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4 **CENTRAL PINE BARRENS**
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7 **JOINT PLANNING AND POLICY COMMISSION**
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14 **May 21st, 2003**
15 **Quogue Wildlife Refuge**
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21 **PUBLIC HEARING** before the Commission to
22 consider an application for a Core Preservation
23 Area Hardship Exemption pursuant to Environmental
24 Conservation Law Article 57-0121, Paragraph 10,
25 for the project of:

26 **GEORGE CACHIMPANIS**, applicant/owner of
27 property located south of Nugent Drive, Brookhaven,
28 held on May 21, 2003, at the Wildlife Center,
29 3 Old Country Road, Village of Quogue, New York,
30 at 3:00 P.M., before Gail Gazsy, R.P.R., Official
31 Court Reporter and Notary Public within and for
32 the State of New York.

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34 **ACCURATE COURT REPORTING**
35 6 Frances Lane
36 Port Jefferson, New York 11777
37 (631) 331-3753
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3 **B E F O R E:**4
5 **HON. ROBERT J. GAFFNEY, ESQ., CHAIRMAN**
6 **SUFFOLK COUNTY EXECUTIVE, Ex officio**
7 For the Central Pine Barrens Commission
8 **BY: MR. GEORGE PROIOS, ACTING CHAIRMAN**
9 **CHIEF ENVIRONMENTAL ANALYST**10
11
12 **CERTILMAN, BALIN, ADLER & HYMAN, LLP**
13 Counsel for the Central Pine Barrens Commission
14 1393 Veterans Memorial Highway, Suite 301S
15 Hauppauge, New York 11788
16 **BY: JAMES RIGANO, ESQ.**17
18
19 **HON. JOHN JAY LaVALLE**
20 **BROOKHAVEN TOWN SUPERVISOR, Ex Officio**
21 For the Central Pine Barrens Commission
22 3233 Route 112
23 Medford, New York 11763
24 **BY: MS. BRENDA PRUSINOWSKI, A.I.C.P.**
25 Deputy Commissioner
 -and-
 BY: MS. JEANNE COMPITELLO, ESQ.
 Deputy Town Attorney26
27
28 **HON. ROBERT F. KOZAKIEWICZ**
29 **RIVERHEAD TOWN SUPERVISOR, Ex Officio**
30 For the Central Pine Barrens Commission
31 **BY: ERIC ROSEMAN, Designated Representative**32
33
34 **HON. PATRICK A. HEANEY**
35 **SOUTHAMPTON TOWN SUPERVISOR, Ex Officio**
36 For the Central Pine Barrens Commission
37 **BY: MR. JEFF V. MURPHREE, AICP,**
38 Town Planning & Development Administrator

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

5

6 JUDY JAKOBSEN

7 Staff Member, Central Pine Barrens Commission

8

TWOMEY, LATHAM, SHEA & KELLY

9 Attorneys for Applicant, George Cachimpanis

33 West Second Street

P.O. Box 9398

Riverhead, New York 11901

10 BY: MS. TRACY KARSCH PALUMBO, ESQ.

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(Whereupon, after Staff Exhibit

Numbers 1-5 were premarked into Evidence by the Court Reporter, proceedings commenced at 3:36 p.m. as follows:)

CHAIRMAN PROIOS: I'd like to call this public hearing to order.

My name is George Proios, Acting Chairman of the Commission acting on behalf of Robert J. Gaffney, the Suffolk County Executive, who is Chairman of the Commission, and I'll ask the other representatives of the Commission seated at the table to identify themselves and who they may be representing, beginning to my right.

MR. RIGANO: James Rigano, counsel for the Commission.

MS. COMPITELLO: Jeanne Compitello, present for Supervisor, John Jay LaValle, Town of Brookhaven.

MS. PRUSINOWSKI: Brenda J. Prusinowski,
representing Town Supervisor, John Jay LaValle.

MR. ROSEMAN: Eric Roseman representing
Town of Riverhead, substitute for today.

MR. MURPHREE: Jeff Murphree, Town
of South Hampton, representing Supervisor.

16W? °~#6 ° ~~Patrick Heaney~~ □? ±n@ ç? ç♥çð

2 CHAIRMAN PROIOS: For the record,

3 I'll read the public notice pertaining to the
4 current application (as read:)

5 Pursuant to Environmental Conservation
6 Law Article 57-0121, Paragraph 10, notice is
7 hereby given that a public hearing will be held
8 by the Central Pine Barrens Joint Planning and
9 Policy Commission on May 21, 2003, on the matter
10 of an application for a core preservation area
11 hardship exemption.

12 The applicant is George Cachimpanis,
13 C-H-A-C-H-I-M-P-A-N-I-S. The project is located
14 on the south of Nugent Drive, west side of
15 Parkway Drive in Calverton in the Town of
16 Brookhaven. The project is applicant requests a
17 Core Preservation Area hardship permit to
18 construct a single-family home with a sanitary
19 system on a .44 acre site zoned A-5 Residence.
20 It's located on County Tax Map 200-300-3-29.

21 And I'd first ask the staff if they
22 want to make a presentation to introduce any
23 items into the record.

24 MS. JAKOBSEN: I have a couple staff
25 exhibits.

1 CHAIRMAN PROIOS: Would you give your
2 name for the court reporter?

3 MS. JAKOBSEN: Judy Jakobsen,
4 Commission staff.

5 The first staff exhibit is the cover
6 sheet. The second staff exhibit are 1999 aerial
7 photos -- aerial photo that shows the subject
8 parcel outlined in green (handing.)

9 The third staff exhibit are digital
10 photos taken at -- during a site visit on
11 May 9th, 2003, by a commission staff and it
12 shows the existing condition of the site which
13 is already, I guess, characterized as disturbed,
14 very grassy, pretty much disturbed type of
15 vegetation (handing.)

16 The fourth exhibit is the staff report
17 that was prepared on May 15th, 2003, which I've
18 distributed to you; and the fifth staff exhibit
19 is a survey for project entitled "Map of Peconic
20 River Park, Lot 268, situate at Calverton,"
21 dated December 2002, prepared by Hawkins, Webb,
22 Jaeger Associates, P.C.

23 On the -- I just also wanted to
24 mention you should have received by mail a
25 letter from Tracey Karsch Palumbo from

1 Twomey, Latham, Shea & Kelly dated May 7th,
2 2003, that discusses whether the project should
3 be considered non-development, and Ms. Palumbo
4 will present that further, along with the
5 hardship case.

6 As I said previously, just quickly
7 going over a couple items in the staff report is
8 a .44 acre lot. It is surrounded by homes on
9 either side, and the ownership of the property
10 is since 1965, and basically that's all I have.

11 CHAIRMAN PROIOS: Would you tell us
12 whether it should or could qualify as a road-
13 front exception parcel.

14 MS. JAKOBSEN: That's sort of -- I --
15 the Town made those lists up. So it is -- it
16 does have houses on either side of it. It is on
17 a road front.

18 MR. RIGANO: The question is whether
19 or not it is on the road-front exemption list.

20 MS. JAKOBSEN: It's not on the road-
21 front exception list. Otherwise, it wouldn't be
22 here.

23 CHAIRMAN PROIOS: And I guess does the
24 Town know why it would not qualify? To me, it
25 looks like it should have been on the list.

1 MS. JAKOBSEN: It may have been from
2 -- maybe it didn't pop up because the owner also
3 owns the lot next to it.

4 MS. PRUSINOWSKI: That's exactly why.
5 Because it didn't come up.

6 MR. RIGANO: Because the owner owns
7 the other lot?

8 MS. PRUSINOWSKI: It's probably not
9 considered separately-owned.

10 MS. JAKOBSEN: I think the wife owns
11 one lot, the husband owns the other lot. But,
12 again, the attorney can clarify that.

13 CHAIRMAN PROIOS: Would the applicant
14 or the applicants represented like to make
15 presentation?

16 MS. PALUMBO: Good afternoon. My name
17 is Tracey Palumbo, P-A-L-U-M-B-O, from Twomey,
18 Latham. I'm here on behalf of the applicant
19 here. They're not here. They're an elderly
20 couple and they reside in Queens. That's why
21 I'm the only one here.

22 At the outset, I'd like to just
23 further note my May 7th letter requesting
24 that the Board consider that the project be
25 non-development under E.C.L. 57-107.13,

1 Sub. 9 based on the fact that the subdivision
2 was approved in 1947.

3 The property has been held singly and
4 separately since 1965 by George Cachimpanis. I
5 believe you have a single and separate search
6 which I submitted the last time when this
7 project was first brought to the attention of
8 this Board by Ms. Jakobsen. It's also exempt
9 from up-zoning that took place in 1990. It
10 was -- before 1990 it was A-2. It was up-zoned
11 to A-5.

12 However, as I discussed in my letter,
13 I spoke with several people in the Brookhaven
14 Town Planning Department and Building
15 Department, and they informed me that we would
16 be quote-unquote grandfathered and we'd be
17 exempt from the up-zoning, therefore, we would
18 conform to any lot area requirements for the
19 Town of Brookhaven. So I just wanted to
20 reiterate that at the outset.

21 Also, I do not know why this property
22 was not exempt. The two lots -- the other lot,
23 28, is owned by Mrs. Cachimpanis, and that could
24 possibly be why the other lot was exempt and
25 this one is not, so

1 MS. PRUSINOWSKI: Do you have an
2 aerial that shows me the area perhaps at a
3 slightly smaller scale?

4 CHAIRMAN PROIOS: (Indicating.)

5 MS. PRUSINOWSKI: Smaller.

6 MS. PALUMBO: I have a subdivision
7 map. I don't know.

8 This is a subdivision map and it shows
9 how the two lots ... just showing the whole area
10 (handing.)

11 CHAIRMAN PROIOS: Did you have
12 anything else you wanted to present to us?

13 MS. PALUMBO: No, I'd just like to go
14 through the application, if I could, physically.

15 MS. PRUSINOWSKI: Did this parcel
16 ever have a dwelling on it?

17 MS. PALUMBO: No, it did not.

18 MS. PRUSINOWSKI: Did it have any
19 structure on it?

20 MS. PALUMBO: No. Other than a
21 monument on the front right corner, no, it did
22 not. When they purchased the lot, this
23 lot was -- they planned to build their
24 retirement home on it, and they retired, and
25 they planned to build a house and, of course,

1 they went to the Building Department and were
2 informed, "Well, I think you might have a
3 problem with your property," which is why I'm
4 here today.

5 MS. PRUSINOWSKI: But I thought we had
6 caught all of the parcels within this old file
7 map that were vacant. How this one escaped I
8 don't know.

9 CHAIRMAN PROIS: All right.

10 MS. PALUMBO: So I'll go ahead on the
11 hardship.

12 The parcel has been up separately and
13 stably since 1985. It consists of .44 of an
14 acre and it is located on Parkway Drive in
15 Calverton. The dimensions of the lot as can be
16 seen on the survey are 100 feet by 192 feet, and
17 the topography is mostly infill and flat with
18 some trees along the perimeter, as you can see
19 from the pictures which Ms. Jakobsen just
20 submitted.

21 The property is presently zoned
22 residential, and it's surrounded on all sides
23 to the north, to the west, and to the south by
24 single-family homes similar to those -- the type
25 of house which the applicant would like to

1 construct, and then to the eastern property line
2 it's bounded by Parkway Drive, a developed road.

3 The applicant seeks relief from the
4 core area development restrictions pursuant to
5 E.C.L. Section 57-1021 (sic.), Sub. 10 on the
6 grounds of an extraordinary hardship related to
7 the unique character of the property in that is
8 zoned residential, it's located on a public
9 road, and it has houses on each adjoining lot.

10 So based upon the size of the lot,
11 its location in a residential neighborhood,
12 and since it is surrounded by single-family
13 dwellings, the property could not be used for
14 any other purpose than for a modest single-
15 family residence.

16 If the provisions of this restriction
17 were enforced in this case, an extraordinary
18 hardship would result in that the applicant
19 could not develop the property in any other way.
20 The application satisfies the criteria for a
21 hardship in this case in that it does not have a
22 beneficial use in its current state, it does --
23 it's -- I'm sorry. It does not arise out of the
24 applicant's personal doing. Rather, it arises
25 out of the characteristics of the property

1 itself, and it's not the result of any action by
2 the applicant.

3 The granting of this hardship
4 application would not be material, detrimental,
5 or injurious to the other property in the
6 neighborhood, as the surrounding area is
7 developed residential property and nowhere would
8 it result in a substantial impairment of the
9 resources in the core preservation area.

10 This is the minimum relief necessary,
11 and the construction of a single-family dwelling
12 on this lot would have no adverse impact on the
13 Pine Barrens and would not impede the goals of
14 the Legislators to protect and preserve the
15 environment in that the parcel is entirely
16 surrounded by one-family dwellings on each side.

17 That's really all I have. If there
18 are any questions

19 CHAIRMAN PROIOS: Thank you. I'm
20 glad to see somebody finally read the law. We
21 normally don't have people actually going
22 through the criteria for a hardship.

23 MS. PALUMBO: It's my first time here
24 before you.

25 MR. RIGANO: Well, we appreciate the

1 effort.

2 CHAIRMAN PROIOS: Are there any other
3 questions from the Commission?

4 MS. PRUSINOWSKI: Well, has the
5 adjoining site also been owned separately since
6 1965 in --

7 MS. PALUMBO: Actually it does and I
8 have -- my single and separate search brought up
9 that lot, too. I can submit that if you'd like,
10 if you give me one moment to find it.

11 MS. PRUSINOWSKI: All right.

12 CHAIRMAN PROIOS: In the interim, is
13 there anybody from the public who wishes to
14 address the project here?

15 MR. AMPER: My question -- Richard
16 Amper, Executive Director of the Long Island
17 Pine Barrens Society.

18 Do we know how the land became disturbed?
19 How long has it been disturbed? And was it in
20 any way cleared by the applicant?

21 MS. PALUMBO: I believe it was
22 cleared prior to the purchase. The applicant
23 informed me that he did not have it cleared.

24 MR. AMPER: And that was in what year?

25 MS. PALUMBO: In nineteen-sixty-five.

MR. AMPER: Okay. Then the only other comment that we would make is that it is not clear that this constitutes non-development as a result of grandfathering, that it appears to qualify for hardship exception to which we would take no exception.

CHAIRMAN PROIS: Anyone else?

(No response.)

CHAIRMAN PROIOS: All right. At this time I'm going to close the public hearing.

(Whereupon proceedings concluded at
3:52 p.m.)

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I, Gail Gazsy, R.P.R., Official Court Reporter and Notary Public for the County of Suffolk, State of New York, do hereby certify that the within is a true and correct record of my stenographic notes of the above-noted hearing taken on May 21, 2003 before the Central Pine Barrens Joint Planning and Policy Commission.

Gail Gazsy, R.P.R.
Official Court Reporter

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ERATTA SHEET

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