

1 THE STATE OF NEW YORK
2 NEW YORK STATE CENTRAL PINE BARRENS
3 JOINT PLANNING & POLICY COMMISSION

4 -----X

5 Public Hearing in the Matter of:

6 LETTER of INTERPRETATION CREDIT ALLOCATION APPEAL,
7 EDWARD BROIDY, SCTM #900-277-6-2

8 Pursuant to Sections. 6.7.3.3 and 6.7.3.4 of the
9 Central Pine Barrens Comprehensive Land Use Plan,
Section 6.7.3.4 of the Plan.

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September 19, 2018
3:00 P.M.

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SOUTHAMPTON TOWN HALL
116 HAMPTON ROAD
SOUTHAMPTON, NY

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15 B E F O R E:

16 Carrie Meek Gallagher, Chairwoman

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2 FOR THE COMMISSION:3 CARRIE MEEK GALLAGHER, Chairwoman/Representative
4 for New York State's Governor's Office

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5 DORIAN DALE, Designated Representative for
6 Member/Suffolk County Executive Steve Bellone

6 EDWARD P. ROMAINE, Member/Brookhaven Supervisor

7 KYLE P. COLLINS, Designated Representative for
8 Member/Southampton Supervisor Jay H. Schneiderman

8

9 MARTY SHEA, Designated Representative for
10 Member/Southampton Supervisor Jay H. Schneiderman

10 LAURA JENS-SMITH, Member/Riverhead Supervisor

11 DANIEL P. McCORMICK - Member/Designated
12 Representative for Riverhead
Supervisor Laura Jens-Smith13 JOHN W. PAVACIC, Executive Director,
14 Central Pine Barrens Commission

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15 FOR THE APPLICANT:

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16 EDWARD BROIDY, Applicant

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18 Also Present:

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19 John Milazzo, ESQ., Commission Staff,
Special Counsel

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20 Carol Sholl-Ostrowski, Administrative
21 Assistant

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22 Jerry Tverdy, Senior Environmental Analyst

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23 Stephanie J. Valder, Stenographer

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24 The Public

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I N D E X

EXHIBITS

STAFF

<u>EXHIBITS</u>	<u>DESCRIPTION</u>	<u>PAGE</u>
A	Staff Report (2 pages)	05
B	July 20, 2018 Edward Broidy letter	05
C	May 8, 2018 Letter of Interpretation	05
D	Town of Southampton 0900, Subscriber Map Album	05
E	Town of Southampton 0900, Subscribed Map Album, Sec. 277	05
F	2016 aerial maps	05
G	February 2, 1994 Summary of Core Private Parcels Assessor Data	05
H	March 25, 1997 Real Property Tax Service Agency Form 101	05
I	July 25, 1962 Deed from the County of Suffolk to Nancy Garbett (6 pages)	05
J	Deed from Mindy J. Trepel, Public Administrator of Queens County	05
K	Photographs	05

1 P R O C E E D I N G S

2 CHAIRWOMAN GALLAGHER: Okay, it's
3 3:00. We'll get started with our public
4 hearing.

5 It's a Notice of Public Hearing,
6 Letter of Interpretation Credit Allocation
7 Appeal for Edward Broidy. Central Pine Barrens
8 Joint Planning and Policy Commission will hold
9 a public hearing on September 19th, 2018 at
10 3 p.m. at Southampton Town Hall, on the Letter
11 of Interpretation Appeal for Edward Broidy for
12 Suffolk County Tax Map Number 900-277-6-2,
13 which is located in the Core Preservation Area
14 of the Central Pine Barrens area.

15 Is that good, John?

16 MR. MILAZZO: Sounds good.

17 CHAIRMAN GALLAGHER: All right.

18 MR. MILAZZO: Really good.

19 (Laughter.)

20 MR. MILAZZO: Do you have all the
21 appearances?

22 CHAIRWOMAN GALLAGHER: Does she have
23 to get all our names?

24 THE STENOGRAPHER: Yes.

25 MR. MILAZZO: Great.

1 P R O C E E D I N G S

2 Jerry, you're on.

3 MR. TVERDY: First, I'm going to
4 introduce the Exhibits from A to K into the
5 hearing record.

6 (Whereupon, Staff Exhibits A through K
7 were received in evidence.)

8 MR. TVERDY: Also, can we just give
9 that to Mr. Broidy?

10 MR. MILAZZO: (Handing.)

11 MR. BROIDY: (Receiving.) Thank you.

12 MR. TVERDY: So this --

13 MR. MILAZZO: So the record reflects
14 that we gave a copy to Mr. Broidy. Just so --
15 just say that we gave him a copy.

16 Thank you.

17 MR. TVERDY: The subject parcel
18 that's on appeal today is No. 900-277-6-2. The
19 parcel is located south of Sunrise Highway
20 between the Exit 62 and 63. And that's
21 approximately 4,000 feet east of Speonk
22 Riverhead Road, in the Westhampton Hamlet in
23 the Town of Southampton.

24 And you can see the aerial in
25 Exhibit F. And it's two pages, one is of the

1 P R O C E E D I N G S

2 aerial. The size of the parcel is .58 acres,
3 zoning is CR-200. The parcel is undeveloped
4 and it's surrounded by vacant and forested
5 Suffolk County Nature Preserve parcels.

6 The nearest paved road is
7 approximately 4,000 feet to the west. As I
8 mentioned before, it's on Speonk Riverhead
9 Road. And the nearest cleared parcel is an
10 active sand mine located approximately 2,500
11 feet to the west, and you can see it on the
12 aerial. There is an existing dirt trail that
13 travels through the southern part of the parcel
14 and there are no public utilities in the area.

15 So Mr. Broidy asked for the L.O.I.
16 back in May, this year. And the Commission
17 wasn't able to allocate credits, because
18 initially it looked like the parcel didn't
19 exist back in 1995. But after the thorough
20 investigation, we have established that the
21 parcel did exist, it just had a different tax
22 map number.

23 MR. ROMAINE: And the change of the
24 tax map number was not Mr. Broidy's doing. It
25 was the doing of more Property --

1 P R O C E E D I N G S

2 MR. TVERDY: No, it was --

3 MR. ROMAINE: -- Tax Services.

4 MR. TVERDY: -- not Mr. Broidy.

5 MR. ROMAINE: So this actually did
6 exist prior, as of June 28th, 1995. And
7 the new tax map number that was created in
8 August of 1999 was created by the Real Property
9 Tax Service Agency; is that correct?

10 MR. TVERDY: Not exactly, but --

11 MR. ROMAINE: Okay.

12 (Laughter.)

13 MR. ROMAINE: Okay.

14 MR. COLLINS: In 1997; right?

15 MR. TVERDY: Okay. So the new tax
16 map number -- I mean not the -- but the one
17 that existed in '95 was No. 900-239-3-2, and
18 Nancy Garbett was at the owner at the time, of
19 the parcel. And you can see that conformed as
20 in Exhibit G in Assessor Data, and Exhibit I as
21 a deed from Suffolk County to Nancy Garbett.

22 And in 1997, the major remap of
23 Bomark area took place. And then this parcel
24 900-239-3-2 was retired, and the new
25 No. 900-277-6-2 was assigned to it. And the

1 P R O C E E D I N G S

2 Form 101 is in Exhibit H that stipulates that.

3 Now, Mr. Broidy purchased the subject
4 parcel in March, 1998. And that he indicated
5 that in the deed in Exhibit J.

6 Mr. Broidy didn't specify how many
7 credits he's looking for. If you can just
8 apply to former lot, the acreage and the
9 zoning, the parcel would be entitled to .12
10 credits.

11 CHAIRWOMAN GALLAGHER: Okay. So .12?

12 MR. TVERDY: Right.

13 MR. COLLINS: Based on the formula?

14 MR. TVERDY: Based on the formula.

15 MR. COLLINS: He just wants more than
16 the zero he was given originally.

17 MR. TVERDY: Mr. Broidy is here today
18 and he will tell you.

19 (Whereupon, a discussion was held off
20 the record.)

21 Do you want to go up and discuss how
22 much credits --

23 CHAIRWOMAN GALLAGHER: I think he can
24 just stay seated if he doesn't want to --

25 MR. MILAZZO: You can stay seated.

1 P R O C E E D I N G S

2 AUDIENCE MEMBER: He can sit there,
3 okay.

4 MR. MILAZZO: You can stay seated.

5 MR. ROMAINE: You can stay seated.

6 MR. BROIDY: What'd you say?

7 MR. MILAZZO: What's easier for you,
8 to stand up or to sit?

9 AUDIENCE MEMBER: Oh no, I meant for
10 him to go to the table.

11 CHAIRWOMAN GALLAGHER: To sit up at
12 the table, so he could --

13 MR. MILAZZO: Whatever you want.

14 MR. ROMAINE: Okay, thank you.

15 (Stepping up.)

16 MR. BROIDY: Good afternoon,
17 everybody.

18 MR. GALLAGHER: Good afternoon.

19 CHAIRWOMAN GALLAGHER: Good afternoon.

20 MR. ROMAINE: Good afternoon.

21 MS. JENS-SMITH: Hi, how are you?

22 MR. MILAZZO: So just to recap just
23 real briefly, the plan says that a parcel has
24 to exist on the 1995 tax lot --

25 MR. BROIDY: Right.

1 P R O C E E D I N G S

2 MR. MILAZZO: -- tax roll, but this
3 one didn't. Just I'm just setting a picture
4 for you.

5 MR. BROIDY: Sorry.

6 MR. MILAZZO: So then this parcel
7 doesn't exist in 1995. The Commission -- the
8 Clearinghouse says we don't know how to
9 allocate credits, because it doesn't exist. We
10 issue a zero. We've had this case before with
11 other applicants.

12 Now, what the Commission says is make
13 your appeal and that's what we're here for
14 today. Jerry's established that this parcel
15 existed -- there wasn't an abandonment or
16 anything else -- which had a different number.
17 Than the County, on its own volition, remapped
18 the area in Westhampton for this landlocked
19 parcel and assigned it a new number. And
20 that's that Form 101 that Jerry talked about.

21 So the parcel hasn't changed. And
22 it's actually in the -- there's a deed that
23 goes back to 1902. So the description's always
24 been the same. There was a little change for
25 takings. And it's just a question of what --

1 P R O C E E D I N G S

2 MR. ROMAINE: For Sunrise Highway?

3 MR. MILAZZO: Yeah, for Sunrise
4 Highway.

5 So how do you allocate credits to this
6 parcel that didn't exist on 1995 tax quote.
7 The formula would provide .12.

8 Mr. Broidy is here now and you're all
9 set up. I teed it up for you, you're a golfer.

10 MR. BROIDY: What'd you say, sir?

11 MR. MILAZZO: I teed it up for you.
12 You're a golfer, I see your hat.

13 (Laughter.)

14 MR. BROIDY: I am.

15 MR. MILAZZO: He has to be sworn in.

16 We're going to swear you in. Just to
17 tell us the truth, the whole truth. She's
18 going to swear you in.

19

20 (EDWARD BROIDY, was duly sworn.)

21 THE STENOGRAPHER: Can you state your
22 name and address for the record?

23 MR. BROIDY: Edward Broidy,
24 45 Broidy Lane, Southampton, New York.

25 I appreciate the warm up. And I don't

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P R O C E E D I N G S

know how to handle what to say, other than the fact that I have this parcel, it was originally purchased as a buildable lot when I bought it, even though it was in the middle of nowhere. That's the kind of land I like to buy and --

MR. ROMAINE: Because you never know what happens; right?

MR. BROIDY: Pardon me.

MR. ROMAINE: You never know what happens with time.

MR. BROIDY: No -- no.

MR. ROMAINE: It can be developable down the road.

MR. BROIDY: Yeah, it's very possible. I've bought land and they're putting roads in. It was all landlocked at one time.

So I feel that I'm -- I guess my request is what I would like to have; is that correct?

MR. ROMAINE: Yes.

MR. BROIDY: I would like to have one credit --

MR. ROMAINE: Okay.

MR. BROIDY: -- because it would give

1 P R O C E E D I N G S

2 me -- a credit would give me a use in another
3 area.

4 MR. ROMAINE: So you want the credit
5 so that you could use it for -- either sell it
6 or use it for another development elsewhere?

7 MR. BROIDY: Correct. And I feel that
8 it's not out of line. Of course, if you feel I
9 can get more out of it --

10 (Laughter.)

11 MR. COLLINS: Ed, why do you feel that
12 you're entitled to more than the allocation
13 provided under the Pine Barrens Regulation?

14 MR. BROIDY: Well, I bought this as a
15 buildable lot originally.

16 MR. COLLINS: Well, you bought it in
17 '97. The Pine Barrens Plan, and it was Core,
18 in 95. So when you bought it, it was in the
19 Core, so it wasn't a buildable lot at that
20 time.

21 MR. BROIDY: Well, we didn't know
22 that. I didn't know it at the time.

23 MR. COLLINS: Well, we believe --

24 MR. BROIDY: I mean I had bought other
25 land in this area. Of course I sold it off. I

1 P R O C E E D I N G S

2 sold it off and I'm very happy to sell it off.

3 So I feel that I'm entitled to one
4 credit, so I can utilize it in other
5 development in the same school district. I
6 guess that's how it works.

7 MR. COLLINS: Any amounts of credits,
8 you're correct, would have to be used in the
9 same school district.

10 MR. BROIDY: Yeah, I'm sorry. I'll go
11 along with you. I have no problem with that.
12 And I'd be more than pleased to have that.

13 MR. ROMAINE: How large is this
14 parcel?

15 CHAIRWOMAN GALLAGHER: .58 acres.

16 MR. ROMAINE: I'm sorry.

17 MR. COLLINS: .58 acres.

18 MR. ROMAINE: A little bit more than
19 half an acre.

20 CHAIRWOMAN GALLAGHER: Yeah.

21 MS. JENS-SMITH: .58.

22 MR. ROMAINE: Okay. A little bit more
23 than half an acre.

24 MR. COLLINS: And Jerry, now that we
25 determined that it was in fact a tax parcel

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P R O C E E D I N G S

subsequent to doing the research, what would it be entitled to?

MR. TVERDY: .12.

MR. BROIDY: I didn't hear that.

MR. COLLINS: .12.

CHAIRWOMAN GALLAGHER: .12.

MR. BROIDY: And so that'd be one credit plus two?

CHAIRWOMAN GALLAGHER: No.

MR. ROMAINE: No.

CHAIRWOMAN GALLAGHER: 0.12.

MR. BROIDY: Okay.

CHAIRWOMAN GALLAGHER: So one-tenth -- a little over one-tenth of a credit.

MR. BROIDY: That doesn't even pay for the property.

MR. McCORMICK: So to confirm -- Dan McCormick, Riverhead Delegate.

MR. BROIDY: I didn't hear you.

MR. McCORMICK: To confirm sir, I believe you purchased this in March of '98 by administrator's deed; is that correct?

MR. BROIDY: Probably.

MR. McCORMICK: And the consideration

1 P R O C E E D I N G S

2 was \$500?

3 MR. BROIDY: Well, that's what we put
4 down for it.

5 MR. McCORMICK: Well, that was the
6 total amount though, correct, on the purchase?

7 MR. BROIDY: No, I'm not sure about
8 that.

9 MR. McCORMICK: Okay. That's what the
10 deeds recited. It looks like --

11 MR. BROIDY: When --

12 MR. McCORMICK: -- if I'm reading this
13 correctly --

14 MR. BROIDY: -- sometimes you put
15 down --

16 MR. McCORMICK: -- right?

17 MR. BROIDY: -- different amounts when
18 you buy it.

19 MR. MILAZZO: Not an -- well, that's
20 an administrator's deed. And the
21 administrator's deed, you have to recite the
22 full consideration.

23 MR. ROMAINE: Right, you have to list
24 the full consideration. And there's a -- you
25 pay a transfer tax as well.

1 P R O C E E D I N G S

2 MR. MILAZZO: Right.

3 MR. ROMAINE: And that's based -- and
4 no one is supposed to hide the exact number
5 that you're paying for that.

6 MR. MILAZZO: No.

7 MR. ROMAINE: Now, one Pine --

8 MR. MILAZZO: On an administrator's
9 deed, there's an obligation --

10 MR. ROMAINE: Right, absolutely --

11 MR. MILAZZO: -- of the executor or
12 executrix to properly recite the consideration
13 paid --

14 MR. ROMAINE: -- right.

15 MR. MILAZZO: -- paid under law.

16 MR. ROMAINE: So it was -- are you
17 telling me it was \$500?

18 MR. McCORMICK: Yes.

19 CHAIRWOMAN GALLAGHER: Yes.

20 MR. ROMAINE: Okay. Based on the
21 current market --

22 MR. MILAZZO: I would then --

23 MR. ROMAINE: -- what would .12
24 credits roughly equivocate to?

25 MR. DALE: A little bit more than nine

1 P R O C E E D I N G S

2 grand.

3 MR. ROMAINE: A little bit more than
4 nine grand.

5 MR. COLLINS: Well, based on what
6 Jerry just handed out, for 2018, an average
7 credit in the Town of Southampton is \$82,040.

8 MR. ROMAINE: From all the sales that
9 have taken place of credits -- the average
10 credit, full credit is 82,000. You would get
11 approximately, for the .12, if you accepted
12 it --

13 MR. COLLINS: It would be 98 -- about
14 \$9,800.

15 MR. ROMAINE: \$9,800, which, based on
16 your original investment 20 years ago --

17 MR. BROIDY: Not that good.

18 MR. ROMAINE: Not that good? Not that
19 bad.

20 (Laughter.)

21 MR. ROMAINE: I'd take it.

22 MR. DALE: This is only 2,000 percent
23 in 20 years. I mean what the heck; right?

24 (Laughter.)

25 MR. BROIDY: Well, but I bought land

1 P R O C E E D I N G S

2 thinking it was betterment, you know?

3 MR. ROMAINE: I know.

4 MR. COLLINS: There you go.

5 MR. ROMAINE: Yeah, the Pine Barrens
6 Law came along and there it is.

7 MR. BROIDY: But I really feel that,
8 you know, we should get close to a credit
9 really. Are you -- is there an opportunity to
10 get paid money for this? Is that what we're
11 talking about? Can we get cash out of this?

12 MR. ROMAINE: Someone would buy that
13 credit for you.

14 MR. BROIDY: No -- no. Would the
15 Board take it from me for cash?

16 CHAIRWOMAN GALLAGHER: No, we don't
17 have that. It's all done through the
18 Clearinghouse. And so there's a -- this is the
19 Pine Barrens Commission.

20 MR. BROIDY: Right.

21 CHAIRWOMAN GALLAGHER: And then
22 there's a separate Pine Barrens Credit
23 Clearinghouse. That is kind of what you might
24 consider the bank for those credits.

25 MR. BROIDY: Oh, yeah.

1 P R O C E E D I N G S

2 CHAIRWOMAN GALLAGHER: So they would
3 handle those types of transactions.

4 MR. BROIDY: Okay, I see what you're
5 saying.

6 Well, I would like to get more than --
7 well, I would like to get close to a credit, or
8 close to it really would be more -- I'd be much
9 more happier with that.

10 MR. ROMAINE: Well, the credit in
11 Southampton, I just, there's a --

12 MR. BROIDY: Was 82,000.

13 MR. ROMAINE: 82,000.

14 MR. BROIDY: Yeah. So I'd --

15 MR. ROMAINE: A \$500 investment?

16 CHAIRWOMAN GALLAGHER: That is good.

17 MR. ROMAINE: Not too many more of
18 those around.

19 CHAIRWOMAN GALLAGHER: Yeah.

20 MR. ROMAINE: Yeah.

21 MR. BROIDY: Yeah.

22 (Laughter.)

23 MR. BROIDY: In the same way, I bought
24 an acre of land in Hamptons Bays for \$75.

25 CHAIRWOMAN GALLAGHER: Wow.

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P R O C E E D I N G S

MR. BROIDY: It was an acre of land.
Today you can't buy it for less than 400,000 or
better.

CHAIRWOMAN GALLAGHER: Uh-huh.

MR. BROIDY: So, you know, what are we
talking? We're talking nickels and dimes here.

MR. ROMAINE: Yeah.

MR. BROIDY: I'd like to have the
dime.

(Laughter.)

MR. BROIDY: Well, I mean I'm in front
of this Board of all the topnotch people in the
area. And everyone realizes here that it is --
you know, you just can't go by the paperwork.
What is it really worth and what is the land
worth in 20-something years if it was someplace
else? I think I would -- I'd reconsider that
as part of my reason for asking for close to a
full credit, if I can't get a full credit,
close to it.

CHAIRWOMAN GALLAGHER: Any other
questions for Mr. Broidy?

MR. BROIDY: Pardon me?

CHAIRWOMAN GALLAGHER: I was just

1 P R O C E E D I N G S

2 asking the Board if they had any questions for
3 you or did you have any -- I know you're here.
4 But did you have any documentation you wanted
5 to share with us about why you think it should
6 be worth a full credit?

7 MR. BROIDY: You want me to read this
8 you mean?

9 CHAIRWOMAN GALLAGHER: No -- no. I
10 meant did you bring anything to support your
11 request for a full credit allocation?

12 MR. BROIDY: No. It was just common
13 sense really. I mean we all know that whatever
14 you bought years ago, like I just had mentioned
15 \$75 for an acre of land in Hampton Bays, I
16 don't think you can buy an acre for less than
17 400.

18 MR. DALE: And so obviously
19 Mr. Broidy, you've been an extremely astute and
20 successful investor. I can only tell you that
21 my greatest real estate purchase accrued
22 something like, oh, from 9 grand to 99 grand
23 over 12 years.

24 MR. BROIDY: Uh-huh.

25 MR. DALE: And I've boasted about that

1 P R O C E E D I N G S

2 ever since. And --

3 MR. BROIDY: Well, that isn't bad.

4 MR. DALE: -- and what you've got is
5 effectively 500 going to close to 10,000,
6 which, frankly, really is superior to the one
7 I've been bragging about forever. So I don't
8 know if I feel that you're really getting
9 shortchanged here, to be honest you.

10 MR. BROIDY: Well, yes I am. I mean
11 where PC Richard is, that whole farm is
12 Roscoe's, I paid 200,000 for that.

13 MR. DALE: But this piece of property
14 is located somewhere where nobody can do
15 anything.

16 MR. BROIDY: Pardon me?

17 MR. DALE: This piece of property that
18 you have right now, nobody can really do
19 anything. So it doesn't really have too --

20 MR. BROIDY: Well, I can't use it.

21 MR. DALE: The only thing, the only
22 value that you're going to get out of this is
23 this Pine Barrens credit, and it has a formula.
24 And it's a formula that's applied towards every
25 property, and there's probably somebody in the

1 P R O C E E D I N G S

2 back of the room who can give you the blow by
3 blow details of how that work -- of how that
4 plays out.

5 But it's not something that is really
6 deviated from, unless you have, you know, a
7 case to make. And as you've already
8 articulated, that you really don't other than
9 quoting common sense.

10 MR. BROIDY: Well, you know, you make
11 sense in what you're saying, 'cause you're
12 sitting there and I'm sitting here. And I feel
13 that I would like to have at least a little
14 more. I mean it's just paper and all you're
15 doing is writing up the numbers here.

16 MR. COLLINS: Ed, how many
17 Pine Barrens credits have you had over your
18 lifetime?

19 MR. BROIDY: I don't really remember.

20 MR. COLLINS: Yeah, numerous, though;
21 right?

22 MR. BROIDY: Huh?

23 MR. COLLINS: Numerous though; right?

24 MR. BROIDY: Yes, I had numerous.

25 MS. JENS-SMITH: And I'm going to say

1 P R O C E E D I N G S

2 that you purchased this property with these --
3 with this in place, because you purchased it in
4 1999. So you haven't been holding it prior to
5 the formula that would be used for the Pine
6 Barrens credit. So --

7 MR. BROIDY: Well --

8 MS. JENS-SMITH: -- so these
9 conditions were in place when you purchased the
10 property. And so I think, you know, you need
11 to consider that also, that this formula was in
12 place.

13 MR. BROIDY: Well, it wasn't. You --

14 MR. MILAZZO: Unless --

15 MR. BROIDY: -- you've already stated
16 that it was under different names and it was --

17 MR. MILAZZO: No -- no -- no. Sir,
18 the formula -- I'm sorry, the Pine Barrens Act
19 went into effect 1993. The plan was adopted in
20 1995. You purchased it subsequent to the plan
21 being in place. And so that's -- those are the
22 facts, so --

23 MR. BROIDY: But then the County
24 missed --

25 MR. MILAZZO: Well, what the

1 P R O C E E D I N G S

2 Clearinghouse -- what you've heard today is
3 that there was a change in the tax map number
4 for your property, but there was no change in
5 the size of your property. And the formula
6 that Commission Staff has articulated uses the
7 exact size of the property that you purchased
8 for \$500, times the formula in the plan that
9 was adopted three years prior to your purchase,
10 to determine how many credits it would be
11 eligible.

12 Had this parcel existed on the
13 Pine Barren -- on the 1995 tax book, it would
14 get .12 of a credit.

15 MR. BROIDY: Point.

16 MR. MILAZZO: 12, just --

17 CHAIRWOMAN GALLAGHER: Yeah, 0.12.

18 MR. MILAZZO: So that number's the
19 same. So the only thing that happened was, it
20 just wasn't there because the County remapped
21 it at one point. And that's the only event
22 that occurred.

23 So your purchase was after the Act.
24 Your purchase was after the plan. Your
25 purchase was after the allocation. Your

1 P R O C E E D I N G S

2 purchase was after people getting Pine Barrens
3 credits in this area.

4 So that is your investment, your
5 \$1,500 investment for 3 properties, \$500 a
6 piece, was after all those things occurred.
7 So -- and the only thing that's different was
8 the tax map that's in your deed is different
9 than the tax map number that exists today.
10 That's the only difference.

11 MR. BROIDY: And the three parcels
12 total how much?

13 MR. MILAZZO: I don't know. You've
14 got three parcels from an estate for \$1,500.

15 MR. BROIDY: And you want to -- and
16 what do you want to give me now?

17 MR. MILAZZO: I don't -- the
18 Commission's formula, absent some identifying
19 and unique circumstance that you can identify
20 which would merit the Commission to give you
21 more credits --

22 MR. BROIDY: And how do I do that?

23 MR. MILAZZO: That's what you're here
24 for today. This is an appeal. You knew the
25 appeal was scheduled for today. You had notice

1 P R O C E E D I N G S

2 of it.

3 You asked for an appeal, and so you
4 had the opportunity to make your case. I mean
5 this was your chance. Here I am, Commission.
6 This is why I'm entitled to 'X', and here are
7 all the reasons. And you've said them today.
8 You've made that argument to the Commission.
9 They've heard all of your reasons.

10 So that's -- and I just wanted --

11 MR. BROIDY: They approved it?

12 MR. MILAZZO: No, they heard your
13 reasons.

14 (Laughter.)

15 MR. MILAZZO: They didn't approve. So
16 what will happen next, if you have more to
17 provide, of course you can say whatever you
18 wish. The Commission then will allow people
19 from the public to speak and they'll close this
20 hearing. And then next month or the month
21 after, there'll be a decision when the
22 Commission weighs all the unique features that
23 you've identified on your property today versus
24 all of their prior cases, to say this is how
25 many credits this person is -- deserves -- this

1 P R O C E E D I N G S

2 parcel, not this person.

3 We don't -- Mr. Broidy, you're a very
4 nice man. This is not about you. Your
5 property does -- it gets this many credits,
6 when you look at the whole fabric of what the
7 Commission has done all the times.

8 MR. BROIDY: Well, you know, I
9 would like to use this property though. I mean
10 I'd --

11 MR. MILAZZO: I mean you're going --

12 MR. BROIDY: -- I'd still like to use
13 this property. We don't know you 'cause years
14 ago, the Air Force used to dump all the waste
15 in this area. And I would like to use it. I
16 don't think I should be denied using it. I
17 might find candy in there. I don't know.

18 I would like to use it, unless I can
19 turnaround and benefit from it, I mean I --

20 MR. MILAZZO: Mr. Broidy, let me just
21 point out one other thing, which Commission
22 Staff will of course work with you. You have
23 options; right? You can get Pine Barrens
24 credits, and that's what you're here for today.
25 You could make a hardship application to build

1 P R O C E E D I N G S

2 it. If you wanted to build this property,
3 which was 4,800 feet from the nearest existing
4 road, you could make a hardship application and
5 say this is a hardship if I'm not allowed to
6 build this property.

7 MR. BROIDY: Well, it's a --

8 MR. MILAZZO: So that's another option
9 that the plan allows.

10 MR. BROIDY: -- it can't be a hardship
11 because you've already confiscated 99 percent
12 of the property in the vicinity. So the
13 opportunity of other people developing it and
14 to fall in line is really not going to work, is
15 it?

16 MR. MILAZZO: Well, I'm just -- I'm
17 not evaluating the merits of any application.
18 I'm just saying the statute provides Pine
19 Barren credits.

20 MR. BROIDY: Well, this here --

21 MR. MILAZZO: So again, this is not to
22 be a debate between me and you. You're a very
23 nice gentleman, that's fine.

24 You're presenting today. Tell the
25 Commission why you're entitled to -- why

1 P R O C E E D I N G S

2 you're -- this property deserves more. If
3 there's no information that you haven't already
4 said, the Commission could then say this
5 hearing should be -- you know, that would be
6 the next step. This is your opportunity, and I
7 want you to take full advantage of it.

8 MR. BROIDY: Well, this is the first
9 time I ever came in front of this Commission.
10 And I'm really not sophisticated enough to make
11 a plea on this, other than the fact that I'd
12 like you to take into consideration what I
13 could have done, and what I did do over the
14 past with the same amount of property, and to
15 calculate a different calculation than what has
16 been the standard for the norm, because I don't
17 feel that those small amount of credit that
18 you're listing to give to me is sufficient.
19 And I would like to have a little more so I'd
20 feel better about it, because I really don't
21 feel this is a just situation.

22 And of course, you have these meetings
23 every month. And you must have thousands of
24 people coming in, everyone complaining about
25 this and that, everyone having a different

1 P R O C E E D I N G S

2 excuse and --

3 MR. ROMAINE: We don't.

4 MR. BROIDY: We're not gonna -- I
5 can't, you know, fight that, because this is
6 the first time I've ever come to this
7 Commission. And I'm just shooting from the hip
8 what I think I'm entitled to more. I mean
9 maybe it'd be as good as your deal, maybe
10 better, we don't know. But I really feel that
11 the formula should be considered as an
12 exception to what I'm asking for. And if you
13 want to give me -- let me see if I got that
14 right, .1?

15 CHAIRWOMAN GALLAGHER: .12.

16 MR. COLLINS: 12.

17 MS. JENS-SMITH: .012. Don't forget
18 that .02.

19 MR. BROIDY: .12. And I'm asking for
20 what?

21 MR. ROMAINE: One.

22 CHAIRWOMAN GALLAGHER: One.

23 MR. ROMAINE: One.

24 CHAIRWOMAN GALLAGHER: One.

25 MR. BROIDY: And so you're giving me

1 P R O C E E D I N G S

2 less than one. You're giving me .1.

3 MR. DALE: You're getting 12 percent,
4 as opposed to 100 percent.

5 CHAIRWOMAN GALLAGHER: Yeah.

6 MR. BROIDY: Why couldn't we
7 compromise? Give me half.

8 MR. DALE: Because it's not 'Let's
9 Make a Deal'. It's got a -- because it's a
10 conventional formula that's applied
11 evenhandedly across the board.

12 MR. BROIDY: But I don't think it's
13 fair, and that's the question.

14 MR. DALE: Well, a lot of people don't
15 think it's fair, particularly when it's to
16 their -- they think it's to their disadvantage.
17 But that doesn't mean it isn't fair. It's
18 only --

19 MR. BROIDY: No -- no -- no.

20 MR. DALE: -- unfair in your
21 interpretation, which is understandable.

22 But it's equally applied. So if by
23 that standard that's the case, then it is in
24 fact fair, because's it's applied equally among
25 everybody who comes before this Commission.

1 P R O C E E D I N G S

2 There's no differences.

3 MR. BROIDY: So a lot of people who
4 get the -- are taken advantage of indirectly
5 for this type of situation.

6 MR. DALE: Well again, the --
7 Mr. Broidy, you know, if you had an argument
8 that really was obviated by, or was supported
9 by the accrual of your original investment, to
10 wit that it either decreased, it only accrued
11 very insubstantially, then it might be a
12 somewhat more a sympathetic presentation on
13 your part. But you've got a \$500 investment
14 that's nearly 10 grand today about 20 years
15 later. And that's not at all bad.

16 Frankly, I think you're --

17 MR. BROIDY: Your penalizing me for
18 making a good deal?

19 MR. DALE: No, you're --

20 MR. BROIDY: I mean.

21 MR. DALE: -- you made a good deal.
22 The point is you've made a good deal. You made
23 a \$500 investment that 20 years later is worth
24 more almost \$10,000. That's a pretty darn good
25 deal for you.

1 P R O C E E D I N G S

2 MR. BROIDY: Not as good as yours.

3 MR. DALE: No, actually it's better.

4 MR. BROIDY: Okay. Well, I guess you
5 want to get rid of me now, so I'm gonna --

6 MR. MILAZZO: No -- no. There's no --
7 we've got all afternoon.

8 CHAIRWOMAN GALLAGHER: If you have
9 more to say --

10 MR. ROMAINE: We're probably going to
11 move to close the public hearing. But if you
12 want, we could keep it open for written
13 comments if you feel that in the next --

14 CHAIRWOMAN GALLAGHER: Fifteen days.

15 MR. ROMAINE: -- week or two you could
16 come up with some written reasons why we should
17 give you more. You can go home, you can speak
18 to legal counsel, you could present written
19 information for the Commission to consider.
20 Would you like to do that?

21 MR. BROIDY: No, and I'll tell you
22 why.

23 MR. ROMAINE: Why?

24 MR. BROIDY: Because, you know, coming
25 back and forth, getting legal counsel, there

1 P R O C E E D I N G S

2 goes my deal.

3 MR. ROMAINÉ: Right, I gotcha.

4 MR. BROIDY: All right. You know, I
5 would go on in sympathy, but, you know, I'm
6 begging this of this situation, give me a
7 little more. Make me happy; right?

8 (Laughter.)

9 MR. BROIDY: It's as simple as that.
10 I don't want to hug you.

11 MR. ROMAINÉ: Right.

12 MR. BROIDY: Just give me a little
13 more so I can go out of this room and I can
14 say, ah, they beat me, but they didn't beat me
15 that bad.

16 (Laughter.)

17 CHAIRMAN GALLAGHER: Okay.

18 MR. ROMAINÉ: All right.

19 MR. MILAZZO: Thank you.

20 CHAIRWOMAN GALLAGHER: Thank you,
21 Mr. Broidy.

22 MR. COLLINS: Thanks, Ed.

23 MR. BROIDY: And you'll let me know
24 within a month, sir?

25 CHAIRWOMAN GALLAGHER: Usually they'll

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P R O C E E D I N G S

be able to come back before the Commission for
a vote next month typically.

MR. ROMAINE: Yeah, we're not voting
today.

CHAIRWOMAN GALLAGHER: Okay.

MR. ROMAINE: We vote next month.

CHAIRWOMAN GALLAGHER: You don't have
to come back.

MR. BROIDY: Okay. Well, I'll leave
it in your hands --

MR. ROMAINE: Okay.

MR. BROIDY: -- to see what kind of
consideration I'll get.

Thank you very much.

MR. COLLIN: Thank you.

MR. ROMAINE: Thank you.

MR. McCORMICK: Thank you, sir.

MS. JENS-SMITH: A pleasure.

MR. BROIDY: Have a good day.

MR. ROMAINE: Thank you.

CHAIRWOMAN GALLAGHER: Yeah. Does
anyone sitting here today wish to comment on
the matter before us, the public hearing?

(No response.)

1 P R O C E E D I N G S

2 CHAIRWOMAN GALLAGHER: No?

3 AUDIENCE MEMBER: Are you kidding?

4 CHAIRWOMAN GALLAGHER: Oh.

5 MR. COLLINS: That's all you got?

6 CHAIRWOMAN GALLAGHER: All right, so

7 then I think --

8 AUDIENCE MEMBER: It was so enjoyable
9 listening to you respond that I have been
10 sufficiently entertained for the rest of the
11 day.

12 CHAIRMAN GALLAGHER: Oh, look at that.

13 MR. DALE: So that's sort of a
14 counterbalance, because he's disappointed, but
15 you're pleased, so --

16 MR. COLLINS: I'll make a motion to
17 close please.

18 MR. ROMAINE: Second.

19 CHAIRWOMAN GALLAGHER: All in favor?

20 (Chorus of "ayes.")

21 CHAIRWOMAN GALLAGHER: Opposed?

22 (No response.)

23 CHAIRWOMAN GALLAGHER: Any

24 abstentions?

25 (No response.)

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CHAIRWOMAN GALLAGHER: All right. The public hearing is closed.

MR. ROMAINE: And I don't believe we have any --

CHAIRWOMAN GALLAGHER: Oh, we just need to -- if there's any other -- if there's the final public comment period, anyone wish to make any public comments on anything else?

(No response.)

CHAIRWOMAN GALLAGHER: No. Okay.

MR. ROMAINE: Make a motion to adjourn.

MR. COLLINS: Second.

CHAIRWOMAN GALLAGHER: All in favor?

(Chorus of "ayes.")

CHAIRWOMAN GALLAGHER: Opposed?

(No response.)

CHAIRWOMAN GALLAGHER: Abstentions?

(No response.)

CHAIRWOMAN GALLAGHER: This meeting is adjourned. See you guys in October.

(Time Noted: 3:29 p.m.)

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C E R T I F I C A T E

STATE OF NEW YORK)
 : ss.:
COUNTY OF SUFFOLK)

I, STEPHANIE J. VALDER, a Shorthand Reporter and Notary Public within and for the State of New York, do hereby certify that I reported the proceedings in the within-entitled matter, on September 19, 2018, and that this is a true and accurate transcription of such proceedings.

IN WITNESS WHEREOF, I have hereunto set my hand this 24th day of September, 2018.

Stephanie J. Valder
STEPHANIE J. VALDER

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