

CENTRAL PINE BARRENS

JOINT PLANNING AND POLICY COMMISSION

In the Matter of the
Public Hearing on
JOSEPH GAZZA, SOUTHAMPTON TRADE'S PERSON CENTER

200 Howell Avenue
Riverhead, New York

September 6, 1995
5:05 p.m.

PUBLIC HEARING

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

GEORGE PROIS
Chairman
County of Suffolk

DORIS E. ROTH, ESQ., General Counsel

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

BRENDA FILMANSKI
Town of Riverhead
Alternate for Deputy Town Supervisor

RAYMOND CORWIN, executive Director of Central Pine
Barrens Join Planning and Policy Commission

WILLIAM SPITZ, State of New York, Representing the
Governor's office.

ROBERT DUFFY, Alternate to the Town of Southampton

JOHN PAVICIC

BARBARA WIPLUSH

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

DONNA PLUNKETT
Staff to Commission

1 MR. PROIOS: I would like to call this
2 public hearing to order. My name is George Proios. I'm
3 acting chairman of behalf of the County Executive,
4 Robert Gaffney who is chairman of the Commission.

5 I will let the commission members also
6 introduce themselves.

7 On my extreme left is Doris Roth, Bob
8 Duffy, Town of Southampton, Brenda Filmanski, alternate
9 for Town Supervisor, Ray Cowen representing Governor
10 Pataki, Barbara Wiplush, represent Supervisor John
11 LaMura, Town of Brookhaven, John Pavicic, Brookhaven
12 Town Staff.

13 For the record, I will read the public
14 notice that appeared in the papers regarding this
15 application.

16 Pursuant to the Environmental
17 Conservation Law, Article 57-0121(10), notice is hereby
18 given that a public hearing will be held by the Central
19 Pine Barrens Joint Planning and Policy Commission on
20 September 6, 1995, at 5:00 p.m. on the matter of the
21 application for a core preservation area hardship
22 permit. The subject of the hearing is:

23 Joseph Gazza, Southampton Trade's
24 Person Center.

25 The project description: Construction

1 of a 12,036 square foot multi-unit industrial building
2 space with parking for 24 cars on a total of 8.14 acres.

3 Location: West side of Westhampton
4 Riverhead Road (CR31), Westhampton, Town of Southampton.

5 The hearings will be held at Riverhead
6 Town Hall, 200 Howell Avenue, Riverhead, New York.

7 I will ask the applicant if he would
8 make his presentation.

9 MR. GAZZA: Joseph Gazza, 5 Ogden Lane,
10 Quogue, the owner and applicant of the subject premises.

11 This application has been before the
12 Board on two prior occasions. The first of which was on
13 11/2/94, the first time a public hearing was conducted,
14 and lengthy testimony was presented on this application.

15 At that time the application involved
16 approximately 47,000 square feet of industrial building
17 on the eight point one four acre parcel. The
18 application was hence revised several times as it
19 proceeded through the SEQUA process, Town of Southampton
20 being the lead agent, and the project was reduced and
21 scaled down to the current application, 12,036 square
22 feet. This proposal amounts only to a three point four
23 percent coverage of my property. The application has
24 been reviewed by several other agencies including the
25 Suffolk County Department of Health Services whose board

1 of review had issued an approval for the 47,000 square
2 foot, plus or minus, multi-unit building on the subject
3 premises. The fact that it is now reduced to the
4 approximate one quarter size to obtain an approval of
5 the Southampton Town Planning Board after the lengthy
6 review of the SEQUA which involved agencies all having
7 an opportunity to present comments to this Board,
8 resulting in a negative declaration.

9 I would like to just touch base with
10 this commission on your hardship application. If I may
11 include the prior testimony from the November '94
12 hearing. Mr. Chairman, would that be okay so we will
13 incorporate that into this hearing so I won't have to go
14 through it again and burden this Board?

15 MR. PROIOS: Yes.

16 MR. GAZZA: The revised core area
17 Pine Barrens hardship application received August 11,
18 1995 by your department is made a part of this record?
19 Mr. Chairman, is that sufficient, rather than me going
20 through this entire application?

21 MR. PROIOS: That's fine. It's dated
22 August 11, 1995, mailed to the Pine Barrens Commission
23 in Great River. Signed by Mr. Gazza.

24 MR. GAZZA: This outlines my hardship
25 application.

1 I would just focus on the new points
2 rather than go through what we did back in November.
3 Those points being that granting of this application
4 will not have an adverse effect on the environment. I
5 will focus on a number of issues. The first one being
6 the groundwater. The Health Department, Board of Review
7 remember has approved 47,000 square feet of space. The
8 subject application being twelve, one quarter, so I have
9 only 25 percent of the sewage discharge that would be
10 permitted under the Health Department. We have such a
11 large parcel of land with only two small buildings that
12 the roof run off and the parking lot run off for
13 drainage purposes which was directed into the below the
14 surface leaching basis is absolutely minimal.

15 The fact that two and and-a-half
16 acres, two point five one acres of true core Pine
17 Barrens land has been preserved to allow the development
18 on this property as shown on your map, site plan map
19 submitted as part of this application received by your
20 department on August 11th, 1995, is an important
21 feature. I don't know of anyone else that has actually
22 preserved through TVR and donations to the nature
23 conservancy of two and-a-half acres of prime Pine
24 Barrens land just to allow a three point four percent
25 utilization of their property. But that has been done.

1 It was done to satisfy the Health Department concerns --
2 47,000 square foot building.

3 MR. PROIOS: That has already taken
4 place?

5 MR. GAZZA: Yes, that had taken place
6 approximately two years ago when this application was at
7 its infancy.

8 MS. ROTH: Non-contiguous premises?

9 MR. GAZZA: That is right.

10 Looking to the north, as itemized on
11 the site plan -- I'll put a circle around it so the
12 Board members can look at it to satisfy your concerns.

13 The preservation coupled with the
14 minimal use of the property, the use being conducted on
15 that portion of the property that is devoid of
16 vegetation, it was cleared by myself. It was cleared at
17 a time before there were regulations prohibiting
18 clearing and, therefore, it is exempt from the
19 requirements of clearing and the proposed building is to
20 take place solely within previous disturbed areas.
21 There was going to be a disturbance of 4,650 square feet
22 of Pine Barrens vegetation to allow this project. That
23 vegetation was to be transplanted on the property so
24 that there would be no net loss of vegetation at all.
25 However, since the brush fires have taken place, I'm

1 afraid that almost all of that vegetation now is just
2 cinders. I have some photographs which I will produce
3 for the record.

4 These are two photographs taken by
5 myself. Taken approximately a week ago. Taken
6 subsequent to the brush fire. Shows the subject
7 premises and one photograph shows the industrial
8 building adjacent to the subject premises. I believe
9 there are yellow buses known as Acme bus.

10 I will put a little notation on the
11 site plan map, the Acme bus. So the site plan reflects
12 the Acme Bus Company and we get a direct prospective of
13 where the fire came in connection with the existing
14 buildings and subject property.

15 MR. COWEN: Could you show us where
16 the fire burned; just out of curiosity?

17 MR. GAZZA: Yes, I will place an
18 approximate mark on the map and show where the fire came
19 through.

20 (Mr. Gazza demonstrating)

21 MR. GAZZA: Could we go off the record
22 since it might be a little difficult for the record to
23 grasp how to explain this.

24 MS. ROTH: I would suggest that it be
25 on the record.

1 MR. GAZZA: The fire that took place,
2 the brush fire in Westhampton was attempted to be
3 contained by numerous fire departments and I don't know
4 which fire departments entered my property, but they
5 entered at about in here like this. I'm going to
6 indicate on the map the point of entry. The
7 firefighters entered going through the Pine Barrens at
8 approximately this point of entry which is located to
9 the south of the existing cleared entryway onto my lot.
10 The reason being that the cleared entryway onto my lot
11 was berm with stock piles of fill approximately six feet
12 high to prevent people from entering on my property and
13 dumping. They had dumped on the property, in the past,
14 debris -- and piles of sand to prevent people from
15 dumping. The firefighters could not go over the piles
16 of sand. They went around them and went through the
17 brush. They apparently set up on my property because it
18 was cleared and it gave them an area to work from and
19 they had launched one of their many assaults on the fire
20 by going into the clearance of my property and they
21 actually stopped the fire at about like this. This is
22 still woods over here (indicating). And the fire which
23 came in a southeasterly direction at that flow of the
24 fire -- one of their fire break lines was right at my
25 property. They also, in an effort to save the existing

1 building along Westhampton Riverhead Road, they
2 established numerous breaks through the parking lot, the
3 buildings -- firefighters to stop the fire right in here
4 (indicating).

5 And the firefighters stopped it to
6 protect the lives of the people inside the buildings and
7 to protect the buildings themselves.

8 I don't know what we could do about
9 saving the vegetation. As shown in the photographs,
10 there is not much vegetation left there now. I'm sure
11 that some will come back and what will come back can, of
12 course, be protected on the eight point three acre
13 parcel I have. I'm only using a half acre of the
14 property.

15 We have public water on the street so
16 there will be no taking the water out of the soil by
17 means of this property. No loss by the construction of
18 these buildings. From a groundwater point of view, we
19 are not taking any water out. The only water going back
20 in from the sinks from the lavatory from the small units
21 of this industrial building. As I stated before, it is
22 one quarter of what the Health Department would permit.

23 If the Board has questions, I will be
24 glad to try to help in any way.

25 MR. COWEN: You said the entire site

1 is eight acres and some change?

2 MR. GAZZA: Yes, eight point 14
3 acres.

4 MR. COWEN: What do you have in mind
5 for the rest of that property?

6 MR. GAZZA: I will be using
7 approximately a half acre of the property. Seven
8 and-a-half acres plus or minus is going to be offered to
9 the Pine Barrens Joint Policy and Planning Commission
10 for purchase. The Planning Board of the Town of
11 Southampton has required that I withhold from making
12 any applications on that portion of the premises that
13 lies to the west of the half acre portion that I will be
14 using. The bulk of the premises will be held in
15 abeyance from all use for a period of two years, from
16 the date that the planning board approves the site
17 plan. That's on July 13th, 1995.

18 The Planning Board felt that two-year
19 period would be adequate to allow their commission to
20 acquire from me that portion of the property after which
21 I could, of course, reapply to utilize the property if
22 nothing happens in that two year period.

23 I will continue to pay the real estate
24 taxes on the property during the next two years. I have
25 invested in the property in excess of -- over \$120,000.

1 So I'm carrying it and I'm asking to use a half acre and
2 allowing the commission two years to make their
3 acquisition if they so desire. Absent the use a half
4 acre, I will have been deprived of all use of the
5 property. Under normal zoning hardships, all sticks
6 from my bundle of rights will have been stripped from my
7 property. That basically is my case.

8 MR. PROIOS: Any questions or comments?

9 MS. PLUNKETT: Just to clarify that
10 clearing issue, you stated that you would be building in
11 the cleared portion. Will you or will you not be
12 clearing more vegetation for the full development of
13 this project?

14 MR. GAZZA: Originally I was supposed
15 to clear 4,650 square feet of vegetation to allow this
16 project which was going to be transplanted on the site.
17 That vegetation has now been obliterated by the fire.
18 It's no longer there.

19 MS. PLUNKETT: I think your original
20 clearance in this area was 7,000 and then now you are
21 clearing 4,000. Is that right?

22 MR. GAZZA: The additional clearance is
23 7,000 which involves five extra parking spaces to the
24 west of the proposed parking lot. Those parking spaces
25 were eliminated by the planning board and hence the

1 clearing was reduced. The amount -- the proposed
2 clearing was reduced.

3 MS. PLUNKETT: You are saying now
4 that that area has already been cleared based on that
5 fire?

6 MR. GAZZA: It's been burned off.
7 Maybe cleared is the wrong word. The photograph shows
8 what is left there. The Board will have to make a
9 determination as to whether that is cleared or burned
10 off. There is not much left.

11 MR. COWEN: Do you own and use the
12 buildings that are adjacent to this?

13 MR. GAZZA: Yes, I own the large
14 industrial building and the Acme Bus, Pine Barrens
15 Printing. I sold the Matsui building and I sold the
16 Algozzino building. Algozzino is plumbing. Matsui is a
17 building contractor. I sold him the building.

18 MR. COWEN: Do you have any other form
19 of access to this westerly piece of property?

20 MR. GAZZA: Yes, I do. I own parcels
21 to the north along the Westhampton Riverhead Road which
22 are improved industrial buildings. Several of the
23 buildings along that road.

24 MR. COWEN: So you would retain in
25 some fashion the right of way to get to County Road 31

1 back in the westerly portion of the property?

2 MR. GAZZA: The westerly portion and
3 the lot in front is one lot right now. If the Pine
4 Barrens Commission determines that they would like to
5 acquire the westerly portion, I am sure that you have
6 other properties in the area that you will be acquiring
7 that fit in and will have other ways to come out on to
8 the road. I know the Nature Conservancy of the County
9 of Suffolk acquired land further to the north which ties
10 into the north end of this property. You have two years
11 to come up with an idea on that.

12 MR. PROIOS: Any questions?

13 MR. COWEN: Bob, as far as you know,
14 from the Town's prospective, there wouldn't be any
15 problem? Do you know whether the Town would have any
16 objection severing that and making it a half acre
17 property with that kind of density on there?

18 MR. DUFFY: It was discussed with the
19 Town Board in July, I believe.

20 MS. WIPLUSH: What did you just say?

21 MR. COWEN: I was just curious about
22 how the Town felt about severing that half acre parcel
23 density wise from the rest of the property behind it.

24 MR. DUFFY: One of the factors the
25 Town Board considered was if you look at the pattern of

1 the size of the lots that Mr. Gazza has pointed out,
2 many of them are similar in size. I believe the lot
3 that is before us today -- that rear portion is about
4 eight acres. I believe that was severed. That was a
5 factor the Planning Board considered.

6 MR. PROIOS: Thank you, very much.

7 Is there anyone else who wishes to
8 address the Commission on this?

9 MR. OLSON: My name is Walter Olson.
10 I had not really planned to speak on this particular
11 application. I know Mr. Gazza only in passing. I have
12 meet him in the past six months or so. So I have no
13 real axe to grind as far as Mr. Gazza is concerned.

14 Other than what I have observed that
15 is going on here, I would like to urge the board to
16 grant this application based on the fact that the
17 planning board has obviously stated, by their approval
18 of the application, that it makes good planning sense.

19 In addition, I think particularly due
20 to the scaled down sizing of the project, I think it
21 shows a willingness on Mr. Gazza's part to work with
22 within the planning parameters and come up with a
23 workable solution.

24 In addition, I think by granting him
25 the use of the property, it will give him some use of

1 the property rather than denying him all use and then
2 afford you the opportunity in the future to purchase the
3 rest of it at a reasonable price in preservation. I
4 think devoid of that reasonable use, you would be faced
5 with a very expensive piece of property commercially
6 zoned and which would hamper the acquisition of it.
7 So for those reasons, I would like to urge the board to
8 work with Mr. Gazza, and approve this particular
9 application and give him the relief he needs.

10 MR. PROIOS: Thank you. If there are
11 no other comments, I will call this hearing to a close
12 and leave the comment period open until the close of
13 because on Friday the 15th, which will allow us to act
14 on this at our next meeting which is scheduled for the
15 20th.

16 (Whereupon, this hearing was concluded
17 at 5:38 p.m.)
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CERTIFICATION

I, LORRAINE D. BERARDI, Court Reporter,
do hereby certify that the foregoing is a true and
correct transcript of the proceedings held
September 6, 1995 at Riverhead, New York, in this
matter.

Dated: September 20, 1995

LORRAINE D. BERARDI