.m. at the Commission's office  
at: 624 Old Riverhead Road (CR 31), Westhampton  
Beach, NY 11978.

This hearing will not be necessary.

MR. MILAZZO: I am making a motion to accept.

1 CHAIRMAN SCULLY: Motion to accept.

2 Is there a second?

3 MR. WALTER: Second.

4 CHAIRMAN SCULLY: Anyone opposed?

5 (Motion carries.)

6 Is there anything else to come before  
7 the Commission?

8 (No response.)

9 If not, is there a motion to adjourn?

10 MS. PRUSINOWSKI: Motion.

11 MS. LANDSDALE: Second.

12 CHAIRMAN SCULLY: Meeting adjourned.

13 (Time Noted: 3:16 p.m.)

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C E R T I F I C A T I O N

4 I, MONIQUE CABRERA, a Shorthand Reporter and  
5 Notary Public, within and for the State of New  
6 York, do hereby certify that I reported the  
7 proceedings in the within-entitled matter, on July  
8 16 2014, at 340 Smith Road Hill, Shirley, New York,  
9 and that to the best of my ability, this is an  
10 accurate transcription of these proceedings.

11 IN WITNESS WHEREOF, I have hereunto set  
12 my hand this 28th day of July, 2014.

Monique Coimbra

MONIQUE CABRERA, Reporter