

In the Matter Of:
Vincent DellaSperanzo Core Preservation Area
Hardship Waiver Application
January 20, 2021

Being held Via Zoom Video Conferencing

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

Jay Schneiderman, Member, Supervisor
Edward P. Romaine, Member, Supervisor
Daniel P. McCormick, Esq., Representative Riverhead
Dorian Dale, Representative Suffolk County
John W. Pavacic, Executive Director
Polly Weigand, Science & Stewardship Manager
John Milazzo, Esq., Special Counsel
Julie Hargrave, Principal Environmental Planner

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

Vincent DellaSperanzo, Applicant

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2 (Whereupon, this portion of the
3 proceedings began at 3:00 p.m.)

4 MR. PAVACIC: I'm going to read for
5 the record -- again, my name is John
6 Pavacic, Executive Director.

7 I'm going to read the notice of
8 public hearing pursuant to the New York
9 State Environmental Conservation Law,
10 Article 57, Section 0121-10, the Central
11 Pine Barrens Comprehensive Land Use Plan.

12 Notice is hereby given at the
13 Central Pine Barrens Planning and Policy
14 Commission will hold a public hearing on
15 Wednesday, January 20th, 2021, on the map
16 of a Core Preservation Area Extraordinary
17 Hardship Waiver.

18 The name of the project is the
19 Vincent DellaSperanzo Core Preservation
20 Area Hardship Waiver Application.

21 The owner/applicant are Vincent and
22 Gina DellaSperanzo.

23 The project site location is
24 102 Topping Drive, Northampton, Town of
25 Southampton.

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2 The Suffolk County Tax Map number
3 is 900-164-4-40.

4 The Project Description: The
5 proposal is a two-lot subdivision of a
6 1.85-acre parcel in the R-15 Zoning
7 District. Lot 1 is 21,663 square feet.
8 Lot 2 is 58,918 square feet and contains
9 an existing residence. The area outside
10 of the existing residence is naturally
11 vegetated.

12 The hearing will be held remotely
13 at 3:00 p.m. on Wednesday January 20th,
14 2021, via Zoom format. The Zoom meeting
15 link will be provided on the Commission's
16 website along with project materials at
17 <https://pb.state.ny.us>.

18 And for the record, I just would
19 like to ask the Commission members to
20 identify themselves for the record
21 starting with Suffolk County.

22 MR. DALE: Dorian Dale,
23 representing the Suffolk County Executive.

24 MR. PAVACIC: For the Town Of
25 Brookhaven?

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SUPERVISOR ROMAINE: Ed Romaine,
Brookhaven Town Supervisor.

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MR. PAVACIC: The Town of
Riverhead? Town of Riverhead? Is Town of
Riverhead on? We'll come back to them.

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Town of Southampton?

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SUPERVISOR SCHNEIDERMAN:
Southampton Town Supervisor, Jay
Schneiderman.

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MR. PAVACIC: Thank you.

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Is Town of Riverhead present?

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UNKNOWN SPEAKER: They're on a call
and they're not unmuting and their video
is not on.

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MR. PAVACIC: Okay. I believe we
had Dan McCormick representing Riverhead's
Supervisor Aguiar.

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21

Okay. So why don't we turn to
Julie Hargrave to present this
application.

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MS. HARGRAVE: Thank you.

23

Good afternoon.

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I will briefly go over the Staff
Report that was sent in the E-Packet, and

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2 the applicant is on the call if you have
3 questions of them and if they need to make
4 any presentation to you.

5 So just to go over the timeline,
6 the deadline for this application to be
7 decided is next month, February 22nd, and
8 now the meeting is February 24th. So we
9 will need an extension from the applicant
10 to at least through your February meeting,
11 if not the March meeting, which is
12 March 17th, for the Commission to decide
13 this application.

14 This, again, is a 1.85-acre site in
15 the R-15 Zoning District, and -- so they
16 have plenty of area. They have an
17 oversized lot in the Zoning District,
18 moderately high density. There's one
19 existing residence on the property and the
20 rest of the area is wooded, you may have
21 seen that in the aerial for the Staff
22 Report. This again, a two-lot
23 subdivision, one lot is 21,663 square
24 feet. The second lot is the one that
25 would contain the existing residence and

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2 that's 58,900 square feet. There's a
3 subdivision map in the package.

4 And the applicant purchased this
5 property last -- I'm sorry -- in 2019.
6 And they have explained they made this
7 purchase to build a house -- subdivide the
8 property and build a residence to be next
9 to their daughter who lives in the
10 existing residence.

11 This is on the northeast side of
12 Wildwood Lake in the Town of Southampton,
13 and this area of Wildwood Lake is a
14 developed community. There are not many
15 undeveloped lots left that are not
16 protected. This site is adjacent to the
17 Sarnoff Preserve to the east, and there
18 is -- in the Staff Report, there's
19 information on the species that the
20 Natural Heritage Program identified as
21 being in the area, a lot of them are
22 historical records of plants and mostly
23 they are wetland plants. There is
24 information in the Staff Report pertaining
25 to the -- again, this is in the

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2 Hydrogeologic Zone 3 -- and that requires
3 a minimum of 40,000 square feet for each
4 lot, and that is an issue for this
5 application and I'll explain that in a
6 moment.

7 In the Study Area, again just to go
8 over that, if you see in this Staff Report
9 there is a map of the Study Area, and on
10 the east side there is the Sarnoff
11 Preserve owned by New York State, it's
12 1,200 acres. The dominant Land Use
13 category in the Study Area is public land
14 and that comprises about 580 acres. And
15 the remaining area is composed of
16 single-family residential lots, lots that
17 are approximately a quarter of an acre;
18 those are around Wildwood Lake, the
19 northeast side of Wildwood Lake and the
20 south side.

21 And Wildwood Lake is described in
22 the Pine Barrens Land Use Plan, Volume 2,
23 as a scenic resource. And the
24 Riverhead-Moriches Road, County Road 63
25 north from 51 is also described as a

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2 scenic resource. And Riverhead, this area
3 is also described in that area called
4 Riverhead Hills, that is a scenic resource
5 as well as Wildwood Lake south of
6 Riverhead Hamlet. And the descriptions
7 are in the Staff Report.

8 This again is in the R-15 Zoning
9 District and other districts in the area
10 include R-10 and the five-acre Zoning
11 District CR-200.

12 So back to the water resources
13 issue, the Health Department has -- we
14 have corresponded with them to find out if
15 this would achieve Health Department
16 standards to be approved and they have
17 explained that -- and what we've learned
18 is that there was a subdivision in 1982
19 called the Wood (indecipherable)
20 subdivision that created this property.
21 And there's a map, I believe, in the -- in
22 the package that created this lot and the
23 lot to the north and that was approved by
24 the Town, again in 1982. And that
25 subdivision, however, was never approved

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2 by the County Health Department. So it
3 is -- there is no permit for the sanitary
4 system for the existing residences.

5 And to go forward with this
6 subdivision, they really need 120,000
7 square feet where they only have about
8 98,000 and -- I'm sorry -- they have
9 80,000 square feet. They will need to
10 make up the difference by buying some form
11 of transfer development rights. They
12 cannot use Pine Barrens credits because
13 this is in the Core Preservation Area and
14 it's a descending area and there is --
15 that would be contrary to the plan to land
16 Pine Barrens credit in the Core
17 Preservation Area where they are meant to
18 be sent out of that area. So the
19 applicant would need to purchase some form
20 of TDR or land equivalent to about \$60,000
21 and this has been conveyed to the
22 applicant. They're aware of this because
23 they would be creating three lots out of
24 an area that they only have enough area to
25 satisfy Health Department requirements to

1
2 create to.

3 If they had originally done a
4 three-lot subdivision, it may have been a
5 different story. But as of now, they will
6 need Board of Review approval from the
7 Health Department to go forward with this
8 application.

9 So they also need to get Town of
10 Southampton's Planning Board subdivision
11 approval and other permits are listed in
12 the Staff Report. The applicant has not
13 applied for Pine Barrens credits.

14 Again this is in the Core, and it's
15 a large lot for the zoning, so based on
16 the formula, there is an estimated letter
17 of interpretation that the property could
18 be eligible for 2.7 Pine Barrens credits.
19 But again the applicant desires to build a
20 subdivision and build a residence -- I
21 mean, have a subdivision and build a
22 residence on this property -- a second
23 residence, so they are not seeking Pine
24 Barrens credits at this time.

25 And then the items -- at the end of

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2 the Staff Report, again, they'll need to
3 satisfy the requirements of the Health
4 Department and the DEC Wild Scenic and
5 Recreation River permit jurisdiction. You
6 have the applicant's letter.

7 Again, they purchased this property
8 in 2019 to build a home to be near their
9 daughter and they have -- are going
10 through some difficulty personally in
11 their family and that is what they have
12 explained in their letter.

13 So if you any questions for --

14 SUPERVISOR SCHNEIDERMAN: I just
15 want some clarifications, Julie.

16 There's already one house on this
17 lot?

18 MS. HARGRAVE: Yes, yes.

19 SUPERVISOR SCHNEIDERMAN: And
20 they're seeking to create -- make one
21 additional lot or two additional lots?

22 MS. HARGRAVE: Yes. One additional
23 lot. There's a net increase of one-lot,
24 one residence.

25 SUPERVISOR SCHNEIDERMAN: And it's

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2 entirely in the Core, which would --

3 MS. HARGRAVE: Yes.

4 SUPERVISOR SCHNEIDERMAN: So

5 currently they would be allowed accessory

6 types of structures, but any new

7 residential would be a Hardship, correct?

8 MS. HARGRAVE: Yes. It's an

9 increase in the intensity of use on this

10 land. There is one residence, they would

11 be subdividing and building one new --

12 creating a new lot and a new residence,

13 building a new residence.

14 SUPERVISOR SCHNEIDERMAN: And the

15 current location of the house is to the

16 south end of the property; is that

17 correct?

18 MS. HARGRAVE: Yes. It is on the

19 south side of the property. And the whole

20 north side is wooded, and there's slight

21 topography on the north side as well, but

22 not -- no significant steep slopes. But

23 it is -- the house is surrounded by

24 vegetation really. It's not a largely

25 cleared lot.

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SUPERVISOR SCHNEIDERMAN: And they want to create this lot for their daughter to live next to them?

MS. HARGRAVE: Yes. I'm sorry. They want to live there next to her. I believe it sounds like she lives in the existing residence. I think they live on the North Fork.

SUPERVISOR SCHNEIDERMAN: And, Julie, just in terms of accessory structures, any sort of carriage house or accessory apartment, those are all considered development, correct? That would be subject to a Hardship, as well?

MS. HARGRAVE: No, not necessarily. No. I mean, we'd have to look at that more closely if that's what they proposed, if they did propose that. But accessory uses as defined by the Town Code are generally permitted without a Hardship, they would be nondevelopment, so maybe that is something they -- -

SUPERVISOR SCHNEIDERMAN: To do an accessory apartment or an accessory

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structure, you wouldn't be subdividing
this property, so once you subdivided it,
it could be sold to anyone.

MS. HARGRAVE: Right.

SUPERVISOR ROMAIN: Julie, can I
ask a question?

MS. HARGRAVE: Yes.

SUPERVISOR ROMAIN: I'm very
sympathetic to the applicant, but I'd like
to go back to this lot. This lot I
believe was originally created in 1982 as
a part of another subdivision that was
taking place, that is my understanding is
that the Department of Health Services for
Suffolk County never approved; is that
correct?

MS. HARGRAVE: Right. They never
approved the subdivision that was approved
by the Town in 1982.

SUPERVISOR ROMAIN: So where's
that leave that legally if the Town
allowed the subdivision in 1982, but the
Health Department did not recognize the
subdivision?

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2 MS. HARGRAVE: From our
3 understanding, the Health Department, if
4 this were to go forward, they would need
5 to legalize that issue with the Health
6 Department. If it doesn't go forward -- I
7 can read to you what the Health Department
8 wrote. Can I just do that?

9 It says: The department never
10 received any applications for the sanitary
11 systems serving the existing structures on
12 the property. If the proposal is to
13 legalize the two-lot subdivision approved
14 by the Town of Southampton back in 1982,
15 that a Board of Review Variance will not
16 be required as the original parcel had
17 sufficient lot area 2.63 acres meeting the
18 lot size requirement of Article 6 of the
19 Sanitary Code. A Board of Review Variance
20 will be required if they are proposing a
21 three-lot subdivision.

22 That is what they wrote.

23 SUPERVISOR ROMAINE: Thank you.

24 MR. MCCORMICK: Julie, it's Dan.

25 Can I ask you a question as well?

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MS. HARGRAVE: Yes. Please.

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MR. MCCORMICK: To confirm, you had indicated this was an Hydrogeologic Zone 3 that requires a minimum of 40,000 square feet for each lot, correct?

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MS. HARGRAVE: Yes.

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MR. MCCORMICK: Do we know who owns the site directly due south of that location in the event they're going to be required to purchase property to satisfy that condition? I mean, is that feasible that they may be able to buy additional lotage or parcels in that area?

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MS. HARGRAVE: I think that's privately owned and that would create maybe more issues with more subdivisions. I -- I don't know if the private owner to the south would be willing to give part their property to be subdivided and to create larger lots for this subdivision. So the -- I'm sorry -- the Health Department has said that they would need to buy land -- they would look to have the applicant buy land in the same zero to two

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2 watershed on Peconic River, since that is
3 where this site is. So it can't be like
4 in Manorville or in Brookhaven somewhere.

5 MR. MCCORMICK: Okay. But in the
6 absence of that condition being realized,
7 it appears then the Suffolk County
8 Department of Health would not approve
9 this subdivision, correct? In terms of
10 sanitary flow?

11 MS. HARGRAVE: Well, it would need
12 a Board of Review Variance and that is
13 just something -- we don't have that
14 application -- I don't think they've made
15 that application. It's discretionary
16 perhaps, so it's not a guarantee that
17 would be (indecipherable). We would need
18 more information maybe from them.

19 MR. MCCORMICK: Sure. So the
20 applicant can flush, so at least they know
21 that is part of what we are looking at
22 right now.

23 MS. HARGRAVE: Yeah. Maybe the
24 applicant can shed some light on that,
25 their discussions with the Health

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Department.

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MR. MCCORMICK: Thank you, Julie.

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MS. HARGRAVE: Thank you.

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MR. PAVACIC: Are there any other
questions of Commission members for Julie?

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(Whereupon, there was no response
amongst the Board members.)

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MR. PAVACIC: Hearing none, why
don't we allow the applicant to be heard.

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MR. DELLASPERANZO: Hello.

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MS. HARGRAVE: Yes. Hi, Vincent.

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MR. DELLASPERANZO: How are you
doing? Okay. Good. I did --

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MR. PAVACIC: Can you please
identify yourself?

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And can we swear him in, John?

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MR. MILAZZO: We can do a virtual
swearing.

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MR. PAVACIC: Okay. Can you please
wait for our stenographer to swear you in
please.

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V I N C E N T D E L L A S P E R A N Z O,
the Applicant herein, having first been
duly sworn by the Notary Public, was

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2 examined and testified as follows:

3 MR. PAVACIC: Okay. Please go
4 ahead.

5 MR. DELLASPERANZO: Okay. So I
6 sorted the house with Lucille I guess two
7 years ago. And it was listed as R-15, so
8 I had called the Town at the time to find
9 out if I could put another house on it.
10 And I spoke in the Zoning Department and I
11 said I just wanted to put one house not
12 zone -- not take the house down and put
13 three houses, and they said it was no
14 problem. So I -- from -- I went to the
15 Health Department, you know, after I
16 purchased it and they had told me that it
17 was -- the subdivision wasn't finalized
18 for -- you know, in '82, that I would have
19 to pay by credits for the difference. And
20 so then I went -- everything was going
21 good with the Town, so I went to have it
22 surveyed.

23 And then after the survey, I put
24 the application in with the Town to have
25 it done, you know, to have the

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2 subdivision. And then like a week before,
3 that's when they told me -- they called me
4 up and said that it's in the Core and I
5 need to get an approval with the Core.

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7 But I bought the house, I paid
8 extra because even though it's only a one
9 bedroom house -- because I thought I could
10 build a house for myself next door. So
11 that's, you know, that was, I guess, my
12 Hardship because it was -- it was - you
13 know, surprised. I thought I called the
14 Town and they said I can do it. I had no
15 idea about it's in the Core Preservation
16 or it wasn't a finalized subdivision. I
17 just figured it was R-15 and he said it
18 was okay, and that's why I proceeded with
19 it and that's -- that was[sic] why I am
here now.

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MR. PAVACIC: Okay. Thank you,
21 Mr. DellaSperanzo.

22

Do the Commission members have any
23 questions for Mr. DellaSperanzo?

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SUPERVISOR SCHNEIDERMAN: Did you
have a lawyer representing you when you

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2 bought the property?

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MR. DELLASPERANZO: Oh, yeah, I
did.

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SUPERVISOR SCHNEIDERMAN: The thing
is you're dealing with two different
agencies. So at the Town level, if you
were able to subdivide it and get a second
lot, you still would need to come before
the Pine Barrens Commission to put
anything on that lot. The Town has
certain provisions where we allow sanitary
credits and things like that to maybe
satisfy the Town's requirements, but the
Pine Barrens Commission is a completely
different set. It doesn't allow Pine
Barrens credits to be transferred within
the Core. So I don't know who told you
that you could build a second house here,
but it always would have needed to come
before this body, even if the Town allowed
it.

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MR. DELLASPERANZO: Right. Well,
they didn't mention it until I put the
application in -- after I bought it and,

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2 you know, put the application in -- the
3 same person -- and then it was like just a
4 week before the meeting then they
5 mentioned about the Core. I had no idea
6 about the Pine Barrens Core.

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8 SUPERVISOR SCHNEIDERMAN: Even if
9 you created a second lot, you can't put a
10 house on it without this Commission.

11 That's the problem, so --

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13 MR. DELLASPERANZO: No. No. I
14 understand that now. I never even heard
15 of the Core. No one's mentioned it, you
16 know, I -- I can't blame the Town for not
17 saying listen, you got to find the Pine
18 Barrens Core. You know --

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20 SUPERVISOR SCHNEIDERMAN: That's
21 why I asked if you were represented by an
22 attorney, but --

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24 MR. DELLASPERANZO: Yeah. No, I
25 was. But I didn't -- I'm not even sure --
26 I didn't even mention this to him to what
27 I was doing. I was figuring I called the
28 Town -- it was R-15 -- I called them up,
29 they said I could subdivide it. That

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was -- I was happy with that.

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MR. MILAZZO: So you made an application -- good afternoon. I'm the attorney for the Commission. How are you?

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So you've made an application to the Commission for approval to build -- to subdivide and build a house. And under the law, you need to get a Hardship approval from the Commission before you can do that. And if you can't get approval, you can't proceed.

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MR. DELLASPERANZO: Right.

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MR. MILAZZO: Because it's nondevelopment, which you can try to look at the law and see if there is a provision that would apply.

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So first off, you're always encouraged to get an attorney for representation so you can understand what's going on. Although, I'm sure you understand what is happening.

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So under the law, the Commission can only grant approval, which means you can build your house if you can

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2 demonstrate that there's an extraordinary
3 Hardship if you're not allowed. And the
4 law gives the Commission the tools to
5 measure whether you have an extraordinary
6 Hardship. They give them standards that
7 they have to apply, and they apply them
8 after you show why this Hardship exists,
9 and those criteria are in our law -- I'm
10 sure Julie sent them to you as part of the
11 materials you have from the Commission
12 staff -- and if you haven't, they're on
13 our website.

14 You need to go through those today
15 and say, this is why my Hardship exists.
16 If you don't do that or if it's not
17 sufficient, and the Commission determines
18 there is not a Hardship, you can't get
19 approved.

20 So are you prepared to make that
21 showing? We call it a showing, to put
22 into the record which means you tell us
23 what happened and our stenographer writes
24 it down and that becomes the record on why
25 it's a Hardship under the criteria in the

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2 law, the Environmental Conversation Law,
3 Section 57 -- Article 57, Section 121 to
4 be specific, how this Hardship exists.
5 Otherwise, there's no ability for the
6 Commission to measure whether you've
7 established a Hardship. And if they can't
8 measure it, they can't approve it.

9 MR. DELLASPERANZO: Okay. So is
10 the Hardship like money?

11 MR. MILAZZO: No.

12 MR. DELLASPERANZO: Okay. Because
13 that's the Hardship --

14 MR. MILAZZO: You may want to read
15 the law -- I apologize if my light turns
16 off -- you may want to read the law and go
17 through the elements and then provide the
18 rationale. And if you can't, then we can
19 proceed as well.

20 MR. DELLASPERANZO: Okay.

21 MR. MILAZZO: That's where we are
22 at today just to set the stage.

23 SUPERVISOR SCHNEIDERMAN: John, can
24 I ask you one question, just sort of a
25 follow-up on my earlier line of thought?

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2 MR. MILAZZO: Of course you can,
3 but I always with questions, Supervisor
4 Schneiderman, I always like to say we may
5 want to go into Executive Session because
6 you usually ask me, what should we do
7 or --

8 (WHEREUPON, there was inaudible,
9 indecipherable cross-talk among the
10 parties present.)

11 SUPERVISOR SCHNEIDERMAN: You
12 obviously made the case that the Hardship
13 has to be explained, but we as
14 Commissioners also have to look at whether
15 it can be achieved without the need of a
16 Hardship. If there's another way -- if
17 the stated goal is for this gentleman to
18 be able to live on this property with his
19 daughter and there's a way to do that that
20 does not require a Hardship, that in a way
21 says -- you can't really make an argument
22 for a Hardship if there's another way to
23 achieve it.

24 So, John, are you allowed to expand
25 an existing house, create an accessory

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2 apartment? Or is that something that is
3 not considered development or does not
4 require a Hardship?

5 MR. MILAZZO: Just as a general
6 observation with your questions, Jay, I
7 hate the hypotheticals because -- here we
8 go -- but the expansion of a house in the
9 Core is typically nondevelopment because
10 there's a provisional law that says
11 customary accessory uses and that would be
12 an expansion.

13 Having said that, if there's a
14 proposal to expand a house to build like a
15 mother/daughter, father/son type of
16 scenario, they should come back to the
17 Commission and say, does this constitute
18 development? And then we can look at it
19 as a specific plan rather than a
20 hypothetical plan.

21 SUPERVISOR SCHNEIDERMAN: Right.
22 So rather than an extra bedroom or a room
23 with a separate entrance, you're saying --

24 MR. MILAZZO: I don't know what it
25 would look like, so when I can't figure

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2 out what it looks like, I can't say yes or
3 no; or I can't provide counsel on whether
4 it's a yes or no. It doesn't matter what
5 I say. It's what you ultimately decide.

6 SUPERVISOR SCHNEIDERMAN:

7 Understood.

8 (WHEREUPON, there was inaudible,
9 indecipherable cross-talk among the
10 parties present.)

11 MR. MILAZZO: But I will observe,
12 he's not said anything today. And
13 Mr. DellaSperanzo is -- and I apologize
14 using "he hasn't" -- Mr. DellaSperanzo has
15 not stated any grounds for a Hardship yet.

16 SUPERVISOR SCHNEIDERMAN: He's only
17 stated the reasons why he's here, but not
18 the Hardship.

19 MR. MILAZZO: Yeah. That's right.

20 So what you can all do -- so here
21 we are -- so we can either close the
22 hearing, and at that point the hearing is
23 closed and then the record is what it is.
24 And then you'd have to deliberate on the
25 record. We can see if the applicant

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2 wishes to ask for an extension where we
3 would perhaps close the hearing with an
4 opportunity to reopen it when he has or
5 she has gone through and made sort of a
6 little bit more research and maybe a
7 different argument. Or if we wish, we
8 could just say we're going to continue
9 this hearing next month, which of course
10 him or her and whomever to come back with
11 a right application.

12 Right now, it's really not right
13 because they haven't said anything except
14 that the Town told me it was okay. And we
15 don't mistake ignorance as a justification
16 for --

17 MR. DALE: I was wondering the same
18 thing as my esteemed colleague the
19 Supervisor from Southampton, and I find
20 this whole issue frankly begs a lot of
21 questions, which I'm not going to belabor
22 you with, but there seems to be so many
23 elements that frankly are not really
24 forthright to be addressed and it does
25 gender a certain amount of suspicion, I

1

2 must say.

3

4 SUPERVISOR ROMAIN: So we need a
motion at this point?

5

6 MR. PAVACIC: Wait. So folks, it
7 is a public hearing, so we need to open it
8 up to the public if there's any comments,
as we did advertise.

9

So, Polly, are you ready to do so?

10

11 At this point, we have not -- no
12 one preregistered to speak. So at this
13 point I guess we could hold the folks who
14 are participating via the Zoom
application.

15

16 Polly, would they either use the
17 raise their hand feature or the chat to
indicate if they want to speak?

18

19 MS. WEIGAND: Yes. That would be
very helpful.

20

21 MR. PAVACIC: All right. So folks
22 who are participating via Zoom on your
23 computer or other electronic device, at
24 the bottom you'll see there's a Chat
25 emblem as well as a Raised Hand emblem, if
you wish to speak in regard to this

1
2 application, please let us know via one of
3 those two items. If no one participates
4 via that, then we will -- the last thing
5 we will do is then go through those folks
6 who are participating by telephone only
7 and poll them one by one to see if they
8 have any comments.

9 So I'm not seeing anyone at this
10 point indicating either via Chat or the
11 Raise Hand function that they wish to
12 participate.

13 Do we want to go through the folks
14 participating by phone?

15 MS. WEIGAND: So we don't have
16 anyone that's calling in from phones,
17 everyone who has joined us through the
18 Zoom app with the exception of
19 Mr. DellaSperanzo.

20 MR. PAVACIC: Okay. All right.

21 So it looks like, folks, we have no
22 public comments being offered here. So,
23 John, I guess we would go back to the
24 Commission determining how to proceed at
25 this time point.

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MR. MILAZZO: Yes.

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SUPERVISOR SCHNEIDERMAN: So my thinking at this point is to close the hearing and make a decision on what we have. I don't think Mr. DellaSperanzo is going to be happy with that decision, but he can always reapply for a different relief. But the request was made for the Hardship exemption and it's an active application, we've held a public hearing and I'm okay with closing. If other people feel they want to leave it open to give the applicant a chance to modify the proposal or provide additional information, because no information was provided today, that's okay too, but.

22

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MR. PAVACIC: Do the Commission members, if they close the hearing, want to leave it open for a ten day comment period?

26

27

28

(WHEREUPON, there was inaudible, indecipherable cross-talk among the parties present.)

29

MR. MCCORMICK: I'm sorry. John,

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2 can I ask you a question?

3 MR. PAVACIC: Yes, please.

4 MR. MCCORMICK: John Milazzo laid

5 out three very cogent suggestions to the

6 applicant, and in relation to the other

7 constructive comments made by the other

8 Commissioners, perhaps at this junction

9 the applicant can guide us on what the

10 applicant would like to do given the

11 information they now have at hand?

12 MR. DELLASPERANZO: I'll review the

13 laws, and I'll see if there's a Hardship.

14 I'll look the paperwork over. I thought

15 that I had a Hardship with buying the

16 house for a little more than it was worth

17 because I thought I was getting a piece of

18 land with it, but I'll look the paperwork

19 over and maybe we can have another

20 meeting.

21 SUPERVISOR SCHNEIDERMAN: All

22 right.

23 Then I'll make a motion to hold the

24 hearing open then.

25 MR. DELLASPERANZO: Okay.

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SUPERVISOR SCHNEIDERMAN: Somebody
has to tell me the next date.

4

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MR. PAVACIC: Mr. DellaSperanzo,
are you consenting to extend the hearing
to the next Commission meeting date of
February 17th --

8

MS. HARGRAVE: The 24th.

9

SUPERVISOR ROMAINE: February 24th.

10

MR. PAVACIC: I'm sorry.

11

February 24th?

12

MS. HARGRAVE: And then we need an

13

extension of the deadline too, so maybe

14

until March 17th, if possible.

15

MR. PAVACIC: So Mr. DellaSperanzo,

16

are you offering to extend the decision

17

deadline to the March date?

18

MR. DELLASPERANZO: Yes.

19

MR. PAVACIC: Okay.

20

MR. DELLASPERANZO: Sure.

21

SUPERVISOR SCHNEIDERMAN: March

22

17th. I'll make a motion then to keep the

23

hearing open until -- what was it,

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February 24th was the date?

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MR. PAVACIC: Correct.

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MR. MILAZZO: Just for point of clarity, are we keeping the hearing open and then he's allowed to supply written comment? Or are we going to come back and have a public hearing like we're having now?

SUPERVISOR SCHNEIDERMAN: No, keeping the public hearing open.

MR. MILAZZO: So we are going to reconvene with the stenographer next month, okay.

SUPERVISOR SCHNEIDERMAN: Yes. Sort of recessing or adjourning the hearing until that day.

MR. MILAZZO: Yes. So to adjourn and accept the extension until March 17th made by Supervisor Schneiderman.

MR. PAVACIC: Is there a second?

MR. MCCORMICK: Second, Riverhead.

MR. PAVACIC: Second by the Town of Riverhead. All in favor?

(Whereupon, there was a unanimous, affirmative vote of the Board.)

MR. PAVACIC: Any opposed? Any

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abstentions?

(Whereupon, there was no response
amongst the Board members.)

MR. PAVACIC: The motion carries
unanimously. We are extended.

Thank you.

(Whereupon, this portion of the
hearing was concluded at 3:40 p.m.)

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

3 STATE OF NEW YORK

4 Ss:

5 COUNTY OF SUFFOLK

6

7 I, DOMENICA RAYNOR, Court Reporter

8 and Notary Public of the State of New York, do

9 hereby certify:

10 That the within transcript was

11 prepared by me and is a true and accurate

12 record of this hearing to the best of my

13 ability.

14 I further certify that I am not

15 related to any of the parties to this matter by

16 blood or by marriage and that I am in no way

17 interested in the outcome of any of these

18 matters.

19 IN WITNESS WHEREOF, I have

20 hereunto set my hand this 20th day of January,

21 2021.

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