

CENTRAL PINE BARRENS

JOINT PLANNING AND POLICY COMMISSION

In the Matter of the

Public Hearing for

ROBERTA STERK

200 Howell Avenue
Riverhead, New York

May 29, 1996
5:15 p.m.

PUBLIC HEARING

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

GEORGE PROIOS
Chairman
County of Suffolk

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

BRENDA FILMANSKI
Town of Riverhead
Alternate for Deputy Town Supervisor

DORIS ROTH
General Counsel for the Commission

ANDREW P. FRELENG, Chief Planner, Department of
Land Management, Planning Division

BARBARA WIPLUSH
Town of

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

DONNA PLUNKETT
Staff to Commission

LORRAINE TREZZA

1 CHAIRMAN: I would like to call this
2 public hearing to order.

3 My name is George Proios. I'm acting
4 chairman of the commission for the purposes of this
5 hearing. I'm representing County Executive Robert
6 Gaffney who is the chairman and I will ask the
7 commission members to introduce themselves,
8 starting to my right.

9 MS. WIPLUSH: I'm Barbara Wiplush,
10 representing Supervisor Felix Grucci, Town of
11 Brookhaven.

12 MR. FRELENG: Andy Freleng,
13 representing Vincent Cannuscio, Town of
14 Southampton.

15 MR. COWEN: I'm Ray Cowen,
16 representing Governor Pataki.

17 MS. FILMANSKI: Brenda Filmanski,
18 representing Riverhead Town Supervisor, James R.
19 Stark.

20 MS. ROTH: Doris Roth, counsel to the
21 Commission.

22 CHAIRMAN: For the record, I will read
23 the public notice regarding this hearing.

24 Pursuant to Environmental Conversation
25 Law Article 57-0121, notice is hereby given that a

1 public hearing will be held by the Central Pine
2 Barrens Joint Planning Commission on May 29, 1996,
3 on the matter of the application for a core
4 preservation area hardship permit.

5 The subject of the hearing is:
6 Applicant Roberta Sterk.

7 The project is the construction of a
8 single family dwelling and associated sanitary
9 system on a one acre parcel in an A5 residence
10 zoned district, located north of Jones Road in
11 Manorville, in the Town of Brookhaven.

12 Is the applicant and a representative
13 here to address the commission?

14 MS. GRUN: Yes; I'm Sue Grun
15 representing the applicant. My firm is Smith,
16 Finkelstein, Lundberg, Isler and Yakaboski. I have
17 given the court reporter my card.

18 CHAIRMAN: Proceed.

19 MS. GRUN: Mrs. Sterk could not be
20 here. She is an 89 year old woman living in
21 Florida on a fixed and very moderate income. She
22 was not able to get up here for this hearing.

23 Her parcel now is the only parcel that
24 exists in the original development of the
25 Brightwoods map. This map, which is part of the

1 application, shows the original development as set
2 forth in 1939 and it's her parcel which is
3 currently part of this application marked "RS,"
4 right in the middle.

5 What I did was got a copy of the
6 current tax map that covers this area -- that
7 involves two tax maps -- and made a composite which
8 shows the actual development as it exists today,
9 and what has happened to some of the larger lots
10 from the Brightwoods map, have actually been
11 redivided so there's an extra lot. But her parcel
12 still exists right here (indicating) as "RS,"
13 Roberta Sterk, and this is surrounded by all the
14 red "X's" which shows that this is the development.
15 I came up with that by looking at the assessment
16 rolls as to whether or not the Town tax records
17 showed the improved parcels, which they were.

18 These parcels up here are owned by the
19 neighbors but they are not on the assessment rolls
20 as improved parcels. These parcels were not part
21 of the original map.

22 CHAIRMAN: Do you know if they are
23 improved?

24 MS. PLUNKETT: they are not improved
25 either. Staff has gone out in the field and

1 verified the map being presented here as correct,
2 that all of the red marked parcels are, in fact,
3 developed, and I did verify that the four -- even
4 though they are not part of the subdivision, those
5 four parcels are still vacant.

6 MR. FRELENG: Those four parcels east
7 and adjacent to the subject parcel.

8 MS. PLUNKETT: Adjacent to -- yes, one
9 of those.

10 MS. WIPLUSH: Where is the property in
11 relation to that map?

12 MS. GRUN: The subject parcel is this
13 one right here (indicating).

14 CHAIRMAN: Is Primrose Path a dedicated
15 road?

16 MS. GRUN: I would believe so.

17 MS. PLUNKETT: Just so you know, for
18 the purposes of your discussion, this is not on
19 your core road front exemption list. The Town had
20 come up with those lists, and quite frankly, I
21 think this may have been simply overlooked. I
22 don't think it was necessarily intended to not be
23 on the list, but it is not on the list.

24 CHAIRMAN: It looks like it fits a
25 different criteria --

1₁

MS. PLUNKETT: Absolutely.

2₂

MR. FRELENG: Just one other

3₃

clarification; Swamp Road is now Shakum Road.

4₄

MS. PLUNKETT: It's really no road.

5₅

That's an old name called Shakum Swamp Road.

6₆

MR. FRELENG: Is it an open road?

7₇

MS. PLUNKETT: Yes, it is.

8₈

MS. GRUN: Or is that Jones Road?

9₉

MS. PLUNKETT: It's also Jones Road.

10₁₀

There's a few names that it is known to be,

11₁₁

depending on which map you look at. I'm not

12₁₂

familiar with the historical settlement in the area

13₁₃

as far as the name.

14₁₄

MR. FRELENG: I don't want to be

15₁₅

confused now because there is a Mill Road or -- I

16₁₆

can't ready it -- Sharum Swamp --

17₁₇

MS. PLUNKETT: Shakum Mills. That's

18₁₈

another interior road that was in the subdivision.

19₁₉

That is also open on the eastern portion.

20₂₀

MR. FRELENG: But that's not to be

21₂₁

confused with the road that I asked which was also

22₂₂

called Swamp Road or Mill Road which is along the

23₂₃

south boundary of the map of Brightwoods.

24₂₄

MS. PLUNKETT: That's right. Not to

25₂₅

be confused with that.

1 MS. FILMANSKI: How is that developed
2 here? Is that a recent development or has that
3 been existing for some time?

4 MS. GRUN: It started as a
5 subdivision. There are -- I would say there are
6 two -- I also looked at the property and I would
7 say there are two or three fairly new houses, but
8 probably the red area was. . .

9 MS. PLUNKETT: Definitely I would say
10 it's predominately developed for some time.

11 MR. FRELENG: I'm sorry I interrupted
12 you.

13 MS. GRUN: That's quite all right.

14 Actually my client had owned the
15 parcel, I believe, to the south. They acquired the
16 subject parcel in 1963, and at that time, they
17 owned the parcel to the south having acquired that
18 in 1960. There was a resident on that in 1960. So
19 that gives you some idea. Certainly that house was
20 there over 30 years ago.

21 In 1966, they conveyed -- the husband
22 and wife conveyed the subject property to just
23 Roberta Sterk. It's kind of a checkerboard.
24 However, he then died, and in 1989 the -- there was
25 an inadvertent merger of the two parcels due to

1 the husband's death.

2 In 1989, Roberta Sterk got a
3 variance from the Town of Brookhaven to redivide
4 the property. It was granted. Again, this was
5 also part of the application package.

6 At the time of that application, the
7 environmental assessment forms were filed with the
8 Town of Brookhaven and they indicated there would
9 be no significant environmental damage with the
10 redivision of the property, so they were granted
11 that -- they did put a few conditions on the
12 further development of the subject parcel which
13 were in keeping with all the Town's requirements --
14 maximum clearance to 36 percent, no further
15 grading, that kind of thing.

16 Immediately upon the redivision of the
17 property, Mr. Sterk sold the southerly piece in
18 1989, so that there was no problem with -- I
19 believe you're concerned with the conveyance of the
20 property after 1993. She conveyed it and it was
21 subdivided. In fact the attempts to convey the
22 subject property, as well, had not been able to
23 find a buyer until recently.

24 It clearly is -- I mean
25 environmentally speaking is not going to help the

1 Pine Barrens to preserve this property. It's a
2 very built up area. It's relatively small lots.
3 It conforms to the zoning requirements to build a
4 house on it. It's not going to have any
5 substantial impact on the environment or topography
6 and any of the concerns of the Pine Barrens in
7 dealing with it.

8 MR. FRELENG: Donna, is the site
9 wooded?

10 MS. PLUNKETT: The site is completely
11 wooded. It's predominately oak wood which is
12 typical; oak, heath and understory. It's not
13 completely flat. It's hilly, rolling, topography.

14 I have a question. One of the
15 conditions of the previous subdivision was for a
16 buffer on each side of the lot. It does say it
17 was eventually covenanted and I was wondering if
18 they ever did prepare a covenant?

19 MS. GRUN: I thought I had annexed that
20 as an exhibit; the covenants themselves.

21 MS. PLUNKETT: Yes, I'm sorry you did.
22 You have done that, yes.

23 MS. GRUN: Second part of Exhibit 5,
24 is the covenant that was recorded and it lists the
25 75 foot inside buffer. That's at liber 10902, page

1 382, I believe is the page where the covenant --
2 yes.

3 CHAIRMAN: Any further questions?

4 MR. FRELENG: That's 75 feet of the
5 one acre parcel along the --

6 MS. PLUNKETT: The east side.

7 MR. FRELENG: Along the east side.
8 How wide is this lot?

9 MS. PLUNKETT: the survey is right
10 here. So these are 150 wide by 280 so it's
11 probably about a quarter -- a little bit -- right
12 here probably.

13 MS. GRUN: The actual survey shows
14 287.01 feet on one boundary -- east, west 287.89.

15 MS. WIPLUSH: And five is --

16 MS. GRUN: The current -- I'm not sure.
17 You have it in your --

18 CHAIRMAN: It says five -- district.

19 MS. GRUN: That calls for five acre
20 zone?

21 CHAIRMAN: Yes.

22 MS. GRUN: Well, it must have been
23 upzoned prior --

24 CHAIRMAN: After -- subsequent.

25 MS. GRUN: Yes.

1 MS. PLUNKETT: I think it's single and
2 separate so that's why even though it's in an A5
3 zoning district I believe -- have you gone to the
4 Town?

5 MS. GRUN: Yes, the Town -- the builder
6 went to the town. This was the only glitch.

7 MS. PLUNKETT: If it's single and
8 separate, which it certainly was from what you
9 presented here, that's why they would be allowed to
10 build on the one acre in a five acre. It's an acre
11 now. Originally two acre lots were created in the
12 map of Brightwoods?

13 MS. GRUN: No, originally in the map
14 of Brightwoods it was one acre. This was when her
15 husband died...

16 MR. COWEN: We don't have clearing
17 restrictions in the core.

18 MS. PLUNKETT: No, but in your
19 approvals where we don't have other conditions --
20 if there were no other conditions imposed by the
21 Town then you would impose it, but in this case
22 they have covenanted 36 percent -- no more than 36
23 percent of the lot would be permitted in the
24 clearance which is more restrictive than normally
25 allowed in a CGA, so since this has already been

1 covenanted by the Town, staff would probably not
2 recommend another set of conditions. I think it
3 would be conflicting.

4 MS. GRUN: Unless you wanted to be more
5 restrictive.

6 MS. PLUNKETT: No, I don't think --

7 MS. ROTH: Would you say that if you
8 were not granted this permit, the hardship permit,
9 would your client have any beneficial use for the
10 property?

11 MS. GRUN: No. I don't see that she
12 has any use for the property.

13 CHAIRMAN: Does anyone in the public
14 wish to address the commission at this point?

15 (WHEREUPON, there was no response.)

16 CHAIRMAN: I close the public portion
17 of the meeting.

18 MR. FRELENG: Second.

19 CHAIRMAN: Any further discussion?

20 (WHEREUPON, there was no response.)

21 CHAIRMAN: All those in favor say aye.

22 (WHEREUPON, the commission was
23 polled.)

24 CHAIRMAN: Opposed?

25 (WHEREUPON, there was no response.)

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

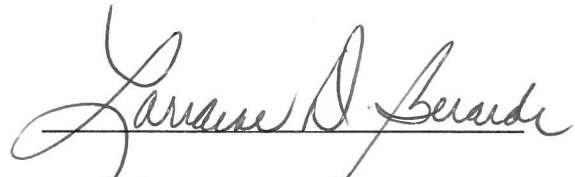
CHAIRMAN: Carried.

(WHEREUPON, this hearing was concluded
at 5:30 p.m.)

CERTIFICATION

I, LORRAINE D. BERARDI, Court
Reporter, do hereby certify that the foregoing is a
true and correct transcript of the proceedings held
May 29, 1996, at Riverhead, New York, in this
matter.

Dated: June 4, 1996


LORRAINE D. BERARDI