

CENTRAL PINE BARRENS JOINT PLANNING & POLICY COMMISSION
STAFF REPORT
for the Commission meeting of February 19, 2025

PROJECT NAME:	John P. Meyer Credit Appeal Hearing
OWNER/APPLICANT:	John P. Meyer
PROJECT SITE LOCATION:	Wagner Road, Medford, Town of Brookhaven Core Preservation Area
SUFFOLK COUNTY TAX MAP NUMBERS:	200-528-6-15
PROJECT SITE AREA:	0.80 acres
ZONING DISTRICT:	A-5 Residential
DECISION DEADLINE:	April 16, 2025

EXISTING CONDITIONS

The partially developed parcel contains a shed (10'x12'), a tarp quonset hut for equipment and wood storage, a wooden deck with a metal cage (10'x10'), has a stone driveway and it is surrounded by a wooden fence. No structures with sanitary flow were observed. See *Exhibits A, 2024 Aerial map and Exhibit B, Photos of the parcel's structures*.

SITE DESCRIPTION

Existing Land Use: The parcel is surrounded by developed private and undeveloped private and public land (Suffolk County and Town of Brookhaven). The parcel is located on a paved road (Wagner Street).

Within a half mile radius there are 26 parcels with conservation easements in the Pine Barrens Credit Program, roughly totaling 5.4 acres.

Vegetation and habitat: Partially wooded with natural pine barrens vegetation, Pitch Pine - Oak Forest.

Wetlands: Carmans River is approximately 600 feet east from the parcel.
<https://gisservices.dec.ny.gov/gis/erm/>

Hydrology: Hydrogeologic Zone III. Estimated depth to groundwater is 96 feet.

Topography/Elevation: Moderately steep slope, approximately 120 feet above mean sea level.

Soils: The predominant type is Carver and Plymouth soils, 3 to 15 percent slopes.

Cultural/Archeological Resources: The parcel is not within an archaeologically sensitive area, as per the Cultural Resource Information System (CRIS) (ny.gov) interactive website (<https://cris.parks.ny.gov>)

TIMELINE

- On October 30, 2024, John P. Meyer submitted a Letter of Interpretation (LOI) application to the Pine Barrens Credit Program.
- On November 21, 2024, the Commission issued an LOI for zero (0) Pine Barrens Credits (PBC) since the parcel was determined to be “partially developed”. See *Exhibit E, LOI, dated November 21, 2024*.
- On December 9, 2024, John P. Meyer submitted a request for an appeal of the LOI. See *Exhibit F for Mr. Meyer’s letter*.

LETTER OF INTERPRETATION

- The Plan contains a provision to require that credits are allocated to “partially developed” parcels only if they satisfy specific lot size requirements. Section 6.3.3.6 states:

“Pine Barrens Credits can be allocated to partially developed parcels when the parcel size is at least twice the minimum lot size for the zoning district to which that parcel belongs and the parcel is otherwise eligible for a Credit allocation under this Plan”
- The parcel is determined to be “partially developed” since it contains a driveway, a shed and other structures, as per submitted survey prepared by Robert B. Holzman Land Surveying P.C., dated May 14, 2020. *See Exhibit D for the survey*.
- The parcel size is less than twice the minimum lot size for the zoning district. It does not meet this requirement, therefore, it received an allocation of zero PBC.

CREDIT APPEAL CRITERIA

Chapter 6 of the Plan describes the Pine Barrens Credit Program. Section 6.7.3 of the Plan explains the procedures for obtaining a Letter of Interpretation (LOI). Section 6.7.3.3 states:

“The property owner has thirty (30) days from the date of the Letter of Interpretation to appeal the allocation to the Commission in writing. Extensions of this deadline for filing an appeal may be granted at the Commission’s discretion upon written request of the property owner.”

Section 6.7.3.4 of the Plan further states:

“The Commission shall consider the appeal within sixty (60) days of receipt of an appeal and may schedule a hearing. The Commission shall decide the appeal with sixty days of receipt of the appeal. The Commission may confirm, increase, or decrease the allocation to be received from the Clearinghouse.”

Section 6.7.6.6 of the Plan explains the allocation of credits for certain roadfront parcels:

"The Pine Barrens Credit Clearinghouse may elect to allocate one (1) full Pine Barrens Credit for a parcel of land consisting of at least 4,000 square feet with frontage on an existing public improved road. Parcel frontage on the main lines (as opposed to any improved service roads) of Sunrise Highway (NY State Route 27), the Long Island Expressway (Interstate 495), and similarly limited access highways shall not qualify a parcel for this provision."

DISCUSSION

1. Mr. Meyer in his letter provided reasons for the parcel's eligibility to receive credits:
 - a. The parcel is adjacent to the Suffolk County Public Land.
 - b. The parcel is approximately 600 feet east from the Carmans River.
 - c. The structures on the parcel can be removed and the cleared areas can be replanted with native vegetation.
 - d. The driveway is not paved, it consists of dirt and stones.
 - e. After the conservation easement is recorded, the parcel can be sold or donated to a public agency.
2. If the parcel does not correspond to the *Section 6.3.3.6* status, it would be eligible to receive 1 PBC, as per *Section 6.7.6.6*.
3. Staff recommends that the public hearing be closed and the written comment period remain open for seven days (until February 26, 2025).
4. Decision deadline is April 16, 2025.

EXHIBITS

- A. 2024 Aerial map depicting subject parcel (1 page).
- B. Photographs of the subject parcel's structures, taken during a site visit on October 17, 2024 (2 pages).
- C. Town of Brookhaven 0200, Subscriber Map Album, Suffolk County, New York, Steven Bellone, County Executive, Copyright 2019, Section No. 528 Property Map showing parcel owned by John P. Meyer (1 page).
- D. Survey for SCTM# 200-528-6-15 property, prepared by Robert B. Holzman Land Surveying P.C., dated May 14, 2020 (1 page).
- E. Letter of Interpretation for John P. Meyer, SCTM# 200-528-6-15 issued on November 21, 2024 (1 page).
- F. Letter from John P. Meyer requesting an appeal of the Letter of Interpretation allocation for SCTM# 200-528-6-15, dated December 9, 2024 (2 pages).

Exhibit A



Thu Mar 14 2024

Imagery © 2024 Nearmap, HERE

20 ft

Nearmap

Exhibit B

Photos taken on October 17, 2024

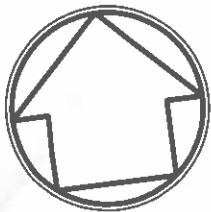


Photos taken on October 17, 2024



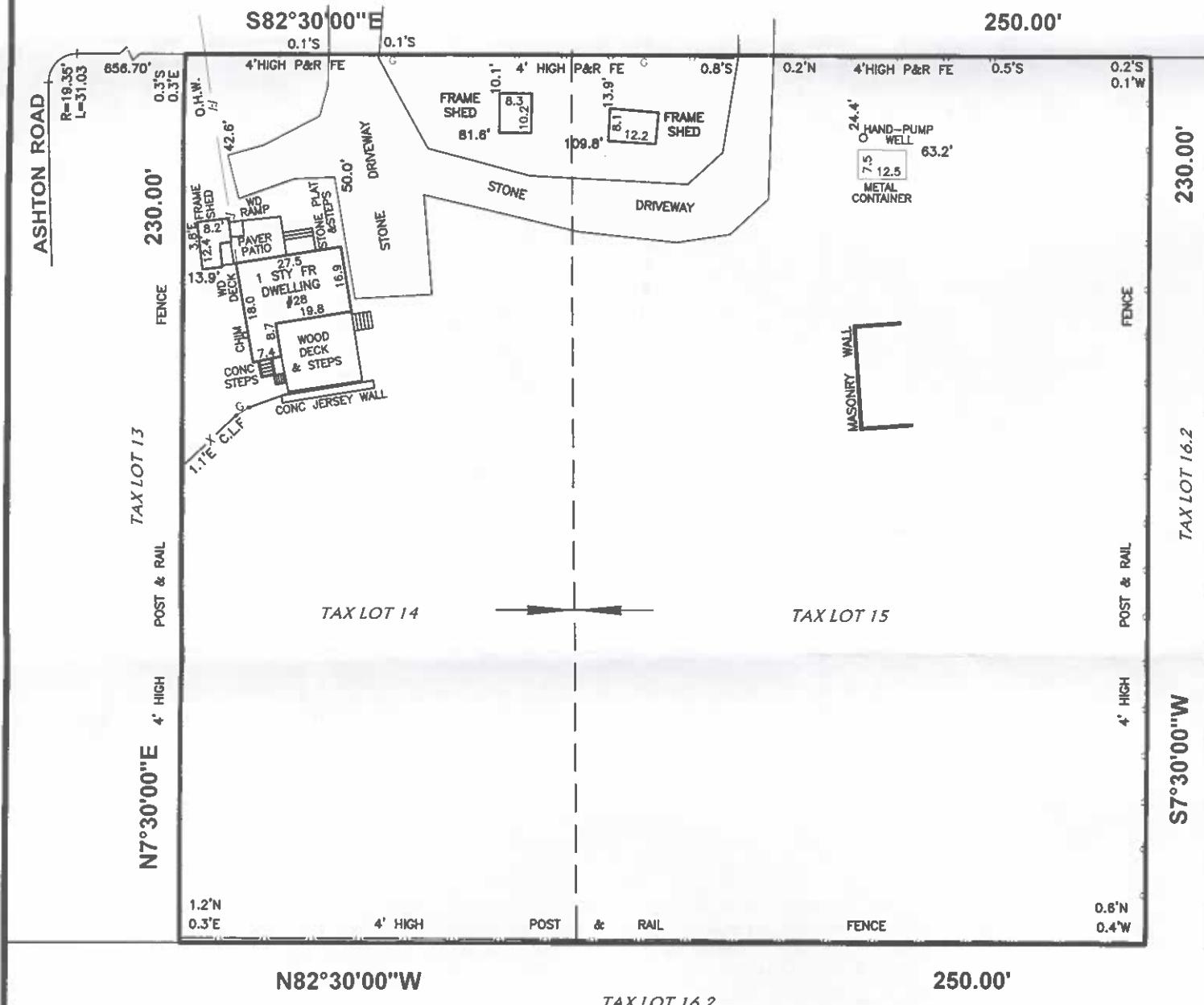
Exhibit C

Exhibit D



WAGNER

ROAD



NOTES:

- 1) SAME AS DISTRICT 0200, SECTION 528, BLOCK 6, LOTS 14&15
ON THE SUFFOLK COUNTY TAX MAP.
- 2) THE EXISTENCE OF ANY RIGHT OF WAYS AND/OR EASEMENTS OF
RECORD, IF ANY, NOT SHOWN, NOT GUARANTEED.
- 3) G = GATE

CERTIFIED ONLY TO:

FIDELITY NATIONAL TITLE INSURANCE COMPANY
FREEDOM MORTGAGE
JOHN P. MEYER

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S U R V E Y

DISTRICT 0200 SECTION 528 BLOCK 6 LOTS 14&15
SUFFOLK COUNTY TAX MAP
SITUATE AT

MEDFORD
TOWN OF BROOKHAVEN, SUFFOLK COUNTY, NEW YORK

ROBERT B. HOLZMAN LAND SURVEYING P.C. 2020

LICENSED LAND SURVEYOR, N.Y.S. LIC. # 49176
1029 WILLIAM FLOYD PARKWAY, SUITE 3, SHIRLEY, NY 11967
PHONE : 631-281-0162 FAX : 631-281-0292
E-mail: rhhls@optonline.net



DATE: May 14, 2020

SCALE: 1" = 40'

FILE: 200-528-6-14

Exhibit E

PINE BARRENS CREDIT CLEARINGHOUSE

James T.B. Tripp, Esq., Chairman
Mitchell H. Pally, Esq., Member
Robert Anrig, Member

November 21, 2024

John P. Meyer
28 Wagner Road
Medford, NY 11763

Subject: Letter of Interpretation Application for SCTM# 200-528-6-15

Dear Mr. Meyer:

We have reviewed your Letter of Interpretation Application for the above subject parcel. The subject parcel is 0.8 acres and is located within the A Residence 5 zoning district in the Town of Brookhaven.

The Comprehensive Land Use Plan, Chapter 6, Section 6.3.3.6 states:

“Pine Barrens Credits can only be allocated to partially developed parcels when the parcel size is at least twice the minimum lot size for the zoning district to which that parcel belongs and the parcel is otherwise eligible for a Credit allocation under this Plan.”

The property is determined to be “partially developed” since it contains a driveway, a shed and other structures, as per submitted survey prepared by Robert B. Holzman Land Surveying P.C., dated May 14, 2020. The subject parcel size is less than twice the minimum lot size for the zoning district.

Therefore the subject parcel would receive an allocation of zero Pine Barrens Credits.

You may appeal this determination within thirty (30) days of the date of this letter by giving notice, in writing, to the Central Pine Barrens Joint Planning and Policy Commission. The Commission address is 624 Old Riverhead Road, Westhampton Beach, NY 11978. Included with this notice shall be the reasons supporting the appeal as well as the number of Pine Barrens Credits requested. The Commission shall consider and decide the appeal within sixty (60) days of receipt of an appeal and will schedule a public hearing on the appeal.

If you have any further questions, please call me at (631) 563-0352.

Sincerely,



Jerry Tverdyy
Senior Environmental Analyst

Exhibit F

RECEIVED

DEC 09 2024

TO:

Central Pine Barrens
Joint Planning & Policy Commission 12/5/2024

Central Pine Barrens Joint Planning and Policy commission,

My name is John P. Meyer and I am the owner and applicant of SCTM# 200-528-6-15. I'm writing this letter to respectfully request an appeal to the commissions decision.

My reasons supporting the request of the appeal is the invaluable assets this parcel of land possesses. It is almost one full acre of land that not only is adjacent to Brookhaven Town open space land and Suffolk County Park lands, but its close proximity to the head waters of Carmens River. It is beautiful, clean, and a prime example of what nature has to offer. Its ownership or development rights would allow this property to continue preserving air and water quality for Long Island. This is not a stand alone piece of property, but would contribute adding positive qualities to the lands it adjoins.

I understand the reasons you have stated that do not qualify the parcel for Pine Barrens Credits, but to call the parcel "Partially developed" is in my opinion wrong. The few small issues of a shed or small structures could be move or remediated with very little time or cost by anyone. The driveway is of dirt and stone that is nothing more than a walkway that helps reduce ticks and insects.

I thought with your help and influence that this parcel could be preserved to help the environment and possibly in the future helping me with some amount of financial compensation. To my understanding your organization works with other entities that hold your opinion and recommendations in high regard. If my application is approved this could allow me to possibly sell to the town or county as well. I'm willing to work with the Pine Barrens Commission to rectify any issues or solutions to make this property eligible for credit. I could plant more native tree species, move a shed, or some other resolution to ensure a credit and preservation. I'm requesting one full pine barrens credit. I understand your funds are not unlimited and that you have to follow guidelines, but if you can make exceptions or have a solution to approve my request, I truly believe this parcel is extremely valuable and ask you to carefully review this application.

Sincerely,

John P. Meyer

