

***Transcripts from the May 1995 Supplemental  
Draft Generic Environmental Impact  
Statement hearings***

***Hearing 1: 5/15/95 at the Brookhaven Town offices***

***Hearing 2: 5/16/95 at the Riverhead County Center***

***Hearing 3: 5/18/95 at the Hampton Bays Community Center***

***Central Pine Barrens Joint Planning and Policy Commission***

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CENTRAL PINE BARRENS  
JOINT PLANNING and POLICY COMMISSION

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3233 Route 112  
Building #4  
Medford, New York 11763

May 15, 1995  
7:15 p.m.

**PUBLIC HEARING**

**ORIGINAL**

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

ROBERT GAFFNEY

Suffolk County Executive

JOHN W. PAVACIC

Assistant Director of Town of Brookhaven  
Division of Environmental Protection

TOM CRAMER

Town of Brookhaven  
Commissioner of Planning Environment  
& Development

JOHN GIRANDOLA

Town of Brookhaven  
Representing John LaMura

GEORGE PROIOS

Assistant County Executive

BRENDA FILMANSKI

Town of Riverhead  
Representing Deputy  
Town Supervisor Stark

MARTIN SHEA

Chief Environmental Analyst  
Southampton Representing  
Richard Blowes

WILLIAM SPITZ

Representing Commissioner Cowen  
DEC

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

LORRAINE TREZZA

RAY CORWIN

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MR. GAFFNEY: Let's call this meeting to order.

This is a Public Hearing for the people of the towns to voice their opinions on the Central Pine Barrens Comprehensive Land Use Plan.

It is not necessary to create a dialogue and have it back and forth, but to listen to those people who have objections to the plan and those who have concerns and who want to express those concerns.

What we would like to be able to do is limit each person to five minutes. We will stay here until we have heard everybody. Although, in case the hour gets too late we can move some of the speakers, if necessary, to tomorrow evening in Riverhead. But, we expect we should get through this tonight.

One requirement that I have to do at this point is to read to you the Notice, so we will take a moment to just read this aloud so that there are no

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questions and we comply with the law.

"Notice is hereby given that a Public Hearing will be held by the Members of the Central Pine Barrens Joint Planning and Policy Commission in compliance with Article 57-0121 (12) and Article 8 (State Environmental Quality Review Act) of the New York Environmental Conservation Law to receive public comment on the Central Pine Barrens Comprehensive Land Use Plan and the Supplemental Draft Generic Environmental Impact Statement (SDGEIS) on said plan.

The Public Hearing will be held on three separate days at the following locations at seven p.m.: The first day is May 15, 1995. It is right here, Town of Brookhaven, Brookhaven Town Offices, 3233 Route 112, Medford, New York, Building 4 Auditorium."

We have all found it so we all know how to get here.

"The second meeting will be May

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16, 1995 in the Town of Riverhead.  
Riverhead County Center, 300 Center  
Drive, Riverhead, New York, Legislative  
Meeting Room.

And the last of the three  
meetings will be May 18, 1995, Town of  
Southampton, Hampton Bays Community  
Center, Jackson Avenue, Hampton Bays,  
New York."

The Notice goes on to say that  
"Oral and written statements may be  
submitted during the Hearing. It is  
advisable for the commentaries to  
provide a written copy of their intended  
statements at the time of the Hearing to  
facilitate recording this information  
into the Hearing record. Written state-  
ments may also be submitted to the  
Central Pine Barrens Commission at any  
time, but must be postmarked on or  
before May 30, 1995 to be included in  
the Hearing record. Written comments  
should be sent to the Central Pine  
Barrens Joint Planning and Policy

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Commission, 3525 Sunrise Highway, Second Floor, P. O. Box 587, Great River, New York 11739-0587. Attention: Raymond Corwin, Executive Director.

Again, the nature of the action involves the preparation of a Comprehensive Land Use Plan for the Long Island Central Pine Barrens area. The purpose of this plan is to provide a means for the comprehensive management and protection of the ecological and hydrological integrity of the state wide significant region known as the Long Island Central Pine Barrens, while still providing a more predictable and efficient procedure for approving compatible real estate development in the portions of the Pine Barrens suitable for development.

Location of the action; the Central Pine Barrens area consists of 52,500 acre core preservation area that is surrounded by a 47,500 compatible growth area and is located within the

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Towns of Brookhaven, Riverhead and Southampton and the Villages of Quogue and Westhampton Beach in Suffolk County."

Now that we have gotten that legal document out of the way, let me just take a moment to introduce the other members of the Commission and their representatives that are joining me here today.

If you would start from your left and Bill, if you want to start.

MR. SPITZ: I am Bill Spitz. I am representing Commissioner Ray Cowen. He serves as the Governor's representative on the Central Pine Barrens Joint Planning and Policy Commission.

MR. SHEA: I am Marty Shea. I am representing Richard Blowes, he is the Deputy Supervisor of the Town of Southampton.

MS. FILMANSKI: I am Brenda Filmanski. I am representing Deputy



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Riverhead Town Supervisor James R. Stark.

MR. PROIOS: I am George Proios, Assistant County Executive.

MR. GIRANDOLA: I am John Girandola representing John LaMura, Supervisor of the Town of Brookhaven, Vice Chairman of the Commission.

MR. CRAMER: I am Tom Cramer, Commissioner of Planning Environment and Development. I am also here representing John LaMura.

MR. PAVACIC: I am John Pavacic, Assistant Director of the Town of Brookhaven, Division of Environmental Protection. I am here to assist John and Tom.

MR. GAFFNEY: All right. We have a series of cards for those who have indicated that they want to give testimony and, first, I would like to call Mr. Michael LoGrande.

MR. LOGRANDE: Thank you very much, Mr. Gaffney and members of the

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Board.

My name is Michael LoGrande and I am the Chief Executive Officer and Executive Director of the Suffolk County Water Authority, the largest water authority in the nation solely dependent upon ground water for its water supply.

I am extremely pleased to be here tonight, not only to represent the position of the Water Authority, but also the position of what has come to be known as the "Consensus Group" -- a diverse and rather disparate group, the individual and organizational members of which include: Assemblyman DiNapoli and Senator LaValle; Matthew Crosson, President of the Long Island Association; Richard Amper, Executive Director of the Long Island Pine Barrens Society; Sara Davison, Director of The Nature Conservancy on Long Island; Jim Tripp, General Counsel for the Environmental Defense Fund; Don Eversoll, President of Klein and

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Eversoll -- who together with Jim Tripp co-chaired the TDR sub-committee and in that capacity both were principle contributors to Chapter 6 of this plan; Wilbur Breslin, President of Breslin Realty; and Herbert Balin, Executive Board Member of the Association For A Better Long Island.

In addition to these groups and individuals, I am also representing this evening: Robert DeLuca, Executive Director of the Group For The South Fork; Tensie Whelan, Executive Director of the New York League Of Conservation Voters; and Robert Yaro, Executive Director of the Regional Plan Association.

In sum, they are Democrats and Republicans, a public authority, business interests, building concerns, environmental organizations, and property-owners.

Over the years, these individuals and organizations have infrequently been

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able to agree on much; but while all may not agree on all parts of this plan, taken as a whole this plan is of great importance to Long Island and for Long Islanders.

This unanimity of opinion began more than three years ago when the Long Island Association and I convened a series of negotiation sessions in an attempt to end years of contentious litigation. It was these negotiations that helped lead to passage of the Pine Barrens Protection Act, which was shepardded through the Legislature by Assemblyman DiNapoli and Senator LaValle.

First, I want to congratulate each of you, and commend Ray Corwin and his staff, for the diligence and determination shown throughout the past two years. Our ability to reach a consensus on this visionary document has been assisted by your responsiveness and understanding of what is at stake --

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both economically and environmentally.

You have put forth a plan that we can describe as "definitive, innovative, comprehensive, and accommodating." And while it can be expected that there will be those who will attempt to portray this plan as either overprotective or underprotective, it is our collective view that the plan that has been presented is a fair and balanced plan. It is a plan that will finally provide the documentation and vision necessary to instill a regulatory framework that will bring certainty to the building, business, and environmental communities of Long Island.

It is a plan that establishes where and how 52,500 acres of pine barrens will be preserved and 47,500 acres appropriately developed. By detailing programs of acquisition and transfer of development rights, the plan provides a process that both preserves drinking water and habitat and, equally

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important, protects the rights of developers, as well as large and small private property-owners. And it does so with little or no financial or infrastructural burdens placed on individual communities.

The Standards and Guidelines and Regulatory Review Regulations developed with this plan will assure the preservation of hydrological and ecological resources while simplifying and expediting the project application process. At the same time, the plan reduces impacts to school and other special district and preserves community character. Furthermore, the plan anticipates and encourages ongoing citizen input.

As mentioned, this plan details a comprehensive acquisition program that maximizes cooperation among the various levels of government to secure environmentally sensitive land consistent with limited government resources. (We have

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forwarded a letter sent to Governor Pataki on 5/10/95) At the same time, the transfer of development rights Program encourages -- and provides suitable areas for -- the re-direction of development from the most to the least sensitive areas for development with appropriate density incentives and concurrent, non-duplicative review procedures established therein.

The plan identifies where development should take place and ensures that such development will be contained in a proper planning perspective, and will not continue the urban sprawl that is so evident in western Long Island. It establishes as-of-right overlay districts and provides a new commitment to the creation of planned development districts for center-oriented, citizen-designed communities, which will be accomplished with no time consuming delays. These are programs that will be implementable

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upon ratification by the Towns and adoption by the Commission as we believe they should.

It is our opinion that, if implemented, this plan will result in the establishment of the third largest forest preserve in New York State while encouraging and enhancing our ability to attract prospective and appropriate economic development opportunities -- such as the re-development of the Navy/Grumman property at Calverton -- and retain them in our region.

It is the individual components of this regional plan -- the transfer of development rights and acquisition programs; the definable, supportable, and enforceable standards; the streamlined reviews -- that will help to alleviate the growing pessimism of Long Islanders associated with eastward urbanization (sprawl) and duplicative and heretofore increasingly complex regulatory processes.



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It is understood that this plan will undergo continued refinement during the SEQRA process and beyond to address concerns emerging from the ongoing public dialogue. And, as has been evident throughout this process, we will continue to help you work them out.

We have asked, and you have answered the question posed:

Will Long Island be better served by this definitive and implementable plan for the pine barrens that identifies where development should be located and where preservation efforts should be focused?

We emphatically say yes.

Or, should we return to the era of litigation and regulatory uncertainty encountered in the 1980's due to the lack of regional vision for the pine barrens?

We emphatically say no.

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Once again, we commend your efforts and support this plan. This is the type of government reform that the public seeks and that we collectively and readily endorse.

Thank you, and we stand ready to assist you in any way we can to see this through.

I might add just a personal note since this was the Consensus Group's statement that when I think about the pine barrens and the importance of it to the Towns of Brookhaven and Riverhead and Southampton's Town that what this Commission has done we might not see and reap the rewards of that, but, certainly, future generations will do that. And, you are going to hear tonight from all the people who own properties and rightfully they have a right to comment on that, but I think if you look through all of that and look to the future, that whatever you are about to approve in the next few months is

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something that will have a long lasting effect in, perhaps, two or three or five centuries to come.

And, I thank you very much, Mr. Chairman. Thank you.

MR. GAFFNEY: The next speaker is Arthur Kaliski.

And, if you would, Mr. Kaliski, if you could state whatever affiliation you have if you are representing somebody.

MR. KALISKI: My name is Arthur Kaliski and I am the Chair of the Long Island Sierra Club. We have over six thousand members on Long Island. The Sierra Club is one of the many interested parties who have supported the protection of the Pine Barrens.

What has brought us to this point of agreeing to disagree about how land should be used or not used? What gives land value to individuals, a community and a society?

The Central Pine Barrens Joint

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Planning and Policy Commission has agreed to a plan, the Central Pine Barrens Comprehensive Land Use Plan and the Supplemental Draft Generic Environmental Impact Statement, a process which has made most sides of the land use issue compromise. Each side could have something of what they felt was important. No one is getting a hundred percent of what they would like.

In the making of this document respect has been gained for all parties who came together with differing views and resolved their differences to a plan that they can all agree to. The Pine Barrens may not have the appearance of being a value in its natural state to some people; however, the Pine Barrens Forest is very important to the health and quality of life on Long Island. If it is built upon and not protected, Long Island would lose its only fresh water supply that is pristine, a fresh clean water source. You cannot put a value on

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that.

Fifty percent of the U. S. population live along the coast line. Without some planning to protect open space and our drinking water, the future residents on Long Island will see and feel little difference than if they were living in Brooklyn, Queens or Bronx. The Pine Barrens will become to Suffolk County as Central Park is to New York City. And an area that future generations will appreciate as New York City residents feel towards Central Park.

It is important to move this process to completion. We cannot return to the past and we must save some things for our children's future. And, the Sierra Club -- I think that this is a very big thing that people who have differing viewpoints, differing interests, that they do have to come to a table and they do have to compromise to save something of what is important

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to the future of Long Island. And, the Sierra Club would like the plan to go through in its present state.

And, even though it is not everything that the Sierra Club would have wished, we know it is not everything that the other side would like either. So, I would like to thank you for the time to comment on this.

Thank you.

MR. GAFFNEY: The next speaker that we have listed is Gladys Gherardi.

MS. GHERARDI: I am a landowner. I find it abominable that I was not notified by the County Executive. any landowners that I know of were not notified because there wasn't enough money for postage. We have a lot of money at stake in the land that we own.

I also find it reprehensible that I wrote a letter to Governor Pataki well over two months ago and I have not even gotten the courtesy of a form letter

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back.

There are many people in this room that have owned land as long as I have, which is twenty-five years. I have paid taxes for twenty-five years. My land is now being taken away from me. Who is going to pay me for it; the transfer rights? What if nobody wants to buy my transfer rights? Who is going to pay me fair market value for my land?

Before Mr. Amper's face began to appear in all the newspapers my land was worth about \$50,000.00 an acre. Do you know what my land is worth now?

Nothing. I couldn't sell my land. I have 1,200 feet frontage on County Road 111, I own 67 acres. That is a lot of money to me. It may not be a lot of money to you people, but it is a lot of money to me. And, I have paid my taxes every single year.

And, furthermore, all that happens is our taxes keep going up for land that we can do nothing with. If

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this goes through and nobody wants to buy my transfer rights, it is like being invited to a party and nobody shows up. What am I to do? Who is going to pay me for this?

I am a citizen of this country. Things are being taken away from me that I have a right to have.

Furthermore, I would like to know, is anyone on this Commission -- Have you people ever owned land in Pine Barrens? Has Mr. Amper ever owned land in Pine Barrens or any of the environmental groups? And, if they have, when did they sell it; before or after this all started? I would like to know answers to all these questions. And, I would appreciate if somebody could tell me some of these answers.

MR. GAFFNEY: Ma'am, what I thought I suggested earlier on the purpose of this is a hearing in which the members of the Commission will listen to the complaints and the



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difficulties that anybody may have with the proposed plan, or to hear from those people who may favor it so we have some consensus of what everybody's concerns are.

I am not so sure that this is the proper forum to have an ongoing dialogue. We have had those and you may have participated in those at the time.

We will note your name and address. I don't have your address, but if you would give me your address, we will be in touch with you.

MS. GHERARDI: That is fine, except that the gentleman that was up here before, instead of speaking for five minutes spoke for about fifteen because I timed it. Are we going to now have that kind of operation here?

MR. GAFFNEY: The gentleman that was up here before was given a position on another -- he was representing the group of people who worked on the plan. We had indicated that that was a

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preliminary statement. The five minute requirement was not intended to apply in that case. Nor will it apply unless we feel that someone is just looking to lengthen or prolong this session.

If you have something that you want to continue saying, you can continue to say it beyond five minutes. But, what we are not going to have is a dialogue tonight.

If you, however, give me your phone number and address now, I will make sure that we get in touch with you.

MS. GHERARDI: Who will get in touch with me?

MR. GAFFNEY: People from the Pine Barrens Commission. We will be in contact with you and, perhaps, be able to solve some of the difficulties that you may have.

It may be for all I know that your property is not within the Pine Barrens.

MS. GHERARDI: It is. I have

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seen the maps. My land is all within the Pine Barrens transfer rights.

MR. GAFFNEY: All of those things I am not personally aware of since we have never met before and I don't know where your property is and I don't know where you live. But if you give us that information, I will certainly have someone contact you.

MS. GHERARDI: Fine. Thank you.

MR. GAFFNEY: If you could just leave your address with somebody before you leave.

The next individual is James Gherardi.

MR. GHERARDI: My name is James Gherardi. I live at Shore Drive East, Amagansett, Long Island. My phone number is 516-829-1199. That is my business phone.

I heard what you said. I also must say I am offended. I look around the room, I went to a meeting earlier that was out in Wading River School. It

1  
2 was very well attended by landowners.  
3 Not to be notified it seems to me it is  
4 reprehensible.

5 In addition, I am further  
6 offended when I look up at the dias and  
7 I see all representatives. Not offended  
8 against the individuals, so please  
9 understand what I am saying. I am  
10 saying that the Town Supervisors think  
11 so little of these meetings that they  
12 find they cannot be present here. We  
13 have the County Executive here. He  
14 thinks it is important but, I guess,  
15 these other people -- maybe it is all a  
16 foregone conclusion.

17 I listened to the gentleman from  
18 the Water Authority and I certainly  
19 understand the need for fresh water. We  
20 all understand it. Civilization needs  
21 two things; fresh water and sewage  
22 disposal systems. That is very  
23 interesting because here on Long Island  
24 I find nobody wants to build sewage  
25 disposal systems.

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While we are all worried about the ground water, we are pumping all of the raw sewage in with cesspools and et cetera and et cetera. So, I find this certain amount of incongruity there in this so-called scientific thinking that is going on out here.

It seems to me that essentially this water table, like Brooklyn's and Queen's and Nassau's, for that matter, will become contaminated if it is not already contaminated, which I am sure it is in many towns or it will be in the future.

But, more importantly, I find that the whole taking issue here is offensive. I've said it before and I want to say it again. It is offensive because it seemed to me that two hundred years ago that the people that founded this country fully understood the need of government to appropriate and take for the good of all properties. Consequently, one of our amendments, the

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Fifth Amendment, gives the right of immanent domain but it talks about compensation. It doesn't talk about a surreptitious taking, a taking in which I have watched, as my wife said, we owned this property for almost thirty years. Next year it will be thirty years. We have paid our taxes. I watched that property go from 9,000 square feet to 10,000 square feet to 20,000 and, a few years back without even notification, they had a hearing and all of a sudden my land was 5 acres. Well, if we get it up to 25 acres, you wouldn't even need to do this because the amount of people that can afford to live on 5 acres, and I asked the Board like this, I defy anybody out there to tell me that they can afford to live on a 5 acre parcel of property. So, it is essentially a type of taking through zoning.

Now, we have a further taking and now we talk about transfer rights and

1  
2 all sorts of very, very interesting  
3 things. They tried it in Jersey, it  
4 didn't work. It leaves the landowner  
5 without any capacity whatsoever to  
6 bargain in a marketplace economy. All  
7 of the things that supposedly the  
8 Constitution, and always remember ladies  
9 and gentlemen, the rights you take away  
10 from me today will be taken away from  
11 you in some other succeeding government  
12 or your children or your children's  
13 children. Every day that a right is  
14 taken away from us as citizens, it is a  
15 right that is taken away from all of us.  
16 It just doesn't impact on the landowners  
17 here, it impacts on all the other  
18 people.

19 I called the Farm Bureau because  
20 I wanted to know, because at two years  
21 back I was seriously considering perhaps  
22 growing grapes on it. I spent a lot of  
23 time up on the North Fork. I spent some  
24 time with the people from Cornell. I  
25 had the lady that is one of the ladies

1  
2 in charge, she was good enough to make  
3 an appointment, come down and look at  
4 our property, give us an idea. So, with  
5 that thought in mind thinking that,  
6 well, maybe there is another way because  
7 we have no desire to sell our property.  
8 I didn't buy it thirty years ago to sell  
9 it, but rather to leave it to my sons  
10 and grandchildren. Well, I called and I  
11 was told that oh, no, I said "Can I just  
12 clear cut that and put it in" -- "Oh,  
13 no, it depends on what kinds of trees  
14 you have." I said "I don't know what  
15 kind of trees I have." And then they  
16 said "You have to submit a plan." I  
17 said "I am talking about a farm, I am  
18 not talking about houses. I am not  
19 talking about" -- "Well, you will have  
20 to get together with us."

21 I mean, where does the govern-  
22 ment interference stop? Why don't you  
23 just pay us for it? Why didn't the  
24 people here have the decency to pay us  
25 for it? That is what I am asking you



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people. You don't seem to realize that what the precedent is, is being stopped. This is not only here, this is all over this nation.

I would like to submit this because here is an article I would ask each of you to read that was in Newsday on the 12th. And, I understand it only appeared in New York Newsday because these kinds of articles Newsday doesn't even like to print over here. I would ask that an auditorium be set on this thing until the Federal Government decides the type of reparation that they have that should be forthcoming to people who have their property taken away.

At least they have the decency to talk about thirty-three percent if the value of your property is diminished. As my wife said to you, we were turning down offers because we had no desire to sell the property at 40 and \$50,000.00 in the mid '80s. Today, you couldn't

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get forty or fifty cents, you couldn't get an offer.

          This isn't just going on here. There seems to be a desire in this country to take away rights and not pay people for it. I mean, it's absolutely -- I mean, if everybody here knows their history, that is what the Magna Carter was about. It was about property rights, the taking away by government. At that time they called him a King, today we call them Presidents, Governors, County Executives, it's all the same. It is the power of people in elective office to take away rights. That is what the whole thing is about.

          And, I believe, you people are missing the boat. I understand his water problems and I am for it. And, if he needs the water, then you should buy the property.

          When they built County Road 111 they wanted to build it right through my property. They came to me like a human

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2 being and they were human beings and  
3 they said "We need it." They showed me  
4 what they needed. They got their  
5 appraiser, we got our appraiser. The  
6 two appraisers were there and they built  
7 a highway right through the middle of my  
8 property. I wound up with three acres  
9 on one side and sixty-five acres on the  
10 other side. And, even that is crazy.  
11 How does County Road 111 be a taking  
12 area? I have 12,000 feet on one side  
13 and it is a transfer, you can transfer  
14 into it. The other sixty-five acres  
15 with 12,000 feet on the other side it is  
16 a public highway. It is a high speed  
17 highway and it is somehow being  
18 preserved.

19           Wouldn't logic say we should  
20 develop it commercially just like you do  
21 on the Expressway and any other highway?  
22 I find the whole thing abominable.

23           I would like to give this to the  
24 Committee. I don't know if I have  
25 enough. I have some more and I thank

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you.

MR. GAFFNEY: Thank you.

The next speaker is Jim Tripp.

MR. TRIPP: Good evening, Mr. Gaffney, Chair of the Commission, ladies and gentlemen, members of the Commission. My name is James Tripp. I am General Counsel of the Environmental Defense Fund and I prepared a short written statement.

We have reviewed the Commission's April 26, 1995 Proposed Final Central Pine Barrens Plan and Supplemental Draft Generic Environmental Impact Statement. The Commission has produced a high quality plan that achieves the land preservation, growth management, environmental quality and economic goals sets forth in the State's Long Island Pine Barrens Protection Act. We urge the three towns to adopt and ratify the Plan and pursue its implementation through adoption of specific ordinances. At the same time, we recognize that

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further refinements are needed as the Plan goes through the town ratification and implementation process. In turn, this should lead to further refinements of the economic and environmental impact analyses set forth in the Plan and GEIS. We therefore look forward to continued working with the Commission, the three towns, the County, and the many parties with a stake in this process, including community, civic and environmental groups, property owners, LIBI, the LIA, elected officials and school districts, in refining the Plan and facilitating its implementation to accomplish our shared goals.

We support this Plan because it can and will help the towns of Brookhaven, Riverhead and Southampton and Suffolk County achieve a shared vision for the Central Pine Barrens with the following benefits:

- \* a highly protected groundwater supply with an estimated 80

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2 million gallons per day recharged  
3 through the 52,000 acre core;  
4 \* a large, unfragmented forested  
5 pine barrens ecosystem;  
6 \* lower costs for future  
7 infrastructure - transportation,  
8 water supply, sewerage and  
9 utilities - resulting from  
10 regionally clustered development;  
11 \* more development in hamlet  
12 communities with mixed use  
13 centers;  
14 \* resolution of the status of large  
15 numbers of small, largely  
16 undevelopable lots in the  
17 interior of the Pine Barrens;  
18 \* an increase in zoning and  
19 development pattern certainty and  
20 predictability.  
21 The State Act provides for two  
22 basic tools to preserve Pine Barrens  
23 lands and to foster compact, efficient  
24 development outside of core -  
25 acquisition and a transfer of

1  
2 developments rights (TDR) program. EDF  
3 is interested in economic incentive  
4 measures to achieve environmental goals,  
5 and the Pine Barrens TDR program is such  
6 a measure. In combination with  
7 acquisition, it constitutes a cost-  
8 effective approach to preserving  
9 environmentally sensitive land and  
10 focusing residential and commercial  
11 growth in a desirable way.

12           The Pine Barrens Credit (PBC)  
13 program set forth in the Plan has many  
14 features that the Advisory Committee's  
15 TDR Committee identified as critical to  
16 its vitality. For PBCs to have  
17 significant value, it is essential that  
18 each town have enough receiving areas  
19 that are economically viable. Chapter  
20 6.5.2 provides, as the TDR Committee had  
21 urged, that each town must put together  
22 a receiving area program that can absorb  
23 or accommodate at least 2.5 times the  
24 number of PBCs available for allocation  
25 in the town.

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In addition, for the PBCs to have value, it is important that landowners be able to use PBCs as-of-right in some receiving areas. Chapter 6.4.1.1 defines the terms as-of-right in general to mean that town planning boards, not town boards, will approve use of PBCs within the density increments prescribed in the town plans with no additional special permit required. 6.5.2.1 provides that each town must establish enough as-of-right receiving areas so that they could absorb all PBCs that may be allocated on a ratio of at least 1:1.

While we would have preferred a ratio of 1.25 to 1, this ratio is satisfactory so long as the as-of-right receiving areas are of appropriate value from a development point of view and we have confidence in each town's estimate of the number of PBCs that can realistically be absorbed there. Based on recent discussions with the Town of Brookhaven, we are confident that the



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2 as-of-right receiving districts that the  
3 town has identified to date can absorb  
4 around 1850 PBCs. Since some of these  
5 districts may not be attractive from a  
6 development point of view, we hope that  
7 Brookhaven will be able to find  
8 additional areas so that the absorption  
9 capacity exceeds 2000 PBCS. We will  
10 continue to work with the towns to help  
11 make sure that adequate absorption  
12 capacity is available in both as-of-  
13 right and other districts.

14 In addition, we have reviewed  
15 Chapter 23: Impacts on School  
16 Districts. On our view, this Chapter  
17 candidly and fairly evaluates both the  
18 worst case and likely impacts of the TDR  
19 program on school. In most cases, these  
20 impacts will be very modest. In looking  
21 at these impacts, all should remember  
22 that, while we want more receiving areas  
23 than are technically needed so as to  
24 assure a robust market for PBCs,  
25 necessarily the number of PBCs that

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2 actually result in transfers of density  
3 cannot exceed the number actually  
4 allocated. Chapter 23 points out that  
5 additional commercial development in  
6 receiving areas could generate net  
7 fiscal resources for school districts.  
8 It would be useful for the Commission to  
9 undertake some additional analysis to  
10 show what levels of additional  
11 commercial development based on PBCs  
12 could generate tax revenues necessary to  
13 offset any likely, net residential  
14 impacts.

15 Further, each town has agreed to  
16 release planned development district  
17 (PDD) regulations by June 30, 1995, with  
18 final adoption by September 30. These  
19 regulations offer community groups  
20 throughout each town an opportunity to  
21 help shape future center-oriented  
22 communities, with hamlet-like retail and  
23 community facilities. Because these  
24 PDDs are subject to town board review,  
25 there is the possibility of staging

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2 commercial and residential development,  
3 of benefit to school districts. In  
4 addition, since PDDs will inevitably  
5 have to have sewage treatment plants, it  
6 should be possible to reduce total  
7 pollutant loadings from sewage below  
8 what it would otherwise be. Indeed,  
9 overall, with modest increases in  
10 density in as-of-right districts, less  
11 sprawl, less lawn space per unit and  
12 well-planned PDD, the PBC program should  
13 result in reduce total loadings of  
14 nitrogen and other pollutants compared  
15 to the status quo. Again, if a  
16 particular receiving area may cause a  
17 particular environmental problem, we  
18 should be able to address it now.

19 In a letter dated May 10, LIBI  
20 has raised a number of concerns. While  
21 we share some of these concerns, we  
22 believe that they can be resolved in a  
23 manner that protects the stated  
24 interests of the development community.  
25 Yes, the economic analysis in the

1  
2 Plan/SDGEIS needs work. As a practical  
3 matter, such an analysis must await  
4 detailed design of the as-of-right, PDD  
5 and other receiving areas in each of the  
6 towns. As this work continues, we urge  
7 the Commission to refine the economic  
8 analysis. We also share LIBI's concern  
9 that there be predictability in the  
10 zoning regulations in each town so as  
11 not to undercut the viability of the PBC  
12 program. Maintaining a minimum ratio of  
13 1:1 between the absorption capacity of  
14 as-of-right receiving districts and  
15 remaining PBCs that may be allocated in  
16 a step in this direction.

17 We would like to work with the  
18 towns and Commission to increase this  
19 level of certainly. LIBI points out  
20 that, according to the SDGEIS, the Plan  
21 will result in a "regional reduction" of  
22 1229 units. This is a theoretical  
23 number. There is little likelihood that  
24 these units, many slated for interior  
25 lots with no conceivable road access,

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will be built for decades. In all probability, this Plan increases the viability of real development in each town's receiving areas in the near future.

Thank you.

MR. GAFFNEY: Thank you.

At ten minutes each we are here until about midnight. I have no problem, but I am sure there are people here who want to speak before that. So, if we keep it to five minutes, if you can say what you need to say in five minutes, you will not only be making it easier for all the other people that want to speak, but you would then avoid the necessity of coming back another day to say it. So, I would ask you to do that.

Again, we haven't cut anybody off but, again, it is important that I think we recognize that many of the people that are here this evening probably will not be able to or not be willing to come

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back another evening.

Next speaker is Dr. Stuart  
Lowrie.

DR. LOWRIE: I promise to keep  
my remarks very brief since I don't  
particularly want to be here until  
midnight.

For the record, my name is Stuart  
Lowrie. I work for the Nature  
Conservancy on Long Island. I am the  
Peconic Biosphere Reserve Director and I  
want to thank you for this opportunity  
to address you with a few very brief  
remarks.

Most of you probably know that  
the Nature Conservancy has a mission  
statement. You probably don't know what  
it is and I will very quickly read it to  
you and you will understand why the  
Nature Conservancy is interested in the  
Pine Barrens.

Our mission is to preserve rare  
and endangered plants and animals and  
natural communities that represent the

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diversity of life by saving the lands and waters they need to survive.

The Conservancy has been active on Long Island for over forty years. We now have membership exceeding twenty thousand people. One of our highest priorities on Long Island for the last twenty years has been the preservation for a substantial piece of Long Island Pine Barrens. And, as most of you probably know, Long Island Pine Barrens is home to one of the highest concentrations of rare endangered species to be found anywhere in New York State.

We support the Long Island Pine Barrens Plan and we see it as an important step towards the long term protection and management of this unique biobred diversity. A couple of points in the plan that we are particular pleased to see one, of course, if the plan protects a 52,000 acre core area of natural contiguous pine barrens and

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almost unentirely intact. It recognizes the need to prevent further fragmentation of remaining forest in order to sustain the diversity that we now find there.

Also, the plan sets the stage for the establishment of critical management development. Among these is Fire Management. The plan calls for the development of Fire Management Program. Fire helps maintain the mosaic of habitats that Pine Barrens species need to survive. The plan also establishes a protected lands counsel so that conservation goes in this preserve can be better coordinated. And, the plan also established a law enforcement counsel so that agencies in charge of protecting the Pine Barrens can work better together.

Well, this plan, as other speakers have noted, is not perfect. We do support it. It is the necessary and important next step in preserving one of



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Long Island's most important natural resources.

Thank you.

MR. GAFFNEY: Thank you, Doctor. The next speaker is James V.

Zizzi.

MR. ZIZZI: I have several copies of the document that I am going to read from. I believe each individual on the Commission has received a copy of this today.

MR. GAFFNEY: If you would also identify your affiliation. I know what it is, but --

MR. ZIZZI: I haven't gotten to that yet.

MR. GAFFNEY: Okay.

MR. ZIZZI: My name is Jim Zizzi. I am the current President of the Long Island Builders Institute. I am also the National Director for the National Association of Home Builders. I live on the east end of Long Island. I served as a member of the Advisory

1  
2 Board to this Commission representing  
3 the Southampton Business Alliance which  
4 represents business interests in the  
5 Town of Southampton. I also  
6 participated with the TDR Program, the  
7 Committee; I am listed as such as in the  
8 documents.

9 What I would like to do is spend  
10 a moment reading a document, a letter,  
11 and then make several personal comments.  
12 This letter is from the counsel for the  
13 Long Island Builders Institute, William  
14 Esseks. It is addressed to the members  
15 of the Committee.

16 Gentlemen: A Public Hearing on  
17 the Proposed Final Central Pine Barrens  
18 Plan and Supplemental Draft Generic  
19 Environmental Impact Statement is  
20 scheduled for May 15, 1995, May 16, 1995  
21 and May 18, 1995. I ask that this  
22 letter be made a part of the record at  
23 each of the foregoing hearings and that  
24 it be read out loud to those citizens  
25 who appear for each hearing.

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We represent the Long Island Builders Institute, Inc. It objects to these hearings taking place without the Commission members and the public having the initial and the final reports prepared and to be prepared by the "Harriman School" of the State University at Stony Brook, in accordance with ECL S57-0119 (8), and, as discussed at Page 25 of the "Plan" Volume 1 dated January 13, 1995. That same "Economic Analysis" is referred to on the tenth unnumbered page of the "Plan" issued under date of April 26, 1995.

Our client has asked for a copy of the Harriman Reports and has been denied the opportunity to read and review it. Our client made a FOIL application for that report and it was denied.

We have now brought a proceeding in the Supreme Court, Suffolk County entitled "Long Island Builders Institute, Inc. versus Central Pine

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2 Barrens Joint Planning and Policy  
3 Commission," Index Number 95-11218 and  
4 we await the direction of the Supreme  
5 Court Justice assigned to this  
6 litigation.

7 The Commission's April 26, 1995  
8 Notice sets forth the reason for the  
9 foregoing hearings. I submit that the  
10 Commission cannot properly fulfill its  
11 obligations pursuant to the Notice and  
12 the act unless the Commission members  
13 and the public have an opportunity to  
14 read, review and understand the Harriman  
15 Reports prior to your hearings on the  
16 "Plan." To have the hearings first and  
17 then make the Harriman Reports available  
18 second is to deny the public and our  
19 clients procedural due process in  
20 violation of the State and Federal  
21 Constitutions.

22 We submit that the failure of the  
23 Commission to make the complete Harriman  
24 Reports (Concerning the economic effects  
25 of the plan upon local governments and

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property owners) available to the public prior to the hearings is for the Commission to place a procedural impediment in the way of it continuing with any attempted implementation of the plan.

In the event the Commission fails to make the Harriman Reports available to the public prior to the Public Hearings, we will assert that as a basis for proceeding to invalidate any purported adoption of the plan.

Respectfully submitted, William W. Esseks.

What I would like to say is the government is not above the law. The statute is very clear. It's very clear as to the type and the time of the release of an economic analysis. As a professional in the industry I could not believe that government would ask of us but what government will not permit of us is to go to you with a plan and say we will give you the details later.

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2 There is no such thing. Without an  
3 economic analysis the impact on a ten  
4 billion dollar industry on Long Island  
5 far exceeding the volumes of any other  
6 industry, individually, will be impaired  
7 because no one has taken the time to  
8 investigate the economic analysis. Or,  
9 if they have taken the time, have not  
10 made it public to review to see if there  
11 is any connection with what the plan is  
12 purporting and what the economic  
13 analysis should be.

14 I would hope that the taxpayers  
15 of New York State, Suffolk County and  
16 the Towns are prepared for the physical  
17 impact of the removal of vast large tax  
18 basis from the rolls. I think no one  
19 can expect the Long Islanders, who  
20 participated fully in the process, we  
21 have fought very hard to protect the  
22 52,000 acres but the basic deal was no  
23 wipe outs, no windfalls. And I am  
24 sorry, the public are going to be hurt  
25 by this.

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Thank you very much.

MR. GAFFNEY: The next speaker is Edwin M. Schwenk.

MR. SCHWENK: Thank you very much.

County Executive Gaffney, ladies and gentlemen, I guess you noticed with the Consensus Group that was spoken you have by Mr. LoGrande that the Long Island Builders Institute was not named and there is a reason for it. Long Island Builders Institute was just as instrumental in this legislation as any other group, including the Long Island Pine Barrens Society, the Open Space Council, Group for the South Fork or what have you.

However, once the legislation was adopted then we started going in another direction and that direction is wrong. The wrong directions contained in the plan that we are here to speak about tonight. As Mr. Zizzi just spoke of, with respect to the economic analysis,

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that cost the taxpayers of the State of New York \$95,000.00. That is the contract. To this date it is not available. We think that is wrong. Not only for us but for everybody who paid for it. And, we have yet to get a reason from anybody as to why that is not made available.

The Long Island Builders sent a letter on January 12th asking for under the Freedom of Information for the information contained in the economic analysis. We were turned down on February 9th with no reason.

On March 24th we initiated a letter, because legally we are told there should be a reason, we are entitled to a reason. To this date there is still no reason. And as Mr. Zizzi just spoke of, we have finally had to go to Court tomorrow morning at 9:30 to have the Supreme Court of the State of New York decide whether or not we are entitled to that information or not,



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again.

Let's just refer, again, there is \$95,000.00 of State taxpayers money that has gone into that report and, so far the Commission, with its Executive Director, has seen fit to say no, you cannot have it.

Now, let's go beyond that with a plan. And, again, let me reiterate, I spent eight days in Albany prior to July putting this legislation together with Mr. Amper, Mr. Weibolt, Mr. Dearing (Phonetic) and others. We were satisfied with it. We promoted it in every way with the Assembly and Senate. And, as you all know, it passed unanimously in both Legislative bodies.

However, we now get into the situation that we are told in the plan that there should be seventy-five percent purchase of all of the property in the core area. That is the guideline. It is spoken of in on Pages 88, 95, 98, 101, 103, 104, 136, but

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never, never was this spoken of when the law was put together. Never, never, never. It was never going to be in this case stated about what should be bought or what should be TDR'd. Let the free market roll, that is the way it was spoken of.

But, now, we find that the seventy-five percent which has caused a great deal of problems with the Long Island Builders because now it is supposed to be in concrete and steel that seventy-five percent would be purchased. We don't agree with that. We were supposed to have a fair deal. And, at the outset, had that been mentioned, I'm sure we would have objected at that time.

Now, it is anew, with a plan. Now we get into the ratios on the TDR, we get down to the point of as-of-right areas we have 1:1.

Dr. Nicholas, when he was up here on the two occasions, and I spoke to him

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very confidentially, very publicly, it was going to be 2.5:1. Give some choice. Make sure the receiving areas have some value. Who says the 1:1 doesn't include the Yaphank landfill, or the race track on Old Country Road in Southampton? Who says that that isn't the part? Does that leave any choice? Not to our estimation, not one bit of a choice.

So, we think that that is wrong. We think the 2.5 was there at the beginning. We think it should be there now.

We talked about the TDR rights, the Pine Barrens credits that are coming out of the core area. We find the 1229 had been extinguished from good valid properties to build on; single and separate. You might not like it, but single and separate can still be built on, it is a viable piece of real estate. But, they are wiped out. We are supposed to forget about that because

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they have no value. They have some value to the fellow that might want to build a house on them, but they have no value in concurrence with what the Commission is saying. We disagree with that.

So, for these reasons, and if we talk about the no up-zonings, the no down-zonings, we understand it. One Town Board cannot control the next Town Board that might be coming. So, why don't they put some strong language in there that the State will not indemnify if there is any monkey business with up-zonings or down-zonings? That is all we ask. Make it definitive.

We have been through with the Town of Brookhaven, for eighteen months we have had TDR people there. We have had Carol Zwick. We have never had the same two people at any time. Now, all of a sudden Mr. Girandola, God bless that he is there, he has showed up in the last two weeks. Prior to that time

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we were all over the lot. We didn't know what we were buying. We still don't know what we are buying.

When we get to a 1:1 ratio, no up-zonings, no down-zonings, make it definitive. Say that the State will not indemnify. And uptown at Brookhaven up-zones, let them pay for it.

MR. GAFFNEY: Your time is up, Mr. Schwenk.

MR. SCHWENK: Thank you very much.

MR. GAFFNEY: The next speaker is Connie Kepert.

MS. KEPERT: I will try to remain calmer than my friend Ed.

MR. GAFFNEY: I was just trying to save him from himself.

MS. KEPERT: I am the civic representative for the Town of Brookhaven on the Pine Barrens Advisory Committee. I am also the Immediate Past President of the Affiliated Brookhaven Civic organization, the current

1  
2 President of both the Longwood Alliance,  
3 and the Middle Island Civic Association.  
4 I am a member of the BOD of Crime  
5 Stoppers of Suffolk County. I have been  
6 a Longwood Youth Sports Association  
7 Soccer coach for the past 6 years, and  
8 the Vice President of both the Special  
9 Education PTA, and the Longwood Junior  
10 High School PTA. I have served on the  
11 Calverton Airport Feasibility Advisory  
12 Committee, on the Board of Directors of  
13 the Open Space Council, as a long  
14 standing member of the Budget Advisory  
15 Committee of the Longwood School  
16 District, and as the Chairperson of the  
17 Longwood Mini-Master Plan Committee. I  
18 teach American Studies to classified  
19 youngsters.

20 I have listed the many roles  
21 which I play because it is the diversity  
22 of those roles which force me to  
23 recognize that the well-being of the  
24 communities of Brookhaven hinge on a  
25 number of different variables. Water

1  
2 quality, open space, the quality of our  
3 schools, transportation, recreational  
4 opportunities, safety, and the sense of  
5 belonging a community bestows on its  
6 residents are but a few of the  
7 components which when put together  
8 determine the quality of our lives.

9 I was appointed to the Pine  
10 Barrens Advisory Committee as a civic  
11 representative. Civics are obviously  
12 not one issue organizations. They  
13 simply cannot be. The quality of our  
14 lives depends on too many variables.  
15 When civic leaders zero in on one issue  
16 to the exclusion of all others they are  
17 cheating the communities which they  
18 represent.

19 Therefore, although I strongly  
20 believed that the preservation of the  
21 core preserve is an extremely important  
22 goal I could not, and cannot endorse  
23 means which preserve the core but impact  
24 negatively on the realization of the  
25 numerous other goals of the community's

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of Brookhaven.

Specifically, the plan does not protect drinking water quality in compatible growth area communities or in receiving areas outside of the CGA. I am going to quote from the GEIS although I hesitate to since the bias of those who wrote this document is painfully evident almost on every page. As stated in the Supplemental Draft Generic Environmental Impact Statement and I quote:

"Impact on groundwater quality in PBC receiving areas would occur with the transfer from the Core of as many as 2,420 D.U.s which would generate over 35,000 pounds of sewage-nitrogen per year, and the Plans's recommendation to allow sewage flows to be increased to as much as 600 gallons per day per acre in PBC receiving areas that under present SCDHS standards are



1  
2 limited to 300 gpd/acre without  
3 sewers."

4 Again quoting from the Draft:

5 "Most of the PBCs would be used  
6 to increase housing densities on  
7 vacant parcels in existing  
8 residential areas of the CGA or  
9 elsewhere in Hydrogeologic Zone  
10 III."

11 This plan, whose primary goal was  
12 to protect drinking water quality, has  
13 recommended that lot size requirements  
14 currently present in the Suffolk County  
15 Sanitary Code Article 6, be reduced from  
16 40,000 square feet to 20,000 square  
17 feet. According to Dr. Tanenbaum of the  
18 LI Regional Planning Board compact  
19 development, that is development that is  
20 less than 1 unit per acre or 40,000  
21 square feet places drinking water at  
22 risk. Such development overburdens the  
23 ability of the soil to assimilate  
24 pollutants. Therefore, the  
25 recommendation to reduce density

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requirements in zones III, V, VI contained in this plan will result in localized pollution problems, or plumes of pollution. Simply put the quality of drinking water will deteriorate in portions of compatible growth areas communities.

Increasing the number of households in CGA communities will further increase the likelihood of organic contamination. As the plan states in a footnote, "... the percentage of homeowners engaging in illegal backyard industries is small, but the impacts of an individual operation are potentially significant. The probability of such an operation occurring is directly proportional to the number of households, and does not appear to be related to lot size." Unless my math is off, however, as lot size decreases in particular areas, number of households will increase. Thus, potential for organic

1  
2 contamination will increase in or around  
3 receiving areas.

4 The Land Management Committee  
5 recommended that over 5,000 acres within  
6 CGA communities be placed in Critical  
7 Resource Areas, CRAs). Remaining within  
8 the plan are 134.5 acres. The plan,  
9 thus, does not provide any additional  
10 protection to 4,865 environmentally  
11 sensitive areas within the Central Pine  
12 Barrens CGA. Some of these parcels, in  
13 fact, may be developed more intensely if  
14 development from the core is transferred  
15 into them. As stated in the Draft: "As  
16 a result of the transfer of development  
17 from the Core Preservation Area, more  
18 naturally vegetated land in the non-  
19 core areas would be developed than would  
20 be the case under existing zoning.  
21 Thus, some valuable habitat would be  
22 lost, fragmented or disturbed." The  
23 plan, therefore, ignores the  
24 preservation of sensitive areas within  
25 CGA communities.

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Because the intensity of development will increase traffic congestion on already crowded roads in the CGA communities will also increase. The GEIS states that such impact will be reduced because the development which the plan proposes is compact and efficient. I must strongly take issue with this statement. The development which is recommended by the plan is anything but compact and efficient. Thus, in the GEIS itself it is stated on Page 175 that: "The impacts on land use and zoning from the transfer of the 1,650 Pine Barrens Credits is difficult to assess due to the scattered nature of the designed receiving areas both inside and outside the CGA." Receiving areas rely heavily on RODs and thus simply intensify the planning mistakes of the past. Furthermore, the design practices contained in the plan hold absolutely no weight and are included simply as suggestions. Thus, within the CGA

1  
2 communities congestion will increase.

3 The section concerning air  
4 quality in the plan totally ignores any  
5 adverse effects which may be generated  
6 by prescribed burns. It does, however,  
7 note that air quality in the Core will  
8 be enhanced by shifting development into  
9 CGAs and thus reducing trips generated  
10 in the Core. Unfortunately, it fails to  
11 admit the converse. That air quality  
12 will decrease in CGAs due to an increase  
13 in automobile use in CGA communities.  
14 Mitigation measures listed are compact  
15 and efficient development and 75 percent  
16 acquisition. As I have already noted  
17 development in the CGAs is anything but  
18 compact and efficient, and 75 percent  
19 acquisition is anything but guaranteed.  
20 Thus, air quality in CGAs will decline.

21 The pressure to develop farmland  
22 in non-core areas will increase due to  
23 the plan. One of the goals which the  
24 Longwood Community listed in their Mini-  
25 master Plan was the preservation of

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existing agricultural land. This plan will make that goal more difficult to achieve.

Those who have drafted the plan have steadfastly refused to include within it adequate protections which insure that both the fiscal burdens which pine barren communities must bear are not increased, and that the future tax base through which communities provide amenities to residents is not eroded.

I have requested on uncountable occasions that protections against negatively impacting our schools, and thus, our children be included in the plan. Unfortunately, the final plan is completely silent on impacts to school districts. It offers absolutely no protection to taxpayers in these districts nor to the children whose services may be curtailed. It is silent on educational impacts. This silence underscores the myopic vision of those

1  
2 who wrote this plan. One goal is  
3 important and one goal only.

4           The Long Range Planning Study  
5 done for the Longwood School District  
6 noted that new home buyers had an  
7 average of .52 school age children per  
8 household. Longwood School District  
9 could be impacted by an additional 408  
10 residences. Which translates to a  
11 potential increase in costs of  
12 approximately 42,121,600. This cost  
13 calculation does not account for any  
14 increase in capital expenditures. I had  
15 requested several mitigational measures  
16 be included in the plan. First, that it  
17 be specified that ratables be  
18 constructed at a 2 to 1 ratio to  
19 residential construction. Secondly,  
20 that to insure the minimization of  
21 fiscal impacts the plan should state  
22 that within school districts which  
23 contain both sending and receiving areas  
24 transfers should occur only within  
25 districts, and that a district should

1  
2 receive development rights from another  
3 district only if transfers are deemed  
4 financially beneficial to all districts.  
5 Thirdly, that all negative impacts to  
6 school districts be fully mitigated for  
7 the full duration of the impact. None  
8 of these protections are included in the  
9 final plan.

10 The recommendations contained in  
11 the plan concerning recreation exclude  
12 all but the most passive uses from the  
13 Core Preserve. All ball fields and  
14 other uses which are defined as  
15 "exclusive" must undergo a full SEQRA  
16 Review. Further, all such uses which  
17 are designated as "incompatible" and  
18 "exclusive" must be phased out of the  
19 Core Preserve. These uses certainly do  
20 not constitute significant impacts and  
21 should remain the Core. Alternatively,  
22 monies should be set aside to purchase  
23 sites outside of the Core area. It  
24 seems strange indeed that it is okay to  
25 place an industrial subdivision smack in



1  
2 the middle of the Core on the site of  
3 the Calverton Airport, but God forbid  
4 that anyone play soccer in the Core.

5 As I stated at the beginning of  
6 my statement it is extremely important  
7 to preserve sensitive areas of the  
8 environment. However, the means we  
9 choose to accomplish this will determine  
10 the type and scope of negative impacts  
11 generated. In the section on  
12 alternatives to the plan it is stated  
13 that existing mechanisms have done a  
14 good job of protecting water quality,  
15 air quality, and in many instances  
16 preserving areas of open space. The one  
17 thing which existing mechanisms have not  
18 done is to create a broad contiguous  
19 open space such as the Core Preserve.

20 Also under alternatives is listed  
21 the SGPA Plan. The SGPA Plan would  
22 preserve 80 percent of the pine barrens  
23 land that could be preserved. The SGPA  
24 Plan has been discounted because as EIS  
25 or economic analysis has not been

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completed. Parenthetically, I have never seen the economic analysis to this plan. It was further discounted because Article 55 did not provide a means to make the SGPA plan binding upon state and local governments.

So instead of building on the SGPA plan we went through this enormously consuming process. I must wonder why.

In the beginning of the plan is listed the organizations mandated to be part of the advisory board. The vast majority of participants represent either business organizations or environmental groups. There are only three civics represented, one from each town, no school districts, no land owners. The committees were more inclusive unfortunately that TDR committee which I served on had no input. The TDR portion of the plan was largely developed by one individual. This type of exclusion in my estimation

1  
2 doomed this plan. The plan simply  
3 justifies all impacts to CGA  
4 communities. The deterioration of  
5 drinking water quality standards, the  
6 inclusion of scattered and dispersed  
7 development, the negative impacts to a  
8 diversity of recreational opportunities,  
9 the potential negative impacts to school  
10 districts, increases in traffic, and so  
11 on, are all okay, as long as builders  
12 can make money and we preserve the core.  
13 Everything else is on the table.

14 Thus, Brelins' mall was included  
15 in this preservation plan. Including  
16 the mall within the plan seems to negate  
17 any need for additional review of phase  
18 II of the mall. This type of inclusion  
19 is an example of the back door deal  
20 making which this plan is riddled with.

21 Let me close by saying that it  
22 truly saddens me to have to stand at  
23 this mike and at this juncture,  
24 criticize this plan. But as a civic  
25 representative I can do nothing less.

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Thank you.

MR. GAFFNEY: Walter Olsen is the next speaker.

MR. OLSEN: I will keep my comments brief. I promise to stay under five minutes.

My name is Walter Olsen. I am a lifetime resident of Eastern Long Island. I have been asked by hundreds of property owners to speak on their behalf voicing their concerns. We must concentrate on the fact that many of these property owners are elderly patriotic citizens who invested a lifetime in this area.

I have spent the last twelve months carefully following the development of the Pine Barrens Plan. I have attended hundreds of hours of Commission meetings, committee meetings and hearings. I have contacted officials from the Town level all the way to Albany in an attempt to bring fairness to a well-intentioned

1  
2 preservation program.

3 Unfortunately, in a court of law  
4 I am told by many lawyers, fairness is  
5 not a requirement. Law requires only a  
6 solution to a problem, not fairness.  
7 Fairness is only a myth we are lead to  
8 believe existed under our legal system.  
9 It is for that reason I have been so  
10 frustrated in my attempts to encourage  
11 fairness for property owners in the Pine  
12 Barrens. The Management Plan serves  
13 only to solve the problem of the  
14 perceived threat to groundwater and  
15 animal habitat. There is no legal  
16 requirement that it shall be fair. That  
17 is why the Plan does not properly  
18 address compensating property owners in  
19 the Core.

20 In both the Plan and the DGEIS  
21 the incorrect assumption is made that 75  
22 percent acquisition is the standard set  
23 to make this Plan workable. Indeed, 75  
24 percent acquisition, in my judgment, is  
25 a bare minimum needed. However, that is

1  
2 only a goal. Serious reservations have  
3 been expressed as to whether 50 percent,  
4 40 percent, or even 30 percent  
5 acquisition were realistically attain-  
6 able. In the current climate of  
7 budgetary cutting much of the previously  
8 inadequate funding has been cut from the  
9 budget. Additionally, no future funding  
10 for acquisition has been guaranteed or  
11 even promised for the coming years.

12 This brings us back to transfer  
13 of development out of the Core and into  
14 the surrounding receiving areas. The  
15 receiving areas in the Plan are by no  
16 means final and like the Plan, can  
17 change at the whim of the planners  
18 leaving the surrounding areas vulnerable  
19 to increased density with no control  
20 over their future.

21 With the current national re-  
22 examination of property rights issues,  
23 as reported on at length in today's New  
24 York Times, it would be irresponsible to  
25 continue with this highly questionable

1  
2 Pine Barrens Act. The Plan repeatedly  
3 flies in the face of the current move  
4 towards less regulation and smaller  
5 government with lower taxes. It creates  
6 a bureaucratic and management nightmare.  
7 The very thing opposed nationally. It  
8 creates a spending spree no one can  
9 afford for everything from acquisition  
10 costs to Commission day to day operation  
11 to untold legal litigation costs.

12 The Pine Barrens Act, the  
13 Management Plan and the DGEIS are  
14 riddled with unfairness and inaccurate  
15 assumptions far too numerous to discuss  
16 here. I have discussed them at length  
17 with many of you. Despite these  
18 discussions, the Plan does not address  
19 our concerns and is therefore faulty and  
20 inaccurate. It is a hastily prepared  
21 document prepared to meet calendar  
22 deadlines and in doing so has ignored  
23 the lifetime commitment of property  
24 owners in the area.

25 It is for these reasons I urge

1  
2 you all to vote no on the Plan and end  
3 the Pine Barrens Act of 1993. While I  
4 realize a no vote carries some  
5 embarrassment for the time wasted in  
6 preparing this Plan, the harm to the  
7 lifetime investment of your constituents  
8 is far more profound if you approve this  
9 unfair plan. Vote no.

10 Thank you for your attention.

11 MR. GAFFNEY: The next speaker  
12 is Henry Dittmer.

13 MR. DITTMER: My name is Henry  
14 R. Dittmer and I am a co-founder of CPR,  
15 a Civil Property Rights Movement.

16 We are now representing some 450  
17 property owners in the Core of the  
18 proposed reserve.

19 CPR was formed to help protect  
20 property rights as guaranteed by the  
21 Fifth Amendment of the United States  
22 Constitution.

23 To begin, I first want to say the  
24 Commission made no direct notification  
25 to property owners telling them of this



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hearing. One would think that would be important. The CPR repeatedly asked that the owner, the most impacted group of all, be notified. But, the Commission claimed there was no money for postage. Yet, 100,000 or \$300,000, I saw that in Newsday, was already spent for other purposes.

Now, there are some 3,500 owners in the Core and more than 46,000 people living in the compatible growth zone. I doubt more than a handful of the people have read the so-called Central Pine Barrens Comprehensive Land Use Plan Volume 1 and Volume 2. In fact, it is still being written.

I have also been to the Ecology Committee meetings. Do you know that they have had discussions about requiring home owners to upgrade cesspools at a cost of 15,000 to \$20,000 and are making loans available to those unable to afford the same. Apparently, it has already been done in Andover.

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You have heard it here from CPR. You will not be able to say later that this was unable to happen.

What about rebuilding houses destroyed by fire? This is not addressed in the plan, in the present plan. What about houses partly damaged by fire? They don't want to address these questions now, but they will later.

You must look at their goals. They want to depopulate the area and have it become a wilderness.

Our organization, CPR, have no part or input into this plan. Every environmental group and other organizations had their say and has been heard, everyone except the people who own the lands. We were left out of the process completely. We had no representation on any Board or any Committee. Why were we ignored? We pay taxes. We vote. Why were we left out?

This Plan is a fiasco. Look at

1  
2 Page 39 of Chapter 3, the Land  
3 Acquisition Policy where it says  
4 specifically "It is this Plan's long  
5 range goal." Now, specifically, is an  
6 oxymoron because it is not specific at  
7 all. It is a goal. It is not binding.  
8 There is nothing specific about a goal.  
9 It is not a standard. Thus, the words  
10 specifically, as I said, is an oxymoron  
11 and is there to mislead. The whole plan  
12 is dependent upon the availability of  
13 public funds.

14 Gentlemen, you are being asked to  
15 pass a vague and unfunded plan. You are  
16 going to get stuck with angry citizens  
17 and endless lawsuits.

18 You can see what Mr. Gaffney said  
19 in Newsday, July 14, 1994, Page 23A  
20 where he said "It was hard to say  
21 whether land purchases will take five  
22 years, ten years or twenty years" is  
23 that vague? Is that just compensation?  
24 He is just like former President George  
25 Bush, he just doesn't get it.

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But, another George did get it.

George Pataki, now Governor George Pataki. He promised less government, less regulations. Do volume 1 and 2 look like less government and less regulations?

The Governor recently made a speech here on Long Island. He said "Let me repeat what the people of this state already know. State government is too big."

Gentlemen, we do not need another wasteful air of government this plan will create. Land purchases should continue as they are now proceeding except faster with the State and County individually buying up the land. Don't create another State Commission. Don't create a TDR bank. Don't create another OTB Jobs Program as outlined in Chapter 7. Don't force landowners to seek relief in the Courts and at the polls. Uphold the Fifth Amendment. Defeat the plan that destroys property values.

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Thank you.

MR. GAFFNEY: Thank you.

The next speaker is George L. Schmelzer.

MR. SCHMELZER: Before I left home my wife said "You can have my five minutes." So, I could have my five minutes and her five minutes so that makes ten.

MR. GAFFNEY: It doesn't quite work that way, but we have been relatively liberal.

MR. SCHMELZER: My wife said you were liberal, don't spend our taxpayer's money and you're right.

MR. GAFFNEY: That is not the kind of liberal we are talking about.

MR. SCHMELZER: There are environmental groups here who are tax free, tax free societies, but the best speaker, who always had to be a good speaker in life, is Michael LoGrande. He mentioned this proposal compared to Central Park. If you are going to make

1  
2 it like Central Park, it would be sure a  
3 damn good area for a murder and rape.  
4 That is what Central Park is.

5 And, balanced planning, I heard  
6 that mentioned this evening. I used to  
7 raise ducks and the feed salesman would  
8 come around and say their feed was a  
9 balanced diet. I could never figure out  
10 what a balanced diet is for humans or  
11 ducks.

12 A forest reserve, a resident of  
13 upstate told me one time when I attended  
14 a meeting on the Forest Association that  
15 in the New York State Forest Preserve up  
16 there the New York State pays the school  
17 taxes. If this is going to become a  
18 State Forest Preserve, how about the  
19 school taxes? Why don't you look into  
20 them? Nobody seems to know anything or  
21 care. How about it?

22 No answer.

23 Colonial, I've heard some  
24 environmental groups are allowed to  
25 bring the woods and the rivers back to

1  
2 the way it was in colonial times. Well,  
3 you want do that. First to bring the  
4 waters back you have to fill in the  
5 Shinnecock Canal, fill in the Core  
6 Canal, fill in the Shinnecock Inlet;  
7 close up the entrance to Montauk  
8 Highway. That was a glacial lake which  
9 was opened in 1926. And, Peconic River  
10 has more wetlands than it did two  
11 hundred years ago. So to make it like  
12 it was in colonial times, you would have  
13 to blow up all the dams, about six of  
14 them, and then the river will be about  
15 ten foot wide. That will bring it back  
16 to colonial times.

17 They don't want people out here.  
18 Maybe some of these people are promoting  
19 these deer ticks. Because the more deer  
20 ticks we have, will scare the people  
21 out. I believe even mosquitoes will  
22 spread Lyme Disease. I just heard  
23 recently we found some of these deer  
24 ticks are homosexuals. So if you get  
25 bitten by a homosexual deer tick, you

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will get AIDS.

Nassau County, they have enough water themselves. I don't hear them complaining about a shortage of water. It's a wonder they don't though, the purified sewer water they have a six or seven foot pipe diameter, dump it out into the ocean instead of dumping it into the lakes. That really takes brains.

Now, the zoning size was mentioned. Here you started off with 9,000 square feet, half acre, one acre, two acres, five acres and more. So, I've got several acres on my house. Are you willing to say, Mr. Gaffney, what size lot you have on your own house; or are you ashamed to say?

MR. GAFFNEY: One acre. And that is the last question I am going to answer.

People are asking me questions. We are not going to answer those questions today, that is not the



1  
2 purpose. We are here to listen. I  
3 don't think I have taken my attention  
4 from any speaker nor will I. I want  
5 very much to hear what you say, but it  
6 is not intended to be a dialogue today.  
7 There were occasions for that and there  
8 will be occasions after. Today is just  
9 a Public Hearing where we hear what the  
10 public has to say.

11 MR. SCHMELZER: How much time do  
12 I have left?

13 MS. TREZZA: A minute and-a-  
14 half.

15 MR. SCHMELZER: I will reserve  
16 it and maybe I will come back for a  
17 minute and-a-half. I can't think of  
18 anything else to say.

19 I wanted to ask each one of you  
20 how much land you had under your house.  
21 We had a meeting at Riverhead Town Hall  
22 a year and-a-half ago. They rang off  
23 for over an hour for TDRs, what size,  
24 decided upon one acre. I got up and  
25 asked each one how much land do you have

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on your own house. They don't like to answer. Some of them had a third, four-tenths, three-quarters, five-eighths; not one of them had over an acre. Those hypocrites.

Do as I say, but don't do as I do, that is typical of government; isn't it? Maybe you all like to volunteer how much land you have on your house; would you all like to do that? I doubt they would do that. Do as I say, but don't do as I do.

I didn't use my wife's five minutes yet.

Thank you, sir.

MR. GAFFNEY: Thank you.

The next speaker is Richard Amper.

MR. AMPER: My name is Richard Amper. I am the Executive Director of the Long Island Pine Barrens Society speaking on their behalf to night.

I am supplying to you several pages of technical comments for the

1  
2 design development. I would like to  
3 spend a couple of minutes just chatting  
4 with you about some of the myths and  
5 facts that you will need to sort out as  
6 you take public testimony tonight,  
7 because there has been a considerable  
8 amount of misinformation. And, I think  
9 it is important that we clarify a good  
10 bit of it.

11 The builders now know that the  
12 Commission has sought out a ratio of  
13 2.5:1 and has obtained that with the  
14 Towns as-of-right, that is without any  
15 further activity on their part or any  
16 time consuming processes. Vacant as-of-  
17 right build on a 1:1 ratio. They don't  
18 have to wonder where these areas are,  
19 they now have been listed, they have had  
20 a chance of eighteen months to look at  
21 all of this. And, we can see that the  
22 program can work if we give it a chance.

23 Long Island has been extremely  
24 innovative and our great accomplishments  
25 are not necessarily all behind us. When

1  
2 we are innovative and we take people and  
3 put them together and work very, very  
4 hard, we can do things that haven't been  
5 done as effectively elsewhere. We are  
6 responsible for launching Lindburgh on  
7 his way, we are responsible for sending  
8 men to the moon and we are going to do a  
9 good TDR program that has ever been done  
10 in the country.

11           There is great speculation about  
12 the funding from this program, the  
13 acquisition program. I think people  
14 forget that while we are trying to  
15 preserve 13,000 additional acres,  
16 Suffolk County and the State of New York  
17 already preserved 26,000. They have  
18 done two-thirds of the job. They put  
19 their money where their mouth is.  
20 Government has been very responsible and  
21 I want to serve the private property  
22 owners in ways that they have not been  
23 well served by CPR. A lot of bad  
24 information of the sort that the  
25 Commission is contemplating this kind of

1  
2 extraordinary expense associated with  
3 private septic systems or rebuilding or  
4 additions have not been well served. We  
5 have got a licensed real estate broker  
6 and a man who has been involved in all  
7 kinds of real estate and speculations  
8 actually applauded the news that  
9 Governor Pataki was considering cutting  
10 back others that private property owners  
11 are entitled to.

12 There is not a single solitary  
13 person in this room who thinks for a  
14 moment that anybody should have their  
15 land taken, not a one; not an environ-  
16 mentalist, not a developer, none of you  
17 on this panel. Unless we can produce  
18 those dollars, and we can collectively  
19 if we all go and turn to government as  
20 we all have in the past and say the  
21 protection of drinking water and habitat  
22 is important enough we can produce those  
23 dollars. And, if we can't, the  
24 Constitution says "We can't take the  
25 land." And, the plan itself says "The

1  
2 land we cannot compensate you for you  
3 may develop."

4 Let's give it a chance. Let's  
5 see if it works. That is what you folks  
6 have been doing for the last eighteen to  
7 twenty months. Let's see if we can't  
8 make it work. And if it doesn't work,  
9 then you may continue to go back to the  
10 old days when the lands were nearly  
11 unsalable, largely undevelopable for  
12 which there was no market at all.

13 It is an opportunity for people  
14 who have private homes to proceed with  
15 funds that were never available to them  
16 in the past. And, this is also an  
17 opportunity to protect drinking water  
18 and habitat. There is an opportunity of  
19 the civics that you simply fail to  
20 acknowledge; that is the opportunity for  
21 plan development districts. The civic  
22 districts on Long Island have been  
23 extremely frustrated as have the school  
24 districts by our incapacity to control  
25 suburban sprawl and the high taxes that

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go with it. If we are able to acquire much of this land, then we are able to control the increase in taxes and we are able to develop as the towns have promised they will now.

Community design center oriented plan development districts, it is committal the towns have made. I think we ought to give the towns a chance to do something that we have been beckoning them to do for a long time. This doesn't hurt the drinking water protection, it helps it. Seventy-five percent of the land in the compatible growth area is within three miles of the pristine core area of the Pine Barrens where the purest water in the State of New York exists.

Everyone will benefit from this plan. We have gone out of our way to make sure that all interests are accommodated. That is why no one is completely enthralled. That is why you are hearing so many anxieties. There

1  
2 are no guarantees in life but we have  
3 really gone out of our way to try to  
4 find out what everybody really needs;  
5 the developers' uncertainty concerning  
6 procedure and where they can build, the  
7 preservation of the core area for  
8 habitat and drinking water, the need,  
9 the absolute certainty that private  
10 property owners must and will be  
11 compensated or they will be permitted to  
12 develop. That is explicit in the laws.  
13 That is explicit in our Constitution and  
14 in our interests.

15 We absolutely, positively have to  
16 satisfy everyone that we have addressed  
17 the concerns and there is more  
18 information available. We need to  
19 review with the Town of Brookhaven, in  
20 particular, how the fabulous job that  
21 they have done in trying to minimize  
22 school district impacts. And we mean  
23 that in many ways, not merely loss of  
24 revenue, but the absence of large  
25 numbers of people who have swarmed and



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swamped and strained their resources in the past.

We have concerned ourselves with private property owners. We have concerned ourselves with school districts, with center board civic development, looking for ever changing the quality and the character of the place we all call home.

This has been a very, very long difficult struggle and there are different and needing interests. But, they have been married effectively in a way that allows us to plan tomorrow different from the way we developed in the past. We are all upset about that. It took developers too long. We squandered something as precise as drinking water in many places and our community is to become an eyesore in parts of the west. This represents a real opportunity to go in a new direction and trust and hope you will do it.

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Thank you very much.

MR. GAFFNEY: Thank you.

MR. AMPER: I brought a gift tonight. Mr. Schwenk and I have been on the road on this battle for about five and-a-half years now. And he repeatedly asked that we supply the builders, as we have now the Commission, evidence on the importance of protecting drinking water and the scientific evidence available that indicates tougher nitrate requirements are in order. And, I would like to just make sure that he receives this tonight because he did such a good job on the microphone.

MR. SCHWENK: Thank you very much. I will make sure I read every word of it.

MR. GAFFNEY: The next speaker, I believe, is Gloria Hendrix.

MS. TREZZA: She is gone.

MR. GAFFNEY: Okay.

The next speaker after that is John Edsall.

1  
2 (No response)

3 The next speaker is Peter  
4 Osborne.

5 MR. OSBORNE: Mr. Gaffney,  
6 members of the Commission, my name is  
7 Peter Osborne. I am here to represent  
8 the Long Island Greenbelt Trail  
9 Conference and I wish to read and submit  
10 a letter from Nancy Manfredonia,  
11 President of the Conference.

12 Dear Mr. Gaffney, the Long Island  
13 Greenbelt Conference, Inc. supports the  
14 Central Pine Barrens Comprehensive Land  
15 Use Plan and the Supplemental Draft  
16 Generic Environmental Impact Statement.

17 We commend you, your fellow  
18 commissioners, staff, and volunteers for  
19 the thousands of hours of work; for the  
20 perseverance and the concern that went  
21 into the drafting of this complex and  
22 important plan.

23 We hope that the plan will be  
24 quickly approved; and that we can get on  
25 with the important work of protecting

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the Pine Barrens and the quality of life for all Long Islanders.

Thank you.

MR. GAFFNEY: Thank you.

The next speaker is Seth Morgan.

MR. MORGAN: Ladies and gentlemen, my name is Seth Morgan. I am a resident of Manorville, Township of Brookhaven for close to fifty years now. I am going to speak about the Constitutionality of what has been going on. Not only with this current business about the Pine Barrens, but of other land grabs and that is exactly what this is; a transfer of property from citizens who own it who have rights that are vested in the ownership through the Constitution of the United States.

I notice that there are a lot of people here tonight who are not really the representatives of the Town. I don't see the Town of Brookhaven representative. I didn't see him in November. I didn't see him in Yaphank

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at the laboratory, Brookhaven Laboratory at that meeting and I didn't see him at several other meetings. Also, I have not received a copy of what I requested in November on a personal visit to Islip at the headquarters of this Pine Barrens Commission.

Is there anyone here who has not taken an oath of office? I know you must have taken one and, actually, I am interested in actually what words were spoken; which ones you actually said. But, how many people have taken an oath of office and are elected officials?

MR. GAFFNEY: Mr. Morgan, I said earlier that our function here today is not to be an exchange of information in this regard, but the statute requires that we have hearings. And, I think it is appropriate that we have hearings in which we listen to the comments of the public. It is not supposed to be or do I intend it to be a debate or discourse or to ask people what their oaths were

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or how much property they have. You have indicated and someone else earlier indicated that, you did, that I have taken an oath and I think that is obvious.

But, again, I think it would accommodate and facilitate things much easier if we went on. You can make your point without actually asking the individuals whether they took an oath or not.

MR. MORGAN: It is not as easy as you make it because we have a right to access in a forum like this to the people who will be voting on these matters. See, and, I am sure that a lot of these objections are not new to you, you've heard them over and over and over again.

MR. GAFFNEY: I am not objecting to anything that you ask and I am not debating anything with you. What you have said, even while I may disagree with you, it is fair comment and you

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are entitled to say that. My job, as all of our jobs, is to sit and listen to it and to pay attention to it, to take what you say and make the part of our understanding of what this process is.

MR. MORGAN: Don't let him take my time, please.

MR. GAFFNEY: Oh, I will give you an extra couple of minutes.

MR. MORGAN: I live in Manorville and Manorville, as you know, is a very historic area going back to the very foundation of the beginning of this nation; signers of the Declaration of Independence having come from Brookhaven Township, George Washington was not unknown and visited both during the Revolution and after Suffolk County and Long Island and Manorville. And that is where I identify my heros.

See, my heros are American heros. They are not the traders who would sell us out. And, I want you to understand

1  
2 that if you create a whirlwind, you must  
3 be ready to pay the price of that  
4 whirlwind. If you sow the seeds of a  
5 whirlwind, you must be prepared.

6 Now, we listened to Mr. Amper  
7 and he is nothing more or less than a  
8 shield for his political agenda. But,  
9 the people who will vote on this must  
10 look into the -- if they don't already  
11 know, the ramifications of the  
12 Constitutionality of this as it applies  
13 to each and every American citizen.  
14 These condemnations, these usurpations  
15 by government have been going on in  
16 Suffolk County and in Brookhaven Town  
17 for decades. And, I will cite  
18 specifically wherein Constitutional  
19 rights of American citizens have been  
20 denied, have been abrogated, have been  
21 swept aside by politicians and  
22 bureaucrats and many people in  
23 Brookhaven Town. And, these so-called  
24 Pine Barrens have lost their properties.  
25 They have had them virtually condemned



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2 without compensation, unable to build,  
3 unable to utilize them as they should be  
4 allowed to do under the law. And, as  
5 the law prescribes, and then, of course,  
6 we are all aware of scandals, the  
7 political scandals which have emanated  
8 and they are a disgrace. And, these  
9 things could not happen without people  
10 at the top being part of it. It is  
11 impossible for that to happen.

12 I hope the message gets up to  
13 Albany because Americans are fed up in  
14 this country now as you well should be  
15 able to understand. They will not  
16 continue to have their rights taken away  
17 from them. Every American has not been  
18 brainwashed by the politicians and by  
19 the media. There are people who through  
20 a lifetime can see what is happening  
21 and how it is happening. It is not  
22 happening by accident.

23 Well, my time is up. I ask in  
24 closing that the politicians should say  
25 no to this Pine Barrens Act. It is ill

1  
2 conceived, it is unconstitutional, it  
3 has already cost hundreds of millions of  
4 dollars and I can prove that. I  
5 wouldn't say it if it were not so. It  
6 has already cost private investors and  
7 private property owners hundreds of  
8 millions of dollars. And, it is nothing  
9 more than a transfer, not unlike, I  
10 might add, this NASCA Agreement, this  
11 transfer rights that belong here in  
12 Suffolk County, here in Brookhaven Town  
13 to the people.

14 I have never, never, never, in  
15 all of my adult life relinquished my  
16 Constitutional rights and I never will.  
17 That is what you must remember.

18 You people are representatives  
19 and represent representatives of our  
20 government. You must never forget that.  
21 That is your job, you are hired to  
22 protect our rights. There is nothing  
23 more important in all America than the  
24 Constitutional rights of American  
25 citizens. And, anyone who cannot

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understand that, is not fit to serve in public office at any level.

Thank you very much.

MR. GAFFNEY: Thank you.

The next speaker is Joseph Colao.

MR. COLAO: Thank you Honorable Robert Gaffney and Commissioners.

This plan is a good plan. It has been riddled and diluted and is a compromise. For example, the Town of Southampton needed 75 percent acquisition and a word from New York State for the commitment on the funding to immortalize it. Through hard work and meetings and compromise it was met. Southampton's concerns were addressed.

As a result of this plan's implementation, builders will know where they can build safely without obstruction. The permit process will be streamlined. Property owners will be paid for their property. Taxpayers, environmentalists, the general public can be confident that the onslaught of

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public development, diminishing quality of life and high taxes witnessed by those in Queens and Nassau will end at the Suffolk County border because we have a plan. Not a perfect plan but a better plan for all of us.

It is not about preserving water, it is about protecting pure fresh drinking water.

Thank you for giving us this opportunity for being a part of this historic venture to deviate and change from what we have been doing wrong in the recent decades.

Good night.

MR. GAFFNEY: Thank you.

The next speaker is Don Eversoll.

MR. EVERSOLL: Thank you. Thank you for letting me speak before you this evening.

My name is Don Eversoll and I have been on the Board of Directors of the Long Island Builders Institute for the past twenty-two years, and after

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that time they make you a Life Director so I am that, also. I served for two years as the President of that group and for twenty years I have been on the Board of Directors of the New York State Builders Association. I am a past President of the New York State Builders Association. I am also a Life Director of the National Association of Home Builders. I am currently a trustee of the Nature Conservancy. I was previously a member of the Suffolk County Pine Barrens Review Commission for five years and served as its acting chairman for three years. I am currently a member of the Suffolk County Planning Commission. I served for four and-a-half years and for the last two years I served as a Chairman. I speak for none of those groups, but that is just a little bit -- I am just giving you a little bit of my background and showing you this schizophrenia that I feel for serving on a number of diverse

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groups that have varying interests in the Pine Barrens in this process.

I am currently serving on the co-chair with Jim Tripp, who just left, of the TDR Committee and have been a member of the Consensus Group that Michael LoGrande spoke before you about.

One of the concerns that we had - - and I am also a landowner in the Pine Barrens. One of the major concerns that we had in the TDR Committee is making certain that landowners will be quality and fairly compensated for their land. It is unfair that landowners have not been able to develop or sell their lands because it has been undevelopable for the last four years.

As a part of this process we have tried to set a program together which would be the program that the Central Pine Barrens would enact if this plan were enacted so that people could develop and use their property. The TDR Committee has struggled with several

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issues. The first is that any TDR program must be as-of-right. It must be understandable and it must be able to work in a very simple process without any additional governmental oversight. We think we have done that.

For example, we feel that whereas the plan says that there must be 1.1 as far as the ratio receiving descending area and as-of-right we think there is probably 1.2 John, don't get nervous here, but 1.2 to 3.1. We think that is very good. We think that will encourage landowners to be able to sell their rights to developers.

Moreover, we have pushed for the funding of a public bank. There is currently five million dollars available from the Northville spill that could be used to capitalize the bank. We have asked the Governor to appropriate an additional five million dollars. With these monies there will be monies available to compensate landowners.

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This is what I think is very, very important. That landowners can recognize that their land cannot only be acquired by the State, but if the State runs out of money, there will be money in a bank so that those rights can be transferred into the bank. They can be bought by the bank. Those rights can then be sold to other third-parties and money can be recycled in the bank.

I think that this plan works and the integrity of this plan is based on the funds available to be used for TDR acquisition.

I thank you very much.

MR. GAFFNEY: Thank you.

The next speaker is Kim Darrow.

MR. DARROW: Good evening, Mr. Gaffney, members of the Commission. And, thank you for the opportunity to address you.

I am here speaking for myself. As many of you know I have been a member of the Advisory Committee and the Land



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Management Committee and I represented the Long Island Greenbelt Trail Conference, but Peter Osborne had done a very good job of presenting the view of that organization. So, I am here speaking for myself as a resident of the Pine Barrens and a landowner in the Pine Barrens and as somebody who cares very much about the Pine Barrens.

I also want to note that I am here to say, first of all, that I support the Pine Barrens Protection Act and the Plan and I know very directly how much work has gone into it and it is an impressive achievement. But, I also think that it is possible to be supportive and in a hearing like this to offer some criticism. And, I want to focus my criticism on one aspect which I think does represent a deficiency in the plan and in the Environmental Impact Statement. I would hope that the Commission would, perhaps, give it some further thought and consideration. And,

1  
2 I refer, specifically, to the material  
3 that is on Pages 152 and 153 on volume 1  
4 concerning the north shore properties  
5 policy and it is noted there that a  
6 resolution of the Commission on April  
7 26th of this year exempts the phases 1  
8 and 2 of the north shore properties  
9 development which is the Breslin Mall  
10 project from both the act and the plan.  
11 I want to urge that I think that that is  
12 a mistake in judgment, that it is not  
13 dictated by the Pine Barrens Protection  
14 act and that it's a mistake for the  
15 Commission to give up its jurisdiction  
16 completely over such an important  
17 potential development, one which has the  
18 potential of very radically changing  
19 and, I believe, degrading the nature of  
20 at least, a substantial part area of the  
21 Pine Barrens.

22 I would also note in passing here  
23 that the statement on Page 153 of the  
24 Plan says "Furthermore, all other and  
25 future development of north shore

1  
2 properties will be subject to the Plan  
3 and will be in conformance with the  
4 procedures, standards and guidelines  
5 contained in the Plan," made me a little  
6 bit uneasy because I can tell you that  
7 as a lawyer when I see the word "will"  
8 used and I know that that leaves the  
9 door open for possible changing your  
10 mind about that. Anybody who works with  
11 statutory or regulatory interpretation  
12 will tell you that if you want to be  
13 sure about something, you use the word  
14 "shall" or the word "must." So I am a  
15 little bit worried about that.

16 So, in terms of the more  
17 property, this is a project which has  
18 potentially very grave impacts on scenic  
19 resources on open space. On the core  
20 there is core properties in close  
21 proximity to it. It has potential for  
22 fragmenting the core even more than it  
23 is.

24 As you all know when the core is  
25 mapped out, for example, Southampton

1  
2 Park is left sort of dangling. However,  
3 there are contiguous undeveloped Pine  
4 Barrens lands here and this will take  
5 away a big chunk and leave it dangling  
6 not only on a map but in reality.

7 The Plan has presented Brookhaven  
8 Town does not envision leaving scenic  
9 buffers of natural vegetation along  
10 William Floyd Parkway and along the  
11 Expressway. And, so, I have a very  
12 severe impact and I think that the  
13 Commission makes a mistake in saying  
14 that it is to be totally exempt from any  
15 review. I think this piece of property  
16 in this project epitomizes what I would  
17 consider a development of regional  
18 significance. And, since the plan also  
19 by definition excludes the Calverton  
20 Redevelopment Projects from that, it  
21 doesn't leave too much in the compatible  
22 growth area, especially in view of the  
23 very limited critical resource areas  
24 left for commission jurisdiction.

25 Just one final point on this that

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if this is to be left as is, I think the Environmental Impact Statement has to address what the impact of this exception will be on the Pine Barrens.

Thank you very much.

MR. GAFFNEY: Thank you.

That is the last of the cards that were submitted. Is there anybody else who submitted a card since we have collected these?

Is there anybody else who wants to make a comment?

MR. MERINGOLO: Yes, sir.

Good evening, County Executive. My name is John Meringolo and I have been proud to serve as an alternate delegate to SASI, Suffolk Alliance of Sportsmen, Inc.

Just a little historical background of how we got involved in this process. Bill Shaber, the President of SASI, gave me a call one day and said "There is a legislation that has been recently enacted and why

1  
2 don't you take a look at it and let me  
3 know what you think." I took a look at  
4 it with great interest and I noticed  
5 that several interest groups were named  
6 as statutory members to the legislation.  
7 They included Suffolk County Water  
8 Authority, Long Island Association, Long  
9 Island Builders Institute, various civic  
10 associations and the Nature Conservancy.  
11 We noticed there was no representation  
12 from the sporting communities as far as  
13 we are concerned with regard to hunting,  
14 fishing and related activities. That  
15 gave me some concern, but then I read on  
16 and it stated that the Commission and/or  
17 the Advisory Committee could appropriate  
18 additional members. So, rather than  
19 criticizing government at that time we  
20 worked within the framework of the  
21 legislation that was available.

22 We were successful. We tried  
23 through many different channels. I am  
24 not sure through which channel we  
25 prevailed but, ultimately, SASI was

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appointed as a voting member to the Advisory Committee. And, I thank the Commission for that this evening.

It is very important to SASI and members and non-members to our organization who share our sport that we have habitat within which to exercise our sport. And, our sports include hunting, big game, small game, falconry, trapping, fishing and related activities. I stand here today to tell you that we support the implementation of the Plan.

I would like to say the Plan works. I would like to give it a shot to see what we wind up with. Some of our members are landowners, but it is very important for them to be able to engage in their sports and hobbies and they anxiously await the implementation of this Plan.

We have some concerns, however, and those concerns are that certain cooperative lands that are presently

1  
2 under the management of the Department  
3 of Environmental Conservation remain as  
4 such and that no locality grab those  
5 lands. Because of this Plan and this be  
6 given an opportunity to them. It is  
7 important for us to be out there. We  
8 enjoy our sport. It is good for all  
9 parties concerned. It is good for the  
10 drinking waters, keeps the grounds open  
11 and available. And, we suggest that it  
12 remain under the management of the  
13 governmental body that historically has  
14 done a fine job.

15 Similarly, we opposed to  
16 localities attempting to deny us access  
17 or deny the exercise of our sports to  
18 those who might not live within the  
19 towns jurisdiction. You have  
20 implemented a plan here, let's work  
21 within the confines of the plan and  
22 remember that our sport is governed on  
23 a statewide basis. Our activities  
24 should be viewed statewide and there is  
25 nothing that we do on Long Island that



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is peculiar in nature. Our sporting activities go on statewide and we would suggest that nothing be done to curtail those activities vis-a-vis the Pine Barrens, the Core Preservation Area or the Compatible Growth Area.

We welcome the implementation of the Plan but I will close the way I opened and that is, when I read the legislation initially I had some concerns. We worked within the government to get ourselves appointed and to be made a part of the process. We are going to be out here, we are going to be watching. If for some reason some of our activities through government are curtailed, we will resort to whatever legal redress we have and the other individuals here tonight who have criticized the Plan, I cannot speak on their behalf, although I can tell them none of you have relinquished your Constitutional rights. Give the Plan a chance. If you are aggrieved, you

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pursue whatever rights available to you.

Thank you very much.

MR. GAFFNEY: Thank you.

If there aren't any additional  
comments, we will close the hearing at  
this point.

Thank you.

(Time noted: 9:15 p.m.)

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CERTIFICATION

I, KRISTINA SINGROSSI, a Notary Public in and for the State of New York, do hereby certify:

THAT the foregoing is a true and accurate transcript of my stenographic notes.

IN WITNESS WHEREOF, I have hereunto set my hand this 30<sup>th</sup> day of May, 1995.

*Kristina Singrossi*

KRISTINA SINGROSSI

\* \* \* \*