

ORIGINAL

In the Matter Of:

LETTER OF INTERPRETATION CREDIT ALLOCATION APPEAL

HEARING

September 20, 2017



ESQUIRE
DEPOSITION SOLUTIONS

800.211.DEPO (3376)
EsquireSolutions.com

-----x

LETTER OF INTERPRETATION CREDIT ALLOCATION APPEAL

ARMAND GUSTAVE, LLC & JAMES EAGAN

116 Hampton Road, Southampton, New York 11968

-----x

September 20, 2017
3:40 p.m.

PRESENT:

- CARRIE MEEK GALLAGHER, Chairwoman
- JAY SCHNEIDERMAN, Member
- SEAN WALTER, Member
- JOHN PAVACIC, Executive Director
- DON McCORMICK, Representative
- BRENDA PRUSINOWSKI, Representative
- JOHN MILAZZO, Special Counsel
- CAROL SHOLL, Commission Staff
- JANET LONGO, Member
- DORIAN DALE, Member
- EMILY KLINE, Member

1 MS. GALLAGHER: We are about to
2 start the Public Hearing on the Letter
3 of Interpretation Credit Allocation
4 Appeal, Armand Gustave, LLC and James
5 Eagan. We are starting at 3:40 p.m. on
6 September 20th in Southampton Town Hall.

7 MR. MILAZZO: Do you want to do
8 appearances?

9 MS. GALLAGHER: Carrie Meek
10 Gallagher, Chairwoman for the Pine
11 Barrens Commission and Regional Director
12 for DEC.

13 MR. WALTER: Sean Walter, Member.

14 MS. LONGO: Janet Longo, Suffolk
15 County.

16 MR. SCHNEIDERMAN: Jay Schneiderman,
17 Commissioner.

18 MS. KLINE: Emily Kline, designee
19 for supervisor.

20 MR. DALE: Dorian Dale, Suffolk
21 County.

22 MR. TVERDY: Thank you. I'm Jerry
23 Tverdyy for the Central Pine Barrens
24 Commission and I have just submitted
25 Staff Exhibits A through H into the

1 hearing record. As stated in the
2 hearing notice, Armand Gustave, LLC and
3 James Eagan is appealing the Letter of
4 Interpretation of allocation for the
5 parcel number 900-279-4-13.1. The
6 letter from the appellant is in Staff
7 Exhibit A.

8 The parcel is located in the Town of
9 Southampton within the CR-200 zoning
10 southwest of Exit 63 on Sunrise Highway.
11 The property map showing the parcel would
12 be Exhibit B and the aerial is Exhibit C.

13 The parcel was created in 2017 by
14 combining ten separate parcels and
15 abandonment of the paper street roads.
16 You can see the Certificate of Abandonment
17 in Exhibit D and updated tax sheet, which
18 indicates the parcel size of 20.88 acres
19 in Exhibit E.

20 As per chapter 6 of the plan, Section
21 6.3, which is Exhibit F, the Clearinghouse
22 allocates credits to parcels existing as
23 of June 28, 1995. Based on the
24 information we have, the parcel didn't
25 exist in 1995, therefore, the

1 Clearinghouse was unable to allocate Pine
2 Barrens Credits to the parcel as stated
3 in the Letter of Interpretation dated
4 August 15, 2017 and it is Exhibit G.
5 That's all I have for now and the
6 appellant is here, Mr. Armand.

7 MS. PRUSINOWSKI: May I ask a
8 question, please?

9 MS. GALLAGHER: Yes.

10 MS. PRUSINOWSKI: Jerry, can you
11 give us an idea where in Westhampton
12 this is?

13 MR. TVERDYI: Yeah. It's just
14 southwest off Exit 63 on Sunrise in the
15 middle of grids.

16 MS. PRUSINOWSKI: So this is --
17 okay.

18 MR. BARON: Good afternoon. For the
19 appellants, Peter Baron, 532 Broad
20 Hollow Road, Melville, New York. I
21 thought we would add a new face to the
22 Eagan people to try to explain the
23 situation and see if we can reach an
24 accord.

25 We would like to place exhibits in the

1 record as well. So with the help of
2 Mr. Armand Eagan, we are going to identify
3 them and place them in the record. The
4 first is Exhibit A. This is actually a
5 duplicate of -- this is the denial letter
6 from the --

7 MS. GALLAGHER: We have that.

8 MR. BARON: You have that from the
9 Clearinghouse. We will move onto
10 Exhibit B in our packet. It's G in the
11 Commission's packet. Then we also have
12 Exhibit B, which is the deed for the
13 prior owner.

14 MR. MILAZZO: For clarity of the
15 record, can we make yours number?

16 MR. BARON: Sure. That will be a
17 good idea.

18 MR. MILAZZO: So A will be 1 --

19 MR. BARON: Will be 1.

20 MR. MILAZZO: -- and B will be 2.
21 It will make it easier for everybody
22 later on.

23 MR. BARON: We will have them deemed
24 marked as 2.

25 MR. MILAZZO: That's fine.

1 Armand, if you can do me a favor, the
2 ones that we are going to attach to the
3 record, just put them in a pile on the
4 table and we will make sure that will be
5 included in the transcript, and that way
6 the transcript is complete and then all of
7 your exhibits are in there as well.

8 B will be 2. So B is a deed from --
9 dated June 14, 1973, between Joe Gazza and
10 Peter Filingeri and others. That's going
11 to be Exhibit 2.

12 MR. BARON: Right.

13 MR. MILAZZO: Thank you.

14 MR. BARON: Armand, if you could, on
15 the official copy for the record, why
16 don't you take a pen and change that
17 from A to 1 and B to 2 and so on.

18 Then Exhibit 3 now is going to be
19 the letter from Legislator Romaine back
20 in 2007.

21 MR. MILAZZO: Thank you.

22 MR. BARON: D also contains the
23 deed, the aerial photograph and the
24 record created in connection with Gazza.

25 MR. MILAZZO: So Exhibit 4?

1 MR. BARON: 4. I'm sorry. Exhibit
2 4, which was previously D, is the Garzle
3 parcel -- Gazza, I should say, as well
4 as an aerial map followed by the record.

5 MR. MILAZZO: So Exhibit 4 is a
6 deed, first page of the Conservation
7 Easement from Joe Gazza to the
8 Commission, an aerial photo of
9 presumably the ground parcels and a
10 transcript of the hearing. Am I right?

11 MR. BARON: That is correct.
12 Exhibit 5 makes reference to an aerial
13 of the Alberto Sipala matter. It also
14 contains a decision with the Commission,
15 as well as the transcripts prior to that
16 when the arguments were made.

17 I think we are up to 6 now; is that
18 correct? 6 is going to be the sanitary
19 code, Suffolk County. The next is 7.
20 Correct, Armand?

21 MR. ARMAND EAGAN: Yeah.

22 MR. MILAZZO: It would have been G.

23 MR. BARON: Right. Exhibit G is
24 going to be the AVR Rose-Breslin
25 project. It includes a determination or

1 a thought process as well as
2 photographs.

3 MR. DALE: Just a quick
4 interjection. In looking at 6, the
5 sanitary code, did you want to limit it
6 to just a portion of the realty
7 subdivision? Because it would appear
8 you are missing page 5, which would lead
9 into page 6 hearing. So it's a partial?

10 MR. BARON: 766 605 B-2.

11 MR. DALE: B-2. So that's all you
12 are looking at?

13 THE WITNESS: Right. Now we are up
14 to 8 --

15 MR. MILAZZO: H.

16 MR. BARON: There's 8 and 9. I
17 believe. Waltel is --

18 MS. GALLAGHER: Gazza.

19 MR. MILAZZO: I have Gazza.

20 MR. BARON: 9 is the Waltel.

21 MR. MILAZZO: What's 8? Is it
22 Gazza?

23 MR. BARON: 8 is Gazza.

24 MR. MILAZZO: So it's a resolution
25 dated March 17, 2004.

1 MR. BARON: Yes. Sorry about all
2 the confusion.

3 MR. MILAZZO: That's okay.

4 MR. BARON: And then the last one,
5 if we can agree on is -- that's 9. 9 is
6 Waltel. J, which is now going to be 10,
7 the last exhibit, that's two letters,
8 one from Ms. Plunkett and one from
9 Mr. Milazzo.

10 MR. MILAZZO: '95 letter and a '99
11 letter.

12 MR. BARON: Correct.

13 MR. WALTER: Can I just ask you a
14 question? It says it's a Conservation
15 Easement. Are you aware in that exhibit
16 there's meeting minutes?

17 MR. BARON: Yes.

18 MR. WALTER: That's what you want?

19 MR. BARON: Yes. I'm sorry, yes,
20 the minutes as well.

21 MR. MILAZZO: Just going on, I just
22 want to remark, Mr. Eagan and his
23 counsel provided ten exhibits. We have
24 not had a chance to review any of these,
25 we haven't had a chance to hear oral

1 arguments that are being made today. So
2 just as a threshold, we are probably
3 going to need a little more time to
4 consider the significant amount of
5 materials that you have provided.

6 MR. BARON: Well, can we make our
7 arguments now and then reserve decision?

8 MR. MILAZZO: Of course. I just
9 want to make sure at the beginning --
10 it's not at the end of hearing it's not
11 a rush to have a decision made --

12 MR. ARMAND EAGAN: More time, no,
13 absolutely not --

14 MR. MILAZZO: -- because the
15 Commission is not necessarily going to
16 be able to do that.

17 MR. McCORMICK: Actually, John, as a
18 matter of point, you're accepting the
19 exhibits on the question of
20 admissibility, but not on the weight of
21 these documents --

22 MR. MILAZZO: And also that we
23 probably are not going to be able to
24 render a decision today given the
25 documents --

1 MR. BARON: So wait --

2 MR. MILAZZO: So let's --

3 MR. BARON: Are you looking for an
4 extension of time or are you just
5 looking to read the exhibits?

6 MR. MILAZZO: So we can off the
7 record because it's --

8 MR. ARMAND EAGAN: No, don't go off
9 the record. Don't go off the record.

10 MR. MILAZZO: No. We are going to
11 go back on the record. What we have is
12 ten items. You are going to make an
13 argument, which the Commission will have
14 to consider. The provision in the plan
15 says it gives 30 days to appeal.
16 There's no deadline for the Commission
17 to decide and appeal, so we will reserve
18 decision. We will probably need an
19 extension even though there's no
20 deadline, as a matter of courtesy, so
21 that we are all on the same timeline
22 with respect to making this decision.
23 Otherwise, the Commission would have no
24 ability to consider your argument
25 enlight of testimony.

1 So I just wanted to say that at the
2 beginning so that at the end you are not
3 saying, Okay, I'm ready for my approval or
4 my denial or my number of credits. Just
5 so there's no confusion because -- and I
6 think as a process matter the Commission
7 can't decide.

8 MR. BARON: I understand you are
9 receiving voluminous documents and these
10 documents clearly, clearly support --
11 and they were tailored and identified
12 because they clearly support our
13 position that we are entitled to one
14 credit per acre or nondevelopment, and I
15 would ask that you do it and I would ask
16 that you do it as reasonably as quickly
17 as you can without delaying a decision
18 on this.

19 MR. MILAZZO: Of course. The
20 Commission turns over decisions as fast
21 as we can, but I just did not want to
22 have the argument at the end of this
23 hearing that we are ready for our
24 decision and if we don't have it, there
25 will be some consequence. With that

1 understanding in place, I appreciate the
2 courtesy. We should listen to your
3 arguments and tell us about these ten
4 supporting arguments you are going to
5 make.

6 MR. BARON: As the Commission is
7 well aware, as Counsel, my clients have
8 20.88 acres in Southampton. It fronts
9 Warren Street, 500 feet east of Summit
10 Boulevard, 1,200 feet south of Sunrise
11 Highway. It's a dirt roadway; it's
12 public; it's passable; it's drivable;
13 you can drive on it; you can turn around
14 on it. There's utilities there.

15 As per the Pine Barrens Commission in
16 prior rulings, it's a road. It fits into
17 zoning of CR-200. It's a hydrological
18 zone 3 and it's owned for 5 acres or
19 200,000 square feet. With all due
20 respect, it's our position that the
21 applicant's application before the
22 Clearinghouse should have ended in a
23 different result.

24 I think the main argument being made
25 here by the Commission is that somehow the

1 deed is different for the Eagans and
2 Armand Gustave then it was with the prior
3 owner, which predates the Commission in
4 1995, and it's simply not true. The
5 parcel -- and that's why we gave you the
6 deeds -- is exactly the same. Exactly the
7 same in 2017, as it was in 1978, as it was
8 in 1995 when the Commission was created.

9 The abandonment of a road respectfully
10 does not change the map designation. It
11 simply means that the owner of either side
12 now owns the property to the middle of
13 what was the former road and this should
14 arguably have no effect on the Pine
15 Barrens Clearinghouse in awarding credits.

16 The property is in the core, the lot
17 contains 10 parcels of land, which were
18 made up originally of smaller parcels and
19 each of these 10 parcels have a
20 designation of one and a half acres.

21 We are providing a letter as one of
22 the exhibits from Mr. Ed Romaine who was a
23 legislature at the time in connection with
24 the Ringhoff matter, which was also A-5
25 zoning, same as this property, and

1 Mr. Romaine clearly stated and presented
2 it to the Commission, the Ringhoff's
3 should be granted the same one credit per
4 acre allowable as other properties in the
5 vicinity that were five-acre zoned at the
6 time of the passage of the Pine Barrens
7 Act. And I submit to you with the same
8 that you applied to Ringhoff to us for
9 this property, they are entitled to one
10 acre -- one Pine Barrens Credit per acre.

11 MR. WALTER: Can I ask you a
12 question?

13 MR. BARON: Sure.

14 MR. WALTER: Assume Ed Romaine's
15 letter doesn't carry weight as a county
16 legislature, but did the Pine Barrens
17 Commission issue one credit per acre in
18 the Ringhoff case?

19 MR. BARON: Being told -- in the
20 Ringhoff matter they had beneficial use
21 of the land which is different than
22 what's being -- it was farmland. It
23 wasn't property to be vacant, but what's
24 important in connection with what Mr. --

25 MR. MILAZZO: I'm sorry to

1 interrupt. You know what? The question
2 wasn't answered. So the question was
3 did the Commission --

4 MR. WALTER: So I'm going to take
5 that one credit per acre was not given
6 to Ringhoff in spite of County
7 Legislature now Supervisor Romaine's
8 letter.

9 MR. BARON: Right. We are using the
10 Ringhoff matter and the letter by
11 Legislature Romaine to go on the theory
12 that the Pine Barrens Commission and the
13 Clearinghouse must follow precedent in
14 prior decisions as stated by
15 Mr. Romaine. So it's not being used for
16 the purpose of what Ringhoff got. It's
17 being used for the purpose of prior
18 decisions and I want to seg-way into
19 Gazza case.

20 Now, with Gazza, that was heard by the
21 board in 2001. It was 1.15 acres in the
22 core, they requested a full credit for the
23 acreage. The zoning being a five-acre
24 zoning, CR-200, identical to my clients.
25 In its first appeal, the board or the

1 Commission went from .18 to .19 Pine
2 Barrens Credit. There was a second appeal
3 based on fronting on Sunrise Highway to
4 the Middle Line Road and he was denied
5 because Sunrise Highway was a limited
6 access road.

7 And the third and final appeal, it was
8 argued that the 40,000 square feet met the
9 standards of Article 6 and the reasoning
10 was that it was 40,000 square feet. It
11 was a buildable lot under the Suffolk
12 County Health Code, therefore, they were
13 awarded one full Pine Barrens Credit per
14 acreage for this parcel. As Mr. Eagan
15 points out, if you look to the aerial, you
16 will see it's probably unbuildable 20 feet
17 wide and they still awarded one credit for
18 each acre notwithstanding the fact that it
19 was unbuildable.

20 And if we move onto the Sipala and
21 Alberto decision, they basically appealed
22 the six Letters of Interpretation when the
23 Clearinghouse only allocated .75 Pine
24 Barrens Credits for 3.52 acres. The
25 Commission, this Commission, determined

1 that based on Article 6 of the Suffolk
2 County Health Code, the lots can
3 reasonably be built using the formula
4 40,000 square feet and A-5 zoning, which
5 is exactly what we have here. Although
6 the Commission also determined that the
7 lots were not single and separate as
8 defined by the town code, the Pine Barrens
9 Commission still ruled and concluded that
10 the appellant's holdings could be
11 developed as a 40,000 square foot parcel
12 based on A-5 zoning, in other words, five
13 acres. And they had no real frontage and
14 they were on an old file map as well as
15 us.

16 So assembling the numerous
17 noncontiguous parcels is identical to what
18 we are doing here because in the Sipala
19 Alberto matter, they took all the
20 appellant's noncontiguous single and
21 separate parcels that did not meet zoning
22 and created 3.52 acres and gave them one
23 credit for 40,000 square feet based upon
24 Article 6.

25 It's respectfully argued that this

1 Commission most follow precedent, must be
2 consistent on the formula being applied to
3 the acreage as it goes to the Pine Barrens
4 Credits.

5 Once again, in the Gazza matter, the
6 Commission stated they were going to apply
7 the Suffolk County Sanitary Code, Section
8 716-606 (B) (2) as the standard for
9 determining the lot area based on the
10 sanitary code as it effects groundwater
11 management issues. The sanitary code
12 permits one house for 40,000 square feet
13 with a well. Pine Barrens Commission has
14 adopted this equation in Gazza and
15 respectfully they must do the same here.

16 Real briefly. Back in 2004, in the
17 Breslin AVR matter, 2004, 80 acres,
18 majority in the core, A-5 zoning on a dirt
19 road, two-thirds in the core. Pine
20 Barrens Credit awarded a formula of one
21 credit of 40,000 square feet or a
22 buildable acre on an approved dirt road.
23 There was no hearing. It's just on the
24 paperwork. It was a dirt road, it was not
25 paved and it was similar to ours and was

1 sand lined. We are in the same
2 hydrological zone. We believe we are
3 entitled to one credit per one acre.

4 In Alberto, scattered lots on a filed
5 map which were assembled but not touching
6 for the purpose of creating acreage. Once
7 again, Gazza was unbuildable. It was 20
8 feet wide, 2,000 feet long, non-buildable,
9 and they received credits based upon
10 square footage on the property. Not on
11 the fact it was built not on the road.

12 The Pine Barrens Commission has
13 previously granted one Pine Barrens Credit
14 per acre, per lot that is noncontiguous,
15 not on roads, mostly unbuildable and those
16 applications were more severe and more
17 difficult to make out a case than ours.

18 We have the Barlett 3-lot subdivision
19 considered nondevelopment under the ECL
20 Section 57 0107-13 without residential
21 zoning, the Bartlett. Letters of
22 Interpretation in 1999 to Gibbons was
23 nondevelopment and nonsubject to the Pine
24 Barrens Commission review or any other
25 state official or regulation. It's clear

1 that this parcel should either be given
2 one acre per one credit or be deemed
3 nondevelopment, or if it's sterilized it
4 should be given the rate of one credit per
5 one acre.

6 If granted for construction purposes,
7 we can build single-family residence homes
8 on one house per acre on this site, which
9 would be feasible, but once again, just
10 going to the core issue, on all these
11 precedents cited -- and I encourage you
12 and respectfully request that you read
13 them and use them as stare decisis or
14 the precedent here is that the Commission
15 did award in very similar situations one
16 acre -- one Pine Barren Credit for one
17 acre and we are entitled to that as well
18 here.

19 MR. WALTER: I have to ask some
20 questions.

21 MR. BARON: Please.

22 MR. WALTER: Because I don't know
23 that we even framed the issue here. Is
24 the issue -- first of all, how many
25 credits are you looking for total?

1 MR. BARON: 20, 20.88.

2 MR. WALTER: So the issue is because
3 you abandoned the roads it is now one
4 parcel that dates back prior to 1995 --
5 these parcels did not exist in 1995
6 because you abandoned the road. In
7 other words, if you did not abandon the
8 road, you would have 10 lots that are
9 about an acre and you would get 10
10 credits. I am assuming this --

11 MR. MILAZZO: I'm not going to
12 concede they get 10 credits. I'm not
13 sure exactly --

14 MR. WALTER: What's the issue?

15 MR. BARON: We are looking for the
16 20 point whatever credits.

17 MS. PRUSINOWSKI: Is this the map?

18 THE WITNESS: That's the map in the
19 commission. You are referring to which
20 exhibit? B our B.

21 MR. MILAZZO: Commission B --

22 MR. ARMAND EAGAN: I would like to
23 be sworn in.

24 MR. WALTER: This map right here --

25 MR. BARON: Right.

1 MR. WALTER: Is this --

2 MR. MILAZZO: Referring to
3 Commission B.

4 MR. BARON: The brown square yellow
5 area.

6 MR. WALTER: What I am referring to,
7 this is all the parcels right here? I
8 really have no idea what you are asking.
9 If you can't figure it out, I don't know
10 how I'm going to vote on it. I don't
11 know what you are asking for.

12 MR. BARON: Explain it.

13 MR. ARMAND EAGAN: I guess I'll be
14 sworn in.

15 MR. MILAZZO: Swear him in.

16 MR. WALTER: He's got to be sworn
17 in.

18 MR. MILAZZO: And I do -- Mr. Eagan,
19 Armand, just remember we are taking a
20 record. You guys say whatever you like
21 on the record, but if you speak too
22 quickly we won't record it and if you
23 speak over each other, we won't reflect
24 it. I want the record to be crystal
25 clear.

1 MR. ARMAND EAGAN: Wonderful.

2 MR. MILAZZO: Swear him in, please.

3 A R M A N D E A G A N, the witness herein, having
4 been first duly sworn before a Notary Public of the
5 State of New York, was examined and testified as
6 follows:

7 THE WITNESS: Armand, A-R-M-A-N-D,
8 Eagan, E-A-G-A-N, 114 Willis Avenue,
9 Owner of Armand Gustave, LLC. These 10
10 lots here were held in continuous
11 ownership since prior to 1978 -- '73
12 when the last deed was. They have
13 always owned the center of the road
14 according to the deed, according to our
15 deed, according to the previous deed
16 from Mr. Trifoli. They own the center
17 of the road to this day. All we did was
18 abandon the roads.

19 MR. MILAZZO: When did you do that?

20 THE WITNESS: In 2017, but we've
21 always owned the center of the road.

22 MR. MILAZZO: When did you acquire
23 it?

24 THE WITNESS: 2017. We are here for
25 Pine Barrens Credits, of course. We

1 always owned the center of the road.

2 MR. WALTER: Now you framed the
3 issue for me. If you did not abandon
4 the roads, is it your belief that you
5 would get one credit per acre for each
6 one of these lots?

7 THE WITNESS: We should always get
8 one credit per one acre because that's
9 what the Commission gave to all these
10 other exhibits in the CR-200 zone.

11 MR. WALTER: The issue that I --
12 what I see is if you didn't abandon
13 this, you wouldn't even be here because
14 you probably would have got something
15 closer to what you were looking for?

16 MS. PRUSINOWSKI: That contradicts
17 testimony.

18 THE WITNESS: We still would be
19 here. If we didn't abandon this, we
20 still would be here based on the fact
21 that each parcel is entitled to one
22 credit per one acre as you have given.
23 The three exhibits that we presented,
24 the AVR, the Breslin, which is 200-504-1
25 7.2. The Gazza, 900-241-132, and the

1 Alberto Sipala -- the Alberto Sipala
2 decision, which I don't know those maps,
3 but you guys have them there.

4 MR. WALTER: What you did was you
5 took 10 lots that you could have, in
6 fact, potentially put 10 houses on if
7 this was, in fact, a buildable property
8 and created one lot.

9 THE WITNESS: Yeah, which is
10 completely within our right. We own the
11 property.

12 MR. WALTER: Once you created the
13 one lot, you were not able to put 10 or
14 20 houses on whatever -- I don't know
15 what the zoning is here.

16 THE WITNESS: It's A-5 zoning,
17 CR-200 zoning. Meets current zoning
18 under the Town of Southampton CR-200,
19 200,000 square feet. It's 20.88 acres,
20 five-acre zoning. We could go because
21 it's nondevelopment as of right -- based
22 on the Bartlett letter that says -- the
23 Bartlett letter says "Meets current
24 zoning, therefore, is nondevelopment."
25 That's Exhibit J or 10.

1 MR. MILAZZO: Before you --

2 THE WITNESS: Exhibit I --

3 MR. MILAZZO: Okay. I'm sorry --

4 THE WITNESS: -- the Waltel --

5 MR. MILAZZO: Okay.

6 THE WITNESS: -- you said it's
7 nondevelopment.

8 MR. MILAZZO: Just stop for one
9 second.

10 THE WITNESS: You wrote a letter and
11 Ms. Plunkett wrote a letter.

12 MR. MILAZZO: Okay. Good. The
13 Barlett property, is it in the core or
14 in the CGA?

15 THE WITNESS: I'm not sure I can
16 answer that question, but it meets
17 current zoning and nondevelopment.

18 MR. WALTER: That didn't answer my
19 question. Do we know if it's in the
20 core or the CGA?

21 MR. MILAZZO: We would -- I believe
22 based on the number, my guess is that
23 the prior version of the law that parcel
24 is -- this is a speculation -- I'm not
25 going to speculate.

1 THE WITNESS: Please don't
2 speculate.

3 MS. PRUSINOWSKI: What is the legal
4 basis for saying this is one lot? Where
5 did that originate? What's the basis
6 for it?

7 THE WITNESS: We have always owned
8 the center of the roads. If you look at
9 the deed --

10 MS. PRUSINOWSKI: That's not helping
11 me. That's not answering the question.

12 THE WITNESS: If you look at this
13 deed here, it says "Together with all
14 right, title and interest, if any, of
15 the party of the first part of, in and
16 to any streets and roads abutting the
17 above-described premises to the center
18 lines thereof." That means that we have
19 owned the center of the road -- this was
20 the deed from 1973. The current deed
21 that I have says that, so we have always
22 -- it's not a planning -- you don't have
23 to go to planning to abandon a road.
24 It's a clerical procedure. It's just a
25 matter of we can no longer put in

1 Hampton Road and part of Warren Street
2 and whatever part of whatever streets I
3 abandoned don't exist anymore.

4 MR. WALTER: If you can go stand by
5 your attorney, that would be very
6 helpful.

7 THE WITNESS: I just had to --

8 MS. PRUSINOWSKI: You are not
9 answering my question. What is the
10 legal basis for calling this one parcel?

11 MR. WALTER: I agree with that
12 question. I would love to know.

13 THE WITNESS: Under Article 6 you
14 gave everybody else one credit per acre.
15 You gave the three exhibits we
16 presented, one credit per one acre. We
17 are asking for the same for our 20.88
18 acres, which exists currently today.
19 All we are asking for nondevelopment
20 based on the fact that it meets current
21 zoning and we can go to the town because
22 it meets current zoning like you have
23 allowed other applicants to you said.
24 The Pine Barrens is no jurisdiction. It
25 currently 20.88 acres, meets current

1 zoning or we want one credit per 40,000
2 square feet like you gave the other
3 applicants. It's currently 20.88 acres.
4 That's how it's situated today. We want
5 what everybody else was given.

6 MR. MILAZZO: Is that your legal
7 argument "we want"?

8 MR. BARON: We are entitled.

9 THE WITNESS: We are entitled. I am
10 not an attorney obviously.

11 MR. MILAZZO: I just want to
12 understand that the basis of your
13 argument is you are entitled to.

14 MR. BARON: Yes. Based on prior
15 cases.

16 MS. PRUSINOWSKI: No one has
17 answered my question yet.

18 MR. WALTER: Right. I would love
19 the answer to that question.

20 MR. SCHNEIDERMAN: This is all Pine
21 Barrens.

22 MR. BARON: The madame's question.
23 This is the point they are trying to --
24 just answer their question.

25 THE WITNESS: What's the question?

1 MR. BARON: Once more time, ma'am.

2 Your question is?

3 MS. PRUSINOWSKI: What is the legal
4 basis for calling this assemblage one
5 parcel?

6 THE WITNESS: That's been answered
7 and we are done.

8 MR. BARON: Thank you.

9 MR. MILAZZO: We will reserve
10 decision as agreed to in the beginning
11 so we have an argument at the end.

12 THE WITNESS: Excuse me? What did
13 you just say?

14 MR. MILAZZO: I said we are going to
15 reserve decision as we made with your
16 attorney at the beginning of the
17 hearing.

18 THE WITNESS: We are going to close
19 the hearing though.

20 MR. MILAZZO: Well, the Commission
21 will decide what they are going to do.

22 MR. WALTER: I would love to hear
23 public comment.

24 MS. GALLAGHER: And the public can
25 make comments during the Public Hearing.

1 MR. MILAZZO: Absolutely. I just
2 didn't want to have an argument when the
3 decision was due.

4 MR. WALTER: But they have rested
5 their case.

6 MR. MILAZZO: Yes.

7 MS. GALLAGHER: Mr. Amper, would you
8 like to recognize on comment on the
9 matter in this hearing?

10 R I C H A R D A M P E R, the witness herein,
11 having been first duly sworn before a Notary Public
12 of the State of New York, was examined and testified
13 as follows:

14 THE WITNESS: Richard Amper,
15 Executed Director of the Long Island
16 Pine Barrens Society, 547 East Main
17 Street, Riverhead. The Pine Barrens
18 Society is asking the Commission to
19 award the proper number of credits to
20 this applicant as conformed to the Pine
21 Barrens Act and Pine Barrens Credit
22 Clearinghouse.

23 MS. GALLAGHER: Any other testimony
24 or comments?

25 MR. WALTER: I make a motion we

1 close the public portion of the hearing
2 and leave it open for written comment.

3 MR. MILAZZO: I think the Commission
4 can close the hearing, close the record
5 and I make a request.

6 MR. WALTER: Close the hearing,
7 close the record.

8 MR. MILAZZO: And I would suggest
9 that you give a decision by your
10 November meeting so that there is time
11 to research. They gave us a significant
12 amount of testimony, a significant
13 number of documents and we have to check
14 to see what the arguments are so we know
15 that we are consistent with prior
16 precedents.

17 MR. WALTER: I make a decision to
18 close the hearing and close the comment
19 period.

20 MR. BARON: That's fine. Thank you.

21 MR. MILAZZO: And we are on
22 contingency to reserve the decision. So
23 hopefully the November meeting.

24 MR. BARON: Thank you very much.

25 MS. GALLAGHER: All in favor?

1 (Whereupon, there was a unanimous
2 affirmative vote of the Commission.)

3 MS. GALLAGHER: Any oppose? Any
4 extension?

5 MR. ARMAND EAGAN: Have a good day
6 everybody. Thanks for listening.

7 (Whereupon, this hearing was
8 adjourned at 4:17 p.m.)

9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

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

1
2
3 STATE OF NEW YORK)
4) SS
5 COUNTY OF SUFFOLK)
6

7 I, CHARISSA SCHWAB, a Shorthand
8 Reporter and Notary Public within and for the State
9 of New York, do hereby certify:

10 THAT the foregoing transcript is a true
11 and accurate transcript of my original stenographic
12 notes.

13 IN WITNESS WHEREOF, I have hereunto set
14 my hand this 20th day of September, 2017.

15
16 
17

18 CHARISSA SCHWAB
19
20
21
22
23
24
25

		14:4, 8	6:18	7:17, 18
Exhibits	0	22:4, 5	13:18	8:4, 9
		1999	3-lot	17:9
653832 HEAR	0107-13	20:22	20:18	18:1, 24
ING.	20:20			29:13
EXHIBIT1			3.52	605
		2	17:24	8:10
653832 HEAR	1		18:22	
ING.				63
EXHIBIT2		2	30	4:14
	1	5:20, 24	11:15	
653832 HEAR	5:18, 19	6:8, 11, 17		
ING.	6:17			
EXHIBIT3		2,000	4	7
	1,200	20:8		
653832 HEAR	13:10	20	4	7
ING.				7:19
EXHIBIT4	1.15	17:16	6:25 7:1,	7.2
	16:21	20:7	2,5	25:25
653832 HEAR	10	22:1, 16	40,000	
ING.	9:6	26:14	17:8, 10	716-606
EXHIBIT5	14:17, 19	20.88	18:4, 11,	19:8
653832 HEAR	22:8, 9, 12	13:8 22:1	23 19:12,	73
ING.	24:9	26:19	21 30:1	24:11
EXHIBIT6	26:5, 6,	29:17, 25	4:17	75
	13, 25	30:3	34:8	17:23
653832 HEAR	114	200,000		766
ING.				8:10
EXHIBIT7	24:8	13:19	5	
		26:19		8
653832 HEAR	14	200-504-1	5	
ING.	6:9	25:24	7:12 8:8	
EXHIBIT8	15		13:18	8
	4:4	2001		8:14, 16,
653832 HEAR		16:21	500	21, 23
ING.	17		13:9	
EXHIBIT9	8:25	2004	532	80
		8:25	4:19	19:17
653832 HEAR	18	19:16, 17	547	
ING.	17:1		32:16	9
EXHIBIT10		2007		
	19	6:20	57	
	17:1		20:20	9
	1973	2017		8:16, 20
	6:9 28:20	4:4 14:7		9:5
(B) (2)		24:20, 24		
19:8	1978		6	
	14:7			900-241-132
	24:11	3		25:25
	1995		6	
		3		

95	acquire	17:15	appellant's	10:1,7
9:10	24:22	affirmative	18:10,20	13:3,4
99	acre	34:2	appellants	33:14
9:10	12:14	afternoon	4:19	Armand
	15:4,10,	4:18	applicant	4:6 5:2
	17 16:5	agree	32:20	6:1,14
A	17:18	9:5 29:11	applicant's	7:20,21
	19:22	agreed	13:21	10:12
A-5	20:3,14	31:10	applicants	11:8 14:2
14:24	21:2,5,8,	Alberto	29:23	22:22
18:4,12	16,17	7:13	30:3	23:13,19
19:18	22:9	17:21	application	24:1,7,9
26:16	25:5,8,22	18:19	13:21	34:5
A-R-M-A-N-D	29:14,16	20:4 26:1	application	Article
24:7	acreage	4:1	s	17:9
abandon	16:23	allocate	20:16	18:1,24
22:7	17:14	4:1	applied	29:13
24:18	19:3 20:6	allocated	15:8 19:2	assemblage
25:3,12,	acres	17:23	apply	31:4
19 28:23	13:8,18	allowable	19:6	assembled
abandoned	14:20	15:4	approval	20:5
22:3,6	16:21	allowed	12:3	assembling
29:3	17:24	29:23	approved	18:16
abandonment	18:13,22	amount	19:22	Assume
14:9	19:17	10:4	area	15:14
ability	26:19	33:12	19:9 23:5	assuming
11:24	29:18,25	Amper	arguably	22:10
above-	30:3	32:7,14	14:14	attach
described	Act	answering	argued	6:2
28:17	15:7	28:11	17:8	attorney
absolutely	32:21	29:9	18:25	29:5
10:13	add	anymore	argument	30:10
32:1	4:21	29:3	11:13,24	31:16
abutting	adjourned	appeal	12:22	August
28:16	34:8	11:15,17	13:24	4:4
accepting	admissibili	16:25	30:7,13	Avenue
10:18	ty	17:2,7	31:11	24:8
access	10:20	appealed	32:2	AVR
17:6	adopted	17:21	arguments	7:24
accord	19:14	appellant	7:16	19:17
4:24	aerial	4:6		25:24
	6:23 7:4,			
	8,12			

award	14,22	belief	30:15	code	
21:15	31:1,8	25:4		7:19 8:5	
32:19	33:20,24	beneficial	24:13,16,	17:12	
awarded	Barren	15:20	21 25:1	18:2,8	
17:13,17	21:16	board	28:8,17,	19:7,10,	
19:20	Barrens	16:21,25	19	11	
awarding	4:2 13:15	Boulevard	CGA	comment	
14:15	14:15	13:10	27:14,20	31:23	
aware	15:6,10,	Breslin	chance	32:8	
9:15 13:7	16 16:12	19:17	9:24,25	33:2,18	
	17:2,13,	25:24		comments	
	24 18:8	briefly	change	31:25	
B	19:3,13,	19:16	6:16	32:24	
	20 20:12,	Broad	14:10	commission	
	13,24	4:19	check	7:8,14	
B-2	24:25	brown	33:13	10:15	
8:10,11	29:24	23:4	cited	11:13,16,	
back	30:21	build	21:11	23 12:6,	
6:19	32:16,17,	21:7	clarity	20 13:6,	
11:11	21	buildable	5:14	15,25	
19:16	Bartlett	17:11	clear	14:3,8	
22:4	20:21	19:22	20:25	15:2,17	
Barlett	26:22,23	26:7	23:25	16:3,12	
20:18	based	built	Clearinghou	17:1,25	
27:13	17:3	18:3	se	18:6,9	
Baron	18:1,12,	20:11	4:1 5:9	19:1,6,13	
4:18,19	23 19:9		13:22	20:12,24	
5:8,16,	20:9	c	14:15	21:14	
19,23	25:20		16:13	22:19,21	
6:12,14,	26:21		17:23	23:3 25:9	
22 7:1,	27:22		32:22	31:20	
11,23	29:20			32:18	
8:10,16,	30:14	calling		33:3 34:2	
20,23	basically	29:10	clerkal	Commission'	
9:1,4,12,	17:21	31:4	28:24	s	
17,19	basis	carry	clients	5:11	
10:6	28:4,5	15:15	13:7	complete	
11:1,3	29:10	case	16:24	6:6	
12:8 13:6	30:12	15:18	close	completely	
15:13,19	31:4	16:19	31:18	26:10	
16:9	beginning	20:17	33:1,4,6,	concede	
21:21	10:9 12:2	32:5	7,18	22:12	
22:1,15,	31:10,16	cases	closer	concluded	
25 23:4,			25:15		
12 30:8,					

18:9	9:23 13:7	crystal	16:14,18	19:18,22, 24
conformed	county	23:24	decisis	documents
32:20	7:19	current	21:13	10:21,25
confusion	15:15	26:17,23	deed	12:9,10
9:2 12:5	16:6	27:17	5:12 6:8,	33:13
connection	17:12	28:20	23 7:6	drivable
6:24	18:2 19:7	29:20,22, 25	14:1	13:12
14:23	courtesy		24:12,14,	drive
15:24	11:20		15 28:9,	13:13
consequence	13:2	D	13,20	
12:25	CR-200		deeds	due
Conservation	13:17	DALE	14:6	13:19
7:6 9:14	16:24	8:3,11	deemed	32:3
considered	25:10	dated	5:23 21:2	duly
20:19	26:17,18	4:3 6:9	defined	24:4
consistent	created	8:25	18:8	32:11
19:2	6:24 14:8	dates	delaying	duplicate
33:15	18:22	22:4	12:17	5:5
constructio n	26:8,12	day	denial	E
21:6	creating	24:17	5:5 12:4	
contingence	20:6	34:5	denied	E-A-G-A-N
33:22	credit	days	17:4	24:8
continuous	12:14	11:15	designation	Eagan
24:10	15:3,10,	deadline	14:10,20	4:22 5:2
contradicts	17 16:5,	11:16,20	determinati on	7:21 9:22
25:16	22 17:2,	decide	7:25	10:12
copy	13,17	11:17	determined	11:8
6:15	18:23	12:7	17:25	17:14
core	19:20,21	31:21	18:6	22:22
14:16	20:3,13	decision	determining	23:13,18
16:22	21:2,4,16	7:14	19:9	24:1,8
19:18,19	25:5,8,22	10:7,11,	developed	34:5
21:10	29:14,16	24 11:18,	18:11	Eagans
27:13,20	30:1	22 12:17,	difficult	14:1
correct	32:21	24 17:21	20:17	Easement
7:11,18,	credits	26:2	Director	7:7 9:15
20 9:12	4:2 12:4	31:10,15	32:15	easier
counsel	14:15	32:3	dirt	5:21
	17:24	33:9,17,	13:11	east
	19:4 20:9	22		13:9
	21:25	decisions		
	22:10,12,	12:20		
	16 24:25			
	32:19			

32:16	12,23	6:1 33:25	19:2,20	Gibbons
ECL	9:7,15	feasible	framed	20:22
20:19	22:20	21:9	21:23	give
Ed	26:25	feet	25:2	4:11 33:9
14:22	27:2	13:9,10,	frontage	good
15:14	exhibits	19 17:8,	18:13	4:18 5:17
effect	4:25 6:7	10,16	fronting	27:12
14:14	9:23	18:4,23	17:3	34:5
effects	10:19	19:12,21	fronts	granted
19:10	11:5	20:8	13:8	15:3
encourage	14:22	26:19	full	20:13
21:11	25:10,23	30:2	16:22	21:6
end	29:15	figure	17:13	grids
10:10	exist	23:9		4:15
12:2,22	22:5 29:3	file		ground
31:11	exists	18:14	G	7:9
ended	Exit	filed		groundwater
13:22	4:14	20:4	GALLAGHER	19:10
enlight	explain	Filingeri	4:9 5:7	guess
11:25	4:22	6:10	8:18	23:13
entitled	23:12	final	31:24	27:22
12:13	extension	17:7	32:7,23	Gustave
15:9 20:3	11:4,19	fine	33:25	14:2 24:9
21:17	34:4	5:25	34:3	guys
25:21		33:20	Garzle	23:20
30:8,9,13	F	fits	7:2	26:3
equation		13:16	gave	
19:14	face	five-acre	14:5	H
examined	4:21	15:5	18:22	
24:5	fact	16:23	25:9	half
32:12	17:18	26:20	29:14,15	14:20
Excuse	20:11	follow	30:2	Hampton
31:12	25:20	16:13	33:11	29:1
Executed	26:6,7	19:1	Gazza	Health
32:15	29:20	foot	6:9,24	17:12
exhibit	farmland	18:11	7:3,7	18:2
4:4 5:4,	15:22	footage	8:18,19,	hear
10,12	fast	20:10	22,23	9:25
6:11,18,	12:20	formula	16:19,20	31:22
25 7:1,5,	favor	18:3	19:5,14	heard

16:20	identical	4:10	letters	
hearing	16:24	Joe	9:7 17:22	M
7:10 8:9	18:17	6:9 7:7	20:21	
10:10	identified	John	limit	madame's
12:23	12:11	10:17	8:5	30:22
19:23	identify	June	limited	made
31:17,19,	5:2	6:9	17:5	7:16
25 32:9	important	jurisdictio	lined	10:1,11
33:1,4,6,	15:24	n	20:1	13:24
18 34:7	included	29:24	lines	14:18
held	6:5		28:18	31:15
24:10	includes	L	listen	main
helpful	7:25		13:2	13:24
29:6	interest	land	listening	32:16
helping	28:14	14:17	34:6	majority
28:10	interjectio	15:21	LLC	19:18
Highway	n	law	24:9	make
13:11	8:4	27:23	long	5:15,21
17:3,5	Interpretat	lead	20:8	6:4 10:6,
holdings	ion	8:8	32:15	9 11:12
18:10	4:3 17:22	leave	longer	13:5
Hollow	20:22	33:2	28:25	20:17
4:20	interrupt	legal	lot	31:25
homes	16:1	28:3	14:16	32:25
21:7	Island	29:10	17:11	33:5,17
house	32:15	30:6 31:3	19:9	makes
19:12	issue	Legislator	20:14	7:12
21:8	15:17	6:19	26:8,13	making
houses	21:10,23,	legislature	28:4	11:22
26:6,14	24 22:2,	14:23	lots	management
hydrologica	14 25:3,	15:16	18:2,7	19:11
l	11	16:7,11	20:4 22:8	map
13:17	issues	letter	24:10	7:4 14:10
20:2	19:11	4:3 5:5	25:6 26:5	18:14
	items	6:19	love	20:5
I	11:12	9:10,11	29:12	22:17,18,
		14:21	30:18	24
idea		15:15	31:22	maps
4:11 5:17	J	16:8,10		26:2
23:8		26:22,23		March
	Jerry	27:10,11		8:25

marked	6:13, 21,	20:19, 23	24:13, 21	party
5:24	25 7:5, 22	21:3	25:1	28:15
materials	8:15, 19,	26:21, 24	28:7, 19	passable
10:5	21, 24	27:7, 17	owner	13:12
matter	9:3, 9, 10,	29:19	5:13	passage
7:13	21 10:8,	nonsubject	14:3, 11	15:6
10:18	14, 22	20:23	24:9	paved
11:20	11:2, 6, 10	Notary	ownership	19:25
12:6	12:19	24:4	24:11	pen
14:24	15:25	32:11	owns	6:16
15:20	22:11, 21	notwithstan	14:12	people
16:10	23:2, 15,	ding	<hr/>	4:22
18:19	18 24:2,	17:18	P	period
19:5, 17	19, 22	November	<hr/>	33:19
28:25	27:1, 3, 5,	33:10, 23	p.m.	permits
32:9	8, 12, 21	number	34:8	19:12
Mccormick	30:6, 11	5:15 12:4	packet	Peter
10:17	31:9, 14,	27:22	5:10, 11	4:19 6:10
means	20 32:1, 6	32:19	paperwork	photo
14:11	33:3, 8, 21	33:13	19:24	7:8
28:18	minutes	numerous	parcel	photograph
meet	9:16, 20	18:16	4:2 7:3	6:23
18:21	missing	<hr/>	14:5	photographs
meeting	8:8	O	17:14	8:2
9:16	motion	<hr/>	18:11	pile
33:10, 23	32:25	official	21:1 22:4	6:3
meets	move	6:15	25:21	Pine
26:17, 23	5:9 17:20	20:25	27:23	4:1 13:15
27:16	<hr/>	open	29:10	14:14
29:20, 22,	N	33:2	31:5	15:6, 10,
25	necessarily	oppose	parcels	16 16:12
Melville	10:15	34:3	7:9	17:1, 13,
4:20	non-	oral	14:17, 18,	23 18:8
met	buildable	9:25	19 18:17,	19:3, 13,
17:8	20:8	originally	21 22:5	19 20:12,
middle	noncontiguo	14:18	23:7	13, 23
4:15	us	originate	part	21:16
14:12	18:17, 20	28:5	28:15	24:25
17:4	20:14	owned	29:1, 2	29:24
Milazzo	nondevelopm	13:18	partial	30:20
5:14, 18,	ent	party	8:9	32:16, 17,
20, 25	12:14			

20,21	previously	public	read	10:24
place	7:2 20:13	13:12	11:5	request
4:25 5:3	prior	24:4	21:12	21:12
13:1	5:13 7:15	31:23,24,	ready	33:5
plan	13:16	25 32:11	12:3,23	requested
11:14	14:2	33:1	real	16:22
planning	16:14,17	purpose	18:13	research
28:22,23	22:4	16:16,17	19:16	33:11
Plunkett	24:11	20:6	realty	reserve
9:8 27:11	27:23	purposes	8:6	10:7
point	30:14	21:6	reasoning	11:17
10:18	33:15	put	17:9	31:9,15
22:16	procedure	6:3 26:6,	received	33:22
30:23	28:24	13 28:25	20:9	residence
points	process		receiving	21:7
17:15	8:1 12:6	Q	12:9	residential
portion	project		recognize	20:20
8:6 33:1	7:25	question	32:8	resolution
position	proper	4:8 9:14	record	8:24
12:13	32:19	10:19	5:1,3,15	respect
13:20	properties	15:12	6:3,15,24	11:22
potentially	15:4	16:1,2	7:4 11:7,	13:20
26:6	property	27:16,19	9,11	respectfull
precedent	14:12,16,	28:11	23:20,21,	y
16:13	25 15:9,	29:9,12	22,24	14:9
19:1	23 20:10	30:17,19,	33:4,7	18:25
21:14	26:7,11	22,24,25	reference	19:15
precedents	27:13	31:2	7:12	21:12
21:11	provided	questions	referring	rested
33:16	9:23 10:5	21:20	22:19	32:4
predates	providing	quick	23:2,6	result
14:3	14:21	8:3	reflect	13:23
premises	provision	quickly	23:23	review
28:17	11:14	12:16	regulation	9:24
presented	PRUSINOWSKI	23:22	20:25	20:24
15:1	4:7,10,16	R	remark	Richard
25:23	22:17		9:22	32:14
29:16	25:16	rate	remember	Ringhoff
previous	28:3,10	21:4	23:19	14:24
24:15	29:8	reach	render	15:8,18,
	30:16	4:23		
	31:3			

20 16:6, 10,16	rush 10:11	Sipala 7:13 17:20 18:18 26:1	26:19 30:2	Sunrise 4:14 13:10 17:3,5
Ringhoff's 15:2	<hr/> S <hr/>		stand 29:4	
Riverhead 32:17	sand 20:1	site 21:8	standard 19:8	Supervisor 16:7
road 4:20 13:16 14:9,13 17:4,6 19:19,22, 24 20:11 22:6,8 24:13,17, 21 25:1 28:19,23 29:1	sanitary 7:18 8:5 19:7,10, 11 scattered 20:4 SCHNEIDERMA N 30:20 Section 19:7 20:20 seg-way 16:18 separate 18:7,21	situated 30:4 situation 4:23 situations 21:15 smaller 14:18 Society 32:16,18 south 13:10 Southampton 13:8 26:18 southwest 4:14 speak 23:21,23 speculate 27:25 28:2 speculation 27:24 spite 16:6 square 13:19 17:8,10 18:4,11, 23 19:12, 21 20:10 23:4	standards 17:9 stare 21:13 state 20:25 24:5 32:12 stated 4:2 15:1 16:14 19:6 sterilized 21:3 stop 27:8 Street 13:9 29:1 32:17 streets 28:16 29:2 subdivision 8:7 20:18 submit 15:7 Suffolk 7:19 17:11 18:1 19:7 suggest 33:8 Summit 13:9	support 12:10,12 supporting 13:4 Swear 23:15 24:2 sworn 22:23 23:14,16 24:4 32:11 <hr/> T <hr/> table 6:4 tailored 12:11 taking 23:19 ten 9:23 11:12 13:3 testified 24:5 32:12 testimony 11:25 25:17 32:23 33:12 theory 16:11
roads 20:15 22:3 24:18 25:4 28:8,16				
roadway 13:11	severe 20:16			
Romaine 6:19 14:22 15:1 16:11,15	side 14:11 significant 10:4 33:11,12			
Romaine's 15:14 16:7	similar 19:25 21:15			
Rose- breslin 7:24	simply 14:4,11			
ruled 18:9	single 18:7,20			
rulings 13:16	single- family 21:7			

thereof 28:18	13:13		22:7
thought 4:21 8:1	turns 12:20	W	written 33:2
threshold 10:2	TVERDYY 4:13	wait 11:1	wrote 27:10,11
time 10:3,12 11:4 14:23 15:6 31:1 33:10	two-thirds 19:19	Waltel 8:17,20 9:6 27:4	Y
timeline 11:21	U	WALTER 9:13,18 15:11,14	yellow 23:4
title 28:14	unable 4:1	16:4 21:19,22	York 4:20 24:5 32:12
today 10:1,24 29:18 30:4	unanimous 34:1	22:2,14, 24 23:1, 6,16	Z
told 15:19	unbuildable 17:16,19 20:7,15	25:2,11 26:4,12 27:18	zone 13:18 20:2 25:10
total 21:25	understand 12:8 30:12	29:4,11 30:18 31:22	zoned 15:5
touching 20:5	understandi ng 13:1	32:4,25 33:6,17	zoning 13:17 14:25 16:23,24 18:4,12, 21 19:18 20:21 26:15,16, 17,20,24 27:17 29:21,22 30:1
town 18:8 26:18 29:21	utilities 13:14	wanted 12:1	
transcript 6:5,6 7:10	v	Warren 13:9 29:1	
transcripts 7:15	vacant 15:23	weight 10:20 15:15	
Trifoli 24:16	version 27:23	Westhampton 4:11	
true 14:4	vicinity 15:5	wide 17:17 20:8	
turn	voluminous 12:9	Willis 24:8	
	vote 23:10 34:2	Wonderful 24:1	
		words 18:12	